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SENATE

TUESDAY, APRIL 7, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. CLAIBORNE PELL, a Senator from the State of Rhode Island.

Cardinal Franz Koenig, of the Roman Catholic Church, Vienna, Austria, offered the following prayer:

In the words of President George Washington:

"Almighty God:

"We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly love and affection for one another and for their fellow citizens of the United States at large. And, finally, that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation.

"Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen."

THE JOURNAL

On request by Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 6, 1964, was dispensed with.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that there may be a morning hour, with statements therein limited to 3 minutes.

Mr. MORSE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

CALL OF THE ROLL

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 118 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dominick
Douglas
Ellender
Gore
Gruening
Hart
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Ribicoff
Robertson
Saltonstall
Scott
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], the Senator from Utah [Mr. MOSS], the Senator from Georgia [Mr. RUSSELL], and the Senator from North Carolina [Mr. ERVIN] are absent on official business.

I also announce that the Senator from Virginia [Mr. BYRD], the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from California [Mr. ENGLE], the Senator from Indiana [Mr. HARTKE], the Senator from Alabama [Mr. HILL], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The Senator from Maryland [Mr. BEALL] and the Senator from Vermont [Mr. PROUTY] are detained on official business.

I also announce that the Senator from Kentucky [Mr. COOPER], the Senator from Hawaii [Mr. FONG], the Senator from New York [Mr. JAVITS], the Senator from New Mexico [Mr. MECHEM], the Senator from Kansas [Mr. PEARSON], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are detained on official business.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). A quorum is present.

CIVIL RIGHTS ACT OF 1963

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. PASTORE obtained the floor.

Mr. HUMPHREY. Mr. President, will the Senator from Rhode Island yield to me without in any way jeopardizing his rights to the floor?

Mr. PASTORE. And with the understanding that it will not be counted as a second speech; I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS OF THE SENATE FROM 2 P.M. TO 4 P.M. TOMORROW

Mr. HUMPHREY. Mr. President, I should like to make an announcement.

I ask unanimous consent that tomorrow the Senate stand in recess from 2 o'clock to 4 o'clock, in order that the Senate may pay its respects to the late General MacArthur, and also in order that the members of the Armed Services Committee and the Senate leadership may participate in the ceremonies.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. HUMPHREY. I also ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROCEDURE IN QUORUM CALLS

Mr. HUMPHREY. Mr. President, I would like the Senate to know that a quorum was available in 9 minutes today. In order to make sure Senators had an opportunity to be listed on the quorum call——

Mr. STENNIS. Mr. President, will the Senator speak louder?

Mr. HUMPHREY. I said that a quorum was available in 9 minutes today, but in order to make it possible for Senators to be listed on the quorum call—which is most desirable—we have informally worked out with the clerks that the call for the quorum, including the call of the absentees, if necessary, will not be completed in less than 20 minutes. Thus, with this foreknowledge, each Senator will be assured that his name will be recorded on the quorum call if he is in the Chamber and indicates his presence to the Chair within 20 minutes of the original call. The procedure has been in the past that when there has been a call for a quorum and a call for the absentees and, upon the completion of the latter call, a quorum is not present, the leader or the acting leader will then move that the Sergeant at Arms be directed to notify absent Senators that their presence is required. When 51 Senators have answered under those instructions, the quorum call is over.

It is because of this situation, which has caused some difficulty and misunderstanding, that we have attempted to extend the time of the calling of a quorum, particularly on the second call of the list. I wanted our colleagues to know that, so they could be on notice.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HUMPHREY. Yes, if the Senator from Rhode Island will permit it.

Mr. PASTORE. I yield under the same understanding.

Mr. SYMINGTON. Suppose a quorum is called at 10 o'clock, a Senator has gone home for dinner, and nobody is in his office. Will it be 20 minutes from the time the Senator is notified that a quorum is first being called, or will it be 20 minutes regardless of when the Senator is notified?

Mr. HUMPHREY. In response to the Senator from Missouri, last evening the distinguished Senator from Missouri came into the Chamber just after the quorum of 51 Senators had responded to the quorum call. His office was not promptly notified. For this we express regret and apologize.

Mr. SYMINGTON. I appreciate that statement.

Mr. HUMPHREY. I want the Record to show that on several occasions a number of Senators have come into the Chamber after a quorum has been announced. I would hope that the names of those Senators could be listed as having come onto the floor after the quorum was announced. I shall ask that this be done, to the best of our ability, as we observe Senators coming into the Chamber. There will be a limit of 20 minutes from the ringing of the first bell to the end of the second reading of the list of Senators. If 51 Senators are not present at that moment we then request the Sergeant at Arms to request the presence of absent Senators. At the point when the 51st Senator enters the Chamber, the quorum call is over.

It has been suggested that in order to bring Senators to the Chamber there should be live quorums. In the past there have been quorum calls only to notify Senators of a change of speakers. This has been an accommodation to Senators. It might well be that on the first call for the quorum there would be the ringing of three bells to notify Senators that they are to be expected for a live quorum. We shall try, to the best of our ability, to keep Senators notified. Their offices are pretty busy.

I do not make any such request at this time. I only make the suggestion now. We shall discuss this suggestion with the leadership on both sides in order to attempt to give better notice to our colleagues.

I do not want to be in the position of embarrassing any Senator who is on duty—and Senators are on duty when they are here—because he is not listed on quorum calls. I ask the indulgence of my colleagues to see if the situation can be improved so that no Senator will be offended.

Yesterday the Senator from Nevada [Mr. Cannon] came through the door immediately after 51 colleagues had answered to their names. Rightly, he was disturbed. This situation has bothered other Senators.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. PASTORE. Mr. President, with the understanding that my rights will be preserved, I shall yield on several occasions this morning, without its being charged as a second speech, and with the understanding that I retain all my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I believe the last suggestion of the Senator from Minnesota is an excellent one. I think it is fair, when a Senator is notified that there is to be a quorum call, that it be a live quorum call, and that three bells be rung. I know the situation has caused some irritation. When we expect a quorum, it should go through, and the quorum call should not be withdrawn. It is not fair to a Senator who puts himself out to reach the Chamber to have it withdrawn. When a live quorum is started, let it be completed.

Mr. HUMPHREY. It will be done.

Mr. President, I yield to the Senator from Missouri, with the same understanding.

Mr. SYMINGTON. Mr. President, I was not complaining. I ask again the assistant majority leader the question, in the reference of what the able Senator from Oregon just said.

If there is no one in an office at 10 o'clock, if some Senators have gone home to their families at 10 o'clock, will Senators be allowed enough time, say a maximum of 20 minutes, to answer the quorum call?

Mr. HUMPHREY. The Senator may rest assured that that will be done. How, I am not quite sure; but it will be done. I shall cause no more embarrassment to Senators, under those circumstances.

Mr. SYMINGTON. I thank the able Senator.

Mr. MILLER. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. MILLER. Do I correctly understand the Senator to say something about revising the Record with respect to the quorum call of last evening?

Mr. HUMPHREY. No, I stated that I noted the Senator from Missouri [Mr. Symington] came into the Chamber, and that he was rightly concerned after he came in, because the list of 51 Senators had just been completed and his name, therefore, was not on the list. If that happens to a Senator in the future, it is my suggestion that he ask the Senator who has the floor to yield, so that he may notify the Chair that he is present.

It was because of circumstances beyond the Senator's control that he could not reach the Chamber sooner. For example, if a Senator happened to be at home having dinner with his family, knowing that there would not be a quorum call for a couple of hours, it might be difficult for him to return in the period of time required for the listing of 51 Senators. Under those circumstances, I would suggest that the Senator ask the speaker who has the floor to yield to him so that he may make a note of his presence in the Chamber and give what explanation he may wish to make.

Mr. MILLER. I appreciate the Senator's suggestion. Yesterday the Senator from Nevada [Mr. Cannon] was followed, I believe, immediately by the junior Senator from Iowa [Mr. Miller], the junior Senator from South Dakota [Mr. McGovern], the Senator from Alabama, and two or three other Senators.

Mr. HUMPHREY. The Senator is correct.

Mr. MILLER. I do not believe any Senators were advised to try to make the Record clear at that point. If there is to be any revision of the Record of yesterday, the quorum calls for both morning and evening should be handled in that way.

Mr. HUMPHREY. I shall try, to the best of my ability, to cooperate in this matter, so that Senators may ask the speaker who has the floor to yield, if only for the purpose of identifying themselves and announcing their presence in the Chamber.

Mr. DIRKSEN. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from Illinois.

Mr. DIRKSEN. In this connection, I believe that a parliamentary inquiry should be addressed to the Chair.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. I know of nothing in the rules that provides for a 20-minute hiatus for the calling of the roll. I have no objection, under extraordinary circumstances, but I wish to be sure that this will not establish a precedent for future days. I therefore believe we should have a word from the Chair with respect to the 20-minute proposal.

The PRESIDING OFFICER. There is nothing in the rules which provides for a limit on the time required for a quorum call.

Mr. DIRKSEN. So this is a temporary makeshift, in order to meet the situation which confronts us?

Mr. HUMPHREY. I fully understood that in the beginning. I have also understood, as the best example of the genial and persuasive manner of the minority leader, that the best way to get along is to try to be considerate; that is what I have always tried to do, under the circumstances.

Mr. DIRKSEN. I appreciate that. I know the difficulties which have been encountered in connection with live quorums; but it should be made clear that in any case this suggestion does not constitute a modification of the rule.

Mr. HUMPHREY. The Senator is absolutely correct.

Mr. DIRKSEN. A second question: The present rule provides that the bells should be rung in a certain order, so that if three bells are rung instead of two, that still constitutes a diversion from the rule.

Mr. HUMPHREY. I am not asking for that, at this time. I am merely suggesting it as a possibility. I stated that I wished to consult with the majority and minority leaders.

Mr. AIKEN. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from Vermont.

Mr. AIKEN. Do I assume correctly that the acting majority leader has no way of knowing when a live quorum will be called?

Mr. HUMPHREY. I can only state that thus far there has been full communication and fine cooperation and understanding between those of us who are supporters of the bill and the opponents of the measure. Therefore, there has been more or less a working understanding about live quorums. I cannot say that this situation will always prevail.

Mr. AIKEN. There is no way of assuring that live quorums will not be called between 5:30 and 8:30 at night.

Mr. HUMPHREY. There is no positive way, but I can state that each Senator in the Chamber has always acted in a most considerate manner; therefore we have not been caught off balance, so to speak.

Mr. AIKEN. In view of the fact that there is no assurance on this point, I was wondering whether it might be well for Senators to cancel their evening dinner engagements until the bill which is now before the Senate is disposed of.

Mr. HUMPHREY. Indeed it would be, unless there can be some announcement made at the time that there has been an understanding reached as to——

Mr. AIKEN. It is hardly fair to people who invite Senators to dinner, if guests have to call them up at 10 minutes to 6 to say that unfortunately they cannot be with them at 6 o'clock. It will mean a vacant chair, which the host will have to fill the best way he can. The acting majority leader has no way of assuring Senators that they would not be called upon to cancel dinner engagements at the last minute.

Mr. HUMPHREY. Thus far, we have been able to give such assurance. A good deal of time is spent in the Chamber trying to pin down that assurance. We shall continue to give such assurance. We must live together, as I have learned through the years. Unless we do, we are not likely to live very well.

Mr. AIKEN. Does the Senator feel that it would be safe for Senators who have accepted invitations to the Walter Reuther testimonial dinner tonight to plan to keep that engagement?

Mr. HUMPHREY. I should say that Senators could plan on keeping that engagement, but they would need to keep themselves "limber" in case they must return suddenly.

Mr. SCOTT. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield to the Senator from Pennsylvania, provided, in doing so, I do not lose my right to the floor.

ACTIVITIES OF COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCOTT. Mr. President, perhaps this is not the best time to find out whether there will be a meeting of the Rules Committee at any time soon, and whether the minority will have an opportunity to attend. I am now reading various newspaper reports of what the Rules Committee is doing with regard to a code of ethics. In a letter written by the ranking minority member, the Senator from Nebraska [Mr. CURTIS], the Senator requested that the minority members be given an opportunity to be present from the beginning of the drafting of any report, and an opportunity to be consulted and to offer suggestions.

We are now reading in the press of specific recommendations to be made by the committee, although the committee has not met, and some Senators have not been consulted and not invited to attend the sessions if any have been held. Therefore, I do not believe the report should be written between the majority and the press, excluding the minority members, and I would like reassurance on this.

I wonder whether the Senator from North Carolina would advise us, first of all, whether the Rules Committee is planning to meet; second, has a code of ethics been drafted, as reported in the press? Third, why have not the minority members been notified?

Mr. JORDAN of North Carolina. Mr. President, if the Senator from Rhode Island will yield to me to reply to the Senator from Pennsylvania——

Mr. PASTORE. Mr. President, I yield to the Senator from North Carolina, provided that in doing so I do not lose my right to the floor.

Mr. JORDAN of North Carolina. Will the Senator from Nebraska [Mr. CURTIS] state again what he wrote?

Mr. CURTIS. Mr. President, will the Senator from Rhode Island yield to me for that purpose?

Mr. PASTORE. I yield, with the same understanding.

Mr. CURTIS. I should like to make it clear that my letter was answered by counsel, stating that the distinguished chairman was out of the city. I believe what has precipitated this question is that I received a call last night from the press, wishing to know what I thought about various recommendations, including the code of ethics for Senators as a part of the report on the Baker investigation.

I had to tell him I did not know anything about it. I was not in the Chamber when the present colloquy started, so I cannot answer the question of the distinguished chairman.

Mr. JORDAN of North Carolina. Mr. President, if I may make the brief statement, there is one letter on my desk. I have been out of the city.

Mr. CURTIS. I understand.

Mr. JORDAN of North Carolina. There was a letter on my desk from the Senator pertaining to several witnesses that he would like to have called.

Mr. CURTIS. I am referring to the suggestion of the minority. I am not attributing any wrongful motive. We merely stated that before the staff or anyone else undertakes to draft a report, the committee should have a meeting as to the content of the report, so that we would all be informed, because some of us may have some suggestions to make.

Mr. JORDAN of North Carolina. I may say to the distinguished Senator from Pennsylvania that no meeting has been held. All that was printed in the newspaper was as much news to me as it was to the Senator or anyone else. I have no idea where it came from. The majority has not been drafting any rules that I know of. The Senator's answer is as good as mine. I assure him that he will be notified when a meeting is called. No off-the-record meeting of the majority has been planned; nor has any such meeting been held. If it has been, I was not aware of it.

Mr. CURTIS. I am sure that is the situation. I thank the distinguished chairman.

Mr. SCOTT. I wish to join in what has been said about the distinguished chairman of the Rules Committee, because the press are quoting our counsel quite freely as to what is going on. I hope counsel will withhold any comments pertaining to the future work of the committee, because what appeared in the newspapers was rather specific. I very much appreciate the Senator's courtesy and statement that there will be no meeting without the minority being present. I again express the hope that we may discuss what is to go into the report, without having to read about it in the newspapers. It is the members of the Rules Committee who must determine what is to go into a code of ethics. I saw some very good things in the newspapers, but I was at a disadvantage, because we had never discussed the subject.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. PASTORE. If anyone yields, I will yield. I have the floor. I did not think the Senate would get into something like this. It is most unfair to the Senator who has the floor at this time. If this discussion can be shortened, I shall appreciate it very much. Senators are being repetitive. No reports have been printed and no meeting has been called. I do not see why Senators have to talk about this subject for a day and a half.

Mr. JORDAN of North Carolina. Will the Senator yield for one more brief statement?

Mr. PASTORE. **Yes.**

Mr. JORDAN of North Carolina. I wish to say to the distinguished Senator from Pennsylvania that counsel called me this morning. He said he had no knowledge of where the information in the press came from. He had had no interview with the press. It was complete news to him. I assure the Senator that the chief counsel has not drafted any rules or made any recommendations. We all know that many recommendations have been made. They have not been assembled or discussed at any meeting.

Mr. SCOTT. I thank the Senator from North Carolina, and I thank the Senator from Rhode Island for yielding not quite a day and a half.

Mr. HUMPHREY. Mr. President, will the Senator yield?

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate go into executive session to consider nominations that have been cleared. We have discussed them with the minority leader. The Senator from Alabama [Mr. SPARKMAN] will present them.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Rutherford M. Poats, of Virginia, to be Assistant Administrator for the Far East, Agency for International Development;

Henry L. T. Koren, of New Jersey, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of the Congo;

Jack Hood Vaughn, of Virginia, to be Ambassador Extraordinary and Plenipotentiary to Panama; and

Mrs. Katharine Elkus White, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary to Denmark.

The PRESIDING OFFICER. If there be no further reports of nominations, the clerk will state the nominations just reported.

DEPARTMENT OF STATE

The Chief Clerk read the nomination of Mrs. Katharine Elkus White to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Henry L. T. Koren, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Jack Hood Vaughn to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The Chief Clerk read the nomination of Rutherford M. Poats to be Assistant Administrator for the Far East, Agency for International Development.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Without objection, the President will be notified forthwith of the nominations confirmed today.

U.S. FOREIGN AID IN LAOS

Mr. SPARKMAN. Mr. President, one of the difficulties of evaluating the foreign aid program is the problem of finding out what foreign aid really accomplishes. This is especially true in a country like Laos, where our foreign aid program has to be conducted under such great handicaps.

A very interesting story on our foreign aid program in Laos has appeared in the Washington Star, and it provides a good insight into the improvements in our program in that important country, as well as what we are now accomplishing in helping Laos to maintain its independence.

Operating under extraordinary difficult circumstances, our foreign aid program in Laos is doing a good job of which we can be proud. As the article points out, Laos used to be an example of the mistakes of foreign aid. With the careful management now being given to the program in Laos, as well as the aid program all over the world, Laos is now a shining example of what foreign aid can do under proper safeguards.

I ask unanimous consent to include the article at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAR EAST REPORT—U.S. AID BRIGHT SPOT IN LAOTIAN SITUATION

(By Delia and Ferdinand Kuhn)

VIENTIANE, LAOS.—Sometimes Americans at home must steel themselves for the shock of hearing good news from a far-off trouble spot. In this beleaguered country, the posture of American aid is now upright and proud.

The contrast between the morale of the aid staff here in Laos and that of the mother agency in Washington is as startling as the contrast between the Winged Victory and the Laocoon. This is not to suggest that the Lao branch is an armless or a headless figure, but rather than it has verve and style and seems to know where it is going.

Having watched a good many aid programs in Asia, often with dismay, we can suggest two or three reasons for the quality of this one. Under the leadership of a new Ambassador, Leonard Unger, and a new aid director, Charles A. Mann, a fresh start was made about 18 months ago.

Everyone from the Ambassador down is conscious of the stigmas attached to the old program, the exposures of almost unbelievable mistakes. Nobody is going to let even the smallest grain of dirt settle on the new program if he can held it. Every project is kept out in the light and scrubbed daily.

CLOSE CHECK ON GOODS

As one of the new safeguards, four American customs inspectors are stationed here to check every item that enters the country under the American-financed commodity program. Every refugee from the Pathet Lao guerrillas who gets an American blanket, for example, must sign a receipt, even if he cannot write. In the files of the aid mission here are stacks of thumbprinted receipts, ready for the General Accounting Offices to inspect and ponder.

A second source of pride and high morale here can be traced to the nature of the challenge in Laos. After the American military advisers departed in October 1962 under the terms of the Geneva agreement, the aid mission and the U.S. Information Service had the field to themselves. Today about 80 technicians, more than half the aid mission's technical staff, live and work outside the capital. Of these about 30 are young men and women of International Voluntary Services, a private agency under contract.

To say that the fieldworkers lead precarious lives is to understate. Guerrillas, bandits, and thieves rove the countryside. On the roads you may be ambushed; in the air you may be hit by bullets or flak.

The aid mission maintains its own plane and helicopter service, and its own radiotelephone system. Everyone based outside Vientiane must call headquarters daily, or, if atmospheric conditions prevent, must report through another contact in the field. If nobody hears from him, a plane flies off to check his whereabouts. So far the safety record has been good.

MANY ACCOMPLISHMENTS

So also has the record of accomplishment. The main effort outside the capital has been in rural development. As part of it, American skills and materials are helping Laotians to build roads and bridges, waterworks and schools. One American remarks that the Pathet Lao have not interfered much with the building of roads, probably because they expect to use them someday.

Pathet Lao tolerance does not, however, stretch to the refugee relief work. Of the multitudes who have fled the Communist-led guerrillas in the past few years, no fewer than 170,000 have received some kind of help under this program. Many organizations from many countries cooperate with the Lao Ministry of Social Welfare to feed, clothe, and resettle them. The American aid mission shoulders the largest part of the burden.

Of all the Americans scattered around this country, perhaps the two who lead the most isolated and exposed lives are a middle-aged farmer from North Fort Wayne, Ind., and a young graduate in community development at Berkeley, Calif. "Pop" Buell and Tom Ward work with refugees of the renowned Meo mountain tribe in the province of Samneua on the North Vietnam border.

FIGHT WITH OLD MUSKETS

The Meo account for about half the refugees in Laos. They not only flee the Pathet Lao; they fight them with old hunting muskets. Samneua is a Pathet Lao stronghold. So when American-donated rice and blankets and seeds are airdropped to the Meo in that province, Communist propaganda screams that American bandits are putting the Meo in fighting condition.

The Pathet Lao would dearly like to capture the two American aid officials in the mountains of northern Laos. More than once Mr. Buell has been roused in the middle of the night and warned that Communists were near. Each time the Meo led him to safety in another village.

As a show window of Asian neutralism, Laos may be what one European here called "a mess, a tolerable mess." But as a show window of American aid at its best, Laos is worth a respectful look.

ESTABLISHMENT OF SAVINGS AND LOAN ASSOCIATIONS IN LATIN AMERICAN COUNTRIES THROUGH THE ALLIANCE FOR PROGRESS

Mr. SPARKMAN. Mr. President, one of the most successful activities of our Government in assisting the Latin American countries through the Alliance for Progress is a program to help establish savings and loan associations in those countries.

Through the use of seed capital loans and technical assistance, our Government has been successful in sponsoring new savings and loan systems in five Latin American countries. The Agency for International Development, which is responsible for administering this program, has been assisted in this endeavor by the National League of Insured Savings Associations. Members of the league have freely given their own time in advising the Agency and in direct consultation with interested foreign officials in helping to get the program established.

Since the start of the program about 3 years ago, remarkable progress has been made. There are now 68 savings and loan associations with savings of $34 million by 105,000 savers. This accumulation of savings, combined with seed capital from the United States and other sources, has enabled these associations to make mortgage loans for the construction of 14,000 new owner-occupied homes amounting to over $47 million.

Savings are flowing into the associations at the rate of $2½ million per month from ordinary working-class families. These people are generally of modest income but are ready to make great sacrifices to buy a home of their own.

This is a remarkable record and one in which we can take great pride and recognize it as one of the outstanding accomplishments of our foreign aid program. It illustrates what great economic and social progress can be made in the developing countries by a small outlay of financial assistance from the United States when accompanied by highly skilled and dedicated professional assistance.

I ask unanimous consent to place in the Record a table prepared by Mr. Kenneth G. Heisler, executive director, National League of Insured Savings Associations, showing the progress made in the last 6 months of 1963 by the savings and loan associations in the Latin American countries.

There being no objection, the table was ordered to be printed in the Record, as follows:

Progress report of savings and loan associations in Latin American countries—Analysis of 6-month period, June 30–Dec. 31, 1963

	Chile	Dominican Republic	Ecuador	Peru	Venezuela	Total	6-month increase
Number of associations:							
(A) June 30, 1963	22	3	8	13	3	49	19
(B) Dec. 31, 1963	22	7	10	14	15	68	
Number of savers:							
(A) June 30, 1963	48,103	4,816	5,560	15,218	1,432	75,130	30,148
(B) Dec. 31, 1963	63,013	6,178	7,552	23,683	4,852	105,278	
Percent change (B) over (A)	30	28	35	55	238	40	
Volume of savings (in thousands):							
(A) June 30, 1963	Esc44,391	RD$1,224	S/13,359	S/105,722	Bs5,050	US$21,232	$15,118,000
(B) Dec. 31, 1963	Esc71,130	RD$1,741	S/18,928	S/164,663	Bs20,983	US$36,350	
Percent change (B) over (A)	60	42	42	56	315	71	
Mortgages recorded (in thousands):							
(A) June 30, 1963	Esc41,443	RD$1,485	S/11,304	S/147,544	[1] Bs8,900	US$22,838	$24,638,000
(B) Dec. 31, 1963	Esc80,808	RD$2,594	S/56,460	S/235,050	[1] Bs32,011	US$47,476	
Percent change (B) over (A)	94	70	398	59	259	108	
Number of homes financed:							
(A) June 30, 1963	5,576	266	179	1,756	91	7,868	6,313
(B) Dec. 31, 1963	9,648	479	795	2,910	349	14,181	
Percent change (B) over (A)	73	80	344	65	283	80	

[1] Approximate.

Rates of exchange: Esc3.12=US$1; RD$1=US$1; S/18=US$1; S/27=US$1; Bs4.50=US$1.

Prepared by National League of Insured Savings Associations.

GEN. DOUGLAS MacARTHUR

Mr. DIRKSEN. Mr. President, yesterday, while the Senate was paying its tributes to General MacArthur, I was in Illinois attending the funeral of the late secretary of state of the State of Illinois.

I had no opportunity to participate in the eulogies. The distinguished Senator from Rhode Island [Mr. Pastore] has been kind and forbearing to permit me to place in the Record a statement with respect to this great hero, this great American statesman, this great leader.

I often think of a line that appears in the Letter to the Hebrews, because it indicates that Abel, having made sacrifices to gain righteousness, is spoken of by Paul as "being dead, yet speaketh."

MacArthur may have died, he may have faded away, contrary to the estimate of the old saying, but his memory will be incandescent in the annals of the country, and that memory will not fade.

I believe, if we interpret literally what comes on the sacred parchment of time, we wonder what he would speak about.

I believe he would speak about national discipline as the only road to national unity and to the fulfillment of American destiny. I believe he would speak of law and order; particularly of the disagreeable tasks he had to perform.

He never quailed in his duty and responsibility. In a time of demonstrations and sit-ins there needs to be more emphasis on law and order.

I believe he would speak of fidelity. One sometimes wonders whether fidelity to the American tradition and to the greatness of the country as an attribute of the attitude of our forebears has not been running just a little thin.

If the memory of MacArthur could speak, I believe it would speak of firmness, at a time when our flag is hauled down in many parts of the earth and disgraced, and when American officialdom, with a pygmy's gun in the back, is marched away from the post of duty.

I believe, as a great soldier and as a great leader, he would speak of firmness and stamina for our country. I think also he would speak of the need, now and then, for a little righteous anger.

I become frightfully impatient with people who sometimes for a venal dollar would destroy some of our heroes. I am thinking now of the recent book, "The Passion of the Hawks," which is anything but a credit to the Military Establishment of the country, and certainly not to the leaders. As I recall, the author devotes 17 or 18 pages to this great fallen hero under the title, "King Mac." What a travesty it is upon truth. What a travesty it is upon good grace, courtesy, and good manners that a man has to be hauled down just before the moving icy finger has touched him.

It occurs to me there could be some righteous anger and indignation in this country to roll back those estimates of men like MacArthur who bulk so large in the contemporary tradition and who are virtually enshrined in the pulsating hearts of the American people.

As was said in that ancient letter, "Being dead, yet speaketh," if MacArthur could speak, I think he would speak of these things.

So we hallow the memory of one who had only one great criterion that marked his life: That was fidelity to his country no matter where the path might lead.

I thank the Senator from Rhode Island for yielding.

Mr. MILLER. Mr. President, will the Senator from Rhode Island yield further?

Mr. PASTORE. I yield.

CIVIL RIGHTS RIFLE CLUBS

Mr. MILLER. Mr. President, yesterday the distinguished senior Senator from Ohio [Mr. Lausche] called the attention of the Senate to a serious situation which has developed in his hometown of Cleveland, Ohio. I refer to his remarks on pages 7001 and 7002 of the RECORD.

The Senator pointed out that rifle clubs had been formed in Cleveland, Ohio, in connection with the civil rights issue. The Senator mentioned a newspaper account to the effect that one Mr. Lewis G. Robinson was apparently spearheading the formation of such rifle clubs, which, according to Robinson, will train the members in army fashion. They will wear army fatigues, helmet liners, and heavy boots. All members will be required to purchase rifles. The ostensible reason for the formation of the clubs was for the purpose of self-defense.

The Senator from Ohio has performed a service in calling attention to the danger which the formation of such clubs entails. I would hope that the Department of Justice would look into the matter, first, from the standpoint of whether or not the wearing of army fatigues might constitute a violation of the law with respect to illegal wearing of military uniforms; and second, with respect to whether or not the formation of such clubs constitutes the formation of a subversive organization or subversive organizations.

Granted that the ostensible purpose of self-defense may be laudatory, I do not think anyone should be fooled about the label that is hung on an organization, if indeed it is subversive.

I commend the Senator from Ohio for his action, and for having the courage to speak out on the subject.

I believe every Member of the Senate would share his concern if there were to be a similar development in his home State.

I thank the Senator from Rhode Island for yielding.

Mr. PASTORE. Mr. President, I yield to the Senator from Minnesota.

RETAIL PRICE MAINTENANCE IN BRITAIN

Mr. HUMPHREY. Mr. President, recently, the British restrictive sales practices court upheld as being "in the public interest" the resale price maintenance arrangements used by the book trade in England. I have carefully read the decision and believe it contains much of significance in the current campaign for enactment of the quality stabilization bill. Particularly helpful in this regard is the British court's review of the social and economic considerations justifying resale price maintenance.

Unfortunately, the extraordinary length of the British court's opinion makes unfeasible its insertion in the CONGRESSIONAL RECORD. However, a staff member has prepared a digest of the decision more suitable for insertion in the RECORD.

In this way, all Members of Congress, as well as others interested in the merits of quality stabilization, may be apprised of the essence of British judicial thought on comparable legislation.

Mr. President, I ask unanimous consent that the specially prepared digest of the decision of the British trade practices court be printed at this point in the RECORD.

There being no objection, the digest was ordered to be printed in the RECORD, as follows:

DIGEST OF THE JUDGMENT OF THE BRITISH RESTRICTIVE TRADE PRACTICES COURT RE NET BOOK AGREEMENT, 1957 (3 ALL ENGLAND LAW REPORTS 751 (1962))

In this case the court has to determine whether an agreement made in the year 1957, and known as the net book agreement, is or is not to be deemed contrary to the public interest for the purposes of the restrictive trade practices act. The agreement is one to which all the members of the publishers' association are parties; by it each of them agrees to adopt certain standard conditions for all books published by him as what are defined in the agreement as "net books." This term means, for the purposes of the agreement, a book published at a price fixed by the publisher below which, subject to certain exceptions, it may not be sold to the public.

Publishers are in competition with one another in all aspects of their business. They are in competition to secure the works of those authors whose books are likely to attract purchasers. They are in competition to build up and maintain profitable back lists. They are in competition to produce those books which they publish in attractive forms and at attractive prices. They are in competition to bring their products to the notice of booksellers and the public. They are in competition to secure as many advantageous retail outlets for their products as possible. They are in competition to induce retailers to stock and display their products and to push the sale of those products. They are in competition to keep down their own costs, to increase their turnover, and to carry on their business as profitably as they can.

The existence of stockholding bookshops holding a widely varied and well selected stock of books is, we think, undoubtedly a powerful influence promoting the sale of books. It is self-evident, and emphasized by witnesses whom we heard, that a book which is stocked (and more particularly if it is displayed) by the local bookseller is much more likely to sell readily than one which is not. Moreover, books as has been said, sell books. The man who goes to a bookshop to buy one book will often buy more, either on impulse or because the bookseller is able to introduce him to other books on the subject in which he is interested. The very existence of a well-stocked bookshop is an attraction to customers, and a stimulus to sales of books.

On account of the great multiplicity of titles, every first-rate bookseller must provide an efficient special order service of a kind to which it is very difficult, perhaps impossible, to find a parallel in any other trade. The operation of such a service demands a considerable degree of skill and technical knowledge on the part of those employed in the bookshop. Such services are impossible to cost, and their availability is undoubtedly of great value to the public. We accept that as a matter of business commonsense it is not practicable to charge for any of these services; the cost of them must be regarded as part of the bookseller's overhead expenses. Analogous services are provided in other retail trades free of charge, but in none probably are they as prominent, as important, and as exacting as in a bookseller's business.

Evidence which we have heard about conditions in Canada, where there is no retail price maintenance in respect of books, suggests the kind of thing that would be likely to occur here if retail price maintenance ceased. From time to time, at irregular and unpredictable intervals, one or another of the department stores in Montreal, having a book department but not such as to rank as stock-holding booksellers, would sell below list prices. The books affected would probably be either a standard series, such for example as Everyman's Library, or one or more current bestsellers. Occasionally this process would eventually result in books being offered for sale below the price paid by the bookseller. Such price cutting was a device to attract customers to the store. Books so dealt with were not surplus stocks, and the object of the operation was not to obtain an increased profit by higher sales resulting from the reduction in price.

The combined effect of price-cutting competition, and the loss or reduction of library business, would be that many stockholding booksellers would be driven out of business, and those so affected would not, by any means, necessarily be businesses that are inefficiently managed. Those who survived would hold less extensive and varied stock. Booksellers would inevitably press for larger discount margins from publishers to cover their increased costs, and to allow them more room for maneuver in price competition.

Publishers would find themselves compelled to offer increased discounts, and list prices of books would rise accordingly. Moreover, the reduction in the number of stockholding bookshops, and the contraction of the stocks of those which survived would, we think, result in a marked reduction in the number of subscription and stock orders received by publishers, even when allowance is made for increased orders from library suppliers resulting from their obtaining an increased share of library business. This would tend to produce a more cautious policy on the part of the publishers, resulting in smaller printing orders, which would, for reasons already explained, tend to increase list prices further.

The increase in list prices would exceed the amount required to cover merely the increase in booksellers' discounts because of the increased cost of production per copy resulting from shorter printing runs, and because of the increase in authors' royalties resulting from increased list prices. Royalty rates could not be easily adjusted because of the very large number of current contracts.

The general contraction of the market for books in this country which would, we think, result from the reduction in the number of stockholding booksellers and the general rise in the prices of books, would have a marked influence on publishers not only when determining the size of their printing orders but when deciding whether or not to publish marginal works. Self-interest would induce caution; it would, in our view, be unreasonable to suppose that in the new conditions, publishers would be willing to publish as many books as they do now.

Counsel for the registrar has impressed upon us, by reference to various articles and reports of speeches contained in the documents submitted to the court, that there are at present too many books published, although he could not induce any of the publisher witnesses to accept this view. Prolificacy has been recognized as an ineradicable characteristic of writers at least since the day of the author of ecclesiastes, and no doubt for much longer. The world might not be a worse place if some books went unpublished, but this court is not a censor of literary taste.

It seems to us certain that if the net book agreement ceased to operate, fewer books would be published, probably significantly fewer. The question we have to answer is: Would the reduction in the number of new books be of such a character as to deprive the relevant public of specific and substantial advantages? There might be a fall in the number of titles classified by commercial libraries as light romance; there might also be a drop in the issue of romances which are not light in any sense of the word; but inevitably, we think, the effects would be most severe in the higher reaches of literature.

The new author with something important to say, the scholar with new knowledge to communicate, the poet or the artist seeking to bring more beauty into the world, the philosopher desiring to increase understanding and illumine the minds of those who will read what he writes; these, we think, are the writers who would find it harder to get their work accepted for publication.

In the more hazardous conditions that the termination of the agreement would create, many of them might not find publishers at all. We cannot doubt that this would deny to the reading public specific and substantial benefits. It is improbable that there are many "mute inglorious Miltons" about nowadays, but there may be a few, and the likelihood of their muteness would be increased, if publishers were constrained to be less adventurous.

The consequences, which we think would flow from condemnation of the net book agreement, can be summarily stated as (1) fewer and less well equipped stockholding bookshops; (2) more expensive books; (3) fewer published titles.

PRESIDENT JOHNSON'S ECONOMIC PHILOSOPHY SPURS BUSINESS CONFIDENCE

Mr. HUMPHREY. Mr. President, last week the well-known and respected business columnist of the Washington Post, Harold B. Dorsey, wrote of the importance of President Johnson's economic philosophy in the administration's drive to insure continued economic prosperity and growth in this country. The determined efforts of the President in this area, particularly his efforts to avoid a costly wage-price spiral, were especially singled out by Dr. Dorsey for praise and commendation. The President has appealed to both management and labor to hold the line on inflation and thereby protect the international position of the dollar, improve the balance of payments, and stimulate both investment and consumer spending. I quote the concluding sentence in Mr. Dorsey's analysis:

> As the image of the economic philosophy of the Johnson administration has been shaping up recently, investment managers and business executives are likely to gain more confidence in the outlook for business activity, employment, and earnings.

Mr. President, I ask unanimous consent that Mr. Dorsey's column published in the Washington Post of March 30, 1964, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

L.B.J. STAND SPURS CONFIDENCE

(By Harold B. Dorsey)

The reason why this column has been following so persistently the manifestations of the economic philosophy of the Johnson administration is the fact that this matter is highly significant in the calculations of business executives and investment managers, both here and abroad.

This single element may well determine whether spending decisions will be adversely affected by antibusiness attitude, whether credit policies are going to be dictated by the White House or by the real authorities on this subject at the Federal Reserve, whether we are going to have an inflationary boom-and-bust sequence or whether the economy is going to enjoy a sound, satisfactory, and sustainable growth trend.

The most recent available evidence on the subject may be seen in speeches given last Monday by President Johnson to the United Automobile Workers and by Dr. Walter Heller to the Economic Club of Detroit.

Both of these speeches emphasized that a sustainable growth trend and an improvement in the internationable balance-of-payments deficit depends very heavily on the avoidance of another inflationary wage-price spiral. The President said: "The international position of the dollar * * * demands that our prices and cost do not rise. We must not choke off our needed and speeded economic expansion by revival of the wage-price spiral."

It would be very difficult for even the most extreme partisan to quarrel with that premise. Whether higher prices are caused by avariciousness of business or by excessive demands of labor, the simple fact remains that inflationary price behavior would have an adverse effect on the demand for our goods and services in domestic and world markets. It is merely a corollary that this would reduce the demand for workers.

Let us grant then that this premise must be widely accepted. Nevertheless, there has been considerable worry that the administration might have an antibusiness and prolabor bias, with an arbitrary, mailed-fist attitude toward prices and nothing more than meaningless finger-wagging attitudes toward labor demands.

President Johnson told the Auto Workers that it is the responsibility of labor, as well as management, to prevent the development of a wage-price spiral. There was no hint in his speech to the Auto Workers, or in that of Heller to the business executives, that the responsibility of one side is heavier than that of the other.

The President pointed out: "The administration has not undertaken, and will not undertake, to fix prices and wages in this economy. We are neither able nor willing to substitute our judgments for the judgments of those who sit at the local bargaining tables across the country. We cannot fix a single pattern for every plant and every industry."

This appears to be a sensible retreat from the crackdown image of the administration that was worrying business leaders a month ago. At the same time the administration certainly did not deem it necessary to swing a left jab at labor while it was withholding a right uppercut to business.

This particular point can be significant. For many years it has been an accepted political practice to pit class against class and one economic group against another. The fact of the matter is that the country has been in great need of a leader who will encourage the various sectors of the economy to work together rather than at cross-purposes. We have an intricate economic machine. It functions to the best interests of everybody—including the driver—if all of the component cogs mesh together smoothly. If one cog is smacked with a hammer it might crack and weaken the progress and efficiency of the entire mechanism.

It may be taken for granted that partisans will contend that President Johnson is trying to be all things to all men and that he is therefore a weak leader. Nevertheless, a majority of the American population will probably recognize that his economic philosophy, as it has been indicated up to the moment, seems to be an effort to get everybody to pull together. Certainly it is within the prerogatives of the administration to point out—without political prejudice and with rancor—the responsibilities of the various sectors that make up the whole economy.

As the image of the economic philosophy of the Johnson administration has been shaping up recently, investment managers and business executives are likely to gain more confidence in the outlook for business activity, employment, and earnings.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

PANEL OF NATION'S OUTSTANDING LAWYERS SUPPORT CONSTITUTIONALITY OF TITLES II AND VII

Mr. HUMPHREY. Mr. President, during the debate on H.R. 7152 certain Senators have raised questions about the constitutional authority of Congress to enact the provisions dealing with equal access to public accommodations and equal employment opportunity, that is, titles II and VII of H.R. 7152. In order to clarify this important question, the distinguished Senator from California [Mr. KUCHEL] and I addressed a letter to two of the Nation's most distinguished lawyers, Harrison Tweed, of New York City, and Bernard G. Segal, of Philadelphia, requesting their opinion as to the constitutionality of these titles as passed by the House of Representatives.

Their reply has been received. The essence of their reply is that titles II and VII are unquestionably within the framework of the powers granted to Congress under the Constitution. Moreover, 20 respected members of the legal profession have joined in this letter.

Who are the lawyers signing this communication to the Senator from California and myself? They include, among others, three former Attorneys General of the United States—Francis Biddle, Herbert Brownell, and William P. Rogers—four former presidents of the American Bar Association—David F. Maxwell, John D. Randall, Charles S. Rhyne, and Whitney North Seymour—four law school deans—Erwin N. Griswold of Harvard, Eugene V. Rostow of Yale, John W. Wade of Vanderbilt, and William B. Lockhart of Minnesota—and many other leaders of the legal profession. Members of both political parties are included in the group as well as lawyers generally regarded as being liberal and conservative.

There has been a most unfortunate attempt by certain groups and individuals outside the Senate to obscure the true substance and objectives of the pending civil rights bill. One of the central themes used by these persons is that many sections of the civil rights bill are unconstitutional. I respectfully suggest that there are no finer or more highly respected legal minds in America than the 22 lawyers who authored this letter supporting the constitutionality of the public accommodations and equal employment opportunity titles. In short, those Senators concerned with the question of constitutionality should be greatly reassured by this letter and the attached memorandum.

I believe the entire Senate owes these respected and public spirited members of the bar a vote of thanks for this highly constructive statement concerning the constitutionality of these two critical sections of the civil rights bill. I strongly urge every Member of the Senate to study this opinion with care and objectivity. It is a great privilege to have such impressive authority upon which to rely in presenting the affirmative case for prompt enactment of this legislation.

Mr. President, I ask unanimous consent that the following documents relating to this historic statement supporting the constitutionality of titles II and VII be printed at this point in the RECORD: the letter from the Senator from California and myself to Harrison Tweed and Bernard G. Segal; their letter in reply; a list identifying the signers of the letter; and a legal memorandum setting forth the precedents for this opinion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 3, 1964.

HARRISON TWEED, Esq.,
New York, N.Y.
BERNARD G. SEGAL, Esq.,
Philadelphia, Pa.

DEAR MR. SEGAL: We anticipate taking an active part in the debate in the Senate with respect to H.R. 7152, the proposed Civil Rights Act of 1963. In this connection we understand that opponents of the bill have raised questions with respect to the constitutionality of title II of the bill, relating to discrimination in places of public accommodation, and title VII of the bill, relating to equal employment opportunity.

Obviously, the most serious consideration should be given to allegations relating to the constitutionality of measures of such significance, and we assume that you, as cochairman of the Lawyers' Committee for Civil Rights Under Law and as a practicing lawyer who has evidenced a vital interest in civil rights, have had occasion to consider these constitutional problems. We would, therefore, very much appreciate an expression of your views with respect to the constitutionality of these proposed titles. While we are very much interested in your own professional opinion, if you would prefer to submit the official views of the committee or to give your opinion in conjunction with other individual leaders of the bar who have had occasion seriously to consider the questions of constitutionality, we would be most grateful.

Sincerely yours,
HUBERT H. HUMPHREY.
THOMAS H. KUCHEL.

PHILADELPHIA, PA.,
March 30, 1964.

Hon. HUBERT H. HUMPHREY,
Hon. THOMAS H. KUCHEL,
U.S. Senate,
Washington, D.C.

DEAR SENATORS HUMPHREY AND KUCHEL: We have received your letters addressed separately to each of us, in which you request our views regarding the constitutionality of two parts of H.R. 7152, the proposed Civil Rights Act of 1963, now pending in the Congress, specifically title II, prohibiting discrimination in places of public accommodation, and title VII, providing for equal employment practices by certain employers, employment agencies, and labor unions.

Your inquiry requests our opinion either as cochairmen of the Lawyers' Committee for Civil Rights Under Law or in our individual capacities. We are replying in the latter role, and, in accordance with one of the suggestions in your letter, we have asked a number of other lawyers to consider the questions which you have raised and to join with us in formulating this statement. We want to make it clear that we are expressing our views solely on the constitutional issues raised in your letters and not on the merits of the bill.

Upon careful consideration of the established judicial precedents in this area of constitutional law, and in full recognition of the vital importance of the legal issues which are the subject of this letter, we conclude that title II and title VII are within the framework of the powers granted to Congress under the Constitution.

With respect to title II, the congressional authority for its enactment is expressly stated in the bill to rest on the commerce clause of the Constitution and on the 14th amendment. The reliance upon both of these powers to accomplish the stated purpose of title II is sound. Discriminatory practices, though free from any State compulsion, support, or encouragement, may so burden the channels of interstate commerce as to justify legally, congressional regulation under the commerce clause. On the other hand, conduct having an insufficient bearing on interstate commerce to warrant action under the commerce clause may be regulated by the Congress where the conduct is so attributable to the State as to come within the concept of State action under the 14th amendment.

The grounding of the public accommodations title on the commerce clause is in keeping with a long tradition of Federal legislation, validated in many judicial decisions, and is not today open to substantial legal dispute. In exercising its power to regulate commerce among the States, Congress has enacted laws, encompassing the widest range of commercial transactions, similar to the regulatory scheme of title II of H.R. 7152.

It is also clear that the discrimination or segregation prohibited by title II is subject to regulation by the Congress under its power to enact laws to enforce the equal protection clause of the 14th amendment where there is participation and involvement by State or local public agencies in the unlawful conduct. The decision of the Supreme Court in the *Civil Rights Cases,* 109 U.S. 3 (1883), in no way prevents the Congress from barring discrimination in those factual circumstances constituting State action under the 14th amendment.

With respect to the equal employment opportunity provisions of title VII, there are many decisions of the Federal courts upholding under the commerce clause similar laws regulating employment relationships which in some fashion impinge on interstate commerce.

Powers which Congress can exercise under one part of the Constitution may be limited by guarantees found elsewhere in the Constitution. In our opinion, neither title II nor title VII imposes such arbitrary restrictions upon private property or on the operation of private business as to conflict with due process requirements. In the development of congressional authority under the commerce clause and other express grants of power, statutes designed to enhance individual rights and to ameliorate working conditions have been regularly upheld by the courts even though they have in some measure affected property or contract rights.

For your convenience, we are attaching a brief legal memorandum reviewing the applicable authorities.

The lawyers who join in this reply to your request for an opinion, are listed below.

Sincerely,
HARRISON TWEED.
BERNARD G. SEGAL.

OTHER LAWYERS JOINING IN THE ABOVE OPINION

Joseph A. Ball, Long Beach Calif.
Francis Biddle, Washington, D.C.
Herbert Brownell, New York City.
Homer D. Crotty, Los Angeles, Calif.
Lloyd N. Cutler, Washington, D.C.
Norris Darrell, New York City.
James C. Dezendorf, Portland, Oreg.
Erwin N. Griswold, Cambridge, Mass.
Albert E. Jenner, Jr., Chicago, Ill.
William B. Lockhart, Minneapolis, Minn.
William L. Marbury, Baltimore, Md.
David F. Maxwell, Philadelphia, Pa.
John D. Randall, Cedar Rapids, Iowa.
Charles S. Rhyne, Washington, D.C.
William P. Rogers, Washington, D.C.
Samuel I. Rosenman, New York City.
Eugene V. Rostow, New Haven, Conn.
Whitney North Seymour, New York City.
Charles P. Taft, Cincinnati, Ohio.
John W. Wade, Nashville, Tenn.

IDENTIFICATION OF SIGNERS OF LETTER

Joseph A. Ball: Ball, Hunt & Hart, Long Beach, Calif., past president, State Bar of California.

Francis Biddle: Washington, D.C., former Attorney General of the United States.

Herbert Brownell: Lord, Day & Lord, New York City, former Attorney General of the United States; president, Association of the Bar of the City of New York.

Homer D. Crotty: Gibson, Dunn & Crutcher, Los Angeles, Calif., past president, State Bar of California; member of council, American Law Institute.

Lloyd N. Cutler: Wilmer, Cutler & Pickering, Washington, D.C., president, Yale Law School Association.

Norris Darrell: Sullivan & Cromwell, New York City, president, American Law Institute.

James C. Dezendorf: Koerner, Young, McColloch & Dezendorf, Portland, Oreg., past president, National Conference of Commissioners on Uniform State Laws; vice president, American Judicature Society.

Erwin N. Griswold: Cambridge, Mass., dean, Harvard Law School.

Albert E. Jenner, Jr.: Thompson, Raymond, Mayer & Jenner, Chicago, Ill., past president, American Judicature Society; past president, American College of Trial Lawyers.

William B. Lockhart: Minneapolis, Minn., dean, University of Minnesota School of Law.

William L. Marbury: Piper & Marbury, Baltimore, Md., member of council, American Law Institute.

David F. Maxwell: Obermayer, Rebmann, Maxwell & Hippel, Philadelphia, Pa., past president, American Bar Association; former chairman of house of delegates, American Bar Association.

John D. Randall: Cedar Rapids, Iowa, past president, American Bar Association; former chairman of house of delegates, American Bar Association.

Charles S. Rhyne: Rhyne & Rhyne, Washington, D.C., past president, American Bar Association; former chairman of house of delegates, American Bar Association.

William P. Rogers: Royall, Koegel & Rogers, Washington, D.C., and New York City, former Attorney General of the United States.

Samuel I. Rosenman: Rosenman, Colin, Kaye, Petchek & Freund, New York City, former special counsel to President Franklin D. Roosevelt and President Harry S. Truman.

Eugene V. Rostow: New Haven, Conn., dean, Yale University Law School.

Bernard G. Segal: Schnader, Harrison, Segal & Lewis, Philadelphia, Pa., president-elect, American College of Trial Lawyers;

former chairman of the board, American Judicature Society.

Whitney North Seymour: Simpson, Thacher & Bartlett, New York City, president, American College of Trial Lawyers; past president, American Bar Association.

Charles P. Taft: Taft, Lavercome & Fox, Cincinnati, Ohio, former mayor of Cincinnati.

Harrison Tweed: Milbank, Tweed, Hadley & McGloy, New York City, chairman of council and past president, American Law Institute; chairman, Joint Committee on Continuing Legal Education (A.L.I. and A.B.A.).

John W. Wade: Nashville, Tenn., dean, Vanderbilt University School of Law.

MEMORANDUM

TITLE II

Title II enunciates a policy of the right of all persons to the full and equal enjoyment of service in hotel facilities, in eating places, in gasoline stations, and in premises offering entertainment, and prohibits discrimination or segregation in the access to such establishments on the ground of race, color, religion, or national origin. An establishment which serves the public is subject to the restrictions of title II if its operations affect interstate or foreign commerce or if the proscribed discrimination or segregation which it practices is supported by State action.

The kind of prohibited activity contemplated by the terms "discrimination" and "segregation" is sufficiently clear to withstand any possible charge of uncertainty. The courts have dealt with the concept of discrimination in the context of similar legislation, Federal and State, so as to fashion a measurable standard of conduct which constitutes discrimination and segregation on the grounds set forth in title II. For example, in *Boynton* v. *Virginia*, 364 U.S. 454 (1960), the Supreme Court concluded that the segregation of seating facilities at a bus terminal serving interstate travelers was in violation of the Interstate Commerce Act's prohibition against unjust discrimination.

The use of the commerce clause as one of the grounds for framing the public accommodations title is in accord with what has by now become a traditional pattern of regulatory legislation. In exercising its power to regulate commerce among the States, Congress has adopted laws applicable to a wide variety of commercial transactions. The mere enumeration of some of the better known statutes which have become accepted as part and parcel of our national economic structure demonstrates the broad range of the commerce clause.

In attempting to maintain free competition in the marketing of goods, in striving to assure the health of our people, in eliminating the abuse of working women, children and others in the labor force, and in responding to many other economic and social problems, Congress has passed the Sherman Antitrust Act, the Robinson-Patman Act, the Fair Labor Standards Act, the National Labor Relations Act and its supplementary statutes, food and drug legislation, the Federal Trade Commission Act, laws regulating rail, motor and air transportation, the Agricultural Adjustment Act and countless other measures whose constitutionality is now beyond question.

Congress may select the objects of regulation, and it has broad power to determine the remedy best adapted to carry out the purpose of legislation enacted under the commerce clause.

In the case upholding the constitutionality of the National Labor Relations Act of 1935, *N.L.R.B.* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 36 (1937), Chief Justice Hughes, speaking for the Supreme Court declared:

"The fundamental principle is that the power to regulate commerce is the power to enact all appropriate legislation for its protection and advancement * * * to adopt measures to promote its growth and insure its safety * * * to foster, protect, control and restrain."

Likewise, in *United States* v. *Darby*, 312 U.S. 100, 114 (1941), Chief Justice Stone, in an opinion upholding the validity of the Fair Labor Standards Act, reiterated that "the power of Congress over interstate commerce is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed by the Constitution." The remedy which Congress selected for assuring decent wages and hours for a large segment of the American labor force was to regulate the working conditions in factories producing goods which may find their way in interstate commerce.

Under the authority of these and other cases, Congress, seeking to outlaw discrimination against interstate travelers, may cast its regulatory mold in the manner best calculated to achieve the desired result. Thus, Congress may determine, as in title II, that a hotel, motel, or similar establishment of more than five rooms offering lodging to transient guests is likely to be utilized by interstate travelers and thereby to affect interstate commerce. Eating places, gasoline stations, or facilities providing entertainment or sports events involve interstate commerce because they serve interstate travelers or because the food or gasoline to be sold, the motion pictures to be exhibited and the participating artists or athletes normally move in interstate commerce.

Precedents in this field are abundant. By way of example, the courts have held subject to Federal regulation a restaurant in a bus terminal serving interstate travelers (*Boynton* v. *Virginia*, 364 U.S. 454 (1960)), and local establishments preparing or supplying food for consumption on interstate carriers (*Mitchell* v. *Sherry Corine Corp.*, 264 F. 2d 831 (4th Cir.), cert. den., 360 U.S. 934 (1959)). Restraints of trade on the manner or extent of the local exhibition of motion pictures (*Interstate Circuit* v. *United States*, 306 U.S. 208 (1939)). stage attractions (*United States* v. *Shubert*, 348 U.S. 222 (1955)), boxing matches (*United States* v. *International Boxing Club*, 348 U.S. 236 (1955)), and football games (*Radovich* v. *National Football League*, 352 U.S. 455 (1957)), have all been held to be subject to Federal legislation predicated on the commerce clause. The supporting theory is that the exhibitions, and those who take part in them, move from State to State and the particular restraint would limit the freedom or the volume of interstate transactions.

By similar reasoning, the courts have sustained the application of the antitrust laws to retail establishments serving people or selling goods that move in interstate commerce (*United States* v. *Frankfort Distilleries*, 324 U.S. 293 (1945)). An agreement which narrows the market for products or persons moving in interstate trade, such as a boycott or a joint refusal to deal, may be reached under the commerce clause. It follows that if Congress so desires, it should also be able to forbid an individual refusal to deal just as it now prohibits individual discrimination in prices under the Robinson-Patman Act.

Although racial discrimination may or may not have the same commercial motivation as the economic restrictions involved in antitrust and similar violations, a legislative judgment of the adverse effect of such discrimination on the freedom or volume of the interstate movement of people and goods cannot, under the decided cases, be subject to serious doubt. Whatever its nature, a practice which has a detrimental or limiting effect on commerce may be reached by the Congress under the commerce clause.

The extent to which the discriminatory action of any one of the establishments covered by title II adversely affect interstate commerce is not controlling provided there is some connection with such commerce. It is the "total effect" of many individual obstructions upon commerce (*United States* v. *Darby*, *supra* at 312 U.S. 123), and their recurring nature (*Board of Trade of Chicago* v. *Olsen*, 262 U.S. 1 (1923)), which are significant in determining congressional power. The Chicago case upheld an act regulating dealings in grain futures in an opinion by Chief Justice Taft. Justice Taft, recognizing that the transactions on the board of trade may not in and of themselves be in interstate commerce, posed the test of congressional power as to "whether the conduct of such sales is subject to constantly recurring abuses which are a burden and obstruction to interstate commerce in grain" (262 U.S. at 36).

Many small businesses comparable to those within the scope of title II are today subject to Federal statutes passed pursuant to the commerce clause. The corner general merchandise store is deeply immersed in regulation under the congressional commerce power. The food which it sells, the drugs it provides, the advertising it displays and the wages paid to its employees are all affected by Federal legislation premised on the commerce power. And this regulatory authority is not limited by the size of an enterprise or by the volume of its interstate business. Classic examples generally cited are the 23-acre wheat field producing 239 bushels of wheat held to be subject to control under the Agricultural Adjustment Act (*Wickard* v. *Filburn*, 317 U.S. 111 (1942)), and the newspaper circulating a handful of 45 copies outside its home State held to be governed by Federal wage and hour regulations (*Mabee* v. *White Plains Publishing Co.*, 327 U.S. 178 (1946)).

The principle that it is the accumulated impact of individual obstructions upon commerce which justifies the exercise of congressional power was restated by the Supreme Court last year in *N.L.R.B.* v. *Reliance Fuel Corp.*, 371 U.S. 224, 226 (1963)):

"Whether or not practices may be deemed by Congress to affect interstate commerce is not to be determined by confining judgment to the quantitative effect of the activities immediately before the Board. Appropriate for judgment is the fact that the immediate situation is representative of many others throughout the country, the total incidence of which if left unchecked may well become far-reaching in its harm to commerce."

The fact that in exercising its indisputable power to remove obstructions to interstate commerce, Congress at the same time seeks to accomplish an additional purpose, such as the improvement of working conditions or the elimination of unequal treatment based on racial considerations, does not preclude reliance upon the commerce clause. Chief Justice Stone made this eminently clear in his monumental opinion upholding the validity of the Fair Labor Standards Act (*United States* v. *Darby*, *supra*). Justice Stone's language is particularly apt in considering the validity of title II:

"The motive and purpose of the present regulation is plainly to make effective the congressional conception of public policy that interstate commerce should not be made the instrument of competition in the distribution of goods produced under substandard labor conditions, which competition is injurious to the commerce and to the States from and to which the commerce flows. The motive and purpose of a regulation of interstate commerce are matters for the legislative judgment upon the exercise of which the Constitution places no restriction and over which the courts are given no control. Whatever their motive and purpose, regulations of commerce which do not infringe some constitutional prohibition are within the plenary power conferred on Congress by the commerce clause" (312 U.S. at 115).

We have dwelt at length on the commerce clause basis for title II because this appears to be one of the key legal issues generated by the pending legislation. The second source of constitutional power cited in title II is the equal protection clause of the 14th amendment.

State or local legislation requiring discrimination in public accommodations is a denial of equal protection under the 14th amendment (*Peterson* v. *Greenville*, 373 U.S. 244 (1963)). A wide variety of other circumstances may meet the "State action" test of the 14th amendment. For example, in *Lombard* v. *Louisiana*, 373 U.S. 267 (1963), statements favoring segregation made by city officials during a period of racial unrest were held to have so affected the decision of a store owner not to serve Negroes as to make his action the result of invalid State discrimination rather than the product of purely private whim. The lease by a municipal airport, or by a public parking authority, of a restaurant located in its building was held in *Turner* v. *Memphis*, 369 U.S. 350 (1962), and *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715 (1961), to make the State responsible for the discrimination practiced by the tenant. According to the Burton case, any significant "degree of State participation and involvement in discriminatory action" may subject that action to Congress power under the 14th amendment.

Reliance upon the 14th amendment is consistent with the *Civil Rights* cases, 109 U.S. 3 (1883). The Civil Rights Act of 1875 was declared invalid because it was not aimed at State action but rather at individual conduct. The defect found by the Supreme Court in the 19th century legislation would seem to have been corrected by predicating title II upon discriminatory conduct supported by State action.

In our considered judgment, the commerce clause and, where State action is involved, the 14th amendment are sound constitutional bulwarks supporting the validity of title II of H.R. 7152.

TITLE VII

Title VII of the proposed Civil Rights Act of 1963 enunciates a national policy of equal opportunity for employment free from discrimination. The equal employment title is based expressly upon the commerce clause. Section 701(b) also declares it to be the purpose of Congress to insure the full "enjoyment by all persons of the rights, privileges and immunities secured and protected by the Constitution of the United States."

The employers covered by the proposed legislation would ultimately be those having 25 or more employees. For the first 3 years after its effective date, title VII would cover those employers having a greater number of employees as prescribed in section 702(b). Also subject to this title would be employment agencies and labor organizations.

In the customary pattern of State and local fair employment legislation, title VII sets forth certain unlawful employment practices by employers, employment agencies and labor organizations. Generally, these practices relate to discrimination, segregation and other types of unequal treatment or withholding of privileges because of race, color, religion, sex, or national origin.

A procedure is established for the implementation of the purposes of the title by an Equal Employment Opportunity Commission and for resort to the courts when allegedly unlawful employment practices cannot be voluntarily eliminated.

The same considerations which support the conclusion that the public accommodations title is valid under the commerce clause, particularly the landmark Jones & Laughlin and Darby cases, are equally applicable here. Many of the prior statutes regulating labor relations under the commerce clause upheld by the Supreme Court are directly analogous to the provisions of title VII.

Starting with the National Labor Relations Act and continuing through the Labor Management Reporting and Disclosure Act of 1959, Congress has enacted comprehensive legislation regulating labor and management practices. The Fair Labor Standards Act and similar statutes, which have as their purpose the improvement of the condition of persons whose work affects interstate or foreign commerce, furnish ample authority for the attempt in title VII to prohibit discrimination in employment practices. It is but a short step to proceed from a statute which prevents the discharge of workers for union activity to one which seeks to outlaw discrimination in employment on account of race. In a case involving the applicability of the Norris-LaGuardia Anti-Injunction Act to the picketing of a store denying equal employment opportunities to Negroes, Justice Roberts, speaking for the Court, said, with somewhat prophetic insight:

"The desire for fair and equitable conditions of employment on the part of persons of any race, color, or persuasion, and the removal of discriminations against them by reason of their race or religious beliefs is quite as important to those concerned as fairness and equity in terms and conditions of employment can be to trade or craft unions or any force of labor organization or association. Race discrimination by an employer may reasonably be deemed more unfair and less excusable than discrimination against workers on the ground of union affiliation" (*New Negro Alliance* v. *Sanitary Grocery Co.*, 303 U.S. 552, 561 (1938)).

Employers, employment agencies as well as labor organizations whose business or activities affect interstate or foreign commerce are clearly subject to congressional legislative authority.

The decisions which have upheld statutes adopted under the commerce clause or other powers contained in the Constitution recognize that congressional authority is restricted by the due process of law guarantee of the fifth amendment. It is evident that most Federal regulatory statutes constitute a limitation to some extent on the use of private property or the exercise of private rights.

The National Labor Relations Act is an example of the type of Federal legislation upheld by the courts against the charge of interference with property rights (*N.L.R.B.* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 43 (1937)). The courts have dealt in the same manner with State legislation enacted under local police powers which has been challenged under the due process clause of the 14th amendment. In meeting this attack, the Supreme Court said in *Nebbia* v. *New York*, 391 U.S. 502, 538 (1934):

"The Constitution does not secure to any one liberty to conduct his business in such fashion as to inflict injury upon the public at large, or upon any substantial group of the people."

Nebbia and cases of like import are relevant because the power of Congress to deal with interstate commerce is similar to the authority of the State to regulate activities within the State. Titles II and VII do not seem to involve any greater interference with private rights than many of the Federal regulatory statutes to which we have referred or similar State legislation. The Supreme Court has upheld State and local antidiscrimination measures in *Railway Mail Association* v. *Corsi*, 326 U.S. 88 (1945), a New York statute barring racial discrimination by labor unions, and *District of Columbia* v. *Thompson Co.*, 346 U.S. 100 (1953), a local law prohibiting discrimination on account of race in eating places.

We have not tried to provide in this memorandum an exhaustive discussion of the legal authorities in support of our views. From a review of the leading decisions of the courts, we have sought to cull out the fundamental principles governing congressional power under the Constitution and to refer specifically to a few cases which contain important holdings.

We are mindful of the heavy responsibility which each Member of Congress bears in acting upon this legislative proposal, and we hope that the above analysis will be of some assistance in discharging that responsibility. We are honored by the opportunity to be of help in attempting to clarify some of the legal issues involved in H.R. 7152.

TITLE VI

Mr. PASTORE. Mr. President, why is title VI necessary to the civil rights bill, H.R. 7152? Let me explain.

In the community of Greensboro, N.C., there are two excellent hospitals. They are numbered among the most modern in the area. This is due, in part, to Federal financial assistance. Under the Hill-Burton Act, one of these hospitals received $1,300,000 in Federal aid. That took care of over 17 percent of its construction costs. The other hospital accepted nearly $2 million from the Federal Government. This satisfied half the cost of its construction. They are two very good hospitals. But there was one thing wrong with both of them: The doors of these two hospitals would not open to a large segment of the Greensboro community. Their modern medical care was denied to those whose skin was colored—denied strictly and solely on the basis of the color of the patient's skin. The Federal funds that helped to build these hospitals were raised, of course, by taxation—taxes paid by both white and Negro citizens. But the Negro in need of care could not get it at these hospitals simply because he was a Negro.

It was natural that such a flagrant case should be litigated in our courts. A month ago, on March 2, 1964, the Supreme Court, across the street, terminated this specific case of discrimination. The lower court, the Court of Appeals for the Fourth Circuit, had decided that the two hospitals involved could no longer decline to treat patients or to refuse to admit doctors to their staffs strictly for racial reasons.

The court summed up the effect of such discrimination with this comment:

> Racial discrimination in medical facilities is at least partly responsible for the fact that in North Carolina the rate of infant mortality (for Negroes) is twice the rate for whites and maternal deaths are five times greater (*Simkins* v. *Moses H. Cone Memorial Hospital*, 323 F. 2d 959, 970 n. 23).

The Supreme Court declined to review that decision; so it is the law of our land. Yet, despite the effort of the court of appeals to strike down discrimination in the Simkins case, the same court was forced last week to rule again in a Wilmington, N.C., suit that a private hospital operated with public funds must desist from barring Negro physicians from staff membership.

That is why we need title VI of the Civil Rights Act, H.R. 7152—to prevent such discrimination where Federal funds are involved.

Title VI intends to insure once and for all that the financial resources of the Federal Government—the common wealth of Negro and white alike—will no longer subsidize racial discrimination.

Title VI is sound; it is morally right; it is legally right; it is constitutionally right.

What will it accomplish? It will guarantee that the money collected by colorblind tax collectors will be distributed by Federal and State administrators who are equally colorblind.

Let me say it again: The title has a simple purpose—to eliminate discrimination in federally financed programs.

For 10 years there has been ringing in our ears the finality of the Court decision that segregation and racial discrimination are contrary to our Constitution. Our consciences have been telling us that for more than a century. It is morally inexcusable to impose an inferior status on the Negro.

We all realize that segregation is a caste system imposing an inferior status on the Negro citizen from cradle to grave; but are we all so aware that Uncle Sam is a partner in the erection, maintenance, and perpetuation of that system? The toll of "separate and most unequal" begins with birth of the Negro in a segregated hospital constructed with Federal funds.

As I indicated earlier, one court has already ruled that the chances of survival of a Negro infant and a Negro mother giving birth are significantly reduced because of discrimination.

It is peculiar that the cycle of a Negro's life ends grimly with a different type of discrimination. In Atlanta, for example, it is the Negro who receives the favored treatment—the specialized training in embalming and mortuary science, under federally supported programs which are available only to members of his race; but, unfortunately, in the arts of preserving life and restoring health, the Negro is not so favored.

The same federally financed program denies to the Negro instruction in the X-ray, medical technician, and pharmacist courses. Negro doctors do not have access to hospitals with adequate facilities. Nonetheless, the Federal Government finances the construction of hospitals which admit Negro patients only in dire extremity, and then only if they discharge their own doctor and accept the services of another doctor, who—though a total stranger—has the distinction of being white. We might have hoped that discrimination in hospitals would cease after the court of appeals ruled in the Simkins case; but as we see, the same court was forced to rule again last week that hospitals must admit Negro doctors to their staffs.

The practical nurses who minister to the sick are trained under programs financed by the Public Health Service. Yet, separate classes are run for Negroes and separate classes are run for white candidates. Even in the care and training of those who are afflicted by blindness and mental retardation, there are cities which provide training adjustment services and sheltered employment opportunities for whites only—Commission on Civil Rights, 1961 report, employment, page 113. Between birth in a segregated hospital and embalmment by a Negro mortician, there is an entire life process of growing up, being sheltered and fed, going to school and seeking employment. At each step of the journey, there is likely to be a sign reading "For whites only," a sign paid for with Federal funds.

In Leflore County, Miss., in March of last year, distribution of Agriculture Department surplus was cut off from Negro recipients. Negro groups charged that this action was in response to a voter registration drive—Jackson Daily News, March 20, 1963. The act of testifying before the Commission on Civil Rights has led in one case to a cutoff in aid to dependent children funds to a witness. And in July of last year, 11 persons who took part in demonstrations in Danville, Va., were declared ineligible for unemployment compensation benefits.

Certainly the use of basic life sustaining programs as retaliatory weapons attracts notoriety. Consistent discrimination in the administration of federally sponsored programs—though less sensational—is far more the rule. For instance, the school lunch program is not administered free of discrimination. I am not talking now about the fact that the program is administered in segregated schools. That is a different issue. I am talking about situations such as that in Greenwood Separate School District of Mississippi, where, during the years 1960-62 Negro children, who make up half the average daily attendance in Greenwood schools, received only one-fifth of the free lunches served—letter from Department of Agriculture, dated March 15, 1963, in file of the Civil Rights Commission.

I ask unanimous consent that the letter and excerpt from the report be printed at this point in the RECORD.

There being no objection, the letter and excerpt were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 15, 1963.

To: William L. Taylor, Assistant Staff Director, U.S. Commission on Civil Rights.

From: William M. Seabron, Assistant to the Director.

Subject: Federal programs in Mississippi—School lunch.

The attached information is in further reply to your request of February 27.

Included are copies of the reports on the claims for reimbursement under the lunch and milk programs of the school districts of Clarksdale, Greenwood, McComb, and Meridian and information on free lunches served in these districts.

The remaining items of information requested, bearing upon the distribution of government donated commodities in these four school districts is being assembled and is expected to arrive here on or about March 19.

WM. M. SEABRON.

County and school district	Average daily attendance	White		Negro	
		Percent average daily attendance	Percent free lunch	Percent average daily attendance	Percent free lunch
Greenwood Separate:					
1960-61	4,943	57	79	43	21
1961-62	5,130	57	80	43	20
January 1963	5,299	57	77	43	23

Mr. PASTORE. This is rather difficult to explain, since the program is particularly directed at helping the needy, and since, according to the 1960 census, the median income of white families is almost three times the median income of Negro families.

Nor is this an isolated case. Throughout the entire State of North Carolina, during the years 1959 and 1960, the percentage of white participation in the school lunch program was 64 percent, while the percentage of Negro participation was 39 percent—U.S. Civil Rights Commission, Equal Protection of the Laws in North Carolina, page 105, 1959-62.

I ask unanimous consent that the excerpt from the report be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

U.S. CIVIL RIGHTS COMMISSION—EQUAL PROTECTION OF THE LAWS IN NORTH CAROLINA

LUNCHROOM PROGRAM

In the year 1959-60, 1,391 out of 2,206 white schools participated in the lunchroom program.

For the same year, 396 out of 996 Negro schools participated in such programs.

The percentage of white participation was 64 percent, and the percentage of Negro participation was 39 percent.

Since the average Negro income is approximately one-half the white average, the Negro need for lunchroom service is presumably twice as great. We have no means of knowing all the reasons for this disparity, and have not had the opportunity of making a complete investigation on this point.

Mr. PASTORE. Mr. President, here, too, this disparity appears to be in inverse proportion to need since the average Negro income is approximately one-half the white average.

When we turn from school lunches to school facilities themselves, we find other examples of Uncle Sam's participation in racial discrimination. Under Public Laws 874 and 815, the Federal Government contributes substantially to the construction, maintenance, and operation of schools. This is in areas where activities of the United States have placed a financial burden on local school districts. These are not small, isolated situations. Since 1950, the U.S. Government has appropriated more than $1 billion dollars for school construction, and another billion dollars for the operation and maintenance of schools in federally impacted areas—1963 report, U.S. Commission on Civil Rights, page 199. Over one-third of these disbursements has gone to Southern and border States. Yet, in many of these States, the education which the Federal Government is buying is carried out in segregated schools.

In Mississippi during the year 1963, the Federal Government spent nearly $1½ million for the maintenance and operation of schools; over $40,000 for the construction of new schools. Yet there is not a single desegregated school district in Mississippi.

In Louisiana during 1963, the Federal Government spent over $1,300,000 for the maintenance and operation of schools, and over $86,000 for construction of new schools. All of these expenditures were in school districts which have not desegregated. In South Carolina, during 1963, the Federal Government spent well over $4 million for the maintenance and operation of schools, and over a quarter of a million for new construction in school districts which have not desegregated—HEW, administration of Public Laws 874 and 815, 1962. These gross figures tell the scale on which the United States is underwriting the construction and operation of segregated systems.

But the irony of these statistics comes through also in specific examples. Thus, at one Air Force base in Alabama, Negro children of servicemen must bypass a school built and maintained by Federal funds, on their way to a more distant Negro school—U.S. Commission on Civil Rights, 1963 report, page 199.

I ask unanimous consent that the excerpt from the report be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Although the Department of Health, Education, and Welfare is authorized by statute to prescribe minimum standards and conditions for dispensing these funds,[1] until 1962 the Secretary had not construed his authority as being broad enough to require that federally supported schools must be operated in compliance with the Constitution.[2] The result has been that there are schools adjacent to military installations which are built, maintained, and operated almost entirely with Federal funds and attended almost exclusively by the children of military families, which exclude Negro children.[3] At one Air Force base in Alabama, Negro children bypass such a school every day on their way to the more distant Negro school.[4] Not only is the school operated with Federal funds; it was built upon property deeded by the Federal Government to the school district in 1955 soon after the Defense Department's policy of integration of on-base educational facilities went into effect.[5] The deed did not require that the school be operated for the benefit of all children.[6]

Mr. PASTORE. Mr. President, a similar situation occurs in Columbus, Miss., where two Negro sergeants were unable to obtain admission for their children in a school built and maintained by Federal "impacted area funds." Nine hundred of the 1,000 children attending that school were from the Air Force base; the Federal Government pays $188 per pupil to the local school board—Baton Rouge State Times, page 16, September 11, 1963.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baton Rouge (La.) State Times, Sept. 11, 1963]

COLUMBUS, MISS., SCHOOL REOPENED FOR AIR FORCE CHILDREN

COLUMBUS, MISS.—The city school board voted Tuesday night to reopen an elementary school for Columbus Air Force Base children.

John Henry, board president, said he had been assured that the normal Federal "impacted area" money will be given the city school system.

The board stipulated in voting to reopen Brandon Elementary School that the school district will continue to be racially segregated.

About 900 of the 1,000 pupils at the school are from the airbase, which lies about 7 miles away.

The board said it closed Brandon and barred outside children from other city schools because it had not received its "impacted area" funds. The action came shortly before two Negro sergeants asked that their children be moved to a white school.

The Air Force notified the board several weeks ago that the usual "impacted area" funds were available upon application. Last year, the board drew $188 per AFB pupil.

Mr. PASTORE. According to newspaper accounts, the annual payroll—of the personnel on the base—is an estimated $15 million, a healthy slice of the city's economy.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "School for Airbase Pupils Closed by Mississippi City," published in the Memphis Commercial Appeal on August 23, 1963.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Memphis Commercial Appeal, Aug. 23, 1963]

SCHOOL FOR AIRBASE PUPILS CLOSED BY MISSISSIPPI CITY

COLUMBUS, MISS., August 22.—The Columbus School Board announced after a stormy special session Thursday night it will refuse to allow almost 1,000 children of personnel living at Columbus Air Force Base to attend the city's schools during the 1963–64 terms.

Although the board's action bore no mention of race, the city has been under pressure from Washington in recent weeks to lower racial barriers.

Supt. J. E. "Shag" Goolsby said the decision, which includes closing of Columbus' newest elementary school, was made because the board has received no assurance that it will receive Federal tuition funds for Air Force dependents.

"We're not aiming this primarily at the airbase kids or any special group," Mr. Goolsby said. "Without these (Federal) school funds, we would have to operate at a large deficit or call for a heavy increase in taxes.

Members of the board, who were seen to be in heated debate during the 2½-hour meeting in Mr. Goolsby's office, said in a five-part resolution "the first duty of this board of trustees is to those pupils and parents residing in this school district."

The school which will not open for the new term bginning August 30 is Brandon Elementary, a $650,000 facility for white children opened 2 years ago.

About 600 children of personnel living on the base attended the school last term. Mr. Goolsby said the "handful" of Brandon students who live within the city limits will be transferred to other schools.

The board's decision also affects more than 300 Air Force dependents who attended the city's junior and senior high schools last term.

Children of Negro personnel have attended city schools for Negroes in the past.

The fourth part of last night's resolution stated "that no student living outside the Columbus Separate School District (will) be admitted as students except as previously provided."

The board did not mention a directive issued by the Defense Department earlier this month which is aimed at declaring "off limits" to military personnel any place that practices racial discrimination.

Columbus Air Force Base which is about 10 miles north of the city, is manned by about 6,000 Air Force personnel and 2,000 civilians. Its annual payroll is an estimated $15 million, a healthy slice of the city's economy.

Officials from the base did not attend last night's meeting, which was closed to reporters.

Mr. PASTORE. When we turn from elementary and high school education to higher education we find the same story. The latest detailed analysis of disbursement of Federal funds to institutions of higher education was made in 1960. However, the picture has not been markedly altered by the entry of a small number of Negroes into previously all-white universities.

The following figures on disbursements to institutions of higher education come from the 1960 Report of the Civil Rights Commission on Equal Protection of the Laws in Public Higher Education.

Over half of the $100 million loaned to institutions of higher learning in Southern States under the college housing loan program went to institutions which exclude Negroes.

Under the national defense fellowship program, 64 percent of the $1.3 million was given to institutions of higher learning in the South which exclude Negroes.

Forty percent of the $780,000 in Federal funds paid for counseling and guidance institutions went to institutions of higher education which exclude Negroes.

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[1] Public Law No. 815, sec. 12(b), 72 Stat. 554 (1958), 20 U.S.C., sec. 642(b) (1958).

[2] On Feb. 27, 1962, Secretary Ribicoff stated that "I think we are completely without authority to act" on this issue. House Education Hearings 18.

[3] Such schools have been constructed and operated near the Redstone Arsenal in Alabama, Washington (D.C.) Post, Mar. 4, 1959, p. 9; the Little Rock Air Force Base in Arkansas, Washington (D.C.) Post, Aug. 24, 1958, p. 4; and at installations visited by Commission staff in Alabama, Nov. 5, 1962, and in South Carolina, Aug. 22 and 29, 1962.

[4] Maps of Maxwell Air Force Base, Gunter Air Force Base, and city of Montgomery, Ala., copy retained in Commission files. Commission staff interview with Negro serviceman in Alabama, Nov. 5, 1962.

[5] Quitclaim deed, contract No. SA–IV–18, Sept. 19, 1955, between the Secretary of Health, Education, and Welfare and the Board of Education, Montgomery County, Ala., copy retained in Commission files. Base officials knew that the school would exclude children of Negro personnel when they recommended the transfer of land to local education authorities. Letter from Acting Commander, Air University, Maxwell AFB, to Headquarters USAF, June 14, 1955, copy retained in Commission files.

[6] Ibid.

Forty-five percent of the $325,000 paid for language institutes, public colleges and universities in Southern States went to institutions which exclude Negroes.

Two-thirds of the $240,000 paid to public colleges and universities in Southern States under the educational media program were given to schools which exclude Negroes.

Two-thirds of the $3.9 million paid to southern institutions of higher learning through the National Science Foundation were received by institutions which exclude Negroes.

One hundred percent of the $17,905,609 granted to land grant colleges and universities in the South under the agricultural extension programs were to those institutions which exclude Negroes.

Forty-three percent of the $5.3 million granted in National Institutes of Health grants to southern colleges and universities went to institutions which exclude Negroes.

Forty-one and three-tenths percent of Atomic Energy Commission grants to Southern colleges and universities went to institutions which exclude Negroes.

Thirty-three percent of the $562,000 granted to southern colleges and universities as National Science Foundation fellowships went to institutions which exclude Negroes.

Fifty-five percent of the $3.5 million provided for southern institutions of higher learning under the National Defense Education Act went to institutions which exclude Negroes.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. JOHNSTON. The colored schools get aid from the Government, too. All of it goes to the colored people in the colored colleges. Is that not true?

Mr. PASTORE. It may be true; but what I have stated is precisely what we are doing with Federal moneys. We are segregating them to the disadvantage of the Negro. Federal money comes from the U.S. Treasury. It belongs to the taxpayers of the United States. It goes into one Treasury. It is a fund that is created and sustained by the wealth of all Americans, regardless of race, color, creed, national origin, or religion. It is the common wealth of our Nation.

All we are saying is that so long as we spend that money to support a "separate but equal" system which has been denounced by the Supreme Court of the United States, we are committing an unconstitutional act—an act which is not only constitutionally wrong but absolutely morally wrong.

I realize that there are some institutions in the South that receive Federal aid which harbor Negro students alone.

Mr. JOHNSTON. I should like to point out one other thing about my State. If the Senator will refer to the report of the Civil Rights Commission, he will find that both Clemson College and the University of South Carolina are desegregated at the present time.

Mr. PASTORE. We welcome more of it.

Mr. JOHNSTON. The Senator will also find that a few years ago the citizens of the State of South Carolina floated a bond issue in the amount of $100 million. The Senator will find that more than 50 percent of those funds went to the building of schoolhouses for colored students, who constitute about one-third of the school population.

Mr. PASTORE. I do not dispute that statement. All my distinguished friend, the Senator from South Carolina, is telling me is that he believes in segregated schools. He believes that his State should maintain schools exclusively for whites and schools exclusively for Negroes. But I am saying that the U.S. Supreme Court has said that such a system is absolutely wrong. All I am saying now is that we should not use the common wealth of the people of the United States to promulgate, to sustain, to continue, and to promote that kind of system. Title VI would eliminate that system once and for all. It would declare that the policy of the Congress of the United States and the policy of the United States of America is that the "separate but equal" doctrine is dead, as it should be.

Mr. JOHNSTON. Would the Senator be willing to let the parents of colored children in each school district in South Carolina vote to say whether or not they wanted desegregated or segregated schools?

Mr. PASTORE. I have no jurisdiction over that kind of vote.

Mr. JOHNSTON. If the Senator would ever let them have a vote on the question, I believe he would find what the Negroes in South Carolina really want.

Mr. PASTORE. That is not the way I hear it. I have listened to a great number of Negro citizens from South Carolina and from all over the country. They feel the indignity, the humility, and the disrespect of being set aside as a peculiar, unique kind of people who do not rate as equal Americans, and must be treated as though they were a different species of humanity, even though they are created in the image of their own Lord, even as the present occupant of the chair [Mr. KENNEDY] and I are, although by chance our skin happens to be white. That is all they desire. They wish to be treated alike, and they have a right to be treated alike. That is what we are trying to accomplish.

Mr. JOHNSTON. I too, wish to see them treated alike. I should like each one given the privilege to do what he desires to do and not have a system forced upon him by the Federal Government.

Mr. RIBICOFF. Mr. President, will the distinguished Senator yield?

Mr. PASTORE. I yield to the distinguished Senator from the great State of Connecticut.

Mr. RIBICOFF. Is it not true, as the distinguished Senator from Rhode Island is making crystal clear—and brilliantly so—that finally the Congress of the United States is coming up to date with the Constitution of the United States, and finally coming to the point which the Supreme Court reached 10 years ago?

Mr. PASTORE. Mr. President, in answer to the Senator from Connecticut, it is next to disgraceful for us to be appropriating money to promote, preserve, and maintain a system that the Supreme Court of the United States has said is absolutely unconstitutional.

Mr. RIBICOFF. In other words, we are assuming responsibilities that Congress should have assumed many years ago, and we are finally coming up to date.

Mr. PASTORE. We are assuming the position that we should have assumed when the 13th amendment to the Constitution, which freed the slaves, was ratified.

Mr. RIBICOFF. We are 100 years behind the Constitution.

Mr. PASTORE. Perhaps more. What I am about to read is not my language. It is the language of the Civil Rights Commission, which summarizes some of the effects of discrimination in the disbursement of Federal funds:

> In fiscal year 1958, for instance, the amount of Federal funds expended in support of public white institutions, per student enrolled, exceeded the amount expended for public Negro institutions by $130.99 in Alabama, $171.33 in Georgia, $179.50 in Mississippi, and $141.99 in South Carolina.

That is not even "separate but equal." That is separate and unequal—most unequal.

Mr. JOHNSTON. If the Senator will state the percentages given to the schools, he will see that the Negroes in South Carolina received their share, too.

Mr. PASTORE. We can provide that information. I continue to read:

STATE OF SOUTH CAROLINA

Percentage of Federal funds distributed to Negro and white institutions under various educational programs:

Program	Percentage	
	Negro	White
College housing program	0	100.0
National defense fellowships	0	100.0
Counseling and guidance institutes	0	100.0
National Science Foundation	32.1	67.9
National Institutes of Health	0	100.0
Atomic Energy Commission	0	100.0
Student loans, National Defense Education Act	17.4	82.6

Source: U.S. Commission on Civil Rights, ' Equa Protection of the Laws in Public Higher Education'' (1963).

I continue to read from the report of the Civil Rights Commission.

> The effect of this discrepancy is to contribute to the continuation of inferior segregated institutions and to magnify the disparity between the quality of the public higher education offered to white students and that offered to Negro students in such States.

Mr. President, I ask unanimous consent that an excerpt from page 267 of the report of the U.S. Commission on Civil Rights, entitled, "Equal Protection of the Laws in Public Higher Education, 1960" be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

U.S. COMMISSION ON CIVIL RIGHTS—EQUAL PROTECTION OF THE LAWS IN PUBLIC HIGHER EDUCATION 1960

The disbursement of Federal funds under these and other programs to segregated white institutions in the four States maintaining complete segregation at the higher education level increases the disparity between the public financial support of colleges for white students and colleges for Negroes. In fiscal year 1958, for instance, the amount of Federal funds expended in support of public white institutions, per student enrolled, exceeded the amount expended for public Negro institutions by $130.99 in Alabama, $171.33 in Georgia, $179.50 in Mississippi, and $141.89 in South Carolina. The effect of this discrepancy is to contribute to the continuation of inferior segregated institutions and to magnify the disparity between the quality of the public higher education offered to white students and that offered to Negro students in such States. The same situation exists in other States, but, owing to desegregation in some degree of one or more public colleges or universities, the effect on a statewide basis is not so great.

Mr. PASTORE. Let me tell Senators how far matters have gone. A short while ago in Alabama an all-Negro program was instituted. Perhaps consciences are justified by saying it is "all-Negro." But what is the program? The program is in embalming and mortuary science. Yet in the same place they do not have any programs to allow Negro doctors to go into hospitals to treat Negro patients. There is a special program to teach Negroes how to embalm people when they die, but there is no program to enable Negro doctors to go into hospitals to treat Negro patients who want their own doctors when they are ill. I cannot, for the life of me, see how anyone can justify that as being morally right.

Another very important area of discrimination in federally financed programs is employment. Here discrimination is omnipresent, though the form it takes varies with the particular Federal program. Thus, for instance, in the State vocational training programs financed in part by Federal grants, markedly different courses are available to Negroes and whites.

The Commission on Civil Rights reports that vocational training programs in segregated public schools typically train Negroes only for the most menial jobs, requiring the lowest level of skills. But these are precisely the jobs for which the economy has less and less need. White schools, on the other hand, offer training in many of the newer skills in increasing demand today.

Thus, disparity in opportunity is perpetuated; but the Federal Government pays the bill.

The apprenticeship programs which are operated in many unions manifest similar discrimination. Typically, Negroes are excluded from these programs altogether or permitted entry only in the most menial trades. Negro apprentices in trades such as ironworkers, plumbers, steamfitters, electricians, sheet metal workers, cabinetmakers, and so forth, are virtually nonexistent.

While the Bureau of Apprenticeship of the Department of Labor provides no direct financial assistance to these programs, many of them reap the benefits of other Federal financial assistance, such as that for related classrooms and instructors' salaries.

There has also been a past record of discrimination and segregation by the country's largest employment agency, the U.S. Employment Service. The State employment security offices, while financed by the U.S. Government, are administered by the States. In the past, different offices, or different entrances and waiting rooms for a single office have been maintained. According to the 1961 report of the Civil Rights Commission:

> In 1958, there were 15 cities in 4 States with physically segregated employment offices, 25 cities had offices with separate entrances and separate personnel to process white and Negro applicants; and in over 70 other cities the offices had either separate waiting rooms or separate service points for the different races. In some areas of the South, where the office is too small to support more than one employee, Negro and white applicants sit on different sides of the interviewer's desk.
>
> In addition to offices segregated by law, there are many offices segregated in fact by being located in all-Negro or white neighborhoods, or because the office specialized in processing jobs customarily barred to Negroes. (1961 Report, U.S. Commission on Civil Rights, Employment, pp. 121–122.)

I ask unanimous consent that a portion of the U.S. Commission on Civil Rights 1961 Report on Employment be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

U.S. COMMISSION ON CIVIL RIGHTS 1961 REPORT ON EMPLOYMENT

The availability of training in Atlanta presents a different picture. The public schools are still segregated. Moreover, Atlanta has six other public training facilities which accept only whites, and only one that accepts both white and Negro clients for training. Of the 55 private training facilities, 37 accept only whites and 18 only Negroes. As a result of public and private discrimination in admission to training facilities, there is no local training available to Negroes in Atlanta in colleges of business administration, colleges or institutes of technology, art centers, laws schools, schools of comptometry, or schools of pharmacy. Nor can Negroes in Atlanta obtain training as X-ray or medical technicians, medical records librarians, or in specialized airport occupations. The only local training available to Negroes but not to whites in a specializing facility is in embalming and mortuary science.

Mr. PASTORE. Many State employment offices have declined to hire Negroes altogether or have hired them only as janitors and yardmen. The Negro office generally handles only requests for unskilled labor, while the white office handles requests for all types of jobs. Not only are Negroes sent primarily for unskilled jobs but they are also sent out primarily for 1-day jobs, for short-term jobs, which results in their being unemployed again rapidly.

Discriminatory practices of that type are now prohibited by regulations, but affirmative congressional action is needed to insure that discrimination is ended in employment and in other activities which are federally financed.

This then concludes a sketch—and it is nothing more than a sketch—of the most blatant aspects of discrimination in federally financed programs.

From birth to death, in sickness and in want, in school, in job training, in distribution of surplus food, in program staffing, in job referral, in school lunch programs, and in higher education, the Negro has consistently been subjected to gross and extensive deprivation. And the Federal Government has paid the bill.

Now let us see what title VI provides. The first section, section 601, states a broad nondiscrimination principle which is both constitutionally and morally sound. That section provides that no person shall, on account of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. It is difficult to understand how anyone could dispute the basic fairness of this policy.

The next section in title VI, section 602, is an authorization and a direction to the Federal agencies administering a financial assistance program to take action to effectuate the basic principles of nondiscrimination stated in section 601.

I note parenthetically that agencies administering programs which consist of contracts of insurance or guarantee are excluded from the scope of section 602. However, some of those agencies already have statutory authority to impose nondiscrimination provisions in connection with contracts of insurance or guarantee, and pursuant to Executive order, are now exercising that authority. The Veterans' Administration and the Federal Housing Administration are well-known examples. Title VI is not intended to and does not deprive such agencies of authority they have which may derive from any other source. Consequently, the exclusion of contracts of insurance or guarantee from the direction contained in section 602 will in no way affect the program of nondiscrimination in housing built with federally insured or guaranteed mortgages.

In accordance with the provisions of section 602, each agency affected is required by the term "shall" to take action to eliminate discrimination within the programs under its jurisdiction. By the term "may" each agency is given a certain degree of latitude in the procedure by which it accomplishes the mandate to eliminate discrimination. The agency may take action by or pursuant to rule, regulation, or order of general application.

They are the three categories stated in the act.

Action is mandatory, but the procedure by which that action is accomplished is discretionary, subject, however, to the approval of the President.

Some agencies have already taken action which meets the requirements of section 602. These agencies will be required only to review their past actions to make sure that they effectuate the policy set forth in title VI. Nothing more will be required of them. However, any additional or new action will have to be pursuant to a rule, regulation, or order of general applicability. In this context the word "may" imports a choice only among these three methods. It does not confer freedom to effectuate section 602 in any other way.

The reason I emphasize it is that this was the question raised by the Senator from Tennessee [Mr. GORE].

Failure of a recipient to comply with a rule, regulation, or order issued by an agency may ultimately lead to a termination or refusal of Federal assistance. Cutoff of assistance is not the object of title VI, however.

I wish to repeat: Cutoff of assistance is not the objective of title VI.

Fund cutoff is a last resort, to be used only if all else fails to achieve the real objective—the elimination of discrimination in the use and receipt of Federal funds.

The rule or regulation issued by the particular Federal agency would vary, depending on the nature and method of administration of the particular assistance program. There might be rules, for example, governing the conduct of recipients of assistance, or orders specifying a standard form of written assurance or understanding to be given by each applicant for assistance, or perhaps a standard provision-of-assistance contract.

One important thing must be kept in mind. Title VI is not a device to terminate all Federal aid to a State or community because there has been discrimination in one specific program. Therefore, the nondiscrimination requirements must relate directly to the particular program or activity against which they are imposed. Participation in one program would not justify the exaction of a nondiscrimination assurance concerning some other program. Similarly, any fund cutoff, or similar action, can be taken only concerning a program or activity in which discrimination has been practiced. Only the program in which discrimination has been practiced would be affected by title VI.

Mr. RIBICOFF. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. RIBICOFF. I believe the Senator makes an important point. One could cut off any other program, and the cutoff would be confined to the jurisdiction where discrimination was found. In other words, if there were 100 school districts and discrimination was found in 1 school district, the funds would be cut off for only that one school district, but not the funds for the other 99.

Mr. PASTORE. The Senator is absolutely correct. It is not the intention of the framers, the sponsors, or the supporters of title VI of H.R. 7152 to enact punitive statutes. We do not wish to be vindictive. We do not wish to be punitive. We do not wish to be unreasonable. So the section provides that when Federal funds are used, they must be used in the American way—in a constitutional manner. That is its purpose.

With reference to the particular cutoff of Federal funds, as the Senator from Connecticut has brought out, it must be confined to the particular program that is involved. Let us assume that we are considering aid to dependent children. We could not cut off funds for the building of a road because that is another program, although it is a Federal grant. The action must be confined to the specific program in which discrimination exists, and then only within the particular jurisdiction where the discrimination takes place. There is no intent, no motive, no idea of spreading the tentacles of the Federal Government to choke off all State activity. Not at all.

Mr. RIBICOFF. What we are seeking to accomplish, as the Senator from Rhode Island has so ably pointed out, is to obtain compliance and eliminate discrimination. We do not wish to use punitive measures against any individual, any State, or any part of any State.

Mr. PASTORE. The Senator is absolutely correct. I shall discuss the procedures that must be followed to effectuate that end.

Mr. RIBICOFF. In other words, great safeguards have been built up even to protect an individual or a jurisdiction?

Mr. PASTORE. Frankly, I do not see how we could have gone any further, to be fair. Without title VI—accepting the fact that the President himself, under Presidential powers, has the right to issue directives, which he already has—such directives are much more stringent than the proposed title VI. Section 602 of title VI not only requires the agency to promulgate rules and regulations but all procedure must be in accord with these rules and regulations. They must have broad scope. They must be national. They must apply to all 50 States. We could not draw one rule to apply to the State of Mississippi, another rule to apply to the State of Alabama, and another rule to apply to the State of Rhode Island. There must be only one rule, to apply to every State.

Further, the President must approve the rule. Then, before there can be a cutoff of Federal funds, there must be a hearing. After the hearing, there may be a judicial review. In the meantime, before the agency can stop the money, it must submit a written report giving all the reasons why it wishes to cut off the money. This report must go to the appropriate committees of the Congress. Thereafter, the cutoff would not take effect for 30 days. If any unfairness existed, one can imagine what the repercussions would be on the floor of the Senate within those 30 days. Talk about a filibuster—it would be a Roman holiday.

Mr. RIBICOFF. More safeguards are provided in title VI than many executive agencies now have or have acted upon in the past; in other words, the rights and privileges of those affected would be fully safeguarded.

Mr. PASTORE. The Senator is absolutely correct.

Mr. STENNIS. Mr. President, before the Senator from Rhode Island returns to his text, will he yield to me for a few questions?

Mr. PASTORE. I am glad to yield to the Senator from Mississippi.

Mr. STENNIS. The Senator addressed himself to the powers in title VI. He was clear in his explanation of the extent of those powers, as he sees it. Will the Senator inform me just what words in title VI confer the power to cut off funds?

Mr. PASTORE. To cut them off?

Mr. STENNIS. Where is the power to cut off funds covered in title VI?

Mr. PASTORE. We start with section 601, which reads:

> Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Section 602 provides:

> Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, shall take action to effectuate the provisions of section 601 with respect to such program or activity. Such action may be taken by or pursuant to rule, regulation, or order of general applicability and shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation or order shall become effective unless and until approved by the President. After a hearing, compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding of a failure to comply with such requirement.

It is right there.

Mr. STENNIS. Does the power to cut off the Federal assistance relate only to the agency which is administering the program? How far does it extend? I know the Senator wishes to be helpful.

Mr. PASTORE. This is its extent. Many community schools are controlled by county school districts. Let us assume that in one particular State only one school district has been guilty of discrimination. Aid would be cut off as to that one school district only. In other words, funds could not be used in that particular school district. However, the funds of the other school districts would not be cut off.

Mr. STENNIS. That is a good illustration, but suppose a statewide agency was found to be guilty of discrimination.

Mr. PASTORE. Then all assistance would be cut off.

Mr. STENNIS. In the entire State?

Mr. PASTORE. Yes, if discrimination reached that point, the Senator is correct.

Mr. STENNIS. That would, of course, work an injustice on many people.

Mr. PASTORE. If a statewide agency, as the Senator suggests, is guilty of discrimination, it might well be said that there would be an injury to many people if cutoff is applied. That is the cost of State-sponsored discrimination.

Mr. STENNIS. I ask the Senator if he has any suggestions as to how the situation could be handled so as to apply only to a limited area, where they were not all transgressors?

Mr. PASTORE. That would be quite impossible, if it were a program administered statewide, because, after all, I assume that the funds would be appropriated on a statewide basis. I do not know how we could particularize in a case like that. I realize that there is a serious problem. It is a problem that we recognize. However, where it is possible and feasible to particularize or fragmentize, the power to do so is in the bill. There might be situations with respect to statewide programs in which that might be difficult. However, that is the reason why there are other safeguards in the bill, as to what must be done before the point of cut off of funds is reached.

Mr. STENNIS. I have one additional question on that point. The section, after all, is rather broad. I refer to line 14 on page 26 of the bill. The only thing that would limit that expression would be the arguments that are made on the Senate floor. I am sure the Senator from Rhode Island wants it to be clear. The language itself is very broad.

In line 18 on page 26 there is the statement:

> (2) by any other means authorized by law.

What does the Senator believe that phrase means?

Mr. PASTORE. There is existing law which sets out certain restrictions and certain conditions. This language means that there shall be no repeal of laws which Congress has already enacted.

Mr. STENNIS. Is the only purpose of that phrase to show that there is no repeal of existing law?

Mr. PASTORE. Yes. I except, of course, the "separate but equal" laws. It is clear that when there is a condition in the law that permits separate but equal accommodations— as in the case of Hill-Burton funds—such a provision is repealed.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. RIBICOFF. By way of further amplification of the question raised by the distinguished Senator from Mississippi, may I ask the distinguished Senator from Rhode Island whether it is not correct to say that if a State was administering a program and there was discrimination in one part of that program, under appropriate rules and regulations it would be possible to disallow the expenses and the allotment that would go to that section of the program where the discrimination was taking place, but to allow the expenses and allotments to areas where there was no discrimination.

Mr. PASTORE. Under the broadness of the statute, that would be correct. It would depend upon the rule or regulation in that case.

Mr. RIBICOFF. That is correct.

Mr. PASTORE. The Senator from Mississippi was referring to a statewide program.

Mr. RIBICOFF. But even with a statewide program, funds used in a nondiscriminatory way need not be disallowed.

Of course, the easiest answer would be for the State, which has control of the program, to make it unnecessary to cut off any funds simply by complying and not discriminating.

Mr. PASTORE. For example, it is the purpose of the Agriculture Adjustment Act in authorizing benefit payments to producers of agricultural commodities to "establish and maintain orderly marketing conditions for agricultural commodities in interstate commerce"—7 United States Code 602.

Congress was not concerned, in that act, with extending assistance to farm labor. As applied to this program, therefore, while title VI would authorize the imposition of a requirement, to preclude racial discrimination in the payment of benefit payments to farmers, it would not authorize any requirement or action affecting employment policies of such farmers. It is therefore false to view title VI—as some of its critics have claimed—as a device for regulating employment on the farms of this country.

Let me now turn to the procedures required by the title as a prerequisite to any action by any agency of Government. These procedures are spelled out in considerable detail in the bill. Indeed, there is an emphasis on safeguards against precipitious action.

At this juncture we should emphasize what we shall repeat again and again—the aim of title VI is to end discrimination in Federal programs. Only as a last resort would title VI seek to terminate Federal assistance.

Before any formal compliance action may be taken, the agency must advise the offending party of his failure to comply and must seek to obtain compliance by voluntary means. This is a positive requirement in the law which must be met before any further action can be taken. If voluntary means fail, then the agency has a choice. On the one hand, it can terminate the grant, loan, or contract, refuse further payment under it, refuse to make a new grant or loan, or refuse to enter into a new contract.

Alternatively, the agency may use "any other means authorized by law." This phrase does not confer any new authority. It simply makes it clear that Federal departments and agencies may carry out the purposes of title VI by using the powers they now have under the laws creating them or authorizing particular assistance programs.

This alternative is designed to permit the agency to avoid a fund cutoff if some other means of ending discrimination is available. This will enable the agency to achieve compliance without jeopardizing, even in limited fashion, its basic program objective by terminating or refusing aid. Perhaps the best example of this relates to school lunches or other assistance to segregated schools. Cutoff of the lunches or other assistance will obviously impose a severe hardship upon students who are intended to be benefited. The way to avoid such a hardship will be for the Attorney General to institute a desegregation suit under title IV, rather than to terminate the assistance.

Again, if an agency's nondiscrimination requirement is embodied in a contractual commitment, the agency may be able to bring suit to enforce its contract. An agency with power to approve or disapprove construction plans or standards could refuse to approve for aid any facilities which would be segregated.

Any such action, however, would have to be based on powers conferred on the agency by some other law than title VI. But, as I have said, the basic point is that title VI is designed to end discrimination in Federal programs—not to terminate Federal assistance except as a last resort.

There are some other procedural safeguards. Action under section 602 is not possible until there has been a hearing. The degree of formality of the hearing would, of course, depend both on the nature of the particular program and the nature of the proposed compliance action. For example, if the proposed action is to refer the matter to the Attorney General for institution of a suit, the requirement of a hearing would be satisfied by an informal conference at which the noncomplying party was advised of the proposed referral, and given a further opportunity to avoid litigation by voluntary agreement to comply. On the other hand, if the proposed compliance action is to terminate or withhold payments under an approved grant, the hearing would have to enable the recipient of the funds to challenge the agency's evidence, and to present his own evidence on the issue of compliance. A written record would have to be made which could serve as an adequate basis for judicial review.

I call attention to the fact that the provision for hearing was added by amendment from the floor of the House. The House debate makes it clear that this was indeed the primary purpose of adding the hearing provision.

It was to insure that a complete written record would be available for purposes of judicial review in those cases which would be subject to such review under section 603.

Section 602 contains further safeguards against arbitrary action. Thus, if an agency proposes to terminate or to refuse to make a grant, loan, or assistance contract, it must file a full written report of the circumstances and the grounds for such action with the committees of the House and Senate having legislative jurisdiction over the program or activity involved. No cutoff of funds can become effective until 30 days have elapsed after the filing of such a report. This provision provides further incentive to voluntary compliance. Presumably, while the matter is pending before the congressional committees involved, there will be further opportunity to end the discrimination without the necessity of cutting off Federal funds or in other ways curtailing the particular assistance program in question.

Additional safeguards against arbitrary action are provided in section 603. Under that section any agency action taken pursuant to section 602 would be subject to judicial review to the extent and in the manner provided by existing law applicable to similar action taken by the agency on other grounds. Thus, where special statutory review procedures are available under certain statutes, those procedures should be followed.

For example, Public Law 815 and the Hill-Burton Act—20 United States Code

641(b), 42 United States Code 291(j)—provide for special review procedures for denial of a grant and for withholding of funds thereunder. The same procedures would be followed under title VI. If no review is provided by existing law, agency action cutting off financial assistance would be subject to judicial review in "any applicable form of legal action" as authorized by the Administrative Procedure Act, 5 United States Code 1009. What that means in practical terms is that a suit for injunction or declaratory judgment could be brought in the U.S. District Court. Under recent amendment to the Judicial Code, the suit could be maintained either in the district where the plaintiff resides or where the cause of action arose—20 United States Code supplement 1963 1391(e). If the agency's finding was not supported by substantial evidence, or if its action was otherwise arbitrary, capricious, or contrary to law, the court could set the action aside. Furthermore, the court could grant relief pending review to avoid irreparable injury.

I have dwelt at some length on the detailed procedural safeguards contained in title VI because I think this feature of the bill has been widely misunderstood. Title VI does not vest arbitrary or dictatorial powers in Federal agencies. Actually, it is a moderate provision, carefully tailored to the objective of getting the Federal Government out of the business of subsidizing discrimination.

It is designed to achieve that objective in a manner which puts a premium on voluntary action and is as procedurally fair as it could possibly be. Let me consider now some of the reasons why I think title VI is necessary.

Title VI is necessary to end any confusion as to the survival of "separate but equal" conditions which have been declared unconstitutional. It is needed to confirm and clarify antidiscrimination directives of the President and individual agencies. While it is believed that they have acted within adequate authority, title VI would support them with statutory approval.

Title VI would avoid the reccurence of acrimonious debate in the Congress as to discrimination in discussing individual Federal aid programs.

Time and time again such proposed legislation has come before this body. Amendments have been sponsored to make clear in a particular program that separate but equal provisions would not do.

The distinguished Senator from Michigan [Mr. HART] once became somewhat irked at the traditional motion to lay on the table. The argument that is customarily made is that if the provision prevailed, the Senate might become involved in prolonged or protracted debate, or even a filibuster, and the result might be no legislation whatever.

It is to avoid such a situation that title VI would constitute as permanent policy of the U.S. Government the principle that discrimination will not be tolerated. This would eliminate all the confusion and discussion that arise every time a grant bill comes before the Senate.

Mr. HART. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HART. In my opinion, the point the Senator makes is overwhelmingly persuasive to those who have shared this concern. We ought not to blink the fact that there may be occasions when the extreme and distasteful decision will have to be made, notwithstanding the enactment of title VI, that will result in the shutting off of an entire State's flow of money.

The Senator from Rhode Island may recall that the problem many of us have had, as proposals are made to amend a particular grant or aid program, is really a conflict of principle. If it is a program that would support education at State and local levels, the argument is very persuasive that education will result in the elimination of discrimination; and what principle could possibly justify withholding action which might raise the level of educational opportunity anywhere in the country? Therefore, it is said we should not vote for so-called Powell amendments.

There is another principle involved. The Senator from Rhode Island has voiced it eloquently. It is this: The money comes from everyone. How can we possibly justify spending money to create a program or establish a facility, admission to which is denied to some people?

Mr. PASTORE. People who are paying for it.

Mr. HART. People who are paying for it. I had reached the conclusion that the latter principle has higher priority. But admittedly it is not an easy decision. The point I should like to make is that if title VI is enacted, we will avoid, as the Senator has said, the difficult, perennial debate or decision, but we might not avoid, in some isolated cases, the withholding of funds across a whole State merely because some isolated corner of the State refused to comply.

If at the end of all the effort, at the end of all the procedural steps that the Senator from Rhode Island has outlined, there were a hard core of resistance, and if the grant were to the State itself, I would suspect that the administrator of the program again would be faced with the ultimate and difficult decision, which we now propose to make a matter of law; namely, that if it is a State grant, and there is one corner of the State where refusal to apply the moneys nondiscriminatorily continues, withholding nonetheless will occur. But the decision would be made across the board, without any particular State involved, without any particular program involved, and would represent the adoption by Congress of what I have felt to be the higher principle; namely, that we do not take money from everybody to build something, admission to which is denied to some.

Mr. PASTORE. That point was covered very ably by the distinguished Senator from Connecticut. A situation might occur in which there might be a hard core, pinpoint condition in a State which could not possibly be tolerated, but the situation in the remainder of the State might be good; the program in the remainder of the State might be administered on a nondiscriminatory basis. However, as the Senator from Connecticut said, not only could the rules and regulations that are promulgated by a nondiscriminatory agency cover that kind of situation, but I suppose that once title VI was enacted, in that particular case it would still be proper for the Attorney General under other titles of this bill, if he were asked to do so, to step in. He might go before the court and obtain some kind of injunctive relief or some kind of mandatory relief which would compel compliance subject to a citation for contempt of court. We would not have to cut off assistance to 100 people because 1 person was being discriminatory in the administration of the money.

Once the policy is set, there are many, many ways in which intervention could be had, so as not to do an injustice to a great multitude because of the instance of only one offender.

We ought to make that very clear in the history we are making here today. We are not seeking to penalize people by way of pressure and saying that we can cure this one case if we twist the arms of 99 people. That is not the purpose of the section. We are not trying to bring compliance through pressure. We are trying to bring voluntary compliance. We are leaving the law broad enough with the provision of rules and regulations with other general means so that there can be a promulgation of rules to take care of the situations that have been mentioned by the distinguished Senator from Michigan and the distinguished Senator from Connecticut.

I thank them for their interest. I think it is very important to make this point. This is not strangulation legislation. We want to make that clear. We are not trying to strangle Federal programs. We are not trying to cut off funds from States. All we are saying is that there is a duty on the part of the Government to see to it that all of our citizens are treated in conformity with the inscription on the wall above the doorway: "E Pluribus Unum." We want unity. Equity begets unity. We want one and the same treatment for all.

Mr. RIBICOFF. Mr. President, will the distinguished Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. RIBICOFF. With respect to the language on page 26, section 602, subsection (2), the distinguished Senator from Mississippi raised the question, "What is meant by the phrase 'or by any other means authorized by law'?"

It is important to emphasize, as the distinguished Senator from Rhode Island has just stated, that this phrase has significance and meaning. Without this phrase, there would only be the remedy of a cutoff of funds. But the words "by any other means authorized by law" give flexibility to permit the agency or the department of the Government to use alternative remedies, under the regulations, just as the distinguished Senator from Rhode Island has pointed out.

Mr. PASTORE. I thank the Senator from Connecticut.

Title VI is necessary, first of all, because the Federal Government simply cannot be expected to continue to pay out tax dollars contributed by all the people to just some of them and to exclude others because of the color of their skin. As I shall develop, there are some statutes now on the books which contemplate Federal assistance to racially segregated institutions.

For example, the Hill-Burton Act which provides for grants for hospital construction, the second Morrill Act which provides for grants to land-grant colleges, and Public Law 815 which authorizes grants for school construction in federally "impacted areas," all contain clauses authorizing—directly or by implication—that Federal aid be furnished under the obsolete separate-but-equal formula. But the Court has already declared that to be unconstitutional.

I ask unanimous consent that excerpts from these two acts to be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PROVISIONS OF EXISTING FEDERAL ASSISTANCE STATUTES RELATING TO RACIAL DISCRIMINATION

The Hill-Burton Act of August 13, 1946 (60 Stat. 1041; 42 U.S.C. 291 et seq.), authorizes construction grants for public and non-profit hospitals. Section 622(f), 42 United States Code 291e(f), provides that the Surgeon General shall by regulation prescribe, inter alia:

"That the State plan shall provide for adequate hospital facilities for the people residing in a State, without discrimination on account of race, creed, or color. * * * Such regulation may require that before approval of any application for a hospital or addition to a hospital is recommended by a State agency, assurance shall be received by the State from the applicant that (1) such hospital or addition to a hospital will be made available to all persons residing in the territorial area of the applicant, without discrimination on account of race, creed, or color, but an exception shall be made in cases where separate hospital facilities are provided for separate population groups, if the plan makes equitable provision on the basis of need for facilities and services of like quality for each such group."[1]

The Second Morrill Act of August 30, 1890 (26 Stat. 418, 7 U.S.C. 321 et seq.), provides for annual grants to land-grant colleges. Section 1, 7 United States Code 323, provides in part:

"No money shall be paid out under sections 321–326 and 328 of this title to any State or Territory for the support or maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of said sections if the funds received in such State or Territory be equitably divided as hereinafter set forth."

Public Law 815 of September 23, 1950 (64 Stat. 973 (reenacted as permanent legislation by the Act of August 12, 1958, 72 Stat. 551) 20 U.S.C. 631 et seq.), provides for grants for school construction in federally impacted areas. Section 205(b)(1)(f) of the 1950 act (Sec. 6(b)(1)(f) of the 1958 act), 20 U.S.C. 636 (b)(1)(f), provides that each application for grant shall include—

"Assurance that the school facilities of such agency will be available to the children for whose education contributions are provided in this chapter on the same terms, in accordance with the laws of the State in which the school district of such agency is situated, as they are available to other children in such school district;".

Mr. PASTORE. Mr. President, as I have already noted, the separate-but-equal provision of the Hill-Burton Act was involved in litigation before the Court of Appeals for the Fourth Circuit and that court held that the provision was unconstitutional. The court enjoined hospitals involved upon excluding Negro patients and doctors. There has also been litigation involving Public Law 815. There, the Court of Appeals for the Fifth Circuit dismissed suits by the United States to enjoin pupil segregation at schools which received Public Law 815 funds, *United States* v. *Madison County Board of Education*, 326 F. 2d 237.

Enactment of title VI would eliminate that kind of confusion and override all such separate-but-equal provisions for the future regardless of the ultimate outcome of the pending litigation.

It is, of course, by no means true that in all instances payments to segregated institutions are required by positive command of present law.

Actually—and I want this to be well understood—in many respects title VI would merely clarify and support authority which now exists. For example, President Kennedy issued Executive Order No. 11063—November 20, 1962, F.R. 11527—which requires the appropriate agencies to "take all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin" in the sale, lease, rental disposition, use or occupancy of housing which is provided in whole or in part with the aid of Federal grants, loans, contributions, guarantees, or insurance. Similarly racial discrimination in employment on construction in the programs supported by Federal financial assistance is prohibited by Executive Order No. 11114—June 25, 1963, 28 F.R. 6485.

Individual agencies have also taken action to preclude racial discrimination in connection with assistance programs administered by them. For example, the regulations of the Department of Agriculture prohibit schools or other institutions receiving donated agricultural commodities from discriminating against any person receiving food because of his race, creed, or color—6 CFR, section 503.8 (a) and (b).

Mr. President, title VI would serve to provide express statutory approval for this kind of action taken by the executive branch. The executive officers, from the President on down, are sworn to uphold the Constitution. They must see to it that the laws are faithfully executed. Certainly such officers must not engage in any conduct which they believe to be unconstitutional.

In many instances, existing Federal programs have been interpreted by the agencies administering those programs to preclude discrimination. While the executive branch is believed in most cases to have adequate authority to preclude discrimination or segregation by recipients of Federal assistance, enactment of title VI would clarify and confirm that authority. It would require agencies to act to eliminate racial discrimination, rather than to leave the matter, as now, to individual agency discretion. It would give the nondiscrimination policy express statutory sanction, and thus would tend to insure that the policy would be continued in future years as a permanent part of our national policy.

Another advantage of enactment of title VI would be to remove from the area of legislative debate the question of nondiscrimination every time a Federal assistance program is under consideration by Congress. Repeatedly, in recent years, nondiscrimination amendments have been proposed in Congress to bills providing for, or extending, Federal assistance to education, housing, and other matters. Such amendments have often been opposed by some Members of Congress who favored the principle of nondiscrimination, but feared that to raise the issue of discrimination in the particular legislative context might well result in the defeat of the particular bill.

Title VI enables the Congress to consider the overall issue of racial discrimination separately from the issue of desirability of any particular Federal assistance program. The enactment of this title would avoid for the future the occasion for legislative dilemmas of the type described above. It would also avoid any basis for argument that the failure of Congress to adopt such nondiscrimination amendments in connection with the particular program implied congressional approval of racial discrimination in that program.

Speaking of congressional debate, I should now like to consider a number of objections which have been offered to title VI.

In the House, a concerted attack was made on title VI as "punitive" or "vindictive." These charges are undeserved. These characterizations appear to result from the belief that title VI is intended to deny the South the benefit of social-welfare programs—that it would punish entire States for any act of discrimination committed within them. This argument merely befogs the issues. It ignores both the purpose of title VI and all of the limitations that have carefully been written into its language.

As is clear, the purpose of title VI is to make sure that funds of the United States are not used to support racial discrimination. In many instances, the practices of segregation and discrimination, which title VI seeks to end, are unconstitutional.

This is clearly so wherever Federal funds go to a State agency which engages in racial discrimination. It may also be so where Federal funds go to support private, segregated institutions, as the decision in the Simkins case teaches. In all cases, racial discrimination is contrary to the national policy and to the moral sensibilities of the people of this Nation. Thus, title VI is simply designed to insure that Federal funds are spent in accordance with the Constitution and our public policy.

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[1] The provision beginning "but an exception" was held invalid and severable in *Simkins* v. *Moses H. Cone Hospital* (C.A. 4, No. 8908) decided November 1, 1963.

Speaking of private institutions, the original draft of title VI referred to religious discrimination. Since there is no history of discrimination on the basis of religion in the administration of Federal aid programs, the reference was eliminated—and wisely so, I believe.

Moreover, as cannot be too often emphasized, the purpose of title VI is not to cut off funds, but to end racial discrimination. This requirement is reflected throughout the act. It is reflected in section 602, which provides that any action taken by the Federal department or agency must be "consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken." As a general rule, cutoff of funds would not be consistent with the objective of the Federal assistance statutes if other effective means of ending discrimination are available.

Section 602, by authorizing the agency to achieve compliance "by any other means authorized by law," encourages agencies to find ways to end discrimination without refusing or terminating assistance. These careful safeguards certainly demonstrate that the proposed statute is not intended to be vindictive or punitive.

Nor does title VI vest any broad authority to cut off all Federal aid to a State just because there are instances of discrimination within that State. Any nondiscrimination requirement an agency adopts must be supportable as tending to end racial discrimination with respect to the particular program or activity to which it applies. Funds can be cut off only on an express finding that the particular recipient has failed to comply with that requirement. Thus, title VI does not authorize any cutoff or limitation of highway funds, for example, by reasons of school segregation.

Nor does it authorize the cutoff or other compliance action on a statewide basis merely because there is discrimination in a particular program. For example, in the case of grants to impacted area schools, separate compliance action would have to be taken with respect to each school district receiving a grant.

There is, finally, one additional feature of title VI which demonstrates beyond doubt that it is not intended to be vindictive or punitive. I am referring to the fact that the authority contained in the title to cut off funds is hedged about with a number of procedural restrictions and requirements. These would hardly be necessary or appropriate if the bill were designed as a punitive or vindictive measure. These restrictions have already been briefly described but let me here again summarize what must be done before funds can be cut off. The following would have to occur:

First. The agency must first adopt a general nondiscrimination rule, regulation, or order.

Second. The President must give his approval.

Third. The agency must seek to secure compliance by voluntary means.

Fourth. A hearing must be held before any formal compliance action is taken.

Fifth. The agency may, and in many cases will, seek to secure compliance by means not involving a cutoff of funds.

Sixth. If the agency determines that a refusal or termination of funds is appropriate, it must make an express finding that the particular person from whom funds are to be cut off is still discriminating.

Seventh. The agency must file a written report with the appropriate congressional committee and 30 days must elapse before further action can be taken.

Eighth. The aid recipient can obtain judicial review and may apply for a stay pending such review.

Let me recount those eight safeguards to show that action under title VI is neither precipitous nor punitive.

Certainly, a piece of legislation that contains this multitude of protections cannot be said to be arbitrary, vindictive, or punitive.

Another objection that has been lodged against title VI is that it would give to the executive branch broad and sweeping powers that it has not heretofore known. This is totally inaccurate. Most Federal agencies extending assistance now have authority to refuse or terminate assistance for failure to comply with a variety of requirements imposed by statute or by administrative action. The difference is that this existing statutory authority is not surrounded by the procedural safeguards provided for in title VI.

For example, the Hill-Burton Act provides that an application for a grant for hospital construction must meet a number of requirements, and if the application fails to meet any of them, the Surgeon General may simply disapprove.

In case of disapproval, the State agency involved in hospital control is entitled to a hearing prior to final disapproval; the hospital applying for a grant is not (42 U.S.C. 291(h)). Likewise, the State agency can obtain judicial review (42 U.S.C. 291(j)).

After a grant-in-aid under the Hill-Burton Act has been approved, the Surgeon General may terminate payments if he makes any one of a number of findings. Again, the State has a right to judicial review (42 U.S.C. 291(j)).

How would title VI affect this procedure? It would, of course, have the effect of a repeal of the substantive provision which authorizes payments for separate-but-equal facilities—a provision which the court of appeals has already held unconstitutional. Thus, there would be no new authority to refuse a grant or terminate payments thereunder. But title VI would first afford the hospital, in addition to the State, a hearing in connection with a refusal or termination of a grant and judicial review under the Hill-Burton Act would, of course, continue to be available; second, require a report of any such refusal or termination to be made to Congress; third, require efforts to achieve voluntary compliance; and fourth, require Presidential approval of the Surgeon General's regulations relating to nondiscrimination.

There are numerous other Federal statutes that are similar in these respects to the Hill-Burton Act. This is true, for example, of the School Construction Act—Public Law 815—and the Library Services Act of 1956 (20 U.S.C. 351).

In most statutes of this type, considerable discretion is lodged in the administrator. When title VI is compared with these enactments, it is evident that the kind and degree of discretion granted here is far narrower and more carefully limited by procedural safeguards than that which Congress has frequently provided in other Federal assistance statutes.

There is another objection to title VI which has been advanced which is designed to foster public fear. It is alleged that title VI will interfere with private business. But title VI is not intended to regulate business. It is merely an exercise of an unquestioned power of the Federal Government. Under Federal assistance programs, the Federal Government is giving something away. Clearly, it should be able to fix the conditions under which money and goods are distributed. In fact, the Supreme Court has confirmed this power in the case of *Oklahoma* v. *Civil Service Commission*, 330 U.S. 127, 143 (1947), where the Court said that the Federal Government may "fix the terms on which—Federal funds—shall be disbursed."

No one is required to accept Federal assistance or Federal funds. If anyone does so voluntarily he must take it on the conditions on which it is offered. Certainly no one can claim that it is arbitrary for the Federal Government to insist that its funds not be put to a use which is unconstitutional or contrary to public policy.

A California court put it graphically but accurately when it said:

> When one dips one's hands into the Federal Treasury, a little democracy clings to whatever is withdrawn, *Ming* v. *Horgan*, 3 R.R.L.R. 693, Superior Court, Sacramento 1958.

The basic fairness of title VI is so clear that I find it difficult to understand why it should create any opposition. When new Federal programs are devised or when Congress is concerned with the appropriation of Federal funds, there is always a clamor to insure that no funds be expended unless adequate safeguards are adopted to prevent their improper use. Certainly, if—to use again the Hill-Burton Act as an example—the Surgeon General can say that he will not authorize money for a particular hospital unless that hospital has a particular type of lavatory facility or a particular type of kitchen, it is hard to believe that private rights are being infringed if the hospital is also that it must serve all of the people in the community without regard to the color of the skin. It seems to me that Congress should be at least as concerned with the latter as with the former.

The principles of our Government are an example for the entire world. This country knows no castes and no classes. The tenet of the Declaration of Independence that all men are created equal has its counterpart in the constitutional directive that all are entitled to the equal protection of the laws.

With each passing year, our practices approach more clearly our ideals.

Private prejudices, to be sure, cannot be eliminated overnight. However, there is one area where no room at all exists for private prejudices. That is the area of governmental conduct. As the first Mr. Justice Harlan said in his prophetic dissenting opinion in *Plessy* v. *Ferguson*, 163 U.S. 537, 559:

> Our Constitution is colorblind.

So—I say to Senators—must be our Government.

The enactment of title VI will insure for all time that the financial resources of this Government will play no part in subsidizing racial discrimination. That part of the bill is right legally; it is right constitutionally; and it is right morally.

Title VI is right—yet it is restrained—almost reluctant to use its powers—not vindictive but seeking voluntary compliance for the common good of all our people.

Title VI closes the gap between our purposes as a democracy and our prejudices as individuals. The cuts of prejudice need healing. The costs of prejudice need understanding. We cannot have hostility between two great parts of our people without tragic loss in our human values—without deep damage to our national decency and dignity—without threat to our manifest destiny in a world we have to accept for what it is—a world which has to accept us for what we are or aim to be.

Title VI offers a place for the meeting of our minds as to Federal money. It can recognize no prejudice. It affords a place for the meeting of our hearts, as prejudice must yield to our common purposes, our common progress, and the common perfection of these United States.

Our conscience as a nation—our consciousness that the world is looking at our deeds as well as listening to our words—our commonsense as neighbors in a democracy that deserves to survive—all these commend title VI and command us to enact it as a vital part of a real civil rights bill.

Mr. HART. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HART. I would hope that every American concerned about the charges that are made with respect to the reach and scope of the pending bill would carefully read the brilliant remarks of the Senator from Rhode Island. I would go out on a limb which is not very long and which is pretty solid. There are few Americans who in broad daylight would argue that the Federal Government should subsidize discrimination. That is what title VI is all about. No Senator could have put the case more eloquently and persuasively than has the Senator from Rhode Island. That is my reaction to a wonderful speech.

Mr. PASTORE. I thank the Senator.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Delaware.

Mr. BOGGS. I wish to make only a brief comment. I always enjoy listening to the distinguished senior Senator from Rhode Island, but I have especially appreciated the opportunity to listen to his address on title VI of the pending legislation. It is an outstandingly able and valuable contribution to the legislative history of this title and the proposed legislation, and I thank him for it.

Mr. PASTORE. I thank the Senator from Delaware.

Mr. PELL. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to my colleague from Rhode Island.

Mr. PELL. I rise to congratulate my senior colleague on his eloquent and excellent speech, and also to ask him one question in connection with it.

Is it not true that the philosophy of title VI is already in the law? The authority is permissive. Title VI would merely extend it, but would not bring in a new concept. Is that correct?

Mr. PASTORE. The Senator is correct.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Connecticut.

Mr. RIBICOFF. I commend the Senator from Rhode Island for a brilliant presentation of title VI. I believe the distinguished Senator from Rhode Island has done a great public service to the Senate and the country.

I deem it a decided privilege to be able to follow the Senator from Rhode Island in further explanation of title VI.

Mr. PASTORE. I thank the Senator. Mr. President, I yield the floor.

Mr. RIBICOFF, Mr. HART, and Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The Chair recognizes the Senator from Connecticut.

Does the Senator from Connecticut yield?

Mr. HART. Mr. President, my intention was to ask that the Senator from Connecticut yield to me for the purpose of suggesting the absence of a quorum, on condition that he would be recognized at the conclusion thereof.

Mr. RIBICOFF. Mr. President, I yield, provided I do not lose the right to the floor.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 119 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dominick
Douglas
Fong
Gore
Hart
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Proxmire
Ribicoff
Robertson
Saltonstall
Scott
Smith
Stennis
Symington
Talmadge
Tower
Walters
Williams, Del.
Yarborough
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. RIBICOFF. Mr. President, of all the provisions of this civil rights bill, none rests on so simple and so sound a principle as does title VI. That principle is taxpayers' money, which is collected without discrimination, shall be spent without discrimination.

This principle requires no argument. It is based on simple justice. It is based on ordinary decency. It is consistent with, if not required by the U.S. Constitution.

In fact, the principle of nondiscrimination in the use of Federal funds is so undeniably sound that to my knowledge there has not been one word said in opposition to this principle during the debate on this bill. Some opponents of this bill have frankly expressed their view, in discussing other titles of the bill, that there is a question in their minds as to whether Negroes should have the right to go to public schools on the same basis as whites, or whether Negroes should have the right to enter places of public accommodation on the same basis as whites, or even whether Negroes should have the right to vote on the same basis as whites. But however ill-founded those views may be—and I deeply believe they are wrong as a matter of law and of morality—I have heard no opponent express the slightest doubt as to whether Negroes should participate in the benefits of federally aided programs on the same basis as whites. If such a point of view exists, I would like to hear it expressed. I would be glad to yield at this point to any opponent of this bill who cares to contend that discrimination in federally aided programs is justified. I have heard no such argument nor do I expect to, for this is a principle on which 100 Senators and indeed every American can and do readily agree.

So unlike other titles in this bill, title VI seeks to protect a right that is universally recognized as being entitled to protection. The only issue is whether there is a need to protect the right and whether the remedies of title VI are reasonable and appropriate.

The need can be demonstrated conclusively. The fact is that discrimination does exist in federally aided programs. This result has been permitted, and until recently required, by Federal statutes such as the Hill-Burton Act for hospital construction, the Morrill Act for land-grant colleges, and Public Law 874 for construction of schools in federally impacted areas. In fiscal year 1962 more than $13 million of Federal funds was spent to build and operate impacted area schools in 3 States that have 100-percent school segregation. Millions more have gone to school districts in other States that are completely segregated. Since 1946, $32 million of Federal funds was used to build 76 medical facilities that admit no Negroes. Racial discrimination has occurred in programs administered by the Labor Department, by the Agriculture Department, and by other agencies of the Federal Government.

These facts are not in dispute. So again, as with the basic principle involved, we find no serious denial of the fact that the right to participate in federally aided programs without discrimination is not now adequately protected.

We come then to the crux of the dispute—how this right should be protected. And even this issue becomes clear upon the most elementary analysis. If Federal funds are to be dispensed on a nondiscriminatory basis, the only possible remedies must fall into one of two categories: First, action to end discrimination; or second, action to end the payment of funds. Obviously action to end discrimination is preferable since that reaches the objective of extending the funds on a nondiscriminatory basis. But if the discrimination persists and cannot be effectively terminated, how else can the principle of nondiscrimination be vindicated except by nonpayment of funds?

Title VI follows this twofold approach. It places primary emphasis on ending discriminations. It provides withholding of funds as a last resort.

Let me briefly indicate the development of this title and its detailed operation. The need to end discrimination in federally aided programs has long been recognized. Efforts to reach this goal have been initiated in both the executive and legislative branches. In my own experience in the Department of Health, Education, and Welfare, this was one of the first problems to which I turned my attention as Secretary. I examined all of the programs within my jurisdiction to see whether discriminations were occurring and what could be done to eliminate them. In some instances I found I had authority to act and did so. For example, I ruled that summer teacher training institutes financed under the National Defense Education Act would not be located at any college or university that declined to operate such institutes without discrimination. I also ruled that segregated education was not "suitable" within the meaning of the impacted area statutes and that HEW would no longer finance the segregated education of children of parents living on military bases, but instead would provide desegregated, on-base educational facilities.

With other programs, however, I found my authority to act was questionable, and in some instances I was limited by the explicit wording of congressional enactments. It became clear to me that administrative action alone could not solve the entire problem. Judicial action could be helpful and I sought to secure this help. HEW worked closely with the Department of Justice to support litigation to declare unconstitutional the separate but equal provision of the Hill-Burton Act and to initiate suits to desegregate impacted area schools attended by off-base children. The Hill-Burton suit resulted in a clear ruling calling for an end to discrimination in this program. *Simkins* v. *Moses H. Cone Memorial Hospital*, 323 F. 2d 959, certiorari denied, March 2, 1964. The impacted area schools litigation is still pending before the Court of Appeals for the Fifth Circuit, although a favorable ruling has been made by a district court in the fourth circuit.

But it was readily apparent that beyond these steps there was a clear need for legislative action and I urged such action in testimony before Congress 2 years ago. Many Senators and Congressmen also have been insistent in their demands for legislation. Some proposals have taken the form of amendments to specific bills authorizing new programs or to appropriation bills continuing existing programs. These amendments have been rejected primarily on the ground that the ending of discrimination in federally aided programs should be accomplished by across-the-board legislation.

With the presentation of the administration's civil rights bill last year, the opportunity was at hand to accomplish this long-sought objective. As initially proposed, title VI was not adequate to meet the problem. The first version of it simply overrode statutory requirements of discrimination, but left administrators with neither the requirement to end discriminations nor the procedural safeguards that should surround any action they might take.

Shortly after the original bill was introduced, the junior Senator from New York and I each introduced our own amendments to remedy these shortcomings in title VI. Thereafter we combined our proposals into a substitute for title VI which we introduced on August 20—Congressional Record, volume 109, part 11, page 15375. The junior Senator from New York and I wanted to be sure that administrators of Federal programs were under an obligation to take action to end discrimination in the programs under their jurisdiction. We wanted to be sure they had a choice of remedies, with cutoff of funds to be used only as a last resort. Finally, we wanted to be sure that proper procedures, including judicial review, were followed. On August 23, the Attorney General, appearing before the Senate Judiciary Committee, presented a revision of title VI, that greatly improved the original administration proposal along the lines recommended by Senator Keating and myself. That revised title, with several helpful amendments adopted by the House of Representatives, has become title VI of the pending bill.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield, provided I do not lose the floor.

Mr. KEATING. I appreciate the reference to the work which the distinguished Senator from Connecticut and I have done with regard to this particular title of the bill. It is a distinctly helpful part of legislative history to clarify the background of the present title VI.

First, I express my thanks for the very great and fine work which the Senator from Connecticut has done in this field. As he knows, nondiscrimination in the distribution of Federal funds has been a subject of interest to the junior Senator from New York since the days when the Senator from Connecticut was Secretary of Health, Education, and Welfare. During that time we had many conferences on this subject. Since coming to the Senate, Senator Ribicoff has taken the leadership in seeking to strengthen the principle that Federal money should be fairly distributed when the tax collector comes along and takes money from the pocket or the pay envelope of everyone. He does not ask a person's religion or race. He collects from everybody. But when he turns those funds over to an institution or a federally aided facility which denies its benefits to some of our citizens, that is immoral and illegal.

As the Senator from Connecticut has well said, I, like him, have heard no Senator say that steps should not be taken to prevent that sort of thing from happening. Differences may arise as to what steps should be taken, but the situation demands immediate attention.

As Senator Ribicoff has pointed out, both he and I felt that the original title VI proposal was objectionable in that it emphasized the cutting off of Federal funds rather than the ending of discrimination. We favored a provision allowing the administrator to institute a civil action to eliminate the discrimination, and we favored judicial review of the determination to withhold Federal funds.

Parenthetically, while we favored the inclusion of the right to sue on the part of the agency, the State, or the facility which was deprived of Federal funds, we also favored the inclusion of a provision granting the right to sue to the person suffering from discrimination. This was not included in the bill. However, both the Senator from Connecticut and I are grateful that our other suggestions were adopted by the Justice Department.

The distinguished Senator from Connecticut has worked with diligence on this problem. He is experienced both as an administrator and as a Senator. I am proud to have worked with him in the formulation of this provision, which has now become title VI. I am privileged to stand with him in support of it today.

If the Senator from Connecticut will permit it, I would like to ask the Senator to yield for approximately 2 minutes at this point on another phase of civil rights, to be printed after the remarks of the Senator from Connecticut.

Mr. RIBICOFF. I yield, provided I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

DECISION IN BARNETT CASE

Mr. KEATING. Mr. President, on reviewing yesterday's Record this morning, I was mildly amused by the excoriating criticism of the Supreme Court for its 5-to-4 decision that former Gov. Ross Barnett is not necessarily entitled as a matter of constitutional right to a trial by jury on criminal contempt charges.

Those who stood with the dissenters yesterday, in the past have not hesitated to blast away at the Court for alleged deviations from judicial precedent of long standing. Yet when the Court, as in the Barnett case, refuses to stray from a long line of cases excepting criminal contempt cases from the operation of the constitutional right to jury trial, the proponents of a rigid rule of stare decisis—the rule that precedents should be followed without deviation—sing a different tune.

It is also not without irony that those who now embrace with such warmth a four-man minority view of what the Constitution requires, have not been distinguished in the past for enthusiastically receiving unanimous opinions of the Court in which these same dissenters have joined in other cases including the school desegregation decision.

Finally, it is ironical that those who now endorse former Governor Barnett's arguments find themselves in the same legal camp as the four Justices of the Court most often singled out for attack by the Court's most severe critics.

All this goes to prove the adage that law, like politics, makes strange bedfellows, and that, as every first-year law student knows, the definition of a thoughtful, well-reasoned dissenting opinion is one with which the speaker finds himself in agreement.

Obviously the Court was faced with a difficult decision in this case. More important in some ways than its holding on the merits is the demonstration we now have of the impartiality, integrity, and dedication of all the Justices of the Supreme Court—those in the majority as well as the dissenters—in their efforts to uphold a rule of law for all Americans.

I appreciate the courtesy of the Senator from Connecticut in allowing me to intervene at this point.

Mr. KUCHEL. Mr. President, at this point, will the Senator from Connecticut yield to me, provided all the usual guarantees and protections are given in that connection? I ask unanimous consent for that purpose, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. I yield.

Mr. KUCHEL. I congratulate the Senator from Connecticut. As I sat here listening to him, it occurred to me that the old American colonial axiom, "taxation without representation is tyranny," is an additional argument which might be used in behalf of the completely valid position the Senator from Connecticut takes in this connection, for it is equally tyranny, is it not, to extract tax moneys from all the American people, but to deny the benefits of those tax dollars to some of our fellow citizens?

Mr. RIBICOFF. That is correct.

One distinguishing and characteristic feature of the Senator from California is that his fertile mind, his vivid imagination, and his wide knowledge enable him to go to the heart of matters in such a way that all can understand them. So I thank the Senator from California for his contribution.

Mr. KUCHEL. I thank the Senator from Connecticut very much.

Mr. RIBICOFF. Mr. President, the provisions of title VI are concise and straightforward. Section 601 would establish the basic principle that no person is to be discriminated against because of race, color, or national origin under any program or activity receiving Federal financial assistance, nor may any person for such reason be excluded from participation or denied the benefits of such program or activity. This principle would be established notwithstanding any inconsistent provision of any other law, such as the separate-but-equal provisions of the Hill-Burton Act or the Morrill Act.

Section 602 then would establish the procedure to be followed by executive agencies in implementing the nondiscrimination requirement of section 601. The first rule of this procedure is that each department or agency that is empowered to extend financial assistance by way of grant, loan, or contract—except contracts of insurance or guarantee—would be under a mandatory obligation to take action to make sure the nondiscrimination requirement of section 601 was being observed. The general procedure to be used in implementing the nondiscrimination requirement is then spelled out—and this is important:

First. The agency would adopt a nondiscrimination requirement by rule, regulation, or order of general applicability.

Second. Such rule, regulation, or order must be approved by the President.

Third. If discrimination occurred, the agency must advise the appropriate persons of the failure to comply with the nondiscrimination requirement.

Fourth. The agency must then determine that compliance could be secured by voluntary means.

Fifth. If enforcement action was necessary, the agency must then afford the recipients a hearing appropriate to the type of enforcement action that may be necessary. For example, the hearing preliminary to any withholding of funds would have to be more extensive than the hearing that preceded court action in which factfinding would occur de novo under judicial supervision.

Sixth. If, on the basis of the hearing, enforcement action was warranted, the agency then would make its choice of appropriate remedies, bearing in mind the requirement of section 602 that all action to implement section 601 "shall be consistent with achievement of the objectives of the statute authorizing the financial assistance."

The remedies provided by section 602 are withholding of assistance and any other means authorized by law. In general, the consistent-with-the-objectives requirement would make withholding of funds a last resort, to be used only when other means authorized by law were unavailable or ineffective.

To make that clear: The withholding of funds would be the last step to be taken only after the administrator or the agency had used every other possible means to persuade or to influence the person or the agency offending to stop the discrimination.

Seventh. Looking first to the "other means authorized by law," the agency could, for example, ask the Attorney General to initiate a lawsuit under title IV, if the recipient were a school district or public college; or the agency could use any of the remedies available to it by virtue of its own "rule, regulation, or order of general applicability." For example, the most effective way for an agency to proceed would often be to adopt a rule that made the nondiscrimination requirement part of a contractual obligation on the part of the recipient. Then violation of such a requirement would normally give the agency the right to bring a lawsuit to enforce its own contract; or, in the absence of a technical contract, the agency would have authority to sue to enforce compliance with its own regulations. All of these remedies have the obvious advantage of seeking to end the discrimination, rather than to end the assistance.

Eighth. If "other means authorized by law" were unavailable or ineffective, then withholding the assistance might be necessary. And, in such event, the consistent-with-the-objectives rule could not be used to undermine the overriding requirement of title VI that some action must be taken to implement the nondiscrimination principle. The withholding could take the form of a termination of existing assistance or a refusal to grant or continue additional assistance.

The procedure for carrying out the fund cutoff remedy would be as follows:

The cutoff must be limited to the program or activity in which there was discrimination.

Only the recipient who had failed to comply with the nondiscrimination requirement could be denied the assistance.

There must be an express finding that such recipient had failed to comply with the nondiscrimination requirement.

The head of the department or agency involved must file a full written report to the appropriate committees of Congress, explaining the circumstances and the grounds for the proposed action.

Thirty days must elapse after the filing of such report before the cutoff of funds could occur.

The recipient could obtain judicial review of the agency's action under section 10 of the Administrative Procedure Act, which includes authority for a stay, pending review.

Ninth. Finally, section 603 makes clear, in addition to the specific judicial review of any fund cutoff action, that all other agency action taken under section 602 would be subject to the same type of judicial review provided by law for similar action taken on other grounds.

That is the procedure of title VI. It is fair and reasonable. It authorizes no action beyond that needed to secure a right that all agree should be secured—the right to nondiscrimination in federally aided programs. At the same time, it is difficult to see how that right could be secured with anything less than what would be authorized by title VI.

The procedure would extend far more safeguards to the recipients of Federal assistance than are to be found in any other instance where Congress has already authorized Federal agencies to withhold assistance for failure to comply with Federal requirements. For example, many statutes authorize withholding of assistance, without any provision for a hearing. Others provide for a hearing, but make no provision for judicial review.

Let me illustrate this point by explaining what authority Congress has already given to the Secretary of Health, Education, and Welfare in the event of racial discrimination by a State agency dispensing public assistance funds. If a State public welfare agency were to discriminate between Negroes and whites in the payment of federally matched welfare funds, such action would be out of conformity with the approved State plan. This lack of conformity would empower the Secretary to cut off funds to that State agency. He would not then be required to observe many of the procedural safeguards provided by title VI. And his action would not be reviewable in the courts, as the State of Arizona found out when it failed to make provision for Indians in its program of aid to the permanently and totally disabled. *Arizona* v. *Hobby*, 221 F. 2d 498 (1954). In that case, Arizona avoided loss of funds by making satisfactory compliance with State plan requirements. But the power to withhold funds is there, and has been used, as Ohio found out in 1938, when for a month it lost more than $1 million in public assistance funds.

I cite these examples, not to scare or alarm, but simply to show that there is ample precedent for congressional authorization for agencies to take effective action, including cutoff of funds, to secure compliance with statutory standards.

Personally, I think it would be a rare case when funds would actually be cut off. In most cases alternative remedies, principally lawsuits to end discrimination, would be the preferable and more effective remedy. If a Negro child were kept out of a school receiving Federal funds, I think it would be better to get the Negro child into school than to cut off funds and impair the education of the white children.

Sometimes those eligible for Federal assistance may elect to reject such aid, unwilling to agree to a nondiscrimination requirement. If they choose that course, the responsibility is theirs. In many other instances I think we have a right to expect that recipients of Federal funds will observe the requirement of title VI and voluntarily abandon any discrimination in federally aided programs.

But if all else fails, if other remedies are not effective and those who receive Federal funds persist in their determination to discriminate in dispensing these funds, then such recipients run the real risk of losing that Federal assistance.

And why not? The defense contractor who fails to fulfill his contract with the Government is not entitled to another contract. The farmer who violates acreage allotments is not entitled to support payments. The small businessman in violation of SBA regulations is not entitled to a small business loan. For what possible reason should the recipient of Federal funds be entitled to discriminate with impunity in the use of those funds and expect to continue doing so?

The fact is that the case for title VI is so strong, its need so clear, and its procedure so fair that some opponents have aimed their criticism, not at the provisions of the bill, but at some fanciful notions that are nowhere contained in the legislation. This type of opposition to title VI is a smokescreen, which conceals what the title provides and how it would operate.

Some of the more glaring distortions that have been advanced by such opponents are these:

First. Accusation: Title VI would authorize the Government to starve out whole regions. Answer: Title VI contains no authority whatsoever to withhold any Federal assistance except from the one recipient who is responsible for the discrimination. For example, if a school district receiving impacted area aid persists in discriminating, only the funds to that one school district would be jeopardized, not the funds to the county, or the State, much less the region.

Second. Accusation: Title VI would authorize withholding all Federal funds from a State. Answer: the remedies of title VI are specifically limited to the one program or activity in which discrimination occurs. Under no circumstances would discrimination in one federally aided program justify taking any action with respect to any other federally aided program.

Third. Accusation: The regulations to be issued to carry out title VI could be adopted by a janitor. Answer: Title VI specifically provides that rules, regulations, and order of general applicability to implement the title must be approved by the President of the United States.

Every rule, regulation, and order of any agency must be approved by the President of the United States, and no President of the United States will approve regulations handed down by a janitor.

Fourth. Accusation: President Kennedy was opposed to title VI. Answer: This grossest distortion of all is a shocking insult to the memory of our late beloved leader. President Kennedy made it perfectly clear what he opposed and what he favored in this area. President Kennedy said he opposed "a general, wholesale cutoff of Federal expenditures, regardless of the purpose for which they were being spent." That type of cutoff is in no way authorized by title VI.

What title VI does provide is precisely what President Kennedy said he favored:

> I don't think we should extend Federal programs in a way which encourages or really permits discrimination. That is very clear.

And so should it be clear to all.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. PASTORE. I have been concerned about the often-repeated statement that the President of the United States had unalterably and unequivocally made the statement at a press conference that he was opposed to such a cutoff procedure. I have in my hand the full text of the question by the reporter and the full answer by the President. I was wondering if the Senator from Connecticut would agree with me that it ought to be placed in the RECORD at this time in its entirety.

Mr. RIBICOFF. I hope that the Senator will ask permission that it be printed in the RECORD.

Mr. PASTORE. Mr. President, I ask unanimous consent that the text of the question and answer be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

> Mr. HILL. Mr. President, will you attempt to cut off Federal aid to the State of Mississippi as proposed by your Civil Rights Commission?
>
> The PRESIDENT. I don't have the power to cut off the aid in a general way as was proposed by the Civil Rights Commission, and I would think it would probably be unwise to give the President of the United States that kind of power because it could start in one State and for one reason or another it might be moved to another State which was not measuring up as the President would like to see it measure up in one way or another. I don't think that we should extend Federal programs in a way which encourages or really permits discrimination. That is very clear. But what was suggested was something else and that was a general wholesale cutoff of Federal expenditures, regardless of the purpose for which they were being spent, as a disciplinary action on the State of Mississippi. I think that is another question, and I couldn't accept that view.

Mr. RIBICOFF. The distinguished Senator from Rhode Island has made a very important point. He and I have been contending throughout the past 2 hours that what President Kennedy recognized as undesirable is exactly what title VI would not do. The President did not want to come in with a sword. He did not have in his mind any idea of revenge.

It was never his concept that if there were a violation in one instance, all Federal funds should be shut off. There are and were many who advocated such action. But President Kennedy never advocated it. The President recognized that he did not want funds to go for purposes of discrimination. The President recognized that with patience and tolerance we must do everything we possibly can to end discrimination. The President believed as we believed—and we believe now—that what we must try to do is to end discrimination, to bring people into compliance, and not to punish. The whole purpose of title VI is exactly that. Under no circumstances would title VI provide a blanket cutoff. If 1 school district out of 100 discriminates, we certainly should not punish 99 others.

As the Senator from Rhode Island has pointed out, if there were discrimination in one school district which refused to desegregate, we certainly would not wish to cut off public assistance or cut off road programs. Under title VI we would deal with each program separately and apply title VI only where the discrimination occurs.

That is why I believe the Senator from Rhode Island made a brilliant presentation to eliminate the smokescreen that has been built up as to what title VI would do. The claim is made that the title would be a $1 billion blackjack, and that the Federal Government would go in to wreak punishment and revenge on the Southern States and the southern districts.

That is exactly what could not be done under title VI. I hope that every Senator will read carefully the comments and remarks of the distinguished Senator from Rhode Island, and, in a minor way, the remarks I am making to explain exactly what would take place.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. PASTORE. I believe the Senator from Connecticut is being very modest about his participation in the debate. The RECORD should show that there is hardly any Senator on the floor of the Senate who is better qualified than the Senator from Connecticut in the position that he takes, particularly with reference to title VI, in view of his past responsibilities, not only as Governor of his State, where he established a national record of fine administration, but also as Secretary of Health, Education, and Welfare. He is intimately familiar with the practices about which he now complains. I believe that the Department of Health, Education, and Welfare, more than any other department, has met the situation, and has complained about the conditions he is trying so hard to do something about.

But I was wondering if at this very point we had not better consider the whole context of what the President said at that time, because it was prophetic. Without knowing what the reporters were going to ask him, the President was confronted with this question:

> Mr. HILL. Mr. President, will you attempt to cut off Federal aid to the State of Mississippi as proposed by your Civil Rights Commission?

This is what the President said:

> I don't have the power to cut off the aid in a general way—

That is the point that is being made by the Senator from Connecticut. There is no power here proposed to cut off aid in a general way—

> as was proposed by the Civil Rights Commission, and I would think it would probably be unwise—

That quotation has been used by the opposition to title VI—that the President said it was unwise; but this is what he said:

> I would think it would probably be unwise to give the President that kind of power—

Meaning general power—

> because it could start in one State and for one reason or another it might be moved to another State which was not measuring up as the President would like to see it measure up in one way or another.

The President further said—and this is not being quoted by the opposition:

> I don't think that we should extend Federal programs in a way which encourages or really permits discrimination. That is very clear. But what was suggested was something else and that was the general wholesale cutoff of Federal expenditures, regardless of the purpose for which they were being spent, as a disciplinary action on the State of Mississippi. I think that is another question, and I couldn't accept that view.

What President Kennedy said is precisely what title VI would do.

Mr. RIBICOFF. The Senator is correct. I know what the Senator has said was the case, as a result of conversations I had with the late President. These problems arose in connection with the Department of HEW. Unquestionably, more programs under HEW would be affected than all other programs put together. Basically, the President thought the Civil Rights Commission's attitude concerning a blanket cutoff was wrong. I thought it was wrong.

When the administration's proposal was first offered, I recognized the defect in title VI, because I realized that it would create problems which we should try to avoid. I wrote a memorandum to the Attorney General after I read title VI, pointing out the prospective danger, and suggesting what form the title should take. As title VI was revised it complied with the suggestions I had made in sending my memorandum to the Attorney General, pointing out the problems involved.

Therefore, I am very glad that the Senator from Rhode Island and I are spending this time to discuss the title. I find that there exist great doubts in the minds of distinguished, sensible colleagues of mine. They are under the impression that the provision would result in cutting off of Federal programs as a punishment, affecting the innocent as well as the guilty. Title VI does not affect those who do not discriminate. We are trying to establish a record on the floor of the Senate to spell out what title VI does and what it does not do.

There is no possible justification for permitting discrimination in the use of Federal funds. Title VI clarifies whatever doubts there may be as to the authority of the executive branch to end such discrimination. It takes away no existing authority. The procedure it establishes is fair and reasonable. Its enactment is long overdue.

This title is an essential part of one of the most significant pieces of legislation of our time. A century ago the principle of nondiscrimination was made a part of our Constitution. Ten years ago the Supreme Court's historic school desegregation ruling signaled the start of a new era in which this principle would become a reality. Since then the executive branch has been moving, cautiously at first but with firmness in recent years, to carry out the mandate of the Constitution. Now the Congress must face up to its responsibilities and legislate the protections and the procedures that are the right of every American.

The civil rights bill secures for all Americans rights that have been safeguarded in most of our States for decades. It is based on sound principles of law and basic principles of morality. The rights of all citizens are in doubt until the rights of every citizen are secure. I am proud to give my wholehearted support to this bill and proud to serve in this Senate at a time when the legislative responsibility in behalf of civil rights is finally to be met. I am confident we will meet that responsibility fully and effectively. Our obligation to our citizens and to our consciences require that we do.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. PASTORE. I wish to reiterate what I have already said. I am proud to be associated with the Senator from Connecticut this afternoon in the exposition and support of the civil rights bill, particularly with regard to title VI. The Senator from Connecticut has made a great contribution to the discussion of the title. I recommend that every Member of the Senate and every citizen of the United States read the statement of the Senator from Connecticut, because it is profound and will be an inspiration to all who read it.

Mr. RIBICOFF. Mr. President, I thank the Senator.

I yield the floor.

TRIBUTE TO GEN. DOUGLAS MACARTHUR

Mr. ROBERTSON. Mr. President, I share the grief of all who knew a great soldier and a great American citizen, Gen. Douglas MacArthur.

I enjoyed a warm friendship with General MacArthur since the days of World War I, when he was a brigadier general and I was a major. In my opinion he was one of the most brilliant field commanders our Nation has ever produced, and I am very happy that he honored the birthplace of his mother by authorizing the establishment of the MacArthur Memorial in Norfolk to house his many medals, mementoes, and so forth.

Not only was General MacArthur a brilliant man, but also he was a very brave man and he received more decorations for bravery in action than any other military officer in the history of our Nation.

Our Nation and the world are better for the lives of men like Gen. Douglas MacArthur.

SILVER DOLLARS

Mr. CHURCH. Mr. President, recent editorials in Idaho newspapers have given added emphasis to the concern in our part of the country, which I have expressed on several recent occasions, over talk that the silver cartwheels, dear to the West, may disappear from circulation. The editor of the Sandpoint News Bulletin writes that—

> It will be a tragic day for America if the silver dollar is allowed to drop into the limbo of forgotten things along with the 20-dollar gold piece and the balanced budget.

And the editor of the Boise Statesman quotes with approval from a "save the dollar" proclamation of the San Francisco Chronicle the assertion that "the West was won by men who trusted that dollar and no other. Their hardy descendants still favor it." The Statesman adds:

Take that, you palefaces in Washington, D.C.

Mr. President, in full agreement with these robust sentiments, I ask that both editorials may be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Sandpoint (Idaho) News Bulletin, Mar. 19, 1964]

LET'S MINT SOME DOLLARS

Senator FRANK CHURCH made strong representations to a House subcommittee a few days ago in support of legislation authorizing the minting of $150 million in new silver dollars. He should have strong support from the entire West in this position.

The silver "cartwheel" played a vital role in the conquest of the West and it enjoys a place in the affections of Western people that our cousins in the effete Midwest and East can't comprehend. There's something reassuring about the jingle of good silver money in one's pocket—a feeling that here is something sound and honest. The Lord knows we all need that feeling as we survey the fiscal chaos that passes for monetary management in Washington, D.C., today.

Economists may make out a case for the argument that we can't afford to use silver at $1.29 an ounce in the minting of silver dollars, and industrialists who buy silver for commercial use will claim there just isn't enough of the metal being produced to allow for its use in dollars. If the Congress will authorize the minting, however, Idaho, Nevada, and the other Western States will undertake to furnish the metal. We've great mountains of it and digging it out will provide a great many jobs and stimulate the economy with good, decent, productive endeavor.

It will be a tragic day for America if the silver dollar is allowed to drop into the limbo of forgotten things along with the $20 goldpiece and the balanced budget.

[From the Boise (Idaho) Statesman, Mar. 26, 1964]

VANISHING SILVER DOLLARS

The House Appropriations Committee has refused a request of the Treasury Department to mine 50 million silver dollars at a cost of $650,000. The stock of the "cartwheels" is rapidly disappearing from the Treasury. A growing number of coin collectors is held partly responsible as would be the gaming industry in Nevada.

No dollars have been minted since 1935. On May 31, 1963, the Treasury held 69,888,192 silver dollars and on February 25, 1964, only 25,300,720, or a decrease of $44,367,572 in less than 8 months. So rapid has been the depletion that the Treasury Department has been closing its servicing window down to 2 hours a day and limiting 50,000 silver dollars to each customer.

The House committee, in turning down the Treasury's request, said current facilities in the Nation's two active mints are being needed to produce small coinage.

Said the committee:

"Shortage in minor coins is the most critical in the history of the mint, and the demand is increasing which means the mints must operate three shifts every day of the week;

"Additional silver dollars can be minted only at the expense of minting minor coins;

"At the present rate of usage, the supply of free silver in the Treasury will be exhausted in 7 or 8 years;

"The United States is using silver annually at a rate approximately equal to the entire world production;

"The amount of silver in a silver dollar at current price ($1.29) is worth slightly more than a dollar, while the amount of silver in two half-dollars is worth about 92 cents.

"Should the price of silver continue to rise, even just a few cents per ounce, it would be profitable to melt down silver dollars for the silver content."

Western Congressmen, at their oratorical best when the silver problem is being debated, are sharply critical of the committee's decision.

Representative COMPTON I. WHITE, JR., Democrat, of Idaho, wants the cartwheel production to continue and suggests the reopening of the San Francisco mint.

Senator MIKE MANSFIELD, Democrat, of Montana, reminded the Senate that "in our country the silver dollar is a medium of exchange. It is hard money. We like it. We like it so much that even bank robbers are getting into the act. About a month ago the bank at White Sulphur Springs, Mont., was robbed, and, believe it or not, in excess of 20,000 silver dollars were taken from the bank, put into a truck, and carted away."

Senator FRANK CHURCH, Democrat, of Idaho, announced, as senior Senator from the Nation's leading silver-producing State, he was joining in sponsorship of a bill to mint silver dollars with reduction of silver content which would defray most of the cost of the minting.

Said Senator CHURCH: "There is a strong attachment in the West to the silver dollar. As a young boy, I recall how my father used to say that he never felt he had a dollar in his pocket when it was a paper dollar. He always asked for silver dollars in place of paper currency, and that feeling still remains very strong in the Western States."

Of all arguments presented, we cherish the reminder most of the San Francisco Chronicle in its proclamation on "save the dollar—the West was won by men who trusted that dollar and no other. Their hardy descendants still favor it."

Take that, you palefaces in Washington, D.C.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. STENNIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi wish to have the floor?

Mr. STENNIS. I had addressed the Chair merely for the purpose of suggesting the absence of a quorum.

Mr. PASTORE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I do not have the floor.

Mr. PASTORE. Mr. President, in explanation of title VI, we have been asked from time to time to give specific cases. I think we tried to do that in large measure this morning and this afternoon.

It has been brought to my attention that the Greensboro Daily News of Saturday, April 4, 1964, contained a very remarkable editorial on the very point we have been discussing with respect to title VI.

The title of the editorial is, "A Broken Nose and a Black Eye."

It reads:

Of course the management of Moses Cone Hospital, as well as the city of Greensboro, owes an apology to Dennis Nathaniel, a 29-year-old graduate student from India, who was refused emergency service at the hospital last weekend and referred to L. Richardson Hospital.

Nathaniel, a student in geography at the University of North Carolina at Chapel Hill, suffered a broken nose in a cricket match and after a 10-minute wait was told he could not be treated. Nathaniel said he was "bleeding like a stuck pig;" but he returned to Chapel Hill and was admitted to the student infirmary there.

Newsmen learned that the hospital management stated that nurses on emergency room duty at Cone Hospital "were following directions and did not know" that Nathaniel was from India.

But whether an emergency patient is from India or Timbuktu or Chapel Hill or Greensboro—and regardless of race—a hospital's emergency room, it seems to us, should accept any individual for emergency treatment, if he needs it. Perhaps the general admissions policy of Cone Hospital needs reviewing by its board of trustees so that incidents of this type, whether they involve foreigners or U.S. citizens, will not occur again.

The incident at Moses Cone Hospital has dealt the whole city of Greensboro a black eye.

Mr. President, if we needed any example, here it is from the local newspaper where the incident actually happened, in a hospital which receives Hill-Burton money—money which belongs to all the people of the United States.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 120 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dominick
Douglas
Ellender
Fong
Gore
Gruening
Hart
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McClellan
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Mundt
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Sparkman
Stennis
Symington
Talmadge
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

The PRESIDING OFFICER. Seventy-two Senators have responded to their names; a quorum is present.

THREATS OF CIVIL RIGHTS DEMONSTRATIONS

Mr. STENNIS. Mr. President, in the past few weeks there have been a number of thinly veiled threats by leaders of the various organizations which are pushing so determinedly for the passage of the pending civil rights legislation to send lawless mobs back into the streets if there is delay in acceding to their demands or if the pending bill is weakened in any respect. It is clear beyond question that some of the leaders of the more extreme organizations are both planning and moving to shape and build their "movement" in support of H.R. 7152 into a full-scale operation of direct violence.

Unfortunately, as I shall point out, instead of there being an effort to control and restrain these extremists, they have received sure encouragement from statements made by civil rights proponents on the floor of the Senate, although I wish to make it clear that I know that no individual Senator intended to promote or even encourage any violence by any statement he would make here or elsewhere.

In the Washington Post of March 27, 1964, Susanna McBee reported an interview with Martin Luther King who, she said, forecast "direct action" both in Washington and throughout the country if the debate in the Senate threatens to weaken the civil rights bill. King was reported as stating that 1 month was long enough for a "legitimate debate" and as predicting that "a creative direct action program" will start if the Senate is still talking about the bill after the first week in May.

"At first we would seek to persuade with our words and then with our deeds," King was reported as having said.

He was further quoted as saying that the demonstrations during the filibuster probably would not include civil disobedience but he warned that if Senators are "so stubborn" then civil disobedience could become necessary to arouse the Nation's conscience.

He also said that he had conferred with 15 other leaders on plans for the direct action program and that demonstrations would take place this summer "even if the bill is passed" to test compliance in the Southern States.

In the same vein, Julius Hobson, the southeastern director of the Congress of Racial Equality, was quoted in the Baltimore Sun of March 31, 1964, as proposing sitin demonstrations after May 1 in the offices of Senators who might be filibustering the civil rights bill. He also suggested the possibility of a march on Capitol Hill by various civil rights groups as a further example of civil disobedience.

With or without passage of the rights bill, Hobson predicted that there would be an increase in the number of civil rights demonstrations this summer. He explained that most of these would be attempts to test the provisions of the legislation.

I have quoted these statements to show that these civil rights leaders have in mind the instigation of direct action which is certain to result in further physical violence. These statements show the futility of trying to appease those who control and direct the lawless mobs. As I have already noted, these and other statements include threats of action against Members of the Senate itself.

The fact that such direct action is deliberately planned and that it is supported by many organizations is made clear by an editorial which appeared in the Shreveport, La., Journal of March 27, 1964, entitled "Mississippi Marked for New Invasion." I quote from this editorial as follows:

> The National Council of Churches has announced it will send a "task force" of men and money into the Mississippi Delta to wage war on what it describes as "persistent" poverty and racial injustice. The delta project will call for a tentative annual budget of $250,000, with the National Council paying for 60 percent of the cost and the World Council picking up the tab for the remaining 40 percent. Officials of the National Council of Churches are entering into this project with the frank acknowledgment that they expect to become involved—on the Negroes' side—in clashes between white and Negro residents of Mississippi.
>
> Complementing this racial agitation will be what the Harvard Crimson—Harvard University's daily newspaper—has described as an invasion by militant young Negroes of the NAACP and the SNCC. In its issue of March 11, the Crimson attributes to Claude Weaver, SNCC worker and Harvard student recently released from jail in Jackson, a statement that "Negroes might start killing the white people in Mississippi pretty soon."
>
> "Yes," Weaver is quoted as saying, "if we wanted to get a small Mau Mau going, it wouldn't be difficult. * * * Might be a nice summer project."
>
> In an editorial of March 12, the Crimson speculates upon the coming invasion of Mississippi as follows:
>
> "This summer will witness a massive daring, probably bloody, assault on the racial barriers of Mississippi.
>
> "The 1964 plan * * * calls for an invasion of 'over 1,000 Peace Corps-type volunteers,' in order to 'shake Mississippi out of the middle ages.'
>
> "Where former projects concentrated on a specific grievance, such as voting or public accommodations, this summer's effort will cover the whole field at once. An accelerated voter registration campaign aimed at the November elections has already begun. Freedom schools, stressing political educational and the humanities, will be established in Negro areas. The project also provides for special community centers staffed by nurses, librarians, and social workers. Still more ambitious is the white community project, designed to 'organize poor white areas in order to eliminate bigotry, poverty, and ignorance.'
>
> "Central to the project * * * is the anticipated lawlessness of Mississippi whites. The planners reason that massive nonviolence will precipitate a crisis of violence, which they consider prerequisite for further progress. Understandably, such candid reasoning disturbs moderates torn between respect for civil tranquillity and support for civil rights. In this case, however, rights and tranquillity are not compatible."
>
> So there you have it. There is the explanation of why the National Council of Churches is lobbying alongside the NAACP for passage of the infamous civil rights bill in the Senate today.
>
> No longer content to sponsor such mild interracial activities as its annual observance of "Race Relations Sunday," the National Council of Churches now espouses an integrationist movement which it expects to end in violence.

Let me call attention to just one or two of the demonstrations which already have taken place. The New York Times of March 31, 1964, carried an Associated Press article from Phoenix, Ariz., that—

> Crowds of civil rights demonstrators, screaming "freedom," blocked entrance to the State senate building and had to be removed by highway patrolmen today.

The purpose of this demonstration was to demand the passage of a public accommodations bill. According to the article, highway patrolmen found it necessary to form a solid wall down both sides of the entrance so that legislators could leave the building.

One young Negro girl was quoted as shouting, "We need to kill them."

The article also stated:

> The demonstrators also encircled Gov. Paul Fannin's auto as he left the Capitol for lunch. A dozen patrolmen were forced to clear a path through the sign-carrying demonstrators.

So that he could leave the grounds.

In that one occurrence, the lawless demonstrators succeeded in blocking both the legislative and the executive branches of the government.

Earlier dispatches had carried reports of demonstrations in Frankfort, Ky., in support of a demand that a public accommodations bill be passed.

An article in the Washington Daily News of March 17, 1964, reported that 23 civil rights demonstrators seeking passage of a public accommodations bill began a sit-in and hunger strike in the gallery of the Kentucky House of Representatives, in Frankfort. A dispatch from Frankfort, which appeared in the Post of March 18, 1964, reported that a civil rights leader raised the prospect of "uncontrolled demonstrations" in sympathy with a contingent of hunger strikers in the Kentucky House gallery.

That statement was made by Negro lawyer, Harry McAlpin, of Louisville, acting chairman of the Allied Organization for Civil Rights, and a member of the State board of education.

McAlpin was quoted as saying:

> Uncontrolled demonstrations may be triggered by the general assembly's refusal to act on public accommodations.

Those are only two of the epidemic series of demonstrations, picketing, sitins, and boycotts with which this country has been plagued, and which in the past have resulted in violence. There have been literally scores of others. These demonstrations display complete scorn for law and order and established lawful authority. The demonstrators have descended, in peace-disturbing episodes of various sorts, upon the offices, and even the homes, of Governors, mayors, and other public officials. As I have said, we have already had numerous instances of actual violence. Now we have clear threats of additional violence as a part of the "direct action" which is being so carefully and deliberately planned. Without question, more violence looms on the horizon unless firm, definite, and positive action is taken to stop it now. If it is not stopped now, it cannot and will not be stopped later.

Mr. President, yesterday we heard on the floor of the Senate statements about a great many alleged facts in regard to activities last summer in Greenwood, Miss., during the prolonged demonstrations in that fine little city. I personally know the mayor, many of the councilmen, and many of the others who were instrumental in helping to keep that situation under control. I do not believe any public officials have ever been forced to go through more of an ordeal in attempting to prevent violence. If violence had been allowed to erupt, for a time at least it would have continued uncontrolled. People who live at a distance and do not come to grips with these problems do not know what they are talking about when they discuss isolated instances of that sort and, therefore, attempt to condemn the officials of the city, county, or State concerned. Such instances develop in many places; and I admire the attitude of the people of the South who deal effectively with them. I am also sure that in areas outside the South, local officials do their utmost to deal effectively with such situations.

If violence ensues, we have only ourselves and the others responsible for the operation of the Federal Government to blame if we do not take steps to prevent violence now, rather than to encourage it, for it is clear that those who are responsible for such acts of violence regard the slightest amount of encouragement as a green light indicating that they may proceed even further.

In Greenwood, Miss., we experienced these lawless demonstrations and invitations to violence in the spring of 1963. On May 21, 1963, in a speech on the floor of the Senate, I called attention to the clear pattern of the operations of the demonstrators. I said:

> The pattern of activities is clear. The agitators move into a peaceful community, hold meetings, make speeches, organize demonstrations, and otherwise play upon the emotions of both races and excite them to a fever pitch.

In such situations, if members of one race are aroused, it is inevitable that members of the other race will be aroused.

I read further from my statement on May 21, 1963:

> The actions almost inevitably produce a powder-keg situation in which riots, violence, and even bloodshed become almost inevitable.
>
> When this point is reached it then becomes necessary for the local law-enforcement officials to take action to maintain law and order. The actions of the law officers in putting down the disturbances results in appeals to Washington for Federal intervention. These appeals—often regardless of the merits—all too often receive a preconceived and sympathetic response.

Let me call attention to some of the statements which have been made—in good faith, I am sure—on the floor of the Senate by civil rights supporters which not only lend aid and comfort to the agitators, but which also actually encourage their lawless activities.

The Senator from Minnesota said in a speech on the Senate floor March 30:

> The question is: Are we going to debate this issue with due process of law, or will it be decided in the streets and back alleys with clubs and violence? That is the question.

On March 9, the Senator from New York [Mr. Javits] made these comments:

> Mr. President, there is a timetable for the civil rights bill. That timetable cannot be written in the Senate Chamber.
>
> Anyone who wishes to take the trouble to do so may inquire of the police chief of any big city in the United States, North, South, East, or West, as to what the timetable is.
>
> * * * That police chief will give the timetable of the civil rights bill, because when summer comes we shall have to have an answer to these people. We must have an adequate and a just answer for them. If we do not have a just answer, we shall be in grave difficulty.
>
> In my opinion, that time is June. That is it. That is when we shall have reached the moment of truth.

I cite those as illustrations of arguments made on the floor of the Senate by Senators who have said the Senate must pass the bill because of duress and political intimidation. In other words, they say the Senate must pass the bill in order to prevent more disturbances.

That is an extremely poor argument, but there is more than that involved. Involved is the principle as to whether, on the subject of civil rights or any other subject, Congress can be intimidated, oppressed, and threatened into passing proposed legislation for the benefit of any one group. If such proposed legislation were passed for the benefit of one group, of course, the same principle would be applied to all groups, and Congress would be compelled to pass measures for the benefit not alone of those favoring civil rights, but those seeking legislation on other subjects.

The second point involved is that agitators receive encouragement from the words spoken on the floor of the Senate. They can take the words spoken and give their own interpretation of these words to those whom they are trying to arouse and stir up. The violence which is sought to be avoided is unmistakably, although unintentionally, aided and abetted.

On April 2, the Senator from Oregon [Mr. Morse] said:

> We have failed too long to deliver the Constitution of the United States to the Negroes of America; and this may be our last opportunity to deliver it to them without the flowing of great quantities of human blood, for I believe that the martyrs, or those who are holding the attitude of martyrs, among the colored population of this country, are not going to wait any longer; they are ready to die for their constitutional rights but they will not die alone.
>
> I say to the Members of the Senate that if they vote for the slightest "watering down" of the full constitutional rights of the Negroes of this country, such Senators will perform a great disservice to the Nation, and will have to assume their full share of the responsibility for a disturbance that will flow from a failure to give the Constitution in full to the Negroes of America.

With great deference to the Senator from Oregon, I believe that he has argued that we must not consider any "watering down" of the measure. I suppose he refers to possible amendments that will be voted upon. He has said that we must not vote on them according to their merits; and that if we do, we shall be responsible for the spilling of human blood.

Such an argument as that is contrary to every form and principle of our Government. It is contrary to our responsibilities. It brings into play a pattern under which our Nation could not survive. It makes no difference where they are from or what their purpose is, even though they have good motives and there is some merit in their claim, if any group can, by processes of disorder and lawlessness, intimidate or coerce the legislative branch of the Government to pass a law that they like, our form of government cannot survive such a pattern. A dictatorial form of government could survive it, but our form of government could not survive such a pattern.

On April 6 the Senator from Missouri [Mr. Long] made the following statement:

> If the bill fails to pass or is seriously weakened, then the primary thrust of the struggle will remain in the streets. Conflicts and issues will be determined and resolved by economic, social, and political pressures accompanied by passion, emotion, and, if past experience is an accurate indication, violence.

I emphasize again that even though Senators themselves do not intend to contribute to violence, lawlessness, or mob action, the only interpretation that can be put upon their words by leaders who are inclined to push the colored people in our country into movements of violence is spelled out in the words of Senators. As I have said, it is a green light to the agitators. It is an encouragement to them. I am shocked to think that we could long drift in that way. I believe that we should evaluate these subjects, and that in some way influence should be used in high places in Government, including those who occupy seats on the floor of the Senate, to keep down acts of violence and bring about some kind of peace, tranquillity, and understanding, both before and after we dispose of the bill.

Other statements in the same vein could be quoted but these are sufficient to show that almost every day on the floor of the Senate itself we hear blunt threats of violence unless we bow to the demand of the civil rights extremists. These demands are accompanied by the statement of Roy Wilkins, as reported in the Washington Star of April 2, that—

> We are not prepared to sacrifice a semicolon or a comma of the draft which came from the House.

The statements which I have quoted have all been made by Senators who are prominent in the fight for the passage of H.R. 7152. I know that they are sincere in their efforts. I know that on this point they are swept beyond the point of reason. They set forth facts in the Senate, and by setting them forth, they encourage results of the kind that they do not intend. At the same time the only interpretation that would be put upon their remarks is to encourage, and thereby further, the very violence of which they speak.

The plans for "direct action" are complete or almost so. Just the other day, as reported in the New York Herald Tribune of April 1, Mrs. Malcolm Peabody, the 72-year-old mother of the Governor of Massachusetts—both of whom I mention with great deference—was arrested in a civil rights demonstration in St. Augustine, Fla. The story also reports that "117 people, mostly Negro youths, were arrested in St. Augustine for racial demonstrations."

As I recall the quotations from Mrs. Peabody, before she went to Florida, she said that she was going down there to take part in these activities, and if I remember correctly, she said she expected to be arrested.

I believe that the deliberate purpose of all these plans for direct action is to create a situation in which bloodshed is inevitable. That blood will be on someone's hands.

The Governors of the States, the mayors of the cities, and the local law enforcement agencies will, of course, try to control the situation when they are invaded by paid agitators and those who stir up strife among the races. But, in some instances, at least, the demonstrations will quickly get out of hand and, true to the threats and predictions made on the floor of the Senate, violence will result and blood will run in the streets. Then will come the cry that Federal troops be sent in to protect the invaders.

Mr. President, I was never more concerned about anything during my entire public life than I am about the results of the recurrence of mob actions and marching to provoke and stir up violence. I am concerned about it, regardless of the passage of the bill. An almost hysterical wave has been going over the country. It can be generated almost overnight in bands and groups led by irresponsible leaders that can precipitate the worst kind of trouble and almost uncontrollable trouble.

The passage of the bill would not help a situation of that kind. It would make the situation worse, in addition to setting a precedent with reference to other subject matters that might be proposed.

Can we not face up to the ominous situation which confronts us now and take action to restrain and discourage the threatened violence? We can start with ourselves—here in the Senate of the United States. We can stop this debate. We can say to the groups which are agitating for this legislation that we will not tolerate force and lawlessness in this Nation—that this bill will not be considered further until the civil rights leaders have established beyond question that their plans for demonstrations, marching in the streets and additional violence have been abandoned. We can make it clear to them and to all other groups that we will not act under the coercion and duress which are involved in their threats of violent action.

At the same time, the President of the United States can call upon the Governors of all the States to be alert and on guard in every way against possible outbreaks of violence as the result of organized so-called direct action. The President of the United States, as the Chief Executive, should make it known that he will withdraw his support of this legislation until such time as he has been assured that the planned resort to violence has been abandoned. We all know that the President does not want such violence.

Stern and positive action is necessary if the plans of the civil rights forces, which I have been describing, are to be halted. In the heat of emotion and passion, and when aroused, any group of demonstrators can quickly get beyond control and become dangerous. Negroes are no exception. They now believe, and with good cause, that they can act largely with impunity. They are led to believe this by the past statements of some of the Nation's leaders and by such actions as those of Mrs. Peabody—to whom I have already referred—who, in good faith, I am sure, nevertheless went to St. Augustine for the purpose of participating in sit-ins and demonstrations of some kind and, according to the newspapers, with the intention of being arrested.

At the same time, according to the Herald Tribune, two Negroes nearby "asked to be arrested."

That story was on the front page of the Herald Tribune last week. In addition, there was a photograph of two young Negroes who, according to the newspaper account, had come to be arrested. The picture showed that the police were holding dogs. The demonstrators have been led to believe that that is the thing to do. They want to be arrested. When someone wants to be arrested and break his way into jail, there will be trouble for someone, and it had better be stopped.

However, the picture in the Tribune, and the accompanying caption, stresses the fact that the policemen were accompanied by police dogs. I have no doubt that these were for their own protection.

All of these people expected to be arrested. More important, they expected that no punishment would result. This accurately reflects the sad and disturbing state of affairs which exists in this country today.

Mr. President, it is beyond my power to describe the situation which existed in Jackson, Miss., last year and the year before—the sit-in demonstrations, the marchers, the great number of invasions, and the plain violations, in simplest terms, of elemental rights and laws necessary to keep the peace.

I thought I had in my desk some pictures, but they seem to have been returned to my office. They were pictures of young Negro men taken by the Associated Press and the United Press International. I remember two of them in particular. One was holding a case of Coca-Cola bottles and the other one was drawing back to throw bottles. Held at bay were six or eight policemen of the city of Jackson. That picture is only a glimpse at conditions that occurred, varying from day to day, with great crowds of people behind the policemen, showing what they and the police were subjected to time after time.

Mr. President, human nature can stand only so much of that kind of pressure. When people are organizing for what their leaders call direct action, I shudder to think what may happen, not only in the South, but elsewhere, if this kind of drive once gets moving.

I repeat—and I conclude on this point—that if we are to avoid the violence with which we are threatened by the civil rights proponents, we must make it clear that it will not be tolerated. We must make it clear to these groups that they have no privileged status—that they are subject to the law, and not above it.

Mr. President, I never thought I would have to stand on the floor of the Senate, with the deepest kind of concern for the safety of the people of my State and all States, of both races, or all races, and plead for consideration of a bill in an atmosphere of calm and deliberation, in which men can exercise a choice and judgment, and can exchange ideas on the merits regarding the problems involved. That is what we are faced with today.

If we do not change the sentiment, the feeling, and the attitude of proponents of civil rights legislation and their leaders, to whom I have already referred, the most serious kind of violence will break out. The situation will be made worse rather than better. The problems concerned in this legislation will be made worse rather than better. If we yield to pressure, we shall have set a precedent that will plague our form of government as long as it lives.

We ought to coordinate our thinking now and stand as one, regardless of our position on the bill. The legislative branch of the Government and the executive branch of the Government should stand as one and let it be known, positively and finally, that such pressures cannot be tolerated; that legislation will not be considered in such an atmosphere; that the Senate is a deliberative body; and that its Members will assert their prerogatives in that field as a part of their responsibility.

In that way, we can have some opportunity to consider legislation on this subject or any other subject in an atmosphere that will bring about a sound result.

COORDINATING COMMITTEE FOR FUNDAMENTAL AMERICAN FREEDOMS, INC., AND H.R. 7152

Mr. President, turning to another phase of this debate, during the debate on the Civil Rights Act of 1963, there have been repeated attacks by the proponents of this measure on the newspaper advertisement of the Coordinating Committee for Fundamental American Freedoms, Inc., which appeared in a number of newspapers throughout the country. On March 23, 1964, I stated on the floor of the Senate that at a later time I would discuss the merits of this advertisement and the accuracy of the statements made in it. I propose to do so now.

What I shall have to say is not strictly a defense of the advertisement. It is entirely justified and needs no defense from me or anyone else. However, since the advertisement brings into sharp focus the weighty issues involved in H.R. 7152, a discussion of the advertisement affords an appropriate and timely opportunity for the discussion of the pending bill and the grab for power which it represents.

There should be no surprise that the proponents of the civil rights legislation should take exception to some of the statements contained in this advertisement. Throughout the debate on the Senate floor they have been quick to take exception to and disagree with many statements made by those who oppose the passage of H.R. 7152. This is entirely understandable and no one denies them their right to so disagree.

However, the violence of their reaction to the advertisement in question is eloquent testimony of their apprehension that knowledge by the people of the real purpose and effect of H.R. 7152 can only stir vigorous and strong opposition to its passage. Indeed, statements which have been made on the floor of the Senate with respect to this advertisement and as to the tenor of the mail received by some Senators who are supporting this bill show very clearly that strong opposition to the civil rights bill exists all over the Nation. This opposition has only recently been heard. The fact that it is now coming to the surface is, in the view of the sponsors of this legislation, real cause for both surprise and alarm. Thus, the advertisement has become a focal point for attack.

Many studies and analyses have been made of the bundle of legislation which is now pending before the Senate under the title of the "Civil Rights Act of 1963" by both opponents and the proponents of the legislation. The advertisement which was prepared and sponsored by the Coordinating Committee for Fundamental American Freedoms, Inc., is only one of a number of such studies. It would have perhaps gone unnoticed except for the fact that its penetrating analysis has been strikingly effective.

I have given careful study to this advertisement and have compared it with the bill now being considered by the Senate. By and large, I find that it correctly describes the effect and intent of the pending legislation. Of course, the procivil rights forces challenge some of the statements just as they similarly challenge statements made on the floor of the Senate. However, in many respects, the statements in this advertisement are somewhat less extreme than statements which have been made about the legislation both on the floor of the Senate and on the floor of the House of Representatives. Except for the unquestioned fact that it has been effective, I see nothing in it which should provoke the ugly charges about it which have been heard in the debate on the floor of the Senate. I see nothing in it which exceeds the boundaries of fair comment and legitimate debate upon which is conceded to be the most important and far-reaching domestic political issue of the day.

A $100 BILLION BLACKJACK?

The fact that the bill refers to the pending legislation as "a $100 billion blackjack" has been violently assailed on the floor of the Senate in sometimes intemperate language. I am not quite certain whether this attack is based on the use of the word "blackjack" or on the dollar figure of 100 billion.

I shall not dignify any attack on the use of the word "blackjack" with any extended discussion. It is apparent that it is both possible and probable that, if the bill is passed, its potent and power-packed provisions will be used to bring about compulsory adherence by individuals, private businesses, and public agencies to standards and conduct which Federal agencies and departments deem desirable and to which adherence would not otherwise be given. Likewise it is clear and certain, if the bill becomes law, that programs of Federal assistance can and will either be discontinued or threatened with discontinuance if they are not administered to the satisfaction of the affected Federal agency and the standards of nondiscrimination laid down by it. Whatever else this might be—and no matter how desirable this end is in the views of those supporting this legislation—it will amount to legal compulsion. The designation of it as a "blackjack" is certainly within the realm of fair and legitimate comment which would cause no violent reaction if it did not step upon the toes of the advocates of H.R. 7152.

Clearly, there can be no valid objection to measuring the amount involved at $100 billion. Indeed, it is entirely possible that this amount is conservative. I believe it is very conservative. The dollar value of the activities affected by the total impact and effect of the bill, if it becomes law, may very well exceed that sum by far—double, triple, or even quadruple—or more. I will mention only a few of the Federal programs which can and will be affected by title VI of the bill alone.

Mr. SPARKMAN. Mr. President, will the Senator from Mississippi yield at that point for a question?

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. STENNIS. I am glad to yield to the Senator from Alabama for a question.

Mr. SPARKMAN. I should like to ask a question before the Senator begins to enumerate the various activities which might be affected by the bill. The dollar value, of course, is highly important, but the distinguished Senator from Mississippi—one of our learned constitutional authorities—made a statement a few minutes ago that any agency of Government would be empowered to invoke the terms of the bill. Would not the tendency be to place in the hands of individual persons, or agents, the power to carry out the terms and provisions of the bill, without providing guidelines within the legislation itself, or the setting of adequate standards?

Mr. STENNIS. The Senator is correct. That is the power part of this provision. The fact that these men have that potential power is a constant threat. All they have to do is mention it and that puts the heat on, so to speak, on the other officials with whom they have to deal.

Mr. SPARKMAN. Figuratively speaking, it is a sword of Damocles hanging over the heads of any persons carrying out one of these programs, or enjoying the benefits of one of these programs; is that not correct?

Mr. STENNIS. The Senator is correct. He undoubtedly has had the experience that I had last year. I received many telephone calls from, and was visited by many people who represented relatively small manufacturing operations in Mississippi that did not sell the Federal Government $1 worth of their products, but happened to be owned by a company which had plants in other States, like Ohio and Indiana, which did do business with the Government. It was insisted that they submit to certain formulas for which there was no authority, and furthermore there was no connection with the Federal Government in what was being manufactured, except a remote affinity with a chain company.

In spite of that, the most terrific pressure was applied on those small manufacturers. I am sure the Senator from Alabama has had the same experience. Perhaps it is happening in his State even now. This illustrates the power I am talking about.

Mr. SPARKMAN. I certainly have had such experience. Does the Senator not see some similarity between that situation and the question we have discussed a great deal and protested against—namely, guilt by association?

Mr. STENNIS. The Senator is correct.

Mr. SPARKMAN. In other words, the situation is an indirect condition, so indirect that one can hardly see it; and probably it would not be enforceable in court. But, how does the small businessman know that it will not be so? The distinguished Senator says it would be used as a constant threat; is that not true?

Mr. STENNIS. The Senator is correct. Earlier today I heard discussed one title of the bill. The Senator from Mississippi did not have an opportunity to debate it with the Senators who discussed it. It is title VI. It sounds good to say that anyone who is aggrieved by any rulings can have a judicial review. But, as the Senator from Alabama has pointed out, what chance does the little man have, the little manufacturing plant owner, the little businessman in Alabama, Indiana, or anywhere else, to obtain a judicial review of these demands? If he is to make any money he must keep his machinery turning and make his product and be paid for it.

Mr. SPARKMAN. He must give all his time and attention to that enterprise.

Mr. STENNIS. Yes. He cannot devote all his time to litigation. He must devote himself to the operation of his business. Thus, while the provision for judicial review may look attractive on the surface, it is not as simple and expedient as it sounds.

Mr. SPARKMAN. I did not hear this statement made on the floor of the Senate, but I heard it said over the radio this morning that the opponents of the bill had so badly distorted it that it was hard to tell what the truth was. I can give the Senator my reaction, and ask him whether his reaction is not the same. My reaction was that there are distortions in the bill. At the same time, there are many parts of the bill that sound good, but which mislead people, because no one tells them that just around the corner, so to speak, is lurking a philosophy that is contrary to our Anglo-Saxon sense of justice, particularly the criminal penalty, without the right of trial by jury. Does not the Senator agree with me?

Mr. STENNIS. Absolutely. That is a mild statement of the danger in the bill.

Mr. SPARKMAN. I mentioned that as an example. Is not the bill full of things like that?

Mr. STENNIS. Yes. The argument is made in favor of the bill—and the Senator doubtless has heard the argument—that certain things will not be done. It is said that the power will not be used. The fact remains that the power is there; and the power will be used. Most of the powers in Federal agencies are used. This particular power will be used, because pressure will be brought to force its use.

Mr. SPARKMAN. There is a great deal of talk about the power that is given to one man. Does the Senator remember that President Kennedy, in his news conference last July, spoke on this subject? I believe the Civil Rights Commission had recommended that this proposal be approved.

Mr. STENNIS. Yes.

Mr. SPARKMAN. President Kennedy was asked about it, and he said, first of all, that the President did not have the power to do these things; second, that no President ought to have such power. He did not use those exact words, but that was the meaning of what he said. Is not that the Senator's recollection?

Mr. STENNIS. That was at a news conference, at which the President quickly and frankly gave the reply which the Senator from Alabama has given us in substance.

Mr. SPARKMAN. It would be too much power for one man to have. Is that correct?

Mr. STENNIS. Yes. I thank the Senator from Alabama for his questions.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JORDAN of North Carolina. I was very much interested in what the Senator from Alabama said about confusion in the bill. Like other Senators, I have had people come to me to talk to me about the bill. One intelligent group of people came to me and said they wanted me to support it. I said, "What is in the bill?"

"Well," they said, "it is the civil rights bill."

I said, "What is in it?"

They did not know. They were for it, though. I said, "I will give you a copy of it, and I want you to study it and give me answers with respect to all 11 sections."

Later, one of them called up and said, "We don't understand it."

I said, "That is a good reason why you should not ask me to support something that you do not understand, and nobody else understands. You do not understand the implication of what it can do, and what it might do."

What I have said is not an isolated case. A great many people have said "a civil rights bill must be passed." They do not know what is in the bill.

Mr. STENNIS. That is generally true. The Senator has put his finger on the outstanding problem. Consider the Gallup poll, for example. In it people are asked, "Are you in favor of the civil rights bill?"

Everyone wants to have civil rights. I am in favor of civil rights. So a person will answer the question: "Yes; I am in favor of it." At the same time he does not know what is in the bill. He does not know that it would grant all this power to Federal departments and agencies.

Congress is asked to give away its legislative authority, and to dodge its responsibilities in a carte blanche bill that would give vast power to departments and agencies over all the money spent now and hereafter. People do not know that a little manufacturing plant or small businessman would be put out of business by taking away from him the right to hire and fire. They do not understand the Federal Government would dictate which employees he could promote. Federal agents would be looking over his shoulder all the time. People do not realize that that is what this civil rights bill would do if it is enacted.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I ask the Senator if it is not true that one of the most valuable civil rights a person possesses is the right to hire people who he thinks will help him to be a success in business?

Mr. STENNIS. Certainly.

Mr. LONG of Louisiana. I ask the Senator if the bill does not undertake to deny a man the right to hire a person who he thinks is best for his business?

Mr. STENNIS. It certainly does. One of the great things about America is that people are willing to start at the bottom; and as they build up a little business, they surround themselves with people who want to make good. In that way the little business becomes larger, and our economy is strengthened. Through that process, which is part of the free enterprise system, we have become the most powerful nation in the world. It has long been considered to be a person's civil right to earn money, save some of it, and invest it into a business. A person also has the personal right to develop a skill and use it to make a living for himself and his family.

That is a personal right. He does not have to go to the Government to ask for it or to ask how he can exercise it. It is his right. When I was a boy there were some planer mills or saw mills in Mississippi. Some fine colored workmen operated the saws, the chains, and the carriage—as it was called. Those men were experts, and were in great demand.

They were Negro workers. White men did not have a chance to get those jobs. From time to time we would hear a little complaint about that. However, those Negro men were there because of their merit, because they were trained, because they were willing to train themselves. In that way they became experts. Some of those men developed a huge enterprise in timber products production.

Mr. LONG of Louisiana. I am sure the Senator has seen recent television programs, particularly one showing Mr. James Farmer, the integration leader who is the head of the Congress of Racial Equality, in which Mr. Farmer explains how his people go about blackjacking businessmen into hiring Negroes.

Mr. STENNIS. I have not seen any of those programs on television, but I have heard reports about them.

Mr. LONG of Louisiana. I saw one presentation in which Mr. Farmer explained how they go into a place of business. If they see some white persons working at typewriters, they say to the owner, "We want to see some Negro employees there at the typewriters." When the owner of the place says, "All right; bring me some colored girls who are qualified, and I will hire them," the people from this organization say, "That is not our problem. We want you to have colored girls there whether they are qualified or not. You qualify them. You will find some qualified ones. Otherwise we will put a picket line in front of your business and in front of every store you own."

I ask the Senator, If the bill were enacted and the law enforced fairly, would it not be against the law not to hire a colored woman even if a white woman were better qualified?

Mr. STENNIS. Of course; it certainly would be.

Mr. LONG of Louisiana. If the people who are to administer the law had the intellectual honesty and the moral courage to do what this outrage would demand, and actually required the hiring of a white woman because she was better qualified, and rejected the demands of Mr. James Farmer and the Congress of Racial Equality, what kind of position would the employer be in then? He would have Negro picket lines on his place if he did not hire the unqualified person, and he would have violated the law if he did not hire the person best qualified.

Mr. STENNIS. The Senator from Louisiana has accurately described the conditions which would confront many businessmen if this bill is passed. I have been amazed to learn the extent to which American business is already under duress and subjected to the probabilities of boycotts and other retaliatory steps.

Mr. LONG of Louisiana. Is not the right to work for a living a civil right?

Mr. STENNIS. Absolutely.

Mr. LONG of Louisiana. Suppose, as between Negro picket lines and the integration act, the poor businessman were run out of business. Would it not be true that every person who worked in that business would have been denied his civil rights, which include the right to work for a living?

Mr. STENNIS. That is correct. The employees would all go down with the proprietor if the business fails. They cannot work unless the employer makes the jobs possible.

Mr. LONG of Louisiana. Can the Senator give any indication of how much James Farmer will worry if a man is run out of business because he is situated between the Civil Rights Act, on the one hand, and Negro picket lines, on the other?

Mr. STENNIS. James Farmer will not worry about that at all. He is only trying to promote himself.

Mr. LONG of Louisiana. Mr. Farmer would then go to the next place of business and stir up the next outrage to put somebody out of business by stirring up dissension between whites and Negroes.

Mr. STENNIS. That is the way the pattern works. Not only would James Farmer be out to promote his own activities but, with all deference to the men and women who would be in charge of the administration of the FEPC, they would be out to make a quota. They would be out to make a showing and would want to get results and make a record for themselves. Then they could come to Congress and show, in black and white, the number of people forced into jobs as a result of their work in Mobile or Baton Rouge, or other cities. Does not the Senator from Louisiana believe that that would be the pattern? It would be the natural pattern of operations, would it not?

Mr. LONG of Louisiana. The Senator from Mississippi is correct. Furthermore, does not the bill contain provisions that would cause the Federal Government to hire lawyers to sue white employers, who must then hire lawyers to defend themselves, even though they are unjustly accused?

Mr. STENNIS. The Commission will find new ways to bring actions against employers for 50 years after the law is enacted. There are so many technicalities and possibilities buried in the language of this bill that will affect so many activities of American life that there will be enough lawsuits instituted to keep three generations of lawyers at work.

Mr. LONG of Louisiana. Suppose a man hires a lawyer to defend himself against his own Federal Government and is able to vindicate his position and prove that he is right. Does the bill provide that he shall be reimbursed for the cost of hiring a lawyer to defend his rights?

Mr. STENNIS. It certainly does not. In the Senator's illustration, the man would not be defending himself on a criminal charge that he violated any law. He would merely be defending himself for the operation of his own business, in the custom and manner he has always done, and which has been our system all along. It is not a criminal offense at all.

Mr. LONG of Louisiana. Suppose the man was right, and proved that he was right. He was sued by the Federal Government even though he had done no wrong. Yet he would end by losing a substantial amount of money in order to prove he was right and had done no wrong.

Mr. STENNIS. To avoid expensive litigation he would just employ whomever the Commission demands he shall employ.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield to me for some observations, provided that he may do so without losing his right to the floor, and that when he resumes his remarks they will not be counted as a second speech?

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from North Carolina to enable him to make some reasonable comment, and that I not be charged with losing the floor or with a second appearance on the bill when I resume my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. I ask the Senator from Mississippi if his experience in studying the bill has not been similar to mine, in that every time he studies the bill he finds some other legal trick in it.

Mr. STENNIS. Absolutely. I found one on Sunday that is as broad as it is possible to be in the English language.

Mr. ERVIN. Does not the Senator from Mississippi recall that in 1957 Congress considered the so-called Civil Rights Act, which contained title III, which permitted the Attorney General to bring suit in any case on an allegation of denial of the equal protection of the laws based on race?

Mr. STENNIS. The Senator is correct. Title III was voted out of the bill in the Senate. It was rejected.

Mr. ERVIN. Has the Senator from Mississippi heard a single proponent of the bill say anything to indicate that title III was sneaked in by means of one of the legal tricks that the bill contains?

Mr. STENNIS. They did not know about it in the beginning. It was not known when the authors of the bill signed it. I venture to say there was not a single one of them who knew that this provision was in the bill.

Mr. ERVIN. I invite the attention of the Senator from Mississippi to section 302 of title III, which purportedly refers to desegregation of public facilities.

Section 302 appears on page 13. It reads as follows:

> SEC. 302. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action. In such an action the United States shall be entitled to the same relief as if it had instituted the action.

I ask the Senator if the Attorney General, by the subterfuge of having an individual or a corporation first institute an action alleging denial of the equal protection of the laws on account of race, cannot under this provision undertake to litigate a claim of any individual or corporation to the effect that they have been denied the equal protection of the laws.

Mr. STENNIS. The Senator is undoubtedly correct. With the little limitation which the Senator mentioned, title III is not very effective. It has no relation whatsoever. In other words, the title affects the entire bill. It should be a title within itself. It has no relation to the public citizens.

Mr. ERVIN. Cannot a claim of denial of equal protection of the laws under the 14th amendment be made in any case in which the law of any State is applied to any individual in any relationship in life?

Mr. STENNIS. There is virtually no limit. Some basis for acclaim could be made in any instance.

Mr. ERVIN. I ask the Senator if section 302 of title III on page 13 would not permit the Attorney General to bring a suit to obtain a fishing license for any man who had been denied a fishing license by any State warden?

Mr. STENNIS. It is that broad, if he alleges there was a denial of the equal protection of the law because of race or religion.

Mr. ERVIN. This title opens the door to the Attorney General to bring a suit in every case in which State action is taken in respect to any individual?

Mr. STENNIS. Yes; that is correct—any individual.

Mr. ERVIN. Provided he makes the allegation that it is on account of race, color, religion, or national origin?

Mr. STENNIS. Yes. I should like to ask the Senator a question along this line. If a claim of a 14th amendment right was involved, is not this language broad enough to enable the Attorney General to intervene in a damage suit in which it was alleged that employees of a city had injured a man, and the man was suing merely for money relief? Could not the Attorney General intervene under this feature of the bill?

Mr. ERVIN. Yes.

Mr. STENNIS. It is even possible that the Attorney General could even alter the nature of the action, is it not?

Mr. ERVIN. The Attorney General could intervene under this section in a private, individual suit and absolutely change the whole nature of the action. He could do that against the will of a private individual.

Mr. STENNIS. Yes; and he would be a party to the suit, once he got into it.

Mr. ERVIN. Can the Senator from Mississippi imagine any more tyrannical act on the part of Government than to pass a law which would allow the Attorney General to take a man's own lawsuit away from his control?

Mr. STENNIS. No, I cannot. In effect, this part of the title would allow the Attorney General to go into court and to control the private individual's suit.

I am glad to have the views of the Senator from North Carolina on this point. I had not gotten around to examining title III carefully until the last few days. But when I read section 302, I could scarcely believe my eyes.

Mr. ERVIN. Section 302 was called to my attention only today. I had given much study to the bill, but I had overlooked section 302. I find that it would give the broadest possible authority to the Attorney General, and the result could be practically to destroy the system of Government in the United States. The Attorney General could intervene in every lawsuit in the Nation which might be brought by persons who alleged they had been denied, by State action, equal protection of the laws, on account of race or color, because such allegations and suits could cover all the activities of the municipalities and of the school districts and of the sanitary districts, and all other kinds of State and local government in the United States.

Mr. STENNIS. Yes—and including even the water departments.

Mr. ERVIN. Oh, yes.

Mr. STENNIS. In that way, through his power to seek injunctive relief, an entire city could be brought under the control of the Attorney General.

I understand that segments of the press have only today discovered this section and realized what it means, and are making inquiry as to whether the section is as broad as we say it is.

Mr. ERVIN. I must confess that is the way section 302 was called to my attention, because I had assumed that the men who drew up the bill had sufficient intellectual honesty in drawing it up to correctly describe in the captions of the titles the provisions of the titles. But now we find that instead of being confined to public facilities, this section would embrace all the laws of all the States which touch any individual, provided there was an allegation that he had been denied the equal protection of the laws on account of race, color, creed, or national origin. Of course such a claim could be made by anyone, because everyone belongs to some race, and most people have some kind of national origin, and most people have some creed.

Mr. STENNIS. Yes.

Mr. ERVIN. So this section would open the doors for the Attorney General to assume direction and control of all the States and all the counties and all the municipalities and all the districts of all kinds throughout the United States.

Mr. STENNIS. I think the Senator from North Carolina is correct; and in the course of my speech I shall touch further on this point.

Let me ask whether the Senator from North Carolina finds in title III any kind of limitation on section 302. It is not clear and certain that the section would be without limitation, and would be the law of the land, and would not be confined to the public facilities which is the subject matter of title III?

Mr. ERVIN. Oh, yes; this section would cover the whole waterfront; it would cover every activity in which the law of a State is applied to any individual, corporation, or firm. That shows how broad this section is.

Mr. STENNIS. Naturally, one would think the section would be written in such a way as to limit its application to this title of the bill. Instead, we find that the section is not limited in any way; is it?

Mr. ERVIN. That is correct; it is entirely unlimited.

Mr. STENNIS. I thank the Senator from North Carolina for his contribution.

Mr. ERVIN. I thank the Senator from Mississippi for yielding. I wished to inquire of him about this section.

I have also been very much interested in the Senator's discussion of the FEPC section of the bill. I wish to ask him why it is that those who appear to be so greatly concerned with the proposed FEPC and the amount of unemployment among the Negroes in the United States are not equally concerned with the lack of employment among persons of Caucasian ancestry in the United States.

Mr. STENNIS. That has not been brought out in the course of the debate.

Mr. ERVIN. Does not the Senator from Mississippi agree with me that any man who is without employment is in an unfortunate position, and that that is true of members of the Caucasian race as well as it is of members of the Negro race, and that the proponents of the bill should manifest some concern because of the fact that in the United States today four white men are out of employment for every Negro who is out of employment?

Mr. STENNIS. Absolutely so.

A few minutes ago the Senator from Louisiana stated that if all initiative were to be cut off and if all employers were put in a straitjacket and were to be controlled and to have their every act scrutinized at every turn they would make, and if they found that they had to take the chance of being prosecuted or having their contracts canceled, there would not be many U.S. employers left; men simply would not go into that field of activity; and then there would be many fewer jobs and many more unemployed.

Of course, we all want the people of the United States to be employed to the greatest extent possible.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Is it not correct that anyone who had to defend himself against the Attorney General of the United States, when the Attorney General walked into court and said, "I am here in court, representing the United States of America," would find that he has been placed at a considerable disadvantage in attempting to defend himself, even though theoretically both would be supposed to stand on the same basis?

Mr. STENNIS. Of course that would put him at a tremendous disadvantage. The practical effect would be that most men in that situation would surrender before they got into court.

Mr. LONG of Louisiana. Is it not also true that every judge knows that if at some time in his life he hopes to have a chance to be promoted, the Attorney General will have to give him a favorable recommendation; and in that situation, would not a man who had the Attorney General suing for him have a considerable advantage?

Mr. STENNIS. Of course he would. In fact, in such cases, the intangibles would be more powerful than the tangibles.

Mr. LONG of Louisiana. The Senator from Mississippi has been a judge and a lawyer, and he knows how that situation would develop. As a lawyer, I have had the privilege of representing colored clients, and I have also had the privilege of representing white clients. In Louisiana, we have a means of suing someone that is called "in forma pauperis." It is a good way for a plaintiff to avoid legal expenses in connection with a lawsuit; all he has to do is go into court and say that he does not have enough money to be able to sue, and then he can initiate his suit without any expense to himself. On the other hand, one who has saved his money and who is named as a defendant in such a case must pay the costs of the suit all the way along; is not that correct?

Mr. STENNIS. Of course it is correct; and in such a situation a defendant is at a very great disadvantage.

Mr. LONG of Louisiana. Such a plaintiff would not have to worry about the court costs or the attorneys' fees; on the other hand, the defendant would then be at a very heavy disadvantage—entirely aside from the fact that even if he won the case, he still would have to pay his lawyer, just to get out of that trap.

Mr. STENNIS. Absolutely so. And even if the defendant happened to win the case, he could find himself confronted with another suit of that sort the very next day, and thus brought back into court.

Mr. LONG of Louisiana. Furthermore, the Senator from Mississippi realizes, does he not, how persistent the Attorney General can be when he thinks someone should be put in jail? For instance, the Attorney General prosecuted Hoffa in a series of cases; and whenever Hoffa finished defending himself in one case, the Attorney General proceeded to have Hoffa brought before another jury; and that series of lawsuits instituted by the Attorney General continued almost throughout Hoffa's terms of office.

Mr. STENNIS. Mr. President, among these are loans by various Federal agencies, including the Farm Credit Administration; the Federal land banks; school lunch program funds; Hill-Burton hospital funds; highway construction funds; child welfare services; grants and loans for school and college construction; old-age assistance; funds for aid to the blind and disabled; vocational education funds; and a host of other programs and activities too numerous to mention.

I am quite aware that there is some disagreement as to the Federal programs and activities which would be affected and covered by the provisions of sections 601 and 602 as they are presently written.

In referring to sections 601 and 602, I refer to those sections as they appear in title VI of the bill. As I shall hereafter point out, there is no unanimity—not even among the proponents of the legislation—as to the precise interpretation to be given these sections when one is construed with the other. As a matter of fact, and in order to make a full disclosure, some supporter of the bill should come up with a comprehensive list spelling out precisely which programs of Federal financial assistance would be affected if title VI becomes law, and, equally important, just how they would be affected. The Senate should have this information before it is called upon to vote on this bill.

Section 601 covers "any program or activity receiving Federal financial assistance." Section 602 refers to "any program or activity by way of grant, loan, or contract other than a contract of insurance or guarantee." It thus appears that section 601 is much broader than section 602. Section 601 says that the programs affected by the bill include "any program or activity receiving Federal financial assistance." Section 602 excludes "contracts of insurance or guaranty." Section 601 is just as broad, if not broader, than the words of the original administration bill which were directed at "any law of the United States providing or authorizing direct or indirect financial assistance for or in connection with any program or activity by way of grant, contract, law, insurance, guarantee, or otherwise."

Mr. President, I wish to emphasize that point. No one of the proponents, so far as the Senator from Mississippi has been able to find out, has given a definition of the words "Federal financial assistance." What is "Federal financial assistance"? One very easy illustration of it would be the school lunch program.

What about an agency of the Federal Government whose funds are appropriated by the Congress? It expends Federal funds only. Would the mere spending of the money appropriated for that agency of the Government be "Federal financial assistance"?

What is "Federal financial assistance"? What agencies of the Government would be included under sections 601 and 602 and which ones would not? What programs to which the Government contributes would be included and which ones would not? No one has given any comprehensive list to us. I do not believe broader or more uncertain language could be written into any bill than merely to refer to programs receiving Federal financial assistance.

About the kindest thing that one can say about section 601 and section 602, taken together, is that they create a clear and manifest conflict on the face of the bill. They are calculated to confuse rather than enlighten. No one has told us precisely which programs of Federal financial assistance title VI would affect. The difficulty with which anyone is confronted in trying to determine what programs title VI covers is graphically illustrated by a discussion which I had on March 13 with the Senator from New Jersey [Mr. CASE] and the Senator from Minnesota [Mr. HUMPHREY].

This discussion was directed to the question of whether section 602, in excepting a "contract of insurance or guaranty," also placed similar limitations on the general terms of section 601. As to this the Senator from New Jersey said: "I would say they do not." He also said:

> I wish to make it clear that the words and provisions of section 601 and the substantive rights established and stated in that section are not limited by the limiting words of section 602.

The Senator from Minnesota subsequently said:

> I respectfully disagree with the Senator from New Jersey. * * * It is my opinion that these excepted activities are not covered by title VI.

The Senator from New York [Mr. KEATING] joined in to say:

> I wish to associate myself with the very careful analysis made by the Senator from New Jersey and say that I agree with him thoroughly. If the bill does not mean what he has indicated it means, it ought to be made to mean so.

Mr. President, this is a clear illustration of total disagreement between leading proponents of the bill as to the meaning of section 601 and section 602.

It is another illustration of how broad and sweeping the bill is. It is written in very general language. As I said, there will be litigation for three generations of lawyers. But that is not the full tragedy of it. The man who is doing business with the Federal Government will not know what it means. His lawyer will not know what it means. Senators or Members of the House will not know what it means. The courts will have to chart the course, and they can only decide one case at a time.

It is very clear, of course, that these three distinguished Senators are equally ardent and fervent in their support of H.R. 7152 and civil rights legislation generally. The point is: If they cannot agree among themselves upon the proper interpretation of this important and far-reaching title, how can they expect anyone else to be certain what it means? Is it fair to criticize the advertisement in question because it gave a construction to title VI which is little, if any, broader than the construction placed on it by the Senator from New Jersey and the Senator from New York ? All of this merely indicates that we have under consideration a bill which is so imperfect and so marked by patent ambiguity that equally well-informed and well-intentioned individuals disagree upon its proper interpretation even though they are on the same side of the fence.

However, some of the bill's proponents, at least, have reconciled to their own satisfaction the conflict between section 601 and section 602. The Senator from New Jersey [Mr. CASE] in discussing section 601 on March 13, 1964, referred to a published criticism of the House-passed bill. This criticism was "that the effect of title VI would be to limit the existing power of the President in regard to the cutoff of Federal funds for federally assisted programs in which discrimination on the grounds of race, color, sex, creed, or national origin existed."

Then the Senator from New Jersey said:

> I raised this question recently with Department of Justice representatives. I was assured that their interpretation—and the intention of Members of the House, as they understood it, was that the effect of title VI was not so to limit the President's existing power.

The Senator from New Jersey also said:

> I am very frank to state that section 601 which is a statement of substantive right—the substantive right of individuals, of persons, not to be discriminated against or excluded from participation in or denied the benefits of any program or activity receiving Federal assistance—means exactly what it says. It does not provide a method of enforcement by itself; but I suggest that it is complete; * * *

Such was also the reasoning of Congressman CELLER, the chairman of the Judiciary Committee of the House of Representatives, on the floor of the House on February 7, 1964, when he offered the amendment to except from section 602 "a contract of insurance or guaranty." In response to a question about the effect of this amendment, he stated: "Title VI has no effect over Presidential orders."

Therefore, it appears that some of the leading proponents of this legislation are saying—and this is highly important—that the amendment adopted by the House of Representatives would remove only from the application of section 602 contracts of insurance or guarantee such as those involved in FHA and GI loans, the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and Federal Crop Insurance Corporation. At the same time, they are saying that these and other programs are still covered by section 601 and can be reached by Presidential Executive orders which would be fortified by, based upon, and impliedly authorized by the declaration of intent contained in section 601.

I do not think there is anything more important in the bill than this. We should know exactly what noose we are putting our necks into when we accept section 602, with its limitations, and believe that those limitations also apply to section 601. Representative CELLER says they will not apply. The Senator from New Jersey [Mr. CASE] says they will not apply. The Senator from New York [Mr. KEATING] says those words of limitation in section 602 will not apply to section 601.

Let us remember that under section 601 it matters not whether or not the "Federal financial assistance" is by way of grant, loan, guaranty, or insurance. "Any program or activity receiving Federal financial assistance" is covered by section 601. This is very comprehensive and far reaching and in conjunction with the interpretation placed upon it by the bill's sponsors, it certainly makes legitimate the statement in the advertisement that $100 billion is involved.

In addition, the language of section 601, in conjunction with the interpretations I have discussed, constitutes full justification for the advertisement's assertion that:

> It [the bill] would empower Federal political appointees—through the use of the blacklist, cancellation of contracts, foreclosure, and other punitive means—to use almost $100 billion a year to force our people to knuckle under to Executive dictation.

Let me again emphasize the broad, sweeping, and general language of section 601. It is applicable to "any program or activity receiving Federal financial assistance." Given its literal and unrestricted interpretation, it can be made to apply to every Federal program or activity involving the expenditure of tax dollars or other Federal funds. Suppose the executive department decides to stretch the power which it acquires under section 601 to reach social security payments, veterans' benefits, and civil service pensions. It is readily and easily conceivable to me, in the light of the rather bizarre and far-reaching decisions of Federal courts in recent years, that this action may receive judicial approval.

I do not say that section 601 should be stretched to this extreme. I hope it will never be. I do say, however, that there is a reasonable and sound basis for an argument that this will come about.

Can social security, veterans' payments, and civil service pensions be construed as being a part of a program of "Federal financial assistance?"

Let us take a look at the statutes and decisions. The legislation establishing Federal old-age, survivors, and disability insurance benefits provides for annual appropriations to an "insurance trust fund out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to 100 per centum of" specified taxes levied and collected under the Internal Revenue Code—act of August 14, 1935, c. 531, title II, section 201, 49 Stat. 622, as amended; 42 U.S.C. 401.

The nature of the social security program was discussed in *Helvering* v. *Davis,* 301 U.S. 619 (1937), upholding the constitutionality of the titles of the act providing for Federal old-age benefits and authorizing appropriations to an old-age reserve account, and providing for excise taxes on employers and income taxes on employees, where the Court said—idem 635–636:

> Title VIII, as we have said, lays two different types of tax, an "income tax on employees," and "an excise tax on employers." The income tax on employees is measured by wages paid during the calendar year. Section 801 (42 U.S.C.A. sec. 1001). The excise tax on the employer is to be paid "with respect to having individuals in his employ," and, like the tax on employees, is measured by wages. Section 804 (42 U.S.C.A. sec. 1004) * * *. The proceeds of both taxes are to be paid into the Treasury like internal revenue taxes generally, and are not earmarked in any way (sec. 807(a), 42 U.S.C.A. sec. 1007(a)).
>
> The first section of this title creates an account in the U.S. Treasury to be known as the old-age reserve account (sec. 201 (42 U.S.C.A.; sec. 401)). No present appropriation, however, is made to that account. All that the statute does is to authorize appropriations annually thereafter, beginning with the fiscal year which ends June 30, 1937.

Similarly in *Chas. C. Steward Mach. Co.* v. *Davis,* 301 U.S. 548, 574, 585 (1937), decided the same day and upholding the titles of the Social Security Act relating to unemployment taxes, the Court said:

> The proceeds, when collected, go into the Treasury of the United States like internal revenue collections generally. Section 905 (a), 42 U.S.C.A. 1105(a). They are not earmarked in any way.
>
> The proceeds of the excise when collected are paid into the Treasury at Washington, and thereafter are subject to appropriation like public moneys generally.

Thus, though the money for social security payments comes from employers and employees, it is collected by the Government as taxes, which are paid into the Treasury and not earmarked in any way. It can logically be argued that this program, being financed by Federal tax money, is one which receives "Federal financial assistance." Even though the application of section 602 to social security insurance benefits may be more doubtful, it is altogether possible that they can be reached under section 601.

There is at least a great—and probably greater—possibility that veterans' payments and civil service pensions can be similarly reached.

Certainly under the arguments which have been made by proponents of the bill, section 601, but not 602, could and would reach the insurance or guaranty programs of the Federal Housing Administration, the Veterans' Administration, the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the Federal Crop Insurance Corporation. Whether such programs be covered by rule, regulation, or order of Federal agencies, or by Presidential Executive orders is relatively unimportant. Federal control and regimentation is the same whether it arises from statute, rule, regulation, or Executive order.

These points are of a vital nature. Some of the legal questions to be decided will determine how far down the Government will go to reach the individual. Certainly, it is plausible, under the argument of some of the proponents of this measure, that section 601, under which broad Executive orders can be issued, is not limited at all by section 602. If that is true, it brings into the picture the Federal Housing Administration, the Veterans' Administration, the Federal Deposit Insurance Corporation, and similar groups which might be excluded under the House amendment to section 602.

This is a most vital point. The advertisement was justified in concluding as it did concerning the vast power in section 601. We must remember that it is power we are dealing with, power that the Congress would be giving to the executive branch.

Let me point out in this connection, since we are talking about a "$100 billion blackjack," that the 1961 report of the U.S. Commission on Civil Rights states that at the end of 1960 federally supervised financial institutions held $100.3 billion in nonfarm residential mortgage loans. Here is the $100 billion mentioned in the advertisement in just one package.

I wish to illustrate, with reference to sections 601 and 602, the far-reaching effects of the Executive orders, and the far-reaching nature of the regulations which might be established under section 602.

I believe the Senator from South Carolina [Mr. Thurmond] has a matter he wishes to bring to my attention, and I am glad to yield to him at this point for that purpose.

Mr. THURMOND. I thank the distinguished Senator from Mississippi. I presume the Senator recalls that there was some intimation on the floor of the Senate to the effect that a Mr. Lloyd Wright, past president of the American Bar Association, had received compensation for the work he did on the so-called civil rights bill.

Mr. STENNIS. I recall the allegation.

Mr. THURMOND. I should like to read a telegram which I received from Mr. Wright. It comes from Los Angeles, Calif., and reads:

> Press carries story that Kuchel inferred I was employed by Coordinating Committee for Fundamental American Freedoms, Inc. The truth is I am not a member of this organization. I was never employed by anyone to contribute to the analysis of the civil rights bill but felt compelled to do so as a citizen who believes in the Constitution and who loathes public servants, whoever they be, who pretend to uphold the Constitution and then at the first expedient moment vote to abandon it. You may use this to correct the Record if you wish.

It is signed by Lloyd Wright.

Mr. STENNIS. I thank the Senator.

Mr. THURMOND. I thought in justice to Mr. Wright this information should be embraced in the Record.

EXISTING EXECUTIVE ORDERS

Mr. STENNIS. Since experience is the best teacher, we can gain some appreciation of the future under title VI by considering the Executive orders which are presently in effect without the statutory sanction that would be provided by sections 601 and 602. Let us not doubt these existing Executive orders foreshadow the nature of the "rules, regulations or orders" which may be issued by Federal departments and agencies under section 602, and the additional Executive orders which could come under section 601. The simplest device would be a requirement that the "recipient" sign an agreement not to "discriminate" in any activities supported in whole or in part by the proceeds of the "Federal financial assistance," upon the penalty of "the termination of or refusal to grant or to continue assistance under such program or activity." That is the mildest form which it could take.

From Executive Orders No. 11063 and 10925 we can sense the interpretation and effect which will be given section 601 and 602 if they should become law. We also can determine the nature of the Executive orders which will be possible under section 601 and the nature of the "rules, regulations, or orders" which may be issued by the Federal agencies and departments under section 602. Let me discuss these Executive orders in some detail.

(1) EXECUTIVE ORDER 11063

This order was issued on November 20, 1962, although the right to use "discrimination" as a basis of regulation in housing was denied six times by Congress prior to the issuance of the order: In 1949, 95 Congressional Record, 4861; in 1953, Congressional Record, volume 99, part 1, page 1429; twice in 1954, Congressional Record, volume 100, part 4, page 4488; twice in 1959, Congressional Record, volume 105, part 7, pages 8654 and 8833.

One important question is whether the authority granted in title VI will be exercised only to require nondiscrimination by the various agencies in the actual distribution and expenditure of Federal funds, or whether it will be utilized to control the actions of the "persons" who are the actual "recipients" of the funds. Will Federal control and dictation extend to the borrower, the farmer, the homeowner, the local school, the hospital, the bank, the myriad other recipients of "benefits" under "activities or programs" receiving "Federal financial assistance?" Even a quick look at Executive Order No. 11063 and its philosophical basis makes it conclusive that this will be done if the pattern set by this order is followed. There is no reason to believe that it will not be so followed.

Executive Order No. 11063 was issued to prevent alleged discrimination because of "race, color, creed, or national origin" in the administration of programs involving housing owned or operated by the Federal Government or provided by loans made or insured by the Federal Government. But it did not stop there. Under its language Federal control is extended to homeowners, realtors, building and loan associations, contractors, and banks, to quote the words of the order, as to:

> (a) The sale, leasing, rental, or other disposition of residential property and related facilities (including land to be developed for residential use) or in the use or occupancy thereof.

Under the broad language of the order when Joe Doe and Mary Doe buy a home and use a FHA or a GI loan to finance their purchase, Federal control extends not simply to the agency administering the program, but it dictates first to the realtor who develops the land; second, the contractor who builds the house; third, the bank which makes the loan; fourth, the realtor who sells the home; fifth Joe and Mary Doe, the owners, in the "use and occupancy thereof," in the "rental" of their home, in the "leasing" of their home and in the "sale or other disposition" of their home.

What are the penalties provided in Executive Order No. 11063? Section 301 of said Executive order authorizes the Federal agency to—

> (a) cancel or terminate in whole or in part any agreement or contract with such person, firm, or State or local public agency providing for a loan, grant, contribution, or other Federal aid, or for the payment of a commission or fee;
>
> (b) refrain from extending any further aid under any program administered by it and affected by this order until it is satisfied that the affected person, firm, or State or local public agency will comply with the rules, regulations, and procedures issued or adopted pursuant to this order, and any nondiscrimination provisions included in any agreement or contract;
>
> (c) refuse to approve a lending institution or any other lender as a beneficiary under any program administered by it which is affected by this order or revoke such approval if previously given.

Where a Federal agency is given the power to "cancel or terminate an agreement for the payment of a commission or fee" when a home is built, purchased, sold, leased, or rented, Federal control has reached the ultimate. Since Federal agencies eventually use their power to the utmost, there is every reason to believe that Executive orders issued under section 601 and "rules, regulations, or orders" issued under section 602 will be at least as severe and penal as the sanctions included in Executive Order 11063.

Mr. President, before leaving this Executive order, I should say that in addition to the other good things that can and will come out of this debate, the study of these Executive orders makes more Senators realize what is contained in the Executive orders, and understand just how far they go. It shows the control the Federal Government assumes over the homeowner in the building, renting, or leasing of a home when he accepts a loan from one of the agencies which were authorized originally to make veterans' and GI loans.

(2) EXECUTIVE ORDER NO. 10925

Executive Order No. 10925 was issued on March 6, 1961. Its stated purpose was to prevent discrimination on the ground of race, creed, color, or national origin in the various functions of the Federal Government and particularly in Government contracts. This will be reviewed to point out how far Federal control and dictation extends. It demonstrates that there is no intention simply to prevent discrimination in the administration of Federal programs, but to stretch Federal control to every person who is the recipient of any benefit of the program, however indirect such benefit may be. That is one of the gravest questions in the entire bill—the question of how far Federal control would go in reaching the individual person under sections 601 and 602, in spite of those limitations.

Under Executive Order No. 10925, if the X Construction Co. enters into a contract with a Federal agency to construct a building, Federal control is extended to the following persons who participate in or benefit from the work. These include:

First. The contractor and his employees. Within the scope of the order his handling of employees is federally controlled as to "employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship."

He is subject to Federal requirements concerning posting of notices, maintenance of records, examination and inspection of records, dealing with labor unions, subcontractors, and vendors or materialmen.

Second. The subcontractors and their employees. Section 301(7) provides:

> The contractor shall include the provisions of the foregoing paragraphs (1) through (6) in every subcontract or purchase order * * * so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.

Third. Vendors or materialmen and their employees. They are subjected to control by the provisions just quoted as fully as the contractor or subcontractor.

Think of that, Mr. President. All the vendors or materialmen who might be selling to or dealing with contractors or subcontractors would thus come under the control of the Federal power reflected in this Executive order.

Fourth. Labor unions. Under sections 302 (c) and (d) and section 304, the contractor would be required to attempt to force any labor union with which he dealt to comply with the order; and the President's Committee on Equal Employment Opportunity would be given authority to take "remedial action" to force "any labor union * * * engaged in work under Government contracts" to conform to the Federal requirements.

Using Executive Order No. 10925 as a precedent under title VI, which would be applicable to every activity and program receiving "Federal financial assistance," we can anticipate that the rules and regulations authorized under that title would apply far beyond the agencies administering the programs. By Executive Order No. 10925 the Federal net has swept within its control not merely the agency administering the program, but also the contractor and his employees, the subcontractors and their employees, the materialmen and vendors and their employees, the labor unions and their members. With this as an established precedent, it is inescapable that Executive orders issued under title VI would be similarly sweeping.

Mr. President, it is true that the Executive orders I have been discussing are not set forth in the bill; but they are already in existence. They were not originated by the legislative branch of the Government, but by the executive branch of the Government. This shows how far reaching the bill would be if enacted. My argument is that under the power granted by sections 601 and 602 of title VI of the bill, Executive orders and regulations could certainly be as far-reaching as the existing Executive orders are now; they would not be limited to controlling discrimination or preventing discrimination. Such Executive orders could go even farther than the existing Executive orders go.

Under Executive Orders Nos. 11063 and 10925, does Federal control stop with prevention of discrimination by the State, local, or private agency administering the funds? Clearly it does not. Thus two very pertinent questions arise. They are:

Under section 601, would Federal control by new Executive orders end with the prevention of "discrimination" by the State, local, or private agency administering the funds?

Under section 602, would Federal control by "rule, regulation, or order" end with the prevention of "discrimination" by the State, local, or private agency administering the funds?

Is there anyone who, today, can unqualifiedly and categorically answer these questions in the negative?

Mr. President, the conclusion is inescapable that sections 601 and 602 would permit and result in action just as extensive and inclusive as that written into Executive Orders Nos. 11063 and 10925 if such action were deemed advisable by the executive department.

Let us remember that Executive Order No. 11063 inhibits discrimination by banks and savings and loan associations in administering housing programs; but also under penalty of cancellation, termination, foreclosure, blacklisting, and withholding, it dictates the actions of first, the realtor who develops the land; second, the contractor who builds the house; third, the bank which makes the loan; fourth, the realtor who sells the home; fifth, and to the borrower-homeowner in the "use and occupancy thereof," in the "rental" of his home, in the "leasing" of his home, and in the "sale or other disposition" of his home.

Let us also remember that Executive Order No. 10925 inhibits discrimination in the administration of programs involving Government contracts; but also, under penalty of cancellation, terminations, blacklisting, and withholding, it extends Federal control to the contractor and his employees in their employment, promotion, demotion, transfer, layoff, termination, rates of pay, and selection for training; to the subcontractor and his employees, as well as to all such relationships; to the materialmen and their employees, as well as to all such relationships; and to the labor unions which deal with such contractors.

With Executive Orders No. 11063 and 10925 as a precedent and pattern, we may expect future Executive orders and rules and regulations issued if and when title VI is enacted—applicable to or issued by the banks for cooperatives, Federal land banks, Federal production credit associations, the Agricultural Stabilization Credit Corporation, the Federal Crop Insurance Corporation, the Agricultural Marketing Service, the Farmers Home Administration and the Soil Conservation Service—to inhibit discrimination in the administration of each applicable program; but also, under penalty of cancellation, termination, foreclosure, blacklisting, and withholding, to dictate to the farmer "participating" therein or receiving "the benefit" thereof as to, first, the contractor and his employees who build the home, dust the cotton, dig the ditches or clear the land; second, the "use", "occupancy" or "sale or other disposition" of the farm; third, the tenants upon the farm, that is, the "rental" or "leasing" thereof; and fourth, the "employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training" of all of his farm employees.

Mr. President, as I have said, with these two Executive orders as precedents, the rules, regulations, or Executive orders which might flow from this bill, if—unhappily—it were to become the law, would have complete grip and control of every minor phase and every major phase of all these contracts, agreements, programs, and agencies, from beginning to end.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. BAYH in the chair). Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. STENNIS. I am glad to yield to the Senator from North Carolina.

Mr. JORDAN of North Carolina. Do I correctly understand, from the statement of the Senator from Mississippi, that the Executive orders which now are in effect already have such scope and power, without the consent of Congress and in the absence of such a law; and, therefore, the Senator from Mississippi contends that if the pending bill were to be enacted, almost anything could be done?

Mr. STENNIS. Yes, that is the pattern which has been established. Naturally, the Executive orders are prepared by the executive department and the Executive orders to which I have referred are already in effect.

So when we consider the pattern of conduct and operations which the Executive orders now in effect have set, we would be hiding our heads under the sand, like an ostrich—if we did not anticipate Executive orders or regulations, which would be authorized under the pending bill and touching on all the activities of the Federal Government.

Mr. JORDAN of North Carolina. That is my understanding of the effect of the bill.

Mr. STENNIS. Yes; and that is my point.

Mr. JORDAN of North Carolina. That is my understanding and my thinking about the subject.

Mr. STENNIS. It is something that is not recognized unless the bill is read most carefully. It will take many readings by the best legal minds to determine what is in this bill and what effect it will have on contracts or business operations.

Mr. JORDAN of North Carolina. The only activity that I believe the Senator did not mention was the funeral. I do not believe the Senater reached that point.

Mr. STENNIS. I moved my people out of the house before anything like that happened. It is amazing to learn how much within the grip of power and regulation these departments, once they start exercising power, will bring borrowers or anyone who is a recipient under a Federal program. The situation has reached the point at which, rightly or wrongly, Government programs cover a high percentage of the economic phases of our Nation. They cover a great part of our daily affairs, including not only our dealings with the Government, but also the ordinary ways in which we are making a living, and even our dealings with each other.

TOTAL FEDERAL CONTROL?

Under the heading "Total Federal Control"—an allegation which has been repeatedly made by many responsible persons in and out of the Congress—the advertisement asserts that the pending bill would:

First. Allow people to be jailed without trial by jury—titles I, II, III, IV, and VII.

It cannot be denied that the bill would have that effect. I will comment briefly on the titles specified.

Title I: This would amend the Civil Rights Act of 1957, as amended, and that act, as further amended, would leave in effect the power of the Attorney General to bring suits for restraining orders and injunctions against public officials and others. No jury would be permitted in civil contempt proceedings; in criminal contempt proceedings the statute would provide that no jury is permitted if the imprisonment is for 45 days or less and the fine is $300 or less.

I have cited present law. Any extension of authority by title I would bring about an increase, and more people would be brought under the operation of the law.

Title II: The Attorney General would be given new authority by section 204(a) to bring a suit for injunctive relief concerning public accommodations with the same power of the court to jail a defendant in contempt proceedings without a jury.

Of course, a civil contempt proceeding would not require a jury, but, as set forth in the Civil Rights Act of 1957, the statement applies to criminal contempt.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Does the able Senator know of any provision in the Constitution to the effect that when a man is charged with a crime and the punishment is imprisonment for 45 days or less, or a fine of $300 or less, he can be tried without a jury?

Mr. STENNIS. There is no such provision in the Constitution. The Senator will recall that that provision was placed in the law in the Civil Rights Act of 1957. The original provisions of that act did not allow a jury trial. As the Senator remembers, there was a concession. Whether it was valid or not, a concession was placed in that act.

Mr. THURMOND. I ask the able Senator if the sixth amendment to the Constitution of the United States does not provide that, when charged with a crime, a man shall be entitled to a jury trial.

Mr. STENNIS. I am not certain as to the number of the amendment, but accepting the Senator's numbering as correct, that is undoubtedly true in the ordinary criminal case. The Senator is a good lawyer. As he knows, the law developed somewhat differently in contempt of court proceedings. A somewhat different rule of law has evolved. But as a common acceptation, especially when the law is applied to so many things in life—and the bill applies to many thousands of new situations—the question of jury trial which the Senator has raised becomes more and more important every year.

Mr. THURMOND. The purpose of a civil contempt proceeding is to bring about compliance with the court's order, is it not?

Mr. STENNIS. The Senator is correct. It is conceded that the court's most important function is the power of the court in the civil contempt field.

Mr. THURMOND. The purpose of criminal contempt is to punish.

Mr. STENNIS. The Senator is correct. That is a penal provision.

Mr. THURMOND. That is a criminal provision.

Mr. STENNIS. The Senator is correct.

Mr. THURMOND. Since I began talking with the distinguished Senator, I have obtained a copy of the sixth amendment to the Constitution. The sixth amendment to the Constitution reads in part as follows:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed—

The Constitution does not provide "in some cases." The language is, "in all criminal prosecutions." It does not provide that the accused "may"; it provides that "the accused shall enjoy the right to a speedy and public trial by an impartial jury."

If Congress can amend the Constitution, as it attempted to do in 1957, and provide that there shall be no jury trial if the punishment for a crime is 45 days or less, or a fine of $300 or less, why could not that provision be extended so that the time of imprisonment would be 6 months? Why could it not be extended to a year?

Mr. STENNIS. If it is to be considered a valid rule the Congress could then make the term of imprisonment imposed without a jury trial 5 years, 10 years, or even more.

Mr. THURMOND. Where would the limit be?

Mr. STENNIS. There would be no limit.

Mr. THURMOND. In other words, once we go beyond the provisions of the Constitution, there is no limit. If the term of imprisonment at which a man would not be entitled to a jury trial could be set at 45 days, the terms could be extended to 6 months, a year, 5 years, or 10 years. Congress could go to almost any lengths, under the theory which was expostulated when the Civil Rights Act of 1957 was enacted.

Mr. STENNIS. Unquestionably the Senator is correct in his conclusion. If the Court should uphold the provision relating to 45 days and $300 as valid within the Constitution, the lid would be removed. Congress would be supreme in that field.

Mr. THURMOND. Does not the Senator consider that the right of trial by jury, the absence of which was listed among the grievances in the Declaration of Independence as one of the reasons why we declared our independence from the mother country, is one of the most precious rights of the American people?

Mr. STENNIS. The Senator is undoubtedly correct. It is the basis for many rights. It is a great restraint upon the abuse of governmental power. It has proved to be sound even though there may be an occasional miscarriage of justice.

Mr. THURMOND. If we attempt to limit or restrict it, or attempt to amend the Constitution or the sixth amendment, as was attempted by the Congressional Act of 1957, are we not setting a precedent that will haunt us in the future, and are we not setting a precedent that can extend the denial of trial by jury to cases that involve a longer term or a larger fine?

Mr. STENNIS. Every time Congress, in effect, reenacts the provision of the 1957 act, it strengthens it, one might say. Actually it is an argument to the Court to sustain as valid the provision which Congress adopted.

Mr. THURMOND. The bill now before the Congress, which the proponents are asking be enacted into law, designated as H.R. 7152, contains 11 titles. Is it not true that title I denies trial by jury?

Mr. STENNIS. Yes. I was referring to title I.

Mr. THURMOND. Is it not true that title II denies trial by jury?

Mr. STENNIS. That is correct.

Mr. THURMOND. Is it not true that title III denies trial by jury?

Mr. STENNIS. The answer is "Yes."

Mr. THURMOND. Is it not true that title IV denies trial by jury?

Mr. STENNIS. The answer is "Yes."

Mr. THURMOND. Is it not true that title VII denies trial by jury?

Mr. STENNIS. The answer is "Yes." The Senator is correct. Five titles deny trial by jury.

Mr. THURMOND. In other words, five titles of the bill specifically deny the right of trial by jury, in violation of and in negation of the Constitution of the United States.

Mr. STENNIS. The Senator has correctly stated that there are five titles that deny the right of trial by jury. They would apply to innumerable instances, in various kinds of cases, and could include literally thousands of people within their reach, in a period of a few years.

Mr. THURMOND. If Congress should enact the pending bill, would it not be doing great violence to the Constitution of the United States, the framework of our Government, and infringing upon the precious rights that were reserved to the people by the Constitution of the United States?

Mr. STENNIS. Unquestionably. The Senator has correctly stated the situation. The amount of punishment is no valid basis for differentiating the types of contempt that would be subject to jury trial and those that are not. The Constitution either prohibits the denial of trial by jury or permits denial of trial by jury. The Senator's argument is certainly sound.

Mr. THURMOND. Does not the Senator hold that opinion in spite of the decision handed down by the Supreme Court of the United States yesterday, in which trial by jury was denied to the Governor and the Lieutenant Governor of Mississippi, the Senator's home State?

Mr. STENNIS. Yes; the right of trial by jury was denied and erroneously so.

Mr. THURMOND. I commend the Senator for his sound and logical analysis of this bill.

Mr. STENNIS. I thank the Senator. I appreciate his contribution to the debate, as well as his comments and questions.

I will continue with my statement on the titles of the bill which deny trial by jury.

Title III: The Attorney General is given new authority by section 301(a) to bring suit "for such relief as may be appropriate" affecting public facilities which would include injunctive relief, with at least the same power of the Court to jail a defendant in contempt cases without a jury. Note, in this connection, that the House refused to adopt an amendment which would have done nothing more than to make the Civil Rights Act of 1957 applicable to contempt proceedings under title III.

A special word should be said with reference to section 302 in title III. I call the provision I am about to read the biggest "sleeper" that is in this bill or that has been in any other bill that has come along since I have been a Member of this body. Section 302 provides:

> Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action.

Encompassed in those few words, in one sentence, in a little noticed title of the bill, we have what is almost the same thing as the old title III of the Civil Rights Act of 1957 that was fought out on the floor of the Senate and rejected after days of debate and after many recorded votes. The only difference is that section 302 gives the Attorney General only the right to intervene. Each time a majority vote sustained the position of those who proposed to strike out title III. It was stricken from the bill.

The question is: Is the Attorney General to be given unlimited power which would extend his right to intervene in litigation to every suit involving an alleged denial of a civil right?

As I said before, after a very fine debate in the Senate, the Senate declined to give that authority in 1957, and the House agreed to the Senate amendment. Now it is back before us in virtually the same form, except that an individual must start a proceeding in court. Of course, a person can always be found who is ready to file a suit.

The inducement for someone to start a lawsuit is very attractive. The provision that an individual must start the lawsuit means little or nothing.

The section provides that the Attorney General may intervene. When the Attorney General intervenes, he dominates and controls the case. That is what occurs. He could apply for all the injunctive relief that was deemed necessary; he might have other parties brought into the case. He could allege, with some plausibility, that other parties should be brought into the case and then be subjected to the injunctive process.

Even if it should be a suit for money damages, the Attorney General, under this provision, would be allowed to intervene if a 14th amendment right is involved. If so, he would dominate the case.

I can think of an instance in which, if a policeman of the city of New York, for example, were being sued on the basis of an allegation of a denial of some civil right, the Attorney General could intervene in that suit and bring in the chief of police, make him a party, and in effect put the whole police department on trial. That power would apply to the largest city or the smallest town in the United States. It would apply to a county government. It would give complete authority to the Attorney General, if he wished to exercise the power we have been discussing.

The sentence I have read is just as applicable to every other title of the bill as it is to title III. I do not know why it was buried in this title. It applies to and beyond every title of the bill. That section has not been adequately debated on the floor of the Senate. It is a "sleeper." This morning I was asked by the press for an interpretation of it. Frankly, I studied and analyzed this section for the first time just 2 days ago. This is when I just realized how broad and sweeping it is. I believe it will be—and it should be—exhaustively considered and debated. I looked in vain at title III to find some kind of limitation that would keep the far-reaching language from applying to anything except title III, where it is actually found in print, but no such limitation exists. It apparently is not even confined to the subject matter of the bill which is under consideration.

Turning to title IV, the Attorney General is given new authority by section 407(a) to bring suit concerning schools "for such relief as may be appropriate," with at least the same power of the Court to jail a defendant for alleged contempt without a jury.

Without developing that further, I pass on to title VII, section 707(e), which provides that "the court may enjoin the respondent," in a suit filed by the Commission or a grievant with at least the same power of the court to jail a defendant for contempt without a jury.

My further comment upon this phase of the bill will be limited to a quotation from the views of Representative GEORGE MEADER, of Michigan, a member of the Judiciary Committee of the House, which appears on page 46 of House report 914:

> The undersigned—

He was speaking of himself, because he had signed this part of the report—

> is opposed to extension of the principle of enforcing public policy by injunction because this extraordinary and ever-expanding sanction deprives a citizen, when proceeded against by his Federal Government, of the protections guaranteed by the Bill of Rights of the U.S. Constitution designed to protect citizens from tyrannical behavior by government officials.
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> * * * * *
>
> Such statutes authorize the U.S. Government, for the enforcement of the public policy promulgated, to institute in the U.S. district court a civil action for preventive relief including an application for a permanent or temporary injunction, restraining order or other order.
>
> * * * * *
>
> Such a decree is enforced by contempt proceedings in which there is no right to jury trial, and in case the defendant is found to be in contempt, he is punished by imprisonment at the discretion of the judge.
>
> The effect of the employment of this sanction of injunction rather than a civil action at law for the recovery of damages or the institution of criminal proceedings by indictment or information is that the defendant is shorn of most of the protections set forth in the Bill of Rights of our Constitution.
>
> In a criminal proceeding, for example, the defendant has all of the protections written into our body of criminal law such as (1) the presumption of innocence, (2) the right to be confronted by accusers, (3) the right of cross-examination, (4) the requirement that proof of guilt be beyond a reasonable doubt according to a body of well-developed rules of evidence, and (5) the right to trial by a jury of his peers.
>
> These protections either do not exist at all when the citizen is proceeded against by his government by the injunctive process, or they exist in a less adequate form.
>
> It was precisely because of the tyrannical behavior of the British monarchy and the British courts when proceeding against freemen that our Founding Fathers were led to incorporate protections and due process of law in the first 10 amendments to our U.S. Constitution commonly known as the Bill of Rights.

I wish to add a few thoughts by way of illustration.

In my younger days as a lawyer, I was district attorney; and I found it extremely difficult to obtain proof in many cases in which I thought the defendant should be convicted. On occasion, it was very difficult to obtain enough proof to convince the 12 men on a jury beyond a reasonable doubt. I sometimes get a little warm under the collar at the terrible requirements put upon the State.

In later years, when I served as a judge, I had an opportunity to look at the subject from a different point of view. I realized more fully the wisdom of the Bill of Rights, the soundness of its principles, and the great protection it affords our people.

Even though, sometimes, there are miscarriages of justice under the jury system, and mistakes are made, I am amazed at the accuracy and the soundness—which I have observed during my life—of the decisions which juries have made, even though they were untrained in the law.

Under present conditions when this kind of legislation is enacted, vast government controls enter more and more into the field of the everyday life of people. This bill, particularly, would literally reach into every factory. It would reach into every public agency and into local governments, into the school districts, the city governments, and the States. It would reach into every business establishment employing 25 or more people. It would reach into all the ramifications of the vast agricultural and educational programs of the Federal Government. It would reach into health, education, and welfare programs. It would reach into all the additional programs which we have added to the Federal Government during the past 30 years.

We see in all of these titles the roving power of the Attorney General's Office, which would be fully equipped, without any limitations, to apply and assert all the powers granted by the bill. He could do this even in cases where an individual has filed suit. In every such case the fundamental right to a jury trial would be taken away.

It is a much longer step than many who advocate passage of the bill realize. It is no answer to say that the power will not be used, and that it will not be abused. It is our responsibility to take note of the fact that it is power that Congress will be granting, and that it is power that will be used.

A great many people favor the general idea of civil rights—they say they favor this bill—but, when they really study it and realize its far-reaching application and its denial of basic constitutional safeguards, they reverse themselves and refuse to support it.

The advertisement also asserts that the pending bill would:

> (b) Allow the Government to hold star chamber sessions and to imprison those who disclose, without permission, what went on behind its closed doors (sec. 501).

There is no factual misstatement here.

Section 501(g) brings forward and reenacts the following provision with respect to the Civil Rights Commission:

> No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year.

Those words speak for themselves. That is not a vital defect, but it is an extraordinary provision in the bill, and the advertisement, in very mild language, points it out.

The advertisement further states that the bill would:

> (c) Deny an individual the right to freely seek employment without Federal interference as to race or religion—it would deny this right (titles VI and VII).

And—

> (d) Deny the employer the right to hire, fire, promote, and demote without Federal interference as to race or religion—it would deny this right (titles VI and VII).

This is entirely a fair comment and completely legitimate argument.

The employer and employee are put under the strictest kind of regulations and conditions of Federal intervention. The employer is limited not only with reference to employment and as to discharging of people, but, more than that, even with respect to promotion. I do not want to see any employee discharged, I would like to see everyone keep his job as long as he deserves to keep it, whether the employer be the Federal Government or a little manufacturer on a side street; but both would be put in a position in which the employer could not discharge persons whose salary he pays. When that is done the employer will be affected very materially. It will be improperly and illegally interfering with the fundamental civil rights of employers. I do not want to see anyone fired without cause, but I believe that no employer should lose his rights to control those whom he has to pay.

Federal interference as to race, color, religion, sex, or national origin is authorized under title VII—the FEPC section. Where alleged discrimination is involved the Federal authorities or the Federal courts will make the final decision whenever race, color, religion, sex, or national origin is involved, in hiring, firing, promotion or demotion, compensation, and privileges of employment.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LAUSCHE. If race, color, or religion is not in involved, does the Federal Government, under the bill, have authority to step in and tell people what to do?

Mr. STENNIS. Under title VII the bill, alleged acts involving race, color, religion, sex, or national origin are covered. The Government would be limited to action involving these cases. I take it the Senator is inferring a privately owned establishment would not be affected otherwise.

Mr. LAUSCHE. Yes. If race, color, or religion were involved, the Federal Government would be able to step in and declare what should or should not be done. Is that correct?

Mr. STENNIS. Absolutely. That is the situation under the provisions of the bill. That is true, except also that an amendment was added to the bill on the floor of the House adding sex. Sex was not included in the original bill. I do not understand how anything could be broader.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SPARKMAN. Does that mean that a religious sect or denomination, which operates a publishing house and naturally employs people of its own denomination or faith, would be subject to the Federal Government stepping in and telling the religious organization that it cannot do that?

Mr. STENNIS. A religious organization is excepted only so far as to that occupational qualification is reasonably necessary to the normal operation of that business. The religious publishing house cannot be assured any job will qualify as an exception. This is another example of how absurd the law is when its provisions are fully explored.

Mr. LAUSCHE. Why does it show on its face that it is absurd? They are permitted to discriminate on the basis of religion, are they not?

Mr. STENNIS. Under the terms of the bill, even a religious organization that is publishing literature of its own could not be assured it could hire whom it wished to hire, but would be required to perform under the Federal code, as it would be interpreted in that particular situation.

Mr. LAUSCHE. That would mean that a religious organization would be allowed to discriminate in choosing a member of its religion, and exclude members of other religions in employment.

Mr. STENNIS. The limitation provides that the employment to be exempted must be reasonably necessary to the normal operation of that particular business. No one knows how that will be interpreted.

Mr. LAUSCHE. It does raise the question as to whether by law we are making an exception that allows discrimination.

Mr. STENNIS. The Senator is correct.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr SPARKMAN. Does not the proposal seem to confuse the entire issue? In the first place, it seems to me that when religion is included as the basis for discrimination, we are beginning to get pretty close to the prohibition against mixing government and religion. It is confusing both ways, both in the exemption that is provided in the amendment, and also in the provision that is in the bill.

Mr. LAUSCHE. I understood the Senator to say that in one breath the Supreme Court said that the Government shall not in any way pass laws which give preferential treatment to religion or allow rights to be determined on the basis of religion.

Mr. SPARKMAN. Yes.

Mr. LAUSCHE. And in the next——

Mr. SPARKMAN. In other words, that the Government cannot make that determination. It seems to me that that is true so far as the provision in the bill is concerned. When the amendment was adopted, it merely compounded the situation.

Mr. STENNIS. I agree with the Senator from Alabama that the situation was compounded.

Mr. SPARKMAN. It is true, is it not, that there is the provision relating to sex. It seems to me if the bill is to affect all these other matters sex is entitled to be one of the factors that should be included.

There are certain types of work in this country in which women are not employed. As a matter of fact, I believe that most States have laws prohibting the employment of women in certain types of work, and at certain parts of the day.

Would this provision upset those laws?

Mr. STENNIS. It certainly would.

Mr. SPARKMAN. Would it upset those traditions and practices throughout the country?

Mr. STENNIS. It certainly would. The Senator has made an excellent point. The bill was amended in the House of Representatives to include the word "sex."

Mr. SPARKMAN. That is correct.

Mr. STENNIS. There were no hearings. There was no mature consideration of it. Laws of the States which prohibit women from being employed in hazardous employment were not considered.

Mr. SPARKMAN. Many States prohibit the employment of women on the graveyard shift.

Mr. STENNIS. That is correct.

Mr. SPARKMAN. I believe most States provide against the employment of women in hazardous employment.

Mr. STENNIS. That is correct.

Mr. SPARKMAN. Such employment would consist of the stringing of electric lines, for instance, digging coal, mining. I believe women are not employed in that type of work. I believe most States prohibit it.

Does the Senator understand that this provision in the bill would break that down?

Mr. STENNIS. Absolutely. There would be no exception. The word "sex" is written in the bill and would apply equally with race, color, religion, sex, or national origin in the hiring, firing, and promotion of employees. That is controlled.

Mr. SPARKMAN. On the subject of national origin, I suppose there are some protection and security provisions so that a company would not have to hire just anybody if he were a security risk or came from a certain area where he would be suspect. Is there any saving clause in the bill for that?

Mr. STENNIS. The Senator from Mississippi does not know of anything. Perhaps it might be included by interpretation.

Mr. SPARKMAN. In the case of a private company working on a very secret project, such as missile work, or in the space activity at the testing grounds in the State of Mississippi, would the private company not have any protection?

Mr. STENNIS. I do not find anything in the bill that would assure protection for such a company under those circumstances.

Mr. SPARKMAN. In the military field, the Government can protect itself. But a private concern could not protect itself.

Mr. STENNIS. No. A private concern would have no authority to protect itself. If the Equal Employment Opportunity Commission did not agree to the standards and requirements for the employee to meet, the employer would stand there unprotected.

Mr. SPARKMAN. The Senator mentioned setting up certain standards. Is not one of the many sections of the bill—it is hard to speak of it as a bill, because it is really 11 bills.

Mr. STENNIS. It is 11 bills.

Mr. SPARKMAN. Is not one of the weaknesses to be found in several places in the compound bills, the fact that standards are not set up in the law itself?

Mr. STENNIS. There are no guidelines. There are no definitions. It is left to the agencies concerned such as I mentioned in the title which allows the discontinuance of Federal assistance.

Mr. SPARKMAN. Yes. That is title VI.

Mr. STENNIS. What is meant in the bill by the term "Federal financial assistance"? No one knows what it means. There is no definition of it. No one is furnished a list of what will be in or what will be out of the bill with reference to such programs. People are very highly critical of the avertisement I mentioned because it made certain plausible arguments, I suppose, but no one gives us a bill of particulars.

Mr. SPARKMAN. The Senator may recall that in a speech I made while the motion to take up the bill was pending, I stated that we were tending, under the terms of the bill, toward a government of men rather than a government of laws. Does not the Senator think that that is a correct interpretation?

Mr. STENNIS. I remember that statement. The Senator is correct. I was impressed with his argument then. I am glad he has raised the point again.

Mr. SPARKMAN. When an agency makes a decision, I understand that it is not necessarily a final decision; but it is the recommendation of the agency, is it not?

Mr. STENNIS. The Senator is correct. In a great many instances, it will be the final decision.

Mr. SPARKMAN. From a practical standpoint, it will be the final decision. Is it not true that it will be a decision made by men?

Mr. STENNIS. That is correct.

Mr. SPARKMAN. Rather than in accordance with a law or by standards set forth in a law?

Mr. STENNIS. It will be a decision made under the general grant of authority that is written into the bill. We should never forget that because in most cases, whatever the agency says is the law will be the law of the land. The case will never get beyond that point. The same is true in court. Perhaps 96 or 99 percent of the cases tried in court never go beyond the trial judge. Whatever he rules in the case is the law to those people, because their cases will never go further.

Mr. SPARKMAN. In many instances, they cannot afford to appeal the cases.

Mr. STENNIS. That is correct.

Mr. SPARKMAN. Often it is realized that the great weight of the judge's decision will probably stand as the decision in the case.

Mr. STENNIS. On page 35 of the bill, beginning on line 11, in the definition of "unlawful employment practice," this proposal makes an exception of persons who are members of the Communist Party or of any other organization required ot register as a Communist-action or Communist-front organization.

With respect to the question that was raised a few minutes ago, the RECORD should reflect something further. The Senator from Ohio [Mr. LAUSCHE] raised the point about religious organizations and businesses carried on by such organizations. I said I thought there was an exception. I find that at least one exception is covered on page 34, beginning in line 20, where the proposal reads:

> (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

That is the exception in the educational field. I do not believe there is an additional one.

Mr. SPARKMAN. If that is the only exception, would not the Senator from Mississippi agree with me that it would not cover the kind of case I cited; for instance, the case of a religious publishing house?

Mr. STENNIS. The Senator from Alabama is correct. If there is not an additional exception, a religious publishing house would not be covered.

In my opinion, also pertinent to the question is the text of the bill beginning in line 7, on page 35:

> (f) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

In other words, in prohibiting all discrimination on account of religion or the lack of religion, the bill would exclude the refusal of an employer to employ a person because of his atheistic practices and beliefs. In dealing with constitutional principles, I do not understand how it would be possible to include one group, but to exclude the other, even though in the latter case a lack of religious belief was involved. Certainly in the Constitution there is no provision in regard to religious belief or lack of religious belief.

Mr. SPARKMAN. On the basis of the Supreme Court's decisions, does the Senator from Mississippi believe the Court ever would uphold that provision?

Mr. STENNIS. I do not believe the Court would uphold it.

Mr. SPARKMAN. Certainly, in keeping with the Court's decision in the Baltimore case and with another decision of the Court, it seems to me that provision could not be sustained as constitutional.

Mr. STENNIS. I agree.

Mr. SPARKMAN. Will the Senator from Mississippi yield, to permit me to ask a question on another phase of the bill?

Mr. STENNIS. I am glad to yield.

Mr. SPARKMAN. Yesterday, or perhaps on Sunday, there was published in the newspapers a large announcement or advertisement to the effect that 22 distinguished constitutional lawyers had certified that the pending bill is, in their opinion, constitutional. Of course, to certify that the bill—which really is 11 big bills, with many, many constitutional questions involved—is constitutional, is a rather broad certification; does not the Senator from Mississippi agree as to that?

Mr. STENNIS. I certainly do, for the bill is about as broad as could possibly be imagined.

Mr. SPARKMAN. I do not wish to ask this question in such a way as to imply that the Senator from Mississippi was not impressed by that endorsement; but I wonder whether he will comment on the following: Someone asked me what I thought of that statement; and I replied that those 22 gentlemen are eminent jurists or lawyers; but I believe that perhaps even more, just as eminent, who would state that the bill does contain unconstitutional provisions, could be found. Does the Senator from Mississippi agree?

Mr. STENNIS. I certainly do; undoubtedly it is true that an even larger number who would hold that the bill contains unconstitutional provisions could be found.

I do not now remember the names of very many of the group of 22; and I have not yet had a chance to examine their statement.

Mr. SPARKMAN. I only know that included were four former presidents of the American Bar Association. Of course, two former presidents of the American Bar Association have been quite outspoken in stating that they believe the bill is unconstitutional.

Mr. STENNIS. Yes.

Mr. SPARKMAN. So far as I know, the other former presidents of the American Bar Association have not expressed their opinions in regard to the constitutionality or lack of constitutionality of the bill; at least, I have not seen them quoted.

Included in the list of 22 are some law school deans; but how interesting it would be to learn what all the law school deans in the country would have to say on this point.

Does the Senator from Mississippi not agree that the question of constitutionality cannot be determined simply by obtaining the opinions of lawyers? Is it not true that we shall not know about the constitutionality of the bill until the Supreme Court speaks on that subject?

Mr. STENNIS. That is correct. Of, course, under our oaths as Senators, we have a special obligation to try to determine, as best we can, under the power we have, the constitutionality of the measures on which we vote; and we are required to determine that question in the affirmative before we vote in favor of the passage of a bill.

Mr. SPARKMAN. Yes.

The Senator from Mississippi has studied constitutional law, has he not?

Mr. STENNIS. Yes; but, unfortunately, most of the constitutional law I learned has since then been repealed.

Mr. SPARKMAN. But the Senator from Mississippi studied constitutional law; and he has practiced law; and, as a judge, he has also had constitutional questions before him many times; and, in addition, as a Member of the Senate he has dealt, here in the Senate, with constitutional questions. Does he believe that constitutional questions are involved in the bill?

Mr. STENNIS. Yes; many of them, including very many in connection with the title which deals with the proposed FEPC. I do not believe the Federal Government has such power. The Constitution clearly prohibits Congress from dealing with voting qualifications; the Constitution prohibits Congress from acting in that field.

Mr. SPARKMAN. That is true.

Of course I do not pretend to be the constitutional lawyer that the Senator from Mississippi is.

Mr. STENNIS. The Senator from Alabama flatters me greatly.

Mr. SPARKMAN. However, I did study constitutional law under one of the great constitutional law teachers of the country; and ever since I entered Congress, 22 years ago, I have been wrestling with constitutionality questions in connection with the enactment of proposed legislation. On the other hand, I do not pose as an expert in that subject. But I do say that none of us can state whether a provision is or is not constitutional until the Supreme Court has passed on it.

On the other hand, I do say that this omnibus bill includes many provisions—many provisions in the many bills included in this omnibus bill—which I believe to be unconstitutional.

Mr. STENNIS. Mr. President, the Senator from Alabama is eminently correct. I value his opinion, for I know he has a very fine concept of constitutional law, based on his distinguished congressional career, as well as on his studies.

We do find that a good many of the constitutional law principles we were taught have now been reversed, and no longer are regarded valid. But certainly the provisions of the pending bill are so far reaching and would extend so far beyond the power of Congress, that they are clearly invalid, constitutionally.

I thank the Senator from Alabama for the questions he has asked.

Mr. President, with Executive Orders Nos. 10925 and 11063 as precedents, it is entirely conceivable that "rules, regulations, or orders" which Federal agencies and departments would issue under title VI would include similar FEPC provisions—excepting, of course, provisions dealing with discrimination based on religion, which for some reason is not prohibited by title VI.

Title VI omits the word "religion." That is rather odd.

While employers brought with title VII by engaging in interstate commerce would be subject to the ultimate 25-employee exclusion, those subject to title VI—through participation in any program or activity receiving Federal financial assistance—would not be subject to this exception. Employers with one or more employees could be reached under title VI. That is a distinction.

> (e)—

And I read further from the advertisement—

> Deny to school boards (public and private) and to colleges the right to determine, unhampered by the Federal Government, how their students and teaching staffs should be handled—it would deny this right (titles IV, VI, and VII).

Title IV—"Desegregation of public education"—would grant very little power to the Commissioner of Education, other than to survey and report concerning "the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States" and to render technical assistance to schools and school districts, to maintain training institutions, and to make grants for employment of specialists in integration. It would grant new powers to the Attorney General, as already mentioned. This is the title in which the House amended the definition of "desegregation" by adding the words "but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Control of public and private schools and universities and colleges would result from the power to manipulate, control, and withhold Federal assistance and funds to which the institutions would otherwise be entitled. Thus, the power-packed provision affecting private and public schools and colleges is title VI. Few people realize the great variety of statutes which could and undoubtedly would be used to influence and control the action of the trustees of every school and college. Included in the laws which would be affected under title VI are the following:

First. Assistance to schools in federally affected areas, 20 U.S.C. 631–645; 20 U.S.C. 236–244.

Second. Assistance for elementary and secondary education, 20 U.S.C. 441–445, 481–484.

Third. Graduate studies, 20 U.S.C. 461–465.

Fourth. Students in institutions of higher learning, 20 U.S.C. 421–429.

Fifth. Mathematics, science, foreign language training, 20 U.S.C. 441–445.

Sixth. Cooperative research, 20 U.S.C. 331–332.

Seventh. Higher education construction, Public Law 88–204.

Eighth. Assistance to land-grant colleges, 7 U.S.C. 301–308, 321–331. That is one of the oldest programs on the books. It is more than 100 years old.

Ninth. Vocational education, 20 U.S.C. 11–34.

That is a program which I believe is almost 50 years old.

Tenth. Grants for library services, 20 U.S.C. 351–358.

Perhaps that is one of the more recent ones.

Eleventh. Teaching for the blind, 20 U.S.C. 101–105.

Twelfth. Training teachers of the handicapped, 20 U.S.C. 611–617—mentally retarded; 671–676—deaf.

Thirteenth. Educational television facilities, 20 U.S.C. 541–542.

Fourteenth. Department of the Interior; Bureau of Indian Affairs; Education and welfare services, 25 U.S.C. 452–454.

Fifteenth. Housing and Home Finance Agency; college housing, 12 U.S.C. 1749–1749d.

Sixteenth. Department of Health, Education, and Welfare; higher education construction, Public Law 88–204.

Seventeenth. Colleges of agriculture and mining, 7 U.S.C. 329.

Eighteenth, Cooperative vocational education, 29 U.S.C. 31.

Nineteenth. Library services, 20 U.S.C. 351–358.

Twentieth. Defense education activities; language development, 20 U.S.C. 511–521.

Twenty-first. Fellowships and assistance to schools—Atomic Energy Commission—42 U.S.C. 2201.

Twenty-second. Research grants awards—National Science Foundation, 42 U.S.C. 241.

Twenty-third. Fellowship awards—National Science Foundation, 42 U.S.C. 289C.

Section 602 is mandatory, not discretionary. It provides that each Federal department and agency shall take action to effectuate the provisions of section 601 with respect to such program or activity. Such action may be taken by or pursuant to rule, regulations or order of general applicability. Each of the agencies dealing with school or college funds or assistance would be required to determine whether discrimination existed in programs administered by it and to require the elimination of any such discrimination (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding of a failure to comply with such requirement, or (2) by any other means authorized by law.

It is significant that title VI does not provide that "discrimination" shall not be defined to include racial imbalance. This amendment was to title IV alone and is applied only to the word "desegregation" therein used. This may permit "side door" action by Federal authorities under title VI.

That is a distinct possibility for which a plausible argument could be made.

Another assertion in the advertisement is that the bill would:

> (f) Take from local and State officials their right without Federal interference—to handle local and State elections—title I (first item).

I fail to see any real basis for dispute about this.

Title I would set up certain Federal requirements concerning qualification of voters which would interfere with and attempt to supersede the right of State legislatures and local and State officials. I quote from the minority report of the House Committee on the Judiciary, being page 78 of Report No. 914:

> The reported bill is cleverly designed to include many State elections.
>
> This is done by including in section 101(c) the definition that "the words 'Federal election' shall mean any general, special or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives." Members of the House of Representatives, Members of the Senate or presidential electors are chosen at the same elections at which State or local officials are elected in 46 States. The bill is worded with the intent to make it applicable to all officers chosen in such elections and hence is applicable to State or local elections in such States.

Nor is this all. It is readily conceded by civil rights proponents that title I would have precisely this effect. Representative McCULLOCH, of Ohio, the ranking member of the House Judiciary Committee, in discussing this provision on the floor of the House on February 3, 1964, said:

> I said that the election of Federal officials would be covered, and if the State officials chose to have their election or if the State chose to have its election for State officials on the same day the Federal officials were elected, then this legislation would cover the election of the State officials.

The distinguished Senator from Minnesota [Mr. HUMPHREY] made a similar concession in his lengthy speech on H.R. 7152 on the floor of the Senate on March 20, 1964. He said:

> When State and Federal elections are held together, the inclusion of the words "in part" will no doubt have an effect on the State election.

He also said:

> If a State continues the single procedure for State and Federal elections after the enactment of title I, its elections, including the inseparately related election of State and local officers, will be held "in part" for the election of Federal officers, and they will be covered by the legislation.

There is some bit of irony in the fact that the Senator from Minnesota made this statement on the same day that the Senator from California [Mr. KUCHEL] bitterly attacked the statement made in the advertisement and said:

> In the first place, as I have noted previously, much to my displeasure, the House-passed bill is limited solely to Federal elections.

The conflict between the views of the Senator from Minnesota and Representative MCCULLOCH, on the one hand, and the Senator from California, on the other, is too apparent to merit comment.

Mr. President, the advertisement in question also stated that the bill would:

> (f) Take from local and State officials their right, without Federal interference, to regulate local parks, swimming pools and other recreational facilities—title II, second item.

The reference to the title II in this line was a manifest typographical error. This statement should have referred to title III, and the following line should have referred to title II. There is no need to discuss title III in any detail. It goes much further than the statement in the advertisement and grants the Attorney General the right to bring an action in court at the expense of taxpayers, even though no person has filed suit.

According to the advertisement, the bill would also:

> (b) Take from local and State officials their right, without Federal interference to regulate hotels, restaurants, motion picture houses, stadiums, etc.—title III, third item.

As I have already stated, the reference to title III is a typographical error. The reference should be to title II. There is no need to discuss here the unconstitutional preemption by the Federal Government of the right of the States to regulate privately owned places of so-called public accommodation which offer to serve the public and which are within the coverage of the bill.

There are some provisions in the bill relating to regulation of those accommodations that I think even a State does not have power to regulate.

Another statement is that the bill would:

> (f) Take from local and State officials their right, without Federal interference, to regulate employment practices—titles VI and VII, fourth item.

While States and their political subdivisions are not technically within the coverage of title VII as employers, we must bear in mind again the power of Federal officials to control the purse strings under title VI. The broad authority under title VI will permit the extension of all of the inhibitions of title VII—without any of the protective procedural provisions thereof—to all States and their political subdivisions which participate in or receive the benefit of any program or activity receiving Federal financial assistance.

Again I raise the point, What is meant in the bill by the term "Federal financial assistance"?

THE MYSTERY WORD: "DISCRIMINATION"

Mr. President, the mystery word of all the words in the entire 11 bills thrown into one is the word "discrimination."

The advertisement recites as follows:

> The bill now pending in the U.S. Senate would: (a) allow each Federal department and agency to determine for itself what is and what is not "discrimination" (titles V, VI, and VII)—the bill, itself, does not define the word, (b) allow each Federal department and agency to determine for itself what is and what is not "race" and "religion" (titles IV, V, VI, and VII)—the bill, itself, does not define either word.
>
> Therefore, there would be no uniformity of interpretation. What might be classified as a "discriminatory practice" by one agency, might not be so classified by another agency.

That there is no uniformity is a significant and very practical objection. There is no definition of the word "discrimination." There is no required uniformity on the part of various departments and agencies in applying their definition or meaning to the word.

The advertisement also recites:

> It would empower Federal political appointees—through the use of the blacklist, cancellation of contracts, foreclosure, and other punitive means—to use almost $100 billion a year to force our people to knuckle under to executive dictation (secs. 601-602).

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. Does the Senator know whether there was any discussion in the House, either in committee or on the floor, relating to the issue that there is no definition in the bill of the meaning of the term "discrimination"?

Mr. STENNIS. I have not personally read any of the debate in the House on that point. I am sorry I cannot come to the assistance of the Senator from Ohio.

Mr. LAUSCHE. The Senator's position, however, is that since many departments would be guided by the proposed law, the interpretation of the term "discrimination" would depend upon the minds of the persons in charge of the departments and that their minds would differ on what the meaning of the word "discrimination" is?

Mr. STENNIS. That is exactly the point; and even though discrimination with reference to one enterprise and one undertaking would vary somewhat from that in another, certain fundamental and essential definitions should be assigned to the word "discrimination." It should be made clear in the bill to serve as a guideline for the agencies involved. Otherwise, free to follow their own course, many would have different ideas which could be impractical and unsatisfactory. An individual might have two different businesses; and there might be one term for the meaning of "discrimination" in one business and another term for it in the other. A person, although trying to comply with the law, might find himself in a conflicting situation in his own central management.

I thank the Senator from Ohio for his question.

These various titles upon which this portion of the advertisement is based are so clear that further comment is unnecessary. I submit that the argument made there does no violence either to reason, logic or fairplay.

DICTATORIAL ATTORNEY GENERAL

One term used in the advertisement is "dictatorial Attorney General." I will repeat the wording of the advertisement under the heading "Dictatorial Attorney General," which speaks for itself:

> This bill would make the Attorney General a virtual dictator of America's manners and morals. It would grant him unprecedented authority to file suits against property owners, plain citizens and State and local officials, even though the supposed grievant has not filed suit. The Attorney General would become the grievant's lawyer at the taxpayers' expense. The bill grants to the Attorney General—
>
> (1) The unprecedented power to shop around for a judge he prefers to hear a voting suit (title I).

I wish to make further comments on that point at a later time. I believe that in any enactment of a bill by Congress, to permit anyone including the Attorney General, to shop around for a judge as this provision would allow, would be a serious encroachment upon the judiciary. It would be serious abuse of power by Congress, if valid. I do not believe that we can authorize the Attorney General of the United States, or any other person, to operate under a separate law. To this extent at least, with reference to setting up tribunals, it does not make sense, and it is not right.

The individual against whom the Attorney General would be proceeding could not shop around for a judge which he would prefer. The official against whom he would be proceeding, or the local agency, or a State, could not do that. But title I of the bill would give the Attorney General carte blanche authority to shop around without any restriction. He would not have to even allege any irregularity, much less prove any. He could automatically set up a special court. I do not believe under any circumstances Congress should make an exception for the Attorney General, or anyone else unless it were during wartime, or because of an extraordinary situation of that kind.

If we make such an exception, we shall undermine the fundamental concepts of the judicial branch of our Government as set forth in the Constitution.

I wish to say something further on that point. I am in the process of preparing the remarks.

Mr. LAUSCHE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. If I correctly understand the argument of the administration, there now exists in law the authority for the Attorney General to shop around and find a court that he feels will be fair in the disposition of the cause he will present. I should like to inquire of the Senator from Mississippi if he is familiar with that authority.

Mr. STENNIS. I am not completely familiar with all the provisions of the law concerning three-judge courts. I do know that the existing provisions for then differ substantially from that found in title I. I do not believe that the Attorney General has any powers with respect to three-judge courts under existing laws which would serve as a valid precedent for the proposal contained in the pending bill. There are provisions for three-judge courts in specified and limited cases, but——

Mr. LAUSCHE. I believe it has been said that in the antitrust cases the Attorney General can go to a circuit court and ask for the appointment of a judge; but the position of the Senator from Mississippi is that no one should be given the right to look around to find a court which the Attorney General might believe would be honest, thus implying there are courts which are dishonest.

Mr. STENNIS. The Senator is correct. The Attorney General would not have to give any reason, under the law, make any allegations, or submit any proof. He would merely say, "This shall be done," and the statute would provide that it should be done.

Mr. LAUSCHE. How would the Senator from Mississippi answer the argument that there is now a procedure, under the antitrust laws, which gives this identical right to the Attorney General in antitrust cases; and therefore, since it is there, it should be given to him in connection with civil rights litigation?

Mr. STENNIS. There is quite a distinction between the subject matter of the litigation and in the manner in which the courts are constituted. Antitrust suits involve far-reaching organizations and enterprises stretching, perhaps, all the way across the continent. They involve various practices and business relationships that can be vast in their consequence.

Under the pending bill, three-judge courts would be provided in matters which involve specific localities and local election officials.

The proponents of the so-called civil rights bill say that the southern judges put such cases off, and that they will not do this, or that.

I believe that there are high quality judges on the bench. I hold in my hand a decree in the State of Mississippi, already signed by an honorable Federal judge who has been on the bench for 30 years. He has expressly ordered the school board to admit certain Negro children to school. The order is that the board must come forward with a plan. The case has reached the final stages. The issues were litigated. This issue has been highly controversial, beginning with the Brown case. The Federal judge has followed the law as it has been established by the higher courts. Perhaps, in some instances the judges do not act so quickly as the Attorney General might wish, but that is no reason to allow the Attorney General to choose his own judges. Such a practice would be an encroachment of our long established judicial system.

I shall be glad to discuss that question further with the Senator. I am glad he is interested. We shall go into the antitrust feature; but I do not believe that a comparison with the pending bill is applicable.

Mr. President, to continue:

> (2) The right to sue an owner of public accommodations before the owner is accused of a "discriminatory practice" (title II).
>
> (3) To sue State or local officials concerning public facilities, without an individual having filed suit (title III).
>
> (4) To sue local school boards, although no suit has been filed by any schoolchild or other person (title IV).
>
> Last fall, when broad authority to sue in civil rights matters was first proposed, the Attorney General said: "Obviously the proposal injects Federal executive authority into some areas which are not its legitimate concern and vests the Attorney General with broad discretion in matters of great political and social concern." This bill falls within that condemnation.

Each of us can judge whether those statements exceed fair comment or legitimate debate on a burning issue of the day. I say they do not. Each of us can make our own decision as to whether the sponsors of the advertisement were within their rights in bringing to the attention of the American people their version of the impact, effect, and import of the civil rights package. I assert that they were.

I am absolutely certain that there is no one who can state with complete accuracy precisely what this bill will and will not do. Its total impact and effect cannot be measured at this time.

That is an important statement—one which cannot be contradicted. No one can state with complete accuracy what the bill would do and would not do. That can be illustrated in a hundred different provisions. There was a very fine discussion today on the title dealing with the withholding of Federal funds. No one can say with complete accuracy what a federally assisted program is under the language of sections 601 and 602. The language is vague and conflicting.

The proponents can argue with equal honesty that one program or another is or is not included. The language is easily subject to more than one interpretation—even to more than two or three interpretations.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is the Senator referring to the advertisement entitled "$100 Billion Blackjack"?

Mr. STENNIS. Yes.

Mr. LONG of Louisiana. Is the Senator aware of the fact that the executive power of the Government is now being used to bring pressure upon every lending agency which has any connection with the Government to force the agencies to hire people whom, in some cases they would prefer not to hire, and to withhold the making of loans in areas where people may desire to live among neighbors of their own choosing?

Mr. STENNIS. The Senator from Mississippi is familiar with that situation. I believe the Senator from Louisiana also is familiar with it, because we have both felt the lash in that regard.

Mr. LONG of Louisiana. The full spending and lending power of the Federal Government is used to make it difficult if not impossible for people to make loans, and is brought to bear upon individual citizens, to make them do things not of their free will. All of this is without the sanction of law. Such efforts are supported by usurpation of power. Does that not amount to a hundred-billion-dollar blackjack, or more?

Mr. STENNIS. When we include loans by federally supervised lending agencies the amount exceeds $100 billion. I know of the experience of a fairly small manufacturing plant in Mississippi, which does not sell anything to the Federal Government. It does not sell even one dollar's worth of its products to the Federal Government, and it has no contract or any other business relations with the Federal Government whatever. However, the company is a member of a group of companies—some of them located in Ohio, Indiana, and elsewhere—that are doing business with the Federal Government and have contracts with the Federal Government. Therefore, the Federal Government assumed jurisdiction because of the related companies located in other parts of the country. It moved in on this little enterprise in Mississippi, and really read the riot act to it. This is a very difficult situation.

Mr. LONG of Louisiana. Is it not correct to say that in connection with some Federal aid programs—and I have highways particularly in mind—conditions are being placed in Federal aid contracts under which a State agency would be required to have a contractor doing business with the State forgo his right to hire and fire whom he wishes to hire or fire, and requiring, also, other people who do business with them to do the same thing?

Mr. STENNIS. The Senator is correct. That is done under executive order of the Federal Government.

Mr. LONG of Louisiana. Are there not provisions included in the bill which are designed to firm up and to legitimize that kind of activity?

Mr. STENNIS. It would approve all those that exist, and create authority with respect to anything that touches the Federal Government. There would be unlimited power to issue all kinds of executive orders. This bill goes even further than that. It contains provisions giving similar power to departments and agencies. At the same time we are leaving the President foot loose and fancy free.

Mr. LONG of Louisiana. I agree with the Senator's argument that this proposal amounts to a $100 billion blackjack; it is probably more than a $100 billion blackjack.

Mr. STENNIS. It will add up to several times $100 billion. I thank the Senator from Louisiana.

My point is that these issues must be debated. The arguments may be opposed, if anyone wishes to do so. That is in accordance with the American system. However, there are no clear guidelines in the bill. The arguments are made in good faith; yet different conclusions will be drawn.

If the bill is passed it will be 25 years or more before the extent of the power which is conferred is precisely defined. Even the proponents of the legislation have said that every sentence of it will be tested in the courts. Because of the uncertainty necessarily involved in this drastic package, it is important that we consider—not only what we know will be done under it, but also what conceivably can be done under it in the hands of bureaucrats who are intent on stretching it to its maximum limit.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Is not the Senator saying, in effect, that once laws are passed to support this kind of activity, such usurpations of Federal power being as are now exercised against citizens will be even further expanded? Is it not true that there will be no limit to the kind of thing that the mind of man will dream up to further impose upon people and to deny them their freedom of choice and right to associate and to hire and fire?

Mr. STENNIS. That would be natural. It is human nature. That is what we expect, and we will be blamed for not anticipating it now. The departments will wish to get results with this new power. Their records will be checked, to see what they are doing. It is like the sale of savings bonds during the war. A certain quota is assigned to each department or agency, and each one will have to meet its quota.

Mr. LONG of Louisiana. Does the Senator believe that every citizen has the civil right to live among neighbors of his own choosing, and with the type of people that he would like to live with?

Mr. STENNIS. The Senator has touched the fundamental point. There is nothing closer to a man than his own home. Suppose he wishes to sell his home and buy another. If he tries to sell his house he may find that he is in an impossible situation. He may not be able to offer it to a real estate agency, because of restrictive rules and regulations. One of the most valuable human rights, one of the oldest rights known to man, may be taken away from him.

Mr. LONG of Louisiana. Is he not likely to find that the President of the United States has put pressure upon all the lending agencies, to see that the agencies do not make loans to him in order to sell the home to someone who is acceptable to his neighbors?

Mr. STENNIS. He is, under the executive order issued by the President in 1962. All these inhibitions have been attached to loans which have been obtained since then, under the rules and regulations laid down.

I covered this subject in the first part of my discussion as to how the housing order covers the contractor who builds the house, the man who develops the land, and the man who supplies the material. It even applies to the leasing of the house by the man who owns it. The man is bound by that provision in all rentals. He discovers that he signed a provision to that effect when he obtained the money. At a time when he seeks to sell the house, he is not master of his own house, because he signed on the line to get the money. That illustrates what we are wading into.

I thank the Senator. I appreciate his interest.

The advertisement details in outline form the effect the proposed legislation would have on classes of individuals and institutions.

It is as follows:

> Within the coverage of this bill, Federal inspectors would dictate to [1]—
>
> Farmers as to (1) all Federal farm programs, (2) employees and tenants, (3) membership in farm organizations.
>
> Banks and other financial institutions as to (1) approval of loans, (2) foreclosure of loans, (3) compensation, terms, conditions of employment, (4) hiring, firing and promotion of employees, (5) racial balance of job classifications.
>
> Business and industries as to (1) hiring, firing and promoting of employees, (2) racial balance of job classifications, (3) racial balance of office staffs, (4) preferential treatment of minorities.
>
> Individuals as to (1) seniority in private employment, (2) seniority in civil service, (3) preferential advance of minorities, (4) social security, (5) veterans' and welfare benefits, (6) employee facilities.
>
> Labor unions and members as to (1) job seniority of members, (2) seniority in apprenticeship programs, (3) racial balance in job classifications, (4) racial balance in membership, (5) preferential advance of minorities.
>
> Schools and colleges as to (1) handling of pupils, (2) employment of faculties, (3) occupancy of dormitories, (4) use of facilities.
>
> Teachers as to (1) their employment, discharge, and promotion, (2) preferential treatment of minorities, (3) compensation, terms, and conditions of their employment.
>
> Hospitals as to (1) medical and nursing staffs, (2) technical, clerical and other employees, (3) patients' beds and operating rooms, (4) facilities and accommodations.
>
> Hotels, motels and restaurants as to (1) rental of rooms, (2) service of customers, (3) hiring, firing and promotion of employees.
>
> States and municipalities as to (1) State FEPC acts, (2) State labor laws, (3) handling of public facilities, (4) supervision of private facilities, (5) judges and law enforcement officers, (6) handling of elections.

It should be noted that the advertisement is careful to state that the controls apply "within the coverage of this bill," points out the existence of minor exceptions, and offers to make available detailed analyses. Many of the applications of the bill have already been discussed by me. There is no need to take each item separately, as they fall into categories to which different titles of the bill are applicable.

In the categories listed, first, farmers; second, banks and other financial institutions; third, business and industries; fourth, individuals; and, fifth, labor unions and members, are all subject, within the coverage of the bill and subject to minor exceptions, to title VI and title VII of the bill. Within these categories, all who participate in or benefit from any program or activity receiving Federal financial assistance will be subject to the controls which I have described.

Rather than repeat what I have said which is applicable to these outlines, I point out a few additional matters falling within the legitimate comment and opinion expressed in the advertisement. It is certainly reasonable to assume that most farmers participate in programs receiving Federal financial assistance, that most farm cooperatives are financed by the Federal Banks for Cooperatives and that Executive orders or agency regulations similar to Executive Order No. 11063 may be expected in this field. It may be assumed that farm organizations will be accorded the same treatment now accorded to labor unions. Already banks and other financial institutions are subject to Executive Order No. 11063 in the approval and foreclosure of FHA and GI loans. The extension of that order to cover broad activities of banks insured by the Federal Deposit Insurance Corporation under section 601 is certainly a development which may be reasonably anticipated.

The coverage of the bill as to businesses, industries, individuals, employment, and labor unions is broad enough under title VII, based upon interstate commerce and ultimately upon employment of 25 or more persons. It is even broader under title VI, if such persons or entities participate in or receive the benefit of any program or activity receiving Federal financial assistance. Here the number of employees is immaterial and the nature of the business or profession is immaterial. Executive Orders No. 10925 and No. 11063 foreshadow the application to these persons of Federal supervision delineated in title VII including the hiring, firing, promotion, compensation and the terms and conditions of employment, within the coverage of the bill.

Already I have detailed 23 of the many programs which draw private and public schools and colleges within the strictures of title VI, under which Federal dictation concerning employment may reasonably be expected to be patterned either upon Executive Order No. 10925 or title VII of the bill. There is no need to recount the many programs receiving Federal financial assistance which will draw almost every hospital in the country within title VI. A review of the case of *Simkins* v. *The Moses H. Cone Hospital,* 323 F. 2d 959, reveals that the medical staffs of hospitals may be expected to fall within the ambit of Federal dictation under sections 601 and 602.

Under title VI, we may expect farmers and banks and schools and hospitals to be subjected to Federal control within the coverage of the bill, just as surely as homeowners are controlled by Executive Order No. 11063 as to their lessees, tenants, and vendees. We may expect them to be controlled as to their employees—that is, laborers, tellers, faculty members, and technical and nursing staffs—just as surely as contractors, subcontractors, vendors, and labor unions are controlled by Executive Order No. 10925 as to their employees and members.

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[1] The outlines appearing affect those persons who fall within the categories to the extent described in the 10 bills ("titles") embodied in this package of legislation, subject to minor exceptions. Detailed analysis may be obtained from this committee.

Mr. President, I cannot understand what authority there is for the Executive order on housing. Congress has not authorized it. However, it is a fact of life that the Executive order has been issued; and it is also true that the opportunity exists for a broad expansion in the application of that order.

Mr. SPARKMAN. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. Brewster in the chair). Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. STENNIS. I yield.

Mr. SPARKMAN. I am very much interested in the discussion which has occurred in connection with the Executive order on housing.

As a predicate for the question I wish to ask, let me say that I firmly believe the President of the United States did not have authority to issue the Executive order on housing. Of course, I have said that before.

Mr. STENNIS. I appreciate the Senator's comment. I am delighted to yield to him and to have him comment on the housing field. He is the real Senate expert in that area. He has given it close attention, and is always well informed in regard to it. I believe it would be very illuminating to the Senate to have the benefit of his views on that subject, and on the Executive order.

Mr. SPARKMAN. I appreciate very much the Senator's comments.

President Kennedy called me to the White House some months before he issued the Executive order, and talked to me about it. I told him very frankly what I thought about it.

Does the Senator from Mississippi remember that as long ago as 1947, Congress specifically declined—and I know that in several instances that was done by means of rollcall votes—to write into housing legislation so-called nondiscrimination clauses?

Mr. STENNIS. Yes. In that connection there were many rollcall votes, extending over a period of several years.

I am sure the Senator from Alabama recalls them.

Mr. SPARKMAN. Yes. When the Housing Act of 1947 was passed, the Senator from Mississippi was then a Member of the Senate, and I am sure he remembers that act.

Mr. STENNIS. I do.

Mr. SPARKMAN. A nondiscrimination amendment with reference to public housing was offered to that bill by the late Senator Bricker, of Ohio, as I recall. It would be interesting to Senators, I am sure, to read the debate which occurred at that time on the floor of the Senate. I was in charge of the bill. Those who are interested in reading that debate can find it in volume 95 of the Congressional Record, at page 4861, on April 21, 1949. That was a most interesting debate and procedure. The Senator from Oregon [Mr. Morse] and the Senator from Illinois [Mr. Douglas] led the fight against that amendment. It seems to me one other Senator joined in leading the fight against that amendment; perhaps it was the Senator from Minnesota [Mr. Humphrey], although I am not sure about that. But certainly the Senator from Oregon [Mr. Morse] and the Senator from Illinois [Mr. Douglas] led the fight against that amendment, because they said that there was an obvious necessity for more housing, whereas the purpose of offering the amendment was, in their opinion, really not to facilitate the passage of the bill, but, instead, to kill that public housing bill.

A similar situation has developed in the Senate half a dozen times since then, has it not?

Mr. STENNIS. Yes; and there is a complete congressional record establishing that the President's Executive order was contrary to the congressional intent. We are referring to Executive Order No. 11063; and I have referred to it previously, today. Such an amendment was voted down six times on the floor of the Senate. The first occasion was in 1949; and similar action occurred in 1953.

Mr. SPARKMAN. Yes. I was guessing when I said "half a dozen times."

Mr. STENNIS. Nevertheless, the Senator from Alabama was entirely correct. After 1953 such an amendment was rejected in the Senate twice in 1954 and twice in 1959. So there was a total of 6 votes—all of which resulted in rejection of such amendments.

Mr. SPARKMAN. Yes. So the President's Executive order on housing was clearly contrary to the congressional intent, was it not?

Mr. STENNIS. Yes; entirely so.

I can cite a more recent illustration, although not in relation to housing. Last December, when the Senate was dealing with an appropriation bill, the Senate considered the so-called Powell amendment—a nondiscrimination amendment. In the Senate, that amendment was rejected down on a yea-and-nay vote. Before the bill was passed by the Senate I telephoned the head of that Department, and told him what had happened. I asked him whether he would abide by the verdict of the Senate. The bill had already been passed by the House, and thus there was then no way to have the House vote to include that provision in the bill. He said he was sorry but he could not say he would abide by the verdict of the Senate. That was the answer given by that Cabinet member; and his answer shows how far the executive branch has gone in ignoring and disregarding the congressional intent.

Mr. SPARKMAN. Yes; and that was an expression by Congress in clear contradiction of that Executive order, was it not?

Mr. STENNIS. Yes.

Mr. SPARKMAN. Let me ask whether the Senator from Mississippi has read the excellent and able article written by Judge Charles Sterling Hutcheson, chief judge of the U.S. District Court for the Eastern District of Virginia, now retired. In the article, he stated definitely that the President's Executive order on housing is unconstitutional, and also that it was not supported by Congress.

Mr. STENNIS. That is correct.

Mr. SPARKMAN. In other words, he stated that, in fact, the President's Executive order on housing was contrary to the congressional intent.

I hope at a later time, when I am speaking in my own time, to read the entire article, or certainly a considerable part of it, for the benefit of Senators. It is not a very long article.

If the Senator from Mississippi will permit me to do so, at this time, I should like to read to the Senate the conclusion of the article; and then I wish to ask him to comment on it.

Mr. STENNIS. I shall be glad to have the Senator from Alabama do so.

Mr. SPARKMAN. I now read the conclusion of the article by Chief Judge Hutcheson:

> Conclusion: The President's order is clearly unconstitutional on several grounds and appropriate steps should be taken promptly to nullify it. The procedural method of obtaining relief perhaps is beyond the scope of this article. The remedy which immediately suggests itself is action by the Congress to defend the Constitution by legislation repelling this invasion of its province. The definite refusal of Congress to enact the rider previously mentioned would seem an additional reason for such action. Since Congress may act sua sponte this would seem the more expeditious method and in conformity with the constitutional concept of the separation of powers. An alternative course of action would be in the form of litigation. However, this would place upon interested individuals the burden of conducting such litigation. In any event, the existing situation calls for speedy remedial action.

I wish to ask the Senator from Mississippi a question about a provision of the pending bill which, again, seems to have created considerable confusion.

Is not one of the great arguments against the pending bill, as it is now being considered, based on the fact that the bill has never had the benefit of consideration by a congressional committee which could tear it to pieces and could consider its various conflicting and confusing provisions?

Mr. STENNIS. Yes.

The need for such an analysis as the Senator has given becomes more apparent every day. Senators who come here in good faith to speak on the bill—on one side or the other, it makes no difference—have no guidelines or interpretations that are authentic to guide them, help them, or give them needed information.

Mr. SPARKMAN. I wish to ask the Senator about a provision of the bill. I have studied it and I cannot escape the conclusion that it would create confusion. Judging by some of the things that have been said on the floor of the Senate, the situation is confused. There is a certain provision in the bill which was put in the bill in the House. Of course, the entire bill came from the House. I believe the provision was written into the bill on the floor of the House, though I am not sure. I do not now have the bill before me. I am not quoting it word for word. In effect the bill states that the provision shall not apply in the case of guaranteed or insured loans.

Mr. STENNIS. Yes.

Mr. SPARKMAN. The Senator is aware of the provision to which I have reference?

Mr. STENNIS. That is section 602.

Mr. SPARKMAN. Section 602. An executive order covers FHA insurance and VA-guaranteed loans. That is all the Executive order covered. I suppose it covered direct loans for public housing, but so far as the type of loans discussed in the bill are concerned, the FHA-insured and VA-guaranteed loans are the ones with which we are concerned. If the provision in the bill states that these conditions shall not apply to insured and guaranteed loans, why is that not directly in opposition to the President's Executive order; and being the act of Congress, why does it not have the effect of negating the President's Executive order?

In the opinion of the Senator, would it do so if the bill should be passed?

Mr. STENNIS. Frankly, so far as the departments operating under the regulations are concerned, it is clear what the amendment does. But that is in section 602. Section 601 would be left untouched and the limiting language does not appear in that section. It could be argued with a great deal of force that section 601 would not only validate existing executive orders but that it would give the President carte blanche authority to issue any others that he might wish to make. That is a very strong argument made by some of the proponents of the bill. If that interpretation should be upheld by the court, there would be absolutely no limit to the executive orders that could be issued.

Mr. SPARKMAN. I should like to question the Senator a little further. Section 601 is a broad, sweeping section.

Mr. STENNIS. The Senator is correct.

Mr. SPARKMAN. Section 602 states:

> Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guarantee—

That is FHA and VA. There is no question about it.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Continuing to read from section 602—

> shall take action to effectuate the provisions of section 601.

Section 601 is tied in with that provision.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Therefore the exception would apply so far as the provisions of section 601 are concerned. Is that not correct?

Section 601 provides—

> shall take action to effectuate the provisions of section 601—except as to a contract for insurance or guarantee.

Mr. STENNIS. That question was befor the Senate one night not long ago.

Mr. SPARKMAN. That is why I say it is confused. One day I heard the Senator from Minnesota—and I am sorry he is not now present—laying great stress on the fact that the exemption was in the bill.

Mr. STENNIS. May I review the developments on the floor that night? I raised the point as to the meaning of the sections with the Senator from New Jersey [Mr. Case]. He said that unquestionably the limiting provisions of section 602 left section 601 untouched.

Mr. SPARKMAN. It does not.

Mr. STENNIS. He also said that the President's power to issue Executive orders would remain and would even be expanded. The Senator from New York [Mr. Keating] wholeheartedly agreed with the Senator from New Jersey. The Senator from Minnesota said that he would have to disagree with the Senator from New York and the Senator from New Jersey. The question was left in that state in the Record.

Today I said that if we were to take the view of the Senator from New York and the Senator from New Jersey, they could cover FHA and VA loans and similar programs under section 601. It is a debatable question as to which section would apply.

Mr. SPARKMAN. I dislike very much to see a legislative record built in that it would leave the President's Executive order in force in spite of that provision in the bill, if the bill should become law, because I do not believe that that is what the bill provides. I believe a court construing that language would be bound to find that that was a limitation on section 601, because it is so stated in the same sentence. It is not even separated by a period.

Mr. STENNIS. It could well do that. But my concern is that it would not be compelled so to rule, under the present wording of the two sections.

Mr. SPARKMAN. I wish there could be a clear-cut legislative record on the floor to the effect that the provision would negate the Executive order. That is exactly what it should do. The Senator from Minnesota was in agreement with that contention the first day he presented the question. Later he presented it in the form of a speech. I read the speech, and I was still confused.

Mr. STENNIS. I have not had an opportunity to read the second statement of the Senator from Minnesota.

Mr. SPARKMAN. He made a second statement, which did not seem to me to be as clear as his first statement. It appears on page 6544 of the Record of March 30.

Mr. STENNIS. I should like to see an interpretation adopted that section 602 would put limitations on section 601. But my concern is—and I was trying today to sound the alarm on that question—that if it is not so construed, carte blanche authority could be given. There would be no guidelines to control the President of the United States in issuing orders.

Mr. SPARKMAN. Will the Senator permit me to read briefly? I should like the Senator to listen to the first statement of the Senator from Minnesota:

> Title VI will have little or no effect on federally assisted housing.

That was his opening sentence. Continuing:

> It will have little or no effect on federally assisted housing. This is so for two reasons: First, much Federal housing assistance is given by way of insurance or guarantee, such as FHA and VA mortgages, insurance, and guarantee. Programs of assistance by way of insurance or guarantee are expressly excluded from title VI.

That was his statement. He made another statement. He said:

> On the other hand, it will not impair in any way the existing authority of the President and the agencies administering those programs to deal with problems of discrimination in them.

Mr. STENNIS. In the housing programs?

Mr. SPARKMAN. He said, "in them." I presume that was what he was talking about. For that reason I say I am confused. In one sentence he said what I believe to be true, that such programs are lifted out of section 601 of title VI, and that lifting them out of section 601 of title VI also lifts them out of the President's Executive order.

Mr. STENNIS. If they were lifted out, as the Senator from Minnesota said in his second statement, would that not invalidate the President's present Executive order on the subject?

Mr. SPARKMAN. That is the argument I have been making.

Mr. STENNIS. I know. I wanted the Senator to make a legislative record.

Mr. SPARKMAN. I am of the opinion that the provision in section 602 would completely vitiate the President's Executive order.

Mr. STENNIS. On the other hand, if it were given the other interpretation, it would validate, underscore, and give carte blanche authority to it. This is what some of the proponents of the bill contend.

Mr. SPARKMAN. I do not see how it could possibly validate it.

Mr. STENNIS. The Congress has legislative authority to pass bills to ratify things that are being done under Executive order.

Mr. SPARKMAN. Yes; but there is nothing in the section which does that.

Mr. STENNIS. If the passage of title VI did not have the effect of nullifying the order—that is, if the Senator's interpretation is incorrect—then, taking the opposite view urged by some supporters of the bill the effect might be to validate it.

Mr. SPARKMAN. I do not agree with the Senator. I think it would be maintaining silence so far as that is concerned. I think it would definitely negate it.

Does not the Senator agree with me that this illustrates the confusion which exists, not only with respect to this part of the bill, but with respect to many other parts of the bill?

Mr. STENNIS. It is a classic illustration that, since there were no committee hearings, there is no way to consider this bill except for every Senator to give his opinion and debate it at length. Although I doubt it, it may be that the correct interpretation can be ascertained in that way. Perhaps the Attorney General has already given the proponents an opinion on the question we are discussing.

Mr. SPARKMAN. If the Senator will yield further, is it not true that the Attorney General asked the House Committee not to include this particular part, but some other parts of the bill? Is it not a fact that the Attorney General went before the House Judiciary Committee and said the committee was putting provisions in the bill that the Justice Department did not want in it, that should not be in, and that would make the bill impracticable?

Mr. STENNIS. Yes; I believe he so stated with respect to certain provisions. I do not believe the proponents of the bill will admit that the bill places much of a limitation on the President's Executive orders in this field.

Mr. SPARKMAN. If the Senator will yield further, I suppose that is true; nevertheless, I emphasize the fact that it is written in black and white in the bill that the provisions in section 601 shall not apply——

Mr. STENNIS. Section 602.

Mr. SPARKMAN. No; section 602 makes reference to section 601.

To continue with my statement, the bill provides that the provisions in section 601 shall not apply to contracts of insurance or guarantee. Guarantees refer to VA housing loans, and the insured contracts are FHA loans, generally speaking. There are insured loans under the Farmers Home Administration, and programs of that kind.

Mr. STENNIS. The Senator from Mississippi will try to continue to wrestle with these problems, because they are vital.

The dictation of Federal inspectors to hotels, motels, and restaurants within the coverage of the bill under title II and titles VI and VII—when applicable—needs no comment.

It is clear that if the bill is enacted and upheld, Federal authority—the advertisement refers particularly to Federal inspectors—can supersede and replace State authority to the extent of any conflict under first, title VII as to State FEPC and labor laws; second, title III as to handling of public facilities; third, titles II, VI, and VII as to supervision of various private facilities; and, fourth, title I as to handling of elections.

As to State judges and State law enforcement officers, section 203(c) provides that "no person shall (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 201 or 202." This is patently an attempt to make enforcement by State judges and State law enforcement officers of State laws which may later be held to conflict with the act a violation of a Federal law and to subject them to punitive Federal action.

As to seniority of union members and other individuals, it is clear that the authority granted in both titles VI and VII is intended to include the right to require employment on the basis of race, and so forth, so as to remove "discrimination" in employment found to exist by the Federal agency. Preferential advance of minorities so as to destroy seniority in employment, civil service and apprenticeship programs has been foreshadowed by the action of Secretary of Labor Wirtz in adoption of apprenticeship standards made effective on January 17, 1964. These regulations require that each apprenticeship program shall conform to the standards by "the taking of whatever steps are necessary, in acting upon application lists developed prior to this time, to remove the effects of previous practices under which discriminatory patterns of employment may have resulted."

Under this pattern it is reasonable to assume that regulations may adjudicate that "racial imbalance" constitutes "discrimination," and require its removal. There are only two ways "to remove the effects of previous practices under which discriminatory patterns of employment may have resulted," that is first, to do so immediately by firing enough of one race to remove the "discrimination" against the other; or second, to do so gradually by refusing to hire any of one race until enough of the other are hired. As time and time again Federal officials yield to pressure groups, faster and faster action will be required.

The words of the distinguished Senator from Alabama [Mr. HILL], chairman of the Senate Committee on Labor and Public Welfare, before this body on January 15, 1964, apply not only to unions but to all employees:

> Powers given civil rights enforcement agencies under this bill, as I have implied, would allow them to bring pressure upon employers—through threat of contract cancellation or debarment—to actively recruit nonunion employees. As is immediately apparent, this could result in displacement of union mechanics. Moreover, if skilled nonunion workers were not available for recruitment, the Federal Government might insist that the employer provide whatever on-the-job training was thought necessary to qualify unskilled workers of the race needed to balance the job. In carrying out such a program the employer could be directed to ignore any existing union contract arrangements or apprenticeship programs to the contrary, as well as any union shop or exclusive hiring hall agreements.
>
> Let me emphasize that: These powers could be directed not only toward elimination of discriminatory hiring in general, but also toward all job classifications, specifically. Racial balance might be required in every position, from floor sweeper through superintendent, on to the topmost rung of employment. And if that meant recruitment by the employer, then he would have to recruit. If it meant on-the-job training, then on-the-job training would be required. Race—not ability, not seniority, and union contracts notwithstanding—would be the first criterion—the exact opposite of what the language of the bill apparently says.
>
> A warning of the ultimate effect of the bill, if enacted, is found in the fact that crash programs to upgrade specific groups are being resorted to with growing frequency. I need not add that anyone who is placed in a skilled position, as a result of such forced draft, is denying the job to another who has won his right to it through years of assiduous self-help and by standing in line, awaiting his turn, just like anyone else.
>
> PREFERENTIAL TREATMENT DEMANDED
>
> To inspire such crash programs, pickets have chained themselves to equipment, have lain prostrate in the streets, and have tyrannized timid public officials. Indeed, one organization dedicated to this sort of thing has made the demand that only its membership, those of its racial makeup, should be hired—none other. Nondiscrimination is no longer sufficient; preferential treatment is demanded. It is to preferential treatment, as embodied in this bill, that I most vigorously object.

That concludes the quotation of the Senator from Alabama [Mr. HILL].

I have not attempted to comment on every statement and comment made in the advertisement. However, I think that what I have said is sufficient to establish that, on the whole, the advertisement is reasonably accurate and certainly does not transgress the proprieties of fair and reasonable argument. As a matter of fact, the views expressed in the advertisement coincide rather closely with the views which a number of Senators have expressed in this debate.

As I said at the outset, I was not surprised that the supporters of H.R. 7152 found much to take issue with in this advertisement. I was surprised, however, at the rather intemperate abuse which has been heaped upon it and the reckless hurling of charges of lies and falsehood. To these who have been so stung that they felt impelled to so attack it, I would suggest that they bear in mind the first amendment guarantee of freedom of speech and recall unto themselves Voltaire's statement:

> I disapprove of what you say but I shall defend to the death your right to say it.

Mr. President, those who have attacked this advertisement have also commented adversely on the fact that the State of Mississippi has provided funds in support of the activities of the Coordinating Committee for Fundamental American Freedoms. This is but further evidence of how far the proponents of civil rights legislation will go in forcing their own thinking on protesting peoples. They not only propose to shackle us with their politically inspired collection of force bills; they would dictate to us how we must spend our own money.

Let me say that I am proud that the State of Mississippi is willing to fight aggressively for the restoration of sound, conservative, and constitutional government. I rejoice that it rejects the false and misleading political and social philosophies which, unless checked, will ultimately destroy the basic cornerstones of our cherished system of government—the basic civil rights which belong to all the people, regardless of color.

I stand resolutely with my State to prevent the last vestiges of State and individual rights from being usurped by an all-powerful central government on the shores of the Potomac. I only wish that more States had a similar concern for constitutional government and were willing to put their money, their energy, and their resources into the fight to retain it.

Mississippi needs no apology or defense in this matter. It is a sovereign State, although there are apparently some who would not treat it as such. It has the right and the privilege to take such action, within the limits of the law, as it sees fit to protect and preserve the vital interests of its people. It even has the right to disagree with the thinking of those who would imposed H.R. 7152 upon us and to give public expression to such disagreement. It will continue to do these things in the future and, in so doing, it will have my full support. It will not be intimidated or coerced by the attacks upon it which have been or may be made on the floor of the Senate.

I only wish that there had been more coordination of effort, and more of a concerted attempt to really analyze and determine what the bill means, how it will be applied to the industries of our country, and how it will affect the Federal Government, the State governments, the municipal governments, the school districts, and the economic, political, and social phases of our lives.

Mr. SPARKMAN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Alabama.

Mr. SPARKMAN. Since our discussion a few monents ago on the Executive order, I have hurriedly read an article written by Mr. Alexander M. Bickel, a teacher of law at Yale University—who is a supporter, by the way, of civil rights legislation; and a followup letter published in the New Republic. Each was published in the New Republic, one on February 29, 1964, and the other on March 14, 1964.

Mr. Bickel writes about the amendment in section 602 which was added on the floor of the House, and he tells how the chairman of the Judiciary Committee, Representative CELLER, was emphatic in saying that it completely exempted FHA and VA loans on guaranteed and insured mortgages. At one place Representative CELLER said:

> We excluded them because there was an avalanche of protests, and it was emphasized several different times that they were excluded.

It is true that at one time someone had asked Representative CELLER what effect it had on the Presidential order, and he said, "None." But this is what Professor Bickel says—and he differs with that opinion:

> As I pointed out in my original article—

That is the first one to which I referred—

> the Executive order could rest on independent authority before there was a title VI. Unless I gravely misunderstand the law of inherent Presidential powers, however, no such independent authority can or should exist once Congress has seized itself of the subject and expressed its own desire through a provision like title VI.

That is what Professor Bickel of the School of Law of Yale University wrote. I believe he has stated a sound, legal proposition, that once the provision in section 602 of title VI is enacted into law, the President's order ceases to exist.

Mr. STENNIS. What we need is a flat statement, joined in by the proponents of the bill, that if section 602 should be enacted, the existing Executive order on housing would be canceled and become null and void.

Mr. SPARKMAN. I fully agree with the Senator from Mississippi. I recall that this exemption was added on the floor of the House for the purpose of exempting completely FHA and VA loans and mortgages, as cited time after time by Representative CELLER, chairman of the Judiciary Committee.

Mr. STENNIS. In spite of the strong language in section 602, my opinion is that if the bill should pass, the agency would maintain that the order was still in effect.

Mr. SPARKMAN. And would maintain it; but I believe good constitutional law would say that it would not be.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Does the Senator recognize that there may be a question of the right of citizens to protect themselves from the kind of usurpation involved in this Executive order, on the basis of their standing to sue? It may very well be that the order is unconstitutional and directly against the law, but those affected may not be in a position to go into court on it.

Mr. STENNIS. That is very well stated, because they have not the means. It would be a matter of going to court to have the Executive order declared void, and one would have to fight the entire Department of Justice.

Mr. LONG of Louisiana. A person might find himself in a position to try to establish his right to a loan; and it might well be that there would be no right to compel someone to make a loan or guarantee a loan. That person would have complete discretion. He would have a way to discriminate in any way he wished.

Mr. STENNIS. One would have a hard time to force an agency to make or approve a loan which it did not wish to make or approve.

PROPOSED AMENDMENTS

Mr. KEATING. Mr. President, the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], has presented a series of proposed amendments to the title of the bill dealing with the establishment of a Fair Employment Practices Commission. I understand that he has held a press conference at which he has made known the substance of those amendments. He has made it very clear at that conference that they do not express the views of the party, but will be discussed at a later date, which is entirely in order.

It is most welcome. They represent a great amount of careful study. In many respects they would undoubtedly be helpful.

The professed purpose of the amendments is to shape an effective act and, as the Senator from Illinois has said, not to water down or emasculate the title. That is the objective of all the proponents of the proposed civil rights legislation, although there may be a sincere disagreement over whether specific proposals will advance or deter our common purpose.

For example, speaking for myself, I strongly favor utilizing existing effective State FEPC agencies similar to the one we have in New York State, which has worked extremely well. I see no point in duplicate regulations, records, and expense where such agencies are doing a good job.

The provisions of the original bill, allowing jurisdiction to be ceded to State agencies in appropriate cases, may need clarification; but I am somewhat concerned that the amendment proposed by the distinguished Senator from Illinois could invite evasion in States more dedicated to segregation than to equality of opportunity.

Therefore, while the existing language with regard to giving the State agencies full authority in the fields where they now operate is entirely satisfactory to me, and I believe protects those State agencies; yet if we are to make a change, we must be very careful not to change it in such a way that any State could evade the salutary and essential purposes of the act by simply setting up some kind of a commission that did not mean anything.

I can also understand the concern expressed by the Senator from Illinois about middlemen, as he puts it, initiating complaints, and about the requirement that those complaints be originated only by the person aggrieved. But I am more concerned about the victims of discrimination who are unable to protect their own interests because of intimidation or reprisal or some other reasons, which is a real threat in some communities.

I believe safeguards must be provided for such situations. Nor do I see, offhand, any justification for a 2-year delay in the timetable for the application of the act, as is proposed by the distinguished minority leader.

The original bill already provides a period for adjustment which, it would seem to me, should be adequate in States that are acting in good faith.

Some of the amendments suggested are of a technical or minor nature, but to the extent that they make the bill more effective and more uniform in operation, I would expect they would be unobjectionable.

While no decisions have been made with regard to the matter, certainly the proposals, regardless of any differences which we may have over particular amendments, are a welcome confirmation of the commitment of the distinguished minority leader to the principle of equal opportunity in employment, and I believe are to be commended in that respect.

I thank the Senator from Mississippi for allowing me to intervene at this point.

SOVIET ANTI-SEMITISM

Mr. KEATING. Mr. President, yesterday, 500 leaders of 2 dozen important American Jewish organizations drew up plans for a long-term effort to combat Soviet religious persecution. The conference which drew support from the entire country and from religious, labor, and humanitarian organizations, is an important manifestation of the growing concern in the United States at the mounting degree of anti-Semitism in the Soviet Union. The conference drew up an 18-point appeal to the Soviet authorities to put an end to discrimination on religious grounds and to restore the cultural and religious rights of members of the Jewish faith behind the Iron Curtain.

Mr. President, the United Nations charter calls upon all nations to honor the religious and cultural rights of minorities. Not only as a leader of the free nations of the world, but also as a strong supporter of the principles of the United Nations, the United States has a particular responsibility on this issue. It is not enough for the U.S. State Department to reply, "No American citizens are involved; we cannot interfere."

This is an issue of worldwide humanitarian concern and I strongly urge the Government of the United States to give its strong backing to these efforts to promote human rights and religious toleration within the Soviet Union. This conference was an important effort which deserves nationwide interfaith backing.

GEN. DOUGLAS MacARTHUR

Mr. THURMOND. Mr. President, an editorial, published in the April 6 issue of the Evening Star, pays high tribute to Gen. Douglas MacArthur. The editorial is eloquent, and makes a valid point about the General's recall from Korea. I wish to read the editorial into the Record, because I believe it would be of interest to the people of the United States. It is entitled "General MacArthur," and reads:

General MacArthur

A significant measure of the man is that he was graduated from West Point in 1903 with a scholastic average (98.14 percent) that has yet to be equalled there. But Douglas MacArthur, dead now at 84, was gifted with something more than academic brilliance. He had a touch of wide-ranging genius in him. He had a style, a presence, a personality, an eloquence, a forcefulness of mind, a strength and grace of spirit, that set him apart.

History will record, first of all, that he was a truly great military leader—inspired and inspiring. In the First World War, though he was unprecedentedly young for such a responsibility, he commanded the famous Rainbow Division. And in the Second World War, after having set other precedents as the most youthful this and that (including Army Chief of Staff), he became commander of all our Armed Forces, land, sea, and air, in the far Pacific. Then followed his masterful island-hopping strategy that pushed the Japanese back and back. Next came Nippon's total surrender, and his assumption of the role of proconsul in charge of the occupation.

In this role General MacArthur won the affectionate and almost reverential regard of the Japanese people. With a personality and a physical demeanor well tailored to the task, and with his sure knowledge of Asia's problems and psychology, he switched from the role of conqueror to the role of reconstructor, setting in motion revolutionary changes that have since transformed Japan—much for the better. When he left that country, after having been impetuously fired by President Truman from his proconsul's job and from his command of United Nations forces in Korea, upward of 1 million residents of Tokyo turned out to pay him a fond and tumultuous farewell. Nothing could have better proved the excellence of the job he had done there for America.

There probably will be never-ending historical speculation over what might have happened to our world if General MacArthur's counsel had been followed in the Korean war. The counsel was simply this: Deny the Chinese Reds the privileged sanctuary beyond the Yalu River; bomb them; shatter their centers of power; smash China proper. President Truman, with the advice of his chief military and political associates, decided that such a course would involve the grave risk of precipitating a global nuclear war. Today, with the benefit of Dr. Hindsight's judgments, it seems probable that Mr. Truman's decision—a fateful one—was grievously wrong.

As for General MacArthur, in his address to Congress after his dismissal in 1951, he summed up his views in these words: "I know war * * * and nothing to me is more revolting. But once war is forced upon us, there is no alternative than to apply every available means to bring it to a swift end. War's very object is victory, not prolonged indecision."

And at another point he described himself as a "soldier who tried to do his duty as God gave him the light to see that duty." He did it superbly well. It may be a long time before another of his caliber comes our way.

THE COLD WAR IN AMERICAN LIFE

Mr. McGOVERN. Mr. President, on March 25, the chairman of the Committee on Foreign Relations, the distinguished Senator from Arkansas [Mr. Fulbright], delivered an address on the floor of the Senate that may prove to be the most important address of 1964. It represents the kind of vigorous realism that is urgently needed in today's world.

The great danger to the people of the United States and to the peace of the world is that our attitudes and policies may become so rigid that we are unable to modify our course to meet changing conditions.

Senator Fulbright, from his long years of study and observation of international affairs, has put the spotlight on a number of areas where our policies seem not to coincide with the realities of the world.

The Senator from Arkansas has now delivered a second major speech which builds on the earlier one. Speaking on April 5 at the University of North Carolina 1964 Symposium, "Arms and the Man: National Security and the Aims of a Free Society," Senator Fulbright devoted his remarks to the theme, "The Cold War in American Life." I strongly urge every Member of Congress to read and ponder this important address.

I ask unanimous consent that the address be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The Cold War in American Life

(Speech by Senator J. W. Fulbright, delivered at the University of North Carolina 1964 Symposium: "Arms and the Man: National Security and the Aims of a Free Society")

The Constitution of the United States, in the words of its preamble, was established, among other reasons, in order to "provide for the common defense, promote the general welfare, and secure the blessings of liberty." In the past generation the emphasis of our public policy has been heavily weighted on measures for the common defense to the considerable neglect of programs for promoting the liberty and welfare of our people. The reason for this, of course, has been the exacting demands of two World Wars and an intractable cold war, which have wrought vast changes in the character of American life.

Of all the changes in American life wrought by the cold war, the most important by far, in my opinion, has been the massive diversion of energy and resources from the creative pursuits of civilized society to the conduct of a costly and interminable struggle for world power. We have been compelled, or have felt ourselves compelled, to reverse the traditional order of our national priorities, relegating individual and community life to places on the scale below the enormously expensive military and space activities that constitute our program of national security.

This of course is not the only change in American life brought about by the cold war. There have been many others, some most welcome and constructive. Directly or indirectly, the world struggle with communism has stimulated economic and industrial expansion, accelerated the pace of intellectual inquiry and scientific discovery, broken the shell of American isolation and greatly increased public knowledge and awareness of the world outside the United States. At the same time, the continuing world conflict has cast a shadow on the tone of American life by introducing a strand of apprehension and tension into a national style which has traditionally been one of buoyant optimism. The continuing and inconclusive struggle, new in American experience, has in Walt Rostow's words, "imposed a sense of limitation on the Nation's old image of itself, a limitation which has been accepted with greater or less maturity and which has touched the Nation's domestic life at many points with elements of escapism, with a tendency to search for scapegoats, with simple worry, and with much thoughtful, responsive effort as well."[1]

Overriding all these changes, however, good and bad, has been the massive diversion of wealth and talent from individual and community life to the increasingly complex and costly effort to maintain a minimum level of national security in a world in which no nation can be immune from the threat of sudden catastrophe. We have had to turn away from our hopes in order to concentrate on our fears and the result has been accumulating neglect of those things which bring happiness and beauty and fulfillment into our lives. The "public happiness," in August Heckscher's term, has become a luxury to be postponed to some distant day when the dangers that now beset us will have disappeared.

This, I think, is the real meaning of the cold war in American life. It has consumed money and time and talent that could otherwise be used to build schools and homes and hospitals, to remove the blight of ugliness that is spreading over the cities and highways of America, and to overcome the poverty and hopelessness that afflict the lives of one-fifth of the people in an otherwise affluent society. It has put a high premium on avoiding innovation at home because new programs involve controversy as well as expense and it is felt that we cannot afford domestic divisions at a time when external challenges require us to maintain the highest possible degree of national unity. Far more pervasively than the United Nations or the "Atlantic community" could ever do, the cold war has encroached upon our sovereignty; it has given the Russians the major voice in determining what proportion of our Federal budget must be allocated to the military and what proportion, therefore, cannot be made available for domestic social and economic projects. This is the price that we have been paying for the cold war and it has been a high price indeed.

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[1] W. W. Rostow, "The United States in the World Arena" (New York: Harper & Bros., 1960), p. 451.

At least as striking as the inversion of priorities which the cold war has enforced upon American life is the readiness with which the American people have consented to defer programs for their welfare and happiness in favor of costly military and space programs. Indeed, if the Congress accurately reflects the temper of the country, then the American people are not only willing, they are eager, to sacrifice education and urban renewal and public health programs—to say nothing of foreign aid—to the requirements of the Armed Forces and the space agency. There is indeed a most striking paradox in the fact that military budgets of over $50 billion are adopted by the Congress after only perfunctory debate, while domestic education and welfare programs involving sums which are mere fractions of the military budget are painstakingly examined and then either considerably reduced or rejected outright. I sometimes suspect that in its zeal for armaments at the expense of education and welfare the Congress tends to overrepresent those of our citizens who are extraordinarily agitated about national security and extraordinarily vigorous about making their agitation known.

It may be that the people and their representatives are making a carefully reasoned sacrifice of welfare to security. It may be, but I doubt it. The sacrifice is made so eagerly as to cause one to suspect that it is fairly painless, that indeed the American people prefer military rockets to public schools and flights to the moon to urban renewal. In a perverse way, we have grown rather attached to the cold war. It occupies us with a stirring and seemingly clear and simple challenge from outside and diverts us from problems here at home which many Americans would rather not try to solve, some because they find domestic problems tedious and pedestrian, others because they genuinely believe these problems to be personal rather than public, others because they are unwilling to be drawn into an abrasive national debate as to whether poverty, unemployment, and inadequate education are in fact national rather than local or individual concerns.

The cold war, it seems clear, is an excuse as well as a genuine cause for the diversion of our energies from domestic well-being to external security. We have been preoccupied with foreign affairs for 25 years, and while striking progress has been made in certain areas of our national life, the agenda of neglect has grown steadily longer. We can no longer afford to defer problems of slums and crime and poverty and inadequate education until some more tranquil time in the future. These problems have become urgent if not intolerable in an affluent society. It is entirely reasonable to defer domestic programs in time of an all-out national effort such as World War II, but in the present cold war it is not reasonable to defer our domestic needs until more tranquil times, for the simple reason that there may be no more tranquil times in this generation or in this century.

In the long run, the solution of our domestic problems has as vital a bearing on the success of our foreign policies as on the public happiness at home. We must therefore reassess the priorities of our public policy, with a view to redressing the disproportion between our military and space efforts on the one hand and our education and human welfare programs on the other. We must distinguish between necessity and preference in our preoccupation with national security, judging our military needs by a standard which takes due account of the fact that armaments are only one aspect of national security, that military power, as Kenneth Thompson has written, "is like the fist whose force depends on the health and vitality of the body politic and the whole society." [2]

The single-minded dedication with which we Americans have committed ourselves to the struggle with communism is a manifestation of a national tendency to interpret problems in moral and absolutist terms. We are, as Louis Hartz has pointed out, a Nation which was "born free." [3] Having experienced almost none of the anguished conflict between radicalism and reaction that has characterized European politics, we have been virtually unanimous in our adherence to the basic values of liberal democracy. We have come to identify these values with the institutional forms which they take in American society and have regarded both as having moral validity not only for ourselves but for the entire world. We have therefore been greatly shocked since our emergence as a world power to find ourselves confronted with revolutionary idealogies which reject the faith in individual liberty and limited government that has served our own society so well.

Because of these predilections, the cold war has seemed to represent a profound challenge to our moral principles as well as to our security and other national interests. We have responded by treating Communist ideology itself, as distinguished from the physical power and expansionist policies of Communist states, as a grave threat to the free world. The cold war, as a result, has been a more dangerous, costly, and irreconcilable conflict than it would be if we and the Communist states, confined it to those issues that involve the security and vital interests of the rival power blocs.

The ideological element in the cold war, reinforced by the moralist tendencies of the American people, has also had the effect of making the world conflict a much more disruptive element in American life than it would be if it were regarded primarily in terms of its effect on our national security. To an extent, the issue between the Communist and the free world is moral and ideological, but ideas and principles in themselves threaten no nation's vital interests except insofar as they are implemented in national policies. It is the latter, therefore, that are our proper concern. To the extent that we are able to remove the crusading spirit and the passions of ideology from the cold war, we can reduce its danger and intensity and relax its powerful hold on the minds and hearts of our people.

The fears and passions of ideological conflict have diverted the minds and energies of our people from the constructive tasks of a free society to a morbid preoccupation with the dangers of Communist aggression abroad and subversion and disloyalty at home. The problem did not end with the McCarthy era of a decade ago nor is it confined to the neurotic fantasies of today's radical right. The cold war malady affects a much broader spectrum of American society. It affects millions of sensible and intelligent citizens whose genuine concern with national security has persuaded them that the prosecution of the cold war is our only truly essential national responsibility, that missiles and nuclear armaments and space flights are so vital to the safety of the Nation that it is almost unpatriotic to question their cost and their proliferation, and that in the face of these necessities the internal requirements of the country—with respect to its schools and cities and public services—must be left for action at some remote time in the future—as if these requirements were not themselves vital to the national security, and as if, indeed, our generation is likely to know more tranquil days.

In the 1830's Alexis de Tocqueville saw America as a nation with a passion for peace, one in which the "principle of equality," which made it possible for a man to improve his status rapidly in civilian life, made it most unlikely that many Americans would ever be drawn to form a professional military caste. In 1961, President Eisenhower warned the Nation of the pervasive and growing power of a "military-industrial complex." Tocqueville was quite right in his judgment that the United States was unlikely to become a militarist society. We have, however, as a result of worldwide involvements and responsibilities, become a great military power, with a vast military establishment that absorbs over half of our Federal budget, profoundly influences the Nation's economy, and exercises a gradually expanding influence on public attitudes and policies.

Without becoming militarist in the sense of committing themselves to the military virtues as standards of personal behavior, the American people have nonetheless come to place great—and, in my opinion, excessive—faith in military solutions to political problems. Many Americans have come to regard our defense establishment as the heart and soul of our foreign policy, rather than as one of a number of instruments of foreign policy whose effectiveness depends not only on its size and variety but also on the skill, and restraint, with which it is used.

Our faith in the military is akin to our faith in technology. We are a people more comfortable with machines than with intellectual abstractions. The Military Establishment is a vast and enormously complex machine, a tribute to the technological genius of the American people; foreign policy is an abstract and esoteric art, widely regarded as a highly specialized occupation of eastern intellectuals, but not truly an American occupation. Our easy reliance on the Military Establishment as the foundation of our foreign policy is not unlike the reliance which we place on automobiles, televisions, and refrigerators: they work in a predictable and controllable manner, and on the rare occasions when they break down, any good mechanic can put them back in working order.

The trouble with the American technological bias is that it can conceal but not eliminate the ultimate importance of human judgment. Like any other piece of machinery, our Military Establishment can be no better than the judgment of those who control it. In a democracy, control is intended to be exercised by the people and their elected representatives. To a very considerable extent the American people are not now exercising effective control over the Armed Forces; nor indeed is the Congress, despite its primary constitutional responsibility in this field. Partly because of anxieties about the cold war, partly because of our natural technological bias, which leads us to place extraordinary faith in the ability of technicians to deal with matters that we ourselves find incomprehensible, and partly because of the vested interests of the military-industrial complex, we are permitting the vast Military Establishment largely to run itself, to determine its own needs, and to tell us what sacrifices are expected of us to sustain the national arsenal of weapons.

David Lloyd George once declared that "there is no greater fatuity than a political judgment dressed in a military uniform." To the extent that the American people and the Congress shrink from questioning the size and cost of our Defense Establishment, they are permitting military men, with their highly specialized viewpoints, to make political judgments of the greatest importance regarding the priorities of public policy and the allocation of public funds.

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[2] Kenneth W. Thompson, "Christian Ethics and the Dilemmas of Foreign Policy" (Durham, N.C.: Duke University Press, 1959), p. 70.

[3] Louis Hartz, "The Liberal Tradition in America" (New York: Harcourt Brace & World, Inc.), 1955.

The abnegation of responsibility by the Congress in this field is strikingly illustrated by its debates or, more accurately, nondebates, on the defense budget. When, for example, Senator McGOVERN, of South Dakota, suggested last September that Defense spending might be reduced by 5 percent, the Senate, with virtually no discussion, voted the McGovern amendment down by a vote of 70 to 2 and proceeded, after an afternoon of desultory discussion, to enact the whole Defense appropriation bill. When, later in the fall, I had the dubious honor of managing the foreign aid bill on the Senate floor through 3 weeks of extremely contentious debate, I could not help noting how astonishingly the forces of economy had picked up strength between the debate on the $50 billion Defense appropriation and the $4 billion foreign aid bill.

Again this year, the Congress is speeding the enactment of the Defense budget with splendid indifference to its size and content. By the end of February both Houses had enacted a military procurement authorization bill of over $17 billion. The only controversial item in the bill was an amendment authorizing $52 million for development of a new strategic manned bomber, which was adopted by both Houses despite the firm opposition of the Secretary of Defense. In the course of this debate, Senator NELSON, of Wisconsin, posed a most pertinent question. "I am questioning," he said, "what is apparently an established tradition—perhaps a national attitude—which holds that a bill to spend billions of dollars for the machinery of war must be rushed through the House and the Senate in a matter of hours, while a treaty to advance the cause of peace, or a program to help the underdeveloped nations of the world, or a bill to guarantee the rights of all our citizens, or a bill to advance the interests of the poor, must be scrutinized and debated and amended and thrashed over for weeks and perhaps months." [4]

"Like most other Americans," writes Julius Duscha of the Washington Post, "Members of Congress believe that the bigger the defense budget, the safer the country. And in today's world there is no question that the United States must spend billions to keep up its defenses. But recordbreaking budgets year after year do not necessarily mean a stronger Nation. The bigger any Government program gets, the greater are the dangers that funds will be wasted and that the goals of the program will become entangled in a morass of vested interests, venal political considerations, and the rivalries that inevitably evolve from them. And there is no better catharsis for huge government expenditures than informed, skeptical, and continued questioning of them." [5]

The ease with which defense budgets are enacted by Congress, as Mr. Duscha points out, is in no small degree due to the enormous importance of defense spending for the economy. Defense contractors and great numbers of workers all over the country have a vested interest in a high level of defense spending. It is the beneficiaries of the jobs and profits that defense spending creates, along with the generals and admirals, who constitute the formidable military-industrial complex. And because of the jobs and profits stimulated by defense, Members of Congress have taken a benign attitude toward waste and duplication in the defense budget that is nothing less than amazing by contrast with the deeply held convictions about economy that influence their attitudes toward education, urban renewal, or foreign aid.

The truly astonishing thing about the uncritical support which the American people and their representatives give the Military Establishment is the apparent enthusiasm with which the sacrifice of personal and community interests is made. Goldsworthy Lowes Dickinson was, if anything, understating the matter when he wrote that "Nations are quite capable of starving every other side of life—education, sanitation, housing, public health, everything that contributes to life, physical, intellectual, moral, and spiritual, in order to maintain their armaments." [6]

Many Americans may regard huge military and space programs as the only truly urgent requirements on our national agenda, but it is difficult to believe that this enthusiasm is shared by the 4.2 million Americans who are unemployed or by the 30 million Americans who have incomes of less than $3,000 a year.

While the cold war and our enormously costly national security programs preempt so much of our time and attention and national wealth, the most important resources of our country—its human resources—are being extravagantly wasted and neglected. As the President's recently issued Manpower report points out, unemployment in 1963 increased to 5.7 percent of the labor force despite major advances in production and employment; unemployment of young workers, between the ages of 16 and 19, reached 17 percent in 1963 while unemployment among nonwhite Americans stood at 11 percent; despite an unemployment rate twice as high for school dropouts as for high school graduates, 30 percent of all young people continue to end their education before completing high school; despite the decline in unskilled jobs and the expanding demand for professional, technical, clerical, and service workers—for workers, that is, with at least high school education and specialized training—nearly a million young people are leaving school every year without having completed elementary or secondary school.

These are only a few of the statistics of hopelessness and deprivation that afflicts the lives of millions of Americans. Unless the present trend is reversed, 7½ million of the 26 million young people between 16 and 24 who will enter the labor force during the present decade will be school dropouts. These undereducated young men and women are for the most part the children of poverty. The basic fact to be contended with, as President Johnson pointed out in his message to the Congress on poverty, is that "There are millions of Americans—one-fifth of our people—who have not shared in the abundance which has been granted to most of us, and on whom the gates of opportunity have been closed." It is one of the tragedies, and one of the great failures, of our national life that in the years between 1936 and 1964, while the total wealth and productivity of the Nation grew tremendously, the number of ill-housed, ill-clothed, and ill-fed Americans dropped only from one-third to one-fifth of our population.

The statistics of poverty, though striking, are antiseptic compared to the actual misery and hopelessness of being poor. The real meaning of poverty is not just losses of learning and productivity, but thousands of angry and dispossessed teenagers who make our city streets dangerous for "respectable" citizens; 350,000 youngsters across the Nation who form what the Secretary of Labor has described as an "outlaw pack" because they have stopped looking for work, are unemployed today, and will remain so for the rest of their lives; children in a blighted mining town in eastern Kentucky who are potbellied and anemic from lack of food; sharecroppers, white as well as black, living in squalid shacks and working for a few dollars a day—when they can find work at all—anywhere in a crescent of rural poverty that extends from southern Virginia along the Coastal Plain across Georgia and Alabama into the Mississippi Delta and the Ozarks.

Poverty in America has a radically different moral connotation from poverty in underdeveloped nations. The poor countries of the world have the excuse, for what it is worth, that the means of feeding, housing, and educating their people simply do not exist. In America the means do exist; the failure is essentially one of distribution. The children who go to bed hungry in a Harlem slum or a West Virginia mining town are not being deprived because no food can be found to give them; they are going to bed hungry because, despite all our miracles of invention and production, we have not yet found a way to make the necessities of life available to all of our citizens—including those whose failure is not a lack of personal industry or initiative but only an unwise choice of parents.

What is to be done? In his poverty message to the Congress, the President made proposals for a constructive start—although only a start—toward meeting the problem of poverty in America. Under the proposed Economic Opportunity Act, a National Job Corps would undertake the social rehabilitation, through basic education, job training, and work experience, of 100,000 young men "whose background, health, and education makes them least fit for useful work;" a work-training program would provide vocational education and part-time jobs for 200,000 young men and women in projects to be developed by State and local governments and nonprofit agencies; a national work-study program would provide Federal funds for part-time jobs for 140,000 young Americans who, though qualified, would otherwise be unable to afford to go to college. In addition, the President's program would encourage and help finance local antipoverty programs, would enlist volunteers in the war against poverty, and would undertake other financial and educational programs, all to be coordinated under a new Office of Economic Opportunity.

President Johnson's program can serve as a point of departure for a full-scale national program to eliminate poverty and unemployment from American life. Such a program must be mounted through government fiscal policy, public works, and expansive economic policies, but primarily through programs of education and training. Education is not the whole solution but it is, by all available evidence, the keystone of the arch. As John Kenneth Galbraith recently wrote, "To the best of knowledge there is no place in the world where a well-educated population is really poor." [7]

Building on this premise, Professor Galbraith proposes that the hundred lowest income communities in the country be designated as "special educational districts" to be equipped with primary and secondary schools and recreational and transportation facilities of the highest quality. The schools would be staffed by an elite corps of highly qualified, highly trained, and well-paid teachers. Grants would be provided for food and clothing for the pupils when needed as well as counseling and medical and psychiatric services.

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[4] CONGRESSIONAL RECORD, Feb. 26, 1964, p. 3720.

[5] Julius Duscha, "Arms and the Big Money Men," Harper's, March 1964, p. 40.

[6] Goldworthy Lowes Dickinson, "The Choice Before Us" (London: George Allen & Unwin, Ltd., 1917) pp. 200–201.

[7] John Kenneth Galbraith, "Let Us Begin: An Invitation to Action on Poverty," Harper's, March 1964, p. 26.

After 1 year the program would be extended to another 150 or 200 areas and eventually to cover all areas of great need. As income rises in the recipient school districts, the schools would be turned back to the localities.[8]

The Galbraith plan is an excellent one and I, for one, would welcome the submission of such a plan to the Congress, although there can be no doubt that it would generate great controversy. I think that we must face up to the need for major new legislation in the field of education regardless of the partisan divisions which it may provoke. We must do so if we truly mean to alleviate the scourge of poverty in American life. And although it is clear that there is no simple dollar for dollar relationship between savings in the defense and space budgets and congressional willingness to appropriate money for education, it seems to me quite possible that the elimination of superfluous defense and space funds would in fact help overcome the reluctance to support education legislation of certain Members of Congress whose concern with economy is genuine and strong.

As a result of the rapidly spreading automation of the American economy, the traditional mechanism of distributing purchasing power through employment and income is breaking down. In essence, our ability to generate economic demand is falling steadily behind our ability to increase the supply of purchasable goods and services. It may be that the growing disequilibrium is so profound as to be irreversible by government policies designed to stimulate economic growth and full employment. If so, we shall eventually have to devise new ways of providing income to those who cannot be put to gainful work.

Whether truly radical measures will be required or not, there is no question that if our national war on poverty is to come anywhere near the goal of total victory proclaimed by President Johnson, it will require enormous public effort and a great deal of public money. To those who shrink from such a commitment in the name of economy, I would emphasize that the elimination of poverty and inadequate education are at least as important to the security of our country in the long run as the maintenance of a strong defense establishment and a good deal more important than a voyage to the moon. I commend to them the words of Edmund Burke, that "Economy is a distributive virtue, and consists not in saving but in selection. Parsimony requires no providence, no sagacity, no powers of combination, no comparison, no judgment."[9]

The cold war has diverted us from problems both quantitative and qualitative. The quantitative problem is essentially to devise ways of elevating the one-fifth of our people who live in poverty to the level of the four-fifths who live in greater material abundance than any other society in human history. The qualitative problem is to find ways of bringing meaning and purpose and standards of excellence into the lives of a people who, because of their material affluence, are free, as no people have ever been before, to shape a spiritual and intellectual environment of their own choice.

While the attention and energy of our public policy have been focused through these postwar years on crises in Berlin and Cuba and the Far East, America, almost behind our backs, has been more and more taking on the physical appearance, and the cultural atmosphere, of a honky-tonk of continental proportions. This is not to suggest that the quest for intellectual, artistic, and scientific excellence has been abandoned in our country. On the contrary, it is being pursued by more people with more energy and more striking results than at any time in our history. But the pursuit of excellence and creativity remains the occupation of an elite segment of our society, a large and brilliant elite, to be sure, but one which is still largely isolated from the nation as a whole. The creative elements of American society are probably growing larger and are constantly reaching new levels of achievement, but they are not yet successfully communicating their standards to the generality of their countrymen.

I do not think we can avoid the conclusion that despite a broadening interest in the arts, the level of popular taste in America remains far below what it can be and ought to be.

The evidences are all around us: in the mindless trivia that fill the television channels and occupy the leisure hours of tens of millions of Americans; in the paperback pornography that has become a major national industry; in the gaudy and chaotic architecture that clutters the central areas of our great cities from Manhattan to Miami and Los Angeles and in the festering slums that surround them.

It can be pointed out, and rightly, that all this is mitigated by the growing popularity of good music and good art, of the serious theater and of quality films. But this, I fear, is confined to the "other America," to the large but isolated elite who are supposed to set, or at least suggest, popular standards of taste and style but who somehow are failing to do so.

Nowhere is the vulgarization of standards more conspicuous than in the artifacts of urban America. It is difficult to judge what is the most depressing sight in New York City: the jungle of antiseptic glass towers that have taken order and humanity out of the midtown area, the sprawling slums that are never far away, or the dreary acres of identical brick housing, devoid of any charm or individuality, that constitute urban renewal. It is equally difficult to understand how Washington, the Nation's beautiful, monumental city, the living symbol of what is valued and emulated in America, should have permitted itself to be marred by stark, prison-like new Federal office buildings that suggest arid dehumanized activities within them, or by the elephantine Rayburn House Office Building, built in what has been described as the early Mussolini style of architecture, a building so ugly that one can only regard it as the product of an organized effort in tastelessness and vulgarity.

I feel certain that this debasement of standards is not inevitable in contemporary America. About a half mile from the new prisonlike office buildings in Washington stands the new National Geographic building, an elegant example of contemporary architecture, a structure of grace and dignity and human warmth. A half mile in another direction stands the Old Senate Office Building, a model of dignity and beauty in the classic style. This contrast symbolizes the polarization of standards between "two Americas" that constitutes a growing problem of our national life. Somehow we must strive to bring the two, alienated cultures of our country together again, to make the quest for beauty and excellence a truly national endeavor.

In a recently published book of incisive text and brilliant photographs illustrating "the planned deterioration of America's landscape," Peter Blake offers the following bleak prognosis for America's cities:

"With a very, very few exceptions, our cities seem to be headed for a grim future indeed—unless we determine to make some radical changes. That future looks something like this: first, our cities will be inhabited solely by the very poor (generally colored) and the very rich (generally white)—plus a few divisions of police to protect the latter from the former. Second, they will become primarily places to work in—places for office buildings and for light industry. Third, they will become totally ghettofied—not merely in terms of racial segregation, but also in terms of usage: there will be office ghettos, industrial ghettos, apartment ghettos, amusement or culture ghettos (like Manhattan's gold-plated Rockefeller ghetto, Lincoln Center), bureaucratic ghettos, shopping ghettos, medical-center ghettos. In other words, there will be virtually no mixed uses of streets or of neighborhoods, so that most areas of the city will be alive for mere fractions of each day or weeks, and as deserted as Wall Street on a weekend for the rest of the time."[10]

One can hope that it will not come to this, that before our cities are lost to glass palaces and slums, the suburbs to housing projects and automobile junkyards, the highways to gaudy motels, and the countryside to a solid wall of billboards, the vulgarizing trend will be arrested and reversed. If it is to be reversed, we must begin by recognizing that private property rights cannot extend to the debauching of America's landscape. An ugly city is not like a bad painting, which can be shut up in a museum out of the sight of anyone who does not wish to see it. Our cities and highways and countryside are part of our common legacy. They either enrich or impoverish our lives and it cannot be left to the sole discretion of promoters and developers to determine which it will be.

There is so much in the American environment that is good, so much that is both beautiful and efficient, that the widespread prevalence of disorder and decay is beyond excuse or understanding.

Obviously, we cannot impose high standards by force, as, in certain respects the Russians have—by the simple, puritanical expedient of withdrawing from their people those forms of art and recreation that are deemed to be vulgar and decadent. Only by very limited—though still important—means can we use the law to combat ugliness and bad taste: by establishing and enforcing high architectural standards for urban construction and urban renewal; by restricting the placement of billboards on our highways; by preserving our shrinking areas of natural beauty in national parks; by revising the practice of rewarding slum landlords who allow their property to deteriorate with low tax assessments; by imposing some order on the planning of schools and housing and parks and expressways.

Beyond these limited measures of community action we must strive as individuals to bring together the two Americas, to restore the lines of communication between the minority that value excellence and the majority that settle for mediocrity. I do not know how this is to be accomplished, but I think there is a clue in what seems to me to be one of the major sources of the postwar vulgarization of American life: the combination of widespread affluence with the intense anxieties generated by the cold war, resulting both in a fixation on foreign problems and in an almost compulsive search for release from anxiety through trivial and tasteless, but convenient and diverting, channels of popular amusement. The cold war, writes David Riesman, "is a distraction from serious thought about man's condition on the planet."[11]

If there is any validity in this analysis, then it follows that the first thing we must do toward raising the quality of American life is to turn some part of our thoughts and our creative energies away from the cold war that has engaged them for so long back in on America itself. If we do this, and then let nature take its course, we may find that the most vital resources of our Nation, for its public happiness and its security as well, remain locked within our own frontiers, in our cities and in our countryside, in our work and in our leisure, in the hearts and minds of our people.

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[8] Ibid.

[9] Edmund Burke, Letter to a Noble Lord (1796).

[10] Peter Blake, "God's Own Junkyard" (New York: Holt, Rhinehart & Winston 1964), p. 23.

[11] David Riesman, "Abundance for What?" (Garden City New York; Doubleday & Co., Inc., 1964), p. 98.

WHEAT AND COTTON LEGISLATION—THE WHEAT BILL

Mr. McGOVERN. Mr. President, I want to take about 2 minutes to demonstrate how completely inaccurate is an advertisement sponsored by Farmers for Freedom, P. J. Flaten, treasurer, Hoople, N. Dak., and published on page B3 in this morning's Washington Post.

The advertisement advises members of the House of Representatives to vote against the wheat-cotton bill, stating:

> Freeman has avoided extensive hearings on wheat legislation before the House Agriculture Committee.

The implication is that the House has not given real consideration to the Senate wheat proposal, or any other wheat legislation, because of the manner in which the bill to be voted upon tomorrow has come before the House.

The fact is that the House Agriculture Committee and its Wheat Subcommittee have held 10 days of hearings on wheat legislation during July and December of 1963 and in January of 1964.

The committee and its Wheat Subcommittee also have held 10 executive sessions on wheat legislation in June and September of 1963, and February and March of 1964, finally recommending a measure identical to the Senate-passed wheat provision.

The committee started its consideration of wheat legislation last June 7 with 39 different bills before it. It held hearings for 3 days in July and the subcommittee chairman, Representative GRAHAM PURCELL, of Texas, subsequently introduced a clean draft bill embodying the voluntary wheat certificate plan.

Hearings were held again on December 11 and 16, 1963, and continued on January 7, 8, 9, 17, and 22, 1964. The subcommittee subsequently met in executive sessions on February 14, 15, 17, 20, 21, 24, and 27 and reported the voluntary certificate plan, nearly identical to the Senate wheat measure, to the full committee.

The full committee of the House met on March 10, 1964, after the Senate measure had been reported and passed, and voted to report favorably to the House floor a wheat bill identical to the Senate measure.

Mr. President, the House Agriculture Committee and its Subcommittee on Wheat have thus considered the wheat bill on a total of 20 different occasions.

Few bills in this Congress have been subjected to more diligent and thorough consideration than the wheat measure; consequently, no more unwarranted statement could have been made by farmers for freedom than the statement that House hearings were avoided.

Of course, no one should be surprised at the misinformation in this morning's advertisement.

Farmers for Freedom is one of the recommended misinformation sources of the John Birch Society. It first came to my attention through the May 1963, issue of the John Birch Society Bulletin which, referring to the wheat referendum, said:

> For further information write Farmers for Freedom, Box 1427, Fargo, N. Dak., or go to any office of the Farm Bureau.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of another full-page advertisement, this one sponsored by the Farmers Union Grain Terminal Association and its affiliates, entitled "Keep the Cobwebs Off the Cash Register," and published in newspapers in the northwestern wheat States. The advertisement translates into dollars the meaning of the House vote tomorrow, so far as the prosperity of the wheat States is concerned.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

KEEP THE COBWEBS OFF THE CASH REGISTER

The wheat bill that will be voted on in the U.S. House of Representatives in Washington next week will determine how good—or bad—business will be in your area this year and in 1965.

This wheat bill means a difference between a price support of $1.26 a bushel, or $1.70 to $1.80 a bushel, on the 1964 wheat crop. That's about 50 cents per bushel.

Defeat of this wheat bill would mean a wheat income loss this year of $50 million in North Dakota; $17 million in South Dakota; $36 million in Montana; and $10 million in Minnesota.

What does this mean to your local community?

If 500,000 bushels of wheat flows annually through your local elevator to market, it means $250,000 is at stake for the farmers and business people of your hometown.

Don't forget—if the farm bill loses, wheat farmers will go to all-out production. This cheap wheat will lower even more today's low feed grain and livestock prices.

Congress will decide. Your Congressman and the House of Representatives vote next week, April 8. They will make a decision which will mean 50 cents a bushel on all the wheat grown in your area.

The Senate has already passed this farm bill. Every Senator in this area, Democratic and Republican, voted for this bill. To protect wheat income, all of your Representatives must do the same.

We are appealing to Members of the House of Representatives to vote in favor of this bill.

This is not a matter of politics. This is not a matter of farm organizations. This is a matter of 50 cents a bushel. This vote will determine what income wheat farmers will get and spend in the local towns and cities.

This message is sponsored and paid for as a public service by Farmers Union Grain Terminal Association, Great Plains Supply Co., the Terminal Agency, Inc., and your local cooperative elevator and lumberyard.

ARA-FINANCED HARDBOARD PLANT GENERATES NEW JOB OPPORTUNITIES IN RAPIDLY EXPANDING INDUSTRY

Mr. PROXMIRE. Mr. President, 3 years ago, Congress passed the Area Redevelopment Act, a law designed to help create new job opportunities in high-unemployment areas of the United States.

Administration of that act has not always been easy. The act seeks to establish a broadly based partnership of local, State, and Federal effort and funds, public and private, focusing that effort on the problems of economically distressed communities.

For a total Federal investment of $227.4 million—three-fourths of it in the form of interest-bearing loans—ARA is helping to generate well over 100,000 permanent full-time jobs. The program has launched 266 research projects covering a wide variety of subjects, and is providing job retraining for 28,311 unemployed workers.

Those are the bare statistics. Look behind them and we see new life and new hope for 100,000 families, living under more healthful conditions, better housed, better fed, better clothed. These are important to America.

Yet even with this successful record, we find ARA bitterly criticized at times, even denounced for doing the very thing it was created to do—generating new employment.

One of the more recent examples of this criticism involves an ARA project to help build a hardboard manufacturing plant in Superior, in my own State of Wisconsin. Specifically, the loan went to Superior Fiber Products, Inc. Critics emphasize that ARA is putting $4 million into this project, without mentioning that this is an interest-bearing loan, repayable to the Federal Treasury over the next 18 years. Nor do these critics mention the fact that the Prudential Insurance Co. had enough confidence in this business enterprise to invest $1.3 million in it. Nor do they mention that private citizens and public-spirited organizations in the Superior area, put in $630,000 through the Superior-Douglas County Industrial Development Corp. Do not forget that the firm itself put in a big chunk of equity.

The project will create 244 direct and directly related jobs, at the mill and in associated logging and hauling operations. It is also expected to result in a number of satellite industries. The project will be of major importance in broadening the base of the economy of hard-hit Douglas County. This county is part of the Duluth-Superior labor market area where 5,800 of a 60,100 labor force are jobless. This is 9.7 percent of the work force, more than half again the 5.7 percent of the national average.

One might well ask: Just what could be wrong with such a project? What could be wrong with generating new jobs?

In this case the criticism seems to be generated by other plants manufacturing similar products. The protests seem to stem from fear of competition. A second complaint concerns the fact that part of the machinery for the new plant comes from Sweden.

This is no time for irresponsible complaints, especially when we are dealing with efforts to create new jobs.

First, the U.S. hardboard industry is expanding rapidly. Production has jumped from 750 million square feet in 1947 to more than 2 billion square feet in 1962. ARA officials tell me that they met on February 24 with several hardboard producers and officials of the American Hardboard Association to review the growth of this industry. All members of the industry present at that meeting said they were planning to expand production.

Such expansion certainly will be necessary over the next few years. The U.S. Department of Commerce estimates that by 1968 the total U.S. consumption of hardboard will be approximately 3.5 billion square feet annually.

This is more than the present total installed capacity. At ARA's February 24 meeting, Donald Linville, executive secretary of the hardboard association, admitted that all 18 U.S. hardboard plants, operating at full capacity, 24 hours a day, 7 days a week, 52 weeks a year, could produce only 3.1 billion square feet of hardboard annually.

Computing capacity on this impossible forced draft basis, hardboard plants in Wisconsin and Minnesota can claim to be operating at only 75 percent of capacity. Of course, this is ridiculous. This level translates into an average operating week of 126 hours.

Imports of hardboard have increased in recent years; in 1962, they accounted for 13 percent of the U.S. consumption of hardboard. The Superior plant will utilize the most modern production techniques; it should compete effectively against these imports.

The second complaint, that a portion of the machinery to be installed in the plant is of Swedish construction, seems even more spurious. Total machinery investment for the entire plant is $4.3 million. Three-fourths of it will be manufactured in the United States. The rest will be special machinery available only in Sweden.

The Superior plant is designed to manufacture hardboard using defibrated wood fiber, formed wet. This method was developed in Sweden by the A. B. Defibrator Co., and some of the equipment required for this process and this plant must be purchased in Sweden from that company. In recent years, this firm, a recognized leader in its field, has designed and constructed about 125 plants throughout the world, including one in Duluth, Minn.

The Superior firm plans to have this company design and supervise construction of this plant on a turnkey basis. Total project cost will be $6.3 million. The Superior plant will be constructed with U.S. labor and materials; and three-fourths of the machinery and equipment for the plant will be built in U.S. factories.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 121 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Douglas
Gore
Hart
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Keating
Kennedy
Kuchel
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Proxmire
Ribicoff
Saltonstall
Scott
Smith
Sparkman
Stennis
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. JAVITS. Mr. President, today there occurred an event which I know will sadden everyone, because the life of a man is precious, especially the life of one who has devoted himself to an idealistic cause and is willing to sacrifice everything in its interest. So it is tragic to report that in a demonstration at a school construction project—a demonstration which related to an effort to protest de facto school segregation—the Reverend Bruce Klunder, adviser at the Student Christian Union at Western Reserve University, in Cleveland, Ohio, who was part of a group of the demonstrators, was accidentally killed in the course of an effort to prevent a bulldozer from operating in connection with that project.

Mr. President, no one—least of all, myself—condones violence or breaches of law. I speak of this event, not only because I am sure that in the mind of Reverend Klunder was the belief that he was serving a highly idealistic cause, but, in addition, because he gave his life in that effort, I believe that tragic occurrence is worthy of note by us as we debate the issue now before the Senate. It shows how seriously and dangerously this issue can affect our society, how exacerbated tempers can become, and how serious to individuals can be the events engendered by the deep feelings of injustice held by a large part of the population because of the denial to them of what they regard as their rights as Americans.

THE NEW YORK POLICY AND PRACTICE AGAINST RACIAL IMBALANCE IN PUBLIC SCHOOLS

Mr. President, I wish to speak now on a totally different aspect of the civil rights struggle. Time and time again, I have called the attention of the Senate to the policy and practice of the State of New York and the city of New York in correcting racial imbalance into their public-school systems. Rather than constituting a source of criticism—although some Senators have tried to make it that—I believe it is a source of credit for my city and my State that they are moving so vigorously in their efforts to go even beyond the question of segregation, and are attempting to deal with what properly is regarded by capable and wise educators as being inimical to the education of children; namely, an undue proportion of racial delineation in a public school.

Therefore, Mr. President, I ask unanimous consent to have printed at this point in the RECORD a special message by James E. Allen, Jr., the New York State Commissioner of Education, addressed to "All chief local school administrators and presidents of boards of education." The letter or memorandum is headed:

Subject: Racial Imbalance in Schools.

It is dated June 14, 1963.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF THE STATE OF NEW YORK, THE STATE EDUCATION DEPARTMENT, OFFICE OF THE PRESIDENT OF THE UNIVERSITY AND COMMISSIONER OF EDUCATION
Albany, June 14, 1963.

To: All chief local school administrators and presidents of boards of education.

Subject: Racial imbalance in schools.

The State education department is constantly seeking to improve policies and practices which will bring about the full operation of the principle of equality of educational opportunity for persons of all social, economic, and cultural backgrounds. In line with this effort and after studying the implications of the 1954 decision of the U.S. Supreme Court, the board of regents adopted and announced in January 1961 a statement of policy which contained the following paragraph:

"The State of New York has long held the principle that equal opportunity for all children, without regard to differences in economic, national, religious, or racial background, is a manifestation of the vitality of our American democratic society and is essential to its continuation. This fundamental educational principle has long since been written into education law and policy. Subsequent events have repeatedly given it moral reaffirmation. Nevertheless, all citizens have the responsibility to reexamine the schools within their local systems in order to determine whether they conform to this standard so clearly seen to be the right of every child."

The regents' statement goes on to point out that modern psychological and sociological knowledge seems to indicate that in schools in which the enrollment is largely from a minority group of homogeneous, ethnic origin, the personality of these minority group children may be damaged. There is a decrease in motivation and thus an impairment of ability to learn. Public education in such a situation is socially unrealistic, blocking the attainment of the goals of democratic education, and wasteful of manpower and talent, whether the situation occurs by law or by fact.

To implement the regents' policy, the department has carried on through its division of intercultural relations, a continuing program of education and assistance aimed toward securing greater understanding and constructive action throughout the schools and colleges of the State. Important progress has been made, especially in higher education.

To assemble additional information on the problem, the department conducted in November 1961, a racial census of the elementary schools of the State. The findings of that study were reported in July 1962. The report identified a number of districts in which the ratio of Negro to white pupils was relatively high and suggested that these districts should give added attention to this situation.

In June 1962, I appointed a three-member Advisory Committee on Human Relations and Community Tensions to advise and assist the department and the local school districts. From its studies, the committee has developed a statement of principles for dealing with racial imbalance in the schools. A copy of this statement is enclosed.

The position of the department, based on the policy of the regents, and the principles of the Commissioner's Advisory Committee, is that the racial imbalance existing in a school in which the enrollment is wholly or predominantly Negro interferes with the achievement of equality of educational opportunity and must therefore be eliminated from the schools of New York State.

If this is to be accomplished, there must be corrective action in each community where such imbalance exists. In keeping with the principle of local control, it is the responsibility of the local school authorities in such communities to develop and implement the necessary plans.

It is recognizd that in some communities residential patterns and other factors may present serious obstacles to the attainment of racially balanced schools. This does not, however, relieve the school authorities of their responsibility for doing everything within their power, consistent with the principles of sound education, to achieve an equitable balance.

In order that the department may know what your plans are for carrying out this responsibility, I request that you submit to me by September 1, 1963, the following information:

1. A statement indicating the situation in your district with regard to any problem of racial imbalance, regardless of the number of Negro children enrolled, or to the actual existence of or trend toward racial imbalance. At this time and for the purpose of this report, a racially imbalanced school is defined as one having 50 percent or more Negro pupils enrolled.

2. A statement of policy by your board of education with respect to the maintenance of racial balance in your schools.

3. In districts where racial imbalance exists, or is a problem, a report of progress made toward eliminating it.

4. In such districts, your plan for further action, including estimates of the additional cost, if any, and of the time required for carrying out your plan.

In addition to this request for information from your district, I have directed the staff of the State Education Department to reexamine all State laws, rules, regulations, policies and programs pertinent to the issue here under discussion, and to submit to me by the same date any revisions that may be necessary for making them more effective instruments for the elimination of racial imbalance.

These requests for more positive action to eliminate racial imbalance in the schools of New York State are a logical extension of State law and policy, necessary if the principle of equality of educational opportunity is to apply to all, regardless of race, color, creed, or economic background. I am aware that many of you have already taken constructive action in this regard and that you will continue to do so. I am confident that working together we shall be able to achieve solutions which will truly serve the purposes of education in a democracy.

Please let me know how the department can be of assistance to you in this important effort.

Sincerely,

JAMES E. ALLEN, Jr.,
Commissioner of Education.

GUIDING PRINCIPLES FOR DEALING WITH DE FACTO SEGREGATION IN PUBLIC SCHOOLS

(Drafted by the State education commissioner's advisory committee on human relations and community tensions)

In contemporary America, race or color is unfortunately associated with status distinctions among groups of human beings. The public schools reflect this larger social fact in that the proportion of Negroes and whites in a given school is often associated with the status of the school. The educational quality and performance to be expected from that school are frequently expressed in terms of the racial complexion and general status assigned to the school. It is well recognized that in most cases a school enrolling a large proportion of Negro students is viewed as a lower status school. It is also true, of course, that an all white school enrolling a substantial proportion of children from culturally deprived homes is frequently considered less desirable.

A cardinal principle, therefore, in the effective desegregation of a public school system is that all of the schools which comprise that system should have an equitable distribution of the various ethnic and cultural groups in the municipality or the school district. Where serious imbalance exists the school with the highest proportion of minority group and lower status children tends to receive more such children as parents who are able to do so move to neighborhoods and schools of higher status.

A program which seeks an equitable distribution of majority and minority group children in all of the schools of a district offers several advantages. It will enable all children to profit from acquaintance with others of different backgrounds than their own, it will reduce distinctions among schools based on noneducational factors, and will probably stabilize the shifts of enrollment which often follow the arrival of minority group children in disproportionate numbers in a particular school.

The committee recognizes that long established patterns and community customs are not easily or quickly changed and that psychological and social factors operate on all sides of such a situation as the one now before you. We therefore suggest six principles which seem to us relevant to the whole question of racial balance in the schools.

1. The common school has long been viewed as a basic social instrument in attaining our traditional American goals of equal opportunity and personal fulfillment. The presence in a single school of children from varied racial, cultural, socioeconomic, and religious backgrounds is an important element in the preparation of young people for active participation in the social and political affairs of our democracy.

2. In forming school policies, every educationally sound action should be taken to assure not only passive tolerance but active acceptance of and genuine respect for children from every segment of the community, with particular attention given to those from minority groups that may have been the objects of discriminatory mistreatment.

3. No action, direct or indirect, overt or covert, to exclude any child or group of children from a public school because of ethnic, racial, religious, or other educationally irrelevant reasons should be taken by any public agency. Wherever such action has occurred it is the obligation of the school authorities to correct it as quickly as possible.

4. No action should be taken which implies that any school or any group of pupils is socially inferior or superior to another, or which suggests that schoolmates of one group are to be preferred to schoolmates of another. In establishing school attendance areas one of the objectives should be to create in each school, a student body that will represent as nearly as possible a cross-section of the population of the entire school district, but with due consideration also for other important educational criteria including such practical matters as the distance children must travel from home to school.

5. A neighborhood school offers important educational values which should not be overlooked. The relation between a school and a definable community with which it is identified can, in many cases, lead to more effective participation by parents and other citizens in the support and guidance of the school. It can stimulate sound concern for the welfare of the school and its pupils and can lead to beneficial communication between the school staff and the community that staff serves.

6. When a neighborhood school becomes improperly exclusive in fact or in spirit, when it is viewed as being reserved for certain community groups, or when its effect is to create or continue a ghetto-type situation it does not serve the purposes of democratic education.

JUNE 17, 1963.

Mr. JAVITS. Mr. President, I point out, first, the definition of "racial imbalance," as we in New York see it in the interest of education; namely:

> A racially imbalanced school is defined as one having 50 percent or more Negro pupils enrolled.

It seems to me that makes very clear the distinction between what we in the State of New York are doing and the provision of the bill about which the Senate is struggling. Obviously, a completely segregated school for Negroes has no white students, whereas we in New York are talking about schools which have both white students and Negro students, but which in our judgment are inadvisably set up for educational purposes when 50 percent or more of the students in the school are members of one race. What is sought to be achieved is an equitable balance.

The message from Commissioner Allen makes clear that whatever the authorities do must be "consistent with the principles of sound education."

I think this is the dominant standard in the State of New York; and, in my judgment, it reflects great credit on the State of New York. I commend to the consideration of other States, the New York standard as one which properly should be set with respect to the racial population of the public schools.

Mr. LONG of Louisiana. Mr. President, at this point, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. LONG of Louisiana. Can the Senator tell me what is evil about having colored students study with other colored students—in other words, study with a substantial number of their own kind of people—or, for that matter, be associated with them either in a schoolroom or in their neighborhood? Wherein are those colored children being deprived of their constitutional rights or discriminated against merely because they attend a school with other children of their own neighborhood, a majority of which may be colored?

Mr. JAVITS. Let me say to the Senator from Louisiana that I do not like the use of the word "evil" in that connection; I do not think this situation deals with anything "evil." But I believe it is against public policy and against the national interest, to have a proportion—for the sake of this debate, I say beyond one-half—of the children who are concentrated in a school members of the Negro race, inasmuch as experience has demonstrated—and that is also our judgment, based on experience in the field of education—that such a concentration, under the conditions involved in the national issue of segregation, has a tendency to make it more difficult for those children to learn and to develop and to obtain the greatest possible benefits from their education, and that the tendency and the experience have been that that situation results in a lower level of educational facilities and in a lower level of teaching. This belief is based upon a very considerable experience, which has been dealt with time and again in many reports; and it is so because it exists within the framework of a national problem of segregated education.

Hence, the New York school authorities—notwithstanding the fact that we in New York do not have a "segregation problem" within the meaning of the 1954 school desegregation decision—feel that, in educational terms, we had to bring this about in a way that would be convenient and congenial to the educational process, and that we had to make considered efforts to effectuate it.

Let us remember that the decision of the Supreme Court in the case of Brown against the Board of Education dealt with a situation in which there was absolute and complete segregation mandated by the State and local governments. That is why I put what I am saying now—in connection with the action of New York in dealing affirmatively with the quite different problem of racial imbalance—on pedagogical grounds rather than on constitutional or legal grounds.

I feel that the schools in the State of New York are certainly complying fully with the principles of the decision of the Supreme Court in the case of Brown against Board of Education. However, what we in New York are doing in that connection is not directed solely toward bringing our schools abreast of the principles in that decision; in addition, we are providing a climate which we believe will give all our children, including particularly our Negro children, the best educational opportunities. Pedagogically there is proof that, considering the climate of segregation as a practice in significant parts of the country and considering the general national concern over it, the best educational opportunity requires—it is not easy to do, but if we can do it—a correction of such situations of racial imbalance, as I have defined them.

Mr. LONG of Louisiana. Why not give the colored children in neighborhoods that are predominantly colored the best teachers available? Why would that not settle the problem, rather than moving colored children across town into a strange neighborhood?

Mr. JAVITS. There are two answers to that question. First we should do that, and more of it. We are trying to do that. The level of education for everyone should be raised; and it certainly should be raised in the schools which have suffered in the way that I have described. A great effort is being made, and should be made, in that regard.

The Senator has spoken of moving the children out of their neighborhoods. No one is moving children out of their neighborhoods against their will or against the will of their parents, as yet.

There is some discussion as to whether the so-called Princeton plan, which would pair adjacent schools and would concentrate children attending certain grades in one school and those of the other grades in the other school, would result in any enforced transportation. That question has not yet been decided, nor is it being done. The only children who are now being taken from one area of the city to another are children who have requested it and whose parents have requested it, based upon the fact that certain schools have been found underutilized. Therefore applications by parents for children to be admitted to such schools have been accepted, and the children have been admitted to public schools some distance from their homes. But I emphasize that no one is being compelled to go, or carried against his will. It may happen, but it has not yet happened.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MORTON. Is it the policy of the school board in New York City to get the program down to the point at which less than 50 percent, let us say, of the students in one school would be of the Negro race?

Mr. JAVITS. The memorandum which I have read is the State memorandum. It is the opinion of the State educational authorities. It is not yet a policy in the city of New York. At present, in the city of New York, the objective has been considerably more limited. In 18 percent of the New York City schools the preponderance of Negro pupils is in the 90 percent range, as against 10 percent of pupils of the white or other races.

It is felt in New York City that that is inadvisable, again from a pedagogical point of view. The effort is being made in that 18 percent of the schools to restore a better balance. But the city of New York has not subscribed to the 50 percent standard. It is a kind of optimum standard which the State commissioner of education, Dr. Allen, had issued as a desideratum. I placed his memorandum in the RECORD. That has reference to the 50 percent.

Mr. MORTON. That approach might create a difficult problem in the District of Columbia, where 82 percent of all the children in the public schools are of the Negro race.

Mr. JAVITS. The Senator is correct.

Mr. MORTON. If the 50–50 plan were followed, no one would go to school.

Mr. JAVITS. The Senator is absolutely correct. I did not know what the Senator's final point was.

Mr. MORTON. The condition would be terrible.

Mr. JAVITS. Of course, there is nothing like that in the ideas which I have developed. It would merely be an optimum standard which the commissioner has set, and which he hopes might be attained in the State of New York.

TITLE VI: NONDISCRIMINATORY USE OF FEDERAL FUNDS

I shall use a little time this evening to say a word or two about title VI.

My reason for speaking on the subject of title VI is that on a number of previous occasions—some seven in number—within the past year I have moved in relation to various bills to prohibit the Federal Government from giving aid to State programs in which segregation is involved: On May 1, 1963, in regard to the Farmers Home Administration in H.R. 5517, supplemental appropriations bill; on May 27, 1963, in regard to S. 1576, the mental health centers construction bill; on August 7, 1963, in regard to the Hill-Burton Hospital Construction Act in the Labor-HEW appropriations bill; on August 14, 1963, in regard to S. 1321, the National Service Corps bill; on September 12, 1963, in regard to H.R. 12, the medical education bill; on September 26, 1963, in regard to the Agricultural Extension Service in H.R. 6754, the agriculture appropriations bill; and on October 8, 1963, in regard to the impacted areas school aid program in the vocational education bill, H.R. 4955.

It has been a campaign of mine. Since the subject of title VI was being discussed today, I felt it only fair to the struggle that I had waged for so long—and my interest goes back for a considerable time prior to this period—to make some statement about it, even though it may not be the statement in chief which, in the course of the day, has already been made by two Senators on the other side of the aisle.

I hope that it will be understood that I make my statement in respect of that title because of the rather extended history and relationship to it which I have had, not only in connection with amendments, but in the effort over a long period of time to persuade the Government departments themselves to do something about it.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RIBICOFF. I can attest to the fact that the Senator from New York has been zealous in this cause. During the period when I was Secretary of the Department of Health, Education, and Welfare, the communications I received from the distinguished Senator from New York exceeded the communications from all the other 99 Senators put together concerning the various problems that were involved in this very troublesome and complicated field.

Mr. JAVITS. The Senator is very kind. He illustrates why we are so pleased when a Cabinet officer comes to the Senate, because we do not have a parliamentary system under which we have access to the ministers, as is the case in some parliamentary systems. So it is rare that we get personal witness, as the Senator has given, to what has been said. I am grateful to the Senator.

The Senator knows that the Department of Health, Education, and Welfare, over which he presided so very ably and courageously, represents the stickiest problem in the field. Mainly our problems have been there, but, very understandably—and I know that that is not the Senators' doing—the Senator was bound by his responsibilities as he saw them. He performed them most faithfully and ably. I am more than happy to pay him this tribute, notwithstanding the fact that he did not agree with me on occasion with respect to this particular question.

Mr. President, title VI, which provides assurance that Federal funds will not be used for racially discriminatory Federal-State programs, can be of the most immediate and complete assistance of any of the provisions in the bipartisan civil rights bill for achieving equal opportunity for all our citizens, without regard to race, creed, color, or national origin. Also, it has broad support, perhaps the broadest for any provision of the bill.

I hope I shall be pardoned for what is not a partisan note, but a partisan story. I remember in President Eisenhower's 1952 campaign a great meeting which he addressed, and over which I had the honor to preside, in Harlem in front of the Hotel Theresa, which is a great public meeting place in Harlem. It has been a tradition. The general was then fresh out of the Army, and not yet President of the United States. He was only a citizen without too much experience in this field. He was speaking from his heart. One thing he said that appealed to him beyond anything else in the civil rights struggle was that he could not see how we could morally, constitutionally, and ethically justify the expenditure of Federal taxpayers' money for the purpose of aiding a State program which was segregated. This was a cry from a man's heart.

This, of all the issues, was the one which had the deepest human appeal and to which he responded. And I think that response to this issue is quite widespread.

Yet it is sad to relate that the problem is current and urgent right now, shocking as that may be at this late date. There are appalling examples of the continuation of this practice. It is almost beyond belief that it is possible. Yet it is.

For example, in the Federal-State school lunch program—which is a pretty basic program—in Greenwood, Miss., according to Department of Agriculture data, 43 percent of the average daily attendance in Greenwood schools consists of Negro students; yet the Negro students receive only one-fifth of the free lunches distributed in the Greenwood district.

Under the impacted area public school aid program, according to the Department of Health, Education, and Welfare, only "suitable"—that is, racially desegregated—free public education may be assisted with Federal funds for children of Federal military and civilian personnel who reside on Federal property. But the vast bulk of Federal funds for this program are paid out under Public Laws 874 and 815 to schools attended by the much larger number of such children who do not reside on Federal property, and from these funds payments are even now being made to segregated schools. District-by-district litigation, just as in the painfully slow process of private suits under the 1954 school desegregation decision, is the only remedy for the children of Federal personnel residing off base. Four of such suits, involving school districts in Mississippi, Alabama, and Louisiana, have been dismissed on procedural grounds, without even a hearing on the merits.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LONG of Louisiana. Do I correctly understand the Senator to argue that the school lunch programs in schools where white and Negro children are not side by side should be cut off because there is still segregation in the schools?

Mr. JAVITS. I should say that we have crossed that bridge, and it is a specious and spurious argument, which will no longer be accepted or tolerated, that we must perpetuate an unconstitutional, antimoral position of allowing Federal aid to segregation in our schools, because we do not want to deprive children of lunches. Let that burden be carried by those who would insist on receiving money from the Federal Government to be used in segregated schools. Let them carry the responsibility. I will not accept that argument. I think that argument has been blown out of the water. It has been made time and again. Let the people concerned consult their consciences as to their determination to keep schools segregated, notwithstanding the Constitution and the laws of the United States. They would deprive little children of school lunches; but, in my judgment, the United States cannot do anything else, in all honor and decency, but deny funds to States which refuse to desegregate their schools.

Mr. LONG of Louisiana. Let me see if I correctly understand the Senator from New York. He mentioned Greenwood, Miss. He has not mentioned Louisiana. I am interested in seeing whether he mentions the fact that the colored schoolchildren of Louisiana are not getting their share of the school lunch program, because I am sure that, to the extent of its ability to do so, the State of Louisiana is making sure that its colored children are being fed as well as its white children.

Do I correctly understand the Senator to suggest that we ought to take food away from the colored children as well as the white children by virtue of the fact that they are not side by side in school?

Mr. JAVITS. Let those who would keep the schools segregated charge that to their consciences. I do not feel that we should continue that kind of aid, paid for by taxes collected without regard to color, to school systems that persist in segregation, notwithstanding the law and the Constitution.

Mr. LONG of Louisiana. The Senator realizes, does he not, that so far as the majority of the white people in Louisiana are concerned, they feel very strongly about the segregation issue? The majority of them think it is morally wrong to integrate, and that they would be doing an evil thing if they did so. I know that the Senator disagrees emphatically with that view. I know he is diametrically opposed to that view; but that is the opinion of the majority of the white people in Louisiana.

Mr. JAVITS. In that case, let that majority put up the money to give school lunches to the segregated children. The United States should not do it. If the people feel that way, let them put up the money until the law catches up with them and compels them to desegregate—and it will ultimately. Let them put up the money to feed the children. The United States should not use the money of all the taxpayers of New York, Pennsylvania, Michigan, Maryland, and other States to feed children under the school lunch program under those conditions.

I am sure that the likely prospect is that the State would not discontinue the program and require the children to pay for their own lunches, as they did in the past, but that the State would prefer to continue to receive Federal assistance.

Mr. RIBICOFF. Mr. President, will the Senator from New York yield for a question?

Mr. JAVITS. I yield to the Senator from Connecticut.

Mr. RIBICOFF. Is it not true that the administrator's responsibility, if he felt that the cutoff of the lunch program might be detrimental to the health of Negro youngsters, would have the alternative of requesting the Attorney General to bring a lawsuit under title IV to desegregate the schools or school districts?

Mr. JAVITS. Of course.

Mr. RIBICOFF. The point that should be made is that under title VI the cutting off of funds is the last resort. There are many remedies available to an administrator under title VI. Title VI is not punitive. The purpose of title VI is to eliminate discrimination. Only after every other method to eliminate discrimination failed would the cutting off of funds be resorted to.

Mr. JAVITS. I thoroughly agree. Let those who would seek to perpetuate segregation, in the face of the clear mandate of the Constitution, look to their own consciences if this kind of situation exists.

Let me point out to my colleagues what experience shows. When we get down to cases, even the most hardened segregationist would prefer to end segregation in order to receive Federal aid than to continue segregation and lose the aid. That seems to be the general history of what occurs in this situation. We see it in the example I have given of the impacted area school aid program in regard to children of military personnel who live on Federal property and must, according to the Department of Health, Education and Welfare, unlike children living off Federal property, be afforded "suitable"—or unsegregated—schools. Under the suitability doctrine, 15 school districts in southern areas which were segregated, with a total enrollment of 250,000 children, apparently favored Federal aid to continued segregation. So in practice the possibility of withholding aid is a good and extremely effective method.

Mr. RIBICOFF. Mr. President, will the Senator yield for a further question.

Mr. JAVITS. I yield.

Mr. RIBICOFF. The Senator is now using an example of one of the instances where I as Secretary could act to end discrimination, because I had discretion to act under the statutes. After examining the impacted area statutes I felt that as Secretary I had a right to move in this field, and I issued an order that after September 1, 1963, the Government would no longer send on-base children to segregated schools and unless these schools were desegregated, the on-base children would be withdrawn from local schools and educated at desegregated schools on the base. Funds for these children would no longer be paid to segregated school districts.

As the Senator correctly pointed out, by the fall of 1963, some 15 school districts, with some 250,000 schoolchildren, voluntarily agreed to desegregate without the necessity of any court action.

Mr. JAVITS. I am very grateful to the Senator from Connecticut for the firsthand information which he has given us.

I should like to point out a few other cases in which we are still aiding segregated programs. I have discussed the impacted area school aid program.

According to the Department of Agriculture's Federal Extension Service, the title "Negro county agent" persists in six States—Arkansas, Tennessee, North Carolina, Mississippi, Alabama, and Virginia—and there are separate agricultural extension service office facilities in North Carolina, Georgia, South Carolina, Mississippi, and Alabama. Unfortunately, the list of examples could be lengthened almost indefinitely to show in greater detail where we are aiding with Federal funds programs carried on in States which continue to require segregation in such programs.

To deal with this shameful factual situation, title VI does not create any new legal or administrative powers. The spending of Federal tax revenues—collected from all taxpayers of the United States without regard to color—for segregated programs is not only morally wrong but a clear violation of the fifth amendment, as the Federal courts have recently clearly held in the case of the Hill-Burton Hospital Construction Act. In *Simkins* v. *Moses Cone Hospital*, 323 F. 2d 959, *cert. den.* — U.S. —, the U.S. Court of Appeals for the Fourth Circuit held that the fifth amendment prohibited racial discrimination by nonprofit hospitals which had received massive Federal construction grants.

As I have noted, on a number of occasions I have tried to persuade the Senate to include an antidiscrimination provision in appropriations and authorizations for the Hill-Burton Hospital Construction Act, and similarly, for various Department of Agriculture programs.

In reply to my detailed inquiries over the last year—which were placed in the CONGRESSIONAL RECORD, along with the answers received on July 2, 1963, July 10, 1963, December 5, 1963, January 30, 1964, and March 3, 1964, and that includes HEW when the Senator from Connecticut [Mr. RIBICOFF] presided over it—almost all the Federal agencies and departments have acknowledged that they already have the authority and even the obligation under the 5th amendment to withhold funds from such segregated Federal programs and activities. The major exception has been the Department of Health, Education, and Welfare, whose dissent from the general view apparently was the motivation for including a version of title VI in the original administration bill.

Mr. LONG of Louisiana. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. LONG of Louisiana. I believe the Senator from New York would not wish to leave the record partially correct. I believe he would wish to show that while there were some school districts that did accept colored children in white schools in order to receive Federal money, there were also a considerable number which declined, with the result that the Federal Government proceeded to provide its own schools on that basis.

Mr. JAVITS. I accept that statement by the Senator from Louisiana, which he has undoubtedly confirmed with the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. RIBICOFF. The Senator is correct. Discussion with the Senator from Louisiana revealed that there are about eight school districts which refused to take onbase children and refused the money altogether, which resulted in the Federal Government's building its own installations on Federal property.

There is one statement which the Senator from New York made which I should like to correct, with his indulgence; namely, the statement that the purpose of title VI is due to the failure or refusal of HEW to act in many instances.

The purpose of title VI is due to the fact that the Hill-Burton Act and the Morrill Act specifically provided for separate but equal facilities. They made provision for Federal funds to go to separate but equal installations; furthermore, there were many programs in the Department of Agriculture and the Department of Labor which led to exactly the same situation.

Title VI is present in the bill because of the combined work of the Senator from New York [Mr. KEATING] and myself to work out a program which we thought was fair and equitable, much of it arising out of my experience in HEW. I thought the original proposal sent up by the Attorney General was punitive and defective.

We tried to settle upon a fair and equitable program in title VI, but it is somewhat unfair for the Senator to say that it was a result of the refusal of HEW. Where we could act, we acted.

I further point out that when it came to the various teaching institutes under National Defense Education Act, language, counseling, and guidance, we refused to enter into contracts when universities on a segregated basis continued on a segregated basis. The results were most satisfactory, because the overwhelming number of colleges and universities in the South entered into contracts with HEW and eliminated segregated institutes.

But again, as to the on-base children, a small number of colleges refused to go into the program.

I believe that the entire problem should be placed in perspective. I had always felt that the Constitution made certain provisions. The courts were ahead of the executive branch. The courts were ahead of Congress. The executive branch was moving. It is true it was moving slowly, but it was moving and trying to eliminate as much as possible the elements of segregation. But I had, of course, felt that one of the basic duties we had was to combat the refusal of Congress to move in this field. Finally, in the bill now before Congress, Congress is living up to its full obligations, indicating that it has caught up with the Constitution and with the courts.

I believe we are in a position to have Congress assume its rightful responsibility instead of "sloughing off" its responsibility.

Mr. JAVITS. In response to the Senator, let me say:

First, it is not a fact that in every program which the HEW said it did not have the authority to cut off funds, there was a "separate but equal" clause. Such a clause appears in the Morrill Land Grant College Act and in the Hill-Burton Hospital Construction Act, but it does not appear, for example, in the impacted school areas acts. Yet there, the Department claimed that the language was so mandatory on the Department that it had to give aid, that it could not refrain from giving it, that it had no discretion in the matter, despite our claim that the Constitution prohibited giving such aid.

In my judgment, the Senator was proceeding on the advice of counsel. The Senator himself is an able lawyer. But he was not his own lawyer—as is quite proper—when he was Secretary of HEW. He was proceeding under advice of counsel. Counsel appeared not long ago before the Committee on Labor and Public Welfare, of which I am a member. I took great issue with counsel, and therefore with the Senator when he was Secretary of HEW; and also with the present Secretary, Mr. Celebrezze. It was my belief—and I argued the matter on the floor of the Senate as well as outside the Chamber—that the separate-but-equal provisions of the Hill-Burton Act and the Morrill Land Grant College Act are unconstitutional and that therefore the Secretary had to act on that basis; also that the interpretation of the law under which he felt required him to give this aid to segregated programs even in the absence of the "separate but equal" provision was contrary to the Constitution, and therefore should not be his interpretation of the law.

In the final analysis, inasmuch as he had advice from counsel in the Department—and I know that to be a fact, because counsel testified to it—it may properly be said that the initiative should have come from the President. What I was really arguing was that the President, by Executive order, could have resolved all the legal doubts. The courts have since sustained me, in the Simkins against Moses Cone Hospital case, which clearly holds that, notwithstanding the "separate but equal" provisions in the Hill-Burton Act, segregation in aided facilities will be struck down as unconstitutional.

I am not finding any fault with the Senator when he was Secretary in the Department of Health, Education, and Welfare. Really, it was a matter of the President settling the difference, and my contention was that that should have been done because, notwithstanding the words of the various statutes, the constitutional mandate was supreme.

Mr. RIBICOFF. I believe it is only fair to point out that general counsel of the Department had written a memorandum, as the Senator has indicated, stating that the Secretary did not have the right to cut off these funds when there was a clear mandate from the Congress itself.

In the impacted area program, where we could take action concerning on-base children, I acted to end discrimination.

However, the general counsel pointed out that with other portions of the impacted area program, in which Congress had said that I must pay to each district under a formula of so much per child, all I, as Secretary, could do under those circumstances was to approve the allotment and make the payment under the formula set by Congress.

It is also fair to say that when I came to the office of Secretary of Health, Education, and Welfare, these laws, under which I acted, had been in effect for some time, and Secretaries of the previous administration, which was under the jurisdiction of the party of the distinguished Senator from New York, had not taken any of the action I took to end discrimination.

There was more action taken in this Department while I was Secretary, in the field of civil rights, than had ever been taken in it in the Government prior to that time.

I believe we must keep these things in perspective.

In the final analysis, the Secretary is in a ministerial position, and carries out the orders of the President and of Congress. In the absence of congressional authority, and in the absence of a mandate from the Chief Executive, the Secretary acts in a ministerial capacity in carrying out the orders of Congress and of the President of the United States.

Mr. JAVITS. I do not believe it is necessary to defend the Eisenhower administration generally. For example, the desegregation of the District of Columbia was monumental in terms of a civil rights record. I am not taking the Senator from Connecticut to task for the way he discharged his responsibility as Secretary of Health, Education, and Welfare.

I have stated that he was acting at that time under what I knew to be the advice of the legal authority of the Department. I only point out, as I have pointed out many times, that other departments, similarly advised, such as the Department of Defense for example, did not take the same view. We used that fact as indicating the way the matter should be handled by all the departments.

It was a legal argument, and I believe the courts have come out on the side that I took and that others associated with me took.

The Senator from Michigan [Mr. HART] was just as indefatigable—if I may refer to myself in those terms—as I was, and we acted together in connection with pressing every governmental department on this issue.

We are now dealing with the present and the future. I do not wish the Senator to have any feeling that I am trying to plow up that ground. It is important because, for example, in the schools the problem is continuing. That is the point I make. I refer to the impacted school program for personnel living off the base.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LONG of Louisiana. I believe it would be well if the Senator would analyze the cases he has to support his statement that so-called hard-shelled segregationist areas integrated schools in order to obtain Federal money. I have not examined the cases to which the Senator has referred. I do not dispute the figure of 15. I can speak only from my own recollections of the facts regarding my own State. The impression I have is that insofar as the areas which have integrated their schools in order to obtain some Federal money are concerned, I believe those were the more moderate areas, and not areas where people felt more strongly about this issue.

In addition to the number of areas that did not integrate in order to obtain aid money, I believe it would be well to point out that a great many areas that were eligible for aid did not ask for it.

Certain parishes in Louisiana which were eligible for large amounts of Federal aid money under the impacted school program did not ask for the aid because they believed they would be confronted with this type of demand sooner or later, and therefore did not ask for money initially.

Mr. JAVITS. I thank the Senator from Louisiana for his intercession. I shall obtain the facts and list the school districts for the Senator.

I point out that, far from imposing some new principle or granting any new administrative power, title VI would strengthen the existing constitutional mandate which had already been enforced by President Truman in desegregating the Armed Forces, by President Eisenhower in desegregating schools in the District of Columbia, and by President Kennedy in the housing desegregation order of 1962. Title VI provides a uniform means of enforcement for the principle common to these executive orders, as well as to the many other executive actions which have been and are being taken, even in the absence of further legislation.

Moreover, the enforcement procedures in title VI are hedged in with more safeguards than any other title of the bill, and can hardly be considered punitive in any sense. Any agency rule, regulation, or order effectuating the principle of nondiscrimination is specifically made subject to presidential approval.

The Senator from Connecticut [Mr. RIBICOFF] has properly pointed out that the title is to be invoked only as a last resort.

Before aid could be terminated, or refused in any given case, notice and an opportunity for a hearing would have to be provided. That is not required under the law now or under the Constitution when Federal funds are being distributed. The title also provides that even when the decision is made to terminate or refuse aid, which must be on a case-by-case basis, there must be a stay of 30 days, within which the appropriate House and Senate committees must be apprised in writing by the agency head of the circumstances and grounds for such action. Finally, there is judicial review. The safeguards are excellent.

Proponents of the bill have continually made it clear that, apart from all these safeguards against arbitrary action, it is the intent of title VI not to require wholesale cutoffs of Federal funds from all Federal programs in entire States, but instead to require a careful case-by-case application of the principle of nondiscrimination to those particular activities which are actually discriminatory or segregated.

One would expect the opponents of the bill to prefer enactment of title VI, with all these restrictions on the enforceability of administrators' already-existing constitutional powers, to continued enforcement through executive orders or administrative rulings, in which the Congress has no opportunity to mandate procedural safeguards.

The great effectiveness of this provision of the bill, even in the limited, last-resort form in which it is now proposed, is expected to flow from two major factors. First, great amounts of funds—far greater than their contributions to the Federal Treasury in taxes—are contributed by the Federal Government to Southern States.

In order to show how clear that is, I ask unanimous consent to include in the RECORD an analysis made by the Tax Foundation, dated 1964.

Mr. LONG of Louisiana. Reserving the right to object—and I shall not object—I should like to ask the Senator, with respect to the proposed insertion, how many States he lists which pay less money into the Federal Treasury than they receive in Federal aid.

Mr. JAVITS. Most States do; that is, a preponderance of the States do.

However, I point out that some of the lowest percentages occur among the Southern States, which receive the greatest amounts of aid. In other words, many Southern States are not only low on the amount they pay in, but they also receive large amounts of dollar aid on a population ratio.

No one begrudges this aid. The Senator from Louisiana has seen me vote for Federal aid to education, when I was taken to task for it very strongly, on the ground that New York State taxpayers would be paying X times what New York State received. The Senator from Kentucky [Mr. COOPER] and I have joined in a formula, which would even have reduced that amount, because I believe in Senator Taft's concept of Federal aid to education; namely, that we want education to be optimum for our children and that it should not be a matter simply of putting a dollar in and getting a dollar back.

I do not begrudge the money being paid to those areas, and I will continue to vote for it. However, we are spending huge amounts of money in areas for purposes upon which the Constitution frowns. We are trying to readjust that very inequitable situation.

Mr. LONG of Louisiana. The reason I asked that question is that at one time Louisiana could have been regarded as a State that was getting more money back than it was paying in taxes.

My impression is that with the great defense expenditures since the Korean war started, to which all States were required to contribute their part, very few States—the State of Mississippi might have been about the only one—could be said to be getting more money back in aid than the State was actually paying in taxes to the Federal Government. Apparently the Senator is analyzing that situation on a somewhat different basis than does the junior Senator from Louisiana.

Mr. JAVITS. I am not analyzing it at all. The figures were provided by the Tax Foundation. I will place the table in the RECORD. When the Senator examines it, he may have some comments on it. I shall be interested to hear them.

I have referred to the first reason for the effectiveness of this provision of the bill, even in its limited, last-resort form. The second is that it is apparent from the history of desegregation efforts throughout the country, that when faced with the alternatives of desegregation or the loss of heavy Federal financial assistance—such as so-called impacted area school assistance and the airport terminal construction program, for example—even hardened segregationists tend to prefer desegregation. For example, where the Department of Health, Education, and Welfare applied the "suitability" doctrine to segregated schools attended by children of Federal personnel residing on base, 15 school districts with total enrollments of approximately 250,000 children indicated that they would prefer Federal aid to continued segregation. The constitutional principle often happens to be reinforced in this instance by a priority apparently built into human nature.

Finally, Negroes no longer want continued segregation as the price of Federal aid. It is no longer tenable to argue that we must continue to support segregated schools or Negroes will not obtain any education at all.

It is apparent to all that the painfully slow process of individual suits to desegregate public schools or to desegregate any other public facility in the South is hardly a satisfactory alternative to the cutoff of funds. The Federal Government holds the key to eliminating discriminatory practices in advance, through its financial support of the facilities involved. It should use that key and the Congress, through enactment of title VI, should endorse it.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LONG of Louisiana. I have examined the table which the Senator made available. I have calculated the Federal aid on the same basis to which the Senator has referred, that is, assessing each State's share of the Federal aid tax grant and the share of the taxes each State paid to support the Federal aid program. One could ask whether a State was getting more than its share of the dollar volume of that aid.

I believe I have analyzed the table from the Senator's point of view, as well. However, if we undertake, first, to determine how much the people of a State are paying the Federal Government in taxes, and then proceed to see how much the Federal Government is paying back in dollars under the Federal aid program, we find that perhaps all States pay much more to the Government in Washington than they receive in aid from Washington.

The Senator has presented a table that undertakes to compute the percentage of tax that each State pays for the overall support of Government, and then allocates that percentage against the share of money that a State receives for a particular program.

That ratio would make a State show less payment than if we added to that calculation the share which each State contributes to the national defense effort.

Mr. JAVITS. I am not trying to deal with intangibles. I said a moment ago that the life of any southern boy serving in the Armed Forces is just as dear to me as the life of any resident of my State. Notwithstanding our deep feelings about the civil rights bill, all Americans are dear human beings. So I am trying to deal only with tangibles. I have taken the best analysis that I could obtain from a completely impartial source.

All I can say to the Senator is that it speaks for itself within its definition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[From Tax Foundation, Inc., Allocating the Federal Tax Burden by States: Research Aid No. 3 (revised), 1964]

TABLE 7.—*Total Federal grants to State and local governments and estimated burden of Federal grants, including highway trust fund grants, but excluding shared revenues, fiscal year 1962*

State	Federal grants-in-aid (millions) [1]		Amount paid for every dollar of aid received
	Payments to States	Estimated burden [2]	
Total	$7,638.9	$7,638.9	----------
Alabama	193.2	96.6	$0.50
Alaska	44.5	8.3	.19
Arizona	83.6	58.0	.69
Arkansas	109.6	53.0	.48
California	724.4	824.1	1.14
Colorado	105.0	82.6	.79
Connecticut	88.2	144.6	1.64
Delaware	15.6	33.0	2.12
Florida	158.4	205.8	1.30
Georgia	194.1	129.2	.67
Hawaii	40.1	24.6	.61
Idaho	48.0	26.3	.55
Illinois	359.5	483.5	1.34
Indiana	134.5	194.2	1.44
Iowa	102.8	106.6	1.04
Kansas	93.6	88.0	.94
Kentucky	159.6	92.5	.58
Louisiana	226.8	100.8	.44
Maine	41.6	35.7	.86
Maryland	113.9	139.6	1.23
Massachusetts	200.0	240.7	1.20
Michigan	275.7	331.9	1.20
Minnesota	141.4	137.3	.97
Mississippi	119.7	54.8	.46
Missouri	223.6	187.6	.84
Montana	53.6	27.3	.51
Nebraska	61.1	59.8	.98
Nevada	27.9	19.4	.70
New Hampshire	32.2	26.2	.81
New Jersey	169.7	305.1	1.80
New Mexico	63.6	38.2	.60
New York	548.3	832.8	1.52
North Carolina	166.2	142.4	.86
North Dakota	38.1	19.0	.50
Ohio	367.0	420.9	1.15
Oklahoma	177.0	90.7	.51
Oregon	97.4	78.4	.80
Pennsylvania	359.3	469.3	1.31
Rhode Island	35.1	36.0	1.03
South Carolina	89.3	64.8	.73
South Dakota	59.2	23.3	.39
Tennessee	174.0	111.9	.64
Texas	383.6	396.0	1.03
Utah	54.0	35.1	.65
Vermont	40.9	14.5	.35
Virginia	158.9	148.5	.93
Washington	144.0	123.2	.86
West Virginia	100.3	56.4	.56
Wisconsin	126.5	159.9	1.26
Wyoming	37.4	17.0	.45
District of Columbia	76.8	43.4	.57

[1] Excludes shared revenues; includes highway aids.

[2] The tax burden for aid payments is assumed to be equal to aid payments. The burden of aid payments financed through the budget is distributed by State on the basis of an estimated distribution of the burden of general taxes; the burden of highway payments is distributed by State on the basis of a Bureau of Public Roads estimate of the State distribution of taxes going to the highway trust fund.

Source: Treasury Department and Tax Foundation, Inc.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 122 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Cannon
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Douglas
Gore
Gruening
Hart
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Long, Mo.

Long, La.
Magnuson
Mansfield
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Ribicoff
Scott
Smith
Stennis
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. JORDAN of North Carolina. Mr. President, I intend to discuss the problems involved in the question of voting rights as they would be affected under title I of the House bill 7152.

During my comments I shall not make any attempt to discuss the technical legal questions involved. I am not a lawyer and I am not, therefore, qualified to enter into any technical discussion about the legal or constitutional aspects of title I. This phase of the discussion is being handled very effectively by other members of the Senate who are outstanding lawyers and legal scholars.

I would like to make my observations as a person who has worked and lived with people of all walks of life in North Carolina since my birth.

In many ways the people of North Carolina are no different from the people of other States. We work hard, we try to provide good homes for our families, and we try to improve our own lot in this world as we go along.

We have our problems, of course, just as people everywhere have problems, but I think any fair-minded person will agree that we in the South have had problems over the generations which have been unique and which have been most difficult.

I do not come before the Senate today with the old argument that "we need more time." It is not a question of "needing" more time, but rather it is a question of time being essential in any solutions we reach.

Regardless of what laws the Congress enacts, and regardless of what form they take, the racial problems of this Nation must be solved by people—and when I say people, I mean neighbors and friends—working together.

We can pass any law we want to pass, we can send out marshals and Federal troops to enforce them, we can virtually put every citizen in this Nation in the Army, but we cannot solve the racial problems we have until the people themselves are ready to work together side by side.

These are the things I want to emphasize today.

I want to talk about the human problems we have. I want to talk about the problems we have with people working and living together.

These are problems that cut through race, color, national origin, and creed.

It is my contention that the bill we are now considering will bring about far more discord among the people of this Nation than harmony. It is my contention that if we enact this bill into law, we will be creating more problems than we will be solving.

There is no doubt in my mind that the people of the United States are more concerned about the racial problems we have today than at any time in our history.

There is genuine concern among the people everywhere. This concern is not confined to any one State, area, or region.

But in the nature of things, I am sure there is more concern in the South than in other parts of the country, generally speaking.

I am sure this is true because more attention has been brought to our part of the country by the newspapers and other communications media.

We have had—and still have today—some very critical problems in the South. We know this; and we also know that real progress is being made in solving them.

We feel, therefore, that the bill which is now pending is aimed in our direction. It is aimed at us, we feel, as a punitive measure, and we sincerely feel that if it is enacted into law, it will slow down our progress rather than speed it up.

I think the question of voting offers a good illustration of what I am talking about.

There is no doubt that we have problems involving all citizens being able to exercise their right to vote. There is no question about this, but neither is there any question about the fact that we are making very rapid progress under very difficult circumstances.

The thing that bothers me most about all of the so-called civil rights problems is the apparent belief among many people that we can wave a magic wand, or pass a law, and all of our problems will be solved.

Such a belief, of course, is not realistic, but I do think that the Senate of the United States owes it to itself and to the people of this Nation to take into account all of the factors before such a far-reaching bill is acted upon.

Under the provisions of H.R. 7152, we would be embarking upon an entirely new dimension in our Federal Government.

Under this bill, the Federal Government would not only tell the States of this Nation what the voting qualifications would be, but also the Federal Government would, in effect, administer and preside over the election laws of each of the 50 States.

If the Congress is ready to enact such a bill, then we had might as well forget about the States having any jurisdiction over their election laws.

I believe it would be a serious mistake for the Federal Government to take such action.

Even more important than this, we would be in effect drawing hard lines and daring people to cross them. We would be telling an elections registrar and a county board of elections how to administer a literacy test, for example, and we would be inviting that same registrar and that same board of elections to devise new means of exercising discriminations if in fact that is what they wish to do in the first place.

Somehow we must understand that to solve the problems we have we must get at the hearts and minds of the individuals involved and then, and only then, are we going to remove unfair discrimination from human behavior.

To me, there are two approaches which must be used in getting more of our qualified citizens to register and to vote:

First. We must first raise the educational level of those who are not now participating in elections, and

Second. We must convince all of those who participate that each right is accompanied by a responsibility.

During the course of my comments, I wish to review some of the history of suffrage in North Carolina and, also, I wish to review some of the history of our system of education.

I believe it is impossible to separate the two, because I am certain that in order to have citizens who are active in government—and certainly voting is taking an active part in the process of government—we must have enlightened citizens.

The question of suffrage in the United States is as old as our country itself.

I believe it would be well to read into the RECORD at this point a brief excerpt from a book entitled, "Introduction to American Government," ninth edition, written by Profs. Frederic A. Ogg and P. Orman Ray, two of the Nation's outstanding scholars in the field of government.

Professors Ogg and Ray make this observation about suffrage:

> Basis and nature of the suffrage: By the electorate, we mean, of course, those of the people who are entitled to vote. The matter, however, is less simple than it sounds, because under our Federal system every one of the 48 States is left largely free to adopt its own suffrage regulations—

This observation was written by these two professors before they had the three-fifths law in each State—

> including whatever age, residence, taxpaying, literacy, or other qualifications it may care to prescribe; in other words, every State, through provisions written into its constitution, creates its own particular electorate. To be sure, this freedom is not quite absolute; for the 15th and 19th amendments to the Federal Constitution forbid a State (or the United States) to deny or abridge the right of citizens of the United States to vote on account of (a) race, color, or previous condition of servitude, or (b) sex. But to this extent only is the suffrage regulated on a uniform, nationwide basis. The Federal Constitution confers the privilege of voting on no one; it merely stipulates certain grounds on which people otherwise qualified shall not be denied the privilege—with the result that the electorate for national purposes becomes simply the aggregate, or sum total, of the more or less differing electorates maintained in the individual States. Any one who can vote for a member of the most numerous branch (i.e., the lower house) of his State legislature can vote also for the only members of the National Government who obtain their positions by popular election; namely, Representatives, Senators, and (in effect) the President and Vice President, and also commonly (by State regulation) for officers of his county, city, town, or village as well.
>
> Notwithstanding that the constitutional amendments cited refer to the "right" to vote, the suffrage is to be regarded as not properly a right but rather a privilege. It is, no doubt, a right—a legal right—for those who have been endowed with it, so long as they do not disqualify themselves by,

for example, committing a crime or going insane. But there is no inherent right to be so endowed. To be sure, people urging an extension of the suffrage in one direction or another have always been prone to picture voting as a natural, if not also a constitutional, right. The argument was heard repeatedly during the long campaign for the enfranchisement of women. A sober view of the matter, however, suggests that, in the last analysis, who may vote and who may not is properly to be determined by consideration of general policy and expediency, and not on the theory that any particular class or classes of the people have an inherent right to be included. Even citizenship, as our courts have declared repeatedly, carries with it no such right. To be sure, no State now allows noncitizens to vote. But children are citizens; and no one proposes that they be made voters.

I should like now to turn to the question of sufferage in North Carolina.

In this respect, our State has held a rather interesting history.

Under North Carolina's first State constitution adopted at Halifax in 1776, free Negroes had the right to vote.

There was no question or suggestion of any racial restriction in that constitution.

However, there were other restrictions, or discriminations, if that is a more popular term. The constitution of 1776 provided that only those people who were owners of 50 acres of land or more could vote for State senators, and only taxpayers could vote for members of the house of commons.

The constitution further provided that no one who denied the truth of the Protestant religion could hold any public office within the State.

Prior to the Revolutionary War, and prior to the constitution of 1776, no citizen in North Carolina could vote for Members of Parliament.

Furthermore, neither Indians nor Negroes—whether they were free or slaves—could vote at all.

Our State constitution of 1776 granted voting rights to all resident freemen, white or colored, and further provided that every foreigner who came to settle in the State could, after a year of residency, and after taking an oath of allegiance, be deemed a free citizen of the State.

In 1835, 60 years after our State's first constitution was adopted, a constitutional convention was held and this convention adopted a resolution depriving the free Negro of suffrage. This did not mean by any means that all of our people of North Carolina were in favor of depriving the Negro of the right to vote merely because of his color. In fact, the resolution was adopted by only a 3-vote margin, 65 to 62.

Thirty years later, in April of 1865, the Civil War ended. Two years later, in 1867, Congress passed the Reconstruction Act requiring each Southern State before readmission to the Union to draw up a new constitution providing for Negro suffrage and also requiring the ratification of the 14th amendment.

A new North Carolina constitution was adopted in 1868, providing for universal manhood suffrage. It also provided for the popular election of State and county officials and the elimination of all property and religious qualifications for voting and holding office. In this constitution women were not given the right to vote. The new constitution was adopted later in the same year—1868. At that time a total of 196,872 were registered. Of this total 117,428 were white and 70,444 were Negroes.

The new constitution was adopted by a vote of 93,084 to 74,015, which showed that a large number of whites voted for it.

I call attention to these facts and figures to show that the so-called prejudice against our Negro citizens has never been so strong and bitter as it sometimes has been pictured to be.

I do not have to review what took place in our political and social life during the next few years because what our people went through during the reconstruction period is well known to everyone. In their book, "North Carolina," Profs. Hugh Lefler and Albert Ray Newsome have a long account of the Reconstruction period. I think one of the best descriptions of the situation which existed in this period is given in this book.

Professors Lefler and Newsome put it this way:

> It produced lasting racial and sectional hatreds; complicated the Negro problem; compelled an abnormal, illogical, and harmful political unity of the whites; made racial and sectional prejudice the basis of political alinement; encouraged lawlessness, political manipulation, and corruption; and diverted political attention from realistic social and economic issues.

To say the least, it has not been an easy task to overcome the effects of the Civil War and the Reconstruction period which followed.

For generations the social, economic, and political life of our State remained in turmoil and even today we still run across deep feelings and problems which have their roots in that period of our history.

In its report on "The Equal Protection of the Laws in North Carolina," the North Carolina Advisory Committee on Civil Rights made this observation about the period to which I am referring:

> Thereupon, the legislature of 1899 proposed and submitted to the voters in the election of 1900 an amendment to the Constitution to prevent any person from registering unless he could read and write a section of the North Carolina constitution to the satisfaction of the registrar. This was openly designed to eliminate the Negro voters, most of whom were illiterate. The white illiterates were accommodated by a grandfather clause which permitted them to register and vote even though they could not read or write, provided they could trace their ancestry to someone who voted prior to January 1, 1867. Since Negroes had been forbidden to vote between 1835 and 1868, it was unlikely that many Negroes would qualify under the grandfather clause. That this clause was an hereditary privilege forbidden by the State constitution since 1776 seems not to have been raised in any suit.

In 1915 the U.S. Supreme Court declared such clauses as our "grandfather clause" as being unconstitutional.

This left, of course, the literacy test still in effect, and it has remained in effect until this day.

In the same report from which I have just quoted, there is an account of an extensive study the Advisory Committee on Civil Rights made of voting in North Carolina.

This study of our voting machinery and operation was carried on over a period of several years and it showed some rather interesting things.

I think it would be well for me at this time to quote from a section of the committee's report issued on June 4, 1961. The quotation from the report is as follows:

> In addition to the new data collected by the committee from the county boards of elections, the committee continued to hold hearings in the principal cities and towns in North Carolina, at which time opportunity was given for persons to file complaints of the denial of the right to register or to vote if, in their opinion, the denial was based on their race, religion, or national origin. Such hearings were held in New Bern, Greenville, Rocky Mount, Fayetteville, Raleigh, Durham, Greensboro, Winston-Salem, Charlotte, and Asheville. Also, the 10 members of the committee live in various places across the State and each of them has been available for the purpose of receiving written complaints under oath as to the denial of the right to register or to vote.
>
> To date the committee has received sworn written complaints from 5 of the 100 counties in the State. These counties are: Franklin, Bertie, Greene, Northampton, and Halifax. The complaints from Northampton and Halifax were received in 1959, together with a complaint from a citizen and resident of Greene County. The complaints from Franklin and Bertie, together with additional complaints from Greene County, were all received in May 1960, at the time of the registration for the 1960 primary.
>
> All of these complaints were from Negroes. The substance of their complaint was that, although qualified under the laws of North Carolina to register, they were denied registration on account of their race. It was alleged that the reading and writing tests were applied to the complainants in a manner different from the way such tests were applied to white applicants, so as to discriminate against the complainants and deny them the privilege of registering and voting solely because of their race.
>
> In the more than 2 years since this committee has been in existence, there have been no such complaints from any of the other 95 counties in the State.
>
> In accordance with the 1957 act of Congress, the sworn voting complaints which were received from the five counties mentioned above were referred to the U.S. Commission on Civil Rights for appropriate investigation. In some instances the complainants had also filed notices of appeal to the county boards of elections. One of the complainants carried her case to the Supreme Court of North Carolina. In an opinion handed down on April 12, 1961, the North Carolina Supreme Court held that she should be given another opportunity to register and that it was unreasonable and beyond the intent of the North Carolina law for her to be required to write a section of the Constitution as it was read to her (*Bazemore* v. *Bertie County Board of Elections*, 254 N.C. 398 (1961)).

I think these excerpts from the committee report are both interesting and revealing.

I think that any fairminded person would say that on the basis of the study made by the committee that the few incidents of discrimination that have been shown in our State have been isolated incidents and certainly do not, by any means, show a general pattern.

In fact, at another point in its report the committee had this to say:

> We believe that in respect to voting, the people of North Carolina are in agreement that no citizen of our State shall be denied the right to register, vote, and have that vote counted, on account of his race, religion, or national origin.
>
> Where registrars have arbitrarily imposed more difficult literacy tests on Negro applicants than on white, or wherever there has been discrimination against Negroes in respect to their right to register and to vote, such denial of a basic right of citizenship does not have the approval, either open or tacit, of the vast majority of the officials and citizens of our State. We believe that where such discrimination has been practiced, it has already disappeared, or will soon disappear.

All of this means that certainly we know that there are imperfections in the way our voting machinery and our voting system in North Carolina has been operating, but I think it is only natural that we should expect such imperfections as long as we have human beings administering laws that are made by men.

I am proud of the record we have made. I think it is a good one and I do not think any other State can stand up and say we are bad and they are good in terms of our efforts and in terms of the progress we have made toward bringing in all people as a part of our governmental process.

Certainly, we are aware of the fact that we have a disproportionately low number of Negroes registered in North Carolina.

We know that the Negroes have not exercised their right to register and vote as much as the white people of our State have done.

But in all sincerity, I say that the mere enactment of H.R. 7152 will not cure the situation.

It is my strong conviction that the real roots of the problem lie in education.

Regardless of a man's color, national origin, or creed, he must become an enlightened citizen and a responsible citizen before he exercises his right to register and to vote.

This is a fact that all of the laws in the world will not change.

This is something that must be decided in the individual's own mind, and it is my belief that the essential ingredient is the education of the individual.

I personally think that in order to understand why we have no more voter participation than we do in North Carolina, we need to understand the educational background of our citizens.

The two are tied together and there is no logical way to separate them.

I would, therefore, like to turn to the progress we have made in education in our State.

Throughout our history, the people of North Carolina have had a deep devotion to the values of education.

We have always felt that education is the key to our future.

But again we have been hampered and held back by conditions of the times.

We have had, in a manner of speaking, to make brick without straw, but over the long haul I think a fair evaluation of our efforts will show that we have done a truly amazing job.

Prior to the Civil War, considerable progress was made in North Carolina in the field of public education. From the most meager beginnings great strides were made between the Revolutionary War and the Civil War, but the Civil War had a tremendous and far-reaching effect on our efforts in North Carolina to achieve an effective system of education.

One of our finest institutions of higher learning, Wake Forest College, closed in 1862, and from the middle of 1864 to the close of the war, the main college building was used by the Confederate Army as a hospital. Trinity, which later became Duke University, managed to remain open until 1865, but in that year it also closed. In the same year Davidson College was forced to close. There were many other schools and academies operating at the beginning of the war but they were forced to close because of a shortage of teachers and students. The University of North Carolina managed to remain open during the war, but it was not much more than just open.

Of course, elementary and secondary schools suffered greatly, and in looking back over our history, I think most people will agree that all of our educational institutions in North Carolina suffered more during the Reconstruction period than they did during the Civil War itself.

Again, I want to quote from the book, "North Carolina," by Professors Lefler and Newsome.

Of this period, they say in part:

> Collapse of the State system of common schools: The utter collapse of the State system of common schools early in Reconstruction resulted from the general demoralization of the times and the loss of most of the literary fund, the main support of the system. The loss of this fund resulted from the sale of its railroad and bank stock at depreciated prices and from the defeat of the Confederacy and the repudiation of the State war debt, which rendered worthless its North Carolina and Confederate securities. During their brief tenure of power from 1865 to 1868, the Conservatives abolished the office of State superintendent of common schools, refused to make State appropriations for schools, and threw the responsibility for public education upon localities. Towns and counties were empowered to levy taxes for schools, but this failed to solve the problem, since few of the local governments took favorable action. The lack of State aid and the prevalence of poverty, educational apathy, and indifference, and popular aversion to taxation forestalled any appreciable achievement in public education.
>
> The Republican Party and public education: The State government under radical Republican control from 1868 to 1870 manifested a striking interest in public education. Devoting an entire article to education, the constitution of 1868 provided for an elective superintendent of public instruction and required the general assembly at its first session to provide, by taxation and otherwise, a general and uniform system of free public schools for all children between the ages of 6 and 21. County commissioners were to be subject to indictment if they failed to maintain one or more schools in each district at least 4 months each year. The powers of making rules for the school system and of managing the educational fund were vested in the board of education. The constitution further provided that the remains of the literary fund, the proceeds from the sale of swamp lands and estrays and from fines and penalties, appropriations which the general assembly might make, and at least three-fourths of the proceeds of State and county poll taxes should be used for public schools.
>
> The public school law of 1869: In response to Governor Holden's recommendation, the legislature passed the school law of 1869 providing for separate schools for whites and Negroes, a system of administration similar to that of the ante bellum period, a 4 months' term for all children, and the levy by the county commissioners of a sufficient township tax to provide the 4 months' school if the township failed to make provision therefor. The general assembly also appropriated $100,000 for the public schools. This school law, a very intelligent and liberal one for its day, might have established an excellent school system had the act been rigidly enforced and the revenues been ample. But the effective school system envisioned by the authors of the 1869 school law was in the hands of superintendent of public instruction, the Reverend S. S. Ashley, a carpetbagger from Massachusetts, and an advocate of mixed schools, and his assistant, J. W. Hood, a Negro carpetbagger, created suspicion and lack of public confidence; the State's resources were limited; schoolhouses were few, and in bad repair; none of the State's appropriation for schools was immediately available; and in 1870 the radicals gave the schools only $38,000 of the $136,000 collected for that purpose; the collection of poll taxes was incomplete; and many townships failed to provide schools in accordance with the law. Meager records indicate that in 1870 there were 1,398 schools operating in 74 counties, at a cost of $43,000, and with an enrollment of 49,999, nearly half of whom were Negroes, though in separate schools from the whites. The total enrollment was only one-fifth to one-seventh of the children of school age. The progress of education in North Carolina was slow during Reconstruction—and it remained slow in the generation of Democratic political supremacy after Reconstruction.
>
> Higher education and its problems: The reopened university, struggling with poverty, small enrollment, and educational lethargy, began to receive small regular State appropriations for maintenance with a $10,000 grant in 1881; but its State support and its very existence as a university were threatened by the rivalry and opposition of some religious denominations, particularly the Baptists and Methodists. The university fumbled its opportunity to meet the growing need for agricultural and industrial education as it had earlier failed to meet the demand for teacher training.
>
> As early as 1866, Daniel Harvey Hill made an appeal for technical education, declaring: "The old plan of education in the palmy days of the South gave us orators and statesmen, but did nothing to enrich us, nothing to promote material greatness. The South must abandon the esthetic and ornamental for the practical and useful. Is not a practical acquaintance with the ax, the plane, the saw, the anvil, the loom, the plow and the mattock, vastly more useful to an impoverished people than familiarity with the laws of nations and the science of government? The everlasting twaddle about politics is giving place to important facts in history, in the mechanic arts, in morals, in philosophy, etc."
>
> The movement for a college of agriculture and mechanic arts: Soon after the readmission of North Carolina to the Union in 1868, North Carolina availed itself of the advantages of the Federal Morrill Act, better known as the Land Grant College Act; and the land script for 270,000 acres of public land, which sold for $125,000 was transferred to the

University of North Carolina. Although no separate agricultural and mechanical college was established, the university received annually for many years $7,500 (the interest on the original $125,000) for the purpose of giving agricultural and mechanical education. The university offered courses in this type of education, but few or no students enrolled in them. In the early eighties many complaints were made about this situation and there were increasing demands for a separate agricultural and mechanical college—though in many States the land-grant college was attached to the State university. The demands for trained men in industry, voiced by Walter Hines Page and the Watauga Club of Raleigh, and the crusade for agricultural education carried on by Col. L. L. Polk, editor of the Progressive Farmer, finally led to the chartering of the State Agricultural and Mechanical College in 1887. It opened 2 years later.

The State establishes other colleges: To satisfy the broadening needs of higher education, the State legislature chartered and established four other new colleges at this period: the Fayetteville Colored Normal in 1877, the first Negro teacher-training school in the South; the State Normal & Industrial School for white girls at Greensboro in 1891, sponsored chiefly by Charles D. McIver, the Teachers' Assembly, and the Farmers' Alliance; the North Carolina Agricultural & Mechanical College for the Colored Race at Greensboro in 1891; and the Elizabeth City Colored Normal in the same year. The main impetus for these significant achievements in higher education came from outside the ranks of political leaders.

Trinity College moved to Durham: The most significant fact in the realm of the small, struggling, denominational colleges was the removal of Trinity College from Randolph County to Durham in 1892, after Julian S. Carr donated the site and Washington Duke donated $85,000.

The plight of the public schools: The chief dependence for secondary education prior to 1900 was upon the academies which slowly revived and grew, though they were fewer in number than in the ante bellum period. The establishment of a few city graded public schools—with Greensboro and Charlotte taking the lead about 1870—was a significant beginning which would have far-reaching results. But the progress of the public schools was particularly disappointing under the conservative leadership which controlled the Democratic Party and the State government for a quarter of a century after 1870. The plain mandatory provisions of the constitution that the general assembly and the county commissioners provide public schools for 4 months each year for all children were violated.

The first Democratic legislature of the period (1871) drastically cut the salary of the State superintendent and deprived him of all clerical service and travel funds. This led to Ashley's resignation and his replacement by Alexander McIver. A so-called State tax of 6⅔ cents on each $100 valuation of property and 20 cents on each poll was levied for the public schools; but the proceeds in each county were to be used by that county. If revenue was insufficient to maintain the constitutional 4 months' term, the county commissioners were prohibited from levying a special tax to supply the deficiency. In 1873 the tax rate was increased; but, if it was insufficient to provide the 4 months' term in any county, the county commissioners were not empowered to levy a special tax until after a favorable popular referendum. In 1875 the constitution was amended to provide definitely for separate schools for whites and Negroes.

The beginning of a teacher-training program: Under Governor Vance's leadership, the legislature of 1877 authorized a normal school for each race. Accordingly, as already mentioned, the Fayetteville Colored Normal School was established, and, to carry out this mandate for white teachers, the first summer school in the United States under the auspices of a college or university was opened at the University of North Carolina in the summer of 1877. The general assembly of 1877 also authorized towns of a certain population to vote taxes for public graded schools. In response to the urging of Governor Jarvis, the legislature raised the property and poll tax rates for schools to 12½ cents and 37½ cents, respectively, provided for the holding of four normal schools for each race, and significantly ordered the county commissioners to levy special school taxes to supply any deficiency for the maintenance of 4 month's schools. In 1889 the normal schools were replaced by teachers' institutes which were held each year in each county by Charles D. McIver and Edwin A. Alderman; and in 1891 the tax rates for schools were raised to 15 cents and 45 cents for property and polls, respectively.

School statistics: In actuality, the public school system did not keep pace with the legislation because the State tax was entirely inadequate to provide a 4 months' term and the supreme court and popular indifference nullified the law and the constitution in respect to the levy of supplementary local taxes. In 1872 the public schools cost $155,000 and enrolled about one-fifth of the children for a few weeks. In 1880 the expenditures were $353,000 for 5,312 schools with 3,266 schoolhouses worth $95 each, running for 9 weeks with an average attendance of about one-third of the children and an average teacher salary of $22 per month. In 1890 the cost was $718,000 and the average term 60 days. In 1900 the expenditures were $950,000 for a school term of 70 days, a 58-percent enrollment, a 37-percent average attendance, and a teacher salary average of $25 a month. Illiteracy actually increased in the 1870's. In 1880, in a total population of 1,399,750, there were 463,975 persons over 10 years of age, more than two-fifths of whom were whites, who could not write. In the 1880's there was some reduction of illiteracy, chiefly among the Negroes. Prior to 1900 the State failed dismally to live up to the educational provisions of the constitution and the law. In that year its public school system was actually and relatively worse than it had been in 1860. It was perhaps the poorest in the United States. Yet only 19.5 percent of the whites and 47.6 percent of the Negroes were illiterate—a marked decrease since 1880.

Public education in North Carolina was severely handicapped by relative poverty due to war and low income, scattered population, bad roads, a large school population in comparison with the number of taxpayers, and the necessity of maintaining a dual system of schools. The standard explanations for educational backwardness were two: the Negro with the danger of mixed schools, and poverty resulting from the war. In reality there was no danger of mixed schools either from local demand or outside compulsion. Poverty was a valid explanation for only a portion of the backwardness and relative decline. Economic recovery from the war was achieved long before 1900; the State repudiated most of its debt; the valuations of taxable property were increasing; and the tax rate was decreasing. The per capita school tax in North Carolina in 1890 was 44 cents a year in comparison with the national average of $2.11.

Mr. President, this concludes the section in the Lefler and Newsome book on education in the Reconstruction period.

At the turn of the century, we in North Carolina entered a new era in public education.

Historians in North Carolina are unanimous in their evaluation of Charles Brantley Aycock as the man who has probably done the most for public education in our State.

Charles Brantley Aycock was born in Wayne County in 1859; he graduated from the University of North Carolina in 1880; and he began the practice of law in Goldsboro in 1881. In 1900 he was nominated by the Democratic Party as its candidate for Governor, and he was elected Governor by a majority of over 60,000 votes.

Governor Aycock's campaign was based on the need for a system of universal education for the State. He lost no time in carrying out his campaign pledge, and as soon as he took office he began an effective crusade for public education for both sexes and all races. Even after his term as Governor expired he did not drop his interest in education.

Governor Aycock was fatally stricken in 1912 in Birmingham, Ala., while addressing the Alabama Educational Association on the subject to which he had devoted his life—universal education.

I would like to read to the Members of the Senate, Mr. President, a short excerpt from Governor Aycock's inaugural address delivered on January 5, 1901. This excerpt is taken from the book, "North Carolina History Told by Contemporaries," edited by Dr. Hugh T. Lefler, professor of history at the University of North Carolina:

> On a hundred platforms, to half the voters of the State, in the late campaign, I pledged the State, its strength, its heart, its wealth, to universal education. Men of wealth, representatives of great corporations, applauded eagerly my declaration. I then realized that the strong desire which dominated me for the uplifting of the whole people moved not only my heart, but was likewise the hope and aspiration of those upon whom fortune has smiled. Then I knew that the task before us was not an impossible one. We are prospering as never before—our wealth increases, our industries multiply, our commerce extends, and among the owners of this wealth, this multiplying industry, this extending commerce, I have found no man who is unwilling to make the State stronger and better by liberal aid to the cause of education. Gentlemen of the legislature, you will not have aught to fear when you make ample provision for the education of the whole people. For my part I declare to you that it shall be my constant aim and effort during the 4 years that I shall endeavor to serve the people of this State to redeem this most solemn of all our pledges.

I think the record will show, Mr. President, that the people of North Carolina have kept the faith in providing the very best education possible for all of those who would attend school.

We take a great deal of pride in what we have accomplished in the field of education in North Carolina. We take a great deal of pride in the fact that people from all walks of life, and all races and creeds and colors, have had a hand in the progress we have made.

We have gone down the road together, because we feel that what is good for any part of North Carolina is good for all of North Carolina.

For many years, the State has maintained a college for Negroes in Durham, the North Carolina College. This college was started in 1910 as a training school for Negroes through the efforts the late Dr. James E. Shepherd, who was one of our State's most outstanding Negro leaders and outstanding citizens.

Ownership of the college was transferred to the State in 1923.

For many years, Dr. Shepherd served as president of North Carolina College, and I think he was speaking for the entire Negro population of our State in a speech he made on November 24, 1941. Dr. Shepherd, an able college executive who commanded respect of both races, made one of his finest statements in this speech, which was delivered under the auspices of the Negro Lodge of Masons and was broadcast over a number of large broadcasting stations in the State.

I would like to read excerpts from the speech as they appear in Dr. Lefler's book, "North Carolina History Told by Contemporaries."

The excerpts read as follows:

> North Carolina has always taken the lead in providing educational facilities for the Negroes of the State. There are five State-supported colleges for the education of the Negro. Each one of these institutions is accomplishing wonderful work. Each one is necessary, and each one is doing work which is reducing crime, promoting efficiency, teaching lessons of health and thrift, and thus reducing the load of the taxpayers, and at the same time promoting good will between the races. She has realized that it is far better to tax for the advancement of our educational institutions for both the white and colored race than to provide for the maintenance and establishment of penal institutions. It is far better to prevent the large waste of human material before it has drifted than to attempt to save it after it has drifted.
>
> This is no time at present to speak about economy when it comes to the maintenance of our educational institutions, and the salaries of our public school teachers. These are the first line of defense.
>
> We are proud of the fact that North Carolina was the first State to provide an insane asylum for the Negro race, the first deaf, dumb, and blind institution, the first department of public welfare, the first to start a public health program. This program has grown to such proficiency that it has been used as an example as to what a State can do along the line of public health for a minority group. North Carolina was the second State to establish a far-reaching setup of the NYA for our group.
>
> I believe that there is more good will between the races of North Carolina than can be found anywhere else. Therefore, I join in saying: "God bless North Carolina." Her sons, both white and black, are proud of her. While we live our best can be given to her. Our utmost strength shall be given to the development of her resources, and the spread of good will so that in the galaxy of States no State shall be more justly proud than our own glorious State.

We in North Carolina have been very fortunate to have leadership through the years which has recognized the importance of education and has worked to improve it. It has not been an easy job in the past, and it is not an easy job today—but we are working, and we are working hard.

All of us must remember that we have been through some very trying periods in North Carolina and in the South. We have lived through events which have tested our dedication to education and the enlightenment of our citizens.

It has been almost exactly 10 years since the Supreme Court made its famous decision which nullified the doctrine of separate but equal school facilities. There is no question about the deep shock our people felt as a result of this decision. Those were very trying days in our State, but we were fortunate that we had the leadership we did have at such a time.

When this decision was handed down, the Honorable William B. Umstead was the Governor of North Carolina. Prior to becoming Governor, he had had a distinguished career in the House of Representatives and in the Senate of the United States. No man has ever taken more interest in his State and in the education of its people than Bill Umstead. When the decision came, Governor Umstead took a very firm position. It was a very simple position.

He said that the policy of North Carolina would be a policy which would preserve the public support of our schools. By this, Governor Umstead meant that the people of North Carolina would obey the order of the Supreme Court, but at the same time they would find a way to preserve the public support of our schools.

These two things had to go together, because without the public support of our schools, it did not make much difference whether or not the order of the Court was followed.

After all, under our system of government, the people are taxed to pay for the operation of the public school system, and if this support is withdrawn or withheld then we no longer have any schools.

Shortly after the decision was handed down, Governor Umstead requested the Institute of Government of the University of North Carolina to prepare a study of the situation. In his report, Dr. Albert Coates, director of the Institute of Government, made this observation:

> It appears that at least three courses of action are open to North Carolina:
>
> It can take the course that the Supreme Court has made its decision—let it enforce it; and meet the Court's efforts to enforce it with attitudes ranging from passive resistance to open defiance.
>
> It can take the course that the Supreme Court has laid down the law, swallow it without question, and proceed in the direction of mixed schools without delay and in unthinking acquiescence.
>
> It can take the course of playing for time in which to study plans of action making haste slowly enough to avoid the provocative litigation and strife which might be a consequence of defying the decision, avoid the possibility of friction and strife which might be a consequence of precipitate and unthinking acquiescence, and yet make haste fast enough to come within the law and keep the schools and keep the peace.

What has taken place in the past 10 years shows very clearly that we have moved along with the Court decision, perhaps sometimes slowly, perhaps sometimes reluctantly, but always with care and prudence and always with the determination that we would not close the schoolhouse door to any child.

Of course, we have had problems in preserving our school system in the past 10 years, but we take pride in the fact that we have not had to close one single school for one single day as a result of the Supreme Court decision. This in and of itself has been a tremendous accomplishment.

In fact, a great many of our schools are today open to any child, regardless of his race, creed, or color.

It is probably true that we have not moved as rapidly as some people would like us to move. But the fact remains that we are moving, and we are moving in such a way that we are still providing educational opportunities for all children. If anything, we have enjoyed a period of development in our public schools and in our system of higher education in the past 10 years unmatched by any previous period in our history. We have built hundreds of millions of dollars worth of new classrooms and college dormitories and academic facilities.

Under the leadership of both former Gov. Luther Hodges and Gov. Terry Sanford we have, in this period, concentrated on education as we have never done before.

The leadership that Governor Sanford has offered in his quality education program has received nationwide acclaim, and we are now in the process of making undreamed of progress in education under his able leadership.

I say, in all sincerity, that if we had been sitting on our hands, so to speak, there might be some justification for Federal laws to jack us up and make us move. But this has not been the case and it is not the case today, and I, therefore, sincerely feel that if Congress enacts the bill which is now pending we will run the risk of seeing a period of retreat and defeat rather than a period of progress and development.

I say it would be a tragic mistake for the Federal Government to move into an area with arbitrary and drastic action when we, through our State and local governmental units, are working as hard as humanly possible night and day—to solve the problems we know exist.

We in North Carolina have been able to persuade our people to work together on a neighbor-to-neighbor basis in a manner unheard of in our past.

I believe we are making amazing progress.

I also believe that to move in at this stage with harsh Federal action will mean a stopping of this progress and a destruction of the will of people to work together voluntarily.

Mr. STENNIS. Mr. President, will the Senator from North Carolina yield?

Mr. JORDAN of North Carolina. I am glad to yield to the Senator from Mississippi.

Mr. STENNIS. The Senator from North Carolina has made an excellent point. I rejoice to hear him make it, based upon the background of steady but slow progress in past years, the slow part being due to a number of factors, some of which the Senator related. The Senator has an enlightened view.

The other day I was reading the last chapter in the story of the progress of education in North Carolina. For many years North Carolina has been one of the leaders in many fields. Now, as I understand, the State is engaging in a special statewide program in connection with other universities including Duke, Wake Forest, and Davidson.

Mr. JORDAN of North Carolina. In addition, we are establishing community colleges. There is one in Wilmington, one in Charlotte, one in Asheville, and one in Hickory. Some of the colleges started as 2-year institutions; and now some of them are 4-year institutions. They will become, of course, branches of the universities; but this was done to provide education to many boys and girls who otherwise might not be able to go to college. In this way, they can live at home. The colleges have no dormitories. They have only teaching units; and the students can live at home. Registration and tuition fees are low. We have one of the finest educational systems of any State in the Union.

Mr. STENNIS. I heartily agree. I believe the State of North Carolina is entering upon a new era, on top of what it has already accomplished.

Is it not the Senator's judgment, based upon his experience—and he has been a part of the progress of North Carolina for many years—that those fine relations such as the neighbor-to-neighbor policies which the Senator mentioned, could be destroyed, which, in a measure, would disrupt and nullify some of the progress which has been made in North Carolina since the Brown decision of 10 years ago? Is not the Senator firmly convinced that that would be a wrong approach; and that it would be better to keep the emphasis where it has been, based upon cooperation and better understanding? Does not the Senator believe that his State will go farther and faster with its own method?

Mr. JORDAN of North Carolina. I am convinced of that. North Carolina has more Negro colleges than any other State in the Union. For many years it has had many more Negro colleges. The college in Greensboro has a registration today of several thousand Negroes. It is a technical school, which graduates many fine students. They are finding positions all over the country in industries requiring well-trained workers. The teachers' colleges are furnishing many teachers. Many of the colored teachers working in Washington, D.C., came from teaching institutions in North Carolina. There are many colored schoolteachers in North Carolina. The schools are staffed by competent colored teachers, many of whom have masters' degrees. They remain in the teaching field and become better educated by taking summer courses, further developing their basic teaching foundation.

Mr. STENNIS. I commend the Senator from North Carolina. He has made one of the best and most impressive speeches that has been made on this subject. His presentation is down to earth, and based on commonsense. It deals with the realities of life. The Senator has a personal understanding of the problem, and also of the attributes of human nature with which education is so much concerned.

Mr. JORDAN of North Carolina. I thank the Senator from Mississippi for his kind remarks. The University of North Carolina has been integrated for at least 10 years. It started as a graduate school, having been an undergraduate school. Duke University is integrated, and so are Davidson and Wake Forest. We have had no problems. We have been quietly moving ahead. We believe that is the orderly process, without enforced movement of masses of white or colored students, because that only disrupts communities. The program is working all right, without any problems.

Mr. STENNIS. I thank the Senator, and congratulate him on his fine presentation.

Mr. JORDAN of North Carolina. Mr. President, I yield the floor.

U.S. NEWS & WORLD REPORT ANSWERED

Mr. METCALF. Mr. President, U.S. News & World Report does not publish letters to the editors. Thus the magazine's readers are denied correction of inaccurate reporting.

The March 16, 1964, issue of U.S. News & World Report carried an article entitled "Where Money From Washington Is Being Turned Down." I inserted the article in the RECORD on March 14—pages 5261–5263—along with my comments on the role of electric power companies in the manufacture of what some editors erroneously conclude is public opinion.

A number of persons who read the U.S. News & World Report article sent me copies of their letters to its editor. Because the magazine does not publish letters, and in an attempt to correct the inaccuracies disseminated by the magazine, I ask unanimous consent to have printed in the body of the RECORD the letters which I received.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEDONA, ARIZ., *March 21, 1964.*

Mr. DAVID LAWRENCE,
Editor, U.S. News & World Report,
Washington, D.C.

DEAR MR. LAWRENCE: For the first time in a number of years of pleasant reading of apparently impartial and instructive news coverage, I now experience earnest apprehension at the half-truths and outright falsehoods contained in your article "Where Money From Washington Is Being Turned Down." The March 16 issue of U.S. News & World Report will, to many better informed Americans, join the long parade as another example of diehard politics which have found it necessary to resort to "the big lie" in public press (which they seem to own or control) in order to gain support for little, selfish philosophies regarding development—rather, nondevelopment—of our valuable western natural resources.

To begin with, the first paragraph of the article is dead wrong. Nothing has changed with respect to attitude toward the Government in Washington by the people of Montana. For many years a powerful moneyed minority in Montana (yes, they own or control the press here, too) have carried on the distinguishing "hate-the-Government" campaign.

In spite of this opposition, however, Hungry Horse Dam was built on the Flathead River in western Montana. This was accomplished, perhaps as may be expected, during a Democratic administration in Washington and at the request and concurrence of a marked majority of Montana citizens. "Hungry Horse Dam will be the ruination of Flathead County," wailed the captive press. Records reveal, however, that during the first few years in which cheaper electric power was available from this dam, Flathead County's taxable valuation increased by more than $40 million. This may sound like "peanuts" to you eastern people, but to Montanans it spelled progress through orderly development of one of our most precious resources.

To move along a little further with the article: It is common knowledge among those who live within the area involved that one could count on the fingers of one hand the number of farms or ranches which may be considered as self-contained, economic units within the immediate area to be inundated by the backwater from Knowles Dam. This area is considered very marginal with regard to soil quality and productiveness. Each year finds more landowners "giving up" and selling out to larger landowners.

And timber: As a former Forest Service employee in western Montana, I know for a surety that very little, if any, timber would be lost or isolated because of land flooding. In fact more remote timber stands may be made marketable because it could be rafted or floated to sawmills. This would eliminate the alternative of hauling logs long distances over costly constructed logging truck roads across rough mountainous terrain.

As a former county commissioner of a county adjacent to Lake County, the site of the proposed Knowles project, I have had ample opportunity to become quite well acquainted with members of the Flathead Indian tribe. It may, and does, cause a lifting of eyebrows to learn that a majority of the economically poor Flathead Indians are in favor of selling a portion of their reservation lands. They stand to be very adequately paid for any land contribution they may make. Oh, yes, one or two "spokesmen" for the tribe say the Flatheads are against Knowles. This, in turn, has been prompted by coercion from one of Montana's leading private monopoly corporations.

This brings us down to the real opposition to such projects as Knowles. The present Governor of Montana has quite dutifully alined himself with the "power company" and one or two other out-of-State exploiters of Montana resources, to form this spearhead of opposition. They oppose anything which may pose a threat to their "having their cake and eating it too." The power company would demand the right to sit straddle Montana's rivers for the next 40 or 50 years and eventually, piecemeal, install a few "run of the river" generating dams, with no thought or plan for water conservation, flood control, recreation, irrigation and navigation.

I mention out-of-State exploitation because reportedly, from the power company's records, more than 80 percent of the stock represented in this company is owned by stockholders living outside Montana. Because of this monopoly, Montanans pay one of the very highest electric power rates in the Nation; and this in an area where a great abundance of free-falling water should be providing industry with attractive lower rates. This, it is believed, is a prime reason for a depressed Montana economy. Industry does not like high electricity rates; industry does not feel secure in investing in an area wherein a large segment of the economy has fallen under the "thumb" of one or two large industrial corporations. The power company has, as reason for existence, the obligation to produce profit to stockholders—big profit at the expense of Montanans. This corporation is actually exporting one of Montana's greatest resources, water, out of the State in the form of electricity.

Other unharnessed rivers in Montana are going to waste, or being used as sewer dumps, if there is a difference.

It is my studied opinion that the West—more especially Montana—is definitely taking another look, as your article suggests. But, again contrary to your thinking, this look will be followed with a demand by the people for the orderly development of the rivers which spring from the great watersheds of Montana. The people's rivers, Mr. Lawrence, will be harnessed with full multipurpose development where required, not piddling run of the river plants, built to prolong the music of Eastern cash registers. I firmly believe the few years to come will prove this viewpoint right.

Finally, freedom of the press is a wonderful thing in a free nation, but in the case of your article the question arises: Freedom for whom? If this hate-the-Government effort should succeed nationwide, what would be left for us for which to be proud, or on which we could depend for adequate representation? Could private monopoly or big business possibly fill the bill?

In the name of democracy and for the good of the greatest number of Americans over the greatest period of time, why can't your magazine demonstrate the wisdom necessary to gather facts from both sides of this vital issue, then have the fortitude to present them impartially and honestly?

In these days when our Nation is successfully negotiating one serious crisis after another, it saddens me to read words presented as fact which, in my humble opinion, make bullyboy Khrushchev look like George Washington heading for the cherry tree.

Sincerely,

MONDELL BENNETT.

ROLLINS, MONT., *March 17, 1964.*

Editor DAVID LAWRENCE,
U.S. News & World Report,
Washington, D.C.

DEAR MR. LAWRENCE: When I read U.S. News, the Saturday Evening Post, Life, our area dailies, the Prague newsletter, or any other publication, I still have the right to form my own opinion. Any publication should be able to give a good reason, other than money, for giving this publicity.

There have been some gems in the past and always will be, but just what justification, other than money, you may have had in "nonfact" articles on the proposed Knowles Dam is beyond, far beyond, my comprehension.

Four years ago I spent most of 16 days touring downstream from Hungry Horse Dam at the headwaters to Bonneville out of Portland, Oreg.

Knowles would provide storage for about 16 other plants now operating or under construction. More will be added. That includes what is usually called private power, Puds, and Federal development.

I was at the Knowles proposed damsite twice this summer and was also at the proposed Libby Dam site and reservoir area twice the past summer.

Almost all the runoff for Knowles Reservoir would be from our own drainage. A little comes out of Canada down the North Fork River.

Practically all water to be stored at Libby would be from the Canadian drainage. Damage to residents and the area would be much greater in the Libby district than the Knowles district.

This is the 40th year that I have operated a grocery in Lake County and the construction of Knowles Dam would be the best boost, that I know of, that could happen to Lake County.

You certainly have placed your free, and untrue, advertising for private monopoly far higher than what would be good for northwest Montana, the State as a whole, and the United States.

Sincerely,

FRED R. UHDE.

MISSOULA, MONT., *March 20, 1964.*

Mr. DAVID LAWRENCE,
Editor, U.S. News & World Report,
Washington, D.C.

DEAR SIR: Your March 16 report on Knowles Dam completely ignores the fundamental issue of water conservation.

Water is essential to life. It is limited in quantity. The only way of stretching our available water to meet the needs of our increasing population is by getting the greatest possible use out of every gallon.

That is why many of us in western Montana believe it is vitally important to have a multipurpose dam on the Flathead River in the Paradise-Knowles area rather than a single-purpose, private-power dam at Buffalo Rapids.

That is also why we have repeatedly sent to Congress men who believed in multipurpose use of our Nation's rivers.

I regret very much that a magazine of national circulation should have chosen to give so much aid to the proponents of a shortsighted attitude toward the question of conserving our Nation's water resources.

Yours truly,

ANDREW BROWMAN.

RONAN, MONT., *March 19, 1964.*

Mr. DAVID LAWRENCE,
Washington, D.C.

DEAR SIR: Your article on "Where Money From Washington Is Being Refused" is very much resented by a great number of people who know the facts of the case firsthand.

Your article repeats practically all of the old propaganda of the private power companies against Knowles Dam.

One point that I am going to express my views on is: the great exaggeration of the fertility of this region. You did not mention the boulder strewn areas, the rock-covered mountainsides and the gravel pits. All has been listed as fertile soil.

An Indian farmer with whom I talked and who was in favor of the Knowles Dam said, "I wanted to raise some sugarbeets. I went to the factory to see about it. They told me the first thing that I would need to do would be to put on 400 pounds of fertilizer per acre. Then they talk about the fertile land that would be covered."

A great many people whom I know, that live in that area, are in favor of the dam in spite of the fact that they would have to move. They are in hope of finding a better place to live.

If the amount of money the Crow Indians got for their land would be any indication of what the Flatheads might get, they should all be glad to sell and buy better land in the nearby Mission Valley.

The Crows received $2,500,000 for 7,000 acres or approximately $350 per acre of canyon walls and a little grassland at the top of the reservoir. If this land of the Crows had been offered to me at $10 per acre before the talk of the dam I would not have taken it.

Our Governor who had termed Knowles Dam as pork barrel is in favor of Libby Dam and raised no hue and cry about Yellowtail Dam. He has a contract to haul cement to the Yellowtail Dam with his trucking firm in Billings. (Of course this is not pork barrel.)

Neither Yellowtail nor Libby Dams affect The Montana Power Co.

Reason for all of the objection is: Montana Power wants to build a couple of birdbaths size dams at Buffalo Rapids Nos. 2 and 4 on the Flathead River. The building of Knowles would prevent them doing it. The small dams would benefit no one but Montana Power.

The great cry and argument for the tax that the private power pays is all nonsense, as the consumer pays it every time he pays a light bill. They pay it regardless of how, and had just as well pay it one way as another.

Montana Power has a profit of 9.5 percent after expenses, 85 percent of which goes to Eastern capitalists. We would like to keep that money in Montana.

If you will be fair to the people of western Montana you will give the other side of the hearing on Knowles Dam. It is a multipurpose dam.

Yours truly,

W. T. RAGAN.

MARCH 22, 1964.

Mr. DAVID LAWRENCE,
Editor, U.S. News & World Report,
Washington, D.C.

DEAR MR. LAWRENCE: I am deeply distressed by the grossly misleading article on Western resource development in your March 16, 1964, issue. The tenor and content of the piece is wholly out of keeping with the usually reliable, although conservative, content of your magazine.

There is much support for Knowles Dam in Montana. Nearly one-half the population of the State has been represented in favor of the project in various hearings.

Governor Babcock is opposed to Knowles, echoing the arguments of the Montana Power Co.

The Governor is very righteous, of course, when he speaks of this multipurpose project on the Flathead River. "It's plain old pork barrel. I can't subscribe to this raid on the Federal Treasury, even for use in my own State."

Did Gov. Tim Babcock tell you that his trucking firm has a substantial contract hauling cement for Federal Yellowtail Dam now under construction on the Big Horn River south of Billings, Mont.? It would be only fair for your magazine to tell your readers this side of our Governor's philosophy which justifies Federal support for his private business but not for resource development that would help everyone. It makes a difference, apparently, whose "pork" is in the barrel.

The U.S. News article presents a rosy view of the current agriculture in the area that would be flooded by the proposed reservoir. It is not 90,000 acres but about 60,000, and they are not all fertile acres. Less than 900 people are involved. Many of them are suffering from a depressed economy in the area, hoping for the Government to take their property at a reasonable price. While some ranch operators are holding out, many of the property owners, farm, and smalltown residents and businessmen, would like to sell soon before the value of their properties decline further.

Chief peddler of the forcing-people-off-the-land argument is the Montana Power Co. I would suggest that your writer consult the CED's book, "An Adaptive Program for Agriculture." There he will find this same private utility, along with a number of other big business firms, is a sponsor of a 5-year plan to move 2 million American farm people off their land by withdrawing credit and lowering farm prices. The CED plan would bankrupt 2 million people while the Knowles Federal project concerned with relocating about 900 would pay them fair market prices for their equities, and offer opportunity to better livelihood by the new resource facilities and new stimulation to the local economy.

Opponents of the project often make a big issue of the cost of relocating some 35 miles of railroad. I note that the U.S. News piece reports the same objection. It is a rather curious thing, however, no one has objected as far as I know to a similar situation on the Kootenai River, farther north where Federal Libby Dam will soon be under construction

At Libby, nearly 60 miles of railroad line will be relocated at a cost of about $110 million. This includes construction of 7 miles of railroad tunnel, the second longest in the Nation. Why object to railroad relocation at Knowles and accept a more extensive and costly relocation requirement at Libby?

Knowles Dam in western Montana as well as the proposed projects on the Fort Benton to Fort Peck stretch of the Missouri River in eastern Montana would be self-liquidating projects with an estimated payout in 50 years. Each would cost less than the expenditure for a modern aircraft carrier. I daresay total U.S. expenditures for multipurpose reclamation projects since Teddy Roosevelt started the program early in this century have cost the Nation less altogether than 2 months of the cost of the annual budget for the Defense Department. Much of the resource expenditures is returning capital funds with interest to the Treasury and manifold benefits to the people and the Nation.

Sincerely,

LEONARD KENFIELD,
President, Montana Farmers Union.

HELENA, MONT., *March 24, 1964.*

The EDITORS,
U.S. News & World Report,
Washington, D.C.

GENTLEMEN: There are but two possible explanations for your recent article on Knowles Dam:

1. Sloppy reporting, or no reporting or editorial research at all, or

2. You are getting all of your information from the Montana Power Co. or the Northwest Power Co.

In either case, informed Montanans are left with the distinct impression that you are being used, or that you are attempting to use them. They are wondering if all of your stories are as badly slanted. I would think this would hurt your prestige and your circulation.

Or don't you care?

Sincerely,

GORDON R. BENNETT.

MONTANA LAKE COUNTY
DEMOCRATIC COMMITTEE,
ROLLINS, MONT.,
March 18, 1964.

Mr. DAVID LAWRENCE,
Editor, U.S. News,
Washington, D.C.

EDITOR LAWRENCE: This is written as a protest concerning your recent long and untrue report of Knowles Dam project.

We need industry in northwest Montana and the Northwestern United States and I know of no other way that we could get cheap power other than through Federal development. Lake County decreased in population about 2,000 between 1950 and 1960. Much of the proposed storage basin is worthless ground and people have been leaving ever since homestead days. The small villages have slipped so badly that even some of the grade schools have closed. The railroad has closed several of the stations.

If we cannot get low-cost power we had just as well quit and move to other States, as thousands of others have done.

Before you publish an article of such importance it would appear some facts would be established. Private power had preliminary permits on two sites back in the 1930's and failed, or rather made no effort, to develop them.

It should be recognized that if Mr. Nixon had been elected that private power would not now be shrieking to high heaven to stop something that did not interest them before.

Please explain to me how it is possible for you to pretend to serve the people and still publish an article so unreasonable and so far from facts.

Yours truly,

JAMES UHDE,
Congressional Committeeman.

BOZEMAN, MONT.,
March 23, 1964.

TO THE EDITOR,
U.S. News & World Report,
Washington, D.C.

DEAR SIR: The March 16, 1964, issue of your magazine, U.S. News & World Report, carries an article concerning Knowles Dam and states the Knowles project has become, "a symbol of a revolt in the West against Federal dam builders." Among objections raised against Knowles Dam are: It would flood a fertile valley, displace 1,300 people, and break a 100-year-old treaty with the Flathead Indians.

The proposed Knowles Reservoir is not in a fertile valley as claimed in the article. It is largely a desolate area surrounded by many abandoned homes and farm buildings. There are not 1,300 people living in the reservoir area and the majority of those living in the area favor the construction of Knowles Dam as a means of liquidating comparatively worthless holdings.

I don't think the 100-year-old treaty with the Flathead Indians will be broken any more by the construction of Knowles Dam than it would be by the construction of Buffalo Rapids, a dam proposed by Montana Power Co., to be built on the same site. Either the Federal Government or Montana Power Co. will have to negotiate the purchase of necessary rights with the Indians.

There is no "timber industry above Knowles" that "would lose access." If there were a timbered area, the Knowles Reservoir would provide the best means of transportation. Water has always been the most desirable means of transporting logs and the areas along rivers and around lakes are always the first to be harvested because of their accessibility.

Sincerely yours,

BERNHARD MERKEL.

KALISPELL, MONT.,
March 24, 1964.

U.S. NEWS & WORLD REPORT,
Washington, D.C.

GENTLEMEN: I read your article in regard to Knowles Dam in the March 16 issue. In my opinion most of this article was very misleading. Just last week I had occasion to drive through the area that would be flooded by Knowles Dam.

If this is considered to be fertile agricultural land I am surprised that the people of the United States haven't starved to death a long time ago. Just from observing the land from the highway it appeared to me that there was very little land worth farming in the whole valley and there was very few farm buildings in view.

This valley would certainly make a natural reservoir for the much needed storage of water in the Northwest. In connection with my work I have occasion to travel through and around the area which would be affected by Knowles Dam. Nearly all of the people who I have talked to are in favor of a public power dam at Knowles or Paradise.

The only people who seem to be opposed to Knowles Dam either have some connection with Montana Power Co., or are in sympathy with them. They seem to think the Montana Power Co. should build two dams at Buffalo Rapids. This would not be as beneficial to the public and it would certainly be breaking trust with the Indians as much as a public dam at Knowles or Paradise would. Either one would have to be negotiated with the tribal council.

Yours very truly,

RAYMOND P. PETERSEN.

ANACONDA, MONT.,
March 23, 1964.

U.S. NEWS & WORLD REPORT,
Washington, D.C.

DEAR SIR: I am writing this letter because I heartily disagree with your article on Knowles Dam. You misstate the facts and echo the sentiments of the monopoly known as the Montana Power Co. The Montana Power Co. proposes to build projects known as Buffalo Rapids No. 2 and Buffalo Rapids No. 4 at the Knowles site. These projects would only develop a portion of the potential of the natural resources and would block the full use of the remainder of the potential forever.

The treaty with the Flathead Indians will not be broken to any greater degree by the construction of Knowles than it would be by the building of the Buffalo Rapids projects proposed by the Montana Power Co.—rights would have to be purchased from the Indians for either project.

As for the National Bison Range, all measures necessary to prevent damage or loss to fish and wildlife resources are included in the Knowles project plan. No objections to the project have been made by the Secretary of the Interior or by the head of the U.S. Fish and Wildlife Service. Many conservation groups are actively supporting Knowles. The project plans provide for acquisition of 10,000 acres to replace the bison and game range.

Governor Babcock opposes Knowles, and favors Libby Dam, which is located outside the area dominated by the Montana Power Co. Let's compare these projects:

Libby Dam will displace hundreds of people, too.

Libby Dam will cause the relocation of more highway and railways than Knowles. It will cost more to relocate the Great Northern Railroad at Libby than it would to relocate the railroads and highways for Knowles.

Half of the downstream power from Libby Dam is allocated to the Canadian Government to sell in the United States.

We can agree Libby Dam is a desirable project, and by comparison Knowles is an even more desirable project for the full development of Montana.

Governor Babcock cannot be sincere when he supports Libby Dam and opposes Knowles, because Montana needs both of these projects to fully realize the potential of its natural resource—water.

Sincerely yours,

EDWARD A. JOHNSON,
Deer Lodge County Representative.

P.S.—Gov. Tim Babcock's trucking firm has an exclusive contract to haul cement to the federally financed Yellowtail Dam. It this plain pork barrel?

ANACONDA, MONT.,
March 24, 1964.

TO THE EDITOR,
U.S. News & World Report,
Washington, D.C.

DEAR SIR: I write in reference to your article on page 76, of the March 16, 1964 issue entitled, "Where Money From Washington Is Being Turned Down."

First, let me say as a lifelong resident of Montana (48 years), I read the article with the utmost disgust as it does not present the true picture here in Montana. It is largely nonfactual and smells of the same propaganda being handed down by the Montana Power Co., one of the big trusts that is retarding the growth and development of Montana in objecting to construction of Knowles Dam and replacing it with their own Buffalo Rapids. They also will run into the same difficulties in obtaining this land and replacement of people. Why wasn't the honorable Senator LEE METCALF, who is the sponsor of this project, consulted and his views presented in the writing of this vicious article?

As for making a hero out of Gov. Tim Babcock, I ask you, just look at the record. Montana business failures in 1963 were more than double any previous year, 1958 through 1962. Also why has there been so many Government proclaimed depressed areas in Montana since he ascended to the governorship? Please note how interested he was in obtaining Federal funds for the Yellowtail Dam, also the Libby Dam which is outside the area dominated by the Montana Power Co.

He has always had his hand out in Washington, D.C. for highway grants, as his firm is one of the leading road contractors in our State.

If this is the best you can do on reporting items concerning Montana and the Nation as a whole, it would be well for you to study the facts much more closely.

I remain,

OWEN P. MCNALLY.

MARCH 27, 1964.

DAVID LAWRENCE,
Editor, U.S. News & World Report,
Washington, D.C.

DEAR MR. LAWRENCE: Your article on Knowles Dam in March 16 issue was a far-fetched propaganda piece that should have been checked against the facts. No one familiar with the area could have written it, unless it was to serve a purpose without regard to fact.

A tour of the proposed Knowles Reservoir area would show you the abandoned homes, ranch buildings and dilapidated vestiges of former villages, the owners of which are highly in favor of the dam as their last means of salvaging what they left. Polls in and around the area, including State and county elections, prove the overwhelming majority favoring Knowles construction at the earliest possible date.

You should recheck your facts and correct your very inaccurate article.

Very truly yours,

ANGELA ROGERS.

LIBBY, MONT., *March 26, 1964.*

EDITOR,
U.S. News & World Report,
Washington, D.C.

SIR: I was much disappointed upon reading your article in regard to Knowles Dam in your March 16 issue. I have usually found your reporting to be factual and objective. However, this article is a mishmash of warmed-over Montana Power Co. half-truths and propaganda containing very little that is factual.

As for the heroics of Governor Babcock in opposing construction of Knowles Dam, I predict that the electorate of Montana will turn him out of office in the coming election because of this and other "heroic" stands that he has taken.

Yours very sincerely,

WM. G. SHAWL.

KALISPELL, MONT.

BUTTE, MONT., *March 26, 1964.*

U.S. NEWS & WORLD REPORT, INC.,
Washington, D.C.

DEAR SIRS: After reading your article on Knowles Dam in your March 16 issue, I felt that I must sit down and voice my feelings about your disregard of many of the facts as the average person here in Montana gets them.

I read your magazine considerably in my spare time and have found that you are usually factual in your approach to such subjects. This time you wrote without regard for the facts. It is quite laughable when you state that our Governor calls the Knowles project "just plain pork barrel," and I think of Yellowtail Dam (Federal grant) which the Governor is heartily in favor of (he is realizing personal gain in his business firm from this dam).

Incidentally, you probably know that private electric utilities all over the country staged a massive propaganda fight against Knowles Dam when it was up for congressional consideration, and now our Senator METCALF is as he says, "just getting interested in them" because they were so "interested" in Montana. Why shouldn't private electric utilities be interested in building dams when they can charge a rate per kilowatthour that is three times that of a public power project?

So much for now. Next time let's be a little more fair in presenting the facts in your national publication.

Respectfully yours,

HENRY PERMANN.

ROLLINS, MONT.,
March 18, 1964.

MR. DAVID LAWRENCE,
U.S. News & World Report,
Washington, D.C.

MR. LAWRENCE: In reference to your U.S. News dated March 16, 1964, I wonder what consideration this received before it went into print and was sent out to deceive the people concerning something that would have some effect on every American and especially those of Northwestern Montana.

Did the writer of this Knowles Dam article merely select some corporation advertising and propaganda and infer that they were facts?

Do you contend that it is the American way or an honest way of life to misrepresent something? Either large or small?

An unbiased brief study of the Knowles project would show anyone that it would be a big asset and is badly needed. It would bring us more power without the high private power inflation all along the line.

What damage would result from the flooding of the reservoir area? How many people would be displaced? We had long heard this doubletalk of losing taxes on one hand and destroying Indian land, nontaxable, on the other hand.

We also have long heard about selling people down the river and do you approve of doing that?

Knowles Dam would be good for all of America and it would add a lot to defense by providing a reserve water supply for use downstream.

Are we all Americans interested in the welfare of America or are we just pawns in the game of Monopoly?

Please tell us.

Yours truly,

MARYBETH UHDE.

BUTTE, MONT.,
March 26, 1964.

U.S. NEWS & WORLD REPORT, INC.,
Washington, D.C.

DEAR SIRS: Re your March 16 issue, I wish to register my personal complaint on your article on Knowles Dam, which seemed to be our Governor's personal attitude toward this dam, and one that I will assure you is not necessarily the opinion of a great number of people here in Montana. You certainly owe it to your readers to state arguments and facts from both sides of this controversial issue. Let me say that I have no ax to grind, but am a great lover of truth and am speaking as one who will realize no monetary gain whatsoever.

Please bear with me while I make a few comparisons to statements made in your March 16 issue.

The proposed Knowles Reservoir is not a fertile valley as claimed, but is largely a desolate area surrounded by many abandoned homes and farm buildings.

There are not 1,300 people living in the reservoir area, and the big majority of those living in that area favor Knowles Dam as a means of liquidating comparatively worthless holdings.

In regard to the National Bison Range, the project cost includes purchase of more adjacent range than would be flooded.

About the Flathead Indians—regardless of who builds a dam or dams in that area, the rights of the Indians will have to be respected and negotiated, but certainly not broken as stated.

Further, there is no timber industry above Knowles that would lose access. And, if there were, what better way is there of transporting logs than by water. On the other hand, Libby Dam, favored by our Governor, would flood out vast areas of timber.

As for railroads and highways, there always will be the cost of relocation, but in the case of Libby Dam, it will cost more to relocate the Great Northern Railroad alone, than it will to relocate the combined railroads and highways for Knowles Dam. That's "pork barrel."

Furthermore, Libby Dam happens to be outside the area dominated by the Montana Power Co. and they are not interested in building a dam in that area.

To sum it up, your article appears to me to be one sided, and written without regard to the facts as I see them.

Thank God we live in a country where you can print an article like you did, and I, in turn, can make my objections heard.

Respectfully yours,

JAMES K. HENRY.

GLASGOW, MONT.,
March 19, 1964.

MR. DAVID LAWRENCE,
Editor, U.S. News & World Report,
Washington, D.C.

DEAR SIR: In regard to your article on Knowles Dam and proposed dams on the Missouri River from Fort Benton to the Fort Peck Dam in the U.S. News & World Report of March 16, pages 76–79. We feel that the article is badly confused. We know that there is going to be a shortage of electric power by 1968. There is talk of raising rates for all consumers of electrical power users. We feel, to meet this demand, that we must have hydroelectric power to serve the citizens of the United States.

There is a great need for public power because irrigation, flood control, and electric power go together, and one can't be developed economically without the other. We can't expect private power to develop flood control and irrigation beside electric power. The projects mentioned in your article would do all three.

Studying your article makes me think that you are unknowingly trying to curb one of the greatest sources of income for our Nation.

In your article you quoted Governor Babcock of Montana as saying, "It's plain old pork barrel. I cannot subscribe to this raid on the Federal Treasury, even for use in my own State." Governor Babcock didn't object to the Yellowtail Dam in southeastern Montana. As it is a very profitable adventure for Governor Babcock personally, as he owns a trucking company that has enormous contracts to haul cement for this Federal project.

There are many people in Montana that support the Federal Government developing our natural resources. What few we have has created new industry and employment. This means great strength to the economy of our Nation.

It seemed to us that this article needed an answer because, living in Montana, we realize the need of multipurpose dams.

Sincerely yours,

Mr. and Mrs. SIDNEY COTTON.

CONRAD, MONT.,
March 31, 1964.

Mr. DAVID LAWRENCE,
Editor, U.S. News & World Report,
Washington, D.C.

DEAR MR. LAWRENCE: I have just read your story, for March 16, 1964, "Where Money From Washington Is Being Turned Down." I am curious as to the source of your information, for it seems to resemble so closely that flooding the mails by our large monopolistic power company.

To one who is not familiar with the many years' effort to harness our rivers for the benefit of all the people, it would seem from your editorial that this is a new plan, beginning with the Kennedy administration. These plans have been in the making through several administrations, both Democratic and Republican.

The only major opposition has always stemmed from this utility company, though this opposition is hard to understand. They opposed, just as strenuously, the building of Hungry Horse, another dam on a tributary of the Clarks Fork. Yet because of the constant flow of the river throughout the year, made possible by the dam, this company has realized greater returns from additional power.

Their opposition has become more noisey for they have the support of the extremists. A recent survey reveals 18 of these groups, active in Montana. These groups are concentrating their efforts in the Rocky Mountain States and I don't need to explain the results of their influence.

Don't feel sorry for the people who will be relocated. The average income of this area is very low and most will welcome the opportunity to sell at a fair price. In return, those in adjacent communities see a hope to raise their income.

Also a poll was taken among the Indians and it was found that their opinion did not agree with that expressed by their leaders. Some, living in the area have wondered how profitable was this opinion to the leaders.

To those of us who want to continue to live in Montana and want to see her people receive a fair return for her natural resources, this is a discouraging story. After all, we too, are a part of the Nation and our well-being adds to the well-being of the whole. We who have worked for Federal water projects, know that they have been a most profitable part of the Nation's business. They are an investment, not a handout.

We invite you to come to Montana. Check with those backing a Knowles Dam and you will see our need.

Sincerely,
MRS. LOUIS FLOERCHINGER.

MARCH 24, 1964.

Mr. DAVID LAWRENCE,
Editor, U.S. News & World Report,
Washington, D.C.

DEAR EDITOR LAWRENCE: I have read your article "Where Money From Washington Is Being Turned Down" in the March 16 issue and I would like to make a few comments.

I do not believe that the many Knowles proponents in Montana think of the Knowles project as being any more of a "pork barrel" than the publishers of the Nation's magazines think that there is "pork barrel" for themselves when the postal department picks up the huge deficits caused by insufficient revenues from the postal rates in handling the mailings of the magazines.

If our Republican Governor is really opposed to "plain old pork barrel" why did he authorize the expenditure of public funds to purchase a plush airplane for himself? If he uses this airplane for personal use, that may not be "pork barrel"; but could it be eating pretty high on the hog?

His conscience does not seem to bother him in taking approximately 40 percent in Federal funds to operate the Montana State budget. His conscience does not bother him as far as his trucking firm is concerned in the matter of having an exclusive contract to haul cement to the federally financed Yellowtail Dam. Neither the Montana Power nor the Governor are opposing the building of a Federal dam at Libby, Mont.

Why then does he oppose the building of Knowles Dam? Is it a "block" that leads the Governor to this opposition? The revolt by the Governor of Montana against the dam builders and against money from Washington is by no means all inclusive and his opposition is looked upon by many people who are proponents of Knowles as a Babcock inconsistency.

Yours very truly,
GRACE DERR.

MARCH 14, 1964.

Mr. DAVID LAWRENCE,
Editor, U.S. News & World Report,
Washington, D.C.

SIR: Many of the alleged facts in the private power propaganda article in your issue of March 16, are erroneous. They are, furthermore, identical with errors in testimony given by witnesses for Montana Power Co. and its front organizations at congressional hearings on Knowles Dam.

"It would inundate a fertile valley of 60,000 acres," is sheer nonsense. Your source supplied you with photographs of the best sections. Actually only 9,000 of the total 60,000 acres are irrigated, and some of that is so gravelly it takes 5 times as much water as land in other parts of the project. I know at firsthand. We pay exactly the same amount for 1 acre-foot as people in the Moiese do for 5. The other 50,000 acres are largely rocky canyon or dry sagebrush.

Additional land adjacent to the present Bison Range, which the Fish and Wildlife Administration says is suitable for replacement for the land to be flooded, has been included in the project cost.

Access to timber will not be lost.

The purpose of the Indian treaty, which you allege would be violated, was to protect the Indians and provide them with the means of earning a livelihood. The Reservation no longer does this. Many Indians have been forced to leave to find work. A recent newspaper headline called the reservations of Montana "cesspools of unemployment". Senator METCALF has proposed that payment for the Indians' power sites be made in a block of power with which they could set up their own industries, or attract private industry to provide employment for members of the tribes now living on welfare. Actually this would carry out the spirit and purpose of the treaty, whereas maintenance of the status quo would not.

The grazing lands in the reservoir area belonging to the Tribes are now rented by seven Indian Stockmen's Associations with a total listed membership of 35, most of whom are related by blood or marriage to members of the tribal council. They pay around $3,700 annual rental. Thus the approximately 4,000 other members of the Tribes get less than $1 in annual benefits from the grazing lands.

You make no mention of the fact that the original purpose of Knowles is flood control. Even with the storage provided by the proposed Canadian dams and Libby, an additional 8.3 million acre-feet of flood control storage will be needed. The Clark Fork-Flathead is the third worst "flooder" of the Columbia Basin. Corps of Engineers studies show that 4 million acre-feet of required storage must be on this tributary. Knowles will furnish 3 million. It is the most feasible site. The small, single purpose dams Montana Power would like to build—a fact you fail to mention—would preclude forever the construction of a storage control reservoir on this reach of the river.

Without flood control storage, potential flood damage will increase from $38 million annually in 1957 to $51 million in 1980, as the flood plain of the lower Columbia becomes more thickly settled.

The flood of 1948 destroyed the city of Vanport completely. Damage throughout the basin was over $110 million; 582,000 acres of land were inundated; 120,000 people had to be evacuated from their homes; 38 people were drowned. Failure to provide flood control storage is courting similar disasters.

Now as to Governors. Why single out Babcock who opposes Knowles, but omit mention of Governors Rosellino, Democrat, of Washington, and Hatfield, Republican, of Oregon, who support it? (See their statements in the Senate and House Hearings on Knowles.) Is this fair reporting; or is it propaganda with a purpose?

In Montana, Babcock's administration is unpopular with so many people for so many reasons—prominent among them his stand on Knowles—that a grassroots movement to dump him in favor of Dr. Roland Renne, for 20 years president of Montana State College, a draft supported by Republicans and Democrats alike, is sweeping the State.

The Senate has approved Knowles three times; the House has rejected it only once. The lopsided vote you attributed solely to Knowles was affected by many other issues. You will doubtless hear from Montana's delegation in Congress, who are more familiar with parliamentary maneuver, on this aspect of your story. Doris Fleeson attributed part of the opposition to a desire to punish freshman Representative ARNOLD OLSEN for his activity in the Democratic study group which is trying to bring about reform of congressional procedures, a far cry from opposition to a dam near the Continental Divide.

Finally, you quote Senator JORDAN of Idaho in opposition to Knowles, but you do not mention that Majority Leader MANSFIELD and Senator METCALF of Montana, in whose State Knowles will be built, favor the project, as did the late Senator Murray, chairman of the Senate Interior Committee. Nor do you mention that it has been proposed by the Corps of Engineers, after very thorough study, as a multipurpose project, economically feasible even if built after the Canadian dams; that it has been approved by the Secretaries of Army and Interior, by the Bureau of the Budget, by the President.

Though your magazine does not have a letter's column, as do other news weeklies, in which readers can express their dissent, do you not owe a duty to the public to let them know you were doing a onesided propaganda job for the private utilities, not a fair job of reporting facts?

Very truly yours,
FRANCES D. LOGAN,
Democratic National Committeewoman for Montana.

MISSOULA, MONT.,
April 2, 1964.

DEAR SIRS: I am writing you in regard to the article in the March 16 issue of your magazine about the proposed Knowles Dam on the Flathead River in Montana.

After reading the article I began to wonder how it was possible to collect so many half-truths and untruths in one short article.

It was so onesided that I couldn't help but wonder if there wasn't someone behind it with an ax to grind. The name was not mentioned in the article but it smells strongly of Montana Power Co.

Having seen the area to be flooded, it seems to me that to picture it as a fertile valley would be a little out of line because most of the farms have been abandoned with mostly tumbled down shacks left.

I think the census taker should recheck his count and I'm sure he would find that

1,300 is too large a figure for the people who would be flooded out. Most of the people left there would be happy to move if they were offered a few dollars for their barren and almost worthless land.

Why Governor Babcock favors Libby Dam and not Knowles is not too hard to see as Libby Dam is outside the area dominated by Montana Power Co. and it looks to me as if he is being led around by the nose.

He may look like a hero to some people but I'm not one of them because I don't see how he can be sincere in favoring Libby Dam and opposing Knowles.

There is no "timber above Knowles that would lose access" as you say, whereas Libby Dam would flood out large areas of timber that are right in the reservoir area.

It will actually cost more to relocate the Great Northern Railroad for Libby Dam than it would to relocate highways and railroads for Knowles.

I have always felt that U.S. News & World Report was a pretty reliable and authentic publication but this article has left me wondering.

Sincerely yours,

VIC KOFORD.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8523. An act to authorize the conveyance of certain lands to the city of Saxman, Alaska; and

H.R. 8654. An act to terminate a restriction on use with respect to certain land previously conveyed to the city of Fairbanks, Alaska, and to convey to said city the mineral rights in such land.

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled joint resolutions, and they were signed by the Acting President pro tempore:

S. J. Res. 120. Joint resolution providing for the recognition and endorsement of the Seventeenth International Publishers Congress; and

H.J. Res. 976. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for disaster relief, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Interior and Insular Affairs:

H.R. 8523. An act to authorize the conveyance of certain lands to the city of Saxman, Alaska; and

H.R. 8654. An act to terminate a restriction on use with respect to certain land previously conveyed to the city of Fairbanks, Alaska, and to convey to said city the mineral rights in such land.

REPORT ON WEAKNESSES IN REGIONAL PAYROLL ACTIVITIES, POST OFFICE DEPARTMENT

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on weaknesses in regional payroll activities, Post Office Department, dated March 1964 which, with the accompanying report, was referred to the Committee on Government Operations.

INVITATION TO NATO PARLIAMENTARIANS' CONFERENCE

The ACTING PRESIDENT pro tempore laid before the Senate a communication from Georg Kliesing, President of the NATO Parliamentarians' Conference, of Paris, France, inviting the Senate to designate a delegation to that organization's 10th Annual Conference, to be held in Paris, during the week of November 16 of this year, which was referred to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

The petition of Francisco Cepero, of Santurce, P.R., praying for a redress of grievances; to the Committee on the Judiciary.

THE EARTHQUAKE DISASTER IN ALASKA

The ACTING PRESIDENT pro tempore laid before the Senate a communication from Turgut Menemencioglu, Ambassador from Turkey, conveying, on behalf of the Senate of the Turkish Republic, its feelings of deep sympathy occasioned by the recent earthquake disaster of Alaska, which was ordered to lie on the table.

The ACTING PRESIDENT pro tempore laid before the Senate a communication from Chung Yul Kim, Ambassador from Korea, transmitting, on behalf of the National Assembly and the people of the Republic of Korea, their deepest sympathy for the disaster caused by the earthquake in Alaska; which was ordered to lie on the table.

CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

Mr. JOHNSTON. Mr. President, I wish to bring to the attention of the Senate a concurrent resolution coauthored by South Carolina State Senators Charles C. Moore, of my home county of Spartanburg, and Edward McIver Leppard, of Chesterfield County, memorializing the Department of Agriculture to render such financial assistance to the peach growers of Spartanburg County and other areas of the State as may be authorized by law for disaster areas.

Mr. President, for the information of the Senate, South Carolina's peach crop this year has been almost completely wiped out because of two untimely freezes. The resulting loss, approximately $20 million, is disastrous to the peach growers of South Carolina and also our neighboring State of Georgia. In this respect, the Federal programs providing for crop insurance and for disaster assistance, especially low interest rate emergency loans, are most helpful.

I would like to state at this point that Secretary of Agriculture Orville Freeman has been 100-percent cooperative in bringing all available assistance to the farmers of South Carolina. The very first day of the freeze I called the Department to ask for assistance and was advised that Agriculture officials would be on the job to help South Carolina farmers that very afternoon.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, together with my remarks, this very brief resolution concerning assistance to the peach growers of South Carolina, which I send to the desk for appropriate reference.

There being no objection, the concurrent resolution was referred to the Committee on Agriculture and Forestry, and, under the rule, ordered to be printed in the RECORD, as follows:

SENATE CONCURRENT RESOLUTION 793

Concurrent resolution memorializing the Department of Agriculture of the United States to render such financial assistance to the peachgrowers of Spartanburg County and other areas of the State as may be authorized by law for disaster areas

Whereas the growing of peaches in the State of South Carolina is a major industry, and particularly so in Spartanburg County; and

Whereas with the recent warm weather, the fruit trees were in a state of budding which rendered them extremely susceptible to excessive cold; and

Whereas the unusually low temperatures of the last few days have, according to the latest estimate, virtually destroyed the entire crop in Spartanburg County and have left other portions of the State with the prospects for a full crop materially reduced; and

Whereas the general assembly believes that, unless some financial assistance is rendered these peachgrowers by the Federal Government, undue hardships will result and in many cases growers will suffer irreparable financial setbacks: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That the Department of Agriculture is hereby memorialized to render at the earliest practicable time such financial assistance to the peachgrowers of the State of South Carolina as may be authorized by law, in order to assist them in overcoming the financial loss suffered in the last few days by the destruction of the fruit crop in Spartanburg County and damage to this crop in other areas of the State; be it further

Resolved, That a copy of this resolution be forwarded to the U.S. Department of Agriculture, Washington, D.C.; to each U.S. Senator from South Carolina; and to each Member of the House of Representatives in the Congress from the State of South Carolina.

PROHIBITION OF PUBLICATION OF OBSCENE MATERIAL — CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

Mr. JOHNSTON. Mr. President, there has been forwarded to me by the

General Assembly of South Carolina a concurrent resolution memorializing Congress to enact such legislation as will prohibit the publication of obscene material.

The Senate Post Office and Civil Service Committee has actively cooperated with the U.S. Post Office Department to help stop the U.S. mails from being used to deliver filthy, corruptible literature and photographs. It is a difficult problem to cope with because ours is a free nation which has never demonstrated willingness to impose censorship of any form on our people. We have seen the excesses in censorship as conducted by foreign powers and we never want this to come our way. It is for this reason that the stamping out of pornographic material has been so difficult.

Mr. President, on behalf of myself, and my colleague, the junior Senator from South Carolina [Mr. THURMOND], I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, together with my remarks, this very brief resolution concerning the publication of obscene material, which I send to the desk for appropriate reference.

There being no objection, the concurrent resolution was referred to the Committee on the Judiciary, and, under the rule, ordered to be printed in the RECORD, as follows:

SENATE CONCURRENT RESOLUTION 794

Concurrent resolution memorializing Congress to enact such legislation as will prohibit the publication of obscene material

Whereas obscene and pornographic literature and photographs are flooding the Nation in an unrestrained manner; and

Whereas the utterance of such filth corrupts and contributes to the delinquency of the youth of our Nation: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That Congress be memorialized to enact without delay suitable legislation prohibiting the publication or utterance of obscene and pornographic literature and photographs; be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, to each U.S. Senator from South Carolina, each Member of the House of Representatives of Congress from South Carolina, the Senate of the United States, and the House of Representatives of the United States.

CONCURRENT RESOLUTION OF SOUTH CAROLINA GENERAL ASSEMBLY

Mr. JOHNSTON. Mr. President, the South Carolina General Assembly has passed a concurrent resolution memorializing the Congress of the United States to propose an amendment to the U.S. Constitution making lawful the voluntary participation in daily prayer and the reading of scripture in the public schools.

There have been many bills introduced to the Senate calling for such a constitutional amendment. In fact, I am a coauthor of one such proposal now pending in the Judiciary Committee's Subcommittee on Constitutional Amendments. I am in general agreement with the philosophy that it is proper, lawful, and constitutional for children to voluntarily participate in daily prayers. I have stated before that the Supreme Court has gone too far in this field and I have openly urged people in my State and elsewhere to continue to pray and read scripture in public schools if they so desire.

Mr. President, on behalf of myself, and my colleague, the junior Senator from South Carolina [Mr. THURMOND], I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, together with my remarks, this very brief resolution concerning the voluntary participation in daily prayer and the reading of scripture in the public schools, which I send to the desk for appropriate reference.

There being no objection, the concurrent resolution was referred to the Committee on the Judiciary, and, under the rule, ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE U.S. CONSTITUTION MAKING LAWFUL THE VOLUNTARY PARTICIPATION IN DAILY PRAYER AND THE READING OF SCRIPTURE IN THE PUBLIC SCHOOLS

Whereas the general assembly has noted with great concern the recent decision of the U.S. Supreme Court declaring the offering of prayer to Almighty God in the public schools unconstitutional; and

Whereas it is not believed that this decision represents the will of the people of America; and

Whereas at least this body holds that the matter should be submitted to the electorate of the entire United States in order that by the exercise of the free ballot the will of the people may be determined as to whether or not daily prayer and the reading of the Scripture should be allowed in the public schools of the country; and

Whereas the general assembly further believes that the great majority of the people will vote in favor of paying this simple homage to Almighty God, which will result in inserting into the U.S. Constitution a mandate making it lawful to voluntarily participate in daily prayer and the reading of the Scripture in the public schools: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress is hereby memorialized to propose an amendment to the U.S. Constitution, which shall be amendment XXIV, as follows:

"AMENDMENT XXIV

"Notwithstanding any statute of the Congress or of any State of the United States or of any decision of any court to the contrary, it shall be lawful to voluntarily participate in daily prayer and the reading of Scripture in the public schools throughout the United States."

Be it further resolved, That a copy of this resolution be forwarded to the President of the Senate of the Congress, to the Speaker of the House of Representatives of the Congress, to each U.S. Senator from South Carolina and to each Member of the House of Representatives in the Congress from South Carolina.

INEZ WATSON,
Clerk of the House.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JORDAN of North Carolina (for himself and Mr. ERVIN):

S. 2714. A bill for the relief of Flor Franco Guillermo and Erlindo Franco Guillermo, Jr.; to the Committee on the Judiciary.

By Mr. CANNON:

S. 2715. A bill providing for the sale at public auction of standard silver dollars now held in the Treasury; to the Committee on Banking and Currency.

(See the remarks of Mr. CANNON when he introduced the above bill, which appear under a separate heading.)

By Mr. SMATHERS:

S.J. Res. 166. Joint resolution proposing an amendment to the Constitution of the United States relative to permitting certain forms of devotional exercises in public or governmental schools, institutions, or places, and to preserving and protecting references or expressions of belief in or reliance upon God in public or governmental matters; to the Committee on the Judiciary.

(See the remarks of Mr. SMATHERS when he introduced the above joint resolution, which appear under a separate heading.)

SALE AT PUBLIC AUCTION OF STANDARD SILVER DOLLARS

Mr. CANNON. Mr. President, I introduce for appropriate reference a bill which would provide for the sale at public auction of standard silver dollars now held in the Treasury.

Events of recent weeks during which the silver dollars in the Treasury fell from $25 million to $3 million in the space of a month which ended on March 25, are well known to this body.

The Appropriations Committee of the Senate will soon have before it legislation to restore $1,975,000 which had been deleted by the House from the Treasury request for an additional mintage of silver dollars.

I share with my colleagues from the West the grave concern which has been expressed by the Western States, for the silver dollar has been a symbolic and necessary part of the commerce of the West.

It has become clear that hoarding and speculating have diminished the supply but I feel strongly that if the Congress will authorize additional mintage the speculators will be thwarted and these silver dollars again will be placed in commerce.

This is the matter which will be considered by the Appropriations Committee shortly. However, the question now arises as to what to do with the remaining $3 million silver dollars which because of their antiquity have great value to collectors. The purpose of my bill is to authorize the Secretary of the Treasury, at his discretion, to sell certain numbers, as he may determine, to collectors at public auction. Such action would assure that the profit which would accrue from such sale would be used to solve this coinage crisis. Moneys are needed for another mint and for the costs involved in the manufacture of additional coins. The public auctions called for by this legislation would help to raise a good share of such funds.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2715) providing for the sale at public auction of standard silver dollars now held in the Treasury, was received, read twice by its title, and referred to the Committee on Banking and Currency.

SCHOOL PRAYER, BIBLE READING, AND REFERENCE TO A RELIANCE UPON GOD—CONSTITUTIONAL AMENDMENT

Mr. SMATHERS. Mr. President, in this afternoon's Washington Evening Star, there appears a news story concerning the efforts of a Baltimore, Md., mother to eliminate the words "under God" from the Pledge of Allegiance of the United States.

This is the same lady who last summer won the elimination of school prayers and Bible reading from the public schools of this country—a decision which, I might add, has caused great alarm and concern throughout the whole of the United States. Several Members of the Congress—both in this body and in the House of Representatives—have introduced joint resolutions providing for a constitutional amendment to make it crystal clear that it is the intent of the Congress of the United States that this effort, on the part of some in this country—sincerely motivated I am sure—to litigate God out of our public life is unconstitutional.

I think this is an appropriate time to be discussing this subject, as it comes in the midst of a prolonged debate on the subject of civil rights. Mr. President, there is perhaps no greater right of Americans than that of the right of freedom of religion and the free exercise thereof.

This whole problem came to a head last June when the U.S. Supreme Court handed down their famous school prayer and Bible reading decision. The High Court ruled these to be unconstitutional. By this action, the Supreme Court of the United States has seen fit to place an interpretation on the Constitution to the effect that Bible reading and prayer in public schools acknowledging dependence upon the Almighty God may not be rendered even though it is optional, and not compulsory, with the individual pupil in a school.

The first amendment to the Constitution declares that:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

As pointed out by Justice Potter Stewart in his dissenting opinion in the two school prayer cases last summer, as a matter of history, the first amendment was adopted solely as a limitation upon the newly created National Government. The events leading to its adoption, he stated, strongly suggest that the "Establishment clause" was primarily an attempt to insure that Congress not only would be powerless to establish a national church, but would likewise also be unable to interfere with existing State establishments.

This was the case until the adoption of the 14th amendment, or more properly, the Supreme Court's decision in the case of Cantwell against Connecticut. For in that case, the Court stated that:

> The first amendment declares that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. The 14th amendment has rendered the legislatures of the States as incompetent as Congress to enact such laws.

It is noteworthy, Mr. President, that in the case of Everson against Board of Education, the Supreme Court declared:

> State power is no more to be used to handicap religions, than it is to favor them.

The decision went on to state:

> To hold that a State cannot consistently with the 1st and 14th amendments utilize its public school system to aid any or all religious faiths or sects in the dissemination of their doctrines and ideals does not manifest a governmental hostility to religion or religious teachings. A manifestation of such hostility would be at war with our national tradition as embodied in the first amendment's guarantee of the free exercise of religion.

The decision in the two school prayer cases handed down by the Supreme Court seems to me to strike a death blow at these very concepts. For under the Court's decision, not even voluntary Bible reading and recitation of the Lord's Prayer is to be considered as constitutional. I do not believe that founders of our Great Republic meant for this to be the case.

The majority of the Court, in the June 17 decision, declared that parents who want their children exposed to religious influences can adequately fulfill that wish off school property and outside school time. But, as Justice Stewart so ably pointed out, this bit of argument seriously misconceives the basic constitutional justification for permitting the school prayer exercises at issue in the two cases decided by the Court.

The typical compulsory State education system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, the Justice stated, religion is placed at an artificial and State-created disadvantage. Under these circumstances, I cannot see how such Bible reading and the recitation of the Lord's Prayer for those who want them can be prohibited if the school systems of this land of ours are truly to be "neutral" in the matter of religion.

The proposed legislation which I introduce today calls for the amending of the Constitution of the United States so as to make crystal clear the intent of the Congress of the United States, representing the people of the United States, that voluntary Bible reading and the recitation of the Lord's Prayer in the public schools of the United States shall be constitutional.

The joint resolution which I introduce today also provides for the constitutionality of all references to a belief in or reliance upon God, or any invocation of the aid of the Divine Maker in any governmental or public document issued by the United States or upon any of this country's coins or currency and obligations. I have done this since it is not beyond the realm of possibility that a court test may well be made one of these days on this very point. Certainly the great majority of the American people want the motto "In God We Trust" to continue to be on our coins and currency.

I have also added to this legislation a section pertaining to the spending of Federal funds to employ chaplains for the armed services of our country, since it is also not impossible that someday the Court will rule that this, in itself, is unconstitutional since it violates the establishment clause of the first amendment. Some might point out that the use of Federal tax dollars for this purpose implies governmental sanction of some particular religious faith or faiths.

But, just as Justice Stewart so ably pointed out in his opinion, the failure on the part of the Federal Government to provide our servicemen and women with chaplains of the various religious faiths could be constituted by a lonely soldier on a faraway outpost as outright denial of his right to free exercise of his freedom of religion. This denial of a chaplain would in effect constitute a prohibition of the soldier's free exercises of his religion.

Mr. President, several Senators have introduced legislation similar to this which I propose today. As far as I can ascertain, none of the bills so far introduced have combined all of the sections which are included in mine. The gentleman from New York [Mr. BECKER] has introduced, in the other body, legislation very much like that which I introduce today.

At this point, I ask unanimous consent that the text of my joint resolution be printed so that my colleagues will have an opportunity to study it.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 166) proposing an amendment to the Constitution of the United States relative to permitting certain forms of devotional exercises in public or governmental schools, institutions, or places, and to preserving and protecting references or expressions of belief in or reliance upon God in public or governmental matters introduced by Mr. SMATHERS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

> Whereas the Supreme Court of the United States has rendered an interpretation of the Constitution of the United States to the effect that Bible reading and prayer in public schools acknowledging dependence upon God may not be engaged in even though participation therein is optional, and not compulsory, with the individual pupil in the school; and
>
> Whereas this Nation has a history of strong dependence upon the divine guidance of God, and the Presidents and national leaders of our country have acknowledged time and again the grace of God in sustaining and blessing our Republic; and
>
> Whereas it would appear that, as a result of this interpretation of the Constitution by the Supreme Court, many of our children, this Nation's greatest resource, will be denied a beneficial source of moral inspiration, affirmatively desired by them and their parents, and of enlightenment concerning the spiritual heritage of our Nation; and

Whereas it is a fact that each President of the United States, before entering upon the duties of his office, takes an oath requesting the divine assistance of God; that each member of the Supreme Court of the United States now occupying that eminent position took a similar oath requesting the help of God; that the Senate and the House of Representatives of the United States and most or all of the legislative bodies of the several States, through their appointed chaplains, open their sessions with a prayer to God asking for guidance, and likewise the sessions of the Supreme Court are declared open with a short ceremony, the final phrase of which invokes the grace of God; that every National, State, and local official has similarly taken an oath requesting the assistance of God; that the coins and legal tender of America bear the official inscription "In God We Trust", that the State flags of several of the States also bear the official inscription "In God We Trust"; that our national pledge of allegiance to the flag bears the acknowledgment "One Nation, Under God"; that every juror and every witness in any proceeding in our judicial system, local, State, and Federal, repeat after their oath "So Help Me God"; and that chaplains are appointed for duty with the Armed Forces of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. No provisions of this Constitution shall be construed to prohibit the conduct of any devotional exercise consisting of or including the offering of any invocational prayer, the reading of any portion of the Holy Bible or other sacred writing, or the rendition of any anthem, hymn, or other religious musical composition, as a part of the regularly scheduled activities of any governmental or public school, institution, or place, if participation in such exercise is made available on a voluntary basis and participation in the selection of any such prayer, writing, or composition is made available on equal terms to all religious bodies or sects requesting participation therein whose adherents are respresented among the persons properly taking part in such activities.

"SEC. 2. No provision of this Consitution shall be construed to prohibit any reference or expression of belief in or reliance upon God or a Supreme Being, in any governmental or public document, oath, proceeding, activity, or ceremony, or in any public or governmental school, institution, or place, or upon any coin, currency, or obligation of the United States. No such provision shall be construed to prohibit the appointment of any chaplain by the Senate or the House of Representatives of the United States or any legislative body of any of the several States, or for duty with the Armed Forces of the United States.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

PROPOSED AMENDMENT TO S. 1658 (AMENDMENT NO. 472)

Mr. KUCHEL. Mr. President, I submit, for appropriate reference, an amendment to S. 1658, a bill to authorize construction of the central Arizona project.

My amendment relates to water shortages in the Colorado River. It is patterned after an act of the Arizona Legislature, enacted in 1961, which declares that in the event of shortages, the rights of the proposed central Arizona project shall be junior to those of existing projects in Arizona. My amendment extends this principle to the protection of existing uses in Arizona and Nevada, and to 4,400,000 acre-feet of existing uses in California. California now uses over 5,100,000 acre-feet from the Colorado, but the Supreme Court decree in Arizona against California limits California to 4,400,000 acre-feet of the first 7,500,000 acre-feet available. Of this, the decree apportions Nevada 300,000 and Arizona 2,800,000. Arizona now uses less than 1 million.

Article II(B)(3) of the decree provides that if the supply is less than 7,500,000 acre-feet, the Secretary shall apportion the shortage in accordance with the Boulder Canyon Project Act "or other applicable Federal statutes." This reflects the Supreme Court's opinion which held that Congress had retained full power to instruct the Secretary how shortages shall be apportioned. My amendment, if adopted, would be the "applicable Federal statute," implementing the decree, not amending it.

The principle, protection of existing uses, is embodied in the water law not only of Arizona but of every State of the Colorado River Basin, as well as the Federal reclamation law.

Secretary Udall has proposed a Pacific Southwest plan, which would include a central Arizona project, but no bill providing for the proposal is before the Senate. If and when one is introduced, I will offer a similar amendment to that bill.

Mr. President, I believe this is a good amendment. I ask unanimous consent that the amendment lie on the desk for the next 2 days for the possibility of its having coauthors.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will lie on the desk, as requested by the Senator from California.

The amendment was referred to the Committee on Interior and Insular Affairs.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 7, 1964, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 120) providing for the recognition and endorsement of the 17th International Publishers Congress.

ARRANGEMENTS FOR CEREMONY IN THE CAPITOL ROTUNDA IN CONNECTION WITH THE LYING-IN-STATE OF THE BODY OF GEN. DOUGLAS MACARTHUR

Mr. HUMPHREY. Mr. President, I have just been informed by the Sergeant at Arms of the Senate as to the arrangements for the ceremony in the Capitol rotunda in connection with the lying in state of the body of Gen. Douglas MacArthur.

On Wednesday, April 8, 1964, at 3 p.m., the Senate committee and Members of the Senate will depart the Senate Chamber to take up position in the rotunda of the Capitol prior to the arrival of the remains and the procession which is scheduled for approximately 3:10 p.m.

After the remains are placed in the rotunda, the Chaplain of the Senate, Rev. Frederick Brown Harris, and the Chaplain of the House of Representatives, Rev. Bernard Braskamp, will offer eulogies. President Johnson will then place a wreath on the catafalque to be followed by the offering of benediction.

At the conclusion of the benediction, the rotunda will be closed for approximately 1 hour after which the remains will be available for viewing by the general public until 11 a.m. on Thursday, April 9, 1964.

At 1 p.m. on Thursday, April 9, 1964, the remains will be removed from the rotunda and taken in procession to the Military Air Transport Terminal for departure to Norfolk, Va.

Mr. President, I ask unanimous consent that the Washington schedule of events in connection with the lying-in-state of Gen. Douglas MacArthur for Wednesday, April 8, and Thursday, April 9, be printed in the RECORD at this point in my remarks.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

WASHINGTON SCHEDULE OF EVENTS IN CONNECTION WITH LYING-IN-STATE OF GENERAL MACARTHUR

WEDNESDAY, APRIL 8, 1964

1. Train arrives Union Station, 1:25 p.m.
2. Ceremony at station, 2 p.m.
3. Motorcade to 16th and Constitution Avenue, 2:10–2:25 p.m.
4. Transfer to caisson, 2:25 p.m.
5. Procession to Capitol, 2:30–3:10 p.m.
6. Ceremonies at rotunda, 3:10–3:40 p.m.

Remains available for public viewing from 4 p.m., Wednesday, April 8, 1964, until 11 a.m., Thursday, April 9, 1964.

THURSDAY, APRIL 9, 1964

1. Remains out of state, 1 p.m.
2. Procession with caisson to 12th and Constitution Avenue, 1:10–1:40 p.m.
3. Casket transfer, 1:40 p.m.
4. Motorcade to MATS Terminal, Washington National Airport, 1:45–2 p.m.
5. Ceremonies MATS, 2 p.m.
6. Aircraft departure, 2:20 p.m.

Mr. HUMPHREY. Mr. President, it should be noted that on Wednesday, April 8, 1964, Hon. CARL HAYDEN, President pro tempore of the Senate; Hon. MIKE MANSFIELD, majority leader of the Senate; and Hon. EVERETT MCKINLEY DIRKSEN, minority leader of the Senate, are to participate in the procession forming at 16th Street and Constitution Avenue Northwest, and proceed to the rotunda for the ceremonies in connection with the placing of the remains in state.

These Senators will be picked up at the Senate Wing of the Capitol by escort officer, Army Lieutenant Colonel Green, at 2:10 p.m., and transported in military vehicles to 17th Street and Constitution Avenue where they will join the procession which is scheduled to depart 16th Street and Constitution Avenue NW. at 2:30 p.m.

The convoy is scheduled to arrive at the East Front Capitol stairs at 3:10 p.m. and the members of this group will be prepositioned in the rotunda, with the leaders of the House of Representatives, prior to the arrival of the remains, family and the President.

Mr. President, I wish this information to be printed in the RECORD so that all Senators may be informed as to the details and the plans for the ceremony tomorrow.

RECESS UNTIL 10 A.M. TOMORROW

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BOGGS in the chair). The Senator from Rhode Island will state it.

Mr. PASTORE. Mr. President, do I correctly understand that there is unanimous-consent order to recess until tomorrow at 10 o'clock a.m.?

The PRESIDING OFFICER. The Senator is correct.

Mr. PASTORE. Mr. President, I move, in accordance with that order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 9 o'clock and 37 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Wednesday, April 8, 1964, at 10 o'clock.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 7 (legislative day of March 30,) 1964:

DIPLOMATIC AND FOREIGN SERVICE

AMBASSADORS

Jack Hood Vaughn, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

Mrs. Katharine Elkus White, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Henry L. T. Koren, of New Jersey, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Rutherford M. Poats, of Virginia, to be Assistant Administrator for the Far East, Agency for International Development.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 7, 1964

The House met at 12 o'clock noon.

Rev. Lowell Russell Ditzen, D.D., executive secretary and director, the Council for the National Presbyterian Church and Center, offered the following prayer:

Almighty God, our petition is for breadth; breadth enough to respectfully evaluate the position of those which differs from our own; breadth sufficient to enable us to compromise without playing traitor to our convictions; breadth wide enough to be considerate of each member of the human family in keeping with our committed principle of "liberty and justice for all."

And for courage we pray; courage that is honest enough to acknowledge our own faults and weakness; courage that is humble enough to learn and grow; courage that is strong enough to exchange the good for the better and the better for the best.

Yea, Lord, for breadth and for courage this day we pray. Bless our Nation and all our people, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 976. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for disaster relief, and for other purposes.

PERMISSION TO DECLARE A RECESS ON WEDNESDAY AND THURSDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday and Thursday for the Chair to declare a recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

OUTLET STORES, INC.

The Clerk called the bill (H.R. 2300) for the relief of the Outlet Stores, Inc.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Outlet Stores, Incorporated, of Denver, Colorado, the sum of $12,644.41 in full settlement of its claims against the United States for losses sustained as the result of the erroneous award of a sales contract for a quantity of snowshoes pursuant to invitation No. 12–036–S–58–38 of the Jeffersonville Quartermaster Depot to another company notwithstanding the fact that the bid of the Outlet Stores, Incorporated, was higher than that company: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike "$12,644.41" and insert "$1,000".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. AND MRS. ABEL GORFAIN

The Clerk called the bill (H.R. 2706) for the relief of Dr. and Mrs. Abel Gorfain.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHARLES WAVERLY WATSON, JR.

The Clerk called the bill (H.R. 2728) for the relief of Charles Waverly Watson, Jr.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

JOHN F. MACPHAIL, U.S. NAVY

The Clerk called the bill (H.R. 5145) for the relief of John F. MacPhail, lieutenant, U.S. Navy.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ESTATE OF J. W. GWIN, SR.

The Clerk called the bill (H.R. 2747) for the relief of the estate of J. W. Gwin, Sr.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

WITOLD A. LANOWSKI

The Clerk called the bill (H.R. 3757) for the relief of Witold A. Lanowski.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Air Force is authorized and directed to pay, out of current appropriations for the payment of pay and allowances, to Witold A. Lanowski, of Surrey, England, in a lump sum the amounts which would have been payable to him as pay (including flight and overseas pay) and allowances for the period beginning October 1, 1944, to August 9, 1945, both dates inclusive, if he had held the rank of captain in the United States Armed Forces during that period. The said Witold A. Lanowski flew seventy-nine combat operational missions for the Army Air Corps in Europe while officially assigned to the Sixty-first Fighter Squadron during that period, shot down four German fighter planes, and was decorated by the Army Air Corps with the Air Medal, ten oak leaf clusters in lieu of the Air Medal, and with the Distinguished Flying Cross; however, no compensation has been paid him by the United States or by any other nation for such services, and his application for a commission in the United States Armed Forces was denied on July 14, 1945, by the fourteenth endorsement on such application, on the ground that his services were no longer needed by the United States: *Provided*, That no part of the amount paid under this Act shall be paid to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, strike lines 3 through 11, inclusive, and insert the following: "That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Witold A. Lanowski, of Surrey, England, the sum of $4,000 in full settlement of his claims for extraordinary services rendered the United States Army Air Force during World War II. The said Witold A."

Page 2 line 2, strike "officially assigned" and insert "attached".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CWO ELDEN R. COMER

The Clerk called the bill (H.R. 6136) for the relief of CWO Elden R. Comer.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

HELEN J. GOOGINS

The Clerk called the bill (H.R. 6839) for the relief of Helen J. Googins.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

LEE R. SMITH AND LEE R. SMITH III, HIS SON

The Clerk called the bill (H.R. 6267) for the relief of Lee R. Smith and Lee R. Smith III, his son.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lee R. Smith and Lee R. Smith III, his son, are hereby relieved of all liability to pay the United States the sum of $982.59, representing the cost of hospital and medical care rendered the said Lee R. Smith III as a cadet in the Civil Air Patrol, at the Brooke General Hospital, Fort Sam Houston, Texas, in the period April 22, 1959, through February 17, 1960, inclusive, for serious burns he received at the Chennault Air Force Base, Louisiana, on April 19, 1959, when as a member of the Lake Charles Squadron of the Civil Air Patrol, while engaged in repairing a public address system on a metal building, he came in contact with a low hanging high-tension line carrying thirty-three thousand volts of electricity: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 5, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONALD J. KENT

The Clerk called the bill (H.R. 9280) for the relief of Donald J. Kent.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

HAROLD A. SALY

The Clerk called the bill (H.R. 9959) for the relief of Harold A. Saly.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harold A. Saly, 3001 Mariquita Street, Long Beach 3, California, the sum of $3,154.15. The payment of such sum shall be in full settlement of all claims of the said Harold A. Saly against the United States arising out of the destruction of his personal property while it was stored at West Coast Van and Storage Company, Vacaville, California, as a result of a fire, while he was serving with the United States Navy: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE ELIAS NEJAME (NOUJAIM)

The Clerk called the bill (S. 1951) for the relief of George Elias NeJame (Noujaim).

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, George Elias NeJame (Noujaim) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BARBARA COLOMA SABIO

The Clerk called the bill (H.R. 1385) for the relief of Barbara Coloma Sabio.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Barbara Coloma Sabio shall be held and considered to be the natural-born alien minor child of Mr. and Mrs. Carlos S. Sabio, citizens of the United States: *Provided*, That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, in the administration of the Immigration and Nationality Act, Barbara Coloma Sabio may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Carlos Sabio, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RIFKA IBRAHIM TOEG

The Clerk called the bill (H.R. 1465) for the relief of Rifka Ibrahim Toeg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rifka Ibrahim Toeg shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Rifka Ibrahim Toeg. From and after the date of the enactment of this Act the said Rifka Ibrahim Toeg shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. HILDA EAVES

The Clerk called the bill (H.R. 1503) for the relief of Mrs. Hilda Eaves.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Hilda Eaves shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Hilda May Eave. From and after the date of the enactment of this Act, the said Hilda May Eave shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read:

A bill for the relief of Hilda May Eave.

A motion to reconsider was laid on the table.

LIGIA PAULINA JIMENEZ

The Clerk called the bill (H.R. 2735) for the relief of Ligia Paulina Jimenez.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of sections 212 (a)(1) and 212(a)(4) of the Immigration and Nationality Act, Ligia Paulina Jimenez may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

With the following committee amendments:

On page 1, lines 3 and 4, strike out "provisions of sections 212(a)(1) and 212(a)(4)" and substitute in lieu thereof "provision of section 212(a)(1)".

On page 1, line 11, at the end of the bill, change the period to a colon and add the following: "*Provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YEGHSA KETENJIAN

The Clerk called the bill (H.R. 3645) for the relief of Yeghsa Ketenjian.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Yeghsa Ketenjian shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permament residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Yeghsa Ketenjian. From and after the date of the enactment of this Act, the said Yeghsa Ketenjian shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JACKIE BERGANCIA SMITH

The Clerk called the bill (H.R. 5408) for the relief of Jackie Bergancia Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Jackie Bergancia Smith, shall be held and considered to be the natural-born alien child of Master Sergeant Roy E. Smith, United States Air Force, a citizen of the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That in the administration of the Immigration and Nationality Act, a petition filed in behalf of Jackie Bergancia Smith by Roy Edward Smith may be approved pursuant to the provisions of section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCES SPERILLI

The Clerk called the bill (H.R. 6568) for the relief of Frances Sperilli.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27) and 205 of the Immigration and Nationality Act, the minor child, Frances Sperilli, shall be held and considered to be the natural-born alien child of Samuel J. and Lillian Mitchell of the United States: *Provided,* That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendments:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, in the administration of the Immigration and Nationality Act, Frances Sperilli may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Samuel J. Mitchell, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID SHEPPARD

The Clerk called the bill (H.R. 6843) for the relief of David Sheppard.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(3) of the Immigration and Nationality Act, David Sheppard may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DIEDRE REGINA SHORE

The Clerk called the bill (H.R. 8964) for the relief of Diedre Regina Shore.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Diedre Regina Shore may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of that Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Wayne O. Shore, citizens of the United States, pursuant to section 205(b) of that Act, subject to all the conditions in that section relating to eligible orphans. Section 205(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. AUDREY ROSSMANN

The Clerk called the bill (H.R. 9090) for the relief of Mrs. Audrey Rossmann.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(3) of the Immigration and Nationality Act, Mrs. Audrey Rossmann may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MISS LEONOR DO ROZARIO DE MEDEIROS

The Clerk called the bill (H.R. 9150) for the relief of Miss Leonor do Rozario de Medeiros (Leonor Medeiros).

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of sections 203(a)(2) and 205 of the Immigration and Nationality Act, Miss Leonor do Rozario de Medeiros (Miss Leonor Medeiros) shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Eduardo Medeiros, citizens of the United States: *Provided,* That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELISABETE MARIA FONSECA

The Clerk called the bill (H.R. 9220) for the relief of Elisabete Maria Fonseca.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(b)(1)(A) and 205 of the Immigration and Nationality Act, the minor child, Elisabete Maria Fonseca, shall be held and considered to be the natural-born, minor, alien child of Mr. Augusto Fonseca, of the United States: *Provided,* That the legal husband of the beneficiary's mother shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, strike out all of lines 3, 4, 5, 6 and the language through "of the United States:" on line 7, and substitute in lieu thereof the following: "That, for the purposes of sections 203(a)(3) and 205 of the Immigration and Nationality Act, Elisabete Maria Fonseca shall be held and considered to be the natural-born alien daughter of Mr. Augusto Fonseca, a lawfully resident alien of the United States:".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. BATTISTINA GALLO IANNUCCILLI

The Clerk called the bill (H.R. 9765) for the relief of Mrs. Battistina Gallo Iannuccilli.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Battistina Gallo Iannuccilli, who lost United States citizenship under the provisions of section 401(e) of the Nationality Act of 1940, as amended, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any naturalization court in the United States, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Mrs. Battistina Gallo Iannuccilli shall have the same citizenship status as that which existed immediately prior to its loss.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHARD G. GREEN, JR.

The Clerk called the bill (H.R. 1727) for the relief of Richard G. Green, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard G. Green, Junior, of Allentown, Pennsylvania, the sum of $299.30. Such sum represents reimbursement to the said Richard G. Green, Junior, for paying out of his own funds judgments rendered against him in the United States District Court for the Eastern District of Pennsylvania as a result of an accident occurring when Richard G. Green, Junior, was operating a Government vehicle in the course of his duties as an employee of the Post Office Department: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RUSSELL D. HARRIS

The Clerk called the bill (H.R. 5309) for the relief of Russell D. Harris.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

NOBLE FRANK SMITH AND HIS WIFE, VIOLA SMITH

The Clerk called the bill (H.R. 5571) for the relief of Noble Frank Smith and his wife, Viola Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That Noble Frank Smith and his wife, Viola Smith, are hereby relieved of all liability for repayment to the United States of the sum of $1,421.92, representing the amount of payments of advances for subsistence and medical expenses which the said Viola Smith received for herself and her infant son, Carl Smith, during their internment in Shanghai, China, from July 1942 to October 1945. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Noble Frank Smith and Viola Smith, the sum of any amounts received or withheld from them or either of them on account of the payments referred to in the first section of this Act.

With the following committee amendment:

On page 2, line 8, after "Act." insert: "no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JONG WAN LEE

The Clerk called the bill (H.R. 6479) for the relief of Jong Wan Lee.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Kansas?

There was no objection.

WETSEL-OVIATT LUMBER CO.

The Clerk called the bill (H.R. 7132) for the relief of Wetsel-Oviatt Lumber Co., Inc., Omo Ranch, El Dorado County, Calif.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wetsel-Oviatt Lumber Company, the sum of $21,299.24. The payment of such sum shall be in full satisfaction of the company's claim against the United States for reimbursement of losses sustained by the company under contract numbered 12-11-005-17307, approved on October 6, 1955, entered into between the Forest Service and the company, requiring certain construction and improvements of the forest and authorizing the company to cut and remove timber from the El Dorado National Forest, such losses having occurred as a result of an error made by the Forest Service in estimating the volume of timber to be marked for cutting: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 2, line 6, strike "in excess of 10 percentum thereof."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAJ. KEITH K. LUND

The Clerk called the bill (H.R. 8415) for the relief of Maj. Keith K. Lund.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Major Keith K. Lund (AO495754) is hereby relieved of liability to the United States in the amount of $3,700, the amount in which he was indebted to the United States as of June 30, 1958, by reason of erroneous allotments, and failure to deduct from his pay the amount of proper allotments, paid for his account during the period from October 1, 1942, through September 30, 1945, inclusive. Such allotments were paid without fault or negligence on his part, while he was a prisoner of war. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Major Keith K. Lund (AO495754), an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdeameanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That Major Keith K. Lund (AO495754) is hereby relieved of liability to the United States for the outstanding balance of amounts owed to the Government by reason of erroneous allotments, and failure to deduct from his pay the amount of proper allotments, paid for his account during the period from October 1, 1942, through January 31, 1946, inclusive. Such allotments were paid without fault or negligence on his part, while he was a prisoner of war. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGETTE D. CASKIE

The Clerk called the bill (H.R. 8479) for the relief of Georgette D. Caskie.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That (a) in the administration of the Civil Service Retirement Act, Edmund G. Caskie shall be held and considered to have elected a reduced annuity upon his retirement from service as an employee of the Department of State and to have designated his wife, Georgette D. Caskie, to receive an annuity after his death equal to 50 per centum of the annuity which he received.

(b) No annuity shall be paid, by reason of the enactment of this Act, for any period prior to the first day of the month in which this Act is enacted.

(c) The provisions under the heading "CIVIL SERVICE RETIREMENT AND DISABILITY FUND" in title I of the Independent Offices Appropriation Act, 1959 (72 Stat. 1064; Public Law 85-844), shall not apply with respect to benefits resulting from the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARYELLEN BOONE

The Clerk called the bill (H.R. 8879) for the relief of Maryellen Boone.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Kansas?

There was no objection.

CWO STANLEY L. HARNEY

The Clerk called the bill (H.R. 9199) for the relief of CWO Stanley L. Harney.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chief Warrant Officer Stanley L. Harney, United States Marine Corps, retired, of Jacksonville, Florida, is hereby relieved of liability to the United States in the amount of $1,453.58, representing the overpayments of retainer and retired pay made to him because of administrative error for the period beginning on October 1, 1949, and ending on September 30, 1963. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

With the following committee amendment:

Page 2, line 2, after the word "Act." insert the following:

"SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Chief Warrant Officer Stanley L. Harney, the amount certified to him by the

Secretary of the Navy as the aggregate amount paid to the United States by the said Chief Warrant Officer Stanley L. Harney, or withheld by the United States from amounts due him, on account of the liability referred to in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MISS GRACE SMITH AND OTHERS

The Clerk called the bill (H.R. 9475) for the relief of Miss Grace Smith, and others.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the employees of the General Services Administration named in the table set forth hereinafter are hereby relieved of liability to the United States in the amount set opposite their respective names. Such amounts represent the totals of overpayments made to such employees for pay periods ending within the period set forth in the table. The overpayments were made as a result of administrative error in that the employees were improperly paid at their former salary levels after reductions in grade.

Employee and period	Amount
Miss Grace Smith, May 2, 1959–March 4, 1961	$341.77
Mrs. Josephine B. Nugent, April 2, 1960–September 17, 1960	246.00
Mrs. Ann L. Metzgar, March 7, 1959–March 18, 1961	1,132.80
Mrs. Ruth F. Scott, April 1, 1960–March 4, 1961	264.24

In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each person named in the first section, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the claim of the United States for refund of the amount specified in the first section. No part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 15, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. KYL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 92]

Abbitt
Ashley
Avery
Baring
Blatnik
Bray
Brock
Buckley
Burleson
Burton, Utah
Dawson
Derwinski
Diggs
Dowdy
Edwards
Elliott
Flynt
Glenn
Grabowski
Hébert
Jennings
Jones, Ala.
Karth
Kee
Kilburn
Leggett
Lloyd
Martin, Calif.
Michel
Miller, Calif.
Minshall
Murray
O'Brien, Ill.
O'Hara, Mich.
O'Konski
Powell
Rains
Rogers, Tex.
Short
Staebler
Wallhauser

The SPEAKER. On this rollcall 390 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HOUR OF MEETING ON TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

Mr. HALLECK. Mr. Speaker, reserving the right to object, and I shall not object, I think it might be well for me under my reservation to say that this arrangement to come in at 11 o'clock tomorrow has been discussed between us and among us. It contemplates finishing general debate on the food stamp bill today and the reading of the first section, at which point the Committee would rise and we would then be ready tomorrow upon convening at 11 o'clock to begin considering the bill under the 5-minute rule.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Oklahoma.

Mr. ALBERT. The gentleman has correctly stated the understanding, and I trust there will be no objection to the request.

Mr. HALLECK. May I inquire of the majority leader under my reservation whether the gentleman can tell us at this time what might be the time tomorrow afternoon for the recess under the unanimous-consent concession that will be made?

Mr. ALBERT. If the gentleman will yield further, the Chair will make the specific announcement later.

I might advise Members that we plan to adopt a motion of adjournment out of respect to the late General MacArthur this evening. As for the time of the recess tomorrow I cannot give the gentleman the exact information, but I understand we will adjourn from about 2:30 to 4 o'clock.

Mr. HALLECK. I did not mean to press the matter. However, a number of Members have approached me with reference to the same.

Mr. ALBERT. If the gentleman will yield further, I think that is approximately correct.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. FULTON of Pennsylvania. Mr. Speaker, reserving the right to object, how many amendments will there be on this bill? I would like to know if I am going to have to come in at an earlier hour tomorrow. Otherwise I will have to object.

Mr. ALBERT. If the gentleman will yield, I am not able at this time to answer that question. It is impossible to answer that question at this time.

Mr. FULTON of Pennsylvania. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. WILLIAMS. Mr. Speaker, further reserving the right to object, will the gentleman advise us whether it is still the plan of the leadership to call up the cotton bill this week?

Mr. ALBERT. If the gentleman will yield, it is, immediately following this bill.

Mr. WILLIAMS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

The Chair would like to announce that the Members of the House will proceed from the House Chamber to the rotunda at 3 p.m., Wednesday, to attend the lying-in-state ceremonies for the late General of the Army Douglas MacArthur.

The Chair also desires to state in connection with the inquiry made by the distinguished minority leader and the distinguished majority leader that the probability of the time of recess, under the impression of the Chair at the present time, is that it will be at about 2:30 and then probably the House will reconvene at about 4 o'clock.

FOOD STAMP ACT OF 1964

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 662 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R.

10222) to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes of the time to the gentleman from Ohio [Mr. BROWN] and at this time yield myself such time as I may consume.

Mr. Speaker, House Resolution 662 provides for consideration of H.R. 10222, a bill to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes. The resolution provides an open rule with 4 hours of general debate.

The purpose of H.R. 10222 is to bring under congressional control and enact into law the rules under which food stamp programs are to be conducted in local areas throughout the country.

Under the provisions of the bill, the initiative and the request for establishment of a food stamp program in any area must come from the agency responsible for administering public assistance programs in the State in which the area is located. That application must include a plan of operation specifying the manner in which the program will be conducted and other relevant data.

Each State is responsible for financing, from funds available to the State or political subdivision, the costs of administering the food stamp program in the local area. These include: costs of certifying participant households, including interviews and investigations; the handling, storage, and protection of coupons after their delivery to receiving points within the States; the issuance of coupons to eligible households; and the control, accounting, and reporting involved in operation of the program. In order to maintain close supervision over the certifying of households which are not on public assistance rolls, the Federal Government will pay part of the cost of this certification. Since May 1961 food stamp programs have been in operation in several local areas—now numbering 43—under regulations issued by the Secretary of Agriculture pursuant to the general authority of section 32 of Public Law 320, 74th Congress. The experience of most of these areas is that the administrative costs to the State and local area are considerably higher than under a direct distribution program.

The Secretary of Agriculture is the judge as to whether or not the State's proposed plan of operations, conditions of eligibility, et cetera, are satisfactory. If he finds that they are, he is required to establish the requested program in the designated area if funds are available to do so.

The cost of the program is estimated to be about $360 million a year.

Mr. Speaker, I urge the adoption of House Resolution 662.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Indiana has explained, this resolution makes in order under an open rule with 4 hours of general debate the bill H.R. 10222, the so-called Food Stamp Act of 1964.

The purpose of the bill is labeled "To strengthen the agricultural economy, to help achieve a fuller and more effective use of food abundance."

Of course, in my opinion and in my view that is a complete misrepresentation of what this legislation will do.

This resolution is not designed, in my opinion, or in the opinion of 16 out of the 34 members of the Committee on Agriculture, to help meet the agricultural farm surplus situation but, instead, is designed to be part of a new welfare program.

If I may speak frankly, as I always attempt and try to do, perhaps the legislation is before us because of another reason. I am not unmindful of the fact that the chairman of the great Committee on Agriculture is alleged to have said that H.R. 10222, the food stamp bill, was designed as a sweetener for the purpose of getting support from the Members of Congress from the larger populated areas of the country, the big cities, and so forth, in return for their support of the so-called administration-sponsored cotton-wheat farm bill which will be before us shortly. I was not present when the alleged statement was made, but I presume the news report was correct.

The resolution that has been reported by the Rules Committee bypasses the usual procedures of the House. It would make in order, upon the adoption of that resolution, the taking from the Speaker's table of the House cotton bill and agreeing to the Senate amendments. The Senate amendments add a complete new agricultural bill dealing with wheat plantings, the control and the prices of wheat, and also dairy products, and some other matters as well.

So that in fact and substance the Members of the House of Representatives, 435 representatives of the American people—and remember, all legislation starts off, "We the people in Congress assembled"—435 Members of the House of Representatives in Congress assembled would, by the adoption of this resolution that will be called up soon after this bill is disposed of, lose their right even to discuss, except for 30 minutes, the proposed wheat bill added on as a rider, in the Senate. The wheat program affects many districts and many farmers in this country. Like the members of the German Reichstag under Hitler, we will be called upon to say "Ja" or "Nein," and that will be our only response—no opportunity will be given to debate the provisions of that part of the wheat program or the other programs in the Senate amendment, no opportunity will be given to offer amendments or to consider them and vote on them, no opportunity will be given to protect your own districts. That is all part of the deal, if you please, if I can speak frankly and plainly: "We will vote for the food stamp bill, you vote for the cotton-wheat bill." "We will give you the food stamp program as a part of the welfare activity of this Nation." But it will not help the problem of agricultural surpluses, because actually it will prove to be a detriment as far as that is concerned—"We will give you food stamps to distribute, in the large cities especially, through your welfare agencies, if you will vote for the cotton bill, for the administration sponsored wheat program, and for the other farm legislation that was added on as a rider in the other body."

You will gag yourselves if you give up your own rights as Members of the House to debate and to discuss important farm legislation.

How far afield are we going to go in our parliamentary processes? What is happening to this country and to our system of government that the people's representatives assembled here are going to be prohibited, unless they speak out against the resolution, from expressing their will and properly representing their own people on important farm legislation, and to be prohibited from having the opportunity to voice their views and opinions and to offer amendments and to suggest changes in a program? What sort of state have we reached in this country? What has happened to our system of government and our parliamentary system which is so precious to us?

For that reason, I think it is a mistake to have before us at this time the bill, H.R. 10222.

I want to speak, if I may, for just a minute or two about this bill. We had long hearings in the Committee on Rules on the bill. I am not sure that anybody, including members of the committee who presented the bill, understand fully just what it will do or what may or may not be done under its provisions. At least they could not explain it and they could not answer all the questions that were asked. There has been a pilot plan used in some areas; and different reports have been received.

Under the provisions of this bill, as explained before the Committee on Rules, if a recipient is to receive food stamps, the State or local area or political subdivision, as the gentleman from Indiana explained, must request to participate in the program. If such a request is made that will be the only program that will be in effect in that State, or area, or political subdivision. An area cannot have both the direct distribution and food stamp program. If you have the food stamp program, food stamps are distributed or sold by these agencies or representatives thereof for cash, often at a discount, to be paid for from funds given by the local or State welfare agency to the recipient; or perhaps earned by him or her through some side work. The recipients can go and buy with their food stamps what they may want in the way of food whether it be the basic food commodities now in surplus that the Government now owns or whether it be some other kind of food, as has been explained, that will enhance the diet or perhaps be more attractive, such as stuffed olives or however one might desire to make their diet more enticing.

But in that same area a person could not go out and get surplus foods, as is now possible under the direct distribution program. Those surplus foods have been distributed and are being distributed in many sections of the country, free of charge, from Government surpluses.

In any depressed area or any part of the country where people may be hungry, it is now possible to get all the surplus commodities wanted to feed the hungry, and there are all kinds of farm surplus commodities available.

Everyone is against poverty. Everyone is against starvation. Everyone wants to help the needy. We have spent billions of dollars—not hundreds of millions of dollars, but actually billions of dollars—in the distribution of farm surpluses and foodstuffs to the needy people of this country, and to some who have not been quite so needy, by the way. We have done that.

Under the bill, as I understand it—and according to the testimony before the Rules Committee—Members of Congress or officials in local communities may face a difficult choice of deciding whether it is best to embark upon a food stamp program or to continue under the direct distribution program under which all the basic food commodities owned by the Federal Government, such as cornmeal, wheat, milk, dried eggs, butter, and about everything else we can name including even, as I understand it, many meat products are now being furnished.

Which will it be? Will we go along with those who have funds with which to obtain, directly from a welfare department or in any other way, these so-called food stamps, or will we go along with those who may be hungry and without any funds whatsoever, so destitute that they must depend on the other kinds of food? Shall we stop one or the other?

We tried out this same kind of food stamp program, or something quite similar, in the old days; I believe from 1939 to 1943. We developed that then. Rather peculiarly, that was a distribution of surplus foods through the food stamp program. There were blue stamps in those days with which people used to buy things.

There was so much scandal and so much corruption that finally the whole program was dropped. Later we embarked on a program of granting or giving to local agencies, under local control and State control, surplus farm products out of the Government's granaries. Those food products were given to the needy people of the Nation.

No Secretary of Agriculture after that time ever tried to reinstitute the food stamp plan.

There are those who will tell us that this is the one way to meet the problem of the needy. I point out that the estimated cost of this program from fiscal year 1964 through fiscal year 1967 is $400 million.

Now, that is the estimate made by the sponsors of the program. Other estimates on a nationwide food stamp plan run as much as $2 or $3 billion a year.

May I point out to you that today when people tell you we are not doing anything to help the hungry and needy in this country, that is not true. Today, believe it or not, one out of every six Americans is already receiving food assistance from your Federal Government. They are being given food. That is one out of every six Americans. How many Americans do we have? Well, I do not know what the latest estimate is, but we will say it is 180 million. Divide that by 6, and that means 30 million Americans are already receiving food assistance. There has been some attempt by the Congress and by the Federal Government to meet its responsibility in helping those who cannot help themselves to get the food that they may need—some of them hungry and some of them who have been receiving surplus food for a long, long time, and who may continue to receive surplus food either directly or, if they switch over to the food stamp plan as proposed here, then through that method for a long, long time to come. I think and I believe strongly that we do have a responsibility to help and to take care of those who cannot help themselves or take care of themselves. However, our main responsibility as representatives of the people in Congress assembled is to see to it that every citizen be given a fair and equal opportunity to meet his own responsibilities, and that he not be made a ward of the State or the Nation, unless it becomes absolutely necessary for him to become such a ward. Some cannot help themselves or care for themselves. We have a responsibility to help such neighbors, yes, but we have a reponsibility also to see that, after all, they do all within their own power to help themselves. I do not want to see a situation arise in this country where those who are actually hungry, those who are actually needy, will no longer be able, if this food stamp plan is put into effect, to get surplus foods direct from the Government, through local agencies, local governments or State governments that are now available. I believe there is some question as to whether or not a program like this is necessary. I noticed that some 16 members of the great Committee on Agriculture have joined in a minority report. Only 18 voted to report this bill—13 members, with a 14th member concurring, joined in the minority report saying that legislation of this type was not necessary at this time, and in the end it would be of no help to those who actually need food to sustain life.

Now, we have one other matter that will come up, undoubtedly, in connection with the discussion and consideration of this bill. The Committee on Agriculture in its wisdom, by a majority vote, wrote into the bill a requirement that the States entering into any agreement to be placed under this food stamp program share half of the cost thereof. An attempt will be made to strike that out. But unless we have some State and local participation, worthwhile participation, then it will be a total handout, or practically so, on the part of the Federal Government. Of course, everybody will say, if he gets it from the great Central Government down in Washington it will not cost him anything, because one of the great myths of our time is that too many Americans believe that there is some secret source, some magic source, from which comes the money that is in the Federal Treasury; it comes out of the Treasury and flows out of Washington. And yet you and I know and every thoughtful person knows that never a penny is paid out of the Federal Treasury of the United States to any person that has not first either been paid in in the form of taxes or has been borrowed from future generations to be paid off in their time.

There are too many people who believe that if a program is completely financed by the Federal Government it should be embraced; people who, if they realized that they themselves would have to meet a part of the responsibility of financing that program on a State or local level, might say, "Well, administer it safely and sanely and soundly and let us be sure that we eliminate waste and extravagance and corruption." Especially eliminate those bad features that were demonstrated in the food stamp program from 1939 to 1943, which was dropped because it proved to be a troublesome program and a failure as far as meeting its proposed objective was concerned.

So, Mr. Speaker, I suggest if I may that every consideration be given to the discussion of the bill in general debate, 4 hours of it; and then on tomorrow, when the bill is read for amendment, that full consideration be given to every amendment. I am hoping that if legislation of this kind should be passed—and I do not believe this bill as written should become law—but if any kind of bill of this type should be passed, it should certainly be greatly amended, greatly changed and some of the inequities and some of the unfairness in it be eliminated.

Because, after all, it does not make any difference, if you are hungry, who is given the right under this food stamp program to distribute these surplus farm commodities.

Mr. Speaker, let me close by saying this. The adoption of this bill will not help meet the farm surplus problem that confronts this Nation. It will not mean that we get rid of more of our farm surpluses that are now owned by the Federal Government. Instead it will mean that less of those farm surpluses will go now to the hungry and the needy and that more of the taxpayers' money will be spent for other articles of food that may not all be necessary to the maintenance of human life. This is purely a welfare bill and not a piece of farm legislation, notwithstanding the way it is described in its title.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Speaker, I was surprised when I picked up the minority report to see that 12 Republican members of the Committee on Agriculture had signed the report and were against this Food Stamp Act of 1964.

Mr. Speaker, of course, all of us are entitled to a difference of opinion. However, President Johnson has declared a war on poverty. He is asking the help of the Congress in waging this war on poverty. The methods of government which we have, can help correct the injustices which for one reason or another occur in our society.

I believe—and I am quoting now from memory—that over 1 million families, 1.1 million families—and when I speak of families I am not talking about individuals—have an earning power of less than $1,000 a year. Divide that by 12 and see what a multiple-person family, a man and wife, and 1 or more children, would have to live on. It comes to about $82 a month.

Also it is my recollection that 2.2 million families have less than $2,000—between $1,000 and $2,000—a year on which to live. This is all they have with which to buy all of their food, their clothing, their medicine, their housing, and recreation, if any. Then divide $2,000 by 12 and see what you have a month.

Then, Mr. Speaker, there is another group of families, 7 million families in round numbers, who have an income which varies between the $2,000-a-year level and the $4,000-a-year level. Once again, divide that by 12 and see how much it amounts to a month for a multiple-person family.

Mr. Speaker, this makes a total of 10 million or more families, representing approximately 35 million people, who are living on substandard income.

Mr. Speaker, our social experts and our economists have said that in order for a family to have just a reasonable standard of living, a multiple-person family should have at least an income of $6,000 a year, or $500 a month.

Mr. Speaker, if we are going to give the children an opportunity to receive and obtain the right kind of food, the right kind of clothing, the right kind of housing, and the right of the opportunity to secure the proper kind of education, we have got to look at this problem, and apply to it human compassion. This is not a new, radical philosophy of some kind.

Then, Mr. Speaker, when one considers that we are utilizing the surplus food of the Nation, food that would otherwise deteriorate in our warehouses for shipment overseas to hungry people, why should we not give the American family, the American citizen and his children, the right to participate, through this food stamp plan, in a better level of living for their families?

How can anyone with compassion in their heart and care for the people of America who are more unfortunate—and I am speaking about 10 million families and not all of them will take advantage of this program—refuse to support this program? At least, it will make more food available to them and if there is a need, they do have the opportunity to obtain a little better diet for their children.

Mr. Speaker, I say again, how can anyone with compassion in their heart, anyone who has known poverty or who has known privation, or who has observed it among his more unfortunate neighbors, turn down this type of humane legislation?

How can we turn down this type of a humane piece of legislation?

Mr. Speaker, when we have a great surplus of food in our country I cannot understand why there are people who would want to deny giving needed food to our own people when we are sending millions of dollars' worth of surplus food overseas to other unfortunates in our effort to stem the tide of communism. The tide of communism can roll up in America as it has rolled up in these other countries. Communism lives on want, privation, poverty, and despair of people.

I hear many speeches on the floor of this House against communism. Here is a tangible thing we can do to create a better environment in our American families. I hope that in the wisdom of this Congress we would not only approve this rule but approve the plan which means so much in the daily lives of so many people.

Mr. SLACK. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from West Virginia.

Mr. SLACK. Among the millions who will benefit from this program, and realizing they are all human beings, they are Republicans as well as Democrats, is that correct?

Mr. HOLIFIELD. Of course, it is open to all our citizens in the United States. It is not a partisan matter, yet here we see the partisan signing of a report against this plan. I have respect for the members on both sides of the Committee on Agriculture, but I hope that the rank and file of the Republican membership will not follow these 12 men in nullifying this food stamp plan which will take food out of the mouths of hungry and poor people.

I do not want to draw an analogy, but I can remember the story told in the Bible where our Saviour condemned those who sat in public places and offered audible prayers and professed to be men of great piety, yet they would not touch the burden of the poor with their little fingers, they would not alleviate the privation of widows and orphans with one finger, yet they claimed to be pious people and people who believed in the welfare of humanity.

I hope this bill will pass by a large majority.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. LATTA].

Mr. LATTA. Mr. Speaker, I take this time to keep the air clear. During the course of this debate we will hear many, many times that this is a program to take care of our surplus food situation, that we have surplus food sticking out of our ears, and that we should get rid of the surplus.

The gentleman who preceded me alluded to this.

Mr. Speaker, I would like to call attention to page 4 of the bill, particularly line 21. It reads:

> In areas where a food stamp program is in effect, there shall be no distribution of foods to households under the authority of any other law except during emergency situations caused by a natural disaster as determined by the Secretary.

Where we have a food stamp program in effect, our present surplus program will cease. This is clear. We ought to keep this in mind as we debate this rule and as we debate the bill later today.

Let me refer to the definition for an eligible household as shown on page 5 of this bill, line 6. It reads:

> Households eligible to participate in the food stamp program shall be those whose economic status is such as to be a substantial limiting factor in the attainment of a nutritionally adequate diet.

We have absolutely no income limitation in this bill. All you have to do to qualify under this program is to prove to some welfare worker that you do not obtain a nutritionally adequate diet.

Mr. BROWN of Ohio. Will the gentleman comment on the statement I made in my original address to the effect that if the food stamp plan is put into action in any area or any district or any State, a needy person who does not have any income from a welfare agency or any other source with which to buy food stamps will be unable to get surplus foods, as they do at the present time through the farm surplus distribution program that is now in effect in so many sections of the country, especially in those areas where there is great unemployment?

Mr. LATTA. Let me quote from the bill:

> In areas where a food stamp program is in effect, there shall be no distribution of foods.

It would seem to me that the definition of "area" would be made by the Secretary of Agriculture. If he should determine that our entire State was an "area," then the entire State would be ineligible to receive surplus foods.

Mr. BROWN of Ohio. That means with the food stamp program in Ohio——

Mr. LATTA. The entire State.

Mr. BROWN of Ohio. If a family had no funds with which to purchase food stamps or any source of revenue with which to get the money to buy food stamps, they would be unable to get surplus food as they have in the past through the regular distribution system which has now been in effect.

Mr. LATTA. That is conceivable, but they still could go to the welfare office and get a check to buy the food stamps.

Mr. BROWN of Ohio. Suppose they could not do that?

Mr. LATTA. If they did not have the money to buy the stamps, they might be out.

Mr. BROWN of Ohio. That is right; you either have to have the money or you do not get the stamps. Is that right?

Mr. LATTA. That is right, but, as I say, they could go to the welfare office and get the stamps.

Mr. BROWN of Ohio. Perhaps, if they knew the right people.

Mr. MADDEN. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. Jones].

Mr. JONES of Missouri. Mr. Speaker, I wonder if the gentleman from Ohio [Mr. Latta] would answer a question.

Mr. LATTA. Yes.

Mr. JONES of Missouri. From the gentleman's comment, I take it if we would amend the bill and omit the part the gentleman referred to on page 4, line 21, if we would eliminate that, that would make it all right?

Mr. LATTA. If you would do that, it would help the bill.

Mr. JONES of Missouri. I take it from the gentleman's statement he is as interested in those poor people as I am. If we could continue distribution of these commodities in cases where they were unable to comply with these food stamp regulations, I hope if that opportunity arises the gentleman will support such an amendment?

Mr. LATTA. I certainly would support the amendment. I think it would help the bill. I will also support other amendments that I think ought to be adopted to make this a good bill. If the House would adopt these perfecting amendments, it would receive more support on this side of the aisle.

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri [Mrs. Sullivan].

Mrs. SULLIVAN. Under the food stamp plan, in the pilot areas, there are some who do not have any money and they are receiving food stamps to enable them to have a good diet. There are ways that it can be done and it is being done.

Mr. MADDEN. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. Hechler].

Mr. HECHLER. Mr. Speaker, representing two counties in the pilot program, may I say I support the rule and will support the bill, provided the State-matching provision is amended out. I do not believe that any provision to require States to provide 50 percent of the matching funds will work, particularly in the areas of greatest need. Such an amendment would kill the program in West Virginia, and cripple it in other sections of the country. When the time comes, I sincerely trust that such an emasculating amendment will be defeated, because the food stamp program is a sound program which should be extended beyond the pilot basis on which it has so successfully operated.

Mr. Speaker, I would like to include an article from the Cleveland Press of December 26, 1961, which indicates the conclusions of school principals in one of the West Virginia counties included in the pilot program:

SCHOOLMEN LAUD FOOD STAMP PLAN

WASHINGTON.—A group of West Virginia school principals reports that the Kennedy administration's experimental food stamp program has improved the health and morale of their pupils.

The principals enthusiastically endorsed the project in letters forwarded to the Agriculture Department by Supt. George W. Ryson of the McDowell County, W. Va., schools.

They reported that the pupils were dressed better, appeared better fed, and missed fewer school days since their families began receiving stamps from the Government, which can be traded in at groceries for food.

The letters said some children previously stayed home because they were ashamed to have free surplus commodities in their lunch boxes.

Some did not come to school because they could not afford lunches at all.

McDowell County is one of the eight places where the experimental food stamp program has been tried out for the past 6 months. The other test areas are in Illinois, Kentucky, Michigan, Minnesota, Montana, New Mexico, and Pennsylvania.

The pilot projects replace the old system of direct handouts of such surplus commodities as dried milk, flour, cornmeal, and dried beans.

The Kennedy administration currently is considering proposals for extending the program to cover by 1967 all the needy persons in the Nation's economically depressed areas.

Mr. MADDEN. Mr. Speaker, I just want to mention that we might bear in mind during these days of automation, there are approximately 1 million workers being thrown out of work every year; there are approximately 1 million young folks coming into the labor market and that is going to bring about an additional need for a program such as we are considering here today.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

IN THE COMMITTEE OF THE WHOLE

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10222) to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 10222, with Mr. Landrum in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from North Carolina [Mr. Cooley] will be recognized for 2 hours and the gentleman from Iowa [Mr. Hoeven] will be recognized for 2 hours.

The Chair recognizes the gentleman from North Carolina [Mr. Cooley].

Mr. COOLEY. Mr. Chairman and colleagues, the bill under consideration is certainly not a new bill. This proposition has been submitted to the House before and if any of you are thinking of voting against the bill, it might be well for you to check the Congressional Record of August 20, 1959, when the food stamp plan was offered as an amendment by the lovely lady from Missouri [Mrs. Sullivan], our colleague who is the author of the pending bill.

A record vote was taken at that time and there were 232 Members of the House who voted for the food stamp program, and only 127 Members voted against it. After the Sullivan amendment had been adopted, the bill was passed by a vote of 305 to 53. That was back in 1959. However, the amendment become involved in some way and never was activated.

The author of this bill now before the House, the gentlewoman from Missouri, is a tireless worker on behalf of the poor people of this Nation. She has sponsored this legislation through the years and I think she understands the problem involved perhaps far better than any other Member of the House.

I have likewise been interested in the food stamp program going back through the years. It is now in operation in my home county. We have 100 counties in North Carolina and we have the food stamp program in operation in only 1 of the 100 counties. It is being operated there because the members of our welfare board wanted it, the members of our board of county commissioners wanted it, and our director of public welfare wanted it. At their suggestion and at their request, I persuaded the Department of Agriculture to put the program into operation in Nash County.

Actually, I had no idea as to the extent of hunger and want in my own county, a county of about 60,000 population. Today more than 8,000 poor people are benefiting from this program. These poor people, out of their meager earnings, put up more than $295,000 of their own money, while the Government put up only about $173,000, so that they might have wholesome and adequate food.

I have not had a single complaint from a single source since this program has been in operation. The recipients are pleased. The county officials are pleased. The merchants are pleased.

The nicest thing about this program of distribution through food stamps, using normal trade channels, is that it permits these poor, unfortunate people to live in dignity, rather than forcing them to line up with their hands out asking for charity at some place where there is direct distribution.

This program has worked on an experimental basis. First we selected only eight locations throughout the country. We started the program on a pilot basis. It has been expanded into 43 locations in 22 States.

I have been in this well many times. I have voted for legislation providing authority for the distribution of food. Not only during Democratic administrations but also during Republican administrations the House has authorized the appropriation of and has appropriated billions of dollars to feed hungry people in other parts of the earth. Right now we are contributing food to about 100 million people in 100 nations of this earth.

This bill will provide food for our own people.

I agree with what has been said in the well of the House. It is difficult for me to understand how anybody could vote against giving food to hungry Americans when we know our warehouses are bulging with vital food throughout this land. We are the richest nation on earth.

Our great President has declared war on poverty. This, in my opinion, is the very best program which can be designed to fight poverty here at home.

This bill now before us has been carefully considered by our Committee on Agriculture. The committee reduced substantially the expenditures which the original bill would have authorized. The authorization now in this legislation will enable those in charge of the pilot food stamp program to expand it into other areas and to feed or to help to feed other hungry Americans. I do not see how anybody could get comfort or satisfaction out of voting against this pending measure.

I say this not as a partisan, because I voted for foreign aid all through the Eisenhower administration. I voted for the local currency sale and distribution abroad of the commodities we produce beyond our needs. Our committee has given to the Secretary of Agriculture every authority that he has asked for, for the use of our abundance of food. Our committee gave him the right to sell these commodities for dollars, to sell them for short-term or long-term credit, to sell the commodities for foreign currencies, and to barter the commodities away for strategic materials needed in our own economy; yes, to give them away wherever on this earth the need could be shown. We have disposed of over $10 billion worth of surplus agricultural commodities.

This is not a political matter and it should not be so regarded, but unfortunately it became involved in partisan politics apparently before the final vote was taken in our committee. The food stamp bill that was at that time pending was tabled by a coalition vote and the record clearly shows the position taken by the minority. Then a new bill was introduced and it came out by a narrow margin with a vote along party lines. Now here this bill is before us, and frankly I do not see any reason why we should take 4 hours discussing a proposition which we have already passed upon once.

I commend our report to you setting forth the purposes of the bill. I do not think it is necessary for me to read this report although I would like to read a part of the history:

> H.R. 5733, the original food stamp bill, was introduced on Aprill 22, 1963. Hearings were held on the legislation by the House Committee on Agriculture on June 10, 11, and 12. About 35 of the 40 witnesses, including 15 Members of Congress representing both parties, testified in favor of the food stamp program. At the conclusion of the hearings, it was apparent that there were a number of problems in connection with this legislation and the chairman appointed a special subcommittee headed by Hon. HARLAN HAGEN to redraft the bill. This subcommittee held hearings on August 7, 8, and 15, 1963. Members of the subcommittee also made an on-the-spot inspection trip to Uniontown, Pa., to get a firsthand look at the program in operation. The subcommittee, after making several amendments, voted to report a new bill to the full committee. H.R. 8107, a clean bill, incorporating the subcommittee amendments, was introduced on August 15, 1963. The House Committee on Agriculture held executive meetings on October 30, 1963, and on February 4, 1964, and on that date voted to table H.R. 8107. After further consideration of the food stamp program, amendments were suggested to the bill to further clarify the committee intent and H.R. 10222 was introduced as a clean bill on March 3, 1964. The House Committee on Agriculture met in executive session on March 4, and voted to report the bill, as amended, to the House.

I conclude by complimenting the author of the bill, the gentlewoman from Missouri [Mrs. SULLIVAN], for the work that she has done on this legislation. She has worked tirelessly, through the months and, yes, even through the years. There is nothing sectional about this bill. I suppose none of us has a monopoly on poor folks, nor do we have a monopoly on hungry people. I think we will find hungry people and poor people in every congressional district of this great and mighty Republic of ours.

Through this program we can relieve poverty. I urge the Members to vote for this bill and not to destroy it by crippling amendments. Let this worthwhile program be expanded as circumstances and appropriated funds will justify. With that I yield the floor.

Mr. HOEVEN. Mr. Chairman, I yield 6 minutes to the gentleman from Ohio [Mr. LATTA].

Mr. LATTA. Mr. Chairman, at the outset let me say that I concur in the statement made by the chairman of our Committee on Agriculture that everybody is against poverty. I am against poverty and hunger wherever it exists. I want to add that the people in the Fifth Congressional District of Ohio who are out of work get just as hungry as they do in some other districts of this Nation. I also would like to point out that of the 43 areas of the country enjoying the benefits of this pilot program costing all the taxpayers of this Nation $51.5 million a year, only 3 areas happen to be in Republican congressional districts.

Mr. Chairman, I wonder what is happening in all of these congressional districts that happen to be Republican, some of these unemployed people might also be getting hungry. I wonder when this program is put into effect, whether we are going to have the same political imbalance in the administration of the program. In fact, it was worse at one time. At one time under this pilot program, of 26 areas under the program only 1 happened to be Republican.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. LATTA. Yes, I would be happy to yield to the gentlewoman from Missouri for an explanation, if the gentlewoman has one.

Mrs. SULLIVAN. I do. There happen to be six Republican areas that are receiving food now under the food stamp program.

Mr. LATTA. And that is out of the total of 43?

Mrs. SULLIVAN. Yes.

Mr. LATTA. If this is the latest figure I accept it, but it still reveals the political imbalance to which I referred. That means 37 Democratic districts under the program and only 6 Republican districts.

Mrs. SULLIVAN. If the gentleman will yield further, possibly it is because they have not asked for it.

Mr. LATTA. I am glad the gentlewoman from Missouri brought this point up, because I happen to represent an area that is located just south of Lucas County, Ohio. Lucas County has the food stamp program. After this area requested to be included in the food stamp program, a request was made to include the county of Ottawa in the program. This county is in my congressional district. This county was politely turned down. These good people in Ottawa County get hungry too.

Mr. Chairman, certainly, I hope that if this program is put into effect, it will not be administered along political lines as it has in the past.

Mr. Chairman, I would like to point out a couple of other things about this bill that are certainly in error and in need of improvement.

If this bill is going to be passed, I hope that we will improve it.

To start with, we might take a look at the title of the bill. It says:

> To strengthen the agricultural economy.

Now, everyone, including the gentleman now in the well, is interested in strengthening the agricultural economy of this Nation. But it is very difficult for me to understand how we can strengthen the agricultural economy of this Nation by a program that by its adoption it excludes the use of surplus agricultural commodities in areas having the food stamp program in effect.

I would like to quote our good and honorable chairman of the Committee on Agriculture, the gentleman from North Carolina [Mr. COOLEY]. He made the following statement and I quote it:

> Our warehouses are now bulging with surplus foods.

It is difficult for me to understand how we are going to relieve this bulge by the adoption of a program that brings our surplus disposal program to an end and defines food as follows:

> The term "food" means any food or food product for human consumption except alcoholic beverages, tobacco, soft drinks, luxury foods, and luxury frozen foods as determined by the Secretary, and those foods which are identified on the package as being imported from foreign sources when they arrive at the retail store.

Mr. Chairman, that permits a person to purchase anything so long as it has been approved by the Secretary of Agriculture.

Mr. Chairman, I do not like to see the Secretary of Agriculture, as he might be doing here, determining the diet for these people. I believe this is wrong. I believe this permits just too much regimentation. I fail to understand how the purchasing of imported foods, for example—and they can be purchased under this bill merely by repackaging them after they come into this country—is going to help us relieve our bulging warehouses of surplus foods.

Mr. Chairman, also, when we speak about these bulging warehouses, we are not saying they include everything that people eat. We are talking about wheat, we are talking about corn, we are talking about rice, and peanuts.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I am glad to yield to the gentleman from New York.

Mr. ROBISON. I have asked the gentleman from Ohio to yield because I have a question with reference to the imported food category. How about coffee, for instance, which I assume is a crop basically not grown in the United States? Yet it may be processed and packaged in the United States. Would coffee qualify as an imported food under this definition?

Mr. LATTA. Yes; I think you could purchase coffee under this bill.

Mr. ROBISON. You could purchase coffee. That would not be an imported product. The same thing would hold true for cocoa, most of which comes from abroad.

Mr. LATTA. Yes. I do not think the package itself indicates a foreign source and this is the only limitation.

Mr. ROBISON. Then I do not see how these two crops—there may be others which are basically foreign crops—are going to do anything about our own bulging warehouses.

Mr. LATTA. I quite agree with the gentleman, and I think we ought to discuss this bill today on its merits and discuss it as a welfare program. This is not a program for relieving our country of surpluses we talk so much about. This is a general welfare program, and we might just as well understand that.

Mr. ROBISON. Has the gentleman any idea as to what a "luxury food" would be, or "luxury frozen food" would be?

Mr. LATTA. No. That is to be determined by the Secretary of Agriculture. He is going to be able to tell you what is or what is not a luxury food, and what you can or cannot purchase.

Mr. ROBISON. I thank the gentleman.

Mr. LATTA. On page 4 of this bill, line 21, as I pointed out at the time the rule was being considered, subsection (b) says:

> Any areas where a food stamp program is in effect, there shall be no distribution of foods to households under the authority of any other law except during emergency situations caused by a natural disaster as determined by the Secretary.

This certainly rules out the use of surplus foods as we have been using them in these areas. I would like to see this clarified and pinned down by adoption of an amendment to be offered by the gentleman from Missouri [Mr. JONES], because I think it will be detrimental to our own agricultural economy. If we want to relieve our surplus agricultural situation, we should not shut off any State that may have been using this type of program because some area within the State is using the food stamp program.

We have heard a lot of the concern of the dairy people. They have been disposing of considerable amounts of dairy products under the surplus food program. I am wondering whether or not this would not close the door on the use of surplus commodities in our school lunch program. Will the gentlewoman from Missouri yield for a question? I refer to the terminology on page 4 which states:

> In areas where a food stamp program is in effect, there shall be no distribution of foods to households under the authority of any other law except during emergency situations caused by a natural disaster as determined by the Secretary.

Would this rule out all programs in these areas?

Mr. COOLEY. The school lunch program could not be affected by this because it is part of a household.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HOEVEN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. LATTA. Speaking of households that are eligible, page 5, line 6 of this bill states:

> Households eligible to participate in the food stamp program shall be those whose economic status is such as to be a substantial limiting factor in the attainment of a nutritionally adequate diet.

That is a broad definition if I ever heard one. We should tie down perhaps by an income limiting amendment. All a person would have to do to qualify is to go into a welfare office and establish that he is not spending as much for food as he would like and secure an order for additional food stamps at public expense. If we are going to put a program like this in effect, it is going to be extremely costly. We ought to pin it down to some income limitation. Certainly we should have a better definition of "eligible households" than we have on page 5.

Speaking about the cost of the program, I would like to refer to a report of the Department of Agriculture analyzing the food stamp program, dated January 3, 1957. It notes that the Department projected an annual expenditure of $600 million to $2,500 million for a nationwide food stamp program. In view of this let us look at the bill before us, on page 17, it says:

> To carry out the provisions of this act, there is hereby authorized to be appropriated not in excess of $25 million for the fiscal year ending June 30, 1964; not in excess of $75 million for the fiscal year ending June 30, 1965; not in excess of $100 million for the fiscal year ending June 30, 1966; and not in excess of $200 million for the fiscal year ending June 30, 1967.

When we consider the cost of the pilot program now in effect, these figures are not very realistic. We are considering a nationwide food stamp program. With a cost of $51,500,000 for just 43 pilot areas, how can we possibly conceive of a nationwide program costing only $75 million for the fiscal year ending June 30, 1965, and not more than $100 million for the fiscal year ending June 30, 1966, and not in excess of $200 million for the fiscal year ending June 30, 1967?

Certainly when you launch a program like this, it is going to cost several hundred millions of dollars if you are going to do the job you set out to do. I would certainly hate to see this Congress pass a bill to set a nationwide stamp program into operation and have only $75 million to administer it for the fiscal year ending June 30, 1965.

Turning to the report on pages 33 and 34, and specifically to the information furnished by the Pennsylvania Department of Public Welfare and the U.S. Department of Agriculture, there appear several examples. It says:

> A family of four with $120 gross monthly income must buy $27 worth of coupons twice a month to get $16 worth of coupons free each time.

Then it goes on to tell how many coupons would have to be purchased for a family of 6, a family of 10, and so forth. Let us just stop with the family of four. This means that $32 a month will be picked up by the taxpayers of this Nation through the food stamp program for the family of four. This means $384 a year for this one family. If my arithmetic is correct, $384 million a year would be needed to take care of 1 million families. So why talk about $75 million for a year's operation.

What I am fearful is going to happen if this bill passes, is that areas to be designated by the Secretary of Agriculture as eligible for this program shall be picked primarily on political grounds. The unemployed people in Ottawa County in my district or other counties that may ask for it are still going to be denied the benefits under this program. but the same taxpayers' dollars are going to be spent for it.

I do not think we ought to continue to fool ourselves about the cost of this program or as to what might be intended. I think we ought to get the cards out on the table while we are discussing this bill. If we want to launch a program, then let us launch it. Let us say how much it is going to cost and where we intend to place it. If the administration is really getting into a $2½ billion program, I think it ought to say it. If you agree with the Department of Agriculture when it said it would cost a minimum of $600 million back in 1957, we ought to admit it and we should not talk about it costing only $75 million for a year.

Another part of this bill that I understand is going to be attempted to be deleted from the bill is the provision dealing with the State participation. As I understand it, we do not have any Federal welfare programs where there is not some State participation. But under this program the administration is insisting on 100 percent Federal participation.

The only reason I can give for its wanting all Federal participation is that the Federal Government wants to completely regulate and run the program. I do not think this is good.

Certainly, I shall oppose any attempt that is made to take out the participation by the States under this program. I am hopeful that this bill will pass this House with some State participation in order that the Federal Government will not have sole authority and control.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman.

Mr. POFF. I understood the gentleman to say, and apparently this is something which is not generally understood, that the operation of this bill is not limited to those agricultural commodities which are in surplus.

Mr. LATTA. That is correct.

Mr. POFF. Entirely aside from that fact, may I inquire how do these agricultural commodities which are in surplus become involved in the machinery of the food stamp program? I have searched the committee report from cover to cover with particular emphasis on the paragraph on page 3 entitled "How the Program Operates" and I cannot find how any commodity which is in surplus and is stored in a Commodity Credit Corporation warehouse ever moves into the machinery of the program. Can the gentleman explain that to me?

Mr. LATTA. The gentleman cannot find it because it does not move in this program. It is specifically ruled out on page 4 of this bill. Wherever you have a food stamp program, you do not have a surplus food disposal program in effect. It is specifically prohibited.

Mr. POFF. Several of those who have addressed themselves to the bill have left the implication that if this legislation becomes law, surplus commodities now stored in Government warehouses on which the taxpayers are paying tremendous storage fees will somehow mysteriously and magically move into the machinery of the food stamp program. I understand from the gentleman that not one pound of such commodities will move into the machinery of the program; is that correct?

Mr. LATTA. That is the way the bill stands now.

Mr. POFF. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOLEY. Mr. Chairman, I yield to the author of the bill, the gentlewoman from Missouri [Mrs. Sullivan], 30 minutes.

Mr. HULL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 93]

Ashley
Auchincloss
Avery
Baring
Barrett
Bolton,
  Oliver P.
Bray
Brock
Buckley
Burleson
Burton, Utah
Dawson
Derwinski
Diggs
Dowdy
Elliott
Evins
Fogarty
Fulton, Pa.
Glenn
Griffin
Griffiths
Hanna
Harsha
Hébert
Jennings
Jones, Ala.
Kee
Kilburn
King, Calif.
Kirwan
Lankford
Leggett
Lipscomb
Lloyd
Matsunaga
Miller, Calif.
Minshall
Morrison
Morse
Murray
O'Brien, Ill.
O'Konski
Powell
Rains
Rogers, Tex.
St Germain
Short
Slack
Smith, Calif.
Springer
Staebler
Steed
Thompson, La.
Wallhauser
White
Wilson,
  Charles H.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Landrum, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 10222, and finding itself without a quorum, he had directed the roll to be called, when 371 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentlewoman from Missouri [Mrs. Sullivan] is recognized for 30 minutes.

THE PILOT FOOD STAMP PROJECTS HAVE PROVED THE MERITS OF THIS PLAN

Mrs. SULLIVAN. Mr. Chairman, the legislation now before the House, and strongly supported by President Johnson and by his predecessor in the White House, President Kennedy, does not establish a new program of government. It expands one already in effect. In that regard, it is like the Peace Corps bill the first time we voted on that issue in the House. By the time legislation on the Peace Corps came before us, we had some basis for judging its effectiveness and its merits. For it had been put into effect on a pilot basis by President Kennedy under funds and authority he already possessed—enough to administer a small, experimental type of program.

The same thing is true exactly on the food stamp program. President Kennedy used the authority of a law passed many years ago—section 32 of the Agricultural Adjustment Act of 1935—to set up the pilot food stamp plans, using part of the money collected from customs receipts for the diversion of surplus agricultural commodities from the market. We have been using section 32 authority and section 32 money since the great depression to help the farmer in many ways, and now we are using a small part of this annual fund to finance the 43 pilot food stamp plans now in operation.

SUPERIOR TO DIRECT DISTRIBUTION

These pilot food stamp plans can—and I trust, will—continue in operation no matter whether the Congress passes a bill of this nature. The question before the House today is not whether we should continue the pilot food stamp projects in Pittsburgh and Detroit and St. Louis and in 40 counties spread among a score of States where these plans are already operating so successfully, but whether every county or municipality in the country which would like to have a food stamp plan in preference to the direct handout method can have a chance of obtaining such a program.

In deciding that question, Mr. Chairman, we have abundant evidence that the pilot programs have proved themselves so superior to the direct distribution system that they have thus succeeded in becoming what President Kennedy and President Johnson intended them to be: that is, prototypes for expanding the program nationally.

But, if we want to expand the pilot program into a national program, then Congress must authorize the appropriation of sufficient funds to finance such a national program. And that is just what H.R. 10222 does—that is primarily what it does. There are not sufficient unused moneys available in the section 32 fund—consisting of one-third of all custom receipts—to finance a national food stamp program and still leave any money for the many other purposes for which section 32 financing is normally used.

CUSTOMS RECEIPTS USED TO HELP FARMERS

Members of Congress from city districts might be forgiven for asking why the entire section 32 fund of nearly $300 million a year shouldn't be used for the food stamp program, but we do not want to take away the Secretary of Agriculture's freedom of action in the use of the section 32 money. He frequently uses it to buy up eggs and have them powdered and stored in warehouses, as a price-support device to help the poultry farmers; he uses it to buy up fresh milk and have it powdered and stored in warehouses, to help the dairy farmer; he uses it to buy up livestock and have it processed into canned meat and gravy to help the cattle raisers; he uses it to buy up cheese, and lard, and pork and fresh vegetables and fresh fruits to divert these things from the market in times of surplus.

Some of these diverted farm products then go into the school lunch program, or to institutions, or are dehydrated or processed for direct distribution to the needy under the surplus commodities program. But the main purpose of the section 32 program is to help the farmer to get rid of surpluses.

And that is one of the main purposes, also, of the food stamp program. Under its operations needy Americans participating in the plan are able to increase their consumption of food substantially so that less food items become surplus.

BACKGROUND OF H.R. 10222

I have been living with this issue for 10 years, Mr. Chairman, since I introduced the first food stamp bill here in 1954. Three times in those 10 years the House has voted on the issue: First, in 1957, when I offered my bill as an amendment to Public Law 480, but lost on a teller vote in Committee of the Whole House; again in 1958, when the Committee on Agriculture first approved the idea, but the Rules Committee did not, and I arranged to have the bill called up under suspension of the rules, obtaining a majority vote in favor but not a two-thirds majority; and finally in 1959 when, with Chairman Cooley's great assistance, and that of the Speaker, and the gentleman from Pennsylvania [Mr. Saylor], and others, we succeeded in adding it to Public Law 480 as a floor amendment.

SECRETARY BENSON REFUSED TO TRY FOOD STAMP PLAN

Former Secretary Benson never used the authority of that law. He refused to do so. He did not believe in the food stamp idea. His objections are still being echoed today in the adverse report of the minority members of the Committee on Agriculture. The 1959 law, authorizing a food stamp program somewhat different from the pilot plans now in effect, expired at the end of 1961. Before deciding whether to put it into effect, President Kennedy early in his first year in office, called for a series of pilot operations to obtain experience in the administration of a food stamp program. Those pilot plans are now, in some cases, 3 years old.

And last year, on the basis of the knowledge and experience developed under the pilot plans, President Kennedy proposed the kind of legislation now before the House.

SUPPORT FOR H.R. 10222 COMES FROM MEMBERS WITH PLANS IN THEIR DISTRICTS

I was given the great privilege by Chairman COOLEY, and by the administration, of sponsoring the administration bill, and I am proud of this honor. For I believe in the program. It is in operation in my own city, and it is so far superior to the previous program for aiding the needy to have more food that I think every congressional district should have the opportunity to participate in the program.

I do not believe that any Member of Congress who has a pilot plan in his own district is against the bill now before us. Most of the effort in having H.R. 10222 enacted, in fact, has come from those of us who already have the plan—and therefore do not need this legislation to continue having it. But, we are "carrying the ball" for the other Members who want it in their districts, or who would certainly want it if they were familiar with how it works.

Mr. HAGEN of California. Mr. Chairman, will the gentlewoman yield at that point?

Mrs. SULLIVAN. I yield to the gentleman from California.

Mr. HAGEN of California. The gentlewoman made reference to the pilot programs. They are only pilot programs, of course, and they will not go on forever. Actually, the only way to protect those areas which already have them is to pass this legislation; so it is important even for those areas which already have the pilot programs.

Mrs. SULLIVAN. I thank the gentleman. That was not quite my understanding. I had understood they could still go on, using section 32 funds, if the bill is not passed.

Mr. HAGEN of California. Theoretically they could, but they are only pilot programs. Unless Congress puts its stamp of approval on these general programs, it is unlikely that the pilot programs will continue much longer.

Mrs. SULLIVAN. I thank the gentleman from California.

SAME PEOPLE IN DEPARTMENT RUN BOTH PROGRAMS

Mr. Chairman, echoing Mr. Benson, who has now cast his lot with the John Birch Society and turned his back on General Eisenhower, the minority report of the Republican members of the Committee on Agriculture is using all of the arguments against this bill which were used 5 years ago when we last voted on this idea. They are the same arguments which Mr. Benson used every year from 1954 until he left office.

But, interestingly enough, the very people in the Department of Agriculture who ran the direct distribution system under Secretary Benson, and who still run it—career people in the Department—say the food stamp plan is far superior from every standpoint. They say it does a better job than the direct distribution system in assuring good diets for the needy. It uses up far more feed grains, and dairy products and fruits and vegetables than the direct distribution system, and therefore helps the farmers more. It permits the participants to eat like Americans and to buy their food with their own money in the corner grocery.

PARTICIPANTS MUST BUY STAMPS OUT OF INCOME

Let me make clear that this is not a handout program. Under the program the participating families must spend their usual food budgets for food, and only for food, in order to receive coupons entitling them to buy additional food. This program has raised the volume of food sales in the grocery stores in the pilot areas where tests were made by about 8 percent.

I ask the Members from farm areas, Mr. Chairman, are they interested in raising food consumption by low-income people in this country by 8 percent, at no additional cost to the Federal Government? For that is what this program does in the pilot areas, where tests were made, and what it could do in any area of large-scale unemployment. And it can help the needy everywhere, whether or not they live in economically depressed areas. A poor person can be just as hungry in an area of low unemployment as in an area of high unemployment. St. Louis is not a depressed area, but we have found through the food stamp program that our needy who participate in the program are eating well-rounded, nutritious meals, including meat and poultry and fresh fruits and fresh vegetables and regular milk instead of powdered skim milk, and fresh eggs instead of powdered eggs, and so on.

Let me stress a few important points that I want the Members to keep in mind through the storm and thunder of these 4 hours of general debate:

MAJOR POINTS TO CONSIDER

First, no area of the country would have to have the food stamp plan if it didn't want it. It is voluntary. But, under H.R. 10222, funds could be appropriated by Congress to extend the plan to counties or cities throughout the country; an additional 20 or 25 projects could be established immediately, and, eventually, the program could reach millions of additional Americans.

Second, this is not an open-end authorization; it is for 3 years only, and each year's appropriation would have to come before Congress for approval. The appropriation limits are written into the bill.

Third, while the people participating in the program enjoy a substantial increase in their food purchases, they must spend, out of their own funds, at least as much as they would otherwise spend for food—this does not, like the direct distribution program—enable them to cut down on food purchases in order to have more money to spend for other things. This is strictly and exclusively a method of increasing the food consumption of needy Americans.

NO INCREASE IN OVERALL COST TO FEDERAL GOVERNMENT

Fourth, the cost to the Federal Government, once this program is operating nationally, will be about the same as the present costs to the Federal Government of giving away surplus food to the needy. The one program replaces the other. The total costs of both would be about the same.

Fifth, this is a Kennedy-Johnson administration program, and is an integral and essential part of the drive on poverty.

ACTION BY COMMITTEE MINORITY

Sixth—and I stress this to my side of the aisle—although a number of Republican Members of Congress support this program, and have supported it in the past, and although some Republican Members of Congress have food stamp projects in their districts and enthusiastically endorse the idea, not a single Republican Member of the Committee on Agriculture—not one—voted for the bill in committee even with the crippling amendment they succeeded in tacking onto it. Even the sponsor of that amendment did not vote for the bill as amended. Instead, he said that even with the amendment in the bill, he generally endorsed and concurred with the minority report attacking the whole idea.

I stress that point, because there is nothing that can be done to this bill, to weaken or cripple it, which will make friends for the bill out of its sworn enemies on the Committee on Agriculture. They are against it, period.

In this, they are still echoing Mr. Benson. This is strange, because one of Mr. Benson's chief brain trusters and assistants in the Department, Don Paarlberg, did an article for the very conservative American Enterprise Association last year, concluding that if you were going to have any kind of program to give food to the needy, or help them obtain better diets, the food stamp plan was infinitely superior to the direct distribution plan.

But the Republican Members of the Committee on Agriculture are still sticking with Mr. Benson and they can have him, as the John Birch Society already does.

PLAN WORKS AND WORKS WELL

The food stamp plan is no utopia. It is complex and there are difficulties in administering it. But it works. It has been tried and tested for 3 years. Those who choose to vote against it will do so not because it does not work, but because it works too well to suit their political desires. They do not want the Democrats to get credit for a good program.

This was the same motivation, I believe, which led a number of our conservative friends to vote against the

Peace Corps bill the first time it came before the House for a vote.

Believe me, Mr. Chairman, a vote against the food stamp plan today is going to be just as hard to explain, in years to come, as was that first vote against the Peace Corps.

Mr. COOLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. Yes. I gladly yield to the chairman of the committee.

Mr. COOLEY. I would like you to point out, if you will, if you have the figures before you, how many applications from different communities are now pending in the Department which the Department cannot assist because of limitation of funds.

Mrs. SULLIVAN. I understand there are now 200 or more applications pending in the Department of Agriculture for food stamp projects. I got a long list of such areas in the CONGRESSIONAL RECORD on April 22, 1963, when I introduced the administration bill for the first time in this Congress.

Mr. COOLEY. In other words, there are 200 communities in the country that want the privilege of a food stamp program?

Mrs. SULLIVAN. That is correct.

Mr. BEERMANN. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield.

Mr. BEERMANN. From the gentlewoman's remarks, she has a food stamp plan in her district in Missouri. In her statement she said there were no additional costs in this program as against the food distribution program. How many additional Federal employees are there in the gentlewoman's district administering this program?

Mrs. SULLIVAN. None that I know of. The local administration is handled primarily by State and local employees. Those who were giving out free food under the direct distribution program are now being used, in some instances, in the offices; we have two such offices set up to sell the stamps. Then we use our State welfare employees to do the certifying work both for those on welfare and those not eligible for welfare but eligible for participation in the food stamp plan.

Mr. BEERMANN. I wonder why it is that the Department of Agriculture has estimated that it would take 985 more employees under this program?

Mrs. SULLIVAN. That I cannot answer, because I do not have those figures. I believe the Department has said that many people now on surplus disposal would go over to this program.

Mrs. GRIFFITHS. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I gladly yield to my colleague from Michigan.

Mrs. GRIFFITHS. I would assume it is because this puts the program in all over the country. Mr. Chairman, I would like to point out to those who are very interested in taking the Government out of business that this is one way of getting the Government out of the food business. This is one of the reasons it is particularly well liked in the city of Detroit which has one of the good pilot projects. We have taken the Government out of the food distribution business in Detroit and put the food industry into it. It has worked exceedingly well. Not only does it give the food to Americans, the participants who have assisted in paying for it through taxes and who need the food, but it also helps the Detroit food industry. They heartily support the extension of this food stamp program throughout the country.

Mrs. SULLIVAN. I thank the gentlewoman from Michigan, who always makes such clear and convincing statements that her words carry great weight in the House. I appreciate her support on this legislation. Mr. Chairman, I want to take up the charge that the cost of this program will soar out of sight. I think this argument can be made—and usually is made—about every proposed new program of government. Benjamin Franklin would never have been able to start our postal system if the view had prevailed then that the country could not afford it because of what it might some day cost. The Social Security Act in 1935 was attacked as an opening wedge to vast spending. The question is—and has to be—Is the spending worth while? Does it accomplish what we want it to do?

If those who oppose this program want to and end all spending for farm support, and let the farmer go broke, then we would be more inclined to listen to them when they say this plan to help the needy while helping the farmer is too expensive.

COSTS LESS THAN FOOD GIFTS ABROAD

But, it is not too expensive. It represents less per year than we now spend in gifts of food to the voluntary organizations which send it abroad to the needy—we spend $276 million a year in free gifts to CARE, and to the church organizations for them to send abroad to the needy overseas.

Now that is less than this food stamp plan will cost in any of the next 3 fiscal years, under this bill, assuming that Congress appropriates the full amount authorized in the legislation.

We gave CARE and the church organizations $100 million worth of powdered skim milk alone, last year, to send abroad for school lunches and for aid to the needy. That is more than this food stamp program can possibly cost in either the 1965 or 1966 fiscal years, under this legislation.

Let us not scare ourselves to death that we cannot afford this program. The fact is that every dollar we spend of Federal funds on the food stamp program means approxiately a dollar saved on the direct distribution program—in Federal funds alone. The States and localities, which now bear a heavy financial burden under the direct distribution system, would save added millions under the food stamp plan. Who loses, then, under the plan? Hunger. Only hunger loses.

Mr. HAGEN of California. Mr. Chairman, will the gentlewoman yield at this point?

Mrs. SULLIVAN. I yield to the gentleman from California.

Mr. HAGEN of California. Mr. Chairman, the gentlewoman made reference to Don Paarlberg who was certainly an influential member of the Benson administration of the Department of Agriculture and who endorsed the food stamp program over direct distribution. I believe some reference has been made to a 1957 report of the Department of Agriculture with respect to cost figures of the food stamp program. I understand the gentlewoman has some information which discounts the rather blown-up figures in this report with regard to costs. Would the gentlewoman care to comment on that?

FIGURE PULLED OUT OF THIN AIR

Mrs. SULLIVAN. I would. That report used a figure of $2.5 billion. That figure of $2.5 billion a year is utterly nonsensical. Mr. Benson projected that figure back in 1956 in trying to prove that my food stamp proposal would be disastrously extravagant and expensive.

The proof of the absurdity of the figure can be found in the pilot projects now operating. They are costing far less than the 1956 estimates made by Mr. Benson. He was just pulling figures out of the air. He said that to be of any value, a food stamp program would have to add $100 a year to the food purchasing power of the participants. He said that there might be 25 million participants. That would mean, he said, $2.5 billion a year.

At the very height of the worst recessions we have had since the direct distribution system began in 1954, we never had more than about 6 million people receiving surplus food. Our experience shows that in the pilot areas, a substantial number of those who previously received surplus foods when they were given away free, were either ineligible or were not willing to spend part of their own money in order to enjoy a better diet.

In any event, the annual costs of this program are strictly limited by what Congress appropriates. In this bill, the limits are $25 million in this fiscal year, in addition to section 32 money already provided; next year, the ceiling would be $75 million; for fiscal year 1966, the figure would be $100 million; and for fiscal year 1967, $200 million. These are the limits which can be appropriated for subsidizing food consumption through this plan. When you consider that we spend about $1½ billion a year helping to feed the hungry overseas, this is hardly very excessive or extravagant. And nearly all of it goes for extra food consumption.

Mr. HAGEN of California. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I am glad to yield to the gentleman from California.

Mr. HAGEN of California. As I understand it, I will say to the gentlewoman, the Department estimate now is 4 million people. Even under the figures of Mr. Benson, which would include a minimum program of 6 million people, the cost figure would come out exactly as the present Secretary of the Department of Agriculture estimates, representing a total program of some $360 million at the end of the second or third year of its operation. Subtracted from that would be the $280 million which represents the cost of the present direct-distribution program, which admittedly is subject to abuse and which admittedly does not improve the diets of the recipients, as this program would; is that correct?

Mrs. SULLIVAN. That is correct.

Mr. Chairman, I would like to discuss the charge that the food stamp plan will result in even more cheating and fraud than has been going on under the direct-distribution program.

PREVENTION OF FRAUD AND ABUSE

A lot was made of this point in the hearings before the Rules Committee. The charge neglects the evidence; there are stiff penalties in this bill for misuse of the stamps by retailers or by food stamp recipients. They can be used only for food. There can be no payoff in cash. If a purchaser using food coupons is entitled to change after making his purchase in a grocery store, he receives no money: he either gets a coupon of small denomination or else he receives a due bill on a subsequent purchase.

There have already been some prosecutions in some of the pilot project areas. But there have been very few violations. This has been watched very carefully. The grocers do not want to jeopardize their participation in the program. Also, they do not want to go to jail, either.

There will always be sharpsters who try to skirt the law for a quick dollar. That is why the Secret Service looks out for counterfeiters; that is why the FBI checks bank embezzlers. Crime is no stranger to America. But this program is surrounded by extremely effective safeguards, and the most important of them is the fact that the participants themselves are extremely pleased with the plan and want to help make it work. They far prefer it to the direct surplus handout program. Few of those on the plan—now enjoying a good American diet for the first time in years—or perhaps in their lifetime—want to jeopardize their participation by abusing the program, particularly when it can lead to Federal prosecution, with the chance of a year's imprisonment. For those who deal in these stamps—merchants and wholesalers—the penalty for violations can go as high as $10,000 fine and 5 years in jail, if the value of the stamps involved is over $100. Unauthorized persons obtaining stamps can also be severely punished. This is all spelled out in section 14 of the bill.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I would be happy to yield to the gentleman from California.

Mr. DON H. CLAUSEN. When the program was originally established it is my understanding that it was designed to resolve the surplus problem in farm products. If so, and if this were one of the primary reasons for the program, what guarantee do we have that it is going to be used for strictly the reduction of our surplus commodities?

Mrs. SULLIVAN. I have some figures on that. The Department of Agriculture made some detailed studies on that in Detroit and in Fayette County, Pa. The Detroit study, for instance, showed that under the food stamp plan, the families surveyed used 24 percent more feed grains in the form of more meat. They doubled their milk consumption; they doubled their fresh vegetable consumption; consumption of fresh fruits went up 70 percent; and consumption of eggs went up some 19 percent.

Under the direct distribution program, the Secretary has the authority to buy up surplus eggs, and he does so, and then he has to go to the expense of powdering them and storing them, before giving them away free. The people would rather have fresh eggs. When he buys up the surplus milk, then he has to go to the expense of dehydrating and storing it, before giving it away as powdered skim milk. The people would prefer fresh fluid milk.

Mr. Chairman, these are some of the things that would be eliminated by using the fresh foods in the grocery store rather than having to buy up the surplus milk and eggs and other things that we have to put away in the warehouses. The more people buy in the stores and eat, the less food goes into surplus warehouses. This program raises food consumption.

Mr. DON H. CLAUSEN. If the gentlewoman will yield further, are our surplus commodities on the increase or on the decrease at this time?

Mrs. SULLIVAN. I cannot answer that as of today.

Mr. DON H. CLAUSEN. I feel that that is a very important point.

Mrs. SULLIVAN. I am certain that we have large surpluses of many food items, or we would not continue to carry on the programs in which we are engaged, costing hundreds of millions and billions of dollars to aid the farmers.

Mr. DON H. CLAUSEN. If the gentlewoman will yield further, I wish I could have obtained some answers to these questions. It is a rather difficult thing for us to make a proper analysis if we do not know whether or not the primary objective of the program is being carried out, which is to reduce surpluses.

Mrs. SULLIVAN. May I ask that that question be directed to someone who is a member of the Committee on Agriculture? I am not a member of that committee and, therefore, I do not know too much about the exact size of our stocks. This bill will increase food consumption by low-income people. That would certainly have an impact on surpluses—present and potential.

Mr. HAGEN of California. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I am glad to yield to the gentleman from California.

Mr. HAGEN of California. It is true that the gentlewoman is not a member of the Committee on Agriculture, but the figures which have been quoted on these pilot programs indicate that we have upgraded the diet through the increased consumption of protein foods, such as meat and milk, which products also reflect themselves in the wheat area which is also in surplus.

In addition, I might point out to the gentleman from California [Mr. DON H. CLAUSEN] that the people might buy a few surplus apples. This is one program that offers some help in reducing surpluses in crops which do not now come under the price-support program. The gentleman has them in his area and I have them in mine. That is one advantage of this program, in my judgment. It helps farmers who have surpluses but who are not covered under this program.

Mrs. SULLIVAN. I thank the gentleman from California.

Mr. Chairman, under the direct-distribution program the families studied in Detroit used approximately $4.91 worth of food per week, and the farmers' share of that was $1.75.

The CHAIRMAN. The time of the gentlewoman from Missouri has again expired.

Mr. COOLEY. Mr. Chairman, I yield the gentlewoman 3 additional minutes.

Mrs. SULLIVAN. Under the food stamp program the same families used $5.51 of food per week, and the farmers' share went up to $2.01, or an increase of 15 percent to the farmers under this stamp plan program.

Mrs. GRIFFITHS. Mr. Chairman, will the gentlewoman yield to me?

Mrs. SULLIVAN. I am happy to yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. I would like to point out to the gentleman who has just spoken that I would not consider the primary purpose of this program to be to use up surpluses.

One of the primary purposes of the program was to put such surpluses as we have into the stomachs of our own Americans.

I would like to point out that in the city of Detroit in 2½ years we paid out $27,096,744 for food coupons, but the participants under the pilot program added $13,667,250 additional. All of this money went into the food program, yet helped those people who are producing food. It was a real value to them, as it was a real value to all of the participants who got the food and who were helping to pay for all those purchases. So that it was a sort of mutual cooperation.

Mr. JONES of Missouri. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Before I ask the question I want the gentlewoman to understand that I have some apprehension about this bill, yet I want to vote for it, I want to support the legislation, although I know there are some provisions where there will have to be corrections or improvements made, in my opinion.

On page 4, line 21, discussed earlier in the day, it is stated:

> In areas where a food stamp program is in effect, there shall be no distribution of foods to households under the authority of any other law.

My question: Would the author object to removing this from the bill, understanding that the direct distribution of food can only be put into effect at the discretion of the Secretary under certain conditions?

Further, the reason I am asking this question is because, as the gentlewoman knows, in her home city of St. Louis where prior to the food stamp plan there were some 63,000 people who were receiving direct distribution of food, after 14 months with the food stamp plan there were slightly more than 11,000 people receiving aid, leaving 52,000 people who were receiving some food who are not now receiving anything.

What I am fearful of is that translating the experience in St. Louis—there are a number of similar situations, and we will bring those out when we read the bill for amendment as to why this occurred—but translating this to southeast Missouri where we have unemployment during seasonal parts of the year, and we have a large number of people who have no income, what I am trying to do is to protect those people who will not be able to come under the food stamp plan but still be able to participate in some form of distribution of surplus commodities.

Would there be any objection to amending this section—line 21 on page 4?

Mr. COOLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from North Carolina.

Mr. COOLEY. Do I understand the gentleman from Missouri would like to have both plans in operation in the same community?

Mr. JONES of Missouri. I think in some instances and under some circumstances it is not only desirable but very necessary if you are going to take care of the situations that will arise. I hope to have some time, about 5 minutes, to go into this and explain what the situations are.

Mr. COOLEY. If this bill passes, a community can elect on that.

Mr. JONES of Missouri. I will go into that and show you why a community elects to do something under two different types of pressure. The people who are affected and the people who are not being fed and the people who need food worse are not the people who have the influence in order to get the type of program that is best for their individual interests.

Mr. COOLEY. I think we ought to permit the gentlewoman to finish her speech.

PROGRAM ENTAILS SOME PROBLEMS, BUT IS WORTH IT

Mrs. SULLIVAN. There are lots of problems in the operation of a food stamp program. If any one pretended differently, he would be fooling himself. The free food idea had one merit—if you can call it a merit from an administration standpoint—and that was that no one cared too much how strictly the standards were enforced. The idea was to get rid of surplus food the quickest and easiest way, and if a lot of chiselers stood in line for free food, no one cared much.

This program is different. Money is involved—Federal funds. The eligibility standards are strict. You can only have so much income per month according to the size of the family, and only so much in liquid assets. The idea is to reach only those who are provably in need of this assistance—who do not have enough money or enough income to afford a minimum decent diet. We want them to enjoy some of this tremendous abundance of good food—not just dehydrated stuff.

Now when you tell a family it must pay out a certain amount for food stamps in order to obtain additional purchasing power for food only, some will say that they would rather eat less and have some extra money for other things. That is their right to decide. Others say the program has been somewhat inflexible by not allowing fully for such necessary expenses as sudden medical bills, high rents, and so forth. So adjustments have to be made.

And an elderly couple does not have the same need for extra food as a widow with a teenaged son, yet they might have to pay out the same proportion of their income for the food stamps. Now these are administrative problems we are working out in the pilot operations. That is why this has been set up originally as a pilot program—to work out these problems. And it can be done and it is being done.

But the chiselers get nothing under this plan. They are shaken out. I hope no one feels so sorry about the chiselers being eliminated from the food program that they would vote against this bill because of it.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. BELCHER].

Mr. BELCHER. Mr. Chairman, may I have the attention of the gentleman from Missouri [Mr. JONES]?

I understood the gentlewoman from Missouri to say that the consumption of surplus products has gone up under the food stamp plan. I also understood from your newsletter that 63,000 people in St. Louis, which is one of these pilot programs, were receiving surplus commodities, all of which were in surplus, and now only 11,000 people are receiving food stamps. If it is true that surplus commodities are being disposed of, then we have to assume that 11,000 people under the food stamp plan are eating more surplus products than the 63,000 did under the surplus commodities disposal, do we not?

Mr. JONES of Missouri. That is true in a way. I will discuss that with the gentleman in a minute. At this time I will say in all deference to the gentlewoman from St. Louis that St. Louis is the horrible example of the food stamp program. I say that with all due respect to her. It is not her fault. But the Department of Agriculture does not like to talk about St. Louis. I want to improve it, though, and the rest of Missouri likewise. They now have about 12,000 out of the 63,000 who are being fed. Of course, they are not using as much of the surplus commodities as they did before. I think that is one of the great mistakes in this report that was filed by the committee. I do not think the Department of Agriculture was accurate in its statements in saying that the whole amount of surplus commodities increased with the food stamp program, because if you use logic it cannot be true. I want to continue that but I want to see this bill amended to where we can continue to use the surplus commodities that the Government has paid for and which are now in storage, but which might not be as desirable commodities as would be available under a food stamp plan, where they can buy and are not required to buy surplus commodities. If a family wants bread, flour, and so forth, they can say so. There is a way to improve the bill, and I am going to offer some amendments and try to improve it to where I can vote for it.

Mr. BELCHER. If we have 12,000 people using the food stamp plan, and the Secretary of Agriculture is telling the truth, those 12,000 are eating more than the 63,000, when the only thing they can obtain under the surplus commodities disposal is surplus commodities. Is that reasonable?

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman.

Mr. JONES of Missouri. I do not think the Secretary said that specifically about St. Louis, and certainly nobody would argue they are eating as great a volume of surplus commodities in St. Louis under the food stamp plan as they did under a direct distribution. I do not think anybody would argue that. I certainly would not accept that argument. I would want to see some absolute proof and I do not think it could be furnished.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield so that I may defend my great city of St. Louis?

Mr. BELCHER. I yield to the gentlewoman.

Mrs. SULLIVAN. The figures I used on the increased consumption of food by participants under the pilot program referred to a survey made in Detroit, and not to St. Louis. The city of Detroit has many more people in the program—it has been in operation there from the very start—and probably has a better system than our State allowed us to adopt in our area. We are limited by State welfare standards. But I do want to tell you this. Under our pilot program, we have shaken down and shaken out many of the people who really should not have been getting free food under the direct distribution system. They are not getting it at this time because, in many instances, they should not have gotten it in the first place. That was not only true in St. Louis, as we discovered, but also in other pilot food stamp areas. Mr. SAYLOR testified on that before the Agriculture Committee. Furthermore, in St. Louis County, which surrounds the city of St. Louis, the requests for surplus commodities have decreased during the same period by some 40 percent. There is less unemployment now, and there are many factors that caused the reduction in the number of people seeking either free food in St. Louis County or going into the food stamp program in the city of St. Louis. The regulations set up originally were much too tight and stringent and we have been discussing and have been arguing about these regulations because they are still somewhat too rigid and they need more flexibility. But these things are being worked out. We had to show them that what the people pay for rent in St. Louis is not the same as the people pay for rent in other areas of Missouri or in most other cities. So adjustments were made.

Mr. BELCHER. Of course, I do not know anything about the figures, but it just occurs to me that 12,000 people eating anything they can buy in the grocery store will not dispose of as much surplus commodities as 63,000 people would if they got those commodities directly.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman.

Mr. COOLEY. Who has made any such absurd statement as that? The gentlewoman from Missouri [Mrs. Sullivan] did not say that and I believe the gentleman from Missouri [Mr. Jones] said the very opposite of that.

Mr. JONES of Missouri. I made that statement.

Mr. COOLEY. I am sure you did not. Did the gentleman say that 12,000 people were eating more than 63,000 people?

Mr. JONES of Missouri. No, I said that 12,000 were eating and there were 63,000 people before.

Mr. BELCHER. To get back to the point, the gentlewoman said there were 12,000, the gentleman from Missouri [Mr. Jones] said there were 11,000. But be the figure 11,000 or 12,000, I am still unable to understand how 12,000 people buying anything they can buy in the grocery stores are going to dispose of as much wheat, flour, and surplus commodities as 63,000 people would if they were led up to the trough.

Mrs. SULLIVAN. May I say to the gentleman, each month we have more people signing up for this program. The figure was 12,000, as of February. By April there may be a few thousand more. But I did not say that these 11,000 or 12,000 are eating more than the 60,000 or so people who were previously receiving free surplus commodities. But I do know the food is not now being wasted; it is not being thrown away or swapped for other things like beer or cigarettes, which has happened all over the country and I think many of the members with the direct distribution systems in operation in their districts will tell you.

Mr. BELCHER. I still understood the gentlewoman to say that the primary purpose was to move our surplus commodities. I still cannot understand why if they can buy anything in a grocery store it is going to dispose of more surplus commodities than you will if the only thing you can get in the grocery store is the surplus commodity itself.

Mrs. SULLIVAN. May I say to the gentleman that people do not eat feed grains. But people do eat meat, and the more meat they eat, the more feed grains are consumed. The people who are on the food stamp program are now buying meat which they could not afford to buy before. By buying more meat, they are helping to use up more feed grains fed to cattle. That means less surplus grain for storage purposes.

Mr. BELCHER. I understand that we are now importing most of that meat from Australia and New Zealand and I also understand that some of these people are getting sick eating too much tuna fish. I did not know that tuna fish was a surplus commodity and I did not know that Australian beef and New Zealand beef were in surplus.

Mr. HAGEN of California. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman.

Mr. HAGEN of California. I think the evidence is—and I think the Wall Street Journal had an article on this about a year ago—that most of the chiselers got out when the food stamp program went in because it involved putting up some of their own money. It is not your argument, is it, that these chiselers should go back on the program; is it?

Mr. BELCHER. I would not say that for one minute. I would not charge that the gentlewoman's home district of St. Louis has 51,000 chiselers who are getting surplus commodities. I would not make that kind of a charge. But you are making it and not I.

Mr. HAGEN of California. I am not making any charge. You said some are. The evidence was that the chiselers got out of the program. We had a big scandal here in Washington where it was found that some people hired a taxi driver to go out and pick the stuff up. It has happened elsewhere.

Mr. BELCHER. Are not the same people who are going to administer the food stamp plan the ones who are now administering the surplus commodities? Are not the local authorities going to take care of it?

Mr. HAGEN of California. They screen the recipients of the food stamp plan much more closely. That has been the history of the program. Apparently when there are available large quantities of flour, or corn meal—I do not know all the other things available, or whether they have peanut butter—they feel they must get rid of it, since it is sitting around, and they are not quite so careful as to who gets it.

Mr. BELCHER. Then do I correctly understand that they are not likely to give them as much tuna fish, and so on?

Mr. HAGEN of California. I believe the tuna fish example is atypical.

Mr. BELCHER. The gentleman said that the most horrible example was St. Louis, yet I understood that the gentlewoman was holding up St. Louis as a model of the program. I do not seem to be able to get it straight.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I am holding up the St. Louis program as a good program. It is being improved. The purchase requirements at first were much too high. Adjustments are being made. I believe they should be a bit more lenient in the regulations, and we are trying to get that done. But the program works and those who participate under it really like it.

I have not said that the people who receive the food stamps are eating more surplus food. They are eating more food. And a substantial amount of that food represents items in surplus. Also, I have not said that the thousands who used to get free food but who do not participate in the food stamp plan are all chislers. I say that many factors have entered into this, to lower the degree of participants in the food stamp plan compared to the free food handouts.

The eligibility is much more rigid under this type of program than it was before, because they are handling Federal money, and a lot of people who were at about the maximum income, in order to get free food would not find it worth while to sign up for the food stamp plan because they would receive so few bonus coupons, and would be limited in the use of their own money for other things.

Under the surplus commodities program, everybody who qualifies gets the same handouts. Under this program, the size of the subsidy depends upon the amount of need.

Mr. HOEVEN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. Findley].

Mr. FINDLEY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois

There was no objection.

Mr. FINDLEY. Mr. Chairman, I requested unanimous consent to proceed out of order because of the limitation of time we shall have for the consideration of the wheat-cotton bill tomorrow. We shall be limited to 1 hour at that time. It will be difficult to dig into all the phases of this complicated proposal.

Every Member of this body whose district produces wheat or feed grains, I feel certain, is interested in the effect the wheat certificate proposal will have on the farmers of his district.

If a Member's district produces feed grains or includes small wheatgrowers—and it is difficult to find a rural congressional district in which this is not true—the effect would be immediate and it would be adverse.

The bill will place the small wheat farmer in what I choose to call triple jeopardy.

Consider the plight of the farmer who was able to produce 15 acres of wheat in the 1963–64 season and to sell the wheat in a supported market at about $1.85 a bushel.

To be eligible for certificates under this program, this small farmer will first have to cut his base from 15 acres down to the most recent 3-year average. That is the first jeopardy.

Secondly, he must cut 10 percent below this adjusted base figure. That is a second jeopardy.

The area representing the cutback—in many cases but a fraction of an acre—must be placed in conserving uses, as defined by the Secretary of Agriculture. The farmer must make sure it is not pastured, nor can any kind of crop be harvested from it.

Third, if he fails to do this, he gets a very low price for his wheat. The price is forced low and kept low by the Secretary of Agriculture.

Small wheat farmers would be entitled to certificates only if they reduce their wheat acreage 10 percent below their most recent 3-year average and divert this small acreage into conserving or other special uses.

In view of the fact that most of them are in the winter wheat area, these farmers cannot participate in the program unless they conduct a drastic, expensive and wasteful plowdown.

Some of the Members may want to look at the figures as they affect wheat farmers in your State. I am sure you will be shocked at the high proportion of your wheat farmers who are adversely affected by this bill and subject to the triple jeopardy mentioned above.

At the proper time, when the committee rises, I will ask unanimous consent to place in the Record the figures I just mentioned.

The figures referred to are as follows:

Wheat farms

State	Allotments over 15 acres	Allotments 15 acres or less	Total number of wheat farms	Percent with allotments of 15 acres or less
	Thousands	*Thousands*	*Thousands*	
Michigan	15.0	98.0	113.0	87
New York	7.2	28.7	35.9	80
Ohio	28.9	110.0	138.9	79
Pennsylvania	12.7	65.0	77.7	83
Illinois	30.0	103.8	133.8	77
Indiana	22.0	90.0	112.0	80
Iowa	2.0	11.0	13.0	85
Minnesota	11.0	50.0	61.0	82
Missouri	24.0	105.5	129.5	81
Nebraska	50.0	30.8	80.8	38
South Dakota	30.0	16.1	46.1	35
Wisconsin	.3	10.0	10.3	100
Florida	.3	.7	1.0	70
Georgia	1.3	18.4	19.7	92
Kentucky	5.2	19.1	24.3	80
Maryland	3.6	10.0	13.6	71
North Carolina	2.3	80.9	83.2	97
South Carolina	1.3	34.3	35.6	95
Tennessee	2.3	26.4	28.7	91
Virginia	3.0	40.5	43.5	92
West Virginia	.4	4.1	4.5	91
Arkansas	.7	14.0	14.7	93
Alabama	.7	6.1	6.8	87
Louisiana	.5	.7	1.2	58
Mississippi	.7	2.4	3.1	77
Oklahoma	42.0	27.9	69.9	40
Texas	31.5	36.1	67.6	53
Arizona	1.5	0.6	2.1	29
California	3.1	3.2	6.3	51
Colorado	15.4	7.1	22.5	32
Kansas	99.6	43.5	143.1	30
New Mexico	2.6	2.2	4.8	46
Utah	2.7	9.0	11.7	75
Idaho	10.1	18.9	29.0	65
Montana	17.6	4.4	22.0	20
North Dakota	60.0	4.9	64.9	8
Oregon	5.6	11.2	16.8	66
Washington	9.3	6.7	16.0	42
Wyoming	2.3	1.1	3.4	32
U.S. total	558.7	1,153.3	1,712.0	67

Source: June 1963, "Wheat Situation Report," USDA.

The harmful effect of this bill on the small wheat farmer was forcibly stated by the gentleman from Minnesota, Mr. Humphrey, when he said during debate on this bill in the other body, and I am quoting directly from the Record:

> We should not overlook the position of the small wheatgrower, either. Nationally, 2 out of every 3 wheatgrowers harvest less than 15 acres; in many States, the proportion is 9 out of 10. Many of these growers of winter wheat will not be in a position to participate in a new program, because they already have planted more than their 3-year average, less 10 percent—the requirement for eligibility in this bill. Therefore, these hundreds of thousands of growers will have to depend on the free market this year for their income from wheat. No wheat legislation we could pass now could affect these hundreds of thousands of small wheat producers. The placing of a ceiling of 105 percent of the loan for these farmers will sharply reduce the wheat income of this substantial group, and also will sharply reduce farm income.

Actually this bill comes too late for the small wheatgrowers.

Thousands of small wheat farmers have already planted their fields on the assurance that no new wheat program would be enacted. It is not fair to put them in triple jeopardy. If this program was to be inflicted on them, it should have been passed early enough to avoid this triple jeopardy.

Congress has had plenty of time. The wheat referendum was rejected last May 21. Why was this decision put off for 11 long months?

Let us suppose the worst. Let us assume the program becomes law.

What happens to the feed grains farmer? He, too, is placed in jeopardy.

As mentioned above, thousands of small wheat farmers will not plow up their planted acres. Instead they will figure that marketing wheat at the Government-controlled low price—without certificates—is the lesser of two evils.

This decision, of course, will swell the supplies of wheat competing with feed grains. Considering the feeding value of wheat, the market prices would make wheat and corn competitive. This would tend to depress corn prices, and get feed grains into still deeper trouble.

So both the corn farmer and the small wheat farmer would be adversely affected by the wheat program. They would be far better off if no bill is passed.

Who would get the payments?

The lion's share of the certificate payments in this proposal would be gobbled up by the large wheatgrowers.

A million and a half wheat farmers representing 76 percent of all wheat producers could qualify at most for only 15 percent of the payments.

Three percent of the wheat farmers—the big fellows of course—would get nearly 40 percent of the payments, and 7.6 percent would get almost 60 percent.

Each of 1,300 wheat farmers would get Government payments averaging $14,615 a year.

The average for 1,391,000 small wheat farmers—$58 a year, if they qualify.

Here again I will ask unanimous consent to include extraneous matter to give you the full details on this breakdown.

The figures referred to are as follows:

Acreage allotment size group	Number of farms	Percent of total farms	Percent of total acreage and payment	Estimated [1] payment	Average payment per farm
0 to 25	1,391,400	76.5	15.1	$81,000,000	$58
25.1 to 50	162,300	8.9	10.4	56,000,000	345
50.1 to 100	127,800	7.0	16.2	87,000,000	680
100.1 to 200	83,100	4.6	21.8	117,000,000	1,407
200.1 to 300	28,100	1.5	12.5	67,000,000	2,384
300.1 to 500	17,700	1.0	12.1	65,000,000	3,672
500.1 to 1,000	7,000	.4	8.3	44,000,000	6,286
1,000.1 and over	1,300	.1	3.6	19,000,000	14,615

[1] Assumption: $350,000,000 domestic payments; $150,000,000 export payments and $35,000,000 diversion payments.

Source: February 1963 "Wheat Situation Report," USDA.

Mr. Chairman, just what kind of a reactionary farm bill is this which puts a tax on flour—a tax which hits poor people the hardest—and turns most of the proceeds over to the highest income wheat growers? This is Robin Hood in reverse.

Mr. HOEVEN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. Harvey].

Mr. HARVEY of Indiana. Mr. Chairman, I had not expected to speak on this measure. I listened attentively to the arguments that have been made on this bill and I was particularly happy to listen to the chairman's explanation of the bill. Also I listened with great interest to the gracious lady from Missouri [Mrs. Sullivan]. I have listened to her on many occasions on the subject of this bill and I am convinced that she is convinced that it is a good idea. I certainly do not want to impugn her motives in any way whatsoever. I am convinced that she is sincere in her support of this bill.

As one who has been a lifelong devotee of the welfare of agriculture and a student of its problems, I want to speak to you in the brief time that I have of some of the things that have brought this situation about. Most of the debate that we have listened to today has had to do with what is going to happen in 1965 and 1966 and 1967. But very few people have talked about what is going to be happening 10 or 20 or 30 years from now. I think the members of the so-called farm bloc, members of the Agriculture Committee, have in a sense failed to do that on many occasions in the past and it accounts for the fact that many of our programs have not been too well thought out, especially from the long-range viewpoint.

For example, I happen to have been one of the supporters of Public Law 480, and I still am. I thought that it was destined to fulfill a very worthwhile purpose. Now what has happened? The State Department, who opposed the program in the beginning, now has grabbed it off and are saying to us in essence, "You have to keep on generating these surpluses so we can use them as ammunition in the cold war." And so it seems to me that the best laid plans of mice and men "gang aft a-gley." In this instance it is the food stamp plan. I think we are walking right into the same kind of deal.

I listened to the very persuasive arguments of my friend from California [Mr. Holifield]. I always like to listen to him; we have worked together in the past very harmoniously. But he has a very clever way of attempting to put anybody who opposes this bill in the position of being opposed to anyone who wants to fight hunger; who wants to feed hungry people. I think that is really not a very fair position to put us in.

I want to say to my fellow Members of the House to listen and remember this well. If you pass this program, if you put it into practice, it will become a Gargantua you will live to repent. This will eventually become the most imposing, destructive, and expensive and socialistic scheme that was ever fastened upon our economy. Once you have embraced it and once you have started in upon such a program, I warn you there will be no turning back.

I had this same opinion when the pressure was put on us that we have three or four pilot programs. Now those fears are justified and what we do today will affect our moral stability in the decades ahead. It was merely a case of the camel getting his nose under the tent. We can see now where we are going.

Mr. Chairman, I believe, however manifestly charitable the immediate passage of this legislation may be, in the long run it will produce a sort of an albatross around our necks.

Mr. Chairman, I am for feeding hungry people, and I think we can do it in a way that will not continue a very vicious program tied in with vast political city machinery, which is what I contemplate will happen in this instance.

Mr. Chairman, I suppose, because I am sure that sort of an arrangement has been made to get enough votes to pass this bill in the House, it will pass, but it is not going to pass with my vote, and I can tell the members of the Committee that.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. HARVEY of Indiana. I yield to the gentleman from Ohio.

Mr. LATTA. I want to thank the gentleman for yielding to me.

Earlier in the debate when I spoke on this bill, I pointed out that of the 43 pilot areas, only 3 of these areas were located in congressional districts having Republican congressmen. I was brought up to date by the gentlewoman from Missouri [Mrs. Sullivan] when she pointed out that there were 6 Republican congressional districts of these 43 now having food stamp programs.

I would like to further comment on this, however. Of those six Republican districts that now have the food stamp program in effect, three of such districts were initially represented by Democratic Congressmen. I have reference to former Representative Breeding who is no longer here, former Representative Clem Miller who is no longer here, and former Representative Frazier of Tennessee who is no longer here.

These represent three of the six districts that are now Republican under the pilot program, which programs were started under Democratic congressional districts.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. HARVEY of Indiana. I am happy to yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I want to make a correction. I stated earlier that there were six, but there were eight Republican Members involved: Representative Don Clausen of California, Representative Dole of Kansas, Representatives Minshall and Mrs. Bolton of Ohio, Representatives Saylor and Fulton of Pennsylvania, Representative Brock of Tennessee, and Representative O'Konski of Wisconsin.

Mr. HARVEY of Indiana. Was this 11,000 or 12,000 we are talking about?

Mr. MATTHEWS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Rosenthal].

Mr. ROSENTHAL. Mr. Chairman, it is with some degree of trepidation that I find myself in the well of the House supporting a farm bill. But on the other hand it is with a great deal of pleasure and happiness that I can support this bill reported out of the Committee on Agriculture.

Mr. Chairman, in trying to look at and analyze the opposition to the bill from an objective point of view, I have reviewed the position taken by the 14 Members of the minority who have consistently been in opposition to the enactment of this bill. I think what they suffer is from a lack of pride of authorship. I do not mean this in a partisan way, but an objective way. However, they suffer from an apology of authorship. I think the key comes from the question that the distinguished gentleman who is the senior member of the minority group on the committee asked and what he said on page 20 of the hearings when he was questioning the Secretary of Agriculture as to the program. He said as follows. This is what the gentleman from Iowa [Mr. Hoeven] said:

> We are not opposed to bettering the diet of our people or giving them proper nourishment. If we are to have an expanded food stamp program, why is it not sponsored by the Department of Health, Education, and Welfare?

Mr. Chairman, it was at that point that the line of opposition first began and has been followed through to this very day and hour of debate.

Mr. Chairman, the answer seems to be, and it seems to me, that the Committee on Agriculture should no longer limit itself to the narrow parochial view, doing solely and exclusively what is good for the farmers of America. Surely, what is good for the farmers of America in many respects is what is good for the rest of the country. However, certainly the members of that committee should be equally concerned with food consumption. That is precisely the kind of bill we have before us today. Make no mistake about it, although the argument is going back and forth as to whether this bill will reduce surpluses, the intention of this proposed legislation is not necessarily to reduce surpluses. Anyone who urges here today that the motivating factor in the enactment of this legislation is to reduce surpluses is creating a myth which simply is not true.

Mr. Chairman, the intent of this bill which is expressed in the bill is to provide persons who are unable to provide for themselves an adequate nutritional diet and to provide for them the facilities to obtain, buy and consume the food that will make them healthy Americans. Coincidentally, with the intention of the bill, it will in addition help reduce the surplus.

On page 11 of the committee report there are about a dozen or more commodities listed with the experience of Detroit, Mich., showing the consumption of food under the direct commodity program and the consumption of food under the food stamp program. Insofar as meat was concerned, there was a 37-percent increase in consumption; insofar as poultry was concerned a 32- or 33-percent increase in consumption; and insofar as many, many other commodities were concerned there was a substantial increase in consumption.

Although I think we should recognize that this bill is aimed at furthering the welfare and the health of our citizens, at the same time we should recognize that coincidentally it does provide some assistance in disposing of the surpluses we have on hand.

I think that this bill is going to pass. The major issue is going to be, How are we going to deal with the Quie amendment? The gentleman from Minnesota, one of the most able and articulate members of the committee, did in fact convince the committee that it was wise to add his amendment which provides that any State that wanted to participate in this program would have to provide 50 percent of the funds for the program within that community or that State. It would seem to me that this amendment if it remains in the bill will in fact not only cripple the legislation, but make it hopeless and make it useless.

To cite a comparable example, in the Kerr-Mills Act, in which we have State participation, after 3 years and where 50 State legislatures had met during that period of time, only 28 States have come forward to participate in that program where State participation is required. What will happen in this legislation, as happened in that legislation, is that States where poverty is rampant, where the people can least afford it, and where the State itself has the least per-capita income and cannot voluntarily come into the program, will not be able to join and certainly will not join. An interesting analogy under the Kerr-Mills Act is that 88 percent of the $189 million of Federal funds allocated since the inception of that program went to five States, namely, California, Massachusetts, Michigan, New York, and Pennsylvania. Although my own State of New York, which up to date has not participated in this program, would be in position to share some of the cost of the program, certainly the majority of the State legislatures of those States that did not have the funds available would not come forward and take money away from other welfare purposes to join in this program. Therefore, if the Quie amendment remains in the bill then we will be enacting a piece of sham legislation.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Minnesota.

Mr. QUIE. If the gentleman will look at the States which are now under the stamp plan, he will see that it goes to States like California, which is probably ahead of your State of New York, or next to it, in the highest per capita income bracket. In States like Illinois, Indiana, Ohio, and Pennsylvania, although they have counties which are depressed, are not the poverty-ridden States. They rank with the highest in per capita income.

Mr. ROSENTHAL. The Secretary of Agriculture testified when he appeared before our committee that there were many reasons they chose a community for the pilot program. One of the considerations was the financial status of the community such as in Detroit and in Uniontown, Pa., where there was a low-level income community. Other communities were considered for other reasons, so the department could have a broad possible analysis of how the program would work, and although many different communities applied for it they were doing it with a feeling that the Federal Government would contribute 100 percent of the cost of the program.

Mr. QUIE. Does not the gentleman believe that California is as capable to finance a food stamp program as the U.S. Government?

Mr. ROSENTHAL. California might well be, although they have chosen one or two places in California for a pilot program. But the real test will come from the other 240 communities that have not been able to be included because of insufficient funds.

Mr. QUIE. When a State has sufficient funds, its citizens are able to pay taxes.

Mr. ROSENTHAL. You cannot pinpoint such a thing as that. It would seem to me that most State legislatures are not going to take money away from welfare or housing and hospital care to contribute to this program, where their State welfare programs are stretched to the limit. By our doing this at this time we will be getting away from the very good experience we have had with the pilot program. The experience under the Kerr-Mills program shows that the States will not participate, that they cannot participate.

Mr. HAGEN of California. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield.

Mr. HAGEN of California. I might say in answer to the gentleman from Minnesota that few, if any, States I know of conduct general welfare programs; rather, they are involved in the categorical aid programs with the Federal Government. I speak of old-age pensions, blind aid, aid to the disabled, and so forth. General welfare is the responsibility of the countries or the cities. There is only one area in California that has one of these pilots programs, and it is a depressed area, and so classified. There is no program of general State welfare in California, although they do contribute to the federally established categorical aid programs. General welfare programs have been conducted by the local units of government, the counties, rather than the State.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentlewoman from New York.

Mrs. KELLY. I want to express my appreciation to my colleague from New York for his support of this program and his efforts in its behalf. I also want to congratulate the gentlewoman from Missouri for sponsoring this program over the years. Is it not true that this program will help decrease the additional increase of surpluses by increasing the present consumption of food?

Mr. ROSENTHAL. I think there is no question that will happen. As the gentlewoman pointed out, in those areas where the program was in effect, there was an overall increase of about 8 percent in retail consumption, as shown on page 11 of the report, in every item except one, dried fruits and vegetables. There was a marked increase in consumption of food under the food stamp plan.

Mrs. KELLY. Will the gentleman put in the RECORD in his extension of remarks the additional consumption under the commodity program, the increase in consumption in Detroit, for instance? I think it would be helpful.

Mr. ROSENTHAL. When we are back in the House I will.

Quantities of specified foods consumed in a week for member of participating families, before and after initiation of Federal food stamp program, Detroit, Mich., 1961 [1]

Food	Under commodity program, April-May	Under food stamp program, September-October	Difference
	Pounds	*Pounds*	*Percent*
Meat	2.753	3.782	37.4
Poultry	1.014	1.348	32.9
Fish	.364	.471	29.4
Milk, cream, ice cream, and cheese [2]	7.372	7.438	.9
Shell eggs	.470	.550	17.0
Fats and oils	.863	1.027	19.0
Flour and other cereal products including bakery items	4.083	5.336	30.7
Sugars, sweets	1.143	1.230	7.6
Fresh vegetables	1.806	4.062	124.9
Potatoes, sweetpotatoes	1.875	1.973	5.2
Fresh fruits	1.564	2.618	67.4
Commercially frozen fruits and vegetables	.049	.096	95.9
Commercially canned fruits and vegetables	.824	1.085	31.7
Fruit and vegetable juices, fresh, frozen, canned, powdered	.307	.539	75.6
Dried fruits and vegetables	.354	.337	−4.8

[1] Before adjustment for seasonal changes in price and foods consumed. Includes home-produced, gift, and federally donated as well as purchased foods.

[2] Fluid milk equivalent.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Minnesota.

Mr. QUIE. I would like to have the gentleman inform the gentlewoman from New York what happened to butter consumption after the food stamp plan was started. Where there had been direct distribution of butter and replaced by a food stamp plan, butter has been almost entirely replaced by substitutes in the eligible households.

Mr. ROSENTHAL. In the Detroit area, they state under milk, cream, ice cream, and cheese, a fluid milk equivalent, an increase of 0.9 percent after the food stamp plan went into effect.

Mr. QUIE. Then conveniently they have not listed butter as a separate item because whenever direct distribution has been displaced by a food stamp plan, butter consumption goes down to virtually nothing on the part of food stamp recipients—the people who before were assisted by direct distribution. They then go to the store and buy the substitute. This is one of the things, about the food stamp plan, that we are not sure whether it is actually going to do away with the surpluses nor is it conceded that people will be eating as much wheat products. We do not know whether people will be eating as much bread as when they have flour under direct distribution.

Mr. ROSENTHAL. When they purchase, let us say, twice as much food they are going to be using much more. I am sorry if, in the district or in the gentleman's area, butter is a major product and the consumption of butter may be decreased, but I would not think the gentleman would determine what he would do with reference to this legislation on the basis of that one item alone. I would think the overall general welfare would be the main thing that would influence the gentleman's position on this legislation.

Mr. QUIE. I commend the gentleman on his statement that this is a welfare program. It is no longer a program for the distribution of surplus foods and it should be looked at as a welfare program, and I will develop that on my own time later.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOEVEN. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, as more and more legislation of broad character is considered by the Congress, it seems to me, at least, that we are simply granting our authority to the executive branch of government. This bill, as it stands, is an excellent illustration of just that sort of thing. If we turn to page 4 of the bill and read section 4, it starts out "The Secretary is authorized to formulate and administer a food stamp program"—not the Congress but the Secretary. Not the legislative branch of Government, but the executive branch.

Then over on page 5, we start out and very happily note that each State shall establish standards to determine the eligibility of applicant households. Well, that looks good. That looks as though that was something that was going to be left to the States to determine. But going down to the last sentence in that paragraph, it is to be noted that the standards of eligibility to be used by each State shall be subject to the approval of the Secretary.

There again, Mr. Chairman, we are centralizing authority in the Secretary. This happens to be the Secretary of Agriculture. In my opinion, if this program is to be put into effect, it should be put into effect by the Secretary of Health, Education, and Welfare because this is admittedly a welfare program, and as it stands we, I think, for the first time, are placing the Department of Agriculture into a full fledged general welfare program. I think it is wrong. If we are to have any concern for the proper organization of government, this program should be in the Department of Health, Education, and Welfare. It should not be in the Department of Agriculture; it is not a farm program.

Mr. HAGEN of California. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman.

Mr. HAGEN of California. Assuming that this were in HEW, would you be any more inclined to support it?

Mr. HUTCHINSON. I would answer the gentleman from California in this way, that the bill would require a considerable amount of further amendment. But I think it would improve the bill and I would be somewhat happier with it if it were in HEW.

Mr. HAGEN of California. With respect to the very element that you mentioned, I do not recall any amendments and there were some 63 amendments adopted to this bill in its progress through our committee, which would have spelled out in every detail the regulations that the Secretary would administer and so forth. It is totally impossible to do that in a congressional committee and in a Congress itself. There is no more delegation of power here than there is in a hundred other programs that the Federal Government operates.

Mr. HUTCHINSON. I would answer the gentleman by saying that there is too much delegation of power, nevertheless. Congress should do a better job of attempting to hold unto itself a control over the legislative power in this Government.

It has been argued during this debate that the program will apply to areas. I do not know what "areas" are. "Areas" are not defined.

Reference has been made to communities. Perhaps it is the intention that this program will be permitted in certain portions of States and not in others. It is not clear to me now exactly who will determine in what portions of what States the program will be permitted, unless it is to be a determination by the Secretary of Agriculture.

The language of the bill says that there shall be a State agency which shall have responsibility for the certification of applicant households and for the issuance of coupons. There shall be a State agency for that. It is quite clear to me that it is intended to apply statewide, and not community by community.

The term "State agency" in the bill is defined as the agency of the State government which has responsibility for the administration of federally aided public assistance programs; and it seems quite clear that that is a welfare agency, not an agricultural agency. Again I say that this is a welfare bill and not an agricultural bill.

On page 9 of the bill, starting at line 16, there is a proviso which is very troublesome to me. At a proper time I intend to offer an amendment to amend the language. The proviso is:

> *Provided,* That the State agency may, subject to approval by the Secretary, delegate its responsibility in connection with the issuance of coupons to another agency of the State government.

This is an illustration of the Congress of the United States unnecessarily and quite improperly interfering with the internal operation of the State government. Right here we would completely upset State budgetary practices. If, according to a State law, the department of social welfare of a State, let us say, had appropriated funds with which to carry on this particular food stamp program, under this proviso and this language, I submit—since Federal law supposedly is superior to State law at every point—it would be possible for that State agency, without any regard for the legislature at all, to delegate its authority to another agency. I believe it would be interfering unnecessarily with the internal operation of a State government. Certainly at this point this bill must be corrected, if we have any respect for our States at all.

The bill is clearly intended to go far beyond the needs of people who are participating in present welfare programs, because under the language on page 16 of the bill the Secretary would be authorized to cooperate with State agencies in the certification of households which are not receiving any type of public assistance, and under those circumstances there would be a formula for the Federal Government to pay 50 percent of additional administrative costs to broaden that program.

All of it, in the end, seems to be tied up completely with the discretion, perhaps the political motivations, of whoever happens to be Secretary of Agriculture.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from California.

Mr. TEAGUE of California. I just want to state for the RECORD that I should like to compliment the gentleman from Michigan for the splendid statement he has made and also to express my agreement with him in being opposed to the bill for the several excellent reasons he has given.

Mr. HUTCHINSON. I thank the gentleman from California [Mr. TEAGUE].

There is one further point that I would desire to make at this time, and that is this: If this bill is enacted, presumably then, we will have this permanent food stamp program on the books financed through the appropriation procedures of the Congress, but at the same time we will also have on the books legislation authorizing the Secretary of Agriculture to carry on a similar program with section 32 funds. If the Secretary of Agriculture should believe the Congress did not appropriate enough money, for the food stamp program, he would be in a position to supplement it with section 32 funds. If we are going to have this permanent food stamp program, we should cut off his right to use these section 32 funds for this program. Otherwise, I submit, the congressional will and the Appropriations Committee control will be completely superseded.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MATTHEWS. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Chairman and members of the committee, I rise in support of this legislation. I have listened with a great deal of interest to the debate which has occurred on the bill so far. I listened with a great deal of interest to the debate that occurred upon the rule, and I heard some Members talking about a deal that had been made.

Some implied that this bill might be connected with another piece of legislation that might be brought up later in the week. There was an implication left, at least in my mind, by some of the Members who spoke, that such things were new and that such things indicated that our form of government was changing. I just wonder, how good a student of American history those people are, who talk about those things today.

I would like to remind all of you to go back to the Congress of the United States that met in the great city of Philadelphia in 1790, in the early days of this country. You will recall that Philadelphia was the Capital of the United States at that time. There was a great deal of talk among the Northern States about the fact that they would like to move the Capital out of the great metropolitan area of Philadelphia, out into the countryland of Pennsylvania. A section was chosen on the banks of the Susquehanna River, and the Federal Government bought a tract of land, and there the Capital of the United States was to be built. However, it seems in that Congress there was a gentleman who came from New York. He is now, today, and was then, recognized as one of the great statesmen of all times—Alexander Hamilton. Alexander Hamilton had an idea that the States which had participated in the rebellion were all finding themselves in difficulty. There were riots in Massachusetts, there were people in Rhode Island who had risen in rebellion against the authority because of their heavy State debt. Mr. Hamilton's idea was that it would be very, very popular and very, very profitable and would help to pull together these 13 States in a new country, to have the Federal Government assume all of the debts of the rebellion that had been incurred by all of the States. And so he made a deal with the congressional delegation from Pennsylvania. And what was the deal? If the delegation from Pennsylvania would vote for the relocation of the Capital of the United States in the South, on the banks of the

Potomac, the delegation from Virginia would support the proposition of assuming all of the debts of all of the States that participated in the rebellion. And on the 16th day of July, 1790, the Relocation Act was passed and Washington, now Washington, D.C., became the Capital of the United States. And on August 4, 1790, the Assumption Act was passed and the U.S. Government assumed all of the responsibility and all of the debts that all of the individual States and Colonies had incurred during the rebellion.

So that if somebody has made a deal with regard to this bill today, and another one that may be called up later this week, I just want to say that the Republic has existed from 1790 with deals being made, and it is going to continue to exist for a long, long time even though another deal has been made.

Mr. GROSS. And all that happened in Philadelphia?

Mr. SAYLOR. It happened in Philadelphia. And I do not know anybody who wants to move the Capital from Washington, D.C.; and we have had a great National Government since that time, and I am sure it will continue to grow for years.

Mr. Chairman, there has been a lot of talk as to whether or not this is a welfare program or whether or not it is a program to assist farmers. I never knew of a welfare department that produced any food. Welfare departments merely handle money and enable people who are in need of relief to get it. Food is produced by farmers. The basic purpose of this act is to enable those people who must look to relief agencies for the manner in which to get their food, as a matter of supplementing what they otherwise have of the necessities of life. I can tell you from my personal experience, because one of these food stamp programs has been put in effect in one of the counties that I represent.

At the time the committee held hearings I asked the people in my home county who handled this program whether or not they approved it. Here is a letter from Mr. Edward R. Golob, the executive director of the relief agency in Johnstown, Pa. His letter will tell you of the success the people have had in handling that program.

> DEAR MR. SAYLOR: Thank you for your letter of May 20, giving me an opportunity to comment on the Federal food stamp plan.
>
> We who are responsible for administering the plan in Cambria County favor it tremendously over the direct distribution plan; the beneficiaries of the program almost unanimously favor it; and, the business community likes it very much.
>
> We like the stamp plan because it more adequately provides for the welfare of the individual through better nutrition; it takes Government out of competition with private business because the plan is operated through the regular channels of commerce and finance; it eliminates inadvertent and unintentional waste; it is dignified; and it is convenient.
>
> Through this plan the eligible consumer buys what he wants, when he wants it or needs it. He can always have fresh foodstuffs in his home. Through this plan he can vary his diet.
>
> Under the direct distribution plan, people, many poorly clothed and some perhaps ill, had to stand in long queues on specified days (rain or snow) and at specified hours (or miss out), with boxes, baskets, or some other type of container to receive and lug home their surplus food items. The selection was limited to possibly three or four different items. Common items were cornmeal, cheese, dried milk, rice, etc. They were given impractical large amounts of the same item because the distribution was made only once a month, and it was, I guess, intended to be a month's supply. I've heard of families getting 20 pounds and more of cheese and large amounts of cornmeal and dried milk, which many children didn't like and didn't drink. You can only use so much milk in cooking. The first month 20 pounds of cheese or cornmeal or rice was not bad. It was probably relished. The second month it was OK, but by the third month, and after, you could hardly look at it, let alone eat it. So you gave it away or threw it away—a terrible waste. Then there was spoilage to contend with because many of the poor did not have adequate refrigeration to cope with large amounts of perishables.
>
> This plan involved an additional extra cost to the taxpayer in that you had to set up storage, refrigeration, transportation, and a staff to receive, store, and distribute the food. The sad part of this in addition to the above noted and other disadvantages was that this was all in direct (unintentional, but the nature of the beast) competition with the retail merchant. This plan adds nothing to the economy but takes from it to the extent of the additional costs to set up and staff a highly inefficient duplicate distribution system.
>
> In contrast, the food stamp plan uses the regularly established and highly experienced and efficient channels of commerce and finance.
>
> The food coupons (stamps) are bought by eligible participants at regularly established commercial banks. The participants then use these coupons in any approved retail outlet. This can be with any store, the milkman or the breadman.
>
> The participant can buy with these coupons any edible domestic food product. Through the increased purchasing power of the individual because of the bonus coupons, more food products are moved through normal trade channels from the farm to the consumer. This should help reduce farm surpluses. The individual can buy what he wants when he wants it, and only as much as he needs or will and can use. Waste and spoilage is reduced to what occurs in any normal household. Deliberate waste and unpreventable spoilage, however, is eliminated.
>
> The food stamp plan is an accountable system which is apparently not the case with the direct distribution plan. Eligibility is determined according to rules by an experienced staff. Under the direct distribution plan in Cambria County some 40,000 persons were certified as eligible and participating in the program. Under the food stamp plan this number has been reduced to less than 14,000 persons.
>
> Newspapers, daily and weekly; radio, Johnstown, Ebensburg, Portage, and Barnesboro; television; and throwaway pamphlets were all used to publicize the program. People should know about it. So this is not the reason for the reduced number of people participating in this program.
>
> The banks seem to like the plan because it brings people into their institution, it is a service to some of their customers (low- and marginal-income families ineligible for public assistance are eligible for food coupons), and they are paid a fee of 35 cents for each transaction. To date, from March 1 to May 15, the banks have earned $5,773.95. This is new money in the county; that is an addition to the local economy.
>
> The stores like it because it has increased their business. It is helping to get some of their accounts on a cash basis. Food coupons may not be used to pay back bills and may be used only for cash transactions; but the increased purchasing power with the bonus coupons makes it possible to pay a little on back bills from remaining cash on hand.
>
> It is perhaps too early to establish how much increase there is in business or in what food products. However, I've heard that some stores have had to hire extra "carry out" help, one large store in Johnstown, the first Saturday after the start of the plan on March 1, claimed its best food department day in months, and there have been no complaints.
>
> From March 1 to May 15 eligible participants have purchased from their own cash $443,589 food coupons; in turn they received $678,197 worth of coupons which represents a total of $234,608 increased purchasing power and new money in the community. This is another addition to the economy.
>
> I have heard that in one, maybe more, of the pilot stamp areas the community reduced its own public assistance grant equal to the value of the bonus coupons. In my opinion this is not "cricket." You lose any of the benefits to participants, retailer, and farmer through increased purchasing power. To do this only transfers to the Federal Government in an indirect way an additional portion of the cost of public assistance. Such a move defeats the entire purpose of the food stamp plan because it negates any increased food purchasing power. I would recommend strongly that any legislation would include prohibitions against such action by the State or local community. It will be of interest to you to know that the receipt of food stamps has been the difference in a family coming onto the assistance rolls and being able to stay off them. This is a happy experience for our staff.
>
> The vast preponderance of the participants like the plan and have expressed themselves as follows: "like food stamps," "manage better," "better than surplus food," "children can have fresh milk," "first time we've had fresh fruit and fruit juices in years," "now I can buy lunch meat for school lunch," "first time we've had bacon (a side, not sliced) in years," and many more similar comments. It has been a morale building experience especially for mother and child. For the mother because she can now feed her family with some imagination, variety, and higher standard, including some meat for a decent Sunday meal; and for the children in school, a lunch with some meat, maybe fruit, and even a cookie, like the other children have, and not just a jelly bread sandwich gobbled in secret and embarrassment and boredom.
>
> Older people have commented to our caseworkers that now they can purchase food they can eat. People with special diets can buy some if not all the foods they should have in their diet.
>
> My staff and I highly commend to you the food stamp plan for its dignity, its convenience, its purpose, and its economy over the surplus food direct distribution plan. In no way should the school lunch program be affected. With regard to this program though, it seems to me that there should be a stronger requirement that children of indigent or low-income families be provided lunches without cost and that paid school employees not be allowed the lunch at a low cost.
>
> Sincerely yours,
>
> EDWARD R. GOLOB,
> *Executive Director.*

I saw Mr. Golob last week and I asked him whether or not he was of the same opinion now as he was when he wrote the original letter. He told me that he was not only in favor of it then but he was a great deal more in favor of it now.

He wrote me a letter and I would like to read it. It is addressed to me and it states:

CAMBRIA COUNTY BOARD OF ASSISTANCE,
Johnstown, Pa., April 2, 1964.
Hon. JOHN P. SAYLOR,
Congress of the United States,
Washington, D.C.

DEAR MR. SAYLOR: Last year, in May, you invited me to comment on the Federal food stamp plan. I did in a letter to you which you apparently found useful. We now have had a year's experience with the plan. I thought you might be interested in my current estimate of it as a result of our experience.

I want to reaffirm all that I said in my previous letter to you. The plan is much preferred by all—people and business—over the direct distribution of surplus food plan. It is dignified, it is efficient, it is auditable—there is no waste. It recognizes the dignity of man, takes government out of competition with business.

It seems to me that the latter is a matter that should be given more consideration. Income from the food stamp plan has been the difference for some small retailers of being able to continue in business or hanging up the "out of business" sign. As long as he stays in business he will pay taxes; he will buy more from the wholesaler, who because of increased business will pay more taxes; and so on back through the processor to the farmer. This then is not only an assist to the farmer because of an increased demand for his products and to the individual by increasing his food purchasing power, but to business too. All benefit by this plan, including government through tax receipts. Can the same be said for the direct distribution of surplus food plan?

For the year March 1, 1963 through February 29, 1964, in Cambria County, there was a total of 64,754 purchases of food coupons from 28 banking outlets in the county. The Commonwealth of Pennsylvania pays each bank a fee of 35 cents for each sale. The banks therefore earned $22,663.90—new money in the community. The banks sold a total of $2,583,817 worth of food stamps. Of this amount participants paid $1,691,593 in cash and the difference of $890,774 was new money in the community because of the bonus stamps to be redeemed by the Department of Agriculture.

I think it should be noted that the use of the food stamp plan made it possible for some marginal income families to stay off the assistance rolls—a savings in matching funds from the Federal Government. It acts as a cushion against inflation for persons with fixed incomes such as social security benefits, private pensions, veteran's benefits, unemployment compensation, and the like.

Recapitulating, people like this plan because it is dignified, it is practical, it permits freedom of selection of foodstuffs, it is not wasteful; business (retailers, wholesalers, processors, transportation) likes it because it has increased their business; the farmer should like it because there is a greater demand for his products. In time, like water seeking its own level, the farmer will switch his efforts from producing items in surplus to items in demand.

We have experienced two basic complaints: (1) Some aged persons tell us they "can't eat this much food"; (2) some people during the winter months, in poor housing, have large heating costs and don't have enough money left with which to buy the required amount of food stamps for their income and size family.

This latter complaint is one of regulation. I have reported it to the proper officials for consideration in modifying the rules. Whether something will be done about it I don't know, but it is a real dollar and cents problem. The complaint of some of the older persons we have discussed with our medical consultant. He informs us that it isn't that this is too much food for them but rather that they don't want to bother preparing food.

In contrast, we do have many older people who are thrilled with the plan, and what it enables them to do, by participating in it. Families with children can't praise it enough.

Sincerely yours,

EDWARD R. GOLOB,
Executive Director.

When I appeared as a witness before the Committee on Agriculture of the House of Representatives on Tuesday, June 11, 1963, I was asked a number of questions by the members of the committee with regard to the operation of the pilot plan in Cambria County, Pa. The colloquoy between myself and members of the committee appears on pages 56 through 59 on the printed hearings on H.R. 5733, serial 0, food stamp plan.

Mr. Golob, after reading the testimony, forwarded another letter to me which I believe fully explains how this program has operated in Cambria County, Pa. His letter, and substantiating data, are as follows:

CAMBRIA COUNTY BOARD OF ASSISTANCE,
Johnstown, Pa., April 2, 1964.

DEAR JOHN: I'd like to comment informally on some of the questions asked you the last time you testified before the committee.

One question was, why there was so large a difference in the number of participants—40,000 direct distribution plan and only 14,000 food stamp plan.

May I suggest that the direct distribution plan was administered with only two or three untrained paid staff and the others were all volunteers. They were neither skilled nor trained in interviewing and verifying resources. Maybe they were timid in pressing for information. They accepted any visible piece of paper without understanding it. For example, one case comes to mind because it happened to us when we transferred to food stamp. The person showed a 15-year-old social security benefit award letter, although benefits had been increased in the meantime. We required verification of current benefits. The volunteer would have no knowledge of such increased benefits. Another case, a person showed us a $40 a month pension check but we found $9,000 in a bank account to which no interest had been added for 6 or 7 years. She was ineligible, and we advised her to get the interest added, etc. Volunteers had declared her eligible.

Our determination of eligibility is professional by trained personnel; the previous determination was by good intentioned but untrained and inexperienced people who did not want to hurt anyone's feelings.

Another question was how much the banks earned. They are paid 35 cents a transaction, which is for the sale of the proper amount of coupons. It makes no difference if it is a $10, $35 or $100 sale. The fee is to cover the bank's expense of storage of coupons, time of personnel in making sale and necessary reports and mailing costs.

If a bank has 10 transactions in a month they would be paid $3.50 for their work. If they had 100 transactions the following month they would be paid $35.

The Westmont Branch of the U.S. National Bank averages about 66 transactions a month and this earns an average of $23.10 a month. The main office of the Johnstown Bank & Trust Co. averages 624 transactions a month; they earn an average of $218.40 a month.

Who may participate in the plan? It depends on size of family and income. All families on assistance are eligible if they wish to participate. They use a part and not all of their food allowance to purchase the stamps.

For example, a family of four can get a maximum assistance grant of $157. Of this amount $88 is for food. The food stamp plan requires that they use $60 of the $88 for buying stamps. For $60 they get $90 worth of stamps—a $30 increase in food purchasing power. Of the original $88 they still have $28 remaining for coffee, tea, soaps, household supplies or imported edibles.

There is no $50 minimum. You pay according to income and number of persons dependent on that income. For example, again, this family of four would only pay $3 cash for $25 worth of stamps if their income was less than $20; if their income was between $90–$100 they would pay $20 for $38 worth of stamps, etc. It is graduated. See attached charts.

Finally, who should bear cost—welfare or agriculture. Let us face it; this is a program to move farm goods. Fortunately we can do this by encouraging people and making it possible for them to buy more food—be it meat, dairy products or vegetables. My personal opinion therefore is that this is an agricultural program and not a welfare program. The beauty of the plan is that two purposes are accomplished with the same dollar of expenditure—you move farm products by improving the diet of a low-income family.

Cordially,

EDWARD R. GOLOB.

Basis of semimonthly issuance, food stamp program

1-PERSON HOUSEHOLD

Monthly income	Cash required	Total coupons
0 to $19.99	$2	$7
$20 to $29.99	4	8
$30 to $39.99	5	9
$40 to $49.99	6	9
$50 to $59.99	7	10
$60 to $79.99	8	11
$80 to $99.99	9	12
$100 to $109.99	10	13

2-PERSON HOUSEHOLD

0 to $19.99	$2	$12
$20 to $29.99	4	14
$30 to $39.99	6	15
$40 to $49.99	8	17
$50 to $59.99	9	18
$60 to $69.99	10	19
$70 to $79.99	12	20
$80 to $99.99	14	22
$100 to $119.99	16	24
$120 to $139.99	18	25
$140 to $159.99	20	26
$160 to $169.99	22	27

3-PERSON HOUSEHOLD

0 to $19.99	$3	$19
$20 to $29.99	5	21
$30 to $39.99	7	22
$40 to $49.99	9	24
$50 to $59.99	11	25
$60 to $69.99	13	27
$70 to $79.99	15	28
$80 to $89.99	17	30
$90 to $99.99	19	31
$100 to $119.99	21	33
$120 to $139.99	24	35
$140 to $159.99	27	37
$160 to $179.99	30	39
$180 to $199.99	33	41
$200 to $204.99	35	42

Basis of semimonthly issuance, food stamp program—Continued

4-PERSON HOUSEHOLD

Monthly income	Cash required	Total coupons
0 to $19.99	$3	$25
$20 to $29.99	5	26
$30 to $39.99	7	28
$40 to $49.99	10	30
$50 to $59.99	12	32
$60 to $69.99	14	33
$70 to $79.99	16	35
$80 to $89.99	18	36
$90 to $99.99	20	38
$100 to $109.99	22	39
$110 to $119.99	24	41
$120 to $139.99	27	43
$140 to $159.99	30	45
$160 to $179.99	33	47
$180 to $199.99	35	48
$200 to $219.99	37	49
$220 to $239.99	39	50
$240 to $244.99	41	51

9-PERSON HOUSEHOLD

0 to $29.99	$5	$43
$30 to $39.99	7	44
$40 to $49.99	10	46
$50 to $59.99	12	48
$60 to $69.99	15	50
$70 to $79.99	17	52
$80 to $89.99	20	54
$90 to $99.99	22	56
$100 to $109.99	25	58
$110 to $119.99	27	60
$120 to $129.99	30	62
$130 to $139.99	32	64
$140 to $149.99	35	66
$150 to $159.99	37	68
$160 to $179.99	40	70
$180 to $199.99	43	72
$200 to $219.99	46	74
$220 to $239.99	49	76
$240 to $259.99	52	78
$260 to $279.99	55	80
$280 to $299.99	57	81
$300 to $319.99	59	82
$320 to $339.99	61	83
$340 to $359.99	63	84
$360 to $379.99	65	85
$380 to $399.99	66	86
$400 to $419.99	67	86
$420 to $424.99	68	87

10-PERSON HOUSEHOLD

0 to $29.99	$5	$45
$30 to $39.99	7	46
$40 to $49.99	10	48
$50 to $59.99	12	50
$60 to $69.99	15	52
$70 to $79.99	17	54
$80 to $89.99	20	56
$90 to $99.99	22	58
$100 to $109.99	25	60
$110 to $119.99	27	62
$120 to $129.99	30	64
$130 to $139.99	32	66
$140 to $149.99	35	68
$150 to $159.99	37	70
$160 to $179.99	40	72
$180 to $199.99	43	74
$200 to $219.00	46	76
$220 to $239.99	49	78
$240 to $259.99	52	80
$260 to $279.99	55	82
$280 to $299.99	57	83
$300 to $319.99	59	84
$320 to $339.99	61	85
$340 to $359.99	63	86
$360 to $379.99	65	87
$380 to $399.99	67	88
$400 to $419.99	69	89
$420 to $439.99	70	90
$440 to $459.99	71	91

NOTE.—Families in excess of 10 persons: The cash required is the same as shown by income levels for a family of 10, with a maximum semimonthly of $71. The total of coupons is the same as shown by income levels for a family of 10 plus $2 semimonthly for each person in excess of 10.

Basis of semimonthly issuance, food stamp program—Continued

EXCLUSION POINTS, INCOME AND ASSETS

Persons in household	Monthly income limitation	Assets limitation
1	$110	$330
2	170	510
3	205	615
4	245	735
5	280	840
6	315	945
7	350	1,050
8	390	1,170
9	425	1,275
10	[1] 460	[2] 1,380

[1] For each additional member of household add $30.

[2] For each additional household member add $90.

FOOD STAMP PROGRAM: FACTS FOR FAMILIES WHO WANT FOOD COUPONS

(Informational leaflet No. 9)

PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE AND U.S. DEPARTMENT OF AGRICULTURE, DECEMBER 1962

FOOD STAMP PROGRAM

REASONS FOR THE FOOD STAMP PROGRAM

The program makes possible for low-income families to buy better foods and more foods, to have more satisfying and better balanced meals, to select the foods they want.

The program increases business for food outlets in the county, and in this way helps other business.

WHAT FOODS CAN FAMILIES BUY WITH THE COUPONS?

All foods for human use may be bought with food coupons except alcoholic beverages, tobacco, coffee, tea, cocoa (as such), bananas, and all imported foods where the package clearly indicates the food is imported.

You cannot use food coupons to buy pet foods, nonfood items such as soaps, household supplies and equipment, or any other nonedible items.

You cannot use food coupons to buy "lunch counter" or prepared foods for eating on the premises.

WHERE CAN FAMILIES BUY FOOD WITH COUPONS?

In any retail grocery store, supermarket, dairy, or bakery in the county that participates in the program.

From any food home delivery service in the county that participates in the program.

Food coupons cannot be sold or given away.

Food coupons cannot be used for any purpose except to buy food.

Do not remove food coupons from the coupon book until you use the coupons to buy food.

HOW FAMILIES EAT BETTER BY GETTING FOOD COUPONS

You pay for some food coupons and at the same time you get extra ones free. This way you are able to buy more food.

You must buy and pay for the coupons regularly twice a month. If you miss buying more than once, you will have to apply again before you are allowed to buy any more.

You buy and pay for the same amount of coupons each time. And each time you get the same amount of free coupons.

The amount of coupons you buy and the amount you get free depend on the amount of your income and the size of your family.

EXAMPLES

A family of four with $120 gross monthly income must buy $27 worth of coupons twice a month to get $16 worth of coupons free each time.

A family of six with $185 gross monthly income must buy $40 worth of coupons twice a month to get $21 worth of coupons free each time.

A family of 10 with $400 gross monthly income must buy $69 worth of coupons twice a month to get $20 worth of coupons free each time.

Families with very little income will get free coupons without paying for any.

DENOMINATIONS OF FOOD COUPONS

There are 50-cent coupons and $2 coupons. They come in coupon books worth $2, $3, $10, $20.

Your eligibility for food coupons depends on monthly gross income, liquid assets, number of persons in the household.

A household with income or liquid assets higher than the amounts listed below is not entitled to food coupons.

Number of persons in household	Gross monthly income limit	Liquid assets limit
1	$110	$330
2	170	510
3	205	615
4	245	735
5	280	840
6	315	945
7	350	1,050
8	390	1,170
9	425	1,275
10	460	1,380

For a household of more than 10 persons. Add for each additional person, $30 gross monthly income, $90 liquid assets.

Income means money you get again and again—like wages, pensions, unemployment compensation, social security benefits, disability payments, public assistance.

Liquid assets are cash you have on hand or in the bank, and U.S. savings bonds.

Household is any group of persons who live in the same unit, share food costs, and eat together.

TO BE ENTITLED TO FOOD COUPONS

You have to be living in a county having a stamp program.

You have to have cooking facilities in your home.

YOU ARE NOT ENTITLED TO FOOD COUPONS

If you are eating all your meals in restaurants.

If you are boarding.

If you are in a nursing home.

APPLYING FOR FOOD COUPONS

WHO APPLIES

The head of the household is the one who should apply. If he is unable to, the wife or other adult member of the family may.

WHERE AND HOW TO APPLY

You apply in person at the office of the county board of assistance of the county in which you live.

To help us decide if you are eligible, we will ask you to tell us your name and address; whether you have cooking facilities; how many persons are in your household, and what income and other liquid assets each one has. We will also ask you to show us the kinds of papers listed below.

PAPERS TO BRING WHEN YOU APPLY

Please bring with you when you apply:

1. Social security card—driver's license—or other personal identification.
2. Rent receipts or records of mortgage payments.

3. The following records to show the income and other liquid assets of each member of the household:

a. State Employment Service Registration card for unemployment compensation.

b. Letter of award for social security.

c. Names and address of people or companies each one works for. Latest pay stubs, too, if you have them for wages.

d. Letter or notice for workmen's compensation, veteran's benefits pension.

e. Bank book for savings account, checking account.

f. The number of U.S. savings bonds (series E) which you have and the amount you paid for each bond.

IF YOU ARE ELIGIBLE

If you are eligible for food coupons, you will get:

Identification card for Federal food coupons: The head of the household or the person applying in his place must sign the identification card. The identification card may not be sold or given to anyone. You must carry your identification card with you each time you buy coupons and get free coupons, each time you buy food with coupons.

FOOD COUPON AUTHORIZATION

If you are eligible for food coupons, you will get a food coupon authorization twice a month. It will show the cash you must pay, the total amount of food coupons you will get, and when you must buy the coupons.

Most banks in the county will sell coupons. You must show the food coupon authorization and the identification card each time you get coupons.

Mr. Chairman, I certainly hope that the House will pass this bill tomorrow when we have an opportunity to vote on the food stamp plan.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I would be happy to yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I would like to ask the gentleman from Pennsylvania whether or not his State which is now under the pilot plan could stand the 50–50 provision as contained in the bill?

Mr. SAYLOR. The State of Pennsylvania could not at this time stand that 50–50 provision and I shall support the amendment which will be offered by the gentleman from North Carolina [Mr. COOLEY] to remove that provision. A few days ago, I received a letter from the Honorable Arlin M. Adams, secretary of the Department of Public Welfare affirming this position. His letter is as follows:

DEPARTMENT OF PUBLIC WELFARE,
Harrisburg, March 24, 1964.

Hon. JOHN P. SAYLOR,
The House of Representatives, Congress of the United States, Washington, D.C.

DEAR CONGRESSMAN SAYLOR: H.R. 10222—the Food Stamp Act of 1964—was reported favorably by the House of Representatives Committee on Agriculture on March 9, 1964. On March 19, 1964, the Committee on Rules granted an open rule, with 4 hours of debate on this bill.

This bill would make the food stamp program permanent and expand it into every locality for which a State public assistance agency requests the program.

A major change from the present program is contained in section 16(b) of H.R. 10222. This would require the State to pay 50 percent of the cost of the free coupons. Presently the Federal Government pays the entire cost of the free coupons.

The present food stamp program has been so successful in the four pilot program areas in Pennsylvania (city of Pittsburgh and counties of Cambria, Fayette, and Luzerne) that we would welcome its continuation in these areas and expansion to other parts of the State. However, payment of 50 percent of the costs of the free coupons would mean a heavy financial burden for Pennsylvania for which we are not prepared. The State budget contains no funds for this purpose and revision of the budget would require reduction of essential expenditures for other necessary programs.

The following cost estimates are based upon our experience in the four areas in Pennsylvania where the food stamp program is in operation:

Annual Pennsylvania costs for food-stamp program

	Administration	Coupons	Total
Without State payment for free coupons:			
Present 4 areas	$500,000	0	$500,000
Entire State	4,000,000	0	4,000,000
With 50 percent State payment for free coupons:			
Present 4 areas	500,000	$3,000,000	3,500,000
Entire State	4,000,000	30,000,000	34,000,000

I solicit your support for an amendment to H.R. 10222 which will continue Federal payment of the entire cost of free coupons. I believe that Federal payment of these costs is justifiable not only because of the heavy burden that would be imposed upon Pennsylvania by payment of 50 percent of the costs but also because the food stamp program is primarily a means of strengthening the agricultural economy—traditionally a field of Federal activity—and is only incidentally a welfare program.

Sincerely yours,

ARLIN M. ADAMS.

Mr. HOEVEN. Mr. Chairman, I yield 10 minutes to the gentlewoman from Washington [Mrs. MAY].

Mrs. MAY. Mr. Chairman, may I begin by explaining that my stand on this legislation is that I am opposed to the expansion of the food stamp plan at this time. I think it would be fair to say that I come here today not so much to oppose the food stamp plan per se but to express the voice of caution before we take too many irrevocable steps in embarking on such a far-reaching and costly program on which there are still so many unanswered questions.

I was one of those who served on the special subcommittee to study the food stamp plan and we had some very informative sessions with representatives of the USDA on its mechanics. I also visited Uniontown, Pa., in company with my colleagues on this subcommittee and saw one of the better pilot projects in action. From this experience I have reached certain conclusions that I should like to make a basis of my further remarks in opposition to the bill passing at this time.

First. If you left all other factors out of your consideration and compared the present distribution of surplus food program with the actual mechanics of the food stamp plan I would find the food stamp approach preferable. In the one pilot project I saw I approved of the methods that were being used to certify qualified recipients of food stamps. I felt that in Uniontown they were doing a good job of policing the program. The banks that were handling the selling of the food stamps were making a good profit and the stores that were participating in the program were doing a fine job of merchandising.

By way of explanation of the profit one banking firm is making, a spokesman for the Galeton National Bank and its several subsidiary banks throughout Fayette County told us that they had collected $30,000 in gross receipts for handling food stamp coupons. The bank's actual profit was the amount left after their expenses, which we were told included hiring an extra employee and purchasing a machine for canceling the stamps. We were told the banks charge 35 cents per transaction, which was paid for by the State of Pennsylvania.

Parenthetically, however, I would like to say here that a great many retail grocers have expressed their support of this food stamp plan on the basis that they feel it would circulate many more food dollars through all their stores. Frankly, I think this may be a highly optimistic preconclusion. From my study of how it is working in the Uniontown area, it seems quite apparent that as this program shakes down there will be certain grocery stores in strategic areas who will find it to their advantage to key the bulk of their grocery business to the patronage of food stamp customers and this will leave the majority of grocers in the position of receiving only a token income from the food stamp source.

Second. I approve of this program's goal to try and help out low-income families to put more of their dollars into food that provides an adequate and balanced diet. Of course, we have been trying to do this with our families on welfare for many years and have not been successful.

Third. I cannot agree that this program when implemented to its full potential will not require more employees for both State and Federal level to carry on increased activity in policing it, educating the retailers, and giving good screening to the applicants.

Fourth. I also feel that this program should require some State participation. I am not prepared to say at just what level this State participation should be and I do not think that any of us can come up with a sound conclusion on this point with the evidence we have so far available from the pilot projects that have been carried on in the past 2 years. As to cost, here again we have absolutely no firm figures to go on or to use when we try to sell this program to the taxpayers of America.

If you want to take the full potential of a nationwide food stamp program and base it on the needs of these people, here is what you get—one-sixth of the Nation's population of 195 million people comes out to 32 million people. Using figures from both the distribution and the food stamp plans we must assume an average help per person in either program of $5 a month in food value. In other words, $5 worth of food paid for by the taxpayers and given to needy people. If you gave $5 worth of food a month to 32 million people you would spend $160 million a month or $1.9 billion a year. If you tried to give them $10 worth of food a month that would cost you $3.8 billion a year. That is the present potential of a nationwide program of bringing help to every person who is in need of food. Now, let us look at what we will spend on the pilot project right now. We have 43 projects in action at an estimated cost of $1 million a project. Testimony shows that there are 240 more areas that have applied to come under the food stamp plan. In other words, if this bill passes, the Government would immediately be asked to provide for projects on hand that would cost you $283 million a year. This bill calls for an appropriation of only $75 million for the first year. It seems to me that the Secretary of Agriculture is going to have quite a problem as well as quite a political headache trying to determine which areas shall receive the benefits of the food stamp plan and which areas shall not.

These are general conclusions. Now, I would like to talk to you about a specific project in my own State. I have before me a report made to me by the director of the food stamp pilot project in Grays Harbor County in the State of Washington, Mr. L. L. Hegland. May I submit the opinion that is expressed in this report is a bipartisan one. Mr. Hegland is the direct appointee of our Governor Rosellini who is a Democrat. This is a pilot project in a distress area which was started last summer. I have been watching it with great interest as part of my study of this whole proposed plan. Previous to this there was a pilot project in the neighboring State of Oregon in the city of Portland that was far from an unqualified success. There is a pending pilot project in my own hometown of Yakima in my district which has been delayed, I assume, because of the experience they have had in Grays Harbor. Let me present to you in his own words the testimony of the man who has had the direct responsibility at the State level for this food stamp plan in Grays Harbor.

Mr. Hegland provided me with a report comparing the direct food distribution and food stamp distribution programs in the State of Washington. He also provided a food stamp questionnaire summary which was conducted in Grays Harbor County in which they mailed to all nonrecipients who had used the direct food distribution program a questionnaire. This report shows that over half of the people who no longer participate are unable to do so because of the limitation of their cash funds. Bear in mind that these are people who are not on assistance.

Mr. Hegland concludes:

> On the basis of the survey and the fact that approximately only one-third of the eligible people in Grays Harbor County are using the stamp program, we have some real question about the expansion of this program.

Mr. Hegland goes on to say:

> Basically, the surplus commodity distribution program was designed to do two things—use up surplus foods and supply a more adequate diet to persons of low income. It appears that the food stamp program accomplishes only a part of this, and the direct food distribution program does a much more adequate job both on using up surplus commodities and of being available to a larger number of low-income people.

Mr. MICHEL. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman.

Mr. MICHEL. Does this report disclose any figures which show the number of participants under both programs so that there might be more weight or significance attached to that statement?

Mrs. MAY. Yes, the report does. I included those figures, in the minority report on this bill and they show that for a comparable period in 1962—when we had the direct distribution program—a total of 10,032 people participated in Grays Harbor County, and for a comparable period under the food stamp plan in September to November, there were 3,281 people only. In other words, only 32 percent of those who had participated the year before were now participating. Incidentally, I asked representatives of the Washington State Department of Public Assistance if this could possibly be, as my distinguished colleague, the gentlewoman from Missouri has stated, because there were people on that program who should not have been on it. That was not an easy question to ask. Representatives of this department stated that they certainly felt they had done a very good screening job up to now on the direct distribution program.

Mr. MICHEL. It surely would be obvious from those figures that there was much more in surplus commodities consumed under the old system by direct distribution than under the food stamp plan where you got only a third of the people, and those obviously were buying other than surplus food commodities with the food stamps; is that correct?

Mrs. MAY. May I answer the gentleman by just giving you a list of the foods?

Mr. MICHEL. I think that would be very important for the RECORD.

Mrs. MAY. Mr. Hegland made a rather good point on this. Up to the time they switched to the food stamp plan, they had been giving to their people, who qualified under the direct distribution program, each month per person $5.06 worth of food which included butter, nonfat dried milk, dried beans, milled rice, peanut butter, corn meal, flour, lard, canned chopped meat, rolled wheat, and cheese. He pointed out that this food which still gives a pretty basic diet was free to those people. In other words, if a family of five each get $5, they were getting $25 worth of free food, and a pretty good basic diet. Therefore, they had $25 in cash from their income whether it be public assistance or other income to go into a grocery store and fill in with fresh vegetables and fruits and other things.

Mr. MICHEL. What kind of limitations are there, if the gentlewoman will yield further, on the kind of food that can be purchased under the food stamp plan? Are there any limitations?

Mrs. MAY. Yes; those are spelled out in the bill. They are imported foods, alcoholic beverages and tobacco. But all other foods would be available under the food stamp plan.

Mr. HAGEN of California. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman.

Mr. HAGEN of California. When the department made a study of that Grays Harbor situation, their figures differed somewhat from the ones you quoted. They say nearly 3,500 people were receiving welfare assistance in the county and less than half of that number, 1,052, would not bother to pick up their food available under the direct distribution program in the month of August 1963. Whereas 1,242 of those 3,500 eligibles participated in the stamp program. Apparently, the State conducted a survey and 96 percent of the recipients preferred the stamp program to the direct distribution. This is according to the Department of Agriculture which conducted a study of the situation there.

Mrs. MAY. Well, I can only tell the gentleman that I was in my district and talked to a representative of the department and he confirmed to me these figures, and the conclusions were the same. Their figures at the State level were carefully prepared and this is the report that was rendered. I can only say to the gentleman, these are the figures that I had prepared by the people who administered the food stamp plan.

Mr. Chairman, in conclusion, I support further pilot projects of the food stamp plan in the interest of getting more meaningful data on its efficiency to reach the goals we desire and, very importantly, as to what its overall costs will be. Since there is quite obviously a potential of annual expenditures of billions of dollars in a nationwide welfare program of this sort, I think it is imperative that we make haste slowly since I am sure that we all agree that once a program of this particular nature is launched and agreed to by the Federal Government, the dictates of political realities are that it will be very difficult, if not impossible, to stop or suspend.

Mr. HAGEN of California. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, this food stamp program is truly a bipartisan program. The authors of various food stamp bills from time to time have included both Republicans and Democrats. However, I will say that if this legislation passes it will be principally a tribute to two persons, to the gentlewoman from Missouri [Mrs. SULLIVAN], and to the gentleman from Pennsylvania [Mr. SAYLOR], who have devoted many years of effort to securing a more than temporary food stamp program.

Part of the history of this legislation is that it was advocated by the late President Kennedy. The Presidential support was reaffirmed by President Johnson. It has the support of labor. It has the support of church groups. It has the support of such a farm organization as the Farmers Union.

I was surprised today to learn that it was preferred to the direct distribution system by Don Paarlberg, who was the Chief Agricultural Adviser at the White House under President Eisenhower.

The history of this legislation is quite interesting. We held hearings before the full Committee of the House, and there was a great dispute about the details of the bill. As a consequence, the distinguished chairman of the committee [Mr. COOLEY] appointed a special subcommittee to develop language which would meet some of the objections.

The subcommittee went out into the field, to Uniontown, Pa., and examined a pilot project. We talked to the recipients. We talked to the wholesalers. We talked to the retailers. We talked to the welfare administrators. We even talked to the bankers who redeemed the stamps under contract with the Department of Agriculture. Unanimously, all these persons approved the program.

Following this visit, we sat down and discussed the details of the bill, and we adopted numerous amendments.

The bill then went to the full committee again, where more amendments were adopted. During the history of the consideration of this legislation some 63 amendments to the original proposal were adopted. I feel certain that all Members will agree with me that this indicates the bill has been fully considered by the Committee on Agriculture. I add that the bulk of the amendments were offered by the Republican members of our committee.

This legislation has a double purpose. It is designed to upgrade the diet of people who have a substandard diet in this country. This, if you please, can be designated as a welfare purpose. It also has a purpose of reducing the surplus of foods and will do this in the most efficient fashion.

The legislation will accomplish this double purpose. It should appeal to two classes of people interested in welfare programs in addition to those concerned with the agricultural problem.

There are those in the Congress and outside who are opposed to all welfare programs. This legislation obviously will not appeal to them.

There are others who support welfare programs provided that they are directed at basic needs, such as food, housing, and so forth. This legislation certainly should appeal to them, because it will force the recipients to commit at one time a certain percentage of their budgets for the very useful purpose of supplying food to the recipients and their families.

There are more liberal welfare advocates to whom I can say that this will not reduce in any amount the amount of general cash benefits going to welfare recipients. That is spelled out in the bill.

Furthermore, this will provide the recipient with more dignity than is inherent in the present method of direct distribution of food, under which it is necessary to march down to a central warehouse and pick up sacks of cornmeal, and so forth.

You will recall not too long ago the headlines in the Washington newspapers about how some of the recipients here would hire taxi drivers to go down and pick up these materials and also there was a substantial black market in these commodities at the time because the foods had small appeal to the recipients. So I say, except to those of you who are opposed to all welfare, that this is a much better program than the present program of direct distribution.

How will this program work? A State which wants to participate will submit a plan to the Federal Government, to the U.S. Department of Agriculture, which will look at it and consider whether it is too liberal, for example, or too restrictive. Once the plan is approved the local areas in the State which traditionally administer welfare, be it a city or a county, will approve the plan for that area. Then the Department of Agriculture will accept applications from wholesalers and retailers as to their eligibility to participate in this program as vendors of merchandise. With this approval, the welfare recipient then can go to the local welfare agency and ask for certification as an eligible for stamps. Once certified as an eligible he will be entitled to go in every month and lay down cash, if he has it, and, if he does not have cash, he can still get stamps, I might add, in answer to Mr. JONES. He will lay down a certain percentage of his cash budget and, in effect, receive a bonus of food through this program which will permit him to give his family an adequate diet. With these stamps in hand then he shops just like any other person. Either he or his wife or some other adult member of his family can shop. He can then purchase items which are basic food items, excluding tobacco and alcohol and goods which are obviously of foreign origin.

Mr. MICHEL. Mr. Chairman, will the gentleman yield at that point?

Mr. HAGEN of California. Yes. I yield to the gentleman from Illinois.

Mr. MICHEL. What is the variable that exists throughout the country in what one can put up in cash and get an equivalent of in stamps?

Mr. HAGEN of California. The basic average ratio has been about 70 percent purchased stamps and about 30 percent donated stamps.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAGEN of California. I yield myself 3 additional minutes.

Mr. MICHEL. I note the gentleman states an average. What is the complete variable that can be in existence throughout the country? Can one give as little as 10 cents and get 90 cents in stamps and can he pay 90 cents and get 10 cents in stamps? What is the extreme?

Mr. HAGEN of California. They established averages for families. For example, say there was a family with a husband and wife and three children. They would calculate what their average food budget should be and what it was. They would then say, "Out of your welfare payment or out of your meager earnings you put up so much money." If I recall, it is a 30-percent bonus.

Mr. MICHEL. When you say "they" who is this?

Mr. HAGEN of California. The local welfare directors.

Mr. MICHEL. And whatever they decide, whoever this welfare director is, is that the final determination of the specific families as to what they would contribute in cash?

Mr. HAGEN of California. Basically. However, of course, the State has to submit a plan that is approved by the Secretary of Agriculture, and that is the ground rule for the approval. The Secretary is an overseer, so to speak.

Mr. MICHEL. If he did not approve of what that local administrator did, he could then veto it in effect?

Mr. HAGEN of California. Yes. If there were abuses, I would say. You might ask the question, why the Department of Agriculture.

The Department of Agriculture has had experience with food stamp programs. They are in the food business and have operated a program in the thirties through 1943, which expired because of the lack of need for it with a rising employment during the war period. They operate these present pilot programs and have the know-how, and they know what foods are in surplus and will have an education program in connection with this program which will attempt to identify surplus foods which are cheap and direct purchases of them by education.

I want to say to those of you who come from areas of specialty crops, such as I represent, that we do not want a combining burden of pilot projects on section 32 funds, because these funds are designed to bail out non-price-supported crops when the need arises; these funds are not unlimited. We want to regularize this food stamp program so it does not present a threat to our section 32 funds. I might say that this program offers hope to farmers who do have these specialty crops, which are occasionally in surplus from time to time, because it will upgrade the general diet of people who need food and they will be permitted to shop for the broad spectrum of grocery items.

With respect to the Quie amendment, an effort will be made to strike it out. I support that effort. It is unrealistic to assume when a county or a city has a choice of a direct distribution program, which in effect costs them nothing, that they would choose a program where they would have to pay 50 percent of the cost of the foods as provided by the Quie amendment. This is totally unrealistic and would make this program altogether inoperative. I hope Members will go along with those of us who seek to eliminate the Quie amendment when the bill is read for amendment later.

Mr. HOEVEN. Mr. Chairman, I yield 10 minutes to the gentleman from Maine [Mr. McINTIRE].

Mr. McINTIRE. Mr. Chairman, the gentleman from California made reference in the early part of his remarks to a special subcommittee to study the pilot plant programs now in effect.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-three

Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 94]

Alger
Arends
Ashbrook
Ashley
Auchincloss
Avery
Baring
Barrett
Bass
Bolling
Bray
Brock
Broyhill, N.C.
Buckley
Burleson
Burton, Utah
Celler
Davis, Tenn.
Dawson
Derwinski
Diggs
Dowdy
Edwards
Elliott
Evins
Fallon
Flood
Fogarty
Forrester
Fountain
Giaimo
Gill
Glenn
Griffin
Hansen
Hawkins
Hébert
Holland
Jones, Ala.
Kee
Kilburn
King, Calif.
Kirwan
Kluczynski
Kornegay
Lankford
Leggett
Lennon
Lloyd
Long, Md.
Madden
Matsunaga
Miller, Calif.
Minshall
Morton
Murray
O'Brien, Ill.
Pilcher
Powell
Rains
Rhodes, Ariz.
Roberts, Ala.
Rogers, Tex.
St Germain
Scott
Sheppard
Short
Smith, Va.
Staebler
Steed
Teague, Tex.
Thomas
Vinson
Williams
Wilson, Charles H.
Winstead

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Landrum, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 10222 and finding itself without a quorum, he had directed the roll to be called, when 351 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Maine [Mr. McIntire].

Mr. McINTIRE. Mr. Chairman and members of the Committee, prior to the quorum call and prior to my being recognized for 10 minutes, the gentleman from California [Mr. Hagen] was speaking about the procedure which the committee had followed in connection with the study of this legislation. He made reference to the fact that the chairman of our committee, the honorable gentleman from North Carolina [Mr. Cooley], has designated the subcommittee to study the pilot plan operations of the food stamp program which were underway by virtue of the authority in section 32. I was a member of the study committee which was set up by the instruction of the chairman. I want to pay my respects to the gentleman from California [Mr. Hagen] for the careful consideration which was given to the study of the program and to the legislation which was before the committee. He made reference to a number of amendments which were proposed. I was the author of some of those amendments, and I am quite certain that they were constructive amendments to the legislation. However, coming to a final decision on this legislation I found it impossible for myself as a member of the committee to support it, and so I signed the minority views which are presented in the report of this bill. A number of considerations went into this decision. May I say a predominant consideration was the fact that having had a long association and interest in the work of the Department of Agriculture, I felt it a very serious step and a step which was not constructive that the Department of Agriculture should take on the responsibility of administering what is, in fact, a welfare program—not on a commodity basis by virtue of the commodities originating through the price support program but as a welfare program which is, in effect, a cash program. This seemed to me by far to be the responsibility of the Department of Health, Education, and Welfare, which is set up administratively and which is, in the mind of the public, the agency ministering to the needs of those unfortunate enough not to have the means to care for themselves. We have all expressed concern relative to the budget of the Department. We have all expressed concern relative to the number of personnel required by the Department to administer its responsibilities.

I would make particular reference to page 23 of the report, which sets forth the fact that the proposal would require $370.8 million annually as a level of fiscal year 1968, presuming that this program would be confined to those areas of greatest need.

This would be a sum of money in addition to the present funding of the Department, and this seems to me to be an amount of money which ought not to be charged to Agriculture. In the next paragraph on the same page, reference is made to personnel. It is noted that 985 persons with an annual compensation of about $7,560,000 would be required to administer a program at the level of about $370 million. This means an increase in personnel in the Department, not to perform the functions normally considered the responsibility of the Department of Agriculture but to perform a function which is basically in the field of administering welfare.

While these two points can be argued, that the Department is already engaged in food distribution and thereby engaged in welfare, it seems to me that this legislation is establishing a point at which we might well consider whether or not this program should be in the Department of Agriculture or in the Department of Health, Education, and Welfare.

Mr. Chairman, these reasons, which I have set forth as well as others set forth in the minority report, are the basis for my conclusion that this bill should not be supported. Therefore, I shall vote against the bill on final passage.

Mr. MATTHEWS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, we have had, I think, an excellent debate on the food stamp plan. I am in favor of the food stamp plan as embodied in H.R. 10222. I think we ought to review some of the very interesting arguments that have been made for the bill and against the bill.

I would like to point out first of all that we have a present program of surplus food distribution. This is a program that, as far as I know, has not been opposed by any appreciable segment of Congress and has merited the approval of the overwhelming majority of the American people.

The food stamp program, if you please, is not a new concept. It is not a new idea. It is not an effort on the part of the Department of Agriculture to grasp for power. In my opinion the food stamp plan is a perfection of the present direct distribution process. It is estimated that the present program had a cost in the fiscal year 1963 of between $280 and $354 million.

Mr. Chairman, we are told that the cost of the food stamp program will probably approximate the sum of $360 million annually. There is not too much difference there, Mr. Chairman.

I believe, that if the present distributing program is properly administered by the Department of Agriculture, and I believe that it is, I think the proposed food stamp program should also administered by the Department of Agriculture.

The gentleman who just preceded me, my dear friend the gentleman from Maine [Mr. McIntire], has suggested that the food stamp program is a welfare program and it would be better administered by the Department of Health, Education, and Welfare. I do not believe it is the type of program that should be administered by any other department than the Department of Agriculture.

Mr. Chairman, may I remind the members of the Committee again that we have a distribution program at the present time administered by the Department of Agriculture. No one has objected to that. It is a program that feeds hungry people. It is a program that makes food available to them. It is a program that makes, if you please, products like beans and flour and meal available to hungry people. No one has suggested that this program be given over to the Department of Health, Education, and Welfare.

I submit again the fact then that the food stamp program is no new departure. It is a program which is designed to rid ourselves of agricultural commodities, certainly, and it is a program that feeds hungry people. It is a food program.

Mr. Chairman, may I remind the members of the Committee that the States have not matched the cost of the direct disposal program. Under the present program there has been no cry for the States to participate in 50 percent of the cost, or 25 percent of the cost.

Mr. Chairman, the gentleman from Minnesota [Mr. Quie] and the gentleman from Maine [Mr. McIntire] have written to the Library of Congress to obtain the opinion of its experts about welfare programs and joint participation. However, nowhere in the report of the Library of Congress does one find that these experts consider the food stamp program to be a welfare program. I sincerely do not believe it should be charged to the Department of Health, Education, and Welfare.

Mr. Chairman, in my opinion it is a program, again and again, that should be administered by the Department of Agriculture.

May I say to the members of the Committee that welfare programs administered by the Department of Health, Education, and Welfare concern people primarily but are not concerned with any basic commodity or service. Whereas, the food stamp program is concerned with the administration of commodities, it is concerned with the administration of food in order to help hungry people.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. May I finish my statement and then I shall be delighted to yield to the gentleman, because I have a high respect for the gentleman and I have mentioned his name.

Now, Mr. Chairman, I want to emphasize the fact that the food stamp program will help us to get rid of some agricultural surpluses. I must say, frankly, that perhaps it will not enable us to get rid of as much in certain areas as we are able to dispose of now under the direct distribution program. I think there might be some difference, but I believe that difference will be small.

Mr. Chairman, we must remember that when a person using the food stamp program goes into a store to buy bread, that represents the disposition of grain under the food stamp program with the added possibilities of an enriched diet. When the customer buys meat that will represent the disposition of some grain that actually goes into the production of the meat. The same will be true of poultry products.

There are figures which are contained in the report that would indicate that in certain of these pilot areas, as has been explained, it has been proved beyond a shadow of a doubt that the food stamp plan does enable us to get rid of some of our agricultural surpluses and that the food stamp plan does enable the customer, if you please, to buy more of the flour products or the milk products or more of other products that are in surplus supply in the hands of the Commodity Credit Corporation.

Let me emphasize again and again, as a member of the subcommittee that studied this food stamp plan for months, that I certainly believe it will continue to be a great factor in the elimination of a tremendous amount of our agricultural surpluses.

One of the chief reasons I feel we should keep this program under the Department of Agriculture is, frankly, good public relations.

I have made no deal on the way that I am going to vote on this bill. I shall vote, as the majority of my colleagues do, on the basis of what I think is best for the country. I believe this food stamp bill, tied in with the Department of Agriculture, is best for the country and best for agriculture, and that it ties irrevocably the interests of the farmer and the interests of the consumer. Let us here propose a gentle reminder that 21 million people in America are dependent on agriculture for a livelihood. Sometimes we may feel agriculture is a decadent industry. But it is not so. The great metropolitan areas of the country need a prosperous agricultural industry. Agriculture is still the basic industry of this country. This year when we vote on an appropriation of approximately $6 billion for agriculture, let us keep in mind only half of that should be charged to the American farmer. Agriculture will be charged for some of the money that goes to feed hungry people. I think this expenditure is a public relations gesture and worthwhile, but if it did no good so far as public relations is concerned we still ought to have a food stamp program. Hungry people in America ought to be fed with the abundance we have of American agriculture.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from North Carolina.

Mr. COOLEY. Is it not a fact we are feeding hungry people all around the world?

Mr. MATTHEWS. The gentleman is absolutely correct. We are spending $1 billion a year on what we call food for peace. We believe we will have an approximate expenditure of $360 million to feed hungry people in America if this food stamp bill passes.

Mr. Chairman, I went to one of the pilot areas to see how this food stamp plan worked. I liked what I saw.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. COOLEY. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. MATTHEWS. Mr. Chairman, I saw recipients go into a bank and get their food stamps. I saw private industry at work, if you please, through the food stamp plan. Those of you who believe in private industry like to see this food in the hands of the merchant, and out of the Government warehouses. That helps private enterprise. I saw these people get their stamps. I went to the grocery stores and I saw a grocer who told me 10 percent of his business was through the food stamp plan. He said that "before we had the plan we had direct distribution and I was the same man who had charge of the distribution then." He said this food stamp plan is better. This plan helps private industry, this plan better helps the recipients. This plan will not be wasteful. The food will go into hungry stomachs.

Mr. Chairman, this plan is not perfect. This plan will be limited by the appropriation processes, and it ought to pass. There should not be a single vote against it.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from North Carolina.

Mr. COOLEY. I want to point out for the first year the authorization is limited to $25 million; the next year $75 million; the next year $100 million, and in 1967 it will go up to $200 million if the program turns out to be successful. The whole program is limited by the appropriations.

Mr. MATTHEWS. I thank the gentleman.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Minnesota.

Mr. QUIE. When the gentleman was indicating this ought to be administered by the Department of Agriculture he did not say this was not a welfare program, did he?

Mr. MATTHEWS. We are dealing in semantics. I think the present distribution program is a welfare program, and if the present program is administered by the Department of Agriculture why not the food stamp program?

Mr. QUIE. Is there much difference between this program and the school lunch program?

Mr. MATTHEWS. The school lunch program gives us an opportunity to give away hundreds of millions of dollars of agricultural surplus through programs that we have. But there is a difference. There we have not had a similar program, such as the surplus disposal program. The school lunch program should continue with participation on the part of the States and the Federal Government.

But let me say again and again, we have presently a surplus disposal program. The gentleman has not insisted that the States pay for half of this surplus disposal program that we are maintaining in lieu of the food stamp program. The gentleman is not insisting on States matching that cost, is he?

Mr. QUIE. I insist that the most generous way you could look at the food stamp plan would be a 50-percent contribution by the States. That is the most generous way.

Mr. MATTHEWS. We now have a food disposal program. The Federal Government participates 100 percent except in a little bit of the administrative cost. I say the food stamp program is germane to that kind of program. It is the same kind of program. Therefore, it should be administered in the same way.

Mr. HOEVEN. Mr. Chairman, I yield 14 minutes to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Chairman, I should like to address my remarks primarily to what has become known as the Quie amendment. First, I think it should be clearly understood that this is a welfare program. This was no better stated than by my colleague from New York [Mr. ROSENTHAL] when he pointed out that it is no longer a food disposal program, it is a welfare program. Since it is, let us look at our welfare programs and how they operate, and whether they are administered by the Department of Health, Education, and Welfare or the Department of Agriculture, because it is admitted that the Department of Agriculture has certain welfare aspects about it.

Mr. HAGEN of California. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from California.

Mr. HAGEN of California. Would the gentleman advocate that the school milk program and the butter disposal program be put under the Department of Health, Education, and Welfare?

Mr. QUIE. I have not recommended that the food stamp program be placed under the Department of Health, Education, and Welfare, so I do not know why the others should be.

Mr. HAGEN of California. Would the gentleman recommend that the States put up half the cost of those programs?

Mr. QUIE. I think they put up more than half of the special milk program and more than half of the value of the school lunch program.

Mr. HAGEN of California. How about butter?

Mr. QUIE. The butter is under the direct distribution program, and this is what I will explain if the gentleman will give me a few moments. He would not even have to ask the question.

Mr. COOLEY. I have a place in my county where they pay more than half. They pay $295,000 and the Government only about $233,000.

Mr. QUIE. There must be a different operating program. It may be more than half of the bonus.

Mr. COOLEY. I will put it in the Record. They put up $295,000.

Mr. QUIE. No; they did not, they paid what they had been paying before for food. The welfare department estimated that the payment for food was a certain amount. Let us assume it was $60. Then they gave them $100 of stamps.

Mr. COOLEY. Of course they did not pay for the bonus, but they did pay for more than half of the food.

Mr. QUIE. I thank the gentleman for clearing that up. They paid for the bonus. The Federal Government has been paying for the direct surplus distribution program. They do it because we have the food. We have people who need the food and do not have enough income so we have provided for them in the direct distribution plan.

But we have had a time-honored and a time-tested principle in this country of providing welfare and it is in the States and where possible the local communities pay a part of the welfare cost. Now accepting that this is a welfare program, we could then turn to the letter which was written by the Library of Congress to our colleague, the gentleman from Maine [Mr. McIntyre] in which it is indicated that in the average of all the welfare programs, the Federal Government pays 60 percent and the local governments 40 percent.

Let us look at the new welfare programs that this administration would like to have come into being, calling it the "war on poverty." I serve on the ad hoc subcommittee which is studying that piece of legislation. What are they asking for? The initial pilot operation—90 percent Federal and 10 percent State and local. They accept the principle that if there is going to be responsible administration of a program, State and local governments must pay a part of it—although it is 10 percent on the initial pilot project for the first two years of the program. We have a pilot which goes on getting 100-percent financing. It is not going to cease with this program. It is not repealed if this bill passes. It continues on now and operates. Right now it is operating in 43 counties and 22 States and continues on even using the pilot basis, encouraging communities with help of 100 percent. What happens to the war on poverty after 2 years? Then it becomes 75 percent Federal and 25 percent State and local. Again recognizing this important principle that the States pay a part of the cost if they are going to administer this program responsibility.

This is not a pilot program we are talking about. It is nationwide food stamp program. The author of the bill called it that earlier. It was to be spread over the country wherever it possibly could go. The only limitation about it is the limitation that the appropriations committees place on the amount of funds expended. The more generous they are, the further it goes. How do the States handle this responsibly? By paying part of the cost. That is what we are trying to do here with his amendment of mine—50 percent. Now why do we say 50 percent rather than 60 percent Federal sharing as is the case in the average of all welfare programs?

I talked to people who are involved in the food stamp program especially in Fayette County, Pa., and the most generous way that you can look at the food stamp program is that 50 percent is the surplus food involved. So if that is the case, let us say 50 percent is the cost. But if this is a good program as we are told it is going to be, surely the States would be willing to pay their share by paying 50 percent of the cost. Just like they share in other programs now in operation. Every welfare program on the books—old age assistance, medical care for the aged, aid to families and dependent children, aid to the blind, aid to the permanently and totally disabled, and various other programs accept that principle. They accept that principle in the school lunch program, they accept it in the school milk program because this is a time-tested principle and it will work in that way and it will not work well without that principle.

That is what I maintain here in this legislation. If it is going to pass, we have to make certain that we keep that amendment in the bill.

Now what about the poor States? It is said that some States cannot afford to pay this bill and that they are less able to pay the bill than others. Let us look at the food stamp plan where the 22 States now are operating it. We find there is a majority of them which have a per capita income greater than the average. What about California? Can California afford to pay 50 percent? Why, they are more able to do it than the Federal Government. They do not have as much of a problem raising money and running into the red as the Federal Government does. The States of the Union that have per capita income greater than the 50 percent or greater than the median, surely ought to be able to pay for them, because there is no tax and I can repeat this over and over again—there is no tax available to the Federal Government which is not also available to the States, with the exception of import duties and that does not raise very much. So the States can do it.

What about the States or pockets of poverty? You can make a case for those. The food stamp plan presently operates and continues. They can use that where it is 100 percent Federal financing and they can choose in that area to use direct distribution if that is better than the food stamp plan. They have them in operation. So I can see no sound argument for dropping the 50 percent sharing-in-cost amendment. This is the only way this program will be able to continue to operate or will be able to operate responsibly and so that it will not mushroom out in the country—a great gift from Uncle Sam. Uncle Sam pays 100 percent bonus and the merchant thinks this is a bonanza and the people who come in and buy their food from him and the bankers think it is a bonanza because they can make money on the program. No wonder when you read as I do in the report where Assistant Secretary of Agriculture George Mehren, speaking at Uniontown, Pa. said:

> The food stamp program merits special mention here in Pennsylvania, where Fayette County was one of the original eight areas in which we initiated this new approach in mid-1961. During the past year, the program was extended to the city of Pittsburgh, and to Cambria and Luzerne Counties, along with some 40 other areas throughout the Nation. The pilot operation is so constructed that it gives low-income families additional purchasing power for food only, and thus means "new" or additional dollars pumped into the economy of the area. It also means more and better food for participating families, which in turn means expanded markets for farmers.
>
> In the Keystone State, the Federal contribution for food stamp coupons since 1961 totals more than $7½ million—dollars that moved into and through commercial channels in addition to the $22 million that the 75,000 or 80,000 food stamp recipients spent for food out of their own money.

Then he indicates that in this county there is $2 million of additional money, and that in the Keystone State since 1961 the Federal contribution was more than $7½ million.

No wonder this looks like a great opportunity. If this is an opportunity to feed the people with low incomes, which he says is so necessary, surely even a State such as Pennsylvania, which has some low-income areas or pockets of poverty, like those we have in the State of Minnesota, has an ability to do something. The State legislature has an ability to raise money to pay a share of the cost, and surely would do so. We have seen before that State legislatures meet and appropriate money for welfare programs, and continue to do so. They do some griping about it, but they continue to raise the money.

In Minnesota the Kerr-Mills law, to provide Federal aid for the medically needy—not necessarily economically indigent, but medically indigent people—was passed in the last session of the legislature. That will go into effect on July 1. This indicates a willingness of the State to accept responsibility. From everything I have observed of the Kerr-Mills law in Minnesota, it will be well operated.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Minnesota.

Mr. BLATNIK. Did not the Kerr-Mills law go into effect in 1960?

Mr. QUIE. That is right; in 1960.

Mr. BLATNIK. That is 4 years ago. We finally have that enacted. I merely say that the hungry people of the country cannot wait for 4 years to participate in the program.

Mr. QUIE. The hungry people will not have to wait for 4 years to participate in the program. I believe everybody should remember that there is a direct distribution program to help the people with their basic diets. There is a direct distribution program to help the hungry people. The question is whether we should spread it out into a fancy new program, all over the country, with a food stamp plan. There ought to be some sharing with the Federal Government on the cost.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. ROSENTHAL. The advantage of the food stamp plan, to the recipients of the food, is evident when we consider that under the direct distribution system they are receiving only 10 types of food. For many persons—the infants as well as the elderly—these 10 foods provide a limited type of diet which may be nutritionally defective. The food stamp plan would give us a much broader base for foods for these people to use to grow and be healthy. That is why I believe there is a great advantage to it.

Mr. QUIE. The gentleman forgets that there is more involved than the food provided under the direct distribution system, the 10 types of food, which are limited. The recipient of that food does not have to take money away from his limited resources to buy that food at the grocery store. He can buy other food with his money, to provide a balanced diet, from the grocery store, as he receives the surplus foods through direct distribution. He can use them together. Experience in pilot areas has shown there is greater participation under the direct distribution program.

Mr. ROSENTHAL. That is a very good "Alice in Wonderland" picture. I wish it were true. Many people—particularly some of the 4 million referred to—do not have additional funds to buy the food that they need.

Mr. QUIE. The gentleman should look at the operation of some of these programs. Of course, a discussion of Grays Harbor County, Wash., is in the report and can be seen.

If we have concern for the people who are needy, we can also understand the number who did not see fit, for the many reasons given, to come under the food stamp program.

Under the bill, when the food stamp program is put into operation the direct distribution system will cease. We must have some concern and compassion for those people as well. If there are limitations on the program, there must be limitations both ways, and we should not consider the food stamp program a perfect operation.

Mr. ROSENTHAL. The gentleman does not oppose having the provision that when the food stamp plan is put into operation in a county or community the direct distribution will cease, does he?

Mr. QUIE. I surely question the program, when it has such an effect on the poor people, who are not able to secure food. When they find they are qualified for direct distribution, but cannot get it, what will they do?

Mr. ROSENTHAL. An added advantage would be the much improved administrative system, with a much tighter check on the disposition of the proceeds.

Mr. QUIE. If only one-third of the people qualify, I wonder how much better it was in Grays Harbor County. We must also bear in mind that the States, not the local communities, would share in the cost of the program under my amendment. Thus, needy communities unable to meet local expenses would be helped by both the State and Federal Governments.

Mr. HAGEN of California. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from California.

Mr. HAGEN of California. Of course, the direct distribution plan is an uncertain thing, because the foods are available on a hit-and-miss basis.

If we do away with the support program, which cost about half a billion dollars last year, there would be no butter and cheese available, for example. This offers a frugal prospect to some of these coal miners down in Kentucky who have been getting stamps in these pilot areas even though they had no money. There are many participants in these programs that get food under the stamp program even though they have no money, and they get a balanced diet more than they would under the direct distribution program.

Mr. QUIE. We do not have any problem in the near future as far as running out of dairy supplies is concerned.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. COOLEY. Mr. Chairman, I yield the gentleman 1 additional minute.

I would like to ask the gentleman this question: I notice you have three pilot projects in Minnesota. Have they been working well or not?

Mr. QUIE. I think you could ask the gentleman from Minnesota [Mr. BLATNIK], who is sitting here, about that, because they must be in his district.

Mr. BLATNIK. They are.

Mr. COOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. BLATNIK].

Mr. BLATNIK. Mr. Chairman, I thank the chairman of the committee for yielding me this time. The three pilot projects are in my district in northeastern Minnesota on the great iron ore range which is now sadly and unfortunately depleted. We were one of the first eight areas in the United States in which these pilot projects were initiated back in March of 1961. The program has worked exceptionally well, and I urge the House to approve the food stamp bill now before us but not before deleting the amendment requiring matching grants from participating States.

It is now time to extend throughout America the benefits of this remarkably successful program.

In early March 1961, the Virginia-Hibbing-Nashwauk area of my northeastern Minnesota district was selected as one of the original eight areas in which this new approach was to be tested. Subsequently the program was enlarged to encompass all of St. Louis, Carlton, and Itasca Counties. The participation in St. Louis County, including the city of Duluth, is approximately 10,000 people, in Carlton County 880 people, and in Itasca County 2,038 people. This is a total of almost 13,000 participants, and the number increases each month.

There are three adjacent counties located in the great Mesabi Iron Range. Throughout two world wars, the Mesabi Iron Range provided in the neighborhood of 80 percent of the iron ore needs of our Nation's steel mills. Since the end of the Korean war, ore production has declined substantially. These counties are classified as an area of substantial and persistent unemployment, and are particularly hard hit by seasonal unemployment.

The range is on the threshold of a great boom in the development of taconite ores. But our unemployed cannot live on the promise of a boom—they and their families must eat three meals a day. The food stamp program has provided that for them.

Reports from the press and other sources clearly indicate that the program has been enthusiastically received in Minnesota by all concerned—the recipients, the grocers, the welfare department, and business and banking groups.

The director of the Carlton County Welfare Department states in a letter to the Washington County Welfare Department:

> It is my opinion that it [the food stamp program] is preferable to bulk distribution of surplus foods. I might add, that this is also the opinion of the Carlton County Welfare Board. The program has positive aspects both for the clients we serve and for the agency. It has advantages, from public support to a purely economic factor.

The State supervisor of food stamp and commodity distribution programs conducted a survey of the counties in the State, to determine what program they would prefer if given a choice. Of the counties that stated their preference, 60 percent favored the food stamp program. Mayor Arthur C. Naftalin, of Minneapolis, has strongly urged inclusion of his city in an expanded program.

If there is any doubt left in Members' minds as to whether the food stamp program has resulted in increased food consumption, it should be noted that since the start of the program, in Minnesota, $1.5 million of additional food purchasing power has been generated by the program. This is in line with the experience throughout pilot program areas, where retail food sales have increased 8 percent. This increase is in total retail food sales, not just an increase in sales to food stamp participants or merely the increase in sales by participating grocers.

The program which has benefited the northeastern Minnesota area and the other pilot areas should now be expanded throughout the country. The experience in the pilot program indicates that this is a successful program. It has performed well in providing essential nutritional supplements to the diets of those in need, and it has permitted us to make more effective use of our abundant food supplies.

Because it permits participants to choose a wide range of foods, the food stamp program results in a much more balanced diet than does the direct distribution program which is necessarily limited only to surplus foods. Eighty percent of the increased consumption of participating food stamp families has been in meats, fruits, and vegetables, not available in the surplus food program. As a result, almost twice as many families have achieved nutritionally adequate diets under the food stamp program as under the direct distribution surplus food program.

In addition, the food stamp program has actually had a substantially greater impact on reduction of our surplus foods than has the direct distribution program. Food stamp participants are consuming the equivalent of 24 percent more of all grain products, through increased use of meat, bakery and other products. For example, meat consumption has increased 1 pound per week per participant.

The farmer has benefited directly from the program. Before food stamps, direct distribution resulted in a return to the farmer of $1.75 per week per participant in the surplus food program. Among this same group of people, some of whom now participate in food stamp, the return to the farmer has increased 15 percent to $2.01. If all these people could participate in food stamps, the increase in farm income would be substantial.

One word of caution on this bill. The Quie amendment, added in committee, which would require 50 percent matching funds from State or local governments, would have a disastrous effect on the food stamp program. The program is designed precisely for those areas which can least afford welfare programs designed to provide adequate sustenance for all its people. Thus, the areas which need food stamps the most will be ill-equipped to participate financially. Furthermore, most State legislatures meet only a few months per year—it may be some time before most States could even consider participation in the food stamp program.

The Library of Congress has furnished me with a compilation of the legislative sessions of each of the States. This shows that 29 States meet only in the odd years and thus could not possibly supplement the food stamp program this year. Three States meet only in even years and would have to wait until 1966 to implement the food stamp plan. The majority of the balance of the States having annual sessions will probably have adjourned by the time this bill is enacted and would also have to wait until next year.

State legislatures are often slow to act in taking advantage of these matching grant programs. The aid to dependent children program for the unemployed, effective in May 1961 has only 15 States as participants. The Kerr-Mills law, effective in October 1960, has only 33 States participating. Many counties are not participating in the direct distribution surplus food program because they can't even afford the administrative costs involved. When it is a matter of getting enough to eat we simply cannot afford to make these people wait.

Make no mistake about the purpose of this amendment. It was purportedly offered to preserve "the vital principle of local and State participation." This is a sham. The Republican gentleman from Minnesota who proposed the amendment indicated his general agreement with the minority report filed on the bill. That report stated flatly, "We oppose the enactment of H.R. 10222." If this is their desire, they will accomplish their end in no better way than to tack on this amendment requiring State participation. I can only agree with the distinguished chairman of the House Committee on Agriculture, the gentleman from North Carolina [Mr. COOLEY], who stated the "State matching provision would destroy the food stamp program."

Having seen the great benefits in human terms brought about by the pilot program, I urge this body to support the food stamp bill to extend these benefits to all hungry Americans.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Could we not look at it in this way: Assume you will have $2 million available for Minnesota. Instead of paying 100 percent of the cost and going to four of your counties, let us say, if you had 50 percent sharing—and southern Minnesota has been very generous in the past in helping the northern part of Minnesota—we could then get to twice as many people in your area with that $2 million and the program would work better that way rather than affecting less people.

Mr. BLATNIK. With the relief loads that our counties and municipalities have been carrying in the past 7 years it is unreasonable to make further demands upon them. There are communities in my district that are in such dire economic and financial straits that, although they were eligible for 66-percent Federal grants under the terms of the accelerated public works program, they could not match the Federal grant by putting up the one-third local share and therefore did not receive a project.

Mr. QUIE. With my amendment the local people would not have to share in this program, the State would share in it. The gentleman knows how generous the Minnesota Legislature was under the Kerr-Mills Act.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield.

Mr. COOLEY. This bill does not even contemplate putting a food stamp program in all the States of the Union. A plan may be put in in a city or a county. The city of St. Louis has one. An outside county does not. My county has a program but there are 99 other counties in the State that do not have it. I agree with the gentleman that where this program is needed most of all is in the communities, in the counties, that are financially embarrassed and distressed and who could not possibly put up the money.

Mr. BLATNIK. They have been carrying this burden for years.

Mr. COOLEY. That is right.

Mr. BLATNIK. They need help and they need it now.

Mr. COOLEY. They cannot put up any money to finance it. Here we are, the richest nation on earth, feeding people all around the world and some people say that we cannot even feed our own people at home.

Mr. BLATNIK. The gentleman has made an excellent point. We voted for a pay raise for the military last year. I supported it. Then we came along with a tax cut to benefit those who have income sufficient to pay taxes and even higher incomes that would benefit from a tax cut. I have supported the proposal to increase the salaries of the civilian employees of the Federal Government. Then there is the foreign-aid program. The only ones we have left out are those in this country who need help the most.

Mr. HOEVEN. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. ALGER] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. ALGER. Mr. Chairman, now the planners have reached the ultimate program for a new economy: Stamps. Just read the bill and the report and you must reach the conclusion that we can solve all our problems with stamps. To stamp out poverty and take care of people by Government subsidy, now can we even think of limiting a stamp program to food? If there are food stamps, orange or blue, or whatever, why should there not be others? Is food the only essential? And why limit Government aid to food? Indeed, the Federal Government is already in countless other programs.

Let us inaugurate a comprehensive stamp plan. Aid for dependent children suggests the child-i-care stamp plan. Aid to mothers of illegitimate children suggests a different colored child-i-care stamp plan, maybe mauve instead of tan—perhaps also a different size stamp, or different quality of paper. Of course, this might be erroneously labeled discrimination, but we already have these plans without the stamps.

Then there should be the rent-i-care stamp plan, to pay for a portion, if not all of the rent for those who need help.

There should be electric-i-care, water-care, gas-care, heat-i-care, cook-i-care stamp plans to aid in utility costs.

Of course, the medicare stamp plan would be a natural, too.

The transport-i-care stamp plan would take of transportation, redeemable for the cost of travel by car, bus, boat, plane, train, and perhaps a comprehensive stamp plan to miscellaneous forms of transportation of every type.

There would be no limit to the necessary stamp plans so long as human needs were being met. From birth to death all expenses could be covered. From soup to nuts, or if you prefer, from soup-i-care to nut-i-care. Courtship, marriage, conception, pregnancy, early child care, education, retirement and all the rest until funeral expenses by stamps closed the books on a particular individual.

Perhaps a specific color of stamp assigned to each person would assure individuality and personal attention.

To the advocates the beauty of this form of subsidy is not limited to its overall comprehensiveness. Not to be overlooked will be the so-called lack of Federal control and absence of cost to anyone. Of course, businessmen would support it. Under this comprehensive stamp plan a local agency assures local, not Federal direction by selecting the needy who will get the stamps. Arbitrary issuance of the stamps by another agency assures anonymity and no favoritism—that is no capricious award through kinship or political affiliation. The businessmen provide the merchandise without Federal intervention since they deal with the store, sales outlet, or local agency.

The cost is no one's since the stamps are turned into the U.S. Treasury—through banks—for redemption in cash. Since the Federal Government pays there is no need to make both ends meet. Everyone knows that Federal money is secured through loans under the debt limit. Therefore, both stamps and the money can be created by the Government. The taxpayers need not pay because it can be deficit financed.

Obviously the manufacturers will be pleased at the extra volume of business, the wholesale and retail outlets are benefited, the bankers do business for a fee, the poor are helped, poverty eliminated and it does not cost the taxpayers.

Then the final objective must be reached when we get used to paying for everything with stamps, we would not need any money at all. Everyone will have everything to sustain life from the cradle to the grave and the Government will just go on printing stamps to meet the demand. This is utopia. We should have thought of it long ago instead of trying to make an economy work with money. Stamps are so much simpler, and it is fun trading stamps.

Before you laugh too heartily at this discourse as something too fantastic, read the food stamp bill, it is all there.

Mr. HOEVEN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I hope that this bill will not be considered on a partisan basis. I regret that some of those who have spoken would like to inject politics into this proposed legislation. I want to say that the milk of human kindness does not flow alone in the veins of Democrats. We Republicans are mindful of the needs of our people. But we also feel we have some obligations to our taxpayers and to a philosophy of government which is involved in this proposed procedure.

It is interesting to note that my good chairman in his opening remarks said that the food stamp plan was a part of President Johnson's fight against poverty. The only observation of interest that I have to make is that my recollection of the President's special message to Congress on poverty is that he never mentioned the food stamp plan. Whether this is significant or not I do not know.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield.

Mr. COOLEY. The gentleman knows that he mentioned it in his Agriculture Message to the Congress.

Mr. HOEVEN. He did not mention agriculture in his state of the Union message, by the way.

Mr. COOLEY. He sent a special agriculture message to the Congress.

Mr. HOEVEN. Well, in his poverty message I do not recall him mentioning the food stamp plan. However, it has been amplified and spoken about here today as part of the fight against poverty.

Mr. COOLEY. If the gentleman will yield further, I was the one who used that on the floor of the House today.

Mr. HOEVEN. I do not think anyone is naive enough not to know what is going on around here in the consideration of this bill now at this very convenient, appropriate time, the first bill to be considered in a quadruple package or a triple package, if you please. It is the same old situation of you tickle me and I will tickle you and we will both tickle the third fellow. Then we will all smile and we will put one over on the taxpayers.

Mr. Chairman, it is rather significant, I think, when we recall that before the wheat referendum was defeated last year, the administration said, "There will be no new wheat legislation." Then Secretary Freeman said so; in effect, my good chairman the gentleman from North Carolina [Mr. COOLEY], said so in a press release; and then the referendum was defeated.

Mr. Chairman, Secretary of Agriculture Freeman said it again in a press release, and the Democratic National Committee said it. In effect, Secretary Freeman again said that there would be no legislation and said, in effect, let the wheat farmer stew in his own juice.

Mr. Chairman, the wheat farmer has voted down the wheat referendum. Well, of course, times have changed a little bit. This is the year 1964. This is an election year. So, I can understand why there is some concern about this. But, there is an interesting series of events to which I would like to refer, if I may. There were some hearings held in our Committee on Agriculture by the Wheat Subcommittee under the chairmanship of my good friend the gentleman from Texas [Mr. PURCELL]. They held some 11 committee hearings and heard some witnesses. It was a rather reluctant procedure. I think it was pretty well emphasized in those subcommittee meetings that unless there was a clamor for this legislation from the wheat farmers themselves, there was no necessity in going ahead and reporting out a bill. I believe the record so discloses. But on January 27, the Purcell bill, the wheat bill, was reported by the Subcommittee on Wheat, significantly enough without recommendation to the full committee, which indicated that that subcommittee after holding 11 hearings came out with no recommendation. Then that bill lay dormant for quite awhile in the committee. Well, on December 4 last year the House passed the cotton bill. On February 4, 1964, the House Committee on Agriculture tabled the food stamp bill by a vote of 19 to 14 which cut across the aisle when 5 members of the majority party voted to table that bill. I assume they felt it was a bad piece of legislation. They tabled it.

Well then, shortly after that, on February 7, 1964, the Committee on Agriculture reported the tobacco bill, sponsored by my good friend the chairman of the full committee, the gentleman from North Carolina [Mr. COOLEY]. A hearing was held before the Committee on Rules on the tobacco bill on February 27, 1964 and the House Committee on Rules tabled the tobacco bill.

Now, Mr. Chairman, I cannot read the minds of the members of the Committee on Rules.

I know something about the composition of that committee and, with all due respect to the membership of that committee, there are quite a few who represent city districts. The grapevine has it that they tabled the tobacco bill and served notice on the leadership that there will be no farm bills until and after the House of Representatives passed the food stamp plan, which is wanted by Representatives from the city districts. I do not think that is in dispute. It is well known, it has been mentioned. But I do not want anybody to be kidded about the deal that is on.

The understanding was, I assume, that Members from the cotton area and perhaps the wheat area will vote for the food stamp plan, then city Members in turn will vote for the cotton-wheat bill when the attempt to drive it down our throats is made tomorrow or the next day.

Then, of course, following, on March 4, the House Committee on Agriculture was rather hastily convened, and what do you suppose it did? They voted out the second food stamp bill. The five members of the majority party who voted with us first were on the other side. That is their privilege. I do not know why they changed their minds, but the fact is they did, and they reported out the food stamp plan, I imagine, in accordance with the plan.

Now, here we are today. That is No. 1 on the agenda, according to the timetable plan. We have to pass this food stamp plan bill now, as if it were an emergency. It reminds me of the agitation last year when we considered the feed grain bill and we were bludgeoned into trying to influence the wheat referendum. It did not do a bit of good. The farmers of the country voted against that proposition. They failed to get a majority instead of the two thirds required. This kind of operation is going to also have its implications before we get through.

Get this food stamp bill out of the way, and tomorrow or the next day we will take up the cotton-wheat bill. You know the history of that. The House passed the cotton bill; the Senate passed a cotton bill, and amended it somewhat. Everything else being equal, that cotton bill should go to conference. We have no objection to it going to conference. Both Houses have acted and have had the opportunity to debate it and to amend it. But over in the other body under their loose rules of germaneness they tacked on the wheat bill, which has never been seriously considered in the Committee on Agriculture of the House. No hearings have been held on that particular bill, and no chance was given to amend it. It was gaveled through.

Mr. HAGEN of California. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield to the gentleman from California.

Mr. HAGEN of California. Is it not correct that the House Committee on Agriculture did approve a wheat bill which is identical with the wheat section of the joint Senate-House bill?

Mr. HOEVEN. Yes; but they did not report out the Purcell bill, which they had previously reported out without recommendation. We attempted to amend the so-called Purcell bill. We of the minority presented amendments. They were voted down by a strict party-line vote. Then a motion was made to substitute the Senate bill for the Purcell bill. There was no chance to amend it. So tomorrow or the next day it will come to us on a take-it-or-leave-it basis. The cotton-wheat bill will be shoved down your throats whether you want it or not.

I am appealing to the honor and integrity of the House of Representatives, and I do not care what political party you belong to. The honor of the House of Representatives is at stake. This is an unprecedented move here to deny to Members of the House the opportunity to debate the bill or even to amend it. They ought to try to send it to conference, but that has not been attempted. This is a part of the deal.

When that is all said and done, after action on the food stamp plan and action on the cotton-wheat bill is completed, do not be surprised, then, if the Committee on Rules reconsiders its tabling of the tobacco bill and a tobacco bill is sent to the House.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield to the gentleman from North Carolina.

Mr. COOLEY. The gentleman does not want to mislead the House. I now have a copy of the President's message on poverty. There is a paragraph in there, and there is a reference to the food stamp program for the needy in the President's message.

Mr. HOEVEN. I will check the RECORD. The gentleman is correct. I will not be surprised if the tobacco bill is reconsidered. In fact, my chairman in a statement put in the RECORD the other day said it would be promptly acted upon. I do not know what he meant by that, but apparently it is part of the deal or program to take care of all of these three pieces of legislation.

I hope you will read the minority report on this food stamp plan bill. It consists of 35 pages. It is a comprehensive report.

First of all, this bill is not needed. As has been pointed out in this debate, one out of every six people in the United States is getting some kind of Federal food assistance now. The pilot food stamp program will continue whether this bill passes or not, and will be made available, I assume, to depressed areas if need be. No one is quibbling if they want a pilot program in some sections of the country, but why should we impose this kind of program in all 50 States? You people are not naive enough but to know that these Federal programs once started are going to be taken advantage of, with consequent rising costs beyond imagination. We have 43 pilot plants right now in different sections of the country. Whether this bill passes or not, they can be continued. Those 43 pilot plants are costing the taxpayers approximately $51 million per year, or over $1 million a project per year. Can you visualize that when this new expanded program is brought into being in 50 States, in 3,000 counties, and in addition municipalities in this country, this program is going to cost about $2.5 billion.

Why do I say that? Because a comprehensive appraisal was made of a nationwide program by the U.S. Department of Agriculture in 1957, and that is the figure they came up with, and it is in the report. Times have changed since 1957. The cost of operating the Government has gone up. You put municipalities in this program and it might well cost $3 or $4 billion a year, and it all comes out of the Federal Treasury, as far as the proponents of this bill are concerned, and every dollar of it is borrowed money. You people that talk about economy in government better stop, look and listen before you impose that kind of program in view of the fiscal situation in this country. Your own President is calling for economy. This will cost a potential $2.5 billion and perhaps more before we get through. This bill would destroy responsible local and State government.

I do not have the time here, but I hope you will read this bill, H.R. 10222, and the report.

The authority given to the Secretary of Agriculture in practically every paragraph makes him a virtual dictator. He decides everything. Now if you do not believe what I am telling you is true, just take a look at H.R. 10015 which was introduced on February 18, 1964, which was superseded by the bill before us, H.R. 10222 on March 3, 1964. Why was a new bill presented? Because one member of our committee pointed out very definitely the unlimited authority given to the Secretary of Agriculture. So in the new bill, in the latest version, they struck out the word "Secretary" and inserted language which still gives full authority to the Secretary of Agriculture and he will still determine everything that goes on in this program.

Mr. HARVEY of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield to the gentleman.

Mr. HARVEY of Indiana. I want to commend our ranking minority Member on this very fine analysis he is making of the bill. I would like to observe that during our comments, the gentlewoman from Missouri stated by inference, I think, or attempted to leave the impression that Dr. Paarlberg was advocating a stamp plan. I happen to be a very good personal friend of Dr. Paarlberg and I scarcely think he did that. What I think he said, and I believe I read the same statement he made, he was comparing the various methods of meeting the hunger problem so far as people are concerned. But I do not think by any stretch of the imagination that the good doctor should be credited with advocating a stamp plan.

Mr. HOEVEN. I thank the gentleman.

Mr. HAGEN of California. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield briefly to the gentleman.

Mr. HAGEN of California. I would judge from what you said about the pilot program, you do not object to it, but I understand that the Secretary of Agriculture has unlimited authority with respect to these pilot programs with none of the restrictions inherent in this bill. Do you approve of that and how do you justify the delegation of authority in that instance and disapprove of it here, because this is a much broader delegation?

Mr. HOEVEN. Well, he operates under the limitation of appropriations, may I say to the gentleman, under the pilot plan program. Let me say in that connection, this new expanded food stamp plan bill is not in the President's budget. The only figure in the President's budget relates to the pilot plan. How do you justify that one? This stupendous program of expenditure is not even budgeted by the administration.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield to the gentlewoman briefly.

Mrs. SULLIVAN. In reference to the remark the gentleman made with reference to the statement of Dr. Paarlberg. I have his book in my hand. It was with reference to subsidizing food consumption. He did not say he advocated a food stamp plan. In his book he said, if we have to have any kind of a distribution of surplus food to the needy, the food stamp plan was far superior to direct distribution.

Mr. HOEVEN. Mr. Chairman, this bill, as has been so clearly pointed out, would not solve our surplus problem. You know, when this type of legislation was first conceived, the objective was to help get rid of surplus agricultural commodities. We have lost sight of that entirely. Under the provisions of this bill, surplus agricultural commodities are only incidentally involved. These people with stamps can go into stores and buy caviar. They can buy a lot of things that are not in surplus. There have been instances of graft and corruption in some of these areas. It is pretty easy to trade stamps or food purchased with stamps for an automobile tire or what-not. We are not going to solve our surplus problem with this kind of legislation.

In the 85th Congress H.R. 13067, a bill to establish a nationwide food stamp program, was defeated in the House of Representatives; but in the 86th Congress legislation was authorized to provide a nationwide food stamp plan. The gentlewoman from Missouri proposed the so-called Sullivan amendment. We know that that amendment was limited to only surplus foods acquired by the Commodity Credit Corporation under price-support programs or under section 32. This authority was never used and it expired in 1962.

This is the issue, in the last analysis: Shall we now embark on a complete welfare program, or shall we go back to our original intent and try to do something to get rid of surplus agricultural commodities? That is the issue.

I can understand why some of my good friends do not like the so-called Quie amendment. Bless your hearts, you do not want any interference with a Federal welfare program. We know full well that some of the States are not going to participate, even if they could. They are not in favor of that kind of a program. They will be practically forced into this kind of setup, once it gets going.

This will require hundreds, and perhaps thousands, of new Federal employees. Let us think about that a bit.

If Members will look at table 1 on page 23 of the report they will find the table presented by the Department of Agriculture. This is not my information. There it is shown how employment is expected to jump from 155 at the present to 985 by the fiscal year 1968, according to the Department itself; 155 people are now needed to supervise 43 pilot operations. That is 3.6 bureaucrats per project. If the program were made nationwide, to cover more than 3,000 counties and every city, the administrative burden would be multiplied tremendously.

Imagine, for example, a food stamp in the District of Columbia. That would certainly require more than 3.6 people to administer and enforce. It would add thousands of people to the Federal payroll.

That is the history of these kinds of programs, once started.

Overall, in this package deal, what do we find? There is a proposed welfare program for 50 States, to be charged to the Department of Agriculture, which is wrong, in my judgment. The farmers of America and the Department of Agriculture have much too long been charged with the terrific cost of farm programs. Here we are asked to load another burden upon the Department of Agriculture, when it rightfully should be a program administered by the Department of Health, Education, and Welfare. That Department, handling welfare, could requisition food from the Department of Agriculture for distribution.

Coming back to the cost of the food stamp program, in fiscal year 1964 and the next 3 years the bill proposes to spend $400 million. According to the Department's 1957 analysis, it would be $2.5 billion a year on a nationwide program.

Then look at the cotton bill, with which we will soon be confronted. That will result in a cost of $753 million in the first year, according to the chairman of the Committee on Agriculture and Forestry in the other body.

The wheat bill will cost millions of dollars before we get through.

This package deal—not considering tobacco, which will cost a few million dollars also—means we will be considering about $1.9 billion in added authorizations, and the food stamp plan is not even in the President's budget.

Mr. HAGEN of California. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield.

Mr. HAGEN of California. Does the gentleman have any knowledge as to whether Mr. Paarlberg participated in making that 1957 report?

Mr. HOEVEN. I am not here to speak for or against Mr. Paarlberg. I believe that is entirely beside the point. We are not trying Mr. Paarlberg. If the gentleman rests his case on what Mr. Paarlberg said, he has a rather weak position, it seems to me.

Mr. HAGEN of California. Was he not the "economic brains" of the Agriculture Department when Mr. Benson was Secretary?

Mr. HOEVEN. There are a lot of economic brains and there are a lot of economic brains now in the Department of Agriculture, let me say. These cotton people need not worry about legislation. As I say, it is ready for conference. The good chairman of my committee knows fairly well there is going to be a cotton bill whether you pass a food stamp bill or not, and it will not inure to the benefit of the consumers. This wheat bill is not going to inure to the benefit of the consumers. There is a definite tax involved, which should be within the jurisdiction of the Committee on Ways and Means. That tax—call it a bread tax or an excise tax or whatever you want to call it—the fact is that you people representing consumer districts are going to pay a bread tax, if you please, and just do not get fooled on this kind of a deal. I will insert in the RECORD today, and you will read it in the morning, a sample of dozens and dozens of letters and communications that I have received from baking concerns throughout the United States saying, "If this wheat bill passes, we will be forced to raise the price of bread and other wheat products." I am not going to get into an argument as to whether or not they are right, but I think they tell the truth. Why should they go out on a limb and say differently? They want to protect themselves. They are going to have to pay more for wheat and flour, and the consumer will pay the bill, as he always does. So I hope we can consider these things on their merits and get away from these political considerations and from this quadrupling deal that is in force and effect around here. They are not kidding anybody.

I hope the Quie amendment stays in the bill. That will be the test as to whether you are going to provide a nationwide welfare program or whether you believe in States rights.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. COOLEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I just want to deny that I have been a party to any sort of dealing or wheeling or any other type of transaction that involves any more than a vote on this bill today and a vote on the other bills as they are scheduled by the leadership to come before the House.

I have one further statement I would like to make. I again call my friend's attention to the fact that here is the President's message on poverty and the reference is to this stamp program which we have here.

I have one other observation. Talking about the bootlegging and mishandling and mismanagement of the program, this program has been operating in my home county and through it more than 8,000 people have been receiving benefits. There have been undercover agents from the FBI there for 3 long weeks in a search night and day for some evidence of corruption or mismanagement, but they did not discover any at all. These people that criticize these programs know nothing about the programs. I think it would be well if I appointed a subcommittee so that they could visit some of the places where the program is in operation.

Mr. HOEVEN. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Iowa.

Mr. HOEVEN. I hope my good friend, the chairman, will not feel that I was singling him out. I never mentioned the gentleman.

Mr. COOLEY. I know you did not, but you were looking at me all the time.

Mr. HOEVEN. I did not personally charge him with being the generalissimo of the plot. I think there are several involved and it is apparent. As to the gentleman's project, I can well understand it may work perfectly in North Carolina, but it is a pilot plant that is being financed out of section 32 funds.

Mr. COOLEY. That is right.

Mr. HOEVEN. Just because the gentleman has a good program in his State, why should he attempt to force that kind of a program into 50 States?

Mr. COOLEY. That is just it. I want it clearly understood this program is not being forced on anybody. It cannot be forced on any community or any State or subdivision thereof.

Mr. HOEVEN. It is a voluntary program, but I pointed out these Federal programs have now become awfully attractive, just like this new cotton-wheat proposal you mentioned. That is supposed to be voluntary, but it is a voluntary-compulsion bill.

Mr. COOLEY. The gentleman is proceeding out of order to talk about the wheat bill. We will discuss that when we reach it. But the fact of the business is it cannot be accurately called a tax on bread. The whole thing is designed to prevent that but notwithstanding the way the bill has been designed and the program has been arranged we still hear talk about a bread tax. But we will cross that bridge when we come to it, I am sure.

Mr. Chairman, I yield such time as he may require to the gentleman from Pennsylvania [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, in March of 1963 a pilot food stamp program was launched in my city of Pittsburgh.

I believe that the fortunate experience that the city of Pittsburgh has had with the food stamp program demonstrates how this program can benefit other communities.

Nearly 40,000 Pittsburgh citizens participated in the food stamp program during January 1964. This represents a decline in participation from the peak of March 1963, when the program was launched, and the reason for the decline of around 9,000 is the improvement in general economic conditions. The program itself can be credited with some contribution to this improvement.

The Pittsburgh Post-Gazette, in a recent editorial, describing the program as an "integral part of the drive against poverty" concluded simply, "the program has benefited Pittsburgh."

In a 1962 editorial, the Pittsburgh Press, a Scripps-Howard newspaper said, "The food stamp plan involving some thrift, planning, and selection by the customer and putting the food traffic back into the channels of normal trade, is vastly preferable," to the surplus food distribution program.

This experience could be repeated in every congressional district across the Nation.

Here is what has happened in Pittsburgh under the pilot food stamp program:

Food purchasing power, over a period of 11 months, was improved by $2,737,911. Nearly 1,000 retail food stores have benefited from this additional purchasing power, as have untold numbers of farmers as consumption of their products was increased.

Social benefits have matched those on the economic side. Mayor Joseph M. Barr of Pittsburgh put it this way:

> I am sure—

He said—

> most persons will agree the stamp plan provides a dignity for qualified recipients.

This program is a demonstration of respect for the dignity of the individual. He is permitted to buy his right to participate when he can make such a contribution, and he is permitted to utilize the food purchase channels used by his more fortunate neighbors.

The Pennsylvania Grocers Association has endorsed the food stamp program and its resolution was followed with this explanation:

> It is a fact that in areas where the food stamp program has become operative, food store sales have increased. Additionally, wherever the program has been installed, the overall economy of the area has improved as much as 10 percent. But, while these effects are much to be desired, we believe that food men and others in business, thinking as citizens, must have an even deeper interest in the opportunity for better nourishment for many underprivileged which the stamp program makes possible—and in the greater dignity that the program gives to food stamp users. These social aspects have a far-reaching and desirable effect on the community.

The food stamp program is good for people, good for business, and good for agriculture. I urge the adoption of a permanent national food stamp program.

Mr. COOLEY. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. HECHLER].

Mr. HECHLER. Mr. Chairman, I concur in the remarks of the gentleman from Pennsylvania [Mr. SAYLOR], the gentlewoman from Missouri [Mrs. SULLIVAN], the gentleman from California [Mr. HAGEN], and others who have indicated that the 50-50 matching amendment would effectively kill this food stamp bill. In the time yielded me I would simply like to read a telegram from the commissioner of welfare of the State of West Virginia, W. Bernard Smith:

> I was greatly disturbed to learn of the unfortunate action taken by the House Committee on Agriculture in amending the bill for the expansion of the food stamp program to require the State to provide 50 percent of the bonus payments. This program has been of material benefit to the people of West Virginia and is, in the opinion of all concerned, one of the most beneficial programs authorized to assist the needy persons in the poverty pockets of our Nation.
>
> This program has received enthusiastic endorsement from educational authorities for the effective manner in which it benefits the diet of the schoolchildren of these depressed areas. They tell me that it is amazing to watch the effect of the improved diet furnished by this program upon the learning ability and attitude of these children. It has been an aid to insuring that these children receive the education so necessary for them in their future adult lives.
>
> In addition to the marked improvement in diet and attitude of the persons assisted by this program, it has also been of tremendous assistance to the small merchants of this area and has, in fact allowed many of them to remain in business life rather than be forced into bankruptcy and unemployment themselves.
>
> We also find from our experience that it is a much more efficient method for providing the necessities of life than the commodity program which requires a seriously depressed State to expend considerable amounts of its resources for storage, transportation, and the control of a tremendously cumbersome program. The food stamp program also insures that the children of these families actually receive the food intended for them rather than, as in the case in the commodity program, the surplus items are sometimes traded or sold for other purposes, a practice which is impossible to eliminate.
>
> While the cost may be somewhat higher, how can we judge this cost against the savings in human misery, especially as it affects the unfortunate children as we attempt to insure that they, through education, are prepared for the complex society of the future. A child must not be required to learn and fight hunger at the same time.

Here is a very important point in this telegram:

> To require the State to provide 50 percent of the bonus stamps would impose upon the depressed economy of this State the additional burden of $7 million for a statewide program.
>
> The proposed bill would also deviate from the accepted procedure in other Federal-State matching situations of Federal reimbursement to the States for their expenditures. For this plan to work, the stamps must be Federal in nature to allow the use of the banking system and the Federal Reserve. Under the proposed legislation, the State would be reimbursing the Federal Government for its expenditure. This, under our State constitution, as well as others, would be construed as creating a debt and invalid.
>
> In other words, the committee amendment to the bill rather than simply restrict the program would kill it entirely.
>
> I most earnestly urge that the committee amendment be defeated and the administration bill based upon tried and proven practice be enacted.
>
> W. BERNARD SMITH,
> *Commissioner, Department of Welfare, State of West Virginia.*

Mr. Chairman, this is a free enterprise bill. Instead of relying on Government-dominated machinery, it enables grocers, merchants, wholesalers, and the banking community to participate through the normal channels of trade.

I was present at the official launching of the food stamp program in Wayne and Logan Counties, and have closely followed the progress of the program and its effect on the people and economy. In West Virginia, it has clearly helped the needy and restored dignity to the individuals participating. It is also administered with tighter controls.

I certainly hope that this bill will pass, minus the crippling amendment which requires 50-50 State matching.

Mr. COOLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. RYAN].

Mr. RYAN of Michigan. Mr. Chairman and my colleagues, I am in favor of the food stamp bill for the following reasons:

In this year of 1964, our Nation has reached exceedingly great economic growth.

The economic expansion which began early in 1961 has continued for more than 3 years. This month we are marking the longest and strongest economic expansion in our history in any peacetime period.

As proof of this statement, we can point to the fact that our gross national product has risen nearly $100 billion since 1961. This is a 16 percent increase. Our gross national product at the end of 1963 was over $600 billion.

Personal income generally rose to a record of $463 billion in 1963, up 17 percent.

Personal income per capita reached an annual rate of $2,500 per American. Corporate profits after taxes reached an alltime high of $27.4 billion. Industrial production has increased 23 percent to an all-time high.

Our national unemployment has decreased from 7 percent to 5.3 percent, and for the first time in many years, the civilian employment was over the 70 million mark.

It is wonderful to point out these facts and figures of record-smashing national economic achievement.

But, as in so many other cases, there still remains the other side—and it is not a healthy picture whatsoever. Our vast economic growth has done wonders, but there are still too many weak spots left.

We, as Americans, must look at the whole picture and then surely realize that we must consider our less fortunate fellow citizens and their economic state of life. We should and must consider the status of our undernourished and impoverished brethren.

There are still 5.3 percent of the labor force remaining idle in spite of our huge economic growth. Two million more jobs are needed immediately to give work to those capable of working, but who cannot find the jobs or work.

In addition to those unemployed through no fault of their own, there are the untold thousands of Americans existing somehow in between the levels of abject poverty to a substandard status.

It is this class of people living below the subsistence level for whom the food stamp program is intended.

As I understand, the persons to become eligible to participate in this program must be first approved either by a city or county welfare agency.

These people may consist of welfare recipients who qualify automatically, or may include those classified as categorical assistance recipients, such, as some of those receiving old age assistance, aid to the blind, aid to the disabled, and aid to dependent children. The help supplied by the agency in charge, but working under the direction and control of the Department of Agriculture and the local welfare agency, varies in accordance with the income or lack of income of the recipient family.

The purpose of the food stamp program is to provide these indigent families with the opportunity to have an adequate diet. It gives these people the means to provide staple and nourishing food products for their families and to help develop healthy Americans for the future. Another purpose is to make available to them some of the great quantities of our farm surplus that is stored in elevators and bins and warehouses throughout this rich country.

From the survey made in Detroit in a 1-year program, 80 percent of the gains in the value of food consumed represented animal products, grains, fruits, and vegetables; all grown by the American farmer.

None of the stamps can be used for any other purpose.

Products, such as tobacco, soft drinks, frozen foods, alcoholic beverages, and imported foods are absolutely out.

This program is a reverse type of a foreign aid program, in that it is aimed to provide indigent Americans with American-grown food. It really does not make sense that we can boast about our economic gains without taking means to allow our less fortunate and underfed and undernourished citizens to share in these surplus crops. The farmer gains almost as much as the recipient under this food stamp program.

Here is how this program works in Detroit:

First. The eligible person receives an identification card and an authorization to participate from the local welfare department. He signs both in the presence of the issuing person.

Second. He pays the money to a cashier who issues the number of books shown on his card. These books are signed then and there—before his leaving the office.

Third. The participant takes the coupon books to his grocer and exchanges the coupons for food. He must show the grocer his identification card and his signature on the coupon books.

Fourth. The grocer must tear the coupons from the book. No cash is handled, but sales taxes are paid on the transaction by the consumer.

Fifth. The grocer redeems the food stamp coupons and thereby receives his money.

In the city of Detroit, there has been actually no financial loss. As a matter of fact, from the disbursement and sale of $22,644,480 in food stamp programs, and the related collection of $7,946,635.00 in cash; or, in other words, in a total of 281,532 transactions averaging only $28.23 each, there was only a loss of $143 during the year period of July 3, 1961, to June 30, 1962.

The records are carefully audited by the U.S. Department of Agriculture, as well as the city of Detroit.

The pilot food stamp program has been an outstanding success in the city of Detroit.

Its continuation, to assist any community in meeting the problem of chronic unemployment, is vital. This program is really an essential instrument on the war on poverty.

In conclusion, I would like to close with a letter written by a food stamp program participant.

> DEAR SIRS: I went back to work December 11, 1962. My earnings are now such that I have become ineligible for food stamps. However, I would like to compliment you people for your fine services and highly praise this food stamp program. It has assisted me and my family of 10 children greatly while I was out of work.
>
> Yours,
>
> ——— ———.

Mr. COOLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. RYAN].

Mr. RYAN of New York. Mr. Chairman, I rise in support of H.R. 10222, the Food Stamp Act of 1964.

Mr. Chairman, exactly 200 years ago the mastheads of various American colonial newspapers demanded "liberty and property, and no stamps." The rallying cries of liberty and property still ring out, but this generation of Americans clamors for all the stamps it can get. Where editorials once condemned stamps as the symbol of foreign domination, advertisements now glorify them as the key to luxurious living. American husbands who used to toss stamped tea into the sea, now help their wives carry home bags of groceries and paste premium stamps in booklets they hope to transform into outdoor grills and motorboats.

And yet the attitude of yesterday is not totally dead. There are some in this House today who think that there are stamps—and there are stamps—that what may be good for Peter Prosperous may not be good for Paul Poor. I suppose most of my colleagues accept the idea of stamps in books of those who can afford bountiful supermarket shopping. But some of these same persons are unwilling to support the bill before us which enables the impoverished to obtain stamps with which to purchase necessary nourishment. How in 1964 can one approve of food providing stamps, while refusing to allow stamps to provide food? How in a nation that has amassed the greatest wealth and greatest overweight in the history of the world can we complacently permit some of our neighbors to go hungry? We do not live in a society in which there is not enough to go around. In the United States of America hunger is not the result of national malnutrition, but of the failure to use our abundance.

Our present age of affluence is replete with contradictions. With our grain stores bulging with agricultural surplus—abundance, or superabundance, which Secretary Freeman has pointed out, has been and is, of "enormous benefit to the American people"—how can it be possible that some 13 percent of the American people have serious nutritional shortages? The breadlines of the thirties are gone; our gross national product has increased eight-fold in the intervening years, but children are still ill-fed.

President Johnson has called for a war on poverty, a war to be fought "in the field, in every private home, in every public office, from the courthouse to the White House." This body has the opportunity today to win the first battle in the war—it has the opportunity to see that no American shall be without food—not just the starchy products of our grain surplus, but other staples necessary for a balanced diet. Let us take this first step in this campaign—that of obliterating hunger. As Carl Sandburg has said:

> The empty belly instructs the tongue. * * * Unless you say "eat" the hungry belly can't hear you.

You cannot teach a hungry child, and you cannot train a hungry man.

A food stamp program is not, as some suggest, a radical innovation thrust upon the American people. It began in 1939, supplanting a direct distribution program which had been in effect since 1932 and which was designed to get rid of food surpluses owned by the Government as a result of price support activities. A study in the 1930's revealed that some one-third of all families in the United States had inadequate diets. Poor diets appeared to be correlated with low incomes. Malnutrition was linked to unemployment. These studies initiated a search for a technique for diverting surplus foods to needy families. The result of this search was the ancestor of the program we are considering today, a program with a history stretching back a quarter of a century.

Stamps were initially distributed on an experimental basis. Then distribution was expanded, until stamps were available in areas which included one-half the total population of the country.

In 1943, after World War II had practically eliminated both unemployment and food surpluses, we ceased to rely on stamps and reverted to direct distribution. The Department of Agriculture determined that the 1939 food stamp program was a "great improvement over direct distribution to needy families. It was more effective both as a means of improving the diets of low-income families and in strengthening farmers' incomes." While it was in operation, the Government did not buy surplus food and donate it to needy families, but sold food stamps and allowed the families to use the stamps to buy food in their local stores. The stamps increased the food-purchasing power of participants by 50 percent. A family could buy $1.50 worth of food stamps for $1. In practice the low-income families could buy whatever foods they most wanted and needed. Their diet was not restricted to whatever the country happened to have left over. The nutritional values of grains were enhanced by the vitamins derived from meats, dairy goods, eggs, fruits, and vegetables. The farmer, too, benefited from the consumption of crops which were not bolstered by price supports.

Most farmers, food distributors, and needy families liked the plan. Farmers saw it moving surpluses into consumption. Distributors found it profitable because private industry did all the buying, processing, transporting, and selling. Consumers were eating better.

To claim that it was without opposition, however, would be to exaggerate its popularity. Some farm spokesmen believed it should concentrate the added purchasing power on those foods that were truly surplus. Others thought it should be financed by the Social Security Administration instead of from USDA funds. Some professional welfare experts viewed it as "relief in kind" and argued for "relief in cash" with no strings attached. There were some doctrinaire defenders of laissez-faire who opposed all programs for food diversion—whether to exports or to storage, to industrial uses or to needy people. Others argued that diversion programs keep alive an uneconomic farm program. Regardless of the merits of these views, as long as we have food surpluses and hungry people, it is immoral to keep the surpluses from needy families. These same criticisms have been echoed in 1964. The replies to the critics are as telling in 1964 as they were in 1939.

Mr. Chairman, let us look at our present practices with respect to food surpluses. A few years after World War II, as unemployment grew and food surpluses increased, the Department of Agriculture revived and expanded the old program of handing out whatever surpluses happened to be available. In 1953 it was reaching only 100,000 needy persons; in 1959, 5,741,000; and in February of 1964, 6.1 million in the Nation—251,000 people in the city of New York alone—were getting commodities. New York State in fiscal 1963 utilized 82 million pounds of food worth $18.4 million. Clearly the direct-distribution system is now reaching enormous numbers of people.

But what about its quality? In December 1960, a typical monthly donation for a family of four persons consisted of 10 pounds of wheat flour, 10 pounds of corn meal, 2½ pounds of rice, 4½ pounds of dried milk, 3 pounds of lard, 4 pounds of beans, and 3¼ pounds of dried eggs. The people on the receiving end have little choice. Once a month they appear at the distribution depot and trudge home lugging some 37¼ pounds of food. It is difficult for me to speak for the rest of the country, but let me tell you that in New York City, where the depots are frequently miles from the "pockets of poverty," it is no easy matter getting close to 40 pounds of bulky packages onto an overcrowded subway or bus.

Cumbersomeness and poor variety are not the only criticisms to be leveled at the existing food-distribution policy. In areas such as Appalachia and some parts of New York City where 25 to 40 percent of the population are getting commodities, it hits the retail grocer—whose livelihood frequently depends on the sale of staples—where it hurts. He cannot compete with a Government handout.

The need to reexamine the existing program was brought home to the Nation by President Kennedy in his economic message of February 1, 1961. At that time he called for the Department of Agriculture to proceed as rapidly as possible to establish pilot food-stamp programs for needy families in each of eight representative locales. He said, and I quote:

> It is my hope that this pilot program, while providing additional nutrition to those now in need, will pave the way for substantial improvement in our present method of distributing surplus food.

In January of 1962 he summarized the progress made when he said:

> The pilot food-stamp program in eight communities has brought such encouraging results that its administrative expansion in a further trial period to many additional communities is justified and is included in the new budget.

The results have continued to be encouraging, so that today we are asking that the food-stamp program—that now is operating successfully on an experimental basis in 43 areas in 22 States, covering some 380,000 persons—be expanded and made permanent.

The food-stamp operations differ in three main ways from direct distribution. First, the stamp program enables participating families to receive a fully adequate diet while a direct distribution program that has been enlarged to include peanut butter and canned meats, falls far short of this worthwhile goal. Second, as in 1939, the stamps must be paid for, so that the governmental subsidy provides a real net increase in total food consumption. Third, the food-stamp program operates through the private food trade; it does not set up a governmental food-distribution system in competition with industry.

Conceivably, direct commodity distribution might be expanded until it provided adequate diets without cost to most needy families. But there are difficulties here. The families would either stop buying food or would have more than necessary. The food trades would begin crying "unfair competition," and the cost to taxpayers would be substantially greater than that of a stamp program, in which participants pay a substantial part of the cost.

Before discussing the bill's provisions, let us examine some of the props on which the shaky platform of the opposition rests. The foundations of this platform are weakened by the argument that this is a welfare bill and that the Department of Agriculture is not a welfare department. Those who hold the view that the bill "smells of welfare" presumably think that the Department of Agriculture should be strictly a farmer's department. That was not the original idea. Abraham Lincoln, in his fourth annual message to the Congress exactly 100 years ago, declared:

> The Agriculture Department * * * is precisely the people's Department, in which they feel more directly concerned than in any other.

In the past the Agriculture Department has not limited itself to the interests of agriculture but has been traditionally concerned also with consumers. It has crusaded for pure foods, for grades and standards, for research and education in home economics. And it has promoted programs, such as food stamps and nickel milk that were great improvements over direct distribution. Surely the direct distribution program in which commodities are distributed free of charge is every bit as much a welfare program as the one in question today in which participants must contribute to the payment of cost by purchasing the stamps. The contention that welfare belongs to HEW cannot stand close examination. Every department of the U.S. Government must devote itself to the welfare of the American people.

It is also argued that the proposed bill is not even a partial solution to the farm surplus problem. I do not think that the long-term interests of agriculture are always served best by trying to rescue whatever commodity or area happens to be in trouble at a particular time. A stamp program, such as this, is an effective way of developing better markets for meats, dairy products, eggs, and for many fruits and vegetables. The statistics from the pilot programs have shown that the stamp program has led to a significant increase in the consumption of these foods. Retail sales in the areas involved have gone up on an average of 8 percent, and the additional consumption of meat alone has increased by a pound per person per week. Increased meat consumption means a need for more grain with which to fatten the cattle. In the long run, the expansion of markets for the aforementioned products will help agriculture. Of course, a domestic food distribution program will not solve our farm problems.

The bill before us contains a program geared to our whole marketing enterprise system whose expressed object is to "strengthen the agricultural economy; to help achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households." I have already discussed how it is designed to strengthen the agricultural economy. The food-purchasing power of needy families is an untapped major market. Statistics show that the fruit and vegetable consumption of those families participating in the pilot has more than doubled. The farmer gets a good part of the consumer dollar in payment for these. By enlarging and stabilizing the food demand in the United States, the food-stamp program is expected to increase our total national expenditure for food, thereby raising the income of the farmer.

Congress today, as in the past, is obliged to legislate to promote the general welfare. The food-stamp program has and will continue to do that. It seeks to assure that needy families will have at least a minimum standard American diet. Unless we increase welfare payments to a level insuring a decent minimum standard of living, there is no other way of providing that all Americans shall be adequately fed. Adequate cash relief in all States is obviously very necessary, and we must be careful not to let this program be used as an excuse for lowering cash payments. But so long as cash relief is inadequate—and recent studies have shown this to be true—and so long as we have food surpluses, there is no excuse for refusing to come to the aid of the needy in a way that is so obviously possible.

The program is designed to benefit the recipient, the retail food dealer, the U.S. Government and the State and local governments. Those eligible for participation are obliged, on the average, to pay for $6 out of every $10 worth of stamps they receive. This is no handout program, but one that surely will contribute to the participant's sense of dignity and well-being. No longer limited to the cereal products of the surplus distribution system, he is now given a freedom of choice. He can buy what he wants, where he wants, when he wants. The humiliation of the breadlines and the handouts will be banished. The participant will budget his money to make sure that he will have the cash for the food coupons. If he is receiving social security or a welfare check, the dates of the purchase of the stamps will coincide with the arrival of the payments.

The retail grocer will benefit, for his sales will increase with the increased purchasing power of the families in his neighborhood. The Federal Government is relieved of most of the burdens and administrative tasks of the direct distribution program. The suspension of the commodity distribution system is expected to offset 80 percent of the cost of the food stamp scheme. The current distribution program cost the Government a total of $204,400,000 in fiscal 1963, a figure which includes the commodity cost, warehousing, transportation, processing, repackaging, and miscellaneous handling charges.

State and local governments are assigned most of the administrative details. Each State is responsible for the establishment of standards to determine the eligibility of applicant households, standards subject to the approval of the Department of Agriculture when the area makes its application for a program. The program can be geared to local conditions and local problems. The pilot programs, which covered the large urban situation in the city of Detroit and that of rural West Virginia and northern Minnesota, have shown that this approach is feasible. It is expected that 25 million persons will be potentially eligible to participate in a Federal food stamp program of minimum scope—4 times the number in the present distribution program. The pilot projects have determined furthermore that the additional purchasing power of the families is being spent on the meats, dairy products, fruits and vegetables that they had never before been able to enjoy. Let us make sure of putting these goods in the hands of those who most need and will most enjoy them by passing H.R. 10222.

Let us also make sure that we pass an effective bill. The requirement that participating States pay 50 percent of the costs of the program is unwise and would cripple the program. I urge my colleagues to join in defeating that amendment tomorrow. Mr. Chairman, in closing let me ask my colleagues to pause and think for a moment the next time they see the luxuries that can be exchanged for premium stamps. Let us make it possible for those who cannot afford dreams of luxuries to at least have stamps with which to purchase the necessities dreamers take for granted. Let us begin to stamp out hunger in this Nation.

Mr. COOLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. LIBONATI].

Mr. LIBONATI. Mr. Chairman, the road to poverty is footworn by the millions of hunger stricken humans whose withered bodies harbor near dead souls without ambition or substance. The most innocent in responsibility for their impoverished condition are the children who through the misfortunate circumstances of birth are wasting away without succor or substance. These can be truly called the resulting loss of a decadent generation.

We, as a God-fearing people, with charity in our hearts, have sponsored and supported tremendous international charity programs among the peoples of the earth—to give impetus to their self-uplift and to so stimulate their economy to increase their opportunities to pursue and enjoy normal living standards and remunerative employment.

And thus we have in these world encompassing projects spent enormous sums of money—$130 billion, including the Marshall plan—while being strict in the regulation of limitations and a too conservative control over our relief food program.

H.R. 10222 is designed to extend the Food Stamp Act Plan of 1964 over the Nation and further expand to thousands of our needy citizens the benefits under the act.

The expanded program will further strengthen the agricultural economy, increase the use of food abundances, reduce storage and other costs, stabilize the health, and insure the well-being of our needy, to regulate through cooperative Federal-State programs of food assistance through normal trade facilities and merchants in private enterprise as outlets for distribution to the recipients.

There are 43 such local areas operating under the stamp programs since 1961—under H.R. 10222 the program is under congressional direction and further provides specific legal authority for the program.

The accumulation of surplus foods should not be considered solely for oversea negotiations but should serve a most salutary and righteous purpose in being placed at the disposal of indigent persons for home consumption.

Under the bill any area organized through an agency "set up" to administer public assistance programs can submit a request for the establishment of a food stamp program—its plan of operation, factual data—incident to the scope and statistical basic determinations are presented to the authority petitioned.

Each State is responsible for the costs of operation, including costs of administration, the determination of eligible households, together with the investigations, conferences with citizens seeking participation; the control, issuance and protection of the coupons upon their transfer by the Federal authority. The collection of data as to households certified as not being on the public assistance rolls—being of a Federal interest for aid—such costs will be met at the Federal expense.

The Secretary of Agriculture will pass upon the State and local plans of operation presented for approval.

From previous statistics it was determined that 60 percent of the households approved as participants of the program are not on the relief rolls or receiving public assistance—but whose eligibility to participate was based on their economic status. This indicated that help was needed if the attainment of a nutritionally adequate diet should be realized. Each State would establish these standards subject to the approval of the Secretary of Agriculture.

Any foods are eligible for consumption except alcoholic beverages, tobacco, imports or foreign foods so identified or packaged by mark or brand; also soft drinks, and luxury foods—including those frozen.

The member of the eligible household makes application to the local welfare agency for the right to participate in the stamp program. The welfare agency determines the percentage of the household income which would normally be spent for food which can be purchased with food stamps.

Upon being given approval the member takes his authorization and the money allocated from his budget for food purchases, and buys his allotment of food stamps at the issuing agency—usually a local bank. He makes his purchases at a participating retail store having received $10 in stamps for about $6 plus cash. The Government redeems the stamps by Government check upon a deposit of the same at his bank, the stamps can be used to pay the merchants bills to wholesalers who are listed as participants. The stamps are redeemable through the banking systems.

This bill will upgrade the diet of those who are not able to, because of their low income and family responsibility to provide proper nutrient foods for their consumption. The bill will also reduce the cost of maintaining tremendous surplus foods in storage plants at high rental and preservation costs.

The costs of the program for an estimated 4 million persons is estimated at $360 million per year.

The net savings to the Government under the direct system of distribution would be between $185 million and $280 million per year. This wide range of estimates of saving reflect the difference between the value of the surplus food involved in the entire range of the operations of the program. Also the consideration of the surplus foods at costs when purchased and the value of the same at time of distribution.

An additional expense in the perfecting of the system is listed as $175 million, the cost of the surplus foods, or as low as $80 million at market value at period of distribution. A survey indicates that the present 1,500 counties participating under the present act will seek certification under H.R. 10222.

H.R. 10222 is a real contribution not only to the welfare of the people in need but a stimulant to the prosperity of the farmer and our economy. Its application will increase the number of participants from some 380,000 persons and 43 areas in 22 States covering 1,500 counties—the present program—to a nationwide expansion of 4 million persons and makes the food stamp program permanent. There are now on file 234 requests for the program from other localities.

The increase in the demand for vegetables, fruit, and meat resulted in the stimulus given by this program, and also resulted in the increase in the use of feed grains. Thus not only were diets increased in quantity but the varied selection of other foods were made possible. Thus the food stamp program also benefits the food industry as well as the consumer. And the cost to the Government is the same. The violations were less than 1 percent.

The studies made of the pilot food program together with the research agencies determinations attest as to its future effectiveness under H.R. 10222—the benefits to the Nation resulting from its operation will prove the food stamp program as an essential instrumentation in the war on poverty.

Mr. COOLEY. Mr. Chairman, I yield such time as she may consume to the author of the bill, the gentlewoman from Missouri [Mrs. SULLIVAN].

Mrs. SULLIVAN. Mr. Chairman, in view of what the gentleman from Iowa said about this stamp plan putting a burden on the backs of the farmers, I say this program puts nothing on the backs of the farmers; it puts new outlets for food sales before the farmer, however. It gives him a chance to expand his market for food—among the 4 to 6 million Americans now living on less than adequate diets because they cannot afford good diets.

It makes customers for fresh meat and fresh eggs and fresh fruits and fresh vegetables and fluid milk out of Americans who have been subsisting on powdered eggs, dried beans, powdered milk, cornmeal, and peanut butter and practically no meat at all.

When we talk about the costs of this program being "put on the farmer" it seems to me we are talking nonsense; all of the taxpayers pay for all of the expenses of government. Most of those taxpayers are in cities, not on farms.

Furthermore, on what basis was it decided in 1935 that one-third of all customs receipts—now about $300 million a year—should be reserved to benefit the farmer by removing surplus foodstuffs from the market? Do we not all pay tariffs? We are not complaining about the farmer benefiting from section 32. In many ways—through the school lunch program and in other ways—this helps all Americans. It helps us all to have prosperous farmers. They are good customers for what we produce in our factories. But this cannot be a one-way street. Helping the farmer when he produces too much food must also lead to helping the poor who cannot afford to buy enough food. The food stamp plan expands the purchases of food by millions of low-income people in this country—and by purchasing those foods and eating them, the food stamp participant keeps a lot of food from going into surplus Government stocks. Let us not worry about the bookkeeping in the Federal budget as long as we know what we are paying for.

Mr. FARBSTEIN. Mr. Chairman, I support the food stamp bill because I think that it will benefit not only the low-income consumer but also the farmers and the general economy of the Nation, as well. It is incongruous that in a country which enjoys the agricultural abundance that ours does, people should be subsisting on substandard diets. This bill will put our agricultural surpluses to their best possible use in helping to bolster the inadequate diets of hungry people.

The food stamp program is not an innovation in this country. We had similar national programs in the thirties and forties and the pilot program conducted since 1961 has proven the feasibility of this type of approach in fulfilling a desperate need among low-income families.

A food stamp program is eminently superior to direct distribution of surplus commodities, in my opinion. The pilot program has demonstrated this to be true. People are allowed to increase their consumption in meats, fruits, and vegetables and enjoy a more nutritionally adequate diet under a food stamp program. Retail food stores are able to increase their sales and at the same time relieve the Government of the expense of distributing the food.

The farmers also will benefit from this program. The pilot program brought about a 24-percent increase in the use of grains, directly and indirectly among the families participating. On a per capita basis, these families increased their direct consumption of grains and grain products from 4.8 to 5.2 pounds per week. Even more important was the increase in the indirect use of grains through consumption of meat, poultry, and dairy products. Here the increase went from 39.1 pounds to 48.4 pounds per person per week under the pilot program.

Mr. Chairman, it is said that there is no sauce in the world like hunger. This may be true, and perhaps there are some of us who should taste this sauce more often. But a steady diet of it is good for no one.

We are unique among all of the nations in the history of the world, in that we are plagued with the problem of being able to grow too much food for our people rather than too little. And yet a full one-fifth of our people are not able to obtain sufficient of the proper foods to eat decently. I cast my vote for the food stamp bill in order to erase this shameful anomaly from our Nation's picture.

Mr. COOLEY. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Food Stamp Act of 1964".

Mr. COOLEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. LANDRUM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10222) to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes, had come to no resolution thereon.

ASSISTANT SECRETARY CARVER ADVOCATES ESTABLISHMENT OF PUBLIC LAND LAW REVIEW COMMISSION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include the remarks of the Assistant Secretary of the Interior, John A. Carver, Jr.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, last Saturday, at Denver, Colo., I had the pleasure and privilege of presenting the keynote address at a public lands conference convened by the Colorado State Division of Natural Resources and the Natural Resources Council of the Colorado State Chamber of Commerce.

The conferees were primarily concerned with legislation that I have sponsored for the establishment of a Public Land Law Review Commission which would be authorized under H.R. 8070, passed overwhelmingly by the House of Representatives March 10, 1964. I was gratified that representatives of a wide cross section of user interest supported the Commission approach to what I consider a vitally essential reexamination of all the public laws.

I wish to take this opportunity, Mr. Speaker, to compliment those who were responsible for the planning that made the meetings on Saturday, April 4, 1964, interesting, informative, and worth while. It is impossible to mention individually all those so responsible; but let me commend to you specifically three dedicated Coloradans who may always be found working on civic and public issues: Gov. John A. Love, Richard S. Kitchen, chairman of the Natural Resources Council of the Colorado State Chamber of Commerce, and V. P. "Pete" Cline, chairman of the Public Lands Conference Committee.

Outstanding among the remarks made last Saturday, and most gratifying to me, were those presented by a good friend of mine, an able administrator, Assistant Secretary of the Interior John A. Carver, Jr., who was a most articulate representative in presenting the administration position on the establishment of a Public Land Law Review Commission.

When Mr. Carver appeared before the Interior Committee's Subcommittee on Public Lands, I welcomed his support of H.R. 8070. I welcome the continued support that he has now expanded to an advocacy of this legislation.

Because the speech delivered by Mr. Carver presents a careful analysis, with cogent reasons of the need, stated from the vantage point of one of the highest Government officials charged with the administration of the public land laws, under permission previously granted, I include the full text of his statement at this point in the RECORD and urge all Members to read it.

REMARKS OF ASSISTANT SECRETARY OF THE INTERIOR JOHN A. CARVER, JR., AT THE PUBLIC LANDS CONFERENCE IN DENVER, COLO., ON SATURDAY, APRIL 4, 1964, SPONSORED BY THE COLORADO STATE DIVISION OF NATURAL RESOURCES AND THE COLORADO CHAMBER OF COMMERCE

I am honored to be asked to share the platform at this meeting with a friend and mentor, WAYNE ASPINALL. I hope it is not vanity alone which gives me the feeling each time at each phase of the consideration of H.R. 8070, that this is a significant and historic enterprise, one as to which I will later be proud to say, "I was there."

I recall vividly the conference in Chairman ASPINALL's office to discuss the first draft, and the illumination which that session furnished on the careful, craftsman's development of the basic components of the concept. When last September formal hearings were opened, I spoke of my feeling that we were dealing with the raw material of history. Since then, I have had occasion to list what I thought were the three of four really significant accomplishments of the Interior Department in my area of responsibility. Let me quote myself:

"The public land laws of the United States are archaic, and badly need revision. A major, indeed almost incredible, accomplishment has been our ability to eschew our bureaucratic tendencies long enough to achieve an agreement with the House Interior Committee and its great chairman on really useful cooperation toward the creation of a Public Land Law Review Commission."

You will see in this a preoccupation with the administration of the public land laws. This does not mean that I don't have a point of view; quite the contrary. It means, I hope, that I feel that my responsibilities for administration give me a vantage point from which I can help unravel the administrative complexity, and perhaps expose areas where procedures control policy, where precedent substitutes for commonsense, where Congress has abdicated and where bureaucracy has arrogated.

When I appeared before the House committee last September, I emphasized this aspect:

"A power proposed to be granted to the Commission is not only to study the statutes, but the regulations under the statutes, and the 'policies and practices of the Federal agencies charged with administrative jurisdiction' over the lands. We can expect to be examined on every detail of our administration of the public lands, and to account for the extent to which administration has outstripped legislation."

I favor the Commission on a number of grounds related to 3 years' experience with the administration of the public land laws.

Efficiency and economy are good reasons for a review of the public land laws. Only those who have property rights hanging in the balance of administrative decision, and those Government officials who reach that decision, really understand how wasteful and inefficient some of our procedures are, what a great cost there is in delay, appeals, reviews, etc.

Much of this activity is necessitated by the attempt to make an archaic law apply, to adjust an old law to a new situation, to make accommodations between incompatible demands for land use.

But the need for revisions of the laws tells a most incomplete story; as to the need, there is general agreement.

But why the Commission approach? Why is this better than leaving the preliminary review directly to the Congress? Why bring in outsiders? Don't we have the experience and expertise within the Government to devise and recommend the necessary changes?

One reason has been mentioned by Chairman ASPINALL, and I wholeheartedly subscribe to it. The Commission has the advantage of comprehensiveness, active participation by both branches of Congress through members from the appropriate committees, and knowledgeable public and private representatives with prestige to inspire respect and confidence of all Americans.

The Commission can be constructive, rather than reactive. Both the Congress and the executive branch tie up enormous amounts of time and energy with special legislation designed to meet specific situations—the legacy of railroad right-of-way grants, for example, or relief from harsh forfeitures necessitated by the wording of the mineral leasing laws.

Some laws which take a great deal of our time and attention are virtually incapable of administration—the surviving script rights, for example. Others set forth standards, the grounding of which seems totally lacking, such as acreage limitations on certain types of leases.

Regulations built on regulations specify with particularity the copies of a form and thus become a more important requirement for getting rights or privileges than genuine plans for resource development.

On a matter like tenure for users of the public lands, an honest appraisal of the absence of authority to grant some kind of security for those who use the lands would show that the public interest suffers—when without the funds to do the complete conservation job ourselves, we deprive ourselves of the means of getting our tenants, the users, to do it for us.

I look forward to a close working relationship with the Commission to identify where procedure controls policy, where precedent substitutes for judgment, where administration substitutes for legislation, and to assist the Commission in isolating the policy alternatives looking toward ultimate recommendations to the Congress.

But I look forward to an inquiry from the Commission into the policies and practices of the Federal agencies charged with administrative jurisdiction for a substantive reason —in these policies and practices, as much as in the laws themselves, is found the substance of public lands philosophy. Only a Commission, freed from the institutional bias of such agencies, can get to the real roots.

I found the thesis for my discussion today in a recent imposing volume of history, "The Rise of the West," by William H. McNeill, of the University of Chicago. In a short essay of conclusion, the author synthesizes 800 pages of the history of civilization's growing ability to organize and manage.

Mr. McNeill discusses the bureaucracy and the managerial elite:

"The wider the range of human activities brought within the scope of deliberate management, the more irrelevant questions of social hierarchy and managerial goals become. Admittedly, as the managerial elite of any particular country gathers experience and expertise, reduces new areas of human activity to its control, and integrates partial plans into a national (or transnational) whole, the bureaucratic machine exercising such powers becomes increasingly automatic, with goals built into its very structure. The administrative totality, its overall structure and functioning and even the general lines of policy remain almost unaffected by changes of elected officials. Even energetic reformers, placed in high office and nominally put in charge of such vast bureaucratic hierarchies, find it all but impossible to do more than slightly deflect the line of march."

Then the key paragraph:

"A really massive bureaucracy, such as those which now constitute every major modern government, becomes a vested interest greater and more strategically located than any 'private' vested interest of the past. Such groupings are characterized by a lively sense of corporate self-interest, expressed through elaborate rules and precedents, and procedures rising toward the semisacredness of holy ritual. These buttress a safe conservatism of routine and make modern bureaucracy potentially capable of throttling back even the riotous upthrust of social and technical change nurtured by modern science. Consequently, as the corporate entities of Government bureaucracies grow and mesh their activities more and more perfectly one with another, both within and among the various sovereign States of our time, use and wont—the way things have always been done—may become bit by bit, an adequate surrogate for social theory. By sustaining an unceasing action, administrative routine may make rational definition of the goals of human striving entirely superfluous."

I don't believe we should take Mr. McNeill's warning as a recommendation to abolish bureaucracy. It is a challenge to do something about it. With respect to the 719 million acres involved in a public land law review, abolition would be impossible. The mere size, if nothing else, dictates a bureaucracy—whether Federal, State, or corporate. The challenge is to devise recommendations pointing toward laws, policies, and practices which would confine the bureaucracy to its very important task of administration. Under well-drafted laws responsive to existing realities the audit of such administration is possible. It is not if administration substitutes for legislation.

In this context, let us examine some of the arguments that will be advanced to defeat the Commission approach, or to modify its charter to diminish its scope of activity.

It is often said that just as a good law can be subverted to bad administration, so the defects of a bad law can be ameliorated by well-intentioned administration.

Corollary concepts present the suggestion that whereas policy might properly be entrusted to a given administration, the next one may not be so trustworthy; or that whereas a given Congress might be relatively free of special interest pressures, the long-run public interest is better served by broad grant of authority to administrators.

It is true that the best of laws can be maladministered. But we miss an essential link in the chain of logic to argue that enlightened administration can or should really make up for legislative deficiencies, anachronisms, or archaic enactments.

The machinery of Government is much too complex to permit comfortable assumptions which are so prevalent in our age. One assumption is demolished by Mr. McNeill's observation, which I will vouch as accurate, that the elected or appointed policy officials can deflect bureaucratic hierarchies substantially.

Another assumption is that the administration of complex laws is ipso facto the domain of professionals, lawyers, or scientists.

In our system, legislating is the business of legislatures, not of administrators, however well intentioned, talented, or efficient. Legislatures may abdicate to administrators; administrators may arrogate to themselves legislative functions—each negligent or unconscious instance is erosive of our system; each conscious and purposeful instance is subversive of our system.

I do not suggest, by any means, that the proper role of administration, and the application of administrative law, ought to be reduced. When the legislative standards have been established, then administration must take over. The Congress can't administer efficiently, and when its lawmaking reaches too far into administrative detail, invariably inefficiency and frustration develop.

Are these ideas too high flown to be of practical assistance in the intensely practical exercise in which you are engaged today? I think not.

Let's take as one example the reference the Chairman has made to the coincidental improvement of technology and the decline of patents issued under the mining law. At the American Mining Congress Convention in San Francisco in September 1962, I said I thought "the mining law of 1872, as currently interpreted and administered, gives rather more authority to the Department in the matter of controlling the acquisition of public land for mining purposes, and control of its occupancy, than the Congress would be likely to give it in any general revision which we might suggest."

For much too long in that San Francisco speech, I analyzed the relationship of administration to the law itself, and to its interpretation by the courts as opposed to interpretations by the administrative agency.

I suggested that we have "pulled, twisted, and hauled on the mining laws until we've virtually paralyzed ourselves in achieving the necessary improvements" in those laws.

"A necessary first step toward relieving this paralysis is to lay open, before the interested public, the details of the workings of the entire organism of mining law administration."

The Public Land Law Review Commission will be able to grapple with the anomaly of mining law administration—that it is both the weapon of the administrator and the refuge of the miner—better than the Congress can directly, and the bureaucracy itself cannot do it at all.

The reason for this is found not in the idea that a Commission can function better, or is wiser, or more disinterested or dispassionate. The Commission proposed by H.R. 8070 avoids the pitfalls of many of its predecessor commissions. In 1879, the Public Land Commission chartered by Congress to develop a comprehensive codification of pertinent laws, propose a system of land classification, and recommend reforms in the disposal of the public domain, had no congressional representations.

Although over the next decade or two many laws were enacted which took advantage of its excellent report, it can be expected that the 1964 Commission would be able to accomplish results on the scale envisaged but not accomplished in 1879.

Theodore Roosevelt's Public Lands Commission was exclusively executive. President Hoover's Commission on the Public Domain also was exclusively executive.

With a proper melding of a public and legislative-oriented commission with the resources and talents of the executive branch, cheerfully and patriotically made available to the Commission, and with utilization of the various user groups advisory to the Commission, it will be able to find its way through the maze of public land laws to a recommendation for a rational national policy on public lands, to be legislated by the Congress, and rational and practical standards of administration, to be executed by the executive branch.

Interest groups will be heard, and interests legitimately concerned with the use or benefit of the public lands, both commercial and noncommercial, represented on the Commission's council, will cover a broad spectrum.

The highest order of statesmanship is going to be necessary, however, even though the Commission itself, as proposed in H.R. 8070, would have a structure to assure a high quality consideration of the myriad policy issues which will be presented to it.

The governmental hierarchy is not alone in its rigidity and resistance to change, its unwillingness to leave the safe harbor of the way things have always been done. To a considerable extent, many of the groups represented here have a hardening of the arteries. Vested interests build up on the outside as well as the inside where a continuity and stability of regulation and precedent, however outmoded or irrational, prevail. Private as well as Government lawyers, with a heavy intellectual investment in regulations as they are, oppose change. Mining interests are obstinate in their resistance to opening up the mining laws, however much they decry the way they are administered. Better the devil we know.

You are engaged in an extremely worthwhile effort today, a kickoff of a good program to build public sentiment for enactment of a bill to create a Public Land Law Review Commission. Abraham Lincoln is supposed to have said that the one who molds public sentiment makes statutes or decisions possible to execute.

My contribution, such as it is, is to emphasize the wisdom of the provision of the proposed law which deals with the Commission's work in the area of policies and practices of the Federal agencies charged with administrative jurisdiction over the lands.

This is central to the exercise, and again to quote myself, "what is needed is concentrated and systematic cataloging of the whole area, detailed analysis and evaluation, and a consensus of experienced judgments as to the course of future policy to meet the needs of an expanding economy in our maturing society."

THE FEDERAL PAPERWORK JUNGLE—THE NATIVES ARE BECOMING RESTLESS

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, on March 20, 1964, I had the privilege of addressing the Interagency Records Administration Conference, in Washington, D.C., on the subject of paperwork in the Federal Government, a matter which has been of great concern to the Subcommittee on Census and Government Statistics of the House Post Office and Civil Service Committee, of which subcommittee I have the honor to be chairman. My remarks follow:

Mr. Chairman and members of the Interagency Records Administration Conference, I appreciate your thoughtfulness in asking me to come here this morning to talk with you about paperwork. Your timing could not have been better. Only a little over a month ago, on February 8 to be exact, after containing myself as long as I could, I made a speech on the floor of the House of Representatives and I called it "The Paperwork Jungle." I am delighted to come here today to extend those remarks, as we say. I am particularly pleased at the opportunity of appearing before a group whose members have selected paperwork management as their vocation and who are actively engaged every day in managing the paperwork programs of every department and agency in the Federal Government.

Now, I consider paperwork and records, and the management of them, as very much the same thing. In the past, I understand you have had problems of semantics in regard to these terms, particularly as they relate to the definition of the scope of your activities. There are those among you who have thought the correct frame of reference should be records administration, while others considered records management as more descriptive and precise. You could also call it paperwork management. I doubt that we are going to have any language problems here today, but just to be sure I thought I would mention the point. I hope by this time these differences have been resolved. In any event, I want you to know that I have no intention of confusing you when I refer to records and paperwork interchangeably. I'm sure we all agree that a rose by any other name is just as sweet, or possibly in this case, not so sweet.

REACTIONS TO THE PAPERWORK JUNGLE SPEECH

To begin, let me tell you about the reactions I have received to my remarks about the paperwork jungle and why, as I have put it, I think the citizens are becoming restless.

I have been involved in few undertakings in recent years which have prompted so much mail from sincere and thoughtful persons as my remarks pointing out that we have entirely too much Government paperwork and that we also require entirely too much of it from the public. I value highly the warm and enthusiastic responses of my colleagues in the Congress, the reaction from individual citizens throughout the United States—from trade associations, banks, insurance companies, colleges, businesses, manufacturers, and many others, and they give me renewed confidence in our subcommittee's campaign to continue in our efforts to reduce Federal paperwork. In the letters I have received, the comments varied as to which Federal agencies are primarily responsible for the paperwork load, but all agree that they are excessive.

I was called a kindred spirit and commended for taking pity on the taxpayer and on the small businessman. One letter said if you think the Internal Revenue Service creates too much paperwork, you should have a look at the Department of Defense, especially the reports required from defense contractors.

Another letter described a visit to a shipyard where work was being done on a small Government-owned vessel, and two toasters were being installed in the ship's galley, along with spare parts for the toasters. Now how many instruction manuals do you think the contract called for concerning the two toasters? Forty. I repeat, forty instruction manuals for operating and repairing two toasters.

This is "way out" to be sure, and I hope it isn't SOP on Navy contracts. It reminded me of the cartoon I saw recently showing a workman busily engaged in unpacking a rather small box with a huge box alongside awaiting its turn. The workman is explaining to his friend that the small box contains an electronic data processing system and in the big box are, of course, the instruction manuals for the system.

MAGNITUDE OF PAPERWORK COSTS

To return to the serious side of our discussion this morning, the paperwork problem has been with us for a long time. As many of you know, back in 1810 the House of Representatives established a committee to determine what was happening to important old public records and to provide for the orderly preservation of them. The emphasis then was on preservation, and while the list of paperwork management problems has expanded considerably, records preservation is still extremely important. The trick, of course, is to preserve the right records and have reasonable accessibility to them. How many times have you set about to research a problem and found that a voluminous clutter of records is available to you, but that the one record which would give you the answer to what you really need to know is nowhere to be found.

I am sure much work was done on records management between 1810 and 1934 when the National Archives Act was passed which established the Office of the Archivist of the United States, but it was not until 1943, during World War II, that the Records Disposal Act was put on the books. In tracing this history briefly, we find that there was a shift in emphasis over the years from records preservation to records disposal.

Later, the Federal Records Act of 1950, put the Federal records manager in business, so to speak, and it was high time. Shortly thereafter, the Hoover Commission estimated the cost of the Federal Government's paperwork at $4 billion a year. I think this is a statistic we have been passing over all too quickly, so let me suggest we refresh ourselves about it for a minute. The Hoover Commission reported that the lion's share of the $4 billion, 70 percent or $2,800 million, goes for creating records. They estimated that 485,000 Federal Government employees, or about one-quarter of all Federal workers, were engaged in collecting, compiling, and analyzing reports of all kinds. Almost all of the remainder of the $4 billion was devoted to maintaining files and records. About 1 percent of the total, which still is a large sum—$30 million—was used for the records disposal program.

THE COST TO THE PUBLIC

Now, whether you accept the Hoover Commission's estimates or not, they are the best figures we have so far on the dimensions of our paper problem and, of course, they are now almost 10 years old. More recent information leads us to believe that today we are about holding our own; or, in other words, we are disposing of about as many papers each year as the Federal Government is creating. And, if, as they tell us, the Federal records created each year laid end-to-end would reach the moon 13 times, maybe we ought to turn this whole problem over to NASA. But I hate to think where we would be today if our records disposal program did not exist.

A good example of records disposal has come to my attention, and I am sure you will enjoy hearing about it. The example is cited in an editorial which appeared in the Commercial Appeal of Memphis, Tenn., on February 6, 1964, and is one of the few kudos I've seen for good records management work outside of the trade journals. The editorial is entitled "Bouquet for Census," and reads as follows:

"Someone ought to make up a bouquet and present it to the Census Bureau.

"Despite the rise of the microfilm method of record keeping, there are times when we wonder whether the population can keep its head above the rising flood of stored Government records.

"Now we are informed, by the Census Bureau, that 1960 questionnaires on population and housing have already been destroyed. There were 837 tons of them. As wastepaper they were packed into 1,200-pound bales. It took 20 freight cars and 17 trucks to move them out.

"But the main point is that this has been done, and less than 4 years after they were collected. A few more items like this will give us hope that we can hold back the flood."

The second observation I should like to make is that if the cost to the Federal Government is $4 billion to make, maintain, and dispose of its records each year, how much is it costing individual citizens, businesses, and manufacturing plants around the country to meet the paperwork requirements of the Federal, State, and local governments?

Let's look at the problem in somewhat more detail, and let's take first the situation in which the small businessman finds himself. How much are Government reports costing him, and how are they affecting him otherwise?

The example I am going to give you is actual and probably occurring more frequently than you and I would like to think. It comes to me from Congressman O'BRIEN, of New York, and describes the plight of a druggist back home in his district. The druggist has a small business and hires one or two employees to help him run it. After a full day at the store, ordinarily one would expect that the druggist could go home and relax, but not so. He must go home and do his bookkeeping, a significant amount of which is generated by Government report requirements. If this were the end of it, the situation would be bad enough, but I have not finished the example. The druggist finds it necessary to hire an accountant, who gets more money per hour than the druggist, to prepare his income tax return and other Government reports.

This is the very point I have made before. Government reports can play havoc with the small businessman and can go so far as to turn his profits into losses. There are serious side effects, too. These good, honest people get the idea that the Government is breathing down their necks and that the Federal Government in Washington is almost an enemy, because of this heavy burden of paperwork. These people want to obey the law, but it is becoming increasingly difficult for them because so much reporting is required. We simply cannot allow the causes of this type of feeling to go unchecked, nor do we intend to.

Next, let's review the paperwork experience of a private corporation. Some of you may remember that back in 1959 our subcommittee looked into this matter, using case histories of individual companies. I would like to read from our "Report on the Business Reporting Requirements of the Federal Government," citing the case history of a large manufacturing company in the Midwest:

"In 1 year, the company handled 173 different Federal forms ranging in frequency of filing from daily to annual, and involving the filing of 37,683 reports. The workload amounted to 48,285 hours. In addition, the company received a number of other Federal forms, presumably voluntary, which it did not respond to because it objected to the apparent duplication, felt that the data requested were confidential, or for other reasons. In this group were 33 different forms which would have involved 1,098 reports and an estimated workload of 424 hours.

Requests from State agencies which were complied with included 63 different forms, involving the filing of 1,145 reports at a cost of 3,266 hours. State requests which were not filed included 6 different forms which would have involved 32 reports and an estimated 61 hours.

Requests from cities, other local governments, and private groups (e.g., trade associations, chambers of commerce) which were honored included 36 different forms requiring 385 filings and 676 hours. Requests from similar sources to which response was not made included 27 different forms which would have involved 110 reports and an estimated cost of 234 hours.

It is noted that the proportion of total workload attributable to Federal forms was much greater in the case of this company than has been observed in other cases. This company deals largely in agricultural products, and 61 percent of its Federal workload comprised work on the U.S. Department of Agriculture forms. In addition, the workload for the year included filing for the census of manufactures, which is conducted only once every 5 years. Hours chargeable to the census forms amounted to 26 percent of the total time spent on Federal forms.

It is probably true, however, that the larger the company the greater the relative impost of Federal filing requirements. Many Federal inquiries are limited to the larger enterprises, or require more detailed reporting from the larger ones. The workload tends to vary also according to the nature of the industry. Firms operating in an economic area in which the Federal Government has a strong regulatory interest, such as agriculture or railroads, or a strong procurement interest, such as aircraft and missiles, are likely to have heavier reporting burdens than firms in other areas.

Now in fairness to the Federal agencies, I should say that they are often criticized by persons who do not know all the facts. In our hearings last month on the 1963 Economic Censuses, one witness complained about a form used in the census of business for restaurants and cafes or as the Census Bureau calls them eating and drinking places. The census schedule asks for figures on sales of such things as clothing, shoes, hardware, and many other merchandise lines not usually associated with "eating and drinking places." Our witness who comes from New York, ridiculed this form and implied that this was typical of government bureaucracy at work.

Now in New York City, I'm sure that most eating and drinking places sell only food and beverages, but out in my district in Montana, eating and drinking places sell everything under the sun.

But some of these complaints are justified and our subcommittee plans to look into the businessman's cost for Federal reports in connection with hearings to be held in April and May. If we are unable to put a dollar value on these costs, I think we'll be able, at least, to state them in employee manhours. My impression now is that, on the average, the cost to the public for Federal reporting may be as high as 10 times the cost to the Government. And, I will predict to you now that before long we will require Federal agencies to submit a statement about the cost of a survey or form to the business community before the questionnaire can be placed in the mails. We may not like to do this, but in my opinion, we will be forced to do it.

PAPERWORK AND EDP

Now, I would like to turn to the subject of EDP and briefly discuss its effect upon the paperwork problem. I would like to quote from my speech in the House on February 8, as regards EDP:

"The possibilities of paperwork reduction through or as a byproduct of electric data processing automation in the Government are enormous. Exploration of machine-to-machine reporting is only in its infancy, but a few applications reported by the agencies suggest what the future has in store. As described in this report, an outstanding example of paperwork reduction through interagency data exchange is the Treasury Department's arrangement whereby the Division of Disbursements receives check issue information on magnetic tape from a number of cooperating agencies (Veterans' Administration, Department of Health, Education, and Welfare, Internal Revenue Service, and others). Another example is the arrangement whereby the Bureau of Old-Age and Survivors Insurance (BOASI) receives Federal Insurance Compensation Act (FICA) earnings statements on magnetic tape; some 4 million earnings items are received quarterly, 3 million from the Armed Forces and 1 million from State agencies and private employers. A third, which may point the way to greater paperwork savings, is the Census Bureau's use of BOASI lists and employer identification numbers in the 1963 Censuses of Business and Manufactures."

In my speech, I went on to say that some of us are disappointed, so far, in that EDP in some cases has actually increased the paperwork flow and I cited the 500 million forms now used by the Internal Revenue Service in the collection of income taxes. I may have been a little severe on the Internal Revenue Service in my remarks, and Mr. Caplin told me as much in a four-page single-spaced letter. But, I plan to pursue this matter further in our hearings. I have never understood why the financial and banking agencies are exempt from the Federal Reports Act of 1942, especially when they are among the worst offenders when it comes to the proliferation of paperwork.

Nor do I understand why it is necessary for the Treasury Department to retain income tax forms and other records for as long as 30 years. As a lawyer and former attorney general of my State, I can understand keeping records for a reasonable period of time, if only because of the delays in the courts and the statute of limitations, but what about the records storage costs involved in these systems. We will soon have 100 million persons filing income tax returns each year and the information retrieval problems must be enormous. In contrast, we have the example of the 1960 census schedules which have already been destroyed, as I described earlier.

Speaking of EDP, I wonder how many of you have actually stood in front of a high-speed printer. I don't mean the 1,200 lines per minute outputs of the printers now generally in use, but the new generation printers with speeds up to 3,000 lines per minute. These machines spew out paper at such a tremendous speed that if you do stand in front of them, you would literally be buried in paper in a matter of minutes. One of these machines could engulf this room in printed paper in no time at all.

How important it is, then, that the entire EDP system be intelligently managed and monitored; and how important it is that we bring the best management tools at our command to this new technology. These and other EDP matters are discussed in considerable detail in our subcommittee report on the "Use of Electronic Data Processing Equipment in the Federal Government," released last October.

WHERE DO WE GO FROM HERE?

In my remarks this morning, I have had to highlight certain aspects of the paperwork problem. I have not discussed, for instance, information retrieval via EDP and the work of my colleague, Congressman PUCINSKI, is doing in this area, nor the study the Library of Congress has undertaken regarding the feasibility of automating some of its operations, your own correspondence management projects, and so on. I'm afraid this is one of our problems. We have so many paperwork projects, there is a real question as to whether we can do all of them justice and keep our eye on the ball at the same time.

Before closing, I want to say that the Subcommittee on Census and Government Statistics is going to continue to fight in this paperwork jungle. We are planning hearings in April and May. Throughout, we are hopeful that we will have your support and that you will use your excellent vantage point to lighten the Government paperwork burden on the citizens and businessmen of this country. I know that most of you have active programs in paperwork reduction, but if you don't, you certainly should. If you are in doubt as to how to proceed, you might contact the Interstate Commerce Commission, which, in my opinion, has done an outstanding job in this matter, and I praised them for it on the floor of the House.

Also, if any of you have any suggestions which should be included in our forthcoming hearings, please get in touch with me or the staff. It may come as a surprise to some of you that under the Legislative Reorganization Act of 1946, the House Post Office and Civil Service Committee has jurisdiction in matters concerning the National Archives and this responsibility has been delegated to our subcommittee. So, your ideas and suggestions are doubly welcome.

One last word before I close. We don't associate paperwork with the struggle in Vietnam but if we're not doing too well over there, this report by Jim Lucas, of Scripps-Howard, might explain why:

"Men in the field often work for three commanders: the Military Assistance Command, Vietnam (MACV), the Military Advisory Assistance Group (MAAG), and the Military Assistance Command, Thailand (MACT). These are in addition to the 'Support Command,' the 'country team' headed by Ambassador Lodge. Fieldmen must report to all three commands. The paperwork is horrendous."

Lucas goes on to say that organization on the Vietnam side is equally confused. This report from Vietnam only bears out what we've been saying right along that poor organization and management breeds excessive paperwork. So don't let anyone tell you that paperwork is not important.

Thanks for asking me to come here this morning. I enjoyed being with you.

TRIBUTE TO THE HONORABLE RICHARD F. TAITANO

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, on February 19, 1961, Richard F. Taitano, a native of Guam, became the Director of the Office of the Territories in the Department of the Interior. It was the first time that a native of one of the territories had been placed in the command post over the destinies of the islands in the Atlantic and the Pacific over which flies the Stars and Stripes. Mr. Taitano is retiring to become Deputy High Commissioner of the trust territories after an outstanding record of accomplishment. It is said of him by those closest in position to judge, that in 3 years he has accomplished more, especially in the field of education and health, than has been accomplished in the preceding half century.

Here are the islands under the jurisdiction of the Director of the Office of the Territories: Virgin Islands in the Atlantic, Palmyra, and Canton near Hawaii, Guam and American Samoa in the Far Pacific, and over 2,000 islands that comprise the Trust Territories of the Pacific.

When Mr. Taitano was summoned from Guam by President Kennedy and Secretary Udall to take over the Trust Territories of the Pacific, although under American care and guardianship, were perhaps the most desolate and neglected areas in the world. Few of the islanders spoke English. There were six native languages and the language spoken on one little island might be quite different from that spoken on another island. There were no doctors, no medicine.

That was 3 years ago. Now there are 75 schools and by next year the number will be 400. Several hundred teachers have been brought from the United States, more are being recruited. The children of these faraway islands are responding splendidly and already are handling English with ease and delight.

Progress also has been made in improving health conditions.

Three years ago there was one small school in American Samoa. Today there are school accommodations and qualified teachers for every child on the island.

What Director Taitano accomplished, the miracles he worked, would not have been possible, of course, without the interest and the help of the gentleman from Ohio [Mr. KIRWAN], chairman of the subcommittee that handles the appropriations for the territories.

Congressman KIRWAN spent days on some of the desolate and neglected islands observing painfully and uncomfortably at first hand, came to the conclusion that all this constituted a national disgrace, and came back to Washington to do something about it. As chairman of the subcommittee, the gentleman from Ohio has consistently and faithfully been the friend and champion of the Virgin Islands, Guam and our other unincorporated territories.

Credit also is due the gentleman from Colorado [Mr. ASPINALL], the distinguished chairman of the Committee on Interior and Insular Affairs, and the members of his committee who work together on a bipartisan basis for the advancement of the interest of our unincorporated and trust territories.

Mr. Speaker, I know I speak the sentiment of all my colleagues in extending to Mr. Taitano our warm congratulations on the outstandingly good job he has done in a post of the greatest importance and our every good wish for a future of expanding accomplishment and contentment. He and his charming wife, Magdalena and their children, Miss Taling and Master Richard, Junior, will be missed by the many friends they made during their 3 years in Washington.

RESOLUTION CONDEMNING PERSECUTION BY THE SOVIET UNION OF PERSONS BECAUSE OF THEIR RELIGION

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a speech by the president of B'nai B'rith.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, it is with the deepest and most heartfelt concern not only for the Jewish people in the Soviet Union but for all mankind throughout the world that I have introduced a resolution condemning persecution by the Soviet Union of persons because of their religion.

I hope that this resolution, which is similar to Senate Resolution 204, introduced in the Senate by the Honorable ABRAHAM RIBICOFF and cosponsored by 63 fellow Senators, will receive equally representative backing in the House.

The terrifying situation of Jewish persecution in the Soviet Union has reached such intensity and alarming proportions that leaders of 24 major national Jewish organizations in the United States have gathered together in Washington these past 2 days to conduct a conference on Soviet Jewry.

I would like to bring to your attention by including in my remarks the opening address of the chairman of the conference, Label A. Katz, president of the B'nai B'rith, whose articulate thoughts and whose presentation of alarming facts on the treatment of the Jews in the U.S.S.R. must be heeded by every human being who cares for his fellow man.

I hope that the Committee on Foreign Affairs will take action on this resolution, so that somehow our voices may be heard by the Soviet leaders and will help to put an end to the insidious cultural and religious genocide that is being perpetrated on the Jewish people in the Soviet Union.

ADDRESS BY LABEL A. KATZ TO THE AMERICAN JEWISH CONFERENCE ON SOVIET JEWRY

I call to order the American Jewish Conference on Soviet Jewry.

This is an assembly of historic dimensions. It is an assembly predicated on Jewish unity—unity of mind and of purpose.

We, the representatives of 24 organizations, are gathered to bear witness and to protest.

We do so with that most formidable of witnesses and most potent of protesters: our collective conscience as a free people.

We are here to speak that conscience.

We are here to proclaim moral indignation that makes the free spirit shudder when another man's spirit is enslaved.

We are here for a singular purpose. It is without political overtones. It is removed from cold war problems.

We are here to speak for a community of Jews in the Soviet Union that is trapped in silence; it cannot speak for itself.

We are here to articulate its plight; to appeal, in its behalf, for reason and civilized decency; to mobilize, in its support, those for whom freedom of thought and conscience is an ideal to be cherished—and therefore to be shared.

And with the Passover festival still fresh in our souls, we are here in obedience to the commitment of the Haggadah:

"B'chol do'er vo'do'er chiyov oh'dom lee'ros ess ahtz'mo key'loo hoo yo'tzo mi'mitzryim.

"In every generation, one ought to regard himself as though he had personally come out of Egypt."

My assignment of the moment, as prelude to the eminent voices we will hear this evening, is to examine briefly the problem of the Soviet Jew in its historic perspective.

The core of that problem can be found in a current Russian joke that asks: "Why is the sputnik Jewish?"

And it answers: "Because it wanders around the earth and has no place to stop."

As with all grim humor, the jest is compounded of bitter truth. The Soviet Jew—who wants to remain a Jew—has no place to go and no place to stay.

His is a dilemma foisted upon him by the conformities of a closed society, and by his unwillingness to fit neatly into orthodox preconceptions laid out by Soviet ideology.

The Soviet Jew is a creature of Soviet law—and a victim of Soviet dogma.

He is, in the promise of Soviet law, upheld as a full and equal citizen of his motherland. In terms of his right to be Jewish, there is nothing wrong with the Soviet constitution—except that the ruling authorities choose to forsake it.

But in the practice of Soviet dogma, the Jew is cast as an alienated element in Soviet society—this because his Jewishness has not freely and conveniently faded away, as Soviet dogma predicted it would.

So the Soviet Jew finds himself between the colliding forces of Soviet law and Soviet dogma. A collision shatters: this one has fragmentized his Jewish community, crushed his Jewish culture, splintered his Jewish existence.

Despite all this, the destructiveness has failed to achieve its ultimate: it has not yet been able to kill off his Jewish consciousness.

Each of the two forces has made of Soviet Jewry a unique component, unlike any other, of Soviet society.

The law has invested Soviet Jewry with a dichotomous status. It has recognized Soviet Jewry as a religious community, with a legal right to practice Judaism as it chooses. And it has established Soviet Jewry as a major Soviet nationality, with a legal right—in fact, if you consider basic Soviet theory you would almost call it an obligation—to maintain a national culture and language.

The dogma, with its perspective of a Jewish community disappearing through assimilation, has singled out Soviet Jewry for disabilities and oppressions that contradict, not only the law, but the dogma as it is interpreted and practiced for every other major Soviet nationality.

Unlike any other Soviet nationality, the Jews are dispersed, without a province or land area of their own. The experiment of Birobidjan, ineptly conceived and haphazardly implemented, was doomed from its start.

Unlike any other Soviet nationality, the Jews are denied the national institutions—the schools, the books, the newspapers, the theaters—of their Yiddish culture.

Unlike any other Soviet nationality, the Jews are without a structure or program—or even an identifying address.

There is today in all of the Soviet Union only one "Jewish address"—that of the harassed synagogue. And what remains of the synagogue is little more than a caricature of the old East European shul that had been the lively stronghold of piety, scholarship, and communal life.

The suppression of Judaism in the Soviet Union is the suppression of all religions. But Soviet practice decrees that for Judaism it be more so.

Unlike the Russian Orthodox Church—which has a privileged status—the Baptists, the Buddhists and others, each of which is able, in some fashion, to conduct an organized establishment, to produce Bibles and prayer books, to manufacture or import religious articles, and to maintain some forms of contact with their denomination outside the U.S.S.R.—unlike these, the practice of Judaism is quarantined—insulated from its every means of sustenance.

I recently came across a handsome and revealing volume that tells about the Russian Orthodox Church. It was published several years ago by the Moscow patriarchate. Its 230 pages, nicely illustrated with scores of photographs, report on the church's multitude of religious activities, its extensive educational program of training seminarians, and its formal contacts with Christian churches outside the U.S.S.R.

There is no such volume for Judaism in the Soviet Union—there could not be. The number of synagogues in the Soviet Union has dwindled to 97. There were 450 in 1956. Each of the 97 is kept apart—unaffiliated with and unrelated to any other synagogue.

The struggles of Judaism under Soviet dogma are summed up in this poignant incident of a visitor who met an old man at worship in one of the few remaining synagogues. The visitor's questions were really rhetorical.

"Do you need siddurim—prayer books?"

The old man answered with a shrug.

"Have you enough talesim—prayer shawls?"

Another shrug.

"Do any of the children learn Hebrew?"

A third shrug.

"Can we help you in any way?"

The old man stared back. "My friend," he finally whispered, "you have asked four kashes—four questions. This is not the time for such a dialog. Four kashes are for Pesach—and Pesach in the Soviet Union is a long way off."

We are this evening following in the tradition of those who aroused the conscience of this Nation against the persecution of Russian Jews during the days of the czar. The restrictions, the quotas, the pogroms, the pale of settlement—these were the indignities that an earlier American Jewish community protested about to the highest councils of our Government.

Yet such is the character of Jewish persistence that in the very midst of the oppressions and pogroms there flourished a rich and variegated Yiddishkeit—a throbbing, vibrant culture that grew abundantly. And that culture was transported by those who fled to escape the barriers—to America, to England, to Palestine.

If Yiddishkeit bloomed in the dark shadows of these barriers, how much stronger a culture would it become when the political fetters were unchained? This was one of the false promises of the Russian revolution.

The Jews were certainly a nation when the Soviet era began. There were $3\frac{1}{2}$ million Jews in Russian territory alone—another $1\frac{1}{2}$ million if you include the present borders of the U.S.S.R. Soviet Jewry had its own idioms—Yiddish and Hebrew; it had a vigorous press, communal institutions, hundreds of synagogues and schools, and a popular national culture.

In the formative days of the U.S.S.R., Soviet leadership encouraged these developments. It did so while simultaneously seeking to suffocate the Jewish religion and the political philosophies of Jewish peoplehood, since these were anathema to an atheistic and closed society. But a proletarianized Yiddishkeit was evident wherever there were Jews in the Soviet Union.

In 1920, for example, there were 96 Yiddish or Hebrew newspapers and periodicals. Today, not a single Jewish daily newspaper. There is one bimonthly magazine—begun 3 years ago largely in response to protests from outside the Soviet Union.

I was in Moscow the day the first copy of Sovietish Heimland came off the press. I was delighted to see a Yiddish vort in print—and said so to Aaron Vergelis, its editor. Yet Vergelis spent most of the time of our visit insisting that Jewish mothers did not want their children kept separate in Yiddish schools or familiarizing themselves with the Yiddish language. This pose of a Yiddish poet and editor rejecting any future for the language to which he contributes his talents was its own classic form of irony.

In the midthirties, there were 17 permanent Jewish theaters in the U.S.S.R. Today there is none.

As late as 1938, there were 800 Jewish primary and secondary schools in White Russia and the Ukraine alone. Today there is no such school anywhere in the U.S.S.R.

There were millions of copies of Yiddish books coming off the presses; hundreds of courts in Jewish districts that insisted upon Yiddish as the official court language. The Soviet Communist Party, the government, the military, the diplomatic corps—all of the institutions of the state—were open to Jews. Soviet posters shouted of a new dawn of justice and equality for all the nationalities—the Jews too.

It was a short-lived promise. By the late 1930's it had already begun to fade. The megalomania of Stalin crushed it completely. In 1948, with a single brutal sweep, Stalin toppled every institution of Jewish cultural and intellectual life. He did so with a show of force, with his famous trumped-up charges—the doctors' plot, the secret purges of the Jewish intelligentsia—and with a reign of terror that lasted until his death in 1953.

There remains forever in Soviet history the infamous day of August 12, 1952—the day when 26 of the leading Soviet Yiddish writers and intellectuals were summarily executed. These were not Zionists. They were not religious Jews. Most of them were practicing Communists. They were purged because they were the leading exponents of Yiddishkeit—which Stalin intended to purge with them. Soviet Jews still speak of that era as the "shvartze yohrin—the black years."

Mr. Khrushchev and his de-Stalinization policy have exposed the corrupt and fraudulent nature of that era. But while denouncing Stalin, they have said little of Stalin's anti-Semitism, and have done nothing to remove it, or to restore cultural and nationality rights to Soviet Jewry.

The standardized Soviet response to this is that Soviet Jews are not interested in maintaining a Jewish cultural life. But even Soviet leaders have difficulty with this evasive and weary cliche; first, because the facts disprove it; second, because it leads them into a mess of dialectical contradictions.

It is they who have decreed a Jewish nationality in the Soviet Union. It is they who have decreed that the Soviet Jew be identified as a Jew on his internal passport.

It is they who single out the Soviet Jew for exclusion from positions of special trust in the government and in the economy.

It is they who indulge in the curious rationalization that the Soviet Jew can best enjoy equality in the Soviet Union by being treated unequally among other Soviet nationalities.

It is they who have thrust the Soviet Jew into a consummate contradiction, on the one hand requiring him to maintain his identity as a Jew, and, on the other, forcibly pushing him toward assimilation.

It is they who have created a senseless, neither-nor world for the Soviet Jew, which says to him: "You are a Jew—but you can't be Jewish."

The Soviet dogma that commands the disappearance of Jewish consciousness is denied by history and by current events. It is worth recalling that 80 years ago a Russian high commission, a liberal and, by the standards of the times, enlightened body that sought to reduce the intensity of Russian anti-Semitism, spent 5 years studying what it called the Jewish problem. It finally concluded that only through assimilation could the problem be solved.

But the Jews of czarist Russia did not disappear through any such assimilation. And the Jews of Soviet Russia are not willing to bury their traditions or inter their heritage.

Jewish consciousness has a survivalist quality. There is an ironic aftermath to the despotism of Stalin's black years. Observers of the Soviet scene say that nothing in the postwar years did more to heighten Jewish consciousness among Soviet Jews—particularly among the untaught, Jewishly illiterate youth—than the tyrant's efforts to achieve just the opposite.

We are called to order this evening to strengthen that survivalist spirit—to help the Soviet Jew preserve and make meaningful his Jewish consciousness.

We do not seek special privilege or status for our Soviet brother—but the equality of status that is guaranteed him by Soviet law.

We do not challenge Mr. Khrushchev's view of a world of good goulash and ballet. We simply propose that good goulash tastes better and ballet is more inspiring when the human spirit is free and untrammeled.

We are here to appeal for the restoration of an inalienable human right that cannot be challenged in any civilized society. It is the right of the Jew to be Jewish; the right of the Jew to be, not someone else—but to be himself.

AMERICAN JEWISH CONFERENCE ON SOVIET JEWRY

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, yesterday I called the attention of the House to the American Jewish Conference on Soviet Jewry which was held in Washington on April 5–6. Sponsored by 24 Jewish organizations and attended by more than 500 people, the conference was called to protest the Soviet Union's discrimination against its citizens of the Jewish faith. At the conclusion of the conference yesterday the delegates adopted an 18-point resolution which I include at this point in the RECORD:

The American Jewish Conference on Soviet Jewry protests the denial to Soviet Jews of the basic institutions and facilities granted to other religions and nationality groups within the Soviet Union. Considerations of humanity and justice require the Soviet Government:

1. To declare its policy of eradicating anti-Semitism by a vigorous educational effort conducted by government and party.
2. To permit the free functioning of synagogues and private prayer meetings.
3. To remove hindrances to the observance of sacred rites such as religious burial and circumcision.
4. To make possible the production and distribution of phylacteries, prayer shawls, mezzuzoth, religious calendars, and other religious articles.
5. To restore all rights and facilities for the production and distribution of matzoth and kosher food.
6. To make available facilities to publish Hebrew Bibles, prayerbooks, and other religious texts in the necessary quantities.
7. To permit the organization of a nationwide federation of synagogues.
8. To sanction the association of such a federation with organizations of coreligionists abroad.
9. To permit Jews to make religious pilgrimages to the holy places in Israel.
10. To make it possible to allow all qualified applicants to attend the Moscow Yeshivah, to provide facilities for the establishment of additional yeshivot as needed, and to enable rabbinical students to study at seminaries abroad.
11. To provide schools and other facilities for the study of Yiddish and Hebrew, and of Jewish history, literature, and culture.
12. To permit Jewish writers, artists, and other intellectuals to create their own institutions for the encouragement of Jewish cultural and artistic life.
13. To reestablish a Yiddish publishing house and to publish books in Yiddish by classical and contemporary Jewish writers.
14. To reestablish Yiddish state theaters in major centers of Jewish population and to publish Yiddish-language newspapers with national circulation.
15. To eliminate discrimination against Jews in all areas of Soviet public life.
16. To end all propaganda campaigns which use anti-Semitic stereotypes, implied or overt.
17. To halt the discriminatory application of maximum penalties, including the death sentence, against Jews for alleged economic crimes.
18. To make possible on humanitarian grounds Soviet Jews who are members of families separated as a result of the Nazi holocaust to be reunited with their relatives abroad.

We appeal for a redress of these and other wrongs and sufferings; for the elimination of discrimination and for the full restoration of Jewish rights in the U.S.S.R.

In addition to the resolution, the conference issued a general statement appealing to the Soviet Government to grant equality to the Jewish community in accordance with the Soviet constitution and law. That appeal follows:

AMERICAN JEWISH CONFERENCE ON SOVIET JEWRY, APRIL 6, 1964

We, as representatives of the major national American Jewish organizations, have met for the past 2 days in solemn assembly in Washington, D.C., to express with one voice our deep concern with and our determination to protest the plight of our Jewish brethren in the Soviet Union.

Soviet Jewry constitutes the second largest Jewish community in the world and is the last remnant of the once great East European Jewish community. This remnant exists largely because of the heroic resistance of the Soviet Union to the Nazi hordes which destroyed the great majority of European Jewry.

The approximately 3 million Jews of the U.S.S.R. have a special claim on the conscience of all who are zealous of securing human rights, and, more particularly, on the conscience of all Jewry. Soviet Jews are the heirs of a tradition that stretches unbroken over 1,000 years of Jewish history in Eastern Europe, a tradition which produced an enduring heritage of scholarship, piety and ethical idealism. They are the kin of the millions who went forth from Russia to other countries, bringing with them the social idealism of their tradition enhancing the cultures of their new lands.

With the lessening of repression and persecution so widely acclaimed following the death of Stalin, it was hoped that the Soviet Jews would share in the new atmosphere of relaxation of tensions. Now, however, with anguish and indignation we witness Soviet Jewry being denied its natural right of group existence. It is fragmented from within and kept isolated from without. Though formally recognized as a nationality and as a religious group, the Soviet Jewish community is deprived of those rights granted to other nationalities and other major religious bodies in the U.S.S.R. A process of attrition forces Soviet Jews to live only a most attenuated Jewish life and threatens to crush their spirit and sever their ties with the Jewish people.

Soviet Jewish youth, traumatized by the Nazi holocaust and by Stalin's anti-Semitic excesses are now seeking to reestablish their links with Jewish life. But they are denied even the most meager opportunity to learn, enhance and transmit their Jewish heritage.

The whole of Jewish culture, and Yiddish artistic and literary expression in particular, once so flourishing in the U.S.S.R., are now represented by the merest tokens. The bonds of Soviet Jewry with their tradition are being destroyed by increasing restrictions against fundamental and sacred Jewish practices. Synagogues are closed down; the public production and distribution of matzoth and of other essential religious articles are banned. Soviet Jews are cut off from contact with their brethren at home and abroad. Jewish opportunities in higher education and in certain fields of employment are being limited.

Simultaneously, a campaign of vilification of the Jewish past and present is conducted in the press and other official publications. Judaism and Jewish history are falsified. Anti-Semitic stereotypes are exploited to portray the synagogue as a breeding ground of economic and social crimes.

We are appalled at the discriminatory application of maximum penalties, including the death sentence, against Jews for alleged economic crimes and that they are singled out in the press in a calculated attempt to exacerbate public anti-Semitism.

We are moved by the plight of thousands of Soviet Jews whose families were shattered or separated by the Nazi devastation and who are prevented from rejoining their remaining kin in the United States, Israel, and other countries.

We appeal to the Soviet Government to redress these wrongs, to restore the rights of Jews and of the Jewish community and to grant the equality with other religious and nationality groups as required by Soviet constitution and law.

We make this appeal within the framework of our ardent desire to see an end to the cold war and lessen and hopefully eradicate the existing international tensions. Our aim is to mobilize public opinion into a moral force which will save Soviet Jewry from spiritual annihilation.

We who are assembled here are bound by the moral imperative of our history, which demands that we speak out on the fate of our brothers in the Soviet Union. We pray that our voice will be heard and heeded.

Mr. Speaker, by bringing to the American public the facts concerning religious discrimination in the Soviet Union, the American Jewish Conference on Soviet Jewry has demonstrated the importance of vigorous action by the U.S. Government. The sponsors are to be commended for convening this important meeting.

The denial of fundamental rights in the Soviet Union must not go unheeded. I urge the Department of State to protest to the Soviet Government and to press the issue in the United Nations.

WILDERNESS HEARINGS SCHEDULED

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, this is good news that our chairman of the Committee on Interior and Insular Affairs has brought to us. I appreciate the action he has taken in scheduling these necessary further hearings here in Washington, D.C., on the various wilderness bills that are before our committee. The chairman's arrangements give further hopes that we shall soon have some effective agreement in our efforts to preserve wilderness, and in my own behalf, as well as in behalf of many others who have long been interested in establishing a sound national wilderness policy, I thank him. I am confident that the way can now be cleared for committee and House action that can be satisfactory for all of us.

We have just had delivered to us three volumes of printed hearings held, in mid-January of this year, in Olympia, Wash.; Denver, Colo.; and Las Vegas, Nev. In accordance with arrangements made by our committee chairman, our esteemed colleague from Colorado, these field hearings were conducted by the gentleman from Nevada, WALTER BARING, as chairman of our Subcommittee on Public Lands. It was my privilege as a member of this subcommittee to participate in the Denver and Las Vegas hearings and to appreciate the fair, orderly, and expeditious way in which these hearings were conducted by our colleague from Nevada. I can say to you today it is good to anticipate the continuation of such hearings here in Washington.

The record of the January field hearings and the testimony at the forthcoming hearings here in Washington, I am confident, will give our subcommittee and committee a good basis for considering the various bills now facing the House—and sending a sound measure to the floor.

In addition to the Senate Wilderness Act passed and sent to us on April 9, 1963, a year ago this Thursday, and various House bills similar to it that were introduced in the earlier days of this Congress, we have some more recently introduced revisions designed to meet objections and facilitate effective agreement. Among these latter is one of my own offered in a spirit of cooperation in which, I am glad to assure this House and our committee chairman, I shall be glad to join in considering all the proposals now before us. In such a spirit I am sure we can deal constructively and effectively with the various proposals and see sound wilderness legislation enacted in this Congress.

In conclusion, Mr. Speaker, I want to emphasize that I welcome the opportunity to work further with Chairman ASPINALL on this legislation, and I appreciate his willingness to work with us. I am glad the hearing dates have been set. I am optimistic that we can soon bring to a good conclusion the long efforts in this field of conservation to see it established by Congress as a national policy and a program to make it effective.

THE LATE GENERAL DOUGLAS ARTHUR MacARTHUR

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. BARRY. Mr. Speaker, the death of one of America's greatest generals, the gallant and heroic Gen. Douglas Arthur MacArthur, has ended an era. General MacArthur combined the rare qualities of military genius, a flare for statesmanship, and political insight. Those of us who have lived through this era always will remember vividly his courage and bravery, often leading his troops under fire, his vivid rhetoric, his grand manner, and his decisive leadership. It was my privilege to have known him and to have had the benefit of his concise thinking and insight during the Philippine war claims controversy. Perhaps his words upon retirement were not so prophetic, for the memory of this "old soldier" will never fade away.

The entire country will remember him as one of the youngest and most brilliant World War I generals and the renowned leader of the allied forces in the Pacific during World War II. Called back from retirement, he assumed the command of the Southwest Pacific operations during World War II, leading the allies from Australia to the Philippines and ultimately to Japan. Following the surrender of Japan, General MacArthur became the first foreigner to rule that country and commanded unprecedented respect and admiration from the Japanese people. As United Nations commander in the Korean conflict, his determination and strategy caught the enemy off guard, routing the North Korean Army from Seoul.

His promise, "I shall return," when his troops were routed from the Philippines, will be as true to posterity as they were then. For General MacArthur will return—in the annals of history as one of America's most brilliant soldiers, statesmen, and patriots.

UNEMPLOYMENT—PROFILE OF THE PROGRAM

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. CURTIS. Mr. Speaker, an excellent analysis of our unemployment problem appears in the March 1964 issue of the Morgan Guaranty Survey. After pointing out the various type of unemployment, the article asserts that there is an important need for more information that now exists on the relative importance of the different kinds of unemployment.

It is also important to tighten up our loose definition of unemployment if we are to understand the causes of the problem and the cures that are required. Marked shifts in the labor force also require greater attention than they have been given, particularly the remarkable growth in the number of women, particularly older women, coming into the labor market. About 65 percent of the increase in total employment in the United States between 1957 and 1963 came in the number of women employed.

Another factor of increasing importance is rapidly advancing technology that is boosting the need for persons with high skills and pushing down demand for persons with little or no training. The article points to the need to modernize vocational educational programs as well as to orient the Nation's educational machinery to producing the kinds of talent at the required rate.

In conclusion, the Survey makes clear that trying to bulldoze unemployment down to some predetermined size with sheer force of increased demand—as the administration is trying to do—might require a push so massive that inflation would be sure to rise in its wake.

I ask unanimous consent that the article be included in the Record as this point.

Unemployment—Profile of the Problem

During the coming period of watchful waiting to see the effects of tax reduction on the broad economy, one of the leading questions in observers' minds will be: can expansion of total demand through the tax cut bring down to an acceptable level an unemployment rate that almost all agree has been too high too long?

In the political realm, at least, the case for tax cutting has taken excessive unemployment as its point of departure—and also as its basis for contending that a mighty fiscal shove to the economy will not rekindle the fires of inflation, but rather will find unused resources of manpower ready and able to meet the new demand to be created.

Put in its statistically bleakest terms, the unemployment problem as cited by the administration in support of tax reduction and other programs, has the following dimensions:

By available yardsticks, 1 of every 18 people willing to work is unable to find work.

A net addition of some 1.4 million people, on the average, is expected to swell the labor force each year between 1964 and 1975.

Automation is alleged to be eliminating 550 jobs every day in the year.

The unemployment rate has settled at progressively higher levels after each of the three recessions since the Korean war.

While acknowledging that tax reduction is no panacea for unemployment, and that other measures are required as well, the administration obviously is pinning high hopes on fiscal stimulus. Treasury Secretary Dillon stated the official position in testimony before the Joint Economic Committee in late January:

"Tax reduction, with its stimulating effects reaching into every corner of the economy, must be the centerpiece of any effective attack on unemployment and poverty, for the more specific remedies for these problems can be fully effective only in a more buoyant economic environment—an environment in which a trained man can find employment for his skills and in which there are strong incentives for upgrading workers and overcoming barriers of race and color."

Actually, there is little room to doubt that powerful fiscal stimulus will, in fact, have powerful impact on the labor market. The Revenue Act of 1964, which already is pouring new purchasing power into the economy at the rate of $800 million a month, will give a hearty lift to hiring. At the same time, however, it is important to recognize the limitations, as well as the potential, of fiscal policy in dealing with the unemployment problem. The problem, as it exists in the United States in early 1964, is a good deal more complicated than the simple statistics of an employment total or an unemployment rate suggest. An increase in the former need not mean a corresponding decrease in the latter.

TAKING THE MEASURE

To explain this paradox requires a searching look at the causes, dimensions, and measurement of unemployment in the United States today. It also requires an examination of the very vocabulary of unemployment. In basic concept, anyone of age 14 or older who wants a job (full time or part time) and can't find one is unemployed. In broad outline, analysts recognize four distinct kinds of reason why the jobseeker may fail to find work:

He may be employed in an industry—construction is an example—where activity varies sharply depending on the time of year. This is what economists call seasonal unemployment.

He may be between jobs, having been laid off or fired or having quit voluntarily and not yet having found new employment. This form is called frictional unemployment, and it exists in all free economies—even where, as in some Western European countries, job openings number several times the available workers.

He may not qualify for the jobs that are available in his community; he may have overpriced his skills in relation to what employers are willing to pay; he may be unwilling to surrender established union seniority and pension rights by moving to another line of work; or he may run into the invisible barrier of discrimination on account of race or other reason. These are varieties of structural unemployment. Retraining and relocation programs such as the Labor Department is conducting in various parts of the country are part of the attack on this general type.

Finally, employers generally may not be hiring as many people as are looking for jobs because the demand for goods and services does not warrant doing so—either because of recession or because of a too-slow rate of overall growth. It's the latter condition that administration fiscal policies aim to attack.

For public policy to attack unemployment most effectively and efficiently, more information than now exists is needed on the relative importance of different kinds of unemployment in the total. In some respects, the methods used to count the jobless tend to obscure, rather than clarify, the distinctions. The official measure of unemployment is based on a monthly survey of 35,000 households, selected to reflect the lives and habits of the whole Nation. In making the survey, the interviewers' task is to find out who in each family is working, who is not, and whether anyone 14 or over who are are not working are looking for work. The latter question is the key, for an affirmative answer classifies the person concerned as "unemployed."

For February 1964 the results of the survey—blown up to full population size—showed that 68 million people were at work during the survey week and 4.5 million were looking for work. This yielded a seasonally adjusted unemployment rate (the unemployed as a percentage of the civilian labor force, which includes those working plus those looking for work) of 5.4 percent, which is right in the narrow band where unemployment has been stuck since early 1962.

In late 1961, in response to charges that the unemployment figures were being manipulated for political purposes, President Kennedy appointed a committee under the chairmanship of Prof. Robert A. Gordon of the University of California to evaluate the statistical approach being used. The Gordon committee gave both the Bureau of Labor Statistics (which computes the unemployment data) and the Census Bureau (which makes the actual survey) high marks for good will and good faith. Beyond that, it concluded that, although the unemployment statistics are not perfect and probably can never be, they are adequate as guides for public policy.

DEMAND VERSUS STRUCTURE

While the Gordon committee summarily disposed of questions about the integrity of the unemployment figures, their efficacy as a policy guide is still the subject of lively debate. In large part, critics center their fire on the looseness of the definition of unemployment and on the fact that the census interviewers do not even attempt to measure two crucial variables of unemployment: The individual's degree of attachment to the labor force, meaning the urgency of his need for a job and the seriousness with which he is looking for one; and the extent of the individual's qualifications for the type of employment he says he wants.

Because there is no appraisal of attachment to the labor force, a suburban housewife casually looking for part-time work gets the same weight in the overall unemployment rate as a married man with five children to support. Even among the 1.9 million who, in an average 1963 week, collected unemployment compensation by certifying that they were seeking work, there may have been some not actively in search. State laws governing compensation tend to be loose both in wording and in enforcement. Thus the labor-force concept is an extremely fluid one.

The Bureau of Labor Statistics does not publish regular figures on gross flows into and out of the force; however, according to the Gordon report, during 1960 and 1961 an average of more than 3 million persons entered the force every month. In the same period, however, the net growth in the labor force was less than 100,000 a month. For every 3 million people coming into the labor market, this would indicate, at least 2.9 million were dropping out—because of personal predilection, pregnancy, disability, death, discouragement at inability to find a job, or any number of other reasons.

The composition of the unemployed group also is constantly shifting. The average level of unemployment for 1963 has been officially set at 4.2 million. During the year, however, more than 15 million people were classified as out of work at one time or another. Even among the "hard core" long-term unemployed—those without work 15 weeks or longer—turnover is at the rate of 25 percent a month.

As a measure of the qualifications of the unemployed, the Bureau of Labor Statistics has only what the unemployed person says he is able to do. Officials of BLS recognize that there is a natural human tendency to rate somewhat highly one's skills, but they have no way of discounting this factor. As one BLS economist has put it: "If a man says he is a carpenter, that's what we put down; we have no way to find out whether he's just a hammer-and-saw man."

These considerations have an important bearing on analysis of the unemployment problem, on decisions as to how big it is and what should be done about it. The President's Council of Economic Advisers is fully committed to the proposition that the bulk of the unemployment problem may be traced to a failure of "total expenditures in the economy * * * to generate an adequate total number of jobs." Structural unemployment—which can be described as the failure of the labor market to match the manless job with the jobless man, for any one of many reasons—is acknowledged by the council to be "also a serious problem, which requires major policy actions to overcome its corrosive effects." In tracing the course of unemployment from 1957 to the present, however, the council goes on to say: "The available evidence does not show that the proportion of our total unemployment problem that we label "structural" has increased significantly, nor that its character has changed."

Put another way, the council's argument is that there are no new structural factors to account for the increase in the unemployment rate between 1957 (when it was a "normal" 4.3 percent) and 1963 (when it was an "excessive" 5.7 percent). The unemployment problems of Negroes and teenagers—both "disadvantaged groups" in the council's terminology—are worse today than they were in 1957, but no worse than would have been expected, given the increase in overall unemployment. Similarly, the council points to the fact that unemployment rates have increased among groups that might have been expected to have the least trouble in finding jobs College graduates, according to the council's data, had 1.4 percent unemployment in 1962, compared with 0.6 percent in 1957.

WOMEN AT WORK

Marked shifts that have occurred within the labor force since 1957 raise some questions with which the council's analysis does not deal. For instance, there has been a remarkable growth in the number of women, particularly older women, coming into the labor market. Between 1957 and 1963, total employment in the United States climbed from 65 to 68.8 million; of this 3.8-million increase, 2.5 million, or 65 percent, came in the number of women employed, with the new worker predominantly in the over-45 age brackets. Overall, women account for almost exactly one-third of the labor force.

Meanwhile, almost half the increase in unemployment from 1957 to 1963 was among women, including—in the 1957–62 period—a jump from 186,000 to 1.1 million in the number of women who said they were looking for work at one point or another during the year, but were unable to find it at any time. (The number of men in this predicament has held relatively steady around 750,000.) While older women dominate the new labor force entrants, they as a class appear to have had relatively little trouble finding jobs. Most of the increase in female unemployment has been in younger age groups.

It is clear that the vast majority of the women who have surged into the labor market are secondary wage earners—their families do not depend on their earnings for basic support. In March 1957, for example, 11.5 million married women living with their husbands were either working or looking for work. In March 1963, this figure was up to 14.1 million—a far faster increase than can be accounted for by population growth alone.

In large part, the increase in the number of working wives reflects sociological, as well as economic, factors—the upgrading of living and spending habits, the easing of household chores, changes in social and business attitudes, to name a few. The fact that wage scales for women are lower than for men in most occupational categories provides a strong incentive for employers to seek out capable women. Citing these facts does not deny that, for many women, work is a matter of true economic necessity. At the same time, the impact on total unemployment of the new dominance of women among labor-force entrants must be recognized, lest an exaggerated picture be drawn of large numbers of stable, highly qualified, primary earners standing around waiting to be pulled into the productive process. Indeed, the unemployment rate for married men—who may be presumed to be strongly attached to the labor force—traditionally runs well below the average. During 1963 it stood at 3.4 percent, compared with a 9.6 percent rate for widowers and men separated from their wives or divorced.

EDUCATION AND EMPLOYABILITY

While population factors and changing ways of life alter the composition of the labor force, the continuing revolution in industrial technology is twisting the shape of the job market, pushing down demand for persons with little or no training and sharply boosting the need for those of high skill. A new study by the Labor Department contrasts the 1962 employment experience of white males aged 45 to 54 in relation to their educational backgrounds. Not surprisingly, those with less than 4 years of schooling had a much higher unemployment rate (8.4 percent) than those who had completed 4 or more years of college (1 percent). What may be even more significant is that 13.7 percent of the poorly educated group were neither working nor looking for work, compared with 2.9 percent of the college-educated group.

The unemployment rate among top occupational levels, while much lower than among the least skilled, has itself been rising. "Professional, technical, and kindred workers," for instance, had a 1.8-percent unemployment rate in 1963, compared with 1.2 percent in 1957. This development frequently is cited to bolster the argument that U.S. unemployment is principally the result of deficient demand.

Actually, it can be ascribed with at least equal plausibility to the ever higher degree of skill that is demanded of workers, and to the inability of official statistics to measure skills. Especially in the higher skill occupational categories, BLS has no way of really knowing the actual ability of the unemployed person to hold another job of the same designation as the one that was lost. Official compilations provide no clue. In an economy characterized by a general and constant upgrading of occupational demands, however, it is reasonable to expect that turnover would accelerate among holders of the most exacting jobs.

The message that education has more than a little to do with employability apparently is coming through. Even though the growing numbers of high school dropouts constitute a social problem of real gravity, workers generally are steadily improving their educational status. In 1952, the median schooling completed for the entire labor force was 10.9 years—11.4 for whites and 7.6 for nonwhites. In 1962, it was up to 12.1 years—with the average schooling of nonwhites improved sharply to 9.6 years.

Merely counting the years spent in school, of course, neglects the qualitative aspects of education. Some jarring findings on this score have been derived recently from tests administered to selective service inductees. President Johnson's Task Force on Manpower Conservation estimated that, of the 1.4 million 18-year-olds in the population last year, 220,000 lacked the basic mental equipment to absorb military training, while a somewhat larger number were disqualified for physical reasons. Not all draft rejectees, by any means, are unemployable; but their unemployment rate is four times the rate for all young men of the same age. Prof. Eli Ginzberg, of Columbia University, an economist specializing in manpower problems, believes that between a third and a half of all young people are not qualified for technical employment.

TO BE SPECIFIC

Despite the preoccupation of the Council of Economic Advisers with the "total demand" approach to unemployment, the Government fortunately is not putting all its eggs in the demand basket. The Departments of Labor and Health, Education, and Welfare—which have been fighting a lively intramural battle with the Council over how best to attack the unemployment problem—are quite well aware of the need for specific as well as general remedies.

Many programs, particularly manpower retraining, are already well advanced. Moreover, administration officials have come up with a variety of suggestions—longer required schooling, earlier mental and physical examinations under the draft law to identify correctible deficiencies, youth training camps—all of which merit discussion. Far less promising is the administration's spread-the-work proposal of "double time for overtime," which fortunately seems headed for the limbo of legislative inaction.

Constructive work could be done in the field of vocational education for the 80 percent of all youth who do not go to college. Traditionally, Federal aid to "vo-ed" programs has been top heavy in its orientation to homemaking and agriculture, and notorious for its negect of skills required by a complex industrial society. There was a nominal redirection of the program last year, but Labor Department officials still feel that the changes have been more apparent than real—largely because of political devotion to a rurally oriented vo-ed program.

On a broader scale, questions are being asked about the ability of the Nation's educational machinery—for all its great output—to produce the right kinds of talent at the required rate. The Republican minority of the Joint Economic Committee has called attention to the possibility of bottleneck labor shortages—a proposition that also finds significant support on the other side of the political fence. A year ago, President Kennedy sent Congress a detailed survey of the manpower situation, spelling out careful estimates of shortages likely to develop among such key classes of personnel as engineers, elementary and secondary school teachers, electricians, and tool and diemakers. Engineering graduates, for example, were judged likely to fall 239,000 short of the number needed in 1970; for electricians, the study anticipated that apprenticeship programs will cover only 31 percent of projected need; for tool and diemakers, 45 percent.

More recently, Secretary of Labor Wirtz, briefing the press on President Johnson's 1964 Manpower Report, laid heavy stress on the creation of a new Committee on Manpower, which will focus especially on solving the problems of shortage in a variety of high-skill areas. A typical question, the Secretary suggested, would be whether the Federal Government, with the vast proliferation of its research and development effort, has not already stripped the campuses to a point where future technical training may be endangered. The Nation's manpower problems, in other words, are not all in the direction of finding or making jobs. Finding or training people for vacant places is also a need.

Employment-unemployment, as all this testifies, is an economic and social concern of immense complexity. Besides emphasizing the need for a many-handled approach to the matter of reducing unemployment, the tangled nature of the problem makes clear that trying to bulldoze it down to some predetermined size with sheer force of increased demand might require a push so massive that inflation would be sure to rise in its wake.

LAKE ERIE BATTLE SESQUICENTENNIAL

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. TAFT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. TAFT. Mr. Speaker, on Monday, April 6, I was absent from the House. Therefore, I was not recorded on rollcall No. 91, S. 1828, Lake Erie Battle Sesquicentennial. Had I been present I would have voted "yea." Because a pair was not available on this legislation, I wanted the RECORD to show that I did support the measure.

GOP POVERTY ATTACK: FOCUS ON GRASSROOTS

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. DON H. CLAUSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

NEWSLETTER INTERVIEW WITH REPRESENTATIVE FRELINGHUYSEN—GOP POVERTY ATTACK: FOCUS ON GRASSROOTS

(NOTE.—Representative PETER FRELINGHUYSEN, Republican, of New Jersey, is ranking GOP member of the House Education and Labor Committee which is considering the President's antipoverty bill. In the following newsletter interview, FRELINGHUYSEN discusses Republican antipoverty proposals and the administration's bill before his committee.)

Some press stories have suggested that Republicans oppose Federal antipoverty programs. Is this true?

Of course not. Both the Manpower Development and Training Act and the vocational education legislation are basically Republican programs. Long before President Johnson announced his antipoverty program, Republican members of the Joint Economic Committee advanced many specific proposals to combat technological unemployment which is a basic cause of poverty. The broad Republican approach to the poverty problem is twofold: Promote the general economy by strengthening confidence, then focus your effort on areas where the problems are most stubborn. Basically, you provide motivation to the underprivileged to improve themselves, then you give them the skills they need to do so.

What are some specific Republican proposals? Republican members of the Joint Economic Committee proposed acceleration and extension of vocational and apprenticeship training programs under the Manpower Development and Training Act; maximum coordination between vocational programs of the Department of Health, Education, and Welfare, the apprenticeship program of the Department of Labor, and the vocational training programs of the military services; Government encouragement of long-term private loans to students; tax incentives for persons who finance their own training for a better job, and for those who face college expenses, and tax incentives and subsistence or transportation allowances for persons who must look for work in areas far from their homes.

They recommended a review of military service law to iron out obstacles to the smooth transition of young men from school to civilian employment and establishment of a national clearinghouse of job vacancies for the use of the U.S. Employment Service, employers, and private employment agencies. The clearinghouse would identify and classify emerging skill requirements and skills becoming obsolete. These proposals are only a few that Republicans set forth in the Joint Committee report.

Do you think Republicans will support some parts of the Johnson antipoverty program?

I sincerely hope so. The first job will be to scrutinize the program closely. For example, in House Education and Labor Committee hearings last week, Republicans pointed out there is no specific language in the bill preventing Federal aid to religious, recreational, or welfare programs, a plain violation of the first amendment to the Constitution.

Are there other parts of the program that should be improved?

Yes. The community action program provides elementary and high school aid without standards of guidelines of any kind. Similar proposals have been rejected time and again by Congress as leading to Federal control of education. This is plainly an attempt to sneak school aid through the backdoor of a poverty program. Many in Congress will object to the fact that this program would superimpose a completely integrated system of Federal education and training wholly removed from control of the States. The bill fails to provide the usual incentives for local community cooperation; i.e., matching of Federal funds. Instead, the Federal Government would pay 90 percent of program costs. This will not only discourage local participation, but greatly increase Federal costs, and so limit the amount of good the program could do.

Are any problems presented by the fact that the entire poverty package has been submitted to one congressional committee?

The bill submitted to the House Education and Labor Committee proposes programs over which that committee usually has no jurisdiction. This may well complicate development of sound legislation. For example, how can this committee write farm legislation, legislation to help small business, and legislation having to do with taxes and the Social Security Act? The bill should be split immediately and proposals submitted to the appropriate committees.

TO PROTECT STATE WATER RIGHTS FROM FEDERAL ENCROACHMENT

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. DON H. CLAUSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, recently an editorial written and carried by the Santa Rosa Press Democrat explains the objectives and purposes of my bill to protect the water rights of individuals, irrigation districts, communities, counties, and States. I have joined my colleague, Senator KUCHEL, in putting this legislation before the Congress for consideration and, I hope, early action.

I insert this editorial in the RECORD to bring it to the attention of my fellow House Members urging them to join me in enacting this vital protection to our State and local water rights.

CLAUSEN BILL

For some reason, too many people seem to have the idea that the only power on earth which can reverse a decision of the Supreme Court of the United States is the Supreme Court itself.

While it isn't exactly easy—and indeed should not be—the decisions of the High Court are completely subject to reversal by popular action.

In fields involving interpretation of the Constitution of the United States, it would involve the cumbersome process of amending the Constitution to reverse an opinion with which most Americans did not agree, but it could be done.

In the field of interpretation of legislative intent, or of nonconstitutional law, the representatives of the people in Congress have full power to reverse a Supreme Court opinion by simply enacting legislation.

And that's what Congressman DON CLAUSEN and Senator TOM KUCHEL are attempting to do in bills introduced to protect State water rights from Federal encroachment.

In two opinions, the Supreme Court has ruled that Uncle Sam has the right to withdraw water from Federal lands, even if it had never previously claimed such rights, and even if the water has already been claimed under State law by downstream users.

The Senate and House bills introduced by Mr. KUCHEL and Mr. CLAUSEN guarantee existing water rights of individuals, irrigation districts, and local and State governments.

Mr. CLAUSEN's statement when he introduced a House version of the Kuchel bill in the Senate pretty well summed it up:

"There is considerable doubt whether California has enough water for its own ultimate development. To permit the Federal Government to retain these Court-granted rights is asking for trouble. For many years it has been assumed that water rights belonged to the States. To permit this Court-made law to stand would put the future economic development of many States into the hands of bureaucracy and politics."

FOOD STAMP PLAN

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. DON H. CLAUSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, in listening to the debate on the food stamp plan, I believe the statement of Congresswoman CATHERINE MAY has been one of the clearest statements on the subject and I want to associate myself with her remarks.

Statement of Catherine May, of Washington, on H.R. 10222, Food Stamp Plan, April 7, 1964

Mr. Chairman, may I begin by explaining that my stand on this legislation is that I am opposed to the expansion of the food stamp plan at this time. I think it would be fair to say that I come here today not so much to oppose the food stamp plan per se but to express the voice of caution before we take too many irrevocable steps in embarking on such a far-reaching and costly program on which there are still so many unanswered questions.

I was one of those who served on the special subcommittee to study the food stamp plan and we had some very informative sessions with representatives of the USDA on its mechanics. I also visited Uniontown, Pa., in company with my colleagues on this subcommittee and saw one of the better pilot projects in action. From this experience I have reached certain conclusions that I should like to make a basis of my further remarks in opposition to the bill passing at this time.

1. If you left all other factors out of your consideration and compared the present distribution of surplus food program with the actual mechanics of the food stamp plan I would find the food stamp approach preferable. In the one pilot project I saw I approved of the methods that were being used to certify qualified recipients of food stamps. I felt that in Uniontown they were doing a good job of policing the program. The banks that were handling the selling of the food stamps were making a good profit and the stores that were participating in the program were doing a fine job of merchandising.

By way of explanation of the profit one banking firm is making, a spokesman for the Galeton National Bank and its several subsidiary banks throughout Fayette County told us that they had collected $30,000 in gross receipts for handling food stamp coupons. The bank's actual profit was the amount left after their expenses, which we were told included hiring an extra employee and purchasing a machine for canceling the stamps. We were told the banks charge 35 cents per transaction, which was paid for by the State of Pennsylvania.

(a) Parenthetically, however, I would like to say here that a great many retail groceries have expressed their support of this food stamp plan on the basis that they feel it would circulate many more food dollars through all their stores. Frankly, I think this may be a highly optimistic preconclusion. From my study of how it is working in the Uniontown area, it seems quite apparent that as this program shakes down there will be certain grocery stores in strategic areas who will find it to their advantage to key the bulk of their grocery business to the patronage of food stamp customers and this will leave the majority of groceries in the position of receiving only a token income from the food stamp source.

2. I approve of this program's goal to try and help out low-income families to put more of their dollars into food that provides an adequate and balanced diet. Of course, we have been trying to do this with our families on welfare for many years and have not been successful.

3. I cannot agree that this program when implemented to its full potential will not require more employees for both State and Federal level to carry on increased activity in policing it, educating the retailers and giving good screening to the applicants.

4. I also feel that this program should require some State participation. I am not prepared to say at just what level this State participation should be and I do not think that any of us can come up with a sound conclusion on this point with the evidence we have so far available from the pilot projects that have been carried on in the past 2 years. As to cost, here again we have absolutely no firm figures to go on or to use when we try to sell this program to the taxpayers of America.

If you want to take the full potential of a nationwide food stamp program and base it on the needs of these people, here is what you get—one-sixth of the Nation's population of 195 million people comes out to 32 million people. Using figures from both the distribution and the food stamp plans we must assume an average help per person in either program of $5 a month in food value. In other words, $5 worth of food paid for by the taxpayers and given to needy people. If you gave $5 worth of food a month to 32 million people you would spend $160 million a month or $1.9 billion a year. If you tried to give them $10 worth of food a month that would cost you $3.8 billion a year. That is the present potential of a nationwide program of bringing help to every person who is in need of food. Now, let's look at what we will spend on the pilot project right now. We have 43 projects in action at an estimated cost of $1 million a project. Testimony shows that there are 240 more areas that have applied to come under the food stamp plan. In other words, if this bill passes, the Government would immediately be asked to provide for projects on hand that would cost you $283 million a year. This bill calls for an appropriation of only $75 million for the first year. It seems to me that the Secretary of Agriculture is going to have quite a problem as well as quite a political headache trying to determine which areas shall receive the benefits of the food stamp plan and which areas shall not.

These are general conclusions. Now I would like to talk to you about a specific project in my own State. I have before me a report made to me by the director of the food stamp pilot project in Grays Harbor County in the State of Washington, Mr. L. L. Hegland (may I submit the opinion that is expressed in this report is a bipartisan one. Mr. Hegland is the direct appointee of our Governor Rosellini who is a Democrat). This is a pilot project in a distress area which was started last summer. I have been watching it with great interest as part of my study of this whole proposed plan. Previous to this there was a pilot project in the neighboring State of Oregon in the city of Portland that was far from an unqualified success. There is a pending pilot project in my own hometown of Yakima in my district which has been delayed I assume because of the experience they have had in Grays Harbor. Let me present to you in his own words the testimony of the man who has had the direct responsibility at the State level for this food stamp plan in Grays Harbor.

Mr. Hegland provided me with a report comparing the direct food distribution and food stamp distribution programs in the State of Washington. He also provided a food stamp questionnaire summary which was conducted in Grays Harbor County in which they mailed to all nonrecipients who had used the direct food distribution program a questionnaire. This report shows that over half of the people who no longer participate are unable to do so because of the limitation of their cash funds. Bear in mind that these are people who are not on assistance.

Mr. Hegland concludes, "On the basis of the survey and the fact that approximately only one-third of the eligible people in Grays Harbor County are using the stamp program, we have some real question about the expansion of this program." Mr. Hegland goes on to say; "Basically, the surplus commodity distribution program was designed to do two things—use up surplus foods and supply a more adequate diet to persons of low income. It appears that the food stamp program accomplishes only a part of this, and the direct food distribution program does a much more adequate job, both on using up surplus commodities and of being available to a larger number of low-income people."

I support further pilot projects of the food stamp plan in the interest of getting more meaningful data on its efficiency to reach the goals we desire and, very importantly, as to what its overall costs will be. Since there is quite obviously a potential of annual expenditures of billions of dollars in a nationwide welfare program of this sort, I think it is imperative that we make haste slowly since I am sure that we all agree that once a program of this particular nature is launched and agreed to by the Federal Government, the dictates of political realities are that it will be very difficult, if not impossible, to stop or suspend.

AMERICAN DILEMMA: FROM LAOS TO SOUTH VIETNAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FLOOD. Mr. Speaker, in the course of my career in the Congress as a Representative from Pennsylvania, I have had exceptional opportunities to observe and study the operations of the world revolutionary movement, known as the international communistic conspiracy. This experience has been incident to official assignments as a member of the House Committee on Foreign Affairs, the Subcommittee on Defense of the Committee on Appropriations, and of the special committee to investigate the massacre of some 15,000 Polish officers at Katyn by the international political organization known as the Union of Soviet Socialist Republics. In addition, I have made extensive studies of the problems of the Caribbean, including those of the Panama Canal and interoceanic canals generally.

The enormous territorial conquests since World War II by the forces of communistic revolution, conducted with consummate skill and impelling violence, have been directed toward objectives of high strategic importance. These include the Chinese mainland with its teeming millions, major portions of the Malay barrier controlling vital sea routes between the Pacific and Indian Oceans, countries dominating the Suez Canal and its approaches, Cuba on the northern flank of the Atlantic approaches of the Panama Canal and British Guiana and Venezuela on its southern flank.

Preceded by systematic infiltration and subversion, these conquests have been made through the scientific application of the age-old principle of paralysis of victim states and peoples in lieu of the far more costly and hazardous means of open warfare. Conducted in the form of vast flanking movements, the Red takeovers have been of magnitude that places the revolutionary planners among the most audacious and successful strategists of history. Their operations have included the extension of their own domains by absorbing the satellite nations, and then with the "stop thief" cry of colonialism, have led the movement for liquidation of European colonies, aided and abetted by the United States.

What impresses most about the territorial losses sustained by Western nations is that, without exception, the perils were clearly foreseen and understood by experienced observers and timely warnings given all governments, including our own.

Notable among the competent authorities who have spoken out is Maj. Gen. Charles A. Willoughby, who, as chief of intelligence for General MacArthur in the Southwest Pacific and Far East, 1941–51, had an unparalleled opportunity to observe, study, and report upon the activities of Red power. The results of his investigations, which he has painstakingly recorded in official reports and authoritative books, in hearings before congressional committees and in numerous issues of his Foreign Intelligence Digest, form a vast reservoir of digested knowledge that is indispensable for study in connection with the formulation of national policies that are intended to improve conditions as seen and understood. Unless such authoritative writings are studied by responsible planners in our Government and their lessons heeded, our country is destined to repeat the mistakes of the past; and this, despite the fact that the requisite information was, and still is, readily available in recorded form for those who seek it.

The latest contribution by General Willoughby shows a startling parallel between what is now taking place in the jungles of southeast Asia and what occurred in Korea in an article on the "American Dilemma: From Laos to South Vietnam" in the February–March 1964 issue of Christian Crusade of Tulsa, Okla. This repeats a 1961 thesis by him in the Weekly Crusader opposing U.S. involvement in a ground war in southeast Asia and emphasizes the imperative necessity for avoiding policies that will pit the limited and educated youth of the United States against the inexhaustible and expendable, illiterate manpower of distant Asia, armed with Czech or Soviet machineguns or other lethal weapons and practicing all the barbaric atrocities typical of Communist revolutionaries.

In order to make General Willoughby's latest contribution available to the more thoughtful framers of our national policies, in the Congress and the executive branch, and to the Nation at large, I quote the article as part of my remarks:

THE AMERICAN DILEMMA FROM LAOS TO SOUTH VIETNAM

(By Gen. Charles A. Willoughby, retired)

M'NAMARA REPORTS

Overshadowed by the headlines announcing De Gaulle's recognition of Red China, a very recent admission by the Secretary of Defense (who knows the score?) was practically ignored. He appeared before the House Armed Services Committee—which made it very official indeed. As usual, typical journalese threw in a semantic monkey-wrench. The quotes: "* * * the South Vietnam war is going badly despite the overthrow of the Diem regime" and on antiguerrilla fighting "* * * I must report that the Communists have made considerable progress since the coup." There is obviously a lame suggestion that the war has been affected by the coup? A slight change in phraseology will correct this: "The war is going badly as a result of the overthrow of the Diem regime and not despite it." There is no other immediate explanation for the "considerable progress of the enemy"? Then the grim reminder that "the United States must be ready to take all necessary measures."

What measures? Accentuated air power (with which I go along) or accentuated ground troop support (which would be disastrous) in the light of the French experiences, in the same area.

THE VIETNAM ENTANGLEMENT

A mosaic of editorial opinion tells the story. I often disagree with the Capitol brainwashers but in this instance, the grim reality is unmistakable.

"North Vietnam (Communist) holds the key to the struggle. In 1958 Hanoi (Ho Chi Minh) decided to send guerrillas and military supplies across the border. Communist losses in the South can easily be repaired by continuous reinforcements."

The choice before the President is not so much what he will do in South Vietnam but what he will do with North Vietnam. Johnson is faced with ugly decisions; they estimate a showdown by summer: to continue limited commitments and prolong a wasteful stalemate—or strike for victory by sending many more troops to Vietnam (in an election year?).

Deliberately excluded from his list of choices is a withdrawal from Vietnam. American policy may be overtaken by harsh events this summer and the drama of De Gaulle's recalcitrant flirtation with Red China is probably a welcome diversion, a Trumanesque red herring.

As usual, professional military elements are brushed aside. No admission is made that the Vietnam stalemate is an exact replica of the North Korean war, i.e., the free entry into action of Chinese reinforcements from a diplomatic sanctuary. The present sanctuary is Hanoi and sheltered lines of supply through Laos, from North to South. Unless this line of supply (a jugular vein) is cut or the source of supplies, Hanoi (the Red base) punished, the "stalemate" will continue. The continuity of stalemate, at the expense of pitting expensive American conscripts against the cheap cannon fodder of southeast Asia, is abhorrent. As a professional soldier, I feel that way, and addressed President Kennedy, who faced the same problem then, that Johnson inherited:

A LETTER TO THE PRESIDENT

"OCTOBER 28, 1961.

"His Excellency JOHN F. KENNEDY,
"The President of the United States:

"Operations in the tropical jungle of Vietnam require special qualifications. This special experience accrues only in one theater on a large scale—MacArthur's Southwest Pacific Area.

"The professionals in Washington, D.C., who have that experience are Generals Decker and Eddleman. They fought from New Guinea to the Philippines. Complete data are available in the MacArthur records. I invite attention to the development of the Philippine resistance movement volumes I, II and IV. 'The Intelligence Series S.W.P.A.'

"As regards southeast Asia, I am on record in special articles, beginning with 1954, and extensive testimony before various congressional committees.

"Before committing American troops, the debacle of the French in Indochina should be carefully considered. They had local knowledge, acquired in over a century of occupation, which American troops could not possibly match. Here follows a grim reminder of French troops strengths and losses, in that terrain (1954), viz:

1. The French had 561,000 men available, as of 1952. By 1954, their losses were: Killed, 92,000; missing, 28,000; and wounded, 114,000 (excluding provincial armies).

Aggregates	Men available	Wounded	Missing	Killed
2. French contingents	251,000			
Metropolitan, etc	76,000	46,000	4,000	19,000
Foreign Legion	17,000	10,000	8,000	7,000
North Africans	37,000	11,000	2,000	13,000
Senegalese	21,000	11,000	4,000	10,000
Native units	100,000	37,000	12,000	43,000
3. Provincial armies	310,000	(1)	(1)	(1)
Vietnam Army	260,000	(1)	(1)	(1)
Cambodian Army	28,000	(1)	(1)	(1)
Laotian Army	22,000	(1)	(1)	(1)

[1] Data unavailable in detail but losses relatively small compared to contingents, under (2) supra.

"I arrived at certain conclusions in 1954 and again in 1958: The expensive Western draftee cannot be equated with the illiterate, Asiatic cannon-fodder, armed with Czech or Soviet machineguns. The use of American ground troops is 'attrition-suicide.'

"This dangerous imbalance in manpower requires a new strategic policy: the calculated employment of nuclear mass-destruction weapons to offset the inexhaustible manpower of Asia. The use of these modern weapons (and the air delivery system) imposes no more moral strain than when Truman unleashed the first atomic bomb on Hiroshima—indeed, the provocation was far less."

CHARLES A. WILLOUGHBY,
Major General, U.S.A., Retired.

I invite attention to a previous paragraph. I stated the impasse of an expensive, frustrating stalemate: "the limited commitments which make it impossible to advance with safety, or to retreat with honour." I also gave a constructive solution: "the calculated employment of nuclear mass destruction weapons to offset the inexhaustible manpower of Asia."

CAMERONE: 1863—DIENBIENPHU: 1954

The current deteriorating situation in Indochina (Laos, Cambodia, Vietnam) is immediately traceable to the operations (and collapse) of the French, in the period 1948–1954. In a strict sequence of cause-and-effect, today's problems are unintelligible without an examination of recent history. The title references are linked by events in the picturesque annals of the French Foreign Legion which fought and died gallantly in these places. Each year, the legion formally commemorated the defense of the "Hacienda de Camerone" April 30, 1863, when a detachment of 62 Legionnaires held the post against 2,000 Mexicans, to the last man. "Faire Camerone" has become a slogan around the campfires of the legion, to denote a fight that was hopeless from the beginning and could have only one ending.

Dienbienphu, an equally desperate incident of the war in Tonkin (1954) cannot fail to become a similar, tragic legend. It should also become a warning against any hasty formula to employ American infantry in that thoroughly treacherous area, to maintain the "prestige of the West" and "hold the line" against communism—famous cliches by assorted draftdodgers and embusques. Our "prestige" was challenged in Cuba and not in Laos and the "line to be held" runs through metropolitan Berlin and not through Vietnam.

The French have a word for it: "Plus ca change, plus ca reste la meme chose." It has all happened before. The Spanish Civil War was the first blueprint for the attempted takeover of prospective Soviet victims; it was a blueprint followed for Greece, Korea, and Indochina—except that the Spaniards won hands down, politically and on the field of battle: there was then no talk of armistice, cease-fire, disarmament, or appeasement; it was a showdown—and communism has never raised its treacherous head below the Pyrenees. The Russians learned something there—though the West persisted in harassing Spain in the madness that the gods are said to decree before the end.

THE FRENCH POSITION: DE GAULLE INTRANSIGENT

De Gaulle's somewhat startling recognition of Red China is deeply rooted in history and personal memory: history—in that France operated for a century in the present Vietnam region. While she lost her war against Ho Chi Minh, she was in the same fix as the Dutch. Faithful wartime allies thrown to the dogs, in U.S.-U.N. diplomatic intrigues, under the aegis of a professed but phony anticolonialism, ignoring Russian slave economy and domination and pushing to extremes in fanning African nationalism which was nothing but agitation by professional troublemakers of the Nkrumah, Toure, and Castro variety.

Personal resentment—in that De Gaulle was manhandled and "chivvied" by two sadistic experts: Roosevelt and Churchill. He had no easy time after 1945. The anglophile predilections of the United States always gave preferential positions to England. She could recognize Red China—without a murmur from Washington. She was given access to nuclear secrets (after contributing a German spy, Klaus Fuchs, to infiltrate the Manhattan project and pass them on to the Kremlin) while France had to spend itself dizzy to duplicate what we already had available. In the end, this was a public declaration of distrust in American leadership, shared by several European allies.

It is not clear what this recognition will do above and beyond what British recognition did, some 10 years ago. It may upset the United Nations' applecart—but that creaking monstrosity needs upsetting, sooner or later.

What infuriates Washington—and with justification—is the puny contribution of France to the NATO general defense scheme.

A ragged group of French resistance fighters newly emerged from underground huddled outside the Hanoi Opera House one rainy night shortly after V–J Day. They had starved, risked their lives to save downed American pilots, and provided us with information. Inside, General Phillip Gallagher sat in an opera box with Ho-chi-Minh. The two made speeches, shook hands to the flash of camera bulbs, swore mutual support. The leader of the group in the rain, against whom Ho and the American general were uniting, is today one of France's Soviet affairs specialists. One of his officers (also present that night in Hanoi) is in the Palais Matignon office of the French Premier. Another is in the French Embassy in Brussels, and a fourth is a colonel in Algeria.

Said a Paris weekly when Mr. Couve de Murville exchanged harsh words with Dean Rusk in Bangkok in late March: "150 American agents have been working in Laos for 6 years to drive out first the French and after them the Pathet Lao."

The 1954 Geneva Accord made France responsible for defense of Laos with the right to maintain 6,000 men at Seno. Relations were good, there was no bitterness. Gradually forces were reduced to 3,000. Algeria forced the recall of 2,500 more. Americans replaced them. By common consent they stayed in their own fields for a time; then the familiar popularity contest against our ally started. A French professor paying a courtesy call on the USIS chief in Vientiane was greeted by the latter's wife, holding a long drink, and a sneer. In February Boun Oum told French troops to get out. Couve de Murville was asked for military support 1 month later.

Is there a chance of closer cooperation in the future? Probably not. American agents in the field and "policy" at home adhere to the fallacy that the valid anti-Communist force is the non-Communist left. Result: In each country, including our own, an alliance between Communists and us against the anti-Communist right and center is created. Under such combined weight, a leftward slope on which sheer force of gravity does the rest.

WHAT IS BRITAIN'S POSITION?

Said Lord Beaverbrook's paper (the Observer), "Central Intelligence Agency has in the past run its own policies, quite separately from the State Department, in Laos, Vietnam, and Egypt. CIA is active in Washington politics. Its top men talk to a journalistic elite there and with these briefings buy precious support." Britain had never been consulted. She wanted no repetition of Malaya. Besides, Laos was only a prelude, as Britain saw it: South Vietnam is the big objective.

INDOCHINA AND NATO

While figures were carefully soft-pedaled, a fair estimate indicates (see "Letter to the President") that about half a million men, French plus native auxiliaries, were engaged in Indochina; the bulk of the French, at least 80 percent were Legion Etrangere and Moroccans; about 30,000 were Armee Metropolitaine or volunteers, comprising 7,000 officers and 23,000 noncommissioned officers, principally technical staffs. This group can be said to represent cadres for four to six European divisions and was used by the French as an argument to explain the delay in furnishing NATO contingents. The same situation prevailed as regards Red-agitated Algiers. The capacity of France to mobilize adequate military forces in Europe and in Asia is difficult to assess; however, past performance of several European powers is illuminating to say the least, viz:

Divisions	1914–18	1939–45	1928	1960	Percent
Benelux	18	22	17	4½	25
Great Britain	89	49	23	4	18
France	118	90	25	4	16
Germany	248	190	10	9	90
Italy	45	50	25	8	31

Compared with the output in the 1928 column (a normal peacetime year with the Russian threat negligible), the percentage performance of the Western Allies (last column) is totally inadequate.

Since 1914, the French have never had less than 25 to 30 Regular Army divisions in being; this is a point of considerable significance and has a direct bearing on their capacity to meet the modest requirements for NATO; actually, the same discrepancy must be charged against other member powers—Italy, Belgium, the Dutch, none of them seem able to develop anything like the number of prewar divisions in a normal peacetime year like 1928. Granted for the sake of argument, that the spiral of living costs and materiel costs have shot up to two or three times the prewar levels, the collateral dollar contributions of the United States have been proportionally enormous in terms of local currencies. There cannot be an argument that manpower is not still available in mid-Europe, to be conscripted as required, a process to which Europeans have been socially conditioned for over a century. Such considerations make even a suggestion that Americans be drafted for Indochina abhorrent—unless and until local native draftees have been called in greater numbers than to date. Who wants to die for Pnom Penh?

CONCLUSIONS AND RECOMMENDATIONS

1. The Indochina situation in (1954 and again in 1964) is a repetition of the worldwide Communist conspiracy—as in Korea, in Greece and in Spain.

2. The strategic impact is more important than Korea, which was bloodletting without recompense; the stakes in southeast Asia are bigger, higher, better.

3. The stakes are access to and control of enormous strategic raw materials: rubber, manganese, oil, tungsten, tin and rice.

4. In 1941–45 the Japanese made a major bid for these stakes. The Communist general staff follows the Japanese blueprint.

5. The Japanese master plan did not stop in Indochina. It moved westward toward Siam, Malaya, and Burma, and southward toward Indonesia and the control of the Malay barrier.

6. In the meantime, French Indochina had to face the challenge, 1945–54.

7. While the French assumed a frontline responsibility, the United States carried 80 percent of the costs of the war (1954).

8. The defense of Dienbienphu was a brilliant chapter in the annals of the Foreign Legion. It belongs with the great defense of "Hacienda de Camerone," April 30, 1863, when 62 legionnaires fought 2,000 Mexicans to the end.

9. Dienbienphu did not settle the Indochina nor the greater Asiatic problems. It has grown beyond the French and called for collective action. Since the United Nations are notoriously ineffective, a regional, geographical accord had to be developed. It is to the credit of the Eisenhower-Dulles team that steps were taken to make this possible, i.e., a "Pacific Treaty Organization" expanded from the tentative ANZUS, the Australia-New Zealand-United States Treaty. It is now known as SEATO.

10. As diplomatic maneuvers are contingent on effective military forces, there must be a reexamination of military means in the current global struggle. The West lost its ascendancy when it sold its exclusive modern weapons—rifles, machineguns and artillery, armed the inexhaustible cannon fodder of Asia, and thus created an impossible discrepancy of numbers and ground forces: the expensive Western draftee cannot survive, in ratios of 1 to 10 or higher, against expendable Asiatic coolies armed with Russian or Czech tommyguns.

11. It is a corollary that hostile or neutralist Asiatic manpower should be balanced by friendly Asiatic manpower. The Soviets have been more successful than the West to utilize foreign troops under a nationalist or volunteer cover. We must do likewise. The immediate reservoir for the West is Thailand, Vietnam, Formosa, the Philippines. The Nationalist Chinese Army has a right for action against mainland Chinese. Other vulnerable people in the Pacific area can probably be induced to defend themselves under this formula; they need armies and they need training. American aid thereafter must be sharply limited to defense and not to socialistic welfare schemes; the American economy cannot stand both. As a corollary, there must be a sharp break with previous welfare-state or socialistic projects within America. Taxed to the breaking point of diminishing return, the United States must shift from welfare-butter to guns, in a situation that was never more critical for Western civilization, than the inroads of Attila and Ghengis Khan.

12. The dangerous impasse of manpower supremacy can be resolved only by a reexamination of armaments balances, along the following lines:

(a) Increased security to prevent further sales or thefts (thru espionage and Communist sympathizers) of modern inventions, i.e. airplane design; atomic design; improved weapons design, etc.

(b) The exploitation of "mass destruction" weapons to offset the inexhaustible manpower of Asia, employed as the cannon-fodder of communism and a tool of the modern Ghengis Khans in the Kremlin.

(c) A decision to use these weapons, in whole or in part, imposes no more moral strain than when Truman unloosed the first atomic bombs on Hiroshima and Nagasaki; indeed—the provocation was far less.

(d) The basic principle of employment has already been accepted when Washington announced "massive retaliation" by the Air Force.

(e) These weapons can utilize older models, now in stock, to create a belt of "scorched earth" across the avenues of entry of the Communist hordes in Asia, applying the same principle of the "cordon sanitaire" that was openly planned for Eastern Europe, in the twenties.

13. The supremacy of the West at sea and in the air can deliver these weapons without recourse to ground forces.

14. The fear and implication that this action will bring Russia into open war, is always present, everywhere. In the Far East, however, the strategic situation is unfavorable to Russia and Red China. They have no Navy that can challenge the West out there. They are vulnerable in a single supply line in Siberia, the Trans-Baikal Railway, which can be reached by American planes from present positions. A single air mission will isolate Soviet Siberia from its European base of supply. A single air mission will paralyze every port from Vladivostok to Shanghai, selected at random.

Finally, it is not yet established that a Russian or Chinese conscript will fight with greater skill than an American draftee. The greatest mass surrenders in World War II were made by Russian soldiers. It is not yet established that the Russian or Chinese conscript will die for Pnom Penh with any greater enthusiasm than his American counterpart—when Kali, the Goddess of Death and Destruction will raise her blood-stained arms and call for sacrifice on the darkest night of November.

PANAMA CANAL ZONE: MOST COSTLY U.S. TERRITORIAL POSSESSION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FLOOD. Mr. Speaker, among the questions frequently raised incident to current discussions over the Panama Canal are the juridical status of the United States in the Canal Zone and the cost of its acquisition.

The sovereignty of the Canal Zone and the title to the Panama Canal were covered at length in my address in the RECORD of March 9. In broad terms, the zone may be described as an extension of the territory of the United States subject to the laws of our country.

In addition to obtaining the grant of sovereignty over the Canal Zone from Panama, the United States acquired title to all land and property in the zone through purchase from individual owners.

To enable realistic comparisons with the costs of other territorial purchases and acquisitions, I shall list the major ones:

Date and Territory	*Cost*
Year 1803—Louisiana Purchase	$15,000,000
Year 1821—Florida Purchase	6,674,057
Year 1848—Mexican Cession, including California	15,000,000
Year 1853—Gadsden Purchase	10,000,000
Year 1867—Alaska Purchase	7,200,000
Year 1904—Canal Zone	-----------

On my request, the Department of the Army, on March 31, 1964, reported that the total cost of acquiring the Canal Zone is now over $144,568,571. In this light, the Panama Canal Zone is the most costly territorial extension ever acquired by the United States. No wonder President Theodore Roosevelt likened it as comparing in importance with the Louisiana Purchase.

The indicated $144,568,571, of course, does not include the costs of constructing the Panama Canal and the various canal and defense installations in the zone, which are enormous and total billions. To even discuss the idea of retrocession to Panama of the Canal Zone with all the vast investment that it represents is like suggesting negotiations for the return of the Louisiana Purchase and the vast investment in it to France.

The indicated exchange of letters follows:

HOUSE OF REPRESENTATIVES,
March 23, 1964.

Hon. STEPHEN AILES,
Secretary of the Army,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: The records of the Congress indicate that in addition to the purchase of sovereignty over the Canal Zone by Panama, which was indemnified for this grant, the United States acquired title to all the land and property in the Canal Zone, including the holdings of the New Panama Canal Co. of France and the Panama Railroad, from individual owners.

In order that the Congress may be accurately informed as to the total cost of acquiring the Canal Zone and its auxiliary areas full information in tabular form is desired.

An early reply is respectfully requested.

Sincerely yours,
DANIEL J. FLOOD,
Member of Congress.

DEPARTMENT OF THE ARMY,
OFFICE OF THE UNDER SECRETARY,
Washington, D.C., March 31, 1964.

DEAR MR. FLOOD: In reply to your request in your letter of March 23, the following is a tabulation of the cost of acquisition of the Canal Zone as reflected in the accounts of the Panama Canal Company:

Republic of Panama:	
Original payment, 1904 (1903 treaty)	$10,000,000
Annuity, 1913–63 (1903, 1936, and 1955 treaties)	30,150,000
Property transfers:	
Property in Panama City and Colon, 1943	11,759,956
Water system in Panama City and Colon (unamortized cost)	669,226
1955 treaty transfers	22,260,500
Colombia (1922)	25,000,000
Compagnie Nouvelle du Canal de Panama (1904)	40,000,000
Private titles, stock, and claims	4,728,889
Total	144,568,571

The assets acquired from the New French Canal Company included 68,887 shares of the stock of the Panama Railroad Company. The remaining 1,013 shares were acquired from individual owners for about $150,000 included in the item "Private titles, stock, and claims."

Sincerely,
HARRY C. MCPHERSON, Jr.,
Deputy Under Secretary of Army (IA).

CHANGING GENERAL ACCOUNTING OFFICE AUDITS OF THE FEDERAL HOME LOAN BANKS AND THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION FROM A FISCAL YEAR TO A CALENDAR YEAR BASIS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FASCELL. Mr. Speaker, under existing provisions of the Government Corporation Control Act the financial transactions of the Federal home loan banks and of the Federal Savings and Loan Insurance Corporation are required to be audited by the General Accounting Office for each fiscal year ending June 30. The Comptroller General of the United States is required to make a report to the Congress of each such fiscal year audit not later than January 15 following the close of each fiscal year.

I am introducing a bill which would amend these provisions so as to require General Accounting Office audits of the Federal home loan banks, and of the Federal Savings and Loan Insurance Corporation, to be on a calendar year, rather than a fiscal year, basis. The bill would further provide that the Comptroller General's reports to the Congress on such audits must be made not later than July 30 following such calendar years.

A recommendation that the Congress enact such legislation as to audits of the Federal home loan banks was made by the Comptroller General on February 14, 1964, when he transmitted to the Congress the latest audit report of the Federal home loan banks, for the fiscal year ended June 30, 1963. Subsequently, on March 31, 1964, by letter to me, the Comptroller General recommended that such legislation also include GAO audits of, and the Comptroller General's reports on, the Federal Savings and Loan Insurance Corporation.

The 12 Federal home loan banks and the Federal Savings and Loan Insurance Corporation maintain their accounting and financial records on a calendar year basis, the normal business year of the banking industry. They also prepare their financial statements—which are included in the Federal Home Loan

Bank Board's report to the Congress—on a calendar year basis.

Adoption of the changes proposed in my bill would permit financial reporting to coincide with the accounting periods of the Federal home loan banks and of the Federal Savings and Loan Insurance Corporation. It would also facilitate the General Accounting Office's audits of those agencies. The waste and duplication of effort presently involved in composing the operating figures of the Federal home loan banks and of the Federal Savings and Loan Insurance Corporation to a fiscal year basis in order to comply with existing reporting requirements would be obviated.

The Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, of which subcommittee I am chairman, earlier this session considered a quite similar recommendation with respect to audits of the Federal Deposit Insurance Corporation. Under existing laws, GAO audits of the FDIC must be made on a fiscal year basis, although for most other purposes that Corporation's accounting is on a calendar year basis. Our subcommittee found that the complication of requiring FDIC financial accountings on two different year bases resulted in confusion, unnecessary duplication of effort, and waste. The Government Operations Committee, in House Report No. 919, therefore recommended to the House Banking and Currency Committee the consideration of legislation which would so amend the Federal Deposit Insurance Act as to require that the General Accounting Office audits be made on the calendar year basis.

Whenever the efficiency and economy of the operations involved will be thereby promoted, GAO audits under the Government Corporation Control Act should be made on the same business-year basis as that on which the audited entity normally operates. The bill I am now introducing is designed to accomplish that purpose with respect to audits of the Federal home loan banks and of the Federal Savings and Loan Insurance Corporation. Although the amount may not be readily calculable, savings should result; and certainly uniform audit dates would be both more convenient, and a better way of proceeding than at present.

AN AWARD BY THE FELLOWS OF THE AMERICAN BAR FOUNDATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Davis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. DAVIS of Tennessee. Mr. Speaker, on February 15, last, the fellows of the American Bar Foundation presented to my immediate predecessor in Congress, the Honorable Walter Chandler, a very significant award.

The award read as follows:

For more than 50 years has been engaged in the active practice of law, during all of which time he has manifested adherence to the highest principles of the legal profession and of public service to the community in which he lives.

Captain Chandler, who served in World War I with great distinction, is one of the finest characters I have ever known. Truly a gentleman in the truest use of the word, he has distinguished himself as soldier, assistant attorney general of our district in Tennessee, as a member of the Tennessee Legislature, as mayor of Memphis, and in the Congress of the United States. Recently a very beautiful and useful medical building for research and teaching was dedicated in his name. The Newspaper Club of Memphis last year presented him with its annual Distinguished Service Award.

Long a successful member of the Memphis and Tennessee bar, he has served his clients with great ability and enjoys the confidence of a whole people. He gave me a place in his office when I finished law school. I was but one of countless numbers of youngsters to whom he gave a helping hand. He has been utterly unselfish during his whole life and no man has given more of himself and his talents and counsel to others.

In responding to the award of the fellows of the American Bar Foundation, he spoke briefly but well. Under leave to extend my remarks, I am including that moving speech which he delivered in Chicago. The speech follows:

Address on Receipt of the Award From the Fellows of the American Bar Foundation, February 15, 1964

Mr. President, distinguished guests, ladies, and gentlemen, I would like an opportunity to express my deepest appreciation to those who had a part in selecting me to receive the award for service of more than 50 years in the practice of the law. I cannot tell you how grateful I am and how proud I am of this honor.

The president tells me that there was an election connected with this matter. I have had some experience in that field, and I want to assure you that this is the best election that I have ever had. There was no campaigning. I am sure that I had a campaign manager, but best of all was to have such an intelligent voting group.

The president has spoken of some of the statutory matters which I have had in my time, and, as soon as the word got around that I had been selected for this honor, "Hambone," a very discerning Negro in our community, came out with this statement: "Ole Moses gave us the law, but the way these lawyers have changed it, Moses wouldn't recognize it."

If I should have to give an account of my stewardship, I may say humbly that Queen Guinevere of the Idylls of the King pointed the way when she said: "It was my duty to have loved the highest. * * * We needs must love the highest when we see it."

To have belonged to the American Bar Association for 45 years, with few meetings missed, with a number of offices held, as President Coburn has read, will explain the situation. To me, to use the words of Henry W. Grady, "The past rises before me like a dream."

When I went to Congress, the Honorable Hatton W. Sumners was chairman of the Judiciary Committee. I was assigned to that committee, and he found that I had just left the practice of law. He called me in and gave me a tip which I did not forget: "If you know more about the subject than any other Member of Congress, the Members of the body will take your opinion and you, generally, will get your bills passed."

In this way, the act for the revision of the bankruptcy law, requiring 3 years' work (after 40 years from 1898), was accomplished; the act for the reorganization of the B. & O. Railroad, the approval of the original Rules of Federal Procedure, the formation of the Administrative Office of the U.S. Courts and the formation of part II of the Judicial Conference of the Federal Courts, all came along in those days.

To look back on almost 54 years of some activity in the legal profession, I have seen that the judge and the lawyer and the bar associations have striven manfully to maintain in a large measure the integrity of the Nation; and that the individual lawyer and judge must still be vigilant in the protection of the area of which they are a part. Indeed, our responsibilities are that great. You know people everywhere expect us to show the way. They watch us as we go. If we yield to sharp practices; if we condone wrongs; if we countenance overreaching; if we fail to fight for the right; if we falter in our public and professional service, we betray the high calling that is ours, and the country suffers; and, if those derelictions become custom, life in our beloved land will be an intolerable existence. Thus, a strong, upright and independent bench and bar are necessary to a free people.

It is part of our country's greatness that the law has to be obeyed and its punishments borne. On the certainty of the law and the independence and incorruptibility of the judiciary in enforcing it, every liberty we possess and value depends. Within that protective framework of legal discipline the liberties of our race have grown.

So the character of the Nation depends in main part on us who are members of a great brotherhood. We each must heed the clear and imperative voices of privilege. When we join that brotherhood, and hear that voice, and touch the hem of the garment of the "jealous mistress," we must guard with unswerving fidelity the honor of an essential profession and the welfare of a noble institution—our country.

THE HONORABLE CHARLES E. BENNETT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Gibbons] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GIBBONS. Mr. Speaker, in my newsletter I have been running short items about other Congressmen who also represent the State of Florida. I have done this because I think it is important for the voters of my State, and particularly my district, to know more about the people who represent them here in Congress.

Congressman Charlie Bennett, who represents the Second Congressional District of Florida, has such an interesting and distinguished record, I thought it would be informative to the Members of Congress to have the following information about him:

Charles E. Bennett has served Florida's Second District—Jacksonville—for 15 years, and holds the congressional record for perfect attendance. He is a senior member of the Armed Services Committee and CIA Subcommittee.

CHARLIE served in the Florida Legislature in 1941 before he enlisted in the Infantry during World War II. He was decorated with the Silver Star, the Bronze Star, the Combat Infantry Badge, and was elected to Fort Benning Officer Candidate School's Infantry Hall of Fame.

We are proud of the fact that CHARLIE spent his youth in Tampa, moving here at the age of 2. His father is remembered for completing the second U.S. commercial aviation flight, 2 days after the famed Tony Janus flight. CHARLIE held his first job at the age of 10 in Hillsborough's circuit court clerk's office; served as president of his class at Woodrow Wilson Junior High and Hillsborough High School; cast his first vote in Tampa; and was awarded an honorary degree from Tampa University. He has authorized a book on the French Admiral Ludonniere and is completing a second book on the early settlement of Florida. He is married to Jean Fay Bennett and they have four children.

THE WHEAT-COTTON BILL AND THE FOOD STAMP PLAN BILL

The SPEAKER. Under previous order of the House, the gentleman from Kansas [Mr. DOLE], is recognized for 60 minutes.

Mr. DOLE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain tables.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. DOLE. Mr. Speaker, in a further effort to enlighten the Members of the House with reference to the pending wheat-cotton bill which will be discussed tomorrow, may I say that as I understand the parliamentary procedure we will consider and vote upon House Resolution 665, to take from the Speaker's table the cotton-wheat bill and agree to the Senate amendments.

I would also point out there is now pending a request from the Senate to appoint conferees. Many of us feel this bill should go to conference and again I state the procedural situation is most unusual; hence I would compare the differences between the bill passed by the Senate and the bill considered by the House.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I would like to commend the gentleman for taking the time yesterday and today to explain the features of this legislation now before us and the difference between that and other legislation. We are going to have such a short time tomorrow that it will be impossible to adequately explain what is in the bill and debate the measure. It is extremely unfortunate that is what we will be faced with.

This is not what the wheat farmers of America ought to have given to them. We feel there should be debate on the legislation. I think that the gentleman now in the well of the House, who represents the largest wheat-producing area in the country, has done an outstanding job. He has a keen understanding of the wheat situation, having worked on this legislation, and if possible to consider wheat legislation in this body, it would lead to a day of freedom for the farmer.

I happen to have been associated with the gentleman as we worked on this legislation. As we look at the bill that will be before us tomorrow or the next day I want to point out the the most unfortunate feature of it will be the opportunity for the Secretary of Agriculture to hold down the market price, due to the fact this will be a tax on the processors of 70 cents added to the $1.30 support price. It is known that the Secretary of Agriculture will attempt to hold it down to that level.

Why do we know he would do it? An example was the price in the 1961–62 marketing of feed grains, when he bought high and sold low. The effect of that was to reduce the income of the farmers, because there is an old adage that low feed prices mean low cattle prices. We see the results of that today.

Mr. PURCELL. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield.

Mr. PURCELL. I should like to address my question to the gentleman from Minnesota, if I may. The gentleman is not implying in his statement regarding the income of farmers as to the cost of wheat that the actual cost of the wheat to the miller or to the baker will be any higher than it is at this time?

Mr. QUIE. I did not imply in my statement that that would be the case, but yes, I think that will be the case this year, because the average price was $1.87 this year, as I understand it. The $1.87 plus 70 cents makes over $2 wheat. But let us assume the price was $2 last year rather than $1.87, I do not believe with all the authority the Secretary of Agriculture has he will be able to hold the market price down to $1.30, so any amount above $1.30, adding the 70 cents above that, will be above $2. I believe the price to the processor will be higher under this plan.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Oklahoma.

Mr. ALBERT. That is entirely speculative. I would ask either the gentleman from Minnesota or the gentleman from Kansas, Does the gentleman believe $2 is too much to pay for the wheat that goes into his bread?

Mr. QUIE. It is not a question of whether it is too much or not, it is whether the Federal Government should be having this control over it. Whatever the market price is, they are going to pay 70 cents on top of that. The Secretary of Agriculture has the power to hold the price down. I do not think he should have that power. This is basically why I think this is unwise legislation.

Mr. PURCELL. We all agree the price of wheat has been in the neighborhood of $2 a bushel, and then the transportation was added to it, to the miller this year. Does the gentleman agree that under the program at which the loan price of wheat would be $1.30, and to add the 70-cent certificate to it would make exactly $2, then, keeping in mind that the general counsel for the American Bakers Association testified before the Senate committee that it would take an increase of 60 cents per bushel for wheat to the baker before logically 1 penny's cost could be added to a loaf of bread, then will the gentleman explain how there could be an increased cost to the consumer, realizing there must be an increase of 60 cents before a penny is added to the cost of a loaf of bread?

Mr. QUIE. The gentleman is assuming that the price to the processor would go up some. He says, How could there be an increase in the price of bread until it meets 60 cents?

Mr. PURCELL. I do not think it will meet that.

Mr. QUIE. I understood that is what the gentleman said. Who is going to absorb this cost?

I wonder who is going to absorb this cost? Do you think anyone in anyway is going to do it? I have seen the dairy industry with which I am more familiar, when the price of milk goes up a little bit, the price to the consumer continues. And even though the price of milk did not go up the equivalent of 1 cent a quart, it goes up 1 cent a quart and they blame the farmer. Then the farmer's price of milk goes down and you do not see a corresponding reduction in the price to the consumer. It works like a jackrabbit. It keeps going up to the consumer even when the price goes down to the farmer. I wonder if you can say the people between the consumer and the farmer are going to absorb it all? I do not believe this would be the case. They may find some excuse but I think the gentleman would have to admit, and he will find out if he does, that with the loan level at $1.30 and 70 cents tax placed on top of that, it is very likely the price to the processor will be more than $2 this coming year.

Mr. PURCELL. The reason the American bakers are now opposing this bill so greatly is because they would like to have the windfall of the difference between the price they are now paying for wheat and the price that they know they can get it for without any program, and therefore it would put about $300 million a year in their own pockets. That is the reason I think we find their opposition to this bill.

Mr. QUIE. I wonder if the gentleman from Texas would answer my question, if he believes that with the loan level at $1.30 and a tax of 70 cents placed on top of it that the price of wheat to the processor will be higher than $2; that the market price will not stay at $1.30?

Mr. PURCELL. That is purely speculation and I do not think anyone can honestly say, with all the figures available, what the price of wheat will be. With the cost of bread being what it is and wheat has been a stable price, even $2.17, or in that neighborhood, and it has not gone up, we still have considerable leeway before any price would be increased in a legitimate way.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. DOLE. I yield to the gentleman.

Mr. NELSEN. I would like again to thank my colleague, the gentleman from Kansas, for taking the time to bring attention to this bill.

Much as I regret it I cannot see my way clear to supporting the passage of H.R. 6191, the wheat-cotton bill, which we are being asked to vote on. I say this because I feel that a wheat program is necessary and I said this last year at the time I introduced my own bill, H.R. 6561, after the resounding defeat of the administration program in the wheat referendum. At that time we were told by the administration and the leadership that no wheat legislation would be coming out of the Congress and since the wheat farmer had voted down the wheat referendum he would have to suffer the dire consequences.

Now we are presented with a wheat bill as part of the cotton bill which the House sent over to the Senate last year. This wheat program was developed over in the Senate. It has never been a subject of hearings in the House Agriculture Committee nor has it been acted upon here in the House of Representatives, which is not proper legislative procedure and I strenuously object to this steamroller type of action in which we are being asked to swallow a program which we have not had the opportunity to consider.

In a characteristic reversal of form, the Secretary of Agriculture now tells us that wheat legislation is necessary and that this wheat program must be enacted. In connection with his statement, I, of course, look to what the passage of this bill will mean to the wheat farmer and the feed grain producer in my own State of Minnesota. In this context, let us look at what effect the wheat provisions of this bill would have:

In the first place, I would like to point out that no change is being made in the limitation on Commodity Credit Corporation's resale prices on surplus wheat. The Secretary of Agriculture will continue to have the authority to dispose of surplus wheat at 105 percent of the loan support rate and with this authority in hand, he will be able to control the free market price of wheat, and in effect, the loan support rate becomes the ceiling rather than the floor. It has been my contention that this limitation on resale authority should be set at 115 percent of the loan support rate and in fact I have introduced legislation here in the House of Representatives to provide for such a limitation. Now, however, we are faced with the proposition of voting this bill up or down with no opportunity to amend it and in my opinion the adoption of this wheat program will continue the possibility of the Secretary of Agriculture, together with the Commodity Credit Corporation, being able to control prices in the free market.

Second, the Secretary of Agriculture has stated that he will do what he can to hold the free market price of wheat at about $1.30 a bushel and a comment in the Senate committee report on H.R. 6191 states that this will place feed wheat in a competitive position with other feed grains. What effect will this have on the price and market condition of corn and other feed grains? We have to remember that as a feed grain wheat has approximately 10 percent greater value than other feed grains and that it has approximately 50 percent more protein content. I do not think that the corn and grain sorghum farmer will welcome the competition which will result from the flood of feed wheat made possible by the adoption of this program. Here again we get into the area of the concept of cheap feed meaning cheap livestock. It is difficult to figure out how the livestock industry can accept a continuation of depressed prices which have all but broken the back of the American livestock industry in the past few months.

In the third instance, I would like to point out that the adoption of this wheat program would work a hardship on the small wheat producer and I would like to explain what position he finds himself in if he were to attempt living with this program. These small wheat producers represent about 2 out of every 3 wheatgrowers in the Nation and the 15-acre grower was able in 1963 to produce 15 acres of wheat and sell it in a supported market at about $1.85 per bushel. Under the terms of this proposal, the small producer is being placed in what amounts to triple jeopardy. First, he must cut his base from 15 acres down to his most recent 3-year average; second, in order for him to comply with the program he must cut 10 percent below his base and place this fraction of an acre in many cases into conserving uses, as defined by the Secretary of Agriculture. He must make sure that this fraction of an acre is not pastured, nor can any crop be harvested therefrom; third, if he fails to do this he runs into the jeopardy of receiving a very low price, rigidly controlled by the Secretary of Agriculture.

Small wheatgrowers would not be entitled to a certificate if they fail to reduce their wheat acreage 10 percent below their most recent 3-year average and divert this small acreage into conserving or other special uses. In view of the fact that most of these small wheat farms are in the winter wheat area, these farmers cannot participate in the program unless there is a drastic plow down.

Now, some of you Members may want to look at the figures as they affect the wheatgrowers in your State. I am sure you will be shocked at the high proportion of your wheatgrowers who are subject to this triple jeopardy. The figures follow:

State	Wheat farms		Total number of wheat farms	Percent with allotments of 15 acres or less
	Allotments over 15 acres	Allotments 15 acres or less		
	Thousands	*Thousands*	*Thousands*	
Michigan	15.0	98.0	58.8	87
New York	7.2	28.7	19.3	80
Ohio	28.9	110.0	61.2	79
Pennsylvania	12.7	65.0	28.2	83
Illinois	30.0	103.8	53.0	77
Indiana	22.0	90.0	52.7	80
Iowa	2.0	11.0	6.5	85
Minnesota	11.0	50.0	37.1	82
Missouri	24.0	105.5	82.5	81
Nebraska	50.0	30.8	21.0	38
South Dakota	30.0	16.1	7.7	35
Wisconsin	.3	10.0	5.5	100
Florida	.3	.7	.6	70
Georgia	1.3	18.4	17.7	92
Kentucky	5.2	19.1	16.0	80
Maryland	3.6	10.0	3.7	71
North Carolina	2.3	60.9	70.0	97
South Carolina	1.3	34.3	30.0	95
Tennessee	2.3	26.4	23.5	91
Virginia	3.0	40.5	23.8	92
West Virginia	.4	4.1	2.4	91
Arkansas	.7	14.0	10.3	93
Alabama	.7	6.1	5.2	87
Louisiana	.5	.7	.6	58
Mississippi	.7	2.4	1.9	77
Oklahoma	48.0	27.9	18.1	40
Texas	31.3	36.1	27.1	53
Arizona	1.5	.6	.2	29
California	3.1	3.2	.9	51
Colorado	15.4	7.1	1.9	32
Kansas	99.6	43.5	19.1	30
New Mexico	2.6	2.2	.6	46
Utah	2.7	9.0	2.8	75
Idaho	10.1	18.9	9.6	65
Montana	17.6	4.4	1.5	20
North Dakota	60.0	4.9	2.4	8
Oregon	5.6	11.2	5.4	66
Washington	9.3	6.7	2.6	42
Wyoming	2.3	1.1	.5	32
U.S. total	558.7	1,153.3	733.8	67

Source: February 1963 Wheat Situation.

Eighty-two percent of the wheat farms in the State of Minnesota have allotments of 15 acres or less. In my own congressional district the percentage is much higher. I fail to see how the farmers in the State of Minnesota can expect any gain from the adoption of this type of wheat program and I would be doing them a disservice if I were to support its passage. I would like to point out to my liberal friends that the effect on a small farmer of this bill is basically an antiliberal feature of it and that the basic fact is that it will not help the small grower but that a lion's share of the payments will be gobbled up by the large wheatgrowers if the small farmers are eligible for payments, which appears extremely unlikely. Three out of every four wheatgrowers will average only $58 in payments. Just what kind of an antiliberal farm bill is this which takes from the teeming poor of the cities and the small farmers of the country and turns the money over to the highest income wheat producers? This is playing Robin Hood in reverse with Government sanction.

In conclusion, I feel compelled to draw attention to a provision of the cotton program which would work to the disadvantage of the soybean industry in Minnesota. The cotton bill places no restriction on what the cotton farmer may produce on his diverted acres and as a result, this bonanza to the cotton farmer could well be at the expense of the farmer who produces soybeans in southern Minnesota. It is a bit strange that time after time we are asked to support farm legislation which places restrictions on the wheat and feed grain producers as to what they may grow on diverted acreage, while at the same time giving a free hand to the cotton farmer as to what he does with his retired acreage. I refuse to support what could amount to a $60 million bonanza to the cotton farmer at the expense of the Midwest's wheat and feed grain farmer.

Mr. DOLE. I appreciate the comments of my colleagues and the gentlemen from Minnesota and also those of the distinguished majority leader and our distinguished subcommittee chairman of the wheat subcommittee.

Of course, the $64 question is what might happen if the House should not accept the Senate amendments. I am certain if we knew the answer to this, it would make it much easier for everyone to make a determination as to what course to pursue. As I said yesterday, it is inconceivable that any Secretary of Agriculture would make any concerted effort to drive the market price down. I certainly trust that this would not be the case with Secretary Freeman and I see no reason he should.

The point is, as stated by the distinguished majority leader, that certainly no one quarrels about $2 for a bushel of wheat. This is still much less than 100 percent of parity, but we do differ over the methods of obtaining the $2. I do not have a crystal ball and cannot speculate as to what might happen, but do feel there are some significant differences between the bill we considered in the House subcommittee and the bill passed by the other body.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point and to include those differences as well as other matters.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DOLE. Mr. Speaker, the matter referred to is as follows:

During Wheat Subcommittee consideration of wheat legislation Republicans once again offered our program as an alternative to the certificate plan. When the administration refused to give our approach any support, we attempted to reach bipartisan agreement on a temporary wheat program, the essentials of which were as follows:

1. Increased price support loans effective July 1, 1964.

2. Increased release price to 115 percent of loan price, plus carrying charges in an effort to strengthen the farmers' income.

3. Authorize temporary acreage diversion payments for those in compliance, this and subsequent years.

4. Repeal marketing quotas, for 1965, and subsequent years, and also provide authority to permit those who overseed and overharvest to avoid "loss of history" by storing under bond at their own expense.

5. Extend conservation reserve contracts which expired December 31, 1963, and those expiring in subsequent years.

6. Repeal or suspend provisions requiring a referendum.

Unfortunately this attempt was also rebuffed by the "certificate plan or nothing" supporters on the committee and in the administration.

By the time that the full committee finally did consider the subcommittee bill on March 11, 1964, the Senate had passed the amended cotton bill containing a revised certificate plan.

A motion to substitute the language of the wheat title of the Senate-passed cotton bill, H.R. 6196, for the language of the Purcell wheat bill, H.R. 9780, was approved without any members of the committee having seen a copy of the language being considered, and without any opportunity for amendment.

The following is comparison of these two certificate proposals:

Provisions	House bill (H.R. 9780) known as Purcell bill pending before House Agriculture Committee Mar. 11, 1964, without recommendation	H.R. 6196, known as Cooley cotton bill, as amended by Senate to include wheat
1. Years applicable	2 years without marketing quotas (1964 marketing quotas turned down in referendum, May 21, 1963, and bill suspends marketing quotas in 1965). Mandatory program thereafter.	Same.
2. Support level	For 1964 crop, $1.30 loan 25-cent export certificate on 500,000,000 bushels, 70-cent domestic certificate. For 1965 crop, 65 to 90 percent of parity on domestic supports; 0 to 90 percent of parity on loan and export certificate.	For 1964 and 1965 crops, 65 to 90 percent of parity on domestic supports; 0 to 90 percent of parity on loan and export certificate. (NOTE.—Legislative history in Senate indicates a 70-cent domestic certificate and a 25-cent export certificate on the 1964 crop.)
3. Repeal authority to set price supports on the 1965 crop from 75 to 90 percent of parity in the event that marketing quotas are not proclaimed.	No	Yes.
4. CCC sales price	105 percent of support price on noncertificate wheat (or $1.30) plus carrying charges.	Same.
5. Eligibility for price support	Contingent on compliance with wheat allotment and diversion.	Same.
6. Marketing quotas	No; farmers turned down in 1964 and bill suspends in 1965. Marketing quotas in effect for 1966 and subsequent years.	Same.
7. National allotment	For 1964 crop, 49,500,000 acres. For 1965 crop, not less than 49,500,000 acres.	Same.
8. Million-acre reserve for additional allotments subtracted from 49,500,000 acre allotment.	No	Yes.
9. Anfuso amendment (history loss)	Suspended for 1965 crop. In effect for 1964 and 1966 and subsequent crops.	Same.
10. Storage of wheat under bond to avoid loss of history under Anfuso amendment.	No	Yes; applicable only to 1965 and subsequent years.
11. Acreage diversion	Yes; equal to difference between 55,000,000 acres and national allotment in 1964 and 1965. Additional diversion allowed up to 20 percent of allotment, based on a national allotment of 49,500,000 acres, or 15 acres. Rate of diversion at 20 percent of normal yield times noncertificate loan price. Diversion contracts for 1 year. Diverted acreage devoted to conserving uses or oilseed crops at lower rate.	Same.
12. Transfer of allotments allowed in event of natural disasters.	No	Yes.

Unfortunately for wheat farmers, the Democratic majority of the full committee refused to consider a substitute or amendments to the certificate plan.

We supported amendments to raise the CCC release price, to set up another referendum, and to suspend history loss on "hot wheat" stored under bond in 1964, all of which were rejected by straight party-line votes. We also offered and supported the following substitute which, too, was rejected on a party-line vote:

The following proposal was offered as a substitute for the Purcell bill, H.R. 9780, which is a modified version of the certificate program rejected by wheat farmers in the 1963 wheat referendum. These proposals have been suggested by wheat farmers as a means of establishing a voluntary program for wheat:

1. The 1964 price support loan would be 65 to 90 percent of parity per bushel and for subsequent years would be based upon the price range of the International Wheat Agreement. Price support would be available only to those participating in the program.

2. Increase the release price or sale price of Commodity Credit Corporation stocks of wheat from 105 percent of price support plus carrying charges to 115 percent plus carrying charges. This would allow a wider range of market prices to prevail and would remove the effect of the price support level being a price ceiling. This principle has long been advocated by the Farm Bureau and is now being strenuously advocated by the grain

trade, including the big grain terminal co-ops, the country elevators, and the Farmers Union.

3. Acreage allotments would be continued with compliance voluntary. Both price support eligibility and diversion payments would be conditioned on compliance with acreage allotments.

4. A temporary wheat acreage diversion program for 1964 and 1965, similar to that now in effect for feed grains. A premium could be offered to farmers who retired the same identical acreage for the duration of the program.

5. Permit interchange or substitution of wheat and feed grains on the farm wheat allotment and the feed grain base.

6. Suspend marketing quotas and referendums.

7. Extend expiring conservation reserve (soil bank) contracts.

8. Permit farmer to store excess wheat and market in a subsequent year when he experiences a crop failure.

The bill described in this report is neither the McGovern bill nor the Purcell bill.

It is a voluntary certificate program for the years 1964 and 1965 reverting to a mandatory program in 1966. Certificates valued at 70 cents per bushel for domestic use wheat would be issued to cooperating farmers for 45 percent of the normal yield on their allotment. Certificates valued at 25 cents per bushel would be issued to cooperating farmers for 45 percent of the normal yield on their allotment. The balance of the wheat produced by a farmer complying with the program would be eligible for price support at $1.30 per bushel.

As a condition of eligibility it is required that an acreage on the farm equal to 10 percent of the allotment be retired. A diversion payment of 20 percent of the normal yield multiplied by the support price ($1.30 per bushel) would be automatic, and at the discretion of the Secretary, a larger portion of the allotment could be retired as is the case under the feed grain program.

While the bill does not spell out the proportion of normal production for which the certificates would be issued, USDA officials have indicated before our Agriculture Committee that it was their intention to use the 45–45–10 formula.

Storage of excess wheat under bond for marketing in 1965 would be permitted.

A special million acre reserve beginning with 1965 is set aside out of the total national allotment for distribution to counties and farms. This shall be used to increase allotments on old wheat farms on which the ratio of acreage allotment to cropland on the farm is less than one-half the average ratio of wheat acreage allotment to cropland on old wheat farms in the county. This provision would not apply to land brought into cultivation since 1963.

The following example will provide an idea of how the program would work out on a farm with an allotment of 50 acres and a normal yield of 20 bushels per acre. Normal production would be 50 acres×20 bushels or 1,000 bushels:

45 percent of 1,000 bushels (450 bushels)×$1.30 (price support)	$585.00
Domestic use certificate (value 70 cents)×450 bushels	315.00
45 percent of 1,000 bushels (450 bushels)×$1.30 (price support)	585.00
Export certificate (value 25 cents) ×450 bushels	112.50
For sale or loan without certificate: 10 percent of 1,000 bushels (100 bushels)×$1.30 (price support)	130.00
Total	1,727.50

NOTE.—This works out to a blend price of slightly over $1.72 per bushel, which would be between 71 and 72 percent of parity.

The objectionable provisions of this bill, in our opinion are:

1. It does not properly recognize the percentage of domestic use of various classes of wheat. Except for 1962 and 1963, Durum production has been only slightly below domestic consumption. Hard Red Spring wheat domestic consumption has averaged 81 percent of production for the past 7 years.

2. This is an extremely complicated program incorporating actually four prices: Domestic use, export, price support, and market price to farmers not participating in the program.

3. The plan allows wheat farmers income to drop about 30 cents per bushel below 1963.

4. The plan is based upon the same principle as that rejected by wheat farmers in the 1963 referendum, and only provides a 2-year delay in putting the Agriculture Act of 1962 into effect.

As the legislative process continues, we expect to continue our efforts to either perfect and improve this legislation or support an alternative program which will maintain and improve wheat farm income. We resent, however, the fact that the American wheat farmer who feeds more people in the world than anyone else is being used as a political pawn by this administration which is dedicated to imposing upon him a program that is inequitable, cumbersome, untried, and misunderstood.

HIGHER CONSUMER COSTS FOR BREAD AND WHEAT PRODUCTS

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. HOEVEN] is recognized for 30 minutes.

Mr. HOEVEN. Mr. Speaker, there has been a great deal of talk lately about the question of whether the retail price of wheat would or would not rise if the cotton-wheat bill is approved by the House.

I predict here and now that if the House approves this bill, the retail price of bread, cookies, cake, macaroni, spaghetti, and the host of other wheat products that Americans consume will rise substantially.

I realize, of course, that Secretary Freeman contends that no price rise will occur. He argues that the $1.30 loan plus the 70-cent certificate which wheat processors must buy in order to have the legal right to process wheat for food for American consumers would yield a $2 price. He contends that this $2 price is about the same as farmers have been receiving in recent years and thus represents no increase to consumers. This reasoning, Mr. Speaker, is completely fallacious because farm prices for wheat have not been as high as $2 since the year 1955. During the latest 6-month period, July 1963 to February 1964, the farm price average was $1.87. Wheat farmers also received a direct payment from the Government of 18 cents per bushel.

If the cotton-wheat bill is approved, the cost of wheat to millers and bakers starting July 1 would be at least $1.30 plus the 70-cent certificate, or at least $2, rather than the $1.87 they are now paying.

This is not just an argument between Secretary Freeman and me; wheat millers and processors themselves through their trade associations have clearly proven that wheat prices to consumers will be more under the cotton-wheat bill than at the present time. Writing in last week's Washington Farmletter, the respected farm reporter, Wayne Darrow, clearly explained why wheat will cost millers from 18 to 25 cents a bushel more than at present.

Let us remember at all times that under this proposed program which farmers have already overwhelmingly rejected, wheat will be available to hogs at a price of 70 cents a bushel less than the same wheat will be available to humans. This just does not make sense.

At this point I ask unanimous consent to include as part of my remarks copies of a number of the many letters and telegrams which I have received from all parts of the Nation from wheat millers and processors stating in no uncertain terms that the enactment of this legislation will result in higher consumer costs for wheat products.

LOS ANGELES, CALIF., *March 24, 1964.*

Hon. CHARLES B. HOEVEN,
House Office Building,
Washington, D.C.:

Please consider the economic effects of H.R. 6196. The certificate plan would result in an untimely increase in consumer bread prices, or we would be hard pressed to remain in business if we were to absorb the increase for our basic ingredient.

OROWEAT BAKING CO.

LOS ANGELES, CALIF.,
March 24, 1964.

Hon. CHARLES B. HOEVEN,
U.S. House of Representatives,
Washington, D.C.:

Should wheat certificate bill H.R. 6196 pass minimum prices in wheat would increase 18 cents per bushel. This would mean additional flour cost of 50 cents per hundredweight. Our company uses approximately 16,800,000 pounds of flour annually therefore this would mean an additional flour cost to our company of $84,000. We earn approximately 2 percent on our sales. We strongly urge defeat of this bill as it will further reduce our earnings which we cannot endure and continue successfully in business. Ultimately the consumer will have to pay more for bakery products.

OLE JORDHEIM BARBARA ANN
BAKING CO.
Los Angeles, Calif.

LOS ANGELES, CALIF.,
March 24, 1964.

The Honorable CHARLES B. HOEVEN,
House of Representatives,
Washington, D.C.:

Wheat cotton legislation H.R. 6196 will bring about a minimum increase in the cost of flour in this area of 50 cents per hundredweight or 8 percent. This increase results from the difference between the anticipated certificate value paid to farmers and the certificate cost paid by millers and borne by bakers. I believe this minimum increase to be an inescapable arithmetical fact. Farmers and farmer groups in the Southwest with whom we are familiar and whose selling habits we can anticipate will be disinclined to lower their selling ideas for new wheat by the amount of the certificate bonus paid to them. More likely they are going to consider this certificate payment a windfall and sell their wheat at the highest market they can find.

We feel very strongly that as a practical matter these wheat farmers are somewhat independent of loans and the resulting increase in cost of flour will be 80 to 90 cents per hundredweight or 12 to 15 percent.

We urge you to oppose H.R. 6196 for these reasons and in order to relieve the Government and the taxpayers of costly regulatory burdens.

FRANK VIAULT, Jr.,
President, California Milling Corp.

LOS ANGELES, CALIF.,
March 25, 1964.

Hon. CHARLES B. HOEVEN,
Chairman, House of Representatives,
Washington, D.C.:

House of Representatives bill H.R. 6196; wheat certificates. Our strong protest against passage of H.R. 6196 has been registered with the Honorable Orville Freeman. On behalf of your constituents numbered among our hundreds of California employees and the consuming public who will be victims of the inevitable price increase necessitated by increased cost to the baker, we sincerely urge you to defeat this legislation.

J. P. MENICHETTI,
Western Division Manager, Interstate Bakeries Corp.

SAN FRANCISCO, CALIF.,
March 25, 1964.

Hon. CHARLES B. HOEVEN,
Congress of the United States,
House of Representatives,
Washington, D.C.:

Strongly urge defeat of certificate bill H.R. 6196. This bread tax will impose unnecessary wheat price increase in bread products which already are carrying a tremendous burden. We cannot bear these increases and hope to operate a successful business. How much can the customer take? Help defeat this regressive action.

GEORGE J. SCHAEFER,
Oroweat Baking Co.

SAN FRANCISCO, CALIF.,
March 22, 1964.

Hon. CHARLES B. HOEVEN,
House Office Building,
Washington, D.C.:

We respectfully request your opposing certificate wheat bill H.R. 6196 which would initially cause an increase in wheat prices of 18 cents a bushel and the possibility of further increases depending upon world wheat prices, resulting initially in an increase of 50 cents per hundredweight of flour costs. Our company uses approximately 1,800,000 hundredweights of flour annually which would increase our flour cost in the amount of $900,000. Our profits for the past 2 years have fluctuated from one-half of 1 percent of sales to 1 3/10 percent. The increased cost of flour resulting from the certificate plan could wipe out our earnings and prove to be a handicap to continuing successfully in business, and will force the consumer to pay more for bakery products. Strongly urge defeat of this legislation which in reality is also a consumer tax.

STANLEY S. LANGENDORF,
President, Langendorf United Bakeries, Inc.

SAN LEANDRO, CALIF.,
March 30, 1964.

Congressman CHARLES B. HOEVEN,
House Agricultural Committee,
Washington, D.C.:

Should certificate bill H.R. 6196 pass, minimum increase to be expected in the wheat prices is 18 cents per bushel. This means 50 cents per hundred additional flour cost. Our company uses approximately 50,296 hundredweight of flour annually. Therefore this means $25.148 additional flour cost for our company. We are now losing 1.2 percent of our sales. This will further reduce our earnings which we cannot stand and continue in business. Ultimately the consumer will have to pay more for bakery products. Strongly urge defeat of this regressive legislation.

HOMEKRAFT BAKING CO., LTD.

STOCKTON, CALIF.,
March 23, 1964.

CHARLES B. HOEVEN,
House Office Building,
Washington, D.C.:

Should certificate bill H.R. 6196 pass, minimum increase to be expected in wheat prices is 18 cents per bushel; this means 50 cents per hundredweight additional flour cost. Our company uses approximately 260,000 hundredweight of flour annually, therefore this means $130,000 additional flour cost for our company. We earn 2 percent of our sales. This will further reduce our earnings which we cannot stand and continue successfully in business. Ultimately the consumer will have to pay more for bakery products. Strongly urge defeat of this regressive legislation.

GRAVEM INGLIS BAKING CO.

SIOUX CITY, IOWA,
April 2, 1964.

Hon. CHARLES B. HOEVEN,
House of Representatives,
Washington, D.C.:

I wish to go on record as opposed to the proposed crop wheat support bill, H.R. 6196, which without doubt is an indirect tax levied against the consumer of baked goods produced from wheat flour. I believe this bill would set a very dangerous precedent if it were to become law.

REX BEAN,
Sales Manager, Continental Baking Co.

SIOUX CITY, IOWA,
April 2, 1964.

Hon. CHARLES B. HOEVEN,
House of Representatives,
Washington, D.C.:

We believe that the 1964 crop wheat support bill, H.R. 6196, which for the first time would provide a tax on bread, is a dangerous measure. It is dangerous in itself and it is dangerous because of the precedent it sets. The major users of bread and other wheat products are large families in middle or lower income groups. The indirect manager tax burden resulting from the certificate plan could amount to $400 million annually. Your opposition to this bill will be greatly appreciated.

CONTINENTAL BAKING CO.,
THOMAS E. BRADY.

BOSTON, MASS.,
March 25, 1964.

Representative CHARLES B. HOEVEN,
House Office Building, Washington, D.C.:

It has been quite disturbing to note that the supporters of H.R. 6196 claim wheat costs to millers under the certificate plan will be no more than in 1963. Such claims may be a great disservice to consumers and their Representatives in Congress. The Millers National Federation points out in its March 19 hookup that there is an 18 cent increase between the price support level of $1.82 in 1963 and $2 in 1964 (proposed 1964 support price of $1.30 plus 70 cents domestic certificate). Well informed millers figure the increased cost of wheat will be considerably more than this minimum figure and many using various formulas estimate it will be 26 cents a bushel or more. Please do all possible to defeat H.R. 6196.

BERNARD J. ROTHWELL,
Second President, Bay State Milling Co.

MINNEAPOLIS, MINN.,
March 19, 1964.

The Honorable CHARLES B. HOEVEN,
Member of Congress, Washington, D.C.:

I have sent the following message to all 435 Representatives in Congress:

"The Secretary of Agriculture and proponents of the wheat certificate plan persist in claiming that 1964 wheat costs will not be higher than the price of wheat in 1963. This is in variance with the facts. It is the judgment of our wheat marketing experts that the wheat price outlook plus the 70 cent per bushel tax will amount to approximately 50 cents per hundredweight of flour under the certificate plan. This will necessarily result in increased costs to the consumers in their purchase of flour, bread, and other bakery products. According to USDA's statistics approximately 40 percent of the wheat used is purchased by the consumer in the form of flour.

We feel that you should be especially concerned in view of the fact that the low-income consumer will bear an inordinately high share of this additional cost since they spend a higher percentage of their budget on wheat and wheat products than any other consumer group.

The Millers National Federation estimates a minimum increase of 26 cents a bushel on wheat for U.S. consumption. This 26 cents a bushel increase would result in a price of $2.13 a bushel in 1964, whereas the 1963 farm average was $1.87. We concur with the MNF's figures.

We hope that you will keep this in mind when deliberating your position on H.R. 6196.

W. G. MCFADZEAN,
Director of Civic Affairs,
Archer Daniels Midland Co.

FORT BENTON, MONT.,
March 26, 1964.

Hon. CHARLES B. HOEVEN,
House Office Building,
Washington, D.C.:

Farmers need H.R. 6196 like Johnson needs another Stetson. Oppose further restrictions on farmers with vigor.

Mrs. C. J. LENINGTON.

GREAT FALLS, MONT.,
March 23, 1964.

Hon. CHARLES B. HOEVEN,
House Office Building,
Washington, D.C.:

It is disturbing to note that supporters of H.R. 6196 claim wheat costs to millers under the certificate plan would be no more than in 1963.

Using national average loan value of $1.82 per bushel in 1963 versus $2 in 1964 (proposed national average loan of $1.30 plus 70 cents domestic certificate) shows 18 cents per bushel increase. Converting the above to central Montana values would show the following: Montana loan value of $1.62 per bushel in 1963 versus $1.80 in 1964 (proposed Montana loan of $1.10 plus 70 cents domestic certificate).

We would estimate that very little Montana wheat would sell at less than $1.40 without making the increase 48 cents per bushel.

This converts to $1.10 per hundredweight of flour which would have to be paid by consumers in form of bread tax.

We respectfully ask your help in straightening out this false claim.

MONTANA FLOUR MILLS CO.,
R. F. MORRISON,
Vice President and Assistant General Manager.

BUFFALO, N.Y.
March 24, 1964.

Hon. CHARLES B. HOEVEN,
House of Representatives,
Washington, D.C.:

We oppose wheat cotton bill, H.R. 6196. It is nothing more than a processing tax on mills and bakers and a bread tax on American consumers. It will acomplish nothing and the transmission from old crop wheat to new on certificate plan could cost our milling grain and baking industries millions of dollars in losses. We hope you can get enough votes to defeat this bill.

GEORGE URBAN MILLING CO.
R. C. WOODS, *President*.

RYE, N.Y.
March 19, 1964.

Hon. CHARLES B. HOEVEN,
U.S. House of Representatives,
House Office Building,
Washington, D.C.:

Continental Baking Co., the largest wholesale bread bakery in the United States, is seriously concerned by the proposed wheat certificate plan now being considered by the Rules Committee. Under the plan the minimum increase per bushel of wheat will be from $1.82 to $2 which represents a minimum increase in flour cost of 50 cents per hundredweight. Our purchasing experts have good reason to believe that wheat and flour prices will increase even more than the amounts stated above. A 50-cent-per-hundredweight increase in the cost of flour would cost this company $5 million annually which represents one-third of its present net income. Profit margins on sales in the industry are low enough and cannot be justifiably lowered any more; consequently this increase in flour cost in all probability can mean nothing but an increase in the price of bread to the consumer. We urgently request your support in defeating this measure.

CONTINENTAL BAKING CO.
GORDAN A. THOMAS,
Associated Counsel.

DURHAM, N.C.,
March 24, 1964.

The Honorable CHARLES B. HOEVEN,
House of Representatives,
Washington, D.C.:

Earnestly solicit your help in defeating wheat certificate plan as part of H.R. 6196. Wheat certificate plan extremely detrimental to flour milling industry, especially small independent mills.

E. C. REXRODE,
Executive Vice President,
Austin Heaton Co.

MEDFORD, OREG.,
March 24, 1964.

Hon. CHARLES B. HOEVEN,
House of Representatives,
Washington, D.C.:

We strongly urge defeat wheat certificate bill H.R. 6196. Minimum increase expected in wheat prices is 18 cents per bushel. This means an additional 50 cents per hundredweight on flour cost. Our company uses approximately 288,000 hundredweight of flour annually which means $144,000 additional cost for us alone. We earn approximately 4 percent on our sales. Passage of this bill will reduce our earnings to the point that successful continuance in business is doubtful. To continue the consumer will ultimately have to pay more for bakery products.

MICHAEL BECK,
ALFRED M. BECK,
Becks Morning Fresh Baker.

PORTLAND, OREG.,
March 24, 1964.

Hon. WALTER NORBLAD,
U.S. House of Representatives,
Washington, D.C.:

Please give bill No. H.R. 6196 your consideration. Our company uses approximately 78,000 hundredweights of flour annually, therefore this means large additional flour cost for our company. We earn one-eighth of 1 percent on our sales. This will further reduce our earnings which we cannot stand and continue successfully in business. We strongly urge defeat of this aggressive legislation.

Respectfully yours.

E. C. KELLER,
Langendorf United Bakeries, Inc.

PORTLAND, OREG.,
March 24, 1964.

Hon. CHARLES B. HOEVEN,
U.S. House of Representatives,
Washington, D.C.:

Please give bill No. H.R. 6196 your consideration. Our company uses approximately 78,000 hundredweights of flour annually, therefore this means large additional flour cost for our company. We earn one-eighth of 1 percent on our sales. This will further reduce our earnings which we cannot stand and continue successfully in business. We strongly urge defeat of this aggressive legislation.

Respectfully yours.

E. C. KELLER,
Langendorf United Bakeries, Inc.

PORTLAND, OREG.,
March 24, 1964.

Hon. CHARLES B. HOEVEN,
House of Representatives,
Washington, D.C.:

An 18-cent increase per bushel in wheat prices as proposed by H.R. 6196 would increase flour 50 cents a hundredweight. We use 105,000 bags a year. An additional cost to us of $52,500. Last year we did not make a net profit because of the high labor and ingredient costs. If this legislation goes through it will only hasten our closing and another loss of 361 jobs in Oregon.

DAVIDSON BAKING CO.,
E. F. DAVIDSON, *President.*

SEATTLE, WASH., *March 24, 1964.*

Hon. CHARLES B. HOEVEN,
House of Representatives,
Washington, D.C.:

Certificate bill will increase our Seattle bakery flour costs $90,000 per year. This represents more than half of current profit and must be paid by consumer for us to remain successfully in business. Defeat this legislation.

MOYSE M. MOORE,
Seattle Manager, Langendorf United Bakeries, Inc.

LOYS' MILL,
Brookville, Ohio, March 30, 1964.

Representative CHARLES B. HOEVEN,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I am writing you in regard to the wheat-cotton bill that is now before your honorable body.

I trust that you and your opposition Members will continue to fight this unreasonable bill to the finish and be able to defeat it.

There are many valid arguments against this bill; however, the most important one is that it will reduce eastern and southeastern plantings of soft wheat, and as you know the usage and production has been most always in balance.

Truthfully the situation is so serious that a late or poor harvest would be most disastrous to the soft wheat millers and bakers of our cookie, cracker, and pastry products, in which we are most vitally interested as millers of soft wheat.

I will mention one more of the many arguments against this bill which is from a financial standpoint.

Should this bill become law the miller's wheat cost would be 18 cents higher per bushel than it was last year. This is a matter of simple arithmetic.

In 1963 the average farm support price was $1.82 under the proposed bill. The comparable figure would be $2 ($1.30 base plus a 70-cent domestic certificate).

In anybody's figures who knows how to figure flour prices, 18 cents per bushel will raise the price of flour 43 cents per 100 pounds.

Another point to think about, because of valid binding forward sales of flour or commitments of millers to bakers, I will say it will be impossible to put this new program into effect without causing most serious losses to millers and bakers who have contracted flour under the present law.

So please bear the above in mind and inform your Congressman who is helping you in this opposition fight against this unfair bill.

Please excuse my mistakes as I am not an expert on a typewriter as you can plainly see.

Respectfully yours,

EMMETT LOY.

MARCKX BAKERY, INC.,
Gresham, Oreg., March 25, 1964.

Congressman CHARLES HOEVEN,
House Agriculture Committee,
Washington, D.C.

DEAR MR. HOEVEN: I am writing to ask you to exert all your efforts toward defeating H.R. 6196, the wheat certificate bill.

The baking industry is in the middle of these costs and because of its generally poor economic condition, is in no position to absorb the added cost this bill creates. In the State of Oregon the bakers are in a particularly poor position because of competitive conditions.

I understand that this bill will increase wheat costs a minimum of 18 cents per bushel. This will increase flour costs about 9 percent, or in our case over $20,000 per year. As flour is the largest cost in a loaf of bread, the effects of this legislation will be of great concern to the people involved with the production of bread.

Your help in defeating this bill will be greatly appreciated.

Very truly,

EDWARD I. MARCKX.

W. A. DAVIS MILLING CO.,
High Point, N.C., March 31, 1964.

Hon. CHARLES B. HOEVEN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HOEVEN: We would like to express a very strong opposition to the wheat portion of the wheat-cotton farm bill which is apparently coming to the floor of the House the week of April 6.

Unfortunately, we do not believe consideration is ever given to the fact that the production and usage of soft winter wheat have almost always been exactly in balance. The present carryover is so small this year that a late or poor harvest could be disastrous. The surplus wheat in this country is in the hard wheat varieties, not the soft wheat varieties used primarily in the southeastern mills. Enactment of this program will certainly reduce eastern and southern soft wheat plantings, drastically reducing our supplies. From our understanding of this bill, certificates will be issued at two different price levels (70 cents for domestic and 25 cents for export). Presumably the allocation of the two kinds of certificates will be on exactly the same basis to all wheat producers. This would discriminate harshly against soft wheat farmers, since historically about twice as much eastern and southern soft wheat is used for food as is expected, while the reverse is true of Hard Red Winter wheat. Equitably then, the certificates allocation to the eastern and southern soft wheat producers should be two-thirds at 70 cents and one-third at 25 cents and the hard wheat grower's allocation should be one-third at 70 cents and two-thirds at 25 cents. Unless this kind of procedure is followed, the eastern and southern farmer who produces soft wheat for use will be subsidizing increased surpluses of Hard Winter wheat.

As we see it, our wheat cost will be 18 cents per bushel higher than they were last year. In 1963, the average farm support price was $1.82; under the proposed bill the comparable figure would be $2 ($1.30 base plus a 70-cent domestic certificate). This, of course, would mean the consumer would be paying at least 42 cents per hundredweight extra on flour.

Another thing that worries us considerably is that we understand the 70 cents would have to be paid on all old wheat ground after a cutoff date which is not yet determined. This would mean that millers such as us would have to take this 70 cents per bushel out of what are now almost nonexistent profits. In the milling process, it is imperative that millers carry forward a certain amount of old wheat to blend with the new crop. We cannot see under any stretch of imagination why millers would have to be penalized in this manner. This is a very serious situation, as a good many millers such as ourselves are not financially able to absorb such losses. To us, if this situation is true, our position would be untenable.

We cannot believe our lawmakers would be guilty of such transgression. Please accept our sincere thanks for your efforts to defeat this ill-advised bill.

Thanking you, and with kindest regards, we remain,

Sincerely yours,

Robert Davis.

Lance, Inc.,
Charlotte, N.C., March 30, 1964.

Hon. Charles B. Hoeven,
House of Representatives,
Washington, D.C.

Dear Mr. Hoeven: We want to express to you our opposition to H.R. 6196 and request that you exert all possible effort to defeat this bill.

In our opinion the cotton and wheat portions of this bill are entirely separate matters and each should have to stand on its own merits and should not be considered together. As a matter of fact, this measure expresses two very divergent viewpoints—one is to support the cotton textile industry in order for this industry to compete in foreign markets and at the same time it increases the price of wheat for domestic users which will ultimately increase the cost of food supplies purchased by our own people.

It has been quite disturbing to note that the supporters of H.R. 6196 claim that the price of wheat will be no more under the certificate plan than in 1963. Simple arithmetic disproves this claim. The price support for wheat in 1963 was $1.82 per bushel. Under this bill the price support will be $1.30 per bushel, plus 70 cents per bushel certificate, or $2 per bushel, maybe more, for domestic use. Why should the support prices of wheat be raised, requiring the domestic consumer of wheat products to pay more this year than they did in 1963?

We will appreciate your using your efforts to oppose this bill and working for its ultimate defeat.

Very truly yours,

E. P. Johnstone,
Vice President.

Archer Daniels Midland Co.,
Minneapolis, Minn., March 20, 1964.

Dear Representative: I hope you will please excuse our not sending a personal letter to you. This message is being directed to all Members of the House of Representatives.

The Secretary of Agriculture and proponents of the wheat certificate plan persist in claiming that 1964 wheat costs will not be higher than the price of wheat in 1963. This is in variance with the facts. It is the judgment of our wheat marketing experts that the wheat price outlook plus the 70-cent per bushel tax will amount to approximately 50 cents per hundredweight of flour under the certificate plan. This will necessarily result in increased costs to the consumers in their purchase of flour, bread, and other bakery products. According to USDA's statistics approximately 40 percent of the wheat used is purchased by the consumer in the form of flour.

We feel that you should be especially concerned in view of the fact that the low income consumer will bear an inordinately high share of this additional cost since they spend a higher percentage of their budget on wheat and wheat products than any other consumer group.

The Millers National Federation estimates a minimum increase of 26 cents a bushel on wheat for U.S. consumption. This 26 cents a bushel increase would result in a price of $2.13 a bushel in 1964, whereas the 1963 farm average was $1.87. We concur with the MNF's figures.

We hope that you will keep this in mind when deliberating your position on H.R. 6196.

Yours very truly,

W. G. McFadzean,
Director of Civic Affairs.

International Milling Co., Inc.,
Minneapolis, Minn., March 27, 1964.

Hon. Charles B. Hoeven,
The House of Representatives,
Washington, D.C.

Sir: We have had called to our attention the press release which Secretary of Agriculture Freeman issued on Thursday, March 26, stating that the wheat flour milling industry hoped to be the beneficiaries of some enormous windfall profits if the administration's wheat-cotton program was not passed by the Congress.

The contention is that the industry will retain some substantial part of a possible decline in the price of wheat resulting from the decline in support price levels from $1.82 per bushel to $1.30 per bushel. International Milling Co. is a very substantial factor in the flour milling business of the United States. It does not seek to gain, and it is confident that it will not gain, any windfall from a reduction in the price of wheat, whatever the reduction may be. The price that millers pay for wheat is far and away the most important element in the cost of producing flour. With a major decline in wheat costs, it is certain that there will be a comparable decline in flour prices. Reams of the Secretary's own Department of Agriculture figures could be quoted to prove the close correlation between wheat costs and flour prices.

In fact our situation is the direct opposite of that which the Secretary portrays. We face the very real hazard, whether the legislation passes or not, that the value of wheat inventories which we are carrying in the interests of continuing the supply of flour to our customers will decline enormously, causing us substantial losses.

If the legislation does pass, the administration proposes a combination of support price and marketing certificate which totals $2 per bushel as compared with the 1963–64 support of $1.82. This increased wheat cost means about 45 cents per hundredweight of flour.

Yours very truly,

Atherton Bean,
President.

King Milling Co.,
Lowell, Mich., March 27, 1964.

Hon. Charles B. Hoeven,
House of Representatives,
Washington, D.C.

Dear Representative Hoeven: We are writing to you in regard to H.R. 6196.

Secretary of Agriculture Freeman has stated that he is shocked when the milling industry states that wheat costs will be increased under the above mentioned bill and that we are a selfish industry, and hope to have an unwarranted windfall for next harvest.

The 1964 loan will be $2 ($1.30 plus 70 cents certificate) under the proposed resolution, as against $1.82 for the 1963 loan. The 18 cents per bushel means 42 cents per hundredweight increase in flour costs.

But more important to us than the actual difference in loan rates between the 2 years is the fact that the wheat market is telling us costs will be substantially greater than this. Our wheat costs are predicated upon the Chicago Futures Market. On March 26, 1963, Chicago July closed at $1.88⅞. On March 26, 1964, Chicago July closed at $1.57½. Adding 70 cents to the latter brings the wheat cost to the flour miller to $2.27½, or 38⅝ cents per bushel more than a year ago. This means flour will be 90 cents per hundredweight more.

The above are actual figures that we would have to use in calculating prices of flour to the bakery or family trade. Mr. Freeman may say otherwise, but the actual facts are presented above.

We hope that you will do everything possible to bring about the defeat of H.R. 6196.

Respectfully,

King Doyle, *President.*

Hekman Biscuit Co.,
Grand Rapids, Mich., March 30, 1964.

Hon. Charles B. Hoeven,
House of Representatives,
Washington, D.C.

Honorable Representative Hoeven: This correspondence is in regard to H.R. 6196.

Secretary of Agriculture Freeman has stated that he does not believe that the wheat costs and flour costs will be increased under the above-mentioned bill. He further criticized the milling industry as being interested in an unwarranted windfall for next harvest.

Under the proposed resolution 6196 the 1964 loan will be $2 per bushel (that is $1.30 plus 70 cents certificate) whereas the 1963 loan was $1.82. This increase of 18 cents per bushel means an increase in our flour costs of 42 cents per hundredweight. This is approximately a 10-percent increase over our current flour costs. In a period when we are striving to avoid inflation, this is certainly not the proper method to proceed. If we look at the commodity market we find a greater differential in costs. Wheat costs are predicted by the Chicago Futures Market. On March 26, 1963, Chicago July closed at $1.88⅞ per bushel. On March 26, 1964, Chicago July closed at $1.575 per bushel. Adding 70 cents to the latter brings the wheat costs to the flour miller at $2.275 or 38⅝ cents per bushel more than a year ago. Translating this into flour costs we find that our flour costs will be 90 cents per hundredweight more.

It is difficult to follow Mr. Freeman's thinking, but we are sure that the passage of H.R. 6196 can do nothing but increase costs to the baker and the ultimate consumer.

We hope that you will do everything possible to bring about the defeat of H.R. 6196.

Respectfully,

Donald J. Boes,
Purchasing Agent.

Crowther Bros. Milling Co.,
Malad, Idaho, March 23, 1964.

Hon. Charles B. Hoeven,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Hoeven: We urge you to take all possible action to defeat the passage of H.R. 6196, now under consideration. We believe this legislation is extremely ill advised. It is a highhanded attempt to force on the farmers a plan which they would not accept voluntarily. They do not want it and it would not be in the best interests of the country or the farmers to force it on them.

Additionally, it will be extremely detrimental to the small flour mills. The administration of the plan will be cumbersome and expensive. It is difficult enough for the small mills to compete with the large ones now, without additional disadvantages thrown in the way by the Government.

May we add our voice to those of the overwhelming number of farmers and millers opposed to this bill and again ask that you use all of your influence to defeat it.

Yours very truly,

N. W. CROWTHER.

ECKHART MILLING CO.,
Chicago, Ill., March 19, 1964.

Congressman CHARLES B. HOEVEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HOEVEN: It is being rather widely claimed by proponents of the certificate plan for wheat that this would not raise the price of wheat and flour for domestic consumption above the levels of 1963. We feel that it is a disservice to the Congress and to the consuming public to allow this bill to come to a vote without a correction of this misconception. We have already told our substantial flour buyers that if this bill is passed, they must expect to pay more for flour and we support this statement on the following basis:

1. So far as the domestic market is concerned, the effective loan this year will be 18 cents per bushel higher than it was a year ago. It is true that the farmer receives the same basic $2. However, a year ago 18 cents of this came directly from the CCC and did not reflect itself in the open market. This year, under the proposed bill, the price will be a $1.30 plus 70 cents or a total of $2, all of which must be paid by the domestic user of wheat—18 cents per bushel will come out to approximately 42 cents per hundredweight on flour.

2. In addition to the identified and firm increase of 18 cents in the loan level, the judgment of the grain and flour trade is that wheat on average will sell above the loan ($1.30 plus 70 cents) and this is supported by the fact that as of the market close on the 18th of March, the July futures contracts in Kansas City and Chicago averaged 28 cents above the farm loan, whereas, a year ago, Kansas City and Chicago July contracts averaged only 9½ cents above the loan. It obviously then is the judgment of the free market that wheat will sell above the loan, and if this company as a seller of flour, were to undertake a new crop contract today, we would have to give effect to an additional 18 cents per bushel—which would mean another 42 cents per hundredweight on flour, making a total of 84 cents.

3. Approximately 28 percent of the wheat berry is millfeed and its value is deducted from the cost of wheat in arriving at the actual cost of flour. A year ago the loan value of wheat was $60.80 per ton on the farm and the average value of millfeed at the Chicago market throughout the year was $40.15. This year under the proposed legislation the loan value of wheat on the farm will be $43.40 or a reduction of practically one-third. There is no precise formula in determining to what extent the value of millfeed follows the value of wheat. But, when wheat is available as a feed grain, as it would be at the $1.30 proposed loan, then this is a definite competitor of millfeed and any prudent miller would surely have to credit his millfeed at $10 per ton less than he did a year ago. Ten dollars per ton reduced value of millfeed would raise the cost of a hundred pounds of flour by approximately 20 cents.

4. In previous years with the higher loan and with wheat supported above a feed grain level, frequently wheat has sold below the gross loan and sometimes below the net loan. This year competent observers feel that with wheat supported at a feed grain level, producers will be very reluctant sellers and that the CCC statutory price of a 105 percent of support will probably be a very effective weapon. At that rate, on a terminal basis (which is what would affect our mill) the 5 percent would amount to somewhere between 7 and 9 cents per bushel, making an absolute increase of at least 26 to 27 cents.

I emphasize that points 2 and 3 are not absolute figures because they represent market judgment, but they do represent good market judgment. Item 1 is a positive and absolute factor which cannot be wished away.

We feel that every legislator should be apprised of these facts before he casts his vote for or against this bill, and we respectfully urge your consideration of these facts.

Sincerely yours,

D. H. WILSON,
Executive Vice President.

A. E. STALEY MANUFACTURING CO.,
Decatur, Ill., March 31, 1964.

Hon. CHARLES B. HOEVEN,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. HOEVEN: We are strongly opposed to the passage of H.R. 6196 (cotton-wheat bill).

We are particularly opposed to it because the two-price program would make noncertificate wheat available for processing into industrial products at a price substantially less than it would otherwise sell for, for this use.

The corn refining industry has built its business and distribution on its products for industrial use based on the historical relationships between the price of corn and the price of wheat. It is not proper, fair, or equitable for the Government, at this time, to subsidize manufacturers to convert wheat into industrial nonfood products in competition with corn, which has no such subsidy.

In any event, we believe this portion of this bill should be amended so that one industry is not arbitrarily given a price advantage on its raw material over its competitors which is inconsistent with the natural long-range differential between the price of a bushel of corn and the price of a bushel of wheat, as determined by the free marketplace.

We earnestly invite your interest in either defeating the bill or amending it to avoid this obvious proposed inequity between wheat and corn processors.

Yours sincerely,

E. K. SCHEITER,
President.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MATSUNAGA, for 10 days, on account of death of father.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to the following Members (at the request of Mr. BATTIN):

Mr. HALPERN, for 15 minutes, Wednesday, April 8, 1964.

Mr. HOEVEN, for 30 minutes, today.

Mr. MOORE, for 1 hour, April 22, 1964.

Mr. HORTON, for 1 hour, April 13, 1964.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ROSENTHAL and to include a table in his remarks of today while in the Committee of the Whole on H.R. 10222.

Mr. SAYLOR and to include extraneous matter in his remarks today while in the Committee of the Whole on H.R. 10222.

Mr. FINDLEY and to include extraneous matter in his address before the Committee of the Whole today.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. DINGELL.

Mr. GARMATZ.

Mr. MATSUNAGA in two instances.

(The following Member (at the request of Mr. BATTIN) and to include extraneous matter:)

Mr. HALPERN.

ENROLLED JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 976. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for disaster relief, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 120. Joint resolution providing for the recognition and endorsement of the 17th International Publishers Congress.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 976. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1964, for disaster relief, and for other purposes.

THE LATE GENERAL OF THE ARMY DOUGLAS MacARTHUR

Mr. ALBERT. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. RES. 671

Resolved, That the House has heard with profound sorrow of the death of the General of the Army, Douglas MacArthur, who has served his country brilliantly for more than sixty-four years.

Resolved, That the House tenders its deep sympathy to the members of the family of the late General of the Army in their sad bereavement.

Resolved, That the Speaker of the House shall appoint a committee composed of the majority and minority leaders, the chairman and members of the Committee on Armed Services, to represent the House in connection with the lying-in-state of the remains of the late General MacArthur in the rotunda of the Capitol.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following Members to represent the House at the ceremonies in the rotunda: Mr. ALBERT, Mr. HALLECK, Mr. VINSON, Mr. RIVERS of South Carolina, Mr. PHILBIN, Mr. HÉBERT, Mr. WINSTEAD, Mr. PRICE, Mr. FISHER, Mr. HARDY, Mr. BENNETT of Florida, Mr. LANKFORD, Mr. HUDDLESTON, Mr. BYRNE of Pennsylvania, Mr. STRATTON, Mr. COHELAN, Mr. WICKERSHAM, Mr. PIKE, Mr. KILGORE, Mr. ICHORD, Mr. NEDZI, Mr. LONG of Maryland, Mr. BURKHALTER, Mr. ARENDS, Mr. NORBLAD, Mr. BATES, Mr. O'KONSKI, Mr. BRAY, Mr. BOB WILSON of California, Mr. OSMERS, Mr. GUBSER, Mr. BECKER, Mr. CHAMBERLAIN, Mr. PIRNIE, Mr. HALL, Mr. CLANCY, Mr. STAFFORD, Mr. FOREMAN, Mr. SCHWEIKER, and Mr. FERNÓS-ISERN.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect, the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 6 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, April 8, 1964, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

1921. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a report on a review of weaknesses in regional payroll activities of the Post Office Department, was taken from the Speaker's table and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. S. 2111. An act to fix the beneficial ownership of the Colorado River Indian Reservation located in the States of Arizona and California; without amendment (Rept. No. 1304). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 7833. A bill to amend the act entitled "An act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes", approved August 18, 1958 (72 Stat. 619); with amendment (Rept. No. 1305). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1306. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. STEED: Committee on Appropriations. H.R. 10723. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes; without amendment (Rept. No. 1307). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (by request):

H.R. 10699. A bill to amend sections 2275 and 2276 of the Revised Statutes, as amended, with respect to certain lands granted to the States; to the Committee on Interior and Insular Affairs.

By Mr. MORRISON:

H.R. 10700. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BASS:

H.R. 10701. A bill to amend title 38 of the United States Code to provide that World War II and Korean conflict veterans entitled to educational benefits under any law administered by the Veterans' Administration who did not utilize their entitlement may transfer their entitlement to their children; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Tennessee:

H.R. 10702. A bill to amend the Tariff Act of 1930 to provide for the importation free of duty of technical yellow oxide of mercury from Mexico; to the Committee on Ways and Means.

By Mr. DEROUNIAN:

H.R. 10703. A bill to require certain persons to file at the beginning of each year a financial statement and a statement of business dealings with the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS:

H.R. 10704. A bill to provide for the presentation by the United States to the people of Mexico of a monument commemorating the independence of Mexico, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FASCELL:

H.R. 10705. A bill to amend the Government Corporation Control Act to change the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation; to the Committee on Government Operations.

By Mr. GROVER:

H.R. 10706. A bill to create the Interoceanic Canals Commission, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GUBSER:

H.R. 10707. A bill to amend title 10 of the United States Code in order to promote high morale in the uniformed services by providing a program of medical care for certain former members of the uniformed service and their dependents; to the Committee on Armed Services.

By Mr. JOHNSON of California:

H.R. 10708. A bill to provide for increased wheat acreage allotments in the Tulelake area of California; to the Committee on Agriculture.

By Mr. MACDONALD:

H.R. 10709. A bill to amend the Federal Employees Health Benefits Act of 1959 to permit until December 31, 1964, certain additional health benefits plans to come within the purview of such act; to the Committee on Post Office and Civil Service.

By Mr. MINISH:

H.R. 10710. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States; to the Committee on Education and Labor.

By Mr. RIVERS of South Carolina:

H.R. 10711. A bill to amend title 10, United States Code, to authorize officers detailed for the purpose to dispose of the personal effects of certain persons who die while serving with, employed by, or accompanying the Army or Air Force outside the United States; to the Committee on Armed Services.

By Mr. ROBERTS of Alabama:

H.R. 10712. A bill to provide that tires sold or shipped in interstate commerce for use in motor vehicles shall meet certain safety standards; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H.R. 10713. A bill to amend chapter 1 of title 38, United States Code, and incorporate therein specific statutory authority for the Presidential memorial certificate program; to the Committee on Veterans' Affairs.

By Mr. TOLLEFSON:

H.R. 10714. A bill to amend the Civil Service Retirement Act to provide a method of retirement based on hazardous duties for firefighting personnel of the Federal Government; to the Committee on Post Office and Civil Service.

H.R. 10715. A bill to amend the Civil Service Retirement Act, as amended, to provide annuities for surviving spouses without deduction from original annuities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. UDALL:

H.R. 10716. A bill to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the San Xavier Reservation in Arizona; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 10717. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. WIDNALL:

H.R. 10718. A bill to amend title I of the Housing Act of 1949 to provide that property owners in an urban renewal area shall be permitted to redevelop their own property to the maximum extent feasible under the applicable urban renewal plan; to the Committee on Banking and Currency.

By Mr. WRIGHT:

H.R. 10719. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for amounts expended by firemen for meals which they are required to eat at their post of duty; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 10720. A bill to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of American nationals against the Government of Cuba; to provide for payment of such claims; and to provide that the uncompensated portion of approved claims may be the collateral for certain loans made to claimants by the Secretary of State; to the Committee on Foreign Affairs.

By Mr. BALDWIN:

H.R. 10721. A bill to terminate price supports on tobacco; to the Committee on Agriculture.

By Mr. MATSUNAGA:

H.R. 10722. A bill to increase the amount authorized to be appropriated annually to carry out the program for the conservation and restoration of the Hawaiian Nene goose, and to extend such program for an additional 5 years; to the Committee on Merchant Marine and Fisheries.

By Mr. STEED:

H.R. 10723. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes.

By Mr. HALPERN:

H. Res. 668. Resolution expressing the sense of the House of Representatives with respect to the continuation of recent efforts on the part of the President to secure a universal condemnation of anti-Semitism; to the Committee on Foreign Affairs.

By Mr. RYAN of Michigan:

H. Res. 669. Resolution to establish the fourth Friday in September of every year as American Indian Day; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H. Res. 670. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

The **SPEAKER** presented a memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to propose an amendment to the Constitution of the United States making lawful the voluntary participation in daily prayer and the reading of scripture in the public schools throughout the United States, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 10724. A bill for the relief of Zaferios Malamis; to the Committee on the Judiciary.

By Mr. FORRESTER:

H.R. 10725. A bill for the relief of Joseph B. Stevens; to the Committee on the Judiciary.

By Mr. GROVER:

H.R. 10726. A bill for the relief of Stefan Petsche; to the Committee on the Judiciary.

By Mr. GURNEY:

H.R. 10727. A bill for the relief of Mrs. Shi Ming Hu; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H.R. 10728. A bill for the relief of Agop Torkom Centoglu; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 10729. A bill for the relief of Mollie Esther Lerman; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 10730. A bill for the relief of Victor Z. Thiele-Lewandowski; to the Committee on the Judiciary.

By Mr. WHITENER:

H.R. 10731. A bill for the relief of Flor Franco Guillermo and Erlindo Franco Guillermo, Jr.; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 10732. A bill authorizing the President of the United States of America to present a gold medal to former President Herbert Hoover; to the Committee on Banking and Currency.

By Mr. YOUNGER:

H.R. 10733. A bill for the relief of Kathryn Sanders; to the Committee on the Judiciary.

By Mr. TOLLEFSON:

H.J. Res. 986. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII,

844. The **SPEAKER** presented a petition of Mary Betcher D'Ambrosia, Los Angeles, Calif., relative to submitting her personal plan for creating new world community centers of creative culture commonwealth community confederation, which is a way of life, a dynamism which envisions utopia, covering all human endeavor, under a unitocracy which recognizes one Supreme Authority, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Gen. Emilio Aguinaldo, Philippine National Hero and Famous Freedom Fighter

EXTENSION OF REMARKS

OF

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1964

Mr. MATSUNAGA. Mr. Speaker, perhaps one of the greatest fighters for the cause of freedom and independence recently died. I refer to that great national hero and former President of the Philippines, Gen. Emilio Aguinaldo. Until February 6 of this year when he died he was probably the world's oldest living authentic independence fighter, and the greatest living hero of his country.

Emilio Aguinaldo lived from March 22, 1869 until February 6, 1964. Early in life he gained a reputation for ability, leadership, and personal magnetism, and led the Filipinos in their first rebellion against Spanish rule in 1896. His youth and early manhood had been influenced by the first great independence leader of his people—Dr. Jose Rizal, medical doctor, scientist, poet, essayist, novelist, and spiritual and moral leader of his enslaved brothers under Spanish rule. It has been said that Jose Rizal was the "pen," and Emilio Aguinaldo the "sword," which united the Malayan people in the Philippines to their ultimate fight to victory in gaining their national independence. When the United States refused him immediate recognition as President of the newly proclaimed republic, he went to war again, this time against the Americans. When finally captured, he took an oath of allegiance to the United States, believing that this was the quickest way to attain independence for his country. He was right in this surmise and through our help obtained complete national independence for his country. He was the type of freedom fighter that the Communist world never celebrated nor could call its own, for he relished not that particular brand of freedom.

Gen. Emilio Aguinaldo's love of country and freedom culminated in the overthrow of Spanish sovereignty and sounded the death knell of colonialism not only in the Philippines, but in other parts of the world as well. Shortly before his death, he ceded his home to the national government. The Philippine Legislature, in appreciation of Aguinaldo's contribution to its national sovereignty and independence changed its national holiday to June 12, the date on which he had proclaimed from a balcony in his home in Kawit, Cavite, his declaration of independence from Spain. This balcony is known today as "Independence Balcony."

When he died on February 6 of this year, freedom-loving people everywhere mourned his passing. His contribution to liberty, independence, and the principles of human dignity now belong to the ages. To many, he symbolized the storied noble knight on the white charger, who rode—not once, but twice—in response to his people's pleas for freedom and liberation from injustices.

It is fitting and proper that the Post Office Department issue a special commemorative postage stamp to honor this great Philippine patriot, and I ask my colleagues to join in support of such Government action. At a time when so much of the world is still under the shackles of slavery, colonial rule, or communism, it is invigorating to see a country which has been independent approximately only a half century, be so progressive, fertile, and capable of self-rule under democratic principles. Gen. Emilio Aguinaldo contributed a major share to the Philippines of today.

King-Anderson Bill

EXTENSION OF REMARKS

OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1964

Mr. DINGELL. Mr. Speaker, in an advertisement that appeared in the March 5 issue of the Courier, the Wayne County Medical Society criticized the proposal which I have sponsored together with many other Congressmen for hospital insurance for the aged under social security. The medical society calls the proposal bad medicine. This proposal, known as the King-Anderson bill, is, of course, not bad medicine. Nor is it good medicine. It is not any kind of medicine. The bill would simply provide an improved way for people to pay certain health costs in old age. People would contribute while they are working and are best off, toward hospital insurance in old age when their incomes are reduced.

What reasons are given by the medical society for opposing the King-Anderson bill? The first reason is that the bill would only cover older people hospitalization costs and related health costs and would not pay doctor bills. That is true but it is also true that the King-Anderson bill offers older people better coverage than is carried by the majority of the aged who have health insurance. I have my suspicion that doctors would not be more favorable to the proposal if it provided broader coverage. In any event, with their hospital insurance paid for through social security, the money older people now spend on generally inadequate coverage could be used to buy private insurance against doctors fees and other kinds of health insurance. Thus, they could have far broader protection than any but a very few older people now can afford.

The medical society's second criticism of the King-Anderson bill is that the few well-to-do aged would benefit along with the other aged. But why should they not? People qualify for social security because they have contributed toward the program, not beacuse they have proved they meet a means test. That is the big difference that makes social security acceptable and public welfare programs demeaning to most Americans.

Also, the very wealthy aged would get relatively little out of the King-Anderson bill that they are not already getting through medical deductions on their income tax. Such deductions can produce tax savings amounting to more than three-fourths of their medical expenditures.

The medical society says that the King-Anderson bill would lead to the complete socialization of the medical profession. But the King-Anderson bill has nothing to do with socialized medicine. And enactment of the bill would in no way change the fact that there is no support for the socialization of medicine in the United States. Most Congressmen are not doctors but they also are not as foolish as the medical society seems to think when it says it is inevitable Congress will adopt socialized medicine later if it improves social security now.

It was only a few years ago that organized medicine fought a losing battle against adding disability benefits to social security because it considered disability benefits in the European tradition and public relief to be the American way. Congress overrode the AMA objections then and very few people believe the AMA was right. I am sure that after social security hospital insurance is adopted just as few will believe the AMA was right in opposing this bill.

Even the medical society assumes the adoption of the proposal will gain its supporters votes. Even the doctors then seem to be agreeing that the people will like it. What better endorsement can the proposal have?

Soviet Anti-Semitism

EXTENSION OF REMARKS
OF
HON. SEYMOUR HALPERN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 7, 1964

Mr. HALPERN. Mr. Speaker, today I have introduced a resolution urging that the United States, through its delegation at the United Nations, take forthright steps in securing a world condemnation of anti-Semitism.

This resolution specifies that this universal ban must be in treaty form, and that all signatory states must pledge themselves to eradicate anti-Semitism within their territories and establish mutual enforcement measures.

I believe such an achievement will contribute much toward our goal of ending the overt and covert manifestations of anti-Semitism which still fester in the world.

I should like to congratulate the distinguished participants of the American Jewish Conference on Soviet Jewry, which met earlier this week here in Washington. This meeting has served us all in drawing attention to the flagrant abuses prevailing in the Soviet Union.

The able and distinguished Senator from New York, Jacob K. Javits, spoke to the gathering only yesterday, and his timely comments on the situation are crucially relevant.

Under unanimous consent, I include the speech of Senator Javits, given at the Hotel Willard in Washington on April 6, at this point in the Record, as follows:

Silent Diplomacy Will Not Save Soviet Jews

(By Senator Jacob Javits)

Events over the Passover holiday demonstrate the relentless character of the Soviet Union's campaign of repression against the Jewish minority in the U.S.S.R. But they also show that the regime in the U.S.S.R. is not impervious to the protests of the world on this issue. Both are vitally important conclusions.

That anti-Jewish repression continues was shown when on the eve of the Passover holiday the Kremlin went out of its way to prevent Jews from obtaining matzoth in time by impounding 2,000, 10-pound packages of matzoth paid for and sent with full import clearances prepaid by Americans in New York, Philadelphia, Chicago, and Los Angeles to relatives and friends in the Soviet Union.

In response to representations by the U.S. Embassy in Moscow made at my request, the Soviets explained that packages from individuals to individuals were delivered and only those sent by organizations were returned; it was also claimed that matzoth were available in the U.S.S.R. to all who wanted them. But this explanation was contradicted by reports in the Soviet press itself before the beginning of the Passover festival on March 27 on the nondelivery of the parcels and the advice of Moscow's chief rabbi allowing Jews to use peas and beans in place of matzoth.

It is hard to believe that in this decade, a major world power like the Soviet Union with its nuclear capability and space exploration achievements would stoop to this kind of petty but cruel and repressive official harrassment of a helpless minority. Against such calculated disrespect for elementary human rights as well as for world opinion, there must be general and universal protest.

The fact that the Soviet regime listens was shown when the Soviet official news agency Tass reported a partial recantation of the scandalous and libelous anti-Semitic book published in Kiev under the title "Judaism Without Embellishment." The Kremlin's leaders should be made aware that a great wave of indignation from all parts of the world is rising up over the Soviet Union's continued campaign of anti-Jewish repression.

All of us must here resolve that we will not remain silent or permit the world to remain silent while the scope and intensity of Soviet actions against the Jewish minority grows and becomes more deliberate.

In the name of humanity not only our voices but the voices of free men and women everywhere as well must be raised above the Iron Curtain in protest.

This conference must demand that the Soviet Union halt these oppressive acts forthwith and restore to Jews the elementary human rights to practice their religion, to be free of discrimination and to rejoin their families in other lands.

There is no doubt that the Soviet Union is very sensitive to charges of anti-Semitism. The Communists pride themselves on the law which makes anti-Semitism a criminal offense. Indeed, they tried to deny its existence when the poet Yevtushenko published his famous poem "Babi Yar" as a protest against Russian anti-Semitism. But when 89 out of 163 sentenced to death by Soviet courts between July 1961 and October 1963 for alleged economic crimes—almost 60 percent—are publicly reported to be Jews and their names are held up for ridicule and contempt in the official Soviet press; when the Soviet regime closes down synagogues and Jewish cemeteries, crushes every vestige of Jewish culture and deports Jews to Kazakhstan while simultaneously telling the outside world that Jews enjoy religious freedom; and when there is distributed an officially published edition of 12,000 copies of the blatantly anti-Semitic book by Trofim Kichko, entitled "Judaism Without Embellishment," under the auspices of the Ukrainian Academy of Sciences—then it is time to rip off the false mask from the Soviet claim that there is no "Jewish question" under communism and to expose the hypocrisy behind official denials of anti-Jewish actions. The Kremlin would like us to believe that anti-Jewish repressive acts are cold war lies spread by capitalists and imperialists, but the facts give this explanation the lie.

I have asked the Soviet authorities to explain why there is such a sharp difference between the way Jews are described in Soviet publications for external distribution and the way they are vilified and made objects of suspicion in books and periodicals distributed inside the U.S.S.R. The crude racist hatemongering of the Kichko book has brought forth protests even from Communists themselves in France, Italy, and the United States who have condemned its Hitlerite propaganda and called for its suppression.

In the Soviet press for the first time, the Jewish nationality of the accused in the show trials is openly flaunted. This was not done even under Stalin with his "Doctors' Plot" when Jews were identified only through euphemisms like cosmopolitans, and the shock and significance of this departure from Communist ideological practice has not been lost on Jews. Add to all this the fact that propaganda against Israel has been stepped up, and you can readily appreciate the mounting fears of Jews the world over for the safety of our coreligionists in the U.S.S.R.

Khrushchev and other Soviet leaders from time to time have tried to insist that Soviet treatment of religious minorities is an internal matter and that protests constitute interference in the Soviet Union's domestic affairs. Over a century ago, the U.S. Government provided an answer to this kind of rebuttal, and formulated a policy that remains valid to this day.

Since 1840, the United States, while recognizing the principle of nonintervention in the internal affairs of another state, nevertheless has protested the persecution of oppressed minorities by foreign governments and justified these protests in the name of our moral duty toward humanity. The United States has done so alone and also in concert with other nations. Our country has never been silent in the face of persecution.

We have lodged these protests and registered our disapproval in a variety of ways, among them, through direct communication to the governments concerned, by recalling the U.S. diplomatic representative for consultation, by direct references in the President's annual message to the Congress, by the termination of a commercial treaty, and by the use of indirect acts such as joining in multilateral acts of disapproval as a means of protest.

The list of such protests on behalf of Jews is long and honorable. In 1840 the United States condemned the persecution of Jews in Damascus.

In 1870 we urged the Ottoman government to halt the killing of Jews in Rumania.

In 1877 the United States granted protection to Russian Jews settled in or near Jerusalem, and emphasized that "the sympathy of the United States for all oppressed peoples in foreign countries has been freely manifested in all cases where it could be done in accordance with the spirit of international courtesy and diplomatic usage."

In the next two decades the United States protested no fewer than nine times against the Czarist Russian Government's repressive acts and persecution of Jews. These protests, backed by the American people and by resolutions of the Congress culminated in 1911 when President Taft terminated the treaty of commerce with Russia which had been in effect since 1832. President Taft took this action over the advice of the State Department which warned that abrogation of the treaty would have serious effects on the Nation's commercial relations with the Russian Empire in addition to larger political considerations.

The United States has protested action against Jews by Rumania, the Austro-Hungarian Empire, Italy, and Poland. The record of U.S. protests to the Nazi government should still be fresh in our minds. Secretary Cordell Hull recorded in his memoirs that "I found myself calling in the German Ambassador time after time to protest against violations of the rights of our citizens, against persecution of the Jews, and against mistreatment of Americans by Nazi bullies."

No policy is more firmly fixed in the conduct of U.S. foreign affairs than this moral imperative to come to the aid of oppressed peoples. American public opinion must be roused to the danger that this Soviet campaign presents not only to Jews—though they are the first victims—but to all religious minorities in the U.S.S.R. Moscow has every reason to be concerned over the bad name that its anti-Jewish policy is creating for it in the world, and our protest must be intensified in every way possible. Only then will we be able to convince the Kremlin that the price it must pay for its anti-Jewish policy is too high and too costly in terms of its international image.

This is no time for counsels of caution and fear—or of silence—on the part of American Jewry. Each great wave of indignation will serve to ultimately alleviate, and will help prevent aggravation of the plight of the Jews in the Soviet Union. Each protest by individuals, by organizations, and by the free nations of the world will serve to make the Kremlin realize how sterile and harmful is its anti-Jewish policy.

Dedication of New Headquarters, Baltimore Regional Joint Board, ACWA

EXTENSION OF REMARKS

OF

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1964

Mr. GARMATZ. Mr. Speaker, unions in general, and the clothing workers in particular, have come a long way in the past half century. This year the Amalgamated Clothing Workers of America observes its golden anniversary. The organization has been active in Baltimore since its beginning.

Baltimore was for many years one of the outstanding clothing manufacturing centers in the country and employed many thousands of workers. Conditions in some of the plants when the union was organized there were such, that the description of "sweatshops" was a very accurate one. In my opinion, no other group of workers has made such advances as has the clothing workers, and these, despite strong opposition and hard struggles, even against other organized groups. Therefore, the celebration of its golden anniversary this year is an especially noteworthy occasion.

On April 4, new headquarters of the Baltimore regional joint board, which represents 30 locals in six States, with a membership of more than 14,000, was dedicated. This represents a worthy monument to the struggles of the group over the years and its determination to continue to work for the benefit of its members.

Not only will the new building provide adequate office space for its activities and space for union meetings, but it will also contain the Hyman Blumberg retired members center, with facilities for recreational, social, and educational activities. This is dedicated in honor of Hyman Blumberg, executive vice president of the national organization. In addition, it will provide a geriatrics center where extensive medical and optical examinations will be available to the members, under the board's health plan. To my knowledge, no other industry enjoys such a program as provided here.

To the former union members who labored so hard for this cause, and the former manager of the joint board, Ulisse DeDominicis, much credit for the progress made by this organization is due also to the untiring effort, the foresight and the leadership of Sam Nocella, manager of the Baltimore regional joint board, and vice president of the national organization.

After the dedication ceremonies, a banquet was held in the spacious banquet hall, at which representatives of labor and Federal, State, and city officials were present. Among these were Angela Bambace, August Bellanca, Mr. and Mrs. Reuben Block, Mr. and Mrs. Hyman Blumberg, Mr. and Mrs. Richard Brazier, Murray Finley, Mr. and Mrs. Charles J. Garrahan, Bessie Hillman, David Monas, Mr. and Mrs. Sam Nocella, Mr. and Mrs. Frank Rosenblum, and Mr. and Mrs. Peter J. Swoboda, representing the Amalgamated Clothing Workers. Also Theodore R. McKeldin, mayor of Baltimore; Thomas D'Alesandro III, president of the Baltimore City Council; Louis Goldstein, State comptroller; Joseph Tydings, former member of the State legislature; and my colleagues in the House of Representatives, Samuel Friedel and Carlton Sickles, with Mrs. Sickles.

While the new building represents the culmination of many years of tireless labor, it also represents the beginning of a dynamic new program to provide for the future welfare of the union's members. It was indeed a privilege to be able to join in paying tribute to the board at this milestone of its activities.

Dr. Jose Rizal, Philippine National Hero and Champion of Liberty

EXTENSION OF REMARKS

OF

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1964

Mr. MATSUNAGA. Mr. Speaker, one of the greatest champions of freedom in the world was, in my estimation, that outstanding patriot and Philippine national hero, Dr. Jose Rizal, who gave his life for his country. Rizal was one of those universal men of the 19th century who excelled in everything he did. He was, apart from being a brilliant medical doctor and ophthalmologist, a novelist, a poet, an essayist, a historian, a philosopher, an artist, a sculptor, an anthropologist and ethnologist, a linguist, a fencer, world traveler, and a humanist, whose life and works and deeds, crowded into the short span of 35 years, were consecrated to the liberty and independence of his country and people. He was executed at the age of 35 years by order of the Spanish Government, under whose rule the Philippines was governed at the time of his death, December 30, 1896. He was born in the little town of Calamba, Laguna, 55 kilometers from Manila on June 19, 1861.

My own State of Hawaii paid tribute to this enormously talented man and great patriot by joining in the centennial celebration of the birth of Jose Rizal on June 19, 1961. I ask your support, and the Members of this Congress, in approving a special commemorative stamp to be issued by the Government in the "champion of liberty" series. His contributions to his country, and to humanity, can best be epitomized by the expression "The pen is mightier than the sword." His pen was ever pitted against injustice and race prejudice, and the soundness of his principles, expressed openly at great personal danger to himself, are today incorporated in the Universal Declaration of Human Rights adopted by the United Nations. He was a Malayan and proved that people of all colors and races could do what the white man had done in science, arts, and letters. His precocity showed at an early age. He learned his three R's from his mother when but 3 years old and at the age of 8 wrote his first poem. Before he was 15 years old he had written many inspiring poems, some of which were later set to music. One of his most vivid and best known poems is one he wrote just before his execution, called "Ultimo Adios"—Last Farewell. At the age of 18 he won prizes in literature and poetry. During a period in his exile in Dapitan from August 1892 to May 1893, he wrote to Father Pastells:

> I do not aspire to fame or glory; I do not aim at rivaling others whose conditions, intelligence, and circumstances are different from mine. My supreme desire is to do what I can for my country; to do whatever is necessary. I have received a little learning, and this, I believe, I should teach to my countrymen. Others more fortunate than I may scale the heights of glory.

Surely this great man lived and believed in the philosophy expressed by our late beloved President John F. Kennedy, when he urged Americans "Ask not what your country can do for you: ask what you can do for your country."

His writings when living in Spain, and later in other countries, made him a marked man for the firing squad. He discussed his views on race equality and denounced the practice of denying the Filipinos their rightful share of the products of their toil, under the Spanish regime, which was causing them to lose incentive to labor. In this connection, he said:

> Man is not a brute * * * he is not a machine; his object is not merely to produce * * * man's object is not to satisfy the passions of another man; the object is to seek happiness for himself and his kind by following the road of progress and perfection.

An essay he wrote called "Filipinas Dentro de Cien Anos"—The Philippines A Century Hence—strongly urged such reforms as freedom of speech and of the press, representation in the Spanish Cortes, establishment of the merit system in the civil service, and a halt to the abuses of the civil and military authorities in the ruling Spanish Government. He intimated at that time that if needed reforms were not forthcoming the Spanish Government might be overthrown and his country would seek help from the United States. In another essay which he addressed to a group of women in his country who were planning to open a school for women and children he exhorted them to teach their children to be fearless and brave and not to join in blind worship or blind obedience to foreign masters. In another novel, "El Filibusterismo," published in Belgium in 1891, he calls upon youth to consecrate their lives and their energies to the welfare of their native land and to be pure and spotless so that they would be worthy sacrifices for so worthy a cause as the freedom and happiness of their native land.

Despite the fact his medical practice was becoming lucrative, he chose to continue—at great financial and personal sacrifice to himself—his unceasing fight for justice and freedom and liberation of his country from Spanish rule. He openly organized an association called La Liga Filipina on July 3, 1892, a few days after his second return from Europe. Its aims were to concretize the formation of the national community, to encourage education, commerce, and agriculture, to render mutual protection from want and necessity, and to provide "defense against all violence and injustice." Four days later he was arrested and exiled to Dapitan on the Island of Mindanao, where he remained 4 years. While there, however, this indefatigable patriot established a hospital, a school, a water system, and helped the poor fishermen improve their methods of catching fish and farmers to improve techniques in farming.

In essence, Jose Rizal taught that people cannot live a moral life if they are compelled to live under circumstances and institutions or governments which brutalize, corrupt, and degrade. He felt it was useless to expect political morality where social arrangements and customs make corruption profitable and respectable. It was futile, he said, to demand diligence and industry when no one can be assured of the fruits of his labor. It is ridiculous to expect spiritual upliftment where religion serves to burden, rather then liberate, the human soul. The true measure of the peoples' capabilities is the performance by them in a condition of national independence, when failure or success is proof of their abilities. Rizal felt that freedom is not just physical but moral as well, and moral liberty requires not only that a man must respect the dignity of another, but that the other must first possess dignity.

The National Cultural Shrine of the Philippines will be a permanent repository for Rizal's works and other Filipino culture, so that it may be worthy of him—Rizal—"who gave his people dignity and honor that they may have their rightful place among the free nations of the world."

Dr. Jose Rizal achieved his greatness by personal example in following seven basic tenets of living. I feel it is appropriate today to summarize them: First, a man must live with a purpose in life—the purpose of doing good for others, of deriving one's own happiness by bringing happiness to others. Dr. Jose Rizal not only lived for the welfare of others, but died for his fellow man; second, a man must educate himself to the fullest extent of his abilities; third, a man must seek the truth and live by it. Rizal truly followed Christ's teaching "Ye shall know the truth and the truth shall set you free." In his untiring pursuit of further education, he studied 22 languages because he wanted to read what the greatest minds in all languages had to offer. While known as the "best opthalmologist in all Asia" he was actually appreciated more as a scientist in Germany, France, and England for his other contributions in the arts and sciences; fourth, he felt that a man must have a religion and be guided by it. He told Father Pastells, his confidant at one time, "To doubt the existence of God would be to doubt my own conscience, and, therefore, to doubt everything. And then why should one live?" Fifth, a man must make the best possible use of his time, Rizal felt, because time was the essence of life. To this end he developed methodical habits so as to conserve precious minutes for worthwhile endeavors; sixth, a man must lead a clean moral life, he stated, and Rizal was renowned as a stickler for truth and integrity. One time he wrote to a publisher, "Take care not to insert exaggeration nor lies, nor low, nor unworthy language. We can win our cause by speaking the truth, because right and justice are on our side"; seventh, one must have the courage to live by his own convictions, was another of Rizal's basic principles, and although it ultimately meant his death, he abided by this without any compromise until his execution. On that fateful day of December 30, 1896, Dr. Jose Rizal walked with perfect calm to the firing line—the only heroic and gallant figure amongst all present at the sordid scene.

Mr. Speaker, I am proud to report that the Governor of Hawaii declared June 17 to 25, 1961, "Rizal Weeks," in commemoration of the 100th anniversary of the birth of this great martyr, and in recognition of humanity's acceptance of this Philippine patriot not only for his talents, his valor, the affection, and esteem of his countrymen, his work to bring about material and moral betterment of his race or his country, but for the unflinching example he personally set for himself to serve all of the underprivileged, downtrodden, and unenlightened and enslaved peoples of the world. Yes, the life of Dr. Jose Rizal carries a message to the whole world. We can help to spread this message by putting his picture on one of our commemorative postage stamps.

SENATE

WEDNESDAY, APRIL 8, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. PAUL H. DOUGLAS, a Senator from the State of Illinois.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou Master of all good workmen, with the passing from this mortal stage of a dedicated servant of Thine and of the Nation, Douglas MacArthur, we now praise famous men—men renowned for their power, giving counsel by their understanding, leaders of the people, wise and eloquent in their instruction.

Such leave a name behind them, that their praises might be reported. We give thanks that in human personalities there are so often made flesh Thine eternal principles of righteousness, which the contaminating evils of the world cannot tarnish or erode.

Especially this day we thank Thee, our God, and take courage from the uncorrupted and uncompromising record of this great captain of our time, in whose undaunted faith across all the years of his pilgrimage there ever sang—

"Then conquer we must,
For our cause it is just;
And this be our motto—
In God is our trust."

And now that he has gone on from our physical sight and side, may he return to our troubled times in a renewed determination of the Republic to face any foe, to pay any price, not that America may conquer, but that the starry ideals that give luster to freedom's banners may come to their coronation under all skies. For the fulfillment of all our fallen hero's dreams, as his brave soul goes marching on, we commend his conquering spirit into Thy hands.

We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 8, 1964.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. PAUL H. DOUGLAS, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

LEE METCALF,
Acting President pro tempore.

Mr. DOUGLAS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 7, 1964, was dispensed with.

AMENDMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Mr. RIBICOFF. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate bill 1605.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1605) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to provide for labeling of economic poisons with registration numbers, to eliminate registration under protest, and for other purposes, which was to strike out all after the enacting clause and insert:

That section 2.z.(2)(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, as amended; 7 U.S.C., 1958 ed., Supp. III, 135(z)(2)(b)) is hereby amended by inserting before the semicolon at the end thereof the following phrase: "other than the registration number assigned to the economic poison".

SEC. 2. Section 3 of said Act (61 Stat. 166; 7 U.S.C. 135a) is hereby amended by deleting the word "and" at the end of section 3.a.(2)(b), deleting the period at the end of section 3.a.(2)(c) and inserting in lieu thereof a semicolon and the word "and", and adding after section 3.a.(2)(c), a new provision reading as follows: "(d) when required by regulation of the Secretary to effectuate the purposes of this Act, the registration number assigned to the article under this Act."

SEC. 3. Section 4 of said Act (61 Stat. 167; 7 U.S.C. 135b) is hereby amended by changing the word "registrant" wherever it appears in subsection a. and in the first sentence of subsection c. to "applicant for registration" and by deleting the remainder of subsection c. and inserting in lieu thereof the following:

"If, upon receipt of such notice, the applicant for registration does not make the corrections, the Secretary shall refuse to register the article. The Secretary, in accordance with the procedures specified herein, may suspend or cancel the registration of an economic poison whenever it does not appear that the article or its labeling or other material required to be submitted complies with the provisions of this Act. Whenever the Secretary refuses registration of an economic poison or determines that registration of an economic poison should be canceled, he shall notify the applicant for registration or the registrant of his action and the reasons therefor. Whenever an application for registration is refused, the applicant, within thirty days after service of notice of such refusal, may file a petition requesting that the matter be referred to an advisory committee or file objections and request a public hearing in accordance with this section. A cancellation of registration shall be effective thirty days after service of the foregoing notice unless within such time the registrant (1) makes the necessary corrections; (2) files a petition requesting that the matter be referred to an advisory committee; or (3) files objections and requests a public hearing. Each advisory committee shall be composed of experts, qualified in the subject matter and of adequately diversified professional background selected by the National Academy of Sciences and shall include one or more representatives from land-grant colleges. The size of the committee shall be determined by the Secretary. Members of an advisory committee shall receive as compensation for their services a reasonable per diem, which the Secretary shall by rules and regulations prescribe, for time actually spent in the work of the committee, and shall in addition be reimbursed for their necessary traveling and subsistence expenses while so serving away from their places of residence, all of which costs may be assessed against the petitioner, unless the committee shall recommend in favor of the petitioner or unless the matter was referred to the advisory committee by the Secretary. The members shall not be subject to any other provisions of law regarding the appointment and compensation of employees of the United States. The Secretary shall furnish the committee with adequate clerical and other assistance, and shall by rules and regulations prescribe the procedures to be followed by the committee. The Secretary shall forthwith submit to such committee the application for registration of the article and all relevant data before him. The petitioner, as well as representatives of the United States Department of Agriculture, shall have the right to consult with the advisory committee. As soon as practicable after any such submission, but not later than sixty days thereafter, unless extended by the Secretary for an additional sixty days, the committee shall, after independent study of the data submitted by the Secretary and all other pertinent information available to it, submit a report and recommendation to the Secretary as to the registration of the article, together with all underlying data and a statement of the reasons or basis for the recommendations. After due consideration of the views of the committee and all other data before him, the Secretary shall, within ninety days after receipt of the report and recommendations of the advisory committee, make his determination and issue an order, with findings of fact, with respect to registration of the article and notify the applicant for registration or registrant. The applicant for registration, or registrant, may, within sixty days from the date of the order of the Secretary, file objections thereto and request a public hearing thereon. In the event a hearing is requested, the Secretary shall, after due notice, hold such public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. Any report, recommendations, underlying data, and reasons certified to the Secretary by an advisory committee shall be made a part of the record of the hearing, if relevant and material, subject to the provisions of section 7(c) of the Administrative Procedure Act (5 U.S.C. 1006(c)). The National Academy of Sciences shall designate a member of the advisory committee to appear and testify at any such hearing with respect to the report and recommendations of such committee upon request of the Secretary, the petitioner, or the officer conducting the hearing: *Provided*, That this shall not preclude any other member of the advisory committee from appearing and testifying at such hearing. As soon as practicable after completion of the hearing, but not later than ninety days, the Secretary shall evaluate the data and reports before him, act upon such objections and issue an order granting, denying, or canceling the registration or requiring modification of the claims or the labeling. Such order shall be based only on substantial evidence of record at such hearing, including any report, recommendations, underlying data, and reason certified to the Secretary by an advisory committee, and shall set forth detailed findings of fact upon which the order is based. In connection with consideration of any registration or application for registration under this section, the Secretary may consult with any other Federal agency or with an advisory committee appointed as herein provided. Notwithstanding the provisions of section 3.c.(4), information relative to formulas of products acquired by authority of this section may be revealed, when necessary under this section, to an advisory committee, or to any Federal agency consulted, or at a public hearing, or in findings of fact issued by the Secretary. All data submitted to the Secretary or to an advisory committee in support of a petition under this section shall be considered confidential by the Secretary and by such advisory committee. Notwithstanding any other provision of this section, the Secretary may, when he finds that such action is necessary to prevent an imminent hazard to the public, by order, suspend the registration of an economic poison immediately. In such case, he shall give the registrant prompt notice of such action and afford the registrant the opportunity to have the matter submitted to an advisory committee and for an expedited hearing under this section. Final orders of the Secretary under this section shall be subject to judicial review, in accordance with the provisions of subsection d. In no event shall registration of an article be construed as a defense for the commission of any offense prohibited under section 3 of this Act."

Sec. 4. Section 4 of said Act (61 Stat. 167; 7 U.S.C. 135b) is hereby further amended by redesignating subsections d. and e. as subsections e. and f., and by adding a new subsection d., as follows:

"d. In a case of actual controversy as to the validity of any order under this section, any person who will be adversely affected by such order may obtain judicial review by filing in the United States court of appeals for the circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within sixty days after the entry of such order, a petition praying that the order be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part. The findings of the Secretary with respect to questions of fact shall be sustained if supported by substantial evidence when considered on the record as a whole, including any report and recommendation of an advisory committee. If application is made to the court for leave to adduce additional evidence, the court may order such additional evidence to be taken before the Secretary, and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper, if such evidence is material and there were reasonable grounds for failure to adduce such evidence in the proceedings below. The Secretary may modify his findings as to the facts and order by reason of the additional evidence so taken, and shall file with the court such modified findings and order. The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 18 of the United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order. The court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this section."

Sec. 5. The first sentence of section 8.b. of said Act (61 Stat. 170; 7 U.S.C. 135f.(b)) is hereby amended by deleting that part beginning with the second proviso therein down to, but not including, the period at the end thereof.

Sec. 6. Section 3.a.(1) and section 9.a. (1)(b) of said Act (61 Stat. 166, 170; 7 U.S.C. 135a.(a)(1), 135g.(a)(1)(b)) are hereby amended by changing the phrase "has not been registered" wherever it appears therein, to read "is not registered".

Sec. 7. This Act and the amendments made hereby shall become effective upon enactment, and all existing registrations under protest issued under said Federal Insecticide, Fungicide, and Rodenticide Act shall thereupon terminate.

Mr. RIBICOFF. Mr. President, I move that the Senate concur in the amendment of the House, with an amendment which I offer on behalf of myself, the Senator from Rhode Island [Mr. Pell], the Senator from New York [Mr. Javits], and the Senator from Kansas [Mr. Pearson].

The ACTING PRESIDENT pro tempore. The amendment submitted by the Senator from Connecticut will be stated.

The Legislative Clerk. On page 6, beginning in line 9, it is proposed to strike out the following language:

All data submitted to the Secretary or to an advisory committee in support of a petition under this section shall be considered confidential by the Secretary and by such advisory committee.

And in lieu thereof insert the following:

All data submitted to an Advisory Committee in support of a petition under this section shall be considered confidential by such Advisory Committee: *Provided*, That this provision shall not be construed as prohibiting the use of such data by the Committee in connection with its consultation with the petitioner or representatives of the United States Department of Agriculture, as provided for herein, and in connection with its report and recommendations to the Secretary.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that an explanation of our amendment be printed at this point in the Record.

There being no objection, the explanation was ordered to be printed in the Record, as follows:

Statement by Senator Ribicoff on S. 1605

The effect of pesticide chemicals upon plant, animal, and human life has been the subject of widespread public discussion for the last several years.

In the fall of 1962 Rachel Carson's "Silent Spring" heightened public interest and concern. Her book was followed by a critical review of the problem by the President's Science Advisory Committee and its report of a year ago. Since last May, the Subcommittee on Reorganization and International Organizations has been reviewing the subject from the point of view of the adequacy of Federal programs and laws dealing with pesticide research and regulation.

Early in our hearings the problem of "protest registration" was pinpointed. Up to that point it was widely thought that a pesticide could be marketed only after the Department of Agriculture was satisfied as to its safety and effectiveness. As a matter of fact, the law now permits a manufacturer to "register" a doubtful pesticide with the Secretary of Agriculture and proceed to market it. If the Secretary questions the product's safety or effectiveness, he still must register the pesticide "under protest." He then has the burden of establishing that it does not comply with the safety or effectiveness standards prescribed by the act. While the Secretary gathers his proof, a pesticide can be sold on the market and be causing injury.

On May 27, 1963, to close the loophole of "protest registration," this bill would prohibit the marketing of any pesticide until the Government was satisfied as to its safety and effectiveness and empower the Secretary of Agriculture to withdraw a dangerous product from the market without the delay of a long hearing. I was joined in this effort by the Senator from Kansas [Mr. Pearson], the Senator from Rhode Island, [Mr. Pell] and the Senator from New York [Mr. Javits].

On October 25, 1963, the bill passed the Senate. On February 17, 1964, it passed the House with amendments. That is its present status.

Most of the House amendments are technical in nature and should be accepted by the Senate. One, however, causes some difficulty.

In an effort to make certain that the Advisory Committee established under S. 1605 would be covered by confidentiality prohibitions of existing law, the House added language on page 6, lines 14–17 of the bill, as follows:

"All data submitted to the Secretary or to an advisory committee in support of a petition under this section shall be considered confidential by the Secretary and by such advisory committee."

According to the House Committee on Agriculture in its report on the bill—

"This language was added in order to further protect secret information concerning formulas and packaging methods from disclosure to unauthorized sources by the advisory committee appointed by the Secretary in connection with carrying out the provisions of this bill."

Obviously, the amendment goes beyond "formulas and packaging methods" and applies not only to the Advisory Committee but to the Secretary and all officials of the Department of Agriculture as well, who are already covered by confidentiality restrictions in the law.

I am fearful that the House amendment is not only unnecessarily restrictive but in conflict with other provisions of the bill as well. It should not be accepted by the Senate for three main reasons:

First, it would result in "all data" being considered confidential rather than trade secrets, such as formulas, which are so well deserving of such treatment. In its report on the use of pesticides, the President's Science Advisory Committee expressed the belief that all data used as a basis for granting registration and establishing tolerances should be published, thus allowing the hypotheses and the validity and reliability of the data to be subjected to critical review by the public and the scientific community. The House amendment goes contrary to this proposal.

Second, the scope of this provision, covering "all data" and being applicable to the Secretary of Agriculture as well as the advisory committee, appears to be in direct conflict with the preceding sentence in the bill, starting at line 9 on page 6, which specifically authorizes the disclosure of data when it is necessary.

Finally, it is not necessary to have a further restriction on the Secretary or employees of the Agriculture Department as the act presently prohibits them from revealing information relating to formulas. Furthermore, section 1905 of title 18 of the United States Code is applicable to the officers and employees of the Department and this too makes unlawful the disclosure of confidential information.

I will offer an amendment to delete this provision from the bill and substitute in its stead a provision designed to protect actual trade secrets against disclosure by the advisory committee.

I want to emphasize that passage of this bill takes on a new urgency since the recent announcement by the Department of Agriculture that it will hold public hearings on April 9 on the question of removing three highly toxic pesticides from the market.

The Department of Agriculture is obviously considering either removing the pesticides aldrin, dieldrin and endrin from the market altogether or drastically restricting their use. If the evidence supports them this will be accomplished by a change in registration. But as we have already seen, under existing law the manufacturer can still continue to market these products as before until the Department has gathered massive evidence that they are harmful.

The burden of proof should be on the manufacturer to show his product safe rather than on the Government to prove it harmful. This is the essence of adequate consumer protection law. Without it we are back in the dark ages of "let the buyer beware."

What a cruel hoax it would be to crank up the massive machinery of Government—hold a public hearing—reach a conclusion that the three products are at least of doubtful safety—and then watch them continue to appear on the market until a higher degree of proof is gathered by the Government. That higher degree of proof will not be dead fish. We already know about them. It will be injury to people. That is not how the law should work.

If the Department of Agriculture hearings are to have any meaning, S. 1605 must become the law of the land.

I urge approval of the amendment.

Mr. ELLENDER. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I am pleased to yield.

Mr. ELLENDER. Will the Senator from Connecticut state the effect of the amendment?

Mr. RIBICOFF. Yes. This amendment has been cleared with the chairman of the Committee on Agriculture and Forestry [Mr. ELLENDER], the ranking minority member of the committee [Mr. AIKEN], the majority leader, the minority leader, and other Senators. It concerns a bill that will make it possible for the Department of Agriculture, when it acts in regard to the advisability of the use of a pesticide, to end the practice of "protest registration," and make sure that when the Department disapproves an application to register a pesticide, the manufacturer will not be able to put the pesticide on the market as he can today.

The difference between the amendment I offer and the amendment of the House is that the House amendment would keep secret all information submitted in support of the application, while my amendment makes sure data on health and safety is available to the public. We felt that while the formula itself and any trade secret should be kept confidential, it would be against the beneficial interest of the public and against freedom of information to deny to the public and to the various Departments and to the Senate the information, for example, on side effects of the pesticide.

Mr. DIRKSEN. Mr. President, on a number of occasions I have discussed the amendment with the Senator from Connecticut. I think the amendment is acceptable, and I believe that the bill with this amendment will be more acceptable than it would have been without it.

Mr. RIBICOFF. That is true.

In submitting the amendment, I repeat that its cosponsors are the Senator from Rhode Island [Mr. PELL], the Senator from New York [Mr. JAVITS], and the Senator from Kansas [Mr. PEARSON].

The Committee on Agriculture and Forestry spent considerable time on this matter; and I am grateful to the chairman of the committee [Mr. ELLENDER] and to its ranking minority member [Mr. AIKEN] for their consideration of both the amendment and the bill.

I think the bill with this amendment will close a very decided gap in connection with one of the potential dangers the country faces from pesticides.

Mr. DIRKSEN. Mr. President, this matter is very much before the public; and there always is a danger that too narrow an interpretation can do a great deal of damage to the entire agricultural economy of the country.

When all is said and done, there is a continuing and unremitting struggle against insect life; and there is only one way to wage that struggle—namely, by the use of pesticides and fungicides that American industry has developed. The industry tries to exercise the utmost of caution and care in establishing careful tolerances in every case.

So I hope particular caution will be exercised, so that we do not get too narrow an interpretation and construction, and thereby do damage to the industrial side of the economy, while doing good on the other side.

Mr. RIBICOFF. I thank the Senator from Illinois for his contribution.

I think it only fair to state that responsible manufacturers have not opposed this provision; and when the Department of Agriculture has raised a question concerning the dangers involved in the use of a particular pesticide, there has invariably been cooperation by most of the manufacturers of the country. However, there is a definite loophole in the law; and from time to time there have been manufacturers who have not acted in so responsible a manner; and even though a particular pesticide has been disapproved, they have continued to sell it on the market.

So I thank the distinguished minority leader for his contributions.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Connecticut [Mr. RIBICOFF].

The motion was agreed to.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll; and the following Senators answered to their names:

[No. 123 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Burdick
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dominick
Douglas
Ellender
Fong
Gore
Gruening
Hart
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Proxmire
Ribicoff
Saltonstall
Scott
Simpson
Smith
Sparkman
Symington
Talmadge
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from North Carolina [Mr. JORDAN], the Senator from Wyoming [Mr. MCGEE], the Senator from Utah [Mr. MOSS], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Georgia [Mr. RUSSELL], are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from California [Mr. ENGLE], the Senator from Indiana [Mr. HARTKE], the Senator from Alabama [Mr. HILL], the Senator from Washington [Mr. JACKSON], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Florida [Mr. SMATHERS], the Senator from Mississippi [Mr. STENNIS], and the Senator from South Carolina [Mr. THURMOND], are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER], the Senator from Arizona [Mr. GOLDWATER], the Senator from New Mexico [Mr. MECHEM], the Senator from Vermont [Mr. PROUTY], and the Senator from Texas [Mr. TOWER], are detained on official business.

The Senator from North Dakota [Mr. YOUNG] is necessarily absent.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). A quorum is present.

The Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. CLARK. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

ORDER OF BUSINESS

Mr. CHURCH. Mr. President, will the Senator from Pennsylvania yield to me?

The PRESIDING OFFICER. The Senator from Pennsylvania has been recognized.

Mr. CLARK. Mr. President, may I state that several of my colleagues have asked me to yield to them before I begin my speech on title VII. I shall be happy to do so, calling the attention of each Senator to the rule of germaneness which is now in effect and the necessity of obtaining unanimous consent to speak on other subjects for the next 3 hours.

I yield to the Senator from Idaho.

THE MAILBAG IS NOT AN INFALLIBLE GUIDE

Mr. CHURCH. Mr. President, I believe it is fair to say, in the highly charged political atmosphere of Washington, that we sometimes lose a sense of perspective about what the rest of the Nation is thinking. To compensate for this, we often make impossible demands on our mailbag. In the absence of accurate indicators, we tend to let letters loom as the key to the thinking of our citizens.

To be sure, we need mail; we need the additional insight into State problems and national issues that only mail can give us. But the mailbag—as many Senators are finding out during the current civil rights debate—is not an infallible guide. Indeed, many groups are organizing letterwriting campaigns to defeat the civil rights bill. As a result, the current deluge of mail against this important and vital piece of legislation is giving us a distorted picture of what all the people of our States are, in fact, thinking.

Thus, it is a relief to receive a letter which puts things back into better perspective.

Mr. President, I invite the attention of the Senate to such a letter, one which I recently received from a constituent, Mr. Perry Swisher, a Republican State senator in Idaho. Mr. Swisher reminds us:

> But a Senator who realizes what a barrage of misrepresentation is reaching his constituents will not panic.

He very wisely adds that—

> The absence of any letters whatever from the overwhelming majority of Idahoans is the voice of calm and decency, the consent-giving silence of the informed and the unafraid.

Mr. President, I ask unanimous consent to have Mr. Swisher's letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> Idaho State Senate,
> Capitol Building,
> *Boise, March 18, 1964.*
>
> U.S. Senator Frank Church,
> *Senate Office Building,*
> *Washington, D.C.*
>
> Dear Frank: It's reported that the mail to Idaho's congressional delegation is running 10 to 1 against the civil rights bill. But thousands of dollars, upon thousands, are being spent to solicit Idaho objections. Each dollar ought to be worth a letter. Are you receiving thousands upon thousands, or a few hundred?
>
> I don't really blame the recipient of a letter telling him the Federal Congress is about to deprive him of his rights and place us all under a dictatorship, if he writes to you in alarm.
>
> But a Senator who realizes what a barrage of misrepresentation is reaching his constituents will not panic. His constituents are asking him not to vote to place them under dictatorship. Because the civil rights effort is a move in another direction—away from the practice of discrimination which is more consonant with dictatorship than with the ambitions of a free society—he has no problem. He can vote for the civil rights bill as he knows it and satisfy his petitioners.
>
> This is once I can't bring myself to promoting a countermovement—fighting fire with fire. The absence of any letters whatever from the overwhelming majority of Idahoans is the voice of calm and decency, the consent-giving silence of the informed and the unafraid.
>
> In the polls, those who give the poll-taker no indication of their stand enter the totals as "no opinion," a massive misnomer for such of them as choose not to venture their opinion. It is an even greater misnomer when there is no poll. In the language of the pollsters the Idaho total on civil rights legislation would probably read at least 97 percent "no opinion." Interpreted more accurately as "it's up to you. Vote your conscience."
>
> Vote your conscience. The prediction was freely made in 1961 that if Idaho adopted a strong civil rights law, racial unrest and loss of personal rights would result. The act passed. In Idaho race relations were never better than they are today. We're making important progress against thoughtless cruelty, we are brothers to a degree we were not before the Idaho act passed.
>
> It would be a victory for panic and fear if the barrage of misrepresentation changes a single Senate vote. I don't worry for an instant about your vote. You can use some reassurance and I'm only writing to reassure you.
>
> Best personal regards.
>
> Perry Swisher.

Mr. CLARK. Mr. President, I ask unanimous consent that without losing my right to the floor I may yield in turn, first to the Senator from Ohio [Mr. Lausche], next to the Senator from Missouri [Mr. Long], next to the Senator from New York [Mr. Javits], and finally to the Senator from Hawaii [Mr. Fong].

The PRESIDING OFFICER. Without objection, it is so ordered.

STRIP COAL MINING

Mr. LAUSCHE. Mr. President, I ask unanimous consent that, notwithstanding the rule of germaneness, I may be permitted to make a statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, several months ago, I introduced a bill asking for the study of the strip coal mining operations.

Today, I should like to make a brief comment on that bill.

Mr. President, how irresponsible can governments in our country get in dealing with the rights and dollars of the taxpayers?

Are our governments competing in a contest to determine which particular government can reach the highest level of folly?

On the one hand State governments are allowing the strip miners of coal to butcher the land, inflict irreparable scars, and render it barren of wildlife and vegetation. The strip miners of coal have been permitted by the States to remove the coverage of land consisting of trees, grasses, shrubs, and topsoil; and with their 200-foot booms picking up 70 cubic yards—100 tons—of earth at one time to bring to the surface nothing but shale and rock on which nothing will grow. Barren slate banks and acid poisoned holes unfriendly to anything are the remains of strip mining operations. Pennsylvania, West Virginia, Ohio, Tennessee, Indiana, Illinois, and other places have been the victims of these operations.

Recently Mr. Godfrey Sperling, Jr., of the Christian Science Monitor, after visiting areas in Hazleton, Pa., and its proximity, wrote an article on this subject. The title of his piece was: "Would Federal Aid Lift Appalachia?"

"Are the marginal towns capable of being saved by presidential intervention?" he asked.

He pointed out that in the area which he visited strip mining machines have a 200-foot boom and a bucket holding 30 cubic yards was "gulping big bites out of the earth"; and that this monster machine and others like it have destroyed the landscape over an area that is roughly 80 by 40 miles in dimension.

What Mr. Sperling described to be the situation in Pennsylvania would likewise apply, and even more so, to the counties in mideastern and southeastern Ohio, the foothills of the Appalachian Mountains.

There are in operation in ordinary strip mine coal-producing States earthmoving draglines and other devices which have a shovel capacity of 35 cubic yards of earth weighing approximately 50 tons per bite. There is one earthmoving machine now operating in the Kentucky strip mine coalfields that has a per bite capacity of 115 cubic yards weighing 150 tons. I am informed by reliable sources that soon there is to be built an earthmoving machine which will have a per bite capacity of 200 cubic yards of earth.

Mr. Sperling spoke about Hazelton, Shenandoah, Frackville, Mahanoy City, Tamaqua, Lansford, Jeansville, and other towns that have been made ghostlike by the strip mining operations.

How irresponsible can we get in the spending of the taxpayers' money?

It is now proposed that the taxpayers of the United States, under the "war against poverty," should provide the moneys to rehabilitate these lands. It is suggested that with taxpayers' moneys the scars and pits and holes and poisons of strip mining should be rehabilitated. Federal dollars are suggested to be sent into these communities to level the land, provide for it a coverage of vegetation so that it will retain the waters that come from the rain and will bring back to the area not only wildlife but also human life.

What I have said above about Pennsylvania applies equally in Ohio, especially to the counties of Guernsey, Muskingum, Harrison, Belmont, Jefferson, Morgan, Washington, Columbiana, Carroll, Mahoning, and Stark and in a measure to Holmes.

The operators of the coal strip mines have fought every effort against the adoption of laws that would require them to restore the land with some semblance of levelness and coverage with tree and grass growth.

At present I have pending in the Senate a bill that would authorize a study of this paradoxical situation in which on the one hand Government is permitting strip miners to butcher the land, and on the other hand it is talking about spending money to rehabilitate and remedy the butchering initially permitted.

Information has come to me that the strip miners are opposing the adoption of this bill by the Congress. They are acting true to form, completely indifferent to their civic responsibilities. Unless the citizens who are familiar with the damage that is being done by the strip mining process contact their Senators and Congressmen, I labor under the fear that my bill will die. I, therefore, appeal to all citizens who are familiar with this problem to contact their Congressmen pressing them for some type of Federal action to deal with this wrong.

Mr. HUMPHREY. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. CLARK] has the floor, and has yielded to the Senator from Missouri [Mr. LONG].

THE OUTCOME OF THE PUBLIC ACCOMMODATIONS REFERENDUM IN KANSAS CITY

Mr. LONG of Missouri. Mr. President, yesterday the voters of Kansas City approved a public accommodations ordinance by referendum. Some time ago, the City Council of Kansas City enacted a public accommodations ordinance covering hotels, motels, and restaurants. Then, some months ago, the city council approved another ordinance extending the coverage to include taverns, amusement places, sports and recreational establishments, stores, auditoriums, public transportation, and trade and commercial schools. This second ordinance was petitioned to referendum. The question before the voters at yesterday's referendum was whether the city would have a comprehensive public accommodations law or a limited law. It is with satisfaction that I report to the Senate that in a heavy vote for a special election the comprehensive ordinance was upheld by a margin of almost 2,000 votes.

Many have raised questions as to the views of the majority of the American people on the subject of public accommodations. Yesterday, we heard the voice of the people who live in the heartland of our Nation. This voice spoke out for full freedom for all Americans.

Mr. President, I have long believed that the people of my State support the enactment of needed legislation to advance the cause of equal rights for all Americans. My belief has been fully confirmed.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may make a brief statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I have heard with deep satisfaction what the Senator from Missouri [Mr. LONG] has just reported. It bears out the comments I have been making on the floor of the Senate in connection with civil rights.

Mr. President, there has been a surprising vote for Governor Wallace in the primary in Wisconsin. Those of us who are for civil rights legislation must draw some serious lessons from the vote.

The vote as it now stands is 508,597 for Reynolds, 270,148 for Byrnes, and 249,724 for Wallace. There appears to have been, roughly, a million-plus votes cast, with Governor Wallace receiving about 20 percent-plus of the vote.

First, if the 20-percent-plus vote should be taken as symptomatic of sympathy for the segregationist position of Governor Wallace, then at the same time we must take into account that an overwhelming majority—namely, about 80 percent—shows clear support for civil rights. What is demonstrated is the dangers of complacency among civil rights proponents.

The 20-percent-plus vote for Governor Wallace does indicate what will happen when extremists spread false fears and phony rumors among susceptible people.

Mr. President, the outcome may be embarrassing to the Democratic Party, but it is also a challenge to the leadership of both parties to work more vigorously to be sure the people of the North, as well as of the South, understand the grave moral and constitutional crisis we face—a crisis which has such far-reaching implications to our role as a nation committed to freedom and opportunity.

I am confident that the 80 percent in Wisconsin is just as important as the 20 percent. For those of us who are with the 80 percent it is a lesson written large on the wall, that should teach us how important is the struggle in which we are engaged, and to realize that we must continue to throw all the ardor and dedication into this struggle.

ANALYSIS OF THE PROBLEMS IN PANAMA BY THE REPUBLICAN CITIZENS COMMITTEE'S CRITICAL ISSUES COUNCIL

Mr. JAVITS. Mr. President, it is with great pride that I report to the Senate the work of the Republican Citizens Committee's Critical Issues Council. I am sure I shall be pardoned for dealing with what might be a partisan matter. The critical issues council, headed by Dr. Milton S. Eisenhower, has issued the first of a series of papers. This first paper presents an excellent alternative program for dealing with the Panama issue.

In my judgment, it expresses the very finest contribution of the opposition party to a bipartisan foreign policy. I ask unanimous consent that the report may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, I should like to read a brief excerpt from the report, which I commend to the Nation. Dr. Eisenhower says:

> An administration in power has positions on this and other issues, but thoughtful citizens need to consider informed and well-reasoned alternatives to these positions and to sharpen their judgments on how best to deal with these national problems. We hope to offer these alternatives in our papers. We plan to issue additional papers at approximately 1-week intervals concluding shortly before the National Republican Convention in July.

To this, Mr. President, I say "Amen," and I believe the American people, both Democrat and Republican, will hail this development. This is a most intelligent and constructive program for Panama, and the study of which I strongly urge upon the administration.

EXHIBIT 1

NEWS FROM REPUBLICAN CITIZENS [1]

WASHINGTON, D.C.—In the first of a series of "critical issues papers," which will examine and suggest possible solutions to important foreign and domestic problems facing the United States, the Republican Citizens Committee's Critical Issues Council, headed by Dr. Milton S. Eisenhower, recommended a seven-point program to deal with immediate and long-range problems in Panama.

"Any realistic approach to the Panamanian problem," the council declares, "must begin with the recognition that the construction of a new sea level canal within 25 years is imperative; earlier construction is preferable. Disputes over sovereignty, wage scales and profits are all attendant upon the inescapable need for a new canal."

The council also recommended that the United States agree now to negotiate amendments to existing treaties with Panama and to negotiate an entirely new treaty within 25 years.

Pointing out that the present crisis in Panama is the "predictable result of an explosive situation that has been building openly for many years," the council states: "It should now be clear * * * that further concessions at this time will not in themselves end our difficulties in Panama. Only by reconciling the basic difference in interest between the two nations through a mutually acceptable and long-range policy can we hope to find a lasting solution to the Panamanian problem."

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[1] NOTE TO EDITORS.—A press conference with Dr. Milton Eisenhower, other members of the council, and former Ambassador to Panama, Joseph S. Farland, will be held on April 7 at 2:30 p.m., in the Lorraine Room of the Hotel Lafayette, 16th and I Streets, Washington, D.C.

"A heritage of malice and misunderstanding" will make this task difficult, according to the council paper. It sites Panama's belief that the United States is making great profit from the canal and the United States belief that we have sovereignty in the Canal Zone as glaring examples of misunderstanding. The United States not only has never made a penny of profit, the council explains, but it actually subsidizes the operation of the canal to the extent of about $6 million yearly. And the treaty of 1903, which permitted the United States to build the Panama Canal, makes clear that titular sovereignty remains with Panama.

Since the best site for a new canal appears to be Panama, the council argues that it is clearly in the best interests of the United States and Panama to settle the current difficulties and to begin building the good relations which would assure the successful construction and operation of a new sea level canal in Panama.

The council recommends that the existing treaties with Panama be amended to incorporate the following:

1. Canal improvements costing approximately $75 million should be made promptly to assure the continued operation of the Panama Canal for another 25 years.

2. Canal tolls should be raised by 30 percent and Panama's annuity (now $1,930,000) should be increased to $15 million.

3. During the period preceding a completely new treaty, the canal company should repay the existing $460 million debt to the American taxpayers. This can be accomplished by allocating a portion of the income from a toll increase and the $16 million normally spent in recent years on canal improvements.

4. To the degree that it is possible without hampering the operation of the canal, the United States should rotate its civilian personnel in the Canal Zone.

5. Panamanians should be trained as rapidly as possible to fill the higher paying positions in the canal operation and to handle the complicated technical operation of the canal.

6. The United States should make clear to Panama that when reforms promised under the Alliance for Progress are carried out, U.S. aid will be available in substantial amounts to improve Panama's agricultural and industrial capacity, and in general raise the living standards of the masses.

7. The two Governments should agree to negotiate within 25 years a new treaty which will specify how a sea-level canal is to be financed, constructed, and operated.

Apart from treaty revisions, when an ambassador is appointed he should be given full authority to speak for the United States in Panama. The Governor of the Canal Zone should be forbidden to negotiate with Panamanian officials on major issues.

"The leaders of the United States and Panama must keep in mind that a primary goal is to maintain the Panama Canal for about another 25 years," the council continues, "and then to replace it with a new sea-level canal. Misunderstandings or stubbornness or false nationalistic pride must not divert us from this goal. Panama must consider carefully its actions during the next 25 years and must assess the future realistically * * *. If the two nations can join together in solving the problems that have plagued them for half a century, there is every likelihood that a new Panama Canal will be built and it will symbolize inter-American cooperation and progress."

Commenting on the purpose of the Critical Issues Council and its papers, Dr. Eisenhower said: "An administration in power has positions on this and other issues, but thoughtful citizens need to consider informed and well reasoned alternatives to these positions and to sharpen their own judgments on how best to deal with these national problems. We hope to offer these alternatives in our papers. We plan to issue additional papers at approximately 1-week intervals concluding shortly before the Republican National Convention in July."

Dr. Eisenhower stated that the Critical Issues Council is cooperating with the Republican National Committee and elected Republican officials, but that the positions taken will be those of a citizens' organization and do not represent official Republican policy.

Members of the Critical Issues Council are well-known Republican-oriented citizens with expert competence in one or more fields. None is a political officeholder or candidate for public office. Besides the council members, many other citizen experts are being consulted in the preparation of the papers.

The council members are:

Dr. Milton S. Eisenhower, chairman, president, the Johns Hopkins University.

Elliott V. Bell, chairman of the executive committee, McGraw-Hill Publishing Co.; editor and publisher, Business Week.

Adm. Arleigh A. Burke, U.S. Navy (retired), Chief of Naval Operations, 1955–61.

Arthur F. Burns, Chairman, President's Council of Economic Advisers, 1953–56; professor of economics, Columbia University.

Albert L. Cole, general manager, the Reader's Digest Association.

James H. Douglas, Secretary of the Air Force, 1957–59; Deputy Secretary of Defense, 1959–61.

Marion B. Folsom, Under Secretary of the Treasury, 1953–55; Secretary of Health, Education, and Welfare, 1955–58.

Thomas S. Gates, Secretary of the Navy, 1957–59; Secretary of Defense, 1959–61.

T. Keith Glennan, member of the Atomic Energy Commission, 1950–52; Administrator of NASA, 1958–61; president, Case Institute of Technology.

Oveta Culp Hobby, Secretary of Health, Education, and Welfare, 1953–55; president, Houston Post Publishing Co.

Walter H. Judd, Member of 78th–87th Congress as Representative from the Fifth District of Minnesota.

Mary P. Lord, U.S. alternate representative to the U.N. General Assembly, 1953–59; U.S. delegate to the General Assembly, 1958–60.

Clare Boothe Luce, Member of the 78th and 79th Congresses from the Fourth District of Connecticut; U.S. Ambassador to Italy, 1953–57.

Deane W. Malott, president, Cornell University, 1951–63.

James P. Mitchell, Secretary of Labor, 1953–61.

Gen. Lauris Norstad, U.S. Air Force (retired), Supreme Allied Commander, SHAPE, 1956–62.

Don Paarlberg, Assistant Secretary of Agriculture, 1957–58; Special Assistant to the President and Food-for-Peace Coordinator, 1958–61; professor of economics, Purdue University.

C. Wrede Petersmeyer, president, Corinthian Broadcasting Co.; trustee, Committee for Economic Development.

Samuel R. Pierce, Jr., judge, New York Court of General Sessions, 1959–60.

Charles S. Rhyne, president, American Bar Association, 1957–58.

Raymond J. Saulnier, Chairman, President's Council of Economic Advisers, 1957–61; professor of economics, Columbia University.

Lewis L. Strauss, Chairman, Atomic Energy Commission, 1953–58; Secretary of Commerce, 1958–59.

Walter N. Thayer, president, New York Herald Tribune.

Henry C. Wallich, member, President's Council of Economic Advisers, 1959–60; professor of economics, Yale University.

PANAMA: A REALISTIC APPRAISAL

(Critical issues paper No. 1)

If there is any Latin American nation with which the United States should have exemplary relations, it is surely Panama. The canal which we built there at great expense and sacrifice is of vital economic and strategic importance to the United States and of great economic importance to Panama, this hemisphere, and the world. For half a century, we have maintained the canal as an efficient world trade route, as much for the benefit of other nations as for our own. Panama's periodic complaints notwithstanding, the canal has been the most important single factor in the development of the isthmus.

Panama should occupy a unique and intimate position in U.S. foreign affairs. Its importance is far out of proportion to its size. Both the United States and Panama have had compelling reasons for wanting to be on the best of terms with each other. But relations between the two nations have deteriorated steadily over the years. In August 1963 our Ambassador to Panama, Joseph Farland, resigned his post to protest both the misuse of foreign aid funds and the administration's indifference to the basic problems in United States-Panamanian relations, an indifference which was increasing Panamanian hostility toward the United States. Upon his departure, Ambassador Farland, one of the most popular U.S. ambassadors in Panamanian history, was invited neither to the White House nor before the House Foreign Affairs Committee to express his concern about Panama. He was not even given customary debriefing by the State Department. Washington's course of drift continued, and 5 months after Ambassador Farland's resignation, when the riots broke out in Panama, no new U.S. ambassador had been appointed.

However, the mishandling and neglect in the last year, which culminated in the January riots, 25 deaths, and hundreds of injuries, merely inflamed an already smoldering situation. Indeed, the roots of the present crisis are embedded in a 61-year failure of Panama and the United States to build the good will and genuine understanding essential to a fruitful partnership.

Panama today is demanding a new treaty which would at once increase substantially the income it receives from canal traffic and would ultimately establish its complete sovereignty over the Canal Zone. The United States, on the other hand, cannot yield to pressure alone and insists upon maintaining the complete jurisdiction in the Canal Zone granted to it by treaty.

How is it that in all of these years of living and working together the United States and Panama have been unable to resolve their differences and build a harmonious relationship? The answer to this question should suggest a course for future action.

President Johnson recently said of the Panamanian problem that "No purpose is served by rehashing either recent or ancient events." But the complex situation must be viewed in its historical context.

II

THE ROOTS OF THE PROBLEM

The difficulties in Panama did not begin with the violence that erupted there on January 9, 1964. That conflict was the predictable result of an explosive situation that has been building openly for many years. In fact, our troubles in Panama began with the Hay-Bunau Varilla Treaty of 1903, which permitted the construction of the canal and granted the United States "in perpetuity the use, occupation, and control of a zone of land" across the isthmus "as if it were sovereign." This treaty, signed almost immediately after Panama had won its independence from Colombia through U.S. intervention, virtually made Panama a protectorate of the United States.

After signing the 1903 treaty, Panamanians had second thoughts and trouble began. From that time forward there has been a fundamental difference of interests between Panama and the United States. Our primary aim has been to operate as efficiently as possible an international waterway of economic and strategic significance. Convinced that Panama could not do this, and that we could do so only if we were free of all external interference, we have insisted on complete jurisdiction in the Canal Zone and complete control of the canal itself. But Panama has viewed the canal as its greatest national resource and has sought to extract greater advantage from it. Convinced that the United States has been exploiting and profiting from this national asset, Panama has claimed sovereignty over the zone and has vigorously insisted on an increasing share of the benefits.

The crux of the problem in Panama is this "fundamental difference of interests." The difficulties that have arisen over the years have developed because each nation has vigorously pursued its own interest without sufficient regard for the other's, and because the two nations failed to recognize that their interests were not as mutually exclusive as they appeared to be.

Some of the specific points of dispute—such as the displaying of the Panamanian flag in the zone, equal wage scales for Panamanians and Americans, and the existence of commercial enterprises in the zone—have been largely symptomatic of the basic disagreement.

In 1936, at Panama's urging, an additional treaty was drafted. Among other things, it abrogated the United States guarantee of Panama's independence, canceled our right to unilateral intervention in the Republic, and forbade certain kinds of commercial enterprises in the zone, long an irritant to Panamanian merchants. Thus for the first time Panama became a truly independent nation.

Again in 1955, Panama's discontent reached the danger point and a third treaty was signed. It established the principle of "one basic wage scale for all * * * employees of the Canal Zone," and stipulated that all supplies for the zone be purchased, if feasible, from either Panama or the United States. It also provided that the United States would construct, at our expense, a bridge connecting the two sections of the isthmus.

But these concessions and others made from time to time—have served only to delay the conflict that results from the basic disagreement between the two nations. It should now be clear, therefore, that further concessions at this time will not in themselves end our difficulties in Panama. Only by reconciling the basic difference in interest between the two nations through a mutually acceptable and long-range policy can we hope to find a lasting solution to the problem.

III

ALTERNATIVES TO THE STATUS QUO

The task will not be easy, for there is no simple right or wrong answer. We must abandon black and white approaches and search the great gray area for reasonable and honorable compromises. To illustrate the complexity of the problems of sovereignty and control, consider the alternatives to the status quo.

President Truman, Ambassador Stevenson, and others have suggested that the canal be placed under international or inter-American control. In theory, this suggestion may have merit, but it seems highly unlikely that Panama would agree to this, and, of course, the United States cannot unilaterally take such action. To Panama, international control might be worse than U.S. control, for benefits to Panama probably would not increase, and the readymade yanqui whipping boy would be replaced by an impersonal international organization. Further, for the time being, the United States must be skeptical of internationalization, for we consider the canal too important to our military and economic welfare to entrust it to the United Nations where Communist pettifogging, interference, and delay might endanger it. And the Organization of American States has not yet demonstrated convincingly that it can consistently act in concert and place hemispheric interests above national interests.

Another alternative would transfer control and operation to Panama. This does not seem feasible at present, for, unlike the sea-level Suez Canal, the Panama Canal, with its locks, is a miracle of engineering and timing, calling for skills not possessed today by many Panamanians. Further, while most Panamanians would not believe it, such a transfer might well reduce the benefits to the Republic. The United States subsidizes the canal at present and this would cease. Our military expenditures would dwindle or disappear. Operating inefficiencies and breakdowns might drastically reduce income. As a condition of the transfer we would surely insist that the $460 million of debt owed by the Canal Company to the U.S. Treasury, and thus to U.S. citizens, be assumed and repaid by the Panamian Government. Just to do this, Panama would have to raise tolls substantially; to reap anything approaching the kind of benefits Panama envisions, tolls would have to be increased enormously. Hence, other users of the canal—including the west coast countries of Central and South America and all maritime nations—would vigorously oppose the transfer and would blame the United States for putting Panama in a position to charge exorbitant tolls.

Still another alternative sometimes mentioned is the possibility of creating a joint United States-Panamanian corporation to control and operate the canal; by treaty what is now the Canal Zone would come under the same jurisdiction of the Panamanian Government as the free zone, but the corporation would control and operate the canal, with rates fixed by the treaty and the net income, if any, being divided by treaty formula. This alternative is unacceptable to the United States for the present; U.S. citizens must be responsible for the technical, engineering and related jobs; they insist on good housing, schools, hospitals, and other services equal to those in the United States; they also insist upon living by U.S. laws, fairly administered. These needs and desires can be met only under the present arrangement.

IV

A MAZE OF MISUNDERSTANDING

A heritage of malice and misunderstanding makes the problems even more formidable. Most of our citizens and too many of our leaders, for example, believe that the United States has complete sovereignty in the Canal Zone. They therefore wish to tolerate no interference, are hostile to the appearance of the Panamanian flags in the zone, and would maintain the status quo with guns if necessary. A U.S. Congressman advocated during the January crisis that we tear down the flagpoles from which the Panamanian flags fly in the zone. But the United States is not sovereign in the zone. The organic treaty gave the United States jurisdiction over the zone as if it were sovereign, making quite clear that titular sovereignty remained with Panama, as has been acknowledged over the years by three U.S. Presidents.

Panamanians, on the other hand, believe that the United States is exploiting their only national asset and is making vast sums of money from it. This is patently false. Despite its authority to do so, the United States has not raised canal tolls since they were established in 1914 (except for adjustments on certain items) and has operated the canal on a no-profit basis. The gross revenue in the Canal Zone in 1962, for instance, amounted to about $100 million, of which $60 million was from canal tolls, but after operation and maintenance costs were met, and essential canal improvements were made, there was not a single penny of profit for the United States. Indeed, the United States not only has never made a profit, but actually has subsidized the operation of the canal in the amount of some $6 million a year. The debt of about $460 million is not being amortized. The Canal Company now pays only 2.82 percent interest on about $330 million of that debt (a subsidized rate in view of the interest paid by our Treasury on its total debt), and pays no interest whatsoever on about $130 million of the debt. Further, $1.5 million of the $1,930,000 annuity to Panama is paid not from canal revenues but from State Department appropriations. Unfortunately, the annual report of the Canal Company, written to impress the Congress with the Company's skillful management, gives the unsophisticated reader the impression that a net profit is realized, thus feeding this serious misunderstanding. Only by careful study of many complicated financial statements does one see that every cent of this so-called "profit" is spent on necessary canal improvements.

Nor is it accurate to assume, as so many in Panama do, that the $1,930,000 annuity is the only financial benefit to the Republic of Panama. In 1962, 17 percent of Panama's national income—some $85 million—was generated directly by the canal. And to that must be added millions of dollars spent by tourists attracted to Panama because of the canal.

But the truth is buried by the misunderstandings, and the myths are perpetuated by many Panamanian leaders and mass media as they use the United States as a scapegoat to divert attention away from the anachronistic class inequities in Panama. Hate and hostility come easily to the masses who, in the midst of abject poverty, see the affluent living conditions of the U.S. citizens in the zone.

Communism flourishes in such an atmosphere of confusion and discontent, and Castro's agents fan the fires of anger. In typical fashion they infiltrate student groups, labor unions, and other organizations; they spread lies and rumors; they undermine the efforts of moderate men to solve the problems; and they incite violence. It is now clear, for example, that Cuban-trained Communists infiltrated the protest marches in January and whipped them into a frenzied mob. Positive photographic proof of this exists.

V

A REALISTIC POLICY

In the face of such obstacles and complexities, what course of action should the United States pursue?

One thing is clear: Any realistic approach to the Panamanian problem must begin with the recognition that the construction of a new sea-level canal within about 25 years is imperative; earlier construction is preferable. Disputes over sovereignty, wage scales, and profits are all attendant upon the inescapable need for a new canal.

Some advocate construction of a new canal as soon as physical and political problems are solved. Such a view overlooks the desirability of amortizing the debt of the present canal.

By operating 18 hours a day, the Panama Canal is now barely able to handle current traffic. In its present condition, it will rapidly become obsolete, and if nothing were done a maritime traffic jam would result. Even now, some aircraft carriers and tankers are too big to pass through the locks. This is incorrectible. But by spending some $75 million to widen the Gaillard cut, improve locks, build a new dam to increase the water supply needed in lock operations, and provide new lighting for 24-hour operation, the present canal could handle most traffic, other than the largest ships, for about another 25 years.

The Panama Canal Company, the Defense Department, the Maritime Administration, and other Government agencies have been reevaluating our canal requirements and studying sites for a new sea level canal. Two preferred routes have emerged—one in Panama, 125 miles east of the present zone, and one in Colombia near the Panamanian border. By using nuclear explosives (which apparently would require permission of the signatories to the nuclear test ban treaty, including the Soviet Union), a new Panama Canal would cost about $520 million, and a canal in Colombia would cost about $100 million more.

It would devastate the economy of Panama if a sea level canal were built in Colombia or elsewhere, such as Mexico, for the present lock canal will be useless the moment a sea level waterway is opened. It is patently to Panama's interest to cooperate in solving present difficulties so that it will be politically as well as economically feasible to build the new canal within the Republic. And, assuming the resolution of current disputes and assurance of future good relations, we should favor the Panamanian route for several reasons. It is shorter and less costly. Ships will traverse it faster. And we must consider the hurt to Panama if the new canal is located elsewhere. Despite the difficulties between the United States and Panama, the two nations have cooperated for half a century to their mutual benefit, and they should recognize moral obligations to each other.

It is to Panana's interest not only to assure construction of the new canal in the Republic, but also to keep the present canal functioning for as long as possible, for it seems inevitable that the economic benefits to Panama from the operation of a sea level waterway will be less, at least for many years, than they are now from the lock canal, and still lower than herein proposed for the next 20 to 25 years. More than 13,650 persons are employed in the operation of the present facility and the Canal Zone Government activities. About 9,850 of these are Panamanians; most of the 3,800 U.S. citizens have families which increase the total. Wages for this large number, plus supply purchases, result, as previously indicated, in the expenditure of about $85 million in the Republic. A sea level canal can be operated efficiently by 500 to 1,000 persons. Even if cash payments to Panama from the new canal were increased to the maximum feasible, it seems doubtful that these would equal current expenditures.

On all counts, therefore, it is clearly to Panama's interest and ours to settle current difficulties, to maintain the present canal for a reasonable period, and to agree now to a new undertaking subsequently.

Once this is recognized, the United States and Panama should formulate a realistic, sustainable long-range policy and should amend the existing treaties to incorporate the following:

1. The United States should agree to complete canal improvements costing a total of $75 million, thus enabling the canal to handle most traffic for another 25 years or more. The United States has spent nearly half this sum on the required improvements and hence should complete them within the next 2 years.

2. The canal tolls should be raised and Panama's annuity should be substantially increased. Present tolls are slightly less than those of the Suez Canal, a sea-level waterway. An increase of 100 percent would not drive traffic away, for it would still be cheaper for ships to traverse the canal than to take the long route around the tip of South America. But such a radical increase would do irreparable harm to our relations with many nations and, in any event, is not needed. A 30-percent increase is justified and would raise income by about $20 million a year now, and more as traffic increased. This would enable us to increase the annuity to Panama to $15 million a year and still permit us to take another indispensable action.

3. The Canal Company should begin a program to amortize the $460 million debt to U.S. taxpayers. This can be accomplished in a 25-year period by allocating a portion of the income from the toll increase and, after the canal improvements indicated in (1) above have been completed, assigning to the amortization account the $16 million spent annually in recent years on canal improvements.

4. To the degree that it is possible without hampering the operation of the canal, the United States should rotate its civilian personnel in the Canal Zone. Many of the present zonians have lived in the zone most of their lives and they and their children consider it as much a part of the United States as is Texas. The more deeply entrenched U.S. citizens become in Canal Zone life the greater the danger that incidents like those instigated by 17-year-old school boys last January will recur.

5. The present program to train Panamanians for more responsible and higher paying positions in the canal operation should be intensified. The wages of unskilled, semiskilled, and related positions in the zone are from 30 to 100 percent higher than wages of identical work in the Republic, but even so the rates are very low compared to U.S. wages; about 95 percent of these low-paying jobs are filled by Panamanians, only 5 percent by others.

The professional and related posts carry U.S. rates, many times greater than those of Panama. In April 1960 President Eisenhower ordered that the apprenticeship program for Panamanians be stepped up, for only 5 percent of the high posts were filled by Panamanians, 95 percent by Americans. Since then, the number of Panamanians being paid at U.S. base rates has tripled. Insofar as possible, the United States rapidly should train Panamanians to handle the technical operating tasks on the canal, thus eliminating the charge of discrimination.

6. The United States should agree that if Panama will vigorously and promptly pursue the reforms agreed to in the Act of Bogota of 1960 and the Charter of Punta del Este of 1961, the United States will undertake a very generous aid program within the Alliance for Progress to improve Panama's agricultural and industrial capacity, its schools, hospitals, and highways, and in general to raise the living standards not of the elite but of the masses. It should be clearly understood that we will abide by the promises made by the American nations in the Alliance for Progress, and that hence public and private loans and technical assistance will not be forthcoming if the land reform, tax reform, honest tax collection, and emphasis on self-help projects in education, health, and low-cost housing are not vigorously fostered. For aid that merely strengthens the prevailing order is grist for the Communists, maddening to the masses, and unhelpful to mutual relationships.

Considering that the Republic of Panama is only half as large as the State of Florida with about the same number of people as the city of Cleveland, it is difficult for many to understand why Panama, with U.S. assistance, has not been able to overcome its economic and social problems. The answer, at least in part, is that Panama—like other Latin American nations—suffers the evils of oligarchy. A few families own most of the resources and control the Republic politically and economically. This has resulted in gross neglect of the Republic's natural and human resources. While arable land lies uncultivated, Panama imports food and its people are hungry. Although many areas of Panama are without electricity, less than 2 percent of the nation's rich hydroelectric potentiality has been developed. Industry has been slow to develop and is characterized by monopolistic practices, low output, and a tendency to seek quick and excessive profit. Low income tax rates and laxity in collections contribute to the Government's declining financial position; the public debt is rising, as is the balance-of-payments deficit.

On the other hand, the United States has given only limited aid to Panama and that has been poorly administered. While our aid to Panama was increased under the Alliance for Progress, a House Foreign Affairs subcommittee in a report issued last December sharply criticized the entire aid program to Panama and charged U.S. agencies with poor planning, lack of coordination, and unwise use of funds.

Panama recently has taken the first commendable steps in laying the legal base for agricultural and tax reform. The United States should support the implementation of these measures and encourage the development of other reforms as a prerequisite to substantial U.S. aid. In addition, we should do everything possible to promote private investment in Panama, provided Panama enacts legislation which will assure it of nondiscriminatory treatment. U.S. private investment in Panama today amounts to half of the total private capital invested in Panama.

A stepped up aid program, keyed to social reform, added to increased income which Panama will obtain from the operation of the canal as herein suggested, will help overcome the poverty, injustice, illiteracy, and unemployment, that now stand in stark contrast to the prosperity enjoyed by U.S. citizens, who live on a strip bisecting their country. To the degree Panama improves its production, social justice, and living conditions and reduces relatively its economic dependence on the present canal, current hostilities in Panama will wane and thus gradually will be laid the groundwork for the construction and success of a new canal.

7. If the foregoing changes are mutually acceptable, the United States and Panama should agree that a wholly new treaty replacing all existing ones, will be negotiated in good faith not later than 25 years hence or sooner by mutual consent. By then, the canal debt should be approaching full amortization, and years of experience under the new arrangements proposed here will serve as a guide. The major points to be negotiated at that time will be the conditions under which a new sea level canal is to be built and operated. Should it be operated by the United States? By Panama? By a joint corporation? By an inter-American or international agency? Should financing be private or public? If any type of joint or international agency is agreed to, how shall financing costs be shared? What will be the rates of the sea level canal? How should the profits be divided?

When a new canal has been built, when the present treaties have been abrogated, and thereafter when Panama assumes control over the present Canal Zone, the United States might well donate the homes, schools, hospitals, and other facilities in the zone to the Republic, perhaps as a center for education, research, and medical services.

Quite apart from treaty amendments, after the United States has appointed an Ambassador, he should be given sole authority to speak for the United States in Panama. Our difficulties in Panama have been greatly aggravated by having a duality of representation in the Republic. The Governor of the Canal Zone, who is also President of the

Canal Company, reports through the Secretary of the Army to the President, but feels his greatest obligation to be to the Congress. He has greatly influenced U.S. affairs by dealing directly with the Government and people of Panama on major policy issues. Sometimes he and our Ambassador have disagreed, and have carried their disagreements to the highest levels of the Panamanian Government. The United States desperately needs a single voice in Panama, and it should be the voice of the Ambassador, speaking for the President of the United States. The Governor of the zone should confine his activities to the administration of the zone and the operation of the canal; if his presence in negotiations with Panama is needed he should serve only as a technical adviser to the Ambassador.

VI

THE GROUNDWORK FOR COOPERATION

These, then are specific steps which the United States and Panama can take to build good relations. They reflect the belief that the interests of Panama and the United States can be harmonious; both nations have a common and predominant interest in maintaining an international waterway and must cooperate in every way to insure success. The actions proposed here are the key elements of a policy which recognizes that the status quo is ultimately impractical and indefensible. An unyielding adherence to agreements made in earlier times under different circumstances can only lead to more difficulties and probably to irreconcilable trouble. If the changes proposed here are to be made, however, it must be clearly understood that they will be made not because the treaties are illegal, but because we believe that such changes are in the best interest of the United States, Panama, and the free world.

The leaders and the people of both nations must keep in mind that the common goal is to maintain the Panama Canal for a mutually agreeable number of years and then to replace it with a new sea level canal. Misunderstanding or stubbornness or false nationalistic pride must not divert us from this goal. During the years preceding the negotiation of a new treaty, the United States can do much to help solve the immediate problems in Panama, and to build the reservoir of good will so essential to future progress. Panama, too, must consider carefully its actions during the intervening years and must assess the future realistically. She must live up to her Alliance for Progress commitments and build a modern democracy free of both communism and oligarchic control. If the two nations can join together in solving the problems that have plagued them for half a century, there is every likelihood that a new Panama Canal will be built and it will symbolize inter-American cooperation and progress.

(Not every member of the Critical Issues Council or Republican Citizens Committee necessarily subscribes in every detail to all the views expressed. The council endorses its papers as a substantial contribution to public awareness of current critical issues and to the presentation of positive solutions.)

DEATH OF EZRA J. CRANE

Mr. FONG. Mr. President, I ask unanimous consent that I may make a brief statement to the Senate, notwithstanding the germaneness rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, a strong clear voice in Hawaiian journalism has been stilled. The passing of Ezra Jennings Crane on March 29 on his beloved Island of Maui is mourned by the hosts of friends he made during an active, productive lifetime of service to country and community.

At the time of his death, he was vice president and general manager of the Maui Publishing Co., Ltd., and editor of the Maui News. He had only recently been elected the first president of the newly formed Hawaii Newspaper Publishers Association and was director of the west coast region for the National Editorial Association. His newspaper was a longtime member of the California Newspaper Publishers Association.

Ez Crane's interests and talents encompassed much more than the field of newspaper publishing. Editorials in the two leading Honolulu dailies, eulogizing him, give some idea of the scope of his wide-ranging activities. Hawaii has indeed lost a most valuable citizen and an outstanding newspaperman.

I ask unanimous consent to have printed in the RECORD, following my remarks, the text of the two editorials from the Honolulu Star-Bulletin and the Honolulu Advertiser.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin]

EZRA J. CRANE

If ever a man had a lust for life, Ezra J. Crane did.

Enthusiasm and energy, coupled with native ability, carried him to success as a newspaperman and into many areas of community service.

Ebullient and outgoing, he enjoyed being with people, and inspired them to join with him in countless enterprises, ranging from a boisterous noonday cribbage session to the organization of Maui's first Rotary Club and campaigns for the Polio Foundation.

When he became interested in purebred dogs, it was natural that he should specialize in wire-haired fox terriers, a breed characterized by cockiness, pugnacity, and restless energy.

Many worlds knew Ez Crane. Communications, as a writer, editor, manager, and radio announcer. Sports, as a player, coach, official, and commentator. Politics, as a representative and as a behind the scenes mover.

Ez Crane wasn't one for doing things by halves. As a Boy Scout he made Eagle, and went to the first world jamboree. As an adopted son of Maui, he shamed the natives with the fire of his no ka oi spirit. In whatever he did, he sooner or later got to be president or chairman.

There was nothing very complicated about Ez Crane. When he had something on his mind, he said it, clearly and without equivocation, and let the chips fall where they may.

No one who met Ez Crane ever forgot him. In a career as turbulent as his, there were bound to be critics and detractors, usually found among those who had felt the sting of his trenchant editorials, but even they were forced to admire the power of his convictions and the forthright, honest way he had of expressing them.

Perhaps it is a cliche to say that Ez Crane became an institution during his lifetime. Nevertheless, the statement is true.

Others will move in to do the jobs that Ez Crane did, but none will do them with his inimitable style.

A part of Hawaii slipped into the past when Ez Crane's heart stopped beating on Easter Sunday morning.

[From the Honolulu Advertiser]

EZRA J. CRANE

The vital statistics are simple enough: Ez Crane was born in Honolulu, spent 40 years in the newspaper business, was a prodigious joiner and organizer and believed with all his heart that his adopted island of Maui, was, in truth, the promised land of milk and honey.

Yet that barely scratches the surface of this combination editor, politician, sports fan, civic spirit, and one-man fife and drum corps for the greater glory of Maui.

For Ez Crane gradually got to be an institution, and when you thought of Maui, chances are you thought of Ez. Between them, he and "Mayor" Eddie Tam pretty much personified the Valley Isle.

Two things stood out most about Ez. One was his vitality, his enormous energy. He poured his strength into many causes and organizations, yet always had something left over for the next thing to come along. He made you think a little of Teddy Roosevelt; he had some of T.R.'s boyish enthusiasm and rambunctiousness.

The other thing about him was his delightful capacity for laying it on the line. He could be as blunt as a blow from a billy club. You always knew where you stood with Ez. When he had something to say—which was usually—he said it, and at the top of his voice.

This, with his sometimes head-down stubbornness, landed him in fights and arguments that might have been avoided by a little diplomacy. But Ez wasn't really happy unless he was in the middle of a scrap. He loved it.

We've had a few run-ins with him ourselves. On more than one occasion Ez was overwhelmed by the compulsion to give Honolulu journalism an editorial dressing down in the Maui News. While we didn't agree with what he said on these occasions, we certainly were enchanted by the way he said it: loudly, forcefully, uncompromisingly.

Ez started in journalism in 1926 on this newspaper. He wrote sports and politics for the Advertiser for 12 years, and while he was still a staff member in 1933 he was elected to the Territorial Legislature. (His father, Charles, was mayor of Honolulu.)

Three years later he moved to Maui as general manager of the twice-weekly Maui News, and for more than a quarter of a century he was Maui's devoted flag waver. He made an art form out of boosterism. He elevated local pride to a sort of religion.

Once, when the Kaanapali resort development was still in the planning stage, someone suggested it be called a second Waikiki.

Ez exploded. "I'm going to write an editorial," he snorted. "Let's call it the first Kaanapali. We don't want another Waikiki here. This is Maui."

The list of Ez Crane's good works is long. He was a skilled and devoted newspaperman who won national recognition for his paper. He was active in politics. He was one of Hawaii's first Eagle Scouts and all his adult years he worked hard for scouting. He founded Maui Rotary. He was a director of Maui County Fair. He reared a son and a daughter. That's just a start on the things that kept Ez Crane busy every day of his life.

Through it all he went clamorously along the way, shouting and laughing and fighting, having himself just one whale of a time—and making life interesting for everyone around him. Now he's dead. Hawaii has lost a good newspaperman, a good citizen, a good man.

ORDER OF BUSINESS

Mr. CLARK. Mr. President, without losing my right to the floor I ask unanimous consent that I may yield, first, to the senior Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I ask unanimous consent that the rule of germaneness may be waived in connection with what I am about to say.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESENCE IN THE CHAMBER OF SENATORS McGEE, BREWSTER, AND JACKSON

Mr. HUMPHREY. Mr. President, first I wish to note the fact that the Senator from Wyoming [Mr. McGee], the Senator from Maryland [Mr. Brewster], and the Senator from Washington [Mr. Jackson] entered the Chamber immediately following the tabulation and announcement of the quorum.

THE PUBLIC ACCOMMODATIONS ISSUE IN MISSOURI AND THE PRIMARY RESULT IN WISCONSIN

Mr. HUMPHREY. Mr. President, I commend the able Senator from Missouri [Mr. Long] for his statement today. It gives reassurance to all of us who are involved in the national battle over the civil rights issue. It is heartening to note that a city in Missouri of the size of Kansas City has taken action to broaden its civil rights ordinance and its civil rights program.

We always hear a great deal when there is some defeat along the way, but we did not notice any headlines this morning that told us about the amazing victory that took place in Kansas City.

A plane had some trouble and skidded off the runway at Kennedy Airport in New York City, and that fact was duly noted in the newspapers. I did not notice, however, in the same newspapers the fact that several hundred planes landed and took off safely.

Good news is rarely reported, but tragedies are always reported. The good news in Kansas City did not receive the space it ought to have received. When there is a defeat somewhere along the line, however, there seems to be a kind of sadistic pleasure in reporting that fact.

Mr. President, I wish to make a brief comment about Wisconsin. Having been there and knowing the difference between victory and defeat, I should like to speak very briefly on that subject. I notice that Mr. Wallace has claimed that he achieved some kind of victory in Wisconsin. I have counted votes in Wisconsin before. So far as Mr. Wallace is concerned, his effort was a flop: F-L-O-P. His campaign was a fizzle: F-I-Z-Z-L-E. He received less than 25 percent of the vote.

In every State where the voters take an interest in an issue, one can always count on a vote of 25 percent of the people who wish to register some kind of protest about something. Every politician knows it.

If a man who makes a sizable campaign effort, with some national attention being given to his campaign, cannot register more than a 25-percent vote, he should climb into the tomb and seal it.

What happened in Wisconsin was an overwhelming affirmation of civil rights. What happened in Wisconsin was an overwhelming victory for people who believe in the implementation of the Constitution of the United States. If anyone can make a 23-percent vote look like a victory, we have lost representative government.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. PASTORE. I believe a very interesting and emphatic point should be brought out, with respect to the percentage of whites as against the percentage of colored who went to the polls and scored this victory for the civil rights cause in the State of Wisconsin.

Fundamentally, we must bear in mind that this is not an issue that the colored were deciding for themselves. This is an issue in connection with which the white must yield in order to bring about equal opportunity. If we gage the number of colored people who participate in a primary, as against the number of white people, and the fact that 80 percent of the people said, "Let us have civil rights," I believe we get the true story.

Mr. HUMPHREY. The Senator from Rhode Island, in his inimitable fashion, has analyzed the situation to such a degree that no one can deny its validity. The simple truth is that what happened in Wisconsin is what we frequently see happening in many parts of the world: Civil rights, si; Wallace, no. It is that simple.

I commend the people of Wisconsin. I congratulate the people of Wisconsin. I congratulate Republicans and Democrats alike for standing up and letting themselves be counted. I congratulate them because, Democrat and Republican alike, in the face of unlimited propaganda they stood their ground and gave their vote for constitutional government and for civil rights and civil liberties, by better than a 4-to-1 margin.

Any time I can get a 4-to-1 margin, I do not mind if the opponent claims he has had a victory. I know that he will never get into office.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. The victory in Kansas City is all the more impressive in view of the fact that Missouri is, in a sense, a border State. At the time of the Civil War there was some doubt as to whether it would go with the Confederacy or stay with the Union. I believe that the achievement in Missouri is especially noteworthy in view of this fact.

Mr. HUMPHREY. The Senator's recitation of historical facts about our country is true and impressive. There was an amazing victory in Kansas City. It is one that should be heralded throughout the Nation. It is only a portent of things to come.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. I was born and raised in Wisconsin. I lived through that great progressive era. I am glad to see that the spirit in Wisconsin is clearly reviving. I am glad that the impressive philosophy has again come to represent the point of view of an overwhelming majority of the American people.

I wish to take a moment to say to the Senator from Minnesota [Mr. Humphrey], the floor leader of the bill, that I am greatly concerned today. I hope there is no justification for my concern and my feeling of depression about the procedure in connection with the bill as I read it in the press.

I am concerned about what I have been reading in the press relating to possible amendments to the bill in the field of fair employment practices and in the field of public accommodations. These articles are to the effect that perhaps there will be an acceptance of some of these watered-down amendments on the part of the administration.

The amendments I have read are certainly watered-down amendments, some of them cleverly worded, in terms of procedure. However, as Senators know, procedure determines substance.

I think we ought to say to the administration, "You need liberal votes, too." The votes of the liberals in the Senate who bled, figuratively speaking, for civil rights had better be taken note of by the administration.

I now propose, at a much earlier date than I thought I would, to read to the Senate the great speech at Gettysburg, Pa., by a President of the United States. I thought I might wait until Memorial Day. But I am not going to wait that long. When I read the speech, I said it was the greatest speech made on the subject of civil rights in the past 100 years. I want to refresh the memory of the Senate and the Nation about that great speech.

I say to the Senate this morning that there cannot be any justification of any compromise in a civil rights bill that gives to the Negroes of this country less than complete deliverance of the Constitution of the United States. The amendments we have been reading about in the press, concerning the watering down of the fair employment practices section of the bill and the public accommodations section of the bill, would not result in a full deliverance of the Constitution of the United States to the Negroes.

If that is the type of bill that is presented for a final vote in the Senate, count the Senator from Oregon out. I do not intend to vote for anything less than what the Negroes of this country are entitled to—full deliverance of the Constitution of the United States at long last to the Negroes of America.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HUMPHREY. I should like to complete my statement. I assure the Senator from Oregon that he is a little premature in his concern. There is no intent on the part of the Senator from Minnesota to have a watering down of the bill.

Mr. CASE. Mr. President, I concur entirely in what the Senator from Oregon has said. I have not studied the specific amendments, and I do not comment on them at this time; but I do say—and I know the Senator from Oregon feels the same way, and I am sure many other Senators feel the same way—that I am tired of having the initiative in connection with the civil rights bill in the hands of those who are opposed to civil rights.

Therefore, if it is necessary—as it may be—for those of us who favor a strong civil rights bill to take the position, from now until kingdom come, that we will not go along with cloture or with anything else other than an effective bill, I believe we should make that position clear.

Mr. JAVITS. Mr. President, I thank the Senator from New Jersey for his statement of policy, which I believe is characteristic of the proponents of civil rights.

Mr. CASE. I thank the Senator from New York.

ORDER OF BUSINESS

Mr. HUMPHREY. So that there may be an understanding of our procedure today, I have been asked by a number of Senators about the possibility of a quorum call between the hours of 12 and 1. A number of Senators have accepted the privilege of escorting the cherry blossom princesses from their States to the traditional function in the Nation's Capital. It is a part of the community life of the Nation's Capital.

There will be no quorum call between the hours of 12 and 1 if it can possibly be avoided. We shall all cooperate. The Senator from Louisiana [Mr. ELLENDER], to whom I have spoken, has indicated his desire to cooperate. Therefore, Senators should be free to fulfill their engagements during that time.

Second, there will be a recess from 2 until 4, to pay our respects to the late and beloved General MacArthur.

The Armed Services Committee will gather in the Chamber at 2:45. I hope that every Senator will come to the Chamber, at about that same hour. I ask that the staff of the Senate notify Senators to that effect.

We shall march as a body to the rotunda and pay our respects and honor to the great general at the services in the rotunda. The Senate will return to its Chamber, not later than 4 o'clock, at which time the Senate will reconvene under a previous order.

The entire table of events or the program is listed on page 7118 of the CONGRESSIONAL RECORD. I urge that Senators be informed so that they may comply with the schedule as printed in the RECORD.

I thank the able Senator from Pennsylvania for yielding to me.

Mr. CLARK. I yield to the Senator from Louisiana.

THE PRIMARY RESULT IN WISCONSIN

Mr. ELLENDER. Mr. President, I cannot say that I am surprised at the statements that have been made in regard to the election in Wisconsin. But if Senators were honest with themselves, none of them expected that Wallace would get as much as 25 percent of the vote in Wisconsin.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HUMPHREY. I said yesterday that I expected Mr. Wallace to get 30 percent of the votes. I have been in enough elections in the Midwest to know that when one puts one's name on a party label, he gets 30 percent, dead or alive.

Mr. ELLENDER. If the present trend continues throughout the United States, the Democrats may be in for trouble this coming November.

Mr. MUSKIE. Mr. President, I suggest that the way to get a Wallace-type victory is to make statements for weeks that one does not expect to get more than 1 percent of the vote. Then, if a person gets 2 percent, he has a magnificent victory.

In the State of Maine, where it is difficult for a Democrat to win, a candidate still must get 50 percent of the vote, even though our enrollment is less than one-third.

Mr. President, I ask unanimous consent that I may speak briefly at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIEWS ON FOREIGN AID BY FRANK M. COFFIN, U.S. REPRESENTATIVE TO THE DEVELOPMENT ASSISTANCE COMMITTEE

Mr. MUSKIE. Mr. President, the President has submitted to Congress his annual message on our international assistance program, commonly referred to as foreign aid. One of the certainties of the year will be the inevitable attack on the aid program, the controversy over its desirability, and the relentless effort to reduce a program already pared to the bones.

Much of the debate over the aid program is shrouded in confusion and doubt. Public understanding of its objectives, its methods, and its contributions to our foreign policy is limited. Too often the discussions of foreign aid shed more heat than light.

This year, fortunately, we have an opportunity to learn more about international assistance from one of its most articulate advocates. Our U.S. Representative to the Development Assistance Committee, Frank M. Coffin, of Maine, has written a wise and perceptive guide to the intricacies of this vital element in our national policy. In his book, "Witness for Aid," to be published tomorrow by Houghton Mifflin, Frank Coffin has opened the way for a more adequate understanding of oversea development and, hopefully, for more adequate support of the Agency for International Development.

Frank Coffin has a unique combination of talent and experience from which to write this book. Trained as a lawyer and schooled in the hard ways of political campaigns as a State committee chairman and candidate, he was elected and reelected to the House of Representatives from Maine's Second District in 1956 and 1958. In the House he served as a member of the Foreign Affairs Committee and the Joint Economic Committee. He made a mark as an authority on United States-Canadian relations, the European Economic Community, and the mutual assistance program.

In 1961, President Kennedy appointed him as Director of the Development Loan Fund. Following the reorganization of the mutual assistance program he was appointed Deputy Administrator of the Agency for International Development. President Johnson appointed him to his present post where his responsibilities will include an effort to encourage other nations to increase their contributions to the development of the less favored countries of Africa, the Middle East, and Asia.

I have known Frank Coffin for over a decade. Our formal political association began just 10 years ago today when I announced my candidacy for the Governorship of the State of Maine. Frank had just accepted the post of State chairman of the Democratic Party of Maine. He was then, as he is today, a persuasive, thoughtful idealist with a sense of the practical limitations of life and a determination to overcome those limitations wherever possible. In 10 years his powers have grown, his perceptions have deepened. His is a voice worth heeding.

In Frank Coffin's words:

> "Witness for Aid" is not a book about the dark side of the moon. It is a book about a relatively unknown side of the United States—a side far more visible to two-thirds of the world than to its citizens at home. For this is about our already historic and bold venture in helping the peoples of the developing nations.

Our development assistance program is too important to be shaped in the half-light of suspicion, misunderstanding, and uninformed debate. I hope all Senators will, before the debate on aid begins, read Frank Coffin's book. They will enjoy its style and will remember its message.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. CLARK. Mr. President, before discussing title VII and making one of the two major speeches in support of that title for the proponents—the other one will be made later today by the Senator from New Jersey [Mr. CASE], I wish to discuss briefly the procedural morass into which the Senate has wandered; and I shall point out how difficult it is to have meaningful and expeditious debate on the vitally important subject of civil rights.

In an editorial entitled "Helpless Senate," published on March 19 of this year in the Washington Post, it was stated:

> The archaic nature of the Senate's rules has seldom been more pointedly demonstrated than by the current civil rights debate.

That statement is, of course, true; but I should like to point out that we have not been engaged in a debate at all. A debate, in the ordinary sense of that word, involves the clash of opinions, back and forth, on the provisions of a bill, on issues, and on principles. To be sure, there has been some such mild debate from time to time, since we indulged ourselves in the fiction—for the first time, on March 9—that time did not run; that, in fact, for the Senate, time stood still.

What I have just said is clearly indicated by today's Senate Calendar, which indulges in the fiction that this is still the legislative day of March 30; and on March 29 we were indulging in the legislative fiction that that was the legislative day of March 9.

All that is merely a symptom of a deeper malaise which affects the Senate. We have not been engaged in debate—except for a very few hours of our sessions—since March 9. The rest of the time has been devoted to the delivery of long and, I fear, quite dull speeches, such as this one will soon turn out to be, and in placing in the RECORD, by unanimous consent, a great mass of even duller material. These speeches have been made to a practically empty Senate Chamber, because of our ridiculous quorum-call rule.

I shall illustrate what I mean by that statement: Shortly after 10 o'clock this morning, the absence of a quorum was suggested. Under the rule, the clerk was required to call the roll. He called the roll once, but 51 Senators did not answer to their names. So three bells were rung; and then the clerk called the roll a second time. Largely because of the exhortations delivered by the majority leader and the minority leader, as a result of the spectacle the Senate made of itself on Saturday, when it could not obtain a quorum, by the time the roll had been called the second time, the clerk was able to tell the Presiding Officer, "Mr. President, a quorum is present."

Of course, a quorum was not present; but that was part of the polite legislative lie in which we indulge ourselves—more or less like ostriches with our heads in the sand, denying the truth. At the time when the Presiding Officer announced—incorrectly, but, of course, sincerely and in accordance with one of our most hallowed traditions—"A quorum is present," there were in the neighborhood of 25, rather than 51, Senators on the floor.

I am now speaking at a time when, in the Senate Chamber, there are 11 Senators—an unusually large number of Senators to be present, I may say, during the civil rights debate. Three of those Senators are what might be termed "captive Senators." First, we must have a Presiding Officer present; so the able and distinguished junior Senator from Connecticut [Mr. RIBICOFF], complying with his obligation as one of the more recently elected Members of this body, although the fact that he was more recently elected has nothing to do with his high ability—has to be here, although I know he wishes he did not have to be here. Next, the junior Senator from Missouri [Mr. LONG] is also a "captive Member"; he is the acting majority leader. I know he wishes he did not have to be here, but he has to be.

The Senator who probably wishes more than anyone else now in the Chamber that he did not have to be here is my very able friend, the senior Senator from North Carolina [Mr. ERVIN], who has to be here to help the opponents of the bill be sure that the proponents do not "pull any parliamentary tricks."

Mr. ELLENDER. Mr. President, I shall be here, too.

Mr. CLARK. The Senator from North Carolina [Mr. ERVIN] is ably abetted by one experienced in the ways of the filibuster—the able senior Senator from Louisiana [Mr. ELLENDER], my good friend, in whose State I pay taxes. However, he had arranged to go off in due time to the Cherry Blossom Festival with the understanding on the part of the proponents of the bill that we would not ask for a quorum call while he and many other Senators were absent.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. ELLENDER. I did that to please others, not to please myself, because I shall be in the Senate Chamber.

Mr. CLARK. I am sure that the Cherry Blossom Queen from Louisiana will be greatly disappointed if the Senator from Louisiana is not present at the festival. I know that she will not be much pleased if the distinguished Senator from Louisiana is not present to give her the customary salutation.

Mr. ELLENDER. I have sent a good substitute—a nice looking young fellow.

Mr. CLARK. No one could be better looking or more handsome than my friend from Louisiana.

Mr. ERVIN. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield to the distinguished Senator from North Carolina with the understanding that I do not lose my right to the floor. I shall not even require that the Senator ask me a question.

Mr. ERVIN. I shall ask a question. Am I to construe the remarks of the Senator from Pennsylvania to indicate that he deplores the apparent boycott of the Senate by Members of the Senate?

Mr. CLARK. No. What I deplore is the existence of quorum calls. They are one of the most ridiculous monstrosities, among many, which afflict us in this body and make it impossible for us to do our work.

Mr. ERVIN. Does the Senator from Pennsylvania not think there is something in the nature of a boycott in that Senators do not come to the Chamber to hear him speak or to hear me speak?

Mr. CLARK. I should like to think that the seats in the Senate would be crowded by Senators who would identify my friend from North Carolina as the spiritual descendant of John C. Calhoun and me as the spiritual descendant, not of Simon Cameron or Daniel Webster, but perhaps some learned Senator from the North who stood up to vote for civil rights—perhaps Charles Sumner would be a good prototype. But I fear that the Senator from North Carolina and I would be deluding ourselves if we indulged ourselves in that type of euphoria.

Mr. ERVIN. Does the Senator from Pennsylvania not feel that perhaps some Senators, particularly the proponents of the bill, are reluctant to come to the Senate Chamber and hear those of us who oppose the bill express the truth in connection with the bill, for fear that receiving the truth might cause them to change their minds?

Mr. CLARK. Senatorial courtesy prevents me from making a candid answer to the Senator's question.

Mr. ERVIN. If I could obtain unanimous consent to suspend rule XIX of the Senate, would the Senator answer my question?

Mr. CLARK. I should be strongly tempted to do so, but I would not yield for that purpose.

Mr. ERVIN. Will the Senator permit me to observe that I believe a boycott is at least as reprehensible as a filibuster, and in no sense approaches the dignity or sanctity of an educational debate?

I thank the Senator.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Maine. I shudder to think what is coming.

Mr. MUSKIE. The RECORD should reflect the fact that the southern colleagues of my good friends from North Carolina and Louisiana are not present in the Chamber to hear the speech of the distinguished Senator from Pennsylvania. I wonder if, by the same reasoning, we could conclude that they fear they might be persuaded by the distinguished Senator that his views are correct.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. ERVIN. I should like to point out that they are absent for an entirely different reason. They already have possession of the truth, and they are now pondering some way in which to express the truth more eloquently in the hope that the Senator from Maine and the Senator from Pennsylvania will be converted to the right side of the debate.

Mr. CLARK. I suspect that their absence may be due more to the interest of a large number of our colleagues from the Southern States in saluting the cherry blossom queen than from any distaste about listening to the profound truths which the Senator from Pennsylvania is about to elucidate.

Mr. President, I proceed to the procedural morass in which we find ourselves.

I remind Senators how absurd it is to have quorum calls, and express the hope that after this "debate" is over and the bill disposed of one way or the other, we can turn our minds to the procedural reform which, in my judgment, is so essential to enable not only the Senate but also the House of Representatives to perform their appropriate constitutional functions—functions which I fear we have been singularly inept at performing for many years.

I know it is rather radical to suggest the elimination of quorum calls, but I ask Senators whose minds are not frozen in the past—and, of course, that includes all 99 of my colleagues—to take a look and ask, What useful purpose does a quorum call serve? Why not get rid of it? Why do we not merely do business prior to a vote? Of course, when there is a vote, there must be 51 Senators voting. We do business all the time with 3 or 4 Senators on the floor. All a quorum call does is to annoy Senators, and bring them to the Chamber, if it is a live quorum, when we could be spending our time to better effect elsewhere. I suggest that it serves no useful legislative purpose, and that we would be well advised to get rid of it in the interest, first of the more expeditious conduct of the business of the Senate without sacrificing in any way the desirability of meaningful debate; and, second, to enable Senators to get a few more minutes, and occasionally a few more hours, of useful service into their already crowded days, which useful service tends to be conducted, not on, but off the floor, in a great majority of cases.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to my good friend from Texas for a question.

Mr. TOWER. Does the Senator from Pennsylvania contend that the quorum call serves absolutely no useful purpose?

Mr. CLARK. I do.

Mr. TOWER. What sort of device could be used for delaying proceedings, for the change of speakers, or for warning the Senate that some business is about to be considered? What other device would be used?

Mr. CLARK. I suggest that the Senate get into the habit of having short recesses when the majority leader and the minority leader wish to consult, when it is desirable to call a Senator to the floor of the Senate to make a speech, or when, for any other reason, it is not a good idea to continue the Senate in session.

Such a procedure would be more candid. It would be more frank. The Senate could continue to have the bells rung twice. That would give notice to Senators either that some Senator was about to make a relatively important announcement on the floor of the Senate and that Senators had better come forward—then after a 5-minute recess the statement could be made—or that perhaps a premonitory warning has been given of a vote about to come, so Senators would not be rushed into a rollcall vote.

Perhaps a request for the yeas and nays would result in the ringing of the bells. I have no doubt that there are many procedures by which we could provide for the necessities which the Senator from Texas has quite properly stated, without going through the utter nonsense of calling the roll twice, then pretending that the Sergeant at Arms is leaving his office to request the attendance of absent Senators, when everyone knows he is not, and finally coming to the conclusion on Saturday morning—which we knew Friday night—there were only 41 Senators in the city; so what was the use of continuing the farce any longer?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to my friend from Rhode Island. The Senator is one of the imaginative Members of the Senate who saw the desirability of having some kind of rule of germaneness.

Mr. PASTORE. I did not rise for the purpose of receiving a compliment. But I am grateful for it. I rose for the purpose of trying to assist in the expression of these very imaginative ideas. They ought to be considered very seriously.

We ought to strive diligently in the Senate to eliminate all the procedures which have been instituted purely for the purpose of harassment and for the purpose of delay, because, as the Senator has brought out, I believe they impede the functioning of the Senate.

The idea of the Senator from Pennsylvania has merit. I would not be willing to go quite as far as he has suggested, for the reasons that have been pointed out by the distinguished Senator from Texas. But one thing we should consider is that the second call of the roll, which is now known as the live quorum, ought to be subject to cancellation by unanimous consent. We have sometimes actually worked ourselves into the position in which a quorum call has become "live," and we have not been able to bring 51 Senators to the Chamber. Sometimes we have waited for 3 or 4 hours to obtain a quorum. I remember at one time I was called in Providence to return to Washington by plane. I came in the door of the Senate Chamber, and I constituted, I believe, the 50th Senator to respond to the quorum call. Then my colleague, who was on the same plane, constituted the 51st Senator to respond. The only reason why the Senate needed a quorum was in order to recess. The Senate waited 4 hours to get enough Senators here merely to recess. How ridiculous can we be?

Mr. CLARK. Pretty ridiculous.

Mr. PASTORE. How ridiculous can we be? All I am saying is that even the second call, on a live quorum, ought to be subject to being called off by unanimous consent. It may be impossible, either because of the time of day or the time of week, to obtain the presence of 51 Senators. The leader of the party should be able to say, "I ask unanimous consent to cancel further proceedings under the quorum call." That is one point that should be given serious consideration, because once the quorum call becomes "live," it becomes an instrument of harassment.

Mr. CLARK. I thank the Senator for his comment. I agree with what he has said. If there were such a change, we would get out of the "batter's box" and perhaps take a step in the direction of first base. I would like to go all the way around the bases and score a run.

I ask the Senator, although I know he is pretty busy, as we all are, if he will not, before he is through with this cogitation, think through whether a quorum call serves any useful legislative purpose or whether we are not merely kidding ourselves.

Mr. PASTORE. The only argument I make is that there would have to be some other substitute to accomplish the purpose of a quorum call.

Mr. CLARK. Of course there would.

Mr. PASTORE. There might be a recess, but a recess might involve delay. I see no objection to a quorum call provided it is subject to revocation by unanimous consent, rather than the idea that once the clerk has gone through the roster of names once, and begins to call the names from the list again, it becomes a "live" quorum call which can go on ad infinitum until 51 Members come to the Chamber. Such a call cannot be canceled even by unanimous consent. That is where the harassment comes into the picture.

Mr. CLARK. Before we complete this discussion, let me ask the Senator what useful purpose there is in having the Senator from Rhode Island, the Senator from Pennsylvania, and perhaps other Senators leave their dinners, as happened last night, in order to walk in the Chamber door, hold up their hands so that the recording clerk may acknowledge their presence by nodding, and then walk out the same door and go back to dinner. This enables our southern friends, acting within their rights, to put us to harassment day after day and night after night, hoping to wear us down. They do it in a charming way and with fine manners and we, being good natured, do not become angry at them; but I think it is a ridiculous procedure to go through.

Mr. PASTORE. I agree with the point the Senator has made. Our friends ought not to be permitted to harass us. If any Senator wants to object to calling off a quorum call, he should be present in the Chamber to do so. But where there were three or four of the opposition, they would have to object if it took 4 hours. The minute they moved out the door, I would again ask unanimous consent. I would harass them as they are harassing me. If there is to be harassment, it ought to work both ways. I like to play a little, too.

Mr. CLARK. I hope my friend from North Carolina [Mr. ERVIN] will not be affronted if I say it requires only one of them to bring 51 of us back from our wives and children. It is the necessity for bringing 51 of us back that I object to.

Mr. PASTORE. If we are to suffer, let us all experience a little of it.

Mr. DOUGLAS. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am glad to yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that we have not seen anything yet so far as calling of quorums is concerned?

Mr. CLARK. I quite agree.

Now, Mr. President, in accordance with the ridiculous procedure under which we operate, I ask unanimous consent that, without losing my right to the floor, and in violation of the rule of germaneness, I may briefly yield to the Senator from Wisconsin [Mr. PROXMIRE].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I thank the Senator from Pennsylvania. What I am about to say is very germane to the subject matter under discussion.

Mr. CLARK. I am glad.

THE WISCONSIN PRIMARY

Mr. PROXMIRE. Mr. President, as is well known, my State had a very significant primary election yesterday. Some claimed the primary was a referendum on the civil rights bill. I think it was not; but the Wallace showing should not be a surprise to anyone who has followed the Wallace campaign in Wisconsin. It was heavily financed. Governor Wallace was on virtually every television station in the State making very persuasive and effective half-hour speeches. He had full-page advertisements in every newspaper in the State. He conducted a very strong campaign. Governor Wallace has an attractive personality. He campaigned not only against the civil rights bill but against strong central government. He made an appeal to many Republicans.

There is an easier crossover system in Wisconsin than there is in any State. Every voter is given two ballots, one a Democratic ballot and one a Republican ballot. He marks one ballot and throws the other one away. Nobody knows which one he marks. But the crossover was conspicuously evident. In what is probably the strongest Republican district in Wisconsin, the new Ninth Congressional District, which consists primarily of wealthy Republican suburban Milwaukee, and Waukesha, 52,000 voted for Democrat John Reynolds, 45,000 for Democrat George Wallace and only 33,000 for Republican John Byrnes, chairman of the Republican policy committee in the House and a very fine Republican.

This pattern was followed throughout Wisconsin. I estimate 80 percent of the Wallace vote was Republican.

In spite of the crossover, in spite of the very obvious invitation to vote against Governor Reynolds, the fact is that more than 3 out of 4 Wisconsin voters did not vote for Wallace. They voted for Republican JOHN BYRNES, who voted for the civil rights bill in the House, and they voted for Governor Reynolds, who forthrightly supported the civil rights bill.

I think it can be clearly shown that the vote against Governor Reynolds was not entirely a vote against the civil rights bill. In the same election, one of the questions on which the people of Wisconsin voted was whether or not there should be an increase in the gasoline tax to support a new highway program. The Governor spoke almost as much in favor of a "yes" vote on this referendum as he did on civil rights in his campaign. Yet that referendum, supported by Reynolds, was defeated by more than 6 to 1. This is only one indication of a number of tough, courageous, and very unpopular decisions that Governor Reynolds had the statesmanship to make.

I have been among the people of Wisconsin as much as anyone else. I was there last week. There was a protest that had nothing to do with civil rights by many Republicans and even by some Democrats against the Governor in this election.

I repeat, Governor Reynolds is a good Governor, a fine and courageous Governor, but he had made some very tough and unpopular decisions.

Mr. President, if the object of an election is to win elections, the object of primaries is to win delegates. There were delegates at stake in every one of the 10 congressional districts of Wisconsin. There were delegates at large at stake. Governor Wallace won not a single delegate, not one. He was defeated in every congressional district. He was defeated Statewide overwhelmingly by Governor Reynolds. Wallace got less than 1 out of 4 votes.

It seems to me that when a Governor comes into a State to run for delegates to a national convention, gets front-page news publicity, is on every television station, buys big newspaper advertisements, and then gets only 1 out of every 4 votes, his defeat in the primary is a big and emphatic defeat. That vote, in view of the controversial candidacy of Governor Reynolds, can be viewed as an affirmation and support for the civil rights bill, and not a defeat for it.

Governor Wallace did not just happen to enter in Wisconsin. He picked it very shrewdly indeed, knowing of the crossover system in Wisconsin and Governor Reynolds' problems.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I will with the permission of the Senator from Pennsylvania, who has the floor.

Mr. CLARK. Mr. President, I shall not object to yielding briefly to the Senator from North Carolina and the Senator from Wisconsin, but I should like to get on with my speech. I obtained the floor at 10:27. I have been fairly indulgent with my colleagues in yielding to them. But I will say that after a brief colloquy between the Senator from Wisconsin and the Senator from North Carolina, I shall not yield until I complete my speech, after which time I shall be glad to yield.

Mr. CASE. Mr. President, will the Senator yield to me?

Mr. CLARK. I yield to the Senator from New Jersey as the acting minority leader.

Mr. CASE. If the Senator from Pennsylvania had not decided to do as he has just stated, I would have insisted on its being done by objecting to further yielding except for the current colloquy.

Mr. ERVIN. Mr. President, I should like to inquire if the Senator from Pennsylvania has agreed that I may ask one or two questions, for my enlightenment, of the Senator from Wisconsin.

Mr. CLARK. Would the Senator be willing to confine his questions to the old 3-minute limitation?

Mr. ERVIN. I think perhaps I can do that.

I should like to ask the Senator from Wisconsin if he did not see many statements in the newspapers to the effect that the vote in Wisconsin as between Governor Wallace and Governor Reynolds would be a vote on the civil rights bill—in effect, a referendum on the civil rights bill?

Mr. PROXMIRE. Many such statements were made. The Senator is correct. In part, it was. A part of the vote for Governor Wallace had nothing to do with the civil rights bill, however. I believe that is a significant point.

Mr. ERVIN. Did not Governor Wallace state over the television and other media of communications to the people of Wisconsin that his purpose was to provide a referendum on the civil rights bill, rather than to get the delegates from Wisconsin on his side for the presidential nomination?

Mr. PROXMIRE. Governor Wallace said that his purpose was to show opposition to the civil rights bill, but he also said—and he emphasized it strongly—that he was against central government and for States rights. In the primary campaign, he said the issue was not the civil rights bill, but States rights against big, central government. This has strong appeal in my State.

Mr. ERVIN. I should like to inquire of the Senator from Wisconsin if, in times past, the political leaders in Wisconsin have not been advocates of a civil rights bill, and if this is not the first time that the people of Wisconsin have had any opportunity to express any opinion respecting a civil rights bill.

Mr. PROXMIRE. No, indeed. Civil rights legislation has been at issue in the State for a long time. We have a stronger public accommodations law than is provided in the bill now before the Senate. We have a stronger FEPC than is now provided in the bill before the Senate. All of that was debated and discussed long ago. They were issues in the election when they passed. The public accommodations law was enacted in 1895, at which time the people of the State of Wisconsin had an opportunity to discuss the issue. FEPC was passed in 1945, and I recall that was discussed in Wisconsin.

Mr. ERVIN. My question was, Have not the political leaders in both the two major political parties in the State of Wisconsin been advocates of civil rights on a Federal level?

Mr. PROXMIRE. That is correct, with the exception of the Representative from the Sixth District, who strongly opposed the civil rights bill in the House, and voted against it and made it an issue in his district. Notwithstanding that fact, Governor Reynolds carried that district substantially. The combined vote of Governor Reynolds and Representative Byrnes was far more than that for Governor Wallace.

Mr. ERVIN. With the exception of that congressional district, is this not the first time in our generation that the people of Wisconsin have been given the opportunity to vote, either directly or indirectly, on the question of the desirability of having a civil rights bill at the Federal level?

Mr. PROXMIRE. I deny that the people of Wisconsin were voting directly on the civil rights bill. It might be said that they were voting indirectly. I say that they were not. I say that a great deal more is involved in the Governor Wallace vote besides the civil rights bill. This was not a simple and pure referendum on the civil rights bill. But if it were, civil rights won a resounding 3-to-1 victory and that is a respectable victory any time, any place, any where.

Mr. CLARK. Mr. President, I am afraid I shall have to——

Mr. ERVIN. May I ask the indulgence of the Senator from Pennsylvania to allow me to ask one more question? I shall then subside for the time being.

Does the Senator from Wisconsin contend that those who voted for Governor Wallace were people who favored the passage of the civil rights bill?

Mr. PROXMIRE. I say that some of those who voted for Governor Wallace were not very much concerned about the civil rights bill. They were protesting Governor Reynolds' other stands. They were Republicans who had crossed over. Some of those who voted against Governor Reynolds voted against the civil rights bill on the basis of a fantastic misunderstanding and misrepresentation, because Governor Wallace in his television campaign on the civil rights bill was making one misstatement and one inaccuracy after another. The people did not understand the bill. I am positive that if they had had an opportunity to have an equal opportunity to have the "pro" side of the civil rights bill presented, in full, in detail, Governor Wallace's vote would have been much smaller than it was.

Mr. ERVIN. I have always held the belief that the people of the State of Wisconsin were among the most intelligent people in the United States. I regret to hear the Senator from Wisconsin now indicate that they did not understand the proposal on which they were voting.

Mr. PROXMIRE. The people of Wisconsin are indeed the most intelligent people in the United States; and I am glad to hear a North Carolina Senator concede that but, at the same time, this is a complicated and lengthy bill which has been misrepresented in my State, on the floor of the Senate, and elsewhere. It is no miracle that there are many people in the State of Wisconsin who still misunderstand the bill. I shall quote one very brief example.

Governor Wallace erroneously said over and over again that if the bill should pass, students would be transported by bus out of white schools into areas where they would have to attend schools overwhelmingly Negro.

The bill specifically provides that this will not be considered a part of desegregation. But Governor Wallace repeated this misstatement over and over again, and it had its effect in the city of Milwaukee and elsewhere where this is a most controversial and a most serious issue.

Mr. ERVIN. I wonder, Mr. President, if the Senator from Pennsylvania will yield to me——

Mr. CLARK. Thirty seconds.

Mr. ERVIN. To quote from Shakespeare, "Methinks the Senator from Wisconsin doth protest too much."

Mr. CLARK. That is a good note on which to end this colloquy. It indicates the great erudition of all Members of this body.

UNLIMITED DEBATE IN THE SENATE

Mr. CLARK. Mr. President, I should like to say a word about the filibuster.

The Senate of the United States is the only legislative body in the civilized world which permits unlimited debate. It did not always do so. For a while, Jefferson's motion for the previous question was a part of the procedural rules of the Senate. How that was eliminated is a subject of some controversy. To what extent it was used is also to some extent controversial, but there was such a rule.

It was not until 1840 that the filibuster raised its ugly head for the first time. At that time, the House of Representatives also had devices by which a filibuster could be conducted. Under the strong and somewhat arbitrary leadership of Speaker Thomas B. Reed in the House in 1890, Reed's rules were adopted, which made it impossible to filibuster further in the House.

A filibuster is not permitted in any State legislature—senate or house. It is not permitted in the House of Commons in England. It is not permitted in Scandinavian legislative bodies, or in the low countries.

Sometimes the prohibition is merely good manners and tradition. Sometimes it is a definite rule.

The filibuster is an affront to the American people, and an affront to the dignity of the Senate, which is held in contempt by the civilized world.

I believe that the opponents of the civil rights bill are playing with fire in using the filibuster against it.

This filibuster is like the sting of the wasp. It is said of the wasp that it stings once and dies. A filibuster can kill this bill, make no mistake about it, if our friends persist, and if we are unable to invoke cloture—and we do not have the votes for cloture at the present time. A filibuster can kill the pending bill. But if a filibuster does kill the bill, I am rash enough to predict that it will be the last filibuster in the Senate, because the American people will rise up in anger and frustration and find ways and means—which I hope will not be violent—to get rid of this archaic, unjustifiable method of preventing the will of the majority from prevailing.

Let me point out that while the filibuster continues—and it has continued without interruption since the morning of March 9—the orderly process of legislation grinds to a halt. The actions of various Senators—and perhaps I must take some share of the blame—have gradually strangled the right of committees to meet, as the hours of our assembling and adjourning have become earlier and later. The program of the President has ground to a halt except for a few minor gestures, more typical of rigor mortis than of life.

Even the appropriation bills have been stopped. If the filibuster continues—as it well may—until the Republican National Convention meets on the 13th of July, we may find such frustrations as have never been seen since those in Poland in the 18th century, where the imperial veto allowed one Member of the Polish Diet to prevent any measure from ever becoming law by his sole objection, which resulted in the dissolution of the Republic of Poland and its absorption by Russia, Prussia, and Austria.

I hope we shall have the good sense in this body to follow the difficult course pursued by the British House of Commons when, at long last, in 1834, it broke up the Rotten Borough system of the unrepresentative composition of the House of Commons, making it possible for that great legislative body, the Mother of Parliaments, to again perform its important function in the history of Great Britain in the middle of the 19th century, thus saving, at a very late hour in the day, parliamentary democracy from going down the same drain that the Legislature of Poland had descended some years earlier

Worse yet, Mr. President, in addition to the problems of quorum calls, and the filibuster, and the fact that committees cannot sit while the Senate is in session, we find ourselves stuck with the requirement that we abandon normal parliamentary procedure in order to bring this bill, hopefully, some time to a vote.

Those of us who are in favor of civil rights did not dare refer the bill to the Committee on the Judiciary. Why? Because the Judiciary Committee has no normal rules of orderly committee procedure. In the Judiciary Committee there is no way in which a majority of the members of the committee can require a meeting to be called. There is no way in which a majority of the members of the committee can determine the agenda in the committee, the order of debate, how the debate can be terminated, or how many meetings should be held.

There is no orderly procedure in the Judiciary Committee; and therefore the minority of that committee can prevent expeditious and orderly consideration of a bill.

I call attention to Senate Resolution 39, submitted by me on January 15, 1963, which would have provided a committee "bill of rights" for all Senate committees. I ask unanimous consent that a copy of that resolution may be printed in the RECORD at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolved, That section 134 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)), enacted by the Congress in the exercise of the rulemaking power of the Senate and the House of Representatives, be amended to add the following new subsections at the end thereof, which shall be applicable with respect to the Senate only:

"(d) Each standing committee of the Senate shall meet at such time as it may prescribe by rule, upon the call of the chairman thereof, and at such other time as may be fixed by written notice signed by a majority of the members of the committee and filed with the committee clerk.

"(e) The business to be considered at any meeting of a standing committee of the Senate shall be determined in accordance with its rules, and any other measure, motion, or matter within the jurisdiction of the committee shall be considered at such meeting that a majority of the members of the committee indicate their desire to consider by votes or by presentation of written notice filed with the committee clerk.

"(f) Whenever any measure, motion, or other matter pending before a standing committee of the Senate has received consideration in executive session or sessions of the committee for a total of not less than five hours, any Senator may move the previous question with respect thereto. When such a motion is made and seconded, or a petition signed by a majority of the committee is presented to the chairman, and a quorum is present, it shall be submitted immediately to the committee by the chairman, and shall be determined without debate by yea-and-nay vote. A previous question may be asked and ordered with respect to one or more pending measures, motions, or matters, and may embrace one or more pending amendments to any pending measure, motion, or matter described therein and final action by the committee on the pending bill or resolution. If the previous question is so ordered as to any measure, motion, or matter, that measure, motion, or matter shall be presented immediately to the committee for determination. Each member of the committee desiring to be heard on one or more of the measures, motions, or other matters on which the previous question has been ordered shall be allowed to speak thereon for a total of thirty minutes."

Mr. CLARK. Mr. President, we are under another limitation. Because the bill cannot be referred to the Judiciary Committee with any hope of getting a meaningful report back from that committee, with its recommendations, we must attempt to defend 9 of the 11 titles of the bill on the floor without benefit of committee hearing. This is an unfortunate result of the foolish and archaic procedures in the Senate.

There have been hearings on FEPC, which is the subject of title VII. There have been hearings on title II, the public accommodations title. There have been no meaningful hearings on the other titles. Therefore, we are compelled by the corner into which we have painted ourselves to engage in a procedure which I and, I believe, a majority of the Senate, deplore. We are required to do this because majority rule does not prevail in this body with respect to the committee system, any more than it does on the floor, so far as the Judiciary Committee is concerned.

It is even worse than that, because those of us who want to see the bill passed do not dare tinker with the House bill. We know that if we do tinker with the House bill and change it, and send our version of the bill back to the House, there will be, perhaps, an almost indefinite delay in the House Rules Committee before a rule permitting the bill to go to conference is agreed to. When the conference report is agreed upon, if it is agreed upon, and it comes back to the Senate, it will be subject to another filibuster. No Senator thinks that this bill can stand two filibusters and still be passed.

Therefore, any amendment which we might wish to accept or make in our own good judgment in the Senate must follow this rather humiliating course. We must go to the civil rights leader of the minority party in the House, Mr. MCCULLOCH, and say to him, on bended knee, "If we make this amendment, will you agree to accept it without going to conference?" If he says, "Yes," then perhaps we will not be taking an undue chance if we make such an amendment. If he says, "No," we dare not make the change.

Similarly, an amendment which might be objectionable to the majority side in the House would have to be cleared with the Speaker and with the chairman of the Judiciary Committee. We would have to be sure that they would accept the amendment; else we would not dare make it. It is a derogation of the legislative process which, I say, again brings the Senate, and the House, too, into contempt as an effective legislative body across the entire civilized world.

I should like to deal next with title VII of the bill. First let me say that the primary reason why I support it and why a majority of the Senate, I am confident, support it, is that it raises a vitally important moral issue. The bill raises as clearly as any piece of legislation which has come before the Senate since I have joined it—has raised the clear issue of right and wrong. This is particularly true with respect to title VII. FEPC was the subject of extensive hearing before a subcommittee of the Committee on Labor and Public Welfare of the Senate, the Subcommittee on Employment and Manpower, of which I am the chairman. We took 578 pages of testimony from 24 witnesses. A number of statements were introduced into the record. Seven days were consumed in hearings. One of the most important statements made by witnesses at that hearing was on behalf of the churches and synagogues of America, represented by the National Catholic Welfare Conference, the Synagogue Council of America, and the National Council of Churches of Christ in the United States of America. The statement appears in the hearings beginning at page 180. I quote from the statement, at page 180:

> The religious conscience of America condemns racism as blasphemy against God. It recognizes that the racial segregation and discrimination that flow from it are a denial of the worth which God has given to all persons. We hold that God is the Father of all men. Consequently in every person there is an innate dignity which is the basis of human rights. These rights constitute a moral claim which must be honored both by all persons and by the state. Denial of such rights is immoral.

I quote further from the statement, at page 182 of the hearings:

> We hope that this committee will report favorably on the proposals for guaranteeing full and fair employment without regard to race, color, religion, or national origin. We hope also that Congress will enact them into legislation as a necessary step in the process of securing for all people the opportunity to exercise the rights guaranteed by the Constitution of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks the list of religious institutions, Catholic, Protestant, and Jewish, which endorsed the statement which I have just read.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

APPENDIX

This statement has been endorsed by the following denominations and religious organizations:

American Baptist Convention.

Board of Social Concerns and the Department of Christian Social Relations of the Woman's Division of Christian Service of the Methodist Church.

Christian Methodist Episcopal Church.

Church of the Brethren.

Disciples of Christ.

Moravian Church in America.

The Right Reverend Arthur C. Lichtenberger, presiding bishop, Protestant Episcopal Church.

United Church of Christ.

United Presbyterian Church, U.S.A.

The National Catholic Conference for Interracial Justice.

Southern Field Service of National Catholic Conference for Interracial Justice.

National Catholic Social Action Conference.

National Council of Catholic Men.

National Council of Catholic Women.

The National Council of Catholic Youth.

The National Federation of Catholic College Students.

The Newman Club Federation.

National Federation of Temple Sisterhoods, Union of American Hebrew Congregations.

National Federation of Temple Brotherhoods, Union of American Hebrew Congregations.

National Federation of Temple Youth, Union of American Hebrew Congregations.

Union of American Hebrew Congregations.

National Women's League, United Synagogue of America.

United Synagogue Youth, United Synagogue of America.

United Synagogue of America.

Rabbinical Assembly.

Rabbinical Council of America.

Union of Orthodox Jewish Congregations of America.

Women's Branch, Union of Orthodox Jewish Congregations of America.

National Conference of Synagogue Youth, Union of Orthodox Jewish Congregations of America.

Central Conference of American Rabbis.

Reformed Church in America.

National Student Christian Federation.

Mr. CLARK. Mr. President, there is much more of the same material in the record before the Senate committee. On page 189, Rabbi Blank testified in response to a query from me as follows:

> The major points of our statement, Mr. Chairman, have to do without concern for the immorality of discrimination in the area of employment. And the basis for our statement is the fact that when men are deprived of employment on the basis of discrimination, whether that discrimination has to do with race or religion, creed or national origin, or ancestry, that this is, indeed, an immoral situation which we cannot countenance and about which we cannot possibly remain silent.

> Our statement contains an affirmation of the fact that we believe that this kind of discrimination is blasphemous, it is an affront to our religious commitment and to our religious convictions, believing as we do that man is created in the image of God, and this is an affront not only to man, but certainly to God as the creator of all mankind.

I hold myself to be the guardian of no other Senator's conscious. I do not intend to delve into the motivations of any Senators—all of whom I know are sincere. I speak only for myself when I say that if I opposed this bill, I would find it very difficult indeed at the next public meeting I attended to pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Mr. ERVIN. Mr. President, I wish to ask the Senator a question, but I do not wish to interrupt his speech.

Mr. CLARK. I would much prefer that the Senator wait until I finish. I shall give him time then.

Mr. ERVIN. I thought the Senator wished to do that, which is logical and reasonable. I will withhold my questions until that time.

Mr. CLARK. I thank the Senator from North Carolina.

I now turn to the history of the fair employment practices legislation in Congress. This subject is not new. In fact, it has been studied almost to death during the past 20 years.

Since 1944, Congress—both Houses included—has taken more than 5,000 printed pages of testimony and statements on fair employment practices legislation; 481 witnesses have been heard; 85 days of hearings have been held. As I pointed out in connection with this particular title, the Subcommittee on Employment and Manpower held 7 days of hearings; 24 witnesses testified and there were numerous additional statements; 578 pages of testimony and statements being taken. So it cannot be said that Congress has not had an opportunity over the past 20 years to inform itself fully of the need and desirability of legislation dealing with fair employment practices.

I turn now to the background of racial discrimination in the job market, which is the basis for the need for this legislation. I suggest that economics is at the heart of racial bias. The Negro has been condemned to poverty because of lack of equal job opportunities. This poverty has kept the Negro out of the mainstream of American life. I do not say that the inferior position of the Negro is entirely due to lack of job opportunity. A great deal of it is due to lack of educational opportunity. No doubt a substantial amount of it is due to the inferior environment which has resulted over the years from the lack of both educational and equal job opportunities. But no one can look at the basic statistics which are set forth in charts in graphic form without concluding that inadequate job opportunity is a major cause for the inequality from which the Negro race suffers in America, as do other minority groups with which Senators are familiar.

Figure 1 is entitled "Median wage or salary income in 1939, 1947, and 1962 of white and nonwhite males, 14 years and over."

I point out that in 1939, the median wage or salary income of a white man was $1,112, and that of the Negro was $460. Over the years, the gap between the two races has continued. In 1947, the median wage or salary income of the white citizen was $2,357, and that of the Negro citizen was a little more than half of that, or $1,279.

The situation had improved in 1962 with regard to both the white and the Negro race in terms of median income. By that time the median income of the white citizen was $5,462, and that of the Negro citizen had crept up a little percentagewise; it was $3,023. However, it was still hardly 60 percent of the median income received from wages and salary by the white worker.

We turn now to estimated lifetime earnings of white and nonwhite males, in terms of the number of school years completed.

For white workers who had completed no more than 8 years of elementary school education—and the figures which I interpolate come from the Bureau of Census, compiled in connection with the 1960 census—the lifetime earnings received from age 18 to 64 are $191,000; for a Negro, the figure is $123,000. For those who had completed 4 years of high school, a white high school graduate over his working lifetime, received earnings of $253,000; a Negro received earnings of $151,000.

When we come to the higher level, the discrepancy is even greater. For white workers who had completed 4 years of college in addition to high school, the lifetime earnings were $395,000 whereas a Negro college graduate could anticipate only $185,000, or less than half the earnings of the white man.

I now turn to the chart which shows the unemployment rates of white and nonwhite workers during the 15-year period from 1947 to 1963. The curve indicates that starting in 1947, which was a year of high employment, the percentage of white workers unable to secure employment was slightly in excess of 3 percent; the percentage of Negro workers in the same category was slightly in excess of 5 percent.

For the following 15 years the two lines on the graph fluctuate more or less in unison, corresponding to the changing economic conditions. The rate of unemployment for both groups goes down when times are good, and goes up when times are bad, until we find a situation which is quite unique and very different from that which existed in 1947. Times are good now; we have the greatest gross national product the country has ever experienced; we are unquestionably the richest nation in the world. Yet we suffer from chronic and persistent unemployment; and one should note carefully how the scourge of unemployment for those who are looking for work they cannot find falls unjustly, depending on the color of the skin of the worker. The unemployment rate among whites in 1963 was approximately 5 percent; at the same time, the unemployment rate among Negroes was 11 percent—or more than twice as great. So the situation has been getting worse, not better. From the beginning of the period, the rate of unemployment for whites was approximately 60 percent of the Negro rate; but by now the rate of unemployment for Negroes is more than twice that for the whites. This should be a good indication to us of the discrimination which exists by reason of inadequate employment opportunity and discrimination; and such unemployment should be a strong argument in support of the proposed enactment of the pending bill.

Another sardonic fact worth mentioning is that, as the chart shows, a Negro college graduate would, during his working lifetime, that is to say, from age 18 to age 64, earn $185,000; a white high school dropout who got no farther than the eighth grade would earn, during his working lifetime, $191,000, or $6,000 more for a white graduate of an elementary school than the lifetime earnings of a Negro college graduate.

In 1947, nonwhite unemployment was only 64 percent higher than that for the whites; in 1962, it was 124 percent higher than that for the whites.

What is the reason for this condition? Of course, to a substantial extent it is discrimination; to a very substantial extent it is lack of education; and to a rather substantial extent it is the difference in environment.

But what is happening is that automation and cybernation—which is roughly defined as the marriage of the computer and the assembly line—are wiping out the nonskilled jobs which Negroes have traditionally held; and discrimination has kept Negroes out of the jobs which have a future.

One example is the field of selling. I quote now from the testimony given by Dr. Eli Ginzberg, professor of economics at Columbia University, when he appeared before our subcommittee:

> Now, there has been no argument that serious discrimination exists in the job arena. I recently saw some figures which indicated that of the 200,000 people employed in selling jobs by a group of major employers, there were 200 Negroes. This indicates something of the magnitude of the discrimination which prevails on the job front.

His testimony appears at page 311 of the hearings.

Think of that, Mr. President. With 200,000 people engaged in selling, only 200 of them were Negroes.

Of course education is needed; but education without equal job opportunity can become meaningless.

At pages 379 and 380 of our hearings, Mr. Herman Miller, Special Assistant in the Office of the Director of the Bureau of the Census, gave the following testimony:

> One important point that shows up in the census data is that even when the Negro has received a high school education, he cannot find a well-paying job. One-third of Negro males who are high school graduates work either as laborers or service workers—two very low paying jobs.

• • • • •

> The Negro has a dual handicap. He works at far lower paid jobs than the whites and even when he works at the same kind of job he is paid far less. As a result, the figures show that the Negro college graduate makes less than the white who has had only 8 years of elementary school. These figures are shocking to me because they show the serious dilemma the average Negro family faces. Why spend 4 years going to college if all you are going to be when you get through is a teacher or a mailman and earn less money than the white who did not even have to go beyond elementary school?

I quote now from the testimony given before our subcommittee by Mr. James Farmer, National Director of CORE; this testimony appears at page 220:

> Nothing produces alienation from society and a lack of motivation among Negroes more than [not] being able to get a job in keeping with their training and ability. Nothing produces school dropouts more than that. If the lad in high school sees his father, who is a high school graduate, pushing a broom in town, then what motivation is there for him to go ahead and finish high school?
>
> He can push a broom without finishing high school and so on; there is a great tendency for him, then to drop out.

I quote now from the testimony given by a businessman, Mr. Joseph Ross, president of Davidson Bros., Inc., a department store chain in Michigan, Ohio, and New York. He gave this testimony before our subcommittee:

> I have read a lot in the newspapers recently about the shortage of skilled, qualified Negro personnel. And I want to voice my disagreement with that fact, Mr. Chairman.
>
> Unfortunately, it is true that qualified skilled Negroes are invisible, but they are there, [they] are invisible for a whole number of historical reasons, but in the past 10 years there has been a tremendous increase of Negroes attending not only Negro colleges in the South, but State and city universities in the North.
>
> This has resulted in a large number of Negro college graduates available for work, but they are invisible because they have studied by and large to be ministers, doctors, lawyers, teachers, nurses, social workers. These areas have been the only avenues of employment open to them.

I stress the following:

> Many of the Negro postmen who deliver our mail are college graduates; the Post Office is the largest employer of Negro college graduates in the United States.

I interpolate to say that most of them are letter carriers.

I quote further from his testimony:

> Negroes have not studied in business schools to any significant extent because the opportunities in business have been historically closed to them. And, therefore, in looking for qualified, skilled Negroes you have to look in different places than you would look for qualified white people and I think you have to establish not a lower criteria, but a different criteria in determining who a qualified Negro person is.
>
> You can look for them, for instance, in the Post Office. You will find them in a substitute Negro teacher in the local school board waiting list or an underpaid social worker.
>
> Many Negro college graduates are hiding their lights under a bushel of mediocre and unskilled jobs because they have no other employment opportunity.

Those quotations are from pages 319 and 320 of the Senate subcommittee's hearings.

With respect to female high school graduates, among the whites, only 2 out of each 100 have to take jobs as domestic servants or maids; whereas, among the Negroes, 20 out of each 100 cannot find any better paying jobs than employment in domestic service.

I should like to say a word now about the economic costs of racial discrimination in the Nation in the area of employment. The Council of Economic Advisers sent a memorandum to our subcommittee, which is printed in the RECORD. It states that we could add $13 billion to our gross national product if Negroes could fully utilize the skills they already have in the job markets.

If Negroes were also given equal educational opportunity, the figure of additional gross national product would be $17 billion.

I submit that the existence of racial discrimination against our Negro citizens in the job market has been abundantly proved by testimony from qualified individuals in the record of the Senate hearings.

I turn now to the need for a Federal Fair Employment Practices Act. It is true that in 28 States and a large number of cities—some 48 of them, I believe—there are State fair employment practices legislation or ordinances. I call attention to the map which appears behind the last row of chairs on the Democratic side of the aisle of the Senate to indicate where those States are.

Every single State east of the Mississippi and north of the Ohio, except Maine and New Hampshire, has fair employment practices legislation. West Virginia, Kansas, Oklahoma, Colorado, and New Mexico also have such legislation.

The three Pacific Coast States, in addition to Idaho and Nevada, have fair employment practices legislation.

Not a single State of the Old Confederacy has such a law. That is perhaps the most cogent argument in support of title VII. Roughly 60 percent of the nonwhite population lives in 22 States where there are no FEPC laws. More than that, State and local FEPC laws vary widely in effectiveness. In many areas effective enforcement is hampered by inadequate legislation, inadequate procedures, or an inadequate budget. Big interstate industry cannot effectively be handled by the States. Interstate commerce is the primary responsibility of the Federal Government.

Mr. President, the States which have the best FEPC laws are those which most articulately demand and request a Federal law to assist them. Five very able men testified before the Senate Subcommittee on Employment and Manpower, which held hearings; they are the men who administer the fair employment practices laws in New York, New Jersey, Missouri, Minnesota, and California. Those five men were unanimous in their support of a Federal fair employment practices legislation.

Mr. President, I ask unanimous consent that a list of 15 Governors and representatives of Governors on record as supporting a Federal FEPC law, which appears on page 287 of the Senate hearings, be printed in full in the RECORD at this point in my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GOVERNORS AND REPRESENTATIVES OF GOVERNORS PARTICIPATING IN THIRD ANNUAL CONFERENCE

Hon. William G. Stratton, Governor, Illinois.

Hon. Herschel C. Loveless, Governor, Iowa.

Roy Shapiro, State controller, Kansas.

Kermit S. Nickerson, deputy commissioner of education, Maine.

Walter Carrington, Massachusetts Commission Against Discrimination, Massachusetts.

Hon. G. Mennen Williams, Governor, Michigan.

Hon. Orville L. Freeman, Governor, Minnesota.

Milton Litvak, Missouri Human Rights Commission, Missouri.

Dr. John P. Milligan, assistant commissioner of education, New Jersey.

Elmer A. Carter, chairman, New York State Committee Against Discrimination, New York.

Frank W. Baldau, executive director, Ohio Civil Rights Committee, Ohio.

Normal O. Nilsen, commissioner of labor, Oregon.

Senator C. George DeStefano, Rhode Island.

Mark Litchman, Washington State representative, Washington.

Hon. Gaylord A. Nelson, Governor, Wisconsin.

Mr. CLARK. It is important to note that title VII is so drafted that the States and the Federal Government can work together. When the bill is enacted, the State and the municipal agencies will continue to operate, and State laws will continue in force, except where they are inconsistent with title VII. The Federal Commission can agree under title VII not to bring any suits in cases in a particular State or locality where the State or locality has adequate power under its own laws or ordinances to carry out the purposes of the act and it is effectively exercising that power.

In addition, the Federal Commission can make arrangements to use and pay for the services of State and local agencies in carrying out its duties under the Federal law if the State agencies are willing.

So, I take it that title VII meshes nicely, logically, and coherently with the State and city legislation already in existence in a number of the States and a number of our cities, small as well as large. The Federal Government and the State governments could cooperate effectively and, to some extent at least, there would be a saving in the Federal budget in those areas where State laws are effective, discrimination is outlawed, and discriminators are prosecuted.

But in wide areas of the country where there is no State or local law, a Federal law is essential. I take it that the economic and social background which I have attempted to summarize in my speech bears pertinent witness to the correctness of that statement.

I now turn to the fact, clearly established in the hearings, that both organized labor and business want title VII. Strong support for Federal legislation was expressed by the following leaders in organized labor:

George Meany, president of the AFL–CIO; A. Philip Randolph, president of the

Negro America Labor Council and also the Brotherhood of Sleeping Car Porters; David J. McDonald, president of the United Steel Workers of America; Walter P. Reuther, president of United Automobile Workers of America; C. J. Haggerty, president of the Building and Construction Trades Department, AFL–CIO; Carl J. Megel, president of the American Federation of Teachers.

Not all of those gentlemen testified. They either testified or submitted statements.

Nor is labor afraid of title VII. On January 15 of this year, before the bill now under consideration had passed the House, my esteemed colleague the Senator from Alabama [Mr. HILL], made a speech on the floor of the Senate in which he undertook to raise the argument that FEPC legislation was a threat to organized labor. Under date of February 11, 1964, Mr. Walter P. Reuther, the president of the United Automobile Workers, wrote a letter to the Senator from Alabama rebutting the Senator's position. I shall not take the time of Senators to read that cogently argued rebuttal of the position of the Senator from Alabama. I ask unanimous consent that a copy of Mr. Reuther's letter to the Senator from Alabama [Mr. HILL] be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW,
Detroit, Mich., February 11, 1964.

Hon. LISTER HILL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HILL: Your speech on the floor of the Senate on January 15 regarding the civil rights bill and the rights of organized labor has been received and studied with interest. As you are aware, we hold you in the highest respect for your dedication to the rights of organized labor, exemplified by your years of work as the chairman of the Senate Committee on Labor and Public Welfare. Nevertheless, in this instance we do not share your fears that the pending civil rights bill will undermine the rights of unions and working people. On the contrary, our union and the leadership of the AFL–CIO have testified on behalf of the provisions of the pending civil rights bill. These are intended to assure equality of employment opportunity without discrimination on the basis of race, color, religion or national origin, and will strengthen the fundamental rights of laboring people throughout the United States and add to the vitality and integrity of the labor movement.

Before dealing with the particular concerns expressed in your Senate speech, let me say that our faith in the workability of a Federal FEPC is based on more than 20 years of experience with FEPC laws in many of our States, as well as Presidential Executive orders going back to the early 1940's which require nondiscrimination on Federal jobs and on Federal contract employment. None of the numerous State FEPC laws and none of the Presidential regulations covering millions of employees, have undermined the rights of organized labor or resulted in the kind of chaos and disruption which you predict as the result of the pending Federal law. Of course, we do not mean to say that existing State and Federal regulations are adequate. As long as millions of workers in many of our States remain subject to denial of opportunity to work and earn a livelihood solely because of race or color, though they are ready, willing, and anxious to work, there exists a need for a Federal FEPC. But two decades of experience with existing laws give us confidence that FEPC does not weaken but rather strengthens the rights of working people and the labor movement.

Turning to your specific points regarding the pending legislation, we would urge you to reexamine each of your objections.

First, your principal concern appears to be that the pending law will require a mathematical apportionment of jobs on a "one white"—"one Negro" or other similarly rigid basis. This, however, is not the construction of FEPC which has been employed heretofore, and we do not believe it to be the import of the pending Federal measure. The preponderance of cases involve a 100-percent-white situation, where employers have refused to hire or promote a single Negro worker, or unions have barred Negroes from entering a craft or achieving apprenticeship training. In other cases there has been token integration only, to provide the pretense rather than the reality of nondiscrimination. It is these situations which are the principal focus of the pending law. We find no evidence that a mechanistic numbers game such as you suggest is intended by the pending measure.

Second, you state that under the bill qualified white workers would be laid off to make room for unqualified Negroes. This is certainly not the letter or intention of the law, which provides only that qualified Americans shall not be denied jobs or necessary training for jobs merely because of their race or color. Moreover, where clear racial discrimination exists and has been proved, the remedy applied under existing laws is not the dismissal of qualified white workers but the requirement that future opportunities for employment be made available to racial minorities previously discriminated against. If the Congress adopts some of the enlightened measures proposed by your Senate committee for reducing unemployment and promoting a more dynamic and expanding economy, there should exist in the near future the conditions of rising employment which will provide jobs for every American, for both the white and Negro worker.

Third, you urge that where racial discrimination is being practiced, Federal contracts will be canceled and workers will lose jobs. But here again the experience under the Federal contract nondiscrimination orders of Presidents Truman, Eisenhower, and Kennedy, shows that contract cancellation was not used for enforcement. In almost every instance of proven discrimination, employers made adjustments in their practices to end discrimination. Indeed, under both titles VI and VII of the pending civil rights bill no other action may be taken against one who violates by continued racial discrimination, until it is clear that compliance cannot be secured by voluntary means. Finally, it is a fundamental purpose of the pending law precisely to avoid the necessity of canceling contracts and forcing loss of jobs. Today, under the controling legal authorities, a Federal contract employer who continues to discriminate may leave no option but the cancellation of his contract since other remedies are not expressly provided by the Congress. Similarly, a union which continues to discriminate is presently subject to the loss of its Labor Board certification. Far from resulting in such ineffective and disruptive remedies available today, the pending law is intended to permit direct achievement of compliance against those who discriminate, instead of divesting employers of contracts or unions of their right to represent the worker. In short, the direct remedies provided in the pending bill will avoid rather than result in those ineffective and indirect measures of contract cancellation or union decertification which give you concern.

Fourth, you suggest that the pending law would threaten the rights of union workers by requiring the recruiting of nonunion employees. Here again the intention as we see it is just the contrary. The time has long passed when responsible labor unions continue to exclude Negro workers from membership. Every AFL–CIO union is signatory to the constitution of the federation, which promises the right to membership without racial discrimination in every constituent union. Even the most recalcitrant affiliate of the federation barring Negroes from joining the union now has changed its constitution and opened its membership to Negroes. In any event, the pending law will directly require equal access to union membership for Negroes, rather than create any competition between union and nonunion workers.

Finally, let me say with all the earnestness I can command that the strength and vitality of organized labor is materially increased rather than threatened by the guarantee of fair employment practices. During the years when organized labor and particularly industrial unions won their strength and status in this country, the principal weapon of hostile employers was to divide the workers into embattled union and antiunion factions. By this means strikes were broken, job security was threatened, and wages and working conditions kept below humane and decent standards.

Today, antiunion employers seek the same results by a new division of the workers in which they would play off white against Negro to perpetuate fear, to depress wages, and to create tension and hostility between working groups. Throughout the South, and regretfully at times even in areas of the North and West as well, employers are playing the racial discrimination game to break the strength of labor and prevent organization. It is our primary hope that fair employment practices requirements will end this vicious game of divide-and-conquer. Under the pending law, every Negro worker will have a fair opportunity for a job if he is qualified, and every white worker will know that he cannot be laid off or refused employment for a racial reason because discrimination against a white worker is just as forbidden as discrimination against the Negro.

The passage of the civil rights bill by an overwhelming bipartisan majority in the House of Representatives on February 10, which includes a strong fair employment practices provision, reinforces the principles expressed herein and provides further testimony that the temper of our times is consonant with the struggle for equal opportunity.

I am sorry that in this instance our union and the leadership of the labor movement are generally in disagreement with you about a matter of high national policy and importance. We would be most pleased if, after reviewing the points in this communication, you could join the progressive forces in the national community to support the administration's fair employment practices proposals which we believe to be both sound national policy and morally right and fully consistent with democratic values.

Sincerely yours,

WALTER P. REUTHER,
President, International Union, UAW.

Mr. CLARK. I have also had prepared by the Department of Justice a summary statement in rebuttal to the argument made by the Senator from Alabama [Mr. HILL] to the effect that title VII would undermine the vested rights of seniority; that it would deny to unions their representation rights under the National Labor Relations Act and the Railway Labor Act; that the operation of title VI would in some way affect adversely the rights of organized labor; and that title VII would impose the requirement of racial balance.

I submit that those assertions of the able senior Senator from Alabama are untenable.

Mr. President, I ask unanimous consent that the rebuttal to the argument prepared at my request by the Department of Justice be printed in full in the Record at this point in my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Reply to Arguments Made by Senator Hill

First, it has been asserted that title VII would undermine vested rights of seniority. This is not correct. Title VII would have no effect on seniority rights existing at the time it takes effect. If, for example, a collective bargaining contract provides that in the event of layoffs, those who were hired last must be laid off first, such a provision would not be affected in the least by title VII. This would be true even in the case where owing to discrimination prior to the effective date of the title, white workers had more seniority than Negroes. Title VII is directed at discrimination based on race, color, religion, sex, or national origin. It is perfectly clear that when a worker is laid off or denied a chance for promotion because under established seniority rules he is "low man on the totem pole" he is not being discriminated against because of his race. Of course, if the seniority rule itself is discriminatory, it would be unlawful under title VII. If a rule were to state that all Negroes must be laid off before any white man, such a rule could not serve as the basis for a discharge subsequent to the effective date of the title. I do not know how anyone could quarrel with such a result. But, in the ordinary case, assuming that seniority rights were built up over a period of time during which Negroes were not hired, these rights would not be set aside by the taking effect of title VII. Employers and labor organizations would simply be under a duty not to discriminate against Negroes because of their race. Any differences in treatment based on established seniority rights would not be based on race and would not be forbidden by the title.

Second, it has been asserted that it would be possible to deny unions their representation rights under the National Labor Relations Act and the Railway Labor Act. This is not correct. Nothing in title VII or anywhere else in this bill affects rights and obligations under the NLRA and the Railway Labor Act. The procedures set up in title VII are the exclusive means of relief against those practices of discrimination which are forbidden as unlawful employment practices by sections 704 and 705. Of course, title VII is not intended to and does not deny to any individual, rights and remedies which he may pursue under other Federal and State statutes. If a given action should violate both title VII and the National Labor Relations Act, the National Labor Relations Board would not be deprived of jurisdiction. To what extent racial discrimination is covered by the NLRA is not entirely clear. I understand that the National Labor Relations Board has presently under consideration a case involving the duties of a labor organization with respect to discrimination because of race. At any rate, title VII would have no effect on the duties of any employer or labor organization under the NLRA or under the Railway Labor Act, and these duties would continue to be enforced as they are now. On the other hand, where the procedures of title VII are invoked, the remedies available are those set out in section 707(e), injunctive relief against continued discrimination, plus appropriate affirmative action including the payment of backpay. No court order issued under title VII could affect the status of a labor organization under the National Labor Relations Act or the Railway Labor Act, or deny to any union the benefits to which it is entitled under those statutes.

Third, it has been asserted that the operation of title VI will in some way affect the rights of organized labor. This is incorrect. Title VI deals with programs of Federal financial assistance. I know of no financial assistance rendered to lagor organizations under the National Labor Relations Act or the Railway Labor Act, the Davis-Bacon Act, or the Walsh-Healey Act. These organizations benefit, as do all American workers, from the beneficent policies of these statutes, but there is no flow of cash, goods, or credit from the Federal Government to these organizations and it is to such assistance that title VI is directed. Title VI would no more authorize the suspension of a union's status as a collective bargaining agent because of discrimination than it would authorize the Bureau of Customs to stop collecting duty on goods competing with those produced by an employer who discriminates. There is simply no such authority anywhere in the bill.

Finally, it has been asserted title VII would impose a requirement for "racial balance." This is incorrect. There is no provision, either in title VII or in any other part of this bill, that requires or authorizes any Federal agency or Federal court to require preferential treatment for any individual or any group for the purpose of achieving racial balance. No employer is required to hire an individual because that individual is a Negro. No employer is required to maintain any ratio of Negroes to whites, Jews to gentiles, Italians to English, or women to men. The same is true of labor organizations. On the contrary, any deliberate attempt to maintain a given balance would almost certainly run afoul of title VII because it would involve a failure or refusal to hire some individual because of his race, color, religion, sex, or national origin. What title VII seeks to accomplish, what the civil rights bill seeks to accomplish is equal treatment for all.

Mr. CLARK. Mr. President, it is clear that the bill would not affect seniority at all. It would not affect the present operation of any part of the National Labor Relations Act or rights under existing labor laws. The suggestion that racial balance or quota systems would be imposed by this proposed legislation is entirely inaccurate.

With respect to the American businessman, there was cogent testimony from the following executives of corporations:

The chairman of the board of Pitney-Bowes, Inc., which manufactures office equipment; a high executive of Minneapolis Honeywell Corp., which manufactures electronics and control systems; and the president of Davidson Bros., Inc., a department store chain.

Perhaps the best way to give a summary of their testimony is to quote from the testimony of the chairman of the board of Pitney-Bowes, which appears at page 210 of the Senate hearings:

> No dramatic upheaval has followed the enactment of FEP legislation in Connecticut—

Which is where the principal office of the corporation is—

> The businessman's personnel problems have not swollen to mammoth proportions, nor has he been forced to spend the best part of his time in court as an alternative to hiring every minority group member who presents himself for employment. His freedom is not restricted except for his freedom to be biased in his personnel policies. He is not hounded unjustly, as evidenced by the fact that discrimination actually has been found in about half the cases investigated.

Actual experience under State FEPC laws shows that very few cases result in court actions.

A survey of 12 States, from date of enactment of an FEPC law in each State through December 31, 1961, shows that in almost 20,000 cases—actually 19,439—there were only 18 court actions.

Mr. President, I ask unanimous consent that a table on that point which appears in the hearings at page 134 may be printed in full in the Record at this point in my remarks.

There being no objection, the table was ordered to be printed in the Record, as follows:

Comparative complaint experience under State fair employment practice laws

[From date of law until Dec. 31, 1961]

State	Cases	Hearings	Cease and desist orders	Court actions
California	1,014	2	2	2
Colorado	251	4	3	1
Connecticut	900	4	3	3
Massachusetts	3,559	2	2	0
Michigan	1,459	8	6	4
Minnesota [1]	184	1	1	1
Missouri [2]	45	0	0	0
New Jersey	1,735	2	2	2
New York	7,497	18	[3] 6	5
Ohio	985	2	1	0
Oregon	286	0	0	0
Pennsylvania	1,238	19	0	0
Rhode Island	286	0	0	0
Total	19,439	62	26	18

[1] The Minnesota figures do not cover cases arising in Duluth, Minneapolis, or St. Paul, where local antidiscrimination laws apply.

[2] The Missouri law became effective on Oct. 13, 1961. Of the 45 complaints received by July 23, 1963, 26 have been settled informally and 19 are still under investigation.

[3] The figure given is that of the House committee survey. Testimony of the general counsel of the New York State Commission for Human Rights suggests that only 4 complaints have resulted in the issuance of cease and desist orders. See statement of Henry Spitz before Subcommittee on Employment and Manpower, Senate Committee on Labor and Public Welfare, July 29, 1963.

Mr. CLARK. Mr. President, I turn now, but only briefly, to the averment which has been made by some opponents of the bill that title VII—and, for that matter, any of the other 10 titles of the bill—is unconstitutional. This contention, in my opinion, is entirely erroneous.

I ask unanimous consent that there may be printed in full in the Record at this point in my remarks so much of a legal opinion, written under date of March 30, 1964, sent jointly to the Senator from Minnesota [Mr. Humphrey] and the Senator from California [Mr. Kuchel], and signed by a number of eminent lawyers, as pertains to title VII. I may say parenthetically that I have stricken out the irrelevant parts, which do not pertain to title VII.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Philadelphia, Pa.,
March 30, 1964.

Hon. Hubert H. Humphrey,
Hon. Thomas H. Kuchel,
U.S. Senate, Washington, D.C.

Dear Senators Humphrey and Kuchel: We have received your letter addressed separately to each of us, in which you request our views regarding the constitutionality of two parts of H.R. 7152, the proposed Civil Rights Act of 1963, now pending in the Congress, specifically title II, prohibiting discrimination in places of public accommodation, and title VII, providing for equal employment practices by certain employers, employment agencies and labor unions.

Your inquiry requests our opinion either as cochairmen of the Lawyers' Committee for Civil Rights Under Law or in our individual capacities. We are replying in the latter role, and, in accordance with one of the suggestions in your letter, we have asked a number of other lawyers to consider the questions which you have raised and to join with us in formulating this statement. We want to make it clear that we are expressing our views solely on the constitutional issues raised in your letters and not on the merits of the bill.

Upon careful consideration of the established judicial precedents in this area of constitutional law, and in full recognition of the vital importance of the legal issues which are the subject of this letter, we conclude that title II and title VII are within the framework of the powers granted to Congress under the Constitution.

With respect to title II, the congressional authority for its enactment is expressly stated in the bill to rest on the commerce clause of the Constitution and on the 14th amendment. The reliance upon both of these powers to accomplish the stated purpose of title II is sound. Discriminatory practices, though free from any State compulsion, support, or encouragement, may so burden the channels of interstate commerce as to justify, legally, congressional regulation under the commerce clause. On the other hand, conduct having an insufficient bearing on interstate commerce to warrant action under the commerce clause may be regulated by the Congress where the conduct is so attributable to the State as to come within the concept of State action under the 14th amendment.

The grounding of the public accommodations title on the commerce clause is in keeping with a long tradition of Federal legislation, validated in many judicial decisions, and is not today open to substantial legal dispute. In exercising its power to regulate commerce among the States, Congress has enacted laws, encompassing the widest range of commercial transactions, similar to the regulatory scheme of title II of H.R. 7152.

It is also clear that the discrimination or segregation prohibited by title II is subject to regulation by the Congress under its power to enact laws to enforce the equal protection clause of the 14th amendment where there is participation and involvement by State or local public agencies in the unlawful conduct. The decision of the Supreme Court in the *Civil Rights Cases*, 109 U.S. 3 (1883), in no way prevents the Congress from barring discrimination in those factual circumstances constituting State action under the 14th amendment.

With respect to the equal employment opportunity provisions of title VII, there are many decisions of the Federal courts upholding under the commerce clause similar laws regulating employment relationships which in some fashion impinge on interstate commerce.

Powers which Congress can exercise under one part of the Constitution may be limited by guarantees found elsewhere in the Constitution. In our opinion, neither title II nor title VII imposes such arbitrary restrictions upon private property or on the operation of private business as to conflict with due process requirements. In the development of congressional authority under the commerce clause and other express grants of power, statutes designed to enhance individual rights and to ameliorate working conditions have been regularly upheld by the courts even though they have in some measure affected property or contract rights.

For your convenience, we are attaching a brief legal memorandum reviewing the applicable authorities.

The lawyers who join in this reply to your request for an opinion, are listed below.

Sincerely,

HARRISON TWEED.

NEW YORK, N.Y.

BERNARD G. SEGAL.

PHILADELPHIA, PA.

Other lawyers joining in this opinion: Joseph A. Ball, Long Beach, Calif.; Francis Biddle, Washington, D.C.; Herbert Brownell, New York City; Homer D. Grotty, Los Angeles, Calif.; Lloyd N. Cutler, Washington, D.C.; Norris Darrell, New York City; James C. Dezendorf, Portland, Oreg.; Erwin N. Griswold, Cambridge, Mass.; Albert E. Jenner, Jr., Chicago, Ill.; William B. Lockhart, Minneapolis, Minn.; William L. Marbury, Baltimore, Md.; David F. Maxwell, Philadelphia, Pa.; John D. Randall, Cedar Rapids, Iowa; Charles S. Rhyne, Washington, D.C.; William P. Rogers, Washington, D.C.; Samuel I. Rosenman, New York City; Eugene V. Rostow, New Haven, Conn.; Whitney North Seymour, New York City; Charles P. Taft, Cincinnati, Ohio; John W. Wade, Nashville, Tenn.

IDENTIFICATION OF SIGNERS OF LETTER

Joseph A. Ball: Ball, Hunt & Hart, Long Beach, Calif.; past president, State Bar of California.

Francis Biddle: Washington, D.C.; former Attorney General of the United States.

Herbert Brownell: Lord, Day & Lord, New York City; former Attorney General of the United States; president, Association of the Bar of the City of New York.

Homer D. Crotty: Gibson, Dunn & Crutcher, Los Angeles, Calif.; past president, State Bar of California; member of council, American Law Institute.

Lloyd N. Cutler: Wilmer, Cutler & Pickering, Washington, D.C.; president, Yale Law School Association.

Norris Darrell: Sullivan & Cromwell, New York City; president, American Law Institute.

James C. Dezendorf: Koerner, Young, McColloch & Dezendorf, Portland, Oreg.; past president, National Conference of Commissioners on Uniform State Laws; vice president, American Judicature Society.

Erwin N. Griswold: Cambridge, Mass.; dean, Harvard Law School.

Albert E. Jenner, Jr.: Thompson, Raymond, Mayer & Jenner, Chicago, Ill.; past president, American Judicature Society; past president, American College of Trial Lawyers.

William B. Lockhart, Minneapolis, Minn.; dean, University of Minnesota School of Law.

William L. Marbury: Piper & Marbury, Baltimore, Md.; member of council, American Law Institute.

David F. Maxwell: Obermayer, Rebmann, Maxwell & Hippel, Philadelphia, Pa.; past president, American Bar Association; former chairman of house of delegates, American Bar Association.

John D. Randall, Cedar Rapids, Iowa: past president, American Bar Association, former chairman of house of delegates, American Bar Association.

Charles S. Rhyne: Rhyne & Rhyne, Washington, D.C.; past president, American Bar Association; former chairman of house of delegates, American Bar Association.

William P. Rogers: Royall, Koegal & Rogers, Washington, D.C., and New York City; former Attorney General of the United States.

Samuel I. Rosenman: Rosenman, Colin, Kaye, Petchek & Freund, New York City; former Special Counsel to President Franklin D. Roosevelt and President Harry S. Truman.

Eugene V. Rostow, New Haven, Conn.; dean, Yale University Law School.

Bernard G. Segal: Schnader, Harrison, Segal & Lewis, Philadelphia, Pa.; president-elect, American College of Trial Lawyers; former chairman of the board, American Judicature Society.

Whitney North Seymour: Simpson, Thacher & Bartlett, New York City; president, American College of Trial Lawyers; past president, American Bar Association.

Charles P. Taft: Taft, Lavercome & Fox, Cincinnati, Ohio; former mayor of Cincinnati.

Harrison Tweed: Milbank, Tweed, Hadley & McGloy, New York City; chairman of council and past president, American Law Institute; chairman, Joint Committee on Continuing Legal Education (ALI and ABA).

John W. Wade, Nashville, Tenn.; dean, Vanderbilt University School of Law.

MEMORANDUM

TITLE VII

Title VII of the proposed Civil Rights Act of 1963 enunciates a national policy of equal opportunity for employment free from discrimination. The equal employment title is based expressly upon the commerce clause. Section 701(b) also declares it to be the purpose of Congress to insure the full "enjoyment by all persons of the rights, privileges and immunities secured and protected by the Constitution of the United States."

The employers covered by the proposed legislation would ultimately be those having 25 or more employees. For the first 3 years after its effective date, title VII would cover those employers having a greater number of employees as prescribed in section 702(b). Also subject to this title would be employment agencies and labor organizations.

In the customary pattern of State and local fair employment legislation, title VII sets forth certain unlawful employment practices by employers, employment agencies and labor organizations. Generally, these practices relate to discrimination, segregation, and other types of unequal treatment or withholding of privileges because of race, color, religion, sex, or national origin.

A procedure is established for the implementation of the purposes of the title by an Equal Employment Opportunity Commission and for resort to the courts when allegedly unlawful employment practices cannot be voluntarily eliminated.

The same considerations which support the conclusion that the public accommodations title is valid under the commerce clause, particularly the landmark Jones and Laughlin and Darby cases, are equally applicable here. Many of the prior statutes regulating labor relations under the commerce clause upheld by the Supreme Court are directly analogous to the provisions of title VII.

Starting with the National Labor Relations Act and continuing through the Labor Management Reporting and Disclosure Act of 1959, Congress has enacted comprehensive legislation regulating labor and management practices. The Fair Labor Standards Act and similar statutes, which have as their purpose the improvement of the condition of persons whose work affects interstate or foreign commerce, furnish ample authority for the attempt in title VII to prohibit discrimination in employment practices. It is but a short step to proceed from a statute which prevents the discharge of workers for union activity to one which seeks to outlaw discrimination in employment on account of race. In a case involving the applicability of the Norris-LaGuardia Anti-Injunction Act to the picketing of a store denying equal employment opportunities to Negroes, Justice Roberts, speaking for the Court, said, with somewhat prophetic insight:

"The desire for fair and equitable conditions of employment on the part of persons of any race, color or persuasion, and the removal of discriminations against them by reason of their race or religious beliefs is quite as important to those concerned as fairness and equity in terms and conditions of employment can be to trade or craft unions or any force of labor organization or association. Race discrimination by an employer may reasonably be deemed more unfair and less excusable than discrimination against workers on the ground of union affiliation * * *" *New Negro Alliance* v. *Sanitary Grocery Co.*, 303 U.S. 552, 561 (1938).

Employers, employment agencies as well as labor organizations whose business or activities affect interstate or foreign commerce are clearly subject to congressional legislative authority.

The decisions which have upheld statutes adopted under the commerce clause or other powers contained in the Constitution recognize that congressional authority is restricted by the due process of law guarantee of the fifth amendment. It is evident that most Federal regulatory statutes constitute a limitation to some extent on the use of private property or the exercise of private rights.

The National Labor Relations Act is an example of the type of Federal legislation upheld by the courts against the charge of interference with property rights. *N.L.R.B.* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 43 (1937). The courts have dealt in the same manner with State legislation enacted under local police powers which has been challenged under the due process clause of the 14th amendment. In meeting this attack, the Supreme Court said in *Nebbia* v. *New York*, 391 U.S. 502, 538 (1934):

"The Constitution does not secure to anyone liberty to conduct his business in such fashion as to inflict injury upon the public at large, or upon any substantial group of the people."

Nebbia and cases of like import are relevant because the power of Congress to deal with interstate commerce is similar to the authority of the States to regulate activities within the State. Titles II and VII do not seem to involve any greater interference with private rights than many of the Federal regulatory statutes to which we have referred or similar State legislation. The Supreme Court has upheld State and local antidiscrimination measures in *Railway Mail Association* v. *Corsi*, 326 U.S. 88 (1945), a New York statute barring racial discrimination by labor unions, and *District of Columbia* v. *Thompson Co.*, 346 U.S. 100 (1953), a local law prohibiting discrimination on account of race in eating places.

We have not tried to provide in this memorandum an exhaustive discussion of the legal authorities in support of our views. From a review of the leading decisions of the courts, we have sought to cull out the fundamental principles governing congressional power under the Constitution and to refer specifically to a few cases which contain important holdings.

We are mindful of the heavy responsibility which each Member of Congress bears in acting upon this legislative proposal, and we hope that the above analysis will be of some assistance in discharging that responsibility. We are honored by the opportunity to be of help in attempting to clarify some of the legal issues involved in H.R. 7152.

Mr. CLARK. Mr. President, this letter, as will appear from its being printed in the Record immediately above what I am now saying, was joined in by some 22 lawyers, including some of the most eminent lawyers in the country, three former Attorneys General of the United States, four former presidents of the American Bar Association, and the deans of the law schools of Harvard, Yale, Minnesota, and Vanderbilt Universities.

I shall not pause to discuss the basis of their opinion, for it is quite short. Their reasoning, which is quite clearly based upon pertinent cases of the Supreme Court, shows ample precedent for the constitutionality of title VII under the interstate commerce clause of article I of the Constitution.

Mr. President, I also ask unanimous consent that a copy of an opinion rendered to me, as the chairman of the subcommittee on Employment and Manpower, by the Deputy Attorney General of the United States, Nicholas deB. Katzenbach, written at my request, under date of August 15, 1963, may be printed in full in the Record at this point in my remarks.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

U.S. Department of Justice,
Office of the
Deputy Attorney General,
Washington, D.C., August 15, 1963.

Hon. Joseph S. Clark,
U.S. Senate,
Washington, D.C.

Dear Senator Clark: This is in response to your letter of July 25, 1963, in which you request the views of the Department of Justice on the constitutionality of certain fair employment practices bills pending before the Subcommittee on Employment and Manpower.

We believe that the commerce clause of the Constitution (art. I, sec. 8) provides authority for Congress to enact fair employment practices legislation.

The courts have repeatedly upheld the power of Congress to regulate employment relations affecting interstate and foreign commerce. *Texas and New Orleans Railroad Co.* v. *Brotherhood of Railway Clerks*, 281 U.S. 543 (1930); *N.L.R.B.* v. *Jones and Laughlin Steel Corp.*, 301 U.S. 1 (1937); see also *N.L.R.B.* v. *Fainblatt*, 306 U.S. 601 (1939); *Polish National Alliance* v. *N.L.R.B.*, 322 U.S. 643 (1944). Thus, in *Jones and Laughlin, supra*, the court said (301 U.S. at 33):

"Discrimination and coercion to prevent the free exercise of the right of employees to self-organization and representation is a proper subject for condemnation by competent legislative authority."

The Supreme Court has spoken in similar terms of race discrimination which infringes upon the right to work free from racial discrimination. Justice Roberts, speaking for the unanimous Court in *New Negro Alliance* v. *Sanitary Grocery Co.*, 303 U.S. 552 (1938) at p. 561 said:

"The desire for fair and equitable conditions of employment on the part of persons of any race, color, or persuasion, and the removal of discriminations against them by reason of their race or religious beliefs is quite as important to those concerned as fairness and equity in terms and conditions of employment can be to trade or craft union or any force of labor organization or association. Race discrimination by an employer may reasonably be deemed more unfair and less excusable than discrimination against workers on the ground of union affiliation."

In connection with the general civil rights legislation now pending before Congress, we have taken the position that discrimination in places of public accommodation which affects interstate commerce may be prohibited by Federal legislation under the commerce clause. For your convenience, we are attaching a copy of a memorandum sustaining this contention. Similarly, we believe that legislation may be enacted safeguarding the right to work free from discrimination because of race, color, religion, or national origin, where interstate commerce would be affected.

Nor would such legislation impose arbitrary restraints upon the conduct of private business in contravention of the due process clause. It is now clear that appropriate regulation of the hire and discharge of employees is not an unconstitutional abridgment of the contract right. *Phelps Dodge Corporation* v. *N.L.R.B.*, 313 U.S. 177 (1941); *N.L.R.B.* v. *Jones and Laughlin Corp., supra;* see also *Morgan* v. *Atlantic Coast Line Railway Co.*, 32 F. Supp. 617 (1940). The freedom of contract is not absolute, and is subject to reasonable regulations and prohibitions pursuant to valid governmental powers. See *Nebbia* v. *New York*, 291 U.S. 502, 527–528 (1934).

It is clear, too, that labor organizations may be covered by fair employment practices legislation. Labor unions have been accorded the statutory right to act as exclusive bargaining agents for nonmembers as well as members under Congress' power over interstate commerce. Similarly, there is no question but that the Federal Government may, in exercise of the same power, impose necessary restrictions to prohibit labor unions from discriminating because of race, religion, or national origin. Cf. *United States* v. *Classic*, 313 U.S. 297, 326 (1941); *Smith* v. *Allwright*, 321 U.S. 649, 664 (1944). The essence of free government requires that power must be accompanied by responsibility.

Indeed, the Supreme Court in *Steele* v. *Louisville and Nashville Railway Company*, 323 U.S. 192 (1944), held in a unanimous opinion that a Negro railway foreman who was discriminated against because of color by a union chosen by the majority to represent the craft under the Federal Railway Labor Act could enjoin the union, notwithstanding that such discrimination was buttressed by the contract between the union and the employer. The Court said (323 U.S. at 199, 203):

"But we think that Congress, in enacting the Railway Labor Act and authorizing a labor union, chosen by a majority of a craft, to represent the craft, did not intend to confer plenary power upon the union to sacrifice, for the benefit of its members, rights of the minority of the craft, without imposing on it any duty to protect the minority."

* * * * *

[I]t is enough for present purposes to say that the statutory power to represent a craft and to make contracts as to wages, hours, and working conditions does not include the authority to make among members of the craft discriminations not based on such relevant differences. Here the discriminations based on race alone are obviously irrelevant and invidious. Congress plainly did not undertake to authorize the bargaining representative to make such discriminations. Cf. *Yick Wo* v. *Hopkins*, 118 U.S. 356; *Yu Cong Eng* v. *Trinidad*, 271 U.S. 500; *Missouri ex rel. Gaines* v. *Canada*, 305 U.S. 337; *Hill* v. *Texas*, 316 U.S. 400.

To the same effect is *Tunstall* v. *Brotherhood*, 323 U.S. 210 (1946); see also *Morgan* v. *Virginia*, 328 U.S. 373, and *Railway Mail Association* v. *Corsi*, 326 U.S. 83 (1945).

State courts have also held that unions could not discriminate among their members because of race. *Carroll* v. *Local 269*, 133 N.J. Eq. 144, 31 Atl. (2d) 223, 225 (1943) and *James* v. *Marinship Corp.*, 25 Calif. (2d) 721 155 P. (2d) 329 (1945), noted in 160 A.L.R. 900; see also *Betts* v. *Beasley*, 161 Kan. 459, 169 P. (2d) 831 (1946).

In short, it is our view that the fair employment practices bills pending before your subcommittee are constitutional.

Sincerely,
Nicholas deB. Katzenbach,
Deputy Attorney General.

Mr. CLARK. Mr. President, this cogent opinion covers pretty much the same ground as the latter opinion of eminent counsel outside the Government, and again makes it clear that the commerce clause is ample constitutional authority for title VII.

I also ask unanimous consent to have printed in the Record a memorandum forwarded to me by W. Willard Wirtz, Secretary of Labor, at my request, under date of August 17, 1963, and prepared by the Solicitor's Office of the Department of Labor, "Constitutional Basis for Legislation Before the 88th Congress To Prohibit Discrimination in Employment Because of Race, Color, etc."

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Constitutional Basis for Legislation Before the 88th Congress To Prohibit Discrimination in Employment Because of Race, Color, etc.

This memorandum is addressed to the question of the constitutionality, under the commerce clause, of legislative proposals pending before the Senate Committee on Labor and Public Welfare, 88th Congress, to prohibit discrimination in employment because of race, religion, color, national origin, and ancestry. It is concluded that the constitutionality of such proposals is abundantly clear. There can be no doubt as to the power of the Congress to enact this type of legislation. The purpose of this memorandum is to point out the principal factors involved in a consideration of the question.

I. THE POWER OF CONGRESS TO PROHIBIT DISCRIMINATION IN EMPLOYMENT UNDER THE COMMERCE CLAUSE

The constitutional authority of the Congress, in the exercise of the commerce power to enact legislation of this nature is plain beyond doubt. The Supreme Court has repeatedly upheld regulation of employment relationships based on this power.

A. The extent, in general, of congressional power under the commerce clause

It has long been settled that the commerce clause extends not only to the movement of goods in commerce, but also to those related activities preceding or following such movements. Thus, in *United States* v. *Darby*, 312 U.S. 100, the Supreme Court in upholding the validity of the Fair Labor Standards Act stated that "the power of Congress to regulate interstate commerce extends to the regulations through legislative action of activities intrastate which have a substantial effect on the commerce or the exercise of the congressional power over it." In addition, the Court pointed out that this power "extends to those activities intrastate which so affect interstate commerce or the exercise of the power over it so as to make the regulation of them appropriate means to the attainment of a legitimate end, the exercise of the granted power to regulate interstate commerce. * * * The Sherman Act and the National Labor Relations Act are familiar examples of the exertion of the commerce power to prohibit or control activities wholly intrastate because of their effect on interstate commerce."

Moreover, it must be borne in mind with reference to the constitutional basis of the Fair Labor Standards Act, which rests on "commerce" and the "production of goods for commerce," that the Supreme Court has several times emphasized that the Congress in providing this coverage stopped considerably short of the full reach of its constitutional power under the commerce clause (*Kirschbaum* v. *Walling*, 316 U.S. 516; *Higgins* v. *Carr Bros. Co.*, 316 U.S. 564; *Mitchell* v. *H. B. Zachry Co.*, 362 U.S. 310). In answer to the contention that an employer in an industry alleged to be "purely local in nature" should not be compelled to comply with the Fair Labor Standards Act, the Court declared that to the extent that his employees are engaged in commerce or in the production of goods for commerce, the employer is himself so engaged (*Kirschbaum* v. *Walling*, 316 U.S. 516; and see *Mabee* v. *White Plains Publishing Co.*, 327 U S. 178).

It can therefore be authoritatively said that it is now well settled that the constitutional power extends to activities affecting commerce in any amount or volume not so minimal or sporadic as to fall within the doctrine of de minimis non curat lex. As the Supreme Court said in a National Labor Relations Act case, *NLRB* v. *Fainblatt*, 306 U.S. 1, the "power of Congress to regulate interstate commerce is plenary and extends to all such commerce be it great or small," because "commerce may be affected in the same manner and to the same extent in proportion to its volume, whether it be great or small." See also *NLRB* v. *Denver Bldg. & Constr. Tr. Council*, 341 U.S. 675; *Carpenters Union* v. *NLRB*, 341 U.S. 707. And in *NLRB* v. *Stoller*, 207 F. 2d 305 (C.A. 9), certiorari denied, 347 U.S. 919, the National Labor Relations Act was held applicable to a local dry cleaner who purchased $12,000 worth of supplies from outside the State, the Court holding that this amount "was not so insignificant as to come within the rule de minimis non curat lex."

Further, it must be borne in mind that the congressional power to regulate conditions of employment is not limited to those situations where the producer, seller, or furnisher of goods or services himself places the goods or services which he produces, sells, or furnishes in the channels of interstate commerce. This power also extends, for example, to the retail distribution of goods which have moved across State lines before they reach the retailer. Thus the National Labor Relations Act has exclusive jurisdiction with respect to labor relations problems of retailers handling such goods, even though all their sales are local. See *Amalgamated Meat Cutters and Butcher Workmen of America* v. *Fairlawn Meats, Inc.*, 353 U.S. 20 (three retail meat markets, all of whose sales were intrastate but whose out-of-State purchases totaled slightly over one-ninth of total purchases); *San Diego Building Trades Council* v. *Garmon*, 353 U.S. 26 (two retail lumber yards whose out-of-State purchases totaled $250,000); *Howell Chevrolet Co.* v. *NLRB*, 346 U.S. 482 (retail car dealer purchasing from local General Motors warehouse autos and parts manufactured out of State).

The authority of Congress to exercise power with respect to articles which "have completed an interstate shipment and are being held for future sales in purely local or intrastate commerce" is also settled. In *United States* v. *Sullivan*, 332 U.S. 689, a druggist was convicted of failure to comply with labeling requirements for sulfathiazole which was sold to customers after it had moved in commerce. A recent exercise by Congress of this authority is Public Law 85–506 requiring certain information for prospective purchasers to be kept posted on new automobiles prior to their sale to the ultimate consumer.

And, of course, another major example of the exercise of this power was the extension of Fair Labor Standards Act coverage, by the amendments of 1961, to certain retail establishments.

Finally, it is also thoroughly settled that the question whether "the conduct of an enterprise affects commerce among the States is a matter of practical judgment," and that the "exercise of this practical judgment the Constitution entrusts primarily and very largely to the Congress" (*Polish Alliance* v. *Labor Board*, 322 U.S. 643). Under these principles, there is no doubt that a practical judgment by the Congress that discrimination in employment because of race or color has a substantial impact on commerce would be upheld by the courts. Such findings are, of course, contained in the pending bills on this subject.

B. Congressional power under the commerce clause in the field of employment relations

The areas in which the Congress has taken legislative action under the commerce clause by regulatory and/or criminal laws are legion. Any attempt to list them would unduly lengthen this memorandum. Attention should be directed, however, to some of the statutes most closely akin to the proposal here involved; namely, those which deal with employer-employee relationships.

The courts have often and consistently upheld the power of Congress to regulate activities in this area which affect interstate or foreign commerce. Thus in *NLRB* v. *Jones & Laughlin Steel Corporation*, 301 U.S. 1, the Court said (at p. 33):

"Discrimination and coercion to prevent the free exercise of the right of employees to self-organization and representation is a proper subject for condemnation by competent legislative authority. * * *"

In similar vein, the Court spoke as follows respecting discrimination which infringes on the right to work free from racial discrimination in *New Negro Alliance* v. *Sanitary Grocery Co.*, 303 U.S. 552 (at p. 561):

"The desire for fair and equitable conditions of employment on the part of persons of any race, color, or persuasion, and the removal of discrimination against them by reason of their race or religious beliefs is quite as important to those concerned as fairness and equity in terms and conditions of employment can be to trade or craft unions or any form of labor organization or association. Race discrimination by an employer may reasonably be deemed more unfair and less excusable than discrimination against workers on the ground of union affiliation. * * *

The Fair Labor Standards Act, of course, was enacted for the purpose of regulating various conditions of work such as wages, hours, child labor and the employment of learners and handicapped persons. This regulation is permitted because of the effect on interstate commerce of labor conditions in the production of goods for such commerce (*United States* v. *Darby, supra*).

The National Labor Relations Act was enacted to prohibit engaging in unfair labor practices as therein defined. This statute relies on the term "affecting commerce" (as applied to unfair labor practices) to define the reach of Federal regulation, and it too has been held constitutional (*NLRB* v. *Jones & Laughlin Steel Corporation, supra*). There the Court stated that the actions covered by this law are not immune from regulation because they grow out of labor disputes since "it is the effect on commerce, not the source of the injury, which is the criterion" (at p. 32). This principle is, of course, equally applicable to the proposed legislation here under consideration.

Relying upon the commerce clause, the Congress has also enacted the Railway Labor Act, regulating labor relations between the railroads and their employees. The Supreme Court upheld the constitutionality of this law in *Texas & New Orleans R.R. Co.* v. *Brotherhood of Railway Clerks*, 281 U.S. 548.

In *Steele* v. *Louisville and Nashville R.R. Co.*, 323 U.S. 192, the Court further ruled that a union which is the exclusive bargaining representative under the Railway Labor Act has an obligation not to discriminate on the basis of race, notwithstanding a collective bargaining contract providing for such discrimination. There the Court stated the point to be decided as follows (at p. 193):

"The question is whether the Railway Labor Act imposes on a labor organization, acting by authority of the State as the exclusive bargaining representative of a craft or class of railway employees, the duty to represent all the employees in the craft without discrimination because of their race, and, if so, whether the courts have jurisdiction to protect the minority of the craft or class from the violation of such obligation."

Under the Railway Labor Act the Brotherhood of Locomotive Firemen and Enginemen was the exclusive representative of the craft for purposes of bargaining. Negroes were excluded from membership in agreements with the railway company providing that vacancies as they occurred should be filled by white men, and restricting the seniority rights of Negro firemen. As a result Steele, who was a Negro fireman, lost a substantial amount of time, and was assigned to harder and less remunerative work. He sought injunctive relief which the Alabama courts denied. In reversing, the Supreme Court held that the agreements were violative of the terms of the act, which were held to require that the labor organization, chosen as provided in the act "to be the representative of the craft or class of employees is thus chosen to represent all of its members, regardless of their union affiliations or want of them * * *. Unless the labor union representing a craft owes some duty to represent nonunion members of the craft, at least to the extent of not discriminating against them as such in contracts which it makes as representative, the minority would be left with no means of protecting their interests, or, indeed, their right to earn a livelihood by pursuing the occupation in which they are employed. * * * Without attempting to mark the allowable limits of differences in the terms of contracts based on differences of conditions to which they apply, it is enough for present purposes to say that the statutory power to represent a craft and to make contracts as to wages, hours, and working conditions does not include the authority to make among members of the craft discriminations not based on such relevant differences. Here the discriminations based on race alone are obviously irrelevant and invidious."

In a concurring opinion Mr. Justice Murphy went somewhat further: "The economic discrimination against Negroes practiced by the brotherhood and the railroad under color of congressional authority raises a grave constitutional question which should be squarely faced. The utter disregard for the dignity and the well-being of colored citizens shown by this record is so pronounced as to demand the invocation of constitutional condemnation. To decide the case and analyze the statute solely upon the basis of legal niceties, while remaining mute and placid as to the obvious and oppressive deprivation of constitutional guarantees, is to make the judicial function something less than it should be. The constitutional problem inherent in this instance is clear * * *. But it cannot be assumed that Congress meant to authorize the representative to act so as to ignore the rights guaranteed by the Constitution. Otherwise the act would bear the stigma of unconstitutionality under the fifth amendment in this respect. For that reason I am willing to read the statute as not permitting or allowing any action by the bargaining representative in the exercise of its delegated powers which would in effect violate the constitutional rights of individuals. If the Court's construction of the statute rests upon this basis, I agree. But I am not sure that such is the basis. * * * The Constitution voices its disapproval whenever economic discrimination is applied under authority of law against any race, creed, or color. A sound democracy cannot allow such discrimination to go unchallenged. Racism is far too virulent today to permit the slightest refusal, in the light of a Constitution that abhors it, to expose and condemn it wherever it appears in the course of a statutory interpretation."

Another extremely important case is *Railway Mail Assn.* v. *Corsi,* 326 U.S. 88, which it appears should logically be considered at this point even though it did not involve the commerce clause. There the Supreme Court unanimously upheld a New York law which forbade labor organizations from denying membership or equal protection to any person because of race, creed, or color. The association was an organization of postal clerks which limited its membership to persons of the Caucasian race and native American Indians. It claimed that it was not a labor organization under the law and that if it was, the sections involved violated the due process and equal protection clauses of the 14th amendment and were in conflict with the Federal power over post offices and post roads. Both issues in question were decided against the association.

The opinion, written by Mr. Justice Reed, states that: "We have here a prohibition of discrimination in membership or union services on account of race, creed, or color. A judicial determination that such legislation violated the 14th amendment would be a distortion of the policy manifested in that amendment which was adopted to prevent State legislation designed to perpetuate discrimination on the basis of race or color. We see no constitutional basis for the contention that a State cannot protect workers from exclusion solely on the basis of race, color, or creed by an organization functioning under the protection of the State, which holds itself out to represent the general business needs of the employees."

Mr. Justice Frankfurter, in a concurring opinion, used broader and more emphatic language: "* * * it is urged that the due process clause of the 14th amendment precludes the State of New York from prohibiting racial and religious discrimination against those seeking employment. Elaborately to argue against this contention is to dignify a claim devoid of constitutional substance. Of course a State may leave abstention from such discriminations to the conscience of individuals. On the other hand, a State may choose to put its authority behind one of the cherished aims of American feeling by forbidding indulgence in racial or religious prejudice to another's hurt. To use the 14th amendment as a sword against such State power would stultify the amendment. Certainly the insistence by individuals on their private prejudices as to race, color, or creed, in relations like those now before us, ought not to have a higher constitutional sanction than the determination of the State to extend the area of nondiscrimination beyond that which the Constitution itself exacts."[1]

And in *Syres* v. *Workers International Union,* 350 U.S. 892, the Court extended the doctrine which it had enunciated under the Railway Labor Act to the National Labor Relations Act; i.e., that a bargaining representative certified under the latter act cannot, with respect to its representation, discriminate on the ground of race or color. There the Court, on the authority of the *Steele* case, supra, as well as *Tunstall* v. *Brotherhood of Locomotive Firemen and Enginemen,* 323 U.S. 210, and *Brotherhood of R.R. Trainmen* v. *Howard,* 343 U.S. 768 (see preceding footnote), reversed per curiam the judgment of the Court of Appeals for the Fifth Circuit in a case where the lower court had held (223 F. 2d 739) that no interpretation of the National Labor Relations Act or any other Federal law was involved in a class action by members of a Negro local union which "amalgamated" with a white local so that both would be represented by a single bargaining committee, and the all-white committee negotiated a contract providing for two lines of seniority based solely on race.

If a union acting under authority of an act of Congress has a duty not to discriminate because of race, it seems plain that the Congress has power to prohibit such discrimination. As the Supreme Court stated in *Nebbia* v. *New York,* 291 U.S. 502, 527, "the Constitution does not guarantee the unrestricted privilege to engage in business or conduct it as one pleases." Certainly Congress has had no hesitancy whatever in passing laws which prohibit various types of discriminatory or retaliatory practices.

C. Discriminatory practices expressly prohibited by the Fair Labor Standards Act and the National Labor Relations Act

Section 15(a)(3) of the Fair Labor Standards Act makes it unlawful for any person to discharge or in any way discriminate against any employee because the latter has filed any complaint or instituted any proceeding under or related to the act, or has testified or is about to testify in such a proceeding, or has served or is about to serve on an industry committee. Many cases have been successfully prosecuted for violations of this subsection and it has not been successfully challenged. See, e.g., *Goldberg* v. *Bama Mfg. Corp.,* 302 F. 2d 152 (C.A. 5); *Mitchell* v. *Goodyear Tire and Rubber Co.,* 278 F. 2d 562 (C.A. 8).

Paragraphs (3) and (4) of section 8 of the National Labor Relations Act make it an unfair labor practice either to encourage or discourage membership in a union by discrimination in regard to hire or tenure of employment or any term or condition of employment, or to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under the law.

There are innumerable cases under these two paragraphs. No doubt was cast upon their validity even before 1941 when the Supreme Court in *Phelps-Dodge Corp.* v. *N.L.R.B.,* 313 U.S. 177, held that this is not an unconstitutional interference with the conduct of a private employer's business.

Since Congress, in the exercise of its power over interstate commerce, can make it unlawful to discriminate because of union membership and because of filing complaints or giving testimony under the foregoing labor laws, it is clear that the Congress also has power to prevent discrimination on the basis of race, color, religion, or national origin.

II. THE SUPREME COURT'S DECISION IN THE CONTINENTAL AIR LINES CASE

This recent decision, *Colorado Anti-Discrimination Com'n* v. *Continental Air Lines,* 372 U.S. 714, decided April 22, 1963, upholding the constitutionality of Colorado's anti-discrimination-in-employment statute, is of much interest in connection with the matter under consideration.

A number of States have antidiscrimination-in-employment laws, and the Colorado statute makes it an unfair employment practice for an employer "to refuse to hire, to discharge, promote, or demote, or to discriminate in matters of compensation against any person otherwise qualified because of race, creed, color, national origin, or ancestry" (Colo. Rev. Stat. Ann. (Supp. 1960) sec. 80-24-6).

Petitioner, a Negro, applied for a job as a pilot with Continental Air Lines, Inc., an interstate air carrier. His application was rejected at the carrier's Denver headquarters. Pursuant to the Colorado law he then filed a complaint with the Colorado Antidiscrimination Commission which, after investigation and extensive hearings, found as a fact that the only reason he was not selected for pilot training school was because of his race. The commission ordered Continental to cease and desist from such discrimination practices and to give petitioner the first opportunity to enroll at the next course in its training school.

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[1] See also *Tunstall* v. *Brotherhood of Locomotive Firemen and Enginemen,* 323 U.S. 210; *Brotherhood of R.R. Trainmen* v. *Howard,* 343 U.S. 768.

The State district court for Denver County set aside the commission's findings and dismissed petitioner's complaint. It held that the State antidiscrimination law could not constitutionally be extended to cover the hiring of flight crew personnel of an interstate air carrier because to do so would constitute an undue burden upon interstate commerce in violation of the commerce clause of the Constitution, and because the field of law concerning racial discrimination in the interstate operation of carriers is preempted by the Railway Labor Act, the Civil Aeronautics Act, and Federal Executive orders.

On appeal to the Supreme Court of Colorado, that court affirmed the judgment of dismissal but discussed only the question whether the statute as applied in this case placed an undue burden on commerce, concluding that it did (368 P. 2d 970 (1962)). The U.S. Supreme Court granted certiorari because of the "obvious importance of even partial invalidation of a State law designed to prevent the discriminatory denial of job opportunities." (See 372 U.S. at p. 717.)

On the merits, the Supreme Court reversed the judgment of the Colorado tribunal.

The Court held that the Colorado statute involved, as applied in this case, did not impose a constitutionally prohibited burden on interstate commerce and that the field in question has not been so covered or preempted by Federal laws as to prevent Colorado from applying its Antidiscrimination Act under the circumstances of the case.

The Court said that under its more recent decisions any State or Federal law requiring applicants for any job to be turned away because of their color would be invalid under the due process clause of the fifth amendment and the due process and equal protection clauses of the 14th amendment.

On the question of preemption, the Court noted that the Civil Aeronautics Act of 1938, now the Federal Aviation Act of 1958, forbids air carriers to subject any particular person to "any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever," and requires "the promotion of adequate, economical, and efficient service, by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices."

While stating that the foregoing is a familiar type of regulation aimed primarily at rate discrimination injurious to shippers, competitors, and localities (like the similar provision of the Interstate Commerce Act), the Court said that it might assume for present purposes that these provisions prohibit racial discrimination against passengers and other customers and protect job applicants or employees from discrimination because of race. However, although the act gives broad authority to the administering executive agency over flight crews of carriers, much of which has been exercised by regulations, the Court was satisfied that Congress had no express or implied intent to bar State legislation in this field. Hence the Colorado statute, at least so long as any power the administering agency may have remains "dormant and unexercised," will not frustrate any part of the purpose of the Federal legislation.

Similarly, the Court concluded that neither the Railway Labor Act nor the Executive orders show an intention to regulate air carrier discrimination on account of race so persuasively as to preempt the field and bar State legislation, and, like the Civil Aeronautics Act, they have never been used by the Federal Government for that purpose.

By concluding that the Federal Government has not preempted the field in the case of carriers by air, there seems to be implicit in the Court's decision the proposition that the Government could do so should it so desire. Otherwise there would have been no occasion to consider this question. In order to preempt a field, such field must of course be one in which the Congress may validly legislate.

If the Congress may regulate this form of discrimination in one industry—that of carriage by air—it may do the same thing in other industries, or indeed in all industries to which its power under the commerce clause extends.

III. CONCLUSION

The measures which are the subject of this memorandum are solidly based on the power given by the commerce clause to the Congress. This authority is very broad, extending not only to the movement of goods in commerce, but also to those related activities preceding or following such movements. The power of Congress to regulate interstate commerce extends to the regulation by law of intrastate activities which have a substantial effect on the commerce or the exercise of the congressional power over it. Moreover, the question whether the conduct of an enterprise affects interstate commerce is a matter of practical judgment, the exercise of which is primarily vested in Congress by the Constitution.

It is thus readily apparent that antidiscrimination-in-employment legislation which would apply to virtually all types of employers could be validly enacted.

Mr. CLARK. I conclude by saying that objection to the constitutionality of title VII can be nothing other than frivolous and not worthy of serious consideration.

I turn now to the provisions of the title.

The Senator from New Jersey [Mr. CASE], who will follow me, and I have had prepared an interpretive memorandum of title VII which we are jointly submitting to our colleagues in the Senate.

I ask unanimous consent that the memorandum may be printed in full at this point in my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

INTERPRETATIVE MEMORANDUM OF TITLE VII OF H.R. 7152 SUBMITTED JOINTLY BY SENATOR JOSEPH S. CLARK AND SENATOR CLIFFORD P. CASE, FLOOR MANAGERS

GENERAL

Title VII deals with discrimination in employment. It would make it an unlawful employment practice for employers of more than 25 persons, employment agencies, or labor organizations with more than 25 members to discriminate on account of race, color, religion, sex, or national origin in connection with employment, referral for employment, membership in labor organizations, or participation in apprenticeship or other training programs. An Equal Employment Opportunity Commission would be created to enforce the title through investigation of complaints of discrimination, conciliation of disputes, and where necessary, suits in Federal court to compel compliance with the provisions of the title.

COVERAGE

Title VII covers discriminatory practices by employers engaged in industries affecting commerce, as defined in the title, by employment agencies which procure employees for such employers, and by labor organizations in industries affecting commerce. "Commerce" is, generally speaking, interstate commerce, but includes commerce within U.S. possessions and the District of Columbia. It is, in short, that commerce to which the regulatory power of Congress extends under the Constitution, a familiar concept which has been employed in other Federal statutes. The term "affecting commerce" is also familiar, since this is the standard of coverage employed in the National Labor Relations Act, 29 United States Code 152 (6), (7), and the Labor-Management Reporting and Disclosure Act of 1959, 29 United States Code 402(c).

Employers and labor organizations are not covered, however, if their employees or membership fall below certain minimum figures. When title VII is fully effective it will cover employers engaged in industries affecting commerce who have 25 or more employees, and labor organizations with 25 or more members. This coverage will not be reached until 4 years after the enactment of the title. During the first year after enactment the prohibitions of the title are not in effect. During the second year the title will cover employers and labor organizations with 100 or more employees or members, during the third year employers and labor organizations with 75 or more employees or members, and during the fourth year employers and labor organizations with 50 or more employees or members. An employer or labor organization is covered while its employment or membership is above the applicable minimum figure and ceases to be covered when employment or membership drops below the applicable minimum. This means that where employment fluctuates, an employer may be under a duty to avoid discriminating at some times but not at others. Since the principal purpose of the Commission's processing complaints is to obtain future compliance, it may be assumed that in the case of an employer who is intermittently subject to the title the Commission would seek compliance only where there was a prospect for meaningful relief.

There are specific exemptions for the Federal Government and for any State or political subdivision thereof, including governmental agencies, such as civil service commissions establishing standards and conditions for employment, promotion, and retirement but excluding the U.S. employment services and those State and local employment services which receive Federal assistance. There are also exemptions for tax exempt, bona fide private membership clubs, religious corporations, associations and societies, and for employers with respect to the employment of aliens abroad.

DISCRIMINATION

Sections 704 and 705 defined the employment practices prohibited by the title. It would be an unlawful employment practice for an employer to refuse to hire or to discharge any individual or otherwise to discriminate against him with respect to compensation or terms or conditions of employment because of such individual's race, color, religion, sex, or national origin, or to segregate or classify employees in any way on the basis of race, color, religion, sex, or national origin in such a way as to deprive them of employment opportunities or otherwise affect adversely their employment status. Employment agencies would be forbidden to classify, to refer for employment or to refuse to refer for employment, or otherwise to discriminate against any individual because of race, color, religion, sex, or national origin. Labor organizations would be forbidden to deny membership to any individual on the basis of his race, color, religion, sex, or national origin, or to segregate or classify its membership in any way which would deprive any individual of employment opportunities or adversely affect his status as an employee or an applicant for employment on the basis of that individual's race, color, religion, sex, or national origin. In addition, labor organizations would be forbidden to cause or to attempt to cause an employer to violate the section. Finally, it would be an unlawful employment practice for employers, labor organizations, or joint labor-management committees controlling apprenticeship or other training programs to discriminate against any individual in connection with admission to apprenticeship or other training on the basis of that individual's race, color, religion, sex, or national origin.

Those are the basic prohibitions of the title, but section 704 creates certain limited exceptions from these prohibitions. First, it would not be an unlawful employment practice to hire or employ employees of a particular religion, sex, or national origin in those situations where religion, sex, or national origin is a bona fide occupational qualification for the job. This exception must not be confused with the right which all employers would have to hire and fire on the basis of general qualifications for the job, such as skill or intelligence. This exception is a limited right to discriminate on the basis of religion, sex, or national origin where the reason for the discrimination is a bona fide occupational qualification. Examples of such legitimate discrimination would be the preference of a French restaurant for a French cook, the preference of a professional baseball team for male players, and the preference of a business which seeks the patronage of members of particular religious groups for a salesman of that religion. A second exception would permit religiously affiliated educational institutions to discriminate in employment on grounds of religion. The bill would also permit an employer to discriminate against an individual because of the individual's atheistic practices and beliefs. While this provision appears to us of doubtful constitutionality, it is clearly severable from the rest of the title (sec. 716), and if it is held invalid, it would not affect the broad obligation not to discriminate on religious grounds.

The House also provided an exception (sec. 704(g)) for actions taken with respect to an individual who is a member of the Communist Party or another Communist organization. Since discrimination on the basis of political beliefs or affiliations is not prohibited by the title, this subsection has no substantive effect.

With the exception noted above, therefore, section 704 prohibits discrimination in employment because of race, color, religion, sex, or national origin. It has been suggested that the concept of discrimination is vague. In fact it is clear and simple and has no hidden meanings. To discriminate is to make a distinction, to make a difference in treatment or favor, and those distinctions or differences in treatment or favor which are prohibited by section 704 are those which are based on any five of the forbidden criteria: race, color, religion, sex, and national origin. Any other criterion or qualification for employment is not affected by this title.

There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, whatever such a balance may be, would involve a violation of title VII because maintaining such a balance would require an employer to hire or to refuse to hire on the basis of race. It must be emphasized that discrimination is prohibited as to any individual. While the presence or absence of other members of the same minority group in the work force may be a relevant factor in determining whether in a given case a decision to hire or to refuse to hire was based on race, color, etc., it is only one factor, and the question in each case would be whether that individual was discriminated against.

There is no requirement in title VII that employers abandon bona fide qualification tests where, because of differences in background and education, members of some groups are able to perform better on these tests than members of other groups. An employer may set his qualifications as high as he likes, he may test to determine which applicants have these qualifications, and he may hire, assign, and promote on the basis of test performance.

Title VII would have no effect on established seniority rights. Its effect is prospective and not retrospective. Thus, for example, if a business has been discriminating in the past and as a result has an all-white working force, when the title comes into effect the employer's obligation would be simply to fill future vacancies on a nondiscriminatory basis. He would not be obliged—or indeed, permitted—to fire whites in order to hire Negroes, or to prefer Negroes for future vacancies, or, once Negroes are hired, to give them special seniority rights at the expense of the white workers hired earlier. (However, where waiting lists for employment or training are, prior to the effective date of the title, maintained on a discriminatory basis, the use of such lists after the title takes effect may be held an unlawful subterfuge to accomplish discrimination.)

In addition to the discrimination forbidden by section 704, there are ancillary prohibitions in section 705. Section 705(a) prohibits discrimination by an employer or labor organization against persons for opposing discriminatory practices, and for bringing charges before the Commission or otherwise participating in proceedings under the title. Section 705(b) prohibits discriminatory advertising by employers, employment agencies and labor organizations. There is an appropriate exception where the discrimination is based on a bona fide occupational qualification. It should be noted that the prohibition does not extend to the newspaper or other publication printing the advertisement. It runs solely to the sponsoring firm or organization.

ORGANIZATION OF THE COMMISSION

Section 706 creates an Equal Employment Opportunity Commission of five members, appointed by the President with the advice and the consent of the Senate for staggered 5-year terms. Not more than three members of the Commission shall be members of the same political party.

The Commission will have power to cooperate with and utilize regional, State, and other agencies, both public and private, and individuals. It will also be authorized to furnish technical assistance to persons subject to the title who request it to further their compliance therewith and to furnish conciliation services at the request of an employer whose employees refuse to cooperate in effectuating the provisions of the title. The Commission may also make appropriate technical studies. It may appoint attorneys to appear for and represent the Commission in court. It shall in its educational or promotional activities cooperate with other departments and agencies.

ENFORCEMENT PROCEDURE

An enforcement proceeding under title VII is initiated by the filing with the Commission of a written charge under oath by or on behalf of the person claiming to be aggrieved. A charge may also be filed by a member of the Commission where he has reasonable cause to believe that a violation of the title has occurred: Upon receipt of the charge the Commission will furnish a copy to the person accused of an unlawful employment practice and will proceed to investigate the charge. In the course of such an investigation, Commission representatives would presumably employ their investigatory authority under sections 709 and 710 in interviewing witnesses and examining records and other documents. Obviously, the Commission and its representatives must have considerable discretionary authority to determine how extensive an investigation is warranted under the circumstances of any case.

When the investigation is completed, a preliminary determination must be made as to whether there is reasonable cause to believe that an unlawful employment practice has occurred. If two or more members so determine, the Commission will endeavor to obtain compliance through voluntary methods of persuasion and conciliation. If at this stage two or more members do not conclude that such reasonable cause exists, the charge will be dropped. It should be noted that Commission procedures are intended to be flexible, and it is not necessary for this preliminary determination that all five members of the Commission pass on the case.

The conciliation proceedings are voluntary, and the respondent is not required to participate. In seeking relief through voluntary methods, the Commission must consider both the interests of the complaining party and the public interest to be served, but the principal goal should be to insure future compliance with the title.

If the complaint cannot be resolved through voluntary means, the case must be referred to the full Commission for a determination whether on all the evidence available reasonable cause exists to believe that the respondent engaged in an unlawful employment practice and whether a suit should be brought to compel compliance. If a majority of the Commission determine that reasonable cause exists, ordinarily a suit will be brought in a Federal district court in the judicial district in which the unlawful employment practice allegedly occurred or in the judicial district in which the respondent has his principal office. However, the Commission members may, by an affirmative vote, decide not to bring suit in a given case. Such a decision might be based on any of several considerations, such as the fact the discrimination was an isolated occurrence or related to an insubstantial matter or the difficulty of proving a particular case.

If the Commission decides not to sue, or if at any earlier stage it terminates the proceeding for any reason, the party allegedly discriminated against may, with the written permission of one member of the Commission, bring his own suit in Federal court. If he does so, he would conduct the litigation and bear his own costs, just like any other private plaintiff in a civil action.

The suit, whether brought by the Commission or by the private party, would have to be based on an unlawful employment practice occurring within 6 months prior to the filing of the charge with the Commission. (This 6-month period is tolled while the person aggrieved is in military service.) This limitation will avoid the pressing of stale claims.

Once a majority of the Commission has determined that reasonable cause exists, the Commission must bring suit within 90 days or determine not to bring suit.

The suit against the respondent, whether brought by the Commission or by the complaining party, would proceed in the usual manner for litigation in the Federal courts. It would be a trial de novo and not, in any sense, a suit for judicial review of a Commission determination. In fact, the Commission never makes any determination that respondent committed an unlawful employment practice; it merely ascertains whether or not there is reasonable cause to believe that he did.) The respondent, now the defendant, would have a full opportunity to make his defense, and the plaintiff, as in any civil case, would have the burden of proving that discrimination had occurred. The suit would ordinarily be heard by the judge sitting without a jury in accordance with the customary practice for suits for injunctive relief.

The relief sought in such a suit would be an injunction against future acts or practices of discrimination, but the court could order appropriate affirmative relief, such as hiring or reinstatement of employees and the payment of back pay. This relief is similar to that available under the National Labor Relations Act in connection with unfair labor practices, 29 United States Code 160(b). No court order can require hiring, reinstatement, admission to membership, or payment of back pay for anyone who was not discriminated against in violation of this title. This is stated expressly in the last sentence of section 707(e) which makes clear what is implicit throughout the whole title; that employers may hire and fire, promote and refuse to promote for any reason, good or bad, provided only that individuals may not be discriminated against because of race, color, religion, sex, or national origin.

If a defendant refuses to obey a court order issued under title VII, he would be subject to punishment for contempt of court. There is no special provision in title VII dealing with contempt of court proceedings, and the ordinary rules apply. A jury trial would not be available in a proceeding for civil contempt, and would be available in a proceeding for criminal contempt only if the original suit were brought by the aggrieved party rather than by the Commission and if the act complained of also constituted a crime under State or Federal law, 18 United States Code 3691.

FEDERAL-STATE COOPERATION

Title VII specifically provides for the continued effectiveness of State and local laws and procedures for dealing with discrimination in employment. Where State remedies are available, an aggrieved person would always be free to take advantage of them. Furthermore, the Commission is authorized to cooperate with State and local agencies, and where it concludes that such agencies are effectively handling any class of cases, the Commission is directed by section 708(b) to enter into agreements with these agencies whereby such cases would be handled exclusively by the State agencies.

It has been suggested that this direction to the Commission is not enough, that there should be some provision automatically providing for exclusive State jurisdiction where adequate State remedies for discrimination in employment exist. Such a proposal is unworkable. Congress cannot determine nor can we devise a formula for determining which State laws and procedures are adequate. The State fair employment practices laws differ in coverage. They differ in enforcement machinery. Several have been enacted within the past 2 or 3 years, and it would be impossible to judge their effectiveness. Other States may adopt such laws after this bill is passed, and it obviously would be impossible to predict what standards and procedures such future State laws would provide. An antidiscrimination law cannot be evaluated simply by an examination of its provisions, "for the letter killeth, but the spirit giveth life." The Commission must have authority to determine in which States and in which classes of cases it will refrain from exercising its jurisdiction.

In point of fact, the task we are assigning to the Commission is so immense, there can be little doubt that the Commission will from sheer necessity avail itself to the fullest of the provisions of section 708(b).

Objection has been raised to title VII on the ground that with nondiscrimination laws in effect in 28 States, including all the major industrial States, there is little need for a Federal law. This is not a valid objection, first, because the State laws have experienced difficulty in dealing with large, multiphased operations of business in interstate commerce. Third, and most important, 22 States do not have general legislation in this area, among them States with large Negro populations. Indeed, roughly 60 percent of American Negroes live in States with no legislation against discrimination in employment, and these are precisely the people who need this protection the most. In the hearings that have been held by Senate and House committees on equal employment opportunity legislation, testimony was heard from representatives of several agencies administering State FEP laws, and all agreed that there was a definite need for Federal legislation.

INVESTIGATION, INSPECTIONS, RECORDS

The investigatory duties and powers of the Equal Employment Commission are set out in sections 709 and 710. Section 710, in turn, incorporates by reference the provisions of sections 9 and 10 of the Federal Trade Commission Act, 15 U.S.C. 49, 50, in support of the Commission's investigatory powers.

Section 709(a) provides that in connection with any investigation of a charge filed under section 707, the Commission or its representatives shall at all reasonable times have access, for the purposes of examination and copying, to any evidence in the possession of a person being investigated that relates to the subject of the investigation. The language of this subsection was amended in the House to bring it into line with the provisions of the Federal Trade Commission Act incorporated by reference. It is important to note that the Commission's power to conduct an investigation can be exercised only after a specific charge has been filed in writing. In this respect the Commission's investigatory power is significantly narrower than that of the Federal Trade Commission, 15 U.S.C. 43, 46, or of the Wage and Hour Administrator, 29 U.S.C. 211, who are authorized to conduct investigations, inspect records, and issue subpenas, whether or not there has been any complaint of wrongdoing. See *Oklahoma Press Publishing Co.* v. *Walling*, 327 U.S. 186 (1946); *Hunt Foods and Industries, Inc.*, v. *Federal Trade Commission*, 286 F. 2d 803, 806–807 (C.A. 9, 1961), cert. denied, 356 U.S. 877 (1961).

Section 709(c) authorizes the Commission to require employers, employment agencies, and labor organizations subject to the title to make and keep records, and to make reports therefrom to the Commission. Records are also to be required in connection with the administration of apprenticeship and other training programs. Fears have been expressed that these recordkeeping and reporting requirements may prove unreasonable and onerous.

Requirements for the keeping of records are a customary and necessary part of a regulatory statute. They are particularly essential in title VII because whether or not a certain action is discriminatory will turn on the motives of the respondent, which will usually be best evidenced by his pattern of conduct on similar occasions. The provisions of section 709(c) have been carefully drawn to prevent the imposition of unreasonable burdens on business and there are more than the customary safeguards against arbitrary action by the Commission.

The requirements to be imposed by the Commission under section 709(c) must be "reasonable, necessary, or appropriate" for the enforcement of the title. Such requirements cannot be adopted without a public hearing at which the persons to be affected would have an opportunity to make their views known to the Commission. Most of the persons covered by the title are already required by law or by practical necessity to keep records similar to those which will be required under this title. The Wage and Hour Administrator imposes recordkeeping requirements on employers subject to the Fair Labor Standards Act with respect to the persons employed and wages, hours, and other conditions and practices of employment (29 U.S.C. 211(c)). Other employment records must be kept for Federal tax purposes (26 U.S.C. 6001), and for normal business purposes. Labor organizations are required to maintain certain records under the Labor-Management Reporting and Disclosure Act (29 U.S.C. 431, 436). Any recordkeeping requirements imposed by the Commission could be worked into existing requirements and practices so as to result in a minimum additional burden. Furthermore, the Federal Reports Act of 1942, 5 United States Code 139–139f. gives the Director of the Bureau of the Budget authority to coordinate the information-gathering activities of Federal agencies, and he can refuse to approve a general recordkeeping or reporting requirement which is too onerous or poorly coordinated with other requirements.

Finally, there is express provision in section 709(c) for an application either to the Commission or directly to the courts for appropriate relief from any recordkeeping or reporting requirements which would impose an undue hardship. We know of no other statute which provides such comprehensive safeguards around an authorization to require the keeping of records.

GRANTS OF IMMUNITY

Section 710 incorporates by reference in support of the investigatory powers of the Equal Employment Opportunity Commission the provisions of sections 9 and 10 of the Federal Trade Commission Act, as amended (15 U.S.C. 49, 50), except that the provisions of section 307 of the Federal Power Commission Act (more properly cited as the Federal Power Act, 16 U.S.C. 791a) (16 U.S.C. 825f), shall apply with respect to grants of immunity. A question has been raised as to the purpose of this exception.

Section 9 of the Federal Trade Commission Act provides, in part:

> "No person shall be excused from attending and testifying * * * before the commission * * * for the reason that the testimony or evidence, documentary, or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any * * * matter * * * concerning which he may testify, or produce evidence * * * before the commission in obedience to a subpena issued by it."

This language has been held to grant immunity to a witness testifying in obedience to a subpena even though the witness does not claim the benefit of the privilege against self-incrimination. See *United States* v. *Pardue*, 294 F. 543 (S.D. Texas, 1923); *United States* v. *Frontier Asthma Co.*, 69 F. Supp. 994 (W.D. N.Y., 1947); see *United States* v. *Monia*, 317 U.S. 424 (1954). In such a situation an interrogator is not placed on notice that a given line of inquiry will result in a grant of immunity to the witness.

Consequently, since the enactment of the Securities Act of 1933, it has been the usual practice for Congress, in drafting an immunity provision, to require that a witness does not obtain immunity unless he is compelled to answer after having claimed his privilege against self-incrimination. The assertion of the privilege affords the interrogator an opportunity to decide whether or not to persist with his questioning and grant immunity thereby. Section 307 of the Federal Power Act is typical of such provisions. It states:

"No person shall be excused from attending and testifying or from producing * * * records and documents before the Commission * * * on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination."

Provisions substantially identical to section 307 may be found in the Securities Exchange Act of 1934, 15 United States Code 78u, the Public Utility Holding Company Act of 1935, 15 United States Code 79r, and the National Labor Relations Act, 29 United States Code 161.

CRIMINAL PROVISIONS

Title VII does not make it a criminal offense to commit an unlawful employment practice. The only remedy is a civil action. However, if a person who is under a court order not to discriminate should persist in doing so, he would be subject to normal judicial procedings for contempt of court, which have already been described.

The only new offense created by title VII is willful failure to post notices as required by section 711, which would be punishable by a fine up to $500.

However, certain existing criminal statutes are made applicable to the activities of the Equal Employment Opportunity Commission. Thus, 18 United States Code 111, which makes it a crime forcibly to assault, resist, impede, or interfere with certain Federal officers in the performance of their duty is by section 714 of the bill made applicable to officers, agents, and employees of the Commission.

Section 10, as applied to title VII, would also penalize unauthorized disclosure of information by an officer or employee of the Commission.

PRESIDENTIAL AUTHORITY

The President's Committee on Equal Employment Opportunity was created by Executive Order 10925, March 6, 1961, and its authority was extended by Executive Order 11114, June 22, 1963. It presently supervises the administration of an equal employment opportunity program with respect to employment by the Federal Government, by contractors and subcontractors on contracts with the Federal Government, and by contractors and subcontractors on construction financed with Federal financial assistance. Title VII, in its present form, has no effect on the responsibilities of the committee or on the authority possessed by the President or Federal agencies under existing law to deal with racial discrimination in the areas of Federal Government employment and Federal contracts. (See Congressional Record, Feb. 8, 1964, pp. 2574–2575.)

The President is directed by section 718(c) of the bill to convene one or more conferences of Government representatives and representatives of groups whose members would be affected by the provisions of title VII, to familiarize the latter with the provisions of the title and to make plans for the fair and effective administration of the title. The members of the President's Committee will participate in such conferences, and the scope of the continued and future responsibilities of the President's Committee would be an appropriate topic for consideration at that time.

STUDY ON DISCRIMINATION BASED ON AGE

Section 717 directs the Secretary of Labor to make a full and complete study of the factors which might tend to result in discrimination because of age and of the consequences of such discrimination on the economy and on the individuals affected.

Mr. CLARK. Mr. President, those who are interested in the details will wish to refer to the memorandum. I briefly summarize title VII, as follows:

It deals with discrimination in employment, and would make it an unlawful employment practice for those who employ more than 25 persons and for employment agencies or labor organizations with more than 25 members, to discriminate on account of race, color, religion, sex, or national origin, in connection with employment, referral for employment, membership in labor organizations, or participation in apprenticeship or training or retraining programs.

The title would create an Equal Employment Opportunity Commission, which would be charged with the duty of enforcing the title, investigation of complaints of discrimination, conciliation of disputes, and, where necessary, suits in the Federal courts, to compel compliance with the title.

There are certain obvious exemptions to the coverage, including religious organizations.

I shall not deal with the exemptions in any detail, although I shall be happy to answer any questions which any of my colleagues may desire to ask me in that regard.

The size of coverage starts with employers and labor unions having 100 or more members.

The second year coverage is increased to include those having 75 or more members; the third year 50; and the fourth year 25. The remainder of the memorandum, in my judgment, meets the desirability of having in the Record a detailed explanation of each section of the bill, and of those subsections the meaning of which might appear obscure to the casual reader.

I shall not extend this talk further by dealing with the details of the legislation.

Mr. President, some time ago the able minority leader, the Senator from Illinois [Mr. Dirksen], expressed some concern on the floor of the Senate with respect to title VII. I understand that yesterday the Senator from Illinois had available—but I was unable to obtain a copy—the detailed language of amendments which he has in mind submitting to title VII. Since I have not had the opportunity to read the text, and since in a matter as complicated as this it is important that we should refer specifically to a detailed, legal text, I shall not undertake to comment on the newspaper articles which were published this morning with respect to the burden of the amendments of the Senator from Illinois. I am confident that, to the extent they do no more than to perfect language, they will be received on this side of the aisle with an open mind. To the extent that they water down the bill—and I do not say that they do—I am sure they will be opposed on this side of the aisle. I am also sure that the Senator from Illinois [Mr. Dirksen] will have the legislative good sense to clear any amendments which he seriously desires the Senate to adopt, with his Republican colleague, Representative McCulloch, of Ohio, who, as I stated earlier in these remarks, has become to some extent the "czar" of the Senate, since we are in a parliamentary situation where we do not dare adopt any amendment which has not received the categorical approval of Representative McCulloch.

If we should do so, we might be forced to go to conference. If the House would not accept the Senate amendments, and if the bill went to conference—that is, if the House should let it go there, we would then be faced with the threat of a second filibuster.

I should like to respond at this time to some of the questions asked by the Senator from Illinois [Mr. Dirksen] when he was debating the Morse motion to refer the pending bill to the Judiciary Committee.

At that time, the Senator caused a large number of eyebrows to be raised. He suggested dire consequences if drastic amendments were not made to title VII as well as many of the other titles. One cannot be sure—at least I cannot be sure—how strongly the junior Senator from Illinois will press the position he then took. I can speak only for myself. Some of the suggestions he made appear to be immaterial and quite unimportant; some would seem to make drastic and unacceptable changes in the bill—that is, they would if they were adopted. Some would interject into the House bill some wise provisions in the Senate bill—the FEPC bill which is now on the calendar—provisions which, unhappily, we are not in a parliamentary situation to approve, because of the danger which I have already indicated over on the House side.

In my opinion, as chairman of the subcommittee which conducted the hearings and brought the bill to the floor by a vote of 12 to 3 in the Committee on Labor and Public Welfare, the Senate bill is infinitely preferable to the House bill because it is a stronger bill.

But there is some doubt as to whether the House, or even the Senate, would be ready to adopt such strong medicine—I would hope they would. Again, there is the problem of the parliamentary situation with respect to conference and the position which the House holds over us of primacy in determining what shall go into the final bill. Therefore, I do not believe there will be a practical opportunity to accept the suggestions of the Senator from Illinois which would strengthen title VII by increasing its coverage, and perhaps in other matters.

During his speech, the Senator from Illinois asked a number of questions. I am sure they were asked in all sincerity. Their phraseology indicates grave concern as to the feasibility and the wisdom of a large part of title VII. I have undertaken to have those questions answered in brief compass; and in my opinion they are answered rather convincingly.

I conclude from the questions and answers that most of the objections of the Senator from Illinois to title VII, as evidenced at that time, are untenable.

Mr. President, I ask unanimous consent that a copy of the memorandum, giving the questions of the Senator from Illinois and the answers I have caused to be prepared thereto, may be printed in full in the RECORD at this point in my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

Response to Dirksen Memorandum

Question. What records are employers required to keep by title VII?

Answer. Employers will be required to keep such relevant records as the Commission prescribes after public hearing.

Question. Employers voluntarily participating in the program of the President's Commission on Equal Opportunity are apprised in detail of the records which they must keep—and the records are, I believe, more comprehensive than are those that would be required by title VII. Are we to superimpose another set of records on the employer in addition to a third set that he may be keeping for a State FEPC?

Answer. There will not be a layering of recordkeeping requirements. The President's Committee does not require that records be kept, and none of the State FEPC laws contain recordkeeping requirements.

Question. What of the conflict between State and Federal record requirements? Illinois prohibits any reference to color or religion in employers' records. Title VII would require this information to be kept. Are we now to force an employer to violate a State law in order to comply with a Federal statute, each of which has the same purpose?

Answer. No State has a law which would prohibit disclosure of racial or religious information on employees. Some States do have laws which prohibit disclosure on employment application forms. These laws would yield to the supremacy of the Federal law, since it is necessary to have this data to determine if a pattern of discrimination exists.

Question. Every employer is required to make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed and shall preserve such records for such periods as the Commission shall require. In the wage and hour laws we clearly set forth the records to be kept and prescribed the periods for which they should be preserved. Why not do the same in this legislation? Is there any compelling reason why this cannot be done? I know of no such restriction on the Senate or on the Judiciary Committee, where in fact it should be done.

Answer. Congress cannot set definite recordkeeping requirements, and should not try to write them in the statute, because it is not yet known what records will be needed. The Commission should do it, after full public hearing, and subject to appropriate judicial review.

Question. Who is to determine what are essential and what are nonessential records? Without adequate statutory direction an employer may well risk severe penalties if he destroys records relevant to the determination of whether unlawful employment practices have been or are being committed. Who is to determine what is relevant, certainly not the employer unless he is willing to risk prosecution.

Answer. The Commission will make the initial determination, after public hearing, as to what records are "reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder" and will issue regulations specifying those records. Of course, these regulations are subject to appropriate court review. An employer will have ample notice of what records he must keep, because they will be specified in the regulations. He can only be punished if he willfully destroys or fails to keep records; not if he inadvertently does so. He need not wait to be prosecuted to have a court determination of what records are relevant. A subpena is not self-enforcing; it can be enforced only after a court has heard his arguments and disagreed with them. Of course, if he disobeys the court's order, then he would be in contempt of court.

Question. What protection is afforded to an employer from fishing expeditions by investigators in their zeal to enforce title VII? Examine section 709(a) on page 44. The Commission or its designated representative shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Can there be a greater grant of investigatory authority? I can recall none. Should the Commission be permitted to copy evidence? Should an employer be permitted to request a detailed list of the records to be examined by the Commission? Should the employer be permitted to go before a competent court in order to determine what records relate to any matter under investigation or in question? Or are we to allow the Commission carte blanche authority in its examination, in its copying of evidence, in its inquiry? Should this examination be limited to specified documents? How broad can such inquiry be? It will be limited only by determination of the Commission. No private rights will remain.

Answer. The Commission should have the power to copy information from the records which it requires to be kept. It will specify by regulation what records must be kept, and notify the employer which of these records it wishes to see. The employer is entitled to a day in court before the Commission inspects any records; he can contest the subpena. Private rights will be amply protected by the courts.

Question. On page 41 section 707 provides for relieving the Commission of any obligation to bring a civil action where the Commission has determined that the bringing of such action would not serve the public interest. I feel the public interest should be more clearly defined for the purposes of this bill and that the language should be changed to read "which would serve the interest of this title."

Answer. The term "public interest" in section 707(b) means "public interest" within the purpose of this title. It is not necessary to amend it.

Question. Section 708 of this title vests in this Commission the authority to determine the effectiveness of State or local action in the field of fair employment. I do not feel such language is appropriate. The people of the State should have the right to determine the effectiveness of their agencies consistent with the expressed purpose of this section.

Answer. Title VII leaves State and local FEPC laws untouched, except where they are in conflict with it. Title VII does permit the Federal Commission to agree to refrain from bringing any civil actions in any cases or classes of cases in a particular State or locality, where it determines that the State or local agency has effective power to implement the purposes of title VII, and is effectively exercising it. But it does not repeal any consistent State or local laws. Of course, neither does any State or local law cancel out the Federal law. If this were true, some States might be encouraged to enact sham laws in order to prevent enforcement of the Federal law.

Question. Now let's take the case of the operator of an establishment who has been determined to be in violation of one or another of the provisions of title VII and who has been so ungracious as to refuse the gentle persuasive efforts to the Commission or perhaps the not-too-gentle arm twisting of the Commission, toward conciliation. The bill provides that within 90 days the Commission shall, and I emphasize the mandatory nature of the verb, bring a civil action to prevent the respondent from engaging in such unlawful employment practice unless by affirmative vote the Commission shall determine that the bringing of such an action would not serve the public interest. So he finds himself in the Federal district court.

Now, if he operates in a State which has a fair employment practice statute, such as my State of Illinois does, he is likely to have been the respondent in an administrative proceeding by the State commission and the subject of an order requiring him to cease and desist from the unemployment practice complained of and to take such further affirmative or other actions as will eliminate the effect of the practice complained of. And, if he does not comply, the commission shall, that is the word, commence an action in the name of the people of the State of Illinois for the issuance of an order directing such person to comply with the commission's order. For violation of that order he may be punished as in the case of civil contempt. What a layering upon layer of enforcement. What if the court orders differ in their terms or requirements? There is no assurance that they will be identical. Shall we have the Federal forces of justice pulling on the one arm and the State forces of justice tugging on the other? Shall we draw and quarter the victim? If he has violated a valid law, he must be brought into line, but should we not give consideration to the overlapping of jurisdiction and multiple suits against the same defendant arising out of the same discrimination? I know there is a provision, as I have mentioned, for the Federal agency, at its discretion, to enter into agreements with a State or local agency to refrain from bringing a civil action in classes of cases to which they can agree. But, if that agreement does not come to pass, where are we under the provisions of overlapping Federal and State statutes?

Answer. The Federal law will apply in all the States, but it will not override any State law or municipal ordinance which is not inconsistent. However, the Federal authorities will stay out of any State or locality which has an adequate law and is effectively enforcing it. This provision has two beneficial effects: (1) it will induce the States to enact good laws and enforce them, so as to have the field to themselves; and (2) it will permit the Federal FEPC to concentrate its efforts in the States which do not cooperate. In any event, there cannot be contrary and conflicting orders from State and Federal agencies, because of the doctrine of Federal supremacy.

Question. Who is an employer within the meaning of title VII? I am not sure, the bill is indefinite, we have no committee hearings, no report. Can an employer readily ascertain from the language of the bill whether or not he is included? Employers with a large number of employees will have no difficulty, but what of the small businessman?

Answer. The term "employer" is intended to have its common dictionary meaning, except as expressly qualified by the act.

Question. Most statutes in defining an employer in relation to the number of employees he has are rather specific. Contrast the language on page 28 of this bill: "The term 'employer' means a person engaged in an industry affecting commerce who has 25 or more employees" with the language from the Illinois FEP Act:

(d) "Employer" includes and means all persons, including any labor organization, labor unions, or labor association employing more than 100 persons within the State within each of 20 or more calendar weeks, within either the current or proceeding calendar year prior to January 1, 1963; assume if you will the operation of a medium-size orchard. For 11½ months of the year the employer has no employees. But during 2 weeks of the year he employs 100 pickers. Is he to be subjected to the provisions of this title? What of summer or winter resort operations where employment is only for 2 or 3 months at the most. Are they to be covered by this title? Certainly we have no clear statement by which an employer can be guided. Is this the way to legislate?

Answer. Employers whose staffs fluctuate seasonally are covered by the act at times when the number of employees exceeds the minimum figure; they are not covered when it is below the minimum.

Question. If an employer obtains his employees from a union hiring hall through operation of his labor contract, is he in fact the true employer from the standpoint of discrimination because of race, color, religion, or national origin when he exercises no choice in their selection? If the hiring hall sends only white males, is the employer guilty of discrimination within the meaning of this title? If he is not, then further safeguards must be provided to protect him from endless prosecution under the authority of this title.

Answer. An employer who obtains his employees from a union hiring hall through operation of a labor contract is still an employer. If the hiring hall discriminates against Negroes, and sends him only whites, he is not guilty of discrimination—but the union hiring hall would be.

Question. Would the same situation prevail in respect to promotions, when that management function is governed by a labor contract calling for promotions on the basis of seniority? What of dismissals? Normally, labor contracts call for "last hired, first fired." If the last hired are Negroes, is the employer discriminating if his contract requires they be first fired and the remaining employees are white?

Answer. Seniority rights are in no way affected by the bill. If under a "last hired, first fired" agreement a Negro happens to be the "last hired," he can still be "first fired" as long as it is done because of his status as "last hired" and not because of his race.

Question. If an employer is directed to abolish his employment list because of discrimination what happens to seniority?

Answer. The bill is not retroactive, and it will not require an employer to change existing seniority lists.

Question. Does an unfair practice arise as a result of the operation of this discrimination provision in title VII?

Answer. Nothing in this act affects the determination of what an "unfair labor practice" would be under the National Labor Relations Act.

Question. Now I turn to discrimination on account of sex. Frankly, I always like to discriminate in favor of the fairer sex. I hope that the might of the Federal Government will not enjoin me from such discrimination. But let us look further at this provision. Historically, discrimination because of sex has been a protective discrimination because we do not believe that women should do heavy manual labor of the sort which falls to the lot of some men. This is not true, of course, in some other countries where we see pictures of women working on the roads and in the mines. Then, too, we discriminate in favor of women because of nimble abilities in many fields, such as the assembly of radios and delicate instruments and machines. Where the discrimination is not in the best interest of the fairer sex we have approached the problem by specific prohibitions such as the requirement of equal pay for women doing the same work as men.

Answer. Wherever sex is a bona fide qualification or disqualification for a particular job, title VII does not require that equal job opportunity be given to both sexes.

Question. Section 704 provides that it shall be unlawful employment practices for an employer * * * to fail or refuse to hire * * * any individual * * * because of such individuals * * * national origin. This as well as other restrictions on employers under this title would tend to create difficulties for the defense contractors, for example, who are required by reason of security clearance regulations to practice what amounts to discrimination because such discrimination in security matters is both vital and necessary.

Answer. Title VII creates no problems for defense contractors who must require a security clearance for employees. National origin alone is never a basis for the denial of a security clearance; there must always be some other factor, such as the presence of a close relative in a hostile country. Consequently the security program does not conflict with title VII, since it never requires discrimination on the ground of mere national origin.

Question. Section 704 describes the employment practices which are made unlawful by this bill. Subsection (e) of that section provides certain exceptions—namely: "where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise" or where a religious educational institution wishes to hire only employees of its particular religion. But what of other reasonable occupational qualifications? The Harlem Globe Trotters may well wish to preserve their racial identity. A movie company making an extravaganza on Africa may well decide to have hundreds of extras of a particular race or color to make the movie as authentic as possible. A religious institution which operates a hospital may have as great a desire to employ people of its own religious persuasion in the hospital as it would in its educational institution.

Answer. Although there is no exemption in title VII for occupations in which race might be deemed a bona fide job qualification, a director of a play or movie who wished to cast an actor in the role of a Negro, could specify that he wished to hire someone with the physical appearance of a Negro—but such a person might actually be a non-Negro. Therefore, the act would not limit the director's freedom of choice. With regard to the Harlem Globe Trotters, it is probably true that they have less than 25 employees—and so they would not be covered by the act in any case. A hospital which is owned and operated by a religious order would be exempt under section 703.

Question. Section 707 of this title provides for action to be taken by the Commission on behalf of a person when it has received information on behalf of a person who is claiming to be aggrieved. I feel that action taken under this title should be by complaint of an individual and not initiated on his behalf by others.

Answer. It is essential that the act permit a complaint to be filed on behalf of a person since persons suffering discrimination, either by ignorance of their rights or lack of sophistication to pursue them, may be unable to initiate the complaint procedure. This would enable a union to act on behalf of one of its members, for example.

Question. Section 704(f) of this title reads as follows: Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs. This language was added to the bill in the House of Representatives and would, if passed, be in my opinion, the subject of review by the Supreme Court. I have some doubt, in view of recent decisions of the Supreme Court, that this section would be sustained.

Answer. The atheist proviso appears to be unconstitutional. However, it is clearly severable, and the fact that it is void does not impair the rest of the act. (The Communist proviso may be unconstitutional—but in any case is irrelevant, since there is nothing in the act about discrimination on the ground of political belief.)

Mr. CLARK. Mr. President, during the course of this debate, a number of objections have been raised to various provisions of title VII. I believe, rather than to deal with them seriatim, and to an empty Chamber, it would be wiser to have them printed in the RECORD, where they can be perused at leisure by Senators—there may be one or two who still read this debate in the CONGRESSIONAL RECORD. Accordingly, I ask unanimous consent that a series of objections which have been raised by opponents of the bill, either on or off the floor, to title VII, and the answers to these objections may be printed in full in the RECORD at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Objection: The Federal law is only needed because State laws have not worked but the Federal law will not be any more effective than the State laws.

Answer: Much progress has been made under State FEPC laws but they cover less than half of the Negro working population. The Federal law will provide remedies in the 25 States which do not have laws. It will be an important supplement in the States which do, both by bringing additional resources into play, but also because it will be effective in dealing with large interstate employers.

Objection: Title VII was tacked on to the bill. It was not in the original package, it was never taken seriously and was not the subject of careful Committee deliberation in the House of Representatives.

Answer: President Kennedy in his civil rights message on June 19, 1963, specifically recommended the enactment of fair employment practice legislation. Hearings were held before the House Labor Committee, and before the Senate Labor Committee on numerous bills covering this entire field. Indeed, the Senate Labor Committee in its consideration of S. 1937, studied the provisions of title VII with great care, and incorporated some of them into the Senate bill.

Objection: The sex antidiscrimination provisions of the bill duplicate the coverage of the Equal Pay Act of 1963. But more than this, they extend far beyond the scope and coverage of the Equal Pay Act. They do not include the limitations in that act with respect to equal work on jobs requiring equal skills in the same establishments, and thus, cut across different jobs.

Answer: The Equal Pay Act is a part of the wage hour law, with different coverage and with numerous exemptions unlike title VII. Furthermore, under title VII, jobs can no longer be classified as to sex, except where there is a rational basis for discrimination on the ground of bona fide occupational qualification. The standards in the Equal Pay Act for determining discrimination as to wages, of course, are applicable to the comparable situation under title VII.

Objection: Section 707(c) provides for private civil actions in all cases, including those in which the board has dismissed for want of merit. All the charging party requires is permission of a single member, and having this, he may harass employers by filing actions in the Federal courts.

Answer: Private actions have been permitted under the Fair Labor Standards Act for a quarter century. In the fair labor standards cases, permission is not required. There is no record of harassment under this statute. Indeed, efforts to authorize backpay actions by the wage hour administrator through enactment of Fair Labor Standards Act amendments were resisted for many years.

Objection: Many employers will lean over backwards to avoid discrimination, and as a result will discriminate against other employees, thereby increasing case volume.

Answer: The Presidential conferences under section 718, should result in a broad understanding of the equal pay opportunity program. In addition, the Commission has a clear mandate to engage in widespread educational and promotional activities to encourage understanding and acceptance of the policy of the act, including the obligation not to discriminate against whites.

Objection: It is arguable that the bill apply to the election of the Board of Directors by stockholders.

Answer: It will not. Board members are not employees nor are stockholders employers.

Objection: Practically every small business is subject to this title.

Answer: The bill would cover only those employers with 100 or more employees during the second year after its enactment, and would gradually be stepped-up until its fifth year when it would reach employers with 25 or more employees. In its second year following enactment, it would cover 56,000 employers, and would expand to this number gradually until it would reach the figure approximately of 257,000 employers in its fifth year.

Objection: The language of the statute is vague and unclear. It may interfere with the employers' right to select on the basis of qualifications.

Answer: Discrimination is a word which has been used in State FEPC statutes for at least 20 years, and has been used in Federal statutes, such as the National Labor Relations Act and the Fair Labor Standards Act, for even a longer period. To discriminate is to make distinctions or differences in the treatment of employees, and are prohibited only if they are based on any of the five forbidden criteria (race, color, religion, sex or national origin); any other criteria or qualification is untouched by this bill.

Objection: A defense contractor working on secret materials will not be able to comply with security regulations because he would have to hire persons from behind the Iron Curtain.

Answer: The title does not affect the employers right to refuse to hire an applicant because he does not meet security requirements. In any event, discrimination on the basis of national origin is permitted where it is a bona fide.

Objection: The bill would make it unlawful for an employer to use qualification tests based upon verbal skills and other factors which may relate to the environmental conditioning of the applicant. In other words, all applicants must be treated as if they came from low-income, deprived communities in order to equate environmental inequalities of the culturally deprived group.

Answer: The employer may set his qualifications as high as he likes, and may hire, assign, and promote on the basis of test performance.

Objection: Under the bill, employers will no longer be able to hire or promote on the basis of merit and performance.

Answer: Nothing in the bill will interfere with merit, hiring, or merit promotion. The bill simply eliminates consideration of color from the decision to hire or promote.

Objection: If the employer discharges a Negro, he must prove that the dismissal has nothing to do with race. When an employer promotes or increases the pay of a white employee, he must show that he was not biased against the Negro worker who was not promoted.

Answer: The Commission must prove by a preponderance that the discharge or other personnel action was because of race.

Objection: The bill would require employers to establish quotas for nonwhites in proportion to the percentage of nonwhites in the labor market area.

Answer: Quotas are themselves discriminatory.

Mr. CLARK. Mr. President, a question has been raised as to how much title VII of the bill would cost, and how many new Federal employees would be required to administer it.

I have requested the Department of Justice to answer those questions for me to the best of its ability. I am told that 190 new employees would be required to enforce title VII.

I note, parenthetically, that, before sex raised its ugly head in the bill, the number was 150. Apparently, it requires 40 more employees to take care of the discriminatory charges against members of the fair sex.

In response to my question as to how much the bill would cost, the Department of Justice tells me the average cost would be $4,750,000 over a 5-year period. Had we not been dealing with sex, that sum would be reduced to $3,800,000.

I also asked how much the study of employment discrimination on the grounds of age, which is called for by the bill, would cost, and how many employees would be required. I was told that 5 employees would be required, at a cost of $75,000.

I conclude as I began. The overwhelming reason for the passage of the proposed legislation is that when we pass it we answer a moral question in the right way. We do our share as a legislative body in assuring that rights secured, as our forefathers then thought, by the 14th and 15th amendments to the Constitution of the United States shall become living rights, and enforcible rights, rights of all American citizens regardless of race, creed, color, national origin, or sex.

We have a grave responsibility in the Senate, to measure up, for the first time in almost 100 years, to the simple challenge of justice, to see that in Congress we hold this truth to be self-evident, that all men are created equal, and that the phrase above the temple of justice of the Supreme Court of the United States, a few short steps across the park from here, "Equal Justice Under Law" shall become at long last a meaningful reality in the richest, greatest, and freest country the world has ever known; and that we shall have at long last removed the blot on our escutcheon which for so long has resulted in the hypocrisy of our holding forth to the world that we profess ideals which we are unwilling to put into practice.

Unless Senators desire to question me, I am prepared to yield the floor.

Mr. JOHNSTON. Mr. President, I should like to ask a few questions of the Senator. Who prepared the charts in the rear of the Chamber?

Mr. CLARK. Chart No. 1, showing the median wage or salary income in 1939, 1947, and 1962, is based on published U.S. Census Bureau data. Chart No. 2, the estimated lifetime earnings, is based on Bureau of Census figures. Chart No. 3, which shows rates of unemployment, was prepared by the Bureau of Labor Statistics of the Department of Labor. The fourth one, which is the map, is based on information obtained from the Library of Congress, furnished to me at my request.

Mr. JOHNSTON. The first chart shows the white and nonwhite males, 14 years of age and over. The Senator calls attention to the fact that the earnings of the colored are about 50 percent of the white, on the average; is that correct?

Mr. CLARK. It was less than 50 percent in 1939. By 1947 it was a little better than 50 percent.

Mr. JOHNSTON. Fifty-five percent.

Mr. CLARK. Fifty-five percent. By 1962, it was close to 60 percent.

Mr. JOHNSTON. At least 50 percent of the colored people live in the South; is that correct?

Mr. CLARK. I believe so.

Mr. JOHNSTON. About 50 percent.

Mr. CLARK. States which do not have fair employment practices acts, which includes only the South and several States with very small populations, have roughly 60 percent. Therefore, I would not quarrel with the Senator on that point.

Mr. JOHNSTON. I invite the Senator's attention to the reason for that situation. What is the per capita income in States where the ratio of colored to white is very low—for example, in New York and Pennsylvania? I refer particularly to the Senator's State of Pennsylvania.

Mr. CLARK. I am ashamed to admit that I do not know. It is probably a little higher than in South Carolina.

Mr. JOHNSTON. It is almost double, I am sorry to say. That is where the colored people live. We should bear that in mind in examining the chart. Now then, another thing——

Mr. CLARK. Before the Senator goes on——

Mr. JOHNSTON. Just a moment.

Mr. CLARK. I have the floor. I am required to yield only for a question. I wish to extend to my friend from South Carolina every courtesy. I do wish to have the opportunity, however, to interrupt him before he goes on with another thought, so that my reply to his argument can be read consecutively in the RECORD. What I am pointing out is that while it is true that the income in my State of Pennsylvania is higher than it is in the State of South Carolina, that is true for Negroes as well as whites, and does not in any way impugn the validity of the showing made by the chart.

Mr. JOHNSTON. It does. Let me go a step further. The Senator will find that the colored people live on the farms. That means that their income is much less than the income of people who live in municipalities. Even in my State, that is true. That is another thing that cuts into the argument, is it not?

Mr. CLARK. No; that is not true. There is another chart.

Mr. JOHNSTON. What is the income on the farms in South Carolina?

Mr. CLARK. I would prefer to answer my friend's question before taking up another question. In my State the overwhelming majority of Negroes live in the cities of Pittsburgh and Philadelphia. They came to my State from the Senator's State because they did not like conditions down there.

Mr. JOHNSTON. In South Carolina most of the people are leaving the farms.

Mr. CLARK. They leave the South because they believe they are unjustly treated.

Mr. JOHNSTON. That is true of farms everywhere.

Mr. CLARK. That applies to white people, too. The migration from farm to city has been irrespective of race. The number of people who have left farms in Pennsylvania and moved into cities has become a disturbing social phenomenon. It is not a racial problem.

Mr. JOHNSTON. In my State a great many colored people live on farms.

Mr. CLARK. I am sure that is correct.

Mr. JOHNSTON. A great many have moved into towns in my State, and they have moved into the Senator's State and into other States, mostly into cities.

Mr. CLARK. That is correct.

Mr. JOHNSTON. Those who made up that chart did not take into account the chickens and cows and hogs and everything else. When the per capita income is shown, it looks very low indeed.

Mr. CLARK. They do the same thing with the whites on the farms in the Senator's State, who have very low income, as they have in Appalachia, a part of which is in my State. The income of farmers all over the United States is very low. These statistics take into account both Negroes and whites.

Mr. CASE. Mr. President, will the Senator yield?

Mr. JOHNSTON. They did not count them in making up that kind of statistics.

Mr. CASE. Mr. President, will the Senator yield?

Mr. CLARK. Will my friend from South Carolina permit me to yield to my friend from New Jersey?

Mr. JOHNSTON. Yes.

Mr. CASE. I point out to the Senator from South Carolina that what the Senator from Pennsylvania is saying is correct. The figure for the median income of Negroes in South Carolina is 35 percent of the median income of whites in the whole State, taking into account both farm and nonfarm population.

Mr. JOHNSTON. I can explain that, too. The industries in my State are in the upper part of the State.

Mr. CLARK. Mr. President, I ask unanimous consent that a table which appears at pages 349 and 370 of the subcommittee hearing to which I have earlier referred, entitled "Table 1, estimated lifetime earnings for males in the experienced civilian labor force, by years of school completed, color, and region for selected occupations," one of which is agriculture, may be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—*Estimated lifetime earnings for males in the experienced civilian labor force, by years of school completed, color, and region, for selected occupations*

[Earnings from age 18 to 64 years. Thousands of dollars. These data are from Herman P. Miller, "Trends in Income Distribution in the United States"; 1960 census monograph being prepared under the joint sponsorship of the Bureau of the Census and the Social Science Research Council]

Occupation and years of school completed	United States				North and West				South			
	Total	White	Nonwhite	Ratio of nonwhite to white	Total	White	Nonwhite	Ratio of nonwhite to white	Total	White	Nonwhite	Ratio of nonwhite to white
FARMERS AND FARM MANAGERS												
Total	140	147	59	40	156	157	166	106	114	129	41	32
Elementary:												
Less than 8 years	84	97	42	43	128	130	--------	--------	68	80	39	49
8 years	126	129	70	54	136	137	--------	--------	100	106	45	42
High school:												
1 to 3 years	147	151	93	62	159	160	--------	--------	130	138	49	36
4 years	168	169	147	87	168	169	--------	--------	166	171	--------	--------
College:												
1 to 3 years	213	215	--------	--------	200	200	--------	--------	243	250	--------	--------
4 years or more	267	272	--------	--------	240	243	--------	--------	344	353	--------	--------
4 years	271	276	--------	--------	243	246	--------	--------	337	345	--------	--------
5 years or more	269	252	--------	--------	240	244	--------	--------	--------	--------	--------	--------
FARM LABORERS AND FOREMEN												
Total	80	91	49	54	100	102	84	82	58	71	42	59
Elementary:												
Less than 8 years	62	70	45	64	81	82	74	90	50	58	40	69
8 years	90	96	56	58	100	102	76	75	67	75	46	61
High school:												
1 to 3 years	103	111	62	56	115	117	90	77	81	95	47	49
4 years	128	134	86	64	134	136	--------	--------	113	130	--------	--------
College:												
1 to 3 years	151	155	--------	--------	150	152	--------	--------	--------	--------	--------	--------
4 years or more	192	200	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------
4 years	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------
5 years or more	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------
FARM LABORERS, WAGE WORKERS												
Total	76	87	49	56	96	98	79	81	55	65	42	65
Elementary:												
Less than 8 years	60	68	45	66	79	80	73	91	49	57	40	70
8 years	88	93	55	59	98	100	73	73	63	70	45	64
High school:												
1 to 3 years	97	105	59	56	110	113	83	73	72	84	47	56
4 years	117	121	77	64	123	125	--------	--------	96	110	--------	--------
College:												
1 to 3 years	138	141	--------	--------	142	144	--------	--------	--------	--------	--------	--------
4 years or more	167	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------
4 years	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------
5 years or more	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------

Mr. CLARK. Mr. President, I yield to the Senator from South Carolina.

Mr. JOHNSTON. In South Carolina there are approximately 800,000 colored people. About 33 percent of the people in South Carolina are colored, and about 67 percent of them are white.

Most of the 800,000 colored people live on the farms in South Carolina. That cannot be said of the white people. The majority of the white people live in the cities or work in industry. Those white people draw higher salaries. Is that not true? I know it is true in South Carolina.

Mr. CLARK. The Senator will recall that he and I had a colloquy on the subject a week or two ago. At that time, we discussed the absence of voting in the Senator's State in certain rural counties where Negroes outnumber the white people. The Senator stated at that time that those are only a few counties with very small population.

I concluded from the statement of the Senator that that was not typical of the situation in South Carolina. I am now interested at being enlightened by the Senator on this situation when the Senator states that there is a much higher percentage of Negroes in the rural areas than in the cities. This would be a good reason for the Senator to vote for title I.

Mr. JOHNSTON. For the information of the Senator, what the Senator is discussing today does not bear on the question. The bill would eliminate everyone who has less than 25 employees. Is that not true?

Mr. CLARK. I am talking about voting. The Senator is talking about employment.

Mr. JOHNSTON. In South Carolina, not only are the colored people voting, but there are more colored people running for office than we are given credit for permitting to vote.

Mr. CLARK. That is a refreshing statement to hear in the Senate. I am afraid the statistics will not stand up.

Mr. JOHNSTON. Eight colored people are running for the legislature today in Richland County in South Carolina. There are other colored people running for office all over the State. I have not checked the other counties, but colored people are running for office.

Mr. CLARK. I think this is a wonderful example of how persistent and enlightening statesmen are making splendid progress in this matter in the State of South Carolina for the first time in almost 100 years.

Mr. JOHNSTON. If the Senator were to investigate the matter, he would discover that, on the whole, South Carolina has been permitting some of them to vote for a long time. However, a great many of them do not care to vote.

Mr. CLARK. I believe a great many of them are afraid to vote.

Mr. JOHNSTON. They are not. I have not heard of anyone who was afraid to vote. The Senator has not heard of any report from the committee which was appointed to go out and investigate, to the effect that they were intimidated.

Mr. CLARK. I am not on that committee.

Mr. JOHNSTON. I know the Senator is not on the committee, but the Senator has the committee report. He has read it. The Senator tried to bring to our attention the claim that they are mistreated. He has not discovered this to be true in South Carolina. Is that correct?

Mr. CLARK. Does the Senator desire to ask me another question?

Mr. JOHNSTON. Yes. I want to ask the Senator a question about the chart on unemployment which the Senator referred to. It will be found that there is migration from the farms to the towns.

Mr. CLARK. The Senator is correct.

Mr. JOHNSTON. That is correct. It will also be found that in South Carolina a great many of the migrants are colored people. I think the same is true in regard to other Southern States.

Mr. CLARK. The Senator is correct.

Mr. JOHNSTON. That being so, those colored people come into the cities unprepared to be carpenters, unprepared to be electricians, unprepared for special jobs of that kind. This situation results in a larger percentage of the colored people being unemployed. Is that not so?

Mr. CLARK. The Senator is in part correct. It is true that lack of educational opportunities and the unfortunate parental environment do make a great many of them unemployable when they leave the farm and come to the cities. But in addition, there has been great discrimination in regard to employment in the Senator's State.

I say there was some discrimination in regard to employment in Pennsylvania until we had the good sense to adopt the statewide FEPC law some time ago.

Mr. JOHNSTON. Does the Senator know that in the State of South Carolina, white and colored teachers are paid the same salary?

Mr. CLARK. I did not know it.

Mr. JOHNSTON. The law was enacted a long time ago, while I was Governor. The teachers are given examinations. The examination papers are graded just as they are under Federal civil service regulations.

The papers are not graded in South Carolina. They are sent to Princeton University. This is done so that the northern people will not criticize us. The papers are graded at Princeton University and the people who grade the papers do not know whether the teachers are colored or white. The papers are given numbers, and the teachers are paid in accordance with the result of the examinations.

Mr. CLARK. As a graduate of Harvard, I would not want to make an invidious comment about Princeton. However, I would be inclined to pay more attention to the results if an IBM computer were used.

Mr. JOHNSTON. In South Carolina we are doing everything we can to avoid criticism.

Mr. CLARK. The rate of Negro unemployment has gone up consistently as compared with white unemployment for the past 15 years. This is a social malaise and a social situation which we should not tolerate. That is one of the principal reasons why the bill should pass.

Mr. JOHNSTON. Returning to the chart, it was stated that educated people earn much more money. Where did the Senator obtain the statistics showing that this one teacher was receiving such a low salary?

Mr. CLARK. I do not know what State the Senator is referring to.

Mr. JOHNSTON. The Senator stated in his speech that a colored college graduate received only a very small salary.

Mr. CLARK. The Senator has reference to chart 2, which shows that the lifetime earnings of a white man in the labor force who has completed only the elementary school would be more during his lifetime than the lifetime earnings of a Negro who had completed 4 years of college.

I obtained those figures from the Census Bureau.

Mr. JOHNSTON. But in addition, the Senator has again taken into consideration the employment situation which they face, and whether the salaries paid are lower in the particular locality where they happen to be born and reared than they are at the present time.

Mr. CLARK. That is why the bill is here, so that we can open up areas of employment for Negroes to which they have been denied access for the past 100 years. That having been made clear, I hope that the Senator will vote for the bill.

Mr. JOHNSTON. I will not vote for the bill. The Senator is stirring up more headaches than have ever existed before in the life of the Senator. All of the disturbances will not be in South Carolina. Many of them will be in Philadelphia.

Mr. CLARK. Does the Senator desire to ask me any further questions?

Mr. JOHNSTON. No.

Mr. CASE. Mr. President, will the Senator yield for an inquiry on procedure?

Mr. CLARK. I yield.

Mr. CASE. I suggest that the Senator from Pennsylvania and I might complete our statements, and then submit ourselves jointly or individually to questions. The questions might be numerous and lengthy. It would be of some help to the Senator from New Jersey if he might now make his statement, which would require perhaps three-fourths of an hour. It would then be time for the services for General MacArthur. After the services, we could return and devote the remainder of the day, if necessary, to this discussion.

Mr. CLARK. The Senator from New Jersey has a good point.

Mr. ERVIN. If there is to be a debate, it would be better to have the debate proceed as the speeches are made, rather than to have all the speeches on one side made at one time.

Mr. CLARK. The Senator from North Carolina is correct. I am quite hungry, but I will indulge the Senator.

Mr. CASE. How long does the Senator from North Carolina estimate that it would take?

Mr. ERVIN. I have some questions. However, I cannot predict the length of the answers of the Senator from Pennsylvania.

Mr. CLARK. Can the Senator predict the length of the questions?

Mr. ERVIN. I cannot predict the questions which I may ask, since some answer may provoke a question I do not now have in mind.

Mr. CASE. Would the Senator say it would require at least a half hour?

Mr. ERVIN. Like the Senator from Pennsylvania, I have not had lunch, but I have some surplus calories stored up.

Mr. CLARK. I would like to help the Senator from New Jersey, but I am unable to help him.

Mr. CASE. The Senator from New Jersey is quite willing to leave this matter in the hands of the Senator from Pennsylvania.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. ELLENDER. I notice that figure 1 on the chart shows the median wage or salary income in 1939, 1947, and 1962 for people of a certain age, whites and nonwhites.

The second chart shows the estimated lifetime earnings of whites and nonwhites. The third chart shows unemployment rates for whites and for nonwhites. Can the Senator from Pennsylvania tell us what effect, if any, in his State or in any other State in which FEPC legislation has been enacted, such legislation has had on those figures?

Mr. CLARK. That would be a matter of empirical judgment; and I do not think one can answer the question categorically, other than to say that, in my opinion, as a former mayor of Philadelphia and as a chief executive charged with supervision of enforcement of our own ordinance on employment practices, beginning shortly after World War II, and continuing to the present time, the effectiveness of our Human Relations Commission, as it is called, which has employment practices as one of its objectives, has been significant, and that areas of employment have been opened to Negroes, whereas never before were they open to them. Department stores constitute a very good example. Our police force is another one. All of the municipal employees constitute a third. I have no hesitation in saying that if we had not had our fair employment ordinance under the direction of our Human Relations Commission, I am confident that in Philadelphia there would, today, be much more Negro unemployment than there is.

Furthermore, based on the visits I have made to Pittsburgh—Pittsburgh is where the other significant number of Negroes in our State live—my observations there would tend to lead to the same conclusion.

Although the Pennsylvania State law is good and is effective, generally it has not demonstrated as great an effect as that demonstrated by the ordinances of Philadelphia and Pittsburgh, because the overwhelming majority of the Negroes in Pennsylvania reside in those two cities.

Mr. ELLENDER. I was going to ask about the situation in Pittsburgh and the situation in Philadelphia. They are really the only two areas in Pennsylvania where FEPC ordinances or legislation are effective; and that is because the great majority of the Negroes in Pennsylvania live in those two cities. Is not that true?

Mr. CLARK. No, I would not say so. I would say the majority of the impact has been in those two cities; but the State law has been enforced throughout the State. For example, I refer to the city of Erie, which has a population of approximately 138,000, and has a total of approximately 8,000 Negroes; and, generally speaking, they are fairly well protected from job discrimination.

However, it is to be noted that the school dropout rate for Negroes is much higher than that for whites.

Mr. ELLENDER. That is generally true throughout the country, is it not?

Mr. CLARK. Yes, and that has an effect on the figures.

Mr. ELLENDER. Does the Senator from Pennsylvania have information on the situation shown by chart 4, in contrast to the situation before the adoption of the FEPC ordinances?

Mr. CLARK. I must give an empirical answer, because the question cannot be answered on the basis of statistical proof; but I will say that as the legislation was enacted, it did take hold and did open job opportunities to Negroes in areas where they had not had them before; but that was occurring in a time of great change and flux, when enormous numbers of relatively uneducated Negroes were moving from the South to the North, so that employment discrimination—based, as I have said, in part on lack of education—was getting worse until action was taken by the city commission, under the city FEPC laws, and more recently under the State FEPC law.

Mr. ELLENDER. I thank the Senator from Pennsylvania.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from Pennsylvania may yield to me, to permit me to ask some questions and make some observations, without losing his right to the floor, and also without having his subsequent remarks counted as a second speech by him on the question before the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CLARK. Mr. President, I also ask unanimous consent that from time to time, I may take my seat, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CLARK. Mr. President, let me say that I shall not insist that the Senator from North Carolina comply with the rule which requires that a Senator who has the floor can yield only for questions. I am prepared to waive that requirement.

Mr. ERVIN. I understand.

First, let me ask this question: Does not the Senator from Pennsylvania agree with me that in the great majority of States, there are child labor laws which prohibit children below 16 from working—and in some States, children below age 18—except in some isolated cases, such as carrying newspapers?

Mr. CLARK. I think I can smell somewhat of a rat in the Senator's question; but in my State, as well as in North Carolina, many young people, despite the child labor laws, do go to work—often on farms, and sometimes in businesses—earlier than age 18. So the answer to the Senator's question is "Yes, surely."

Mr. ERVIN. Does not the Senator from Pennsylvania agree with me that in many States it would be unlawful for young people 14 or 15 or 16 years of age to work, except in some isolated cases, such as carrying newspapers?

Mr. CLARK. Largely in hazardous occupations, the employment of such young people would be prohibited. Of course, generally speaking, I do not agree with the Senator from North Carolina, although I think there is some truth in what he says.

Mr. ERVIN. North Carolina has a law which prohibits child labor below age 16, as I recall. So does not the Senator from Pennsylvania think that unemployment figures are unreliable if they begin with age 14, for States in which young people of that age are forbidden to work?

Mr. CLARK. If the Senator from North Carolina is attempting to throw some doubt on the validity of the charts prepared by the Census Bureau, I must say that I cannot agree, by any Socratic method, that there is any substantial justice in his point of view.

Mr. ERVIN. Does not the Senator from Pennsylvania think that even when some persons of the ages of 14, 15, or 16 are employed, even though they are forbidden by State law to work, calculations based on their employment are unreliable?

Mr. CLARK. The answer to the Senator's question is that the chart does not deal at all with unemployment; it deals only with wage income.

Mr. ERVIN. But the third chart deals with unemployment.

Mr. CLARK. Yes; but the first two do not. Therefore, I think the Senator from North Carolina is not being logical or sound when he attempts to take a position based on proceeding from the unemployment aspects of chart No. 3 to the income aspects of chart 1 and chart 2.

Mr. ERVIN. Frankly, I think I am being more sound than the Department of Labor has been in making calculations on the basis of statistics for young people 14 years of age and upward, whereas the laws of many of the States prevent young people of ages 14, 15, and 16 from working.

Mr. CLARK. The Senator is quite entitled to his opinion. I shall not argue with him.

Mr. ERVIN. Will the Senator agree that, as a matter of mathematics, if we should add the income earned by people starting at the age of 14 and those not working and divide by the total number, we would arrive at a figure having about as much reliability as we would if we should take my poverty, and add that to the wealth of Nelson Rockefeller, then divide the sum total by 2, and say that each one of us had an average worth of a couple of hundred million dollars?

Mr. CLARK. Nothing that the Senator has said, and I do not believe anything which the Senator could say—although I would be happy to listen to him patiently—would raise in my mind any doubt as to the validity of the statistical information set forth in the charts prepared by the Department of Labor and the Bureau of the Census. I have complete confidence in the objectivity of their statistics.

Mr. ERVIN. At one time I tried to obtain from the Bureau of the Census the figure for the population of my State. I found that their figure was 24,000 people short. So I do not accept all of their figures as reliable.

Mr. CLARK. How did the Senator know that the figure was 24,000 short?

Mr. ERVIN. I knew the overall figures. When I examined the figures according to the races of people, as they were classified, I discovered that they had forgotten 24,000 Indians residing in Robeson County, N.C.

Mr. CLARK. I am not here to defend the statistical methods of the Bureau of the Census. I am here to defend title VII of the bill, and I would be happy if we could move to that subject.

Mr. ERVIN. I ask the Senator the following question: In the ultimate analysis, is it not the theory of the proponents of the bill that there are not enough jobs in the United States to go around among the people; therefore it is proposed to set up a Commission which would see to it that such jobs as are available are given to nonwhites rather than whites?

Mr. CLARK. No, of course not. That is an entirely fallacious statement of everything we have said. There are not enough jobs to go around. I deplore it and I believe the Senator from North Carolina does, too. I say that when available jobs are filled, they ought to be filled without regard to race, color, creed, or national origin of any American citizen who applies for an available job. I believe that is simple justice under the law.

Perhaps my friend from North Carolina agrees with me.

Mr. ERVIN. Does the Senator from Pennsylvania claim that whites are discriminated against in employment on account of their race?

Mr. CLARK. That is a pretty loaded question. I must think that over. I believe I can safely say "no."

Mr. ERVIN. Very well, then. I shall cite some figures I have received from the Department of Labor. According to the figures the Department gave me a few days ago, in the month of February 1964, there were 3,629,000 whites in the United States without jobs.

Mr. CLARK. I believe that figure is about right. It sounds about right.

Mr. ERVIN. In the light of the answer of the Senator from Pennsylvania to my previous question, would he agree that those 3,629,000 whites are not out of jobs on account of discrimination exerted toward them in relation to job opportunities?

Mr. CLARK. I believe that is correct. I am surprised that the figure is not higher, because the Negro population is only 10 percent of the total. There are approximately 4,500,000 individuals looking for work that they cannot now find, and, according to the best figures that I can obtain, 900,000 of them are Negroes. So percentagewise in the country the rate of unemployment among Negroes is about twice that among whites. Considering that the Negroes constitute 10 percent of the population of the country and that the overall unemployment is 4,500,000, we would expect that unemployed Negroes would number about 450,000. But the number is twice that, which I think is pretty good evidence of job discrimination as well as inadequate education and experience.

Mr. ERVIN. Is it not true that today there are four unemployed white persons for every nonwhite unemployed person?

Mr. CLARK. A little more than that.

Mr. ERVIN. Not according to the figures given me for February 1964 by the Department of Labor. According to the Department of Labor, in February 1964 the number of unemployed white people totaled 3,629,000, in round numbers.

Mr. CLARK. I believe that is correct. Twenty percent. I stand corrected. The Senator is correct.

Mr. ERVIN. The nonwhites totaled 895,000.

Mr. CLARK. The Senator is correct.

Mr. ERVIN So there were four white people out of employment for every nonwhite person out of employment.

Mr. CLARK. Where do we go from there?

Mr. ERVIN. I am trying to show where we go. The Senator might draw the inference that the 895,000 Negroes, or a substantial part of that number, are out of work because of discrimination against them on account of their race, but the 3,629,000 white persons are out of employment on account of economic conditions.

Mr. CLARK. I shall tell the Senator why. The uncontroverted testimony before the subcommittee, of which I am chairman, established that without sensible dispute. In my speech I tried briefly to make the point. I am sorry that I have not convinced the Senator.

Mr. ERVIN. I cannot understand why the Senator draws the inference that the lack of jobs for nonwhites is due to discrimination against them on account of race, but the lack of jobs for white people, which is four times as great, is due to economic conditions.

Mr. CLARK. I should think that point would be self-evident to a normal high school graduate. To be sure, the 900,000 Negroes who are out of work could not all get jobs. In my opinion, the majority of them could not get jobs if we had a fair employment practices title at the Federal level. But it would help a great deal.

Mr. ERVIN. The fact remains that today in the United States there are four white persons out of employment for every nonwhite out of employment.

Mr. CLARK. Yes; but the fact remains that the unemployment rate in the country today is 5.1 percent for white people and 10.9 percent for Negroes.

Mr. ERVIN. Does not the Senator from Pennsylvania agree with the Senator from North Carolina that, as a general rule, high skills are more often possessed by white people than by Negroes?

Mr. CLARK. I do.

Mr. ERVIN. Does not the Senator from Pennsylvania agree with the Senator from North Carolina that higher educational attainments are possessed by more white people than nonwhites, taking them on the average?

Mr. CLARK. For the time being; yes.

Mr. ERVIN. Does not the Senator from Pennsylvania believe that perhaps the discrepancy in employment of whites and nonwhites is due, in part, to the lack of skill among nonwhites and the lack of educational attainments among nonwhites?

Mr. CLARK. The Senator may have some logic on his side.

Mr. ERVIN. Does not the Senator from Pennsylvania know that during recent years there has been a great development of automation in America, which has resulted in the unemployment of many people of all races?

Mr. CLARK. As chairman of the Subcommittee on Unemployment and Manpower it has been my task, since May of last year, to investigate extensively the causes and possibles cures of unemployment. The comprehensive report of the subcommittee is now in galley proof. I shall be glad to see that the Senator gets a copy when it comes out next week. The answer to his question is "Yes."

Mr. ERVIN. That is particularly true with reference to those who work upon farms, is it not? Does not the Senator from Pennsylvania know that in recent years there has been great development of automation on farms, in that there has been a substitution of tractors for mulepower?

Mr. CLARK. That is true on farms; it is also true in banks and automobile assembly lines. This is a national phenomenon affecting practically every employable skill.

Mr. ERVIN. Is it not also true that more people, who might be numbered among those who have the least skills and the least education are deprived of jobs by automation?

Mr. CLARK. The Senator is correct.

Mr. ERVIN. So many factors enter into the problem other than discrimination; is that not true?

Mr. CLARK. That is correct. However, discrimination is a major factor, as the testimony before the subcommittee, of which I am chairman, amply demonstrated, and as I have attempted to illustrate in my remarks this morning.

Mr. ERVIN. I ask the Senator from Pennsylvania if any member of his subcommittee was opposed to the FEPC bill which the subcommittee had under consideration?

Mr. CLARK. Not of the subcommittee. Three members of the full committee were opposed.

Mr. ERVIN. Which committee conducted the hearings?

Mr. CLARK. The subcommittee.

Mr. ERVIN. Does not the Senator from Pennsylvania acknowledge the fact that when all the members of a subcommittee agree on a question, the evidence which tends to disprove their position is not likely to be produced?

Mr. CLARK. On the basis of the history of the Judiciary Committee, on which the Senator serves, he is eminently correct.

Mr. ERVIN. Does not the same situation apply with reference to the subcommittee of which the Senator from Pennsylvania is chairman?

Mr. CLARK. I do not believe so. I invited all members of the full committee to join in the hearings and asked the opponents to come forward. None came forward. I am sure we would have treated them as courteously as the Senator from North Carolina treated the Attorney General when the latter appeared before the Judiciary Committee. I do not believe the bill received any different treatment in the Committee on Labor and Public Welfare, on the positive side, from the treatment the bill received in the Judiciary Committee on the negative side. I trust I am not violating rule XIX, section 2, by saying that I believe we searched for the truth, but the Judiciary Committee did not.

Mr. ERVIN. I am not casting aspersions on any member of the subcommittee.

Mr. CLARK. Nor am I casting reflections on the Judiciary Committee.

Mr. ERVIN. But I have noticed, from long experience in the courthouse, that when evidence is taken on only one side of a case, the only evidence before the court will be the evidence to sustain that side of the case.

Mr. CLARK. It makes me wonder a little why the Senator from North Carolina did not appear before the subcommittee and make the eloquent argument he is now making, and why he did not bring up the hosts of witnesses from North Carolina to show us that we are engaging in dangerous radicalism, and why he did not make a record thereon. I am sure he would agree that he would have been received courteously, and perhaps with an open mind.

Mr. ERVIN. I know I would have been received with the utmost courtesy and consideration; but, to be perfectly frank, I do not have any lively hope that I can convert the Senator from Pennsylvania to a sound position in dealing with this matter.

Mr. CLARK. And, I suspect, vice versa.

Mr. ERVIN. Let me explain that one reason why I did not appear was that, somehow or other, I overlooked the facts that the subcommittee was considering the matter.

The statement was made by the Senator that religious organizations came before the committee and endorsed the bill. Does not the bill exempt religious organizations from certain sections of the bill?

Mr. CLARK. There is a section which deals with it. What page does the Senator refer to?

Mr. ERVIN. The language appears on page 34, beginning at line 14, and running through line 6 on page 35. Is that language not virtually an exemption of religious organizations from the coverage of the bill?

Mr. CLARK. And some educational institutions, also.

Mr. ERVIN. It seems to me that, if they think the bill is so good, religious organizations would want to be included under its coverage.

Mr. CLARK. If the Senator will excuse me for saying so, I think that argument is a tenuous one.

Mr. ERVIN. If it is good enough for Paul and Silas, and if it is good enough for everybody else, it ought to be good enough for them.

Mr. CLARK. I respectfully disagree with the Senator.

Mr. ERVIN. I invite your attention to page 35 of the bill, starting on line 7, and going to line 10:

> Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

Does the Senator believe that is a good provision?

Mr. CLARK. My answer to that question is, categorically, "No." It is, in my judgment, an unconstitutional provision, which was written on the floor of the House. I deplore it. I would like to see it stricken out. But since it is clearly and patently unconstitutional, it does not make any difference.

Mr. ERVIN. It seems to me the Senator ought to allow one amendment to strike out the provision which he says is unconstitutional. I think we would be in agreement on that.

Mr. CLARK. It is pleasant to be together on this point.

Mr. ERVIN. Under the first amendment to the Constitution, a man has a right to accept any religious belief, or to reject some or all religious beliefs. It seems to me that some of the religious organizations ought to be opposed to this section of the bill, which is calculated to starve a poor atheist to death before his soul can be saved.

Mr. CLARK. I trust the Senator will excuse a little Latin when I say that the provision is so obviously constitutional that the principle of "de minimis non curat lex" would apply.

Mr. ERVIN. I do not favor any part of a bill that is unconstitutional.

Mr. CLARK. Neither do I. I shall be glad to support an amendment, if the Senator wishes to offer one to strike it out.

Mr. ERVIN. I am glad to hear that. I think everybody is entitled to have a job in order to sustain his body long enough to enable him to see the light and save his soul.

Mr. CLARK. The Senator makes a powerful argument.

Mr. ERVIN. The Senator from Pennsylvania told us that the Council of Economic Advisers estimated that the gross national product of America would be increased by $13 billion if Negroes could utilize the skills they now have.

Mr. CLARK. That is correct.

Mr. ERVIN. Can the Senator tell us to what extent the Council estimated the gross national product would be increased if the 3,600,000 whites who are out of employment were permitted to use the skills they now possess?

Mr. CLARK. I do not know if the Council had that figure in its memorandum, but my general recollection is—and I believe I am correct—that if we were able to put all idle hands on all idle machines, the gross national product would be increased by about $30 billion. That would be under conditions of full employment.

Mr. ERVIN. Does not the Senator believe that the President's Council of Economic Advisers ought to have enough concern for the 3,600,000 whites who are out of employment, to ascertain by what figure the gross national product would be increased if they were able to use their skills?

Mr. CLARK. I can assure the Senator from my personal knowledge that the Council of Economic Advisers has a very deep and abiding concern in that connection. I can endeavor to persuade the Council to provide the figure the Senator wants. If he insists on it, I shall be very glad to get it for him. I did not know that this kind of inquiry would be pursued.

The basic fact is that there is absolutely untenable unemployment in this country, which affects whites as well as Negroes. It is a great shame that we have not been able to devise ways, in our free economy, with the aid of the Government, to eliminate unemployment. Unfortunately, we have not. The Council of Economic Advisers is made up of a group of brilliant men, who are doing a fine job under great difficulties. If the Senator would like the figure to which he referred, I shall be glad to get it.

Mr. ERVIN. It gives me some misgivings to see that those who assist the proponents of the bill by supplying them with information to justify the passage of the bill manifest no concern about getting figures which show that most unemployment is due to conditions other than the alleged discrimination. If they had done what they ought to have done, they would have advised the Congress how much the gross national product would be increased if those 3,600,000 white persons were employed.

Mr. CLARK. If the Senator will permit an observation, while not admitting the validity of the Senator's charge, my experience has been that there has been a conspicuous lack of interest on the part of opponents of the bill in facts which would be favorable to the passage of the bill.

Mr. ERVIN. I do not agree. It is my conviction that the best way to increase employment is to allow the free enterprise system to work rather than to have the Government come in and take control of private employment. The employer should have the right without Government interference, to select the persons he thinks he should hire, the persons he thinks he should promote, and the persons he thinks he should lay off in times of economic adversity. I think this bill, instead of making more jobs, is going to result in decreasing jobs.

Mr. CLARK. The only things that stand in the way of the validity of the Senator's contention are the 14th amendment to the Constitution of the United States and the conscience of the American people.

Mr. ERVIN. The 14th amendment does not stand in the way. The fifth amendment provides that the Federal Government shall not deprive any man of life, liberty, or property without due process of law. Yet it is being proposed that the Government shall dictate how an employer shall use his own property, whom he shall hire, and who shall be allowed to work for him to protect the investment which he made with his own money, and not with the money of the Government.

Mr. CLARK. The Senator has long been an eloquent advocate of the days which have gone.

Mr. ERVIN. I admit to the Senator from Pennsylvania that this country is now in a better state than it will be if this bill is passed. This is true because the bill will rob all American citizens of some of their most basic, economic, legal, personal, and property rights.

I believe in liberty. Liberty is the greatest value of civilization.

The men who drafted the Constitution—which some now say is outworn—agreed with me. When they inserted in the preamble to the Constitution the reason why they created the United States of America and wrote the Constitution, they said it was to "secure the blessings of liberty to ourselves and our posterity."

This bill, if enacted into law, would rob the people of the right to determine the use of their own property, the right to determine who shall be their customers, and the right to determine whom they wish to hire, whom they should discharge, whom they should promote, whom they can lay off in time of adversity, and what the just wages shall be as between one man and another.

I will agree that if this bill were passed, that the America I have known and loved, the America that believes in liberty rather than Government by regimentation, would be supplanted by a police state.

Mr. CLARK. Mr. President, will the Senator from North Carolina permit a question?

Mr. ERVIN. Certainly.

Mr. CLARK. I wonder whether the Senator's zeal in defense of liberty is not confined to liberty for the white man and no liberty for the Negro.

Mr. ERVIN. No. My zeal for liberty is for all men to enjoy. Every man should have liberty; but if this bill should pass we would not only rob whites of liberty, but we would rob nonwhites of liberty to an equal extent.

Mr. CLARK. Does the Senator not believe that a man should be entitled to a job on the basis of his own qualifications, and not because of race, color, sex or national origin?

Mr. ERVIN. I believe a man is entitled to a job if he satisfies an employer from whom he seeks employment that he is the one who can best perform the services which the employer wishes to have performed.

I believe that the man who has invested his money in a business, and who seeks to be successful in that business, is the best man to determine who possesses the skills which he needs for his business. This bill would take that power away from him and give it to some Government agent who could come in and tell him whom he must hire to operate some intricate piece of machinery, when the Government agent might not know the top from the bottom of the machinery.

Mr. CLARK. Does the Senator believe that in the modern world, in the light of the agitation which has gone on for some years for equal justice under the law for our Negro citizens, it is the right of an employer to deny a job to a man solely because of his race or color?

Mr. ERVIN. I say that a man should be permitted——

Mr. CLARK. How about answering my question?

Mr. ERVIN. I do not believe the unemployment figures indicate that to be true. They indicate that 3,629,000 whites are out of employment, as contrasted with 895,000 nonwhites.

Mr. CLARK. I commend to the distinguished Senator from North Carolina a careful perusal of the equal employment opportunities hearings held before the subcommittee, of which I am chairman.

Mr. ERVIN. It was the kind of hearing an old justice of the peace down in North Carolina would have loved to preside over. He was presiding over a civil case. When the plaintiff had finished his evidence, the justice of the peace looked at defendant's counsel and said, "I hope you will not offer any evidence. When I hear the evidence on both sides of a case I become confused. When I hear only one side I have no trouble reaching a judgment."

The Senator's subcommittee already had its mind made up; no witnesses appeared before it except those whose views harmonized with those of the subcommittee. In consequence, the committee could reach only one conclusion under those circumstances.

Mr. CLARK. The Senator will recall that long before the justice of the peace in North Carolina took that position, King James I of England did. I believe that as a magistrate in the days of the Stuarts he refused to hear defendants, for the same reason the magistrate down South did. I am sure the Senator would not accuse me, as chairman of the subcommittee, of refusing to hear anyone who wished to come before the subcommittee and make the eloquent but unsound argument which the Senator has just advanced on the floor of the Senate.

Mr. ERVIN. I was not accusing the Senator of anything.

Mr. CLARK. I am glad to hear it.

Mr. ERVIN. I was merely stating that the North Carolina justice of the peace wanted to hear only one side of the case. He would have been delighted by the proceedings before the subcommittee, which heard only one side of the case.

Mr. CLARK. If I had been content to hear only one side of the case, I would have yielded the floor about an hour ago.

Mr. ERVIN. I thank the Senator for listening to another side of the case.

I believe the Senator from Pennsylvania mentioned the fact that Pennsylvania has had an FEPC law for some time. When was that law enacted?

Mr. CLARK. I am ashamed to say that I do not know—and I should. I will undertake to get that information for the Senator in the near future.

Mr. ERVIN. Has it been in existence for a considerable period of time?

Mr. CLARK. The parent ordinance was the Philadelphia fair employment practices ordinance which was adopted during the time of my predecessor as mayor. That must have been shortly after World War II.

My staff assistants tell me that the FEPC State act was enacted in 1955.

Mr. ERVIN. I take it that under that act, all the problems in this field have been resolved and settled in the State of Pennsylvania?

Mr. CLARK. Certainly not.

Mr. ERVIN. I was wondering, because——

Mr. CLARK. I went into that question at some length with the Senator from Louisiana [Mr. ELLENDER] a few moments ago.

Mr. ERVIN. I am not attempting to cast any aspersions on the State of Pennsylvania, but I have a distinct recollection that during the past months I saw a great many events on television which allegedly came from the city of Philadelphia. They were concerned with employment in connection with the construction of public schools. They indicated there was great protest arising out of discrimination in Philadelphia with respect to hiring Negroes to work on public buildings.

Mr. CLARK. The Senator is quite correct. There are employment conditions in Philadelphia and elsewhere in Pennsylvania which I deeply deplore. There has been racial agitation within the past couple of years which, in my judgment, is most unfortunate, and has brought tension not only to Philadelphia, but also to surrounding territories such as the community of Folcroft, in Delaware County, where a disgraceful near-lynching took place. I would be the first to admit that Pennsylvania needs this law, too.

Mr. ERVIN. It seems to me that if Pennsylvania has an FEPC law, and the FEPC law has not worked, the Senator would be reluctant to impose one on a national basis

Mr. CLARK. No. I say most candidly to the Senator from North Carolina that in my opinion—and I have tried to become informed on this subject—the condition would be far worse throughout Pennsylvania in general today, and in Philadelphia and Pittsburgh in particular, if it were not for the fair employment practice ordinances and laws which have helped significantly. It is the unanimous opinion of those charged with enforcing such laws, that it would be helpful to them to be supported by a Federal Government provision.

Mr. ERVIN. I would be reluctant to take the doctor's medicine when the doctor's medicine had not cured other people suffering from the same ailment I had. I would have doubts about its efficacy.

Mr. CLARK. I thank the Senator from North Carolina. I believe the Senator from Louisiana and I went into that question earlier. I shall adhere to the answers I gave to him in response to the almost identical question of the Senator from North Carolina.

Mr. ELLENDER. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am glad to yield to the Senator from Louisiana.

Mr. ELLENDER. Since we are talking about the State of Pennsylvania, I have obtained from one of the assistants of the Senator from Pennsylvania [Mr. CLARK] some unemployment figures showing the percentage of civilian labor force by color in various States during April of 1960. In Pennsylvania the unemployment of nonwhites was 11.3 percent.

Mr. CLARK. It is worse today.

Mr. ELLENDER. It is worse today, and the FEPC law is in effect in Pennsylvania.

Mr. CLARK. The Senator is correct.

Mr. ELLENDER. No State in the South has as high a percentage as 11.3 at the moment.

Mr. CLARK. The Senator is correct. Of course, Pennsylvania is an industrial State, which has suffered very much from the departure of the textile industry, the drying up of the coal industry, and the conversion of the railroads from coal-fired engines to diesel engines. There are areas of chronic and persistent unemployment which are in serious need. With the exception of West Virginia and Kentucky, Pennsylvania probably is the third State in the country suffering from massive unemployment, white as well as Negro—but Negro substantially more than white.

Mr. ELLENDER. Take the case of Michigan. The total for that State, for unemployment is 6.9: White, 6 percent; nonwhite 16.3 percent. There is an FEPC law in that State. If the Senator will permit me to do so, I should like to place this table in the RECORD at this point.

Mr. CLARK. I am happy to have the Senator do so.

The PRESIDING OFFICER. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Unemployment as percent of civilian labor force, by color, by States, 1960—April

State	Total	White	Nonwhite
United States	5.1	4.7	8.7
Alabama [1]	5.7	4.7	8.4
Alaska [2]	12.8	10.5	25.4
Arizona	5.3	4.7	13.2
Arkansas [1]	6.0	5.3	9.1
California [2] [3]	6.1	5.8	10.0
Colorado [2] [3]	4.0	3.9	6.6
Connecticut [2] [3]	4.6	4.4	8.9
Delaware [3]	4.6	3.8	9.2
District of Columbia	4.1	2.5	5.7
Florida [1]	5.0	4.6	6.7
Georgia [1]	4.5	3.8	6.3
Hawaii	4.2	4.8	4.0
Idaho [3]	5.7	5.6	8.6
Illinois [3]	4.5	3.8	11.5
Indiana [3]	4.2	4.0	8.5
Iowa	3.2	3.1	9.3
Kansas [3]	3.7	3.4	8.5
Kentucky [1]	6.0	5.9	8.1
Louisiana [1]	6.1	4.7	9.5
Maine	6.5	6.4	17.8
Maryland	4.8	3.8	9.5
Massachusetts [2] [3]	4.2	4.1	7.8
Michigan [2] [3]	6.9	6.0	16.3
Minnesota [2]	5.0	5.0	12.8
Mississippi [1]	5.4	4.5	7.1
Missouri [3]	4.1	3.7	8.6
Montana	6.8	6.4	24.8
Nebraska	3.1	3.0	7.7
Nevada [3]	6.2	5.9	10.1
New Hampshire	4.3	4.2	10.2
New Jersey [2] [3]	4.6	4.1	9.5
New Mexico [2] [3]	5.9	5.5	13.6
New York [2] [3]	5.2	4.9	7.4
North Carolina [1]	4.5	3.6	7.4
North Dakota	5.6	5.4	25.2
Ohio [2] [3]	5.5	4.9	11.9
Oklahoma [3]	4.4	4.0	9.0
Oregon [2] [3]	6.0	5.9	9.5
Pennsylvania [2] [3]	6.2	5.8	11.3
Rhode Island [2] [3]	5.3	5.2	10.0
South Carolina [1]	4.1	3.4	5.7
South Dakota	4.1	3.7	23.8
Tennessee [1]	5.2	5.0	6.5
Texas [1]	4.5	4.1	7.1
Utah	4.1	4.1	5.7
Vermont [3]	4.5	4.5	10.6
Virginia [1]	4.2	3.5	7.1
Washington [3]	6.6	6.4	13.4
West Virginia [3]	8.3	8.2	11.4
Wisconsin [2] [3]	3.9	3.7	11.4
Wyoming	5.1	5.0	10.1

[1] Southern States.

[2] States with effective fair employment practice commission laws in 1960, as classified by the U.S. Department of Labor.

[3] States with fair employment practice commission laws.

Source: U.S. Bureau of the Census, 1960 Census of Population, PC(1)C series, table 53, 83.

Mr. ERVIN. Mr. President, does the Senator from Pennsylvania know when New York adopted its so-called FEPC law?

Mr. CLARK. In 1940.

Mr. ERVIN. So it has had an experience of about 23 years with it.

Mr. CLARK. That is correct.

Mr. ERVIN. Does not the Senator recall seeing on TV, within the past 10 or 11 months, some demonstrations in New York, in which Negroes chained themselves together and lay down in the streets in protest against their unemployment in New York?

Mr. CLARK. I did not see it on television, but I saw pictures of it in the newspaper.

Mr. ERVIN. Therefore, the FEPC law, although it has been in effect in New York State for almost a quarter of a century, has not cured the situation there in respect to these matters, has it?

Mr. CLARK. All I can say is that I know where the Senator is going. Without any intention to be rude—and I wish to be as patient as I can—I believe that the basis of the Senator's argument is entirely unsound. Having disagreed with his premise, I could not possibly agree with his conclusion.

Mr. ERVIN. I do not understand why the Senator says that my position is unsound. The law advocated to cure these ills has been in effect for approximately a quarter of a century in New York. Demonstrations are still being held there because of unemployment of Negroes. The demonstrations almost reach the point of riots. I believe there is soundness in my position.

Mr. CLARK. The fallacy of the Senator's argument in reference to New York and Pennsylvania is not that the FEPC law is a cure-all. Far from it. I have no doubt that discrimination will continue throughout the remainder of this century. Without regard to whether a law is enacted or not. We say that such a law helps. It helped in New York. It has helped in Pennsylvania. It is helping now. If the State of North Carolina had such a law, the State would be a great deal better off.

Mr. ERVIN. No; it would not. I say that because we have much better conditions so far as employment is concerned. I have seen no demonstrations of this character in North Carolina. I have read of none. I have not heard of any demonstrations of the kind that Philadelphia and New York have had.

I was struck by the Senator's reference to the States of the old Confederacy. I believe the Senator said, in effect, that the bill was being passed largely in order to have it applied to the Southern States, the States of the old Confederacy.

Mr. CLARK. I am sorry, but I did not hear the Senator's question.

Mr. ERVIN. I understood the Senator to say, or at least to intimate, that one of the major purposes behind the demand for the passage of the bill is to make it apply to the South rather than to other areas of the country.

Mr. CLARK. No; I do not agree to that statement.

Mr. ERVIN. I am glad to hear the Senator say that. I had quite a colloquy with the Senators from New York, who, it developed, did not agree with the racial imbalance school theory. They wanted to abolish segregation in the South, but wished to have de facto segregation in New York. I am glad the Senator does not take that position.

Mr. CLARK. We need the law to help in Pennsylvania.

Mr. ERVIN. What does the Senator think of the action of the House in striking out the racial imbalance school theory?

Mr. CLARK. I am not familiar with what the Senator is speaking about.

Mr. ERVIN. Has Pennsylvania had any experience with the transportation of children from neighborhood schools across town to other areas for the purpose of obtaining what is called a racial balance?

Mr. CLARK. Does the Senator refer to the transportation by bus of children?

Mr. ERVIN. Yes.

Mr. CLARK. I do not know. That is a highly controversial subject in my State. Personally I believe the part of wisdom is not to do it. I believe it would be wiser to attempt judiciously to redraw school district boundaries, without gerrymandering, so that there would be a number of Negroes as well as whites within each school district. In Philadelphia the boundaries are being redrawn in 38 school districts.

Mr. ERVIN. Mr. President, the majority leader would like to have us suspend for a quorum call in connection with the MacArthur ceremonies. I hope the Senator will be rested and refreshed when we return.

Mr. CLARK. I will yield the floor so that the Senator from New Jersey may, in due course, obtain the floor to make his speech. I shall be happy to be present when he makes that speech. If the Senator from North Carolina then wishes to engage in any more marathon debate, I shall be available.

Mr. ERVIN. I have one more thought on this point. The Senator from Pennsylvania gave an estimate of what the Department of Justice expects with reference to how many additional employees would be required to enforce title VII. I do not recall what figure the Senator gave. Was it 130?

Mr. CLARK. It is 190, if sex is included; 150 without sex.

Mr. ERWIN. Does the Senator not fear that that prophecy will be like the prophecy about the National Labor Relations Board? When it started it was expected that it would need 189 employees and an appropriation of only $659,000. Last year they had 2,056 employees and an appropriation of $21 million.

Mr. CLARK. I have no such fear. I have confidence in the estimates of the Department of Justice.

Mr. ERVIN. I thank the Senator.

Mr. CLARK. I yield the floor.

Mr. CASE obtained the floor.

Mr. CASE. Mr. President, I ask unanimous consent that I may yield to the Senator from South Carolina [Mr. THURMOND] without losing my right to the floor, and without having it counted as a second speech when I resume, waiving the rule of germaneness, and anything else that is required.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE COMMUNIST AND THE DEMONSTRATOR

Mr. THURMOND. Mr. President, the Jefferson Standard Broadcasting Co., which operates stations WBT and WBTV in Charlotte, N.C., is noted for its outstanding broadcast editorials. I have been very impressed with a broadcast editorial of April 6, 1964, entitled "The Communist and the Demonstrator." This editorial points up the role of Communists behind the scene in stirring up student and other demonstrations, particularly on college campuses across the country.

In view of the advice offered to college students and the public in general, Mr. President, I ask unanimous consent that this editorial be printed in the RECORD so that it might receive the appropriate attention it merits.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE COMMUNIST AND THE DEMONSTRATOR

One of the areas in which American college students and their elders seem to be permanently naive is that of understanding just what the role of the Communist is in student demonstrations.

It is seldom that a demonstration is Communist-inspired, as many people seem to think. It is quite frequently true that such an activity may be Communist-exploited. At least the attempt is made on every possible occasion, to create divisions within a society, without any real concern as to the original nature of the complaint.

Because of this new element it is regretfully true that the headstrong and relatively unrestricted tradition of collegiate outbursts in such activities as demonstrations must be more soberly considered as a part of the pattern of international conflict. The Communists have made it that way, by launching a concerted campaign to exploit and utilize college groups and causes.

Most people would feel a little sheepish if some of their student escapades were recalled, but for the most part youthful outbursts of the past were relatively harmless. These days, they often turn out more seriously, as did the student riots in San Francisco in 1960.

In that case, the judge dropped riot charges against 62 students. He pointed out that there were ample grounds for conviction, but that most of the defendants were "clean-cut American college students" who would be haunted for the rest of their lives by the stigma of a court conviction.

In what began as student demonstrations in Panama, 21 persons were killed and hundreds wounded. Seventy known Communists, all of them armed, helped spark hundreds of demonstrators into acts of violence they never intended when they began to demonstrate. In many Latin American universities, there are students in their thirties and forties who have been planted by Communist Parties to be ready to take advantage of such disorders when they occur.

For several years now, the Communist Party in this country has been conducting an intensive campaign to set up the same kind of situation on American campuses. Between October and June of last year, 43,000 persons heard 48 speeches by Communists before college audiences, more than in the preceding 10 years put together.

The leading American Communist theorist wrote that never in 25 years of visiting colleges had he "experienced anything so fruitful * * * audiences were not only large—that is not new; they were genuinely interested and clearly cordial, and that is new." These speakers do not try to win members of the Communist Party primarily, but to open the mind a little to Marxist philosophy, and to represent the Communist Party as a small and persecuted minority, on the political scene.

We recommend to American students a more sophisticated study of what the Communists' plans are for them, and leave them with this warning from Attorney General Robert Kennedy: "American Communists are a small but dedicated group posing as a political party, but dedicated to advancing the aims of those who would destroy the free world."

EMPLOYMENT PRACTICES AT THE CHARLESTON NAVAL SHIPYARD

Mr. THURMOND. Mr. President, there has come to my attention a report of action by the Secretary of the Navy which illustrates better than any words precisely what will be the circumstances should H.R. 7152 be passed by the Congress.

Yesterday, I received a letter from Mr. Harry A. Crosby, president of Local 366, International Union of Operating Engineers of Charleston, S.C. Mr. Crosby advised me as follows:

It is understood that the Secretary of the Navy has directed the Charleston Naval Shipyard to train Oliver K. Perry and Hezekiah Brown, Jr., for the position of engineman H. & P. Both Perry and Brown lack approximately 6 months experience to qualify. It is further understood that this training will cost the taxpayers approximately $7,000. It does not seem fair to select these two employees for training while there are numerous other employees who have had some experience in operating equipment who have as much right to receive training as Perry and Brown. Also it does not make sense to train two particular individuals at a time when most shipyards are having reductions in force and are making every effort to make cost reductions.

Since there is no training program for this job, it does not seem logical to set up a program to train new employees when there are at least 45 applicants who have been qualified by the Board of U.S. Civil Service Examiners in an open competitive examination.

If this is allowed to happen, the jobs of enginemen that have been in the Charleston Naval Shipyard since World War II would be in jeopardy.

Now, Mr. President, it just so happens that Oliver K. Perry and Hezekiah Brown, Jr., are Negroes. In view of the fact that the naval shipyard is now experiencing reductions in force, and further, in view of the fact that there are reported to be at least 45 applicants who have been qualified by the Board of U.S. Civil Service Examiners in open competitive examination for these positions, the two named individuals are clearly being trained to fill these positions, not without regard to race, but specifically because they are Negroes.

Nor, Mr. President, is this action designed just to integrate the races in this particular job position. I am advised that among those now working in this position, there are already several persons of the Negro race.

On the face of it, there can be but one explanation. The Secretary of Navy has determined to achieve some type of racial balance in the employment of persons for the position of engineman H. & P. In so doing, the Secretary of Navy is bypassing the normal rules of procedure of the Civil Service Commission and is making a farce of a system which has legally and traditionally operated on the basis of qualifications and seniority without regard to race, color, or creed.

I have sent a telegram to the Secretary of Navy requesting confirmation of the facts and an explanation of the action which has been taken. The text of that telegram is as follows:

I have been advised you have directed the Charleston Naval Shipyard to inaugurate a program of training for two individuals, Oliver K. Perry and Hezekiah Brown, Jr., for the position of engineman H. & P. Have also been advised that there are approximately 45 applicants who have been qualified by the Board of U.S. Civil Service Examiners in open competitive examination for this job and that there is at present no training program in operation. Would you please verify whether these facts are correct, and if so, whether the training of these two individuals is a part of an effort to achieve a racial balance among employees at the Charleston Naval Shipyard.

If the facts as reported are accurate, then it is my intention to do everything in my power to see that this decision is reversed and that the civil service regulations are followed to the letter in this case and in others.

Preferential treatment in hiring and firing because of race, as is apparently the situation in this instance, will surely destroy the entire civil service system. There is a great deal of difference between hiring and promoting without regard to race, and in hiring and promoting specifically because of race in an effort to achieve a racial balance.

Mr. President, enactment of the bill before us would extend this same approach to private businesses across the country. Those who enforce the FEPC section of this bill will have two alternatives. Discrimination is not defined in the bill, so those charged with enforcement will either have to use a statistical approach, which is nothing more or less than racial balance; or else they will have to apply their own discretion in each individual case, which in my opinion would be even worse, for it would be the substitution of the rule of man for the rule of law.

Such practices as these, whether undertaken among Government employment or private businesses, are reprehensible and will surely lead to the destruction of our society as we now know it.

Mr. CASE. Mr. President, I yield to the Senator from Montana with the same understanding as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 4 O'CLOCK

Mr. MANSFIELD. Mr. President, before I ask unanimous consent that the time of the recess be advanced by a few minutes, I should like to ask unanimous consent that the attendants notify Senators that at a quarter to 3, the clerk will be allowed to ring the bells twice so that Senators may be on notice to come to the Chamber. Senators will then proceed to the bier of the late Gen. Douglas MacArthur.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that the Senate stand in recess until 4 o'clock p.m., with the proviso that the Senator from New Jersey [Mr. Case] has the floor.

The motion was agreed to; and at 1 o'clock and 54 minutes p.m., the Senate took a recess until 4 o'clock p.m. the same day.

At 4 o'clock p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. Inouye in the chair).

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. HUMPHREY. Mr. President, will the Senator from New Jersey yield to me, so that I may suggest the absence of a quorum?

Mr. CASE. Mr. President, I am happy to yield for that purpose to the acting majority leader, with the understanding that I shall not lose the floor, and that my subsequent remarks will not be counted as a second speech by me.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CASE. Very well, Mr. President; I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 124 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Ellender
Ervin
Fong
Goldwater
Gore
Gruening
Hart
Hartke
Hayden
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smith
Sparkman
Symington
Talmadge
Thurmond
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

The Senator from New Jersey has the floor.

Mr. CASE. Mr. President, I ask unanimous consent that I may yield for brief remarks and an insertion by the Senator from Colorado [Mr. Allott], without losing my right to the floor or having it counted as a speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOHOLE REGRESS REPORT

Mr. ALLOTT. Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "Mohole Regress Report" from the April issue of Fortune magazine. I shall comment on this subject at another time during this debate.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mohole Regress Report

Discussing one big science project last year ("How NSF Got Lost in Mohole"), Fortune pointed out that the United States has no sound program for handling federally financed science projects of massive size and basic nature. The humming bureaucracies of NASA and the AEC perform reasonably well on the applied level, but basic science, which comes under the wing of the National Science Foundation, is something else again. NSF fosters much fine research on the basic level when it distributes money, without strings, to applicants whose projects are certified by outside specialists. But when NSF undertakes a project on its own, it runs afoul of Dr. Vannevar Bush's warning of a dozen years ago—that a publicly aided basic science is to flower, it must be shielded from operational interference by any sustaining governmental agency. Once again the case in point is Mohole, which looks more and more like a bottomless mess.

Mohole, readers will recall, is a basic science program to drill in deep ocean into the earth's crust and down to the mantle. The project is already more than 2 years behind NSF's schedule, with no hole drilled since tests in 1961. A fortnight ago Dr. Leland J. Haworth, NSF's Director, asked a House appropriations subcommittee for $25 million for Mohole in fiscal 1965.

Dr. Haworth's overall Mohole cost estimate is $72 million but it need not be taken too seriously. NSF's chief Mohole man, Gordon Lill, once forecast $5 million. Brown & Root, a Houston construction firm, when successfully bidding for the job of designing, building, and operating NSF's Mohole hardware, estimated $35 million. Dr. Haworth has omitted some essentials, major hardware designs are being restudied, a contract reopening involving an increased fee is in prospect, and the cost may progress to $100 million. At any rate, that was the estimate last July of a committee set up in NSF at White House prompting and headed by Dr. Emanuel Piore, IBM's research vice president.

Even this last figure might be acceptable for the project if Mohole were going in the right direction. But is it? Over the years NSF advisers had proposed that, before launching a seagoing platform capable, in theory, of going straight to the mantle there should be a flexible shallow (crustal) drilling program run from a much smaller and more cheaply operable experimental-exploratory ship. The E-E ship could help select an optimum site for the final effort and otherwise safeguard and enrich the program. As recently as July, the Piore committee lined up unanimously with earlier advisers from the National Academy of Sciences for the two-vessel approach. Dr. Haworth scrapped the E-E ship. There is to be just one vehicle.

The appropriations subcommittee of the House will doubtless give Dr. Haworth its blessing and the money he asks; its chairman, Representative Albert Thomas, of Houston, is a longtime political ally of Brown & Root. The fact remains that, in the recently published words of Science, organ of the American Association for the Advancement of Science, Mohole "is a classic case of how not to run a big research program."

The worst of the mess is that NSF ignored Dr. Bush's wisdom and Congress' deliberate denial of statutory authority for scientific operations. It went ahead to call the shots in the Mobile program. Clearly we still have no formula for sound handling of a big science project financed by Government. Before we get one, NSF and Mohole may be in a deeper mess than ever.

THE WISCONSIN PRIMARY

Mr. CASE. Mr. President, I make the request, that I may yield to the Senator from Kentucky [Mr. Morton] with the same understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORTON. Mr. President, much has been said today on the floor of the Senate concerning the Wisconsin primary. Many read significance into this vote one way or the other. I should like to report a few facts without commenting on their significance.

It has been said that Governor Wallace's 25 percent of the total or 35 percent of the Democratic vote was the result of Republican crossovers. It is interesting to note that in the six counties that Mr. Nixon carried by more than 65 percent in 1960, Governor Wallace's vote ranged from 18 to 23 percent, far below his State average.

It is also interesting to note that in the 14th ward in Milwaukee, where the late President John F. Kennedy received

84 percent of the vote in the 1960 election, Governor Wallace received 30 percent of the primary vote yesterday. In other words, in this overwhelmingly Democratic district the Governor ran his best race.

TEN-YEAR REPORT OF CONSERVATION COMMITTEE OF BACK OF THE YARDS NEIGHBORHOOD COUNCIL

Mr. CASE. Mr. President, I ask unanimous consent that I may yield to the Senator from Illinois [Mr. Douglas] under the same conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, 10 years ago local leaders from Chicago's stockyards area met to project a conservation plan for their community.

For 10 years the conservation committee of the Back of the Yards Neighborhood Council has been working, with the cooperation of the residents, clergy, local businesses, savings and loan institutions, labor unions and Mayor Daley's municipal government, to revitalize their section of the city. The results have been so impressive that they merit national recognition.

For example, 556 new homes have been built and more than 8,000 existing houses have been remodeled. But this is only part of the story, and I would like to draw my colleagues' attention to the entire 10-year record.

I ask unanimous consent that the Back of the Yards Council's 10-year report be inserted at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Ten years ago in this very same room in the Stock Yards Inn, leaders of our community attended a similar luncheon meeting to discuss community conservation. Present at that meeting were many of you who are here today.

Our clergymen, representatives of local savings institutions, realtors, business and industrial leaders and public officials met then for the purpose of organizing a committee to plan and carry out a program of positive action on community conservation.

At that time we asked ourselves the question, why move away? Where else were there 28 churches, 32 schools, 5 parks, 7 playgrounds, and 20 church social centers?

We talked about our nearby places to work, good transportation, 34 places to save, low taxes, shopping areas and clean streets and alleys. We all agreed there was no place better to raise children.

The committee representing all the forces in the community went to work. The results of their efforts are nationally known.

MAJOR ACHIEVEMENTS

Some of the major achievements of the Back of the Yards Council conservation program during the past 10 years will be mentioned briefly.

More than 600 vacant pieces of property were purchased for new construction. An individual tax search showed 85 percent of the property distressed, making it necessary to secure the lots by means of friendly and adverse tax foreclosure suits.

Thanks to Mayor Daley and our local aldermen, the city council approved an ordinance permitting new construction on 24- and 25-foot lots which is about all we had available in our area.

Five hundred and fifty-six new homes were constructed east of Western and west of Racine Avenues, from 32d to 58th Streets.

Beauty can spread as well as blight. More than 8,000 of our 10,516 older homes were remodeled in the past 10 years. One hundred and fifty store fronts were legally converted into living quarters.

Our community participated in an all-Chicago better block contest sponsored by the Chicago Real Estate Board. In Chicago, 189 blocks actually participated in the contest of which 143 came from our community. Back of the Yards won most of the $20,000 offered in prize money.

Nearly $11 million was spent in construction of new churches, schools, and social centers as well as rehabilitating and modernizing existing parish facilities.

New shopping centers were constructed, new stores and business establishments were built, and more than 100 stores were renovated and remodeled.

Through the cooperation of the central manufacturing district, a great number of new industries located in Back of the Yards and presently a great number of plants are under construction in various sections of our community.

What was once the stock yards area, from 43d to 45th Racine to Ashland, is virtually all demolished and is now being cleared for new construction. The last of 78 buildings is now being razed by the Charles Ringer Co.

AVAILABLE MONEY

During the past 10 years, conservation specialists have asked us where did the money come from for this vast community conservation program? The answer is clear and simple. The money came from the people themselves and from you who are here present representing our 34 local savings institutions.

Our savings and loan associations and banks put back into the community local depositors' funds by approving home and business mortgages.

Our local savings institutions also set a good example for the rest of the area. A great number of them constructed new buildings and additions and many underwent a complete modernization. Our savings institutions are very attractive and indeed a credit to the community.

While this work was going on, the city of Chicago contributed immeasurably to public improvements. Under the capable administration of Mayor Daley new lights were installed on every lamppost in our community; a $10½ million skyway and viaduct was constructed on Damen Avenue from 47th to 37th Streets; a new railroad underpass was constructed at 41st Street and Ashland Avenue. At two former bottleneck intersections on Archer at Ashland, and at 39th Street on Ashland Avenue, overpasses were constructed.

The Dan Ryan Expressway, constructed by the city, county, State, and Federal funds within a short period of time now provides seven entrances and exits on the periphery of Back of the Yards.

In our community, the new Southwest Expressway with a cloverleaf at 33d and Damen will be completed by next October. This will connect Harlem Avenue and the southwest side of Chicago and Cook County with the downtown area.

Thanks to Mayor Daley and all other public officials who were responsible for these great expressways, Back of the Yards is strategically located.

THE FUTURE

Having reviewed the record of our community conservation program for the past 10 years let us look toward the future of Back of the Yards. For that purpose we are here today to plan for tomorrow.

Now that the stockyards is finally cleared of old and obsolete buildings we must leave nothing undone to attract new industry into the yards area. Mayor Daley, Assessor Cullerton, we need and ask your help and direction on this great project.

Industry is the lifeblood of our community and we will do everything we can to cooperate with you to bring new industry to our community. We have the stability and manpower to assure industry of a good day's work for a living wage. Our past record bears out that our people are good workers.

We have good news to announce today as we plan for the future conservation of our residential and business sections of our community.

"There will be no increase in taxes for homeowners and businessmen who improve their property with normal upkeep and repairs."

This statement was made by P. J. Cullerton, assessor of Cook County, and concurred in by Mayor Richard J. Daley. This announcement is indeed a godsend to all homeowners and owners of rental properties as well as to business property owners.

Now we can continue with renewed confidence, enthusiasm, and vigor in our self-help residential and business conservation program. Homeowners and owners of rental properties and businessmen who feared to make normal property improvements because of possible excessive tax increases now can remodel, repair, and rehabilitate in order to protect their investments.

Owners of business, rental, and residential property may also deduct from their income taxes 10 percent of remodeling costs for a continuous period of 10 years.

SPECIAL INSPECTION PROGRAM

Today we also have good news for those in our community who are contemplating buying older homes and rental residential units. Mayor Daley, through the cooperation of acting Building Commissioner Sydney Smith has arranged a building department inspection program and aimed at protecting prospective buyers of Chicago homes and apartments.

Under this program the building department will inspect a building for an owner and give him a certificate detailing its conditions and listing any building or zoning violations.

Any prospective buyer, trustee, or mortgage holder can and should ask the owner for a certificate of inspection before buying, taking the property in trust, or mortgaging it.

The building department makes the inspection at no cost to the owner for single dwelling homes or for buildings with four flats or less. The fee for inspection of more than four flats is $10.

The object of the program is to stop sales of substandard homes or apartments to innocent buyers. It is really a service to the buyer to protect him from unknowingly buying a building which is in violation of the city building codes.

Today we have for you a booklet compiled by the Back of the Yards Council specifically giving in detail a complete outline of Assessor Cullerton's proposal to assist property owners in making normal upkeep and repairs to improve their property without increases in taxes.

We also have a detailed description of Mayor Daley's plan for the inspection of older homes for potential buyers who may ask for a certificate of inspection from present owners before they complete the sale. In order to carry out an effective overall community remodeling program we need the help and assistance of everyone here today.

Before specifically relating how you can help, permit me to tell you what the Back of the Yards Council had done already and is doing to reach every property owner and encourage him to upkeep his property.

MOTHERS HELP

The Back of the Yards Council Mothers' Club, who are represented here today, conducted a house-to-house inspection of the outside of every home and rental unit in the community. With the approbation of Mayor Daley, Commissioner Smith, Fire Commissioner Quinn a form was devised giving a complete description of what to look for on the outside of each home and apartment.

We now have in our office a complete description of the outside physical description of every home and rental unit in the Back of the Yards. There are 10,600 recorded by street and number.

But that isn't all. We have a complete title search of every home, its address and owner on file by street and number in book form on 10,600 homes. We are now in the process of placing the volume and item number on the file for all of our homes.

All this information, which I am told has never been compiled by a community group before, was made possible through the cooperation of the Map Department of the City of Chicago, the Recorder's Office, the Assessor's Office, and the Bureau of Central Service Office of Cook County.

BYNC BOOKLET

We will distribute through direct mail the booklet you have before you outlining home improvements without tax increases and the building department inspection of old homes for owners. We will ask the daily papers, the Back of the Yards Journal and the Southtown Economist to publicize improvement stories and to publish before and after remodeling pictures.

We will stimulate the program by more home improvements contests. The council will appeal to all owners of homes and apartments; especially outside landlords, to upgrade their property. We will ask the mayor and building and fire commissioners to assist by continued enforcement of the building codes on homes not meeting minimum requirements.

Now, here is how the rest of you can help. The clergy can stimulate their parishioners by printed articles in parish bulletins and by public announcements from the pulpit. The week after Easter would be a good time to start.

We trust you will arrange for the distribution of thousands of booklets to your parishioners at church following Sunday services. You can encourage your parishioners to make repairs and modernize their homes.

Clergymen can assist in many ways. Last week a local pastor served as an interpreter at the building department for a parishioner who wanted information about building regulations. Clergymen have also assisted parishioners in obtaining loans at institutions where parish funds were banked. All of these efforts help the entire community.

SAVINGS INSTITUTIONS

The owners of savings institutions can continue to help immeasurably in home repairs and remodeling. Most have helped. I personally know that some are hedging.

Permit me to explain. Let's take a quick look at the neighborhood. For the most part our homes are neat, clean, and in good condition. Most of the homes from 33d to 39th and from 48th to 58th Streets are single or double dwellings. From 43d to 48th most homes are multiple dwellings having two or more flats.

Even though most of our homes are in good condition, some need major repairs and and a few, in various sections, are in dangerous conditions. These drag down the property values of adjacent homes.

A few homes in deplorable condition serve as rotten apples in the barrel. Every avenue must be explored to repair these sore points and prevent the infection from spreading.

PROVIDING CAPITAL

If the owners have agreed to repair but were stopped by lack of finances, then arrangements must be made to provide a flow of capital for this purpose.

We have a situation where many property owners are anxious to repair their buildings, install new fronts and sidings, but have received little encouragement in borrowing money for this purpose. This has been particularly true of area residents between 43d and 47th and from Loomis to Damen.

Yet, in this same area and in other parts of the community buildings and loan associations are now remodeling and rebuilding their own structures. If the directors of the building and loan associations have sufficient faith in the future of the area to rebuild their own buildings then they should have faith to lend their money to the resident landlords and encourage them to repair their property.

The welfare of local banks and savings and loan associations largely depends upon the welfare of the present local residents. The future of our savings institutions is inseparable from the future of the entire community, and not just any one section of it. It is strongly urged that our local finance institutions review their relationship with the neighborhood and work out the means whereby our community will be improved.

SPECIAL REQUEST

I have a special request to make to the representatives of our savings institutions here today. Please take the booklet with the good news from your assessor and your mayor back to your offices and read it. Please give favorable consideration to reprint it in whole or part and distribute it by direct mail to your membership.

Your depositors will be glad to see you putting their money to work in the community. Your lenders will be pleased to know money is available for remodeling and that all owners of residential and income properties can maintain their property by normal repairs without tax increases.

Your cooperation to release this information will aid in improving the economy by releasing surplus funds, thereby increasing employment and buying and saving power. You can reprint this booklet in whole or part, specifically mentioning that your institution will provide remodeling loans.

GETTING JOB DONE

If you wish our help, we will gladly assist you in editing the book and in obtaining low printing costs. You will also be given permission to delete the council's name. We do not care who gets the credit as long as the job is done.

Please help get this message across to your membership, by direct mail, newspaper ads, radio and television, and by outdoor billboard and electric signs.

Mayor Daley and Assessor Cullerton will be most happy to learn of your cooperation in disseminating this information.

The responsibility is not just that of savings and loan associations and banks, but of all people and agencies in the community. A permanent conservation program can only come from the constant efforts by all people in this community project. The community has the resources and the power or organization. But the responsibility belongs to each and everyone.

Take the real estate agencies. They have played, and continue to play an extremely important role in maintaining our community standards. They can discourage real estate transactions where there is suspicion of illegal conversions or intended roominghouse operations. They can warn prospective purchasers that illegal conversions, or zoning, health, and fire code violations will be stopped by the full and unremitting power of our organized community.

The Back of the Yards community is so structured that it will fight violations through every court and every hearing. It will not permit a situation of illegal conversions.

BUSINESSMEN'S ROLE

Every businessman in our neighborhood has his responsibility too. This is the community of his economic livelihood. It is sound business for him to invest in his community just as it is for a farmer to improve his farm.

The responsibility falls upon our labor unions. They have played a magnificent role in the raising of the economic standards of our people and have thereby made a profound contribution to the economic welfare of the area.

Now these same unions should encourage their members to repair and remodel their homes, observing all those codes pertaining to health, housing, sanitation, electrical and zoning laws. All violations or possible illegal conversions should be strongly discouraged. Our major industries also have their responsibility.

The outward appearance of the stockyards area has a great bearing on the community. We hope that cyclone fences will be erected on the sidewalk area bordering the yards, vacant areas owned by the industries will be kept free of weeds and debris, and that new buildings will be constructed and old ones modernized in keeping with the tone of the community.

STOCKYARDS AREA

The stockyards industry is reminded of the unfavorable odors coming from the yards. The stockyards smell has become a byword in the discussion of the community. We believe that in these modern times it is inexcusable for the continuance of this nuisance and that those responsible should be required to eliminate it not in the future but now.

The main reason new industry shies away from the yards is because of the odors emanating from three or four refineries which perpetuate this nuisance.

Builders and reliable contractors should encourage homebuilding and repair work by advertising in the local newspapers. Pictures of homes before and after being repaired should be featured in advertising.

The local newspapers should continue to feature pictures and articles showing what can be done to improve and remodel homes.

Property owners confronted with the issue of whether property improvements will pay off should remember that such repairs help to protect the original investment in the home.

"WE THE PEOPLE * * *"

Unquestionably, living accommodations providing such things as hot water, proper insulation, new bathrooms, and attractive outside coverings will result in a better rental income. Rental increase will provide a substantial part of the monthly payments for improvements.

There are also other savings. Ten percent of the price of remodeling may be deducted from income taxes for a period of 10 years.

In conclusion, the bright future of the back of the yards requires the wholehearted cooperation of everyone here today. All of us must rededicate ourselves to continue in a joint effort to make our community a better place to live, work, worship, and play.

Remember our slogan: "We the people will work out our destiny." With the help of all of you and God we will.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. CASE. Mr. President, I ask unanimous consent that I may yield to the distinguished minority leader [Mr. DIRKSEN] on the same basis as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF SENATOR ALLOTT TO REPLACE SENATOR COTTON ON CERTAIN ASPECTS OF THE CIVIL RIGHTS BILL

Mr. DIRKSEN. Mr. President, when the debate began on the motion to consider the pending bill, both sides appointed monitor captains, so to speak. I forget how they were designated on the majority side, but I named seven and made them all "captains," corresponding to seven major titles of the bill.

The distinguished Senator from New Hampshire [Mr. COTTON] is so beset with extraordinary work that it is somewhat difficult for him to serve; so I would substitute for him the distinguished Senator from Colorado [Mr. ALLOTT].

I take occasion now to announce that, because of their fidelity to duty and the rare way in which they have discharged their responsibilities, as of this moment I would like to elevate all of them from the rank of captain to the rank of major, with a major's pay, whatever that pay is.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. HUMPHREY. If the Senator does that without prior consultation, there will be insurrection in the ranks. In order to make this a bipartisan promotion, I should like to join the minority leader. We will elevate all such captains, as of today and yesterday, to the honored title of major. It may be, if this debate continues much longer, there will be opportunity for further promotion.

Mr. RUSSELL. Mr. President, will the Senator yield for one observation?

Mr. DIRKSEN. I yield.

Mr. CASE. I yield with the same understanding.

Mr. RUSSELL. I am very much interested in the climate of promotion. Our adversaries on this bill are coming more and more to resemble the old-time Mexican Army, in which there were vast hordes of generals but only one private. I was wondering who would finally assume the onus of private, when one is promoted each time he succeeds in speaking on the floor for 2 hours.

Mr. HUMPHREY. This may be rather difficult.

Mr. DIRKSEN. Mr. President, to show how kindly disposed we are in this debate, let me point out that Captain KUCHEL has now been promoted to Major KUCHEL. So we now have, in addition, Major KEATING, Major HRUSKA, Major JAVITS, Major COOPER, Major SCOTT, and Major ALLOTT. They all deserve promotion, so what else can I do?

Mr. RUSSELL. If the Senator wishes to make them all generals, I shall not complain.

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, will the Senator from New Jersey yield to me for an announcement?

Mr. CASE. Mr. President, I yield to the Senator from Minnesota under the same understanding.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

NEGRO VOTING

Mr. RUSSELL. Mr. President, will the Senator from New Jersey yield to me for one moment? He has been so gracious in yielding to our colleagues that I hope he will be kind enough to yield to me briefly.

Mr. CASE. I yield under the same conditions.

Mr. RUSSELL. Mr. President, we have heard a great deal from time to time on the question of whether Negro citizens are more apathetic than other citizens in the exercise of the franchise. I have heard the generalissimo of the proponents of the bill make statements on this matter. As I have said on other occasions, we do not have large groups of tax paid statisticians and mathematicians and expert "guesstimaters" to compile all these figures. We have to depend on what we can pick up here and there. But I did notice in the New York Times for Sunday, April 5, an article headed "Apathy in Voting Laid to Negroes."

Of all places where this situation is said to exist, we read that it is in the city where everything is done for minority groups—the city of Chicago, Ill. We hear from time to time that this city is the very epitome of perfection and that it is the wish of all minority groups to go there because they know they will be well received. But even in that city voting apathy has been demonstrated.

This is not an unfriendly survey, but one that was made by the Chicago Urban League, which is a somewhat glorified National Association for the Advancement of Colored People, but of a higher caste and more exclusive. The survey made by that league shows that 68 percent of eligible Negroes registered to vote, as against 78 percent of the whites. In the actual voting, however, the spread was much larger—only 47 percent for colored as against 64 percent for whites.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. RUSSELL. Yes, inasmuch as I mentioned the Senator's State.

Mr. CASE. Mr. President, I yield under the same conditions.

Mr. DIRKSEN. As soon as a Republican Governor of Illinois and a Republican mayor of Chicago are elected, this apathy will blow away like the bloom off the silkweed before the fresh morning breeze.

Mr. RUSSELL. Does the Senator refer to the latent hostility to Mayor Daley, as evidenced by his being booed by a large public gathering on July 4, 1963?

Mr. DIRKSEN. I will never be so unkind as to pinpoint a particular reason, except to say what the remedy will be.

Mr. RUSSELL. In order that the Senator from Illinois and others interested may be advised as to these statistics—and I am sure no proponent of the bill will question the source, the Urban League—I ask unanimous consent that the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APATHY IN VOTING LAID TO NEGROES—CHICAGO STUDY SAYS PART OF REASON MAY BE PROTEST

(By Austin C. Wehrwein)

CHICAGO, April 4.—The Chicago Urban League says that despite the absence of racial barriers to voting here, Negroes are indifferent about going to the polls.

A league survey showed this week that the rate of Negro registration was comparable with that of whites. Sixty-eight percent of eligible Negroes registered to vote in the 1962 election, against 78 percent of whites.

In the actual voting, however, the spread was larger: only 47 percent against 64 percent.

"Much of the abstention can be explained by indifference," the league report said. It sugested that the abstention could also have been a form of political protest.

Nonwhites (mostly Negroes) make up 27 percent of Chicago's population.

The report emphasized that "the great civil rights rebellion" had drawn attention to the Negro voting problem.

* * * * *

"Chicago Negroes have shown a certain amount of latent hostility to the local Democratic Party, as evidenced by the July 4, 1963, booing of the mayor (Richard J. Daley), and in the February 25, 1964, defiance of the Negro alderman by the mass support of the second school boycott," the report commented.

"However, this feeling has not been manifest by balloting against the Democratic Party.

"But there is a lower percentage of Negro registered voters actually voting. This percentage tended to be the lowest in the wards in which there was already Negro representation, and dropped off more heavily than expected in the 1963 election."

In the national election, the report added, there was a strong identification among Negroes with the liberal economic position of the Democratic Party.

That identification may not carry over as strongly to the local Democrat Party, it went on, because of the Daley machine's identification with the national party. Negroes did not want to vote against it.

In last April's election for mayor and aldermen, only 61 percent of the registered nonwhites went to the polls, against 77 percent of the registered whites.

The six wards with Negro aldermen had a higher registration rate than others with statistically significant Negro populations. But the difference almost vanished when it came to voting in the 1963 election.

The league said it could only speculate that some Negroes had registered to show they were politically involved, but had not voted because they were not stirred by the issues or candidates.

Mr. HUMPHREY. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I yield to the Senator from Minnesota, provided that in doing so I shall not lose my right to the floor.

Mr. HUMPHREY. I appreciate the information I have just received, both as to the statistical evidence and what seems to be the obvious motivation for voter apathy. The difference between the voter apathy of the proponents of the bill and the voter apathy of the opponents is that we are perfectly willing to give the voters the opportunity and the choice whether they wish to be active or apathetic, but in some sections of the country it makes no difference whether they are active or apathetic because they are obviously denied the right to vote; so I believe that the situation clarifies itself.

I am sure that the Urban League in Chicago will be able to engender considerable interest among the voting members of the Negro group. There are many areas in the United States where white citizens have not demonstrated too great an interest in voting in a general election, or even in a primary.

So I welcome this information. All I can say is that in Chicago one has the right to vote. I might add that some who have come to Chicago from other areas of the country have been denied the right to vote for so long that perhaps they have forgotten how to vote.

Mr. CASE. Mr. President, I suggest that perhaps this debate should not continue any longer on my own time, and that Senators should speak on their own time.

Mr. RUSSELL. I regret that the Senator cuts off my hope of replying to the generalization just made by the Senator from Minnesota, which he has made before, without a single substantiating fact.

Mr. CASE. I am sorry, but I do not wish to lose my right to the floor by continuing to yield to Senators for this colloquy, which has been continuing for some time. I am sure that I shall take approximately only an hour for my speech, and then perhaps Senators will have an opportunity for extended discussion with the Senator from Georgia.

Mr. RUSSELL. I hope the Senator from New Jersey is not afraid that he will be demoted if he takes only an hour.

Mr. CASE. Of course, it is a matter of the quality of one's subject, not how long one talks about it.

RECONSTRUCTION OF THE STATE OF ALASKA

Mr. CASE. Mr. President, I yield at this time to the distinguished Senator from Washington [Mr. JACKSON].

Mr. JACKSON. Mr. President, on behalf of Senators MAGNUSON, BARTLETT, GRUENING, KUCHEL, ENGLE, MORSE, NEUBERGER, FONG, INOUYE, BIBLE, Moss, and myself, I send to the desk for appropriate reference, a bill authorizing an Office of Alaska Reconstruction which will provide, through earthquake insurance, reasonable protection to the people of that State against loss of or damage to their real and personal property.

In order to provide assistance to Alaskan property owners and businessmen for damage caused by the recent earthquake and related disasters, benefits under this proposed Federal insurance and reinsurance program would be retroactive to the date of Alaska statehood, January 3, 1959. The program's terms of insurance would be determined by the Office of Alaska Reconstruction on a responsible fiscal basis.

We are submitting our proposal in recognition of the compelling and immediate need to assist the private sector of the Alaska economy.

First, we must forestall any exodus of private business persons and interests from that State during this important initial phase of Alaska's rehabilitation.

Second, we must provide a secure climate for future business activity in Alaska.

Third, we must encourage, through appropriate Federal technical standards for insurance eligibility, the development of an economy whose physical plant would suffer minimal losses should such a natural disaster recur.

Some informed estimates of the replacement cost of damaged property in Alaska exceed $500 million. In considering this figure, the facts that Alaska has an extremely short construction season and probably has the highest cost of construction in the world should be borne carefully in mind.

The industries most seriously affected by the earthquake included those most basic and important to the area—transportation, lumbering, fisheries, and the mineral industries.

As a recent Office of Emergency Planning report said, these businesses were "indigenous to the area, largely unsupported by public funds, and the foundation of any future private enterprise economic base."

Two additional facts testify to the uniqueness of the Alaskan tragedy:

No other State has, in any such disaster, suffered such a proportionate loss of its net worth.

Alaska is not contiguous with the continental United States. Thus redevelopment from surrounding areas is far less easily facilitated.

Our bill will provide the executive departments an opportunity to offer the Interior and Insular Affairs Committee useful suggestions and refinements. The bill contemplates, of course, full participation by private insurance companies under appropriate standards. Wide sale of reasonably priced earthquake insurance is an area into which private insurance companies have not ventured and probably will not be able to afford to without a Federal program of reinsurance.

Ample legislative precedent exists for this legislation. The 1942 War Damages Corporation authorization—56 Stat. 174, 175—provided for constructive, or so-called retroactive, insurance to cover loss of or damage to tangible real and personal property suffered from enemy attack during the opening days of our participation in the Second World War.

Indeed, the Congress has already gone so far, in principle, as to approve a national Federal flood insurance program through the Federal Flood Insurance Act of 1956—79 Stat. 1078.

This bill will be a working document enabling the Interior Committee to hold broad hearings on all aspects of this disaster. As you know, damages from the Alaska earthquake extend to Washington, Oregon, and California. The Senator from California [Mr. KUCHEL], who is a cosponsor of this present bill, has already done much useful spadework in the problem of earthquake insurance. As far back as 1956, he made sound recommendations on this problem to the Senate Banking and Currency Committee.

The Senator from New Mexico [Mr. ANDERSON], ranking member of the Interior Committee, has been appointed by the President as Chairman of the special Commission charged with responsibility for coordinating measures to help Alaska reconstruction.

I am designating the Senator from New Mexico [Mr. ANDERSON] to conduct hearings before the Interior and Insular Affairs Committee on the bill introduced today, and on such other measures as may be related to the Alaska disaster.

We must match the courage of Alaskans in the face of this terrible tragedy with prompt and responsive action.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred.

The bill (S. 2719) to amend the Alaska Statehood Act (act of July 7, 1958; 72 Stat. 339) and for other purposes, introduced by Mr. JACKSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, with the permission of the Senator from New Jersey [Mr. CASE], I yield now to the Senator from Alaska [Mr. BARTLETT].

Mr. BARTLETT. Mr. President, on April 2, President Johnson established the Federal Reconstruction Development and Planning Commission for the State of Alaska. He did this by Executive order and then promptly appointed the Senator from New Mexico [Mr. ANDERSON] to be Chairman of the Commission.

A corresponding group has been appointed on behalf of the State of Alaska by Gov. William A. Egan. The Governor, those whom he appointed and others from Alaska are now in Washington conferring with members of the Federal Commission, and conferring with others. Today, Governor Egan met with President Johnson on the Alaskan disaster.

The Federal Commission in addition to the Chairman, is composed of the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Administrator of the Federal Aviation Agency, the Administrator of the Housing and Home Finance Agency, the Administrator of the Small Business Administration, the Chairman of the Federal Power Commission, and the Director of the Office of Emergency Planning.

This body, under the leadership of the Senator from New Mexico [Mr. ANDERSON], is already actively and constructively at work. Several meetings have been held. Data are being assembled, proposals are being discussed and soon concrete recommendations for the rehabilitation of Alaska will be submitted to Congress.

I am sure that the author of the bill introduced today—the Senator from Washington [Mr. JACKSON]—would not claim on behalf of himself or any of his cosponsors that it is necessarily the ideal vehicle for the purpose for which it is introduced. It does offer a constructive approach to the great problem which is ours in Alaska. As such, it is greatly welcome.

It is my understanding from the Senator from Washington [Mr. JACKSON] that he intends promptly to call for hearings in the Committee on Interior and Insular Affairs, the committee to which the bill has been referred.

I applaud his action, in which he has been joined in full measure by the Senator from Washington [Mr. MAGNUSON], who together with his colleague, the Senator from Washington [Mr. JACKSON] was in attendance at a meeting in Seattle, Wash., last Thursday. Over 500 persons interested in the welfare of Alaska were present. The bill which is introduced today comes in part as a result of this most helpful meeting.

As the evidence is presented in hearings it may well be, as the Senator from Washington [Mr. MAGNUSON] has stated, that the damage from the catastrophe is so great an outright Federal grant will be required to put Alaska on its feet.

We will know the whole story at the conclusion of the hearings which will be held on the bill just introduced.

On behalf of Alaska and Alaskans, I wish to thank the two Senators from Washington and all other Senators from the Pacific rim, in addition to the Senator from Nevada [Mr. BIBLE], and the Senator from Utah [Mr. MOSS], who have joined in cosponsoring this proposed legislation. I am sure that soon, even before the day is out, there will be many other names added as cosponsors.

Mr. CASE. Mr. President, I yield now to the Senator from Alaska [Mr. GRUENING].

Mr. GRUENING. Mr. President, I am pleased to join with the able and distinguished junior Senator from Washington [Mr. JACKSON] in cosponsoring, with him and all our Pacific States colleagues and others, the bill he has introduced to amend the Alaska Statehood Act to begin to make some provision for the reconstruction, development, and assistance to the people of Alaska in the wake of the disaster which struck Alaska March 27 last.

Both Senators from Washington [Mr. MAGNUSON and Mr. JACKSON] are to be highly commended for the able leadership they have shown in these troubled times—troubled not alone for the State and people of Alaska but troubled as well for the entire Nation and its people. For what happened on Good Friday in Alaska was truly a national disaster and affects the Nation as a whole.

We in Alaska have not yet had the means or time to assess fully the total damage to our State. It is my opinion that when such assessment has been made the total damage in the State will approach $1 billion. No matter how great the willingness of the people of Alaska and of the State of Alaska to pitch in and devote all their energies and means to rebuilding the State—and they are more than willing to do so—they just have not the necessary means to do the entire job. Assistance must come from the Federal Government.

The earthquake that struck Alaska on March 27 was unequalled in intensity and extent of terrain on this continent. The damage done to the State in dollar terms is, proportionately to the total assets of the State, vast and far greater than in any other disaster in relation to the State in which it occurred. Rehabilitation must be carried out on a large and imaginative scale.

The time has come, Mr. President, to demonstrate that this country is composed of States which are united in every sense of the word. A tragedy striking one State ultimately will affect the prosperity of all States unless all States react as one to go to the aid of the stricken State. This is the true meaning of unity. This is the significance of our national motto, E Pluribus Unum. We have never operated on the principle that each State goes its own way and the "devil take the hindmost." We have in the past recognized the all-for-one and one-for-all principle in the United States through a score of grant-in-aid programs that operate in a wide segment of human endeavor without any geographical limitations. Those programs are designed to meet needs wherever they exist.

With respect to the disaster which has befallen Alaska, we must do the same with imagination and on a scale commensurate with the scope of the need that exists.

The bill introduced by the able and distinguished junior Senator from Washington [Mr. JACKSON] is a beacon leading the way. It must serve but as a token of the aid on a far greater scale that should be given.

We must make provision in some manner for the tremendous burden of debt with which the private citizens and businessmen in Alaska find themselves saddled. These are debts for houses, stores, merchandise, and so forth, which have been smashed or which have literally sunk into the water or into the earth. These people, burdened with this intolerable debt burden, cannot practically be expected to incur additional indebtedness in order to rebuild.

To rebuild, there will also be needed a sizable direct grant to the State of Alaska.

I hope that before the Committee on Interior and Insular Affairs finally reports this bill, amendments to take care of both these needs—as well as other needs—will be added. I shall press for such amendments in committee.

I have in the past often alluded to what we have done for foreign nations abroad. I now say, in view of the magnitude of the disaster which has struck Alaska, we must use our actions abroad as a clear and distinct precedent for doing the same here at home. What we have done abroad we have done without the occurrence of a major disaster but only in the normal course of building the economies of underdeveloped countries.

The United States has given budget support in the amount of over $29 billion. This assistance has gone to 89 countries throughout the world.

Budget support to a foreign country means the grant of U.S. dollars to that country to make up a deficit in its budget—a payment to the country of the difference between its expenditures and its income. In many of the countries aided by budget support lower taxes are often given to private industries. In other countries, public funds are used to establish and support industries and businesses. In both these cases, when the United States meets the budgetary deficit, it enables the country aided to help business and thus U.S. dollars are indirectly being used to aid foreign businesses and industries.

Under the AID program of technical cooperation and development grants the total sum of over $1.9 billion has been expended since 1946 in 92 countries. Under this program, technical assistance is provided to public and private businesses and industries in many countries of the world. But the AID program goes further and provides industry and agriculture with grants with which to purchase machinery and supplies. In other words our foreign aid program aids both the public and the private sector. It is essential we do as much for our own in Alaska.

One of Alaska's greatest losses as a result of the disastrous earthquake and resulting tidal waves was to its canneries and fishing fleet. This is vitally important to Alaska's total economy—it is a major industry. Without its rebuilding there will be high economic losses and even higher unemployment.

Yet abroad we have been generous in developing the fisheries resources of a multitude of countries. Thus in fiscal year 1955, for example, we gave—not loaned—to China the sum of $204,000 to improve its ocean fisheries. That sum is exactly the sum needed now in sorely stricken Kodiak, Alaska, to rebuild and to provide immediate employment to 600 men and women in the one cannery which was not swept into the sea although badly damaged. I hope that when the question is considered in the committee and on the floor in connection with this bill and amendments to it as to making grants freely available to rebulid Alaska this example will be before my colleagues.

I ask unanimous consent that tables which I have prepared on certain aspects of our foreign aid program dealing with the development of foreign fisheries be printed at the conclusion of my remarks.

In closing, Mr. President, I urge that this legislation be considered with the greatest possible speed. Time is truly of the essence. President Johnson has acted with highly commendable speed so far in coming to the aid of his stricken countrymen. We have done as much for those similarly stricken, for example in Yugoslavia and Chile. Let us do not less and as speedily for the people of Alaska.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Specific grants made for development of fisheries in foreign countries under the aid program—fiscal years 1955–62

CHINA

Ocean fisheries improvement, fiscal year 1955	$204,000
Fishing fleet rehabilitation, fiscal year 1956	5,000
Fish propagation, fiscal year 1956	8,000
Fishing fleet rehabilitation program, fiscal year 1957	17,000
Fisheries, fiscal year 1957	13,000
Tuna long liners, fiscal year 1957	530,000
Fisheries development:	
Fiscal year 1958	11,000
Fiscal year 1959	13,000
Fiscal year 1960	26,000
Fiscal year 1961	21,000
Total	848,000

CAMBODIA

Fisheries conservation:	
Fiscal year 1958	35,000
Fiscal year 1959	41,000
Fiscal year 1960	31,000
Fiscal year 1961	24,000
Fiscal year 1962	28,000
Total	159,000

INDONESIA

Expansion and modernization of marine fisheries, fiscal year 1955	224,000
Expansion of inland fisheries, fiscal year 1955	51,000
Expansion and modernization of marine and inland fisheries:	
Fiscal year 1956	150,498
Fiscal year 1957	149,000
Fiscal year 1958	68,000
Fiscal year 1959	84,000
Fiscal year 1960	77,000
Fiscal year 1961	70,000
Fiscal year 1962	33,000
Total	907,198

KOREA

Fishing boat construction, fiscal year 1956	1,000,000
Fisheries development:	
Fiscal year 1957	2,314,000
Fiscal year 1958	160,000
Fiscal year 1959	475,000
Fisheries development (typhoon rehabilitation):	
Fiscal year 1960	409,000
Fiscal year 1961	131,000
Total	5,351,000

Specific grants made for development of fisheries in foreign countries under the aid program—fiscal years 1955–62—Continued

INDIA

Project for modernization and expansion of marine and inland fisheries and exploratory fishing:	
Fiscal year 1955	$278,100
Fiscal year 1956	437,520
Fiscal year 1957	93,000
Fiscal year 1958	134,000
Fiscal year 1959	106,000
Fiscal year 1960	40,000
Fiscal year 1961	40,000
Total	1,128,620

VIETNAM

Development of inland fisheries, fiscal year 1955	3,000
Development of marine fisheries, fiscal year 1955	95,000
Development of inland fisheries, fiscal year 1956	13,500
Development of marine fisheries, fiscal year 1956	46,000
Development of inland fisheries, fiscal year 1957	7,000
Development of marine fisheries, fiscal year 1957	160,000
General fisheries development, fiscal year 1958	192,000
Fisheries development:	
Fiscal year 1959	898,000
Fiscal year 1960	409,000
Total	1,823,500
Fisheries resources, fiscal year 1962	85,000
Total	1,908,500

PAKISTAN

Karachi Fish Harbor, fiscal year 1955	364,000
Fisheries development:	
West Pakistan, fiscal year 1956	371,375
East Pakistan, fiscal year 1956	129,295
Fisheries Development:	
West Pakistan	45,000
East Pakistan, fiscal year 1957	46,000
West Pakistan, fiscal year 1958	116,000
East Pakistan, fiscal year 1958	56,000
West Pakistan, fiscal year 1959	91,000
East Pakistan, fiscal year 1959	32,000
Fiscal year 1960	74,000
Fiscal year 1961	15,000
Fiscal year 1962	16,000
Total	1,355,670

SOMALI

Fisheries:	
Fiscal year 1958	121,000
Fiscal year 1959	18,000
Fisheries improvement:	
Fiscal year 1960	61,000
Fiscal year 1961	30,000
Fiscal year 1962	107,000
Total	337,000

Grants made under the aid program to foreign countries for development and rehabilitation of fisheries, fiscal years 1955–62

China	$848,000
Cambodia	159,000
Indonesia	907,178
Philippines	82,000
Thailand	147,000
Vietnam	1,908,500
Korea	5,351,000
Laos	13,450
Ethiopia	43,200
India	1,128,620
Liberia	167,280
Pakistan	1,355,670
Turkey	18,500
Tunisia	$147,000
Somali	337,000
Ghana, fiscal year 1962	66,000
Ivory Coast, fiscal year 1962	200,000
Nigeria, fiscal year 1962	195,000
Iceland	14,600
Spain	2,000
Yugoslavia	100,000
South America:	
Chile, fiscal year 1962	26,000
El Salvador	23,055
Peru	151,971
British Guiana	8,000
Marine research in South China Sea and Gulf of Thailand	960,000
Total grants for fiscal years 1955–62	14,363,024

Mr. CASE. Mr. President, I ask unanimous consent that, on the same basis as previously, I may yield briefly to the senior Senator from Washington.

Mr. MAGNUSON. Mr. President, my colleague from Washington pointed out earlier today that several Senators have joined in the introduction of a bill which has been discussed among all of us as one approach to the terrible tragedy and the rehabilitation of Alaska.

I wish it to be clearly understood—and I am sure that all Senators who have participated in drawing up this proposal wish it to be clearly understood—that we do not know whether this is the complete answer to the problem. We believe it is a good approach, and that it is certainly one to be explored, perhaps, to the extent of applying the idea to other national catastrophes. I wish it clearly understood, so far as I am concerned, that it may be that we shall come to Congress and ask for some other things that are necessary and right and just in the rehabilitation of the State of Alaska.

Time is of the essence. The reason why my colleague and I and the two Senators from Alaska were so eager to pursue this matter today, to introduce the bill, and to have hearings started was that we might pursue many of the other suggestions that have been made.

I believe that before the damage is assessed several approaches may well be made to the problem.

The Federal Government's participation can be taken care of. The various agencies of Government are proceeding, so far as railroads and docks and other Federal property are concerned. They are moving quickly. The President moved quickly. I shall place in the RECORD, following my remarks, the Executive order issued by the White House on April 2.

The Federal agencies, of course, will come before us, and will make some recommendations, I am sure. Some of the suggestions may be carried out administratively; others the Congress will have to consider. I believe that we may have to make some direct grants after reviewing the problem.

The extent of such grants, in addition to legislation, will be very carefully determined by this Commission and by the Counter-Commission, which the Governor of Alaska appointed, and which will meet with the other Commission.

On page 2 of the Executive order there appears this language:

> SEC. 2. FUNCTIONS OF THE COMMISSION. (a) The Commission shall develop coordinated plans for Federal programs which contribute to reconstruction and to economic and resources development in Alaska and shall recommend appropriate action by the Federal Government to carry out such plans.

That means that the Commission may examine the serious damage that occurred in the private sector, and it is directed to make recommendations.

I wish to compliment, as my colleague did, all Senators who have joined us. Time is of the essence. The junior Senator from Washington has already arranged to begin hearings as soon as possible, at which time we shall review the entire subject.

The bill we have introduced is one of the plans that have been suggested. There are others. I hope we can proceed with due diligence and patience in connection with this tragedy.

The distinguished occupant of the chair, the Senator from Hawaii [Mr. INOUYE] has joined us in the introduction of the bill. We know that this kind of tragedy can happen anywhere along the Pacific rim. We hope it will not, but we want to be prepared.

I ask unanimous consent that the Executive order be printed in the RECORD at this point in my remarks.

There being no objection, the Executive order was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER ESTABLISHING THE FEDERAL RECONSTRUCTION AND DEVELOPMENT PLANNING COMMISSION FOR ALASKA

Whereas the people of the State of Alaska have experienced death, injury, and property loss and damage of staggering proportions as a result of the earthquake of March 27, 1964; and

Whereas the President, acting pursuant to authority granted in the act of September 30, 1950, as amended (42 U.S.C. 1855–1855g), has declared a major disaster in those areas of Alaska adversely affected by the earthquake beginning on March 27, 1964; and

Whereas the Federal Government and the State of Alaska desire to cooperate in the prompt reconstruction of the damaged Alaska communities; and

Whereas the Federal and State governments have a common interest in assuring the most effective use of Federal and State programs and funds in advancing reconstruction and the long-range development of the State; and

Whereas such effective use is dependent upon coordination of Federal and State programs, including emergency reconstruction activities, which affect general economic development of the State and the long-range conservation and use of natural resources; and

Whereas the Governor of Alaska has declared his intention to establish a State commission for reconstruction and development planning: Now, therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. Establishment of Commission: (a) There is hereby established the Federal Reconstruction and Development Planning Commission for Alaska (hereinafter referred to as the Commission).

(b) The Commission shall be composed of a Chairman, who shall be designated by the President, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Administrator of the Federal Aviation Agency, the Housing and Home Finance Administrator, the Administrator of the Small Business Administration, the Chairman of the Federal Power Commission, and, so long as the President's declaration of a major disaster is in effect, the Director of the Office of Emergency Planning. Each agency head may designate an alternate to represent him at meetings of the Commission which he is unable to attend.

(c) The Chairman may request the head of any Federal executive department or agency who is not a member of the Commission under the provisions of subsection (b), above, to participate in meetings of the Commission concerned with matters of substantial interests to such department or agency head.

(d) The President shall designate an Executive Director of the Commission, whose compensation shall be fixed in accordance with the standards and procedures of the Classification Act of 1949, as amended.

SEC. 2. Functions of the Commission: (a) The Commission shall develop coordinated plans for Federal programs which contribute to reconstruction and to economic and resources development in Alaska and shall recommend appropriate action by the Federal Government to carry out such plans.

(b) When the Governor of Alaska has designated representatives of the State of Alaska for purposes related to this order, the Commission shall cooperate with such representatives in accomplishing the following:

1. Making or arranging for surveys and studies to provide data for the development of plans and programs for reconstruction and for economic and resources development in Alaska.

2. Preparing coordinated plans for reconstruction and economic and resources development in Alaska deemed appropriate to carry out existing statutory responsibilities of Federal, State, and local agencies. Such plans shall be designed to promote optimum benefits from the expenditure of Federal, State, and local funds for consistent objectives and purposes.

3. Preparing recommendations to the President and to the Governor of Alaska with respect to both short-range and long-range programs and projects to be carried out by Federal, State, or local agencies, including recommendations for such additional Federal or State legislation as may be deemed necessary and appropriate to meet reconstruction and development needs.

SEC. 3. Commission procedures: (a). The Commission shall meet at the call of the Chairman.

(b) The Commission may prescribe such regulations as it deems necessary for the conduct of its affairs, and may establish such field committees in Alaska as may be appropriate.

(c) Personnel assigned to the Commission shall be directed and supervised by the Executive Director of the Commission. Activities of the staff shall be carried out, under the general direction and supervision of the Chairman, in accordance with such policies and programs as may be approved by the Commission.

(d) The Chairman of the Commission shall report to the President from time to time on progress and accomplishments.

SEC. 4. Agency cooperation: (a) Each Federal agency represented on the Commission shall, consonant with law, cooperate with the Commission to expedite and facilitate its work. Each such agency shall, as may be necessary, furnish assistance to the Commission in accordance with the provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

(b) Other Federal agencies shall, to the extent permitted by law, furnish the Commission such information or advice bearing upon the work of the Commission as the Chairman may from time to request.

SEC. 5. Construction: Nothing in this order shall be construed as subjecting any Federal agency or officer, or any function vested by law in, or assigned pursuant to law to, any Federal agency or officer, to the authority of the Commission or of any other agency or officer, or as abrogating any such function in any manner.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 2, 1964*.

Mr. CASE. Mr. President, under the same conditions, I now yield to the Senator from Alaska for another brief statement.

Mr. BARTLETT. Mr. President, I hesitate to detain the Senator from New Jersey longer. But I know he will be sympathetic, because in this case also we are discussing human rights and needs.

Since I spoke last—and this is really the only reason why I beg the indulgence of the Senator again—I have been handed many messages from heads of state which have been sent to President Johnson, to Secretary Rusk, and to Governor Egan, expressing sympathy to the people of Alaska for the disaster which befell them.

I ask unanimous consent to have printed in the RECORD, following my remarks, the text of these messages of condolence.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BARTLETT. Mr. President, I should not want to conclude without making two further observations.

First I wish to express most sincere admiration for the aggressive and helpful action which has been taken in this emergency by President Johnson. From the outset, he expressed concern, sympathetic interest, and determination to do that which needed to be done. He was in constant touch night and day with Alaska, as emergency relief measures were ordered into effect.

Since that time many high Government officials have gone to Alaska in order to survey the damage and see how they could help. Mr. Foley, Administrator of the Small Business Administration, was in Alaska over the weekend. Under Secretary of the Interior Carr is there now.

We do not mean by the introduction of the bill to usurp in any way the authority of the Commission or the executive department as delineated in the Executive order to which reference has been made. We merely wish to help, to cooperate, and to expedite this matter.

EXHIBIT 1

LISBON, PORTUGAL,
March 30, 1964.

Hon. DEAN RUSK,
Secretary of State,
Department of State,
Washington, D.C.:

Having heard of the tragic events in the State of Alaska, I ask you to accept the expression of my deep sorrow and sincere sympathy.

FRANCO NOGUEIRA,
Foreign Minister of Portugal.

Santiago, Chile,
March 30, 1964.

His Excellency Dean Rusk,
Secretary of State,
Washington, D.C.:

Accept, Excellency, my deepest sympathy on the occasion of the terrible catastrophe in Alaska.

Julio Philippi Izquierdo,
Minister of Foreign Affairs of Chile.

Port of Spain,
March 30, 1964.

From: American Embassy,
To: Secretary of State:

Acting Prime Minister Solomon called Sunday to express his condolences for Alaskan earthquake disaster and sympathy for its victims.

Miner.

Lisbon,
March 31, 1964.

From: American Embassy.
To: Secretary of State, Washington, D.C.:

I have just received from Foreign Minister Franco Nogueira personal letter expressing his and Portuguese Government's sympathy over Alaska earthquake disaster and asking that most sincere condolences be conveyed to families of victims.

Text pouched.

Anderson.

Washington, D.C.,
March 31, 1964.

Hon. Dean Rusk,
The Secretary of State,
Washington, D.C.

Dear Mr. Secretary: On the occasion of the disastrous earthquake which has struck Alaska and has caused the loss of human life and inflicted heavy damages in Alaska and other parts of the United States, please accept our most sincere sympathy.

While sending our heartfelt sympathy to the families of those who have lost their lives and to the people of Alaska and of other parts of the United States who have suffered due to this tragedy, we recall with gratitude the expressions of solidarity and the help extended by the American Government and American people to the Yugoslav city of Skopje which was a victim of a similar catastrophe in July, last year.

With high regards,

Veljko Micunovic.

Rome.

His Excellency Dean Rusk,
Secretary of State,
Washington, D.C.:

Deeply grieved by the terrible disaster suffered by the noble American Nation, I beg you to accept the assurances of my sincere sympathy.

Giuseppe Saragat,
Minister of Foreign Affairs.

Roma.

Sua Eccellenza Dean Rusk,
Secretario di Stato per gil Affari Esteri,
Washington, D.C.:

Profondamente addolorato per spaventosa sciagura che ha colpito nobile Nazione Americana pregola accogliere commossa espressione miei sentimenti sincera solidarieta.

Giuseppe Sargat,
Ministro Affari Esteri.

Geneva,
April 1, 1964.

At opening plenary session this morning President Kaissouni expressed the great sympathy of the Conference to the people of the United States over tragedy in Alaska and asked that American delegation relay this expression to U.S. Government.

Tubby.

Washington, D.C.,
March 28, 1964.

Hon. Dean Rusk,
The Secretary of State,
Department of State,
Washington, D.C.:

On behalf of the Chinese Government and people I wish to convey to you the expressions of their deep sympathy and condolence in the disastrous earthquake which had just visited upon Alaska and in its resultant heavy loss of life and property in that State. It is heartening to see that all necessary emergency measures are already being taken to alleviate the suffering of those affected by this natural calamity and to repair the untold damage in its wake.

Tingfu F. Tsiang,
Ambassador of China.

Baghdad, Iraq,
March 30, 1964.

His Excellency Dean Rusk,
Secretary of State,
State Department,
Washington, D.C.:

I have heard with deep sorrow of the tragic news concerning the earthquake which hit Alaska and should like to express my profound regret for the great losses suffered in life and property and to convey my sincere sympathy with the bereaved.

Abdul-Kerim Farhan,
Acting Minister of Foreign Affairs.

March 30, 1964.

His Excellency Mr. Dean Rusk,
Secretary of State,
Washington, D.C.:

I convey my deep sympathies to the victims and sufferers of the Alaska earthquake disaster.

Kirtinidhi Bista,
Foreign Minister, Nepal.

Washington, D.C.,
March 28, 1964.

His Excellency Dean Rusk,
Secretary of State,
Department of State, Washington, D.C.:

The sad news of the earthquake in Alaska has moved me deeply. Please accept the expression of my profound sympathy and the assurance that with our American friends we feel close to the people in the stricken area.

Sincerely yours,

Henry Knappstein.

Bangkok,
April 1, 1964.

The President,
The White House:

I have learned with deep regret the news of loss of lives and vast damage as a result of the earthquakes at Anchorage March 29. Please accept the heartfelt sympathy of His Majesty's government and the Thai people as well as of my own for the victims of this national calamity.

Field Marshal Thanom Kittikachorn,
Prime Minister of Thailand.

Kabul,
April 1, 1964.

His Excellency Lyndon B. Johnson,
President of the United States of America,
Washington, D.C.:

I convey to Your Excellency and the American people my sincere sympathy on the devastating damages and loss of life caused by the recent earthquakes in Alaska.

Mohammad Zaher.

Athens,
April 1, 1964.

The President,
The White House:

Very much aggrieved by the terrible news of Alaska's earthquake. Would like to request Your Excellency to accept and kindly convey to the afflicted inhabitants of the State of Alaska the Greek peoples' and my own deepest sympathy.

George Papandreou,
Prime Minister of Greece.

Santiago, Chile,
March 30, 1964.

His Excellency Dean Rusk,
Secretary of State of the United States of America, Washington, D.C.:

Accept, Excellency, our most heartfelt condolences on the occasion of the deplorable catastrophe in Alaska.

Julio Philippi Izquierdo,
Minister of Foreign Affairs of Chile.

Beirut,
March 31, 1964.

The President,
The White House,
Washington, D.C.:

Deeply shocked at the number of victims and the great damage caused by the earthquake in Alaska, I express to your Excellency, on this very distressing occasion, the sorrow and sympathy of Lebanon.

Fouad Chehab.

Pan American Union,
Washington, March 30, 1964.

The President of the United States of America,
Washington, D.C.

My Dear Mr. President: Allow me to voice, both in my own name and in that of the Organization of American States, the deepest of consternation at the catastrophe which has stricken Alaska and, in lesser degree, other States of the Pacific coast.

While no reparation can be made for the loss of life which has occurred, I am confident that, with the fortitude and energy which have characterized the people of the United States from earliest times, the inhabitants of the devastated regions will be able to initiate the work of reconstruction promptly and carry it to rapid and successful conclusion.

Please accept the expression of my most profound regret and sympathy in this moment of national sorrow, and believe me to be,

Sincerely yours,

José A. Mora,
Secretary General.

Australian Embassy,
Washington, D.C.

The Australian Ambassador presents his compliments to the Honorable the Secretary of State and has the honor to request the Secretary to convey the following message from His Excellency the Right Honourable Viscount De L'Isle, V.C. P.C. G.C.M.G. G.C.V.O. K.St.J., Governor-General of Australia to the President:

"I would be most grateful if the following message could be conveyed to the Governor and the people of Alaska—

"'All Australians are deeply distressed at the loss of life and the suffering which the recent disastrous earthquake has inflicted on Alaska and other parts of the Pacific seaboard of the U.S.A.

"'Please accept this expression of sincere sympathy with all those who have suffered loss in this catastrophe'."

The Australian Ambassador takes this opportunity of renewing to the Secretary of State the assurances of his highest consideration.

Embassy of Pakistan,
Washington, D.C., March 30, 1964.

The Honorable Dean Rusk,
The Secretary of State,
Washington, D.C.

My Dear Mr. Secretary: My Government has asked me to convey to you, on behalf of the people of Pakistan, their profound sense of grief and sympathy over the calamity that struck Alaska recently.

I would like to add an expression of sympathy on my own behalf and on behalf of the members of my embassy.

Yours sincerely,

G. AHMED.

DJAKARTA, *April 2, 1964.*

THE PRESIDENT,
The White House:

I was shocked to read news of national disaster which struck Alaska in which hundreds of innocent people lost their lives and belongings. On behalf of people and Government of Republic of Indonesia and myself I wish to convey our condolences and deepest sympathy. Please convey to representatives and people of Alaska.

SUKARNO,
President of the Republic of Indonesia.

VIENNA, *April 1, 1964.*

THE PRESIDENT,
The White House:

Moved by the shocking news of the disastrous earthquake which visited your countty, I would like to ask Your Excellency, personally as well as on behalf of the Federal Government, to accept the expression of our warmest sympathy for the suffering of the victims of this tragic event.

ALFONS GORBACH,
Chancellor of the Republic of Austria.

WARSAW, *April 1, 1964.*

THE PRESIDENT,
The White House,
Washington, D.C.:

Moved by news of the tragic consequences of the earthquake that struck Alaska and particularly the city of Anchorage, I send you, Mr. President, on behalf of the Council of State of the Polish Peoples Republic and on my own behalf expressions of profound sympathy.

ALEKSANDER ZAWADZKI,
Chairman of the Council of State of the Polish Peoples Republic.

BERN, *March 31, 1964.*

THE PRESIDENT,
White House,
Washington, D.C.:

Because of the great extent of the disaster recently suffered by your country I beg Your Excellency to accept the sentiments of heartfelt sympathy expressed by the Federal Council and the Swiss people.

LUDWIG VON MOOS,
President of the Swiss Confederation.

WASHINGTON, *March 31, 1964.*

The Honorable DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. RUSK: I wish to express to you in my name and that of my government our deepest sympathy for the unfortunate victims of the earthquake in Alaska. The magnitude of this tragedy has affected the whole world and the people of my country have been greatly saddened by this sudden and immense catastrophe.

Please accept, Mr. Secretary, the assurances of my highest consideration.

EZEQUIEL F. PEREYRA,
Minister, Chargé d'Affaires a.i.

LAGOS, *March 31, 1964.*

THE PRESIDENT,
The White House,
Washington, D.C.:

I was deeply shocked to hear of the disaster caused by the earthquake in Alaska and I wish to convey to you, Mr. President, the sincere condolences of the Government and people of Nigeria.

ABUBAKAR TAFAWA BALEWA,
Prime Minister of the Federal Republic of Nigeria.

SAIGON, *April 1, 1964.*

THE PRESIDENT,
The White House:

I am deeply moved in learning of the disastrous earthquake in Alaska which has greatly shocked the people of Vietnam. On behalf of the people of the Republic of Vietnam and my own, I beg Your Excellency to receive our heartfelt sympathy toward the State of Alaska and our best wishes for its very early recovery.

Gen. DUONG VAN MINH,
Chief of State of Vietnam.

TEGUCIGALPA, HONDURAS.

His Excellency LYNDON B. JOHNSON,
President of the United States,
Washington, D.C.:

I wish to express to Your Excellency, in my own name and that of the Government and people of Honduras, condolences and heartfelt sympathy in connection with recent occurrences in Alaska and ask that you convey our sympathy to the people of the United States, especially the people of Alaska.

OSWALDO LOPEZ A.,
Chief of Government.

His Excellency LYNDON JOHNSON,
President of the United States,
Washington, D.C.:

We express our condolences to the families of the victims of the earthquake that struck the city of Anchorage and the entire State of Alaska.

HASSAN II.

THE PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: The following cable has been received from Belgrade to be forwarded to you:

"THE PRESIDENT OF THE UNITED STATES,
"The White House,
"Washington, D.C.:

"I was saddened to learn of the tragedy which befell Anchorage and Alaska. We feel deeply for your citizens who suffered the losses in human life and property. Please convey to the American people the profound sympathy of the people of Yugoslavia and that of my own.

"JOSIP BROZ TITO."

VELJKO MICUNOVIC,
The Ambassador of Yugoslavia.

THE ROYAL THAI EMBASSY,
Washington, D.C., March 30, 1964.

His Excellency DEAN RUSK,
Secretary of State,
Department of State,
Washington, D.C.

EXCELLENCY: I have the honor to convey to Your Excellency the following telegraphic message received by this Embassy from Bangkok:

"I learn with deep regret the news of the earthquake at Anchorage on March 29. Please accept our sincere sympathy for the victims of this natural calamity.

"THANAT KHOMAN,
"Minister of Foreign Affairs of Thailand."

Accept, Excellency, the renewed assurance of my highest consideration.

SUKICH NIMMANHEMINDA,
Ambassador.

MARCH 28, 1964.

The Honorable WILLIAM A. EGAN,
Governor of Alaska,
Juneau, Alaska:

Through his Embassy in Washington, Prime Minister Pearson has expressed the Canadian Government's concern about the earthquake in Alaska. He has requested information on the extent and seriousness of the disaster, and would welcome information on needs in order to offer all possible help, perhaps by flying in supplies from nearby areas. I would appreciate a reply as soon as possible in order to be able to respond to the Prime Minister's request for information.

DEAN RUSK,
Secretary of State, Washington, D.C.

CANADIAN EMBASSY,
Washington, D.C., March 30, 1964.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On Saturday, March 28, I asked the State Department by telephone to convey to you a message from Prime Minister Pearson on the earthquake disaster in Alaska. I am writing now to confirm the text of the Prime Minister's message, a copy of which is attached.

Yours sincerely,

C. S. A. RITCHIE,
Ambassador.

TEXT OF A MESSAGE FROM PRIME MINISTER PEARSON TO PRESIDENT JOHNSON DATED MARCH 28, 1964

On behalf of the Government and the people of Canada I wish to express our great distress over the tragedy which occurred in many communities in Alaska last night. I should be grateful if you would convey our deep sympathy to those in Alaska who have suffered such heavy and painful loss. Since early this morning officers of the Canadian Government have been in close touch with agencies of the U.S. Government to determine what help we might best be able to supply and have been making preparatory arrangements in the event our assistance is called for. I know that I speak for all Canadians when I assure you that we stand ready to do whatever we can to assist the people of Alaska at this tragic time.

L. B. PEARSON.

THE PRESIDENT,
The White House:

We were deeply shocked to learn of the recent earthquake in Alaska. In the name of the people and Government of Guinea and on behalf of President Sekou Toure, who at present is not in Conakry, we express our deep sympathy to the American people whose sorrow we share and ask that you convey to the families of the victims our heartfelt condolences.

Very high consideration.

ELHADJI DIALLO SAIFOULAYE.

MARCH 30, 1964.

THE PRESIDENT,
The White House,
Washington, D.C.:

Please accept our profound sympathy on the occasion of the terrible tragedy in the State of Alaska and along the Pacific coast! The Government and people of Ecuador share the sorrow of the great nation to which they are bound by indissoluble ties of American brotherhood.

Respectfully,

Rear Adm. RAMON CASTRO JIJON,
Maj. Gen. MARCOS SANDARA ENRIQUEZ,
Col. GUILLERMO FREILE POSSO,
Air Force General Staff.
Dr. HERNAN DONOSO VELASCO,
Secretary General of Government.

BRUSSELS, *March 31, 1964.*

THE PRESIDENT,
The White House,
Washington, D.C.:

The Queen and I, as well as all our fellow countrymen, have followed with deep emotion and anxiety the news of the catastrophe that has occurred in Alaska and has affected other parts of the United States. We express our deepest sympathy for the families that have so tragically suffered. We are particularly concerned about the fate of those living at Elmendorf, where we recently were received so cordially.

BAUDOUIN.

MARCH 31.

MR. LYNDON B. JOHNSON,
President of the U.S.A.
White House,
Washington:

In connection with the severe national calamity which struck our neighbor Alaska, I request you, Mr. President, to accept our deep sympathy and to transmit to the people of the suffering State the sincere condolences of the Soviet people.

With respect,

KRUSHCHEV,
Moscow, The Kremlin.

THE PRESIDENT,
The White House:

I wish to express to you, Mr. President, the sincere and heartfelt sympathy of the French people over the disaster that has struck the State of Alaska.

Please accept the personal assurances of my very high consideration.

C. DE GAULLE.

LA PAZ, BOLIVIA, *March 30, 1964.*

His Excellency LYNDON B. JOHNSON,
President of the United States,
Washington, D.C.:

Accept, Mr. President, the sympathy of the people and Government of Bolivia and my own on the Alaska tragedy, which has grieved the entire American Nation.

VICTOR PAZ ESTENSSORO,
President of Bolivia.

SANTIAGO, CHILE, *March 30, 1964.*

His Excellency LYNDON B. JOHNSON,
President of the United States of America,
Washington, D.C.:

Accept, Excellency, the sincere condolences of the people of Chile and my own on the terrible Alaskan catastrophe.

JORGE ALESSANDRI RODRIGUEZ,
President of the Republic of Chile.

MARCH 28, 1964.

THE PRESIDENT,
The White House:

I am most distressed at this disaster. Please accept deepest sympathy from my Government and the people of Jamaica.

PRIME MINISTER.

MEXICO, *March 30, 1964.*

THE PRESIDENT,
The White House,
Washington, D.C.:

I assure to you that I am suffering with deepest sympathy for Alaska's tragedy.

EVA SAMANO DE LOPEZ MATEOS.

CARACAS, *March 29, 1964.*

THE PRESIDENT,
The White House,
Washington, D.C.:

In the name of the people and Government of Venezuela and in my own name, I express to your Excellency and the people and Government of the United States our deep sorrow at the calamity that has struck the noble people of Alaska, and the hope that the work of reconstruction will be accomplished quickly.

Sincerely,

RAUL LEONI,
President of Venezuela.

LONDON, *March 31, 1964.*

THE PRESIDENT,
The White House,
Washington, D.C.:

Please accept expression of our deepest sympathy for deaths and destruction caused by appalling Alaskan earthquake.

J. D. BERNAL,
Chairman, Presidential Committee
World Council of Peace.

LISBON, *March 30, 1964.*

THE PRESIDENT,
The White House,
Washington, D.C.:

I have the honor to convey to your Excellency the expression of my deep sympathy on the occasion of the great earthquake which occurred in Alaska and which resulted in such tragic loss of life and property. Our sympathy goes also to those who have suffered so much from this terrible disaster.

AMERICO THOMAZ,
President of the Portuguese Republic.

DUBLIN, *March 29, 1964.*

THE PRESIDENT,
The White House:

On behalf of the Irish people and on my own behalf I wish to convey to you our deepest sympathy on the disaster which has occurred in Alaska.

EAMON DE VALERA,
President of Ireland.

SGRAVENHOPE, *March 28, 1964.*

THE PRESIDENT,
The White House, Washington:

We are deeply moved by the terrible disaster which the State of Alaska has suffered. Please accept our feelings of sincere sympathy with all the bereaved families.

JULIANA R. BERNHARD.

ROME, *March 28, 1964.*

THE PRESIDENT,
The White House:

The news of the violent earthquake in Alaska has deeply grieved me. In the name of the Italian Government and in my own name I wish to convey our sentiments of friendly solidarity to the people of the devastated areas.

ALDO MORO,
President of the Council of Ministers.

WASHINGTON, *D.C.,*
March 28, 1964.

THE PRESIDENT,
The White House:

The President of the Federal Republic of Germany has asked me to transmit to you the following message:

"The German people are following with great sympathy the terrible news of the severe earthquake in Alaska, which is constantly adding evidence of the extent of the catastrophe. The immense damage caused thereby * * * and above all the loss of so many lives. I would like to express my deep sympathy to you and the American people with whom we are united in friendship. We Germans think of and feel for the injured, the families of the victims, and all those who have lost their homes and possessions.

"HEINRICH LUEBKE,
"President of the Federal
Republic of Germany."

Please allow me to add my own expression of deep-felt sympathy.

HEINRICH KNAPPSTEIN,
German Ambassador.

ROME,
March 28.

The PRESIDENT,
The White House:

The disaster that the United States has suffered, resulting in the loss of so many human lives, has caused deep sorrow to the Italian people and to me personally. On this sad occasion I want you to know, Mr. President, that the entire Italian Nation feels particularly close to the people of the devastated areas and, in a fraternal spirit, shares their grief.

Accept, Mr. President, the assurances of my sincere sympathy.

ANTONIO SEGNI.

ROMA,
March 21, 1964.

The PRESIDENT,
The White House:

La grave sciagura che ha colpito gli Stati Uniti causando la perdita di tante vite umane ha profondamente rattristato il popolo Italiano e me personalmente. In tale circostanza desidero che lei sappia, Signor Presidente, che l'intera Nazione Italiana e particolarmente vicina alla popolazione delle zone colpite e partecipa fraternamente al suo dolore. Voglia gradiren Signore Presidente, l'esperssione del mio sincero cordoglio.

ANTONIO SEGNI.

VIENNA,
March 28, 1964.

His Excellency LYNDON JOHNSON,
President of the United States of America:

Moved by the news of the disastrous earthquake in Alaska, I beg your excellency to accept the assurance of sincere sympathy, on my own part as well as on behalf of the Austrian people, who at this moment feel bound by especially close ties to the people of the United States.

DR. ADOLF SCHAERF,
Federal President
of the Republic of Austria.

MARCH 28, 1964.

Seiner Exzellenz Herrn LYNDON JOHNSON,
President der Vereinigten Staaten von
Amerika, Washington, D.C.:

Unter dem Eindruck der verheerenden erdbebenkatastrophe in Alaska bitte ich Euer Exzellenz im eigenen Namen und im Namen des oesterreichischen Volkes, das sich in diesen Stunden mit dem Volk der Vereinigten Staaten besonders verbunden fuehlt, die Versicherung aufrichtiger anteilnahme entgegenzunehmen.

DR. ADOLF SCHAERF,
Bundes Praesident,
Der Republik Oesterreich.

HELSINSKI,
March 31, 1964.

The PRESIDENT,
The White House:

On behalf of the people of Finland, I wish to express to your excellency my deeply felt sympathy on the disastrous calamity befallen the American Nation through the earthquake in Alaska.

URHO KEKKONEN,
President of the Republic of Finland.

WASHINGTON, *D.C.,*
March 28, 1964.

The PRESIDENT,
The White House:

The following message was sent today to the President at his home in Texas:

"His Excellency LYNDON B. JOHNSON,
"President of the United States," Washington, D.C.:

"The news of the frightful earthquake in Alaska which cost so many human lives has profoundly shocked me. On behalf of the Federal Government I wish to express to you and the American people my deep-felt sympathy. In this hour we feel bound to you by especially close ties and grieve with you over the victims of this disaster.

"Yours,

"LUDWIG ERHARD,
"Chancellor of the Federal Republic of Germany."

HEINRICH KNAPPSTEIN,
German Ambassador.

Washington, D.C.,
March 28, 1964.

The President,
The White House:

The following message was sent today to the President at his home in Texas:

"Se. Exzellenz dem Praesidenten der Vereinigten Staaten. Herrn Lyndon B. Johnson.
The White House,
Washington, D.C.:

"Die Nachricht von dem furchtbaren erdbeben in Alaska, das so viele Menschenleben gekostet hat, hat mich tief bewegt. Im Namen der Bundesregierung spreche ich Ihnen und dem amerikanischen Volk mein tiefempfundenes Beileid aus. Wir fuehlen uns mit ihnen in dieser Stunde besonders verbunden und trauern mit Ihnen um die Opfer der Katastrophe.

"Ludwig Erhard,
"Bundeskanzler der Bundesrepublik Deutschland."

Unofficial translation:

"His Excellency the President of the United States of America, Mr. Lyndon B. Johnson,
The White House,
Washington, D.C.:

"The news of the terrible earthquake in Alaska which cost so many lives has moved me deeply. Let me express to you on behalf of the Federal Government my personal sympathies. In this hour we feel particularly close to you and mourn with you the victims of the catastrophe.

"Sincerely yours,

"Ludwig Erhard,
"Chancellor of the Federal Republic of Germany."

Heinrich Knappstein,
German Ambassador.

Turkish Embassy,
Washington, D.C., March 30, 1964.

Hon. the Secretary of State,
The Department of State,
Washington, D.C.

Dear Mr. Secretary: I have the honor to enclose herewith the text of a telegram received from the President of the Turkish Republic and addressed to the President of the United States of America, on the tragic occasion of the recent earthquake disaster in Alaska.

I would greatly appreciate if the said message were forwarded to its high destination.

Please accept, Mr. Secretary, the renewed assurances of my highest consideration.

Turgut Menemencioglu,
Ambassador.

The President of the United States of America,
The White House,
Washington, D.C.:

I wish to express my profound sorrow for the disastrous earthquake which occurred in Alaska. On behalf of the Turkish people and in my own behalf I extend to you and through you to all who have been bereaved my deepest sympathy.

Cemal Gürsel.

Korean Embassy,
Washington, D.C., March 30, 1964.

His Excellency Dean Rusk,
Secretary of State,
Washington, D.C.

Excellency: I have the honor to transmit the following cable message, addressed to His Excellency Lyndon B. Johnson, President of the United States of America, from His Excellency Chung Hee Park, President of the Republic of Korea:

"The Government and people of the Republic of Korea join me in expressing our deepest concern and sympathy to Your Excellency and the American people upon learning the tragic news of the earthquake along the Pacific coast which has caused great damage, involving loss of human lives, particularly in the city of Anchorage.

"We sincerely hope for a speedy rehabilitation of the city and the many homes destroyed by the disaster through the courageous efforts of your people.

"Chung Hee Park,
"President of the Republic of Korea."

I have the further honor to request that this message be forwarded to its high destination.

Please accept, Excellency, the renewed assurances of my highest consideration.

Chung Yul Kim.

Chinese Embassy,
Washington, March 31, 1964.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I have the honor to transmit to Your Excellency a cable message just received from President Chiang Kai-shek, which reads as follows:

"I am much distressed to learn of the disastrous earthquake in Alaska which has taken so many lives and caused so much property damage. On behalf of the Government and the people of the Republic of China, I wish to express to Your Excellency my deepest sympathy and concern and the sincere hope for a speedy recovery and rehabilitation.

"Chiang Kai-shek,
President, Republic of China."

With highest esteem,
Respectfully yours,

Tingfu F. Tsiang,
Ambassador of China.

Washington, D.C.

The President,
The White House:

The Prime Minister of New Zealand has asked me to convey to you the following message:

"We in New Zealand have been deeply shocked to learn of the disastrous earthquake that has occurred in Alaska. I should be grateful if you would convey to the people in the stricken areas the deep sympathy that all New Zealanders feel.

"Keith Holyoake."

May I also express my own deep sympathy.

G. R. Laking,
Ambassador for New Zealand.

Luang Prabang, *March 30, 1964.*

His Excellency Lyndon B. Johnson,
President of the United States of America,
Washington, D.C.:

I was deeply shocked by the news of the earthquake that has caused a great disaster in Alaska. Please accept, Excellency, my sympathy and condolences and please convey my sympathy to the families of the victims of this catastrophe.

Sri Savang Vatthana,
King of Laos.

Embassy of India,
Washington, D.C., March 30, 1964.

The President,
The White House,
Washington, D.C.

My Dear Mr. President: I have the honor to transmit the following message to you from the Prime Minister of India:

"We have learned with deep distress about the disastrous earthquake in Alaska which has caused widespread damage and the loss of many valuable lives, especially in the city of Anchorage. On behalf of the Government and people of India, and on my own behalf, I send you, Mr. President, and to the bereaved families, our deepest sympathy.

"Jawaharlal Nehru."

May I add, Mr. President, my own grief at the tragedy that has befallen the people of Alaska and my admiration for the valiant efforts that are being made for their relief.

With my high esteem and regard,
Yours sincerely,

B. K. Nehru,
Ambassador of India.

Jerusalem, Israel,
March 29, 1964.

His Excellency Lyndon B. Johnson,
President of the United States of America,
Washington, D.C.:

Deeply shocked by the disaster which befell Alaska and the Pacific coastline of the United States in which so many human lives were lost. I ask Your Excellency to accept the expression of my profound sympathy and my most sincere condolences.

Zalman Shazar,
President of Israel.

New Delhi, India,
March 29, 1964.

The President,
The White House:

I am extremely grieved to hear of the serious earthquake in Alaska resulting in such a heavy loss of life and property. Kindly convey my deepest sympathy to all those affected by this disaster.

Radha Krishnan.

Amman,
March 29, 1964.

The President,
The White House:

Mr. President, it was with deep grief that I received news of the disaster which has befallen the State of Alaska. I wish to extend to you, Mr. President, to the citizens of Alaska, and to the American people my condolences and those of the people of Jordan on this tragedy. I wish also, Mr. President, to convey our sympathy to the families of the victims and the bereaved.

Al Hussein.

New York, N.Y.,
March 30, 1964.

The President,
White House,
Washington, D.C.:

I was greatly shocked to learn of the earthquake in Alaska and the great suffering it has brought to the people of Alaska.

I wish to convey to you, and through you to the people of Alaska, my profound sorrow and sympathy.

U-Thant,
Secretary-General, U.N.

Nairobi,
March 30, 1964.

The President,
The White House,
Washington, D.C.:

I am distressed to learn of the earthquake disaster which has caused destruction of lives and property in Alaska. Please accept, Mr. President, sympathies of the people of Kenya and myself at this tragic moment.

Jomo Kenyatta,
Prime Minister.

Teheran,
March 29, 1964.

The President,
The White House,
Washington, D.C.:

Deeply moved by the tragic loss of life which the recent devastating earthquake has caused to the State of Alaska, I hasten to express to you my sincere sympathy together with condolence to the families of the victims of this calamity.

Mohammed Reza Pahla I.

Nepal,
March 29, 1964.

His Excellency President Lyndon B. Johnson,
The White House:

We are deeply distressed to learn about the heavy loss of human life and property due to earthquake in Alaska. We convey our heartfelt sympathies to the victims and the sufferers.

Mahendra R.

The President,
The White House:

We were deeply shocked to learn of the recent earthquake in Alaska. In the name of the people and Government of Guinea and on behalf of President Sekou Toure, who at present is not in Conakry, we express our deep sympathy to the American people whose sorrow we share and ask that you convey to the families of the victims our heartfelt condolences. Very high consideration.

Elhadji Diallo Saifoulaye.

Cape Palmas,
March 30, 1964.

The President,
The White House,
Washington, D.C.:

Reports of the devastating earthquake that caused enormous damage of property installation and lives of many of your fellow citizens in the great State of Alaska have been received in Liberia with profound regrets and great distress. On behalf of the Government, people of Liberia, and myself, I hasten to assure Your Excellency that we deeply deplore and regret this violent phenomenon and associate ourselves with you, the Government, and people of the United States in this great catastrophe. With assurances of my highest esteem and best wishes.

W. V. S. Tubman.

Nairobi,
March 30, 1964.

For Ambassador Attwood:

Kenya's Prime Minister has asked that following message be transmitted to the the President at the White House:

"To President Johnson:

"I am distressed to learn of the earthquake disaster which has caused destruction of life and property in Alaska. Please accept, Mr. President, the sympathies of the people of Kenya and myself at this tragic moment.

Signed: Jomo Kenyatta."
Vass.

Tunis,
March 29, 1964.

The President,
The White House,
Washington, D.C.:

I was deeply shocked at the news of the earthquake that struck certain cities in the United States. I share your deep sorrow and extend sympathy to Your Excellency, with the request that you convey my sincere compassion to the families affected.

Habib Bourguiba,
President of the Republic of Tunisia.

Tunis, *March 29, 1964.*

The President,
The White House,
Washington, D.C.:

Je suis profondement consterne par les nouvelles du seisme qui a frappe certaines villes des Etats-Unis d'Amérique. Je partage votre immense peine at prie votre excellence de bien vouloir agreer ma vive sympathie et de transmettre aux familles eprouvées l'expression de ma sincere compassion.

Habib Bourguiba,
President de la Republique Tunisienne.

Embassy of Ghana,
Washington, D.C., March 31, 1964.

The Ambassador of the Republic of Ghana presents his compliments to the Secretary of State and has the honor to transmit the following message to the President of the United States of America:

"I am deeply distressed by the news of the disaster and loss of life following the earthquake in Alaska and along the west coast of the United States. Please accept the sincere sympathy of myself and Government and people of Ghana for the victims of this disaster.

"Kwame Nkrumah."

The Ambassador also has the honor to express his sympathy and that of the members of his mission for the sad loss of life and property.

The Ambassador of the Republic of Ghana avails himself of this opportunity to renew to the Secretary of State the assurance of his highest consideration.

ALASKA THANKS RED CROSS, SALVATION ARMY

Mr. BARTLETT. Mr. President, I do not need to tell the Senate of the food and clothing and comfort the National Red Cross and the Salvation Army have brought to the victims of the Alaska earthquake.

Both the Red Cross and the Salvation Army have a long history of helping others. I am sure that never have they done a better job of this than they have in Alaska.

Alaskans are grateful for their help and for the generous donations of Americans across the country which have made this help possible.

Mr. President, I ask unanimous consent to have printed at this point in the Record, two letters with enclosures, one on contributions for Alaska received by the Red Cross, the other on the activities of the Salvation Army.

There being no objection, the material was ordered to be printed in the Record, as follows:

The American National Red Cross,
Washington, D.C., April 3, 1964.

Hon. E. L. Bartlett,
U.S. Senate,
Washington, D.C.

Dear Bob: I am giving below a list of contributions reported to our national headquarters for the families requiring the help of the American Red Cross in connection with the devastating earthquake in Alaska:

United Brotherhood of Carpenters and Joiners of America, AFL–CIO	$50,000
National headquarters (individual gifts)	383
Eastern area, Alexandria (individual gifts)	2,344
Southeastern area, Atlanta (individual gifts)	137
Midwestern area, St. Louis (individual gifts)	1,333
Total to date	54,197

These reports are only preliminary and do not include many voluntary gifts which have been received by local Red Cross chapters all over the United States, but not yet reported by these chapters to their respective area headquarters.

We will keep you currently advised of the amount of contributions received.

Yours very sincerely,

Robert F. Shea,
Vice President.

The Salvation Army,
National Capital Division,
Washington, D.C., April 6, 1964.

Hon. E. L. Bartlett,
U.S. Senate,
Washington, D.C.

Dear Senator Bartlett: I am attaching some further information concerning Salvation Army services in Alaska which will be of interest to you.

Please feel free to call me at Executive 3–1881 if you need any further information.

Sincerely,

Brig. Ernest W. Holz,
Divisional Commander.

The Salvation Army,
April 2, 1964.

The following message was relayed to Seattle offices of the Associated Press and United Press International, Wednesday evening, April 1:

"In a telephone conversation with Commissioner Glenn Ryan, territorial commander of the Salvation Army western territory, Lt. Col. Daniel G. Rody, divisional commander of the Alaska division, advised that Gov. William Egan of Alaska, requested the Salvation Army give him immediate detailed report relative to the Salvation Army welfare services provided since the earthquake Friday evening.

"The following statistical information was included in the special report:

"1. One thousand, two hundred sitdown meals are being served in the Salvation Army center daily.

"2. Four thousand, eight hundred meals are being served at eight other points in and around Anchorage.

"3. Approximately 500 families have been placed in homes by the Salvation Army.

"4. Eight hundred garments distributed to families.

"5. Seventy-five families were provided with bedding.

"6. Over 612 cases of canned and frozen foods distributed to about 500 families.

"7. Ten Salvation Army mobile units have used 2,200 pounds of meat, 100 dozen eggs, 75 cases of coffee, 7,500 dozen assorted pastries, 60 gallons of milk, 4 cases of soap.

"Salvation Army centers have been operating 24 hours a day.

"It was further reported that the Governor has appointed Miss Eloise Lamb, a staff member of the Department of Welfare in Anchorage, to work with Mrs. Rody in coordinating all data dealing with missing person reports coming from police and fire departments, civil defense, and other municipal offices.

"The Salavation Army is recognized as the official information center in Anchorage relating to missing persons and the needs of people."

The Salvation Army,
March 31, 1964.

To: National headquarters, territorial public relations secretaries, all territories, all western territory divisional commanders, department heads, corps, and institutions.

MORE ON SALVATION ARMY DISASTER OPERATIONS, ALASKA EARTHQUAKE

Following yesterday's release, telephone communication was again established with Lt. Col. Daniel Rody, divisional commander, and associates in Anchorage.

As a result of this conversation arrangements have been made for Capt. Lincoln Upton, divisional secretary, Oregon and Southern Idaho division (World War II fighter pilot and currently a licensed pilot) to report immediately to Anchorage. Captain Upton will make contact with areas now inaccessible except by air.

Capt. William McHarg, divisional financial secretary, northwest division, formerly stationed in Alaska, has also been sent to Anchorage.

Commissioner Wycliffe Booth, territorial commander for Canada, has offered the services of Brig. Stanley Jackson, divisional officer for British Columbia north, who will make his way to Valdez, and make direct report to Lieutenant Colonel Rody in Anchorage.

As of this date, the Salvation Army maintains desks in the offices of State civil defense, Anchorage civil defense, and city manager. We are in constant liaison with all official disaster groups in Alaska.

As an indication of the fact that "life must go on," Maj. Marie Anderson, superintendent of the Salvation Army Booth Memorial Home, reported an interesting incident. One of the expectant mothers, giving signs of being ready to deliver, was "walked, between two adults" (road conditions made automobile travel impossible) about 7 miles to the Alaska Native Service Hospital, where her child was delivered.

Over 6,000 people are being fed daily and food is being distributed at eight different locations in and around Anchorage.

Approximately 800 ham radio operators are forwarding requests for information to two operators housed in the divisional headquarters building. Salvation Army runners are constantly engaged in securing desired information and reporting to our radio operators. One hundred Boy Scout runners are active in Anchorage and 10 of these have been assigned to the Salvation Army.

To support these disaster services, checks may be made payable to the Salvation Army Alaska disaster fund and sent to the nearest divisional headquarters.

Brig. LAWRENCE R. SMITH,
Public Relations Secretary.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

TITLE VII

Mr. CASE. Mr. President, my assignment this afternoon is title VII of the civil rights bill, the fair employment practices title.

Before I make my rather brief remarks on that subject specifically, I should like to make two points. One, I made earlier today. I wish to be counted among those who are not afraid to stand for a strong bill, in the fair employment practices section, and in all other parts. I am unwilling to be a party to compromises which I believe would seriously weaken the bill, and I shall not be willing to give my support and voice to either cloture or passage of such a bill.

The Senator from Oregon and I discussed this question briefly this morning. On the same point, I know the Senator from New York [Mr. JAVITS] joins us. There are other Senators who, if they had been present at the time, would have done so.

I am tired of having the opponents of civil rights become the proponents of weakening any civil rights legislation that is brought before the Senate, and take the initiative in these matters.

I do not believe that we have to kowtow to 6, 8, or 10 votes which may be marginal.

The mood of the country and the mood of the Senate call for the passage of strong civil rights legislation. There is no one in a strategic position who can force the majority of the Senate to bend its will to theirs.

I say this without any threatening or admonitory intention whatever, but merely as a simple statement of fact, to make clear that we who believe in the need for civil rights legislation feel concern in no sense that we do not have the strength to pass the bill in substantial, effective form.

On the second point I wish to make, I disagree to whatever extent may be necessary with other Senators who have spoken, including perhaps the Senator from Pennsylvania [Mr. CLARK] who shared the task with me today of dealing with title VII.

I do not believe that the Senate is obliged, in order to pass a bill this session, to accept what the House sent it. We must make very clear our intention to consider the bill on its merits.

I believe the House—a body in which I had the honor to serve for almost 9 years—is entitled to the presumption that its action is based upon sound wisdom. This is the manner in which I approach any product that comes to the Senate from the House. But I believe that the Senate has its own job to do. As Senators, we ought to consider this proposal on its merits. If the bill needs strengthening, we ought to strengthen it. If it needs changing in other respects, we ought to change it. We ought not to be afraid of regular legislative processes, including sending the bill to conference and passed again in both the House and the Senate.

There is a great task for us to perform. Is the Senate under our democratic system in this country so lacking in strength that we cannot pass legislation on the most important subject which has come before us in this century? I do not think so.

I turn to the subject which is my particular assignment today, the matter of fair employment practices legislation.

It will be recalled that last summer 200,000 or more people joined in the stirring march on Washington. They marched under the banner, "Jobs and Freedom."

A fair chance for a decent job—who cannot understand this—for freedom without the means of utilizing and enjoying it is an empty thing. Of what good is the right to enter a restaurant if one does not have the money to pay for a meal? How much meaning can the right to vote have to the man with an empty stomach? What could be more disheartening, more destructive of the urge to achieve, than the experience of those who have climbed the educational stairs, and climbed them with great difficulty and many obstacles, only to find the doors to employment slammed in their faces?

In the affluence that marks so much of our society, there has been a comfortable assumption that, relatively speaking, almost everybody has been doing better, that the economic situation of all the various components of our society has improved in more or less equal degree.

But overall statistics conceal a bitter fact of which our nonwhite citizens are painfully aware. The nonwhite American, who is in most instances a Negro, has not shared equally in the general progress. In fact, the economic gap between Negro and white citizens has been widening in the last decade. The growing difference is starkly evident in a breakdown of unemployment figures.

According to the 1964 Manpower Report of the President, in 1958 the unemployment rate for nonwhites was 107 percent higher than the jobless rate for whites; in 1961, it was 108 percent higher; in 1962, it reached a peak of 124 percent. Although in 1963, a prosperous year, it dropped to 114 percent, the disparity between nonwhite, 11 percent, and white, 5 percent, unemployment since 1955 has grown much greater than it was between 1947 and 1955.

Mr. President, the first chart on the left, which I think is identical with and to the same effect as the third chart on the other side of the aisle, shows the figures. I do not think we need to go into this point too deeply. Even at this great a distance, it is obvious that the unemployment rate of the Negro as compared with the white is far different. It is obvious from the chart itself.

Nonwhite married men and heads of family were especially hard hit in 1963. They had an unemployment rate of almost 7 percent, as contrasted with 3 percent for the comparable white group. This situation has forced many Negro married women to work, even when they have young children.

So far as our Negro youth are concerned, the unemployment rate has been so great as to constitute a major social problem. One out of every four nonwhite boys, aged 14 to 19, seeking jobs was unemployed in 1963. That is 25 percent. Among nonwhite girls the unemployment rate was still higher, rising to 33 percent.

Further, as the President's Manpower Report points out, long-term unemployment is also more prevalent among Negroes than whites. Truly, they are the last hired and the first fired. In 1963, for example, about one-third of all Negro unemployed were out of work for 15 or more weeks. This contrasts with about one-quarter of the white unemployed. About 18 percent of Negro unemployed were jobless for more than half a year, as compared with 12 percent of the whites.

Finally, compared with white workers, Negro workers are more often employed only part time. The number of Negroes who can find only part-time employment has been increasing. This is not true among whites.

All of these facts and figures add up to lower earnings for the nonwhite. During World War II and the Korean war, so the Manpower Report points out, the earning differentials between Negro and white workers were reduced. But since then, increases in wages have been relatively greater in the high-wage occupations and industries, in which whites are concentrated, than in the lower wage ones, where most nonwhites find employment.

The first chart on the right shows, relatively, the situation in that respect. Almost one-half of the white employees of the country are in white-collar jobs, whereas farm workers and blue-collar workers, together, make up slightly more than the half which is the remainder, whereas among nonwhites the situation is quite different; among that group, service workers and blue-collar workers constitute approximately three-fourths of the total number of nonwhites who are employed; those engaged in farming constitute almost one-eighth of the total number of nonwhites employed; and the white-collar workers comprise slightly more than one-eighth.

Even the rise in the Federal minimum wage and its extension since 1961 have failed to modify the growing differential between earnings of nonwhite and white workers. The median wage and salary income in 1962 of nonwhite male workers was $3,023 or 55 percent of that of white male workers. This is a most significant figure.

The second chart on the left shows that in graph form, and also shows that the discrepancy between the median earnings of white workers and those of nonwhite workers has been increasing in recent years, as I have already indicated; and this difference is much more pronounced—as is stated in the report—in the South than in other parts of the country.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table prepared by the U.S. Department of Commerce, Bureau of the Census, showing the median income in 1949 and in 1959 of white and of nonwhite males for each of the States of the United States and also for the United States as a whole.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Median income in 1949 and 1959, of white and Negro males, for the United States, by States

	1949			1959		
	White	Negro		White	Negro	
		Amount	Percent of white		Amount	Percent of white
United States	$2,582	$1,356	53	$4,337	$2,254	52
Alabama	1,809	957	53	3,409	1,446	42
Alaska				4,707	2,721	58
Arizona	2,411	1,344	56	4,273	2,324	54
Arkansas	1,423	759	53	2,553	990	39
California	2,966	2,121	72	5,109	3,553	70
Colorado	2,351	1,820	77	4,241	3,195	75
Connecticut	2,809	2,023	72	5,033	3,545	70
Delaware	2,813	1,568	56	4,889	2,458	50
District of Columbia	3,242	2,182	67	4,694	3,376	72
Florida	2,239	1,185	53	3,769	2,080	55
Georgia	1,870	919	49	3,420	1,510	44
Hawaii				3,679	1,982	54
Idaho	2,397	2,054	86	3,871	2,130	55
Illinois	3,030	2,260	75	5,056	3,651	72
Indiana	2,696	2,211	82	4,483	3,520	79
Iowa	2,477	2,005	81	3,731	3,214	86
Kansas	2,343	1,792	76	3,970	2,704	68
Kentucky	1,701	1,197	70	2,938	1,787	61
Louisiana	2,228	997	45	4,001	1,609	40
Maine	2,048	1,650	81	3,299	2,042	62
Maryland	2,782	1,601	58	4,880	2,769	57
Massachusetts	2,630	1,944	74	4,452	3,063	69
Michigan	3,039	2,659	87	4,983	3,768	76
Minnesota	2,438	2,134	88	4,012	3,321	83
Mississippi	1,462	605	41	2,796	904	32
Missouri	2,224	1,611	72	3,863	2,616	68
Montana	2,578	1,215	47	3,993	2,367	59
Nebraska	2,2-7	2,026	89	3,548	3,124	88
Nevada	3,004	2,069	69	5,075	3,379	67
New Hampshire	2,224	2,080	94	3,848	2,526	66
New Jersey	3,033	1,977	65	5,172	3,375	65
New Mexico	2,224	1,452	65	4,110	2,449	60
New York	2,929	2,097	72	4,812	3,372	70
North Carolina	1,872	1,002	54	3,040	1,318	43
North Dakota	2,213			3,151	1,904	60
Ohio	2,852	2,146	75	4,903	3,492	71
Oklahoma	2,041	992	49	3,489	1,704	49
Oregon	2,707	2,010	74	4,466	3,166	71
Pennsylvania	2,638	2,073	79	4,369	3,246	74
Rhode Island	2,367	1,525	64	3,851	2,578	67
South Carolina	2,043	801	39	3,224	1,140	35
South Dakota	2,214			3,047	2,214	73
Tennessee	1,685	1,141	68	2,939	1,637	56
Texas	2,272	1,202	53	3,756	1,916	51
Utah	2,688	2,365	88	4,551	3,515	77
Vermont	1,970			3,333	2,286	69
Virginia	2,255	1,220	54	3,758	1,907	51
Washington	2,788	1,923	62	4,682	3,008	64
West Virginia	2,264	2,068	91	3,503	2,114	60
Wisconsin	2,601	2,410	93	4,424	4,013	91
Wyoming	2,710	1,242	46	4,456	2,721	61
Puerto Rico						

Source: U.S. Census of Population, 1960, detailed characteristics, table 133; and U.S. Census of Population, 1950, vol. II, table 87.

Mr. CASE. The difference in earnings between white and Negro men continues, according to the report, to be much more pronounced in the South than in other parts of the country.

It is striking that analysis of the figures shows that nonwhite high school graduates earn less on the average than white workers in the same occupation who have completed only the eighth grade—in some instances as much as a one-third less. The Manpower Report estimates on the basis of the 1960 census—today the Senator from Pennsylvania [Mr. CLARK] emphasized the point—that the average nonwhite man who has completed college can expect to earn less over a lifetime than the white man who did not go beyond the eighth grade.

Of course, discriminatory hiring practices are not in themselves the whole explanation for the deprivation of the Negro. The Negro American is shortchanged all along the line.

Discrimination in employment is the culmination of a whole set of discriminatory forces—forces which start even before birth. In health care, in housing, in education, the Negro is at a disadvantage. A whole complex of social institutions has effectively isolated the Negro community from the mainstream of American life, its institutions and its aspirations. For this isolation, not only the Negro, but also the Nation pays a high price.

But while discriminatory employment practices are only one facet of the overall problem, they are a vital aspect. Whatever is done in other fields—especially education, public accommodations, in apprenticeship, and retraining programs—is reduced in value, if not set at nought, if there is not a fair chance for a decent job. That is why title VII is such a crucial part of the pending bill.

Mr. President, I have talked generally of the economic circumstances in which so many of our citizens are trapped. Let me illustrate concretely with some examples taken from various parts of the country, starting with New Jersey.

The New Jersey Advisory Committee reported to the U.S. Civil Rights Commission, in January, 1964:

> Despite the fact that the unions, the employers, the State of New Jersey, and the Federal Government all have impressive clauses barring discrimination in any section of the apprentice training program with which they are concerned, it is obvious that apprenticeship training is almost entirely closed to Negroes in this State.
>
> The flagrant injustice of virtual Negro exclusion cannot be allowed to continue, especially since apprenticeship training offers an important, even if limited, avenue of escape from the ranks of the unskilled, to which so many Negroes are currently confined.

The Maryland Advisory Committee to the Civil Rights Commission report is in a similar vein. In discussing the relative paucity of Negro applicants for apprenticeship programs, the committee said:

> Discrimination is often times subtly and deviously applied, but it is nonetheless apparent and discouraging to the potential nonwhite trainee.
>
> Public schools have fostered segregation practices in apprenticeship and training programs by permitting the use of classrooms and shop facilities by organizations practicing discrimination, although such practices have now been eliminated in Baltimore.
>
> For a time this summer it seemed that threatened demonstrations were the only way to get action from the city, the unions, and the employers. The city has been derelict in the enforcement of its prevailing wage schedules and has allowed nonunion contractors to pay workers less than

the scales established. With the overwhelming preponderance of city financed work awarded to nonunion contractors, the Associated Builders & Contractors have a special obligation to live up to their declarations of nondiscrimination.

But even where there is possession of the requisite skills, there is little assurance of their employment. The Florida Advisory Committee reported this all too typical case:

> An example of the frustration faced by Negro skilled job applicants is presented by the story of Robert Lee Smith, who had been a jet engine specialist with the Army, and has been applying for employment with Eastern Airlines as an aviation mechanic every 6 or 8 months since his discharge from the Army in 1956. He reported to the subcommittee that he had also sought guidance from the Florida State Employment Service with no success.

Employment discrimination against Negroes is serious throughout the Nation; but it is particularly severe in the South, where State fair employment laws are notably lacking. In 1961, the Southern Regional Council undertook a study of the employment opportunities in southern cities.

The first of these studies was on Houston, where a survey was carried out under the direction of Art Gallaher, Jr., associate professor of the University of Houston. I quote now some excerpts from that report; here is a case cited as typical:

> A [Negro] student lacking 18 hours of graduating with a degree in chemistry dropped out of school in order to earn tuition money. Hearing that a major oil company did not discriminate in its hiring practices, he applied for a temporary job as a laboratory assistant. In his first contact he was advised that there was such a vacancy. The personnel manager was not in, however, and he returned the following day for an interview. He was then informed that the job had been filled, and he was advised to go into teaching.

The report comments:

> The picture that emerges from this brief survey is clearly delineated. Discriminatory conditions which materially affect occupational opportunity begin early for Houston Negroes. They are barred from the city's only full-time vocational high school, and vocational courses offered in their own schools are limited to skills which the school system defines as appropriate for them as adults. Industry, for its part, feels little obligation either to employ Negroes at jobs for which they have training or to provide inservice training.
>
> If by considerable personal sacrifice or, perhaps, fortuitous circumstances a Houston Negro is motivated to acquire vocational skills, achieve a college education and professional status, he is likely to be rejected because of local custom. Consequently, to be employed on equal status with whites in any capacity becomes a major breakthrough.

Another telling paragraph of the report:

> A Negro youth discovers in Houston that white employers place little premium on his high school diploma. Without it, he may find a job as a porter, a grocery carryout boy, or a drugstore delivery clerk; with it, he may have to go to work as a truck driver or stock clerk. In either event, there is little opportunity for advancement. In view of this, Negro students often feel little incentive to finish school. "Why go to school?" one asked a vocational counselor. "You have to go through the back door anyway."

As for the chances of on-the-job training, the report notes:

> Some major employers were reluctant to reply. One expressed the fear that he might one day "pick up one of those New York newspapers and find the store's name splashed all over it." However, he indicated that his store does have a training program, primarily for buyers and other store executives, from which Negroes are excluded. As for labor union activity, he says, "We just don't permit that kind of thing."

Under the heading, "Education May Get You Nowhere," the report states:

> There is a cliche in the segregationist's creed to the effect that a Negro must earn equality. It is an argument that many, even moderate southerners, accept as a basic premise. When this earning process is complete, so the reasoning goes, the problem of racial discrimination will be solved. There is thus no need to push the issue now. The limitations now placed on Negro professional men and women in Houston—who, one supposes, have now earned their right to equal opportunity—establish a less optimistic but far sounder premise: Few industries voluntarily remove discriminatory barriers in the local employment of Negroes, even of those well qualified.
>
> Some white employers are suspicious of Negroes who have been to college, and refuse to hire them. This has caused Negroes with college degrees in chemistry, mathematics, and the liberal arts to admit, when questioned by a prospective employer as to educational background, to having only a high school diploma.
>
> A large supermarket recently hired as a checker a Negro girl with a degree from Texas Southern University. This example of a Negro's working in a job for which she is overtrained merits comment, for her employment in this capacity is generally regarded as a breakthrough in the Negro employment picture.
>
> The underutilization of Negro ability begins in the classroom and reaches out into all other areas of work experience.

I have quoted at length from this report, not to single out Houston but because the report presents so ably the question confronting not only Houston but the Nation. To paraphrase its concluding statement: How long can the United States continue to undertrain a sizable segment of its young people, limit their opportunities for entry into the labor market, hamper and restrict their employment advance, underutilize their professional skills, deprive them of job security, without serious consequences to the Nation's own economic and social advance?

Title VII would begin to answer that question by providing a fair chance for a decent job. That is the simple purpose of the title. It is a modest proposal. Indeed, compared with many of the State statutes on the subject, it is weak. I, for one, would like to see it stronger. Nonetheless, enactment of title VII would at least begin to redeem the promise of the Constitution and of the new birth of freedom promised by President Abraham Lincoln.

Both the Republican and the Democratic Parties have repeatedly acknowledged their obligation to act in this area. In 1944, in 1948, in 1952, in 1956, and again in 1960, the party platforms pledged action to bring about equal opportunity in employment.

The Fair Employment Practices Commission approach, which is embodied in title VII, was specifically endorsed by the Republican platform as early as 1944. In 1960, we Republicans renewed our commitment. We pledged:

> Continued support for legislation to establish a Commission on Equal Job Opportunity to make permanent and to expand with legislative backing the excellent work being performed by the President's Committee on Government Contracts.
>
> Appropriate legislation to end the discriminatory membership practices of some labor union locals, unless such practices are eradicated promptly by the labor unions themselves.
>
> Use of the full-scale review of existing State laws, and of prior proposals for Federal legislation, to eliminate discrimination in employment now being conducted by the Civil Rights Commission, for guidance in our objective of developing a Federal-State program in the employment area.
>
> Special consideration of training programs aimed at developing the skills of those now working in marginal agricultural employment so that they can obtain employment in industry, notably in the new industries moving into the South.

What are the provisions of title VII?

UNLAWFUL EMPLOYMENT PRACTICES

Title VII would make it an unlawful employment practice, in industries affecting interstate commerce, for employers of more than 25 persons, employment agencies, or labor organizations with more than 25 members to discriminate on account of race, color, religion, sex, or national origin in connection with employment, referral for employment, membership in labor organizations, or participation in apprenticeship or other training programs—sections 702, 704. Exemptions are provided for governmental bodies, bona fide membership clubs, and religious organizations and for situations in which religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to normal business operation, or in which a church-affiliated educational institution employs persons of a particular religion—sections 702 (b), (c), 704(e). Employers may refuse to hire atheists—section 704(f).

THE COMMISSION

An Equal Employment Opportunity Commission made up of five members appointed for staggered 5-year terms by the President, with the advice and consent of the Senate, would be created to administer the law. No more than three members of the Commission would be members of the same political party—section 706(a). The Commission would be empowered to receive and investigate charges of discrimination, and to attempt through conciliation and persuasion to resolve disputes involving such charges—section 707. The Commission will have no power to issue enforcement orders. Enforcement will be left to the courts. The experience of the State and local commissions indicates that much may be accomplished in achieving fair employment opportunities through the wise and imaginative exercise of persuasion, mediation, and conciliation.

ENFORCEMENT

If efforts to secure voluntary compliance fail, the Commission may seek relief in a Federal district court—section 707(b). If the Commission fails or declines to bring suit within a specified period, the individual claiming to be aggrieved may, with the written consent of any one member of the Commission, bring a civil action to obtain relief—section 707(c). In either case, a full judicial trial would be held. Relief available upon suit either by the Commission or an individual would include injunctions against future violations, and orders for reinstatement and, in appropriate cases, the payment of back pay—section 707(e). In order to avoid the pressing of "stale" claims, the title provides that no suit may be brought with respect to any practice occurring more than 6 months prior to the filing of a charge with the Commission—section 707(d).

CONTINUED VITALITY OF STATE LAW

Ample provision has been made in title VII for the utilization of existing State fair employment laws and procedures to the maximum extent possible—section 708. Present State laws would remain in effect except to the extent that they conflict directly with Federal law. Furthermore, where the Commission determines that a State or local agency has and is exercising effective power to prevent discrimination in employment in cases covered by the title, the Commission is directed to seek agreements with that agency whereby the Commission would refrain from prosecuting any such cases. The Commission is also authorized to use the services and employees of State and local agencies in the carrying out of its statutory duties, and to reimburse the agencies accordingly. Thus, the bill envisions the closest cooperation of Federal, State, and local agencies in attacking this national problem.

EFFECTIVE DATE

In order to enable employers, employment agencies, and labor organizations to bring their policies and procedures into line with the requirements of the title, and to avoid a multitude of claims arising while such adjustments are being made, the provisions prohibiting unlawful employment practices and providing relief therefrom are not to take effect until 1 year after the date of enactment of the title—section 718—and then will apply initially only to employers of 100 or more employees and labor organizations of 100 or more members. With respect to employers of 75 to 99 employees and labor organizations of 75 to 99 members, title VII would become applicable 2 years after enactment; with respect to employers of 50 to 74 employees and labor organizations of 50 to 74 members, 3 years after enactment, and with respect to employers of 25 to 49 employees and labor organizations of 25 to 49 members, 4 years after enactment—sections 702 (b), (e), 718.

INVESTIGATIONS

The Commission is granted appropriate powers to conduct investigations, subpena witnesses, and require the keeping of records relevant to determinations of whether unlawful employment practices have been committed—sections 709, 710.

PRESIDENTIAL ACTION

The President is directed to convene one or more conferences of Government representatives and representatives of groups whose members would be affected by the provisions of the title, in order to familiarize the latter with the provisions and in order to make plans for the fair and effective administration of the title—section 718(c).

STUDY ON DISCRIMINATION BASED ON AGE

The Secretary of Labor is directed to make a study of the problem of discrimination in employment because of age and to make a report thereon to Congress—section 717.

Even this brief description makes it apparent that title VII carefully defines the power of the Commission. The first stage in the enforcement process is the filing of a charge in writing under oath by or on behalf of a person claiming to be aggrieved or the filing of a written charge by a member of the Commission, alleging that an employer, employment agency, or labor organization has engaged in an unlawful employment practice. When the Commission receives such a charge it will furnish the employer, employment agency, or labor organization against whom the charge is made a copy of the charge and shall make an investigation of that charge. If two or more members of the Commission believe, after such investigation, that there is reasonable cause for believing the charge, the Commission must endeavor to eliminate any such unlawful employment practice by informal methods of conference, conciliation, and persuasion, and, if appropriate, to obtain from the charged party a written agreement describing particular practices which he agrees to refrain from committing. Nothing said or done during and as a part of these endeavors may be used as evidence in a subsequent proceeding—section 707(a).

Section 707(b) provides that, if through these informal methods, the Commission has failed to effect the elimination of an unlawful employment practice, it shall, if it determines there is reasonable cause to believe that the charged party has engaged in or is engaging in an unlawful employment practice, bring a civil action within 90 days to prevent the charged party from engaging in such unlawful employment practice, except that the Commission is to be relieved of any obligation to bring a civil action in any case in which it has by affirmative vote determined that the bringing of such action would not serve the public interest.

Section 707(c) provides that if the Commission has failed or declined to bring a civil action within the time required, the person claiming to be aggrieved may, if one member of the Commission gives his permission in writing, bring a civil action himself to obtain relief.

Section 707(d) provides that the district courts of the United States—including each U.S. court of places subject to the jurisdiction of the United States—are given jurisdiction of actions brought under this title. These actions will be brought either in the judicial district where the unlawful employment practice is alleged to have been committed or in the judicial district in which the charged party has his principal office. No civil action may be based on an unlawful employment practice occurring more than 6 months prior to the filing of a charge with the Commission, except in cases in which the party aggrieved was prevented from filing the charge within the prescribed time by reason of service in the Armed Forces.

Section 707(e) provides that if the court finds that the charged party has engaged or is engaging in an unlawful employment practice as charged in the complaint, it may enjoin him from engaging in such practice and shall order him to take such affirmative action as may be appropriate. This affirmative action may include the reinstatement or the hiring of employees with or without backpay—payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice. In a case in which the payment of backpay is ordered, interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against will reduce the backpay otherwise allowable. No order of the court under this title may require the admission or reinstatement of an individual as a member of the union or the hiring, reinstatement, or promotion of an individual as an employee or payment of any backpay if the individual was refused admission, suspended, or separated, or was refused employment or advancement, or was suspended or discharged for any reason other than the discrimination prohibited by this title.

It is hard to recognize these modest provisions in the welter of extravagant complaints that have been made about title VII. There is nothing novel in the Commission approach. My colleague, the Senator from Pennsylvania [Mr. CLARK], has already pointed out the extensive consideration given FEPC proposals in both Houses. Much of title VII, specifically the enforcement provisions, is derived from the bill reported to the House in the last Congress. That bill was sponsored by Representatives GRIFFIN, of Michigan, and FRELINGHUYSEN, of New Jersey.

Many of our States have already established commissions. I am proud to say my own State of New Jersey has had a statute covering discrimination not only in employment, but in public accommodations, for many years—a statute considerably broader than the one we are now considering.

The background of the New Jersey statute is, I believe, relevant to this discussion. As long ago as 1903, the New Jersey Commissioner of Labor and Industry devoted about half of his annual report to the problem of discrimination in employment. In 1938, the State legislature acted to establish a commission with powers of persuasion and conciliation. A few years of experience convinced the legislature that stronger measures were necessary, and in 1945 it acted to set up a division against discrimination in the State department of education. In the past year, the division on civil rights, as it is now called, became a part of our department of law and public safety in a move to strengthen enforcement of the civil rights statutes.

Under the 1945 act, either the commissioner of education or the commissioner of labor of the State could, on his own motion, initiate complaints rather than wait for an aggrieved individual to file a complaint. In 1947, the State constitution was revised. The revised constitution, which was adopted by vote of the people of New Jersey in 1947 provides in article I, paragraph 5:

> No person shall be denied the enjoyment of any civilian or military right, nor be discriminated against in the exercise of any civilian or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin.

For from feeling that enactment of a Federal law would weaken the State in its effort to root out discrimination in employment, our commissioner of labor and industry speaking for the Governor strongly supported Federal legislation in the hearings held last year by the Subcommittee on Employment and Manpower of the Senate Labor and Public Welfare Committee, of which the Senator from Pennsylvania [Mr. CLARK] is chairman. He was testifying in behalf of a far stronger measure than the one presently before us, for, the bill reported out, S. 1937, would, among other things, have provided initial administrative enforcement powers similar to those given a number of other agencies. For myself, I am disappointed that we do not have such a bill before us.

The memorandum introduced by the Senator from Pennsylvania [Mr. CLARK], for himself and me, discusses in detail the workings of title VII. There are, however, several points which have been raised that I would like to discuss here.

INVESTIGATORY POWERS OF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Much has been made of the alleged onerous burden that title VII would impose with regard to recordkeeping and the unwarranted intrusion represented by the investigatory powers of the Commission. I have gone exhaustively into this matter, and I do not believe the charge is justified.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, a memorandum on the investigatory power of the Commission under title VII.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM: INVESTIGATORY POWERS OF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION UNDER TITLE VII

The investigatory duties and powers of the Equal Employment Opportunity Commission are set out in sections 709(a), 709(c), and 710 of title VII. Section 709(a) relates to access to records and other evidence; section 709(c) relates to recordkeeping and reports; and section 710 relates to compulsory process for obtaining testimony and other evidence and incorporates by reference the provisions of sections 9 and 10 of the Federal Trade Commission Act, 15 U.S.C. 49, 50.

Section 709(a) provides that in connection with an investigation of a charge filed under section 707, the Commission or its representatives shall at all reasonable times have access, for the purposes of examination and copying, to any evidence in the possession of a person being investigated that relates to the subject of the investigation. This language is also substantially similar to language contained in section 9 of the Federal Trade Commission Act. As reported by the House Judiciary Committee, the language of section 709(a) followed that of section 11 of the Fair Labor Standards Act, 29 U.S.C. 211, which grants to the Wage and Hour Administrator the power to "enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated" the act. Because this language seemed somewhat broader than the analogous provision of the Federal Trade Commission Act incorporated by reference in section 710, section 709(a) was amended by the House to bring it into line with the language of section 9 of the Federal Trade Commission Act.

First, it must be emphasized that this power granted to the Commission to gain access to places of business for the purpose of inspecting records is in no respect unusual. As has been stated, the language of section 709(a) is taken from section 9 of the Federal Trade Commission Act.[1] Similar language may be found in the Labor Management Relations Act, 29 U.S.C. 161(1). The Secretary of Labor's powers of inspection under the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 521, are patterned on those of the Wage and Hour Administrator previously cited and are at least as broad as those contained in section 709(a).[2] Powers of entry for the purpose of inspecting premises or records are also possessed by other agencies, including the Bureau of Mines, 30 U.S.C. 453; the Interstate Commerce Commission, 49 U.S.C. 320(d); the Food and Drug Administration, 21 U.S.C. 373, 374; the Secretary of Agriculture, 7 U.S.C. 222; the Securities and Exchange Commission, 15 U.S.C. 78q, 79o(f); and the Internal Revenue Service, 26 U.S.C. 7606.

Second, the Commission's power to conduct an investigation under section 709(a) can be exercised only after a specific charge has been filed in writing. In this respect the Commission's investigatory power is significantly narrower than that of the Federal Trade Commission, 15 U.S.C. 43, 46, the Wage and Hour Administrator, 29 U.S.C. 211, or the Secretary of Labor, 29 U.S.C. 521, who are empowered to conduct investigations, inspect records, and issue subpenas, whether or not there has been any complaint of wrongdoing, see *Oklahoma Press Publishing Co.* v. *Walling*, 327 U.S. 186 (1946); *Hunt Foods & Industries, Inc.*, v. *Federal Trade Commission*, 286 F. 2d 803, 806–07 (C.A. 9, 1961) cert. denied, 365 U.S. 877 (1961); *Goldberg* v. *Truck Drivers Local Union No. 299*, 293 F. 2d 807, 809–12 (C.A. 6, 1961), cert. denied, 368 U.S. 938 (1961).

Third, it has been suggested that section 709(a) would authorize Commission representatives to break into places of business for the purpose of conducting inspections of records. This is not true. The right to inspect records does not include the right to obtain access to them by force in the face of the owner's protest, *Davis* v. *United States*, 328 U.S. 582, 591 (1946); *Hughes* v. *Johnson*, 305 F. 2d 67 (C.A. 9, 1962). If access is refused the Commission's remedy is not to attempt to enter by force but rather to employ the remedies made available by section 9 of the Federal Trade Commission Act, incorporated by reference into section 710 of title VII. Under section 9 the Commission can either seek a writ of mandamus, *Federal Trade Commission* v. *Harrell*, 313 F. 2d 854, 855 (C.A. 7, 1963), or obtain the records in question by a subpena, see, e.g., *Provenzano* v. *Porter*, 159 F. 2d 47, 48 (C.A. 9, 1946), cert. denied, 331 U.S. 816 (1947); *Durkin* v. *Fisher*, 204 F. 2d 930 (C.A. 7, 1953) cert. denied, 346 U.S. 897 (1953). Indeed, there is no significant difference between a power to enter for the purpose of examining and copying records, and the power to compel their production by the use of subpena duces tecum, as was pointed out in *Porter* v. *Gantner & Mattern Co.*, 156 F. 2d 886, 889–90 (C.A. 9, 1946), and in *Westside Ford, Inc.* v. *United States*, 206 F. 2d 627, 630, 634 (C.A. 9, 1953); both rights are enforced in substantially the same manner and under either procedure the party investigated is able to seek a judicial determination of the reasonableness of the demand of the investigating agency, *Westside Ford* v. *United States, supra.*

Section 709(c) authorizes the Commission to require employers, employment agencies, and labor organizations subject to the title to make and keep records to be prescribed by the Commission, to preserve these records, and to make reports therefrom to the Commission. Records are also to be required in connection with the administration of apprenticeship and other training programs. Fear has been expressed that these recordkeeping and reporting requirements may prove unreasonable and onerous.

Requirements for the keeping of records are a customary and necessary part of a regulatory statute. For a partial list of such statutes, see *Shapiro* v. *United States*, 335 U.S. 1, 6–7 (1948). "Virtually every major public law enactment—to say nothing of State and local legislation—has recordkeeping provisions." Ibid at 51 (dissenting opinion). They are particularly essential in title VII because whether or not a certain action is discriminatory will turn on the motives of the respondent, which will usually be best evidenced by his pattern of conduct on similar occasions.

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[1] Sec. 709(a) is to some extent redundant because sec. 9 of the Federal Trade Commission Act is incorporated by reference into title VII in sec. 710. However, sec. 709(a) makes clear that the right of access for the purposes of examination, which under sec. 9 is applicable only to corporations, will apply to any person being investigated or proceeded against.

[2] Sec. 601 of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. 521, provides: "The Secretary [of Labor] shall have power when he believes it necessary to determine whether any person has violated or is about to violate any provision of this act * * * to make an investigation and in connection therewith he may enter such places and inspect such records and accounts and question such persons as he may deem necessary to enable him to determine the facts relative thereto. * * *" The provisions of the act enforced by the Secretary apply to both employers and labor organizations engaged in industries affecting commerce. This act, in its final form, was passed by the Senate by a vote of 95 to 2 on Sept. 3, 1959, in the CONGRESSIONAL RECORD, vol. 105, pt. 14, pp. 17919–17920, receiving the votes of the following Senators from the 11 Southern States who are presently Members of the Senate: BYRD of Virginia, EASTLAND, ELLENDER, ERVIN, FULBRIGHT, GORE, HILL, HOLLAND, JOHNSTON, JORDAN, LONG of Louisiana, MCCLELLAN, ROBERTSON, RUSSELL, SMATHERS, SPARKMAN, STENNIS, TALMADGE, THURMOND, YARBOROUGH.

The portion of sec. 601 quoted above is substantially identical to sec. 106(c) of S. 1555, the so-called Kennedy-Ervin bill, which was the basis for the act. This bill was passed by the Senate on Apr. 25, 1959, by a vote of 90 to 1, in the CONGRESSIONAL RECORD, vol. 105, pt. 5, p. 6745, and received the vote of all the Senators named above, except Senator BYRD of Virginia, who was absent on official business. We have examined the Senate debate on the Kennedy-Ervin bill and have found no criticism of this provision.

It is not, at this point, possible to compare the recordkeeping requirements of section 709(c) with those imposed pursuant to other statutes, because, like many other statutes,[3] section 709(c) merely confers authority to prescribe records requirements. No comparison can be made until the requirements are actually imposed. Nevertheless, the provisions of section 709(c) have been carefully drawn to prevent the imposition of unreasonable burdens on business, and there are more than the customary safeguards against arbitrary action by the Commission.

The requirements to be imposed by the Commission under section 709(c) must be "reasonable, necessary, or appropriate" for the enforcement of the title. Such requirements cannot be adopted without a public hearing at which the persons to be affected would have an opportunity to make their views known to the Commission. Most of the persons covered by the title are already required by law or by practical necessity to keep records similar to those which will be required under this title. The Wage and Hour Administrator imposes recordkeeping requirements on employers subject to the Fair Labor Standards Act with respect to the persons employed and wages, hours, and other conditions and practices of employment, 29 U.S.C. 211(c); other employment records must be kept for Federal tax purposes, 26 U.S.C. 6001, and for normal business purposes; labor organizations are required to maintain certain records under the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 431, 436. Any recordkeeping requirements imposed by the Commission could be worked into existing requirements and practices so as to result in a minimum additional burden. Furthermore, the Federal Reports Act of 1942, 5 U.S.C. 139–139f, gives the Director of the Bureau of the Budget authority to coordinate the information-gathering activities of Federal agencies, and he can refuse to approve a general recordkeeping or reporting requirement which is too onerous or poorly coordinated with other requirements.

Finally, there is express provision in section 709(c) for an application either to the Commission or directly to the courts for appropriate relief from any recordkeeping or reporting requirement which would impose an undue hardship.

The provisions of section 709(c) include safeguards not generally available in other statutes authorizing recordkeeping requirements. Bureau of the Budget clearance is ordinarily required for such requirements, although not for the Internal Revenue Service, 5 U.S.C. 139a(e). A public hearing is not ordinarily required, although section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, would require in most instances an opportunity for interested parties to participate in rulemaking by submitting written data. Most significant is the special provision in section 709(c) for judicial review. It may be conceded that parties would ordinarily be entitled to challenge the legality of any recordkeeping requirement, either by a suit for a declaratory judgment or in defending a suit to compel compliance with the requirement, but assuming a given recordkeeping requirement to be within the agency's statutory authority, we know of no other statute which affords to affected parties recourse to the courts to seek exemption on the grounds of undue hardship. Under the Fair Labor Standards Act, for example, the feasibility or practicality of complying with the Administrator's regulations regarding recordkeeping is immaterial, *Walling* v. *Panther Creek Mines*, 148 F. 2d 604, 607 (C.A. 7, 1945); *Walling* v. *Lippold*, 72 F. Supp, 339, 351 (D. Neb., 1947).

As has been stated, section 710 incorporates by reference into title VII the provisions of sections 9 and 10 of the Federal Trade Commission Act, in support of the Commission's investigatory powers. Sections 9 and 10 have been similarly incorporated by reference into the Packers and Stockyards Act, 7 U.S.C. 222, the Fair Labor Standards Act, 29 U.S.C. 209, and the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 521(b). The effect of the incorporation of section 9 into the title is to give the Commission the power to issue subpenas, to obtain access to evidence, to take testimony by deposition, and to invoke the aid of Federal courts for enforcement of its subpenas and other orders. However, section 710 incorporates the provisions of section 307 of the Federal Power Act, 16 U.S.C. 825f, instead of those of section 9, with respect to grants of immunity to witnesses. Under section 9 a witness need not claim his privilege against self-incrimination in order to obtain immunity, *United States* v. *Frontier-Asthma Co.*, 69 F. Supp. 994, 997 (W.D. N.Y., 1947); see *United States* v. *Monia*, 317 U.S. 424 (1943). Under section 307 there is no immunity obtained unless the witness has claimed his privilege and has nevertheless been directed to testify as to the matter in question. This is the more usual form of immunity provision, see e.g., Securities Exchange Act of 1934, 15 U.S.C. 78u; Public Utility Holding Company Act, 15 U.S.C. 79r; Labor Management Relations Act, 29 U.S.C. 161.

It is important to note that section 9 is incorporated by section 710 "for the purposes of any investigation provided for in this title." Consequently, it does not constitute an independent authority for investigations by the Commission. The Commission's investigatory authority arises from section 709(a), where an investigation must be based on a written charge filed with the Commission, and from section 709(c), which authorizes the Commission to require certain reports whether or not a charge has been filed.

The incorporation by reference of section 10 of the Federal Trade Commission Act, makes applicable to the title penal provisions for disobedience to a subpena, for falsification or destruction of documentary evidence, for denying to the Commission access to such evidence, and it also provides a forfeiture for failure to file required reports.

While in both sections 9 and 10 of the Federal Trade Commission Act there are references to evidence and records kept by a corporation and reports required of a corporation, it is clear that in applying these sections to title VII, these provisions should be applicable to employers, employment agencies, and labor organizations subject to the title, whether or not a corporation.

Constitutionality: As has been demonstrated, the provisions of sections 709 and 710 relating to the investigatory powers of the Equal Employment Opportunities Commission are based on other statutes and, consequently, present few, if any, novel features. Those constitutional questions which might arise are common to most regulatory statutes and have been fairly well resolved.

Constitutional objections to the exercise of investigatory powers are generally based on the fourth amendment's prohibition of unreasonable searches and seizures and the fifth amendment privilege against self-incrimination. As the Supreme Court pointed out in *Boyd* v. *United States*, 116 U.S. 616, 630 (1886), in cases involving the obtaining of documentary evidence by compulsory process, "the fourth and fifth amendments run almost into each other."

The obtaining of evidence through the use of a subpena duces tecum is not literally a search and seizure, but there is authority that "an order for the production of books and papers may constitute an unreasonable search and seizure within the fourth amendment," *Hale* v. *Henkel*, 201 U.S. 43, 76 (1906). However, more recent decisions make it very clear that an administrative subpena does not violate the fourth amendment if it is issued pursuant to and is relevant to a lawfully authorized investigation. In the leading case, *Oklahoma Press Publishing Co.* v. *Walling*, 327 U.S. 186, 208–09 (1946) the Supreme Court, granting enforcement of subpenas duces tecum issued by the Wage and Hour Administrator under the Fair Labor Standards Act, said:

"It is not necessary, as in the case of a warrant, that a specific charge or complaint of violation of law be pending or that the order be made pursuant to one. It is enough that the investigation be for a lawfully authorized purpose, within the power of Congress to command. * * * The [fourth amendment's] requirement of 'probable cause, supported by oath or affirmation,' literally applicable in the case of a warrant, is satisfied in that of an order for production by the court's determination that the investigation is authorized by Congress, is for a purpose Congress can order, and the documents sought are relevant to the inquiry. Beyond this the requirement of reasonableness, including particularity in 'describing the place to be searched, and the persons or things to be seized,' also literally applicable to warrants, comes down to specification of the documents to be produced adequate, but not excessive, for the purposes of the relevant inquiry. Necessarily, * * * this cannot be reduced to a formula; for relevancy and adequacy or excess in the breadth of the subpena are matters variable in relation to the nature, purposes and scope of the inquiry."

As we have pointed out above, the Equal Employment Opportunity Commission can initiate an investigation only after receipt of a written charge pursuant to section 707 (a). In this respect, its powers are significantly narrower than those of the Wage and Hour Administrator which the Court upheld in the Oklahoma Press Publishing Co. case.

The constitutionality of the requirements for keeping records authorized by section 709(c) is also clear. In *United States* v. *Darby*, 312 U.S. 100, 125 (1941) the Supreme Court, in upholding the records requirements of the Fair Labor Standards Act, said:

"Since * * * Congress may require production for interstate commerce to conform to those conditions, it may require the employer, as a means of enforcing the valid law, to keep a record showing whether he has in fact complied with it. The requirement for records even of the intrastate transaction is an appropriate means to the legitimate end."

See, also, *Bowles* v. *Beatrice Creamery Co.*, 146 F. 2d 774, 779 (C.A. 10, 1944).

Furthermore, "records required by law to be kept in order that there may be suitable information of transactions which are the appropriate subjects of governmental regulation" are quasi-public documents and may be obtained by compulsory process and used as evidence notwithstanding the assertion of the fifth amendment's privilege against self-incrimination, *Shapiro* v. *United States*,

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[3] See, e.g., Securities Exchange Act of 1934, sec. 17, 15 U.S.C. 78q; Public Utility Holding Company Act of 1935, sec. 15, 15 U.S.C. 78o; Internal Revenue Code, 26 U.S.C. 6001; Merchant Marine Act, 1936, 46 U.S.C. 1211.

355 U.S. 1, 32–35 (1948).[4] Consequently, neither the fourth nor the fifth amendments present any obstacle to the enforcement of the commission's powers under sections 709 and 710.

THE MOTOROLA CASE

Mr. CASE. Much has also been made of the case of Myart against Motorola, Inc. It has been repeatedly and erroneously cited as an example of the lengths to which the employment commission might be expected to go.

The decision is merely an initial or preliminary decision by a part-time hearing examiner. The Illinois commission, according to its chairman, "has not taken any stand of any kind at any time on the issue of the use of tests in employment." The commission "has issued no orders and has taken no position on the hearing examiner's finding."

Whatever the final action on the case, the citation of the examiner's finding has no application to title VII. First, as the subsections of section 707 which I have just described make clear, the Equal Employment Opportunity Commission, to be created by title VII of this bill, unlike the Illinois commission, would have no adjudicative functions. Only a Federal court would have authority to determine whether there had been a violation of the act, and only the court could enforce compliance. Second, under title VII, even a Federal court could not order an employer to lower or change job qualifications simply because proportionately fewer Negroes than white are able to meet them. Title VII says only that covered employers cannot refuse to hire someone simply because of his color. This is completely different from the law which the commission in Illinois was asked to administer, and from the decision adopted by the hearing examiner in the Motorola case. But it expressly protects the employer's right to insist that any applicant meet the applicable job qualifications. That is expressly provided for in the provision of title VII.

In this connection, Mr. President, I ask unanimous consent that the letter of the Illinois FEPC chairman, Charles W. Gray, which was published in the New York Times under date of March 13, and a memorandum on the case may be printed in the Record at this point in my remarks.

There being no objection, the letter and memorandum were ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 25, 1964]

Illinois' F.E.P.C.: Commissioner Denies Taking Stand on Use of Tests in Hiring

To the Editor:

Arthur Krock, writing in the Times of March 13, states that the Illinois Fair Employment Practices Commission has ruled on an issue involving the use of preemployment tests by Motorola.

The facts are these. The law establishing the Illinois Fair Employment Practices Commission provides that in the event a private conciliation conference between a respondent and a complainant fails to produce a mutually acceptable settlement, it shall be set for a public hearing.

The public hearing is conducted by a hearing examiner, who must be a lawyer. The hearing examiner is appointed by the commission, but is in no way an employee of the commission, and, therefore, certainly not a political appointee.

The findings of the hearing examiner are just that—not a ruling of the commission, nor are they necessarily the opinion or judgment of the commission.

NO POSITION ON FINDING

The Illinois Fair Employment Practices Commission has not acted on the Motorola fiinding, has issued no orders and has taken no position on whether the hearing examiner's finding will be the order of the commission.

The protection of both parties that our law provides is such that it is highly unlikely that this commission, or any other commission so constituted, could seize the kind of "autocratic control" of which Mr. Krock writes.

The hearing examiner's finding will be carefully considered by the commission. It will then issue an order which may or may not include the recommended conclusion of the hearing examiner. Once the commission rules on the matter, the ruling can be appealed directly to the courts under the Administrative Review Act in the Statutes of the State of Illinois.

This commission has not taken any stand of any kind at any time on the issue of the use of tests in employment. Until we do so, it is totally inappropriate for anyone or any publication to make assumptions about the outcome of this matter.

Charles W. Gray,
Chairman, State of Illinois Fair Employment Practices Commission.

Chicago, *March 17, 1964.*

Myart *v.* Motorola, Inc.

The decision of a hearing examiner in *Myart* v. *Motorola, Inc.*, a case under the Illinois Fair Employment Practices Act (Congressional Record, Mar. 19, 1964, pp. 5662–5664), has been the subject of some recent discussion.

In that case, the hearing examiner found that an employment test administered by respondent Motorola to a Negro job applicant was "obsolete" because "its norm was derived from standardization on advantaged groups," apparently meaning that persons coming from underprivileged or less well educated groups were less likely to be able to pass the test. He said that "in the light of current circumstances and the objectives of the spirit as well as the letter of the law, this test does not lend itself to equal opportunity to qualify for the hitherto culturally deprived and the disadvantaged groups." Accordingly, in addition to the relief he directed for the complainant, the hearing examiner ordered that Motorola cease to employ the test in question, and that if it chose to use any test, it should adopt one "which shall reflect and equate inequalities and environmental factors among the disadvantaged and culturally deprived groups." There is no description of the test in the hearing examiner's report, and no further discussion of why the test was considered unfair.

Of course, it should be noted, and indeed emphasized, that the decision in the Motorola case was merely an initial or preliminary decision of a part-time hearing examiner,[1] that this decision is subject to review by the full Illinois Fair Employment Practices Commission, and that any commission decision is subject to review by the Illinois courts. Consequently, no one can say with any degree of certainty at this time that the examiner's decision is a correct interpretation of the Illinois law.

It has been suggested, nevertheless, that the decision by the hearing examiner should be taken as indicative of the kinds of decisions which might be expected to be made by Federal "bureaucrats" if title VII of the pending civil rights bill were enacted. Of course, this is completely wrong. It would definitely not be possible for a decision like Motorola to be entered by a Federal agency against an employer under title VII. This is so for two very basic reasons.

First, unlike the Illinois commission, the Equal Employment Opportunities Commission established by title VII would have no adjudicative functions and no authority to issue enforcement orders. Its duties would be to receive and investigate complaints, to attempt to resolve disputes and to achieve compliance with the act through voluntary methods, and, where conciliation fails, to bring suit to obtain compliance in Federal court. Only a Federal court would have the authority to determine whether or not a practice is in violation of the act and only the court could enforce compliance. The Commission not only could issue no enforcement orders, it could make no determination as to whether or not the act has been violated. Thus, enactment of title VII would not allow a Federal admistrative agency to issue any compliance orders, much less one paralleling that of the Illinois hearing examiner.

Second, it is perfectly clear that title VII would not permit even a Federal court to rule out the use of particular tests by employers because they do not "equate inequalities and environmental factors among the disadvantaged and culturally deprived groups." Of course, it is not appropriate to comment here on whether the Motorola decision is correct as a matter of Illinois law. This is for the State commission and the State courts to determine. It is enough to note that the result seems questionable. There is no doubt, however, that such a result would be unmistakably improper under the proposed Federal law. The Illinois case is based on the apparent premise that the State law is designed to provide equal opportunity to Negroes, whether or not as well qualified as white job applicants.

The hearing examiner in the Motorola case wrote:

"The task (of personnel executives) is one of adapting procedures within a policy framework to fit the requirements of finding and employing workers heretofore deprived because of race, color, religion, national origin, or ancestry. Selection techniques may have to be modified at the outset in the light of experience, education, or attitudes of the group * * *. The employer may have to establish inplant training programs and employ the heretofore culturally deprived and disadvantaged persons as learners, placing them under such supervision that will enable them to achieve job success."

Whatever its merit as a socially desirable objective, title VII would not require, and no court could read title VII as requiring, an employer to lower or change the occupational qualifications he sets for his employees simply because proportionately fewer Negroes than whites are able to meet them. Thus, it would be ridiculous, indeed, in addition to being contrary to title VII, for a court to order an employer who wanted to hire electronics engineers with Ph. D.'s to lower his requirements because there were very few Negroes with such degrees or because prior cultural or educational deprivation of Negroes prevented them from qualifying. And, unlike the hearing examiner's interpretation of the Illinois law in the Motorola case, title VII most certainly would not authorize any requirement that an employer accept an unqualified applicant or a less qualified applicant and undertake to give him any additional training which might be necessary to enable him to fill the job.

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[4] It might be noted that title VII, unlike the Emergency Price Control Act involved in the Shapiro case, is not a criminal statute, so that the maintenance and compulsory disclosure of records of discrimination in employment would involve self-incrimination only where there was a court order already in effect disobedience to which might constitute a criminal contempt. See *United States* v. *Hoffman*, 335 U.S. 77 (1948).

[1] Hearing examiners are apparently not full-time employees of the commission. A panel of attorneys residing throughout the State, including at least two from each of the five supreme court districts, are designated as hearing examiners. Article VIII, Rules and Regulations of Procedure of the Illinois Fair Employment Practices Commission.

Title VII says merely that a covered employer cannot refuse to hire someone simply because of his color; that is, because he is a Negro. But it expressly protects the employer's right to insist that any prospective applicant, Negro or white, must meet the applicable job qualifications. Indeed, the very purpose of title VII is to promote hiring on the basis of job qualifications, rather than on the basis of race or color. Title VII would in no way interfere with the right of an employer to fix job qualifications, and any citation of the Motorola case to the contrary as precedent for title VII is wholly wrong and misleading.

Mr. CASE. Mr. President, although the full text of the memorandum appears in the RECORD of some days ago, it contained an inadvertent error in that in the sixth paragraph the word "premise" was misprinted as "promise."

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a copy of a further statement by Mr. Gray, chairman of the Illinois Commission, which was sent by him to the Illinois State Chamber of Commerce in regard to the Motorola case on April 1 of this year.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY CHARLES W. GRAY, CHAIRMAN, ILLINOIS FAIR EMPLOYMENT PRACTICES COMMISSION (ENCLOSED IN LETTER OF APRIL 1, 1964, TO ILLINOIS STATE CHAMBER OF COMMERCE)

Although it is well known that the Illinois State chamber has proposed FEP legislation, it is also a fact that it has cooperated in a positive and helpful way with our commission since the day it was born. Therefore, we feel we owe to you and your members a full statement of the commission's position on this matter (the "Motorola case") and on the important principle of merit employment in the State of Illinois.

The first opportunity that our commission had to communicate with the business community in Illinois was afforded to us by the Illinois State Chamber of Commerce when you sponsored the statewide conference on merit employment in 1961. This was the largest, most extensive meeting ever held on that subject in this State, and there was no mistaking the chamber's stand on this important issue.

The first statewide publication on the Illinois Fair Employment Practices Act was issued by the Illinois State Chamber of Commerce. Your organization has done more in publicizing merit employment than any other organization in the State, business or otherwise. I know you have future plans in this area.

We appreciate this opportunity to tell the story of an important issue—important to your members, important to every businessman in the State of Illinois, important to every citizen in the State, and important to the cause of merit employment.

The commission operates under these basic principles:

1. The right of any employer to establish standards of employment, to establish testing and screening devices in employment, and to employ persons of their own choice, is an absolute right as long as the decision is not made on the basis of race, religion, or national origin.

2. We believe that every employer in the State wants to abide by the law, because we cannot believe that any employer would deliberately circumvent this, or any other, law. Therefore, our attitude is not one of considering employers as being devious lawbreakers bent on discrimination.

3. We believe that the procedures outlined in the Illinois Fair Employment Practices Act are fair and equitable for all parties coming before the commission, and that it is the commission's responsibility to administer this law in rigorous accord with its provisions.

4. We believe that more progress toward merit employment can be achieved through cooperation, education, and voluntarism under the auspices of this law than could ever be achieved by any autocratic procedure.

5. We believe that the protection of the individual against acts of discrimination is the most important function of this law and of the commission, and that this can be achieved without harassment, without arbitrary procedure, and with the full protection of the freedom of all citizens.

In the matter of the Motorola case, several points need to be clarified.

1. The Motorola Co. has not been ordered by the Fair Employment Practices Commission to do or not do anything.

2. The law states that the recommendation of the hearing examiner which comes out of a public hearing shall be called an order, but this does not become an order until the Commission has determined that the hearing examiner's order is supported by substantial evidence and has made the hearing examiner's order the order of the Commission. This has not happened in the Motorola case.

3. The law provides for a private conciliation conference to be held between both parties after a complaint has been filed and an investigation made. In the second Motorola case, representatives of Motorola refused to come to a conciliation conference. In an earlier case, Motorola representatives had refused to enter into a conciliation conference because Commission rules forbid a record being made of the proceedings. Therefore, it was imperative under the law that a public hearing be held. This hearing was held on January 27, 1964, by Hearing Examiner Robert Bryant.

4. An important piece of information in this case is the test which the complainant himself took at the Motorola Co., and the score that he achieved on that test. The Motorola Co. failed to bring this forward, stating that it was not available.

5. The Motorola Co. has now appealed this hearing examiner's opinion and it is expected that the complainant's attorneys will appeal on his behalf. When petitions for appeal from both parties have been received by the commission, a date will be set for a hearing before the full commission, as the law provides. This will be done as rapidly as possible.

6. When the commission's order is ultimately handed down, either party may appeal it directly to the courts under the Administrative Review Act of the State of Illinois.

The procedures established by the law provide full protection for both parties and the law does not, in any way, permit the commission to hand down arbitrary orders of any kind. Any orders that come from the commission must be supported by the preponderance of evidence.

More than 80 percent of the cases in which the commission has found substantial evidence have been settled at the conciliation conference stage. The commission finds that this wise provision of the law provides for a most fruitful means of settling matters privately between men of good will. We are sorry that the respondent in this case did not take advantage of this step.

EXEMPTION OF ATHEISTS

Mr. CASE. Mr. President, considerable attention has also been given to the exemption of atheists inserted in the bill on the House floor. This provision—section 704, subsection (f)—seems to me patently unconstitutional, and I have no doubt it will be so held by the courts if we do not delete it. It is important to note in this connection that should the provision be stricken down, it would not affect the validity of other provisions in the title. Under the provisions for separability in sections 716 and 1104 of the bill, it is clearly severable from the rest of the title.

When all the talk on this and other titles of the bill is done, we come at last face to face with a great moral issue.

I find it hard to believe that anyone in his heart of hearts can deny that injustice and suppression have been the lot of generations of Negro Americans. As a nation, we have stood and fought—indeed, we are still fighting right now—for freedom in many lands. Can we continue to falter in our stance at home?

As a nation, we have denounced the practices of colonialism abroad. Can we view such practices with complacency at home? The pukka sahib lines may not be as distinctly drawn, but they infect our system and almost all our social institutions.

The tide of history is moving. Through the centuries injustice and oppression have sooner or later brought the downfall of their perpetrators. Let us not forget the wisdom compressed into one sentence by George Santayana in his "Life of Reason":

> Those who cannot remember the past are doomed to repeat it.

Our responsibility is, I believe, clear. There is no room for delay or evasion. Let us act affirmatively—and soon.

Mr. ELLENDER. Mr. President, will the Senator from New Jersey yield for a question?

Mr. CASE. I am glad to yield to the Senator from Louisiana.

Mr. ELLENDER. Did I correctly understand the Senator from New Jersey to say a while ago that the FEPC law in New Jersey may be as strong as the FEPC provision in the pending bill, if not stronger?

Mr. CASE. As I pointed out in the course of my remarks, it is indeed stronger, in the sense that the commission has the authority to make investigations, as our commission would, but that the commission in New Jersey has the power itself to make findings. It has followed the universal practice in almost all cases of endeavoring to solve through conciliation and mediation a violation of law which it finds exists, but it does have the power, in the end, to make orders which are, however, enforceable with the aid of the court.

Mr. ELLENDER. I hold in my hand a statement that was furnished to me by the Senator from Pennsylvania [Mr. CLARK] during the course of his remarks today. It shows the percentage of unemployment in the civilian labor force, by color, in the various States. I notice under "New Jersey," which has an FEPC law on the books, that the rate of nonwhite is 9.5 percent in contrast to 4.1 percent for the white. Will the Senator tell us why there is such a discrepancy between nonwhite and white rate of unemployment? An FEPC law is on the books. The Senator states it is stronger than the one in the bill we are now considering?

Mr. CASE. The Senator from Louisiana has very properly made this point. I believe it might not be a bad idea for the Senator to insert the entire table in the RECORD for all Senators to read.

Mr. ELLENDER. I have already placed it in the RECORD.

Mr. CASE. I am glad the Senator has done so.

Mr. ELLENDER. I should also like to ask the Senator an explanation for the situation existing in the State of Michigan, where an FEPC law has been in effect for some time, and, where the white unemployment rate is 6 percent whereas the nonwhite rate is 16.3 percent. Are those figures correct?

Mr. CASE. The Senator is correct.

Mr. ELLENDER. Can the Senator give us an idea as to why that situation prevails?

Mr. CASE. There are even greater discrepancies in other States where there are fewer Negroes, such as North Dakota, where unemployment for whites is 5.4 percent and for nonwhites almost five times as much, or 25.2 percent. We are not trying to pull the wool over anyone's eyes, but there are a number of reasons for this. In New Jersey there is not the same amount of agriculture as there is in the South. Negroes are not in agriculture in any great number, as is the case in the South. Negroes are drawn to the cities. They come from many places in the South in great numbers, one and a half million in the 1950's, seeking employment. They have largely settled in northern cities such as the New York-New Jersey metropolitan area. They compete with workers who have had higher educational opportunities to train for jobs, for which these farmworkers lack skills.

Notwithstanding our strong and, on the whole, fairly well administered fair employment practices law, we have high unemployment. I am sure that if it were not for our Commission, the discrepancy between Negro and white unemployment would be much greater in New Jersey than it is.

Mr. ELLENDER. It may be necessary to have an FEPC law in New Jersey, Michigan, and Minnesota. In Minnesota, where the Negro population is less than 1 percent, as I recall, and concentrated in St. Paul and Minneapolis, the nonwhite unemployment rate is 12.8 percent, as compared with 5 percent for the whites. It is something I cannot understand.

Let us take the case of North Carolina. There the nonwhite unemployment rate is 7.4 percent. And it appears that in none of the Southern States, where the Senator from New Jersey and his associates are trying to impose an FEPC law, do we find a percentage for nonwhite unemployment in excess of 9½ percent, which is the figure for Louisiana. Of course I can account for that.

Mr. CASE. I should be very glad to have any illumination the Senator from Louisiana cares to provide as to what the figures actually show for the Southern States. The Senator, with his usual fairness, I am sure would be glad to tell us about his State and other parts of the country. In my State of New Jersey there are various kinds of employment and various kinds of activities, but we do not have farmwork of the type and extent found in the South. I am sure the reason why there is a difference between the Negro unemployment rate in the South and some Northern States is that in the South the Negroes live largely on farms and are not in the labor market looking for jobs of the kind which are the chief source of their employment in the North. For example, it is my understanding that white collar jobs in the South represent only 8.3 percent.

Mr. ELLENDER. The point I wish to emphasize is that where FEPC laws exist and where attempts are made to prevent discrimination by law, the table shows that in most of such States the rate of nonwhite unemployment is greater than in the Southern States. But if we are to judge by the speeches that have been made in the Senate during the past 5 or 6 weeks, we might expect the exact opposite to be true.

Mr. CASE. Including, I hope, the speech that was made just before this colloquy began. The fact is that there is discrimination, and the fact is that in many parts of the country it is worse than it is in New Jersey. We are trying to get rid of it. The answer to the question as to why, in many Southern States, there is less of a difference in unemployment as between Negroes and whites is that basically Negroes do not even try to get the kind of jobs they would try to get in New Jersey, for example.

Mr. ELLENDER. I do not understand the last part of the Senator's statement.

Mr. CASE. They do not try to get the jobs in the South that they would try to get in Northern States, where there is no reservoir of agricultural jobs, as is the case in the South.

Mr. ELLENDER. I am asking these questions in an effort to demonstrate, so far as possible, that in the South there is no need for an FEPC law of the type the Senator from New Jersey and his associates would impose on us. I go back to the proposition that the Senator cannot cite one Southern State which has a nonwhite unemployment rate in excess of 9½ percent, according to the table. Yet in the Northern States, even agricultural States, the reverse is true.

Let us take North Dakota, for example. The nonwhite unemployment rate is 25.2 percent. Certainly there must be a great deal of discrimination there.

Let us take Montana, where as I remember, the Negro population is about 0.2 percent. There, nonwhite unemployment rate is 24.8 percent, as compared with 6.4 rate of white unemployment.

Mr. CASE. The Senator is reciting some figures from a table with which I have no desire to quarrel. The facts are as stated. Of course, we are not dealing, primarily, with unemployment, although it is a part of the whole picture. We are discussing the question of whether there is discrimination in the Senator's State, in my State, and in other parts of the country as between whites and Negroes in employment.

I believe that the fact that there is a discrepancy as between whites and Negroes has little, if any, bearing, if consideration is not given to the reason for the discrepancy, which I believe the Senator from Louisiana and I understand.

Mr. ELLENDER. Let us take the State of Washington. In the State of Washington an FEPC law has been in effect for some time. In that State the white unemployment rate is 6.4 percent, in contrast with a 13.4 rate for nonwhite. It would seem to me that there is more discrimination there than in North Carolina, where the percentage is 7.4.

Let us consider the State of Mississippi. There the rate is 7.1 percent.

Mr. CASE. I do not agree with the Senator's premise. What is happening in the State of Washington and in other States in the North is that hundreds of Negroes flock in from the South. They pour into the cities, because there is no agricultural employment, which is the only kind of employment that they are fitted for. Neither is there the service type of employment which is available in other parts of the country. The only thing they can do is put themselves on the labor market, which is constantly decreasing, because of automation, in the blue collar area. They have no other skills. That is the reason for the high unemployment rate.

I am sorry it exists. I am not proud of it, or happy about it. However, it does not indicate that there is more discrimination in North Dakota or Montana or New Jersey or New York than there is in Louisiana. I am certain the facts would not justify any such conclusion.

Mr. ELLENDER. The table to which we have been referring would indicate that since there is more nonwhite unemployment, percentagewise, than white unemployment, there must be more discrimination. One cannot reach any other conclusion.

Mr. CASE. I believe it depends on who does the reaching. I am sure the Senator and I could stand here enjoying ourselves in a friendly discussion until kingdom come, without agreeing with each other.

Seventy-five percent of the Negroes, as I pointed out in my remarks in chief, have jobs in the unskilled area and blue collars jobs and in service, and only 25 percent in white collar jobs and on farms.

They are not qualified to take the other jobs, which are the only jobs which, in the northern States, might be available to them. The number of such jobs is limited. That is clearly the reason. I do not say we do not discriminate in the North. We have our problems with respect to seniority in jobs and employment rules, and everything else. I believe the Senator understands the situation.

Mr. ELLENDER. Yes; I understand it only too well.

I should like to have this table inserted at this point in my remarks. It will mean that the table will be in the RECORD twice, but it will do no harm to have it printed twice, because it was discussed on two occasions.

Mr. CASE. I have no objection.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Unemployment as percent of civilian labor force, by color, by States, 1960—April

State	Total	White	Nonwhite
United States	5.1	4.7	8.7
Alabama [1]	5.7	4.7	8.4
Alaska [3]	12.8	10.5	25.4
Arizona	5.3	4.7	13.2
Arkansas [1]	6.0	5.3	9.1
California [2] [3]	6.1	5.8	10.0
Colorado [2] [3]	4.0	3.9	6.6
Connecticut [2] [3]	4.6	4.4	8.9
Delaware [3]	4.6	3.8	9.2
District of Columbia	4.1	2.5	5.7
Florida [1]	5.0	4.6	6.7
Georgia [1]	4.5	3.8	6.3
Hawaii	4.2	4.8	4.0
Idaho [3]	5.7	5.6	8.6
Illinois [3]	4.5	3.8	11.5
Indiana [3]	4.2	4.0	8.5
Iowa	3.2	3.1	9.3
Kansas [3]	3.7	3.4	8.5
Kentucky [1]	6.0	5.9	8.1
Louisiana [1]	6.1	4.7	9.5
Maine	6.5	6.4	17.8
Maryland	4.8	3.8	9.5
Massachusetts [2] [3]	4.2	4.1	7.8
Michigan [2] [3]	6.9	6.0	16.3
Minnesota [3]	5.0	5.0	12.8
Mississippi [1]	5.4	4.5	7.1
Missouri [3]	4.1	3.7	8.6
Montana	6.8	6.4	24.8
Nebraska	3.1	3.0	7.7
Nevada [3]	6.2	5.9	10.1
New Hampshire	4.3	4.2	10.2
New Jersey [2] [3]	4.6	4.1	9.5
New Mexico [2] [3]	5.9	5.5	13.6
New York [2] [3]	5.2	4.9	7.4
North Carolina [1]	4.5	3.6	7.4
North Dakota	5.6	5.4	25.2
Ohio [2] [3]	5.5	4.9	11.9
Oklahoma [3]	4.4	4.0	9.0
Oregon [2] [3]	6.0	5.9	9.5
Pennsylvania [2] [3]	6.2	5.8	11.3
Rhode Island [2] [3]	5.3	5.2	10.0
South Carolina [1]	4.1	3.4	5.7
South Dakota	4.1	3.7	23.8
Tennessee [1]	5.2	5.0	6.5
Texas [1]	4.5	4.1	7.1
Utah	4.1	4.1	5.7
Vermont [3]	4.5	4.5	10.6
Virginia [1]	4.2	3.5	7.1
Washington [3]	6.6	6.4	13.4
West Virginia [3]	8.3	8.2	11.4
Wisconsin [2] [3]	3.9	3.7	11.4
Wyoming	5.1	5.0	10.1

[1] Southern States.

[2] States with effective fair employment practice commission laws in 1960, as classified by the U.S. Department of Labor.

[3] States with FEPC laws.

Source: U.S. Bureau of the Census, 1960 Census of Population, PC(1)C series table 53, 83.

Mr. ERVIN. Mr. President, I am at a total loss to understand——

Mr. CASE. Does the Senator wish to ask me a question?

Mr. ERVIN. Yes.

Mr. CASE. Then the Senator wishes me to retain the floor and yield to him; is that correct?

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from New Jersey may yield to me for questions and observations without losing his privilege to the floor and without his remarks counting as a second speech on this subject.

Mr. CASE. Reserving the right to object—and of course I do not intend to object—has the Senator included in his request that it will not count as a second speech on my part?

Mr. ERVIN. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. I yield.

Mr. NELSON. I wonder if I might make an inquiry of the Senator. Does the Senator have a series of questions to ask?

Mr. ERVIN. Yes. I do.

Mr. NELSON. Does anyone object to my obtaining the floor?

Mr. ERVIN. I have no objection. However, I do not have the floor.

Mr. CASE. If I may yield to the Senator from Wisconsin on the usual basis, for whatever brief purpose he has in mind, I should be glad to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT ON WISCONSIN PRESIDENTIAL PRIMARY

Mr. NELSON. The Wisconsin presidential primary was held yesterday. It is not possible to make a definitive analysis at this time. But I think it is important to public understanding to have some basic facts on hand to interpret that election.

First, let us look at the statewide returns. Here is a table showing Tuesday's vote by congressional districts. Column 3 shows how many of the voters chose the Democratic column in this primary, and column 4 shows, by contrast, how many voters chose the Democratic column in November 1962, when our Democratic Governor Reynolds was elected.

This table shows that Governor Reynolds won decisively Tuesday in every congressional district and in several of them he outpolled both Governor Wallace and Congressman BYRNES combined. The table also shows dramatically that there was a tremendous crossover of Republican voters to vote in the Democratic primary.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a tabulation showing the results of the primary.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

	Statewide total	Percent of total
Governor Reynolds	508,597	48
Governor Wallace	261,148	24
Congressman Byrnes	294,724	28
Total	[1]1,064,469	100

[1] 63 precincts out.

District	Tuesday vote		Percentage voting Democratic	Governor Reynolds, Democrat, percentage in 1962
1	Reynolds	46,855	70	48
	Wallace	23,966		
	Byrnes	28,720		
2	Reynolds	53,440	70	48
	Wallace	22,483		
	Byrnes	34,392		
3	Reynolds	42,953	66	42
	Wallace	18,167		
	Byrnes	30,801		
4	Reynolds	68,454	80	60
	Wallace	38,633		
	Byrnes	17,751		
5	Reynolds	55,318	80	55
	Wallace	30,581		
	Byrnes	15,094		
6	Reynolds	49,953	70	45
	Wallace	25,169		
	Byrnes	32,485		
7	Reynolds	48,800	64	47
	Wallace	17,941		
	Byrnes	37,015		
8	Reynolds	44,492	62	49
	Wallace	22,009		
	Byrnes	40,294		
9	Reynolds	52,600	75	(1)
	Wallace	45,300		
	Byrnes	33,600		
10	Reynolds	45,732	64	53
	Wallace	16,828		
	Byrnes	24,562		

[1] New district.

Mr. NELSON. Now what do these figures mean?

Governor Wallace said that he entered the Wisconsin primary to get a clear-cut expression of public opinion on the civil rights bill. Both of his opponents strongly supported the civil rights bill, and this became the only issue.

If Governor Wallace wants to treat this as a kind of Gallup poll on the civil rights bill, with a sample of more than 1 million voters, then the results show that 76 percent favored the civil rights bill.

Actually, the issue is too complicated to draw any such simple conclusions. Governor Reynolds has been under bitter attack from Republicans as well as from Governor Wallace. His major highway program was voted down in a referendum Tuesday by a margin of 6 to 1. So Wallace did not win even his 24 percent of the vote by his opposition to civil rights. Many of those votes were cast by Republicans to hurt Governor Reynolds.

But if anyone does want to treat this as a poll on the civil rights bill, the overwhelming public vote of approval is there for all to see. No one should expect the civil rights bill to receive 100 percent endorsement in any State at any time.

The support of 76 percent of the voters on any specific issue would be treated as an overwhelming mandate.

Governor Wallace got more votes than any citizen familiar with Wisconsin traditions would want him to get. But a study of voting returns fairly closely shows how and where he got a substantial portion of these votes.

These are the basic conclusions on the Wisconsin primary:

Democratic Governor Reynolds won decisively in every congressional district, including the much talked about "Milwaukee Fourth District," where opposition to civil rights legislation was supposed to be so strong.

Reynolds won this victory despite serious political troubles of his own in Wisconsin.

There was a tremendous crossover of Republican voters into the Democratic primary. Democratic candidates polled 72 percent of the total vote Tuesday, whereas President Kennedy polled only 48 percent in the 1962 general election.

Many of these Republican voters voted for Wallace—possibly because of his opposition to civil rights; but also because of their opposition to Governor Reynolds and conceivably President Johnson.

Wallace, although decisively defeated everywhere, did best in the strongest Republican districts. The only district where he was even in contention was the new Ninth District—the prosperous Republican suburbs of Milwaukee.

However, many of the Republicans who crossed over to the Democratic primary actually voted for Democratic Governor Reynolds—a man under relentless attack by their own party. The only possible conclusion is that many regular Republicans voted for Reynolds merely to show their support for civil rights legislation.

Thus, the highly respected Milwaukee Journal made the tremendously significant point today that in this election, Governor Reynolds, sorely beset with his own political troubles, polled the highest vote ever cast for any presidential candidate in a Wisconsin presidential primary—more than John F. Kennedy got in the historic 1960 primary. Thus, there was a great rallying of both Democrats and Republicans to support Reynolds in order to support civil rights.

This points up the obvious fact that while many people are preoccupied with the 261,000 votes which Wallace got—and I regret that he got that many—we must not lose sight of the fact that his opponents polled 802,000 votes. We must remember the 508,000 votes which Governor Reynolds got and the 294,000 votes which Republican JOHN BYRNES got.

Let us look at the vote in some specific districts.

Governor Wallace had his largest and most enthusiastic reception of the campaign in the Fourth Congressional District on Milwaukee's South Side. Yet Governor Reynolds—already under fire for supporting a controversial open-occupany bill in the legislature—swept this district Tuesday. He outpolled both Wallace and BYRNES combined, and carried 55 percent of the total Fourth District vote despite a large Republican crossover.

Based on the party division in 1962, the Republican candidate Tuesday should have gotten about 50,000 votes in this district. Instead, he got only about 18,000, indicating a crossover of close to 32,000 Republican votes in this district alone.

Next, let us look at the overwhelmingly Republican Sixth District in the prosperous Fox River Valley. This is the home of Congressman VAN PELT, the only Wisconsin Congressman to vote against the civil rights bill. VAN PELT has sent throughout his district a newsletter bitterly attacking the civil rights bill. Governor Wallace and his aids have been passing out this same literature. Several newspapers in the area have editorially supported VAN PELT and his charges.

What happened in this overwhelmingly Republican district Tuesday? Governor Reynolds won decisively, beating Governor Wallace almost 2 to 1 and outpolling BYRNES by over 17,000 votes.

Reynolds' percentage of the vote in this Republican Sixth District on Tuesday—when the sole issue was civil rights—was actually better than in the 1962 election when he won the governorship.

Let us look at the home district of Representative BYRNES, the Republican favorite son. This is also an overwhelmingly Republican district. JOHN BYRNES' name is a household word.

Again, what happened there Tuesday, in Byrnes' home district? Governor Reynolds won decisively, defeating Wallace by more than 2 to 1 and outpolling favorite son, Byrnes, by more than 4,000 votes.

To summarize, what does the Wisconsin vote show?

It shows that a man who staked his all on forcing a public test on the civil rights bill was decisively defeated in every congressional district of Wisconsin.

It shows that a Democratic Governor, sorely beset with complicated political troubles of his own, won every single congressional district in the State and actually bettered his 1962 victory record in the very districts where civil rights opposition was expected to be the worst.

It shows that many Republicans—as might be expected—will take advantage of a chance to embarrass a Democratic President and a Democratic Governor, just as Democrats have often done in the past. But it also shows that many Republicans will line up in favor of civil rights even if it means backing a Democratic Governor who is under the most bitter attack from their own Republican leaders.

I hope this fact will not be lost on the Republican leadership in the Senate. It sounds a warning that if the Republican party should decide to oppose civil rights legislation, many of their own voters will not go along.

The only conclusion I can come to is that the Democratic Governor of Wisconsin was given a tremendous political boost when civil rights was made the sole issue in this election.

Wisconsin voters turned out in the second largest primary in history and, despite severe campaign misrepresentations, they rallied to the side of the Democratic Governor and gave him a significant victory. A substantial minority voted against him, as they vote against every politician in every election, but the hope of the opponents that Wisconsin voters would repudiate the civil rights bill failed.

Mr. ELLENDER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. In connection with the primary voting in Wisconsin, I have a compilation of the latest figures. It indicates that Governor Reynolds got 508,597 votes with 3,489 out of 3,552 precincts reporting. Governor Wallace got 216,000. In other words, the difference is that Governor Reynolds got 240,000 more votes than did Governor Wallace.

I also have a record of the votes that were cast for Congressman BYRNES. The figures show that Congressman BYRNES received 249,724 votes. If one were to add the Wallace votes to the Byrnes votes, the total would exceed the number of votes received by Governor Reynolds.

How does the Senator account for that?

Mr. NELSON. That is the way addition works.

Mr. KEATING. Mr. President, would the Senator yield?

Mr. CASE. Mr. President, I do not want to inadvertently lose the floor by being too lax. If the Senator from New York has a comment which he would like to make, I would be happy to yield under the usual conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, I think it would be highly unfair to Congressman BYRNES to add his vote to Governor Wallace's vote, if the Senator is trying to draw any inference that that total number of people were opposed to civil rights legislation. Congressman BYRNES was one of the leaders in the fight in the House and he voted for the bill, as I recall.

Mr. NELSON. Mr. President, if the Senator will yield, I would like to respond just briefly to the inquiry of the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. I wish to make this statement. Both Congressman BYRNES and the Governor of the State of Wisconsin strongly endorse the civil rights bill. So if the proposition is that this is a test, a kind of a Gallup poll in the State of Wisconsin on the civil rights bill, what we have is the fact that 76 percent of the people in our State support the bill; 24 percent oppose the bill. In other words, 800,000 voters are in favor of the bill and 261,000 voters are against it.

I have never seen any controversial legislation ever go through a legislative body with a 76-percent total approval.

Governor Reynolds got the highest total vote which any single candidate ever got in a presidential primary in the State of Wisconsin, including the tremendous vote secured by the late President in the 1960 primary.

In the State of Wisconsin, it is possible to cross over. The total combined Republican vote was 70 percent of the total vote cast. The Democratic vote was large in every section. I will never live long enough to see the day when I or any other Democrat in the State of Wisconsin can carry the State of Wisconsin with such a substantial margin. The Republican crossover was very substantial. Congressman BYRNES in his own district, where he is very popular, was defeated by Governor Reynolds. The result of the crossover by the Republicans was substantial. We always enjoy crossing over and settling Republican primaries when they have a contest. They were paying us back this year.

Mr. ELLENDER. I do not believe they ever had an open-segregationist candidate who received as many votes as Wallace did.

Mr. NELSON. We have had candidates run in our State without mentioning any names, and some of them have carried the State.

Mr. ELLENDER. In any event, it was stated on many occasions, even by Governor Reynolds, that it would be disastrous if Governor Wallace got as many as 100,000 votes. Governor Wallace received 261,148 votes, and they are not through counting the votes yet. There are over 100 precincts still to be heard from.

If it were to be considered disastrous if Governor Wallace received 100,000 votes, I wonder what it can be taken as now? It must be thought calamitous in some quarters that Wallace received as many as 261,000 votes which is about 26 percent of the amount of votes cast.

In my judgment, it just shows that the northern people do not want this bill any more than the southern people do.

Mr. CASE. Mr. President, if I may comment on this, I do not know what the situation is in Wisconsin, and I am not trying to pontificate on something about which I do not know. I find it difficult to know of the movements, the activities, and sentiments in my own State. But I do think that the people in Wisconsin, Senator PROXMIRE and Senator NELSON, and others, ought to be qualified to speak.

While I detect some little edge to the remarks which the Senator has made, I am sure it is not more than normal in circumstances like these. I do not feel there is any great difficulty here, except as it might affect the determination of Senators to vote on decent civil rights legislation.

The tragedy would be if, in this great opportunity, we fail to do the job that is essential.

Mr. President, I understand the Senator from North Carolina has a question before I yield the floor.

Mr. ELLENDER. Mr. President, would the Senator permit me to ask one question about the situation in Kansas City?

Mr. CASE. Yes. But I am sure I am not any more of an expert on Kansas City than I am on Wisconsin.

Mr. ELLENDER. In this situation the difference between those who voted for a broader public accommodations provision was a bare 1,000 votes. Of the total voters, there were 30,000 Negroes registered, according to the press. I wonder if the Senator can account for that situation.

Mr. CASE. No, I cannot. I do not know the facts. But I would like to say this, that I have never regarded support of civil rights—contrary to the suggestion made by some of our southern friends at different times—as a politically advantageous position.

I have always been conscious of the fact, in the North to a much lesser extent than in the South, but even in the North that a change in practices, a change in laws is liable to be unsettling to many people.

I think if I had to say anything about Wisconsin or Kansas City, it would be purely on the basis of general view, rather than knowledge of the facts.

I would say it is not at all surprising that that number of people in Wisconsin would look with some concern at the passage of any substantial civil rights legislation.

It will be remembered as I said before, perhaps to the boredom of listeners, that all change, as Dr. Johnson has said, is unsettling, even the change from worse to better.

But that does not make it any less our duty to see to it that a necessary change is made.

Mr. ERVIN. Mr. President——

Mr. CASE. I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. I wish to preface my questions by saying that I must confess that I could not understand the deductions the Senator from New Jersey drew from the figures supplied by the Senator from Louisiana [Mr. ELLENDER].

The figure for my State of North Carolina is that 7.4 percent of the nonwhites in the civilian labor forces were unemployed.

Mr. CASE. As against 3.6 percent for the whites; is that correct?

Mr. ERVIN. Yes.

As I understand, the figure for New Jersey is that 9.5 percent of the nonwhites in the civilian labor forces were unemployed. I understood the Senator from New Jersey to tell the Senator from Louisiana that the fact that North Carolina had only 7.4 percent of its nonwhites unemployed and New Jersey had 9.5 percent of its nonwhites unemployed shows that New Jersey was not discriminating against Negroes in employment, but that North Carolina was discriminating against them. Did I correctly state the inference to be drawn from the remarks of the Senator from New Jersey?

Mr. CASE. Again, Mr. President, I have no desire to try to overprove anything or to distort the meaning of figures.

I do not regard this particular table as enormously significant, because we do not know the composition of the group involved or where the jobs are.

However, in our colloquy I endeavored—and I found the Senator from Louisiana at least reasonably perceptive and willing to give consideration to the actual facts, as opposed to trying to make debating points—to state that all agree that the applicable figures show an increasing problem in Northern States, such as New Jersey, as compared with Southern States, because of the constant migration of Negroes—one and a half million in the 1950's—from the Southern States into the Northern States—a continuing phenomenon in recent years.

Mr. ERVIN. The table also shows that 7.4 percent of the nonwhite civilian labor force in North Carolina was unemployed, whereas in California the corresponding figure was 10 percent. I point out that California has an FEPC law, but North Carolina has not. Does the Senator from New Jersey contend that those figures show the existence of discrimination in North Carolina and no discrimination in California, and also that in California the FEPC law is working well?

Mr. CASE. No. I point out that I did not offer the table as proving anything relative to the situation in States either North, South, East, or West, or in regard to the situation either rightside up or upside down, insofar as that table is concerned. So far as I recall, I made no claim in connection with the table.

On the other hand, I do say the table does not mean what the Senator from Louisiana and the Senator from North Carolina are attempting to make it appear to mean. One cannot examine the table without seeing very definite differences in the unemployment rates.

Mr. ERVIN. But the Senator from New Jersey must agree that the table shows a better situation as regards unemployment in North Carolina, where only 7.4 percent of the nonwhites in the civilian labor force are unemployed, as compared with the situation in California, where 10 percent of the nonwhites in the civilian labor force are unemployed.

Mr. CASE. I wish to state—so that it will be clear that we are dealing with facts which all of us understand—that the table to which the Senator from Louisiana referred in the course of his remarks relates only to the month of July 1960. That is true, is it not?

Mr. ELLENDER. Yes, for it is the only month for which we could obtain such figures. But it is typical.

Mr. CASE. It may or may not be typical of another month or of the situation in another year.

Mr. ELLENDER. That was shown by means of the 1960 census; and the figure can be obtained for only that one month. But it is typical.

Mr. CASE. I cannot say whether it is typical or is not typical, because it may be that seasonal factors affect the situation for that month, or that other factors affect it, with the result that the figures for that month may not be typical at all.

I know there is serious unemployment in New Jersey; and I know that the unemployment rate among Negroes there is roughly twice the amount of the unemployment rate among whites in New Jersey—a situation very different from that in the South. My point is that that is typical of the situation existing in the States of the North, as compared with the situation existing in the States of the South.

Mr. ERVIN. Perhaps the Senator from New Jersey will agree that the table shows that the percentage of unemployment among the nonwhites in the civilian labor force in New Jersey—namely, 9.5 percent—is 2.1 percentage points greater than the corresponding rate for North Carolina, which is only 7.4 percent.

Mr. CASE. North Carolina has for years been pirating industry from New Jersey and from other Northern States. In New Jersey we have a constant fight to prevent industry from being taken away—taken away by all sorts of inducements, some of which perhaps cannot be complained about, but others can be. So this is not a new situation, and it is no news to me. Many other States—such as Ohio and Illinois—are faced with the same problem. So I would prefer to have the Senator from North Carolina tell us his views about that situation, rather than to be twitted about it.

Mr. ERVIN. I do not know of any industry which has left New Jersey and come to North Carolina?

Mr. CASE. I suggest that a great deal of our textile industry, for example, has left New Jersey. I know that has happened; and we also know that the textile industry in North Carolina has built up very greatly. I am not sure that I can match company for company or plant for plant; but I am certain that this drift is happening in the textile business, as it relates to New Jersey, and perhaps also as it relates to Massachusetts, for example.

Mr. ERVIN. I assure the Senator from New Jersey that virtually all the textile industry in North Carolina is homegrown; it originated in North Carolina, and the plants were originally built in North Carolina. North Carolina has received very few textile plants—and none from New Jersey, so far as I know—from other States.

Mr. CASE. I can only say that practically none of the textile industry is left in New Jersey, whereas the textile industry used to be a very significant factor in the industrial and employment situation in New Jersey. On the other hand, as everyone knows, and as I have seen, in North Carolina that industry has been burgeoning in recent decades.

Mr. ERVIN. Yes, it has; and virtually every bit of it in North Carolina, in so far as the textile industry is concerned, has been homegrown. In other words, the textile industry was developed there by North Carolina citizens. That is true of all the plants of which I can think offhand.

Mr. CASE. Well, for whatever reason, the textile industry in North Carolina is booming now, whereas that used to be true in New Jersey.

Mr. ERVIN. I also wish to refer to the figures for some of the other States.

Mr. CASE. Very well.

Mr. ERVIN. The table shows that in North Carolina the percentage of unemployment among nonwhites in the civilian labor force is 7.4; in Illinois, it is 11.5. Will the Senator from New Jersey go so far as to agree with me that those figures indicate that the percentage of unemployment among Negroes in Illinois is 4.1 decimal points greater than that in North Carolina?

Mr. CASE. I think I have made the general argument in refutation of the conclusion the Senator from North Carolina is persistently trying to draw from these figures. The figures show what they show. They show that Negro unemployment for that particular month of 1960 in Illinois was 11.5 percent, whereas in that particular month of 1960, unemployment among whites was 3.8 percent. To me, those figures in themselves show nothing whatever about discrimination in Illinois, although I have no doubt that discrimination exists.

It certainly does not indicate to the Senator from New Jersey, nor do I believe it would indicate to anyone from any part of the country except the South, that there is more discrimination in employment in Illinois than there is in the States which the Senator from Louisiana, the Senator from North Carolina, and some others have the great honor to represent, and which they represent so excellently.

There are many reasons for the high rate of unemployment among Negroes in the North. I believe the greatest reason is the influx of the unskilled, uneducated Negroes from southern areas into our great cities. They cannot be absorbed because there are no jobs in those areas which they are able to fill.

Mr. ERVIN. The Senator from New Jersey is arguing that the Senate ought to pass a national FEPC law in order to cope with conditions in the South. The figures show that in virtually every Southern State there is a far greater percentage of Negroes employed than are employed in the States which have FEPC laws. Notwithstanding my high respect for the Senator from New Jersey, I am compelled to say that I go by my North Carolina arithmetic, and when that arithmetic shows me that the percentage of nonwhites in New Jersey who are unemployed is 2.1 percentage points higher than in North Carolina, it compels me to reach the conclusion that the percentage of nonwhites unemployed in North Carolina is 2.1 percent lower than the figure for New Jersey. I am sorry that the Senator from New Jersey cannot agree with my arithmetic.

Mr. CASE. Mr. President, as I said before, I have a real affection for the Senator from North Carolina. I have admiration for the persistence with which he pursues the points which he has been attempting to make. But I do not think he has persuaded any Senator in his discussion.

Mr. ERVIN. I merely state the figures——

Mr. CASE. I understand the figures. I have been looking at them for a long time. They do not show what the Senator suggests they show.

Mr. ERVIN. They do show that the State of Virginia, which is a Southern State, and which has no FEPC law, has a percentage of unemployed nonwhites of 7.1, while the percentage of unemployed nonwhites in New Jersey is 9.5 percent. The percentage of unemployment among nonwhites in the State of South Carolina, which has no FEPC law, and which is a Southern State, is 5.7 percent, whereas the percentage of unemployment in New Jersey is 9.5 percent.

Mr. CASE. We could make comparisons with many other States, too. They all prove nothing.

Mr. ERVIN. The figures for the State of Mississippi show that the percentage of unemployed in the civilian labor force of nonwhites is 7.1 percent, whereas the percentage of unemployment of nonwhites in New Jersey is 9.5 percent. I could take up other illustrations to prove the same point. Since I learned the kind of arithmetic I did—namely, that two and two make four—I would say that those figures show that there is more unemployment among nonwhites in the States which have FEPC laws than there is in the Southern States.

Mr. CASE. Mr. President, I wonder if the Senator would permit me to turn to another comparison. During the course of my remarks I inserted in the RECORD tables showing the median income of white and nonwhite male workers from 1949 to 1959, as I recall. I have before me now a shorter table for the 11 Southern States, showing the median income of white and nonwhite male workers for 11 of those States for the years 1950 to 1960. I should like to make the comparison a part of our consideration now, since we are deeply interested in getting at the facts. I suggest that those figures have a bearing upon the problem.

In the Senator's State of North Carolina in 1960 the median income for male whites was $3,035; in the same year the median income for male Negroes was $1,286—less than half, or perhaps 40 percent. I call those statistics to the attention of the Senator. The same general ratio applies throughout.

The Senator from Louisiana and I have been discussing the subject. In the State of Louisiana the figure for white male workers is higher. I do not know what the explanation would be. But the median figure for male white workers in 1960 in Louisiana in respect to income was $4,001, which is almost $1,000 more than the median for the same workers in North Carolina. I leave the Senators to discuss the reasons for the difference. But those figures compare with an income figure of $1,565 for a male Negro, or again about 40 percent of the white rate. The percentage runs through the whole table, which I believe indicates discrimination.

Mr. ERVIN. If the Senator from New Jersey is discussing a comparison of incomes in New Jersey and North Carolina, I am satisfied that he could show much higher earnings in New Jersey. He could demonstrate higher earnings among lawyers; he could show higher earnings among doctors; he could illustrate higher earnings among schoolteachers. This is so because New Jersey is a wealthier State than North Carolina.

Mr. CASE. I am comparing the incomes of white and Negro workers within a State.

Mr. ERVIN. But there is another explanation, as far as that point is concerned, and as far as North Carolina is concerned. North Carolina has more people living on farms than any other State in the Union. With the exception of the State of Texas, it has more farms than any other State in the Union.

Farmers grow chickens, which they eat. They raise vegetables, which they eat. They grow corn, which they consume on the premises. Those items do not go into their income.

For example, in the State of New Jersey the nonwhites do not live on farms in the country. They live in urban centers. People in urban centers do not grow vegetables; they do not raise chickens or pigs. They must buy from stores everything they eat and everything they wear, which is quite different from the situation in the Southern States.

Mr. CASE. I appreciate the contributions which my friend from North Carolina has made. Obviously we could discuss for a long time this and other points I and the Senator from Pennsylvania have made in our presentations. I must disagree with the Senator's conclusion. I have no desire to twist or distort any facts, and I am sure that my colleagues have no such desire. I am as convinced as that I am standing here that discrimination in employment exists all over the country. I know that. I have seen it operate. I have seen it operate in the South as well as in the North. I know that the proposed legislation is needed. I am convinced that unless we get it, we shall set back our society a long way.

The bill is the first opportunity there has been not only since I became a Member of Congress, some 20 years ago, but also for 100 years or more, to enact a decent civil rights law.

Mr. ERVIN. Perhaps the Senator will explain some figures which I obtained from the Department of Labor a few days ago relating to the month of February 1964. They do not go back to 1960, as did the percentages we have been discussing.

The Department of Labor found that in February 1964, unemployment in the entire United States among whites was 3,629,000.

Mr. CASE. Will the Senator repeat his last sentence?

Mr. ERVIN. I said that the Department of Labor advised me that during the month of February 1964, unemployment among whites in the United States was 3,629,000. Does the Senator from New Jersey contend that those 3,629,000 whites were without jobs in February of this year because someone discriminated against them?

Mr. CASE. No, but I believe the Senator would find, if he received that figure—and I do not have it for that particular date—that the rate for Negro unemployment is more than two times as great as for white. The difference indicates something.

Mr. ERVIN. Does the Senator contend that any of these 3,629,000 white individuals were denied employment because of their race or color?

Mr. CASE. I think I should wait to answer the Senator's chief questions before I go into a series of answers to almost inconsequential or frivolous questions. So will the Senator continue?

Mr. ERVIN. Does the Senator from New Jersey think it is frivolous to those 3,629,000 white individuals without jobs?

Mr. CASE. The Senator from North Carolina knows that the Senator from New Jersey does not think so.

Mr. ERVIN. I did not think so. That was the figure I was asking about. I do not consider the question to be frivolous.

Mr. CASE. The question was whether those whites were unemployed because of discrimination based on their white color. That was a frivolous question. I shall be glad to answer any serious question.

Mr. ERVIN. Will the Senator from New Jersey tell me why he thinks the 3,629,000 whites were unemployed in February of this year?

Mr. CASE. The Senator has asked a "$64" question. Nobody knows all the answers. There are many different answers. Automation makes up a part of the answer. Technological changes have some part in it. The change in the structure of employment, as it is called, has a great deal to do with unemployment. There are a number of causes, including inadequacy of education for some white people. The opportunities for many people, white and Negro, are not as good as they should be.

The only thing that is significant to the discussion is the comparison of unemployment based upon the difference between the rate of unemployment of Negroes and whites. Even this fact I would not argue too much, because it requires explanation along the line that the Senator from North Carolina and the Senator from Louisiana have been pursuing.

Mr. ERVIN. Does the Senator from New Jersey believe that the bulk of the 3,629,000 whites who were out of employment in February were unemployed due to economic causes?

Mr. CASE. Yes—due to economic, social, and other problems related thereto.

Mr. ERVIN. Does not the Senator from New Jersey also conceive it is possible that some of the 895,000 nonwhites who were out of employment at that time were out of employment due to economic causes?

Mr. CASE. Of course, but the Senator from New Jersey suggests there is reason to make further inquiry when we find that the rate of Negro unemployment is 2½ times that of the white.

Mr. ERVIN. It is a little over 4 to 1.

Mr. CASE. I overstated it. I believe it is about 5 to 11.

Mr. ERVIN. Why is it necessary to create a new Federal bureaucracy to help 895,000 nonwhites get jobs while the Congress does not concern itself about the 3,629,000 unemployed whites who are in an equally bad fix?

Mr. CASE. I hope we will concern ourselves with the whole problem of the unemployed, whether white or of another color. It is our job to concern ourselves with that problem. The President's war on poverty, socalled, is one of the ways in which we should be attempting to meet the problem. At least, we should get on with a study and consideration of the problem and act upon it.

But what indicates discrimination is not so much the overall figures, which must be interpreted. It has been said so often that figures do not lie, but liars figure. I know that my colleagues of the opposition have no desire to lie about this subject.

What is significant is what was indicated, for example, by the Florida Advisory Committee to the Civil Rights Commission, which reported, as I described at some length, the frustration faced by skilled Negro job applicants in the State of Florida; the fact that they acquired specialized training and were promised jobs, but when it was discovered they were Negroes, they were advised that the jobs had been filled by others. It is this specific frustration—which I know exists in my State also—which should be persuasive.

Mr. ERVIN. Does the Senator from New Jersey agree with the Senator from North Carolina that the frustration of not having a job is just as hard on whites as it is on nonwhites?

Mr. CASE. Yes, the Senator from New Jersey does; but he does not see why the Negro population should have a rate of unemployment over twice the burden of the white population.

Mr. ERVIN. Is not the difference in the unemployment rate of whites and nonwhites conceivably due to the inadequacy of education and inadequacy of skills? Could it not arise in large part from lack of education or skills?

Mr. CASE. I made that point in my own remarks. They are all factors in unemployment. But to have an education and not to have a job at the end is a bitter irony. There is no reason why we should not attack the problem on all fronts. This bill deals with employment problems. It goes into problems of education. It goes into problems of public facilities, in part III. All of that is necessary.

Mr. ERVIN. The bill is designed to compel employers to hire nonwhites in specific cases, whether they wish to hire them or not; is it not?

Mr. CASE. The bill would do only one thing. It would make it unlawful for a person to discriminate against an individual in regard to employment—hiring, firing, promotion, or any other matter—because of race. It does not require anybody to hire a particular individual. It does not require anybody to hire someone who cannot do the job necessary. There is no Motorola case involved in the Federal law as proposed, as I pointed out in my remarks.

Mr. ERVIN. How does the Senator from New Jersey reconcile his statement that it does not compel employers to hire certain people with the language which begins on line 22 of page 41 and runs, through line 5, on page 42 of the bill. I read this passage:

> If the court finds that the respondent has engaged in or is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and shall order the respondent to take such affirmative action, including reinstatement or hiring of employees, with or without back pay * * * as may be appropriate.

Mr. CASE. If the Senator will read into that a finding of what is an unlawful employment practice——

Mr. ERVIN. I did.

Mr. CASE. No. What is an unlawful employment practice?

Mr. ERVIN. It is the contents of a man's mind. It is the intent he has in mind.

Mr. CASE. No. I would like the Senator to read the words, since he is talking about the bill.

Mr. ERVIN. The language is "on account of race, color, creed, or national origin."

Mr. CASE. That is correct.

Mr. ERVIN. That is a matter of intent. The intent in the man's mind is going to be judged, not by him, but by somebody else.

Mr. CASE. Yes, but in the time-honored custom of Anglo-Saxon jurisprudence, under the terms of the bill it would be determined by a court of law.

Mr. ERVIN. It would be determined not by the external acts in the case, but by what some Federal employee believes was in the mind at the time.

Mr. CASE. The Senator from North Carolina is trying to make it appear that it is unusual to have a determination of what is right or wrong depend on a mental state. Practically speaking, this has been universally true.

Mr. ERVIN. That is not true except in one case. I refer to the Labor-Management Act. Those who fashioned our law held that a man should not be convicted of any illegal act unless there was external evidence of the crime. For example, a man could not be convicted of murder unless a body was produced showing evidences of actual violence. A man could not be convicted of stealing unless it was shown that property was carried away without the consent of the owner.

It is dangerous to judge a man on the basis of the contents of his mind rather than on the basis of the character of his external act.

Mr. CASE. Let me make a few comments about that. In the first place, this is almost always true. The content of a man's mind, the will, the intent, is a mental state and is almost always important in any criminal act. The facts as to the statements are proved by external evidence.

The point is that this act is not a criminal act. We do not put a man in jail. We reason with him. As the Senator from Illinois would say, we reason with him "sweetly," in order to persuade him to change his ways. We try to persuade him, to show him where he is wrong, to get him to do voluntarily what he should be doing. It is only after the methods of persuasion, conciliation, and sweetness fail that it is possible for the Commission to bring an action, which it must do de novo.

Mr. ERVIN. This bill is based on the proposition that the employer's guilt depends solely upon an illegal thought; in other words this is a thought control bill. The employer is to be judged on the basis of what he thinks rather than on what he does.

Mr. CASE. The Senator is spinning a fine web of fantasy. He knows perfectly well that there is nothing unusual about the law in regard to its relation to a person's mental state. This is quite a common thing.

Mr. ERVIN. I do not know of a single punishable crime that does not require an illegal external act as a basis for judgment.

Mr. CASE. Neither does it do so in this provision. The man must do or fail to do something in regard to employment. There must be a specific external act, more than a mental act. Only if he does the act because of the grounds stated in the bill would there be any legal consequences.

Mr. ERVIN. If an employer receives an application from A and B for a job, and hires A, rather than B, his external act in so doing is immaterial under the bill. The only thing material is the state of his mind.

Mr. CASE. I have seen nothing yet in the circumstances described bearing on discrimination, or any ground to support a complaint of discrimination.

Mr. ERVIN. I ask the Senator, if in carrying out the provisions of the bill, the FEPC employee would not go into an employer's place of business and tell him whom he must hire or whom he must promote, even though such government employee had no experience in the particular business and knew nothing whatever about the skills required to operate such business; is that not correct?

Mr. CASE. No; the Senator is not correct when he says anyone can go into a man's business and tell him whom he must hire, or whom he must not hire. This is not what will be done. If in the enforcement and implementation of the act, the Commission does not engage competent people, I believe the Senator's own party should take some action to see that the Commission does. As it stands now, his party will be in charge of the administration of the law, but to say that something may be badly administered is no reason for refusing to attempt to deal with the problem. Rather it is, I believe, a smokescreen or "squid" with which the Senator has been attempting to cloud the water. There is discrimination in this country in employment, as well as in other areas; and it is time we did something about it.

Mr. ERVIN. Does the Senator contend that the FEPC employees who will work in this way would be skilled in the manufacture of furniture, the manufacture of textiles, the manufacture of electronic devices, or the like?

Mr. CASE. I suggest that the investigators whom the Commission might engage should certainly be skilled. If I have anything to do with it, or my party has anything to do with it, I will do my part to see that they are people competent to do the kind of job which they are hired to do. I do not believe, necessarily, that this will require they be able to manage a factory, or anything else, but they should be able to do the job they are given to do in the way of investigation, observation, and in general in the field of personnel relations.

Mr. ERVIN. The Senator would have more confidence in Government employees than I would have, under those circumstances. Does not the Senator concede that it would require vast knowledge for a Government official to discharge aright his functions under title 7?

Mr. CASE. I believe the best answer that can be made to the suggestions and the worries being expressed by the Senator from North Carolina is that in all States I have yet to find complaints from employers as to the operations of fair employment practices commissions and their employees. Specifically, I know of none in the State of New Jersey. The program is supported by industry as well as by labor. I believe that the Senator is raising a straw man.

Mr. ERVIN. Did not the Senator from New Jersey read about the action taken in the Motorola case in Illinois by the hearing examiner under FEPC?

Mr. CASE. I am quite familiar with it. I have read the hearing examiner's so-called decision. It is only that, because that is what the law says he shall make. It is only a preliminary decision and there are no sanctions in connection with it. If it is adopted by the Illinois commission, which has not yet acted, it can be taken to court, and so forth.

The fact that this particular case has been raised—and I believe rightly—and the storm it has provoked, indicates how unusual it is. The exception in this case, I believe, proves the rule.

Mr. ERVIN. Nevertheless, that man was in the employ of the State government of Illinois——

Mr. CASE. No; he was not in its employ. As I understand—and I believe I am correct—Illinois law provides for part-time retainers of persons in private law practice. This man was one who occasionally did a job of this character. He was not an employee.

Mr. ERVIN. How can the Senator say that a man is not an employee of the State when he goes out under orders of the State, and exercises the power of the State under the law of the State?

Mr. CASE. He does not exercise the power of the State. He makes an examination. He makes what is called a decision. It is, in effect, the same as a report, like the report of an advisory master. The commission can accept it or not.

Mr. ERVIN. Would not the report and recommendation of the trial examiner be automatically binding on the employer if he did not proceed further and secure its reversal?

Mr. CASE. As I pointed out before, I do not believe the Senator's conclusions as to what this case actually involves are correct; but, in any event, it is Illinois procedure he is talking about, not procedure under title VII of the bill.

Mr. ERVIN. Exactly the same procedure could be set up under the bill. The same kind of hearings could be conducted, and the same kind of decision could be reached.

Mr. CASE. The same kind of decision could not be reached, because specifically under the terms of the bill no one may be directed as to whom he shall employ. The bill says only that he may not discriminate among applicants on grounds of their race, color, religion, or national origin.

Mr. ERVIN. Under the bill, the Commission can tell a man he must employ A, or he will be dragged into court to defend himself.

Mr. CASE. The Commission cannot tell him anything. Only the court can do that, in a trial in which the Commission is a party plaintiff, and would have to prove the case from the beginning, with full burden of proof.

Mr. ERVIN. Nevertheless, the Commission could say to the employer, "You will either do as we say, or we will put the law to you"; is that not correct?

Mr. CASE. I suppose an individual Commissioner might be an unpleasant person, and I suppose he might say something of the sort. What the Senator is paraphrasing he is putting in bad language—"If you do not follow this suggestion, we will at least consider whether we should file a complaint against you," but the Commission is only a party plaintiff in a suit in which both parties are equal before the court.

Mr. ERVIN. Without using any bad English——

Mr. CASE. I am not suggesting that. The Senator's English is always good.

Mr. ERVIN. The Commission can say to an employer, "If you don't hire A, we will put the law on you."

Mr. CASE. No. Of course, they might reach the conclusion that A had been discriminated against because he was a Negro. In that case they could very well say, "We can put the law on you." Is this a strange provision?

Mr. ERVIN. I think it is a dangerous power to vest in the Commission. Its decision is based solely on the content of a man's mind. No man can read another man's mind.

Mr. CASE. The Senator has said that a great many times. It might be useful to him, fine lawyer that he is, and outstanding member of the judiciary that he was, to think of the number of times, as a judge and as a lawyer, he has had to deal with the question, whether in a murder case, a malicious mischief case, or a case involving any other willful criminal act.

Mr. ERVIN. I have spent most of my life in the law. I have never tried a case in which the decision hinged solely upon the content of a man's mind and not on the external nature of his act.

Mr. CASE. Here we have a number of externals. There would have to be employment. There would have to be an employer. There would have to be a business. These are tangibles. There would have to be a refusal to give a person employment. Obviously that is a physical fact, or at least a tangible factor.

The only question that would arise would be "Why?" The question would be, Why was the man refused? There would be tangible acts for the court to consider. It is not only a matter of whether a man is thinking bad thoughts. Any effort on the part of the Senator to state this point in his own way does not change the situation. Whether or not a course of conduct is actionable depends on the state of mind of the actor. I do not find this to be strange in any degree.

Mr. ERVIN. It is quite strange to me. I wish the Senator would cite me one example in which the question of legality of a man's act is judged wholly on what is in his mind.

Mr. CASE. Not wholly. There is the failure to hire a person, the fact that he was not given an increase in pay, or the fact that he was fired. The only question is "Why?" If the Senator were the person who had been discriminated against, he would find it to be a specific thing and an important thing, and enough to warrant the intervention of a State which is interested in all its people.

Mr. ERVIN. But we do not judge a man on the ground of his employing somebody or his failing to employ somebody. These are acts which are external. They have no influence whatever upon the decision. The only decision is made on the state of mind which accompanied the act or the omission to act.

Mr. CASE. The only way a state of mind can be proved is by an external act, or by a pattern of acts, of a man, or by a treatment that was given. The burden of proof is on the plaintiff. The only finding the court can make is one for the purpose of injunctive or preventive relief. No criminality is involved.

Mr. ERVIN. Under title VII, an order can be entered ordering a man to pay back wages to a person who had never done a day's work for him. The amount of back wages may largely exceed the jurisdictional amount requiring a jury trial in common law cases under the Constitution. Title VII contains no requirement for a jury trial under any circumstances?

Mr. CASE. So far as the act itself is concerned, there is no provision for jury trial. Of course, whether a jury trial would be required would depend upon the Supreme Court in developing further its decision of the day before yesterday in the Barnett case. A jury trial might be provided if the penalty were heavy enough.

Mr. ERVIN. No jury trial is provided.

Mr. CASE. No jury trial is provided under the terms of this section.

Mr. ERVIN. With respect to the determination of the original question, that is.

Mr. CASE. No; except, possibly, if the suit were brought by an individual. In that case, I believe it is possible that under the statute a jury trial for criminal contempt might be ordered.

Mr. ERVIN. Inasmuch as this is an injunctive procedure, it would be on the equity side of the docket, and no jury trial would be allowed. Is that not correct?

Mr. CASE. That is a technical matter, varying in each jurisdiction. It would depend on what kind of docket there was in the jurisdiction; whether there were two dockets or whether there were one system. Whether a person would get a jury trial would depend on the system. Only in the matter of criminal contempt would the question arise. The difference between criminal contempt and civil contempt requires a nicety of perception at which the Senator from North Carolina is much better than the Senator from New Jersey.

Mr. ERVIN. Does not the Senator from New Jersey agree with the Senator from North Carolina that a suit in which injunctive relief is sought or granted is necessarily an equity proceeding in which there is no right of trial by jury?

Mr. CASE. There is no question about that.

Mr. ERVIN. All of the proceedings under title VII will be without a jury trial. Is that correct?

Mr. CASE. It will be done without a jury trial in the case of the determination of the fact in the first instance. The question of whether a jury trial would be granted would depend on the decision of the Supreme Court.

Mr. ERVIN. The Supreme Court held this week, by a 5-to-4 decision, that there was no right to a trial by jury in a criminal contempt case.

Mr. CASE. It was a little difficult to say exactly what the Court held. In the majority opinion, Justice Clark made it clear that in that case there was no need, under the applicable statute, for a jury trial. Certain members of the majority felt, if the penalty imposed by the Court were severe, that the question of the right to a jury trial might very well arise. The question is still an open one. It depends on the severity of the offense.

Mr. ERVIN. As I understand it, a majority of the suits would be brought by the United States. Is that correct?

Mr. CASE. Yes.

Mr. ERVIN. Does not the Senator know that the statute which allows a jury trial in certain contempt cases does not apply to cases in which the United States is a party?

Mr. CASE. I believe that the constitutional right to a jury trial in a case of criminal contempt would override that provision if the penalty were severe enough.

Mr. ERVIN. That would be true only if the majority of the Supreme Court were to hand down a different decision from the one of this week.

Mr. CASE. No; without changing the decision, but following out the intimation of the decision as to the severity of the penalty.

Mr. ERVIN. Federal courts have held in past cases that a person can be sentenced to as much as 3 years imprisonment in a criminal contempt case without a jury trial, and that the only limitation upon the punishment in such cases is the limitation in the constitutional provision which prohibits cruel and unusual punishments. I do not see any hope of getting a reversal of the decision of this week holding that there is no constitutional right to a jury trial in criminal contempt cases.

Mr. CASE. I am sure the Senator has read the Supreme Court decision in the case that was decided last week. Perhaps there will be a change. I have no desire to make it appear that the bill has anything in it that it does not have. It expressly excludes the provisions of the Norris-LaGuardia Act.

Mr. ERVIN. I refer the Senator to page 39, section 707, subsection (A). Does that provision not specify that the proceeding can be set in motion on a written charge of one member of the Commission?

Mr. CASE. Yes.

Mr. ERVIN. Does it not provide, on the following page, page 40, beginning at line 6, and running down to line 14, that two of the Commissioners can conduct an investigation and reach a decision?

It provides:

> If two or more members of the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, * * *

Does that not imply that two members of the Commission can conduct a hearing and make the decision of the Commission?

Mr. CASE. It means what it says. It provides that whenever a charge is filed by a person in writing, it must be under oath or be made by a member of the Commission. Presumably, in that event, it would not have to be under oath. The Commission must then furnish the employer, employment agency, or labor organization with a copy of the charge, and investigate it.

Then if two or more members of the Commission determine after completion of the investigation that there is reasonable cause to believe that the charge is true—which sounds like an indictment, and not a determination—the Commission endeavors to eliminate the unlawful practice by informal methods of conference, conciliation, and persuasion, and obtain an agreement that the man will stop the practice.

Mr. ERVIN. But does not the Senator from New Jersey agree that two members of the Commission can act for the Commission?

Mr. CASE. Only to the extent stated.

Mr. ERVIN. There being no limitation in the bill as to the identity of the two Commissioners who are to judge the truthfulness of the charge, the one who prefers the charge originally may be one of those passing judgment.

Mr. CASE. Would the Senator repeat that?

Mr. ERVIN. There being no limitation whatever as to the Commissioners who are to act as judges, the bill would permit the Commissioner who made the charge to sit as one of the judges to determine the truth or falsity of the charge?

Mr. CASE. I see no reason in the bill itself why the member who makes the charge should not be one of the two who passes upon the question of whether there is reasonable cause to believe it is true and therefore to warrant conciliation efforts.

Mr. ERVIN. The Supreme Court declared in the case of *Wong Yang Sung* v. *McGrath*, 339 U.S. 33, 41 that Congress adopted the Administrative Procedure Act to cure or minimize certain administrative ills. I invite the Senator's attention to the Court's statement of one of these ills, as set out on page 41.

> More fundamental, however, was the purpose to curtail and change the practice of embodying in one person or agency the duties of prosecutor and judge.

Does not the Senator from New Jersey think that an official who makes a charge and thereby becomes a prosecutor ought to be barred from passing upon the truth or falsity of his own charge?

Mr. CASE. The Senator insists upon discussing this question in terms of a criminal case. This is not a criminal case. This is an administrative proceeding based, first, upon inquiry, examinations, reports, and an administrative decision by two members, one of whom may have said in the beginning that the case ought to be looked into. We are talking about an administrative agency attempting to straighten the matter out between the parties. If the Commission thinks it is desirable in the interest of justice, only then would the Commission have the right to start an action.

I think it is clear that before any action can be started, it must be by a decision of a majority of the Commission, and not by a determination by two Commission members.

If this is not far away from the rationale of the Supreme Court decision to which the Senator referred, then I do not know what could be.

Mr. ERVIN. The decision also cites from the committee report these words, which appear on page 42:

> The same men are obliged to serve both as prosecutors and as judges.

Mr. CASE. But there are no judges here.

Mr. ERVIN. The quotation proceeds:

> This not only undermines judicial fairness; it weakens public confidence in that fairness.

Mr. CASE. I agree. It would, if it were so. But it is not so.

Mr. ERVIN. Does the Senator agree that it is up to the Commission to determine whether there will be any suit in any court to enforce its decision?

Mr. CASE. The full Commission must decide whether to bring a suit, which is not, however, to enforce its decision for it has no power to make a determination of violation.

Mr. ERVIN. Where does the bill provide that the full Commission must decide?

Mr. CASE. The bill provides that the Commission must decide. If it means less than a majority of the Commission, it so states. This is elementary.

Mr. ERVIN. It provides:

> If two or more members of the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor—

The bill authorizes the Commission to act through two of its members?

Mr. CASE. No. I think it is perfectly clear that what happens is that either an aggrieved party or a single member of the Commission by a simple writing may file a charge. Investigation is automatic on the filing of the complaint. On completion of the investigation the Commission by two or more votes, and one of those two may be that of the Commissioner who filed the charge in the first place, decides whether the situation warrants endeavors to correct the situation by conciliation, by persuasion, by a conference, or any informal action in an effort to settle the matter.

Mr. ERVIN. It says:

> If two or more members of the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall—

The bill says nothing about the identity of the Commissioners who are to make the investigations to determine whether the charge is true. It merely specifies that two or more Commissioners shall make the investigation and decision. As a consequence, the Commission acts through two Commissioners, one of whom may be the very man who preferred the charge in the first place.

Mr. CASE. I am sorry. We cannot disagree about plain language, and this language is not very abtruse about what happens. One man can start it off by a charge. Then, following an investigation, two members may decide there is reasonable cause to believe there has been discrimination. The Commission then attempts to settle the matter by conciliation and persuasion.

Mr. ERVIN. Yes. The decision is to be made by two Commissioners, one of whom may be the man who preferred the charge. I think it is expecting too much of human nature to believe that a public official can make a charge and then be depended upon to make a proper determination of whether the charge is true or false.

Mr. CASE. It requires a majority of the Commission to decide whether to prosecute; that is, to bring an action. A majority of the Commission must do this. The other steps relate to the conciliation and persuasive functions of the Commission.

Mr. ERVIN. Will the Senator point out to me any words which provide that the truth or falsity of the charge shall be investigated by the full Commission, as distinguished from two Commissioners?

Mr. CASE. The language is very clear in a separate section from the section dealing with conciliation. I refer to section (b) at the bottom of page 40.

> If the Commission has failed to effect the elimination of an unlawful practice and to obtain voluntary compliance with this title, the Commission, if it determines there is reasonable cause to believe the respondent has engaged in, or is engaging in, an unlawful employment practice, shall, within 90 days, bring a civil action to prevent the respondent from engaging in such unlawful practice.

Mr. ERVIN. What is there to prevent the Commission from basing its conclusion solely upon the investigation and decision made by the two Commissioners?

Mr. CASE. The Senator is suggesting pure malevolence on the part of two individuals who are employees of the United States. I can see no reason for that. It is similar to saying that a single prosecutor, on his own motion, if he does not like the color of a man's eyes, can determine to bring an action.

Mr. ERVIN. That may not disturb the Senator from New Jersey. It does disturb me. I wish I had time to read all of the opinion of the court in the Wong Yang Sung case and the statements of the congressional committee quoted in it. The quoted statements certainly state that it is essential to the proper administration of justice that the functions of prosecutor and judge should be separated.

Mr. CASE. And I agree with that, right down to the ground; and this title does not involve any violation of that principle, because the function of the judges are exercised only by the courts of the Nation, and would not be exercised by the Commission, which would be only a party plaintiff, without the benefit of any presumption of validity attached to any finding it might make. It would have to start de novo, and would have to prove its case by a preponderance of the evidence introduced into the court record.

Mr. ERVIN. But the question of whether the proceedings would ever go into court depends on the Commission's decision——

Mr. CASE. Just as the question of whether a case will be brought in court depends on the decision of the prosecutor, if he proceeds by way of presentation, rather than by indictment.

Mr. ERVIN. I invite the Senator's attention to the text of subsection (c), on page 41:

> (c) If the Commission has failed or declined to bring a civil action within the time required under subsection (b), the person claiming to be aggrieved may, if one member of the Commission gives permission in writing, bring a civil action to obtain relief as provided in subsection (e).

My question is this: Could not the entire Commission, after investigating the matter, find there is absolutely no merit whatever in the claim that there had been discrimination; and yet a single Commissioner could give the claimant authority to go into court and to harass the employer by filing a suit?

Mr. CASE. I think all the Senator from North Carolina is saying is that the bill would prohibit the harassment of employers, except in the unusual situation in which permission was given by a member of the Federal agency. Ordinarily, one who violates a law is subject to being sued, without let or hindrance, by the individual affected.

But the bill would not allow a plaintiff to go into court in a case of this sort—to file suit against an employer—unless he obtained the permission of one member of the Commission to bring the suit. Generally speaking, no one can tell a citizen whether he can or cannot bring a suit; a citizen who feels that he has been aggrieved is the one to make the decision as to whether he will sue.

Mr. ERVIN. But is it not true that, under the bill, one member of the Commission can grant a claimant the right to sue, notwithstanding the fact that all the Commissioners had decided there was no merit to the claim?

Mr. CASE. They might have decided that, or they might have decided that it would not serve the public interest. They might have reached the conclusion that they did not have enough time to deal with such a suit. On the other hand, they might be very happy to have the suit brought. Generally in other areas of law, the decision of only one man—the plaintiff—is required, in order to have a suit brought; but under the bill, one more man would be involved—in other words, the permission of one member of the Commission—before the suit could be brought.

Mr. ERVIN. But I point out that no suit could be brought at all on such a cause of action under existing Federal law.

Mr. CASE. Well, Mr. President, if the Senator from North Carolina wants Congress to pass a law to deal with discrimination——

Mr. ERVIN. I do not want such a law passed by Congress.

Mr. CASE. I know the Senator from North Carolina does not want it.

Mr. ERVIN. I want those who are engaged in business to be allowed to determine whom they shall employ. They are far better qualified than the Federal Government to know the skills they are seeking to obtain for their business. I believe in free enterprise—not bureaucratic control of business.

The pending bill would remove the power from employers to hire, promote, and discharge their own employees.

Mr. CASE. The Senator from North Carolina knows that is not correct. He knows that the bill provides only that such a decision could not be made on the ground of the color of a man's skin or his national origin or his creed. If the Senator from North Carolina wants to take issue on that basis, I am perfectly willing to take issue on it, and to let the public decide. But let us not fool ourselves in regard to what the bill would do.

Mr. ERVIN. But certainly, on the basis of the provisions of the bill, those rights would be taken away from employers.

Mr. CASE. The bill would only make it illegal for an employer to discriminate on the ground of the color of a man's skin or his national origin or creed.

Mr. ERVIN. The bill would vest that power in a Government employee who might not know what was the top of the machine and what was the bottom of the machine at which the employee he was selecting would work.

Mr. CASE. I suggest that the bill would take effect only when the employer had knowingly discriminated against an employee or a prospective employee because of race, color of the skin, creed, or national origin; and I think it not unreasonable for the bill to provide that the Commission can intervene when such a situation has been proven to exist for years throughout the Nation.

I wonder whether the Senator from North Carolina has completed his questions—because other Senators wish to speak.

Mr. ERVIN. I should like to ask a few more questions.

The Senator from Pennsylvania [Mr. CLARK] had to leave after he spoke about the purported constitutionality of the bill—and, in particular, title II. Inasmuch as he had to leave the Chamber, I should like to ask the Senator from New Jersey to turn to title II, the so-called public accommodations title.

Mr. CASE. I shall do so, although I am familiar with it only in a general way, and am not as familiar with it as I hope I am with title VII. However, I shall be glad to discuss title II as far as I can.

Mr. ERVIN. Does not that title state, in effect, that a motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment is covered by the bill if "it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce," that is, in interstate commerce?

Mr. CASE. I have not yet found that part of the title; but I assume that the Senator from North Carolina has been reading from it.

Mr. ERVIN. I should like to ask the Senator from New Jersey how he can reconcile the constitutionality of that provision with the decisions holding that the business of acting in a theater is purely a State affair, and the mere fact that the actors are obliged to cross State lines, does not change the character of the service.

The cases sustaining that are *Hart* v. *B. F. Keith Vaudeville Exchange*, 12 Fed. 2d 341, 344; *Pappas* v. *American Guild of Variety Artists*, 125 F. Supp. 343, a district court decision from Illinois; and *San Carlo Opera Co.* v. *Conley*, 72 F. Supp. 825, a district court decision, which was affirmed by the court of appeals. The San Carlo Opera Co. case held that an agreement between an operatic tenor and an opera company was not one arising out of a transaction in interstate commerce, even though the tenor would be required to travel from State to State to consummate the agreement.

Mr. CASE. The bill is quite specific and limited. It states that included among places of public accommodation shall be:

> (3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment—

If—

> it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce.

So I believe it is quite clear that under the decisions—limited as the bill is—this title is within the role of the Federal power, and, specifically, is under the commerce clause.

Mr. ERVIN. I wonder what case holds that.

Mr. CASE. I would be happy to obtain a list of the decisions of the Supreme Court on that point. They exist—believe me; and I shall be happy to see that they are placed in the RECORD at the first appropriate opportunity. I do not happen to have them under my thumb; but I know they exist.

Mr. ERVIN. Frankly, I should like to see a case which sustains that point. I have diligently sought for weeks to find a case which holds that a theater can be regulated by Congress simply because it presents plays in which the actors have moved across State lines. Every case I have found holds exactly the contrary.

Mr. CASE. I would be happy indeed to supply the Senator with the authorities for that particular section. I do not have them immediately at hand. I was not prepared to discuss the section in that detail. I am confident that, on the basis of the legal memorandum which I received from the Department of Justice, which makes the statement that such cases exist, I believe they do exist.

Mr. ERVIN. If the memorandum of the Department of Justice made that statement, I would suggest that the Senator not rely too much on it. I found four misstatements concerning constitutional principles and Supreme Court decisions on only three of the pages of that brief. As a consequence, I do not place credence in the brief.

For example, the Department of Justice stated in the brief that in the Civil Rights Cases of 1883, the Supreme Court tied its decision exclusively to the 14th amendment. The decision itself shows that the Court considered whether the act in controversy could be sustained on the basis of the commerce clause, the 13th amendment, or the 14th amendment, and adjudged it to be invalid under all of them.

Mr. CASE. I shall not get into an argument with the Senator from North Carolina on that score. I would be happy to see that the Senator's complaints are transmitted, if they are not already in the hands of the Department, and that the answers be given.

Mr. ERVIN. The Senator from New Jersey has been very indulgent and patient. I shall not tax his patience much longer.

Mr. CASE. It is always a joy to discuss issues with the Senator from North Carolina, for he is not often—though generally in the area of civil rights he is—completely mistaken about things.

Mr. ERVIN. I reciprocate the compliment of the Senator from New Jersey by saying that the Senator unfortunately does not entertain the same sound views on these particular issues that I do.

I should like to ask the Senator from New Jersey whether title II does not provide that restaurants would be covered if a substantial part of the food they serve has moved in interstate commerce.

Mr. CASE. Let us look at the applicable section and see exactly what it provides. I am sure that the Senator correctly states the provision.

Mr. ERVIN. I refer to page 7, lines 16, 17, and 18.

Mr. CASE. Yes. Section (c) states:

> The operations of an establishment affect commerce within the meaning of this title if * * * (b), it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce.

That is the language of the bill.

Mr. ERVIN. I should like to call to the attention of the Senator the case of Commonwealth against Di Meglio.

Mr. CASE. The Senator from New Jersey will read the case in the Record. He is not very good at listening to the citation of cases.

Mr. ERVIN. The decision was handed down by the Pennsylvania Superior Court and is reported in 179 Pennsylvania Superior Court, page 472, and 117 Atlantic 2d, page 767. In that case the defendant was operating a restaurant inside the State of Pennsylvania. He had obtained his food from New York. Since it had been shipped into Pennsylvania from New York, it had moved in interstate commerce. The defendant was indicted for adding artificial coloring to the food when he cooked it and offered it for sale in his restaurant in violation of Pennsylvania law. He urged a defense that he was engaged in interstate commerce, because the food came from New York and had moved in interstate commerce.

The court rejected the contention in these words:

> [7, 8] It should be further noted that the Pennsylvania legislation does not prevent the shipping into, or sale of the Jell-O product within, this Commonwealth. Indeed, the product is freely sold for home use throughout the State. If the ingredients alone had been held for sale after shipment in interstate commerce the situation would be entirely different. However, the addition of egg yolks, water and pie crust makes a completely different and new product. The Jell-O filling thus loses its interstate characteristic and becomes entirely intrastate in every respect. In *Parrott & Co.* v. *Benson*, 114 Wash. 117, 194 P. 986, 988, the court said: "the act we are now considering can only operate after the eggs have lost their status as articles of foreign or interstate commerce, and have become a part of the great mass of domestic property as completely as though produced within our borders. Surely when an egg reaches a restaurant, hotel, or bakery and is taken from the package, cooked or mixed with other ingredients, and served to the guest or purchaser as food, it requires no argument or authority to establish beyond cavil that it is no longer an article of foreign commerce over which Congress alone has control; otherwise no article once brought from without into the State, no matter how changed by any conceivable process, could ever become subject to State legislation; but authorities are as numerous as the question is simple."

I should like to ask the Senator from New Jersey how he can reconcile the ruling in that case with the language of the bill providing that a restaurant is covered by the bill if a substantial part of the food it serves has moved in interstate commerce.

Mr. CASE. Yes. I hold in my hand an opinion which I am sure has been placed in the Record once, and perhaps several times. It is dated Sunday, April 5.

Mr. ERVIN. Is that a letter or a decision?

Mr. CASE. I am sorry. Does the Senator wish me to respond? Twenty of the Nation's outstanding lawyers, supporting the constitutionality of the civil rights bill, on the second page of the mimeographed text which I hold in my hand, stated a number of precedents for the exercise of Federal power under the commerce clause in regard to, for example, restaurants in a bus terminal serving travelers in interstate commerce. There is no question about that, of course.

We do not disagree with the law in respect to local establishments preparing or supplying food for consumption on interstate carriers.

The memorandum refers to restraints of trade on the manner or extent of the local exhibition of motion pictures, which is very close to the question which the Senator from North Carolina raised with the Senator from New Jersey earlier. There are in the memorandum to which I have referred a number of citations from the U.S. Supreme Court. All such activities as boxing matches and stage attractions, predicated on the commerce clause, have been subject to Federal legislation. The memorandum states:

> The supporting theory is that the exhibitions, and those who take part in them, move from State to State and the particular restraint would limit the freedom or the volume of interstate transactions.
>
> By similar reasoning, the courts have sustained the application of the antitrust laws to retail establishments serving people or selling goods that move in interstate commerce. (*United States* v. *Frankfort Distilleries*, 324 U.S. 293, decided in 1945.)

Mr. ERVIN. What act is that under?

Mr. CASE. That is under the antitrust laws. The rationale is that it narrows the markets for products moving in interstate commerce. By discrimination the market for products of establishments in the nature of those which the Senator is discussing would be narrowed and as the distinguished lawyers who signed the opinion stated—and it seems to me that they make great sense—the Federal power under the commerce clause adequately covers the situation.

Mr. ERVIN. Will the Senator state the other cases which he cited? I am rather curious about them.

Mr. CASE. In the boxing case the Court expressly said that boxing itself was a local transaction. The boxing case came within the purview of the Sherman Act because the evidence showed that television pictures of the boxing match were shown all over the country. In those cases they made the coverage by the commerce clause depend, not on the boxing, not on the exhibition at the place, but upon what was done in transmitting pictures from one State to another.

Mr. ERVIN. Those cases have no application whatever to the words of the bill, which deal with simple exhibitions of motion picture films, simple boxing matches, and the like. The cases mentioned in the letter relate to exceedingly complex matters, involving such things as radio broadcasts and TV telecasts crossing State lines at the time of the commission of the alleged violations of the Sherman Act.

Mr. CASE. I point out to the Senator that the bill itself does tie these activities into interstate commerce by the very section we are talking about. It contains the language:

> Customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce.

Mr. ERVIN. That is the point. It makes coverage of the proposed act depend on whether these things have merely moved in interstate commerce. The courts hold that mere exhibitions or entertainments are local matters. They have so held in every case where the exhibition or entertainment is uncomplicated with activities such as their transmission across State lines by radio or TV. The courts hold that boxing matches are local matters unless complicated by contemporaneous transmission by radio or TV across State lines. They hold that the mere showing of a film is a local affair not subject to the antitrust act. I say this with all due respect to the learned gentlemen who may have signed that letter.

Mr. CASE. The Senator is not talking about the bill now, because the bill requires that these performances or performers must move in interstate commerce.

Mr. ERVIN. If I had time I could call the Senator's attention to 25 cases which adjudge that that fact does not make any difference. The exhibition of a moving picture by a local theater is a local matter and is not subject to congressional regulation, even though the film may have moved in interstate commerce. The same observation applies to boxing where there is no transmission of it in interstate commerce by radio or TV.

Mr. CASE. If the Senator from New Jersey ever has a chance, he will be glad to match the Senator from North Carolina in a test of the constitutionality of this section after the Congress has passed it. I am certain the Senator will find that the courts will uphold the section as coming within the commerce clause, and also within the provisions of the 14th amendment.

Mr. ERVIN. The 14th amendment?

Mr. CASE. I did not mean to start the Senator off. He can speak of the 14th amendment on his own time. I am about to surrender the floor. I think I have been fairly indulgent. It has been nothing but the utmost pleasure to discuss the matter with the Senator from North Carolina. I am prepared to yield the floor, unless he has questions to ask.

Mr. ERVIN. I have only one more.

Mr. CASE. How many?

Mr. ERVIN. One more.

Mr. CASE. Very well.

Mr. ERVIN. I call the Senator's attention——

Mr. CASE. This is a question, of course.

Mr. ERVIN. I call the Senator's attention to one thing——

Mr. CASE. Mr. President, I ask unanimous consent that I may be allowed to permit the Senator from North Carolina to call something to my attention, without my losing the floor, or having the statement counted as another speech.

Mr. ERVIN. Does not the bill provide that a gasoline station is covered if the products it sells have moved in interstate commerce?

Mr. CASE. Let us take a look at that.

Mr. ERVIN. I refer to lines 17 and 18 on page 7.

Mr. CASE. The Senator is referring to subsection (b)(2), which includes any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, plus gasoline sales.

Mr. ERVIN. I wish to call attention to the case of State against Hobson, a Delaware case, reported in 83 Atlantic (2d) 846, wherein it is stated:

> Defendant asserts that in selling gasoline at retail he is engaged in interstate commerce and that the restrictive provisions of the act of June 5—

That is, the State act—

> unduly burden that commerce, and that therefore the Act is in conflict with the commerce clause of the Federal Constitution and is void.
>
> We think there is no substance in the argument. The retail sale of gasoline from filling stations in quantities to suit the purchaser does not constitute interstate commerce, though all the gasoline that is dealt in must be brought from other States * * * In *United States v. Mills, D. C.*, 7 F. Supp. 547, 549, Judge Chesnut said: "Indeed it would be difficult to state an activity more clearly involving only intrastate commerce than the business of local sales of gasoline from filling stations."

Mr. CASE. I think there are precluded gasoline stations which operate solely by sales of gasoline, if it was obtained within the State and was consumed in the State. That would be intrastate commerce. It is when the gasoline is obtained from outside the State or moves in or affects interstate commerce that the act would apply. I am satisfied that that is constitutional.

Mr. ERVIN. The case I have just cited states:

> The retail sale of gasoline from filling stations in quantities to suit the purchaser does not constitute interstate commerce, though all the gasoline that is dealt in must be brought from other States.

Mr. CASE. It may not itself constitute interstate commerce, but it still has the kind of effect on interstate commerce that justifies the intervention of the Federal power.

Mr. ERVIN. If I had not assured the Senator that I was not going to ask him any more questions——

Mr. CASE. May I suggest that he put the material he has in the RECORD?

I yield the floor.

Mr. ERVIN. Will the Senator let me thank him for his indulgence?

Mr. CASE. The only reason I do not permit the Senator to ask me any more questions is that I am afraid my good friend will start off again. I thank the Senator for his courtesy and his good spirit.

I yield the floor.

Mr. ELLENDER. Mr. President, on two previous occasions I discussed title I of the bill, as well as title II.

As to title I, I think I made it plain that any good lawyer who had studied title I would come to the conclusion that an effort is being made, by the enactment of the bill the Senate is now considering, to give Congress the power to provide qualifications for voting. On this point, it seems clear to me that, under article I, section 2, of the Constitution, the right to spell out qualifications remains in the States, and any effort made by the Congress that would in any manner give to the Congress the right to fix qualifications is unconstitutional.

I contend that under paragraph (A) (1)(B) of the pending bill, the moment we give to the Federal Government the right to determine what errors or omissions are made, we transfer to Congress the unconstitutional right to spell out qualifications.

By the same token, under paragraph (C), the bill makes an attempt to state what educational qualifications are necessary. Again Congress would trample on article I, section 2, of the Constitution.

Mr. President, in regard to title II, "Public Accommodations," which I discussed previously, section 201(b) declares:

> Each of the following establishments which serve the public is a place of public accommodations within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action.

Following this subsection there is a list of establishments which are included within the act.

Subsection (C) of the same section (201) attempts to define the term "affects commerce," by stating if it serves or offers to serve interstate travelers, or a substantial portion of the food which it serves, or gasoline or other products which it sells has moved in commerce. The drafters of this bill are attempting to bring the control of public accommodations under the Federal Government by (1) use of the interstate commerce clause, and (2), the equal protection provision of the 14th amendment, which prohibits State action in discrimination.

It has been noted in previous Supreme Court cases that the Federal Government could regulate purely interstate activities through the Interstate Commerce Commission, the Railway Act and the like. This bill attempts to enlarge the regulatory power of the Government by regulating purely local business establishments under the guise of substantial usage of products which have moved in interstate commerce. No doubt the Federal Government can regulate interstate commerce. But the attempt to regulate purely local business establishments with no interstate business is simply an unconstitutional seizure of power.

Obviously, "a substantial portion of the food" which any purely local business serves would have at one time or another moved in commerce. It was never intended that the Federal Government should regulate purely local commerce, and certainly it was never intended that the Federal Government should regulate social relations by the use of the commerce clause.

Since the adoption of the Constitution, it has been steadily acknowledged by the Supreme Court that the States could regulate local commerce which did not "unduly burden" interstate commerce. The States have always had the right to enact any legislation within their competence so long as it did not unduly burden interstate commerce. This right has been recognized as recently as April 22, 1963, in the case of *Colorado Anti-Discrimination Commission, et al.*, v. *Continental Air Lines, Inc.*, 372 U.S. 714 (1963).

In that case, the Supreme Court held that the Colorado Anti-Discrimination

Commission could constitutionally prohibit Continental Air Lines from discriminating against a Negro aircraft pilot by refusing to employ him because of his color. Unquestionably, this Colorado statute affected interstate commerce in that it regulated employees of interstate carriers. Justice Hugo Black, speaking for the Supreme Court, held that this was not an undue burden on interstate commerce.

It seems clear that the States can pass laws affecting commerce so long as they do not unduly burden commerce among the States. It is equally clear that the Federal Government cannot regulate commerce which is purely local in character, but H.R. 7152 attempts to extend and expand the power of the Federal Government even in this remote area by saying that a substantial portion of the products used have moved in interstate commerce.

In the case of *Crandall* v. *Nevada*, 73 U.S. 35 (1867), the Supreme Court held that a Nevada law charging a $1 tax on each person leaving that State by railroad, stagecoach, or other vehicle or passing through the State, to be an unconstitutional restriction upon the right of U.S. citizens to go from one Federal office to another, such as the seats of government, land offices, ports of entry, and so forth. The Court specifically refused to hold the State law unconstitutional under the commerce clause because it did not conflict with any act of Congress, and also it was not a regulation of commerce and the Court did not wish to consider people as imports.

In the case of *Edwards* v. *California*, 314 U.S. 160 (1941), the Supreme Court held a California law unconstitutional which made it a criminal offense to bring indigent persons into the State of California. It is clear in this case that the exclusion of people from the State because of their economic condition is an undue burden upon interstate commerce and is, therefore, unconstitutional.

These cases are cited to show what is interstate commerce and what is not. In no sense can the operation of a local business be considered to affect or burden interstate commerce.

There has been much said in the debate on H.R. 7152 that segregation has a depressing effect upon the national economy. The Senator from Minnesota said on March 30, that the existence of separate facilities had cost the United States billions of dollars. This is not substantiated in any way and an analysis of the marketing and purchasing customs affecting both races would show that no business has been curtailed or stifled by these practices. If a person is refused service in one store, he simply goes to another and purchases the same product. Actually, if a person could not purchase a particular item anywhere in his town, he could order it from the mail order department stores. Of course, this has never happened—that a person could not acquire any property he wished in any town in the United States—but this merely shows that there is absolutely no effect upon commerce and business in the United States even if one agreed with the proponents of this legislation.

In the section of title II which would cover rooming houses with more than five rooms, there is a specific provision excluding rooming houses of five rooms and less where the proprietor lives in the residence. Certainly, there could be no effect on commerce whether there are five rooms or six rooms, and the only reason for inserting this provision into the bill was supposedly on grounds of morality. As it has been said, if it is immoral for Conrad Hilton to discriminate, then it is also immoral for Mrs. Murphy to discriminate on the basis of race. The truth of the matter is that this provision was drafted by cynical persons who state that there are more Mrs. Murphys who vote than Conrad Hiltons.

I now discuss discrimination in public accommodations in the part of title II, section 201, subsection (D), where it declares:

> Discrimination or segregation by an establishment is supported by State action within the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of a State or political subdivision thereof.

It is clear that the persons who drafted this subsection were attempting to come within the constitutional provisions of the due process clause of the 14th amendment which prohibits a State from discriminating against persons on the basis of race. Note the language of this subsection—it says that discrimination is State action when it is carried on under color of any custom or usage. By what stretch of the imagination can custom and usage be construed as State action? If Congress were to declare it so, it would not be so. Congress can no more declare custom to be State action than it can declare a mule to be a cow.

I fully realize that the constitutional requirement of "State action" has suffered serious erosion at the hands of the Supreme Court in recent years, but even a majority of that body of zealous advocates of equality have maintained the requirement of State action and have dismissed the contention that custom and usage would constitute such State action.

In the case of *Garner* v. *Louisiana*, 368 U.S. 157 (1961), the Supreme Court refused to consider custom and usage as being equivalent to State action. The requirement for State action is a constitutional provision and cannot be expanded by legislation any more than it can be by judicial interpretation.

The Garner case dealt with sit-ins in Baton Rouge in which Negroes were refused service at lunch counters in a department store. The refusal to serve these people was purely a private act and in no way employed State action. The Court acknowledged this fact, and although the case was reversed on other grounds, it refused to say that custom constituted State action.

The Supreme Court has for many years had pushed on it the argument that private acts are State acts where there is a custom of separate facilities. Even a minority of the Supreme Court has been infected with this type of logic. Justice Douglas did go so far as to say that custom or license or business "affected with a public interest" constitutes State action. That these are contentions contrary to fact does not seem to affect him or the drafters of H.R. 7152. A penetrating analysis of the Garner case and the confused thinking concerning State action, is contained in the Stanford Law Review, volume 14, page 762.

I ask unanimous consent that excerpts from the article may be printed in the RECORD at this point in my remarks. I shall not attempt to read them.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

COMMENT: SIT-INS AND STATE ACTION—MR. JUSTICE DOUGLAS, CONCURRING

(Kenneth L. Karst and William W. Van Alstyne)

Last December the Supreme Court decided three "sit-in" cases. In *Garner* v. *Louisiana*,[1] the Court struck down disturbing-the-peace convictions of 16 young Negroes whose only allegedly criminal activity was to sit at "white" lunch counters in a department store, a drugstore, and a bus terminal, all in Baton Rouge. The opinion of the Chief Justice for the majority was a disappointment for those who had hoped for a sweeping expansion of the doctrine of State action under the 14th amendment. It rested on grounds which were as drab as they are now familiar:

"In the view we take of the cases we find it unnecessary to reach the broader constitutional questions presented, and in accordance with our practice not to formulate a rule of constitutional law broader than is required by the precise facts presented in the record, for the reasons hereinafter stated, we hold that the convictions in these cases are so totally devoid of evidentiary support as to render them unconstitutional under the due process clause of the 14th amendment."[2]

With a citation to *Thompson* v. *City of Louisville*,[3] the Court's constitutional analysis was over; it remained to examine the Louisiana statute to determine the elements of the crime, and to demonstrate by references to the several records that the convictions did not "rest upon any evidence which would support a finding that the petitioners' acts caused a disturbance of the peace."[4]

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[1] 368 U.S. 157 (1961). The Garner case was' argued and decided along with *Briscoe* v. *Louisiana* and *Hoston* v. *Louisiana*. In Garner, two Negro students from Southern University "sat in" a drugstore at its lunch counter, after one of them had just bought an umbrella elsewhere in the store. The store served both Negroes and whites, but segregated the races in its seating arrangements. In Briscoe, seven Negro students "sat in" the restaurant in the local Greyhound bus terminal, which also maintained segregated seating. In Hoston, seven Negro students "sat in" a Kress department store at the "white" lunch counter, and did not change seats when they were told that they could be served at the counter across the aisle. Each of the students was arrested, see text accompanying note 28 infra, tried, and convicted for disturbance of the peace; each defendant was "sentenced to imprisonment for 4 months, 3 months of which would be suspended upon the payment of a fine of $100." 368 U.S. at 161.

[2] Id. at 163.

[3] 362 U.S. 199 (1960).

[4] 368 U.S. at 163–164.

But there was something for everyone in the Garner case. Those who wanted an opinion on the broader constitutional questions got one from Mr. Justice Douglas. Because his reading of the Louisiana Supreme Court opinions interpreting the statute required the conclusion that the accused Negroes had committed a violation, he reached the question of State action. While prediction is risky, it seems likely that if the Garner case is remembered at all, it will be remembered for Mr. Justice Douglas' concurring opinion.

The traditional nature of the opinion's opening gambit does not permit adequate psychological defense against the dazzling moves which are to come:

"It is, of course, State action that is prohibited by the 14th amendment, not the actions of individuals."[5]

Of course. The reader may settle back, awaiting an extension on the mechanics of *Shelley* v. *Kraemer*,[6] the arrests were made by policemen, and the convictions were adjudged by State courts. But Mr. Justice Douglas, having lost the last time he tried such a mechanical extension,[7] does not even cite the *Shelley* case. Instead, the State action requirement is to be killed with a new kind of kiss. Three seemingly independent grounds are asserted for holding that the private discrimination on which these convictions are based has satisfied the requirement of State action: (a) The customs of Louisiana, reinforced by the State's general legal patterns, maintain racial discrimination; (b) the restaurant business is "affected with a public interest," and thus subject to the regulatory power of the State; and, in fact, (c) the State, through its municipalities, had licensed these restaurants.

The opinion thus discards the substance of the State action limitation while maintaining it as a verbal facade. There is, of course, room for argument that the principle of State action has outlived any usefulness it ever had; such arguments have been made, off and on, ever since the adoption of the 14th and 15th amendments. Occasionally it is said that there is no justification for a traditional State action limitation when certain interests are at stake, as in the voting[8] or lynching[9] cases. Others have urged a more thoroughgoing rejection of the requirement of State action,[10] and perhaps the Court is listening. *Griffin* v. *Illinois*,[11] while obviously distinguishable, certainly looks in the direction of an affirmative State duty to guarantee equality.

If the State action requirement is not discarded, however, it seems unfortunate to assume that it can be satisfied by the skillful use of slogans. If the State action requirement is kept, no doubt the reason will be that it serves—or should serve—real values of constitutional proportion. Even in a unitary government, some principle of "governmental action" would be desirable as a protection of individual freedom of choice; the national interest in racial equality, for example, should not prevent an individual attorney from using racial criteria—or any arbitrary criteria—in the selection of a partner.[12] When an individual's actions strongly affect the interests of many people, we may apply constitutional limits to his freedom of action, on the ground that the impact of his conduct in effect resembles that of governmental conduct. Something like this consideration probably stands behind Mr. Justice Douglas' first ground, based on community customs. But when government acts, we do not worry about subordinating its freedom of action; government must justify its conduct, and cannot act arbitrarily. The Federal system adds another consideration which supports a requirement of State action before constitutional limits are to be applied. Such a doctrine decentralizes both the administration of nationally adopted standards and the effective decision whether to promote or retard various competing policies.

The most unsettling aspect of Mr. Justice Douglas' concurring opinion in the Garner case is that it ignores these interests, and lends support to treatment of the State action requirement as a gimmick. State action is once again viewed as a kind of conceptual hook; once the hook is found or invented, the racially discriminatory conduct is invalid, without further analysis.

Mr. ELLENDER. Mr. President, the originators of the public accommodations section of the bill are trying to bring purely local and private establishments under Federal control and regulation on the shaky ground of the commerce clause and the due process clause of the 14th amendment. The fact that they have combined these two constitutional provisions has in no way enhanced the constitutional validity of this title. One cannot add to or take away from the other; if the authority is not in the Constitution, combining several sections and/or articles, will not help support its legality.

I now come to a discussion of title III of the pending measure, which is supposedly aimed at the desegregation of public facilities, and as such it owes its parentage to——

Mr. MORTON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MORTON. Would the Senator yield so that I might suggest the absence of a quorum, without losing his right to the floor?

Mr. ELLENDER. No; I would not consent to doing that. I would dislike to have Senators come to the Chamber and walk out.

Mr. MORTON. I realize that the Senator is making a very erudite speech. I believe he should have a bigger audience.

Mr. ELLENDER. I shall expect absent Senators to read about it tomorrow or the next day.

Title III owes its parentage to title III which was first submitted to Congress in 1957, and rejected in that same year. Those in favor of this provision may say that such is not the case—that title III as it appears in this bill has a much more narrow application than in the original 1957 act. I submit, however, that this section of the bill is just as strong and objectionable as any previously considered by the Congress.

For all their pious phrases, the advocates and drafters of this title have inserted a cute little gimmick in the manner of a "sleeper," whose language makes the powers envisioned in title III almost all inclusive. I shall address myself to that language later.

First, let me point out that under the terms of this new title III, whenever the Attorney General receives a complaint signed by an individual to the effect that said individual is being deprived of equal protection of the laws by being denied access to any facility which is State-connected, the Attorney General is authorized to bring a civil suit for relief in the name of the United States.

The Attorney General's power under this title would not be extended to the public school system, which is saved and put into a special category.

Now before the Attorney General can bring such suit, or institute proceedings in behalf of the United States, certain findings and certifications must be made by him. In all due respect, the requirements written into the bill with a view toward curtailing, to some degree, the power of this high office do not in actuality amount to much. In the hands of an unscrupulous, vindictive Attorney General—and I daresay there is no insurance that the Nation will not someday have one of this type—these so-called requirements would amount to nothing at all, as I shall point out in a moment. Indeed, it is possible they might come to represent less than nothing, for all practical purposes.

First, the Attorney General must certify, although the bill does not say to whom, that the signer, or signers of such complaints are unable, in his judgment, to initiate and maintain legal proceedings. He must further certify that the institution of such an action on his part will "materially further the public policy of the United States favoring the orderly progress of desegregation of public facilities." And here I pause to note that this is the first time I have heard that our Government had any such public policy as this section of the bill attempts to promulgate. I believe it would be of much more value if the Attorney General were to seek the authority, and use it, to pursue a public policy of maintaining peace and tranquillity. But, of course, this wishful thinking, carried over from time gone by, is subject more to the laws of politics than to the laws of justice.

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[5] *Id.* at 177.

[6] 334 U.S. 1 (1948).

[7] *Black* v. *Cutter Labs.* (351 U.S. 292, 302–03 (1956)), (dissenting opinion).

[8] See *United States* v. *Given* (25 Fed. Cas. 1324 (No. 15210) (D. Del. 1873)); Pollack, *Racial Discrimination and Judicial Integrity: A Reply to Professor Wechsler,* 108 U. Pa. L. Rev. 1, 19–23 (1959). The case of *Terry* v. *Adams,* 345 U.S. 461 (1953), may—but need not—be explained on this broad ground.

[9] See *Ex parte Riggins,* (134 Fed. 404, 409 (N. Dak. Ala. 1904)); Hale, *Rights Under the 14th and 15th Amendments Against Injuries Inflicted by Private Individuals,* 6 Law, Guild Rev. 627, 638 (1946). For similar tendencies in other contexts, express or implied, see *Brewer* v. *Hoxie School Dist.* 238 F. 2d 91 (8th Cir. 1956), 70 Harv L., Rev. 1299 (1957) (education); Frank & Munro, *The Original Understanding of "Equal Protection of the Law,"* 50 Colum. L. Rev. 131 (1950) (land ownership or use; access to public accommodations).

[10] For a recent example, Mr. Justice Harlan's dissent in the *Civil Rights Cases,* 109 U.S. 3, 26–62 (1883), is echoed in Harris, The Quest for Equality 42 (1960): "The clause does more, therefore, than condemn unequal State laws or the unequal enforcement of equal laws; it requires the States to provide or afford equal protection of the laws. Neither a strenuous exercise in philology nor an examination of usage in 1866 is required to define the word 'deny.' It meant then within the context of the amendment what it meant long before and continues to mean, to refuse to grant, to withhold, to forbid access to, to refrain from giving some claim, right, or favor. Accordingly, the prohibition against the denial of equal protection of the laws is the same thing as a positive requirement which could read, 'Every State shall afford, or furnish, every person within its jurisdiction the equal protection of the laws'."

[11] 351 U.S. 12 (1956).

[12] We assume the absence of State fair employment legislation. Even in the absence of such legislation, the State action balance may not fall the same way in the case of a 60-man law firm which rejects Negro attorneys on racial grounds.

After the Attorney General has made the initial certification, he must deem the signer or signers unable to initiate and maintain legal proceedings because they are unable, either directly or through other interested persons or organizations, to bear the expense or obtain effective legal representation. This section of the bill is tantamount to giving official recognition to the NAACP as a legal aid society for the Federal Government, while at the same time, relieving it of any of the hardships litigants in court cases normally bear.

Actually, under these terms, the Government is turned into a legal aid society for these so-called interested organizations, which are then left free to go out and drum up more business for themselves.

In addition to finding the signers of the complaint unable to bear the expense of taking the case to court, the Attorney General may find that the instigation of such litigation would, and here I quote: "jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property."

What a multitude of shields are erected to insure that the accuser in all these cases can remain unknown to the accused. How far we have come from the right of cross-examination which was once thought to be inherent virtually throughout our legal system.

But although all these findings must be made by the Attorney General, under the terms of title III, I cannot help arriving at the conclusion that all this language, and all the methods by which he may justify his action, in reality amount to nothing at all. This is another little gimmick, not the "sleeper" I referred to earlier, but a point of some consequence all the same.

I turn to the report on H.R. 7152, submitted by the House Judiciary Committee, and to page 22 of that section of the report prepared by the majority. Keep in mind that I have just been enumerating all the so-called certifications and findings that must be made by the Attorney General to allow him to institute proceedings under title III. Then on page 22 of the report, there is this sentence, tucked away deeply and innocently in one of the paragraphs. It states:

> It is not intended that determinations on which the Attorney General's certification is based should be reviewable.

In other words, Senators, all that fine language about what must be done has gone for naught. The basis for the certifications and findings are not to be made public. They are not subject to review, and for all practical purposes might as well not exist.

On the basis of unknown, unnamed, and perhaps nonexistent complainants, our local and State officials will suddenly find themselves facing the full array of the Attorney General's legal facilities, and at the same time, seriously hampered in efforts to erect a valid defense.

Thus far I have been discussing only section 301 of title III. It is section 302 of this title that we find the "sleeper" to which I earlier referred.

Although this title III supposedly deals with the desegregation of public facilities, section 302 reads as follows:

> Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for, or in the name of the United States may intervene in such action. In such an action the United States shall be entitled to the same relief as if it had instituted the action.

I point out that the "laws" referred to in this section are not only those dealing with public facilities, but any laws which touch in any way whatsoever on the equal protection clause of the 14th amendment. The language would cover the gamut of any action brought before any court dealing with any facet of equal protection of the laws. The majority report issued by the House committee members affirm this to be the case, but as secretively as possible.

So, once again, we find a section of the bill being represented as something it is not. Far from relegating the authority of the Attorney General to intervene in suits only concerned with desegregation of public facilities, this would extend the right of intervention to the entire category of equal protection actions, which category is being expanded by the moment.

For all practical purposes, this section would make the so-called new title III synonymous with the powers which some in Congress sought to bestow on the Attorney General in 1957.

Once again we find a wolf in sheep's clothing. And once again we find extremely valid reasons why this bill should have been referred to a committee of the Senate for consideration and study, and a general enlightenment of its hidden features.

Other good reasons why this bill should have been referred to the appropriate Senate committee can be in title IV, which has reference to the desegregation of public education.

In all honesty, I have been expecting proposals as are to be found in title IV to be presented before the Congress long before now. The so-called liberals in Congress and in the country have long been complaining about the pace of desegregation across the South. I have noted that these same spokesmen have been conspicuously silent about the same slow pace of true desegregation in the public schools of all the great cities of the North.

In any event, title IV seeks to aid the Supreme Court as it continues to press its misguided, and in my view unconstitutional, efforts to control the educational system of the individual States. In my opinion, the Supreme Court needs no aid, although I will admit that in some areas it seems to be in need of a great deal of assistance to maintain its balance, and the equilibrium of the country.

This title, through a combination of Federal grants-in-aid and suits brought by the Attorney General—the old carrot and stick approach—would make a virtual czar out of the relatively unknown post of the U.S. Commissioner of Education.

And, as a matter of fact, it seems to me to be a dangerous indication of what the sponsors of this legislation envision, when the Members of the House, in one of the few successful efforts to amend this bill, feel constrained to add language to the bill's definition of desegregation, making it plain that "desegregation shall not mean the assignment of students to public schools in order to overcome racial inbalance."

I find it passing strange, however, that nowhere in this section is "racial imbalance" defined, although I understand that at one point that term played a prominent role in the House Judiciary Committee proceedings.

Personally, the most disturbing feature of this title is the attitude it seems to hold toward the duties of the local school boards throughout the Nation, as those duties are affected by the 1954 Supreme Court decision on school segregation. That decision, as is well known, did nothing more than declare State-supported school segregation to be in violation of the 14th amendment. To do so, the Court found it necessary to invade the rights of the States and to ignore completely the 10th amendment, which states that the powers not delegated to the United States by the Constitution are reserved to the States respectively, or to the people. But, of course, that is neither here nor there.

In connection with the "carrot" contained in this section of the bill, I note that Federal grants and payments are to be made available to just about everyone who will promise to do anything to help the public schools "deal effectively with special educational problems occasioned by desegregation," or to anyone who supplies "information regarding effective methods of coping with special education problems occasioned by desegregation."

What are some of these "special problems"? Why are they not named in the bill? Could it be that the sponsors of this title are ashamed to acknowledge that the troubles predicted with certain knowledge by southern spokesmen over the last 10 years are coming home to roost?

I further note that these grants and payments carry no specific price tag, and provide an open end authorization. The Commissioner of Education is authorized to arrange for grants and contracts with institutions of higher learning to enable these institutes to provide training for teachers, supervisors, counselors, and other school personnel. Training for what purpose? To deal effectively with the "special educational problems occasioned by desegregation."

The Commissioner is also authorized to make grants to the local school boards, again in an open end authorization. And again, for what purpose? The answer is twofold, in this particular instance. First, it would provide teachers and other school personnel with in-service training in dealing with problems "incident to desegregation." The second would be to provide employment for "specialists" to advise in problems "incident to desegregation."

There is the neatest little package of pure bribery I have come across in a number of days. Just imagine. The Congress would say to each and every school in the country: "Desegregate your classes and we will reward you by making Federal grants available to the teachers, principals, and school administrators who are all of a sudden receiving in-service training by learning to cope with the problems incident to desegregation"—whatever those problems might be.

Could it be said, perhaps, that these grants might be considered the equivalent of the hazardous duty pay received as an extra benefit by some of our Armed Forces personnel?

Madam President (Mrs. NEUBERGER in the chair), I note that the Justice Department, in a letter to the chairman of the House Judiciary Committee, inserted in the CONGRESSIONAL RECORD on page 2276 of February 6, estimated that the total expenditures to be disbursed in support of title IV will amount to $10,095,000. This is a lot of money to put out to solve a problem we should not be faced with in the first place, if reason and commonsense were allowed to prevail.

Turning from the "carrot" to the "stick," I find that, once again, the Attorney General is being authorized to institute suits against local officials, this time on the complaint of parents or children that they are being denied equal protection of the laws.

And I note again, from the majority section of the House report, that "it is not intended that the determination on which the—Attorney General's—certification was based should be reviewable."

Thus, we have once again the situation where our local officials may be dragged into court unable to face their accusers, unable to know, in truth, if the accusers are actual persons or phonies. This is neither fair nor wise, Madam President. It appears once again that strange remedies can be proposed in the name of civil rights.

This brings me to one last point relative to this section. And that is, Why is a section dealing with school desegregation sandwiched into a bill supposedly aimed at civil rights? Has the opportunity to attend an integrated school suddenly become the right of every American school child?

Or does this section indicate, purely and simply, that this proposed legislation is aimed at benefitting one particular group of politically powerful citizens, at the expense of other groups less well organized? I believe the answer is self-evident.

And now, Madam President, we come to one of my favorite subjects—the Commission on Civil Rights. Although I have already discussed, in my opening remarks, some of the activities and the Lazarus-like qualities of this remarkable group, I feel constrained to add a few additional comments aimed directly at title V.

According to the majority's comments in the House report on H.R. 7152:

> Title V, in addition to effecting minor procedural and technical changes, would make the Commission on Civil Rights a permanent body and would give the Commission new authority (1) to serve as a national clearinghouse for information concerning denials of the equal protection of the laws, and (2) to investigate allegations as to patterns or practices of fraud or discrimination in Federal elections.

Mercifully, the House saw fit to strike out the language conveying permanent status to the group.

Let us examine that somewhat breathless and innocent-sounding statement of the majority, to discover whatever truth it may contain. To be frank, I am extremely suspicious of anything which holds out the least possibility that the authority of the Commission will be expanded.

In this instance, I believe my suspicions are well founded. I find, for example, that one of the minor amendments would change the rules of the Commission procedure so as to allow the public eye to fall on evidence or testimony given to the Commission in executive session which might tend to defame, degrade, or incriminate any person. Naturally, the Commission would allow this to happen only to those persons it considered the "enemy."

Under the law as it now stands, if the Commission determines that evidence or testimony at any hearing may tend to defame or incriminate, the evidence must be taken in executive session. The person in danger of defamation or incrimination must be afforded the opportunity to appear voluntarily as a witness, and the Commission is charged with the duty of summoning, by subpena, such additional witnesses as the person may request.

Note that no authority is presently granted by law for the Commission to take in public evidence which it determines may tend to defame, degrade, or incriminate with or without the affected person being present.

This provision of this title would change this, by amending the present law so as to make it to read:

> In the event the Commission determines that such evidence or testimony shall be given at a public session.

In other words, Madam President, the Commission members would be given a choice to publicize or not to publicize. What we are seeing take place here is the slow evolution of a branch of the executive department into a court of inquiry, with authority to take evidence of any sort, in public session, without regard to the effect the publicizing of spurious and spiteful testimony or evidence might have on the innocent person involved.

Section 502 of this title would amend the present law so as to increase the pay of the Commissioners from $50 per day to $75. While I admit that living expenses have increased somewhat since 1957, I am not willing to admit that the cost of living has risen by 50 percent, as would seem to be the case according to this provision. I am sure President Johnson would also take that position.

As I have noted before, the Commission has objected to taxpayers' funds going to Mississippi because of certain acts which occurred in that State. I might point out that the great majority of taxpayers in Louisiana would object to having their tax moneys go to the support of the Civil Rights Commission because of that group's attitude and recommendations.

Other language in this title would expand the duties of the Commission—always, sooner or later, we find that inevitable expansion—to provide that it serve as a national clearinghouse for information in respect to the protection of the laws. The Commission would also be vested with authority to investigate written and sworn allegations of patterns or practices of voting frauds or discrimination in elections for national officials.

I see no value whatsoever in this first point, and I would not be surprised to learn that in reality it was put forward to allow the Commission to increase the number of staff members on the payroll. And, in effect, the adoption of this provision will make it just that much harder to dislodge the Commission from the permanence of its temporary position. As more duties are assigned to it, the more indispensable the Commission will be claimed to be.

It is, however, the last of the changes which this title seeks to accomplish in the present law that appears to me the most foreboding. It is a simple little statement found in section 507 of the bill, and reads as follows:

> The Commission shall have the power to make such rules and regulations as it deems necessary to carry out the purposes of this act.

First, we must ascertain to what act this language would have reference. The immediate presumption which comes to mind would be the Civil Rights Act of 1957. But it must be remembered that this act of Congress did not have reference to establishment of the Civil Rights Commission alone. It also had reference to voting rights; the Attorney General was for the first time authorized to bring suit in the name of the United States in voting cases. Section 2004 of the Revised Statutes and section 1343 of title 28, United States Code Annotated were both amended by the Civil Rights Act of 1957.

So, apparently the Commission would have the power to control by administrative fiat any or all of the myriad of "equal protection" situations which might arise under any of these provisions of the law. As a matter of fact, there is no way of telling for sure exactly what is meant and what power is conveyed to take what sort of actions under this seemingly simple language.

Title VI is called "Nondiscrimination in Federally Assisted Programs" and is designed to cut off Federal funds to any program or activity apparently conducted by a State or any subdivision thereof, or any other person, which is alleged to have discriminated against any person who is excluded from participation in such programs, and so forth. Without question, this provision of the bill is unconstitutional in every respect. It has no basis in law or morality.

The citizens of this country pay, by taxation, into the Treasury of the United States the money which goes to its support and maintenance. The United States gets it revenues from every State in the Union. Without these States there would be no revenue and no Union.

Now, after raising this money through taxation the Congress of the United States has seen fit to enact legislation whereby agencies of the Federal Government can assist various State and local programs through matching funds, and so forth. It is inherent in the Federal system that these two governmental units are sovereign in their respective spheres. To permit this title to be enacted into law and upheld by the courts would cause irreparable harm and damage to our system of government.

Can the U.S. Government abrogate and destroy our system of dual sovereignty merely because it has the physical and financial force to do so? Are there no checks and balances left, or is that just a meaningless expression reserved for the history books of days gone by? If there is a right for the Federal Government to cut off funds from the very States where it gets such funds to begin with, then is it too unreasonable to inquire if the citizens of such States could refuse to pay all Federal taxes, whether they be income, luxury, inheritance or in fact any form of taxation? The principles are the same.

All through the Constitution there is reference to equal treatment of the States by the Federal Government in commerce, rate fixing, taxation, and so forth. Merely because the policy of a particular State may be found disagreeable by the advocates of racial integration, is that a moral, legal, or constitutional justification for completely dislocating the State-Federal relations? I submit it is not.

Consider for one moment all the services performed by State and city governments in this country for the Federal Government and for its agents. The examples are endless—roads, schools, hospitals, police protection, fire protection, and many others. Would the States be justified in cutting off these services to the Federal Government and its agents because they did not agree with Federal policies? Certainly these are the United States of America and not just political entities with the Central Government as overlord. We have reciprocal responsibilities.

In April 1963, the Civil Rights Commission recommended that the President seek power to suspend Federal funds to States which fail to "comply with the Constitution and laws of the United States." In a press conference on April 17, President Kennedy said:

> I don't have the power to cut off aid in a general way as was proposed by the Civil Rights Commission, and I would think it would probably be unwise to give the President of the United States that kind of power.

When this bill was up for consideration in the House, the minority report submitted by Representatives RICHARD H. POFF and WILLIAM CRAMER contained such a penetrating analysis of this particular title that I feel justified in quoting a part of what they said:

> Should the Federal Government, acting through the executive branch, be vested with control powers to terminate or suspend by administrative fiat programs of financial assistance which the legislative branch has authorized and funded? True, this bill makes provision for judicial review of agency actions upon the demand of the State or individual aggrieved by such actions. However, agency action will have been taken, the funds will have been cut off, and the State and its citizens will have already been injured before any judicial determination of racial discrimination has been made. The cart is before the horse. Why should not the judicial determination be made first, and why should not the burden of bringing the suit rest upon the Federal Government rather than the State government or its citizens? Surely the accused should not be punished until guilt has been established under the rules of evidence and constitutional safeguards which our American system of jurisprudence provides.

This title constitutes blackmail, pure and simple. It is a club to hold over the heads of the States and it can be used to coerce them into almost any position the executive department wishes.

Congress enacts the laws for Federal grants and Congress appropriates the funds to be disbursed. Is it not also for Congress to determine who, if anyone, should be cut off?

It has been argued by some that, because some States receive more Federal funds in grants than the Government gets in taxes, this is sufficient justification for cutting off funds when there is alleged discrimination. Surely this reasoning will not hold up. If it did then the States would be justified in cutting off funds for service to Negroes because it is a known fact that Negroes pay lower taxes than any other racial group, per capita, in the United States.

In moving to a discussion of title VII, in many respects one of the most pernicious proposals ever to be presented to the Congress, I want to first discuss the measures which have been put forward in the past regarding fair employment practices in the area of civil rights. I think that this information will show conclusively that there is no additional need for new legislation in this field, and that there are adequate remedies available now for anyone who claims that he is being discriminated against because of race, creed, or color.

Every year, for over 25 years, we have heard consistently from various pressure groups what would be accomplished if we had legislation or Executive orders in this field. And in every instance we have been assured that the millennium would surely come about if this particular title were made into law.

There resulted the passage of many different civil rights laws, plus the issuance of Executive orders by the President. The result which was expected by these groups has not come to pass, and I submit it will not come to pass.

Madam President, as I indicated this afternoon during the discussion, the table which was furnished to me by the distinguished Senator from Pennsylvania shows unemployment as a percentage of the civil labor force, by color, in various States. Strange to say, the statistics show that, percentagewise, there were fewer Negroes employed in States that had FEPC laws than in States where such legislation was thought to be unnecessary.

Take the State of North Carolina. The rate of unemployment for nonwhite workers is 7.4 percent. There is no FEPC law there. But in Illinois the rate of nonwhite unemployment is 11½ percent.

Mr. DOUGLAS. Madam President, will the Senator yield to me for a moment?

Mr. ELLENDER. I yield.

Mr. DOUGLAS. Is that not true because in the South the Negroes are primarily farm tenants or farm laborers attached to plantations, with customarily steady employment, whereas in the North they are industrial workers, subject to all the difficulties which all industrial workers have, and handicapped further by the poor education they have received in the South, whence they came? We inherited the problem which the people of the South have disregarded for decades.

Mr. ELLENDER. I did not expect to excite my good friend so much. What he has said was the case 40 or 50 years ago, but today in order to be able to work on a plantation, a laborer must almost have a college education. The work is no longer done by hand, as it used to be.

My own brother operates a farm that was first planted by my father. My late father used as many as 125 persons to operate the farm. Today my brother does the work with about six people. In order to be able to do the work, the laborers must have more knowledge than they had years ago.

Mr. DOUGLAS. That is true of farm managers, but it is not true that farm laborers need a college education to operate a tractor or to do hoeing in the hot sun.

Mr. ELLENDER. We do not do nearly as much of that anymore.

Mr. DOUGLAS. Is it cooler down South?

Mr. ELLENDER. No. We have ways of destroying weeds with insecticides or herbicides. We also burn weeds. We also fatten geese on them.

Mr. DOUGLAS. Be careful with the insecticides, because they are ruining the rivers and destroying fish.

Mr. ELLENDER. I wanted to point out that the conditions to which the Senator referred may have obtained 40 or 50 years ago, but today they no longer obtain. I point out also that there is not one Southern State in which the rate of nonwhite unemployment is as high as it is in the States where there are FEPC laws.

Mr. MORTON. Madam President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MORTON. Has the Senator from Louisiana the figures for Kentucky? I am asking out of curiosity.

Mr. ELLENDER. Yes. Kentucky has no FEPC law. The rate of nonwhite unemployment is 8.1 percent. In Mississippi it is 7.1 percent.

Mr. MORTON. What are the figures for Kentucky, again?

Mr. ELLENDER. 8.1 percent for nonwhites.

Mr. MORTON. What is the rate for the white unemployed?

Mr. ELLENDER. 5.9 percent.

The point I tried to make—and I think I succeeded in making it—is that the States that have FEPC laws on the statute books have more nonwhite unemployed than do the States that do not have such laws.

Mr. DOUGLAS. Madam President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. DOUGLAS. Is the Senator trying to say that the FEPC laws actually make it more difficult to get a job? That is what my good friend is trying to maintain.

Mr. ELLENDER. No; I am not trying to maintain that at all. I am only saying that the laws do not work. If such laws did work, the figures for the whites and nonwhites, would probably be more closely in balance. The figures show that in all the States that have FEPC laws, the rate of nonwhite unemployment is greater than where there are no FEPC State laws, except in one or two States like North Dakota, where the percentage of nonwhite unemployment is 25.2 percent. It is the largest in the country. The next in line is the State of Montana, where the Negro population is, I think, two-tenths of 1 percent. In that State the nonwhite unemployment rate is 24.8 percent.

Mr. DOUGLAS. The Senator from Louisiana is perfectly well aware that there are few Negroes in North Dakota and Montana. I believe that in North Dakota the Negroes comprise only about one-tenth of 1 percent of the population. In Montana it is either one-tenth or two-tenths of 1 percent. To use statistics based on only a few people might lead to interesting, but possibly erroneous, conclusions. I am reminded of the article which was published in the Baltimore Sun in the 1880's, in which it was stated that one-third of all women graduates of Johns Hopkins married professors. This frightened people. It turned out that there had been only three women graduates of Johns Hopkins, and one had married a professor.

The Senator from Louisiana is generalizing from a very small sample.

Mr. ELLENDER. I am not generalizing at all. I am only stating the facts which were presented to the Senate and which have appeared in the RECORD. It seems to me that where there are so few colored people in the State of Montana, for instance, all of them could be employed in that area. Surely jobs could be found if the FEPC laws were effective.

In the State of Minnesota, where the population is centered in the cities of St. Paul and Minneapolis and where there is an FEPC law, the rate of nonwhite unemployment is 12.8 percent, and the rate for whites is 5 percent. That is in the great State of Minnesota which the Senator in charge of the bill represents.

Mr. DOUGLAS. Madam President, will the Senator from Louisiana yield?

Mr. ELLENDER. I am glad to yield.

Mr. DOUGLAS. Perhaps it is fruitless for me to discuss this with the Senator from Louisiana, because I do not suppose either one of us will convince the other, but let me say that we in the North have inherited large numbers of Negroes from the South who come north in pursuit of the higher wage scale and the general atmosphere of freedom which prevails in the North; but they have been so poorly trained and so culturally deprived that it is hard for them to fit into the industrial system of the North, although they can find employment in the South as farm laborers.

That is the essence of the situation.

Mr. ELLENDER. The cotton and cane fields—the entire agriculture economy—have become mechanized in the last 20 years. It has helped the migration of Negroes from the South.

Mr. DOUGLAS. There is freedom of migration in this country.

Mr. ELLENDER. The Senator is correct.

Mr. DOUGLAS. We are not proposing to change the practice of migration.

Mr. EASTLAND. Madam President, will the Senator from Louisiana yield?

Mr. ELLENDER. Efforts to aid the Negro depend a great deal upon the economy of the area where they live. Last year, I was called upon to make a talk to celebrate the 50th anniversary of the first school that was constructed from public funds, in the Parish where I was born. That was 50 years ago. Why did we not have schools built from public funds before that time? Because we were not able to get a sufficient tax base to afford to construct them.

Mr. EASTLAND. Madam President, will the Senator from Louisiana yield?

Mr. ELLENDER. Remember, that was 50 years ago. It was the first school that was constructed from public funds in the ward where I was born and raised. The school board was forced to lease a barn, or a house, in which the school was started.

The parish did not have the money with which to build the school. A good deal of what the Senator from Illinois is complaining about was due to our inability at the time to provide the facilities to educate everyone in the area.

Mr. EASTLAND. Madam President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield to the Senator from Mississippi.

Mr. EASTLAND. The Senator from Illinois has nothing to complain about. Is it not true that many Negroes leave the city of Chicago and come back South because of the economic discrimination practiced against them in the city of Chicago?

Mr. ELLENDER. I know of many Negroes who have come back, without question; but the condition which the Senator from Illinois is talking about was brought about not because we did not want to aid the Negro. It was because of our economic inability to do so.

Mr. EASTLAND. The Senator from Illinois is talking about nothing. There is no economic discrimination in the South. There is in the city of Chicago. Many Negroes leave Chicago and come back to the South because of the de facto discrimination which they faced in the city of Chicago.

Mr. DOUGLAS. Madam President, will the Senator from Louisiana yield?

Mr. ELLENDER. Madam President, I ask unanimous consent that I may yield to the Senator from Illinois, provided in doing so that I do not lose my right to the floor and without it counting as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. I do not wish to stir up the distinguished Senator from Mississippi, and perhaps I should not have stirred up the distinguished Senator from Louisiana, but I merely state that while it is probably true that some Negroes have left Chicago and returned to Mississippi, Louisiana, Alabama, or Arkansas, on the whole many more Negroes come to Chicago and stay there.

Mr. EASTLAND. I am dubious about that statement.

Mr. DOUGLAS. They stay in Chicago because there are better opportunities in employment, in education, and in other areas.

Mr. EASTLAND. If the Senator from Illinois had said that they went to California, I would agree; but when he says that they went to Illinois to stay, I say no, because there is terrible discrimination in the city of Chicago. I hear that from Negroes every day.

Mr. DOUGLAS. Many Negroes prefer Chicago and the State of Illinois to Mississippi, Louisiana, or Arkansas.

Mr. EASTLAND. I am dubious. I doubt that statement.

Mr. DOUGLAS. The population figures prove it.

Mr. EASTLAND. If the Senator had said California, I would agree with him, but when he mentioned Chicago, I know what is happening there.

Mr. DOUGLAS. The Negro population in Chicago has increased by approximately 400,000 in the past 15 years, which must mean——

Mr. EASTLAND. Many Negroes return to the South because of the ruthless discrimination practiced against them in the city of Chicago. Let us be frank about it. That is what is happening.

Mr. DOUGLAS. If that were true, the Negro population in Chicago would be diminishing, and the Negro population in Mississippi and Alabama would be increasing, but——

Mr. EASTLAND. No; they have gone farther west. They believe they will get a better deal there than in the State of Illinois.

Mr. DOUGLAS. Let me say to the Senator from Mississippi that the population figures indicate exactly the opposite.

Mr. EASTLAND. No; the population figures do not indicate the opposite. It is increasing farther west.

Mr. DOUGLAS. The Negro population is also increasing in the State of Illinois. They furnish the backbone of labor in the mass production industries, as well as contributing in many other important areas.

Mr. EASTLAND. The worst slum conditions in the world exist in the city of Chicago.

Mr. DOUGLAS. I agree they are not very good, but we are trying to eradicate them.

Mr. EASTLAND. I hope that will be done.

Mr. DOUGLAS. I once went south on the Illinois Central Railway through the States of Mississippi, Alabama, Louisiana, and North Florida, and I saw cabins——

Mr. EASTLAND. The Senator is wrong to begin with. He did not go into Alabama on the Illinois Central Railway.

Mr. DOUGLAS. Mississippi, then.

Mr. EASTLAND. That is also wrong to begin with.

Mr. DOUGLAS. It cuts across.

Mr. ELLENDER. No; it does not—it goes north and south.

Mr. EASTLAND. Let us get the facts straight. The Senator did not see a single area that compared with the slums in his own city of Chicago.

Mr. DOUGLAS. Let me say to the distinguished Senator that regardless on which railroad I was traveling I saw worse conditions in the South. In both cases, North and South, we should do better.

Mr. EASTLAND. The greatest slums in all the world are in the city of Chicago.

Mr. DOUGLAS. That is not true.

Mr. EASTLAND. The Senator has never seen any in my State, or in the State of Louisiana, or in the State of Illinois outside of Cook County, or in Kentucky, or in Tennessee, that compare with his own backyard. The point I wish to make to the distinguished Senator is that Illinois should be attempting to clean up its own bad conditions, especially in Chicago, rather than exporting those conditions to other areas of the country.

Mr. DOUGLAS. We have been trying to improve those conditions steadily for the past 20 years. We have constructed something like 35,000 to 40,000 units of public housing. We have opened up many areas to Negro settlement. There are still many things to be done, and we are working very hard on them.

I wish to defend my city against the charges which the distinguished Senator from Mississippi has made.

Mr. ELLENDER. Madam President, we have gradually veered away from the time when employment contracts could be entered into freely by the employer and employee. Today all manner of controls are exerted on both the employer and the employee, and yet, we still hear that there is discrimination and that there is no freedom of employment.

On June 25, 1941, President Roosevelt issued Executive Order 8802, which officially declared an executive policy against discrimination in employment. This was the first order or action taken in the so-called fair employment field. The issuance of this order was made necessary when Negro leaders, especially A. Philip Randolph, the head of the Brotherhood of Sleeping Car Porters, threatened to stage an organized march of 50,000 people on Washington, D.C. It is interesting to note that the same action has been taken by the same people in the year 1963 to accomplish the same result which they expected to be accomplished in 1941.

The Roosevelt decree created a so-called Fair Employment Practices Committee of five members; later increased to seven, with authority to investigate complaints and to rectify discriminatory abuses if any were found.

Madam President, I wish to say again that efforts have been made in the Senate on at least three or four other occasions to put an FEPC law on the statute books, but they failed. As I have tried to demonstrate, from the table from which I quoted, in those States where FEPC laws are in effect, which in many cases are more stringent than the one that is proposed to be enacted, no success has been attained. I venture to say that no success will be attained here either if Congress should make the mistake of enacting this title as it is written.

The Fair Employment Practices Committee held hearings in several large cities, and in spite of vigorous enforcement, very little was achieved in this regard.

Due to mounting political pressure on the President, President Roosevelt promulgated Executive Order 9346, which established a new committee, with increased authority. The order set as its ostensible goal the maximization of war production by reducing racial tension. "Discrimination" was broadly defined in this order by the method of spelling out specific examples of discriminatory practices.

Executive Order No. 9346 required that all Government contracts, regardless of amount, must contain a clause forbidding employment discrimination. In addition, the Committee was empowered to hear cases and render opinions in instances where charges of discriminatory employment were brought against firms engaged in work deemed essential by the War Manpower Commission to the war effort, whether or not the work was done under Government contract, and in instances of complaints involving discrimination in Federal agencies.

Before the Committee could invoke the antidiscriminatory provisions in Executive Order No. 9346, it had to receive a signed complaint. If the Committee investigator found evidence of discrimination, he attempted to resolve the issue, often with the aid of other Government agencies.

If the discrimination persisted, the case was referred to the Committee which was empowered to hold public hearings. If the Committee found discrimination, a course of action to exert practical pressure on the employer had to be devised. Such pressures might include: The threat of cancellation of war contracts, the lowering of the manpower requirements of any employer by the War Manpower Commission, the denial to the employer the use of placement facilities of the U.S. Employment Service, and so forth. These measures were often effective to coerce employers.

The earliest attempt to enact legislation against alleged discrimination came on June 20, 1942, when Representative Vito Marcantonio of New York, then a Member of the House of Representatives, introduced a bill to create a permanent Fair Employment Practices Committee, to function somewhat like the National Labor Relations Board. This bill was not passed. Then on December 4, 1944, during the 78th Congress, Representative Norton of Massachusetts introduced a bill to end alleged discriminatory practices. Then Senator Chavez of New Mexico introduced a similar bill in the Senate during the same session. These were the first proposals submitted to Congress to enact so-called fair employment practices legislation. The Congress did not see fit to enact such legislation then, nor in the intervening years since that time.

When Mr. Truman was elected President in 1948, many groups began to push for a Federal Fair Employment Practices Act and an amendment to the Taft-Hartley Act designed to elminate alleged racial and religious discrimination. These attempts were defeated because of the compulsory aspects of the proposed legislation.

On July 26, 1948, President Truman issued Executive Order 9980, entitled, "Regulations Governing Fair Employment Practices Within the Federal Establishment." Then again in 1951, President Truman, by Executive order, created the Committee on Government Contract Compliance. This 11-man Committee was to scrutinize government contracts to make certain that alleged discrimination was eliminated in work performed under such contracts. This Committee was abolished in 1953 by section 9, Executive Order 10479, issued, by President Eisenhower, and all its records were transferred to the newly established President's Committee on Government Contracts. In spite of all of Mr. Truman's efforts in the field of fair employment, he was accused by the political pressure groups of being a fraud in his advocacy of a Federal policy on discrimination.

In 1952, the Senate Committee on Labor and Public Welfare held hearings to determine the feasibility of a Federal Fair Employment Practices Act.

Actually two bills had been proposed. They were S. 1732, 82d Congress, 2d session, and S. 551, 82d Congress, 2d session, 1952. Both bills died in committee.

On August 13, 1953, President Eisenhower issued Executive Order 10479, reaffirming the Truman administration policy against alleged discrimination by employers holding Government contracts, and creating the President's Committee on Government Contracts to succeed Truman's Committee on Government Contract Compliance. Then on January 15, 1955, President Eisenhower issued Executive Order 10590, establishing the Committee on Government Employment Policy. This order sought to reduce alleged discrimination in Federal employment.

During 1957, the President's Committee on Government Contracts adopted several new measures designed to implement Executive Order 10479. They were, first, an annual review of compliance with the order by employers holding Government contracts; second, requests to Government procuring agencies, asking them to consider histories of discriminatory practices of companies before awarding contracts to those companies; third, the sponsorship of a youth training incentive conference to aid youngsters belonging to minority groups to get training for skilled work; and, fourth, the opening of a field office in Chicago.

In 1957, the so-called Civil Rights Act was passed by the 85th Congress, establishing a Commission on Civil Rights of 6 members to be appointed by the President, with the approval of the Senate. Section 104(A) of that act states that the duties of the Commission are to: First, investigate allegations in writing under oath that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing under oath shall set forth the facts by which such belief or beliefs are based; second, study and collect information concerning the legal developments constituting a denial of legal protection of the laws under the Constitution; and, third, appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution. This act has been in effect for several years and absolutely nothing has been accomplished under its provisions.

Mr. MORTON. Madam President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MORTON. The points which the Senator made so well in connection with Executive orders relating to the Civil Rights Act of 1957, let to somewhat voluntary accomplishment of the problem. Is that not correct?

Mr. ELLENDER. To a certain extent. However, great pressure was used on the contractors wherever Government money was used. In that way, they made some progress. Pressure was applied, but otherwise, as the Senator states, compliance was more or less voluntary.

Mr. MORTON. The Senator is speaking now of title VII, which has to do with the right to hire. Does this not also include the right to fire?

Mr. ELLENDER. The Senator is correct. It is all included in the one section.

Mr. MORTON. I am one of the few Senators who is not a lawyer. But I have made a payroll.

Mr. ELLENDER. The Senator is fortunate.

Mr. MORTON. The right to fire, it seems to me, is an important right. Indeed, no man ever got fired from a job—unless he happened to be a drunkard who was a dishwasher or something—who did not think he was discriminated against.

So every single complaint in this land under title VII as written today will be thrown into court if a man is fired and he claims "I was fired because I am a Protestant; my foreman was a Catholic." Or, "I am a Catholic; my foreman was a Protestant; a Jew; a gentile; a Negro; or white."

I had the responsibility of running the administrative end of a State department for about a year. With all the redtape involved in civil service, it is very difficult to fire someone. They merely put him in the backroom and hire another man to do the work and the man is back there.

If American industry is ever shackled in this way, I think it would be a very sad day. We cannot compete in the world. Today, we cannot compete if we cannot fire anyone for incompetency.

Mr. ELLENDER. I am in thorough agreement with the Senator from Kentucky. One thing which I am unable to understand is that many Senators who favor the bill say it is necessary to make us go forward, and yet its provisions will have a stifling effect on business.

Mr. MORTON. I am one. I favor much in the bill. But I want to change title VII.

Mr. ELLENDER. So far as I am concerned, I want to remove it from the bill.

Mr. MORTON. The Senator may have my help in doing that.

Mr. ELLENDER. I am glad to hear the Senator say that. Under the conditions that have prevailed since the United States was founded we have done extremely well under the present laws and regulations. We are the most powerful Nation in the world. It is said that we are the richest. I know we are the best fed. We produce more food than any other country in the world. All of that was accomplished under present conditions.

What annoys me is that some say, "We must change that record in order to continue doing as well as we have done in the past." If we shackle businessmen with the FEPC provision as written, and require them to make the many reports that are called for, and keep books in order to show whom they employed last week, last month, or last year, and they must keep such records to show a horde of investigators, I am sure it will have a harmful effect on business. It will do more harm, in my opinion, than good.

As I pointed out, in all the States of the Union which have FEPC laws, one can look at the record. It appears that there have been more nonwhites unemployed in States which have FEPC laws than in the States which have no FEPC laws. Why is that?

I will let the Senator answer that. It will not work. As I pointed out, that is why I placed all of this in the RECORD. I did that to show that for the past 10 or 15 years we have been attempting to legislate in the field of social relations by means of Executive orders and otherwise, all without success. One cannot force these things.

There are currently two Federal laws in force which indirectly have been used to combat alleged discriminatory practices. They are the Railway Labor Act and the Taft-Hartley Act. The Railway Labor Act has several sections which concern equality of representation. In at least two cases the court has held that a union of railroad workers acting as the exclusive representatives of a defined group of employees must accord equal protection to all members of the group irrespective of color or religion, even if some members of the group do not belong to the union. These decisions are especially significant since the Railway Labor Act was modified to permit a union shop. These cases are *Tunstall* v. *Brotherhood of Locomotive Firemen and Engineers*, 323 U.S. 210 (1944), and *Steele* v. *Louisville National Railroad*, 323 U.S. 192 (1944). There have been many other cases arising under this act.

Although the Taft-Hartley Act does not specifically ban racial discrimination, several provisions of the law by implication have reference to this problem. An example of such would be an employer interfering with or restraining or coercing employees in the exercise of rights guaranteed by section 7 of that act.

The Negroes have made such wide gains in the field of employment opportunity that in the case of *Hughes* v. *Superior Court of California*, 339 U.S. 460 (1950), the U.S. Supreme Court denied Negroes the right to picket for the purpose of forcing an employer to establish a quota hiring system. The Negroes had picketed a store in an effort to compel a white employer to hire Negro clerks in proportion to the number of Negro customers.

The picketing was restrained in the State court on the ground that it is contrary to public policy. The U.S. Supreme Court upheld the issuance of the injunction on the ground that the quota system of employment perpetuates discrimination. It is obvious from this case and all that has gone before it that the Negroes are not interested in equal employment opportunity, but in effect desire preferred treatment. In 1957 there were 15 States which had Fair Employment Practices laws. Today there are 29. These States are Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, West Virginia, Wisconsin.

The State acts have varying requirements as to the number of employees an employer must have to be subject to the act. They range from five employees upward.

Apparently this was done on administrative grounds because obviously it would be wrong for an employer with one worker to discriminate if it is wrong for an employer with 25, to discriminate. It was thought that by decreasing the number of businesses covered by the act, it would eliminate a large number of complaints which might bog down the State commissions in litigation.

In actual fact the opposite has been true. New York had expected a flood of complaints but they failed to materialize. In that State, which has a large minority element, there were less than 3,000 complaints filed in the first 9 years of operation. Had there been any real need for a Fair Employment Practices Act in New York State, there would have been many times that number of complaints. Bear in mind, these were complaints, not litigated cases. The number of valid complaints which were settled in or out of court to the satisfaction of the complainant is undoubtedly much smaller.

In setting standards for FEPC laws, if it is proper to have them based on race, color, creed, religion, or sex, it should also be proper to have them based on age. A person should not be discriminated against—whether a young man, an old man, a young woman, or an old woman. If we are genuinely sincere about an antidiscrimination law and the necessity for such a law, this requirement on age certainly should be added. A large proportion of the unemployed people in this country today are the young people out of high school and the older people past age 60. Yet, who can deny that these people must support themselves?

With that short history behind us, let us turn to the actual provisions of title VII of this bill, to see what they would do. In my opinion, they promise to strangle American business. The proposed permanence of the new Commission to be known as the "Equal Employment Opportunity Commission" is alarming. Under the plain meaning of the bill establishing the Commission, it is clear that within a very short time it would grow into a giant bureaucracy.

I wish to discuss this provision of the title creating the Commission, so that Senators will fully understand what is proposed to be enacted into law.

First, there would be five members, to be appointed by the President for 5-year terms, at a salary of $20,000 per year, and $20,500 for the Chairman.

Second, the Commission would establish regional offices where it deemed necessary, and must have one in each major geographical section of the country. This is one of the most objectionable parts because all of us well know that the empire builders who would get into every agency would within a short time have hundreds of employees.

The expenses of operating all those offices would mushroom into millions of dollars a year. There would be no end to the number of lawyers, examiners, investigators, accountants, statisticians, clerks, typists, and janitors who would be hired, most of whom would do only housekeeping services for the multitude of offices. The number of desks, typewriters, and filing cabinets required would be enormous. The bill provides for an appropriation of $2½ million for the first year, and then leaps to $10 million for the second year. It is not hard to imagine how much more it would increase in 3, 4, 5, or 10 years.

As I have noted, there is already in existence one Civil Rights Commission which roves all over the country, and the life of which would be extended by the bill. In addition, there is the President's Committee on Equal Employment Opportunity. How many commissions do we need? This title of the bill would give us a total of two such organizations with investigative powers.

The powers of the Commission would include, first, paying witnesses' fees; second, furnishing technical assistance to persons subject to the act; third, making technical studies to effectuate the act—but nowhere are we told what "technical assistance" means; fourth, investigating charges of unlawful employment practices; fifth, bringing civil actions in the name of the United States, to secure compliance; sixth, examining the evidence of any person or company being investigated; seventh, requiring the persons subject to the act to keep records, preserve them for specified periods of time, and make such reports as the Commission required.

This means that every employer in the United States who had 25 or more employees would have to maintain an elaborate bookkeeping system on a permanent basis, and to submit periodic reports to the Commission. This provision of the bill alone would directly cost the employers of this country—and the taxpayers, as well—millions of dollars annually, just to keep such useless records.

When this title was up for consideration in the House, Judge SMITH proposed an amendment to delete this recordkeeping section. He told the House:

> The expense of this is deductible under the tax provisions and 52 percent of the cost of keeping these useless records on these companies that are not in violation, have never been accused of being in violation, and never will be, because they have a program of nondiscrimination, as all the large corporations have, will be put on the Treasury of the United States.

The plain language of the bill in regard to the records is as follows:

> Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom * * *

And further on:

> The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program.

Other powers of the Commission would be to issue "suitable procedural" regulations. We know that the regulations would soon become substantive, as well as procedural.

One need only look at what the courts have done to the "due process" clause of the 14th amendment, to fully realize that under the guise of "procedure," all manner of rules and regulations would be promulgated by bureaucrats, to further constrict the freedom of the employers and the working people of this country.

Now I want to call attention to what is considered an unlawful employment practice, under the terms of the bill.

First, would be the failure or refusal to hire or to discharge any individual, or to discriminate against him with respect to compensation because of race, religion, or sex. But the bill also provides that it would be all right to hire an employee of a particular religion, race, or sex, and to discriminate against others, if religion, race, or sex were a bona fide occupational qualification reasonably necessary to the normal operation of that particular business.

From this, it would seem that the bill provides that if to one ran a Chinese laundry, it would be all right to hire only Chinese, and to discriminate against everyone else; it would seem to say that it would be all right to hire only Hungarians, if one ran a Hungarian restaurant.

Apparently, anyone who could show his national origin could discriminate against all other Americans. It is easy to see how ridiculous this whole thing would become when an attempt was made to tell someone whom he could hire and whom he could not. Obviously, any businessman will hire the man or woman best qualified for any particular position. He is going to hire someone who is pleasant and courteous to his customers. In fact, he is going to be less interested in the race, sex, and religion of the employee than this bill is.

Another part of this title declares it to be an unlawful employment practice for any labor organization to print or publish any advertisement indicating preference for any race, sex, or religion. Suppose a newspaper owned by AFL–CIO, the United Mine Workers, or any other union, regularly printed labor news of interest to its members and others, and suppose it published a notice that it wished to hire a person of some particular race. That would be in violation of this title, and would subject such labor union to court action.

What would happen to freedom of the press? Freedom of the press means freedom to print anything, except libel, no matter how foolish, prejudice, or how ignorant the content might be. The import of this provision would be that there would be no freedom of the press in this area. This would herald the beginning of the erosion of our liberties in yet another area, an area which has held a special place in the list of freedoms ever since the inception of our Republic.

One of the great inequities of this bill is the provision of free government legal assistance, even to the extent of bringing a civil action into court, to prevent an alleged discriminatory hiring practice. In the field of criminal law, a citizen of the United States can stand accused of any crime, and there is absolutely no provision for the protection of his legal rights, except the district court's appointment of a local attorney to represent him, free of charge. The practice has all too often been to wait until the accused person has been held in custody for a long period of time before the attorney is appointed.

An attorney appointed to represent an accused person free of charge is not given even the slightest bit of help by the Department of Justice. He has no means of investigating the facts, no money with which to contact out of town witnesses, nor any provision even for taking a deposition. But in this proposed legislation any person who claims he has been mistreated by another citizen can bring to bear the full weight of the U.S. Government to the point of harassment. I ask, Is this fair and just? Mr. Justice Frankfurter has said that "justice is what English speaking people traditionally think it is." I ask, in all frankness, Is this what we traditionally think of as justice?

Certainly it is more important that a citizen accused of a crime by his government should have at least the same legal protection as a person who merely alleges that he has been discriminated against. Of course, this whole thing could lead to the socialization of the legal profession. Is everyone entitled to free legal representation?

In the area of public accommodations the Attorney General's Office furnishes the free legal representation. In the area of alleged discrimination in employment it is the new Commission which is to furnish the free legal services. In the development of Anglo Saxon justice this is one of the greatest perversions ever proposed.

In section 708(b) of title VII it is provided that in States which have their own so-called fair employment laws the provisions of this title would not be operative when an agreement is made between the State and the Commission. It provides that no civil action can be brought by any person under the provisions of this section. Supposedly the aggrieved person would take advantage of the State law.

Now surely, this is a strange law which we are asked to enact; it would not operate and could not be effective uniformly throughout the United States. This provision is not here for the purpose of showing deference to the State laws. It is in fact the rankest form of hypocrisy and is aimed directly at the South. It leaves the people in the Northeastern States, which have adopted such laws, under their own laws, but it seeks to subject the people of the South to the intervention of the Federal Government. What happens to the right to "equal protection of the laws" under the provisions of the bill? Apparently, some are more equal than others.

I have discussed only a few of the obvious faults contained in title VII. There is no telling how many additional faults and evils are contained in it.

Title VIII provides that the Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. This information is to include a count of persons of voting age by race, color, and national origin, and a determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which Members of the House of Representatives are nominated or elected, since January 1, 1960. This information would be collected in connection with the Nineteenth Decennial Census, and such other times as Congress may prescribe.

What is the purpose of this title? On the surface, it would appear to be merely another collection of statistical information of the kind bureaucrats traditionally feed upon. This is not the case. It is without doubt aimed solely at the South. It will be noted that this information would only be compiled "in such geographic areas as may be recommended by the Commission on Civil Rights." It would not be gathered from all over the United States, but only from such areas as the Civil Rights Commission deemed advisable.

One can readily visualize a situation where such information might be useful if gathered nationwide so that voter participation by racial or ethnic groups could be studied by voting analysts on a nonpartisan basis. But the provisions of this title make it abundantly clear that no such purpose is even contemplated. It is designed only and solely to intimidate the South.

In recent elections, as everyone knows, it is not in the South where charges of voting fraud, stuffing of ballot boxes, discarding of boxes which are adverse, have been leveled. It is in large cities that charges of irregularities arise.

If we were to pass this title of the bill, then, for the first time in history, the Bureau of the Census would be embroiled in petty and partisan politics. Certainly the framers of our Constitution never had any such intention when they directed in article I, section 2:

> The actual enumeration [of persons] shall be made within 3 years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years.

There is no need to additionally burden the Bureau of the Census with this useless title. The primary purpose of the Census Bureau is to collect information on population so that the House of Representatives can be properly apportioned.

Section 901 of title IX provides that title 28 of the United States Code, section 1447 (d) would be amended to read as follows:

> An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise.

Now, section 1443 of title 28 of the United States Code provides that any civil action or criminal prosecution brought in a State court against a defendant who alleges that he has been denied or cannot enforce his civil rights in the State court may, upon the motion of the defendant, be removed to the Federal district court of the district in which the State court is located. Under section 1447 of title 28, the Federal court can remand the case to the State court if it decides that there were no proper grounds for the removal. Under subsection (d) of that section, the order remanding the case is not subject to appeal to a higher Federal court.

There has been a longstanding policy of Congress against any unnecesary disruption of the State court procedures. This has been an important factor in the efficient cooperation of Federal-State judicial systems. As Senators know, one of the great problems in recent times has been clogging of court calendars. Those who must concern themselves with the administration of justice have worked long and hard to find ways and means to expedite the courts' business.

Legal procedures have been worked out which, with justice to all litigants, have made for a smoother operation of our judicial system, both State and Federal. Now the proponents of this bill would upset all that has been done in this area.

It has been one of the basic cornerstones of American jurisprudence that, in the interest of an ordered society, legal controversies should be settled and litigation terminated without delay. The removal process takes a period of 10 days. If the remand order is appealable, much more time is consumed, even if upon appeal the remand order is affirmed and the case is returned to the State court. During this delay, the State court cannot act and the State remains completely without any power to resolve the civil controversy or to enforce the criminal law involved.

While the State court's hands are tied, pressure groups can organize civil disruptions and cause other violations of State laws and even the same laws which have been remanded or appealed. During all this time of Federal jurisdiction, the laws of the State which have been questioned are suspended. I submit, there is absolutely no justification for the disruption of our entire judicial system and the circumvention of the orderly due process of law which this title of the bill would bring about, if enacted.

TITLE X

Title X establishes a Community Relations Service with a Director and a staff of not more than six. Section 1002 provides:

> It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer help in case of such disputes, disagreements or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate State or local official or other interested person.

I am happy to say that there is one title of this bill which I can support, and this is the one. I do not like to oppose for the sake of opposition. I have opposed the other titles of this bill because of the inequities which they contain, and because there are many effects which we cannot even determine at this point without a thorough study of the bill in committee.

I have supported in the past every measure which was designed to promote the peace and welfare of all our citizens, and I shall always continue to do that. Title X declares that the Community Relations Service will help achieve the peaceful relations among the citizens of the community by giving its advice and assistance. The assistance given by this Service could be useful and constructive in bringing about racial accord in the communities affected by such problems. The bill does not contain detailed information on how this Service will function, but I feel that it could do a great deal to assist the local community, if properly administered.

CONCLUSION

Now, Mr. President, I have submitted to the Senate my detailed reasons for opposing this legislation, and for supporting the sound and logical reasoning offered as to why this bill should not be enacted.

But let me also refer to the reasons once advanced in support of this thesis by a man who now holds a much higher position than does the senior Senator from Louisiana. In fact, he is now the President of these United States. In discussing the limitations under which the House of Representatives works, and the necessity for the Senate to give full consideration of measures brought before it, President Johnson stated in 1949, when he was then a Member of this body:

> Like many of the Members of the Senate, I served for a number of years in the House of Representatives, at the other end of the Capitol, before coming to the Senate. I think I understand what that body can do and what it cannot do as a part of the legislative branch. It can and does feed a great quantity of new ideas into the bloodstream of legislative thinking, because of its large and diverse membership. The House, also, is a great legislative laboratory for perfecting legislation, correcting oversights, and preventing impositions harmful to specific areas or groups.
>
> But—and this I say with no intention to minimize the House's role—the House does not and cannot exert the force upon the Nation's political thinking that the Senate has and still does. Nor, in fact does the House exert the equivalent influence upon the executive branch—its Members are not so secure in tenure, the frequent elections subject the Members to whims of public opinion, which as we all know, can sometimes be aroused and inflamed by the leaders of the executive branch.
>
> Why is the House in this role? Because there is no unlimited debate there. A Member must ofttimes beg for a chance to address his fellow Members and then he is limited generally to 5 minutes or less. In that short time he is fortunate if he can impress any of his colleagues, must less impress the Nation. As a consequence the floor of the House and the cloakrooms constitute a national workshop.

I refer to this quotation of the President's when he was a Member of the Senate for the purpose of showing that then, as now, bills often come over from the House without that careful attention to detail which is necessary for all legislation, especially legislation as far reaching as this so-called civil rights bill.

The bill will be debated and studied on the floor. I hope that in the course of time we from the South and other Senators who are in opposition can make clear the implications involved in the bill.

Mr. MORTON. Madam President, I take it from the remarks of the Senator from Louisiana that he is opposed to the bill.

Mr. ELLENDER. I will leave the Senator to judge that for himself.

Mr. MORTON. Therefore, I should ask him why his party is for the bill.

Mr. ELLENDER. I will let the Senator ask the President that question.

Mr. MORTON. Madam President, I suggest the absence of a quorum.

Mr. ELLENDER. Does the Senator wish me to answer his question?

Mr. MORTON. Yes.

Mr. ELLENDER. As the Senator knows——

The **PRESIDING OFFICER.** Does the Senator from Kentucky withdraw his suggestion of the absence of a quorum?

Mr. MORTON. Temporarily.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. ELLENDER. I was about to state to my good friend that the President has gone all out for the bill, and I am sure that, in order to carry out his promises and those of his predecessor, every effort will be made to have the bill enacted as it came from the House. I am very hopeful that my good friend from Kentucky will assist some of us who are opposed to many of the provisions of the bill to either strike them out or amend them so that the bill will be more palatable.

Mr. MORTON. That I shall do; but I assure the Senator from Louisiana that I will be helpful to him to a degree—perhaps not completely, but to a degree—hoping that there may be a bill for which I can vote.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The **ACTING PRESIDENT** pro tempore laid before the Senate a message from the President of the United States submitting the nomination of George M. Cole, Jr., for permanent appointment in the Coast and Geodetic Survey, in the grade of lieutenant (junior grade), which was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE

Message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1951) for the relief of George Elias NeJame (Noujaim).

The message also announced that the House had passed the bill (S. 1828) to amend the joint resolution establishing the Battle of Lake Erie Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4149. An act to provide for the satisfaction of claims arising out of scrip, lieu selection, and similar rights;

H.R. 5159. An act to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services, and for other purposes;

H.R. 5498. An act to provide temporary authority for the sale of certain public lands;

H.R. 8305. An act to provide that until June 30, 1968, Congress shall be notified of certain proposed public land actions; and

H.R. 10437. An act to incorporate the National Committee on Radiation Protection and Measurements.

The message communicated to the Senate the resolutions of the House adopted as a tribute to the memory of the late General of the Army Douglas MacArthur.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles, and referred as indicated:

H.R. 4149. An act to provide for the satisfaction of claims arising out of scrip, lieu selection, and similar rights;

H.R. 5159. An act to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services, and for other purposes;

H.R. 5498. An act to provide temporary authority for the sale of certain public lands; and

H.R. 8305. An act to provide that until June 30, 1968, Congress shall be notified of certain proposed public land actions; to the Committee on Interior and Insular Affairs.

H.R. 10437. An act to incorporate the National Committee on Radiation Protection and Measurements; to the Committee on the Judiciary.

EXECUTIVE COMMUNICATIONS, ETC.

The **ACTING PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF SECTION 8(E) OF SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 8(e) of the Soil Conservation and Domestic Allotment Act (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON TUALATIN PROJECT, OREGON

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the Tualatin project, Oregon, dated May 1963 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON PROCEEDINGS OF INTERNATIONAL CONGRESS ON EDUCATION OF THE DEAF

A letter from the president, Gallaudet College, Washington, D.C., transmitting, pursuant to law, a report on the proceedings of the International Congress on Education of the Deaf, and of the 41st meeting of the convention, held at that college, June 22–28, 1963 (with accompanying papers); to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of New York; to the Committee on Foreign Relations:

"CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY OF THE STATE OF NEW YORK MEMORIALIZING CONGRESS TO CREATE A JOINT AMERICAN-CANADIAN COMMISSION FOR PLANNING AND EXECUTION OF A SESQUICENTENNIAL CELEBRATION OF THE TREATY OF GHENT

"Whereas the War of 1812 ended in 1814 with the Treaty of Ghent; and

"Whereas the United States and Canada have been at peace for 150 years since the signing of that treaty; and

"Whereas, the unarmed border between the United States and Canada is a monumental achievement in man's struggle for peace with justice; and

"Whereas, proper joint celebration by the United States and Canada of the 150th anniversary of the Treaty of Ghent would further strengthen the peaceful bonds between them, and be an inspiration to all peace loving nations; and

"Whereas millions of visitors from all nations will be in the cities of Niagara Falls, N.Y., and Niagara Falls, Ontario, during the summer vacation season, and it would be appropriate to hold a Sesquicentennial Celebration of the Treaty of Ghent on the Niagara Frontier during August of 1964: Now, therefore, be it

"*Resolved (if the assembly concur)*, That the Congress of the United States be and it hereby is memorialized to create a joint American-Canadian Commission for the planning and execution of a Sesquicentennial Celebration of the Treaty of Ghent; and be it further

"*Resolved (if the assembly concur)*, That copies of this resolution be transmitted to the Secretary of the Senate of the United States and to each Member of Congress of the United States duly elected from the State of New York and that the latter be urged to devote themselves to the task of accomplishing the purposes of this resolution.

"By order of the senate.

"ALBERT J. ABRAMS,
"*Secretary.*"

The petition of Magozo Oyakawa, chairman, Mobobu-cho Town Council, Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

RECOGNITION OF GOD IN PUBLIC INSTITUTIONS—RESOLUTION

Mr. THURMOND. Mr. President, I am pleased to call to the attention of the Senate a resolution which has been approved by the South Carolina Conference of the Wesleyan Methodist Church on the importance of recognizing God in our public institutions. I ask unanimous consent, Mr. President, that this resolution be printed in the RECORD and be appropriately referred.

There being no objection, the resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

RESOLUTION ON THE RECOGNITION OF GOD IN OUR PUBLIC INSTITUTIONS

Whereas the historic attitude of the U.S. Government toward the worship of God has been one of friendliness, as may be substantiated by any number of evidences; and

Whereas the American citizenry today, of whatever creed, is overwhelmingly characterized by faith in God and a recognition of our national and personal dependence upon Him; and

Whereas the intent of our Founding Fathers in forbidding the establishment of religion in the 1st and 14th amendments of our Constitution was manifestly not to remove all vestiges of our theistic faith from government-sponsored premises and activities; and

Whereas in recent years there has been a determined effort by an atheistic minority, having every personal privilege of disbelief, to secure judicial decisions purportedly based upon the Constitution to shield themselves from reminder of their minority status by the banishment of all theistic traces from publicly sponsored activities and premises, notably from our public schools which, because of compulsory attendance requirements, affect the lives of the vast majority of the children, thus undermining the historic foundation of our moral and ethical value system; and

Whereas successive actions of the Supreme Court, occasioned by the persistent appeals of atheists and agnostics, seem to indicate a growing inclination to ban from public life all worship of God, in however terms, and all recognition of Him: Therefore be it

Resolved, That this South Carolina Conference of the Wesleyan Methodist Church, assembled in its 71th annual session in Greer, S.C., respectfully petitions our legislative leaders to discover for us and for the great God-fearing majority of our people some adequate lawful redress from the above-described disability. We presume that such may require a constitutional amendment recognizing the sovereignty of Almighty God for our Nation (while granting freedom of conviction and propagation to those who choose not to recognize Him), reaffirming the doctrine that units of the government are to avoid acts and policies involving the support of establishment of organized religion, but declaring the principle that it is not deemed a contravention of this doctrine that the name of God be honored in State and civic life and that men be encouraged to read the Bible in its various versions and to worship God in accordance with the dictates of their own conscience, not excluding the incidental occurrence of such activities even from premises built or financed in whole or in part by public moneys, that this Nation may indeed be a nation under God.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHURCH:

S. 2716. A bill to prohibit the sale of silver bullion by the Secretary of the Treasury; and

S. 2717. A bill to increase the monetary value of silver to $2.5858 per ounce; to the Committee on Banking and Currency.

(See the remarks of Mr. CHURCH when he introduced the above bills, which appear under a separate heading.)

By Mr. ALLOTT:

S. 2718. A bill to amend the Internal Revenue Code of 1954 to allow a farmer a deduction from gross income for water assessments levied by irrigation ditch companies; to the Committee on Finance.

By Mr. JACKSON (for himself, Mr. MAGNUSON, Mr. BARTLETT, Mr. GRUENING, Mr. KUCHEL, Mr. ENGLE, Mr. MORSE, Mrs. NEUBERGER, Mr. FONG, Mr. INOUYE, Mr. BIBLE, and Mr. MOSS):

S. 2719. A bill to amend the Alaska Statehood Act (act of July 7, 1958; 72 Stat. 339) and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bill, which appear under a separate heading.)

PROPOSED LEGISLATION RELATING TO SILVER

Mr. CHURCH. Mr. President, in the Congress, there has historically been a dispute between the western silver-producing States and the New England silver-using States. The situation in regard to silver has altered radically from earlier times, and this longstanding dispute ought to come to an end. The problem which currently faces us in regard to silver is that our coinage is becoming so valuable in terms of its intrinsic silver content that we face the threat of having it hoarded or melted down for industrial use. The demand for silver for industrial use has increased rapidly in recent years; it is being used for defense purposes, including the building of missiles, in the photographic industry, and for many other commercial purposes. We face the prospect of a rapidly diminishing number of silver coins unless we act now.

Representative COMPTON I. WHITE, of my State of Idaho, has introduced two bills in the House which would serve as an intelligent step toward meeting this problem. These bills would increase the monetary value of silver to $2.5858 per ounce and prohibit the sale of silver bullion by the Secretary of Treasury. By pegging the monetary value of silver at twice its current level, the risk of having our coinage either hoarded or melted down for industrial use would be eliminated. The effect of these measures would be to allow silver metal to seek its natural price in a free market, while preserving the stocks of silver held by the U.S. Government for strategic governmental purposes and for future ues in coinage.

Mr. President, I ask unanimous consent to have the text of the two bills, which I now send to the desk, printed here in the RECORD, and that the two bills be appropriately referred.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. CHURCH, were received, read twice by their titles, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2716

A bill to prohibit the sale of silver bullion by the Secretary of the Treasury

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 2 of the Act of June 4, 1963, entitled "An Act to repeal certain legislation relating to the purchase of silver, and for other purposes" (31 U.S.C. 405a–1), is amended to read as follows: "Silver certificates shall be exchangeable on demand at the Treasury of the United States for silver dollars, but not for silver bullion, nor may the Secretary of the Treasury sell or otherwise dispose of silver bullion as such to private purchasers."

S. 2717

A bill to increase the monetary value of silver to $2.5858 per ounce

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 4, 1963, entitled "An Act to repeal certain legislation relating to the purchase of silver, and for other purposes" (31 U.S.C. 405a–1), is amended (1) by inserting "(a)" immediately after "SEC. 2." and (2) by adding at the end thereof the following new subsection:

"(b) The monetary value of silver is $2.5858 per fine troy ounce."

SEC. 2. (a) The Secretary of the Treasury shall so adjust the weight or fineness of the standard silver dollar that the fine silver content thereof shall have a monetary value equal to the face value of the coin.

(b) The Secretary of the Treasury shall so adjust the weight or fineness of the subsidiary silver coins of the United States that the fine silver content of any such coin shall be equal to 93 per centum of the face value of such coin.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

AMENDMENT NO. 473

Under authority of the order of the Senate of February 27, 1964, Mr. HAYDEN submitted, on April 8, prior to the convening of the Senate, the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, the following amendment, namely: On page 38, line 3, after the word available insert a colon and the following:

"*Provided,* That of such amount $50,000 shall be available only for the purpose of making relocation payments comparable to those provided for in title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1464)."

Mr. HAYDEN also submitted an amendment, intended to be proposed by him, to House bill 10433, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT NO. 474

Under authority of the order of the Senate of February 27, 1964, Mr. HAYDEN submitted, on April 8, prior to the convening of the Senate, the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, the following amendment, namely: On page 38, line 15, after the word available insert a colon and the following:

"*Provided,* That of such amount $175,000 shall be available only for the purpose of making relocation payments comparable to those provided for in title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1464)."

Mr. HAYDEN also submitted an amendment, intended to be proposed by him, to House bill 10433, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT NO. 475

Under authority of the order of the Senate of February 27, 1964, Mr. HAYDEN submitted, on April 8, prior to the convening of the Senate, the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, the following amendment, namely: On page 43, line 1, insert:

"ALASKA TEMPORARY CLAIMS COMMISSION

"*Salaries and expenses*

"For expenses necessary to carry out the provisions of section 46 of the Alaska Omnibus Act (73 Stat. 152–153), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $33,000, to be immediately available."

Mr. HAYDEN also submitted an amendment, intended to be proposed by him, to House bill 10433, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT NO. 476

Under authority of the order of the Senate of February 27, 1964, Mr. HAYDEN submitted, on April 8, prior to the convening of the Senate, the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, the following amendment, namely: On page 43, line 8, insert:

"COMMISSION ON THE STATUS OF PUERTO RICO

"*Salaries and expenses*

"For expenses necessary to carry out the provisions of Public Law 88–271, approved February 20, 1964, $250,000, to be immediately available and to remain available until June 30, 1966."

Mr. HAYDEN also submitted an amendment, intended to be proposed by him, to House bill 10433, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1385. An act for the relief of Barbara Coloma Sabio;

H.R. 1465. An act for the relief of Rifka Ibrahim Toeg;

H.R. 1503. An act for the relief of Hilda May Eave;

H.R. 1727. An act for the relief of Richard G. Green, Jr.;

H.R. 2300. An act for the relief of the Outlet Stores, Inc.;

H.R. 2735. An act for the relief of Ligia Paulina Jimenez;

H.R. 3645. An act for the relief of Yeghsa Ketenjian;

H.R. 3757. An act for the relief of Witold A. Lanowski;

H.R. 5408. An act for the relief of Jackie Bergancia Smith;

H.R. 5571. An act for the relief of Noble Frank Smith and his wife, Viola Smith;

H.R. 6267. An act for the relief of Lee R. Smith and Lee R. Smith III, his son;

H.R. 6568. An act for the relief of Frances Sperilli;

H.R. 6843. An act for the relief of David Sheppard;

H.R. 7132. An act for the relief of Wetsel-Oviatt Lumber Co., Inc., Omo Ranch, El Dorado County, Calif.;

H.R. 8415. An act for the relief of Maj. Keith K. Lund;

H.R. 8479. An act for the relief of Georgette D. Caskie;

H.R. 8964. An act for the relief of Diedre Regina Shore;

H.R. 9090. An act for the relief of Mrs. Audrey Rossmann;

H.R. 9150. An act for the relief of Miss Leonor do Rozario de Medeiros (Leonor Medeiros);

H.R. 9199. An act for the relief of CWO Stanley L. Harney;

H.R. 9220. An act for the relief of Elisabete Maria Fonseca;

H.R. 9475. An act for the relief of Miss Grace Smith, and others;

H.R. 9765. An act for the relief of Mrs. Battistina Gallo Iannuccilli; and

H.R. 9959. An act for the relief of Harold A. Saly.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1385. An act for the relief of Barbara Coloma Sabio;

H.R. 1465. An act for the relief of Rifka Ibrahim Toeg;

H.R. 1503. An act for the relief of Hilda May Eave;

H.R. 1727. An act for the relief of Richard G. Green, Jr.;

H.R. 2300. An act for the relief of the Outlet Stores, Inc.;

H.R. 2735. An act for the relief of Ligia Paulina Jimenez;

H.R. 3645. An act for the relief of Yeghsa Ketenjian;

H.R. 3757. An act for the relief of Witold A. Lanowski;

H.R. 5408. An act for the relief of Jackie Bergancia Smith;

H.R. 5571. An act for the relief of Noble Frank Smith and his wife, Viola Smith;

H.R. 6267. An act for the relief of Lee R. Smith and Lee R. Smith III, his son;

H.R. 6568. An act for the relief of Frances Sperilli;

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H.R. 7132. An act for the relief of Wetsel-Oviatt Lumber Co., Inc., Omo Ranch, El Dorado County, Calif.;

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H.R. 9199. An act for the relief of CWO Stanley L. Harney;

H.R. 9220. An act for the relief of Elisabete Maria Fonseca;

H.R. 9475. An act for the relief of Miss Grace Smith, and others;

H.R. 9765. An act for the relief of Mrs. Battistina Gallo Iannuccilli; and

H.R. 9959. An act for the relief of Harold A. Saly.

U.S. NATIONAL COMMISSION FOR UNESCO

Mr. BOGGS. Mr. President, it was my privilege last week to attend the 3-day meeting here in Washington of the U.S. National Commission for the United Nations Educational, Scientific, and Cultural Organization, usually referred to by its initials, UNESCO.

I came away from the meeting with an appreciation for the various UNESCO programs underway and a conviction that we need more Americans taking part in these programs.

UNESCO's role is chiefly one of education—and particularly education helpful to developing nations. I was struck by one phrase which I heard several times:

> The world is in a race between education and disaster.

I am afraid that this stark statement is true, and world conditions require that in the name of both expediency and humanity we do all we can to foster the spread of knowledge and technology.

UNESCO will continue to function whether or not we increase the attention we pay to it. I am convinced that it deserves our best ideas and energetic citizens as well as our money.

A report has been prepared which summarizes the 3-day meeting, and an article entitled "A New Look at UNESCO" by Eugene Sochor, Assistant Director of the Secretariat of the U.S. National Commission for UNESCO, has also come to my attention. For the information of my colleagues and others, I ask unanimous consent that both these accounts be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

NEW DEVELOPMENTS AT UNESCO OUTLINED AT COMMISSION MEETING

New developments in the program and administration of the United Nations Educational Scientific and Cultural Organization (UNESCO) were outlined at the 25th meeting of the U.S. National Commission for UNESCO which met in the Department of State from March 31 to April 2 under the chairmanship of Dr. Harvie Branscomb, chancellor emeritus of Vanderbilt University.

The 100-member Commission consisting of representatives of 60 national organizations and prominent citizens interested in education, science, and the arts, was created by Congress in 1946 to advise the Government on UNESCO programs and promote a better understanding of UNESCO by the American people.

Lucius D. Battle, Assistant Secretary of State for Educational and Cultural Affairs, outlined administrative changes in UNESCO proposed by Director General Rene Maheu. The changes call for five assistant directors general—one for education, one for natural sciences and their application to development, one for social sciences, human sciences, and cultural activities, one for communication, and one for administration.

In the education program, Mr. Battle noted that the United States favors the emphasis to be given in 1965–66 to educational planning which is the key to educational progress in the developing countries. Under the Assistant Director General for Education, there will be a Department for School and Higher Education and a Department for Adult Education and Youth Activities.

Under the Assistant Director General for Science, there also will be two Departments, one for the Advancement of Sciences and one for the Application of Science to Development. The latter Department underscores UNESCO's new role in applying science and technology to speed the economic development of new countries while leaving unchanged UNESCO's traditional role of strengthening the teaching of basic sciences and advancing international cooperation in scientific research.

The third Assistant Director General will be responsible for a Department of Social Sciences and a Department of Cultural Activities. In this section of the program, the Director General of UNESCO has instituted a Division of Philosophy embracing interdisciplinary cooperation in the fields of philosophy, human sciences, and social sciences. This division underlines the fact that in addition to technical assistance, UNESCO should reinforce the intellectual framework for development, thus fulfilling one of its basic purposes.

Following the pattern found in the rest of the program, Mr. Battle reported that UNESCO's Department of Mass Communications and the Department of International Exchange will be grouped together under an Assistant Director for Communication.

In reporting on the appointment by the Director General of UNESCO of Mr. John Fobes, a career Foreign Service officer, as the new Assistant Director General for Administration, Mr. Battle observed that having first-rate Americans contribute to the work of the UNESCO Secretariat is perhaps the most important single factor in furthering interest in the organization.

The commission in plenary session approved the conclusions and recommendations of a special committee calling for increased efforts in recruiting competent Americans for UNESCO service. The report notes that "the American people need to achieve a much greater degree of understanding of the newly developed capacity of United Nations organizations to contribute significantly to world peace." The report further notes that "the problems connected with the recent growth of the United Nations system require continuing examination for the purpose of constructing solutions compatible with the traditions and interests of the United States and the many other nations committed to peaceful conduct of world affairs."

The committee, which also examined the role of UNESCO within the United Nations, was chaired by the Honorable Ellis Arnall, former Governor of Georgia. Other commission members on the committee were Mrs. Barry Bingham, of Louisville, Ky.; Dean Ernest Griffith of the School of International Service of American University; Dr. Walter Laves, chairman of the Department of Government, Indiana University; Dr. James A. Perkins, president of Cornell University, and Lawrence M. C. Smith of Philadelphia.

In asking adoption of the report, Mr. Arnall said, "Americans need to give of themselves." He added:

"It is not enough to give of our treasure. It is not enough to give of our intellectual conclusions. We must give service. And it is in this field that your committee felt much can be done to be of help to strengthen, solidify and move forward the welfare and the advance of UNESCO and the international organizations."

In commenting on the report, Harlan Cleveland, Assistant Secretary of State for International Organization Affairs, said that the United States belongs to 53 international organizations and contributes to 22 international programs. "It is a big complicated show, of which UNESCO is one rather large, rather complicated part, but only one part," Mr. Cleveland added.

One of the most interesting and important facts of life today in international relations, Mr. Cleveland pointed out, is that the United States, as the biggest contributor to all these large organizations, must be increasingly concerned with their relationship to each other. He called for greater coordination of technical assistance activities and noted that the United States had pressed this need with the international organizations to bring about "an increasing sense of unity in the total U.N. program." He singled out

UNESCO as being very helpful in this respect.

Mr. Cleveland remarked that the United Nations General Assembly had designated 1965 as international cooperation year. He urged that such an event be used for getting more Americans to focus on the problems of building international institutions and for developing within the American community a broad-scale effort to set targets for international cooperation in every field.

The commission commended efforts outlined by Mr. Cleveland to spur U.S. participation in international cooperation year and approved the appointment of an ad hoc committee for commission activities in this field as well as in planning the upcoming 20th anniversary of UNESCO.

The commission approved a report on obligations and opportunities for its member organizations which calls particular attention to ways in which they can contribute in keeping alive the objectives of UNESCO. This report was submitted by Vice Chairman Anna Rose Hawkes, representing the American Association of University Women.

At its final plenary session, the Commission approved reports of the Committees on Education, Natural and Social Sciences, Cultural Activities, Mass Communications, and Public Information.

The report on education presented by Dean Lyman V. Ginger of the College of Education, University of Kentucky, thanked UNESCO for its initial work in the use of the mass techniques of education in the developing countries.

The Committee cited the problems of university students, particularly at the graduate level who want to study in foreign lands but lack language proficiency. It recommended that the Commission study the means for setting up regional language centers or other means to help such students gain necessary language proficiency.

The Committee on Natural and Social Sciences welcomed the proposed establishment of a UNESCO Department of the Application of Science to Development involving the cooperation of natural scientists, social scientists, and technologists. The Committee recommended again that UNESCO establish a semiautonomous unit to provide multidisciplinary analysis of complex national and regional problems of development which cannot be studied by existing agencies UNESCO should also facilitate the transfer of technical and industrial "know-how" and continue to strengthen universities. The report was presented by Dr. W. M. Myers, dean of international programs, University of Minnesota, on behalf of the Committee chairman, Dr. Roger Revelle, university dean of research at the University of California.

The Mass Communications Committee cautioned against optimistic forecasts on the use of satellites and noted that while they can transmit messages over long distances, they will not for some years be able to solve a country's educational broadcasting problems. The Committee urged UNESCO to encourage the formation of voluntary organizations of mass media personnel in developing countries and commended UNESCO's continuing efforts to encourage the free flow of educational, scientific, and cultural information. The report was presented by Howard Kany, director of international business relations, CBS television stations, on behalf of Dr. Wilbur Schramm, director of the Department of Communication and Journalism, Stanford University, chairman of the Committee.

The Committee on Cultural Activities approved the proposed activities, and in addition, recommended that UNESCO strengthen its clearinghouse activities to provide more adequate distribution of materials in art, music, and drama. It also recommended that the most valuable aspects of UNESCO's major project in promoting a better understanding between Oriental and Western cultures be retained in the regular program after the 10-year project closes in 1966. The report was presented by Dr. T. A. Larson, director of the School of American Studies, University of Wyoming, on behalf of the Committee Chairman, Dr. Paul J. Braisted, president of the Edward W. Hazen Foundation.

The Commission approved guidelines on public information which were drafted by a small committee of experts who studied ways to bring about a better understanding of UNESCO in the United States. The report was presented by Attorney Marcus Ginsburg, of Fort Worth, Tex., chairman of the Public Information Committee.

Chairman Branscomb announced that the Commission will cosponsor with the American Council of Learned Societies a seminar on the role of international voluntary organizations in intellectual cooperation. The conference will be held at Gould House, Dobbs Ferry, N.Y., April 27–29 under the chairmanship of Dr. Frederick Burkhardt, president of the American Council of Learned Societies.

A New Look at UNESCO

(By Eugene Sochor)

About 100 years ago, Thoreau, a dreamer with a burning passion for social justice, wrote that if you build castles in the air, your work need not be lost. All you need to do is to put the foundations under them.

He might have referred to the United Nations Educational, Scientific, and Cultural Organization, the most misunderstood and most maligned of the U.N. specialized agencies. Strangely enough, most of its foes and many of its friends have only an idealized concept of its purposes. They still think of UNESCO in terms of castles in the air, rather than the firm foundations underneath.

While, to be sure, UNESCO has yet to bring about lasting peace, it has become a growing force in international cooperation, performing a variety of vital tasks which fulfill the wildest expectations of its founders. This growth of UNESCO has been characterized by an ever growing membership, the inevitable clashes of the cold war, and a better grasp by all concerned of the role of UNESCO in the world today.

No one who has followed UNESCO from its early days can fail to be inspired by the change brought about by its membership, which now stands at 113. Before the end of the first session of the General Conference 16 years ago, 28 of the 44 countries represented at the London Conference a year earlier had joined the organization. Seven member States came from Europe, six were from the British Commonwealth, five from the Middle East, two from east Asia, and eight from the Americas.

The early debates as to whether UNESCO should expand knowledge and technology or bring these to bear on the needs of the poorer countries—such debates became academic as soon as the countries of Latin America and south and southeast Asia and the Middle East joined UNESCO. These countries all brought problems of poverty, ill health, and illiteracy—one more urgent than the other. These countries were not interested in the type of intellectual cooperation which had characterized the old international Committee of International Cooperation of the League of Nations. The new countries demanded direct services from UNESCO. The newer member states, mostly from Africa, presented a picture of a continent with poverty and illiteracy unmatched anywhere else. Yet, intellectual cooperation still remains an important ingredient of the UNESCO program, if not its essential "raison d'être."

As UNESCO gained strength and standing, there was the sober realization that the organization, while pursuing its lofty goals of building the defense of peace in the minds of men, could not resist the storms and stresses of the cold war.

George Shuster, the eminent educator, who has long been involved in the work of UNESCO, recalls that the early days of the organization were permeated with "an aura of unreality," having to live in the same world with Stalin and the Truman doctrine. No one was quite sure how to go about promoting peace so that, Shuster recalls, the organization was busy with a bevy of small chores, sometimes bearing such resounding names as "reducing world tensions," but often failing to be more than the hobbies of their authors.

The Soviet Union joined UNESCO in 1954. Any expectation that this member would live up to the high hopes of the UNESCO founders soon proved false. While the Soviets have paid all their dues and while they have cooperated in substantial areas of UNESCO activities, particularly in the natural sciences, where international benefits transcend national interests, they have also tried their best to make propaganda mileage out of their membership. That they have largely failed is to due to the leadership of the United States.

Also, UNESCO in its early days was marked by the all-encompassing mind of its first Director General, Julian Huxley. This brilliant British biologist and philosopher, with interests ranging from art to zoology, created an intellectual uproar with his philosophy of "scientific humanism." It mattered little that a charge of atheism, which was tagged onto this philosophy, was unfounded and that UNESCO wanted nothing to do with Huxley's proposal and that impractical projects born in the fever and enthusiasm of people called upon to accomplish great feats were soon discarded. The early charges and controversies are still grist for the mill of those elements in the United States who have tried to prove in vain that UNESCO is preaching atheism, world government, or communism. These charges have been categorically rejected by several responsible organizations. The fact that the professional foes of UNESCO have to dig up old chestnuts to win converts and that they find little new to criticize proves that the foundations of UNESCO are strong and firm. The growth of UNESCO has proceeded along practical and vital lines which shows that member states can harmonize their interests for the benefit of all and overcome the obstruction of the few.

In the field of education, UNESCO has brought countries together in Latin America, Asia, and Africa to plan for their own regional needs. It has provided experts to carry out educational planning to a number of countries of Latin America, Asia, the Middle East, and Africa. At a conference in Karachi in 1960, Asian educators called for universal primary school enrollment by 1980. This is also the hope of the African countries, which met at a conference called by UNESCO in Addis Ababa, Ethiopia, in 1961.

These initial and followup conferences disclosed that Latin America, Asia, and Africa, which contain the overwhelming majority of the world's population, have put into operation huge educational programs at a cost of billions of dollars. The bulk of the cost will be borne by these countries as they devote more of their resources to education within the concept of the United Nations Decade of Development.

The resolution of the United Nations General Assembly in 1961 on the decade of development, which was spurred by the United States, reflects an important reassessment of the role of education and human resources in economic and social development. Studies by economists in the United States and Europe have stressed that education is a good investment in more than a figurative way and a key factor in the economic growth of a country. Hence, as the director general of UNESCO has pointed out, the widespread demand for education in the world today is founded on the conviction that education is an important part of the standard of living which people want their children to enjoy as the fruit of economic development.

To fulfill their national goals, the less developed countries need more teachers, more textbooks, more school buildings and, above all, more educational planners who can project educational needs within a larger social and economic framework. The balance between primary and secondary education, the role of vocational training, the size and character of higher education—all these issues are being studied in each interested country in the light of particular needs and the growing experience of experts in the field.

As a major step in coordinating knowledge and providing the needed experts, UNESCO helped establish in the spring of 1963 an International Institute for Educational Planning in Paris. An extensive demand for educational planning missions can be foreseen in the next few years. Already, UNESCO has experts in educational planning in 17 countries. Their number will double in the next 2 years, as will the number of countries requesting them.

UNESCO will also delve into the potential of mass techniques of education, such as radio and television, teaching machines, and new teaching methods through regional workshops and teacher training projects. As stated by the Director General of UNESCO, these new techniques can help the underdeveloped countries if explored "at once critically and imaginatively."

Lack of education goes hand in hand with lack of information. Regional efforts to provide the means of education have been paralleled by efforts in the field of mass communications. The needs in this respect are no less compelling. Africa, for example, on the whole offers only 1 copy of a newspaper and 2 radio receivers per 100 people, with even lower figures for countries south of the Sahara. UNESCO estimates that 70 percent of the world's population lacks the usual means of communications. As part of the United Nations Decade of Development, UNESCO is helping underdeveloped countries draft blueprints for expanding their facilities for mass communications.

In natural sciences, UNESCO has embarked on a successful program of survey and research in land aridity, seismology, and oceanography. International cooperation in these fields, particularly between the United States and the Soviet Union, would not be possible if it jeopardized the national interest of any one country. Rather, it is possible because several countries find it in their interest to undertake jointly what they cannot do alone. This applies to ocean research which is too costly for any one nation to undertake, and to research on water and earthquakes which affect the lives and livelihood of peoples across national boundaries. Plans now underway for an international hydrological decade call for a coordinated program of observation and research in the conservation and management of water resources and the training of hydrologists.

Aside from scientific cooperation and documentation, UNESCO, as part of the decade of development, is interested in the application of science and technology for the benefit of the less-developed countries. The recent United Nations Conference on the subject held in Geneva last February has proven that science and technology are no longer the privilege of the powerful nations.

In the field of social sciences, UNESCO has also concentrated its programs on the problems of the less-developed countries, with emphasis on teaching, research, and the application of the social sciences to social and economic development. A new analysis unit is seeking better methods of assessing the impact of education, science and technology and mass communications in countries at different stages of development to help in planning and in international assistance.

Although the emphasis in the UNESCO program has shifted to educational and scientific needs, UNESCO still provides the most comprehensive introduction to cross cultural studies by translating books, reproducing art works, recording music, and providing travel grants to artists and teachers. These and other activities stimulate a better understanding and appreciation of other cultures, particularly between Western and oriental countries. This is an area which we as Americans should not overlook. Today, America's position of leadership requires us to know more about peoples of different cultures, particularly those in the non-Western World which comprises half of the world's population.

The evolution of UNESCO into a large-scale operational agency was bound to come. Perhaps nothing symbolizes the new role of UNESCO so well as the many practical tasks it is performing in Africa, Asia, and Latin America as the executive agency for the United Nations special fund in building training centers for teachers, engineers, and technicians who will staff the schools and shops needed in the less-developed countries. In fact, UNESCO's extra-budgetary resources for technical assistance almost equal its regular budget, which for 1963–64 was pegged at $39 million.

Enough has been said to suggest that the problems of development of education, science, and mass communications in the less-developed countries are global in nature. These problems cannot be confined within geographical frontiers or be solved within sovereign limits. These problems are too large even for the largest nations, and too essential to be ignored by them.

Our commitment to UNESCO must be viewed within the context of our role of leadership and our responsibilities in the face of the political, as well as social and economic, pressures in the world. We have a stake in UNESCO not only in that we provide a bulwark against Soviet propaganda and promises, but in the positive sense that UNESCO can become a powerful voice for our ideals and concepts which will be heard by many uncommitted nations. As Ambassador Adlai Stevenson noted, "One of our greatest assets in the world today is the fact that the foreign policy interests of the United States are generally in harmony with the foreign policy interests of all nations which want to see a peaceful community of independent states working together by free choice, to improve the lot of humanity. And since the majority of the nations of the world share this goal, the majority consistently side with the United States—or we side with them, depending on your point of view—when the roll is called and the yeas and nays are counted. It's as simple as that."

Our mission as Americans coincides with that of UNESCO. We seek educational and social betterment throughout the world. While we help reduce poverty and ignorance, we can help at the same time create a sense of cooperation and tolerance among mankind and build the foundations of a lasting peace.

KENNEDY'S VOYAGE OF DISCOVERY

Mr. MANSFIELD. Mr. President, in Harper's magazine for April, 1964, there appears an article, by Sander Vanocur, entitled "Kennedy's Voyage of Discovery." It deals with the trip which our late President made to the Western States in the early fall of 1963.

During the course of that trip, the late President visited Montana, and it was my privilege to be with him on that and other parts of the journey.

I remember very vividly the occasions which Mr. Vanocur describes, particularly the unscheduled visit to the home of my father, in Great Falls. I remember, too, the almost electric sense of kinship which communicated itself between the President and great audiences of westerners who came to see and to hear him.

It is a warm and moving account that Mr. Vanocur writes of a brief but vivid incident near the closing days of President Kennedy's life. I ask unanimous consent that the article referred to be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KENNEDY'S VOYAGE OF DISCOVERY

(By Sander Vanocur)

(One golden week last September J.F.K. found out some unexpected things about the West, the radical right, and how Americans feel about disarmament.)

This trip began, as had so many others before it, on the south lawn of the White House. It was the morning of September 24, 1963, and John F. Kennedy was leaving by helicopter for Andrews Air Force Base outside Washington, there to board his jet which would take him to 11 States in 5 days. The theme of the trip was conservation. Its purpose was political. When it had ended, President Kennedy had confirmed for himself what he already suspected—that the test ban treaty enjoyed wide public support, that the John Birch Society's strength in the West was exaggerated, and that he was extremely popular with the voters. It was for him a trip of discovery.

He waited that morning until the Senate had ratified the test ban treaty by a vote of 80 to 19. The vote was a great personal triumph. He was a man who seldom displayed emotion before others; but he cared passionately about bringing an end to nuclear testing, even a partial end to it, and he had made the test ban the touchstone of his entire foreign policy. The House would vote the following afternoon on the tax bill. He had been assured by aids that they had the votes to see it passed, that his presence in Washington would not be required. The news pleased him, for he enjoyed the opportunity to get out of the White House whenever possible. Few Presidents could have loved the White House the way he loved it, in both the personal and the political sense. Yet he had persuaded himself that he could run the country as well from the rear cabin of *Air Force 1* as he could from his Office.

I was the network representative in the group of reporters assigned to his plane for the first leg of the trip to Milford, Pa., that morning, and as he left the White House, he seemed happier than I had seen him in several months. The extent of the grief he felt over the death of his premature son, Patrick Bouvier Kennedy, in August was not widely known, and it had only served to intensify his affection for Caroline and John, Jr. He had scarcely known Caroline while he was off campaigning first for the nomination and then for the Presidency, but since he had come to the White House, he came to know and love his children. He was taking his son along on the helicopter to Andrews that morning—as he always did when leaving on a trip—and there John-John would make a fuss about being left behind. As I watched them, I remember thinking what a great shock that child would have when one day he was told the helicopters came from the Air Force and not F. A. O. Schwarz.

When the trip was first announced, late in the summer, Press Secretary Salinger smiled as he described it as "nonpolitical." He had good reason. The President was flying to 11 States, only 3 of which he had carried in 1960—Pennsylvania, Minnesota, and Nevada. In 10 of these States, there would be senatorial elections in 1964, with 9 Democrats trying to retain their seats. Three of them—QUENTIN BURDICK, of North Dakota, GALE MCGEE, of Wyoming, and FRANK MOSS, of Utah—were reported to be facing difficulties. A trip through the West would permit the President to come to the aid of himself and his party in an area where both needed help.

A conservation tour seemed the perfect arrangement. Such a trip had long been urged on the President by such westerners as Secretary of the Interior Stewart Udall, and New Mexico's Senator CLINTON ANDERSON. The President had always seemed somewhat reluctant. But in 1963, a freshman Democratic Senator, GAYLORD NELSON, of Wisconsin, joined with the others in urging him to make the trip. NELSON told him that not only was conservation a worthy theme for a President to support, it was also one which could win votes. A great many Americans were becoming worried about the demands of a growing population on recreational space, NELSON argued; hunters, fishermen, and campers all voted, and they cared strongly about this issue.

The idea began to appeal to J.F.K. Apart from the political advantages, a conservation tour was in the tradition of Theodore Roosevelt and Franklin D. Roosevelt. Of the two, I always believed that J.F.K. fancied himself more in the tradition of the first Roosevelt than the second. I never asked him whether this was true, so my judgment is personal and subjective. But there were similarities: the belief in the vigorous, outdoor life; the dual role of politician and historian; and the idea that he was the first President since Teddy Roosevelt to raise his young children in the White House. But on the subject of the West, I always felt the comparison paled. J.F.K. liked the West. He liked its people. But I don't think he was ever completely comfortable there, and for him the only recognizable phenomenon of nature between Mayor Richard Daley in Chicago and Assembly Speaker Jesse Unruh in Sacramento was Old Faithful.

I was never able to understand why. The best judgment I could make was that he was, by temperament and by region, a man governed at all times by a sense of restraint and proportion, qualities which are valued in the West, but not so highly as he esteemed them. On all his trips west, as candidate and as President, he somehow always managed to avoid putting on a cowboy hat, a sombrero, or Indian headdress. He dreaded the idea that he might look ridiculous, so he always accepted such headgear with grace and a remark similar to the one he offered to the Indians in Pocatello, Idaho, who presented him with a war bonnet in September 1960. "The next time I watch television," he said, "I'm going to root for our side."

He wasn't helped much by some of his closest aids, especially the "Irish mafia": Kenneth O'Donnell, his appointments secretary, and Lawrence F. O'Brien, his special assistant for congressional affairs. On one western trip in 1962, we spent the night at the Ahwahnee Hotel in Yosemite National Park. The Ahwahnee is one of the last of the great railroad hotels in the West. Yet when O'Brien walked through its spacious lobby, breathing in all that good mountain air, he insisted the place was too stuffy and vowed he would speak to Stewart Udall at the earliest opportunity about having the hotel air conditioned. Later the same night, O'Donnell and O'Brien stood at a hotel window watching the fire fall, a park ritual, in which glowing embers are dropped thousands of feet down a canyon wall. When it was over, after much hoopla and delay, O'Donnell turned to O'Brien and said: "I haven't been so excited since my first communion."

But J.F.K. became more and more fascinated with the West and was planning to spend a summer vacation with his family on a ranch, possibly just before the 1964 campaign began. He was also increasingly interested in its political importance, for, as he surveyed the country—looking for areas where he might compensate for the expected loss of some Southern States—the West appeared to him to be a political target of opportunity. O'Donnell, sensing the importance of this particular trip, called in Jerry Bruno from the Democratic National Committee to go out and make the advance arrangements.

Someday, a candidate for a Ph. D. in political science is going to enrich the literature with a study of advance men. In campaigns, they go ahead of the candidates, making all the local arrangements. Most of the time, they act as abominable nomen, for their candidate's interests are not always the same as the interests of the local officials. When this occurs, the advance man, especially if his name is Bruno, always has the last word—which is "no." On the advance for this trip Bruno said "no" so often in northern California that one local politician started calling him a dictator, telling his aids to clear everything with "Mussolini." But when Bruno had returned to Washington, so great was J.F.K.'s interest in this trip, that he walked into the Fish Room of the White House one day as O'Donnell was reviewing arrangements with Bruno and made a few alterations in the plans.

At Milford, the first stop on the trip, J.F.K. spoke at ceremonies dedicating the home of Gifford Pinchot, a pioneer in conservation, as the Pinchot Institute for Conservation Studies. In Ashland, Wis., that afternoon he was reminded of a stopover during the 1960 Wisconsin presidential primary campaign and he told the crowd: "I am, I think, the second President of the United States to spend the night in Ashland. Calvin Coolidge was here for some weeks, some days, but he never said a word. I was here for one night and spoke all the time."

That night, at the Duluth branch of the University of Minnesota, he made a perfectly dreadful speech, one of the worst reporters could remember. He rambled all over the lot, touching all bases, including conservation. Not once during the speech was he interrupted by applause. The following morning at the University of North Dakota in Grand Forks, reporters groaned as he told a story about Prince Bismarck categorizing the students of Germany: "One-third broke down from overwork, another third broke down from dissipation, and the other third ruled Germany. I do not know which third of the student body of this school is here today." We had heard the story a hundred times and we marked down the speech as another lackluster performance.

Though the crowds were large and friendly, the President had not set them on fire and it was becoming increasingly difficult for us to compete in our stories with the news breaking elsewhere. The House was voting that afternoon on the tax bill, and the news was out that American wheat traders had gone to Ottawa to talk with Soviet trade representatives about the possible sale of our surplus wheat. Reporters on the President's trip sought to make the story better than it really was by concocting vivid leads. The prize that second day went to Peter Lisagor of the Chicago Daily News, who began his story this way: "John F. Kennedy has been wandering through the West for the past 2 days like a strolling repertory player, alternating between the role of Paul Bunyan and Smokey the Bear."

WHAT HAPPENED IN BILLINGS

But late that afternoon of Wednesday, September 25, both the President's mood and style were to undergo a remarkable change. He had been informed by O'Brien by phone from Washington that the tax bill had passed by a greater margin than had been expected. This, plus the passage of the test ban treaty, constituted Kennedy's greatest legislative achievements. The crowd which welcomed him in Billings, Mont., was enormous and, considering this was Republican territory, it was enthusiastic. At the Yellowstone County fairgrounds he was introduced by the State's senior Senator, MIKE MANSFIELD, the majority leader. He rose to praise the leadership of MANSFIELD and of Minority Leader EVERETT DIRKSEN in securing ratification of the test ban treaty. When he mentioned these three words, there was prolonged cheering and applause. He knew that radioactivity was a source of some concern in the West and that the 150 Minuteman missile silos in the State caused anxiety. But even knowing this, he appeared to be somewhat surprised by the reaction to his reference to the test ban treaty.

J.F.K. had many faults as a speaker—he often threw away his best lines—but one of his more remarkable qualities on the political stump was his ability to shift gears if he sensed his audience was drifting away. In the same way, he could quickly begin to enlarge and embellish a theme if he sensed it was catching his audience. In Billings, he knew after the first response to his mention of the test ban treaty, that this crowd was his, and he started to develop the peace theme, his right forefinger stabbed the air, and the strident tone of the campaign days returned to his voice.

He talked about the nuclear confrontations of the past 2 years, the one over Berlin in 1961 and the more menacing one over Cuba in 1962. "What we hope to do," he said, "is lessen the chance of a military collision between these 2 great nuclear powers which together have the power to kill 300 million people in the short space of a day. That is what we are seeking to avoid. That is why we support the test ban treaty. Not because things are going to be easier in our lives, but because we have a chance to avoid being burned."

We left Billings and flew to Jackson Hole, Wyo., for the night. I suppose that in retrospect it is easy to make too much of this time and that place as the moment of truth or the instant of discovery. But I thought that night, and have had it since confirmed by those in a better position to know, that the President knew from then on that people in the West were really not very much interested in hearing him talk about conservation. Many of them had come long distances and had brought their children to hear him. They knew more about dams and reclamation projects than he would ever learn. What they wanted from him, what they wanted to hear from any President, was a discussion of the more cosmic issues—peace and war, the economy, automation, and the kind of education this society was going to provide for their children.

He welcomed the discovery. It fit the mood he was in. During his campaign for the Presidency, he had often cited Teddy Roosevelt's description of the Office, "a bully pulpit." But at least during the first 2 years in office, J.F.K. showed some reluctance to play to the full the important role of the President as educator. As a total rationalist, he hated to preach and to harangue. But during his third year in office, he felt compelled by events to place more emphasis on this role. His experience in Billings brought into focus what he was to talk about during the rest of the trip.

In Jackson Hole that night, there was a sense of excitement. We finally had a story Actually, we had only the faintest glimmerings of what had happened, that what we had embarked upon the previous day in Washington had changed from a routine political excursion into an exercise in political discovery. For myself, I remember vividly only two events that night: Salinger and O'Donnell looking up from the dinner table and staring at Stewart Udall in amazement when he suggested that the President might like to get up at 5:30 the next morning for a nature hike; and later in the evening, sitting next to Robert Baskin of the Dallas News as he telephoned his office to confirm that J.F.K. would be coming to Texas in November.

In Great Falls, Mont., the next morning, the size and warmth of the crowds continued to amaze the President and Mike Mansfield. At the stadium, the President continued to develop the theme of peace and the test ban treaty and wove into it education, a subject which he was planning to use as an issue in the 1964 campaign. He talked about our children as our greatest natural resource and asked: "What chance do they have to finish school? Will their children grow up in a family which is, itself, deprived, and so pass on from generation to generation, a lag, a fifth of the country which lives near the bottom while the rest of the country booms and prospers?"

On the way back to the airport, the President stopped off to see Mansfield's 86-year-old father. It was the President's idea. Mansfield urged him not to bother. But the President insisted. It was gracious and characteristic. When he asked the elder Mansfield how he thought his son was doing, the old man replied: "I think you're both doing a pretty good job."

IN THE MORMON TABERNACLE

On the way from Great Falls to Hanford, Wash., reporters were given the advance text of the speech the President was to make that night in the Mormon Tabernacle in Salt Lake City. Salinger had been assuring reporters all morning that the speech was not an attack on Senator Goldwater but rather an exposition of the President's views on the complexities of foreign policy. Yet, as I sat on the press plane reading the advance, I came across a passage which deplored the idea that "we pick up our marbles and go home" if we did not get our own way in the world. Salinger was sitting in front of me enjoying a beer, and I leaned forward to remind him that the line was vintage Goldwater. He bolted for the pilot's compartment and got on the radio to *Air Force 1*, demanding to know from a secretary how that line from the original text had found its way into the finished version of the speech. It had been a mistake and he returned to the cabin to advise reporters to substitute a line which no one could say came from the mouth of Barry Goldwater. It was an exercise in futility. All of us wrote stories saying the speech was a refutation of Senator Goldwater's views.

After a brief stop in Hanford, Wash., for ceremonies dedicating a nuclear power reactor, the President flew on to Utah. Salt Lake City that night was the climax of the trip. I could only remember one other occasion like it, that moment during the campaign when John F. Kennedy came to Houston, Tex., in an effort to convince Protestant ministers that a President could be true to his Catholic faith and to the Constitution of the United States. We had heard in Washington that J.F.K. was not very popular in Salt Lake City, that the area was a bastion of John Birch Society strength. Yet the trip from the airport to the center of the city made us realize that what we had heard in Washington did not square with what we could see in Salt Lake City. The crowds along the route were large, they were enthusiastic, and when he arrived at the Hotel Utah, he was mobbed.

In the Mormon Tabernacle that night John F. Kennedy found his vindication. He had once told an aid who was very close to him personally that if he had to lose the 1964 election because of his stand on the test ban treaty, then he was willing to pay the price. But from the moment he entered the tabernacle, he must have known that particular sacrifice would never have to be made. The reception was incredible. The audience applauded him for at least 5 minutes as he entered, interrupted him many times during his speech, and gave him a prolonged, standing ovation when he had finished. The speech was a plea for acceptance of a complicated world where oversimplification and withdrawal had no place, nor any virtue. Just as he had stood in the center of Europe 3 months before, urging Europeans not to withdraw unto themselves, he now stood in his own land and asked the same of his countrymen.

THE BEST JOB IN THE WORLD

In Tacoma, Wash., the following morning, he was in a marvelous mood and after hearing a description of the wonders of Mount Rainier, he told the crowd in the stadium to go and see "the Blue Hills of Boston, stretching 300 feet straight up, covered with snow in winter; then you'd know what nature could really do." He continued the theme that he had been developing since Billings, that the problems we faced—unemployment, school dropouts, and economic growth—were complex, but they would have to be met and solved if we were to be able to maintain our commitments around the world. As he left Tacoma, he was further cheered by news from the State chairman that his stand on the test ban treaty would help him greatly in a State where many women voters were concerned about fallout.

The President was due to spend Friday night in the superintendent's cabin at Lassen Volcanic National Park in northern California, an arrangement which prompted among the press corps many variations on the theme that it was still possible in America for a President to be born rich and grow up to live in a log cabin. On the flight from Tacoma to Redding that afternoon, Jerry Bruno, still sweating and nervous in the finest tradition of all advance men, stopped to chat with Mrs. Evelyn Lincoln, the President's secretary. He asked her if the President had been pleased with his reception in Salt Lake City. She told Bruno she had never seen him happier. Perhaps it was this satisfaction which prompted him to allow photographers to be brought up from Redding to take pictures of him feeding bread to a tame deer, the kind of corny set-up shot which he had always avoided in the past. He was happy and relaxed that night and told Dave Powers and Kenny O'Donnell that the park superintendent had the best job in the world.

Saturday was the final day for speeches. The first was at the Whiskeytown Dam and Reservoir, where for the first time in public he seemed to accept the idea of a 35-hour workweek, and he asked whether or not there would be green grass for people to see when finally they could spend more and more time away from their jobs. In the convention hall in Las Vegas, a few hours later, in his last speech of the tour, he wove together all the themes he had been developing over the past 4 days—peace, conservation, education, and the necessity to find jobs for a population which would total 350 million by the end of this century. Here, as in Billings, Great Falls, Salt Lake City, and Tacoma, the crowd was his, and you knew this was no longer a tour, it was a campaign. If John F. Kennedy ever had any doubts about his reelection—and I think he had none—they were dispelled by this trip.

The President relaxed Saturday afternoon and all day Sunday at Bing Crosby's home in Palm Springs, watching football on television, taking an occasional swim in the pool, and discussing with Powers and O'Donnell how well the trip had gone. He returned to Washington, Monday, September 30. Shortly after he walked into his office, he called Evelyn Lincoln in to dictate this letter to Jerry Bruno:

"Dear Jerry: The Western trip represented an outstanding job of organization and planning. Please accept my warmest thanks.

"With every good wish,

"Sincerely,

"John F. Kennedy."

Bruno has the letter in his desk at the Democratic National Committee in Washington. He had worked for John F. Kennedy since 1959, but this was the first letter he had ever received from him. It was also the last.

RECESS TO 10 A.M. TOMORROW

Mr. MORTON. Madam President, I am about to suggest the absence of a quorum.

Mr. PELL. Madam President, I ask the Senator to withhold that request so that I may move that the Senate stand in recess, in accordance with the previous order, until 10 o'clock tomorrow morning.

Mr. MORTON. Because of the charming lady who is in the chair, I agree.

The motion was agreed to; and (at 9 o'clock and 26 minutes p.m.), under the previous order, the Senate recessed until tomorrow, Thursday, April 9, 1964, at 10 a.m.

NOMINATION

Executive nomination received by the Senate, April 8 (legislative day of March 30), 1964.

Coast and Geodetic Survey

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Coast and Geodetic Survey:

To be lieutenant (junior grade)

George M. Cole, Jr.

HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1964

The House met at 11 o'clock a.m.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Matthew 5: 16: *Let your light so shine before men that they may see your good works and glorify your Father who is in heaven.*

Eternal God, our Father, who hast revealed Thyself in the heart and history of mankind, incline us to be more sensitive and responsive to Thy presence and power in these days of crisis and confusion.

We rejoice that we are never absent from Thy thought and love. Thou art always near us when our life becomes a thing of conflict and struggle, of strain and stress, of difficulty and danger.

May we humbly recognize how luminous and lovely our human life could be if we would only give Thee the right-of-way and the place of preeminence at all times.

Inspire us daily with a triumphant and all-transfiguring faith that the time is coming when there shall be a nobler type of humanity and when our vision of righteousness and peace shall be the supreme reality.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

THE LATE REVEREND BRUCE KLUNDER

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ULLMAN. Mr. Speaker, on Tuesday a fine young man died for a cause. It was a cause he felt it his Christian duty to support—not just by words, but by action. I am sure he did not expect to die, nor did any of the others who were present at the tragic scene intend that he should, but it happened. He died in a heroic gesture of defiance against what had become to him and others a symbol of injustice and inequality.

Rev. Bruce Klunder died in his adopted home of Cleveland, Ohio, but it could have happened anywhere. In his family home of Baker, Oreg., his bereaved parents are, I am sure, searching their hearts for answers to many questions. To my good friends Everett and Marie Klunder, Bruce's death looms as a crushing personal loss. To the young minister's wife, Joanne and children, it means a long agony of sorrow. We who know these fine people feel a deep sadness.

The courage that has been shown by Mrs. Joanne Klunder matches that shown on Tuesday by her husband. She has appealed, not for revenge, but for that understanding and tolerance that her husband sought for others. Reverend Klunder was not a fanatic, he was a highly educated, intelligent and rational young man whose brief career as a Presbyterian minister and adviser to young people held the promise of great service to God and country. Can anyone say that he did not render a far greater service to those things he loved the most?

To the family of this brave man we can only offer our sympathy, but to his memory we can rededicate ourselves to the promise of freedom, justice and equality of opportunity for which he worked, fought and died.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 95]

Ashbrook
Brock
Bromwell
Buckley
Burleson
Burton, Utah
Cameron
Davis, Tenn.
Dowdy
Fulton, Pa.
Glenn
Gray
Griffin
Griffiths
Hawkins
Hébert
Jones, Ala.
Kee
Lennon
Lipscomb
Matsunaga
O'Brien, Ill.
Powell
Rivers, Alaska
Rogers, Tex.
Roybal
Taylor
Teague, Tex.
Thompson, N.J.

The **SPEAKER.** On this rollcall, 404 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FOOD STAMP ACT OF 1964

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10222) to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 10222, with Mr. LANDRUM in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN.** When the Committee rose on yesterday the Clerk had read through section 1, ending on line 4, page 1, of the bill. If there are no amendments to this section, the Clerk will read.

The Clerk read as follows:

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, the local governmental units to the maximum extent practicable to safeguard the health and well-being of the Nation's population and raise levels of nutrition among economically needy households. The Congress hereby finds that increased utilization of foods in establishing and maintaining adequate national levels of nutrition will tend to cause the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To effectuate the policy of Congress and the purposes of this Act, a food stamp program, which will permit those households in economic need to receive a greater share of the Nation's food abundance, is herein authorized.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that the bill be considered as having been read and open in all places for amendment.

Mr. HOEVEN. Mr. Chairman, I object.

Mr. JONES of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think that we should give recognition right at this point to what is declared to be the policy of Congress, because as we go through this bill I think we will find some things that are contrary to the expressed policy that we enunciate here. We speak about the abundance of food, we speak about trying to use that abundance of food, and we also speak about using it cooperatively among the States, the Federal Government, and the local governmental units to the maximum extent. We also, down in line 9, on page 1, speak again of our agricultural abundances and we speak about strengthening our agricultural economy. I have been interested in the debate on this bill in committee and on the floor. I still have apprehensions concerning some of the things we are attempting to do here. When we get to the proper point in the bill I expect to offer an amendment which I think will have the effect of utilizing the abundances that we have. Unless we do make some amendments to this bill along that line we are going to actually reduce the use of the commodities that we have in surplus.

Unless we insure that those commodities that we have in great abundance are used we are actually going to decrease the distribution of wheat products, corn products and dairy products and encourage the use of commodities that are not in surplus.

Mr. Chairman, I want to call your attention to the language on page 2, line 11 through line 15. Bear this in mind as we debate the rest of this bill and as these amendments are offered. The language reads:

> To effectuate the policy of Congress and the purposes of this Act, a food stamp program, which will permit those households in economic need to receive a greater share of the Nation's food abundance, is herein authorized.

The way this bill is written it will not insure greater use of the abundance that we have. We have a problem in this Nation, our ability to overproduce. I have no desire to curtail the use of these products by needy people who should have all of the oversupply that we have, but I want those products to be used first and then we can talk about getting into these other items which are not in such great abundance and which do not constitute a problem. I think we should concentrate, if we can, our efforts on getting rid of the surpluses that we have which would also reduce the cost of this program.

Mr. Chairman, at the proper time I shall offer an amendment to the language on page 4, lines 21 through 25, to strike out that language because it actually constitutes a prohibition against the use of our abundance. I think that language should be taken out and the matter should be left to the discretion of the Secretary.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to ask someone on the committee the meaning of the language which appears on lines 23 and 24, page 2 of the bill. The sentence begins on line 23 and reads as follows:

> And those foods which are identified on the package as being imported from foreign sources when they arrive at the retail store.

What is the meaning of the additional language "when they arrive at the retail store"? Apparently this is a committee amendment, designed to deal with imported foods.

Mr. COOLEY. If the gentleman will yield, I think it means exactly what it says. If it is identified on the package as having been imported, it is not available under the program.

Mr. GROSS. If it is not identified on the package, can foreign food be distributed under this program?

Mr. COOLEY. Yes.

Mr. GROSS. If it is not identified on the package?

Mr. COOLEY. Exactly.

Mr. GROSS. It is that simple? In other words, this Government can import all the beef it wants to from Australia or New Zealand, or it can import kangaroo meat and the participants under this program can eat it, if there is no label on it?

Mr. COOLEY. The program is safeguarded by a provision on page 5 which places the responsibility on each State to establish standards and to determine the eligibility of applicants. The program will be administered by people back in the several States at the local level. I know that they will not encourage the use of kangaroo meat.

Mr. GROSS. I did not say they would encourage the use of kangaroo meat. I am talking about the poverty stricken of this country being fed kangaroo meat without knowing what they are getting.

Mr. COOLEY. If the kangaroo meat is not marked, they can buy it, and if it is not identified as having been imported in the areas at the local retail level.

Mr. GROSS. And it can be fed to the people under this program?

Mr. COOLEY. That is right.

Mr. GROSS. That is just lovely.

Let me ask the gentleman another question concerning this bill.

On page 21 of the report I notice a nondiscrimination provision. If a State is held to be in violation of civil rights, can funds which are appropriated for the purpose of carrying out this act be withheld from such State?

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. ROSENTHAL. I would be happy to try and answer the gentleman's question.

Under the provisions of this act there would not be any prohibition, but there is other legislation now pending in the Congress which might very well take care of the situation to which the gentleman is referring. However, in this bill itself there is a provision that there shall be no discrimination against any individual applicant or families that apply for the benefits of the bill.

Mr. GROSS. By reason of race, creed, color, or national origin?

Mr. ROSENTHAL. If the gentleman will yield further, yes, that is quite correct.

Mr. GROSS. So without any additional legislation, States in which there are alleged violations by reason of race, creed, color, or national origin, the provisions of this bill, the benefits of this bill, could be withheld, if there are any, from that State. Is that right?

Mr. ROSENTHAL. If there is actually discrimination, that is quite correct.

Mr. GROSS. So that there is an antidiscrimination provision contained in this bill?

Mr. ROSENTHAL. There is a provision in this bill that prevents families, by reason of race, creed, color, or national origin, from being discriminated against.

Mr. GROSS. And the funds for the implementation of the provisions of this bill can be withheld from a State or from a community on the basis of a violation of civil rights; that is correct?

Mr. ROSENTHAL. This bill does not provide that as such in that language.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. LATTA. On page 10 of the bill, line 3, there is this language:

> In the certification of applicant households for the food stamp program there shall be no discrimination against any household by reason of race, religious creed, national origin, or political beliefs.

I want to stress the words "political beliefs," because under the pilot program, as was pointed out yesterday and as acknowledged on the other side of the aisle, only 8 Republican districts of the 43 districts receiving this aid now are Republican districts.

Certainly, there has been some political discrimination shown in the operation of this pilot program.

I know that entire areas or entire States have not been considered.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LATTA. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. So, there is also a political discrimination provision in the bill; is that correct?

Mr. LATTA. Yes, but I do not think it goes far enough. The provision that I just read in my opinion pertains to households, but you have got to be located in an area that is receiving the benefits of this program before you are an eligible household. Therefore, they can discriminate against whole States or against whole areas in the administration of this program. This will not help the household at all if it happens to be located in a Republican congressional district.

Mr. GROSS. For the benefit of those who believe in States rights, there is no question whatever, is there, that a community or a State can be penalized if there is a violation of the provisions against discrimination by reason of race, creed, color or national origin? There is, I will say to the gentleman, this provision in the bill, and there is no question about that, is there?

Mr. LATTA. That is correct.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. COOLEY. Do I understand the gentleman is objecting to the language on page 10, lines 3 to 6 inclusive?

Mr. GROSS. I pose as no expert on this bill. I am trying to find out what is in it. I am trying to find out whether we have another civil rights bill.

Mr. COOLEY. I would compliment the gentleman. He always knows what is in every bill that comes up.

Mr. GROSS. I am just trying to find out. Let me now ask the chairman, is there a civil rights provision in this bill?

Mr. COOLEY. No. There is a provision against discrimination.

Mr. GROSS. That is, a civil rights or civil wrongs amendment.

Mr. COOLEY. It is to the effect there is to be absolutely no discrimination.

Mr. GROSS. And the gentleman supports this?

Mr. COOLEY. Yes.

Mr. GROSS. The gentleman from North Carolina supported the civil rights bill?

Mr. COOLEY. The gentleman may look at my record on that. I am not going to discuss that here now.

Mr. HOEVEN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa.

Mr. HOEVEN. I call the gentleman's attention to the fact, if he will refer to pages 21 and 22 of the committee report which expresses the minority views, he will find the following:

> It should be noted also that H.R. 10222 has deleted a number of the antidiscrimination provisions which were included in the original recommendation submitted by the late President Kennedy. Prior to the passage of the civil rights bill, an amendment to restore these provisions was pending in the committee. However, title VI of the House-passed bill contains the following provisions:

I am referring to the civil rights bill. I do not think there is any question but what H.R. 10222, if it becomes law, the provisions of title VI of the civil rights bill will be enforced under the food stamp plan.

Mr. ALBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, since this subject has been brought up, it seems to me that reference should be made to the committee report where the policy of the committee is definitely set forth.

On page 13, under discussion relating to section 4, there is the following:

> This section contains the general authority and the directive to the Secretary of Agriculture to establish the food stamp program in any area where such a program is requested by the appropriate State agency and

which qualifies under the provisions of the law and the regulations issued by the Secretary.

Here is what the committee says in the committee report:

> The committee construes this authority to the Secretary to be mandatory. If the request for a food stamp program in any area is made by an appropriate State agency, if the State and the area meet the criteria established in section 10 of the act and in regulations properly issued by the Secretary pursuant to the act, the Secretary would be required to establish a food stamp program in such areas.

Mr. Chairman, any other construction of this matter is done, not with the purpose of clarifying this bill, but of throwing up a smokescreen designed to point up something that really does not exist.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. I think we ought to make a record here of legislative history so we may know where we stand if this bill passes. As the gentleman from Iowa [Mr. GROSS], has clearly pointed out, title VI of the Civil Rights Act in my judgment and the judgment of the gentleman from New York [Mr. ROSENTHAL], who just answered the gentleman from Iowa, would prohibit certain States from receiving the benefits of this program. Does not the gentleman agree that if there is discrimination in a State, and segregation is interpreted as discrimination, that said State could be denied the benefit of this program?

Mr. ALBERT. I would say to the gentleman that in my judgment this legislation is pertinent specifically with reference to this program.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from New York.

Mr. ROSENTHAL. The point is that title VI would apply only, if it applied at all, if there were discrimination in the administration of this program. The testimony before the committee was that there had been not even one example of discrimination in this program. This bill provides that in the application to households there shall be no discrimination. So it seems to me that the bill in the other body would have no practical effect on this matter, because the prohibition is contained in this bill itself.

Mr. ABERNETHY. Are we now assured, as far as assurance can be given here, that title VI of the civil rights bill does not relate in any shape, manner, or form and will not in the future relate to the administration of this act?

Mr. ALBERT. The gentleman knows I cannot give any such assurance, but so far as this bill is concerned, the committee has control of this bill. I think the language is clear. I am sure that the Secretary is required to establish a food stamp program if proper application is made.

Mr. ABERNETHY. But he is also authorized under title VI of the civil rights bill to withhold every dime from a State where segregation is practiced.

Mr. ALBERT. I am here to discuss the food stamp bill at this time.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from North Carolina.

Mr. COOLEY. It is clear this language is put in there for a purpose.

Mr. ABERNETHY. I know the purpose.

Mr. COOLEY. As the majority leader has pointed out, I do not see how the civil rights bill can possibly affect this language in the law.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. ANDREWS of Alabama. I should like to ask the chairman of the committee, in line with what the gentleman from Mississippi is talking about, title VI of the civil rights bill, the gentleman well knows that throughout the years the Hill-Burton hospital bill has had provisions similar to the one this committee has in this report. Recently the Supreme Court held that regardless of that language the Hill-Burton hospitals had to be integrated.

Mr. COOLEY. The gentleman has brought up something else. This program is integrated, with all races, colors, and creeds.

Mr. ANDREWS of Alabama. Title VI of the civil rights bill if it becomes law prohibits any Federal money going into a State for any reason, hospitals or whatever, if segregation is practiced.

Mr. ALBERT. Mr. Chairman, I decline to yield further.

Obviously the provisions of this bill for this program make it mandatory that when a proper application is made for a food stamp program the Secretary of Agriculture shall establish that program.

Mr. BELCHER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, far be it from me to get into a Democrat argument when it was going so good on the other side with the four of them engaging in it. I would have to call to the attention of my good friend, the gentleman from Oklahoma, that if this does say it is mandatory, it will require $2½ billion to implement this program in the United States if everybody applies for it. If the Secretary does not have the money to implement all these programs, then the Secretary certainly can have some discretion as to which one of these applications will be acted on. I might also call attention to the fact that the RECORD does not show that in the State of Mississippi there has ever been a pilot program of this kind.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman.

Mr. COOLEY. The gentleman from Oklahoma [Mr. ALBERT] did not read the rest of that paragraph. It says it is mandatory that he shall put the programs in operation if funds are available. We have restricted the funds.

Mr. BELCHER. If funds are not available, which program is going to be put into operation?

Mr. COOLEY. He uses his own discretion.

Mr. BELCHER. That is what I thought. This gives the Secretary the authority to do just what he has done now and that is not to put a pilot program in Mississippi, if he does not so desire. I think there are about 51 pilot programs in the United States, but he has not seen fit to put one in Mississippi. The fact of the matter is that there are only three Southern States which do have the pilot program.

Mr. COOLEY. I wonder if Mississippi has asked for a food stamp program.

Mr. ABERNETHY. I am afraid Mississippi would not get it if they did.

Mr. COOLEY. I asked for it and I have it in my home county and I did not use any undue influence. My people want it.

Mr. BELCHER. I am certainly sure that the chairman of the House Committee on Agriculture with a Democrat Secretary of Agriculture would not have any influence at all, if he asked for a pilot program. If I was the chairman of the Committee on Agriculture with a Republican Secretary of Agriculture, I believe I could get one in my district if I desired it. One of the principal provisions of this bill is the fact that it does give the Secretary of Agriculture authority to place these programs wherever he wants to regardless of every other consideration. And it goes further than that—it permits the Secretary of Agriculture to qualify people for this program who have not been qualified for relief in their home districts. The fact of the matter is that Members of Congress could qualify for food stamps providing they could get Secretary Orville Freeman to approve it. In view of the fact that we had a discussion here a while back with a lot of Members telling how hard up we were, I think on the basis of the CONGRESSIONAL RECORD, Secretary Freeman will be justified in qualifying us for food stamps.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman.

Mr. COOLEY. I am sure the gentleman wants to be fair about it. The Secretary of Agriculture cannot qualify anybody. He cannot establish the eligibility of a single recipient. He cannot get this program to go into a community unless the community asks for it and unless the community is willing to participate.

Mr. BELCHER. But he can qualify in a community in which the program is in operation—he can qualify people at his discretion. People who are not qualified by the local authority.

Mr. COOLEY. No, the gentleman has not read the bill. Look at page 4, line 10, where it says that each State shall establish eligibility. It is not the Secretary of Agriculture.

Mr. BELCHER. The Secretary can qualify people whether they are qualified by the local authority or not.

Mr. COOLEY. No, he definitely cannot do that.

That is the reason for the provision that the State shall establish eligibility and that such authority shall be administered by local authorities.

Mr. BELCHER. But eligibility to qualify in a State food stamp program shall be subject to the approval of the Secretary.

Mr. COOLEY. Certainly.

Mr. BELCHER. Certainly.

Mr. COOLEY. The bill requires that eligibility shall be established at the local level and he must approve it.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentlewoman.

Mrs. SULLIVAN. If the gentleman will refer to the Congressional Record of yesterday at page 7142, he will see the limitations of income applicable as to the qualification of people.

Mr. BELCHER. Of course, I read the bill when it came through the committee.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

(By unanimous consent, Mr. Belcher was given permission to proceed for an additional 3 minutes.)

Mr. BELCHER. I merely wish to continue for a few minutes, to make comment on the discussion of the gentleman from Missouri, who said it has been absolutely admitted that this program will not dispose of as many surplus commodities as the present program will dispose of. I believe that was admitted yesterday by everybody concerned, both the proponents and the opponents of the bill.

In addition, so far as taking care of people who are hungry is concerned, there is the fact that in the city of St. Louis there were 63,000 people who got surplus commodities, yet only 12,000 could qualify under the food stamp plan. That is a difference of 51,000 hungry people not being taken care of.

This program first presupposes that a person has an income before he can qualify for food stamps. We ought to call it exactly what it is. This is a diet supplement bill. This is a bill to supplement the diets of those people who are determined not to possess a sufficient diet, although they are able to have sufficient groceries.

There are two great problems which face the country and face the Committee on Agriculture, over which the Committee on Agriculture has authority. The first concerns the disposal of surplus products. This bill will not do that as well as the present program. In addition, I believe a second objective should be to feed those people who do not have other sources of food.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from North Carolina.

Mr. COOLEY. I understand that seven counties in Oklahoma have applications now pending, stating that they want to put in the food stamp program. The Secretary is limited, and does not have sufficient money to put the program into operation in all of the counties which wish it.

In addition, the gentleman knows his statement about poor people is not correct. This program is a program for poor people, for hungry people. Certainly a woman with six orphan children would not be required to have an earning capacity to be qualified.

Mr. BELCHER. What about the 51,000 people in St. Louis who cannot qualify for this who can qualify for surplus products?

Mr. COOLEY. That was under the direct distribution system. I do not know what evils are involved, but I know that where the food stamp program is in operation apparently it has operated well, satisfactorily, and honestly.

Mr. BELCHER. I have no doubt about that. It cut 51,000 people in St. Louis off the rolls. Undoubtedly they are doing it fairly, because if those 51,000 were all chiselers, then of course the Government is now saving some money.

Mr. COOLEY. No one is suggesting that they were chiselers.

Mr. BELCHER. If they were not, they were cut off unjustly.

Mr. COOLEY. No; the eligibility requirements might have been different.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

(By unanimous consent (on request of Mr. Gross), Mr. Belcher was given permission to proceed for 2 additional minutes.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Iowa.

Mr. GROSS. What will be the fate of those 200,000 or more voters in Wisconsin who have been labeled by the Democrat Governor as "bigots"? Does the gentleman suppose that with so many alleged "bigots" this program can be put into operation in Wisconsin, if there is a need for it?

Mr. BELCHER. I will tell the gentleman what I believe they will do in Wisconsin. They will probably start up the same thing that some southern man started, about moving the people of the colored race. They will probably start a program to move those people in Wisconsin down South.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from New York.

Mr. LINDSAY. I thank the gentleman for yielding.

A moment ago the gentleman from Mississippi [Mr. Abernethy] asked the question whether title VI of the Civil Rights Act would be applicable to this program. I have asked for this time to straighten out the Record, because I suspect it was deliberately left "fuzzy" by the speakers on the majority side who answered the question.

There is no doubt that title VI would be applicable to this program. It is applicable on all fours. All that is necessary is to look at the language in the civil rights bill which the House passed, and anyone can tell it is applicable.

I believe we ought to be clear on this point. Whether Members are for or against this program, let us be honest about it. The distinguished chairman of the Committee on the Judiciary [Mr. Celler], if he were on the floor, would agree with me on that. There is no question about its applicability.

Mr. BELCHER. Would the gentleman not agree with me that when the majority brings out a civil rights bill and passes a civil rights bill they should not bring out a bill the next week that circumvents it in some way?

Mr. LINDSAY. Absolutely.

Mr. BELCHER. If the majority brings out a bill knowing it would not be covered by the civil rights bill, and then they bring out a civil rights bill to protect the people, and then bring out another bill next week which says it will not apply to this program, is that proper?

Mr. LINDSAY. They clearly should not try to obfuscate the matter. When the majority leader takes the floor and says he does not know the answer to the question asked by the gentleman from Mississippi [Mr. Abernethy], that is unfortunate. The answer is title VI applies and he knows it.

Mr. HAGEN of California. Mr. Chairman, I move to strike out the requisite number of words.

I would like to ask the gentleman from New York a question. The same considerations are true of all programs for Federal expenditures. They are all affected by title VI of the civil rights bill.

Mr. LINDSAY. That is correct.

Mr. HAGEN of California. Including the direct distribution of food.

Mr. LINDSAY. That is correct. Title VI says that the executive branch shall take action "by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding of a failure to comply with such requirement." That language is applicable, and it should be.

Mr. HAGEN of California. So this is not an attack on this particular program. If it is an attack at all, it is on all Federal expenditure programs that go to the States for administration?

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HAGEN of California. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. May I ask the gentleman from New York a question? I want to thank the gentleman for the statement he has made with reference to title VI. The gentleman from New York is one of the members of the Committee on the Judiciary who handled the civil rights bill, and I consider him to be an authority on the subject. I would like to read to the gentleman from New York title VI of the civil rights bill, H.R. 7152—

> Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guarantee, shall terminate, refuse to grant, or to continue financial assistance to a recipient of such assistance, if such recipient on the grounds of race, color, or national origin excludes from participation in, denies the benefits of, or subjects to discrimination any individual under any such program or activity of financial assistance.

Is it the gentleman's opinion as one of the authors of the civil rights bill and an authority on the subject that this section of the civil rights bill, if it becomes law, would be applicable to this food stamp bill if it becomes law?

Mr. LINDSAY. The answer is "Yes," without question.

Mr. HAGEN of California. I would like to ask another question of you. Is it your interpretation of section VI of the civil rights bill that if Mississippi discriminated in voting practices, we will say, or in hospital projects, that then they would be cut off from this food stamp program, or would they have to discriminate in the food stamp program specifically to be cut off from it?

Mr. LINDSAY. Title VI applies to the specific program in question.

Mr. HAGEN of California. We already have discrimination prohibitions in this bill. Therefore it is a specious argument to say that title VI of the civil rights bill would add anything to this particular program. Discrimination in other areas would not result in withdrawal of this program.

Mr. LINDSAY. This section of the pending bill has no teeth in it.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. HAGEN of California. I yield to the gentleman.

Mr. COOLEY. Let me ask the gentleman from New York a question. Do you maintain seriously before this House if this food stamp program is utterly and completely free from discrimination, that the Federal Government can take away the program from the States where they are operating free and clear of discrimination?

Mr. LINDSAY. I make no such statement. If there is discrimination in the administration of the program, at any level, then section VI is applicable.

Mr. COOLEY. Then, you could not apply it to this program if it is free from discrimination. As the gentleman from California [Mr. HAGEN] just pointed out, there is a specific prohibition against discrimination.

Mr. LINDSAY. As the gentleman well knows, we thoroughly discussed the applicability of section VI during the civil rights debate and the point was made over and over again that title VI applies to the specific program, not to all programs within the State, but the termination of assistance with respect for that program, in the event there is discrimination in the administration of the program, is mandatory. It is a mandatory cutoff.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. HAGEN of California. I yield to the majority leader.

Mr. ALBERT. May I ask the gentleman from New York if he is in favor of this bill or not?

Mr. LINDSAY. I want to see whether the program is kept on a matching basis. I think we should have the matching provision, and I would like to know therefore whether the gentleman from Oklahoma will support the maintenance of the matching provision in this bill.

Mr. ALBERT. If the matching provision is stricken out, will the gentleman support the bill?

Mr. LINDSAY. Mr. Chairman, I would like to ask the gentleman from Oklahoma whether he would care to revise the statement he made, that he does not know whether title VI of the Civil Rights Act would apply to this program in the event there is discrimination in its administration.

Mr. ALBERT. There is no necessity of applying it. The bill itself prevents discrimination.

Mr. LINDSAY. Is the gentleman suggesting that he would be in favor of discrimination in the administration of it?

Mr. ALBERT. Of course, the gentleman knows better than to ask that kind of question.

Mr. LINDSAY. Then why does not the gentleman clarify the statement he made a few moments ago on the question of the applicability of title VI of the Civil Rights Act?

The CHAIRMAN. The time of the gentleman from California [Mr. HAGEN] has expired.

Mr. KYL. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I would like to direct a question to the chairman of the Committee on Agriculture, a serious and direct question relative to the language which appears in lines 23, 24, and 25 of page 2 of the bill, where the bill makes an exemption of "alcoholic beverages, tobacco, soft drinks, luxury foods" and those products "which are identified on the package as being imported from foreign sources when they arrive at the retail store."

I would ask the gentleman this question. Does this mean that under this program such products as coffee, tea, bananas, coconuts, cocoa, cinnamon, ginger, black pepper, et cetera, which normally carry the import label, would be excluded from the program?

Mr. COOLEY. If the product has the import label on it at the time that it arrives at the retail store it would be excluded.

Mr. KYL. In other words this is the situation. I will say to the gentleman that I have made a perfunctory examination of this matter and I find that the package for bananas when it arrives at the store indicates the country of origin; black pepper usually indicates the country of origin; coffee normally tells the country of origin. These products then would be excluded under this bill; is that correct?

Mr. COOLEY. I think coffee comes into the country, perhaps in bulk, and is packaged in this country.

Mr. KYL. Let me say to the gentleman that in the little checking that I made I find that most of the coffee carries the imprint "A brand of Colombian coffee" or "A brand of Guatemalan coffee." That is clearly indicated.

Mr. COOLEY. If it is indicated, then it is out.

Mr. KYL. The point is that almost all of these products, in fact all of them, are imported and most of those items are so labeled. Does that mean that this is a blanket restriction on the use of these products in the program?

Mr. COOLEY. If they are labeled at the time they arrive as coming from some foreign country, yes.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentlewoman.

Mrs. SULLIVAN. At the present time the recipients of food stamps are not allowed to buy tea, coffee, or bananas. But they are spending their own money, even though they get a bonus of food stamps, for those products. Under this bill they would be allowed to buy coffee and tea with their own money, even though they are using the food stamps as a bonus that has been given to them. We all know that every bit of coffee is imported because we do not grow it here. Under this provision, because they are spending their own money, in addition to getting this aid from the Government, they are going to be allowed to buy tea and coffee.

Mr. KYL. I wish that the gentlelady had not said what she did. I was simply trying to clarify the language. But if I turn her language around I would have to assume that it would be perfectly permissible for the individual who gets the food stamps to use his own money, his own contribution, for the purchase of alcoholic beverages, et cetera, under this provision.

Mrs. SULLIVAN. No; that is definitely not included. But coffee, tea, and bananas, for instance, are.

Mr. KYL. But if the exemption is made in one case how can you take the exemption away in the other?

Mrs. SULLIVAN. It is a food product. However, when one comes to the consideration of liquor, tobacco, and other things, one cannot classify it as food.

Mr. KYL. Is the gentlewoman saying that the individual could not use his own funds for the purchase of alcoholic beverages, for instance?

Mrs. SULLIVAN. If the gentleman will yield further, he can use his own funds, but he cannot use the funds that he is given under the food stamp program.

Mr. STINSON. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Washington.

Mr. STINSON. Since imported meat and imported cream, for example, can be processed into finished food products, what is going to be the result of beef imports and cream imports? Are beef imports going to be encouraged so that that beef can be processed into beef stew, and will cream imports be encouraged so that cream can be manufactured into ice cream and thus made eligible under this program? Will the surplus problem not be aggravated instead of alleviated?

Will we not actually be encouraging the importation of beef and cream?

Would the chairman of the committee, the gentleman from North Carolina [Mr. COOLEY], care to comment on that?

Mr. POAGE. Mr. Chairman, will the gentleman from Iowa yield to me so that I may respond to the question?

Mr. KYL. I yield to the gentleman from Texas.

Mr. POAGE. I think in all fairness it must be said that the committee seeks to limit the use of foreign products. We would like to confine the provisions of this bill to those commodities that are grown at home.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. KYL] has expired.

Mr. POAGE. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POAGE. The committee would like to confine this to domestic products and provide a maximum disposal of our own products. But we recognize that we must be practical about the matter; that we must, if the program is to succeed, have a workable program rather than something which will carry you over into the court across the street every time you want to make a purchase.

Mr. Chairman, we are interested in having something that people can live with. In the normal grocery store it is utterly impossible to tell just exactly where everything comes from. So, the committee did what I think is the most reasonable thing it could have done. We have said that, if the commodity is labeled and shows on its face that it comes from a foreign country, the participants under the provisions of this program cannot use food stamps with which to buy it. In other words, one cannot deliberately go in and spend one's stamps for the benefit of a foreign country.

However, we are not going to impose upon each and every recipient of food stamps an impossible burden or impose upon the groceryman the impossible burden of determining with accuracy exactly where everything in that grocery store came from. To try to do so would, of course, make the entire program absolutely unworkable. This is true because nobody can tell with certainty that there is not something of a foreign origin in a package. Perhaps it is a package of corn flakes. I cannot conceive how it could be of foreign origin but, perhaps, that corn may have come from Canada. Who knows? Certainly we do know that a large part of all sugar comes from abroad. Are we going to make the grocer decide whether cane sugar came from Mexico or Florida?

Mr. Chairman, to have done other than what the committee has done, it seems to me, would have left us with an utterly impractical and unworkable bill. The basic approach of the committee has been one of trying to emphasize the use of American-produced foods.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

The Clerk will read.

The Clerk read as follows:

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "food" means any food or food product for human consumption except alcoholic beverages, tobacco, and those foods which are identified on the package as being imported from foreign sources.

(c) The term "coupon" means any coupon, stamp, or type of certificate issued pursuant to the provisions of this Act.

(d) The term "coupon allotment" means the total value of coupons to be issued to a household during each month or other time period.

(e) The term "household" shall mean a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. The term "household" shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption.

(f) The term "retail food store" means an establishment, including a recognized department thereof, or a house-to-house trade route which sells food to households for home consumption.

(g) The term "wholesale food concern" means an establishment which sells food to retail food stores for resale to households.

(h) The term "State agency" means the agency of the State government which has responsibility for the administration of the federally aided public assistance programs.

(i) The term "bank" means member or nonmember banks of the Federal Reserve System.

(j) The term "State" means the fifty States and the District of Columbia.

(k) The term "food stamp program" means any program promulgated pursuant to the provisions of this Act.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 23, insert: "soft drinks, luxury foods, and luxury frozen foods as determined by the Secretary."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 24, after the period insert: "when they arrive at the retail store."

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDREWS OF NORTH DAKOTA

Mr. ANDREWS of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of North Dakota: Page 2, line 19, strike the word "Agriculture" and insert the words "Health, Education, and Welfare."

Mr. ANDREWS of North Dakota. Mr. Chairman, I certainly hope that the House will adopt this amendment providing that the food stamp program will be administered by the Secretary of Health, Education, and Welfare and paid out of Health, Education, and Welfare funds. This food stamp plan is a welfare measure and should not be mistaken for an agricultural program.

Those of us representing predominantly rural areas in the Congress are continually faced with the false charges by our big city colleagues that the American taxpayers are subsidizing the American farmers. Nothing could be further from the truth. As a matter of fact, it is my firm belief that the American farmers are subsidizing the people of America.

Of the estimated expenditures for the fiscal year 1964 by the Department of Agriculture, it is estimated that 38.3 percent or over $2½ billion goes for programs that clearly provide benefits to consumers, businessmen, and the general public. This includes programs having foreign relations and defense aspects, such as the sale of surplus agricultural commodities for foreign currencies and emergency famine relief to friendly peoples as a part of our foreign aid program.

It also includes the money now spent for food distribution programs, such as the school lunch program, the special milk program, the pilot food stamp plan, et cetera. About 22 percent or close to $1½ billion is spent for long-range programs for the improvement of the Nation's resources and to provide capital improvements for urban communities as well as rural areas. This includes REA and FHA loans, the Forestry Service, the Extension Service and their aid to city dwellers as well as farmers, Soil Conservation Service, and the Agricultural Research Service.

Only 39.7 percent of the total agriculture budget goes toward programs predominantly for stabilization of farm income and conservation payments direct to farmers such as the ASC program, price support, acreage diversion payments, National Wool Act, and Sugar Act. As a matter of fact, much of these expenditures is recovered later on when the commodities are sold.

We have to recognize that we are in a competitive situation. The American public demands and must have a dollar's worth of value for every tax dollar collected. They deserve to know just where these tax dollars are being spent, and for years agriculture has been suffering because of mistaken impressions that the farmer was getting a free ride through the courtesy of the American taxpayer.

Nowhere on this planet do people spend less of their paychecks percentagewise for food than here in America. As a matter of fact, food costs to American citizens have risen less since 1947 than most other consumer items in the cost-of-living index. The farmer now receives, as a matter of fact, 12 percent less for the farm food market basket than he did in 1947 to 1949.

To illustrate the misunderstanding by city Congressmen is the disturbing statement which appeared in the Monday, March 16, Wall Street Journal, referring to the upcoming vote in the House on the wheat bill, and I quote:

> City Democrats don't share Mr. Johnson's enthusiasm for staving off a "depression" in the predominantly Republican wheat-growing areas. "You might find those wheat-growers more inclined to vote Democratic if you let them go broke," one urban Democrat contends.

This statement and this feeling are completely false. We have heard much talk lately about the war on poverty. It is a matter of history that in America depressions have begun on the farm. The farmer is the basic producer of new wealth. That which he sells comes directly from the soil, and as he prospers so does the entire American economy prosper.

The farmer operates under a number of disadvantages. For instance, in his cost of production, he pays American prices for his machinery, labor, gas, and oil, and so on. Then when he finally harvests his crop, he finds it costs him, if he is a North Dakota farmer, some 50 cents a bushel more to ship his wheat to the west coast for export than it does for his Canadian friend just north across our border. Freight rates in the United States are that much higher than freight rates for Canadian grain. Then when he once gets his grain to a seaport, he finds it costs him $3 to $10 more a ton to ship in American bottoms, which he is required to do, which is another 30 cents a bushel. Then we talk about export subsidies and blame them on the American farmers.

For a long time, we have had very useful programs such as the school milk program, the school lunch program, et cetera, all chargeable against agriculture. We have meat inspection, which protects the consumer but is charged against agriculture. I could go on and on, but in my limited time this is impossible.

Here we have a program, the food stamp program, which may be a cornerstone in the war against poverty. Certainly it is much better to furnish food to people in need, than money which may be spent for nonessentials. But if this program, as pointed out in the act, is going to cost $360 million a year, I think it is best we put it where it belongs and charge it to welfare funds rather than to the farmer.

The farmer is proud to be an American. He is proud that in this country and under the free enterprise system he has been allowed to grow, to become strong; but he resents very much the city person's false impression that he is being subsidized, when in reality it is the farmers who are subsidizing the city people of America.

Mr. COOLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I can understand thoroughly how the gentleman feels about the matter he has just discussed. I think all of us know that unfortunately agriculture is charged with many things that agriculture should not be charged with. He mentioned meat inspection. We inspect other things, such as fruits and vegetables. We have the school lunch program charged up to the farmers and the milk program charged up to the farmers.

The Public Law 480 program, under which we have disposed of over $10 billion worth of agricultural commodities abroad, is also charged to agriculture.

These programs that have been left to the Department of Agriculture have been properly administered. It would be very confusing if we should now attempt to charge this program to the Department of Health, Education, and Welfare. I think we must leave it with Agriculture.

I think that this amendment would be very confusing and very unfortunate. Actually, I wish we could find some way to keep the books properly so as to reflect the true picture to the American public.

During the 8 years of the administration under Mr. Eisenhower the Secretary of Agriculture spent more money than all the Secretaries of Agriculture in the previous 90-year history of the Department of Agriculture. That is horrible to think about. I do not mean to say he wasted it or squandered it, but the record is there. You know and I know the farmers of the Nation did not benefit to that extent under those programs, and they have not benefited under the budget that has been provided. City people profit by the so-called agricultural programs just as farmers profit by them.

Under this program certainly we are interested in disposal of surplus commodities. I am not going to argue with anybody who says it is a welfare program, because largely it is a welfare program. It is a program to feed hungry Americans, poor people. For that reason, I hope the pending amendment will be defeated.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. SMITH of Virginia. I have no particular feeling about this amendment, but I am wondering about this. The gentleman says this is a relief program, of course. Being a relief program, naturally the mass of participants are going to be those who are on the relief rolls. Is that not true?

Mr. COOLEY. That is not necessarily true. In my own county, I do not know to what extent the people came from the relief rolls, but I do know that the recipients have put up $295,000 to obtain food stamps while the Government has contributed $273,000. They pay this money out of their own meager earnings.

Mr. SMITH of Virginia. Are not these people bound to be on the relief rolls?

Mr. COOLEY. No, no.

Mr. SMITH of Virginia. Is this not just another form of relief?

Mr. COOLEY. There are people—and perhaps the gentlewoman from Missouri [Mrs. Sullivan], knows more about this than I do—there are people benefiting by the food stamp program who are not actually on the relief rolls.

Mr. SMITH of Virginia. I think so, under your bill.

Mr. COOLEY. They would be people who have meager earnings—not enough really to feed their families as they should be fed. So they can make their showing and establish eligibility.

Mr. SMITH of Virginia. Do you not expect the bulk of this to go to people who are already recipients of relief?

Mr. COOLEY. No, I do not think so. It will go also to people who are not on relief. It will go to people of modest incomes who cannot provide their families with the necessary food. Take a mother who is receiving aid for dependent children. She could take part of that money and go in and buy bonus food stamps.

Mrs. SULLIVAN. May I just point out, in answer to the question the gentleman has asked. In your area in North Carolina, 1,577 of your people are on public assistance who are receiving aid. But 6,894 are nonpublic assistance people—they are just people with low incomes.

Mr. SMITH of Virginia. Then, according to that, 90 percent of the recipients of this are going to be other people who need relief; is that right?

Mrs. SULLIVAN. Yes.

Mr. SMITH of Virginia. So we set up two separate and distinct forms of relief or groups of relief people.

Mr. COOLEY. No.

Mrs. SULLIVAN. No, it would not do that.

Mr. COOLEY. There may be some difference in eligibility requirements for assistance, but as has just been pointed out, it is not restricted to people who are on relief.

Mr. SMITH of Virginia. That may be the case, but according to the statement made by the gentlewoman from Missouri, which she just read, in your own district 90 percent of the people receiving that are not on relief.

Mr. COOLEY. That is right—I did not know the percentage exactly.

Mr. SMITH of Virginia. So you have two relief programs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDREWS of North Dakota. Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina [Mr. Cooley] may proceed for one additional minute to answer a question.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman.

Mr. ANDREWS of North Dakota. Mr. Chairman, I appreciate the gentleman pointing out that this is indeed a welfare program and I appreciate the fact that you also as chairman of the House Committee on Agriculture know the problem the farmer faces so far as this public relations problem goes in convincing the American taxpayer that the farmer is not the recipient of an overly large share of the American tax dollar. What suggestions would the chairman have to point out to the people of the East and the big city areas that much of this money that is spent in the agricultural program does not go directly to the farmer?

Mr. COOLEY. My answer to that is we would need an education program. But you people in other areas know what the real situation is. Our committee has wrestled with this problem. I appreciate your views on it. I wish we knew some way to correct the situation, but as it goes on and we see these enormous agricultural budgets which shock the sensibilities of people living in the city districts, we wish we could correct the situation.

Mr. ANDREWS of North Dakota. It works to the disadvantage of the farmers of America unfortunately.

Mr. COOLEY. The gentleman is right. It definitely does.

Mr. Chairman, a great deal of information available to the public on farm subsidies is deceptive in effect, if not in purpose.

Consumers and taxpayers generally are led to believe that the total annual appropriations to the Department of Agriculture are subsidies to farmers.

Actually, nonfarmers participate in a larger share of this Department's expenditures than do farmers themselves. To help correct this misconception, I shall insert at this point in the RECORD a tabulation, prepared by the Department, showing expenditures that benefit consumers and expenditures for the stabilization of farm income.

Department of Agriculture expenditures for farmers, for consumers, for business

[In millions of dollars]

	1963	Estimated, 1964	Estimated, 1965
Programs which clearly provide benefits to consumers, businessmen, and the general public, total	3,903	4,348	3,513
Other programs which are predominantly for stabilization of farm income, but which also benefit others, total	3,832	2,630	2,302

BREAKDOWN OF TOTALS

	1963	Estimated, 1964	Estimated, 1965
Programs which clearly provide benefits to consumers, businessmen, and the general public:			
Programs having foreign relations and defense aspects:			
Sales of surplus agricultural commodities for foreign currencies	1,483	1,609	1,081
Emergency famine relief to friendly peoples	216	246	244
International Wheat Agreement	74	101	-----
Transfer of bartered materials to supplemental stockpile	100	86	81
Long-term supply contracts	80	225	297
Payments to Veterans' Administration and armed services under sec. 202 of the Agricultural Act of 1949, as amended, for milk and other dairy products used in excess of normal requirements	41	41	41
Total	1,994	2,308	1,744
Food distribution programs:			
Commodity purchases under the program for removal of surplus agricultural commodities	107	267	171
Pilot food stamp plan	20	45	51
School lunch program	169	181	193
Special milk program	94	98	100
Total	390	591	515
Investment in REA and FHA loans, which are subject to repayment:			
REA loans	332	208	205
FHA loans	261	243	89
Total	593	451	294
Long-range programs for the improvement of agricultural resources, including research, meat inspection, disease and pest control, education, market development and services, protection of soil and water resources, and forest and public land management:			
Forest Service	287	338	321
Agricultural Research Service	176	186	171
Soil Conservation Service	182	192	198
Extension Service	75	80	78
Programs which clearly provide benefits to consumers, businessmen, and the general public—Continued			
Long-range programs, etc.—Con.			
Cooperative State Research Service	38	41	43
Agricultural Marketing Service, Marketing Research and Service	41	41	27
Farmers Home Administration, salaries and expenses	36	39	44
Other, including FCS, FAS, CEA, FCIC, REA expenses, and staff offices	91	81	78
Total	926	998	960
Total	3,903	4,348	3,513
Other programs which are predominantly for stabilization of farm income, but which also benefit others:			
Agricultural conservation program	221	226	225
Conservation reserve program	305	293	200
Cropland conversion program	4	54	52
CCC price-support, supply, and related programs:			
CCC price-support, supply, and related programs	2,171	575	578
Less payments to Veterans' Administration and armed services under sec. 202 of the Agricultural Act of 1949, as amended, for milk and other dairy products used in excess of normal requirements	−41	−41	−41
Acreage diversion payments:			
Feed grains	677	618	635
Wheat	269	127	22
Price-support payments:			
Feed grains	-----	403	374
Wheat	-----	90	-----
National Wool Act program	63	79	55
Agricultural Stabilization and Conservation Service expenses	86	113	114
Total	3,225	1,964	1,737
Sugar Act program	77	93	88
Total	3,832	2,630	2,302
Grand total	7,735	6,978	5,815

Two-thirds of Department of Agriculture expenditures, in the 1964 budget, are for services which are of primary benefit to the general public. Only one-third goes for price support and related programs in which farmers are the primary but not the only beneficiaries.

As of January 31, 1964, the Department of Agriculture reported 97,510 full-time employees. Approximately two-thirds of these are engaged in work of benefit to business and the general public far more than to farmers.

The Secretary's Office and overall staff and service offices have 2,512 employees. The remainder of the 97,510 are distributed as follows:

Forest Service	25,340
Agricultural Research and Extension Service	18,583
Soil Conservation Service	17,114
Farmers Home Administration	[1] 11,467
Agricultural Marketing Service	10,103
Agricultural Stabilization and Conservation Service	6,711
Statistical Reporting Service	1,312
Crop Insurance	1,307
Economic Research Service	1,010
Rural Electrification Administration	980
Foreign Agricultural Service	[2] 957
Commodity Exchange Authority	114

[1] The Farmers Home Administration figure includes 92 for the Farmer Cooperative Service and 35 for the Office of Rural Area Development.

[2] The Foreign Agricultural Service figure includes 60 for the International Agricultural Development Service and 6 for the international organization staff.

Mr. ROSENTHAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the gentleman from North Dakota brought home one or two very valid points, but of course I must disagree with the amendment and rise in opposition to it.

It is quite true that many urban Congressmen and our constituents feel displeased about a $7 billion agricultural budget and many of them either rightly or wrongly feel they are in part subsidizing the farmers of America. That is precisely why this amendment should be defeated, and it is precisely why the gentleman from North Dakota ought to vote for this bill. Certainly, no one would argue that the Department of Agriculture has the experience and the facilities for distributing food and for understanding where the diet of our people can be improved; and in what way and how they can relate these to items of food and supervise this program. No one would suggest that the Department of Health, Education, and Welfare has that experience in terms of food consumption.

So far as the Department of Agriculture is concerned, it is about time, I think, that the Department of Agriculture assumed it's rightful role and not merely in interest of the farmers but in the interest of Americans and in the interest of food. The Department of Agriculture should have a concern and I know they have—but the Congress should recognize they are as much concerned with the production of food as they are with the consumption of food and the distribution of food and everything relating to food and all that follows from that.

Certainly, the gentleman should support the thought that the Department of Agriculture should assume a leading role in supervising the production and distribution and consumption of food in this country. It may well be that in this Congress or in the next Congress, some of us from the city ought to introduce a resolution or a bill to change the name of the Department of Agriculture.

Then you and your constituents will not be burdened any more with the charge of expending $7 billion a year. Once that happens, and once the Department and the Committee on Agriculture assume an interest over food for all Americans, I believe we can obtain a balanced approach.

I feel certain the gentleman would agree with me on the first premise, that the Department has the necessary experience to deal with food and food products, as compared to the Department of Health, Education, and Welfare.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I am happy to yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I agree wholeheartedly that the Department has the facilities and experience to deal with food and food products.

Let me point out, however, the problem we face. The budget for the Department of Agriculture was cut, as the gentleman knows, in the budget message of the President to the Congress. The part which was cut was the part which deals with research in the basic methods of finding out how to produce food more cheaply and how to market it in better form for the consumers of America. The farmers need to have public sentiment on their side so that when the budget is cut it will not be cut so directly in respect to these basic fundamentals needed by farmers. This is exactly the problem we face. This is the reason for the amendment.

Mr. ROSENTHAL. I am in agreement with the gentleman. I do not go along with that reduction in the budget.

I suggest that if both of us, working together, can help to create a better image for the Department with the Congress and the American people, in respect to how the Department is concerned with all food matters, distribution and consumption included, then we shall be able to accomplish more in the interest of all Americans.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from North Carolina.

Mr. COOLEY. I suggest that the gentleman read the last paragraph on page 19 of the bill, which I believe clarifies the situation now being discussed.

Mr. ANDREWS of North Dakota. I have read that language, and I am happy that the committee included that in the bill. However, I fear it is not sufficient to make sure that the public realizes this is a welfare program.

Mr. ROSENTHAL. Let me point out, in conclusion, that if my people and the people in the cities can be sure that the Department of Agriculture has their interests in mind—such as this food stamp plan and the proper application of the food stamp plan—then they will be a bit more sympathetic toward all of the needs of the gentleman's constitutents, which come under the jurisdiction of this Department.

Mr. McINTIRE. Mr. Chairman, I rise in support of the amendment.

Mr. COOLEY. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. McINTIRE. I yield to the chairman of the committee.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 10 minutes.

Mr. HOEVEN. Mr. Chairman, will the gentleman yield?

Mr. McINTIRE. I yield to the gentleman from Iowa.

Mr. HOEVEN. I hope the chairman will not press that request at this juncture. Several Members have indicated they wish to speak on this amendment.

Mr. OLIVER P. BOLTON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one Members are present, a quorum.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-one Members are present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 96]

Ayres
Bass
Brooks
Buckley
Burleson
Dowdy
Duncan
Flood
Fogarty
Gilbert
Goodell
Gray
Griffin
Griffiths
Hébert
Keogh
Mailliard
Mathias
Matsunaga
Monagan
Moore
Moorhead
Morse
Nelsen
O'Brien, Ill.
Pepper
Powell
Reifel
Rivers, S.C.
Senner
Sheppard
Smith, Calif.
Steed
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tollefson
Willis
Wilson, Ind.
Wyman

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. LANDRUM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 10222, and finding itself without a quorum, he had directed the roll to be called when 382 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Maine [Mr. McINTIRE].

Mr. McINTIRE. Mr. Chairman and Members of the Committee, the matter before the Committee is an amendment proposed by the gentleman from North Dakota to place this program in the jurisdiction and within the funding responsibility of the Department of Health, Education, and Welfare.

I rise to support that amendment. There are many of those who argue that because the Department of Agriculture has been in the business, you might say, of the distribution of food that that is the logical place for this program to rest administratively. However, I think this is the time to draw the line and for the Department of Health, Education, and Welfare to assume the responsibilities in the field for which they were established and in which they are competent to administer.

Mr. Chairman, this program will be a very sizable program. It is not a commodity program in any sense of the word. It is in effect a cash welfare program. This is the time that the Congress should place the administration of this program within the same framework of the administration of other welfare programs.

I realize that the Department has done a great deal of work in relation to the pilot plant operation and quite naturally are interested in the continuation of this program in the Department. However, this is a major departure from the historic responsibilities of the Department. Because this is a major departure, I think this amendment ought to be supported by the committee and let us leave the responsibility of the Department in the field of production and marketing and let us leave the administration of programs of public assistance in the hands of the Department of Health, Education, and Welfare.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. McINTIRE. I yield to the gentleman from North Carolina.

Mr. COOLEY. Is it not a fact that this matter which the gentleman is now discussing has been thoroughly discussed and considered in the Committee on Agriculture time after time?

We realize it is an unfortunate situation, but I do not believe this is the way or that this is the time to try to correct the situation. I believe we need an educational program, a broad and comprehensive educational program so that people other than farmers will know we as farmers are not profiting to the extent indicated by the appropriations.

Mr. McINTIRE. I appreciate my chairman's comments. This matter was discussed in the committee; that is true. However, we are in the legislative process, and the amendment is appropriate to this bill, and I believe it has sufficient merit to justify support by the committee. We should amend the bill in accordance with the amendment offered by the gentleman from North Dakota.

Mr. COOLEY. Mr. Chairman, I rise to make a unanimous consent request.

I ask unanimous consent that all debate on the pending amendment close in 5 minutes.

Mr. MATTHEWS. Mr. Chairman, reserving the right to object, I should like to have 5 minutes, if I may.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. HOEVEN. Mr. Chairman, reserving the right to object, when the previous request was made by Chairman COOLEY I suggested that there were several Members on my side who had indicated they desired to speak on the amendment, and on other amendments.

I hope that debate will not be limited or foreclosed. This is not an emergency piece of legislation.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I hope that the chairman will not insist on his request at this time.

I yield.

Mr. COOLEY. There are only two Members standing. They will have 5 minutes apiece.

Mr. HOEVEN. I want the chairman to know that I expect to speak on this amendment. I should like to have 5 minutes.

Mr. COOLEY. I will change my request to 15 minutes, Mr. Chairman.

Mr. HOEVEN. Reserving the right to object, Mr. Chairman, how is the time to be allocated?

The CHAIRMAN. Only three Members are standing.

Mr. HOEVEN. I shall be constrained to object unless I am accorded at least 5 minutes.

The CHAIRMAN. The gentleman from Iowa is included in those standing, and will be included in the 15 minutes.

Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The gentleman from North Dakota [Mr. SHORT] is recognized.

Mr. SHORT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment, though I am inclined to agree with the chairman of the committee that this is perhaps not the appropriate time to do this. I believe we should be thoroughly aware of what we are authorizing if we pass this bill extending authority into the field of public welfare for the Secretary of Agriculture. In my opinion this is definitely a field of authority and responsibility in the area of public welfare that belongs to the Secretary of Health, Education, and Welfare.

The responsibility in this bill, so far as the Secretary of Agriculture is concerned, is confined merely to the administration of what definitely is a welfare program. There has been some difference of opinion as to whether the bill says it is or is not a welfare program, but whatever it is it is a program which provides for stimulating the use of food products not necessarily even American agricultural food products, and certainly and definitely not necessarily products of American agriculture that are in surplus.

Before we leave this section of the bill, I would like to take advantage of this opportunity to refer again to subsection (b) of section 3, at the bottom of page 2, with reference to the language there on the identification of imported food products. I would like to call the attention of the committee to the fact that last year the United States imported about 11 percent of the total beef supply consumed in the Nation—the highest in our history. I think it is really important for this committee to understand how this beef is imported; that is, in what form. A lot of beef is imported canned and this is identified, it is true. Beef canned in a foreign country probably would not be eligible for purchase under the food stamp program because it is identified as to the country of origin. However, from these same countries that have foot and mouth disease, where the meat is canned before it is sent to this country, we also under the present provisions of law import a lot of meat that is cooked in order to kill the foot and mouth disease germ.

It is not cooked in this country anymore, although it used to be, but it is now cooked in the country of its origin and comes into this country as cooked beef. The retail store does not import this beef, and this is the important part of this, but some wholesaler, some packer, some provisioner imports this beef and it is processed probably into some food product such as hot dogs, sausages, luncheon meats, and this sort of retail product. How can it possibly be identified at the retail level? I am inclined to agree with the gentleman from Texas [Mr. POAGE], who said a while ago that if we are going to pass this bill, we are imposing a completely ridiculous requirement on the retailer, because it is impossible for him to identify this meat.

Let me point out one more thing. The bulk of the beef imported into the United States comes from Australia and New Zealand where we do not have foot and mouth disease, but it comes in frozen 60-pound blocks that some packingplant or provisioner or wholesaler processes into luncheon meat, hot dogs, sausage, or other meat products. At that level he sends it on to the retailer. This processor is under no obligation to identify that all or a part of the product was imported. What I am saying is that in this bill we are continuing the policy that we have apparently adopted in this country of continuing to provide a real opportunity for the foreign countries that are big beef producers to export beef into the United States. Perhaps this is a part of the family farm program. It is real interesting that the professed policy of this administration to protect the family farmer is apparently directed to protecting the family farmer in Australia. You should know that some of these family farms in Australia are owned by such family farm operations as the King Ranch of Texas and some of them run as many as 100,000 head of cattle.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

The Chair recognizes the gentleman from Iowa [Mr. HOEVEN].

Mr. HOEVEN. Mr. Chairman, this is a very important amendment and I hope it will be adopted. The amendment will place the jurisdiction over the food stamp plan in the Department of HEW where it belongs. It may result in some confusion for the time being as the gentleman from North Carolina, Chairman COOLEY, suggests, but this is the time and place to legislate. It has been frankly admitted by the proponents of the legislation that this is a welfare program. Apparently we are no longer concerned with the orderly disposal of surplus agricultural commodities as such, as the original food stamp plan intended. The substance of the amendment has been discussed in committee many, many times and I am sure the gentleman from North Carolina Chairman COOLEY will agree with me when I say that it was the practically unanimous feeling among our committee members that the food stamp plan should logically be placed under the jurisdiction of the Department of Health, Education and Welfare. The only reason given why this should not be done is that it might result in some confusion.

I cannot see, for the life of me, why so many of our welfare programs should be charged to agriculture. The American farmer much too long has been charged with the terrific cost of our farm programs.

Take for instance, the school milk program. It is charged to the Department of Agriculture, in its entirety. That program furnishes milk not only to the farmers' children but to all children in all the 50 States.

Take the school lunch program. That applies not only to the children of farmers, but it applies to all schoolchildren in all the 50 States.

Public Law 480 is charged to the Department of Agriculture. Actually it should be charged to the Department of State in that it has become a part of our foreign aid program.

The Department of HEW will not have any particular difficulty in taking over the school lunch program. It is well set up to handle welfare programs. The Secretary of HEW can requisition the food that he needs from the Department of Agriculture when that food is in surplus. There is no good reason why we should not charge this program to HEW, where it belongs. I hope the Members will support the amendment.

Mr. HAGEN of California. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield to the gentleman.

Mr. HAGEN of California. If this amendment carries, will the gentleman support the bill?

Mr. HOEVEN. I think that is beside the point, but for the gentleman's information, I do not intend to vote for the bill.

Mr. HAGEN of California. The fact is that HEW has not sought this authority. They have never indicated that they could administer the program.

Mr. HOEVEN. It does not make any difference whether HEW wants the program or not. The Congress of the United States is here to work its will. It can direct the Department of HEW what it shall do and then appropriate what funds are necessary for the operation of the program.

Mr. HAGEN of California. The Department of Agriculture has had experience in administering this program in the thirties and in the early forties and more recently in the pilot program. They know how to administer a program of this kind.

Mr. HOEVEN. That is a rather weak argument, may I say to my friend. It is proposed to charge the American farmer and the Department of Agriculture for the entire program and, in my judgment, that is wrong. There may be a little confusion in making the transition, but I am sure HEW can get the show on the road without too much difficulty. I strongly urge that the amendment be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. MATTHEWS] for 5 minutes.

Mr. MATTHEWS. Mr. Chairman, may we, first of all, realize just exactly what this amendment will do?

If the members of the Committee will look on page 2, line 18 of the bill, they will find if this proposed amendment is passed it would change the term "Secretary" to mean the Secretary of the Department of Health, Education, and Welfare.

Mr. Chairman, I am opposed to this amendment. As I stated yesterday in general debate, at the present time we have a program that we will call and have called the direct distribution program. This program is now handled by the Department of Agriculture.

If the members of the Committee will look at the report, page 11, they will find that some of the commodities there are handled by the Department of Agriculture under the present direct distribution program. Also, to the side, the members of the Committee will find these same products that have been handled in a pilot program under the food stamp program.

Now, I maintain if we call the direct distribution program "DD" and the food stamp program "FS," meat under "DD" is meat under "FS," that poultry under "DD" is poultry under "FS," and right on down the line.

Mr. Chairman, this is not a new program. This is a program that has been administered by the Department of Agriculture. It has some perfecting measures which are desirable, but it is still a program that embodies the distribution of food. Some of these commodities are not in surplus. But may I point out again—and I believe we have convincing proof that most of these commodities will still be in surplus. If the members of the Committee will look on page 10 of the report they will find an indication of how much of these surplus commodities have been used in the pilot food stamp program in Detroit, Mich.

Mr. Chairman, I make that point again and again, that at the present time we have a direct-distribution program which is now handled by the Department of Agriculture.

Mr. Chairman, this proposal provides for a food stamp program, handling the same commodities, with this one exception—that all commodities do not have to be surplus in the hands of the Commodity Credit Corporation.

Mr. Chairman, it is a food disposal program. It deals with commodities. It should remain with the Department of Agriculture. But to my friends of the opposition who suggest that because food is welfare and helps the people—and certainly it is—that the food stamp program should go over into the hands of the Department of Health, Education, and Welfare, as this amendment proposes, may I say to them, do they suggest that the Veterans' Administration be turned over to the Department of Health, Education, and Welfare? The Veterans' Administration carries out some of the finest welfare programs in America, dedicated to the good and the betterment of the veteran.

Would these Members who support this amendment have the disposition of Public Law 480 products turned over to the Department of Health, Education, and Welfare? Public Law 480 has for its function the welfare of people, millions in the United States, millions abroad, and it disposes of millions of tons of food. But it is concerned with the welfare of people.

Further, Mr. Chairman, if you are consistent are you going to suggest that Public Law 480 be turned over to the Department of Health, Education, and Welfare?

Mr. Chairman, section 32 funds concern the disposition of food surpluses, perishable agricultural commodities. Its operation also helps people. Some of that food goes into the school lunch program. It is good for people. It improves the diet of children. It is welfare. Are you going to turn the operation of that program over to the Department of Health, Education, and Welfare?

Mr. Chairman, strange, it is strange, that the opposition has not suggested any of these changes.

Therefore, I must conclude that their position is not sound and that this program should be administered by the Department of Agriculture in the future as the pilot programs have been operated under the direct distribution program.

Mr. Chairman, I conclude that the arguments of the opposition, not the gentleman, but the arguments of the opposition remind me of Lowell's statement:

> There comes Poe with his raven, like Barnaby Fudge;
> Three-fifths of him genius and two-fifths sheer fudge.

Mr. Chairman, I call upon the Members of the Committee to defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. ANDREWS].

The question was taken; and on a division (demanded by Mr. ANDREWS of North Dakota) there were—ayes 45, noes 99.

Mr. ANDREWS of North Dakota. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. ANDREWS of North Dakota and Mr. ROSENTHAL.

The Committee again divided, and the tellers reported that there were—ayes 93, noes 142.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HOEVEN

Mr. HOEVEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HOEVEN: Page 2, line 20, strike lines 20 through 25 and insert in lieu thereof the following: "(b) the term 'food' means any domestically produced surplus agricultural commodity (as defined in section 106 of Public Law 480, Eighty-third Congress, as amended) used for human consumption as food, except alcoholic beverages and tobacco."

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes on his amendment.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield to the gentleman from North Carolina.

Mr. COOLEY. I wonder if we cannot agree on time for debate on this amendment.

Mr. HOEVEN. There may be others on this side who want to be heard.

Mr. COOLEY. The Committee is going to rise at 2 o'clock. Let us conclude all debate on this amendment by 2 o'clock.

Mr. HOEVEN. That is all right.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that all debate on this amendment close at 2 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HOEVEN. Mr. Chairman, this amendment would limit the use of food stamps to food items which are produced by American farmers and are in surplus supply. From the tenor of the debate on this bill yesterday and today, I think it was rather well emphasized that this bill should be limited to surplus food items. Under this amendment, tobacco products and liquor products would continue to be ineligible as is the case both under the pilot program and under the language of the bill.

Under my amendment, foreign produced foods would not be eligible for stamps. This is in accordance with the procedure now in effect under the pilot programs. The bill proposes to allow food stamps to be used for certain imported foods. Now it does American farmers no good whatsoever to allow food stamps to be used to purchase Australian beef or Brazilian coffee or Indian tea, as the bill proposes to do.

The term "surplus agricultural commodity" is defined in section 106 of Public Law 480. This definition is a liberal one which gives the Secretary ample discretion to provide a wide variety of food products for the stamp program.

No one objects to the idea of giving our farm surplus to needy people here at home or overseas, but there is no sound basis whatsoever for making the U.S.

taxpayer pay for nonsurplus foods and for foreign produced foods.

The original intention of Public Law 480 was for the disposal of surplus agricultural commodities as is evidenced by legislation we passed in the 86th Congress when we authorized a nationwide food-stamp plan. Among other things that legislation was limited only to surplus foods acquired by the Commodity Credit Corporation under the price-support program or under section 32.

My amendment is a liberalizing amendment which would include food products which the Secretary of Agriculture finds to be in surplus. The substance of my amendment has been discussed in our committee many times—as it relates to limiting any food-stamp plan to surplus agricultural commodities. Again I say this is a liberalizing amendment which would encompass all food items which the Secretary of Agriculture found to be in actual surplus.

I urge the adoption of this amendment.

Mr. HARVEY of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield to the gentleman.

Mr. HARVEY of Indiana. We have heretofore considered and we have had some rather technical definitions of products that were in surplus or credited as surplus commodities. At the present time one of the most depressing factors in our whole agricultural industry is the price of our meat products and more especially the price of beef. Could the Secretary, under the terms of the gentleman's amendment, if his amendment were adopted and the bill were enacted, classify beef as a surplus commodity and would it, therefore, be eligible to these people who come in with trading stamps?

Mr. HOEVEN. The Secretary would have wide discretion but this amendment would limit it to any domestically produced surplus agricultural commodity, which would include beef if it was determined to be in surplus.

Mr. HARVEY of Indiana. That brings me to the second phase of the question that I want to ask the gentleman which I think is the really important phase; and that is that there is being shipped into this country, as the gentleman well knows, tremendous quantities of beef.

Mr. HOEVEN. Let me say that my amendment is limited to American products—American surplus commodities which would include beef if found to be in surplus.

Mr. HARVEY of Indiana. Mr. Chairman, I move to strike the requisite number of words.

If I may, I should like to have the attention of all members of the committee. I believe this is one of the most important issues. Should the bill be enacted, and should there continue to be brought in from abroad the quantities of beef presently being brought in—which now constitute more than 10 percent of our total domestic consumption—if the beef so brought in is put on the surplus list then, in effect, there will never be any reduction or control of the surplus. Then we will continue, through the food stamp program, to have a surplus, because meat is the standard of the diet, and beef is the chief component of our meat diet.

This program, even with the amendment offered by the gentleman from Iowa—and I am in favor of the amendment and expect to support the amendment—I point out to the members of the committee, I believe will have the ultimate effect of continuing not only to subsidize but also to encourage, at the expense of the taxpayers, the importation of meat from abroad. I am much disturbed about it. I know the entire cattle industry of the country is likewise concerned. They can foresee the results of an effort of this kind, involving a large amount of money being spent, with a great deal of publicity given to how much the Government is spending for the beef industry, when, as a matter of fact, all we are doing is paying for imports from abroad through this device.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. HARVEY of Indiana. I yield.

Mr. TEAGUE of California. On page 2 of the bill the term "food" is defined to include certain things and to exclude foods which are identified on the package as being imported from foreign sources when they arrive at the retail store.

Does the gentleman consider it reasonable to expect a man behind a meat counter in a large supermarket, when the imported meat is no longer in packages and is perhaps mixed in with other hamburger, let us say, to be able to tell what was imported and what was a local product?

Mr. HARVEY of Indiana. Of course not. The meat will never get through in that form. I am sure the gentleman is as aware as I am that the meat comes mostly from Australia and New Zealand in frozen chunks. It is purchased and then processed by many of our domestic meat processing plants into luncheon meat, hamburger, and all sorts of products of that kind. Obviously, when it reaches the retail store there is no way of determining whether it has come from a domestic source or a foreign source. That is exactly why I am pointing up the weakness in the provision.

Mr. TEAGUE of California. The gentleman would agree that this provision in the bill means little, when it is carried through to final analysis? When the product reaches the retail store, the man behind the counter or the person purchasing it does not know whether it is imported or domestically produced.

Mr. HARVEY of Indiana. Not only that, but he could not be expected to.

Mr. Chairman, I yield back the remainder of my time.

Mr. HAGEN of California. I rise in opposition to the amendment.

Mr. Chairman, and members of the Committee, all this conversation about foreign meat and foreign foods is highly diversionary. The answer to the import problem with respect to beef, lamb, and other products lies in quotas, higher duties, or some form of voluntary agreement with the countries which ship those products to us. This is a problem totally irrelevant to the food stamp program.

I am highly concerned about the amendment which the gentleman from Iowa [Mr. HOEVEN] offered, because a question was asked of the gentleman as to whether this would permit the sale of meat, for example, as a surplus commodity, and his answer was, as I recall, "I imagine it would." This is small assurance to those farmers who have commodities which are in surplus and who are seeking the additional market which they would secure through this food stamp program.

I am particularly concerned with it because in California, for example, we raise many crops which do not enjoy a price support program but which are from time to time in surplus. I refer to such crops as peaches, which are a very wholesome food, and potatoes, which are a very wholesome food, and I would rather doubt, in the light of the gentleman from Iowa [Mr. HOEVEN] own statement, that these foods would be eligible if this amendment were adopted. Furthermore, this amendment or something very similar to it was considered judiciously in our committee and rejected. One of the reasons is it would create an administrative nightmare out of this program. One of the advantages of this food stamp program as contrasted, for example, with the direct distribution program is its simplicity. A man buys stamps and goes to the grocery store and shops like everyone else, and believe me there are very few foreign items in our grocery stores.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. HAGEN of California. I yield to the gentleman from Texas.

Mr. POAGE. Will the gentleman tell us how, if the Hoeven amendment were adopted, a recipient of food stamps could buy sugar? How would he know whether that sugar came originally from Honduras or came from Hawaii?

Mr. HAGEN of California. The only way he could buy sugar would be to buy beet sugar, and I am certain that would not be pleasing to the refineries of sugar on the east coast and the gulf coast and various other parts of the country.

Mr. POAGE. But by looking at it can you tell beet sugar from cane sugar?

Mr. HAGEN of California. No. However, I think the beet sugar producers have some pride in it which I gather from the fact that they may put a label on the box.

Mr. POAGE. They unquestionably can where it says so on the label, but where it is in bulk there is no way in the world of telling it. Will the gentleman tell me how in the world under the Hoeven amendment it would be possible to buy meat—the very thing that these gentlemen have been talking about so much—with approximately 10 percent of our meat imported? We know there is going to be imported meat. About one-tenth of our meat will be imported. Generally that is ground and may be mixed in frankfurters and all sorts of things. How in the world under the

Hoeven amendment could any storekeeper afford to sell any kind of meat when he would not know the place of origin?

Mr. HAGEN of California. I would say you are absolutely correct.

Mr. POAGE. Would not the Hoeven amendment take away all the possibilities of helping the livestock industry?

Mr. HAGEN of California. I would say you are exactly correct, because the grocery store would refuse to handle or to sell meat to stampholders under these circumstances. Any meat.

Mr. POAGE. Of course he would, because he would be subject to losing his permit to do business with these food stamps. So instead of being a boom to any American producer, the Hoeven amendment simply in essence puts us right back where we were with a great deal of additional authorization and expense, because it proposes to distribute just what you are now distributing but to do it with another organization. Is that not all it does?

Mr. HAGEN of California. I agree with the gentleman.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. HAGEN of California. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I would like to say to the gentleman that these people on the food stamp plan pay out of their own funds their full food budget to buy these stamps, and therefore we make them spend as much for food as they usually spend on food purchases. Then after that, we give them the extra coupons to buy additional food. What the gentleman proposes is that we make these people spend their entire food budget—their own money as well as the additional food purchasing power represented by the bonus coupons—for flour, cornmeal, beef, lard, and some of these other things which they are now getting absolutely free under the direct distribution system. I oppose this amendment.

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired. The question is on the amendment offered by the gentleman from Iowa [Mr. Hoeven].

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HOEVEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Hoeven and Mr. Hagen of California.

The Committee again divided, and the tellers reported that there were—ayes 85, noes 121.

So the amendment was rejected.

Mr. COOLEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Landrum, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10222) to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Before declaring a recess, the Chair desires to announce that Members will assemble here in the Chamber at 2:45 p.m. and proceed to the rotunda of the Capitol for the purpose of participating in the lying-in-state ceremonies for the late General of the Army Douglas MacArthur.

Following the ceremonies in the rotunda, Members will return to the Chamber. The Chair will then call the House to order for further consideration of business pending in the House.

In other words, there will be no 15-minute bell, but the House will be called to order at that time.

RECESS

The Chair now declares a recess, subject to the call of the Chair.

Accordingly (at 2 o'clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 55 minutes p.m.

FOOD STAMP ACT OF 1964

IN THE COMMITTEE OF THE WHOLE

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10222) to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 10222, with Mr. Landrum in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose, the Clerk had read through section 3, line 6, page 4 of the bill. If there are no further amendments to this section, the Clerk will read.

The Clerk read as follows:

ESTABLISHMENT OF THE FOOD STAMP PROGRAM

Sec. 4. (a) The Secretary is authorized to formulate and administer a food stamp program under which, at the request of an appropriate State agency, eligible households within the State shall be provided with an opportunity more nearly to obtain a nutritionally adequate diet through the issuance to them of a coupon allotment which shall have a greater monetary value than their normal expenditures for food. The coupons so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the food stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

(b) In areas where a food stamp program is in effect, there shall be no distribution of foods to households under the authority of any other law except during emergency situations caused by a natural disaster as determined by the Secretary.

(c) The Secretary shall issue such regulations, not inconsistent with this Act, as he deems necessary or appropriate for the effective and efficient administration of the food stamp program.

AMENDMENT OFFERED BY MR. JONES OF MISSOURI

Mr. JONES of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jones of Missouri: Page 4, lines 21 through 25, strike out all of lines 21 through 25.

Mr. JONES of Missouri. Mr. Chairman, the amendment I have offered has two purposes. Under the present pilot food stamp program the regulations provide that where a food stamp program is in effect there shall be no direct distribution of food. In other words, in many localities in the United States we have at the present time what we call the direct distribution of surplus commodities. Those commodities are confined to commodities which have been obtained by the Commodity Credit Corporation and which are not only in surplus but on which the Federal Government is paying storage charges.

Here is the reason I offer this amendment: This particular subsection constitutes a prohibition against distributing any of the surplus commodities in areas where a food stamp program is in effect. Actually, I do not understand completely what is meant by an area. I can envision a county which would be constituted as an area and designated by the Secretary for the implementation of a food stamp program which would replace the direct distribution of commodities, while in other counties only one city might be designated as an area.

As I stated yesterday, in the city of St. Louis prior to the time that the pilot food stamp program was put into effect, there were more than 63,000 persons who were receiving food through the direct distribution. They were receiving flour, they were receiving cornmeal, they were receiving dried milk, they were receiving rice, they were receiving cheese and butter. Those were the more commonly used commodities and the ones that were in greatest surplus.

At other times, as the Secretary would determine that it was advisable to use section 32 funds for buying up other commodities, which might include meat, which could include citrus fruits, which could include other items, they would be added to the direct distribution.

When the food stamp program went into effect in the city of St. Louis there were only a small number of persons who participated in the food stamp program. At the end of 14 months and by using every inducement possible to increase the use of food stamps to include a larger number of people there were slightly more than 11,000 of these 63,000 who were being fed through the food stamp program. What happened? There were 52,000-odd people who were obtaining relief through the receipt of surplus commodities with which they could keep body and soul together and which, while it was not an ideal diet, was a substantial diet that permitted those families to live.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. JONES of Missouri was allowed to proceed for 5 additional minutes.)

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman from North Carolina, the distinguished chairman of the Committee on Agriculture.

Mr. COOLEY. If the gentleman's amendment is adopted, is it the gentleman's understanding that the Secretary of Agriculture would still have complete discretionary power to put the food stamp program into effect in a particular area and at the same time have direct distribution there?

Mr. JONES of Missouri. That is, if he deemed that it was desirable and if he deemed that it was necessary to supplement the food stamp program with a direct distribution, he would have that discretionary power.

Mr. COOLEY. With that understanding, that the Secretary would exercise that discretion in unusual circumstances, as the gentleman has indicated, I have no objection to the gentleman's amendment. I think I know what the gentleman has in mind. I know that in one place in Missouri they have the food stamp program, in St. Louis, and outside of St. Louis they have direct distribution. There may be places where the Secretary would feel he would be justified in having both programs operating in the same area at the same time.

Mr. JONES of Missouri. If the gentleman will permit me to say this, in other words, using this as an example, in my home county in the month of January there were some 8,000 individuals who were receiving direct distribution of food.

That is a seasonal operation. Living in the agricultural area that I do, from late November until about the first of April, until farm operations start again, we have large numbers of people, many of them colored, and also many white people who are unable, because they have no income, to spend $4 which is the minimum under the regulations in the State of Missouri at the present time. They have to buy $4 worth of stamps. That is the minimum before they can get $20 worth of free stamps to give them a total of $24.

Mr. COOLEY. And that is all because they have no income?

Mr. JONES of Missouri. Yes, that is because they have no income.

Mr. COOLEY. And because they are not on public charity or public relief; is that not correct?

Mr. JONES of Missouri. That is right.

Mr. COOLEY. With that understanding, I do not have any objection to the gentleman's amendment. I know what prompted the committee's action in this respect, and it was either in the subcommittee or in the full committee, because they did not think it was well to have two programs going on at the same time in the same area.

With the understanding that the Secretary will have discretion in the matter I have no objection to the amendment.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman.

Mr. MICHEL. Yesterday during the debate, we heard the gentlewoman from Missouri say that one program was going to replace the other. In other words, it was not going to end up in a net increase in cost. What is the gentleman's position or what is his feeling with respect to the eventual cost of having two programs operating in the same area.

Mr. JONES of Missouri. Frankly, I think under these circumstances and in this instance that I am speaking about, I think it would actually wind up costing less. I say that for this reason. In those areas the Government already handles the surplus commodities. Where we have storage charges on commodities that can deteriorate and go out of condition, I think it is in our interest to try to utilize them to the full extent. Further on in the bill there is an amendment that I was able to have adopted in the committee stressing the fact that in the operation of this program we were to encourage continued use of those commodities in surplus supply. Then I added, "So as not to reduce the total consumption of surplus commodities which have been made available through direction distribution."

All I am trying to do is to get this bill in shape so that the Secretary will understand we are trying to use to the fullest extent the surplus commodities and to use the food stamps to supplement the income to do that. I do not anticipate that you will have many areas where you will have both programs in operation at the same time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that debate on the pending amendment and all amendments thereto do now close since there is no objection to the gentleman's amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. JONES].

The amendment was agreed to.

Mr. LAIRD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to speak out of the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LAIRD. Mr. Chairman, I have watched with a great deal of interest the various interpretations carried on the ticker in the Speaker's lobby of the United Press International, and the Associated Press, regarding the outcome of the Wisconsin presidential preference primary. Members of the other body have stated the vote received by Governor Wallace, of Alabama, was due to crossovers of Republicans voting for the Governor of Alabama.

There were crossovers in that Wisconsin presidential preference primary, as there always are when there is no contest on the Republican ticket and there is a contest on the Democratic ticket. I would estimate, however, that Reynolds and Wallace shared in these crossover votes. The highest percentage of votes for Governor Wallace was in the strong Democratic Milwaukee County area. In my district and in the other outstate districts, Governor Wallace received about 20 percent of the votes. When the votes were counted in the strong Democratic strongholds such as Milwaukee County—Governor Wallace's vote ran as high as 31 percent. As an example, let us look at the 14th ward of Milwaukee where the late President Kennedy received 84 percent of the vote in the 1960 general election. Yesterday Governor Wallace received 30 percent of the vote in this ward.

In the six strongest Republican counties in the 1960 Wisconsin general election we find that the percentage of votes received by Governor Wallace was the smallest. In each of these counties Nixon received more than 65 percent of the votes in 1960. In these Republican counties, Wallace ran far behind his statewide average. The six counties and the percentage of votes received by Wallace are as follows: Green, 17.9 percent; Marquette, 22.2 percent; Shawano, 20.4 percent; Walworth, 22.6 percent; Waupaca, 19.4 percent; and Waushara, 23.0 percent.

To say that this vote was a crossover vote of Republicans is certainly not reading the election results correctly. I know that in my particular congressional district there were Republicans who voted for Governor Reynolds who do not plan to do so in November.

All we have to do is to look at the 14th ward of Milwaukee, to look at the votes in the city of Milwaukee and in the county of Milwaukee, to discount these reports which are being disseminated throughout the United States today.

The election record and the percentage votes have not been properly analyzed. We Republicans are used to getting blamed, but let us not take the blame for what is happening to the Democrats.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I wish to say that Governor Wallace conducted himself in an upright manner in the gentleman's State. He is an able man. He is an honest man. He is a Christian gentleman. He discussed possibly only one issue—the civil rights issue.

In my opinion, the phenomenal success which Governor Wallace had, bucking the Federal Government and the State government of Wisconsin, was due to the dissatisfaction of the thousands of people in Wisconsin with the civil rights bill.

Mr. LAIRD. I might say to the gentleman from Alabama that I would have to disagree with him in his interpretation of the effect of the civil rights bill. I believe it was a protest against Governor Reynolds' program for Wisconsin.

Governor Reynolds had a program for highway acceleration on the primary ballot. This Reynolds program was defeated by an almost 8-to-1 vote, according to this report which I have before me.

I might add that I voted for my colleague, Congressman JOHN BYRNES, who received an amazing vote for a completely uncontested Republican slate—there was only one place to mark a Republican ballot. BYRNES received, as a strictly favorite-son candidate, the same percentage vote which Richard Nixon received in 1960 in the presidential preference primary; and Richard Nixon then went on to carry the State in the 1960 general election. There are several newspaper accounts comparing BYRNES' vote yesterday with Nixon's general election vote in 1960. I might suggest that these reporters compare BYRNES' and Nixon's primary vote instead.

I add that both Senator HUMPHREY and the late President Kennedy were in Wisconsin in 1960, and they were urging Republicans to cross over in the 1960 presidential primary.

AMENDMENT OFFERED BY MR. HOEVEN

Mr. HOEVEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HOEVEN: On page 4, line 8, strike the word "The" and insert in lieu thereof the words "During the period ending June 30, 1967, the".

Mr. HOEVEN. Mr. Chairman, the bill we are now considering is permanent legislation. Let us keep that in mind. However, it only carries an authorization for appropriations for the present and the next 3 fiscal years. This authorization expires on June 30, 1967, which is the end of fiscal year 1967. My amendment would simply make the program conform to the authorization termination. There is no reason for the program to be permanent when the authorization for funds is only for 3 years. At the end of this 3-year period Congress should have the opportunity completely to review the program. Please remember that we already have a pilot plan program in force and effect and this bill is intended to embrace all 50 States. Most certainly at the end of a 3-year period we should have a chance to review both the authorization and legislation itself. I realize an argument can be made that the Congress will have a chance to review the program when the authorization expires, but with my amendment it will be clear that the program itself will expire. We will therefore not be committing ourselves to this program in perpetuity. I do not think this committee wants to do that. Certainly we should review the legislation at the expiration of a reasonable time, to wit, 3 years, as I propose, which is in conformity with the authorization termination date. I would like to know what is wrong with that kind of proposal, and I urge the adoption of my amendment.

Mr. HAGEN of California. Mr. Chairman, I rise in opposition to the amendment. The subject of a review after a period of years of this program was discussed in the subcommittee, and it was unanimously determined that the best way to handle this would be through having a terminable authorization for the appropriation of money. One reason for this is that some States may have to pass laws to implement their participation in this program, and it would be much more difficult to secure this cooperation from the States for a program that would be absolutely off the books at the end of the period provided by the gentleman from Iowa's [Mr. HOEVEN] amendment, whereas it would be a much more likely prospect to pass such legislation at the State level with only a terminable money authorization. As far as the matter of review is concerned, you get the same amount of review reviewing the money authorization as you do under the Hoeven amendment, and it was deemed in our subcommittee that this was a less desirable way to handle this particular problem. However, at the least, you might say the gentleman from Iowa's [Mr. HOEVEN] amendment accomplishes nothing but has a potential damage as far as securing the necessary cooperation from the States who are partners in this program. I might say that it might also pose a threat to some of these pilot programs which are now in operation and which might be continued even though we did not continue the money authorization for this broad-scale program. So I want to point out to those of you who have pilot programs in their area that you should look askance at this particular amendment. I urge its rejection.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. HAGEN of California. I yield to the gentleman from Illinois.

Mr. FINDLEY. Under the amendment offered is it not possible to combine both the extension of the program and the extension of the authorization? Could that not be done in a single bill?

Mr. HAGEN of California. Well, it could, but we deemed it more advantageous to handle it in this way. I think it poses a certain danger, and the gentleman from Iowa's [Mr. HOEVEN] language poses additional dangers to these pilot programs which serve these hard core unemployment areas and which the Congress might want to keep in operation even though we abandoned this broad-scale program in June 1967. There is not enough to be accomplished by the gentleman's amendment to risk that danger, in my judgment.

Mr. FINDLEY. Mr. Chairman, if the gentleman will yield further, was he not arguing earlier that if the bill today is not enacted there is risk that the pilot programs will be dropped completely?

Mr. HAGEN of California. There is that risk.

Mr. FINDLEY. Does the gentleman expect that that will happen?

Mr. HAGEN of California. I think the risk will be greater with the amendment proposed. I think these pilot programs are not going to be continued indefinitely. By their very nature they are pilot programs. This is one reason why we need this legislation even in those areas where they now have programs. I would say that with the amendment proposed it would be certain that these pilot programs would be abandoned after 1967 in the event there were no further legislation enacted.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. HAGEN of California. I yield.

Mr. MICHEL. If you do not have a termination date then the gentleman is saying in effect that this is a permanent program from now until doomsday. As I understand it, No. 1, we are trying to get rid of agricultural surpluses, commodities which are in oversupply; and No. 2, this is one of the facets of the war on poverty. If the war on poverty is not going to prove successful between now and 1967, the gentleman is saying that it will not be ended at that time and we are going to have it forever. Then it becomes simply a Federal relief program.

Mr. HAGEN of California. I doubt that we will have to worry about its being continued forever. The authorization for money expenditure makes it terminable. In addition, the experience with the food stamp program in the 1930's and 1940's was that it phased itself out. The prior program ended in 1943 because the state of the economy was such in terms of jobs and income that it was no longer necessary.

And if our economy improves to the point where we do not have these numbers of people with low income or no income then there will be no need for the program. It will just phase itself out.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. HAGEN of California. I yield to the gentleman.

Mr. POAGE. Does the gentleman know of anything that is more variable than a permanent Agriculture Act?

Mr. HAGEN of California. I agree.

Mr. MICHEL. Mr. Chairman, I would have to disagree with the gentleman. I think if we have the opportunity to end this program in 3 years we ought to do it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HOEVEN].

The question was taken; and on a division (demanded by Mr. HOEVEN) there were—ayes 65, noes 76.

Mr. HOEVEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HOEVEN and Mr. MATTHEWS.

The Committee again divided, and the tellers reported that there were—ayes 82, noes 113.

So the amendment was rejected.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. HOEVEN. Mr. Chairman, I object.

Mr. COOLEY. Mr. Chairman, I move that all debate on the bill and all amendments thereto close in 35 minutes.

Mr. HALLECK. Mr. Chairman, I make the point of order that that motion is not in order.

Mr. COOLEY. Mr. Chairman, I withdraw my motion.

The Clerk read as follows:

ELIGIBLE HOUSEHOLDS

SEC. 5. (a) Households eligible to participate in the food stamp program shall be those whose economic status is such as to be a substantial limiting factor in the attainment of a nutritionally adequate diet.

(b) Each State shall establish standards to determine the eligibility of applicant households which standards, among other things, shall take into account such of the factors used by each State in granting assistance under the federally aided public assistance programs as the Secretary determines will tend to effectuate the purposes of the food stamp program. The standards of eligibility to be used by each State for the food stamp program shall be subject to the approval of the Secretary.

ISSUANCE AND USE OF COUPONS

SEC. 6. (a) Coupons shall be printed in such denominations as may be determined to be necessary, and shall be issued only to households which have been duly certified as eligible to participate in the food stamp program.

(b) Coupons issued to eligible households shall be used by them only to purchase food in retail food stores which have been approved for participation in the food stamp program at prices prevailing in such stores: *Provided*, That nothing in this Act shall be construed as authorizing the Secretary to specify the prices at which food may be sold by wholesale food concerns or retail food stores.

(c) Coupons issued to eligible households shall be simple in design and shall include only such words or illustrations as are required to explain their purpose and define their denomination. The name of any public official shall not appear on such coupons.

VALUE OF THE COUPON ALLOTMENT AND CHARGES TO BE MADE

SEC. 7. (a) The face value of the coupon allotment which State agencies shall be authorized to issue to households certified as eligible to participate in the food stamp program shall be in such amount as will provide such households with an opportunity more nearly to obtain a nutritionally adequate diet.

(b) Households shall be charged such portion of the face value of the coupon allotment issued to them as is determined to be equivalent to their normal expenditures for food.

(c) The value of the coupon allotment provided to any eligible household which is in excess of the amount charged such households for such allotment shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(d) Funds derived from the charges made for the coupon allotment shall be promptly deposited in a manner prescribed in the regulations issued pursuant to this Act, in a separate account maintained in the Treasury of the United States for such purpose. Such deposits shall be available, without limitation to fiscal years, for the redemption of coupons.

APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

SEC. 8. (a) Regulations issued pursuant to this Act shall provide for the submission of applications for approval by retail food stores and wholesale food concerns which desire to be authorized to accept and redeem coupons under the food stamp program and for the approval of those applicants whose participation will effectuate the purposes of the food stamp program. In determining the qualifications of applicants there shall be considered among such other factors as may be appropriate, the following: (1) the nature and extent of the retail or wholesale food business conducted by the applicant; (2) the volume of coupon business which may reasonably be expected to be conducted by the applicant retail food store or wholesale food concern; and (3) the business integrity and reputation of the applicant. Approval of an applicant shall be evidenced by the issuance to such applicant of a nontransferable certificate of approval.

(b) Regulations issued pursuant to this Act shall require an applicant retail food store or wholesale food concern to submit information which will permit a determination to be made as to whether such applicant qualifies, or continues to qualify, for approval under the provisions of this Act or the regulations issued pursuant to this Act. Regulations issued pursuant to this Act shall provide for safeguards which restrict the use or disclosure of information obtained under the authority granted by this subsection to purposes directly connected with administration and enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

(c) Any retail food store or wholesale food concern which has failed upon application to receive approval to participate in the food stamp program may obtain a hearing on such refusal as provided in section 13 of this Act.

REDEMPTION OF COUPONS

SEC. 9. Regulations issued pursuant to this Act shall provide for the redemption of coupons accepted by retail food stores through approved wholesale food concerns or through banks, with the cooperation of the Treasury Department.

ADMINISTRATION

SEC. 10. (a) All practicable efforts shall be made in the administration of the food stamp program to insure that participants use their increased food purchasing power to obtain those staple foods most needed in their diets, and particularly those in abundant or surplus supply. In addition to such steps as may be taken administratively, the voluntary cooperation of existing Federal, State, local, or private agencies which carry out informational and educational programs for consumers shall be enlisted.

(b) The State agency of each participating State shall assume responsibility for the certification of applicant households and for the issuance of coupons: *Provided*, That the State agency may, subject to approval by the Secretary, delegate its responsibility in connection with the issuance of coupons to another agency of the State government. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act and the regulations issued pursuant to this Act. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not in excess of three years, as may be specified in the regulations.

(c) In the certification of applicant households for the food stamp program there shall be no discrimination against any household by reason of race, religious creed, national origin, or political beliefs.

(d) Participating States or participating political subdivisions thereof shall not decrease welfare grants or other similar aid extended to any person or persons as a consequence of such person's or persons' participation in benefits made available under the provisions of this Act or the regulations issued pursuant to this Act.

(e) The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State, the political subdivisions within the State in which the State desires to conduct the program, and the effective dates of participation by each such political subdivision. In addition, such plan of operation shall provide, among such other provisions as may by regulation be required, the following: (1) the specific standards to be used in determining the eligibility of applicant households; (2) that the State agency shall undertake the certification of applicant households in accordance with the general procedures and personnel standards used by them in the certification of applicants for benefits under the federally aided public assistance programs; (3) safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; and (4) for the submission of such reports and other information as may from time to time be required.

(f) If the Secretary determines that in the administration of the program there is a failure by a State agency to comply substantially with the provisions of this Act, or with the regulations issued pursuant to this Act, or with the State plan of operation, he shall inform such State agency of such failure and shall allow the State agency a reasonable period of time for the correction of such failure. Upon the expiration of such period, the Secretary shall direct that there be no further issuance of coupons in the political subdivisions where such failure has occurred until such time as satisfactory corrective action has been taken.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 9, line 6, after "particularly" insert "to encourage the continued use of."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 9, line 7, strike out the period and insert "so as not to reduce the total consumption of surplus commodities which have been made available through direct distribution."

Mr. QUIE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I should like to ask the Chairman a question. What will be the need for this committee amendment now that the Jones amendment has been adopted? What would the meaning of it be now that the Jones amendment is adopted?

Mr. COOLEY. It probably would not be needed since the Jones amendment was adopted. Perhaps the gentleman from Missouri would like to answer the gentleman.

Mr. JONES of Missouri. The reason I think this should be in the bill is because what we are doing here in section 10 is trying to give some instructions and to impress upon the Secretary that we want to continue to use to the fullest extent possible the commodities that are in surplus and we also are trying to have him write his regulations so that we will not reduce the total consumption of the surplus commodities that we already have and which have been put out through direct distribution. I did not think it was practical to try to get it in the bill because they told me about the difficulties of administration, but I am still in contact with the Department, trying to get the Department to get two kinds of stamps here. I would like to see this food stamp program worked with two different kinds of stamps and maybe two-thirds or three-fourths of those stamps would be only for commodities or derivatives of commodities that are in surplus supply. That is the reason I think this language here or even stronger language—and this is about as strong as we were able to get in the bill in committee—but as I say, that is the reason I think this language should be included. It helps but it does not go as far as I would like to see it go, but I would certainly like to see it there because I think it is a directive to the Secretary.

Mr. QUIE. Do you conceive of some family using both the food stamp plan and direct distribution if no two colored stamps are made available?

Mr. JONES of Missouri. No, I do not.

Mr. QUIE. It would just be in the community.

Mr. JONES of Missouri. I think so—but not by the same family using direct distribution and the food stamps—no.

Mr. QUIE. In other words, with this language in, if the food stamp program would not keep up the distribution of surplus food, they would be practically required to keep the direct distribution program going in the county.

Mr. JONES of Missouri. Either in the county or in some way. Of course, you are going to find a lot of places that will not take the food stamp in preference to direct distribution. Unfortunately, you do not have a uniform operation of the food stamp program in every State. You also do not have the same type of direct food distribution in every State. The cost in some areas is borne by the county government and in some borne by the State government and in some borne by the city government, and you are going to find there are so many different types of programs there is no uniformity about it. The thing that worried me is this. In some areas, I think in the area I represent, some county courts would be inclined to want to take the food stamp plan rather than the direct distribution because it would relieve them in the case of my home county of spending about $8,000 a year. With a small budget, that is a great saving to them and they would do away with the direct distribution and go to the food stamp plan and let the Federal Government pick up the tab. But there would only be about 20 percent to 25 percent of the people being served under the direct distribution actually that would be served under the food stamp plan if the prediction of the State director of welfare is correct; and he is basing that prediction on what has happened in St. Louis. So that is the thing I have been worried about happening, but with the pressure on the county court to get out from under the cost and the pressure they will receive from the retail and wholesale food distributors to go to the food stamp plan rather than to direct distribution. Those two things, I think, would influence a lot of the county courts.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. COOLEY. I do not see how the language in the bill or in the committee amendment could possibly be harmful. I agree with the gentleman from Missouri [Mr. JONES] that it may not be necessary, but it will certainly not be harmful because as has been suggested, we are trying to encourage the use of surplus foods.

Mr. QUIE. It may mean that they would be encouraged to use the two programs, but I will not object to this committee amendment.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUTCHINSON: Page 9, line 17, after the words "subject to", strike out the words "approved by the Secretary" and insert the words "State law".

Mr. HUTCHINSON. Mr. Chairman, yesterday in the general debate I mentioned a problem which came to my mind, and I stated I would offer an amendment at this time to correct it. I hope that the amendment will not be controversial. I hope it involves something almost an oversight in the drafting of the bill.

The State agency which is to be vested by this bill with assuming the responsibility for the certification of households and for the issuance of coupons would be given the power to delegate its authority to another agency of the State government. I submit that would be an interference with the internal operations of a State.

If I were sitting as a member of a State legislature—and I did for many years—and if I had voted for an appropriation to a State welfare department for the purpose of administering its part of this food stamp program, and then it was called to my attention in the middle of a fiscal year that the State welfare department had decided to delegate its function to another department of the State government, without the consent of the legislature, I would believe that to be an affront not only to the legislature but also to the State government itself.

For that reason I offer an amendment to provide that any delegation by the State agency, which, under this bill, is to be given initial responsibility to carry out the program, be under the State law.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from North Carolina.

Mr. COOLEY. Exactly what does the amendment mean?

Mr. HUTCHINSON. The amendment means, Mr. Chairman, that if the State welfare department, which would have initial authority under the bill to certify the households and to issue the certificates, wished to delegate responsibility in connection with the issuance of coupons to another agency of the State government, it could do that only if it had consent under the State law to do so.

Mr. COOLEY. This is subject only to approval of the Secretary. That is how they could do it under the bill.

Mr. HUTCHINSON. That is correct.

Mr. COOLEY. The gentleman wishes to have it subject to State law?

Mr. HUTCHINSON. That is correct, Mr. Chairman.

Mr. COOLEY. Suppose it were made subject to State law, and suppose there were no State law dealing with this subject.

Mr. HUTCHINSON. There always will be a State law, Mr. Chariman, because the appropriation will be by State law for the administration of the program at the State level.

Mr. COOLEY. No; the State of North Carolina has never appropriated money to run the food stamp program in my home county. The county does that.

Mr. HUTCHINSON. Mr. Chairman, the bill provides that the State shall carry on the administration of the program. That is the provision under this bill. The cost of the administration of the program will be a State responsibility.

Mr. COOLEY. Yes; in some instances the gentleman is entirely correct. In other instances, the State could not force the program on any county unless the county appropriated money to run the program.

I visualize a possibility, if the amendment is adopted, that we might find there was no State law dealing with the subject of food stamps.

Mr. HUTCHINSON. I believe it would be the responsibility of the State to have one. If the State is to accept the program, it should have some law to cover it.

Mr. COOLEY. I have no objection to accepting the amendment with the statement that I still do not understand how to evaluate the amendment. I shall be glad to take it and go to conference with it and try to do the best we can with it. I do not want to have anything contrary to the intent and purpose of the whole law.

Mr. HUTCHINSON. I assure you, Mr. Chairman, this is not offered in any desire to cripple. My desire is merely to preserve some State rights.

Mr. COOLEY. With that statement, I will accept it.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

The CHAIRMAN The question is on the amendment offered by the gentleman from Michigan [Mr. Hutchinson].

The question was taken; and on a division (demanded by Mr. Hutchinson) there were—ayes 79, noes 10.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Leggett: Sec. 10, Page 11, After line 19, add the following: "Sec. 10(g). The Secretary shall apportion the funds available for the carrying out of the purposes of this Act to the States on the basis of the State's population in proportion to the total national population."

Mr. LEGGETT. Mr. Chairman and members, this amendment I have is very simple. I support the bill and I am trying to make it a better bill. I genuinely believe we have poor people throughout the entire United States and the State of Alabama, or Mississippi, or the State of Michigan, or the State of Pennsylvania do not have any particular hold on it. It may be in percentages that some of us may be worse off than others, but this bill will not help everybody. It will provide basic assistance to a lot of poor people and since we can only do about 10 percent of the work that needs to be done, I think its benefits ought to be ratably apportioned throughout the United States. It has come to my attention that this bill is intended to replace or partially to replace the direct distribution program. Therefore, I had the Department of Agriculture aggregate the assistance given by States under the direct distribution program apportioned throughout the entire United States under the needy persons distribution program. There has been some talk about discrimination here, but I find there was none so far as the South is concerned. I was amazed to find that in the State of Alabama they received some $5.9 million under the direct distribution program in fiscal year 1963. The State of Arkansas got $7.5 million. My great State of California, which has a lot of poor people and also has 10 percent of the population of these United States got $1.2 million. The State of Florida got $2.6 million. Georgia received $2.3 million. The great State of Illinois received $4 million. Louisiana received $6.3 million, and the State of Massachusetts received $331,000. The State of Alaska received nothing and the State of Hawaii received nothing. The Territory of Puerto Rico received $14 million, the largest recipient, I believe, outside of the States of Pennsylvania and New York, which did qualify for nearly $20 million under this program.

So I think as far as helping numbers of people, in the State of Alabama they helped 123,000 people under the direct distribution program for needy families and 122,000 in Arkansas, 16,600 in my great State of California, 105,000 in Florida, 217,000 in Kentucky, and 197,000 in the State of Mississippi.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from North Carolina, the chairman of the committee.

Mr. COOLEY. If any community or State did not receive direct distribution of food, it was only because it did not ask for it and it did not provide for the administration of the program.

Under the gentleman's amendment you would not have regard for the need of the particular area, but you would just apportion it among the States based upon population, regardless of economic status. If we accept the gentleman's proposition we disregard the need. I think the amendment is a very bad one and I hope it will be defeated.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman.

Mr. JONES of Missouri. On the basis on which the gentleman has offered his amendment, he might offer another amendment and say that the distribution of defense contracts ought to be on a population basis. That would have about the same amount of reasonableness in it, would it not?

Mr. LEGGETT. No; defense contracts are not based on poverty, but on ability to perform the job.

Mr. JONES of Missouri. But the poverty is caused because all of the defense contracts are out there and in California they do not have as many poor people and do not have the need for a program of this kind. If the gentleman wants to distribute this Government money according to his amendment, let us distribute the defense contracts among the various States in the same way. Then we will not have the need.

Mr. LEGGETT. If the gentleman will look at the way we are distributing the accelerated public works program, and so forth, he will see the vast need that there is in the State of California.

Mr. OLSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman.

Mr. OLSON of Minnesota. Mr. Chairman, what the gentleman is saying by his amendment is that poor people reside in exact proportions in every State in this Nation. I am quite sure the gentleman would agree with me that that is not so and that there are areas of greater need. Certainly Appalachia is a good illustration of this. You might earmark funds for a State that did not choose to use them and exclude funds from another State.

The CHAIRMAN. The time of the gentleman from California [Mr. Leggett] has expired.

The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The Clerk read as follows:

Page 11, line 20:

DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

Sec. 11. Any approved retail food store or wholesale food concern may be disqualified from further participation in the food stamp program on a finding, made as specified in the regulations, that such store or concern has violated any of the provisions of this Act, or of the regulations issued pursuant to this Act. Such disqualification shall be for such period of time as may be determined in accordance with regulations issued pursuant to this Act. The action of disqualification shall be subject to review as provided in section 13 of this Act.

DETERMINATION AND DISPOSITION OF CLAIMS

Sec. 12. The Secretary shall have the power to determine the amount of and settle and adjust any claim and to compromise or deny all or part of any such claim or claims arising under the provisions of this Act or the regulations issued pursuant to this Act.

ADMINISTRATIVE AND JUDICIAL REVIEW

Sec. 13. Whenever—

(a) an application of a retail food store or wholesale food concern to participate in the food stamp program is denied,

(b) a retail food store or a wholesale food concern is disqualified under the provisions of section 11 of this Act, or

(c) all or part of any claim of a retail food store or wholesale food concern is denied under the provisions of section 12 of this Act, notice of such administrative action to be issued to the retail food store or wholesale food concern involved. Such notice shall be delivered by certified mail or personal service. If such store or concern is aggrieved by such action, it may, in accordance with regulations promulgated under this Act, within ten days of the date of delivery of such notice, file a written request for an opportunity to submit information in support of its position to such person or persons as the regulations may designate. If such a request is not made or if such store or concern fails to submit information in support of its position after filing a request, the administrative determination shall be final. If such a request is made by such store or concern, such information as may be submitted by the store or concern, as well as such other information as may be available, shall be reviewed by the person or persons designated, who shall, subject to the right of judicial review hereinafter provided, make a determination which shall be final and which shall take effect fifteen days after the date of the delivery or service of such final notice of determination. If the store or concern feels aggrieved by such final determination he may obtain judicial review thereof by filing a complaint against the United States in the United States district court for the district in which he resides or is engaged in business, or in any court of record of the State having competent jurisdiction, within thirty days after the date of delivery or service of the final notice of determination upon him, requesting the court to set aside such determination. The copy of the summons and complaint required to be delivered to the official or agency whose order is being attacked shall be sent to the Secretary or such person or persons as he may designate to receive service of process. The suit in the United States district court or State court shall be a trial de novo by the court in which the court shall determine the validity of the questioned administrative action in issue. If the court determines that such administrative action is invalid it shall enter such judgment or order as it determines is in accordance with the law and the evidence. During the pendency of such judicial review, or any appeal therefrom, the administrative action under review shall be and remain in full force and effect, unless an application to the court on not less than ten days' notice, and after hearing thereon and a showing of irreparable injury, the court temporarily stays such administrative action pending disposition of such trial or appeal.

AMENDMENT OFFERED BY MR. COOLEY

Mr. COOLEY. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. COOLEY: On page 12, line 24, strike out "to be issued" and insert "shall be issued".

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The Clerk read as follows:

VIOLATIONS AND ENFORCEMENT

SEC. 14. (a) Notwithstanding any other provisions of this Act, the Secretary may provide for the issuance or presentment for redemption of coupons to such person or persons, and at such times and in such manner, as he deems necessary or appropriate to protect the interests of the United States or to insure enforcement of the provisions of this Act or the regulations issue pursuant to this Act.

(b) Whoever knowingly uses, transfers, acquires, or possesses coupons in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons are of the value of $100 or more, be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(c) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act shall be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(d) Coupons issued pursuant to this Act shall be deemed to be obligations of the United States within the meaning of title 18, United States Code, section 8.

COOPERATION WITH STATE AGENCIES

SEC. 15. (a) Each State shall be responsible for financing, from funds available to the State or political subdivision thereof, the costs of carrying out the administrative responsibilities assigned to it under the provisions of this Act. Except as provided for in subsection (b) of this section, such costs shall include, but shall not be limited to, the certification of households; the acceptance, storage, and protection of coupons after their delivery to receiving points within the States; and the issuance of such coupons to eligible households and the control and accounting therefor.

(b) The Secretary is authorized to cooperate with State agencies in the certification of households which are not receiving any type of public assistance so as to insure the effective certification of such households in accordance with the eligibility standards approved under the provisions of section 10 of this Act. Such cooperation shall include payments to State agencies for part of the cost they incur in the certification of such households. The amount of such payment to any one State agency shall be 50 per centum of the sum of: (1) the direct salary costs (including the cost of such fringe benefits as are normally paid to its personnel by the State agency) of the personnel used to make such interviews and such postinterview field investigations as are necessary to certify the eligibility of such households, and of the immediate supervisor of such personnel, for such periods of time as they are employed in certifying the eligibility of such households; (2) travel and related costs incurred by such personnel in postinterview field investigations of such households; and (3) an amount not to exceed 25 per centum of the costs computed under (1) and (2) above.

APPROPRIATIONS

SEC. 16. (a) To carry out the provisions of this Act, there is hereby authorized to be appropriated not in excess of $25,000,000 for the fiscal year ending June 30, 1964; not in excess of $100,000,000 for the fiscal year ending June 30, 1965; not in excess of $175,000,000 for the fiscal year ending June 30, 1966; and not in excess of $250,000,000 for the fiscal year ending June 30, 1967. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act.

(b) In any fiscal year, the Secretary shall limit the value of those coupons issued which is in excess of the value of coupons for which households are charged, to an amount which is not in excess of the portion of the appropriation for such fiscal year which is transferred to the separate account under the provisions of subsection (a) of this section.

(c) If the Secretary determines that any of the funds in the separate account created under section 7(d) of this Act are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury.

(d) Amounts expended under the authority of this Act shall not be considered amounts expended for the purpose of carrying out the agricultural price-support program and appropriations for the purposes of this Act shall be considered, for the purpose of budget presentations, to relate to the functions of the Government concerned with welfare.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 17, line 13, strike out "$100,000,000" and insert "$75,000,000".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 17, line 14, strike out "$175,000,000" and insert "$100,000,000".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 17, line 16, strike out "$250,000,000" and insert "$200,000,000".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 17, line 23, strike out subsection (b) and insert the following:

"(b) Any State which requests to participate in the food stamp program shall be required, from funds available to the State or political subdivision thereof, to make reimbursement payments to the United States in an amount equal to 50 per centum of the value of those coupons issued to households within the State which is in excess of the value of coupons for which such households are charged. Such reimbursement payments shall be deposited into and made a part of the separate account created in section 7(d) of this Act. Such deposits shall be available, without limitation to fiscal years, for the redemption of coupons: *Provided*, That, in any fiscal year, the Secretary shall limit the value of those coupons issued which, in excess of the value of coupons for which households are charged to an amount which is not in excess of the sum of the following: (1) the portion of the appropriation for such fiscal year which is transferred to the separate account under the provisions of subsection (a) of this section; and (2) the amount of the reimbursement payments deposited by States into such separate account during such fiscal year."

AMENDMENT OFFERED BY MR. REIFEL

Mr. REIFEL. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. REIFEL to the committee amendment: Page 18, line 4, strike out the word "Any" in the first sentence and insert in lieu thereof the words "Except eligible Indians on Federal Indian reservations, any".

Mr. REIFEL. Mr. Chairman, under the committee amendment States would be required to pay one-half of the value of the free stamps in order to participate in the food stamp program.

Eligible Indian recipients living on Federal Indian reservations are basically the responsibility of the Federal Government. It is not reasonable to expect the States to assume one-half the cost of this responsibility.

Therefore the amendment to the committee amendment exempts the States from the cost of one-half of the free stamps when a program is established on an Indian reservation.

There are 22 or 23 States of the Union that have Indian reservations, where the Indians are generally the responsibility of the Federal Government with respect to schools, hospitals, roads, and other services.

This amendment should prevail, and the Federal Government should assume the full responsibility for the value of the stamps.

Mr. QUIE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from South Dakota to the committee amendment.

Mr. Chairman, I think this is an acceptable amendment. The Indians who are on reservations surely are a responsibility of the Federal Government and not of the States. We have just heard this morning in the Committee on Education and Labor the testimony of the Secretary of the Interior, who stated that these people are poverty stricken. If ever there was an area where there is a need for the distribution of surplus food, this is that case. I think if there is a food stamp plan established the Indian should be included. I am surprised that no reservation was included in the pilot program.

Mr. ALBERT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the answer to this amendment is to beat the entire Quie amendment. Then there will be no need for this amendment to the committee amendment. This 50-percent amendment will destroy the purposes of this bill. It will be impossible for this bill to be put into operation in many areas where it is most needed. It will start a practice which, in my judgment, will be very unwise. I submit that we should vote down the entire proposition, the entire Quie amendment. That will take care of the other matter.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I appreciate the gentleman's yielding to me because I concur 100 percent with what he says. There are thousands of Indians living in my district, just as there are in the district of the gentleman from Oklahoma [Mr. ALBERT]. Is it not true that the wording of the amendment offered by the gentleman who has just offered the amendment to the Quie amendment would draw a distinction between those Indians who are on reservations and those Indians who are on allotted or other trust lands, who are equally the responsibility of the Government?

Mr. ALBERT. The gentleman is correct. Here we would be giving one Indian ward of the Government an advantage over another ward of the Government because the latter does not live on a reservation.

Mr. REIFEL. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from South Dakota.

Mr. REIFEL. The intent of my amendment is to include all Indians who are the Government's responsibility.

Mr. ALBERT. The gentleman's amendment does not say so. The gentleman's amendment limits the use of 100 percent of Federal funds to Indians living on reservations. A large number of them do not live on reservations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. REIFEL] to the committee amendment.

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 65, noes 90.

So the amendment to the committee amendment was rejected.

Mr. QUIE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the committee amendment. I think the committee took wise action when it adopted the amendment which I offered which provides that the States shall pay 50 percent of the cost of the food stamp plan. As has been said many times during the debate, this is now a welfare program. It is even more so than the direct distribution plan.

Whenever we have had a welfare program, as is indicated by a letter from the Library of Congress in the views which I presented on this bill, the Federal Government has only paid a portion of the cost and the State has paid a portion of the cost. The average of all the welfare programs has been 60 percent Federal and 40 percent by the State or local community. This is a time-honored and time-tested principle of welfare programs. This is what we are trying to do in this food stamp program. We have a direct distribution program which will go on into the future. That is not stopped. It is not terminated. It is not repealed by this legislation. We have a food stamp plan on the books—permanent legislation—100-percent financed by the Federal Government which comes out of section 32 funds. This goes on. Any poor State or community can receive food from direct distribution or the present food stamp plan. However, in this program, which provides that the food stamp plan can be spread over the entire United States depending on the generosity of the Congress, a sense of responsibility must be kept by the States. So, the State will be required to pay 50 percent of the cost.

The States can afford to do it. Just look at the States that are now receiving the food stamp plan. These are listed on page 9. Look at those States. Are the poor States like Mississippi or South Carolina, the two poorest States, listed here? No, they do not have stamp programs. States like California, Illinois, and Indiana are of the highest per capita income States in the Nation and they receive food stamps. Are they not able to pay a portion of the cost? They are more able to pay than the Federal Government is, which is having trouble receiving enough revenue and keeping in the black. We have been in the red for years. I believe the principle of State participation must be kept.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to my chairman.

Mr. COOLEY. The gentleman's own State of Minnesota has three food stamp programs in operation in three counties. You heard your colleague make a speech during the debate to the effect that those counties could not participate in the program on the basis contemplated by the gentleman's amendment.

Mr. QUIE. This is just not correct. You know in Minnesota we do have some poverty stricken counties and they cannot take care of their share of welfare costs—and they do not. The State legislature meets and pays a portion of every Federal welfare program like old age assistance, aid to dependent children, aid to the blind, and any of the other Federal welfare programs in the State. And it is with the generosity and help from my part of the State, which is not poverty stricken, that the northern part of the State is helped, and this help will continue.

There will always be some financial limits on the part of the Federal Government. In respect to all of these welfare programs, we have accepted the principle that if the State and Federal Governments share, there will be more money available to take care of the welfare costs.

Mr. OLSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to my colleague from Minnesota.

Mr. OLSON of Minnesota. I would suggest that the ratio the gentleman has suggested for the matching by State and local governments with the Federal Government is such that it might be incumbent upon us to be aware of the fact that the individual citizen who participates in the food stamp program will have to put up 40 percent. He, in effect, will represent the local and State governments. On top of that, the State government will do all the administration. It certainly is a matching program.

Mr. QUIE. As the gentleman knows, in the old age assistance program, the recipient of old age assistance puts up a portion of the money. The Federal and State governments do not pay it all. The recipients pay what they can, and above that the State and Federal Governments pay whatever else is needed to bring the person up to the income level desired.

That is the way these programs work.

Let us consider the poverty program, now before the Committee on Education and Labor, which is called the "war on poverty." Have they accepted that time-honored principle of State and Federal sharing? Yes, they have. The pilot operation for the first 2 years will provide for the Federal Government to pay for 90 percent and the States to pay for 10 percent.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent (on request of Mr. ALBERT), Mr. QUIE was given permission to proceed for an additional 3 minutes.)

Mr. QUIE. In the poverty program, after the first 2 years, the Federal Government will pay 75 percent of the cost and the States will pay 25 percent of the cost.

That is the way this program should work. We will continue to have the pilot food stamp program, with the Federal Government paying 100 percent of the cost. Surely we should be able to follow through with the broad new program in which the States will pay a share of the cost.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the majority leader.

Mr. ALBERT. Mr. Chairman, I have been advised that the Department of Health, Education, and Welfare has made a survey among the States participating in the food stamp program and has learned that the welfare directors in these States, while greatly in favor of the food stamp program, are working hard to meet other needs, such as medical care, housing, and so forth, and are not staffed or able to devote the time and effort necessary toward working for a budget needed to meet a 50-percent matching fund for food stamps. I feel that the gentleman's amendment would place a burden on the welfare departments of our States and a burden upon other programs, which would make it quite difficult for them to administer all the other programs as they are now administering them.

Mr. QUIE. The gentleman could make the same statement in respect to the poverty program, if that ever gets to the floor. The gentleman could say that it would be too much of a burden for the States to carry part of that program. Surely we do not expect them to say that they are willing to take on the burden if anyone suggests that the Federal Government pay it all. They naturally answer that they need all the Federal money they can get. That is a natural answer.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the minority leader.

Mr. HALLECK. I support the gentleman's amendment. In connection with that I should like to make the general observation that for too long we in this country have followed the dangerous path of believing and of asking the people to believe that if they get money out of Washington it is free, it does not cost anybody anything, and that the Federal Government is solvent and the Federal Government's Treasury is inexhaustible, while somehow or other the States do not have sufficient money to pay any part of the various programs.

There is no money available from Washington which did not first come from the taxpayers of one of the 50 States of the Union. Will anybody dispute that?

I am one of those who has believed for a long time—and I have operated on that belief—that this constant pressure to transfer all collections of the people's money, of the taxpayers' money, to Washington, and to have it expended from Washington can only lead to ultimate disaster to our way of life. The further tax collection gets away from the people and the further the spending of that money gets away from the people in the States and local communities, the more we develop the tendency to waste and extravagance.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

(By unanimous consent (on request of Mr. Halleck), Mr. Quie was given permission to proceed for an additional 3 minutes.)

Mr. HALLECK. I had not intended to inject myself into this argument, but I could not sit here and listen to this report about what some of the State people would like to have. I do not know what the welfare director in my State says about this, but I know this: the people of Indiana have to carry their fair share of the burden, and I do not believe in transferring it to Washington. Maybe enough of you do believe you can beat this amendment and go on and pass this bill, but I am telling you now unless we at sometime or other—and I think shortly—call a halt to this trend, we are going to be in for real trouble. I do not know how long we are supposed to be here tonight, but I would like to say, though it is possibly not a matter of great consequence on the other side of the aisle, it just so happens on our side of the aisle we have people in from all over the country who are here tonight for functions of some importance to them and to us. In addition, there is a matter that a great many of us are interested in which involves people on both sides of the aisle. Tomorrow is another day, but I understand there is a determination to act tonight not only on this bill but the bill dealing with wheat and cotton. As far as the latter bill is concerned, I think I might as well say right now that probably the way this is being handled is the most highhanded, cavalier operation involving a matter of consequence that I have seen here in my time. I might as well pay my respects to that. And, as far as I am concerned, I can stay here the rest of the night to dispose of these matters. However, this is only Wednesday. So with the rest of the week before us, why all this pressure from the majority side for such precipitous action? Also, I might mention the fact that in the rotunda of this Capitol lies in state one of the greatest heroes of our time and one of the greatest Americans of all time. However, as I say, I am perfectly willing to stay here if that is what is needed.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the majority leader.

Mr. ALBERT. I am going to advise the minority leader that we are going to stay here and finish these bills and that the leadership of the committee has endeavored from 11 o'clock this morning to expedite the consideration of this matter so that the Members on both sides of the aisle could attend to important social functions. Every objection made to our considering this bill as having been read and every point of no quorum that was made has been made from the other side of the aisle. We do not apologize for going on with the consideration of this matter.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. Quie] has expired.

Mr. COOLEY. Mr. Chairman, I have a unanimous-consent request to comply with the gentleman's suggestion to close all debate on this amendment and this bill by 6 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. MICHEL. I object.

Mr. COOLEY. Mr. Chairman, I move that all debate on this amendment and on this bill close by 6 o'clock.

Mr. HALLECK. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HALLECK. As I understand it, that motion is not in order until the first speech has been made in support of the amendment and then a 5-minute speech in opposition to it.

Mr. ALBERT. He just made the 5-minute speech.

The CHAIRMAN. There has been debate on this amendment already. The motion is in order.

Mr. HOEVEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOEVEN. Mr. Chairman, has the entire bill been read?

The CHAIRMAN. The entire bill has been read, and there has been debate on this amendment.

Mr. BEERMANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEERMANN. As I understand it, one speaker may speak for the amendment and one against it. Is that correct?

The CHAIRMAN. That has been done.

Mr. BEERMANN. So far only the author of the amendment has spoken for it. Three minutes were granted additionally by the majority leader and 3 minutes were requested by the minority leader. There has been no 5-minute debate against the amendment.

The CHAIRMAN. There has been debate on the amendment, the Chair advises the gentleman, and the motion of the gentleman from North Carolina is in order.

The question is on the motion offered by the gentleman from North Carolina [Mr. Cooley] that all debate on this amendment and on the bill close at 6 o'clock.

Mr. HOEVEN. Mr. Chairman, on that question I demand tellers.

Tellers were ordered and the Chairman appointed as tellers Mr. Hoeven and Mr. Matthews.

The Committee divided, and the tellers reported that there were—ayes 149, noes 117.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. Jensen].

Mr. JENSEN. Mr. Chairman, I move that the Committee do now rise out of further respect for one of the greatest Americans, Gen. Douglas MacArthur.

The CHAIRMAN. The question is on the motion offered by the gentleman from Iowa [Mr. Jensen].

Mr. JENSEN. Mr. Chairman, I demand tellers. It is disgraceful to have this sort of thing going on while General MacArthur is lying here in the Capitol.

The CHAIRMAN. The Chair will inform the gentleman that a vote on his motion is being taken. He is not recognized to make a speech.

Mr. JENSEN. I thank the Chair.

Tellers were ordered, and the Chairman appointed as tellers Mr. Jensen and Mr. Matthews.

The Committee divided, and the tellers reported that there were—ayes 114, noes 146.

So the motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. Miller].

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman, I would like to announce that at 11 o'clock this morning the first

Gemini capsule was successfully launched at Cape Kennedy. The Titan II booster lifted the capsule into space with all systems working perfectly. Insertion into orbit was successfully made, and at this moment the spacecraft is in its third earth orbit. Plans are for the unmanned Gemini to remain in orbit for about 3½ days during which time we will gain invaluable information concerning our newest man-in-space venture.

Mr. Chairman, this is a source of considerable pride to me, and I am sure for every citizen of the Nation. Today we used Titan II, a new space booster which lifted this new space capsule so successfully, and a new spacecraft which accommodates not one man but two.

Congratulations are not only due for the NASA team who successfully launched this unprecedented flight, but to the contractors who were instrumental in building the spacecraft and booster and assisting in the launch—the Martin Co., Aerojet-General Corp., and the Gemini capsule manufacturer, the McDonnell Aircraft Co.; to say nothing of the hundreds of subcontractors who performed invaluable work which made this mission one which will go down in the history of the exploration of space.

Now we have reached another plateau in our mission to reach the moon in this decade, and on this day I feel certain that all Americans stand a little taller for this remarkable accomplishment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, apparently the conduct and voting in the House is about to be put in orbit. That is evident from the way the chairman of the House Agriculture Committee is running this show. There is to be still another bill considered this evening as a part of this "You scratch my back and I'll scratch yours" deal. I do not know how much further in orbit the Democratic leadership can put the votes in this House. I would just like to serve notice here and now that as far as I am concerned I do not like it and I will be present for a further round of this high-handed business in the days and weeks ahead.

The CHAIRMAN. The Chair will state that since only 10 minutes remain for debate under the limitation of time, at this time each Member will now be recognized for 15 seconds.

The Chair recognizes the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Chairman, I yield to the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, many of my colleagues have asked me if this legislation was covered by the civil rights bill as it passed the House. It is my studied judgment that this legislation is subject to the civil rights bill as passed by the House. In order not to leave any doubt about the question, I have also discussed the matter with the chief counsel of the Judiciary Committee and he joins in my opinion.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, the time allotted to Mr. GUBSER was granted to Mr. McCULLOCH.)

Mr. McCULLOCH. Mr. Chairman, as I was saying, the chief counsel of the Committee on the Judiciary is of the same opinion. The senior minority counsel of the Committee on the Judiciary is of the same opinion. I might say, too, that I have talked with the chairman of the committee and he, too, was of the same opinion.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. BLATNIK].

Mr. BLATNIK. Mr. Chairman, the Quie amendment should be defeated because what it does is to penalize those who need the help the most and deny them help. Those who are in better shape financially and economically will be given top priority. It is discriminatory and will make the program absolutely unworkable.

Mr. Chairman, the Quie amendment has been proposed by those who oppose the bill. If the food stamp bill passes with this amendment the program will be prevented from carrying out its basic purposes. This program has been designed specifically for those areas which cannot afford such a welfare plan. Under the Quie amendment, those areas which need food stamps the most will be least able to participate financially.

The attitude of the gentleman from Minnesota is readily understandable when we analyze the nature of his own district and the need for the food stamp program there. Of the 12 counties in his district only 2, Freeborn and Mower, are now participating in the surplus food direct distribution program. In these two counties only approximately 700 families receive surplus foods. Neither of these two counties have expressed an interest in participating in the food stamp program. None of the 12 counties are classified as redevelopment areas or areas of relatively continuous or substantial unemployment. Perhaps these facts are more significant than the so-called principle of State-Federal participation in explaining the Quie amendment.

Let me contrast the situation in the district of the gentleman from Minnesota [Mr. QUIE] with my own area in northeastern Minnesota. In the 11 counties of my Eighth District only 1 does not participate in either the food stamp or direct distribution programs. Only two are not classified as redevelopment areas.

Some of these towns are so poor that they cannot afford to participate in existing Federal programs. For example, one town which is dumping its own raw sewage into the lake which also serves as its water supply, desperately wants and needs a new sewage treatment plant. It was awarded an accelerated public works grant with a 66⅔-percent Federal grant, yet was so poor it could not come up with its own share. It could not even afford an engineer to undertake the basic planning. And this is but one example.

The surplus foods may satisfy the feeling of hunger in the pit of the stomach. But a program which does not include the meats, fruits, and vegetables so necessary to a balanced diet will still leave the body hungry for essential vitamins and proteins. Eighty percent of the increased food consumption of the participating food stamp families has been in meats, fruits, and vegetables not available in the food stamp program.

I noted in debate yesterday that 29 States meet only in the odd years and thus could not possibly participate in the food stamp program this year. Three States meet only in even years and would have to wait until 1966 to implement the food stamp plan. The majority of the balance of the States having annual sessions will probably have adjourned by the time this bill is enacted and would also have to wait until next year.

Furthermore, even when they do meet, State legislatures are often very slow in taking advantage of these matching grant welfare programs. And those which are the first to participate are usually the more wealthy areas already having excellent existing welfare programs. For example, the aid to dependent children program for the unemployed, effective in May 1961, has only 15 States as participants. The Minnesota State Senate refused to participate in this program in 1963 because the program required a small State matching amount.

The Kerr-Mills law, effective in October 1960, has only 33 States participating. Minnesota's participation will be effective on July 1, 1964—almost 4 years later. There are other examples of the States' failure to respond to Federal programs. The medical assistance or medical vendor program under old-age assistance started in 1951. In 1952 there were 13 States participating. In 1954 there were 14 States participating. Seven years later, in 1958, only 32 States were participating. Aid to dependent children for children removed into foster care was effective in May 1961. As of January 1964 only 14 States were participating. Many counties are not participating in the direct distribution surplus food program because they cannot even afford the administrative costs involved.

When it is a matter of getting enough to eat we simply cannot make these people wait that long.

When I cited in debate these examples, and when I stated that hungry people cannot wait years to participate in food stamps, I was told that these people would not be hungry because they could still participate in the surplus food program. We have heard of Marie Antoinette brushing off the complaints of her hungry citizens with "Let them eat cake." The 20th century version of this callous cry is "Let them eat surplus foods."

Mr. Chairman, I believe the issue boils down to whether our attitude is to be one of feeding surplus foods to surplus people or one of providing an adequate balanced diet to unfortunate Americans. When the vote comes to defeat the Quie amendment, I hope the Members of this body will express their concern and delete this hamstringing provision from the food stamp bill.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, I rise in support of the bill. I certainly feel, however, that the Quie amendment should be knocked out of the bill on the basis of the reasons stated by the gentleman from Minnesota.

Mr. Chairman, I favor the enactment of H.R. 10222, but believe strongly that we should delete one amendment that was adopted in the House Committee on Agriculture. That is the amendment to require the States to pay 50 percent of the cost of the program.

If we do not remove the amendment, the effects of the program will be greatly diminished because those areas needing the greatest help will not be able to participate. I speak from experience in my own State of Virginia, where three counties and one city in my district are presently participating in the program on a pilot basis.

Many of you recall that, while I was a member of the House Agriculture Committee, I favored the fullest use of our agricultural abundance in a broad range of activities to benefit our people. These included the direct distribution of surplus food commodities; the school lunch and school milk programs; institutional feeding; and others.

One of the first bills that I sponsored as a freshman in the 84th Congress was to authorize the processing of wheat and corn into a form suitable for home and institutional use. Since that bill became law in 1955, this processing of grain has continued on a permanent basis and millions of pounds have been donated to those in need, to schools and to institutions.

Various counties of my congressional district in southwest Virginia have utilized the direct distribution program. It has helped meet the needs of hundreds of families.

In 1963, three counties and one city formerly using direct distribution were designated eligible for the pilot food stamp program. These were the counties of Dickenson, Lee, and Wise, and the city of Norton. The stamp plan was inaugurated after details were completed with State and local officials. Generally speaking, the operation is conducted in a manner already outlined earlier in this discussion. The local superintendents of welfare certify the eligibility of applicants and administer the program.

The food stamp program has been well received in those areas I have mentioned. I have secured reports from the local superintendents of welfare, from the Federal food stamp office, and have talked with several residents of these four political subdivisions. The program is well on the road to being one of the most successful operations ever undertaken. The few complaints are relatively minor.

These families participating in the program regard it as much more effective in giving them a balanced diet.

The merchants have been high in their praise.

It has given an economic uplift to the areas participating.

The following comments are taken from a report of the Dickenson County superintendent of public welfare:

> We believe the stamp program is superior to the program of direct distribution of surplus foods. The recipient has a choice of foods and can have a more adequate diet. He also has some responsibility because of the requirement that he pay a proportional sum and when a person "pays" in some manner usually the products become more valuable. The economy of the county also is benefited by the food coupons.

The program, as summarized for the month of February, reveals the following facts for my eligible areas:

Dickenson County: 673 families or 3,138 persons participated. Stamps issued, $36,166.

Lee County: 567 families or 2,783 persons participated. Stamps issued, $33,092.

Wise County: 721 families or 3,440 persons participated. Stamps issued, $39,156.

City of Norton: 71 families or 287 persons participated. Stamps issued, $3,586.

You can see very easily the impact these expenditures for food would have on the diets among eligible families and on the economy of the area.

Mr. Chairman, I have found this to be a well planned and administered program. It is of tremendous benefit to the people in the eligible areas. It helps not only those in need, but our farmers who produce the foods purchased.

I again reiterate that we should remove the requirement that States must pay 50 percent of the cost for the food stamp program and approve H.R. 10222.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, we listened to practically all the debate on this bill and still I am not convinced of the merit of this legislation.

This Quie amendment ought to be adopted. We have aready adopted the Jones amendment providing for the continuation of the program of direct distribution. Within a few weeks we will have the agriculture appropriation bill before this House and you will see that over $200 million is already going into this program.

The gentlewoman from Missouri [Mrs. SULLIVAN] yesterday said on page 7132 of the RECORD that:

> The cost to the Federal Government, once this program is operating nationally, will be about the same as the present costs to the Federal Government of giving away surplus food to the needy. The one program replaces the other. The total costs of both would be about the same.

I submit, Mr. Chairman, that we now will have two programs in the same area costing untold millions of dollars.

This food stamp program is not a budgeted item over and above the pilot projects. Those of you who have piously proclaimed to be advocates of "holding the line" on spending should pay particular attention.

Now bearing in mind that currently the program is only operating as a pilot project in 40 counties, the cost for the fiscal year 1964 is $44,625,000. For the fiscal year 1965 it will be $51,125,000 with some 110 to 115 Federal employees involved. Visualize, if you will, expanding this program to over 3,000 counties throughout the United States—a 75-fold increase and try to contemplate the cost in future years. It will be astronomical.

By the Agriculture Departments' own figures an additional 240 man-years of Federal employees will be required for the fiscal year 1965. By 1966 it will grow to 300 man-years and by 1967 it will be 600 man-years.

This is pure and simple a Federal relief program and we ought to continue the traditional pattern for welfare programs of matching State and local funds with Federal funds. This amendment should be retained in the bill.

No wonder there are over 200 applications for participation. Why not apply when Uncle Sam will pick up the full tab? The same argument would hold true for those who argue that the grocery stores are in favor of the legislation. I would be for it, too, if, as a retailer, the Federal Government were picking up the tab for the difference my customers required to have them do business with me. This does not make it right and proper.

If this local and State participation feature is not retained in the bill, I shall have to vote against it, for then the floodgates will be opened to every conceivable kind of welfare program financed wholly by a debt-ridden Federal Government.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HAGEN].

Mr. HAGEN of California. Mr. Chairman, in reference to the remarks of the gentleman from Ohio, the civil rights provision would only apply if there were discrimination in this particular program. There is an antidiscrimination provision in this bill itself.

With respect to the Quie amendment, we have engaged in an idle act if that remains in the bill, because we extend the direct giveaway program and that requirement of 50 percent in this program would make it that, so nobody would choose that program.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Chairman, people who are in real dire need have the direct distribution program and the present food stamp plan which they can use. If this program is going to be spread all over the country, as the plan which we are considering will surely spread, the States ought to share in the responsibility by paying 50 percent of the cost. That is what my amendment proposes. The States ought to pay part of the cost just like they do in the other welfare programs. This is a time-tested and time-honored principle which we ought to adhere to.

The CHAIRMAN. The Chair recognizes the gentleman from Nebraska [Mr. BEERMANN].

Mr. BEERMANN. Mr. Chairman, I support the Quie amendment. I would like to make the observation that we have farm programs to increase surpluses and now we have to have a program paid by the taxpayers to subsidize the consumer.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentlewoman from Missouri [Mrs. SULLIVAN].

Mrs. SULLIVAN. Mr. Chairman, I ask that this amendment be voted down. Unless this amendment is defeated, we would be passing a bill that would never go into effect. I urge its defeat. It was not inserted in this bill in order to improve the bill or the program; it was offered as a device to kill the bill, and kill the program. If this bill were to become law with this amendment included, not only would there be no new food stamp plans put into operation, but all of the existing pilot projects would also come to a halt.

When I introduced this legislation—the administration bill—it was in order to enable other cities and communities in the Nation to enjoy the advantages of a food stamp plan which we already have in my city, and which we prefer to the direct distribution system. But St. Louis could not have a food stamp plan any more, and neither could Pittsburgh or Detroit, or any of the other 40 areas which now have food stamp projects, if this amendment were to become law. The reason is very simple:

Our States could not and would not undertake to finance half of the cost of the food subsidy. Many of the States cannot afford to take advantage now of such important matching Federal aid welfare programs such as the Kerr-Mills Act and aid to children of the unemployed, and most of them are not able to take full advantage of all of the Federal funds they could obtain in other welfare programs. Those are all—and must be—statewide programs. The food stamp plan operates only in those areas of a State which want it and which have sufficient numbers of needy persons to make it practical to operate.

The States must now shoulder many of the costs of a food stamp plan—the costs of certification of the eligibles who are on welfare, and half of the cost of certifying other eligibles who are not on public assistance. The States must set up the machinery to keep strict accounting of all of the food coupons, and to collect the money paid by the food stamp participants. The State costs are not inconsequential. In my State, the welfare administration has been having difficulty finding the funds to finance that part of the costs for which it is now responsible; it could not pay the very substantial additional costs this amendment would impose on Missouri in order to enable us to continue the St. Louis food stamp program.

So, what we have here, in this amendment, is a deliberate device to kill not only this bill to expand the program, but to kill the pilot plans now in operation. Jefferson County and Walker County in Alabama would lose their projects, as Congressman ELLIOTT knows. Independence County in Congressman MILLS' district of Arkansas would lose its project. So would Humboldt County, in the California district of Congressman DON CLAUSEN. Franklin County in the Illinois district represented by Congressman GRAY would no longer be able to have a food stamp plan. Congressman DENTON's district in Indiana would lose the food stamp program in Vanderburgh County. In Kansas, Congressman DOLE's district would lose the project in Rice County. In Congressman PERKINS' district in Kentucky, the projects in Floyd, Knott, and Perry Counties would end, and they would have to go back to the direct distribution system. In Louisiana, the districts represented by Congressmen THOMPSON and LONG would see their food stamp projects ended in Avoyelles and Evangeline Parishes; the three projects in Congressman BLATNICK's Minnesota district in Carlton, Itasca, and St. Louis Counties would have to stop. Congressman OLSEN's district in Montana would lose the Silver Bow County project. Three counties in New Mexico—Mora, San Miguel, and Santa Fe Counties—would no longer be able to continue under the program.

Congressman COOLEY's North Carolina district would lose the Nash County project. In Ohio, the project in Congressman ASHLEY's district, would be terminated in Lucas County, and Cuyahoga County, represented by Congressmen FEIGHAN, VANIK, and MINSHALL and by Mrs. BOLTON would have to give up the food stamp plan. In Mrs. GREEN's district of Oregon, the Multnomah County project would end. In Pennsylvania numerous districts would be affected: Congressman SAYLOR's in Cambria County, Congressman MORGAN's in Fayette County, Congressman FLOOD's in Luzerne, as well as those of the three Members from the city of Pittsburgh, Representatives MOORHEAD, HOLLAND, and FULTON. Tennessee's Third District, represented by Congressman BROCK, would have to give up food stamp projects in four counties—Grundy, Hamilton, Marion, and Sequatchie Counties.

In Virginia, the three counties in Congressman JENNINGS' district which have food stamp plans, Dickenson, Lee, and Wise Counties, would lose their projects. In Washington, the Grays Harbor County project in Mrs. HANSEN's district would be ended. In West Virginia, there are food stamp projects in Logan and Wayne Counties in Congressman HECHLER's district, and in Mingo and McDowell Counties in Mrs. KEE's district which would have to be terminated, and in Wisconsin, the Douglas and Iron County projects in Congressman O'KONSKI's district would have to be ended. I mentioned the Detroit project, one of the very first in the country, and one of the most successful. Congressmen NEDZI, DIGGS, RYAN, DINGELL, LESINSKI, and GRIFFITHS all have parts of their district participating in the program. In St. Louis, both Congressmen KARSTEN and I would have our districts affected by termination of the program.

And it is this particular amendment to the bill now before us which would have that effect. We would frankly rather have no bill at all, than a bill which took away our already existing projects. Without any legislation at all, we could continue to have our pilot food stamp plans. With this 50-50 amendment enacted into law, however, we could not.

I urge the Members, Mr. Chairman, not to let the enemies of the food stamp plan, not only deny it to additional areas of the country, but to also take it away from the 3 cities and 40 counties which now have it and want to continue having it.

This amendment must be defeated if a nationwide food stamp plan is to be a practical reality. Otherwise, we would be passing a bill which would authorize a food stamp plan which would never go into effect. Those who oppose the food stamp plan are welcome to vote against the bill. But I call upon all of those Members who profess to believe in the idea, and who say they support it, to prove their support for the idea by voting down this amendment intended to kill the program.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. GRAY].

Mr. GRAY. Mr. Chairman, since I do not want to bore my colleagues with a long speech, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GRAY. Mr. Chairman, I am sorry the time for debate has been limited because I had looked forward to speaking at some length on the food stamp bill now before us. I wanted to explain how the food-stamp program has helped Franklin County, Ill., in my district. I hope it will suffice to say that my people in Franklin County are now enjoying an adequate diet because of this humanitarian program. Thousands of people in other counties of my district are looking forward to the same consideration. In the interest of helping those who need help the most, I ask my colleagues to vote down the Quie amendment and pass the bill.

The Saviour said, "What ye do for the least of my brethren, ye also do for me."

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. FARBSTEIN].

Mr. FARBSTEIN. Mr. Chairman, I rise in support of the bill and against the Quie amendment. I merely wish to state that in this situation the State will receive no money, only commodities. In most of the other matching programs, moneys are paid to the States.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. RYAN].

Mr. RYAN of New York. Mr. Chairman, the bill before us gives us an opportunity to put our agricultural abundance to work for the benefit of all the people of the United States.

I certainly oppose the Quie amendment. I believe it would cripple the bill, as pointed out by the distinguished chairman of the Committee on Agriculture.

We have the capacity to wipe out poverty, to stamp out hunger, to insure every man, woman and child a life of decency, dignity and hope. Let us not cloud our vision with the shadows of States rights. Let us begin the attack on poverty now.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, the Quie amendment recognizes the responsibility and the authority of the States in this welfare program. The opponents want to deal directly with local units or with individuals, and to bypass and weaken the States in all these affairs. A vote against the Quie amendment will be a vote against State participation in these programs.

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. OLSEN].

Mr. OLSEN of Montana. Mr. Chairman, I recommend defeat of the Quie amendment for the reason that the areas in dire need would be denied assistance.

Mr. Chairman, my old home county of Silver Bow is one of the largest taxpaying counties in the State of Montana. However, because of depression the county has had to go to the State treasury for assistance to finance welfare programs. I doubt that my State or county could comply with the Quie amendment.

The same situation of need and inability to finance prevails on all the Indian reservations.

The areas in need cannot finance this program. Federal finance is necessary.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. OLSEN of Montana. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, the food stamp program can be an effective welfare program if the amendment requiring the States to bear 50 percent of the cost is removed. The benefits that will be derived from this program are so important that to allow this amendment to stay in the bill would be a mistake in my opinion.

The welfare officials of my own city of Minneapolis have told me that an effective food stamp program would permit a more orderly distribution of agricultural products. It would also serve more needy people because it would rely on the normal commercial channels of distribution. As the Committee on Agriculture has pointed out, the pilot food stamp program has proven to be the most effective method yet devised to provide needy Americans with an adequate diet.

In this way the food stamp program can be an important supplement to our State and local welfare programs.

The Federal Government will not automatically set up food stamp programs in all areas of the country; the agency responsibility for administering public programs in the States must request the establishment of a food stamp program. Those areas which have the greatest need for this type of program certainly will not ask to participate in it because they will be unable to afford this additional program. They already have difficulty meeting the minimum welfare needs of their people. Thus, the people who have the greatest need for this assistance will be unable to participate in this program.

The States most in need of this program will be forced to rely on the donated food program instead of being able to take advantage of the food stamp program.

The bill does provide that States will be responsible for financing the costs of the administration of the program in the local areas. This preserves the important principle of Federal-State cooperation and cost sharing.

If the amendment offered by the gentleman from Minnesota, Congressman QUIE is retained in the bill, this program will not supplement our existing welfare program—it will either remain unutilized or it might even tend to replace them. We cannot afford to let this occur because it would result in a general lowering of welfare assistance.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. HECHLER].

Mr. HECHLER. Mr. Chairman, W. Bernard Smith, the West Virginia commissioner of welfare stated quite flatly in a telegram I read to the House yesterday, on page 7155, that for financial and constitutional reasons West Virginia would be unable to participate in the food stamp program if the Quie amendment were adopted. I urge that the Quie amendment be rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I wish to ask the chairman of the committee a question. If the Quie amendment is agreed to and a State does not choose to participate, will that State still be able to participate in the regular distribution program?

Mr. COOLEY. Yes.

Mr. PICKLE. I thank the chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Chairman, the Members of our body understand the issues. The sponsors of this amendment do not support the bill. When this amendment was adopted in the committee the author of the amendment did not support it. I doubt if he would support it if the amendment were adopted today. Let us understand what is going on and defeat the amendment.

The CHAIRMAN. The chair recogizes the gentleman from Florida [Mr. MATTHEWS].

Mr. MATTHEWS. Mr. Chairman, Federal funds entirely are used for section 32, Public Law 480, and direct distribution. The food stamp plan is a similar program. Federal funds should be used entirely for it. The Quie amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. HOEVEN].

Mr. HOEVEN. Mr. Chairman, the authorization provided for in this bill is not in the budget. A potential cost of $2.5 billion a year is involved and it may be more. Every penny of expenditure involved will have to be paid for out of the Federal Treasury unless the Quie amendment is adopted; and all out of borrowed money if you please.

Talk about fiscal irresponsibility on the part of the majority—this is it.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I think you have been very patient and kind. I know I cannot make a speech now, but I do want to say that some very inaccurate statements have been made, particularly the last one about the cost of the program under this bill. There is a limitation on page 17, in very plain language, and I think the gentleman from Iowa [Mr. HOEVEN] understands this limitation. The gentleman from Minnesota [Mr. QUIE] offered this amendment and it was adopted, and he then repudiated it and was joined by every one of his colleagues on the committee. That is the kind of sincerity, I suppose, that prompts him to offer his amendment now.

The CHAIRMAN. All time has expired. The question arises on the amendment offered by the gentleman from Minnesota [Mr. QUIE].

The question was taken and the Chair announced that the noes appeared to have it.

Mr. HOEVEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HOEVEN and Mr. MATTHEWS.

The Committee divided, and the tellers reported that there were—ayes 155, noes 168.

So the amendment was rejected.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. LANDRUM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10222) to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes, pursuant to House Resolution 662, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. GUBSER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. GUBSER. Mr. Speaker, I demand the reading of the engrossed copy.

The SPEAKER. The gentleman demands the reading of the engrossed copy of the bill.

TAKING H.R. 6196 FROM THE SPEAKER'S TABLE AND AGREEING TO SENATE AMENDMENTS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 665, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 6196) to encourage increased consumption of cotton, to maintain the income of cotton producers, to provide a special research program designed to lower costs of production, and for other purposes, with the Senate amendments thereto, be, and the same is hereby taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby agreed to.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN], and, pending that, I yield myself such time as I may consume.

Mr. Speaker, upon the adoption of this resolution the Congress will have concluded action on the so-called cotton-wheat bill. It would do so by taking from the Speaker's table the bill, with Senate amendments, and agreeing to the Senate amendments. The two bills then, in effect, would be cleared for the President.

Mr. Speaker, I have heard and read a good deal about how unusual this procedure is. It is not an unusual procedure at all. I think most of those who say it is unusual are aware of the fact that it is not. It has been used many times before in the consideration of important legislation and, no doubt, will be used many times again.

Mr. Speaker, this is a procedure provided for by the rules of the House. It is an orderly procedure and a procedure which I believe the House will follow.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, it is seldom that I disagree with my good friend from Missouri, a fellow member of the Rules Committee. I agree with him that in rare instances this procedure has been used in the past, but only seldom, if ever, used in the history of this House in connection with legislation of this importance.

What the adoption of this particular resolution means is simply this: Upon the adoption of the resolution, an amendment added by the Senate to the so-called cotton bill, which was approved by the House earlier in the year, by adding to it a completely new section, amendment, or rider—whatever you wish to call it—setting up an entire new wheat program, an entire new farm program for the American people, to go into effect without the membership of this House—435 duly elected Representatives of the American people assembled here—having any opportunity whatsoever to consider, to debate, or to amend it.

What does that mean? It means that this is not a usual procedure, as you have just been told. It is an unusual method of disenfranchising 435 elected Members of the House of Representatives.

The adoption of this resolution means that all 435 Members of this House—you and all the rest sitting here—will no longer be given the opportunity, as you have in the past, to discuss, debate or offer to amend one of the most important pieces of legislation to come before the Congress during this Congress, to wit, a complete new farm bill or law dealing with the planning, acreage control, sale and price of wheat, and of other farm products as well.

Yes, Mr. Speaker, there may be some House Members who do not want to hear or listen to that which I am about to say. But I want to brand this action as being dictatorial; this proposed action as being un-American; and, if I can use the words of one of the supporters of this resolution without naming him, because he is a friend of mine and a member of the Rules Committee, as he said in executive session: "This resolution is just raw, bloody, power politics." It is an attempt to say to this House, "You are going to accept what we want you to accept without any opportunity to vote whatsoever upon the real merits of the far-reaching and important Senate amendment."

What did happen over in the other body when the Senate of the United States took the House-approved cotton bill and amended it, by adding the wheat section, by only 3 votes, if I remember correctly? It followed the usual procedure because no Member of that body even assumed the House of Representatives would try to gag itself by a nefarious arrangement such as this.

So what did the Senate do? It sent this bill back to us with its amendment, in the usual manner and asked for a conference with the House. It was sent back on March 6, by the way. Look at CONGRESSIONAL RECORD of that date. The Senate even went so far as to name its own conferees, and was ready and willing to meet with the House to discuss the amendment under orderly procedure, and an orderly way, as has been done with amendments to hundreds of other bills, even as to minor amendments adopted by the other body to House bills. It named its conferees: Senators EASTLAND, ELLENDER, JOHNSTON, HOLLAND, MCGOVERN, AIKEN, YOUNG of North Dakota, and HICKENLOOPER, because the Senate thought, it believed, and did not expect anything else, but that the House itself would follow the usual procedure and agree to send this measure to conference, where the conferees at least from the House side would have an opportunity to discuss the amendments adopted by the Senate, the wheat bill and the farm bill as wanted by the administration, and then to present the amendments to the House, so some Members of this body could express themselves thereon. But instead the House followed the path of "raw bloody power politics," as this proposal was so well described.

I wonder whether we are going to give up our constitutional right to represent our own people here this afternoon, to represent our own districts, to speak our own minds, or instead to only say we will just be rubberstamps and, like Hitler's Reichstag, answer only "Ja" or "Nein." Yet we are told by the political masters who crack the whip over us, "You take it the way we want it, without discussing, debating or amending, this new wheat program as contained in the Senate amendment."

I call on you all to stand up and protect your constitutional rights, your own privileges, your own rights to represent your people, regardless of how you may vote on the merits of the administration's farm program. I hope you will vote down this resolution, so we can then in an orderly way send this to conference, at least.

RECESS

The SPEAKER. Pending the receipt of the engrossed copy of H.R. 10222, the Chair declares a recess subject to the call of the Chair. The bells will be rung 15 minutes before the House convenes again.

Accordingly (at 6 o'clock and 24 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 9 o'clock and 4 minutes p.m.

FOOD STAMP ACT OF 1964

The SPEAKER. The unfinished business is the reading of the engrossed copy of H.R. 10222.

The Clerk will read the engrossed copy.

Mr. OLIVER P. BOLTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. OLIVER P. BOLTON. Mr. Speaker, when the recess was called, it is my understanding that we were engaged in the consideration of what is referred to as a cotton and wheat bill. Is it not the rule of the House that we must finish the consideration of that measure before we take up any other measure which has been passed over for parliamentary and mechanical reasons?

Mr. BOLLING. Mr. Speaker——

The SPEAKER. The gentleman from Missouri [Mr. BOLLING].

Mr. BOLLING. Mr. Speaker, under the rules I withdraw House Resolution 665.

Mr. OLIVER P. BOLTON. Mr. Speaker, a parliamentary inquiry.

Mr. HALLECK. Mr. Speaker, that takes unanimous consent, and I object.

The SPEAKER. The Chair will state that it does not take unanimous consent to withdraw the resolution in the House.

Mr. OLIVER P. BOLTON. Mr. Speaker, it is my understanding that the Speaker was addressing the Member now addressing the Chair and had not given an answer to my question. Therefore, the recognition of the Member from the other side, the gentleman from Missouri [Mr. BOLLING] was out of order. Am I incorrect?

The SPEAKER. The recognition of the gentleman from Missouri [Mr. BOLLING] terminated the parliamentary inquiry.

Mr. OLIVER P. BOLTON. In other words, the Speaker did not answer the parliamentary inquiry; is that correct?

The SPEAKER. Since the resolution was withdrawn, the parliamentary inquiry was ended.

Mr. OLIVER P. BOLTON. If the Speaker will respectfully permit, the gentleman from Ohio would suggest that the question had been asked before the resolution had been withdrawn.

The SPEAKER. The Chair will state that the Chair has the power of recognition. Now that the resolution has been withdrawn, the unfinished business is the reading of the engrossed copy of H.R. 10222.

Mr. OLIVER P. BOLTON. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLIVER P. BOLTON. The Speaker had recognized the gentleman from Ohio for a parliamentary inquiry. The parliamentary inquiry had been made. The parliamentary inquiry had not been answered and yet the Chair recognized the gentleman from Missouri.

The SPEAKER. Which the Chair has the power to do.

The Clerk will read the engrossed copy of H.R. 10222.

Mr. GUBSER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-five Members are present, a quorum.

Mr. HALLECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. Mr. Speaker, a short while ago the Speaker declared a recess. Am I to understand that that was done under the unanimous-consent request that was given yesterday for the MacArthur ceremonies in the Capitol?

The SPEAKER. The Chair will state that the unanimous-consent request made by the gentleman from Oklahoma [Mr. ALBERT], was as follows:

> Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday and Thursday for the Chair to declare a recess subject to the call of the Chair.

Mr. HALLECK. In other words, Mr. Speaker, that conferred blanket authority, but is it not also true that what we had in mind were the MacArthur ceremonies?

The SPEAKER. The Chair will state that the unanimous-consent request gave authority to the Chair to declare a recess.

Mr. GUBSER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GUBSER. Mr. Speaker, is it not correct that the authority given to the Chair was for a recess in the singular, and that that one recess has already been had and, therefore, a second recess is out of order?

The SPEAKER. The Chair will read again for the benefit of the gentleman the request.

> Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday and Thursday for the Chair to declare a recess subject to the call of the Chair.

The Chair exercised the authority given by that unanimous-consent request which was granted by the House.

Mr. OLIVER P. BOLTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLIVER P. BOLTON. Mr. Speaker, may I inquire whether the parliamentary inquiry which I addressed to the Chair is now not to be answered, because of the action of the gentleman from Missouri?

The SPEAKER. The gentleman will repeat his parliamentary inquiry.

Mr. OLIVER P. BOLTON. Mr. Speaker, my parliamentary inquiry was to the effect that inasmuch as the House was engaged at the business before it at the time the Speaker called the recess, whether the rules of the House did not call for the conclusion of that business before other business which had been postponed by the House under the rules of the House and in accordance with the procedures of the House did not have to follow consideration of any business that was before the House at the time of the calling of the recess?

The SPEAKER. The Chair will state that the gentleman from Missouri withdrew his resolution. If he had not withdrawn the resolution the situation might have been different.

The Chair has made a ruling that the unfinished business is the reading of the engrossed copy of H.R. 10222. That is the unfinished business.

Mr. HALLECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. Mr. Speaker, in view of the withdrawal of the resolution by the gentleman from Missouri [Mr. BOLLING] do I understand that we start all over again on the consideration of the rule for the wheat-cotton bill?

The SPEAKER. When the gentleman calls it up, the understanding of the gentleman is correct.

Mr. HALLECK. We will start all over again with 30 minutes on a side?

The SPEAKER. That is correct.

Mr. OLIVER P. BOLTON. Mr. Speaker, I offer a preferential motion.

The SPEAKER. For what purpose does the gentleman rise?

Mr. OLIVER P. BOLTON. Mr. Speaker, I rose and was recognized——

The SPEAKER. The Chair has not recognized the gentleman completely. The gentleman offers a preferential motion to adjourn?

Mr. OLIVER P. BOLTON. Yes.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

> Mr. OLIVER P. BOLTON moves that the House do now adjourn.

The SPEAKER. The question is on the motion.

Mr. HOSMER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 239, not voting 21, as follows:

[Roll No. 97]

YEAS—173

Abele
Adair
Alger
Anderson
Arends
Ashbrook
Auchincloss
Avery
Ayres
Baker
Baldwin
Barry
Bates
Battin
Becker
Beermann
Belcher
Bennett, Mich.
Berry
Betts
Bolton, Frances P.
Bolton, Oliver P.
Bow
Bray
Brock
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burton, Utah
Byrnes, Wis.
Cahill
Cederberg
Chamberlain
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conte
Corbett
Cramer
Cunningham
Curtin
Curtis
Dague
Derounian
Derwinski
Devine
Dole
Dwyer
Ellsworth
Findley
Fino
Ford
Foreman
Frelinghuysen
Fulton, Pa.
Glenn
Goodell
Goodling
Gross
Grover
Gubser
Gurney
Haley
Hall
Halleck
Halpern
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Hoeven
Hoffman
Horan
Horton
Hosmer
Hutchinson
Jensen
Johansen
Johnson, Pa.
Jonas
Keith
Kilburn
King, N.Y.
Knox
Kunkel
Kyl
Laird
Langen
Latta
Lindsay
Lipscomb
Lloyd
McClory
McCulloch
McDade
McIntire
McLoskey
MacGregor
Mailliard
Martin, Calif.
Martin, Mass.
Martin, Nebr.
Mathias
Meader
Michel
Miller, N.Y.
Minshall
Moore
Morse
Morton
Mosher
Nelsen
Norblad
Osmers
Ostertag
Pelly
Pillion
Pirnie
Poff
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes, Ariz.
Rich
Riehlman
Robison
Roudebush
Rumsfeld
St. George
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Shriver
Sibal
Siler
Skubitz
Smith, Calif.
Smith, Va.
Snyder
Springer
Stafford
Stinson
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Tollefson
Tupper
Utt
Van Pelt
Wallhauser
Weaver
Westland
Whalley
Wharton
Widnall
Williams
Wilson, Ind.
Wydler
Wyman
Younger

NAYS—239

Abbitt
Abernethy
Addabbo
Albert
Andrews, Ala.
Andrews, N. Dak.
Ashley
Ashmore
Aspinall
Baring
Barrett
Bass
Beckworth
Bennett, Fla.
Blatnik
Boggs
Boland
Bolling
Bonner
Brademas
Brooks
Brown, Calif.
Buckley
Burke
Burkhalter
Byrne, Pa.
Cameron
Cannon
Carey
Casey
Celler
Chelf
Clark
Cooley
Corman
Daddario
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Edmondson
Edwards
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fisher
Flood
Flynt

Fogarty
Forrester
Fountain
Fraser
Friedel
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gary
Gathings
Giaimo
Gibbons
Gill
Gonzalez
Grabowski
Grant
Gray
Green, Oreg.
Hagan, Ga.
Hagen, Calif.
Hanna
Hansen
Harding
Hardy
Harris
Hawkins
Hays
Healey
Hébert
Hechler
Hemphill
Henderson
Herlong
Holifield
Holland
Huddleston
Hull
Ichord
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Kelly
Keogh
Kilgore
King, Calif.
Kirwan
Kluczynski
Kornegay
Landrum
Leggett
Lennon
Lesinski
Libonati
Long, La.
Long, Md.
McDowell
McFall
McMillan
Macdonald
Madden
Mahon
Marsh
Matthews
May
Miller, Calif.
Mills
Minish
Monagan
Montoya
Moorhead
Morgan
Morris
Morrison
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pilcher
Poage
Pool
Powell
Price
Pucinski
Purcell
Rains
Randall
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan, Mich.
Ryan, N.Y
St Germain
St. Onge
Scott
Secrest
Selden
Senner
Shipley
Short
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Staebler
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Thomas
Thompson, La.
Thompson, Tex.
Toll
Trimble
Tuck
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Watson
Watts
Weltner
White
Whitener
Whitten
Wickersham
Willis
Wilson, Charles H.
Winstead
Wright
Young
Zablocki

NOT VOTING—21

Bell
Burleson
Burton, Calif.
Cohelan
Colmer
Dowdy
Elliott
Gilbert
Griffin
Griffiths
Jones, Ala.
Lankford
Matsunaga
Milliken
Murray
O'Brien, Ill.
Sheppard
Teague, Tex.
Thompson, N.J.
Waggonner
Wilson, Bob

So the motion was rejected.

Mr. **HAWKINS** changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The **SPEAKER**. The Clerk will read the engrossed copy of the bill.

The Clerk read as follows:

H.R. 10222

An act to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Food Stamp Act of 1964."

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, and local governmental units to the maximum extent practicable to safeguard the health and well-being of the Nation's population and raise levels of nutrition among economically needy households. The Congress hereby finds that increased utilization of foods in establishing and maintaining adequate national levels of nutrition will tend to cause the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To effectuate the policy of Congress and the purposes of this Act, a food stamp program, which will permit those households in economic need to receive a greater share of the Nation's food abundance, is herein authorized.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "food" means any food or food product for human consumption except alcoholic beverages, tobacco, soft drinks, luxury foods, and luxury frozen foods as determined by the Secretary, and those foods which are identified on the package as being imported from foreign sources when they arrive at the retail store.

(c) The term "coupon" means any coupon, stamp, or type of certificate issued pursuant to the provisions of this Act.

(d) The term "coupon allotment" means the total value of coupons to be issued to a household during each month or other time period.

(e) The term "household" shall mean a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. The term "household" shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption.

(f) The term "retail food store" means an establishment, including a recognized department thereof, or a house-to-house trade route which sells food to households for home consumption.

(g) The term "wholesale food concern" means an establishment which sells food to retail food stores for resale to households.

(h) The term "State agency" means the agency of the State government which has responsibility for the administration of the federally aided public assistance programs.

(i) The term "bank" means member or nonmember banks of the Federal Reserve System.

(j) The term "State" means the fifty States and the District of Columbia.

(k) The term "food stamp program" means any program promulgated pursuant to the provisions of this Act.

ESTABLISHMENT OF THE FOOD STAMP PROGRAM

SEC. 4. (a) The Secretary is authorized to formulate and administer a food stamp program under which, at the request of an appropriate State agency, eligible households within the State shall be provided with an opportunity more nearly to obtain a nutritionally adequate diet through the issuance to them of a coupon allotment which shall have a greater monetary value than their normal expenditures for food. The coupons so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the food stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

(b) The Secretary shall issue such regulations, not inconsistent with this Act, as he deems necessary or appropriate for the effective and efficient administration of the food stamp program.

ELIGIBLE HOUSEHOLDS

SEC. 5. (a) Households eligible to participate in the food stamp program shall be those whose economic status is such as to be a substantial limiting factor in the attainment of a nutritionally adequate diet.

(b) Each State shall establish standards to determine the eligibility of applicant households which standards, among other things, shall take into account such of the factors used by each State in granting assistance under the federally aided public assistance programs as the Secretary determines will tend to effectuate the purposes of the food stamp program. The standards of eligibility to be used by each State for the food stamp program shall be subject to the approval of the Secretary.

ISSUANCE AND USE OF COUPONS

SEC. 6. (a) Coupons shall be printed in such denominations as may be determined to be necessary, and shall be issued only to households which have been duly certified as eligible to participate in the food stamp program.

(b) Coupons issued to eligible households shall be used by them only to purchase food in retail food stores which have been approved for participation in the food stamp program at prices prevailing in such stores: *Provided,* That nothing in this Act shall be construed as authorizing the Secretary to specify the prices at which food may be sold by wholesale food concerns or retail food stores.

(c) Coupons issued to eligible households shall be simple in design and shall include only such words or illustrations as are required to explain their purpose and define their denomination. The name of any public official shall not appear on such coupons.

VALUE OF THE COUPON ALLOTMENT AND CHARGES TO BE MADE

SEC. 7. (a) The face value of the coupon allotment which State agencies shall be authorized to issue to households certified as eligible to participate in the food stamp program shall be in such amount as will provide such households with an opportunity more nearly to obtain a nutritionally adequate diet.

(b) Households shall be charged such portion of the face value of the coupon allotment issued to them as is determined to be equivalent to their normal expenditures for food.

(c) The value of the coupon allotment provided to any eligible household which is in excess of the amount charged such households for such allotment shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(d) Funds derived from the charges made for the coupon allotment shall be promptly deposited in a manner prescribed in the regulations issued pursuant to this Act, in a separate account maintained in the Treasury of the United States for such purpose. Such deposits shall be available, without limitation to fiscal years, for the redemption of coupons.

APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

SEC. 8. (a) Regulations issued pursuant to this Act shall provide for the submission of applications for approval by retail food stores and wholesale food concerns which desire to be authorized to accept and redeem coupons under the food stamp program and for the approval of those applicants whose participation will effectuate the purposes of the food stamp program. In determining the qualifications of applicants there shall be considered among such other factors as may be appropriate, the following: (1) the nature and extent of the retail or wholesale food business conducted by the applicant; (2) the volume of coupon business which may reasonably be expected to be conducted by the applicant retail food store or wholesale food concern; and (3) the business integrity and reputation of the applicant. Approval of an applicant shall be evidenced by the issuance to such applicant of a nontransferable certificate of approval.

(b) Regulations issued pursuant to this Act shall require an applicant retail food store or wholesale food concern to submit information which will permit a determination to be made as to whether such applicant qualifies, or continues to qualify, for approval under the provisions of this Act or the regulations issued pursuant to this Act. Regulations issued pursuant to this Act shall provide for safeguards which restrict the use or disclosure of information obtained under the authority granted by this subsection to purposes directly connected with administration and enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

(c) Any retail food store or wholesale food concern which has failed upon application to receive approval to participate in the food stamp program may obtain a hearing on such refusal as provided in section 13 of this Act.

REDEMPTION OF COUPONS

SEC. 9. Regulations issued pursuant to this Act shall provide for the redemption of coupons accepted by retail food stores through approved wholesale food concerns or through banks, with the cooperation of the Treasury Department.

ADMINISTRATION

SEC. 10. (a) All practicable efforts shall be made in the administration of the food stamp program to insure that participants use their increased food purchasing power to obtain those staple foods most needed in their diets, and particularly to encourage the continued use of those in abundant or surplus supply so as not to reduce the total consumption of surplus commodities which have been made available through direct distribution. In addition to such steps as may be taken administratively, the voluntary cooperation of existing Federal, State, local, or private agencies which carry out informational and educational programs for consumers shall be enlisted.

(b) The State agency of each participating State shall assume responsibility for the certification of applicant households and for the issuance of coupons: *Provided*, That the State agency may, subject to State law, delegate its responsibility in connection with the issuance of coupons to another agency of the State government. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act and the regulations issued pursuant to this Act. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not in excess of three years, as may be specified in the regulations.

(c) In the certification of applicant households for the food stamp program there shall be no discrimination against any household by reason of race, religious creed, national origin, or political beliefs.

(d) Participating States or participating political subdivisions thereof shall not decrease welfare grants or other similar aid extended to any person or persons as a consequence of such person's or persons' participation in benefits made available under the provisions of this Act or the regulations issued pursuant to this Act.

(e) The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State, the political subdivisions within the State in which the State desires to conduct the program, and the effective dates of participation by each such political subdivision. In addition, such plan of operation shall provide, among such other provisions as may by regulation be required, the following: (1) the specific standards to be used in determining the eligibility of applicant households; (2) that the State agency shall undertake the certification of applicant households in accordance with the general procedures and personnel standards used by them in the certification of applicants for benefits under the federally aided public assistance programs; (3) safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; and (4) for the submission of such reports and other information as may from time to time be required.

(f) If the Secretary determines that in the administration of the program there is a failure by a State agency to comply substantially with the provisions of this Act, or with the regulations issued pursuant to this Act, or with the State plan of operation, he shall inform such State agency of such failure and shall allow the State agency a reasonable period of time for the correction of such failure. Upon the expiration of such period, the Secretary shall direct that there be no further issuance of coupons in the political subdivision where such failure has occurred until such time as satisfactory corrective action has been taken.

DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

SEC. 11. Any approved retail food store or wholesale food concern may be disqualified from further participation in the food stamp program on a finding, made as specified in the regulations, that such store or concern has violated any of the provisions of this Act, or of the regulations issued pursuant to this Act. Such disqualification shall be for such period of time as may be determined in accordance with regulations issued pursuant to this Act. The action of disqualification shall be subject to review as provided in section 13 of this Act.

DETERMINATION AND DISPOSITION OF CLAIMS

SEC. 12. The Secretary shall have the power to determine the amount of and settle and adjust any claim and to compromise or deny all or part of any such claim or claims arising under the provisions of this Act or the regulations issued pursuant to this Act.

ADMINISTRATIVE AND JUDICIAL REVIEW

SEC. 13. Whenever—

(a) an application of a retail food store or wholesale food concern to participate in the food stamp program is denied,

(b) a retail food store or a wholesale food concern is disqualified under the provisions of section 11 of this Act, or

(c) all or part of any claim of a retail food store or wholesale food concern is denied under the provisions of section 12 of this Act, notice of such administrative action shall be issued to the retail food store or wholesale food concern involved. Such notice shall be delivered by certified mail or personal service. If such store or concern is aggrieved by such action, it may, in accordance with regulations promulgated under this Act, within ten days of the date of delivery of such notice, file a written request for an opportunity to submit information in support of its position to such person or persons as the regulations may designate. If such a request is not made or if such store or concern fails to submit information in support of its position after filing a request, the administrative determination shall be final. If such a request is made by such store or concern, such information as may be submitted by the store or concern, as well as such other information as may be available, shall be reviewed by the person or persons designated, who shall, subject to the right of judicial review hereinafter provided, make a determination which shall be final and which shall take effect fifteen days after the date of the delivery or service of such final notice of determination. If the store or concern feels aggrieved by such final determination he may obtain judicial review thereof by filing a complaint against the United States in the United States district court for the district in which he resides or is engaged in business, or in any court of record of the State having competent jurisdiction, within thirty days after the date of delivery or service of the final notice of determination upon him, requesting the court to set aside such determination. The copy of the summons and complaint required to be delivered to the official or agency whose order is being attacked shall be sent to the Secretary or such person or persons as he may designate to receive service of process. The suit in the United States district court or State court shall be a trial de novo by the court in which the court shall determine the validity of the questioned administrative action in issue. If the court determines that such administrative action is invalid it shall enter such judgment or order as it determines is in accordance with the law and the evidence. During the pendency of such judicial review, or any appeal therefrom, the administrative action under review shall be and remain in full force and effect, unless an application to the court on not less than ten days' notice, and after hearing thereon and a showing of irreparable injury, the court temporarily stays such administrative action pending disposition of such trial or appeal.

VIOLATION AND ENFORCEMENT

SEC. 14. (a) Notwithstanding any other provisions of this Act, the Secretary may provide for the issuance or presentment for redemption of coupons to such person or persons, and at such times and in such manner, as he deems necessary or appropriate to protect the interests of the United States or to insure enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

(b) Whoever knowingly uses, transfers, acquires, or possesses coupons in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons are of the value of $100 or more, be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(c) Whoever presents, or causes to be presented coupons for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act shall be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(d) Coupons issued pursuant to this Act shall be deemed to be obligations of the United States within the meaning of title 18, United States Code, section 8.

COOPERATION WITH STATE AGENCIES

Sec. 15. (a) Each State shall be responsible for financing, from funds available to the State or political subdivision thereof, the costs of carrying out the administrative responsibilities assigned to it under the provisions of this Act. Except as provided for in subsection (b) of this section, such costs shall include, but shall not be limited to, the certification of households; the acceptance, storage, and protection of coupons after their delivery to receiving points within the States; and the issuance of such coupons to eligible households and the control and accounting therefor.

(b) The Secretary is authorized to cooperate with State agencies in the certification of households which are not receiving any type of public assistance so as to insure the effective certification of such households in accordance with the eligibility standards approved under the provisions of section 10 of this Act. Such cooperation shall include payments to State agencies for part of the cost they incur in the certification of such households. The amount of such payment to any one State agency shall be 50 per centum of the sum of: (1) the direct salary costs (including the cost of such fringe benefits as are normally paid to its personnel by the State agency) of the personnel used to make such interviews and such postinterview field investigations as are necessary to certify the eligibility of such households, and of the immediate supervisor of such personnel, for such periods of time as they are employed in certifying the eligibility of such households; (2) travel and related costs incurred by such personnel in postinterview field investigations of such households; and (3) an amount not to exceed 25 per centum of the costs computed under (1) and (2) above.

APPROPRIATIONS

Sec. 16. (a) To carry out the provisions of this Act, there is hereby authorized to be appropriated not in excess of $25,000,000 for the fiscal year ending June 30, 1964; not in excess of $75,000,000 for the fiscal year ending June 30, 1965; not in excess of $100,000,000 for the fiscal year ending June 30, 1966; and not in excess of $200,000,000 for the fiscal year ending June 30, 1967. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act.

(b) In any fiscal year, the Secretary shall limit the value of those coupons issued which is in excess of the value of coupons for which households are charged, to an amount which is not in excess of the portion of the appropriation for such fiscal year which is transferred to the separate account under the provisions of subsection (a) of this section.

(c) If the Secretary determines that any of the funds in the separate account created under section 7(d) of this Act are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury.

(d) Amounts expended under the authority of this Act shall not be considered amounts expended for the purpose of carrying out the agricultural price-support program and appropriations for the purposes of this Act shall be considered, for the purpose of budget presentations, to relate to the functions of the Government concerned with welfare.

Mr. ALBERT (interrupting reading of the engrossed copy of the bill). Mr. Speaker, I ask unanimous consent that the engrossed copy be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALEY. Mr. Speaker, I object.

The Clerk concluded the reading of the engrossed copy of the bill.

MOTION TO RECOMMIT

Mr. HOEVEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HOEVEN. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoeven moves to recommit the bill, H.R. 10222, to the Committee on Agriculture with instructions to report the same back to the House forthwith with the following amendment: On page 17, beginning with line 23, strike all of the language through line 3 on page 18 and insert:

"(b) Any State which requests to participate in the food stamp program shall be required, from funds available to the State or political subdivision thereof, to make reimbursement payments to the United States in an amount equal to 50 per centum of the value of those coupons issued to households within the State which is in excess of the value of coupons for which such households are charged. Such reimbursement payments shall be deposited into and made a part of the separate account created in section 7(d) of this Act. Such deposits shall be available, without limitation to fiscal years, for the redemption of coupons: *Provided*, That, in any fiscal year, the Secretary shall limit the value of those coupons issued which is in excess of the value of coupons for which households are charged to an amount which is not in excess of the sum of the following: (1) the portion of the appropriation for such fiscal year which is transferred to the separate account under the provisions of subsection (a) of this section; and (2) the amount of the reimbursement payments deposited by States into such separate account during such fiscal year."

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that the motion be considered as having been read.

Mr. HALLECK. Mr. Speaker, I object.

The Clerk concluded the reading of the motion to recommit.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. HOEVEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 195, nays 223, not voting 15, as follows:

[Roll No. 98]

YEAS—195

Abbitt
Abele
Abernethy
Adair
Alger
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Auchincloss
Avery
Ayres
Baker
Baldwin
Baring
Barry
Bates
Battin
Becker
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Bolton, Frances P.
Bolton, Oliver P.
Bow
Bray
Brock
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burton, Utah
Byrnes, Wis.
Cahill
Cederberg
Chamberlain
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conte
Cramer
Cunningham
Curtin
Curtis
Dague
Derounian
Derwinski
Devine
Dole
Dorn
Dwyer
Ellsworth
Findley
Fino
Fisher
Ford
Foreman
Fountain
Frelinghuysen
Glenn
Goodell
Goodling
Grant
Griffin
Gross
Grover
Gubser
Gurney
Haley
Hall
Halleck
Hardy
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Hoeven
Hoffman
Horan
Horton
Hosmer
Hutchinson
Jarman
Jensen
Johansen
Johnson, Pa.
Jonas
Keith
Kilburn
Kilgore
King, N.Y.
Knox
Kunkel
Kyl
Laird
Langen
Latta
Lennon
Lindsay
Lipscomb
Lloyd
McClory
McCulloch
McDade
McIntire
McLoskey
MacGregor
Mailliard
Marsh
Martin, Calif.
Martin, Mass.
Martin, Nebr.
Mathias
May
Meader
Michel
Miller, N.Y.
Minshall
Morse
Morton
Mosher
Nelsen
Norblad
Osmers
Ostertag
Passman
Pelly
Pike
Pillion
Pirnie
Poff
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes, Ariz.
Rich
Riehlman
Roberts, Tex.
Robison
Roudebush
Rumsfeld
St. George
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Selden
Short
Shriver
Sibal
Siler
Skubitz
Smith, Calif.
Smith, Va.
Snyder
Springer
Stafford
Stinson
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Tollefson
Tuck
Tupper
Utt
Van Pelt
Wallhauser
Weaver
Westland
Whalley
Wharton
Whitten
Widnall
Williams
Wilson, Ind.
Winstead
Wydler
Wyman
Younger

NAYS—223

Addabbo
Albert
Ashley
Ashmore
Aspinall
Barrett
Bass
Beckworth
Blatnik
Boggs
Boland
Bolling
Bonner
Brademas
Brooks
Brown, Calif.
Buckley
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cameron
Cannon
Carey
Casey
Celler
Chelf
Clark
Cohelan
Cooley
Corbett
Corman
Daddario
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Edmondson
Edwards
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Finnegan
Flood
Flynt
Fogarty
Forrester
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gary
Gathings
Giaimo
Gibbons
Gill
Gonzalez
Grabowski
Gray
Green, Oreg.
Hagan, Ga.
Hagen, Calif.
Halpern
Hanna
Hansen
Harding
Harris
Hawkins
Hays
Healey
Hébert
Hechler
Hemphill
Henderson
Herlong
Holifield
Holland
Huddleston
Hull
Ichord
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Kelly
Keogh
King, Calif.
Kirwan
Kluczynski
Kornegay
Landrum
Leggett
Lesinski
Libonati
Long, La.
Long, Md.
McDowell
McFall
McMillan
Macdonald
Madden
Mahon
Matthews
Miller, Calif.
Mills

Minish
Monagan
Montoya
Moore
Moorhead
Morgan
Morris
Morrison
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pilcher
Poage
Pool
Powell
Price
Pucinski
Purcell
Rains
Randall
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Saylor
Scott
Secrest
Senner
Shipley
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Staebler
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Thomas
Thompson, La.
Thompson, Tex.
Toll
Trimble
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Watson
Watts
Weltner
White
Whitener
Wickersham
Willis
Wilson, Charles H.
Wright
Young
Zablocki

NOT VOTING—15

Burleson
Dowdy
Elliott
Gilbert
Griffiths
Lankford
Matsunaga
Milliken
Murray
O'Brien, Ill.
Sheppard
Teague, Tex.
Thompson, N.J.
Waggonner
Wilson, Bob

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Teague of Texas for, with Mr. Gilbert against.

Mr. Waggonner for, with Mr. Dowdy against.

Mr. Bob Wilson for, with Mr. Matsunaga against.

Until further notice:

Mrs. Griffiths with Mr. Lankford.

Mr. Thompson of New Jersey with Mr. O'Brien of Illinois.

Mr. Elliott with Mr. Sheppard.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. HOEVEN. Mr. Speaker, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The question was taken; and there were—yeas 229, nays 189, not voting 15, as follows:

[Roll No. 99]

YEAS—229

Addabbo
Albert
Ashley
Ashmore
Aspinall
Barrett
Bass
Beckworth
Bennett, Mich.
Blatnik
Boggs
Boland
Bolling
Bonner
Brademas
Brooks
Brown, Calif.
Buckley
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cameron
Cannon
Carey
Celler
Chelf
Clark
Cohelan
Colmer
Cooley
Corbett
Corman
Daddario
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Edmondson
Edwards
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fino
Flood
Flynt
Fogarty
Forrester
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Giaimo
Gibbons
Gill
Gonzalez
Grabowski
Gray
Green, Oreg.
Hagan, Ga.
Hagen, Calif.
Halpern
Hanna
Hansen
Harding
Harris
Hawkins
Hays
Healey
Hechler
Hemphill
Henderson
Herlong
Holifield
Holland
Huddleston
Hull
Ichord
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Kelly
Keogh
King, Calif.
Kirwan
Kluczynski
Kornegay
Landrum
Leggett
Lesinski
Libonati
Long, La.
Long, Md.
McDade
McDowell
McFall
McMillan
Madden
Mahon
Matthews
Miller, Calif.
Mills
Minish
Monagan
Montoya
Moore
Moorhead
Morgan
Morris
Morrison
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pilcher
Poage
Pool
Powell
Price
Pucinski
Purcell
Rains
Randall
Reuss
Rhodes, Pa.
Rich
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schweiker
Scott
Secrest
Senner
Shipley
Sickles
Sikes
Siler
Sisk
Slack
Smith, Iowa
Staebler
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Thomas
Thompson, La.
Thompson, Tex.
Toll
Trimble
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Watson
Watts
White
Whitener
Whitten
Wickersham
Willis
Wilson, Charles H.
Winstead
Wright
Young
Zablocki

NAYS—189

Abbitt
Abele
Abernethy
Adair
Alger
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Auchincloss
Avery
Ayres
Baker
Baldwin
Baring
Barry
Bates
Battin
Becker
Beermann
Belcher
Bell
Bennett, Fla.
Berry
Betts
Bolton, Frances P.
Bolton, Oliver P.
Bow
Bray
Brock
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burton, Utah
Byrnes, Wis.
Cahill
Casey
Cederberg
Chamberlain
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conte
Cramer
Cunningham
Curtin
Curtis
Dague
Derounian
Derwinski
Devine
Dole
Dorn
Downing
Ellsworth
Findley
Fisher
Ford
Foreman
Frelinghuysen
Gary
Glenn
Goodell
Goodling
Grant
Griffin
Gross
Grover
Gubser
Gurney
Haley
Hall
Halleck
Hardy
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Hébert
Hoeven
Horan
Horton
Hosmer
Hutchinson
Jarman
Jensen
Johansen
Johnson, Pa.
Jonas
Keith
Kilburn
Kilgore
King, N.Y.
Knox
Kunkel
Kyl
Laird
Langen
Latta
Lennon
Lindsay
Lipscomb
Lloyd
McClory
McCulloch
McIntire
McLoskey
Macdonald
MacGregor
Mailliard
Marsh
Martin, Calif.
Martin, Mass.
Martin, Nebr.
Mathias
May
Meader
Michel
Miller, N.Y.
Minshall
Morse
Morton
Mosher
Nelsen
Norblad
Osmers
Ostertag
Passman
Pelly
Pillion
Pirnie
Poff
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes, Ariz.
Riehlman
Roberts, Tex.
Robison
Roudebush
Rumsfeld
St. George
Schadeberg
Schenck
Schneebeli
Schwengel
Selden
Short
Shriver
Sibal
Skubitz
Smith, Calif.
Smith, Va.
Snyder
Springer
Stafford
Stinson
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Tollefson
Tuck
Tupper
Utt
Van Pelt
Wallhauser
Weaver
Weltner
Westland
Whalley
Wharton
Widnall
Williams
Wilson, Bob
Wilson, Ind.
Wydler
Wyman
Younger

NOT VOTING—15

Burleson
Dowdy
Elliott
Gilbert
Griffiths
Hoffman
Lankford
Matsunaga
Milliken
Murray
O'Brien, Ill.
Sheppard
Teague, Tex.
Thompson, N.J.
Waggonner

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Gilbert for, with Mr. Teague of Texas against.

Mr. Dowdy for, with Mr. Waggonner against.

Until further notice:

Mrs. Griffiths with Mr. Lankford.

Mr. Thompson of New Jersey with Mr. O'Brien of Illinois.

Mr. Elliott with Mr. Sheppard.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE COTTON-WHEAT ACT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 665 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 6196) to encourage increased consumption of cotton, to maintain the income of cotton producers, to provide a special research program designed to lower costs of production, and for other purposes, with the Senate amendments thereto, be, and the same is hereby taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby agreed to.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN] and, pending that, I yield myself such time as I may consume.

Mr. Speaker, I have a strange feeling I have been here before. Five hours ago, or roughly so, I called up this resolution. In the 10 years I have been on the Rules Committee I believe this is the longest it has taken me to get started on a resolution.

I made my remarks on this resolution 5 hours, or roughly so, and I do not propose to repeat them. I am not quite clear as to whether I should ask unanimous consent to have them repeated at this time in the RECORD, but I have decided not to.

GENERAL LEAVE TO EXTEND REMARKS

Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks at the conclusion of debate on this resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ALBERT. Mr. Speaker, in view of the criticism which various Members have made of the procedure under which the Senate amendments to H.R. 6196 have been made in order, perhaps some rebuttal should be made at this time. It has been charged that the procedure is unprecedented and has not been used before as respects a bill within the jurisdiction of the Committee on Agriculture. The truth of the matter is that it was used in the House as far back as 1932—Cannon's Precedents of the House of Representatives, volume VIII, paragraph 3149—and a variation of it was used in 1903—Hinds, Precedents of the House of Representatives, volume IV, paragraph 3250.

It is by no means unknown but instead is an established practice of the House.

As for its never having been used as respects an agriculture bill before, this statement is, of course, countered by reference to its use in the 87th Congress as respects the honey-bee importation bill and the addition thereto by the Senate of additional amendments to the extension of the Sugar Act—House Resolution 726, 87th Congress. It might be pointed out that the Senate amendment in that situation, that is, the addition of amendments to the extension of the Sugar Act, to a bill restricting the importation of adult honey bees, was certainly no less significant in scope than the addition of the Senate wheat amendment to H.R. 6196.

The charge that the amendment carries a revenue provision and should have originated in the House and have been considered in the Committee on Ways and Means is without foundation.

The so-called revenue provision results from the fact that manufacturers of wheat products must purchase "certificates" either from the producers or the Government in respect to all the wheat they process. It is charged that this is an excise or processing tax. However, the minority report on H.R. 9780—the House bill on wheat similar to the Senate amendment to H.R. 6196—which was reported from the Committee on Agriculture on March 17, 1964—House Report No. 1239, 88th Congress—on page 39, merely states:

> Boiled down to its simplest terms, this plan is basically patterned after an excise or processing tax.

The 70 cents a bushel which a processor will pay for each certificate on domestic food wheat is a charge which will be passed on to consumers like any other cost factor. It is not such a "revenue item" as is contemplated by article I, section 7 of the Constitution since it does not "raise revenue" as such. It simply implements the return secured to the producer.

In addition, to our knowledge, this factor was not considered separately by the Finance Committee in the Senate as such items usually are if they are genuine revenue-raising items. Neither to our knowledge, has any effort been made to have this same feature of the House bill on wheat—H.R. 9780, which is identical to the Senate amendment to H.R. 6196—considered in the Committee on Ways and Means.

Finally, the distinction between provisions to "raise revenue" in the constitutional sense, and others has been well defined by the courts. The construction of this limitation—article I, section 7—is practically well settled by the uniform action of Congress. According to that construction it "has been confined to bills to levy taxes in the strict sense of the word, and has not been held to extend to bills for other purposes which incidentally create revenue." Story on the Constitution (sec. 880, *U.S.* v. *Norton*, 91 U.S. 566, 569 (October 1875 term)).

And, in *Twin City Bank* v. *Nebeker* (67 U.S. 196 (1897)), where the Supreme Court was concerned with a section of the National Banking Act which imposed taxes on each banking association based upon the average amount of notes in circulation, a bill which originated in the Senate, the Court held that it was not a "revenue raising" measure in the constitutional sense.

In any case, even if the provision in the Senate amendment is a tax provision—and this is doubtful—the bill and the provision are certainly not revenue raising in the constitutional sense; there is no need to have the amendment considered by the Committee on Ways and Means.

It has been charged that the procedure suspends and violates the rules of the House.

All of these charges are based upon the assumption that the rules cannot be waived through the use of special orders. This, of course, is not so. It is the specific function of the Committee on Rules to issue such orders.

House rule XI, paragraph 16, subparagraph (a) grants the Committee on Rules jurisdiction over "(a) the rules, joint rules, and order of business of the House."

As set forth on page 353 of the House Manual—House Document No. 619, 87th Congress:

> Since 1883 the Committee on Rules has reported special orders providing times and methods for consideration of special bills or classes of bills, thereby enabling the House by majority vote to forward particular legislation, instead of being forced to use for the purpose the motion to suspend the rules, which requires a two-thirds vote.

The Committee on Rules is merely performing its function to report out a special order, such as House Resolution 665, for which there is plenty of precedent.

The Committee on Rules was functioning within the rules in reporting out the special order since it has leave, under rule XI, paragraph 21, to report at any time "on rules, joint rules, and order of business"—and see rule XI, paragraph 22.

There is no question of the power of the Committee on Rules to report such a special order as House Resolution 665. It can report special orders for the consideration of a specified amendment to a bill and its mode of consideration—Cannon's Precedents of the House of Representatives, volume VII, paragraphs 782–784; volume VIII, paragraph 2258; it can provide for suspension of the rules by majority vote—Cannon's, supra, volume VIII, paragraph 3393; it can provide for waiving all points of order against a proposition authorized for consideration—Cannon's supra, volume VIII, paragraph 769; it can provide for a bill or resolution to be considered without amendment—see House Resolution 205 of the 76th Congress; it can provide for limitation on the time for debate—Cannon's supra, volume VIII, paragraph 2461.

Use of such special orders is another House procedure within the four corners of the rules. For instance, special orders may be made by unanimous consent, by suspension of the rules, or on report from the Committee on Rules. Each is an acceptable and traditional form. No "rule" is suspended or violated when one form is used rather than another.

Furthermore, when charges are made that a special order suspends or violates House rules—the purpose of special orders is, of course, to set aside certain House rules—some consideration must be given to House practices. For instance, although the House rules provide that House bills with Senate amendments which are of such nature as to be considered in Committee of the Whole, should, in effect, be sent to the standing committees, the more frequent practice is to ask unanimous consent that they be sent to conference or in the event there is objection thereto, adopt a special resolution from the Committee on Rules, taking the bill with amendments from the Speaker's table and sending it to conference.

This is a suspension of the rules, but it is an accepted practice. In fact, it may be truly said that the rules it is charged are being bypassed are in reality little resorted to in practice.

Another instance where practice tends to bypass or suspend a rule is in the procedure for going forward with the daily order of business. Parts of rule XXIV, paragraph 1, in this respect, have been virtually abandoned.

Since there is no question of the power of the Committee on Rules to report a special order such as House Resolution 665, the significant aspect is the policy reason tendered in support of the adoption of such an order.

This is often broader in scope than the question of adhering rigidly to the written rules. The statement by House Parliamentarian, Asher C. Hinds—Hinds, Precedents of the House of Representatives, volume IV, paragraph 3152—is often cited in this respect:

> The Committee on Rules officiates as to the consideration of bills only when, for some reason, the ordinary method prescribed by the rules for the order of business is not satisfactory or produces delay.

The reasons for the selection of the special order method were discussed by me in my remarks in the RECORD on March 17, 1964, at page 5497. These related to the need for the early passage of the wheat legislation because of the imminence of the planting season and the necessity of implementing Government economic policy vis-a-vis a significant segment of the farming population.

Related to this is the uncertain parliamentary situation in the Senate flowing from the civil rights debate. There is no certainty that if the bill were sent to conference a satisfactory measure could be worked out within the limited time available. The same conclusion would follow if the Committee on Rules had adopted the proposal that the special order permits House amendment of the Senate amendment. Here again, uncertainties as to the working out of a final measure in view of the parliamentary situation in the Senate preclude this procedure.

And as for the suggestion that the special order should permit 2 hours of debate rather than 1, the answer to this is that the traditional procedure under such special orders is for 1 hour of debate divided equally.

Other considerations involve the charge that the Senate amendment should be debated and discussed at length and therefore the procedure under the special order is unsatisfactory.

This charge, however, is refuted in effect, by the minority report to H.R. 9780—page 34. It states, "We do not think that the 40-year-old wheat certificate approach meets the needs of modern America." This, inferentially, means that the proposal is well known to Congress.

The same point was made by the gentleman from North Carolina, Mr. Cooley, in his remarks in the RECORD on March 26, 1964, page 6392, when he spoke of the 30 years' experience with the wheat program in the county, and the long discussion of it by the House over this period.

In other words, the extensive debate demanded by opponents of House Resolution 665 has been going on for many years. It is not necessary at this point to go over ground that has been covered so many times. This has been a sustaining reason behind the adoption of many special orders in the past similar to House Resolution 665.

And, if opponents of House Resolution 665 desire an alternative approach—as mentioned in the minority report to H.R. 9780—they can vote against House Resolution 665 and attempt to secure its defeat.

Thus, the charge that the rules are being bypassed is, in effect, a debater's point. The rules are being bypassed by a procedure acceptable to the House and the rules and which is a traditional practice. The rules are similarly bypassed when the Committee on Rules exercises its delegated function and issues most special orders. Whether it is a special order conferring jurisdiction and functions on a committee which are denied to a committee under the rules—Cannon's, supra, volume VII, paragraph 780—or a special order authorizing the offering of amendments not otherwise in order during consideration of a bill pending in Committee of the Whole—Cannon's, supra, volume VIII, paragraph 2258—or a special order to take a House bill with Senate amendments fom the Speaker's table and concur in the amendments, the rules are being bypassed. It is nothing new or unusual or out of the ordinary. It is an accepted part of the legislative process through which the leadership strives to bring to the House essential legislation.

As respects the use of majority procedure in the operation of special orders, section 717 of the House Manual states, in effect, that special orders enable "the House by majority vote to forward particular legislation, instead of being forced to use for the purpose the motion to suspend the rules, which requires a two-thirds vote." This is an accepted, traditional, and honorable practice in the House.

Paragraph 508 of the House Manual containing the comment from Jefferson's Manual states that:

> The voice of the majority decides; for the lex majoris pontis is the law of all councils, elections, etc., where not otherwise expressly provided.

As for the right to amend, this is not always allowed as for instance in other special orders such as have been mentioned, or in the case of a conference report. The latter must be voted up or down as a whole—see paragraph 452 of House manual, containing Jefferson's admonition that a conference report "cannot be amended or altered as that of a committee may be."

Other procedures are not subject to amendment such as a motion to suspend the rules—Hinds', supra, volume V, paragraphs 5322, 5405, 6858, 6859—or when the House has fixed the hour of daily meeting, the motion to adjourn is not subject to amendment—Hinds', supra, volume V, paragraph 5754.

Normally, when the suspension of the rules procedure is used, a procedure that is charged is being by-passed on this occasion, no amendments to the bill under consideration are permitted from the floor—see remarks of Speaker Longworth, February 28, 1931, quoted in Cannon's Procedure in the House of Representatives, House Document No. 610, 87th Congress, page 454.

Thus, amendment procedure is not always available. And no rights are being denied because, as mentioned, if opponents of the resolution desire something else, they can always vote the special order down.

Mention has already been made of the limitation of 1 hour's time. This is traditional in the use of such special orders—see Floyd M. Riddick, "Congressional Procedure," 1941, page 208, to the effect special order resolutions are "generally 1 hour," page 208. Note might also be taken of the fact that debate on suspension of the rules is even more limited, 40 minutes in fact—House rule XXVII, paragraph 3.

It has been charged that minority rights are being violated by the procedure. This is not true. An opportunity is given for debate, and if it is desired, a rollcall vote can be had on the resolution so that the minority can have the opportunity to have placed on the record the vote of each particular Member. This is similar to the procedure whereby a Member of the minority during regular passage of a bill by the House may make a motion to recommit and have the vote thereon made on a rollcall basis. It puts on record those who are for or against a measure.

Finally, it must be remembered that while one function of the rules is to protect the minority, another is to expedite programs of the leadership. As cited by Floyd Riddick in his book "Congressional Procedure," supra, page 85:

> Mr. Snell, chairman of the—House Rules—committee from the 68th through 69th Congresses, and later minority floor leader, said that if he understood the functions of the Rules Committee, "it is to act in harmony with the majority sentiments of the majority party of the House of Representatives."

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, this has been a rather unusual and historic day. There have been many happenings today. The House has stopped in its deliberations today, as did the other body, to pay respects to one of the greatest Americans of all time, Gen. Douglas MacArthur. Perhaps for that reason alone this has been a historic day.

Yet we have seen other history made today. Seldom in my experience, and I have been here 26 years, with 46 years in public life, have I been given the opportunity to speak twice on the same piece of legislation during the same day. That has been a rather strange situation.

When I spoke originally today on the resolution that is before us I described it as an unusual parliamentary maneuver seldom resorted to, one to thwart the will of 435 Members of this House and to take away from them, through a rather peculiar, yet legal, method as far as the rules of the House are concerned, but still very peculiar, arrangement whereby, through the adoption of this resolution, we would at the same time accept and approve the amendments adopted by the other body, the Senate, to a cotton bill previously passed by this House, and thereby put into effect an entirely new program for the production of wheat in America, and for other farm products as well.

I said in my earlier remarks I had been given to understand that the bill we had before us prior to that time, the bill that has just been passed by the House here this evening, the so-called food stamp bill, had been designated by some of the supporters of this legislation as a sweetener, that it was being approved, it was being passed, or presented to the city Members of this body, as a sort of a carrot, as it were, in front of the donkey's nose, to get them to go along, give them this, quid pro quo, yes, if they will just vote for the administration's wheat bill, gag themselves and surrender their constitutional rights to represent their own people; surrender all rights to debate, to consider, and to amend, if you please, the administration's so-called farm bill or wheat bill, whatever you may wish to call it.

I also stated in my earlier remarks that this whole method, this whole scheme of things, this idea that we should adopt a new wheat program, by having the House surrender its privileges, rights, and prerogatives, accept the Senate amendments, and thereby adopt the administration's entire wheat program, had been described, and aptly and rightly so, as "raw and bloody power politics."

I did not expect at the time I spoke those few words earlier today that almost as soon as I finished my remarks there would be here on the floor of this House, and in this Chamber, proof of the truth of that which I had said—the proof that the description that had been given to this maneuver was correct. Because almost as soon as I finished my remarks, the gavel fell and we saw here in this body a demonstration—a pure and straightforward demonstration of what "raw and bloody power politics" can mean, how it can function, and how it can operate. We have not seen such a thing very often in this Chamber, and I am not so sure I am quite as happy and quite as proud of this body as I have been on other occasions. So I am just hoping now that each and every one of you will search your own hearts and souls as to whether or not you have sold your constitutional rights, your prerogatives, your privileges, and your power to represent your own people as your own judgment and your own conscience tells you, for a mess of pottage—for a little handbook of food stamps.

The vote that is taken on this resolution will be the test which will give the answer to the important question that I have in mind, and perhaps that many of you have in your own heart and mind.

Mr. Speaker, I reserve the balance of my time.

The **SPEAKER** pro tempore (Mr. **BOGGS**). The gentleman from Ohio has consumed 7 minutes.

Mr. **BOLLING**. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. COOLEY].

Mr. **COOLEY**. Mr. Speaker, I am not going to talk about raw and bloody politics, but I am going to suggest that you look at this report and find out about who it is who is playing politics in this proposition that is now before us. I have a telegram here from one of the greatest statesmen I ever served with in this House, and I would like to read it to you. For many years he was a leader and, for two terms of the Congress, he was chairman of our committee. This is the way this telegram reads:

> Wheat farmers expecting legislation in time for this years crop. Voluntary bill now before House is a sound measure particularly adapted to wheat as a domestic and export crop and has wide support among wheat growers and businessmen in this area. Greatly appreciate what you are doing in support of same.
>
> Regards.
>
> CLIFFORD R. HOPE.

I do not have to introduce Clifford R. Hope to this august body. He and I served together on the Committee on Agriculture for more than 20 years and we saw eye to eye on every major problem except perhaps on one occasion. I know that during that 20 years I was a good Democrat, and I know that Clifford Hope during that 20 years was a good Republican, if indeed there is such a thing on this earth. He is for this bill. He came all the way from his home to speak in behalf of this wheat certificate plan. This is not new—people are up here talking and saying that we are trying to "pull the wool over their eyes." This program has passed in substantially the same form before. I know that for more than 15 years we have been considering it in our committee. So there is nothing new about it.

Now with reference to the cotton proposition, I do not see how on earth anybody could vote to continue this unique burden that is being borne by the cotton industry—a burden that amounts to 8½ cents a pound subsidy on American cotton for the benefit of cotton manufacturers in other countries.

A cotton manufacturer in Hong Kong, in Pakistan, or in Portugal can buy American cotton at $42.50 a bale cheaper than American manufacturers can buy the same cotton.

How can cotton compete with synthetic fibers, selling at 24 cents a pound, when cotton is at 32.47 cents a pound?

Three Presidents have said that they wanted relief from this burden. Under President Eisenhower a desperate effort was made by the industry to relieve this burden. They went before the Tariff Commission and the Emergency Planning Board. They did that again under the Kennedy administration. They went through the same thing. They spent hundreds of thousands of dollars preparing their cases, only to lose every time.

Now we have promised to relieve the industry of the 8½-cent difference and differential, and I urge your support of the proposal.

Mr. **BROWN** of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana, the minority leader [Mr. HALLECK].

Mr. **HALLECK**. Mr. Speaker, it is getting kind of late. It is not quite Christmas Eve. I believe you are about to make as big a mistake as you made then.

I want to say to my friends on the Democratic side of the aisle: You have the votes. You outnumber us 3 to 2. If you vote—you may applaud—you may live to kind of regret it. If you exercise your rights in regard to votes, it does not make any difference how many arguments are made. You can overrun us.

But I am telling you right now that the people of this country are going to hold you responsible.

There has been a lot of rough stuff today. I just want to remind you people on the majority side that I have cooperated in all my time here, in the minority and majority. You have a little trouble running the House of Representatives if you do not have some cooperation but there has been very little today.

May I say beyond that, just to keep the record straight, we had what was known as a cotton bill and, for you people from the textile industry areas, that bill was passed by the House of Representatives a long time ago with 35 Republican votes supporting it. It would not have passed except for those votes. It is not that all those people recognized that was the best way to get at the problem, but they made that start, and there was incorporated the McIntire amendment, which the gentleman from North Carolina and the gentleman from Texas agreed to, to cut the support price back.

That bill went to the other body, and there were attached to the bill—a cotton bill, that I say to you people from the cotton areas, from the textile areas, could have been the law of the land right now, if the other body had taken it—some amendments. What did they do? They threw out the McIntire amendment. They threw out the amendment of the gentleman from Missouri [Mr. JONES]. Then they attached a wheat bill, which had been decisively turned down by the wheat farmers of the United States of America.

And then it was brought back here. As the gentleman from Ohio said, there was a request from the other body to send it to conference. To my utter amazement, the gentleman from North Carolina did not ask to send the bill to conference, for some sort of at least a kind of hit-and-miss consideration of its provisions; he asked the House of Representatives to take it hook, line, and sinker, without crossing a "t" or dotting an "i."

Now, if you want to do that, you go ahead; but I am not going to, in my good conscience and in my responsibility to the people who sent me here.

Mr. **RIVERS** of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. **HALLECK**. No, I cannot. I have only 4 minutes.

Mr. **RIVERS** of South Carolina. Will the gentleman yield to me just 1 moment?

Mr. **HALLECK**. Let me just conclude, and may I say to the gentleman from South Carolina that I cannot yield at this point, much as I would like to, because, you know, a part of the rough part of this operation is that you have thrown this thing at us with only 30 minutes on a side with no opportunity for amendment. If that is not debasing the character and integrity of the House of Representatives, I do not know how better you could do it.

The **SPEAKER**. The time of the gentleman from Indiana has expired.

Mr. **BROWN** of Ohio. Mr. Speaker, I yield the gentleman from Indiana 1 additional minute.

Mr. **HALLECK**. I have to have this 1 more minute, and I am telling you right folks, but I cannot even get started in 5 minutes.

Now let us vote down this rule. What will happen then? Nothing disastrous. It will be about midnight when we vote on it. That is all right with me. If you vote down this rule, then the gentleman from North Carolina can do the least that he should have done when he came here and asked for this rule, that is, he can get a rule to send this bill to conference. Then what will happen? Let our conferees meet with the Senate conferees. They have already named them and asked for the conference. Then let us determine about the McIntire amendment and the Jones of Missouri amendment in the cotton bill. A cotton bill can come from conference and be acted upon expeditiously. Then, if our conferees follow what I think would be fair procedure, let them say, "Now wait. The Committee on Agriculture voted the Purcell wheat bill." Go up and get a rule. You have 10 to 5 votes on the Committee on Rules, and you can get the rule. Bring the rule in, and we will consider the wheat bill.

You talk about deadlines on wheat legislation. Why the deadline for the farmer has already passed. I say to you, vote down this rule and let us proceed to a conference, a conference on the cotton bill, and then let us consider the wheat bill here and let you people who are going to be hurt by that bill come in and have your say with amendments.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. BOLLING. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I rise in support of the resolution.

It is not unusual for the House to act in the manner proposed for this legislation. There is a wealth of precedent.

The wheat and cotton programs incorporated into the bill have been carefully studied and discussed in committee, and have been the subject of volumes of comment on the floor of the House over a period of many weeks.

As a representative of an urban district, I have no reservations about supporting this farm legislation. It measures up to what I consider meaningful objectives in terms of consumer-taxpayer welfare.

First, it puts an essential floor under farm income, and rural buying power.

Second, it means many thousands of jobs in industries dependent on wheat farm income, and more thousands of jobs in the textile industry. Jobs maintained and jobs created benefit all of us.

Third, the legislation will maintain consumer price stability in wheat products and result in consumer savings in textiles.

Finally, it widens the gate for reduction in Federal farm program costs by relieving taxpayers of the burden associated with the storage of unneeded, unwanted wheat, and cotton.

I want the families of my district to share in the benefits of abundance, and I want the families of farm areas to be able to buy the goods and services which have their origin in urban communities.

There is a balance in this wheat-cotton bill that benefits the whole of our society.

This resolution is composed of two separate parts. The cotton section is substantially the same as was passed by the House. Its purpose is to make it economically possible for American mills to continue to use American cotton and to sell the cotton goods to the American public at prices competitive with those of foreign manufacturers. Under existing law all cotton shipped abroad is subsidized, presently at 8½ cents a pound. Cotton cannot continue to sell domestically unless our mills are able to purchase cotton competitively. This resolution gives them the opportunity to buy cotton with exactly the same subsidy as has long been paid on cotton sold to foreign mills. This means the American mills will be buying cotton at 25 or 25 cents, but that the producer will be getting between 30 and 34 cents for his product. It means that the cloth produced from this cotton will sell for substantially less than cloth produced from cotton which costs the mills the full amount received by the producer as it does at present.

Secretary of Commerce Hodges, who has himself had many years' experience in the cotton mill business, estimates that for every dollar spent by the Government there will be a saving of $2 to the final consumer of the cotton goods. This is true because there will be a reduction in the final retail price not only of the reduced price for cotton but of the cumulative profits, or markups, which are calculated on the basic cost of the original material; therefore, the cotton section of the bill should be a boon to producers and to mill operators but more than all to consumers.

The second section of the bill was added by the Senate. It provides for voluntary participation on the part of wheat producers in a program designed to retain for such producers at least a substantial part, probably as much as $400 or $500 million of the $600 million which it is estimated will be lost to producers as a result of the lower wheat prices which are authorized under the terms of existing legislation following the rejection of a mandatory wheat program by growers last year.

The real question here boils down to this: Who will get these savings? It is obvious that the price of bread is not going to drop as a result of the drop of price in wheat. Over the past 10 or 15 years wheat has dropped approximately 40 cents a bushel. During the same time the retail price of bread has not dropped at all, but has increased by 8 or 9 cents a pound. The "official line" of those who oppose this bill is that the maintenance of the price of wheat will be, in effect, a "bread tax." If this bill were to increase the price of wheat to the miller, there might be some justification for that charge although even at $2 a bushel, it takes an 80-cent increase in the price of wheat to add 1 cent to the actual cost of the ingredients of a 1-pound loaf of bread. This bill does not increase the cost of wheat to the miller at all. It leaves it very close to what wheat has been costing over the past several years—it will probably actually result in a relatively slight drop in costs to the miller. With wheat costing the miller approximately $2 under the terms of this bill, just as it has cost him for the last 3 or 4 years, the only real question is whether the processors as a group or producers are going to get the $400 or $500 million at stake.

The resolution makes sure that this sum will remain in the hands of wheat producers who are notoriously good purchasers of all types of industrial goods. If the bill is not passed, farmers are certain to lose a substantial amount of income, but processors will buy their wheat around 70 cents a bushel cheaper than they are now buying it and will undoubtedly pocket that additional profit. The consumer has no reason to be concerned with this section of the bill except to the extent that the farmer is obviously a far better customer of the goods produced by American labor and industry than are the processors and middlemen.

Taken as a whole, the two sections of this resolution will give a much needed degree of stability to two large segments of American agriculture and will do so with a positive savings to consumers, at least the consumers of cotton goods. It will likewise protect the jobs of literally millions of American workers, not only those who are engaged directly in cotton fabrication but also those who are engaged in products for sale to farmers as well.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. AVERY], a member of the Committee on Rules.

Mr. AVERY. Mr. Speaker, I can understand why the gentleman from New York [Mr. CELLER] would embrace this procedure because it is just about the same kind of procedure, I understand, the Committee on the Judiciary employed when they considered the civil rights bill. So it is perfectly understandable to me that he would support this gag-rule procedure that we are under this evening to briefly consider a wheat bill.

Mr. Speaker, I would like to say that those of us who represent the wheat producing area are fairly proud tonight because in my 10 years in the House the only two times the House has stayed in session until midnight was to discuss wheat. If you will recall we stayed in session Christmas Eve until midnight in order to make certain that we could sell wheat to Khrushchev. Now he says he apparently does not want to buy it. And here we are tonight staying in session under a gag rule to pass a bill, if possible, which affects a multi-billion-dollar industry in the United States and, as has been stated, we are going to talk about it, not for an hour, not for a day, as we did with most of the other important legislation, but for 30 short minutes.

Mr. Speaker, I would like to remind the House that after this gag rule was imposed upon us in the Committee on Rules, as one last gesture I said, as a matter of fairness to the majority, "Permit me to ask unanimous consent to get just 1 extra hour to debate a wheat bill that vitally affects 14 States in the Middle West." There was quiet for about 30 seconds, and then one of my good friends across the table said, "I am sorry, BILL, the procedure has been agreed to and I will have to object."

But, Mr. Speaker, just for the RECORD I would like to test out the matter of fairness. Mr. Speaker, I ask unanimous consent, since we have stayed here until 2 o'clock in the morning to discuss selling wheat to Khrushchev, that the House debate this resolution for 1 extra hour, that time to be equally divided between the gentleman from Missouri [Mr. BOLLING], representing the majority, and the gentleman from Ohio [Mr. BROWN], representing the minority.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. HAYS. Mr. Speaker, I object.

Mr. AVERY. Mr. Speaker, the only surprise was that the objection came from the gentleman from Ohio. I had rather anticipated that it would have been made by another Member.

I must say that I anticipated objection would be heard but I wanted to make it abundantly clear that those of us on the minority have made every effort to have this bill debated, and even under unanimous consent our usual rights have been rejected.

Mr. Speaker, I understood the conclusion of the minority in not wanting any amendments that would necessitate sending the bill back to the other body. I therefore posed several questions to the Secretary of Agriculture to inquire as to his plan or intention to administer the program. If assurances in writing had been forthcoming indicating an acceptable administrative position, I would have supported the bill.

Under the provisions of the bill without these assurances, I cannot support it. For example, the Secretary can move 1 million acres of wheat around between the States without limitation. This could cost Kansas 200,000 acres of our present wheat allotment. There is no restraint on the Secretary for dumping the present commodity credit stock of wheat on the market at a low price of $1.36 a bushel.

Because of these and other objectionable features, I shall vote against it.

Mr. BOLLING. Mr. Speaker, I yield 8 minutes to the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Speaker, I realize the hour is late. However, I assume that we are going to consume this entire hour.

Mr. Speaker, I would like to make reference—and I do this with all friendliness, because I have great admiration for the gentleman from Indiana, the distinguished minority leader—that, of course, this matter of cooperation all depends upon whose ox is being gored.

Mr. Speaker, I recall very vividly, because I believe he mentioned it, what my good friend the distinguished gentleman from Ohio [Mr. BROWN] stated about a late session last Christmas, and I recall that because of a little lack of cooperation I had to fly 6,000 miles in order to return here. I simply mention this to remind my good friends—and I love them both—that it is all a matter of whose ox is being gored when the chips are down.

Mr. BROWN of Ohio. Mr. Speaker, since the gentleman has mentioned my name, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. May I say to my good friend the gentleman from California [Mr. SISK], my colleague on the Rules Committee, that I was not here. I was too smart to come back, and the gentleman from California should not have come back either.

Mr. SISK. I might say to my good friend in answer to that statement that it was with some considerable hesitation, but it became necessary. So I returned and did my duty.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. SISK. I shall be glad to yield to the gentleman from Indiana.

Mr. HALLECK. As a matter of fact the gentleman knows, as it turned out and as I remember, the gentleman's trip back was kind of futile because there were two or three Republican votes to vote the bill out of the Committee on Rules.

Mr. SISK. Yes; and if the gentleman had just made arrangements 2 or 3 days before for this to happen, then my trip back here would not have been necessary.

Mr. HALLECK. If the gentleman will yield further, perhaps, if the gentleman had been here at that time it would not have been necessary.

Mr. SISK. I will agree that the gentleman is right in that statement. But I am simply commenting on the fact that it all depends upon whose ox is being gored.

Mr. Speaker, we are here quite late tonight and I think it might be well that we proceed with this matter in as good humor as possible. Frankly, the legislation which is now pending before us tonight has been discussed, debated, considered, and amended over a period of many, many years.

Mr. Speaker, my remarks will concern the cotton section of H.R. 6196 as passed by the other body.

The House, of course, passed a different version of that bill last December. It is the Senate version that we are asked to accept today.

There are many valid reasons for this House accepting the Senate amendment. One of the most important is that legislation must be enacted immediately if it is to apply to the 1964 crop of cotton. In certain parts of Texas and the Imperial Valley of California, planting has been underway several weeks. We are now approaching the planting season for most of the major cotton-producing areas. Around April 15 is the heart of the planting season.

But besides this, the Senate bill, on its merits, warrants our favorable consideration.

It will achieve the complete elimination of the cotton cost difference between domestic and foreign mills. This, of course, will expand markets for American cotton by enabling it to meet the price competition of manmade fibers and by removing a major factor accounting for the tremendous upsurge in cotton textile imports. The Department of Agriculture estimates that domestic consumption of cotton will increase by 1 million bales the first year under this legislation.

All this will be accomplished with a reduction in Government stocks of cotton and Federal expenditures on the cotton program.

The major difference between the two bills is the provision for a producer's choice, and this is not a new plan, as such. It is very similar to the choice plan provided in the Agricultural Act of 1958 for the 1959 and 1960 crops of cotton, except it operates in reverse.

Probably the two most significant aspects of the cotton section of the bill passed by the Senate are its effect on Government stocks of cotton and Government expenditures on the cotton program.

On August 1, 1964, the start of the new marketing year, the Government will own almost 10 million bales of cotton involving an investment of around $1.7 billion. Continuing the present program for another year will add another 700,000 bales to Government stocks on August 1, 1965, according to Department of Agriculture estimates. This would mean another $112 million spent by the Government. Even under the bill passed by the House CCC stocks during the 1964–65 season would be expected to increase 100,000 bales.

On the other hand, the Senate amendment to H.R. 6196 would reverse this trend. It would do so first, by cutting down the production of cotton below requirements, so that the trade will have to use some of the Government stocks; and second, by stimulating consumption of cotton through a completely competitive price in the domestic market. The interaction of these factors will result in a reduction of CCC stocks of more than 2 million bales during the 1964–65 season.

Obviously, if the Government can sell some of the cotton it now owns and avoid acquiring additional cotton under the price support program, Federal expenditures on the cotton program will drop.

Under the bill as passed by the House expenditures are estimated at $614 million. But under the Senate version of H.R. 6196, expenditures on the cotton program will be cut to $448 million, a reduction of $118 million below the present program and $166 million below the House bill.

In addition, the Secretary of Commerce has said that if American mills can buy cotton at the competitive price, consumer savings would amount to $700 million.

Mr. Speaker, this legislation has hung in the balance too long. Uncertainty characterizes cotton's markets. It is more and more evident that unless we act now on cotton legislation, we will likely not have an opportunity to do so in time for it to apply to the 1964 crop.

We cannot afford to lose the benefits of this bill to the Government, the entire cotton industry, and the consumer.

I urge the adoption of this resolution.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. DENT].

Mr. DENT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I want to clearly state that I requested the time from my colleague on our side of the aisle, but the time had all been taken. I do not intend to waste the time of the House.

I would like to read something here that I think has probably escaped most Members of the House as to the implications of this legislation. This is a Canadian newspaper that just arrived in my office, the Toronto Financial Post.

I would like to read a leading article, as follows:

> Sales Boon for Our Wheat—U.S. Tax on Export Wheat
>
> After June 1, the U.S. Government may find itself levying an export tax on wheat—instead of providing a 65-cent-a-bushel export subsidy as it does now.
>
> The U.S. Department of Agriculture has ruled that all wheat exports—not just those to Iron Curtain countries—must now be covered by export licenses, and that grain exporters who are able to buy wheat for future delivery at prices below those prevailing in the export market will have to refund to the Government part of the subsidy they have received on previous shipments.

The important part is the following paragraph:

> This ruling is mainly important as a signal that the U.S. Government doesn't intend to encourage American grain exporters to price-cut their way into Canada's cash grain markets.

I will not read any more because I believe you understand the significance of this particular article in this Toronto newspaper.

The question before this House is one that goes deeper than whether you are a Democrat or a Republican, a city dweller or a country dweller. This is a question that goes back into the ancient days of the beginnings of man's first attempt to regulate his life in such a way that all men may find it easier to live in the world we must live in.

We are talking about getting for the cotton industry a better place in the economic sun. Are we doing it at the expense of a nonvital industry? Are we saying here that this is going to help the American cotton industry to compete with foreign imports? If we are, we are not telling the truth, because the cotton content of the finished product is so low compared with the cotton product and the labor and the value of the supervisory forces in a cotton textile mill that there is absolutely no reason to believe that this will increase our ability or make us more able to compete with foreign imports. What it will do, and this is contained on page 8 of the report, is that it will enable the cotton industry to compete more easily and more equitably with another American industry, the manmade fiber industry. I hold no brief for either the manmade fiber or the exporter or importer or anything of the kind, but I do not like to sit in this House and see this House being taken for what I call not pulling the wool over the eyes of the wheat farmer but maybe pulling the cotton over the eyes of the wheat farmer, because remember that Mr. Hickman Price made this statement:

> If it is the policy of the United States to substitute the products of test tubes and chemical engineering for the American cotton farmer, then let us continue on precisely the same road that we are now on, because that is where we are going.

However, if the Congress says that the economy of our Nation should be in balance, including the economy of the prosperous cotton farmer and cotton mill operator, then we must pass this legislation.

I am sorry I do not have the time to give the House the benefit of 2 years' study of this import-export problem.

Dent Warns Against Marriage of Wheat Bill and the New Cotton Bill Subsidy

This new and unprecedented approach to cheap labor import competition will kick open the greatest door to personal payments from the U.S. Treasury ever witnessed in the history of commercial trade relations.

If and when the long-suffering little taxpayer and factory worker, miner or small farm operator awakens to this piracy of the Treasury by corporations because of their inability to compete with foreign imports, the repercussions will make the election revolt against Herbert Hoover look like a mild squall.

Simply put, the Congress is tying the wheat bill, which is opposed by practically all the family-type farmers and endorsed in the main by the Billy Sol Estes-type farmers, and the cotton subsidy bill together in a triple parlay with the surplus food stamp plan.

If a Congressman votes against the wheat and cotton steal, he will be castigated for being unfair to the surplus food recipients by some people who would think nothing of killing the food stamp plan without a deal to pass the wheat-cotton steal.

The same proponents of this Treasury raid ballyhooed the Trade Expansion Act as a life saver for U.S. industry. They said that inefficient industries would have to fall by the wayside or become competitive with foreign imports to stay in business. They also promised workers cash subsidies, training programs and expense paid travel to new jobs and new homes. They promised from 4 to 6 million new jobs if the trade bill passed.

It appears then that all the promises of the Secretary of Commerce, the Secretary of Labor, the Secretary of Agriculture, the State Department's George Ball and Christian Herter—chief negotiator for U.S. trade agreements—are empty and hollow and now the Congress, in order to bail out the bad guesses and Congress itself, is pushing through a cotton industry relief bill.

It's a long cry from the days of relief for the sharecropper to paying dividends to the shareholders.

A few weeks ago, rightly or wrongly, the greater share of the press castigated and berated Congress for attempting to raise their salaries.

This same press doesn't seem to mind a bit when Congress raises the pay of the officials of private, profitmaking corporations or when we pledge billions of taxpayers' dollars to guarantee stockholders equity in private corporations.

The economists, the labor spokesmen, the administration's war on poverty generals, seem to completely ignore the danger in handing out billions of dollars that can be used to hasten automation in an industry that lends itself to jobless production better than most industries.

As a taxpayer and as a representative of an area fighting to regain its place in the economic sun, I see in this bill a most dangerous concept of what the responsibility of Government really is, in the case of trade. I see a line forming from ocean to ocean headed by free traders with their hands open for taxpayers' moneys to ease the painful truth of economic disaster in the trade policies of the Nation.

The excuse offered by the proponents of the legislation for its passage is without foundation of either logic or economic stability.

We are told that because we subsidize foreign textile mills by selling our cotton at prices below our mandated cost of production, we must give our domestic mills the same price advantage in order to compete with imports.

No one seems to examine this reasoning because if one did evaluate this proposition he would find that while cotton costs in a pound of textile averages — percent of the cost of production, labor costs take — percent of this cost.

It follows, then, that even if cotton was given to our mills free of charge and the wage differentials between United States and Japanese, Italian, British, Hong Kong, Korean, and other exporting nations remains at the present levels, our mills will never compete, pricewise, in the United States or world marketplace.

This is a giveaway to save the badly advised, badly timed, and badly planned trade talks in the coming GATT meetings.

It is just that simple and right now we can start looking for a new type of off-the-hoof beef subsidy to our packing houses and beef processors to make up the difference between Mexican, Irish, Australian, New Zealand, and other foreign beef.

Why not meet the complaint of our bakeries along the northern U.S. border over the bread imports by paying the difference in domestic price of wheat and exported prices to the bakeries to make up their profit loss. Surely bread is more important to the health of our people than cotton panties and girdles.

Of course, these bills would never pass because the cotton groups have a soft touch and won't spread the goodies around to the long suffering factory worker who pays and pays while the Billy Sol Estes and his stripers take and take.

All too often we hear our friends from the South and the Republican Members screaming and yelling against the socialism of accelerated public works, aid to poverty stricken areas, surplus food stamps and against so-called back-door spending, against salary raises for the postal workers and other civil servants because of the economy drive and to keep within and below the budget. But, when it comes to pouring out billions for estate-type farms, corporation officials and shareholders, the silence is deafening.

When a handful of conscientious Members try to increase social security payments, lower the age limit for retiring workers and their wives, when we try to save the jobs of our badly battered ranks of labor, we are called isolationists, wildeyed spenders, and reactionary throwbacks, but when we vote to support profits out of tax funds we are called statesmen.

If this legislation represents statesmanship, then for the sake of the Nation's future let's go back to the stumbling, bumbling politics that made the country so rich, so powerful and so successful it can afford to indulge this type of statesmanship for a limited time.

This bill is the first installment on the payments into bankruptcy because of our unsound trade policies and our unsound political solutions.

Although the taxpayers will be paying the bill for the cotton textile industries executive bonuses, topflight salaries and stockholder's dividends, the taxpayers elected Representatives won't sit on the boards of directors or on the purchasing and selling committees. In other words, we stand to give, in cash credits to the textile industry, as much as $360 million while the entire industry showed a total profit of $260 million in 1962.

This means that we will be paying the large corporations in the textile industry—most of which are closely controlled or owned—more money than they paid in income taxes.

Why this cry for help from the little peoples by the most independent employer group in the United States? This group of employers has fought unionism, labor reform laws, minimum wage and hour laws harder and more successfully than any employer group in the country.

Now they are crying for help to continue their profiteering at the expense of the lowest paid workers in the Nation. The industry admits to lower paid workers.

This bill won't kill the Nation, but neither will a broken arm kill a person unless—and this is important—we let the Nation and the man bleed to death.

As a Member of Congress, each of us has a responsibility, each of us will vote as his conscious or in some cases as his district dictates. Sometimes they are the same.

In this case, even if certain defeat was insured by my vote, I would vote against this act of legislative piracy.

Recently I received a letter from the Secretary of Agriculture. Following you will find both his letter and my personal views:

DEPARTMENT OF AGRICULTURE,
Washington, March 13, 1964.

Hon. JOHN H. DENT,
House of Representatives.

DEAR JOHN: There are a number of questions you may have relating to the combined wheat and cotton legislation now awaiting House action, and I would like to answer them.

Will farmers be compelled to participate? No, both the wheat and cotton programs are voluntary. The individual farmer may choose to participate or not to participate.

Will the legislation increase consumer prices? No, the cost of wheat to users will remain the same and the cost of cotton will actually decline. The Department of Commerce estimates the cotton program will mean consumer savings of as much as $700 million either in lower prices or higher quality merchandise.

Will taxpayer costs go up? No, the taxpayer costs will be lower under the new legislation. The cotton program will be financed in large part by using cotton now in government surplus stocks. We have over 100 million bales in storage now. Additional direct costs under the wheat program are minor, and will be offset by lower storage costs from cutting back surpluses.

Will the legislation reduce farm income? No. Net income to the cotton farmer will remain about the same as under current legislation. The income of the wheat farmer will be about $400 to $450 million higher than would otherwise be the case.

You may have other questions on these proposals, and I would be happy to answer them at your convenience.

Sincerely yours,

ORVILLE.

MY DEAR COLLEAGUE: I have received a letter from the Secretary of Agriculture, Mr. Orville Freeman, which raises and answers four questions about the pending wheat and cotton bill. I assume other members have received similar letters. Unfortunately, the Secretary's answers to his own questions confuse rather than clarify the issues before us. Let us take a closer look at his questions and answers.

Will farmers be compelled to participate? Secretary Freeman says no because "both the wheat and cotton programs are voluntary."

My answer is "Yes."

The cotton provisions of H.R. 6196 would impose another series of patches on a compulsory marketing quota program: The wheat provisions of the bill have been cleverly designed to achieve "voluntary" compliance through economic pressure. In commenting on a somewhat similar wheat certificate bill, Dr. Walter Wilcox, senior agricultural specialist of the Library of Congress staff, told the House Committee on Agriculture that "ineligibility for wheat certificates worth 70 cents per bushel on approximately 75 percent of a producer's marketings in recent years and ineligibility for wheat and feed grain price support loans would be sufficient penalty to assure a high degree of voluntary participation." In addition, H.R. 6196 would deny any share of the export market to producers who do not participate in the program. These penalties to noncompliers make a mockery of the word "voluntary."

Will the legislation increase consumer prices? Secretary Freeman says "No."

My answer is "Yes."

Millers will pay more for wheat, including the cost of marketing certificates, if we pass this legislation than if we do nothing to change the program that went into effect when producers voted down the certificate plan. And even if there were no change in the cost of wheat at the mill level, food prices could still go up. Wheat is not all food. It is about 30 percent byproducts which are largely used for livestock feed. Under the certificate plan it is likely that prices of these byproducts would be depressed because they would have to compete with livestock feed made from cheaper, noncertificate wheat. Any loss realized by millers as a result of lower byproduct prices would have to be passed on to the consumers in the form of higher prices for food products.

Any savings to cotton consumers brought about by the subsidies that would be paid to reduce the price of cotton to domestic mills would be more than offset by the greatly increased tax cost.

Will taxpayer costs go up? Secretary Freeman says "No." He points out that "the cotton program will be financed in large part by using cotton now in Government surplus stocks."

My answer is "Yes."

Secretary Freeman is assuming that the Government-owned cotton that would be used for payments-in-kind has a zero value. Actually, at the present world market price this cotton is still worth an average of approximately $120 per bale. (The Government acquired this cotton under the price support program at a cost of over $150 a bale.)

Will the legislation reduce farm income? Secretary Freeman says "No." He adds that "the income of the wheat farmer will be about $400 to $450 million higher than would otherwise be the case."

My answer is "Yes."

This bill would perpetuate a cumbersome control system which increases average production costs and restricts farmers' ability to compete for expanded markets.

The Secretary has made it clear that, if this bill is passed, he intends to manipulate the wheat market so that it does not rise above $1.30 a bushel. By wrecking the market price for wheat through the imposition of what amounts to price controls, he would further disrupt the operations of livestock, dairy, and poultry farmers and lower their incomes.

While all of us are disturbed over job losses due to imports, nothing in this legislation will give labor a guarantee that the subsidy will be used to create job opportunities.

Little attention is given to the fact that while imports run about 20 percent of the total U.S. consumption this legislation would subsidize the full U.S. production or 100 percent of all cotton sold in export and all cotton used in domestic production.

The claim that this subsidy to mill owners would increase employment by reducing imports, is not realistic. The facts are that the labor content far exceeds the cotton cost content of textiles and unless a method is found to equalize labor costs, imports will still have an advantage in the marketplace even if the cotton was given to manufacturers free.

We will find ourselves in a position of guaranteeing unlimited salaries to corporate offices without any controls by the Federal Government although the Government is guaranteeing a profit far and above the normal mill profit.

Labor may well awaken to find that this subsidy windfall will be used to automate to cut the labor costs thereby reducing employment rather than increasing job opportunities.

Imports will not be curtailed by subsidies based upon cotton costs. Only lower quotas or equalizing tariffs will meet the problem posed by cheap labor imports.

If it is sound to pay the processor of cotton the difference between export or world cotton price and domestic price, how can we deny the flour mills the same consideration, or the candymaker who is plagued with candy imports containing exported peanuts sold on foreign trade below U.S. market prices.

If ever Pandora's box was in danger of being kicked open it is by this legislation. Once open, the parade of subsidy seekers will head for waste from every factory, every mill, and every production facility engaged in world trade and subjected to the wage and hour law.

If the subsidy is for the purpose of curtailing imports then we are only starting to dig into the Treasury.

If this legislation would really help the industry I would be the first to support it.

It would not, simply because the import damage cannot be corrected by charging the U.S. taxpayers for the difference between low-waged imports and domestic costs of production.

I am not alone in my opposition to this legislation. The tying up of the wheat bill with the cotton bill just made matters worse.

In the cotton bill we propose paying the cotton processors the difference between domestic and export prices and in the wheat bill we propose charging the wheat processor the difference between the domestic and the export prices.

On the farm we would say that this is geeing and hawing at the same time.

The cost elements of cotton production show that the consumer price has little or no relationship to the cotton price content.

The following figures are proof of this point:

COST ELEMENTS IN COTTON TEXTILES AND APPAREL

In unfinished cloth with a value of 62.4 cents per pound, raw cotton cost was 35.55 cents in February 1964, or 56 percent.

The cost of raw cotton in relation to retail price of the finished goods varies with the quality, design and workmanship of the finished product. The lower the price the higher the share of raw cotton to the total price.

Sheets that retail at $2.25 in 1963 had a cotton content cost of 73 cents or 32 percent of the cost to the consumer.

Work shirts retailing at $1.81 had a cotton content cost of 26 cents or 14 percent of the price to the consumer.

Business dress shirts retailing at $4.27 had a cotton content cost of 28 cents or only 7 percent of the retail price.

Source: U.S. Department of Agriculture.

STATISTICS COMPILED BY THE DEPARTMENT OF AGRICULTURE OBTAINED FROM THE DEPARTMENT OF LABOR—CENSUS OF MANUFACTURERS, 1958

There are no statistics based on cost of production, because profit cannot be removed from the overall consideration. Statistics are based on the value of the finished product. This value is comprised of: Materials, labor, fuel, electrical energy, contract and commission, profits, depreciation, interest, insurance, rent, taxes, and other expenses.

For broad woven cottons: salaries are 2.9 percent; wages 24.1 percent.

For narrow woven cottons: salaries are 7.2 percent; wages 22.7 percent.

For woolens and worsteds: salaries are 4.7 percent; wages 18.2 percent.

Salaries are paid to supervisory workers. Wages to other workers.

Although we are told that the Farmers Union is for this legislation, I offer this letter as evidence to the contrary.

To: All Members of House of Representatives.

From: Reuben L. Johnson, director of legislative services.

Farmers Union respectfully urges your active opposition to H.R. 6196. Enactment of this cotton-mill subsidy bill is not in the best interests of farmers nor of taxpayers. As the editorial in today's Washington Post points out, the mill subsidy "would add at the very least $222 million to the cost of the cotton program." It establishes procedures whereby $21 million could be subtracted from income now received by cotton producers in order to help pay this exorbitant subsidy to cotton mills.

An editorial appearing in the November issue of the official publication of the Missouri Cotton Producers Association, Missouri Delta Farmer, says that there is "no cause for cotton panic." Farmers Union wholeheartedly agrees.

Cotton producers have voted in referendum since the inception of the program in behalf of maintaining cotton production in line with consumption, with provision for adequate reserves as determined by the Department of Agriculture.

Records of the U.S. Department of Agriculture show that the average offtake of U.S. cotton (domestic plus exports) for the most recent 10-year period (including the 1963–64 season) is 13.6 million bales per year. The estimated offtake for the current marketing year is 13.8 million bales or some 200 thousand bales above the 10-year average. In the case of exports, USDA figures show an average of 4.9 million bales annually were exported during the most recent 10-year period (including the 1963–64 season). Instead of a drop in exports, the estimate of 5 million bales for the current marketing year actually means a small increase in the movement of U.S. cotton into world markets.

In short, we ask that you not vote out of panic to the detriment of both taxpayers and farmers. There is ample time to decide on a cotton program that would more equitably serve all segments of the cotton industry. We ask that H.R. 6196 be defeated and that Congress be given an opportunity again next year to determine the wisest and soundest solution. For example, there has been increasing support both among producers and other segments of the cotton industry for the Talmadge-Humphrey proposal.

Again, the farmers from my area voted 78 to 22 percent against the wheat bill. Their sentiments are expressed by their official association views as presented to me by letter.

You soon will have before you H.R. 6196 as amended by the Senate. This bill as amended has in it a wheat section, almost identical to the multiple price wheat plan overwhelmingly voted down by wheatgrowers in last year's wheat referendum. The cotton section of the amended bill would permit price supports on cotton to be increased rather than decreased as required by the McIntire amendment to the House-passed bill. This and other changes have made the bill far more costly.

A large percentage of the wheat and cotton growers in the United States are members of Farm Bureau. On their behalf—and on behalf of all farmers and ranchers who would be adversely affected, directly or indirectly, by it—we strongly register our opposition to the amended farm bill (H.R. 6196 as approved by the Senate).

This legislation would not solve the problems of wheat and cotton; in fact, its enactment would aggravate them. It would be extremely costly and would move in the direction of more Government supply management control over agriculture. Farm Bureau members want to move toward less regimentation in agriculture and toward a market-directed rather than a politically directed farm economy.

Wheat farmers voted overwhelmingly against the certificate plan in a referendum on May 21, 1963. This bill is said to contain a voluntary version of that plan; however the penalties that would be imposed on those who did not choose to participate would be such as to make a mockery out of the use of the term "voluntary." There is not even a pretense that participation would be voluntary for wheat processors who would be subjected to a processing tax that can, and would be, labeled a "bread tax."

Farmers said "No" to this proposal last May. It is incredible that the Congress would seriously consider forcing this program on wheat farmers against their clearly stated wishes. We firmly believe that, if this proposal is enacted into law, both producers and consumers soon will recognize it for what it is—a scheme to regiment farmers, and a flour and bread tax on consumers.

The cotton proposal before you is the most complicated Government farm program that has ever been devised. It would be tremendously expensive and the first big step toward compensatory payments for all of agriculture. The vast Brannan-type subsidies provided for in this bill cannot be justified. The acreage retirement program would be costly and ineffective. The retired cotton acres could be shifted without penalty to feed grains and soybeans and thus further aggravate the feed grain and livestock producers' problems.

Attached you will find information dealing with the alternatives available and the costs of H.R. 6196. The increased costs that would result from this legislation are in direct conflict with the President's promise to reduce the Federal budget.

ALTERNATIVES AND COSTS

WHEAT

If no legislation is enacted two alternatives are available to the Secretary, as follows:

1. Hold a referendum on the wheat certificate plan. If the referendum carries, the plan would, of course, be put into effect. If the referendum fails, as is expected, the price support for those who stayed within their allotments would continue to be $1.25 a bushel. Since no realistic appraisal of the wheat situation indicates the market price would be as low as $1.25 a bushel, this alternative means virtually no cost to the Federal Government.

2. It was not generally known that there was any other alternative. However, in the past few weeks it has become clear there is another alternative. This alternative was discussed in the executive session of the Senate Agriculture Committee and confirmation thereof was received from the U.S. Department of Agriculture.

Section 101 of the Agricultural Act of 1949, as amended by the Food and Agricultural Act of 1962, provides that if the Secretary does not proclaim wheat quotas for 1965 (and the supply picture may indicate he need not proclaim quotas for 1965) the level of price support to those who planted within the wheat allotment for their farms would be 75 to 90 percent of parity (about $1.90–$2.25 per bushel).

COTTON

The Secretary of Agriculture now has authority under the Agricultural Act of 1958 to set the support price of cotton at any level between 27 and 37 cents. Each 1-cent reduction in the price support level would reduce the export subsidy $24 million. Costs to the Government would be reduced because (1) marginal acreage would be shifted to other production, (2) the incentive to get maximum yield per acre would be reduced, (3) cotton would become more competitive with synthetic fibers, and (4) the difference between domestic and foreign prices would be reduced.

Even if we assume that the price support for cotton will be held at the 1963 level (32.47 cents), the costs of the current cotton program are far less than the costs of the proposals contained in H.R. 6196 as reported to the Senate. The information in the report is confusing and misleading with respect to comparative costs. The costs of the proposed program would be far greater than those indicated on pages 15 and 16 of the report.

These estimates assume that the Secretary will maintain the price support level at 30 cents a pound (Middling, 1 inch). But the maximum authority delegated to the Secretary would permit a price support level as high as 37 cents. Based on his record in the past 3 years, there is no basis for any assumption that he will reduce the price support level to any specific figure.

It should be noted that the 15-acre exemption in H.R. 6196 as reported would exempt about 70 percent of all cotton producers from reducing below their base allotment, yet each of them would receive a diversion payment calculated on the assumption that they have reduced their cotton acreage from

the base allotment to the domestic allotment.

Estimates of comparative costs for cotton are attached.

Estimated cost of current cotton program and Senate version of H.R. 6196

[In millions of dollars]

	Current program, 1964	Senate bill for crops of (basis 30-cent-per-pound support)—		1965 at 90 percent of parity
		1964	1965	
Export subsidy [1]	225	162	162	325
Export subsidy—products	18	------	------	------
Domestic use [2]	------	312	312	624
Public Law 480	117	117	117	117
Price support payments [3]	------	102	117	185
Carrying charges	94	60	48	48
Total	454	753	756	1,299

[1] Rate for current program, 9 cents; 1964–65, 6.5 cents; maximum under bill, 90 percent of parity, 13 cents.

[2] Payment for 1964–65 at 6.5 cents, assumes 30-cent basic support; maximum under bill, 90 percent of parity at 13 cents.

[3] Payment for 1964–65 at 3.5 cents; maximum under bill, 90 percent of parity, 5.5 cents.

NOTE.—All figures except last column are based upon data provided in the committee report, pp. 15 and 16.

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., October 31, 1963.

DEAR CONGRESSMAN DENT: The House soon will consider H.R. 6196 (the Cooley cotton bill). We strongly urge you to vote against this bill.

It is our considered judgment that enactment of this bill would not solve the serious problems that now confront the entire cotton industry. On the contrary, the passage of this bill would be a big step backward and would demonstrate complete unwillingness on the part of Congress to come to grips with the true needs of the cotton industry, from the producers of raw cotton to the consumers of cotton goods.

Our principal objections to the bill are:

1. It would dramatically raise the cost of the cotton program to U.S. taxpayers by adding a domestic subsidy to an already very costly export subsidy. The McIntire amendment does not remove the basis for our objection in this regard.

2. The bill is not in the best longtime interest of the American textile industry. To have such a large subsidy paid either directly or indirectly to the textile industry is unsound and cannot ever permanently solve the industry's problems.

3. This bill—because of the special treatment contemplated for the producer on his first 15 bales of cotton—would result in inefficient production in the future. It would penalize efficient producers and perpetuate many inefficient producers. This is not in the longtime best interest of the cotton industry—and certainly it is contrary to the interests of consumers.

4. This bill proposed to use (Brannan-type) compensatory payments in a big way. It is true that in this bill payments would not be made directly to producers but would be channeled through other segments of the industry in an attempt to conceal the true nature of the program. The main reason for this appears to be to convey the erroneous impression to cotton farmers that this approach would avoid limitations on payments.

5. If enacted, this bill would be very difficult to administer and would be extremely disruptive of the marketing system. The first 15 bales produced on each farm would have to be purchased and resold annually by the Commodity Credit Corporation. This would involve about 5 million bales of cotton each year.

For the above and other reasons we earnestly urge you to vote against H.R. 6196. Its defeat will set the stage for Congress to insist that the Secretary of Agriculture solve the cotton problem by administering the cotton provisions of the Agricultural Act of 1958 as was intended when it was approved on a bipartisan basis.

Sincerely yours,

CHARLES B. SHUMAN,
President.

P.S.—Attached is a more detailed analysis of reasons why H.R. 6196 should be defeated.

WHY THE COOLEY BILL, H.R. 6196, SHOULD BE DEFEATED

1. The current cotton problem has been created by the failure of Secretary Freeman to carry out the philosophy of the Agricultural Act of 1958. The 1958 act was designed to permit cotton prices to be adjusted to a realistic and competitive level. This was to be accomplished in a series of steps. As a result of this legislation, there was a substantial improvement in the cotton situation during the 1959 and 1960 marketing years. If Secretary Freeman had adhered to the intent of the 1958 act he would have reduced the support price in 1961 and 1962 to permit a further strengthening of cotton's competitive position. Instead, Secretary Freeman raised the support price. This action led to higher fiber costs for domestic mills, an increase in the export subsidy from 6 cents to 8½ cents a pound, a serious reduction in both exports and the domestic consumption of cotton, a substantial increase in surplus stocks, and a reduction in the national cotton allotment.

The answer to the cotton problem is to build upon the basic philosophy of the 1958 act. Mr. Freeman has authority to do this without any legislation. Congress should direct him to do so.

2. The Cooley bill does not provide the basis for effectively increasing the national acreage allotment for cotton above the minimum announced for 1963 by Secretary Freeman (16 million acres). Efficient U.S. cotton farmers want to plant more acreage than can be allotted them under the present program. They could market the cotton produced from a larger acreage on a profitable basis at a lower price if they were permitted to compete for markets.

3. The Cooley bill for the first time would authorize the Secretary at his discretion to set up an unsound, mandatory dual price-support system under which the level of price support to farmers would vary with the amount the individual farmer produces. One level of price support would be provided on the first 15 bales produced and a lower level would be provided for the production in excess of 15 bales. The support price for the first 15 bales could not be more than 10 percent above the support price on the balance of the crop, nor more than 32.47 cents (current support rate) for Middling 1-inch cotton. It is generally assumed that the Secretary would fix the support price for production in excess of 15 bales at about 29.5 cents and the support price for the first 15 bales at about 32.47 cents; however, he would have wide discretionary authority. He could leave the support level where it is for all cotton, or he could lower it substantially either with or without action to activate the proposed dual-level support program. The mistakes that have been made in the administration of the discretionary features of the cotton program in the past and the adverse consequences flowing from such mistakes, provide no assurance or basis for confidence that the discretionary provisions of the Cooley bill would be administered any more wisely. (See McIntire amendment, p. 4.)

4. The ultimate consequences of this dual price-support arrangement are difficult to envisage. If the price support should be set at a higher level for the first 15 bales of each farmer's production than for the balance of the crop, 100 percent of the first 15 bales of every producer's cotton (which would total about 5 million bales) would have to be acquired by CCC in order for the farmer to get the full support price. The administrative costs and complexities of preparing millions of loan or purchase documents would be wholly unnecessary if, as provided for in the Agricultural Act of 1958, we would move toward the market system for cotton.

5. The Cooley bill endeavors to correct the mistakes of the past by piling one subsidy on another. It would add to the present export subsidy a compensatory payment to be paid on domestic consumption, at such level as the Secretary in his discretion determines to be necessary to eliminate inequities due to the export subsidy. This could mean costs for exports and domestic payments (including cotton owned by mills on the date the bill was enacted), of $765 million the first year (1963 crop year). This includes costs under Public Law 480.

6. The cost of the program in 1964, 1965, and 1966 would depend upon the manner in which the Secretary might administer the discretionary features of the bill. If the Secretary decided to maintain the price support at the maximum level provided by the bill (as his past actions would indicate he probably would) the cost of the cotton program would approximate $750 million per year. Estimates of costs of the current program for cotton as administered the last 2 years are about $410 million annually. Public Law 480 costs are included in each instance. Thus, it is obvious that the cost to taxpayers with H.R. 6196 in operation would be dramatically more than current programs.

7. There is no assurance that the Cooley bill would permit cotton to be sufficiently competitive to halt the rapid slide toward substitution of foreign production and other fibers for American cotton.

8. The bill holds out a hope that when and if cotton stocks are reduced to normal, those willing to accept lower supports would be permitted to plant somewhat more than the allotments they would be entitled to under present law. This is a futile hope because the stocks of cotton are not likely to be substantially reduced under the operations contemplated by the bill.

9. The Cooley bill would be a costly and temporary expedient that would produce no one knows fully what disrupting consequences. It is a blank check to the Secretary of Agriculture to manage the cotton industry in accord with what he determines to be economically or politically wise. It substitutes central management of the cotton industry for the operation of competitive and market factors. The passage of this bill would set a precedent for using Federal

funds to "bail out" any industry that gets into trouble.

10. If the Cooley bill is defeated, the door will be left open to the enactment of simpler and more effective legislation designed to "gear into" the sound provisions of the 1958 act.

MCINTIRE AMENDMENT

The McIntire amendment to H.R. 6196 is an amendment approved by voice vote of the House Agriculture Committee at a meeting held subsequent to the time this bill was voted out of committee. It probably will be submitted as a committee amendment, if and when H.R. 6196 reaches the floor.

As a practical matter, the McIntire amendment would fix the support price for all cotton in excess of the first 15 bales produced by each producer. It would fix this price at 30 cents per pound for the 1964 crop, 29½ cents for the 1965 crop, and 29 cents for the 1966 crop. The practical effect would be to raise the price support level a little for this part of the crop (as compared with the level contemplated by the administration) for 1964; keep it about the same for 1965, and reduce it slightly for 1966.

Some of the proponents of the McIntire amendment argue that it would result in a support price for cotton of less than 29½ cents in 1965 and 29 cents in 1966 by requiring the Secretary to make adjustments for reductions in the cost of producing cotton.

Since the determination of whether the cost of producing cotton has been reduced would be entirely discretionary with the Secretary—who has been unwilling to use the authority he already has to reduce the support price—we do not think that this aspect of the McIntire amendment has any practical significance

There is some question as to where our cotton processors stand on this legislation. They never favored anything but an import tax until they were forced, by international deals to take a direct subsidy.

The attached letter, with editorial comment, proves my statement that the people of this Nation would be better served if the original Kennedy proposal was enacted. This would put the equalizing import on importers rather than upon the U.S. taxpayers.

THE AMERICAN COTTON
MANUFACTURERS INSTITUTE, INC.,
Washington, D.C.

Hon. JOHN H. DENT,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. DENT: Your attention is invited to the attached display of newspaper editorial support for a Tariff Commission decision in favor of an import fee on the cotton content of textile products to offset the raw cotton cost differential between U.S. and foreign textile manufacturers.

It may be noted that repeatedly the editorial writers stressed the unfairness of the present situation which gives the offshore mills an advantage which the domestic industry simply cannot live with.

Judging by these editorial expressions it is apparent that early and favorable action by the Tariff Commission is in the public interest and offers a vehicle by which an intolerable situation can be remedied.

The exhibit stands as an endorsement of the fourth point of President Kennedy's seven point program for dealing with the Nation's textile import problem.

Yours sincerely,

ROBERT C. JACKSON,
Executive Vice President.

Here is a still incomplete list of newspapers which in recent weeks have published editorials or articles dealing with the Tariff Commission case regarding an import fee on the cotton content of textile products to offset the raw cotton cost differential between American and foreign manufacturers:

EDITORIALS

Asheville (N.C.) Citizen.
Anderson (S.C.) Daily Mail.
Anderson (S.C.) Independent.
Abbeville (Ala.) Herald.
Albemarle (N.C.) Stanley New & Press.
Augusta (Ga.) Chronicle.
Charlotte (N.C.) News.
Columbia (S.C.) State.
Danville (Va.) Register.
Decatur (Ala.) Daily.
Gastonia (N.C.) Gazette.
Greensboro (N.C.) Daily News.
Geneva County (Ala.) Reaper.
Greenville (S.C.) News.
Greenville (S.C.) Piedmont.
Huntsville (Ala.) Times.
Hartford (Ala.) News-Herald.
Kannapolis (N.C.) Independent.
Lincoln (N.C.) Times.
Montgomery (Ala.) Journal.
Opelika (Ala.) Daily News.
Raleigh (N.C.) News & Observer.
Rock Hill (S.C.) Herald.
Rutherford County (N.C.) News.
Spindale (N.C.) Sun.
Spartanburg (S.C.) Herald.
Spartanburg (S.C.) Journal.
Samson (Ala.) Ledger.
Southern Textile News.
Tuscaloosa (Ala.) Graphic.
Tuscaloosa (Ala.) News.
Tallassee (Ala.) Tribune.

ARTICLES

Andersonville (S.C.) Independent.
Concord (N.C.) Tribune.
Charlotte (N.C.) Observer.
Charlotte (N.C.) News.
Columbia (S.C.) State.
Durham (N.C.) Morning Herald.
Fayetteville (N.C.) Observer.
Gastonia (N.C.) Gazette.
Greenville (S.C.) News.
Greenville (S.C.) Piedmont.
Greensboro (N.C.) Daily News.
Hendersonville (N.C.) Times-News.
Kannapolis (N.C.) Independent.
Lexington (N.C.) Dispatch.
Macon (Ga.) Telegraph.
New Bern (N.C.) Sun-Journal.
Statesville (N.C.) Record.
Salisbury (N.C.) Post.
Raleigh (N.C.) News & Observer.
Troy (N.C.) Herald.
Winston-Salem (N.C.) Journal-Sentinel.

A few of the favorable editorials follow:

[From the Gastonia (N.C.) Gazette, June 16, 1962]

HELP WANTED: HELP NEEDED

If you have followed the Gazette's series of articles on the predicament of the U.S. textile industry, then you know that our textile men are operating under a severe handicap.

The handicap is this:

That whereas cotton buyers in this country have to pay a certain price per pound for cotton, foreign buyers can buy that same cotton for 8½ cents a pound cheaper.

These foreign buyers purchase the cotton here, ship it to foreign shores where it goes into yarn by hands of cheap labor, return it to the United States and sell it for a much less price than our own yarn producers can do.

Our cotton buyers and our yarn producers have been howling. It is justifiable.

The present procedure is running them out of business.

What the textile industry is interested in is setting a tariff on yarn coming into this country.

Would that be too much to ask? It would, in effect, be asking foreign buyers, who are getting cotton at bargain prices and manufacturing goods at bargain wages, to pay back that 8½-cent advantage which they gained when they bought the original cotton in this country.

It would serve as an equalizer.

It would give our textile industry here a more equal footing from which to work and try to save thousands of jobs.

This is not too much to ask.

Last November 21, the President requested the Tariff Commission to investigate. Three months later, on February 23, the Commission completed hearings on the case.

Last March 26, final briefs were filed in the case.

Since that time, there has been no word from the Commission.

The millmen have exhausted every possible avenue of relief. They want the textile worker, the man on the street, the merchant, the preacher, the lawyer to give them a hand in this battle.

It means much to this particular area.

We ought to lend a hand.

[From the Greensboro (N.C.) Daily News, July 1, 1962]

THE TRADE BILL AND TWO-PRICE COTTON

Now that the House has passed President Kennedy's trade bill, there is even less reason why the U.S. Tariff Commission should hold up on relieving the American textile industry of the ridiculous burden of two-price cotton.

Foreign textile plants today can purchase American-grown cotton for $42.50 a bale less than American mills must pay for it. The U.S. Government's policy forced the American cotton textile industry to pay $383,600,000 more for its raw cotton used in 1961 than the same cotton would have cost the industry's oversea competitors. Even closer home, the added cost to North Carolina mills last year was $113,914,407.

The reason for this monstrously unfair situation lies entangled in what appeared at one time to be a necessary subsidization of the price difference between U.S. and foreign cotton. But in the process the U.S. cotton manufacturing industry got kicked in the pants. And heaped on top of that, foreign textile manufacturers, using their cotton price advantage and cheap labor, began to flood the U.S. economy with cheap textile goods.

More than a year ago President Kennedy, acknowledging the inequity, directed the Department of Agriculture to recommend action to eliminate or offset the cotton price advantage afforded foreign manufacturers. The Secretary of Agriculture recommended an import fee on the cotton content of imported textiles equal to the export subsidy on raw cotton.

But somehow the U.S. Tariff Commission has never gotten around to issuing such an order, even though in such cases it usually acts promptly. This led some observers to believe that the Kennedy administration was holding up on the order until it got its trade revision bill through the Congress.

Now that bill is well on its way, and the U.S. Tariff Commission has no excuses. The inequity has been prolonged enough already, and even if there were no trade bill bargaining, the order is fair and ought to be issued.

[From the Augusta (Ga.) Chronicle, June 25, 1962]

A DRAG ON THE ECONOMY

For reasons which mystify those most concerned, the U.S. Tariff Commission appears to be in no hurry to provide a long overdue decision on alleviation of America's two-price cotton system. Puzzling to some 225,000 textile workers in Georgia and South Carolina—the people who will be most directly affected by it—should be why the Commission is failing to act when a favorable ruling can be nothing more than what commonsense and plain fairness would dictate it to be.

Almost 3 months have passed since final briefs were filed in the case, action on which came about at the request of President Kennedy well over a year ago.

In brief, the problem is this: Because U.S. cotton was priced above the free world price, this Nation began losing its export market in raw cotton after World War II. The high price encouraged other countries to build up their own production. As a result, Congress in 1956, ordered that the United States should subsidize the price difference, making U.S. cotton available overseas at or near world market prices. This subsidy currently amounts to 8½ cents a pound or $42.50 a bale, meaning that foreign mills pay that much less for American cotton than do the American mills.

Today, therefore, a bale of American-grown cotton which would cost an American textile company $171.50 is sold overseas for $129. Here in Georgia, for instance, mills paid $73,219,637 more for the cotton they used in 1960 than mills outside this country paid for the same amount. South Carolina mills, with a larger consumption of raw cotton, paid $113,312,200 more than the world price.

Compounding the problem is the fact that while raw cotton accounts for better than half the cost of producing a yard of typical cotton cloth, the price of labor is a sizable factor. Foreign workers are employed at wages which would not be tolerated in this country. The bargain rate on cotton, combined with the relatively low wages they pay, thus provide foreign textile operators with an advantage over American companies with which the latter are finding it increasingly difficult to compete.

The import of foreign textiles—accepted on the American market because they can undercut domestically produced cloth—has risen from 64 million square yards in 1948 to more than 1,200 million in 1961.

Made aware of this, President Kennedy in May of 1961 outlined a seven-point textile program, directing the Department of Agriculture to make recommendations to eliminate or offset the cost differential between domestic and foreign textile producers.

The solution, in brief, was to be this: The Secretary of Agriculture recommended an import fee on the cotton content of imported textiles equal to the export subsidy on raw cotton. This not only would bring into closer alinement the price of foreign and domestic textile products and provide greater solvency for American mills, it would bring millions of dollars into the U.S. Treasury from foreign manufacturers, reducing the balance-of-payments deficit while helping to defray the cost of our export subsidy program.

All the facts and figures have gone to the Tariff Commission. Now the American industry awaits the ruling on the Secretary of Agriculture's recommendations.

We think the differential in the two-price cotton system should be mitigated, if not eliminated. But time passes.

Perhaps readers of the Chronicle, most of whom are affected by the fortunes of the textile industry in this area of Georgia and South Carolina, may want to urge their Congressmen to build a fire under the Tariff Commission.

[From the Charlotte (N.C.) News, June 18, 1962]

TARIFFS, TEXTILES, AND THE SLOWS

On a major decision affecting the textile industry, and thus the economy of the Carolinas, the U.S. Tariff Commission has developed a puzzling case of the slows. Two months after final briefs were filed, the Commission remains silent on an industry plea for mitigation of the two-price cotton system which combines with cheap labor overseas to afflict the industry with hurtful competition.

The issue is not competition but the patent unfairness of competition in which the U.S. Government, in effect, directly subsidizes purchase of cotton by foreign producers using, in many cases, modern plants built with American aid and recovery funds.

Because of a U.S. subsidy paid to make raw cotton competitive in the world market, a foreign producer can buy a bale of American cotton for $129. An American mill would have to pay $171.50 for the same bale of cotton. Recognizing the inequity of two-price cotton, and its source in Federal law, President Kennedy more than a year ago directed the Department of Agriculture to recommend action to eliminate or offset the cotton price advantage afforded foreign manufacturers. The Secretary of Agriculture recommended an import fee on the cotton content of imported textiles equal to the export subsidy on raw cotton.

The Tariff Commission's delay in deciding the offset case is inconsistent with the manner in which it has handled past cases. Naturally, the domestic industry begins to wonder what's up—other than the price of cotton which in 1961 forced the industry to pay $386.6 million more for raw cotton than the same cotton would have cost oversea competitors. To North Carolina mills that year, according to industry calculations, the added cost was $113,914,407—to South Carolina mills, $113,312,200. While the United States makes its cotton cheaper for the foreign buyer, incidentally, it prohibits by quota the domestic industry from buying foreign cotton.

The two-price system is unjust. The differential ought to be eliminated. More to the immediate point, however, is the paralysis of planning caused by the Tariff Commission's delay. The capacity of the domestic industry to survive hangs ultimately on its ingenuity in creating new processes and styles which, in turn, is tied to the time-consuming business of planning and creating new installations and plants.

Bureaucratic delay on a matter of fundamental importance is an enemy of the domestic industry in the same but larger sense that two-price cotton is an enemy given unfair advantage.

[From the Spartanburg (N.C.) Herald-Journal, June 17, 1962]

WHEN'S RELIEF COMING FOR TEXTILE PEOPLE?

Words, promises, negotiations, and inquiries—a steady progression of them since President Kennedy took office—have brought no relief to the hard-pressed textile industry.

The decision needs to be told now. Is the Government going to help the textile people, or is it going to continue its unfair assistance to foreign mills?

The situation looked a little bright a few months ago when the Tariff Commission began hearings, requested by the President. It appeared that the Commission and the President favored a correction in the two-price system on raw cotton.

Today, the U.S. Government actually pays 8½ cents for every pound of cotton bought by foreign mills. The cost is that much higher for the mill in Spartanburg or Union, even though the cotton may have been grown within a stone's throw.

In 1960, for example, mills in South Carolina paid $113,312,200 more for their cotton than Japanese mills had to pay for American raw cotton. That's $113 million, mind you.

In Spartanburg County, the difference was almost $19 million; in Union County, $6½ million; in Cherokee County, over $4½ million.

The solution proposed to the Tariff Commission is simple. Foreign mills still would be able to buy U.S. cotton 8½ cents cheaper. This would hold up the income for cotton farmers.

However, any finished goods returned to this country for sale would have an equalization fee attached. It would exactly offset the advantage granted by the 8½-cent Government subsidy.

Final arguments were filed with the Tariff Commission on March 28.

Since that time, nothing but silence.

On other matters affecting the textile industry, the Commission had found itself capable of ruling within a month.

Why the delay now?

It may be that the textile problem is being used by the administration to insure support for its foreign trade program.

Well, it's too important to the workers, merchants, farmers, and textile industry of this area to accept willingly any such motive.

The Senators and Congressmen of South Carolina have done all they can apparently. Some words from the people might be more effective now.

The best place to direct them is to:

Mr. Don N. Bent, Secretary,
U.S. Tariff Commission,
Eighth and E Streets,
Washington, D.C.

[From the Kannapolis (N.C.) Independent, June 14, 1962]

TEXTILE WORKERS COULD HELP BUILD FIRE UNDER U.S. TARIFF COMMISSION

The U.S. Tariff Commission, as Representative Hugh Alexander said in the House of Representatives yesterday, has had more than enough time to make up its mind on whether to put into effect an 8½ cents per pound equalization fee on cotton textile imports.

The Department of Agriculture requested the Commission to recommend the fee on the ground that the unrestricted importation of cotton textiles interferes with the Department's cotton acreage allotment program by reducing the amount of cotton processed in the United States. This request was made on November 13, 1961—6 months after President Kennedy advocated such action. Three months later—on February 23, 1962—the Tariff Commission completed hearings on the matter. Today, nearly 4 months after the completion of hearings, no decision has come from the Tariff Commission.

President Kennedy indicated that he considered the matter urgent when he included as one of the seven points in his textile industry program May 2, 1961, a directive to the Department of Agriculture asking it to explore and make recommendations to eliminate or offset the cost to U.S. mills of the adverse differential in raw cotton costs between domestic and foreign textile producers.

The administration machinery for implementing the collection of an offsetting fee already exists.

The need for regulation certainly is present. Cotton textiles are being imported now at the rate of 343 million pounds per year—the equivalent of a 680,000-bale reduction in the amount of cotton American mills might otherwise be required to buy from American growers.

In spite of these things, the Tariff Commission has made no explanation of its long delay in handing down a decision.

When the importation of raw cotton by American mills in 1939 posed a threat to American cotton growers, the Tariff Commission recommended strict import quotas only 3 weeks after completing hearings on the subject.

When certain American mills sought to get around the import quota last year by importing picker lap (cotton which had been put through the first manufacturing step from raw cotton to finished cloth), imports of picker lap were prohibited 1 month after a Tariff Commission hearing.

Now, with imports of cotton yarns, cloth and apparel reaching proportions that can prove disastrous to cotton growers and to textile workers alike, the Tariff Commission sits on its hands? Why? No one outside the Commission seems to know. No one inside the Commission appears inclined to tell.

In delaying a favorable decision in this matter, the Tariff Commission is toying with the jobs of American textile workers, running the risk of depleting this Nation's agricultural producing capacity and passing up an opportunity to help the national balance of payments situation. The net effect of an equalization fee on cotton imports would be to enable American mills to compete for sales in the American market on a more equitable basis with foreign mills, whose only selling point is a lower price. The import fees, assessed at a rate equal to the subsidy paid growers for cotton shipped overseas, would put about $30 million per year into the U.S. Treasury, on the basis of the current flow of imports.

Continued failure to take action on the matter is incomprehensible. Representative Alexander and other Members of Congress are trying to get the Tariff Commission to make a decision. Their efforts could be bolstered by a batch of letters from the people back home. And nobody can have more incentive for writing than the individuals who work in the textile industry. Their jobs and their future standard of living are at stake.

[From the Alabama Journal, June 23, 1962]

WHY DELAY TEXTILE RELIEF?

Most Americans are familiar by now with the unfairness to many industries of foreign competition which is indirectly subsidized by the Government. In the South the unfairness has been most impressive in the case of the cotton-manufacturing industry. We know that our foreign competitors buy their cotton at a world price of $129 a bale while the same cotton costs the American manufacturer $171.50 a bale.

Foreign wages are all much lower than those in the United States making it still easier for the foreign competitor to sell his products shipped to the United States at lower prices than the American manufacturer can well meet.

The Government has already taken some steps to remedy things, but there is a final step which has not been taken. Equalizing the discrepancy can be done through laws and agencies already on the statute books. New legislation is not necessary to give relief to American industry.

The seriousness of the situation is shown by actual figures. U.S. Government cotton policy forced the American cotton textile industry to pay $383.6 million more for the raw cotton it used in 1961 than the same cotton would have cost the industry's competitors overseas.

It would be an easy and simple matter to rectify the injustice promptly, by action of the American Tariff Commission. Here is what has happened:

On May 2, 1961, President Kennedy requested action as part of his seven-point textile program.

On November 13, 1961, the Secretary of Agriculture asked the President to have the Tariff Commission investigate the need for imposing an offset under section 22 of existing law.

On November 21, 1961, the President requested the Tariff Commission to investigate.

On February 23, 1962, the Tariff Commission completed hearings on the case.

On March 28, 1962, final briefs were filed in the case.

Since that time there has been no word from the Tariff Commission.

What is holding up action and relief? Why the unconscionable delay of the Tariff Commission after devoting so much attention to its investigation at the request of the President and the Secretary of Agriculture?

It is a costly delay, for the South especially. In 1961 the added cost of raw cotton above the price paid by its competitors to North Carolina mills was $113,914,407; to South Carolina mills, $113,312,200; to Georgia mills, $73,219,637; and to Alabama mills, $40,952,830.

There are hints that the Tariff Commission has held up making its report to the President as some kind of trading deal to aid the President in getting his farm bill passed. This seems hardly possible, however, because of the vast importance of prompt action. It affects the textile industry so vitally—and similar situations are hurting other industries so rapidly—that its adjustment to meet foreign competition have become imperative in the national economy.

How the Tariff Commission can be stirred to making its report to the President, and formal action taken by the President on the Commission's recommendation is today's big problem with the textile industry.

[From the Winston-Salem (N.C.) Journal & Sentinel, June 24, 1963]

FIVE YEARS OF GRACE

Not all southern businessmen these days are shaking their fists at the President, wearing S.O.B. (for "Save Our Business") buttons and moaning over their losses on Wall Street. Some of them are so lacking in resentment toward the Kennedy administration that they wake up smiling, read their morning newspapers with a great deal of satisfaction and then stroll off jauntily to—if you haven't guessed already—their textile mills.

There is reason for their optimism. Textile executives, Democrats and Republicans alike, admit privately that the Kennedy administration has done more for them in a year and a half than the Eisenhower administration did in eight. This is not to say that the textile people are going to defend the President to the end in any fights he might have with Big Steel or the Senate Finance Committee or that they are going to halt their own complaints about the low-price imports which have been troubling them these many years. The industry is, however, grateful; and indications now are that it may meet the President halfway.

What has the administration done? First of all, it acknowledged the textile problem—the fact that the uncontrolled inflow of textiles from abroad, whatever good the sales might have done for the developing nations, was disrupting the domestic industry. Second, the administration took the problem to the major textile-producing nations of the world and achieved—at Geneva last year—an agreement limiting exports to the United States. Third, the administration liberalized depreciation schedules, easing the modernization which is necessary if U.S. mills are to survive.

What remains to be done? The administration should follow up on the Geneva agreement and make it stick. Indications are that it will. Journal & Sentinel Washington Correspondent Charles Richards reported last week that the President, who now has congressional authority to do so, will take action soon to block imports from the small number of major textile-producing nations which did not participate in the Geneva agreement. That's the sort of report that textile executives like to read.

The administration should do something also about the two-price cotton system. Because of the subsidy which the U.S. Government pays to raw cotton exporters, foreign cotton mills are able to purchase American cotton at a lower price than American manufacturers. The 8-cents-a-pound-plus difference in cotton prices probably isn't as important to the domestic industry's economy as it sounds; the disparity in production costs here and abroad can be traced mainly to the vast difference in wage scales. What the two-price argument lacks in dollars-and-cents importance, though, it certainly makes up for in obvious unfairness. The domestic textile manufacturers aren't just spouting rhetorical propaganda when they ask why the Government is penalizing them by forcing them to buy cotton at a higher price than their competitors abroad.

The issue makes a good talking point. And since it would be relatively simple to collect a fee on cotton shipped back into the United States in manufactured form, an import fee should be instituted as quickly as possible. The administration is now awaiting the results of a Tariff Commission study of the matter. Some think the commission's report has been held up, but no one seems to know whether this is true or why.

The most important result of the administration's 18 months of activity in textiles, however, remains the Geneva agreement. The agreement covers a 5-year period; that's one of its beauties. During that period American manufacturers won't be able simply to sit back and enjoy their profits. They know, as the administration does, that they're going to have to take advantage of the depreciation schedules, do some marketing and production research and, in general, scurry around to exploit whatever markets they can. The 5 years will be a trial period, and even though the textile industry has won a good part of its case in Washington, it's the industry that's going to be on trial.

[From the Tuscaloosa (Ala.) News, June 27, 1962]

COTTON TEXTILE ACTION NEEDED

The "mills" of democratic government can move with remarkable speed at times and then again will grind exceedingly slow.

There is before the U.S. Tariff Commission a request by the Secretary of Agriculture to impose what is called an offset fee on the cotton content of imported cotton textiles equal to the export subsidy on raw cotton.

This request has been made in an effort to give domestic producers of cotton products an equal footing with foreign competition. The case is different from others where foreign products are making inroads in the domestic market for the raw material in the cotton goods can be obtained from the United States at a price lower than the American textile plants can buy it.

Due to the support price for cotton, the price of the fiber produced in this country was above that of the free world market. As a consequence, American cotton producers were losing export orders. In order to make U.S. cotton competitive overseas, a subsidy was authorized by Congress to make U.S.-grown cotton available on the world market in competition with the price offered abroad.

This has worked out to the point where an oversea textile producer can purchase American-grown cotton at $129 a bale while it costs the U.S. plant $171.50.

The price advantage on the raw cotton, coupled with lower labor costs, gives an advantage to foreign cotton products plants and the result has been a great increase on imported cotton goods at prices below those of U.S. products.

It would seem obvious that there is no justification for penalizing American textile mills through the raw cotton subsidy system. And the loss of markets for American-made goods is no help to the U.S. cotton grower who is seeing purchases of his output by domestic textile mills dwindle.

Last year President Kennedy directed the Department of Agriculture to explore and make recommendations to eliminate or offset the cost to U.S. mills of the adverse differential in raw cotton costs between domestic and foreign textile producers.

As a matter of simple justice, and good business all around, it would seem logical for the imposition of an import equalization fee on all cotton products equivalent to the export subsidy rate.

On May 2 last year President Kennedy requested such action. This was followed by a recommendation from the Secretary of Agriculture for the Tariff Commission to investigate the need for imposing an offset fee.

On March 26 final briefs were filed before the Tariff Commission on this matter. Since that time there has been no indication from the Commission of its decision.

Textile leaders have become concerned over the delay in this case in view of the unfair penalty placed on the industry by its own Government.

Need for prompt action in this case has been clearly demonstrated. And that action should give American textile producers an even footing with their foreign competitors in the cost of the raw material.

[From the Huntsville (Ala.) Times, June 17, 1962]

FEE NEEDED IN COTTON TEXTILES

Cotton textile manufacturers are properly alarmed over the unusual time lag by the Tariff Commission on the request of the Secretary of Agriculture last November 21 for a decision on imposing a fee on the cotton content of imported textiles.

The Commission completed hearings in the case Feb. 23. Final briefs were filed before it March 26. We see no reason for such a delay.

This case vitally affects Alabama and all other cotton textile States.

American cotton textile firms are paying about $42.50 per bale more for American cotton than is a similar firm overseas, since exported cotton is sold on the world price.

The overseas firms, unless the fee is imposed, are able to use our export subsidy to take a large share of our own market.

Alabama textile mills alone in 1960 paid more than $40 million above the world price for the American cotton they consumed. Since raw cotton is about half the total cost, a lot of us who would not qualify as math sharks can see that our own textile mills are being badly hurt.

The cotton textile industry is asking that important cotton goods be assessed a fee equal to the subsidy we already have given them. That seems only fair and reasonable.

Alabama, and Huntsville, are directly affected. Some 38,000 in this State are employed in cotton manufacturing. Unless something is done, a goodly number of these 38,000 will be without jobs.

[From the Danville (Va.) Register, June 28, 1963]

HOW SAY YE, COMMISSIONERS?

It has been 3 months to the day—March 26—since the U.S. Tariff Commission completed hearings on the request of the Secretary of Agriculture that an offset fee be imposed on the cotton content of imported cotton textiles equal to the export subsidy on raw cotton.

Not a word has been heard from the Commission since it adjourned the hearings, at which a strong case was made for eliminating or offsetting the disadvantage to which the domestic industry has been put.

A 3-month silence hardly is par for the U.S. Tariff Commission when it deems action is urgent.

Surely action is urgent in this case. Everyday the existing uncertainty lingers, the greater the harm to the U.S. economy, and the economy needs to be spared further setbacks of any character or extent.

When we say the 3-month silence in the cotton export subsidy offset is not par for the U.S. Tariff Commission we bring to mind that the Commission acted in just 3 weeks after the end of hearings when the raw cotton import quotas were proclaimed in 1958 and we have in mind that the Commission found last year that picker lap imports threatened to upset cotton quotas, President Kennedy proclaimed the picker lap quota to be 1,000 pounds and that Presidential directive came within 1 month.

Why the hold up?

If a case has not been made for carrying out the request of the Secretary of Agriculture, which is but one of the seven steps outlined by President Kennedy for the bolstering of the American textile industry, then it is up to the Commission to so rule immediately and then the American Cotton Textile Manufacturing Institute and the American cotton farmers—and the American cotton textile workers—can launch a new campaign to make their point stick.

Anyone reading the above might not realize that 10,000 jobs in Danville directly are involved in the U.S. Tariff Commission ruling in this case and a large number of other jobs here indirectly are involved, because as Dan River Mills thrives or falters, so does the economy of Danville.

In Virginia, some 35,000 jobs are directly involved; in North Carolina more than 220,000 jobs are directly and as many more indirectly affected.

So this section has a vital interest in the disposition of the case and in an early ruling by the U.S. Tariff Commission.

How say ye, Commissioners?

[From the Graphic, Tuscaloosa (Ala.), June 28, 1962]

The cotton textile industry in Alabama is big, employing about 38,000 with an annual payroll of more than $130 million. It is an even bigger industry in some of our neighboring States. Yet our textile industry is suffering badly from foreign competition. Because of price supports, import quotas and subsidies, foreign textile mills can buy U.S. cotton cheaper than our own textile industry. Our Alabama mills paid $41 million more than world price for cotton in 1960. A solution recommended by the President and the Secretary of Agriculture is now before the U.S. Tariff Commission. This is a plan to set up import tariffs on foreign textiles equal to the export subsidy on raw cotton. It would eliminate differentials now favoring foreign mills and thereby put the U.S. textile industry on an equal footing with its competitors. Approval of this plan would help this State's and the South's textile mills.

Mr. BOLLING. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Speaker, the question before the House this evening is not a complex one. Despite the strong language which has been used here tonight, the procedure is not an unusual procedure. I know there has been some comment here too about the way those of us who have some responsibility conducted our affairs here at Christmastime. Yet the vast majority of the American people seem to approve of what we have done.

I have in my hand a copy of the Gallup poll which is dated today, and that poll shows that 77 percent of the American people all over the United States, east, west, north, and south, approve of the administration of President Johnson.

The issue here is exactly what the minority leader said it is, the issue is whether those of us—namely, the majority party, will take the responsibility for governing the country. It is easy for Republicans to be against. As a matter of fact, they have been against as long as I can remember. The net effect of that policy is that they have had control of Congress 4 years since 1930—4 years since 1930. If I may venture to make a prediction, they will not be controlling it next year.

Now the issue here is whether or not the Congress can act when action is required. It is just that simple. If we do not act tonight, there will not be a cotton bill. If we do not act tonight, there will not be a wheat bill. That is exactly what the minority leader wants. This conversation about parliamentary procedure is a smokescreen pure and simple. The question is whether or not we will act. The question is whether or not this legislative body has the capacity to act.

What is the situation? As the gentleman from California pointed out, cotton is being planted all over the country today. If we wait longer, we will not have a cotton program. Despite the statements made by the gentleman from Pennsylvania, the facts are the American textile industry must pay 8½ cents a pound more than foreign industries for cotton produced in the United States by American farmers. The fact of the matter is we have lost 145,000 workers in the textile industry of this country in the last 4 or 5 years.

So far as wheat is concerned, if we do not adopt this legislation, the price of wheat will drop to $1.30 or $1.40 within the next several months and we Democrats, will be blamed—but not the Republican opposition. So I hope you will not be taken in by the normal opposition of the Republican Party which is always opposed—and that you will accept your responsibility and act as you should act as a party of responsibility.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, I suppose I should not be surprised after 5½ years in office to see this anticonsumer coalition at work. One should not be surprised, either, to watch the machine system go to work—in Tuesday and out Thursday—and in between vote the way the whips from Louisiana and North Carolina tell you to vote.

This is an anticonsumer and anticity bill. This is a bread tax. It will raise the cost of wheat products to every consumer, to every housewife and to every family. It will raise the cost of spaghetti. It will raise the cost of crackers. It will put the biggest burden on those who are least able to pay for it.

I submit, Mr. Speaker, the cotton bill when we first had it, had some merit to it. But then they removed the merit. They tied it in with this anticonsumer measure, the wheat bill. They removed the McIntire amendment and they then made it altogether an indefensible package for us to be expected to swallow.

I ask those who represent the consumers of this country to vote against this package.

I supported H.R. 6196, the Cooley cotton bill last December, but I cannot now support either the legislation or the gag rule procedure now being used to adopt it.

The House will be unable to amend or eliminate from the cotton bill the wheat certificate plan which is so adverse to the interest of city residents and all consumers of this country. Nor will House conferees or the House itself have an opportunity to restore the McIntire amendment to the cotton provisions of the bill. The McIntire amendment which provided an orderly and modest decrease in cotton supports has been eliminated in the Senate amendment.

More often than not in the past, Representatives in the House from rural districts have written farm legislation which had little benefit to city dwellers. That day is now past.

This wheat plan has already been overwhelmingly rejected by wheat farmers. The House Agriculture Committee members are sharply divided over this bill.

Why then should we from the cities pass a bill that makes wheat available to hogs at a price of some 70 cents a bushel cheaper than the price at which that same wheat is made available to American consumers?

There seems to be substantial agreement on the fact that this bill will increase the cost of wheat products to consumers. While there is an argument over how much this increase will be, there will definitely be an increase.

If the bill is defeated, the consumer will stand to benefit. Wheat will be cheaper. Competitive forces in the wheat milling industry will force at least some of this decrease in cost to be passed on to consumers.

Another facet we should consider is that this wheat plan which imposes a tax on bread, spaghetti, cookies, cake, and other wheat products will fall heaviest on the backs of the people least able to pay for it. Low-income consumers use substantially more wheat products per capita than do higher income groups. These low-income consumers will bear the heaviest burden if this bill passes.

I am sympathetic to the idea of enacting remedial cotton legislation. I strongly support the McIntire amendment to H.R. 6196. The amendment would have forced a gradual reduction in cotton price supports from the present 32.47 cents per pound to 29 cents over the life of the bill. The amendment would have compelled these reductions; the Secretary of Agriculture would have no choice in the matter.

With the McIntire amendment the bill, it seemed to me, was worthy of support. It was fair and reasonable. I do not see how one can justify two-price cotton and now tariff rates at the same time without making some adjustments. I strongly supported the Trade Expansion Act.

I believe in reciprocally low tariffs. I also believe in Americans selling cotton abroad in international markets. This means that we must sell overseas at the world market price. The world market price is 8½ cents per pound below the U.S. domestic price. The United States must sell abroad at this price in order to compete. This same cotton then comes back into the United States in manufactured goods form. Foreign buyers of American cotton still will manufacture more cheaply than we can, but at least American manufacturers would not be prejudiced before they begin.

I would have liked to see larger cuts in the cotton-price support than that provided by the McIntire amendment, but at least an important principle was established. Under the Senate amendment, the Secretary of Agriculture is again given broad discretionary price-support authority.

We are told that this is it and that unless this bill is passed today, there will be no legislation at all.

I cannot believe that, Mr. Speaker.

If this bill goes to conference as the Senate has already requested, House conferees will have an opportunity to make some badly needed changes.

For example, the bill set an April 1 deadline on proclaiming cotton acreage cuts. That deadline is past. The bill also limits the cotton program to 2 years, hardly long enough to see if it works, but just long enough to throw a great deal of uncertainty into the cotton industry over the program in 1966.

The thing to do today is to reject this rule. Then the House and Senate conferees can work out a bill which will meet the pressing needs of the textile industry without oppressing consumers with a bread tax.

Mr. BOLLING. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Well, Mr. Speaker, I appreciate the applause that I am getting from my Republican brethren because I think they know what they are going to get.

I am not a bit surprised at the gentleman from New York getting up to defend the chain stores. He talks about the price of wheat going up and the price of bread going up. But he knows, as I know and as everybody in this room knows, the price of wheat has very little or no relation to the price of bread.

I know a little about the cattle business first hand. We hear a lot of comment about imports causing depression in cattle prices. But my Republican friend from New York who defends the chain stores must know it is the buying practice of big chains to have their own feeder lots and to go out of the market when the price goes up and to stay out until the price comes down, and depress the price of cattle.

They can bleed all they please for the consumers. I am well acquainted with the gentleman. I have served on committees with him. He is just trying to kid you when he tells you this bill is going to affect the price of bread—because it is not. Why we even got off the subject here and heard talk about the Wisconsin primary this afternoon. They tried to drag in everything. I guess they were apologizing because Governor Wallace got almost as many votes as the Republican candidate.

The SPEAKER. The time of the gentleman has expired.

Mr. BROWN of Ohio. Well, it is an enjoyable evening, Mr. Speaker. I yield 3 minutes to the gentleman from Ohio, a member of the Committee on Agriculture [Mr. LATTA].

Mr. LATTA. Mr. Speaker, I arise at this late hour in an attempt to appeal to the reason and the good judgment of this House in the consideration of this cotton-wheat bill and particularly to my Democratic friends representing wheat farmers who voted against this certificate wheat plan last May. Your wheat farmers and mine informed us last May that they did not want this plan. You know—or should know—the results of the voting in your own States and districts. In case some of you have forgotten, let me remind you of some of these votes by States. Idaho cast 7,756 votes for and 18,725 votes against; Illinois cast 21,262 votes for and 49,783 votes against; Indiana cast 20,269 votes for and 59,015 votes against; Kansas cast 48,404 votes for and 65,131 votes against; Michigan cast 15,871 votes for and 61,987 votes against; Pennsylvania cast 7,345 votes for and 26,031 votes against; and Virginia cast 7,429 votes for and 11,767 votes against. In my State of Ohio, 20,169 wheat farmers voted for the plan and 68,722 voted against it. In my district, the wheat farmers voted 9 to 1 against it. In the Nation, 584,284 voted for it and 638,572 voted against it.

According to witnesses appearing before our wheat subcommittee from the Department of Agriculture, the plan before the House tonight will yield our Nation's wheat farmers $200 million less income per year than the plan they rejected last May. How, then, can you reasonably expect these same farmers to endorse the passage of the legislation now being debated? We cannot expect them to endorse it and neither can we expect them to endorse the candidacies of those among us who do not respect their wishes. The American farmer is too intelligent to be told by Washington what is best for him. I, therefore, beg of you to respect his expressed wishes on the wheat section of this bill and to vote your own convictions notwithstanding the directives sent your way from Pennsylvania avenue. Yes, and let me remind the gentleman from Louisiana that neither Mr. Gallup nor Mr. Johnson will be in that voting booth in November but your wheat farmers will be.

Some few weeks ago, I heard Members deploring the expeditious manner in which the civil rights bill was brought to this floor. Now these same Members seem to be strangely silent about the manner in which this wheat bill was brought to the floor of this House. Also silent are those Members who advocated an enlarged Rules Committee so that the House could work its will on legislation. I suppose it would have been too consistent for these same Members to have raised their voices against the gag rule now before us which precludes this House from working its will on this important legislation.

The bill under discussion would give the wheat farmers of America the option of taking 73 percent of parity for their crop and going into a wheat program they said they didn't want or staying out of the program and selling their wheat at a feed grain price of about $1.30 per bushel. A program with such alternatives is not voluntary as claimed by the administration and it is wrong to so refer to it.

The bill provides for a complicated 3-price system for wheat farmers and a bread tax for the consumers. A participating farmer would be permitted to sell about 45 percent of his crop at a domestic price of $2 per bushel. The remaining 55 percent of his crop would be sold at the feed grain price of $1.30 per bushel and at the export price of $1.55 per bushel in the proportions determined for each by the Secretary of Agriculture. His Government-determined share of the export market would be represented by certificates worth 25 cents per bushel and his share of the domestic market would be represented by certificates worth 70 cents per bushel. Feed wheat would be sold at the $1.30 per bushel price without certificates. Farmers refusing to participate in the administration's plan would be ineligible to receive export or domestic certificates or diversion payments and would be forced to sell all of their wheat at the lower feed grain price.

Participating farmers would be required to divert at least 10 percent of their wheat acreage allotment for soil conserving practices as an additional condition for eligibility. No 15-acre exemption is provided for under the bill and those small farmers desiring to participate in the program would be required to divert at least 10 percent of the average of their 1959, 1960, and 1961 wheat acreage. For example, a farmer who planted 14 acres of wheat in 1959, 10 acres in 1960 and none in 1961 would have a base under the bill of 8 acres—24 divided by 3 equals 8—and would be required to divert eight-tenths of an acre more before he would be eligible to participate in the program. Most small farmers would find it uneconomical to participate in such a program and would be forced to sell all of their wheat at the low feed grain price of $1.30 per bushel.

I have repeatedly pointed out to this House and to our Committee on Agriculture that this plan will hit the small producers the hardest notwithstanding the fact that most of them are producing Soft Red Winter wheat—a class of wheat which is not causing a surplus problem. In fact, the U.S. Department of Agriculture reported in its latest issue of the "Wheat Situation" pamphlet that the anticipated carryover of Soft Red Winter wheat will only be 4 million bushels—or less than a 2 weeks' supply—on June 30, 1964.

In conclusion, let me say that I oppose the administration's plan to put this plan into effect without a referendum by the wheat farmers. I fear that this may set a precedent for future wheat legislation.

Mr. BROWN of Ohio. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The gentleman from Ohio has 6 minutes remaining.

Mr. BROWN of Ohio. I yield 1 minute to the gentleman from Kansas [Mr. Dole].

Mr. DOLE. Mr. Speaker, I wish to take only this 1 minute.

I represent the largest wheat-producing district in America. I certainly believe this is a travesty, and ridiculous. I believe the wheat farmers of Kansas and of America should know that we have exactly 30 minutes on our side to discuss a very important bill. We have no opportunity to amend it.

I would point out to the gentleman from Louisiana that 23 Republicans introduced legislation last May in an effort to get something done for the American wheat farmers. I believe that perhaps if we had time on this side to debate this and to offer some amendments we would have some Republican support. It is unfortunate for the farmers of America that this is handled in this fashion.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from North Dakota [Mr. Short].

Mr. SHORT. Mr. Speaker, newspaper articles, editorials, radio and TV broadcasts repeat again and again that Congress must pass the wheat-cotton bill to maintain income for wheat farmers. It is true that wheat farmers need legislation but the story of the duplicity of this administration in permitting this unfortunate situation to develop should be understood.

We hear that details of the wheat bill are too complicated to understand and the only thing that matters is the price decline—which must be prevented. Right here it should be pointed out that this bill, which is so ardently endorsed by some, will reduce the per bushel return to wheat farmers from $2 to $1.72 per bushel during 1964 and 1965.

We hear that if this bill is not passed no wheat legislation will pass this session. If this is true let us put the blame where it belongs—the majority party has a majority in both the House and Senate and obviously could have passed a good wheat bill any time the leadership wanted to during the past 10 months—Republicans have introduced good wheat bills on both the House and Senate side which the Democrats have refused to seriously consider. This bill now before us was never favorably reported by the wheat subcommittee. It was never even considered by the full House Agriculture Committee. It is coming before the House with no opportunity to offer amendments. This is hardly a commendable procedure for considering legislation that could cost wheat farmers millions of dollars per year.

Mr. Speaker, as a farmer, as a member of the Agriculture Committee, and as a Member of Congress who has worked hard to secure legislation to stabilize the income of wheat farmers, I strongly object to the procedure used in bringing this wheat-cotton bill before the House.

We continually hear that this bill is not good legislation, but the best that can be passed. I believe this House has had plenty of time to consider legislation and that there is never an appropriate time or excuse to pass bad legislation.

I urge the defeat of this rule in order that we may get on with the business of considering a good wheat program and a good program for the entire cotton industry.

Mr. BROWN of Ohio. Mr. Speaker, I yield the balance of the time remaining on this side to the gentleman from Iowa, the ranking member of the committee [Mr. Hoeven].

The SPEAKER. The gentleman from Iowa is recognized for 5 minutes.

Mr. HOEVEN. Mr. Speaker, we have had some interesting colloquies here. I just want to remind the gentleman from Louisiana, the majority whip, that if I have been reading the newspapers correctly the Republicans are doing pretty well in his own State of Louisiana. We do not have the time to review the bad features of this vicious cotton-wheat bill which is being attempted to be pushed down our throats. Not at all. This cotton bill is a triple-subsidy bill. I want to remind you people from the cities of what you are going to get out of this cotton bill. It is perhaps from three-quarters of a cent to 5 cents out of a $5 shirt. That is all. And you people from the cities remember this: You are going to be faced with a bread tax. Do not forget it. I inserted in the Record here many, many letters and telegrams from bakers throughout the United States, not solicited by me, in which they specifically say that if this wheat bill passes, they will be compelled to raise the price of bakery products. Some of them say that this added burden will make it necessary for them to go out of business. Just think about that.

Mr. Speaker, what I have to say may be an exercise in futility, however, I address you not as Democrats or Republicans but as elected members of one of the greatest representative bodies in all the world. I appeal to your better judgment and your sense of justice and equity in protecting the rights and prerogatives of the House of Representatives.

Each one of you, in searching his own conscience, must be convinced that what is proposed to be done here today is not right or just or honorable. The American people have entrusted us with the solemn duty of legislating in their best interest. Historically and constitutionally this means the right to debate every piece of legislation, pro and con, which comes before us. Furthermore, it is expected of us that we amend every bill that needs amending so that the net result may be the best piece of legislation possible.

It is proposed here through this unusual procedure to deny the people's representatives the right to debate the cotton-wheat bill now before us. We are not even permitted to amend the bill in any respect. Through slick political maneuvering, we are confronted with a gag rule whereby we are asked to accept a Senate wheat rider to the cotton bill hook, line, and sinker on a take it or leave it basis. Debate on the merits of the legislation or an opportunity to amend the bill are entirely foreclosed. In language which all of you will understand, this is an attempt to shove a wheat bill down our throats; a bill which was railroaded through the House Committee on Agriculture without even having the bill read or permission afforded to amend the same. The whole procedure here involved, as we approach a vote on this most important issue, borders on dictatorship of the worst order. The rights of the minority and those of the majority who share our views apparently must give way to a determined and ruthless majority who apparently are of the opinion that political expediency is more important than preserving the rights and prerogatives of the House of Representatives.

What a travesty on our system of true representative Government which we so frequently laud from the housetops. I cannot quite believe that the Members of Congress here assembled stand ready to surrender the integrity of the House of Representatives. The vote to be had soon will disclose whether a majority of the Members are ready and willing to surrender the rights and prerogatives and the honor and integrity of the House of Representatives. This should not be a partisan matter—the honor, integrity, and reputation of the House of Representatives are at stake. By a resounding vote, let us serve notice on the other body in no uncertain terms that we in the House of Representatives stand boldly on principle instead of surrendering to political expediency. Let us solemnly resolve that we in the House of Representatives refuse to sell our birthright for a mess of pottage.

Mr. BOLLING. Mr. Speaker, I yield the remaining time on this side to the gentleman from Texas [Mr. PURCELL].

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Speaker, the gentleman who just preceded the gentleman in the well made the suggestion that this would cost the city consumers a substantial amount of money. The facts are as related to cotton that every dollar that is spent for the purpose of reducing the price of cotton to the mills gives not only that amount of saving to the consumer but that amount multiplied a number of times; because each time that the ownership of cotton goods is transferred, there is a markup on the original cost. If the original cost is 50 percent higher then your markup starts out 50 percent higher, and every time it turns over more is added on.

The Secretary of Commerce appeared before our committee. The Secretary of Commerce himself has long been in the cotton mill business and he gave us as his estimate that for every dollar spent on this program the consumer would have a saving of $2.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. PURCELL. I yield to the distinguished majority leader.

Mr. ALBERT. I thank the gentleman for yielding.

Mr. Speaker, I had the honor for many years to be chairman of the Wheat Subcommittee, a position now occupied by the distinguished gentleman in the well. I served with the great Kansan whose name was mentioned earlier, Clifford Hope. I would like to point out that this certificate plan which has been criticized was first introduced in Congress by Clifford Hope in 1932; that this certificate plan was used in the first wheat bill ever passed by the Congress of the United States.

The job we are trying to do, as far as we are concerned—and this it seems to me transcends everything else—is to keep the wheat farmer from suffering an income loss of five or six or seven hundred million dollars this year and next year. Of course, you can add this up as many ways as you want; you can do what my good friend, PAGE BELCHER says, you can go out into your district and you can sit on every wagon tongue and talk to every wheat farmer that you have. But if you come from a wheat district you are not going to be able to explain to that farmer that a vote against this bill is not a vote for $1.30 wheat.

Mr. Speaker, so far as the argument made by the distinguished minority leader and the distinguished gentleman from Ohio [Mr. LATTA], is concerned about this bill as a matter that has been turned down by the farmers, that is the most spurious argument of all. The program that was turned down was the strictest program, carried the severest penalty of any program ever submitted to the wheat farmers of this country. This is a voluntary program. Farmers can take it or leave it, as they like. They can participate in the program or they can stay out of the program.

I thank the gentleman for yielding.

Mr. ANDREWS of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. PURCELL. I am glad to yield to the distinguished gentleman from North Dakota.

Mr. ANDREWS of North Dakota. Mr. Speaker, as one of the newer Members, I resent as much as any other Member perhaps the way this bill has been handled in the House of Representatives.

Mr. Speaker, this is a farm bill which we are debating and not a bill concerned with the procedures of Congress. Certainly, the Congress has been dilatory and perhaps this is no way to handle this type legislation. But this is not the farmers' fault. I think what we have here is a compromise.

Mr. Speaker, this is not a Farmers' Union bill. It is not a farm bureau bill, but it is, in fact, closer to a Grange bill and closer to a Republican bill that has been introduced by a former Member of this body, the Honorable Clifford Hope.

Mr. Speaker, we have to look at the facts from the farmers' standpoint. We have to recognize that under present law the Secretary already has the release price of 105 percent available to him. This is $1.30 on the farm. He said he would use this release price and, frankly, I do not have the confidence in his not using the release price to be able to go back to my farmers and justify not voting for this wheat legislation.

Secondly, Mr. Speaker, there is a 1-year supply of wheat on hand right now because of prior programs.

Mr. Speaker, it is, again, not the fault of the farmers. But we have to take this into account.

Thirdly, I know very few farmers—and I am one myself—who can produce wheat for $1.35 a bushel.

Fourth, there has been no alternate proposal that has a chance for passage in this Congress, and this has been told to the Members of the House by the leadership.

Fifth, I might add to those interested that we do have a volunteer program and it also is amending a compulsory program.

Mr. Speaker, for these reasons I feel we should support this legislation.

Mr. PURCELL. I thank the gentleman from North Dakota.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. PURCELL. I regret that I cannot yield to the distinguished minority leader. I have been practicing on my speech in this connection since last July, and I would like to take what little time I have left for my own use and do the best I can.

Mr. Speaker, I would like to say to the Members of the House that I am the chairman of the Wheat Subcommittee, and I suppose I am responsible, if anyone is, for not having had the kind of hearings that should have been held. However, according to the remarks that we have heard here today from the minority, I would like to say that as early as 5 weeks after the referendum was defeated we have held hearings. We have had some 11 executive hearings and a total of 20 hearings, running for endless hours, and have considered over 44 bills, with 3 basic ideas.

Mr. Speaker, the certificate plan was the only plan that had any genuine backing, and we have proceeded with it.

Mr. Speaker, there have been several accusations made here during the discussion of this legislation. I, for one, want to speak for the American wheat farmer. I am not ashamed of their receiving $2 a bushel for wheat. I do not think it is too much. I do not think it is enough.

Mr. Speaker, when we provide to the American wheat farmer an income of $2 a bushel, and yet that price is not reflected in an increase in the price of wheat or flour to the millions of consumers, and we are not increasing the expense of the program to the Government, but providing the kind of disposal of this surplus product, I believe we have a good bill.

Mr. Speaker, we have heard a great amount of discussion about the bad features of this bill and its being opposed because the Baking Association of America does not like it.

If we go home tonight and do not pass the bill, I will say to the Members of the House very frankly, and I think accurately, that the baking industry will reach into the farmers' pocket to the tune of $350 million. If we let the price of wheat go lower, we can imagine the opposition that will develop in the future when we try to do something for the American wheat farmer and get the price back to that of a decent level.

Mr. Speaker, it seems to me that this business of the American bakers being opposed to it is as obvious as anything can be.

Mr. HALLECK. Mr. Speaker, will the gentleman yield at this point?

Mr. PURCELL. I regret that I have to refuse to yield to my good friend the gentleman from Indiana, because I still have a part of my speech sewed up inside of me.

Mr. Speaker, the general counsel for the American Baking Association testified before the Senate Agriculture Committee that it would require a 60-cent-a-bushel increase in the price of wheat before the manufacturers' price of a loaf of bread would be increased 1 penny. This represents how significant these claims are.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from North Carolina.

Mr. COOLEY. I want to suggest that the gentleman refer to that chart before he concludes.

Mr. PURCELL. I appreciate that very much.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Indiana.

Mr. HALLECK. Just one brief question: As I understand it, the gentleman is the author of a wheat bill reported by the Committee on Agriculture. Has he ever asked the Committee on Rules for a rule?

Mr. PURCELL. No. It was not necessary. The Senate bill is identical to my bill with two minor changes that had to do with how much export wheat there would be and when the referendum requirement was put back in. That is all the difference there is. This has not been railroaded through.

Mr. HALLECK. If the gentleman had got a rule from the Rules Committee and brought the bill to the floor, the Members could have debated it and amended it.

Mr. PURCELL. We could have done that, yes, if time had permitted, but because of other business we could not. The time of the legislative year will not permit it. You know what I mean.

During the time from 1947 up until now the price of wheat has decreased by 9 percent, as shown by this chart. During that same period of time the price of flour has increased to the tune of 45 percent. And the way things are going it will be greater. I ask you very sincerely to vote for this bill.

Mr. McCLORY. Mr. Speaker, the 12th Congressional District of Illinois—comprising Lake, McHenry, and Boone Counties—contains a substantial agricultural segment including a large number of farms on which wheat is the principal or an important crop.

The so-called Freeman plan for supply management wheat controls was rejected in last year's referendum by 70 percent of the Illinois wheat farmers. That position has not changed. Today, the farmers of Illinois are equally opposed to the wheat bill rider which the other body has attached to the so-called Cooley cotton bill, H.R. 6196.

In fact, Mr. Speaker, the farmers of the 12th Congressional District, who have communicated with me with one exception are 100 percent opposed to this cotton-wheat bill.

The multiple subsidies in the Cooley cotton bill include for the first time a subsidy to the textile industry, making the measure particularly inconsistent with our American private enterprise system.

The attempted resurrection of the wheat supply management program which is little more than a modified and largely discredited Brannan plan with a new name and a new title is no better now than it was then even though almost 20 years have passed since it was first proposed.

Mr. Speaker, while H.R. 6196 was a bad bill for the American people when it was passed earlier this session by the House, it is now doubly bad in that it includes a second complete bill covering wheat. There were many good reasons for opposing H.R. 6196 when it was passed previously as a cotton subsidy bill. Today those reasons are equally as valid, and, in addition, the wheat supply management rider makes this legislation twice as bad.

Mr. BROYHILL of North Carolina. Mr. Speaker, for many years the cotton textile industry has suffered the economic blight of the two-price cotton system. A major industry in this country has been victimized by the very Government it pays taxes to support. Foreign cotton producers are allowed and encouraged to buy American cotton here for prices for less than the same cotton is available to American textile producers. This situation is unfair by any standard of equity you choose.

Many areas of this country are dependent upon the cotton textile industry for the support of their people and their communities. Certainly, they cannot sit idly by and allow the vigor of a great industry to be drained away by federally inspired and financed competition from foreign-made products. Too long, there has been inaction and deception in Washington on this question. No reasonable American can argue about the damage that is being done. There is no alternative but to turn to the Federal Government for help. The problem is entirely "made in Washington." All the cotton textile industry is asking is for an equal break for its products to compete in our domestic markets.

Last December the House passed what I regard as a reasonable bill to provide equality of opportunity. It was not the ideal solution, but it recognized the problems and it made an effort to deal with them. Most of all, it dealt with the basic problem—that American cotton must be produced at competitive prices in the world market or we will destroy this segment of our agriculture and the domestic textile industry that has been the chief customer for raw cotton.

Many of us who have fought for this legislation over the past 16 months have deplored the succession of broken promises which this administration has made to the industry. Help has not been forthcoming. Last December, we had hope that the long struggle was all but won. But we did not foresee the political battering to which this bill would be subjected.

This is my first term in office. Nevertheless, I can well believe the older Members here who say that the maneuvering on this legislation is the most cynical display of power politics they have seen during their years in Congress. The administration has demanded that the controversial wheat program be accepted as the price for needed cotton legislation. In tying the two programs together, the administration has thrown the hope for a cotton bill in serious jeopardy. These two programs are unrelated and should be considered on their own merits. In fact, under the twisted parliamentary procedures we are forced to consider this bill, there will be no opportunity at all for any careful consideration of the wheat section of this bill.

Again, we are seeing this administration playing fast and loose with the cotton textile industry and the American cotton farmer. Hundreds of thousands of jobs are directly at stake in this bill. It is a great disappointment to all of us who care about the welfare of this industry to see how this thing has been manhandled. We are left with little or no choice but to support what can be salvaged for the cotton textile industry. I feel that it is essential that this be done. If it is not and this bill fails, the prospect for reasonable legislation, or for that matter, any legislation in this field would be very doubtful.

Mr. ST GERMAIN. Mr. Speaker, as enacted by the Senate, the bill now before us (H.R. 6196) represents a true crosscurrent of purpose from my point of view.

I supported the cotton provisions of this bill when those came before the House some weeks ago. At that time, those cotton provisions were the entire bill. For that reason I voted for it, feeling that, perhaps more indirectly than directly, some of our textile mills and a few allied businesses, like the garment trade, would benefit. If that same cotton bill were before us again today—I still would vote for it.

But, we now have before us a mongrel. The Senate saw fit to add to this cotton bill a wheat provision which I find completely repugnant.

In my opinion, the wheat provisions of this legislation will raise the price of flour and of bread to the thousands of consumers I represent. I am well aware of the arguments made that somehow the bill supposedly can raise farm income, lower Treasury costs and not raise the price of flour or bread, but, frankly, these statements are so contrary as to be senseless. Obviously, no legislation, no matter how well contrived, can accomplish all these ends. If all of this were possible in one swoop, I dare say the vote here today would be unanimous.

But, the plain truth is that under the wheat provisions of this bill, processors will be made to buy certificates from the Government—and that the cost of these certificates, when combined with wheat prices, will raise the price of wheat from 18 to 20 cents a bushel. It seems only commonsense to realize that this added cost must be borne by consumers.

I cannot justify even taking the slightest chance that the price of flour—much of which is used as such by consumers—and the price of bread and pastry products will be raised as a direct result of action we take here.

For that reason—on balance—I must vote no, though I reiterate that I would have been happy to cast another vote for the cotton provisions if those had come back to us without the sections applying to wheat.

Mr. FOGARTY. Mr. Speaker, this wheat-cotton bill presents several contradictions, it seems to me. Some of these contradictions are overwhelming.

Originally, I voted in this Chamber against the cotton bill because I could not, in good conscience, support legislation which would put into effect a double subsidy on cotton at an added cost to the taxpayer of $275 million a year.

My reasoning of that day still holds, but now I find that the Senate, in addition to adding an entirely new wheat section, also has considerably changed the original cotton legislation.

I never believed that this payment of subsidies to cotton mills would work even on the basis of a 4-year program, as contained in the original. But now, we find that the 4-year provision has been shortened by the Senate to 2 years. Even the most fervent proponents of the cotton legislation in the Senate agreed that a 2-year bill would be worthless. And that is what we now have before us.

It seems to me, also, that we have involved in this legislation the "trickle down" theory. This bill says, in effect, that by paying $16 million or $13 million or $9 million to various mills, somehow some of that money will trickle down to the workers; that through the benevolence of the mills, the employees will receive a bit of the money.

If we propose to help the workers, let us do it directly. Let us not be a party to a "trickle down."

In that connection, I point to a recent report of the Commodity Research Bureau, Inc., of New York, a market analyst company, which said, among other things:

> Mills will endeavor, it is reported, to retain as much of the subsidy as possible in order to strengthen profit margins.

This same company also reported that mills have been holding back cotton purchases in anticipation of enactment of the bill now before us.

And how would these mills be enriched? Burlington Mills would receive $16,500,000 directly from the Federal Treasury; Stevens Mills, $13,500,000; Springs Mills, $11,250,000; Dan River Mills, $9 million, and West Point Mills, $7 million. These are only a few of the mills that would benefit to the extent of these large windfalls. All are mills operating in the South and it is interesting to note that no similar windfalls accrue to mills in Rhode Island or other areas of need. Neither would the bill guarantee one added job to Rhode Island's labor force.

I full well realize that American cotton mills should not have to compete against foreign mills that buy our cotton eight and a half cents a pound cheaper because of an export subsidy we are paying for every pound of cotton sold abroad. But, the remedy is not to soak the taxpayer again. The remedy lies in reducing the soaking the taxpayer already is taking. Let us reduce that export subsidy so that our mills can be more competitive, but let us not try to compound one error by making still a larger one.

I also am very dubious about the point made that somehow a workingman earns more by spinning cotton than in spinning synthetics. I cannot believe that anyone would seriously make that contention; yet, in effect, this bill directly confronts us with that very point because it asks the Congress to directly favor cotton over synthetics. Since so many of our workers are involved in the synthetic textile industry—from the chemical plant to the textile factory—I cannot possibly justify telling a synthetic fiber weaver that I am taking part in an effort that might legislate him out of a job.

Now as to wheat. Quite apart from my sentiments about the cotton features of this legislation, the wheat sections make the bill impossible.

I am familiar with all the arguments of the proponents of this legislation, but as a representative of a constituency that is almost entirely consumer oriented, I could not possibly support a bill which I am convinced will raise the price of flour, bread, and related products.

The facts of the wheat situation are—if this bill is enacted—that processors will be compelled to pay from 18 to 20 cents more a bushel for wheat than they now are. Obviously, processors will not absorb this cost. There may be profit in the milling business, but there cannot be that much. So, the consumer will pay—as she always does.

And the areas in which the consumer will have to pay are for those essential staple products such as bread, macaroni, and cake. It has been estimated that the higher prices flour mills will have to pay for wheat will result in an added 50 cents per hundredweight for flour. This in turn will be reflected in increased prices for bread, macaroni, cake, and related products.

However, I will not be a party to an effort which makes it even remotely possible that a few weeks from now the consumers of this Nation would be faced with a bread, macaroni, or cake price rise as the result of action we have taken in this Chamber.

I am also compelled to comment—from the farm point of view—that the wheatgrowers of this Nation overwhelmingly rejected a very similar plan in May of 1963. It is obvious, thus, that we cannot be helping them by an affirmative vote today.

Farmers do not want this legislation, consumers obviously must be against it, and we, as Members of Congress, interested in Treasury costs, should be opposed. My vote is "no."

Mr. PICKLE. Mr. Speaker, although this is a late hour for legislation in Washington, it is also a late time for planting in the central and southern portions of the State of Texas. One of the most urgent desires of the farmers of my State, as well as other States, is that, regardless of what legislation they are required to live with, they not be left in their turnrows with their tractors running while they try to find out how retroactive legislation from Washington will affect this year's crop.

Surely you must realize that good cotton farmers must make their plans early—everytime they plow or fertilize, it must be done with a definite crop program in mind. There is no question in my mind that even 2 months ago would have been too late to inform them of any new legislation that would affect this year's crop. It is unfair to those farmers who have invested in soil fertilization and preparation during this last fall and especially unfair to those farmers who are now planting or who have already planted their cotton.

In January, I told the House that it is imperative that the Department of Agriculture make clear its position immediately in regard to the then proposed or inferred diverted acreage plan for cotton. The diverted acreage plan which has been proposed would literally kill the cotton industry in my district. It would destroy or greatly weaken the family farms. We were assured by the Department of Agriculture that no such mandatory diverted acreage program was or would be submitted for 1964. Yet, this voluntary program—because of its late hour of submission—is, in effect, a diverted acreage program. In all fairness, this kind of program should be effective after December 31.

I agree that we must eliminate the inequity of the price system under which domestic mills pay substantially more for cotton than do their foreign competitors. But I do not think that the 23½ cents per pound figure, which is approximately the price at which cotton is made available for export, is realistic in that it does not include the cost of shipping, wharfage, and shrinkage which the foreign mill must pay before it receives its cotton. Thus, I believe that a more realistic price, which would still be a one-price system, is 26 cents. This would give the domestic mills a competitive cost price with that of their foreign competitors and would allow the price support to remain at 32½ cents per pound Middling 1-inch cotton, with the Government subsidy still at 6½ cents. The only difference being a subsidy between 26 cents and 32½ cents, rather than 23½ cents and the 30-cent price support, which H.R. 6196 proposes. Keeping the price support at 32½ cents will allow the farmer a chance to make a living, which is difficult enough at this time.

H.R. 6196 also proposes $10 million annually for research to find methods of reducing the production cost of cotton. However, the costs that are connected to the production of cotton—such as land cost, equipment cost, fertilizer and insecticide cost, and labor cost—are fixed costs and the farmer cannot control them. So it would be more fitting, if the Government must spend this money, that they use it to find new uses and new markets for cotton.

In closing, I again want to emphasize the importance of making any legislation that might be passed, effective after the current crop year. At least, let us resolve among ourselves that retroactive legislation is bad. We should pledge to ourselves and to our farmers that hereafter we will give the farmer a positive program in advance and not give him a program that is out of reach because the time is past.

Mr. DUNCAN. I approach the vote on the wheat and cotton bill with more reluctance than the vote on any other bill since I have been in the Congress. It is not good legislation. It is bad legislative procedure to bring together two bills simply to get the support which, presumably, neither bill could command by itself. The result of such procedure is usually bad legislation.

Unfortunately, we cannot always vote for what we want as opposed to what we do not want. In wheat, we are faced with the prospect of $1.30 wheat with a resultant loss in farm income estimated, we are told, as high as $600 million per year. This probably means rising production as well.

In cotton, we are faced with rising surpluses, decreasing utilization, decreasing employment, rising storage costs—in short, a chaotic situation in an extremely important industry on which many rely for a living. This is not just an agricultural problem—the farmer, collectively, is the biggest customer of consumer and industrial goods. An agricultural depression preceded the crash of 1929. The problem, thus, concerns us all.

I opposed the cotton bill when we debated last year. I described it as applying a band aid to a cancer. I thought then and still think that the Talmadge bill offered a vehicle with much hope of immediate and long-range benefits to the Nation and the industry. Others, wiser than I agree. But, alas, for this year, at least, there is no chance for the Talmadge bill. We cannot get the cure. The question is, Will the band aid do more good than harm; will this proposal be better for the country than the laws on the books which will remain should this bill be voted down? With the Senate preoccupied with civil rights, there is no chance of other agricultural legislation in time to be effective this year.

I vote for this bill as an interim measure only. I have reluctantly concluded that this bill is better than no bill. I hope that we never put ourselves in a similar position again. I hope that members of both parties will lend their best efforts toward finding a long-range solution to the agricultural problems facing not just this Nation, but the world. For too long, has agriculture been a political battleground. It is time to reexamine the positions of both parties, to avoid the cliches, and to work together. It can and must be done.

Mr. LANGEN. Mr. Speaker, this is indeed another sad day for American agriculture, for not only does the legislation before us fail to recognize or provide proper attention to the economic needs of agriculture, but we are also denying the farmer the voice in Congress that he so rightfully deserves. I shall comment but very briefly on both subjects.

It must be noted, that all economic analyses that have been published of recent date by the Department of Agriculture, the Joint Economic Committee, as well as others, are positive proof, that all segments of our economy have enjoyed substantial increases and progress during the last 3 years, with agriculture being the only segment that shows a very definite decline. This decline has now reached a point of where the prices received for products sold are at a parity level that is comparable to 1939. It is interesting to note that the Department of Agriculture has a substantial report on this subject indicating that the income on a per farm basis shows a decline for 1963 of about 3 percent. When applied to my own State, it is at 6 percent.

All of these facts substantiate what many of us were talking about last summer in an attempt to get the Congress at that time to recognize and respond favorably to suggested wheat legislation, which we felt was essential after the results of the wheat referendum became known.

In view of these very convincing, and certainly discouraging, facts as they relate to the future of agriculture, it does not add anything to the future hopes of the American farmer to now have a bill before us which, at its best, can offer nothing but a further reduction in the income to wheat farmers when compared to 1963, which was already too low.

It is hard for me to believe—and I am sure many farm people are having the same experience—that the administration and the majority in Congress have shown such a complete disregard for the American farmer that they have let us get into the predicament that the House finds itself in today.

First, we have a bill that is totally inadequate, with little or no opportunity for debate and with no amendments of any kind permitted. Thirty minutes of debate provided for either side, if it is equally divided, is very minor attention for a problem that is as important to the entire Nation as is the bill before us. By virtue of the fact that no amendments are permitted, we, of course, are completely ignoring all of the other very pertinent problems that confront farmers today; namely, beef imports, as well as dairy products, and the inadequate income provisions that the bill itself contains.

It is even more difficult for me to resolve that after 30 years of farm programs, and 30 years of listening to constant pleas that we should arrive at a point of where 100 percent of parity income was assured agricultural producers, we find that now these very same people can recommend nothing better than a bill that provides somewhere near 73 percent, with the full admission that this is the best they have to offer.

But possibly more important are the principles involved. I for one am not ready to have Government say to the American farmer that he must raise wheat for foreign countries at a price that is 45 cents a bushel less than that for which he produces the same wheat for our domestic users. He is also called upon to share any profits that he might make—and they would be meager indeed—on the sales to the domestic market, with foreign countries.

In addition, the bill further recommends a policy, through the certificate plan, whereby, because of the reduced price, the export subsidies that up to this time have been provided through the money supplied by taxpayers throughout the Nation, will now be taken directly from the farmer's pocket. It is understandable that because of national problems, and international relations, there could be some justification for the export subsidy being a burden to the entire Nation. It is difficult to justify, however, that the American farmer should carry more than his share of our international policy.

It is ironic indeed that this wheat bill is also tied to a cotton bill, which attempts to solve a problem that has been created because we sold cotton to foreign consumers cheaper than we sold it to our own, thereby making it necessary to start a new subsidy program to American industry because the foreign countries used this cheaper cotton with their cheaper labor, manufactured it into fabrics, and then sent it back to this country, taking the business away from our own textile industry. It is now suggested that we adopt the same kind of a policy in wheat sales which could have the same results.

Undoubtedly, there is some urgency that immediate action be taken on this legislation, but I should call your attention to the facts that have created that emergency. Many of us suggested a need for wheat legislation last summer, recognizing that in order to be both effective and productive there was need for legislation to be passed prior to the seeding of winter wheat last fall. All of these pleas were ignored by the Department of Agriculture, as well as the leadership in Congress. In fact, the only answer we seemed to be able to get at that time was "Let them stew in their own juice."

However, after the parliamentary procedure became such in the House and the other body that the only alternative was for the House to accept, in its entirety, without amendment, the other body's version that is before us now, then all at once the attitude is completely changed, and we now find they are screaming, "Emergency."

Such action has placed the House in a position of having to accept or reject these recommendations without full debate, committee consideration, or opportunity to improve by amendment. This is, indeed, a complete limitation and dictation to anyone who has a desire and an interest in defending the American farmer. And so, while the Department was not able to dictate their desires to the farmers voting in the last summer's referendum, they are now attempting to dictate to the Congress of the United States and the elected representatives of the people.

Were this a bill to offer a proper solution, or in response to an emergency that had been created because of uncontrollable circumstances, this might have been excusable, but the reverse is rather true that we had plenty of notice, plenty of opportunity, but the administration and the majority in Congress failed to respond. Such failure can only be regarded as a complete disregard for the problems of agriculture, and expresses rather a desire to further dictate to and regiment farmers as well as Members of Congress.

In view of these and many other undesirable provisions of the bill that have been further explained by my colleagues, and the almost unbelievable limitations placed on the opportunity for this House to act, the farmer is going to take it on the chin again. It now remains for farm people throughout the Nation to recognize the extent to which they have been slighted and ignored, and take action which may correct such injustices from continuing to be a part of the entire Government attitude to the needs and problems of farmers.

The only good that I can say about the situation before us is that it may have the eventual result of alerting agriculture throughout the Nation to the further problem that they have ahead of them in redirecting the course of Government and the undesirable attitude toward farmers that we see so prevalent here today.

Mr. COOLEY. Mr. Speaker, when this bill was before the Senate the managers of the bill interpreted the term "raw cotton" as it is used in section 101 with respect to inventory payments as applying equally to all inventories of spinnable raw cotton including those grades known as cotton comber noils and card strips. I have been asked whether that interpretation is correct inasmuch as the language in this regard is the same as that contained in the bill when it passed the House. There is no question about the correctness of that interpretation and this section relative to inventory payments applies to cotton comber noils and card strips in the same manner as any other raw cotton.

Mr. Speaker, at this point I should also like to set the Record straight as to the general payments to be made under this legislation to enable American mills to buy American cotton at the same price that American cotton is made available to foreign mills.

There have been charges made that this measure is a mill subsidy.

This is not a mill subsidy.

After inventory adjustments are taken care of the mills receive nothing except the right to buy cotton in the same way and at the same prices for which cotton is sold for export. This will be accomplished through payment-in-kind certificates which will be issued to persons engaged in the marketing of cotton.

This will protect producer prices, permit U.S. mills to buy cotton at the prices at which it is sold for export, and keep cotton moving in the normal channels of trade.

I repeat, this program is not a mill subsidy. It merely puts American mills in the same position as buyers for export.

Mr. Speaker, the Durham (N.C.) Sun on April 1 published an editorial entitled "Mill Subsidy." I shall read this editorial into the Record.

The editorial follows:

COTTON SUBSIDY

> Says Representative PAUL FINDLEY, Republican, of Illinois, the Nation's five textile mills will receive a total of $57.2 million a year in subsidies if the House accepts the cotton-wheat bill.
>
> We are weary of saying it but the truth of the matter is that the subsidy is not to the mills but to the farmers. The Government by its fixed prices jacks up the price to the mills above that charged foreign buyers and would only, if the cotton-wheat bill passes, be taking off the overload for domestic mills.
>
> The support price is paid to the farmers. The mills merely get back their money and are placed approximately on an even footing with foreign competitors.
>
> Another thing. Cotton textiles are still highly competitive. Cotton must, too, meet the challenges of other fibers. Hence, the textile mills will not pocket all of the money, even if it is money just being paid back to them.
>
> Some reflection is certain in pricing and the American consumer may expect price benefits as some of the artificial cost props under American-made cotton textiles are removed.

Mr. PHILBIN. Mr. Speaker, it is my opinion that the elimination of two-price cotton is not only of great merit but is overwhelmingly approved by the American people.

The textile industry has been for years beset by a series of adverse legal and economic developments, of which two-price cotton is one, responsible for serious dislocations. The adoption of this bill will lift at least one heavy, competitive burden from this gravely afflicted industry and its earnest, industrious, hard-working employees.

How such an unfair concession to foreign industry, so discriminatory against our own industry, so injurious to its workers, so disastrous to its interests, so totally unsound either as a foreign aid or trade measure, on the whole so objectionable from every standpoint, is like many other things that have been done by this Government in the fields of foreign aid and foreign trade wholly impossible to understand on any rational basis.

Two-price cotton should have been repealed long ago. So let us repeal it now once and for all, and never allow a similar tactic to bedevil and besmirch our foreign aid, trade or agricultural programs.

Regarding the wheat provisions of this bill, I am not exactly cheering them. I have long been at variance with many of our farm programs.

However, many erroneous statements have been made concerning the wheat provisions of this bill. I am assured, however, from responsible committee members, Government officials and experts in the field that this bill will not involve a bread tax nor will it cause an increase in bread prices.

It would be a distortion of economic realities to contend that the bill, of itself, will cause any increase in the so-called staff of life upon which our consumers and people depend.

Moreover, we have our overall agriculture surpluses to consider. These surpluses are very costly to the Government and to the economy and the people. They are unjustified, highly detrimental and must be resolved at the earliest possible time, although the efforts to date of several political administrations have not borne much fruit.

I have struggled hard to try to find adequate solutions here, but the hard core of the farm problems have tenaciously resisted any practical solution.

It has been my view that every administration should be entitled to try its own plan, if it seemed at all feasible. Accordingly, I have felt that these plans had to be judged on their own merits and when they were clearly unjustified or a bad second edition of previously enacted laws that had failed to accomplish the results claimed for them, they should be rejected.

Admittedly, the wheat provisions of this bill must definitely be placed in the category of legislation which represents another try to find solutions.

It is on this basis that I can find support for the entire bill, and I hope that what is being done here today will work out satisfactorily. After all, some effort must be made to establish a practical, workable, sensible, economical farm program. We can no longer delay coming to grips with these extremely complex, difficult and costly farm programs. I hope this bill will provide part of the answer to these problems.

Mr. WHARTON. Mr. Speaker, we have just experienced the annual cliches bearing on a solution of the agricultural programs.

Once again, surpluses are to be reduced, the farmers' income increased and, by way of legerdemain, consumer prices also reduced. Of course, storage charges on the huge surpluses are still piling up and proponents of the bill would be remiss indeed were they not to again promise taxpayer relief in that direction.

Our enormous appropriation for the Department of Agriculture in the meantime has been increasing by leaps and bounds, and the estimated cost of the present cotton program, $753 million a year plus $100 million for the wheat proposal, surely adds no fuel to the President's economy drive. Consistency in that direction would indicate a Presidential veto of these measures and bears out my own opposition to both.

Incidentally, a constituent writes me in connection with the food stamp plan:

> If we are to have another form of currency, why not pay off the top echelons of Government, who are seeking big increases, in food stamps.

Mr. **PHILBIN**. Mr. Speaker, since corn, wheat, and cotton comprise more than three-quarters of our agricultural surpluses, it can be readily seen how important it is to concentrate governmental attack on the reduction of these surpluses of these major crops.

In large part, that is the purpose of the cotton-wheat bill. Tied in with efforts to reduce surpluses and to prevent additional surpluses, is the move by the House to help the waning textile industry, and to slacken the present rather disquieting movement of farm and commodity price levels.

Time and again, I have pointed out the need of our Nation for general, national prosperity, as distinguished from spotty prosperity in some places and economic trouble spots, and unemployment and chronic poverty in other places.

I think we must take something more than a provincial view of the question of national prosperity. The Congress must recognize the need for looking at the national picture as a whole and for trying to reduce overemphasis on sectional interests and questions.

In this representative government, it is our job, of course, to represent our own constituents. That is why we have been sent to Washington, and most of us here feel we must discharge that vital duty unceasingly and unquestioningly.

But we certainly must also recognize the interdependence of separate parts of our great American free enterprise economy, a productive machine of untold wonders and fabulous potentiality, capable, if properly harnessed and wisely developed, of not only unbelievable levels of prosperity, but rapidly advancing elimination of poverty and want in every part of the country.

There are some who say that we should not be unduly concerned about those who are without jobs, who are poor, who are unable to take care of themselves, but this is an antiquated doctrine, thank God, that has little place in the present-day thinking of an overwhelming number of Americans.

It is a painful anachronism in this country of greatest wealth and incredible productivity, where many people are able to live amidst a surfeit of economic goods and a lavish abundance that would have been believed impossible not too many years ago, that we should have many people, and especially children, in this country who do not get enough to eat, let alone proper clothes and shelter and ordinarily decent living conditions.

As human beings selected to represent all the people, and who are supposed to be endowed with special qualifications to grapple with and solve the great problems of government, we would be grossly remiss in performing our duty, if we were not to seek and to find some suitable, early solutions for social problems of this magnitude and of such great import to the relationship of our moral standards and the functions of our free way of life. We must not rest upon these standards. We must see to it that they are observed in the stream of government in order to retain and develop the strength and vitality across the total spectrum to measure up to the fiercely competitive problems we face in this age.

For these reasons, it is of special importance that we should try to reconcile the differences and shortcomings, where they exist, in the relationships between agriculture and industry, and other parts of our economy.

Obviously, the well-being of the textile industry and other industries, South and North, East and West, wherever they exist, and also of our great productive agricultural system and their relations to each other, must be of deep concern to us. The national prosperity and strength depend upon this coordination.

If the farm bill contributes, as I think it will, to a better relationship, to stable production and marketing in agriculture, reduction in farm surpluses, and some help for the beleaguered textile industry and its workers, it will serve a good purpose for the well-being of the entire Nation, as well as that of agriculture and industry.

Reduction of present subsidies is expected to cut surpluses and reduce the cost to the Government of maintaining better cotton and wheat programs.

If this measure can bring about some of the remedial action that is claimed for it by those experts best in a position to know, we may well expect better results for this bill than have been derived from some of its predecessors.

Mr. **BOLLING**. Mr. Speaker, I move the previous question.

The previous question was ordered.

The **SPEAKER**. The question is on the resolution.

Mr. **BROWN** of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 211, nays 203, answered "present" 4, not voting 15, as follows:

[Roll No. 100]

YEAS—211

Abernethy
Addabbo
Albert
Andrews, Ala.
Andrews, N. Dak.
Ashmore
Baker
Barrett
Bass
Beckworth
Blatnik
Boggs
Boland
Bolling
Bonner
Brooks
Brown, Calif.
Broyhill, N.C.
Buckley
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cannon
Celler
Chelf
Colmer
Cooley
Corman
Daddario
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Denton
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Edmondson
Edwards
Everett
Evins
Farbstein
Fascell
Finnegan
Flood
Flynt
Forrester
Fountain
Fraser
Friedel
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gary
Gathings
Gill
Gonzalez
Grabowski
Grant
Gray
Hagan, Ga.
Hagen, Calif.
Halpern
Hansen
Hardy
Harris
Hawkins
Hays
Healey
Hébert
Hechler
Hemphill
Henderson
Herlong
Holifield
Holland
Huddleston
Hull
Ichord
Jarman
Joelson
Johnson, Wis.
Jonas
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kee
Keith
Kelly
Keogh
Kilgore
King, Calif.
Kirwan
Kluczynski
Kornegay
Landrum
Leggett
Lennon
Libonati
Long, La.
Long, Md.
McDowell
McFall
McIntire
McMillan
Macdonald
Madden
Mahon
Martin, Mass.
Matthews
Miller, Calif.
Mills
Minish
Montoya
Moorhead
Morgan
Morris
Morrison
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pilcher
Poage
Pool
Powell
Price
Pucinski
Purcell
Rains
Randall
Reifel
Reuss
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rodino
Rogers, Colo.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Ryan, Mich.
Ryan, N.Y.
St. Onge
Scott
Secrest
Selden
Senner
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Staebler
Steed
Stephens
Stubblefield
Sullivan
Taylor
Thomas
Thompson, La.
Thompson, Tex.
Toll
Trimble
Tuck
Tupper
Tuten
Udall
Ullman
Vanik
Vinson
Watson
Watts
White
Whitener
Whitten
Wickersham
Williams
Willis
Wilson, Charles H.
Winstead
Wright
Young
Zablocki

NAYS—203

Abbitt
Abele
Adair
Alger
Anderson
Arends
Ashbrook
Ashley
Aspinall
Auchincloss
Avery
Ayres
Baldwin
Baring
Barry
Bates
Battin
Becker
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Bolton, Frances P.
Bolton, Oliver P.
Bow
Brademas
Bray
Brock
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, Va.
Bruce
Burton, Utah
Byrnes, Wis.
Cahill
Cederberg
Chamberlain
Chenoweth
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Conte
Corbett
Cramer
Cunningham
Curtin
Curtis
Dague
Dent
Derounian
Derwinski
Devine
Dole
Dwyer
Ellsworth
Fallon
Feighan
Findley
Fino
Fisher
Fogarty
Ford
Foreman
Frelinghuysen
Fulton, Pa.
Giaimo
Gibbons
Glenn
Goodell
Goodling
Griffin
Gross
Grover
Gubser
Gurney
Haley
Hall
Halleck
Harding
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Hoeven
Hoffman
Horan
Horton
Hosmer
Hutchinson
Jennings
Jensen
Johansen
Johnson, Calif.
Johnson, Pa.
Kastenmeier
Kilburn
King, N.Y.
Knox
Kunkel
Kyl
Laird
Langen
Latta
Lindsay
Lipscomb
Lloyd
McClory
McCulloch
McDade
McLoskey
MacGregor
Mailliard
Marsh
Martin, Calif.
Martin, Nebr.
Mathias
May
Meader
Michel
Miller, N.Y.
Minshall
Monagan
Moore
Morse
Morton
Mosher
Nelsen
Norblad
O'Brien, N.Y.
O'Konski
Osmers
Ostertag
Passman
Pelly
Pike
Pillion
Pirnie
Poff
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Rhodes, Ariz.
Rhodes, Pa.
Rich
Riehlman
Robison
Rogers, Fla.
Roudebush
Roush
Roybal
Rumsfeld
St. George
St Germain
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Shipley
Short
Shriver
Sibal
Siler
Skubitz
Smith, Calif.
Smith, Va.
Snyder
Springer
Stafford
Staggers
Stinson
Stratton
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Tollefson
Utt
Van Deerlin
Van Pelt
Wallhauser
Weaver
Weltner
Westland
Whalley
Wharton
Widnall
Wilson, Bob
Wilson, Ind.
Wydler
Wyman
Younger

ANSWERED "PRESENT"—4

Carey
Casey
Green, Oreg.
Hanna

NOT VOTING—15

Burleson
Cameron
Dowdy
Elliott
Gilbert
Griffiths
Lankford
Lesinski
Matsunaga
Milliken
O'Brien, Ill.
Sheppard
Teague, Tex.
Thompson, N.J.
Waggonner

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mrs. Griffiths for, with Mr. Casey against.

Mr. O'Brien of Illinois for, with Mrs. Green of Oregon against.

Mr. Carey for, with Mr. Teague of Texas against.

Mr. Sheppard for, with Mr. Hanna against.

Mr. Gilbert for, with Mr. Waggonner against.

Mr. Matsunaga for, with Mr. Cameron against.

Until further notice:

Mr. Dowdy with Mr. Lankford.

Mr. Thompson of New Jersey with Mr. Elliott.

Mr. HANNA. Mr. Speaker, on this vote I have a live pair with the gentleman from California [Mr. SHEPPARD]. Had he been present he would have voted "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

Mr. CASEY. Mr. Speaker, I have a live pair with the gentlewoman from Michigan [Mrs. GRIFFITHS]. Were she here she would have voted "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

Mrs. GREEN of Oregon. Mr. Speaker, I have a live pair with the gentleman from Illinois [Mr. O'BRIEN]. If he were present, he would have voted "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

Mr. CAREY. Mr. Speaker, I have a live pair with the gentleman from Texas [Mr. TEAGUE]. Had he been present he would have voted "nay." I voted "yea." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED NATIONS SHOULD ACT ON ANTI-SEMITISM

The SPEAKER. Under previous order of the House the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, on March 24, I addressed the House once again on the subject of anti-Semitism, and noted specifically that progress had been registered in the effort to secure a universal condemnation of this hateful disease through the United Nations.

Today, I wish to stress the urgency of pressing the matter to a final conclusion in the months ahead. Our Government must not allow the issue to be delayed by the avalanche of other problems facing the United Nations at its autumnal General Assembly meeting. Nor must we permit the inherent difficulties in procuring this effective, world condemnation to wither our spirits or weaken our perseverance.

I must say that the development of codified international law will always represent one of the more enduring contributions in our patient drive for law and order in the world. The endeavor to enact a globally recognized clause on anti-Semitism necessarily fits into this pattern.

In the postwar period we have been dealing with the attempt to make world law more closely applicable to the individual. International law has been traditionally the law governing the relations between states. The Nuremberg trial was an opening landmark in reversing this age-old pattern. Since then the United Nations has been the scene of further progress in securing for the person a dignity and an identity which is not contingent upon the vicissitudes and precariousness of the nation-state structure.

Certainly, we hold no illusions. The road to greater penetration of law is long and hazy. We must cling to patience in a world where the tendency is to concentrate overly upon the here and now.

The achievement of universally recognized law is not an overnight affair. The principles and customs which have been built up over the years are still subject to flagrant violations.

In the continuing effort to strengthen and broaden this body of law, we know that we realize a step-by-step success only after the most detailed deliberations. This is as it should be. Governments concerned must know that their interests are being protected. The negotiated instrument will very rarely, if ever, represent the optimum. But, conversely, history records that a written agreement is doomed from the beginning unless the parties to it become, through the negotiation process, fully sympathetic to the final product.

And so it is only with, and not in spite of, the pull and tug of diverse interests that a system of norms is erected. Each must in the end give a little toward the whole.

International law is created by bits and pieces. Nothing is ever accomplished in one sweeping motion. And so we must recognize that in a clause, or in a particular article, not all our objectives are fulfilled. At the same time, it is the little-publicized steps which in the end become the only sure method of realizing a universally accepted structure of rights.

The Human Rights Commission of the United Nations has considered favorably, and has forwarded to the Economic and Social Council and the General Assembly, a clause condemning anti-Semitism for insertion in the draft Convention on the Elimination of All Forms of Racial Discrimination. This was an initiative of our Government. I fervently hope that the General Assembly shall rule affirmatively on this article when it considers the draft convention. The article reads as follows:

> States parties condemn anti-Semitism and shall take action as appropriate for its speedy eradication in the territories subject to their jurisdiction.

The Soviet Union offered an amendment to the article which would insert nazism, neonazism, and genocide as offenses along with anti-Semitism.

I do not think the singly identified practice of anti-Semitism should be diluted by adding other offenses. The effect may well be to correlate anti-Semitism with nazism or genocide. But anti-Semitism is not solely a Nazi invention, and it would be unwise to restrict its reputation by associating it with nazism, which is more or less a hellish thing of the past.

Moreover, to include genocide would be most inappropriate. We have already in existence a genocide convention, operative as between ratifying states. Lamentably, this instrument has remained closeted with the Senate Foreign Relations Committee for more than a dozen years.

We should be suspicious of any attempt to connect the practice of anti-Semitism, in an international agreement, with specific political movements. To restrict its definition would open up holes for those delinquent states to merely continue the hideous policy under another banner.

I also urge upon our Government the absolute necessity of including clearcut measures of enforcement in the draft Convention on the Elimination of All Forms of Racial Discrimination which will, of course, be applicable to the inserted anti-Semitism clause as well.

The additional measures of implementation for a good offices committee, discussed only in the Subcommission on Discrimination and Minorities, must be enacted, or in its stead some other distinct means for implementation. The Soviet Union objects to this inclusion, but I am afraid that the draft convention, along with the condemnation of anti-Semitism, will be woefully ineffective unless the parties can reach agreement upon a vehicle for proper enforcement.

Along these lines I have introduced a resolution expressing the sense of this House that the President, through our delegation to the United Nations, should take all further steps to secure in treaty form a universal condemnation of anti-Semitism.

Such action can only become meaningful if the contracting parties are called upon to execute that condemnation. Accordingly, my resolution urges upon our Government the simultaneous attainment of a forthright pledge from each State to stamp out the practice within their borders. In addition, that United States is called upon to ensure that appropriate means of mutual enforcemen are adopted to give effect to each such solemn pledge.

I am mindful of the difficulties, particularly in getting Soviet Russia to agree beforehand to an adequate system of implementation. The Soviets have been the most consistent violators of nondiscrimination. Therefore, their exclusion from the proposed treaty, because of an unwillingness to accept articles of execution, could prove disastrous to the whole effort.

The Soviet Government covertly permits and fosters a subtle, yet severe, anti-Jewish policy. There still exists in that country the ban on the establishment of Jewish schools; Moscow's last kosher meatmarket remains closed; publications are restricted to the extent that only six books in Yiddish have been published since 1953, no Hebrew Bible since 1917, and no Russian language Old Testament in recent years; continual prohibition on Jews from holding high public office; arrest and execution of many Jews for so-called economic crimes.

Regarding the latter point, it has been estimated that although the Jews account for only 1.9 percent of the entire Russian population, 55 percent of those sentenced to death since economic crimes law of 1961 took effect have been Jews.

I cannot conceive of an effective world ban on anti-Semitism unless it includes the Soviet Union. And this immediately indicates the difficulty we still face.

Nevertheless, we must press on, remembering also that anti-Semitism is not exclusively a Communist phenomenon. It exists and festers everywhere.

Despite the obvious difficulties, and many uncertainties, we do have the possibility of outlawing anti-Semitism before us. This in itself is no mean accomplishment. This is an opportunity we must grasp and see through to the end.

Anti-Semitism is not only an offense against Jews; it is manifestly an insult to the entire human race. In seeking to protect the rights of minorities, we are at the same time preserving the rights of the majority. Their status is justified only to the extent that minorities are permitted an equal protection under the law.

Prejudice can play no part in the world of peace and justice we seek. The eradication of anti-Semitism is a precise and meaningful step in furthering the cause of universal human rights. Nothing must prevent us from securing for the world Jewish community the equality of treatment which has for so long, and in so many places, been denied them.

Mr. Speaker, I call to the attention of this House the resolution, to which I referred earlier, which expresses the sense of this body that the President, through our delegation in the United Nations, should take all further steps to win a universal condemnation of anti-Semitism in treaty form. I trust the resolution will be given immediate committee and House consideration.

H. Res. 668

Whereas the people of the United States, true to their traditions and heritage, vehemently condemn bigotry and race discrimination and deeply believe in the freedom of religion and in the individual dignity of man; and

Whereas the practice of racial and religious discrimination is contrary to the principles and desired objectives of the United Nations; and

Whereas the manifestations of anti-Semitism are a form of race and religious discrimination repugnant to all freemen everywhere: Now, therefore, be it

Resolved, That the House of Representatives hereby expresses its support of the recent efforts on the part of the President, through the United States delegation to the United Nations, to secure the universal condemnation of anti-Semitism as an international offense.

Sec. 2. It is the sense of the House of Representatives that the President should take such further steps as may be necessary, through the United States delegation to the United Nations, to secure in final treaty form a universal condemnation of anti-Semitism and, in connection therewith, to secure—

(1) a forthright pledge from each signatory state to eradicate anti-Semitism within its territory; and

(2) the adoption of appropriate methods to implement and enforce each such pledge.

TRIBUTE TO GENERAL MacARTHUR

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Riehlman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. RIEHLMAN. Mr. Speaker, we have lost a great soldier, statesman, and humanitarian with the passing of Gen. Douglas MacArthur.

It is fitting indeed that this American hero should lie in state in the rotunda of the Capitol where other Americans of immense stature have also lain in repose to be honored by their countrymen.

I would like to mention the last two times I saw the general—and these were certainly dissimilar circumstances.

Once was in Tokyo, Japan, where he was the complete ruler of the Japanese people. The second time was when he gave his speech of retirement to his fellow Americans at a joint meeting of the Congress.

In Japan, with the Subcommittee on Military Operations, our group spent 3 hours with the general.

I was immensely impressed with his knowledge of the Communist philosophy and its programs and designs. He was truly the ranking expert of his day on the area where he had spent so many years.

The last time I saw him was in this very Chamber after he was removed from his Far East Command.

Despite any possible difference with some Members of Congress over policy, there was hardly a dry eye in the Chamber as General MacArthur concluded his speech with the now immortal words:

> Old soldiers never die—they just fade away.

This was an epic moment in history few of us will likely see again.

I wondered at that time, and I wonder now, how the course of history would have been changed if he would have been allowed to win the victory that was available to him.

I believe that he was denied the privilege of changing the course of Communist conquest—a change that would have benefited all mankind.

In his last days at Walter Reed Hospital, after one of three surgical operations, he said:

> I will do the very best I can.

He always did the very best he could and it was very good indeed.

It is appropriate that this unusual man should be honored here in our capital during the Cherry Blossom Festival.

We received the beautiful cherry trees from Japan as a gesture of friendship—and Japan never had a better friend than General MacArthur.

He is the only man in history to completely conquer a country, and upon leaving it years later to go as an honored, respected, and loved humanitarian.

His capabilities knew no bounds.

He was strict but eminently fair with the Japanese people. The new form of government he left them has allowed their country to become a respected member of the community of nations—prosperous, progressive, and democratic.

General MacArthur left us many brilliant words to live by—beacons of hope in a confused world.

He was a patriot in the proudest sense and he wore his love of country on his sleeve for all to see.

In an era when patriotism is not the popular sentiment it once was, his old-fashioned display was refreshing and surely ought to be an object lesson for all our citizens—young and old.

His deep feelings were never more beautifully expressed than when he said, "goodbye," to the corps of cadets at West Point.

In his marvelous prose, he said:

> The long gray line has never failed us. Were you to do so, a million ghosts in olive drab, in brown khaki, in blue and gray, would rise from their white crosses, thundering those magic words: duty, honor, country.

I have only one other thing to say and this I am reluctant to do on this sad day.

I regret very much that the Congress did not adjourn for the whole day out of respect for this outstanding American who gave virtually his whole life in unparalleled service to his country.

THE SOLDIER IS DEAD

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Keith] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. KEITH. Mr. Speaker, Gen. Douglas MacArthur was a figure unique in American history and there are few words that can be added to the many heartfelt expressions of sorrow and grateful tribute that have been evoked by his recent passing.

It might be sufficient to say that Douglas MacArthur was the kind of man—in peace and in war—that other men were proud to call "American."

His was a strength of character, a purity of patriotism and a brand of courage that had been carried forward from a hardier, bolder, more purposeful age. With these qualities he led us and inspired us in three wars and became the one stalwart symbol of hope in 1942, in America's darkest hours. He turned defeat into victory then and a decade later pointed the way to victory when freemen first united in arms against Communist aggression.

He was a great soldier and a great statesman and he had, unmistakably, the assured dignity of greatness. He will be missed, but not forgotten.

As a nation, we should pray that his final legacy to the country he served faithfully for so many years will be his vision to see our duty clearly and his strength and will to carry out that duty despite great obstacles and hardships.

Mr. Speaker, the Standard-Times of New Bedford, Mass., always a great admirer of the late general, has published an editorial tribute that I think deserves to be brought to the attention of Congress and I insert it in full at this point in the Record:

THE SOLDIER IS DEAD

Douglas MacArthur, five-star general and senior ranking officer in the U.S. Army, has lost his final battle, but his passing renders the more imperishable the record of his achievements, the impact of his personality.

MacArthur's life was dramatic from the beginning; the son of an Army general, he was baptized at 4 in a wilderness outpost under Indian attack. Graduated first in his class at West Point, Second Lieutenant MacArthur immediately went to fight in the Philippines, where a Moro shotgun blast killed the man beside him and blew off MacArthur's service hat.

When the Japanese touched off World War II, MacArthur came out of retirement and into field command in the Philippines to provide the symbol of rocklike courage and confident leadership that a grieving, distressed America required.

His manner alone, grand in speech and gesture, made him an outstanding world figure. As commander of the Southwest Pacific Theater, he often was under fire as he landed with his troops on invasion beaches. The planning and execution of his campaign that led Allied forces from Australia back through jungled islands to the Philippines has been called masterly by many military critics.

Consistently, the audacity and calculated chance taking of some of his maneuvers caught the enemy off balance. Similarly, in the Korean war, in which he was United Nations commander, he conceived and carried out the Inchon amphibious landing in 1950 despite opposition from his field commander and, initially, from the Joint Chiefs of Staff. The operation recaptured Seoul, the capital city, and sparked the rout of the North Korean Communist Army.

His 14-year absence from the United States, embracing two wars and a military occupation, saw MacArthur emerge as a major statesman as well as an outstanding military figure.

Tokyo was dismayed and Emperor Hirohito himself expressed great sorrow when in 1951 President Truman abruptly dismissed MacArthur for disagreeing with the military policies of the administration. Evidence which has since accumulated, including a partitioned Korea and a mounting Red China threat, indicates the general was right in his judgment.

It is probable that no figure in history ever received a greater hero's welcome than MacArthur when he came home and spoke his views in "the great debate" of 1951–52 about U.S. policy and conduct of the cold war against communism.

Not even his critics, and no figure could bulk so large in history without critics, denied his great love of and major service to country. It is indicative of his greatness that this man, who spent his life as a soldier, should at 75 have urged the United States to "now proclaim our readiness to abolish war in concert with the great powers of the world." War, he declared, "must sooner or later be abolished if the world is to survive."

General MacArthur was a brave patriot, a sensitive and intelligent American. It is shameful that the Nation he served did so little, then or later, to establish officially the circumstances of his dismissal, to clarify the confused record, and to thank him properly for what he had done.

Still, the record of the man surmounts all this. There will not be another MacArthur.

COMPLETION OF NEW EDUCATIONAL CENTER BY CONGREGATION OF KENESETH ISRAEL IN LOUISVILLE, KY.

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. SNYDER] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. SNYDER. Mr. Speaker, I would like to take this opportunity to congratulate the congregation of Keneseth Israel in Louisville, Ky., the home of traditional Judaism in Louisville, and to extend my best wishes to them upon the completion of their new educational center. The congregation of Keneseth Israel has never been content to provide outstanding moral and spiritual guidance alone. Throughout the years, since its founding 84 years ago, the men and women of Congregation Keneseth Israel have been active in practically every program to promote the welfare and betterment of the entire community. It is no exaggeration to say that from this remarkable congregation have come some of the most able and dedicated leaders that Louisville and Jefferson County have ever known—not only in spiritual and religious matters but in civic, cultural, and charitable endeavors as well. Not the least noteworthy of their recent contributions to the cultural enlightenment of our community is the new educational center which they are currently completing.

The sound judgment of the congregation of Keneseth Israel is further evidenced by the fact that they have chosen as their leader during recent years Rabbi Milton H. Polin, a truly spiritual leader—a man highly esteemed and respected throughout the entire community by Jews and Christians alike. While shrines are built of bricks and stones, Rabbi Polin's greatness is built on a much firmer foundation—in the minds and hearts of the many people of Louisville and Jefferson County whose lives have been touched by the numerous good works and kind deeds of this outstanding spiritual and civic leader.

Dedication of the new educational center will take place in a few months. This will be a happy milestone in the 84-year history of this congregation and we may rest assured that the spirit of truth and knowledge will flourish in their new educational center and that it will stand as a lasting testimony of the enlightened goals of the men and women of the Keneseth Israel Congregation.

I commend the members of Keneseth Israel Congregation and their illustrious and learned leader on this accomplishment.

GENERAL MacARTHUR LEFT MORE THAN A MILITARY HERITAGE

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. ALGER] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. ALGER. Mr. Speaker, few men in our history have been among the truly great soldiers, statesmen, humanitarians. None have exceeded the heights reached by Gen. Douglas MacArthur. Generations of Americans yet to come will study the life of this great man and will find inspiration and a code for living in the words he spoke while he dwelled among us.

History's pages already are filled with his military achievements and I would not presume to extol them here. Through all of the major military crises in our time he has stood alone for his leadership in war.

Rather I would speak of Douglas MacArthur the man. The man who, in an address to the graduates of West Point in 1962 gave all Americans a credo for patriotism and devotion to country; a man who, in one of his last addresses, reminded us that the important attributes for a man must be intelligence, loyalty, devotion. Knowing as much as any man of the horror of war, Douglas MacArthur spent the last years of his life attempting to contribute to putting an end to war. He made this contribution by calling for a nobler conception by Americans of the proud heritage of this Nation, a better understanding of what freedom is, and by giving deeper meaning to man's responsibility to man.

Douglas MacArthur was never ashamed of those virtues, now considered old-fashioned by some, patriotism, love of country, aspirations, the courage to determine what is the right and then to stand by those convictions. He served his country well. Now he goes to be judged by the Holy Power before whom someday we all must stand. Surely the verdict in this case must be, "It is well done."

I can think of no greater tribute to Gen. Douglas MacArthur than to recall for us the words of that graduation speech at West Point and I include it as a part of these remarks. In his memory may all Americans rededicate ourselves to this Nation and all that for which it stands:

ADDRESS BY GENERAL OF THE ARMY DOUGLAS MACARTHUR TO THE MEMBERS OF THE ASSOCIATION OF GRADUATES, U.S. MILITARY ACADEMY, THE CORPS OF CADETS, AND DISTINGUISHED GUESTS UPON HIS ACCEPTANCE OF THE SYLVANUS THAYER AWARD, U.S. MILITARY ACADEMY, WEST POINT, N.Y., MAY 12, 1962

General Westmoreland, General Groves, distinguished guests, and gentlemen of the corps: As I was leaving the hotel this morning, a doorman asked me, "Where are you bound for, General?" and when I replied, "West Point," he remarked, "Beautiful place, have you ever been there before?"

No human being could fail to be deeply moved by such a tribute as this [Thayer

Award]. Coming from a profession I have served so long, and a people I have loved so well, it fills me with an emotion I cannot express. But this award is not intended primarily to honor a personality, but to symbolize a great moral code—the code of conduct and chivalry of those who guard this beloved land of culture and ancient descent. That is the meaning of this medallion. For all eyes and for all time, it is an expression of the ethics of the American soldier. That I should be integrated in this way with so noble an ideal arouses a sense of pride and yet of humility which will be with me always.

Duty—honor—country: Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be. They are your rallying points: To build courage when courage seems to fail; to regain faith when there seems to be little cause for faith; to create hope when hope becomes forlorn. Unhappily, I possess neither that eloquence of diction, that poetry of imagination, nor that brilliance of metaphor to tell you all that they mean. The unbelievers will say they are but words, but a slogan, but a flamboyant phrase. Every pedant, every demagog, every cynic, every hypocrite, every troublemaker, and, I am sorry to say, some others of an entirely different character, will try to downgrade them even to the extent of mockery and ridicule.

But these are some of the things they do. They build your basic character, they mold you for your future roles as the custodians of the Nation's defense, they make you strong enough to know when you are weak, and brave enough to face yourself when you are afraid. They teach you to be proud and unbending in honest failure, but humble and gentle in success; not to substitute words for actions, nor to seek the path of comfort, but to face the stress and spur of difficulty and challenge; to learn to stand up in the storm but to have compassion on those who fail; to master yourself before you seek to master others; to have a heart that is clean, a goal that is high; to learn to laugh yet never forget how to weep; to reach into the future yet never neglect the past; to be serious yet never to take yourself too seriously; to be modest so that you will remember the simplicity of true greatness, the open mind of true wisdom, the meekness of true strength. They give you a temper of the will, a quality of the imagination, a vigor of the emotions, a freshness of the deep springs of life, a temperamental predominance of courage over timidity, an appetite for adventure over love of ease. They create in your heart the sense of wonder, the unfailing hope of what next, and the joy and inspiration of life. They teach you in this way to be an officer and a gentleman.

And what sort of soldiers are those you are to lead? Are they reliable, are they brave, are they capable of victory? Their story is known to all of you; it is the story of the American man-at-arms. My estimate of him was formed on the battlefield many, many years ago, and has never changed. I regarded him then as I regard him now—as one of the world's noblest figures, not only as one of the finest military characters but also as one of the most stainless. His name and fame are the birthright of every American citizen. In his youth and strength, his love and loyalty he gave—all that mortality can give. He needs no eulogy from me or from any other man. He has written his own history and written it in red on his enemy's breast. But when I think of his patience under adversity, of his courage under fire, and of his modesty in victory, I am filled with an emotion of admiration I cannot put into words. He belongs to history as furnishing one of the greatest examples of successful patriotism; he belongs to posterity as the instructor of future generations in the principles of liberty and freedom; he belongs to the present, to us, by his virtues and by his achievements. In 20 campaigns, on a hundred battlefields, around a thousand campfires, I have witnessed that enduring fortitude, that patriotic self-abnegation, and that invincible determination which have carved his statute in the hearts of his people. From one end of the world to the other he has drained deep the chalice of courage.

As I listened to those songs of the glee club, in memory's eye I could see those staggering columns of the First World War, bending under soggy packs, on many a weary march from dripping dusk to drizzling dawn, slogging ankle deep through the mire of shell-shocked roads, to form grimly for the attack, blue lipped, covered with sludge and mud, chilled by the wind and rain; driving home to their objective, and, for many, to the judgment seat of God. I do not know the dignity of their birth but I do know the glory of their death. They died unquestioning, uncomplaining, with faith in their hearts, and on their lips the hope that we would go on to victory. Always for them—duty—honor—country; always their blood and sweat and tears as we sought the way and the light and the truth.

And 20 years after, on the other side of the globe, again the filth of murky foxholes, the stench of ghostly trenches, the slime of dripping dugouts; those boiling suns of relentless heat, those torrential rains of devastating storms; the loneliness and utter desolation of jungle trails, the bitterness of long separation from those they loved and cherished, the deadly pestilence of tropical disease, the horror of stricken areas of war; their resolute and determined defense, their swift and sure attack, their indomitable purpose, their complete and decisive victory—always victory. Always through the bloody haze of their last reverberating shot, the vision of gaunt, ghastly men reverently following your password of duty—honor—country.

The code which those words perpetuate embraces the highest moral laws and will stand the test of any ethics or philosophies ever promulgated for the uplift of mankind. Its requirements are for the things that are right, and its restraints are from the things that are wrong. The soldier, above all other men, is required to practice the greatest act of religious training—sacrifice. In battle and in the face of danger and death, he discloses those divine attributes which his Maker gave when He created man in His own image. No physical courage and no brute instinct can take the place of the divine help which alone can sustain him. However horrible the incidents of war may be, the soldier who is called upon to offer and to give his life for his country, is the noblest development of mankind.

You now face a new world—a world of change. The thrust into outer space of the satellite, spheres and missiles marked the beginning of another epoch in the long story of mankind—the chapter of the space age. In the five or more billions of years the scientists tell us it has taken to form the earth, in the three or more million years of development of the human race, there has never been a greater, a more abrupt or staggering evolution. We deal now not with things of this world alone, but with the illimitable distances and as yet unfathomed mysteries of the universe. We are reaching out for a new and boundless frontier. We speak in strange terms: of harnessing the cosmic energy; of making winds and tides work for us; of creating unheard synthetic materials to supplement or even replace our old standard basics; of purifying sea water for our drink; of mining ocean floors for new fields of wealth and food; of disease preventatives to expand life into the hundred of years; of controlling the weather for a more equitable distribution of heat and cold, of rain and shine; of spaceships to the moon; of the primary target in war, no longer limited to the armed forces of an enemy, but instead to include his civil populations; of ultimate conflict between a united human race and the sinister forces of some other planetary galaxy; of such dreams and fantasies as to make life the most exciting of all time.

And through all this welter of change and development, your mission remains fixed, determined, inviolable—it is to win our wars. Everything else in your professional career is but corollary to this vital dedication. All other public purposes, all other public projects, all other public lands, great or small, will find others for their accomplishment; but you are the ones who are trained to fight; yours is the profession of arms—the will to win, the sure knowledge that in war there is no substitute for victory; that if you lose, the Nation will be destroyed; that the very obsession of your public service must be duty—honor—country. Others will debate the controversial issues, national and international, which divide men's minds; but serene, calm, aloof, you stand as the Nation's war guardian, as its lifeguard from the raging tides of international conflict, as its gladiator in the arena of battle. For a century and a half you have defended, guarded, and protected its hallowed traditions of liberty and freedom, of right and justice. Let civilian voices argue the merits or demerits of our processes of government; whether our strength is being sapped by deficit financing, indulged in too long, by Federal paternalism grown too mighty, by power groups grown too arrogant, by politics grown too corrupt, by crime grown too rampant, by morals grown too low, by taxes grown too high, by extremists grown too violent; whether our personal liberties are as thorough and complete as they should be. These great national problems are not for your professional participation or military solution. Your guidepost stands out like a tenfold beacon in the night—duty—honor—country.

You are the leaven which binds together the entire fabric of our national system of defense. From your ranks come the great captains who hold the Nation's destiny in their hands the moment the war tocsin sounds. The long gray line has never failed us. Were you to do so, a million ghosts in olive drab, in brown khaki, in blue and gray, would rise from their white crosses thundering those magic words—duty—honor—country.

This does not mean that you are warmongers. On the contrary, the soldier, above all other people, prays for peace, for he must suffer and bear the deepest wounds and scars of war. But always in our ears ring the ominous words of Plato, that wisest of all philosophers: "Only the dead have seen the end of war."

The shadows are lengthening for me. The twilight is here. My days of old have vanished, tone and tint; they have gone glimmering through the dreams of things that were. Their memory is one of wondrous beauty, watered by tears, and coaxed and caressed by the smiles of yesterday. I listen vainly for the witching melody of faint bugles blowing reveille, of far drums beating the long roll. In my dreams I hear again the crash of guns, the rattle of musketry, the strange, mournful mutter of the battlefield.

But in the evening of my memory, always I come back to West Point. Always there echoes and reechoes duty—honor—country.

Today marks my final rollcall with you, but I want you to know that when I cross the river my last conscious thoughts will be of the corps, and the corps, and the corps.

I bid you farewell.

Yes, Mr. Speaker, consistency is the necessary virtue, without which a man is not a man; nor can a republic long survive without men of consistency. Gen.

Douglas MacArthur, in this speech, has given a credo for all Americans, especially those who aspire to leadership. Today, too many have forgotten the meaning of the words, "duty, honor, country." The survival of this Nation and the free world demands that we again dedicate ourselves to the true meaning of them.

GEN. DOUGLAS MACARTHUR, MORE THAN A HERO OF TWO WORLD WARS

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. BROTZMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. BROTZMAN. Mr. Speaker, it is with great humility, honor, and a sense of grief that I rise today to honor one of the greatest men in the history of our Nation. Gen. Douglas MacArthur was more than a hero of two World Wars. He was the embodiment of a sense of ideals and principles that characterize the American way of life. His own words have been quoted often to portray his feeling. However, I would like to take this opportunity to bring to you a poem by Samuel Ullman that hung over his desk during his many years of honorable service in behalf of freemen everywhere. There is a lesson in it for all of us.

YOUTH

> Youth is not a time of life—it is a state of mind. It is not a matter of red cheeks, red lips and supple knees. It is a temper of the will; a quality of the imagination; a vigor of the emotions; it is a freshness of the deep springs of life. Youth means a temperamental predominance of courage over timidity, of the appetite for adventure over a life of ease. This often exists in a man of 50, more than in a boy of 20. Nobody grows old by merely living a number of years; people grow old by deserting their ideals.
>
> Years may wrinkle the skin, but to give up enthusiasm wrinkles the soul. Worry, doubt, self-distrust, fear and despair—these are the long, long years that bow the head and turn the growing spirit back to dust.
>
> Whether 70 or 16, there is in every being's heart a love of wonder; the sweet amazement at the stars and starlike things and thoughts; the undaunted challenge of events, the unfailing, childlike appetite for what comes next, and the joy in the game of life.
>
> You are as young as your faith, as old as your doubt; as young as your self-confidence, as old as your fear, as young as your hope, as old as your despair.

RACIAL VIOLENCE IN CLEVELAND

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. TAFT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. TAFT. Mr. Speaker, the tragic death of a young minister in Cleveland is a harsh warning. Public officials and private citizens alike have a responsibility to practice restraint and to take every precaution against violence.

Recriminations will serve no purpose. Repression and refusal to face or discuss problems that exist will result in deterioration, not improvement, of the situation.

Unfortunate failures to date in these areas should not and must not endanger or unduly delay enactment of a fair and workable civil rights bill. There is danger that wide misrepresentation as to the scope and content of the House bill along with emotionalism resulting from recent incidents such as those in Cleveland may have this effect. Therefore, it is important to reemphasize that the bill specifically does not relate to school diffusion or real estate sales. Ohioans should also understand that the State has had for several years fair employment and public accommodations laws broader in various ways than these provisions of the House bill.

THE ADMINISTRATION WHEAT AND COTTON BILL THE HEIGHT OF FUTILITY—WHY THE BILL SHOULD BE DEFEATED

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DAGUE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. DAGUE. Mr. Speaker, today Members of this great body are once again confronted with a device, more political than economic, aimed at the problems of American agriculture. The last several years have always been mark by the apparent necessity of developing a farm crisis or the utilization of bludgeon-type methods in order to even try to approach a solution to our agricultural dilemma, and 1964 is no exception. The only difference is that the proposed wheat and cotton legislation—a hyphenated monster if I have ever seen one—is obviously designed to solve the problems of politicians rather than the problems of our farmers. And certainly the high-handed, dictatorial procedure upon which we are embarked today is an affront to anyone who has any respect at all for normal legislative practice.

Late last year after considerable debate and under considerable emotional pressure the House passed the so-called Cooley cotton bill. This proposal was one of the most complicated schemes that had ever been devised. At that time I indicated that I was opposed to this type of program.

The cotton section of the bill which we now have before us was changed considerably from the earlier legislation. Unfortunately it was changed for the worse. Currently it provides for adding subsidies on top of already existing subsidies. If the way to solve the cotton problem is to provide subsidies from the Federal treasury, the bill before us is a good scheme. Unfortunately I believe there is a better criteria to judge legislation.

While the cotton part of this particular bill is bad, I wish to devote most of my comments to the wheat section, which is of much more concern to Pennsylvania farmers.

On May 21, 1963, wheat farmers voted overwhelmingly against the wheat certificate plan in a referendum. On that particular occasion less than a majority, only 47.9 percent voted for the so-called certificate plan, when two-thirds were required.

The wheat farmers of Pennsylvania were very strong in their overwhelming opposition to this unsound proposal. Seventy-eight percent or over 26,000 wheat farmers voted "no" and said that they wanted no part of the wheat certificate plan last year. The counties in my particular district had some of the highest "no" vote percentages within the State.

There is no question that the wheat farmers of Pennsylvania made it quite clear last year that they wanted no part of the wheat certificate plan. The bill before the House today is said to contain a voluntary version of that plan. Under the pending legislation the proponents have indicated that farmers would be free to participate or not, depending on their own individual wishes. As far as I am concerned, the conditions that would be imposed on those who did not wish to participate are such that to say that this legislation is voluntary is a complete distortion of the truth.

As a matter of fact, Dr. Walter W. Wilcox, senior agricultural specialist of the Library of Congress, on July 22, 1963, when testifying for the McGovern bill had this to say:

> Ineligibility for wheat certificates worth 70 cents per bushel on approximately 75 percent of a producer's marketings in recent years and ineligibility for wheat and feed grain price support loans would be sufficient penalty to assure a high degree of voluntary participation.

What Dr. Wilcox is in effect saying is that the program is voluntary but the devices contained in the bill are such that they would literally force wheat farmers to participate. As far as I am concerned, I think the record should be clear once and for all that this is not a vountary program; it is compulsion of the first order and that an attempt is being made to ram down the throats of farmers the very same kind of a wheat certificate plan that they so overwhelmingly rejected last May. What does it take for wheat farmers to say no?

There are many reasons that I could give for being against this particular wheat and cotton legislation; however, one of my main reasons for opposing the bill is that it is the most discriminatory legislation to the wheat farmers of my particular State. In Pennsylvania we produce considerable quantities of Soft Red Winter wheat. Much of this wheat is milled locally and made into various bread and other bakery type products. We have enjoyed a good demand for the wheat produced within the State. In fact for many years the demand for this kind of wheat has exceeded the supply and as a result the farmers of Pennsylvania have received prices consistently above the so-called price support loan level.

During the past few years the wheat farmers in the State have been enjoying relatively good prices for their wheat. The proposed wheat legislation would completely destroy the current good market that we have for our Pennsylvania wheat. It is the old Brannan type payment program that was rejected by the Congress. Under the so-called certificate plan processors of wheat would be required to purchase a 70-cent certificate for every bushel of wheat that they processed into a wheat product for food consumption. Exporters of wheat would be required to purchase a 25-cent certificate for every bushel of wheat that they exported overseas. The wheat processor or exporter would have to purchase certificates from either the Government or other individuals who have them. Farmers who cooperated in the program would receive these certificates and could sell them back to the Government for cash. This plan is basically an excise or processing tax. In this case the assessment is made on wheat used for domestic food. When a processor buys wheat at the market price, he must also pay an additional 70 cents to the Government. He, of course, will pass this cost on to the consumer.

As an indication of how expensive this will be to the consumer, I recently received a telegram from the Archer Daniels Midland Co., one of the larger millers in the Minneapolis area. In this telegram they indicated that in the judgment of wheat marketing experts the wheat price outlook plus the 70 cents per bushel processing tax would amount to approximately 50 cents per hundredweight of flour under the certificate plan. This 50 cents per hundredweight increase would, of course, result in increased costs to consumers in their purchase of flour, bread, and other bakery products. They also point out that the low income consumer will bear an inordinately high share of this additional cost since he spends a larger part of his income on wheat and wheat products than any other consumer group.

I have received communications from other millers which lead me to conclude beyond a doubt that there will be increased costs to consumers as a result of this particular legislation.

Every day we read in the newspapers about the administration's so-called poverty program that is designed to help the low income people in this country. How ironic it is that at the very time we are giving so much publicity to helping these people, the administration is supporting wheat legislation that would substantially increase the cost of their flour, bread, and other bakery products.

There also has been considerable discussion about the need for passage of a food stamp plan that is designed to help the low income people. This proposal calls for substantial increases of Federal funds. Here again we are asked to support legislation to provide for a food stamp plan while at the same time we are asked to support wheat legislation that would increase the food costs of the very people that would be supposedly assisted by the stamp program if it should be enacted.

As I stated earlier, the supply of Soft Red Winter wheat in my State has not been excessive. It seems to me that this proposed legislation would severely discriminate against both the farmers and millers of my State. The millers would have to purchase the certificates for any wheat that is either processed into food products or exported. At the same time the Pennsylvania wheat farmers would be discriminated against because this would severely reduce the available market for their wheat. In my opinion this program would reduce substantially the market available for wheat in Pennsylvania for food and export uses and would make certain that increased quantities of wheat were available for feed purposes at considerably lower prices.

I am confident that the Department of Agriculture intends to do everything within its power to make certain that the price of wheat remains around $1.30 per bushel. USDA can, of course, do this by dumping onto the market at various times various quantities of wheat which is owned by the Commodity Credit Corporation. This will, of course, mean everybody who does not cooperate with the program will not receive more than $1.30 per bushel for his wheat. It will, of course, primarily be used for feed purposes. I consider this to be completely unfair and unjust to the wheat farmers of my State who have made clear on numerous occasions that they want less Government in agriculture, not more.

As I have studied this cotton and wheat bill I have been quite interested in one aspect. In the case of the cotton section of the bill, we propose to have the Federal Government subsidize the cotton processors to the tune of approximately $300 million. In the wheat section we propose to have the Federal Government penalize the wheat processors by making them pay a tax, also to the tune of approximately $300 million. Apparently under this administration the question of where your processing operation is located is one of the important factors. The cotton processors are, of course, located in the southeastern part of this country. An attempt apparently is being made to penalize the wheat processors located in the northeastern and midwest areas.

Once again we are faced with the same kind of proposition on farm legislation; namely, either to vote it up or down. The administration in its great desire to get this legislation passed ramrodded it out of the House Agriculture Committee and is attempting to ramrod it through the House.

On other occasions I have made it quite clear that I am opposed to having more Federal Government regimentation of agriculture. Last May the wheat farmers of this country indicated that was the direction they wanted to go. The legislation that is now pending before the House would not solve the problems of wheat and cotton. This bill would only provide for more Government controls, would prove extremely expensive, would increase costs to consumers and would move in the direction of more Government supply management control of agriculture. I do not support this legislation and I hope that the bill will be rejected.

SIDNEY, OHIO, SELECTED FOR THE 1963 ALL-AMERICA CITIES AWARD

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. McCulloch] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. McCULLOCH. Mr. Speaker, I am pleased to advise my colleagues in the Congress of the United States that Sidney, Ohio, is one of 11 communities in our 50 States selected for the 1963 All-America Cities Award.

A distinguished jury met in Detroit, Mich., in November, held hearings, and picked the winners from a field of 88 contenders.

Sidney is in the Great Miami Valley, near the source of the Great Miami River, and is the county seat of Shelby County, Ohio. Sidney is a part of the Fourth Congressional District of Ohio, in the heartland of America, and I am honored to represent such a city in the Congress.

The people of Sidney, Ohio, are able, ambitious, resourceful, imaginative, civic-minded, frugal people. Their kind carved a great nation from a wilderness, and they, in turn, have done more than their share to make and keep America more than strong enough to stay free.

Look magazine, issue dated April 21, 1964, tells the story, in words and pictures, of Sidney, Ohio, and the 10 other All-America Cities of 1963. My compliments to Sidney, Ohio, and the other 10 cities so signally honored. May such cities increase in number and in strength in the years that are ahead.

THE COTTON-WHEAT BILL

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Anderson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. ANDERSON. Mr. Speaker, the bill H.R. 6196 which we are asked to approve today comes before the House pursuant to a gag rule which waives points of order, forbids any amendments, and limits the minority to 30 minutes of debate. This incredible procedure involving as it does a bill which will have an immediate impact on millions of American farmers and consumers seems more worthy of the German Reichstag under Hitler, to quote the distinguished gentleman from Ohio [Mr. Brown], than it does the House of Representatives. This resolution deserves a negative vote on procedural grounds alone. It is about as unfortunate a travesty on the entire legislative process as I have witnessed during my service in the Congress. It represents a cynical and unprincipled effort by the Democratic majority in this House, aided and abetted, of course, by the President and his Secretary of Agriculture, to ram down the throats of Congress a bill that is so bad that it would never survive the rigors of a full, fair, and free debate and the normal use of the amending process. It augurs ill indeed for the future of our representative democracy when procedures of this kind are employed. Mr. Speaker, I deplore what has happened on the floor of this House today. We are about to establish a precedent that will come back to haunt us in future years. I repeat, this is not the way to legislate.

When we proceed to the merits of the wheat-cotton bill, we quickly discover the substantive defects of this legislation. In the report written to accompany H.R. 9780 which is the wheat portion of this bill, the majority says with obvious pride and relish: "The major strength of this legislation is that it forestalls a disaster to wheat farmers * * * without the payment of a Government subsidy."

Then when you turn to the cotton portion of this bill you find that it provides for the payment of the boldest and brashest kind of subsidy possible to certain large cotton textile mills. The Democratic Party, which loves to portray itself as the "friend of the little man" and the foe of big business, is now going to pay subsidies of $16 to $17 million to a few big textile companies. These payments will come out of the pockets of millions of the "little people" who last year loyally and faithfully paid their taxes into the Federal Treasury.

Who will pay the processing tax of 70 cents a bushel that will be levied against the millers of wheat and the manufacturers of wheat products under the wheat section of the bill? Of course, it will be, once again, the poor people for whom the Democrats profess such great love who will pay this processing tax in the form of higher prices for the bread and wheat products that they consume.

There is another foreseeable consequence of this bill which has a direct bearing on one of the most important segments of the American agricultural economy; namely, the livestock industry. I refer to the power that will be given the Secretary of Agriculture under this bill to continue to manipulate the feed grain market by dumping stocks held by the Commodity Credit Corporation in order to force compliance with this allegedly voluntary act. This same type of action by the Secretary of Agriculture in 1961 and 1962 is a factor in the cyclical upswing in production of cattle which has, in turn, when combined with the huge increase in imports from Australia and New Zealand, led to a near-ruinous decline in the prices for fat cattle. When are we going to finally learn that the planners in the Department of Agriculture with their contempt for the free market are embarked on a rule-or-ruin course of action? If we continue to vest these powers to interfere with the play of competitive factors in the free market in the Secretary of Agriculture we will only succeed in making the American farmer increasingly subservient to Government and dependent upon Government subsidy for his continued existence. The overwhelming majority of American farmers simply do not want this.

Mr. Speaker, I earnestly hope that this House will vote down this resolution. Let us begin now to seek an approach to the solution of our farm problem which repudiates the philosophy of the Freeman-Cochrane clique with its insatiable appetite for more and more powers coupled with greater and greater controls.

THE STEAMROLLER HAS REALLY ROLLED THE MINORITY FLAT TODAY

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. JENSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. JENSEN. Mr. Speaker, the majority steamroller has really rolled the minority flat today.

Here today we have witnessed a spectacle like I have never witnessed before in my 26 years in Congress, and I do not like it, and I am sure the good people of America will not like it, including the wheatfarmers when they learn that the wheat section of this bill was attached to the cotton bill the House passed months ago, was never considered 1 minute by the House Agriculture Committee, but was brought to this floor under a 1-hour gag rule which did not permit even one amendment.

Yes, it is a sad fact, Mr. Speaker, that the big town Members made a stick behind the door deal with the cotton Members, clubbing together in order to get both questionable bills passed today; namely, this cotton-wheat bill and the food stamp bill.

Mr. Speaker, every bill that this Congress has passed by a steamroller method such as this, has proven detrimental to the very people it proposed to benefit, and I predict this bill, if made law, will be no exception to the rule.

So long as I am a Member of this House I shall insist that every bill as important as this bill receive House Committee hearings and proper legislative consideration. To do otherwise will in due time make a mockery of representative government.

WHEAT BILL DETAILS

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. ANDREWS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. ANDREWS of North Dakota. Mr. Speaker, with the passage of this wheat bill so shortly before planting season, we have a serious obligation to give our spring wheat growers as much information as possible so they may immediately make their plans.

The law that was in existence before passage of this legislation was mandatory. This new voluntary law temporarily amends the old one for only 2 years. In 1966, without permanent legislation we return to a mandatory wheat program with referendums under the old law. In the meantime, those of us who realize the shortcomings of this temporary legislation and, even more important, of the permanent act sincerely hope we can work out a more acceptable wheat plan.

Those farmers deciding to sign up this year should realize that the acreage you may plant is the acreage sent to you by your ASC office as your allotment. The 10 percent diversion had already been taken into account when the acreage figures were sent out. On this initial diversion of 10 percent, the cooperating farmer will be paid 20 percent of his normal wheat yield, multiplied by the $1.30 loan figure. There is a possibility for additional diversion which will be announced by the Secretary shortly.

Of greater importance to the individual farmer is seeing that his wheat yields are set fairly and equitably for his farm, since the amount of all certificates a farmer gets will be based on this established yield. Wheat yields for the individual farms will be set on the average yield for the 5 years 1958 through 1962. This provision was in the old law, and we were unsuccessful in getting it changed to 1959 through 1963. I felt using 1959 through 1963 would have made it easier to determine the yield, since the year 1958 is quite a while back.

Certificates will be issued based on your normal yield worth 70 cents a bushel for your share of domestic wheat and 25 cents a bushel for your share of exports. You may receive and cash these certificates even if your wheat yield does not reach your average. If you produce more than your normal yield, you will not receive certificates on the increased production but you will be eligible for the $1.30 loan if you are a complier. These certificates do not need to accompany the wheat at time of sale but may be marketed separately. About 45 percent of your average yield would be given domestic certificates and about 45 percent export certificates. All wheat can be sold at the elevator for the market price whether the farmer enters the program or not. The certificates would be in addition, such as your barley, corn, or wheat payments were last year.

All farmers who last year filed timely appeals from their wheat yield and whose appeals were suspended as a result of the outcome of last year's wheat referendum will be given an opportunity to complete their appeals.

Because of severe hail losses in North Dakota, some wheatgrowers have been discriminated against in setting yields. The Agriculture Department's General Counsel has assured me that "In the case of a farmer who has a provable hail loss during one or more of the years on which his wheat yield is based, the yield for such years will be adjusted for purposes of proving his actual yield."

This act will also benefit North Dakota through its—in effect—repeal of the 15-acre provision which has allowed so many of our acres to go to noncommercial States. Under this act, a farmer who has raised, let us say, an average of 6 acres in the past will no longer be able to raise 15 acres of wheat but will have his allotment based on his 6-acre actual history.

No one recognizes more than I the shortcomings of this legislation, particularly in the matter of being able to establish on such short notice an accurate yield figure. However, the alternative would be no price support whatsoever, and with a full year's supply of both Hard Red Spring wheat and Durum overhanging the market and a release price already set at $1.30, the result could have been disastrous if we had had no program at all.

In 1965, this program will get its first fair test. The farmers will have their yields set on their history in the period 1959 through 1963. In 1965, wheat may be grown on feed grain acres through a substitution provision that we could not put into effect this year because much of the 1964 crop had already been planted.

Nonparticipating farmers will be free to plant as they desire in 1965—no restrictions, no penalties, no marketing quotas, and no restrictions on marketing—and they may overplant in 1965 without losing future acreage base. Under this type of program, the farmer will have more freedom than he has had for many years of farm price support programs.

Again I want to emphasize the prime importance of making sure that your yield figures are set as fairly as possible.

If any of our North Dakota farmers have questions concerning specific parts of this legislation, I sincerely hope you will contact my office and we will try to find the answers to them promptly.

WHEAT-COTTON BILL

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. SHRIVER. Mr. Speaker, during the past several weeks I have endeavored to determine the sentiment of farmers in my district relative to the wheat section of the cotton-wheat bill which was considered this evening under a closed rule in the House of Representatives.

In my visitations with farmers in Kansas and through a questionnaire distributed to farmers in the seven counties of the Fourth District I found that the majority was opposed to this particular program. There were many farmers who expressed opposition to this bill because it offered them essentially the same program which they soundly rejected in a wheat referendum in May of 1963. Others believed that now is the time for wheat farmers to free themselves of Government regulations. There were others who wanted a voluntary program, but suggested the need for amending the wheat section of the cotton-wheat bill.

For the past 3 years an overwhelming number of citizens have told me through my annual opinion polls that they favor a gradual elimination of agricultural subsidy programs. Percentages of "yes" and "no" votes in my special wheat questionnaire to farmers showed almost no change in sentiment in the seven counties from that recorded in the 1963 wheat referendum.

I agree that such a step must be gradual and a truly voluntary program should be considered in the interim. While the program passed by the House tonight is voluntary in 1964 and 1965, it becomes mandatory in 1966. There was no opportunity to make any changes in this bill. Provision such as increasing the CCC resale price to 115 percent of the prevailing support price; suspension of the Anfuso amendment; increasing the diversion payment rate; increasing the value of the export certificates; permit interchange or substitutes at the farmer's discretion rather than determined by the Secretary of Agriculture of wheat and feed grain on the farm wheat allotment and the feed grain base, all had been suggested and recommended, but such amendments or changes could not be considered by the House under the closed rule.

It is highly regrettable that wheat farmers were treated as an "after thought" by the administration in its quest to pass something for everyone in this election year. Wheat legislation has been introduced immediately after farmers rejected the mandatory administration wheat program last May. However, the administration chose to turn its back on the wheatfarmer until last month when the wheat section was hastily tied to an undesirable and expensive cotton subsidy program.

Tonight the House of Representatives literally was given just 1 hour to consider the bill, and take it or leave it. Such legislative procedure on a major agriculture program is not in the best interests of the farmer or the overburdened American taxpayer.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the food stamp bill and on the cotton-wheat bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

BROTHER KNIGHT JOHN W. McCORMACK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. DANIELS. Mr. Speaker, I would greatly appreciate being allowed the opportunity to extend in the CONGRESSIONAL RECORD some remarks in reference to your biographical account which appeared in the March issue of Columbia, the Knights of Columbus magazine.

I think that all of my colleagues would wholeheartedly agree that the tremendous service you have given during your 36 years as a Member of the U.S. House of Representatives, and as Speaker of that august body, scarcely overshadows the contribution you have given to your family, your community, and your church. You have set a standard of conduct in daily life which gives many of us something we must work hard for to achieve. Your excellently written biography by Paul F. Healy points up some other very interesting aspects of your life which I know everyone would enjoy reading and I would like to ask your permission to insert it in the RECORD.

If I might also add, as a member of the Knights of Columbus myself, I was very happy to find that you are not only a brother knight, but that you have been an active supporter of the Knights of Columbus with a membership dating as far back as 47 years—11 years longer than your service in the U.S. Congress.

SPEAKER OF THE HOUSE

(By Paul F. Healy)

JOHN WILLIAM McCORMACK, Speaker of the House and successor to President Johnson in the event of Johnson's death, resembles one of the more admirable characters in "The Last Hurrah." He is fiercely devoted to his church, his family, his country, his city, and his party. In him there is rectitude without self-righteousness, and an understanding of human nature which makes intolerance impossible.

McCORMACK presides with a firm, fair hand over the often rambunctious House, mixing his natural aptitude for politics with an acquired skill at conciliation. Thirty-three years of service in the House have made him the master of his trade. He is as much a fixture in the House scenery as the dais on which he sits. In a body which has many venerable-looking lawmakers, the Speaker, fittingly, is more patriarchal in appearance than any other Member.

He has been a member of the Knights of Columbus since February 12, 1917, when he was initiated in Pere Marquette Council No. 271, South Boston, Mass.

At 72 years old, McCORMACK is 6 feet 2 inches, and 170 pounds, big boned but very slender, with a pale complexion and a shock of unruly white hair. Brown eyes, deep set, peer sharply at visitors from behind old-fashioned spectacles. The Speaker is healthier than he looks—he has never in his life had to spend a day in a hospital. His clothes are as conservative as his living habits. He invariably wears an oxford gray or black sack suit, a blue or black striped tie, a black overcoat, and a light gray homburg which never varies in shade or style.

Outside the House Chamber, McCormack's teeth are forever clamped on a cigar. His steady, explosive flow of words sometimes emerges through a billowing smokescreen. The words are always blunt and redolent with the broad "A" of his native South Boston.

McCormack's feeling toward the House is one of brotherly affection. The feeling is mutual. During a tense all-night session just before last Christmas, the Members rose one after another from both sides of the aisle to wish Democrat McCormack a happy birthday. Typical were the remarks of Representative Charles Bennett, a Florida Democrat:

"Mr. Speaker, your birthday is an occasion for joy for everyone in the House, for we all love you. It is also an occasion which gives us an opportunity to demonstrate our great respect for your unparalleled service to your country * * * you have brought to this service a fighting Irish heart and a universal concern for the progress and betterment of mankind, capped by a patriotism and dedication to our country which has no peer * * * we see in you the forebearance and sympathy, the perfect tolerance, which speaks eloquently of your Christian inspiration."

When the assassination of President Kennedy made McCormack next in line for the Presidency, several syndicated pundits argued that the succession law should be changed because the veteran Congressman from Boston was too old and "too provincial" to make a good President. Many Congressmen considered this an insult to McCormack and an affront to the House itself.

A Republican, John P. Saylor, of Pennsylvania, declared in a House speech that while Johnson had the "hopes and prayers of every loyal American" that he complete his term, McCormack was well-trained to fill the highest office in the land if it should become necessary. Saylor said the Speaker was a man of wisdom, experience, and unassailable integrity. In a body, the House rose and applauded.

When McCormack was elected Speaker in January 1962 he had far more training for the post than any predecessor. During the preceding 22 years, he had served as House majority leader, the right-hand man of the late Speaker Sam Rayburn, for all but 4 of those years (when the Republicans were in control of Congress). No other House majority leader had ever served for more than 8 years.

Over two decades McCormack had, through a series of favors and working agreements, built up a reserve of respect and good will among the rank and file. No leader can work effectively for that long with 434 colleagues, each of whom has his own set of political problems, without keeping his word, and McCormack has kept his.

"Sometimes I wish I hadn't given my word," he admits ruefully, "but I must keep it. I say to myself, 'McCormack, if you were fool enough to give your word, you ought to be fool enough to keep it.' "

Astride his lofty Speaker's perch, McCormack misses more than anything else the opportunity to mix into rough and tumble floor debate. He fondly refers to this temptation as "the itch and the urge." Occasionally, he does hand over his gavel to a colleague temporarily and descends to the well of the Chamber to help untie a procedural snarl. But generally he observes the tradition that the Speaker must remain above the battle if he is to retain his air of impartiality.

As a cum laude graduate of the Boston school of politics, McCormack is fast on his feet and quick with his tongue. Rayburn used to call him the best debater in the House. When aroused, he employed a biting sarcasm, and his rasping voice cut across the Chamber like a whip. Once, when the sardonic Representative Clare Hoffman was needling the Democrats during a bitter wrangle, McCormack interjected, apropos of nothing, that he had a "minimum high regard" for the Michigan Republican. The clever phrase convulsed the House, and for once Hoffman was stopped in his tracks.

While the speakership may appear to be too Olympian to suit one with McCormack's instinct for action, he is deeply proud to be holding the post. The Speaker's prestige comes from his enormous power, and his many perquisites. He gets $35,000 a year (all other Congressmen receive $22,500) plus $10,000 a year for expenses, two elaborate office suites, a Cadillac with chauffeur, and a private dining room. The Speaker is the No. 1 emissary from Capitol Hill at the weekly legislative strategy meetings presided over by the President in the White House. President Johnson—who has gone out of his way to laud McCormack on numerous occasions—has directed that in addition the Speaker, as his potential successor, receive private intelligence briefings on the state of the cold war.

At cocktail and dinner parties, the Speaker is considered a prize catch, but McCormack avoids all parties except those which officially require his presence. In the evening, he prefers the company of his wife. The McCormacks, who have had no children, live unpretentiously in a Washington hotel, and it is a legend that they have dined together every night since they were married in 1920. When his long day is over, McCormack likes to watch television or read history. His favorite historical interests are Abraham Lincoln and St. Thomas Acquinas.

While his evenings are quiet, McCormack is obviously "one of the boys" where it counts—at the Capitol. Only a prima donna could resist the McCormack style when he holds court in the House Restaurant, conducting a rambling discourse and grandly flicking his cigar ash. In the cloakroom, he is a resourceful and flexible tactician, with a highly developed gift for harmonizing differences to the point where both sides can yield just enough to break a stalemate. He doesn't mind a bit when he is called "the great compromiser."

"The road to progress is, in moments of contest, reasonable compromise," the Speaker explains. "You don't compromise principles, but you harmonize tactics to preserve unity."

McCormack's biggest tests as a harmonizer came when he served as platform committee chairman of the national Democratic conventions in 1944, 1952, and 1956. When each convention appeared to be rent asunder by North-South bitterness over a civil rights plank, McCormack fashioned language on which both sides could agree. In 1948, when McCormack was not platform committee chairman, four Southern States bolted the convention.

Dogged and tireless when he is seeking to round up elusive votes, McCormack nonetheless sets limits on himself. He says: "I have never asked a Member to vote against his conscience. If he mentions his conscience, that's all—I don't press him any further."

A man of movement, McCormack is his own ambulatory file cabinet. Throughout the day he scribbles notes to himself as he encounters requests and problems. He stuffs them in his coat and trousers pockets as he sweeps through the Capitol corridors in his long-legged stride. Eventually, the notes overflow, fall out, and are retrieved by aides.

Back in his office, McCormack's door is open to a stream of visitors, and he always seems delighted to pose with any colleague for picturetaking purposes. He knows every Member of the House by his first name.

McCormack was born in "Southie"—South Boston to nonresidents—on December 21, 1891, the oldest child of Joseph and Ellen O'Brien McCormack. His father, a bricklayer, died when John was completing the eighth grade. He gave up school to help support his mother and two brothers, the late Edward ("Knocko") and Daniel.

Well-paying jobs for boys were scarce in the McCormack' teeming, boisterous neighborhood, which included the mud flats of Boston Bay. Though poor in worldly goods, South Boston boasts of having produced more vocations for the priesthood and sisterhood than any other community in the United States, as well as a goodly share of distinguished generals, admirals, judges, and other public officials.

After filling various odd jobs, McCormack became a $4-a-week office boy for a lawyer. A disciple of Horatio Alger, he seized the opportunity there to read law. When he was 21 years old, he passed the Massachusetts bar. His aim was to become a trial lawyer and, in time, he did gross $25,000 a year in the role.

But McCormack had been raised in the shadow of torchlight parades, and his true ambitions were political. In 1917, he was elected as a delegate to the State constitutional convention. Afterward, he enlisted in the Army but never got to the front in World War I.

One day in 1920, McCormack gallantly helped a pretty South Boston girl, Harriet Joyce, put up the top of her automobile in the rain. Miss Joyce was already well launched on a career as an opera singer but under the spell of McCormack's blarney she not only married him but gave up her career.

McCormack moved on to serve two terms in the Massachusetts house and two more in the State senate, where he became Democratic floor leader. In 1928, he jumped into a special election to fill a vacancy in his congressional district (now the 12th) and won over eight opponents. He has been reelected ever since.

Able and congenial, the black haired Bay State man was marked for swift ascendancy by the Southerners who ruled the House. McCormack was not a whisky drinker (he has never taken a drink of hard liquor in his life) but his skill at poker in after-hours sessions ingratiated him with then Speaker John Nance Garner and his up-and-coming crony, Sam Rayburn.

McCormack's foot was on the ladder when he was given a place on the powerful Ways and Means Committee in his second term; he was the first sophomore in House history to achieve that distinction. When Rayburn ran for House majority leader in 1936, McCormack helped him win. When Rayburn moved up to the Speaker's chair in 1940, he in turn supplied the votes needed for McCormack to succeed him.

McCormack was a faithful New Dealer in that he fought for President Roosevelt's welfare, economic, and defense measures. But he has always despised the "professional liberals."

"I am a progressive, not a liberal," he explains. "A liberal is one who wants to own the minds of others. Most of my liberal friends aren't more progressive than I am, but I respect the right of somebody to disagree with me. The important point is: In disagreement, we don't have to be disagreeable."

Through the 1930's McCormack stood apart from the New Dealers in his violent opposition to the Communists, American as well as Russian. In 1934, he headed a special committee to investigate un-American activities, the forerunner of the present permanent committee of the same name. He won praise for his fairness and dignity in conducting the hearings—and for the fact that he threw light on Nazi and Fascist shenanigans as well as those of the Reds. The investigation led to passage of the Foreign Agents Registration Act.

McCormack sponsored a bill to control the Communist Party and eventually it was adopted as an amendment to the Smith Act, which makes it a crime to belong to a party which advocates or teaches overthrow of the Government. He also deserted the New Dealers in urging a study of Americans who were enlisting to fight for the Loyalist cause in the Spanish Civil War, and in urging U.S. recognition of the government of General Francisco Franco.

Ever since, McCormack has lent his talents to counteracting Communist propaganda and personalities. In 1959, when President Eisenhower invited Soviet premier Khrushchev to visit Washington, Speaker Rayburn agreed tentatively to a suggestion that the No. 1 Communist be asked to address a joint session of Congress. At a private meeting of Government leaders, McCormack was asked his views, and he gave them—as usual—bluntly. He served notice that if a proposal was made to invite Khrushchev to appear before Congress he would resign as majority leader and fight it on the floor. The proposal was dropped.

Another characteristic of McCormack's long record in the House is his championing of the rights of minority groups. Once predominantly Irish-Catholic, his congressional district now has a high percentage of Jewish voters as well as newly arrived immigrants.

The first Catholic in the history of the House to be elected its Speaker, McCormack has occasionally been criticized on grounds of taking dictation from his church. For example, when he advocated Federal aid to parochial and private schools, despite the contrary position of the Kennedy administration, some of his critics snickeringly called him "the archbishop" in private.

McCormack said: "I resent with all my command these references to my religion influencing my attitude on public questions."

This does not prevent the Speaker from taking immense pride in the numerous honors bestowed on him by the Vatican and American Catholic institutions. He is a Knight Commander of the Order of St. Gregory the Great, with star, and the rosette of the Knights of Malta is usually in his lapel. Of a dozen honorary degrees he has received, seven came from Catholic colleges.

McCormack also delights in his close personal friendships with many priests and with Richard Cardinal Cushing, a fellow native of South Boston. The two have been friends since the cardinal was in the seminary.

A recurring theme in any discussion with McCormack is the importance of living the spirit of the Ecumenical Council and the importance of family life.

"Every little family is a little government in itself, and the basis of society," he often explains. "And a strong family life, with a strong middle class, is very important in any government. It is particularly important in democratic institutions of government."

LET PRIVATE INDUSTRY BLANK COINS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Monagan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MONAGAN. Mr. Speaker, the New York Times, of April 6, 1964, carried an interesting article—which I append herewith—decrying the mounting shortage of coins in the United States. I regret, however, that the article does not mention a procedure which I have urged upon the Treasury Department and the Bureau of the Mint and which would materially reduce this shortage. I refer to my proposal to return the blanking of coins to private enterprise which had this function prior to its curtailment due to defense demands at the time of World War II.

Many of our industries are equipped to do this job, and I am confident that referring it to them would reduce Government cost and increase the volume of coins in circulation.

[From the New York Times, Apr. 6, 1964]

Coin Shortages Mounting in United States—Cause Is Traced to Vending Machines and Meters

(By Edward Cowan)

Washington, April 4.—There is now a serious shortage in the country of silver dollars and other coins. From the public's viewpoint, this it not yet acute. Apart from rare coin collectors, who have become more numerous in recent years, and piggybank savers, most people are not hoarding coins to protect themselves against scarcity.

Yet, as banks and large retail stores report, there is not enough coin to go around.

Treasury and Federal Reserve officials say that the demand for coin from all major sections of the country is outstripping supply. Congress is considering a request for funds to permit weekend production at the Government's two mints, Denver and Philadelphia, and to build a new mint in Philadelphia.

"There is a chronic, serious coin shortage in this country," the chairman of the Federal Reserve Board, William McChesney Martin, Jr., told Congress the other day.

"Between now and 3 years from now the earliest a new Philadelphia mint could be put in operation, we're going to have some very difficult times," Robert A. Wallace, an Assistant Secretary of the Treasury, said in an interview.

Officials say that all coins are in short supply. The consensus is that the rapid expansion in coin-operated vending machines, laundries and parking meters is the cause.

COIN DEMAND RISING

Cigarette, sandwich and coffee machines in office buildings; pay telephones; unattended newspaper vending boxes; highway restroom devices—all gobble up coins and keep them out of circulation.

Lending support to this hypothesis was the comment of a Washington restaurant manager, who was not worried about a shortage. He said he could get all the coin he needed from the man who services his jukebox and cigarette machines.

That the demand for coins has risen more rapidly in the last few years than was generally anticipated can be seen in a forecast made for the Treasury early in 1963 by Arthur D. Little, Inc., a Cambridge, Mass., consulting company.

It estimated that 4.1 million new coins would be needed from the two mints in 1964.

In fact, the mints are turning out just that many, and the output is far short of what the economy is demanding. A House-passed appropriation bill would let the mints extend their present three-shift operations to weekends, thereby increasing production by about 300 million coins a year, or 6 million a week.

BANKS ARE SHORT, TOO

Output should be 6 billion a year, according to Mr. Wallace. Moreover, whereas the Bureau of the Mint likes to have a working inventory of 2 billion coins, its vaults are empty. Another 2 billion coins should be in the commercial pipeline—mainly bank vaults—according to Mr. Wallace. It is virtually empty.

A Washington bank acknowledged that it could not provide all the pennies a large food chain wanted. The manager of a downtown drugstore, who does business with another bank, has trouble getting all the pennies he wants.

Banks in New Jersey and western Pennsylvania have asked a bank here to get them coins from the Treasury. Late last summer, a Washington bank canvassed closing New Jersey shore resorts for coins.

Although there are local variations in the popularity of coins—the half dollar does not seem to be in much demand in New York, for example—officials say the shortage covers all denominations.

Why did the Government let the problem develop?

The most important factor, officials say, is that the skyrocketing demand for coin for ordinary use could not have been anticipated. As recently as 1959, production dipped to 1.6 million coins, a sufficient number to meet public needs then.

Secondly, Congress in 1962 ignored a Treasury request for funds for stepped-up production. It voted the money belatedly early in 1963, then late last year failed to act on requests for more overtime money and $500,000 for architectural studies for the new mint.

At the Christmas season the shortage was intensified.

THE FUTURE OF ALCATRAZ ISLAND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Cohelan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COHELAN. Mr. Speaker, Alcatraz is a name familiar the world around. Ever since the island was discovered more than 400 years ago it has intrigued the imagination of those who have seen it or read about it. Viewed from the hills and docks of San Francisco it has always seemed to be a forbidden rock, looming suddenly out of the waters of the bay, swept by the elements and shrouded in fog and mystery. Those who have given credence to the rumors that have swirled about it like the icy currents at its base, look upon it as a blot on the face of humanity and a scourge to some people's conscience. Still others, perhaps most of the people who live in the area, feel that it is part and parcel of the heritage, perhaps even the rugged charm of San Francisco Bay.

As a result of the nationwide interest in Alcatraz the Congress has seen fit to create a special Commission to develop a sound proposal for its future use. I am pleased to serve on that Commission, as the representative of this august body, along with such distinguished associates as Lt. Gov. Glenn M. Anderson, of California, California State Senator J. Eugene McAteer, and Mr. James F. Thatcher, of the San Francisco bar. The Commission recently met at Alcatraz and elected as its chairman, Senator Edward V. Long of Missouri, who is already familiar with the island through his long and distinguished work as chairman of the U.S. Senate's Subcommittee on National Penitentiaries.

The Commission, Mr. Speaker, has already received a large number of written suggestions concerning the use of the island and has scheduled hearings on the subject for April 24 and 25 in San Francisco. It is apparent from the suggestions now in hand, however, that many people are still not fully or accurately acquainted with the island's history, its physical characteristics, or the cost factors that must be considered in determining what should be done with the property. I have therefore collected some of this information and hope through this means to be of assistance to our colleagues in the House and to the many sincere persons who wish to submit proposals to the Commission.

HISTORY OF ALCATRAZ

The island was first seen by a European scarcely 50 years after Columbus discovered America. In 1545, Lt. Bartholomo Ferrolo, who was in command of a detachment of Spanish troops on an exploratory march through California, gazed upon it from shore. But it was more than 200 years later before a European set foot on Alcatraz. In 1775 it was surveyed at the direction of Don Juan Manuel de Ayala, lieutenant of frigate, commanding the packet boat *San Carlos*, which had been given the mission of surveying all of San Francisco Bay. Ayala named the island Isla de Alcatraces.

The island was first put to use in the middle of the 19th century. In 1846 the Governor of California, Pio Poco, granted it to a citizen of the United States named Julian Workman. Workman in turn sold it for $5,000 to a legal representative of the U.S. Government, who happened to be his son-in-law. There is no evidence, incidentally, that this cozy deal brought on a congressional investigation or criticism from the General Accounting Office.

General Fremont, who was a government in himself in those days, tried to turn it over to a private company, but after suits instituted by both sides it was determined that the property belonged to the Government. Following the treaty with Mexico the Government began fortifying the bay and making it secure for American vessels. The first lighthouse on the west coast was erected on Alcatraz in 1854, and the first fortifications on the west coast were completed on Alcatraz in 1858 at a cost of nearly $2 million.

MILITARY PRISON

What turned out to be a fateful decision was made in 1868. In that year Alcatraz was designed as a place of confinement for military prisoners with long sentences. It was perhaps the presence of several Indian scouts among the prisoners that led to the practice of using Alcatraz for the detention of troublesome Indians. Among the Indians eventually held there were two teenage members of Captain Jack's band. Captain Jack, as some may recall, was the Indian chief who in 1872 contrived the massacre of Gen. Edward R. S. Canby and several members of a peace commission and who with a handful of men, women, and children holed up in the lava beds near Tule Lake, Calif., where he held off a thousand besieging soldiers for nearly a year. When the little band was captured, Captain Jack and the three other male adults still alive were executed. Later, in the 1880's, several Indian chiefs were held on Alcatraz, among them a Chiricahua Apache and friend of Geronimo's named Kae-te-na.

In the aftermath of the Spanish American War Alcatraz became crowded with military prisoners. Adding to the congestion was a company of men who were stationed on the island while recovering from the dysentery they had brought back from the Philippines. Then in 1906 the earthquake hit San Francisco, and for 2 weeks the California National Guard held on Alcatraz the prisoners who had to be removed from the local jails. In 1907 Alcatraz achieved some permanence when it was formally designated the Pacific Branch of the U.S. Military Prison.

JUSTICE DEPARTMENT TAKES OVER ALCATRAZ

Between World Wars I and II the number of military prisoners dropped off sharply and the Army found that it no longer needed the island prison. About this time prohibition ended and the Nation's gangsters took to robbing banks and kidnapping rich people. The situation was critical and the Department of Justice, in addition to beefing up its law enforcement agencies and obtaining new Federal crime legislation, felt that a special prison was needed, one that would hold the desperadoes of the day and one that would deter those who might wish to take their places in outlawry. The Department took over Alcatraz in 1934, made some modifications in the interests of security, and opened it as a minimum-privilege maximum-security penitentiary.

Over a period of nearly 29 years more than 1,500 prisoners were committed to Alcatraz, most of them transferred from other prisons where they had proven to be dangerously assaultive and escape-conscious. It was at Alcatraz that Al Capone, perhaps the most powerful overlord of crime that the world has ever known, became a creature despised by his fellow prisoners and cringing under their disapprobation. It was there that Machine Gun Kelly turned from a gunman into a bookish, reflective convert to religion. It was there that in 1946 three prisoners who had killed before turned Alcatraz into a battleground and killed again. Two courageous officers lost their lives in braving the convicts' gunfire and several others were wounded before it was over.

Many rumors circulated concerning Alcatraz, and the very name took on a grim connotation. But the rumors were unwarranted. The dungeons built by the Army under the old cellblock were never used by the Department of Justice, and the men were treated humanely. Alcatraz admittedly had few privileges, and the regime consisted chiefly of work, yard exercise, and what recreation and study could be undertaken within the confines of a cell. But, the penitentiary's industries made an enviable record of contributing to the defense effort during World War II. On occasion the oil or water color paintings of the Alcatraz inmates were exhibited in San Francisco. And many men were eventually returned, markedly improved in attitude and behavior, to the institutions from which they had been transferred. Many of them also completed their sentences and were released to the free community. Some lost little time in getting back into trouble, but others began to live quietly productive lives, including a number who settled in the San Francisco area.

An example is a highly intelligent, now middle-aged man who came to Alcatraz on a 25-year term for postal robbery. He was a fugitive from a State prison term. He spent his early years at Alcatraz writing short stories for western magazines and plotting an escape. A quiet, respectful prisoner, he gained the trust of the prison officials and won a coveted assignment on the dock, where among other duties he "shook down" the incoming laundry sent to Alcatraz by the Army. He managed to steal a uniform and cached it on a beam under the dock. One day when the tide was low, he dropped beneath the dock while the Army ferry was unloading, put on the uniform and calmly walked aboard the boat and busied himself trucking freight about the deck. He was still aboard when the boat left, but his freedom was shortlived. His absence from Alcatraz was discovered within a few minutes and he was taken into custody when the boat docked at Angel Island. This man finally finished both his Federal and State terms and is now doing technical writing for an industrial firm in California and TV and short story writing on the side. His days as a robber, if not forgotten, are now relegated to his memories of the past.

FUNCTIONS REVIEWED

In its day, Alcatraz served a socially useful purpose. By undertaking the care and custody of the most dangerous criminals in America it enabled other prisons to make a rapid transition from the stagnated prison programs of the 18th century to the dynamic programs of today, in which every technique known to the behavioral sciences is applied to the correction of the offender. Alcatraz also protected the public by keeping its dangerous prisoners in secure custody. Hundreds of men plotted to escape from Alcatraz, but only 40 made an actual attempt. Only one—Paul Scott, serving 30 years for bank robbery—ever made it to the mainland, and by the time the tide carried him there he was so nearly dead from exposure that he could go no farther.

Alcatraz was also intended to be a deterrent. Whether it was successful in this respect remains a matter of disagreement. But no one can dispute that it served as the very symbol of the wages of crime.

COMMISSION VISITS ALCATRAZ

When last month my fellow commissioners and I visited the island, we found to our pleasure that Alcatraz is not altogether bleak and barren despite its lonely isolation and the unhappy purpose it served for so long. Here and there about the island, flowers spring unexpectedly from patches of earth brought from the mainland and tucked in crevices in the rocks. Shrubbery and even trees have been coaxed to grow in this imported soil. Roadside walls are draped with vines, and an occasional grassy plot softens the rugged contours carved by nature.

The house once assigned to the warden stands at the very peak of the giant rock which forms the island. Standing there one views the graceful sweep of the Bay Bridge stretching from Oakland to San Francisco, of the Golden Gate Bridge spanning the entrance to the harbor, and one recognizes man's perennial ability to reconcile beauty and necessity. The skyline of the city itself, touched with the sun and rising step on step to the jutting outlines of the Mark Hopkins Hotel and the Fairmount and Coit Towers, has an element of fantasy, almost as though it were made of the stuff of imagination instead of wood and stone and steel. The liners, freighters, and tramp steamers crowding the harbor bespeak the continous tide of wealth and mystery flowing between the Golden Gate and other seaports over the world.

A HARSH AND FORBIDDING ROCK

Looking about us we could well understand how Alcatraz has captured the imagination of so many people. But looking about us we could also see that it would be no easy matter to decide what purpose Alcatraz could most appropriately serve in the future. Its aura of mystery and romance notwithstanding, Alcatraz remains a harsh and forbidding rock in the middle of the bay, lashed by hostile currents and wind and frequently oppressed by heavy fogs. Records show that the tidal currents run at a velocity of 3 knots during flood and nearly 4 knots during ebb. The tidal action ranges between 4 and 9 feet, and increases at times to as much as 11 feet. The winds range from 4 to 24 miles per hour. Even in the best of seasons the temperatures do not rise much above 55 or 60 degrees.

The island is only 22 acres in extent. About 20 percent has been leveled to an elevation averaging 63 feet, and its highest point is about 136 feet above sea level. There is no water on the island, and no soil other than the few handfuls that men have carried to it from the mainland. The sides of the island are actually cliffs that drop sharply to the floor of the bay, leaving little foothold for docking facilities. The island itself is one and a half miles from shore at the nearest point, and in bad weather is virtually isolated.

Alcatraz now has 25 buildings, mostly deteriorated, and various miscellaneous facilities, also deteriorated, including utility systems, docking facilities, roads and walkways. All but six of the buildings are constructed of reinforced concrete. Family quarters include four apartment buildings, two single dwellings, one duplex and four cottages. There is also a powerplant and industrial storage buildings and shops. The main cellhouse, with 82,000 square feet of floor area, is the largest building on the island but in extremely deteriorated condition. There is also fresh water storage with a capacity of 750,000 gallons. The U.S. Coast Guard has a small lot where a lighthouse is operated remotely from the mainland.

COSTS ESTIMATED

Any proposal for the future use of the island involving service for large numbers of regular visitors would be extremely costly. It will cost, just as a beginning, an estimated $1½ million to demolish the various buildings now on the island and dump the debris into the bay along the island shore. But if the waste material is to be barged away, the cost would rise to $3 million. It would cost an estimated $300,000 to run an electric line to the island. It would cost $500,000 for a water line and a water system. It would cost $300,000 for a new sewerage system. It would cost $500,000 for a central heating system if needed. It would cost $100,000 to rebuild the docking facilities. The construction of any buildings on the island would be extremely costly regardless of size. With the necessity for barging all equipment and materials to the island, and transporting workers there every day, the costs of construction would soar far above the costs of similar construction on the mainland.

Any plan for the use of the island should also take into consideration the costs of transportation for all future visitors, which for a round trip would, on the basis of present experience, run to several dollars per passenger.

The numerous proposals received by the Commission concerning the eventual fate of the island fall chiefly into a few general categories. These include a prison museum—possibly with wax figures, a cultural center, an educational facility, a statue of some personage or saint, or sale to a private individual for use as a home or restaurant. The most common suggestion is to create a memorial to peace, recognizing San Francisco as birthplace of the United Nations.

COMMISSION OPENMINDED

The members of the Commission are completely openminded concerning these suggestions and any others that might be received through the mail or the hearings scheduled for the latter part of this month. However, our deliberations so far have led us to the conclusion that any recommendation ultimately adopted by the Commission must take the cost factors outlined above into realistic account and must not depend upon large expenditures of either public or private funds. We are also agreed that any proposal we adopt must be one whose realization would enhance the attractiveness of this great western entrance to the United States and meet with wholehearted public acceptance.

With the active participation of interested citizens—a participation which has been constructive and encouraging to date—the Commission is confident that a fitting proposal for the future use of Alcatraz can be developed—a use which will continue to attract the attention and excite the imaginations of Americans for generations to come.

SENSELESS AND INSENSITIVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. SELDEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SELDEN. Mr. Speaker, in refusing to have its flag lowered in the Canal Zone to honor a great American and defender of human freedom everywhere, the Government of Panama is guilty of a contemptible affront not only to the memory of General MacArthur, but to the free people of the hemisphere and the world.

The Panamanian action is as senseless as it is insensitive. It reflects a degree of petty malice that could cast a dark cloud over United States-Panamanian relations at an especially critical time.

Our own Government should never have acceded to the Panamanian refusal to fly their flag at half-mast. Either the Panamanian flag should be flown at half-mast in the Canal Zone during the period of mourning for General MacArthur, or it should not be flown there at all.

GRASSROOTS MESSAGE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. SELDEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SELDEN. Mr. Speaker, as Governor Wallace has pointed out, yesterday's Wisconsin primary is indeed a grassroots message to both national political parties. It is a message that should be clearly understood by those currently pushing the so-called civil rights bill.

The Governor of Alabama has received over a quarter-of-a-million votes for President in a Northern State, although opposed by the Governor of that State, members of the Federal Cabinet, major city newspapers and other powerful political spokesmen. This showing must be considered an electoral upset of the first order, and advocates of Federal force laws will ignore this message at great risk to the political and social stability of the country.

Governor Wallace has performed a great service in dramatizing the deep-seated and widespread resentment against Federal usurpation of States rights and personal liberties.

The word has gone out from Wisconsin, and I predict that it will soon go out from other States and areas of the country. Is it not time for those who are attempting to regiment the people of America to take heed and to reconsider their radical course?

MISS LUELLA SCHLOEMAN: DISTINGUISHED NURSE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FUQUA] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. **FUQUA.** Mr. Speaker, in January of this year, a long and distinguished career came to a close when Miss Luella Schloeman bid farewell to her duties as administrator of the Shriners' Hospital for Crippled Children in Greenville, S.C., retiring from a position she had filled so ably with devotion, dignity, and love for some 34 years.

The story of this magnificent hospital is interwoven into the life of Miss Schloeman, for in truth it has been her life, and from this dedication nearly 12,000 crippled children, who might otherwise have known no hope for a normal life, have been ministered to.

Miss Schloeman has been connected with Shrine hospitals since 1925 when she joined the staff of the hospital in Shreveport, La., as head nurse in the operating room. I think it interesting to note that this native of Warren County, Mo., has two sisters who are also nurses.

Miss Schloeman related to a newspaper reporter on her retirement that she had wanted to be a nurse even as a child. She began her nursing career during an appeal for nurses by the armed services in 1917, entering training in January 1919, immediately following World War I, and was graduated in 1922.

She joined the staff of the Greenville Shrine Hospital and was named administrator in 1929, after having served 2 years as assistant administrator.

The years have rolled rapidly by for Miss Schloeman since that time. Year by year, children came to the hospital to be healed and as the years passed, this number rose into the thousands.

She saw three major renovation projects carried out during that time, making the Greenville Shrine Hospital one of the finest children's hospitals in the Nation.

Miss Schloeman was a guiding force in all of these accomplishments.

I think it tremendously significant of her devotion that in all these years, she never missed a day of work due to illness in her entire nursing career.

I would point out that the Shriners operate 17 crippled children's hospitals in the United States, Mexico, and Canada. And today, the Shriners are embarking on a new program in building treatment centers for burns to provide medical care and research for a tragedy which befalls thousands of youngsters in this Nation each year.

Shrine hospitals are operated without regard to race, color, or creed. The only requirement is that a crippled child be able to be helped and its parents not financially able to provide for the expensive medical care required. No payment can be made for this treatment.

The Greenville hospital is an integral part of this tremendous story. Here youngsters from North and South Carolina, Tennessee, Alabama, Georgia, Florida, Virginia, West Virginia, and Kentucky have been treated.

Is it not a tremendous story to tell that in the years that Miss Schloeman directed the hospital over 11,500 crippled children were helped? Typical of the lady, she replied when asked about the most memorable event in her life:

> Just seeing a child walk who never walked before.

She experienced this wonderful feeling thousands of times in her long and distinguished career.

In the number of children who have been treated at the Shrine Hospital in Greenville have been several hundred from my district in Florida. Included in this number is my own administrative assistant. From him I have learned of the great work of the Shrine and its "Temples of Mercy" and feel that no greater work goes on today than that which they do.

In addition to the treatment given these thousands of children, tremendous advances in medical knowledge have been made by the physicians in these hospitals. A recounting of these miracles in surgery and treatment would fill a book.

Integral parts of the story of this hospital were the much beloved Dr. J. Warren White and Mr. John M. Holmes. The passing of both of these men was a deep personal loss for thousands of patients and former patients.

Dr. White served as chief surgeon of the hospital for many years and his brilliant skill, matched with his keen personality, made him a beloved figure for the children he ministered to so well. Mr. Holmes, known affectionately as Uncle Johnny, served as chairman of the board of trustees, and his thousands of acts of kindness live in their memory.

Serving today as chairman of the board is Mr. J. Ed Hart, another devoted individual whose service is a legend to the thousands of youngsters who have been and are patients at the hospital.

He said on the occasion of Miss Schloeman's retirement:

> As administrator, Miss Luella Schloeman, who has been with us since the hospital opened, is a most remarkable and dedicated person. Besides keeping an immaculate hospital and being a capable executive, she is unquestionably one of the finest Christian characters it has ever been my pleasure to know.
>
> Her every thought appears to be the welfare of the children entrusted to her care, and because of her Christ-like ministrations, I think one can sense or feel as they go through the wards an atmosphere of patience, kindness, tenderness, and love. The happiness in the children's faces reflect it.

Miss Schloeman has seen tremendous strides made in medical science in her distinguished career. The Shrine Hospital has been her life. Hers has been a life of self-sacrifice and devotion and I seek here today in this humble tribute to speak in behalf of the thousands of children she has given herself for. They stand as living memorials to the life and work of this noble lady.

For all of them, for all of us, I bespeak a heartfelt note of gratitude.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SECREST (at the request of Mr. CHARLES H. WILSON), for today, and the balance of the week on account of a death in the family.

Mr. TEAGUE of Texas (at the request of Mr. ALBERT), for Wednesday, April 8 and Thursday, April 9, on account of official business.

Mr. SILER, for April 13 through April 18, on account of necessity of being in Kentucky on official business.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. TEAGUE of Texas.

Mr. BRADEMAS and to include a series of addresses delivered on March 16, notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $270.

(The following Members (at the request of Mr. BATTIN) and to include extraneous matter:)

Mr. HARVEY of Indiana.

Mr. BRUCE.

Mr. ABELE.

Mr. LINDSAY.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. MONAGAN.

Mr. SICKLES.

Mr. CAREY

Mr. HEALEY in two instances.

Mr. ROGERS of Florida.

Mr. EDMONDSON.

Mr. HANNA.

ADJOURNMENT

Mr. **ALBERT.** Mr. Speaker, I move that the House do now adjourn, to meet at 12 o'clock today.

Mr. **HALLECK.** Mr. Speaker, a parliamentary inquiry.

The **SPEAKER.** The gentleman will state it.

Mr. **HALLECK.** Mr. Speaker, what is the reason for this request?

The **SPEAKER.** Because it is already Thursday.

Mr. **HALLECK.** I have not looked at the clock, but I guess that is right. We meet again today, but I hope not at 7 o'clock in the morning. I just hope that possibly we can order the affairs of the House of Representatives a little better.

Mr. **ALBERT.** With the gentleman's cooperation, I think we can.

The **SPEAKER.** The question is on the motion of the gentleman from Oklahoma [Mr. ALBERT].

The motion was agreed to; accordingly (at 12 o'clock and 44 minutes, a.m.), Thursday, April 9, 1964, the House adjourned until 12 o'clock noon, Thursday, April 9, 1964.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1922. A letter from the Secretary of Agriculture, transmitting a draft of a proposed bill entitled "A bill to amend section 8(e) of the Soil Conservation and Domestic Allotment Act"; to the Committee on Agriculture.

1923. A letter from the Assistant Secretary of the Interior, transmitting a report of the Secretary of the Interior on the Tualatin project, Oregon, pursuant to section 9(a) of the Reclamation Project Act of 1939 (53 Stat.

1187) (H. Doc. No. 295); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS: Committee on Ways and Means. H.R. 7301. A bill to amend section 341 of the Internal Revenue Code of 1954; with amendment (Rept. No. 1308). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DULSKI:

H.R. 10734. A bill to establish a 5-day week for postmasters; to the Committee on Post Office and Civil Service.

H.R. 10735. A bill to increase annuities payable to certain annuitants from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

By Mr. HARDY:

H.R. 10736. A bill to authorize the Secretary of the Navy to adjust the legislative jurisdiction exercised by the United States over lands comprising the U.S. Naval Hospital, Portsmouth, Va.; to the Committee on Armed Services.

By Mr. LANKFORD:

H.R. 10737. A bill to amend title 10 of the United States Code in order to promote high morale in the uniformed services by providing a program of medical care for certain former members of the uniformed services and their dependents; to the Committee on Armed Services.

By Mr. LEGGETT:

H.R. 10738. A bill to amend the Civil Service Retirement Act to permit premium compensation of firefighting employees to be considered as basic salary for the purpose of such act; to the Committee on Post Office and Civil Service.

By Mr. MACDONALD:

H.R. 10739. A bill to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service otherwise entitled thereto even though he has been assigned Government quarters; to the Committee on Armed Services.

By Mr. SICKLES:

H.R. 10740. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALLHAUSER:

H.R. 10741. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROYHILL of Virginia:

H.R. 10742. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ELLSWORTH:

H.R. 10743. A bill to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence; to the Committee on Interstate and Foreign Commerce.

By Mr. HÉBERT:

H.R. 10744. A bill to amend title 10, United States Code, to make permanent the authority for flight instruction for members of Reserve Officers' Training Corps, and for other purposes; to the Committee on Armed Services.

By Mr. HOSMER:

H.R. 10745. A bill to amend section 7 of the act of May 21, 1920, to require the procurement of certain services from commercial suppliers when economy will result from such procurement, and for other purposes; to the Committee on Government Operations.

By Mr. JOELSON:

H.R. 10746. A bill to specify the number of hospital beds that the Administrator of Veterans' Affairs must maintain and operate at the Veterans' Hospital, East Orange, N.J.; to the Committee on Veterans' Affairs.

By Mr. MATSUNAGA:

H.R. 10747. A bill to provide for the issuance of a special commemorative postage stamp in memory of Dr. Jose Rizal, Philippine champion of liberty, and ex-President Emilio Aguinaldo, freedom fighters; to the Committee on Post Office and Civil Service.

By Mr. PATMAN (by request):

H.R. 10748. A bill to amend section 5(d) of the Home Owners' Loan Act of 1933, as amended; to the Committee on Banking and Currency.

By Mr. VANIK:

H.R. 10749. A bill to amend the Bank Holding Company Act of 1956, and the Federal Deposit Insurance Act, as amended; to the Committee on Banking and Currency.

By Mr. BROYHILL of Virginia:

H.R. 10750. A bill to establish the position of U.S. custom inspector (nonsupervisory) in the Bureau of Customs, Department of the Treasury, to place such position in grade 10 of the Classification Act of 1949, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HEALEY:

H.R. 10751. A bill to increase annuities payable to certain annuitants from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

By Mrs. ST. GEORGE:

H.R. 10752. A bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOELSON:

H.J. Res. 987. Joint resolution to authorize the President to proclaim the 29th day of May in each year as John F. Kennedy Day; to the Committee on the Judiciary.

By Mr. PEPPER:

H. Res. 672. Resolution to provide additional funds for the investigations and studies authorized by House Resolutions 179; to the Committee on House Administration.

By Mr. SAYLOR:

H. Res. 673. Resolution providing for the protection of public lands; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 10753. A bill for the relief of Umberto Callari; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 10754. A bill for the relief of Dr. Young K. Kim; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 10755. A bill for the relief of Mi Cha Chun; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 10756. A bill for the relief of Anna Noullet; to the Committee on the Judiciary.

H.R. 10757. A bill for the relief of Gemma Lee (Chin Ok Lee); to the Committee on the Judiciary.

By Mr. FINNEGAN:

H.R. 10758. A bill for the relief of the Spiridon Platis family; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 10759. A bill for the relief of Mrs. Anna Cristina Rainforth; to the Committee on the Judiciary.

By Mr. RHODES of Arizona:

H.R. 10760. A bill for the relief of Wie Lie Bong and Jenny Kim-Yang (nee Lie) Bong; to the Committee on the Judiciary.

H.R. 10761. A bill for the relief of Lim Wey Nan John (or John Wey Nan Lim), and Maude Lim (or Lim Wang Maude Luella); to the Committee on the Judiciary.

By Mr. HORAN:

H.J. Res. 988. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

By Mr. HOSMER:

H.J. Res. 989. Joint resolution authorizing the expression of appreciation and and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII,

845. Mr. CAHILL presented a petition of the New Jersey Resort Association relative to the great need for improving and maintaining New Jersey's intracoastal waterway, which was referred to the Committee on Public Works.

EXTENSIONS OF REMARKS

Promoting the Arts at the Local Level

EXTENSION OF REMARKS
OF
HON. PAUL G. ROGERS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 1964

Mr. ROGERS of Florida. Mr. Speaker, since the early days of the Republic the performing arts have received the support of the American people, but unfortunately this has been limited in great measure to only the largest cities, such as New York, Chicago, and San Francisco. Even in Washington, with the exception of the fine National Symphony Orchestra, the performing arts are relatively recent arrivals.

Fortunately, all this is changing. Today, in many medium size cities across the country efforts are underway, or already in operation, to bring the arts to all the people.

One such program which has met with an enthusiastic reception is the Academy Royale Theater at Palm Beach, established by Mr. Frank J. Hale. A nonprofit educational institution for the purpose of developing a center for the performing arts, with particular emphasis on ballet, the theater has been founded almost singlehanded and with great energy and enthusiasm by Mr.

Hale. A successful industrialist, and former performer himself, he has given of his time, energies, and resources to guide the community effort needed to make the theater a success.

The theater, in addition to bringing to Florida internationally known artists will further scientific and educational research in the field of the theater and the ballet.

Perhaps the best illustration of the value of this enterprise, and its success, can be seen from the following letter, received by Mr. Hale from the music director of a well-known theater on Long Island:

> We heard increasingly enthusiastic reports about the Academy Royale Theater * * *. We took those with the usual grain of salt growing out of every present local patriotism. Attending the opener of your 1963-64 season afforded me to form a personal opinion of the whole project * * *. Your theater is a jewel, an oasis in the desert * * *. You are carrying the flag of the decentralization of the arts without which our country will never achieve the cultural level of the great nations of the world.

The people of Palm Beach are to be commended for their interest in, and their support of, the Academy Royale Theater. The community is indeed fortunate to have the valuable talents of Mr. Frank Hale to lead the theater from idea to fulfillment. It is sincerely hoped that other areas will follow the example of towns like Palm Beach, and encourage greater participation in the performing arts.

Retired Civil Service Employees—Need for Annuities Increase

EXTENSION OF REMARKS
OF
HON. JAMES C. HEALEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 1964

Mr. HEALEY. Mr. Speaker, I have introduced H.R. 10751, to increase the annuities of certain retired civil service employees. My bill provides that each annuity payable from the civil service retirement and disability fund having a commencing date prior to January 1, 1963, shall be increased 5 percent effective on the first day of the second month following enactment of this act. Senator Maurine Neuberger is sponsoring a similar bill in the U.S. Senate.

Inflation is the greatest enemy of the retired employees of the Federal Government and their dependents and survivors who are trying to live on meager retirement annuities. Congress made an effort 2 years ago to bridge part of the gap between annuity dollars and the cost of living, but the 5-percent adjustment effective January 1, 1963, was only half enough to make ends meet.

The two outstanding changes in the Civil Service Retirement Act were made in 1948 and in 1956. The revisions in 1948 increased the annuity formula for persons who would retire in the future and also at the same time granted 25 percent increases in the annuities of most of those previously retired. On the other hand, the further revisions in the formula approved in 1956 for those who would retire in the future made no provision whatsoever for persons previously retired. It was not until 2 years later, in 1958, that a 10 percent increase was approved for persons retired before the effective date of 1956 revisions.

In the meantime, salaries were rapidly climbing in both Government and private industry, and inflation was squeezing the purchasing power of annuity dollars. In 1962, when the Congress took up the bill to increase annuities, it adopted the base year of 1958, in determining that cost of living had then risen at least 5 percent, which overlooked a number of essential facts. The increase in 1958 was not a general adjustment of annuities, but only a belated correction of an adjustment neglected for 2 years. The real gap in cost-of-living deficiency started in 1956 and not in 1958.

I believe that an analysis of cost-of-living figures from July 1956 through December 1962 will disclose that there was an increase during that period of approximately 10 percent. One-half of this gap was covered by the increase which became effective in 1963. My bill introduced 2 days ago will provide a further adjustment to cover the rest of the gap.

Mr. Speaker, in the past I have supported and sponsored legislation in behalf of our retired civil service employees which I felt was just and warranted. I have introduced H.R. 10751 because I believe it is just, warranted, and needed, and I urge approval by the Congress. It is my sincere hope that the House and Senate committees will hold hearings on this proposal in the near future.

General of the Army Douglas MacArthur

EXTENSION OF REMARKS
OF
HON. HOMER E. ABELE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 1964

Mr. ABELE. Mr. Speaker, I shall leave the eulogies of General of the Army Douglas MacArthur to those Members of the Congress who had greater personal contact with that great patriot. I simply wish to express the deep feeling of loss felt by the people of the 10th District of Ohio by the passing of General MacArthur. I know that I speak for all of them in expressing our condolences to the late general of the Army's family. Certainly they should know that we share their great sorrow.

I first heard the words of Douglas MacArthur when I attended the Republican National Convention of 1952. I shall always remember the keynote address that he gave there. His inspiration carried us on to victory at the polls in November of that year.

I would quote two paragraphs from that speech. The words are nonpartisan. In the future, it would be well if we kept ourselves constantly reminded of the following words of General of the Army MacArthur as they were given by him at that Republican National Convention of 1952:

> Spiritually and physically we possess the resource, properly conserved and realistically applied, to lead toward a world freed from the exhausting wars which have so plagued the past. This is a practical purpose, not visionary. For the destructiveness of modern war has now in the atomic age become too frightful to contemplate by even a potential victor.
>
> This, then, must be the direction of our foreign policy. We must, upon restoration of our military strength and spiritual balance recklessly dissipated in our headlong retreat from victory, chart from that strength a true and unequivocal course to peace and tranquillity—a peace and tranquillity which will be real, not fictitious; deep-rooted, not superficial. Our ideal must be eventually the abolition of war. Such is the longing hope of all the masses of mankind of whatever race or tribe. Indeed, so well is this understood that even the despot in order to assure a following cloaks the threat or application of force with the hypothetical pretense that his purpose is to secure the peace.

We should all heed well the words of this great American. We should continue to develop all of our resources that we may remain strong enough to maintain the peace.

I would suggest that a committee be formed to create a suitable memorial to General of the Army Douglas MacArthur. To be in keeping with his character, it should be one that can be used to some practical purpose.

New Pay Bill for Postal and Other Federal Employees

EXTENSION OF REMARKS
OF
HON. JAMES C. HEALEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 1964

Mr. HEALEY. Mr. Speaker, I am delighted that the gentleman from Louisiana [Mr. Morrison] has introduced a new Federal pay bill (H.R. 10700) for our consideration.

This new bill represents a constructive and intelligent compromise over the bill which this body did not see fit to approve last month. It reduces the proposed pay increase for Members of the Congress and for Federal judges from $10,000 to $7,500 and it delays the effective date for these two categories until January 1, 1965. It maintains the same provisions for postal and Federal workers that were in the original bill, with an effective date of July 1, 1964.

Mr. Speaker, I supported the original Federal pay bill and I shall support this one.

I know the disappointment and discouragement which filled the hearts of postal workers in my district when this body disapproved of the original pay bill. These people need a pay raise. They need it badly. The Congress had promised them this pay raise when it had passed the pay reform bill of 1962. Postal workers and Federal workers felt, quite rightly, that Congress owed them a debt of honor and that this debt had been repudiated.

Now, Mr. Speaker, we have the opportunity of redeeming our honor by passing a bill that deserves the enthusiastic support of every Member of this House. The bill follows the recommendations which the late President Kennedy made to the Congress a year ago this month. It also follows the recommendations which President Johnson has made to the Congress. It is a fine bill; a constructive bill and a deserving bill.

I intend to do everything in my power to help achieve its passage.

The Hall of Free Enterprise

EXTENSION OF REMARKS

OF

HON. DONALD C. BRUCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1964

Mr. BRUCE. Mr. Speaker, there is little doubt that the material abundance which is characteristic of life in the United States is a result of our free enterprise system. Indeed, its rich supply of goods has overflowed around the world—working to alleviate hardship and hunger.

If we acknowledge as the source of our plenty the free enterprise system coupled with the maximum freedom our people enjoy, then we are obligated to do all in our power to preserve that system.

Wishing to preserve our system, we must first understand it. Unfortunately, while the majority of Americans do not question the value derived from our system of free enterprise, a great many do not understand its principles.

A rare educational opportunity for junior executives and supervisors is being presented at the Hall of Free Enterprise at the New York World's Fair 1964–65. Here a course in Enterprise Economics will be given by Adelphi University, Garden City, N.Y. The first class begins May 4.

Enterprise Economics is designed to explain and demonstrate the principles which guide the free enterprise system. Enterprise Economics concerns itself with the production of goods and services in a competitive environment in which the customer is supreme. It reveals those principles in support of sound businesss practices that result in healthy profits, high employment, innovations and an ever-higher standard of living. Enterprise Economics insists that prices of consumer goods must be a decision of the marketplace, not of government. Enterprise Economics teaches that a free economy is a prerequisite to all other freedoms.

In explaining the objectives of the course, Dr. James F. Bender, director, Graduate Business Studies, Adelphi University, said:

> Personnel and training directors, supervisors and junior executives from business and industry who complete the course can return to their companies and plant communities better equipped to deal with economic problems. They will be equipped to help foster a better labor-management relationship to the interests of the increased productivity upon which our future depends. This is a major objective of our workshop.

The workshop will meet for 2 hours of classroom work and 1 hour of field work, 5 days a week for 2 weeks. Those applying as matriculated students may earn as many as three graduate credits.

Enterprise Economics will be given in six languages; its cost is $120 with an additional $15 registration fee. Living accommodations can be arranged through the university.

Applications, being processed at this time, are available upon request by writing to: Dr. James F. Bender, director, Graduate Business Studies, Adelphi University, Garden City, N.Y. Special consideration will be given to individuals applying for admission during May, September and October, and for those applying in groups from selected industries or associations.

The Hall of Free Enterprise is sponsored by the American Economic Foundation with the support and cooperation of more than 90 international, national, regional and local organizations. Among the national organizations participating are: National Small Business Association, U.S. Junior Chamber of Commerce, American Institute of Executives, National Interfraternity Conference and the Southern States Industrial Council.

The Hall of Free Enterprise is being financed by the voluntary, tax deductible contributions of individuals and corporations.

Gen. Douglas MacArthur—A Tribute to a Warrior Who Knew Only the Winning Way

EXTENSION OF REMARKS

OF

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1964

Mr. CAREY. Mr. Speaker, today, as America's splendid soldier rests in the rotunda of the Capitol I am moved to pay tribute to his memory. The title he most revered was "soldier." As a former infantryman I well understand his recognition that the term "American soldier" is the highest honor to which any American may aspire. His code of duty, honor, and devotion to country should guide every young American. The most expressive words he spoke were these:

> There is no substitute for victory.

Gen. Douglas MacArthur has secured the greatest victory in the life of leadership which gained us victory after victory after victory. His final victory is over death itself. His memory is imperishable. It must serve to remind us that this Nation under God must never retreat from its responsibility to guard the freedom of every individual no matter how great the cost or the sacrifice.

Inside Washington

EXTENSION OF REMARKS

OF

HON. RALPH HARVEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1964

Mr. HARVEY of Indiana. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following information bulletins by my colleague from Indiana's Ninth Congressional District, Hon. EARL WILSON:

INSIDE WASHINGTON, BY CONGRESSMAN EARL WILSON, FOR THE WEEK OF MARCH 30, 1964

America today is at a crossroads, facing a decision that has been in the making for 32 years. Americans must soon select between a rocky road that leads to a greater United States of the future or the deceptively smooth highway that leads straight to State socialism and a complete loss of cherished freedoms.

This is the real issue of 1964 which must be faced by the American voter. Sending Representatives to Washington who will simply continue to promote the mistakes of the past 32 years will be a vote for a continued plunge into State socialism. Returning to Washington men who will continue to work for our country's freedoms and future well-being will be the same as casting one's lot on the side of constitutional government and for the principles of Americanism which made our Republic great.

There is no middle course. Our 32-year drift into socialism must be stopped now if any vestige of our freedom is to remain. Socialism has been spurred on and sold to the people under the guises of depression, national emergencies and under actual emergency conditions of wartime. Thus has our Nation veered from its past of government by republic and been diverted down the road to socialism one time after another.

Socialism's handmaiden and No. 1 beneficiary—a rampant and insatiable bureaucracy—has flourished throughout the past 32 years. Today it is the No. 1 threat mustered against our freedom.

The results of our 32-year experiment with modified socialism are all too apparent today. We are now poised on the brink of the abyss of full-scale state socialism. It is appalling that so many of our leaders are ready to jump without so much as a glance at the consequences.

When this rush toward socialism is criticized, the pat answers of the leftwingers are disguised in high-sounding phrases and labels. Americans are fed political placeboes that disguise the bitter truth of socialism as experienced by nations in the past. For example, Americans are told over and over again that they have the highest income in the world. They are not told that they also have the world's highest tax bill and the most pernicious tax structure the world has ever seen. Neither are they told that their country owes more money than all the other nations in the world combined. Nor are they encouraged to look at true facts which prove the near bankruptcy of their currency and monetary system.

While Americans are told daily that they have the highest standard of living in the world, they are told in the same breath that massive Federal spending is needed to fight an urgent situation of widespread poverty. This is the same poverty we were assured had been all but eradicated as long ago as 1936.

Americans are encouraged to weaken their own financial foundations—some of them already eroded by excessive debt obligations and excessive taxes. Their leaders tell them to spend their money—as with the tax cut—rather than save it in the frugal American tradition. Meanwhile, these same leaders continue to roll out new spending plans that cannot help but wipe out the benefits of any tax cut and demand twice as much money in future taxes as is now being handed to the taxpayer.

Paradoxically, while we urge freedom on the rest of the world, our own Government's direction is toward eroding away and stealing this same freedom from the people.

Americans have allowed all this to happen. The qualities of freedom and individual enterprise have been replaced by a love of comfort and an attitude of unconcern as one freedom after another is stealthily removed. Thus have we reached the final crossroads. After 32 years of socialism in the United States, today there is no turning back. We must choose the final road down which we will travel.

The freedom road is lined with pitfalls and formidable obstacles. Self-denial, self-help and refusal of tantalizing Federal handouts, ignoring the pleas of well-meaning but gullible dogooders are just a few of the stumbling blocks. But at the end of this rough road lies freedom, world respect, a strong and free economy, a solvent nation and a better world for our unborn grandchildren.

The socialism road is wide, broad, landscaped, paved. Everything is provided. There are no detours, no rough road—until the end is reached. At the end of this road is a completely regimented economy; an all-powerful bureaucracy that will control and restrict every move; governmental policies which will thwart the aspirations of those who would progress on their own initiative—a government of state socialism that will make a mockery of our American heritage.

Taking the freedom road will not be easy. Americans must lay aside their comforts of the moment for greater goals of the future. Self-denial at home and abroad, an insistence that nationalism replace internationalism in our foreign policy, demand for the acceptance of balanced budgets, a determination to retire our national debt and the curtailment of the makework and relief programs that have deeply rooted themselves into the vitals of our society are things that must be sought and fought for along the freedom road.

Which way will you turn this year?

INSIDE WASHINGTON BY CONGRESSMAN EARL WILSON, FOR THE WEEK OF APRIL 6, 1964

WHAT THE NEW FRONTIER MEANS TO YOU

In the 3 years since the words "new frontier" became a part of our everyday language, Americans have been told countless times that defeat is really victory, that loss of freedom is, indeed, an expansion of these same freedoms, and that setbacks on the homefront are in reality progress.

It is a fair commentary to state that the "big lie" has come to be used as widely by the administration in power as was the "big stick" used by President Theodore Roosevelt.

What the New Frontier has really meant to the everyday citizen of our Republic is a far cry from its high-sounding claims.

IN THE BREAD BASKET

Are you a housewife? You know how much less your grocery dollar buys these days. Foodstuff prices are at the highest point in our Nation's history. While farm prices have slipped alarmingly, retail prices have tilted upward sharply ever since January, 1961, and are going up monthly.

The added dollars you spend for other necessities such as clothing, light and heat also take more of a bite from your purchasing power. This is due to the extravagant spending policies of the administration in Washington today.

It is a fact that our Nation has plunged deeper into debt by $21 billion in the last 3 years. Your dollar today is worth 44.9 cents in purchasing power, and its worth goes down daily. As purchasing power declines, the inevitable result is inflation. That is what you have been fighting for the past three years.

It is a fact that President Eisenhower slowed this upward spiral to a standstill. But the floodgates were opened again 3 years ago and you are now feeling the pinch more each day.

It is a fact that while talking about economy, President Johnson is spending $2 million more each day than did President Kennedy and $50 million more each day than President Eisenhower.

ARE YOU A BUSINESSMAN?

The New Frontier has made a great show of being probusiness, but it's been simply that—a show. Tax policies, import-export policies are all geared against the business community and titled in favor of the advent of a socialistic economy.

It is a fact that bankruptcies in fiscal 1962—the last evaulated year—totaled 147,780—the worst figure since 1933 and 5,000 more than in fiscal 1961.

It is a fact that business failures under the New Frontier now total 64 of every 10,000 businesses—the worst rate since the last pre-World War II year of 1939. Over 15,000 businesses failed last year and over 17,000 the year before. Yet, while these businesses were being driven to the wall, merchants were forced to raise wages, extend vacation periods, pay benefits they couldn't afford. Thus is the New Frontier's true attitude toward business exposed.

ARE YOU A FARMER?

On January 23, 1961, cattle brought $28.75 per 100 pounds on the Chicago market. In late February 1964, this price was down to below $22 per 100 pounds and dropping steadily. At the same time the farmer is paying more for what he must have. Soybean meal, used for cattle feed, sold for $51.50 a ton in 1961. Today it is $72.50 a ton—a 40-percent increase. Thus, the farmer pays more for what he buys but gets less at the marketplace.

Is it any wonder that farm failures are setting new records every day? Is it any wonder that the parity ratio is at its lowest point since 1939 and that farmers nationwide are being forced off the farm in record numbers?

Much was made recently of agreements by which Australia and New Zealand agreed not to send unlimited beef into the United States. But contained in this same agreement was a provision which gives these same nations an automatic increase in the beef, veal, and mutton markets of the future. The result—by 1966 Australia and New Zealand will be shipping 7.4 percent more meat into the United States than they are today.

There are 38 countries which flood our markets with meat—but nearly all of these same nations have restrictions which keep U.S. meat off their shelves.

FACTORY WORKER?

In January 1964, imports of women's and children's footwear jumped 65 percent over the same figure for 1963—while prices per pair went down. It is costing less to make shoes in Italy than a year ago, while U.S. costs soar. Any wonder foreign markets are eating into the shoe trade?

A total of 8.8 million pairs of shoes were imported into the United States in January—equal to 14 percent of our total domestic shoe production. This represents a 2-percent gain over the same period a year ago.

As shoe industry jobs disappear, the reasons are obvious. Foreign manufacturers, able to produce cheaply and take advantage of our weak import-export restrictions, make inroads at your expense.

YOU ARE AFFECTED

These are the bitter fruits of 3 years of the New Frontier. Regardless of your line of work or your calling in life examples can be used to show the same conclusion. In every trade and at every level of our society your dollar buys less, your freedom shrinks and your Nation's position in the world becomes shakier every day the policies of the New Frontier continue unchecked.

These facts are not pretty, but they demand telling. The only way to reverse this course is to change the thinking from top to bottom in Washington. It is up to the people to speak because, in the final analysis, it is their Government to do with as they choose.

Pan-American Day

EXTENSION OF REMARKS

OF

HON. CARLTON R. SICKLES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1964

Mr. SICKLES. Mr. Speaker, on March 2, 1964, President Johnson issued a proclamation marking Tuesday, April 14, as Pan-American Day, and the week beginning April 12 and ending April 18 as Pan-American Week.

It is with a great deal of pleasure that I rise today to pay tribute to our friends and neighbors in this hemisphere. There is much that we have in common as we join hands against the enemies of poverty, injustice, and ignorance and look for new ways to improve the condition of our people. The interest of America in the development of our pan-American neighbors stems from the early beginning of our country through the famous Monroe Doctrine and stretches through the current efforts under the Alliance for Progress program. The principle announced at the Punta del Este Conference in 1961 takes into account the important fact that freedom cannot exist in any country unless there is adequate education, political stability, and economic growth. The Pan American Union has created the kind of partnership necessary to create a spirit of social advancement in all of the republics in the hemisphere.

It is with a great deal of pleasure that I join President Johnson in urging "all citizens of the United States and all interested organizations to join their Government in helping to make both Pan-American Day and Pan-American Week occasions for the recognition to the ideals of the inter-American system, and to the principles and objectives of the Charter of the Organization of American States and the Charter of Punta del Este."

The text of the President's proclamation follows:

THE WHITE HOUSE,
March 2, 1964.

PAN-AMERICAN DAY AND PAN-AMERICAN WEEK, 1964—A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas April 14, 1964, marks the 74th anniversary of the establishment by the American Republics of the inter-American system which is now known as the Organization of American States; and

Whereas relations between the United States and the other American Republics are of utmost concern to this Nation since we believe that mutual problems of the various republics must be resolved in a spirit of friendship and understanding; and

Whereas the United States is firmly and traditionally committed to the concept that every American nation has the right and duty to govern itself, free from outside dictation or coercion from any quarter, and that every citizen of the Americas has the right to speak his views, worship God in his own way, and participate in the political life of his nation; and

Whereas mutual efforts to increase the solidarity and well-being of the people of the Americas over the years have evolved into an Alliance for Progress; and

Whereas the United States, in its traditional spirit of cooperation and amity, has pledged the energies of this Nation to the achievement of the common goals expressed in the Charter of Punta del Este by engaging in a relentless war upon poverty, social injustice, and tyranny:

Now, therefore, I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim Tuesday, April 14, 1964, as Pan-American Day and the week beginning April 12 and ending April 18 as Pan-American Week; and I call upon the Governors of the 50 States of the Union, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all other areas under the United States flag to issue similar proclamations.

Mindful of the vast tasks that still lie before us if the material progress and the social advancement of the Americas are to match the spiritual and cultural achievements of the Republic of this hemisphere, I urge all citizens of the United States and all interested organizations to join their Government in helping to make both Pan-American Day and Pan-American Week occasions for the recognition of past achievements, and for this Nation's rededication to the ideals of the inter-American system, and to the principles and objectives of the Charter of the Organization of American States and the Charter of Punta del Este. For on the maintenance of these ideals and the achievement of these objectives depends the future of freedom, human dignity, and national independence in this hemisphere.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this 2d day of March in the year of our Lord 1964, and of the independence of the United States of America the 188th.

LYNDON B. JOHNSON.

By the President:

DEAN RUSK,
Secretary of State.

United Space Efforts Bring Man Closer to the Moon

EXTENSION OF REMARKS
OF

HON. OLIN E. TEAGUE

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 1964

Mr. TEAGUE of Texas. Mr. Speaker, it was my privilege to personally witness the successful shot at Cape Kennedy on Wednesday, April 8, 1964, which marked the first actual test in our Gemini program. Gemini is a bridge between the Mercury program which was completed May 16, 1963, with the 22d orbital flight of Astronaut Gordon L. Cooper and the Apollo Manned Lunar Landing mission scheduled in this decade.

The Gemini capsule, built by the McDonnell Aircraft Corp. is a two-man spacecraft capable of earth orbital flight of as long as 2 weeks. Also, it will be used in the development of space rendezvous and docking techniques. Yesterday's flight designated Gemini-Titan I—GT–I—is a test of the Titan II launch vehicle system, as well as Gemini spacecraft structural integrity and spacecraft launch vehicle compatability. The spacecraft was equipped with instrumentation, communication, electrical and coolant systems. This spacecraft will remain in orbit a number of weeks.

Mr. Speaker, this is a significant step forward in our space program, and I congratulate those who have been directly concerned with this particular phase.

Physical Fitness Leaders Are Honored Here

EXTENSION OF REMARKS
OF

HON. ED EDMONDSON

OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 1964

Mr. EDMONDSON. Mr. Speaker, this afternoon a highly successful first annual Physical Fitness Leadership Awards program was held here in Washington.

Under the sponsorship of the U.S. Junior Chamber of Commerce and the Standard Packaging Corp., 12 outstanding men were honored for their contributions to the Nation's physical fitness posture.

Of these 12 physical fitness leaders, 3 were singled out for distinguished service and were presented $1,000 cash prizes each.

Alph Stanphill, a close personal friend and a neighbor in my hometown of Muskogee, Okla., was selected as one of the three for special recognition and was presented his award by Stan Musial, the former baseball great and presently consultant to the President's Council on Physical Fitness.

My sincere congratulations are extended to Alph Stanphill for this richly deserved recognition.

Alph was the guiding light, the genial and hard-working director and coordinator of the pilot physical fitness program at Muskogee. His enthusiastic leadership made the Muskogee project the national model for the President's Council on Physical Fitness.

We in Oklahoma have long admired Alph Stanphill for making Muskogee the "physical fitness capital of the Nation." We are proud that his efforts as one of America's foremost fitness educators were recognized today.

I also congratulate the other special awards winners—Prof. Bill Bowerman of Eugene, Oreg., and Mr. Frank Manley of Flint, Mich.

The junior chamber of commerce and Standard Packaging Corp. also deserve a special vote of gratitude for sponsoring the physical fitness leadership awards. Through this Jaycee-Stan-Pak program, an important boost has been given to strengthening our Nation's physical and moral fitness.

World Law and Oceanography

EXTENSION OF REMARKS
OF

HON. RICHARD T. HANNA

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 1964

Mr. HANNA. Mr. Speaker, one of the facets of the future development of the resources of the ocean that has altogether too little attention is the need for progress in a legal environment for such development. It is elementary, one would presume, that the basic requisite for venture capital would be the protection of proprietary interests which might emerge from such venture. In the broad inquiries relative to weather, wave studies, currents, temperatures, and other elementary basic information about the oceans of the world, all nations and people have a common concern and the extracted data does not impinge directly upon the marketable goods and services of the industrial and commercial world. However, one has only to turn to our recurring problems in the international fishing grounds of the world to see an example of the need for effective legal structure to ascertain property rights and to protect them.

When we hear the expositions which project the promise of mineral resources and food supply from the oceans, we must think concurrently that orderly development can only occur where there is a uniformly definitive procedure to establish rights which will justify the commitment of public and private funds of separate nations and their citizens. Concurrently there must be the establishment of a recognized and respected enforcement structure of judicial administration to assure such rights protection. Let us put it in the particular. Supposing some enterprising group of Americans with or without Government support discovered an ocean floor in the international waters between Hawaii and Tahiti surprisingly rich in nodule deposits of potassium, nickel, and cobalt. Assume that they had in hand plans for equipment to mine and process such findings at a very promising financial gain. How would they describe the boundaries of their potential claim? With whom would they file it? To whom could they appeal if others from a variety of nations should "jump their claim"? Before the investment in equipment, materials, and labor required in the extraction would be feasible, answers to these and other questions would have to be forthcoming.

Supposing some nation or a group of its citizens discovered a spawning grounds of a new specie of fish surprisingly palatable to most tastes. Assume that they developed scientific and practical information on how to improve this specie of fish, reduce its competitors, increase greatly its numbers so as to project a substantial harvest after such development. What special rights if any would be created? Could a gigantic fish farm be created within describable boundaries? What would happen if the fish ranged beyond set limits? Could the species be described in a manner to provide a "brand" for the sea?

Even in the broader aspects of oceanography there may be legal problems. If certain relationship between ocean currents, clouds, and winds exist, and our science at this point strongly suggests such relationship is inescapable, then suppose some nation or a group of its citizens determine that by inducing artificial changes in surface temperatures by some pumping method, new influences in cloud formation and wind directions could be induced causing new rain patterns in areas they desire to change from arid to a more humid climate. Now what are the legal rights, if any, to see that some other nation or some other groups do not engage in activities which seriously interfere with the new situation? More importantly what liability, if any, incurs if side effects from this new phenomenon are adverse in other areas or to other interests?

Mr. Speaker, what I am attempting here to demonstrate is that any realistic move into the great promise that lies in exploring and exploiting the potentials of the Oceans of the World must be accomplished by effort toward the anticipation of legal problems international in nature. These will require formulation of legal rules, laws, procedures, administration; courts and decisions such as maintain order in the affairs of men in every nation where investment of human resources is encouraged and where the blessings of industry and commerce are justly distributed.

The United States should be exerting leadership in all the organizations to which she is a member for developing the constructive inquiry into this field. Some of our great law schools should be urged to devote some of their talent and energy to exposing problem areas and suggesting possible alternative solutions that can be urged in world forums. In this work there should be an early and meaningful wedding of disciplines so that communication is constant between the legal minds, the scientific minds, and the governmental minds to the end that whatever leadership we exert, its quality will be apparent to all who share our concern and knowledge.

An Architectural Advance in New York

EXTENSION OF REMARKS

OF

HON. JOHN V. LINDSAY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1964

Mr. LINDSAY. Mr. Speaker, recently, the New York Times, New York Herald Tribune, ABC television, and other influential media focused attention on an exhibit titled "Churches and Temples: Postwar Architecture," which opened in New York City prior to nationwide tour.

This exhibit was sponsored and developed by the New York chapter of American Institute of Architects, an organization representing the borough of Manhattan; Sullivan, Orange, Putnam, and Rockland Counties; the southern half of Ulster and Dutchess Counties; and Puerto Rico, the Virgin Islands, and the Canal Zone.

I think this exhibit, as well as other activities of this chapter, are worth reviewing as examples of public-spirited behavior. The organizations representing the professional and nonprofessional men and women in this country have a responsibility that goes beyond protecting the interests of their individual groups. It is through the organization that the efforts of its members can be welded into programs and activities which benefit the public—first, by improving the standards of the profession; second, by encouraging good work among members and related persons, groups, and agencies; and third, by enlightening the public.

The overall program of the New York chapter of American Institute of Architects is a vivid illustration of what an organization can accomplish in this regard.

For example, the exhibit on religious structures, created through the expenditure of considerable time, effort, and money, will make an important contribution as a result of its 2-year tour under the guidance of the American Federation of Arts. It is an exhibit of significance because we are in the midst of intense activity in planning religious buildings in communities throughout the Nation. In the next decade we will build thousands of churches and synagogues costing billions of dollars. This imposes a heavy responsibility on church-goers, and not only a financial one. For in most faiths the congregation members help decide what the building will look like—and the building should be one which best expresses their philosophy of worship, their social needs, and the spirit of their community.

This is no small task. One of the prime responsibilities of the congregation will be in its association with the architect engaged to design the church. A great deal can come from this relationship if committee and architect understand each other's role and if the committee is aware of how religious architecture has evolved and why. The exhibit prepared by the chapter seeks to answer, in part, these questions. The board of selection, which chose the 21 churches and temples comprising the exhibit from more than 160 submissions from this country and abroad, says:

> Perhaps the significance to be perceived in this collection is the unremitting search for appropriate form by architects of religious buildings. In this age we can no longer repeat styles, but must find concepts for houses of worship that are meaningful for congregations of today and tomorrow. The architects whose work is represented in this exhibit feel that they have done this, or at least have indicated paths to be followed for the religious architecture of the future.

This is but one of a number of public service activities in which the AIA's New York chapter has engaged. Some of its more significant and recent efforts also deserve attention.

Through the chapter and its women's auxiliary well over $10,000 is awarded each year in the form of scholarships and fellowships. Among these is the Arnold W. Brunner Scholarship, calling for study in a field which will contribute to the advancement of the architectural profession. Grants have been made for a study of urban living, new means of communication which will facilitate architectural design, and many others. This past year the scholarship was given for a study of Government control of architecture in European countries. In making the award, Geoffry N. Lawford, president of the chapter, said:

> With the intensive growth of our cities and our citizens' increasing concern with better architecture and improved city planning, the role of legislative controls is of vital interest.

The chapter recently completed a 3-year study of the hospital operating area. Out of this research program, which was made possible through a grant to the chapter by the Division of Hospital and Medical Facilities of the U.S. Public Health Service, evolved a new concept in planning hospital surgical facilities. The new design approach calls for the development, within the hospital, of a nearly self-contained surgical center capable of caring for patients from admission to completion of their postoperative recovery period. While patients would continue to use the hospital's standard nursing units for convalescence, many minor cases would never even require assignment to a hospital room.

Specifically designed to give hospitals better control over wound infection, by limiting the patient's and staff's exposure to contamination, the "surgical center" is expected to provide additional benefits. Among these are faster handling of urgent cases, increased efficiency, improvement in the patient's emotional environment, better use of personnel, and increased surgical service capacity. The U.S. Public Health Service has awarded research funds to develop the first surgical center at Montefiore Hospital in the Bronx. The research study was conducted under the auspices of the AIA chapter's hospital and health committee. It was assisted by an advisory board composed of persons distinguished in their work in preventive medicine, surgery, administration, and other pertinent areas.

During the year the hospital and health committee conducts a program to broaden the architect's knowledge of the latest hospital problems and procedures. Through hospital tours, meetings, and speakers, it also contributes to an exchange of ideas between hospital representatives and architects. It is currently developing a seminar on hospital planning to prevent sepsis.

Our schools comprise another area of prime importance. Making a contribution here is the chapter's school committee. Last year it jointly sponsored with the Board of Education of the city of New York a 2-day seminar on the unique problems of planning schools in a big city. Leading educators and architects in the fields of research, administration, and design participated. The aim of the seminar was to find ways of improving educational and architectural standards for urban schools.

Each year the house consulting committee of the chapter holds a design competition to stimulate an appreciation of attractive and efficient house design and to arouse the public to the importance of good architectural design in daily living.

An urban design committee keeps constantly abreast of what is happening in the city with regard to zoning, parks, and other matters which affect the planning and development of New York. As a result, the chapter has given its support to a proposal for a new civic center, a park at Breezy Point, promoted the idea of converting Ellis Island to a memorial park which would be in keeping with its historical associations, and was very active in fighting for passage of a modern zoning code for the city.

The chapter joined with the American Management Association in developing a national conference on design. Prior to that it sponsored the first conference on aesthetic responsibility.

It would take far too long to detail the many other public spirited activities of this organization and its committees. Therefore, I have limited myself to some of the more significant efforts.

The New York chapter of American Institute of Architects, representing more than 1,400 members, many of them known throughout this country and the world for their work, can serve as a model and inspiration to other organizations on city, State, and national levels. Its members and its officers are to be congratulated for public spirited efforts as this chapter enters its 97th year of service to its profession, its members, and the general public.

Addresses Delivered at the 16th National Banquet of the Order of Ahepa Honoring the 88th Congress of the United States, March 16, 1964, Washington, D.C.

EXTENSION OF REMARKS

OF

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1964

Mr. BRADEMAS. Mr. Speaker, every 2 years, the Order of Ahepa, the American Hellenic Educational Progressive Association, the leading organization in this country of Americans of Greek descent, sponsors a banquet honoring the Congress of the United States.

This year the Ahepa banquet honoring Members of the House of Representatives and Senate of the 88th Congress was held in Washington, D.C., on March 16.

Among the speakers addressing the 16th National Ahepa Banquet were Ahepa Supreme President John G. Plumides; Mrs. Josie Chase, grand vice president, Daughters of Penelope; Pierre Calogeras, Chargé d'Affaires, Royal Embassy of Greece; His Eminence, Archbishop Iakovos, Greek Orthodox Church of North and South America; Congressman John Brademas, of Indiana; Senator Kenneth Keating, of New York; and Mr. Henry R. Luce, editor and publisher of Life magazine.

Mr. Luce received on this occasion the Order of Ahepa 1964 Socratic Award for his contributions and services, through a series of articles in Life magazine, to the dissemination of Hellenic culture, and Hellenic ideals to the peoples of the world.

Mr. Speaker, under unanimous consent, I insert in the RECORD the addresses delivered at the 16th National Ahepa Banquet:

THE 16TH NATIONAL BANQUET OF THE ORDER OF AHEPA HONORING THE 88TH CONGRESS OF THE UNITED STATES, MONDAY, MARCH 16, 1964, WASHINGTON, D.C.

(By Ahepa Supreme President John G. Plumides)

It is a unique opportunity and an unusual one in which the supreme president of our organization assumes the role of toastmaster. It is no easy task to preside at a podium where so many illustrious Americans must listen to your humble servant. The Order of Ahepa, as you know, is an organization composed primarily of Americans of Hellenic descent. The Ahepa has a history of 42 years of service to the United States of America, the greatest democracy ever conceived in the mortal mind of man. And it is our fervent hope that as long as the organization exists, so long as there is blood in the veins of any American of Hellenic extraction, that the Order of Ahepa will continue to render service to this great democracy of ours.

This banquet, which the Order of Ahepa sponsors every 2 years, is given in honor of the greatest legislative body in the world—the Congress of the United States of America. These Members of Congress who serve as our legislators, who enact and promulgate the laws of our land, sometimes are the forgotten soldiers of American history. But we, in the Order of Ahepa, can never forget the debt of gratitude that we owe to you, the Members of Congress, for serving the American Nation in a most gracious, in a most determined, in a most American form of government.

We are cognizant, my good friends of the Congress, of the times and conditions that we must face as a nation; and we have full confidence, trust, and faith in your actions to safeguard this democracy for this and future generations of Americans.

FUNERAL OF KING PAUL

Only 4 days ago, I had the distinct privilege of attending the funeral of the late King Paul of Greece in Athens as a designated member of the official American delegation, selected by the President of the United States, that great American, Lyndon B. Johnson. King Paul of Greece was a dedicated friend of the United States, a man who labored long under democratic principles, and who knew no other ally than the United States of America. He knew no protector other than the United States of America.

The Order of Ahepa feels deeply gratified that the President of the United States selected our organization's supreme president to be a member of the official American delegation to King Paul's funeral. Only in America could an opportunity of this kind present itself to one who is the son of immigrants from Greece, as I am. Those of us born of parents who chose America as their new home have tried, as loyal Americans, to prove our worth as citizens of this great country that we lovingly call the United States of America.

On that solemn occasion in Athens, where religious and political leaders gathered for the funeral of King Paul, all nations of the world were represented, and among those taking part in the funeral procession was your humble servant. This could only happen in America.

This is America, and I am grateful to this, the greatest democracy, and to you, the Members of Congress, who represent our people in this hour of peril throughout the world.

REMARKS OF GRAND VICE PRESIDENT JOSIE CHASE, DAUGHTERS OF PENELOPE, SENIOR WOMEN'S AUXILIARY OF THE ORDER OF AHEPA

On behalf of the Daughters of Penelope and our Junior Order of the Maids of Athens, we are honored this evening in the privilege of extending to these dedicated men and women of Congress our most sincere appreciation for their steadfast service and endless contributions to the preservation of the American way of life. And we express our gratitude to Mr. Henry R. Luce, editor in chief of Life magazine, for having made it possible that people in every walk of life could, through his famous series of articles, "The Miracle of Greece," get a glimpse of the ancient, Hellenic way of life, through which was set the basic pattern of culture and government for our present Western civilization.

In the turmoil and unrest which exists around us in this space age of today, we pray that a Divine Providence may grant good health and the necessary foresight to these men and women into whose hands we have, through our vote, placed the power with which they may shape the destiny of our beloved America, and we pledge to our Nation, our every effort in defense of the Constitution and the American way of life, which we hope and pray is God's way.

Remarks of Chargé d'Affairs Pierre Calogeras, Royal Embassy of Greece, and Acting Ambassador of Greece to the United States

Ambassador Matsas of Greece was unable to be with us here tonight. His sad duty was to accompany to Athens the First Lady of America and former President Truman to represent this great Republic of yours at the funeral of my lamented sovereign, King Paul of the Hellenes. The Ambassador has asked me to tell you how much he regrets missing the opportunity to be with you tonight, and to speak to you.

The great sorrow which we all feel in Greece and in this country because of the death of King Paul of Greece has been somehow alleviated by the part the biggest and noblest ally of Greece took in our mourning. Nobody could more ably represent the United States of America than your First Lady and former President Truman. You all know that without the genius of this great statesman, Greece's survival as a free and democratic nation would have been immensely difficult. My dear friends, I would like to thank you in my own name, and on behalf of my wife, for the most kind welcome which we have received here tonight.

Let me tell you how deeply I appreciated the pleasure of meeting here tonight the distinguished members of your organization and the eminent guests. It is my privilege to convey to you and to the Order of Ahepa the warmest greetings of the Royal Hellenic Government, as well as the feelings of respect and fraternal affection of the Greek people. These feelings were enhanced by your participation in our national mourning as we buried our beloved king. His memory will live forever in the hearts of the Greek people. He was dedicated to the cause of freedom and peace. He delighted in helping the poor and the underprivileged. He fought bravely with his troops against the enemy. He was a courageous man. You will join me, I'm sure, in expressing here our best wishes to King Constantine. His burden is heavy, but the dynasty's motto is "My strength lies in the love of my people." I am not speaking to you tonight only as the Chargé d'Affairs of Greece, and the representative of the Royal Government. I am the representative of all friends that Ahepa counts among the Greek people. It is their friendly greeting that I bring you.

Remarks of His Eminence, Archbishop Iakovos, Greek Orthodox Church of North and South America

America, as a pioneering and leading democratic nation, and Americanism as a culture, ideology and political philosophy, is what we have come to honor this evening in your presence, deeply appreciative of your continued and most dedicated efforts, not only to uphold but also to protect the fundamentals of a democratic way of life. Our Nation, the United States of America, in carrying on the legacy of its Founding Fathers, and in honoring its worldwide responsibilities, finds itself beset with political situations such as no other nation has ever faced. And because our Nation professes to believe, and furthermore preaches justice, freedom, and peace, it is expected not simply to concern itself when and where these principles are safe, but also to champion the struggle regardless of the risks and dangers.

We, the descendants of those who instituted democracy as a way of life, and fought for the dignity of man, and his rights, and his relations with the state and the rest of the world, know full well the nature, the expensive nature, and the agony of your unacclaimed struggle for the justice, order, and well-being of your constituency and of our Nation. The Order of Ahepa is responding to an imperative demand of the Greek-American conscience in this country to register and record both our understanding and respect for your noble and determined efforts to establish justice, peace, and freedom throughout the world. Our national prestige, gentlemen, as you certainly know, can best be served by abiding by the God-ordained aims and objectives of our democracy.

Our loyalty and determined dedication to these aims and objectives will not simply gain new friends for us, but the confidence of the world as well. Gentlemen, you have my sincere admiration and, together with it, my fervent prayers that God Almighty, the God of our Founding Fathers of this Nation, may gird you with new power so that you may overcome prejudice and bias, as well as mistrust and hostility. Democracy will be the future form of government for all the people if we succeed in maintaining it unaltered, true, and genuine, as it was given to us. God bless you and our Nation forever.

Introduction of Congressman John Brademas by Ahepa Supreme President John G. Plumides

This past week has given me the opportunity as an American citizen to visit the country of my parents. This visit was made possible by the graciousness of the President of the United States, Lyndon B. Johnson. On this mission of our Government, in addition to myself and His Eminence, Archbishop Iakovos, was a young man whose ancestors also called Greece their home. This young man, truly a scholar and a gentleman, trained and learned in government, with a desire and ambition only obtainable from this greatest country of our times, has served with distinction in the House of Representatives of these United States. He hails from the great State of Indiana. He is now concluding his third term as a Member of the House of Representatives. He is an active member of the Order of Ahepa, and has been very helpful in the promotion and dissemination of the American ideals throughout the Hellenic community of America. At this time, I introduce to you the only Member of Congress of Hellenic descent, the Honorable JOHN BRADEMAS, U.S. Representative from Indiana.

Remarks of Congressman John Brademas, of Indiana

I am honored to have been invited to speak this evening to my brother Ahepans at this biennial banquet honoring Members of Congress.

At the outset of my remarks I want to extend my warmest congratulations to Henry R. Luce, on being the first recipient of the Order of Ahepa Socratic Award for the magnificent series of articles on ancient Greece published in Life, the magazine of which he is editor and publisher.

I want also to take this opportunity to salute our dedicated and hardworking Supreme President of the Order of Ahepa, Brother John G. Plumides, and to congratulate him on the splendid leadership he is giving to our organization.

As you know, four of us at this table, His Eminence, Archbishop Iakovos; Mike Manatos, Special Assistant to President Johnson; Supreme President Plumides; and I have just returned from Greece where we, as members of the official U.S. delegation appointed by President Johnson, attended the funeral of King Paul of the Hellenes.

Though our journey to Greece was a sad one, it was nonetheless an experience memorable in several ways.

FUNERAL OF KING PAUL

First, standing in the cathedral, we saw many of the chiefs of state and kings and queens and princes of Western Europe who had come to honor the late King.

And we joined with the members of other delegations in marching in the 2-hour long procession from the cathedral down Hermes Street through the heart of the city of Athens.

It was, however, an especially proud moment for all of us, as Americans, to be able to go to Greece on the first official mission of the gracious and lovely wife of our President, Mrs. Lyndon B. Johnson.

And I know I speak for the rest of my colleagues in the American delegation as well when I say that we shall long remember having gone to Greece on the first trip to that country of the man who, more than any other American, has come to be a symbol of the friendship of the people of Greece and the people of the United States, President Harry S. Truman.

I am pleased to report to you that both these outstanding figures in our national life were warmly received by the hundreds of thousands of Greek people who lined the streets of Athens to do honor to their late King and to pay homage to their new monarch, King Constantine.

PRESIDENT TRUMAN AND MRS. JOHNSON

In view of some of the press reports you may have read, you may be surprised to learn that both President Truman and Mrs. Johnson and indeed every member of our delegation were greeted with such friendship in Athens.

I make this observation because I realize, as do you, that the present crisis over the Cyprus issue has caused some demonstrations in Athens that were critical of the United States.

I can only say to you, however, from my own personal observations last week, that I am convinced such demonstrations in no way reflect the overwhelming sentiments of the people of Greece, who continue to look with respect and affection to our own country, as we do to theirs.

CYPRUS

I have alluded to the question of Cyprus. Both because I have just returned from Greece and am the only Member of Congress of Greek descent, I think it appropriate that I address myself to the Cyprus issue for a few moments.

It is a matter about which all of us in this room are deeply concerned. I know we must all feel greatly encouraged that the latest news from that island indicates that, in keeping with the unanimous resolution of the United Nations Security Council a few days ago, the first troops of the U.N. Peace Force have arrived and that more are on the way.

I say we must all be encouraged for clearly it would be catastrophic if the political disputes respecting an island of some 600,000 people were to be the cause of all-out war between Greece and Turkey.

1. Such a war would have the most appalling effects in terms of lost lives of the nations directly concerned, Greece and Turkey and Cyprus.

2. It would mean the destruction of the southern flank of NATO, for both Greece and Turkey, we must not forget, are our allies in the North Atlantic Treaty Organization.

3. Such a war would, in addition, be a major triumph of Soviet foreign policy and a victory achieved at almost no cost to the Communists.

DANGER OF WAR

4. A Greek-Turkish war, moreover, would always mean the possibility of involving the two great powers, the United States and the Soviet Union, in direct military conflict, thereby posing the unthinkable danger of a third world war.

5. Finally, the territorial independence and the national sovereignty of Cyprus, which all of us here tonight strongly support, would, if full-scale hostilities were to erupt in the eastern end of the Mediterranean, become almost meaningless words.

For all these reasons, then, we must view the Cyprus issue with more than passing concern and, if I may say so, we must view it not only as men and women of Greek descent, justifiably proud of our Hellenic heritage, but we must view it as Americans, proud of our own Nation and citizenship and soberly aware of the immense responsibilities which history has thrust upon the United States in a troubled world.

I may here interject that the role of a great and powerful nation like ours in a dispute in which two allies are involved is never a happy one for it will inevitably bring criticism from both sides that the keeper of the peace is favoring the other. Without here presuming to judge the validity of such criticism, I think we all know that the United States has in fact been criticized by both Greeks and Turks on precisely these grounds.

TRUMAN DOCTRINE

In 1947, the United States, through the Truman doctrine, announced to the world and to the Soviet bloc in particular our resolute determination to support the people of Greece in their valiant struggle against communism.

Standing last week in Athens in front of the splendid statue of President Truman, given to Greece by our Order of Ahepa and marked by both the American and Greek flags waving at half-mast, I read once more, engraved there, those words of President Truman of exactly 17 years ago this month:

"I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.

"I believe that we must assist free peoples to work out their own destinies in their own way.

"I believe that our help should be primarily through economic and financial aid, which is essential to economic stability and orderly political processes.

"Should we fail to aid Greece and Turkey in this fateful hour, the effect will be far reaching to the West as well as to the East.

"We must take immediate and resolute action."

Just as the United States made a commitment to the support of freedom against Communist challenge then, so must we reiterate that commitment today in the crisis over Cyprus, for make no mistake, the Soviets have already begun to fish in the troubled waters surrounding that island.

Russian offers of economic aid in recent days, the negotiation of a Soviet air agreement with Cyprus, and the recent visits of Cypriot officials to Moscow are hard evidence of this continuing danger.

PRESIDENT KENNEDY'S SALUTE TO ARCHBISHOP MAKARIOS

None of us questions for a moment the deep commitment of Archbishop Makarios and the Government of Cyprus to maintain the freedom and independence of Cyprus.

I remember well, for I was there, President Kennedy's salute to President Makarios at the White House on June 5, 1962:

"We want to express our very warm welcome to our distinguished visitor who comes from a most ancient country, representing a most ancient people, and also a young country. We salute him particularly because of the long and difficult fight he conducted for his country's independence, involving the most sensitive interests, involving his own persistent, courageous and far-seeing view of his country's future. * * * Your country occupies a most significant, strategic position in the world today. Your own efforts to maintain the independence and viability of your country are well known here, and you come to the United States with the warmest wishes of all of our people who admire a courageous fighter for freedom."

I draw your attention to President Kennedy's reference to President Makarios' "efforts to maintain the independence and viability" of Cyprus for the pattern of Communist takeover in the postwar world must surely provide an object lesson to all nations intent upon maintaining their freedom. Just as we Americans are deeply concerned about what happened in the Caribbean, we must be alert to such dangers in the Mediterranean.

PEACEFUL SOLUTION

These, then, are some of the major consid erations we must have in mind as we reflect on this issue.

Surely we can all agree that we must encourage with every means a peaceful, nonviolent resolution of this dispute.

For we Americans are committed to the conviction that peaceful change is the way to bring change. The success of the Reverend Martin Luther King, for example, in pressing for nonviolent means to solve our own major domestic problem must by now have made that fact abundantly clear. The Senate of the United States is today acting on this matter and, at last reports at least, is doing so in a nonviolent manner.

I spoke of change for I believe there must ultimately be some change in the London-Zurich Agreements of 1960 which are part of the Constitution of Cyprus.

We know now that much of this treaty has proved to be unworkable and indeed has helped cause some of the present conflict between Greek and Turkish Cypriots.

While we can all agree, that, as in our own country, there must always be protection of minority rights, we must also surely agree, again as in our own country, that in a democracy the majority, again respecting the situation of the minority, must ultimately be able to work its will or democracy will become meaningless.

PEACEFUL CHANGE

Just as our own United States Constitution recognizes the necessity for change—peaceful change—so too I believe we must recognize that change in the Constitution of Cyprus has become essential if that constitution is to be workable.

Because of our commitment to peaceful settlement of international disputes, we must continue our support of the United Nations Peace Force on Cyprus and of the work of a mediator there.

As you know, the United States has already made a commitment of $2 million to the U.N. Peace Force.

For although we might prefer to stand aloof from this dispute, the stakes are far too high in terms of our own national interest and security and in terms of the peril this crisis presents to the free world for us to do so.

CYPRIOT COOPERATION

Let us hope that all the parties concerned will cooperate fully with the U.N. Peace Force and the mediator and will, difficult though it may be at times, act with sober restraint and profound awareness of the potential dangers of failure to cooperate. I was delighted to read in today's paper the airport statement by the Interior Minister of Cyprus, Polycarpos Georgadjis, on the arrival in Nicosia of the Canadian members of the Peace Force: "The contribution of the U.N. Force to efforts of the Cyprus Government to restore law and order will be immense."

Greece has a new, young and able monarch in King Constantine and I am confident that we in the United States are anxious to help him in his responsibility and to help Prime Minister Papandreou and the Government of Greece in their efforts to continue the economic and social progress of the country.

Certainly as prospects increase for the peaceful resolution of the Cyprus issue, Greece can again turn its attention, with renewed energy and commitment, to the internal development of the country.

Just as 17 years ago the people of the United States joined hands with the people of Greece in the defense of freedom against communism, so too the American people stand ready today to work closely with Greece in meeting the challenges of the present hour.

UNITED STATES-GREEK TIES

As a Member of Congress and as an American of Greek origin, I am deeply gratified to see Greece develop as a modern, democratic nation fully capable of handling its own affairs.

The special ties which have linked the peoples of Greece and America for over a century and a half are still there and are perhaps of even greater significance today.

If the democracy which our two lands have come to symbolize is to endure and if the cause of human freedom to which both our peoples are committed is to prevail, it is in the interest of both the United States and of Greece that we maintain a constant vigilance over this special relationship within the alliance.

May I say, in closing, that no organization in American life has a greater responsibility for the maintenance of this relationship than has ours—the Order of Ahepa.

I am confident that both as Ahepans and as Americans we will meet that responsibility.

PRESENTATION OF THE AHEPA SOCRATIC AWARD TO MR. HENRY R. LUCE, EDITOR IN CHIEF, LIFE AND TIME MAGAZINES, BY SUPREME PRESIDENT JOHN G. PLUMIDES

We will now proceed to the second portion of our program in honoring that distinguished friend of the Order of Ahepa, that distinguished friend of Greece, who so heroically portrayed for all Americans "The Miracle of Greece" in Life magazine. This man is known to all Americans, regardless of race, creed, or religion. His periodicals go into every home, and the message that he delivers is read by all. His influence through his periodicals has influence on the thinking of all citizens of this country.

We, of the Order of Ahepa, as small as we might be in number, were cognizant of the service that this man gave to our people by publishing the series of articles on the land of our parents. This series of articles, as I indicated previously, portrayed a pictorial and cultural series depicting "The Miracle of Greece."

We, the members of the Order of Ahepa, representing what we believe to be the opinion of all Americans of Hellenic extraction, have taken it upon ourselves to honor this great American by inviting him to be present tonight to meet us, to know us, to feel our pulse and our hearts, so that we can present to him a small token of our appreciation for his humanitarian efforts.

Through this series of articles, all Americans of every station in life were able to study the works of our ancestors. This is truly a product of great imagination, and the imagination of this man knows no bounds. His love for things that are Greek goes back to his youth when he won an award for his ability to read and speak the Greek language.

His love for the Greek people, his portrayal of this remarkable series of articles, and his dedication to the greatest Republic on earth, the United States of America, has caused the Order of Ahepa to present to him this bust, symbolic of the Ahepa Socratic Award. The award itself is a bronze bust of the Greek philosopher Socrates, done two-thirds lifesize and mounted on a marble base. American sculptor Felix W. de Weldon, creator of the Iwo Jima Marine Corps Memorial and many other monuments and statues throughout the world, including the Ahepa Truman statue in Athens, did this bust of Socrates for this award. The likeness of Socrates is based on the bust of Socrates which is in Pentelikon marble, now resting in the Louvre Museum in Paris, and which was done during his lifetime in ancient Athens.

The scroll, accompanying the Socratic Award, reads as follows:

"The Order of Ahepa 1964 Socratic Award, presented to Henry R. Luce, editor in chief, Life magazine, for contributions and services in the dissemination of Hellenic culture and Hellenic ideals to the peoples of the world through the pages of Life magazine. The series of articles entitled 'The Miracle of Greece' which appeared in Life magazine in 1963, notably recounted in words and pictures the achievement of a handful of people called Greeks who aroused the human race to a new ambition and sense of purpose. The contributions of ancient Greece to all of us, to our world of today, is an achievement so great that it touches almost every phase of our lives. Hellenic culture and ideals have not only encompassed practically all facets of life in today's modern world, but brought forth one great thought, so novel and profound that a whole new age dawned in its light. As stated in 'The Miracle of Greece' this great thought was that man's nature, even in its mortality, is the glory of creation and that man has a noble purpose to live at the highest possible pitch of human performance, physically, morally, and intellectually. One of the major objects and purposes of the Order of Ahepa is the dissemination of Hellenic culture and ideals through education and practice. It is with grateful appreciation, therefore, that the fraternity does herewith present to Mr. Henry R. Luce the Ahepa Socratic Award for 1964, represented by this scroll and the award itself, a bronze bust of the ancient Greek philosopher Socrates.

"Done in the city of Washington, D.C., this 16th day of March 1964.

"JOHN G. PLUMIDES,
Supreme President."

REMARKS OF MR. HENRY R. LUCE

It has been a wonderful experience for me to be here this evening, not simply because I am the very happy recipient of a great award, the Ahepa Socratic Award—no award has ever made me happier—but simply to have this experience of being with the Greeks. There is a saying that we are all Greeks. All those who have been touched a little bit by the process of civilization are all Greeks. There is a great vitality and a great love of liberty among the Greeks, as evidenced by the feelings that have been expressed here tonight.

In the 20th century we have a little bit of the feeling of what it must have been like in the time of Pericles. I thank you, therefore, for the great privilege of this personal experience.

I can quite simply say that I have never received any honor which has appealed so much not only to my vanity and pride, but to my heart. This series on Greece, "The Miracle of Greece," was, in fact, a work of love. It was the work of many hands, and I hope that you will permit me a minute to mention just a few of them. The editor of Life is Edward K. Thompson. He is here tonight, and he was my senior colleague in this work. Also working on this series were John Thorn, special projects editor; Ed Kern, our distinguished art director, and three of our great photographers who put their hearts into this job—Milet, Dick de Kessel, and Jim Burton. For all of us it was a wonderful labor of love.

A GREAT AND NOBLE THEME

The greatest thrill for an editor is to be seized with a great and noble theme, and to be able to develop this theme in such a manner that millions of people will be able to enjoy it and learn from it. There was, as your President has so generously remarked, a complete response from the wide American public to this series, and this was the greatest satisfaction that can come to us who work in the journalistic, editorial field. To have this labor of love give such satisfaction in response and results, and then to be crowned with the Ahepa Socratic Award, leaves me almost speechless with gratitude for the whole great experience.

In these United States of America for the past 200 years, the American people have been faithful to one dominant purpose, namely, to the establishment of a form of government. That purpose has now been fulfilled. This was very movingly alluded to last night on President Johnson's television interview, when he said: "I am so proud of this country, of the form of government which we have, of the free enterprise system and of the opportunity which has been given to me and to millions of others."

In recent years, there is something more to be seen in this land. This is the challenge to create an American civilization based on the idea of Greece—the expansion of knowledge, music, culture, universities. We will meet that broader challenge which involves the shaping of a civilization. We will succeed in creating the first modern, technological, prosperous, humane and reverent civilization—2,500 years after Pericles.

Pursue excellence rather than mediocrity—that is what the Greek community is saying to us today. This message from the Greek community all over this country has a greater relevance today than ever before. We are all Greeks, because we are all touched with civilization. Let us all, as Americans in this 20th century, emulate the Greeks and build the first modern, technological, prosperous, humane and reverent civilization.

Questionnaire, 1964

EXTENSION OF REMARKS
OF
HON. JOHN S. MONAGAN
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 1964

Mr. MONAGAN. Mr. Speaker, I have just completed the tabulation of my fourth annual poll of public opinion on some of the major issues confronting the Nation, the Congress, and the administration and I am happy to report that I have received a record number of returns. This demonstrates anew that the people of the Fifth Congressional District of Connecticut, which I have the honor to represent, are continuing their gratifying manifestation of responsible interest and knowledge in Government affairs.

During the 4 years I have conducted this survey through the medium of a questionnaire—not printed at Government expense—distributed to residents of my district who are on my regular mailing list there has been clear evidence of increasing interest and a growth in the numbers participating.

In 1961 I mailed 7,305 questionnaires and received a return of 1,375 or 18.5 percent. In 1962 I mailed 10,000 and received a return of 1,795 or 18 percent, and in 1963 I mailed 12,000 and received 2,110 or 18 percent returns.

The 1964 questionnaire was mailed to approximately 13,000 people and I have received 2,505 returns or approximately 19.2 percent. In every respect, the current returns are the highest recorded in the 4 years the survey has been conducted. Each year I have been gratified with the response, not only in the number of cards returned but also in the hundreds of letters and messages which have come to me with critical or laudatory comments and in many cases with detailed expressions of opinion on specific legislative matters.

This is not intended to be a scientific sampling of opinion, for the questionnaires are distributed to persons on my regular mailing list which is comprised of people with whom I have had previous correspondence, and they are also distributed to those who request them after newspaper, radio, and television announcements of their availability. I am indeed grateful to these media, also, for the interest they have shown.

While I do not look upon these returns as an official mandate to be followed by me in my voting in the Congress, they are helpful guides in their indication of public opinion trends. However, I shall continue to exercise my own judgment and to vote on the issues as I see them and their influence on the people of my district and of the Nation.

Each year that this study has been conducted through my office we have learned by experience that certain improvements are in order and can be effected in the format and procedure. As long as I am in Congress I shall continue to go each year to the voters of the district for an expression of their views on national problems, and each year I shall revise the program as necessary for the purposes of obtaining the greatest possible cross-section of opinion.

With your permission, Mr. Speaker, I include at this point the complete tabulation of the 17 sections and the several subsections covered in my 1964 questionnaire showing the total scores both in figures and in percentages:

Results of questionnaire, March 1964, John S. Monagan, *5th District, Connecticut*

	Yes		No		Undecided	
	Total	Percent	Total	Percent	Total	Percent
Do you favor—						
1. A program of medical care for the aged?	1,897	76.1	239	9.1	369	14.8
(a) Under social security exclusively?	827	33.1	655	26.2	1,015	40.7
(b) Under social security with private insurance?	689	27.6	840	33.6	824	38.8
(c) Under Federal-State (Kerr-Mills) program?	616	24.7	594	23.8	1,287	51.5
2. Change in wage-hour laws to spread employment by increasing overtime payments?	893	35.7	1,325	53.1	279	11.2
3. Appropriation of additional funds for accelerated public works program for labor surplus areas?	1,506	60.3	717	28.7	274	11.0
4. Amendment of immigration and nationality laws to revise national quota system?	1,426	57.1	671	26.9	400	16.0
5. Federal aid to education?	1,540	61.7	572	22.9	385	15.4
(a) For parochial school construction?	876	35.1	1,178	47.2	443	17.7
(b) For public elementary school construction?	1,663	66.6	448	17.5	386	15.9
(c) For public school teachers' salaries?	1,153	46.2	1,130	45.2	214	8.6
6. Civil rights legislation—						
(a) To bar discriminatory practices in establishing voting rights?	2,143	85.8	275	11.0	79	3.2
(b) To prohibit discrimination in specified places of public accommodations?	1,709	68.4	516	20.7	272	10.9
(c) To desegregate public facilities, other than schools?	1,671	66.9	510	20.4	316	12.7
(d) To desegregate schools?	1,709	68.4	493	19.7	295	11.9
(e) Establishment of a Federal Equal Employment Opportunity Commission?	1,460	58.5	591	23.6	446	17.9
7. A constitutional amendment to permit the voluntary recitation of prayer in public schools?	2,016	80.7	365	14.6	116	4.7
8. Federal controls on use of cigarettes?	513	20.5	1,767	70.8	217	8.7
(a) Restrictions on tobacco advertising?	1,423	57.0	827	33.1	247	9.9
9. Funds for foreign aid program—						
(a) Military (in present amount)?	911	36.5	624	25.0	962	38.5
1. More?	325	13.0	722	28.9	1,450	58.1
2. Less?	1,088	43.6	424	17.0	985	39.4
(b) Economic (in present amount)?	781	31.3	461	18.5	1,255	50.2
1. More?	507	20.3	780	31.2	1,210	48.5
2. Less?	977	39.1	422	16.9	1,088	44.0
10. Additional $1,200 income tax exemption for persons paying expenses of college students?	1,876	75.1	486	19.5	135	5.4
11. Positive action to correct water pollution conditions—						
(a) With additional Federal funds and assistance?	1,426	57.1	471	18.9	600	24.0
(b) Through local-State-Federal police action?	1,523	61.0	241	9.6	733	29.4
12. Expansion of Federal programs for housing for the elderly?	1,705	68.3	617	24.7	175	7.0
13. U.S. sale of surplus food to all nations?	1,665	66.7	516	20.7	316	12.6
(a) On strictly cash basis?	1,354	54.2	423	16.9	720	28.9
(b) With credit through Export-Import Bank?	746	29.9	805	32.2	946	37.9
14. A change in our Presidential succession law?	1,492	59.8	655	26.2	350	14.0
15. Additional Federal funds for expanded space program for manned moon travel?	793	31.7	1,410	56.5	294	11.8
16. A Domestic Service Corps?	1,513	60.6	725	29.0	259	10.4
17. A Youth Conservation Corps?	1,806	72.3	406	16.3	285	11.4

HOUSE OF REPRESENTATIVES

Thursday, April 9, 1964

The House met at 12 o'clock noon.

The chaplain, Rev. Bernard Braskamp, D.D., offered the prayer used by Gen. Douglas MacArthur, which he read every day:

"Give me, O Lord, that quietness of heart that makes the most of labor and of rest. Save me from passionate excitement, petulant fretfulness, and idle fear. Teach me to be alert and wise in all responsibilities, without hurry and without neglect.

"Tame Thou me and my tongue that I might not transgress. When others censure, may I seek Thy image in each fellow man, judging with charity as one shall be judged.

"Banish envy from my thought and hatred from my lips. Help me to be content amid the strife of tongue with my unspoken thoughts.

"When anxious cares threaten my peace, help me to seek Thee, that I may find my rest and be made strong for calm endurance and valiant service."

THE JOURNAL

The **SPEAKER**. The Clerk will read the Journal of yesterday's proceedings.

Mr. **HALL**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Will the gentleman withhold that until the Chair receives a message?

Mr. **HALL**. For that purpose, Mr. Speaker.

The **SPEAKER**. The Chair will receive a message.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 1605) entitled "An Act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to provide for labeling of economic poisons with registration numbers, to eliminate registration under protest, and for other purposes" with an amendment in which the concurrence of the House is requested.

CALL OF THE HOUSE

The **SPEAKER**. The gentleman from Missouri makes the point of order that a quorum is not present. Evidently a quorum is not present.

Mr. **ALBERT**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 101]

Alger
Andrews, N. Dak.
Ashley
Avery
Baker
Bass
Buckley
Burleson
Clark
Clausen, Don H.
Corman
Dawson
Diggs
Dowdy
Downing
Duncan
Elliott
Fisher
Flynt
Ford
Fuqua
Gallagher
Gray
Griffin
Griffiths
Hardy
Holland
Jones, Ala.
Kee
Kilburn
Macdonald
Mahon
Martin, Calif.
Matsunaga
May
Miller, Calif.
Miller, N.Y.
Murphy, N.Y.
Norblad
O'Brien, Ill.
Pilcher
Powell
St. George
St Germain
Secrest
Short
Teague, Tex.
Thompson, N.J.
Waggonner
Wallhauser
White

The **SPEAKER**. On this rollcall 379 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. **GROSS**. Mr. Speaker, I object to dispensing with further proceedings under the call.

Mr. **ALBERT**. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The **SPEAKER**. The question is on the motion of the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 111, noes 41.

Mr. **GROSS**. Mr. Speaker, I object to the vote on the ground a quorum is not present, and make the point of order a quorum is not present.

The **SPEAKER**. Obviously a quorum is not present.

Mr. **HALLECK**. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER**. The Chair cannot entertain that, a quorum not being present, unless the gentleman withdraws his point of order.

Mr. **GROSS**. I do not withdraw it.

The **SPEAKER**. The Chair has made the decision. The rollcall is automatic.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 224, nays 132, not voting 77, as follows:

[Roll No. 102]

YEAS—224

Abbitt
Abernethy
Addabbo
Albert
Andrews, Ala.
Ashley
Ashmore
Aspinall
Baring
Barrett
Barry
Beckworth
Bennett, Fla.
Boggs
Boland
Bonner
Brademas
Brooks
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cameron
Cannon
Carey
Casey
Celler
Chelf
Clark
Cohelan
Colmer
Cooley
Daddario
Daniels
Davis, Ga.
Davis, Tenn.

Delaney
Dent
Denton
Derwinski
Diggs
Dingell
Donohue
Dorn
Dulski
Duncan
Edmondson
Edwards
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fisher
Flood
Fogarty
Forrester
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Garmatz
Gary
Giaimo
Gibbons
Gilbert
Gill
Gonzalez
Grant
Green, Oreg.
Hagan, Ga.
Hagen, Calif.
Haley
Hanna
Hansen
Harris
Hawkins
Hays
Healey
Hébert
Hechler
Hemphill
Henderson
Herlong
Holifield
Holland
Huddleston
Hull
Ichord
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kelly
Keogh
Kilgore
King, Calif.
Kluczynski
Kornegay
Kunkel
Landrum
Lankford
Lennon
Lesinski
Libonati
Long, La.
McDowell
McFall
Madden
Marsh
Martin, Mass.
Martin, Nebr.
Matthews
Milliken
Mills
Minish
Monagan
Montoya
Moorhead
Morgan
Morris
Morrison
Moss
Multer
Murphy, Ill.
Murray
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Pool
Price
Pucinski
Purcell
Randall
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan, Mich.
Ryan, N.Y.
St. Onge
Scott
Selden
Senner
Shipley
Sickles
Sikes
Siler
Sisk
Slack
Smith, Iowa
Smith, Va.
Snyder
Staebler
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Toll
Trimble
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Watson
Watts
Weltner
White
Whitener
Wickersham
Widnall
Williams
Willis
Wilson, Charles H.
Winstead
Wright
Wydler
Young

NAYS—132

Abele
Adair
Alger
Anderson
Arends
Ashbrook
Auchincloss
Avery
Ayres
Baker
Baldwin
Bates
Battin
Beermann
Belcher
Bell
Bennett, Mich.
Berry
Betts
Bolton, Frances P.
Bolton, Oliver P.
Bow
Bray
Brock
Bromwell
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burton, Utah
Byrnes, Wis.
Cederberg
Chamberlain
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conte
Corbett
Cramer
Cunningham
Curtin
Curtis
Dague
Devine
Dole
Dwyer
Ellsworth
Findley
Fino
Foreman
Fulton, Pa.
Glenn
Goodling
Gross
Gubser
Gurney
Hall
Halleck
Halpern
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Hoeven
Hoffman
Horan
Hosmer
Hutchinson
Jensen
Johansen
Johnson, Pa.
Jonas
Keith
Kyl
Laird
Langen
Latta
Lipscomb
Lloyd
McClory
McCulloch
McDade
McIntire
McLoskey
MacGregor
Meader
Michel
Minshall
Moore
Morse
Morton
Mosher
Nelsen
Pelly
Poff
Quie
Quillen
Reid, Ill.
Reifel
Rhodes, Ariz.
Rich
Roudebush
Rumsfeld
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Shriver
Sibal
Springer
Stafford
Stinson
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Tollefson
Tupper
Van Pelt
Wallhauser
Weaver
Westland
Whalley
Wilson, Ind.
Wyman
Younger

NOT VOTING—77

Andrews, N. Dak.
Bass
Becker
Blatnik
Bolling
Broomfield
Brown, Calif.
Buckley
Burleson
Cahill
Corman
Dawson
Derounian
Dowdy
Downing
Elliott
Flynt
Ford
Fuqua
Gallagher
Gathings
Goodell
Grabowski
Gray
Griffin
Griffiths
Grover
Harding
Hardy
Horton
Jones, Ala.
Kee
Kilburn
King, N.Y.
Kirwan
Knox
Leggett
Lindsay
Long, Md.
McMillan
Macdonald
Mahon
Mailliard
Martin, Calif.
Mathias
Matsunaga
May
Miller, Calif.
Miller, N.Y.
Murphy, N.Y.
Norblad
O'Brien, Ill.
Osmers
Ostertag
Pilcher
Pillion
Pirnie
Powell
Rains
Reid, N.Y.
Riehlman
Robison
St. George
St Germain
Secrest
Sheppard
Short
Skubitz
Smith, Calif.
Teague, Tex.
Tuck
Utt
Waggonner
Wharton
Whitten
Wilson, Bob
Zablocki

So the motion was agreed to.

Mr. McCLORY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

RECESS

The SPEAKER. The Chair desires to announce that the the Chair is about to declare a recess for the purpose of permitting Members to proceed to the rotunda to witness the conclusion of the lying-in-state ceremonies for the late General of the Army Douglas MacArthur.

After the conclusion of the ceremonies the House will reconvene. Bells will be rung 15 minutes prior to reconvening.

The Chair now declares a recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 58 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 30 minutes p.m.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal of yesterday's proceedings.

Mr. ASHBROOK. Mr. Speaker, I demand that the Journal be read in full.

The SPEAKER. The Clerk will read the Journal.

The Clerk proceeded to read the Journal.

CALL OF THE HOUSE

Mr. GROSS (interrupting the reading of the Journal). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 103]

Andrews, N. Dak.
Auchincloss
Barry
Bass
Becker
Blatnik
Bolling
Bonner
Broomfield
Brown, Calif.
Buckley
Burkhalter
Burleson
Carey
Clark
Dawson
Dent
Derounian
Dingell
Dowdy
Downing
Elliott
Flynt
Fogarty
Ford
Fulton, Tenn.
Fuqua
Gallagher
Gary
Goodell
Goodling
Gray
Griffin
Griffiths
Grover
Hanna
Hardy
Harsha
Hemphill
Hoffman
Horton
Jones, Ala.
Karth
Kee
Kilburn
King, N.Y.
Kirwan
Lankford
Leggett
Lindsay
Long, Md.
McFall
Macdonald
Madden
Mahon
Mailliard
Martin, Calif.
Martin, Mass.
Matsunaga
May
Meader
Miller, Calif.
Miller, N.Y.
O'Brien, Ill.
O'Hara, Mich.
O'Konski
Ostertag
Pilcher
Pillion
Pirnie
Powell
Riehlman
Rogers, Tex.
St. George
St Germain
Secrest
Sheppard
Short
Sibal
Smith, Calif.
Smith, Va.
Springer
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Utt
Waggonner
Wharton
Wilson, Bob
Wydler
Zablocki

The SPEAKER. On this rollcall, 339 Members have answered to their names, a quorum.

The SPEAKER. The question is on dispensing with further proceedings under the call.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 234, nays 122, answered "present" 2, not voting 75, as follows:

[Roll No. 104]

YEAS—234

Abbitt
Abernethy
Addabbo
Albert
Andrews, Ala.
Ashley
Ashmore
Aspinall
Avery
Baldwin
Baring
Barrett
Beckworth
Bell
Bennett, Fla.
Boggs
Boland
Bonner
Brademas
Brooks
Broomfield
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cahill
Cameron
Cannon
Carey
Casey
Celler
Chelf
Clark
Cohelan
Colmer
Cooley
Cunningham
Daddario
Daniels
Davis, Ga.
Davis, Tenn.
Delaney
Denton
Derwinski
Donohue
Dorn
Dulski
Duncan
Edmondson
Edwards
Ellsworth
Everett
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fisher
Flood
Fogarty
Forrester
Fountain
Fraser
Frelinghuysen
Friedel
Garmatz
Gary
Gathings
Giaimo
Gibbons
Gilbert
Gill
Gonzalez
Grabowski
Grant
Green, Oreg.
Hagan, Ga.
Hagen, Calif.
Haley
Harding
Harris
Hays
Healey
Hechler
Hemphill
Henderson
Herlong
Holifield
Holland
Huddleston
Hull
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jonas
Jones, Mo.
Karsten
Kastenmeier
Keith
Kelly
Keogh
Kilgore
King, Calif.
Kluczynski
Kornegay
Kunkel
Landrum
Lennon
Lesinski

Libonati
Long, La.
Long, Md.
McDowell
McFall
McIntire
McMillan
Marsh
Martin, Mass.
Martin, Nebr.
Matthews
Milliken
Mills
Minish
Monagan
Montoya
Moorhead
Morgan
Morris
Morrison
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Passman
Patman
Patten
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Price
Pucinski
Purcell
Rains
Randall
Reuss
Rhodes, Pa.
Riehlman
Rivers, Alaska
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Scott
Selden
Senner
Sheppard
Shipley
Shriver
Sickles
Sikes
Siler
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Va.
Snyder
Staebler
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Toll
Trimble
Tuck
Tupper
Udall
Ullman
Van Deerlin
Vanik
Vinson
Watson
Watts
Weltner
White
Whitener
Whitten
Wickersham
Widnall
Williams
Willis
Winstead
Wright
Wydler
Young
Zablocki

NAYS—122

Abele
Adair
Anderson
Arends
Ashbrook
Baker
Barry
Bates
Battin
Beermann
Belcher
Bennett, Mich.
Berry
Betts
Bolton, Frances P.
Bolton, Oliver P.
Bow
Bray
Brock
Bromwell
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burton, Utah
Byrnes, Wis.
Cederberg
Chamberlain
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conte
Corbett
Cramer
Curtin
Dague
Derounian
Devine
Dole
Dwyer
Findley
Fino
Foreman
Fulton, Pa.
Glenn
Goodell
Goodling
Gross
Grover
Gubser
Gurney
Hall
Halpern
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Hoeven
Hoffman
Horan
Horton
Hutchinson
Jensen
Johansen
Johnson, Pa.
King, N.Y.
Langen
Latta
Lindsay
Lipscomb
Lloyd
McCulloch
McDade
McLoskey
MacGregor
Mathias
Michel
Minshall
Moore
Nelsen
Norblad
Osmers
Pelly
Pillion
Poff
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes, Ariz.
Rich
Roudebush
Rumsfeld
Saylor
Schenck
Schneebeli
Schweiker
Schwengel
Springer
Stafford
Stinson
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Tollefson
Utt
Van Pelt
Wallhauser
Weaver
Westland
Whalley
Wharton
Wilson, Bob
Wilson, Ind.
Wyman
Younger

ANSWERED "PRESENT"—2

Kyl
Laird

NOT VOTING—75

Alger
Andrews, N. Dak.
Auchincloss
Ayres
Bass
Becker
Blatnik
Bolling
Brown, Calif.
Buckley
Burleson
Corman
Curtis
Dawson
Dent
Diggs
Dingell
Dowdy
Downing
Elliott
Evins
Flynt
Ford
Fulton, Tenn.
Fuqua
Gallagher
Gray
Griffin
Griffiths
Halleck
Hanna
Hansen
Hardy
Hawkins
Hébert
Hosmer
Ichord
Jones, Ala.
Karth
Kee
Kilburn
Kirwan
Knox
Lankford
Leggett
McClory
Macdonald
Madden
Mahon
Mailliard
Martin, Calif.
Matsunaga
May
Meader
Miller, Calif.
Miller, N.Y.
Morse
O'Brien, Ill.
Ostertag
Pepper
Pilcher
Pool
Powell
Rivers, S.C.
St. George
Schadeberg
Secrest
Short
Sibal
Smith, Calif.
Teague, Tex.
Thomas
Tuten
Waggonner
Wilson, Charles H.

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Laird for, with Mr. Schadeberg against.

Mr. LAIRD. Mr. Speaker, I have a live pair with the gentleman from Wisconsin [Mr. Schadeberg]. If he were present he would have voted "nay." I voted "yea." I therefore withdraw my vote and vote "present."

Mr. PELLY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The Clerk continued the reading of the Journal.

Mr. GROSS (during the reading of the Journal). Mr. Speaker, a point of order. Mr. Speaker, I insist that the names of those voting on the rollcall be read.

The **SPEAKER.** The Chair understands that that is the next item in the Journal to be read by the Clerk.

The Clerk will continue to read the Journal of the proceedings of the preceding session.

The Clerk continued the reading of the Journal.

Mr. CONTE (during the reading of the Journal). Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore (Mr. Mills). The Chair will count. [After counting.] One hundred and forty-five Members are present, not a quorum.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 105]

Andrews, N. Dak.
Bass
Blatnik
Bolling
Brademas
Buckley
Burleson
Cooley
Corman
Dawson
Dent
Diggs
Dowdy
Downing
Elliott
Fino
Flynt
Ford
Fraser
Fuqua
Grant
Griffin
Griffiths
Gubser
Hall
Hardy
Hébert
Jones, Ala.
Karth
Kee
Kilburn
Kirwan
Lesinski
Macdonald
Mahon
Martin, Calif.
Matsunaga
May
Miller, Calif.
Morrison
Morse
Moss
O'Brien, Ill.
Olson, Minn.
Passman
Pilcher
Pool
Powell
Rains
Reuss
Roberts, Ala.
Rogers, Tex.
Schadeberg
Secrest
Selden
Sheppard
Short
Teague, Tex.
Utt
Waggonner
Willis

The **SPEAKER** pro tempore (Mr. Mills). On this rollcall, 368 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. GROSS. Mr. Speaker, I object.

Mr. ALBERT. Mr. Speaker, I move further proceedings under the call be dispensed with.

The motion was agreed to.

The Clerk continued the reading of the Journal.

CALL OF THE HOUSE

Mr. YOUNGER. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore (Mr. Mills). The Chair will count. [After counting.] One hundred and forty-one Members are present, not a quorum.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 106]

Abbitt
Andrews, N. Dak.
Bass
Blatnik
Bolling
Bow
Brown, Calif.
Buckley
Burleson
Carey
Corman
Dawson
Dent
Diggs
Dowdy
Downing
Elliott
Evins
Fino
Flynt
Ford
Frelinghuysen
Fuqua
Griffin
Griffiths
Hagan, Ga.
Hall
Hanna
Hardy
Harsha
Hébert
Hemphill
Ichord
Jones, Ala.
Karth
Kee
Keith
Kirwan
Kluczynski
Landrum
Lankford
Macdonald
Mahon
Martin, Calif.
Matsunaga
May
Miller, Calif.
Miller, N.Y.
Morrison
O'Brien, Ill.
O'Hara, Mich.
O'Konski
Passman
Pilcher
Pool
Powell
Rains
Rogers, Tex.
St Germain
Schadeberg
Secrest
Senner
Sheppard
Short
Sisk
Teague, Tex.
Utt
Waggonner
Whitten

The **SPEAKER** pro tempore (Mr. Mills). On this rollcall, 363 Members have responded to the call of their names, disclosing a quorum to be present.

Without objection, further proceedings under the call will be dispensed with.

Mr. GROSS. Mr. Speaker, I object.

Mr. ALBERT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

LEGISLATIVE PROCEDURE

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. HAYS. Mr. Speaker, reserving the right to object, I make this reservation to ask the gentleman if this is another delaying tactic or if he wants some information, or just what goes on.

We have been here for 4 hours while the gentleman from Iowa [Mr. Gross] has cost the taxpayers probably $100,000, if we figure everybody's time, and so on.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I think probably first of all I should reply to my good friend the gentleman from Ohio [Mr. Hays], whose mettle is always known.

Mr. Speaker, on yesterday there was a little complaint about the refusal of the Members on my side of the aisle to agree that the bill we had under consideration yesterday as having been considered as read and open for amendment at any point. Objection was made to that, and I told the majority leadership that we would object because we knew that once that unanimous consent was given, a motion to shut off debate on the bill and all amendments thereto would be in order because you, my friend the gentleman from Ohio [Mr. HAYS], have the votes on your side, of course, and you could shut off the debate. You proved that when you wound us up here with 15 seconds each for Members of this House to discuss a matter of great importance.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. No, not at this point.

Mr. HAYS. Well, that is what I figured.

Mr. HALLECK. Well, you figured right.

Now, then we stayed here until after midnight last night. As I said yesterday, many of us had arrangements that were important to us. I think sometimes it is said that arrangements here in the House of Representatives mean nothing, if the legislative business of the House is involved. But in all my time here Members generally have tried and have recognized that there are matters of some consequence.

Mr. Speaker, I indicated yesterday—and what has happened here today is clear proof that we did not have to stay here until after midnight last night. We could have been here in session today and tomorrow and on Saturday and, yes, even on Sunday as well as next week to dispose of the matters then pending.

Now, specifically, Mr. Speaker, it is 4 o'clock. As far as I am concerned—the gentleman from Ohio asked me whether this was a part of a plan on my part. Well, I have instigated no quorum calls, no demand for the reading of the Journal, and no other procedure, although I must say that I think probably it has been a pretty good thing to have had it done just to indicate that after all we could have been here in session today to consider matters that were jammed through last night with hardly—well, as I say, 15 seconds allotted to individual Members of the House.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

Mr. HAYS. Mr. Speaker, again reserving the right to object, the gentleman from Indiana asked for a minute and that request was not objected to. However, he has spoken for 3 or 4 minutes in order to air his stomach ache about what happened to him last night.

Of course, we had the votes, and I happen to have been here, I might say to the gentleman, when on one of those rare occasions when his party was in power and they had the votes they did on numerous occasions exactly what was done last night. We took it and liked it—well, maybe, we did not like it, but we did not cry about it as the gentleman did.

Mr. HALLECK. Mr. Speaker, do I have the permission to proceed for an additional minute?

Mr. ALBERT. Mr. Speaker, reserving the right to object, I think the minority leader knows that the majority leadership has cooperated with the gentleman as much as with any Member of this House in trying to accommodate the plans of the minority leadership and others to the legislative program.

Mr. Speaker, we had a job to do yesterday and we did it. Whether the gentleman agrees that the matter should have proceeded to a conclusion or not, does not seem to me to justify a filibuster today in the reading of the Journal. That is the only business that has been before the House today, the reading of the Journal.

We would like to get the Journal approved without additional cost to the taxpayers of the country.

Mr. Speaker, anybody who has any knowledge or judgment as to the responsibility of the majority would admit, I believe, that it would be a complete surrender and breakdown of the responsibility of the leadership if we in the majority did not assume and meet that responsibility. I think the gentleman will agree with that.

Does the gentleman want us to turn the leadership of the House over to the Republicans and to the minority leadership? Those gentlemen who cheer should recall that the responsibility of the majority has been given to us by the American people and until the people take it from us, we intend to discharge that responsibility. I do not believe that anything our Republican friends have done yesterday or today will enhance their chances of assuming the leadership.

Mr. HALLECK. Mr. Speaker, I withdraw my request.

The Clerk continued the reading of the Journal.

Mr. ALBERT. (Interrupting the reading of the Journal). Mr. Speaker, I ask unanimous consent that the Journal be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. ASHBROOK. Mr. Speaker, I object.

The Clerk continued the reading of the Journal.

Mr. HALLECK (interrupting the reading of the Journal). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HALLECK. Mr. Speaker, is there any way under the rules by which I might be recognized for 1 minute at this point?

The SPEAKER. The gentleman can ask unanimous consent to be recognized for 1 minute.

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to be recognized.

The SPEAKER. Is there objection? The Chair hears none. The gentleman is recognized.

Mr. HALLECK. Mr. Speaker, I have been conversing with members of the Committee on Appropriations in charge of the legislative appropriation bill on both sides of the aisle, and with some of those who have been raising questions that have been asked this afternoon. I am wondering if we could understand that if the further reading of the Journal were dispensed with, if that legislative appropriation bill could go over from today to tomorrow or to such subsequent day as we might determine?

Mr. STEED. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. Yes. I will yield to the gentleman from Oklahoma.

Mr. STEED. First I would like to say that this subcommittee has the very thankless job of taking care of our housekeeping and we have worked and worked on it and been away from our own work for a long time in getting this bill together. We brought it here today in complete accord and harmony. Of course, we found a situation not of our making or wish. When I was in the Army they taught me that if you found yourself in a crossfire, the smart thing to do is to get into a foxhole, and I have been in one all day, and I do not know whether it is safe to come out yet or not.

I will tell the gentleman that if and when we find any kind of normal condition in which to present this bill to the House, we will be more than happy to do so.

Mr. HALLECK. I would just like that sort of climate myself, I would say to the gentleman.

Mr. Speaker, I am wondering about this. I do not know who could make the commitment except the gentleman from Oklahoma or Mr. STEED.

Mr. STEED. I would say this: If we can finish the business today, I have no intention of calling this bill up today under any circumstances, but I would hope that we could meet tomorrow. There is one matter that might require some discussion. I think most of the bill is in very good shape and we can handle it in a very expeditious manner if the House is in a humor to do so. I would be more than happy to be here tomorrow to present it to the House.

Mr. HALLECK. I can be here tomorrow and I guess the people on our side can.

Mr. STEED. I might say this: For once in my life in regard to this bill I am where I can call some of the shots. I have some plans for next week. If we do not take it up tomorrow it will have to wait until such time as I can call it up, which will be a week or so away. I do not want to ask the House to indulge me; we thought we were in good shape and on good schedule and made plans accordingly. If we can keep on schedule tomorrow I am willing to do my part to see that we have the opportunity to consider the bill.

Mr. HALLECK. Mr. Speaker, I do not think the request to dispense with the further reading of the Journal should come from me. I trust someone will make that request.

Mr. ALBERT. Mr. Speaker, will the gentleman yield to me?

Mr. HALLECK. I yield to the majority leader.

Mr. ALBERT. Mr. Speaker, the distinguished gentleman from Oklahoma, my colleague [Mr. STEED], has stated that he did not intend now to call up this bill today. I think, considering the hour, the gentleman's decision is certainly a reasonable one. I would say, though, that I think it is very important that we come in tomorrow to consider the legislative appropriation bill. It would be difficult to come in for that purpose on Monday. I wonder if we could not agree to dispense with the further reading of the Journal with the understanding, if it is agreeable to the gentleman and his committee, that he would call up the bill tomorrow.

Mr. STEED. Mr. Speaker, we are the servants of the House and we are anxious to do whatever the House wishes, if the House will just give us the opportunity and the atmosphere in which to do it. We would be happy to do it tomorrow. Personally I am not going to be in a position to do it in the following week, but after that I stand at the disposal of the House, whenever they wish to take it up.

Mr. ALBERT. Mr. Speaker, in view of the apparent understanding—at least we are approaching an understanding, or so I hope—I ask unanimous consent that the further reading of the Journal be dispensed with and that the Journal be approved.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

Mr. ASHBROOK. Mr. Speaker, reserving the right to object, I should like to make one observation. I think somewhere between the rules of the House as they were utilized yesterday, which certainly would represent them at their narrowest point, and today, when they have been at their broadest point, there should be an area of reason and compromise. There are a few of us who are becoming a little perturbed at the way unanimous-consent requests are becoming abused, at least as far as the legislative procedure is concerned. I would say for myself that I feel there has been too great a use of unanimous-consent requests in the past, far too many, and while none of us take the position of objecting to all of them, I do think it would be in the interest of the House and of the entire Nation if we had far fewer of these unanimous-consent requests. I am certainly not going to object to this request, but I will say that an undue number of unanimous-consent requests, if made in the future, will be objected to by this Member and particularly where there is a pattern of abuse as to discretion or content.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma [Mr. ALBERT]?

Mr. HAYS. Mr. Speaker, reserving the right to object, who is going to make the decision about what is an undue unanimous-consent request? Is the gentleman going to make it?

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

Mr. ALGER. Mr. Speaker, I object.

The **SPEAKER.** Objection is heard. The Clerk will read.

The Clerk resumed the reading of the Journal.

The Clerk concluded the reading of the Journal of yesterday's proceedings.

The **SPEAKER.** Without objection, the Journal as read will stand approved.

There was no objection.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATON BILL, FISCAL YEAR 1965

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Friday to file a report on the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill for the fiscal year ending June 30, 1965.

The **SPEAKER.** Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. JENSEN. Mr. Speaker, on that I reserve all points of order.

COMMITTEE ON RULES

Mr. TRIMBLE. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain privileged reports.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

THE THREATENED RAILROAD STRIKE

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, I wish to call the attention of the Members of the House to the very grave situation in which the country might well find itself by a national railroad strike.

Mr. Speaker, we all know that last year we passed a piece of legislation which, I feel, did not give any choice to the Members of the House, but we may be faced with the responsibility of making a similar decision in a matter of days.

Mr. Speaker, certainly no one wants and everyone knows that we cannot afford a long national railroad strike. On the other hand, I think every Member of this body wants to avoid another precedent toward compulsory arbitration. Therefore, I believe it becomes the responsibility of every Member to try, during the next few days, to give the greatest consideration to what possibly may be a solution at this time to a seemingly impossible situation.

AMERIGO VESPUCCI

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, the Honorable JOHN J. ROONEY, the fiery champion of common causes affecting the interests of the ethnic groups in the Congress of the United States, addressed the House on March 9, 1964, depicting in colorful and superlative descriptive language, the accomplishments of Amerigo Vespucci and his discoveries in the New World.

He referred to the special ceremony in Washington as a tribute to the memory of this great explorer. Whereat many outstanding personalities including the Honorable James E. Webb, Administrator of the National Aeronautics and Space Administration, participated in the acceptance of a landmark memorial tablet from the Federation of the Italian-American Democratic Organizations honoring the late President, John F. Kennedy, and Amerigo Vespucci.

The gentleman from New York [Mr. ROONEY] called upon all peoples of the hemisphere to honor his name.

Amerigo Vespucci—"Americus," as his name was spelled in some of the Latin books of his day—was born in Florence, Italy, on March 9, 1451.

Early in life he became a student of geography and navigation. He developed a new system of celestial navigation that allowed him to approximate the location of land and sea, on the then known earth. Through the use of the moon and the hours of the day he was able to determine latitude. His calculations of the earth's circumference were so accurate, considering the information that he had available, that they continue to astound scientists even today. Indeed, it is said that he was only 50 miles in error, in his approximation of the length of the Equator.

This leads me to suggest that March 9, the birthday of the great explorer, is a date that ought to be observed both by the United States and by our sister republics to the south—and Canada as well—as a time of rededication to the friendship which binds our entire hemisphere into one great area of freedom. What could be a better occasion for such an act of rededication, than the birthday of the great Italian for whom both of our continents are named?

Amerigo Vespucci, however, was more than an explorer: He was also a man of letters, and he reported his voyages in a series of remarkable letters to his Medici patron, as well as in his book "Mundus Novus." Someday the Pan American Union or other appropriate organization may find time to reprint some of these writings, in a form that may serve to recall his name to all of us who live in the sister republics of this hemisphere.

Since the days of Amerigo Vespucci and Christopher Columbus, many hundreds of thousands of other Italians, and Irish, and Spaniards, and Frenchmen, Germans, Scandinavians, Poles, and Greeks, and people from every land on earth, have followed in their footsteps, to find a new life on our side of the Atlantic. Some of them fought beside George Washington to bring us our independence. Others, or their children, I see about me today, as Senators and Representatives, participating in the business of government, as great leaders of our generation.

> All, like Vespucci, were immigrants, or the families of immigrants.

The gentleman from New York [Mr. ROONEY] brought out the essential values of his discoveries as a verification of Christopher Columbus' reports. He stated in his speech recorded in the CONGRESSIONAL RECORD, page 4734, March 9:

> When Christopher Columbus reported his discoveries, he thought that he had opened a westward route to Asia—but he did not bring back with him any of the fabled riches of India. As we now know, he had found something even greater—but in those days, the meaning of his astounding discovery was still unknown.
>
> The rulers of Spain and Portugal decided that they must find out just what had in fact been discovered—and they selected for this task Amerigo Vespucci, because he was a man of science, and at that time the representative in Spain of one of the powerful Medici princes of Italy.
>
> In his voyages, Amerigo Vespucci followed the mainland of South America as far as latitude 50°5' south—and he was, therefore, able to declare that the land he had seen was not Asia, but a new continent. In fact he appears to have been the first of the explorers of his era to glimpse the mainland, for Columbus' earliest voyages had ended with the Caribbean islands. It was Amerigo Vespucci who first taught the world that a great new frontier had been opened, and he was the first to glimpse its true extent.
>
> As a result, in 1507, a famous mapmaker in Torraine labeled this new world of the west with the name "America"—after the man who had charted it.
>
> Actually, the part of America which Vespucci had discovered was what we now call South America, but the name soon came to be extended to North America as well.

Quoting further he said:

> When we hear the word "America" we think of many things: our country, the fertile lands and the factories, the soldiers who have died for our freedom, the immigrants from many lands who have linked their fortunes with ours to make this Nation great.
>
> All too infrequently do we hear the name of the man from whose work this very word "America" was derived. It is therefore appropriate that we pause a little while, on this anniversary of his birth, to do him the honor that he deserves.

The speech was universally lauded by the Italian press as a patriotic contribution to the image of the Italo-Americans at this most important period in press relations. One such article appeared in Il Progresso, a leading Italian publication in New York City, widely read both in the United States and abroad. It was written as the published remarks of the Vice President of the International Garment Workers Union, the distinguished labor leader, Luigi Antonini, translated as follows:

> This week there were two events on the calendar which have not gone unnoticed, especially by us Italian-Americans:
>
> On March 9, 1451, Amerigo Vespucci was born in Florence. On this anniversary, Hon. JOHN J. ROONEY, South Brooklyn's liberal Democratic Congressman, delivered a speech in the U.S. House of Representatives, beautifully recalling that purely Italian and universal glory:
>
> "It is a well-known fact that for some years after the arrival of Columbus in the New World, the idea prevailed that the land discovered by him belonged to India. Then doubts arose, and in order to dispel them, the Florentine Amerigo Vespucci, an experienced cartographer, was given the task, first by Spain, and then, later, also by Portugal, to explore the new land and to draw a sketch with the relevant coordinates.
>
> "Navigating along shores of the mainland as far as latitude 50 south, Vespucci was able to show that it was a new continent. [The land on] the map, somewhat rough and approximate, which was the result thereof, was named America."
>
> Bravo, double bravo, Congressman ROONEY. The first bravo for the speech on the Florentine explorer, and the second for having made the point and for reminding us that the doors must be opened more generously to those who want to emigrate from the country that was the birthplace of Christopher Columbus and Amerigo Vespucci.

These splendid comments voiced by Vice President Antonini are truly representative of the popular acceptance of our citizens of Italian extraction.

Representative ROONEY has been in the forefront of every movement whether at the legislative or community level to advance the progress of the Italian people. And his constituents have shown their gratitude in full measure by showing their deep sense of admiration for their great legislative leader in returning him to the Congress term after term. We, the Members of the Congress, respect and love this popular, skilled, and brilliant public servant who is dedicated to the service of his fellow man. He is the immigrant's friend and champion. Mr. Antonini made no mistake in calling to the attention of the populace the fine attributes of a real American—the Italian American's true friend.

BATAAN DAY

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, as the Nation today mourns the death of one of the greatest military heroes of all time—General of the Army Douglas MacArthur—we are also observing at the same time the 22d anniversary of one of the great battles in which he participated.

Today, Mr. Speaker, is Bataan Day and, at this very hour, the man who led the American and Philippine forces in that bloody siege in 1942 is traveling to his final resting place at Norfolk, Va.

The courageous stand that was taken by the American and Philippine soldiers as they fought side by side in the South Pacific in the early days of World War II inspires freedom-loving people everywhere. The long battle at Bataan, which rallied together men from diverse cultures to fight as one against a common enemy, proved beyond doubt the inspired leadership of General MacArthur. The general kept his promise to return and liberate the island.

Today, as we mourn his death and observe the anniversary of the battle of Bataan, we share a bond with the Philippine people that we hope will never be broken.

Today, as the frontiers of freedom are eroding in many areas of the world, as we mourn the loss of a great soldier, it would seem appropriate for us to pause and remember those dark days in the early 1940's and recall the last words which were sent out over a makeshift radio station operated on the island bastion of Corregidor just before it fell:

> Bataan has fallen, but the spirit that made it stand—a beacon to all the liberty-loving people of the world—cannot fail.

Mr. Speaker, that spirit must not fail.

VETERANS' PREFERENCE

Mr. BATTIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. BATTIN. Mr. Speaker, for the benefit of the Members I wish to call their attention to a letter I received on April 1, 1964, from the American Legion concerning the proposal of the Agency for International Development—AID—to reduce their force without regard to the veterans' preference laws and regulations. The position of the American Legion is well founded and I concur in their objections.

Following is the letter on the Legion's position:

> APRIL 1, 1964.
>
> Hon. JAMES F. BATTIN,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR JIM: Since you are a member of the House Committee on Foreign Affairs, I wish to inform you that the American Legion is unalterably opposed to a current legislative proposal affecting employees of the Agency for International Development (AID). The proposal referred to would give AID absolute authority to fire its civil service employees without regard to civil service or veterans' preference laws and regulations.
>
> While it is also proposed that an appeal board be set up within AID as a last resort for those indiscriminately fired, the experiences in the 1961 AID reductions in force indicate that such appeals are virtually hopeless.
>
> It is the view of the American Legion that legislative precedents of the proposed nature seriously undermine the entire civil service merit system.
>
> Veterans' preference in Federal employment has been the policy of this Nation since its beginning; the first statute granting preference to veterans was enacted in 1865, almost 100 years ago. While the manner in which veterans' preference has been accorded has varied over the years, Congress has never abandoned this traditional principle.
>
> The American Legion sees no logical reason to abandon civil service and veterans' preference laws now to satisfy this Agency. The Legion finds it strange, indeed, that AID again seeks indiscriminate firing authority, having had it as recently as 1961. Further, its predecessor agencies, in the past decade, were granted similar authority on occasions.
>
> 1. Why should this Agency, among all in this vast Government, continually seek such firing authority?

2. Having exercised indiscriminate firing authority in the past, how has AID accumulated a new corps of undesirable employees?

3. If indiscriminate firing authority in the past has not solved its personnel problems, how can such a course be justified now?

The American Legion feels very strongly about this. We believe there are ample means of eliminating undesirable employees without resorting to the cruel and unfair methods proposed.

With regard and good wishes, I am,

Sincerely yours,

CLARENCE H. OLSON,
Director.

BRAZILIAN REPORT

Mr. BATTIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. BATTIN. Mr. Speaker, as vice chairman of the Republican policy committee's task force on Latin America I was pleased to consult with Mr. Claude R. Kirk, Jr., of Jacksonville, Fla., who has traveled widely in Latin America in the past few months and who is a candidate for the U.S. Senate for the Republican Party in Florida this year. Mr. Kirk came to Washington on March 16 following his Latin American visit to meet with our task force and to convey to us his views on Latin American problems.

At that time he prepared a Brazilian Report for our guidance. It predicted the turmoil and the attempted leftist takeover in Brazil which has occurred in the past few weeks. In view of the accuracy of his predictions and the value of his plan for the future, I wish to ask consent to include his report in the RECORD at this point so that it can be shared by all Americans.

As Mr. Kirk has always said:

> There is no doubt that Cuba has been established as the Communist fountainhead in the revolutionary subversion of Latin America.

BRAZILIAN REPORT

(By Claude R. Kirk, Jr.)

Latin America should have been one of our strongest bulwarks for peace—and could have been. There, as a part of our Western Hemisphere, we should have had friends and allies to stand with us against all threats of aggression and war. That chance we threw away. Our potential friends and neighbors to our south have looked to us, but we have looked away.

The result in one country after another has been disorder, revolution, chaos. The physical outbreaks have come overnight, but their causes have not been sudden; they have been smoldering, rumbling, and threatening for years. Backward, frustrated, resentful of the United States, Latin America has become the prime target for communism.

Each of the America's 20 distinctly different countries offers its own opportunities to the Communists—from terror and attempted revolutions in Venezuela, the Red takeover of labor unions in Bolivia, the Reds capitalizing on the unrest of Indian peasants in Peru, to the land and industry seizure in Brazil. Then there is Chile which may legally vote itself communistic in next year's election if we don't act promptly.

In my opinion one of our great mistakes in meeting this problem has been to group these 20 countries all together, under one head—Latin America—while in reality they are each different from the other and their problems must be met separately.

Because of its size, its population, and its importance as the second largest country in the Western Hemisphere, I am confining this report to Brazil which could very well become the Red China of Latin America.

In my study with Brazilians of all walks of life, I have confirmed prior analysis and conviction that the people of Brazil are moving with the sudden acceleration—sudden demand—and sudden desire for a way of life for the individual that the free capitalist system provides. Whether they can read or write or not, Brazilians are fast learning about the higher standards of living by means of free capitalism through newspapers, television, and radio. Communism has never created nor adequately provided any of these elements. Communism has constantly suggested—constantly pointed at—and constantly promises, but has consistently failed to deliver this way of life in East Germany, Czechoslovakia, Hungary, China, Russia itself, and Cuba. Simultaneously—yesterday, today, tomorrow, these same uninitiated but leaning minds to either system are being subtly lied to and subverted by the working Communists.

As a candidate for the U.S. Senate from Florida, I am specifically concerned about the threatened communistic takeover of the Western Hemisphere. Losing Cuba just off our own Florida shores is a serious matter, and now, the Organization of American States has proved conclusively that Cuba supplied men and smuggled weapons and equipment to the Venezuelan terrorists. There is no doubt in my mind that Cuba has been established as a Communist fountainhead in the revolutionary subversion of Latin America.

In regard to expanding Western Hemispheric communism, it is and shall be my position that no other country in the Western Hemisphere can be or will be allowed to be taken over by the Communists. In any such event the United States and its Western Hemispheric allies must expel this devious Communist minority (by joint or singular military commitment if necessary) and return the country to its true majority, for in no case has communism ever taken over by the majority and in no case today does it rule by the true majority.

Communism spreads only in the face of poverty—confusion within—weakness of domestic government—plus the added default in helpful action by Communist-opposed system of government. The United States has defaulted on some matters in the past, but this may have been because we, of the United States, have been too modest or retiring to accept the world leadership which has come to us. Perhaps we have tried to excuse and avoid the fact that we are the world's most powerful nation. This we now can no longer avoid—for with this world power, as in the case of any type of power, comes responsibility—responsibility for the direction and control of this power to the success of all within our country and within the world.

This responsibility, I am convinced, free Brazilians want and urge us to firmly and clearly assume.

We talk of our "gifts" to this country and that country (no prideful people within or without the United States want gifts or charity, especially the countries of the Western Hemisphere). However, all of these people, I believe, clamor for clear, firm U.S. world leadership. If we do not assume and exercise this firmness of leadership it necessarily falls by default to the Communists who will take power position and will direct world force. The people of the United States are not interested in involving themselves in other governments, for we are busy enough with our own problems, but, in my opinion, we are clearly dedicated to protecting our own and every man's right to social justice, and where communism enters, social justice leaves. Therefore, I shall fight for this stated position to be taken by the United States—that not one more country in the Western Hemisphere shall be allowed to fall to communism.

With a firm stand by the United States on the one hand, the United States must take a second firm stand to spread, demonstrate, and "prove on the ground" the free capitalistic ideology which gives to every man the inner knowledge and true hope for himself, and those who will be his heirs, of individual dignity, freedom of thought, freedom of development and integrity; and to prove private enterprise with its 'incentive" and "profit" system has made our country the most powerful and our people the most affluent in world history—curing the sore where communism festers. This again is in direct contrast to the socialist, nationalistic, communistic system.

We know that government-to-government aid by its very nature holds back private economic development, which is the only realistic hope of high living standards within a framework of political freedom.

I make no apology for being a free capitalist nor for the fact that every American is a free capitalist (with varying degrees of financial worth, but all free capitalists nonetheless). It is and has been free capitalism that has created and earned freedom of religion, freedom of education, freedom of the press, free trade unionism, abundant food, proper homes, proper health, medical care, wonder drugs, cars, TV's, radios, etc.—all the things any man wants and strives for. The economies of Brazil have now come to the point where it must absorb domestic free capitalism—this must be accelerated—the desires must be met. It will not be an easy job, but the demand for the better things of life, the demand for jobs, the demand for education, housing, etc., is now great in Brazil. We must help them to create and finance industry, farming, education. We must also help the free leaders of Brazil put into the minds of each of their countrymen the crusading knowledge of "Why and what is freedom?" "Why and what is integrity of family?" "Why and what is equal opportunity of man?" and "how the profit and incentive system works"—simultaneously, we must put into the hands of each person the sword of free economic capitalism; namely, some knowledge of and opportunity for equity ownership. There are few, if any, Communists in the world who can remain Communist once they have earned success under free capitalism and have created an estate of any size and have invested with a portion of those estates in the smallest share of their country's economy. Again, the most American and free capitalist thing of evidence in the world, and the sword that will fell communism, is a certificate of ownership—either common stock and/or proprietorship—or insurance value, or savings book, or deed. From the creation of all this will be mustered the army that will thoroughly defeat communism in Brazil with peaceful pressure—a militia made of the free workers, free managers, and free investors of Brazil, and so it and the legions of freedom will grow, country by country, throughout the Western Hemisphere.

If this is not done, then the words of Susane Labin no doubt will prevail for the Western Hemisphere.

All right—agreed—but what is the answer?—when does the positive action start?—and by whom?—days wasted by freedom are days permanently lost and minds temporarily lost to Communist gain.

THE PLAN—ELEMENT 1

As you know, I am a candidate for the office of U.S. Senator from the State of Florida (Republican Party)—this contest will be decided on November 3 of this year. One of the more important and needed ingredients in, and qualities of, a Senator is for him to be truly knowledgeable and to be clearly informed on any major subject, and not just "briefed" from some single source. Considerations must come from many reliable sources on the scene and at the heart of the matter in question. We are concerned here with isolating and dissolving communism and building free capitalism in the Western Hemisphere. While it is a perplexing problem it can be answered—and the following is my offer of a continuing system of answering this mutual need which should also take full advantage of our opportunities. Latin America is comprised of 20 sister nations, which means we have 20 different personalities, circumstances, considerations, contributions, needs, and opportunities. I therefore am asking a small group of dedicated leaders within each of these 20 countries to serve as an ongoing advisory group for that individual country, to me. Thus, we create 20 centers of influence and information on the scene—at the heart of the matter. I can, and will, then counsel with each adviser individually and collectively, country by country, on the scene, on a consistent, periodic basis for review and interchange of knowledge and plans. Needless to say, between meetings I would look to a free-flowing individual exchange of correspondence.

No matter if I win or lose the senatorial race in November, this will be an on-going group to complete the Kirk plan, which would look like this:

Advisory group People of nation X.
Leaders of media.
Leaders of business---------- Kirk.
Leaders of parties People of
Leaders of church United States.

THE PLAN—ELEMENT 2

There are many mushrooming U.S. governmental, private, financial, and charitable organizations expending money and/or effort in each of these 20 sister nations, and the Kirk plan will not be competitive nor in conflict with any of these groups (as ours will not disperse funds). We will consider or audit the results and actions of the various governments, organizations, and individuals to have any failures corrected and to improve the job to be done. In those functions that are good we would only urge them to do better and more—and then we would tell the story of progress clearly and constantly to all people of all nations. What I am saying is there there must be 20 "quality audit teams"—"catalytic-leadership teams"—"performance teams"—to be in each area to overcome the apparent lack of success of most existing groups against communism. Advice and audit are of little value without affirmative action, thus:

THE PLAN—ELEMENT 3

A task we say and agree is done better by free enterprise where free enterprise is capable, and free enterprise can answer this task.

Government tends to create empires of people that have an endless tenure at tremendous costs. Any government is only a function of the people, therefore the people must truly answer their own destiny.

Communists say that foreign and domestic free capitalism exploits and erodes the country, suppresses domestic peoples, and that foreign goals are imperialistic—our task is to expose these lies constantly and to convey the truth.

We must better inform these governments of the problems and opportunities, we must work with the adviser groups to educate and convince all people of the merits of freedom and the truth about communism, and then we must help all people to freedom within their lives and lands.

There is a deadline to meet which we are the creators and controllers of.

To give this full-time daily leadership, we need extraordinary and true leaders, therefore we shall call together and muster the—

Consejo de Progreso Inter-American.

Numbers: 100 counselors maximum, no more.

Tour of duty: 4 years—no more.

Post of opportunity: 20.

This demanding work requires men of great talent—proven ability—no confining involvements—no current commitments—free to travel—free to relocate—financially independent, who have reached all the material goals they have felt the need for. These men are available if we can issue the call—they lived and worked under freedom and, because of freedom's way, and their personal effort, they succeeded into early retirement. They have many more productive years. They certainly have 4 full years to give full throttle to the private enterprise system that was so good to them.

Since this is in a way an advisory legion, it will have direction from one director, which I will serve as, together with screening of volunteers, assigning of tasks, and grading of results against predetermined time allocations.

We know we have 20 sets of circumstances, so not only must each adviser agree to learn the language, but he must also receive the most complete study direction from the advisory group involved. Inasmuch as there are similarly "labeled" problems in each of the 20 nations, we first need:

1. To recruit 20 retired executives who are proven experts at public relations—who understand the use and power of direct and indirect media—who can convey the truth and answer the lie at all levels of absorption. We then must assign one man to each nation with that country and task as his sole responsibility.

2. Communism has its main targets among the educators, and those being educated; and most will agree that the 20 different educational systems are in need of understanding, counsel, strengthening, and in some areas, corrections; therefore, we must also recruit 20 retired educational leaders and assign one to each country, with that country and task as his sole responsibility.

3. Twenty different sets of "redtape" must be cut—20 different sets of laws and regulations must be thoroughly understood and used—use of funds, action, and time must be under surveillance; therefore, we must recruit 20 retired leaders in the field of certified public accounting, and assign one to each nation and task as his sole responsibility.

4. We have only 39 of our 100 advisers left—they must be retired leaders of many varied industries to be assigned to industry, and nations (as an example, transportation and food are prime concerns, but there can be great overlap between countries on these projects and more than one adviser of a specific classification may be required).

The function of the Consejo de Progreso Inter-American then is to work "on the ground"—a conduct of information, effort, and experience from one people to another people—to live within the country assigned, to complete study created by the advisory group—each adviser to completely finance himself—to give 4 dedicated years and to either succeed or fail in that time limit—all to be subject to replacement—not one investment will be made by an adviser nor 1 cent of profit taken from the contacts they have for this 4-year period. The goal is to build or improve domestic economies with domestic effort and domestic finance, always, and only with the goal of domestic and Western Hemisphere benefit in mind.

WHAT OF THE ADVISER?

What is his reward for all this time, effort and money spent? Each will be given what he has now; namely, retirement (in 4 years) but each will receive a reward we all seek; that is, an inner knowledge that they have individually reached the prime goal of life—"service to your fellow man"—further than that, each will have protected their individual and each man's collective freedom—and helped to muster the army that must surely defeat the deceivers.

THE PLAN: CONSEJO DE PROGRESO INTER-AMERICAN

Twenty Sovereign Peoples

Advisory groups

Leaders of media.
Leaders of business.
Leaders of political parties.
Leaders of church.

KIRK

Consejo de Progreso Inter-American

Leaders of media.
Leaders of education.
Leaders of controls.
Leaders of programs.
Leaders of church.

Help groups

Governmental.
Private.
Charitable.

THE PEOPLE OF THE UNITED STATES

A CIVIL RIGHTS PROGRAM WHICH DOES NOT INCLUDE DECENT, SAFE, AND SANITARY HOUSING HAS LITTLE MEANING OR SUBSTANCE

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. WIDNALL. Mr. Speaker, in city after city the slums and the rats are being ignored as the enforcement of the "workable program" languishes.

The "workable program" was established by the Housing Act of 1954 under President Eisenhower to prevent the recurrence and spread of slums.

The national housing policy, set forth in the Housing Act of 1949, is "the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family" and it goes without saying that a civil rights program which does not include decent, safe, and sanitary housing has little meaning or substance.

The "workable program" was meant to be enforced, as is clear from this language in the Housing Act of 1954:

> No contract shall be entered into for any loan or capital grant under this title, or for annual contributions or capital grants pursuant to the U.S. Housing Act of 1937, as amended, for any project or projects not constructed or covered by a contract for annual contributions prior to August 1, 1956, and no mortgages shall be insured, and no commitment to insure a mortgage shall be issued, under section 220 or 221(d)(3) of

> the National Housing Act, as amended, unless (1) there is presented to the Administrator by the locality a workable program and (2) on the basis of his review of such program, the Administrator determines that such program meets the requirements of this subsection.

A workable program for community improvement is a prerequisite for the following Federal aids: first, urban renewal assistance—for slum clearance and redevelopment, rehabilitation and conservation; second, section 220 Federal Housing Administration mortgage insurance for housing construction or improvement in urban renewal project areas; third, section 221(d)(3) FHA mortgage insurance to provide liberally financed rental housing for families of low and moderate income and those displaced by governmental action; and fourth, public housing for families unable to afford standard housing in the private market.

The Housing and Home Finance Administration has stated in one of its publications that:

> The requirement that these Federal housing and renewal aids will be extended only to communities having a workable program in effect is a form of insurance—insurance that Federal funds will be used to help those communities willing to help themselves. In enacting the Housing Act of 1954 Congress established the principle that there is no justification for assistance on any other basis.

Since the Members of this body will, in the very near future, consider a bill, S. 628, as amended by the House Committee on the District of Columbia, to enlarge the urban renewal program in the District of Columbia, a step which will surely cost many additional millions of dollars, it behooves each one of us to carefully consider whether the workable program in the District of Columbia is actually working, and, especially, if it meets the requirements of the Housing Act of 1954 as amended. I include the following items as part of my statement because they do shed a great deal of light on the workable program, and prove that it has grave deficiencies at the present time, and that it should be markedly overhauled and strengthened. This should be done before S. 628, as amended, is enacted into law.

These items include:

First, a series of editorials by radio station WWDC outlining the failures of housing code enforcement in the Adams-Morgan urban renewal project area. I would point out that station WWDC is a strong supporter of the concept of urban renewal in the Nation's Capital.

Second, a copy of my letter of January 17, 1964, to the District of Columbia Engineer Commissioner asking for his comments on this situation.

Third, a copy of a reply from Engineer Commissioner C. M. Duke, dated February 5, 1964, and a memorandum on code enforcement in the Adams-Morgan area, from the Assistant Engineer Commissioner.

Fourth, a copy of my letter of March 18, 1964, to Housing Administrator Robert C. Weaver calling his attention to the fact that HHFA officials had reviewed code enforcement in the District of Columbia, and had made no suggestions for improvement, with the single exception of a minor change concerning bathroom ventilation. It should be noted here that the workable program for the District of Columbia has again been approved by the Housing Administrator.

Finally, a copy of the reply from Dr. Weaver of April 3, indicating that the importance of the workable program, and, particularly, adequate housing code enforcement has still to be accepted by the Housing and Home Finance Agency under this administration.

If this administration were to be judged solely on the basis of the evidence, a jury would have to find that it believes that rigorous enforcement of local housing codes, as required by the workable program provisions of the Housing Act of 1954, is some kind of a Republican plot instead of being a central core item in any meaningful human and civil rights program.

THE TRAUMA OF URBAN RENEWAL

(By WWDC President Ben Strouse)

[WWDC Editorial No. 4, Dec. 17, 1963]

Some 200 children live in the 59 houses that line Seaton Place, Northwest—in the heart of the Adams-Morgan area.

Many of these kids are shivering at this moment because of the inadequate heating in their shabby homes. Some of them have been frightened—even bitten—by rats; rats who find broken windows and doors and walls an invitation for invasion.

Why don't the parents of these children move? Because they can't afford anything better—anything that's available to a Negro family of 6 or 10 or even 15.

Why don't these people complain to the District of Columbia housing division? Because if they did, their landlords would be ordered to spend money for improvements. But then rents would go up. And some of these families are already paying up to $160 a month for rent and utilities.

What's the answer? One answer might be the right kind of urban renewal program. In fact, the District of Columbia Commissioners declared Adams-Morgan an urban renewal area 3 years ago. A survey was conducted—plans were drawn up. But those plans were so controversial a final decision has never been made.

Now the Commissioners want another up-to-date survey. Now, there'll be more delay.

But meantime those kids continue to shiver. And those rats continue to multiply and to invade and sometimes to bite.

[WWDC Editorial No. 5, Dec. 17, 1963]

People who live on Seaton Place NW., don't know what to believe. They're caught in contradictions. You see the result as you walk down their alleys.

Each house on Seaton Place has a small backyard. Some of these yards aren't fit for children to play in. They're filled with broken glass and weeds and overflowing garbage cans. But other yards on the alleys of Seaton Place are well kept. One even has a white picket fence, potted plants and a neatly painted sign. It reads: "Improve Your Lawn—Adams-Morgan Improvement."

Why don't all the residents of Seaton Place fix up their yards? Ninety percent of these people are renters. They say if their fix-up efforts go too far—rents go up. And the people of Seaton Place cannot afford rent increases.

Some residents think urban renewal is the answer. They tell you that under the Adams-Morgan renewal plan, decent low-income housing would go up in the Seaton Place neighborhood. Others have their doubts. They point out that little low-cost housing has been constructed in the new Southwest renewal area.

Are there real answers to the contradictions on Seaton Place? We'll be getting to these in editorials to come.

[WWDC Editorial No. 6, Dec. 26, 1963]

The 5-year-old twins who live on Champlain Street NW. are afraid. They're afraid to go into their shabby bathroom alone. They've seen rats crawl out of the holes in the bathroom's floor. Not afraid—the twins' younger brother—but that's because he's only 4 months old. He doesn't know about rats. However, that's just a matter of time—unless something's done about the miserable conditions under which he and his five brothers, mother, father, and grandmother are forced to live.

WWDC has talked to the owner of the slum house this family lives in. Understandably, he doesn't want to be identified. Let's call him Mr. X. X tells us he's sorry about the rat holes and faulty furnaces and broken locks in his houses. But he asks for understanding. X doesn't even want to rent those houses out. He wants to tear them down—replace them with a parking lot. But the Adams-Morgan renewal plan is still up in the air. If it goes through, the Redevelopment Land Agency will buy Mr. X's property on Champlain Street. And land with so-called improvements on it brings more than does a parking lot. Meantime, X feels that fixing up his Champlain Street holdings would be—to coin a phrase—pouring money down a rat hole.

So until the controversy over Adams-Morgan is resolved—those houses on Champlain Street will stay. Mr. X will continue to collect rents. A pair of twins will continue to be afraid. And a 4-month-old boy may learn about rats—from firsthand experience.

[WWDC Editorial No. 16, Jan. 2, 1964]

Those 5-year-old twins on Champlain Street are less afraid this week. Those rat holes in their bathroom—described on an earlier WWDC editorial—have been closed up.

Last week WWDC revealed conditions under which a family of nine lives in the Adams-Morgan area of Northwest Washington. We quoted their landlord as saying he was sorry about the rat holes. But Mr. X, as we called him, pleaded for understanding. He wants to tear those buildings down and is waiting for the opportune time. Meanwhile he doesn't want to pour money down the proverbial rat hole.

Now, however, Mr. X has given in a little. He's boarded up the rat holes in one house. Apparently, if he were pressured about other specific rat holes, he'd board those up. But is this enough? Is a patch here, a patch there, the answer?

Isn't it time something was done, not only about the rat holes, but about the thousand and one other things wrong with the Adams-Morgan neighborhood?

Isn't it time the District of Columbia Commissioners acted in one of the few areas in which they have the power to act?

Isn't it time a decision was finally made on a workable urban renewal plan for Adams-Morgan?

JANUARY 17, 1964.

Brig. Gen. C. M. DUKE,
Engineer Commissioner, District of Columbia,
Washington, D.C.

DEAR GENERAL DUKE: I am enclosing my statement in the CONGRESSIONAL RECORD of December 30, 1963, in which I refer to rent strikes in New York City and elsewhere.

As indicated, the rent strike has a direct relationship to the failure of the city government to enforce housing codes. This in turn has a direct relationship to the workable program established by the Housing Act of 1954.

The evidence suggests that codes have not been enforced, and that the actions required by law have not been enforced. This is the burden of a resolution adopted on January 16, 1964, by the Independent Citizens of Adams-Morgan, a copy of which is enclosed herewith.

Before taking further action on this matter, I should like to receive any explanation you may care to make about the failure of the Board of Commissioners, District of Columbia, to enforce the situation complained of in the attached resolution of the Independent Citizens of Adams-Morgan.

Sincerely,

WILLIAM B. WIDNALL,
Member of Congress.

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
Washington, D.C., February 5, 1964.

Hon. WILLIAM B. WIDNALL,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. WIDNALL: I regret the delay in replying to your letter of January 17, 1964, pertaining to enforcement of codes in the city, with particular attention to a section of the Adams-Morgan area.

I have recently had several memorandums submitted to me concerning code enforcement activity in the area. In reading them I am surprised and pleased at the amount and diversity of effort being expended in the area to improve housing conditions. I believe that you will agree with me when you read the memorandums which I am transmitting with this letter.

Your inquiry was most welcome because it gave me an opportunity to become more familiar with an important though frequently overlooked aspect of District operations.

Knowing your interest in the improvement of housing conditions, I would greatly appreciate any suggestions you have for helping disadvantaged people to atain the minimum acceptable standards of environmental hygiene which is one of the principal goals of our housing regulations.

Sincerely,

C. M. DUKE,
Brigadier General, U.S. Army,
Engineer Commissioner.

FEBRUARY 5, 1964.

Memorandum to the Engineer Commissioner.
Subject: Code Enforcement, Adams-Morgan.

This is in reply to your request for information concerning housing code enforcement in the Adams-Morgan area, particularly on Champlain Street and Seaton Place NW.

It is understood that your inquiry was prompted by allegations found in a resolution dated January 16, 1964, adopted by the Independent Citizens of Adams-Morgan. The resolution leaves much to be desired in regard to clarity of language and precision. However, it is construed to allege:

1. That the District is not in compliance with the requirements of the workable program for community improvement regarding enforcement of the housing regulations and

2. That enforcement of District of Columbia housing regulations has been lax or neglected for residential premises fronting on Champlain Street and Seaton Place in the Adams-Morgan area.

Neither of these allegations is substantiated by information furnished me by the District of Columbia Office of Urban Renewal and the Department of Licenses and Inspections.

The progress report on the workable program for community improvement currently certified by the Housing and Home Finance Administrator through September 1, 1964, was submitted June 6, 1963, and covered fiscal year 1962. In the letter informing the District that the program had been recertified, the only comments pertaining to the District of Columbia housing regulations were:

1. A recommendation that the housing code be amended to strengthen the provisions regarding ventilation of bathrooms.

2. A request that the next submission described changes recommended in the community renewal program regarding changes in any codes or enforcement procedures.

During the period that the progress report was being prepared the regional office, at the District's request, sent down two representatives who reviewed the housing code and enforcement procedures with District personnel. They offered no suggestions at that time except the one noted above about bathroom ventilation.

Since the current progress report was approved by the Board of Commissioners prior to your tour of duty, I am taking the liberty of transmitting a copy with this memorandum. The section on code enforcement is on pages 7, 7A, 7B, 7C, 7D, 7E, and 8. The volume of activity, the geographical spread of work, and the number of kinds of enforcement activity carried out by the Housing Division will interest you as they are summarized in the progress report. The number of inspectors in the Housing Division is limited by budgetary considerations and the amount of time that can be devoted to any particular area is allocated in the light of overall need.

The workable program is recertified for the period ending September 1, 1964.

In regard to the allegation that Champlain Street and Seaton Place have been neglected, it appears that the health and safety of the residents are subject to at least the same, if not greater, consideration and protection as that accorded citizens elsewhere in the District of Columbia.

The Housing Division of the Department of Licenses and Inspections has furnished a table summarizing inspection activity on Seaton Place and Champlain Street as well as several nearby streets during the period January 1, 1960, through January 31, 1964. A copy of this table is transmitted with this memorandum. The data furnished reveal that the 192 residential premises on these 2 streets had a total of 501 orders issued against them specifying 1,724 violations during that period. Abatement of 394 orders with 1,049 violations has been attained.

During the period January 1, 1963, through January 21, 1964, the 192 residential premises on Seaton Place and Champlain Street were served with 193 orders by our inspectors, of which 98 were violations for rodents and unclean yards, broken down as follows: evidence of rat infestation, 13; trash, 71; and improper trash and garbage containers, 14. It is apparent that the 98 violations are in large measure, if not entirely, due to the living habits of the residents. Square No. 150, through which Seaton Place runs, is notorious to District officials for its problems of bad housing, overcrowding, incidence of vermin, and generally unsatisfactory living conditions. As a result of the foregoing, one or more housing inspectors routinely check this area every week. Despite enforcement and educational efforts, little lasting improvement has been noted. It would appear that lack of sanitary knowledge, apathy, and high turnover among residents in this particular area of Adams-Morgan all contribute to unsatisfactory conditions.

Following your request for information, the Housing Division on January 22 and 23 carried out an exterior inspection of both Seaton Place and Champlain Street with the following results: 80 premises, no cause for action: 112 premises, orders issued for the following violations: 36, rats; 99, trash; 38, trash and garbage cans.

These conditions prevailed despite the efforts of the prior years. Here again the violations are those associated with standards of the residents rather than structural deficiencies in housing. Obviously some of these orders updated and affirmed orders already outstanding.

Conditions found in the Champlain Street and Seaton Place areas are not unique in the District and there is little prospect of dramatic improvement. Temporary improvement through education and enforcement has been accomplished a number of times in Seaton Place and many other areas, but when the initial enthusiasm is dissipated, areas revert to the former condition.

Housing inspectors are trained to use every opportunity arising from their contacts with householders to impart information and to urge the practice of good housekeeping habits. Two employees of the Housing Division devote full time to educational activity, with special emphasis on block organizations. Supervisory personnel make frequent appearances before larger organizations, such as civic and neighborhood associations, to explain the objectives of the housing regulations and to demonstrate the advantages of citizen-government cooperation in attaining compliance with the regulations. Illustrative of this activity, there is enclosed a memorandum dated January 28, 1964, describing an effort by the Housing Division to improve conditions in an area including Seaton Place during the period April–August 1963. The memorandum describes the techniques used by resourceful Housing Division personnel and the cooperation of another District agency. It appears that the effort was temporarily successful, but the memorandum concludes with the discouraging statement, "During the cold weather, the area slips into poor conditions."

Although enforcement of the housing code is an essential element in maintaining minimum environmental health standards, it is not a cure-all. It is acknowledged that substandard housing reduces the incentive for good housekeeping, but dwellings in good physical condition do not necessarily overcome the adverse influences of ill health, poverty, apathy or lack of training for urban life which not infrequently are associated with the residents of blighted areas. Unless other contributing factors can be overcome or alleviated, housing code enforcement will not alone produce ideal environmental living conditions. This is not to say that there should be any relaxation of code enforcement, but it should be clearly recognized that other efforts are necessary.

I believe that the allegations contained in the resolution of the Independent Citizens of Adams-Morgan although made in good faith were based on less than thorough understanding of the amount of work being done by the Housing Division in Champlain Street and Seaton Place.

EDWIN C. ADAMS,
Lieutenance Colonel, Corps of Engineers, U.S. Army, Assistant Engineer Commissioner.

MARCH 18, 1964.

Hon. ROBERT C. WEAVER,
Administrator, Housing and Home Finance Agency, Washington, D.C.

DEAR DR. WEAVER: I am pleased to see, in the HHFA publication, "Workable Program for Community Improvement," dated February 1962, the following clear statement of fact regarding urban renewal assistance: "The requirement that these Federal housing and renewal aids will be extended only to communities having a workable program in effect is a form of insurance—insurance that Federal funds will be used to help those communities willing to help themselves. In enacting the Housing Act of 1954 Congress established the principle that there is no justification for assistance on any other basis."

With this in mind I am sending along to you for comment:

1. Four editorials (Nos. 4, 5, 6, and 16) broadcast in recent weeks by radio station WWDC on housing conditions in the Seaton Place-Champlain Street section of the District of Columbia.

2. A copy of a February 5, 1964, "Memorandum of the District of Columbia Government on Code Enforcement, Adams-Morgan." This memorandum states that HHFA regional office representatives reviewed the District of Columbia housing code and enforcement procedures with District personnel during the period that the progress report was being prepared, but "they offered no suggestions at that time except the one noted above about bathroom ventilation."

The memorandum states that the violations of the housing code found in the residential premises on Seaton Place and Champlain Street "are in large measure, if not entirely, due to the living habits of the residents. It would appear that lack of sanitary knowledge, apathy, and high turnover among residents in this particular area of Adams-Morgan all contribute to unsatisfactory conditions."

Any suggestions you may have as to why the requirements of the workable program have not been satisfied on Seaton Place and Champlain Street would be appreciated also.

Sincerely,

William B. Widnall,
Member of Congress.

Housing and Home Finance Agency,
Washington, D.C., April 3, 1964.
Hon. William B. Widnall,
House of Representatives,
Washington, D.C.

Dear Mr. Widnall: This will acknowledge your letter of March 18 and the copies of the editorials of radio station WWDC and the memorandum prepared by the Assistant Engineer Commissioner of the District of Columbia concerning code enforcement on Seaton Place and Champlain Street in the proposed Adams-Morgan urban renewal area.

Indicative of our conclusion that the District of Columbia has a workable program meeting the requirements of the law is the fact that the workable program was recertified on August 27, 1963, to expire September 1, 1964. Prior to this recertification there were conferences with local officials to explore ways in which the quality of the local program could be improved. Our Philadelphia regional office informs me that a regular biannual review is scheduled within the next month at which time they will discuss with local officials code enforcement in the Adams-Morgan area.

The Assistant Engineer's memorandum is a good exposition of the problems a city faces in stabilizing conditions in slum areas and among slum dwellers pending a decision by the local government on an urban renewal project for clearance and rehabilitation. The memorandum shows that local code officials are aware of conditions in this particular area and are keeping the area under constant surveillance. It is a mistake to assume that it is always possible to use code enforcement alone to bring about major physical and environmental changes in a seriously deteriorated area especially when that area is being considered as part of an urban renewal project.

The District of Columbia was one of the first cities to recognize the value of housing code enforcement as a means to eliminate and prevent slums and blight. The city has a large and experienced staff and a good code. It is constantly making efforts to improve its enforcement program.

The city of Washington has been fortunate in the interest taken by the press, radio, and television stations in its enforcement program.

Sincerely yours,

Robert C. Weaver,
Administrator,

AN ANALYSIS OF THE REPUBLICAN HOUSING PROPOSALS

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Widnall] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. WIDNALL. Mr. Speaker, in order to assist my colleagues in their deliberations on the future course of the Federal urban renewal and housing programs, I am including at this time an analysis of H.R. 9771, and companion measures, introduced by Republican Members on the House Special Housing Subcommittee, January 28, 1964.

The analysis follows:

Analysis of the Housing and Neighborhood Rehabilitation Act of 1964 by Senator Tower

TITLE I. LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS

Sections 101–102: Provide annual contributions to provide direct assistant to supplement rents paid by low-income families. Units would be existing housing leased by local authority but operated and managed by private owners. Rent assistance is provided for 30,000 units.

TITLE II. COMPENSATION OF CONDEMNEES

Sections 201–202, declaration of policy: Enunciates declaration of policy of just compensation with the aim of compensating owners of land and their tenants as fully as possible for losses suffered by reason of federally assisted condemnation under any housing or urban renewal statute.

Section 203, assurance of compensation: Extends assistance to tenant by assuring him of supplementary payment over and above compensation to owner.

Section 204, compensation: Establishes formula for compensation of tenant equal to actual value of interest or to the net diminution in actual value of the interest taken or damaged. Actual value will be determined by replacement cost of interest. Owners and tenants will be allowed reasonable attorneys' fees incurred in securing such compensation.

Section 205, payments before eviction: When condemning authority has knowledge that property is to be taken or damaged, authority must make advance payment of 90 percent of estimated amount of compensation not later than 15 days after notice of taking parcel or adjoining parcel.

Section 206, actual value: Defines actual value of fee property as the greatest amount a prospective purchaser would have offered for the interest had it been offered for sale on the date of taking.

Actual value of a tenant's interest in a leasehold is the greatest amount that would be offered to purchase the tenant's interest by a prospective assignee willing to assume the obligations of the lease.

Section 207, replacement cost: Defines replacement cost to include moving expenses, costs of advertising and special promotions incidental to reopening a business, and attorney's fees, commissions, and other costs incidental to acquiring new property.

Section 208, taking and damage defined: Defines "damage" as the consequences of the exercise of eminent domain or zoning resulting in a net diminution of the actual value of the parcel, and if the parcel is adjacent to a parcel taken in the course of a redevelopment program.

Sections 209–210: Technical provisions.

Section 211, application: Makes title effective only for contract executed after enactment, and for public housing and urban renewal for which there has been submitted a plan after enactment.

TITLE III. URBAN RENEWAL

Section 301(a) prohibits assistance for demolition and removal of buildings if objectives of renewal could be achieved by rehabilitation.

(b) Rehabilitation loans: Provides rehabilitation loan program to owners and tenants in an urban renewal area; residences or businesses, owner or tenant must establish that they are unable to obtain rehabilitation financing from private lenders or other Federal agencies on reasonable terms. Terms: 15 years or three-fourths of remaining economic life, whichever is less; 3-percent interest; up to cost of rehabilitation or $10,000 in case of residential property, or $50,000 in case of business property, whichever is less.

The section establishes $100 million revolving fund with additional $100 million to be made available after July 1, 1964, and July 1, 1965, a total of $300 million.

Section 302, relocation of displacees from urban renewal areas: Requires relocation program for busines concerns, in addition to individuals, displaced by urban renewal. Provides for strict enforcement of relocation program, without regard to race, etc., of displacees, with suspension of further advances or payments as penalty for noncompliance.

Provides that relocation payments be made at time condemnation proceedings are commenced.

Section 303, local responsibilities under urban renewal program:

(a) Adds as an element of a workable program: "a statement of anticipated zoning changes in the community which would serve to assist displaced business concerns in making arrangements for their relocation."

(b) Requires administration in evaluating workable program to determine "that the locality has adequately identified the goals to be achieved with respect to each element of the workable program and has committed itself to the improvements (with respect to each such element) that will be made during the ensuing year."

(c) Provides for suspension of financial assistance if annual review of workable program finds that locality has not fulfilled its commitments.

(d) Authorizes HHFA assistance to communities in developing self-help programs for community improvements including rehabilitation projects which require no financial assistance as well as self-liquidating redevelopment projects.

(e) As a condition for approval or renewal of a workable program, requires community to initiate and carry out a study of the property assessment system to determine (1) effect of workable program and urban renewal project on property values; and (2) extent to which real estate taxation can be used as incentive to improve properties and a means of financing local urban renewal activities.

(f) Requires community referendum and majority approval before a local public agency can enter into any contract for loan or capital grants.

(g) Declares congressional policy that localities desiring to undertake urban renewal should be encouraged to obtain necessary

financing from State and local sources, public and private. Also, gives priority to applicants of urban renewal assistance which permits increases in tax revenues resulting from redevelopment to be pledged for the payment of principal and interest charges on obligations issued for financing project, or which is otherwise found to have taken all possible steps to obtain State or local financing.

Section 304, nonresidential renewal: Terminates grants for nonresidential and nonpublic renewal; substitutes 10-year loans at going Federal rate plus one-half of 1 percent, up to two-thirds of net project cost. Loans will bear no interest for any period prior to the date on which the land involved is sold or otherwise disposed of by the local public agency for redevelopment.

Section 305(a) requires, insofar as practicable, competitive bidding on real estate acquired for a project.

(b) Preference to local developers.

Section 306, local grants-in-aid: Requires that grant-in-aid credit for streets within urban renewal area consider the ratio that traffic to and from the area bears to the total traffic with no credit being allowed for any portion of a street outside of the area.

(b) Denies grant-in-aid credit to any public body which has received any grant or subsidy from the Federal Government with respect to any demolition, removal, improvement or facility, to the extent of such subsidy or grant, with the exception of Federal contributions to the District of Columbia.

Section 307, definition of local public agency: Redefines local public agency to incide "any public body exercising all of its functions relating to a project as agent for a local government or State."

TITLE IV—MISCELLANEOUS

Section 401, local approval of low-rent housing sites: Requires local governing body approval of sites for public housing before entering into any contract, including a preliminary loan contract.

Section 402, expenses in connection with private organizations: Prohibits use of any Federal funds for urban renewal or public housing to be used for (1) dues or fees in connection with membership in a private housing or urban renewal or related organization; (2) travel or subsistence in connection with attendance at meetings or conferences of such organizations except where individual is a scheduled speaker or has formal official duties at such meetings or conferences.

Section 403, FNMA purchase of conventional loans: Authorizes FNMA to purchase conventional mortgages of a quality generally acceptable to private institutional mortgage investors.

TRIBUTE TO JOHN D. ROCKEFELLER III

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. LINDSAY. Mr. Speaker, last night I had hoped to be in New York attending a dinner in honor of John D. Rockefeller III. Mr. Rockefeller was being honored by the Concert Artists Guild for his enormous contributions to New York and to the country and, most particularly, for his devotion of time, energy, and resources toward the building of Lincoln Center.

There was a distinguished group of men and women at the dinner, testifying to the affection and respect that New Yorkers and people concerned with the advancement of the arts have for Mr. Rockefeller.

The chairman of the event was Peter Grimm. Among those present were Richard Rodgers, Senator Jacob K. Javits, Governor Thomas E. Dewey, Arthur Rubinstein, Rudolf Bing, Thomas Schippers, Peter Menin, Charles M. Spofford, Dr. F. D. Patterson, Mrs. Blanche Wise, president of the Concert Artists Guild, and Ambassador Braj Kumar Nehru, Indian Ambassador to the United States.

Last night the House of Representatives remained in session until midnight, debating and voting on the wheat-cotton and food stamp bills. I made it a policy not only to vote on such bills but to participate in the debate, and I could not, in good conscience, leave the House in order to fly to New York. This was a sadness for me, as I particularly wanted to join the distinguished company there gathered to do honor to John D. Rockefeller III. Mr. Rockefeller was the recipient of the 1964 award of the Concert Artists Guild.

I am very grateful to the Concert Artists Guild for their understanding, and I should like to thank Mr. Francis Robinson, assistant manager of the Metropolitan Opera, for being so kind as to deliver the address in my place.

With the permission of the House I would like to insert in the RECORD at this point the comments about Mr. Rockefeller that I had drafted for this occasion and which were read by Mr. Robinson.

REMARKS BY REPRESENTATIVE JOHN V. LINDSAY AT THE CONCERT ARTISTS GUILD DINNER IN HONOR OF JOHN D. ROCKEFELLER III, GRAND BALLROOM, NEW YORK HILTON HOTEL, APRIL 8, 1964

We Americans pride ourselves on being a nation of doers. From the beginning, we have had the urge to create, to invent, to build, to analyze, to develop. We take pride in getting the job done. We have always believed that, with effort and knowledge and ability, we can climb the top of any mountain. And the habit of believing this way, and acting upon this belief, has put us among the great nations and civilizations in history.

As can happen with doers, however, we sometimes rush through the woods and never notice the trees. We may even ram through a six-lane highway and knock down the trees. But assuming we're smart enough not to do this, and that's a large assumption, the trees which make up the whole woods are likely to get short notice. A nation's general advance and the strength of its whole society may be measured by the excellence of the individual things upon which a people's whole culture depends. These are the things which make up a people's spirit: literature, music, theater, painting and sculpture, distinctive architecture—expressions which come from deep inside a people.

Our society, in its devotion to the business of national security and its garrison state orientation, has not related national good with cultural development. "They have filled the city full of harbors and docks and buildings and all that," said Plato, "and have left no room for reason or justice."

John D. Rockefeller III, one of our greatest doers, has found room in our crowded society for reason and justice. He is a man whose concern for mankind has had specific impact in many areas. There were broad horizons and much to do. In all of this he has been helping men to satisfy that glorious inner urge to discover beauty and truth.

I suspect that in all his works the most satisfying for this noble man has been the creation of something very special, something very good, in his beloved home city of New York. In the evolution and building of Lincoln Square he had a vision, the same kind of vision that must have guided the men of ancient Athens as they created their great city.

"For me new horizons began to open," Mr. Rockefeller wrote. "Since the war my work has been concentrated in the international area. I had begun to think more seriously of my responsibilities as a citizen of New York."

The tall, quiet man then took on the task, with other New York citizens, of establishing in Lincoln Square a glorious center for the performing arts.

"We sensed that—in the eyes of the world, Lincoln Center would represent the importance of the arts to the American people. We are thinking of something that will last for generations." These were his very direct words, visionary, yet totally sensible.

"Colossus on Broadway," was what his dream was called, by one of the big weekly magazines, and yet even that underestimated the man. He did not see it that way, but rather as a tangible expression of intangible values, and a step forward in a long adventure.

This man, whom you honor tonight, has a sensitivity and a hope about lasting things. In the words of writer Vincent Sheean, he knows that "the material has an end and that humanity requires something else."

Recently Mr. Rockefeller's colleague, Mr. William Schuman, made the point, "There is very little planned support for the arts and other cultural assets of our communities in the Nation as a whole today."

Mr. Schuman, I am sure, directed this comment at agencies and groups, both private and public, which might have the resources and interest to become involved in planning for the arts. I would include the Federal Government in this group.

Last year, I was a cosponsor of legislation aimed at creating a Federal Advisory Council on the Arts. I knew this would be a difficult accomplishment—so many people mistakenly assume that all Federal assistance to the arts must necessarily involve direct cash subsidies. The legislation failed in the House of Representatives.

President Kennedy then handed down an Executive order establishing an Advisory Council by Executive fiat. The order has not been implemented—the Council exists only on paper. It is unfortunate that it has not been implemented. Here is a chance for the Federal Government, through such a council, to collate the state of affairs in respect of our cultural resources, to examine ways and means of encouraging private initiative in the arts, to strengthen existing governmental interest in the arts, to lift its courage and to chart a course of national involvement for the future.

The Federal Government should have an important place—its function should be to create a healthy environment so that the arts can grow and flourish. Too often though, Government, through such restraints as unnecessary and unimaginative tax treatment, actually hinders artistic expression and surrounds the practice of the arts with unnecessary restrictions.

There are many ways in which the Federal and local governments can support the arts without resorting to direct cash subsidies which are not within any practical offing that I can see. In addition to the establishment of a council, more equitable tax treatment should be provided. The 10-percent

Federal admissions tax on live dramatic performances, for example, should be repealed. Authors of literary, musical, or artistic compositions should be afforded the benefit of capital gains tax treatment in the event that they sell the rights to their works. Urban renewal can be used effectively. Local governments should distinguish between the ballet and the flea circus next door.

We had a glimmer of light in a portion of the tax bill which recently became law—provision was made to decrease the tax bite suffered by individuals who have widely fluctuating incomes. This income averaging should be applicable to many of those who earn their living from the arts.

In the absence of imaginative approaches by the Federal Government, we must encourage and expect the private sector to move, as it always has done. But this takes leadership, initiative, and drive. John D. Rockefeller has supplied this leadership, in abundance. He is the modern renaissance man, a magnificent man with a magnificent cause, and he has made a path which we hope others will follow. He has provided light where there has been too much darkness. He has helped make us civilized, which in this day of massive complexes is not easy to do. Tonight you do credit to your country, your city, and yourselves by doing honor to John D. Rockefeller. We thank him for his works, but most of all for himself, for the sensitivity and the concern that is within him. And we wish him and Mrs. Rockefeller long life, success, and happiness.

TWENTY-FIRST ANNIVERSARY OF UPRISING OF JEWISH GHETTO IN WARSAW

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, today, April 9, 1964, has been designated by the Yiskor Committee for 6 Million Martyrs of Chicago, Ill., as a memorial day to commemorate the 21st anniversary of the heroic and historic uprising of the people within the Jewish ghetto in Warsaw against Nazi tyranny.

On Sunday afternoon, April 12, the Chicago Yiskor Committee will officially hold a memorial observance. The purpose of observances such as this throughout the Nation is a reminder to citizens of the United States of the heroic courage displayed by the men, women, and children in the Warsaw ghetto in their uprising against Nazi military forces.

It is certainly tragic, Mr. Speaker, that 21 years after this heroic, but tragic, uprising in which brave men and women gave their lives for freedom, that the people of the world are still in danger of losing their freedom to a fanatical ism. World War II was fought to rid the world of nazism and facism only to have them replaced by the present designs of world communism.

It is also worthy of historical note, Mr. Speaker, that at the present time within the Soviet Union incidents of massive antisemitism are coming to the attention of free world leaders. It is indeed ironic that the Soviet Union, who fought with us in World War II, has adopted many of the same violent practices of the Nazi era.

Let us all hope that by the next anniversary of the Warsaw ghetto uprising the world will have permanent and lasting peace and all people, regardless of their faith, national origin, or race, can enjoy the fullest political, economic, cultural, and religious liberties.

THE POWER OF PRIVATE ENTERPRISE

Mr. BATTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. SAYLOR. Mr. Speaker, we read and hear much these days concerning the national power survey which the Federal Power Commission has undertaken, a report on which is expected some time this year. If I understand the situation correctly, the report will emphasize the need for a national electric power grid in order to meet the burgeoning energy requirements of our country.

As I see it, the proponents of Federal power are quite likely to seize upon FPC's national grid recommendations to urge that the Federal Government take the lead in construction and operation of major interregional electric power interconnections. Movements in this direction already are in progress, as many of our colleagues are aware, such as the proposed Federal interconnections between the Pacific Northwest and Pacific Southwest and between the Bonneville Power Administration system and southern Idaho. In fact, however, Federal construction of either of these lines is totally unnecessary and would be an unconscionable waste of Federal funds.

To suggest that the Federal Government alone is uniquely equipped to build and operate major segments of a national power grid is to indict, in effect, the electric utility industry for lack of foresight and interest in the distribution of energy to meet the Nation's needs. In point of fact, private enterprise in the electric utility field has been moving ahead steadily but quietly over the last decade or more in the development of techniques of transmission of power over extra-high-voltage lines, without help from the Government.

The story of the evolution of E.H.V. power transmission under the impetus of private enterprise is well told in the March 18, 1964, issue of "Investor's Reader."

Mr. Speaker, under unanimous consent, I include the text of the article, "Power Evolution on the Line," at this point in my remarks.

POWER EVOLUTION ON THE LINE; HIGH-VOLTAGE TRANSMISSION SENDS MORE ELECTRICITY FARTHER, AIDS NATIONWIDE POWER GRID

With a flick of the switch, the housewife in Pasadena starts to broil her steak with power generated in British Columbia. Her cliffdwelling sister in Manhattan will vacuum her apartment with power drawn either from Labrador or Long Island. Her upstate New York cousin may do his early morning milking with the aid of juice generated in predawn Indiana.

All these and sundry similar examples are admittedly oversimplified but they illustrate the design for increasingly effective power service being developed on the drawing boards—and in the pocketbooks—of the Nation's $61-billion-assets electric utility industry.

The key points are: (1) an ever-growing and more tightly knit interconnecting system permitting electricity to be switched from one utility or even one part of the country to another and (2) utilization of more distant but economically attractive generating locations from which power is transmitted to the areas of major demand. Neither of these concepts is startingly new but activity on both is being stepped up sharply with recent technological advances and increased demand for power.

The most dramatic advance is the development of extra high voltage (EHV) whose attraction is greater efficiency in transmission and the ability to carry the power for longer distances. By utility definition, EHV means any powerline carrying a charge of at least 300,000 volts (most to date are at 345,000 volts). Since 1955 EHV mileage in service has tripled to 3,000 miles, with another 10,000 miles planned or already abuilding.

As just one current example, Commonwealth Edison this January began to clear ground for a set of three 345,000-volt lines to emanate from a 1,120,000 kilowatt mine-mouth generating station being constructed at Kincaid in the central Illinois coal district 15 miles southeast of Springfield. When the two-unit station is ready in 1967 and 1968, two of the lines will carry electricity 175 miles to Chicago, the third will connect with neighboring utilities to the south and east.

But EHV sights are already switched higher. Virginia Electric & Power, with assists from Westinghouse Electric, Stone & Webster, Ohio Brass, Reynolds Metals, and others, is constructing a 500,000-volt line to transmit electricity from a 1-million kilowatt mine-mouth, steam-generating station nearing completion at Mount Storm, W. Va.

Eventually a 350-mile loop will connect Mount Storm with major power consumption areas in the Virginia suburbs of Washington and the Richmond area and also connect with other utilities. The first leg is to be ready by October to make it the first 500,000-volt line in commercial service in the United States. But other projects are on the way. Among those in advanced planning stages:

Six hundred miles of 500,000-volt lines to bring power from generating plants at West Virginia and western Pennsylvania mine mouths to the Pennsylvania-New Jersey-Maryland (PJM) Interconnection, the Allegheny Power System and Consolidated Edison. PJM consists of 12 utilities including New Jersey's Public Service Electric & Gas, Philadelphia Electric, and the General Public Utilities system.

A 650-mile, 500,000-volt line to link California utilities with the Oregon border where surplus power from Federal hydro installations in the Northwest could be picked up. This has been proposed by Pacific Gas & Electric, Pacific Power & Light, and Southern California Edison. However, several other at least partly noncompatible plans have been proposed, including one for Federal construction. Any settlement seems some time off.

One thousand miles of 500,000- and 345,000-volt lines on which construction has just started by the South Central Electric Cos. (SCEC) and TVA to enable the two systems to exchange 1,500,000 kilowatts of power on a seasonal basis. SCEC consists of 11 companies, all of whom are also part of the southwest power pool.

The higher power story has evolved continuously ever since Edison brightened the year 1879. An early long distance transmission took place in 1896 when a predecessor of Niagara-Mohawk Power strung an 11,000-volt line 22 miles to carry Niagara Falls-generated hydropower to Buffalo. By World War I longer and stronger lines were carrying electricity at 138,000 volts, a decade later at 230,000 volts.

EHV arrived on the line only in the fifties. Sweden took honors in 1952 when it transmitted power at 380,000 volts, from its lonely hydroelectric sources in the north toward population areas in the south. American Electric Power set up the first commercial EHV system in the United States in 1953. At 345,000 volts the American Electric line transmitted power between New Haven, W. Va., and Beverly, Ohio.

The switch to 500,000 volts is testimony of the constantly increasing needs of the utilities to transmit increasing amounts of power. One reason is simply the crackling increase in total usage. Total U.S. consumption of electricity has consistently doubled in each recent decade. It passed the trillion kilowatt-hour mark in 1963 for a new record.

BOLTS AND VOLTS

In anticipation of a yet greater demand growth and hence need for more power shuffling over longer distances, still higher voltages are presently under test. At Apple Grove, W. Va., EHV pioneer American Electric Power and Westinghouse Electric have been investigating 775,000 volt transmission.

Up north in the Berkshires, General Electric has invested $10 million in experimental work on 750,000-volt lines and is "testing lines with manmade lightning bolts of up to 4 million volts."

In Canada, Hydro-Quebec plans to put the world's first 735,000-volt line in service from hydrosites on the Manicouagan and other St. Lawrence tributaries to Quebec City and Montreal by 1965.

With promise of such high-level transmission, several utilities have already begun to turn their sights on vast untapped hydroelectric resources deep in Canada. New York's Consolidated Edison, harried by some local opposition to a proposed atom plant in Long Island City, is planning to tap some 2 million kilowatts at Hamilton Falls in Labrador, which it says will be "more economical." To bring the power 1,100 miles to Manhattan, it plans to employ 700,000 volts or higher.

Under consideration is a direct-current line of 1 million volts. Direct current may be more practical and economical than alternating current on long point-to-point hauls of over 500 miles. A drawback is the problem of tapping the line for power en route. Since the direct current must be turned into alternating current for local use, each tap requires a.c.-d.c. converters, which are costly, especially at such supervoltages.

In figuring the economics of increasing voltages, a rough guide is that in EHV power can be sent effectively about a mile for each kilovolt (1,000 volts). Thus a 500,000-volt line should be good for up to 500 miles without requiring special equipment to assure line stability.

An even more important economic aspect is that the amount of power which can be transmitted over a specified distance grows at a much faster rate than the voltage. A powerman cites: "A 345,000-volt line will cost four or five times as much as a 115,000-volt line but it carries nine times as much."

Another utility man says a 500,000-volt system can "carry over four times as much power as a 230,000-volt line." American Electric Power's electrical research chief Robert H. Schlomann calculates the 750,000 volts to which his company expects to go next will create six times the carrying capacity of its present 345,000-volt lines. Explaining the size of the new line, he notes most utilities consider the "best step is to roughly double whatever the present voltage level is."

POWERPACKED WAY

A related advantage pertains to rights of way which have become increasingly hard to obtain. Engineer Schlomann points out "we want to pack as much power into a piece of land as we can." He explains as voltages increase the needed width of the right-of-way goes up at a much slower rate. For comparison, a 230,000-volt line requires a 100-foot width, carries approximately 130,000 kilowatts. At 345,000 volts the needed width is 150 feet but 360,000 kilowatts are carried. A 700,000-volt line requires a 250-foot width but the carrying capacity is 1,800,000 kilowatts or roughly 14 times that of a 230,000-volt line.

Higher voltage lines also cut down on line loss. This dissipation of power into the atmosphere can run as high as 10 percent of the original power input. Certain effects such as a "corona"—an electrical discharge from the conductor which sometimes forms a visible arc glow—are accentuated at higher voltages. But overall, some experts believe the net loss can be reduced to a mere 2 to 3 percent at extra high voltages.

Transmission economies are, however, only one EHV aspect. High voltage lines are what makes feasible a nationwide interconnection network under which numerous individual power systems pool their resources. By now nearly all major U.S. utilities are linked in the most advanced power complex in the world though still stronger ties are on the schedule.

Powermen stress EHV represents only the bright supersparkers in the power network. Most of the Nation's power grid will continue to rely on regular "high voltage," with step ups to EHV only where heavy demand or long distance makes it worthwhile. But high voltage carries quite a charge with many lines 230,000 or at least 138,000 volts.

There are already well over 100,000 miles of 110,000-volt-and-up lines in the country. The investor-owned utilities have a $8 billion program underway to bring the total to 200,000 miles by 1970.

BROAD CONNECTIONS

In the present U.S. setup, the largest pool is the Interconnected Systems Group. It combines the resources of 120 systems in 39 States east of the Rockies, from Canada to the gulf, except for separate Texas and southwestern groups. The Interconnected Group has a combined generating capability of 154 million kilowatts. West of the Rockies interconnected groups include the Northwest Power Pool and the Pacific Southwest Interconnected Systems Group.

Countless additional interconnections are planned for this year and next. But 1966 will be the big year in which virtually all the utilities will be linked coast to coast as a result of a 230,000-volt Bureau of Reclamation line to connect the Yellow Tail Dam to Glendive, Mont.

These ties are what theoretically establishes a power link between Labrador and La Jolla. Of course, the consumer has no way of knowing where the power supplied by his utility originates at any moment. But in practice, the lending and borrowing of power between utilities is mostly done within regional pools, with electronic brains helpfully at the controls. Says Cleveland Electric Illuminating Chairman Elmer L. Lindseth, who also heads the Edison Electric Institute's power capacity and pooling committee: "In a country as vast as ours a nationwide grid will probably always be an aggregate of local pools interconnected one with the other."

EXCHANGE ADVANTAGES

Exchange of power through pooling is used to handle emergencies, to adjust for differences in seasonal and peak time needs, and to pool reserve capacity. The net effect is to assure reliable supplies on less capacity. American Electric Power's Schlomann illustrates: "Consider two power systems, each with a peak capacity requirement of 100. But A has a 75-percent demand in summer, 100 percent in winter, B the reverse. By exchanging 25 units at off times through interties the total system capacity need only be 175 instead of 200 if each operated independently."

Thus several utilities can pool their resources to save on required reserve capacity. Secondly, if one system has large efficient generating equipment while another's is more costly to operate, the inefficient equipment can be set aside for reserve use.

In another case, the pooling of capacity can enable a utility to put off building new facilities when there is just a little extra demand. Eventually the utility can build a large, efficient generating plant to handle its accumulated demand.

The result to the consumer is expected to be a continuation of the decreasing cost of electricity. From the 25 cents a kilowatt-hour which Thomas Edison charged, the average residential price has decreased to a new low of 2.37 cents in 1963. Only 10 years earlier, the average price was 2.74 cents.

MARKET POWER

Fanciers of EHV also include the equipment suppliers who see a bigger market for their wares. Both General Electric and Westinghouse have worked on the techniques of extra high voltage transmission. They expect to cut in with sales of transformers, circuit breakers, as well as lightning arresters on the line itself.

Reynolds Metals is supplying 22 million pounds of aluminum electrical conductor wire for the 500,000-volt Mount Storm line. Alcoa reports 1 out of every 16 pounds of primary aluminum produced now goes into electrical use. Aluminum for electric use represents 11 percent of total Alcoa shipments. Kaiser and Anaconda are also active cable suppliers. United States Steel's American Bridge Division and Bethlehem Steel are leading suppliers of the tremendous steel towers to support the high-voltage cables. The average tower on the Mount Storm line contains 6 tons of steel or 20 percent more than on a similar double-circuit 230,000-volt line. However, higher voltages require fewer towers—four to five to a mile at 500,000 volts, six to eight at 230,000 volts.

While development of EHV makes economical power supply available from more distant sources, some powermen work on technological advances which will create more close-in competition including A-power and fuel cells. But powermen say huge atom-fueled generators would also be tied in with the high-power transmission lines.

GROWING APPETITE

Looking down the line into the future all observers agree on the increasing needs for more electric output. But utility experts like American Electric Power's Schlomann feel there will be ample use for all generating means to meet the growing appetite for power—in the United States alone the Edison Electric Institute estimates 1980 usage will almost triple 1963's consumption of a trillion kilowatt-hours.

Thus, despite increasing competition, he foresees "more and more development of far off sources such as Con Ed's Labrador project." This will be accompanied by "increasing interconnections, more economical generating plants, and more flexibility in placing them. All of this will eventually lead to even lower cost of electricity—and we should then expect to see still more increased usage."

WILSON'S PARIS WORK RECALLED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FLOOD. Mr. Speaker, in dealing with the crises overwhelming the world today only a few writers have the perspective afforded by active experience in World War I and the League of Nations debate. Outstanding among them is David Lawrence, editor of the U.S. News & World Report.

His column on Woodrow Wilson in the February 5, 1964, issue of the Washington, D.C., Evening Star merits reading by every Member of the Congress and a place in the permanent proceedings of this body.

The article follows:

WILSON'S PARIS WORK RECALLED: PRESIDENT FAILED TO CONVINCE AMERICANS LEAGUE OF NATIONS NEEDED U.S. SUPPORT

(By David Lawrence)

Forty years ago this week—on February 3, 1924—Woodrow Wilson died at his home in Washington. The anniversary has passed almost unnoticed. Yet it was a notable event in world history, for it not only marked the demise of a great President but called widespread attention to the decline of American idealism as a moral force in the world.

President Wilson had failed at Paris to convince the pragmatic leaders of Europe that the time had come to put idealism above commercialism, and he also had failed at home to convince the voters that a League of Nations needed American participation. Premier Clemenceau of France was almost as intransigent then as General de Gaulle is today, but somewhat more flexible at least in supporting the League of Nations concept.

The diplomacy of those days was not far different from what it is today—each government in Europe was primarily concerned with what it could get in the way of territory and what financial benefits could be derived from colonies or possessions. In vain Mr. Wilson had cried out for the principle of self-determination of peoples. But, in the few instances where independence was granted, a selfish imperialism soon took it away.

There are still some persons in the press and in public life who remember vividly those troublesome times. Herbert Hoover, for instance, who had served as Food Administrator in Europe under Mr. Wilson and for 8 years as a member of the Cabinet before he was elected President in 1928, wrote a book entitled "The Ordeal of Woodrow Wilson." It was published in 1958, and one passage said:

"The United Nations' organization except in one particular, follows very closely the pattern of Woodrow Wilson's League—but the admission of aggressive dictatorship to its membership would never have been accepted by Woodrow Wilson. He conceived the League as an association of free nations, not to include men and dictatorships conspiring for its ruin. He stated among his principles of peace:

" 'Only free peoples can hold their purpose and their honor steady to a common end and prefer the interests of mankind to any narrow interest of their own.

" 'A steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic government could be trusted to keep faith within it or observe its covenants. It must be a league of honor.' "

But today's liberal argues for peaceful coexistence, commercial trade with aggressor nations, abandonment of the Monroe Doctrine and surrender to what is called realistic facts. This phrase was often heard in connection with the appeasement concept that brought on World War II.

As for "self-determination" of peoples, the "liberal" politicians of today—who are interested, for example, in winning the Negro vote in the United States—may ardently espouse the cause of independence among the African nations, but they have just about forgotten the captive peoples in Eastern Europe, as well as the people in China, whom the United States for decades endeavored to help. Nowadays, however, the Government in Moscow is accepted as a partner in the United Nations by this country as well as by the major countries of the Western World, and shortly Red China, another Communist dictatorship, probably will be admitted to the international organization. All this is supposed to come under the heading of "practicality" in present-day diplomacy. Those who reflect the true liberalism and morality of yesterday are labeled as "reactionaries" or "warmongers."

As great men have passed into history, their words and deeds have often been forgotten. Even the lapse of four decades sometimes fails to put into proper perspective the achievements of a statesman in world affairs. For America's role in the world, so abruptly altered in 1917, was a departure from tradition. The story, moreover, is still unfinished.

There is as yet no monument in Washington memorializing Woodrow Wilson. A small bridge across the Potomac has been named in his honor, but the bridge across the international seas of human evil is still not on the drawing boards of present-day governments. And it may take another 40 years before public opinion realizes that free peoples acting together—not autocratic governments—must shape the destiny of the world. Indeed, the soldiers who died in two World Wars and in Korea believed they were fighting for American ideals—for a world of true freedom, for the liberation of enslaved peoples, and not for the aggrandizement of master politicians in any country.

PANAMA CANAL ZONE: HAVEN OF REFUGE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FLOOD. Mr. Speaker, in many addresses before this body, I have stressed that the Isthmus of Panama has long been, and still is, a land of endless bloody revolution. On numerous occasions since U.S. occupation of the Canal Zone territory in 1904, Panamanian political leaders and their families have periodically sought political asylum in the zone and were allowed to take temporary residence there with relatives and personal friends or at the Tivoli Hotel. Thus, this U.S. possession has long served as a haven of refuge for those fleeing from violence and assassination in their own country at times of political turmoil.

At my request, the Department of the Army on March 23, 1964, supplied a list of Panamanian and United States citizens who since 1947 have taken refuge in the Canal Zone. The list of Panamanians includes persons in the highest positions and that of U.S. citizens includes members of our diplomatic corps, businessmen and their families.

After the Panamanian outbreak on January 9, 1964, and the ensuing Red directed mob assaults, refuge in the Canal Zone was taken by a total of 31 citizens of Panama and approximately 1,216 citizens of the United States. Thoughtful Panamanians and United States citizens in Panama, though they may not publicly voice their views, recognize the value of the sanctuary afforded by this conveniently located strip of U.S. territory.

In order that the Congress may be informed on the function of the Canal Zone as a political sanctuary, I shall quote the indicated letter of the Department of the Army, but, for security reasons, do not include its attachments. It may be stated, however, that in the list of Panamanians thus seeking refuge and protection in the Canal Zone in the past are a number of Panamanian political leaders who in the present crisis have been the most violent in their denunciations of the United States. What a travesty.

The indicated letter follows:

DEPARTMENT OF THE ARMY,
OFFICE OF THE UNDER SECRETARY,
Washington, D.C., March 23, 1964.

DEAR MR. FLOOD: In response to your inquiry in regard to the use of the Canal Zone as a haven in times of political stress in Panama, the Office of the Governor of the Canal Zone has advised that no record was made of the names of persons seeking refuge in the Canal Zone prior to 1948. In that year citizens of Panama who entered the Canal Zone for political asylum were required to sign agreements to turn all weapons in their possession over to Canal Zone authorities and to refrain from all political activities while remaining in the Canal Zone. A list of the citizens of Panama who were granted political asylum in that year is enclosed (attachment A).

In May 1958, emergency lodging was provided for 5 days to 784 employees of the Panama Canal Company and Canal Zone Government who were residents of Panama but were unable to return to their homes due to a curfew and restrictions on transportation imposed within the Republic of Panama at that time. In August 1958, at the request of the Government of Panama, Mr. Ruben O. Miro was permitted to stay at the Tivoli Guest House for his own protection from August 12 to September 23.

During disturbances that occurred in November 1959, asylum in the Canal Zone was not requested formally by either citizens of the United States or citizens of Panama residing in Panama. At that time there was no general threat of violence against citizens of the United States residing in Panama, although some few individuals may have moved into the Canal Zone to stay with friends or relatives as a precautionary measure. At the time of these disturbances the Panama foreign office requested that the families of the President and of the chief of police in Panama be permitted to reside at the Tivoli if it should become advisable, but such action was never taken. On November

28, 1959, 22 employees of the Panama Canal Company residing in Panama were given lodging for one night because of lack of transportation in the Republic.

During the January 1964 disturbance, lodging and facilities under the jurisdiction of the Panama Canal Company and Canal Zone Government were provided to the citizens of Panama and the United States listed on the enclosure (attachment B).

Sincerely,
HARRY C. MCPHERSON, Jr.,
Deputy Under Secretary of the Army (IA).

LINCOLN STATUE FOR MEXICO

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. CAMERON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CAMERON. Mr. Speaker, today I introduced a bill which would authorize the United States to present a statue of Abraham Lincoln to the people of Mexico in commemoration of their country's independence. I am hopeful that the Committee on Foreign Affairs will give prompt and favorable consideration to the measure and release it to the House for debate and voting.

An identical proposal was recently approved by the Senate and in that body it received strong bipartisan support. I am confident that similar support can be obtained in the House.

The bill is quite simple. It authorizes the Secretary of State to procure a statue of Lincoln for presentation to Mexico in commemoration of her independence from European domination. The bill authorizes the appropriation of funds necessary to carry out its provisions, and stipulates that the statue's design and specifications must be submitted to and approved by the Commission on Fine Arts.

It should be noted that in 1960 the Commission considered a similar proposal, but failed to reach a conclusion. The following year the Commission did act and the Senate passed a bill identical to the one it approved several weeks ago. Unfortunately, the House took no action before the 87th Congress adjourned and the bill died. We must not let this happen again.

As the Department of State has observed, in the absence of a special celebration by Mexico similar to the sesquicentennial held in 1960, it would appear appropriate now to link the donation of a statue with the centenary of the Great Emancipator's death on April 15, 1965. If my bill is enacted into law this year, there would be a period in which the State Department could conceivably arrange for execution of a statue and preparation of a site.

Mr. Speaker, there is no prominent statue of Abraham Lincoln in Mexico City although our 16th President is widely respected throughout Mexico. The bonds between our countries are strong. They are enduring. Our long friendship soared to new heights through the wisdom and guidance of our late and beloved John Fitzgerald Kennedy. This friendship was recently reaffirmed during a California meeting between Mexican President Lopez Mateos and President Johnson, a meeting at which I was privileged to be a participant. On behalf of the American people, Mr. Johnson declared:

> In the winning of our independence, in the strengthening of our institutions, in the relentless quest of social justice and human rights, in the pursuit of a better way of life for our people, Mexico and the United States have walked a common road.
>
> For neither Mexico nor the United States leaped into the modern world full grown; we are both the products of inspired men who built new liberty out of old oppression. And neither of our revolutions is finished.

The Governments of Mexico and the United States have labored long and hard to create an atmosphere of mutual respect and understanding, a climate which is necessary if we are to discuss and iron out mutual problems.

It was not long ago that the Senate approved the Chamizal Treaty and thereby righted a grievous wrong which had existed for 100 years.

Our two Governments are presently trying to resolve the problem of excessive salinity of Colorado River water which flows into Mexico and destroys the soil of Baja California.

Several weeks ago the Fourth Annual United States-Mexico Interparliamentary Conference was held in Washington. Like other conferences convened since 1961, it was designed to develop closer working relationships between our two countries. Delegates diligently sought areas of agreement whereby differences in trade policies can be resolved, and explored ways to strengthen the collective security of the Western Hemisphere.

In my judgment, presentation of a statue of Abraham Lincoln to the people of Mexico is statesmanship in this same vein. It is not something we do because we have to. It is something we do because we want to. We want to because it is an act of good will in a world that is racked by conflict.

Mr. Speaker, it is for these reasons that I introduced this legislation and will urge my colleagues on the Foreign Affairs Committee to give it their prompt and careful consideration.

WHEAT-COTTON LEGISLATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. PURCELL. Mr. Speaker, I want to take just a few moments today, following a long and tiring session last night, to express my personal appreciation, and the appreciation of all the supporters of the wheat and cotton legislation which was approved by this body last night, to all those Members who accepted their responsibility and stayed to vote on this important legislation after midnight.

The outstanding attendance, 418 of the 435 Members of the House, is a real credit to this body. It shows a great deal of dedication to duty. The session yesterday ran on for almost 14 hours, and almost all the Members stayed until the end.

Even more important, Mr. Speaker, is the fact that Members from urban areas on the majority side of the aisle supported the dwindling minority in our Nation, the farmers. I know, and the Members who supported this legislation know, that the wheat and cotton programs enacted last night are important to all Americans. Our city brethren are aware that agriculture is the most basic industry in America.

However, I am aware that many of the constituents of urban districts do not understand or realize the importance of the wheat and cotton programs. I know that it is difficult, in many instances, for Members from urban areas to support this type of legislation with their votes, even though they support it with their hearts.

Mr. Speaker, our action last night was a victory for our legislative system. It was proved again that our system, designed by the founders of our country, and perfected through almost two centuries of trial, is the best system ever devised for men to govern themselves. It was proved again that our system works for the advantage of the majority while protecting the minority.

Again, on behalf of the farmers of America, I want to say a sincere thank you to my colleagues.

LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I would like to advise the House that we will take up the legislative appropriation bill tomorrow; that the balance of the program which has heretofore been announced for this week, which consists of various unanimous-consent bills reported from the Committee on Ways and Means, will be transferred to next week's program.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Indiana.

Mr. HALLECK. I understand it is rather early, but could the gentleman give us any idea what the program for next week might be?

Mr. ALBERT. Mr. Speaker, the gentleman from Rhode Island has obtained permission to file a report on the Labor-Health, Education, and Welfare Department appropriation bill. That bill will be programed for Tuesday next.

We will have no legislative business on Monday, which is District day. It is also the day for the opening of the baseball season in Washington. There are no District bills.

We expect a bill from the Committee on Foreign Affairs on Wednesday. There are certain travel resolutions to be considered.

Beyond that I am not able to advise the gentleman now except with respect to those bills from the Committee on Ways and Means, which will be put over until next week.

Mr. HALLECK. I thank the gentleman.

A SALUTE TO THE KIWANIS INTERNATIONAL ON THE OCCASION OF THEIR GOLDEN ANNIVERSARY

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I would like, at this time, to express my warmest regards for the leaders and members of the Kiwanis International, on the occasion of their golden anniversary. It has been my view, for many years, that in certain respects, the Kiwanis is capable of an especially meritorious service in the world today; that is, providing a basis for social organization, on the local level, to the distinct benefit of the North American community.

In a civilization wherein the so-called "big" issues of the day becloud and override all other issues, we are inclined to frequently ignore a great many small but nonetheless vital areas of human endeavor. That is to say, many matters cannot be dealt with except on a basis of local participation and close-knit cooperation of persons basically concerned for the condition of the local neighborhood, itself. In millions of ways, the Kiwanis has seen fit to provide a basis of this kind.

A major factor tending to divide the Nation into hard-core "city folks" and "country folks" has been a lack of communication between the two groups, to the disadvantage of both. The Kiwanis has provided a means for solving the problem in the form of a National Farm City Week, dedicated to better rural-urban understanding.

In addition, the Kiwanis has served in promoting the interests of many farms and farmers throughout the country, through sponsorship of several thousand conservation and drainage projects, the planting of several million trees, and advertising campaigns geared to securing farmworkers, for the growing and harvesting of crops.

In the area of public and business affairs, a great many Kiwanians have worked in behalf of better schools and teachers' salaries, the spread of industry to formerly nonindustrial areas, and activities looking to economy in local or State governments.

Some other services of considerable merit, provided by the Kiwanis in the name of civic responsibility, are vocational guidance for the underprivileged child and programs encouraging support for law enforcement, public safety, and good citizenship. Here, after all, are matters of great concern to all Americans, yet, in many instances, totally beyond the reach of the Federal and State authorities, as well as the reach of the school, the church, and the synagogue.

In consequence of this, the Kiwanis today has many thousands of members richer in many respects than they conceivably could be outside the organization; richer in the feeling of providing an important, needed service; richer in the fact they laugh more often, give more frequently, forgive with greater ease and, in general, have learned the best ways of turning stumbling blocks to stepping stones.

The pressing weight of world problems today requires tireless work on the part of the Government and the individual. Both are spared, however, by the monumental efforts of those private organizations geared to community service.

For that reason, all America is familiar with and grateful for the labors of Kiwanis International. The organization's motto is a simple phrase—"We build"—and yet there is a great story connected with that motto; a story inspiring to all concerned. It is therefore with great pride that I salute, on this occasion, the Kiwanis International, on the occasion of their golden anniversary.

SUPPORT PRESIDENT JOHNSON IN HIS WAR ON POVERTY

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. DULSKI] is recognized for 30 minutes.

Mr. DULSKI. Mr. Speaker, I pledge my wholehearted support to President Johnson in his war on poverty. It is a beginning in the search for a better life for those Americans who are deprived of a decent standard of living.

It is distressing to note that one-fifth of our population is ill fed, ill clothed, and ill housed. I commend the President for identifying the enemy in this blight, and pointing out the target at which to aim in eradicating it. In a country which has a gross national product in the hundreds of billions, not one American should have to fall asleep at night on an empty stomach.

Poverty is not confined to any particular area, or to one city or one State, or to a certain group of people, or to the color of a person's skin. It can be found anywhere.

The announced war on poverty is not a struggle simply to support people, on a dole, which would make them dependent upon the generosity of others. Rather it is a struggle to give these poverty-stricken people a chance.

There is no precise definition or measurement of the extent of poverty in the United States. The generally accepted boundary of poverty is an annual income of below $3,000 for a family of four, and below $1,500 annual income for an individual living alone. Based on these income levels, statistics show that over 35 million persons live in poverty in our Nation. The 9,300,000 families, of a total of 47 million families in the United States, live in poverty. This is 20 percent of our population. Five million individuals, or 45 percent, who live alone are poverty stricken.

I subscribe to the administration's five basic proposals as a beginning to eliminate poverty. But these deal mostly with training and education. We cannot dispute the fact that training people for better jobs will improve their opportunities for better employment. It is true that expanded educational facilities will increase the number of graduates who will be able to command better positions because of their specialized skills. Work-training programs will prepare people for better jobs.

All this is commendable, but the proof of the pudding is in the eating. The keynote should be jobs. We can educate and train people and provide them with the necessary skills, but unless jobs are available these people will still be counted among the unemployed.

To alleviate poverty immediately, a more positive approach must be taken. Training and education are not enough. This would be like hunting elephants with a slingshot.

In an all-out war on poverty, all possible weapons must be utilized, and one of the most potent of these is the accelerated public works program inaugurated during the last administration. Under this program, many idle hands have been put to work. This is the immediate way of placing food on the tables of the ill fed—by providing the breadwinner of the family with a job.

The public and private sectors of our country's economy are interdependent, and the first is the foundation upon which private enterprise rests. Without public roads, waterworks, sanitation systems, schools, et cetera, our civilization as we know it would flounder.

As we see the mortar, the brick, the steel, and other building materials molded together into structures, highways, et cetera, we know it creates jobs not only to build these, but also in the various industries that supply the materials. To state it more realistically, the accelerated public works projects have provided jobs particularly in areas of high unemployment, and provided badly needed public facilities. Some 6,000 projects have been undertaken in 3,000 areas hardest hit by unemployment. They mean more and better health for our citizens, and improved hospital facilities. They mean pure drinking water, adequate sewage-disposal facilities, sidewalks, streets, local public buildings, parks, recreation areas.

These projects have added $1.5 billion to the tangible wealth of our Nation.

I feel very strongly that the accelerated public works program belongs in the war on poverty as it has proven, in its short span of existence, that it can provide facilities essential to the eradication of the conditions which breed poverty.

President Johnson has said:

> No. 1 priority today and tomorrow is more jobs. This is our dominant, relentless, domestic problem and we have to face it head on.

Poverty and unemployment go hand in hand. One feeds on the other. The accelerated public works program, with an appropriation of $900 million, has provided an estimated one-quarter million jobs, and supplied communities with worthwhile projects. There is now a backlog of needed public works that runs into the billions—more than local governments alone could possibly finance.

In statements I have made on the House floor, I have denounced the excessively high oil depletion allowance rates granted to the oil industry when it was in its infancy. A reduction in this depletion allowance from 27½ to 17½ percent would net our Treasury over $3 billion. This amount would not only cover the cost of a poverty program which is estimated at $970 million, but would also provide funds for the accelerated public works program which carries a price tag of $1,800 million.

Another area in which action should be taken is discrimination against those who are in the 45 or over age bracket. When a person over 45 is fortunate enough to locate employment and files an application, it is often filed in the waste basket without consideration of the person's capabilities. Our Federal Government should set an example by encouraging the employment and retention of older workers. Actually, however, we are setting a poor example and, as a member of the Post Office and Civil Service Committee, I have received many letters of complaint in this respect. Legislation has been proposed that our committee conduct an investigation into discriminatory practices due to age within the Federal Government

Last, but not least, let us not forget our senior citizens, the majority of whom have an income of less than $1,500 a year. In his poverty message, the President said that $1,500 a year income for a person living alone can be considered in the poverty category.

We have provided a depreciation concession for businesses. We have given the individual taxpayer a tax cut. What have we done for the recipients of social security? I have recently introduced legislation to increase their monthly payments, and I feel this fits right into the poverty program. A social security increase is badly needed by this golden age group which is trying to exist on a small fixed income.

I am certain that with the administration's five-pronged attack, the accelerated public works program, social security increases, and related weapons, we can cut a great wedge out of the misery and poverty of millions of Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Gonzalez, for April 13 through 16, on account of official business of Banking and Currency Committee.

Mr. Ichord (at the request of Mr. Albert), for April 10 and 11, on account of official business (West Point Board of Visitors).

Mrs. May (at the request of Mr. Tollefson), for April 9, on account of official business.

Mr. Dent (at the request of Mr. Albert), for April 9 through 13, on account of official business.

Mrs. Kee (at the request of Mr. Boggs), for today and balance of week, on account of illness.

Mr. Ford (at the request of Mr. Arends), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Horton, for 60 minutes, April 14, 1964, vacating his special order of April 13, 1964, for 60 minutes.

The following Members (at the request of Mr. Battin):

Mr. Halpern, for 10 minutes, April 9, 1964.

Mr. Bromwell, for 20 minutes, April 10, 1964.

Mr. Dulski (at the request of Mr. Albert), for 30 minutes today; and to revise and extend his remarks and include extraneous matter.

Mr. Feighan (at the request of Mr. Albert), for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Philbin in four instances and to include extraneous matter.

(The following Member (at the request of Mr. Battin) and to include extraneous matter:)

Mr. Barry.

(The following Members (at the request of Mr. Albert) and to include extraneous matter:)

Mr. Fogarty.
Mr. Natcher.
Mr. Nix.
Mr. Hawkins.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1951. An act for the relief of George Elias Nejame (Noujaim).

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Friday, April 10, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1924. A letter from the Comptroller General of the United States, transmitting a report relating to improper charges to Government cost-type and incentive-type contracts held by Grumman Aircraft Engineering Corp., Bethpage, N.Y., Department of the Navy; to the Committee on Government Operations.

1925. A letter from the Comptroller General of the United States, transmitting a report of a review of deficiencies in Bureau of Customs control over unloadings of bulk petroleum imports into the United States, Bureau of Customs, Treasury Department; to the Committee on Government Operations.

1926. A letter from the Archivist of the United States, General Services Administration, transmitting a report on records proposed for disposal under the law; to the Committee on House Administration.

1927. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill entitled "A bill to amend title 10, United States Code, with respect to annuities based on retired or retainer pay"; to the Committee on Ways and Means.

1928. A letter from the Comptroller General of the United States, transmitting a report on the review of the unnecessary costs incurred for the Naval Radio Research Station project at Sugar Grove, W. Va., Department of the Navy; to the Committee on Government Operations.

1929. A letter from the Comptroller General of the United States transmitting a report on the review of the uneconomical practices in the management of mobilization reserve stocks of construction equipment and commercial-type vehicles, Department of the Navy; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MURRAY: Committee on Post Office and Civil Service. Report on equal employment opportunities in the military services (Rept. No. 1309). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURRAY: Committee on Post Office and Civil Service. Report on Redeployment of personnel in the Federal Aviation Agency (Rept. No. 1310). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 7684. A bill to provide that the United States shall hold certain land in trust for the members of the Alamo Band of Puertocito Navajo Indians; with amendment (Rept. No. 1311). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. S. 2214. An act to amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association; without amendment (Rept. No. 1312). Referred to the Committee of the Whole House on the State of of the Union.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 606. Resolution authorizing the Committee on the Judiciary to conduct within or without the United States studies and investigations in certain matters under its jurisdiction; with amendment (Rept. No. 1313). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 652. Resolution to grant additional travel authority to the Committee on Public Works; with amendment (Rept. No. 1314). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 675. Resolution for consideration of S. 2394, an act to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes; without amendment (Rept. No. 1315). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATTIN:

H.R. 10762. A bill to amend section 503 of title 38 of the United States Code to provide that, for purposes of determining the annual income of an individual eligible for pension, payments of State bonus for military service shall be excluded; to the Committee on Veterans' Affairs.

By Mr. BENNETT of Florida:

H.R. 10763. A bill to amend title 10 of the United States Code in order to promote high morale in the uniformed services by providing a program of medical care for certain former members of the uniformed services and their dependents; to the Committee on Armed Services.

By Mr. CAMERON:

H.R. 10764. A bill to provide for the presentation by the United States to the people of Mexico of a monument commemorating the independence of Mexico, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CELLER:

H.R. 10765. A bill to amend the act of May 11, 1954 (ch. 199, sec. 1, 68 Stat. 81 (41 U.S.C. 321)) to provide for full adjudication of rights of Government contractors in courts of law; to the Committee on the Judiciary.

By Mr. HARRISON:

H.R. 10766. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and other expenses paid by him for his education or the education of his spouse or any of his dependents at a college or university; to the Committee on Ways and Means.

By Mr. MAHON:

H.R. 10767. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. OLSEN of Montana:

H.R. 10768. A bill to amend the Public Building Act of 1959 to require separate contracts to be entered into for the performance of mechanical specialty work required in certain construction and alteration of public buildings; to the Committee on Public Works.

By Mr. ROGERS of Texas:

H.R. 10769. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. CHARLES H. WILSON:

H.R. 10770. A bill to amend the Bank Holding Company Act of 1956, and the Federal Deposit Insurance Act, as amended; to the Committee on Banking and Currency.

By Mr. BOGGS:

H.R. 10771. A bill to amend the joint resolution establishing the Battle of New Orleans Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof; to the Committee on the Judiciary.

By Mr. BURTON of Utah:

H.R. 10772. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. O'BRIEN of New York:

H.R. 10773. A bill to provide that tires sold or shipped in interstate commerce for use on motor vehicles shall meet certain safety standards; to the Committee on Interstate and Foreign Commerce.

By Mr. PHILBIN:

H.R. 10774. A bill to authorize the disposal without regard to the prescribed 6-month waiting period, of cadmium from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. WHALLEY:

H.R. 10775. A bill to amend section 1461 of title 18 of the United States Code with respect to the mailing of obscene matter, and for other purposes; to the Committee on the Judiciary.

H.R. 10776. A bill to require the Secretary of Commerce either to give the State of Pennsylvania alternative mileage on the Interstate System or to pay the Federal share of the Pennsylvania Turnpike; to the Committee on Public Works.

By Mr. WHITENER:

H.R. 10777. A bill to amend the act of March 3, 1901, relating to divorce, legal separation, and annulment of marriage in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WIDNALL:

H.R. 10778. A bill to amend the Social Security Act so as to provide Federal financial assistance for establishing and maintaining State programs of voluntary health insurance for the aged; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.J. Res. 990. Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office; to the Committee on the Judiciary.

By Mr. SICKLES:

H.J. Res. 991. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. KILGORE:

H.J. Res. 992. Joint resolution to determine the desirability of establishing an historic site near Brownsville, Tex., in commemoration of the Mexican War; to the Committee on Interior and Insular Affairs.

By Mr. MINISH:

H. Res. 674. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXIII, memorials were presented and referred as follows:

By the SPEAKER: Memorials of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation requiring the formation of an Army Special Forces unit within all State National Guard units; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to requesting the Judiciary Committee of the U.S. Congress to report out the resolution which proposes an amendment to the Constitution of the United States permitting the reading of the Bible in the schools; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to requesting the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States allowing the reading of the Bible in the schools; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to support and adopt an amendment to the Constitution of the United States permitting Bible reading and prayers in our public schools; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 10779. A bill for the relief of Yoshihiro Okamoto; to the Committee on the Judiciary.

H.R. 10780. A bill for the relief of Leonardo Milana; to the Committee on the Judiciary.

By Mr. DEVINE:

H.R. 10781. A bill for the relief of Linus Han; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 10782. A bill to remove a cloud on title to certain lands in California; to the Committee on Interior and Insular Affairs.

By Mr. KEITH:

H.R. 10783. A bill for the relief of Maria A. Marousis; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 10784. A bill for the relief of Eugenia Makris; to the Committee on the Judiciary.

SENATE

THURSDAY, APRIL 9, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. Walter C. Eyster, D.D., minister, First Methodist Church, Galion, Ohio, offered the following prayer:

Our Father God, to Thee we pray,
As we come, in prayer, this day.
We seek Thy presence and Thy power—
Thy guidance—for this great hour.
Through Thy spirit's inner voice
Reveal Thy truth for human choice.
Give to this Senate Thy kingdom vision
And with it, God, supreme decision.
Make known Thy will, quicken human skill,
For freedom's rough-hewn carving.
Let each one see what now must be
As together human hearts are throbbing.
In Jesus' name we come and pray,
Looking ever for new dawn, new ray,
New light, for each new day. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 8, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 6196) to encourage increased consumption of cotton, to maintain the income of cotton producers, to provide a special research program designed to lower costs of production, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate.

H.R. 8590. An act to incorporate the Aviation Hall of Fame; and

H.R. 10222. An act to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 8590. An act to incorporate the Aviation Hall of Fame; to the Committee on the Judiciary.

H.R. 10222. An act to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade, and for other purposes; to the Committee on Agriculture and Forestry.

CIVIL RIGHTS ACT OF 1963

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. KENNEDY obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Massachusetts yield—provided it is understood that in doing so, he will not lose his right to the floor—so that I may suggest the absence of a quorum?

Mr. KENNEDY. Yes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. It will be a live quorum.

Mr. KENNEDY. Very well; I yield.

Mr. MANSFIELD. Then, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 125 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Ellender
Fong
Gore
Gruening
Hart
Hartke
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Smith
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. JORDAN], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Utah [Mr. MOSS], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I also announce that the Senator from West Virginia [Mr. BYRD], the Senator from IDAHO [Mr. CHURCH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from California [Mr. ENGLE], the Senator from Louisiana [Mr. LONG], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], the Senator from Georgia [Mr. TALMADGE], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is necessarily absent during convalescence from illness.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER] and the Senator from Wyoming [Mr. SIMPSON] are detained on official business.

The Senator from Texas [Mr. TOWER] and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). A quorum is present.

Mr. YARBOROUGH. Mr. President, will the Senator yield to me briefly?

Mr. KENNEDY. Mr. President, I ask unanimous consent that I may yield to the Senator from Texas without losing my right to the floor.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the Senator from Massachusetts may yield to me without losing his right to the floor and without its being counted as two speeches against him.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL OF THE ARMY DOUGLAS MacARTHUR

Mr. YARBOROUGH. Mr. President, when General of the Army Douglas MacArthur died on Sunday, there passed away the greatest proconsul ever to serve this Republic. Not yet fully realized by his own countrymen is his achievement in Japan. When the occupation of Japan began in August of 1945, its cities were black scars on the land, two of them, Hiroshima and Nagasaki, had been incinerated with atom bombs, millions of lives had been lost by Japan in the war, tens of millions of its people were homeless, its navy and merchant marine—the lifeline of the small island empire—had been utterly destroyed, millions of its soldiers who had been gone from Japan for years were prisoners of war on distant islands, the resources of Japan were used up, ruin and famine stalked the land, even their religious faith—that the Emperor was the godhead and could not lose the war—was shattered, disproven, destroyed.

The bitterest war to the death this nation ever fought left the defeated people embittered and fearful—they had experienced 4½ years of destruction, defeat, and despair. They, a proud and intelligent people who had never known defeat nor foreign occupation, after all their losses, their sacrifices, their deprivation, looked up from their ruins in August and September of 1945 to see victorious troops of a strange, alien race, speaking an unknown, non-Asiatic tongue, marching in every county and ken, occupying every city and crossroad.

Commanding those troops was a man of destiny, the only U.S. Congressional Medal of Honor winner whose father was a Congressional Medal of Honor winner, General of the Army Douglas MacArthur.

General of the Army Douglas MacArthur was no ordinary American—indeed, no ordinary man. Son of a distinguished father, he graduated from West Point in 1903 with a grade average so high that no other cadet has ever achieved it since. Experience in administration was obtained as commanding general of the famed 42d—Rainbow—Division in Europe in World War I, as Superintendent of the U.S. Military Academy at West Point 1919–22, as Chief of Staff and in other governmental assignment, as military adviser of the Commonwealth Government of the Philippines 1935, as Field Marshal of the Philippine Army 1936–37, as commander in chief of United States and Filipino forces 1941–42, as supreme commander of the Allied forces in the South Pacific 1942, and as commander of the U.S. Forces in the Far East from 1941 to 1951.

This brief sketch of a part of his background gives only a part of the training and experience which prepared Douglas MacArthur for his great role in Japan. Appointed supreme commander to accept the surrender by Japan in 1945, and likewise commander of the occupational forces in Japan, he set about his great task in Japan with a dedication to protection of the civilian population of Japan, their persons, rights, property, and privileges with a zeal and a success probably unequalled by any other occupying commander in all the history of warfare.

Tokyo, 20 miles wide north to south, 30 miles long east to west, was a blackened ruin in August 1945. For mile after mile no house stood; only a burned and rusted iron safe containing the family treasures, standing on a concrete slab, with a board stuck in the ground in front with the name of the owner, evidenced former abodes of millions of Tokyo residents. Under the MacArthur controlled occupation, those safes were untouched. No looting hands touched the knobs. The Japanese girls and women were far safer in the presence of American troops than American women would be now at night on the streets of many American cities.

Given virtually unlimited power over the defeated and occupied foe, Douglas MacArthur showed respect for the religion and culture of Japan, aided the reconversion of their industry, steered them into the ways of peace and democracy, caused their renunciation of war as an instrument of national policy, and with food and supplies helped stop the ravages of hunger and famine.

The occupation was no greedy plunder of a defeated people; it was a guarded and helping hand to a recovery whose magnitude still astounds the world.

Viceroy, military governor, commander of the occupation forces, pro-consul—we have no word in English that precisely defines the almost unlimited powers MacArthur was granted, and so carefully used, in Japan; but pro-consul probably comes closest to it.

A victorious commanding general in war, a magnanimous custodian of victory in the hour of triumph, Douglas MacArthur set a new standard of human conduct in dealing with a defeated foe—a new standard for America and for the world.

Twice in my lifetime I served in the Armed Forces of our country under Gen. Douglas MacArthur. The first time was for a year in my youth as a cadet at West Point, where the young Brig. Gen. Douglas MacArthur, back from a glamorous and spectacular service with the Rainbow Division in Europe in World War I, was a hero of the Army. I was there. A quarter of a century later, I served under him as a division military government officer in occupied Japan, where my division, the 97th Infantry, had jurisdiction over a seventh of the area and people of Japan, in carrying out the MacArthur directories. I was there. This time MacArthur was a hero to the world.

Douglas MacArthur was a soldier. No higher tribute can be paid by soldiers to a man who dedicated his life to soldiering and who did it so well, with a flair that inspired Americans, uniformed or civilian.

But I shall remember General MacArthur not only for his great military leadership in World Wars I and II, but for what I believe to be his greater achievement as a just and wise man in governing defeated people, a statesman dedicated to peace when peace was the order of the day, as it was when he presided over Japan after accepting that country's surrender.

Typical of General MacArthur's viewpoint during the occupation of Japan was the following statement, which he made in November 1945, 2 months after Japan's surrender:

> I am not concerned with how to keep Japan down but how to get her on her feet again. We must scrupulously avoid interference with Japanese acts merely in search for a degree of perfection we may not even ourselves enjoy in our own country.

In Japan both American troops and Japanese citizens lined the streets to see General MacArthur as he entered or left his headquarters, the Dai-ichi Building in Tokyo. I watched their devotion often. He was a hero to all, and his just leadership was the first moving factor in the rebuilding of a Japan that is now a prosperous, strong ally of the West rather than an impoverished Japan caught up in the spreading web of communism in Asia. He was a rare man, a brilliant general in World War II, a champion of peace and justice when the shooting ended. Whatever controversies clouded his later years, there can be no question about his great generalship in World War II, and his even greater service as our governmental administrator over Japan in the post-World War II years.

I ask unanimous consent to have printed in the RECORD the text of President Lyndon Johnson's statement on the death of General MacArthur as printed in the Washington Post, Monday, April 6, 1964, and one of General MacArthur's last speeches made in 1962, as reprinted in the Washington Evening Star of Tuesday, April 7, 1964, under the caption: "MacArthur on War—'Drink Deep From the Chalice of Courage.'"

There being no objection, the statement and speech were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 6, 1964]

JOHNSON'S STATEMENT

(Text of President Johnson's statement on the death of Gen. Douglas MacArthur.)

One of America's greatest heroes is dead.

General of the Army Douglas MacArthur fought his last fight with all the valor that distinguished him in war and peace.

I have given instructions that he be buried with all the honors a grateful Nation can bestow on a departed hero.

But in the hearts of his countrymen and in the pages of history his courageous presence among us and his valiant deeds for us will never die.

At a time of increasing complexity, where ancient virtues are obscured by the rush of events and knowledge, his life has reminded us that the enduring strength of America rests on its capacity for such simple qualities as integrity and loyalty; honor and duty.

For the man that he was and the success he achieved, this Nation gives thanks to God for the 84 years he lived and served.

May his devoted wife and his young son know that on behalf of a grateful Nation, Mrs. Johnson and I pray for God's grace on this great soldier and patriot.

[From the Washington Evening Star, Apr. 7, 1964]

MACARTHUR ON WAR—"DRINK DEEP FROM THE CHALICE OF COURAGE"

(Every January 26 in recent years General of the Army Douglas MacArthur was guest of honor at a New York birthday party attended by some 70 veterans who served with him in the Southwest Pacific during World War II. At the 1962 party, marking his 82d birthday, General MacArthur made a speech, which was recorded and distributed to the guests but never made public. Here is the text of that speech, released today by Robert M. White II, president and editor of the Mexico (Mo.) Ledger, who was one of the guests:)

My dear old comrades, what can I say to you tonight that has not been said before, again and again? We have fought our war so many, many times that I feel we have no foe left. We have gunned him; we have bombed him; we have torpedoed and sunk him so often that only the ghosts of his battered remnants remain.

Each year we have sensed again the mire of murky foxholes, the stench of ghostly trenches, the slime of dripping dugouts. We have listened vainly, but with thirsty ear for the witching sound of faint bugles blowing reveille, far drums beating the long roll, the crash of guns, the rattle of musketry, the strange, mournful mutter of the battlefield.

Our flags still fly in the evening of our memory. We have wined and dined here each year in our comfort, telling and retelling of the blazing suns of relentless heat, the torrential rains of devastating storm, the loneliness and utter desolation of jungle trails, the bitterness of long separation from those we loved and cherished, the deadly pestilence of tropical disease, the ghastly horror of stricken areas of war.

We have echoed and reechoed how swift and sure was our attack, how resolute and determined was our defense, how indomitable was our purpose, and how complete and decisive was our victory.

But everything is changing now. We are in a new era. The old methods and solutions no longer suffice. We have new thoughts, new ideas, new concepts. We are bound no longer by a straitjacket of the past. Nowhere is the change greater than in our own profession of arms.

Electronics and other processes of science have raised the destructive potential of weapons to encompass mass annihilation. But this very triumph of invention, this very success of imagination, has destroyed the possibility of global war being a rational method for the settlement of international difficulties.

It has changed the concept and the image of war as the ultimate weapon of statecraft, as the apotheosis of diplomacy, as a shortcut to international power and health. The enormous destruction to both sides of equally matched forces makes it impossible for even a winner to translate it into anything but his own disaster.

Our own war, even with its now somewhat antiquated armaments, clearly demonstrated that the victor must pay in large measure for the very injuries inflicted on his enemy. Our country expended billions of dollars and untold energy in healing the wounds of Japan and Germany. Preparedness—essential, vital, imperative as it is—is not a full solution to the problem, for the relative strengths of the two great opponents will change little with the years. Action by one along this line will be promptly matched by reaction from the other.

What, then, are the main military conclusions to be drawn from this situation? Each of you as professional men will have his own. Mine I give to you for what you may think they are worth.

First. The chance of deliberate global war has become most remote. The people of both sides desire peace. Both dread war. It is actually the one issue upon which both would profit equally. It is the one issue on which the interests of both are parallel. It is probably the only issue in the world upon which they might agree. The main flaw in this deduction is that the constant acceleration of preparation may ultimately, without specific intent, precipiate a kind of spontaneous combustion.

A famous Greek philosopher once said: "Only the dead has seen the end of war."

Second. If global war does come, a primary objective, indeed, perhaps the principal objective, may well be the civil population. Global war now means the nation in arms. Every man, woman and child is involved. The most vulnerable targets are the great industrial centers, with their massed and fixed populations. They are the nerve centers—paralyze them and you may immobilize the whole. The citizenry might then force the government to yield.

I recall so vividly a prediction made to me by the German field marshal, von Hindenberg, shortly after the armistice of the First World War. My division, the old Rainbow, was stationed on the Rhine just below Remagen and just above Coblenz. The field marshal was talking to a group of American officers. He said: "I predict that ultimately victory in war may depend largely upon the ability of civil populations to withstand attack. It will be a question of nerves. That nation will lose whose nerves snap first."

What, you may well ask, will be the end of all of this? I would not know. But I would hope that our beloved country will drink deep from the chalice of courage.

Goodnight.

THE TEXAS PECAN, AMERICA'S MOST VALUABLE NATIVE HORTICULTURAL PRODUCT

Mr. YARBOROUGH. Mr. President, before and since the first European in Texas, Cabeza de Vaca, described the Texas pecan—1528—the pecan has been an important item of food in our State. It was a major part of the food supply of the Indian tribes, and was also an important part of the diet of the early settlers of those river valleys and other areas of Texas where the pecan grew.

The pecan tree is now the State tree of Texas. It is found throughout the great central portion of the State and is of great economic importance. Texas raises 21 percent of all the pecans harvested in the United States, the production averaging over 35 million pounds per year over a 10-year period and the crop having an average value of over $8 million.

In addition to Texas leading all States in production of the native pecan, cultivated orchards of improved varieties are found throughout the State. Horticulturists have been improving pecans and developing new varieties in Texas for three-quarters of a century. The horticulturists who developed new pecan varieties and the many varieties they produced are listed and narrated in the interesting book, "Horticulture and Horticulturists in Early Texas," by Samuel Wood Geiser. Maury Maverick, Jr., of San Antonio, Tex., a student of Texas history, has furnished me many interesting facts about Texas pecans.

This delicious nut has improved the diet and graced the table for more than 4 centuries. While peaches, plums, apples, and citrus fruits and many other valuable tree products were grown in Texas from the time of the first settlement by Spanish-speaking people from Mexico and English-speaking people from the United States, the pecan is the most valuable horticultural crop grown in the United States and in Texas that is native to our country.

The pecan is the most widely planted orchard tree in Texas. It is grown commercially in 181 of our 254 Texas counties, and is native to 151 counties. Fifteen counties have annual pecan shows.

While many of the early improved varieties of pecans developed in Texas bore the name of the horticulturist who developed it, or names such as "Peerless" or some other such descriptive name by which its quality might be gaged, more recent varieties being developed at the U.S. Pecan Field Station at Brownwood, Tex., are being given the names of the Indian tribes who first inhabited this country, and in whose diet the pecan played such an important part. Prominent among these new varieties of the pecan are the Comanche, Choctaw, Wichita, and Apache. Members of the Senate have recently sampled these new varieties of pecans.

In the home where I was born and reared in Henderson County, Tex., trees of improved varieties of pecans set out by my father many years ago, now still thrive and produce abundantly.

Dr. F. H. Brison, professor of the horticulture section, department of soil and crop sciences at Texas A. & M. University, and an authority on pecans, has written a most interesting paper on the pecan in Texas. An ancient Kiowa Indian legend about pecans was printed by the Texas Folklore Society in "Foller De Drinkin' Gou'd."

Dr. F. R. Brison has narrated the work of some of the foremost leaders among famous early horticulturists to improve the pecan, but there were a number of other pioneers, including S. W. Bilsing, professor of entomology, Texas A. & M. University, and J. H. Burkett of Clyde, Tex., who developed the Burkett variety, who was enthusiastic at an early time when evidence of a favorable future for improved thin shelled varieties was meager. H. A. Helbert of Coleman was one of the early horticulturists to topwork native pecan trees, and O. S. Gray, a nurseryman of Arlington, Tex., was the first secretary of Texas Pecan Growers Association, was twice president of it, and was largely responsible for the permanence of that organization.

I ask unanimous consent that Dr. Brison's paper "The Pecan in Texas" and "The Kiowa Indian Pecan Legend" be published at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE PECAN IN TEXAS

(By F. R. Brison)

We in Texas have just completed the harvest of a wonderful pecan crop, and this is an appropriate time to refresh our recollection about the pecan, its history, importance, and our research contributions to the pecan industry.

The pecan is native to Texas, and is our State tree. It is the most valuable horticultural crop grown in the United States that is native to our country. The principal rivers of Texas and their many tributaries abound with native pecan trees; enterprising pecan growers have developed orchards. These are stately trees; they herald the spring with banners of leaf and bloom; bared to the winter's cold they are the harps of the winds and they whisper the music of the infinite spaces; the nuts which they produce are the most delicate morsels of food. There are many historic pecan trees in Texas. One very famous one, still growing, still producing, grows at the old Sam Houston home at Huntsville, Tex. They were perhaps young seedlings when George Washington was at Valley Forge, when Cortez visited America or even when Columbus first discovered this part of the world. If they could speak in a fashion comprehensible to understanding they would tell wonderful stories of the people who had inhabited the land where they grow—stories of love and courtship, of peace and war, of hardship and prosperity. And indeed they do tell a story of good soil, of good climate, of production methods and techniques that have been develped, and of the permanence, and stability of an important horticultural crop in the Lone Star State.

The commercial pecan industry in Texas is relatively new. The pioneers who wrested the pecan from the wilds are of our own day and age and recollection. It is proper that we pause to review the contributions of these pioneers, to recognize their dedicated efforts, and to acknowledge our indebtedness to them.

Cebeza de Vaca, that unlucky Spaniard, was probably the first white man to record his observation of the pecan. During the years 1528–37 de Vaca was enslaved by the Indians and traveled the coastal areas of Texas from Galveston Island to the Guadalupe River and beyond. In his story about his trials as a captive, he relates that "two days after Lope de Ovideo left, the Indians * * * came to a place of which he had been told, to eat walnuts (pecans) * * * and it is the subsistence of the people 2 months in the year without any other thing." During his captivity de Vaca was frequently tied to pecan trees and had opportunity to observe them firsthand. Since they were his principal food source, he came to have warm high regard for them. De Vaca then, was one of the first non-Indians to become enthused over the pecan as a horticultural crop. He was a pioneer, but the number who have shared his enthusiasm in the years that have followed has been progressively increasing. De Soto in his historic exploration of the Mississippi River Basin observed pecans and commented upon their excellence. In 1782 a Frenchman, de Courset, serving with General Washington in the Valley Forge campaign left the record that "the celebrated general always had his pockets full of these nuts and he was constantly eating them." George Washington mentioned in his diary under the date of 1794 the planting around his place at Mount Vernon "several poccon or Illinois nuts that had been sent to him." An important milestone in the history of the pecan industry was the successful grafting of pecans in 1846–47 by Antone, a slave gardener in Louisiana.

Prominent in pecan growing history of Texas is the name of E. E. Risien of San Saba County, Tex. He was an immigrant boy of 16, from England, and he landed here in 1872. Early he developed an interest in pecan growing and ultimately planted one of the historic commercial orchards—historic because so many of our Texas varieties originated in that orchard. From it came the Western Schley, Texas Prolific, Jersey, San Saba Improved, Squirrel's Delight, and many others. The late beloved Gov. James Stephen Hogg, in 1906, realizing that his death was imminent said in conversation to friends, "I want no monument of stone or marble, but plant at my head a pecan tree and * * * let the pecans be given out to the plain people of Texas so that they may plant them and make Texas a land of trees." The fulfillment of the wish of the late Governor Hogg by pioneer horticulturists—E. W. Kirkpatrick of McKinney, F. M. Ramsey, of Austin, J. S. Kerr, of Sherman, and C. Falkner, of Waco—gave impetus to pecan growing that has continued with increasing interest until the present time. The Hogg pecan trees are historic trees in Texas. Since 1919 the pecan tree has been the State Tree of Texas, as a result of an act of the State Legislature.

The late Edwin Jackson Kyle, long-time dean of agriculture at the Texas A. & M. College (now university), and later U.S. Ambassador to Guatemala, was a friend to the pecan. Under his guidance, literally thousands of young men of Texas were instructed in pecan growing, and these men now in their various stations over the State are making contributions to the general welfare, by producing good delectable pecans. One of these students is Louie D. Romberg, horticulturist at the U.S. Pecan Field Station at Brownwood, Tex. His specialty is a development of new varieties, and he has been eminently successful. His various crosses representing years of intricately minute detailed maneuvers of cross pollination, selection, observation and testing, has resulted in new varieties which promise to be the basis of an expanding pecan industry for the future. Prominent among these are the Barton, Comanche, Sioux, Choctaw, Wichita, and Apache.

Gene Penicaut, one of the few Frenchmen to escape the Natchez massacre in 1729, wrote "The natives have three kinds of nuts * * * the best one * * * are scarcely bigger than the thumb and are called 'pecane'." It is appropriate that these Indian names which Romberg is choosing for his varieties be used since the modern term pecan was derived from this Indian word, "pecane." It was a term used by the American Indian to designate all nuts that were so hard as to require a stone to crack them. This name was appropriated by the French settlers of the Mississippi basin for one nut in particular, the pecan. The word "hickory," from which an early botanical name of the pecan, Hicoria Pecan, was derived, is likewise from the Indian word "powcohicora." The American Indians pounded pecan kernels with a stone, then boiled them in water to make a broth, called powcohicora. This powcohicora was used to thicken venison broth and to season hominy or corn cakes and in some instances was allowed to ferment for an intoxicating drink.

In these days of agricultural surpluses, acreage control, and uncertain markets, it is refreshing to encounter a crop of which we have no surplus and of which none is likely in the foreseeable future, and one which offers such promise.

Pecan growing is a way of life for those who love trees. The trees herald the spring with bursting buds, with beautiful rosettes of developing pecan clusters—25,000 on one tree—comparable in beauty to a giant Christmas tree with as many bright and lighted spires. In midsummer the branches arch gracefully under the load of developing fruits and there is the pleasant contemplation of a golden harvest in the fall. Pecan nuts are good food, and pecan growing represents a permanent agriculture and a good way of life. The trees grow larger, taller, and more productive each passing year for 100 years or more, and where they are beauty dwells.

THE TEXAS KIOWA INDIAN PECAN LEGEND

Long long ago the great White Father of the Kiowa Indians, whose home was on the plains of Texas, lived in their midst, directing them in their war councils, leading them in battles against the enemy and accompanying them on their hunts. He was their personal leader. But the time soon came when he must leave. He must go to the spirit land, he said. However, he promised to continue to guide his people through the medicine men, and to return to them when his mission in the spirit world was accomplished. He went away.

But he had no sooner entered the spirit world than the Evil One, who had been watching and hating him for many years, attacked him. In the combat that followed, the cohorts of the evil spirit and the cohorts of the good spirit fought until the whole upper world became an inferno of lightning and thunder. In the end the White Father was killed. His lifeless body fell to the earth that the Kiowas hunted upon. They saw and recognized his form. They buried it in the bed of a stream, and carefully covered the grave with rocks and gravel.

The place of the burial became a shrine for periodical visits. One time when some of the red men came to do homage at the grave, they saw that a green stem had pushed its way up out of the rock. They took this green thing as a good sign. As it grew year after year, they saw that it was a new kind of tree in their world. At last, after so many years had gone by that only the old men could remember the burial of their White Father, the Indians found some nuts fallen from the great tree that had sprouted out of the grave. They found the meat in these nuts delicious and the nuts excellent for carrying on long hunting expeditions. Other trees came from nuts scattered on the ground and after many, many years the nut-bearing trees were growing all along the streams of Texas. They called the tree "Pecan," which means "nut."[1]

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. KENNEDY. Mr. President, it is with some hesitation that I rise to speak on the pending legislation before the Senate. A freshman Senator should be seen, not heard; should learn, and not teach. This is especially true when the Senate is engaged in a truly momentous debate, in which we have seen displayed the most profound skills of the ablest Senators, in both parties, on both sides of the issue.

I have been extremely impressed over the past 4 weeks with the high level of the debate on this issue; with the dignity of the proceedings, the precision with which the legal issues have been defined. The viewpoint of each of the great sections of our Nation is being fully aired and fully developed, as we proceed toward a national consensus on this issue.

I had planned, about this time in the session, to make my maiden speech in the Senate on issues affecting industry and employment in my home State. I still hope to discuss these questions at some later date. But I could not follow this debate for the last 4 weeks—I could not see this issue envelop the emotions and the conscience of the Nation—without changing my mind. To limit myself to local issues in the face of this great national question, would be to demean the seat in which I sit, which has been occupied by some of the most distinguished champions of the cause of freedom.

I feel I can better represent the people of Massachusetts at this time by bringing the experience of their history to bear on this problem.

I believe the basic problem the American people face in the 1960's in the field of civil rights is one of adjustment. It is the task of adjusting to the fact that Negroes are going to be members of the community of American citizens, with the same rights and the same responsibilities as every one of us.

The people of my State of Massachusetts have been making this kind of adjustment for 300 years. We have absorbed every racial nationality group, from the Puritans to the Poles to the Puerto Ricans. Massachusetts today has a higher percentage of foreign nationality groups than any other State in the country. Fully 40 percent of the people of my State, according to the latest census, are either immigrants or children of immigrants.

Every problem this bill treats—be it voting, equal accommodations, employment, or education—has arisen in my State at one time or another and we have solved them—by persuasion where possible; by law where necessary.

We have not suffered from this effort. Indeed, we have been strengthened. Our economy, our social structure, the level of our culture are higher than ever before, in a large part because of the contributions minorities have made.

I believe that if America has been able to make this adjustment for the Irish, the Italians, the Jews, the Poles, the Greeks, the Portuguese—we can make it for Negroes. And the Nation will be strengthened in the process.

In 1780, a Catholic in Massachusetts was not allowed to vote or hold public office. In 1840, an Irishman could not get a job above that of common laborer. In 1910, a Jew could not stay in places of public accommodation in the Berkshire Mountains.

It is true, as has been said on this floor, that prejudice exists in the minds and hearts of men. It cannot be eradicated by law. But I firmly believe a sense of fairness and good will also exists in the minds and hearts of men, side by side with the prejudice; a sense of fairness and good will which shows itself so often in acts of charity and kindness toward others. This noble characteristic wants to come out. It wants to, and often does, win out against the prejudice. Law, expressing as it does the moral conscience of the community, can help it come out in every person, so in the end the prejudice will be dissolved.

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[1] This tale was taken from a book entitled "Foller De Drinkin' Gou'd," published by the Texas Folklore Society and edited by J. Frank Dobie. The story was written by G. T. Bloodworth as told to him by John L. Smith who heard it from a Kiowa Indian with whom he served in the World War. The story illustrates the position occupied by the pecan in the culture of the Indians.

This bill has deep moral implications for the individual and his society. For this reason we have seen in recent months an unparalleled show of support for the bill by the religious leadership of America. Yesterday, I received a communication from His Eminence Richard Cardinal Cushing, of Boston. He said as follows:

> On behalf of nearly 2 million Catholics, I am unhesitantly and wholeheartedly supporting the civil rights bill which is now under consideration in the U.S. Senate. The rights embodied in this bill are sacred rights, important to the dignity of the individual under God. I make this statement through Senator EDWARD M. KENNEDY, as cardinal of the Boston archdiocese.

I want to add that no one, in my judgment, has made a greater contribution to racial and religious understanding in my part of the Nation than Cardinal Cushing through his life and his works.

I have also received the following statement from the presiding bishop of the Episcopal Church of Massachusetts, Bishop Anson Stokes:

> I believe I speak for the overwhelming number of Episcopalians as well as for Protestants in general when I affirm my personal, wholehearted support for the civil rights legislation and particularly for its public accommodations section. Courtesy, respect, and equal opportunity for human beings of all races cannot be left to chance. It must be assured by law as a human right, in all parts of our country in North as well as South.

Bishop Stokes has also made a significant contribution in this area.

In January of last year, there gathered in Chicago a National Conference on Religion and Race. Representatives of 67 national religious bodies, Protestant, Catholic, and Jewish, representing nearly all of the denominations of America, said at that time:

> Our appeal to the American people is this: Seek a reign of justice in which voting rights and equal protection of the law will everywhere be enjoyed; public facilities and private ones serving a public purpose will be accessible to all; equal education and cultural opportunities, hiring and promotion, medical and hospital care, open occupancy in housing will be available to all.

Mr. President, I ask unanimous consent to have the full statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the National Conference on Religion and Race, Jan. 17, 1963, Chicago, Ill.]

AN APPEAL TO THE CONSCIENCE OF THE AMERICAN PEOPLE

We have met as members of the great Jewish and Christian faiths held by the majority of the American people, to counsel together concerning the tragic fact of racial prejudice, discrimination, and segregation in our society. Coming as we do out of various religious backgrounds, each of us has more to say than can be said here. But this statement is what we as religious people are moved to say together.

I

Racism is our most serious domestic evil. We must eradicate it with all diligence and speed. For this purpose we appeal to the consciences of the American people.

This evil has deep roots; it will not be easily eradicated. While the Declaration of Independence did declare "that all men are created equal" and "are endowed by their Creator with certain unalienable rights," slavery was permitted for almost a century. Even after the Emancipation Proclamation, compulsory racial segregation and its degrading badge of racial inequality received judicial sanction until our own time.

We rejoice in such recent evidences of greater wisdom and courage in our national life as the Supreme Court decisions against segregation and the heroic, nonviolent protests of thousands of Americans. However, we mourn the fact that patterns of segregation remain entrenched everywhere—north and south, east and west. The spirit and the letter of our laws are mocked and violated.

Our primary concern is for the laws of God. We Americans of all religious faiths have been slow to recognize that racial discrimination and segregation are an insult to God, the giver of human dignity and human rights. Even worse, we all have participated in perpetuating racial discrimination and segregation in civil, political, industrial, social, and private life. And worse still, in our houses of worship, our religious schools, hospital, welfare institutions, and fraternal organization we have often failed our own religious commitments. With few exceptions we have evaded the mandates and rejected the promises of the faiths we represent.

We repent our failures and ask the forgiveness of God. We ask also the forgiveness of our brothers, whose rights we have ignored and whose dignity we have offended. We call for a renewed religious conscience on his basically moral evil.

II

Our appeal to the American people is this:

Seek a reign of justice in which voting rights and equal protection of the law will everywhere be enjoyed; public facilities and private ones serving a public purpose will be accessible to all; equal education and cultural opportunities, hiring and promotion, medical and hospital care, open occupancy in housing will be available to all.

Seek a reign of love in which the wounds of past injustices will not be used as excuses for new ones; racial barriers will be eliminated; the stranger will be sought and welcomed; any man will be received as brother—his rights, your rigths; his pain, your pain; his prison, your prison.

Seek a reign of courage in which the people of God will make their faith their binding commitment; in which men willingly suffer for justice and love; in which churches and synagogues lead, not follow.

Seek a reign of prayer in which God is praised and worshipped as the Lord of the universe, before whom all racial idols fall, who makes us one family and to whom we are all responsible.

In making this appeal we affirm our common religious commitment to the essential dignity and equality of all men under God. We dedicate ourselves to work together to make this commitment a vital factor in our total life.

We call upon all the American people to work, to pray, and to act courageously in the cause of human equality and dignity while there is still time, to eliminate racism permanently and decisively, to seize the historic opportunity the Lord has given us for healing an ancient rupture in the human family, to do this for the glory of God.

Mr. KENNEDY. Mr. President, I have also received many letters from other religious leaders, as well as interested groups and citizens, and I ask unanimous consent that a sampling of those letters may be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NEW ENGLAND YEARLY
MEETING OF FRIENDS,
Boston, Mass., October 8, 1963.

Hon. EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: The social concerns committee of New England Yearly Meeting of Friends (Quakers), composed of members from many quarters of this region, is distressed that the un-Christian practices of racial segregation and discrimination continue to blight the lives of so many of our fellow Americans, both white and colored. We have resolved at a meeting held on September 8, 1963, to recommend urgently your most vigorous support of the various pieces of civil rights legislation introduced thus far in the Congress in behalf of President Kennedy, including the provisions that would govern public accommodations.

This entire legislative program has come to have important symbolic as well as practical significance for many colored Americans. However, while supporting the legislation thus far proposed, we recognize that it falls far short of the legitimate demands and aspirations of colored Americans, and we therefore urge a search for further, useful legislation not yet included in the President's program.

We are fortunate to live in a part of the Nation that is continuing to document extensively its ancient tradition of concern for individual rights and for the defense of the oppressed. It would seem to us appropriate, therefore, for each New Englander in the Congress, whether in the Senate or in the House, to take every opportunity for effective leadership in exploring the possibilities for further civil rights legislation.

It is apparent to many that an effective Federal Fair Employment Practices Act is needed. Surely some sort of youth training bill is required. Perhaps legislation is needed to require the opening of apprenticeships in craft unions equally to members of minority groups. Programs of scholarships for college and graduate students may have to be devised to help overcome the inequalities of educational opportunity still handicapping many of the most capable members of various minority groups.

In offering these random suggestions we do not presume to be outlining the full extent of such a legislative program. We hope you will feel led to use your personal and official influence and leadership to insure that such a program is developed and offered in the Congress. Such efforts, we are convinced, would be truly in the service of the Lord.

Cordially,

JOHN R. KELLAM,
Chairman.
ANNE FOSTER,
Recording Clerk.

TEMPLE SINAI,
Sharon, Mass., February 8, 1964.

Hon. EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: As a matter of moral regard, I feel that it is most important that our Congress enact strong civil rights legislation. Far too long citizens of the United States have been denied equal rights because of race, color, or religion.

I feel particularly that the pending legislation concerning fair employment practices must receive special attention. Inability to better themselves economically forces the Negro citizen into ghettolike slum housing. Unable to live where they like, their children are forced into inferior schools and thus do not have the education they need to compete efficiently in today's world. Congress has an opportunity to break this cycle this year.

Very truly yours,
Henry Bamberger,
Rabbi.

The Cape Cod Council
of Churches, Inc.,
Hyannis, Mass., February 25, 1964.

Hon. Edward M. Kennedy,
Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: Enclosed is a copy of a resolution passed at the recent annual meeting of the Cape Cod Council of Churches.

The council is made up of 53 churches with a combined membership of approximately 10,000 Cape Cod people. The resolution was passed unanimously.

This shows that we are solidly behind every move to achieve complete freedom and equality for all Americans, including those of Negro ancestry.

Best regards.

Sincerely,
Kenneth R. Warren,
Chairman, Social Relations Department.

PETITION BY CAPE COD COUNCIL OF CHURCHES

We, the representatives of the churches associated in the Cape Cod Council of Churches, respectfully petition the Congress to insist that the committees of both Houses shall permit the Congress to take action on civil rights legislation promised in the platforms of both parties in 1960.

When thus permitted to act we petition the Congress to provide for all citizens protection when they exercise their constitutional right to petition for the redress of grievances, equality in practice when they register to vote, and equality under the law in using all places of public accommodations.

Having petitioned the Congress of the United States to pass appropriate civil rights legislation, we, the representatives of the churches associated in the Cape Cod Council of Churches, respectfully petition these associated churches to come to a better understanding of the complex ramifications of sin and prejudice among all of us.

We are shocked to recall that, contrary to our national tradition of equality before the law, some States prescribe that places of public accommodation shall treat citizens in two classes. But the prejudice which occasions such discriminatory laws influences the everyday uses of our churches and our communities.

We therefore respectfully suggest that our churches should study how well each of them and many of their members can learn to treat all men as God treats all men, according to all the respect and dignity which each wishes to receive for himself.

The First Religious Society
(Unitarian),
Newburyport, Mass., February 24, 1964.

Hon. Edward M. Kennedy,
Senate Office Building,
Washington, D.C.

Dear Sir: The committee for social concern of the First Religious Society (Unitarian) of Newburyport, Mass., voted unanimously at its last meeting to give our complete support to the civil rights bill now before Congress. We urge you to do everything possible to expedite the prompt passage of this important piece of legislation in its entirety.

Very truly yours,
Mrs. Bertrand H. Steeves,
Secretary, Committee for Social Concern.

Grace Episcopal Church,
Everett, Mass., February 25, 1964.

Senator Edward Kennedy,
Senate Office Building,
Washington, D.C.

Dear Senator: As one of your constituents, as a Christian, as a person vitally concerned with the future well-being and peace of this great land and for the rights of all her citizens, may I urgently and respectfully plead that you give your entire energies and support to the civil rights bill soon to come before the Senate.

Your own legislative record indicates your enthusiasm for this cause. I would urge you as the time draws near and during actual debate to give of your unstinting capacities and zeal for the passage of this essential legislation.

Most respectfully,
Fr. Robert Hanson.

First Congregational Church,
United Church of Christ,
Auburn, Mass., February 3, 1964.

Senator Edward M. Kennedy,
Senate Office Building,
Washington, D.C.

Dear Sir: Enclosed is a copy of a resolution recently adopted unanimously at our annual church meeting.

Please consider the second portion of this resolution as an expression of the feelings of our entire church membership of 746 members in making your decisions on the forthcoming civil rights bill.

Respectfully,
Guy L. Knight,
Chairman, Social Action Committee.

RESOLUTION ON CHRISTIAN FELLOWSHIP BY FIRST CONGREGATIONAL CHURCH, AUBURN, MASS.

Whereas the Massachusetts Congregational Christian Conference has passed resolutions on several occasions dealing with the social, civic, economic, and religious issues in racial discrimination in this Commonwealth and Nation, and has asked its member churches to participate in this concern; and

Whereas Dr. Ben. M. Herbster, president of United Church of Christ, has asked each member church of the United Church of Christ to declare itself as an open member church in which the fellowship of all God's people is without restrictions as to race, class, or ethnic background: Therefore be it

Resolved, That this church reaffirms its practice of long standing of being an open member church in which the fellowship of all God's people is without restrictions as to race, class, or ethnic background and publicly declare this practice as its policy; and be it further

Resolved, That such legislation as can be proposed that will protect the civil liberties of all U.S. citizens without violating other constitutional guarantees be supported and encouraged by this church. Copies of this resolution are to be provided to the members of the Massachusetts delegation to the U.S. Congress.

Sinai Temple,
Springfield, Mass., March 3, 1964.

U.S. Senator Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: It is my sincere hope that you will vote in favor of H.R. 7152, the Civil Rights Act of 1963, without any amendment.

I would also hope that you might vote in favor of cloture so that this bill may be acted upon without filibuster.

In addition to my personal sentiments, our congregation has officially taken the same position. Our congregation represents something like 600 families.

That was a magnificent address you gave at our temple this past Sunday morning. It was also my privilege to have presented your late brother when he was U.S. Senator and I was the president of the Connecticut Valley Foreign Policy Association.

Thanks again.

Cordially yours,
Rabbi Herman E. Snyder.

Trinity Episcopal Church,
Randolph, Mass., August 29, 1963.

Hon. Edward Kennedy,
U.S. Senate,
Washington, D.C.

My Dear Senator Kennedy: I feel very strongly that legislation on civil rights must be enacted which will be in keeping with the Constitution of the United States and which will neither favor nor work to the disadvantage of any group or individual, but will guarantee equal opportunity and justice for all American citizens.

I am convinced that now is the time when human rights or the lack of them must be faced squarely and acted upon with conviction by the American people and by you as an official representative of this State and the people therein.

I look to you for prompt, fair and firm action.

Very truly yours,
Walter K. Lyon,
Rector.

Unitarian Universalist
Association of Churches and
Fellowships in North America,
Boston, Mass., October 23, 1963.

Hon. Edward M. Kennedy,
Senate Office Building,
Washington, D.C.

Dear Mr. Kennedy: It is my duty and privilege to report to you at once action taken by the board of trustees of the Unitarian Universalist Association (of North America) in regard to the President's civil rights legislation.

Our board of trustees acting upon the precedent and in the context of many denominational resolutions and expressions of conviction in the past, voted unanimously at its meeting on October 15 to urge adequate legislation at once. I do not need to say that this action is without any political bias on the part of our board and association, or that it seems to us to be entirely in accord with our belief in the principle of human brotherhood. We feel strongly that this legislation is a necessary tangible expression of our faith in human brotherhood.

We urge your support, for the sake of the people involved, for the sake of the integrity of our Nation, and for the sake of the image of America in the eyes of the world.

With cordial good wishes.

Sincerely yours,
Dana McLean Greeley.

Council of Catholic Men,
Archdiocese of Boston,
Boston, Mass., November 15, 1963.

To: Massachusetts congressional delegation.
From Board of directors, ACCM, Francis M. McLaughlin, president.

We are enclosing a statement on Federal civil rights legislation that was adopted by the board of directors of the Council of Catholic Men, at its meeting November 11, 1963. The board represents 300,000 laymen of the archdiocese through its affiliated organizations that are federated in the Council of Catholic Men.

We are sending this statement to you for your consideration and want to emphasize the board of directors' concern for strengthening, wherever possible, the program sent to the Congress by the President.

We realize that no matter in recent years has received more thoughtful analysis by our distinguished representatives in Congress. We want you to know that we are aware of this and to assure you of our desire to assist in achieving meaningful civil rights legislation this year.

STATEMENT BY COUNCIL OF CATHOLIC MEN,
ARCHDIOCESE OF BOSTON

Election returns are being carefully scrutinized in all parts of the Nation with a view to determining whether a just civil rights bill is expedient at this time. Many columnists and commentators are attempting to assess political loss which may result from granting fundamental human rights to American citizens.

As official representative of the Boston Archdiocesan Council of Catholic Men, we call to your attention that the only guide in this matter for one professing Christian principles is justice. No one may in good conscience call upon public opinion polls or election results to ascertain whether or not to grant all citizens equal rights in voting, in admission to schools at all levels, in employment, in housing, public facilities, and public recreation.

We urge you, not merely as a matter of private conscience, but that the public conscience be not outraged, to vote favorably for meaningful civil rights legislation at this session of Congress.

WOOLMAN HILL,
A QUAKER CENTER,
Deerfield, Mass., January 22, 1964.

Senator EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR FRIEND: I believe you will be interested in the enclosed resolutions adopted last weekend by a conference on civil rights, held at this Quaker center.

Sincerely yours,
WILLIAM K. HEFNER,
Chairman, Board of Directors.

RESOLUTIONS OF THE CONFERENCE ON THE RESPONSIBILITY OF EDUCATION FOR CIVIL RIGHTS, SPONSORED BY WOOLMAN HILL, AT QUAKER CENTER, DEERFIELD, MASS., JANUARY 18, 1964

Resolved, That the attenders at this conference heartily support the civil rights bill currently before the Congress of the United States and strongly endorse its early passage without crippling amendments, which would compromise its goal of providing equal rights for all Americans whatever their race or color.

Resolved, That the attenders at this conference strongly urge the institution of a comprehensive and imaginative program by the Federal Government based on the idea of a domestic peace corps which would provide a work program and special educational opportunities for young Americans between the ages of 15 and 21 who are currently underprivileged and undereducated, this program to be administered through the cooperation of State and local governments and to be oriented toward the improvement of our local communities, the elimination of urban blight, and the general welfare of the Nation.

WILLIAM HEFNER,
Chairman, Woolman Hill Board of Directors.

AMERICAN JEWISH CONGRESS,
NEW ENGLAND REGION,
Boston, Mass., February 14, 1964.

Hon. EDWARD MOORE KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: For many years, the New England region, American Jewish Congress, has been one of the leaders in pressing for civil rights legislation on both the national and local scene. The time has now arrived when the problem of civil rights must be settled on the Federal level.

We, therefore, urge that you support the civil rights bill now before your august body to provide equal rights for all citizens of our country regardless of race, color, creed, or national origin. Such legislation has long been overdue.

Our democracy can no longer afford to discriminate against certain of its citizens. We hope that you will put yourself on record in favor of this basic principle and will vote for the civil rights measure.

We shall be pleased to have your views.

Sincerely,
MARVIN N. GELLER,
President.

DIOCESAN COUNCIL OF
CATHOLIC WOMEN,
WORCESTER DISTRICT,
October 5, 1963.

Hon. EDWARD M. KENNEDY,
Senate House Building,
Washington, D.C.

DEAR SIR: On behalf of the Worcester District, Diocesan Council of Catholic Women, and myself, I am writing to ask you to support a full civil rights bill including the public accommodations section and an amendment covering fair employment practices.

We, as Catholic women, believe God has created all of us to His own image and likeness. We also believe that the Constitution of the United States guarantees everyone life, liberty and the pursuit of happiness.

It is about time we lived up to the words in the Constitution and gave the Negro people equal rights.

Please vote for the passage of the House bill 7152 and 1731 without delay.

Thank you.

Sincerely,
WINIFRED M. O'NEIL,
President.

NATIONAL ASSOCIATION OF
SOCIAL WORKERS,
EASTERN MASSACHUSETTS CHAPTER,
Boston, Mass., September 9, 1963.

Hon. EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: The eastern Massachusetts chapter of the National Association of Social Workers, a professional organization representing over 1,300 members, wishes to express its hearty endorsement of the President's civil rights program. We urge you to give this urgent legislation your wholehearted support, particularly title II of the bill (S. 1731), which bans discrimination in places of public accommodation and business establishments.

We are aware of the many arguments against title II in the name of property rights, and we share the concern of those who fear any violation of these. However, we consider the misuse of property rights to humiliate and deny individual rights of citizens because of their race, religion, or ethnic background contrary to the basic ideals of the Nation. We consider it the responsibility of the Federal Government to be as concerned with the protection of individual human rights as it has been concerned, traditionally, with property rights.

If this legislation is kept from a vote by the efforts of the opponents, we trust that you shall vote for cloture, in the interests—not only of your Negro constituents—but of all Americans.

Thank you.

Sincerely,
JAMES M. MCCRACKEN, Jr.,
President.

BOSTON, MASS.

Senator EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.:

We strongly urge that you use all the influence and prestige of your position to insure passage without modification of the House-passed civil rights bill at the earliest possible date.

BERNARD BORMAN,
President, Greater Boston Junior Chamber of Commerce.

FIRST CONGREGATIONAL CHURCH,
Hadley Mass.,
SECOND CONGREGATIONAL CHURCH,
North Hadley, Mass.,
February 14, 1964.

Senator EDWARD KENNEDY,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I have been pleased with the work of the House of Representatives on the civil rights bill and I believe that the bill as they passed it is just, patriotic and moral and that it will help us to overcome the tragic sin of racial discrimination.

May I urge you to support the civil rights bill as passed by the House including the fair employment practice of the bill and the public accommodations section.

May I also urge you to vote to stop a filibuster by the opponents of the bill which I believe is your privilege according to the rules of the Senate.

Thank you very much for your consideration of this letter.

Cordially yours,
DARRELL W. HOLLAND.

MASSACHUSETTS COUNCIL OF CHURCHES,
Boston, Mass., October 1, 1963.

Hon. EDWARD KENNEDY,
U.S. Senate, Washington, D.C.

DEAR SENATOR: The bombing in Birmingham requires that the U.S. Congress must within this year pass the President's civil rights bill, S. 1731 and H.R. 7152. There can no longer be any quibbling regarding equality of citizens—black, white, or green—in the United States in any aspect of our public and national life.

When the Christian community, or any religious body, is no longer safe in the house of God and at worship, then America is in danger of the loss of the democratic process and the democratic way.

I write to ask you to use every ounce of your influence to see that the President's civil rights legislation is passed with the strongest possible support which you can give and urge others to give because of your extensive influence. The Senators of the North must mobilize the leadership of the South to the moral international implications of this act.

My prayer is that we perform as Americans in a democratic way, not because we are ashamed of our international image, but because it is right that men should be treated as those made in the image of God.

Sincerely,
OLIVIA PEARL STOKES,
Director, Department of Religious Education.

EPISCOPAL CHURCHWOMEN OF PROVINCE, I,
Worcester, Mass., August 24, 1963.

DEAR SENATOR KENNEDY: The executive board of the Episcopal Churchwomen of New England (representing all Episcopal churchwomen in New England) favor a strong civil rights bill.

Very truly yours,
MRS. LOWELL H. MILLIGAN,
President.

THE COUNCIL OF CHURCHES OF GREATER SPRINGFIELD,
Springfield, Mass., February 21, 1964.
Hon. EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: The board of directors of the Council of Churches of Greater Springfield at its meeting of February 14, 1964, considered and discussed the civil rights bill presently pending before the Senate of the United States.

It was the unanimous vote of the board of directors that we urge you, our Senator, to support a strong and effective bill for equal rights for all citizens.

Our council represents 56 Protestant churches of the Greater Springfield area and we are anxious to keep our member churches informed of legislative developments regarding civil rights legislation.

We would appreciate an expression of your position on these matters to share with our people.

Respectfully yours,
EMERSON WESLEY SMITH,
Executive Director.
HERSCHEL W. ROGERS,
Chairman, Division of Christian Social Relations.

WESTON COLLEGE,
Weston, Mass., August 30, 1963.
SENATOR EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: It is my firm conviction that racism is the most important moral issue of our generation. As a Christian I am deeply sorry that our Nation should move so slowly to redress the wrongs committed against nonwhites in this country. May I ask you to support the President's civil rights legislation with all your efforts.

At the same time, may I ask you to support the President's revision of the immigration law. I would like to see a much more liberal policy toward the admission of Oriental people to our country.

Respectfully yours,
Rev. THOMAS F. MATHEWS, S.J.

Mr. KENNEDY. Mr. President, when religious leaders call on us to urge passage of this bill, they are not mixing religion and politics. This is not a political issue. It is a moral issue, to be resolved through political means. Religious leaders can preach, they can advise, they can lead movements of social action. But there comes a point when persuasion must be backed up by law to be effective. In the field of civil rights, that point has been reached.

Mr. President, others have discussed the specific provisions of this bill with more skill than I possess. The constitutionality of the bill has been affirmed by the most eminent lawyers in the land. But there are some points in each of the major sections I would like to stress.

The purpose of title I, the voting section, is to accomplish the aims of the voting rights sections of the civil rights bill of 1957 and 1960. Had Congress known then the weaknesses in those sections, I believe these provisions would have been added at that time. We learn by experience. The Civil Rights Division of the Department of Justice, under the outstanding leadership of Burke Marshall, has labored for 3 years to do the job assigned to it by the prior legislation. Its small squadron of attorneys have worked long and hard, but every possible legal barrier has been thrown in its path to win, after protracted litigation, the right to vote in an election held a year ago, is no victory. The right to vote in Federal elections must be enforcible at the time of the election to have any meaning.

The barriers to the right to vote were taken down in my State over 100 years ago. The differences between our social and economic groups have been settled peacefully at the ballot box, the way they should be in a democracy.

Title II, the public accommodation section, seeks to relieve the principal cause of demonstrations that have torn the South in recent years. It confers on Negroes a right the rest of us have enjoyed under the common law for 500 years—the right to enter and be served in establishments holding themselves out to serve the public. Were we to ground this section on the 14th amendment, it is entirely possible, in view of recent decisions of the Supreme Court, that the civil rights cases of 1883 would be overruled on this point. But we need not speculate on this, in view of the obvious sweep of the commerce clause. If this clause can be used, as it has been used, to eliminate sweatshop labor, to end racketeering, to throw Communists out of unions and management; if we can use it to eliminate prostitution and narcotics and adulterated foods which sap the physical fiber of the Nation, certainly it can be used to eliminate the humiliation and discrimination which sap the moral fiber of the Nation.

Titles III and IV seek to execute the Supreme Court's desegregation decisions, in the same way as title I seeks to realize the aims of Congress. The Court, in Brown against Board of Education in 1954, did not say that only 10 Negroes in a State should be admitted to integrated schools by 1964. It did not say that wide areas of the South should have no school integration, years after the principle of integration was established. The Court spoke of "all deliberate speed" and of a "prompt and reasonable start toward full compliance." And in Watson against City of Memphis, last year, the Court said:

> The basic guarantees of our Constitution are warrants for the here and now.

In my judgment, if Congress does not take these steps to aid in the implementation of the integration decree, it will be acquiescing in what has amounted, in many places, to a virtual reversal of the Supreme Court's decisions.

We have seen examples, in a number of States, where local school boards have adopted desegregation plans, only to be thwarted by State authority. Last September, the Governor of Alabama sent State police and National Guardsmen to four major cities in his State, to bar children—both white and Negro—from attending schools that had been integrated under locally approved plans. In these cases and others, integration was blocked by outside authority, arbitrarily and illegally imposed.

I respect the doctrine of States rights because it recognizes the importance of local action to individual freedom. But I respectfully submit that one cannot oppose having the Federal Government telling the States what to do, and at the same time, condone States telling cities what to do.

My State has been criticized in the field of education, and I would like to look at the record. Forty-seven percent of the Negroes in Massachusetts live outside of the city of Boston. All of their children go to school with white children. But most of the Negroes in Boston do not, because they live in all-Negro neighborhoods—racially mixed.

We in Massachusetts have recognized this problem and have begun to seek means to correct it. But there is an enormous difference between school segregation as practiced in some States and the situation in mine. In Massachusetts, no State law forbids integration in schools. No State official stands in the doorway to block it. The only barrier to complete school integration is the sound and historic principle that children of the same neighborhood should attend the same school. With the increase in economic opportunity that will come to Negroes in my State, residential segregation will break down and the school problem will diminish.

Title VI will serve the important purpose of removing Federal financial support from segregated programs. We cannot justify using Negro taxpayers' money to perpetuate discrimination against them.

Federal programs, especially in the fields of health and education, and training for jobs have an enormous influence on the social fabric of our communities. They can set a pattern in keeping with the moral commitment of the Nation, or they can set a pattern opposed to it.

Title VII is directed toward what, in my judgment, American Negroes need most to increase their health and happiness. To be deprived because of race of the right to vote or use public accommodations or to attend integrated schools is a humiliation and an impediment. But to be deprived of the chance to make a decent living and of the income needed to bring up children is a family tragedy. The average Negro with a high school education can expect to earn, in his lifetime, $100,000 less than the average white man with the same education. This is a personal hardship. It is a burden on families. It saps the economic strength of the Nation.

In Massachusetts we have found that job opportunity is the key to assimilation of any minority group. As long as our minorities were shut off from worthwhile jobs, they remained poor, ignorant, resentful of the rest of the community. Once they found a wider range of jobs, they were able to cast off their poverty, break out of their slums, and, most important, measure up to the standards of social behavior set by the community.

Crime and illegitimacy declined as men found something to live for. This can happen again.

It is argued that title VII can only make jobs for Negroes by taking them away from whites. The same accusation was thrown at the Irish in Massachusetts in the 1820's. The argument is groundless in America, because it assumes a stagnant economy. We have almost always had a dynamic, job-creating economy. The new income spent by new job holders has created more demand and more jobs, in a great upward movement of growth and prosperity.

Mr. President, this is not a force bill. There are no fines or criminal penalties. On the contrary, the bill abounds with reasonableness, with conciliation, with voluntary procedures, with a moderate approach toward its goals.

The public accommodations section covers only those types of establishments where discrimination works the severest hardship. Even these types are exempt if they are small enough so that their integration would disturb the owner in his private life.

The voting section covers only Federal elections. It uses the procedures of the courts. It creates not special privileges, but only tries to prevent irreparable injury.

The education section creates no new rights. The Department of Justice would be able to sue only to enforce what the Constitution already requires.

The Federal program section is equally moderate. Funds could only be denied to programs where discrimination is practiced. Other funds could not be affected. The procedures under this section must conform to the standard of due process, of notice and hearing, of the administrative procedures act.

And the employment section is equally mild. Companies would have adequate time to comply with its requirements. The Fair Employment Commission has no sanctions of its own, but must look to the courts for enforcement of its orders.

In short, the bill emphasizes not new rights but remedies of existing rights; not coercion but voluntary compliance; not the heavy hand of the Federal Government but the even-handed justice of the courts of law.

With provisions as mild as these, it can truly be said that even in passing this bill, we are still relying primarily on the decency and the tolerance and the conscience of the American people to secure these rights for Negro citizens.

In conclusion, Mr. President, there are some personal reasons why I am so interested in passage of this bill. As a young man I want to see an America where everyone can make his contribution, where a man will be measured not by the color of his skin but by the content of his character.

As one who has a special concern with the emerging nations of Africa and Latin America, I have seen what discrimination at home does to us in those countries. I want to see America respected there.

And, finally, I remember the words of President Johnson last November 27:

> No memorial oration or eulogy could more eloquently honor President Kennedy's memory than the earliest possible passage of the civil rights bill for which he fought so long.

My brother was the first President of the United States to state publicly that segregation was morally wrong. His heart and his soul are in this bill. If his life and death had a meaning, it was that we should not hate but love one another; we should use our powers not to create conditions of oppression that lead to violence, but conditions of freedom that lead to peace.

It is in that spirit that I hope the Senate will pass this bill.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. DOUGLAS. I congratulate the Senator from Massachusetts for the magnificent address which he has just made. I have never heard the principles of the bill or the tenets of civil rights stated more succinctly or more accurately. I have never heard an address of a more truly noble and elevated tone.

We are all deeply grateful for what he has said and for what he is doing. He is a worthy continuer of the great tradition of the seat which he occupies in the Senate, beginning, I believe, with John Quincy Adams, Daniel Webster, and Charles Sumner and, through George Frisbie Hoar, to his beloved and lamented brother, who served with us for so many years.

Not only should the whole State of Massachusetts be grateful for what he has said, but I believe the whole Nation also is grateful to him. Without striking any note of false sentimentality, I am sure the spirit of his beloved brother rejoices also in what he has said.

Mr. KENNEDY. I appreciate the comments of the Senator from Illinois. I know how dedicated, interested, and committed he has been to the great questions which have come before the Senate and which are now before the Senate. It is a source of considerable inspiration to a junior Member of the Senate to find the wisdom and the experience which he has brought to this question. I appreciate his comments.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I join the Senator from Illinois in expressing thanks for the truly great speech just delivered by the Senator from Massachusetts. I know I speak for all Members of the Senate who heard the speech. The Senator has moved us deeply, both emotionally and intellectually. When the news of his speech goes across the Nation, it will move the American people deeply, too.

I am proud to have the privilege of saying that, in my judgment, the junior Senator from Massachusetts has already demonstrated that before he leaves the U.S. Senate he will have made a record in this body that will list him among the great Senators in the history of the Senate.

Mr. KENNEDY. I appreciate the generous comments of the Senator from Oregon.

Mr. HUMPHREY. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I join the Senator from Illinois [Mr. DOUGLAS] and the Senator from Oregon [Mr. MORSE], and I am sure other Senators, as well, in paying a well deserved tribute to the Senator from Massachusetts for a moving, persuasive address on the all-important issue of civil rights for the American people.

I am particularly grateful to the Senator for his emphasis upon the international aspects of what we seek to do in the Senate concerning the domestic problem. I am particularly moved by the Senator's reference to the proposed legislation as being so close and dear to the heart of our late beloved President, the distinguished brother of the junior Senator from Massachusetts.

The Senator from Massachusetts has given new inspiration to us who work in the vineyard of civil rights and human rights. I commend him and, above all, I thank him, not only for his speech but also for his steadfastness of purpose and his willingness to be present during these difficult, trying days in handling the chores of managing certain parts of the bill, which continue day after day.

The Senator from Massachusetts has been performing yeoman service in helping the Senate come to a decision on this great national moral issue. His speech stands on its own. I am sure it will receive considerable attention throughout the country. I trust it will be read carefully by every Member of this body, regardless of his point of view.

Mr. KENNEDY. I appreciate the kind remarks of the Senator from Minnesota.

Mr. SYMINGTON. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. SYMINGTON. I am very sorry not to have heard the entire speech of the Senator from Massachusetts, but I was attending a meeting of the Committee on Foreign Relations, at which the Secretary of the Treasury was present.

I intend to read the Senator's address carefully, and congratulate him upon the part to which I had the privilege of listening. Every day that goes by I consider it a greater privilege to serve with him in the Senate.

Mr. KENNEDY. I thank the Senator from Missouri for his kind remarks.

Mr. YOUNG of Ohio obtained the floor.

Mr. HUMPHREY. Mr. President, will the Senator from Ohio yield, without in any way prejudicing his right to the floor or having his resumption, after the interruption, being interpreted as a second speech?

Mr. YOUNG of Ohio. I yield with that understanding.

ATTENDANCE OF SENATORS

Mr. HUMPHREY. Mr. President, due to official business this morning, three

Senators were unable to be present. One of them, the Senator from Missouri [Mr. Symington], has already spoken. He called me to say that he was in an important conference with the Secretary of the Treasury.

The Senator from South Dakota [Mr. McGovern] just notified me—and I think the point he has made should be checked into—that the bells in his office did not ring. He has already called official attention to that.

The Senator from Arkansas [Mr. Fulbright] also was attending the conference with the Secretary of the Treasury, and therefore could not be present in the Chamber.

I thank the Senator from Ohio for yielding.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may yield to my colleague the distinguished senior Senator from Ohio [Mr. Lausche], without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBSIDIES FOR COTTON GOODS MANUFACTURERS

Mr. LAUSCHE. Mr. President, I observe from the Congressional Record that the House yesterday passed the so-called agriculture bill by a vote of 211 yeas to 203 nays. In my judgment, the passage of that bill forebodes trouble for our country and for the taxpayers.

The bill, labeled as an agriculture bill, includes a new subsidy for the manufacturers of cotton goods. Senators know that heretofore Congress has subsidized cottongrowers as it has subsidized producers of other farm products. In the bill passed by the House yesterday, however, provision has been made to subsidize the manufacturers of cotton goods.

I do not wish to speak as an oracle, but I cannot bring my mind to the conclusion that a train of bills will not be introduced in Congress seeking subsidies for the manufacturers of other types of goods. I would not be surprised if within the next several days the manufacturers of Ohio should say, "Congress has subsidized the manufacturers of cotton goods. By what reasoning can a similar subsidy be denied to us?"

In Ohio, manufacturers of steel and steel products, shoes and leather goods, pottery, glassware, transistors, small radios, aluminum, electric generators, turbines, motor buses, printing machinery, and other items are feeling the serious impact of foreign competition. If the Congress adopts the policy that injured cotton mills are to be subsidized, then the industries I have mentioned and others adversely affected could justifiedly ask for a similar subsidy. They are all complaining about the damage that is being done to their businesses by the importation of manufactured products from other nations of the world. How can we say to them, "You will get no subsidy, although Congress will provide to manufacturers of cotton goods a subsidy of at least $319 million, possibly going as high as $500 million."

I am thoroughly conscious of the gravity of the words that I use, that the passage of the wheat subsidy bill forebodes a black and troublesome day. We are entering a practically new field of throwing away taxpayers' money.

Why should a lad living on St. Clair Avenue, in Cleveland, the neighborhood from which I come, be called upon, out of his hard-earned dollars, to subsidize the manufacturers of cotton goods, when, within that neighborhood are manufacturers and industries that are likewise being affected by the importation of foreign goods?

There has been talk about retrenchment of expenses. Congress proclaimed to the world that there would be a tax cut, and Congress has provided a tax cut. It has been said that to minimize the impact of the tax cut, public expenditures will be retrenched. I cannot see retrenchment when it is obvious that we are entering into a new field of subsidies.

To the cotton manufacturers, I say: You may have a glorious day as the $319 million is delivered to you; but by your persistence in asking for it, you are helping to forge the nails that may finally close the sepulcher of the democracy in which we live.

I voted against this measure. I am glad I did. And I am profoundly glad, Mr. President, that my Congressman, Michael Feighan, in my district, voted against it. I examined the Congressional Record especially, today, to see how he voted; and I am gratified to find that he foresees the danger that is in this bill. He realizes that it is not in the interest of our country, the worker, or the general citizenry. I commend him for his vote.

Mr. President, I ask unanimous consent that the statement which I made on this particular bill on March 6, slightly modified, may be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Agricultural Act of 1964

Mr. Lausche. Mr. President, I ask unanimous consent to have printed at this point in the Record the text of the statement I made yesterday, March 5, 1964, giving 13 reasons why the bill should be defeated.

There being no objection, the statement was ordered to be printed in the Record, as follows:

"Mr. Lausche. Mr. President, I contemplate supporting the amendment on the subject of fixing quantities of beef that may be sent into this country by foreign exports. Regardless of what the outcome is on the amendment dealing with beef cattle and beef supplies, I, in the end, will vote against the bill. I am opposed to it for the following reasons:

"First. This bill delegates to the Secretary of Agriculture inordinate powers to control and determine the acreage, marketing, and price of farm products, with unprecedented latitude of discretion, harnessing the farmer with greater force than ever before.

"Second. The wheat program contained in this bill has been rejected by farmers by referendum less than a year ago. For example, over three-fourths of the wheat farmers voting in Ohio voted against the wheat certificate plan.

"Third. The wheat program authorized in this bill is not voluntary and to call it such is deception. When a wheat farmer is dependent upon a wheat certificate for over one-third of the price of his wheat and when such a certificate is denied him unless he joins the program, this is compulsion.

"Fourth. The wheat program authorized in this bill does not distinguish between wheat that is in surplus and wheat that is in short supply. The Soft Red Winter wheat grown in Ohio is not in surplus; yet the acreage will be cut, the same as wheat that is in surplus. Certificates will be allocated without regard to what the consumer prefers.

"Fifth. The enactment of this bill would place a processing tax on wheat and every American consumer would pay that tax every time a loaf of bread or sack of flour was bought. This constitutes a deceptive and cruel form of taxation since the burden of it would fall upon low-income families who are least able to carry the burden.

"Sixth. The cotton and wheat industries, from farm to mill and port, would become the most comprehensively regulated industries in the United States. This would require an even greater brigade of bureaucrats than presently exists to enforce the will of Government upon the agri-business industry of our country.

"Seventh. This bill creates not only a new subsidy, but a new type of subsidy, costing $312 million. To compensate for the subsidy to certain cotton producers, a subsidy to exporters has been instituted; and now to compensate for the subsidy to exporters, a subsidy to domestic mills is proposed. This means subsidy on subsidy on subsidy, and is not a solution, but creates further chaos.

"Eighth. The direct payment subsidy proposed to be paid to cotton mills could set a precedent for similar Government payments in other industries. If the price of cotton should be subsidized in competition against synthetics, why not butter in competition against margarine? Why not steel in competition against aluminum? Why not leather against plastic?

"Ninth. Many of our Nation's industries are adversely affected by foreign competition.

* * * * *

"The forthcoming tariff negotiations may add to the long list of injured American producers and also inflict further injury to those already in jeopardy.

"In Ohio, manufacturers of steel and steel products, shoes and leather goods, pottery, glassware, transistors, small radios, aluminum, electric generators, turbines, motorbuses, printing machinery, and other items are feeling the serious impact of foreign competition. If the Congress adopts the policy that injured cotton mills are to be subsidized, then the industries I have mentioned and others adversely affected could justifiedly ask for a similar subsidy.

"Tenth. The cotton program authorized in this bill institutes the old discredited Brannan plan type of direct payments to farmers. This could destroy the market price system in cotton, lead to even stricter controls, and make farmers dependent upon Government appropriations for an ever-increasing part of their income.

"Eleventh. While the bill contains greater incentives and subsidies for cutting cotton acreage by one-third, it permits these same acres to be used for the production of other agricultural products in competition with other farmers. These acres could even be used to produce crops already in surplus supply.

"Twelfth. The bill authorizes the Government through the Commodity Credit Corporation to enter into close and direct competition with the cotton farmer by reducing the Commodity Credit Corporation's resale price from 115 to 105 percent of the current loan rate. This virtually makes certain that the market for cotton will not be allowed to operate.

"Thirteenth. The whole cotton program will cost the Federal Government over $3 billion. It could cost as much as $1,300 million in 1965 alone. It is an act of fiscal irresponsibility to pass such a measure in a year in which the Federal Government will experience a $10 billion deficit and has authorized an $11.5 billion cut in taxes.

"To summarize, I shall support the amendment now pending, but in the end I shall vote against the bill because I believe it exhibits fiscal irresponsibility.

"Mr. President, I yield the floor."

Mr. DOUGLAS. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. DOUGLAS. Is not one of the discouraging features about this whole situation the fact that business groups that will denounce subsidies to other elements in our society will all too frequently use the subsidies for themselves—as, for example, in the case of shipping, ship operation, many of the feeder airlines, and the oil and gas industry? Is not that a discouraging situation?

Mr. LAUSCHE. It certainly is; I completely concur. It is tragic that subsidies are opposed until the opponent himself is proposed as the beneficiary; then all the former arguments about the impropriety of this type of governmental activity are thrown aside. We find that situation in industry after industry, although I must say that I have received letters from many who have written: "Though this will help me, though I will get a subsidy, it is not in the interest of the security of our country. Therefore, I ask you to vote against it."

But generally what the Senator from Illinois has said is true.

Mr. DOUGLAS. Mr. President, will the Senator from Ohio yield further to me?

Mr. LAUSCHE. I yield.

Mr. DOUGLAS. I congratulate the Senator from Ohio for the consistency with which he has taken this position. As he knows, he and I have differed on some issues. For example, I have felt that it is proper to extend aid to low-income groups which otherwise would be unable adequately to protect themselves. But the Senator from Ohio has been consistent; so far as I know, he has opposed subsidies and grants to all groups. So I pay tribute to his sincerity, even though at times I have thought he might have been a little too rigid in his attitude.

Mr. LAUSCHE. I understand.

Mr. President, in a few days I shall speak about the subsidy to the coal industry. The coal companies are stripping the scenic areas of Ohio of the topsoil, the grass coverage, and the trees; but those companies are the beneficiaries of what is called the depletion allowance for coal, which makes a very great difference to them, particularly when we bear in mind the small amount of taxes they pay on the land they use. I mention that because the Senator from Illinois has been fighting the depletion allowance granted to the oil and gas interests, and I feel deeply sorrowed by the fact that when we were told there would be reforms in the tax structure, although we were then told that the depletion allowance to the oil and gas industry would be one of the reforms, we found that almost immediately that proposal died; it died before it ever reached the floor of either House of Congress.

I thank the Senator from Illinois for his comments.

Mr. DOUGLAS. I thank the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I also thank my colleague [Mr. YOUNG] for yielding to me.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. YOUNG of Ohio. Mr. President, we in the Senate are now engaged in a great debate—a debate which I am confident will lead to legislation establishing for all time first-class citizenship for all Americans.

The administration's civil rights bill, as passed in the House of Representatives, should be enacted into law. For the proponents of this proposal to grant civil liberties and equality to even consider any deals or any weakening is unthinkable.

For too long, 20 million Americans have been denied the basic rights our forefathers envisioned when they conceived the Constitution of the United States. It is left now to us to guarantee those rights—to allow citizens the right to vote, the right to use public accommodations equally, and the right to be eligible for employment without discrimination.

These rights have been affirmed in the courts as belonging to all Americans, not almost all.

No greater domestic issue faces our country than the problem of guaranteeing first-class citizenship for all Americans. Racial problems are, in reality, moral problems. They are not political issues. We should have no sympathy whatever for those who believe that the best the Congress should do for Negroes is to give them a license to fight for their God-given rights while Representatives and Senators remain idle by the roadside, watching to see whether they can win these rights. The Federal Government must not remain neutral or be a mere onlooker.

We of the United States of America have carried the torch of liberty higher and more proudly than have the citizens of any other nation in all history. We are the Nation which chiseled on our Statue of Liberty:

> Give me your tired, your poor,
> Your huddled masses yearning to breathe free;
> Send these, the homeless, tempest-tossed to me;
> I lift my lamp beside the golden door.

On the other hand, we have shamefully tolerated social and economic segregation of 20 million fellow Americans.

These two traditions are mutually exclusive, and one of them must yield. One hundred years ago Abraham Lincoln warned:

> Those who deny freedom to others deserve it not for themselves; and, under a just God, cannot long retain it.

Mr. President, the justice of our cause is too apparent to be argued. Those who try to oppose civil rights with logic or legalities cannot do so. They can only muster wornout, self-defeating arguments. Only last week one legislator stated bluntly that of course Negroes in his State are denied the right to vote, because, as he put it, "if they registered and voted, they would outnumber us." I would answer: What better argument for the justice and fairness of this proposed legislation is there?

Because both logic and law are on the side of those favoring civil rights, determined, die-hard right-wing opponents resort to fanning flames of hatred and fear, in an attempt to convince Americans that this proposed legislation is dangerous and will infringe on their liberties. Citizens are deluged with scare pamphlets and fright literature masquerading as fact.

Daily, I receive letters from Ohioans who have been confused and bewildered by false statements and propaganda distributed by these groups. For example, one lady wrote:

> What we read about the civil rights bill frightens us; is it true that one can be arrested, sentenced, and imprisoned without trial by jury?

Another citizen said:

> It appears to me that the bill is a wild scheme to take away all personal and State rights.

Other letters talk of a "police state," "power grab," and a "plot to enslave the American people."

Because these outlandish charges are believed by some, it is imperative that all citizens know the facts—know exactly what the civil rights bill provides. Let us briefly examine it step by step.

Title I will enforce voting rights for all citizens, regardless of color. It bars unequal registration requirements designed to prevent Negroes from voting. No longer will a voting registrar in the Deep South be able to turn a qualified Negro away from the polls because he cannot meet the "test"—the test, in the case of the Negro being vastly different from that given the prospective white voter.

Title II bars racial discrimination in places of public accommodation. American Negroes as well as white men in our Armed Forces fought and died together the world over; surely they should be able to meet and eat together in their own country. What is arbitrary in assuring every citizen the right to enter a public restaurant and order a cup of coffee or to register in a hotel? I shall discuss this point at length, a little later in my remarks.

Title III provides for the integration of public facilities such as parks and libraries. Title VI would allow the President to withhold funds from any Federal programs where discrimination exists. Income tax collectors do not discriminate because of race—each and every taxpayer supports Federal assistance programs. Surely all should be allowed to participate in them without bias.

It has been 10 years since the Supreme Court ruled that segregation in public schools is unconstitutional and ordered integration "with all deliberate speed." The fact is, very few school districts in our Southern States have even begun to conform to the law of the land. Title IV empowers the Attorney General to institute court actions to hasten compliance with law. The Federal Government will no longer be a mere onlooker while citizens struggle to receive rights guaranteed them by our Constitution.

Title V extends the Civil Rights Commission for 4 years.

Title VII establishes an Equal Opportunities Commission to help end job discrimination. This will not take jobs from one group and give them to another. I would be opposed to such reverse discrimination. It will merely help make equality of opportunity a reality for all Americans.

Senators know that the civil rights bill would not establish new rights. There is nothing in it which would give Negro citizens rights or privileges which they do not already enjoy in Ohio and have enjoyed there and in other States for years. Now these rights will be guaranteed to all Americans regardless of where they live or travel.

Mr. President, many of my colleagues who strongly favor the proposed legislation have discussed the various provisions and titles of this bill. From the thousands and thousands of letters I have received from citizens who are concerned over the effects of this legislation, it has become apparent to me that the areas of greatest misunderstanding and confusion are in titles II and VII, those provisions dealing with public accommodations and job discrimination. For that reason I should like to discuss in detail the need for these two titles and perhaps to dispel some of the confusion and uncertainty that exists regarding them.

TITLE II

Racial discrimination in motels, restaurants, theaters, and other places of public accommodations is one of the most irritating and humiliating forms of discrimination the Negro citizen encounters. The Commerce Committee hearings on S. 1732 and the House Judiciary Committee hearings on H.R. 7152 have produced convincing evidence, if any is needed, of the impact segregation and discrimination in such places have on the Negro. The hearing record makes plain the difficulties, inconveniences, and insults he is apt to meet when he travels or attempts to enjoy amenities of life which other citizens take for granted. The record amply demonstrates the necessity for the enactment of legislation to relieve him of the hardship and afront which are inflicted on him only because of the color of his skin.

The civil rights demonstrations of the past 3 years have been motivated in large part by refusals to afford Negroes equal access to establishments serving the general public. Of approximately 2,100 demonstrations which occurred between late May 1963 and the end of the year, it is estimated that 65 percent were caused in whole or in part by grievances of this kind. It is small wonder, of course, that these grievances have this effect, for they are shared by all Negro citizens regardless of age, station, or attainments.

It is significant that in both the Senate and House hearings segregation and discrimination by places offering sleeping accommodations, eating facilities, and amusement or recreation to the public were consistently referred to as the primary sources of grievance.

It is encouraging that significant numbers of hotels, restaurants, lunch counters, and theaters have voluntarily desegregated their facilities in recent years and months. Progress of this type occurs principally in larger communities. All but 6 of the 89 cities with populations over 50,000 have effected some desegregation of public facilities or moved to establish machinery for the settlement of grievances concerned with public facilities. All but 3 of 42 cities with populations over 100,000 have achieved a degree of desegregation of such facilities.

Unfortunately, there has been virtually no spread of voluntary desegregation to additional cities since last October. Moreover, desegregation has not been broadly achieved even in localities where it has begun, and where completion of the task will be slow and uncertain. Information available with respect to some 275 cities with populations over 10,000 in the 11 States of the Old Confederacy and the border States of Kentucky, Maryland, Oklahoma, and West Virginia discloses that in 65 percent all or part of the hotels and motels were still segregated as of last July; in close to 60 percent all or part of the restaurants and theaters were segregated; and 43 percent still had segregated lunch counters.

An even bleaker picture is presented in 98 cities in Southern and border States with populations of less than 10,000, as to which information is available. In 85 to 90 percent of these cities, all or part of the eating places, hotels, motels, and theaters remain segregated.

In short, the limits of voluntary desegregation under present circumstances have been or are being reached in many localities and areas. In a great number of communities, voluntary change in any substantial degree is not reasonably foreseeable for years to come. It is necessary therefore that the processes of the law be invoked to eliminate the daily injustices and affronts which millions of our Negro citizens encounter. Title II is designed to accomplish this purpose by making discrimination illegal in those places of public accommodation which are the sources of the principal difficulties.

It should be noted that title II will undoubtedly have a beneficial effect in respect to voluntary desegregation. In many cases, a businessman who would like to end discriminatory practices is deterred by fear of community pressure or competitive disadvantage. A Federal statute prohibiting discrimination will provide him with a basis for voluntary action and, by its applicability to all those in his situation, will enable him to take such action without losing business to his competitors.

The damage caused by racial discrimination and segregation in public accommodations is not limited to the Negro. It spreads out to affect the internal commerce and peace of the Nation as a whole.

Segregation in public facilities obstructs interstate travel and the sale of related goods and services. It restricts the number of persons to whom the nationwide amusement and entertainment industries may offer their goods and services. It causes businesses to avoid the location of offices and plants in areas where it is practiced, and thus prevents the most effective allocation of national resources. It occasions losses of business, felt in varying degrees throughout the country, because of consumer boycotts and demonstrations.

Segregation has other side effects as well. One of the most painful is the injury caused the Nation by the frequent incidents involving African and other diplomats, students, and visitors. These, as well as the broader manifestations of discrimination, are harmful to the conduct of our foreign relations and to our position as the leader of the free world.

Finally, and most important of all, it is impossible to permit the continuance of segregation in our public life without renouncing our beliefs in equality and liberty. The moral issues are plain, and we shall remain uneasy in conscience until the indignity of racial discrimination and the violation of our basic democratic principles which it manifests have been eliminated from all facets of public life.

Title II of H.R. 7152 would establish the right of all persons, without regard to race, color, religion, or national origin, to the full and equal enjoyment of the services and facilities of a variety of places of business serving the general public. The list of businesses expressly covered by the title consists of places of public accommodation in which racial discrimination is particularly humiliating and causes the greatest inconvenience. Moreover, the list focuses on situations in which congressional action can clearly produce prompt and significant relief.

The places of public accommodation specifically designated in title II for coverage—section 201—are:

First. Hotels, motels, and other places offering lodging to transient guests. However, facilities which are actually occupied by the proprietor and which offer no more than five rooms for rent are excepted.

Second. Restaurants, lunch counters, soda fountains, and other facilities engaged mainly in the business of selling food to be eaten on the premises. Specifically included in this category are eating places located within retail stores.

Third. Gasoline stations.

Fourth. Theaters, sports arenas, and other public places of exhibition or amusement.

Fifth. Establishments which are either located within the premises of, or contain within their own premises, a business listed above and hold themselves out as serving the patrons of such business. Perhaps the most common example of coverage under this category is a retail establishment which contains a public lunchroom or lunch counter. All of the facilities of such a retail establishment, not simply its eating facilities, would be covered. Similarly, all business facilities located within a covered hotel and intended for use of its guests would be required to give nondiscriminatory service.

A bona fide private club or other establishment not open to the public would not be covered, except to the extent that its facilities were made available to patrons of a listed establishment.

Discrimination by one of the enumerated establishments would be prohibited if, first, the operations of the establishment "affect commerce" or second, the discrimination or segregation is "supported by State action." Frequently both tests will be met, but an enumerated establishment would be subject to the prohibition of title II if either one of the tests is met.

The first or "commerce clause" test has to do with the characteristics of the establishment itself. Generally speaking, if the establishment in question is related to the movement of persons or goods across State boundaries, it would be subject to the prohibition of title II—that is, it could not deny the use of its facilities on the ground of race, color, religion, or national origin. Thus, hotels, motels, and the like are covered if they serve transient guests. Restaurants, lunch counters, and other food-service facilities and gasoline stations are covered if they serve or offer to serve interstate travelers, or if a substantial portion of the food or other products they sell have moved in interstate commerce. Movie theaters, concert halls, sports arenas, and other places of public entertainment or amusement are included if they customarily present films, exhibitions, or athletic teams or other sources of entertainment which have moved in interstate commerce.

The second or "State action" test is derived from the 14th amendment to the Constitution, which guarantees certain rights of citizens and other persons against abridgement by a State or its political subdivisions. This second criterion is necessarily concerned with the basis for discriminatory treatment and not, like the commerce clause standard, with the characteristics of the business which practices it. In particular, the criterion is whether the racial or other discrimination, first, is carried on under color of any law, statute, ordinance, or regulation; or second, is carried on under color of any custom or usage required or enforced by officials of a State or political subdivision thereof; or third, is fostered or required by action of a State or political subdivision thereof. If so, a place of public accommodation within any of the categories listed in title II is prohibited from engaging in such discrimination.

In addition to the provisions in section 201 applying to the specifically enumerated places of public accommodation just discussed, title II contains section 202, which makes discrimination or segregation unlawful in any place or establishment if it is required by a State or local law. Such statutes or ordinances even though patently unconstitutional, have often been relied upon as a basis for the continuation of discriminatory practices, and the threat of attempted enforcement or prosecution thereunder has deterred voluntary progress in elimination of racial barriers. It is expected that section 202 will foster repeal of the offensive laws and help end the affronts and difficulties which flow from their continued existence.

The coverage of section 202 differs from that of section 201 in several respects. First, section 202 is broader in that it would bar discrimination or segregation in any establishment, whether or not included among those listed in section 201, if such discrimination or segregation were required by a State law or local ordinance. It is narrower in that it would bar such discrimination or segregation only where it is required by a law, statute, ordinance, or rule. It does not reach discrimination or segregation which is the product of any form of State action other than a law, ordinance, rule, or regulation actually "on the books." Nor does section 202 reach discrimination which affects interstate commerce, unless it is required by State law.

The enforcement provisions of title II are based on the specific prohibition in section 203 against denying or interfering with the right to the nondiscriminatory use of facilities covered by the title. In case of a violation, the aggrieved person would be able to sue for an injunction to end the denial or interference. In addition, the Attorney General would have the authority to bring suit for an injunction in such a case whenever he is satisfied that the suit would materially further the purposes of the title. However, in the event there is an applicable State or local public accommodations law proscribing the conduct complained of, the Attorney General would first be required, in all but exceptional cases or those in which local efforts would be ineffective, to refer the matter to State or local authorities and, on request, allow them a reasonable time to act before he filed suit. In addition, he would be authorized in any case to use the services of any available Federal, State, or local agency to secure voluntary compliance with the provisions of the title.

The prohibitions of title II would be enforced only by civil suits for an injunction. Neither criminal penalties nor the recovery of money damages would be involved. Of course, any person violating a court injunction issued under the provisions of title II would be subject to contempt proceedings, but any criminal contempt proceedings would be limited, under section 205(c), by the jury trial provisions of the Civil Rights Act of 1957. Thus, the accused in a criminal contempt proceeding could be tried initially with or without a jury, at the discretion of the judge. However, if tried without a jury and convicted and sentenced to a fine in excess of $300 or imprisonment in excess of 45 days, the accused would have a right to obtain a new trial before a jury.

There is no objection to invoking several sources of constitutional authority in congressional enactments. It is desirable to do so here since it may be easier in some cases to make proof of effect on interstate commerce than proof that discrimination is supported by State action, or vice versa.

The power of Congress over interstate commerce and activities affecting it is broad. It has been exercised to regulate labor-management relations, wages and hours, competitive practices, the quality and labeling of food and drugs, and many other activities and practices injurious to the public health, morals, or welfare. In general, "The authority of the Federal Government over interstate commerce does not differ in extent or character from that retained by the States over intrastate commerce." *United States* v. *Rock Royal Co-operative*, 307 U.S. 533, 569.

Among other things, the commerce clause gives Congress authority to deal with conditions adversely affecting the allocation of resources. Experience shows that discrimination and segregation, when widely practiced in a particular section of the country, have an adverse effect on the amount of capital and the numbers of skilled persons coming into that area.

There is a parallel legislative power to eliminate the causes of disputes that may curtail the flow of interstate commerce. The exercise of that power, recognized and sustained in the courts in decisions under the National Labor Relations Act, is appropriate with respect to racial discrimination in places of public accommodation since it frequently gives rise to demonstrations and other activities interfering with interstate travel and the sale of goods and services moving in commerce.

Congress may exercise the commerce power even though a particular activity to which it is applied is local, is quantitatively unimportant, or standing by itself may not be regarded as interstate commerce. In *Wickard* v. *Filburn*, 317 U.S. 111, the Agricultural Adjustment Act was applied to a farmer who sowed 23 acress of wheat for consumption on his own farm and whose individual effect on interstate commerce amounted only to the pressure of 239 bushels of wheat upon the total national market. In *United States* v. *Sullivan*, 332 U.S. 689, the Court held that Congress may forbid a small retail druggist to sell drugs without a label required by the Food and Drug Act even though the drugs were imported in properly labeled bottles from which they were not removed until they reached the local drug store and even though the drugs had reached the State 9 months before being resold.

Congress has long exercised authority under the commerce clause to remove impediments to interstate travel and interstate travelers. Statutes presently on the books have been held by the courts to prohibit racial segregation of passengers on railroads, motor carriers and air carriers. It has been held that the authority of Congress extends to the prevention of discrimination in restaurants at a terminal used by an interstate carrier. *Boynton* v. *Virginia*, 364 U.S. 454. These holdings are direct precedents for the exercise of congressional power to remove the impediment of racial discrimination to any kind of interstate travel and facilities related thereto. Moreover, in removing impediments to interstate travel, Congress is not limited to forbidding discrimination against interstate travelers alone; it may forbid discrimination against local customers as well. *United States* v. *Darby*, 312 U.S. 100. Thus, discrimination in eating places and gas stations serving interstate travelers and in places of lodging for transient guests may undoubtedly be prohibited by congressional enactment.

Supreme Court decisions have many times sustained the power of Congress to promote interstate commerce through laws which remove artificial restrictions upon the markets for products. Thus, restraints involving the local exhibition of motion pictures have been the subject of Federal regulation under the Sherman Act, as have restraints involving stage attractions, professional boxing matches and professional football games.

The restrictive effect of racial discrimination on the motion picture industry is plainly to reduce the demand for films from out of State by limiting the number of people who may see them. Similar restrictions on consumption result from racial discrimination in other segments of the entertainment industry—and, for that matter, in other establishments which receive supplies, goods or services through the channels of interstate commerce. The power to remove such restrictions by eliminating racial discrimination is clearly applicable to places of entertainment customarily presenting films or other sources of entertainment which move in interstate commerce.

Section 1 of the 14th amendment provides:

> No State shall * * * deny to any person * * * the equal protection of the laws. Section 5 provides that Congress shall have power to enforce by appropriate legislation, the provisions of this article.

Laws enforcing the amendment must be aimed at State action. *Civil Rights* cases, 109 U.S. 3. In those cases the Court held that certain provisions in the Civil Rights Act of 1875, which made it unlawful for "any person" to deny to another person the right to equal enjoyment of designated places of public accommodation, were invalid because the statute "makes no reference whatever to any supposed or apprehended violation of the 14th amendment on the part of the States"—109 U.S. at page 14.

The Court in the Civil Rights cases—at page 16—contrasted the 1875 public accommodations law before it with the Civil Rights Act of 1866 (14 Stat. 27), as reenacted and modified in 1870 (16 Stat. 140). The latter act made it a crime for any person, "under color of any law, statute, ordinance, regulation, or custom," to deprive another person of certain rights on account of his color or race. The Court point out that the 1866 act, as modified, was valid because it prohibited State action, as contrasted with the action of a private individual, through the use of the above-quoted language. Noting the absence of that or comparable language in the 1875 act, the Court found that it was addressed to private action and therefore beyond the power granted to Congress by the 14th amendment.

Title II uses virtually the same language in section 201(d)(1) as was found lacking to make the act of 1875 valid, and section 201(d)(2) also gives recognition to the necessity for the existence of State action. Thus, to the extent that title II relies on the 14th amendment, it is limited to situations in which there is the requisite State action. It is therefore consistent with the decision in the Civil Rights cases and later decisions applying the concept of State action. It accepts the Civil Rights cases as still being the law, and its validity does not in any sense depend on their being overruled.

"State action" is a broad concept. Any significant "degree of State participation and involvement in discriminatory action" may bring it within the prohibitions of the 14th amendment—*Burton* v. *Wilmington Parking Authority*, 365 U.S. 715, 724.

Racial discrimination or segregation which is or purports to be required by State or local law is obviously the most direct kind of State action. It is beyond doubt that all such laws are unconstitutional and that section 202, which strikes at such discrimination, is valid.

Section 201(d) provides that discrimination or segregation is supported by State action if it is "carried on under color of any law, statute, ordinance or regulation." The quoted phrase is taken from a civil rights provision enacted in 1871—42 U.S.C. 1983. The constitutionality of that provision, as an implementation of the 14th amendment, is clear. *Monroe* v. *Pape*, 365 U.S. 167, 171–187. In fact the decision in Civil Rights cases points to the omission of that provision in the 1875 statute before the Court as a defect in the statute.

Section 201(d) also provides that discrimination or segregation is supported by State action if it is "carried on under color of any custom of usage required or enforced by officials of the State or political subdivision thereof." In the Civil Rights cases, the Supreme Court read the word "custom," which appeared in the 1875 Civil Rights Act without qualifying language, to mean custom having the force of law—109 U.S. 16. Thus, the foregoing language in section 201(d) would seem to be declarative of the concept expressed by the Court.

Section 201(d) of title II provides finally that discrimination or segregation is supported by State action if it is "fostered or required by action of a State or political subdivision thereof." It is settled that there need not be State compulsion to find "State action" in relation to otherwise private discrimination. It may be found, for example, where a private establishment is allowed to use publicly owned property or to receive financial or other benefits from a State, *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715; where a private organization has a special franchise or privileges, *Steele* v. *L. & N.R. Co.*, 323 U.S. 192, 198; or where, under some circumstances, the State lends its aid to the enforcement of discriminatory practices carried on by private persons, *Shelley* v. *Kramer*, 334 U.S. 1.

These illustrations are by no means exhaustive. The existence of State action in any situation of course depends on the facts and circumstances. Since section 201(d) would not go beyond the concept of State action, there can be no doubt of its constitutionality under the 14th amendment.

The prohibitions against discrimination proposed in title II do not violate the fifth amendment's prohibition against the taking of private property without due process of law. Any regulatory statute is, to some extent, a limitation on the use of private property. The regulation proposed here does not vary in principle from hundreds of statutory restrictions affecting businesses and property. Indeed, the public accommodations laws on the books of more than 30 States are solid evidence that title II would not unconstitutionally abridge private property rights.

TITLE VII

One of the most widespread forms of discrimination harmful to the Negro and to the Nation as a whole, is racial discrimination in employment. Denial to the Negro of the right to be gainfully employed shuts him off from all prospect of economic advancement. The right to be served in places of public accommodation is meaningless to the man who has no money. The opportunity for education in an integrated school or college is lost on a child who knows that, whatever his education, he is condemned to a life of unskilled and menial labor punctuated by periods of unemployment.

Congress has received ample evidence of the extent and seriousness of the problem of discrimination in employment because of race, color, religion, or national origin. The House Committee on Education and Labor recently concluded, after 10 days of hearings:

> Job opportunity discrimination permeates the national social fabric—North, South, East, and West.
>
> Job discrimination is extant in almost every area of employment and in every area of the country. It ranges in degrees from patent absolute rejection to more subtle forms of invidious distinctions. Most frequently, it manifests itself through relegation to "traditional" positions and through discriminatory promotional practices. The maxim "last hired, first fired," is applicable to many minority groups, but most particularly Negroes, as is evidenced by the greater unemployment rate for these groups. (H. Rept. No. 570, 88th Cong., 1st sess., p. 2.)

The committee report points out that certain rapidly growing fields which are traditionally prime employers of young people, are among the chief practitioners of discrimination—banks and other financial institutions, advertising agencies, insurance companies, trade associations, management consulting firms, and book and publication companies.

Statistics presented to the Congress by the Department of Labor demonstrate the gravity of the problem. Among male family breadwinners, the unemployment rate today among nonwhites is three times what it is among whites. While nonwhites represent approximately 11 percent of the total civilian work force, they represent more than 25 percent of those who have been out of work more than 26 weeks, the long-term unemployed. Furthermore, the discrepancy between white and nonwhite unemployment rate was 64 percent higher than the white; in 1952, 92 percent higher; in 1957, 105 percent higher; and in 1962, it was 124 percent higher.

Nor are comparative unemployment rates the most significant indicators of the extent to which discrimination in employment affects our racial minorities. Where nonwhites are employed, it is generally in the lower paid and less desirable jobs. For example, 17 percent of the employed nonwhites have white-collar jobs; the corresponding proportion among whites is 47 percent. Fourteen percent of all employed nonwhites are unskilled laborers in nonagricultural industries; the corresponding proportion among whites is only 4 percent.

Secretary of Labor Wirtz pointed out in his testimony before a subcommittee of the House Committee on Education and Labor:

> Negroes make up 90 percent of the nonwhite population and also receive the brunt of the burden of discrimination. Only one-half of 1 percent of all professional engineers are nonwhites. There are no more than 3 percent of male Negroes employed in each of 19 of the standard professional occupations for which we have data; for example, accounting, architects, chemists, farm assistance, and lawyers. These numbers are depressingly small.
>
> There were only about 250 professional male Negro architects in 1960; the largest number in any of the 19 professions was about 4,500, which is the figure for doctors. Hearings before the General Subcommittee on Labor of the House Committee on Education and Labor, 88th Congress, 1st session, page 445 (June 6, 1963).

Unquestionably some of the present disparity between the employment figures for whites and for nonwhites is not the direct result of discrimination in hiring. For many skilled jobs there is a lack of qualified nonwhite applicants. This shortage of skills, however, is attributable in large part to present and past patterns of discrimination which discourage Negroes and other nonwhites from preparing themselves for those jobs from which they have been traditionally excluded by reason of their race. It is an unhappy fact that if all racial discrimination in employment were to cease tomorrow, the legacy of past discrimination, as reflected in inadequate training, economic and cultural deprivation, as well as the seniority rights of the present work force, will be felt for at least a generation. Permitting such discrimination to continue projects these evil effects still further into the future.

Title VII would make it an unlawful employment practice, in industries affecting interstate commerce, for employers of more than 25 persons, employment agencies, or labor organizations with more than 25 members to discriminate on account of race, color, religion, sex, or national origin in connection with employment, referral for employment, membership in labor organizations, or participation in apprenticeship or other training programs. Exemptions are provided for governmental bodies, bona fide membership clubs, religious organizations, and for situations in which religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to normal business operation, or in which a church-affiliated educational institution employs persons of a particular religion.

An Equal Employment Opportunity Commission made up of five members appointed for staggered 5-year terms by the President, with the advice and consent of the Senate, would be created to administer the law. No more than three members of the Commission would be members of the same political party. The Commission would be empowered to receive and investigate charges of discrimination, and to attempt through conciliation and persuasion to resolve disputes involving such charges. The Commission will have no power to issue enforcement orders. Enforcement will be left to the courts. The experience of State and local commissions indicates that much may be accomplished in achieving fair employment opportunities through the wise and imaginative exercise of persuasion, mediation, and conciliation.

If efforts to secure voluntary compliance fail, the Commission may seek relief in a Federal district court. If the Commission fails or declines to bring suit within a specified period, the individual claiming to be aggrieved may, with the written consent of any one member of the Commission, bring a civil action to obtain relief. In either case, a full judicial trial would be held. Relief available upon suit either by the Commission or an individual would include injunctions against future violations, and orders for reinstatement and, in appropriate cases, the payment of back pay. In order to avoid the pressing of stale claims, the title provides that no suit may be brought with respect to any practice occurring more than 6 months prior to the filing of a charge with the Commission.

Ample provision has been made in title VII for using existing State fair employment laws and procedures to the maximum extent possible. Present State laws would remain in effect except to the extent that they conflict directly with Federal law. Furthermore, where the Commission determines that a State or local agency has and is exercising effective power to prevent discrimination in employment in cases covered by the title, the Commission is directed to seek agreements with that agency whereby the Commission would refrain from prosecuting any such cases. The Commission is also authorized to use the services and employees of State and local agencies in the carrying out of its statutory duties, and to reimburse the agencies accordingly. Thus, the bill envisions the closest cooperation of Federal, State, and local agencies in attacking this national problem.

In order to enable employers, employment agencies, and labor organizations to bring their policies and procedures into line with the requirements of the title, and to avoid a multitude of claims arising while such adjustments are being made, the provisions prohibiting unlawful employment practices and providing relief therefrom are not to take effect until 1 year after the date of enactment of the title, and then will apply initially only to employers of 100 or more employees and labor organizations of 100 or more members. With respect to employers of 75 to 99 employees and labor organizations of 75 to 99 members, title VII would become applicable 2 years after enactment; with respect to employers of 50 to 74 employees and labor organizations of 50 to 74 members, 3 years after enactment; and with respect to employers of 25 to 49 employees and labor organizations of 25 to 49 members, 4 years after enactment.

The Commission is granted appropriate powers to conduct investigations, subpena witnesses, and require the keeping of records relevant to determinations of whether unlawful employment practices have been committed.

The President is directed to convene one or more conferences of Government representatives and representatives of groups whose members would be affected by the provisions of the title, in order to familiarize the latter with the provisions and in order to make plans for the fair and effective administration of the title.

The Secretary of Labor is directed to make a study of the problem of discrimination in employment because of age and to make a report thereon to Congress.

Section 701(b) of the bill declares that the provisions of title VII are necessary "to remove obstructions to the free flow of commerce among the States and with foreign nations" and "to insure the complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States." Title VII is amply supported by Congress power to regulate commerce among the States and with foreign nations.

Title VII covers employers engaged in industries affecting commerce, that is to say, interstate and foreign commerce and commerce within the District of Columbia and the possessions. The title also applies to employment agencies procuring employees for such employers and labor organizations engaged in such industries. In order to protect the free flow of commerce, Congress has previously legislated with respect to the practices of employers and labor unions in industries affecting such commerce, National Labor Relations Act, 29 U.S.C.

151, 152, 160; Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401, 402. The power of Congress to legislate in this area is no longer subject to question, *National Labor Relations Board* v. *Jones and Laughlin Steel Corp.*, 301 U.S. 1 (1937); *Lawson* v. *United States*, 300 F. 2d 252, 254 (C.A. 10—1962), and the amount of commerce affected in any particular case is not a material consideration in determining Congress constitutional power, *National Labor Relations Board* v. *Fainblatt*, 306 U.S. 601, 606 (1939). (See also *Mabee* v. *White Plains Publishing Co.*, 327 U.S. 178 (1946), holding the Fair Labor Standards Act, 29 U.S.C. 201 et seq., applicable to the business of publishing a daily newspaper, only about one-half of 1 percent of whose circulation is outside the State of publication.)

The term "affecting commerce" has a long history of judicial application under the National Labor Relations Act, *National Labor Relations Board* v. *Fainblatt, supra*, at 606; *National Labor Relations Board* v. *Reliance Fuel Corp.*, 371 U.S. 224, 226 (1963), and thus there should be little difficulty as to its meaning. As the Court said in the *Polish National Alliance etc.*, v. *National Labor Relations Board*, 322 U.S. 643, 648 (1944):

> Whether or no practices may be deemed by Congress to affect interstate commerce is not to be determined by confining judgment to the quantitative effect of the activities immediately before the Board. Appropriate for judgment is the fact that the immediate situation is representative of many others throughout the country, the total incidence of which if left unchecked may well become far-reaching in its harm to commerce.

Mr. President, opponents of this legislation have been unbounded in their efforts to alarm unduly and grossly mislead the American public. History provides a parallel to indicate what might be the fate of such tactics. In volume 3 of his "History of the English-Speaking Peoples," Winston Churchill records this account of a similar effort against a regulatory measure proposed by Sir Robert Walpole, England's first Prime Minister:

> However, in 1733 a storm broke. Walpole proposed an excise on wines and tobacco, to be gathered by revenue officers in place of a duty at the ports. The measure was aimed at the vast smuggling that rotted this source of revenue. Every weapon at their command was used by the opposition. Members of Parliament were deluged with letters. Popular ballads and pamphlets were thrust under the doors. National petitions and public meetings were organized throughout the land. Doleful images were raised of the tyranny of the excisemen. The Englishman's castle was his home; but this citadel would be invaded night and day by revenue officers to see whether the duty had been paid.
>
> Such was the tale—then novel. It was spread among the regiments of the Army that their tobacco would cost them more, and one officer reported that he could be sure of his troops against the pretender, but not against excise. The storm swamped the country and alarmed the Government majority in the House of Commons. The force of bribes was overridden by fear of expulsion from the enclosure in which they were distributed. Walpole's majority dwindled; his supporters deserted him like sheep straying through an open gate. Defeated by one of the most unscrupulous campaigns in English history, Walpole withdrew his excise reform. After a near division in the House of Commons he uttered the famous saying, "This dance can no longer go." He crawled out of the mess successfully, and confined his revenge to cashiering some of the Army officers who had helped his opponents. The violence of his critics recoiled upon themselves, and the opposition snatched no permanent advantage.

This legislation will not, by itself, abolish injustice. That must come through the growing understanding and good will of the people. However, it will be a step forward on the long path toward mutual tolerance and understanding. We must keep in mind that we—and I refer to the white citizens of America—are not in reality giving anything. In assuring these rights to our fellow Americans we are only reassuring them to ourselves. It is for our sense of decency, for our conscience, and for human dignity—our own and our neighbors. Those who for selfish reasons, or out of prejudice and bigotry, or for any other reasons, are standing in the way of constitutional rights for the Negroes of America are, in a sense, to be pitied. They are trying to hold back the tide of human progress, to halt the relentless force of the strength of the human spirit. It is a hopeless cause and a pitiful waste of human effort.

To take this all-important step, this Congress should labor as long and as hard as necessary. Whatever the cost, the strain, or personal hardship, we must stay in session until the Civil Rights Act has been passed. Frankly, Senators and Congressmen have no right to speak of hardship when we look at the suffering and humiliation endured by our Negro citizens due to failure to deliver to them the full blessings or liberty provided by the Constitution of the United States.

Civil rights is the most important domestic issue facing the United States today. It goes to the very heart of our national purpose and challenges our national will and wisdom. If our democracy is to survive, discrimination because of race and color must be ended. Ours must be a nation where no one is forgotten and where all stand equal before the law and protected in all their rights and in all their liberties.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield to the distinguished Senator from Pennsylvania.

Mr. CLARK. I should like to pay tribute to the Senator from Ohio for the very able, learned, and moving address which he has just delivered in support of the civil rights bill now pending before the Senate. I commend him for his industry. It has been one of the really great speeches made on the floor of the Senate in support of the pending legislation. I hope it will be widely distributed in the Senator's home State of Ohio, for I am convinced that if the speech could be brought home to the Senator's constituents, there would be little doubt that he would be returned for another 6-year term in the Senate by an overwhelming majority.

Mr. YOUNG of Ohio. Mr. President, it makes me feel very good indeed that the distinguished senior Senator from Pennsylvania has said such fine things about me and has made such a flattering comment on my effort here today and on my service as a Senator representing the State of Ohio.

Mr. MOSS. Mr. President, I wish to express my admiration for the address of the Senator from Ohio. I count it as one of the most moving and telling addresses that we have heard on the civil rights bill. I commend him highly for his leadership, scholarship, preparation, and delivery on the floor of the Senate today. I subscribe to the sentiments expressed by the Senator from Ohio.

Mr. YOUNG of Ohio. I thank the distinguished Senator from Utah.

Mr. President, I yield the floor.

TITLE VI

Mr. JAVITS. Mr. President, when I made a speech on Tuesday on title VI of the bill, a question was raised by the Senator from Louisiana about the school districts which had desegregated rather than lose their Federal impacted area funds. I have the information now from the Department of Health, Education, and Welfare, that there have been 16 such school districts, in Florida, Tennessee, Texas, and Virginia.

I ask unanimous consent that a list of these districts be made a part of my remarks and printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

> Florida: Hillsborough County Board of Public Instruction, McDill AFB; Santa Rosa County Board of Public Instruction, Whiting Field Naval Air Station; Okaloosa County Board of Public Instruction, Eglin AFB.
>
> Tennessee: Shelby County Board of Education, Memphis Naval Air Station.
>
> Texas: Abilene Independent School District, Byess AFB; Mineral Wells Independent School District, Camp Wolters; Colorado Consolidated School District No 36, Bergstrom AFB; Burke Burnett Independent School District, Shepherd AFB; Potter County Consolidated School District No. 3, Amarillo AFB; Connolly Consolidated Independent School District, James Connolly AFB; Fort Worth Independent School District, Carswell AFB; Sherman Independent School District, Sherman AFB.
>
> Virginia: York County School Board, Langley AFB; City of Hampton School Board, Fort Monroe; Arlington County School Board, Fort Myer; Fairfax County School Board, Fort Belvoir.

Mr. JAVITS. Mr. President, also along the same line, the Senator from Louisiana questioned a chart which I introduced, prepared by the Tax Foundation, showing for fiscal year 1962 the total Federal grants to State and local governments and the estimated burden of Federal grants and comparing the States on the basis of the amount paid in Federal taxes for every dollar of aid received.

As I now have received an up-to-date table prepared by the Tax Foundation on that subject, for fiscal year 1963, I ask unanimous consent that it may also be made a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 4.—*Total Federal grants to State and local governments and estimated burden of Federal grants, fiscal year 1963*

State	Federal grants-in-aid [1]		
	Payments to States	Estimated burden [2]	Amount paid for every dollar of aid received
	Millions	*Millions*	
Total	$8,303.6	$8,303.6	----------
Alabama	183.3	104.5	$0.57
Alaska	46.5	9.2	.20
Arizona	91.7	65.0	.71
Arkansas	121.6	58.6	.48
California	819.2	906.0	1.11
Colorado	120.1	89.4	.74
Connecticut	97.4	156.8	1.61
Delaware	27.3	36.7	1.34
Florida	179.7	229.8	1.28
Georgia	207.5	143.4	.69
Hawaii	41.8	27.2	.65
Idaho	51.3	28.5	.56
Illinois	386.0	522.3	1.35
Indiana	143.3	208.7	1.46
Iowa	102.3	112.1	1.10
Kansas	87.5	95.6	1.09
Kentucky	172.1	99.1	.58
Louisiana	252.2	109.5	.43
Maine	50.6	39.2	.77
Maryland	118.6	152.0	1.28
Massachusetts	206.2	254.0	1.23
Michigan	297.4	360.6	1.21
Minnesota	150.5	147.3	.98
Mississippi	135.4	58.8	.43
Missouri	216.0	201.3	.93
Montana	63.5	31.7	.50
Nebraska	70.5	66.6	.94
Nevada	29.8	23.9	.80
New Hampshire	28.5	28.5	1.00
New Jersey	177.9	332.5	1.87
New Mexico	81.2	41.5	.51
New York	606.4	910.3	1.50
North Carolina	167.8	159.4	.95
North Dakota	39.0	23.6	.61
Ohio	373.6	449.5	1.20
Oklahoma	187.3	100.1	.53
Oregon	109.7	84.0	.77
Pennsylvania	423.3	495.6	1.17
Rhode Island	41.7	38.8	.93
South Carolina	91.7	72.5	.79
South Dakota	47.2	27.1	.57
Tennessee	207.6	122.6	.59
Texas	444.1	430.1	.97
Utah	65.4	39.3	.60
Vermont	30.7	15.8	.51
Virginia	181.3	163.6	.90
Washington	161.6	135.7	.84
West Virginia	98.9	59.5	.60
Wisconsin	137.7	170.9	1.24
Wyoming	48.5	19.1	.39
District of Columbia	83.2	45.8	.55

[1] Excludes shared revenues; includes highway aids.

[2] The tax burden for aid payments is assumed to be equal to aid payments. The burden of aid payments financed through the budget is distributed by State on the basis of an estimated distribution of the burden of general taxes; the burden of highway aid payments is distributed by State on the basis of a Bureau of Public Roads estimate of the State distribution of taxes going to the highway trust fund.

Source: Treasury Department and Tax Foundation, Inc., February 1964.

HAWAII CIVIL RIGHTS DELEGATION

Mr. FONG. Mr. President, in recent weeks, I have been hearing from many church and other community groups as well as from individual citizens of Hawaii urging that the Senate pass a strong, effective civil rights bill.

This week, a civil rights delegation from Hawaii, representing these community groups and citizens, arrived in the Capital. Members of the delegation, distinguished and outstanding leaders of the 50th State, are the Reverend Dr. Abraham K. Akaka, pastor of Kawaihao Church and chairman of the Hawaii Civil Rights Commission; the Reverend Lawrence S. Jones, president of the Honolulu Council of Churches; and Charles Campbell, a teacher at Leilehua High School.

Their presence here in Washington, over 5,000 miles away from their home State, speaks of the strong desire of Hawaii's people that our Nation live up to the inalienable guarantees of the Constitution by enacting a good, strong, civil rights bill.

Mr. President, I wish to congratulate and commend these three dedicated American citizens from my State of Hawaii for their unselfish devotion to the cause of American liberty, freedom, and justice.

They have called at the office of every Member of the Senate to present each Senator with a flower lei bearing the following message:

> Aloha from the people of Hawaii. We believe the civil rights bill means human dignity and equality for all America. Please vote "yes." Mahalo nui loa (many thanks).

Mr. President, the flower garlands are symbolic of the spirit of Hawaii which is the spirit of aloha, of brotherhood, and of love.

The message accompanying the leis speaks eloquently of the strength of conviction held by the people of Hawaii for the American precepts of equality, fairness, and justice.

In Hawaii, people of many widely different racial and cultural backgrounds have learned to live in harmony and good will. Typical of this spirit of concord that prevails in the islands is the civil rights delegation of Reverend Akaka, who is of Hawaiian extraction, Mr. Campbell, of Negro ancestry, and Reverend Jones, of Caucasian extraction.

Hawaii's outstanding record in race relations had its beginnings in the ancient monarchy of Hawaii and, indeed, coincides with Hawaii's emergence as a unified kingdom in 1795 during the reign of Kamehameha I.

It was this great King who established the first civil rights in Hawaii, when in 1797 he promulgated the "Law of the Splintered Paddle."

Kamehameha, the founder of the dynasty which bears his name, was born into a society in which there were no civil rights.

Each chief was an absolute ruler of his people and maintained his power by a cruel tabu system including the death penalty.

While he was consolidating his rule on the Island of Hawaii, Kamehameha engaged in raiding expeditions along the Puna coast. During one raid, he was set upon by Puna fishermen who resisted his efforts to plunder their village.

One fisherman, bolder and stronger than the rest, brought his canoe paddle down heavily on Kamehameha, splintering the weapon. Kamehameha barely escaped with his life.

Later, when Kamehameha was undisputed ruler of the island, the fisherman was brought before him for sentence. Kamehameha, acknowledging that he, not the fisherman, was in the wrong, forgave the man and propounded the historic law of the splintered paddle.

He, Kamehameha, would guarantee to all his people their physical security from robbers and brigands. Indeed, they might lie beside the highway and not be molested, on pain of death to any who might violate the edict.

In thus recognizing both the right of his people to be secure in their homes and their belongings, the government's responsibility to protect this right, Kamehameha established the first civil rights in Hawaii.

Today, although ethnically Hawaii is composed of many nationalities, Hawaii is a showplace of racial harmony. The early settlers were the Polynesians. Caucasian sailors, adventurers, whalers, traders, and missionaries were second-comers. Then followed Chinese contract laborers recruited to work the sugar plantations as the Hawaiians were not inclined to hard labor.

With the annexation of the islands to the United States in 1898, Chinese labor immigration was completely prohibited as the laws, which were then in force excluding Chinese laborers to the United States, were made applicable to Hawaii.

Japanese contract laborers in great numbers were also imported from 1885 until their exclusion in 1924.

Portuguese, Swedes, Germans, Koreans, South Sea islanders, Puerto Ricans, and Filipinos also comprised immigrant groups brought in for the cultivation and the processing of sugar.

From these heterogeneous and diverse ethnic groups has evolved a homogeneous community—a community which has been termed by students of sociology as a "21st century society" where racial harmony and cooperation are normal and accepted conditions of life. This spirit of working together pervades civic, business, political, and cultural endeavors. There is sincere respect for, rather than mere toleration of, each other's nationality, traits, characteristics, and cultures.

Acceptance comes from the heart. It is not superimposed by such means as legislation, judicial process, or promotional campaigns. We live brotherhood, we believe in it, and we know it has real prospect for success nationally and internationally, for it satisfies the soul and has the force of logic.

President Eisenhower once said:

> Hawaii cries insistently to a divided world that all our differences of race and origin are less than the grand and indestructible unity of our common brotherhood. The world should take time to listen with attentive ear to Hawaii.

This week, Reverend Akaka, Reverend Jones, and Mr. Campbell, from Hawaii, are asking the Senate to heed the message of Hawaii and enact a good, strong civil rights bill.

They have performed a fine service for Hawaii and for the Nation.

Mr. ALLOTT. Mr. President, I compliment the Senator on his remarks. He is one of our most distinguished and most capable Senators. The words he has uttered today assert a fundamental truth, and the whole country could well read them. I know that those of us who are interested in civil rights would much prefer to have a society in which civil rights came naturally and in which the feelings and nationalities and cultures of various people were respected, as they are in Hawaii. The Senator has made a great contribution to the discussion now in progress in the Senate. It shows that what he has told us is perhaps the ideal way, even though we may need legislation, and do need legislation, to help show the path and help guide us to such a condition.

Mr. FONG. Mr. President, I thank the distinguished Senator from Colorado for his very kind words. The Senator from Colorado has been in the forefront of the fight for Hawaiian statehood. He has fought for many of the objectives that I have fought for in behalf of my State. I thank him for his compliment.

I agree that legislation must be enacted, because I know that some States of the Union do not follow the precepts that we follow in Hawaii. Therefore, it is necessary that laws be passed which will guarantee civil rights and guarantee liberties to our citizens.

I again thank the Senator for his kind remarks. I also thank the Senator from Ohio for yielding to me.

Mr. YOUNG of Ohio. I likewise desire to express my congratulations to the distinguished Senator from Hawaii for the great statement he has made today.

Mr. FONG. I thank the Senator.

THE WISCONSIN PRIMARY

Mr. PEARSON. Mr. President, yesterday, my good friend, the junior Senator from Maryland, commented in a television interview on the significance of the Wisconsin primary as it relates to the civil rights bill now before the Senate.

In his interpretation of this election, he unhesitatingly assigned the large vote secured by Governor Wallace to Wisconsin Republicans who, he said, crossed over in the open Wisconsin primary to express their opposition to the civil rights bill. At the same time, he indirectly commended Wisconsin Democrats for their support of Governor Reynolds and their party support of the bill on civil rights.

I want to comment on my good friend's interpretation of this election. First, this bill which is so critical to the welfare of this country and all of its citizens is either a bipartisan matter, or it is not. Up to the point of the interpretation of the Wisconsin primary, I had been under the impression that this legislation was being approached on a bipartisan basis. Now, for some unexplained reason, there is a concerted effort to relegate it to a partisan issue.

There is nothing, as I see it, in the Wisconsin primary to lead one to a conclusion that those election results demonstrated a partisan attitude on civil rights. Let me make my point clear. Governor Reynolds and Governor Wallace, running in the Democratic primary, compiled a total of 769,745 votes, or 72.3 percent of the total vote. Congressman Byrnes, running in the Republican primary, collected 294,724 votes, or 27.7 percent of the total 1,064,469 votes cast.

Some news media, and apparently the junior Senator from Maryland, quickly compared the results of this primary with the results of the presidential election of 1960, when Vice President Nixon outdrew President Kennedy by 895,175 to 830,805.

The significant comparison should be made with the presidential primary election of 1960 when President Kennedy engaged in the Wisconsin primary with our good friend, the senior Senator from Minnesota. These two candidates in the Democratic primary compiled 842,777 votes, or 71.3 percent. Vice President Nixon, unopposed in the Republican primary, drew 28.7 percent or 339,383 votes.

Thus, the Democrat contested primary, in both instances, drew well over twice as many votes as the uncontested Republican primary in the primary elections of 1960 and 1964 although the Republican presidential candidate outdrew the Democrat presidential candidate in the general election.

Who can logically assign a partisan interpretation to the 261,000 votes cast for Governor Wallace when, in fact, the total vote for Governors Wallace and Reynolds exceeded those of the Democrat candidates in the 1960 primary by only 1 percent. There were, undoubtedly, some crossover Republicans, but I object most vigorously to either the junior Senator from Maryland or the press attempting to assign the responsibility for 261,000 so-called anti-civil-rights votes to the Republicans of Wisconsin.

Secondly, I would emphasize at this point in our considerations that we had better determine that either this bill is going to be a bipartisan bill, which we will support and defend here in the Senate and in every precinct in the Nation as a bipartisan policy, or it is going to be a political issue. If it is to fall in that latter category, those whose rights are at stake also have the right to know that they are being used rather than served.

"A CHALLENGE"—SPEECH BY GARY McDONOUGH, PRESIDENT, UNITED NATIONS CLUB, JUDGE MEMORIAL HIGH SCHOOL, SALT LAKE CITY

Mr. MOSS. Mr. President, from time to time a young American—his spirits high, and his hopes undaunted by disappointment and setback—hears more clearly the call of the times than does an adult. And he often can put that call into simple and fundamental language.

I feel that young Gary McDonough, president of the United Nations Club at the Judge Memorial High School in Salt Lake City, has written a talk which measures up to these standards, and I ask unanimous consent to place it in the Record. Gary has called his speech, "A Challenge," and I believe it will be exactly that to everyone who reads it.

There being no objection, the speech was ordered to be printed in the Record, as follows:

A Challenge

(By Gary McDonough, president of the United Nations Club, Judge Memorial High School, Salt Lake City, Utah)

Fellow Americans, there comes a certain challenge to every citizen of this country. It is a challenge whose birth took place over a hundred and eighty-seven years ago, but in all that time it has not been changed or altered. For that challenge is the one posed to us by our unique right to freedom. For every right that we possess there is a duty, a duty whose responsibility increases with the importance of that right. There is no greater or more important right to Americans than our freedom. Our obligation to protect this freedom, our responsibility to spread this freedom, our duty to uphold the ideals of freedom are great challenges to the citizens of this country.

This challenge to citizenship has never been an easy one to answer, and many have answered with their lives. During the Revolutionary War the call was answered well and we won our independence. The War Lords of Europe and Asia questioned this freedom and again we were triumphant. Today there comes a challenge which is also not easily answered. Our enemies today are not the Red Coats of General Burgoyne, not Hitler's forces nor the armies of Japan, but rather the dual enemies of communism and indifference. These evils cannot be silenced by the roar of cannon or the firing of muskets.

Premier Nikita Khrushchev has boldly declared that he will bury us. His aim is to destroy our system of government so that he may emerge as victor of the cold war. How can we prevent his threatening predictions from coming true? Certainly we as individuals cannot go about chasing Soviet spies, nor can we pull our muskets down off the walls and shoot anyone whom we believe to be a Communist. Our battle against communism is not one to be fought on either an individual or on a thermonuclear level. Rather it is a battle which will be decided ultimately on the moral, social, military, economic, political, and diplomatic strength of the United States.

Our elected officials, therefore, will do most of the fighting. We are challenged by our conscience to give our country the best possible representation in this battle. If we shirk this responsibility we are abandoning the challenge which citizenship has given us. If we are indifferent in our voting for elected officials then we run the risk of losing our freedom. As Americans we have a solemn responsibility to see that this freedom is not lost. We must vote honestly and intelligently for the officials we feel are best qualified, for they will not only determine our destiny, but the destiny of the entire free world. The leaders we elect will not only lead our country to victory or to defeat, but the entire Western World as well.

It is extremely important, therefore, that Americans today realize that the world is looking to us for leadership. We cannot win the cold war without the support of the other countries of the world. We can no longer revert to the isolationist policies of the past if we expect to win. The opinions of the smallest countries in the world become extremely important if they carry with them the opinons of other nations. Hence, the free world is examining the United States with a scrutinizing eye. The people of the world examine every aspect of our society in hope for a better future.

The United States has preached the doctrine of equality of all mankind since its revolutionary beginning. When, for the first time in the history of man, a democracy succeeded in giving its people a truly just and successfully workable form of representative government. The freedoms which we enjoy in the United States are unique in the history of man, for they are not just given to the rich and powerful, but guaranteed to every citizen of the country. If these were the ideals for which our country was founded then we are challenged by our citizenship to protect them. If the rights of our fellow citizens are being infringed upon, then who is to say that ours will not be next? If we are indifferent to those who would take our rights away from us then we do not deserve to have them. If we preach of equality to the emerging African nations and then deny this equality to our Negro citizens we become hypocrites in the eyes of the world.

We cannot allow this challenge to go unanswered. We must proceed to oppose those enemies who would destroy us with the same enthusiasm that the colonists had at Concord and with the same conviction that our soldiers had on the battlefronts of Germany and Japan. Our victory over communism depends on the strength and stability of our Government, and that, in turn, depends upon how well we accept our challenge to citizenship.

This challenge is a personal one and so each and every American must strive to see that it is properly answered. We must overcome our bitterness, our sectionalism, our indifference. We must throw out our racial prejudice. We must fight to see that our freedoms are not taken from us, and we must become intelligent and informed voters. If we do, then no power, no matter how strong, no matter how threatening, will ever bury us.

RAILROAD STRIKE THREAT

Mr. MORSE (during the delivery of the speech of Mr. YOUNG of Ohio). Mr. President, will the Senator from Ohio yield to me with the understanding that I shall not lose my right to the floor, with the understanding that my intervention will appear elsewhere in the RECORD, and with the understanding that the Senator's yielding to me will not count when he proceeds again as the completion of a first speech? I wish to make a few remarks in regard to a crisis which confronts our country.

The PRESIDING OFFICER. Without objection, it is so ordered. Will the distinguished Senator from Oregon also ask unanimous consent to waive the rule of germaneness?

Mr. MORSE. Yes; I ask unanimous consent that the rule of germaneness be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I have been in consultation with high Government officials in connection with the threat of a railroad strike. I raise my voice at this time in a plea to the parties to that dispute to recognize the solemn responsibility they have, to be exercised to the utmost—responsibilities, in the case of the brotherhoods, to their membership; in the case of the carriers, to their stockholders; in the case of both, to the American people.

Mr. President, I ask unanimous consent that excerpts from speeches that I made on August 27, 1963, in relation to the rail crisis of last year be printed at the conclusion of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD. (See exhibit 1.)

Mr. MORSE. Mr. President, I do not rise to say, "I told you so," for that is not important. But I do rise to plead with the Senate not to make the same mistake that it made last August, for we can make it again, and the problem will again remain unresolved.

It will be recalled that last August I urged adoption of the program offered by the President of the United States, which would provide a procedure for the settlement of the railroad dispute. I warned then that the dispute would not be settled by the compulsory arbitration law passed by the Congress, because there was imbedded in that law the assurance, in my judgment, that there was no prospect of settling the dispute by that procedure.

When all is said and done, the law enacted by the Congress set up an ad hoc compulsory arbitration board for two major issues, and did nothing of effectiveness in connection with the other issues which, so far as the workers are concerned, are perhaps more annoying and perhaps of more direct interest to the local parties concerned than the two so-called major issues which the Congress thought it was dealing with when it enacted the compulsory arbitration law.

Its judgment was—and I was satisfied that it was a mistake in judgment—that if those two issues were got out of the way, the storm cloud would evaporate in the skies, and the problem would be settled.

Senators will find that in my speech last August I said to the Senate:

> Remember, when the issue comes up again in 6 months—

Because that is when I thought it would come up again, and, of course, it brewed all during March, and we are now in April—

> we shall be that much closer to the November election.

In my judgment, the result of the bill passed by Congress was to strengthen the political arm of the railroad brotherhoods. The issue is not one which should ever be settled in the political arena. The complex of issues must be settled by finding the facts and applying the facts to the problems involved in the dispute.

In my judgment, we are now in a worsened position because Congress enacted a law that was ad hoc in its effect; it created a board that really did not have the type of procedural authority and sustaining existence as that which the President of the United States recommended, in what I think was the only sound proposal before Congress at the time.

Of course, the railroad brotherhoods were adamant in their opposition to referring the issues to the Interstate Commerce Commission. I shall always be at a loss to understand why they were allowed to prevail, because the proposal of President Kennedy would have given to the railroad brotherhoods exactly the procedural protection they needed—exactly the procedural protection which, if they had, in my judgment, they would not find themselves today in the present situation.

The Senate made a great mistake in following the recommendations of the Senate Committee on Commerce for enacting the legislation that was enacted, instead of the proposed legislation recommended by President Kennedy. We made another serious mistake when we even modified the language of the bill proposed by the Committee on Commerce and adopted the McGee amendment; all we did was to buy the trouble that now faces the United States in this dark day in the field of railroad management and labor.

But that is behind us. I do not raise my voice today to weep over spilled milk, but I raise the question, "What must we do now?"

What I worry about is that if tonight the plug is pulled, as they say in labor parlance, and the strike starts, there will be a substitution of emotional attitudes for intellectual solutions to the problem. For that reason I said in my opening remarks today, to both carriers and management, "This is the time to take stock of your responsibilities."

What we need, of course, is a continuing procedure, not an ad hoc procedure which provided for compulsory arbitration, which functioned on a couple of issues and then passed out of existence. The record was clear that the bargaining provided for in the McGee amendment and the committee solution had no prospect of successful operation. It was a baseless hope that this dispute could be settled by that kind of procedure, for what is needed is a continuing procedure.

The President of the United States offered both sides the protection of the procedures under the Railway Labor Act—and how important they are—giving them also in that bill a procedure that would apply for 2 years. Then it would have been back with us, to decide the issue in calm deliberation, to decide whether we should continue it, modify it, or substitute something for it. If ever a President was let down, the President was let down by the Senate on that fateful day. I shall never be able to understand why that course of action was followed in this body.

If the impending strike is called, the answer is not more legislation of the type passed last year. The answer is not to impose upon the industry and labor another compulsory arbitration law.

Everything I said at that time—and under the unanimous-consent agreement I shall insert in the RECORD some excerpts from what I said—against compulsory arbitration for settling disputes between labor and management is as applicable today as it was last August. It is more applicable, for it only gives me another case in substantiation of my point.

Let me say to management and the brotherhoods that they once again have an opportunity to be citizen statesmen. They once again have an opportunity to exercise a precious right of freedom—the right to resolve their differences by the procedures of voluntarism. They know as well as the senior Senator from Oregon knows how they can do it. They know that if they will only relax their tensions, if they will only let their impulses get into the cortex and into the thalamus gland, they can resolve the issues on the basis of voluntarism, in the interest of the stockholders, the employees, and the American people.

I would be less than honest if I did not say on the floor today that if the transportation system of this country is pulled down into a costly strike, the elected representatives of the people in the Congress of the United States will resort to legislation.

Let me very quickly add, as a side remark to my leadership in the Senate, that the senior Senator from Oregon has made clear that his application of the rules of the Senate to the civil rights debate, by not allowing committee meetings and a morning hour, and by insisting that Senators confine their attention to the civil rights bill, had the reservation annexed to it that, of course, the objections would be waived for any national calamity.

I waived them in connection with the calamity of the Alaskan earthquake. I shall do so in connection with the national calamity that would follow a nationwide railroad strike, which would paralyze transportation and thereby soon paralyze the economy of this country.

But I ask the carriers and the brotherhoods what they hope to gain by throwing their problem into the boiling pot of legislative politics at this late hour.

In my judgment, they will gain nothing but more losses—loss of rights, loss of prestige, and the most valuable possession they have—loss of public confidence and respect.

I say to both sides in this dispute that neither side should overlook the great loss it will suffer in American public opinion, respect, and confidence, if it fails to find a policy of voluntarism for the settlement of the disputes.

A series of options is available to the parties for the resort to voluntarism. I do not speak for the President, nor for the Secretary of Labor. However, I am completely satisfied that any fair and reasonable proposal for the setting up of voluntary procedures for the settlement of the dispute would receive an attentive and friendly ear from the Government of the United States, and would certainly receive a friendly ear from the Congress.

The issue should not be thrown again into the cauldron of congressional politics. It should not be thrown again into the legislative pot. In my judgment, what would come out would not be a living, vital piece of legislation that would be of use to this country in the settlement, not only of this dispute but of other emergency and critical cases that will arise in the future. Instead, it would set another unfortunate and bad precedent, just as the law that was enacted last August was an unfortunate and bad precedent and had no hope of success at the time, and has no hope of success now, for any settlement of the dispute.

I believe the Senator from New York [Mr. JAVITS] wants me to yield, and I yield to him with the permission of the Senator from Ohio [Mr. YOUNG] and under the same understanding with respect to his right to the floor.

Mr. JAVITS. Mr. President, I heard the prophetic words of the Senator from Oregon last August. I joined him then. He and I sat next to each other in the Cabinet Room in the White House and anticipated precisely what has occurred. I have great honor in joining him now.

I gather that implicit in the plea of the Senator from Oregon is that the date or moment of the strike which is imminent should be deferred. I believe that the next time there is legislation it may very well be seizure legislation, because we have learned now that we cannot legislate halfway. When we get into it, we must get into it the whole way.

I could not agree more with the Senator that it could be the first inauguration of a procedure of turning the whole collective bargaining process over to the Government, which certainly would not satisfy labor.

I join the Senator from Oregon, as a member of the committee, in the urgent plea he has made so eloquently. The first thing to do is call off the day or moment of the strike which threatens. When the strike is called, the fat will be in the fire.

Mr. MORSE. I thank the Senator from New York very much. I am glad that he made reference to the work of the Labor and Public Welfare Committee. I say most respectfully and uncritically that I hope that the parties are unable to settle the matter by resorting to voluntarism, and we get into a legislative controversy over the issue again, it will not go to the Committee on Commerce. In my judgment, it should not have gone to the Committee on Commerce in the first place.

In my judgment, the place for a problem such as this should always be in the Labor and Public Welfare Committee, because it deals with the entire question of collective bargaining. It makes no difference whether a particular industry is bound up in commerce, or is bound up in some other economic operation. The overall problem is a labor problem. I sincerely hope that if we must deal with it legislatively—and I pray that we do not—the problem will go to the Labor and Public Welfare Committee and not to the Commerce Committee.

Mr. MAGNUSON. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from Washington.

Mr. MAGNUSON. I do not wish to enter into a colloquy with the Senator from Oregon about the merits of what was done last August, or what is happening now. I believe it is amply clear from the RECORD that every member of the committee stated on the floor of the Senate that, first, this was a so-called one-stop piece of legislation dealing with arbitration on the so-called major issues; and second that on the other issues there was some hope—as the Senator from Oregon said today—that the parties would volunteer to reach an adjustment.

We also expressed the fear—and we were somewhat prophetic—that they probably would not reach an agreement and that we would be back again on the so-called secondary issue—where we are now. I believe the record is amply clear on that point.

As to the jurisdiction of the committees in this matter, the bill proposed by the Senator from Oregon, as I recall, included the provision that the dispute be sent to the Interstate Commerce Commission. That subject clearly falls within the jurisdiction of the Senate Commerce Committee.

The bill was amended. The Senator from Oregon did much yeoman work on the bill. Many meetings were held. The Interstate Commerce Commission theory was rejected, for many reasons. The bill came from the committee, but there was a note of urgency involved, as the Senator knows, and we had to move quickly.

I do not intend to have anyone point the finger at the committee. It did a good job. It worked hard on the problem. It thought it was doing the right thing. I still believe the committee did the right thing on the so-called major issues. Its members have some knowledge of labor matters, too. I do not believe we are all devoid of experience in labor matters.

I am inclined to be a little modest about myself, but the Senator from Oregon is not devoid of knowledge about labor problems. He has dealt with them during much of his political career, and also on the floor of the Senate.

I agree with the Senator from Oregon that much can be accomplished on a voluntary basis. I repeat the same suggestion made by him, that it would be a serious matter if the problem were again to be thrown into the lap of Congress. When the bill was brought up on the floor of the Senate, that opinion was expressed over and over again.

Mr. MORSE. Mr. President, in reply to my good friend from Washington—and I mean exactly that, he is my good friend—I state most respectfully that I am in complete disagreement with his observations.

He and I are as far apart as to what his committee did, and the procedure it followed last August, as the North and South Poles. In my judgment, nothing he can say by way of rationalization or explanation can change the fact—and this is my opinion as a Senator, to which I am entitled—that the Committee on Commerce should have supported the President of the United States to the hilt last August, and accepted his bill. The committee, however, left him cold. In my judgment, that is when the great mistake was made.

Mr. MAGNUSON. I do not disagree——

Mr. MORSE. I do not wish to yield until I finish my remarks. I intend to say what I wish to show. The Senator has already spoken.

Mr. MAGNUSON. That is his opinion. Seventeen members of the committee had another opinion.

Mr. MORSE. I am expressing my opinion, that the results show that the committee made a great mistake in not following the recommendations and the program of the President of the United States, and the discussion in the conference which a good many of us had with the President of the United States.

I believe there is no question that we should have supported the President to the hilt; but, as I said at the beginning of my remarks, that is water over the dam, or water under the bridge—whatever figure of speech one wishes to use.

The question now is, where do we go from here?

Mr. President, I have a few more comments to make by way of suggestions to the parties to the dispute, I offer them only to be helpful to the parties, because they do not have many hours left before the deadline will have to be faced.

Mr. PASTORE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. PASTORE. Mr. President, no one in the Senate was more involved in that situation than I. I was chairman of the committee. Unfortunately, at that particular time, the regular chairman had to be absent from the hearings because of illness. It fell upon me to conduct the hearings and to assume full responsibility for the management of the bill that was reported by the committee.

In the first instance, it was regrettable that the matter had to come to the Congress. It actually put us in the position where we were substituting for all collective bargaining. That of course was very, very unfortunate, and no one understood that better than I.

Be that as it may, the President of the United States at that time took the position that a national strike of the railroads was absolutely intolerable and that it would do irreparable harm to the economy of the United States.

That was the position taken by the President and he made some fundamental recommendations. I wish to say on behalf of the Senator from Oregon that he was consistent at that time, and that he is consistent now. There is not one word he has stated here today that he did not state at that time, that he did not state at all of our meetings. He also said at that time that it would come back to haunt us. The fact is, it did come back to haunt us. We deviated slightly from the original recommendations of the President. Of course there were practical considerations. The matter came before a committee of 17 members, members who had ideas of their own.

The Senator from Oregon in the private meetings we had with the Secretary of Labor and the meetings we had with representatives of the union and with representatives of management, took the position that the authority should be given exclusively to the Committee on Commerce and that the committee should adjudicate all the issues once and for all. But, even if the committee did adjudicate the issues once and for all, of course, it was conceded that new disagreements might arise, thereafter which, could be cause for a new strike, if the parties could not get together under a system of collective bargaining.

The point I wish to make is that I believe it is quite unfair to say this whole matter was a failure because of the action of the committee. We were confronted with a practical and realistic situation. Many members on the committee did not want legislation at all. There is no question about that. They did not want any legislation at all.

There were a few on the committee who thought that this was more or less punitive against the workers. We were confronted with a human problem—a very human problem—and there was not much question on the part of members of the committee that some of these jobs were absolutely unnecessary.

However, how does a man tell a railroad worker who has been working for the railroad 20 or 25 years that his job is no longer necessary, that he must leave his job? That was quite a serious responsibility on the part of the people who represented labor. They were in the difficult position where they had to go to the rank and file of their members and say to them, "A certain percentage of you must go."

The argument was made that this dispute could be adjusted by attrition. We went into that argument to some extent.

The issue is back again to haunt us. It is regrettable that it has come back to us. The Senator from Rhode Island utters the fervent prayer on the floor of the Senate that it will not be referred again to the Commerce Committee. This is a very disagreeable chore. The Senator from Rhode Island has always been sympathetic toward the worker. He believes in the nobility of collective bargaining.

On the other hand, we must admit that the unions had a right to strike. Under our system of collective bargaining they have the right to strike.

The President did not want a strike.

That is the position which confronts us now.

I understand that one of the big railroads has already been struck. The same thing will happen to other railroads.

The Secretary of Labor has been exhorting the unions not to strike. I am afraid that his words are falling on deaf ears, the unhearing ears of both labor and management. Undoubtedly, the President of the United States will be involved again in this situation. I do not like to see the Congress involved again. However, if Congress is involved, I fervently hope that the matter will be referred to the committee of which the Senator from Oregon is a member. This is one of the most sorrowful tasks that any man has assumed. We realize that certain procedures are available under collective bargaining. It is argued by some people that collective bargaining has broken down. Other people argue that labor and management should sit down and take more time. However, Mr. President, unless labor has the right to strike, there is hardly a chance that it can win its fight. On the other hand, if labor is allowed to strike, the economy of this country will be paralyzed.

Therefore we are on the horns of a dilemma. We must make a decision. It is not a decision between right and wrong. It is a decision between two evils. It is one of those Solomon responsibilities: We must cut the baby in two. But how does one do that? It cannot be done.

Neither side must lose. But I believe that both sides are sensible and responsible enough to realize that there is another party in interest, the American people. If the railroads of the country are stopped, irreparable harm will be done to the American people and irreparable harm will be done to the system of collective bargaining.

So, Mr. President, if my words can be heard at all, I implore and I beg both the representatives of the union and the representatives of management to sit down as reasonable people and realize that the President should not be brought into the conflict, and realize that Congress should not be brought into the conflict. If the President or Congress are brought in, a lethal blow will have been struck at the whole system of collective bargaining.

The parties ought to be able to resolve these disputes among themselves. Somewhere between the two points of view there must be a reasonable ground of commonsense. I hope and fervently pray that both sides will strive for commonsense.

My distinguished friend from Oregon has been consistent. He has said nothing today that he has not said before. Once the issue is before Congress, we are bound to go to extremes. All extremes are bad. I hope that both sides will avert this peril.

Mr. MORSE. The Senator from Rhode Island and the Senator from Oregon are agreed on one thing—and it is an important thing—that we disagree on many things that the Senator has said, but that we agree in what I believe to be the controlling thing that the Senator has said, and that is that we must try to resolve this issue, if at all possible, in fairness, without its being brought to Congress again.

Both sides to the dispute have a clear responsibility in these trying hours today to try to reach a procedural understanding for a settlement of their disputes without resort to economic force.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Michigan.

Mr. McNAMARA. With the permission of the Senator from Ohio [Mr. YOUNG], I wish to compliment the Senators who have taken part in this discussion. The warning they have issued to the parties to the dispute, that they should settle it outside the Congress, is most timely. I could not agree more.

However, the discussion seems to suggest that there must be a winner and there must be a loser. Such a suggestion is hardly borne out by the facts. It seems to me that both sides can look forward only to losing, and the American public will also lose in the process. If the matter comes to Congress, I predict that both sides to the dispute will lose, and lose much, indeed. All of us will lose, because we shall wind up with less freedom than we have today. God knows we cannot afford to lose any more freedom.

Mr. MORSE. The Senator suggests the next comment I wish to make on the observation of the Senator from Rhode Island. It is an observation, rather than a reply. I do not believe that one side must win and the other side must lose. From the very beginning this matter could have been settled by well-known policies in the field of labor law—through arbitration, mediation, and conciliation—whereby the legitimate rights of each side could very well have been protected. That is exactly what the President had in mind. In the bill the President offered were encompassed some procedures which would have given assurance that such a result would have flowed.

Because of what has been said today, I owe it to myself, to the President, and to the majority leader to say that on the morning of the day when the Senate finally acted on the matter, and when there had been a counting of noses and it appeared that the President's program would be repudiated, the President called me to the White House, and we discussed at some length—for an hour and a half, as I recall—what lay ahead on the floor of the Senate that day. It was then that the President of the United States made the decision to notify the majority leader that I should offer the President's program. If Senators will check the CONGRESSIONAL RECORD, they will see that early in that speech on the floor of the Senate I said I was offering the administration's program.

There is no question that Senators knew what the position of the President was. He told me to make it clear to Senators that I was presenting the administration's program. I presented it. As I recall, it received 15 votes.

That is where our differences developed. I have no hard feelings. However, it must be remembered that a historic mistake was made in the Senate at that time. The President was entitled to the support for which he had asked. I wish to tell the Senate why. He not only offered a procedure which would have provided for a fair, equitable solution of this problem, but he proposed a procedure which was not encompassed in the Senate bill. One procedure was substituted for the other. It was foreign to the McGee amendment, which I think was a very unfortunate amendment.

He proposed for the first time in the history of our country the establishment of a Presidential Council on Automation. I pleaded with the Senate at the time to realize what that encompassed. The Presidential Council on Automation would have worked hand in glove with the Interstate Commerce Commission during that 2-year period to find out what the contribution of the public should be in a fair and equitable settlement of the railroad dispute.

I repeat today that this dispute will never be settled equitably and fairly until the people recognize that they have not only an interest in the dispute, but that they also have an obligation relevant thereto. All the people of the country have an obligation to go along with the adjustment which must finally be made in connection with great automation cases, such as this and others, in order to make a fair public contribution to the solution of the problem.

We cannot treat labor as old, wornout shoes. We cannot treat railroad workers in that fashion. No group of workers in American are better citizens than railroad workers. Many deserve the same compliment which I pay railroad labor. But no group of workers in the country are better citizens than railroad workers. They are entitled to equity. They are entitled to fair treatment. We have developed an economic order which is dependent upon railroad transportation. If anyone thinks we are not dependent upon railroad transportation, he will discover how wrong he is before too many days pass by if the plug is pulled tonight.

Every taxpayer has a great interest in the operation of the railroads of the country for his own economic welfare. The President recognized that.

There were Senators in the Cabinet Room, sitting in the Office of the President during the series of conferences which we had with him. They heard the President discuss the problem of automation in regard to this dispute. The President discussed how important it was that something constructive be done in any legislation that might be enacted. In the legislation which was enacted, the automation feature was eliminated.

Let no one tell me, in attempting to rationalize what the Senate did, that the legislation which was enacted last August can be rationalized on the basis that it might work. If Senators thought so, they were not thinking. The legislation could not work, when the automation feature was eliminated.

I owe it to myself; and I owe it to the President, in view of the comments which were made in the Senate, to say that there never was a case in which one side had to lose and the other side had to win. This dispute was like every other major labor case, in which each side was protected in its legitimate rights on issues involved in the case as the facts showed those rights to be. The President wanted a showing of the facts.

Under the terms of the bill which was passed, circumscribing the operation of the ad hoc compulsory arbitration board, it was impossible to make a showing of all the facts. The Interstate Commerce Commisison established machinery to provide additional personnel with the assistance that they would have received from the President's Presidential Council on Automation. But the President made it clear that whatever additional personnel was needed in order to settle this matter would be supplied.

A 2-year limitation was fixed in the President's bill. It provided for all the procedures and machinery necessary to do the job.

I do not care what the personal views of anyone are with regard to the senior Senator from Oregon in respect to this issue.

When this matter was debated in the Senate, railroad politics was rampant. The chiefs of five operating brotherhoods, and their big lobbies, sat in the galleries. We voted against the President. Every Senator has a right to do that. I did not; and I am glad I did not.

I understand that the parties will meet this afternoon with the Secretary of Labor. I say to each of the five chiefs that they have a great opportunity for industrial statesmanship. I say to Mr. Dan Loomis and Mr. Wolfe, representing the carriers, "What a glorious opportunity you have to demonstrate your willingness to put the public welfare above any selfish interest."

It is not for me to advise a great Secretary of Labor. He needs no advice from me. I merely make a comment and express my own view. I am satisfied that the Secretary of Labor will make it clear to the parties in the dispute that the Government intends to aid the parties in the attainment of their legitimate economic interest and rights.

The words I have just spoken are pregnant with deep meaning and implication as to the responsibility of the Government.

We cannot treat railroad workers as old shoes. We cannot cast aside a railroad employee with 20, 25, or 30 years' service on a railroad merely because an adverse situation develops economically, as it has developed in the field of automation. We owe him much. Not only do the carriers owe him much, but we owe him much.

Somehow we must make the American people understand that we are a part of the economy. Sometimes we do not act independently.

I am always a little amused when I hear someone say, "I am a self-made man." There are no self-made men. All of us, working as citizens in an economically free society, help to make each person what he is economically.

I do not mean, of course, that the incentive, the intelligence, the drive, and the judgment of individuals do not have much to do with determining what they become economically and in every other way. But there is a cause and an effect. We must make people understand this cause-and-effect relationship between the interrelation and interaction of economic society as a whole and the economic results that are produced on individuals as individuals. So all of us are the products, economically, of our economic society, our social society, and our political society; and I am sure the Secretary of Labor will put at rest any fear, if any exists, that labor is going to be treated as "old shoes," or that, on the other hand, the rights of the stockholders and the rights of the carriers, insofar as their economic effects are concerned, will, somehow, be confiscated. This is the balance which must be maintained in the critical hours ahead in connection with this dispute; and I have every confidence in the great Secretary of Labor.

I believe it was the Senator from Rhode Island who said that of course the President of the United States is bound to be involved. He already is involved, in the sense that any leader of our country in the White House is bound to be involved when there develops a situation which threatens to result in a transportation breakdown and the great economic consequences which would flow from it. I have every confidence in the present President of the United States, just as I did in the late President Kennedy. President Kennedy wanted to preserve every economic right for labor and management, consonant with protecting at all times the superior right of the public interest.

So I say to the parties that I hope this afternoon they will be able to agree on a postponement of any strike for, let us say, a year, or—as President Kennedy had suggested in his bill—2 years, while they proceed to work out, under the various forms of the procedures of voluntarism, their differences, with the assistance of the Government. The Government now has a duty to participate with the parties—also on a voluntary basis, not on a compulsory one—in the endeavor to solve the issues which have become so highly charged with emotionalism. That should definitely be done in connection with this dispute, to the end that the rights which each side can show deserve to be protected will be protected.

But I wish to make clear that if this procedure is to be followed—and, of course, this was the basic objective of President Kennedy's proposal—it can be done voluntarily; it does not have to be done through an existing organization such as the Interstate Commerce Commission. If it is to be done in that way, let me stress the point that the carriers have a right to post their rules. That has been held by the courts, and it has also been held by every agency involved, such as the emergency boards appointed by the President and the special mediation boards appointed by the President, and also the ad hoc arbitration board. However, I hope the carriers will not post their rules. On the other hand, we should put ourselves in the position of the representatives of the stockholders, and should ask ourselves whether, if we were in that position, we would refuse to post rules which the courts have consistently held and which Government boards have consistently held the carriers have a right to post; or whether we should refuse to post them because a strike gun is pointed at our economic temples.

In a period such as this, it is so easy to blame the employer and to take the position that the employer must pay for the losses, merely because organized thousands say to him, "In spite of what have been determined to be your procedural rights, if you exercise them, you will pay through your economic nose." Mr. President, that would not be fair, either.

I am not suggesting a formula; I am merely hinting at one. In fact, I do not know whether I would continue the hint after all the facts were in. I might then withdraw it—although I doubt that I would, because I know enough about this case and about similar cases, for this is not the only labor dispute in which I have ever been interested.

Mr. President, this dispute is a minor one, compared with the major railroad dispute in 1941. I was Chairman of the board that handled that dispute. For 6 long weeks we conducted hearings in Chicago; and for a number of weeks thereafter we continued to handle the matter, here in Washington. We resolved that dispute on the basis of the equitable and fair procedures about which I am hinting now.

I do not know of one issue in this dispute, on either side, that men of good will could not settle by way of resorting to voluntary procedure. But, Mr. President, if a freeze date is agreed upon—1 year or 2 years or x period of time—I think the Government should make very clear that after the facts are in and after they are analyzed and after an evaluation is made of the degree, if any, to which the public has an obligation to take up some of the losses, the parties will know that the Government will do that; and here is one Senator who will support it.

As I have said on the general subject of automation, I shall support such proposed legislation, once we obtain the facts, and after competent experts advise us in regard to the kind of legislation which they believe should be enacted in order to implement the facts in fairness to both management and labor, along with the public's taking up part of the bill that is suffered as a result of the loss of jobs. Certainly it is not right for labor to say to management, "When the labor-saving machinery is installed, you must pay the cost of the loss of jobs which will result"; and neither is it fair for management to say to labor, "It is just too bad that you have lost your jobs; but there is a public welfare office uptown, and you can go there and take advantage of the temporary relief payments." That would not be fair, either.

So we must ascertain the extent to which the Government should be a party to the dispute, by way of making its fair contribution to what can be considered to be losses in relation to which society as a whole has a public responsibility to make a contribution, in order to alleviate the human suffering which flows from the lost jobs—or to prevent that suffering in the first place.

There is nothing new about that; it merely calls for a new application of some very old principles.

This is the basic procedure about which I am hinting—namely, application of the basic principle of the workmen's compensation laws of the 1920's, and application of the basic principle of the responsibility in connection with safety legislation, and application of the basic principle in connection with unemployment insurance legislation. These principles are also basic to the entire concept of social security. They merely mean that we must raise our sights and must aim at a broader economic horizon.

So I hope this afternoon, during the negotiations, it will be made very clear to the parties that the Government does not intend to walk out, if there is a freeze period for the handling of the dispute, on whatever can be shown to be its economic obligation in respect to the dispute.

For that reason I think it is important that we proceed at once to apply at least the principle of President Kennedy's proposal for a National Automation Council; we should proceed to find the facts, and then to report the remedies that the Congress and the country ought to follow.

One more point and I am through. When I think of the subsidies that our Government pays, including some to the railroads, and when I think of the millions and millions of taxpayers' dollars that we are pouring abroad, a large percentage of which is wasted, I am at a loss to understand why there is such a hesitancy about bringing governmental assistance to a solution of a major domestic problem. It is of concern to us from the standpoint of our security, from the standpoint of defense, and from the standpoint of the economic well-being, not only of the railroad workers and the stockholders of the railroad, but the American people generally. There is so much looking askance at the situation that we had better step into the picture and assure the parties that we will be of assistance in connection with losses that may be suffered because of economic changes in our society as a whole. Some people call it automation—I care not what the term. I am interested only in the problem.

Mr. President, I close by saying to the five chiefs, Mr. Loomis, Mr. Wolfe, and the Secretary of Labor, "I hope that in your conferences this afternoon and evening you can reach an agreement for a freeze period during which period you will resort to the voluntary procedures to which I have alluded, with the understanding that the Government will not walk out on you, and with the understanding that the Government will not take the position that you need not look to the Government for any economic assistance in connection with the broader problem I have outlined, if facts can be shown to prove that the Government has a responsibility." I believe they can. But I wish to make clear that in view of the legal rights that it has already been determined are available to the carriers, the Government, in urging such a freeze period, would have no justification for allowing a situation to develop in which we would be confiscating, in effect, material and legal values, values of economic substance, and legal procedural values, from the stockholders merely because a strike gun is being held at the heads of the stockholders—yes, at the head of the entire American economy.

There is an area in which there can be an adjustment of the issues that will not do irreparable damage to the carriers and which will protect the legitimate rights of workers who may lose their jobs as a result of the final settlement of the dispute. I feel that the result will be that the dispute will go down in American industrial history as the dispute that gave rise to a new era of progressive legislation similar to the era between 1905 and 1930, known as the era of progressive labor legislation, for at long last we shall have recognized that, after all, in this Government we seek not to penalize people but to help people, and that we seek to implement the general welfare clause of the Constitution of the United States.

I yield the floor.

EXHIBIT 1

Mr. MORSE. Mr. President, Senators will be closer to election in March than they are now. Now is the time to stand up to the political pressure of the brotherhoods which, in my opinion, could not, even if they so desired, deliver the votes of their memberships.

Let no Senator assume for a moment that we are through with the discussion of this case on the floor of the Senate. This case and the record of every Senator in the case, will be discussed in local brotherhood halls across the country.

I received a call this morning from Oregon from a brotherhood man. It was 5 o'clock out there when he called me.

He had been listening to the radio and listening to news reports in regard to the speech I made on the floor of the Senate last night, which to him added up to my refusal to follow the brotherhoods because of their failure in leadership for many months, and because of the great disservice that they have performed for the rank and file of the railroad workers of this country, by the adamant position they have held and their refusal to cooperate with their Government, and their refusal to adopt every proposal that the Government had made for a peaceful solution of the problem so that it would never get to the floor of the Senate.

The chiefs of the five operating brotherhoods must take the full responsibility in the history of the American labor movement for being responsible for the adoption of the first compulsory arbitration law in the history of Congress.

The rank and file of the American labor movement will understand the disservice of these political chiefs—and that is the best description I can give them.

Mr. President, I have seen lobbies, but I have never seen the kind of political lobby in operation that I have seen in recent days in the precincts of Congress on the part of the railroad brotherhoods. There is not a Senator who can talk on a record of service to railroad labor any more than can the senior Senator from Oregon. I have been with the brotherhoods when they have been right on the facts, and I have been against them when they have been wrong. They are dead wrong in the way they have handled this case. They are dead wrong in the support they are giving to the pending measure.

We all know what they are looking to. They want to be able to say to the membership, "We did not agree to compulsory arbitration. It was imposed upon us by Congress."

However, we know that behind the scenes that is what they want. I want none of it.

Mr. President, these are not secondary issues. These are major issues. Six months from now we will be that much closer to the election in 1964, and they can be the cause of great unrest in the railway industry.

If any Senator believes that they are not going to be back, he is mistaken. They will have even more political power that close to the election than they have now. Now is the time to settle every issue involved in this case. If they want to continue with their professions that they have been bargaining collectively, it will not take them long to offer whatever they want to offer for a compromise in collective bargaining.

I am sure no Senator believes that collective bargaining will go on while the arbitration is in progress. I will give the Senate some of their alibis. They will say they are sorry they cannot engage in collective bargaining because one man is tied up in this case or someone else is tied up in another case, or a group is tied up.

These men have been heel draggers with regard to this case.

Mr. President, we have problems. We ought to be giving attention to the real problems in the railway industry. We have an obligation to see to it that fair treatment and fair consideration are given to each and every railroad worker who will suffer a job disjointure as a result of the technical technological age in which we now live.

For weeks, I have been trying to get the Senate to see that we ought to be on with the job of passing legislation in the field of automation. The President gave it to us in his bill, and the Senate has just finished turning it down. He proposed an automation council. He proposed that the council should proceed to study the effect of automation upon the economy and that it should then recommend legislation to do justice to all people in the country who are thrown out of jobs as a result of automation.

The continuation of men in employment cannot be justified if the facts show that they are not needed in such employment. That brings me back to my point as to the other party to the dispute, namely, the carriers.

What we would be buying by these amendments would be a 6 months' delay in the final determination. Even then, we would not have it. It would be back in the cauldron of American politics, pretty close to the heat of a campaign. But the campaign would heat the cauldron. If a measure can be passed under those circumstances, I do not know what will be done with the so-called secondary issues when there is a threat of a strike, based upon the warning of the carriers that they intend to post their work rules, rules which they have a right to post.

These amendments should be defeated. We ought to completely rewrite section 6(b) to provide that when the arbitration board hands down its decision on the two main issues, it will be final on those two issues. It will be the decision, and it will go into effect at once.

Do not insult the arbitration board by including in the bill a provision that so encumbers the arbitration terms of reference that although the board will have completed its work, its award will become effective in futuro. Have the major issues settled finally before the board hears the case and renders its judgment. That will give time for the parties to deliberate and determine whether they can reach the agreement that the Senator from Kentucky, the Senator from New Jersey, and the Senator from New York are so concerned about. If they have not reached agreement before then, my prediction is that they will not reach it.

* * * * *

Mr. President, the labor dispute in the railroad industry involves not two, but three parties. We are apt to think of this issue in terms of the Nation's railroads and the railroad brotherhoods which represent the railroad employees. However, there is a third party, and in my opinion, that is the most important party—the American public. To the carriers and the brotherhoods I say today, there are considerations that rise above individual or group selfish economic interests; namely, the good of our country and the public interest.

I have pointed this out to the brotherhoods in the past weeks, as I have pleaded with them not to make the mistaken judgment of attempting to settle on the picket lines a set of issues which are not susceptible of being settled on the picket lines, unless they want to defend going back to jungle law in economic disputes. We ought to settle this dispute by the application of rules of reason, by taking the economic evidence involved in connection with this substantive issue and in connection with the jobs that are involved in the dispute. A good many substantive work rules are involved.

If there ever was a case, in my work in the field of labor relations, that calls for settlement, first around the collective bargaining table, and then around the voluntary arbitration table, this is it.

If some equitable agreement is not reached between the carriers and the railroad brotherhoods, with the help of congressional legislation if necessary, we are still confronted with the fact that the Nation cannot tolerate a general shutdown of our most vital artery of national commerce. This artery carries the lifeblood of our Nation. It must remain open.

We in the Congress serve here with the primary responsibility of representing the public interest of all the people of the Nation. Whenever any economic segment of that citizenry follows a course of action which may develop a fact situation in which its course of action sacrifices the general public interest, then it will become the responsibility of the Congress to proceed to protect the public interest, for the right to strike is not an absolute right, and never has been. Most rights we have must be exercised in connection with their relationship to other rights. It is very easy for us to say we have a right to do such and such. We may have the right, it is true, but it may not be used in a manner which will destroy other rights with which it must be reconciled.

Mr. President, in connection with these great national disputes which involve so directly the national welfare, including the health, safety, and security of the country, I say most respectfully to labor, as I have said so many times in the past: Never forget that the greatest value of the right to strike is to be found in the threat to strike. All too often, when labor goes beyond the threat to strike and pulls the plug, so to speak, it loses the strike, because in most national emergency disputes which involve the health and safety and welfare of the Nation, public interest must come first.

Labor ought to recognize that the public interest will always be placed first.

That is why the Senator from Oregon has urged in recent weeks that the parties agree to voluntary arbitration of the issues in this dispute on which they could not reach agreement.

Having mentioned the procedure of voluntary arbitration, I wish to pay my respects and my compliments to a great industrial statesman within the field of railroad labor. He is the head of one of the so-called nonoperating unions. I refer to the incomparable George Harrison, who has demonstrated time and time again that he recognizes the point the senior Senator from Oregon has made. It is very interesting to note that in recent weeks Mr. Harrison entered into an arbitration agreement in regard to one part of the transportation industry in the country, and I commend him for it. It is with great regret that I note that the chiefs of the five operating brotherhoods did not exercise the same degree of industrial statesmanship.

The President of the United States has alluded clearly to the unthinkable results of a nationwide stoppage of our railroad systems. In his message of July 22, 1963, he told the Congress:

"In the event a strike occurs it will bring widespread and growing distress.

"Many industries which rely primarily on rail shipment—including coal and other mining which is dependent on rails leading directly to the mine, steel mills that ship by rail, certain chemical plants which load liquids directly into tank cars, and synthetic fiber mills dependent on chemicals which for safety reasons can be carried only in rail tank cars—all of these and others would be forced to close down almost immediately. There would not be enough refrigerated truck capacity to transport all of the west coast fruit and vegetable crop. A substantial portion of these and other perishable products would rot. Food shortages would begin to appear in New York City and other major population centers. Mail services would be disrupted. The delay, cost, and confusion resulting from diverting traffic to other carriers would be extremely costly; and considerable rail traffic would be wholly incapable of diversion.

"The national defense and security would be seriously harmed. More than 400,000 commuters would be hard hit.

"As more and more industries exhausted their stockpiles of materials and components—including those engaged in the production of automobiles, metal products, lumber, paper, glass, and others—the idling of men and machines would spread like an epidemic. Construction projects dependent on heavy materials—exports and waterway shipping dependent on rail connections—community water supplies dependent on chlorine which also moves only by rail—slaughterhouses and stockyards, iron ore, rubber and machinery, magazine publishers, and transformer manufacturers—all would be hard hit by a strike. The August grain harvest would present a particularly acute problem.

"The Council of Economic Advisers estimates that by the 30th day of a general rail strike, some 6 million nonrailroad workers would have been laid off in addition to the 200,000 members of the striking brotherhoods and 500,000 other railroad employees—that unemployment would reach the 15-percent mark for the first time since 1940—and that the decline in our rate of gross national product would be nearly four times as great as the decline which occurred in this Nation's worst postwar recession.

"At the same time, shortages and bottlenecks would increase prices—not only for fruits and vegetables, but for many industrial materials and finished products as well—thus impairing our efforts to improve our competitive posture in foreign and domestic markets and to safeguard our balance of payments and gold reserves. And even if the strike were ended by private or congressional action on the 30th day, at least another month would be required before the economy would be back on its present expansion track. Indeed, a prolonged strike could well break the back of the present expansion and topple the economy into recession before the tax reductions and other measures now before the Congress for reinforcing the expansion have had a chance to take hold."

The parties to this dispute knew that. The President did not tell the parties anything they did not know when he recited to the American people what the economic effects of the strike would be. Yet the record of the case is clear. Time and time again, the carriers agreed to cooperate with the Government in the adoption of peaceful procedures for the determination of the issues on the merits; and the brotherhoods adamantly, time and time again, refused. Who put the public interest first? Not the brotherhoods. I am sorry to find it necessary to say these things on the floor of the Senate.

I propose to put the blame where it belongs—right on the backs of the chiefs of the brotherhoods involved in this dispute. They have made a sad and sorry record of noncooperation with the Government in the attempt to seek voluntary, peaceful procedures for the settlement of this dispute.

A stoppage of general railroad service would be particularly disastrous to the small business segment of our economy. Thousands of such firms would close in bankruptcy after a few days. Their losses would be reflected many times over in related and dependent areas of the national economy. We cannot afford so great a sacrifice. We cannot afford it because I believe reasonable men, with their minds uppermost on the general public interest, can resolve the railroad dispute.

LEADERS OF THE RAILROAD BROTHERHOODS, SERIOUS MISTAKE—REJECTION OF VOLUNTARY ARBITRATION

If there was ever a labor-management dispute that called for a solution through the procedures of voluntary arbitration, it is the railroad dispute with which we are now confronted.

President Kennedy deserves the highest praise for having offered the voluntary arbitration procedures to the parties and the carriers are to be commended for having agreed to accept this procedure under the specific plan offered by the President.

The President offered to the parties the services of one of the most able and highly respected labor arbitrators in our Nation—Mr. Justice Arthur Goldberg. Mr. Justice Goldberg is recognized as one of the greatest leaders of our generation in the field of labor relations. His record is one of impartiality. He has brought his great judicial temperament to every labor dispute he has ever mediated or arbitrated.

Mr. Justice Goldberg was willing to devote his time this summer to an arbitration of the railway labor controversy dispute. Both sides to the dispute should have wasted no time in accepting the President's suggestion. The proposal was for voluntary arbitration. I believe that management and the railroad brotherhoods also had a patriotic obligation—I use the term "patriotic" advisedly—to retain voluntary arbitration in the field of labor relations as a tool, a vehicle, and a procedure for the settlement of labor disputes.

It is perfectly clear, as one studies the issues involved in this dispute, that the American public has come to the conclusion that there should be an equitable settlement of this dispute without a costly strike.

I need yield to no one as a friend of the legitimate rights of management and of the legitimate rights of labor. I say to the railroad brotherhoods, "In my judgment you had a clear responsibility, owed to your membership, owed to the families of your membership, and owed to the American public, to accept the principle of voluntary arbitration and to accept as the arbitrator a truly great man recommended by the President who, in my judgment, has no peer in the field of labor arbitration."

Mr. President, everyone in the dispute knows that a shutdown of the railroads would finally end with a settlement on just about the same terms as would be awarded by such an impartial judicial arbitration award, based upon all the evidence, as Mr. Justice Goldberg would have handed down.

Why the leaders of the railroad brotherhoods rejected the voluntary arbitration services of Mr. Justice Goldberg, I shall never understand. They lost a golden opportunity for a fair and equitable ruling. They know that Justice Goldberg is without a parallel as a mediator of labor disputes. With his great ability in this field he would have mediated—and successfully—the majority of the issues in dispute. His arbitration functions would have been called for on only a small number of issues. Above all, he would have placed his reputation as a Justice of the U.S. Supreme Court at stake. This would have assured absolute fairness and justice on any decision he might have rendered by way of arbitration.

But all this is "water over the dam," so to speak. The leadership of the brotherhoods rejected the President's voluntary arbitration offer, and thereby lost a great opportunity.

In the 11th hour of the negotiations the brotherhood finally agreed tentatively to proposals by Secretary Wirtz to arbitrate two basic issues involving the engine crew and the train crew. Unfortunately, it was too late. The brotherhood and railroads could not get together on the terms of the arbitration and the matter was thrown back to Congress.

But with respect to the offer of arbitration on the part of the brotherhoods, in my judgment, it does not meet the test of a good-faith offer, because the brotherhoods so entwined their offers with restrictions and reservations, as I said earlier in the debate today, that in one breath they offered arbitration, and in another breath they effectively took arbitration away. The terms, conditions, and restrictions they sought to impose killed their offer at the very time they submitted it.

It now remains for the Congress to exercise its jurisdiction toward a fair solution of the dispute.

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The legislative problem which the administration faced in drafting Senate Joint Resolution 102 was to provide a procedure which would preserve collective bargaining but which at the same time would provide the assurance that there would be a resolution of the dispute through voluntary action of the parties without resort to a work stoppage.

Senate Joint Resolution 102 as originally introduced in the Senate, attempted to do this by identifying the engine crew and train crew issues as matters which are closely comparable to railroad mergers, amalgamations and coordinations, as well as mass transit modernization, with respect to their impact upon employment security. It was pointed out that not only are job security problems identical in these regulated areas, but that the proposed rule changes with respect to the manning of the engine and train involve matters generally subject to regulation by the Interstate Commerce Commission with specialized knowledge of the railroad industry, including factors such as public service and safety which are so intimately involved in the current dispute. These were the considerations which prompted the administration to develop an ad hoc procedure designed to remove the case which had been blocking the channels of bargaining.

The second key to the administration proposal was to develop a system within the ICC framework for the development of interim rules governing the engine and train crew issues for the time being.

It is in the light of these interim rules that Senate Joint Resolution 102 would encourage and stimulate the parties to continue to bargain in order to develop final solutions of these and of all other remaining issues.

This is what the Secretary of Labor meant when he stated that the procedures contemplated by Senate Joint Resolution 102 did not constitute compulsory arbitration, but, on the contrary, were designed to preserve collective bargaining within the limitation established by the background of these long overdrawn negotiations.

Thus, section 1 of the original Senate Joint Resolution 102 provides that changes in the work rules involving the manning of train or engine crews shall become effective only upon application to and approval on modification by the Interstate Commerce Commission under section 5 of the Interstate Commerce Act. It appears to be the intention in this section, read in the light of the scheme of the resolution and of the legislative background, that these rules will provide a basis for the manning of the trains for the interim period only.

Stated conversely, the resolution does not authorize the Commission to approve rules which are dispositive of the entire manning issue for the indefinite future. The emphasis is on interim work rule procedures to be effective only until such time as the parties reach agreement regarding the entire matter or 2 years following the date the interim rule goes into effect, whichever occurs sooner.

Section 3 of the original Senate Joint Resolution 102 emphasizes that the Commission in acting upon application to approve the proposed work rule changes within the limitations already developed, shall take into account considerations of safety and public interest and shall give due consideration to the recommendations of the Presidential Emergency Board and to the narrowing of the areas of disagreement developed in the negotiations following the Emergency Board report.

No matter what the Commission does in this connection, it is required to provide fair and equitable job security arrangements provided by section 5(2)(f) of the Interstate Commerce Act—the so-called Washington agreement procedures—protecting the jobs of employees and providing for the insurance against any worsening of the position of employees in consequence of the interim rule change.

Secretary Wirtz suggested that the decisions of the Commission would be subject to review in the same manner as are the orders of the Commission under section 5 of the Interstate Commerce Act.

The parties are enjoined to bargain collectively with respect to the unresolved issues covered by the notices, other than the manning issues governed by section 1. However, if the parties fail to agree on any such issue within 60 days following the effective date of Senate Joint Resolution 102, either party may submit the proposal to the Interstate Commerce Commission for disposition by special procedures adopted by the Commission after consultation with the parties, including, but not limited to, such procedures as were recommended by the Emergency Board.

Thus, the resolution is designed to avoid "compulsory arbitration" as the term is generally understood and to provide in its place for the development of some interim basis for creating an atmosphere conducive to collective bargaining without the crisis pressures which have been built up as of this time. This is accomplished by the device of the so-called interim procedures.

WASHINGTON AGREEMENT SUPPORTED IN PAST BY BROTHERHOODS

Mr. President, basic in the procedures and principles adopted by the President in the suggested proposal for legislative action is the Washington job protection agreement in the Mass Transportation Act. Those of us who have been consulting with the administration in regard to the railroad dispute crisis were not parties to the drafting of Senate Joint Resolution 102. It was presented to us for consultation after the officers of the executive branch of the Government had prepared it and believed that it warranted favorable consideration. We talked about its pros and cons. Many suggestions were considered. Finally the administration decided that it ought to be considered in the form which it sent to Congress. The record should be made clear that under those circumstances we said we would support the resolution. Neither the consultants nor those who drafted the proposal—and although I cannot speak for him, I can express the opinion that it also applies to the President of the United States himself—took the position that under no circumstances should Senate Joint Resolution 102 be modified by amendment or by substitution unless a better program could be proposed, first, to protect the public interest; and, second, to protect the legitimate interests of the carriers and the brotherhoods.

The Senate Commerce Committee considered the President's proposal as originally introduced under Senate Joint Resolution 102. What did the Commerce Committee produce?

A compulsory arbitration resolution, under the substitute Senate Joint Resolution 102, which was reported to the Senate on August 23.

COMPULSORY ARBITRATION—A DISSERVICE TO EMPLOYERS AND EMPLOYEES

I have said time and again that I will not vote for any legislation providing the perennial bromide of compulsory arbitration as the means for settling the railroad dispute. Regrettably, the joint resolution reported by the Senate Commerce Committee offers precisely that kind of remedy.

Each time throughout recent history that the statutory procedures fail to settle a dispute involving the national economy, at some point someone reaches into the cabinet for the timeworn proposal of compulsory settlement as the basis for curing the headache. Some have called compulsory arbitration an excessively harsh remedy, but it is more than that. Let us not delude ourselves. It is a form of economic capital punishment. As a practical matter, it means that there will be no more collective bargaining where it prevails. Some may prefer decapitation as a cure for this headache, but I urge more realistic measures which are designed to maintain a true balance between the rights of labor to engage in collective bargaining and to strike and the rights of the public to be safeguarded against paralyzing and destructive consequences of a total strike affecting the national health and safety.

The committee measure favors decapitation of collective bargaining, and it is with sadness and regret that I must at this point part company with my distinguished friends who have joined in reporting out a measure of this kind.

The significance of compulsory arbitration as a form of economic capital punishment is well understood by the administration, by the railroad brotherhoods, by the carriers, by the house of labor and by all of the professional members of the labor-management relations community. Indeed, it was only a few weeks ago, as I mentioned earlier, that the President of the United States in his special message to the Congress on the railroad dispute told us that the administration had given careful consideration to the various kinds of legislation which Congress might enact to solve the present railroad situation and had specifically rejected compulsory arbitration as inconsistent with the principles of free collective bargaining.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

TITLE II OF H.R. 7152

Mr. MAGNUSON. Mr. President, my remarks today are directed to a discussion of title II of H.R. 7152, the public accommodations provisions of that bill. Several days ago, Senators Humphrey and Kuchel described the Civil Rights Act of 1963 in its entirety with an excellent and learned description of each of the 11 titles contained therein. It is my role to expand this inquiry as to the constitutionality, wisdom, intent, and effect of title II and to explore the various ramifications of its language. This task has at least a dual purpose—first, an extensive expression of the intended application of these provisions is essential to assure that the intent of Congress is easily determined and appropriately applied. This is obviously desirable and necessary to assure that the will of Congress and the policies it seeks to express through this legislation are effectuated by the judicial branch. Second, there has been much said and written about public accommodations legislation. Much of what has been said and written has been a considerable distortion of the facts, or the intent, or a misinterpretation of the language itself. It is my purpose, in part, to attempt to clarify the design of this legislation and the effect these provisions would have in a variety of situations.

In order to best serve these two purposes—namely, building a legislative history to aid the courts and providing an explanation of this title to the American public—I wish to present my remarks as an entirety. I shall, therefore, not yield for questions, observations, or comments by my distinguished colleagues until I have completed my formal remarks. At the end of these remarks I shall be glad to yield for questions.

The public accommodations provisions of H.R. 7152 were originally included in S. 1732, the public accommodations measure referred to the Senate Committee on Commerce of which I am privileged to be chairman. While the provisions of title II as it now reads are less inclusive than those in the original measure, and more limited than the bill reported by the Commerce Committee, its language is very substantially like that considered by the committee during our exhaustive hearings on public accommodations legislation. I shall, therefore, draw upon the facts, convictions, and ideas developed in the course of those hearings in discussing the need for such legislation, the power of Congress to act in this field, and the intended application of the terms of this bill.

COMMITTEE ACTION ON TITLE II

Title II has been the subject of the most careful and searching scrutiny at the committee level.

Therefore, any criticism as to length of hearings which has been leveled at some of the other sections of the bill cannot be leveled at this section. The Committee on Commerce began on July 1, 1963, a series of 23 hearings that finally concluded on August 2. These hearings are printed in three volumes and total 1,575 pages. Forty witnesses appeared before the committee, including 19 invited by the Senator from South Carolina, who, of course, were opposed to the bill. They were in opposition to a public accommodations bill, and in some cases, to any civil rights bill at all.

In addition, comments were requested from law school professors and deans throughout the country and from Governors of each of the States.

These hearings necessarily involved profound legal, constitutional, and policy questions. These questions were pursued in hearings free of partisanship and by witnesses not limited by region or point of view. The witnesses from the administration, uniformly supporting the bill and its purposes, included the following: Attorney General Robert Kennedy, Secretary of State Dean Rusk, Secretary of Labor Willard Wirtz, Under Secretary of Commerce Franklin Roosevelt, Jr., and Assistant Attorney General for Civil Rights, Burke Marshall. Also invited to appear were those whose positions or experience provided insights into the issues at hand. These included: Erwin N. Griswold, a member of the U.S. Civil Rights Commission and dean of the Harvard Law School; Hon. Frank Morris, mayor of Salisbury, Md., accompanied by John W. T. Webb and the Reverend Charles Mack, chairman and member, respectively, of the Salisbury-Wicomico Biracial Commission; Dr. Eugene Carson Blake, National Council of Churches; Father John F. Cronin, National Catholic Welfare Conference; Rabbi Irwin Blank, Synagogue Council of America; Peter Rozelle, commissioner, National Football League; Ford Frick, commissioner of baseball; Hon. Joe Foss, commissioner, American Football League; Roy Wilkins, executive secretary, National Association for the Advancement of Colored People; Hon. Ivan Allen, Jr., mayor of Atlanta, Ga.; and Bruce Bromley, attorney.

The 19 witnesses who appeared at Senator THURMOND's request included the Governors of South Carolina, Georgia, Florida, Alabama, and Mississippi; and also the attorneys general of Arkansas, Mississippi, and South Carolina.

The Senator from South Carolina [Mr. THURMOND] specifically requested that the Governor of South Carolina be invited to attend, and, in fact, the committee invited all 50 Governors of the States of the Union. Furthermore, statements were received for the record from the attorneys general of Georgia and North Carolina.

In this way a full record was developed; a record that sought as completely as possible to explore the legality, wisdom, and need for a Federal statute securing for all persons the right of equal access to places of business held open to the public.

At the conclusion of these hearings, the committee held 9 executive sessions concluding on October 8, 1963, when the measure was ordered reported favorably by a vote of 14 to 3.

One of the most striking and clear results of our exhaustive committee hearings was the inescapable conclusion that racial discrimination by establishments serving the public greatly burdens our national economy. This burden is not indirect or imagined; but is direct and beyond dispute. At this point I ask unanimous consent to incorporate my remarks on pages 17–22 of the Report No. 872 of the Committee on Commerce wherein this matter is fully discussed.

There being no objection the excerpt was ordered to be printed in the RECORD, as follows:

ECONOMIC ASPECTS

As discussed earlier, the fundamental purpose of S. 1732 is directed at meeting a problem of human dignity; and such an objective has been and can be readily achieved by congressional action based on the commerce power of the Constitution. In addition, though, the committee is convinced that the measure is a sound approach to the economic burdens created by discrimination in public establishments.

Dean Griswold, addressing himself to the question of whether or not there was a valid connection between discrimination and interstate commerce, made the following statement:

"In the United States of 1963, it does not require any fiction to see the relationship of places of public accommodation to interstate commerce. In 1961, commercial airlines flew more than 18 billion revenue passenger miles in the Nation during the first half of the year. More than 350 million passengers traveled on the 218,000 miles of railroad routes in 1958. Intercity bus lines in 1959 carried 170 million passengers over 208,000 miles of route. The 41,000-mile Interstate Highway System, which reaches into every corner of the land, crosses the boundaries of 673 cities and passes close to many hundreds of others.

"With the growth of metropolitan complexes, many thousands of citizens travel across State lines for business or pleasure, not periodically but on a daily basis. And at the same time, a great volume of the goods and appliances used by businesses which serve the public move in interstate commerce."

Public establishments presently discriminating or segregating on account of race, color, religion, or national origin are enjoying the benefits of access to and participation in commerce. The business of such establishments is fostered and made more profitable because of the advantages afforded them by utilizing these various channels of commerce. However, when the discriminatory practices employed by such establishments lead to demonstrations or boycotts in addition to the humiliation of those subject to discrimination, the economy of our Nation suffers.

For example, such practices have a stifling effect on the business of providing accommodations for conventions. Mr. Ray Bennison, convention manager of the Dallas (Tex.) Chamber of Commerce was quoted in the Wall Street Journal, July 15, 1963, as stating:

"This year we've probably added $8 to $10 million of future bookings because we're integrated."

Within 1 day after 14 Atlanta hotels recently announced they would accept Negro convention guests, the Atlanta Convention Bureau had received commitments from three organizations including 3,000 delegates that would not have otherwise visited Atlanta, according to the same source.

The adverse economic effect of discrimination by public accommodations is not limited to the convention business. Discrimination or segregation by establishments dealing with the interstate traveler subjects members of minority groups to hardship and inconvenience as well as humiliation, and in that way seriously decreases all forms of travel by those subject to such discrimination. Surely a family is not encouraged to travel along a route or into an area where, because of the color of their skin, they will be denied suitable lodging or other facilities. According to Mrs. Marion Jackson, publisher of Go-Guide to Pleasant Motoring, a Negro traveling by car from Washington, D.C., to New Orleans must travel an average of 174 miles between establishments that will provide him with suitable lodging. Many of these establishments are small and there is often no vacancy for the traveler who seeks accommodations in the latter part of the day. Not only is this an affront to human dignity; it is also a detriment to the economy of this Nation.

The reluctance of industry to locate in areas where such discrimination occurs is another manifestation of the burden on our economy resulting from discriminatory practices. Employees do not wish to work in an environment where they will be subject to such humiliation. There is a lack of local skilled labor available in such areas because many workers, rather than be subject to discriminatory practices, have relocated in other regions.

The Honorable Franklin D. Roosevelt, Jr., Under Secretary of Commerce, in his statement before the committee, pointed out that—

"In the 2 years before the crisis over schools and desegregation of public accommodations erupted into violence in Little Rock in September 1957, industrial investments totaled $248 million in Arkansas. During the period, Little Rock alone gained 10 new plants, worth $3.4 million, which added 1,072 jobs in the city. In the 2 years after the turbulence which brought Federal troops to the city, not a single company employing more than 15 workers moved into the Little Rock area. Industrial investments in the State as a whole dropped to $190 million from $248 million of the 2 years before desegregation."

Mr. Glenn E. Taylor, Birmingham (Ala.) Chamber of Commerce official, was quoted in the Wall Street Journal, September 19, 1963, as saying shortly after the bomb blast in that city killing four Negro children:

"We haven't had a commitment for a new industry all summer, but we had hopes that things were going to improve. I was planning to take a trip next week to contact some prospects. But what's the use now?"

Not only is industry discouraged from locating where discrimination is practiced, but physicians, lawyers, and other professional persons are deterred from engaging in their professions where the advantages of membership in local professional associations, or other benefits, will be refused them because of the color of their skin. Included in the statement of the Under Secretary of Commerce, before the committee, was this quotation from a statement by the provost for medical affairs of the University of Arkansas:

"The university medical center, being within the community of Little Rock, could not help but be affected by the disturbance. I think it would be only fair to say that because of this complicating social change, the medical center has had its faculty recruitment program brought to a virtual standstill."

Discriminatory practices in places of amusement and retail establishments often leads to the withholding of patronage by those affected, and in that way the normal demand for goods or entertainment is restricted. Other patrons, even though not themselves subject to discrimination, also avoid establishments employing such practices when picketing or boycotting occurs because of fear of possible violence. In his statement before the committee, the Under Secretary of Commerce said:

"Retail sales in Birmingham were reported off 30 percent or more during the protest riots in the spring of 1963. That is just retail sales, gentlemen. One local businessman said several retailers had told him their books had shown a net loss for the first time in a generation. Another businessman of 35 years experience said there were more stores for rent in Birmingham last fall than there had been during the depression.

"The Federal Reserve bank in Atlanta reported that in the 4-week period ended May 18, 1963, department store sales in Birmingham were down 15 percent below the same period in 1962. Since January 1, 1963, the city's department store sales dropped 5 percent from 1962. During the same 4½ months, department store sales were up 7 percent in Atlanta, up 10 percent in New Orleans, and up 15 percent in Jacksonville, Fla."

The Honorable Frank Morris, mayor of the city of Salisbury, Md., appearing before the committee, commented on the effect of recent demonstrations in Cambridge on its economy. Mr. Morris said:

"I am engaged in the wholesale plumbing, heating, and supply business in Salisbury, a family-owned business. We have a branch store—we have seven of them, and one is in Cambridge. Our own particular business is there, we sell to the plumbing and heating contractors. We do not sell to the retail public. Our business there has dropped very substantially, as much as 80 percent off from when it was on its peak, as far as the demonstration.

"Also, our council in Salisbury has the district manager of the Acme Stores. Their food business in Cambridge dropped as much as 30 to 40 percent during the peak of the demonstrations.

"I have been told by a shoestore manager, a national chain shoestore manager, that he was working on his quota, and he worked on a quota basis—I had one conversation with the gentleman, so I am going secondhand with it, so to speak—anyway, he was going on a quota basis, and on his quota, he was 165 percent ahead of his quota for the first 4 months. And then the freedom riders came into town, and his business dropped and within the next 3 months he was down to less than 40 percent of his quota. He had gone from 165 down to 40 percent on a yearly quota.

"Definitely the demonstrations have a real effect. Certainly when demonstrations are at their peak, you are not going to take your family, normally speaking, down on the street to see what is going on. You are going to leave your children home. You want your wife to stay home. If you have to go some place, buy something, or do something, you do only the necessities. And if you can avoid the area that is troubled, you are going to avoid it. It very definitely has an effect."

The Under Secretary of Commerce told the committee that discriminatory practices in places of entertainment or amusement not only artificially restrict the demand for entertainment, but also that—

"Where segregation is practiced in theaters and auditoriums, the entire community, both white and Negro, is denied access to a variety of cultural and entertainment activities. The Metropolitan Opera Company canceled its annual season in Birmingham because municipal authorities failed to desegregate theater facilities. Although they had formerly had very successful seasons in Birmingham, there are no plans for resumption in the immediate future.

"Actors' Equity adopted a rule about a year ago, written into every contract, that performers need not perform in theaters where discrimination is practiced either against performers or patrons.

"Entertainers in the American Guild of Variety Artists have also been refusing to book where either the stage or the audience is segregated. The guild's resolution is fairly recent, but many of the booking agencies have insisted upon this clause for a long time."

Ford Frick, commissioner of baseball, directed the attention of the committee to the contrast between the disbanding of the Southern Association, largely due to segregation in the cities holding franchises, and the experience in 1962 on the reopening of a professional baseball team in Little Rock, Ark. It was determined by the board of directors of the new club that there should be integration on the playing field as well as in the stands. Commissioner Frick inserted in the hearing record a report from the general manager of the new team that said in part:

"The Southern Association of which Little Rock was a member for many years never did integrate at any time. We did considerable groundwork and study before applying for a franchise in the International League. We were assured by the four larger hotels in the city that they would take care of all visiting Negro players in the rooms, coffeeshops, and dining rooms exactly as they would provide for the white players. We selected the Hotel Marion because of its all-night coffee shop.

"The local NAACP field secretary requested that we integrate the park. We answered them that we would sell tickets to the general public. When the board of directors of the club met, it decided to integrate the park on opening night, April 16. No public mention of this decision was made although local TV and radio sports announcers and newspaper sportswriters were aware that the decision had been made.

"The park was quietly integrated on opening night with 6,966 paid admissions of which several hundred were Negro patrons. There was no trouble, no commotion, and no complaint, except one lone man with a sign who moved up and down in front of the park. No one paid any attention to him. He tried it again the second night for a short time and then gave up.

"Negro players on the home team and visiting teams have been applauded from the start, and sometimes louder than the white players. Visiting managers report better treatment here in hotels and coffeeshops than elsewhere. One visiting team has as many as six Negro players.

"Our Negro players are popular with our fans. They came here in fear, but a large group of white fans met the team on their arrival here from spring training and took them on tour in private cars over the city. They are much at home now.

"We sold $114,330 worth of preseason tickets early in the spring. Tickets were sold in 90 cities and towns in Arkansas outside of Little Rock. Enthusiasm and support have been steady and general throughout the State.

"Integration in Little Rock has been smooth. It came about naturally and is a normal part of Arkansas baseball now."

This is an indication that progress has been made. But there are other cities and other areas where resistance is stronger. Gov. George Wallace of Alabama, for example, after noting that segregation in his State is a matter of custom and usage, made the following reply to a question about the likelihood of voluntary desegregation of public establishments in Alabama:

"No, sir; they can integrate. Let them go ahead and integrate. One or two have talked about integrating in Birmingham, Ala. They have had Negro boycotts, now they have white boycotts."

Mayor Allen of Atlanta similarly cast doubt on reliance on voluntary action to achieve effective desegregation. He prophesied a return to the old turmoil of riots, strife, demonstrations, boycotts, and picketing if S. 1732 failed of enactment.

It is, moreover, clear that where desegregation in public establishments has been achieved either by community biracial efforts or legislation or ordinance, it has been done without the adverse economic results that had been forecast by its opponents. Richard Marshall, an attorney of El Paso, Tex., advised the committee by letter of the actual experience in his city with a public accommodations statute similar to S. 1732. He wrote as follows:

"Although such legislation, on a State and local basis, is nothing new but has existed for over 75 years, it was noteworthy that El Paso, Tex., adopted such an ordinance last year since this was the first such enactment in any of the 11 traditional Southern States.

"Our experience has been gratifying. Our four aldermen were all in favor of it, but the mayor vetoed it and the ordinance was passed over his veto. There was no violence, there were no demonstrations, and there was acceptance of the ordinance by the hotels, theaters, and restaurants of El Paso. Many of the theaters and restaurants welcomed with relief the passage of the ordinance, since they had the force of law behind their natural desire to serve all patrons without causing arguments on their business premises.

"I do not think that even the most fervent 1962 opponents of the ordinance among the restaurants and hotel people would today be able to state that this legislation had either harmed their business, taken any of their property or profits from them, deprived them of any of their liberties, or created any super police power in the community."

Mr. MAGNUSON. Mr. President, I also ask unanimous consent to incorporate at this point in the RECORD the committee findings as to the necessity for Federal public accommodations legislation as set forth in the same report at pages 14 to 16.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

THE NEED FOR FEDERAL LEGISLATION

"Race discrimination hampers our economic growth by preventing the maximum development of our manpower, by contradicting at home the message we preach abroad. It mars the atmosphere of a united and classless society in which this Nation rose to greatness. It increases the cost of public welfare crime, delinquency, and disorder. Above all, it is wrong" (President John F. Kennedy, Feb. 28, 1963.)

State law

As noted earlier in this report, the Supreme Court, in 1883, believed that all States had in effect laws guaranteeing "proper accommodations to all unobjectionable persons who in good faith apply for them." Yet, by 1947, the Truman Commission report, noting that 18 States did have public accommodations laws, recommended a renewed effort at the State level to eliminate such discrimination by legislation. It is now 80 years after the Supreme Court decision and 16 years after the Truman Commission report and only 14 additional States have made discrimination in public accommodations and facilities a prohibited act.

Many of these 32 States have adopted statutes more comprehensive in coverage and severe in penalty than what is contemplated by S. 1732. These State laws would be specifically preserved and relied on for effective enforcement of the proposed Federal statute. Wherever a remedy is available at the State level, for example, S. 1732 provides that such remedy would be pursued before injunctive relief under this bill is sought.

Despite the action in 32 States attempting to secure equal access to public accommodations, there is obviously a broad statutory gap that has fueled and fired racial and religious tensions. This fact was neither contested nor controverted during the course of the committee hearings. And the conclusion has been inescapable: the problem is one national in scope requiring Federal legislation. The time has now passed when discrimination was susceptible to local treatment alone without a residual right of enforcement. As John W. T. Webb, chairman of the Salisbury (Md.) Biracial Commission noted:

"We started working with the restaurants in the fall of 1960 and at that time tempers were not as short, lines were not as drawn, and the situation was enormously easier than it is today in communities that have this problem of discriminatory service."

His fellow commission member, the Reverend Charles Mack, made a similar observation:

"But for God's sake, have some bill, something to fall back on in the case where everything is stopped, where people are sitting around not doing anything about the situation at all."

And finally the mayor of Atlanta, Ga., Ivan Allen, Jr., summed up the possible futility of past progress if Congress fails to enact this bill:

"Surely the Congress realizes that after having failed to take any definite action on this subject in the last 10 years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the Nation. Cities like Atlanta might slip backward.

"Hotels and restaurants that have already taken this issue upon themselves and opened their doors might find it convenient to go back to the old status. Failure by Congress to take definite action at this time is by inference an endorsement of the right of private business to practice racial discrimination and, in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past."

Human dignity

Americans do not adjust to segregated living; nor should they.

Several witnesses before the committee described the nature of the affront; the effects of the systematic and arbitrary exclusion of an individual from public facilities for no reason other than the color of his skin. Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People, commented as follows:

"The truth is that the affronts and denials that this section, if enacted, would correct are intensely human and personal. Very often they harm the physical body, but always they strike at the root of the human spirit, at the very core of human dignity.

"It must be remembered that while we talk here today, while we talked last week, and while the Congress will be debating in the next weeks, Negro Americans throughout our country will be bruised in nearly every waking hour by differential treatment in, or exclusion from, public accommodations of every description. From the time they leave their homes in the morning, en route to school or to work, to shopping, or to visiting, until they return home at night, humiliation stalks them. Public transportation, eating establishments, hotels, lodginghouses, theaters, motels, arenas, stadiums, retail stores, markets, and various other places and services catering to the general public offer them either differentiated service or none at all.

"For millions of Americans this is vacation time. Swarms of families load their automobiles and trek across country. I invite the members of this committee to imagine themselves darker in color and to plan an auto trip from Norfolk, Va., to the gulf coast of Mississippi, say, to Biloxi. Or one from Terre Haute, Ind., to Charleston, S.C., or from Jacksonville, Fla., to Tyler, Tex.

"How far do you drive each day? Where and under what conditions can you and your family eat? Where can they use a restroom? Can you stop driving after a reasonable day behind the wheel or must you drive until you reach a city where relatives or friends will accommodate you and yours for the night? Will your children be denied a soft drink or an ice cream cone because they are not white?"

Later in the same hearing, Mr. Wilkins added:

"You just live uncomfortably, from day to day. It must be remembered that the players in this drama of frustration and indignity are not commas or semicolons in a legislative thesis; they are people, human beings, citizens of the United States of America. This is their country. They were born here, as were their fathers and grandfathers before them, and their great-grandfathers. They have done everything for their country that has been asked of them, even to standing back and waiting patiently, under pressure and persecution, for that which they should have had at the very beginning of their citizenship."

The Reverend Eugene Carson Blake, appearing on behalf of the National Council of Churches, gave the committee a specific example during the testimony. He recounted the following experience:

"I traveled with a distinguished Negro pastor for three night stands. We were speaking on 'international peace' in 1948, I believe it was, and we were traveling through the Pacific Northwest.

"No bad incident happened as far as the race of my companion was concerned during that half a week that we spent together. But, I never was the same again, because I, for the first time in my life, realized what it would be to be a Negro traveling, because he didn't know each time as to whether he would be received. There was just this edginess which no human being ought to be subjected to."

The primary purpose of S. 1732, then, is to solve this problem, the deprivation of personal dignity that surely accompanies denials of equal access to public establishments. Discrimination is not simply dollars and cents, hamburgers and movies; it is the humiliation, frustration, and embarrassment that a person must surely feel when he is told that he is unacceptable as a member of the public because of his race or color. It is equally the inability to explain to a child that regardless of education, civility, courtesy, and morality he will be denied the right to enjoy equal treatment, even though he be a citizen of the United States and may well be called upon to lay down his life to assure this Nation continues.

On this point, Mayor Allen of Atlanta comments as follows:

"The elimination of segregation, which is slavery's stepchild, is a challenge to all of us to make every American free in fact as well as in theory—and again to establish our Nation as the true champion of the free world."

Mr. MAGNUSON. Mr. President, I also ask unanimous consent to insert at this point in my remarks, an excellent article that appeared in the New York Times of March 25, under the byline of Anthony Lewis, in which the recent racial problems in Jacksonville, Fla., are described as "a dramatic illustration of the need for the public accommodations title of the pending civil rights bill."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 26, 1964]

RIOTING AND RIGHTS BILL: TURMOIL IN JACKSONVILLE IS SAID TO SHOW NEED FOR PUBLIC ACCOMMODATIONS LAW

(By Anthony Lewis)

WASHINGTON, March 25.—The racial outbreak in Jacksonville, Fla., is viewed by Federal officials as a dramatic illustration of the need for the public accommodations title of the pending civil rights bill.

Their belief is that tensions over racial barriers in restaurants and other facilities that are open to the public can be effectively resolved only by a uniform rule on the right to service—a rule binding on all citizens and all effected businesses in any city. They think that only Congress can supply such a clear and universal standard, and without it, they foresee growing turmoil in the Deep South.

Reports from Jacksonville indicate that one troublesome factor in the racial situation there has been an inability to get the broad agreement of businessmen that is needed to go ahead with voluntary steps toward desegregation. This very problem is seen as a major argument for a public accommodations statute.

Experience in a number of southern communities has shown that, even when many concerns are ready to try serving Negroes, a few holdouts among their competitors may scare them off.

SAVANNAH ACCORD FALLS

Something like this is said to have happened in Savannah, Ga., last summer. The chamber of commerce there came out for desegregation of restaurants, and many restaurant operators agreed to the move. But some resisted and even resigned from the chamber of commerce, among them one of a southern chain of cafeterias, Morrison's. The agreement collapsed, and there were disturbances in Savannah's streets.

In Jacksonville a chamber of commerce committee worked for some years for a peaceful, voluntary end to segregation in public facilities. The group included the city's top business and professional leaders, working with a counterpart committee of Negroes.

But again there were restaurant owners who would not take any steps toward desegregation. Some are said to have warned that they would do their best to embarrass any competitors who did admit Negroes. Again, one of the holdouts was a Morrison's cafeteria.

There is much more to the racial problem of the South than the difficulty of getting unanimity among businessmen in easing discrimination. But a keen observer in Jacksonville remarked today that this was "one difficulty that would be removed by the civil rights bill."

Title II of the legislation, as it passed the House, prohibits discrimination in hotels, motels, restaurants, cafeterias, lunch counters, movie theaters, and other places of entertainment. These are the facilities where segregation means daily indignity to the Negro.

MAKES OBLIGATION CLEAR

"All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations" of these facilities, the pending bill says.

It would thus make indubitably clear to every place of business covered that overriding Federal law obligated it to serve all well-behaved customers. The businessman could blame the law for having to desegregate. He would not have to be a pioneer.

To Federal officials, the experience in Jacksonville reinforces the belief that, even with conservative leadership, it is most difficult to bring about desegregation voluntarily in a city with a deeply segregationist tradition.

Jacksonville, though it has that tradition, is a large city in a changing State. Officials think the need for a Federal public-accommodations laws to prevent a racial explosion will be even more urgent in the smaller communities of the deeper South.

THE AUTHORITY OF CONGRESS TO END DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATIONS

A great deal has been said about the authority of Congress to act to end discrimination in places of public accommodation. The constitutional authority sustaining this title is found in article I, section 8, of the Constitution which gives Congress power "to regulate commerce among the several States," and in the 14th amendment. Section 1 of the 14th amendment provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws," section 5 of the 14th amendment provides that "Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

There has been much discussion as of late about the decision of the Supreme Court in the civil rights cases of 1883. Those cases determined the validity of an 1875 statute enacted by Congress which undertook to prohibit discriminatory practices by public carriers, inns, and theaters, whether or not such discrimination was supported or required by State action. The Court held that the 1875 statute was unconstitutional, for in attempting to reach discrimination unaccompanied by requisite State action Congress had stepped outside the scope of the 14th amendment. The majority opinion of the Court in the 1883 decision carefully stated that they were not foreclosing a statute based on the broad powers of Congress such as are found in the commerce clause. Mr. Justice Bradley wrote:

> Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an expressed or implied denial of such power to the States, as in the regulation of commerce with foreign nations, and among the several States and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and in the conduct and transactions of individuals in respect thereof. (109 U.S. 3, 18 (1883).)

There is a large body of legal thought that believes that either the court would reverse this earlier decision if the question were again presented or that changing circumstances in the intervening 80 years would make it possible for the earlier decision to be distinguished. This conjecture would remain only conjecture if title II were enacted, for the provisions of title II are entirely consistent with the decision in the civil rights cases.

Only two subsections of title II are based upon the power granted Congress through the 14th amendment. The first of these two subsections, section 201(d), is applicable only when discrimination by an included establishment on account of race, color, religion, or national origin is supported by State action. The other subsection utilizing the 14th amendment powers is subsection 202. This subsection is applicable only when discrimination is required or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision of the State. These are the only two instances in which the 14th amendment is utilized under title II of H.R. 7152.

As both instances require State action, the reliance upon the 14th amendment in title II is entirely consistent with the decision in the Civil Rights Cases of 1883. It is the commerce clause power of Congress that serves as a basis for the prohibitions against discrimination in title II of H.R. 7152 other than the prohibitions contained in subsections 201(d) and 202.

Insofar as title II rests on the power of the Congress to regulate commerce, its provisions are amply supported by well-established constitutional principles. There is no question but that Congress, in the exercise of its commerce clause powers, may regulate not only those businesses engaged in interstate commerce or activities occuring in interstate commerce, but may as well regulate purely local or intrastate activities that effect interstate commerce. For example, in *Mabee* v. *White Plains Publishing Co.*, 327 U.S. 178, the Fair Labor Standards Act was applied under the commerce clause to a newspaper whose circulation was about 9,000 copies and which mailed only 45 copies—about one-half of 1 percent of its business—out of State. Congress even has the authority to regulate the wheat a farmer grows on his own farm, solely for his own consumption, even though the amount he grows amounts only to the pressure of 239 bushels of wheat upon the total national market. *Wickard* v. *Filburn*, 317 U.S 111 (1942).

The simple fact of the matter is that the inquiry as to whether or not an establishment is engaged in interstate commerce is not determinative of the question of whether Congress can control the activities of that establishment in the exercise of its power to regulate interstate commerce. In *United States* v. *Sullivan*, 332 U.S. 689, the Court held that Congress may forbid a small retail druggist from selling drugs without a label required by the Food and Drug Act even though the drugs were imported in properly labeled bottles from which they were not removed until they reached the local drugstore, and even though the drugs had reached the State 9 months before being resold.

The power of Congress over interstate commerce and activities affecting interstate commerce is broad and plenary.

> The congressional authority to protect interstate commerce from burdens and obstructions—

Chief Justice Hughes said in *Labor Board* v. *Jones and Laughlin Steel Corp.*, 301 U.S. 1, 36–37—

> is not limited to transactions deemed to be an essential part of a flow of interstate or foreign commerce * * * the fundamental principle is that the power to regulate commerce is the power to enact all appropriate legislation for its protection and advancement. * * * to adopt measures to promote its strength and insure its safety * * * to foster, protect, control, and restrain.

The Congress may exercise this power notwithstanding that the particular activity is local, that it is quantitatively unimportant, that it involves the retail trade, or that standing by itself it may not be regarded as interstate commerce—

> [W]hatever its nature [it] may be reached by Congress if it exerts a substantial economic effect on interstate commerce, and this irrespective of whether such effect is what might at some earlier time have been defined as direct or indirect. *Wickard* v. *Filburn*, 317 U.S. 111, 125.

In *United States* v. *Darby*, 312 U.S. 100, 118 (1939), the Court stated:

> The power of Congress over interstate commerce is not confined to the regulation of commerce among the States. It extends to those activities intrastate which so affect interstate commerce or the exercise of the power of Congress over it as to make regulation of them appropriate means to the attainment of a legitimate end, the exercise of the granted power of Congress to regulate the interstate commerce.

Further in that same opinion this language appears:

> But it does not follow that Congress cannot by appropriate legislation regulate intrastate activities where they have a substantial effect on interstate commerce. * * * A recent example is the National Labor Relations Act for the regulation of employer and employee relations in industries in which strikes, induced by unfair labor practices named in the act, tend to disturb or obstruct interstate commerce. See *National Labor Relations Board* v. *Jones and Laughlin Steel Corp.*, 301 U.S. 1, 38, 40; * * * But long before the adoption of the National Labor Relations Act this Court had many times held that the power of Congress to regulate interstate commerce extends to the regulation through legislative action of activities intrastate which have a substantial effect on the commerce or the congressional power over it. (Id. at 119–20.)

RESTAURANTS, MOTELS, GASOLINE STATIONS

Congress has long exercised authority under the commerce clause to remove impediments to interstate travel and interstate travelers. As long ago as 1887, legislation was enacted (49 U.S.C. 3(1)) forbidding a railroad in interstate commerce "to subject any particular person to any undue or unreasonable prejudice or disadvantage in any respect whatsoever." Similar statutory authority is provided with respect to motor carriers (49 U.S.C. 316(d)) and air carriers (49 U.S.C. 1374(b)).

These provisions have been authoritatively construed to proscribe racial segregation of passengers on railroads, on motor carriers, and on air carriers and illustrate that "discrimination" has a defined judicial meaning in the context of those practices title II seeks to end. See *Mitchell* v. *United States*, 313 U.S. 80; *Henderson* v. *United States*, 39 U.S. 816; *NAACP* v. *St. Louis-San Francisco Railway Co.*, 297 ICC 335; *Boynton* v. *Virginia*, 364 U.S. 454; *Keyes* v. *Carolina Coach Co.*, 64 MCC 769; *Fitzgerald* v. *Pan American Airway*, 229 F. 2d, 499 (C.A. 2).

The decisions in these cases are, of course, direct authority for the position that Congress may enact legislation appropriate to secure equality of treatment for those using the facilities of interstate commerce.

The constitutional authority of Congress under the commerce clause, moreover, extends beyond the regulation of the interstate carriers themselves. It covers all businesses affecting interstate travel. Thus, the wages of employees engaged in preparing meals for interstate airlines, sandwiches for sale in a railroad terminal and ice for cooling trains, have all been held subject to Federal regulation under the commerce clause. Similarly, Congress has authority under the commerce clause over restaurants at a terminal used by an interstate carrier. Boynton against Virginia, supra. Thus, whether or not a restaurant serving interstate travelers is engaged in interstate commerce, the fact that it has a substantial effect upon interstate commerce means that it is subject to the power of Congress, if it should legislate under the commerce clause.

Mr. President, the commerce power is broad and plenary; and of course the committee did not have any problem as to the authority of Congress to implement its power under the commerce clause. The committee's real problem was to determine how far it wished to go within this authority, as a matter of national policy. The result was the bill which has been reported to the Senate; and, as I have pointed out, the bill, as reported, is very similar to title II of the House bill.

For the reason already stated, to the decision in the case of *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (C.A. 4, 1959), does not deter Congress from the use of the commerce power as to restaurants or similar establishments. In that case a Negro who was refused service by a Howard Johnson restaurant in Virginia sued for an injunction on the grounds, among others, that his exclusion on racial grounds amounted to discrimination against a person moving in interstate commerce and interference with the free flow of commerce in violation of the Constitution.

His position in this regard was based on the argument that the commerce clause was self-executing and thus could be invoked even without Federal public accommodations legislation. The Court ruled against the plaintiff.

The decision is undoubtedly correct insofar as the commerce clause is concerned because the plaintiff's argument that the clause was self-executing in his favor is unsound. In other words, the absence of a Federal statute like title II was fatal to his position. In its opinion, the Court expressed the view that a restaurant is not engaged in interstate commerce merely "because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State." Even assuming that the circuit court was correct in this statement, that would still not foreclose the validity of basing the provisions of title II of H.R. 7152 on Congress' commerce clause powers, for, as I have stated previously, and as all students of the Constitution are well aware, Congress' powers to regulate under the commerce clause is not limited to merely regulating the activities of businesses engaged in interstate commerce, but extends as well to regulating purely local matters affecting interstate commerce.

The decision in Williams against Howard Johnson's restaurant merely states that in the absence of Federal legislation prohibiting discrimination in public accommodations affecting interstate commerce, there is no Federal right to be free from such discriminatory practices. I believe the only importance to the decision in the case of Williams against Howard Johnson's restaurant is that it well illustrates the necessity for enacting the very type of legislation proposed by title II of H.R. 7152.

In removing impediments to interstate travel, Congress is not limited to forbidding discrimination against interstate travelers alone; it may forbid discrimination against local customers as well. Congress may "choose the means reasonably adapted to the attainment of the permitted end, even though they involve control of intrastate activities." *United States* v. *Darby*, 312 U.S. 100, 121.

Earlier in my remarks, I noted the serious economic burdens placed upon our economy due to discriminatory practices by establishments dealing with the general public.

I wish to list these burdens. The testimony before the Commerce Committee brought them out clearly and concisely. These economic burdens include: First, obstacles to interstate travel; second, distortions in the pattern of expenditures by Negroes because of limited access to places of public accommodations; third, limitations on the ability of organizations to hold national and regional conventions in convenient places; fourth, adverse effects in the entertainment field; fifth, disruptions in trade resulting from demonstrations protesting discrimination in retail establishments; and sixth, numerous other hurdles to the normal conduct of business—for example, difficulties in recruiting professional and skilled personnel leads to rejection of otherwise desirable plant locations.

Under the cases cited above, there can be no doubt that Congress has power to legislate so as to prohibit discrimination in eating places and gasoline stations which serve, or offer to serve, interstate travelers. Obtaining lodging, food, gasoline or related services and conveniences is an essential part of interstate travel, and discriminatory practices which restrict the availability of such goods and services and conveniences or expose interstate travelers to inconvenience or embarrassment in obtaining them, constitute burdens on interstate commerce which Congress has clear authority to remove.

PLACES OF EXHIBITION OR ENTERTAINMENT

Mr. President, let us consider the subject of places of exhibition or entertainment. What is our authority in that field? What is the policy and intent of that particular section?

Supreme Court decisions have many times sustained the power of Congress to enact legislation which would remove artificial restrictions upon the markets for products from other States. The removal of such restrictions, as the Supreme Court recognized in *Stafford* v. *Wallace*, 258 U.S. 495, promotes interstate traffic and, therefore, constitutes an appropriate object for the exercise of Congressional authority. On that basis, restraints involving the local exhibitions of motion pictures, have been the subject of Federal regulation under the Sherman Act (*Interstate Circuit* v. *United States*, 306 U.S. 208), and so have restraints involving stage attractions (*United States* v. *Shubert*, 348 U.S. 222), professional boxing matches (*U.S.* v. *International Boxing Club*, 348 U.S. 236), and professional football games (*Radovich* v. *National Football League*, 352 U.S. 445).

Like unlawful monopolies, racial discrimination and segregation in the establishments covered by the proposed legislation constitute artificial restrictions upon the movement of goods in interstate commerce, and may be dealt with by the Congress for that reason. The restrictive impact of discriminatory practices is perhaps best illustrated by reference to the motion picture industry.

Motion picture theaters which refuse to admit Negroes, or which discriminate in other ways is the next subject of my statement.

I do not like constantly to refer to Negroes when I discuss the subject of discrimination, because discrimination can apply to many other people besides Negroes. It applies to many races. In my part of the country there are some potent illustrations of discrimination in the past applying to orientals. So when I speak of discrimination I include all who are discriminated against.

Motion picture theaters which refuse to admit Negroes will obviously draw patrons from a narrower segment of the market than if they were open to patrons of all races. The difference will often not be made up by separate theaters for Negroes because there are localities which can support one theater but not two—or two but not three, and so forth—and because the inferior economic position in which racial discrimination has held Negroes often makes their business alone financially inadequate to support a theater. Thus, the demand for films from out of State, and the royalties from such films, will be less. What is true of exclusion is true, although perhaps in less degree, of segregation. Given any particular performance, a segregated theater may well lack sufficient seating space for white patrons while offering ample seating in the Negro section, or vice versa. Moreover, the very fact of segregation in seating discourages attendance by those offended by such practices.

These principles are applicable not merely to motion picture theaters but to other establishments which receive supplies, equipment, or goods through the channels of interstate commerce. If these establishments narrow their potential markets by artificially restricting their patrons to non-Negroes, the volume of sales and, therefore, the volume of interstate purchases will be less. Although the demand may be partly filled by other establishments that do not discriminate, the effect will be substantial where segregation is practiced on a large scale. The economic impact is felt in interstate commerce. The commerce clause vests power in the Congress to remedy this condition.

Congress, in the exercise of its plenary power over interstate commerce, may regulate commerce or that which effects it for other than purely economic goals:

> The motive and purpose of a regulation of interstate commerce are matters for the legislative judgment upon the exercise of which the Constitution places no restrictions and over which the courts are given no control. (Mr. Justice Stone in *United States* v. *Darby,* 312 U.S. 100, 115 (1941)).

The fact that title II would accomplish socially oriented objectives by aid of the commerce clause powers would not detract from its validity. There are many instances in which Congress has discouraged practices which it deems evil, dangerous, or unwise by a regulation of interstate commerce. Examples of this are found in Federal legislation keeping the channels of commerce free from the transportation of tickets used in lottery schemes, sustained in *Champion* v. *Ames,* 188 U.S. 321 (1903); the Pure Food and Drug Act, sustained in *Hipolite Egg Co.* v. *United States,* 220 U.S. 45 (1911); the "White Slave Traffic Act," upheld in *Hoke* v. *United States,* 227 U.S. 308 (1913); strict regulation of the transportation of intoxicating liquors, sustained in *Clark Distilling Company* v. *Western Maryland Railway Company,* 242 U.S. 311 (1917); and the Fair Labor Standards Act, imposing wage and hour requirements, sustained in *United States* v. *Darby,* 312 U.S. 100 (1941).

All those cases have been sustained over and over again by the courts. The commerce clause has been used to take care of what we consider evil, dangerous, or unwise practices by the same type of regulation that is contained in title II.

In summarizing the authority of Congress to enact the provisions of title II of H.R. 7152, it appears that the question involved is not one of power but one of policy. That is the point I mentioned before, and which was, of course, the real question before the committee.

There is no real question as to the authority of Congress to legislate in this area. As a matter of policy, the requirement that public accommodations and facilities serving the general public do so without racial or religious discrimination is neither new nor novel. It is now well established and equally accepted that that no public convenience such as a bus, railroad, airline, or the facilities adjacent thereto may discriminate against or segregate its patrons. The doctrines that, to a large extent, sustain this result are deeply rooted in English common law but are by no means limited to common carriers. In the 17th century, Lord Chief Justice Hale expressed the authority that the public, through its government, can exert over commercial enterprises dealing with the public:

> Property does become clothed with a public interest when used in a manner to make it of public consequence and to effect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in the use and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control. (1 Harg. Law Tracts 78. This has been cited by the Supreme Court of the United States on several occasions, but particularly by Mr. Chief Justice Waite in *Munn* v. *Illinois,* 94 U.S. 113, 126 (1877).)

This potential for regulation of businesses established to serve the public evolved into the actual obligations of such establishments to serve all members of the public equally:

> Whenever any subject takes upon himself a public trust for the benefit of the rest of his fellow subjects, he is eo ipso bound to serve the subject in all the things that are within the reach and comprehension of such an office, under pain of an action against him.

This is an illustration that has been used on many occasions in our lawbooks—

> If on the road a shoe fell off my horse, and I come to a smith to have him put it on, and the smith refused to do it, an action will "lie against him, because he has made profession of a trade which is for the public good, and has thereby exposed and vested an interest of himself in all the King's subjects that will employ him in the way of his trade."

In other words, he is open to the public. The court went on:

> "If the innkeeper refused to entertain a guest when his house is not full, an action will lie against him; and so against a carrier, if his horses be not loaded, and he refuses to take a packet proper to be sent by a carrier." (Lord Chief Justice Holt in *Lane* v. *Cotton,* 12 Mod. 472, 484 (1701).)

That is the basis of the regulation in effect today for interstate transportation.

The common law rule as to the obligation of an innkeeper was clearly set forth in another early English decision:

> An indictment lies against an innkeeper who refuses to receive a guest, he having at the time room in his house and either the price of guest's entertainment being tendered to him or such circumstances occurring as will dispense with that tender. This law is founded in good sense. The innkeeper is not to select his guests. He has no right to say to one, "You shall come to my inn," and to another, "You shall not," as everyone coming and conducting himself in a proper manner has a right to be received; and for this purpose innkeepers are a sort of public servant, they having in return a kind of privilege of entertaining travelers and supplying them with what they want." (Mr. Justice Coleridge in *Rex* v. *Ivens,* 7 Carrington and Payne, 213 (1835)).

The English rule that, because an innkeeper is engaged in a business in which the public has an interest and enjoys certain privileges not given the public generally, he cannot discriminate for or against any class or pick and choose his guests also became the American rule. In fact the presence of this rule, either by express statute or adoption of the common law duties, was significant to the Supreme Court that held unconstitutional the 1875 statute which guaranteed full and equal enjoyment of public accommodations and facilities. Mr. Justice Bradley wrote in the majority opinion:

> Innkeepers and public carriers, by the laws of all the States, so far as we are aware, are bound, to the extent of their facilities, to furnish proper accommodations to all unobjectionable persons who in good faith apply for them. (The *Civil Rights Cases,* 109 U.S. 325 (1883)).

It should be noted that this decision of the Supreme Court was handed down 10 years before the adoption of State laws, statutes, or ordinances requiring segregation. There is historical evidence to indicate that in 1885 a Negro could use railroad, dining, and saloon facilities without discrimination in the Carolinas, Virginia, and Georgia.

This was in 1885, before States adopted laws requiring segregation.

As late as 1954, Louisiana repealed a statute requiring places of business and public resort to serve all persons "without distinction or discrimination on account of race or color." And in 1959 Alabama repealed that part of its code which incorporated the common law duties of innkeepers and hotelkeepers.

It is the position of the proponents of this bill, therefore, that the powers granted Congress by the Constitution of the United States surely vest Congress with the power and authority to enact the provisions of title II of H.R. 7152 in furtherance of a policy firmly rooted in the common law. The fact that 32 States have taken some action to secure equal access to public accommodations well illustrates the wisdom of that action Congress seeks to take through enactment of title II.

I shall not dwell further on the matter of the constitutionality of title II, for I do not doubt that its enactment would be a valid exercise of congressional power. I believe that I am somewhat learned on the matter of Congress' power to enact legislation under the commerce clause—not only as a lawyer but as a U.S. Senator who has served 17 years on the Senate Committee on Commerce, the last 9 of which I have been privileged to be chairman of that committee.

I am aware that there are some who disagree with my point of view. Yet I have not been impressed by either the law or the logic of those who contend that title II is unconstitutional. And I would further point out that I enjoy very respectable company as to the view I hold in this matter. For example, the following renowned professors of law, from some of the greatest law schools of this Nation, are convinced that Federal legislation preventing private establishments dealing with the general public from discriminating on account of race, color, religion, or national origin is constitutional.

Mr. President, without burdening the Senate by reading the list, I ask unanimous consent to have printed at this point in the Record the names of some of the renowned professors of law from the University of California at Berkeley, Harvard University Law School, Ohio

State University College of Law, University of Michigan Law School, Yale University Law School, University of California at Los Angeles, University of Pennsylvania Law School, Columbia University Law School, Notre Dame Law School, and New York University School of Law. Some of them are deans of these respected law schools.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA AT BERKELEY

John G. Fleming.
R. H Cole.
Albert A. Ehrenzweig.
Geoffrey C. Hazard, Jr.
E. C. Halbach, Jr.
I. M. Heyman
Dean Frank C. Newman.
Preble Stolz.

HARVARD UNIVERSITY LAW SCHOOL

Dean Erwin N. Griswold.
Paul A. Freund.
Mark DeW. Howe
Arthur E. Sutherland, Jr.
Ernest J. Brown.

OHIO STATE UNIVERSITY COLLEGE OF LAW

Kenneth L. Karst.
Ivan C. Rutledge.
Paul D. Carrington.
Roland J. Stanger.
William W. Van Alstyne.

UNIVERSITY OF MICHIGAN LAW SCHOOL

Dean Allan F. Smith.
Paul G. Kauper.

YALE UNIVERSITY LAW SCHOOL

Dean Eugene V. Rostow.
Louis H. Pollak.
Thomas I. Emerson.

UNIVERSITY OF CALIFORNIA AT LOS ANGELES

Murray Schwartz.

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL

John O. Honnold, Jr.
Howard Lesnick.
A. Leo Levin.
Louis B. Schwartz.
Dean Jefferson B. Fordham.
Theodore H. Husted, Jr.

COLUMBIA UNIVERSITY LAW SCHOOL

Harlan Blake.
Marvin Frankel.
Walter Gellhorn.
Wolfgang Friedmann.
William K. Jones.
John M. Kernochan.
Louis Lusky.
Jack B. Weinstein.
Herbert Wechsler.

NOTRE DAME LAW SCHOOL

Dean Joseph O'Meara.
Robert E. Rodes, Jr.

NEW YORK UNIVERSITY SCHOOL OF LAW

Edmond Cahn.
Robert B. McKay.
Norman Dorsen.

Mr. MAGNUSON. Mr. President, I invite attention to the letter and memorandum appearing in the CONGRESSIONAL RECORD yesterday morning from two eminent lawyers, Harrison Tweed and Bernard G. Segal, upholding the constitutionality of title II and title VII of H.R. 7152. Twenty other lawyers joined Mr. Tweed and Mr. Segal in their opinion, including three former Attorneys General of the United States—Francis Biddle, Herbert Brownell, and William P. Rogers.

That probably comes as close to being a nonpartisan group of Attorneys General as one could find in recent decades.

Also joining in the opinion were four former presidents of the American Bar Association—David F. Maxwell, John D. Randall, Charles S. Rhyne, and Whitney North Seymour.

Mr. President, I could burden the RECORD with hundreds of articles, statements, and positions by eminent lawyers and legal scholars in the United States regarding the constitutionality and authority of Congress to act in this matter under the commerce clause and the 14th amendment.

SECTION-BY-SECTION ANALYSIS OF TITLE II

Mr. President (Mr. MCINTYRE in the chair), in order that the RECORD may be clear and the intent of Congress better ascertained by the courts in the future, after the bill is enacted, I believe that to make legislative history I should briefly describe each section of title II. Following that, I should like to dwell on the interpretation of those sections.

SECTIONAL ANALYSIS OF TITLE II

Section 201(a) declares the basic right to equal access to places of public accommodation, as defined, without discrimination or segregation on the ground of race, color, religion, or national origin.

Section 201(b) defines certain establishments to be places of public accommodation if their operations affect commerce, or if discrimination or segregation in such establishments is supported by State action. These establishments are first, hotels, motels, and similar businesses serving transient guests, except those located in a building which has not more than five rooms for rent and which is actually occupied by the proprietor of the establishment as his residence; second, restaurants, lunch counters, and similar establishments, including those located in a retail store; and gasoline stations; third, motion picture houses, theaters, and other places of exhibition or entertainment; and fourth, establishments which either contain, or are located within the premises of, any establishment otherwise covered, and which hold themselves out as serving patrons of the covered establishment.

Section 201(c) provides the criteria for determining whether the operations of an establishment affect commerce. Hotels, motels, and similar establishments which serve transient guests are declared to do so if they are included within the description contained in section 201(b)(1). Restaurants, lunch counters, and similar establishments, and gasoline stations affect commerce if they serve interstate travelers or a substantial portion of the food or gasoline they sell has moved in interstate commerce. Motion picture houses, theaters, or other places of entertainment are declared to affect commerce if they customarily present films, performances, athletic teams, exhibitions, or other sources of entertainment which move in interstate commerce. Finally, an establishment within the description contained in subsection 201(b)(4) is declared to affect commerce if it is located within the premises of, or there is located within its premises, an establishment the operations of which affect commerce.

Section 201(d) delineates the circumstances under which discrimination or segregation by an establishment is supported by State action within the meaning of title II. Some of these laws were recently enacted.

Discriminatory practices are treated as so supported first, if carried on under color of any law, statute, ordinance, or regulation; or second, if carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or third, if required by action of a State or any of its political subdivisions.

Section 201(e) exempts bona fide private clubs or other places not open to the public, except to the extent that their facilities are made available to customers or patrons of a covered establishment.

Section 202 requires nondiscrimination in all establishments and places whether or not within the categories described in section 201—if segregation or discrimination therein is required or purports to be required by any State law or ordinance. There are many municipal ordinances involved in this problem in several States of the Union.

Section 203 lays the foundation for suits by providing that no one shall deprive or attempt to deprive any person of any right or privilege secured by section 201 or 202, or interfere or attempt to interfere with the exercise of any such right or privilege.

Section 204(a) authorizes any person aggrieved, or the Attorney General, if he is satisfied that the purposes of the title will be materially furthered, to institute an action for injunctive relief for violations of section 203.

Section 204(b) permits the court in any action commenced pursuant to this title to allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs and provides that the United States shall be liable for costs the same as a private person.

Section 204(c) provides that if State or local law prohibits a practice as to which the Attorney General has received a complaint, the Attorney General is to notify the State or local officials and, on request, allow them a reasonable time to act under such laws before bringing suit himself. Local authorities can make the request and have sufficient time to handle the matter themselves, if they wish.

Section 204(d) authorizes the Attorney General, before filing suit in case of any complaint, to use the services of any available Federal, State, or local agencies to secure voluntary compliance with the provisions of the title.

Section 204(e) permits the Attorney General to sue without first complying with section 204(c) if he certifies to the court that the delay would adversely affect the interests of the United States, or that compliance would prove ineffective.

Section 205(a) grants Federal district courts jurisdiction over proceedings instituted pursuant to title II, without regard to whether the party aggrieved has exhausted any other remedies.

Section 205(b) declares that the remedies provided in title II shall be the exclusive means of enforcing the rights created by title II, but that individuals or State or local agencies are not precluded from seeking other available State or Federal remedies to vindicate rights otherwise created. Thus, State antidiscrimination laws not inconsistent with title II would not be superseded.

In other words, the law in the State of Washington, for example, would not be superseded. The State of Washington has had such a law for more than 16 years, somewhat similar to title II. It is a much stronger law in its enforcement than title II would be, however.

Section 205(c) makes the jury trial provisions of the Civil Rights Act of 1957 applicable to contempt proceedings under title II. By incorporating the provisions of section 151 of the 1957 act, this section establishes that if the accused in a proceeding for criminal contempt is initially tried without a jury and convicted and sentenced to a fine in excess of $300 or imprisonment in excess of 45 days, he may obtain, upon demand, and as of right, a trial de novo before a jury.

This is the exact language that we put in the Civil Rights Act of 1957. We lifted the language from that act which the Congress had already passed upon.

As is readily apparent from a reading of these provisions, title II concentrates on categories of public establishments which are a continuing and substantial source of discrimination and as to which Federal legislation can offer prompt and effective relief. The types of establishments covered are clearly and explicity described in the four numbered subparagraphs of section 201(b). An establishment should have little difficulty in determining whether it falls in one of these categories. If it provides lodging to transient guests it is covered by section 201 unless it has not more than five rooms for rent and is actually occupied by its proprietor as his residence. Establishments which sell food on the premises, and gasoline stations, may be expected to know whether they serve or offer to serve interstate travelers, or whether a substantial portion of the products they sell have moved in commerce. Similarly, places of exhibition and entertainment may be expected to know whether customarily it presents sources of entertainment which move in commerce. Finally, any establishment may be expected to know whether it is physically located within, or contains, a covered establishment.

Moreover, in every case, a judicial determination of coverage must be made prior to the entry of any order requiring the owner to stop discrimination. Thus, no one would become subject to any contempt sanctions—the only sanctions provided for in the act, until after it has been judicially determined that his establishment is subject to the act and he has been ordered by the Court to end this discrimination, and he has violated that Court order.

ESTABLISHMENTS OFFERING LODGING TO TRANSIENTS

On Thursday, March 26, Senator GRUENING raised certain questions of interpretation of the language of title II. I should like to answer those questions. Senator GRUENING first inquired as to why inns are specifically included in the House bill, but are not mentioned in the Senate bill. The addition of the word "inn" to the provisions of section 201(b)(1) of the House bill is merely to make clear the intent of that subsection. There is no doubt in my mind that if the word "inn" were struck or if the word "hotel" or "motel" were struck, the language of that section would not really be limited in any way for the language "establishment which provides lodging for transient guests" would still appear and I believe that any inn, hotel, or motel is an establishment providing lodging to transient guests.

Senator GRUENING next called attention to the fact that the so-called "Mrs. Murphy" exclusions of the two bills differed in that the Senate bill would exclude such an establishment only when the building in which it was contained was actually occupied by the proprietor as his "home," while title II requires that the proprietor occupy the building as his "residence." In the report of the Committee on Commerce, the use of the word "home" is explained as follows: "If a person has more than one place of residence or abode, his home would be that place which he uses as his principal residence." The word "home" was chosen rather than "residence" for the purposes of the Senate bill because the members of the committee felt that the various uses of the term "residence" in the many different ways and purposes for which this term is used in the law could raise confusion as to the intended meaning of that word. For example, "residence" for tax purposes may be defined completely differently from "residence" for purposes of voting, marriage, attending school, and so forth.

I do not believe the use of either word changes the basic concept of what we intend when we say "establishment which provides lodging for transient guests."

In some instances it means merely a place of temporary abode. In other instances it may mean that place at which the person in question customarily resides. The term "residence" may have a meaning coextensive with a definition of the word "domicile." In any event, the meaning to be given "residence" as that term is used in title II of H.R. 7152 is one identical to the use of the word "home" in S. 1732. In other words, a person may at any one time have only one "residence" as that term is used in this title. If the person in question had a residence or abode in several different localities, "residence" would be that residence or place of abode which was his place of principal residence.

The next point raised by Senator GRUENING again concerns the language of section 201(b)(1). In that section the House bill refers only to "transient guests" while the Senate bill refers to "transient guests, including guests from other States or traveling in interstate commerce." The omission of the words "including guests from other States or traveling in interstate commerce" in no way changes the meaning of the words "transient guests" as they are used in H.R. 7152 from their use in S. 1732. In fact, "transient guests" is a thorough explanation of what in fact was intended by S. 1732 with the language actually therein used. For as developed in the hearings in the Committee on Commerce on that measure, it was pointed out and agreed by members of the committee that a hotel, motel, or other establishment that offered lodging to transient guests would be included whether or not any of the guests actually were from other States or traveling in interstate commerce. The idea is that in an establishment which deals with or offers to deal with transient guests has substantial effect upon interstate commerce whether or not in fact any of its guests are actually engaged in interstate travel.

Similarly, under the provisions of title II if an establishment serving the public offered lodging to transient guests, it would be subject to the provisions of section 201, whether or not any of its guests were actually involved in interstate travel. Another point I should like to make clear is that a hotel, motel, or other place offering lodging to transient guests could not exempt itself from title II by refusing to take any interstate travelers—Negro or white—if in fact it served the public. Insofar as coverage is based on the 14th amendment, it obviously could not exempt itself by such action. Insofar as coverage is based on the commerce clause, it also could not exempt itself in this way. Section 201(b)(1) would be applicable to any "hotel, motel, or other establishment which provided lodging to 'transient guests.'" If it offered such accommodations to transient guests it would be deemed under section 201(c) to be an establishment whose operations affect commerce. Since the Shreveport Rate case 50 years ago, the courts have uniformly held that Congress can regulate intrastate transactions and activities where reasonably necessary to make effective rules for the protection of interstate commerce. Interstate commerce would be burdened if interstate travelers were required to carry with them proof that they were in the course of a trip through more than one State. See *Badlin* v. *Morgan*, 287 F. 2d 750 (C.A. 5). Nor would an exclusion of all interstate travelers destroy the hotel or motel's status as an establishment serving the public, for it would remain a commercial establishment dealing with the general public.

An establishment which provided lodging for transients, but did not, in fact, deal with the public, as would be the case in any private club which provided lodging for its transient members, would not be subject to the provisions of section 201(b)(1), for although it served transients, and in that way affected interstate commerce, it would not be an establishment which served the public, as required by section 201(b) in order to be subject to the provisions of that subsection.

In summary, to be included within the provision of section 201(b)(1) an establishment which provided lodging must first of all serve the public, and, second, it must provide lodging to transient guests. If both these qualifications were met, that establishment would be subject to the terms of title II, by reason of section 201(b)(1).

It is clear that anything which could accurately be called a hotel or motel would be covered unless within the "owner occupied" exclusion. A tourist home serving travelers which offered more than five rooms for hire would likewise be covered. On the other hand, the same structure when operated as a roominghouse to accommodate nontransients would not be subject to title II. Similarly, title II would not apply to other establishments, such as apartment buildings, which provide permanent residential housing either under leases for a fixed term or under month-to-month tenancies automatically renewed each month, unless specifically terminated. It should be noted that whether or not an establishment caters to "transient guests" would be a question of Federal law, not State or local law.

Nor would a covered hotel or restaurant violate title II by providing a meeting place and food service to a segregated civic or fraternal organization—for example, to a local segregated chamber of commerce which held its weekly meetings in a hotel. The private organization would not be covered by title II, nor would it be simply because it happened to meet in a restaurant. Since the hotel or motel or restaurant would not itself be guilty of discrimination, there would be no violation of title II on its part. In other words, nothing in title II would require a public establishment to deny service to a segregated private group.

In that connection, I emphasize the word "private."

Nor would an individual operating an exempted tourist home or motel lose the exemption if he served breakfast as an accommodation to guests. Title II would cover only those eating places which served the public and which were facilities "principally engaged in selling food for consumption on the premises." The food-service facility there would not fall within that coverage, and would have no effect on the exemption of the lodging facility.

ESTABLISHMENTS SELLING FOOD OR GASOLINE

I should like to expand for a moment on the provisions relating to establishments principally engaged in selling food for consumption on the premises. Section 201(b) speaks of "any restaurant, cafeteria, lunchroom, lunch counter, or other facility principally engaged in selling food for consumption on the premises" and specifically includes "any such facility located on the premises of any retail establishment." Any eating place encompassed by this language would be subject to the prohibition of title II against discrimination or segregation if it served, or offered to serve, interstate travelers or if a substantial portion of the food it served had moved in interstate commerce. Any such eating place would be subject to the same prohibition if discrimination or segregation therein was supported by State action—that is, if it engaged in discrimination or segregation under color of State or local law, custom, or usage, or if discrimination or segregation was required or encouraged by State or local law.

Most public eating places would be within the ambit of title II because of their connection with interstate travelers or interstate commerce. And in some areas, public eating places would come within the ambit of title II, because of the factor of State action.

At any rate, it is clear that few, if any, proprietors of restaurants and the like would have any doubt whether they must comply with the requirements of title II.

The specific mention in section 201(b) of eating facilities "located on the premises of any retail establishment" is aimed principally at such facilities in department and variety stores.

A bar, in the strict sense of that word, would not be governed by title II, since it is not "principally engaged in selling food for consumption on the premises."

It is argued that a formerly segregated restaurant would lose all its white patrons as a result of complying with title II. As a practical matter, that would be a most unlikely occurrence, since the white customers of the restaurant minded to leave it would, no doubt, find that its competitors were also required by title II to desegregate; and thus they would gain nothing by leaving.

Title II would not require a covered restaurant or other establishment to give service to every person who sought it. An establishment could refuse to serve an individual who was not properly dressed or who was boisterous, and so forth, be he white or Negro. What is prohibited is a refusal to serve an individual because of his race, color, religion, or national origin.

Now a word or two about gasoline stations: It is difficult to conceive of a gasoline station which does not serve or offer to serve interstate travelers, or a substantial portion of whose gasoline or other products for sale has not moved in interstate commerce. Consequently, even aside from considerations of State action, there would seem to be little question that virtually all gasoline stations would be required to offer their facilities without discrimination or segregation.

PLACES OF EXHIBITION OR ENTERTAINMENT

The provision dealing with motion picture houses and other places of exhibition or entertainment are easily understood. Pursuant to section 201 (b)(3) and (c)(3), title II would apply to all moving picture houses, theaters, concert halls, sports arenas, stadiums, and other places of exhibition or entertainment which "customarily present films, performances, athletic teams, exhibitions, or other sources of entertainment which move in interstate commerce."

Most motion picture theaters customarily present films made in Hollywood or other out-of-State localities and obviously would be covered. Most legitimate theaters, concert halls, or sports arenas similarly present performers or athletes who move interstate, and such establishments likewise would be covered.

A place of amusement or entertainment would not be covered merely because, on one or two occasions, it presents sources of entertainment which move in interstate commerce. By "customarily," section 201(c)(3) means more than occasionally. Some significant percentage of the performances occurring in an establishment must move in interstate commerce if it is to come within the purview of title II. But once it is within the purview of the title, the fact that a particular production presented there did not move in interstate commerce would not lift the requirement that the audience or spectators be unsegregated. Thus, a baseball stadium which is customarily used for games by teams traveling interstate is held to the nondiscrimination standard even on a day when local sandlot teams are playing there.

Furthermore, there is no requirement for the application of title II that the particular kind or class of entertainment provided at a given time must customarily move in interstate commerce. For example, a concert hall customarily presenting musical artists who move interstate must operate on a desegregated basis not only for their concerts but also for a special lecture series presented by local people.

Finally, it should be noted that it is a prerequisite to coverage under section 201(b)(3) that the establishment presenting a performance holds its entertainment out to the public. Performances produced by private organizations, like fraternal groups, in places to which the public is not invited are outside the scope of title II. Similarly, a performance in a covered theater or concert hall presented only to the members of such a private organization also would not be within the scope of the title.

ESTABLISHMENTS LOCATED WITHIN OR CONTAINING A COVERED ESTABLISHMENT

There has been much discussion about the language in title II dealing with establishments located within the premises of, or themselves containing, a covered establishment. The best examples of this fourth category of section 201(b) are a barbershop located in a hotel which holds out its services to guests and a department store which maintains a lunchroom within its premises.

Although barber shops are not listed in section 201(b) and the ordinary barbershop would therefore not be subject to the provisions of title II, a shop in a hotel which holds itself out as serving the patrons of the hotel would come within those provisions. The theory is that all guests of the hotel—an included establishment—are entitled to equal access to facilities for hotel guests.

A department store or other retail establishment would not be subject as such to the restrictions of title II. But if it contains a public lunchroom or lunch counter, it would be required to make all its facilities, not simply its eating facilities, available on a nondiscriminatory basis.

The following questions have been raised concerning establishments located within the premises of, or themselves containing, a covered establishment. Many of the questions have been asked on many occasions in the committee hearings and by many of us on the floor.

First. Would a barbershop be covered by title II simply because it is located in the same office building as a covered soda fountain or restaurant?

No. Since the barbershop is not located within the soda fountain nor the fountain within the barbershop, the shop is not covered. In short, all the occupants of an office building are not covered simply because the building contains one or more covered establishments. Similarly, establishments in a shopping center would not be covered merely because there was a restaurant in the shopping center.

Second. Is a barbershop—and I guess this would apply to beauty parlors, too—liquor store or other enterprise located next door to a hotel, but not embraced within it, subject to the provisions of title II?

No. Section 201(b)(4) speaks of an establishment "physically located within the premises" of a covered establishment. Thus, if it is necessary to leave the premises of a hotel to gain access to a store or shop, the latter is outside the reach of that provision.

Third. A barbershop in a hotel would be required to serve Negroes, but a barbershop across the street could refuse. Is this not an indefensible situation?

No. Although the nearness of the two shops makes the variance in their obligations somewhat dramatic, the result is not unreasonable or arbitrary. If a hotel is required to operate in a nondiscriminatory manner, it follows that an establishment within it which caters to its guests must be held to the same standard. The proximity of a segregated competitive enterprise in any given case cannot, either in principle or as a practical matter be given any weight.

PRIVATE CLUBS

Let us take a closer look at the provisions of the bill concerning private clubs and other establishments not open to the public generally. Local fraternal organizations, private country clubs, and the like are outside the reach of title II by reason of the bona fide private club exclusion.

However, the exemption for private clubs does not apply to the extent that they open their facilities to the customers or patrons of a covered establishment, that is, to the extent they cease to be a private club. For example, if a hotel which is covered by title II has arrangements with a private golf club whereby the hotel's guests can use the club's golf course, the club must make the course available to the hotel guests without racial discrimination. On the other hand, the club could continue to discriminate with respect to its other facilities not subject to its agreement with the hotel. It could discriminate even as to its golf course with respect to other than hotel guests, and could make its facilities available to organizations not covered by title II without conforming to the nondiscrimination requirements of the title.

The following questions have been raised about this section of the bill:

First. Suppose a covered motel contains a so-called private club for the recreation of its guests and makes it available to all white guests upon the payment of a nominal fee. May it refuse to admit a Negro guest?

No. An arrangement of this sort does not create a bona fide private club within the meaning of title II. The fact that the so-called club admits white persons who can pay the purported membership fee indicates that it is not really a private club at all.

The clubs exempted by section 201(e) are bona fide social, fraternal, civic, and other organizations which select their own members. No doubt attempts at subterfuge or camouflage may be made to give a place of public accommodation the appearance of a private organization, but there would seem to be no difficulty in showing a lack of bona fides in these cases.

Second. May a country club which permits its golf course to be used by the guests of a covered hotel also permit the course to be used by outside segregated organizations? May the club itself discriminate as to nonhotel guests?

The answer, under the bill, is "Yes." The guests of the hotel must, of course, be given access to the course on a nondiscriminatory basis. But there is no requirement that the course be denied to segregated groups not covered by title II. And, except for use by the hotel guests, the club itself may discriminate, even with respect to the golf course.

Third. Section 202 of title II prohibits discrimination or segregation which is required by State law. The public accommodations laws of States which have them generally exempt private clubs from prohibitions against discriminations or segregation. It has been suggested by some that section 202 would operate to prohibit discrimination in the private clubs in those States and thus would make illusory the exemption for private clubs granted by section 201(e) of title II. Is this argument valid—that is, does section 202 act as a boobytrap for private clubs?

The answer is, "No." Section 202 is aimed at State laws which compel segregation. Provisions in State public accommodations laws exempting private clubs, of course, do not compel them to segregate. Therefore section 202 could not be invoked against a private club exempted under State law and, contrary to the above argument, the exemption of section 201(e) would not be affected.

Fourth. May a private club sponsor a segregated benefit concert or other performance to which the public is invited?

The answer is "Yes" unless the performance is to take place in a hall which customarily presents entertainment moving in interstate commerce, including such a hall owned by the club. On the other hand, if the public is not invited to the performance, but it is presented for club members only, then segregation may occur no matter what kind of hall is used.

A few weeks ago the Senator from Louisiana [Mr. LONG] stated that he was not clear as to when bars or nightclubs would be subject to the provisions of title II. As a general rule, establishments of this kind will not come within the scope of the title. But a bar or nightclub physically located in a covered hotel will be covered, if it is open to patrons of the hotel. A nightclub might also be covered under section 201(b)(3) if it customarily offers entertainment which moves in interstate commerce. A business which describes itself as a bar or nightclub would also be covered if it is "principally engaged in selling food for consumption on the premises." And, of course, a bar or nightclub would be covered under section 202 in the rare case in which State law required it to segregate or discriminate.

Now we come to another sensitive subject.

It has been claimed that doctors, dentists, lawyers, and so forth, and retail establishments other than those principally engaged in selling food or gasoline are covered by title II. Such is not the case. Service or professional establishments would not generally be covered unless they are physically located within the premises of a covered establishment and hold themselves out as serving the patrons thereof.

That means, for example, that if a doctor or dentist had an office in a hotel, he would not be covered if he merely had his office there and was practicing out of that office and had his own private practice. But if he opened his doors to the patrons of the hotel, if, for example, he was the hotel doctor, he would be covered under the act.

The following establishments would, therefore, be generally exempt: Barber shops and beauty parlors. Lawyers, doctors, and other professional people. Dance studios. Bowling alleys and billiard parlors.

We even had a big discussion in committee about undertaking establishments. They are going to be excluded. We are going to let them rest where they are.

SECTIONS 201(D) AND 202

As I have already pointed out, to the extent that title II relies on the 14th amendment, it is limited to situations in which there is the requisite State action, such as a law requiring segregation.

Title II is therefore consistent with the decision in the civil rights cases and later decisions applying the concept of State action. It accepts the civil rights cases as still being the law, and its validity does not in any sense depend on their being overruled.

Section 201(d) is intended to encompass a broad scope of the term "State action" under the 14th amendment. In contrast, section 202 is more limited in that it includes within its scope only a single type of State action prohibited by the 14th amendment; it applies only in those instances in which a statute or ordinance requires segregation or discrimination. Of course, section 202 applies to any establishment whether or not included under section 201, while section 201(d) applies only to establishments within section 201.

Section 201(d) provides that discrimination or segregation is supported by State action under three general circumstances all clearly involving "State action" within the meaning of present interpretations of the 14th amendment. The first is if it is "carried on under color of any law, statute, or ordinance or regulation." The quoted phrase is taken from a civil rights provision enacted in 1871 (42 U.S.C. 1883). The constitutionality of that provision, as an implementation of the 14th amendment, is clear. *Monroe* v. *Pape,* 365 U.S. 167, 171–187. In fact, the decision in the civil rights cases points to the omission of that provision in the 1875 statute before the Court as a defect in the statute.

Section 201(d) also provides that discrimination or segregation is supported by State action if it is "carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof."

It need not be a law, but if it is carried on under color of any custom or usage, and if the local or State authorities enforce it, it falls under this provision.

In the civil rights cases, the Supreme Court read the word "custom" which appeared in the 1875 Civil Rights Act without qualifying language, to mean custom having the force of law (109 U.S. 360). Thus, the foregoing language in section 201(d) would seem to be declarative of the concept expressed by the Court in those cases.

Section 201(d)(2) does not embrace a "custom or usage" constituted merely by a practice in the neighborhood or by prevalent attitudes in a particular community. The practices that it includes are those which, though not embodied in law, receive notice and sanction to the extent that they are enforced by the officialdom of the State or locality.

Section 201(d)(3) is the third test set forth in section 201(d) to determine whether discrimination or segregation in an establishment enumerated in section 201(b) is "supported by State action."

Section 201(d)(3), in particular, prohibits discrimination or segregation in an enumerated establishment if it "is required by action of a State or political subdivision thereof." The most obvious application of this provision is, of course, in the case where a State or local law prescribes segregation. To this extent, section 201(d)(3) overlaps section 202, which applies specifically where there is actually a segregation law on the books.

However, section 201(d)(3) is broader than section 202 in that it reaches cases of discrimination by reason of State action other than statutes, ordinances, and the like.

It should be noted however, that section 201(d) is narrower than section 202 in that the former applies only to an enumerated establishment while section 202 applies to any establishment.

VOLUNTARY COMPLIANCE STRESSED

Mr. President, a great deal of testimony was given, a great deal has been said, and much more will be said, about voluntary compliance.

I would be the last person to state that there has not been a great deal accomplished in the past few years—even in the past few months—with voluntary compliance in this field.

Witnesses from the South have testified with a great deal of pride as to what they have accomplished in this field. Naturally, it is a part of the whole concept of this particular problem where voluntary compliance is achieved. If voluntary compliance would suffice in all cases, there would probably be no need for legislation. Unfortunately, that is not the case.

As I have already pointed out, before instituting suit under title II, the Attorney General may utilize the services of any Federal, State, or local government agency available to seek compliance by voluntary procedures. Of course, the Attorney General may institute suit only after receipt of a complaint, after having notified appropriate State or local officials, and upon their request—giving them time to act under their laws—by voluntary compliance, or otherwise—before he institutes court action. However, in those instances where, in the opinion of the Attorney General, it would be useless to notify appropriate State or local officials, or in those instances where such notification and attempted State or local solution of the controversy would, under the circumstances, take so much time as not to serve the interests of justice, the Attorney General may institute suit without having so notified the appropriate State or local officials.

It should be remembered that the Attorney General is not authorized by title II to institute suit upon the receipt of every complaint alleging violation of title II. Rather, the Attorney General is authorized to file suit only in those instances where he is satisfied that the purposes of the act will be materially furthered by the filing of such action. One consideration which might prompt the bringing of a suit would be the size and significance of the establishment involved. Another might be the existence of a holdout situation where most establishments of a particular kind in an area were willing to comply voluntarily if all would do so, but one establishment refused. We have heard testimony of many instances of this situation. The Attorney General's judgment in this respect would not be reviewable. The authority given the Attorney General to institute such actions is no greater, however, than the discretion which he has with respect to invocation of most Federal statutes committed to his enforcement. In fact it is less broad. For example, under the antitrust laws, the Attorney General can sue, regardless of whether private parties who have been injured bring suit. The bill reflects the fact that neither Congress nor the executive branch intend that the Federal Government should become involved, unless it appears that the public interest needs vindication.

ATTORNEY GENERAL SUES ON BEHALF OF THE UNITED STATES

Should the Attorney General institute suit under title II, it would be done on behalf of the United States in furtherance of the national interest. As the Attorney General would be suing on behalf of the United States when he brings a lawsuit under title II, he would be suing on behalf of all of the citizens of the United States. Thus, he would seek an order in title II cases requiring the establishment in question to refrain from racial discrimination against any and all persons, rather than merely those persons whose written complaint prompted action by the Attorney General.

CRITICISMS DIRECTED AT THE CONSTITUTIONALITY OF TITLE II

Those who oppose public accommodations legislation have in the past, and will continue throughout this debate, I am sure, to attack the provisions of title II as unconstitutional. Opposition to the provisions of this title cannot take any other course, for those who oppose public accommodations legislation cannot be expected to criticize the proposition that racial discrimination by those holding themselves out as willing to deal with the public for commercial gain is a worthwhile American tradition, nor can they be expected to defend prejudice and bigotry.

In their attempt, then, to discredit the constitutionality of title II, they refuse to recognize that private action supported or required by State action which denies any person equal protection of the laws is prohibited by the 14th amendment. And likewise, they refuse to recognize decades of Supreme Court decisions holding that Congress, in the exercise of its commerce powers, may regulate purely intrastate matters which have a substantial effect upon interstate commerce. Not only do they refuse to acknowledge these principles of constitutional law that any first-year law student would readily recognize, but they also pervert and distort the historical and clear meaning of other provisions of the Constitution, in order to build an argument against the constitutionality of public accommodations legislation.

The following specious arguments are made against the constitutionality of title II: First, Federal public accommodations legislation would infringe upon private property rights, in violation of the fifth amendment.

The fifth amendment provides that property shall not be taken without due process of law, and if property is taken for public use there shall be just compensation. So far as the fifth amendment is concerned, any Federal regulatory legislation is, to a certain extent, a limitation on the use of private property.

> It is of the essence of regulation that it lays a restraining hand on the self-interest of the regulated and that advantages from the regulation commonly fall to others. *Wickard* v. *Filburn,* 317 U.S. 111, 129.

The type of regulation proposed in title II is hardly novel. Some 32 States—including my own State of Washington—presently have public-accommodations laws forbidding racial or religious discrimination. Many of these laws date back to the period immediately after the Civil War. Most of them are far tougher than title II, and are broader in coverage. Many of these laws allow criminal sanctions for violations and permit injured parties to sue for recovery of damages in contrast to the provisions of title II.

Furthermore, the constitutionality of public accommodations legislation against claims that they violate due process of private property rights have been sustained by Supreme Court decisions. See *Bob-Lo Excursion Co.* v. *Michigan*, 333 U.S. 28 (1948); and *District of Columbia* v. *Thompson Co.*, 346 U.S. 100 (1953).

Surely, if public accommodations legislation so restricted the use of private property as to violate due process or as to constitute a taking of private property for public use without compensation, the Supreme Court of the United States would not have sustained these statutes. In fact, in the Bob-Lo case the State court had held that the law was consistent with due process and counsel did not even attempt to argue this point before the U.S. Supreme Court.

The failure of counsel in the Bob-Lo and Thompson cases to raise specific intentions under the due-process clause is readily understandable in view of the Supreme Court's prior decision in *Railway Mail Association* v. *Corsi*, 326 U.S. 88 (1945). In that case, challenge was made to a provision of the New York civil rights law which prohibited a labor organization from denying any person membership, or equal treatment, by reason of race, color, or creed. The Court stated on page 94:

> We see no constitutional basis for the contention that a State cannot protect workers from exclusions solely on the basis of race, color, or creed by an organization, functioning under the protection of the State, which holds itself out to represent the general business needs of employees.

The right of a private association to choose its own members is certainly entitled to as much respect as the right of a businessman to choose his customers. Hence, the Corsi decision effectively disposed of any due-process objections that could have been made in the Bob-Lo and Thompson cases.

In light of these decisions, it is clear that a public accommodations law, such as is proposed in title II of H.R. 7152 is a "regulation which is reasonable in relation to its subject and is adopted in the interests of the community," and is consistent with the due process guaranteed by the 5th amendment. See *West Coast Hotel Co.* v. *Parish*, 300 U.S. 379 (1937). As the Court stated in West Coast Hotel Co. at page 391:

> Liberty under the Constitution is thus necessarily subject to the restraints of due process, and regulation which is reasonable in relation to its subject and is adopted in the interest of the community is due process.

It is to be remembered that 32 of the 50 States and the District of Columbia have laws similar to or stronger than title II. Thus, it is grossly inaccurate to describe title II as laying down requirements heretofore unheard of subjecting businessmen to new and unwanted regulation.

It is interesting to note that although the State of Mississippi today has statutes requiring segregation in some places of public accommodation, there was a time when it actually prohibited such segregation. An 1873 decision of the Mississippi Supreme Court in *Donnell* v. *State*, 48 Miss. 661, sustained the constitutionality of a Mississippi public accommodations law as applied in a criminal prosecution against a theater that sought to segregate a Negro patron. The decision of the Mississippi Supreme Court was unanimous. It seems to me that if public accommodations legislation so restricted the use of private property as to violate the 5th amendment the supreme court of the great State of Mississippi certainly would have struck down such legislation rather than unanimously holding that it was constitutional.

In the Mississippi Supreme Court decision I have just referred to, the court, in its unanimous decision upholding the constitutionality of a public accommodation law more severe than the provisions of title II, stated:

> The assertion of a right in all persons to be admitted to a theatrical entertainment * * * in no sense appropriates the private property of the lessee, owner or manager, to the public use (48 Miss. 661, 682).

In spite of the fact that 32 States now enjoying public accommodations legislation have not considered such restrictions on the use of property as a violation of the constitutionally guaranteed property rights, and in spite of the fact the U.S. Supreme Court has twice sustained such legislation, I am sure we will continue to hear that title II is an unconstitutional infringement upon the rights of private property owners. Let us not forget, however, that the right of the private property owner to serve or sell to whom he pleased was never claimed when laws were enacted prohibiting the private property owner from dealing with persons of a particular race. In fact, many who argue that title II is an unconstitutional infringement upon private property rights would sustain the segregation laws of the South which certainly limit the private property owner by telling him that he cannot do business with people merely because of the color of their skin. While laws compelling segregation have been struck down as a denial of the equal protection guarantees of the 14th amendment, they have never been held to violate the supposed rights of any private property owner.

There are other persuasive reasons for not allowing concepts of private property to defeat public accommodations legislation. The institution of private property exists for the purpose of enhancing the individual freedom and liberty of human beings. This institution assures that the individual need not be at the mercy of others, including Government, in order to earn a livelihood and prosper from his individual efforts. Private property provides the individual with something of value that will serve him well in obtaining what he desires or requires in his daily life.

Is this time-honored means of freedom and liberty now to be twisted so as to defeat individual liberty and freedom? Certainly, denial of a right to discriminate or segregate by race or religion would not weaken the attributes of private property that make it an effective means of attaining individual freedom. In fact, in order to assure that the institution of private property serves the end of individual freedom and liberty, it has been restricted in many instances. The most striking example of this is the abolition of slavery. Slaves were treated as items of private property, yet surely no man dedicated to the cause of individual freedom could contend that individual freedom and liberty suffered by emancipation of the slaves.

There is not any question that ordinary zoning laws place far greater restrictions upon the rights of private property owners than would public accommodations legislation, such as the proposed law or the laws in effect in 32 States. Zoning laws tell the owner of private property to what type of business his property may be devoted, what structures he may erect upon that property, and even whether he may devote his private property to any business purpose whatsoever.

Such laws and regulations restricting private property are necessary so that human beings may develop their communities in a reasonable and peaceful manner. Surely the presence of such restrictions does not detract from the role of private property in securing individual liberty and freedom.

Nor can it be reasonably argued that racial or religious discrimination is a vital factor in the ability of private property to constitute an effective vehicle for assuring personal freedom. The pledge of this Nation is to secure freedom for every individual; that pledge will be furthered by elimination of such practices. As previously noted, this principle was well recognized in the English common law which held that the owner of private property devoted to use as a public establishment did not enjoy a property right to refuse to deal with any law-abiding member of the public who had the funds to pay for the accommodations offered. Rather, English common law reasoned that one who employed his private property for reason of commercial gain by offering goods or services to the public must stick to his bargain. I see no reason why those similiarly situated in the United States today should not also be held to stick to their bargain.

I would point out again that this title which is alleged to violate private property rights is in fact much more moderate than most of those statutes existing in the 32 States now enforcing public accommodations legislation. Title II gives no right to damages to the injured party nor does it provide any criminal penalties to those who violate its provisions. The most that can happen to one who violates the law laid down by title II is that he will receive an order from the court compelling him to

comply with that law he had originally violated.

Second. Title II, by incorporating the jury trial provisions of the 1957 Civil Rights Act, would authorize criminal contempt proceedings without trial by jury in violation of article III, section 2, and the sixth amendment of the U.S. Constitution.

Probably the most unfounded argument against the constitutionality of title II is that it violates the constitutional right of trial by jury. While the Constitution guarantees the right of trial by jury in criminal cases, this guarantee has never in the history of the United States been extended to cases of criminal contempt as a matter of constitutional right. As Justice Harlan stated in *Green* v. *United States*, 356 U.S. 165, 183 (1958):

> The statements of this Court in a long and unbroken line of decisions involving contempts ranging from misbehavior in court to disobedience of court orders established beyond peradventure that criminal contempts are not subject to jury trial as a matter of constitutional right.

The language I have just quoted is quoted with approval by the U.S. Supreme Court in a case decided only Monday of the week; United States against Barnett. Mr. Justice Clark, writing for the majority, follows that quotation from the Green case with this language:

> It has always been the law of this land, both State and Federal, that the courts—except where specifically precluded by statute—have the power to proceed summarily in contempt matters. (*United States* v. *Barnett*, at p. 11 of majority opinion, Apr. 6, 1964.)

In footnote 14 of Green against United States, supra, the Court lists 11 U.S. Supreme Court opinions identified as "major opinions" in which the Supreme Court "discussed the relationship between criminal contempts and jury trial and have concluded or assumed that criminal contempts are not subject to jury trial under article III, section 2, of the sixth amendment."

Later in that same opinion, Justice Harlan stated:

> The principle that criminal contempts of court are not required to be tried by a jury under the sixth amendment is firmly rooted in our traditions. *Green* v. *United States*, 356 U.S. 165, 187 (1958).

Throughout the history of the United States and, in fact, prior to a formation of this Nation, criminal contempt proceedings were always considered of a different nature than the ordinary criminal proceeding. Truly, "trial by jury and indictment by grand jury * * * possess a unique character under the Constitution," *Green* v. *United States*, *supra*, at 187.

Justice Frankfurter, in his concurring opinion in the Green case, observed:

> What is indisputable is that from the foundation of the United States the constitutionality of power to punish for contempt without the intervention of a jury has not been doubted, *Green* v. *United States*, *supra*, at 190.

It is clear, then, that those who argue that criminal contempt proceedings without a trial by jury violate the U.S. Constitution are, in fact, ignoring the interpretation of our Constitution that has been endorsed by the Supreme Court throughout the history of the United States. In order for the argument of those asserting that there is a constitutional right to trial by jury in criminal contempt proceedings to succeed, it would be necessary for the Supreme Court to overturn a century and a half of decisions. Those who advocate such action are, nevertheless, the first to criticize the U.S. Supreme Court for its landmark decision in Brown against Board of Education in which the separate but equal doctrine of Plessy against Ferguson was discarded. Apparently, these opponents of title II who claim there is a right to jury trial—they are talking about a constitutional right—in cases of criminal contempt advocate stare decisis only in those instances in which the prior decisions of the Court are consistent with their own views.

Third. Title II is unconstitutional because it deals with a subject reserved to the States under the 10th amendment to the Constitution of the United States.

The 10th amendment provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In *Everard's Breweries* v. *Day*, 265 U.S. 545, 558, the Supreme Court stated:

> If the act is within the power confided to Congress, the 10th amendment, by its very terms, has no application, since it only reserves to the States powers not delegated to it by the Constitution.

Similarly, speaking of legislation enacted by Congress pursuant to the enforcement clause of the 14th amendment, the Supreme Court has said that sovereignty cannot, by definition, be invaded by the enactment of a law "which the people of the States have, by the Constitution of the United States, empowered Congress to act"—*Ex parte Virginia*, 100 U.S. 339, 346.

The distinguished American, James Madison, sponsor of the 10th amendment, in the course of the debate which took place while the 10th amendment was pending concerning Hamilton's proposal to establish a national bank, declared:

> Interference with the power of the States was no constitutional criterion of the power of Congress. If the power was not given, Congress could not exercise it; if given, they might exercise it, although it should interfere with the laws, or even the constitutions of the States. (S. Doc. 170, 82d Cong., 2d sess., p. 915.)

As Congress has power, under the 1st and 5th clauses of the 14th amendment and under article I, section 8 of the U.S. Constitution to enact public accommodations legislation, it would surely be acting pursuant to a constitutional grant of power if it should enact title II. Therefore, it would be exercising a power delegated to the United States by the Constitution and such legislation could not possibly violate the 10th amendment.

Therefore, those who argue that the enactment of title II would violate the 10th amendment are, once again, encouraging a view of the Constitution that is in conflict with settled principles of constitutional law and express language of the U.S. Supreme Court.

I believe I have fairly stated the intent and provisions of title II of H.R. 7152. Simply stated, the bill merely seeks to establish the right of all persons, without regard to race, color, religion, or national origin, to the full and equal enjoyment of the services and facilities of a variety of places of business serving the general public. It is really a moderate title with enforcement limited to injunctive relief against discriminatory practices, with the Attorney General permitted to bring suit for such relief when he has received a complaint that such discriminatory practices are occurring and such action would be in the best interest of the United States.

It is to be noted that under all but two of the State statutes now in effect, "public accommodations" include a broad spectrum of businesses not limited to those affecting interstate commerce. Twenty-three States and the District of Columbia provide penal sanctions for the enforcement of their statutes; 12 States provide for civil recovery for damages. Only three of the States limit the sanctions solely to injunctive relief, as would title II. Five States have created commissions to investigate, conciliate, and order relief from violations of the statute. No commission would be created by title II. One State and the District of Columbia provide for revocation of the license of offenders. No such recourse would be available under title II. Two States provide for the recovery of costs, and one State provides for the recovery of attorney's fees. Under title II the prevailing party would be entitled to attorney's fees as costs, at the discretion of the court.

Section 205(d) of title II specifically preserves rights and remedies under State laws; and section 204 in general requires the Attorney General to refer cases to State authorities, for disposition under those laws, before he files suit. Therefore, in the vast majority of States it is to be expected that instances of discriminatory practices would continue to be resolved under existing State statutes. In fact, enactment of title II should actually encourage States to enforce their own statutes dealing with discriminatory practices, and possibly encourage other States, presently without such laws, to enact them.

Mr. LAUSCHE. Mr. President, will the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield.

Mr. LAUSCHE. The Senator from Washington will recall that when the public accommodations bill was before the Commerce Committee, the discussion there dealt with the question of whether an aggrieved party would have a right to sue for damages, even though that right was not specified in the proposed law. Has the Senator from Washington given consideration to that aspect of the problem? I have not heard him discuss it.

Mr. MAGNUSON. I do not believe title II would either add to or detract from any right which an aggrieved party might have to sue for damages in any of these cases; nor would it add to or detract from any State law. Some State laws allow suits for damages by an aggrieved party, on either side. But that subject is not dealt with in the pending bill.

Mr. LAUSCHE. Is it the opinion of the Senator from Washington that even though a right was violated by not extending accommodations held out to the general public, and even though a suit for damages might be initiated, no such damages would be recoverable?

Mr. MAGNUSON. Title II is not intended to create a right to sue for damages in case of violation of its provisions. Of course, such rights under State laws—where existing—would not be affected by enactment of title II. Personally, I believe a suit for damages may well be desirable as an aspect of Federal legislation dealing with problems of discrimination. However, title II is not intended to create a right to sue for damages.

Mr. LAUSCHE. Yes. However, I think it would be true that if a legal right were violated, regardless of whether the pending bill were to deal with the right to sue in such a case, there would be great likelihood that the injured party would have a right to take such action.

Mr. MAGNUSON. That view is held by many who are well versed in the law.

Mr. JAVITS. Mr. President, will the Senator from Washington yield?

The PRESIDING OFFICER (Mr. Inouye in the chair). Does the Senator from Washington yield to the Senator from New York?

Mr. MAGNUSON. I yield.

Mr. JAVITS. The Senator from Washington has almost completed his very fine speech as chairman of the Commerce Committee, which studied and took testimony on this particular title and then reported a bill on it. His own activities definitively answer the charge that the proponents of the pending bill are trying to have the Senate pass a bill without the benefit of committee hearings, consideration, and report. Therefore, his statement is of unique importance.

I should like to ask the Senator from Washington to comment on the argument made by opponents of this bill—mainly Senators from the South—who contend that this title of the bill would restrict the businessman's freedom of choice. I point out that in a number of the Southern States there are on the statute books segregation laws which prevent local businessmen from serving Negroes in segregated areas. Are not such laws not only substantial efforts, but also unconstitutional efforts, to control local businessmen; and, therefore, does not the existence of such State or local laws blow completely out of the water that argument by the opponents of the pending bill?

Mr. MAGNUSON. As I have pointed out in my remarks, certainly laws and ordinances requiring segregation have never been construed as violating property rights. We hear no objection concerning property rights as to such laws by those from the South. Surely a Federal court would not uphold such laws, however, because of their conflict with the 14th amendment. But the point to be stressed is that as segregation laws do not violate private property rights—at least no count has ever struck them down for that reason—then certainly public accommodation laws do not violate property rights.

I do not know whether the Senator from New York was present when I discussed one of the classic examples. I mentioned that among the States in which a holding was made that the question was not in violation of property rights was the State of Mississippi, where the supreme court unanimously upheld that it was not in violation of property rights.

Mr. JAVITS. I heard the Senator make that statement. It was a remarkable piece of research that the Senator produced.

Mr. MAGNUSON. The law is quite clear. When a business is open to the public, it is subject to a certain amount of regulation. Regulations necessarily deprive a businessman of some right that he might ordinarily have. But the benefits flowing from the regulation to the public become greater. The business would be enhanced. I cannot conceive of any legal argument that the title would violate property rights in any respect. Hundreds of laws go further in restraining a person in his business for some good reason. Perhaps some reasons are not so good. There may be local ordinances or State laws involved. Hundreds of laws go further as far as a man's business is concerned.

Mr. JAVITS. Certainly the wage and hour law would affect a man's business.

Mr. MAGNUSON. I should like to tell a little story to the Senator from New York. One time when I was prosecuting attorney in my home county a group of Japanese people—and I have told the story to the distinguished occupant of the chair [Mr. Inouye]—moved into what we called the Capital Hill district. A group of people in the district did not want them to move in. They came to me and wanted me to pursue the legal argument that coming into that district would deprive the property owners of their property rights without due process of law.

I looked into the question pretty carefully and found that, of course, it would not do so at all. But the point of the story is that some years later the same group came to me and thanked me for not doing something about it, because instead of property values being jeopardized, property values were enhanced. The people coming into the district kept their houses, gardens, and shrubbery in such beautiful shape, and their conformity with the law and community spirit were so much greater, property values increased.

Mr. JAVITS. I am very delighted to hear that story.

I should like to ask the Senator one or two additional questions, because I think certain features of his statement should be highlighted. I know that earlier in his statement the Senator said that of all the grievances which have called forth demonstrations, the particular subject which we are discussing accounted for most of them. The Senator was referring to the fact that about two-thirds of the demonstrations in the year 1963 which occurred in racial matters were attributable, in whole or in part, to grievances of that character.

Under those circumstances I should like to ask the Senator whether or not we can justify refraining from legislation when we find that, notwithstanding all these protests many cities in the 15 States of the South, including both the old Confederacy and the border States, continue to segregate in this kind of establishment. For example, in these 15 States of some 275 cities with populations of over 10,000, in 65 percent, all or part of the hotels and motels were still segregated as of July 1963, and in close to 60 percent all or part of the restaurants and theaters were segregated and 43 percent still had segregated lunch counters, where almost all the protest has taken place. And of 98 cities in the same States with populations of less than 10,000, in 85 to 90 percent, all or part of these types of establishments remained segregated. Under those circumstances can we refrain, where there is such a deeply felt grievance, and where it has involved such threats to public order and tranquillity, from legislating to afford some measure of justice?

Mr. MAGNUSON. I do not think we can. I think that condition dictates more than anything else why we should go on and get the job done. Title II of the bill is the most sensitive part of the bill, when we get down to it. Title II would open avenues for the people involved to take care of the matters themselves, and then we would not have demonstrations. There would be no need for them if title II of the bill were passed.

Mr. JAVITS. Or at least if there are demonstrations—and let us assume that paradise will not have descended upon earth—at least we will have what we do not have today. We have no answer to the deeply held grivances except to say, "Keep your shirt on until we get this bill passed." If we do not pass the bill, we shall have no answer.

Mr. MAGNUSON. We shall have absolutely no answer. As the Senator from New York has so well pointed out many times, there might then be some real serious trouble.

Mr. JAVITS. I have one last question. It is often argued that the bill will not permit the owner of an establishment to have any control over his patronage. Does the Senator from Washington construe title II as requiring the owner of an establishment covered by the title to admit and serve, even if he is a Negro, a person who is boisterous, drunk, or dressed in some disreputable way so as to disgrace the establishment? In other words, would the normal opportunities for the businessman to deal with his clientele in a perfectly proper way run afoul of title II, or is it confined to the question of race, color, and national origin without intruding upon the other discretions which the businessman normally has?

Mr. MAGNUSON. If there is anything we have tried to point up in the Senate hearings in the committee—and I suspect the same thing was true in the House and in the present debate—it has been to be sure that the title would not affect the right of any business to select its patrons except where the establishment would deny equal treatment on account of race, color, creed, or national origin. A businessman could throw out a fellow who was boisterous, argumentative, and even if he did not wear a tie in an establishment which required ties. I have been in such places. I have been thrown out of some of them. Traveling along a highway, I did not have on a tie, and one was required. Establishments have a perfect right to choose their patrons, but they cannot deny patronage because of a person's race, color, or creed. I hope that that point is indelibly made in any interpretation of the bill, because we never intended otherwise. The language in that respect is as clear as the English language can be.

Mr. JAVITS. I am grateful to the Senator. In my judgment his answers and his splendid statement have made a very strong case.

Mr. MAGNUSON. I thank the Senator.

Mr. President, I shall briefly conclude my statement. I wish to point out that much of what I have said represents my own ideas rather than those of the committee as a whole.

CONCLUSION

This bill is part of a comprehensive program to assure equal legal and constitutional rights to all American citizens, and to assure further that no American citizen is denied these equal rights on the ground of race or color.

The subject of title II is the equal rights of Americans. This is hardly new business on the national agenda. The charter of our independence long affirmed the proposition that all men are created equal. The history of our Republic has been the history of the movement to realize that proposition in every sector of our national life. In our pronouncements to other nations, we hold out equality of right and opportunity as our national ideal and as the emblem of the American way of life. No subject is closer than this to our traditional values, to the character and quality of our national life, or to our image before the world.

Title II deals with the question of equal rights in public accommodations and facilities. This, of course, is only one dimension of the larger problem of legal exclusion arising from the experience of the Negro in the United States since his emancipation from slavery. I shall not enumerate the instances of discrimination here. They apply not only to Negroes, but to all kinds of Americans.

Other aspects of the problem are dealt with in the comprehensive legislative proposals made to Congress by the President, as well as in many bills originated by Members of the Congress themselves.

The first bill I introduced in Congress in 1937 was a bill to abolish the poll tax. That was many years ago. There have been many bills on this broad subject, and many approaches.

I will only say that each item on the list is evidence of a subversion of our national ideals—each is a badge of continuing national injustice—each is a mockery of our pretentions before the world.

Our boast is that success in American life is proportionate to talent and character—yet discrimination on the ground of race falsifies that boast every day.

Our assumption is that this is a nation of equals—yet this assumption falls to the ground as soon as discrimination to the Negro is taken into account.

The hard fact is that we have failed to redeem the promises of the Emancipation Proclamation, and of the 14th and 15th amendments, that race must not thwart the American Negro in his struggle to cast away the legacy of centuries of slavery and stand proud and erect as a free American.

The hard fact is that the American system of equality has, up to now, left out men and women whose skins were of another color.

It is now time to abolish second-class citizenship as a century ago we abolished slavery. It is now time to eliminate hypocrisy in our national life and make sure at last that our acts begin to square with our ideals.

The Federal judiciary has been forthright in upholding the proposition that race has no place in American life or law—that, in the lapidary phrase of the elder Justice Harlan, the American Constitution is colorblind. The executive branch has adopted this proposition in the conduct of its affairs. The Nation has asked that Congress make a similar commitment to the same proposition. In a series of bills, beginning in 1957, we have begun to make that commitment.

There are still some—a few—who assert that what they call the Central Government has no proper role in dealing with this gravest of domestic issues. To preach this doctrine, in my view, is to preach a form of anarchism. The question of the role and responsibility of the National Government was definitively settled nearly a century ago. To ask the national legislature to acquiesce in the continuance of national injustice is a plea for national irresponsibility. To rely for remedy on changes in the hearts of men who pride themselves on resistance to change is to sanction a national policy of default.

Had the leaders of segregated areas taken significant steps in the past to remove racial barriers and injustices, the Congress would not be confronted by this situation today. But they did not take such action—and the Federal action they condemn is the price they must pay for indifference and neglect. We would be lacking in dignity as a nation—we would advertise our national impotence to the world—if we did not take measured and responsible action to fulfill the pledge of equal rights on which this Republic is based.

The particular matter of this bill—racial discrimination in places of public accommodation—was the subject of intensive hearings and study before the Commerce Committee for almost 5 weeks. This is not, of course, the first time that Congress has legislated in this field. Eighty-eight years ago Congress enacted the Civil Rights Act of 1875 in a notable effort to guarantee all American citizens their equal rights. Eight years later, a conservative Supreme Court ruled in an 1883 decision that the 14th amendment, upon which Congress had based relief, did not authorize the legislation. At the same time, the Court declined to consider whether the legislation was within the scope of the authority granted Congress by the commerce clause.

This decision did not end all governmental action to prevent discrimination in public accommodations. Since 30 States, including my own, have enacted statutes for that purpose. But to await similar legislative action by the remaining States is to renounce relief for years, if not for decades. If racial discrimination in hotels, restaurants, and other places holding out accommodations to the public is to be brought to an end throughout the Nation now, we must have Federal legislation. The issue, then, is whether such legislation is justified.

The answer is plain: If the legislation were justified, as a majority of Congress believed, in 1875, it is even more justified in 1964. If the United States had wearily lain down to a long sleep after the Civil War—if it had entered a period like the Middle Ages, when society remained in a state of torpor—no doubt the issue of public accommodations would be less urgent and preemptory than it is today. If most of our population still lived on farms, or in small communities devoted mainly to satisfying the needs of agriculture—if it were still largely immobile and rarely able to spend leisure time away from homes and neighborhoods—most citizens, white and Negro alike, would have relatively little use for the facilities of public establishments.

However, the Nation chose not to dream through the past century but, instead, to alter and improve the lives of its people at a rate and to a degree never before experienced in the history of mankind. It has given its people great mobility and cosmopolitan outlook, has placed before them the arts, learning, sports, and various other forms of entertainment and amusement, and, above all, has afforded most of them the means to enjoy these new advantages. Freedom of movement is more than ever the essence of American life. Working, buying, and eating in public places, enjoying public amusements and entertainment, traveling for business or pleasure—all these are essential aspects of normal living in the United States. Therefore, those who are deprived of the opportunity to participate in these now routine activities to the extent of their means are plainly being denied the full measure of the benefits which the Nation provides for its people. When such deprivation is based on grounds of race, color, religion, or national origin, it is all the more intolerable because it contravenes the concepts of liberty and democracy which have guided us in achieving our amazing growth and progress during the past century.

If Federal measures to assure all citizens equal rights to public accommodations are the logical consequence of our national traditions and national values, the question which next arises is the problem of the constitutionality of these measures. I noted earlier that in 1883 the Supreme Court had ruled that the 14th amendment did not sanction civil rights legislation, but that the Court did not rule on the question whether the commerce clause of the Constitution might not sustain such legislation. That was, as I noted, a conservative Court. But, paradoxically, it has been in many cases conservatives who have recently argued that the proposed civil rights legislation should rely primarily, not on the commerce clause, but on the 14th amendment.

My own view, after listening carefully to an extended discussion of this question, is that the constitutional debate involves only a choice of means, and does not in the slightest degree place the end in doubt. No one can suppose, after the regulatory legislation of the last 30 years, that the commerce clause would not directly and easily sustain the proposed legislation. And my own view is that, in spite of the decision of 1883, the Supreme Court would now uphold the 14th amendment as a basis for legislative action. After all, a good many decisions handed down by the Court of the 1880's and 1890's have been subsequently reversed, both because of changes in the Court and because of changes in the facts and their implications.

I support this bill because I believe that it meets an urgent national need.

We are not embarking on a wild and reckless experiment without precedent in our national history. On the contrary, we are proposing to extend to the Union a procedure which a third of our States have followed by law—and considerably more by voluntary decision—and without visible harm to the normal life of the people. My own State of Washington has had for a decade a public accommodations statute more stringent than the bill we consider here—and it has used it to the benefit of the citizens of the State. So have 29 other States. Even in the South, where history and custom have intensified feelings about such legislation, we now have vivid evidence that there need be no difficulty. I am informed, for example, that in 346 southern cities with populations of over 10,000, well over half of the total in that category, there has already been substantial desegregation of public accommodations—without difficulty. Public reaction might well be typified by the remark of a retailer in one southern city who was quoted as saying: "The greatest surprise I ever had was the apparent 'so-called' attitude of the white customers."

These gains have come in the communities of the South with civic leadership which is willing to move in the direction of the ideals of America. There remain, however, more than a hundred cities which have thus far declined to move. Many residents of these cities are prepared to accept the national commitment. It is for their sake—as well as for the sake of the Nation—that we urge the enactment of legislation which will make sure that no American will suffer because he tries to fulfill a national obligation.

Title II will both end discriminatory access to public places and protect against unfair competition those citizens who wish voluntarily to treat all Americans on an equal basis.

In most of the areas where the Negro is excluded from, or experiences discrimination in, establishments of a public character, the absence of applicable State or local legislation leaves him without a legal remedy. When he cannot obtain relief by means of legal appeal or of voluntary action on the part of the owners, he has no alternative but public protest and demonstration. Any of my colleagues in his place—any American citizen denied his equal rights—would do likewise; and this Nation is fortunate that those who have protested and demonstrated against the deprivation of their rights have done so with such incomparable patience, restraint, and dignity.

Opponents of this bill will denounce it as a measure designed to revolutionize American life. I need hardly point out to Members of this body the dangers of hyperbole as a substitute for logic in debate. How many measures through our long history were guaranteed by their opponents to spell the end of the American way of life—from the acquisition of the Louisiana Territory, the abolition of imprisonment for the debt, and the refusal to recharter the Second Bank of the United States to the Social Security Act, the Fair Labor Standards Act, and the Employment Act. Yet our country has not only managed to survive these mortal blows but has somehow grown in strength and freedom and affluence. I doubt whether the prophecies of doom are any better founded in 1964.

Not so long ago rail and bus transportation was segregated in many areas, as were rail, bus, and airline terminals. Now such segregation is ended—and to the social, and economic, advantage of the communities involved. In many cities, hotels, motels, and restaurants have recently been desegregated. The cities and, in the great majority of instances, the enterprises themselves, have benefited in the same way. These experiences constitute powerful evidence that the passage of this bill will not, as its opponents claim, destroy but will, rather, strengthen the American system of freedom.

I ask the Senate to study this bill, to consider its contribution to national strength and national unity, to reflect on its impact on the American position before the world, and, above all, to see it as the fulfillment of a sacred moral necessity, rooted both in our religious and our civil heritage. Having done so, this body, I believe, must agree that the action presented in the bill is the only course consistent with both national interest and national right.

From time to time, as they have forced themselves on our attention, we have pronounced the problem of agriculture—or the problem of unemployment—or the problem of educating our children—or any of a half dozen others—as the most urgent domestic matter confronting us. Invariably we are forgetful. For a long time past, by far the most serious of our domestic problems—and one that very often contributes to the severity of the others—has been our failure to bring the Negro into the mainstream of American life. Only occasionally have we bestirred ourselves to take more than token action. Most of the time we have ignored the problem. All of the time we have deluded ourselves with vague hopes that it would somehow be washed away by an inevitable spread of enlightenment. But inevitability is often slow and not always sure.

Not only the Negro minority but all the rest of the population is harmed by our neglect. Until the time arrives when race ceases to be a disability in the United States, our economy will be damaged, our educational system retarded, our cities disorganized, and our conscience corroded.

The value of American citizenship is debased by the discriminatory treatment of the Negro, and it is hard to see how any of us can remain easy in conscience as long as we maintain two standards of citizenship. Certainly, the Negro citizen, desiring to abolish the double standard, is going to exert pressure until he reaches his goal of equal treatment. Any Senator would do the same in his place—and he is plainly within his rights in so doing and in so exercising the venerable American prerogatives of free speech and public protest.

Unless the majority of the white citizens of this land renounce our national heritage of liberty and freedom and attempt to imprison the Negro forever within the confines of an inferior status, his drive for equal treatment cannot be stayed and he will reach his goal. That our patrimony will be preserved and that the Negro will succeed, I do not doubt. But in the meantime we shall violate our own creed and damage our own self-respect if we refuse to do what is necessary to promote the equality he rightfully seeks.

Let us seize this opportunity not only to repair the historic damage to our conscience and to extirpate what John Quincy Adams called this foul blight on the North American Union but to place our Nation before the world proud in the fact that our deeds at last begin to live up to our words—and that our great Nation stands, exultant and unafraid, as a society truly based on the dignity of the individual and truly dedicated to the equal rights of all its citizens.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. JAVITS. On behalf of the proponents of the bill, I thank the Senator for a gifted, eloquent, deeply moving, extremely important speech, which I believe will go far, in view of the Senator's distinction in this body, toward bringing about passage of the bill.

Mr. MAGNUSON. I thank the Senator.

WELCOME TO SENATOR RANDOLPH

Mr. MAGNUSON. Mr. President, I am so glad to see the senior Senator from West Virginia back among us. It appears that the treatment he has been receiving was successful. I know that I speak for all Senators in welcoming back the Senator from West Virginia.

Mr. RANDOLPH. I thank the Senator from Washington for his cheerful greeting.

Mr. HILL. Mr. President, the Senator from Washington voices my sentiment. I rejoice that our good friend the able and distinguished Senator from West Virginia [Mr. RANDOLPH], is able to be back with us.

Mr. RANDOLPH. The Senator from Alabama is thoughtful and generous. I thank him.

Mr. SMATHERS. Mr. President, I wish to add my word of welcome to the distinguished Senator from West Virginia. I am glad that he is back with us. We have missed him. We have been concerned about him. We are delighted to see him looking so well, and are glad in the knowledge that he will be back with us permanently, fully recovered.

Mr. RANDOLPH. I appreciate the kind statement of the Senator from Florida.

Mr. MAGNUSON. If there had not been so many live quorums, we would have been able to visit the Senator.

Mr. JAVITS. Mr. President, on behalf of what I know would be the entire membership of the minority, because I am now occupying the chair of the minority leader, I wish to say how delighted we are that our friend and colleague from West Virginia is back among us.

Mr. RANDOLPH. The Senator from New York is generous and I am appreciative of his comments.

Mr. YARBOROUGH. Mr. President, it is with great relief and pleasure that we welcome back the distinguished senior Senator from West Virginia. I have the honor to serve with him on the Committee on Labor and Public Welfare, and on various subcommittees of that important committee. Since he first became a Member of the Senate he has been one of the most diligent members of that committee.

The Senator from West Virginia, through his membership on the Subcommittee on Employment and Manpower, has studied and worked on the problem of manpower as it affects the 1¼ million Americans who are automated out of their jobs every year.

The senior Senator from West Virginia has worked on the major educational bills that were pased by the Senate in the past 6 months. The contributions he has made in the broad field of education, including vocational as well as conventional education, and in seeking to provide jobs for those who have lost their employment due to the changing economy, have been notable. I know of no one who has devoted more time to all these activities than has the distinguished senior Senator from West Virginia.

It is with a sense of personal pleasure and joy and with knowledge of what his service has meant for the country that I welcome Senator RANDOLPH back to the Senate.

Mr. RANDOLPH. I am encouraged by the statement of the Senator from Texas, and I thank my friend for his kindness.

Mr. MANSFIELD. Mr. President, I join other Senators in welcoming back to the Senate floor our distinguished compatriot from West Virginia, JENNINGS RANDOLPH. The Senate ought to know that for the past 3 weeks, Senator RANDOLPH has been on call, in spite of the restrictions he has experienced following his most delicate operation. He was ready to come to the Senate if his vote had been needed, even though that would have meant additional hardship for him.

In a sense, it is ironical that the distinguished Senator from West Virginia had an eye operation, because it was he, more than anyone else, when the Senator from Washington [Mr. MAGNUSON] and I were Members of the House with Senator RANDOLPH, who introduced legislation seeking to provide more benefits for the blind. One of those pieces of legislation provides authority to permit blind and blinded persons to operate vending stands in Federal buildings, for the purpose of selling candy, tobacco, chewing gum, and other commodities, to enable them to achieve self-supporting status.

I am informed that over 2,700 blind persons now operate such establishments, and that more than 4,000 have profitably participated since the inception of the program our colleague's leadership efforts helped bring into being.

I am happy that our distinguished colleague is back. I am grateful to him for the messages he sent to me from time to time, stating that if his vote were needed, he was prepared to come to the floor of the Senate. I am happy to say that his vote was not needed, and that he was able to recuperate and return to us once again, whole, hale, and hearty. I know that, as of now, his travail is not over; but at least he is on the road to complete recovery; and, judging from the reports I have received from the doctor, in due time the Senator from West Virginia will again be his old self—although, I am happy to note, with a few less pounds.

Mr. RANDOLPH. I thank the Senator from Montana. It is a real privilege to serve under his capable and benevolent leadership.

Mr. President, I am gratified by the very gracious and generous comments of my colleagues in the Senate.

It has been approximately 6 weeks since I sat at this desk in the Senate Chamber. It is not appropriate, nor is it my desire, to indicate the seriousness of the surgery which I underwent. My physician tells me that among the approximately 2 million persons who live in the Washington metropolitan area, the incidence of detachment of the retina of the eye is approximately 200 a year. So 200 such operations in a population of 2 million indicates that this surgical procedure is not a frequently required one for restoration of impaired vision.

I found time for meditation. One lies perfectly quiet on his back for days before and after the operation. The patient's eyes are tightly covered and he is not allowed to turn either to the left or to the right. He has no opportunity to see. So in the quietness and in the darkness of those uncomfortable days and nights, even a Senator can meditate, and I have done much of that.

I have already spoken too long, but it is indicated that I express gratitude for the messages of sympathy, encouragement, and good cheer that came to me from my colleagues in this body. The doctor told me today, on my way to Capitol Hill, that it will not be many days until I will be able to perform the active duties of a Member of this body. I know that patience and perseverance under the recovery program prescribed will be necessary. I am inspired and encouraged by the greetings of my colleagues as I briefly participate in Senate deliberations today.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 126 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Clark
Cooper
Cotton
Dirksen
Dominick
Douglas
Fong
Gore
Hart
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Robertson
Scott
Simpson
Smathers
Smith
Sparkman
Symington
Thurmond
Williams, N.J.
Williams, Del.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

VISIT TO THE SENATE BY RATU KAMISESE KAPAIWAI TUIMACILAI MARA, OF FIJI

Mr. KEATING. Mr. President, today it is my pleasure to introduce to the Senate Hon. Ratu Kamisese Kapaiwai Tuimacilai Mara, of Fiji, Commissioner of the Eastern Division, and a member of the Legislative Council of the Eastern Constituency.

Ratu Mara, as he prefers to be called, is a graduate of Oxford University and the London School of Economics. He is a member of the Independent Party of his country.

Such a party does not exist in the United States; but in many countries such a party is well known, and is always a party of honor. Although it is true that at times some of the members of both of the U.S. political parties are accused of being too independent, yet we know that in many countries there is truly an Independent Party. Ratu Mara is an honored member of the Independent Party of Fiji.

He has been a member of the standing finance committee, the fiscal review committee, the Fijian Affairs Board, the Fijian Development Fund Board, the Native Land Trust Board, and the Educational Advisory Council.

He has traveled widely. He is a distinguished representative of his country; and I know that all Senators join in welcoming him to the Senate. [Applause, Senators rising.]

Mr. MAGNUSON. Mr. President, we all join in welcoming our honored guest.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RED CHINA MOVES ON AFRICA

Mr. THURMOND. Mr. President, Mr. Anthony Harrigan, the able associate editor of the News and Courier, of Charleston, S.C., and a member of the strategy staff of the American Security Council, has just returned from a visit to Africa, where he studied in detail political developments on that vast continent. In an article published in the American Security Council's "Washington Report" of April 6, 1964, Mr. Harrigan has some very interesting and informative comments and observations on Communist China's efforts to subvert various countries in Africa. The article is entitled "Red China Moves on Africa," and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

RED CHINA MOVES ON AFRICA

(By Anthony Harrigan)

The "winds of change" in Africa blow from Peiping these days.' A traveler, returning from Africa, can report that the Chinese Communists pose the greatest long-range threat to the African countries, and that there is mounting evidence that Peiping regards Africa as the new world of the Chinese empire—a vast continent ripe for conquest.

In midwinter Chinese Communist Premier Chou En-lai was in Algeria, outlining his plan for a corridor of revolution across the Sahara Desert. He told Algerian Dictator Ben Bella that his government would build a cross-Saharan road from the Mediterranean down into Mali, Chad, and Niger. "He dreams," wrote Patrick Seal in the (London) Observer, "of reviving the north-south routes across the Sahara as a channel for revolutionary ideas as well as for goods and men." What the Chinese can do is evidenced in Yemen on the Arabian Peninsula where the Peiping Communists have built the Sana-Hodeida road which has since become the lifeline of the Soviet-equipped Egyptian Army in that country. Chou En-lai sees Algeria as a turntable, linking Europe, Africa, and the Arab world.

Meanwhile, in Zanzibar, the Communists are the guiding force behind the government on that strategic island off the East Coast of Africa that is referred to as the Cuba of the African Continent. Foreign Minister Abdul Mohammed Babu is Peiping's man. Before the revolution on the island, Babu served as a correspondent for the New China News Agency. He is a member of the editorial board of the Peiping-oriented Algerian magazine, African Revolution.

Farther south, reports are current that the next Peiping-inspired coup may come in Basutoland, the British protectorate inside South Africa. Informed sources say that the Chinese-allied faction in Basutoland has come into possessions of large sums and that no steps are being taken by the British authorities or the U.S. Central Intelligence Agency to counter the Chinese influence. Danger exists that Basutoland may go the way of Zanzibar, which also was under theoretical British protection.

Chinese Communist moves are not restricted to these activities, however. Peiping is moving ahead at all points on the spectrum of national pressure. For example, there is discussion in Algiers of a deal to supply Communist China with oil from the Saharan fields. And in the Congo, Peiping-trained Pierre Mulele has ravaged portions of Kwili Province with a blend of tribal atavism, Mau-Mau techniques, and Communist guerrilla war methods. The occasion of Kenya's independence celebration in Nairobi also was an occasion for Chinese Communist Foreign Minister Chen Yi to meet with Holden Roberto, head of the terrorist movement in Angola. Within weeks, the Angolan government-in-exile, headed by Roberto, announced that it had decided to accept the help of Communist China in the war in northern Angola. "Only the Communists can give us what we need," he said. When he made this statement, Roberto, according to the New York Times correspondent in Leopoldville, his group already had received "80 tons of arms, including mortars, bazookas, and mines from Algeria and Tunisia."

The day after this arms shipment was made known in the United States, a joint Sino-Albanian statement issued during Chou En-lai's visit to that country was published by the New China News Agency. Concerning the African situation, it read in part as follows:

"Both parties pay warm tribute to the Algerian people * * * and are happy to see that the influence of the banner of anti-imperialist armed struggle held aloft by the Algerian people, more and more African peoples have taken the course of armed struggle. Both parties declare their resolute support for the peoples of Angola, Portuguese Guinea, Mozambique, Zimbabwe, Zambia, Nyasaland, Swaziland, Bechuanaland, and South-West Africa who are fighting heroically for independence and freedom."

This Chinese Communist interest in Africa has deep historical roots of which most Americans are unaware. A study of Chinese history reveals the fact that in the second century before Christ, the Chinese ruler Wang Mang the Usurper recorded that his naval forces received tribute from "Huang Chih," which some orientalists believe refers to Ethiopia. Certainly, Africa was on Chinese maps in the 14th century. The London Tablet recently made the point that between 1417 and 1433 Chinese naval and trading expeditions reached the African coast These Chinese moves into African waters came to an end when the Emporer Cheng T'ung closed down China's shipyards. Thus it seems that in the middle part of the 15th century China narrowly missed the chance of becoming dominent in East Africa and of making itself felt elsewhere on the Dark Continent. Obviously, world history would have been utterly different in these five centuries past had it been China instead of Portugal that gained dominance in East Africa at the end of the 15th century. China might have insinuated itself into the Mediterranean, instead of Portugal—and later the Netherlands, France, and Great Britain—establishing itself on the rim of the Chinese world.

"The surfeit of Han," said the Tablet, "is already beginning to spill out over the rim of Asia. Africa may well seem to them a natural outlet, just as the empty Australian Continent attracts other teeming and underfed Asian multitudes."

One place where the Chinese already have spilled over is the tiny European country of Albania. Elias P. Demetracopoulos, political editor of the Athens Post, recently informed this writer that Greece has determined that there are 5,000 Chinese Communists in this postage stamp size Stalinist country on the Adriatic. The significance of the Chinese presence on the continent of Europe is not always recognized in the United States. It is usually viewed in terms of the ideological contest between the Soviet Union and Communist China. But in the historian's eye, China's role in Albania is something quite different—and the Chinese are a history-minded people even under a Marxist dictatorship. This is the first time since Genghis Khan's epoch that true Asians have made a deep penetration of Europe. And judging by Chinese efforts to establish the closest possible links to Algeria, it is likely that Albania is but the first of a number of beachheads Peiping will establish along the shores of the Mediterranean world in the decade ahead.

The scope of the Chinese Communist grand design for Africa is as enormous as it is little comprehended. Peiping's ambitions and activities range from the Basutoland protectorate to the gates of Europe. Europeans, more than Americans, are beginning to sense the colossal danger of the Chinese advance on Africa and are seeking ways and means of countering it. Africa is Europe's hinterland, and European industry requires the raw materials and markets of Africa. If Communist China were to become the dominant influence on the African Continent, it would be a disaster for Europe—as cripping a blow as the Moslem conquests of the seventh century that paralyzed Europe until the Portuguese broke out around Africa at the end of the 1400's. Whereas the United States possesses great mineral wealth on its own territory, our NATO allies are utterly dependent on materials from abroad, chiefly Africa. For the new African nations themselves, Chinese supremacy on the continent would be thralldom of an especially tragic and ruthless character.

What is needed, many Europeans conclude, is a strong NATO presence in Africa to help the nations of Africa resist Chinese Communist subversion and indirect aggression. Unfortunately, America's airbase system in Africa has been all but completely dismantled. U.S. bombers have been withdrawn from the Moroccan bases built at heavy cost. And Libya recently refused to renew the lease for the American airbase in that country. Meanwhile, new airbases for Mig fighters are under construction in Algeria.

Some signs of returning mindfulness of a security association with Europe are being shown in Africa, however. Reports from Léopoldville tell of an impending Congolese request that Belgium send an airwing to the old Belgian military base of Kamina in the Katanga to help maintain the country's independence. Both Kenya and Tanganyika found it necessary to request British military assistance against mutineers. Ethiopia has asked for and received American military aid against Somalia where the Chinese

Communists have been particularly active. But more formal defense plans seem necessary. One idea under discussion involves the establishment of a NATO fire brigade on Africa that would be able to assist lands threatened by Communist rebellion. It is argued, for example, that it is just as important for NATO to defeat Communist-led rebellion in Angola as it is for the United States to defeat the Communist Vietcong in South Vietnam. Insofar as air strength is concerned, it is said that the Moroccan airbases might be replaced by installations in Spanish Sahara or on Portuguese islands in the Gulf of Guinea, thus building up an African version of the Azores complex.

Wehrkunde, the leading defense journal in West Germany, recently discussed the possibility of creating a South African Treaty Organization (SATO) on the model of the Atlantic pact organization." Such an organization, said the article, would embrace all the countries and territories in the African sub-continent. In line with this, Maj. Patrick Wall, a member of the British Parliament, called for a defensive partition of Africa along the line of the Zambesi River in the southern half of the continent.

Unilateral initiatives are not out of the question, however. For it was precisely this kind of move that was taken by President de Gaulle, of France, when French forces intervened in Gabon in February to oust a rebel faction that had seized control of the government of this African nation associated with the French oversea community. This action was taken without prior consultation with other governments or the United Nations organizations.

Whatever type of defense measures are employed in Africa, it is clear that the nations of Africa cannot escape Communist thralldom unless they are afforded a strong measure of protection by the Western powers. Africans, Europeans and Americans all have a vital interest in thwarting the Communist design for Africa.

BENEDICT ARNOLD'S MARCH TO QUEBEC

Mr. MUSKIE. Mr. President, the march to Quebec, made in 1775 by 1,100 American Revolutionary patriots under the command of Benedict Arnold, is widely recognized as one of the most astounding military feats accomplished in the annals of recorded history. Despite innumerable natural hazards, Arnold's men dragged their boats some 250 miles through the rugged, unexplored area of Maine and Canada to the outskirts of Quebec.

Because of Arnold's later act of treason, early historians played down this significant accomplishment. To them the traitor Arnold could do no right. Ignoring the true facts, they criticized the march and its results. It fell upon a famous Maine author, the late Kenneth Roberts of Kennebunkport, to tell the heroic true story of Arnold's early success. Arnold's march to Quebec became the major theme of Roberts' historical novel, "Arundel." Roberts vividly described the heroism and valor of these early Americans, many of whom died along the way and in the subsequent unsuccessful attack on Quebec. He also severely criticized those American historians who had allowed Arnold's act of treason to color their reporting of his earlier accomplishments.

The Maine State Park Commission has done an outstanding job in preserving the Arnold route as an historic monument. The history of Arnold's march has been thoroughly researched. Several turnout areas along the historic route have been established, complete with illustrated signboards explaining the historical significance of the Arnold march.

I believe that this historic route is worthy of recognition and support by the National Park Service. The historical values of the trail definitely warrant its preservation and development.

To explain the historical significance of the march, I ask unanimous consent that an article by Charles P. Bradford, supervisor of historic sites for the Maine State Parks and Recreation Commission, be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARNOLD'S MARCH TO QUEBEC THROUGH THE STATE OF MAINE

(By Charles P. Bradford, supervisor of historic sites, Maine State Parks and Recreation Commission)

On Saturday, October 21, 1775, at "4 o'clock in the morning we were awakened by the freshet which came rushing on us like a torrent, having rose 8 feet perpendicular in 9 hours."

Here, Maine's Dead River, was anything but dead; it was very much alive after 3 days of incessant rain. Here, 5 weeks after leaving Gen. George Washington in Cambridge, Mass., Col. Benedict Arnold was about halfway between the mouth of Maine's Kennebec River and Quebec's Chaudiere.

September 21 Colonel Arnold had been a house guest of Maj. Ruben Colburn in his home overlooking the Kennebec in what was then Gardiner's Town, now Pittston. (Mr. and Mrs. Paul Plumer are the present occupants of this pre-Revolutionary home.)

Maj. Return J. Meigs, in his journal of the previous day wrote: "This day makes 14 only, since the orders were first given for building 200 battoes, collecting provisions for and levying 1,100 men, and marching them to this place, viz, Gardiner's Town, which is great dispatch." Two days later (September 22) his entry was "Embarked on board battoes."

The month between September 21 and October 21 had been spent rowing, poling, pushing, dragging, lifting, and cussing the 200 green bateaux (battoes, batteaus) and all the material for 1,100 men, 105 miles up the Kennebec, 8 miles across the Great Carrying Place, involving 4 carries of about 5 miles and 3 miles rowing across the 3 Carry Ponds, and up the Dead River from 12 to 18 miles.

During this month two-fifths of their provisions (for 45 days) were lost in wrecked bateaux and it would be another month, November 22, before food, other than what they carried, would be found.

They had passed Pownalborough, "Where there is a courthouse and gaol" now owned by the Lincoln County Cultural and Historical Society who have restored it and opened it for public use. Forts Western and Halifax were passed. The latter is believed to be the oldest original wood blockhouse in America. The hand-hewn timbered structure, fastened together with wooden dowels, is typical of fortifications built for the Indian wars.

The high falls at Skowhegan (Scohegin, Schouhegan, Sou-heauyon) were passed and "To Norridgewock, which is 12 miles," according to Dearborn, "where there are two or three families (and) is to be seen the ruins of an Indian town, also a fort, a chapel, and a large tract of clear land.

This is where Father Sebastion Rasle spent the last 30 years of his life with his Abnaki friends. His teachings, begun in 1698, are considered by some to be the first school in Maine.

Colonel Arnold reached the Great Carrying Place on the Kennebec on October 11. Here began the terrific task of man hauling everything for 5 miles over four carries to the Dead River. In his diary, October 12, "This day employed Captain Goodrichs company in building a Logg House on the 2d Carry Place to accommodate our sick, 8 or 10 in number who we are obliged to leave behind."

The 8-foot rise of the Dead River forced Arnold to move; however, "very luckily for us we had a small hill to retreat to." Added to the flood, some of the men had taken the wrong fork of the Dead River at Stratton; "here we had the misfortune of oversetting seven battoes and loosing all the provisions"; some men were sick and some discouraged.

On the 23d "as our provisions are but short and no intelligence from Canada, I (Arnold) ordered a council of war summoned of such officers as were present."

In Cambridge, Mass., Washington and his staff had selected 34-year-old Benedict Arnold who had been a leader with Ethan Allen in capturing Fort Ticonderoga, with full knowledge that, if this expedition was to stand any chance of success the right leader must be chosen.

"Our commander," wrote 17-year-old John Joseph Henry, "was of a remarkable character. He was brave, was believed by the soldiers, perhaps for that quality only; he possessed great powers of persuasion." He was "a short handsome man, stoutly made."

A leader with vision, courage, and an abundance of leadership was needed now, to determine whether or not to proceed, and if so with how many men. Dr. Isaac Senter describes the scene, "The question being put whether all to return, or only part, the majority were for part only returning." "According to Colonel Arnold's recommendation the invalids were allowed to return, as also the timorous."

To Colonel Enos, Arnold wrote from here: "We have had a council of war last night, when it was thought best, and ordered to send back all the sick and feeble with 3 day's provisions, and directions for you to furnish them until they can reach the commissary or Norridgewock; and that on receipt of this you should proceed with as many of the best men of your division as you can furnish with 15 days' provisions; and that the remainder, whether sick or well, should be immediately sent back to the commissary to whom I wrote to take all possible care of them. I make no doubt you will join with me in this matter as it may be the means of preserving the detachment, and of executing our plan without running any great hazard, as 15 days will doubtless bring us to Canada."

As we know, Colonel Enos did not advance, but returned with the sick and timorous. Naturally such action was misunderstood and only later may be impassionately judged.

Be that as it may, the decision was to advance. "Captain Hanchet with 50 men set out early for Chaudiere (Shadear) Pond in order to forward on provisions from the French inhabitants of Sortigan for the use of the Army."

Between here and Chaudiere Pond was the Chain of Ponds surrounded by "prodigious high mountains" (the boundary mountains). Beyond these lay another Carrying Place which took them from Kennebec to Chaudiere drainage and which proved to be one of the most discouraging hardships of the march.

It was here that Dearborn, who later was to serve twice as Marshal of Maine, two terms in Congress and Jefferson's Secretary of War (when he built Fort Edgecomb) received the news of Colonel Enos' retreat.

This was "a very unhappy circumstance" * * * "which disheartened and discouraged our men very much. We could be in no worse situation if we proceeded." Only a few days later, Dearborn wrote, "We started very early this morning; I am still more unwell than I was yesterday." That could not have been questioned, as they floundered, lost and hungry "through a swamp above 6 miles, which was pane glass thick frozen, besides the mud being half leg deep; got into an Alder swamp" (quoted from Thayer's Journal). On October 30 Topsham wrote: "Came to a river where we was obliged to strip and wade through the river it being waist high and very cold." Three days later he wrote "it is an astonishing thing to see almost every man without any sustenance but cold water which is much more weakening than strengthening—I have now been 48 hours without victuals."

Once in Chaudiere waters the muscular execution of moving the bateaux was over, but their troubles were not. The river grew more rapid and was filled with stones. Great falls were encountered. Some of the bateaux that had been man hauled and nursed through all the hardships had to be abandoned. More of the all too scanty material and provisions were lost.

On November 3, Meigs entered in his journal that "At 12 o'clock we met provisions, to the inexpressible joy of our soldiers, who were near starving." The following day "At 11 o'clock arrived at a French house, and were hospitably used. This is the first house I saw for 31 days. It lies 25 leagues from Quebec."

Opposite Quebec the men waited. On December 1, General Montgomery arrived from Montreal. It was New Year's Eve before the all-out assault was made.

It was another case of too little too late. Some historians believe that if Arnold had attacked immediately the element of surprise might have outweighed the gains of caution. However, after the terrible hardships of the past 2 months Arnold found it impracticable to attack.

The attack was made, as we know, on December 31 and it was unsuccessful. Colonel Arnold was wounded in his leg and all were captured. New Year's Day was not one for rejoicing for the Colonial troops, although all were well treated by their British captors.

History is to record the lives of many of Arnold's men, but it was Arnold's leadership that got the men to Quebec. Though he failed in his mission, Charles Knight, in his "History of England" wrote, "Arnold displayed more real military genius and inspiration than all the generals put together, on both sides."

Through Maine, marched this ill equipped, poorly clothed and starving army in search of freedom. Their leader was, of necessity, "stoutly made."

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ROBERTSON obtained the floor.

Mr. HARTKE. Mr. President, before the Senator from Virginia begins to speak, I should like the Record to show that the Senator from Indiana will listen very attentively to the Senator's statement.

Mr. ROBERTSON. We are always pleased to have an attentive audience. I shall speak today about jury trials. I believe jury trials are still esteemed in Indiana, but we shall find out.

Mr. President, the distinguished junior Senator from Florida paid me a high honor when he had printed in the Congressional Record of Monday, April 6, at page 7030 the speech that I made the previous Saturday at the annual meeting of the Florida Bankers Association, which, incidentally, is one of the largest and most active bankers associations in the Nation.

In connection with my prepared references to the civil rights bill, I said extemporaneously at that time that the compulsory approach of a civil rights bill was contrary to the Christian philosophy of brotherly love and cited as an illustration of a correct approach the attitude of the immortal Stonewall Jackson to the subject of slavery.

Stonewall Jackson was born and reared in a simple home in an area of Virginia, known in the Revolutionary period as West Augusta, which extended throughout West Virginia and Kentucky to the Mississippi River. That section of Virginia was settled primarily by Scotch-Irish immigrants of the Presbyterian faith who had come to Virginia in search of religious, political, and economic freedom. They had no slaves and they were bitterly opposed to slavery. In 1860 in that section of Virginia, which later became the State of West Virginia, there was solid support for Gov. John Letcher of Lexington whose major platform was "Save the Union."

Needless to say, Maj. Thomas J. Jackson, a professor of military science and tactics at the Virginia Military Institute in 1860, voted for Letcher for Governor. In addition to being a great soldier with a splendid record in the Mexican War, Jackson was a very religious man. He believed that the immortal soul of every man was precious in the sight of God and so he organized and taught a Sunday school class of slaves in the First Presbyterian Church of Lexington. But, in the spring of 1861 when Lincoln called for volunteers to apply military power without any constitutional authority to South Carolina and other seceding States, Virginia seceded from the Union. Virginia loved the Union because Virginia had done more than any one State to create it. Thomas J. Jackson loved the Union, but his first allegiance was to Virginia and the protection of States rights which Lincoln's call for volunteers had violated. And, so Jackson offered his services to the Confederacy and organized what later became the most famous unit in the Confederate Army—the Stonewall Brigade.

A Lexington slave who had been a member of his Sunday school class, volunteered to be Jackson's body servant during the war. That slave used to tell friends with pride:

> The general prays every night before he goes to bed; the general prays every morning before he eats breakfast, but when the general gets up in the middle of the night and prays, I know that hell is going to break loose the next day.

That slave was beside his master as the then famous Stonewall Jackson lay dying of pneumonia in the little farmhouse at Guinea Station; that slave heard General Jackson, just before an angel wafted his immortal spirit beyond the pearly parapet of paradise, murmur in his delirium:

> Let us cross over the river and rest in the shade of the trees.

That slave accompanied the body of Jackson to Lexington, which was to become his final resting place. Within 6 months after the burial of Jackson that slave was dead. The local doctor who attended him said he could find no evidence of any disease, and the conclusion was inescapable that the slave had died of a broken heart.

Last Monday, in his outstanding speech on title VII of the civil rights bill, the distinguished Senator from Florida [Mr. Holland] quoted a news item from Birmingham, Ala., printed in the Washington Evening Star entitled "Graham's Alabama Rally Hailed for Integration." A white minister of Alabama was quoted in the article as saying:

> After waiting some 15 years for such a visitation as Billy Graham and his team, I am moved almost beyond expression to the outpouring of confidence in our fellow man as seen today.

Mr. President, notwithstanding the fact that a few ministers in Virginia, who unfortunately know neither the provisions nor the implications of the pending civil rights bill, have urged me to vote for that bill and against all ameliorating amendments, the rank and file of the thinking people of Virginia—and I frankly believe throughout the Nation—share the sentiments concerning the approach to the elimination of racial discriminations that were expressed in a letter to me by a religious and well-informed Lexington woman. This is what she wrote:

> When President Kennedy was living, he saw one day the world famous evangelist, Dr. Billy Graham, among a group of his friends.
>
> Mr. Kennedy made this comment to one of the best known newsmen of the Nation, "there goes the greatest man in the world today."
>
> Dr. Graham has just held a great crusade in a large industrial city. He advertised it beforehand as an integrated crusade, and he spoke to many thousands of white people and Negroes seated together in a vast auditorium. The power of God was upon him and upon his audience. The city was Birmingham, Ala.
>
> Last Sunday, April 5, Dr. Graham spoke on a worldwide hookup from his headquarters at the World's Fair in New York where his Christian messages and Christian films will be seen and heard by millions of people.
>
> This is what Dr. Graham said last Sunday from New York:
>
> "The racial question in America will never be solved by either street demonstrations or legislation. The burden of responsibility does not rest upon the white citizens of this Nation any more than it rests upon the Negro citizens.
>
> "There is absolutely no solution for such human relations unless both sides are willing to meet this problem with Christian love. It

can be accomplished in no other way. It is no more right for the majority to be deprived of civil liberties by force than it is for the minority.

"Only a spirit of humanity and a turning back to God in true repentance for sin will save America from the strife, recriminations and trumped up hatreds which threaten our very existence at this hour. I say to you, 'America must repent and fall on her knees before God if we are to be spared the judgment which has overtaken every nation which has lived in open defiance of His laws.'"

I should like to add that the recriminations and much talked of hatreds and vague injustices we hear so much about are trumped up by the Communists, who have paid agents at work to see that strife is stirred up in order to bring about the downfall of America without their having to fire a shot.

Satanic forces are at work to delude even the most wary among us. I do not impugn the motives of some who are proponents of this bill, but the road to hell is paved with good intentions, and some have been badly deluded.

Let me say finally that those Members of the Senate who are deliberately tampering with the security of this Nation by destroying the inalienable rights of the majority of its people in order to give—without one vestige of authority to do so—special privileges to the minority for political advantage, will live to see destruction in America such as we cannot imagine in our wildest flights of fancy.

Once Pandora's box is opened it will then be too late. Let no man, or department, who calls this grab for dictatorial power, fair or innocuous, tell you otherwise.

When pandemonium and lawlessness break forth—after the mischief is done—I daresay that the so-called do-gooders in the land, who may be sincere but blissfully ignorant of the far-reaching consequences of the mischief they are stirring up, will be the first to scream that Congress is to blame for their plight.

In the bill to which that good lady referred is title VII which makes all discriminations in employment because of race, color, sex or religion, a crime. Without even defining the word "discrimination" in order that he who has been charged with crime may know what he can, and what he cannot, legally do, the bill denies to him the right of trial by jury. Since when has the denial to a defendant in a criminal case of the right of a trial by jury become so great a moral issue that it must be discussed from the pulpits of our land to the exclusion of the words of our Saviour, "My kingdom is not of this world"?

AMENDMENT NO. 477

Mr. President, I send to the desk, and ask that it be read, an amendment to title VII of the bill which will guarantee to every defendant charged with a criminal offense his constitutional right of a trial by jury, except in those instances in which the offense has been committed in the presence of a trial judge.

The **PRESIDING OFFICER.** The amendment will be read.

The amendment was read, as follows:

On page 43, between lines 10 and 11, insert the following new paragraph:

"(1) In any proceeding for criminal contempt arising under this title, the accused, upon demand therefor, shall be entitled to a trial before a jury, which shall conform as near as may be to the practice in other criminal cases, except that this provision shall not (1) apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court, or (2) be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention."

On page 43, line 12, strike out "(a)".

On page 43, beginning with line 19, strike out all through line 7 on page 44.

The **PRESIDING OFFICER.** The amendment will be received and printed, and will lie on the table.

Mr. **HUMPHREY.** Mr. President, will the Senator from Virginia yield for a question?

Mr. **ROBERTSON.** I yield.

Mr. **HUMPHREY.** I understand that the Senator's amendment has been sent to the desk solely for the purpose of the information of the Senate. I further understand that the Senator from Virginia does not now call up the amendment, for the purpose of debate on it. Is that correct?

Mr. **ROBERTSON.** That is correct.

Mr. **HUMPHREY.** Is it the intention of the Senator from Virginia to call up the amendment later on, for debate?

Mr. **ROBERTSON.** Absolutely so; because in the past we have had before us the question of jury trials in criminal cases; by means of the pending bill, Congress would be creating new criminal offenses. If that part of the bill had frankly been labeled as such, there would be no question but that it would come under the general provisions of the Constitution which provide for jury trials. But since, under the bill, such proceedings would be held before judges only, without the presence of a jury, I am convinced that the adoption of this amendment is necessary.

This part of the bill relates to a situation arising under the old common law which the people of our country inherited at the time when the colonists came to America. In short, in so-called chancery cases, which were civil cases, if a man committed contempt of court, the court would fine him, and there was no requirement for a jury trial.

However, that has been an exception to the general rule which has come down through the centuries, beginning with Magna Carta, and continuing to the present time; and at present the law requires that there may be a jury trial in any case which involves more than a certain amount of money. That is why I have sent the amendment forward. At this time I propose to discuss the history of jury trials and the importance of preserving that very important and highly cherished right.

Mr. **HUMPHREY.** I thank the Senator from Virginia for his explanation of his purpose. I know his amendment will be one of the very interesting developments in the debate, because, of course, this issue is of great interest to all Members of the Senate. So I hope the Senator from Virginia will permit the Senate to proceed in a short time to vote on the amendments. Certainly that is the legislative process.

Therefore, I encourage the Senator from Virginia to proceed—after proper and due consideration of his amendment—to call it up for action by the Senate on it.

I know the Senator from Virginia will give a brilliant defense of the amendment; and those on our side will be able, for our part, to assign to the other side of the issue a Senator who will present the case in opposition to the amendment. I trust that we shall be able to assign to that task one of the most intellectually able Members of the Senate, for the ability of the Senator from Virginia is such that only an outstandingly able opponent would suffice.

Mr. **ROBERTSON.** I thank the Senator from Minnesota. I cannot claim that my support of the amendment will be brilliant, but at least it will be extended; and at a subsequent time I should like to take approximately 3 or 4 hours to discuss the principle involved. Furthermore, nothing would please me more than to have an early vote taken on the amendment.

I emphasize that our great, late President Kennedy did not send this title VII to us. But if there is any part of the bill that will cause quite a few eyebrows throughout the country to be raised, certainly that will happen when it becomes known that this title VII is included in the bill. Title VII was supposed, by some, to be a gun aimed only at the South.

However, the Senator from Minnesota may be surprised to find how widespread will be the reaction in opposition to title VII. For example, when I was in Miami, to address the Florida Bankers Association, I was approached by one of the most prominent and successful Jews in that part of the country. He is worried sick over title VII. He has made a fortune, but in his business he does not employ even one gentile or one Negro. He said, "I could not operate with gentiles or Negroes among my employees, for gentiles and Negroes do not know my method of doing business."

I replied by saying, "I do not know what the percentage of Jews here is; but under this part of the bill you could be required to have a certain percentage of gentiles and Negroes among the employees in your business, once title VII was enacted into law."

He replied, "Then I had better sell out right now."

Mr. **HUMPHREY.** Can the Senator from Virginia inform us whether that would be a good opportunity for a bargain, to be taken advantage of? [Laughter.]

Mr. **ROBERTSON.** At any rate, that prominent businessman is very greatly disturbed and discouraged.

Mr. **HUMPHREY.** But I feel sure that the Senator from Virginia is not going to suggest or intimate that under this title of the bill there would be such a thing as a quota or a required percentage.

Mr. ROBERTSON. Not only am I going to intimate it, I am going to charge it; and I am also going to point it out in detail.

Mr. HUMPHREY. Does the Senator from Virginia say that clearly would be required by this part of the bill?

Mr. ROBERTSON. I told that businessman it would be possible, and if it would be possible, such a provision should not be included.

Mr. HUMPHREY. But can the Senator from Virginia point out in title VII any section or subsection or provision that would indicate that in connection with the elimination of segregation in employment based on color, race, religion, or national origin, an employer would be required to hire any member of a certain ethnic group?

Mr. ROBERTSON. Again I ask, What is the meaning of "discrimination"?

In the Motorola case, in Illinois, the company did not employ a certain percentage of Negroes. The applicant for employment was told that he did not qualify. He had been asked to take the simplest sort of test, which included two or three questions, one of which was to state a synonym for the words "small fellow." There were several optional answers, one of which was "a little boy." But the applicant could not answer that question.

Consider the problem which this title would cause a businessman. For example, I have a friend who employs approximately 100 truckdrivers. Every one of them is colored. He says he would rather employ colored truckdrivers than white truckdrivers—every time. He is in the millwork business. He says that for his business, colored truckdrivers suit him better.

Does not the Senator think that some white man could say, "I am just as good a truckdriver as those colored fellows; I live in Richmond; I am out of a job; I applied for a job; they didn't give it to me"? How can the owner of that business defend himself against a charge that he has not discriminated against a white man?

Or suppose all white men are concerned. A businessman might say, "I just like them better. They fit into my scheme of things. They know how I do business. I know I can trust them. I would rather not have a Jew or a Negro, or whoever is making the complaint."

What does "discrimination" mean? If it means what I think it does, and which it could mean, it means that a man could be required to have a quota or he would be discriminating. The question comes down to what is meant by "discrimination" and the framers of the bill will not tell us.

In the debate in the House it was frankly admitted that quotas were possible under the vague definition of what is "discrimination."

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HUMPHREY. Can the Senator point out any place in the language of the bill that calls for quotas or a percentage of employees based upon race, creed, color, or national origin? The Senator can say, "Yes," but what is "discrimination"? It is like my asking the Senator about atomic energy, and he replies, "Yes, but how about ice cream cones?" Really, it is a non sequitur. The Senator is a man of logic and reason. I ask him a simple question. We will get around to a definition of "discrimination." But what about percentages and quotas?

Mr. ROBERTSON. The bill has been framed by some very clever lawyers. They were so clever that they even fooled my distinguished friend from Minnesota. When I spoke about title VI, I had in mind the Senate bill, which covered insurance contracts. My friend, the Senator from Minnesota said, "Oh, no, look at section 602. They took the insurance and the contract provisions out." I looked, and they had taken them out.

Mr. HUMPHREY. Right. How good the Senator from Minnesota was.

Mr. ROBERTSON. Yes, but the Senator from Minnesota was advised by counsel to take a new look. What did he say on the next go around? He said, "Yes, we took them out of the bill, but section 601 applies to the power of the President to enforce his housing orders, and that would include the President's open housing orders and Dr. Weaver claims the President has similar authority over all the insurance contracts which includes FHA.

Yes. We think the provision is under this shell that we lift. Where is it? We do not see it. But look at the President's housing orders. The Senator from Minnesota came back, and when he again discussed it, he amended his hold by saying, "But do not forget, we have not repealed the President's housing orders. Section 601 is congressional authority to enforce discrimination in public housing. The President has issued his open housing order."

Dr. Weaver has claimed that he has as much authority to apply it to insured funds in the banks that lend as he has to FHA, Veterans loans, and activities of that kind.

The Senator from Alabama [Mr. SPARKMAN] said—and I do not know but what he is right—that we cannot have it both ways.

Mr. HUMPHREY. The Senator is so correct.

Mr. ROBERTSON. Just a minute. The Senator from Alabama [Mr. SPARKMAN] said that taking out the insurance contracts from section 602 would repeal the President's authority to include them. There is another vague provision. I shall speak about 4 hours on that subject later on. I think I shall join with the Senator from Alabama [Mr. SPARKMAN] and take the position that the distinguished Senator from Minnesota first took.

Mr. HUMPHREY. And still does take.

Mr. ROBERTSON. They are all out.

Mr. HUMPHREY. And may I say to the Senator——

Mr. ROBERTSON. The Senator still takes the view that the President cannot issue an order about open housing or an order which would affect banks and insurance companies?

Mr. HUMPHREY. Where there is insurance, and where there are guarantees, that is excluded under section 602.

Mr. ROBERTSON. Let us get the point understood——

Mr. HUMPHREY. Let us not chase rabbits. Let us get back to the bearhunt for a while.

Mr. ROBERTSON. I want to get this point definite. The president of the American Bankers Association said to the bankers of Florida last Saturday morning that he had been definitely advised—and I think he quoted the Senator from Minnesota—that the bankers were out.

Mr. HUMPHREY. Correct.

Mr. ROBERTSON. Then the President cannot enforce his open housing order——

Mr. HUMPHREY. Wait a minute, now, Senator.

Mr. ROBERTSON. The Senator is bringing them back in. Is that correct?

Mr. HUMPHREY. Hold on a minute. The President's open housing order applies to direct loans on the part of the Government.

Mr. ROBERTSON. At the present time.

Mr. HUMPHREY. That is correct. Section 602 makes it so that the insured and the guaranteed operations of the Government, like the Federal Deposit Insurance Corporation and the FHA, shall not be included. Correct? Does the Senator agree to that?

Mr. ROBERTSON. Dr. Weaver has repeatedly said that the President has as much right to apply his open housing rules to banks and savings and loan associations as he does to FHA and other Government insurance, that the Government insures them, and the Government by that operation would get control of them. It is the policy of the Government not to discriminate; to refuse to have open housing is a discrimination. The President had the authority to act. I have always denied that he had such authority. But if section 601 applies, he could then legally apply this section to open housing for urban renewal, FHA, and direct Government loans. Then, according to Dr. Weaver, the noose would be around our necks, and the banks and savings and loan associations would later be brought in full fledged.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HUMPHREY. The Senator makes such a persuasive case for his concern about what Dr. Weaver is alleged to have said as to convince not only me, but also he is apt to convince the majority of the Senate, and he will build a legislative history which will run contrary to what I am sure is his ultimate purpose.

Mr. ROBERTSON. My ultimate purpose is to kill the bill.

Mr. HUMPHREY. Ah, the Senator is a frank and honest man.

Mr. ROBERTSON. Yes.

Mr. HUMPHREY. I wish to say to the Senator that he is doing well. There are many ways to kill. One is by the sudden stroke; the other is through the process of attrition.

The Senator from Virginia has made his choice, and I believe in freedom of choice. In this instance it seems to be attrition. But I wish to say to the good Senator from Virginia that were it not for the exemption or the limitation in section 602, there is no doubt but what the full power and authority of the Government could be exercised. But with the limitation in section 602, the guarantees and the insurance operations of the Government such as FDIC and such as FHA separate from urban renewal, which is a grant proposition; separate from public housing, which is a grant proposition; and separate from the veterans housing, which a direct Government loan proposition—the limitations of section 602 apply.

I would hope that the Senator would agree with me so that he can build a good solid base of legislative history.

Having helped the Senator relieve himself from his fears and concern over section 601 and section 602 of title VII, may I say to the Senator that the question which I put to him before was as follows: Where does the Senator find in the bill—H.R. 7152—which is the pending business before the Senate, under title VII, which starts on page 7 and runs into page 50——

Mr. ROBERTSON. Over half the bill is in title VII. We sat up all night attempting to understand it.

Mr. HUMPHREY. The reason for its length is so that the title could clearly state the exact procedures to be followed and so that the worries and concern of the able and distinguished Senator from Virginia would not materialize. One of the things that I had hoped our friends in the House of Representatives would do was to relieve any Senator from undue anxiety, worry, pain, or tension that might come from uncertain language in title VII.

Mr. ROBERTSON. The distinguished Senator from Illinois [Mr. DIRKSEN] said, "Let us not make that section effective for 2 years."

The Senator from Minnesota says, "Do not let us make it effective until after the November election." If we are going to do that, why not put that section off for 2 years, let the people find out what is in it, and let the Congress have another opportunity to decide whether it should pass it?

Mr. HUMPHREY. The Senator from Virginia is off on a rabbit hunt again, and I am not going to follow him through the sagebrush. But I would like to make an offer to him. If the Senator can find in title VII—which starts on page 27, line 21, and goes all the way through page 50, line 25—any language which provides that an employer will have to hire on the basis of percentage or quota related to color, race, religion, or national origin, I will start eating the pages one after another, because it is not in there.

Mr. ROBERTSON. Do not start eating the pages, because the first example will be the wage and hour law. Where is there any provision that a simple sawmill operator in Virginia who makes planks and puts one in a bridge across the North River, near where I live, and someone from another State rides over it, the bridge is in interstate commerce and the sawmill operator is subject to the commerce clause of the Constitution? Where do we find that in the Constitution? Where do we find in the Constitution the holding of the court in Brown against Board of Education that the 14th amendment requires desegregation in public schools? It may be found in the writing of the Socialist from Sweden, but he says the Constitution is outmoded and ought to be thrown in the ashcan. He says, "Get rid of the Constitution and then desegregate the country's schools." But where do we find it in the Constitution? Yet it is proposed to write some vague language in this title VII and the Senator asks, "Where do you find quotas in it?" I find it in the possible ruling of a bureaucrat and then confirmed by a court that does not operate in a way that I approve.

Mr. HUMPHREY. Mr. President, I enjoy these debates, because I know when I engage in them with the Senator from Virginia, he becomes more eloquent, moving, and persuasive every moment. There is no one else with whom I would rather discuss these complex matters, because, somehow or other, we end by making them more difficult and more complex.

Mr. ROBERTSON. Mr. President, a newspaperman who was writing an article about the Senator from Minnesota asked me about how the Senator from Minnesota would run in second place in Virginia. I said, "Better than some."

Mr. HUMPHREY. With that, I have no more questions of the Senator from Virginia.

I should like to respond to the Senator from Virginia, with reference to the plank that was put on a bridge—over what river was it?

Mr. ROBERTSON. I said the North River, but it could be any other river. The North River runs into the great James River. Does the Senator know about the James River?

Mr. HUMPHREY. Yes.

Mr. ROBERTSON. Daniel Webster mentioned it at the laying of the cornerstone at Bunker Hill. Has the Senator ever seen the monument to Daniel Webster in Statuary Hall?

Mr. HUMPHREY. I have.

Mr. ROBERTSON. One foot is forward, and one hand is up like this.

Mr. HUMPHREY. Yes.

Mr. ROBERTSON. He was fishing for trout in a stream in Maine. The guide said he suddenly stopped, put one foot forward and his hand up like that, and said, "Venerable sirs, you have come down to us from a previous generation." They were veterans of the Revolutionary War which ended 50 years before the Bunker Hill Monument was dedicated.

Referring to the James River, Webster said, "As long as the James flows by Jamestown, as long as the Atlantic washes Plymouth Rock, no vigor of youth, nor maturity of manhood will cause our Nation to forget those early spots that cradled and defended the infancy of our Republic."

In 1618, there was a representative government at Jamestown, and every defendant in a criminal case was entitled to a jury trial.

I would go back a little ahead of that, but it is in my prepared speech.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. HUMPHREY. I say to the Senator that I literally weep when I reflect upon the superlative talents of the great Senator, and the vast fund of knowledge, possessed by this living encyclopedia of information, particularly about the great history of our country, and realize that he is on the side of the opposition. It breaks my heart. My tears could bring the North River to floodtide when I think of it. How wonderful it would be if the talents, brilliance, and great knowledge of the Senator from Virginia could be placed upon the scales on the side of the Civil Rights Act, on the side of social justice, on the side of full equality. Then the Senator from Minnesota could relax and rest, the battle would be won, the Senate would be happy, and we could get on with the public business.

Mr. ROBERTSON. I can return the compliment, because if we had in opposition to the bill strong speakers like the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Oregon [Mr. MORSE], it would be cloture or nothing.

Mr. HUMPHREY. I invite the Senator to begin his speech.

INJUNCTIONS—CONTEMPT PROCEEDINGS—JURY TRIALS

Mr. ROBERTSON. Mr. President, on March 23 I gave the Senate my reasons for thinking the administration proposal for a junior FEPC designed and framed so as to develop rapidly into a full-scale FEPC, would be unconstitutional, unwise, and unworkable.

I should like today to turn my attention to the broad subject of injunctions, contempt proceedings, and jury trials. I should like, in my discussion of the subject, to have the support and sympathy of the so-called civil rights supporters, for there are no civil rights more vital to our free and democratic way of life than those embodied in the fifth and sixth amendments. The protection of a grand jury, the protection against double jeopardy, the privilege against self-incrimination, and, broadest of all, the prohibition against the Government depriving a person of life, liberty, or property without due process of law, are set forth in the fifth amendment. And the sixth amendment provides to a person accused in a criminal prosecution the right to a speedy and public trial, by an impartial jury of his neighbors, the right to a statement of the charges against him, the right to confrontation and cross-examination of the adverse witnesses, and the right to counsel and to have process to bring in his own witnesses.

These were hard-won rights of Englishmen, repeatedly taken away by arbitrary rules and repeatedly won again. They were brought to this country by the earliest colonists, and fought over again and again during colonial days. The Declaration of Independence spelled out the denial of these rights by George III, and they were written into the Bill of Rights by the First Congress and the States.

These rights were not written into the Constitution in order to promote efficiency and speed in prosecuting defendants. Everyone recognized then, as they should now, that these rights were written into the Constitution in order to protect individual citizens against oppression by the Federal Government. The framers of the Constitution knew their history and their law. They knew that the star chamber was a speedy and efficient device to work the will of the Crown. They knew that Judge Jeffreys convicted more defendants more rapidly than any Federal court could do under the fifth and sixth amendments. And we know that the will of Mussolini, Hitler, and the Kremlin could be worked and can be worked more efficiently without the protection of these time-honored rights.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Do not the history of the country and the record of the debate at the Constitutional Convention at Philadelphia, and the record of the debate in the various State conventions which were called to ratify the Constitution, which was ratified at the Constitutional Convention, show unequivocally that if those rights had not been agreed to and written into the Constitution, there would have been no Constitution?

Mr. ROBERTSON. Absolutely; there would have been no Constitution. The founders put the provision about jury trial in one place in the Constitution, and then said, "Let us put it in again"; and they put it in the Bill of Rights. The Constitution would not have been ratified unless that provision had been put in there so clearly that nobody could question it. It is one of the cherished rights that go with what we call American constitutional liberty.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that what we call the Bill of Rights in the Constitution was the Bill of Rights of Virginia, originally written by George Mason of Virgina?

Mr. ROBERTSON. That is true. Nineteen days after it was ratified in Williamsburg, Jefferson proposed the Decluration of Independence. He paraphrased what had been done there, but added a few other things to that Declaration.

Mr. HILL. Is it not also true that Woodrow Wilson stated that he would much rather have written the Virginia Bill of Rights of George Mason than any other document penned by the hand of man?

Mr. ROBERTSON. That is true. Next to Thomas Jefferson, I regard Woodrow Wilson as the most erudite and scholarly President we ever had. He was a great political philosopher. It is unfortunate that his health, and to some extent his career, was ruined over the League of Nations, which got beyond his control when the "little band of willful men" wrecked America's interest in the League of Nations. In any event, Woodrow Wilson was a great man. Certainly, as the Senator has pointed out, he would like to have written George Mason's Bill of Rights.

Several years ago, I made a speech on the Virginia Bill of Rights, and I stated at that time that I believed George Mason was possibly one of the ablest men in America during that period of its history, and that I believed he had not been accorded the recognition he deserved. As Senators know, he refused high public office. He loved his family more. He had 6 children, and when his wife died, he was so devoted to his children that he refused to leave them.

In those horse and buggy days, even a trip from Gunston Hall to Williamsburg, Va., took several days; and once arrived, it was not possible to return home every Saturday evening as we can do today. George Mason sacrificed his political career for the sake of his children. He was a noble character and a very able man.

Mr. President, efficiency is not the sole aim of government, or the principal aim of government. The aims of our Government, as set forth in, and developed under, our Constitution, must be accomplished and achieved without doing violence to those provisions of the Constitution which protect the individual citizen from oppression by the Federal Government.

All constitutional rights are important and all must be considered and weighed together. We must not destroy one set of constitutional rights in order to further another set. Some reason, some balance, must be maintained.

Under the existing statute, a cause of action for damages is given to a person who has been injured or deprived of having or exercising his rights as a citizen by a conspiracy to prevent an officer from carrying out his duties, by a conspiracy to interfere with judicial processes in one way or another, by a conspiracy to go on the highway or on the property of another to deprive another of the equal protection of the laws, or by a conspiracy to prevent a voter from supporting his candidates for Presidential electors or Congressman.

Section 1985 of title 42, United States Code, reads as follows:

CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS

(1) Preventing officer from performing duties: If two or more persons in any State or territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror: If two or more persons in any State or territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws.

At this point, I should like to invite the attention of the Senate to a number of recent cases, one of which is pending in New York where a grand jury was prevented from making an indictment, another where a man was recently convicted of tampering with the jury, and yet another case of jury tampering now under consideration—if it has not already been decided by this time. So there are fundamental principles of law, which involve the protection of a jury.

(3) Depriving persons of rights or privileges: If two or more persons in any State or territory conspire to go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or territory from giving or securing to all persons within such State or territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators (R.S. sec. 1980).

Let us now note the provisions of the Constitution which refer to jury trials in criminal cases, and then in civil.

Mr. President, I read the comprehensive section which protects the voting rights of all citizens, but there are those who do not wish to go through the procedures of a jury trial, because they believe it takes too much time, is tedious and too slow, or for other reasons. They look for a quick and easy way to go before a judge. There is even a provision in the bill to provide that if those who are prosecuting do not like a certain district judge before whom they must go, they can go anywhere else in that circuit and bring in two or more judges favorable to them, and in that way have a better opportunity to get the decision they would like to have.

Mr. McCLELLAN. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I am glad to yield.

Mr. McCLELLAN. I read somewhere—I do not know whether it was in the latest Supreme Court decision or some comment, but one of the reasons for such a ruling, obviously, was that the courts did not feel they could trust jurors to protect them from contempt. Has the Senator observed that statement anywhere?

Mr. ROBERTSON. I had not seen that.

Mr. McCLELLAN. I wonder whether our courts have lost confidence in the jury system, or feel that they cannot trust juries to try persons for acts which might be regarded as criminal with respect to their conduct toward a court.

Mr. ROBERTSON. I have never heard of any court that was not willing to do it. The amendment I have submitted would give any court the right of summary punishment for contempt committed in its presence.

Mr. McCLELLAN. Courts have just as much reason, if not more reason, to have confidence in the people of this country, and in the pledge of our citizens to do equity and justice in a jury verdict, as the people have a right to have confidence in the courts.

Mr. ROBERTSON. What the Senator has said may be called a soft impeachment, which I would not challenge.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Speaking of jury trials, I am sure the Senator recalls that 4 years ago last September, on September 14, 1959, Congress enacted what we know as the Landrum-Griffith Act. This is an act to provide for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, and to provide standards with respect to the election of officers of labor organizations.

The Senator will note that title I of that act is captioned "Bill of Rights of Members of Labor Organizations."

Section 608 of the act, captioned "Criminal Contempt" reads as follows:

> CRIMINAL CONTEMPT
>
> SEC. 608. No person shall be punished for any criminal contempt allegedly committed outside the immediate presence of the court in connection with any civil action prosecuted by the Secretary or any other person in any court of the United States under the provisions of this Act unless the facts constituting such criminal contempt are established by the verdict of the jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing trial juries in criminal prosecutions in the district courts of the United States.

Mr. ROBERTSON. Of course. What Member of Congress would vote for a criminal penalty to be imposed on a member of a labor union and deny him the right of trial by jury? Members of labor unions represent a great many votes. No one would run roughshod over a labor union. No one would attempt to take constitutional rights away from them. We were designating a new crime, and we made sure that we gave members of labor unions the right of trial by jury.

Mr. HILL. The right of trial by jury in the district where the alleged offense occurred.

Mr. ROBERTSON. And not to go around the circuit looking for another judge.

Mr. HILL. A judge who might be 600 or 700 miles from the place where the alleged offense occurred.

Mr. ROBERTSON. Yes.

Mr. McCLELLAN. Reference was made to title I of the Landrum-Griffin Act, which is known as the bill of rights of the working union members. Being the author of that title, I have some interest in its enforcement. I hoped to have the Attorney General enforce the rights of workers under that statute. However, so far as I am concerned, the right to work, the right to earn a livelihood, is a civil right which is supreme and paramount, I believe, to any civil right that is attempted to be dealt with in the proposed legislation. I believe it is a civil right for a man to work, and to be protected in a labor union, and not be under tyranny in a labor union. If that is true, we should apply the same authority and give the same directions to the Attorney General to protect a person who might come under the provisions of the proposed act. I believe that such an amendment to the bill would not only be germane, but also appropriate. Senators who support the bill cannot afford to advocate omitting such an amendment, or refusing to support it, if they are sincere in wishing to protect the rights of the citizens of this country, irrespective of their color.

Mr. ROBERTSON. The Senator is absolutely correct. I believe that before the debate is over, some of the leaders of labor organizations will find that title VII strikes a direct blow at seniority rights in all labor organizations. One rhetorical question after another may be asked: "Where is a quota system to be found in the bill?"

It will be found in the way in which it will be put into effect under rules and regulations that the administrative agencies will draft. The administrative language in the bill is so vague that no one will know exactly how it is to be applied. It can reach all the way up into the higher echelons of management. There is nothing in the bill which provides that it does not include the president, vice president, or secretary of an organization. There is nothing in the bill that provides that it does not include all supervisory personnel, such as foremen. The bill does not apply merely to day laborers.

Labor unions will find that unless the bill is amended—and I hope it will be—it will be disastrous if it is enforced impartially all over the Nation. That is particularly true of title VII.

Such a statement was made deliberately, I believe, by a Member of the House in the debate on the floor of the House. He said that his area had been assured that this title would not be enforced against his area. I do not know what authority he had to make that statement.

Mr. HILL. Who in the world had any such authority to give anyone such assurance? If a person had such temporary authority, how in the world could he be sure that some other person coming into the agency later would not do what he had said would not be done?

Mr. ROBERTSON. No one can give any such assurance. Every Senator should vote on the assumption that every provision of title VII will be strictly enforced throughout his State. This is a national issue. It is not by any means limited to the South.

The right to trial by jury under the Constitution is found in article III. It reads:

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

As the Senator from Alabama has pointed out, in Virginia, New York, South Carolina, and Georgia, a great many persons feared that we were forming an overwhelming central government, even though it was called a Federal Union, which means a union composed of sovereign States. They were not satisfied with it. In the fifth amendment it was provided:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury.

Jury trials are also provided in the sixth amendment, in which this provision is repeated. The greatest safeguard of all is contained in the 9th and 10th amendments.

They were added after Madison and Hamilton and others had said that the Constitution did not give the Federal Government any powers except those delegated to it. In the 10th amendment it was provided that the Federal Government shall have no powers except those delegated to it, and all others would be reserved to the States or to the people thereof.

Of course, they do not mention any felony prosecutions in title VII, or any other section. But even in the case of a felony, some kind of warrant is supposed to be issued, to tell a defendant what he is accused of doing—but not under this bill. We do not even know what discrimination means until some bureaucrat spells it out for us.

> AMENDMENT 6
>
> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

The original Constitution of 1787 contained no guarantee of trial by jury in civil cases; that is, in litigation between individuals.

AMENDMENT 7

> In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

This leaves a class of cases, those in equity and admiralty, in which trial by jury is neither guaranteed nor denied by the Constitution.

I referred early in my remarks to that exception which had come down to us from the English equity and admiralty laws. It was limited primarily to proceedings for contempts which were committed in the presence of the judge, or so clearly connected with an equity proceeding in which an injunction had been issued against a person ordering him to do or not to do a certain thing. He could protect himself by not doing it. If he went ahead and did it anyway after the judge said, "You cannot do this," the judge would say. "I will put you in jail for a period of time." But that is quite a different thing from what we are doing here.

This undefined area, historically encompassing not only the chancery and the admiralty but the star chamber as well, is one in which legal subtleties can be used to provide superficial support for denying the constitutional right to trial by jury in proceedings brought by the United States in its sovereign capacity against the individual.

Mr. HILL. I am sure the Senator recalls the case of ex parte Milligan. In that case, the question was whether or not the defendant had a right to trial by jury, or whether he could be tried by a drumhead court martial.

Mr. ROBERTSON. That case arose in Missouri?

Mr. HILL. It arose in Missouri. I am sure the Senator recalls the great speech of Jeremiah S. Black in that case.

Mr. ROBERTSON. It has never been surpassed.

Mr. HILL. Mr. President, I would like to read a brief excerpt from what Mr. Black said. I ask unanimous consent that the Senator from Virginia shall not lose his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. The excerpt involves the Magna Carta, the Petition of Right, and the Bill of Rights.

> They went over Magna Carta, the Petition of Right, the Bill of Rights, and the rules of common law, and whatever was found there to favor individual liberty they carefully inserted in their own system—

"Their own system" meaning our American system—

> improved by clearer expression, strengthened by heavier sanctions, and extended by a more universal application. They put all those provisions into the organic law, so that neither tyranny in the executive, nor party rage in the legislature, could change them without destroying the government itself.

Mr. ROBERTSON. Mr. President, I thank the distinguished Senator for calling attention at this appropriate moment to the wonderful and eloquent plea of counsel for the defendant in that trial. I think every lawyer should know of it. No Senator should ignore it in considering my amendment which seeks to preserve that right for the new classes of criminal action which will be set up under title VII.

THE MEANING OF CRIME IN 1787

The foregoing quotations show that the original body of the Constitution insists that the trial of all crimes, except in cases of impeachment, must be by jury—article III, section 2, clause 3. Since under the Civil Rights Act of 1957 and the bill in question an injunction would be sought by the Attorney General on behalf of the United States, and contempt of such order might invoke the punitive sanctions already discussed, there is involved the United States in its sovereign capacity in an action against a citizen.

In other words, the question is whether Congress has the power under the Constitution to authorize the Attorney General to bring proceedings in the Federal courts in the name of the United States in which proceedings the defendants may be fined and imprisoned, without according to the defendants a right to trial by jury, for acts committed outside the actual or constructive presence of the Federal courts.

It is sometimes said that, while it is true that the Constitution guarantees trial by jury in criminal prosecutions, contempt proceedings are not criminal, so that the constitutional guarantees contained in article III, section 2, clause 3, does not apply. The argument, of course, assumes that contempt proceedings were not considered to be in the nature of criminal proceedings, in the understanding of the men who drafted the Constitution. Actually, there does not seem to be an iota of evidence in the contemporary documents to support the premise.

On the contrary, the evidence is clear that the framers intended to insure trial by jury in proceedings brought by the sovereign against the individual.

That is what is involved in title VII. The "sovereign" in this case will be the Attorney General and his minions, who will proceed against someone on a vague and nebulous charge of discrimination.

There is the strong evidence in the actual records of the history of article III, section 2, clause 3, that the purpose of that clause was to insure "that no person shall be deprived of the privilege of trial by a jury, by virtue of any law of the United States."

Mr. President, I fear we are getting ready—I hope we are not, but some believe we are—to pass a new law creating new crimes concerning discrimination in employment.

It is also clear that in 1787, contempts were considered to be crimes. On this point Blackstone's "Commentaries" are authoritative. On more than one occasion Blackstone was cited to the Federal Convention of 1787 and his statements were accepted as conclusive on the status of English law at the time— 1 Farrand 472, 2 Farrand 448–449.

All doubts as to whether charges of contempt were considered criminal charges in the 18th century is set at rest by the following passage from Blackstone:

> It cannot have escaped the attention of the reader, that this method of making the defendant answer upon oath to a criminal charge, is not agreeable to the genius of the common law in any other instance; and seems indeed to have been derived to the courts of king's bench and common pleas through the medium of the courts of equity. (4 Blackstone, "Commentaries," 287).

Perhaps, in the absence of constitutional provision, the English system of summary proceedings would have become a part of the Federal practice. Since contempts, at the time the Constitution was framed, were understood to be crimes, article III, section 2, clause 3, applies: the trial of all crimes shall be by jury.

As is well-known, Blackstone is divided into four books. Book IV of which is entitled "Of Public Wrongs." Blackstone divided all public wrongs, or crimes, into divisions, one of which consisted of crimes against the King and his government. These, he said, are of four kinds:

> 1. Treason.
> 2. Felonies injurious to the king's prerogative.
> 3. Praemunire.
> 4. Other misprisions and contempts. (4 Blackstone, "Commentaries," 74.)

Chapter 9 of Blackstone's Book IV bears the title "Of Misprisions and Contempts Affecting the King and Government." Blackstone goes on to say:

> II. Misprisions, which are merely positive, are generally denominated contempts or high misdemeanors; of which—
> 1. The first and principal is the maladministration of such high officers, as are in public trust and employment.
> 2. Contempts against the king's prerogative.
> 3. Contempts and misprisions against the king's person and government.
> 4. Contempts against the king's title not amounting to treason or praemunire.
> 5. Contempts against the king's palaces or courts of justice have been always looked upon as high misprisions. (4 Blackstone, "Commentaries," 121–24.)

In this last class of contempts or misprisions, Blackstone includes violence or threatening words to the judge's person; injury to those under protection of the court, such as to a party, juror, and so forth; and attempts to dissuade a witness from giving evidence or disclosure of evidence by a grand jury member—4 Blackstone, "Commentaries," 126.

Historically, of course, the English courts of equity punished for contempt without according to defendant a trial by jury. But this, as Blackstone makes clear, was only for private wrongs, as distinguished from public wrongs. The subject is discussed in book III of Blackstone, which bears the title "Of Private Wrongs." After the plaintiff filed a bill in equity, the defendant had to reply, or the processes of contempt were applied against him, including imprisonment until compliance with the command—III Blackstone, "Commentaries," 443–445.

The cited passage makes clear this was not considered a proper proceeding between the sovereign and the subject, but only between subject and subject, since the defendant is made to pay "the costs which the plaintiff has incurred" by his contemptuous behavior.

Blackstone also pointed out in book IV that there was one kind of contempt or crime which, under English law, was punishable in summary proceedings—that is, without a trial by jury. He says:

> III. The principal instances, of either sort, that have been usually punishable by attachment, are chiefly of the following kinds:
>
> 1. Those committed by inferior judges and magistrates.
> 2. Those committed by sheriffs, bailiffs, gaolers, and other officers of the court.
> 3. Those committed by attorneys and solicitors, who are also officers of the respective courts.
> 4. Those committed by jurymen, in collateral matters relating to the discharge of their office.
> 5. Those committed by witnesses.
> 6. Those committed by parties to any suit or proceeding before the court.
> 7. Those committed by any persons under the degree of a peer; and even by peers themselves, when enormous and accompanied by violence (4 Blackstone, "Commentaries," 283–285).

It will be noted that this list of contempts subject to punishment in England in the 18th century by summary proceedings does not include contempts committed by a defendant in proceedings brought against him by the sovereign. The reason is obvious, of course, since that type of contempt was encompassed within the branch of crimes known as misprisions and contempts affecting the king and Government.

Blackstone described the contempts that might be "committed by parties to a suit or proceeding before a court," category six just quoted, in the following words:

> As by disobedience to any rule or order, made in the progress of a cause; by nonpayment of costs awarded by the court upon a motion; or by non-observance of awards duly made by arbitrators or umpires, after having entered into a rule for submitting to such determination. (4 Blackstone, "Commentaries," 284.)

That the 18th century viewed the subject of crimes as covering all the proceedings brought by the sovereign against the subject is shown by the very titles of the treatises on Criminal Law: Sir Matthew Hale, "The History of the Pleas of the Crown"—first edition printed in 1678; Sir William Hawkins, "Treatise of the Plea of the Crown."

We can now comprehend the assumption made about the nature of a contempt in a proceeding brought by the Government by the men who guaranteed in the Constitution a jury trial of all crimes.

Let us now turn to additional contemporary evidence on the nature of a contempt, from the pen of an American.

THOMAS JEFFERSON'S DRAFTS OF THE VIRGINIA CONSTITUTION OF 1776

In June 1776, Thomas Jefferson prepared three drafts of a constitution for Virginia. These have been collected and published in volume 1, "The Papers of Thomas Jefferson"—Boyd, editor, 1950. The constitution that Jefferson proposed began with a statement of grievances against the King of England; it declared that the legislative, executive, and judicial powers shall always be separate, relating to each of these powers. The pertinent provisions of the third draft are as follows:

> A BILL FOR NEW-MODELLING THE FORM OF GOVERNMENT AND FOR ESTABLISHING THE FUNDAMENTAL PRINCIPLES THEREOF IN FUTURE
>
> Whereas George Guelf, king of Great Britain and Ireland and Elector of Hanover, heretofore entrusted with the exercise of the kingly office in this government, hath endeavored to pervert the same into a detestable and insupportable tyranny.
>
> * * * * * *
>
> for depriving us of the benefits of trial by jury; for transporting us beyond seas to be tried for pretended offenses.
>
> * * * * * *
>
> JUDICIARY
>
> The judiciary powers shall be exercised—
>
> * * * * * *
>
> Juries: All facts in causes, whether of Chancery, Common, Ecclesiastical, or Marine law, shall be tried by a jury upon evidence viva voce, in open court; but where witnesses are out of the colony or unable to attend through sickness or other invincible necessity, their depositions may be submitted to the credit of the jury.
>
> Fines &c: All Fines and Amercements shall be assessed, & Terms of imprisonment for Contempts & Misdemeanors shall be fixed by the verdict of a jury.

In these writings of Thomas Jefferson is strong evidence that contempts and misdemeanors were both considered crimes, and that in the enlightened view of the day there should be a right to trial by jury in the prosecution of contempts.

THE FEDERAL CONVENTION OF 1787

Article III, section 2, clause 3, of the Constitution provides:

> The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury, and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

It was basic to the thinking of the men who drafted the Federal Constitution that any man who was proceeded against by the Government should have the right to trial by jury. This was absolutely necessary in order that the defenseless citizen should not be oppressed by the powerful men who were in control of the machinery of government. The petit jury of his peers must always stand between the humble citizen and oppression. This was so well understood by all in 1787, that there could be no serious debate about the proposition. As a result, the records of the Convention contain very little on the development of article I, section 2, clause 3. What little there is, though, is highly significant.

The idea behind the clause was clearly expressed in a document found among the papers of Roger Sherman, of Connecticut. The purpose for which this document was drafted is not entirely certain; but all seem to agree that it contains a series of propositions intended to be proposed as amendments to the Articles of Confederation, or as a plan of government presented to the Federal Convention of 1787. Bancroft considered it as a plan of government presented to the Federal Convention "which in importance stands next to that of Virginia." Farrand considers it as "probably presenting the ideas of the Connecticut delegation in forming the New Jersey plan," volume 3, Farrand, "Records of the Federal Convention," revised edition, 1937. The concluding paragraph of the Sherman document is as follows:

> That no person shall be liable to be tried for any criminal offence, committed within any of the United States, in any other State than that wherein the offence shall be committed, nor be deprived of the privilege of trial by jury, by virtue of any law of the United States (id. at 616).

It will be noted that this clause flatly prohibits depriving a person of the privilege of trial by a jury. Wherever trial by jury exists, it cannot be taken away by virtue of any law of the United States.

It has already been demonstrated that it was understood at that time that the right to trial by jury existed in a proceeding by the sovereign against a subject for all contempts except that known as summary.

The beginnings of article III, section 2, clause 3, in the actual records of the Convention are first bound in the report of the Committee of Detail. This committee, which consisted of Rutledge, of South Carolina; Randolph, of Virginia; Gorham, of Massachusetts; Ellsworth, of Connecticut; and Wilson, of Pennsylvania, was named on July 24 to "report a Constitution conformable to the resolutions passed by the Convention"—volume 2, Farrand, page 106. See also volume 2, Farrand, page 97.

Document IV of the Committee of Detail is in the handwriting of Edmund Randolph, with emendations by John Rutledge. One of the emendations by Rutledge is as follows:

> That Trials for Criml. Offences be in the State where the Offe was comd—by jury—4 Farrand 45. It is significant that this phraseology follows the paragraph in the Sherman document, the jury requirement following and being independent of trial of crimes in the State where committed.

The clause next appears in document IX of the Committee of Detail, which is in the handwriting of Wilson, with emendations by Rutledge—volume 2, Farrand, page 163.

"Crimes shall be tried in the State, in which they shall be committed; The Trial of them shall be by Jury." The following words were struck out: "Crimes shall be tried"; "in which"; "and"; "them"; and new words added by Rutledge, so that the changed version now reads:

> & in the State, where they shall be committed; The Trial of all Criml Offences—except in cases of Impeachment—shall be by Jury. 2 Farrand 173.

The final report of the Committee of Detail contained an article XI dealing with the judicial power of the United States, which contained the following section:

> Sect. 4 The trial of all criminal offences (except in cases of impeachments) shall be

> in the State where they shall be committed; and shall be by Jury. Id. at 187.

On August 28, the Convention considered this part of the report of the Committee of Detail. Its action is recorded by Madison as follows:

> Section. 4—was so amended nem: con: as to read "The trial of all crimes (except in cases of impeachment) shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, then the trial shall be at such place or places as the Legislature may direct. The object of this amendment was to provide for trial by jury of offences committed out of any State. 2 Farrand 438. See also 2 Farrand 434.

For the sake of completeness one other document should be mentioned, although its significance is not known. The document is in the handwriting of an unidentified person, with interlineations by George Mason, and is in the George Mason papers in the Library of Congress. It appears to have been a plan for the organization of the Federal judiciary. The similarity of the trial by jury provisions to that adopted by the Convention on August 28 suggests that there was some relationship. The provision in this document among the Mason papers is as follows:

> The Trial of all Crimes, except in Case of impeachment shall be in the Superior Court of that State where the offence shall have been committed in such manner as the Congress shall by Law direct, except that the Trial shall be by a Jury—But when the Crime shall not have been committed within any one of the United States the trial shall be at such place and in such Manner as Congress shall by Law direct, except that such Trial shall also be a Jury. 4 Farrand 55–56.

The committee of style made minor changes in punctuation and phraseology in the clause volume 2, Farrand, page 601. As so changed the clause was adopted by the Convention and became a part of the Constitution.

TRIAL BY JURY IN CIVIL CASES

It is familiar history that certain members of the Federal Convention of 1787 favored a provision guaranteeing trial by jury in civil cases. I will summarize briefly Madison's report on the debate for September 12. Williamson, of North Carolina, Geary, of Massachusetts, and Mason, of Virginia, urged that there should be put into the proposed Constitution provision for juries in civil cases to guard against corrupt judges.

However, the difficulty of distinguishing by a uniform rule equity cases from those in which jury trials were proper, discouraged Mr. Gorham and Mr. Sherman, of Connecticut, from supporting the proposal. These men believed that the State legislatures would be able to provide such jury safeguards as each wished.

This argument apparently won the day, for a motion for a committee to prepare a bill of rights incorporating such a provision did not prevail—volume 2, Farrand, "Records of the Federal Convention, pages 587–588," revised edition, 1937—nor did one later on September 15, volume 2, Farrand, page 628. It seems significant that in these debates no mention was made of whether or not there should be trial by jury in contempt cases. The inference is that everyone understood that this question had been settled when a provision had been written into the Constitution requiring that "the trial of all crimes shall be by jury."

STATE RATIFYING CONVENTIONS

One of the principal objections raised in the State ratifying conventions to the Constitution was that it failed to secure trial by jury in civil cases. This objection was answered by the supporters of the Constitution, as it had been in the Convention, with the assertion that the Constitution did not interfere with trial by jury in civil cases and such mode of trial could be expected to be continued. There seems to have been no statement made in any of these conventions with reference to trial by jury in contempt cases. This was undoubtedly true because in the understanding of that day "contempts" were "crimes," and so trial by jury was insured by article III, section 2, clause 3. There are a number of expressions of governmental theory recorded in the debates in the State ratifying conventions that support this view.

James Wilson pointed out to the Pennsylvania ratifying convention that the theory of "crimes against the state" provided a more fertile field for the perpetration of wrong than any other whatsoever. Using treason as an example, Wilson said:

> I am happy to mention the punishment annexed to one crime. You will find the current running strong in favor of humanity; for this is the first instance in which it has not been left to the Legislature to extend the crime and punishment of treason so far as they thought proper. This punishment, and the description of this crime, are the great sources of danger and persecution, on the part of government, against the citizens. Crimes against the state and against the officers of the state. History informs us that more wrong may be done on this subject than on any other whatsoever. But, under this Constitution, there can be no treason against the United States, except such as is defined in this Constitution. The manner of trial is clearly pointed out; the positive testimony of two witnesses to the same overt act, or a confession in open court, is required to convict any person of treason (vol. 2, "Elliot's Debates on the Federal Constitution" p. 468).

A little later James Wilson told the Pennsylvania ratifying convention in words that are crystal clear:

> Whenever the general government can be a party against a citizen, the trial is guarded and secured in the Constitution itself, and therefore it is not in its power to oppress the citizen. In the case of treason, for example, though the prosecution is on the part of the United States, yet the Congress can neither define nor try the crime. If we have recourse to the history of the different governments that have hitherto subsisted, we shall find that a very great part of their tyranny over the people has arisen from the extension of the definition of treason. (Id. at p. 487.)

I again emphasize the point that the history of trial by jury clearly shows that contempt, except in the limited cases in which the contempt was committed in the presence of the trial judge, was considered a crime. Second, I emphasize the fact that those who framed the Constitution intended that all persons accused of crime were entitled to a jury trial. In title VII there is a provision creating a crime, called discrimination. That crime, of necessity, would be prosecuted, as history shows, by the State. When a State is proceeding against a citizen, he should undoubtedly have the protection of a jury trial.

James Wilson explained in detail to the Pennsylvania Convention why a guarantee of trial by jury in civil cases was not included in the Constitution. In the course of this statement, Wilson made a very cogent comment concerning the advantages of trial by jury:

> I think I am not now to learn the advantages of a trial by jury. It has excellences that entitle it to a superiority over any other mode, in cases to which it is applicable.
>
> Where jurors can be acquainted with the characters of the parties and the witnesses—where the whole cause can be brought within their knowledge and their view—I know no mode of investigation equal to that by a jury; they hear everything that is alleged; they not only hear the words, but they see and mark the features of the countenance; they can judge of weight due to such testimony; and moreover, it is a cheap and expeditious manner of distributing justice. There is another advantage annexed to the trial by jury; the jurors may indeed return a mistaken or ill-founded verdict, but their errors cannot be systematical. Id. at 516.

Whatever may be said against juries, James Wilson says, "Their errors cannot be systematical." Whenever the general government can be a party against a citizen, there is the need for the intervention of some agency whose "errors cannot be systematical."

Edmund Randolph spoke on the subject in the following manner to the ratifying convention in Virginia:

> The trial by jury in criminal cases is secured—in civil cases it is not so expressly secured, as I could wish it; but it does not follow, that Congress has the power of taking away this privilege which is secured by the constitution of each State, and not given away by this Constitution—I have no fear on this subject—Congress must regulate it so as to suit every State. I will risk my property on the certainty, that they will institute the trial by jury in such manner as shall accommodate the conveniences of the inhabitants in every State; the difficulty of ascertaining this accommodation, was the principal cause of its not being provided for. Volume 3, Farrand page 309.

THE FIRST CONGRESS

One of the most authoritative sources of information on the meaning of the Constitution is to be found in the proceedings of the First Congress, which met in 1789, since so many of the Members of this body had also served as delegates to the Constitutional Convention of 1787.

This First Congress proposed to the States the amendments which have come to be known as the Bill of Rights.

On June 8, 1789, Mr. Madison, of Virginia, laid before the House of Representatives his proposals for amendments to the Constitution. Among these was the following:

> Seventhly. That in article 3d, section 2, the third clause be struck out, and in its

place be inserted the clauses following, to with:

> The trial of all crimes (except in cases of impeachements, and cases arising in the land or naval forces, or the militia when on actual service, in time of war or public danger) shall be by an impartial jury of freeholders of the vicinage, with the requisites of unanimity for conviction, of the right of challenge, and other accustomed requisites; and in all crimes punishable with loss of life or member, presentment, or indictment by a grand jury shall be an essential preliminary, provided that in cases of crimes committed within any county which may be in possession of an enemy, or in which a general insurrection may prevail, the trial may by law be authorized in some other county of the same State, as near as may be to the seat of the offence.
>
> In cases of crimes committed not within any county, the trial may by law be in such county as the laws shall have prescribed. In suits at common law, between man and man, the trial by jury, as one of the best securities to the rights of the people, ought to remain inviolate. 1 Annals 435.

After some debate, the House referred Madison's proposed amendments to the Committee of the Whole. Subsequent action by the House and Senate can be traced in the journals of the two bodies: Volume 1, Annals pages 660, 665, 672, 755–60, 779, 71, 74, 77, 903, 905, 913, 88.

The final text of the amendment proposed to the States, and which became the sixth amendment, was as follows:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses of his favor, and to have the assistance of counsel for his defense.

The debates on these amendments proposed to the States in 1789 do not contain so much as a word suggesting that contempts not committed in the presence of a Federal court could be prosecuted other than by a jury trial.

COURT DECISIONS

Although the Supreme Court of the United States has often spoken in dicta about the defendant having no right to trial by jury in contempt proceedings, it appears that the Court has never actually sanctioned a denial of trial by jury to a defendant subject to criminal sanctions in a proceeding brought by the United States as an interested party, representing the public—until the decision of last week in the case from Mississippi, involving, among others, Governor Barnett, who had demanded a jury trial but had been denied that right.

A strong minority on the Court would grant the defendant a right to trial by jury in all proceedings for criminal contempt.

The word "contempt" covers a multitude of ideas. Many of the decisions dealing with the subject involve points not presented by the pending bill, H.R. 7152. The question is not whether a violation of an injunction obtained by the Attorney General should be called civil or criminal contempt, direct, or indirect or constructive contempt, or by any other particular label. The narrow and explicit question is whether Congress has the power under the Constitution to authorize the Attorney General to bring proceedings in the Federal courts in the name of the United States, in which proceedings the defendants may be fined and imprisoned, without according to the defendants a right to trial by jury, for acts committed outside the actual or constructive presence of the Federal courts.

The question of the inherent power of a court to punish contempt by some type of proceeding, whether by jury trial or summary proceeding, as discussed in *United States* v. *Hudson* v. *Goodwin* (7 Cranch. 32 (1812)), and *Anderson* v. *Dunn* (6 Wheat. 204 (1821)), is not involved.

The question of the power of State courts to punish contempt summarily without violating the 14th amendment as presented in *Fisher* v. *Pace* (336 U.S. 155 (1949)), and *Eilenbecker* v. *District Court of Plymouth County* (134 U.S. 31 (1890)), is not involved.

The question of the power of a Federal court to punish summarily for a contempt committed in open court and in the presence of the judge, as in *Ex parte Terry* (128 U.S. 289 (1888)), is not involved.

The question of the right of appeal in the Federal judiciary from a contempt conviction, as presented in *Bessette* v. *W. B. Conkey Co.* (194 U.S. 324 (1904)), is not involved.

The question of the inherent power of a court established by the Constitution to punish for contempt is not involved. This was the question presented by many of the State court decisions, sometimes cited as supporting legislation of the type embodied in the bill, H.R. 7152. *Watson* v. *Williams* (36 Miss. 331 (1858)); *Carter's case* (96 Va. 791, 32 S.E. 780 (1899)); *Bradley* v. *State* (111 Ga. 168, 36 S.E. 630 (1900)); *Ex parte McCown* (139 N.C. 95, 51 S.E. (1905)).

The Supreme Court in *Ex parte Robinson* (19 Wall. 505 (1873)), recognized the power of Congress to regulate the exercise of contempt powers by the Federal courts, with the possible exception of the Supreme Court, including contempts in causes or hearings before the courts. The Court said:

> The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice.
>
> The moment the courts of the United States were called into existence and invested with jurisdiction over any subject, they became possessed of this power. But the power has been limited and defined by the act of Congress of March 2, 1831. The act, in terms applies to all courts; whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may perhaps be a matter of doubt. But that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases: First, where there has been misbehavior of a person in the presence of the courts, or so near thereto as to obstruct the administration of justice; second, where there has been misbehavior of any officers of the courts in his official transactions; and, third, where there has been disobedience or resistance by any officer, party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the courts. As thus seen the power of these courts in the punishment of contempts can only be exercised to insure order and decorum in their presence, to secure faithfulness on the part of their officers in their official transactions, and to enforce obedience to their lawful orders, judgments, and processes.
>
> * * * * *
>
> The law happily prescribes the punishment which the court can impose for contempts. The 17th section of the Judiciary Act of 1787 declares that the court shall have power to punish contempts of their authority in any cause or hearing before them, by fine or imprisonment, at their discretion. The enactment is a limitation upon the manner in which the power shall be exercised, and must be held to be a negation of all other modes of punishment. The judgment of the court disbarring the petitioner, treated as a punishment for a contempt, was, therefore, unauthorized and void. (Id. at 510–12.)

The fact that the United States, as a disinterested party, may constitutionally exercise particular powers in order to secure justice in litigation between private parties, does not provide a precedent for granting the United States, as an interested party, precisely the same powers.

McNAMARA'S WAR IN VIETNAM

Mr. MORSE. Mr. President, will the Senator from Virginia yield, with the understanding that in doing so he will not lose his right to the floor, with the further understanding that this interruption will not count as a second speech when he resumes?

Mr. ROBERTSON. Mr. President, I ask unanimous consent to yield to the Senator from Oregon, under those conditions.

The PRESIDING OFFICER (Mr. NELSON in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, last night on a national television network, Mr. Walter Lippmann explored some of the changes that have overtaken the world and America's position in it since the end of World War II.

With respect to our present involvement in South Vietnam, Mr. Lippmann pointed out that it has long been a principle of American policy not to become involved in a land war on the continent of Asia.

I agree with Mr. Lippmann that this is a sound guide for us to follow; but I would also say it is a guide we should be following now with respect to South Vietnam.

To say that because this sound principle has been ignored to the extent that we have put 15,000 troops in South Vietnam does not mean we should maintain our position there no matter what the cost. Mr. Lippmann declares that for us to change our policy now in South Vietnam would mean a great loss of prestige for this country. But, the longer we must fight, and the more troops we must put in just to stay in the same place, the more prestige we are bound to lose.

France's prestige was never lower than while she was fighting to maintain herself in Indochina and Algeria. Since she has extricated herself from those impossible endeavors, her prestige has gone steadily upward.

More important, as the costly status quo continues in South Vietnam, the American people will lose confidence in their Government. I am far more concerned about the prestige of the U.S. Government with its own people than I am about its standing in Asia.

Whatever prestige the United States stands to lose abroad by terminating its unilateral intervention in South Vietnam, the American people are not going to support an indefinite and expanding intervention there.

I invite the attention of the Senate to the statement reported in today's New York Times that the Secretary General of the Southeast Asia Treaty Organization denies there is any military aggression in South Vietnam. I have been pointing that out for weeks in speeches on the floor of the Senate in opposition to U.S. policy in South Vietnam. I have stated over and over again that this is a civil war. I have pointed out the undeniable fact to the Secretary of State and to the Secretary of Defense that not one single witness for the administration on the record, and not one single spokesman for the administration off the record, ever denied that this is a South Vietnamese conflict with South Vietnamese supporting the government and with South Vietnamese supporting what has become known as the Vietcong. There has never been any evidence submitted that there are any foreign soldiers in South Vietnam engaged in this civil war, except U.S. soldiers—no North Vietnamese soldiers, no Red Chinese soldiers, and no Russian soldiers. This is a South Vietnamese operation.

All that the administration witnesses have been able to disclose is that equipment used by the Vietcongs is, for the most part—except for American equipment which they have captured from South Vietnam—either Red Chinese equipment or equipment that is manufactured in North Vietnam, or Russian equipment. We have furnished vast quantities of equipment to South Vietnam. The situation in that regard is almost as bad as when Chiang Kai-shek was in China and the Communists captured American equipment from him or, in a very interesting oriental operation, in some way, or some how, got it into their possession before it was even uncrated.

Whose equipment are the South Vietnamese using? It is 100-percent American equipment. We had better not start throwing stones on that issue. One of the replies that the Secretary of State and the Secretary of Defense make in justifying McNamara's war in South Vietnam is to tell us that the South Vietnam Government invited us in. Senators know what we think about the excuse of Russia, when it tries to rationalize its presence in East Germany. It is that the East Germans invited the Russians in there.

Puppets have a way of doing that. That is one of the purposes of creating a puppet government. South Vietnam is a puppet government of the United States. The United States is more responsible for the creation of the so-called South Vietnam Government than any other factor.

I continue to ask the question: What are we doing there? Why are we there? By what international law or right are we there? I am still waiting for the State Department to tell me, or for the Defense Department to tell me. In my judgment, the Defense Department has taken over State Department policy in South Vietnam. I do not believe the Defense Department should determine American policy in Asia. I think it is wrong. It ought to be changed.

It is very interesting that we now hear the Secretary General of SEATO deny that there is any military action in South Vietnam. The SEATO Secretary General is reported to have said in Manila, on Monday, that the struggle in South Vietnam is only an internal quarrel between two factions. Those who have been criticizing American foreign policy in South Vietnam have said just that.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. McCLELLAN. I did not understand who made that statement.

Mr. MORSE. The Secretary General of SEATO. The Secretary General of SEATO is from Thailand. Thailand borders on South Vietnam. It is a next-door neighbor. There is not one Thai soldier in South Vietnam. There is not one Thai dollar in there, either. One would think that if the civil war in South Vietnam were of such importance, as U.S. officials try to make out—and they are fooling the American people about it—Thailand would be concerned.

One would think that Australia would be concerned, as would New Zealand, Pakistan, and the Philippines. They are all in that area. They are doing nothing about it. For them the policy is hands-off. Let me repeat—and it is necessary to repeat this over and over again, until finally the American people will begin to understand the facts—that we are in there because of the SEATO treaty. That is the reed on which we are leaning. What part of the SEATO treaty are we leaning on? It is on the protocol agreement, attached to the SEATO treaty. The signatories to SEATO—New Zealand, Australia, Pakistan, Thailand, the Philippines, Great Britain, France, and the United States—state in the protocol agreement that this is an area of mutual concern. South Vietnam, however, is not a signatory to SEATO. It is not a member of SEATO.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MORSE. I am delighted to yield.

Mr. McCLELLAN. Is any member of SEATO participating in this conflict in any way whatever, financially or militarily?

Mr. MORSE. None but the United States. This is a U.S. unilateral intervention in a civil war in southeast Asia. Our administration is trying to convince the American people that if we do not stay in there, and kill more American boys, communism will take over. That is so much "hogwash."

Mr. McCLELLAN. Mr. President, will the Senator yield further?

Mr. MORSE. I yield.

Mr. McCLELLAN. Is not the Senator from Oregon somewhat encouraged by the recent reports of the Secretary of Defense on the progress we are making and what we hope to do in the future?

Mr. MORSE. I was never so depressed. I was never so depressed as I was the other day when I listened to the Secretary of Defense. I appreciate his inviting me to the National Security Council meeting. I do not know why I was invited. I listened to the report by the Secretary of Defense. As I listened I kept saying to myself, "If all these things are true, what in the world are we doing in there?"

He made the greatest statement in support of our getting out of South Vietnam, and ended by urging that we go in to a greater extent. That is the kind of mental gymnastics that I do not understand. But that is our position.

Senators have heard me say before that I do not criticize a policy unless I am willing to offer what I believe to be a substitute. I have offered the substitute over and over again. I cannot find any takers for it in the administration, but I cannot get any answers, either. I offer it again this evening on the floor of the Senate. The SEATO Ministers are meeting in Manila. I am waiting, wondering whether they will pass a resolution saying, "We are coming. We are coming in with you. We will put in our battalions."

I do not believe that the battalion approach is the way to settle the controversy. But if we are to take the military approach—and I do not believe we should—why do not our allies offer to do some of the dying?

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. McCLELLAN. A battalion from any one of those countries would be a token contribution, would it not?

Mr. MORSE. Even one soldier would be a token contribution. I shall come in a moment to a discussion of whether the military approach is the approach to make. However, I point out that if we are to make the military approach—and that is the approach we are making—the SEATO nations in southeast Asia are not sufficiently interested in dying. If they are not interested in doing any of the dying, the situation is not of the serious import on the basis of which the Secretary of Defense is trying to sell it to the American people, as his rationalization of McNamara's war.

But my alternative is that the SEATO countries, the signatories to the SEATO treaty who entered into the protocol agreement at Manila—now assembled there—offer to have the SEATO organization take over the trouble spot in South Vietnam. That would give De Gaulle an opportunity to put up or shut up.

Do not forget the play that De Gaulle made a few short weeks ago. We did not have any blueprint. But with one diplomatic brush stroke, he put the United States in a very difficult spot. Senators will remember that he announced that he thought South Vietnam ought to be neutralized. I do not know what he means. Who does? I want to find out.

I should like to know what De Gaulle's program is in South Vietnam. France's signature is on that treaty. That is why I offer this as the first alternative: "All right, SEATO. Come on in. Say that SEATO is going to carry out whatever obligations it has under the protocol agreement and offer to take over the administration and handling of the operation in South Vietnam."

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. McCLELLAN. There is no contention on the part of any of the SEATO countries that South Vietnam is an aggressor, is there?

Mr. MORSE. Oh, no. There is no aggression in Vietnam. It is only a family fight—fathers on one side, sons on another; brothers on one side, brothers on another; uncles on one side, nephews on another.

Mr. McCLELLAN. There is no claim that there is any danger to the area by reason of the nature of the activities or plans of aggression in South Vietnam?

Mr. MORSE. I could not say that there is no claim.

That is a part of this fabulous——

Mr. McCLELLAN. I am talking about a claim by the SEATO countries.

Mr. MORSE. Their silence is golden. They are waiting for our gold, however. They are not engaged in any discussion. They do not want to talk about this affair. But they want more aid.

Mr. McCLELLAN. SEATO countries?

Mr. MORSE. SEATO countries—Pakistan, Thailand, the Philippines. They want our money. They want our gold. But they are maintaining a golden silence with respect to this affair. The talk by the Secretary General is the first mention of it in some time except De Gaulle's talk a few weeks ago when he talked about neutralization. I want to know what he means by "neutralization."

The Senator from Arkansas knows that one cannot understand my position about foreign policy unless he understands my deep conviction that in a situation such as this we ought to try to exhaust all the possibilities of reaching accord and a settlement without killing, through the application of what we claim to be our basic foreign policy in the trouble spots of the world; namely, the substitution of the rule of law for the jungle law of force.

That is what I am pleading for. Of course, I was trained in that concept by a great Republican—I think one of the greatest we have had in my 20 years in the Senate. He was my leader on foreign policy. He became one of the great internationalists in the Senate, after being one of the leading isolationists for many years. I speak of the late Arthur Vandenberg, of Michigan.

The other day I told the story about his changing from isolationism to internationalism when he became convinced that the atomic bomb would become a reality. He used to tell us that he realized there was no longer any place for an isolationist in the Senate. He left us this unanswerable ideal criterion. It is not supposed to be practical. And because it is an ideal, it is a great practicality. It cannot be a practicality except in terms of an ideal put to work.

I want to apply it to South Vietnam. What a great opportunity we have to keep faith with all our prating. We ought to try, at least, to settle international disputes.

Senator Vandenberg used to say there would be no hope for permanent peace in the world until all the nations of the world were willing to establish a system of international justice through law, to the procedures of which they were willing to submit each and every issue that threatened the peace of the world for final and binding decision to be enforced by some international organization such as the United Nations.

I do not believe we can leave a heritage of freedom to our grandchildren unless we do a better job of trying to implement that great ideal. There is no better time to start than now. I receive much abuse and castigation because I favor making greater use of the international law procedures of the United Nations than the United States has been willing to advocate. I do not know whether those procedures will work or not; but we shall never know until we try. Trying does not mean that we will weaken our security.

I have voted in the Senate, and shall continue to vote in the Senate, for huge appropriations to keep my country strong, so that Russia and Red China will understand that they have everything to lose and nothing to gain by resorting to aggression against the United States. But I also know that if that should become our foreign policy, we would be sunk. If that should become the basic foreign policy of the United States, we would not have a chance of survival in the years not too far distant. If that should become our foreign policy, we would be headed straight to war. We would not survive a nuclear war; nor would our potential enemies. But that is not much consolation to the advocates of freedom.

So I favor remaining strong, so that no nation will dare to attack us. But I am against aggression on the part of the United States, too. I am against killing on the part of the United States in South Vietnam or anywhere else in the world. Our country must be able to demonstrate for the record of history that we can always be counted upon to resort to the peaceful procedures of international law for the settlement of international disputes.

So I continue to repeat what I have said many times. How many times? I do not know—a dozen or more times in the Senate in recent weeks. I shall repeat again that we ought to say to the SEATO nations: "Come in, sit down in conference, and try to arrive at a program for the handling of the trouble spot in the world known as South Vietnam."

If they do not want to cooperate; if De Gaulle, for example, does not want to put up or shut up; if Thailand, as I judge from the statement of the Secretary General of SEATO, which I have quoted, is not interested; if Pakistan is interested only in getting more military aid and economic aid to the tune of hundreds of millions more dollars; and if the Philippines want to take the same position; let us wash our hands of South Vietnam. Let us move out, and save the lives of American boys.

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. McCLELLAN. What does the Senator from Oregon think would be the consequences if we withdrew our troops from South Vietnam?

Mr. MORSE. The Vietnamese would settle their differences. Those people are not militant. They do not want to fight. The people of southeast Asia are the most peaceable, lovable, happy-go-lucky, cheerful, live-by-the-day people in the world. But, of course, when we are giving them material benefits they never before dreamed of, what do we expect?

Mr. President, consider the amounts of money we have been pouring into South Vietnam, and also the amounts we have provided for the pay their soldiers have been receiving. It is sad to have any of them die; but is it not remarkable how long the fighting there has continued, with a relatively small number of casualties?

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. McCLELLAN. Do I correctly understand the Senators' statement to mean that the presence of our personnel over there is sustaining and prolonging the conflict?

Mr. MORSE. I so charge; and history will so record—to the shocking disgrace of the United States of America.

Mr. President, do Senators think I like to say that about a program of my country? Certainly I do not like to say it. But I have a responsibility as a Member of the U.S. Senate, and including my responsibility as a member of the Senate Foreign Relations Committee, to express my honest views on the basis of the facts, as I see them; and

I believe that our country could not sustain its record in South Vietnam before any impartial, international jury established to evaluate it. Furthermore, there will be such an impartial, international jury after all of us have left the scene. That jury will be composed of the historians who will write the record of the United States in South Vietnam; and it will be a record against the United States, not for our country.

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield further?

Mr. MORSE. I yield.

Mr. McCLELLAN. I wish the Senator from Oregon to understand that I am not asking these questions for the purpose of being frivolous or in any sense to challenge the position of the Senator from Oregon.

Mr. MORSE. I understand.

Mr. McCLELLAN. Heretofore, I have heard him speak on the floor of the Senate on this subject. He serves on the Foreign Relations Committee; and therefore there is available to him, I am sure, information not available to me. So I am very much interested in his point of view and his opinions and recommendations.

In my opinion, all of us believe some change is needed in the situation in South Vietnam—whether to remove our personnel from South Vietnam or to really wage a war there and get it over with, I do not know. But so far as I can determine, the situation there does not give much satisfaction either to those who want our personnel to leave South Vietnam or to those who want our country to wage and win a war there. Instead, we are merely doing enough to keep the situation in the stage of conflict, but we are not willing to devote enough to it to be able to win it; neither do we seem to be willing to leave it. I am not criticizing the administration, but I should like to have a better understanding of that situation.

Mr. MORSE. I am trying to ascertain any reason the administration could give which would rebut the information I am placing in the Record.

We called representatives of the administration before our committee. Those gentlemen did not have any information which would answer the points which I and the Senator from Alaska [Mr. Gruening] and other Senators have been making on the floor of the Senate.

Before I conclude, I shall read some letters from American military personnel in South Vietnam. I wish to read them for the benefit of the Secretary of Defense, Mr. McNamara; I want him to have available all the information I can make available to him in regard to this situation.

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield for another question?

Mr. MORSE. I yield.

Mr. McCLELLAN. A few days ago, I heard the Senator from Oregon—or perhaps it was the Senator from Alaska—state on the floor the amount of money the presence of our personnel in South Vietnam is costing, daily. What is the daily cost?

Mr. MORSE. The daily cost is $1,500,000; and if McNamara is allowed to pay for the additional draft costs, that will increase the daily cost.

When we consider the amount of money we made available to France—$1,500 million to France, at the time when she was losing the Indochina war; nevertheless, we provided all that money, to help France—we find that we have spent in this part of Asia, during the French debacle and since then, $5,500 million. But France was thrown out; and a little prince in Cambodia kicked out the U.S. personnel.

In my judgment, we can never win in South Vietnam. In the situation which exists there, we cannot win. The internal situation there must be settled by the South Vietnamese, among themselves.

The question asked by the Senator from Arkansas prompts me to make an additional comment about a point which I think we must keep in mind; namely, the nature of the operations in South Vietnam.

At our committee meeting, one of the witnesses was Mr. Poats. The other day, when I went to the Foreign Relations Committee hearing, I had no intention of voting against approval of the nomination of Mr. Poats, the Assistant Administrator of the Agency for International Development—at least, not until I heard him. Mr. Poats had been Assistant Administrator for Near Eastern and South Asian Affairs, in the State Department.

The Senator from Vermont [Mr. Aiken] asked him a few questions. As I listened to the mental gymnastic, trapeze performance by Mr. Poats, I said to myself, "Why are we considering this nomination?"

So I asked Mr. Poats a few questions, one of which was:

> What are we doing in South Vietnam?

He replied:

> We were invited in.

When I raised the question of the puppet relationship, it became perfectly obvious to me that I was dealing with a witness who was not coming clean. Whenever I find a witness is not coming clean, I will vote against approval of his nomination. So in the committee, I voted against approval of his nomination.

He said we were invited in by the Republic of South Vietnam. Mr. President, I know something of the semantics used by the State Department; so I asked him whether he would discuss with the committee what he meant by his use of the word "Republic." I asked:

> Do you mean that we are dealing with a country that is democratic or is based on freedom?

Of course he knew he could not say that.

That causes me to state that in South Vietnam we are dealing with a tyrannical military dictator; in South Vietnam we are trying to strengthen a tyranny. Do Senators think there are any human rights under the control there by that general-dictator?

The other day that dictator called me a traitor. Imagine that, Mr. President—that little tinhorn tyrant—military dictator in South Vietnam is supported by the Government of the United States. How come? He proceeded to call an elected Member of the United States Senate, one of the representatives of a free people, a traitor. I wonder whether he thought I was going to send him a bunch of roses.

I hear the whip say, "Portland roses."

I say to the Senator from Arkansas that one would think that if we were going to get ourselves into a controversy abroad, we would be supporting freedom and human rights and democratic processes. Has the Senator from Arkansas been surprised, when he has picked up the daily newspapers during the past several years, to discover that that little tinhorn tyrant in South Vietnam has had to do some recouping and some maneuvering and juggling because he has some trouble with his Cabinet?

I wonder if our Ambassador is helping him. The Ambassador should be called home to make a report. I do not believe he is doing a good job. I think it is a lousy job. The situation is growing worse under him.

Mr. McCLELLAN. Is the Senator from Oregon talking about the candidate for President?

Mr. MORSE. The Senator means the candidate of the other party?

Mr. McCLELLAN. Yes.

Mr. MORSE. I do not know who their candidates for President are. It makes no difference who they are. They do not have a prayer, and they know it.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HUMPHREY. The Senator has suggested that the Ambassador be called home.

Mr. MORSE. He ought to be called home for a report. He should never have been sent over there.

Mr. HUMPHREY. Other distinguished public officials also feel that the Ambassador should be called home.

Mr. MORSE. I understand. Some of our good friends running for the Republican nomination also believe he should come home and report.

I shall get on with my alternative.

Mr. McCLELLAN. Mr. President, will the Senator yield for another question?

Mr. MORSE. I yield.

Mr. McCLELLAN. I asked the Senator about the cost of the operation or war in South Vietnam. The Senator replied. I recall that a few days ago the Senator made some reference to the number of casualties in South Vietnam. He said that at that time he had not been able to procure information as to the number of casualties that we have suffered in that operation. Has the Senator been able to obtain such information?

Mr. MORSE. Not yet. We have asked for it. We know that more than 200 American boys have been killed in

South Vietnam—in my judgment, needlessly and unjustifiably. In my judgment, not a one of them who gave his life in South Vietnam gave it for a good cause.

The Senator ought to read the editorials that have come into my office and read the editorials by which editorial writers, by "sticking their pens in my blood," thought they were going to bleed me.

I have said, and repeat again tonight—and I have been saying it on the platforms of America away from the floor of the Senate—that South Vietnam is not worth the life of a single American boy. I repeat that statement. More than 200 of them have been killed. If we escalate the war, there will be more casualties.

I say, "Watch out. Watch out." The trial balloon is up. We may escalate the war into North Vietnam before we are through; but if we escalate the war to North Vietnam, we shall not do it alone with conventional American ground forces. We must do it with nuclear weapons. I believe that after the first nuclear bomb that we drop in connection with the South Vietnam McNamara war, we shall have few, if any, friends left among the free nations of the world. If we cannot even interest SEATO in coming in and trying to reach an accommodation in keeping with the processes of law for the settlement of that international dispute, where do we think we shall have any friends in Europe?

The second phase of my program for settling the South Vietnam situation in keeping with our professed dedication, at least, to the peaceful procedures for the settlement of disputes which threaten the peace of the world is to take it to the United Nations. What in the world is wrong with that procedure? Sometimes in the Senate I gain the impression that if we have a simple program that is right, it is unacceptable because it is not complicated enough to confuse.

Sometimes it seems that the only foreign policy the United States can have is a complicated gobbledygook program for which we need a half dozen interpreters to try to figure out its semantic meaning. It is designed to conceal simple principles that usually describe what is right.

What is wrong with taking the South Vietnam controversy to the United Nations? Will Senators tell me? We might be surprised. We might be able to reach an agreement in the United Nations by which a United Nations trusteeship could be set up for 10 or 30 years, until we could train a civil service, until we could do the educational training that would be necessary to develop an ability on the part of people to govern themselves. We could strengthen the seedbeds of economic freedom in South Vietnam so that the flower of political freedom could blossom. There cannot be political freedom in South Vietnam, in Latin America, or in any other underdeveloped area of the world until the people first enjoy economic freedom of choice for the individual. It is a truism. I have made that statement almost ad infinitum on the floor of the Senate, but Senators will hear it again and again and again, for there is no answer to it.

American foreign policy, so far as aid to underdeveloped areas of the world is concerned, must be based upon economic freedom, and helping those areas develop their economic freedom. We cannot develop economic freedom with bullets. We cannot develop economic freedom with Sherman tanks. We cannot develop economic freedom with fire bombs.

A little of the news got in the newspapers, but a remarkable coverup job has been done in America in recent days. We were caught flatfooted. We were caught with an American light plane inside of Cambodia, with American military personnel as well as South Vietnam personnel, dropping a fire bomb which destroyed a village and killed 16 people. We rushed for cover with apologies. We said, "It will not happen again."

Do Senators think that the apologies would have been forthcoming if we had not been caught? The Cambodians were able to shoot down our plane. That is how we were caught. But suppose that had been a successful flight, engineered with so-called American military advisers, who are really combat soldiers. I do not think we have any right to put our boys in that position. Suppose we had not been caught. Those same 16 Cambodians would have died. The same Cambodian village would have burned from that fire bomb. We were caught. Our Government was quick to announce, "No more fire bombs."

Mr. President, we shall witness one incident after another in South Vietnam until we get out.

I am greatly disturbed about the danger that we may escalate the war. I am greatly disturbed lest this country will continue to follow a unilateral course of action in South Vietnam that will lead to worsened conditions, and that finally some shocking catastrophe may happen and many American boys may be killed. Then the superpatriots will demand some kind of full-scale operation, and the holocaust will be on.

Hypothetical? Perhaps. But I think it is a very real possibility.

Now is the time to think about it. Now is the time to try to do something about it. Now is the time for those of us who feel as deeply as the senior Senator from Oregon feels about it to dare to stand up on the floor of the Senate and say so. Popularity contests are not won that way, in or out of the Senate, but one goes to bed at night satisfied that he did what he thought was his duty. I sleep much more comfortably knowing that I have raised my voice again in a plea for taking the problem to the United Nations. That is where we should take it. I do not know what we are waiting for.

If we are waiting for the trouble in South Vietnam to vanish, we shall wait a long time, so long as we stay in South Vietnam and continue to stir it up with mercenary pay and military pay. I would like to get the military aid out of there. For want of a better descriptive term, I would like to get some form of international trusteeship established. I would like to see my country stop supporting military tyrants. Under a military Fascist rule, there is no more freedom for the individual South Vietnamese than there is under Communist rule. They are equally bad and intolerable.

Yesterday's and today's newspapers indicate that the military tyrant in South Vietnam is having more trouble. This is an old pattern. Stop and reflect on the number of times there has been a juggling of military and government personnel in South Vietnam. The juggling continues. A group here and there will start organizing, conspiring, and contriving. We pick up a paper some morning and read either of a successful or unsuccessful coup.

Mr. President, they live on that. There is much dissent in many of the hamlets in the so-called delta area. We ought to go down to some of those hamlets and take their arms away, although they got their arms in the first place because it was thought they would be loyal to the South Vietnamese Government and the U.S. Government.

We discovered, of course, that they were working in concert with the Vietcong. Among the Vietcong were some of their relatives, in some instances members of their families.

We cannot proceed under those conditions. There will continue to be a juggling and shuffling for new positions. We are supporting this sort of thing on a unilateral basis, making more and more enemies for ourselves around the world, losing more and more face.

I am somewhat amused by the suggestion which has been made that if the suggestion of the Senator from Alaska and the Senator from Oregon is followed, American prestige will suffer. We are losing more support and more face by supporting the little tyrant by McNamara's war in South Vietnam than we will ever lose by being honest with ourselves, by saying we are ready to resort to the peaceful procedures provided for in the charter to which our Government's signature is attached.

Mr. SYMINGTON. Mr. President, will the able Senator from Oregon yield to me?

Mr. MORSE. I am delighted to yield.

Mr. SYMINGTON. The Senator knows the great respect I have for him, so I ask the Senator why he calls it "McNamara's war." It seems to me in peacetime and in normal times the Secretary of State handles foreign policy, with the advice and approval of the National Security Council. As the Senator knows, I have great respect for him, but I also have respect for the Secretary of Defense. I wonder sometimes, having read it in the CONGRESSIONAL RECORD, why the Senator from Oregon constantly calls it "McNamara's war." Knowing of the justice and fairness of the Senator from Oregon, which I also observed when I testified before him when I was in the executive branch, I trust he understands the spirit in which I ask the question.

Mr. MORSE. I call it McNamara's war because, before the Senator from Missouri came to the Chamber, in the early part of my speech I said that in my opinion McNamara is the Secretary of State in southeast Asia. I believe Rusk has abdicated. Rusk merely follows McNamara. It is McNamara who is calling the shots in South Vietnam. It is McNamara's policies that are being followed. The four objectives that have been outlined as U.S. policy in South Vietnam did not come from Rusk. They came from McNamara.

I always believe both in giving a man credit and placing on his shoulders the responsibility when he is to blame. The South Vietnamese program is McNamara's program. I am not interested in Rusk's "me-too-isms" in regard to it.

Mr. SYMINGTON. Mr. President, will the Senator yield further?

Mr. MORSE. I yield.

Mr. SYMINGTON. I have respect both for the Secretary of State and for the Secretary of Defense. Therefore, I would not want to enter into a discussion as to the relative merits of either; but based on my knowledge of the executive branch, no Secretary of Defense could operate without full consent of the Secretary of State and the National Security Council. I disagree with my friend. I believe McNamara is not the architect, although, because he is the operator, he has to be the builder.

Mr. MORSE. The Senator heard him. He heard the testimony. The Senator heard him outline the program. The Senator heard the Secretary of State in effect say "Me, too," or, if the Senator likes a more polite phrase, "I second the motion."

That is exactly what has happened in regard to the South Vietnamese program. The South Vietnamese program is being called by the Pentagon and the rest of the administration is following it. I am trying to change that course of action, so I am pressing my honest convictions as to who is responsible to see if I cannot secure a change. I never give up hope.

Mr. SYMINGTON. Will the Senator from Oregon yield further?

Mr. MORSE. I am delighted to yield.

Mr. SYMINGTON. No Member of this body has more consistently fought for civilian control over the military than has the Senator from Oregon. I therefore suggest to the Senator that there may be some dichotomy of thought on his part, because of all the Secretaries of Defense who have worked for civilian control, I am confident he will agree with me that none has tried harder than the current Secretary of Defense.

Mr. MORSE. I did not mean to intimate that the Secretary of Defense is not in the saddle. There is no general in the saddle in the Pentagon. What I am saying is that the Secretary of Defense is surely in the saddle. He is galloping ahead with saber drawn, leading McNamara's war in South Vietnam. That is my position.

Mr. SYMINGTON. I thank the Senator for yielding to me. I trust he will give consideration to my observations, because he is a fair man.

Mr. MORSE. I always give consideration to the observations of the Senator from Missouri.

Mr. SYMINGTON. I thank my good friend, the Senator from Oregon.

Mr. MORSE. I am always hopeful that sooner or later I may persuade the good Senator from Missouri to my view. I am always hopeful. I never give up hope.

Mr. SYMINGTON. The Senator often does persuade me; but in this particular case I would hope to persuade him.

Mr. MORSE. Please do not bar the doors of the wonderful intellect of the Senator from Missouri. Please keep them ajar until I can get through to him. I am perfectly willing to wait for that final discussion. Please do not bar those doors to me yet. Give me an opportunity.

Mr. SYMINGTON. The Senator knows I would never try to close my mind to anything he had to say.

Mr. MORSE. I point out that I have outlined my program for a peaceful approach, and not a bullet approach, to South Vietnam, for an international law approach rather than a law of the jungle approach to South Vietnam, seeking to make it through SEATO, and if that fails, through the United Nations.

To continue with my argument on this problem, I have pointed out that the Secretary General under the SEATO treaty—who is a Thai—states that there is only an internal quarrel between two factions in South Vietnam.

His reported statement is indicative of the reluctance of the Asiatic nations to involve themselves in someone else's behalf in warfare, which might involve Red China.

According to reports of foreign aid spending for fiscal year 1963, the United States has spent $280.8 million on regional aid in this part of the world. That was for military aid only. Approximately $4 million or more was spent for economic aid. The footnote on the aid summary shows that the $280.8 million figure included aid to Australia and New Zealand, furnished on a regional basis. The grand total of our military aid in that area, on a regional basis, since 1946, comes to $1,510 million. Do not forget, that is grant money. That is giveaway money.

As I stated in my reply to the Ambassador to India, my good friend Chester Bowles, when he made his speech before the Press Club the other day, when he said that in connection with the AID program we had better stop playing God, I also suggested that he remember that we should stop playing Santa Claus as well. This is Santa Claus aid which the United States has been pouring into that part of the world. The only regional organization in that part of the world is the Southeast Asia Treaty Organization, known as SEATO. Besides the regional aid we have furnished, we are also furnishing hundreds of millions of dollars each year in military aid to certain individual members—namely, Thailand, the Philippines, and Pakistan. That is separate and distinct in what they receive.

Of course, we know what Pakistan will do with her aid. She is building up a vast military force for a potential war with India over Kashmir. If anyone believes she is building it up for a war against Red China, he could not be more wrong. Pakistan is opening her doors to Red China, entering into trade agreements and entering into airport landing agreements.

Although India is not a member of SEATO, we are pouring millions of dollars of military aid into India. What will it be used for? It will be used to fight Pakistan over Kashmir, if it is deemed necessary.

What a paradox—what irony. The United States is supplying 100 percent of the military equipment for Pakistan and India—building it up.

The only possible use to which the aid will be put will be in fighting each other.

Perhaps some Senator can justify that procedure on moral grounds. I cannot do so. I have been heard to say before that if we cannot justify a policy on moral grounds, we cannot justify it at all. If we cannot justify a policy on the basis of its morality, we had better dump it. We cannot justify a policy of building up the military strength of Pakistan and India and placing them in a position in which they can kill large segments of their population over Kashmir, when the issue of Kashmir should be taken to the United Nations.

Here is another dispute that threatens the peace of the world, which should be subjected to the procedures of determination by international law.

What is wrong with that? I ask that question again.

It makes so much commonsense. It is morally unanswerable that we should be supporting it, not undercutting it.

In my judgment, the military aid we are giving to India and Pakistan is morally unjustifiable.

Mr. HILL. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. Why did I lead the fight, along with two or three other Senators in the previous session, against the foreign aid bill? Not because I was against foreign aid, but because I am against that kind of foreign aid.

I am glad to yield to the Senator from Alabama.

Mr. HILL. How much aid are we giving to India and Kashmir at the present time?

Mr. MORSE. I have not that information before me, but I will get it and place it in the RECORD. I believe we have given each country billions of dollars in aid since 1946. We have poured out more than $100 billion of the taxpayers' money since 1946 in foreign aid, military and economic—but mostly military. Military aid is almost always an overwhelming percentage of grant money.

Does anyone believe that has stabilized the world? Does anyone believe that has tilled the seedbeds of economic freedom?

I am the chairman of the Subcommittee on Latin America. Does anyone believe that we have tilled the seedbeds of economic freedom in Latin America?

We flirted with one coup after another. We let a military junta overthrow a constitutional government in the Dominican Republic and after a certain period of time, when most people had forgotten about the Dominican Republic and it went off the headlines, we recognized it.

We let a military coup overturn the constitutional Government of Honduras a few days before an election was to be held, because the leading candidate on a democratic ticket—with a small "d"—believed in the American principle that the military should be brought under constitutional control with the President of the country as its Commander in Chief. That is a pretty good American doctrine, is it not? The Honduran military did not think so. Knowing that if he won, the sound principle of constitutionalism would be established in Honduras, they overthrew the Government. However, a little while later we recognized them.

At that time we had an Assistant Secretary of State by the name of Martin. He tried to distinguish between dictators as "good guys" and "bad guys." I never saw a good military dictator in my life, and no one else has, either. A military dictatorship means the end of civil liberties. It means the end of self-government. It means the end of economic and political freedom. It means that the citizens have become but pawns of the state.

Mr. HILL. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HILL. There is no separation of powers, no check and balance, is there?

Mr. MORSE. There is only one power.

Mr. HILL. No separation; only one power.

Mr. MORSE. Yes; and that is the dictatorship.

Mr. HILL. That is the dictatorship.

Mr. MORSE. Yes.

Of course, Senators know what would happen to the Senator from Oregon if he were in Vietnam now. He would be liquidated. I said at the White House:

> Do you know what would happen to the senior Senator from Oregon if he were in South Vietnam? He would be liquidated.

That would happen, because they do not tolerate any criticism of the Government over there.

Let me say to the Senator from Missouri, before he leaves the Chamber, that McNamara, in conducting McNamara's war, is perfectly willing to support that kind of dictatorship. He is supporting that kind of dictatorship and he is now advocating that we pick up the check and pay for the military draft that is supposed to be put in effect over there. Does the fact that Rusk supports it too make the Senator from Missouri feel any better?

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. SYMINGTON. I should like to discuss the matter further with the Senator from Oregon. Unfortunately, I must leave the Chamber. It is always a privilege to discuss a subject with the Senator from Oregon. At another time, I look forward to discussing the problem with the Senator from Oregon, and perhaps our discussion will lead into an argument. I would look forward to it.

Mr. MORSE. I thank the Senator.

Mr. SYMINGTON. I thank the Senator very much.

Mr. MORSE. The only regional organization in that part of the world is the Southeast Asia Treaty Organization. Besides this regional aid we have furnished under it, we are also furnishing hundreds of millions of dollars each year in military aid to certain of its individual members; namely, Thailand, the Philippines, and Pakistan.

This is why I said here some days ago that SEATO is little more than a mechanism for extracting aid from the United States.

Mr. President, if they could not get aid from us under SEATO, SEATO would be finished overnight. It is one of Dulles' gimmicks for extracting a great deal of money from the United States for the benefit of those countries. SEATO was a great mistake when Dulles proposed it. His "domino" theory was also a fallacy. There was never anything to it. Little Cambodia proved it. Even before Cambodia, it was proved by Thailand, Indonesia, Malaysia, Laos, and North Vietnam. They all proved it.

It is interesting to listen to the State Department officials talking about the Geneva accord of 1954. All the Geneva accord did was to quarter Indochina, to create South Vietnam, North Vietnam, Laos, and Cambodia.

Then there was the great Dulles brainstorm of the "domino theory." It was said we must go in there, we must pour the largess of the American taxpayers, because those countries are like a row of dominoes. The theory is that if one of these countries falls, they all go down. Bunkum. Pure bunkum. Events have proved how much bunkum it was.

Connected with the Dulles "domino theory" was Thailand, Indonesia, and Malaysia. They have not gone over to communism. I do not say that they have gone over to democracy, either. They have not. Does anyone believe there is any democracy in Thailand? It is another monarchy, whose king sits on the throne at the sufferance of the military. We support the military.

Do American taxpayers know that we support the military in Thailand 100 percent? We pay the full cost of the Thai military organization. As I said the other day, I observed a great Thai military maneuver. It was held to show the result of our military aid to Thailand. I do not exaggerate very much when I say that I could have taken 10 American Boy Scout troops over there and whipped the whole Thai Army. If a film of that maneuver were shown in an American theater, it would be the subject of high comedy. Does anyone think they would be of help to American forces if our forces were engaged with them in a fight against an enemy? The great problem would be for the American soldiers to get out of the way of the Thai troops before they were trampled to death as the Thai retreated.

We pour money into all those countries. We are not pouring it into armies that are willing to die for a cause.

It is a shocking waste. It ought to be stopped.

I want to help the Thai. I want to help the Pakistanis. I want to help India. However, I want to help them sow the seedbeds of economic freedom. I want to bring the economic freedom of choice to the masses of people, because I know, according to history, what will be the result. Every society in the history of mankind which has developed economic freedom of choice for the individual has become a free society.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. McCLELLAN. I commend the Senator for the views he is expressing. I have shared those views for a long time. As evidence of it, in the past 9 years I voted against all foreign aid. I voted against it not because I was against all foreign aid, but because of the kind of aid the Senator refers to.

I ask the Senator if he agrees with me that when we give aid some condition ought to be laid down that these countries must live up to; otherwise it is a complete giveaway, irrevocably and irretrievably.

Mr. MORSE. The Senator from Arkansas has been 100 percent right. I greatly appreciate the great support he gave me in the previous session of Congress as we tried to modify the foreign aid bill. The administration has now made a good start. It is not enough. We hope it will go further in this session.

The Senator is correct. I offered an amendment to end all foreign aid—stop it—wipe the slate clean—at the end of fiscal year 1965; and then start all over again on two major premises: First, that those who want foreign aid will come and apply for it. We have rammed down the economic gullets and the military gullets of some foreign countries, since 1946, foreign aid that they did not want, that they did not ask for, because of the human frailty that characterizes the human animal, and they could not turn it down. My amendment provided that we end it and start all over with two principles or guideposts. We would require that first they must apply for it on terms and conditions which we proscribe in order to qualify them as applicants; and, second, that we limit the aid to not more than 50 countries. Does the Senator know how many countries we are aiding now? One hundred and seven.

Mr. McCLELLAN. How many more are soon to be born that we will assist?

Mr. MORSE. That we do not know. We shall be economic midwives to them, if we do not watch out. There are only eight countries outside the Iron Curtain, down whose gullets we have not rammed foreign aid.

Mr. McCLELLAN. Only eight?

Mr. MORSE. Only eight. If some of us had not made the fight—including the Senator from Arkansas [Mr. McCLELLAN]—which we have been making, the State Department would have seen to it that those countries would be getting the taxpayers' dollars.

I would drastically cut military aid, and I would reorient foreign aid so as to follow the program which I suggested, and require a demonstration of economic feasibility on a project-to-project basis. I would have most of it based on loan money, not grant money.

What does the Senator from Arkansas have to do and what do I have to do when we want to get a reclamation project, or when we want to get a dam, or when we want to get a public works project?

He and I must present evidence that shows a cost-benefit ratio favorable to the project. I do not quarrel with that. We ought to be required to do it. Does the Senator think we do that in our foreign aid program? We build dams when any careful study of the project would show that the prospect of ever getting enough water behind the dam to warrant its construction would be nil. We build roads which go nowhere. This is not the senior Senator from Oregon speaking. This is the Comptroller General of the United States.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. McCLELLAN. We must do much more than merely ask for a project. We must justify it by the best available expert testimony and show that it is economically justifiable.

Mr. MORSE. Of course.

Mr. McCLELLAN. In the countries where we are spending the money, no such requirement is made. I recall that some 7 or 8 years ago, the Committee on Government Operations and the Permanent Investigations Subcommittee investigated a project in Bolivia. An irrigation project was constructed where there was no water.

Mr. MORSE. There was no water at all.

Mr. McCLELLAN. That is correct.

Mr. MORSE. Do not be surprised at that. The Comptroller General is our watchdog. He is our agent. He is an officer of Congress. He has been trying to warn us for years as to what is going on in foreign aid. He has given us a pile of reports. And he does not mark them top secret. But they are marked "Top secret."

Does the Senator remember when I used the reports in a debate during the previous session? There was an 18-inch-high pile of reports showing the shocking waste in foreign aid, the failure to carry out the professed objectives of a given program, and also the existence of great corruption among governments in underdeveloped areas of the world. I announced in the Senate Chamber that the reports were available for Senators to read.

In my judgment, one of the main reasons there are the votes which occur on some amendments is that Senators accepted my invitation and read some of those reports. Senators came to me and said, "WAYNE, I had no idea this was going on. I have listened to you. I know your position. But I had no idea this was your backstop evidence."

I remember that I once said—because of what the Senator from Arkansas has said, perhaps I ought to say it again—that one of the reports from the Comptroller General showed that more than 200 hay balers were shipped into a desert country, where it would not be possible to grow a ton of hay in a hundred square miles. Yet there they were, rusting away, some of them not even uncrated, and absolutely no good to anybody. Somebody lined some pockets. I do not charge that American officials did, because I will say to the everlasting credit of American officials that I know of no evidence of any corruption on their part. There was bad judgment. But much corruption is created in other countries because of the exercise of bad judgment on the part of U.S. AID officials.

It is important that we now hear that the Secretary General of SEATO, a Thai, finds that the war in South Vietnam is only an internal struggle between two factions. I do not disagree with him. I believe he is quite correct. But I also agree with General Khanh, the military tyrant of South Vietnam, when he calls SEATO a "paper tiger." He does not like it. He is not a booster for SEATO. He knows very well that if SEATO came in, he would go out.

He knows very well that an international jury, which the foreign ministers of the SEATO countries ought to be, because the signatures of their countries are attached to that treaty, could not very well support that tyrant's policies.

Probably in this instance both the Secretary General of SEATO and the military tyrant of South Vietnam are correct: SEATO has become a paper tiger. I wish it were not, if it could do any good. I should like to give SEATO a chance to prove whether it is a paper tiger. That is why I am urging my Government to try to make a resort to the SEATO organization in an attempt, at least, to end the killing in South Vietnam and restore some kind of order through a SEATO command, a SEATO trusteeship, or whatever can be agreed to by way of a SEATO pact for South Vietnam. We have no business getting into the middle of a civil war in South Vietnam. We have no business being a "sugar daddy" to a group of nations in southeast Asia that are strong for American intervention in Vietnam, but who want no part of the activity for themselves.

Unless the meeting of SEATO in Manila embarks on a joint SEATO policy toward South Vietnam and begins to deal with this threat to the peace in the one and only area it was created to deal with, the United States should get out of SEATO. At the very least, we should cancel our military and economic aid to it.

The only thing about SEATO that seems to work is its mimeograph machines. I receive an ample supply of publicity releases about its joint exercises with all-American equipment. Apparently that is all that the military establishments of these countries will ever do under SEATO—that is, to exercise their American equipment.

If there is a threat to peace in South Vietnam, SEATO should be dealing with it. That is its only reason for existence. The United States should not be dealing with it on a unilateral basis. If there is not a threat, but only an internal struggle between two factions, the United States has no business in South Vietnam, and should get out. Our present policy is only bleeding the United States financially and militarily.

Some days ago, on the floor of the Senate, I discussed a statement made in Manila by the President of the Philippines. He said that, by all means, the United States should stay in South Vietnam. There was no question about it. I was a little disturbed because that statement by the President of the Philippines did not continue and say that because the Philippines Government signed the SEATO Treaty, the Philippines would come in and help. He did not add that. So I respectfully—if none too politely—suggested, on the floor of the Senate, that I was not very much moved by that statement by the President of the Philippines; and I said I thought it would be more fitting if Filipino forces were in South Vietnam, doing a little of the dying and a little of the supporting. The President of the Philippines did not like that statement; and he had a few unkind words to say about the senior Senator from Oregon—which convinced me that I was right.

I received a letter from Jose F. Imperial, Chargé d'Affaires ad interim, Embassy of the Philippines. The letter reads as follows:

EMBASSY OF THE PHILIPPINES,
Washington, D.C., March 31, 1964.

Hon. WAYNE MORSE,
Senate of the United States,
Washington, D.C.

DEAR SENATOR MORSE: I read with much interest your remarks in the CONGRESSIONAL RECORD, Senate, of March 26, 1964, titled "Answer to the Secretary of Defense."

On page 6469 of the RECORD is the following statement: "Your country's signature is on the SEATO Treaty. You have walked out, Mr. President of the Philippines; you have not lived up to your signature."

I am not aware, Mr. Senator, that the President of the Philippines has either "walked out" or that he has "not lived up" to the signature on the SEATO Treaty. South Vietnam is one of the protocol states. I am certain, Mr. Senator, you are also familiar with the fact that without the specific request of a protocol state, SEATO is powerless to intervene in the internal affairs of that country. Since SEATO is not involved in South Vietnam, and American assistance there is a unilateral action on the part of the United States, your strong remarks against the President of the Philippines is both unfair and unjustified.

Without counting the cost, Filipino boys fought side by side and died side by side with American boys in two World Wars and in Korea for the cause of freedom and human dignity. In the event that SEATO action should become necessary in South Vietnam please rest assured, Mr. Senator, that the Philippines will be there to the full limit of her treaty obligations.

Sincerely yours,

JOSE F. IMPERIAL,
Chargé d'Affaires ad interim.

Mr. McCLELLAN. Mr. President, at this point will the Senator from Oregon yield?

The ACTING PRESIDENT pro tempore (Mr. METCALF). Does the Senator from Oregon yield to the Senator from Arkansas?

Mr. MORSE. I yield.

Mr. McCLELLAN. If there is no such obligation on the part of the SEATO countries—apparently that is what he was trying to state in his letter—and nothing which has developed in South Vietnam calls for the SEATO members to act to fulfill their signatures to the SEATO agreement, why is the United States called on to intervene unilaterally in South Vietnam?

Mr. MORSE. I point out that there is a "gimmick" in that gentleman's letter—namely, his statement that the Government of the Philippines never was asked to go into South Vietnam, whereas the United States was asked to go in.

Mr. McCLELLAN. Who asked the United States to go in? As I understand the statement the Senator from Oregon is making, only the South Vietnamese Government asked the United States to go in there.

Mr. MORSE. We were asked to do that by a tryant we put into power there in 1954—a man by the name of Diem. Let us remember that after France set up a puppet there, and after France was kicked out, we set up a puppet there—the late dictator Diem. And of course it was not difficult for us to get him to ask us to go in there—just as it was not difficult for the East Germans to ask the Russians to go into East Germany.

However, let me say, as a former professor of logic, that the Chargé d'Affaires ad interim of the Embassy of the Philippines who wrote the letter to me would have flunked my course, if he wrote an examination paper which was as full of false assumptions, non sequiturs, and misstatements as the large number we find in the letter he sent to me. It will be noted that in his letter he admitted that South Vietnam is one of the protocol states; but he failed to state that SEATO had much to do in connection with that protocol state arrangement, because every nation which was signatory to the SEATO Treaty joined in the statement in the treaty that the signatories thereto recognized South Vietnam as an area of mutual concern and interest. Of course they pledged themselves, at that very time, to take an interest in South Vietnam—along with the United States. We have kept our pledge—although I think we have carried it out very poorly and unfortunately. But the point is that the Philippine Government and every other government which signed the SEATO Treaty should have been in South Vietnam with us, trying to work out there, with us, under the protocol agreement they joined in placing in the SEATO Treaty, an agreement involving South Vietnam—a peaceful handling of the controversy which has arisen, in South Vietnam.

Mr. McCLELLAN. Then, if I correctly understand, whatever obligation the United States may have had to be in South Vietnam stemmed from the fact that the United States was a party to the SEATO Treaty; is that correct?

Mr. MORSE. Yes, that is the only international-law reed we have to lean on; and the same obligation exists with respect to every other nation signatory to that treaty.

Mr. McCLELLAN. Is it true that there is no other obligation in that connection that has been incurred by the United States other than through our signature of the SEATO Treaty?

Mr. MORSE. That is correct.

Mr. McCLELLAN. If I correctly understand, every signatory to that treaty is under as much obligation to be in South Vietnam tonight as the American troops are. Is that correct?

Mr. MORSE. That is my position; and the escape hatch that McNamara and the State Department are trying to use—mainly, that Diem asked us to come in—is, in my judgment, an arrangement of convenience.

Mr. McCLELLAN. Were we under any obligation to go in there?

Mr. MORSE. Only as a member of SEATO.

Mr. McCLELLAN. If we had an obligation to respond to that invitation, it seems to me that all the other signatories to the SEATO Treaty had the same obligation.

Mr. MORSE. Certainly they did. Not only that, but when we did respond to that invitation, every other signatory to the SEATO Treaty should have asked us, "What are you up to? What do you propose to do? What are you doing in there?"

In this matter we bound ourselves in regard to mutual concern. In that case, what happened to Australia, New Zealand, Great Britain, France, and the other countries? I do not know; I never have been able to find out. But I believe we can take judicial notice of the fact that they merely took the position that if Uncle Sam was willing to spend his money and blood there, let him do it.

Of course that happens all around the world; as long as the United States is willing to "pick up the checks" and the responsibilities, the other countries will let us do it.

Mr. McCLELLAN. They will say, "Let you and him fight."

Mr. MORSE. Of course, as the Senator from Arkansas has said, they will reply, "Let you and him fight."

We poured out over $100 million.

In response to the letter I received from that Filipino diplomat, I dispatched the following letter:

APRIL 6, 1964.

Hon. JOSE F. IMPERIAL,
Chargé d'Affaires ad interim of the Philippines, Washington, D.C.

DEAR SIR: Thank you for your letter of March 31.

I completely disagree with the rationalizations set forth in the letter. The fact remains that the Government of the Philippines signed the SEATO Treaty. It, like the other signatories of the treaty, has exercised no leadership in trying to resolve the civil war in South Vietnam short of military action. Until your President exercises such leadership, I shall continue to point out that he, along with the other signatories of the treaty, have walked out on their clear responsibilities to seek a peaceful solution to issues that threaten the peace in South Vietnam.

I recognize and have paid tribute to the fact that Filipino boys have fought along beside American boys in past wars, but there are no Filipino boys in Filipino uniforms dying in South Vietnam these days.

I am enclosing tear sheets from the CONGRESSIONAL RECORD, containing the references I have made to the President of your country and to the policies of your country. I assure you that I stand on every word I have spoken in criticism of your President and your country.

Yours respectfully,

WAYNE MORSE.

Mr. President, I now repeat, all the criticism that I have heretofore made of the failure of the Philippine Government to live up to what I consider to be their clear obligations under the SEATO Treaty, and I now incorporate in that criticism, Australia, New Zealand, Pakistan, Thailand, Great Britain, and France. The only one, I believe, who has made a gesture on the question is De Gaulle. The trouble is that we do not know what he means, and I wish to give him an opportunity to clarify his position. I wish to give him an opportunity to expound, amplify, and define. I do not believe we can do so except through SEATO.

There was a little criticism of my position on South Vietnam from an American Legion Post, Southeast Post No. 146, American Legion, Department of Oregon, signed by Don E. Johnson, Americanism Chairman, District 8, Post No. 146, American Legion, Field Box 7013, Portland, Oreg., 97219.

Mr. President, I ask unanimous consent that the entire letter, including the listing of the officers of the post, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SOUTHEAST POST NO. 146,
AMERICAN LEGION,
DEPARTMENT OF OREGON,
Portland, Oreg., March 30, 1964.

Subject: Your picture—Peoples' World.

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

HONORABLE SENATOR MORSE: Do you think that the patriotic, well-informed citizens of the State of Oregon appreciate your smiling picture on the front page of the Peoples' World, dated Saturday, March 28, 1964?

Yours very truly,

DON E. JOHNSON,
Americanism Chairman, District 8, and Post 146, American Legion, Portland, Oreg.

OFFICERS 1963–64

Dan E. Mosee, commander.
Alfred G. Rouse, first vice commander.
Roy L. Axt, second vice commander.
Hohn E. Shapland, adjutant.
Don E. Johnson, assistant adjutant.

Willard G. Hoard, finance officer.
Clarence D. Griffiths, junior past commander.
George F. Payne, chaplain.
Earl F. Olson, historian.
William J. Kirkland, service officer.
Charles R. Crisp, sergeant at arms.

EXECUTIVE COMMITTEE

A. A. Esau, Ervin R. Johnson, Herb Smith, Norman LePoideuin, Bernard Anderson, Harold Widman, Jr., and Jack Stewart.

PAST COMMANDERS

Herbert A. Peterson, 1946–47.
Gordon O. Auborn, 1947–48.
Ronald E. Callbeck, 1948–49.
Albert H. Boss, 1949–50.
Donald M. Lehman, 1950–51.
Ralph W. Kaufman, 1951–52.
Willard G. Hoard, 1952–53.
George O. Nelson, 1953–54.
Irvin R. Johnson, 1954–55.
Orville W. Reynolds, 1955–56.
William J. Kirkland, 1956–57.
Robert C. Jones, 1957–58.
Clinton H. Fromm, 1958–59.
William F. Bower, 1959–60.
Peter B. Lang, 1960–61.
Irvin R. Johnson, 1961–62.
Clarence D. Griffiths, 1962–63.
Dan E. Mosee, 1963–64.

Mr. MORSE. I wish to complete my discussion of the letter I received from the chairman of the Committee on Americanism of Southeast Post No. 146 of the American Legion in Portland, Oreg. The letter reads:

> Subject: Your picture—People's World.
>
> HON. SENATOR MORSE: Do you think that the patriotic, well-informed citizens of the State of Oregon appreciate your smiling picture on the front page of the Peoples' World, dated Saturday, March 28, 1964?
>
> Yours very truly,
>
> DON E. JOHNSON.

I responded to the chairman of the Americanism Committee of the Southeast Post No. 146 of the American Legion of Portland, Oreg., as follows:

> DEAR MR. JOHNSON: I have received your letter of March 30.
>
> I would be interested in knowing what in the world you think I had to do with my picture being on the front page of the Peoples' World. Do you mean to tell me that you have duped yourself with the guilt by association philosophy? What nonsense.
>
> Yours truly.

One cannot take my position on South Vietnam and not receive mail of that type, because the people who write such mail are not interested in the facts. Seldom do they give evidence that they resort to thinking of great abstract principles of government that keep us free.

When a Senator fights in the Senate to have his Government keep faith with the great ideal that this country should resort to the rule of law—which we say we do—instead of the jungle law of force for the settlement of disputes, and then says it should be applied to South Vietnam, and says, quite frankly and undeniably, that this country is not doing it there, one expects people to write letters such as this. But it is a part of the liabilities that go with the position one holds in this body, and I do not intend to be deterred by mail of that type. I intend to continue to press my administration for some answers to the questions I have been raising.

I have another letter I wish to read. It is similar to the 200 or more letters I placed in the CONGRESSIONAL RECORD a few days ago, from every State in the Union, and from officers, privates, and sergeants of our Military Establishment in South Vietnam, in support of the position I am taking on South Vietnam. I said before that those letters would have to be published without disclosing their signatures. I said the letters were available for Senators to read, and I said the letters were available to the White House to read, if the White House wanted to read them. But, knowing the military as I do, I know what would probably happen to any officer in South Vietnam who wrote a letter of encouragement and support to the senior Senator from Oregon in regard to his position toward American foreign policy in South Vietnam. So the Official Reporter will please eliminate the name or any identification mark, and return the letter to my office uncut.

The letter reads as follows:

> DEAR SENATOR MORSE: I thought you might note the enclosed article clipped from today's Saigon Post. Also enclosed is the Vietnamese press version of Ambassador Lodge's and Mr. McNamara's statements. It seems that policies as usual are still undecided.
>
> The small article on the L–19 crash, of which the lieutenant has died, shows what some of our military aid in southeast Asia has done for us. As you will note he was shot down by Cambodian T–28 fighters. This is a case of some of our foreign aid coming back to us in the form of death to our own troops. This is just one of many instances.
>
> I trust you will find these articles of interest.
>
> Yours truly,

Mr. President, I ask unanimous consent that the articles that the member of our Military Establishment in Saigon sent to me also be incorporated at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Saigon Post, Mar. 28, 1964]

U.S. AIR FORCE L–19 MISSING WITH TWO ABOARD—KHMER-DOWNED U.S. PILOT DIES

A U.S. Air Force L–19 observation plane has been reported missing in Quang Tri Province since Wednesday with two American pilots aboard according to American military sources.

The plane took off from Khe Sanh at 2:15 p.m. for a 2-hour reconnaissance flight. It carried enough gas for approximately 3 hours and 40 minutes of flight.

When the aircraft did not return to Khe Sanh as scheduled, a ground communications check failed to reveal any information on its status. Darkness and bad weather in the area prevented any immediate airborne search.

No emergency messages or position reports were received from the aircraft after it took off. The general area of the L–19's proposed flight plan was searched Thursday by 18 fixed-wing aircraft.

Due to bad weather in the area, the search could not be started until 11:10 a.m.

Two H–34 helicopters are on standby for medical evacuation purposes and 12 other H–34's are on alert to fly troops in to secure the area when the missing plane is located.

The pilot is assigned to the U.S. Air Force and the observer is a U.S. Army officer.

The sources also reported that the U.S. Air Force first lieutenant who piloted the Vietnam Air Force L–19 observation plane shot down by Cambodian fighter planes March 19 died Wednesday at the Clark Air Base hospital in the Philippines.

The pilot was evacuated to Clark on Tuesday; at that time he was still in critical condition with multiple injuries.

The L–19 crashed in Kien Tuong Province about 2.5 miles this side of the Cambodian border after being fired on by two Cambodian T–28 fighters painted gray with red tails.

[From the Saigon Post, Mar. 28, 1964]

U.S. PULLOUT DISASTROUS; VICTORY SURE, LODGE SAYS—LOSS OF VIETNAM WOULD ENDANGER FREEDOM OF 240 MILLION PEOPLE

U.S. Ambassador Henry Cabot Lodge said Thursday that withdrawal of U.S. troops from Vietnam would be disastrous and that neutralization of the country at this time would be "the complete equivalent of Communist victory."

The Ambassador also said, in prepared answers to questions put by Associated Press that persistent execution of existing civil, political and military plans under Gen. Nguyen Khanh will bring victory—provided the hostile influences stay within bounds.

The loss of South Vietnam to the Communists would be a clear success for Communist China, which wants to turn Vietnam into a satellite, and would endanger a vast area of Asia in which 240 million people live, he said.

This is the reason why the freedom of South Vietnam is so important to the United States, the Ambassador pointed out.

"South Vietnam is the hub of an area which is bounded on the northeast and east by Formosa and the Philippines, on the south by Indonesia and on the west by Borneo. Communist seizure of South Vietnam would put the Communist squarely into the middle of southeast Asia, whence they could radiate all over," he said.

The loss of South Vietnam would have an incalculable effect on Cambodia and Laos, with strong repercussions further west in Thailand and Burma, he added. It would shake Malaysia to the south, it would surely threaten Indonesia. If Indonesia were unable or unwilling to resist, the Chinese Communists would be on the front doorstep of Australia.

Eastward, the repercussions for the Philippines and for Formosa would be severe, he said. Therefore, when we speak of southeast Asia, we are not talking of some small neck of the woods, but of an area about 2,300 miles long from north to south and 3,000 miles wide from east to west with about 240 million people.

"If the Communist Chinese, using North Vietnam as a catspaw, were able to take over South Vietnam, it would be interpreted as a vindication of the fanatic Chinese methods over that of the Soviets. It would also be regarded in the free world as reflecting a general lack of ability, a lack of willpower by the United States to prevent Communist aggression," he said.

The Ambassador dismissed current criticism about the war being in a stalemate with little gain by either side. He said that under General Khanh a new and much stronger situation is being created which means that in the Army bravery is being rewarded. "I believe that persistent execution of the existing civil-political and military plans will bring victory—provided the hostile external influences stay within bounds," he added.

Commenting on suggestions that the U.S. troops withdraw immediately, the Ambassador said that some U.S. troops which are performing specific missions can be withdrawn as soon as their missions are completed. "But a general withdrawal of the United States at this time would be disastrous," he reasoned. "We and the Vietnamese have built a strong position here."

He said that the cost to the United States in dollars per year is less than it cost to build one airplane carrier. "For us to throw away this joint investment, for which brave men have laid down their lives, would be imprudent," he emphasized.

The Ambassador scored the idea of neutralism as proposed by France, as the complete equivalent to Communist victory under present circumstances.

"In fact," he said, "the Communists in describing their idea of victory always use the word 'neutralism'. But they apply it exclusively to South Vietnam and not to the North."

He said that before discussing any kind of new relationship between North and South Vietnam, the North should stop aggression against the South.

No conversations with North Vietnam are even conceivable while this interference in South Vietnam's internal affairs is going on "They must withdraw immediately," he pointed out.

The minute they do so, there will be peace he concluded.

[From the Saigon Post, Mar. 28, 1964]

More Men, Guns, Planes for Vietnam—McNamara: Hit-Hanoi Plan Not Shelved

U.S. Defense Secretary Robert S. McNamara Thursday night said that the United States will help the Republic of Vietnam expand its land and air forces to press its war against the Communist Vietcong. At the same time, he did not specifically rule out the possibility of direct South Vietnamese military action against North Vietnam.

Speaking at the annual James Forrestal memorial dinner in Washington, named in honor of America's World War II Secretary of War, McNamara said that President Johnson approved 12 recommendations which he and Gen. Maxwell D. Taylor, U.S. Joint Chiefs of Staff Chairman, following their 5-day visit here early this month.

The Secretary did not spell out in complete detail what the 12 recommendations were, but mentioned the following:

He again reaffirmed U.S. support for the Government of South Vietnam in carrying out its anti-insurgency plan. Under the plan, he said, Prime Minister Gen. Nguyen Khanh intends to supplement a national mobilization plan program to mobilize all national resources in the struggle.

The Secretary said that the quality of the "new life" hamlets will be improved, and will be built systematically outward from secure areas and over-extension will be corrected.

The security forces will be increased by at least 50,000 men. The present strength of all regular and paramilitary forces is now about 400,000. The armed forces will be consolidated and their effectiveness and conditions of service will be improved, he announced. "We will provide required additional material," he said. "This will include strengthening the Vietnamese Air Force with better aircraft and improving the mobility of the ground forces."

McNamara made the rural problem the focal point of his speech. He said that a broad national program is to be carried out, giving priority to rural needs. He announced the imminent establishment of an administrative corps which will include teachers, health technicians, agriculture workers and other technicians. The initial goal during the year 1964 will be at least 7,500 additional persons, he disclosed, with the ultimate goal being at least 40,000 technicians for the more than 8,000 hamlets in 2,500 villages and 43 provinces.

The Secretary touched on the topic of carrying the war to North Vietnam. He said it was one of the options before President Johnson in the counterinsurgency program in South Vietnam.

He said: "This course of action—its implications and ways of carrying it out—has been carefully studied. Whatever ultimate course of action may be forced upon us by the other side, it is clear that actions under this option would be only a supplement to, not a substitute for, progress within South Vietnam's own borders."

McNamara ruled out two other options for dealing with the Vietnamese problem. He totally rejected the notion that the United States withdraw its help, and he said the proposal for the neutralization of Vietnam would, in reality, be an interim device to permit Communist consolidation and eventual takeover.

McNamara noted that both North Vietnam and Communist China regard their battle for South Vietnam as a test case for the new Communist strategy. But he noted that they have different objectives. Hanoi's objective is limited to a mere conquest of the South, he said, while Peiping would regard Hanoi's victory as a first step toward eventual hegemony over the two, Vietnam and southeast Asia.

America's goal, McNamara said, is peace and stability, both in Vietnam and southeast Asia. "When the day comes when we can safely withdraw, we can expect to leave an independent and stable Vietnam, rich with resources and bright with prospects for contributing to the peace and prosperity of southeast Asia and the world," he concluded

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One-Star Rank Created in Vietnam Army

A new rank, a one-star general has been created within the Vietnamese Army, it was authoritatively reported yesterday.

The source said the officers getting this new rank will be between a full colonel and the present brigadier general. Just why the move has been made is not known.

In Vietnamese, according to the source, the rank is "chuan tuong."

English translation of the rank is a problem since the Vietnamese brigadier general or "thieu tuong" has two stars, the major general, three, and the lieutenant general, four. So what can this new rank be called in English?

What about "junior general" for Vietnam's future one-star officers?

[From the Saigon Post, Mar. 30, 1964]

No Big Power Backdrop for Khmer Talks—P.M.—U.S. Senator Invited for Look-See

Prime Minister Gen. Nguyen Khanh on Saturday apparently tried to dissuade Cambodia from demanding a Geneva conference to guarantee its neutrality as a prerequisite for resumption of the Vietnamese-Cambodian border talks postponed early last week.

The Prime Minister said Cambodia and Vietnam are independent countries having complete sovereignty and when it comes to matters only concerning our two countries, we should settle them between ourselves without having recourse to the patronage of any outside country or seek any guarantee other than the sincerity and friendship of two fraternal people.

After pledging "strict respect for all agreements" the two governments may sign "in full freedom of action," he said the Vietnamese people "are ready to welcome" a Cambodian delegation which Prince Sihanouk recently said he might send to Saigon.

General Khanh said he and his government understood Cambodian indignation over the Chantrea bombing, and we have shown to the world that we know how to accept our responsibilities.

"If Vietnam and Cambodia now self-reliantly solve the common problems between the two nations, they will directly and effectively contribute to the maintenance of peace in southeast Asia and at the same time win the esteem of the whole world for the Cambodian and Vietnamese people," he added.

General Khanh made this statement at a 45-minute planeside press conference after presiding over the end of a course for observation pilots at Nha Trang Air Base.

Before inviting newsmen to ask questions, General Khanh made known the press conference had to be held in Nha Trang because he had to fly to Central Vietnam on an inspection trip immediately after.

Asked to comment on Prince Sihanouk's most recent attitude in the light of his "guarantee Cambodian neutrality first" statement, the Prime Minister said:

"On the basis of that statement, I asked myself why our two nations can't get together directly to settle their common problems without always relying on some great powers standing beside them? On my honor I can guarantee that Vietnam will respect all the agreements it may sign with Cambodia.

"At this point I also want to answer a rumor in the press that in the Cambodian incident, the Vietnamese Government acted on the recommendation of the United States. I want to make clear that the Government and myself made the decision ourselves without any advice from outside.

"On the other hand, one paper said to make concessions to Cambodia was a shame to our nation. They said that because they didn't understand the matter. Actually as far as force goes we are stronger than Cambodia and precisely because of this strength we must show modesty and peaceful intentions. On the contrary, we cannot have the same attitude towards a country stronger than us, as France for example.

For these reasons I want to repeat that the Vietnamese Government is striving to reestablish normal relations with Cambodia on an equal basis.

In reply to another question, he said he knew nothing of Cambodia's intention to exhibit the Chantrea victims' bodies but admitted that damage done to the Cambodian border village was heavy.

"Just imagine that a 1-ton bomb makes a crater 35 feet wide and you'd realize," he drifted off in a visibly moved mood.

Asked to comment on a recent statement by U.S. Defense Secretary McNamara that extension of the war to North Vietnam is not entirely ruled out, the Prime Minister said that was "a question of grand strategy, and the enemy always would like to know what's in our minds."

"All I can say as a general is that to be on the defensive is to lose and to be on the offensive is to win.

"However, military actions above the 17th parallel have important international implications and I can't answer you in detail. I can only let you know that we can repay Communist aggression, and there are many ways we can do that, not only with flags flying and drums beating."

KNOW BETTER

In answer to a newsman's question about his reaction to a recent statement by a U.S. Senator (Wayne Morse of Oregon) to the effect that all South Vietnam "isn't worth the blood of one American soldier," General Khanh said:

"If I were an American citizen, I would never vote for such a Congressman. Because the Americans in Vietnam are fighting for a just cause—freedom—to oppose the international Communists' invasion of a small nation.

"I am ready to invite that Congressman to come and live here with the Americans in the field. Then he will know better."

Mr. MORSE. Mr. President, how right he is about some of that military aid coming back to us. I referred previously to the incident when a small military plane was caught dropping a fire bomb inside Cambodia, which course of conduct could not possibly be justified on humane grounds.

Mr. President, I have another letter. Tomorrow, or next day, or the day after, or in the near future, I shall have another collection of letters to put in the CONGRESSIONAL RECORD, many of them from South Vietnam. News has reached there that some of us in the Senate dare to speak out in opposition to this policy. So I am hearing from them.

The next letter, Mr. President, is dated April 1, and reads as follows:

DEAR SIR: Today I read an article about you in the Pacific Stars and Stripes. I'd like to congratulate you and say I'm behind you 100 percent. Many others here share your viewpoints.

You "hit the nail on the head" about the statement aimed at the Philippine President. We are the only ones here sitting as targets for the Communists. Believe me, the Reds are hitting those targets too. And then they say we're not actually "in" the cold(?) war.

I also believe in the fact that the Commander in Chief should speak up. He's evaded the situation long enough. I believe this whole thing is a political scandal which is a 100-percent flop. It's all a political battle in the U.S. offices.

As for the flag flying at half mast; it'd be at half mast for many, many days.

I also believe McNamara should've spent some of his time here talking to the American GI's while he toured the field. No, he spent it all with the Vietnamese and the big U.S. officials who probably "snowed" him. If he actually knew the situation, maybe he'd change his viewpoints.

The administration should stop and think of all of our supplies that are being shot right back at us.

Sir, I appreciated your article very much. It helped many of us that read it. We're glad to know someone sees things right. Nine out of ten of the GI's go along with my feelings.

Again I say "Thank you" for the support. Keep up the fight. The righteous wins.

P.S.—I'd appreciate acknowledgment if possible.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "Saigon Criticizes Position of SEATO," written by Jacques Nevard, and published in the New York Times for April 9, 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAIGON CRITICIZES POSITION OF SEATO—SAYS BAN ON MEETING COVERT AGGRESSION HAMPERS IT

(By Jacques Nevard)

SAIGON, SOUTH VIETNAM, April 8.—South Vietnam said today that the Southeast Asia Treaty Organization was running the risk of becoming a "paper tiger," because it considered its role limited to prevention of open aggression by Communists.

A statement issued by the government of Premier Nguyen Khanh said that the subversive struggle being waged by the Chinese Communists "does not require frontal attack, uniformed soldiers, or even a battlefront."

The criticism of SEATO was a result of reports here that Konthi Suphamongkhon, Secretary General of the eight-nation pact, said Monday in Manila that there was no military aggression in South Vietnam and that the struggle there was only an internal quarrel between two factions.

FOREIGN MINISTERS MEET

The Secretary General, a Thai citizen, was interviewed on his arrival in the Philippines for a meeting of the Foreign Ministers of the SEATO nations—Australia, Britain, France, New Zealand, Pakistan, the Philippines, Thailand, and the United States.

A protocol to the 1954 treaty that established the alliance provided an umbrella of protection for South Vietnam, Laos, and Cambodia, although they are not members.

In a statement issued by the Foreign Ministry, South Vietnam said that never in the nearly 10 years since the beginning of the alliance had the Chinese Communists committed open aggression, "except perhaps in the case of the Indian frontier."

The statement said that "instead of armed struggle," the Communists "preferred by far an intensive propaganda campaign in extremist groups in newly independent countries, thus creating unyielding infiltrators more dangerous in the long run for seizing power than a battalion of soldiers."

CLASSIC IDEAS OBSOLETE

The Foreign Ministry said: "In another order of ideas, the classic concept of aggressive war, or rather traditional terminology in military matters, risks being obsolete. International law, which governs our treaties, conceives of aggressive war in the form of a frontal attack launched by a uniformed army. But the subversive struggle invented by the Communists, designed for wars of liberation, does not require a frontal attack, uniformed soldiers, or even a battlefront. How, in such cases, can one talk about war and aggression, much less about intervention and armistice?"

Mr. MORSE. Mr. President, I have other material here, but the Senator from Nevada [Mr. BIBLE] has arrived in the Chamber. I understand that we are to take up another subject matter tonight—I am not too sure whether there has been a change in the plan, but this is my speech on McNamara's war in South Vietnam for today. There will probably be another one tomorrow and the day after, so long as the administration continues to follow a course of action which I believe is as unsound as America's unilateral action in South Vietnam.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, I had intended to discuss the pending bill some time today, but circumstances have intervened. Other Senators have been recognized by the Chair and have occupied the time until this late hour. I understand, too, that some agreement or arrangement was made whereby it was understood that there would not be another quorum call tonight. I believe that arrangement was made to accommodate a number of Senators who are now absent and who desire to be absent.

Under the conditions which prevail, it would hardly be expected that I would make a lengthy address this evening on this important proposed legislation with the Chamber completely empty except for two Senators of the majority party who are now present, besides the occupant of the chair, and with the membership of the minority party, except one, absent attending some repast, some enjoyable dinner. I hope that when I speak on the measure I shall have the presence of some of our distinguished friends across the aisle as well as some of my own colleagues.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. BENNETT. I wish to make the observation that even Republicans must eat, though the fare is sometimes a little bit scanty.

Mr. McCLELLAN. I am in favor of that, and I think we ought to recess immediately so that we can all eat. I do not believe it is fair to permit only the Republicans to eat with the understanding that there will be no quorum call. While they dine, some of us must carry on. As soon as the distinguished Senator from Oregon returns and finishes his remarks, it would be very fitting and very becoming to the dignity of this body for the Senate then to recess under the previous order until 10 o'clock tomorrow morning—so I look forward to that moment that I think would be appropriate under the conditions that now prevail.

Mr. President, I spoke on the motion to consider the bill on the 12th day of March. One day from now that will be a calendar month ago. I have been prepared to speak on the bill each day subsequent to that day. The reason I have not is that I have had very little opportunity to do so. I have been crowded off the stage. The supporters of the measure have taken up a great deal of the available time—and rightly so. But to date I have been almost a little peeved at times because I could not get to speak routinely as the day arrived for my team to occupy the time. But those are inconveniences that we must endure from time to time. So having suffered such inconvenience and disappointment in the past, it would be unfair to expect me tonight under those circumstances to speak at any great length. So without serious objection—and I do not believe there will be any—when the distinguished Senator from Oregon concludes the able address that we have been privileged to listen to, I think it would be appropriate—and I hope that Senators will agree that I may make a motion to recess until the time heretofore agreed upon.

I was very much interested in the remarks of the distinguished Senator from Oregon. I may say that for the last 9 years I believe I have voted against the foreign aid bill each year and have voted against the appropriation therefor as a protest against the kind of aid we were giving and the circumstances under which we were giving it.

I appreciate very much the kindness of the Senator from Oregon in yielding to me. I am very thankful I had the opportunity to make these few remarks.

Mr. MORSE. I thank the Senator from Arkansas very much. He was very kind to me. The courtesy he extended to me is deeply appreciated.

GEN. DOUGLAS MacARTHUR

Mr. SYMINGTON. Mr. President, unfortunately, I was not on the floor when many tributes were paid to the late great Gen. Douglas MacArthur, who now lies in state in the city in Virginia he felt to be his home.

It happens that for reasons not important at this time I have known General MacArthur for over 45 years. Rather than eulogizing further his great record, I ask unanimous consent that a moving and beautiful editorial from the St. Louis Globe-Democrat of April 6 be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis Globe-Democrat,
Apr. 6, 1964]

GEN. DOUGLAS MACARTHUR

In all the annals of military history, there has never been a career to excel that of General of the Army Douglas MacArthur. The world will almost surely never see his like again.

Impressive as they are, statistics alone cannot do justice to this great and noble man. The youngest general in World War I, the youngest Army Chief of Staff in our history, the magnificent architect of victory in the vast reaches of the Southwest Pacific from Australia to Japan, the indomitable leader of heroic forces against overwhelming numbers in Korea, the most decorated soldier of all time, Douglas MacArthur was a great military commander, and much more.

It was the strength of his character and reputation and love for him which held the Filipino nation together in the dark days of the Japanese occupation until final victory could be won. "I shall return" kept the light of liberty alive as nothing else could.

His overlordship of Japan converted a vicious foe into a stanch and resolute ally, so that the Japanese nation wept when their one-time conqueror went home.

The careers of many great military leaders have been but a few years at command rank. Most of the generals and admirals of all nations and services in World War II served less than a decade as flag officers. General MacArthur wore the stars of a general officer on active duty almost 35 years.

Yet the greatness of this wonderful leader cannot be measured in military victories alone, though tens of thousands of Americans are alive today because the genius of his leadership always was equated with the minimum expenditure of American lives.

His great qualities of heart and mind and his deep religious faith shone through all his words and deeds. He deeply believed that God had intended the United States of America ever to be a land of courage, a land to which all the world might look for honor and decency and spiritual values, a land ordained to be the home of truth and justice, a nation whose sterling example others might hope to emulate and follow.

Thus he was ever impatient of the second best, of the compromiser with evil and of the doctrine of weakness and equivocation. His code for his beloved Army—"duty, honor, country"—perhaps the greatest speech in our language since Lincoln's Gettysburg Address, was intended fully as much for his countrymen as for the Corps of Cadets at West Point.

Douglas MacArthur served his country long and well. He set a standard which will ever be both inspiration and aspiration to those who follow him.

He had but one code—victory. He had but one love—America. He had but one guiding principle—honor.

A nation mourns the greatest of her sons.

EXECUTIVE SESSION

Mr. BIBLE. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nomination on the Executive Calendar will be stated.

THE DISTRICT OF COLUMBIA

The legislative clerk read the nomination of Walter N. Tobriner, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of 3 years, and until his successor is appointed and qualified.

Mr. BIBLE. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. BIBLE. Mr. President, it is a privilege for me to speak in behalf of the nomination of Walter N. Tobriner. His nomination is now before the Senate.

Although the temptation is great to ask for a quorum call, in view of the lateness of the hour, and possibly the interest in affairs which are primarily limited to the District of Columbia, I shall not do so.

However, this is a very important position. It is one which everyone who resides in the District of Columbia and in the metropolitan area should follow with intense interest.

The nomination was reported to the Senate by a vote of 4 in favor, the distinguished Senator from the great State of Oregon [Mr. MORSE] voting present and there being no negative votes.

The nominee was born in the Nation's Capital on July 2, 1902. He has a fine educational background. He has distinguished himself in the practice of law in the Nation's Capital for many years. He served with distinction in World War II. He was commissioned as a major in the Air Force. He served for many years as a professor of law, and in that respect followed the path of the distinguished Senator from Oregon [Mr. MORSE] as a law professor. He taught for many years at the National University Law School, from 1930 to 1950, with a short time out for military service. He has been repeatedly recognized for his fine community service.

I could list many of his achievements in this regard. He has been active with the Democratic Party, but I am directing my attention tonight particularly to the work of this good man as Chairman of the Board of Commissioners of the District of Columbia for the past 3 years or more. I am familiar with his record.

As chairman of the Committee on the District of Columbia, it is my duty as well as my privilege to come in contact with the three District Commissioners charged by law with the government of the District of Columbia. In that capacity, I have had many occasions to observe Mr. Tobriner's performance. I find him to be a sensitive man, a kind man, and a dedicated man—dedicated to the same principles and objectives to which I believe all of us are dedicated; that is, to make the Nation's Capital a better place in which to live.

Mr. Tobriner has many problems—as all of us have who attempt to work on the affairs of the Nation's Capital. I believe primarily that one of the most frustrating parts of being either a Commissioner in the District of Columbia or serving on legislative or appropriations committees is the cumbersome way in which the government of the Nation's Capital is organized.

In that respect, I know that the Senator from Oregon [Mr. MORSE] and I are close together, because we both believe it is ironical that in the capital of the free world its people do not govern themselves. The Senator from Oregon and I see the problem exactly alike on the question of home rule. Of course, home rule is not the question before the Senate tonight. The nomination of Walter N. Tobriner is. As I said earlier, it is a proud moment and a privilege for me to report his nomination to the Senate; and I urge its confirmation.

Mr. Tobriner did not particularly seek this post. The position sought him. The President of the United States knew, because of the excellent service of his first 3 years, that he had in Mr. Tobriner a dedicated man, an able man, and a man of great integrity—a man who should continue in the task on which he had started.

There are many problems to work on and to solve in the District of Columbia. I believe Mr. Tobriner knows those problems as well as any man in the entire metropolitan area.

There is the constant problem of finances, the constant problem of revenue, the constant problem of education, the constant problem of welfare, the perplexing problem of transit, and the problem particularly accentuated in the Nation's Capital, that of being a Federal city in part—surrounded on the north by the sovereign State of Maryland, on the south by the Commonwealth of Virginia, and hedged in by five or six metropolitan counties with different governing boards. This has complicated the difficulties with which not only this man, but the two other members of the Board of Commissioners, and those on the congressional level, have wrestled.

I believe it would be well to continue this man in his present position, and I unhesitatingly recommend him to the Senate.

As I stated earlier, I am tempted to suggest the absence of a quorum, but I realize that the hour is late, and I am practical enough to realize that occasionally the problems of the Nation's Capital do not receive the attention which many of us feel they deserve.

Mr. President, I ask unanimous consent at this point in my remarks, on behalf of Mr. Tobriner, to have printed in the RECORD an editorial published in the Washington Post under date of March 9, 1964, entitled "First Citizen"; an editorial published in the Washington Star for March 9, 1964, entitled "Mr. Tobriner Stays"; an editorial published in the Washington Daily News for March 3, 1964, entitled "The Man We're Looking For"; an editorial published in the Washington Post of March 2, 1964, entitled "Reappoint Tobriner"; an editorial in the Washington Star for March 2, 1964, entitled "Tobriner Not Out?" an editorial published in the Washington Afro American of January 18, 1964, entitled "Commissioners Show Courage"; and an editorial in the Washington Star for January 15, 1964, entitled "Man for the Job."

I ask that these editorials be printed in the RECORD in full as part of my remarks, because they indicate the sense of the news media of this area in commending a man who has done a job faithfully and very well, either urging his reappointment or subsequently complimenting the President of the United States upon his appointment.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 9, 1964]

FIRST CITIZEN

Walter Tobriner has been Washington's first citizen for a number of years. President Johnson simply confirmed him in that title by asking him to serve another term as a member of the District Board of Commissioners.

Mr. Tobriner's acceptance of the reappointment is good news for the Capital. It means continuance of a distinguished career of community service and assurance to the colonial dependents who live here that they will retain in the top executive position of their municipal government the man they would have elected to that office in all probability had their fellow Americans accorded them the elementary democratic right of self-government.

When he was president of the Board of Education, Walter Tobriner piloted Washington through a trying period of transition from a segregated to a desegregated school system; his firmness, patience, and tact helped to make the change a smooth and salutary one. As president of the Board of Commissioners in his first term, he achieved significant gains in political freedom here; he brought the police into conformity with the Constitution by calling a halt to the practice of making arrests for investigation without probable cause to justify them; and he promulgated a housing regulation which will at least diminish racial discrimination in regard to residence.

There is a great deal left for him to do. In his second term as Commissioner, perhaps he will be able to guide the community through a transition into full and genuine self-government. It is good to have him still at the helm.

[From the Washington Star, Mar. 9, 1964]

MR. TOBRINER STAYS

President Johnson's decision to appoint Walter Tobriner for another term as District Commissioner was based apparently on several considerations. It is a choice, however, which can have but one major result—experienced and dedicated direction of the affairs of the Nation's Capital.

Mr. Tobriner's combat experience makes him a veteran of this city's political wars. It is a peculiar kind of warfare in which the opposing forces are unequal and in which, therefore, the blast-away technique is more or less ruled out. This is best evidenced by Mr. Tobriner's comments after his reappointment had been announced—especially his statement that he will "continue to try to improve relations with Congress so the District can get the appropriations and legislation we need."

The need to propitiate the lords and masters on Capitol Hill sometimes is galling. The urge to tell them where to head in often is strong. Facts are facts, however, and the District has to live with them. That Mr. Tobriner recognizes this is a mark of competence, wisdom, and one might say, experience under fire.

[From the Washington Daily News, Mar. 3, 1964]

THE MAN WE'RE LOOKING FOR

Walter N. Tobriner's term as District Commissioner expires today, and since, at this writing, rumors to the contrary, the White House apparently has not settled on a replacement for him, we again urge President Johnson to reappoint him to another term.

Some of the uncertainty attending the filling of this post undoubtedly results from Mr. Tobriner's frank expression, in recent months, of an understandable reluctance to continue in a job which is long on work and short on thanks. There is nothing petulant in this regard. It is indicative, rather, of an honest, modest, and capable man's self-esteem.

If the White House is looking for a better Commissioner than Mr. Tobriner, it will have to search far and wide. He has proved himself an able, quiet, and remarkably effective administrator of this city's affairs—wise, fair, and beholden to no man. If he's willing to have another go at it, as he seems to be, then why fool around?

[From the Washington Post, Mar. 2, 1964]

REAPPOINT TOBRINER

Commissioner Walter Tobriner's term as Chairman of the Board of Commissioners ends tomorrow. He has not sought reappointment and, apparently, does not desire it. Nonetheless, he should be reappointed.

Commissioner Tobriner subordinated his personal wishes to the community interest when he accepted reappointment to the school board—and the city ever since has been grateful and glad that he did so. He has experience in waiving his own preferences in order to accommodate the preferences of his city and it will do him good to exercise again this endearing facility.

The White House might be able to find someone who would better serve the Democratic Party, in a narrow partisan sense. It might be able to find someone who would better serve the Board of Trade, or some other group or class or race interest. Commissioner Tobriner is not much of a partisan in this sense. But he is a partisan of the larger interests of this city. He is a uniting and unifying force in Washington. All groups have confidence in his utter integrity, his conscientious impartiality and his sound judgment on public affairs. He should be reappointed.

[From the Washington Star, Mar. 2, 1964]

TOBRINER NOT OUT?

The fact the the President did not announce the selection of a new District Commissioner on Saturday may indicate that he has not decided to replace Walter Tobriner, whose term expires tomorrow. We hope this is the case, and if it is, we also hope Mr. Tobriner will be reappointed. Parochial politics aside, we think that all of those who have been mentioned Mr. Tobriner is best equipped to serve the interests of Washington. And this should be the controlling consideration.

[From the Washington Afro American, Jan. 18, 1964]

COMMISSIONERS SHOW COURAGE

The first fair housing order in the history of the District becomes effective Monday, January 20.

On this date, the Nation's Capital joins 12 States—with roughly 40 percent of the population of the country—and more than a dozen cities which have fair housing laws or ordinances.

The Board of Commissioners issued the District's regulations after more than a year of trying to get the southern-dominated House District Committee to take action against housing discrimination.

While all members of the Board are deserving of congratulations for their courageous action, special praise should go to Commissioner Walter N. Tobriner, President of the Board.

While the regulation admittedly emphasizes conciliation, it is designed to guarantee freedom of choice in housing. This means it seeks to give everyone—regardless of race, religion, or nationality—an equal opportunity to buy or rent on the open market.

We understand now that certain southern Congressmen are outraged that the District Commissioners sought to fulfill their obligation to the residents of the Nation's Capital.

Some of these die-hard segregationists may feel inclined toward penalizing the Board of Commissioners.

We hope these gentlemen from the South will think twice before giving expression to their racial prejudices.

While Washingtonians have not always agreed fully with either Commissioner Tobriner or Commissioners John B. Duncan and Charles M. Duke, any action against the Commissioners because of the housing regulation is likely to precipitate explosive action.

One such action could be sit-ins in the offices of southern Congressmen.

We repeat, the District Commissioners ought to be congratulated for their courageous action.

[From the Washington Star, Jan. 15, 1964]

MAN FOR THE JOB

With his current appointment as District Commissioner due to expire March 3, Walter Tobriner apparently has not yet been asked by the White House to serve another term. This has to be an oversight. In view of his ability and past experience, Mr. Tobriner is clearly the man for the job.

Mr. Tobriner has made it plain he will not actively solicit reappointment. He has said he would seriously consider another term, however, if asked by the President. The point is that he wants to be asked.

This is not an unusual position. Mr. Tobriner was appointed by President Kennedy. He wants to serve under the new President only if he is sure Mr. Johnson really wants him.

In this case, however, there is more to it than that. The fact is that Mr. Tobriner has been upset for some time about what he considers a serious deterioration in the traditionally close relationship between the Commissioners and the White House. Specifically, the appointment of Charles Horsky as Presidential aid for National Capital Area Affairs has created an entirely new relationship and, to some degree, new procedures. One result apparently is that the Commissioners' direct communication with the President has been virtually cut off. And Mr. Tobriner is known to feel that this has severely impaired the effectiveness of the Commissioners.

There is no occasion, and we feel sure there would be no desire, for the Commissioners to run to the White House very often with their problems. They have not done so in the past. Nor does it necessarily follow that the creation of Mr. Horsky's post was a mistake. But Mr. Tobriner's attitude, as reported by his close associates, raises an entirely legitimate concern about the President's relations with the Nation's Capital.

Mr. Johnson by all means should sit down with Mr. Tobriner long enough to hear his side of it.

Mr. BIBLE. Mr. President, I urge the confirmation of the nomination of Mr. Tobriner as a Commissioner of the District of Columbia.

Mr. MORSE. Mr. President, I rise to oppose the nomination. I wish to talk to the Senate a little about the procedure that confronts us. If I thought I had any chance of beating the nomination, I would not have agreed to the procedure to which I have agreed. I know that the nomination will be confirmed. I have a clear duty, however, as a member of the committee on which I have served for so many years—as a Republican, as an Independent, and now as a Democrat—to make the statement that I am about to make. I have lived with and suffered with the problems of the District of Columbia for many years. I believe the appointment of Mr. Tobriner as a Commissioner is a mistake. I have agreed that it should be presented tonight, that the record, should be made, and that a voice vote on it should be had. I am satisfied that a substantial majority of the Senate would vote to confirm the nomination.

That does not relieve me of my responsibility to make a record against it.

My good chairman—and he is a very able chairman—of the District of Columbia Committee has said he and I agree on most matters. I believe that is true. We are dealing here with a field in respect to which we shall probably be in more disagreement, than we usually would be, because of the other issues involved in the nomination. I have agreed that there will not be a quorum call or a yea-and-nay vote, but that we may make the record, have a voice vote, and go home.

In the District of Columbia Committee, as my chairman has said, I voted "present." I felt that at that stage of the proceedings on the Tobriner nomination, it was the proper course to follow. I felt that the nomination should come to the floor of the Senate and that here I would, of course, stand up and be counted as to whether I would vote for or against or vote "present" on the nomination. I shall vote against it.

I say goodnaturedly that I disagree with my chairman that Mr. Tobriner was not particularly interested in reappointment. It was not planned, at first, to reappoint him. It is pretty well known that for a period of time another person had been decided upon to fill this position. I know of my own knowledge that a good many persons within the Democratic Party in the District of Columbia, of which Mr. Tobriner is a leader, brought persuasive influences to bear for his reappointment. Mr. Tobriner never acted in a vacuum during all the time that the representations were being made. My opinion is that he was very much interested in reappointment, and worked to that end.

What is the major basis of my opposition to Mr. Tobriner? Mr. Tobriner is president of the District of Columbia Commissioners. He is the Commissioner who has under his jurisdiction the administration of the Washington, D.C., Police Force. I do not believe he has been doing a good job in that capacity. In the previous session of Congress I announced, as a member of the District of Columbia Committee, in a subcommittee in which police affairs fall, that I was about to conduct a personal study of a good many complaints which I have been receiving in respect to the Washington, D.C., police department and the administration of it. I said if I found that my study warranted subsequently asking the committee to authorize a committee investigation, I would so report.

I have been at work on that study for many weeks. I wish tonight to discuss one phase of it. I intend to continue the study for probably another 2 or 3 months.

I have made a request of the Comptroller General of the United States for some assistance, and have conferred with him and his aids today, outlining the general subjects on which I should like to secure his assistance, by way of necessary investigations that fall within the purview of the Comptroller General of the United States.

I shall submit to the Comptroller General, in the very near future, an official memorandum outlining the subject matters on which I desire his assistance, and my official request for it. I have no doubt that within the authority of the Office of the Comptroller General, assistance will be forthcoming.

I have been involved in enough studies and investigations of the administration of criminal justice in this country over the years to know how important it is that one check with the greatest of care and scrutiny allegations that are leveled against law enforcement officers at all levels. That is why I have been proceeding with such care, and intend to continue to do so. I have no desire to harm anyone.

In the various crime surveys in which I have participated, including the major study that I directed for the U.S. Department of Justice in the 1930's, which resulted in the publication of five volumes, two of which I wrote completely. I played a major part in the writing and editing of the other three. I was very careful at all times to lean over backward in support of objectivity.

I intend to do the same thing in connection with my study of the District of Columbia Police Department. If it develops—and I have gone far enough to satisfy me that all odds are in favor of such a development—that a clear prima facie case exists in support of many of the troublesome, disturbing allegations that are made against the District of Columbia Police Department and its Chief of Police, I shall in due course submit a resolution asking for a Senate investigation through the Committee on the District of Columbia.

I shall also recommend in support of that resolution that any funds which are made available for the investigation shall be spent pursuant to the same policy which I recommended—and the Foreign Relations Committee unanimously approved—when the the Senate a few years ago voted $150,000 to the Subcommittee on American Republics Affairs for what the committee first suggested should be an investigation. But I suggested that the language be changed to "A study of United States Latin American relations."

After the money had been appropriated, I took the position in the subcommittee—and it was unanimously approved by the full committee—that all of such money should be spent, if we needed the total amount. We did not need it all, but we spent a large part of it. I do not know of a more profitable expenditure of committee funds during my service in the Senate than that proved to be.

I said, "The study should not be conducted by members of the Foreign Relations Committee. We are not qualified experts on Latin America. But if we are not qualified legislative jurors, we have no business being in the Senate. All the presumptions indicate that we are qualified legislative jurors. So many thousands of dollars ought to be spent by entering into contracts with universities, research foundations, and institutions, on whose staffs are recognized authorities on Latin American problems. We ought to enter into contracts for them to prepare a series of expert monographs on U.S. Latin American problems with recommendations as to what governmental action—including legislative action, as well as administrative action—should be the policy of our Government vis-a-vis Latin America. We ought to call these experts down here and get their advice as to what topics they think we ought to study."

That was done. And the Senator who seconded my motion, and, as I said before, made an eloquent speech on the subject of my motion was the then Senator from Massachusetts, Jack Kennedy.

As my good friend, the whip [Mr. HUMPHREY], who has come into the Chamber, knows, when the action of the subcommittee, after we took unanimous action on the proposal, was put before the full Committee on Foreign Relations, the full committee approved it. Out of that was developed the type of study that I want to see develop from an investigation of the Police Department of the District of Columbia, if we come to the point that an investigation is needed.

That set of objective research monographs, with suggested recommendations, was taken to the White House when the Senator from Massachusetts became President of the United States. That is where the Alliance for Progress program came from.

Mr. President, if one reads the monographs that the experts prepared for us, one will find that every major recommendation of that great program that the President subsequently initiated and enunciated took root in the reports prepared for us by experts on Latin American affairs, and financed by the Senate in the grant of money to the Subcommittee on American Republics Affairs.

I have told that story again because I want Senators to know that, so far as the senior Senator from Oregon is concerned, I am moving in connection with the police problems in the District of Columbia with the same objectivity. No one would be more pleased than I if the study ended with a recommendation based upon a finding that there is no need for that type of investigation. But if I were asked tonight if that is probable, my answer would be an emphatic "No," for I have already discovered enough in regard to the Washington, D.C., Police Department to satisfy me that it is in need of a thorough overhauling, procedurally, policywise, and, in some respects, personnelwise, including the Chief of Police.

Tonight I wish to discuss only one phase of police department policies to which I take strong exception. I have on my desk a list of the actions of one part of the police department for the past year, known as adjustment of traffic tickets. That is a nice-sounding phrase—adjustment of traffic tickets. It is known in the parlance of law enforcement as ticketfixing.

I have in my hand a 1-foot ruler—a 12-inch ruler. The pile of documents on my desk measures 11¾ inches high. But do not think that each of those pages represents only one ticket. One page contains references to 10 cases. Another one relates to seven. Another relates to 10. But not all of them are limited to 10, either. One contains 32 cases. I have a little difficulty reconciling that exhibit with police department efficiency. But do not think that these documents represent all the tickets that were fixed.

Those are only tickets that were "fixed" at the precinct levels. But there were more, although I do not have those tickets here. However, I have received some information, through my very able staff. I shall not indulge my staff members by naming them; but they are very fine, able staff members. There is not a better staff on any committee. In fact, I do not think the head of the staff would mind my paying him a compliment, because he deserves it. He is Chet Smith, Mr. President—one of the most able directors of a professional staff, in my judgment, on Capitol Hill. The chairman of the committee and I have complete confidence in him. That does not mean we always agree; but the staff is a very able one. The assistant, now sitting at my left, is Dick Judd. He, too, is very able. We also have a very able counsel—now sitting in the rear of the Senate Chamber—Mr. Fred McIntyre.

They have the job of supplying us with the information we request, if they can get the information for us—and they have done so. They have cooperated fully with me. So I am indebted to Mr. McIntyre, Mr. Smith, Mr. Judd, and all the other members of the staff. I said, "See whether you can get a fairly reliable estimate of other tickets that have been 'fixed' "—or "adjusted," to use the Department's term.

Mr. Smith advises me that during the 1963 calendar year, the adjustments or cancellations at the Office of the Corporation Counsel of the District of Columbia—which means the Office of the District of Columbia Commissioners, of which Mr. Tobriner is president—totaled an additional 7,362. For the fiscal year from January 1, 1960 through June 30, 1961—well, I shall read the entire letter:

GOVERNMENT OF THE DISTRICT OF
COLUMBIA, METROPOLITAN POLICE
DEPARTMENT, TRAFFIC DIVISION,
April 7, 1964.

To: The Chief of Police.

Through: The Executive Officer.

Subject: Comparative statistical evaluation of traffic violation notices adjusted by this Department; by fiscal years, July 1 through June 30 of the succeeding year.

In compliance with telephone request of this date, there is listed below the information obtained from the most readily available source. The information in reference to the subject matter, consists of excerpts from the "Annual Report of the Business of the Municipal Court for the District of Columbia," as forwarded to the Attorney General by the Chief Judge of the District of Columbia Court of General Sessions and reflects the work activities of the Central Violations Bureau.

Fiscal year	Received from Department	Withdrawn by Department	Percentage [1]
July 1, 1960, through June 30, 1961	392,074	27,492	7.0
July 1, 1961, through June 30, 1962	443,635	28,429	6.4
July 1, 1962, through June 30, 1963	494,782	33,739	6.8
July 1, 1963, through Mar. 31, 1964	362,579	26,077	7.2

[1] Overall average 6.85 percent.

I point out that in the foregoing tabulation, the caption "Withdrawn by Department" means, so the Department states, "adjusted." But I believe that in each case the word "fixed" would more appropriately be used.

In connection with the column headed "Percentage," I point out that the Department likes to make a great deal of the figures "7 percent," "6.4 percent," "6.8 percent," "7.2 percent," and "Overall average—6.85 percent." In effect, the attitude of the Department seems to me, "Those percentage figures show that the situation is not so bad."

However, I think they show a "lousy" performance. When a police department is issuing tickets improperly—although, of course, that is a false assumption—to such an extent as to make it necessary to cancel 7 percent of them, we had better find out what is the matter with the department. I think we would find that some—but very few—policemen do make mistakes. However, I think very few of those are mistakes.

How do we expect to maintain respect for the law and for the administration of justice if a system of that kind is maintained? Let no one tell me that the same situation probably exists in other cities, too. If it does, what of that? That is not the correct way to administer government by law. The "fixing" of a ticket is a rather serious matter, in my judgment. I do not think it can be justified, in the absence of a showing that there really was no reason for the arrests or the tagging.

I continue to read from the letter:

It should be noted that the foregoing data is applicable to those violations processed through the Central Violations Bureau and refers primarily to those traffic violations notices issued for parking violations. This Division does not have available the statistics for violation notices issued by the various units of this Department for other offenses.

It is generally recognized that an adjustment rate of less than 10 percent of traffic violation notices issued, is acceptable and favorable.

Who says so? It is not so, Mr. President. Practices such as that create the impression that malfeasance, "pull," favoritism, politics, and graft have come to permeate a police department. It is no place for such a performance. Instead, the department should adhere to the old adage, "The administration of government must be as pure as Caesar's wife"; and so must the administration of the criminal law.

The letter is signed "William J. Liverman, Deputy Chief of Police in Charge of Traffic."

I say to Mr. Liverman that he will not be his own judge.

I point out that not often do those statistics, in my judgment, represent all the statistics. Adjustments are made in strange places—not only in the commissioners' offices, but elsewhere, and I am very much disappointed about them. I am very much disappointed about a president of a board of commissioners who lets such a situation develop. I cannot vote tonight for a president of a board of commissioners who has let it develop.

In our study we have to be careful about that, because we will talk with people within the department. We will talk with officers who, as we say, have gripes, and officers who feel that they have had a raw deal in connection with promotion or some other subject. But when we conduct the kind of study that I am in the process of conducting, we have to listen to them all, and then be the judge of the reliability of the complainant, of the witness, as to whether or not the officer is what we sometimes call a "griper," or whether he is an officer who is dedicated to his profession and wishes to see the police department administered on an efficient and noble basis. In all the criminal investigation work that I have ever been engaged in, I have cast aside information that I have received from those whom I thought had an ax to grind and were not too reliable; and I shall continue to do so.

But I have talked with officers who are not in that category. They tell me that a considerable number of officers in the District of Columbia Police Department write few tickets because they have had the sad experience, as they say, of making fools of themselves by reason of the tickets being fixed, adjusted, dropped, canceled, or whatever word may be used. I know of no better way to create a problem of troubled morale in a police department than to have the feeling exist that the police officers will not be supported in their rights.

It is to be understood that in a city such as Washington, D.C., that the police chief has a hard row. There are many public officials around the Congress and the executive branch of the Government, through the denial of home rule, upon whom the agencies of the District Government are dependent. I do not use the words "at the mercy of" that some use. But they are dependent upon maintaining the good will of Members of the Congress and the executive branch of the Government. These officers tell us that tickets put on the cars of Members of the Congress and Government officials have a way of being adjusted. I do not believe they should be.

Day before yesterday I was told that my administrative assistant had on occasion something to do with having tickets adjusted. I am a pretty tough taskmaster in my office on a question such as that. I called him in on the carpet, so to speak. I asked: "Is there any basis in fact for that statement?"

He assured me there was not. He told me the story or account. He said, "I have a policy. Sometimes we receive calls from Oregonians who have had a little difficulty with the law in the way of traffic violations or worse." My administrative assistant said:

"I follow what I know is your policy. We make no adjustments or recommendations for adjustments. We tell them to go to the District of Columbia Committee."

I told him at the beginning that I wished he had come and told me about it first. He said, "Senator, there is only one instance that I can remember when I was involved at all in a problem involving a traffic ticket.

He spoke of Mr. Bob Wolf, who at the time was the top staff adviser on the Senate Committee on Interior and Insular Affairs, and who is now with the Department of the Interior. He is one of the best informed men in Washington, in my judgment, on the subject of forest problems, access roads, the public domain, and public roads. My administrative assistant said: "We had to go down to the Department of the Interior for a very important conference on an emergency that had arisen. We parked in an area reserved for official parking. I put on my windshield the official parking card that is made available for such parking. When I came out, there was a ticket on my windshield. I saw a police officer there. I said, 'Didn't you see the parking card authorizing us to park here'?

"He said: 'No, I did not see it. If I had seen it, I wouldn't have given you the ticket. But I have written it all out, and it will have to stand.'"

My administrative assistant said, "I tried to convince the police officer that under those circumstances he himself ought to take care of the matter, and on his copy of the ticket set out the fact that the parking card was on the windshield." He said that he refused to do what I requested. I came back and turned that card over to Mr. Sullivan.

I said, "Who is Mr. Sullivan?"

He said, "Mr. Sullivan is the Capitol Police Chief, I think."

As a result of that, and based upon those facts, the ticket was adjusted.

I said to my administrative assistant, "I do not think that was the way to handle it." I said, "After all, the way to handle it was to stand trial, exercising your procedural rights; and if the court believed you, you would be acquitted. If it did not, you would pay the fine."

As long as I have been on the District of Columbia Committee, that has been the policy in my office. That is the way we do business.

I had a laugh on myself at the last Mexican Interparliamentary Conference. I was a little late for dinner at the Madison Hotel. I parked my car on a street, the name of which I forget at present, but it was this side of Peoples Drug Store near Thomas Circle, on 14th Street, I believe. I looked at the sign. There is a sign there which reads, "No parking" at certain hours. I thought I was within that space. When I returned from that dinner, which was attended by the President—and I did not want to be late to it—I discovered a $5 ticket on my windshield. Then I looked up at the sign. My car was parked at a sign which read "No parking at anytime." However, next to that sign, there was another sign that limited parking to the hours after 6:30 p.m., I believe.

So I sent in my check, with a note suggesting that those signs be examined to see if they should not be clarified.

There is no reason why I should not pay the fine, if I am not blind, or if I am in haste. Or perhaps I should pay for a better pair of glasses.

I make the statement because, so far as the senior Senator from Oregon is concerned, there are no adjustment policies of which the Senator from Oregon approves in his capacity as a member of the committee.

The situation in regard to adjusting tickets bespeaks some other administrative policies connected with the police department that I shall bring out from time to time as my study of that subject proceeds.

I do not say that, on the basis of this point, and it alone, Mr. Tobriner's nomination should not be confirmed; but I say it is a part of the record that has caused me to lose all confidence in him and has led me to believe that he is an inefficient administrator and is not doing the job he should do as the one on the Commission who has responsibility for the administration of the police department. Therefore, I cannot support him.

I come now to the second basis of my opposition to Mr. Tobriner, namely, his legislative activities.

Before I go into that subject, I should like to put into the Record a little information which has just been supplied to me by George England, of the Department of Motor Vehicles. Here again we have a police department. These figures deal with the rate of automobile accidents in the District of Columbia.

In 1958, the number of accidents was 19,545; injured, 7,080; fatalities, 63.

In 1959, 22,060; injured, 8,076; fatalities, 63.

In 1960, 21,365; injured, 7,822; fatalities, 72.

In 1961, 23,042; injured, 8,350; fatalities, 60.

In 1962, 25,290; injured, 9,095; fatalities, 65.

In 1963, 27,955; injured, 10,320; fatalities, 98.

For 1964, the figure is not available for the total number of accidents and injured, but the fatalities thus far are 35, unless someone was killed today. The number is 35 up to this date, which compares with 17 fatalities at this time last year.

I mention this because it bears on another facet of my study. I am receiving many complaints about the lax handling of traffic in the District of Columbia by the Washington, D.C., Police Department, and the failure of the superiors in the Washington, D.C., Police Department, which means from the Chief on down, and which means Commissioner Tobriner above could do a better job of enforcing the traffic laws.

We receive some very interesting explanations from the officials as to why they are not doing a better job with traffic violations and careless driving that create accidents, injuries, and fatalities.

I find it difficult to accept the major premises of these rationalizations. I am aware that businesses are moving out to the suburbs in Maryland and Virginia, outside the District of Columbia, but I have a little difficulty justifying loose traffic enforcement as an inducement to people to come into the District to shop.

I shall read into the Record a portion of the document dated September 5, 1962, addressed to the Chief of Police and the executive officer:

> Government of the District of Columbia, Metropolitan Police Department, Traffic Division,
>
> *September 5, 1962.*
>
> To: The Chief of Police.
> Through: The executive officer.
> Subject: The Honorable Wayne Morse, U.S. Senate, writes to the President of the Board of Commissioners, District of Columbia, regarding complaints he has received about a lack of enforcement of parking regulations in the District of Columbia.
>
> Senator Wayne Morse, in his attached communication to the President of the Board

of Commissioners, D.C., states he is receiving an increasing number of complaints from citizens alleging that parking regulations are not being enforced by members of the Metropolitan Police Department. It is specifically indicated that the following types of violations are being ignored by police officers:

1. Parking on sidewalks.
2. Parking on public space.
3. Parking on "red meters."
4. Parking over 24 hours.
5. Failing to deposit coin in meter.

Downtown Washington, like most major cities in the Nation, is faced with many complex problems. Despite the advantages of its central location and the proximity to the Capitol, the White House, and other significant buildings and areas, the downtown area is steadily losing ground as a desirable location for new development. Businesses have been forced to take energetic steps to devise ways and means of attracting shoppers to halt declining retail sales. Thousands of dollars are expended to attract visitors in order to bolster the economy. Experts have been engaged to study this problem and elaborate plans have been prepared for revitalizing the downtown area. Such plans are of a long range and should serve to solve some of the existing traffic problems. However, the problem is present now and business is not hesitant to criticize the Police Department for any action taken which might serve to discourage shoppers from doing business in the downtown area. Appeals made by them cannot be ignored since cooperation from this group is essential to the successful operation of this Department.

Mr. President, that is an interesting document, signed by the Deputy Chief of Police, William J. Liverman.

I ask unanimous consent to have the entire document printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

GOVERNMENT OF THE DISTRICT OF COLUMBIA, METROPOLITAN POLICE DEPARTMENT, TRAFFIC DIVISION,
September 5, 1962.

To: The Chief of Police.
Through: The executive officer.
Subject: The Honorable WAYNE MORSE, U.S. Senate, writes to the President of the Board of Commissioners, District of Columbia, regarding complaints he has received about a lack of enforcement of parking regulations in the District of Columbia.

Senator WAYNE MORSE, in his attached communication to the President of the Board of Commissioners, District of Columbia, states he is receiving an increasing number of complaints from citizens alleging that parking regulations are not being enforced by members of the Metropolitan Police Department. It is specifically indicated that the following types of violations are being ignored by police officers:

1. Parking on sidewalks.
2. Parking on public space.
3. Parking on "red meters."
4. Parking over 24 hours.
5. Failing to deposit coin in meter.

Downtown Washington, like most major cities in the Nation, is faced with many complex problems. Despite the advantages of its central location and the proximity to the Capitol, the White House, and other significant buildings and areas, the downtown area is steadily losing ground as a desirable location for new development. Businesses have been forced to take energetic steps to devise ways and means of attracting shoppers to halt declining retail sales. Thousands of dollars are expended to attract visitors in order to bolster the economy. Experts have been engaged to study this problem and elaborate plans have been prepared for revitalizing the downtown area. Such plans are of a long range and should serve to solve some of the existing traffic problem. However, the problem is present now and business is not hesitant to criticize the Police Department for any action taken which might serve to discourage shoppers from doing business in the downtown area. Appeals made by them cannot be ignored since cooperation from this group is essential to the successful operation of this Department.

Emergency situations frequently arise whereby it is necessary to make certain arrangements which will best serve the public interest without creating problems for others' use of the highways. Such arrangements are not made arbitrarily, but after careful study by police officials and other interested parties. Whenever possible, these conditions are corrected by regulations or engineering measures. No tolerance is extended when it is indicated the special arrangement will create a hazard for others or impede the movement of traffic. It is considered this is an element which cannot be completely removed and that the solution to such problems must come about through the establishment of workable means designed to serve the best interests of all parties involved.

Numerous traffic problems have been created by the accelerated highway construction and building program in the District of Columbia. Normal traffic patterns have been disrupted by the closing of arterial streets and the necessity for establishing traffic detours. Parking on many streets has been restricted in order that contractors may have space to operate their vehicles and equipment. All of this tends to inconvenience motorists in spite of all efforts and plans made by the engineers and the police. It creates problems for those doing business or residing in these areas which can only be solved through completion of the projects. All such projects are kept under close surveillance in order to prevent unnecessary interference with the movement of traffic. In many of these areas which are under construction and where there are no well-defined curbs or sidewalks, motorists do park on public space in violation of existing regulations. Much of this will be corrected when the roadways are completed. Precinct commanders have been alerted to these conditions and directed to give it special attention.

There has been no decline in the number of traffic tickets issued for parking law violations. As a matter of fact, there has been a definite increase in the number of citations issued by personnel of this Department, and it is considered that more parking tickets are being written today than at any time in the history of the Metropolitan Police Department. The following figures reflect the increase in the number of parking tickets issued for all parking violations for the periods indicated:

Fiscal year 1959–60, 357,198; fiscal year 1960–61, 375,000; fiscal year 1961–62, 426,121.

Parking meter violations are receiving more attention today than in past years due to the addition of parking aids to the enforcement force. Statistics reveal 33,451 such tickets were paid January through July 1962 as compared with 27,500 for the same period in 1961 and 25,373 for the same period in 1960. It is felt that such violations are not being ignored and that tickets are being written on all such cases coming to the attention of members of this Department.

No doubt many vehicles parked on the streets in excess of 24 hours do not receive tickets and are not impounded. It has been the policy of this Department for several years to enforce this regulation primarily on the basis of complaints. Impounding of such vehicles creates a problem in view of the limited storage facilities. If all vehicles are to be impounded for violating this and the other regulations, then additional storage facilities will be required.

Several steps have been taken in recent months designed to discourage motorists from parking illegally on arterial streets during the traffic rush hours. The court authorized the doubling of collateral when it becomes necessary to impound a vehicle for any violation. It was hoped this increased penalty would have a deterrent effect. Signs were erected on the "flow streets" informing motorists that vehicles parked in violation during certain hours will be towed away. In May and June 1962, three private towing cranes were engaged on a contract basis to augment the regular Police Department towing force. In spite of all these efforts, motorists continue to park in violation during the peak hours. Many of these violators are from out of town and not familiar with our local regulations. Most of them are very critical when their car is impounded and they are required to deposit $20 collateral for the violation. Nevertheless, nonresident motorists are treated in the same manner as local motorists since the primary concern in removing illegally parked vehicles is to prevent congestion.

The use of private towing cranes during the traffic rush hours was considered to be a success; however, while this Department was able to absorb the cost of the 2-month, three-crane experimental program, financing of the recommended full year, six-crane program would require appropriation of $70,000 for that purpose. No funds for the crane rental program are included in the 1963 appropriation estimates of this Department. This division favors the use of private cranes for the removal of illegally parked vehicles from flow streets and recommends that funds be appropriated for this purpose. This solves the storage problem to a degree since the vehicles towed by these cranes are stored on private property until claimed by the owner.

This division plans to again recommend the adoption of a "strip" type sign to be placed on the street side of parking meter stanchions to vividly bring to attention of motorists that vehicles are subject to being impounded during certain hours. Many nonresident motorists complain that they place a coin in the meter and do not understand the meaning of the "No standing" restriction.

The Traffic Division does not fail to take energetic steps to correct all bona fide complaints called to our attention. There is no doubt that many parking law violations go undetected due to manpower and other police problems. This is true in any jurisdiction since it is impossible to have enough manpower to detect all violations. Quantity enforcement is not the sole solution to any traffic problem. Enforcement action must be based upon reasonable regulations which are accepted by the public. Officers must exercise a certain amount of judgment in the issuance of traffic tickets in order to gain the respect of motorists and the public in general. It is felt the records reflect this Department does have a sound traffic enforcement program.

In view of the general nature of the complaint, this report by necessity is also very general. It is respectfully suggested that Senator MORSE be asked to supply this division with specific information in order that each complaint may be investigated to determine the validity of the complaint and in order that steps may be taken to correct the situation where such action is indicated.

WILLIAM J. LIVERMAN,
Deputy Chief of Police,
In Charge of Traffic.

Mr. MORSE. Mr. President, I make one comment on it. I believe we can do a better job in maintaining safety and enforcing traffic regulations and not do injury to business. But, if we must make a choice, I put the safety of citizens ahead of the cash registers of any business concern in Washington, D.C. It is that simple with me.

I cannot understand this kind of excuse. In my judgment, an efficient job is not being done by the Washington Police Department in enforcing the laws and traffic regulations. The policemen with whom I have talked say, "Senator, it is understood that we must be rather selective." It encourages laxity, because we have a Deputy Chief of Police who is acting under a Chief of Police who seems to believe that if the Police Department is going to keep the good will and support of the business interests of Washington, D.C., it should follow this course of action.

I have another interesting document, dated December 9, 1963, to the Chief of Police, also written by Mr. Liverman, the Deputy Chief of Police. Listen—Senators will be surprised:

> The enforcement program conducted by this Department has always been on a selective basis.

I shall read it again:

> The enforcement program conducted by this Department has always been on a selective basis.

How can we justify that? Do we mean justice for some and injustice for others? That is what it adds up to.

If we are to maintain the confidence of the American people in the administration of justice in any of its branches, but particularly in the administration of criminal justice, we must not administer criminal justice on a selective basis, because if we do, we place the police department at the mercy of charges that it has gone corrupt, that it is a department of "pull and fix," that it is not a department which keeps faith with that cardinal principle of justice emblazoned and chiseled in stone over court houses and justice departments, "Equality Before the Law."

In discussions which I have held with persons whose reliability I am satisfied is beyond question, including some police officers the so-called selective process for the administration of police department justice in the District of Columbia has brought the police department into disrepute in many places. Speaking for myself, I believe it is a policy which Mr. Tobriner should have stopped. He has not done so. I cannot vote for him. I have a serious question in my mind as to his qualifications. I am coming to the conclusion that the enforcement program of the police department is so selective that sometimes one cannot even find it. The selective process eliminates it entirely, in some instances.

Let me read further:

> That is to say, assignments of personnel are determined from the facts developed through the investigation of traffic accidents as to the location, time of occurrence and types of violations contributing to accidents. Emphasis has always been placed on quality rather than quantity enforcement.

What in the world is meant by that? Does it mean falsification in the selective process? Will they hold a driver known by the police officer not to be too influential, but consider it a matter of equality in enforcement policy to drop a charge if a driver is influential?

The report continues:

> Traffic authorities recognize this as being the proper approach in any traffic law enforcement program designed to curtail traffic accidents and thereby reduce deaths and injuries.

That is nonsense, too.

Continuing:

> There has been no deviation from this basic program and it was not considered the intent of the Commissioners that such a program be abandoned simply for the purpose of increasing the number of traffic arrests.

Who is responsible for that? Mr. Tobriner. He is President of the Board. He has jurisdiction over the Police Department. He condones this kind of program.

Let me tell him for his information that all they have done by this policy is to open themselves up to an ugly charge. I am far from finishing my study on this question, but I am disturbed over the fact that in the District of Columbia, with a heavy Negro population, the selective process of enforcement works to the disadvantage of the Negroes of the District.

All Senators know the kind of debate in which we are now engaged—the great problem of civil rights. We know that in the months ahead—as I stated in my civil rights speech on the floor of the Senate the other day—if Congress fails to deliver the Constitution of the United States to the Negroes of America in this session of Congress, their fight for those rights will be taken to the streets. They have no other place to go. We have already waited too long—a hundred years too long—to deliver the Constitution of the United States to the Negroes of America. If this matter gets out of hand, if this martyrdom attitude, which is taking over tens of thousands of Negroes in this country, many of them young, but not all, continues, and they are confronted with the failure of Congress to deliver them their constitutional rights, and they take the conflict to the streets of America, we had better be interested in the kind of police department we have—not the police department which administers police justice on a selective basis, but on a uniform basis.

After that speech, I received a Newhouse publication rag published in St. Louis called "Democratic Globe." The publisher wrote a bitter editorial against me, which I have answered. I do not know whether it will be published, but I have answered it. That speech of mine, according to this Newhouse rag was supposed to be inciting. I do not know what it incited. I am accustomed to the Newhouse type of yellow journalism, because they publish the Oregonian in Portland, Oreg. It is an eastern journalistic combine, which has newspapers scattered across the country, which give us a very low type of journalism.

All I did was to point out one of the operative facts which exist in the American social structure today. It happens to be one of the ugly realities. I am not a Senator who runs away from the facts and the realities.

I wish to make very clear that I intend to bore in on charges that are made that the Police Department of Washington, D.C., is honeycombed with racial bias. If it is, the responsibility for it rests squarely on the shoulders of the Chief of Police and on Mr. Tobriner.

I once before reported it, but I shall cite the case again. I understand that I was the first Senator to appoint a Negro patronage boy on his patronage list to operate a Senate elevator. He was a brilliant boy from Jefferson High School in Portland, Oreg., by the name of Ben Walker. Some people were a little concerned about the appointment. I was satisfied that no incident would occur. If it did, we had better get that behind us. Following that appointment, I was advised that it was the common practice for Senators, who follow the policy of using their patronage to put the boys through school, and use the jobs as a sort of scholarship for college students, to appoint Negro boys. He was one of the finest young men anyone could ever know.

After he had served on the elevators for awhile, he was transferred to the Senate post office. It was a better paying job, and the hours available to him, which were early hours in the morning—I believe he started at 4 or 4:30 a.m., on that early morning shift—meant shorter hours. Therefore, he was free earlier in the day to pursue his studies at Howard University, and later at George Washington University.

After some time he brought to me a very disturbing report. He said:

> Senator, on the average of about once a month, and sometimes more frequently, while I have been walking to the Senate Office Building early in the morning, a Washington police car has pulled up alongside the curb.

He reported to me that an officer would get out of the car and proceed to interrogate my patronage boy. He said:

> I want you to know that I have just four words that I always try to use, unless I have a more explanatory statement to make, and those words are "yes, sir" and "no, sir."

He said:

> We Negroes know that we had better not be taken to jail in Washington, D.C., if we can avoid it.

I was shocked.

I know that the Chief or Police of Washington, D.C., has been a long-time advocate of arrests for investigation. If that were the only thing against him, it would be enough to disqualify him as Chief of Police. The Police Chief wants his force empowered to arrest for investigation. The District of Columbia Police Association was angry at me. If they wish, they can write another letter to me and pass another resolution in their lobbying organization. I say to the members of the Washington, D.C., Police Association, "When your Police Chief advocates arrests for investigation, which was the subject of your scurrilous criticism of me, he advocates a police state technique."

It was the arbitrary dictatorial authority of the British Crown and the enforcement officers of the British monarchy that gave rise, in part, to the American Revolution against the tyranny of the British Crown.

Freemen have always had to stand up and be counted against the police-state tactics of police departments. Freemen have always had to stand up and guard against power-hungry law enforcement officers who, if not checked, have the human frailty of seeking to take unto themselves arbitrary, capricious, and brutal power.

The advocacy of the Chief of Police of the District of Columbia Police Department of investigatory arrests disqualifies him to serve as Chief of Police of this Department, if that were his only disqualification. But he has many.

Let me say to the citizens' organizations of the District of Columbia, who are giving accolades and awards to the Chief of Police, that that does not change his record. The senior Senator from Oregon will not be a party to supporting a chief of police who advocates that policy.

I was speaking of the colored patronage boy of mine, named Ben Walker, who gave the accounts of his being accosted—and I use the term advisedly, because the police can accost, too. When a police squad car stops along a curb, and a colored man is walking down the sidewalk of that street, minding his own business, no police officer should be allowed the right to accost that citizen and ask him, whether it be 4 o'clock in the morning, 3 o'clock in the morning, or any other time of night, "Where are you going? Who are you? What are you doing on this sidewalk?"

Mr. President, that conduct does not form the slightest basis of probable cause for arrest, and the police have no right to accost a person unless his conduct is such that it gives justification for a conclusion that there is probable cause for arrest. We are not living in Russia. We are not living in Nazi Germany. Supposedly, we are living in the citadel of freedom—Washington, D.C. That kind of conduct on the part of the Washington, D.C., Police Department cannot be countenanced; and the senior Senator from Oregon has no intention of countenancing it, because I know too much about what has happened in the history of this country, in city after city, when police departments were allowed to develop such tyranny.

After the accosting of my patronage boy on the sidewalks of Washington, the receptionist in my office, Miss Julia Johnson, of Coos Bay, Oreg., decided to give a dinner one Sunday night in the late spring for the Oregonian members of my staff. She lives in Georgetown. She invited Ben Walker to the dinner. Why not?

He got off the bus in Georgetown. He had a little card in his hand with Miss Johnson's address on it. He was looking up at the numbers on the houses as he walked along. A police car rolled up to the curb. The officer rolled down the window and said:

> What are you doing here?

Ben Walker said:

> I am trying to find this address.

The policeman asked:

> What do you want that address for?

Ben said:

> I am going there for dinner.

The police officer asked:

> Oh, you are? Well, come with me, and I will take you to that house, and will find out what you are going there for.

He replied:

> No, you won't take me there. I have no intention of appearing at the front door of the house of my hostess, accompanied by a police officer.

Later, Mr. Walker reported to me that then the officer said:

> You will either come with me to that house, or you will come with me to the station, or you will get on the next bus and will leave this area.

Ben said to me:

> Senator, you know we Negroes know better than to be taken to a police station if we can avoid it.

So that officer stayed with him until the next bus arrived; and Ben got on the bus, and went back to his room; and then he telephoned his hostess, and told her why he could not be there.

That happened in the Capital City of the United States, which is supposed to be the citadel of world freedom.

Mr. President, I am afraid there is a shocking amount of racial bias within the Police Department of Washington D.C. I am worried as to what would happen if a tragedy were to confront the Nation, with the civil rights issue being taken to the streets of America. I am worried about what would happen in Washington, D.C. But later I shall comment further on that subject.

So I care not how emotionally aroused the lobbying organization of the District of Columbia police force, known as the District of Columbia Police Association, becomes—I suppose that is its name; I will put its exact title in the RECORD, in the interest of accuracy—or whether it takes umbrage at my disapproval of this kind of conduct by the Chief of Police. I have serious question as to the propriety of the Chief of Police engaging in lobbying activities, as he has done and continues to do, seeking legislation that would authorize authority to arrest for investigation. I have many reservations as to the lobbying activities and the propriety thereof of the District of Columbia Police Association, including the donation of baseball tickets for the first baseball game each year to a large number of Members of Congress. Why do they do that? What personal interest, what comity of interest, what relationship exists between a Member of Congress and the District of Columbia Police Association that would justify the association giving Members of Congress baseball tickets? I do not have to be hit over the head with a baseball bat to know why it is done. By doing it, they really insult the intelligence of every Member of Congress. Patterns become established around here.

People do not mean to do things that are improper. But they open themselves up, unnecessarily and unfortunately. This is a form of influence peddling that might be helpful when the next lobby drive is put on for an increase in pay for Washington, D.C., policemen, and other benefits.

I received a fruitcake from this association at Christmastime last year. I have been in this hassle with them. They have made this attack on me. I do not know whether I did right or not. I ate it. It did not have any poison in it.

I felt if I were to send it back, it would be considered to be a little small of me. They should not have sent the cake.

The Washington, D.C., Policemen's Association is an out-and-out lobbying organization. Do not be fooled on that score.

When I gather material as to how much time they spend in their lobbying activities and to what extent, if any, they spend their time in that activity when they ought to be doing official work, I shall obtain information on that. I shall have more to say about that subject later.

Because of the courtesy to my chairman, and my love and affection for him, at this late hour I wish to proceed to the next point which I wish to make. It is a major point, as in the case of the other important material which I have placed in the RECORD.

Mr. President, I am opposed to confirmation of this nomination because I am unalterably opposed to the position the President of the Commissioners of the District of Columbia, the nominee, Mr. Tobriner, has taken in regard to various sections of the so-called omnibus crime bill, on which hearings have been held in the District of Columbia Committee.

It will be recalled that in their attack on me, the members of the District of Columbia Police Association criticized me because I had not attended those hearings. However, Mr. President, here on the floor of the Senate I served notice that, because of other duties, it would be impossible for me to attend those hearings. As the Senate knows, I had the responsibility of being the floor leader, for President Kennedy, for his educational program; and I also had the responsibility of taking that program through that committee.

However, I know this field fairly well. I knew that undoubtedly both the pros and cons of the so-called omnibus crime bill would be submitted at the committee hearing; I knew that both testimony for that bill and testimony against it would be submitted there. If the CONGRESSIONAL RECORD is checked, it will be found that before the hearings were held, I said I would study with great care the testimony presented at the hearings, and that I would be prepared to discuss in detail the testimony taken in the District of Columbia Committee, when the matter comes up in executive session. I said I intended to do it, and I will do it.

So, Mr. President, I studied that testimony. In particular, I studied the testimony of Commissioner Tobriner.

In the interest of saving time tonight, I ask unanimous consent that his testimony be printed at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Mr. Tobriner. Mr. Chairman and members of the committee, I wish to say preliminarily that the Commissioners and the entire government of the District of Columbia share with you your concern respecting the mounting crime rate in the District of Columbia and will cooperate with you to the fullest in securing protection against crime, consistent with constitutional rights.

The Commissioners appreciate this opportunity to present their views on titles IV and V of H.R. 7525 and on S. 486. However, since I understand that section 506 of title V, as the chairman has so indicated, is to be made the subject of a later hearing before this committee, I shall reserve to such later hearing my statement as to the views of the Commissioners on that section. Accordingly, nothing in the testimony I offer here today should be considered as being applicable, either directly or indirectly, to section 506 of title V.

The Chairman. That deals with indecent publications which will be made the subject of a separate hearing.

Mr. Tobriner. Yes, Mr. Chairman.

The Chairman. We understand that what you are going to say on title V does not have any relation to section 506.

Mr. Tobriner. Right.

H.R. 7525, as passed by the House of Representatives on August 12, 1963, is intended to change existing law in the District of Columbia so as to deal more effectively with the crime situation. This is a situation with which the Commissioners have long been concerned, and accordingly they welcome the interest in the problem which the Congress is showing. However, for reasons which they will develop in the course of these hearings, the Commissioners, while they favor certain provisions of the bill, nevertheless, have a number of reservations concerning many of its provisions. As a result, they have recommended to this committee, in a letter dated September 13, 1963, that the bill not be enacted in its present form.

The chairman has already incorporated that letter into the record.

The Chairman. That is correct. It has already been incorporated into the record.

Mr. Tobriner. Title IV of H.R. 7525 has the effect of including the crime of robbery in the group of crimes embraced within the term "crime of violence," as specified by the first section of the act approved July 8, 1932. In view of the fact that the term "crime of violence" as presently defined in such section includes murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary, it appears that the addition of the crime of robbery in this group of crimes is merely the correction of an oversight. The Commissioners favor this change in existing law.

Title V consists of seven sections (excluding sec. 506). Six of these sections amend a variety of existing laws, while the seventh enacts in statutory form an existing District of Columbia Police regulation prohibiting the making of false or fictitious reports to the Metropolitan Police Department. The sections of this title have virtually nothing in common with one another, except that several of the sections either specifically or in effect change existing law so as to provide for the imposition of mandatory minimum sentences upon convictions of certain specified offenses. On this aspect of the general problem, the Commissioners question the effectiveness of a mandatory minimum penalty, in the belief that any such penalty not only deprives the courts of discretion in the sentencing of offenders, but also may, in its effect, be self-defeating. If the mandatory minimum penalty be considered excessive by a jury, the jury may tend to acquit the defendant rather than subject him to what it considers an excessively high penalty. In view of this, the Commissioners question whether a mandatory minimum penalty, or an increase in an existing mandatory minimum penalty, will operate so as to affect materially the crime situation in the District. Accordingly, my comments respecting the sections of title V which would have the effect of establishing a mandatory minimum penalty, or increasing an existing mandatory minimum penalty, should be considered as including the foregoing general comment concerning the efficacy of mandatory minimum penalties.

The Chairman. Do you have someone who is going to testify on this subject of mandatory minimum sentence in more detail? My understanding is that Mr. Clemmer, Director of the District of Columbia Department of Corrections, will testify in detail as to how the present penalties work under the various code sections.

Mr. Tobriner. Yes; that is under his jurisdiction, in the Department of Corrections.

The Chairman. I will then withhold those questions, and ask them of him.

Mr. Tobriner. Yes.

Section 803 of the act of March 3, 1901, presently provides that every person convicted of any assault with intent to kill or commit rape, or to commit robbery, or of mingling poison with food, drink, or medicine with intent to kill, or of willfully poisoning any well, spring, or cistern of water, shall be sentenced to imprisonment for not more than 15 years. Section 501 of H.R. 7525 amends this provision so as to provide a mandatory penalty of not less than 2 years. For the reasons I have already stated, the Commissioners question the desirability of this section of the bill.

Section 502 amends existing law relating to housebreaking so as to denominate the offense as burglary; to provide for two degrees of such offense; and to establish a minimum and maximum penalty for each such degree. The bill provides that burglary in the first degree involves the breaking and entering, or the entering without breaking, with criminal intent, of any dwelling, or room used as a sleeping apartment in any building, if any person be in actual occupation of any part of such dwelling or sleeping apartment at the time of such breaking and entering, or entering without breaking. Burglarly in the second degree involves the breaking and entering, or entering without breaking, with criminal intent, of any dwelling, bank, store, warehouse, shop, stable, or other building, or any apartment or room, whether at the time occupied or not, or any steamboat, canalboat, vessel, or other watercraft, or railroad car, or any yard where any lumber, coal, or other goods or chattels are deposited and kept for the purpose of trade. The penalty prescribed for first degree burglary is imprisonment for not less than 20 years nor more than life, and for the lesser offense of burglary in the second degree, imprisonment for not less than 5 years nor more than 15 years. In general, subject to the comment I have made with respect to the desirability of mandatory minimum penalties, the Commissioners favor the enactment of section 502. They suggest, however, that the language of subsection (b) of the proposed new section 823, would be clearer if the phrase "whether at the time occupied or not," appearing in line 8 on page 18, were changed to "regardless of whether any person other than the owner of the premises in which such apartment or room is located is entitled to the occupancy thereof."

The Chairman. Do I understand that the Commissioners' position on this section is that there should not be a minimum of 20 years for burglary—is that correct?

Mr. Tobriner. We say that there should be no minimum sentence imposed but that we favor the designation of burglary in two separate degrees.

The Chairman. I understand that, but you are opposed to the imposition of a minimum mandatory sentence?

Mr. Tobriner. That is correct.

Section 503 increases the existing mandatory minimum penalty of 6 months upon conviction of the offense of robbery to a mandatory minimum penalty of 5 years' imprisonment. Here again the Commissioners question the desirability of establishing a mandatory minimum penalty.

The Chairman. May I ask you a question there? Do you object to the setting of a minimum penalty of 6 months upon conviction for an offense such as robbery as it is now in the statute?

Mr. Tobriner. No. I would not object to that, because I think that is practically deminimis in respect to a crime of that kind.

The Chairman. I am wondering if you are consistent, though, where you object to minimums in relation to the other sections—why do you not object to a minimum sentence for robbery?

Mr. Tobriner. Because we think that in the case of robbery, which is a felony, that the minimum sentence currently prescribed is one which any court would normally give.

The Chairman. That is written into the statute?

Mr. Tobriner. It is written into the statute, but I feel that it is a de minimis matter, and the Commissioners have no strong feelings about this item of 6 months under the robbery section.

The Chairman. The burden of your argument up to date on the House passed bill is to oppose a minimum sentence?

Mr. Tobriner. We do, sir, but I say that a sentence of 6 months on a conviction for robbery is so minimal that I do not feel, if that were permitted to stay in the statute, that it would constitute any real interference with judicial discretion.

The Chairman. If there were a minimum sentence of 6 months for these other crimes you would then have no objection?

Mr. Tobriner. That would depend upon the nature of the crime. I would say that generally would be true. I do not believe that constitutes any substantial impairment in the case of a felony in the court's discretion, which we believe should reside and remain with the judges.

The Chairman. Under the present sentencing system for burglary, if I understand it correctly, the present sentence for housebreaking is imprisonment for not more than 15 years. Is that the sentence that the judge would give, or would he impose one of 10 or 5 years?

Mr. Tobriner. It would be within his discretion to give anything.

The Chairman. He can and does specifically set the sentence in the District of Columbia?

Mr. Tobriner. Yes, sir.

The Chairman. Is that correct?

Mr. Tobriner. Yes, sir. We have an indeterminate sentence law, if that is what you are driving at.

The Chairman. That is what I am driving at. The offender is convicted of housebreaking and he is before the judge for sentencing. Now, my question is, what type of a sentence can the judge impose?

Mr. TOBRINER. My recollection is, subject to correction, is that he sentences him for not less than nor more than.

The CHAIRMAN. So the judge himself then has a statute to which he can go permitting him to set the minimum?

Mr. TOBRINER. Within the confines of the sentence prescribed for the individual crime for which the sentence is imposed.

The CHAIRMAN. That is in the District of Columbia?

Mr. TOBRINER. I will have to refer to some of my lawyer friends here about that.

The CHAIRMAN. I am just trying to find out exactly how it works.

Mr. TOBRINER. I think that is true. Is Mr. Acheson here at the moment? Is that correct, Mr. Acheson?

The CHAIRMAN. Would you like to come forward? Maybe this is more properly in your province.

Mr. ACHESON. I will touch on that in my testimony.

The CHAIRMAN. We will ask you the question then at that point. Thank you.

Mr. TOBRINER. Section 504, generally relating to the bribing of persons participating in athletic contests, and offers to bribe such persons, replaces an existing provision of law having a similar effect. In general, this section of the bill appears to change existing law only to the extent of changing the penalty which may be imposed upon conviction of the proscribed offense, but otherwise to add nothing to existing law. Inasmuch as the Commissioners are informed that there appears to be no need for any change in existing law relating to this aspect of the problem, the Commissioners see no need for section 504. Accordingly they recommend against its enactment.

Section 505 has the effect of depriving the court of any discretion with respect to the imposition of an additional penalty for the offense of committing a crime of violence when armed with, or having readily available, any pistol or other firearm. Under existing law, if any person commits a crime of violence when armed with or having readily available a pistol or other firearm, he may, in addition to the punishment provided for the crime, be punished by imprisonment for an additional terms of years, which I believe the statute says is 5 years. However, present law does not require that such additional term of imprisonment be imposed, but leaves the matter to the discretion of the court. Section 505 changes existing law in two respects. First, it makes it mandatory that the court impose an additional term of imprisonment when a crime of violence is committed while the offender is in possession of, or has readily available, a pistol or other firearm. Second, the section deprives the court of authority to suspend sentence or to place the offender on probation. The Commissioners question the desirability of depriving the court of discretion in matters of sentencing. Accordingly they are opposed to the enactment of section 505.

The Commissioners question the desirability of section 507 inasmuch as it has the effect of requiring the imposition of a minimum penalty upon conviction of a violation of section 825(a) of the act of March 3, 1901, prohibiting the placing of explosives at certain specified locations.

I shall now discuss section 508. For many years the police regulations of the District of Columbia included and presently include a provision prohibiting the making of a false or fictitious report to the Metropolitan Police Department of the commission of any criminal offense, knowing such report to be false or fictitious, or to communicate or cause to be communicated to such Department any false information concerning the commission of any criminal offense or concerning any other matter or occurrence of which the Metropolitan Police Department is required to receive reports, or in connection with which such Department is required to conduct an investigation, knowing such information to be false. Section 508 of the bill is merely a restatement of the long-existing police regulation, differing therefrom only with respect to the penalty which may be imposed. The police regulation provides for a penalty of a fine not exceeding $300 or imprisonment not exceeding 10 days. Section 508 contains a penalty of a fine not exceeding $100 or imprisonment not exceeding 6 months, or both. We consider the proposed change in existing law both unnecessary and undesirable—unnecessary, in that the penalty presently prescribed for the violation of the police regulation is deemed adequate to the need; undesirable, in that the proposed increase in the penalty for such offense will have the result of permitting persons accused of making false reports to demand trial by jury for what in many cases would not be considered a major offense. In view of this, the Commissioners recommend against the enactment of section 508.

The two titles of H.R. 7525 that I have been discussing attempt to deal, in a limited way, with the serious firearm problem which exists within the District of Columbia. Title IV, incorporating robbery in the definition of a crime of violence, has a limited effect on the problem. Section 505, making it mandatory that persons convicted of a crime of violence while armed be given an additional term of imprisonment and be precluded from receiving a suspended sentence or being placed on probation, also has a limited effect on the problem. However, as they have set forth at some length in their report on H.R. 7525, beginning on page 19, the Commissioners are of the view that the bill does not deal with the serious inadequacies in present law regarding the acquisition and possession of firearms. They believe that an appropriate means of dealing with this problem is that set forth in the draft bill forwarded to the Congress by the Commissioners on April 5, 1963. I submit for the record a copy of the Commissioners' draft bill, together with a copy of their letter of April 5, 1963, to the Honorable Lyndon B. Johnson, President, U.S. Senate.

The CHAIRMAN. Without objection, that will be made a part of the record at this point.

(The document referred to follows:)

"APRIL 5, 1963.

"Hon. LYNDON B. JOHNSON,
"President, U.S. Senate,
"Washington, D.C.

"MY DEAR MR. PRESIDENT: The Commissioners of the District of Columbia have the honor to submit herewith a draft bill 'To amend the act of July 8, 1932, relating to the control and possession in the District of Columbia of dangerous weapons, and for other purposes.'

"The purpose of the draft bill is to reduce the rate of serious crimes in the District by more closely controlling the acquisition and possession of certain dangerous weapons, with particular attention to handguns, which the Commissioners feel are now too easily available to criminal elements in the community.

"Crimes committed in the District, as elsewhere in the larger cities of the United States, have been steadily on the increase in the past few years. Many factors play their part in this trend. The Commissioners feel one factor has been the easy availability of the implements of crime and firmly believe that an important step in the direction of reducing the crime rate is to provide tighter legal control over the possession of firearms.

"Police records give some indication of the seriousness of the weapons situation in the District. For example, more than 1,250 handguns alone have been confiscated and destroyed over the past 3 years. In addition, police have confiscated other firearms, such as rifles and shotguns, in possession of persons in trouble with the law. The Commissioners are informed that in more than half the cases in which these handguns were confiscated the persons from whom the weapons were taken were charged with assault with a dangerous weapon, armed robbery, or homicide. Recently, the Senate Subcommittee To Investigate Juvenile Deliquency focused attention on the easy availability of the so-called mail-order guns in the District, many of which have been confiscated by District police. It was noted at these hearings by Senator THOMAS J. DODD, chairman of the subcommittee, that an estimated 800 to 1,000 firearms of all types are confiscated in the District each year.

"Part of the reason for the general influx of guns into the District, in the view of the Commissioners, is the existence of several serious inadequacies in present law regarding the acquisition and possession of firearms. Accordingly, the attached draft bill is designed to eliminate those features in existing law considered to be hindering the effective control of guns and at the same time tighten other features of the law relating to the control of dangerous weapons generally.

"Weaknesses contained in present law allow persons to come into possession of handguns without an adequate investigation of whether they should have such weapons from the standpoint of their stability and lawful intentions. For example, anyone in the District may keep a gun in his home, place of business or on any other land he may possess without any requirement of any type of license whatsoever. A license is required at present only when a pistol is carried on one's person outside of his property (sec. 22-3204, District of Columbia Code, 1961 edition).

"Another inadequacy in existing law concerns the provisions requiring a waiting period before a seller may deliver a handgun to a purchaser (sec. 22-3208, District of Columbia Code, 1961 edition). The purpose of the waiting period is to give the police an opportunity to investigate the potential purchaser to determine if any reason exists why he should not have the weapon. The required waiting period may be as brief as 42 hours. This, police officials have indicated, is far too short a period in most instances for a thorough check to be made. Further, the statute does not provide specific authority for the police to actually forbid the delivery of the weapon in cases when the potential purchaser is determined not to be qualified to possess one. In addition, existing law, as it relates to possession of handguns by minors, implies that any person under the age of 21 years is free to have such weapons except as restricted by general provisions contained in the statute. Although the law appears to allow such possession, it specifically forbids the sale or transfer of any handguns to minors except by parents or guardians (sec. 22-3207, District of Columbia Code. 1961 edition). This means that a minor may bring into the District and have in his possession a handgun purchased elsewhere but is not permitted to purchase a handgun in the District. The rationale of the prohibition against any such purchase in the District appears to be that possession of a handgun by a minor is considered undesirable. The Commissioners believe the law should clearly prohibit possession of handguns by persons under the age of 18 years, except to permit certain activities under proper regulations, as for example, the participation in target shooting at authorized locations.

"These inadequacies are in large part overcome by the proposed amendments contained in the draft bill. Other features of existing law are also substantially strengthened. Briefly, the major areas of change proposed by the amendments would provide the following:

"1. Require every person in the District (with exception of police, military personnel, and certain other groups that are specifically exempted or may be exempted under regulatory authority granted the Commissioners) to obtain a permit from the Commissioners or their designated agent in order to legally possess a handgun. When an applicant demonstrates that he is a person of good moral character and responsibility, the Commissioners or their designated agent are required to issue a permit for possession of a handgun to be kept in his home or place of business or on other land he owns or possesses. When an applicant meets similar standards, in addition to demonstrating a need for a weapon to protect his person or property, the Commissioners or their designated agent may in their discretion issue a permit to carry a handgun on his person.

"2. Prohibit possession of handguns in the District by person under 18 years of age, but allowing the Commissioners regulatory authority to permit such person to engage in such activities as target shooting and competitive shooting matches under restrictions that they may impose.

"3. Prohibit the carrying about of any rifle or shotgun anywhere in the District unless such weapon is unloaded, except that the possession of a loaded rifle or shotgun kept in one's home, place of business, or on other land owned or leased by such person, is permitted.

"4. Require closer surveillance by law-enforcement authorities over the importation and delivery of handguns into the District to insure that these weapons not get into the hands of unqualified recipients. The Commissioners or their designated agent are given clear authority to order that no delivery be made to such person. No delivery or transfer of any handgun would be permitted by any person unless he first obtains written permission to do so.

"5. Requires stricter licensing of manufacturers and dealers in weapons in the District, including those selling weapons at retail and wholesale and those in the business of repairing firearms, and require records to be kept and reports to be made to the Chief of Police concerning weapons sold and repaired and to whom sold and delivered.

"6. Tighten existing provisions prohibiting the possession of a dangerous weapon with intent to use it unlawfully, including establishment of a presumption that the possession of certain weapons, including possession of a pistol without a license, constitutes possession of such weapon with intent to use it unlawfully.

"7. Require any person desiring to purchase a pistol, machinegun, sawed-off shotgun, or blackjack within the District to first obtain a permit to purchase any such weapon.

"This latter provision, contained in section 2 of the bill and amending section 8 of the act (sec. 22–3208, District of Columbia Code, 1961 edition), has a far-reaching effect in strengthening existing law and is one of the most important features of the bill. The requirement that any purchase of a pistol, or any other prohibited weapon listed, must be preceded by the granting of a permit to purchase such weapon brings the District within the provisions of the Federal Firearms Act (15 U.S.C., ch. 18) governing interstate traffic of firearms. Section 902(c) of such act provides that:

"It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a license be obtained for the purchase of such firearm, unless such license is exhibited to such manufacturer or dealer by the prospective purchaser."

The Commissioners believe that the permit to purchase provision, in light of the above-quoted provision of the Federal Firearms Act, would eliminate in great part the serious probem of mail-order shipment of handguns to persons in the District. For example, any licensed dealer outside the District (or, in fact, within the District as well, since the Federal Firearms Act defines interstate commerce to include commerce within the District) would be required to see evidence of a permit to purchase issued by the Commissioners or their designated agent before shipping or transporting the weapon in question. Should a dealer fail to comply with this requirement, he would face prosecution under the Federal statute; in addition, under the language of the proposed bill, he would also face prosecution under the strengthened District dangerous weapons statute. The Commissioners have been informed that several States now require a permit (or some equivalent procedure) to purchase firearms bringing them within the Federal Firearms Act, including Hawaii, Massachusetts, Michigan, Missouri, New Jersey, New York, and North Carolina.

"In developing the draft bill, the Commissioners' legal staff has had the close cooperation and assistance of various Federal officials, including the Internal Revenue Service which administers the Federal Firearms Act and the National Firearms Act. In addition, Mr. David C. Acheson, U.S. attorney for the District of Columbia, has aided in the drafting of the amendments. Mr. Robert V. Murray, Chief of Police for the District of Columbia, has also given personal attention to this matter and has been in communication with high-ranking officials of the New York Police Department concerning the effectiveness of such provisions as are now being proposed.

"In summary, the Commissioners believe that a need exists at this time for strengthening the District's dangerous weapons statute. The bill would, on one hand, continue to allow the possession of firearms by those law-abiding citizens desiring protection of their property and persons, under proper regulation, so that no qualified citizen desiring possession of such weapon need go unarmed. But, on the other hand, the bill provides for close control over the importation and possession of weapons and thus enables the authorities to take necessary steps to prevent these weapons from falling into the hands of criminal elements or persons not qualified to possess them. Accordingly, the Commissioners most strongly urge the enactment of the proposed bill.

"The Commissioners have been advised by the Bureau of the Budget that, from the standpoint of the administration's program, there is no objection to the submission of this legislation to the Congress.

"Very sincerely yours,

"WALTER N. TOBRINER,
*"President, Board of Commissioners,
District of Columbia."*

"A bill to amend the Act of July 8, 1932, relating to the control of possession in the District of Columbia of dangerous weapons, and for other purposes

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled 'An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651), as amended, is amended to read as follows:

" 'SECTION 1. When used in this Act, unless the context otherwise requires—

" '(a) "Pistol" means any firearm, by whatever name known, with a barrel less than twelve inches in length, which will, or is designed to, or which may be readily converted to, expel a projectile or projectiles by the action of an explosive.

" '(b) Sawed-off shotgun means any shotgun or any rifle with a barrel less than 20 inches in length.

" '(c) "Machinegun" means any firearm which shoots automatically or semiautomatically more than 12 shots without reloading.

" '(d) "Rifle" means a weapon, other than a sawed-off shotgun, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

" '(e) "Shotgun" means a weapon, other than a sawed-off shotgun, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

" '(f) "Switch-blade knife" means a knife which has a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife.

" '(g) "Gravity knife" means a knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever, or other device.

" '(h) "Sell" and "purchase" and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

" '(i) "Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit offense punishable by imprisonment in the penitentiary.

" '(j) "Commissioners" means the Board of Commissioners of the District of Columbia, or their designated agent.

" '(k) "District" means the District of Columbia."

"SEC. 2. Sections 3 through 14 of such Act approved July 8, 1932 (secs. 22–3203 through 22–3214, D.C. Code, 1961 ed.), are amended to read as follows:

" 'SEC. 3. (a) No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the District, if—

" '(1) he is under the age of 18 years;

" '(2) he is a drug addict;

" '(3) he has been convicted in the District or elsewhere of a felony;

" '(4) he has been convicted of violating section 1 of the Act entitled "An Act for the suppression of prostitution in the District of Columbia" approved August 15, 1935 (49 Stat. 651, as amended, section 1 of the Act entitled "An Act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases" approved July 16, 1912 (37 Stat. 192), or sections 1 and 3 of the Act entitled "An Act to define and punish vagrancy in the District of Columbia, and for other purposes" approved December 17, 1941 (55 Stat. 808) as amended; or

" '(5) he is not licensed under section 10 of this Act and he has been convicted of violating any section of this Act.

" '(b) No person shall keep a pistol for, or intentionally make a pistol available to, any person referred to in subsection (a) of this section, knowing or having reason to believe that he is under the age of eighteen years or that he is a drug addict or that he has been so convicted. Whoever violates this section shall be punished as provided in section 15 of this Act, unless the violation occurs after he has been convicted of a violation of this section, in which case he shall be imprisoned for not more than ten years.

"'SEC. 4. (a) No person shall within the District—

"'(1) carry either openly or concealed on or about his person any deadly or dangerous weapon capable of being so concealed, except as herein provided;

"'(2) carry either openly or concealed on or about his person or own or have in his possession or under his custody or control any pistol without a written permit therefor issued to him as provided in this Act;

"'(3) have in his possession or under his custody or control, except in his dwelling house or place of business or on other land owned or leased by him, any rifle or shotgun, unless such rifle or shotgun be unloaded; or

"'(4) own or have in his possession or under his custody or control any machinegun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, slung shot, slingshot, sandbag, switch-blade knife, gravity knife, or metal knuckles, or any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm.

"'(b) Any person within the District carrying or having in his possession or under his custody or control any pistol for the possession of which a permit has been issued to him as provided in this Act shall have such permit on his person or within his immediate custody. Any person having such possession, custody, or control of a pistol shall upon demand exhibit such permit to a duly appointed law-enforcement officer. The failure of any person to exhibit such permit as provided herein shall be cause for the revocation of any and all permits issued to him under this Act.

"'(c) If any person within the District voluntarily delivers to a duly appointed law-enforcement officer any pistol, machinegun, sawed-off shotgun, shotgun, rifle, or other firearm, or blackjack, slung shot, slingshot, sandbag, switchblade knife, gravity knife, or metal knuckles, or any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, under circumstances that do not give reason to believe that any law other than subsections (a) or (b) of this section has been violated, the voluntary delivery of such weapon or instrument, attachment, or appliance shall preclude the arrest and prosecution of such person on a charge of violating any provision of such subsections (a) or (b) with respect to such item voluntarily delivered. In the case of a voluntary delivery of any such weapon, instrument, attachment, or appliance, such item shall be delivered to any police precinct between the hours of 7 antemeridian and 6 postmeridian, shall be securely wrapped and, in the case of a firearm, shall be unloaded, and the bearer shall not have on his person or in his immediate possession any ammunition for such firearm. Any person within the District may summon a police officer to his residence or place of business for the purpose of voluntarily delivering to a police officer any such weapon, instrument, attachment, or appliance which shall be securely wrapped, and if a firearm, shall be unloaded. Any such weapon, instrument, attachment, or appliance delivered to any police officer or to any law-enforcement officer shall be disposed of in accordance with orders or regulations prescribed by the Commissioners.

"'(d) Whoever violates this section shall be punished as provided in section 15 of this Act, unless the violation occurs after such person has been convicted in the District of a violation of this section or of a felony, either in the District or in another jurisdiction, in which case he shall be sentenced to imprisonment for not more than 10 years.

"'SEC. 5. (a) Sections 3 and 4 of this Act shall not apply to the following:

"'(1) police, marshals, sheriffs, prison or jail wardens, or their deputies, or law-enforcement agents of the U.S. Government; and

"'(2) members of the Armed Forces of the United States, the National Guard, or the Organized Reserves, while such members are on duty.

"'(b) The Commissioners are authorized in their discretion to make orders or regulations exempting from any or all of the provisions of sections 3 and 4 of this Act any or all of the following classes of persons:

"'(1) special policemen appointed pursuant to the Act approved March 3, 1899 (sec. 4–115, D.C. Code, 1961 edition), special privates appointed pursuant to sections 378 and 379 of the Revised Statutes relating to the District (sec. 4–113, D.C. Code, 1961 edition) or employees of the United States or of the District, other than police, duly authorized to carry weapons;

"'(2) employees of any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money or valuables;

"'(3) persons licensed under section 9 and 10 of this Act, and employees of persons so licensed, engaged in the business of manufacturing, repairing, or dealing in the weapons referred to in such sections;

"'(4) regularly enrolled members of any organization duly authorized to purchase or receive firearms from the United States;

"'(5) members of civil or educational organizations; and

"'(6) persons engaged in target shooting at duly authorized or licensed shooting galleries or ranges, or persons engaged in the operation of such shooting galleries or ranges.

"'(c) The Commissioners are also authorized to make orders and regulations to carry out the purposes of this Act, including, without limitation, orders and regulations prescribing the form, content, and requirements respecting the number of copies of reports, applications, permits, and licenses required under or authorized by this Act; providing for the keeping and disposition of records by persons selling, purchasing, manufacturing, repairing, transporting, or delivering weapons, instruments, attachments, and appliances covered by this Act; providing for the carrying of a pistol to and from a place of sale or repair or in moving goods from one place of abode or business to another; and further regulating the conduct of the businesses required to be licensed under this Act.

"'SEC. 6. (a) (1) The Commissioners may in their discretion, upon the written application of any person having a bona fide residence or who conducts business within the District, issue a permit to such person to carry either openly or concealed on or about his person a pistol within the District if the Commissioners are satisfied that the applicant is a person of good moral character and is a responsible person in the light of his age, reputation, employment, medical history, experience with firearms, or other relevant matters, and if the Commissioners are satisfied that the applicant has a need for such pistol in order to protect his person or property.

"'(2) The Commissioners shall, upon the written application of any person having a bona fide residence or who conducts business within the District, issue a permit to such person to own or have in his possession or under his custody or control a pistol, but may require such person to keep such pistol in his dwelling place or place of business or on land owned or possessed by him within the District. The Commissioners shall issue such permit if they are satisfied the applicant is a person of good moral character and is a responsible person in the light of his age, reputation, employment, medical history, experience with firearms, or other relevant matters.

"'(3) Any permit issued under this section may include such restrictions and prohibitions with respect to the possession or carrying about of such pistol as the Commissioners may impose. Any permit issued under this section may be revoked by the Commissioners when they have reason to believe that the permittee no longer has the qualifications requisite for the issuance of such a permit: *Provided*, That such revocation shall be only upon written order, which order may be issued at any time during the period of the permit. Upon service on the permittee of an order revoking any such permit, the permittee shall immediately return such permit to the Commissioners. No permit shall be of any force or effect after service on the permittee of an order revoking the same.

"'(b) The Commissioners shall require that each applicant for a permit under this Act, as a condition to being issued such a permit, be fingerprinted.

"'(c) Each application for a permit, or a renewal thereof, under this section shall be accompanied by a fee in an amount fixed by the Commissioners but not exceeding $5, which shall be retained by the District regardless of the action taken with respect to the application.

"'(d) The Commissioners are authorized to prescribe the duration of such permit and to require renewals thereof at such times as they deem appropriate.

"'SEC. 7. No person shall within the District sell any pistol to a person who he has reasonable cause to believe is forbidden by this Act to possess a pistol, and unless the purchaser is personally known to the seller or shall present clear evidence of his identity, and unless such person exhibits to the seller a permit issued by the Commissioners for the purchase of such pistol.

"'SEC. 8. (a) No person, except marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly appointed law-enforcement officers, shall purchase any pistol within the District without first obtaining a permit from the Commissioners to purchase such pistol. An application for a permit to purchase a pistol shall be filed with the Commissioners who shall within a reasonable period of time cause an investigation to be made to determine whether the applicant is qualified under the provisions of this Act to receive, own, or possess any such pistol. At the time of making a purchase of a pistol the purchaser shall exhibit to the seller a permit to purchase such pistol issued by the Commissioners and no seller shall deliver any pistol to any person unless such permit is exhibited to him and he makes a record of such permit to purchase, as may be required by regulation.

"'(b) No person shall ship, transport for delivery, or deliver to any person within the District any pistol or any package which such shipper, transporter, or deliverer has reason to believe contains one or more pistols, without first notifying the Commissioners in writing of the name and address of the person to whom such pistol or package is being shipped or delivered and the place of delivery. Delivery to such person shall be withheld for such reasonable period of time as may be specified in writing by the Commissioners during which period the Commissioners shall cause an investigation to be made to determine whether such person is qualified under the provisions of this Act to obtain a permit to receive, own, or possess any such pistol. In the event the Commissioners determine that such person is not qualified under the this Act to receive, own, or possess a pistol, they shall serve upon the shipper, transporter, and such person written orders prohibiting such delivery to such person, or if they determine that the person is so qualified they shall, in writing, so notify the shipper, transporter, and such person.

"'(c) No person shall purchase any machine gun, sawed-off shotgun, or blackjack within the District of Columbia without first obtaining a permit from the Commissioners. No person shall sell or deliver any such weapon within the District, or ship or deliver any package within the District if he has reason to believe that such package contains any such weapons, without first obtaining written permission to do so from the Commissioners.

"'(d) Whoever violates this section or any order served by the Commissioners pursuant to this section shall be punished as provided in section 15 of this Act, unless the violation occurs after such person has been convicted in the District of a violation of this section or of a felony, either in the District or in another jurisdiction, in which case he shall be sentenced to imprisonment for not more than ten years.

"'SEC. 9. No person shall within the District engage in the business of selling, or manufacturing, or repairing pistols, machineguns, rifles, shotguns, sawed-off shotguns, or blackjacks without being licensed as provided in section 10 of this Act.

"'SEC. 10. (a) The Commissioners may grant licenses, effective for not more than one year from date of issue, permitting the licensee to sell at retail or at wholesale, or to manufacture or to repair, pistols, machineguns, rifles, shotguns, sawed-off shotguns, or blackjacks. Whenever any such licensee shall breach any conditions upon which his license was issued or upon violation of any provision of this Act or of any provision of section 7 of the Act of July 1, 1902 (32 Stat. 622, et seq., ch. 1352; ch. 23, title 47, D.C. Code, 1961 edition), which is applicable to any such licensee or of any applicable regulation made pursuant to such Acts, the license shall be subject to suspension or revocation and the licensee shall be subject to punishment as provided in this Act.

"'(b) Except as otherwise provided in this Act, the provisions of section 7 of the Act approved July 1, 1902 (32 Stat. 622, et seq., ch. 1352; ch. 23, title 47, D.C. Code, 1961 edition), relating to the issuance, revocation, suspension, transfer, and assignment of licenses, and license taxes or fees, and the provisions of such section 7 relating to the supervision, regulation, and inspection of licensed businesses, shall be applicable to licenses authorized to be issued by this section and to the holders of such licenses.

"'(c) The Commissioners are authorized and empowered to fix, and from time to time increase or decrease, fees for any services rendered under this section. The Commissioners shall increase, decrease, or fix fees in such amounts as will, in the judgment of the Commissioners, approximate the cost to the District of administering this section.

"'SEC. 11. No person shall, in purchasing any weapon or applying for any permit or license under this Act, or in giving any information pursuant to the requirements of this Act, give false information or offer false evidence of his identity.

"'SEC. 12. No person shall within the District change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machinegun, rifle, shotgun, or sawed-off shotgun. Possession of any pistol, machinegun, rifle, shotgun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same within the District: *Provided*, That nothing contained in this section shall apply to any officer or agent of any department or agency of the United States or the District engaged in research or experimental work.

"'SEC. 13. Nothing in this Act shall be construed to prohibit delivery, sale, or possession of any toy or antique pistol so constructed or in such condition as to be not usable as a firearm, except that no person shall within the District possess any such toy or antique pistol with intent to use the same unlawfully.

"'SEC. 14. (a) No person, including those persons as may be exempted by subsection (a) of section 5 of this Act or exempted by the Commissioners from the provisions of subsection (a) of section 4 of this Act, shall within the District of Columbia possess, with intent to use unlawfully, any dangerous or deadly instrument or weapon, including, but not limited to, any pistol, machinegun, sawed-off shotgun, shotgun, rifle, or other firearm, or imitation pistol or firearm, or dagger, dirk, razor, stiletto, or any knife. The possession by any person, other than persons granted exemption by such subsection (a) of section 5 or by the Commissioners, of any pistol without a written permit therefor issued to him in accordance with the provisions of this Act, or of any machinegun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, slung shot, slingshot, sandbag, switch-blade knife, gravity knife, or metal knuckles, shall be presumptive evidence of possession of such firearm or weapon with intent to use the same unlawfully.

"'(b) Whoever violates this section shall be punished as provided in section 15 of this Act, unless the violation occurs after he has been convicted in the District of a violation of this section or of a felony, either in the District or in another jurisdiction, in which case he shall be imprisoned for not more than ten years.

"SEC. 3. Such Act approved July 8, 1932, as amended, is amended by adding at the end thereof the following new sections:

"'SEC. 18. (a) Any order or notice required by this Act to be served shall be deemed to have been served when served by any of the following methods:

"'(1) when forwarded to the last known address of the permittee, as such address is recorded on the permit record on file with the Commissioners, by certified mail, postage prepaid;

"'(2) when delivered to the person to be notified; or

"'(3) when left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein.

"'(2) Any notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons; and notices to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served personally on any agent of such corporation, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District.

"'(c) It shall be the duty of the permittee to notify the Commissioners in writing of loss or theft of any pistol for which a permit has been obtained, the loss or theft of a permit, or any change of address from that address recorded on the permit of such permittee within forty-eight hours following such change of address or discovery of such loss or theft.

"'SEC. 19. The Commissioners are authorized to delegate any function vested in them by this Act and to provide for subdelegation of any such function: *Provided*, That the Commissioners shall not delegate the authority to make regulations pursuant to the authority contained in this Act.

"'SEC. 20. This Act may be cited as the "District of Columbia Dangerous Weapons Act".'.

"SEC. 4. The Act entitled 'An Act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as "the Municipal Court for the District of Columbia," to create " the Municipal Court of Appeals for the District of Columbia," and for other purposes', approved April 1, 1942 (56 Stat. 190, ch. 207), as amended (sec. 11–772, D.C. Code, 1961 edition), is hereby amended by adding at the end of subsection (e) of section 7 of said Act the following new clause:

"'(10) Any final decision or final order denying, suspending, or revoking any application, permit, or license, or renewal of any permit or license, issued or applied for under the District of Columbia Dangerous Weapons Act.'

"SEC. 5. Section 911 of the Act entitled 'An Act to establish a code of law for the District of Columbia', approved March 3, 1901 (31 Stat. 1337), as amended (sec. 23–301, D.C. Code, 1961 ed.), is amended by inserting after the word 'place' where such word first appears 'any weapon, instrument, attachment or appliance possessed in violation of the Act approved July 8, 1932 (47 Stat. 650, ch. 465), as amended.'.

"SEC. 6. Section 914 of such Act approved March 3, 1901 (sec. 23–304, D.C. Code, 1961 ed.), is amended by adding the following:

"'If the property seized be a dangerous article declared to be a nuisance by section 17 of the Act approved July 8, 1932 (47 Stat. 654), as amended, such article shall be disposed of pursuant to such section 17.'.

"SEC. 7. Nothing contained in this Act or in any amendment made by this Act shall be construed as diminishing power or authority vested in the Commissioners of the District of Columbia by section 4 of the Act of June 30, 1906 (34 Stat. 809, ch. 3932; sec. 1–227, D.C. Code, 1961 ed.), or by section 7 of the Act of July 1, 1902 (32 Stat. 622, et seq., ch. 1352; ch. 23, title 47, D.C. Code, 1961 ed.), to make and enforce regulations relating to firearms, projectiles, explosives, or weapons of any kind, but this Act and amendments made by this Act shall be deemed as supplemental to such section 4 of the Act of June 30, 1906, and such section 7 of the Act of July 1, 1902.

"SEC. 8. The provisions of section 4(c) of such Act approved July 8, 1932, as amended by this Act, relating to the voluntary delivery of weapons to police, shall take effect upon the approval of this Act. The remaining provisions of this Act shall take effect on the thirtieth day following approval by the Commissioners of the District of Columbia of initial regulations made pursuant to the authority contained in such Act approved July 8, 1932, as amended by this Act, and on such effective date all outstanding licenses for the possession of pistols in the District of Columbia shall be of no force or effect.

"SEC. 9. That the first section of the Federal Firearms Act (52 Stat. 1250; 15 U.S.C., ch. 18) is amended by adding at the end of the definition of the term 'interstate or foreign commerce' the following sentence: 'For the purposes of this Act the term 'State' shall be held to include the District of Columbia and the Commonwealth of Puerto Rico.'.

"SEC. 10. Appropriations to carry out the purposes of this Act are hereby authorized."

Mr. TOBRINER. This letter sets forth the need for the recommended legislation, and explaining its provisions, which, the Commissioners believe, would provide the District with a strong, enforcible law to deal with the dangerous weapons problem in the District of Columbia. The Commissioners desire at this time to recommend that the Congress consider the enactment of legislation substantially similar to that set forth in the draft bill which I have offered for the record.

So much then for H.R. 7525.

I shall now proceed to a discussion of S. 486, a bill to amend certain criminal laws applicable to the District of Columbia, and for other purposes. This bill, designed to strengthen certain existing provisions of criminal law in the District, broadens the law governing immunity of witnesses in certain criminal proceedings, and to make certain procedural changes, was drafted by the U.S. attorney for the District of Columbia with the assistance of the Corporation Counsel. The Commissioners recommend its enactment.

Briefly, the first section of the bill amends section 848 of the act of March 3, 1901, relating to the crime of malicious injury or destruction of property. Section 848 is broadened to cover malicious injury or destruction of all personal and real property, rather than being limited, as at present, only to the malicious injury or destruction of movable property. Also, at present section 848 makes it a felony to maliciously injure or destroy property valued at $50 or more. Section 1 of the bill increases this limitation to $200 or more.

This is in line with current depreciation in values. The first section of the bill also revises the penalties established for such felonies by eliminating the mandatory maximum and minimum sentences of not less that 1 year nor more than 10 years' imprisonment, and substitutes instead a fine of not more than $5,000 or imprisonment for not more than 10 years, or both. In addition, it increases the maximum fine for misdemeanors in such cases from $200 to $1,000, and provides that the penalty for a misdemeanor shall be a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both. The Commissioners believe that these amendments will result in more effective prosecution of those offenses which would be affected by the amendments.

The second section of the bill eliminates from an existing provision of law relating to willful or wanton disfigurement of property (sec. 1 of the act of July 29, 1892), language relating to the destruction of property, inasmuch as all prosecutions for malicious injury to or destruction of property would, by the first section of the bill, be brought under the amended section 848 of the act of March 3, 1901.

Section 3 of the bill amends existing District of Columbia law relating to kidnaping by striking the words "for ransom or reward" and submitting in lieu thereof the words "for ransom or reward or otherwise, except, in the case of a minor, by a parent thereof." The purpose of this amendment is to broaden the kidnaping statute, which now makes it unlawful only to hold a person for ransom or reward. The amendment would make the statute also applicable to those kidnaping cases in which the motive is lust, a desire for companionship, revenge, or some other motive not involving a desire for ransom or reward. However, in order to make the language of the statute inapplicable to cases involving the taking of a minor child by one of the parents of such child, the proposed amendment expressly excepts any such case from the operation of the statute. The Commissioners are informed that the proposed amendments of existing District of Columbia law will bring the District's law into conformity with the Federal statute.

Section 4 of the bill broadens immunity privileges now granted under the law to witnesses in cases involving civil actions relating to the abatement of disorderly house nuisances by authorizing the granting of similar immunity in criminal prosecutions for keeping such houses. Under this amendment the courts, upon application of the prosecutor, may compel a witness to testify in any such criminal prosecution notwithstanding his claim of privilege under the fifth amendment. Such witnesses, nevertheless, remain subject, under the amendment, to prosecution for perjury or contempt of court in connection with their testimony. It is expected that the broadening of the immunity statute to include cases involving criminal charges for keeping a bawdy or disorderly house will aid in the successful prosecution of such charges.

Section 5 of the bill amends the Healing Arts Practice Act by substituting the Corporation Counsel for the U.S. attorney as the official to conduct proceedings with regard to the suspension or revocation of licenses issued under the authority of such act. Similarly, section 6 substitutes the Corporation Counsel for the U.S. attorney with regard to the conduct of proceedings leading to the suspension or revocation of licenses issued to nurses under the authority of the act of February 9, 1907.

Sections 7 and 8 amend existing law so as to designate the Corporation Counsel as the prosecutor of violations relating to the licensing of optometrists and accountants.

Section 9 repeals certain provisions originally enacted June 22, 1874, relating to the appointment and bonding of private detectives in the District. These provisions for a number of years have been considered as having been superseded by paragraph 41 of section 7 of the act of July 1, 1932, requiring the licensing of private detectives.

Section 10 of the bill substitutes the Corporation Counsel for the U.S. attorney in cases involving certain actions dealing with receivership of properties belonging to absentees or absconders. The amendment would, in effect, require that the District of Columbia, instead of the United States, be made a necessary party in proceedings involving receivership of such property when the absentees or absconders have left the District without making provision for support of a wife or minor children, or when such assets are to be treated as though the absentee had died intestate.

Finally, section 11 of the bill provides for the effective dates of the amendments of existing law made by the several sections of the bill.

In summing up my testimony on titles IV and V of H.R. 7525 and on S. 486, I desire to reiterate that the Commissioners favor the enactment of title IV of H.R. 7525 and the enactment of S. 486. With respect to the sections of title V which I have discussed for the reasons I have stated earlier the Commissioners object to those provisions which would have the effect of establishing a mandatory minimum penalty for certain offenses, or increasing an existing mandatory minimum penalty. Subject to the foregoing comment, the Commissioners favor the enactment of section 502 of the title, relating to burglary. The Commissioners see no good for the balance of the provisions of title V of H.R. 7525, and accordingly they recommend against the enactment of all of the sections of that title with the exception of section 502.

Thank you very much for affording the Commissioners an opportunity to express their views with respect to the merits of titles IV and V of H.R. 7525 and of S. 846.

The CHAIRMAN. Thank you very much, Mr. Tobriner. I appreciate your testimony. I have no questions to direct to you. I previously indicated that we will have our hearing on the Mallory rule, which presents many problems, either next Tuesday or the Tuesday after that, and we will, likewise, have a full week of hearings on the Durham rule. We will look forward to seeing you back on those two separate occasions.

Mr. TOBRINER. Thank you.

The CHAIRMAN. Are there any questions, Senator DOMINICK?

Senator DOMINICK. Mr. Chairman, I do not really have any questions, because I was unable to be here for the full testimony and have not had a chance to read it, but I do want to get clear what I understood from your last comment, Mr. Tobriner, and that is it is my understanding that you are against section V or all provisions of this point?

Mr. TOBRINER. We are, primarily, against those provisions of title V.

Senator DOMINICK. Title V; yes.

Mr. TOBRINER. Which either increase an existing mandatory minimum sentence or which provide for one where none previously existed. Our feeling is, Senator, that this is a matter which should fundamentally be left to the judgment and the discretion of the presiding judge who has before him the defendant, the witnesses, the record, and other circumstances which may or may not induce longer or shorter sentences. We feel that it is primarily a judicial function which can safely be left to the discretion of our judges.

Senator DOMINICK. Have you expressed an opinion in this with respect to your position on the so-called Mallory rule?

Mr. TOBRINER. No, sir.

The CHAIRMAN. If I may interrupt there, I am trying to break this hearing into three different sections. Starting next Tuesday we intend going in depth into the Mallory rule, through the balance of the week, and then the following week we are going into the so-called Durham rule. I have no objection to the Senator questioning about this at all, except that I am trying to divide it into three sections. And since there is great controversy over both the Mallory—both the Mallory and the Durham rules, it occurred to me—and the witnesses have indicated that it will take us 3 or 4 days on each one of those two phases of the bills—that we would get into title I, which is the Mallory rule in depth starting on next Tuesday.

Senator DOMINICK. Thank you, Mr. Chairman. What I really was trying to find out was whether in this statement the Commissioner had made any statement of opinion?

Mr. TOBRINER. No, there is no statement of opinion in the statement that I presented today.

Senator DOMINICK. Is this true as far as the Durham rule is concerned?

Mr. TOBRINER. That is also true. This relates solely to S. 486 and title IV and title V of H.R. 7525.

Senator DOMINICK. Did you express any opinion on the possible licensing of firearms?

Mr. TOBRINER. Yes, we did.

Senator DOMINICK. Are you in favor of that?

Mr. TOBRINER. Yes, we are.

Senator DOMINICK. Do you feel that this has been helpful in New York?

Mr. TOBRINER. Our information, obtained from the chief of police of New York, through our chief of police, is that it has been—the so-called Sullivan law.

Senator DOMINICK. Does the Chair, if I may ask, intend to go in depth into the specific provisions, other than the Mallory and Durham rules on this bill?

The CHAIRMAN. I will say to the Senator that today we are confining ourselves to title IV and to title V and on next Tuesday we will go into depth into title I which is the Mallory rule and title III of the House passed bill, which is detention on the reasonable grounds to suspect a person is or has committed a crime, as well as the detention of material witnesses section. And on the following Tuesday we will go in depth into the Durham rule.

Senator Dominick. Thank you.

Mr. Tobriner. Senator Dominick, I will be happy to submit for the record the letter to which I referred from the Police Commissioner of New York City to our Police Chief, relative to the satisfactory working of the Sullivan law.

(The letter referred to follows:)

"The Police Commissioner,
"City of New York,
"March 13, 1963.

"Mr. Robert V. Murray,
"Chief of Police, Government of the District of Columbia, Metropolitan Police Department, Washington, D.C.

"Dear Bob: I am enclosing herewith a copy of the penal law of the State of New York, in response to your request relative to the subject of dangerous weapons. Article 172 entitled 'Public Safety,' beginning with sections 1894 through 1899 relates to the so-called Sullivan law. On page 260 there are amendments to some of these sections, which were passed in the legislative session of 1961.

"We have had very little opposition from law abiding businessmen and citizens of the city concerning the enforcement of these provisions relative to the possession and carrying of concealable weapons. We have consistently reduced the number of permits we issue, and at this time there are only 17,207 in force.

"We feel that this law is very desirable, as it does keep guns out of the hands of criminal elements to a certain extent. Its effectiveness is undermined by the ease with which pistols and revolvers can be obtained in other jurisdictions. I am sure that the most effective method of control would be through a Federal statute.

"It was a great pleasure to see you in Chicago, and I am looking forward to seeing you again soon.

"Sincerely,
"Michael J. Murphy,
"Police Commissioner."

Senator Dominick. Let me make some comments on this and perhaps then to ask you some questions.

The Sullivan law has been in effect for a long time in New York. I have not seen any particular decrease in the crime rate in New York that can be attributed to the Sullivan law. But let me also say this, do you have any evidence through the police records or otherwise that the requirement of licensing of people who have guns decreases the number of people who hold guns for felonious intent?

Mr. Tobriner. We have this evidence, sir, that a recent Senate subcommittee hearing on juvenile delinquency revealed that the police confiscate an estimated 800 to 1,000 handguns here every year.

Senator Dominick. Do you feel that this would make it more difficult for you to get those guns?

Mr. Tobriner. I think, sir, if the proposal that we have suggested is passed it would bring the matter of shipping in guns into the District under the current Federal firearms law which would make it illegal for any dealer to consign or ship a gun to a person who is unlicensed, so that in that respect it would make the out-of-state shipment of guns into the District of Columbia subject to closer surveillance and inspection.

Senator Dominick. What do you plan on doing about those who already have guns in the District?

Mr. Tobriner. We would ask those people to register their guns. This is not only a protection to the public, it is also in my opinion, sir, a protection to the person who owns a gun, in that if that gun is stolen it can be readily traced, and for that reason it seems to me he is better protected.

Senator Dominick. Do you propose to apply it to handguns or to shotguns or what?

Mr. Tobriner. I said that the proposed statute has a very complex definition which I will be glad to read to you. The permit to possess guns will be confined to pistols which means any firearm by whatever name known with a barrel less than 12 inches in length which will or is designed to or which may be readily converted to expel projectiles.

Senator Dominick. In effect, it is confined to pistols and revolvers?

Mr. Tobriner. Yes.

Senator Dominick. Thank you, Mr. Chairman. That is all.

Statement of Walter N. Tobriner, President of the Board of Commissioners

Mr. Tobriner. Thank you very much, sir.

Mr. Chairman and members of the committee, the Commissioners appreciate this opportunity to present their views on titles I and III of H.R. 7525, an act relating to crime and criminal procedure in the District of Columbia, passed by the House of Representatives on August 12, 1963.

Title I of H.R. 7525 is intended to overcome for the courts of the District of Columbia the effect of a rule of evidence laid down in a line of cases beginning with the case of *Mallory* v. *United States,* decided in 1957 by the Supreme Court, barring the admissibility in evidence of statements made by arrested persons if such persons are not promptly taken before a committing magistrate in accordance with rule 5(a) of the Federal Rules of Criminal Procedure, requiring arrested persons to be taken before a committing magistrate "without unnecessary delay."

Title I of the bill would change the existing situation in the District of Columbia so as to provide that statements and confessions, otherwise admissible, will not be inadmissible solely because of delay in taking an arrested person before a Commissioner or other officer with power to commit persons charged with offenses against the laws of the United States.

The Commissioners naturally favor the admissibility of confessions and statements which are made freely and voluntarily. However, they believe that title I of H.R. 7525 should be amended in several respects so as to expand its coverage and afford certain safeguards to the persons making confessions or statements.

Accordingly, the Commissioners have recommended a number of changes in this title of the bill, set forth on page 2 of their report to the committee. The first of these changes would make the title applicable in cases of arrests for violations of the laws of the District of Columbia as well as of the laws of the United States.

The second change has the effect of requiring that each person shall immediately prior to being interrogated, be advised that he is not required to make a statement and that any statement made by him may be used against him. The third change proposed by the Commissioners is the addition of three new subsections designed to surround arrested persons with safeguards to protect their constitutional rights.

The first of these subsections requires that, prior to any interrogation, an arrested person shall be plainly advised by the police officer or officers having him in custody of his right to reasonable opportunity to communicate with counsel or with a relative or friend, and requires that the arrested person shall in fact be afforded such opportunity.

The second subsection requires that, whenever reasonably possible, each interrogation of an arrested person, and the warning and advice given him, (1) be monitored by some responsible person who is not a law-enforcement officer, or (2) be reported verbatim, be recorded by a recording device, or be conducted subject to some other means of verification. The third proposed subsection is designed to emphasize that nothing in the title is intended to supersede the requirements of rule 5(a) of the Federal Rules of Criminal Procedure respecting the right of an arrested person to be taken before a committing magistrate "without unnecessary delay."

To interpolate for a moment our views are the views of the Department of Justice, with the exception that we would eliminate that section providing for a ceiling of 6 hours on detention prior to arraignment

If title I of H.R. 7525 be amended as I have suggested, the Commissioners would have no objection to its enactment. However, should the title not be amended along the lines I have set forth, the Commissioners, since they have reservations concerning the protection afforded an arrested person by this section, in the form in which it is set forth in the bill, would be constrained to recommend against it enactment.

Mr. MORSE. Mr. President, as the testimony will show, Commissioner Tobriner favors a modification of the Mallory rule. But I am unalterably opposed to modification of the Mallory rule, because I believe the Mallory rule is essential to the protection of freedom in the District of Columbia, because the District of Columbia Police Department shows evidence of the abusive practices to which it will resort—practices that gave rise, in the first place, to the Mallory rule, which was a unanimous decision of the U.S. Supreme Court, written by the great Justice Felix Frankfurter.

What is wrong with the rule in the Mallory case? All the Supreme Court said was that if one is arrested, he shall be taken without delay before a committing magistrate. Is anything wrong with that?

There are various ways of obtaining authority for investigative arrest. In my judgment, Mr. Tobriner—although he professes to be against investigative arrests—and the Department of Justice and the chief of police are seeking to produce a situation which will add up to investigative arrest, by means of their proposed modification of the Mallory rule. I shall dwell at great length on that point when the Senate comes to debate—if it does—any omnibus crime bill that would bring to the floor of the Senate any such modification of the Mallory rule.

As I said 4 years ago—at about 2 a.m., I believe—in speaking on the floor of the Senate, when an attempt was made during the last night of the session to rush through a modification of the Mallory rule—and an examination of the Congressional Record will show that I shall now paraphrase accurately what I said on that occasion: Just let Senators waive their senatorial immunity long enough to be able to appreciate more fully the meaning and effect of that great decision by Associate Justice Frankfurter. Thank God that in that great temple of justice, only about a stone's throw from the Capitol Building where I am now speaking, the Supreme Court, by means of that decision written by Associate Justice Frankfurter, laid down the rule in the Mallory decision—this great protection of human freedom. So on that occasion I said—and I repeat the statement tonight—that perhaps each Senator would have a better understanding of the importance and meaning of the Mallory rule if, as a Senator, he would be willing to waive his senatorial immunity, and then walk out of the Senate Chamber and proceed with me to Constitution Avenue, and there have a police officer put his hand on his shoulder and say to him, "You are under arrest. Come with me"—and then be taken to Police Headquarters.

We must not forget that Mallory was a high-grade moron; but even Senators—with the intelligence of Senators and the high IQ that I am sure all Senators possess—at least, on the average—would then understand the soundness of the Mallory rule, because even as Senators they would not be happy if they were subjected to the third-degree, cross-examination technique of which police departments are masters.

Let us not forget that we are dealing with human problems and psychological problems and arrested people who are afraid and disturbed and upset. Then the police proceed to "drumbeat" them, hour after hour, with cross-examination, threats, and all the other well-known, age-old techniques of third-degree methods that—although they do not involve the use of rubber hoses or blackjacks or arm twisting or the other physical abuses of third-degree methods—do involve the use of the psychological bludgeon—constant drumming and hammering away, hour after hour, with questions.

Under that technique they got that high grade moron Mallory to sign a confession, which the court recognized contained word after word of language completely beyond his intellectual ability to understand. He signed the confession. A unanimous Supreme Court threw out the conviction because that confession was introduced. There is no question that it carried great weight in producing a conviction.

In cases like the Mallory case there is always a tough factual situation. That statement applies to murder, rape, and other heinous crimes. Yet we would be surprised to learn how fine and well intentioned citizens are willing to accept the argument in such circumstances that, "The end justifies the means. It makes no difference how you prove the defendant's guilt. If you think you are proving his guilt, go ahead and do it."

It is still true in theory, and I think in overwhelming practice in America—though there are some unfortunate exceptions—that every person charged with a crime is entitled to the benefit of the presumption of innocence until proved guilty.

It is still true that State law enforcement officers have the burden of proof of establishing beyond a reasonable doubt the guilt of a defendant. That is a precious right. Out of it has come the old maxim that it is better to allow a large number of guilty men to escape rather than to convict one innocent man. All the Supreme Court did in the Mallory case was to say, "The defendant was not taken before a magistrate without delay; therefore the conviction must be set aside."

It is not difficult to take an arrested person before a magistrate. Every city with a population such as ours has a committing magistrate available day and night. Why do the officials want this period of long examination and questioning? I will tell the Senate why. The trouble is that we are dealing with abstract principles of justice. It is difficult to induce the American people to think in terms of abstract principles of justice. That is hard work. But it happens to be those abstract principles of justice that determine, in the last analysis, all of our substantive rights, and determine, in the last analysis, whether justice will be done. They are vital to the keeping of people free. That is what the Mallory decision means. That is its core and essence.

Why do they want this questioning period? Because—and I ask Senators to listen to this—time and time again they arrest without probable cause. We know the rule. One cannot justify an arrest without probable cause. That is a part of the presumption of innocence, and that is a precious right. This Senator does not propose to stand in silence if an attempt is made later in the present session of the Congress to modify the Mallory rule one iota because a modification of the Mallory rule along the lines that Tobriner, the Chief of Police, and Katzenbach in the Department of Justice desire would weaken the presumption of innocence. It would weaken the rule that there must be probable cause before an arrest can be made. It would open up a way of accomplishing arrest for investigation.

As I shall show in a moment, all the alleged checks, safeguards, and other trappings that they would add to the Mallory rule would not be safeguards at all. The Mallory rule is the only safeguard that we can have so far as giving full protection to the arrested person is concerned. Why do they not want the committing magistrate present? What is wrong with having the committing magistrate present? Why should the police want to delay taking the arrested person before a committing magistrate?

If the police have probable cause for his arrest, they can sit down with the committing magistrate and show it. If they have, he will make the decision as to whether or not the arrested person will give bond, if he decides that he is to be held. But it is at that point that arrested persons who have been arrested without probable cause are entitled to go free. The procedural check that others have of an opportunity to go free if there is not probable cause for their arrest that can be clearly established before a committing magistrate is the committing magistrate himself.

Why does this Chief of Police and this president of the District of Columbia Commissioners want to get around the Mallory rule? Because they want to keep the committing magistrate out of the picture for several hours. I am shocked by it. I shall continue to fight it. I shall stand foursquare in support of a unanimous decision of the U.S. Supreme Court.

This afternoon a high Government official told me of a shocking case in another jurisdiction, where a fine citizen of high standing and great repute was driving through the State late at night. He reached one of those intersections where the roads seemed to go in every direction. He got into the wrong cloverleaf, turned, and really ended up going against the traffic rather than with the traffic. He saw the plight he was in and pulled off the road.

A police car came up to him. I want to make clear that it was not in the District of Columbia, but another jurisdiction. However, the incident illustrates the point I wish to make, and what would happen if the Mallory rule did not exist. The police officers were anything but cooperative. They were abusive. The citizen said: "I am a stranger in this area. This is what happened: I got into the wrong lane. I went the wrong way on the cloverleaf. When I saw what I was doing, I got off the highway."

The police officer said a few more insulting things. The citizen said: "Don't talk to me that way. You have no right to talk to me that way. I made a mistake. If I am subject to a ticket, give me a ticket, but I will tell you what happened."

It did not satisfy this officer. He became more and more abusive. The police officers took him to the police station and beat the tar out of him. They beat him so badly that when the high Government official who told me about it this afternoon was called into the case and rushed to this jurisdiction, when he first saw him he did not even know it was his brother-in-law. That is how badly the brutality of the police inflicted mayhem upon this free citizen.

Mr. President, we should get it out of our heads if we think it is necessary to give such arbitrary, capricious power to policemen. I yield to no one in the Senate—and my voting record in the 20 years I have been in the Senate shows it—in voting for appropriations for the District of Columbia Police Department to carry out their legitimate functions. I shall continue to do so. When I have been shown the need for more policemen, I have voted for such appropriations. When it has been demonstrated that they were entitled to a pay increase, I have voted for it. But I have not fallen for the line of the District of Columbia Police Association in connection with some of their lobbying practices in that field and others.

I shall continue to support the District of Columbia Police Department; but I shall also continue to see to it that there is not a development of abuses, and to help clean out the abuses that I am satisfied exist to too great an extent at the present time.

Mr. President, the Commissioner seeks to support a modification of the Mallory rule because Mr. Katzenbach, of the Department of Justice, testified before the District of Columbia Committee in support of a modification of the Mallory rule.

I may state to the Senator from Nevada [Mr. BIBLE] that this is the last subject matter I shall discuss tonight. I have a good many others, but I can postpone a discussion of them to another time. I want to discuss Mr. Katzenbach's testimony and Mr. Tobriner's testimony, and then make what I think is a devastating reply to both, which will be found in the RECORD, by a professor of criminal law in the District of Columbia. Then I shall close.

Mr. Katzenbach said:

> Obviously, such an interpretation of the Mallory rule changes it from a rule of reason to an absolute prohibition of interrogation following arrest. In my opinion, this goes far beyond the evil against which the Supreme Court spoke out in Mallory.

I shall place in the RECORD later the last decision of the Supreme Court in the Mallory case, which, by a denial of a writ of certiorari a few days ago in effect reaffirmed the Court's position on the Mallory case, and, in my judgment, completely answered Mr. Katzenbach, although I do not know whether or not he fully appreciates it.

Mr. Katzenbach continued:

> As I indicated in my written report to the committee, dated September 13, 1963, interrogation itself is not a violation of due process or of other constitutional rights. Free of abuse, interrogation is a valuable investigative tool for arriving at facts.

Interesting language, is it not—"free of abuse"? But it is the time element which gives rise to the opportunity to abuse. That is what the court pointed out. Give the police time to abuse, and there is created the opportunity for abuse. Follow the decision of the court, take the accused to a magistrate, and the possibility of abuse is eliminated.

Mr. Katzenbach did not elaborate, with any care, upon the catchy sentence I just read.

I continue to read from Mr. Katzenbach's statement:

> The only safeguard in title I is that the arrested person must be advised he is not required to make a statement and that any statement made by him may be used against him.

What kind of protection is that? What kind of protection is that for a high-grade moron? Or what kind of protection is that for a frightened person? What kind of protection is that for an emotionally aroused person? This is what we call a rationalizing of excuses for abuse.

I continue to read:

> The dissents of four justices in two Supreme Court cases [citing them] suggest that such a warning is not adequate.
>
> In the view of these justices, compulsory interrogation in camera, without permitting the arrested person to be accompanied by counsel, amounts to a denial of due process of law.
>
> If, therefore, this committee concludes that some corrective legislation is necessary, it is my recommendation that at a minimum, four essential safeguards of defendants' rights must be incorporated in it. In addition to expressly preserving the rule against unnecessary delay, the legislation must provide for—

This is the Justice Department excuse and weak rationalization for scuttling the Mallory rule, in effect:

> 1. A plain warning to the defendant, immediately in advance of the questioning, that he is not required to make any statement at any time and that any statement made by him may be used against him—

What kind of protection is that, really? He has that right in any case; but that does not stop a brutal police department from browbeating him.

Do not forget, also, that there is involved the question of veracity in dealing with the safeguards. A police officer corroborates what is said by other police officers who are working together in such third-degree tactics. He will swear that the person arrested was told certain things. He says, "But they did not." But if they did, that would not stop the browbeating. We are trying to check the abuses.

Continuing with the reading of the recommendations:

> 2. The arrested persons being afforded a reasonable opportunity to notify a relative or friend and consult with counsel of his own choosing.

What a weak statement that is.

Time and time again the police will take advantage of the frightened, the timid, and the ignorant. If it is all right to have a lawyer there, if it is all right to have a friend or a member of the family there, what is wrong with just taking the arrested person before a committing magistrate? The court said that should be done.

Mr. President, this is weasel stuff. This is nothing but semantics. This is escape clause-ism. This is really an excuse for justifying or attempting to justify a form of investigative arrest. If the police have probable cause to arrest a person, let him be taken before a magistrate; if they have not, he should not be arrested.

Reading further from the list of recommendations:

> 3. A maximum of 6 hours elapsed time between arrest and completion of the confession.

It is unbelievable that an Assistant Attorney General of the United States should appear before a congressional committee and recommend such a shocking procedure as that. They want 6 hours to psychologically browbeat him, 6 hours to harass him, 6 hours to confuse him, 6 hours to take advantage of him, 6 hours to coerce out of him a confession which may be true or false.

We may get into a long debate later in the session on the so-called District of Columbia omnibus crime bill, and if we get into it, I intend to read to the Senate, hour after hour, and case after case, the history of law enforcement in this country, of the unreliability of confessions exacted and wormed out of arrested parties under such third-degree circumstances. It will curl the hair of Senators.

Let me say to Mr. Katzenbach that this is an old, old technique for rationalizing and justifying police brutality. All the Court said was that the arrested person must be taken before a magistrate. That is all. They can ask questions of him before the magistrate to clarify the arrest before the magistrate. The proper questions will be permitted by the magistrate. What is wrong with that, I ask Mr. Tobriner, the Chief of Police of the District of Columbia, and Mr. Katzenbach?

The Senator from Nevada [Mr. BIBLE] says that Mr. Tobriner used to be a law professor. So was Mr. Katzenbach. I hold no brief for law professors when they make such colossal blunders and bloopers. They would not teach on my law school faculty, I would fire them, if they did not have a better understanding of the history of criminal procedure and the basic procedure that should exist to protect citizens from the arbitrary, capricious practices of some police, which so often lead to police brutality.

> 4. A responsible witness, other than a law-enforcement officer, observing the questioning, or a verbatim transcript or recording of the interrogation.

What is wrong with making the committing magistrate a party? As Professor Pye, whom I shall quote in a moment, points out—and I should be delighted to have him on my faculty or staff—what do they mean by "a responsible witness"? I do not know.

> The above-mentioned safeguards are contained in legislation which was introduced in the House last April as H.R. 5726. That measure was prepared by the U.S. attorney for the District of Columbia.
>
> Thank you very much. I shall be pleased to respond to any questions you may have.

Some testimony. Pitiful.

Mr. President, Commissioner Tobriner, in effect says, "Me, too," or "Amen," or "I second the motion." In his testimony before the committee, he cites the approval of the safeguards, and says that if these safeguards are put in, he will support the bill.

Mr. President, in the interest of saving time, I ask unanimous consent to have printed in the RECORD Mr. Tobriner's testimony.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF WALTER N. TOBRINER, PRESIDENT OF THE BOARD OF COMMISSIONERS

Mr. TOBRINER. Thank you very much, sir.

Mr. Chairman and members of the committee, the Commissioners appreciate this opportunity to present their views on titles I and III of H.R. 7525, an act relating to crime and criminal procedure in the District of Columbia, passed by the House of Representatives on August 12, 1963.

Title I of H.R. 7525 is intended to overcome for the courts of the District of Columbia the effect of a rule of evidence laid down in a line of cases beginning with the case of *Mallory* v. *United States*, decided in 1957 by the Supreme Court, barring the admissibility in evidence of statements made by arrested persons if such persons are not promptly taken before a committing magistrate in accordance with rule 5(a) of the Federal Rules of Criminal Procedure, requiring arrested persons to be taken before a committing magistrate "without unnecessary delay."

Title I of the bill would change the existing situation in the District of Columbia so as to provide that statements and confessions, otherwise admissible, will not be inadmissible solely because of delay in taking an arrested person before a commissioner or other officer with power to commit persons charged with offenses against the laws of the United States.

The Commissioners naturally favor the admissibility of confessions and statements which are made freely and voluntarily. However, they believe that title I of H.R. 7525 should be amended in several respects so as to expand its coverage and afford certain safeguards to the persons making confessions or statements.

Accordingly, the Commissioners have recommended a number of changes in this title of the bill, set forth on page 2 of their report to the committee. The first of these changes would make the title applicable in cases of arrests for violations of the laws of the District of Columbia as well as of the laws of the United States.

The second change has the effect of requiring that each person shall immediately prior to being interrogated, be advised that he is not required to make a statement and that any statement made by him may be used against him. The third change proposed by the Commissioners is the addition of three new subsections designed to surround arrested persons with safeguards to protect their constitutional rights.

The first of these subsections requires that, prior to any interrogation, an arrested person shall be plainly advised by the police officer or officers having him in custody of his right to reasonable opportunity to communicate with counsel or with a relative or friend, and requires that the arrested person shall in fact be afforded such opportunity.

The second subsection requires that, whenever reasonably possible, each interrogation of an arrested person, and the warning and advice given him, (1) be monitored by some responsible person who is not a law-enforcement officer, or (2) be reported verbatim, be recorded by a recording device, or be conducted subject to some other means of verification. The third proposed subsection is designed to emphasize that nothing in the title is intended to supersede the requirements of rule 5(a) of the Federal Rules of Criminal Procedure respecting the right of an arrested person to be taken before a committing magistrate "without unnecessary delay."

To interpolate for a moment, our views are the views of the Department of Justice, with the exception that we would eliminate that section providing for a ceiling of 6 hours on detention prior to arraignment.

If title I of H.R. 7525 be amended as I have suggested, the Commissioners would have no objection to its enactment. However, should the title not be amended along the lines I have set forth, the Commissioners, since they have reservations concerning the protection afforded an arrested person by this section, in the form in which it is set forth in the bill, would be constrained to recommend against its enactment.

Title III of H.R. 7525 consists of two sections, the first of which, patterned after the so-called Uniform Arrest Act, provides for the detention of suspects for a period not exceeding 6 hours, while the second provides for the detention of certain material witnesses.

The Commissioners are unalterably opposed to the enactment of the first of the two sections contained in title III, on the ground that the section is either unconstitutional or unnecessary, depending on the judicial interpretation of the phrase "reasonable ground to suspect" appearing in line 21 on page 14. This phrase, taken with the balance of the section, has the effect of permitting an officer or member of the Metropolitan Police force to detain, for a period not exceeding 6 hours, any person suspected by the officer or member of committing, or having committed, or being about to commit, a crime, and who has failed to identify himself or explain his actions to the satisfaction of such officer or member.

If the phrase "reasonable ground to suspect" is interpreted as authorizing the detention of an individual on the basis of something less than probable cause, then this section, in its effect, authorizes arrests for investigation—a practice that the Commissioners firmly believe is unconstitutional in that such arrests involve the detention of a person without the requirement of probable cause, in violation of the fourth amendment to the Constitution of the United States.

Obviously, any such arrest denies to the person so detained, for a period of as much as 6 hours, the opportunity to secure his liberty by posting bail or collateral, denies him the right of habeas corpus, deprives him of the assistance of counsel, and tends to impair his right under the fifth amendment not to be compelled in any criminal case to be a witness against himself. The Commissioners note, incidentally, that the U.S. Court of Appeals for the Fifth Circuit, in the case of *Staples* v. *U.S.*, 320 F. 2d 817, decided July 10, 1963, stated, with respect to one of the defendants in the case, that "McNamara was not under lawful arrest, but had been booked for 'investigation of passing counterfeit notes.'" The emphasis in my statement is also in the original.

This statement, the Commissioners believe, supports their view that arrests for investigation are not lawful. In addition, there is a line of cases which you are well aware of in the other Federal courts, and in the Supreme Court of the United States.

The Commissioners are cognizant of the fact that there is some support in the community for statutory authorization of the practice of making arrests for investigations, as an effective means of coping with the crime situation in the District of Columbia. They question, however, whether the "cure" provided by section 301 of title III is not in fact worse than the disease. It should be borne in mind that, if section 301 should be enacted by the Congress and be approved by the President, each of us present in this room today would be subject to being stopped on the street by a police officer merely because he is suspicious of us, and, should we not satisfy him concerning our identity or actions, we could be held incommunicado in a police precinct station house cell for as long as 6 hours, regardless of the pressing and important nature of our business elsewhere. This, the Commissioners strongly believe, is too high a price to pay.

If, however, the phrase "reasonable ground to suspect" in section 301 is construed, as has been the case in two of the three States in which the so-called Uniform Arrest Act is in effect, as meaning nothing more than "reasonable ground to believe"—that is, probable cause—then the Commissioners are of the view that this provision of the bill is unnecessary, since the officers and members of the Metropolitan Police force already possess the power to make arrests on the basis of probable cause.

Accordingly, to sum up my testimony on so much of title III of the bill as would impose on the District of Columbia the so-called Uniform Arrest Act, the Commissioners are strongly opposed to this provision as being either unconstitutional, in that it would authorize "arrests for investigation," or unnecessary, in that if the phrase "reasonable ground to suspect" be interpreted to mean "probable cause," the provision gives the Metropolitan Police no greater authority than they already possess.

With respect to the second of the two sections contained in title III of H.R. 7525, the Commissioners recognize the desirability and practical necessity of securing the appearance of material and necessary witnesses under the particular circumstances outlined in the section. However, they believe that such persons should be subjected to even less restraint on their physical liberty and freedom than those formally charged with crime, and that they should in all cases be permitted to appear immediately at the beginning of their detention before a judge or commissioner for the purpose of determining whether they are in fact necessary and material witnesses and be given an opportunity to post bond or deposit collateral to secure their appearance at trial. Accordingly, the Commissioners have recommended to the Congress certain proposed legislation which has been introduced in the Senate as S. 1148, a bill to amend the law relating to material and necessary witnesses to crimes committed in the District of Columbia.

This bill amends section 401 of the Revised Statutes of the United States relating to the District of Columbia so as to better protect the rights of persons detained as material and necessary witnesses. The Department of Justice has suggested a number of amendments to the legislation proposed by the Commissioners—suggestions with which the Commissioners agree and which they have incorporated in a revision of their proposed amendment of such section 401. This revision appears on pages 9, 10, and 11 of the Commissioners' report to the committee on H.R. 7525.

In summation, I wish to emphasize that the Commissioners strongly believe that whatever action the Congress may take with respect to providing more effective statutory tools to deal with the crime situation in the District of Columbia should not be in disregard of the constitutional rights of the residents of the District of Columbia, both law abiding and non-law-abiding alike. The Commissioners recognize the need for clarifying the situation with respect to the admissibility in evidence of confessions and statements made by arrested persons. They have, however, concern for the constitutional rights of all persons, those accused of crime as well as others.

Accordingly, they strongly recommend that title I incorporate safeguards designed to protect the constitutional rights of such persons while at the same time permitting the use in evidence of confessions and statements voluntarily made by them. With respect to section 301 of title III, it is the view of the Commissioners that it is either constitutionally objectionable or is unnecessary, and therefore should not be enacted by the Congress. As to section 302, relating to the detention of material witnesses, the Commissioners believe that such persons should be given greater consideration than section 302 presently provides and therefore the Commissioners strongly recommend that the Congress consider enacting legislation substantially similar to that suggested in the Commissioners' report on H.R. 7525.

Thank you very much for affording the Commissioners an opportunity to express their views on these two titles of H.R. 7525.

The CHAIRMAN. I certainly appreciate your appearance here, Mr. Tobriner, and the views that you have expressed. I don't think I have any questions on your statement. It was very specific and is easily understood.

The Senator from Colorado?

Senator DOMINICK. No questions, Mr. Chairman.

Senator MCINTYRE. No questions.

Mr. TOBRINER. Thank you very much.

Senator BIBLE. This is a good day for you, Mr. Commissioner.

Mr. TOBRINER. Yes, sir.

Mr. MORSE. Mr. President, although I had many other points I wished to raise I shall close by quoting the reply of a professor of criminal law in the District of Columbia, Prof. A. Kenneth Pye, associate dean of the Georgetown University Law School, a man of outstanding repute in the field of criminal law and criminal procedure teaching. My assertion will be verified in a few minutes as I read his answer to Mr. Tobriner, Mr. Katzenbach, and the Chief of Police.

The March 21, 1964, Washington Post had this to say about Mr. Tobriner's testimony:

> Mr. Tobriner, appearing before the committee in connection with his renomination as Commissioner, regrettably gave an offhand answer to what seemed to be an offhand question by Chairman Bible. He endorsed the Justice Department's bill to modify the Mallory rule. The Justice Department bill is, to be sure, a great deal more reasonable, and rather more consonant with the Constitution, than the meat-ax measure to butcher the Mallory rule passed by the House of Representatives. Nevertheless, it embraces one of those procedural shortcuts more likely to impair civil liberty than to prevent crime.
>
> The Justice Department bill makes an obeisance to constitutional safeguards by providing that a confession elicited after arrest could not be received in evidence unless the defendant had been advised of his right not to make a statement and that any he did make might be used against him. He would also be given an opportunity to notify a relative or friend and consult with counsel, and, when reasonably possible, would be interrogated in the presence of an independent witness or a recording device, and presented to a magistrate no more than 6 hours after arrest.
>
> There is room here for intolerable abuse.

I digress from the editorial for a moment to say that that is my point. Whenever a procedure makes room for intolerable abuse, I say: Change the procedure. The American people are entitled to procedures in the administration of criminal justice that are not subject to intolerable abuse. The editorial continues:

> Being advised of one's rights by a policeman is not at all the same thing as being advised of one's rights by a judge. And the insertion of the phrase "when reasonably possible" in connection with the interrogation of a defendant makes the promised protection meaningless. This kind of corner cutting neither curbs crime nor enhances respect for the law.
>
> The Mallory rule is simply a rule of evidence arming trial courts with the means of protecting elementary constitutional rights—the right not to be arrested without probable cause determined by a judicial officer and the right not to be required to be a witness against oneself. Law enforcement agencies no less than courts are meant to be protectors of constitutional rights. And their protection ought to be not grudging but ardent.

I highly endorse the editorial. I ask unanimous consent that there may be inserted in the Congressional Record an article published in the Washington Evening Star of March 31, 1964, entitled "Mallory Interpretation Left Standing by Court."

There being no objection, the article was ordered to be printed in the Record, as follows:

MALLORY INTERPRETATION LEFT STANDING BY COURT

The Supreme Court yesterday left standing an appeals court interpretation of the Mallory rule attacked by the Government, which said it has implications for all Federal laws enforcement.

The action came in an unsigned refusal to hear a Government appeal from reversal of the bank robbery conviction of James R. Seals, Jr., by the U.S. Court of Appeals.

Seals, of the 1400 block of Harvard Street NW., was convicted of robbing a Riggs National Bank branch here with another man in September 1961. Both defendants were sentenced to 6- to 18-year prison terms.

"The thrust of the [appellate] opinion is to outlaw official questioning of suspects * * * at police headquarters, no matter how conscientious an effort is made to inform the person of his rights," the Government's appeal said.

WHAT COURT DECIDED

A three-judge panel of the court of appeals ruled unanimously last November that Seals had been under arrest during questioning at the FBI field office here despite statements to him that he was not under arrest and free to leave.

Judge George T. Washington, who delivered the opinion, said the 3 hours that Seals was questioned at the FBI office was an "unnecessary and unreasonable" delay in his arraignment and thereby violated the Mallory rule.

The Supreme Court's 1957 Mallory decision bars use in Federal court trials of incriminating statements given by an arrested person during an unnecessary delay in his arraignment before a judicial officer.

The court of appeals decision, joined in by Chief Judge David L. Bazelon and Judge Carl McGowan, directed that Seals be retried without use of evidence as to a confession that he made at the FBI office.

INTERROGATION CITED

Judge Washington said that from the time Seals entered the office "he was in what was the equivalent of a police station, he was in the constant company of one or more FBI agents, and was subject to almost constant interrogation."

"It seems to us that these circumstances dictate a finding that even without any physical restraint Seals necessarily must have understood that he was in the power and custody of the FBI and that he submitted to questioning in consequence," the judge said.

The Government appeal said that Seals, who already had talked to agents in a parked car and had agreed to a search of his apartment, "said that he did not object" to further questioning at the FBI office.

Police here maintain that decisions under the Mallory rule hinder them in fighting crime. The Senate District Committee now has before it a House-passed measure that would allow police to detain suspects and witnesses for questioning up to 6 hours.

Mr. MORSE. Mr. President, I ask unanimous consent that there may be printed in the Record the decision which the Supreme Court left stand by refusing a writ of certiorari. It is the decision of the U.S. Supreme Court in United States against James R. Seals, Jr.

There being no objection, the decision was ordered to be printed in the Record, as follows:

[In the Supreme Court of the United States, October Term, 1963, No. —]

UNITED STATES OF AMERICA, PETITIONER v. JAMES R. SEALS, JR.

Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit

The Solicitor General, on behalf of the United States, prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the District of Columbia Circuit reversing respondent's conviction of bank robbery.

OPINION BELOW

The opinion of the court of appeals (App., infra, pp. 13–19) is not yet reported.

JURISDICTION

The judgment of the court of appeals was entered on November 15, 1963. The time to file a petition for a writ of certiorari was extended to and including January 14, 1963. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

QUESTION PRESENTED

Whether a confession given during questioning in an FBI office by a person who came there voluntarily and was told that he was not under arrest and was free to leave was properly held inadmissible in evidence on the authority of *Mallory* v. *United States*, 354 U.S. 449.

STATEMENT

The United States Court of Appeals for the District of Columbia Circuit reversed respondent's conviction of bank robbery on the ground that a confession introduced in evidence at the trial had been obtained during a period of unlawful detention following arrest, in violation of *Mallory* v. *United States*, 354 U.S. 449. The pertinent facts, as they were developed at a hearing (J.A. 9–34) and at the trial (J.A. 39–83), are as follows:[1]

At approximately 3:00 p.m. on September 25, 1961, two FBI agents, who were investigating a bank robbery which had occurred a week earlier, approached respondent as he was walking in the vicinity of the Bell Vocational School (J.A. 9–10, 18, 59). Agent Bernard Buscher, after identifying himself to respondent, asked if he "minded stepping over to the automobile," explaining that they "wanted to talk to him" (J.A. 10, 18, 48, 59). Respondent followed the agents to their car, which was parked across the street, and entered the back seat (J.A. 10, 18, 59).

In order to avoid creating a disturbance among students emerging from the school, the agents drove the car about three or four blocks to a point in front of the telephone company building on Columbia Road, just west of 14th Street (J.A. 10, 18–19, 48–49). There they were joined by another FBI agent, Lawrence Buscher, and an officer of the Metropolitan Police (J.A. 30, 49, 51, 60, 63, 68). Agent Bernard Buscher advised respondent that he was not under arrest,[2] that he did not have to make any statement, but that anything he said could be used against him (J.A. 10–11, 30, 48, 53). Respondent said, "well, I have not done anything. I don't mind talking" (J.A. 11, 48).

Agent Bernard Buscher then questioned respondent as to whether he had been involved in the robbery of the Riggs Bank at Columbia Road (J.A. 11). Respondent was asked whether he had recently purchased a pair of shoes and whether he had a large sum of money in his possession (J.A. 11, 49). Respondent acknowledged buying shoes, but denied having a large sum of money in his possession and emptied his pockets to prove it (J.A. 11). He said that if he had been involved in a bank robbery he would be "foolish to stay around here because I would have the money with me" (J.A. 11, 49–50). When an agent remarked that respondent might have the money at home, respondent invited the agents to search his house (J.A. 11, 50). Respondent executed, in the automobile, a written consent to the search of his house (J.A. 11–13, 50–51). The questioning in the automobile lasted 15 or 20 minutes (J.A. 11, 30, 60).

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[1] Respondent testified at the hearing and at the trial (J.A. 97–107). Insofar as his testimony was in conflict with that of the Government's witnesses, the trial judge indicated that he credited the testimony of the latter (J.A. 38). Since the operative facts for appellate purposes are as reflected in "the testimony of Government witnesses and so much of the petitioners' evidence as is uncontradicted" (*Anderson* v. *United States*, 318 U.S. 350, 351, note 1), the facts set forth above are based on the testimony of the agents.

[2] This was apparently in response to an inquiry by respondent as to whether he was under arrest (J.A. 68).

The officers then drove with respondent to his home, a two-room basement apartment (J.A. 12–13, 61). The search took from 30 to 45 minutes (J.A. 13–14, 61). There were in the apartment at the time, in addition to respondent and the officers, the person with whom respondent lived and a friend (J.A. 19, 27, 30, 51). Respondent was not restrained in any way; he wandered about the apartment and at one point poured himself and drank a "shot" of gin (J.A. 13, 27, 29, 52, 61, 69). He was not questioned during the search (J.A. 61).

Thereafter Agents Bernard and Lawrence Buscher asked respondent if he would accompany them to the FBI Washington Field Office for further questioning and respondent said that he did not object (J.A. 14, 19–20, 52, 61). The other two men in the apartment also agreed to go (J.A. 30–31, 52, 61).[3] One agent drove a car with respondent to the field office located in the old Post Office building on Pennsylvania Avenue (J.A. 19, 22, 52, 63, 65, 72). Respondent was taken to a room on the fifth floor furnished as an ordinary office. To reach it, it was necessary to pass through a railing with a gate, located near the elevator door, at which there was stationed a receptionist whose duty it was to inspect the pass or credentials of the person entering (J.A. 23, 31, 33–34, 62).

At about 4:45 p.m., Agents Bernard and Lawrence Buscher began to question respondent. After they had obtained background facts, at about 5:00 p.m., respondent asked if he was "locked up" and was told that he was not, but was free to leave at any time (J.A. 15, 27–28, 53–54). He was also told that he could have a lawyer and that he did not have to talk, but that anything he said could be used against him (J.A. 15, 53). Respondent was permitted to smoke, was offered food, which he declined, and was given soft drinks (J.A. 15, 29, 32, 54, 64, 74, 75). At approximately 6:00 p.m. Agent Bernard Buscher asked respondent if he would take a lie detector test, and respondent said that he wished to do so (J.A. 16). Respondent was again told that he was not under arrest and that there was no way the agents could make him take the test if he did not volunteer (J.A. 27, 70). Respondent was taken to a room on the fourth floor where Agent Woods, the operator of the polygraph, explained to respondent how it worked, advised him of his right not to take the test, of his right to talk to a lawyer, and of his right not to talk to the agent (J.A. 16, 35, 40, 42, 44, 47, 54). At the conclusion of the explanation, which lasted about 15 minutes, respondent said that he did not wish to take the test (J.A. 16, 35, 42, 44, 54).

Agent Bernard Buscher, with Agent Woods present, then resumed questioning respondent (J.A. 16, 42, 45). When Buscher told respondent that there were witnesses who had implicated him in the robbery, respondent said, "you bring somebody in front of me to tell me that" (J.A. 16). Buscher left to get a witness. Before he returned, respondent began admitting to Woods his participation in the robbery. This was some time between 6:50 and 7:10 p.m. (J.A. 16–17, 35, 45). At about 7:10, respondent was told he was under arrest (J.A. 17, 28, 58, 66, 71, 76). He finished making his confession at about 7:35 p.m. (J.A. 57) and was brought before a commissioner at about 8 p.m. (J.A. 28, 71, 77, 79).

After hearing the evidence outside the presence of the jury, the trial judge ruled that there was no reason to exclude the confession since it was not made during a period of unlawful detention after arrest (J.A. 38–39). The judge said, inter alia (J.A. 38):

"Giving consideration to those who have testified and placing the credibility where the court feels it does properly rest, I am constrained to hold that this man was not arrested, in even the technical sense of arrest, and from the evidence before me, this man was free to go and further that at points which are important, he was advised that he could go."

In reversing respondent's conviction, the court of appeals concluded that respondent "was under arrest at least from the time (about 4:30 p.m.) he was brought to the field office in the company of the agents." In its view, the fact that respondent was in the equivalent of a police station in constant company of one or more FBI agents who were questioning him "dictate[s] a finding that even without any physical restraint Seals necessarily must have understood that he was in the power and custody of the FBI and that he submitted to questioning in consequence." It ruled that the statements to Seals that he was not under arrest would, in the circumstances, hardly have suggested to him that he was in fact free. On the basis of this ruling that respondent was arrested at 4:30 p.m., the court concluded that the confession was the result of an unreasonable delay in arraignment, in violation of the rule laid down by this Court in the *Mallory* case, supra.

REASONS FOR GRANTING THE WRIT

1. The decision of the court of appeals, as we point out below, is in direct conflict with the decision of the second circuit in *United States* v. *Vita*, 294 F. 2d 524 (C.A. 2), certiorari denied, 369 U.S. 823. Moreover, it has profound implications for Federal law enforcement not only in the District of Columbia, but throughout the country.

In *Mallory* v. *United States*, 354 U.S. 449, this Court held that rule 5(a) of the Federal Rules of Criminal Procedure requires Federal officers to arraign an arrested person before a magistrate "without unnecessary delay" and that a confession obtained during interrogation in violation of this rule may not be admitted in evidence. The court below held that interrogation of a suspect at the offices of an investigatory agency or a police station is so inherently coercive that it must be equated with an arrest, even though it was made clear to the suspect that he was not required to accompany the officers to the office, that he had the right to remain silent and to consult counsel, that he was free to leave at any time, and that he was not under arrest. The thrust of the opinion below is to outlaw official questioning of suspects by law enforcement agents, at least at police headquarters, no matter how conscientious an effort is made to inform the person questioned of his rights.

Our disagreement with the decision below is not over the Court's view of the facts. The court of appeals purported to accept the findings of the district court, which were based on witnesses appearing before it. Recognizing that respondent was told three times that he was not under arrest and told once that he could leave at any time, the Court concluded that questioning at FBI offices or at a police station is inherently coercive. In short, the court below has held, as a matter of law, that questioning of suspects in police headquarters is coercive no matter how explicitly they are informed that they are not under arrest and may leave.

That the ruling of the court of appeals is important to all investigative branches of the Federal Government hardly needs elaboration. The importance of interrogation, both of witnesses and suspects, in the detection of crime is universally recognized. The thrust of the Mallory decision, as the Government has understood it, is that, important as that technique may be, a person cannot be deprived of his liberty by an arrest in order to afford police officers an opportunity to question him. This is in large part because an arrest places the suspect within the control of the police and may well coerce him to surrender his constitutional right to remain silent and have counsel. Until the decision below, however, there has been no suggestion, so far as we are aware, that there is anything improper in the mere questioning of a suspect who voluntarily submits to being interviewed, who is informed of his rights, and who is told that he may terminate the interview at any time.

2. The fundamental error of the opinion below is that it equates the psychological problems faced by an accused person with the restraint of an arrest. No doubt, any person guilty of a crime who is invited to talk with investigative agents is presented with a choice which may be difficult. He may well believe that a refusal to talk will cast further suspicion upon him, and he must decide whether to take that path or whether to endeavor, by talking, to allay suspicion. It is only in this sense that the conclusion of the court below that respondent must have felt himself "not free" is consistent with the findings of the district court as supported by the evidence. But that is hardly the same thing as an arrest, whereby a person is kept in actual restraint and has no option to terminate the interview. So long as a person is given a clear choice of talking or not talking, without physical restraint, we submit that it is proper to ask him questions which he is willing to answer.

The record shows that respondent thought that he had covered his tracks so well that he could avert suspicion by talking. While respondent was young, he was obviously not inexperienced.[4] Nor is there any suggestion that he was in any way mentally deficient. He knew enough to invite the agents to his apartment where he believed, correctly, that they would find nothing. He knew enough to ask the agents if he was under arrest. There is no reason to believe that, when the agents thrice told respondent that he was not under arrest (twice at the FBI office), he was confused as to whether he was free to leave. Indeed, he was once specifically told that he could leave the office at any time. In the face of these explicit statements, the presence of a railing and receptionist at the entrance to the office where he was questioned—obviously measures for excluding intruders but facts upon which the court below relied—has no tendency to show that the respondent was under coercion to stay. At most, the only restraining influence upon respondent was his own belief that if he did not submit to an interview or if he left in the middle of the questioning, he might confirm whatever suspicions the agents had about his participation in the robbery. Such apprehensions, nourished by consciousness of guilt, do not, we submit, make out a basis for inferring that petitioner was under arrest.[5]

3. The decision below is in direct conflict with the decision of the Second Circuit in *United States* v. *Vita*, 294 F. 2d 524 (C.A. 2),

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[3] The record is silent as to these two men after they reached the FBI office.

[4] The respondent had twice been arrested: Once for housebreaking, when he was convicted of the lesser offense of unlawful entry, and once for robbery.

[5] We believe that the question whether a person is under arrest depends on the objective facts, not what the suspect subjectively believes. However, the distinction is not crucial here. While at one point respondent testified that he believed that he was under arrest from the time he first entered the FBI automobile, at another time he said that he considered himself free to leave at any time. The district court credited this second statement (J.A. 38). Its ruling is supported not only by the conflict in respondent's own testimony, but by the three explicit statements made to him by the officers that he was not under arrest and the one statement that he was free to leave.

certiorari denied, 369 U.S. 823. The opinion below virtually acknowledges this, suggesting only a difference in the fact that respondent, who was 19, was younger than Vita. In the Vita case, the defendant, then 28 years old, and a female companion were driven to the FBI offices in New York at about 10:25 a.m., the defendant confessed at about 6:30 p.m., and he was formerly arrested at 6:52 p.m. He was told that he was not under arrest and could leave at any time. During the more than 8 hours he was at the FBI offices prior to his confession and arrest, the defendant appeared in two lineups, was fingerprinted, and was questioned for considerable periods. He was in a security building where even Government attorneys were not allowed to walk in the halls at will. The court nevertheless found that Vita had not been arrested because he voluntarily accompanied the agents to the office and because he was told that he was not under arrest and that he was free to leave at any time.[6] The Second Circuit said (294 F. 2d at 529):

"Vita was apparently confident of his ability to talk himself clear of whatever suspicions the FBI had of his possible complicity. Surprising as it may seem, the guilty are often as eager as the innocent to explain what they can to law enforcement officials. The very same naive optimism which spurs the criminal on to commit his illegal act in the belief that it will not be detected often leads him to feel that in a face-to-face encounter with the authorities he will be able to beguile them into exculpating him. Having chosen to talk with the FBI agents, Vita cannot now be heard to complain because his calculated risk worked to his disadvantage."

These observations pertain here. Only the age of the suspects differentiates this case from Vita. That factor is obviously not significant since petitioner was knowledgeable enough to ask specifically whether he was under arrest and he was told three times before he confessed that he was not under arrest and once that he was free to leave. The real difference between the decision below and Vita is in the court's concept of what constitutes proper conduct by law enforcement officers. That is an issue of substantial public importance which this court should resolve.

CONCLUSION

In view of the conflict of circuits and the importance of the issue, we respectfully submit that this petition for a writ of certiorari should be granted.

ARCHIBALD COX,
Solicitor General.
HERBERT J. MILLER, JR.,
Assistant Attorney General.
JANUARY 1964.

[U.S. Court of Appeals for the District of Columbia Circuit, No. 17550]

APPENDIX

JAMES R. SEALS, JR., APPELLANT *v.* UNITED STATES OF AMERICA, APPELLEE

Appeal from the U.S. District Court for the District of Columbia

Decided November 15, 1963

Mr. Peter R. Cella, Jr., with whom Mr. William E. Stewart, Jr. (both appointed by this court), was on the brief, for appellant.

Mr. William C. Weitzel, Jr., Assistant U.S. Attorney, with whom Messrs. David C. Acheson, U.S. Attorney, Frank Q. Nebeker, and Frederick G. Smithson, Assistant U.S. Attorneys, were on the brief, for appellee.

Before Bazelon, chief judge, and Washington and McGowan, circuit judges.

Circuit Judge WASHINGTON: This is yet another case in which the central issue before us is whether the use of a confession in a criminal trial should have been barred because it was allegedly the product of illegal detention by law enforcement officers. See *Mallory* v. *United States,* 354 U.S. 449 (1957).

The bank robbery in which appellant Seals allegedly participated, and for which he was convicted, along with one Harold Greenwell, occurred on September 18, 1961.[1]

On September 25, 1961, at about 3:05 or 3:10 in the afternoon, Seals was walking in the vicinity of Bell Vocational High School, which he attended, in the Northwest section of Washington. He was then 19 years old. According to the Government's evidence, the following occurred: An agent of the Federal Bureau of Investigation approached Seals, identified himself, and showed his credentials. He asked Seals "if he minded stepping over to the automobile, I wanted to talk to him." Seals made no objection, followed the agent, and got in the back seat of the automobile.[2] Another agent took the wheel, drove a few blocks and parked the automobile. Seals was then informed that he was not under arrest, that he need not make any statement, and that anything he said could be used against him. After Seals said "I have not done anything. I don't mind talking," he was questioned about the bank robbery, a large sum of money thought to be in his possession, and the purchase of a pair of shoes. Seals had only about a dollar on his person and offered to go with the agents to his apartment, stating "you can search if you want to." He signed a form of consent for the search. They arrived at Seals' apartment at 3:45. Seals moved about freely while the agents searched the premises. He went to the kitchen for a glass and poured a shot of gin from a bottle. He drank it. Several other people, including one Floyd Davis, with whom Seals lived, were in the apartment at the time. Seals was not touched or questioned at his home.

At about 4:15 p.m. Seals was asked to come to the FBI Field Office in downtown Washington "to talk further"; "he volunteered to go." Floyd Davis and another man also went to the Field Office with the agents in the latter's cars. The group arrived at the building housing the Field Office at about 4:30. They went to the fifth floor of the building and entered the FBI offices through a gate manned by a male "receptionist," whose duty it was to inspect the pass or other credentials of the one entering before he admitted him.[3]

At 4:45 p.m., in one of the offices, the agents resumed their questioning of Seals. They advised him that he had a right to consult an attorney, to keep silent, that anything he said could be used against him, and that he was free to go at any time. The questioning continued for about an hour and forty-five minutes. Twice during the interrogation Seals asked if he was "locked up," and was advised that he was not. Seals was allowed to smoke. He was asked if he wished anything to eat and was offered milk to drink. He refused food and the milk but at his request he was on two occasions given a bottle of soda.

During the questioning Seals was asked to take a lie detector test. He stated that he wanted to take it in order to establish his innocence. He was brought to the fourth floor, where the polygraph operator in the presence of another agent told him that he did not have to talk, and did not have to take the test; that he had a right to consult a lawyer before talking; but that if he talked, what he said could be used against him in court. The operator then explained the complete operation of the lie detector and the test to him. After hearing this explanation, Seals stated that he did not wish to take the test. One agent thereupon told Seals that there were witnesses who could link him to the robbery. Seals asked to be confronted and the agent left to bring such a witness. Before the agent returned to the room, Seals began (about 7:10 p.m.) admitting his participation in the bank robbery. He was then notified that he was under arrest and was taken before a commissioner within the hour.

After a hearing out of the presence of the jury, the trial judge found that the defendant was not under arrest before he confessed, saying in part:

"[F]rom the evidence before me, [I hold] this man was free to go and further that at points which are important, he was advised that he could go.

* * * * *

"This defendant from the stand, himself, stated there was no reason why he couldn't go."[4]

Viewing the evidence in the light most favorable to the Government, and giving the court's finding the great weight to which it is entitled, we must nevertheless conclude that Seals was under arrest at least from the time (about 4:30 p.m.) he was brought to the field office in the company of the agents. Such a conclusion seems to us well nigh irresistible. By that time, Seals "would have been rash indeed to suppose he was not under arrest," *Kelley* v. *United States,* 111 U.S. App. D.C. 396, 398, 298 F. 2d 310, 312 (1961). From that point on he was in what was the equivalent of a police station, he was in the constant company of one or more FBI agents, and was subjected to almost constant interrogation. It seems to us that these circumstances dictate a finding that even without any physical restraint Seals necessarily must have understood that he was in the power and custody of the FBI and that he submitted to questioning in consequence. As we held in *Coleman* v. *United States,* 111 U.S. App. D.C. 210, 218, 295 F. 2d 555, 563 (en banc 1961), this would constitute arrest, even though no actual force or visible physical restraint was used, or any formal declaration of arrest made.[5] The fact that Seals was told that he was free to leave and that he was not under arrest would hardly in the circumstances in which he found himself—never left alone and constantly in the company of FBI agents in their offices (observed by him to be difficult of access and presumably thought to be difficult of exit)—suggest to him, a 19-year-old high school student, that he was in fact free.[6]

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[6] This is the first of two alternative holdings in the Vita case. The court also stated that, even if the defendant had been arrested when he was first questioned, the Mallory rule was not violated. Judge Waterman, concurring, disagreed with this second holding.

[1] Both were charged under 18 U.S.C., section 2113(a). Both appealed their convictions to this court. Greenwell's appeal came on for hearing separately, and was decided on grounds not relevant here. See *Greenwell* v. *United States,* — U.S. App. D.C. —, 317 F. 2d 108 (1963).

[2] Appellant's account is as follows: "I was walking south on Hiatt Place toward Irving Street and as I got a few yards away from the school building, two men came out of a vehicle and approached me and I had a notebook in one hand and one of them grabbed me by the arm and then they showed me a FBI badge and asked me to come over to the car with them. * * *" He characterized his own impression of this incident in these terms: "I figured it to be under arrest when they first grabbed me in front of the school."

[3] Credentials were not asked for and examined when a person left. But there is nothing to show that Seals knew this.

[4] The reference by the trial judge apparently is to this exchange:

"Question. Was there any reason why you didn't go?

"Answer. Well—No, sir."

As heretofore noted, see footnote 2, appellant had stated his belief to be that he had been under arrest from the beginning. He also denied flatly before the jury that he had ever been told at the Field Office building at any time that he was free to leave, that he had a right to talk to a lawyer, or that he need not make a statement. Such conflicts in testimony concerning what is actually said and done in the privacy of police detention prior to arraignment seem almost inevitable. This is one of the problems which rule 5(a) was intended to obviate.

The Government contends that the arrest did not occur until about 7:10 p.m., just after the appellant confessed. We have decided that the arrest occurred not later than 4:30 p.m. Whether the arrest was made with or without probable cause is not something we can readily determine from the record before us. But either alternative defeats the Government. If the arrest was made on probable cause, Seals should have been taken without delay to a magistrate. If there was no probable cause, he should not have been arrested.

Following his arrest, Seals was subjected to constant questioning and was not taken before the U.S. Commissioner until 7:45 p.m., after his confession had been obtained. This unexplained delay of more than 3 hours was unnecessary and unreasonable within the meaning of *Mallory* v. *United States,* supra. There the Supreme Court said (354 U.S. at 454–55):

"The police may not arrest on mere suspicion but only on 'probable cause.' The next step in proceeding is to arraign the arrested person before a judicial officer as quickly as possible so that he may be advised of his rights and so that the issue of probable cause may be promptly determined. * * *" [H]e is not to be taken to police headquarters in order to carry out a process of inquiry that lends itself even if not so designed, to eliciting damaging statements to support the arrest and ultimately his guilt. * * * [T]he delay must not be of a nature to give opportunity for the extraction of a confession.

It follows that it was error to allow the appellant's confession, obtained as a result of the unnecessary delay in arraigning him, to be put before the jury. Fed. R. Crim. P. 5(a); *Mallory* v. *United States, supra; McNabb* v. *United States,* 318 U.S. 332 (1943).

The case is reversed and remanded for a new trial, with directions to exclude evidence as to the defendant's confession obtained during his detention at the FBI field office.

So ordered.

[Criminal 878–61, filed Nov. 15, 1963, September term, 1963, No. 17550]

JAMES R. SEALS, JR., APPELLANT *v.* UNITED STATES OF AMERICA, APPELLEE

JUDGMENT

This cause came to be heard on the record on appeal from the U.S. District Court for the District of Columbia, and was argued by counsel.

On consideration whereof it is ordered and adjudged by this court that the judgment of the district court appealed from in this cause be, and it is hereby, reversed and that this cause be, and it is hereby, remanded to the district court for a new trial, with directions to exclude evidence as to the defendant's confession obtained during his detention at the Federal Bureau of Investigation Field Office.

Per Circuit Judge Washington.

(Initialed.)

Dated NOVEMBER 15, 1963.

Mr. **MORSE**. As we read the decision, the Court's action can be summarized as follows: What the lower court did was to apply the Mallory rule. An appeal was taken. The Supreme Court refused to issue a writ of certiorari, which means, in effect, as we lawyers know, that it sustained the lower court and left the lower court's decision on the Mallory rule standing. The date, I may say for the benefit of Mr. Katzenbach, is only a few days ago.

It is the most recent pronouncement of the Supreme Court on the Mallory rule. I thank God for it. A great hullabaloo has been stirred up over the Mallory rule, but it has not moved the Court. It still stands there as the great fortress of civil liberties in this country.

I close by reading the letter I referred to a few moments ago. It is a little long, but it needs to be read. It is a letter from the associate dean of the Georgetown Law School, Prof. A. Kenneth Pye, dated November 27, 1963. The letter is found at page 555 of the hearings of the District of Columbia Committee on the so-called District of Columbia omnibus crime bill. It reads:

GEORGETOWN UNIVERSITY LAW CENTER,
Washington, D.C., November 27, 1963.

Hon. ALAN BIBLE,
Chairman, Committee on the District of Columbia, U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: Thank you for providing me with the opportunity of commenting on the proposals contained in H.R. 5726 and the testimony of Deputy Attorney General Katzenbach, U.S. Attorney Acheson, and Chief Murray.

In the first place, I do not think that a need for legislation on the subject has been established. After declining in 1962, the crime rate again rose last year. The crime rates in adjoining counties which have no Mallory rule also has risen.

I digress to say that one of the chief items of the buncombe that Chief Murray has been trying to feed the Congress is that there is some cause-and-effect relationship between the Mallory rule and the crime rates in the District of Columbia. There is no possible justification for alleging such cause-and-effect relationship. Professor Pye knocked that down in one sentence.

Chief Murray has not presented any evidence, other than his own opinion, that the Mallory rule either has been a factor in the increasing crime rate, or that any substantial number of defendants has escaped conviction because of it. Mr. Katzenbach stated that he did not know of any facts that could be cited which would lead to the conclusion that a substantial number of criminals have evaded punishment (R. 712). Mr. Acheson testified that there has been no substantial number of criminals who have evaded punishment although there may be some instances in which they received less punishment than they deserved (R. 713, 714).

I do not think that Congress should legislate in matters of such obvious judicial cognizance as the admissibility of evidence in criminal trials unless a strong case is made for the need for a change and unless legislation is necessary in order to accomplish the change. Apparently neither Mr. Katzenbach nor Mr. Acheson object to the Mallory decision. They object to "extensions of the Mallory rule" in Elsie Jones[1] and the two Coleman[2] cases. In addition, Mr. Katzenbach referred to a dissenting opinion in the Muchette case[3] and a ruling by a trial court in the Jones[4] case. He did not mention that the trial judge who ruled in Jones was the same judge who dissented in Muchette.

If the Department of Justice thinks that the Mallory rule has been interpreted improperly by the court of appeals, it has a remedy in the writ of certiorari.

That was tried in the Seals case, and the court knocked it down.

I do not understand the basis for Mr. Katzenbach's conclusion that "there has been no disposition on the part of the Supreme Court to review any of these cases" (R. 692). I have not checked all of the cases in which the court of appeals has interpreted the Mallory rule. It is clear that the Government did not seek certiorari in Jones or either of the Coleman cases. I do not think they have sought certiorari in any Mallory rule cases during recent years.

That was before the Seals case, the decision of which I have placed in the RECORD tonight. This letter is dated November 27, 1963.

Katzenbach has his answer now.

It is particularly inappropriate at the present time for the Congress to legislate on the subject of pretrial interrogation of defendants in criminal cases. The law is in a state of flux and cases are presently pending before the Supreme Court which may have grave implications on the entire subject of pretrial interrogation.

The Supreme Court has recently granted certiorari in *Escobedo* v. *Illinois,* 32 L.W.

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[5] In finding that Seals was not in fact under arrest before he confessed, the trial judge did not make it clear whether he considered whether or not Seals had reason to believe and did believe that he was under arrest. This was a very pertinent, if not determinative point, as the *Coleman* and *Kelley* cases, cited above, make clear. And *cf. Henry* v. *United States,* 361 U.S. 98 (1959), holding that the defendants there were arrested when FBI agents waved their car to a halt and thus restricted their liberty of movement.

[6] This case is very different from the situation in *Scarbeck* v. *United States,*—U.S. App. D.C. —, 317 F. 2d 546 (1962), cert. denied, 374 U.S. 856 (1963). There Scarbeck, an experienced Foreign Service officer of the State Department, was involved in a matter thought to affect the security of the United States. He was questioned by FBI agents during the course of 3 days in the State Department building and was released to security officers of the State Department for lunch and following the questioning at the end of each day. These were not police officers in the ordinary sense and they had no power to arrest. Following the completion of questioning Scarbeck was suspended by the State Department and was no longer accompanied by the security officers. For the balance of that day and 2 days thereafter he was free to come and go as he liked. On the morning of the 4th day he was arrested on a warrant by the FBI on the street and promptly taken before a U.S. Commissioner.

The situation in *United States* v. *Vita,* 294 F. 2d 524 (2d Cir. 1961), cert. denied, 369 U.S. 823 (1962), though generally similar to the one before us, is distinguishable in at least one important respect. Vita was "a 28-year-old high school graduate who had prior experience with the criminal law * * *" 294 F. 2d at 534. Seals was young and still a student.

[1] *Jones* v. *United States,* 307 F. 2d 397.

[2] *Coleman* v. *United States,* 313 F. 2d 576; *Coleman* v. *United States,* 317 F. 2d 891.

[3] No. 17410, July 25, 1963.

[4] *United States* v. *Jones,* Crim. No. 366–63.

3188; reported in the Supreme Court of Illinois as *People* v. *Escobedo,* 190 N.E. 2d 825.

In the Escobedo case the Court will consider again the issue of whether a defendant has a right to counsel during a period of police interrogation. The prior decisions sustaining the right of the police to interrogate in the absence of requested counsel (*Crooker* v. *California,* 357 U.S. 433; *Cicena* v. *LaGay,* 357 U.S. 504) will be reexamined during the present term in the Escobedo case. The Court has also granted certiorari in *Massiah* v. *United States,* 31 L.W. 3407, reported below at 307 F. 2d 62, to examine the extent of the Federal right to counsel in pretrial police investigations.

It is too early to know whether the Government will seek certiorari in *Lee* v. *United States,* 322 F. 2d 770, in which the Court of Appeals for the Fifth Circuit held that an indicted defendant was deprived of his right to counsel and due process of law when interrogated by Federal agents in his cell, although the record did not show that counsel was requested by the defendant.

It is quite conceivable that the Court may determine that a defendant has a right to counsel during a police interrogation and that counsel must be furnished to the indigent. During the last term the Court stated: "But it is settled that where the assistance of counsel does not depend on a request." *Carnley* v. *Cochran,* 369 U.S. 506.

I respectfully submit that it is wise to delay action on a statute which will permit interrogation by the police in the absence of counsel, until the law is clarified by the Supreme Court.

The study of prearraignment procedures recently undertaken by the American Law Institute is another reason to delay action. I do not agree with Mr. Katzenbach that it is desirable to pass legislation now because Congress "can always consider the recommendations subsequently and amend any laws in the light of anything that they come up with" (R. 720). The institute's research will deal specifically with the Mallory rule as well as other matters. In a letter of November 8, 1963, Prof. Arthur Sutherland, reporter for the institute study, inquired of me concerning the effect of the Mallory rule within the District of Columbia and requested that I provide him with the names of persons knowledgeable in the field. I have suggested that he contact Professor Shadoan, Assistant U.S. Attorney Timothy C. Murphy, Chief Layton, and your staff before beginning his study.

I appreciate that some persons sincerely think that some legislation is desirable in this field. I agree with Messrs. Katzenbach and Acheson that title I of the omnibus bill is undesirable. I cannot agree with them that H.R. 5726 is a satisfying substitute.

In my opinion there are several deficiencies in the bill.

The major deficiency in the bill is that it does not protect a citizen from an unlawful arrest and may, in fact, constitute an inducement to such arrests.

I digress to say that he hit the nail on the head. This is a slippery gimmick which is slipped into the bill in an effort to reestablish a form of investigatory arrest. It has no place in the District of Columbia. It has no place in America. The professor is right in his objection:

The purpose of the Mallory rule is not limited to the prevention of conflicts over the nature of secret interrogations and the minimization of the temptation and opportunity to obtain coerced confessions. Of equal importance is the effectuation and implementation of a citizen's rights to be protected against an unlawful arrest, to be afforded an opportunity for release on bail, to consult counsel and to be informed of his right to remain silent. A citizen is protected against an unlawful arrest by the mandate that he be taken before a magistrate without unnecessary delay and that he be released from custody unless the Government can establish to the satisfaction of the magistrate that there is probable cause for believing that he is guilty.

What is wrong with that? That is what the Supreme Court said. The question, "What is wrong with that?" will be asked over and over before this debate is over, if the Senate gets into a debate on the District of Columbia omnibus crime bill, because there is no answer to the professor.

The proposed act would negate effectively this protection. An individual could be arrested without probable cause, interrogated, and the statement given by him used to establish probable cause. There is every reason to expect that the police will use the statute as a substitute for arrests for investigation, where they suspect that an individual has committed an offense but lack probable cause.

That is the heart of this fight.

I think that is also reasonable to expect that ultimately statements obtained during a 6-hour period of interrogation following an illegal arrest will be suppressed by the courts through the extension of the doctrine of *Wong Sun* v. *United States,* 371 U.S. 471. Such suppression will rest on constitutional grounds rather than the supervisory power of the Supreme Court over the administration of justice in the lower Federal courts. At the least, we can expect considerable litigation on this point if the bill is passed.

The bill poses substantial problems of interpretation and administration. Initially we can expect considerable litigation concerning section 3(a), the requirement that police officers "plainly advise" a defendant "immediately prior to questioning" of his right to remain silent. I respectfully disagree with Chief Murray and Mr. Acheson that this warning by the police is "an absolutely unexceptional practice" which is done in almost every case (R. 702, 742). Some detectives and officers do give the warning. It is contained at the top of written statements signed by a defendant. It frequently—and I suspect usually—is not given before an interrogation begins and before an oral statement is taken. Existing Federal law does not require such a warning and statements obtained in the absence of a warning have uniformly been held to be admissible (*Morton* v. *United States,* 147 F. 2d 28; *United States* v. *Heitner,* 149 F. 2d 105).

Only in the military is such a warning required. The experience under the Uniform Code of Military Justice indicates that no other single provision has resulted in more appellate litigation. After 12 years, the meaning of article 31 of the military code, is still the subject of appellate court decisions. *United States* v. *King,* USCMA (No. 16,794, Nov. 15, 1963). Similar litigation will undoubtedly follow in the courts of the District of Columbia if the bill is passed.

Section 3(b) of the bill provides that a defendant shall be advised that "he would be afforded reasonable opportunity * * * to consult with counsel of his choosing." This is a desirable safeguard but will be meaningless in most cases. Few defendants have retained counsel and few know the name of a lawyer who is willing to represent them in the middle of the night. Over half of the defendants are indigent. The Legal Aid Agency has no statutory authority to represent a defendant prior to preliminary examination. The provision of the bill on its face affords a valuable right to a defendant; in reality it protects only those who need it the least.

Whether the provision is required by the Constitution cannot be determined until the Supreme Court decides the Escobedo case. If the Court holds that a defendant has a right to consult counsel, it may be incumbent upon the Government to provide counsel for the indigent; or at least not interrogate him in the absence of counsel (cf. *Lee* v. *United States, supra*).

I agree with Mr. Acheson that a 6-hour limitation is desirable if interrogation is permitted.

Section 3(d) will provide serious problems of administration. Who constitutes a "responsible person?" What is meant by "whenever reasonably possible" and "comparable means of verification?" These terms pose substantial problems of interpretation. The only fair and effective method of verification is to record all that transpires from the moment the defendant is taken into custody. This seems extremely difficult to accomplish as a practical matter.

I wish to apologize to the committee concerning certain aspects of my testimony which apparently were misleading. I thought that I had made it clear that my testimony concerning the crime rate and the rate of police resignations were based on fiscal 1962, which was the last year the statistics were available. Since my testimony I have received a copy of the hearings conducted by the subcommittee of the Committee on Appropriations on September 28, 1963. The new statistics indicate that the crime rate increased in 1963 and that police resignations declined, although the rate was still considerably higher than in previous years.

I did not intend to suggest that any police officers are specially detailed to the probation service. I intended to indicate that a more effective probation service would relieve the police of the duties of arresting violators and would result in a general reduction of the crime rate.

I am taking the liberty of enclosing two judicial conference committee reports relating to the Mallory rule.

Thank you again for providing me with the opportunity for expressing my views.

Your very truly,

A. Kenneth Pye,
Associate Dean.

Mr. President, I ask unanimous consent to have printed in the Record the Judicial Conference of the United States reports referred to by Dean Pye. These reports by the Judicial Conference are in opposition to the proposals to change the Mallory rule.

There being no objection, the reports were ordered to be printed in the Record, as follows:

November 15, 1963.

Mr. Warren Olney III,
Director, Administrative Office of the U.S. Courts, Supreme Court Building, Washington, D.C.

Dear Mr. Olney: This committee has before it for consideration, legislation passed on August 12, 1963, by the House of Representatives which, under title I thereof, would substantially abrogate the McNabb-Mallory rule in the District of Columbia.

This committee has conducted a series of hearings on the above subject and other matters relating to Criminal Justice Code, in the District of Columbia, during the past 2 months. The committee has made every effort to secure a comprehensive view of this subject.

This committee has in its files copies of a purported report of the Advisory Committee on Criminal Rules of its study of provisions of rule 5(a), dated July 2, 1963; and a purported report of the Committee on Rules and Practice and Procedure to the Judicial Conference of the United States, dated August 26, 1963, copies of which are enclosed.

It would be appreciated if you could ascertain if these copies are the actual reports of the two committees because the information contained therein might well be helpful in this committee's examination of the pending legislation. Likewise, if these reports are those of the committees involved, this committee would like to include such in the appendix of the printed hearing record for the benefit of the Members of the Senate considering this subject matter.

A staff member of the District of Columbia Committee spoke with Mr. Joseph F. Spaniol, Jr., over the past several weeks in an effort to arange a date satisfactory for Judge William Smith of the U.S. Court of Appeals, Third Circuit, to testify on the Mallory legislative proposal. However, a conflict with schedules of Judge Smith and the committee precluded his testimony. Therefore, as another means of securing information on the position of the Advisory Committee and the Committee on Rules of Practice and Procedure, I am attempting to secure the inclusion of such reports in the hearing record.

For your general information as to the general subject matter involved I enclose a copy of H.R. 7525 and call your attention to the McNabb-Mallory section designated as title I and commencing on page 1.

I shall await your reply in order that we can proceed with the preparation of the printed hearing record.

Your courtesy is appreciated.

Cordially,

Alan Bible.

Administrative Office of the
U.S. Courts,
Washington, D.C., November 21, 1963.

Hon. Alan Bible,
Chairman, Committee on the District of Columbia, U.S. Senate, Washington, D.C.

Dear Senator Bible: I am replying to your letter of November 15, concerning the report of the Advisory Committee on Criminal Rules on its study of the provisions of Rule 5(a): Federal Rules of Criminal Procedure, dated July 2, 1963, and the report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States, dated August 26, 1963, copies of which were enclosed with your letter.

We have examined these reports and find them to be identical with the reports submitted to the Judicial Conference at its recent session in September 1963. I should like to inform you further that at that time the recommendations contained in these reports were approved by the Judicial Conference. The copies of the reports which you enclosed with your letter are returned herewith for such use as you may wish to make of them.

Sincerely yours,

Warren Olney III, *Director.*

Report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States

Your Committee on Rules of Practice and Procedure has received from the Advisory Committee on Criminal Rules a report of its study of the provisions of rule 5(a) of the Federal Rules of Criminal Procedure. That report, a copy of which is annexed hereto, recommends that the Judicial Conference disapprove S. 1012, 88th Congress, and similar bills which seek to abrogate the McNabb-Mallory rule. Your committee approves the report of the Advisory Committee on Criminal Rules and recommends that it be approved and adopted by the Judicial Conference and that the Bureau of the Budget, which has requested the views of the Conference on S. 1012, 88th Congress, be informed of the action of the Conference.

Our committee has no definitive proposals to present to the Judicial Conference at this time for changes in the rules of practice and procedure. Tentative proposals for the amendment of certain of the Federal rules of criminal procedure have been widely circulated and are now being considered by the bench and bar. All five of the advisory committees now under appointment are actively engaged in the work to which they have been assigned. Progress reports from each of them are annexed hereto for the information of the Conference.

Respectfully submitted.

Albert B. Maris,
Chairman.

Report of the Advisory Committee on Criminal Rules of Its Study of the Provisions of Rule 5(a)

The Advisory Committee on Criminal Rules has spent a considerable amount of time studying and discussing the problems raised by the provisions of rule 5(a) which requires that a person arrested be brought before a commissioner "without unnecessary delay."

The present status of the deliberations of the committee on these problems is as follows:

(1) The committee is agreed that there should be no change in the doctrine enunciated by the Supreme Court in such cases as *McNabb* v. *United States,* 318 U.S. 332 (1943) and *Mallory* v. *United States,* 354 U.S. 449 (1957) under which confessions obtained during a period of delay longer than that permitted by rule 5(a) are excluded from evidence.

(2) The committee has so far been unable to articulate any better standard than "without unnecessary delay" which will fit the wide variety of situations and circumstances which exist in the various Federal districts.

(3) The committee recognizes that special problems may exist in the District of Columbia because of the fact that the police in the District have general law enforcement jurisdiction. However, the committee has felt that special rules for the District should not be incorporated in the rules of criminal procedure. The committee, therefore, has not given special attention to the problems which are peculiar to the District.

However, the committee does recommend to the Judicial Conference that it oppose S. 1012 and similar bills which merely seek to abrogate the McNabb-Mallory rule in the District of Columbia. Such proposals avoid, but do not solve, the fundamental problems of what procedures are appropriate to govern the police in the District. Instead, their thrust appears to be to permit the police to avoid the present procedure in the course of securing confessions subject only to the controls imposed where the violations are so grave as to result in determinations that confessions are involuntary.

Respectfully submitted.

John C. Pickett,
Chairman.

Administrative Office of
the U.S. Courts,
Washington, D.C., January 10, 1964.

Mr. Richard Judd,
Profesional Staff Member,
District of Columba Committee,
New Senate Office Building,
Washington, D.C.

Dear Mr. Judd: In accordance with our telephone conversation of this afternoon, I am enclosing a copy of the Report of the Proceedings of the Judicial Conference of the United States at its September 17–18, 1963, meeting. The record of the position taken by the Judicial Conference with respect to the case of *Mallory* v. *United States* and to S. 1012, 88th Congress, you will find beginning at the top of page 80.

Sincerely yours,

Warren Olney III, *Director.*

Report of the Proceedings of the Judicial Conference of the United States, Washington, D.C., September 17–18, 1963

Administrative Office of the U.S. Courts

Warren Olney III, Director

* * * * *

Rules of Practice and Procedure

Senior Judge Albert B. Maris, Chairman of the standing Committee on Rules of Practice and Procedure, presented to the Conference a report of the activities of the standing Committee and the Advisory Committee on Rules of Practice and Procedure.

Judge Maris reported that the Advisory Committee on the Criminal Rules in connection with its study of the provisions of Rule 5(a): Federal Rules of Criminal Procedure, which requires that a person arrested be brought before a commissioner without unnecessary delay, had considered the proposal contained in S. 1012, 88th Congress. The bill seeks to overcome the effect of the decision in the case of *Mallory* v. *United States,* 354 U.S. 449, under which confessions obtained during a period of delay longer than that permitted by rule 5(a) are excluded from evidence. Upon the recommendation of the standing committee, the Conference voted to disapprove S. 1012 and similar bills which seek to abrogate the McNabb-Mallory doctrine.

The Conference was informed that the committee had no definitive proposals to present to the Conference at this time for changes in the rules of practice and procedure. Tentative proposals for the amendment of certain of the Federal Rules of Criminal Procedure have been widely circulated and are now being considered by the bench and bar. All five advisory committees now under appointment are actively engaged in the work to which they have been assigned.

Mr. MORSE. Mr. President, for the reasons I have set forth in this long speech, I am opposed to confirmation of this nomination, because in my judgment the President of the District of Columbia Board of Commissioners has done a very poor job in administering the police force, under his duty as the Commissioner who has the primary jurisdiction over the Metropolitan Police Department.

Second, I believe he is not qualified to hold this position so long as he continues to hold views which, in my judgment, would jeopardize civil liberties in the District of Columbia and encourage the establishment of procedures which could very well lead to police brutality.

So I have reached the conclusion that the nominee is not sufficiently well qualified to serve in this important post.

I am aware of the fact that he has a great interest in eventual appointment to the bench; but let me say that I do not believe he has the judicial temperament for such an appointment.

I am sorry I have to speak out against confirmation of the nomination. I shall vote against confirmation.

I yield the floor.

Mr. BIBLE. Mr. President, I shall not take too long in responding to the senior Senator from Oregon.

The issue before the Senate is the question of confirmation of the nomination of Walter Tobriner. In that connection, we are not concerned with the wisdom or advisability of changing the Mallory rule.

The Mallory rule was before the Senate in 1958, when a change was sought in respects very similar to those now before our committee. In 1958 the Senate, by a vote of 65 to 12, voted to modify the Mallory rule. Included among the 65 Senators who supported a change in the Mallory rule were a large number—approximately 70 percent of that group—who were both distinguished Members of this body and distinguished lawyers.

I believe this is an area in which there can be great differences of opinion.

The mere fact that Mr. Tobriner, as an eminent lawyer and as a former law professor and as president of the District of Columbia Board of Commissioners, might have a view different from that of the distinguished Senator from Oregon, should not, in my view, disqualify Mr. Tobriner from serving as a member of the District of Columbia Board of Commissioners.

By the same token, I suppose it could be said that those of us who have a different view in regard to the Mallory rule might be considered by some not to be qualified to be Members of the U.S. Senate.

Certainly there are differences of opinion in regard to the Mallory rule.

However, our committee has not even yet held its executive sessions on this subject. The complete 850-page report and hearing record came from the printer only within the last 2 or 3 days. The hearings comprise a voluminous record. They continued for many days. We heard conflicting and contradictory testimony in the very delicate field of amending rule 5(a) of the Federal Rules of Criminal Procedure.

I, too, am very devoted to Dean Pye. I am a graduate of the Georgetown University Law School; and at the present time Dean Pye is my son's professor. Dean Pye is one of the most eminent men in this field, and I respect his opinions highly.

I hope that as we deal with this issue, in the proper forum—in other words, in the executive sessions of the District of Columbia Committee, we shall be able to examine not only title I, which is the Mallory rule, but also title II, which is the Durham rule, and also investigative arrest and, I believe, five titles of the omnibus crime bill, totally.

So we are coming to grips with this problem as soon as we can; and I, too, welcome long and thorough discussion of the matter on the floor of the Senate.

When the Senator from Oregon states that he, to, intends to go into that matter exhaustively, I am sure that he intends to do so; and I believe we should do so.

But, after all, there is also the other side of the coin. I believe in protecting the rights of those who are arrested in the District of Columbia; but careful consideration should also be given to the right of the people of the District of Columbia to walk unafraid both night and day on the streets of the District of Columbia. I believe we must also strengthen the arm of the police, both in the District of Columbia and elsewhere, within the limits of the Constitution, for strict law enforcement.

The record of increasing crime in the District of Columbia simply is not good; one cannot read it and reach any other conclusion. The committee is more acutely aware of this problem day after day, and is attempting to resolve it.

The distinguished senior Senator from Oregon is very much concerned with the Mallory decision. Certainly he has every right to be concerned with it. We are going to come to grips with it as quickly as we can, as I have said.

The Senator from Oregon is also concerned with some problems about the police force and about Chief Murray. The Senator from Oregon has served notice that he is going to investigate this situation thoroughly, and then will make a report on it. Certainly that is his right.

The Senator from Oregon has also mentioned—although I knew nothing of this matter until yesterday—the traffic violations and the adjustments made of some of them. The Police Department furnished him the figures. We could go into the matter exhaustively. I think many of those adjustments are completely justified, although I am not so naive as to believe that somewhere along the way there might have been some adjustments that should not have been made. But all that involves simply the A B C's of the necessary procedure in any large city in the Nation. Perhaps some of the adjustments which were made were not justified. If so, it will be the job of the Senator from Oregon to study that matter and to determine which ones were not justified.

The Senator from Oregon also mentioned the matter of traffic violations. All of us shudder at the injuries and fatalities which occur on the highways, either in the Nation's Capital or elsewhere in the entire Nation. The number of vehicle fatalities is alarming; and all of us wish we could do more about them than we are now doing.

But to attempt to tie in these problems as reasons for opposing confirmation of the nomination of Mr. Tobriner is, it seems to me, to place a little too much responsibility at his doorstep.

I would not depend on only my evaluation of Chief Murray, although I am very fond of him. I believe he has been a very fine police officer, and has fought hard for the principles in which he believes, and has fought hard for more money and more men for the Police Department. He was the first one to say the District of Columbia should have a police force of at least 3,000 men; and Congress gave him the necessary money for 2,900 men while the current budget calls for funds for the full 3,000 men. I must say, too, that the Senator from Oregon has been very helpful in working out these money problems.

I should like simply to quote a very recent editorial. The Senator from Oregon used the Washington Post as his authority in regard to Mr. Tobriner and the Mallory rule; and I would certainly use the same publication—the Washington Post—as the authority on Chief Murray. So I shall read into the CONGRESSIONAL RECORD a very fine, short editorial published on March 16 in the Washington Post, as follows:

CHIEF MURRAY'S DECISION

> Decision of Police Chief Robert Murray to stay on the job will be welcomed by a city which has observed the steady improvement of the force under his direction. That his health permits his continuation in office is good news indeed.
>
> He came to his post when the force was demoralized and disorganized and he gained the confidence of the department and of the community by his administration of police affairs. In the last year, he has added to his earlier record a further accomplishment. He has greatly improved the relations between the department and the community and especially those between the police and the nonwhite community. The severest critics of the police have had to concede the chief's fairness and to acknowledge his good intentions.
>
> The Metropolitan Police Department still has its faults and still can be made into an even better department. No one has appeared with better credentials than Chief Murray's for carrying on the work he has begun.

The editorial expresses my sentiments concerning the Chief.

Earlier I expressed my confidence in Walter Tobriner. I reaffirm that confidence. I think he is deserving of a second term as Commissioner. There are many challenging difficulties ahead of him. He will perform well. I know there are instances of police abuse. I believe they are rather isolated now. I do not stand for them any more than the Senator from Oregon does.

The Senator from Oregon mentioned the incident involving the colored lad from his State. That was unfortunate. I certainly am sorry. I told him so. However, I would not have any personal responsibility in that situation.

I assisted in bringing the first Negro lad from the State of Nevada. He came here and first had a job as an elevator boy. He has finished his college here and now is going to law school. He is a boy with whom I visit frequently. He comes into my office and tells me about his problems.

He has told me that he has never been treated better in his life anywhere than he has been treated in the Nation's Capital. That was his experience, and it was an experience as it should be. I cite it, because it shows a little of the other side of the coin.

Mr. President, I believe a good case has been made for the confirmation of the nomination of Walter Tobriner. At this time I move that confirmation.

Mr. MORSE. Mr. President, my reply will not be very long. The policies of the President of the Board of Commissioners in carrying out the functions of his office have the most important bearing upon his qualifications to hold that office. Earlier in my speech tonight I spoke at some length about the policies of Mr. Tobriner in connection with the administration and supervision of the Police Department. I pointed out that the fixing of thousands of police tickets does not represent good administration of the law. He has let it continue year after year. In my judgment, it bears directly upon his qualifications to serve as a Commissioner.

Certainly the policy position that the President of the Board of Comissioners takes in regard to the administration of criminal law in the District of Columbia, because of the great prestige that goes with his office and because of the influence that automatically flows from his position, bears upon his qualifications to serve in that office.

I say to my good friend from Nevada that I take my stand with the Supreme Court; I take my stand with the Judicial Conference of the United States; I take my stand with what he will find to be the overwhelming opinion of recognized authorities and experts in the field of criminal law administration; namely that the Mallory rule should stand unchanged. Of course, there are others who hold different points of view, and I am speaking about a different point of view. I am pointing out that a different point of view in respect to the Mallory rule jeopardizes the civil liberties of people arrested for crime.

I know the old argument that we must think about the people in the District of Columbia so that they can walk the streets in safety. That is a complete non sequitur. It certainly does not follow that we must have an abolition of the Mallory rule or the kind of modification of the Mallory rule that the Department of Justice is advocating in order to protect the people in the District of Columbia and enable them to walk the streets in safety. The position taken by Tobriner on the Mallory rule is the old, old story of police departments and police administrators trying to justify a police department's not doing its job.

Therefore they want all the extraordinary powers they seek by being granted the power to arrest for investigation, to deny due process, and to endanger arrested persons by reason of their being subjected to police brutality. Those are the problems that we need to keep in mind if we face up to the proposal to modify the Mallory rule. I do not intend to vote for the nomination as Chairman of the Board of Commissioners of the District of Columbia of a leader who used the prestige and influence of that office to advocate procedures which, in my judgment, can very well lead to police brutality and abuses.

Three years after the Mallory decision, Oliver Gasch, the U.S. attorney for the District of Columbia, reported that Mallory questions, that is to say, confessions or admissions, are of controlling importance in probably less than 5 percent of our criminal prosecutions. I do not care whether they are 5 percent or 20 percent. I know that giving such unchecked arbitrary power to a police department is dangerous and must not be allowed.

Of course, we do not prove anything by one speaker quoting a Washington Post editorial on one question and a Washington Post editorial on another question. We had better take a look at the two editorials.

The editorial that I cited deals with a substantive legal problem involved in connection with the Mallory rule. The other editorial merely deals with the subjective influence of the editor of the Washington Post about Chief Murray.

I did not purport to list the cases of abuse in the Washington Police Department in my citation of the abuse connected with the one student whom I mentioned. From time to time as I report on my study of the administration of the Washington Police Department under Chief Murray, I shall cite abuse after abuse. In my judgment this chief of police has been the undeserved beneficiary of a favorable press, but when we dig into the record of this police chief, as I am doing, the image will change.

Mr. President, this police chief does not deserve to continue to be police chief in the District of Columbia. We ought to get rid of him. I intend to present the evidence that I am satisfied is available, which would justify getting rid of him.

Mr. President, I rest my case on the statement that I have made.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

Mr. HUMPHREY subsequently said: Mr. President, I am very pleased that we have been able to complete action on the Tobriner nomination. I want the RECORD to show that I know Mr. Tobriner well and I fully support his nomination. I wish to thank the Senator from Oregon for his cooperation in speaking on this matter at a late hour—as I know he feels very deeply about it—because it facilitated the work of the Senate during the day.

LEGISLATIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

FEDERAL AID TO SCHOOLS IN DISASTER STRUCK AREAS

Mr. MORSE. Mr. President, I know you share with me the heartfelt sympathy that all Americans extended immediately to our brothers in Alaska and on the sea-ravaged portions of the west coast as a result of the earthquake and the tidal wave which followed. I shall, of course, support every effort to provide financial assistance to the State of Alaska and the affected communities. This terrible news caused me to think, however, that perhaps we should explore the utility of an automatic standby authority which would release Federal funds for the replacement of schools damaged by such acts of God. Three to four schools a week in this country, I am advised, burn or are destroyed. Flood, windstorm, tornadoes and hurricanes all take their toll of our schools, and as importantly, the local tax base which supports the school. The replacement of these schools in a great many cases, where tragedy has also wiped from the tax rolls the land values in the community, poses a terribly difficult financial problem to the affected local communities.

I send to the desk for appropriate reference a bill designed to meet these contingencies which we all hope will never strike our own home States. It is a standby authority bill which, if enacted, would go far in restoring the damage to the school plant, thus permitting an early resumption of the school operations.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks the text of the bill together with a short section-by-section analysis of the major provisions.

There being no objection, the bill and section-by-section analysis was ordered to be printed in the RECORD, as follows:

PROPOSED MAJOR DISASTER AMENDMENTS TO PUBLIC LAWS 815 AND 874

The sectional analysis of the bill, as introduced, would amend Public Laws 815 and 874 to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster.

Section 1 would amend Public Law 815 to permit the Commissioner to make school construction and rehabilitation grants to a local public educational agency located in whole or in part in an area which, in the determination of the President, has suffered a major disaster. The grants would be in such amounts as the Commissioner determines to be in the public interest, but they could not exceed the difference between the amounts reasonably available to the local educational agency from other sources and the cost of restoring or replacing the public school facilities destroyed or damaged as a result of the disaster. Assurances would be required that the appropriate State and local governments would also make reasonable expenditures for these purposes. Appropriations would be authorized in such amounts as would be necessary to carry out this provision, and pending such appropriations the Commissioner could use funds appropriated for other sections of Public Law 815.

Section 2 would amend Public Law 874 to permit the Commissioner to make grants for current operating expenses to a local public educational agency located in whole or in part in an area which, in the determination of the President, has suffered a major disaster. The grants, which could be made for the 5 fiscal year period beginning with the fiscal year in which the disaster occurred, could not exceed the difference between the amounts reasonably available to the local educational agency from other sources and the cost of providing a level of education equivalent to that maintained in the agency's schools during the last full fiscal year prior to the disaster. Amounts provided during the last 3 years of the 5 fiscal year period could not exceed 75, 60, and 25 percent, respectively, of the amount provided during the first fiscal year following the disaster. In addition, the Commissioner could provide funds to replace destroyed supplies, equipment and materials and to provide school and cafeteria facilities needed to replace temporarily facilities destroyed as a result of the disaster. Assurances would be required that the appropriate State and local governments would also make reasonable expenditures for these purposes. Appropriations would be authorized in such amounts as would be necessary to carry out this provision, and pending such appropriations the Commissioner could use funds appropriated for other sections of Public Law 874.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 23, 1950, as amended (20 U.S.C. 631–645), is amended by inserting, immediately after section 15 of that Act, the following new section:

"SCHOOL CONSTRUCTION ASSISTANCE IN MAJOR DISASTER AREAS

"SEC. 16. (a) If the Commissioner determines with respect to any local educational agency that—

"(1) (A) such agency is located in whole or in part within an area which has suffered a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government, and

"(B) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe;

"(2) public elementary or secondary school facilities of such agency have been destroyed or seriously damaged as a result of this major disaster;

"(3) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance available for the replacement or restoration of such school facilities; and

"(4) such agency does not have sufficient funds available to it from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance on such school facilities, to provide the minimum school facilities needed for the restoration or replacement of the school facilities so destroyed or seriously damaged,

he may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance, plus the amount which the Commissioner determines to be available from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance, may not exceed the cost of construction incident to the restoration or replacement of the school facilities destroyed or damaged as a result of the disaster.

"(b) There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with other sections of this Act such sums as may be necessary for immediately providing assistance under this section, such appropriations to be reimbursed from the appropriations authorized by this subsection when made.

"(c) No payment may be made to any local educational agency under subsection (a) except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him, and which meets the requirements of section 6(b)(1). In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications. No payment may be made under subsection (a) unless the Commissioner finds, after consultation with the State and local educational agencies, that the project or projects with respect to which it is made are not inconsistent with overall State plans for the construction of school facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State educational agency and the local educational agency.

"(d) Amounts paid by the Commissioner to local educational agencies under subsection (a) may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

"(e) None of the provisions of sections 1 to 10, both inclusive, other than section 6(b)(1), shall apply with respect to this section."

SEC. 2. The Act of September 30, 1950, as amended (20 U.S.C. 236–244), is amended by inserting, immediately after section 9 of that Act, the following new section:

"ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN MAJOR DISASTER AREAS

"SEC. 10. (a) If the Commissioner determines with respect to any local educational agency that—

"(1) (A) such agency is located in whole or in part within an area which has suffered a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government, and

"(B) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe; and

"(2) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance, but as a result of such major disaster it is unable to secure sufficient funds to meet the cost of providing free public education for the children attending the schools of such agency,

he may provide to such agency the additional assistance necessary to provide free public education to the children attending the schools of such agency, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest. Such additional assistance may be provided for a period not greater than a five fiscal year period beginning with the fiscal year in which the President has determined that such area suffered a major disaster. The amount so provided for any fiscal year shall not exceed the amount which the Commissioner determines to be necessary to enable such agency, with the State, local, and other Federal funds available to it for such purpose, to provide a level of education equivalent to that maintained in the schools of such agency during the last full fiscal year prior to the occurrence of such major disaster. The amount, if any, so provided for the second, third, and fourth fiscal years following the fiscal year in which the President determined that such area has suffered a major disaster shall not exceed 75 per centum, 50 per centum, and 25 per centum, respectively, of the amount so provided for the first fiscal year following such determination.

"(b) In addition to and apart from the funds provided under subsection (a), the Commissioner is authorized to provide to such agency an amount which he determines to be necessary to replace instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of such major disaster, and to lease or otherwise provide (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of the major disaster.

"(c) There is hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with other sections of this Act, such sums as may be necessary for immediately providing assistance under this section, such apropriations to be reimbursed from the appropriations authorized by this subsection when made.

"(d) No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

"(e) Amounts paid by the Commissioner to local educational agencies under this section may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States."

Mr. MORSE. Mr. President, earlier in my statement I alluded to the danger of fire destruction of school facilities. In this connection, I have taken from a publication of the Office of Education, entitled "The National Inventory of School Facilities and Personnel, Spring, 1962," certain excerpts from pages 33 through 37 which detail the problems of our combustible school facilities. I am shocked to learn that in our public schools there are some 155,000 public school classrooms in 93,000 public schools which are combustible. Part of this record can be accounted for by the fact that there are some 171,000 public classrooms which have been in use for more than 40 years. Mr. President, I ask unanimous consent that the tables and excerpts from the publication to which I have alluded be printed at this point in my remarks.

There being no objection, the tables and excerpts were ordered to be printed in the RECORD, as follows:

COMPLETION DATE AND FIRE RATINGS OF INSTRUCTIONAL ROOMS

Three tables present the statistics on the number and percent of instructional rooms organized by fire ratings and completion date of permanent buildings and additions. Instructional rooms include the designed and remodeled and the improvised and makeshift, but do not include the rooms in nonpermanent and off-site facilities. Table 10A presents the completion date and fire- or non-fire-resistive classification of instructional rooms in permanent structures. Table 10B represents the instructional rooms by organizational level for public school plants. * * *

The following definitions were used in the inventory:

"1. Fire resistive: A building constructed entirely of fire-resistive materials; or a building with fire-resistive walls and partitions, floors, stairways, and ceilings. A building of this type may have wood finish, wood or composition floor surfaces, and wood roof construction over a fire-resistive ceiling.

"2. Semifire resistive: A building with fire-resistive exterior and bearing walls and fire-resistive corridor and stairway walls, floors and ceilings; but with ordinary construction otherwise, such as combustible floors, partitions, roofs, and finish.

"3. Combustible: An all-frame building; a building with fire-resistive veneer on wood frame; or one with fire-resistive bearing walls, but otherwise of combustible construction.

"4. Mixed: A building with one or more sections of one type of construction and one or more sections of another type of construction." [1]

Basic table 10 includes the number of instructional rooms by each of the four fire classifications. The following comments summarize the findings from the tables.

PUBLIC

The increase in percentages of fire-resistive instructional rooms follows similar patterns among the three organization levels of public school plants (see table 10B). Sharp increases in fire-resistive rooms are noticeable between 1920–29 and again in 1950–59.

Of the three organizational levels, the largest percentage of combustible instructional rooms are in elementary school plants. However, the proportion of fire-resistive construction in elementary school buildings and additions has increased to the point where 4 of every 5 instructional rooms completed since 1949 are fire-resistive.

The combined elementary and secondary public school plants have a greater percentage of instructional rooms that are semifire resistive than either the elementary or secondary school plants. Since 1949, the percentage of fire-resistive instructional rooms constructed for combined elementary and secondary school plants has almost doubled.

Secondary school plants have the greatest percentage of fire-resistive instructional rooms, and are currently attaining a rate of construction where 9 of every 10 secondary rooms are fire resistive.

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[1] Property Accounting for Local and State School Systems. Op. cit., p. 42.

TABLE 10.—*Number of permanent instructional rooms,*[1] *by organizational level, completion date, and fire rating for the United States, spring 1962*

A. PUBLIC SCHOOLS

Organizational level and date of construction	Total	Fire resistive	Semifire resistive	Combustible	Mixed	Not reported
Total [2]	1,458,509	866,671	386,637	154,557	39,605	11,039
Before 1920	235,233	65,368	103,707	51,477	13,225	1,456
1920–29	241,357	110,112	92,336	27,483	8,518	2,908
1930–39	160,451	81,331	54,301	19,233	4,684	902
1940–49	103,799	50,525	31,902	17,491	3,234	647
1950–59	512,872	390,154	81,783	33,029	7,613	3,293
After 1959	156,955	130,025	17,547	6,831	1,910	1,092
Under construction	44,383	37,620	4,128	1,851	325	409
No answer	3,459	1,536	883	612	96	332
Elementary (total)	743,394	408,727	204,340	101,852	21,208	7,267
Before 1920	146,064	36,685	62,953	37,840	7,644	942
1920–29	114,289	47,031	43,466	17,278	4,070	2,444
1930–39	65,323	29,351	23,260	10,401	2,111	200
1940–49	53,990	24,748	16,604	10,669	1,617	352
1950–59	272,148	197,993	46,500	20,576	4,739	2,340
After 1959	74,225	59,210	9,455	4,065	902	593
Under construction	15,339	12,754	1,646	632	77	230
No answer	2,016	955	456	391	48	166
Combined elementary and secondary (total)	276,230	145,530	89,843	29,484	9,933	1,440
Before 1920	38,983	7,899	19,772	7,587	3,385	340
1920–29	51,951	18,805	23,794	6,871	2,259	222
1930–39	44,247	17,712	18,254	6,528	1,539	214
1940–49	26,535	11,595	9,053	4,691	1,034	162
1950–59	86,264	65,746	15,738	3,078	1,435	267
After 1959	22,887	19,376	2,649	502	238	122
Under construction	4,908	4,228	454	119	43	64
No answer	455	169	129	108	----------	49
Secondary (total)	429,020	306,057	90,511	22,009	8,259	2,184
Before 1920	49,693	20,711	20,761	5,896	2,151	174
1920–29	74,617	44,129	24,838	3,278	2,171	201
1930–39	50,522	34,069	12,693	2,244	1,028	488
1940–49	22,906	14,080	6,176	2,015	574	61
1950–59	153,469	125,827	19,257	6,280	1,419	686
After 1959	59,002	50,893	5,222	1,773	768	346
Under construction	17,894	15,956	1,284	443	100	111
No answer	917	392	280	80	48	117
Not reported (total)	9,837	6,354	1,943	1,187	205	148
Before 1920	483	73	221	144	45	----------
1920–29	500	147	238	56	18	41
1930–39	356	196	94	60	6	----------
1940–49	368	102	69	116	9	72
1950–59	976	588	288	80	20	----------
After 1959	841	546	221	41	2	31
Under construction	6,242	4,682	794	657	105	4
No answer	71	20	18	33	----------	----------

[1] Includes only those instructional rooms in permanent buildings and additions.

[2] Key punching errors are corrected in this table and represent $\frac{3}{10}$ of 1 percent of the total.

TABLE 10A.—*Number and percent of fire-resistive and non-fire-resistive instructional rooms by the completion date of public school buildings and additions for the United States, spring 1962*

Completion date of buildings and additions	Total number of instructional rooms	Fire resistive		Nonfire resistive	
		Number	Percent	Number	Percent
PUBLIC					
Total	1,448,644	860,314	59.4	577,439	39.9
Before 1920	234,740	65,295	27.8	167,969	71.6
1920–29	240,857	109,965	45.7	128,025	53.2
1930–39	160,092	81,132	50.7	78,058	48.8
1940–49	103,431	50,423	48.8	52,433	50.7
1950–59	511,881	389,566	76.1	119,022	23.3
After 1959	156,114	129,479	82.9	25,574	16.4
Under construction	38,141	32,938	86.4	4,798	12.6
No answer	3,388	1,516	44.7	1,540	45.5

TABLE 10B.—*Percent of public instructional rooms by the completion date of permanent buildings and additions, fire ratings, and organizational level for the United States, spring 1962*

Completion date of buildings and additions	Total number of instructional rooms	Percent of instructional rooms by fire rating				
		Fire resistive	Semifire resistive	Combustible	Mixed	Not reported
ELEMENTARY						
Total	743,394	55.0	27.5	13.7	2.9	1.0
Before 1920	146,064	25.1	43.1	25.9	5.2	.6
1920-29	114,289	41.2	38.0	15.1	3.6	2.1
1930-39	65,323	44.9	35.6	15.9	3.2	.3
1940-49	53,990	45.8	30.8	19.8	3.0	.7
1950-59	272,148	72.8	17.1	7.6	1.7	.8
After 1959	74,225	79.8	12.7	5.5	1.2	.6
Under construction	15,339	83.1	10.7	4.1	.5	1.5
No answer	2,016	47.4	22.6	19.4	2.4	8.2
COMBINED						
Total	276,230	52.7	32.5	10.7	3.6	.5
Before 1920	38,983	20.3	50.7	19.5	8.7	.9
1920-29	51,951	36.2	45.8	13.2	4.3	.4
1930-39	44,247	40.0	41.3	14.8	3.5	.5
1940-49	26,535	43.7	34.1	17.7	3.9	.6
1959-59	86,264	76.2	18.2	3.6	1.7	.3
COMBINED—con.						
After 1959	22,887	84.7	11.6	2.2	1.0	.5
Under construction	4,908	86.1	9.3	2.4	.9	1.3
No answer	455	37.1	28.4	23.7	(1)	10.8
SECONDARY						
Total	429,020	71.3	21.1	5.1	1.9	.5
Before 1920	49,693	41.7	41.8	11.9	4.3	.4
1920-29	74,617	59.1	33.3	4.4	2.9	.3
1930-39	50,522	67.4	25.1	4.4	2.0	1.0
1940-49	22,906	61.5	27.0	8.8	2.5	.3
1950-59	153,469	82.0	12.5	4.1	.9	.4
After 1959	59,002	86.3	8.9	3.0	1.3	.6
Under construction	17,894	89.2	7.2	2.5	.6	.6
No answer	917	42.7	30.5	8.7	5.2	12.8
No organization reported	9,865	64.4	19.7	12.3	2.1	1.5

[1] Less than 1/10 of 1 percent.

Mr. MORSE. Mr. President, I shall welcome the support of all Senators who may wish to join with me in sponsoring this legislation, and I therefore ask unanimous consent that the bill be held at the desk until the close of business Friday, April 17, to permit such Senators as may wish to add their names to the bill to do so.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be held at the desk, as requested by the Senator from Oregon.

The bill (S. 2725) to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster, introduced by Mr. MORSE, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

EUGENE E. LAIRD—REFERENCE OF BILL TO COURT OF CLAIMS

Mr. MORSE. Mr. President, I introduce a bill for appropriate reference, and I ask unanimous consent that it be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2724) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Eugene E. Laird, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches or any prior judgment of the United States Court of Claims, jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon any claim of Eugene E. Laird arising out of his service with the United States Armed Forces from November 22, 1940, through October 24, 1946.

SEC. 2. Suit upon any such claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon shall be had in the same manner as in the case of claims over which such Court has jurisdiction under section 1491 of title 28 of the United States Code.

OREGON'S GIFT OF BUILDING MATERIALS FOR ALASKA

Mr. MORSE. Mr. President, on Friday, April 3, I called to the attention of my colleagues the heartwarming response of the people of Oregon to a request for donations of lumber and building materials to assist in the rehabilitation of earthquake-stricken Alaska.

The further response has far exceeded even our most optimistic hopes. The donations of these materials continue to pour in to the shipment point at Terminal 4 in Portland by rail, truck and caravan.

The original sponsor of this remarkable program—Mr. Gerry Pratt, business editor of the Oregonian—supplies the further impressive details in his Oregonian columns of April 2, 4, and 5.

I ask unanimous consent that these newspaper articles be placed in the RECORD at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Oregonian, Apr. 2, 1964]

SHARING THE DOLLAR: PENTAGON PROVIDES ALASKA GIFT VESSEL

(By Gerry Pratt)

They talk as if they do not care, sometimes, but they really do, when it counts like it counts now for Alaska.

We have a ship now and we have promise of help from many sides; the longshoremen care, the Columbia River pilots care, and the dock commission cares, and so do the stevedores and the mayor, and in a two-fisted way that makes it all go, the lumber industry and the plywood industry care, too.

This is how it happened Wednesday so that you knew they were all involved; this is how it happened that now there is a certainty about our shipload gift of building materials for Alaska where there has been an earthquake.

You could have listened in the West Coast Lumbermen's Association headquarters to the story through the day: Ed Hunter, Pope & Talbot called in the morning: "They will need heavy timbers in Alaska," he said. "We have two carloads of heavy timbers here ready to go, strapped, 50,000 feet. They are yours for Alaska."

Nils Hult of Hult Lumber and Plywood, Eugene, telephoned and pledged a truck and trailerload of dimension lumber; Sid Leiken, L & H Lumber Co., a small stud mill, added a generous truck and trailerload of studs.

Vancouver Plywood came through with a confirmation of 45,000 feet of plywood and Aaron Jones, Seneca Lumber Co., Eugene, called: "You have a carload of number 2s and better from me, strapped for export. It will be there day after tomorrow."

MANY JOIN IN

"Somebody gets kicked in the teeth, no fault of their own, somebody's got to help," he said.

That is how they cared all day. Stanley Bishoprick, Dant & Russell, 30,000 feet of dimension lumber; Crown Zellerbach Corp., 30,000 feet of dimension; Bohemia Lumber Co., a truck and trailerload of dimension—all of these solid, firm commitments. Joining the ship, but still working out their gifts, are Brooks Scanlon, Bend and Marshal Leeper, United States Plywood.

The goal of all this is 3 million feet and with the close to half million pledged for the ship Tuesday, 3 million no longer looks impossible.

It all came with only a whisper, a word through the grapevine: "We are putting together something for those people in Alaska: a gift, no strings. Care to come along?"

That is the way it spread swiftly to the dock commission so that by noon Wednesday, Robert Rickett, commission chairman, announced that Terminal Four had been designated as the staging area, free of charge. Shipments can begin coming in Thursday.

Then the work of Senator WAYNE MORSE and Glenn Jackson, of Pacific Power & Light Co., with the Pentagon began to pay off as the Army announced our ship, a Pentagon guarantee of a 10,000-ton vessel. Said Maj. Ben Bond, U.S. Army Terminal Command, Pacific, who received the word from California: "We have your guarantee for your ship."

Mayor Terry Schrunk took the story of all this to Carl Anderson, secretary of the Longshoremen's Union, and by 5 p.m. the mayor reported: "Carl has indicated the longshoremen will look on this with great favor. They have a very democratic union, and he has taken the matter to their council. We should know tomorrow if we can have it handled, no charge."

The mayor spoke, too, to Earl Weiss, of Jones Stevedoring, and Weiss now is contacting the other firms for support of free stevedoring for the shipload. "He feels confident their gear will be available," the mayor reported back.

PILOTS VOLUNTEER

John Olsen, president of the Columbia River Pilots Association, called on his own: "When you get yourself a ship, let us know where it is, when she is coming, where you want it. The pilots will bring it in, take it out, move it around. No charge."

That is how they cared, all day long, beginning at 7:30 a.m. in the basement of the Benson Hotel with a loose-knit committee listening to Jack Brandis and Bob Smith and Hillman Lueddeman, Jr., and some others, reviewing the objective and outlining the attack.

Smith announced he was publishing a special appeal to his entire circulation list of all the Crow industry publications. Gordon Brown, of West Coast Lumbermen's, said his association would get out the same deal to its membership.

There was more, but no shouting, no elbowing of ideas or clashes of authority. It worked with the ease of sincerity, and the men spoke confident in their knowledge that the people they are asking for help really care.

The ship to Alaska is now scheduled. They want the materials at terminal 4 by April 10. They want the ship to sail April 14, probably to Whittier or Anchorage. They want the people up there to know these people really care.

John Donne said it once, what makes this work:

"No man is an Iland, Intire of it selfe;

"Every man is a peece of the Continent, a part of the maine; if a Clod bee washed away by the Sea, Europe is lesse, as well as if a Promontorie were, as well as if a Mannor of thy friends or of thine owne were. Any man's death diminishes me, because I am involved in Mankinde."

[From the Oregonian, Apr. 4, 1964]

LUMBER CONVOY PILES UP MATERIALS FOR RAVAGED STATE AT PORTLAND DOCK

(By Gerry Pratt)

In Sitton Grade School they were studying the Alaska earthquake. They wanted to know how much damage an earthquake can do and what it would take to repair.

So they marched the kids from Sitton into the streets of St. Johns and there, rolling past their eyes, was the beginning of the rebuilding of the homes and the businesses of Alaska.

What they saw was a convoy of trucks and trailers loaded to the cab with an estimated 200,000 feet of plywood and 65,000 feet of dimension lumber, the first shipment of a drive to put 3 million feet or more of building materials into Alaska as a gift of Oregon and parts of Washington.

CONVOY GOES TO PORT

The trucks were on the last leg of a journey that had begun at Albany, almost with the breaking of the dawn, and had wound through the heart of Portland and on out to Terminal Four, the staging area for the mercy shipment.

The call to begin shipping had gone to the little mill towns of the Willamette Valley late Thursday afternoon and the mills of Sweet Home, Corvallis, Albany, and Lebanon, responded at once.

Leading Plywood, McKenzie River Plywood, Jones Veneer, Northside Lumber, Mid-Ply, little mills and independent drivers and haulers responded to the call for help with "When do you want it?"

To them, this was sort of a barn-raising. A call from a neighbor came and they nailed their feelings to the sides of their loads with messages such as "Good Luck Alaska," and "To Our Neighbors in Alaska," and "Good Wishes to Alaska."

With breakfast out of the way, the seven-truck convoy hit the Salem Freeway and rolled on into Portland, picking up State and city police escorts on the way.

This was the "action" timbermen have become known for. It was "doing something" while others were still talking.

Almost before they had finished unloading there was a plan to send a second cargo into Portland Saturday morning on another convoy, this time from Willamette Valley and Santiam Lumber, Hult Lumber, Bohemia Lumber at Culp Creek, and from Harold Wolley's Smith River Lumber Co., and Drain Plywood at Drain.

RAIL CARS ON MOVE

Rail cars, which will bring a large part of the 3 million or more feet of building gifts to Portland for loading on a military ship began moving later Friday as Aaron Jones rolled his first shipment out of Seneca Sawmills at 2 p.m.

At dockside, experienced freight handlers and the skeptics on the dock crews shook their heads: "I would never have believed they could put it together this fast," muttered one, as the truckers set about unloading their own cargo and turning back for home.

There was something of the help-thy-neighbor spirit in the drivers as they jockeyed rigs into the dock area. "Save the signs," one quipped, "there are more loads coming." And there are.

Jack Brandis, chairman of the Alaska drive within the industry, estimated Friday's loads represented one-fifteenth of the total commitment to fill the special Pentagon ship due in Portland about April 10.

"But I would say we are chasing 2 million feet now in what we have in commitments, and with these people a commitment is just as good as a delivery," he said.

All the material is being shipped with "no strings" attached.

Brandis disclaimed credit for the timber industry alone. "We are not doing this as an industry nor as individuals," he stressed. "We are doing it, that's all, cement, nails, sweaters, anything we can get up there to help those people. The lumber and plywood we hope will put some of them back into a decent shelter, replace a wall, or rebuild a roof."

ROOF MATERIAL DONATED

Malarkey Roofing in Portland, replying to the need for new roofs, donated a full carload of roofing material Friday to be put with the shipload.

And at Sitton grade school where someone had asked: "What does it take to rebuild after an earthquake?" there was something of an answer in that first convoy Friday morning. There was effort, there was generosity, and there were Americans; and you must never underestimate them.

[From the Oregonian, Apr. 5, 1964]

SHARING THE DOLLAR: CONVOY HEADS STUDY RESULTS

(By Gerry Pratt)

So what do you do when you are in trouble in America? Yell "Help." Then step back out of the way.

It happened this way here last week when the big quake shook the timbers loose and popped the stuffings out of Alaska. We yelled "Help."

Saturday morning in the lower level of the Benson Hotel, 23 men looked over the results. Carl Anderson and Fred Huntsinger from the Longshoremen's Union sitting hip and thigh with Earl Weiss of W. J. Jones, and Neill Whisnant, Brady Hamilton Co., stevedore executives; the West Coast Lumbermen's Association, and American Plywood Association, the mayor, the dock commission people, all out on a Saturday morning listening to a report on the first week's work on the job of putting a shipload of materials into Alaska, a quarter of a million dollar gift from Oregon and parts of Washington.

Traffic manager Ivan Oliver from the WCLA was reading the last daily tally; Nils Hult, 30,000 feet; Dwyer Lumber Co., 30,000 feet, Simpson Timber Co., doors and plywood; Warm Springs, a carload of plywood and a load of lumber * * * and so it went. Finally he shuffled the papers into a pile and announced: "That's about 500,000 feet of plywood, about a million feet altogether in Portland."

UNION DONATES LABOR

Jack Brandis, the chairman of this drive, stood at the head table and added: "Rudy Delatuer and the boys have promised us at least 250,000 feet on the docks at Grays Harbor and we have a commitment from the mills in Coos Bay for a minimum of 300,000 feet and we will probably get 400,000 there.

"Gentlemen," he said calmly, "with what we have today, we are well over 2 million feet, that's two-thirds of what we want to get sailing."

The audience nodded, satisfied at the report until Huntsinger, the ILWU vice president, leaned forward and spoke. The union had not yet committed itself to this campaign and there was quiet for what Huntsinger had to say: "About that loading," he began, "we want to cooperate, and fortunately our union's coastwise council is in session at San Francisco. They have authorized us to go ahead and donate the complete labor costs at any and all ports this ship makes on this west coast run."

For the first time there was applause; the sophisticated miracle workers slipped their calm and openly applauded the union for what must be one of the biggest single donations. And the union executive, with mischievous intent, turned to the stevedoring company executives: "Now we are paying for the loading of this vessel, we want it loaded fast. None of this layover. Let's keep that cost down." And they all laughed and someone added from the end of the table, "Does that mean we work with minimum crews, Fred?"

SUCCESS STIRS LAUGHS

They could afford to relax some now.

"You'd think these things would get tougher as they go down to the wire," Brandis said. "But they don't. In the beginning there were some skeptics; some people said we couldn't do it; said maybe we would be sending something they couldn't use. Now they know better on both counts and they are calling us up instead of our calling them. This day next week, gentlemen, we want to be looking back on 3 million feet, and I am beginning to think we may even be able to go better than that."

The Army's representative, serious at the unions concern over the loading time added: "You don't load one of these ships in 3 days."

And Neill Whisnant of Brady Hamilton, speaking to the union with some mischief of his own, replied: "I got a walkin' boss ready to go to work" and they laughed again in the good will of success.

"How about the other end? What's been done to handle this material when it gets up there in Alaska?" Brandis was asked. "The last time these longshoremen donated their work on a shipment to Yugoslavia the goods ended up being sold and that made 'em sore. What's the play here?"

Brandis told 'em: "Gov. William Egan's office has appointed Alaska's State Forester Earl Pluerde to handle this entire cargo. He is making a study of where they need the materials most, and need 'em, heck, 3 million they could use 30 million," he told me.

BRANDIS OFFERS PLAN

In closing, Brandis laid out the campaign to wrap up the drive and called for approval of a statewide organization to put this cargo on ice: Rudy De Latuer, chairman Grays Harbor; Stanley Bishoprick, Dant & Russell, chairman Astoria; Ray Gould, Diamond Lumber, Tillamook; Bob Dwyer, chairman Portland; Nils Hult, whose Hult Lumber Co. trucks were rolling into town even as we were talking, chairman Eugene; Glenn Jackson, Pacific Power & Light, chairman southern Oregon; Vern Alvin, mid-Willamette Valley, Willis Smith, Coos Bay and H. J. Broughton, chairman Upper Columbia.

"Now what I want," Brandis told them, "is to go ahead and set a target date for a 30-or-more truck convoy. Railroad shipments will keep us busy Monday and Tuesday and Governor Hatfield is doing a selling job for us at the Plywood Association convention Monday. So let's say Wednesday, these chairmen should be able to put together a convoy big enough to put us over the top. Let's have one to tie up the traffic."

And so that's what happens when you holler "Help!" in America today. May it never happen to you. But knowing there are people such as these listening, is comforting, just the same.

FARMERS UNION TRIBUTE TO JOHN F. KENNEDY

Mr. HUMPHREY. Mr. President, one of the events of the 62d annual convention of National Farmers Union in St. Paul, Minn., March 15–18 was a special program in honor of the memory of our beloved late President John F. Kennedy. Those on the platform who participated in the program were: Rev. Shirley E. Greene, secretary of the church in Town and Country of United Church of Christ, St. Louis, Mo.; Msgr. John G. Weber, executive secretary of National Catholic Rural Life Conference, Des Moines, Iowa; Rabbi Morris Casriel Katz of Beth Israel Congregation, St. Paul; and James G. Patton, president, National Farmers Union.

The words spoken by Mr. Patton were so meaningful and appropriate that I would like to share them with each of my colleagues. I ask unanimous consent that Mr. Patton's memorial address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PATTON TRIBUTE TO JOHN FITZGERALD KENNEDY

A great Nation stood still. First in disbelief and horror—then in anger and shame—then in measured thought and silence. "Our President is dead."

History provides few occasions for all Americans to pause and truly reflect upon the state of our Union. And the price was far too great to pay.

Tonight we again extol John Fitzgerald Kennedy. Let us here determine to mirror his magnetism, to emulate his ideals, and to pursue his vision.

John F. Kennedy brought to the White House insight into the years ahead. He also brought vitality and youth—from a new generation of Americans to whom the torch had been passed. The only young leader on earth, he had jumped a generation. But, his vision of tomorrow's America was not simply the product of youth.

Rather, it sprang from his qualities of mind and spirit: imagination and inquisitiveness, a subtle and keen intelligence, an awareness of the demands and ultimate judgment of history, the courage to affirm life, a hatred of injustice, a love of politics, and a sense of humor that, often as not, sought himself as the target.

John F. Kennedy brought to the Presidency a style and zest that challenged the idealism and won the enthusiasm of our generation.

He placed a premium on intellect, education, and excellence. He brought quiet dignity to his preeminent office. He caused the institution of the Presidency to grow—for himself and for his successors.

President Kennedy changed the mood of American politics. After him, there can be no turning back to old conceptions of the Presidency, nor to old conceptions of America.

And, there can be no turning away from the expectations of greatness and the determination to achieve it that he imparted to all of us. He has not gone.

His heritage of example and inspiration is with us tonight—and for all time.

SERMON BY DR. DUNCAN HOWLETT OPPOSING SENATE FILIBUSTER

Mr. HUMPHREY. Mr. President, several weeks ago the minister of the All Souls Church, Unitarian, Washington, D.C., Dr. Duncan Howlett, delivered a forthright sermon concerning the topic of extended debate in the Senate. Since this is a question which many Senators will have to consider in the coming weeks, Dr. Howlett's remarks are worthy of consideration by each of us. No responsible Senator opposes full and complete debate on any issue but there are many of us that believe at some time or another the Senate should come to a decision on the question of the civil rights bill. This is, in essence, the point which Dr. Howlett is making.

Mr. President, I ask unanimous consent that Dr. Howlett's sermon be printed at this point in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

INDIGNITY IN THE SENATE

(A sermon by Dr. Duncan Howlett, March 15, 1964, All Souls Church, Unitarian, Washington, D.C.)

During the month of March 1917, the process of democratic government in the United States ground to a halt, while all the world wondered. March 1917, you will remember, was no ordinary period in our history. The First World War was already in its third year and was approaching a crucial phase. The German submarine had broken British control of the sea. The United States was supplying the Allies with food and innumerable other materials without which they could not hope to win the war. American ships were being sunk. American neutrality had been tested to the breaking point.

January 31, 1917, Germany renewed her unrestricted submarine warfare in violation of an earlier treaty. Woodrow Wilson, reelected the previous autumn on the platform, "He kept us out of war," as a retaliatory measure, broke off diplomatic relations with Germany and proposed the arming of U.S. merchantmen for their own protection. The bill came to Congress almost immediately. The House passed it, and it came before the Senate for debate. Sentiment was overwhelmingly in favor of the bill, but a group of southerners and western progressives opposed it.

Then, while American ships went to the bottom, and the Allies wavered on the Western front, all the world watched 11 willful men conduct a filibuster in the U.S. Senate, as a result of which the 64th Congress adjourned on March 4, having failed to pass the bill. Wilson found a way out by issuing an Executive order, but you can gage the sentiment of the Senate as a whole by the fact that it declared war on Germany almost as soon as it was reconvened in special session by the President, as his second term began. The date was April 6, 1917.

You can also gage the sentiments of the Senate on the filibuster as a legislative device and that of the country as a whole by the fact that rule XXII was altered immediately afterward. A second paragraph was added providing for what we today call cloture, according to which debate could be concluded by a vote of two-thirds of those present and voting. There were other provisions of lesser import with which many of you are familiar and which I need not elaborate further.

It was assumed that the filibuster had thereby been eliminated. Wilson had said, "The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action." After the provision for cloture was added, it was assumed that the Senate could never again be rendered powerless to act when it wished to.

But human perversity knows no limits and the will of willful men to have their own way knows no limit, either. In practice, rule XXII, even as amended, has proved little more effective in preventing a filibuster than did the pre-1917 form. Since that time, there have been many filibusters and 26 attempts at cloture. Of these, only five have succeeded. Twenty-one have failed. Nine of these 21, or nearly half, have had to do with civil rights. In 1938, cloture failed twice on an antilynching law. In 1942, 1944, and 1946, it failed again on an anti-poll-tax law. In 1946, and twice in 1950, it failed on FEPC law, and in 1960 on a general civil rights bill. Cloture has never yet been voted on a civil rights measure.

Today, we face another filibuster on another civil rights bill. This one, I believe, will prove to be historic, for it perhaps more than any other has raised the issue of the democratic process itself. The present bill was passed by the House by an overwhelming majority. A number of the Democratic majority in the Senate, a group of Republicans, and the President himself are all determined that it shall now be passed by the Senate virtually intact. Eighteen or twenty southern Senators are equally determined that it shall not. The irresistible force has met the immovable object.

The determination on both sides not to give in under any circumstances will alone make this debate historic. The President has virtually risked his reelection on this issue. Furthermore, the civil rights movement in this country can be temporized with no longer. And meanwhile, again all the world is watching: watching to see whether the United States, as a nation, is ready to grant the Negro the citizenship that is his by right, but watching yet more closely to see whether ours is a government of the people, by the people and for the people, or whether, like most governments, it can be bent to the wishes of the few.

Last Friday, I went down to the Capitol to view the process at first hand, taking Mr. Zylman, our ministerial intern, along for his edification in the ways of American democratic government. It was his first visit, and as you who have been there know, it was not to his edification. There were no surprises. It was a dreary, empty, travesty of free debate in the Government of a free society with which we are all too familiar.

It all made me think of the professor who decided that he could save time if he did not have to deliver in person his lectures to a graduate seminar that gathered weekly around the table in the seminar room. So he recorded his lectures, and one day announced to the students that thereafter a tape recorder would deliver the lectures for him. There would be no loss, he explained. He had bought an excellent hi-fi machine, and it would be exactly as if he himself were present. I don't see why the Senate couldn't do that.

Some weeks later, the professor stopped by the seminar room at the time his lecture was scheduled, just to see how things were going. In his place at the head of the table sat the tape recorder, methodically delivering his lecture as planned, but to a wholly empty room. But not quite—for on the table, at the place where each student should have been sitting, was another tape recorder, busily taking down what the first one was saying. After my experience Friday afternoon, I don't see why this would not be the ideal way for the Senate to conduct its business.

These dilatory proceedings, the wonder of all who behold them, are bad enough under ordinary circumstances. They reach their nadir in the filibuster. And the present filibuster has really not yet begun. We are witnessing now only the preliminary delaying tactics.

We are all dismayed to learn of the deliberation with which this parliamentary obstructionism has been organized. Senator Richard Russell of Georgia is field marshal. He apparently thinks of his work in military terms, for he uses military vocabulary to describe it. He has organized what he calls a platoon system of three units, six Senators each, with possibly one or two others. When one platoon is in the field, the members of the other two can count upon complete freedom from responsibility and therefore complete rest. The other side, on the contrary, must be constantly on the alert, ready on short notice to answer a quorum call. President Johnson and the Senate leader of the civil rights group, Hubert Humphrey, can count on about 60 supporters, which provides relatively little leeway, when at least 51 must always be ready to answer a quorum call.

With the cloture rule in force how can 18 or 20 willful men thwart the desires of 80 or more? Because added to the southern Senators who are fighting civil rights legislation, is a group of other Senators who oppose the cloture rule on principle. We must grant every man his principles. But in doing so we need not shut our eyes to the practical considerations at work here. The threat of a filibuster is a club every Senator holds over the head of the entire body. It is a device which places power in the hands of those who come from our less populous States who otherwise might not carry as much weight. This is the reason you often find such Senators voting against cloture, regardless of their feelings about the particular bill under debate.

And this is what arouses the indignation of the American people as they behold the present travesty of the legislative process in an assembly of freemen. The Senate, if it chose, could end this undignified spectacle, debate the bill, and vote it up or down. Probably the necessary two-thirds of the Senators to pass a cloture vote are ready to vote for the civil rights bill now if they had to. But there are enough who won't vote for cloture, when added to the southerners, to make the filibuster possible in spite of the provision for cloture. In effect, by their stand, they, who are but a handful, can thwart the will of two-thirds of our Senators, and this handful represents but a tiny portion of the populace as a whole.

And so, once again, the world looks on in astonishment while the process of democratic government in the United States grinds to a halt. Perhaps there is time for these antics as there was not when American ships were being sent to the bottom of the sea. Adjournment is a long way off. The civil rights problem is acute, to be sure, but perhaps 1 month more won't make any real difference. Perhaps the southerners can be worn down. Perhaps some of those who will not now vote for cloture can be induced to give in eventually. Perhaps all these things are true, and some kind of action will come in the end. But can we then dismiss the filibuster as a necessary evil? Can we shrug it off as an inescapable part of democratic government as its proponents say we must? Is it a part of the price we must pay for the freedom to debate any issue all the way to the end, and to permit everyone to have his say without curtailment?

On the contrary, cloture provides ample opportunity for every man to say his say. But it also is supposed to provide for the working of the democratic process, not to impede it. The two-thirds rule, when added to all the other obstacles a bill must surmount, provides all the safeguards a man might wish against the tyranny of the majority, an evil against which we must of course guard. But the filibuster as a device for delaying action on a bill or for defeating it; the filibuster, defended in the name of democracy, is no part of the democratic process. It is an instrument of tyranny, the device of dictatorship, the very perversion of the principle of free debate.

I need not review for you the refinements that have, one by one, been added to the senatorial talkathon. Delays are now multiplied by rollcalls and efforts to adjourn. Repeated quorum calls are a terrible burden on the majority. One of the saddest spectacles of our American Government is the row of cots that make their appearance from time to time beneath the stately interior columns of the Capitol, so the Senators may get a night's sleep and still be on hand for a sudden rollcall, as sessions are pushed on into the night.

If the rollcall fails of its 51, a new legislative day begins, and the abundance of new delays then available includes everything from reading the Journal of the previous day to permitting Senators who have already spoken at length on the issue to speak twice more. The filibuster in its present stage of development is no longer the mere talkathon it once was. Now it is a fine art, with every conceivable trick of the parliamentary trade brought in to multiply the delays.

And they say the filibuster must be permitted in order to insure freedom of debate. You know what prime time is on television. Do you know what prime time is in a legislative body, specifically the U.S. Senate? It is now, when the preliminary shakedown is over; when the Senators are fresh and there is time to consider the affairs of state at leisure; when there is time and energy to work for the things in which they really believe. This prime time, which God knows our Senate needs, is now to be consumed a whole month of it, some say more, not in meeting arguments, but in resisting a powerplay. This prime time, the best the Senate has, is to be given over to a contest not of mind with mind and conscience with conscience, but in physical endurance, as if the U.S. Senate were a nightmare track meet in which the winner does not run faster than the loser, he merely runs longer. The filibuster is a physical contest more primitive than the lowliest athletic contest we know.

And this in order to insure freedom of debate. The filibuster is the very perversion of freedom. To permit such a proceeding is not to guarantee the freedoms our Constitution was designed to establish. It is to use these freedoms in order to deny them. The filibuster is a witches' Sabbath in which the holy light of freedom is replaced by the torch of tyranny, and in the smoke and gloom that remains is somehow made to look like freedom.

When the filibuster is over, the U.S. Senate, having paid homage to this false god, will be physically exhausted and nervously taut. Its Members will have been robbed of the good humor and sense of leisure which are essential to its deliberations. There is danger that the health of some may be impaired. In the name of freedom to debate the issues, the Senate will have lost that freedom for this session at least, and with the ever-present threat of a new filibuster on some other bill it will have beclouded its own freedom in every session hereafter. For every filibuster that succeeds invites someone else to try another in the future.

We see today in the U.S. Senate not an exchange of arguments but the inversion of human interchange. Today our national leaders talk, not to present arguments, but to prevent action. In a body created for debate we see the debasement of debate. Men speak to each other, not to persuade but to overpower. Today in our highest legislative body, the open mind is exchanged for the open mouth. The closed mind is conjoined with the closed ear. The whole legislative process is inverted. Men call for adjournment, not that debate may end but that it may continue. They require that the Record be read, not that they may know what is in it, but only that they may absent themselves from the reading in order to be able to repeat the repetitions in the Record yet again.

I speak this morning as an ordinary citizen of the United States, proud of my country, devoted to her welfare, and grateful for the freedom that is mine because of my citizenship. I speak as one who loves liberty and would, under any circumstances, defend the institutions that keep us a free people. I speak, also, as one who believes in the power of the mind to persuade and be persuaded by reason and conscience, truth and right, and by a genuine concern for my fellow man. I believe that the greatness we have achieved as a people is in no small part due to our acceptance of those principles and our attempt, however faltering, to live by them. I believe that when peace shall at last have come to this poor, war-weary earth, it will be ours because men everywhere have learned to listen to each other, and because, through mutual persuasion, they have begun to move together toward what they believe is right and good and true.

In this movement, the United States has a fundamental role to play, because we have established democratic political institutions on a large scale and have made them work. We are far from achieving our ideal, but we have shown a doubting world, at least so far, that 180 or 190 million people can live in peace with each other, and that they can govern themselves quite effectively. I need not remind you how steadily the new nations of Africa and Asia look to us to see how democracy in their own lands may be made to work. We are, today, a laboratory in democracy for the world. We must be willing to accept the responsibility this involves. By what we do today we show the world that political institutions can be designed to permit the people to govern, or we show the world that every political institution designed to implement the will of the people can be turned from the broad interests of the many to subserve the special interests of the few.

We teach our own children the same thing. By what we do we teach them that democracy is real or that it is a fraud: that self-government is an actuality that we have achieved, or that it is only a pose under which the tyranny of the ages still prevails. The ability of democracy to survive is one of the most important questions facing the world today. The part the United States of America will play in deciding that question is crucial.

Then let our Senate realize the role it is playing right now in the world's decision for democracy. Let the dignity of the Senate reassert itself before the indignation of the people rises to denounce the indignity in the Senate's abuse of its own freedom. Let the Senate, by its example, teach our people and the world that democracy works by persuasion, not by force; by self-restraint, not by willful self-assertion. Let not the Senate, by this filibuster, demonstrate faith in power politics. Let it show its own faith in the democratic process. It would take but a few of those who now stand against cloture as a matter of policy to come forward and stand for cloture in the name of freedom, even though at some personal sacrifice. It would take only a few.

The issue before us is bigger than civil rights, large and important as that issue is. The issue before the Senate today is freedom of debate and action in a legislative assembly, elected by the people and answerable to the principles of the democratic process. In this hour of crisis with the eyes of all the world upon it and a great issue at stake, the U.S. Senate cannot fail. We, the people, call upon that body to act. It must defeat the filibuster, decide the civil rights issue by argument, vote on the merits, and so demonstrate again to a questioning world that freedom of speech need not end in frustration, that it can end in action, and that government of the people, by the people and for the people can be made to work.

PRAYER

God of the nations, may wisdom, courage, and honor ever possess the leaders of our people. Amen.

ADDRESS BY ABBA P. SCHWARTZ AT ST. OLAF COLLEGE

Mr. HUMPHREY. Mr. President, on Friday, April 3, 1964, the Honorable Abba P. Schwartz, Administrator, Bureau of Security and Consular Affairs, delivered a fascinating and illuminating address on the foreign and domestic implications of U.S. immigration laws.

Mr. Schwartz reviewed the great accomplishments which persons from many foreign lands have in the United States. He noted that as far back as 1644 people speaking 18 different languages were living side by side peacefully in the town of New Amsterdam on Manhattan Island. He noted how in many instances in the past, America has opened its doors as a haven to the oppressed and outcast.

Mr. Schwartz also noted the need to reaffirm this great tradition of American freedom by congressional approval of President Kennedy's recommendations for revision of our immigration laws. This certainly is a stirring and heartening address and I commend it to my colleagues.

I ask unanimous consent that Mr. Schwartz' address delivered at St. Olaf's College in Northfield, Minn., be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE ABBA P. SCHWARTZ, ADMINISTRATOR, BUREAU OF SECURITY AND CONSULAR AFFAIRS, BEFORE A CONVOCATION FOR THE STUDENTS OF ST. OLAF COLLEGE, NORTHFIELD, MINN., FRIDAY, APRIL 3, 1964

FOREIGN AND DOMESTIC IMPLICATIONS OF U.S. IMMIGRATION LAWS

It is most gratifying to me to have the opportunity to respond to your invitation to present to you this morning some observations on the foreign and domestic implications of our immigration laws and of our assistance to migrants and refugees abroad.

As I entered this chapel today, I was shown the window which briefly depicts the historical origin of St. Olaf College. As you, and I, and as others who are privileged to attend or visit this college become absorbed in the present beauty of the campus, impressed by the structures which have been built on this hill, aware of the academic standards and the scholarly achievements of those who have studied and taught here, and familiar with the nationally known names of Rolvaag and Christiansen—as all of this confronts us, we cannot help but be overwhelmed by the significance of the contribution a small group of Norwegian immigrants has made to our American way of life. This institution is one more example—and a good example—of what is possible when a country opens its doors to immigrants.

We in the Department of State who have the responsibility for developing and applying U.S. policies in this area feel that the opportunities to discuss these matters with the public come all too infrequently, particularly in communities west of our Eastern seaboard.

President Franklin D. Roosevelt, who was always mindful and proud of his Dutch heritage reminded us on several occasions that "we are all immigrants" and that the contributions which first generation immigrants have made to the cultural and economic life of our country is in no small measure responsible for our greatness.

Because of our heritage and the fact that the United States since the end of the Second World War has been placed in a role of critical leadership in a troubled and constantly changing world, we are concerned to see to it that our immigration laws reflect our real character and objectives and maintain for us the image of ourselves as Americans that we would like to achieve abroad. The nature of this image plays an important role in the achievement of our foreign policies generally.

Some place in American history, Americans, who were immigrants themselves, began to believe that the geographical and national origin of a man determined his suitability as an immigrant. Subsequently, this was codified into law and became our national immigration policy. At the same time in American history, however, Americans themselves learned to judge their fellow Americans on the basis of ability, industriousness, intelligence, integrity, and all the other factors which truly determine a man's value to society. In most laws of our Nation we recognize this, except in our immigration laws where we continue to imply judgment of a man on the basis of his national and geographical origin. It is not hard to imagine, therefore, the implication of this policy when it is interpreted to a man from a geographical area or of a national origin, which is not "favored" by our present laws. Whether an individual wants to come to the United States or not, he is left with the impression that our standards of judgment are not based on the merits of the individual—as we claim to judge men—but rather on an assumption which can be interpreted as bias and prejudice.

Thus, inasmuch as our immigration laws are interpreted as the basis of how we evaluate others around the world, it is not difficult to understand the impact this has on people abroad and its effect on our foreign relations. Therefore, if for no other reason than to tell people around the world the basis on which we actually judge ourselves and others—not to speak of the contributions all immigrant cultures and traditions have made to our way of life—a revision of our immigration laws is fully justified. We have the same concern with respect to reactions to our assistance abroad since World War II to migrants, refugees, displaced persons and uprooted persons generally.

The history of immigration to the United States is really the history of this country.

The foundations of this Nation were laid by people escaping oppression. The Puritans, the Hugenots, the Quakers, the Scotch-Irish and the Spanish-Portuguese Jews were all refugees in their time.

As far back as 1644 people speaking 18 different languages were living side-by-side peacefully in the town of New Amsterdam on Manhattan Island. New York continued to welcome the oppressed of every nation of Europe. This union of diverse cultures and skills helped that State to attain its unique position in manufacturing, commerce, finance and government.

A roster of pioneers in the organization of many of our industries would fill many pages. Among them: John Jacob Astor (German immigrant) was the great pioneer in the fur industry; Andrew Carnegie (Scottish immigrant boy) founded the American steel industry; Joseph Pulitzer (Hungarian immigrant) made a great contribution to journalism; Michael Cudahy (Irish) was one of the most successful figures in the development of the meat-packing industry; Joseph Bulova (Czech), watch industry; David Sarnoff (Russian), radio; Charles L. Fleischmann (Hungarian), yeast industry; Frederick Weyerhaeuser (German), lumber industry; and William S. Knudsen (Dane), the automobile industry.

And behind these eminent names are hundreds of thousands of nameless men and women who brought other important industries to this country. Our clothing industry was developed by German, Austrian, Russian and Italian immigrants and in recent years has been sustained by "migrants" from Puerto Rico and new immigrants from other parts of the world. Our watchmaking industry was developed by French and Swiss immigrants; our pottery and chinaware industry by German immigrants; and the cheese industry by Germans and Swiss.

Equally revealing are the many immigrants whose inventions formed the basis for American-born entrepreneurs to develop our great industrial base. To mention only a few: Ole Evenrude (Norwegian), who invented the outboard motor; John Ericsson (Swedish), the ironclad ship; David Lindquist (Swedish), the electric elevator; Conrad Huber (Russian), the flashlight; Michael Pupin (Serbian), great discoveries in electricity; David Thomas (Welshman), the hot blast furnace; Alexander Graham Bell (Scotsman) who invented the telephone.

Many of these immigrants entered our country as children—young and unknown. They attended our schools and our laboratories. Their drive, their imagination, their desire to prove themselves helped to make U.S. industry the greatest in the world and our standard of living the highest.

Many of the refugees who fled from Hitler's tyranny, such as Albert Einstein, were persons of great distinction who contributed immeasurably to our scientific and cultural development, but others were small children, who fled with their families to this country for safety. Today they are working with other young scientists in our laboratories, helping to conquer space. The spirit that is so typically American—the welcoming of people of all backgrounds and the freedom of opportunity—has helped the immigrant and the refugee, who in turn, have helped the United States.

The Federal Government at the outset of our history established a liberal immigration policy. The Constitution embodies civil rights provisions and a liberal attitude towards religious and ethnic differences. Ours was the first national state to proclaim the principle that there should be no religious test for office holding. And only the President of the United States must be native born. All other officeholders may be naturalized citizens.

The Federal Government utilized the principle of religious freedom to stimulate immigration. After the adoption of the Federal Constitution in 1789 Congress passed the first Federal legislation on immigration, which included a naturalization and a quarantine law.

During the 1830's there was a large influx of immigrants from famine-stricken Ireland. Between 1841 and 1850 there was substantial refugee emigration from Germany. The combined German and Irish immigration was 1,713,000 for the decade. Immigration for the next decade to 1860 increased to 2,598,000. The Scandinavians began to arrive after the Civil War and settled in the Midwest.

In the 1880's appreciable numbers of immigrants entered for the first time from Eastern and Southern Europe They were the "new" immigrants. They came from the Balkans, central Europe, from Russia and from Italy. Between 1882 and 1889 large numbers of Jews fled persecution from czarist terrors in Russia and began to enter the United States. Between 1897 and 1914 our average immigration exceeded a million a year. The new immigrants numbered 10 million as against approximately 3 million during the earlier period.

With the development of urban society and huge industries in the cities, sociological changes took place. The problems of unplanned growth were blamed on the immigrant. The new immigrants were represented as unwanted people in contrast with the old who, in retrospect, were glamourized as highly selected, adventurous and specially trained. People forgot that the old were sometimes indentured servants, persons who had been imprisoned for debts. In reality, each new wave of immigrants had created fears in the old. So the Irish and Germans were accused of creating economic problems.

This "fear of the stranger" played an important role in the restrictive immigration policies which developed. Labor itself, fearing for its jobs, was anti-immigration in that period. The immigrants were blamed for the industrial panics.

The restriction against Asiatics began with the barring of Chinese in 1882. It was the beginning of the use of racialism as a basis for restrictive immigration. The Japanese were next, and in 1917 the Asiatic Barred Zone was created. This act was passed despite President Wilson's veto and excluded persons from parts of China, all of India, Burma, Siam, the Malaya States, the Asian part of Russia, part of Arabia, part of Afghanistan, most of the Polynesian Islands and the East Indian Islands. As you can see, this represents a large part of the world. It was the progenitor of the Asia-Pacific triangle, which I shall describe later, and of the 1924 act which used the national origins quota system as the basis for allocating visas.

Under the national origins quota system which is embodied in our current immigration law each country outside of the Western Hemisphere is alloted a specific number (a quota) of immigrants who may be admitted to the United States each year. This allocation is based on a proportion of a total equal to the proportion of the population in the United States in 1920 whose national origins, including ancestry, could be attributed to that particular country. The 1924 Immigration Act limited quota immigration to 150,000 and lessened the possibility of large-scale immigration from eastern and southern Europe because the basic formula resulted in disproportionate quotas to northern European countries.

In 1952, the immigration and nationality laws were codified and revised by Congress and that law governs our basic immigration policies today. The 1952 act retained the national origins principle as the basis for a quota system and instead of the Asiatic Barred Zone substituted the Asia-Pacific triangle. While many of the provisions of this law modernized procedures, and granted important powers to the Attorney General to admit persons in emergent circumstances, it retained many of the late 19th century and early 20th century antagonisms.

Under the current law 157,000 quota visas are authorized annually. But they are never fully utilized because of the manner of the allocation. Thousands upon thousands of persons, otherwise qualified for admission, await their turn on the quota lists.

A mother born in Ireland could join her son in the United States immediately, I am glad to say, because the Irish quota is large and never fully used. But a mother of an American citizen may not be able to join her son in this country if she was born in Greece or Turkey, which have small quotas. Under the present law a parent of an American citizen is entitled to what is known as "second preference" and the law judges the parent's admissibility to join his child upon the place where the parent was born. But if the parent has more than 50-percent Asian blood, he is chargeable to the quota assigned to the Asian area from which he originally derived his Asian origin.

Persons born in Great Britain are permitted 65,361 quota numbers, but only about 40 percent are used. The unused are not available to nationals of other countries who desire to emigrate and whose skills and talents may be highly sought by us. Greece has a quota of 308; Hungary, 865; Italy, 5,666, all of which are oversubscribed.

Persons born in the Western Hemisphere are admitted nonquota. This provision of the law is based on our foreign policy of hemisphere friendship and solidarity. However, it does not apply to persons born in dependent colonies in the Western Hemisphere, or to the inhabitants of former colonies—now independent—of Jamaica, Trinidad and Tobago. Whether by accident or by design, this obviously does not serve U.S. foreign policy interests.

Because the quotas based on national origin severely limit admissibility of persons of certain origins, it has been necessary for Congress to enact special legislation from time to time to take care of displaced persons and refugees from various forms of man's inhumanity to man.

At this point I would like to digress from a discussion of our immigration laws to present a brief summary of what the United States has done since World War II in assisting uprooted persons, not only to come to the United States, but to find places of resettlement in other countries. The United States took the leadership in organizing the United Nations Relief and Rehabilitation Administration (UNRRA), which provided immediate assistance to countries devastated by the Second World War and to several million persons who had been displaced. This organization was followed by the International Refugee Organization (IRO), a specialized agency established by the General Assembly of the United Nations. The IRO moved over 1,400,000 displaced persons principally from Europe to resettlement in countries overseas. Upon the termination of the IRO, the United States took the leadership again in organizing the Intergovernmental Committee for European Migration (ICEM) in 1951. ICEM, with headquarters in Geneva, Switzerland, has moved in the succeeding years 1,260,000 persons, including some 556,000 refugees from Europe and from mainland China through Hong Kong. Supported by our Government and 28 other member governments of the free world, that organization continues today to move and resettle refugees and migrants to new homes overseas.

It is relevant to cite some of the dollar expenditures by the United States in these efforts. In 1945 and 1946 the U.S. Army provided assistance to displaced persons apart from the assistance administered through UNRRA in the amount of $200 million, while UNRRA accounted for some $29 million of U.S. contributions in special assistance to refugees. The U.S. contribution to IRO between 1948 and 1952 totaled $237 million; $93 million was spent through the United Nations Korean Reconstruction Agency (UNKRA) to resettle displaced families who fled from North Korea during the Korean war—$90 million was provided for refugees from North Vietnam. Some $300 million to Palestine refugees has been channeled by us through the United Nations Relief and Works Agency for Palestine; approximately $10 million through the Office of the United Nations High Commissioner for Refugees to assist other refugees; $53 million has been spent through the Intergovernmental Committee for European Migration; $47 million through the U.S. escapee program, a direct unilateral effort by the U.S. Government to assist postwar escapees from communism. With other expenditures in assistance to refugees, including grants of our surplus foods to various areas throughout the world, the total U.S. contribution from the end of World War II to the present for these purposes has been conservatively estimated at over $1.3 billion. Such assistance is continuing currently at a rate of approximately $15 million annually. All of these current and past expenditures were public funds supplied by U.S. citizens. They do not include funds contributed by the American public through the well-organized channels of voluntary effort. It is estimated that the American voluntary agencies themselves have contributed $1.2 billion in cash and commodities to assist refugees abroad since World War II. This is an impressive total and must be recorded in appraising the magnitude of the efforts of the U.S. Government and the American people in assisting those uprooted by economic and political pressures and changes. This is a creditable chapter in our history and speaks well for the sense of responsibility of all our citizens and our Government.

Of equal importance, I believe, is the fact that since World War II, in response to specific refugee situations, the U.S. Government has admitted under different procedures over 1 million refugees from racial, religious, and political oppression; 42,000 were admitted under President Truman's directive of 1945; 405,000 under the Displaced Persons Act of June 1948; 196,000 under the Refugee Relief Act of 1953, including 6,000 orphans; 38,000 Hungarian refugees were admitted on parole, under the discretionary authority granted to the Attorney General in the 1952 immigration law, immediately following the Hungarian uprising in 1956. Some 150,000 refugees have been admitted under quota provisions of the regular immigration law; and since Castro took over Cuba, we have admitted some 200,000 Cuban refugees.

In response to the sudden influx of over 100,000 Chinese refugees in Hong Kong in May 1962, the Attorney General admitted some Chinese refugees on parole. Some 10,000 have arrived, and applications are still being considered. This action promoted our foreign policy interest by demonstrating the humanitarian concern and friendship of the American people toward the Chinese people.

As a result of varied experience under these special legislative acts benefiting refugees, the Congress enacted legislation in 1960, establishing the so-called fair-share principle under which we accept under parole 25 percent of all the refugees accepted collectively by all countries of immigration in a preceding 6-month period. To date some 13,025 refugees have been so accepted.

You are probably much more familiar with the hospitality which the United States has afforded in recent years to over 200,000 refugees from Cuba, most of whom arrived in Florida, but are gradually being relocated throughout the country. This was the first instance in experience in which the United States became a country of first asylum for refugees.

The contributions of the U.S. Government and of the American people in receiving refugees and in providing funds and services for their relief abroad have played an important role in our foreign policies. Our generous and quick responses to refugee situations have characterized our function of leadership in a disturbed world and stimulated similar actions by other governments. The foregoing telescopic treatment of the past, although admittedly incomplete in many details, lays the groundwork for our consideration of the problem at present.

We believe that American immigration policy as expressed in our laws is important both to our foreign policy and the domestic welfare of the United States. The national origin's quota system does not truly reflect the real character of the American people—but it does give a false image of our thinking to the world. Its effect is that a Greek is not as welcome as a Pole, and a Pole is not as welcome as a German. And it is based not on what you may be today, but on where you were born.

The present law grants priorities (preference) to certain family members, and to persons with certain skills. But why should parents of American citizens be given only "second preference" in the quota, if their children want them? Why should there be any "quota" at all for a parent of a U.S. citizen? And why should the parent of a legally resident alien not even be given a preference?

According to present law, a person whose services are determined to be needed in the country because of education, technical training, specialized experience or exceptional ability is entitled to "first preference." This is in the self-interest of the United States, since we benefit from all the education and experience. But even before such a preference is granted an employer must produce a job, often to an unknown person, and without any assurance that a petition for a preference will be granted. This is just one aspect of a complicated system which leaves some quotas filled and others unfilled. Does this add to our image of knowing how to do things well? We should certainly be able to devise something better.

Leaders of religious, civic, labor, and social service agencies have been calling for a change in the present system of allocating visas. They have endorsed strongly the historic step taken by the late President Kennedy in calling for the elimination of the national origins quota system. In a special message to the Congress, President Kennedy on July 23, 1963, said:

"The most urgent and fundamental reform I am recommending relates to the national origins system of selecting immigrants. Since 1924 it has been used to determine the number of quota immigrants permitted to enter the United States each year. Accordingly, although the legislation I am transmitting deals with many problems which require remedial action, it concentrates attention primarily upon revision of our quota immigration system. The enactment of this legislation will not resolve all of our important problems in the field of immigration law. It will, however, provide a sound bāsis upon which we can build in developing an immigration law that serves the national interest and reflects in every detail the principles of equality and human dignity to which our Nation subscribes."

President Johnson in January 1964 in his remarks at the White House to representatives of organizations interested in immigration and refugee matters, stated:

"We have met for the purpose of pointing up the fact that we have very serious problems in trying to get a fair immigration law. There is now before the Congress a bill that, I hope, can be supported by a majority of the Members of the Congress. This bill applies new tests and new standards which we believe are reasonable and fair and right.

"I refer specifically to: What is the training and qualification of the immigrant who seeks admission? What kind of a citizen would he make, if he were admitted? What is his relationship to persons in the United States? And what is the time of his application? These are rules that are full of commonsense, common decency, which operate for the common good.

"That is why in my state of the Union message last Wednesday I said that I hoped that in establishing preferences a nation that was really built by immigrants, immigrants from all lands, that we could ask those who seek to immigrate now: What can you do for our country? But we ought to never ask, 'In what country were you born?'"

Before I elaborate on the position of the administration on immigration policy as expressed by President Kennedy and President Johnson and on their proposals for a revision of the law, I should like to comment on two other topics at issue in any reconsideration of American immigration policy.

One is the approach to Asian immigration reflected in our immigration laws, which I mentioned earlier. Concern about the effect of the large number of Chinese and Japanese immigrants in the latter part of the 19th century led eventually to the enactment of the so-called Chinese Exclusion Acts and of other laws practically closing our doors to Japanese and other Asian immigrants. A reversal of this policy was initiated by President Franklin D. Roosevelt when he urged the Congress to eliminate the Chinese Exclusion Act and to establish a quota for Chinese persons. Congress complied with the Presidents' request in 1943 and passed a similar law on behalf of Indian immigrants in 1946. These acts, however, permitted only a token immigration of Chinese and Indian immigrants, since the entire volume of immigration from these 2 countries was governed by the small quotas set up for them, 105 for Chinese and 100 for Indians. In other words, no provisions were made to permit Chinese or Indian wives or children of U.S. citizens to join their husbands and parents without quota restrictions as in the case of non-Asian immigrants. The need for a more humane policy toward Asian immigrants became apparent when an increasing number of our servicemen during and after the Second World War married girls of various Asian ancestry. The Congress, after first responding to this situation by the passage of special legislation, placed Asian spouses and children of U.S. citizens on equal footing with non-Asian spouses and children when it enacted the Immigration and Nationality Act in 1952. This was a major development which in the heat of debate about the merits and demerits of our Immigration Act has frequently been overlooked.

While the 1952 law took this step forward, it continued to treat Asian immigrants differently from non-Asians. It requires that an Asian person born outside of the Asian area be charged to the quota of his ethnic origin, rather than to the quota of his place of birth. On the other hand, Asians have benefited from the special displaced persons and refugee legislation and also from the special laws passed by the Congress to remove pressures from heavily oversubscribed quotas.

Another area of concern in our immigration policy is the limitation of our good neighbor policy to those countries of the Western Hemisphere which were independent at the time of the enactment of the Immigration and Nationality Act in 1952. Countries in the Caribbean area which have gained their independence since 1952 are treated as quota areas. They are Jamaica, and Trinidad and Tobago, each having an annual quota of 100. Since Congress first imposed quotas in 1921 on the volume of immigration, it has always exempted persons born in any independent country of this Hemisphere. It is hoped that the Congress will adhere to this policy with respect to newly independent countries when it reconsiders our immigration policy and thus make our hemispheric policy consistent.

What is the outlook for a congressional review of immigration policy and what is the stand the executive branch has taken on this issue?

President Kennedy submitted to the Congress in July of 1963 a request for a revision of our immigration laws, urging specifically that the Congress, over a period of 5 years, eliminate the national origins system, and that it immediately place Asians on the same footing with all other immigrants and give nonquota status to all persons born in independent countries of the Western Hemisphere. Bills reflecting the President's proposals have been introduced in the House by Representative EMANUEL CELLER of New York and in the Senate by PHILIP HART of Michigan. Senators HUBERT H. HUMPHREY and EUGENE MCCARTHY have cosponsored the bill. Earlier this year the Senate held some hearings on the administration bill. After the Congress has taken final action on the pending civil rights bill, it is expected that it will consider President Kennedy's and President Johnson's request for a revision of the immigration laws.

When Congress deliberates the recommendations of the administration, an important factor will be the recognition that the changes proposed which may appear far-reaching to the superficial reader of our laws, are not drastic departures from our present policies. Rather they would reconcile the letter of our general law with the immigration policy of the United States as it has developed during the last 10 years as a result of refugee and other special legislation enacted by the Congress. A recognition of this fact should be a persuasive factor in the considerations of the Congress.

No one in the brief time alloted for this presentation can do justice to the subject. I can only hope that I may have convinced you that it is important that our immigration laws reflect our national character and objectives more accurately. Surely our concern is not for the accident of place of birth but for the inherent moral worth of the individual who seeks to come to our shores.

I also hope that you will be stimulated to help our Government and voluntary groups to do more in meeting the needs of those who must seek new opportunities for dignity and self-dependence through emigration to another country.

MINNESOTA WINNERS IN 22D ANNUAL STATE 4-H RADIO SPEAKING CONTEST

Mr. HUMPHREY. Mr. President, the Minnesota 4-H clubs have just concluded the 22d annual State 4-H radio speaking contest. This year, 1,500 Minnesota 4-H club members wrote and delivered talks on the subject "What Is My Responsibility in Bettering Interracial and Interreligious Understanding?"

I am sure that all Senators would agree that this is a most relevant and timely topic. It is just another example of the outstanding work which the 4-H clubs perform in developing our future leaders of the United States. Indeed it is a heartening indication of the substance of our young people today.

This year the State champion of the 4-H radio speaking contest was Marynell Fresk, of Hadley, Minn., and the reserve champion was Peter Schmidt, of Stephan, Minn. I would like to quote one paragraph from the winning address:

> My real faith, then, is in a dream that in spite of daily headlines prophesying man's destruction, we can build a better world, a world of peace and human brotherhood. Yes, even in my lifetime. In my small way I want to share my responsibility in bettering interracial and interreligious understanding.

Mr. President, I ask unanimous consent that the two winning essays be printed at this point in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

What Is My Responsibility in Bettering Interracial and Interreligious Understanding?

(By Marynell Fresk, Murray County)

I wonder why some people don't like me. I like rain and cool woods—I like clouds floating in a blue sky, and birds, and cats, and little puppies. I like the sea when it wears diamonds, and lilacs in the spring, and lambs at play. I like the smell of burning leaves, and the taste of juicy red apples. I like pretty dresses and weddings, and babies. I wonder why some people don't like me. What kind of pathetic talk is this? These words were uttered by a lonely, disillusioned colored girl.

What safer place is there to send your children than to Sunday school? Yet is was while they were having a recess between their lesson on the "Love That Forgives" and the regular worship hour that four negro children were killed in an explosion that ripped a Birmingham church. A dead child's father commented, Even in war we don't bomb hospitals and churches. I guess we should have been uneasy about leaving our children there. But it never occurred to me anyone would bomb a church with anyone in it."

Who better than a policeman can protect one's child? Yet it was a policeman who shot 16-year-old Johnny Robinson in the back. Johnny and his companions were running away after throwing rocks at a carful of white youths who had been tormenting them. Johnny was a Negro.

What can be more enjoyable for a 13-year-old than riding a bicycle? Yet young Virgil Wade was killed by two white youths as they roared past him on a motorcycle.

During the 1960 presidential campaign some people put up signs reading "No Catholic President for Us." Their prejudice arose from the tradition of Protestant Presidents.

In a southern town people splattered a house with black paint after hearing a Jewish family was about to move in.

How terrible, we all say. Whoever is responsible for such happenings? Who did them? If we would only search our own conscience we would see it isn't just the people who committed these crimes that are to blame, but society as a whole. The "who" that would let such things happen is every individual who talks about the Negroes and spreads hate to his neighbor and to his children, the jokester—the crude oaf who jokes about race and religion makes everyone at a party roar with laughter. It is the Governor, Senator, or Representative who says things back home with the Negroes and the minority religious groups aren't as bad as everyone says, when he knows deep down in his heart they are worse. It is the coward in each of us who stands by and lets injustice be done to these people.

"Well," we might say, "maybe I am to blame. But even if I am, what can I do about it?" As a leader who was arrested in Baltimore for leading a civil rights demonstration said, "We come—late we come." Maybe I am just coming to the realization of the urgency of removing a 300-year-old insult to the colored people and minority religious groups in this Nation. But no matter when I come to that realization, I must act.

There are three things I must do to promote better understanding: The first and underlying thing is to study and learn of the different religions and races and to understand their beliefs. I must learn to respect their right to their freedoms and their beliefs which may seem so different from my own.

Next I must support organizations which try to help these people toward a better place in society. One example would be the National Association for the Advancement of Colored People. Also I must urge my Congressmen by my letters to enact laws such as the civil rights bill that would raise Negro standing. I could urge my friends and neighbors to do likewise.

Last but not least I must bring myself into contact with these people. Julian Bryan, a well-known author, stated that if you break bread with people and share their troubles and joys, the barriers of religion and race will soon disappear.

I believe in people—and in their given right to enjoy the freedoms we so cherish in America. I believe in justice and knowledge and decent human values. I believe that any religion in which a man is good is a good religion for him. I believe in listening to what people have to say, and in helping them to achieve what they want and what they need. I believe in each man's right to a job, and food, and shelter.

I sincerely believe that one day all of these things will come to pass; but whether all of these attempts to promote better understanding will succeed or fail only time will tell. One speech, such as mine, will not change the world; but it is a beginning and before there is an end there must be a beginning.

My real faith, then, is in a dream that in spite of daily headlines prophesying man's destruction, we can build a better world, a world of peace and human brotherhood. Yes, even in my lifetime. In my small way I want to share my responsibility in bettering interracial and interreligious understanding.

It is easy for me to say I instead of we. "I" is only one person; "we" is at least two, and may be many more. So it's easy to see that being part of "we" is far bigger than "I" alone could ever do. So let me add "partnership required." Will you join the partnership?

What Is My Responsibility in Bettering Interracial and Interreligious Understanding?

(By Peter Schmidt, Marshall County)

When you think of it, man, one man, is such a very small particle of the entire organization of life. We are born, we grow, we develop ideas and fight for them, and then we die. And the world goes on without us. And all that we have lived and died for remains seemingly unchanged.

All the while that men are living and dying, there exist two great problems on earth: one concerns the relationship between man and God; the other, the relationship between man and his fellow man. Every man that has lived has had a responsibility to better these two great problems which go by the names of "interracial" and "interreligious." Some have found their responsibility and fulfilled it, others have disregarded their responsibility and left it unfulfilled. What am I going to do? If I want to be among the first group, I must answer this question: What is my responsibility in bettering interracial and interreligious understanding?

Although they may seem unrelated, interracial and interreligious problems have at least four things in common. I'd now like to examine the four similarities, and then try to answer the question.

The first similarity between the two topics in question is this: they are both misunderstandings between people. The problems are not a plague or a disease that can be fought physically. They are a mode of living, a conception of life, a belief, and a faith. They come from man's mind and soul, and man's physical body is involved only in outlashes of his central feelings from within. We must remember that better understanding will come not by curtailing man's body by force, but by enlightening his mind with knowledge.

Similarity No. 2: Both interracial and interreligious problems started long ago—much longer than you and I may realize. Interreligious differences started not when Luther, Huss, or Wycliff were preaching reforms, but when Buddha was born, along with Mohammed, and the gods of the Hindus and the Shintoists. These happenings span thousands of years. On the other hand, interracial problems had their birth in the use of slaves in the ancient civilizations of Egypt, Rome, and Peru. The point is this: These two problems are extremely deep-rooted, and as in a tree, the roots are stronger and more vital than the foliage above.

The third similarity is this: Both problems involve prejudice. A definition of this word tells us that prejudice is opinion formed without knowledge, thought, or reason. That means prejudice can be either thinking good or thinking bad about a subject, without knowledge, thought, or reason. This type of thinking is found in both of our problems. Samuel Johnson says: "To be prejudice is always to be weak." Must our Nation impose this weakness upon itself?

A fourth similarity lies in the fact that the opposing factions within each problem have more things in common than those which are different. At first sight, the differences seem innumerable. But upon further examination, we discover that many of the differences are only on the surface, and are practically irrelevant, while the basic differences that form the core of each faction are few.

So we see that interracial and interreligious problems are related. They are both misunderstandings between people, they both started long ago, they both involve prejudice, and they both have more similarities than differences. Another fact is that I do have a responsibility to better these two problems. Now, what is my responsibility?

First, I believe that one of the simplest and best ways to better interracial problems is simply to associate with the Negro, to talk with him and treat him as an equal—not inferior, not superior, but equal. Easier said than done, you say? I say try it first, then judge. Interreligious differences, on the other hand, can be improved with understanding and broadmindedness, two terms which encompass a lot of territory. They can be achieved only on the elimination of prejudice. Prejudice departs only on the introduction of knowledge.

That's my second responsibility: to obtain more knowledge—first for myself, and then for others. This knowledge comes not of itself, it must be looked for. Reading is the tool that brings it out. Reading news stories to see how peaople act—reading men's opinions to see why they act that way—reading both sides—deciding which is right—these I must do.

My third responsibility is to act. The responsibility is not fulfilled when it is found; it must be carried out. It's up to me to replace prejudice with knowledge; hatred with love; ignorance with understanding; narrowmindedness with liberality. I know I can't do it all, but I can and I will do my part. I can't solve these problems, but I can help to put mankind on the road toward the solution.

If men had fulfilled their responsibilities in the past, we would not have these two great problems today. But optimistically, if I and others of my generation fulfill our responsibilities now, then we can leave to our children a world free from the hatred and the struggling that we have known. To this end I pledge myself.

CIVIL RIGHTS NEWSLETTERS

Mr. HUMPHREY. Mr. President, the supporters of the civil rights bill, on both sides of the aisle, are very proud of our Bipartisan Civil Rights Newsletter. This publication is the joint product of the Senator from California [Mr. KUCHEL], the Senator from Minnesota [Mr. HUMPHREY], other Senators supporting the bill, and their able staffs.

This newsletter is intended to keep Senators and their staffs fully informed on the civil rights debate. It usually includes a report on the record for meeting quorum calls, a statement of the day's schedule, notes on religious and civic groups visiting the Capitol to support the bill, and factual material on civil rights. We have also initiated a new section where, from time to time, an individual title of the bill is explained in a brief and objective manner. The newsletter is prepared at the end of each day's debate and is distributed to the offices of the bill's supporters at the beginning of the next day. It is, however, available to any Senator or any other person who may ask for it.

We originally had very modest hopes for our newsletter and reproduced only a few dozen copies of it. When attention was drawn to it some weeks ago, we had to double and redouble the output, and still had difficulty keeping up with the demand. This little sheet continues to be popular, and now we find that our supply of many back issues is exhausted. Therefore, as a convenience to Senators and other interested persons, I ask that all previous issues be reprinted in the RECORD.

Mr. President, I ask unanimous consent that the 25 back issues of the Bipartisan Civil Rights Newsletters be printed in the RECORD at this point. Again I wish to inform the Congress and the public that copies are available to anyone requesting it. Copies can be obtained by contacting the office of Senator KUCHEL or Senator HUMPHREY.

There being no objection, the newsletters were ordered to be printed in the RECORD, as follows:

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 1, MARCH 10, 1964

The Senate bipartisan leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT HUMPHREY for the Democrats, with Senator THOMAS KUCHEL, representing the Republicans, will circulate among all interested Senators a newsletter outlining principal developments relating to the progress of this legislation. This newsletter will help keep Senators and their staff members fully informed on the civil rights bill and will be prepared whenever the circumstances warrant—daily, if necessary.

1. Current status of H.R. 7152: the House passed civil rights bill is currently on the Senate Calendar, Order No. 854. It is the hope of the bipartisan leadership to motion successfully H.R. 7152 from the calendar this week and make it the pending business.

As expected, the opponents of H.R. 7152 did not want the motion to consider the bill offered during the morning hour when such a motion would have been nondebatable. Instead the seldom-used procedure of reading the Senate Journal in full and offering amendments to the Journal occupied the Senate until the hour of 2 o'clock had passed and the morning hour had terminated. At that point a motion to consider H.R. 7152 became a debatable motion. Since the Senate recessed yesterday, this motion offered by the majority leader is currently before the Senate and will be debated by the opponents of the bill for an undetermined period of time. It is not the intention of the leadership to debate fully the merits of the bill at this juncture but to reserve such discussion until the bill itself is pending before the Senate.

2. Need to maintain quorums during civil rights debate: The principal burden resting with each Senator will be to respond promptly to quorum calls whenever they occur. From now on, every quorum call will be a live quorum. Every Senator should report immediately to the Senate floor when two bells are heard.

Both Democratic and Republican civil rights supporters are establishing a system to maintain quorums throughout the debate. Last week, Senator HUBERT H. HUMPHREY, Democratic floor manager of H.R. 7152, sent a letter to a number of Democratic Senators advising them of the need to maintain quorums and requesting their full cooperation. In order to foresee conflicts as far ahead as possible, it is again requested that these Democratic Senators forward to Senator HUMPHREY a list of out-of-town engagements for the next 2 months, ranked according to priority. These lists should be sent to S–118, Capitol, marked to the attention of Pauline Moore. A master chart listing out-of-town engagements will be maintained in S–118. If the absence of a Senator on a particular day means that a quorum will not be present, that Senator will be asked to secure a replacement for that day. Democrats are committed to produce 36 Senators daily; Republicans have a quota of 15. Additional information on the quorum situation will be included in subsequent newsletters.

3. Telephone call system on quorums: In order to produce a quorum in as short a time as possible, the Democratic leadership has established a special telephone communication system with a number of Democratic offices. Republican leaders are currently setting up a similar arrangement.

The following Democratic staff persons have assumed the responsibility for calling their assigned offices: Jerry Brady (Senator Church), Winston Turner (Senator Kennedy), James Keefe (Senator McIntyre), Edwin Winge (Senator McNamara), Gale Fitzgerald (Senator Muskie), and Warren Sawall (Senator Nelson). The full cooperation of those Democratic offices called by one of these persons is essential in producing quorums quickly and efficiently. It is strongly urged that each office know the precise whereabouts of their Senator so that he or she can be informed immediately of a quorum call. There will be periodic live quorums whenever the Senate is in session.

4. Examination of argument concerning inclusion of private clubs raised by Senator RUSSELL. Senator RUSSELL contends that, because of the "circuitous" language of the bill, practically every private club in the United States will be affected by the public accommodations provisions of the bill and that, therefore, they will no longer have control over the selection of their members or guests. In the opinion of the legislation's supporters, this interpretation of the bill is incorrect. The bill has no effect on the membership of private clubs or the ordinary operation of their rules regarding guests.

Apparently the basis for the Senator's position is that most private clubs feed members and guests of members. Since they do so, he contends, they are restaurants which affect commerce within the meaning of the bill, and that, therefore, all of the provisions of the bill relating to public accommodations are applicable to private clubs. This conclusion is incorrect. The eating facilities of private clubs which serve club members and guests are not places of public accommodation within the meaning of the bill because they do not serve the general public.

This point is established by subsection (e) of section 201 which expressly exempts clubs except to the extent that they make their facilities "available to the customers or patrons of an establishment within the scope of subsection (b)"—i.e., a hotel, motel or similar establishment listed in subsection (b). All this means, for example, is that if a country club makes arrangements with a covered hotel under which club privileges are made available to the patrons of the hotel, the club cannot discriminate among the guests of the hotel on the ground of race, color, religion, or national origin. This is the one and only way private clubs are affected by the public accommodations provisions of the bill.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 2, MARCH 11, 1964

(This newsletter will help to keep Senators and their staff members fully informed on the civil rights bill. It will be prepared and circulated whenever circumstances warrant—daily if necessary.)

1. An excellent start on quorum calls: Senate supporters of civil rights responded speedily to three quorum calls during Tuesday's debate. The average length of time required to assemble a quorum was 13 minutes. Responding promptly to quorum calls will be the principal individual responsibility of each Senator. Tuesday's fine performance demonstrated the effectiveness of the Republican and Democratic communication systems.

The two main principles of success on quorum calls are: (A) Every quorum call will be a live quorum; thus Senators should go to the floor when two bells are heard. (B) Floor leaders should know Senators' plans for out-of-town engagements in the next 2 months. Democratic Senators are asked to send a list of their out-of-town schedule, ranked according to the importance of engagements, to S–118, attention Pauline Moore.

2. Fallacies in Senator STENNIS' discussion of public accommodations: On Tuesday Senator STENNIS attacked the constitutionality of title II. He said that the 14th amendment does not provide a basis for a prohibition of discrimination in public accommodations be-

cause it deals only with State action, and referred to the civil rights cases decision of 1883 to support his contention. There are two fallacies in his argument: (A) The present title II is based on the 14th amendment only when discrimination or segregation by an enumerated establishment is supported by State action. Subsection (b) of section 201 defines State action for the purposes of title II. It covers racial discrimination or segregation which:

(1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of a State or political subdivision thereof.

(B) In the second place, the 14th amendment is one of two alternate constitutional bases for title II. The other constitutional base is the commerce clause of the Constitution. The Supreme Court said, in *National Labor Relations Board* v. *Jones & Laughlin Steel Corporation*, that "The fundamental principle is that the power to regulate commerce is the power to enact 'all appropriate legislation for its protection and advancement.'" This clearly gives Congress the power to legislate to remove impediments to interstate commerce.

One of the most important impediments to the free flow of interstate commerce, which includes travel, is the difficulty that Negroes experience in finding places to eat and sleep when they travel. Senator Stennis claimed that the Howard Johnson case put the regulation of restaurants outside the authority of Congress under the commerce clause. This is incorrect. The only thing decided by the Howard Johnson case is that the commerce clause does not by itself bar discrimination by restaurants. The court in no way passed on the power of Congress to legislate in this field. The case was decided when there was no Federal legislation on racial discrimination in public accommodations, thus it is not a test of Congress' power.

Senator Stennis objected to applying the commerce clause to a restaurant, hotel, or other establishment which, by itself, does not have a crucial impact on interstate commerce. But obviously the sum total impact of a number of trivial acts will be crucial. For this reason the Supreme Court decided, in *Wickard* v. *Filburn*, that the important test was the cumulative influence of many acts, not the effect, of a single act in isolation. This principle was more recently affirmed in the Reliance Fuel case, and it clearly supports the constitutionality of title II's use of the commerce clause to bar racial discrimination in public accommodations.

Bipartisan Civil Rights Newsletter No. 3, March 12, 1964

(This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be circulated whenever circumstances warrant—daily, if necessary.)

1. A mixed record on quorum calls: Early Wednesday afternoon, civil rights supporters responded so quickly that a quorum call took only 10 minutes. But when a second call was made at 6:25, it took fully an hour to assemble a quorum. This was a very disappointing performance. It had been announced that the Senate would stay in session until 8 p.m. and quorum calls are a favorite tactic of the opposition. They should be expected and therefore it is important that Senators stay in readiness to return to the Chamber as long as the Senate is in session. Long quorum calls do more to lose the civil rights battle than any argument of the opposition.

2. Making a positive case for civil rights: As Senators Humphrey, Kuchel, and Javits announced, civil rights Senators plan to make a detailed, title-by-title exposition of the bill. In making this announcement, Senator Humphrey remarked that "supporters will not, cannot, and should not content ourselves with merely listening to the opposition. We must state our case as well." It is hoped that this procedure will structure the debate by focusing attention on one title at a time. Each title will be discussed by a Republican and a Democratic Senator. Title I, on voting rights, will be discussed by Senators Hart and Keating. Title II, on public accommodations, by Senators Hruska and Magnuson; title III, on desegregation of public facilities, by Senators Javits and Morse; title IV, on education, by Senators Cooper and Douglas; title V, on the Civil Rights Commission, by Senators Long of Missouri, and Scott; title VI, on nondiscrimination in federally assisted programs, by Senators Cotton and Pastore; title VII, on equal employment opportunity, by Senators Case and Clark; titles VIII to XI, by Senators Dodd and one or more Republicans.

3. Was President Kennedy opposed to title VI? It has been alleged that because the late President Kennedy rejected a suggestion to cut off all Federal aid to Mississippi, he was opposed to title VI, which deals with racial discrimination in federally assisted programs. Title VI is not a departure from President Kennedy's views. He said that he was opposed to "a general wholesale cutoff of Federal expenditures, regardless of the purpose for which they were being spent." Title VI does not take this approach. The only authority under title VI is to cut off Federal assistance, as a last resort, for the specific program in which there is discrimination. Assistance for one program cannot be cut off because there is discrimination in another program.

4. The constitutional basis for title I: Yesterday, it was contended that title I unconstitutionally interferes with the right of States to establish qualifications for voters. It is concerned with the fair administration of whatever qualifications are set by the States. This is to be accomplished by several provisions. First, title I says expressly that voter qualifications are to be administered without discrimination. Second, it precludes disqualification of voters for mistakes that are not relevant to the question of whether the applicant is actually qualified. Third, it provides that if a State uses literacy tests, they must be administered in writing. Finally, the title establishes a rule of evidence: if literacy is a qualification for voting, a person with a sixth-grade education will be presumed to be literate unless the State demonstrates the contrary in court.

The authority of States to set voting qualifications is subject to the provisions of the 14th and 15th amendments. Title I is concerned with covert means of denying the right to vote, and as such is clearly supported by the Supreme Court, which held that "sophisticated as well as simple-minded modes of discrimination" are forbidden. (*Lane* v. *Wilson*, 307 U.S. 268.)

Bipartisan Civil Rights Newsletter No. 4—March 13, 1964

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152) headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of Senators who support this legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be circulated whenever circumstances warrant—daily, if necessary.)

1. A good record on quorum calls. Senate supporters of civil rights responded quickly to two quorum calls on Thursday. The first call took only 10 minutes, the second, only 16 minutes. A speedy response to quorum calls is the single most important factor in making steady progress on the bill.

2. Friday's schedule. The Senate will be in session on Friday until at least 7 p.m., and perhaps later. Civil rights supporters are urged to stay in readiness to respond to a quorum call at any time during this period.

3. Has the civil rights bill been considered by committees? Opponents of the civil rights bill have charged that the Senate is being asked to pass on civil rights legislation without the benefit of hearings and scrutiny by committees. In fact, the civil rights bill, in whole and in part, has been considered by four different committees of the Senate or House. The Senate is presently debating a motion to consider H.R. 7152. This bill was introduced in the House of Representatives last year. Subcommittee No. 5 of the House Judiciary Committee held 22 days of public hearings on H.R. 7152 and other civil rights bills. It heard 101 witnesses and received an additional 71 statements. Altogether, this testimony amounts to 2,649 pages of printed record. After the public hearings, the subcommittee studied the bill for 17 days in executive session. Subsequently the full House Judiciary Committee considered the bill in executive session for 7 days. The House Rules Committee then held 9 days of public hearings and took testimony from 39 witnesses that covered 518 pages of printed records. Furthermore, a subcommittee of the House Education and Labor Committee heard 33 witnesses in 10 days of hearings and printed 557 pages of record in connection with a fair employment provision on which title VII is partly based.

In the Senate a public accommodations bill, S. 1732, was referred to the Committee on Commerce, which held 22 days of hearings, heard 47 witnesses, took 81 additional statements, and compiled a printed record of more than 1,500 pages. Furthermore, the Senate Labor and Public Welfare Committee held 7 days of hearings on a bill to prohibit discrimination in employment, heard 55 witnesses and compiled a record of 578 pages.

Far from being unconsidered, the provisions of the civil rights bill have been the subject of lengthy and intensive scrutiny by congressional committees. All in all, 70 days of public hearings have been held, 275 witnesses have testified, an additional 152 statements have been submitted, and 5,792 pages of printed record have been compiled. This is not hasty legislation. In fact, we would like to point out that it is the result of suggestions made to the Congress by President Kennedy last June.

4. Denial of Negro voting rights: Section 1 of the 15th amendment to the Constitution states: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Notwithstanding this provision of the Constitution, Negroes have been denied the right to vote in some States. This discrimination is vividly depicted in the report submitted on H.R. 7152 by seven Republican members of the House Judiciary Committee. The following figures on registered voters in sample counties are taken from page 3 of that report:

	Population over 21	Registered voters	Percent
County D:			
White	2,648	3,500	132.1
Negro	1,255	29	2.3
County E:			
White	4,116	6,130	148.9
Negro	909	56	6.1
County F:			
White	1,974	2,437	125.4
Negro	1,336	3	.2
County G:			
White	6,415	5,212	81.3
Negro	5,032	34	.7

Figures like these leave no doubt about the need for action to give Negroes the right to vote. The constitutional power of Congress to take such action is granted by section 2 of the 15th amendment: "The Congress shall have power to enforce this article (sec. 1, quoted above) by appropriate legislation."

Under the circumstances, title I is the appropriate legislation, and it is long overdue.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 5—MARCH 14, 1964

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator **Hubert H. Humphrey** and Senator **Thomas Kuchel**, will distribute this newsletter to the offices of Senators who support this legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be circulated whenever circumstances warrant, daily, if necessary.)

1. Box score on quorum calls: Eighteen and 21 were all the minutes required Friday to respond to two quorum calls. All Senators have high expectations for Saturday. Remember our credo: "Every quorum a live quorum," particularly today.

2. Area of controversy narrowed: There were early indications that differences of opinion existed as to the merits of title VI. Apparently these were unfounded. Observe the following colloquy:

Mr. **Robertson**. I do not know that any Federal money is given to support racial discrimination.

Mr. **Hart**. Then we should cut it off when we find it being practiced. Does the Senator agree?

Mr. **Robertson**. If it is found that racial discrimination is deliberately practiced by someone in a program which the Federal Government is financing: yes (45 Congressional Record, 4911.)

This clarifying exchange well exemplifies the value of positive participation in the floor discussion by civil rights supporters.

3. Schedule for Saturday and Monday: Saturday's schedule calls for the Senate to be in session from 12 until approximately 6. The Senate will begin its session on Monday at 11 a.m.

4. The 1883 civil rights cases and the commerce clause: Friday's discussion on the floor once again amply displayed the assertion that the commerce power granted Congress by the Constitution will not support provisions such as those in title II. Careful reading of the decision of the Court in the civil rights cases indicates that the public accommodations statute of 1875 could have been sustained if based on article 1, section 8, clause 3 (commerce clause) of the Constitution. The majority opinion of the Court in the 1883 decision carefully stated that they were not foreclosing a statute based on the broad powers of Congress such as are found in the commerce clause. Mr. Justice Bradley wrote: "Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such power to the States, as in the regulation of commerce with foreign nations, and among the several States and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and the conduct and transactions of individuals in respect thereof" (109 U.S. 3, 18 (1883)).

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 6—MARCH 16, 1964

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator **Hubert H. Humphrey** and Senator **Thomas Kuchel**, will distribute this newsletter to the offices of Senators who support this legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Fine record on quorum calls: Civil rights supporters have continued to meet quorum calls successfully. Only 31 minutes were required to meet the quorum called shortly after noon Saturday. The session today will mark the 7th day of the debate on the majority leader's motion that the Senate proceed to consider H.R. 7152.

2. Schedule for Monday: The Senate will begin its session today at 11 a.m. and stay in session until about 8:30. As the week progresses the Senate will convene its sessions earlier each day and continue longer each evening. A Saturday session is planned.

3. Schedules for Senators: Schedules are being drafted that will provide for the presence of at least four civil rights supporters on the floor each day to participate in debate and questioning. This will, of course, be a bipartisan effort and schedules will be distributed as soon as completed—probably early this week.

4. The high cost of racial discrimination to our economy: In September 1962, the Council of Economic Advisers released a statement on the "Economic Costs of Racial Discrimination in Employment." The Council's estimate is that gross national product might rise by 2.5 percent if the present educational achievement of nonwhites were fully utilized by removal of discrimination in employment. If, in addition, nonwhites attained as much education as whites and there were no barriers to their employment, gross national product might rise by 3.2 percent; i.e., $17 billion at today's levels of gross national product. This, of course, in no way measures the heaviest cost of all—the loss of human dignity accompanying racial discrimination.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 7—MARCH 17, 1964

(This bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator **Hubert H. Humphrey** and Senator **Thomas Kuchel**, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Dinner-hour quorum call stretches to 67 minutes: After two afternoon quorum calls where civil rights Senators responded promptly, a quorum call begun at 6:27 p.m. ran until 7:34 p.m. before 51 Senators responded to their names. Senators should expect that quorum calls will take place frequently during the dinner hour, particularly as the evening sessions lengthen. The more promptly that Senators respond to such quorum calls the more efficiently we can proceed with the civil rights legislation. Each Senate office should be fully informed where its Senator can be located for quorum calls in the evening hours.

2. Schedule for Tuesday: The Senate session will begin at 11:00 a.m. and continue until at least 9:00 p.m. Senators should expect live quorums at any time when the Senate is in session.

3. Civil rights groups visit Washington: From time to time during the Senate debate on civil rights bill, civic, religious, and other groups will come to Washington to express their support for the objectives of the bill. The first of these visits is already underway. The Committee for Racial Justice Now and the Council for Christian Social Action, both agencies of the United Church of Christ (Congregational), are here Monday through Wednesday of this week. More than a hundred religious leaders from all parts of the country are meeting at the First Congregational Church of Washington, 10th and G Streets NW. At 7:30 tonight, the Reverend Ben Herbster of Ohio, President of the United Church of Christ, will conduct a worship service on behalf of civil rights.

4. Quote without comment: "This year we've probably added $8 to $10 million of future bookings because we're integrated."—Ray Bennison, convention manager of the Dallas Chamber of Commerce, quoted in the Wall Street Journal, July 15, 1963.

5. Opponents of the civil rights bill have strongly criticized title II, on racial discrimination in public accommodations, as an unprecedented violation of private property rights. As a matter of fact, such measures are not a new departure in American law. They have been adopted in 31 States and dozens of cities, and in many cases have been on the books for 10 years or more. Most of them are far tougher than title II, and are broader in coverage. Many of these laws allow criminal sanctions for violations and permit injured parties to sue for recovery of damages. Furthermore, their constitutionality against claims that they violate due process private property rights has been sustained by Supreme Court decisions. See *Bob-Lo Excursion Company* v. *Michigan*, 333 U.S. 28 (1948); and *District of Columbia* v. *Thompson Company*, 346 U.S. 100 (1953). Following is a list of States with public accommodations laws: Alaska, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, Wisconsin, and Wyoming.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 8—MARCH 18, 1964

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator **Hubert H. Humphrey** and Senator **Thomas Kuchel**, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum calls quickly met: on the ninth day of debate on the majority leader's motion that the Senate proceed to consider H.R. 7152, civil rights proponents continued to meet quorum calls successfully. The first was completed in 13 minutes and the second, at 7 p.m., in 25 minutes.

2. Schedule for Senators for balance of week:

WEDNESDAY, MARCH 18

Democrats: **Humphrey**, **Douglas**, **Burdick**, **Williams** of New Jersey, **Church**. Republicans: **Javits**, **Fong**.

THURSDAY, MARCH 19

Democrats: **Humphrey**, **Magnuson**, **McIntyre**, **Pell**, **Kennedy**. Republicans: **Hruska**, **Allott**.

FRIDAY, MARCH 20

Democrats: **Humphrey**, **Dodd**, **Nelson**, **Kennedy**, **Metcalf**. Republicans: **Keating**, **Jordan**.

SATURDAY, MARCH 21

Democrats: **Humphrey**, **Hart**, **Church**, **Pell**. Republicans: **Case**, **Prouty**.

Republican Senators find that any conflicts as to time arise, they are to contact Mark Trice or Bill Brownrigg at extension 3835 or 6191.

Democratic Senators' assignments have been chosen on the basis of information previously submitted by each Senator on dates his services would be available. It is assumed that each Senator will assume the responsibility for obtaining a replacement if a conflict in schedule subsequently arises. In such a case, they are to notify Jane Low at extension 2424.

3. Another concession on voting right denials: Again there was an indication that differences on the facts about voting rights denials are smaller than one would have expected. In a colloquy on March 16, the following occurred:

Mr. RUSSELL. Mr. President, as I have said, the issue of voting rights has been exaggerated out of all proportion. In some counties in Southern States there has been rank discrimination against Negroes in voting.

Mr. COOPER. I did not intend to get into a debate on the question of voter registration. But I believe the fact that persons do not exercise their right to vote is not an argument for continuing a policy of preventing them for voting.

Mr. RUSSELL. It is no excuse whatever (48 CONGRESSIONAL RECORD 5175).

Bipartisan Civil Rights Newsletter No. 9—March 19, 1964

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Thursday schedule: The Senate session will begin at 11 a.m. today and will continue until about 5:30 p.m. Senators should expect live quorum calls at any time today.

2. Quote without comment: "That a Federal law prohibiting racial discrimination in retail outlets would be helpful to retailers in localities where segregation is still required by local law or local custom would seem to be rather obvious * * * once the elimination of segregated facilities becomes universal, the great majority of our people may be expected to accept the new conditions even though not everyone will welcome them. In that event, retailers and restaurant operators would no longer be forced to take sides and suffer the consequences in the shape of lost sales as they are in so many areas under present conditions." From the July 1963 issue of Chain Store Age.

3. Defining discrimination: Critics of the civil rights bill have charged that the word "discrimination" is left undefined in the bill and therefore the door is open for interpretation of this term according to "whim or caprice." There is no mystery or vagueness about the word "discrimination" as it is used in the bill. Retired Supreme Court Justice Charles E. Whittaker, in an article which Senator THURMOND has described as "very enlightening" (CONGRESSIONAL RECORD, March 17, p. 5437), observes that "The meaning of the term 'discrimination' in its legal sense, is not different from its dictionary meaning." Webster's New Collegiate Dictionary (2d ed., 1951), says that discrimination is "a distinction, as in treatment; especially, an unfair or injurious distinction."

The term "discrimination" is used in a number of statutes without definition. The Interstate Commerce Act (219 U.S.C. 316d) states that it shall be "unlawful * * * to subject any particular person * * * to any unjust discrimination." Similarly, the Federal Aviation Act (49 U.S.C. 1375b) provides that no air carrier shall "subject any particular person * * * to any unjust discrimination."

There is no sound basis for uncertainty about the meaning of discrimination in the context of the civil rights bill. It means a distinction in treatment given to different individuals because of their different race, religion, or national origin.

4. Separate but equal? The Supreme Court decided in *Brown* v. *Board of Education* that racially segregated public schools are inherently unequal. Opponents of the civil rights bill have continued to defend segregated schools, but have insisted that these systems provide "separate but equal" facilities for white and Negro students. How true is this claim? We have been able to find figures comparing per-pupil expenditures for whites and Negroes in six Southern States. In five of these six States the amounts spent on Negro public schools are markedly less than those spent on white schools. These figures show the extent to which Negro taxpayers are shortchanged when it comes to public education.

Annual expenditure per pupil

	White	Negro
Alabama	$182.68	$161.77
Arkansas	246.68	197.00
(Computed on average daily attendance.)		
Louisiana	234.00	182.00
North Carolina	172.00	165.00
Mississippi	173.42	117.10

Bipartisan Civil Rights Newsletter, No. 10—March 20, 1964, the 11th Day of Debate on the Mansfield Motion

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. More fast work on quorums: On the 10th day of debate on the majority leader's motion to consider the civil rights bill, the bill's supporters took an average time of only 15 minutes to respond to two quorum calls.

2. "Educational debate" continues: Yesterday morning Senator MANSFIELD propounded a unanimous consent agreement that the Senate vote on Monday on his motion to consider the civil rights bill. He pointed out that the past 10 days' debate has in fact been concerned with the pros and cons of the bill, and that the Senate should acknowledge this reality by proceeding directly to consideration of the proposed legislation. Senator RUSSELL objected.

3. Friday's schedule: The Senate will be in session from 11 this morning until at least 9 this evening. Senators should expect live quorum calls at any time today. There will be a session this Saturday and there will be live quorums.

4. Separate but note quite equal: According to the Virginia Supreme Court, a drugstore in Danville refused to serve Coca-Cola to Negroes. The store was willing to serve Negroes Pepsi-Cola, but not in glasses, only in paper cups, for which there was an additional 1-cent charge. See *Cook* v. *Patterson Drug Co.*, 185 Va. 516, 39 S.E. 2d 304 (1946).

5. Quote without comment: "Simple justice requires that public funds, to which all taxpayers of all races contribute, not be sent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination." President Kennedy's civil rights message, June 19, 1963.

6. Desegregation isn't so bad after all: El Paso, Tex., was the first city in any Southern State to adopt a comprehensive public accommodations ordinance. Mr. Richard Marshall, an attorney in El Paso, described his city's experience with this new law:

"Our experience has been gratifying. Our four aldermen were all in favor of it, but the mayor vetoed it and the ordinance was passed over his veto. There was no violence, there were no demonstrations, and there was acceptance of the ordinance by the hotels, theaters, and restaurants of El Paso. Many of the theaters and restaurants welcomed with relief the passage of the ordinance, since they had the force of law behind their natural desire to serve all patrons without causing arguments on their business premises.

"I do not think that even the most fervent 1962 opponents of the ordinance among the restaurants and hotel people would today be able to state that this legislation had either harmed their business, taken any of their property or profits from them, deprived them of any of their liberties, or created any super police power in the community."

Bipartisan Civil Rights Newsletter No. 11—March 21, 1964, the 12th Day of Debate on the Majority Leader's Motion That the Senate Proceed To Consider H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: There were two quorum calls on Friday requiring 19 minutes the first time and 22 minutes the second. Once again optimism runs high for Saturday's session, which will begin at 11 a.m.

2. Schedule for next week: On Monday the session will begin at 10 a.m. pursuant to recess and run later into the evening than during the preceding week. The 10 o'clock starting time and late recesses are expected to be the rule for the whole week through Thursday with an Easter recess anticipated for Friday and Saturday. The Senate will be in session, however, on Monday, March 30.

3. Two public officials comment on need for public accommodations legislation: Opponents of title II contend that voluntary efforts toward desegregation of public accommodations would be peaceful and successful, therefore, Federal legislation not necessary. During the course of the Senate committee hearing on the public accommodations bill, Gov. George Wallace of Alabama disagreed. Governor Wallace made the following reply to a question about the likelihood of voluntary desegregation of public establishments in Alabama:

"No, sir; they can integrate. Let them go ahead and integrate. One or two have talked about integrating in Birmingham, Ala. They have had Negro boycotts, now they have white boycotts."

Another public official who appeared as a witness at the Senate committee hearings, Mayor Ivan Allen, Jr., of Atlanta, Ga., prophesied the possible futility of past progress if Congress fails to enact this measure.

"Surely the Congress realizes that after having failed to take any definite action on this subject in the last 10 years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the Nation. Cities like Atlanta might slip backward.

"Hotels and restaurants that have already taken this issue upon themselves and opened their doors might find it convenient to go back to the old status. Failure by Congress to take definite action at this time is by inference an endorsement of the right of the private business to practice racial discrimination, and in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past.".

Bipartisan Civil Rights Newsletter No. 12—March 23, 1964, the 13th Day of Debate on the Motion of the Majority Leader That the Senate Proceed To Consider H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: The quorum on Saturday was achieved within 24 minutes of the call. This was 7 minutes faster than the preceding Saturday.

2. Schedule for Monday and Tuesday: The session will begin at 10 a.m. today and tomorrow and is expected to recess at or near 10 p.m. each evening. The bipartisan floor managers and captains are as follows:

DEMOCRATIC CAPTAINS

For Monday: All day, Senator Humphrey; convene, 1, Senator Long of Missouri; 1–4, Senator McIntyre; 4–7, Senator Nelson; 7–recess, Senator Bayh.

For Tuesday: Senator Humphrey, Senator Clark, Senator Burdick, Senator Kennedy, Senator Dodd.

REPUBLICAN CAPTAINS

For Monday: Senator Cotton, Senator Boggs.

For Tuesday: Senator Hruska, Senator Bennett.

3. Easter recess: The Senate will recess Thursday, March 26 and meet again on Monday, March 30. Full sessions are anticipated for Thursday and Monday.

4. The necessity for equal employment opportunity: "The average nonwhite (male) with 4 years of college can expect to earn less over a lifetime than the white (male) who did not go beyond the eighth grade," according to a study made by the Bureau of Census, Department of Commerce. This conclusion was based upon the following figures contained in the study:

Estimated lifetime earnings of males, by color (earnings from age 18 to 64)

Highest grade completed	White	Nonwhite	Nonwhite as percent of white
Total	$241, 000	$122, 000	51
Elementary school:			
Less than 8 years	157, 000	95, 000	61
8 years	191, 000	123, 000	64
High school:			
1 to 3 years	221, 000	132, 000	60
4 years	253, 000	151, 000	60
College:			
1 to 3 years	301, 000	162, 000	54
4 years	395, 000	185, 000	47
5 years or more	466, 000	246, 000	53

Bipartisan Civil Rights Newsletter No. 13—March 24, 1964

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Monday's quorum performance: Three quorum calls were answered in an average of 18 minutes.

2. Tuesday's schedule: The Senate session will begin at 10 o'clock this morning and will continue until 10 o'clock this evening. Senators should expect live quorum calls at any time during the session.

3. It's not easy to get the color right: The application form for voter registration in Louisiana includes a blank space in which the applicant must list his color. In Beinville Parish, Negroes were purged from the voting rolls for having answered this question with any of the following words: "Negro," "Brown," "Colored," or "Dark." The registrar of Beinville Parish testified in Federal Court that she would reject Negro applicants who filled in the blank with the word "Negro." Her reason for this position was that Negro is not a color but a race. In adjoining Jackson Parish the registrar testified in Federal Court that she rejected applicants who stated that they were brown; in Jackson Parish "Negro" is the accepted answer. In Orleans Parish it is acceptable to answer the question with either "Negro," or "Colored," but not with "Brown" or "Black." (Incidentally, in many of the courthouses in these parishes where registration occurs there are separate restrooms for Negroes and white labeled "White" and "Colored."

Sec. 101(a)(2)(B) of the civil rights bill prohibits denying "the right of any individual to vote in any Federal election because of an error or omission of such individual on any record or paper relating to any application, registration, payment of poll tax, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election."

4. A closer look at "separate but equal" education in Mississippi: Last week we presented figures showing that the average annual expenditure (computed by dividing the average daily attendance into the total instructional cost) for Negro pupils in the Mississippi school system was $117.10, compared to $173.42 for white pupils. Other data on public education in Mississippi came to light. These figures, all taken from official reports of the State of Mississippi, disclose the extent to which Negro students are given inferior educational opportunities. Negro teachers get lower pay and have larger classes, thus making it more difficult for students to get adequate individual attention. More than half of all Negro elementary schools and almost a quarter of all Negro high schools do not meet even the accreditation standards of the State of Mississippi itself.

Average annual salary of classroom teachers, 1961–62

White	$3, 742. 39
Negro	3, 236. 75

Source: Statistical Data, School Session 1961–62, Mississippi State Department of Education (1962), p. 42.

PUPIL-TEACHER RATIO

White: 1 teacher for each 23 pupils.
Negro: 1 teacher for each 28.5 pupils.

Source: Ibid., pp. 1, 39; computed on the average daily attendance.

Percentage of public schools accredited by the State of Mississippi

[Percent]

	White	*Negro*
Elementary schools	96. 9	44. 3
Junior high schools	100. 0	89. 7
High schools	100. 0	76. 3

Source: Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1959–60 and 1960–61, p. 137.

Bipartisan Civil Rights Newsletter No. 14—March 25, 1964, the 15th Day of Debate on the Majority Leader's Motion That the Senate Consider H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of Senators who support this legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Senate supporters of civil rights continued their fast work on quorums, making three calls on Tuesday in the average time of 19 minutes.

2. Schedule for Wednesday: The session will begin at 10 this morning and will continue until late this evening. Senators should expect live quorums at any time during the day.

3. From the UPI ticker: "Senate leaders agreed informally today to vote Thursday on the twin issues of taking up the civil rights bill and referring it to committee for a 10-day study.

"Senator Keating, Republican, of New York, told the Senate that his mail, which once had run 50–50, now was running 4 to 1 in favor of the rights bill."

4. Quote without comment: "Mr. Smathers. I do not deny that there has been infringement of the right to vote." (Congressional Record, March 23, p. 5995.)

5. Support for civil rights in Iowa: In a few days in the early part of March citizens of Des Moines wrote over 1,600 letters to their two Senators in support of the civil rights bill.

6. Equal rights in Alabama: Applicants for voter registration in the State of Alabama are required to fill out a lengthy form. One of the trickier questions reads, "Will you give aid and comfort to the enemies of the United States or the government of the State of Alabama?" One white applicant replied, "If hurt would give comfort only if wonded [sic]." He passed. On the other hand, Alabama registrars have "found" Negro professors, scientists, and graduate students to be illiterate.

7. Opponents of the civil rights bill sometimes give listeners the impression that the bill's provisions against racial discrimination in employment are a dangerous and tyrannical departure from all hitherto existing American experience. In fact, laws prohibiting discrimination in employment have been adopted in 25 States. Many of these State laws go a good deal further than title VII of H.R. 7152. They provide criminal penalties for violations, are broader in coverage, and give enforcement powers to administrative or quasi-judicial agencies. On the other hand, H.R. 7152 does not provide for criminal penalties, is restricted to establishments that affect commerce and have 25 or more employees, and give enforcement powers only to the Federal courts. The following 25 States have fair employment practice laws: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota Missouri, New Jersey New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin.

Bipartisan Civil Rights Newsletter No. 15—March 26, 1964, The 16th Day of Debate on the Motion of the Majority Leader That the Senate Proceed to Consider H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: There was one quorum call on Wednesday which required 24 minutes to meet. With full attendance expected today, our record should be even better.

2. Schedule for Thursday: The Senate will meet at 9 a.m. today and there will be no morning hour. The vote on the Mansfield motion to take up the civil rights bill is expected shortly after the Senate convenes, and the vote on the Morse motion to send the bill to the Judiciary Committee will be taken during the afternoon. At the close of business on Thursday, the Senate will recess for the Easter holidays until Monday.

3. Discrimination by ordinance: A number of cities and States require racial segregation in places of public accommodation. For example, in Birmingham, Ala., it is against the law for any restaurant to serve whites and Negroes in the same room unless they are "separated by a solid partition extending from the floor upward to a distance of 7 feet or higher, and unless a separate entrance from the street is provided for each compartment."

In Durham, N.C., the city code requires separate rooms for Negroes and whites in any public eating place which serves both races. "The partition between such rooms shall be constructed of wood, plaster, or brick, or like material, and shall reach from floor to the ceiling."

A State law in Oklahoma requires the telephone company to provide separate phone booths for each race at the request of a particular locality. In Texas, Tennessee, and Oklahoma, coal mine operators must provide separate bath and locker facilities for Negroes. An Arkansas law requires that race tracks must provide segregated seating, and Louisiana and South Carolina both have specific laws requiring separate entrances and seating at circuses.

4. Literacy tests: In an article in the March 26 edition of the Reporter, John and E. W. Kenworthy set forth this example of voter registration procedures in Mississippi. The Reverend James C. Chandler, a Negro minister, failed to qualify to vote in Hattiesburg because he had given the year of his birth on an application, but not his age. John Cecil McMillan, white, of George County, applied and was asked the following questions:

Question. What does the phrase "There shall be no imprisonment for debt" mean?

Answer. I thank that a Neorger shall have 2 years in college before voting, because he don't under stand?

Question. What are the duties and obligations of citizenship?

Answer. Under Standing of pepper and Government ship Bessing.

Mr. McMillan passed the test and is registered to vote.

Bipartisan Civil Rights Newsletter No. 16—March 27, 1964, the 17th Day of Debate Since the Majority Leader Moved That the Senate Proceed To Consider H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: There were three quorum calls on Thursday. The first required 18 minutes to meet, and the second, 12. The third was withdrawn by unanimous consent after 2 minutes.

2. Votes: By a vote of 67 to 17 the motion to take up the bill was passed. By a vote of 50 to 34 the Morse motion to refer the bill to committee was tabled.

3. Schedule for Monday: The Senate will meet at noon and there will be a morning hour.

4. The Motorola case: A recent decision attributed to the Illinois FEPC in the case of *Myart* v. *Motorola, Inc.*, has been repeatedly cited as an example of the lengths to which the proposed Equal Employment Opportunity Commission might be expected to go. In that case, the hearing examiner found that an employment test was "obsolete" because its norm was derived from standardization on advantaged groups, and he ordered Motorola to cease using the test.

The facts: The decision is merely an initial or preliminary decision by a part-time hearing examiner. The Illinois Commission, according to its chairman, "has not taken any stand of any kind at any time on the issue of the use of tests in employment." The commission "has issued no orders and has taken no position" on the hearing examiner's finding.

Whatever the final action on the case, the citation of the examiner's finding has no application to title VII. First, unlike the Illinois commission, the Equal Employment Opportunity Commission established by title VII would have no adjudicative functions and no authority to issue enforcement orders. Only a Federal court would have authority to determine whether there had been a violation of the act and only the court could enforce compliance. Second, under title VII, even a Federal court could not order an employer to lower or change job qualifications simply because proportionately fewer Negroes than white are able to meet them. Title VII says only that covered employers cannot refuse to hire someone simply because of his color. But it expressly protects the employer's right to insist that any applicant meet the applicable job qualifications.

Bipartisan Civil Rights Newsletter No. 17—March 30, 1964

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator Hubert Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Schedule for the week: Today the Senate will convene at noon and continue until about 9. Tuesday through Thursday the sessions will begin at 11 a.m. and run until approximately 10 p.m. Friday and Saturday the sessions will begin some time earlier than 11 a.m.

2. Presentation of the case for H.R. 7152: As the civil rights bill is now officially before the Senate for consideration, the proponents of this legislation will begin an affirmative presentation of the need for the provisions of the bill. Senators Humphrey and Kuchel will lead off this effort today with an explanation of the considerations requiring enactment of the bill and a description of each title. Subsequently, each title of the bill will be the subject of detailed explanation by the bipartisan leaders assigned to each title. This will encourage an organized consideration of the bill title by title.

3. FLOOR MANAGERS FOR MONDAY AND TUESDAY

For Monday: All day: Senator Humphrey.
Convene, 1: Senator Douglas.
1–4: Senator Church.
4–7: Senator Ribicoff.
7–recess: Senator Kennedy.

For Tuesday: All day: Senator Humphrey.
Convene, 1: Senator Long of Missouri.
1–4: Senator McIntyre.
4–7: Senator Moss.
7–recess: Senator Nelson.

4. Excerpt from report of Labor and Public Welfare Committee: "The startling fact is that one out of every five of the unemployed and one out of every four of the long-term, hard-core unemployed is nonwhite. Stated somewhat differently, approximately 900,000 of the 7 million nonwhites in the labor force are unemployed, a figure which represents more than 22 percent of the total unemployed figure. Thus although Negro and other nonwhite Americans constitute only 10 percent of the labor force, they make up more than twice that figure in the ranks of the unemployed" (S. Rept. No. 867, p. 6).

Bipartisan Civil Rights Newsletter No. 18—March 31, 1964

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. An orderly debate on the bill: Now that the civil rights bill has been made the pending business of the Senate, its proponents intend to discuss the merits of the legislation in an orderly manner, taking up each title in sequence.

Yesterday, general opening statements in support of the bill were made by the two overall bipartisan leaders, Senators Humphrey and Kuchel. No affirmative presentations have been scheduled for today, on the assumption that the opponents of the bill would desire an early opportunity to respond to yesterday's speeches.

It is anticipated that the affirmative case for title I (voting rights) will be made on Wednesday. Senator Keating, the Republican floor captain in charge of title I, will open the presentation, and Senator Hart, his Democratic counterpart will follow. The bipartisan proponents of the bill hope that the ensuing debate will be germane to the provisions of title I, so as to sharpen the issues raised and enhance public understanding of them.

No firm date has yet been set for the presentation of the affirmative case for title II (public accommodations). The schedule of those Senators who have been assigned the responsibility for presenting the case for the various titles follows:

	Democrats	Republicans
Title I (voting rights)	Hart	Keating.
Title II (public accommodations).	Magnuson.	Hruska.
Title III (public facilities)	Morse	Javits.
Title IV (school desegregation)	Douglas	Cooper.
Title V (Civil Rights Commission).	Long of Missouri.	Scott.
Title VI (federally assisted programs).	Pastore	Cotton.
Title VII (equal employment opportunity).	Clark	Case.
Titles VIII through XI	Dodd	

2. Need to maintain quorums continues. The change in the parliamentary situation brought about by the adoption of the motion to take up the civil rights bill and the adjournment of the Senate last week, have not altered the need to keep a quorum continuously available when the Senate is in session. Senators are earnestly requested to continue to abide by the quorum duty schedules, and to procure substitutes for any period when they cannot be present to answer quorum calls.

3. This week's floor manager schedule. Although the proponents of the bill are now making the affirmative case and debating the bill on the merits, Senators who have been

scheduled for floor duties should nevertheless plan to be present on the floor at assigned times. The schedule for the remainder of the week follows:

	Today	Wednesday, Apr. 1	Thursday, Apr. 2	Friday, Apr. 3	Saturday, Apr. 4
DEMOCRATS					
All day	Humphrey	Humphrey	Humphrey	Humphrey	Humphrey
Convene to 1 p.m	Long of Missouri	Clark	Hart	Douglas	Magnuson
1 to 4 p.m.	McIntyre	Bayh	Brewster	Burdick	McCarthy
4 to 7 p.m.	Moss	Kennedy	Muskie	Williams	Dodd
7 p.m. to recess	Nelson	Pell	McCarthy	Clark	McGovern
REPUBLICANS					
All day	Kuchel Javits Jordan	Kuchel Cotton Cooper	Kuchel Case Saltonstall	Kuchel Dominick (1)	Kuchel (1) (1)

[1] To be announced.

Bipartisan Civil Rights Newsletter No. 19, April 1, 1964

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard. Senate supporters of civil rights may have gotten rusty after the Easter recess. It took them fully 20 minutes to make the only quorum call on Tuesday. Now that the debate on the bill has actually begun, it is more important than ever to make quorums quickly. All deliberate speed is not fast enough.

2. Wednesday's schedule. The session will begin at 11 this morning and will continue until at least 8 this evening. Senators should expect live quorums at any time while the Senate is in session. Senators Keating and Hart will make a detailed presentation of the positive case for Title I (Voting Rights) today.

3. The schedule for the rest of the week. Senators Morse and Javits will speak in favor of Title III (Desegregation of Public Facilities) on Thursday and Friday whenever discussion of title I is completed.

4. More on "Separate but Equal." Dr. Max Seham, a distinguished doctor in Minneapolis, has written two authoritative articles on racial discrimination in hospitals. Below are some passages from his articles, which make clear the tragic consequences of racial prejudice:

"Infant mortality rates reflect the contrast in available medical services. In Minnesota, in 1960, the infant mortality rate for whites was 21.6 and for nonwhites, 22.6; while in Mississippi, it was 26.6 for white infants and 54.3 for nonwhites.

"There is no question that if the same care were available to Negroes in Mississippi and other Southern States as in Minnesota and other Northern States, Negro morbidity and mortality rates could be sharply reduced and vast human waste and suffering could be prevented. There is no use to belabor the point: Factors responsible for this shocking injustice are poverty, lack of Negro doctors, exclusion of Negroes from first-class 'white' hospitals

"There is no need to describe in detail the many tragedies attributable to discrimination by 'white' hospitals against Negroes. Women in labor have been compelled to deliver on cold sidewalks outside of 'white hospitals.' Victims of accidents have repeatedly been given first aid for skull fractures or other injuries, only to be sent away from 'white' hospitals to inadequate Negro hospitals where death has often followed.

"The most publicized of such inhuman treatment was that of the father of Walter White, the executive secretary of the National Association for the Advancement of Colored People. The elder White was run over by a white physician's car on the streets of Atlanta, and taken to a 'white' hospital. White was not recognized as a Negro, and he was given the best emergency treatment, but when Walter White, his son, identified him, the father was hustled to a Negro hospital. He died in 24 hours.

"It seems incredible that in the year 1964, in the United States of America, such barbaric treatment of Americans exists. But let the record speak for itself:

"In Atlanta * * * of 4,500 available hospital beds, only 630 are available to Negroes, although 50 percent of the population is Negro.

"In Birmingham, Ala., the city where dogs were unleashed against colored children, area hospitals have allocated 1,762 beds to whites and 574 to Negroes, although about 40 percent of the population is colored."

Bipartisan Civil Rights Newsletter No. 20—April 2, 1964

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the office of Senators who support the bill. This newsletter will help to keep Senators and their staffs informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Something must have happened to civil rights Senators over the Easter recess. They responded to the first quorum call on Wednesday in the mediocre time of 22 minutes, and then disaster struck. It took 1 hour and 2 minutes to make a quorum late in the afternoon. This is the outstanding victory of the week for the opposition.

2. Thursday's schedule: The session will begin at 11 this morning and will continue until at least 9 this evening. Senators should expect live quorums at any time. Senators Javits and Morse will present the affirmative case on title III (desegregation of public facilities).

3. The rest of the week: The Senate will meet at 11 every day for the remainder of the week, including Saturday.

4. Quote without comment: Mr. Thurmond. "It is clear that the 14th amendment was never lawfully submitted or lawfully ratified. Therefore, I deny that the 14th amendment is a lawful amendment." Congressional Record, March 31, 1964, page 6662.

A SHORT COURSE ON TITLE I

A. The need for title I: In many States Negroes are not allowed to vote. Even such opponents of the civil rights bill as Senators Ellender, Russell, and Smathers admit this. There are dozens of counties were less than 5 percent of the adult Negroes are registered to vote; in some counties, no Negroes at all are registered. The Civil Rights Acts of 1957 and 1960 were passed to deal with this denial of constitutional rights. Court action under these laws has given many Negroes the right to vote and has also documented the subterfuges and evasions that are used to prevent Negroes from registering. Title I prohibits the most glaring and unfair of such practices.

B. The major provisions of title I: (1) Negroes and whites who apply for registration must be treated equally and evaluated by the same standards. This is based on the practice, all too common in many places, of approving any application by a white man and imposing ridiculous or impossible requirements on Negro applicants.

(2) Officials cannot reject an application for voting registration for reasons, such as trivial mistakes or omissions on application forms, that have nothing to do with the applicant's actual qualification. It will no longer be legal, for instance, to reject a Negro because he did not give his age correctly in years, months, and days.

(3) If a literacy test is used by a State, it must be given in writing if the applicant so requests; furthermore, if he requests it, he must be given a copy of the questions and his answers whether given in a written or oral test. Orally administered literacy tests are often used, and some officials have exercised complete discretion to reject answers by Negroes. Under such methods, Negro teachers and scientists have failed to pass literacy tests. This provision would permit a court to judge whether the test had been fairly administered.

(4) Furthermore, if literacy is a qualification for voting, a sixth-grade education shall be considered presumptive evidence of literacy, although the State may attempt to rebut this presumption in court.

(5) Finally, voting rights cases may be heard by a three-judge court, from which appeals will go directly to the Supreme Court.

C. Objections to title I. No one claims that Negroes should be prevented from voting, and no Senator has categorically denied that discrimination in voting does exist. The opposition to title I is expressed on constitutional grounds. It is claimed that under the title the Federal Government would establish qualifications for voting, and that this power is given exclusively to the States by the Constitution. In fact, title I does not set any qualifications. What it does is to say that whatever qualifications are imposed by the States must be applied equally to whites and Negroes alike. The sixth-grade presumption applies only where a State has a literacy test and it is merely a rule of evidence requiring proof that a man with such education is illiterate.

These arguments overlook the 14th amendment, which guarantees equal protection of the laws, and the 15th amendment, which prohibits denying the right to vote on account of race or color. Both of these amendments expressly state that Congress may enforce their provisions by appropriate legislation. The Supreme Court has repeatedly held that these amendments provide ample constitutional basis for congressional action to legislate to safeguard democratic elections. One such decision said that the 15th amendment was directed against all "contrivances by a State to thwart equality in the enjoyment of the right to vote by citizens of the United States regardless of race or color" (*Lane* v. *Wilson*, 307 U.S. 268 (1939)).

Bipartisan Civil Rights Newsletter No. 21—April 3, 1964, the 5th Day of Debate on H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the bill. This newsletter will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: The civil rights quorum machine continues to creak and sputter along. It took 53 minutes to make one quorum call on Thursday and 44 minutes to make the other one. This doesn't break Wednesday's record for all deliberate speed, but it comes close.

2. Friday's schedule: The Senate will convene at 11 and stay in session until at least 9 p.m. Speakers: Senators Douglas and Cooper. Subject: School Desegregation (title IV). Floor captains: Democrats: Douglas (11 to 1); Burdick (1 to 4); Williams (4 to 7); Clark (7 to closing); Republicans: Dominick (all day); Scott (all day).

3. From the AP ticker: "President Johnson apparently is giving his legislative lieutenants little room to maneuver toward any compromise that might insure Senate passage of the civil rights bill.

"The President was described by close associates today as being hard-rock firm against any changes in the House-passed measure. They said he has maintained this attitude in private strategy conferences as well as in his public statements."

A SHORT COURSE ON TITLE III

A. The need for title III: In a series of decisions beginning with the Brown case in 1954, the Supreme Court has made it unmistakably clear that public facilities of any kind may not be racially segregated. Despite this clear statement of law, many localities continue to deny Negroes their rights to free and complete access to parks, swimming pools, and similar facilities. In other words, some State and local governments are violating the 14th amendment by denying some of their citizens equal protection of the law. Under present statutes, the only way Negroes can obtain their constitutional rights is to initiate lawsuits and carry them through the courts, matching their financial resources against all the power and wealth of a city or State. It has been estimated that the average cost of a single such lawsuit is about $15,000—a high price for a Negro to pay to enjoy his constitutional right to walk through the public park that his tax money has helped to finance. This is really double taxation with a vengeance. In many places Negroes pay taxes, then have to sue to enjoy the benefits of those taxes.

B. The major provisions of title III: (1) On receipt of a signed complaint that an individual has been deprived of his right to free and complete use of a public facility (other than a public school) on account of race, the Attorney General may bring suit, in the name of the United States, for relief from such discrimination. This authority to sue may be exercised only when the Attorney General certifies that the complainant is unable to bring suit himself and that such a suit would further the orderly progress of desegregation of public facilities. A complainant would be deemed unable to bring suit if there was no private source of funds for the litigation or if the private suit would jeopardize him through economic or other forms of retaliation.

2. Furthermore, the Attorney General is authorized to intervene in any legal action brought by an individual seeking relief from denial of equal protection of the laws on account of race.

C. Objections to title III. The most common objection is that this title would give the Attorney General enormous powers to intrude into local life. In fact, the only "power" given the Attorney General is the authority to bring a lawsuit, and the only "intrusion" would be for the State or local officials to be ordered by a Federal court to obey the law of the land. Such a court order could be issued only after a full trial. The courts have this same power at present. The only change represented by title III would be that the Attorney General would be able to bring such cases before the courts.

We usually rely on public officials to enforce the law and take action to give citizens their rights. The same authorization to sue to enforce the law is granted in numerous other areas. It is about time we gave full meaning to the 14th amendment by extending this same common authority to it.

Bipartisan Civil Rights Newsletter No. 22, April 4, 1964—The Sixth Day of Debate on H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the bill. This newsletter will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Only one quorum was called for on Friday and 41 minutes were required to make that call. While this is a fairly quick response in comparison with quorum efforts on Wednesday and Thursday, the bipartisan leaders have reached a unanimous conclusion that there is much room for improvement.

2. Saturday's schedule: The Senate will convene at 11:00 and stay in session until late evening.

Leadoff Speaker: Senator Dodd.

Subject: Titles VIII–XI.

Floor captains: Democrats, Magnuson (11–1); McCarthy (1–4); Dodd (4–7); and McGovern (7–closing). Republicans, Keating and Morton.

3. The need for title VI: A dramatic illustration of discrimination among beneficiaries of federally assisted programs on account of race is afforded by Department of Agriculture data concerning the administration of the Federal School Lunch program in Greenwood, Miss. These figures also indicate just how equal separate school facilities for Negro and white students are. Nearly half of the average daily attendance in Greenwood schools are Negro students (43 percent), yet the Negro students receive only one-fifth of the free lunches distributed in the Greenwood district.

	Average daily attendance	White percent of average daily attendance	Negro percent of average daily attendance	White percent of free lunches	Negro percent of free lunches
1960–61	4,943	57	43	79	21
1961–62	5,130	57	43	80	20

Bipartisan Civil Rights Newsletter, No. 23, April 6, 1964—The Sixth Day of Debate on H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the bill. This newsletter will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

DEBATE CANCELED DUE TO ABSENCE OF QUORUM

The problem of absenteeism which had grown progressively worse during the week among Senators supporting passage of the civil rights bill reached a grand climax on Saturday when a quorum failed to appear. Terming the situation a "travesty on the legislative process," the majority leader moved to recess until 10 a.m. Monday, thereby bringing the civil rights debate to a dead halt on Saturday.

Despite notice and warning that a Saturday session would be held, only 39 Senators responded to the quorum call (23 Democrats and 16 Republicans). Sixty-one failed to respond (44 Democrats and 17 Republicans). Senator Humphrey summed up the situation: "The only way we can lose the civil rights fight is not to have a quorum when we need it." Repeated failures to produce a quorum in the coming weeks will only be interpreted as a staggering setback to the cause of civil rights in America.

1. Monday's schedule: The Senate will convene at 10 a.m. and remain in session until at least 9 p.m. Senators and their staffs should be on the alert for live quorums at any time.

2. Subjects for debate: Titles VIII–XI and title V (Civil Rights Commission).

Speakers: Senator Dodd, Senator Long (Missouri), and Senator Scott.

3. Twenty-two outstanding lawyers support constitutionality of public accommodations and equal employment opportunity titles: Senator Humphrey and Senator Kuchel floor managers for H.R. 7152 have received a communication from a panel of the Nation's outstanding lawyers endorsing the constitutionality of titles II and VII of the civil rights bill.

The lawyers included three former Attorneys General of the United States (Francis Biddle, Herbert Brownell, and William P. Rogers), four former presidents of the American Bar Association (David F. Maxwell, John D. Randall, Charles S. Rhyne, and Whitney North Seymour), four law school deans (Erwin N. Griswold of Harvard, Eugene V. Rostow of Yale, John W. Wade of Vanderbilt, and William B. Lockhart of Minnesota), and many other high-ranking members of the legal profession. Members of both political parties are included in the group as well as lawyers generally regarded as being "liberal" and "conservative."

The following are excerpts from the letter addressed to Senators Humphrey and Kuchel:

"Upon careful consideration of the established judicial precedents in this area of constitutional law, and in full recognition of the vital importance of the legal issues which are the subject of this letter, we conclude that title II and title VII are within the framework of the powers granted to Congress under the Constitution.

"With respect to title II, the congressional authority for its enactment is expressly stated in the bill to rest on the commerce clause of the Constitution and on the 14th amendment. The reliance upon both of these powers to accomplish the stated purpose of title II is sound. Discriminatory practices, though free from any State compulsion, support, or encouragement, may so burden the channels of interstate commerce as to justify, legally, congressional regulation under the commerce clause. On the other hand, conduct having an insufficient bearing on interstate commerce to warrant action under the commerce clause may be regulated by the Congress where the conduct is so attributable to the State as to come within the concept of State action under the 14th amendment.

"The grounding of the public accommodations title on the commerce clause is in keeping with a long tradition of Federal legislation, validated in many judicial decisions, and is not today open to substantial legal dispute. In exercising its power to regulate commerce among the States, Congress has enacted laws, encompassing the widest range of commercial transactions, similar to the regulatory scheme of title II of H.R. 7152.

"It is also clear that the discrimination or segregation prohibited by title II is subject to regulation by the Congress under its power to enact laws to enforce the equal protection clause of the 14th amendment where there is participation and involvement by State or local public agencies in the unlawful conduct. The decision of the Supreme Court in the *Civil Rights Cases*, 109 U.S. 3 (1883), in no way prevents the Congress from barring discrimination in those factual circumstances constituting State action under the 14th amendment.

"With respect to the equal employment opportunity provisions of title VII, there are many decisions of the Federal courts upholding under the commerce clause similar laws regulating employment relationships which in some fashion impinge on interstate commerce.

"Powers which Congress can exercise under one part of the Constitution may be limited by guarantees found elsewhere in the Constitution. In our opinion, neither title II nor title VII imposes such arbitrary restrictions upon private property or on the operation of private business as to conflict with due process requirements. In the development of congressional authority under the commerce clause and other express grants of power, statutes designed to enhance individual rights and to ameliorate working conditions have been regularly upheld by the courts even though they have in some measure affected property or contract rights."

This opinion should remove any vestige of doubt concerning the constitutional authority of Congress to enact the provisions of titles II and VII. The full text of the letter, the identification of the signers, and a memorandum reviewing the applicable authorities are expected to be introduced by Senator Humphrey in Monday's Congressional Record.

Bipartisan Civil Rights Newsletter No. 24—April 7, 1964, the Seventh Day of Debate on H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the bill. This newsletter will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Civil rights Senators broke out of their quorum slump on Monday, averaging 19 minutes on five quorum calls. This is a fine recovery from Saturday's disaster. We hope that it will be more than a 1-day wonder.

2. Today's schedule: The Senate will convene at 10 this morning and stay in session until least 9 p.m. Live quorums should be expected at any time during the session.

Speakers: Senators Cotton and Pastore.

Subject: Discrimination in federally assisted programs (title VI).

Floor captains: Democrats: Hart (10 to 1), Church (1 to 4), Ribicoff (4 to 7), Pastore (7 to recess); Republicans: Cooper (all day), Boggs (all day).

3. The mystery of racial discrimination: "Mr. Humphrey. I would appreciate it if someone would tell me why a colored lady could literally love their children, coddle them, bring them up, put them to bed, wake them in the morning, take care of their every need, feed them, be like a good and loving mother to them, and yet when she goes uptown she is told 'You cannot come in here.'

"Mr. Stennis. Let me say to the Senator from Minnesota that * * * if he cannot understand some of the basic relations that occur in human nature, I cannot expect, in the few minutes I have remaining to me, to make him understand." (Congressional Record, Mar. 20, 1964, p. 5816.)

A SHORT COURSE ON TITLE IV

(a) The need for title IV: Segregated schools by their nature violate the 14th amendment since they deny equal protection of the laws. In addition to this inherent discrimination, segregated school systems usually provide Negro students with inferior educational opportunities, as measured by per pupil expenditures, teachers' pay, accreditation, size of classes, and other objective indicators of educational quality. Although the Brown case categorically stated the principle that segregation in public schools is unconstitutional, 10 years later only 1 percent of Negro pupils in the South attended desegregated schools. This is due to the refusal of local public officials to obey the law, and to the fact that it takes court action to make them comply with the Constitution. Up to now such action can be initiated only by suits brought by private individuals. These suits are very expensive. The Brown case cost the plaintiffs over $200,000, and subsequent cases have cost up to $100,000. It is intolerable that American citizens should have to spend so much money to achieve their constitutional rights—rights that they should be able to enjoy without question.

Furthermore, when court orders to desegregate schools have been issued, the local school officials, even when acting in good faith, often have difficulty in dealing with the problems that follow.

(b) The major provisions of title IV:

1. On receipt of a complaint by one or more parents (or by students, in the case of public colleges) that a school has failed to desegregate, the Attorney General may bring a suit to desegregate the school in question. The Attorney General will have this authority only when he certifies that the complainant is unable to bring suit himself, through lack of private financial support or because of the possibility of retaliation, and also certifies that the suit would further public policy favoring the achievement of desegregation of public schools. This provision recognizes that it is in the public interest to guarantee individuals their constitutional rights.

2. The U.S. Commissioner of Education will make a nationwide survey of the extent of discrimination in education.

3. On application from State or local school authorities, the Commissioner of Education is authorized to give technical advice on planning and implementing school desegregation. The Commissioner is also authorized to conduct training institutes for the same purpose, and to make grants to local school boards to pay for training and expert advice on problems incident to desegregation. In all these instances the Commissioner may act only in response to local application.

(c) Objections to title IV: The most common objection complains about something that is specifically excluded from the bill: Transporting students away from their neighborhoods to overcome de facto segregation. This criticism overlooks section 401(b), which says that desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Other than this misrepresentation, objections to title IV take the form of complaints about the monstrous Federal power that allegedly will be created. In fact, the Commissioner of Education will have the power only to give advice and technical help, and then only when asked by the locality. The Attorney General is given the power to bring a lawsuit in a Federal court, to give Americans what is indisputably their constitutional right: Equal protection of the laws. If this is a power grab, so is the Bill of Rights.

Bipartisan Civil Rights Newsletter No. 25—April 8, 1964, the Eighth Day of Debate on H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the bill. It will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Senate supporters of civil rights maintained their current streak of good work on quorum calls. Yesterday they made five quorums in the average time of 22 minutes.

2. Today's schedule: The Senate will convene at 10 this morning and stay in session until at least 10 p.m. Live quorums should be expected at any time during the session.

Speakers: Senators Case and Clark.

Subject: Equal Opportunity in Employment (Title VII).

Floor captains: Democrats: Long (10–1), McIntyre (1–4), McGovern (4–7), Moss (7 to recess); Republicans: Case (all day), Morton (all day).

3. Labor groups express support for civil rights: This is the final day of a 3-day Washington legislative conference of more than 200 labor leaders, brought here by the Industrial Union Department of the AFL–CIO. They were briefed on the civil rights bill and visited Senators to voice their support of the legislation.

4. Negro interest in voting: The extent to which Negroes are denied their voting rights can be gaged by comparing Negro and white voting registration in many southern counties. In Dallas County, Ala., for instance, 63 percent of all whites of voting age are registered, compared to 1.7 percent of adult Negroes. Opponents of the civil rights bill "explain" such spectacular examples of inequality by saying that Negroes are indifferent to politics and not really very interested in voting anyway.

This hardly seems to be the case in Dallas County. In Selma, the county seat, hundreds of Negroes waiting to apply for voter registration stood between lines of policemen armed with rifles and shotguns. If they left to eat, get a drink of water, or go to the bathroom, they were not allowed to return to the line. Nevertheless, these Negroes waited in line for 8 hours, hoping, for the most part in vain, that they would be allowed to exercise their Constitutional rights. Given the likelihood that in places like Dallas County, Negroes who try to vote will suffer economic reprisals, this does not sound like political apathy.

One senatorial opponent of the bill, who has admitted that Negroes are systematically excluded from voting in some places, excuses this practice by claiming that Negroes do not care about politics. He tried to prove his claim by pointing to voter registration in Washington where more than half the population is Negro.

In fact, the situation in Washington is a very bad argument for this Senator's point of view. While the final official registration totals for the District of Columbia are not yet available, the unofficial figures were reported in the newspaper articles on March 22. It should be remembered that the situation in Washington hardly encourages high registration, for a variety of reasons:

1. A great many Washington residents are transients who vote in their home States.

2. The District of Columbia has the vote only for national elections.

3. This right was just granted, after a century of disenfranchisement.

4. The recent registration drive, the first one in the District in the 20th century, lasted only a few weeks.

The District of Columbia Board of Elections has estimated that 300,000 people in the District are eligible to vote there. Approximately 170,000 persons, or 57 percent of the eligible residents, are now registered. This compares with 19 percent of the eligible Negroes in Alabama and 7 percent in Mississippi. In fact, there are more registered voters in the District of Columbia than there are registered Negroes in these two States combined. In other words, Negroes have the same political interest as whites, and will express their interest by voting where they are not denied this right by discriminatory voting officials. We will present more statistical proof of this fact in tomorrow's newsletter.

TWENTY-DAY EXTENSION OF NEGOTIATIONS FOR RAILROAD LABOR-MANAGEMENT DISPUTE

Mr. HUMPHREY. Mr. President, I should like to note for the Record at this point that I have just been informed—and I am sure the Senator from Oregon [Mr. Morse] is fully aware of this because during the debate he has had to leave the Chamber to answer important telephone calls from the White House—that a 20-day extension has been arrived at in reference to the labor-management dispute on the rails. This is very reassuring, because an opportunity is given to adjust some of the difficulties.

THE CIVIL RIGHTS DEBATE

Mr. HUMPHREY. Mr. President, I call attention of the Senate and the public to the record of the Senate since March 30, when the civil rights bill, H.R. 7152, came before the Senate and was made the pending business.

Starting with March 30, I have a list of the speakers and the time taken by the speakers on the bill. I ask unanimous consent that the list be printed in the Record at this point.

There being no objection, the list was ordered to be printed in the Record, as follows:

Major Speeches by Proponents of H.R. 7152

Monday, March 30: Humphrey and Kuchel—entire bill.

Wednesday, April 1: Keating and Hart—title I.

Thursday, April 2: Javits and Morse—title III.

Friday, April 3: Douglas and Cooper—title IV.

Monday, April 6: Dodd—Titles VIII, IX, X, and XI; Scott and Long of Missouri—title V.

Tuesday, April 7: Pastore and Ribicoff—title VI.

Wednesday, April 8: Clark and Case—title VII.

Thursday, April 9: Magnuson—title II; Kennedy and Young of Ohio—entire bill.

Mr. HUMPHREY. I particularly wish to take this occasion to thank publicly, in this public Record of the Congress, Senators who have actively participated in the presentation of the affirmative case, or the proponents' case, on the civil rights bill.

Today the basic argument for the bill was completed, as was announced by the acting majority leader. I am privileged to be the floor leader for this bill, along with my good colleague from California [Mr. Kuchel]. We decided to take whatever time was necessary to effectively—and we believe it has been effectively done—present the argument for each of the eleven titles of H.R. 7152, the Civil Rights Act.

The presentation was completed in its main parts today by the excellent presentations of the Senator from Massachusetts [Mr. Kennedy], the Senator from Ohio [Mr. Young], and the Senator from Washington [Mr. Magnuson]. I especially thank the Senators for their lucid, detailed, and convincing presentations.

I deeply regret that at times it has not been possible for all of us to be present. I have been denied the privilege to be present on the floor at all times, although I have kept a good record of attendance on the floor.

I particularly commend the Senator from Washington [Mr. Magnuson] on an outstanding address, which I have had the privilege of reviewing this evening. I read the text of the address which was presented in behalf of the so-called public accommodations title of the measure, title II, a most controversial title.

I think anyone who reads the address will find the title is well drawn and the address is fully documented in reference to the law and the court cases.

I also express my admiration for the fine argument presented by the Senator from Pennsylvania [Mr. Clark] and the Senator from New Jersey [Mr. Case] on title VII of the bill yesterday, Wednesday. There have been brilliant presentations on this important title of the bill.

On Tuesday, title VI was presented in a most forceful and convincing manner, with literally reams of documentation, by the Senator from Rhode Island [Mr. Pastore] and the Senator from Connecticut [Mr. Ribicoff]. Other Senators opposed it; namely, the Senator from Mississippi [Mr. Stennis] and the Senator from North Carolina [Mr. Jordan].

On Monday of this week the Senator from Connecticut [Mr. Dodd] presented titles VIII, IX, X, and XI—complex and intricate titles relating to legal and technical provisions of the bill, as well as census surveys, and a Community Relations Service.

The Senator from Pennsylvania [Mr. Scott] and the Senator from Missouri [Mr. Long] presented an argument on title V, on that same day, Monday, which relates to the Civil Rights Commission.

I do not think that I have left any of my colleagues out of this list. But the hour is late. If I am in error as to a speech by the proponents of the bill, I will attempt to correct the Record later.

Mr. President, we have fulfilled our duty and our responsibility. The bill did not go to committee, and therefore we felt it was incumbent upon the proponents to explain the bill in intricate and minute detail, with every bit of case law which could be brought to support the provisions of the bill, including examples of how the bill would operate and, indeed, the evidence as to why the bill was needed.

Today, the Senator from Massachusetts [Mr. Kennedy], in a short but powerful and moving address, summarized the moral equation in this measure—the moral responsibility of the Senate.

Tomorrow the debate will be continued. I have been informed by several Senators that they intend to speak on the bill in general.

I am pleased that the measure has engendered such interest. Several Senators have indicated to me that in the next 3 or 4 days they intend to present their arguments in support of the bill.

I should like to indicate that the late hours the Senate has become accustomed to, such as 11:30, will become more customary; that 11:30 will be considered an early hour in the days ahead.

It is our intention to step up the tempo of the debate, in the hope of being able to bring about an orderly disposition of the bill through the legislative process, having amendments submitted, to be voted up or down; and, finally, to be able to bring the bill to a vote.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Amendment of Title 10, United States Code, Relating to Annuities Based on Retired or Retainer Pay

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, with respect to annuities based on retired or retainer pay (with an accompanying paper); to the Committee on Armed Services.

Amendment of Title 10, United States Code, Relating to Promotion of Certain Reserve Officers of the Air Force

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to continue the authorization to promote qualified reserve officers of the Air Force to the reserve grades of brigadier general and major general (with an accompanying paper); to the Committee on Armed Services.

Report on Deficiencies in Customs Control Over Unloadings of Bulk Petroleum

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on deficiencies in customs control over unloadings of bulk petroleum, Bureau of Customs, Treasury Department, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Uneconomical Practices in the Management of Mobilization Reserve Stocks of Construction Equipment and Commercial-Type Vehicles

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on uneconomical practices in the management of mobilization reserve stocks of construction equipment and commercial-type vehicles, Department of the Navy, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Unnecessary Costs Incurred for the Naval Radio Research Station Project at Sugar Grove, W. Va.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred for the naval radio research station project at Sugar Grove, W. Va., Department of the Navy, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Improper Charges to Government Cost-Type and Incentive-Type Contracts Held by Grumman Aircraft Engineering Corp.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improper charges to Government cost-type and incentive-type contracts held by Grumman Aircraft Engineering Corp., Bethpage, N.Y., Department of the Navy, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Disposition of Executive Papers

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. Johnston and Mr. Carlson members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"Resolution Memorializing the Congress of the United States To Enact Legislation Requiring the Formation of an Army Special Forces Unit Within All State National Guard Units

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation requiring that the table of organization of all State national guard units shall provide for the formation of an army special forces unit; and be it further

"*Resolved,* That a copy of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the Presiding Officer of each branch of the Congress and to the Members thereof from the Commonwealth.

"Adopted by the house of representatives, March 31, 1964.

"William C. Maiers,
"*Clerk.*

"Adopted by the senate, in concurrence, April 3, 1964.

"Thomas A. Chadwick,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

Three resolutions of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"Resolution Requesting the Congress of the United States To Call a Convention for the Purpose of Proposing an Amendment to the Constitution of the United States Allowing the Reading of the Bible in the Schools

"*Resolved,* That the Massachusetts House of Representatives respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

" 'Article —

" 'Section 1. No provision of this Constitution, or any amendment thereto, and no provision of any constitution or amendment thereto of the several States, shall deny, restrict, or limit the reading of the Bible in the schools.

" 'Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission; and be it further

" '*Resolved,* That if Congress shall have proposed as an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1965, this application for a convention shall no longer be of any force or effect; and be it further

" '*Resolved,* That a copy of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth.'

"Adopted by the house of representatives March 18, 1964.

"William C. Maiers,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

"Resolution Memorializing the Congress of the United States To Support and Adopt an Amendment to the U.S. Constitution Permitting Bible Reading and Prayers in Our Public Schools

"Whereas these United States and the Commonwealth of Massachusetts were founded and established in and under a belief in Almighty God; and

"Whereas this principle and belief is explicity set forth in the Declaration of Independence adopted by the Thirteen Original States in Congress at Philadelphia, and in the preamble to the Constitution of Massachusetts; and

"Whereas this same principle and belief is recognized by the U.S. Government in the 'Flag Code,' in the 'Pledge of Allegiance to Our Flag,' and in the official coinage of the U.S. Government by having inscribed thereon the words 'In God We Trust'; and

"Whereas this same principle and belief is inherently a part of our American way of life and is the basic belief of the great majority of adult American citizens and their children and grandchildren; and

"Whereas a great majority of our adult American citizens are products of our public school systems and their children and grandchildren are enrolled in the public school systems of these United States; and

"Whereas the majority of the private and parochial school systems likewise hold a firm belief in the principle of 'A nation under Almighty God'; and

"Whereas it is a basic belief of the people of the Commonwealth of Massachusetts and of these United States that reading of the Bible which is "God's Holy Book" and prayer are a basic part of the belief that this State and Nation is a State and Nation under God and that such Bible reading and prayer should be a part of the curriculum of our public school systems; and

"Whereas under the recent United States Supreme Court decision reading of the Bible and recitation of the Lord's Prayer is now unlawful in our public schools; and

"Whereas such Supreme Court decision denies the very great majority of Americans of their fundamental constitutional right to express in our public schools their belief in Almighty God, the reading of the Bible and prayer, and forbids the public school systems of these United States from expressing and teaching that ours is a State and Nation under God; and

"Whereas the said Supreme Court decision has made it possible for a very small minority to suppress the will, desires, and wishes of the great majority of the peoples of these United States; Therefore be it

"*Resolved,* That the Massachusetts House of Representatives memorialize the Congress of the United States to support and adopt an amendment to the U.S. Constitution permitting Bible reading and prayers in our public schools; and be it further

"*Resolved,* That a copy of this resolution be transmitted by the secretary of the Commonwealth to the Presiding Officers of each branch of Congress and to each Senator and Representative from Massachusetts in the Congress of the United States.

"Adopted by the house of representatives, March 18, 1964.

"William C. Maiers,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

"Resolution Requesting the Judiciary Committee of the U.S. Congress To Report Out the Resolution Which Proposes an Amendment to the U.S. Constitution Permitting the Reading of the Bible in the Schools

"Whereas recently the U.S. Supreme Court outlawed the reading of the Bible in the public schools throughout our Nation and held that it was contrary to the U.S. Constitution; and

"Whereas when this decision was handed down many people thought that the proper thing to do would be to amend the Constitution; and

"Whereas in line with this thinking a resolution was introduced in the House of Representatives proposing an amendment to the U.S. Constitution authorizing the reading of the Bible in the schools and, to date, this resolution is still in the Judiciary Committee in Congress; and

"Whereas the States should be given the right to express their opinions on the merits of such an amendment; therefore be it

"*Resolved,* That the Massachusetts House of Representatives respectfully requests the Judiciary Committee of the U.S. Congress to report out the resolution which proposes an amendment to the U.S. Constitution permitting the reading of the Bible in the schools; and be it further

"*Resolved,* That a copy of this resolution be forwarded forthwith by the secretary of the Commonwealth to the chairman of the Judiciary Committee, to the Speaker of the House of Representatives, and to each Member thereof from this Commonwealth.

"Adopted by the house of representatives March 18, 1964.

"William C. Maiers,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

The petition of Gentsu Miyagi, mayor of Hanegi-Son, and Masaya Taira, chairman, Municipal Assembly of Hanegi-Son, of the island of Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

A telegram signed by Rafael Paris Steffens, President of the Legislative Assembly of Costa Rica, expressing the Assembly's profound sorrow at the death of Gen. Douglas MacArthur; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. HILL, from the Committee on Labor and Public Welfare:

Mary Dublin Keyserling, of the District of Columbia, to be Director of the Women's Bureau, Department of Labor;

Merlin L. Brubaker, and sundry other persons, for personnel action in the regular corps of the Public Health Service;

Carl R. Merril, and sundry other persons, for personnel action in the regular corps of the Public Health Service; and

Martin Flavin, Jr., and sundry other persons, for personnel action in the regular corps of the Public Health Service.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated March 24, 1964, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSS:

S. 2720. A bill to amend the Atomic Energy Act of 1954, as amended, to eliminate further waiver of fuel use charges and to establish a minimum charge for leasing atomic fuel to producers of power for sale; to the Joint Committee on Atomic Energy.

(See the remarks of Mr. Moss when he introduced the above bill, which appear under a separate heading.)

By Mr. YARBOROUGH:

S. 2721. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Finance.

By Mr. THURMOND:

S. 2722. A bill to provide for a jury trial in all cases of criminal contempt in the U.S. courts; to the Committee on the Judiciary.

(See the remarks of Mr. THURMOND when he introduced the above bill, which appear under a separate heading.)

By Mr. McCARTHY:

S. 2723. A bill to amend the Internal Revenue Code of 1954 with respect to the constructive ownership of stock; to the Committee on Finance.

By Mr. MORSE:

S. 2724. A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Eugene E. Laird; to the Committee on the Judiciary.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

S. 2725. A bill to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTIONS

WITHDRAWAL OF SOVIET FORCES FROM CERTAIN CAPTIVE NATIONS

Mr. FONG submitted the following concurrent resolution (S. Con. Res. 76); which was referred to the Committee on Foreign Relations:

Whereas the United States has consistently recognized and upheld the right of the peoples of the Baltic States to national independence and to the enjoyment of all individual rights and freedoms; and

Whereas the Charter of the United Nations declares as one of its purposes the development of friendly relations among nations based "on respect for the principle of equal rights and self-determination of peoples"; and

Whereas the Union of the Soviet Socialist Republics has by force of arms suppressed the freedom of the peoples of Lithuania, Latvia, and Estonia and has continued to deny these peoples the right of self-determination by free elections: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President is hereby requested, through the United States delegation to the United Nations, to take such action as may be necessary to bring before the United Nations for its consideration the question of the suppression of freedom in the Baltic States, and to request adoption by the United Nations of a resolution declaring that—

(a) The Soviet Union shall withdraw all Soviet troops, agents, colonists, and controls from Lithuania, Latvia, and Estonia;

(b) The Soviet Union shall return all citizens of the Baltic States to their homelands from places of exile in Siberia, and dispersion in prisons and slave-labor camps throughout the Soviet Union; and

(c) The United Nations should conduct free elections in Lithuania, Latvia, and Estonia under the direct supervision of the United Nations in order to permit the peoples of these countries to make their own choice of government.

DISPOSAL OF A QUANTITY OF PIG TIN FROM NATIONAL STOCKPILE

Mr. SYMINGTON. Mr. President, in response to a request of the Administrator of General Services, I submit, for appropriate reference, a concurrent resolution that would grant congressional approval for the disposal of approximately 98,000 long tons of pig tin from the national stockpile.

This amount of pig tin is in excess of the current stockpile objective for pig tin and authority for this disposal was requested by the Administrator of General Services in a letter dated March 20, 1964.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 77) approving the disposal from the national stockpile of a quantity of pig tin under regulations of the General Services Administration, submitted by Mr. SYMINGTON, was received and referred to the Committee on Armed Services, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended; 50 U.S.C. 98b(e)), the disposal from the national stockpile of approximately ninety-eight thousand long tons of pig tin in accordance with the plan of disposal published by General Services Administration in the Federal Register of March 27, 1964 (29 F.R. 3838).

AMENDMENT OF ATOMIC ENERGY ACT OF 1954

Mr. MOSS. Mr. President, I introduce a bill and ask that it be appropriately referred and that the bill may lie on the table for 5 days so that those who may wish to cosponsor the bill may do so.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk as requested.

The bill (S. 2720) to amend the Atomic Energy Act of 1954, as amended, to eliminate further waiver of fuel use charges and to establish a minimum charge for leasing atomic fuel to producers of power for sale, introduced by Mr. Moss, was received, read twice by its title, and referred to the Joint Committee on Atomic Energy.

Mr. MOSS. Mr. President, we live in a time of tremendous change. At no time in history has it been so true, and nowhere is it more evident than in the field of science. Axioms and truisms of yesterday are not even accepted today. Concepts held for centuries give way to new knowledge as we peer deeper and deeper into the heart of the atom, fling missiles into outer space, create marvels of new materials from the most unlikely beginnings and other wonders.

We must hope and believe that these modern-day miracles must ultimately prove a boon to mankind. Surely they will. But we must also see that they are used and developed wisely, that we do not create just for creation's sake if in doing so we cause actual harm to our people. We must call on science to provide for our growing and developing needs in an orderly manner, but not to disrupt and set back our economy unnecessarily merely in support of change for change's sake.

We stand at a crossroads of such a decision today in regard to the development of atomic power to produce electricity. I believe no one doubts that eventually atomic power will prove one of the great peacetime blessings of all time, not only to America but also to the world.

Our modern industrial civilization, and the comforts and conveniences it provides, depend on vast sources of energy. America has been and is blessed with one of the world's great storehouses of fossil fuels, and these have made possible our achieving the greatest standard of living and the most powerful industrial society the world has ever known.

These great treasure troves of oil and gas and coal have amply supplied our needs for 200 years, and we still have reserves—particularly of coal—sufficient to provide for our growing electrical needs for many generations to come.

Some distant day, however, even the hundreds of billions of tons of coal

America possesses will begin to run out, and when that time comes our children's children will need a new source of energy and power. From what we know now, it seems likely that the fission of plutonium and uranium 233, produced from our native reserves of uranium, and of thorium in breeder reactors, or the fusion of hydrogen from the inexhaustible sources in the sea, will provide the power.

We would be remiss if we did not do what is necessary and proper to achieve an orderly development of our skills and techniques to make this nuclear energy available in a form that promises a real and lasting contribution to such future energy needs when it is finally required.

We in the Congress recognized this responsibiltiy when, following World War II after the atom had proved its awesome power as a destructive weapon, we approved multimillion dollar expenditures to see if its new and fascinating energy potentials could be harnessed for practical power to aid—rather than destroy—mankind.

At that time we were all bemused and even swept away by the seeming glamour of a miraculous new and apparently unbounded source of energy. We were told that out of tiny particles of matter so small that millions could sit on the point of a needle and not be visible to the naked eye would come such tremendous forces as to provide energy to replace almost all the work tasks of man—and at virtually no cost. We were painted pictures of a new civilization, the end of most physical labor, deserts blooming and bearing flowers and food grains from water pumped hundreds of miles at practically no cost. In short, we invested in a potential power source that would have been completely revolutionary, if it had proved true. We invested heavily in this dream, and we continue to do so, although the mirage of practically meterless power in our lifetime has long since faded away.

Since Congress created the Atomic Energy Commission in 1946, it has spent about $1.5 billion dollars to bring into being a new source of electric power. It is continuing to spend public money at a rate of some $200 million per year.

Eighteen years later, it is certainly our responsibility as Members of Congress, and as the chosen representatives of the people of America who direct the expenditures of their Federal tax money, to assess what they have received from their financial contributions to this dream.

The answer is: Not very much. Actually, up to this point, not anything at all.

After 18 years the glamour of atomic power has worn off, and we recognize that electricity made from the fission of uranium 235 and thorium is just the same as electricity made from burning coal, oil or gas. Each is simply a fuel to create heat which in turn makes steam to turn turbines. The only question then is: Which method of producing the steam is cheaper?

Coal is not only the traditional fuel for steam generation of electricity, but is also the most widely used today. In fact, coal provides the fuel for 76 percent of all steam-generated power in the United States. Thus, coal also serves as the bellwether of steam-electric generating fuel costs. Other fuels are used only if they can undersell coal. In the case of natural gas, this occurs when pipelines or distributors decide it is worthwhile to maintain or build up a load level in their transmission facilities by dumping excess capacity at cutrate prices for steam boiler use. Residual oil for boiler fuel on the east coast, of course, can be imported at practically no cost because of its cheap value at point of origin, and sold at any price necessary to undercut coal.

So coal, which is by far our most important native fuel for electric energy production, is the measure by which all competitive fuels are judged and chosen.

Up to today, Mr. President, there has not been one single kilowatt-hour of electricity produced from atomic reactors for sale to American consumers at a cheaper price than it could have been produced from our tremendous native reserves of coal.

This is a rather startling fact to contemplate when we realize that, despite the fact that we have coal reserves sufficient for many, many decades, even though the demand for electricity continues to double every 10 years, Congress is continuing to spend $200 million a year to subsidize the development of a commercial atomic electric power industry which, its supporters believe, may shortly be able to equal in cost power generated from coal. I should reemphasize those words, "may shortly be able to equal in cost." For that, Mr. President, is the key to the whole inconsistent and indefensible position we are guilty of maintaining.

I dislike to offer a lot of confusing figures, but let me just include one or two which are pertinent to my point.

A short time ago, the Jersey Central Power Co. announced that it had signed a contract with the General Electric Corp. for the construction of a nuclear power plant just north of Atlantic City which would cost $68 million, and would eventually have a capacity of more than 600,000 kilowatts of power. The two firms estimated that when this plant is fully operating at peak capacity, it will generate electricity at a plant operating cost of less than 4 mills per kilowatt hour. Whether this low cost for producing electricity will actually be realized by this plant, only the future will tell, but if it is, it will be lower than the cost of producing electric power from coal in about half the United States. It would not mean a substantial savings to the individual user of electricity, however. Today, the average electric customer uses about 4,500 kilowatt hours per year, so that a reduction of plant operating costs of one mill only means a cost reduction per customer of about $4.50 per year.

However, on the other side of the coin, if we continue to subsidize converter plants to the point where they can produce electricity cheaper than that generated from coal—even by a mill or two—we can expect much of the vast utility growth market for coal to be wiped out. And that, Mr. President, would be disastrous to the economy of many States of our Nation, including my own, which has tremendous coal reserves, and to the prospects of reviving a great coal industry employing hundreds of people as the electric power demands of the West expand in the next several decades.

Under present mining technology, the production of each million tons of coal provides jobs, on the average, for about 400 mine employees, and the railroads offer employment for another 200 to transport it. The Jersey Central plant I have mentioned will eventually have a capacity of 620,000 kilowatts of power and, if operated at 80 percent of capacity—as its builders anticipate—it will replace a market for about 1,500,000 tons of coal a year, and take away 900 potential jobs from the Appalachian area.

It is true that the Jersey Central people say they are not asking for construction subsidies, and thus there can be no criticism of their willingness to risk the capital required in such a private enterprise venture. Even though the Government has spent $1,500 million to develop the technology and know-how to the point where private enterprise can now take it up, we cannot quarrel with the utilities which are willing to risk their own capital to build these plants from now on.

However, the Atomic Energy Commission is not satisfied with that. It is seeking to encourage further development and experimentation work in converter reactor concepts under additional millions of Government subsidy. I believe this is wrong, and emphatically not in the best national interest.

What is not generally understood is that the plants now being built or operating, and even those which the AEC is now attempting to persuade utilities to build under a subsidy arrangement, are all the so-called converter reactors. That means that they produce heat through the consumption of uranium 235, in the process producing some plutonium, but less in heat value than is consumed. In other words, converter reactors are net consumers of fissionable material.

Dr. Frank Pittman, Director of the Division of Reactor Development of the AEC, is the authority for the statement that if we continue to consume our fissionable material—that is, U^{235}—in converting reactors, the nuclear reserves of this country "cannot have a significant impact on our long-range energy picture."

On the other hand, scientists believe that eventually they will develop what is termed the "breeder reactor," which produces more fissionable byproducts than it consumes. If this ever take place, certainly the atomic power will make a tremendous contribution to our long-range energy needs. In the meantime, however, we would be foolish to continue to encourage the production of power from inefficient converter nuclear reactors at the expense of consuming our limited reserves of fissionable material.

I understand that legislation will be introduced in Congress to prohibit the further expenditure of Government subsidies for any converter reactor, unless there is a clear finding by the AEC that such a converter concept will make a direct and important contribution to the development of fast breeder reactors. Other legislation has been introduced which I am cosponsoring, to provide that future privately owned commercial nuclear power plants must also own their own fuel, rather than leasing it from the Government. I wholeheartedly support both these measures.

The most important, in terms of cost to the taxpayers, of the subsidies which we have been paying to develop converter reactors is the provision of the present law which permits the AEC to waive use charges on Government-owned special nuclear fuel for the first 5 years and then to lease it for the remainder of the life of the plant at a very low charge. Under this authority, the AEC has established an inventory carrying charge of 4¾ percent, compared to the 10- to 12-percent charge which would be a more normal "cost of money" for inventory carrying charges to investor owned utilities operating conventional plants.

Until Congress can take action to make private ownership of nuclear fuel mandatory, and to eliminate entirely subsidies for converter concept reactors, it should immediately move to wipe out the tremendous fuel cost advantage provided by the waiver of fuel use and the low inventory carrying charge to nuclear plants.

To this end, I have today introduced a bill to amend the Atomic Energy Act, to eliminate further waiver of fuel use charge and to establish a minimum charge for leasing atomic fuel to producers of power for sale. The amendment, of course, would not apply to commitments entered into by the Commission with utilities prior to its enactment. It would, however, prevent the AEC from entering into future contracts which would provide this advantage to power plants using nuclear fuel over those using coal or other conventional fuels.

We have no need for nuclear energy to supplement electric power from conventional sources today and will not have for many years in the future. If we continue the Government's program of encouraging the contribution of such inefficient converter powerplants by large Government subsidies, we not only will threaten disaster to the great part of our economy dependent on coal production and transportation, but will wastefully use up the supply of fissionable material which could be of such inestimable value to our children's children in future generations.

I respectfully urge the support of all Senators for the bill which I have introduced today, and which would reduce, at least in substantial part, these unjustified and unwise subsidies.

TRIAL BY JURY IN ALL CASES OF CRIMINAL CONTEMPT IN THE STATES COURTS

Mr. THURMOND. Mr. President, the sixth amendment of the U.S. Constitution provides, and I quote:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

In a decision handed down on Monday of this week, the majority of the U.S. Supreme Court made exception to the explicit words of the sixth amendment which prescribes:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

How such confusion can arise, I cannot explain. This provision of the Constitution, Mr. President, provides for a jury trial in all criminal prosecutions, and no exceptions are made. A prosecution for criminal contempt is a criminal prosecution.

By virtue of the enabling clause of the Constitution, Congress has the right to pass such legislation as is necessary to carry out the provisions of the Constitution. In my own opinion, the mandatory jury trial in all criminal prosecutions provided for in the sixth amendment to the Constitution is self-executing, or at least, it should be self-executing. Since the Court has not seen fit to view the sixth amendment as self-executing, the Congress should correct the Court's variance. I, therefore, propose that the Congress enact a law which simply provides:

> In any prosecution for criminal contempt in the courts of the United States, the accused shall upon request be accorded a trial by jury.

I send to the desk a bill for this purpose and ask that it be appropriately referred.

Mr. President, the Washington Evening Star of Tuesday, April 7, contained an editorial on the decision of the Court in the Barnett-Johnson case which points out that no judge should have the power to charge a man with a crime, prosecute him for it, conduct his trial, find him guilty, and then sentence him. I ask unanimous consent that this editorial entitled "Too Much Power" be printed in the body of the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the editorial will be printed in the RECORD.

The bill (S. 2722) to provide for a jury trial in all cases of criminal contempt in the U.S. courts, introduced by Mr. THURMOND, was received, read twice by its title, and referred to the Committee on the Judiciary.

The editorial presented by Mr. THURMOND is as follows:

TOO MUCH POWER

Doubtless there is a certain irony in the fact that it was the liberal members who would have had the Supreme Court rule in favor of Ross Barnett and Paul B. Johnson in their Mississippi criminal contempt case. But there surely is no basis for surprise.

The liberal wing, and especially Justice Black, has long urged that a crime is a crime, and that no amount of legal hairsplitting can justify the denial of a jury trial in a criminal case. Eventually, we believe, this view will prevail.

Justice Clark, writing the majority opinion, split the judicial hairs exceedingly fine. He argued that the courts in contempt matters have the power to proceed summarily unless this is "specifically precluded by statute." This is too much power for any court to have in a criminal case, and the Justices, in fact, differed as to whether there is such a statute now in force. If there isn't, there ought to be.

Justice Clark also seemed to have misgivings when he indicated in a footnote that a severe penalty should not be imposed if the Governor and former Governor are convicted without a jury trial. To us, however, this seems merely to beg the question.

Justice Black stated the issue in the strongest terms. "I think," he declared, "that in denying a jury trial here the Court flies in the face" of the Constitution. For a judge to have power to deny a jury trial, he went on, "means that one person has concentrated in himself the power to charge a man with a crime, prosecute him for it, conduct his trial, and then find him guilty. I do not agree that any such inherent power exists."

The other dissenters were Chief Justice Warren and Justices Goldberg and Douglas. When the Court considered this same question in 1958, two Communists were denied a jury trial for criminal contempt. On that occasion the Court also divided 5 to 4. At that time, however, Justice Brennan, in a concurring opinion, joined the dissenters. This time he sided with the majority, doubtless because of differences in the two cases which he thought were controlling. On some other occasion he may cast his vote with yesterday's dissenters, thereby making a majority for the jury trial advocates.

We hope so. For, as Justice Black has said, the idea that persons charged with criminal offenses such as criminal contempt are not charged with "crimes" is a "judicial fiction." Of course they are charged with crimes, and to argue, as some do, that the defendants in this case should be denied a jury trial because a Mississippi jury might not convict them strikes at the heart of our constitutional safeguards. If this is a valid argument in the Barnett-Johnson case, then it follows that jury trials should be denied in all criminal prosecutions where the prosecutor or judge doesn't trust the jury system. We do not believe anyone would advance such a monstrous proposition.

But the situation, as a result of the Court's ruling, is bad enough as it stands. And we agree with Justice Black that "It is high time * * * to wipe out root and branch the judge-invented and judge-maintained notion that judges can try criminal contempt cases without a jury. It will be a fine day for the constitutional liberties of individuals in this country when that at last is done."

CIVIL RIGHTS ACT OF 1963—AMENDMENTS (AMENDMENT NO. 477)

Mr. ROBERTSON submitted amendments, intended to be proposed by him, to the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the

Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON SENATE BILL 2719, RELATING TO EARTHQUAKE INSURANCE IN ALASKA

Mr. ANDERSON. Mr. President, I would like to announce for the information of the Senate that the Committee on Interior and Insular Affairs, sitting as a Special Committee of the Whole on Alaska, has scheduled a hearing for next Tuesday, April 14, at 9 a.m. in room 3110, New Senate Office Building, on S. 2719, a bill introduced by Chairman JACKSON and others to provide for earthquake insurance in Alaska.

Senator JACKSON has appointed me to chair the Special Committee of the Whole on Alaska, and this announcement is made for the purpose of allowing those Senators and others who are interested in this legislation to present their views to the committee.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 1951) for the relief of George Elias NeJame (Noujaim), and it was signed by the Acting President pro tempore.

RECESS UNTIL 10 O'CLOCK A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock tomorrow.

The motion was agreed to; and (at 11 o'clock and 31 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Friday, April 10, 1964, at 10 o'clock a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 9 (legislative day of March 30), 1964:

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Walter N. Tobriner, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of 3 years, and until his successor is appointed and qualified.

EXTENSIONS OF REMARKS

New Honors for Littleton High School Band

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1964

Mr. PHILBIN. Mr. Speaker, once again the Third Massachusetts Congressional District has been signally honored by the Washington Cherry Blossom Festival by the designation of one of its high school bands for participation in the 1964 festival.

Not long ago the outstanding Fitchburg High School band gained this high recognition and I am pleased to bring to the attention of my colleagues in the House that another high school band from my district has been chosen for this great honor.

This year the 84-member Littleton High School Band, led by eight majorettes and a four-man color guard, is representing Massachusetts at the Cherry Blossom festivities and I take this opportunity to commend this talented musical organization for being selected for this great distinction and to congratulate the band members for the new honors they have brought to their State, their community, and their school.

As the official Massachusetts band, the Littleton musical group is participating in many of the Cherry Blossom activities during their stay in Washington from April 10 to 12, including the Cherry Blossom Festival Parade of Princesses on Saturday.

While members of the Littleton band have little free time during their stay in the Capital, it has been possible for me to arrange a special guided tour of the White House for the group on Friday morning. In addition through the excellent cooperation of officials of the Federal Bureau of Investigation, the group will be given a guided tour of FBI headquarters early Friday afternoon.

Littleton and Massachusetts should be proud of this wonderful musical group which has already won acclaim throughout central Massachusetts. Among the 50 or more bands from across the country selected for participation in the festival this year, Littleton with its 5,800 population is one of the smallest communities in the Nation to be so honored by the festival.

Wearing navy blue military-style uniforms, festooned with gold braiding, the Littleton unit makes a smart and handsome appearance wherever it appears. For the festival parade, the group will lead the open car bearing the Massachusetts cherry blossom princess, Miss Joan Rooks, the daughter of Col. and Mrs. William A. Rooks.

Last December immediately after the invitation to the festival, the townspeople of Littleton joined wholeheartedly in a communitywide fund-raising effort for the some $10,000 in funds required for the trip to Washington. Old-fashioned New England bean suppers, the sale of car bumper strips and chocolate bars, raffles on braided rugs, and a variety of social affairs have helped to raise these funds.

The band's eight majorettes are wearing special new uniforms specially made for the Washington trip by a group of Littleton mothers. In addition, the American Legion Post of Littleton has contributed flags and chrome-plated rifles for the color guard.

The Littleton band is under the able direction of School Music Director John Walker, who has a staff of three to assist him. Musical instruction is started in the fourth grade at Littleton and this early training insures a good selection of capable students for the band by the time the youngsters reach high school.

The Littleton High School Band brings new laurels to the town of Littleton through its participation in the Cherry Blossom Festival of 1964. I take pride in hailing and saluting this superb musical organization for its past achievements and extend best wishes for its continued success in the years to come.

A Tribute to Dr. H. Claude Hudson

EXTENSION OF REMARKS

OF

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1964

Mr. HAWKINS. Mr. Speaker, may I take this opportunity to bring to the attention of my colleagues a brief biographical sketch of one of the most distinguished and influential citizens of the city of Los Angeles, Dr. H. Claude Hudson. No history of the civil rights movement in California would be complete without mention of his name.

During his 10-year service as the president of the Los Angeles branch of the National Association for the Advancement of Colored People his leadership provided an impetus that made itself felt throughout the Nation. His unwavering devotion to the cause of human freedom continues today as an inspiring example to all of us in the forefront of the battle for the constitutional rights of our citizens. I am proud to join with the community in paying tribute to Dr. Hudson.

The biographical sketch of H. Claude Hudson is the story of a Louisiana sharecropper's son's rise to the presidency of a $44 million savings and loan association, a successful dental practice, and a position of leadership in the civil rights struggle.

He was born in Marksville, La., and was educated in the schools of Louisiana and Texas. He attended Wiley University in Marshall, Tex., prior to entering the Howard University School of Dentistry in Washington, D.C. He graduated from Howard University in 1913 with the degree of D.D.S., and was engaged in the practice of dentistry from 1913 to 1923 in Shreveport, La. Dr. Hudson then moved his family and practice to Los Angeles and is still engaged in the practice of dentistry in Los Angeles.

He is the father of six children, the oldest of whom gave his life in the service of his country during the World War II Normandy invasion.

Dr. Hudson was elected to the presidency of the Shreveport, La., branch of the NAACP in 1921 and served until his departure for Los Angeles. Less than a year after arriving in Los Angeles, he was elected to the presidency of the Los Angeles branch of the NAACP and served 10 consecutive years. During his term of office, he developed the Los Angeles branch into the largest and most effective in the Nation. Since 1934, Dr. Hudson has served the local branch as either vice president or as a member of the executive board.

In 1950, he was elected to the national board of directors of the NAACP, has served continuously since that date, and is presently a member of the executive committee of the national board of directors.

In 1927, Dr. Hudson enrolled in the Loyola University School of Law and was awarded the LL.B. degree in 1931. His interest in the study of law was to better enable him to carry on the work of the NAACP during his tenure as president.

He is the president of Broadway Federal Savings & Loan Association of Los Angeles, an institution with assets in excess of $44 million. When Dr. Hudson assumed the presidency of the association in 1949, the association had assets of less than $3 million.

In 1962, at Charter Day exercises, Dr. Hudson received the Distinguished Alumnus Award from his alma mater, Howard University, Washington, D.C. In 1963, he was given a distinguished citizens award from the county conference on community relations.

Dr. Hudson is a trustee of the Wesley Methodist Church and is a member of and active in many social, professional, and human relations organizations.

MacArthur: Epic of History

EXTENSION OF REMARKS
OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 9, 1964

Mr. PHILBIN. Mr. Speaker, the career of General of the Army Douglas MacArthur is an epic of history; his passing a great national and world loss that has brought profound sadness to people everywhere.

This great military leader, probably the greatest of our times, was superbly equipped for the critical tasks committed to him during his long, faithful, outstanding service as high-ranking officer of the American Army.

Of brilliant mental capacities and preeminent intellectual attainments, leader of his class, and inspiring leader all his life, one can speak of him only in superlative terms.

"Duty, honor, country," the motto of his beloved West Point, found in him from early days until his last breath an adherent of undeviating loyalty.

Courage of most exalted form permeated every cell of his body.

Belief in God, and firm, unyielding faith in his Maker, his country, and his own power to fulfill his noblest destiny marked his thought and action as he measured up so conspicuously to a succession of desperate challenges on sea, land, and in the air, in war and peace, in the military, in government, and diplomacy that profoundly influenced for the good the security of the country and the free world and the well-being of the human race.

By common consensus, Douglas MacArthur was one of the greatest military leaders of history. Yet, he was not always a prophet in the eyes of his own Government.

The sad part of his career is that his discerning judgments and counsel which were shared abundantly by the Joint Chiefs and other military experts in the Nation were not accepted. If they had been followed, the whole course of history in the Far East and many other world areas would have been changed for the better.

For who among us in our official life was better qualified by virtue of long interest, study, and experience in Asian affairs, by virtue of his deep understanding of conditions and people in that part of the world, to counsel and act in the furtherance of a sound, constructive, safe American Asian policy, predicated on conclusive victory and the primary interests of our country and the free world, than this great American soldier, diplomat, and Government administrator.

To reinforce the doctrine that "there is no substitute for victory," and the truism that American boys should never have to fight a deadly enemy with their hands tied behind their backs, would have been a glorious exploit for this Nation which the great MacArthur could and would have used, always mindful of the men of his command, to win a decisive victory over world communism, to stabilize the peace of the Far East, and contain the Marxist conspiracy in that part of the world.

The great man who, with our Joint Chiefs, so strongly sponsored and exemplified the cause of victory has now gone to his eternal reward.

Let us hail and salute the great MacArthur epic of history.

Let us dwell upon his unsullied, stainless patriotism, love of God and country, his bitter sacrifices for his cause and his faith, his glorious career which makes him stand out in history as a great military strategist and resourceful, intrepid leader of arms and men.

Let us honor his memory as he honored our country.

In our profound gratitude let us always exalt and hold dear to us the precious truths by which he lived and served.

Long will the people of this Nation remain grateful to this great American leader. And long will our Nation, the free world, and all striving to be free be inspired by his faith, his courage, and his unselfish, noble service to the sacred cause of security and liberty.

To gracious, devoted Mrs. MacArthur, her fine son, and family, I tender my heartfelt sympathy for their irreparable loss. May the good Lord comfort and sustain them in their deep sorrow, and give their dear loved one, our immortal General of the Army Douglas MacArthur, eternal rest and peace in his heavenly home.

Hold high the gleaming banner of his faith. Keep in our hearts the glory of his deeds and the high purpose of his supreme dedication.

A Tribute to the Future Homemakers of America

EXTENSION OF REMARKS
OF

HON. WILLIAM H. NATCHER

OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 9, 1964

Mr. NATCHER. Mr. Speaker, this year Future Homemakers of America Week is observed from April 5 through April 11, and it is with pleasure that I pay tribute to this fine organization which prepares our young women to meet the challenges of tomorrow.

The membership of more than one-half million is drawn from those junior and senior high school students who are studying home economics in the Virgin Islands, Puerto Rico, and the United States. The national organization is composed of chartered State associations which are made up of local chapters. Kentucky was the first State to charter the Future Homemakers of America. Cosponsors are the Office of Education, Department of Health, Education, and Welfare, and the American Home Economics Association.

I am proud of the local chapters, in the Second District of Kentucky. They conduct programs that give the homemaking student training and experience in home management, child care, family relations, and community service. Through their participation in civic projects, they demonstrate their sense of good citizenship and become highly valuable members of the community. Assisting and guiding their endeavors are the home economics teachers who devote the extra hours that have made this a vital organization.

To attain the Future Homemakers of America goal of helping individuals improve personal, family, and community living, the national projects for the period 1962–65 are: First, you and your values; second, focus on family friendship; third, marriage calls for preparation; fourth, stay in school; fifth, action for citizenship. An example of a project in action is the stay-in-school project. Using slogans such as "Diplomas Open Doors—Stay in School," "Dropouts Are Leftouts—Stay in School," and "If You Don't Learn, You Won't Earn—Stay in School," they encourage their school friends to graduate. They assist potential dropouts by tutoring in problem subjects, advising on workable study habits, and sponsoring financial assistance when needed. The limitless possibilities of each of these projects reveals the scope and depth of this organization which so ably develops mature, skilled, responsible young women.

The complex nature of our modern society has, of course, a direct effect on the American housewife. The mastering of household skills, rearing of children, and the continual developing of herself as a creative, intelligent member of society are challenges for which she must be prepared. And, today, over 12 million women are assuming the dual responsibilities of homemaker and jobholder. The Future Homemakers of America recognizes the multiplicity of roles expected of women today and helps prepare them for their responsibilities to themselves, their families, and their communities.

The invaluable quality of a homemaker is her ability to bring love, harmony, and a knowledge of God to the family unit. Without the family's working together as a whole, each member respecting the distinctiveness of the other, the child would never appreciate the value of cooperation and of respect for the rights of others. It is in the home that the child is exposed to, and adopts, a reverence for God, and a deep understanding of America's goals and purposes. The complex role of homemaker is vital to our strength as a free and Christian Nation. Again, I salute the Future Homemakers of America for their past achievements and wish them continued success in all of their future endeavors.

Foreign Aid—Operation Niños

EXTENSION OF REMARKS

OF

HON. ROBERT R. BARRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1964

Mr. BARRY. Mr. Speaker, many of the social problems in Latin America are staggering. For instance, it is the rule, rather than the exception, that the majority of the population of Latin America live in substandard dwellings that are overcrowded and without sanitary facilities. Often whole families live in one room, sharing it with their chickens, piglets, and working tools. If the family is fortunate, they have a meager plot of ground to cultivate which would be considered untillable by American standards. Their shanties are bordered within a few feet by the same type of dwelling, often consisting of a simple thatched roof and walls of pressed tin cans, palm leaves or cardboard. Picture a hillside of these "houses"—either in a remote village or a plush resort city—and it is a typical Latin American scene often described as "local color" by the American tourist.

Picture also a flock of half naked children who consider one of these dwellings their home by night, for they only can sleep there. Regardless of the weather, their daylight hours are spent on a hillside playground of rock and dirt. When evening comes the children take over the shelter, sleeping on pallets of flat, woven straw while the adults gossip over kerosene lamps on the ground outside, the smell of charcoal and cooking oils filling the dank night air. This is the life of the Latin peasant and their niños.

If youngsters are raised in squalor, with inadequate food and without education, they cannot develop strong bodies and clear minds necessary for a full life. Instead they will face a hostile world of frustration and disappointment. As the leaders and workers of tomorrow, children should, and do, receive special attention in our aid program.

Two American assistance programs, involving both private and public cooperation, offer hope for a better life to the children of Chile. One is an Alliance for Progress housing program—a self-help program where the new owner does most of the construction work, the Alliance furnishes the tools and equipment, and the Chilean Government offers technical assistance to the new owner-builder. The other is Operation Niños, a food-for-peace program, in which our surplus food helps to feed 10 million hungry Latin American children.

Well illustrating the effective assistance these two programs are giving to underprivileged Latin American children, is the story of 6-year-old Alicia Vilche, a dark-eyed, black-haired Chilean moppet who was living in a shanty town one room shack with dirt floor, void of windows, heat, electricity or water.

Two years ago, Alicia moved with her family into a 4,000-unit housing development called San Gregorio on the outskirts of Santiago, which was sponsored by the Chilean Government and the Alliance for Progress. In line with the self-help emphasis of the program, Alicia's father, a construction worker, built his own three-room home with tools, equipment, and building materials furnished by AID through an Alliance for Progress loan of $713,000 to the Chilean Government. Payments on the $680 house are geared to the $18 per month salary of Senor Vilche.

Last year Alicia began school in nearby San Salvador community center which is operated by the Church World Service, a private American voluntary relief organization. Here Alicia first came in contact with Operation Niños. Every morning Alicia and her 3- and 4-year-old sisters receive a hot breakfast at the community center which their mother, again in the vein of self-help, assists in preparing as a volunteer member of the community center's mothers club. Because the Vilche's income is so small, each member of the family also receives a monthly supplement of 5 pounds of food-for-peace flour, corn, and powdered milk.

Good housing and food has left an amazing effect on Alicia. Much more attentive in class, she has a new spirit and enthusiasm. Gone are the haunting memories of poverty, sickness, and malnourishment which retarded her earlier development. Now, thanks to American loans and food distributions, Alicia and other children like her have hope for a bright future in which they can contribute their part toward building a modern nation.

Prayer Ban Must Go

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1964

Mr. PHILBIN. Mr. Speaker, when we see the Supreme Court of the United States striking down prayer in our schools it might do us some good to recall the words of Abraham Lincoln which my dear friend, Miss Estella Marshall, 18 Washington Place, Leominster, Mass., a fine God-fearing American woman, has brought to my attention. They are:

> We have been the recipients of the choicest bounties of heaven, we have been preserved these many years in peace and prosperity, we have grown in numbers, wealth, and power as no other nation has ever grown.
>
> But we have forgotten God. We have forgotten the gracious hand which preserved us in peace and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these things were produced by some superior wisdom and virtue of our own.
>
> Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us.

It may be said by way of comment that we have been a God-worshipping country, yet we have recognized the constitutional right of every person to embrace and practice his own beliefs, faith, or creed. We have given atheists, agnostics, disbelievers, and free thinkers of every type and kind the right to hold to their views.

America was built, defended, and preserved by men and women who believed in God. To be sure, there were some who did not so believe, but they were in the vast minority and represented only a fraction of the population of this country at any time. Such people are in a vast minority today. We recognize their right to their beliefs.

Now the question is: Are we to become a totally godless country by official decree of our Supreme Court, insofar as our public schools are concerned?

Are we to become officially godless like Russia, China, and all their Red satellites? Shall godlessness be made the official creed of America? That is the question we must answer.

Do we want to have "In God We Trust" removed from our currency, the word "God" removed from our legal oaths and our national anthem? Do we want to have prayer banished from our public gatherings, chaplains removed from our armed services—the name and worship of God completely driven out of our official American life?

If we do this, my dear friends, we will be turning our backs on our own heritage. We will be casting the spiritual truths which made this Nation great before the money changers in the temple, tossing them into the flesh pots of Mammon.

If we allow this prayer ban and trend toward official godlessness to continue in our country, we will rue the day, because we shall become a vast wasteland of materialism, dessicated and sterile of any real spiritual impulse—a place where the things of the spirit cannot live in the public lives of our people, and in the official life of our Nation, which has been built and has risen to greatness by virtue of reliance in God and devotion to the freedom of man .

Let us wake up America or we will find our spiritual strength sapped and our fair land dominated by crass materialists and the sworn enemies of all organized religion. That day could well mark the end of our freedom and our greatness.

The Handicapped and the Gifted Child

EXTENSION OF REMARKS
OF
HON. JOHN E. FOGARTY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 9, 1964

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks, I include an address delivered by me before the Council for Exceptional Children, Chicago, Ill., on April 2, 1964:

ADDRESS BY CONGRESSMAN JOHN E. FOGARTY, RHODE ISLAND, BEFORE THE COUNCIL FOR EXCEPTIONAL CHILDREN, CHICAGO, ILL., APRIL 2, 1964

I welcome this opportunity to speak before you who are dedicated to work among the handicapped and the gifted. The Nation owes you a debt of gratitude for devoting your intelligence, energy, time, and drive to serving our children who have difficulty making adjustments in their homes and in their schools. The test of our democracy is not how many cars we have, or how many refrigerators we sell, but the reach and range of the opportunities we extend to all young Americans. In this test of democracy you truly and admirably serve.

In our country we have learned that the vitality of our industry and our Government, of our domestic and our foreign affairs, always finds its taproots in the education of our citizens. We have seen at home and abroad that nations of high literacy generally obtain their social and economic goals by reasoned evolution, while in lands where revolution is needed for change the people very often are poorly educated.

Our present and future strength clearly rests on the education of all, the best education our society can provide—to the slow-learning child as well as the fast-learning child, to the hearing child and the deaf, to the seeing child and the blind, to the emotionally stable child and the emotionally unstable, to the child who can easily communicate and the child who has not developed the skills of communication.

Failure in our country today to educate all our children to their full capacity is a guarantee of trouble tomorrow. In World War II we saw indelible proof of the havoc created by neglect of adequate universal education. Seeking healthy, educated men for the fortress of freedom, we found vast numbers who were educationally retarded. The military was then forced to establish emergency schools in camps throughout the country. More than 380,000 soldiers admitted into the Army were functionally illiterate and had to be taught to read.

Today the same pattern prevails among those rejected by Selective Service. Today the physically, mentally, and educationally handicapped, including the school dropouts, are found in formidable numbers among the unemployed and on the public assistance rolls. This is the unhappy harvest of our neglect.

I have long recognized and, happily, many of my fellow Congressmen recognize, that the health and educational strength of our citizens form the keystone in the arch of our progress and our greatness. We may spend billions on reaching the moon and succeed, but can we justify our failure to reach millions of our handicapped children here on earth? I say it is high time to replace neglect with the significant advance in the education of our handicapped and gifted children.

Education in this country has been, and rightly so, the role of the local community. But local districts often lack the means of providing adequate education for all the children of the community. As a result, State governments support local schools partially or in large measure. When local and State governments are unable to educate some segment of the population, the Federal Government may temporarily assume responsibility.

Among our handicapped and gifted children, educational progress has been slow. The cost of educating a handicapped child, I am told, is from two to four times as great as the cost of educating the average child. When States began to subsidize local school systems for the organization of classes for handicapped children, they found that they were short of classrooms, short of professional specialists, short of teachers to instruct these classes.

The Office of Education estimates that today we have approximately 50,000 to 60,000 special teachers for handicapped children in the United States, but that we need 200,000 such teachers if we are to give adequate educational opportunity to all handicapped children. The reports we receive in Congress consistently tell us that classes are being organized faster than colleges are training specialized teachers to man them.

We in Congress have recognized that this is an emergency situation requiring Federal assistance, that progress is slow and that much remains to be done. But we have made some promising beginnings.

Federal aid to handicapped children is not new. Congress has appropriated funds for the Public Health Service for many years. In 1946, the National Institutes of Health were organized to conduct research and to train research workers in health and mental health, with special emphasis on the handicapped. The health of the handicapped has received substantial Federal support.

Now I will admit that it has been traditionally easier to pass legislation for health than for education. One reason, of course, is that education is considered a State and local function, and attempts to improve education through Federal assistance often meet with resistance. In recent years, however, this resistance has been slowly giving way.

Probably most of you know of the cooperative research program of the U.S. Office of Education, a long-range and most hopeful effort. In 1957, $1 million was appropriated for this educational program. Initially, two-thirds of that appropriation was earmarked for work in mental retardation. Since then approximately $8 million has been awarded for projects to improve the education of the mentally retarded, the physically handicapped, and the gifted.

In 1959, a training program directed toward mental retardation was created through Public Law 85–926, with the appropriation of $1 million a year to train teachers of these handicapped youth. The U.S. Office of Education reports that by the end of 1964, 835 fellowships will have been granted to 560 individuals under this law.

In 1961, another Federal program for educating the handicapped was launched. This was provided for by Public Law 87–276 which appropriated $1½ million to train teachers of the deaf. At that time, we in Congress were informed that the shortage of teachers of the deaf was severe and increasing at an alaming rate, and that Federal intervention to increase their ranks was a necessity. In the 2-year period from 1962 to 1964, 942 scholarships were awarded to students preparing to become teachers of the deaf.

The cooperative research program and the teacher-training programs for the mentally retarded and the deaf were a modest but important beginning. Much effort was expended by associations, citizens groups, and Congressmen to enact these laws. The dynamic impetus for further advances came through the efforts of President Kennedy. In his messages on health and education, he led the way to greater undertakings.

Congress responded dramatically to this leadership last year with the most significant educational legislation in the whole history of the Office of Education, now nearly 100 years old, and with landmark measures to aid the handicapped.

Among the major legislation passed in 1963 pertaining specifically to the handicapped are Public Law 88–156, entitled "Maternal and Child Health and Mental Retardation Planning Amendments of 1963," and Public Law 88–164, entitled "Mental Retardation Facilities and Community Health Centers Construction Act of 1963."

The first of these measures, maternal and child health, was signed by President Kennedy on October 24, 1963. It was formulated to prevent and combat mental retardation in these specific ways:

It provides funds to assist the States in planning comprehensive State and community action programs for the mentally retarded.

It provides project grants for maternal and infant care.

It increases maternal and child health services.

It increases services for crippled children.

It provides grants for research to improve maternal and child health services.

The second law, entitled "Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963," was signed by President Kennedy on October 31, 1963. It appropriates approximately $329 million over a 5-year period for these purposes—

It provides for the construction of research centers and facilities relating to mental retardation.

It provides for construction and establishment of community mental health centers.

It provides for training of teachers of handicapped children.

It provides for research and demonstration in the education of handicapped children.

In the training of teachers, the law is broader and more comprehensive than previous legislation. It provides for training in all areas of the handicapped and at all levels of preparation—from teacher training to the training of college instructors, research personnel, and the administrators and supervisors of teachers of the handicapped.

In addition to the training of personnel, the new legislation also provides a broader base for research and demonstration in the education of handicapped children. Under the cooperative research program, grants are made only to institutions of higher learning and to State educational agencies for research and demonstration. The new law extends these grant provisions to public and private school systems, and to nonprofit public and private agencies dealing with handicapped children.

I have spoken of Federal programs now in effect to serve our handicapped and retarded children. Now let me turn to a no less important need—the improved education of America's gifted children.

Congress did not include the gifted child in its 1963 legislation. This does not mean that the Congress lacks interest in gifted children, but that we have not yet determined the role of the Federal Government in promoting higher quality education for gifted children.

Here the Congress and the educational community still have their homework to do—to arrive at specific proposals defining the role of the Federal Government. Should we at the Federal level provide funds for developing materials and curriculums for the gifted? Should we support training grants for the preparation of teachers? What kinds of professionals are needed and for what kinds of programs? Should we start with the preparation of teachers of gifted children as we have with the preparation of teachers of the deaf? Or should we begin by supporting programs for leaders and supervisors of teachers?

I am aware that fine work is now being done in various parts of the country, particularly in the higher socioeconomic areas in identifying gifted children and adapting programs for them. I am also aware that a far larger proportion of gifted children enter college today from these higher economic areas than from our lower economic levels. These gifted children of the well-to-do are more easily detected from their IQ scores and school grades than children who potentially may be gifted but, because of poor home and neighborhood environments and poor motivation for learning, fail to score high on conventional tests. What can we do to detect these potentially gifted, to strengthen their opportunities for learning, to salvage these rare and overlooked children who could otherwise contribute so greatly to our national well-being?

I would be interested in receiving proposals to assist the Nation in identifying the full range and number of our gifted children and proposals to act upon this knowledge—both among the advantaged and the disadvantaged of our society. These children are truly a vital human resource. To waste their potential—to neglect this latent wellspring of strength—is to perform a shameful disservice to these children and to the future of us all.

Tonight, in reviewing with you some of the Federal legislative programs for the exceptional child, I would add that the role of Congress is a limited one. We can pass legislation for the handicapped and, hopefully, soon for the gifted. We can appropriate funds. We can encourage the development of programs across the country. But the big and fundamental task begins and ends with you—with the creative wisdom and talent you bring to bear in your own schools and your own communities.

We in Washington cannot organize these programs for you. We cannot carry forward the needed research and development. We cannot develop teaching procedures for handicapped or gifted children. But we can make it possible for you to do a better job and this we assuredly should do. Specifically, through legislation, we can hope to stimulate these major results:

First, to increase the cooperative efforts of the Federal Government with State educational agencies, with local school systems, with institutions of higher learning.

Second, to encourage the development and strengthening of special education in our colleges and universities.

Third, to make possible the selection of the most qualified individuals for these special fellowships and traineeships.

Fourth, and last, to increase not only the quantity but also the quality of instruction for these handicapped and gifted children who deserve the best that we can provide.

Now, in conclusion, I wish to pay tribute to you for your dedicated work, to my fellow Congressmen for their legislative vision, to President Johnson for his strong and continuing interest in the education and health of the handicapped, and, finally, to the memory of the late President Kennedy for the legacy of ideas and programs which he has left to us to carry forward. It is befitting at this time to quote from the January issue of your own journal, Exceptional Children:

"The least any of us can do in the memory of John Fitzgerald Kennedy is unselfishly to double our efforts to prevent handicapping conditions in children and to educate and rehabilitate all the handicapped children in our society. This is one substantive measure which we can take so that the eternal flame which now burns in Arlington Cemetery may illuminate the lives and spirits of handicapped children throughout the land."

Civil Rights Acts, 1866 and Today

EXTENSION OF REMARKS

OF

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1964

Mr. NIX. Mr. Speaker, exactly 98 years ago today, on April 9, 1866, the 39th Congress enacted the first major civil rights act for the protection of Negro citizens of the United States. The act, which is reproduced below, emphatically declared Negroes to be citizens of the United States under the principle of jus soli and specified that they were to enjoy the same personal and property rights and suffer the same punishments, pains, and penalties as were applicable to white citizens. Neither prior slavery or involuntary servitude, except as just punishment for a proper criminal conviction, would serve to bring about impairment of those rights and obligations.

Exactly 98 years from that date, the 88th Congress is engaged in efforts to secure and protect some of the very same rights covered in the act of April 9, 1866. This Chamber has discharged its duty with unparalleled determination and conviction, as far as H.R. 7152 is concerned. It remains for our sister Chamber to do likewise, as I am confident it will, in spite of unjustified opposition.

By comparison with the act of 1866, the present legislation is mild. Absent are the criminal sanctions. Gone are the provisions for on-the-spot judicial attendance for arrest and trial. Forgotten are the provisions referring to slavery and previous condition of servitude. Omitted is the specific grant of executive power to employ the land and naval forces to prevent violations. The present legislation is written in the context of 1964, not 1866. And there is no anticipation of a Presidential veto or the necessity of overriding executive disapproval. The age is different and so, too, the act.

Yet, the deprivation of the rights of Negro citizens cries out as it did in 1866 for immediate corrective measures by Federal legislation. The message of those times went unheeded in the long view, even though the Supreme Court, three times by 1869, refused to declare unconstitutional this and other aspects of the Congress' reconstruction plan.

The task remains to be done, perhaps because it has been left to mere men who do not always live up to their commitments to the Constitution in the most positive fashion. Be that as it may, the text of the act of 1866 should serve to remind one and all that the fight for equality will not subside until all Americans enjoy the same opportunities under the law of the Constitution.

I include the text of the act of 1866 in my remarks, as follows:

CHAP. XXXI.—AN ACT TO PROTECT ALL PERSONS IN THE UNITED STATES IN THEIR CIVIL RIGHTS, AND FURNISH THE MEANS OF THEIR VINDICATION

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 3. *And be it further enacted,* That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offences committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act; and if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court, against any such person, for any cause whatsoever, or against any officer, civil or military, or other person, for any arrest or imprisonment, trespasses, or wrongs done or committed by virtue or under color or authority derived from this act or the act establishing a Bureau for the relief of Freedmen and Refugees, and all acts amendatory thereof, or for refusing to do any act upon the ground that it would be inconsistent with this act, such defendant shall have the right to remove such cause for trial to the proper district or circuit court in the manner prescribed by the "Act relating to habeas corpus and regulating judicial proceedings in certain cases," approved March three, eighteen hundred and sixty-three, and all acts amendatory thereof. The jurisdiction in civil and criminal matters hereby conferred on the district and circuit courts of the United States shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offences against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of the cause, civil or criminal, is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern said courts in the trial and disposition of such cause, and, if of a criminal nature, in the infliction of punishment on the party found guilty.

SEC. 4. *And be it further enacted,* That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, the officers and agents of the Freedmen's Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or territorial court as by this act has cognizance of the offence. And with a view to affording reasonable protection to all persons in their constitutional rights of equality before the law, without distinction of race or color, or previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, and to the prompt discharge of the duties of this act, it shall be the duty of the circuit courts of the United States and the superior courts of the Territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a violation of this act; and such commissioners are hereby authorized and required to exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offences created by this act, as they are authorized by law to exercise with regard to other offences against the laws of the United States.

SEC. 5. *And be it further enacted,* That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousands dollars, to the use of the person upon whom the accused is alleged to have committed the offence. And the better to enable the said commissioners to execute their duties faithfully and efficiently, in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing, under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; and the persons so appointed to execute any warrant process as aforesaid shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the clause of the Constitution which prohibits slavery, in conformity with the provision of this act; and said warrants shall run and be executed by said officers anywhere in the State or Territory within which they are issued.

SEC. 6. *And be it further enacted,* That any person who shall knowingly and wilfully obstruct, hinder, or prevent any officer, or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them, from arresting any person for whose apprehension such warrant or process may have been issued, or shall rescue or attempt to rescue such person from the custody of the officer, other person or persons, or those lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist any person so arrested as aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued as aforesaid, so as to prevent his discovery and arrest after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the district court of the United States for the district in which said offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States.

SEC. 7. *And be it further enacted,* That the district attorneys, the marshals, their deputies, and the clerks of the said district and territorial courts shall be paid for their services the like fees as may be allowed to them for similar services in other cases; and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, inclusive of all services incident to such arrest and examination. The person or persons authorized to execute the process to be issued by such commissioners for the arrest of offenders against the provisions of this act shall be entitled to a fee of five dollars for each person he or they may arrest and take before any such commissioner as aforesaid, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner, and in general for performing such other duties as may be required in the premises; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

SEC. 8. *And be it further enacted,* That whenever the President of the United States shall have reason to believe that offences have been or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

SEC. 9. *And be it further enacted,* That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act.

SEC. 10. *And be it further enacted,* That upon all questions of law arising in any cause under the provisions of this act a final appeal may be taken to the Supreme Court of the United States.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate, pro tempore.

Air Force Electronic Systems Division Best Served at Hanscom

EXTENSION OF REMARKS
OF
HON. PHILIP J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 9, 1964

Mr. PHILBIN. Mr. Speaker, the decision of Secretary of the Air Force Eugene M. Zuckert to retain the vitally important Electronic Systems Division at Laurence G. Hanscom Field in Massachusetts is one that the entire Massachusetts delegation in Congress wholeheartedly approves and applauds.

While it has been known for the past few days that the decision on Hanscom would be a favorable one, Secretary Zuckert today in a lengthy memorandum made known the reasons which prompted him to reject the request for transfer of some or all of the Hanscom functions to Griffiss Air Force Base in New York. I ask unanimous consent to include as part of my remarks correspondence dealing with Hanscom.

While I am sympathetic with the Rome, N.Y., area over its concern about the relocation of certain Griffiss functions, I am most disturbed over the efforts of some of my colleagues from New York to raid Hanscom and I see little justification for efforts of this kind at a time when all defense installations are under review for possible closing by the Department of Defense.

For those of us in Massachusetts who have been aware of the ESD contributions to the defense effort for some time past, largely generated by the huge scientific-research complex Boston is fortunate enough to have, the decision on Hanscom was the only one possible under the circumstances.

However, very many people became alarmed when what can only be described as a power grab began some weeks ago by some members of the New York delegation. Letters of protest descended upon Massachusetts Congressmen in growing numbers, but there was little in the way of positive assurances for these good people until the Air Force had completed its survey of the functions at Hanscom.

This Air Force decision was expedited in great measure, in my opinion, through recent actions of our Committee on Armed Services when the Subcommittee on Real Estate, of which I was chairman a few years ago, now ably directed by our distinguished colleague, the courteous and capable gentleman from Mississippi, my valued and esteemed friend [Mr. WINSTEAD], was called upon to give routine clearance to a land acquisition project affecting Hanscom.

The project called for the acquisition of some 40 acres of land near Hanscom for the 200-unit housing project, authorized and funded by the Congress last year. Early this year the Air Force released $3½ million in funds so that the work, already long delayed, could get underway.

The Air Force presentation to justify the project had just begun when questions were raised about the necessity for such housing at a time when the Air Force was surveying Hanscom.

The House met at 11 a.m. that day and the subcommittee adjourned without taking any action on the Hanscom project.

In view of the need for early approval of the land acquisition project for Hanscom, Chairman VINSON of our committee wrote Secretary Zuckert on March 16, reciting the facts and urging an early decision on the over-all Hanscom survey so that some disposition of the subordinate land acquisition problem could be made.

That subcommittee decision was also made today, Mr. Speaker, and I am pleased to report that the subcommittee endorsed Secretary Zuckert's decision on Hanscom by a vote of five to two in favor of the acquisition of needed land for Hanscom housing.

If it had not been for Chairman Vinson and our committee, I feel sure it is quite possible that Hanscom would still be the subject of conjecture and uncertainty.

Let me make it clear that Chairman Vinson took no sides on this issue. He simply let it be known that it would be desirable to have an early Hanscom decision, one way or the other.

The members of the Massachusetts delegation in Congress from the outset vigorously protested the New York raid on the Hanscom functions. While it is difficult to see how the Air Force could have come to any other conclusion on Hanscom, especially in view of the huge investment the Federal Government already has made in the Hanscom facilities, totaling over $70 million and the obvious invaluable character of the unmatched scientific and research and development advantages of this base, the delegation worked most energetically as a unit to retain Hanscom at full strength.

There is a lesson for all of us in the Hanscom situation, Mr. Speaker. There is every indication that more and more of the outmoded or surplus defense activities will be curtailed or phased out partially or completely in the months and years ahead. When that time comes, congressional efforts should not be geared to raids on other parts of the country with requests for time-consuming and expensive surveys, as has been done here. Rather, it would seem to me that action be directed toward the retention of the facilities in question and the best possible case made with the officials concerned and our colleagues here in the Congress.

In that way, sectional differences would be eliminated and a more sympathetic and greater awareness of the problems of other areas might well result when these matters come up for discussion in the House. Moreover, interested groups should exercise good judgment in not jumping the gun on rumors and speculative reports and conclusions.

Pertinent correspondence on Hanscom follows:

MARCH 24, 1964.

Hon. EUGENE M. ZUCKERT,
Secretary of the Air Force,
Washington, D.C.:

Have been greatly concerned about your survey possibly designed to remove Electronics System Division from Hanscom to Griffiss. Believe such a move would be extremely ill advised, costly, wasteful, inefficient, and harmful to national defense. Strongly urge your rejection incredible proposal New York Senators and early activation before our Real Estate Committee your own prior proposal commencement housing project at Hanscom. Will be most grateful your consideration and favorable action in this matter. Thanks and regards.

PHILIP J. PHILBIN.
Member of Congress.

DEPARTMENT OF THE AIR FORCE,
Washington.

Hon. PHILIP J. PHILBIN,
House of Representatives.

DEAR MR. PHILBIN: This is to acknowledge your telegram of March 24 concerning a proposal to transfer the Electronic Systems Division from Hanscom Field to Griffiss Air Force Base, N.Y.

This proposal was placed before the Air Force on an official basis by several members of the New York State congressional delegation. They also approached the National Aeronautics and Space Agency (NASA) with a view to determining whether NASA could use any facilities vacated by ESD.

We are conducting a study of this proposal and have established contact with NASA officials. This study is necessarily complex because of the wide range of ESD activities. We expect that a final answer will be available next month. At that time we will promptly inform you.

Sincerely,

GEORGE M. LOCKHART,
Colonel, U.S. Air Force, Deputy, Director, Legislative Liaison.

DEPARTMENT OF THE AIR FORCE,
Washington, April 9, 1964.

Hon. PHILIP J. PHILBIN,
House of Representatives.

DEAR MR. PHILBIN: This is in response to your recent letter, signed jointly with other members of the Massachusetts congressional delegation, in which you recommended the retention of the Electronic Systems Division (ESD) at Laurence G. Hanscom Field, Mass. Several members of the New York State congressional delegation had suggested that ESD be moved to Griffiss Air Force Base, N.Y. Their suggestion was predicated on the projected availability of resources at Griffiss resulting from the phase out of the Rome Air Materiel Area (ROAMA) and the need of the National Aeronautics and Space Administration (NASA) for facilities and capabilities to establish their proposed Electronic Research Center in the Boston area.

We have made a detailed, objective analysis of this proposal, considering the impact on manpower, facilities, and dollars. The results are described in the attached outline.

Our conclusion, after these evaluations, is that the retention of ESD at Hanscom would best serve the Government's interest.

Sincerely,

EUGENE M. ZUCKERT,
Secretary of the Air Force.

CONCLUSIONS RESULTING FROM ANALYSIS OF PROPOSAL TO RELOCATE THE ELECTRONIC SYSTEMS DIVISION (ESD) FROM LAURENCE G. HANSCOM FIELD, MASS., TO GRIFFISS AIR FORCE BASE, N.Y.

Several members of the New York State congressional delegation have proposed that the Electronic Systems Division (ESD), now located at Laurence G. Hanscom Field (near Boston, Mass.), be moved to Griffiss Air Force Base, N.Y. It was postulated that ESD could use resources at Griffiss made available by the phaseout of ROAMA. This, in turn, would make available to NASA the facilities and capabilities of ESD for the proposed NASA electronics center in the Boston area.

The first step in our analysis was to consider the resources and missions of the major Air Force activities involved in the proposal.

(a) At Griffiss Air Force Base, the following situation prevails:

1. The Rome Air Materiel Area (ROAMA) is being phased out. This will make available nine warehouse-type buildings, of which about 315,000 square feet have been modified for administrative purpose. The more modern of these facilities are under consideration for use by other Air Force activities scheduled to remain at Griffiss.

2. The Rome Air Development Center (RADC) executes the systems command exploratory and advanced development programs in electromagnetics. It also provides technical support to ESD in the design, engineering, and development of subsystem

components and equipment. Some 40 percent of RADC work is done for ESD. Less than 10 percent of the total ESD work is accomplished by RADC.

(b) Located on or near Hanscom Field, Mass., are the Lincoln Laboratory, the Air Force Cambridge Research Laboratory, (AFCRL), the Systems Development Corporation (SDC), the Electronics Systems Division, and the MITRE Corporation. The effect of the proposed move of ESD on these activities is as follows:

1. Lincoln Laboratory and AFCRL accomplish basic research functions. While their colocation with ESD is not essential, the nearby availability of their considerable human talents does substantially assist in the accomplishment of the ESD mission.

2. SDC is a service activity of ESD. Again, although colocation with ESD is not absolutely essential, it is desirable.

3. ESD is primarily responsible for managing the acquisition of electronic information and communications systems from initial concept to their installation as a part of the Air Force inventory. There is a continuing shortage of Air Force personnel sufficiently trained to perform the in-house engineering and technical support required in the acquisition of modern Air Force weapons and support equipment. As a result, "not-for-profit" corporations have been established to provide systems engineering and integration for Air Force programs. In the case of electronic systems, MITRE performs this vital function. Thus, it is an essential part of the overall ESD operation and any separation of these two activities would bring about unacceptable increases in costs, and slippages in urgent national command and control programs.

4. MITRE is presently located 4 miles from Hanscom in facilities which cost over $9 million. The mortgage on their buildings (owed by MITRE) has a present unpaid balance of some $5.1 million.

(c) The following information concerning the proposed NASA Electronic Research Center was developed:

1. NASA has budgeted approximately $56 million for the Center (exclusive of land costs). They have estimated that approximately 40 percent of this is for building construction, with the remaining 60 percent to be spent for equipment acquisition and installation. This is subject to refinement after the final site selection.

2. On the basis of moving ESD, and its integral component MITRE, to Griffiss, the Civil Engineer, Hanscom Field, after studying the NASA report to Congress (Electronic Research Center, Report of the National Aeronautics and Space Administration, dated January 31, 1964), has estimated the cost of meeting the NASA facility need using the ESD and MITRE buildings. His construction and alteration estimate is $5.5 million. This arrangement would involve a 4-mile split operation of the NASA Center. This is not in accord with present NASA planning. Further, this estimate does not include the cost of paying off the mortgage on the MITRE facilities (present value $5.1 million).

(d) Other factors which entered the evaluation were:

1. The cost of movements, and preparation of facilities, at Griffiss for ESD and MITRE was estimated to be $20.5 million.

2. It was also recognized that there would be major losses in ESD and MITRE civilian personnel should these organizations be moved to Griffiss. This led to a survey of personnel occupational skills within ROAMA to determine if the ROAMA phase out would assist in filling the anticipated ESD and MITRE vacancies. This study revealed that there are significant differences in the occupational skill requirements of ESD and MITRE in research and development areas, while the ROAMA needs are generally for individuals skilled in logistics and supply management.

The conclusions of the evaluation covered the areas of costs and mission performance.

(a) The Air Force and NASA costs are summarized in the following table:

[In millions of dollars]

Alternative	ESD	NASA construction	NASA instrumentation	Approximate total cost
NASA Electronic Research Center in Boston area (not using ESD or MITRE facilities)	0	[1] 22.4	[1] 33.6	[2] 56.0
Move ESD and MITRE to Griffiss	20.5	[3] 5.5	33.6	[3] 59.6

[1] 40 percent of $56,000,000 is $22,400,000; 60 percent of $56,000,000 is $33,600,000.

[2] Does not include land.

[3] Excludes present $5,100,000 mortgage on MITRE facilities.

(b) In the mission performance area, the following conclusions were developed:

1. Movement of ESD alone to Griffiss would result in unacceptable mission degradation.

2. Movement of ESD and MITRE to Griffiss would bring about one-time costs in excess of the NASA construction and equipment estimates ($59.6 million versus $56 million). Additionally, other long-term costs, difficult to quantify, would be incurred by the Air Force. These involve losses of technically qualified personnel, the breaking up of the closely interrelated complex of research and development organizations in the Hanscom area, and the limited employment potential for ESD/MITRE skills in Rome. In essence, the scientific, technical and academic environment of the Boston area is of significant assistance to the ESD/MITRE operation.

SENATE

FRIDAY, APRIL 10, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, Father of all men, amid encircling gloom our groping, faltering hands reach out for the assurance of Thy presence, as our fathers in every generation have sought Thee and found Thee. They faced difficulties as frowning as those that challenge our climbing feet. By faith, they were led over the peaks, to the pleasant valleys and still waters beyond.

Undergird us, we beseech Thee, with Thy might, so that no denials of human freedom by those who would enslave mankind may intimidate our souls.

When the problems which front us seem insoluble, when the shining river of our fairest dreams seems to sink into the sands of futility, still may we labor on, serene and confident, knowing that, in spite of tears in the night of hopes deferred, the joy of sure victory cometh in the morning.

We bring our prayer in the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 9, 1964, was dispensed with.

ORDER FOR RECESS TO 10 A.M., SATURDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it stand in recess until 10 a.m., tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1963

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. DOUGLAS obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield to me, with the understanding that he will not thereby lose his right to the floor?

Mr. DOUGLAS. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Then, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll; and the following Senators answered to their names:

[No. 127 Leg.]

Aiken
Allott
Anderson
Bartlett
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Clark
Cotton
Dirksen
Dominick
Douglas
Fong
Gore
Gruening
Hart
Hayden
Hickenlooper
Holland
Humphrey
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGovern
McIntyre
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Muskie
Nelson
Pastore
Pearson
Pell
Ribicoff
Robertson
Scott
Simpson
Smith
Sparkman
Stennis
Thurmond
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. Dodd], the Senator from Louisiana [Mr. Ellender], the Senator from North Carolina [Mr. Ervin], the Senator from Arkansas [Mr. Fulbright], the Senator from Indiana [Mr. Hartke], the Senator from Hawaii [Mr. Inouye], the Senator from Wyoming [Mr. McGee], the Senator from Michigan [Mr. McNamara], the Senator from Oregon [Mrs. Neuberger], the Senator from Wisconsin [Mr. Proxmire], the Senator from Georgia [Mr. Russell], the Senator from Tennessee [Mr. Walters], the Senator from New Jersey [Mr. Williams], and the Senator from Texas [Mr. Yarborough] are absent on official business.

I also announce that the Senator from Indiana [Mr. Bayh], the Senator from West Virginia [Mr. Byrd], the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], the Senator from California [Mr. Engle], the Senator from Alabama [Mr. Hill], the Senator from Louisiana [Mr. Long], the Senator from Arkansas [Mr. McClellan], the Senator from Florida [Mr. Smathers], the Senator from Missouri [Mr. Symington], and the Senator from Georgia [Mr. Talmadge] are necessarily absent on official business.

I further announce that the Senator from West Virginia [Mr. Randolph] is absent during convalescence from an illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. Beall], the Senator from New York [Mr. Javits], the Senator from Kentucky [Mr. Morton], and the Senator from Massachusetts [Mr. Saltonstall] are necessarily absent.

The Senator from Kentucky [Mr. Cooper], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Arizona [Mr. Goldwater], the Senator from New York [Mr. Keating], the Senator from New Mexico [Mr. Mechem], the Senator from Vermont [Mr. Prouty], and the Senator from Texas [Mr. Tower] are detained on official business.

The PRESIDING OFFICER (Mr. McGovern in the chair). A quorum is present.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. DOUGLAS. I ask unanimous consent that I may yield to the majority leader without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may make several statements and introduce a bill, out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE COTTON-WHEAT BILL

Mr. MANSFIELD. Mr. President, I would like to call attention for the Record to the fact that the House of Representatives yesterday accepted the Senate amendments to H.R. 6196, the Cooley-McGovern cotton-wheat bill, which is now cleared to go to the White House.

I have many reasons for being gratified by the House vote and the enactment of this measure. Not the least of those reasons is the fact that the State of Montana produces 70 million to more than 100 million bushels of wheat annually and passage of the measure means that the wheat producers of the State of Montana will receive $45 to $55 million more in income from their 1964 crop than without legislation. Wheat producers of the Nation will receive $450 to $500 million more from the 1964 crop than they would have received if no bill had been passed.

There are numerous Members of the Senate who are entitled to recognition and a word of praise for their part in making possible House approval of the bill in time to be effective on the 1964 wheat and cotton crops. I shall not attempt to name them all.

However, I should like to congratulate the distinguished chairman of the Committee on Agriculture and Forestry [Mr. Ellender] for planning the manner by which the bill could be expedited and enacted in time to be effective this year, and for his wise counsel in the development of a bill which could win approval of the House.

The Senator from Mississippi [Mr. Eastland], who managed the cotton section of the bill; the Senator from Georgia [Mr. Talmadge]; the Senator from North Carolina [Mr. Jordan]; the Senator from South Carolina [Mr. Johnston]; and others who assisted in handling the cotton section are entitled to our thanks and our praise.

Likewise, the distinguished junior Senator from South Dakota [Mr. McGovern] who managed the wheat section of the bill, the Senators from North Dakota [Mr. Young and Mr. Burdick], and many others are entitled to our encomiums.

The junior Senator from South Dakota had an especially difficult assignment to guide the passage of a wheat provision which could be added to the House cotton bill and win acceptance in the House without extended new debate. He handled this task wisely and courageously. I congratulate him on this successful culmination of his pioneer effort to obtain approval of the voluntary wheat certificate plan; this bill is very nearly as he proposed it last July.

The successful completion of this legislative undertaking, Mr. President, not only reflects credit on its leaders and the participants, but on the Congress as a whole. It has again proven the Congress' ability to meet pressing legislative needs in a timely way.

SAMPLING OF THE RESOLUTIONS ADOPTED BY YOUNG DEMOCRATIC CLUBS OF AMERICA

Mr. MANSFIELD. Mr. President, wisdom is thought to be transmitted from age to youth. This pattern may be true in family and other personal relationships. But the life of any vital nation requires a continuous infusion of new ideas to meet the requirements of an ever-changing society. One of the best sources of ideas rests in young people who dare to think for the future of the Nation in which their own futures must be found. In short, if the wisdom of experience runs from age to youth, the wisdom of innovation in the political life of the Nation may well run, in good part, in the opposite direction. As an example of this phenomenon, I ask unanimous consent to have included at this point in the Record a sampling of the resolutions which were adopted at the 14th biennial convention of the Young Democratic Clubs of America recently held in Las Vegas, Nev., which were submitted to me by the able national president of the organization, J. Albert House, Jr.

There being no objection, the sampling was ordered to be printed in the Record, as follows:

RESOLUTION RE BALANCE OF PAYMENTS

Whereas the balance of payments problem has been of serious and growing concern to the United States since 1958, and

Whereas our economic well-being demands that we take steps to bring our external accounts into equilibrium to minimize the loss of gold and to protect the dollar and external attack; and

Whereas our national interest demands that we institute programs to achieve high employment and increase economic growth at home and maintain the strength of the free world abroad; and

Whereas Lyndon Baines Johnson has proposed an imaginative and farsighted program to attain these goals; and

Whereas Lyndon Baines Johnson specifically recommends programs to include:

1. Early enactment of the interest equalization tax, designed to raise the costs of foreign borrowing in our capital market without forcing up domestic interest rates;
2. Further economies in dollar outflows from Government programs, without compromising our efforts to maintain the strength of the free world;
3. Continued price stability and export promotion to maintain or improve the competitive position of our exports; and

Whereas the Young Democrats think these policies and these goals provide a program which will increase our economic well-being and serve our national interest,

Whereas steps already taken by a Democratic administration have demonstrated the validity of such a program by bringing the balance-of-payments deficit in the third quarter of 1963 to .3 billion dollars—the lowest point since the problem began in 1958; therefore be it

Resolved, The Young Democratic Clubs of America wholeheartedly and enthusiastically endorse the program to meet the balance of payments set forth by President Johnson.

RESOLUTION ON NATURAL RESOURCES

Whereas because of her bountiful natural resources, America is the most powerful and most beautiful nation in the history of the world;

Whereas America's mountains and valleys; lakes, harbors, rivers, and streams, treasures of the underground; and riches of the surface soil are her people's domain and their common wealth; and

Whereas generations yet unborn obligate us here—now—to the prudent conservation and wise development of this public heritage: be it

Resolved, That the Young Democratic Clubs of America urge a continued and expanded program of conserving the Nation's scenic and recreational resources, such as: A bureau of outdoor recreation expansion of our national parks program, development of a Youth Conservation Corps, protection of our wilderness area, and legislation prohibiting continued pollution of our water; be it further

Resolved, That the Young Democratic Clubs of America strongly support the deliberate development of our Nation's water resources for the maximum public good with publicly sponsored, publicly oriented power development projects, such as: expanded development of the Columbia River Basin to include Knowles Dam, Libby Dam, the Burns Creek site, and the Lower Teton project. Establishment of a Rampart project of Alaska, enactment of the Pacific Northwest-Southwest power intertie, reserving preference rights to the Pacific Northwest, and the passage of the Central Arizona project; be it further

Resolved, The Young Democratic Clubs of America strongly urge its members to leave this our heritage from nature, in better condition than we found it.

Resolution on Labor

Whereas it is desirable to keep wages in key industries from rising faster than the national rate of productivity for all industries; and

Whereas it is desirable that in return for such restraint on the part of labor that employers hold price increases to a minimum and even cut prices whenever their productivity and profit positions make reduction feasible; and

Whereas excessive wage increases might trigger an inflationary movement in wages and prices generally, thus producing economic chaos; and

Whereas that the present administration, under the most capable direction of President Johnson has given great study to this problem and has thereby developed standards commonly referred to as "guideposts" for both labor and industry to aid these bodies in making sound decisions: Now, therefore, be it

Resolved, That the Young Democratic Clubs of America urge labor and industry to cooperate with President Johnson in this complex problem and adopt the guideposts as developed by his administration and thus continue and further our now sound labor-management relations.

Resolution Re Court of the Union

Whereas the so-called Court of the Union proposal would result in judicial anarchy and is exceedingly dangerous to the Federal system: Now be it

Resolved, That the YDCA condemns this proposal and urges its defeat by the legislature of the several States.

Resolution on Medical Aid to Aged

Whereas older people have higher expenses, lower incomes and less insurance, than younger people, and

Whereas health insurance that is now available to older individuals that provides reasonable protection is extremely costly; and

Whereas many older people are being forced to become a burden on their children during periods of illness; and

Whereas there has been prepared the King-Anderson bill that provides for the medical needs of the aged; and

Whereas the King-Anderson bill would utilize the Social Security Administration which would thus reduce administrative costs; and

Whereas the King-Anderson bill would not lead to nor advocate socialized medicine; and

Whereas only half the States are now operating on the present Kerr-Mills program for the medically indigent: Now, therefore, be it

Resolved, That the Young Democrats of America urge the adoption of the King-Anderson bill for medical aid to the aged.

Resolution on Civil Rights

Whereas the continued failure to accord to many of our citizens equal rights and equal opportunities is a national disgrace and an ever-increasing source of tension which erodes our national unity, progress, and tranquillity and world image; and

Whereas the late President John F. Kennedy in presenting his omnibus civil rights bill recognized the glaring conflict between the dictates of our Constitution and simple justice; and those unworthy practices and traditions which serve to preserve discrimination; and

Whereas President Lyndon B. Johnson has strongly urged the Congress to pass this civil rights bill which will assure and protect the right of every citizen in the areas of:

1. Freedom of voting without discrimination.
2. The free use of public accommodations which bear on interstate commerce.
3. To obtain an education unencumbered by segregation and discrimination.
4. With the establishment of a community relations service to help resolve discrimination problems on State and local levels; and

Whereas the Young Democrats of America have consistently opposed the theory that these matters are more properly left to the States, since clearly some States are unwilling or unable to take steps to end these inequities; and

Whereas the Young Democratic Clubs of America call for the use of Federal registrars of voters wherever citizens are denied the right to vote: Therefore be it

Resolved, That we the Young Democrats of America in convention assembled:

1. Do hereby urge the Congress to resolve this national conflict by promptly passing the omnibus civil rights bill in its entirety without crippling amendments.
2. We condemn those congressional Members who would use delaying tactics or procedures to prevent passage of this bill, and if such tactics are used, we suggest the invoking of cloture.
3. We further urge each delegate upon his return home to work for the passage of the civil rights bill.

Kennedy Scholarship Fund

Be it further resolved, That the Young Democrats of America do hereby establish a "John Fitzgerald Kennedy Memorial Scholarship Fund."

A committee shall be appointed by the president of the Young Democrats of America consisting of eight State Young Democrats chairmen, representing a geographical distribution as the national chairman deems representative of the Young Democrats throughout the United States of America.

The purpose of this committee shall be to:

1. Establish the number of scholarships that the Young Democrats of America shall sponsor.
2. To establish requirements of the scholarship.
3. To establish a fundraising process for the support of this scholarship fund.

President Kennedy's Youth Employment Program

Whereas the Young Democratic Clubs of America recognize the vital need for imaginative solution to the complex problems concerning migrant labor, school dropouts, lack of skilled personnel in mental institutions and the many other areas of pressing domestic problems; and

Whereas our country is faced with a great and increasing number of young people between the age of 16 and 21 who are unemployed due to increased population in this age bracket, and the lessening demand for uneducated, unskilled labor; and

Whereas 800,000 unoccupied young people represent not only a great waste of our human resources, but also represent a substantial expense for relief and a great danger of increasing juvenile delinquency: Now therefore, be it

Resolved, That the Young Democratic Clubs of America strongly support President Kennedy's youth conservation program and commend him for his foresight in undertaking a program to meet this social ill; and be it further

Resolved, That the Young Democratic Clubs of America, particularly support President Kennedy in his call for creation of a "Youth Conservation Corps" and a "National Service Corps." These agencies would not only use the energies of this pool of unemployed, but would teach them skills needed in their future social and economic lives, and provide needed work in our national parks and forests under the Youth Conservation Corps and in our local social services, schools, hospitals, welfare agencies, and playgrounds.

Education

Whereas the shortage of public school classrooms and teachers has for years been critical; and

Whereas the shortage drastically overcrowds our existing schools to the point where unsafe structures are in use in many communities and many others are forced to run on double sessions; and

Whereas this overloading of teachers and this crowding of schools is a threat to the health and safety of our youth and results in a senseless denial of the standard of education to which children are entitled to in our rich land; and

Whereas the need for adequate public schools is axiomatic to a free and democratic society; and

Whereas the ideal of universal sufferage can only be meaningful to the extent the electorate is sufficiently educated to comprehend increasingly complex and sophisticated political issues; and

Whereas the denial of adequate schooling in an age of rapidly increasing technology and automation leaves the individual unfit to enter the employment market and denies the country the necessary trained manpower to function, and progress at normal levels; and

Whereas despite the efforts of the States, financial demands of education have proven too great for each State to bear alone, necessitating supplemental financial aid from the Federal Government: Now, therefore, be it

Resolved, That the YDCA urge both Houses of the U.S. Congress to pass a school aid bill which will meet the existing deficits in teacher salaries and public classrooms and which will reasonably meet the obvious projected demands of our growing population.

Basic Minimal Education and Vocational Training for Adults

Whereas a substantial number of low income or unskilled people are unemployed due to the lack of minimal basic educational or vocational training; and

Whereas the 1960 census showed that many thousands of American men and women lack vocational training and less than minimal education attainment; and

Whereas the establishment of adult educational and vocational training departments in our States could enhance the desire for additional learning to meet the needs of modern industry; and

Whereas the States, counties, and cities would eventually find adults with the sincere desire for additional learning would act as a catalytic agent against the high percentage of youthful dropouts: Now, therefore, be it

Resolved, That the Young Democratic Clubs of America urge the State legislatures, county supervisors and city governments to establish adult education and vocational training programs to meet the need of America's undereducated and vocationally untrained adults.

RESOLUTION ON MINORITY GROUPS

Whereas politics may be defined as the science of peaceful and legal persuasion; and

Whereas noisy and militant minorities espousing extreme views have taken undue advantage of their constitutional privileges and have attempted to project their views by sloganism, innuendo, and personal vituperation; and

Whereas we, the Young Democrats, uphold the right of any individual to be heard: Be it hereby

Resolved, That we deplore the tactics of the lunatic left just as we deplore the lunatic right; and we demand discussion of all political differences by fair persuasion; and we commend those citizens, public officers, and elected representatives who have refused to be intimidated by these un-American means.

RESOLUTION ON DEFENSE SPENDING

Whereas since 1948 a large segment of our economy has been geared to military production; and

Whereas President Johnson has announced his intention to make substantial cuts in the field of military expenditures; and

Whereas despite continued military spending, unemployment has increased and a sudden reduction in such spending will cause even greater hardship in many areas: Therefore be it

Resolved, That the YDCA urges the separate States and local communities to plan for the elimination of obsolete military establishments in their areas so as to lessen the economic strain on the affected communities; and be it further

Resolved, That the YDCA recommends that such revenues saved from the reduction of military expenditures not essential to our national defense posture be allocated to economic development programs on the State and local levels.

REAPPORTIONMENT

Whereas the last 50 years has seen a fantastic movement of our people into urban and suburban areas most especially in the last 20 years; and

Whereas the apportionment of votes in the legislatures of many States still does not reflect this population gain; and

Whereas this underpresentation is in opposition to the basic tenets of democratic government; and

Whereas this control of State legislature by an entrenched minority is not only inimical to the interests of the cities, but has prevented State governments generally from adequately dealing with problems which have now arisen: Now, therefore,

We urge all State legislatures to reapportion themselves to equitably represent all their citizens.

Further, we oppose evasions which seek to defeat proper representation by basing seats on artificial geographic divisions.

SECRETARY MCNAMARA

Whereas our Nation, for some years, has been faced with the politicomilitary threat of international communism, and this threat, with the resulting semimobilized national posture, and the increased importance of military functions in our national life, can be expected to continue indefinitely; and

Whereas the added importance of military activities and personnel in all types of policy formation, has raised the specter of deterioration of the traditional subordination of the military to civilian authority; and

Whereas the Communist threat embodies attack not only in the military, but also in the diplomatic, economic and ideological areas, so that our defense policies and activities must give due emphasis to all these areas, and not preponderate on the strictly military. This requires that basic policy decisions should not be made by men who, by background and interest are wedded to one point of view; and

Whereas increasing technological progress in weapons, and their increasing cost, demand that top-level military policy be made by men, whose thinking is not limited by preconceived traditional, possibly outdated, concepts. Likewise, they should not be biased by vested interests of the services in particular weapons or methods of fighting; nor should the interests of the defense industry become controlling in these decisions, or even worse, in higher politico-military policy, such as disarmament; and

Whereas our Nation must have its Defense Establishment conducted with efficiency and a minimum of overlapping, duplication and waste, so that, over the long haul, the burden on our economy and taxpayers will be no greater than necessary; and

Whereas Secretary of Defense Robert McNamara has received much unjustified criticism, largely from proponents of various special interests, for instituting programs and policies which have recognized these problems and have sought to solve them realistically: Now, therefore,

We commend and support Secretary McNamara for his leadership in modernizing and rationalizing the Defense Establishment, and for his policies which meet the novel problems raised by the cold war, and we call upon all Americans to manifest their support of this dedicated public official.

We particularly commend the following:

1. Elimination of unneeded service installations;
2. Promotion of service unification by creating operational units which combine service elements and unifying supply and purchasing throughout the Defense Establishment;
3. Reevaluation of the Reserves and National Guard components in view of their performance when recalled;
4. Efforts to retain civilian superiority by forcefully exercising the prerogatives and functions of his Office;
5. Creation of a rational plan for allocating weapons and functions among the services, based upon obtaining the highest level of performance for the least outlay of time resources, rather than upon tradition, or the vested interests of the services, or the defense industry.
6. Removal of military personnel who do not cooperate with these changes.

Further resolved, We oppose lengthening the terms of the service Chiefs, since this would weaken the control which the President and the civilian authority must have over professional military personnel.

RESOLUTION ON MINE SAFETY

Whereas the recent mine disasters have awakened America's citizens to the dangers of extracting our bounteous underground treasures; and

Whereas more than 500 men are killed or permanently crippled, and more than 7,000 man-years are lost from work injuries in U.S. metal and mineral mining every year; and

Whereas U.S. metal and mineral mine operators ignored 57.2 percent of 12,155 safety recommendations made by the U.S. Bureau of Mines in 1962 and early 1963; and

Whereas for many years thousands of violations of State mine and safety laws and regulations have persisted in metal and mineral mines without corrective action by mine inspectors; and

Whereas the Secretary of the Interior has found that the present structure of State law coverage and enforcement is clearly inadequate to deal comprehensively with the problem of safety in the mineral industry; and

Whereas the Secretary of the Interior has found that the inspection of operations by competent, experienced, and practical safety experts, especially by those with knowledge of the major elements of these industries, is needed, and their recommendations must be enforced if mining is to become a safer occupation: Be it

Resolved, That the national convention of the Young Democrats of America, assembled at Las Vegas, Nev., do hereby urge the Congress of the United States to hold early hearings on the Metcalf-Montoya bill to establish a permanent Federal program of safety inspection and endorsement for metal and mineral mines and related processing operations by qualified civil service employees free from company domination and thereafter to enact this legislation.

RESOLUTION ON AGRICULTURE

Whereas the past 3 years of Democratic administration have seen the significant increase in farm income and rural employment opportunities; and

Whereas the Democratic Party and the Young Democratic Clubs are committed by tradition and conviction to preservation of efficient family farms; and

Whereas agriculture remains one of our most difficult and perplexing domestic problems involving the paradox that the very success and efficiency of U.S. farmers are largely responsible for price and production problems; and

Whereas full parity income for farmers remains a vital and essential goal for Federal agricultural policy: Be it

Resolved: (1) That we commend the Democratic administration for its efforts to raise farm income and enable farmers to realistically restrict production to profitable levels and urge that these efforts be continued;

(2) That we heartily approve the success of the Area Redevelopment Agency and the food stamp plan for increased consumption of agricultural products and urge the continuation and expansion of these programs;

(3) That we reaffirm the traditional espousal by the Young Democratic Clubs of America of the principle of agricultural cooperation particularly as embodied in the Rural Electrification.

(4) That we commend the vigorous efforts of the Democratic administration in the General Agreement on Trade and Tariffs negotiations to increase exports of poultry and of other agricultural products;

(5) That we especially applaud and unanimously support President Johnson's program for "attack on poverty" with its great potential for solving the problems of unemployment and underemployment in rural America;

(6) That we take pride in the Democratic administration food for peace program and the successful use of agricultural surpluses to feed hungry peoples throughout the world;

(7) That we commend the National Agricultural Advisory Committee for their report entitled "The Family Farm in American Agriculture" demonstrating that the efficient, commercial family-owned and operated farm is in reality "the backbone of American agriculture";

(8) That we deeply appreciate the excellent job being done by Secretary of Agriculture Orville Freeman in pushing for a real-

istic, workable, agricultural policy and telling the story of agriculture accurately and convincingly to the American people.

Resolution Re Urban Affairs

Whereas more than 65 percent of the population of these United States live in urban areas; and

Whereas such population distribution has increasingly produced governmental problems; and

Whereas the late President John F. Kennedy introduced legislation to establish a Department of Urban Affairs with Cabinet rank; and

Whereas President Lyndon B. Johnson has indicated continued administrative support; and

Whereas this Urban Affairs Department would primarily be responsible for solving problems caused by continued urban growth: Now, therefore, be it

Resolved, That we unanimously endorse all legislation that would effectuate this Department with Cabinet rank.

Resolution on Housing and Urban Renewal

Whereas the national program on housing and urban renewal as it presently exists is woefully inadequate; and

Whereas a revision of this program will be of benefit to individuals or families displaced by slum clearance; and

Whereas additional and more adequate housing is most vitally necessary for the poor and elderly: Now, therefore, be it

Resolved, That we the Young Democratic Clubs of America do hereby commend President Lyndon B. Johnson for "seeking as (an) ultimate goal under our free enterprise systime a decent home for every American."

Assault on Poverty

Whereas the economy of the United States reflects a degree of prosperity which is the highest in our history; and

Whereas despite the overall prosperity which the Nation enjoys, a great number of our citizens live in poverty, a condition which we as Americans cannot and will not accept; and

Whereas this Nation throughout its history both in peace and in war has responded successfully to great challenges with a characteristic vigor and determination; and

Whereas President Lyndon B. Johnson has asked the Nation to join with him in an immediate and massive assault on poverty: Now, therefore, be it

Resolved, That the Young Democratic Clubs of America in convention assembled do hereby urge their constituent State, county, and local organizations—whether urban or rural in nature—all to establish effective committees to carry out an all-out war on poverty in these United States.

Particular areas of battle in this war on poverty include: Reduction of the uneducated rate to combat the perpetuation of ignorance; assistance to migratory laborers to better themselves and their situation; assistance (not charity) to groups; distribution of books and self-help material where needed; and supplementation, on a volunteer basis, of the many activities of the proposed regional service corps.

Resolution Re Cuba

We, the Young Democratic Clubs of America, hereby declare our wholehearted support of the Kennedy-Johnson administration on the policy it is pursuing to combat the problem of Cuban communism which it inherited from the previous administration;

We commend the Kennedy-Johnson administration for the display of strength and courage by which it forced the Russian withdrawal of offensive missiles from Cuban bases, and for the steps it is taking to unite our hemisphere against Communist penetration;

We also condemn the Republicans who are making reckless demands for a Cuban invasion that could easily escalate into a third world war;

And we oppose the resumption of either diplomatic or trade relations with Cuba as contrary to the best interests of our country at this time.

Arms Control and Disarmament

Whereas we, the Young Democratic Clubs of America, believe that progress toward a world community at peace requires the simultaneous achievement of arms control and disarmament measures; and

Whereas we believe that through the leadership of Presidents Kennedy and Johnson we have entered a period in which the opportunities are greater than ever before for dramatic programs in this area; and

Whereas among the recent major developments which have set the stage for progress we take special note of President Kennedy's address on World Peace at American University on June 10, 1963, of the limited nuclear test ban treaty which followed in August of 1963, of the President's proposal for joint exploration of the moon with the Soviet Union, of the agreement at the United Nations to prohibit nuclear weapons in outer space, of the United States report to the Secretary General of the United Nations on the economics of disarmament, and of the continuing excellent work of the United States Arms Control and Disarmament Agency: Therefore be it

Resolved, That the Young Democratic Clubs of America commend the present administration for the notable achievements of the past year and that we support the following measures which we believe are now substantially possible to achieve:

1. The strengthening of the peacekeeping machinery of the United Nations, including the advance appropriation of funds for U.N. expenses in future crises.

2. The further strengthening of international machinery for the prevention of accidental war.

World Trade

Whereas President Johnson has called for an all-out war on poverty; and

Whereas unemployment in the United States is growing at an alarming rate which will make the President's war more difficult to win; and

Whereas there are great potential markets for our vast agricultural surpluses in the underdeveloped areas of the world; and

Whereas an expanded trade program would serve to help reduce our farm surpluses, help to create more jobs in our maritime industry, which in turn would help stimulate the economy and lessen the unemployment rate and at the same time reduce our gold outflow and lead to a more favorable balance of payments: Therefore be it

Resolved, That the YDCA call for the further expansion of free trade in nonstrategic materials and foodstuffs .with all nations willing to pay where it is in our national interest and at the discretion of our President; and be it further

Resolved, That the administration be commended by the YDCA for the recent agricultural trade agreement with the Soviet Union.

THE PANAMA CANAL TREATY

Mr. MANSFIELD. Mr. President, neither party has a monopoly on responsible statesmanship or constructive thinking. The Republican Citizens Committee's Critical Issues Council yesterday issued a seven-point program for altering the existing Panama Canal Treaty. One may agree or disagree with parts of the program or all of it. But without commenting on the merit of the specific proposals, Mr. President, let me say that I believe this to be an honest and rational approach toward solving our difficulties with Panama. As such it is to be welcomed by Republicans and Democrats alike.

May I say further, Mr. President, that it was in the same nonpartisan spirit that President Johnson appointed Robert B. Anderson, formerly Secretary of the Treasury in the Eisenhower administration, to serve as the chief U.S. negotiator with Panama in an attempt to find a mutually satisfactory solution to the issues that divide us.

The Panama Canal is vital to U.S. trade and defense; hence, it is not a Democratic or Republican problem. It is an American one.

Dr. Milton Eisenhower and the other members of the Critical Issues Council have given enlightened, constructive, and sympathetic consideration to the issues underlying the violent outbursts of January 9–10.

I ask unanimous consent, Mr. President, that editorials from the New York Herald Tribune and the Baltimore Sun of April 9, and articles from the New York Times praising the council's efforts, be placed in the Record.

There being no objection, the editorials and articles were ordered to be printed in the Record, as follows:

[From the Baltimore (Md.) Sun, Apr. 9, 1964]

Canal Thinking

The Republican Citizens Committee's critical issues paper on the Panama Canal is one of the most rational contributions this country has produced in the long run of that sensitive controversy. Except for a charge that Washington dragged its feet during the Panama deadlock—a point on which the administration is vulnerable—the Republican study is almost wholly free of political coloration. In the deep reappraisal of American foreign policy now in process it raises a responsible voice.

As a basic premise the paper holds that "the status quo is ultimately impractical and indefensible. An unyielding adherence to agreements made in earlier times under different circumstances can only lead to more difficulties and probably to irreconcilable trouble." It proposes changes not because present arrangements are illegal but because better arrangements are desirable, and it urges national leaders not to be diverted by "misunderstanding or stubbornness or false nationalistic pride."

There are two key recommendations. These call for the construction of a second Panamanian Canal at sea level and for the renegotiation of the canal treaty within 25 years. In order to alleviate present grievances the Republicans also ask an increase in canal tolls, which would boost Panama's income; rotation of American personnel so as to eliminate entrenchment; completion of the canal improvement program; and greater economic aid to Panama.

Dr. Milton S. Eisenhower, chairman of the Republican Critical Issues Council, admits that his program does not purport to be party doctrine; it is at variance with the sense of statements by many top Republicans. It is not likely to be embraced by the Democratic regulars. It can stand only as a stimulant to thought and to debate. Not often does a political paper perform that function, and if the remainder of the council's studies maintain that tone they will constitute a unique but useful series of documents.

[From the New York Herald Tribune, Apr. 9, 1964]

BRIGHT LIGHT ON PANAMA

Senator FULBRIGHT, in his recent lectures on the state of our foreign affairs, generated a good deal of heat. Dr. Milton Eisenhower and other members of the Republican Citizens Committee have performed a greater service by generating a good deal of light on a particularly dark and explosive issue—Panama.

We recently reestablished diplomatic relations with Panama and the administration committed itself to giving sympathetic consideration to complaints about present canal arrangements. However, we have no indication that President Johnson and his aids have any clear idea as to how to proceed—let alone a clear policy line to be followed.

They should find the paper issued by the committee's critical issues council extremely valuable. It offers not only a formula for a solution to our immediate Panama Canal problems but also a possible basis for a new, healthier, and happier relationship between the United States and Panama for the rest of this century and beyond.

The council's proposals tie the present to the future, and vice versa. Therein lie their novelty and ingenuity. They would solve the immediate problem by negotiating amendments to existing treaties—amendments which would be highly favorable to Panama by increasing its revenues from canal tolls seven times and by granting other reasonable concessions.

And they would make these changes attractive to both Panama and ourselves by relating them to a new treaty for construction of a new sea-level canal, to replace the present obsolescent canal within a period of 25 years.

We could conceivably enter into arrangements for building a new canal through Colombia, Nicaragua, or Mexico. That, of course, would be a national disaster for Panama. Sooner or later we must have a new canal somewhere. It is to Panama's vital interest that it be in Panama. The Republican council's proposals would marry the needs and national interests of both Panama and the United States, provide a better basis for a lasting relationship and better serve the needs of the international maritime community.

Many questions and details remain to be answered and worked out, especially those relating to ownership and operation of the future canal. These, of course, must be left for future negotiations.

What the council has done has been to point the way with enlightened and constructive proposals. This is the first of a series of papers on important foreign and domestic problems. If the others match the quality of the first, the council will be performing an invaluable service not only to Republicans but also to Democrats and to the public as a whole.

[From the New York Times, Apr. 8, 1964]

G.O.P. GROUP URGES REVISING OF PACT ON PANAMA CANAL—HIGHER TOLLS AND INCREASE IN ANNUITY PAYMENTS ADVISED BY CITIZENS COMMITTEE—NEW TREATY ALSO ASKED—AGREEMENT IN NEXT 25 YEARS WOULD INCLUDE SEA-LEVEL WATERWAY ON ISTHMUS

(By Tad Szulc)

WASHINGTON, April 7.—A Republican policy group joined today in the rising national debate on foreign affairs by proposing a seven-point program for amending the Panama Canal Treaty pending the construction of a new, sea-level waterway by 1989.

The group called for a "wholly new treaty" covering a new canal in Panama and, meanwhile, for revisions in the existing pact that would range from raising the Panamanian annuity from $1,930,000 to $15 million to a new system of rotating U.S. employees in the zone.

The Republican Citizens Committee's Critical Issues Council selected the Panama problem for the first of its four "Critical Issues Papers" that it plans to issue at weekly intervals between now and the Republican National Convention in San Francisco, July 13.

PERPETUITY CLAUSE BACKED

About one-third of the papers will deal with foreign affairs, and Milton S. Eisenhower, president of the Johns Hopkins University, the council's chairman, indicated that these reports on international and domestic affairs would be made available to the Republican platform committee.

In its Panama paper, the council said that "any realistic approach to the Panamanian problem must begin with the recognition that the construction of a new sea-level canal within 25 years is imperative; earlier construction is preferable."

As set forth in the paper and explained by Mr. Eisenhower at the council's news conference here, the Republican group believes that although the United States must retain the perpetuity clause for the control of the Canal Zone under the treaty of 1903 until there is agreement on a new waterway, far-reaching changes in the present pact are urgently required.

Regarding the canal treaty, the council said that "further concessions" would not resolve the difficulties.

"Only by reconciling the basic difference in interest between the two nations through a mutually acceptable and long-range policy can we hope to find a lasting solution to the Panamanian problem," it said.

Such a policy, the council said, can be found in the following program:

Improvements costing about $75 million should be made promptly to assure the continued operation of the canal for 25 more years.

Canal tolls should be raised 30 percent, and Panama's annuity should be raised from the present $1,930,000 to $15 million.

Prior to the negotiation of a treaty for the new canal, the operating company should repay the U.S. Treasury the existing $460 million debt from a portion of the increased tolls.

"To the degree that is possible without hampering the operation of the canal, the United States should rotate its civilian personnel in the Canal Zone."

The present program to train Panamanians for more responsible and higher paying positions "should be intensified."

"The United States should agree that if Panama will vigorously and promptly pursue the reforms agreed to in the Act of Bogotá of 1960 and the Charter of Punta del Esté of 1961, the United States will undertake a very generous aid program within the Alliance for Progress to raise the living standards not of the elite but of the masses."

The United States and Panama should agree that a "wholly new treaty" for the sea-level canal would be negotiated "in good faith" not later than in 25 years. The council said that with the use of nuclear energy, a new canal could be built for $520 million, and that future negotiations would determine who would operate and finance the canal.

Official Republican criticism of the Johnson administration's handling of the Panama situation has been rather restrained. Today, Mr. Eisenhower said that the only criticism he was willing to make at this time was that the Kennedy and Johnson administrations had had no Ambassador in Panama since last August and that, therefore, the United States was not properly informed of Panamanian events.

TALKS START THIS MONTH

The council recommended specific changes in the treaty and in the overall U.S. policy toward Panama just as the Johnson administration prepared to open negotiations with the Panamanians on the entire future relationship between the two countries.

In that sense, the 24-member Republican group, which includes 5 Cabinet officials of the Eisenhower administration and a number of other civilian and retired military notables, stole a march on the Johnson administration, which is now beginning to shape its negotiating position.

The talks with Panama, under the terms of last Friday's agreement that ended the 11-week dispute, are to open here late this month. The administration has not gone beyond saying that the discussions would be held without "preconditions or limitations."

Coincidentally, Mr. Johnson picked last week Robert B. Anderson, Secretary of the Treasury in the Eisenhower administration, who is a member of the critical issues council, to serve as the chief U.S. negotiator with Panama in the forthcoming talks.

However, Mr. Eisenhower stressed today that Mr. Anderson had had no hand in preparing the council's paper on Panama and, in fact, had resigned from the group upon accepting the negotiating assignment.

The citizens' committee is a private group of "Republican-oriented" persons, although Mr. Eisenhower said that it maintained contact with the Republican National Committee.

Mr. Anderson will be assisted in the negotiations by two or three former Ambassadors in Latin America, Philip D. Bonsal, who served as Ambassador to Cuba, and Theodore Achilles, who was Ambassador to Peru, may be those named.

Panama will be represented by Jorge Illuecas, a law professor and newspaper publisher.

[From the New York Times, Apr. 8, 1964]

SPOKESMAN FOR G.O.P.: MILTON STOVER EISENHOWER

Friends of Milton Stover Eisenhower have come to think of him as a Renaissance man supremely endowed with the gift of getting the word across. They say his success is based on his ability to express exactly what he means, the way he can knife through to the heart of an issue and the way he can get others to work with him and for him gladly. This is probably why Republicans turned to him once more yesterday to express one of their positions—this time their argument against the way the administration has handled the situation in Panama.

At 64 years of age, Mr. Eisenhower is the robust and dynamic president of the Johns Hopkins University in Baltimore. As one of the university's administration put it:

"He knows this business—the fundraising, the building programs, the faculty and the students."

From his office in a restored Georgian home built in 1802, Mr. Eisenhower maintains a 7-day-a-week schedule. Despite the long hours, he has remained in close touch with the country's Republican leadership.

Mr. Eisenhower's older brother by 9 years, former President Dwight D. Eisenhower, lives about an hour's drive away, in Gettysburg, Pa. During the Eisenhower years, Milton was among the President's closest advisers.

INFLUENCED PRESIDENT

When he was President, General Eisenhower said that his younger brother had done more than any other person to shape his ideas of the proper functions of Government. Mr. Eisenhower's chairmanship of the Critical Issues Council of the Republican

Citizens Committee shows that other Republicans are still listening to him.

Mr. Eisenhower started out as a reporter, switched to Government and ended up as president of three universities and a presidential troubleshooter. He has 29 lines in "Who's Who in America." His older brother has nine fewer.

Milton was born in Abilene, Kans., September 15, 1899. He was the youngest of seven Eisenhower brothers, five of whom survive. Milton and Dwight were closer to each other than any of the other brothers.

While a student at Kansas State College, Mr. Eisenhower became city editor of the Abilene Daily Reflector. He later taught journalism before qualifying for a Foreign Service position as vice consul in Edinburgh.

He went to Washington later where he directed the information programs of a succession of Republican and Democratic Secretaries of Agriculture. In World War II, as his brother rose to General of the Army, he became an Associate Director of the Office of War Information.

He resigned from the Government in 1943 to accept the presidency of Kansas State College. It was at this time that he said:

"Education in a democracy must at all times be concerned with human values and human growth."

Students today at Johns Hopkins regard Dr. Eisenhower as a man sympathetic with their values. They have access to his office where he sits smoking a pipe and listens to their problems.

FACTFINDING HIS SPECIALTY

While at Kansas and later when he was president of Penn State, Mr. Eisenhower served Democrats and Republicans alike as a factfinder at home and abroad.

His critics say that Mr. Eisenhower has been long on words and short on action, particularly in Latin America.

Some of his jobs included part-time work at the United Nations Educational, Scientific, and Cultural Organization and temporary posts for his brother, who once told a Congressman:

"You don't have to sell Milton to me. If it wasn't for his name he would have a very high Government position."

Mr. Eisenhower's wife, Helen, died in 1954. Their son, Milton, lives in Long Island and a daughter, Ruth, near the Johns Hopkins campus with her husband and child. Mr. Eisenhower, who lives alone on the campus, tries to get away during the summer for fly fishing in Wisconsin. At other times, he relaxes by playing classical and show tunes on his electric organ.

[From the New York Times, Apr. 8, 1964]

EXCERPTS OF REPUBLICAN REPORT ON UNITED STATES-PANAMA TIES

WASHINGTON, April 7.—Panama should occupy a unique and intimate position in U.S. foreign affairs. Its importance is far out of proportion to its size. Both the United States and Panama have had compelling reasons for wanting to be on the best of terms with each other. But relations between the two nations have deteriorated steadily over the years.

* * * * *

After signing the 1903 treaty, Panamanians had second thoughts and trouble began. From that time forward there has been a fundamental difference of interests between Panama and the United States. Our primary aim has been to operate as efficiently as possible an international waterway of economic and strategic significance. * * * But Panama has viewed the canal as its greatest national resource and has sought to extract greater advantage from it.

* * * * *

The crux of the problem in Panama is this fundamental difference of interests. The difficulties that have arisen over the years have developed because each nation has vigorously pursued its own interest without sufficient regard for the other's, and because the two nations failed to recognize that their interests were not as mutually exclusive as they appeared to be.

* * * * *

Only by reconciling the basic difference in interest between the two nations through a mutually acceptable and long-range policy can we hope to find a lasting solution to the problem. The task will not be easy, for there is no simple right or wrong answer.

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President Truman, Ambassador Stevenson, and others have suggested that the canal be placed under international or inter-American control. In theory, this suggestion may have merit, but it seems highly unlikely that Panama would agree to this, and, of course, the United States cannot unilaterally take such action. To Panama, international control might be worse than U.S. control, for benefits to Panama probably would not increase, and the ready-made Yanqui whipping boy would be replaced by an international organization.

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CHOICES ARE OUTLINED

Another alternative would transfer control and operation to Panama. This does not seem feasible at present, for, unlike the sea-level Suez Canal, the Panama Canal with its locks is a miracle of engineering and timing, calling for skills not possessed today by many Panamanians. Further, while most Panamanians would not believe it, such a transfer might well reduce the benefits to the republic. The United States subsidizes the canal at present and this would cease.

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Still another alternative sometimes mentioned is the possibility of creating a joint United States-Panamanian corporation to control and operate the canal by treaty, what is now the Canal Zone would come under the same jurisdiction of the Panamanian Government as the free zone, but the corporation would control and operate the canal, with rates fixed by the treaty and the net income, if any, being divided by treaty formula. This alternative is unacceptable to the United States for the present; U.S. citizens must be responsible for the technical, engineering and related jobs; they insist on good housing, schools, hospitals, and other services equal to those in the United States; they also insist upon living by U.S. laws, fairly administered. These needs and desires can be met only under the present arrangement.

A heritage of malice and misunderstanding makes the problems even more formidable. Most of our citizens and too many of our leaders, for example, believe that the United States has complete sovereign, making quite clear zone. But the United States is not sovereign in the zone. The organic treaty gave the United States jurisdiction over the zone as if it were sovereign, making quite clear that titular sovereignty remained with Panama, as has been acknowledged over the years by three U.S. Presidents.

Panamanians, on the other hand, believe that the United States is exploiting their only national asset and is making vast sums of money from it. This is patently false. Despite its authority to do so, the United States has not raised canal tolls since they were established in 1914 (except for adjustments on certain items) and has operated the canal on a nonprofit basis.

The gross revenue in the Canal Zone in 1962, for instance, amounted to about $100 million, of which $60 million was from canal tolls, but after operating and maintenance costs were met, and essential canal improvements were made, there was not a single penny of profit for the United States. Indeed, the United States not only has never made a profit, but actually has subsidized the operation of the canal in the amount of some $6 million a year.

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PANAMA SEEN AIDED

Unfortunately, the annual report of the Canal Company, written to impress the Congress with the Company's skillful management, gives the unsophisticated reader the impression that a net profit is realized, thus feeding this serious misunderstanding.

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Nor is it accurate to assume, as so many in Panama do, that the $1,930,000 annuity is the only financial benefit to the Republic of Panama. In 1962, 17 percent of Panama's national income—some $85 million—was generated directly by the canal. And to that must be added millions of dollars spent by tourists attracted to Panama because of the canal.

But the truth is buried by the misunderstandings, and the myths are perpetuated by many Panamanian leaders and mass media as they use the United States as a scapegoat to divert attention away from the anachronistic class inequities in Panama. Hate and hostility come easily to the masses who, in the midst of abject poverty, see the affluent living conditions of the U.S. citizens in the zone.

Communism flourishes in such an atmosphere of confusion and discontent and Castro's agents fan the fires of anger. In typical fashion they infiltrate student groups, labor unions, and other organizations. They spread lies and rumors. They undermine the efforts of moderate men to solve the problems and they incite violence.

In the face of such obstacles and complexities, what course of action should the United States pursue?

One thing is clear: Any realistic approach to the Panamanian problem must begin with the recognition that the construction of a new sea-level canal within about 25 years is imperative—earlier construction is preferable. Disputes over sovereignty, wage scales and profits are all attendant upon the inescapable need for a new canal.

SUGGESTIONS OFFERED

At this juncture, the council set forth in seven points the main body of its report, comprising its recommendations for a course of action in Panama. Briefly stated, the seven points are:

To complete improvements to the present canal, for a total cost of $75 million.

Raise canal tolls by 30 percent and increase Panama's annuity to $15 million.

Amortize the Canal Company's $460 million debt to U.S. taxpayers.

Establish rotation of civilian Canal Zone personnel.

Intensify training of Panamanians for canal operations.

Pursue a generous program of aid to Panama under certain guarantees.

Agreement to negotiate a wholly new canal treaty within 25 years.

The leaders and the people of both nations must keep in mind that the common goal is to maintain the Panama Canal for a mutually agreeable number of years and then to replace it with a new sea-level canal. Misunderstanding or stubbornness or false nationalistic pride must not divert us from this goal. During the years preceding the negotiation of a new treaty, the United States can do much to help solve the immediate problems in Panama, and to build the reservoir of goodwill so essential to future progress.

Panama, too, must consider carefully its actions during the intervening years and must assess the future realistically. She must live up to her Alliance for Progress commitments and build a modern democracy free of both communism and oligarchic control. If the two nations can join together in solving the problems that have plagued them for half a century, there is every likelihood that a new Panama Canal will be built and it will symbolize inter-American cooperation and progress.

PROCEDURES IN QUORUM CALLS

Mr. HICKENLOOPER. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. Mr. President, does the Senator from Iowa wish to address a question to the distinguished majority leader?

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent that, without prejudicing the right of the Senator from Illinois to the floor, I may ask a question or two of the majority leader, in order to clarify the parliamentary situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HICKENLOOPER. First, with regard to the quorum call—and to use the quorum call just completed as an illustration—the roll was called once, and a quorum was not present. Is my understanding correct?

Mr. MANSFIELD. It is correct.

Mr. HICKENLOOPER. May I ask what was the procedure at the conclusion of the quorum call? In other words, did the majority leader ask that the roll of absent Members be called?

Mr. MANSFIELD. No.

Mr. HICKENLOOPER. I did not hear the Senator.

Mr. MANSFIELD. No, I did not, because a quorum was present and it was unnecessary to ask that the Sergeant at Arms be directed to request the presence of absent Senators.

Mr. HICKENLOOPER. I am talking about the second "go-round."

Mr. MANSFIELD. The Chair directed the call of the absent Senators on the second "go round."

Mr. HICKENLOOPER. Is it the procedure under the present understanding—whatever that may be, and I myself do not have an understanding of it, but perhaps some Senators do—that when the roll is called through the first time, the clerk is directed to call the roll of absent Members?

Mr. MANSFIELD. That is the regular procedure.

Mr. HICKENLOOPER. It is my understanding that on some occasions in the past the clerk proceeded down the roll of absent Senators until 51 Senators answered, and then the rollcall was cut off.

Mr. MANSFIELD. That is not quite accurate. The clerk has in the past called the roll and when 51 Members of the Senate were present, or approximately 51, if there were other Senators coming into the Chamber at the same time through different doors, the clerk finished calling the roll, and the announcement was made that a quorum was present.

Mr. HICKENLOOPER. It is my understanding that it has been customary to stop the call of the roll when 51 Senators, on the first or second call, answered to their names.

I only raise the question because if the roll is again permitted to be called for absent Senators, the roll on the second "go-around" should be called to the end so that all absent Members would have an opportunity to answer.

Mr. MANSFIELD. I could not agree with the Senator more. That is the procedure being followed.

Mr. HICKENLOOPER. The situation would be different, if on the second call or on the call of absent Members, an insufficient number to make a quorum had answered, and the Sergeant at Arms was directed to request the attendance of absent Senators.

Mr. MANSFIELD. The Senator is correct.

Mr. HICKENLOOPER. I raise the question only because I have been informed on a couple of occasions—rightly or wrongly; I do not know whether it has been a misunderstanding or not—Senators who appeared after the 51st Senator had answered to his name on the second "go-around" were not recorded as being present. In other words, when a quorum was completed, the call was ended; and even though they appeared after the 51st Senator had answered, they were not included as being present.

Mr. MANSFIELD. I must admit that that was done for a day or 2, but over the past 2 or 3 weeks it has not been done. I would hope that the suggestions made by the Senator from Iowa would be observed by the clerks. I am sure they will be. The full roll will be called and a reasonable amount of time will be allowed.

Mr. HICKENLOOPER. I thank the Senator from Montana. I am not raising any great issue on this matter. If the roll is to be called a second time for the absentees, it appears to me to be a sound procedure to complete the call of the names of the absentees regardless of whether 52, 53, or 54 Senators or more, answer. I admit that a different situation obtains if on the second call a majority is not in the Chamber and the Sergeant at Arms is instructed to cause the attendance of at least enough Members to make the quorum.

Mr. MANSFIELD. The Senator is correct. That procedure has been and will be followed. When the roll of the absentees is called it will be called in consecutive order down to the end.

Mr. HICKENLOOPER. In its entirety.

Mr. MANSFIELD. In its entirety.

Mr. HICKENLOOPER. I thank the Senator from Montana for his courtesy. I also thank the Senator from Illinois for his courtesy in affording me the opportunity to state my views.

Mr. DOUGLAS subsequently said: I yield to the Senator from Nebraska, provided that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. I shall take only a few seconds, to express my appreciation for the attitude of the majority leader in his colloquy with the Senator from Iowa [Mr. HICKENLOOPER] over the recording of Senators present. A number of Senators are engaged in official business while the proceedings of the Senate are going on, and some of us happen to be far removed from the Chamber, working over in the Senate Office Building, so I do appreciate the prospective arrangement that has been set forth.

IMPORTS OF FOREIGN-GROWN BEEF AND MUTTON—RESOLUTION

Several Senators addressed the Chair.

Mr. DOUGLAS. Mr. President, I yield to the Senator from Wyoming [Mr. SIMPSON] provided that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, imports of foreign grown beef and mutton are continuing to raise havoc with our domestic livestock industry. Because of imports, cattle prices have dropped 25 percent in the past 15 months and many western and midwestern livestockmen are facing financial ruin.

As an expression of the concern shared by all elements of our domestic cattle industry, I should like to have printed in the CONGRESSIONAL RECORD, with my remarks, a resolution passed March 21, 1964, by the Wyarno, Wyo., Farm Bureau. Many of the people who signed this resolution traveled many miles to attend the meeting which produced it. The resolution's 56 signers represent cattlemen in a wide area of northern Wyoming.

I should like to emphasize that the cattlemen do not wish for the complete truncation of foreign imports. They recognize that some imports are necessary to protect foreign industries as well as to provide a competitive factor for the domestic economy. Their recommendation for import levels is in line with a bill I have introduced in the Senate—S. 557. My bill and the Wyarno resolution both call for establishing meat import quotas on the basis of the 1958–62 averages which would be 6.7 percent of the U.S. consumption instead of the present 11 percent. This is sound policy. It is vital policy. It is policy which must become law without further delay or additional smoke screen tactics by the administration.

I ask unanimous consent, Mr. President, that the Wyarno Farm Bureau resolution and its signatures be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

This resolution adopted by the undersigned people of the community of Wyarno, Wyo., and nearby areas on March 21, 1964; some of these people coming many miles to write letters and sign this resolution regarding the imports of beef into the United States from foreign countries:

"Whereas the meat industry is of great importance to our community and the State of Wyoming;

"Whereas many farmers and ranchers are facing financial ruin due to the low price of cattle;

"Whereas during this crisis, foreign countries have imported into the United States, record amounts of meat, especially beef. Comparing the year 1960 with 1962—total consumption of meat in the United States increased 4.3 percent. Consumption of imported meat over the same period increased 81.8 percent.

"Whereas the farmers and ranchers had no representation or voice in these meat import agreements;

"Whereas import quotas of meat are so large as to be disastrous to the American livestock producer and feeder;

"Whereas this situation may well set into motion restrictive forces which may eventually have an unfavorable impact on meat-importing countries;

"Whereas these excessive meat imports have a terrific effect on consumption of feed grains, roughage, pasture, etc., further affecting farmers and ranchers financially;

"Whereas this generally poor grade of imported beef tends to increase cattle production in the United States due to poor prices for old and cull cows. Therefore, these old and cull cows are kept in the herd producing more excesses; and

"Whereas the livestock growers and feeders of this country cannot compete with cheap labor and feed of these meat-importing countries: Therefore be it

"*Resolved*, That the people stopping here today at the community building and signing this resolution, recommend that our Congress pass legislation establishing meat imports from foreign countries to the average of the years 1958 through 1962; which would be 6.7 percent of U.S. consumption instead of the present 11 percent; and be it further

"*Resolved*, That no increase in these above mentioned import quotas be made without consulting with the national leaders of the five following livestock and farm organizations, namely: National Farm Bureau Federation, National Livestock Growers Association, National Livestock Feeders Association, National Farmers Union, and National Grange, and others if recommended by the Secretary of Agriculture; and be it further

"*Resolved*, That our Congressmen add a consultation clause similar to the above, to their bill restricting imports of meat into the United States; and be it further

"*Resolved*, That copies of this resolution be forwarded to the President of the United States, the Senate Finance Committee, the Ways and Means Committee, the Tariff Commission, and our legislators from Wyoming, the Secretary of Agriculture, and to Ambassadors to the countries involved."

Mr. and Mrs. Andy Nelson; J. H. Ashmore; Mrs. Joe A. Legoski; Mrs. J. H. Ashmore; Ivan Kerbel; L. K. Ralston; Mr. and Mrs. J. C. Weaver; Mrs. Ivan Kerbel; Florence L. Schnieder; R. U. Vonnoy; Don Ralston; Paul John Dodd & Son, Inc., Paul John Dodd, President; Mrs. Don Ralston; John G. A. Lewis; Marie Lewis; Frank C. Gorzalka; Stella Gorzalka; Frances Gorzalka; Mrs. Wayne McKenzie; Mrs. Jack Gorzalka; Alois J. Gorzalka; William J. Gorzalka; Mrs. Mary Gorzalka; W. McKenzie; Bob Gorzalka; William H. Miller; Terri Gorzalka; V. P. Avery; Robert A. Belus; Mrs. Arthur Bocek; Bertha Bocek; Joe A. Legoski; Ralph E. Beetem; Mrs. Marge Beetem; Jo Ann Prophet; Mrs. L. R. Richardson; Harvey A. Burgess; Mary H. Burgess; George Prophet; Jean Legoski; Freida Hindman; Tuck Hape; Paul W. Gorzalka; William C. Hape; Ross Richardson; Robert R. Schrader; John P. Gorzalka; George J. Kobielurz; W. F. Peters; Mary Peters; Robert Gorzalka; Agnes Prosler; Helen G. Gorzalka; Mrs. Bertine Watson; Homer Watson.

WHY I AM A REPUBLICAN—ARTICLE BY DWIGHT D. EISENHOWER

Mr. DOUGLAS. Mr. President, I yield to the Senator from Kansas [Mr. PEARSON] with the understanding that in doing so I shall not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. Mr. President, the marking of a ballot carries with it a grave responsibility. With that seemingly insignificant act, an individual American helps chart the course which this Nation will pursue in its domestic and international affairs.

The candidate whose name appears on the ballot is the personification of a political philosophy. His candidacy means that he believes in something strongly enough to seek public office as a means of translating his beliefs into public policy.

Each voter should, of course, be conscious of what philosophy the candidate seeks to champion, but, even more important, he must know what he believes himself. Without this standard, voting can become purely a popularity contest and public policy can become the product of appealing but unprincipled candidates.

In the April 11, 1964, issue of Saturday Evening Post, former President Dwight D. Eisenhower, now simply a plain citizen who, like many millions of other Americans is concerned about the future of his country, has set forth in an excellent statement his basis for being a Republican. I commend this statement to every citizen, regardless of his present party association. I ask unanimous consent that President Eisenhower's statement, "Why I Am a Republican," be printed in full in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY I AM A REPUBLICAN

(By Dwight D. Eisenhower)

(NOTE.—The former President charges the present administration with trying to dupe the public and explains why he believes the modern GOP offers the Nation a better future.)

For some years prior to the political conventions of 1952, influential leaders of both the Republicans and Democrats strongly urged me to become a candidate for their party's presidential nomination. The Democrats long had been in power in Washington and enjoyed a decisive majority in number of registered voters. Their nomination, if offered, seemed the surest and easiest route to the Presidency.

However, before I could seriously entertain the idea of entering politics after a life devoted largely to military service, I had to make up my own mind as to which party offered the conscientious citizen the best guide for political judgment in these modern times. My decision, formed over a long period of study and contemplation, was to become a Republican. This article explains how I apply to the problems of today the same basic principles which led to that decision of 1952.

As the 1964 political conventions approach, the American people are being deluged with news and comments on what might be called the mechanics of party politics. Pollsters report week by week the standings of potential candidates in various areas and within certain groups. Columnists analyze each contender's public "image" and his appeal—or lack of it—on the television screen. Commentators appraise the political implications of every utterance of every candidate and what it may mean to northerners and southerners, city people and country people, business and labor, Negroes and whites. All of this is our traditional way of getting the men and the issues before the voters.

But you, the individual citizen, should clearly realize that the coming party conventions and campaigns, as important as they are, simply emphasize the fact that in the voting booth on November 3 you will be called upon to make the most vital decision a citizen in our democracy can make. There you will help decide the future direction our National Government will take. Will it be a main road which maintains and strengthens the United States as a model of the free way of life? Or will it be a route which veers toward centralized rule and loss of individual responsibility and liberty, with a consequent weakening of America's strength—moral, economic, and military—at home and abroad?

Helping with your vote to guide our country in the right direction is a privilege and a duty which outweighs the self-interest of any economic, regional, or racial group. It is more important to the Nation's welfare than the fate of any candidate—no matter how personable he may be on TV—or of any political party. What we should be deeply concerned with as the election approaches is this: What principles, what basic philosophy should guide our National Government—and which of the political parties and its candidates best embodies and demonstrates that philosophy?

Now, I am a Republican. But I am not, I hope in all sincerity, a blind Republican who puts party above all else. First and foremost, I am a citizen of the United States. My basic allegiance is to those unchanging principles of self-government laid down in the founding documents of our Nation. The more I see of the world and of the struggle of people for freedom and human dignity, the more clearly I understand the inspired, specific purpose of the noble phrases of those documents. It is not mere Fourth of July flag waving to remind ourselves that "all men are created equal, that they are endowed by their Creator with certain unalienable rights," as proclaimed in our Declaration of Independence. And we should continually refresh our knowledge of our Constitution which, with its Bill of Rights, spells out in detail the letter and the spirit of the rights to which each of us is entitled. These principles and the continued exercise of these rights have directed the United States to its place as the most powerful, most prosperous and, above all, most free Nation on the face of the earth. We want to keep it that way.

That is why I am increasingly disturbed by the steady, obvious drift of our Nation toward a centralization of power in the Federal Government. And in this fact is found the primary reason why I sincerely urge all voters, no matter what their present political affiliations, to take a fresh, thoughtful look at the basic Republican philosophy and Republican performance as compared to that of the Democrats. For the hard fact is that under many years of Democratic Party leadership our country has been lured into the "easy way," a path of Federal expediency which, like a narcotic, may give us a false sense of well-being, but in the long run is dangerous to our future, our basic rights, our moral fiber, and our individual freedom.

I assure you that I am not being an alarmist for partisan purposes. I do not fear that the United States faces any immediate threat of moral or financial bankruptcy or a political tyranny. However, it seems all too clear that in many significant ways we have headed away from reliance on individual commonsense and toward a "Poppa knows best" Federal rule. Perhaps more than many of us realize, we are now suffering the cloying effects of Federal subsidies which invariably are accompanied by an overbearing Federal bureaucracy that seems unchecked in both size and power. To attempt to detail, item by item, the many areas in which Democratic regimes have concentrated political, social, and economic power in Washington would require an encyclopedia, but let me offer a few representative examples:

We are headed away from sharing responsibility among local, State, and Federal Governments toward direct, overpowering Federal action in such diverse fields as education, housing, health, urban affairs, agriculture, transportation, and power.

We are headed away from research and development widely distributed among our public and private institutions and aimed at broadening our total knowledge toward gigantic "crash" Federal stunts such as the race to the moon, which waste our resources, dominate our research institutions, monopolize our brainpower, and unbalance our total progress.

We are headed away from fair sharing of the taxing power and tax revenues among local, State, and Federal Governments toward intense consolidation of that power and revenue in the hands of a relatively few politicians in Washington.

We are headed away from known-sound fiscal policies and balanced budgets toward experimental and highly dangerous Federal overspending which inevitably leads to inflation, deterioration of our currency and loss of world confidence in the dollar.

We are headed away from balanced national goals which seek the welfare of all individuals toward political adventures which seek to win the immediate support of pressure groups.

We are headed away from hardheaded commonsense which applies our traditional principles to the solutions of our national problems, whatever they may be, toward flashy public relations and publicity which seek to persuade us that mere labels are themselves solutions.

The results of this tide of political power to Washington are plain to be seen all around us, especially so when viewed over a generation. The process has worked with the exactitude of a mathematical equation: As citizens have turned increasingly to the Federal Government to solve their problems, they have at the same time given up some of their own responsibilities and freedom of action

This doesn't mean that the purportedly all-wise Federal Government has solved their problems, but the citizens have had to pay the bill just the same. Take the seemingly permanent farm problem:

For 30 years the Federal Goverment under the New Deal, Fair Deal and New Frontier brands of Democratic Party rule has been trying to solve the chronic problem of agriculture's overproduction and weak prices for farm products by increasingly strict production controls, higher and higher price supports, and larger and larger subsidies. A large share of the army of 115,000 employees in the U.S. Department of Agriculture is engaged in administering farm programs, telling growers how much they can plant and how much they can sell. The various price-support and surplus-removal programs alone have cost the taxpayers a grand total of $36.4 billion in accumulated losses of the Commodity Credit Corporation, and the costs of farm subsidies of assorted kinds now are running above $5 billion a year. The dollars spent to "adjust" agricultural production are gone, but the problem itself still is very much with us. We now are told that unless wheat growers, who last year voted against mandatory production controls, are persuaded by new subsidies to cut their acreage voluntarily, the wheat business will face a disastrous price slump in the year ahead.

Or, let us take the ingrained habit of Democratic administrations to overspend, to follow risky financial policies, particularly under the guise of "stimulating the economy." This process already has eroded away a basic right of every citizen: the right to have sound money, a dollar that is worth as much today as it was yesterday.

I know that anyone who speaks up against deficit spending is accused by the sophisticated liberals of being more interested in money than in people. But I ask, what is more inhumane to more people than deliberately taking away the value of the money on which they must live in the future?

Let's be specific. The dollar you earned and saved 24 years ago is now worth just 45 cents. This loss is nothing we can shrug off with "Poppa knows best." It is a cruel injustice to people who worked hard all their lives, who were frugal and self-reliant in accumulating savings, insurance and pensions for their old age. But now the value of their retirement dollars has been cut to less than half of that when those dollars were earned, by easy-money and inflationary policies of the Government. And more of this shrinkage lies ahead, unless we elect a government with the courage and resolution to follow sound fiscal policies.

These examples demonstrate why we badly need to get back on the safe and sound main road, to halt and reverse this relentless flow of power to Washington. And now is the time to start returning to the principles of self-government and widely shared responsibility upon which the greatness of our country was built, lest history record our decline and decay in the sentence, "Here was where the United States, like Rome, went wrong—here at the peak of its power and prosperity when it forgot those ideals which made it great."

Stopping this drift does not mean turning back the clock, as power-seeking Democrats like to say. It does not mean depriving our Federal Government of the powers it needs to meet our national problems on a national scale, to provide for our national defense, or to help us to develop to the full our national opportunities.

Rather, it means taking the broad, all-American road toward progress, one which veers neither to the extreme right nor extreme left, but runs straight ahead. Such a course involves far more than mere dependence upon the Federal Government to solve our problems. Its guidelines must be more than catchily labeled panaceas—like "War on Poverty"—which usually turn out to be new channels by which even more power is siphoned into the Federal Government. The mainroad approach does require careful study by the best brains our country can command of our problems and opportunities in the light of fundamental American principles at all levels of responsibility. Such an approach means that we should continually ask ourselves, "What does commonsense dictate? How can we cooperate to solve our problems and develop our opportunities for the greatest benefit and least detriment of all citizens?"

Such is the Republican way of doing things. It is in our blood, in the mainstream of Republican philosophy. And at this time in our country's history it seems clear to me that voters need to understand and rally to this philosophy before it is too late—before the spirit and substance of the unique form of government bequeathed to us by our Founding Fathers are worn away.

Frankly, it is unfortunate that the fundamentals of Republican philosophy are not as well and widely understood as they should be, particularly among people who have grown up mainly under paternalistic Federal policies. Perhaps in our many years in the role of the loyal opposition, we Republicans have put so much emphasis on opposing measures and programs we believed unwise—and time has proved us right in most cases—that we have not done justice to the party's positive aims.

Republican aims are positive. They have been positive and forward looking since the party was formed 110 years ago to preserve the Union. Starting with the Civil War and the dedication of Abraham Lincoln to the ideal of national unity, Republican doctrines always have sought to guide our Nation away from Federal domination on one hand and perilous division on the other. To me the key items of political faith that should always continue to be an inspiring guide to sound political action for any thoughtful citizen are:

1. Abiding faith in the individual: To believe that the essential unit in our democracy is the individual, not any group or class, and that the preservation of our form of government depends in the final analysis on respect of the individual's rights, initiative, judgment, and opportunities.

2. Limited powers of government: To believe that the people themselves should retain all powers and responsibilities not specifically delegated to the Government. As Abraham Lincoln defined it, "The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all, or cannot so well do, for themselves, in their separate and individual capacities. In all the people can individually do as well for themselves, the government ought not to interfere." (I quote Lincoln not only because he has been the patron saint of the Republican Party from its beginning but also because modern Democrats are trying to steal him from us to capitalize on the reverence in which America holds his name.)

3. Freedom and equality: Born in the bitter struggle to give flesh-and-blood reality to the American doctrine that all men are created equal and are endowed with certain unalienable rights, the Republican Party never has wavered in its belief that freedom and equality are the right of all Americans. It was the Republican Party, led by Lincoln, which freed the Negro from slavery and secured amendments to the Constitution assuring every citizen of his political rights, regardless of race. It was the Republican Party which in 1957 succeeded in getting through Congress the first civil-rights legislation since the Reconstruction era after the Civil War.

4. National unity: Since its beginnings the Republican Party has stoutly resisted any and all forces which might divide our Nation by class, region, racial ancestry, or economic interest. We are not for or against a minority of any kind. We are for every individual, whatever his ethnic, social, or economic background, who enjoys the priceless privilege of U.S. citizenship.

5. World responsibility: The Republican Party has aided the United States in meeting its global responsibilities in the spirit of the Nation's enlightened self-interest; that is, not on the basis of mere do-goodism, but for the security and welfare of our own country within the family of free nations.

Applying these concepts in government is not easy, as I know from experience. In action, this means attacking our national problems at their roots, believing that only in this way, not by poulticing symptoms, can we advance our country steadily and solidly. We Republicans have sought by balanced progress to improve the national standard of living, assure civil rights for all, provide better care for the aged, wipe out the causes of urban blight, provide better education for our youth, and promote a sound, forward-looking economic climate that is essential to national growth and fullest possible employment.

The Democrats claim similar goals, of course. But where we Republicans definitely part company with our political opponents is at the very foundation of our political philosophy. We Republicans approach these goals in such regard for American fundamentals that we strengthen, not weaken, the Nation. We insist on applying the yardstick of our commonsense to assure that proposed Federal action will not cause decay of freedom's values, will not replace individual and local responsibility with Government paternalism. There is an old saying, "The mind, like steel, stays bright through use." We believe that the American spirit of self-reliance must stay bright.

As I look back on the history of our country, and look ahead to its future, my belief in the brightness of that future is unbounded—if we have the wisdom and courage to stay on the main track. True, we have many problems, but in the main they are associated with economic and social progress; they are reminders that the development of the United States and its free way of life will always be unfinished business. New challenges and opportunities will continually lie ahead. For example:

As a Republican I believe that automation can and will be a great blessing to the individual, to our economy, and our national strength if we develop it as such. It is only a new phase in the continuing industrial revolution which in the United States has evolved in a manner which means more productivity, a rapidly rising standard of living, and now, more leisure time. And by leisure I don't merely mean more spare time in which to indulge in our favorite sports and pastimes, but also valuable hours to improve ourselves, to participate more fully in community affairs, to broaden our education, and particularly to gain a deeper understanding of our country and what makes it tick. Republicans are dedicated to progress that will offer useful lives to all, including any that automation may have freed from the irksome tasks of our economy.

Related to the problem of automation is the much-discussed one of depressed areas and the poor who are not sharing as they should in our national well-being. Rapid technological progress, while it advances the Nation as a whole, sometimes disrupts the livelihood of people in an entire area who find themselves ill-equipped for change. Such problems are intensely human ones, and our society must meet them squarely. But they cannot be solved merely by adding more bureaucrats to the Federal payroll to "tell the people what to do." Necessary human and area adjustments cannot be brought about by painting over the symptoms with Federal subsidies and doles. The problem of poverty, wherever it exists, can be cured only by going to its roots with a commonsense approach, by helping people and area to develop new opportunities for themselves. That approach starts with what the individual can do on his own to improve his capabilities, to equip himself and his children for our new technological age. It continues with the community and the State in soundly planned programs to make the best use of their human and economic resources; it includes retraining of unemployed and the education of all gifted youngsters without regard to their economic standing. The Federal Government should come in only when the creative initiative of the people, those most closely concerned with the problem, has had a chance to operate. And then the Central Government should assist only with knowledgeable leadership and in doing those things the people cannot do for themselves. We know that this approach works: It is the system by which this Nation was built.

As a Republican I believe that it is not enough that advances in health and medicine should enable people to live longer. It is not fair that the older years of our citizens should be jeopardized by financial insecurity and disastrous medical costs. That is why I believe in social security—which, after all, is only one form of insurance—and why my administration extended social security to a large portion of the population which previously was not covered. And that is why I am convinced that any system of medical insurance for the aged should be on a broadly based, self-sustaining and voluntary basis. This need cannot be met fairly, in my judgment, by overloading the social security system with the multibillion-dollar annual costs of the so-called Medicare plan, thus concentrating the whole burden on workers and employers. Adequate medical care for older citizens can be assured, in my opinion, by a carefully thought out program combining private insurance, individual contributions and government assistance to distribute the load equitably among all segments of our society in accordance with their needs. The Kerr-Mills Act, with a few amendments—especially one that takes account of catastrophic illness—should meet our needs adequately.

As a Republican I believe in what has been called the conquest of space, but which I prefer to think of as a thorough exploration of a new scientific frontier to improve our living here on earth. This is an exploration we should pursue vigorously with a step-by-step program in line with our means and our needs. That was the aim of the space program as initially undertaken during my administration: On the advice of eminent scientists we conceived a long-range effort, not a stunt, with costs to be stabilized around $2 billion a year. That hardly could be called picayune by any reasonable standards.

But now, under the Democrats, this program has been blown up all out of proportion. With hysterical fanfare our space research has been presented as a crash effort, as a race to the moon between the United States and Russia which we must win at all costs. And the costs are tremendous: They now are running well over $5 billion a year. The Government now has more than 73,000 engineers and scientists working on the nonmilitary space program, either on the Federal payroll or employed under contract. This swollen program, costing more than the development of the atomic bomb, not only is contributing to an unbalanced budget; it also has diverted a disproportionate share of our brainpower and research facilities from other equally significant problems, including education, and automation.

We are breezily assured that the cost and dislocation brought about by this moon race are worth while for the new prestige they will bring us. There is no way of telling how true that may be, but we can be sure of one thing: The voyage to the moon will set a new record for a trip taken on borrowed money.

As a Republican I believe that the recent cut in income-tax rates was a much needed one. Heretofore it has required the equivalent of the American people's total earnings from January 1, to May 1 to meet their total tax load, local, State, and Federal. Now "freedom day" will come a few days sooner each year. But it is also true that this reduction represents a remarkable innovation for the Democrats. In the past it has been the Republican administrations which have reduced taxes while the Democrats invariably have raised them. The tax cut we Republicans made in 1954 amounted to $7.4 billion for the first full year and was the largest dollar tax cut, to that time, in the Nation's history—and it also was accompanied and justified by cuts in Government spending.

It must be emphasized that a tax cut alone is only half of the equation. Without a commensurate curtailment of Federal expenditures a tax reduction by itself is a cruel illusion: What is given to the taxpayer in one hand is more than taken away from the other by cheapening his money and increasing his burden of public debt.

I do not for a minute see how the Democrats can balance the budget in the foreseeable future and at the same time proceed with their announced and costly programs. My experience with Federal budgets and hard fiscal evidence leads to the inescapable conclusion that this administration is headed toward more and larger deficits. The administration's prolific gestures toward economy are at this moment little more than deft public relations and fiscal sleight of hand; only if great action programs are deeply cut or wholly eliminated will real economy be achieved.

What cannot be overlooked are the actual figures on spending and income. In 1960, the Federal Government spent $77.3 billion. The "frugal" budget for the fiscal year 1965 is estimated at $98.5 billion—a rise of $21.2 billion more a year than during the last full year of a Republican administration. That does not appear to be real economy.

Furthermore, a budget is only an estimate. What actually determines the total spending is the amount of money obligated under various Federal programs, many of which tend to exceed estimated costs. There is no evidence whatsoever that the administration is cutting back or plans to cut back any of the costly new programs inaugurated in the last 3 years. The spending authority of various Federal agencies for the coming fiscal year stands at $103.7 billion. As each program is to be carried out according to plan, I am positive that Government outgo is going to increase more rapidly than Government income. The administration claims, optimistically I believe, that Federal revenue will reach $93 billion because of increased economic activity spurred by the tax cut. Even taking this figure at face value, we are faced with a deficit of $10 billion—perhaps much more. The outcome is bound to be further depreciation of the value of our money, less world confidence in the dollar, and a continued drain on our already depleted gold reserves. This adds up to experimental, risky national policy.

As a Republican I believe that the United States must present one face and one voice to the world. All of us, whatever our political party, should support the Nation's global policies and goals. We all want to work toward universal peace with justice; we all want to maintain close and friendly relations with all nations which share our dedication to this purpose.

We know, too, that this is no time to lessen our efforts to make our foreign policy more effective. The cold war heats up—although the Soviet Union speaks nicely to us when it wants something from us. The Communists' purpose has not changed; they still believe they must destroy us or be destroyed. The Berlin wall still stands. Communists still are killing Americans in Vietnam. Castro still is exporting subversion and terror to his democratic neighbors in Latin America.

All of this means that as a Nation we must continue to stand firm in our resolve to turn back Communist aggression and to cooperate with the free world in doing so. We must continue to support the efforts of the United Nations to bring quarrels between nations to the conference table instead of the battlefield.

However, this does not mean that the party of the loyal opposition should forgo the right of thoughtful criticism of the operation of our foreign policy with respect to any country or any event that already has become history. It is our duty to point out where we believe foreign-policy programs have gone wrong and how we believe they can be righted, so long as our comment is informed, reasonable, and seeks only the good of the United States.

Thus, it is perfectly proper and desirable for Republican leadership to comment on the lack of success of the Democratic administration in its application of foreign policy in Latin America, southeast Asia, Europe, and elsewhere. A number of serious shortcomings are now a matter of record, such as the Bay of Pigs fiasco, the lack of an effective program against Castro, the failure to heed plain warnings of an explosive situation in Panama, the handling of operations in Vietnam. We Republicans should and we shall call attention to them.

And last, as an American who puts country above party, I deeply and sincerely believe that all fellow citizens, whether Republicans, Democrats or independents, owe it to themselves and their country to pause for a moment and stand back from the partisan fray to ask themselves: How can the United States get back on the right path? Which political philosophy offers us the surest guide for the future?

From a practical standpoint you first must register so you will be qualified to vote. Then you will make your decision effective by voting for the candidates representing one party or another in this fall's general election. By the time you step into the voting booth you will have heard these candidates expound their views in the give and take of a hard-fought political campaign. By then you should be well acquainted with the political principles on which each candidate stands. And those principles, I hope, will determine your decision. For the administration of our Government is not a political game but a serious human business, the highest purpose of which is to "secure the blessings of liberty to ourselves and our posterity."

I am confident that the Republican Party will offer candidates who represent the mainstream of its philosophy—a guiding doctrine which promises not the most government but the best government. I have faith that the American people, when they know all the facts, will make the right decision. That is why I am a Republican and why I believe the Republicans can and will win.

FILING OF REPORT BY COMMITTEE ON GOVERNMENT OPERATIONS

Mr. DOUGLAS. Mr. President, I now yield to the Senator from Arkansas [Mr. McClellan] with the understanding that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent, on behalf of the Committee on Government Operations, to file a report on H.R. 3496——

Mr. MORSE. Mr. President, reserving the right to object, I ask the Senator from Arkansas if the report he is requesting unanimous consent to file is a report that was voted out of committee with a quorum present or a report that was voted out by a poll of the committee.

Mr. McCLELLAN. This is a bill which was passed by the House which would extend the Reorganization Act to authorize the President to submit reorganization plans until next June 1, 1965. There have been no committee hearings on it. So far as I know, there is no opposition to it. The committee was polled, and in writing unanimously agreed that the report should be filed.

Mr. MORSE. Mr. President, I object to the filing of the report and make the point of order that unless the committee took action in a committee meeting with a quorum present, the request of the Senator from Arkansas is out of order.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUSCHE. Mr. President, will the Senator from Arkansas yield for a question?

Mr. McCLELLAN. I yield to the Senator from Ohio.

Mr. LAUSCHE. I should like to inquire of the Senator whether the bill has anything to do with the authority that is generally granted for the issuance of Executive orders.

Mr. McCLELLAN. No; not for Executive orders. This is a bill which would authorize the President to submit reorganization plans which go into effect unless either House of the Congress within 60 days passes a resolution opposing the plan.

Mr. LAUSCHE. Was there any difference of opinion in the House as to the advisability of continuing that authority?

Mr. McCLELLAN. The House passed the bill last year, in the previous session of Congress. President Johnson has requested that the same authority be extended to him for a brief time, at least until June 1965. I have not tried to call the committee together, or tried to get a quorum, considering these unusual hours. It may be possible to do so. When I circulated the request and polled the Members, I thought, because there was obviously no serious opposition to the bill, that under the circumstances now prevailing, with the late hours and the long sessions, we might be able to expedite the matter in this fashion. I was hoping it could be done in this way.

May I inquire of the Chair whether a ruling has been made?

The PRESIDING OFFICER. Yes. Objection by the Senator from Oregon [Mr. Morse] was heard.

Mr. McCLELLAN. I thank the Chair.

Mr. DOUGLAS. Has this colloquy been completed?

Mr. McCLELLAN. Yes; I believe the Senator from Illinois yielded to me.

Mr. MORSE. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I promised to yield first to the Senator from Vermont [Mr. Aiken], and then to the Senator from Idaho [Mr. Jordan].

NEW POLARIS SUBMARINE—U.S.S. "JOHN ADAMS" (SSBN 620)

Mr. AIKEN. Mr. President, I ask unanimous consent that the Senator from Illinois [Mr. Douglas] may yield to me so that I may insert in the Record an excerpt from a letter received by me from Adm. H. G. Rickover, reporting on completion of the sea trials of the U.S.S. *John Adams*, the 20th Polaris-type nuclear submarine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. This is the 20th such Polaris-type nuclear submarine. Completion of the U.S.S. *John Adams* brings into operation a total of 40 nuclear-powered Polaris and attack-type submarines. This powerful fleet has been brought into being under the dynamic and persevering leadership of Admiral Rickover.

I ask unanimous consent to have printed in the Record an excerpt from Admiral Rickover's letter, setting forth the reasons for naming the submarine the *John Adams*, and other matters which I know will be of interest to the Senate and to readers of the Congressional Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> This ship is named for two great Americans: John Adams, our second President, and his son, John Quincy, our sixth President. It is fitting that so powerful a guardian of our freedom be named for these American founders of that very freedom. During John Adams' administration our Navy was born. And it was John Quincy, aware of the potential of sea power, who in 1823 as Secretary of State was principal architect of the Monroe Doctrine which has provided this hemisphere with a measure of security from threats of foreign nations.
>
> "Education," in John Adams' view, made "a greater difference between man and man than nature has made between man and brute. The virtues and powers to which men may be trained, by early education and constant discipline, are truly sublime and astonishing. It should be your care, therefore, and mine," he wrote to his wife, Abigail, "to elevate the minds of our children and exalt their courage; to accelerate and animate their industry and activity; to excite in them * * * an ambition to excel in every capacity, faculty, and virtue. If we suffer their minds to grovel and creep in infancy, they will grovel all their lives."
>
> John Quincy Adams taught: "Always vote for a principle, though you vote alone, and you may cherish the sweet reflection that your vote is never lost."
>
> A verse written in 1842 expressing his hope for the future is valid today:
>
> "This hand, to tyrants ever sworn the foe,
> For freedom only deals the deadly blow;
> Then sheathes in calm repose the vengeful blade,
> For a gentle peace in freedom's hallowed shade."
>
> Respectfully,
>
> H. G. Rickover.

EULOGY BY DR. FREDERICK BROWN HARRIS, CHAPLAIN, U.S. SENATE, AT THE MEMORIAL SERVICE FOR GENERAL MacARTHUR IN THE CAPITOL ROTUNDA

Mr. DOUGLAS. Mr. President, I yield to the Senator from Idaho [Mr. Jordan], provided that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JORDAN of Idaho. Mr. President, on the sad occasion of the memorial service for General MacArthur in the Capitol rotunda on April 8, the Senate Chaplain, Dr. Frederick Brown Harris, made some remarks which I consider to be most appropriate on that sorrowful occasion. His address was most impressive and moving. It gave the ceremony majesty, depth, and feeling.

Mr. President, I ask unanimous consent that the remarks of the Chaplain on this occasion may be printed in the Record.

There being no objection, the eulogy was ordered to be printed in the Record, as follows:

I SHALL RETURN

(Remarks of Dr. Frederick Brown Harris, Chaplain, U.S. Senate, at the memorial service for General MacArthur, in the Capitol rotunda)

Two immortal sentences which ring out across these years of destiny like the sound of trumpets are: "Lafayette we are here," and Gen. Douglas MacArthur's "I shall return."

The latter battle cry fell from the lips of a great soldier, leader of the embattled American forces in the Philippines. He had been ordered to withdraw to Australia and to plan further strategy from that distant point. "I shall return." That rallying promise to his beleaguered men, that definite reminder to the gloating foes of Corregidor, he fulfilled in due time on a dramatic day when again he stood on the shores of the land to which he had made his solemn vow to return.

General MacArthur knew no objective but victory. His creed was that for that there is no substitute. As a military commander, this he steadfastly believed. Now that he has fought a good fight, and finished his course, this land of his love and prayer to which he gave full measure of devotion, bears witness that in the fierce global battle now raging for the minds of men, he never regarded the crucifixion of humanity anywhere in the world as a blight to be tolerated and endured—but as a malignant evil to be eliminated.

But his true greatness was revealed in what he purposed to do with the victory of arms as he faced a titanic task after the peace treaty was signed. It was then that he exercised his enlightened stewardship when, scorning any imposed humiliation, with dignity and understanding he rebuilt a conquered nation out of the ashes of defeat.

And now, under the historic dome of this white shrine of each patriot's devotion, there lies in honor the worn tenement of clay which housed the intrepid spirit of Douglas MacArthur as the fluttering flag for which he so valiantly fought sadly waves from sea to sea a tender farewell now that we will see his face no more.

From lips once so eloquent, but now so silent, let us listen to his winged words, uttered from the surrender deck of the *Missouri* as he pointed to the supremacy of spiritual verities in the life of the Nation. It is General MacArthur now speaking:

"It is my earnest hope, and indeed the hope of all mankind, that from this solemn occasion a better world shall emerge out of the blood and carnage of the past, a world founded upon faith and understanding, a world dedicated to the dignity of man, and the fulfillment of his most cherished wish for freedom, tolerance, and justice."

Such a soldier can never die or fade away. Shall we lift our hearts in prayer—

O Thou Master of all good workmen, we give Thee thanks that in human personalities there is so often made flesh Thine eternal principles of righteousness which the contaminating evil of the world cannot tarnish or erode. Even as now the great captain whom we honor this day has gone from our physical sight and side, may he return to our troubled times in a renewed determination of the Republic to face any foe, to pay any price, not that America may prevail, but that the starry ideals that give luster to freedom's banners may come to their coronation under all skies. For the fulfillment of all our fallen hero's dreams, as his brave soul goes marching on, we commend his conquering spirit into Thy hands. Amen.

Mr. JORDAN of Idaho. Mr. President, I thank the Senator from Illinois for yielding to me.

ORDER OF BUSINESS

Mr. MORSE. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. I am glad to yield to the Senator from Oregon, with the understanding that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Let me say to the Senator from Illinois that I have no objection to his yielding to Senators for insertions in the Record, or for the other business which Senators usually transact. I would do the same if I were in his position.

However, I should like the Record to be perfectly clear that I am not suggesting this is, in fact, a morning hour under the rules of the Senate.

I have no objection to these insertions in the Record. On the question of procedure, however, there should be no doubt about not permitting committees to meet at this moment, under any notion that a morning hour is in progress. There is no morning hour. If a request is made for one, I shall object. My reason for objecting to a morning hour is to stop committees from meeting while the Senate is in session.

Mr. DOUGLAS. Replying to the Senator from Oregon, the Senator is correct; I am permitting insertions to be made in the Record, which is, in fact, permitting a morning hour to be bootlegged into the regular proceedings of the Senate.

Mr. PASTORE. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am glad to yield to the Senator from Rhode Island.

TRIBUTE TO THOSE WHO WERE LOST IN SINKING OF SUBMARINE "THRESHER"

Mr. PASTORE. Mr. President, 1 year has passed since April 10, 1963, when the submarine *Thresher* was lost at sea while conducting a series of test dives 200 miles east of Cape Cod.

It may seem to have been a short year to you or to me, marked by the occurrence of events which also form the history of our Nation—the signing of a test ban treaty, the assassination of our President, the passing of one of our great military leaders. This past year did not and the years to come surely will not appear short to the wives and loved ones of the men who went down with the *Thresher*. Let us not in the rush of the activities which now capture our interest and our energies fail to pay homage to those who have served their country so well. To them and to those who follow them let us express our gratitude.

We must make certain that everything possible is learned from this tragic incident so that another such incident does not occur. We must do everything possible to make sure the brave men in *Thresher* have not died in vain.

We may never know what precisely went wrong to cause the loss of *Thresher*. One thing is clear—having ascertained what could have gone wrong—steps must be taken to effect the necessary corrections in future submarines and methods of operation.

The *Thresher* disaster involved the first loss of a nuclear submarine. I remember the sudden shock and ensuing sadness I felt when I was called from the Senate floor 1 year ago today. As chairman of the Joint Committee on Atomic Energy, I was notified of this disaster prior to the public announcement and immediately dispatched Joint Committee staff to New London, Conn., and Portsmouth, N.H. The Joint Committee staff was present as observers throughout all public and closed sessions of the Navy Court of Inquiry and kept the Joint Committee informed of all developments in the investigation.

When the court of inquiry concluded its investigation and rendered its secret report to the Secretary of the Navy, the Joint Committee obtained a copy. Thereafter, the Joint Committee held closed hearings and obtained testimony from both Navy and Atomic Energy Commission witnesses. As chairman of the Joint Committee I was interested in obtaining every assurance possible that all lessons learned from the investigation are applied as rapidly as possible to the design, construction, and operation of all of our submarines.

We learned about a number of things that were not as they should be. Since our hearing, we have found out that steps are being taken to correct a number of things in our submarine program. Some things may still remain to be done though. We intend to keep after this matter.

The Navy Department for some time maintained that all of the information presented and the matters discussed in the Joint Committee hearings were classified and could not be made public. On the other hand, we, on the committee, repeatedly have held that the portions of the information which would not adversely affect the national defense should be made public. Recently the Secretary of the Navy agreed to review the hearing record and designate specific portions which are not classified. The committee is working with the Navy to release as much of the record of our hearing as national security permits, regardless of whether it reflects on the performance of anyone concerned. Only in this way can we be assured that all lessons learned are applied to other nuclear submarines in our program.

In addition, we plan to conduct future hearings in order to receive current information on the state of progress concerning the establishment and utilization of the corrective measures to which I previously referred.

As chairman of the Joint Committee on Atomic Energy, I can assure you that we will continue to follow this matter closely. This is our duty in law, but more importantly it is part of the moral obligation we all share toward the 129 men of the *Thresher* and their loved ones.

RULE OF GERMANENESS

Mr. CLARK. Mr. President, will the Senator from Illinois yield to me for two parliamentary inquiries?

Mr. DOUGLAS. I am glad to yield to the Senator from Pennsylvania for that purpose, provided I do not lose the floor.

Mr. CLARK. The first parliamentary inquiry is this: Is the rule of germaneness in effect?

The PRESIDING OFFICER. The rule of germaneness is in effect.

Mr. CLARK. The second parliamentary inquiry: Has every Senator to whom the Senator from Illinois has yielded since he obtained the floor violated the rule of germaneness and, therefore, the rules of the Senate?

The PRESIDING OFFICER. The Senators, in their remarks, have not held themselves to the matter before the Senate, and have spoken by unanimous consent.

Mr. CLARK. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Was unanimous consent asked by any of the Senators to violate the rule of germaneness?

The PRESIDING OFFICER. No unanimous-consent request to waive the rule was made.

Mr. CLARK. I thank the Chair.

Mr. DOUGLAS. Mr. President, I accept with humility the implicit rebuke which has just been administered to me by my dear friend from Pennsylvania. I am afraid he must charge it to my excessive amiability.

Mr. CLARK. I am quite in accord that it was not the Senator from Illinois who violated the rule.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. Did the Senator from Pennsylvania just now violate the rule?

The PRESIDING OFFICER. The submission by a Senator of a parliamentary inquiry is not, in the opinion of the Chair, a violation of the rule.

Mr. MORSE. I have made my point.

Mr. DOUGLAS. Mr. President, the Senator from Iowa [Mr. MILLER] has asked me to yield to him. I am burdened with many yieldings already, but I shall bow my head once more, to ask unanimous consent that I may be permitted to yield to the Senator from Iowa with the understanding that I do not lose my right to the floor and that the principle of germaneness be not applied to his address.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. MILLER. Mr. President, if ever there was a time for moderation and reason, it is now.

The civil rights issue is hanging over our heads like a nuclear cloud. Whether it will be blown away by the winds of commonsense depends on the reasonableness of word and action on the part of both the proponents and the opponents alike.

The sickness of this civil rights radiation has entered the bloodstreams of some Americans.

On April 7, at page 7049 of the CONGRESSIONAL RECORD, I voiced concern over the formation of so-called civil rights rifle clubs, the existence of which had been brought to the attention of the Senate by the distinguished senior Senator from Ohio [Mr. LAUSCHE]. I suggested that it may be well for the Justice Department to look into the matter of these clubs.

Now, after checking certain newspaper clippings, my concern is even greater, for a prime mover behind the rifle clubs is none other than Malcolm X, who, after breaking off with the Black Muslim movement, has formed his own Black Nationalist Party.

I should like to quote some of the remarks of Malcolm X as they appeared in the New York Times. I believe we should assess them in light of what is occurring and is yet to occur.

I now quote the statements by Malcolm X.

On March 8, he said:

> I remain a Muslim but the main emphasis of the new movement will be black nationalism as a political concept and form of social action against the oppressors.
>
> I am prepared to cooperate in local civil rights actions in the South and elsewhere and shall do so because every campaign for specific objectives can only heighten the political consciousness of the Negroes and intensify their identification against white society.
>
> I shall tell them what a real revolution means—the French Revolution, the American Revolution, Algeria, to name a few. There can be no revolution without bloodshed, and it is nonsense to describe the civil rights movement in America as a revolution.
>
> The white power structure is hopeful that the civil rights leaders will channel the demands and the bitterness of the Negroes into a token painless compromise. They are mistaken. The white leaders don't realize the extent to which the civil rights leaders have deceived them about the true feelings of the Negroes.

On March 12, he said:

> There will be more violence than ever this year. White people will be shocked when they discover that the passive little Negro they had known turns out to be a roaring lion. The whites had better understand this while there is still time. The Negroes at a mass level are ready to act. It is dangerous to deceive the white people into believing that all is well.
>
> It is criminal to teach a man not to defend himself when he is the constant victim of brutal attacks. It is legal and lawful to own a shotgun or a rifle. We believe in obeying the law.
>
> In areas where our people are the constant victims of brutality and the Government seems unable or unwilling to protect them, we should form rifle clubs that can be used to defend our lives and our property in times of emergency, such as happened last year in Birmingham, Ala., Plaquemine, La., and Cambridge, Md., and Danville, Va. When our people are bitten by dogs, they are within their rights to kill those dogs.

Mr. President, irresponsible statements designed to promote bloodshed and violence should not be permitted in the name of free speech. It reflects badly upon the responsible persons who are leading the civil rights movement.

Nor is the situation helped when one of the generally moderate leaders of the civil rights movement declares:

> We are not prepared to sacrifice a semicolon or a comma of the draft which comes from the House.

These statements negate reasonableness and are more in keeping with a closed mind. They render a disservice to all of our citizens.

The cause of the Negro is being harmed when the threat of violence is waved over the heads of those in the Senate.

The atmosphere in which this bill has thus far been discussed has been reasonably clear of anger and heat. I suggest that it will not help either the proponents or the opponents to advance the idea of bloodshed, force, and violence. I hope there will be no more statements of that kind on the floor of the Senate, either.

Ultimatums, whether springing from proponents or opponents, do not lighten the burden of concern which every person in this body shares.

No one should place himself in the unreasonable position of denying the Senate's right and duty to fully and carefully consider a bill which will have a far-reaching effect on this Nation for all time to come; and to amend the bill where amendments should be made.

I fear that some of our friends, well-meaning though they may be, who suggest that not a comma, not a semicolon, not a phrase or a paragraph in the House-passed bill should be changed by the Senate, are in effect standing for the proposition that we might as well do away with the Senate altogether; because if we are supposed to take everything that the House passes, we can save the taxpayers money by just abolishing the Senate. I trust that most of those friends do not feel that way. But I am afraid some of their remarks are inconsistent with the idea of the Founding Fathers that there should be separate but equal bodies of the legislative branch of the Government.

If the Senate is to be reasonable—to all segments of this land—it cannot be pushed or panicked. If the Senate is to serve justice, it must be permitted to act deliberately, carefully, and objectively.

The confusion which is being sown by extremists on both sides does no good.

As far as I am concerned, I will reason with reasonable men; I will plead with humane men, but I will not waste any arguments, where I feel they certainly will be lost, with those whose minds are closed.

I do not say that we should compromise the principles of this bill. For if we do, then we will be back where we started. If we shove aside reason, then we all lose. Without it, the Negro is lost. With it, the Negro will gain the equality which should exist.

Without it, the white man is lost. With it, the white man will finally remove from his conscience the cloud of uncertainty.

Many years ago, Alexis de Tocqueville declared:

> Democratic nations care but little for what has been, but they are haunted by visions of what will be; in this direction their unbounded imagination grows and dilates beyond all measures.

No one is saying that the Negro should "care but little for what has been," for this then would deny that he has suffered and has been humiliated.

No one is saying that the white man should "care but little for what has been," for this then would deny that he has been concerned.

But if hasty actions are taken on this bill, as some would have it, or if a few commas or semicolons are not changed, and more, then surely the Negro and the white man will be "haunted by visions of what will be." And this will be to the shame of both.

It must be emphasized that under the Constitution, the Negro already has the rights. But they do not have the remedies. And rights without a remedy are not rights at all.

So this bill is not proposing to give the Negro any new rights—for if it did, the Constitution would have to be amended. This bill proposes remedial action.

But restraint is called for, not only in statements but in action.

I think the civil rights leaders should reconcile themselves to sacrificing some semicolons and commas in order to obtain a more meaningful bill which takes into consideration the rights of all peoples.

I ask unanimous consent that the following articles and editorials be printed in the RECORD:

First. "Civil Rights and Civil Wrongs," from U.S. News & World Report.

Second. "Civil Rights Fallacies," from the Washington Evening Star.

Third. "Eight Senators Give Conference Optimistic Rights Bill Report," from the Washington Evening Star.

Fourth. "Malcolm X Splits With Muhammad; Suspended Muslim Leader Plans Black Nationalist Political Movement," from the New York Times.

Fifth. "Malcolm X Sees Rise in Violence; Says Negroes Are Ready To Act in Self-Defense," from the New York Times.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Feb. 17, 1964]

CIVIL RIGHTS AND CIVIL WRONGS

(By Edward F. Cummerford)

In his novel of some years ago called "1984," George Orwell depicted in frightening detail what life would be like in Britain in the year suggested by his title. A monolithic tyranny had come to power and had destroyed every semblance of freedom.

Under the absolute and brutal rule of a dictator called "Big Brother," men and women had been reduced to the level of dehumanized automatons. No longer were they permitted to act—or even to think—for themselves.

Rational thought processes and normal methods of expression had been supplanted by monstrous perversions called "doublethink" and "Newspeak." Basic privacy as we know it had been eliminated completely.

Fantastic devices for spying were in constant use by the agents of Big Brother so that one never knew, even within the confines of his own home, when he was being observed. Any thought of revolt or disobedience was readily dissipated by the terrifying warning: "Big Brother is watching you."

Yet, some will say, this was merely fiction, and Americans need have no fear that such eventualities will ever come to pass in our land. Let us not forget that many times in the past fiction writers have foretold things to come with uncanny prescience.

In general, nations lose their freedom in one of two ways. The first is by violence, either from within or without; bombs, machineguns and the like do the job. The second is far more subtle and insidious; this is the slow, gradual process of evolution.

By stages, freedom is chipped away, and so gradually that few are aware of the real meaning of the process until it is perhaps too late. As each little bit of freedom is taken away, the highest and noblest motives are given, and the "best people" in the land give their wholehearted approval. Their intentions may be of the very best, but of such is the greatest superhighway of them all constructed.

In recent years this country has been subjected to an onslaught of so-called civil rights activity. These modern conceptions of civil rights do not refer to the basic freedoms enumerated in the Bill of Rights of our Federal Constitution, such as freedom of religion and freedom of the press, but are concerned rather with a relentless drive to wipe out discrimination and bias based on race and religion, mainly the former.

While no decent person will defend racial or religious hate, it does not follow that every possible action taken to eliminate them is either good or necessary.

Prohibition was termed a "noble experiment," but it did more harm than good, for the simple reason that it abridged personal freedom without sufficient justification. The same basic error permeates much of the civil rights activity now in vogue. To condemn these activities no more makes one a proponent of bias than to oppose prohibition made one a bootlegger or a drunkard.

This drive to eliminate discrimination is largely a product of the years following the close of World War II. Generally it consists of litigation, legislation, and other actions, lawful and otherwise, all purporting to have the same basic objective; the wiping out of bias.

In the legislative field the typical pattern has been enactment of a statute with an enforcing agency. Although these antibias laws vary in detail from one jurisdiction to another, they usually declare illegal discrimination in such areas as employment, housing, public accommodations and resorts, public transportation and, sometimes, education.

About half our States and some municipalities now have such laws, many with enforcing agencies. In New York, for example, the basic statute was passed in 1945 and created as the enforcing agency the State Commission Against Discrimination, which came to be called simply SCAD. Recently its name was changed to the State Commission for Human Rights.

Invariably these agencies begin their work in an unobtrusive manner, but, with the passage of time, they often become increasingly aggressive, seeking more powers, asking broader areas in which to operate and harsher punitive measures for alleged offenders.

SEARCHING FOR EXAMPLES OF BIAS

Some have stated very candidly that, if enough complaints are not filed to keep them busy, they will go out searching for examples of bias. Frequently they query employers as to the proportions of races and creeds in their employ; they scrutinize employment applications to see if there are any questions deemed discriminatory; they scan advertising by hotels and resorts to ferret out language that might be a subtle cloak for bias.

These commissions, in short, seem to view their scope as ever widening. For example, in 1961, Ogden R. Reid, the then chairman of SCAD, said that he desired legislation to give his agency power to deal with bias in promotions as well as in initial hiring procedures.

The trend is unmistakably in the direction of more and more power for these agencies. As SCAD said in one of its recent publications: "While no complaint has been too minor, no objective has been too large."

Sometimes the activities of these agencies verge on the absurd. In one instance the owner of a little barber shop on Long Island placed a sign in his window reading "Kinky Haircuts, $5." SCAD, neither amused by his crude attempt at subtlety nor deterred by the ancient maxim de minimis non curat lex [the law does not concern itself with trifles], took immediate steps to punish him.

Several years ago the State of New York deleted the item color from the various details of personal description on drivers' licenses, on the ground that that information was discriminatory. While such nonsense hardly merits comment, I cite it as an example of how far such notions can be carried.

MORE OMINOUS THAN AMUSING

In general, however, the activities of the antidiscrimination agencies are more ominous than amusing. In 1961, the press reported that the Philadelphia Commission on Human Rights had warned 17,000 employers in that city that they must not follow merely the letter of the antibias statutes but be prepared to show that they really believed in the spirit of such laws.

Recently a civil rights committee of the New York County Lawyers Association advocated strengthening local laws against bias in housing by publicizing proceedings to embarrass the accused; should this not suffice, the committee concluded, consideration might be given to the traditional criminal sanctions.

In addition to antibias statutes, there is now a marked trend toward litigation to accomplish related aims. Such suits invariably are filed in Federal courts, using the 14th amendment as a catchall foundation.

In the recent case of *Taylor* v. *Board of Education*, etc., of New Rochelle, the court of appeals for the second circuit held that where the student body of a public school had, over the years, because of neighborhood changes, evolved from predominantly white to predominantly—94 percent—Negro, the Negro pupils could apply to the Federal court for transfer to a school whose racial makeup was more in accord with their preferences, irrespective of school boundaries or distances involved.

This was in spite of the fact that the city and State involved had never required any segregation in public schools, and the board of education concerned vigorously denied that any racial considerations entered into the mapping of school districts.

The New Rochelle case represents one of the most revolutionary and far-reaching decisions ever handed down in this country, and its ultimate effects are beyond conjecture. Similar suits are pending against school boards throughout the land, all predicated on the theory that too high a ratio of Negroes in a school, even though the mere reflection of a particular neighborhood's racial patterns, is an evil and must be corrected by force of law.

A DISSENT ON STUDENT TRANSFERS

The dissenting opinion of Judge Leonard P. Moore in the New Rochelle case should be read carefully in its entirety, for it cogently analyzes the false premises on which the decision is based and notes the results it is likely to have. Judge Moore observed:

"Regardless of protestations to the contrary, the effect and implications of the decision below are to place the operation of the schools of the country in the hands of the Federal courts or a single judge. His personal views as to those pupils who should be granted or denied transfers will control; he alone will decide what racial mixtures satisfy his concept of integration. Of necessity he will have to pass upon district lines if he chooses to permit neighborhood schools to continue. His decrees will cause schools to be built, altered, abandoned. Attendant thereto might even be an indirect fixing of the city's school tax rate to accomplish his bidding."

Other possibilities, in addition to those Judge Moore suggests, spring to mind. May a student who feels that racial bias has kept him from a position on an athletic team, or from a part in a school play, or has been the reason for a poor grade in a course, thereupon approach the nearest Federal judge seeking redress?

DICTATION BY JUDGES?

If Federal judges can dictate the drawing and altering of school boundary lines and the racial composition of student bodies, why may they not, by the same logic, determine the racial composition of a residential neighborhood by appropriate decrees and orders directed to realty agents and landlords?

Can it honestly be maintained that the Founding Fathers, in their almost parenthetical reference to "such inferior courts as the Congress may from time to time ordain and establish" in the Constitution, intended that a Federal district judge should exercise such frightening power over the affairs of a local community which had little or no voice in his selection and has absolutely no say over his tenure?

Almost with each passing day, new and strange events are reported in connection with this inexorable drive to wipe out bias. Private property is seized and held by mobs; sit-in demonstrations are conducted in State capitol buildings, city halls, board of education properties, and the like.

Racial pressure groups dictate to private employers what the racial makeup of their payroll shall be, and to school boards what the racial makeup of the student body shall be. Crude pressure is exerted against private clubs because of their membership policies, and threats are heard to abolish them altogether.

What is most distressing about all of this is that those elements in the community which should be the most responsible—the press, the clergy, educators, yea, even the bench and bar—view these examples of mob action as something good, and even give them their full support and encouragement.

A LUNCH COUNTER OR A CHURCH

One cannot avoid wondering if they have reflected on the proposition that, if a mob can take over a lunch counter because it dislikes the policies prevailing within, it can, by the same token, take over a church or a publishing plant or a university which has incurred its displeasure.

In New York City, which often serves as a bellwether for other places, some amazing things have been taking place along these lines. Members of minority groups—generally considered to mean Negroes and Puerto Ricans—may now apply for transfer to another school, even many miles away, if the racial balance in the school they attend does not suit them. Large numbers of such students are transported daily in buses at great expense to the taxpayers.

Several months ago a mock antidiscrimination hearing was conducted in New York City at which children, selected from appropriate racial backgrounds, acted out the parts of a would-be Negro tenant and a callous white landlord who refused to rent her an apartment. That innocent children, of any race, should be used as pawns in these weird sociological chess games is nothing short of reprehensible.

In 1961, the New York City Board of Education issued a directive to teachers in its system to stop using certain words and expressions which might prove offensive to minority groups. Among the proscribed expressions were "low socioeconomic," "fear of walking" (in certain neighborhoods), "complete apathy of parents" and, believe it or not, the expression "dedicated teacher."

Thus in about two decades we have passed in rapid succession from the novel to the startling and from the startling to the grotesque.

Into our repository of Anglo-Saxon jurisprudence, whose very foundation stones are the maximum freedom of thought and action for individuals with minimum restraint and interference by government, some new and strange concepts are being infused. What is more alarming is that they are being accepted, passively and unquestioningly, by most of our populace.

Liberty is being subordinated to equality. A type of absolute egalitarianism, riding roughshod over personal privacy and individual freedom, has become the order of the day. Matters that formerly were well within the realm of personal choice and decision are now branded as criminal or tortious, with the punitive police power of government standing by. Private business and social dealings now must contend with the Government as an uninvited third party, overseeing and checking what private citizens do and even how and what they think.

When bureaucrats not chosen by the people can warn us to obey the spirit of laws or face penalties; when a Federal district judge can sit as the absolute overseer of a local community's affairs; when schoolteachers are muzzled and coerced; when our citizens cease to be free individuals and become merely ethnic groups to be manipulated according to some sociological dictum; when our law and our courts become merely the extensions of the sociologists' workshops; when government can invade the hearts and minds of men to search out their subtlest motivations and innermost thoughts; when all of these things come to pass in our land of the free, it is high time we ask ourselves just where we are headed.

EROSION OF STATE AUTHORITY

The most significant recent developments center on proposed Federal legislation in this field. If such laws were to be enacted, the National Government would be given jurisdiction and powers in areas never previously regarded as coming within its ambit. The erosion of State and local authority would be tremendously accelerated.

The hour already is late. We may be even now in the twilight of our liberty, standing on the very threshold of the type of era envisioned by Orwell.

When liberty is taken from some, it tends ultimately to fade for all. When that dreadful day arrives, there no longer will be any need to argue about discrimination, for we shall all be joined together in the terrible equality that is slavery.

As Justice Sutherland observed a quarter of a century ago:

"For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time."

[From the Washington Star, Apr. 3, 1964]

CIVIL RIGHTS FALLACIES

An obvious effort is being made to stampede the Senate into hasty action on the civil rights bill. It is an effort based on false premises, and it should be forthrightly resisted.

Senator CASE, Republican, of New Jersey, has injected an interesting note into the debate. Mr. CASE is a liberal and a strong civil rights supporter. But he came up with an odd one when he told the Senate: "We have a President who needs a civil rights bill in order to get reelected—and we are going to take full advantage of this, we who believe in this cause."

It doubtless is true that Mr. Johnson needs a civil rights bill in his election campaign, and his influence will be helpful to Senators backing the measure. The fact that the President needs the bill for electioneering purposes, however, is a shabby argument for the bill itself. The real argument for it is that the country needs a good bill as an aid to justice and fair play. It ought not to be voted up or down on any other basis.

Nor should the Senate act without full and careful consideration of every section. When passed, and we have no doubts on this score, the new civil rights bill will profoundly affect almost every aspect of life in this country. Talk to the effect that it is a "mild" measure is nonsense. It is far reaching, and there will be many a regret if it should be railroaded through the Senate as it was through the House.

If Senator MORSE chooses to block action on appropriation bills until a final civil rights vote is taken, let the consequences be on his head. The Senate should not submit to this sort of armtwisting. Nor should it be panicked by phony claims of disaster unless it passes a bill which will be accepted without a murmur by the House. The House version ought to be changed in several respects by the Senate. If, as a result, the bill goes to conference, we do not think any fatal delay would ensue. Should the House Rules Committee try to bottle up a conference report, a discharge petition should and we think would be promptly signed. If a second Senate filibuster should then be attempted, we believe the votes for cloture would be forthcoming. The important thing is that this extremely significant bill has not received the scrutiny it requires. It will not receive it, unless the job is done in the Senate.

Majority Leader MANSFIELD speaks dolefully of the possibility that the Senate may have to return after the political conventions. Maybe so. But this is not an argument for improvident action now.

Senator DIRKSEN, who perhaps holds the key to eventual action by the Senate, made a significant statement the other day when he declared: "As long as there are amendments pending which are not frivolous or inconsequential, this Senate will not vote for cloture." The minority leader was saying that if he can help it—and he probably can—there will be no railroading this time. We applaud his stand.

[From the Evening Star, Apr. 2, 1964]

EIGHT SENATORS GIVE CONFERENCE OPTIMISTIC RIGHTS BILL REPORT

(By Clarence Hunter)

Eight Senators, in a demonstration of bipartisan unity, assured members of the Leadership Conference on Civil Rights yesterday that the civil rights bill will be passed without crippling amendments.

Representatives of some 62 affiliated conference organizations crowded into the Senate conference room to enjoy the optimistic report and bursts of senatorial oratory which ran for about 2 hours.

"There are enough votes in the Senate to pass the bill as is if we ever get it to a vote," declared Senator HUMPHREY, the Democratic whip from Minnesota.

The civil rights bill "represents sound, long overdue, urgently needed public policy," he said, because it "relates to the greatest moral issue of our time—that of human dignity and the protection of that dignity."

Senator KUCHEL, the Republican whip from California, talked of the campaign of "abuse, vilification, distortion of the truth, and downright falsehood" being used by opponents to defeat the measure.

REASONS AGAINST COMPROMISE

"We are going to win this fight this time without the type of compromise that destroyed 90 percent of the effectiveness of the 1957 act," declared Senator CASE, Republican, of New Jersey.

Senator CASE enumerated three reasons why there is no need for compromise on the bill. He said: "We have a President who needs the civil rights bill to get elected;" the Negro community is aroused as never before; and "for the first time, the white community realizes this is a matter of conscience."

Two Senators—JAVITS, Republican, of New York, and CLARK, Democrat, of Pennsylvania—felt the civil rights supporters are short of votes to cut off debate. Senator JAVITS asked the conference members to "hold your thoughts open on the question of amendment because there is a lot to be said for amending." Mr. JAVITS said he did not want to go into a summer of Negro discontent with the civil rights bill still hanging fire in the Senate.

Other Senators who talked included SCOTT, Republican, of Pennsylvania; KEATING, Republican, of New York; and HART, Democrat, of Michigan. Senator KEATING said the bill is being fought with misrepresentation and obscenities.

CHURCHES JOIN IN PROGRAM

Dr. Eugene Carson Blake of the Presbyterian Church termed the civil rights bill a spiritual and moral issue and added that the future of the United States and the world is at stake on this matter.

The three major religious faiths—Catholic, Protestant, and Jew—will sponsor an interfaith meeting at Georgetown University on April 28 to press for passage of the civil rights bill, Dr. Blake said.

The next day, the National Council of Churches will begin sponsorship of a daily service of prayer and speaking at the Church of the Reformation, 212 East Capitol Street. This service will begin an hour before the Senate convenes for the duration of the debate and vote on the bill.

Roy Wilkins, chairman of the leadership conference, summed up the attitude of the civil rights groups when he said: "We are not prepared to sacrifice a semicolon or a comma of the draft which came from the House."

GROUPS PLAN EFFORTS

Civil rights groups have launched better organized, more determined campaigns for passage of the bill than ever before, Mr. Wilkins reported. Here are some examples:

Students attending Washington area colleges and universities will meet daily at the Sylvan Theater on the Monument Grounds beginning April 27 and continuing through May 2 for a student filibuster to counteract the Senate filibuster. Sponsored by the District Students for Civil Rights, the daily sessions will begin at 10 a.m. and continue until 8 p.m.

Women of the B'nai B'rith have selected April 6 as the day all of their chapters throughout the Nation will wire Senators urging passage of the civil rights bill. The industrial union department of the AFL–CIO will convene delegates here April 6–8 to lobby for passage of the bill and to honor representatives who were instrumental in getting the legislation through the House.

And the NAACP will bring voter registration chairmen from 190 of its northern chapters here for a day-long conference sometime within the next 3 weeks. The meeting will be held to let recalcitrant Senators know that the NAACP is registering voters whose November ballots will reflect senatorial performance on the civil rights bill, Mr. Wilkins said.

[From the New York Times, Apr. 9, 1964]

MALCOLM X SPLITS WITH MUHAMMAD—SUSPENDED MUSLIM LEADER PLANS BLACK NATIONALIST POLITICAL MOVEMENT

(By M. S. Handler)

Malcolm X broke last night with Elijah Muhammad's Chicago-based Black Muslim movement and announced that he was organizing a politically oriented "black nationalist party."

He said the party would seek to convert the Negro population from nonviolence to active self-defense against white supremacists in all parts of the country.

"I remain a Muslim," Malcolm said, "but the main emphasis of the new movement will be black nationalism as a political concept and form of social action against the oppressors."

"I have reached the conclusion," he said, "that I can best spread Mr. Muhammad's message by staying out of the Nation of Islam and continuing to work on my own among America's 22 million non-Muslim Negroes."

HAD BEEN SUSPENDED

Malcolm has been under suspension by Mr. Muhammad as the New York leader of the separatist Black Muslim movement.

He asserted last night that the movement had gone as far as it can because it was too narrowly sectarian and too inhibited.

"I am prepared," Malcolm said, "to cooperate in local civil rights actions in the South and elsewhere and shall do so because every campaign for specific objectives can only heighten the political consciousness of the Negroes and intensify their identification against white society."

Malcolm said he had accepted an invitation to help a civil rights committee in Plaquemines Parish (county), La.

"There is no use deceiving ourselves," Malcolm said. "Good education, housing, and jobs are imperatives for the Negroes, and I shall support them in their fight to win these objectives, but I shall tell the Negroes that while these are necessary, they cannot solve the main Negro problem."

Malcolm continued:

"I shall also tell them that what has been called the Negro revolution in the United States is a deception practiced upon them, because they have only to examine the failure of this so-called revolution to produce any positive results in the past year.

"I shall tell them what a real revolution means—the French Revolution, the American Revolution, Algeria, to name a few. There can be no revolution without bloodshed, and it is nonsense to describe the civil rights movement in America as a revolution."

Malcolm said Elijah Muhammad had prevented him from participating in civil rights struggles in the South although he had had many opportunities to do so.

"It is going to be different now," Malcolm said. "I'm going to join in the fight wherever Negroes ask for my help, and I suspect my activities will be on a greater and more intensive scale than in the past."

WOULD SPEAK AT COLLEGE

"I shall also accept all important speaking engagements at colleges and universities," Malcolm said, "because I find that most white students are more attuned to the times than their parents and realize that something is fundamentally wrong in this country."

Malcolm has spoken at more than 20 colleges and universities, including Harvard and Yale. He said his popularity as a university speaker had aroused the animus and jealousy of Elijah Muhammad's family.

"Envy," Malcolm said, "blinds men and makes it impossible for them to think clearly. This is what happened."

Malcolm's speech at Manhattan Center after President Kennedy's death was only the excuse for his suspension, Malcolm said. In that speech Malcolm declared that Mr. Kennedy's assassination was a case of the "chickens coming home to roost."

Malcolm contended that his phrase had been misinterpreted. He said he had meant that a spread of social hatred had created an atmosphere that made assassination possible.

Malcolm said he had not been invited to the annual Black Muslim convention in Chicago on February 26. Later, he said, he telephoned Elijah Muhammad and requested clarification of his status.

He received a letter from Mr. Muhammad that left the question unanswered, he said.

Malcolm said he decided then that the time had come for him to act, but that he would not set himself up as a rival to Mr. Muhammad or provoke him.

PLANS NEW YORK BASE

Malcolm declared that his first task would be to construct an organization based in New York. He said that he was supported by many Negro intellectuals and professionals who could not accept Islam but accepted the Black Muslim view of race relations in the United States.

Malcolm contended that Negroes were dissatisfied with the progress of the civil rights movement and that this had created the basis for a successful black nationalist political movement. He declared:

"The white power structure is hopeful that the civil rights leaders will channel the demands and the bitterness of the Negroes into a token painless compromise. They are mistaken. The white leaders don't realize the extent to which the civil rights leaders have deceived them about the true feelings of the Negroes.

"Another thing. The Negroes still don't understand the power of the ballot in the North. We must make them understand that the Negro voters have it in their power to decide next November whether Johnson stays in the White House or goes back to his Texas cotton patch."

Malcolm said he was not trying to split the Muslims.

"I want it clearly understood that my advice to all Muslims is that they stay in the Nation of Islam under the spiritual guidance of the Honorable Elijah Muhammad. It is not my desire to encourage any of them to follow me," he said.

[From the New York Times, Mar. 13, 1964]

MALCOLM X SEES RISE IN VIOLENCE—SAYS NEGROES ARE READY TO ACT IN SELF-DEFENSE

(By M. S. Handler)

Malcolm X predicted yesterday that there would be more racial violence than ever in the United States in 1964. He declared that "Negroes on the mass level" were ready to act in self-defense.

The Negro leader broke last Sunday with the separatist Nation of Islam, or Black

Muslim, movement headed by Elijah Muhammad.

He announced then that he would organize a broadly based, politically oriented black nationalist movement composed of Muslims, Christians, and nonbelievers who were intellectually and emotionally ready to follow the black nationalist banner.

Yesterday, at a news conference in the Park Sheraton Hotel here, Malcolm formally opened this drive.

"There will be more violence than ever this year," Malcolm told the reporters. "White people will be shocked when they discover that the passive little Negro they had known turns out to be a roaring lion. The whites had better understand this while there is still time. The Negroes at the mass level are ready to act. It is dangerous to deceive the white people into believing that all is well."

ASSAILS NONVIOLENCE

Malcolm urged Negroes to abandon the doctrine of nonviolence in the civil rights struggle. He asserted:

"It is criminal to teach a man not to defend himself when he is the constant victim of brutal attacks. It is legal and lawful to own a shotgun or a rifle. We believe in obeying the law."

"In areas where our people are the constant victims of brutality and the Government seems unable or unwilling to protect them," Malcolm said, "we should form rifle clubs that can be used to defend our lives and our property in times of emergency, such as happened last year in Birmingham, Plaquemine, La., Cambridge, Md., and Danville, Va. When our people are being bitten by dogs, they are within their rights to kill those dogs."

"We should be peaceful, lawabiding," Malcolm said. "But the time has come for the American Negro to fight back in self-defense whenever and wherever he is being unjustly and unlawfully attacked."

"If the Government thinks I am wrong for saying this," he declared, "then let the Government start doing its job."

ACCOMPANIED BY MUSLIMS

Despite his statement Sunday that he would not seek to take members away from Elijah Muhammad's movement, Malcolm arrived at the news conference accompanied by several Black Muslims who have presumably followed him out of the Chicago-based organization.

Malcolm's nonsectarian appeal to Negroes is apparently producing results. Christians who were formerly inhibited from joining the black nationalist movement because they did not want to join Islam are now coming to New York to confer with Malcolm.

Malcolm announced that he had established temporary headquarters at the Theresa Hotel in Harlem and would soon open his own mosque for those of his followers who are Muslims.

He said the mosque would be a meeting place for Negroes of all religious persuasions who wanted to enter into discussions of the black nationalist movement.

Malcolm said his new movement was being financed by voluntary contributions. He said he would accept contributions from whites but that white people could never join the movement because, he said, when whites join an organization they usually take control of it.

Questioned about the school integration dispute in New York, Malcolm said that he did not oppose any rational solution but that he believed the only real solution would be to improve the quality of those schools with largely Negro student bodies.

Mr. MILLER. I thank the Senator from Illinois for yielding.

Mr. MORSE. Mr. President, will the Senator yield? I wish to make a brief comment in reply to the Senator from Iowa.

Mr. DOUGLAS. Mr. President, I have been yielding for approximately a half hour for insertions and comment on nongermane subjects.

Mr. MORSE. This is germane.

Mr. DOUGLAS. I shall be happy to yield on questions dealing with the substance of what I intend to say. But I hope I shall not be regarded as ungracious if I prefer not to yield on extraneous matters. If the Senator from Oregon believes that what he has to say is of importance, I shall be very glad to yield to him.

Mr. MORSE. I leave it to the Senator from Illinois to decide whether it is important or not. I merely wish to reply to some of the observations of the Senator from Iowa.

Mr. DOUGLAS. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I am glad the Senator from Iowa made the statement that he did.

Mr. DOUGLAS. I hope I shall not be compelled to yield so that the Senator from Iowa may reply to the Senator from Oregon.

Mr. MORSE. Mr. President, as the Senator from Illinois knows, the Senator from Oregon has said several times in this debate, and repeats now, that unless we give full constitutional rights to the Negroes, we cannot stop the issue from going to the streets of America.

I infer from some of the observations of the Senator from Iowa that he seems to think that is undesirable talk. But the Senator from Oregon will continue to talk that way. I happen to believe it is an undeniable fact. It happens to be one of the operative facts that face not only Congress, but the people of the United States, as well.

Let me make it clear. I have said this before. If violence breaks out on the streets of America, I favor using whatever force is necessary to put down and control the violence, but that will not stop the people from being violent. I think we might just as well face the fact that tens of thousands of colored people in this country have developed a martyrdom complex. They are ready to die for their conviction. We cannot change this fact. We can deal with it when it arises. But it cannot be avoided.

The Union of South Africa made the mistake of not facing the problem in time. We cannot find any authorities in the field of African relations who will not tell us that it is only a matter of time before a racial holocaust will break out in the Union of South Africa. When the Union of South Africa tries to impose its tyranny on West Africa, unless the United Nations stops it, there will be a bloody revolution.

I am raising my voice to plead with the people of this country to recognize that we have waited too long to deliver the full constitutional rights to the Negroes of the country.

The Negroes of this country will make a great mistake if they take their cause to the streets of America. But merely because I think they would make a mistake, and because I do not think that is the way to try to solve the problem, I shall not stick my head in the sand in an ostrichlike attitude and fail to say what I think is inevitable if we do not deliver full constitutional rights to the Negroes of this country.

There was a little taste of it in Baltimore last night. Five shots were fired at a colored woman. She is the legislator in the Maryland Legislature who introduced the public accommodations bill in the legislature.

Do Senators think that is only a little indication of what is coming? This is the most serious domestic crisis to face the Nation since 1862. If I vote for a civil rights bill, I shall do so not because I have been coerced into voting for it, but because I have the deep conviction that the bill should be enacted into law.

Therefore, in the face of all the irrelevant talk about threats, about going into the streets, and about placing some coercion upon Senators, again I ask, as I did the other day: Are we mice, or are we Senators? We have the duty to exercise our judgment on the basis of the facts as we find them; and I say the facts demonstrate that for 100 years Congress has too long delayed in giving constitutional rights to the Negroes. So now we are faced with a domestic crisis.

So, Mr. President, all the talk of the anti-civil-righters in the Congress or in the Nation is not going to change one whit the martyrdom attitude that has developed in the Nation.

I will be among the first to protest when violence breaks out; but the possibility that violence will break out should also be considered as part of the operative facts in this situation.

I close by saying that this is not the last time I will warn the American people about the seriousness of this crisis. Certainly the Negroes are entitled to get their rights from their Congress; but if Congress does not give them their rights, Congress must be prepared to meet their violence.

I will join in meeting it; but if violence comes, all the talk in the Senate will not stop it. Instead, we will have to stop it by the force of law. However, the cost will be terrific. But that cost need not be encountered if Congress will stop ducking and dodging its responsibilities, and, instead, will give the Negroes a bill that will give them their full rights. They ask for no more, but they will accept no less.

Mr. ROBERTSON. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. Mr. President, I have been on my feet for approximately 40 minutes, waiting to deliver an address which I have prepared. I have yielded again and again. I prefer not to yield any further.

Mr. ROBERTSON. I was on the floor yesterday at 10 a.m., and was not able to speak until 5:30 p.m.

Mr. DOUGLAS. Very well, Mr. President, I yield for one question.

Mr. ROBERTSON. The Senator from Illinois is a highly educated man, and a student of history. Does he recall that both the Italian historian Ferrero and the English historian Gibbon wrote that when Julius Caesar—who even then aspired to be Emperor, although he denied it—threatened to beat up the Roman Senate with a mob of his followers if the Senate did not pass his land reform bill that marked the beginning of the end of democracy in Rome? Is not that true?

And then——

Mr. DOUGLAS. Mr. President, I ask the Senator from Virginia whether I may be permitted to reply to his question.

Mr. ROBERTSON. Yes.

Mr. DOUGLAS. I thank the Senator from Virginia.

I believe democracy had been imperiled in Rome before the time of Julius Caesar; but certainly he applied some of the finishing touches to it—without question.

On the other hand, Mr. President, I am unable to understand how the Senator's question is appropriate to the civil rights dispute.

Mr. ROBERTSON. It is appropriate and germane because of the remark that if we do not pass what we believe to be an unconstitutional bill, a mob will come in here and will beat us up. The first threat of that sort was made by Julius Caesar, in Rome; and that was the beginning of the end of democracy in Rome, although it lasted 400 years under a dictatorship.

Mr. DOUGLAS. Mr. President, this is the longest question I have ever heard.

Mr. ROBERTSON. Here is my question: When the distinguished Senator from Illinois completes his splendid remarks—I have already been privileged to read a copy of them—will he yield to me, to permit me to express concurrence in some of the cases he will cite, which are to the effect that, under our Constitution, an offense committed in the presence of a judge is not considered a crime. Therefore the man who commits the offense can be punished without a jury trial. Will the Senator from Illinois permit me to agree with what he says in that respect?

Mr. DOUGLAS. The Senator from Virginia seems to wish to answer my speech before I deliver it.

Mr. President——

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DOUGLAS. I thank the Chair. In the words of Edward VIII, "At long last."

JURY TRIALS FOR CONTEMPT NOT AFFORDED IN SOUTHERN STATES

Mr. President, in recent days, many Senators from the South have taken the floor of the Senate to attack the time-honored judicial procedure under which a court can impose penalties for actions in contempt. They have demanded, instead, the right of jury trial, at least in nearly all civil rights cases, although it is not clear that they wish to make a universal application of their proposal. In fact, it seems to me that they do not.

Of course, such trials are already provided for in a limited way in voting rights cases, under the 1957 law. For when the judge imposes a sentence upon a violation of an injunction of as long as 45 days in jail or a fine in excess of $300, then a subsequent jury trial is granted.

A similar provision is already included in the last section—section 205(c)—of title II of the pending bill—the title entitled "Injunctive Relief Against Discrimination in Places of Public Accommodation."

I have been much impressed by the intensity of the moral fervor with which southern Senators have urged the right of an offender or violator of a court order to be removed from the jurisdiction of the judge whose rule he disobeyed.

TOPSY-TURVY WORLD

It is interesting to note that these Senators agree with the opinion of the minority of the Supreme Court in connection with the Court's decision this week, and that now they find themselves in agreement with the very judges whom previously most of them had denounced—namely, Chief Justice Warren, Justice Goldberg, Justice Douglas, and Justice Black.

How often I have heard many of the southern Senators express their disapproval of those judges; but now I find that they are in agreement with the opinion of these same judges on this point. I can only repeat that if politics makes strange bedfellows, judicial interpretation makes even stranger ones.

Let me say that I regard these judges as great jurists and defenders of liberty—although I do not wish to go into the merits of the matter involved, either in connection with the case just decided before the Supreme Court or insofar as the general application of the principle at issue is concerned.

THE LAW IN SOUTHERN STATES

However, I will point out that in each and every one of the 11 States of the Old Confederacy, a jury trial is not provided in contempt cases—except for a very minor exception in the State of Georgia and except for a very curious provision in the State of Virginia.

I hope that I shall be pardoned if I develop the subject in some detail and cite the cases, because it is important to know what is involved.

MISSISSIPPI

Let us start with the State of Mississippi, which is well represented on the floor of the Senate by the able and beloved junior Senator from Mississippi [Mr. STENNIS], to whom I paid tribute earlier in the week, and whom Senators all regard as one of the most estimable Members of this body.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JOHNSTON. For the information of Senators, will the Senator from Illinois kindly point out in respect to the cases that he will cite whether or not the contempt occurred in the presence of the court or outside the presence of the court?

Mr. DOUGLAS. I am not quite certain that I shall be able to state the precise facts in each case, because they are not always clear from the cases which we have reviewed. In some cases the contempt occurred in the presence of the court; in some cases it was not in the presence of the court.

As the Supreme Court of the United States noted in the *Barnett* case—32 U.S.L. Week 4307, 4308—"the State of Mississippi has recognized and enforced summary punishment for contempt for over 100 years under the authority of *Watson* v. *William*, 36 Miss. 331—1858—a celebrated case that has been cited with approval in many State jurisdictions as well as in numerous cases before the Supreme Court itself. *Ex parte Terry*, 128 U.S. 289, 303 (1888), and *In re Debs*, 158 U.S. 564, 595 (1895).

In 1907, the Supreme Court of Mississippi again dismissed a plea for the right to jury trial in contempt cases, asserting that "the overwhelming weight of authority is that in such cases they [the defendants] were not entitled to a jury trial." *O'Flynn* v. *State*, 89 Miss. 850, 866 (1907). As the Supreme Court of the United States observed in the *Barnett* case (32 U.S.L. Week 4308, 4309, n. 14), in 1957 the Mississippi Supreme Court, in a criminal contempt case (*Young* v. *State*, 230 Miss. 525, 528 (1957)), reaffirmed that there is no right to jury trial in cases of criminal contempt, citing with approval its previous decisions in Watson against Williams and O'Flynn against State. See also, *Melvin* v. *State*, 210 Miss. 132, 136 (1950).

SOUTH CAROLINA

Let us now proceed from Mississippi to South Carolina.

The South Carolina Code, 1962, title 10, section 1738, provides that disobedience of a court order "may be punished by the judge as for a contempt." Title 15, section 231.1, 1962, provides that circuit courts may punish "by fine or imprisonment, at the discretion of the court, all contempts of authority in any cause or hearing before the same." Title 15, section 12 requires a hearing in contempt cases where a jail sentence is to be imposed, but contains no guarantee of a jury trial. Nor have the South Carolina courts in their interpretations of these statutes read them as containing any jury trial requirement. On the contrary, in *State* v. *Goff*, 88 S.E. 2d 788, 1955, the Supreme Court of South Carolina held that the power to punish contempt summarily is an "implied and necessary power without which contumacious conduct could well destroy the authority of any court."

There is also the case of the *State* v. *Weinburg*, 92 S.E. 2d 842, 1956, and *Long* v. *McMillan*, 86 S.E. 2d 477, 1955.

NORTH CAROLINA

We now come to the State of North Carolina. We notified the office of the distinguished Senator from North Carolina [Mr. ERVIN] that we intended to speak about the State of North Carolina. The junior Senator from North Carolina [Mr. JORDAN] was also given a copy of the comments which I shall make.

The North Carolina Supreme Court in *Safie Manufacturing Co.* v. *Arnold*, 228 N.C. 375, 389, 1947, held that persons charged in criminal contempt proceedings "are not entitled to a jury trial."

From time to time in the debates I have heard our esteemed colleague, the

Senator from North Carolina [Mr. ERVIN], ask questions and interject comments which indicated his belief that there should be a jury trial in contempt cases involving civil rights.

I hope I shall not violate senatorial decorum if I say that when the distinguished Senator was a justice on the North Carolina Supreme Court, he took part in several decisions which affirmed contempt convictions imposed by judges without juries.

The decisions affirming contempt convictions without jury trial while the senior Senator from North Carolina was on the North Carolina Supreme Court are the cases of *Cotton Mills* v. *Abrams,* 231 N.C. 431, 1950, and *Cotton Mills Co.* v. *Textile Union,* 234 N.C. 545, 1951.

Those seem to be labor cases. It is interesting to note that the North Carolina Supreme Court in those cases denied the privilege of trial by jury, which the Senator from North Carolina is now asserting should exist as a right in civil rights cases.

TEXAS

In Texas there is no right to trial by jury in criminal contempt cases. There are two leading cases on the subject, one over a century ago—*Crow* v. *The State,* in 1859, 24 Texas 12, 13, and 1 in 1953, ex parte Winfree.

TENNESSEE

Coming to Tennessee, no right to trial by jury in criminal contempt cases exists in Tennessee.

In *Pass* v. *State,* 181 Tenn. 613, 184 S.W. 2d 1, the Supreme Court of Tennessee so held, stating, 184 S.W. 2d at 4:

> Our decisions are uniform in their holding that the question whether the orders of the Chancellor have been disobeyed or his dignity insulted, is a prerogative peculiarly personal to the Chancellor himself and a right which, in the final analysis, determines whether the discharge of the Chancellor's office shall be effective at all.

VIRGINIA

Coming to Virginia—and I am sorry that our friend the Senator from Virginia [Mr. ROBERTSON] has left the Chamber; in 1897 the General Assembly of Virginia enacted a statute granting jury trials in contempt situations, but 2 years later the Virginia Supreme Court of Appeals declared the act unconstitutional. *Carter* v. *Commonwealth,* 32 S.E. 780, 783, 1899. Referring to a jury as "a tribunal separate and distinct from the court," the highest State court ruled:

> The power to punish for contempts is inherent in the courts, and is conferred upon them by the constitution by the very act of their creation. It is a trust confided and a duty imposed upon us by the sovereign people, which we cannot surrender or suffer to be impaired without being recreant to our duty.

In our research into the Virginia statutes we discovered that apparently there is an extraordinary provision for the right to a jury trial in only one circumstance, namely, where the act of contempt was committed in the presence or the immediate vicinity of the court, and the judge wished to impose a sentence of more than 10 days imprisonment or a fine of more than $50.

I would have thought that the provision for a jury trial, if granted, would be for acts outside the presence of the court. But here apparently it is only in the case of acts within the presence of the court.

In *Yoder* v. *Commonwealth,* 57 S.E. 581, 583, the legislation granting this limited right to jury trial was sustained, but the Virginia supreme court of appeals reaffirmed the general principle as follows:

> At common law the general rule was that no person could be deprived of his property or his liberty except by the judgment of his peers. To this rule, however, there was an exception, and in cases of contempt the offender could be attached, brought at once before the court, and punished without the intervention of a jury.

The court interpreted the new legislation as not conferring such a right to jury trial in contempt cases except in the specific instance already noted, namely, acts committed in the presence of the court.

The judge may punish a defendant summarily in all contempt cases arising from disobedience or resistance of an officer of the court, juror, witness, or other person to any lawful process, judgment, decree, or order of the court—Virginia Code, section 18.1-292.

ALABAMA

In Alabama it was held in the case of *Ex parte Evett,* 264 Ala. 675, 89 So. 2d 88 (1955) that no jury trial is required in contempt proceedings because—89 So. 2d at 91:

> Clearly, contempt proceedings are not criminal cases within the meaning of the Constitution or statutes of Alabama.

ARKANSAS

The Supreme Court of Arkansas said in *Freeman* v. *State,* 188 Ark. 1058, 1063, (1934), referring to both civil and criminal contempt that—

> The power of punishment for contempt is independent of statutory authority, being inherent in and an immemorial incident of judicial power, its conclusions to be reached and judgments found without the intervention of a jury.

FLORIDA

Section 38.22 of the Florida Statutes Annotated (1961), severely limits the punishment for contempt but provides that in contempt cases "the court shall proceed to hear and determine all questions of law and fact." The power of the court to determine the facts was confirmed in *State* v. *Lewis,* 80 So. 2d 685 (1955).

GEORGIA

With limited exceptions there is no right to jury trial in criminal contempt cases in Georgia. *Hortman* v. *Georgia Board of Dental Examiners,* 215 Ga. 560, 105 S.E. 2d 732, 735 (1958), see also *Gaston* v. *Shunk Plow Co.,* 130 S.E. 580, 586 (Sup. Ct. of Georgia, 1925); *Tindall* v. *Westcott,* 39 S.E. 450 (Sup. Ct. of Georgia, 1901); *Bradley* v. *State,* 36 S.E. 630 (Sup. Ct. of Georgia, 1900); and *In re Fite,* 76 S.E. 397 (Ct. of Appeals of Georgia, 1912); although a jury trial may be had in the court's discretion—but only at the discretion of the court, not as a right. *Bennett* v. *Bagwell & Stewart, Inc.,* 216 Ga. 290, 116 S.E. 2d 288, 292 (1960). Jury trials are apparently prescribed only in cases of contempt for failure to pay over money where there is a denial of control over the funds. Georgia Code Section 24-105.

LOUISIANA

We now come to Louisiana—the last of the 11 States of the Old Confederacy.

In Louisiana, "every court has authority to punish, as being a contempt, every interference with or disobedience of its process or orders, as well as every act interrupting or tending to interrupt its proceedings, or impairing the respect due to its authority." Louisiana Revised Statutes, section 15: 11. Although no one may be punished for a contempt committed outside the presence or hearing of the court, except after hearing upon a rule to show cause, ibidem, there is no provision for jury trial.

DOUBLE STANDARD

Mr. President, I think the analysis indicates that our southern friends are indulging in a double standard. They are asking, in civil rights cases, privileges which they will not accord within their own States, so far as I know. I have not heard any of our southern friends campaigning or crusading in Southern States to ask for jury trials in contempt proceedings. I suggest that before they make these demands upon the floor of the Senate in civil rights cases they clean their own houses; or, if they make the demand here they should simultaneously make a demand for such a limitation in the powers of their own courts.

"LOOK HOMEWARD, ANGEL"

A great southern novelist, Thomas Wolfe, once wrote a rather long but interesting book entitled "Look Homeward, Angel," which has since been made into a play. I read it with great interest. I say to my southern friends, "Look homeward, angels—look homeward to the Southland and see that there the legal practices are the direct opposite to those which you are trying to carry out in the civil rights laws."

Mr. ROBERTSON. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. I yield.

Mr. ROBERTSON. The junior Senator from Virginia wishes to emphatically disclaim being an angel.

Mr. DOUGLAS. I was quoting Thomas Wolfe.

Mr. ROBERTSON. I thank the Senator very much; but the Senator from Virginia noted that the Senator from Illinois said it is extraordinary to hear "our southern friends"—and I am one of them, of course—demanding jury trials for contempt in civil cases in Federal courts when the Southern States do not grant them.

Mr. DOUGLAS. I did not say that, but it is in my manuscript, and I will say it now. It is extraordinary. Why, I ask, is there this inconsistency? Echo answers, "Why, indeed?"

Mr. ROBERTSON. I heard it, but I did not hear an echo reply. Not as an angel, but as a human, mundane being, who serves with great pleasure with the

Senator from Illinois on a great committee——

Mr. DOUGLAS. On which we do not often agree.

Mr. ROBERTSON. That is true, but we still serve. Am I correct in assuming that the Senator from Illinois was not present when I offered an amendment to require jury trials in title VII cases?

Mr. DOUGLAS. I read it at about 5 o'clock this morning in bed. I have reread it since. It is on page 7418 of the RECORD.

Mr. ROBERTSON. Again I commend my colleague, not only for his great ability but for his great energy. Any man who gets up at 5 o'clock in the morning to go to work on this bill excites my admiration.

Mr. DOUGLAS. I am sometimes blessed with insomnia.

Mr. ROBERTSON. I am sure it must be because of his interest in the cause.

My friend will recall that when I asked for a jury trial I specifically excluded offenses committed in the presence of a judge.

Mr. DOUGLAS. In other words, the Senator specifically disagrees with the Virginia law.

Mr. ROBERTSON. I will come to that. Did I exclude offenses committed in the presence of a judge?

Mr. DOUGLAS. Yes.

Mr. ROBERTSON. Did the Senator from Illinois hear, as will be found at page 7423 of the CONGRESSIONAL RECORD of yesterday, Blackstone's definition of "crimes"?

Mr. DOUGLAS. I did not hear it, but I read it.

Mr. ROBERTSON. The Senator from Virginia invites the attention of the Senator to the definition of Blackstone, who was our greatest interpreter of the common law. Blackstone said that even though we had under our common law equity cases and admiralty cases in which a person could be punished for contempt committed in the presence of a judge, any contempt that was committed in the actual or constructive presence of the judge was a crime.

Nobody knew Blackstone any better than did the able men from Virginia who helped frame the Constitution, and they wrote in article III that every defendant accused of a crime should be entitled to a jury trial.

Mr. DOUGLAS. I can only say to my friend that this interpretation differs from what the courts ever since——

Mr. ROBERTSON. With all due deference, the Senator from Illinois is a great economist, but he has not yet been designated as our leading constitutional lawyer.

Mr. DOUGLAS. That is correct; but facts are facts.

Mr. ROBERTSON. In order to bring——

Mr. DOUGLAS. It is certainly true that the courts have almost always held to the contrary.

Mr. ROBERTSON. My friend is in error. As he is not a lawyer, he fails to see the distinction which I am trying to bring to his attention, which is that it is one thing to commit an offense in the presence of a judge—and we have said that our courts cannot function if a man can get up in court and say to a judge, "You old baldheaded so-and-so" and get away with it——

Mr. DOUGLAS. May I ask the Senator——

Mr. ROBERTSON. Just a moment. If it is done in the presence of the judge, the judge will set him down. If he is not set down, he will be sent to jail until he cools off.

That is one exception, but Blackstone said that a contempt committed in the presence of a judge was a crime. The writers of the Constitution were not content to provide for jury trial only in the third amendment; they also provided for it in the sixth amendment. Those who framed our Constitution knew what a crime was, and they never thought they had to write in the Constitution that there also had to be a jury trial for a contempt committed outside the presence of the judge, because Blackstone said that was a crime, and it had been prescribed that those accused of all crimes would be entitled to a jury trial.

With all due respect to the Senator for his great knowledge of economics, I hope he will read pages 7423 and 7424 of the CONGRESSIONAL RECORD of yesterday. I came into the Chamber at 10 o'clock and waited until 5 o'clock for an opportunity to speak, and then I was able to read only 38 pages of my speech. I have 100 pages left. If I had been able to expand further, I would have been able to make the issues clearer; but I put enough in the RECORD on one page—to which I have called the attention of the Senator—to show that there is this difference: We are making a new crime. It is a crime of discrimination. Heaven knows what it will be when they finish interpreting what it means, but it will be a crime. The Commission will issue an order and hold a person guilty. He will say, "I will not comply." Then they will go before a judge to fine the person or put him in jail, or both. Yet no offense was committed in the presence of the judge. We are making a new criminal offense. We are going through this hocus-pocus and saying that under the common law, which was confirmed by Carter against Commonwealth, an offense was committed in the presence of the judge. It is proposed to make an offense of something which was not committed in the presence of a judge, which under the common law, according to Blackstone, was a crime, and with respect to which, under the Constitution a person is entitled to a jury trial. It is proposed to say, through the hocus-pocus of this bill—that we will drag persons all over the Nation into court.

Senators can be sure that there will be a great deal of dragging done.

I recall that during the 6 years I was Commonwealth attorney—that would be district attorney in many other States—more than one-half of all the prosecutions I conducted were of moonshiners and bootleggers, trying prohibition cases, which clogged the courts to such an extent that they could do nothing else. In my community of approximately 6,000 people who were in that category, 4 or 5 would be put in jail and then 4 or 5 more would come up for trial.

One-tenth of 1 percent of the people of this Nation during prohibition days were moonshiners and bootleggers, but their cases clogged the courts to such an extent that both the Federal courts and the State courts broke down. They could hardly consider anything else.

In my judgment, that will be nothing compared to what will happen when the FEPC gets going. Those cases will encompass all the employers of the Nation who will be charged with a crime which they did not know they were committing, because there is no definition of discrimination.

I could not help thinking of the beautiful ceremony held for General MacArthur in the Capitol rotunda. The Commander in Chief has issued an order that there shall be no discrimination——

Mr. DOUGLAS. What is the question which the——

Mr. ROBERTSON. He has issued an order that there shall be no discrimination against Negroes. So what do they do? One-fourth of the men on detail were colored boys. They are all very fine boys, but that is the way they interpret the——

Mr. CLARK. Mr. President, I call for the regular order. The Senator from Virginia is at least in violation of the rules of the Senate.

The PRESIDING OFFICER. The regular order has been called for.

Mr. DOUGLAS. I am glad to yield to the Senator from Virginia for a question.

Mr. ROBERTSON. I hope the Senator will read in the CONGRESSIONAL RECORD the distinction I draw between the cases the Senator from Illinois cites, which involved offenses committed in the presence of a judge, and those under FEPC, in which the offense will not be committed in the presence of a judge. A new crime is created, for which a person can be railroaded without a jury trial.

Mr. DOUGLAS. I have read many citations of the learned Senator from Virginia which go back to the 18th century, but there are no current quotations.

Mr. ROBERTSON. The Senator goes back to 1225——

Mr. DOUGLAS. He goes back even further than that.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. I shall restrict myself to a question.

Mr. DOUGLAS. Of course.

Mr. COOPER. Is it not a fact that the issue of the question of the right of a trial by jury in these cases was thoroughly debated in 1957 at the time of the enactment of the Civil Rights Act?

Mr. DOUGLAS. The Senator is correct.

Mr. COOPER. In the Senator's view, is there a distinction between the issue as to whether a person is entitled to a trial by jury in this type of case, and whether Congress can provide for a trial by jury?

Mr. DOUGLAS. As I understand the law—and the Senator from Kentucky will please correct me if I am in error—the common law does not grant the right to a trial by jury in contempt cases. It can be provided for only if there is specific legislative authority to that effect; is that not correct?

Mr. COOPER. The Senator is correct.

Is it not also true that in the 1957 Civil Rights Act, Congress provided for the right to a trial by jury in cases in which the punishment was a fine of $300 or more or imprisonment for 45 days?

Mr. DOUGLAS. The Senator is correct. That provision came out of conference. It related to cases in which the sentence imposed by a judge was in excess of 45 days imprisonment, or a fine of more than $300. Under the final provision, the party found in contempt could, under these circumstances, ask for a trial by jury. The Senator is correct.

Mr. SPARKMAN. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. That provision is also in title II of the present bill.

Mr. MAGNUSON. It was lifted from the provision of long ago.

Mr. DOUGLAS. The Senator from Washington is correct.

Mr. SPARKMAN. Mr. President, will the Senator from Illinois yield briefly?

The PRESIDING OFFICER (Mr. McNamara in the chair). Does the Senator from Illinois yield to the Senator from Alabama?

Mr. DOUGLAS. I am still yielding to the Senator from Kentucky, and then I shall be glad to yield to the Senator from Alabama.

Mr. COOPER. This question was discussed in the debates in 1957 and 1960. As the Senator stated, Congress provided for a trial by jury in certain types of cases in which the punishment was more than a $300 fine or 45 days imprisonment.

The constitutional provisions to which the distinguished Senator from Virginia referred, both article III, section 2, and the sixth amendment, provide for trial by jury in criminal cases.

Mr. DOUGLAS. The Senator is correct.

Mr. COOPER. Is it not also correct that in a case in which equity is involved, the court sits as a chancellor and issues orders, as he has a right to do. The court has a right to sit in such cases if equity is involved. If his orders are not obeyed, he has the right to impose punishment for violation of such orders, either by imprisonment or fine. That was true under common law; and it has been so held in many Supreme Court cases. I believe that, without exception, as the Senator has just said, it has been so held in all State jurisdictions. I agree that Congress can provide by statute for a trial by jury; but there is no right under common law or the Constitution for a jury trial in such cases.

Mr. DOUGLAS. I am glad to have the statement of the able and esteemed Senator from Kentucky, who has been a judge and has a thoroughly judicial temperament on this point. He confirms the statement which I have made.

Now I am glad to yield to the Senator from Alabama [Mr. Sparkman].

Mr. SPARKMAN. I wished to ask the Senator about the 1957 provisions. I may be in error. I am not sure I am clear on the point but was not that provision limited to cases under the voting laws at that time?

Mr. DOUGLAS. The Senator is correct.

Mr. SPARKMAN. I do not intend to enter into an argument on this point, but it is my recollection of the law that the distinction made—and I believe this is true with reference to the type of case to which the distinguished Senator from Kentucky has referred—is that there is a difference between civil and criminal contempt. I believe the distinguished Senator will find that the Supreme Court has made such a distinction.

Mr. DOUGLAS. Mr. President, the court had the power to punish all violations of all rulings which it had made in connection with injunctions it had issued which were committed outside the presence of the court, with sentences of up to 45 days in jail and a fine of up to $300, and to do this without a jury trial.

Mr. SPARKMAN. But limited to the cases that were covered by the 1957 statute.

Mr. DOUGLAS. Yes; otherwise there would be no right to trial by jury whatever.

Mr. SPARKMAN. I do not agree with the Senator. I believe the Supreme Court has spoken on that subject, and has indicated a distinction between civil and criminal contempt cases.

Mr. ROBERTSON. Mr. President, I have a case on that point.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. ROBERTSON. Will the Senator yield to me?

Mr. DOUGLAS. I yield first to the Senator from Washington.

Mr. MAGNUSON. Is it not correct to say that a great point has been raised—and yesterday I cited some cases in this connection—on the question of whether a contempt was committed in the presence of a judge or outside his presence?

Mr. DOUGLAS. Yes.

Mr. MAGNUSON. Is it not also correct to say that in the Senator's analysis of cases—and I referred to some of them yesterday—the Senator has not found one case, and neither have I, in which the court has ever made a distinction, in passing on jury trials in contempt cases, as to whether the contempt had been committed in the presence of the court or outside the presence of the court? Is it not further correct to say that most of the contempt cases which have come into court in recent years have been in connection with judges' orders in labor cases?

Mr. DOUGLAS. Yes.

Mr. MAGNUSON. None of those violations was committed in the courtroom. Is that correct?

Mr. DOUGLAS. The Senator is correct. The only exception is the "upside-down" Virginia provision.

Mr. ROBERTSON. The Senator from Alabama [Mr. Sparkman] showed the difference between the civil and criminal contempt.

Mr. DOUGLAS. May I deal with this point first?

Mr. ROBERTSON. Will the Senator let me quote from this decision later?

Mr. DOUGLAS. Yes. The only departure from this provision is in the extraordinary Virginia statute, which grants the right of trial by jury in the case of actions committed in the presence of the court. This would seem to be the only place where it should not be granted, if it is granted at all. Is my good friend from Virginia about to denounce his own statute?

Mr. ROBERTSON. Certainly not. I have a case, from which I should like to quote.

Mr. DOUGLAS. So far as I know, all acts of contempt committed outside the State courts in the South are generally and, indeed, universally, tried without a jury. So far as I know, no jury trial is provided in the South in cases of contempt committed outside a court. That applies in 11 States of the Old Confederacy.

Mr. ROBERTSON. May I quote a Supreme Court decision in the latest case which makes a distinction between civil and criminal contempt?

Mr. DOUGLAS. Which decision is that?

Mr. ROBERTSON. It is the Supreme Court decision in Gompers against Bucks Stove & Range Co.

Mr. DOUGLAS. That came long ago. I believe over a half century.

Mr. ROBERTSON. It was decided in 1911. In that case the Court said:

> Contempts are neither wholly civil nor altogether criminal. And it may not always be easy to classify a particular act as belonging to either one of these two classes. It may partake of the characteristics of both. *Bessette* v. *Conkey* (194 U.S. 329). But in either event, and whether the proceedings be civil or criminal, there must be an allegation that in contempt of court the defendant has disobeyed the order, and a prayer that he be attached and punished therefor.

I shall not take the time to read all of the decision.

Mr. DOUGLAS. Just a moment.

Mr. ROBERTSON. If civil, the court can proceed without a jury. If criminal, a jury trial had to be provided. We are talking about a criminal contempt. We are discussing a criminal action for discriminating. It is not a civil action at all.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. CLARK. Is it not correct to say that in title VII, now under discussion, there is not the slightest reference to either civil or criminal contempt?

Mr. DOUGLAS. The Senator is correct. Under title VII, the Commission proposed to be created would not have the power to initiate suits. It has power to make a finding; but a suit or application for a restraining order must be initiated by a private party and will be drawn like another request for an injunction or restraining order.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. CLARK. Is it not equally correct to say that the other titles of the pending bill contain no new provisions with reference to either civil or criminal contempt?

Mr. DOUGLAS. The Senator is correct.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. CLARK. Was not the entire question of civil or criminal contempt ventilated at great length, in fact, perhaps almost ad nauseam, during the discussion of the earlier civil rights legislation in 1957 and 1960, in which the Senator from Illinois and I participated?

Mr. DOUGLAS. It certainly was, at great length, for many days.

Mr. CLARK. Mr. President, will the Senator yield for another question?

Mr. DOUGLAS. I yield.

Mr. CLARK. Is it not clear beyond peradventure that the opponents of the present civil rights bill, when they argue for jury trial in cases of criminal contempt, are taking a position entirely inconsistent with the laws of their own States?

Mr. DOUGLAS. That is what I have been trying to show.

Mr. CLARK. May I ask the Senator one more question?

Mr. DOUGLAS. I yield.

Mr. CLARK. With the minor exception of the peculiarity of the Virginia law—and it really is a peculiarity—does not the State of Virginia take the same position that the other Southern States do, that a jury trial is unnecessary in a case of criminal contempt?

Mr. DOUGLAS. That is correct.

Mr. CLARK. I thank my friend for yielding.

Mr. DOUGLAS. My friend from Virginia has left the Chamber. I do not have the precise citation which he gave in the Bucks Stove and Range case. In that case the court did impose a fine, and, I believe, a sentence upon Gompers and other officials for acts of boycotting committed out of the presence of the court. In the Norris-LaGuardia Act, specific legislative provision for a jury trial in such labor cases was, however, enacted. However, the point is that, as the Senator from Kentucky [Mr. COOPER] has emphasized, it required a specific legislative exception to remove such cases from the jurisdiction of the court.

I am afraid our southern friends have followed the old maxim, and they are saying, "Do as I say, not as I do."

I should like to quote from Walt Whitman, if I may:

> I will not ask for anything that others cannot have on the same terms.

Our southern friends are demanding, in the case of civil rights, jury trials which they do not accord in their own States, and which they would not accord as a general principle of law, but would confine to civil rights cases.

AMENDMENTS COULD DEFEAT BILL

Let me point out what our difficulties are with a provision for a sweeping jury trial.

The first is a technical one; namely, that any amendment, unless agreed to by the House—and it is not at all certain that we could obtain the consent of the House to such an amendment as this—would require, before the House could consider the proposal or send it to conference, that the Rules Committee would have to issue a rule.

With all deference to our good friend from Virginia, Mr. SMITH, who is the chairman of the Rules Committee in the House, he has the power to call meetings at his pleasure. In times past when these matters have been pending he has found pressing business to attend to on his Virginia farm. And he has stated that he could not bring the matter before the Rules Committee. Even if a conference were held, and an agreement reached, the matter would come back to the Senate, and the filibuster could start all over again.

There was a filibuster on the motion to take up the bill. We are now having a discussion—I will not call it a filibuster at the present time—on the merits of the bill. However, we all know that it will very shortly merge into a filibuster, or prolonged discussion, intended to prevent a vote or to force amendments, under the threat of filibuster, to which a majority of the Senate would not otherwise agree. No one knows how long this will last. A third filibuster would be final and crushing in a year such as this.

That is the technical parliamentary difficulty that we face in accepting amendments relating to jury trials. But there is a strong substantive difficulty which I think badly needs to be stated.

CIVIL RIGHTS ENFORCEMENT COULD BE NULLIFIED

It is still true that in some parts of the South there are all-white juries. Although there are some chivalrous white lawyers who will defend Negroes in criminal cases, they almost never, so far as I know, attack the principle of all-white juries. Second, even where there may be one or two Negroes on a jury, the preponderance of jurors is white. Third, only one juror is needed to prevent any penalties from being inflicted. A unanimous verdict of the jury is needed before any penalty can be inflicted.

If we think of ourselves in the position of a southern white community which feels strongly on this matter, we can see that any juror who votes for conviction in a civil rights case will be exposed to tremendous pressure. Any juror who votes for acquittal will be regarded as a local hero.

Therefore if we place in the bill the complete and unabridged right to a trial by jury, or privilege to a trial by jury, what we do in effect is to give to local bodies the power to subvert the Constitution of the United States. This would defeat the purpose of the laws of the United States.

I will not argue the merits of the 1957 provision. I do not believe that this is appropriate at this moment, although it may well be that somewhere down the road it should be considered. I merely state that as of this moment this is not the point, and this is not what I intend to deal with in my speech.

What I am trying to indicate is that our southern friends have in fact double standard. They are asking for privileges in civil rights cases which are not granted in their own jurisdictions.

DOUBLE STANDARD ON CLOTURE

In the matter of filibuster, we have also reviewed the rules of every southern legislature. I think it is true that almost without exception they do not permit a filibuster. Instead, they permit a majority in nearly all cases—I will not say in all cases—either to terminate or limit debate. The use of the previous question, which shuts off debate on affirmative motions, is widespread.

So I believe they are violating the principles which Walt Whitman laid down, that one should not ask others for that which one is not willing to give oneself.

I call attention again to Tom Wolfe's novel, "Look Homeward, Angel." Look to Jackson, Baton Rouge, and to Raleigh and Columbia, not merely to Washington.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield to the Senator from Mississippi. I regard him as my good friend.

Mr. STENNIS. Mr. President, I thank the Senator for yielding. As he knows, we have a very warm feeling for each other. I wish to question the Senator on some of the points which he has made, if he will first indulge me a moment to make a statement as background for some of the questions.

Mr. DOUGLAS. Yes, certainly.

Mr. STENNIS. We can get into an endless argument about the powers of State constitutions and the Federal Constitution to punish for various kinds of contempt, or different circumstances under which contempt can rise. But the real question before the Senate is not so much the power. The question is the rightness of a law to enact a new series of crimes of such far-reaching impact without extending the ordinary protections that are accorded in the field of what is loosely called criminal contempt or criminal law.

The Senator from Illinois pointed out in the beginning the recent Barnett case, which was decided by the Supreme Court this week. Is it not true that in that case the sole question presented to the Court was whether the defendant had the right to a trial by jury as a matter of right? Was that not the only question really passed on?

Mr. DOUGLAS. As a constitutional right; yes.

Mr. STENNIS. Yes. The question was whether he had a right to trial by jury.

Mr. DOUGLAS. Yes. And the majority held that he had not.

Mr. STENNIS. The only question passed on was whether or not he was entitled to a trial by jury as a matter of right.

Mr. DOUGLAS. The majority held that he was not.

Mr. STENNIS. The only question I ask the Senator is, Was that not the only question the Supreme Court passed on?

Mr. DOUGLAS. That is true.

Mr. STENNIS. Referring to the holding of the court, eight members of the circuit court of appeals passed on that question. Is it not true that they divided 4 to 4 in their decision?

Mr. DOUGLAS. That is true.

Mr. STENNIS. And nine members of the Supreme Court passed on the case. They divided 5 to 4 on their decision, did they not?

Mr. DOUGLAS. And the minority consisted of these Judges whose judgment I have heard the Senator from Mississippi question very severely. I have heard the Senator from Mississippi criticize them. Justice Warren is a great American, as are Justice Douglas, Justice Black, and Justice Goldberg.

Mr. STENNIS. That is correct. The decision was 5 to 4. Four Justices of that Court held that Mr. Barnett was entitled to a jury trial as a matter of law.

Mr. DOUGLAS. That is true.

Mr. STENNIS. So of all the judges who passed on the case, eight held under their responsibility that he was entitled to a jury trial as a matter or right, and nine of them held that he was not. Is that not correct?

Mr. DOUGLAS. That is correct. But in the Supreme Court, which fundamentally makes the law, the decision was 5 to 4.

Mr. STENNIS. That is agreed; but of all the judges who passed on the question—and the figures are irrefutable—eight said he should have a trial by jury as a matter of right, and nine said he should not.

Mr. DOUGLAS. If we add up all the similar cases which historically have been before the Supreme Court, add up all the judges who have said that there was a right to a jury trial in contempt cases, and then add up all the judges who have said there is no such constitutional right to a jury trial, we will find in the broad sweep of history, that the judges who have said there is no such constitutional right vastly outnumber those who have said there is.

Mr. STENNIS. With deference to the Senator from Illinois, he has got away from the real point, which is this: Of all the judges who passed on this identical case, who heard the identical facts, and who looked into the law on this particular question, eight decided one way and nine decided the other way. That conclusively proves that the case is not one that could be called an open-and-shut case. There must be serious questions of law and of constitutional right on both sides.

Mr. DOUGLAS. But five judges of the Supreme Court who are the most conservative, and with whom I would normally expect my good friend from Mississippi most to agree, have said that a trial by jury in such a contempt case is not a constitutional right. Why is it that the Senator from Mississippi rejects the opinion of a majority of the Supreme Court, particularly of those justices who in the past he has most revered?

Mr. STENNIS. With all deference to the Senator, it makes no difference what the Senator from Mississippi might think about an individual, nor does it make any difference what the Senator from Illinois might think about an individual. This is a great constitutional principle, and the question of right goes to the principle of a jury trial. My point is that the fact that those judges divided so evenly on the question, regardless of their names, proves that it is one of the most serious matters that has been before the Supreme Court. It is one of the most serious questions that has ever been before this body. We shall have to wrestle with this question in some way besides guessing or expressing personal views.

Mr. DOUGLAS. Does the Senator from Mississippi say there is a constitutional right to a jury trial in all cases of contempt?

Mr. STENNIS. No, I do not say that; I have not suggested anything of the sort.

I can say to the Senator from Illinois, if he will pardon a personal reference, that I have had some experience with court procedure. A great many of the decisions the Senator from Illinois has cited from these States represent times when there were very, very few contempt proceedings against anyone. I had the privilege of being a trial judge for more than 10 years; and I practiced before the court for a much longer period of time than that. In all the time I was a judge, I had only one case that could have been called contempt; and that developed when a drunk stumbled into the courtroom, and had to be sent to jail.

There simply are not a great many cases of contempt in any State.

The Senator from Illinois has picked out cases from the Southern States, particularly; but there are not many cases of this sort in any State.

The bill would create a new crime. The Senator says it would be the crime of discrimination. If anything would cover a broader field, we do not know of it. Under the bill, the courts would be able to define it. No doubt they would define it in different ways. It goes in part to the question of race. It also applies to the question of color, and it also applies to the question of religion. It would involve decisions as to what was discrimination in religion—for example, what would be discrimination by a Protestant against a Catholic, or what would be discrimination by a Catholic against a Protestant. In short, such problems would be almost overwhelming. It is obvious that if Congress is to act in that field, it must do so with great caution, and must make provision for the right of trial by jury.

Mr. DOUGLAS. Let me say first, on a technical point, that the Williams case—in 1858, before the Civil War—and the O'Flynn case, in 1907, involved so-called criminal contempt; and in those cases the Mississippi courts held that there was no right of jury trial. That is still the law of Mississippi. Is the Senator from Mississippi saying that he will return to Mississippi and will advocate a change in the Mississippi law, and will do so with all of the highly deserved prestige which he has?

Mr. STENNIS. If a law of this sort is to be enacted by Congress and is to to be enforced with zeal by prosecutors, with the aid of the most powerful governmental department in the world, with the result that, in their zeal, they would make it a partisan matter and, according to the Senator from Illinois, almost a sectional matter, yes, I would recommend the making of a change in the law of Mississippi.

Mr. DOUGLAS. The Senator from Mississippi and many other Senators have proceeded on the assumption that discrimination under the pending bill would be a criminal statute. However, that is not at all the case. The bill provides for civil proceedings under which existing constitutional rights may be better defended. The bill does not provide any penalties whatsoever; instead, the bill provides a better means of bringing such cases before the courts. That right already exists; but at the present time it has to be asserted by citizens who are poor, and who are at the bottom of the power structure. So they labor under great disadvantages. The bill provides a better means of asserting in the civil courts the fundamental law of the land.

Mr. MAGNUSON. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. MAGNUSON. And the public accommodations title goes further than that, insofar as providing safeguards is concerned, for in such cases, all that the court could do would be to say, in effect, "If you have been discriminating, stop it." The person who was told that by the court would then carry out his own sentence, so to speak. That procedure would be neither criminal nor civil. The public accommodations title merely amounts to more or less of a warning slip.

Mr. DOUGLAS. That is true. Furthermore, under title VII of the bill—the employment section—every attempt would be made to obtain voluntary compliance. Only when all efforts to obtain voluntary compliance under title VII had failed, could relief be sought in the district courts. The Commission itself would have no power to issue enforcement orders. The bill also provides that in these cases of unlawful employment practices, a charge in writing would have to be made by the person who claimed to be aggrieved or a written charge would have to be filed by a member of the Commission. If two or more members of the Commission determined, after investigation, that there was reasonable cause to believe the charge to be true, the Commission would attempt to eliminate the unlawful employment practice by informal methods of conference, conciliation, and persuasion; but if those attempts failed, the Commission could, if it determined that there was reasonable cause to believe that an unlawful employment practice was being followed, bring a civil court action. If the Commission does not bring suit, the individual can do so with the written consent of one member of the Commission. Only at that stage could a civil court action be initiated; and in every case a full judicial trial would be had. At the conclusion of the trial, the court would reach its decision. Only if the court's decision was willfully violated would the court then have its ordinary power, in equity, to enforce its ruling. Certainly the court should have the same power in such cases that it has in other cases.

Mr. STENNIS. But does the Senator from Illinois not know that section after section of the bill is filled with provisions of almost unlimited power to proceed by way of injunction against 1 or a dozen or 100 or more persons at a time?

Mr. DOUGLAS. Only if the courts gave such injunctions and only after the efforts to voluntary compliance had failed, and if the injunctions were flouted.

Mr. STENNIS. But the ultimate power would be provided in the bill. The court would proceed under orders of contempt; and no jury trial of any kind would be had, under titles III, IV, and VII. Is that not correct? We omit altogether provision for a jury trial from those titles, but include it in the title dealing with election laws. Why is that distinction made?

Mr. DOUGLAS. It is also provided for in the public accommodations title.

Mr. STENNIS. But why leave it out of titles III, IV, and VII?

Mr. DOUGLAS. That would happen only after an order of the court has been issued. Does the Senator from Mississippi believe a court should be robbed of all power to enforce its rulings?

Mr. STENNIS. With all deference, I ask the Senator from Illinois to answer the question I have asked. The bill provides for a jury trial, under limited conditions, in the title which pertains to elections——

Mr. DOUGLAS. And also in the title on public accommodations.

Mr. STENNIS. If it is sound and just and right to provide for a jury trial in election cases—as provided in the title dealing with such cases—I am taking up one of the titles at a time—why is it not sound, right, and just to provide for a jury trial in titles III, IV, and VII?

Mr. DOUGLAS. I shall state the difficulty with the unlimited right to a jury trial in all cases. The point is that it would be very difficult—I would say it would be almost impossible—to obtain a unanimous verdict in a southern court in a case involving violation of an injunction issued by a Federal judge in connection with a civil rights action. We might as well frankly face that fact; and, in practice, it would amount to giving the communities the right to disobey the Constitution of the United States, the basic law of our land. I believe that issue was settled in 1865.

Mr. STENNIS. Mr. President, will the Senator from Illinois yield again to me?

Mr. DOUGLAS. I yield.

Mr. STENNIS. I totally deny that very unfair—I shall not use the word "biased," because the word "biased" too frequently is used when a speaker does not have in mind a definition to use—allegation by the Senator from Illinois against the South. Certainly it is totally unfair and incorrect. Therefore, I hope he will, upon consideration, withdraw it.

I have referred to the time when I was a judge. I was also a district attorney. In that period I dealt with many cases which involved the 18th amendment—liquor cases, and all the rest. The 18th amendment did not fail because the juries did not convict; it failed for other reasons, as the Senator from Illinois knows.

Mr. DOUGLAS. But the 18th amendment is very different from the 14th amendment.

Mr. STENNIS. The Senator from Illinois indicts the South. Would he not be willing at least to have the bill provide that in States outside the South there would be a jury trial, even if in the Southern States there would not be?

Mr. DOUGLAS. Any provision should apply universally.

Mr. STENNIS. I thank the Senator from Illinois for that concession.

Mr. DOUGLAS. It is not a concession; it is an assertion.

Mr. STENNIS. If we then convince a majority of the Senate to adopt our point of view, I am sure the Senator from Illinois will not then abandon the bill, but, instead, will continue to support it.

Mr. COOPER. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield to the Senator from Kentucky without losing my right to the floor.

Mr. COOPER. Mr. President, the speech of the Senator from Illinois today is a very important one, because the question of the right of trial by jury under the pending bill will undoubtedly come up again and again in the debate on civil rights.

I thought in 1957, and again in 1960, when the Senate had civil rights legislation before it, that the opponents of civil rights legislation, because of a misapprehension, were able to convince people throughout the United States that a constitutional right of trial by jury would be denied to persons who disobeyed the bills of 1957 and 1960.

That same argument is being made, and will continue to be made during this debate. The people of the United States are being told that this bill would deprive them of the constitutional right of trial by jury.

To show the fallacy of that argument, I will say that Congress could not enact a bill which would repeal any constitutional right of trial by jury. The Constitution of the United States and the constitutions of the States provide for a right of trial by jury when there is a violation of a criminal statute, when either the legislature of a State or the Congress of the United States has defined the crime.

That having been done, the Constitution provides the right to a trial by jury. In the 1957 and 1960 Civil Rights Acts, and in the proposed legislation, no crimes are defined. Failure to obey the provisions of this bill, in whatever form it may be finally passed, does not constitute a crime, a crime which would require an indictment by a grand jury and the procedures under the appropriate section of the Constitution. The bill, in whatever form it is passed, will prescribe certain standards. If they are not followed a method is provided to implement present rights to go into court, and the courts—as they do now—would conduct a trial of the issues in the nature of an equitable proceeding. If the judge should find, under the evidence presented, that the act had not been followed, he would give his judgment and such orders to secure compliance as a judge. If such orders were not obeyed, the court would have the power, as it has in all cases of a similar nature—the power that judges have enjoyed under the common law and under the Constitution of the United States—to invoke contempt proceedings against those who violate the court's orders, and without trial by jury if he so orders.

I do not believe anyone can challenge the statement that under the common law the courts have always had this authority, and since the adoption of our Constitution the Supreme Court has consistently so held. There has been no right of trial by jury in contempt cases except as a court might decide or unless the Congress wished to provide it. The Supreme Court has so held consistently. It upheld the same rule only a few days ago. As I read the dissent of the judges who dissented, it was indicated that there might be circumstances under which the penalty was so severe that there should be a trial by jury; but there is no right under law or under the Constitution to a trial by jury unless Congress provides it as a matter of its discretion.

I make this statement because I believe it is important, that all know the law. And because those who oppose these bills have been able to convince a great many people all over the country that there is such a right, and that the Congress is attempting in some way to deprive people of their constitutional rights. It is not a correct statement of the law.

Of course, if the Congress desires to provide for trial by jury in this bill, it can do so, as it provided for a limited trial by jury in the 1957 civil rights bill. But there is no constitutional right of trial by jury in this type of contempt proceeding.

Mr. DOUGLAS. I thank the Senator from Kentucky. I appreciate his legal and constitutional contribution. No man in the Senate has a greater knowledge of constitutional law than has the Senator from Kentucky.

To confirm his statement, I should like to read what I believe to be the classic work on the subject of "Contempt," written by Edward M. Dangel, and published by the National Lawyers' Manual Co. of Boston, Mass. An authoritative article under the heading, "Trial by Jury," beginning on page 251, states:

> **Section 545. Trial by Jury.**
>
> The provisions of the United States Constitution and the Massachusetts Constitution that in criminal cases the accused shall be entitled to trial by jury, do not apply to contempts which may be tried in a summary way.

> Ordinarily, the accused in contempt proceedings is not entitled to a trial by jury, except where a jury trial is expressly provided by statute, and then only in the particular cases to which the statute applies. The fact that the act constituting the contempt may also be an indictable offense does not affect the rule, where the proceeding is not by indictment. The power of the court to punish summarily for contempt has existed from the earliest period of the common law, and, usually, is not within the application of constitutional provisions guaranteeing a trial by jury, or providing against depriving persons of their liberty without due process of law. The inherent power of courts to enforce their own orders by contempt proceedings without a jury trial does not extend to the enforcement of an order of another tribunal, and the legislature cannot make an act punishable summarily as a contempt which, from its nature, cannot be a contempt of the authority imposing the punishment.

I shall skip a paragraph, and continue:

> A jury trial is not necessary to due process of law in contempt cases.

There follows a long series of citations under that statement. I shall skip another paragraph which does not affect the sense of the discussion, and conclude with this quotation:

> Contempt is not a crime in the ordinary sense. If it were a crime, the individual proceeded against would be entitled under constitutional guaranty to trial by jury. A jury trial is not necessary to due process of law on an inquiry for contempt. Courts have always had the right to punish persons for contempt and other offenses against the administration of justice. Such punishment may be inflicted by summary proceedings and without trial by jury. The due process clause was never intended to interfere with or abolish the powers of the courts in proceedings for contempt, whether this contempt occurred in the course of a criminal proceeding or of a civil suit, and whether the penalty be fine or imprisonment. It has always been one of the attributes—one of the powers necessarily incident to a court of justice—that it should have the power to vindicate its dignity, to enforce its orders, to protect itself from insult, without the necessity of calling upon a jury to assist it in the exercise of its power to punish for contempt. In such cases a denial of jury trial is not a denial of due process of law.

Mr. STENNIS. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am glad to yield.

Mr. STENNIS. I thank the Senator for yielding to me not only at this moment, but also earlier. I am grateful to him for his generosity.

If I may make one comment before I ask a question, I should like to thank the Senator from Kentucky for bringing out the point in the Governor Barnett case this week that a majority opinion had an addendum paragraph, more or less as a caution to the other court.

But in serious cases there certainly should be a jury trial, which is the same as saying that it would be an abuse of discretion not to allow it, and would doubtless be a reversible error in such a case.

My question of the Senator from Illinois is this: In his prepared speech he uses the words "criminal contempt" several times. This does not reflect on the speech at all, and this is not a technical question, but to explain his prepared text, what did the Senator mean by those words "criminal contempt"?

Mr. DOUGLAS. That was a general phrase, perhaps too inclusive. As I have tried to state, the proceedings under this bill would not be criminal proceedings. They would be proceedings in equity, but under certain titles of the bill if conciliation failed, and if the solemn rulings of the court were disobeyed, the court, in order to obtain compliance, would have the power to punish.

Mr. STENNIS. With great deference to the Senator from Illinois, if it is a matter of right, it does not make any difference whether it is a court of law or a court of equity which is to try criminal cases. Does not the term "criminal contempt" distinguish between contempts that are referred to as civil contempts, meaning committed within the presence of the court, or a failure to obey the order of the court, and criminal contempt? Does not the term convey the general idea that a crime is involved?

Mr. DOUGLAS. The courts have the power to punish willful violations of their orders committed outside the courtroom. The aim is to produce respect for the injunctive powers of the courts.

This is the type of offense which would occur under a civil rights statute. If the acts enjoined were still being carried out, they would be acts outside the physical presence of the courts, but they would be disobedience to a court order, and would treat contemptuously the judgment of an equity court.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. STENNIS. May I pursue by question a little further?

Mr. DOUGLAS. I yield.

Mr. STENNIS. I did not intend to enter into an involved discussion of a case of criminal contempt. The Senator from Mississippi asked the Senator from Illinois how he used that term.

Mr. DOUGLAS. I do not pretend to be a lawyer.

Mr. STENNIS. I understand.

Mr. DOUGLAS. However, in a case of civil contempt, the person sentenced has the key to his own jail cell. He can remove his contempt by purging himself of his contempt and changing his actions, and he can walk out upon promise or performance of future reform. In a case of criminal contempt, a person cannot remove his contempt by his own action. He stays in jail because of past derelictions. If I am in error, I would appreciate it if the Senator from Kentucky or the Senator from Pennsylvania woud correct me.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. I suggest to the Senator from Illinois and also to my friend from Mississippi and my friend from Kentucky, the following rather Hornbook law distinction between civil and criminal contempt, without attempting to get into technical details:

Civil contempt is for the purpose of enforcing a decree of a court. As the Senator from Illinois says, the person proceeded against holds the key to his own cell in his own hand. If he complies with the decree of the court, that is the end of the proceedings. This is civil contempt.

On the other hand, the purpose of a criminal contempt statute is to punish a person for something done in derogation of the authority of the court or in violation of its order. The purpose of a criminal contempt statute is punitive, and therefore it is known as criminal.

The purpose of a civil contempt statute is to secure compliance, and therefore it is known as civil. Is that correct?

Mr. STENNIS. I did not wish to get into a long discussion on this point. We cannot settle in a few minutes, on the floor of the Senate, the question of what is criminal contempt. My question was directed to the Senator from Illinois, to have him give his definition of criminal contempt as he used it in his prepared speech. The Senator has explained what he means. I accept his statement of the definition. I thank the Senator.

Mr. DOUGLAS. Mr. President, I yield the floor.

DEATH OF FORMER SENATOR TOWNSEND, OF DELAWARE

During the delivery of Mr. Douglas' speech,

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am willing to yield only with the understanding that an announcement which the Senator from Delaware wishes to make will be printed in the Record following my address, and also with the understanding that in yielding for that purpose, I shall not lose my right to the floor.

The PRESIDING OFFICER (Mr. Brewster in the chair). Without objection, it is so ordered; and the Senator from Delaware is recognized for this purpose alone.

Mr. WILLIAMS of Delaware. Mr. President, it is with deep regret that I announce to the Senate the death this morning of former Senator John G. Townsend, Jr., of Delaware. His death, following a brief illness, marks the passing of one of the most beloved figures in Delaware's political history and is for me a particularly sad occasion, since I have lost a great friend.

Senator Townsend lived a long and useful life. He would have been 93 years of age on May 31. In that period of almost a century, Senator Townsend grew to be loved and respected, not only by his fellow Delawareans, whom he served both in the Senate and in the Governor's office, but also by many thousands of people throughout the Nation.

John Townsend was born on a farm in Worcester County, Md., not far from the small Sussex County, Del., town of Selbyville, where he lived since 1895. He was a product of the rural school system of the Eastern Shore of Maryland. From those humble beginnings, John Townsend rose to be not only a successful businessman in Delaware, engaging in both banking and agricultural pursuits, but, after serving in the Delaware House of Representatives, later went on to become chief executive of our State.

He served in that office from 1917 to 1921 and during that period, through his efforts in behalf of education in Delaware, he rightly earned the title of "Father of Delaware's Educational System."

In 1928, Governor Townsend was elected to the first of two terms in the U.S. Senate. He served in this body until 1941. His biography will show that he was a member of the Mount Rushmore Memorial Commission in 1939 and 1940, and served as a member of the board of trustees of Washington College in Chestertown, Md., American University here in Washington, and Goucher College in Baltimore.

Senator Townsend was a towering figure among Delawareans. He was a man who numbered Presidents among his friends. But never did he lose touch with the people with whom he lived, grew up, and worked.

He was a man of humble origin whose rise in the ranks of both business and government will always stand out as a shining example of the opportunity which is ours in this country. He truly exemplified the concept of the self-made man and earned forever the respect and affection of his fellow man.

Delaware has lost one of its ablest and most beloved citizens. The U.S. Senate has lost an able former Member; the Nation has lost one more shining example of the kind of man a free society can produce; and I have lost a dear friend.

Mrs. Williams joins me in extending our sympathy to all the members of his family in their hour of bereavement.

Mr. President, will the Senator from Illinois yield so that my colleague may also join in the tribute?

Mr. DOUGLAS. Mr. President, I have the floor. I shall be very glad to yield to the junior Senator from Delaware. But the practice of breaking into discussions on the floor of the Senate degrades orderly procedure.

Mr. WILLIAMS of Delaware. Mr. President, under circumstances such as this it is not out of order to ask unanimous consent for a Senator to be asked to yield to a colleague on such an occasion.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Delaware?

Mr. DOUGLAS. I yield.

Mr. BOGGS. Mr. President, I rise to pay tribute to my beloved friend—and the friend of all who knew him, former Governor of Delaware and Senator John G. Townsend, Jr., of Selbyville, Del.

His death this morning in Philadelphia at the age of 92 is a loss to his State and Nation as well as to his dear family and host of friends.

I personally feel the loss very deeply. Senator Townsend gave me my start in public life when I was privileged to work on his staff while attending law school.

His public record was a bright one and deserves much more than the quick summary I will give it. But his memory will always remain clear and warm in the minds and hearts of his friends chiefly because of the great human being he was.

Senator Townsend was never critical of people, though he might disagree with their opinions. He was a giant among giants during his two terms in the Senate, and I well remember the affection and respect felt for this warmhearted kindly man by his colleagues on both sides of the aisle.

Although he left the Senate nearly a quarter century ago, in 1941, I have continually heard from friends of his still here who inquired for him and asked to be remembered to him. And he remembered them. It is difficult to describe the bonds of friendship which this great man shared with so many. It is a tribute to the expansiveness of his own heart as well as to the recognition by others of a great and good fellow man.

After he left the Senate he was appointed chairman of the Republican senatorial campaign committee by the late Senator McNary and continued as a member of this committee as cochairman until his death.

Senator Townsend remained vigorous to the last—in his business and his civic life. His appearance at public affairs continued to be an occasion in Delaware. He continued to conduct his business with the vigor, farsightedness and understanding of human nature which characterized everything he did.

All his efforts—in public and private life—were constructive. I know of no figure in Delaware history who captured the affection of so many people.

At this point allow me to sketch his background for you:

John Gillis Townsend, Jr., was born on a farm in Worcester County, Md., on May 31, 1871, and was educated in the rural schools. In 1895 he moved to Selbyville, Del., and engaged in farming and in banking. He served in the State house of representatives from 1901–03 and was a delegate to many Republican National Conventions from 1908 on. He was a colonel on the respective staffs of Governors Lea, Pennewill, and Miller. From 1917 to 1921 he served as Governor of Delaware.

He was elected as a Republican to the U.S. Senate in 1928 and reelected in 1934. He served in the Senate from March 4, 1929, to January 3, 1941, in the 71st through the 76th Congresses.

When he began his career in the Senate in 1929 he served on four committees: Agriculture and Forestry, Banking and Currency, Claims, and Irrigation and Reclamation. During his last, the 76th Congress, he served on 11 committees, more than any other Senator at that time: Appropriations, Audit and Control, Banking and Currency, Claims, Finance, Irrigation and Reclamation, Pensions, Select Committee on Government Organization, Special Committee to Investigate Executive Agencies of the Government, Special Committee on Taxation of Governmental Securities and Salaries, and the Special Committee on Silver.

Senator Townsend's legislative career was most closely identified with the Committee on Banking and Currency on which he served continuously for 12 years, through the period of financial crises following the depression and through the stormy years of the New Deal and the outbreak of war in Europe.

Under the Hoover administration, he introduced a number of bills and resolutions to amend the Federal Reserve Act relating to Federal deposit insurance and the trust powers of national banks. His bill to improve the facilities of the Federal Reserve System and to provide means for meeting the needs of member banks in exceptional circumstances became public law in 1932. His resolution to investigate short selling of listed securities on the stock exchange was accepted.

As Governor of Delaware he established the State's educational and highway systems along much the same lines as they exist today.

His life, in short, has been intertwined with the political, cultural, and economic progress of our State and Nation, and he contributed mightily to that life by the force of his character and personality coupled with a strong religious faith.

Mrs. Boggs and I join my senior colleague in expressing to his family our deepest sympathy. Their loss is our loss and the loss of our State and Nation.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to my colleague from Illinois.

Mr. DIRKSEN. Mr. President, I am saddened to learn of the death of an old friend who lived a long and fruitful life as an educator, banker, businessman, and statesman. His life spanned the tenure of 19 Presidents of the United States. What an adventurous period in American history it was when John Townsend lived.

Speaking in May of 1957, the Republican policy committee adopted a resolution in the form of a testimonial, which speaks so eloquently of a service that requires little more to be said from me.

I ask unanimous consent that a copy of the resolution be printed in the Record as a part of my remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

John Gillis Townsend, Jr.

(Senator John J. Williams offered the following resolution in the Republican policy committee on Tuesday, May 14, 1957, which was adopted by unanimous action.)

Whereas the Honorable John Gillis Townsend, Jr., residing in Selbyville, Del., has with honor and distinction served his native State of Delaware as a member of the General Assembly from 1901 to 1903, as a colonel on the respective staffs of Governors Lea, Pennewill, and Miller, and as Governor from 1917 to 1921; and

Whereas he has with courage and dedication served his Nation as a Republican Senator representing the State of Delaware from March 4, 1929, to January 3, 1941, and as an alternate delegate to the United Nations General Assembly in 1946; and

Whereas he has advanced the cause of education as a member of the board of trustees of Washington College in Chestertown, Md., American University in Washington, D.C., and Goucher College in Baltimore, Md.; and

Whereas he has creditably represented the Republican Party as a delegate to the Republican National Convention in 1908 and every succeeding convention from 1924 to 1956; and

Whereas he has devotedly labored in the interests of his party as chairman of the National Republican Senatorial Committee from

1936 to 1948, as finance chairman from 1950 to 1952, and as cochairman from 1954 to the present: Therefore, be it

Resolved by the Republican Members of the United States Senate, That on the occasion of the 86th anniversary of his birth, May 31, 1957, heartfelt congratulations and felicitations be extended to him in recognition of his long and fruitful life of selfless public service in the Republican Party, to his community, his State, and the Nation; and be it further

Resolved, That a copy of this unanimously adopted resolution be forwarded to the Honorable John Gillis Townsend, Jr., with sincere wishes for continued good health and happiness.

Attest:

CHAIRMAN OF THE POLICY COMMITTEE.

Mr. BYRD of Virginia. Mr. President, I have lost a good and true friend. I cannot adequately express my grief at the death of Senator John Townsend who today surrendered his soul to the Author of his soul.

I served with him throughout most of his 12 years in the Senate, and I never formed a more cherished friendship. I find myself now thinking that sorrow is the most tremendous of all realities.

He taught me great lessons in the art of living. He was a man who always had the spark of happiness and a ray of hope, but never confused vain promises with realities. And with all he was forever faithful to the altar of the ideal.

He had the power of teaching by constructive suggestion, and the facility of bringing harmony and peace to his fellow men. He had the courage for everything worth while. He loved the aroma of material things, but he found the substance of life in his philosophy of goodness in purpose.

John Townsend was a man for whom I had both esteem and gratitude. I turned to him for the wisdom of a life well spent. He was a friend in what is now the past whose place cannot be filled in what is to be the future.

The country is indebted to Senator Townsend for the fine patriotic services he so faithfully rendered. His death is a deep personal loss to me, as it is to the people in his beloved Delaware—whom he represented so well—and to the Nation.

I extend my deepest sympathy to members of his family, and I join his host of friends in bereavement.

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

The PRESIDING OFFICER. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

DEPARTMENT OF LABOR

The legislative clerk read the nomination of Mary Dublin Keyserling, of the District of Columbia, to be Director of the Women's Bureau, Department of Labor.

Mr. TOWER. Mr. President, I am opposed to the confirmation of the President's nomination of Mrs. Mary D. Keyserling to a major post in the Department of Labor.

I do not question her loyalty to the United States, but in view of her past associations I do question her judgment and ability to render such decisions as would be necessary in the post to which she has been nominated.

It is a matter of record in the Un-American Activities Committee of the House of Representatives, the Internal Security Subcommittee of the Senate, and the security sections of the executive branch, that Mrs. Mary D. Keyserling was connected in the 1930's with a number of leftwing organizations, at least two of which have been designated by the Attorney General as subversive; namely, the American Council on Soviet Relations and the American Committee for the Protection of Foreign Born.

Mrs. Keyserling has said that she is loyal to our country and never knowingly associated with any subversive group. I accept her statement and do not now question her loyalty. However, it appears that she has in the past exercised very questionable judgment in her associations. I do not believe we can risk poor judgment in the high Government post for which she has been nominated.

Therefore, I will oppose the nomination in the hope that, if the President wishes to utilize Mrs. Keyserling in his administration, he will place her in a lesser post in which she would not be called upon to make judgments upon policy and policy execution.

I have a list of Mrs. Keyserling's activities from the House Un-American Activities Committee's files, and I ask unanimous consent that it be inserted in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MRS. KEYSERLING'S ACTIVITIES

Mary Dublin, now Mary Dublin Keyserling, was a member of the board of editors of the League of Industrial Democracy. She is also listed in appendix IX of the report by the Special Committee on Un-American Activities, House of Representatives, 78th Congress, as having been connected with the following organizations:

Magazine, "Soviet Russia Today," signer of open letter to American liberals.

American Committee for Democracy and Intellectual Freedom.

American Committee To Save Refugees.

American Council on Soviet Relations.[1]

Conference on Constitutional Liberties in America.

Consumers National Federation.

Greater New York Emergency Conference on Inalienable Rights.

Social Work Today.

National Consumers' League.

American Committee for the Protection of Foreign Born.[1]

Mr. TOWER. Mr. President, I have an official report of the un-American Activities Committee, which I ask unanimous consent to have placed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

INFORMATION FROM THE FILES OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES, U.S. HOUSE OF REPRESENTATIVES

MARCH 23, 1964.

For Senator JOHN G. TOWER.

Subject: Mary Dublin Keyserling (Mrs. Leon Keyserling).

This committee makes no evaluation in this report. The following is only a compilation of recorded public material contained in our files and should not be construed as representing the results of any investigation or finding by the committee. The fact that the committee has information as set forth below on the subject of this report is not per se an indication that this individual, organization, or publication is subversive, unless specifically stated.

Symbols in parentheses after the name of any organization or publication mentioned herein indicate that the organization or publication has been cited as being subversive by one or more Federal authorities. The name of each agency is denoted by a capital letter, as follows: A—Attorney General of the United States; C—Committee on Un-American Activities; I—Internal Security Subcommittee of the Senate Judiciary Committee; J—Senate Judiciary Committee; and, S—Subversive Activities Control Board. The numerals after each letter represent the year in which that agency first cited the organization or publication. (For more complete information on citations, see this committee's "Guide to Subversive Organizations and Publications.")

COMMUNIST PARTY MEMBERSHIP

No printed testimony available. (See information under "Testimony.")

TESTIMONY BY AND ABOUT SUBJECT

Attached are reproductions of three newspaper articles (Washington Daily News, Oct. 10, 1952, p. 4; Washington Evening Star, Jan. 9, 1953, p. A–7; Washington Evening Star, Feb. 4, 1953, p. A–6) concerning an investigation by the Loyalty Board of the Department of Commerce into charges reportedly made against subject in closed sessions of the Senate Subcommittee on Internal Security. The testimony in this case is not available, and we are unable to furnish any further information in the matter.

COMMUNIST FRONTS

(Subject's name is shown as Mary Dublin in all references reported hereinafter.)

Year 1937: "Open Letter to American Liberals" (C–1942): Signer of the open letter, cited as a "defense of the Moscow purge trials," published by "a group of well-known Communists and Communist collaborators." ("Soviet Russia Today" (C1942; J–1952), March 1937, pp. 14 and 15.)

Year 1937: Consumers National Federation (C–1944): Sponsor of meeting December 11 and 12, 1937, called by CNF. (Printed announcement, "The People vs. H.C.L.")

Year 1938: Trade-Union Committee on Industrial Espionage (C–1944): Scheduled to speak at conference April 1, Manhattan Opera House, called by Trade-Union Committee on Industrial Espionage, "sponsored by 18 AFL and CIO unions." (Daily Worker (Communist newspaper), Mar. 30, 1938, p. 5.)

Year 1938: American Council on Soviet Relations (A–1942; C–1944; S–1956): Member, (Daily Worker, July 23, 1938, p. 2.)

Year 1939: American Committee for Protection of Foreign Born (C–1942; A–1948; I–1956; S–1960): One of "41 prominent American women leaders" who signed letter to General Federation of Women's Clubs, in which ACPFB "stated its opposition to the registration of noncitizens as a step toward 'regimentation of the entire population, native and foreign born' and a threat 'to the very foundations of our democratic form of government.'" (Daily Worker, Nov. 23, 1939, p. 3.)

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[1] These organizations have also been listed as subversive by the Attorney General.

Year 1940: Greater New York Emergency Conference on Inalienable Rights (C–1944): Member, general committee. (Program of conference, Feb. 12, 1940.)

Year 1940: American Committee for Democracy and Intellectual Freedom (C–1942): Sponsor of the organization's "Citizen Rally," New York City, April 13, 1940. (Printed announcement.)

Year 1940: Conference on Constitutional Liberties in America (A–1942; C–1944): Sponsor. ("Call to a Conference on Constitutional Liberties in America," June 7–9, 1940.)

Year 1940: Social Work Today (C–1944): Listed among the magazine's "cooperators" for 1940, having contributed $5. (Social Work Today, Jan. 1941, p. 17.)

Year 1941: American Committee To Save Refugees (C–1944); Exiled Writers Committee of the League of American Writers (C–1946); United American Spanish Aid Committee (C–1944; A–1949): Sponsor of dinner forum on "Europe Today," October 9, 1941, under auspices of the three organizations. (Invitation.)

Mr. **TOWER**. Mr. President, I have a statement on the American Council on Soviet Relations, its background and Mrs. Keyserling's attachment to it, including supporting documents, which I ask unanimous consent to have placed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON SOVIET RELATIONS

The American Council on Soviet Relations is an obvious Communist front. The organization which evolved from it is on the Attorney General's list.

The exhibits which follow were all taken from appendix 9 of the report of the Special Committee on Un-American Activities, House of Representatives, H.R. 282 (pp. 363–367).

Mary Dublin (Mrs. Leon Keyserling) was a member of this select group.

AMERICAN COUNCIL ON SOVIET RELATIONS

Among the members of the National Citizens Political Action Committee the following were affiliated with the American Council on Soviet Relations; Reid Robinson, Frederick L. Schuman, and Mary Van Kleeck.

The American Council on Soviet Relations was formed in July 1938, at a dinner conference held at the Town Hall in New York City to hear Corliss Lamont and his wife report on a recent trip to the Soviet Union (Daily Worker, July 23, 1938, p. 2).

The dinner was held prior to the signing of the Stalin-Hitler Pact, when the foreign policy of the Soviet Union was to flirt with the democracies against the growing menace of nazism and fascism. The purposes of the American Council, as announced by the chairman of the dinner, Mary Van Kleeck, were as follows:

"1. To promote a wider understanding of the fact that the efforts of the Soviet Union in the international field are wholly on the side of the forces of peace and democracy.

"2. To clear the air of the confusion caused by hostile propaganda against the Soviet Union and place upon the record the facts regarding the real situation in that country and its achievements in the building of a socialist society."

After the signing of the Stalin-Hitler Pact this policy of the American Council on Soviet Relations was reversed. At a luncheon held at the Hotel Biltmore in New York City, in May 1940, a memorial to the President was adopted without a dissenting voice, reading in part as follows:

"The people of the United States and of the Soviet Union viewing the present World War as a tragic consequence of the policies of fascism and of those forces that appeased and encouraged fascism, are both interested in its limitation and speediest possible termination * * *. It is clearly not in the interests of the people of either country to become belligerents * * *. The Soviet Union's foreign policy which has in fact been consistently governed by the need of protecting the approaches of the U.S.S.R. in order to avoid involvement in the war and which has consistently maintained a neutral position." (Daily Worker, May 29, 1940, p. 4.)

Even as late as May 1941 the American Council on Soviet Relations held consistently to the isolationist, antiwar policy of the Communist Party and the Soviet Government. The organization featured in the May 5, 1941, issue of its News Survey the following quotation from Pravda, official organ of the Communist Party of the Soviet Union:

"That irrespective of the extent to which the past benefits Japan and the U.S.S.R., it has upset the cards of London and Washington diplomats * * *. It is time to understand that the Soviet Union pursues her own independent policy which brooks no foreign influences."

As has been seen, certain circles in London and Washington reckoned on a sharpening of Soviet-German relations no less than on a sharpening of Japanese-Soviet relations.

This policy is determined by the interests of the Soviet people, by the interests of the Soviet state, and by the interests of peace.

Despite Corliss Lamont's very evident and primary concern with the welfare of the Soviet Union, he does not hesitate to speak in the most moving terms in behalf of the American people when it suits his purpose as national chairman of the American Council on Soviet Relations. We cite a letter written by him on December 13, 1941, some months after Hitler invaded the Soviet Union:

"In this most solemn moment our country has ever faced, all Americans must unite in unswerving support of our Government, in its mighty task. This task is to fight the war against Germany, Italy, and Japan to a victorious end * * *. A great contribution toward this national and international unity is the clearing up of confusions about the Soviet Union spread by years of a hostile, appeaser-sponsored, anti-Soviet campaign."

Despite the reversal of the Soviet position, the American Council on Soviet Relations insisted that the Soviet Government was right all along. In a folder entitled "Eighth Anniversary American Soviet Diplomatic Relations," issued after June 22, 1941, we find:

"The Soviet Union always sought the most effective means to secure peace * * *. Not only by its words, but by its actions, has the Soviet Union proved itself the ally of the world's democratic and freedom-loving peoples * * *. When the failure to form the peace front made the situation hopeless and war inevitable, the Soviet Union had no reasonable alternative other than to sign the nonaggression pact with Germany."

Here we find a complete parallel with the official attitude of the Communist Party:

"The Soviet Union tried in vain to prevent this second imperialist war. Rebuffed in this attempt * * * the Soviet Union accepted the proposal of the German Government for a treaty of nonaggression * * *. Defend America by giving full aid to the Soviet Union, Great Britain, and all nations who fight against Hitler." (Statement of the National Committee of the Communist Party, U.S.A., Daily Worker, June 30, 1941, p. 1.)

The council assumed various guises in the course of its history, among them being the American Committee for Friendship with the Soviet Union. This latter organization had the support of such familiar fellow travelers as Corliss Lamont, Henry Pratt Fairchild, Rockwell Kent, John A. Kingsbury, and Robert S. Lyon (Soviet Russia Today, December 1940, p. 5; Daily Worker, November 16, 1940, p. 2).

Anna Louise Strong, an outstanding propagandist for communism, who had been instrumental in founding the All-Union Society for Cultural Relations With Foreigners (Voks), was engaged for a coast-to-coast tour by the American Council on Soviet Relations (letter, March 13, 1941, signed by Theodore Dreiser).

Milton Wolff, head of the Veterans of the Abraham Lincoln Brigade, spoke for the American Council on Soviet Relations together with Anna Louise Strong, Isobel Walker Soule, and Victor A. Yakhontoff, at Manhattan Center in New York City on February 8, 1940 (Soviet Russia Today, February 1940, p. 3).

Throughout the life of the Communist movement in this country—a period of almost a quarter of a century—the Communist Party under whatever name it has operated, has maintained front organizations and conducted enterprises for the sole purpose of carrying on propaganda on behalf of the Soviet Union. Some of the more important of these fronts and enterprises have been Friends of Soviet Russia, Friends of the Soviet Union, Soviet Russia Today, American Russian Institute for Cultural Relations With the Soviet Union, Russian Reconstruction Farms, Open Letter for Closer Cooperation With the Soviet Union, Golden Book of American Friendship With the Soviet Union, Trade Union National Committee for Russian Relief, American Federated Russian Famine Relief Committee, Russian War Relief, Statement by American Progressives on the Moscow Trials, and Open Letter to American Liberals.

EXHIBIT NO. 1

[From Daily Worker, July 23, 1938]

FORM COUNCIL ON RELATIONS WITH U.S.S.R.

[Photo illustrations of Corliss Lamont and Mary Van Kleeck omitted]

MOVE IS LAUNCHED AT MEETING OF 275 FRIENDS OF SOVIET UNION HEADED BY CORLISS AND MARGARET LAMONT

The formation of an American Council on Soviet Relations was announced Thursday night at a dinner conference of 275 friends of the Soviet Union held by the new council at the Town Hall Club to hear Corliss and Margaret Lamont report on their recent trip to the Soviet Union.

Depicting the great advances made by the U.S.S.R. in economic and political life since their last visit in 1932, Mr. Lamont, head of the American Friends of the Soviet Union, summed up by saying:

"Socialism and its story are just beginning in the Soviet Union. The people are full of confidence and gaiety."

Purposes

Miss Mary Van Kleeck, associate director of the International Industrial Relations Institute, who acted as chairman of the dinner conference, summed up the purposes of the American Council on Soviet Relations as follows:

1. To promote a wider understanding of the fact that the effects of the Soviet Union in the international field are wholly on the side of the forces of peace and democracy.

2. To clear the air of the confusion caused by hostile propaganda against the Soviet Union and place upon the record the facts regarding the real situation in that country

and its achievements in the building of a Socialist society.

Explaining the origin of the American Council on Soviet Relations, Miss Van Kleeck said:

"The council results from the drawing together of a number of people from different professions who are familiar with conditions in the U.S.S.R., and anxious to do their part to increase understanding of Soviet affairs in this country. This group has acted together on a number of occasions during the past year when no existing organization was in a position to undertake the type of meetings and issue the information we felt necessary on specific occasions. For this reason we decided to unite our efforts on a more permanent basis.

"In the international struggle of democracy against fascism the interests of the United States and the Soviet Union coincide. Progressive forces in our country believe that the fascist offensive can be blocked only through the fullest cooperation of all forces working in the same direction. It is thus more than ever necessary at this time that the people of the United States and the Soviet Union understand each other."

The council said Miss Van Kleeck, does not intend to set up any new organizational machinery but will work through existing organizations and act as a medium for the wider dissemination of accurate information about the Soviet Union and its foreign relations, and will undertake only such activities as can be made self-supporting.

Among the members of the American Council on Soviet Relations are:

Corliss Lamont, New York City; Col. Raymond Robins, Brooksville, Fla.; Dr. Henry Sigerist, Baltimore, Md.; Prof. Dorothy Douglas, Northampton, Mass.; Maxwell S. Stewart, New York City; Harriett G. Eddy, Berkeley, Calif.; Miss Mary Van Kleeck, New York City; Prof. Jerome Davis, New Haven, Conn.; Dr. John H. Gray, Washington, D.C.; Dr. John A. Kingsbury, Yonkers, N.Y.; Prof. Eduard C. Lindeman, New York City; Prof. Robert Morss Lovett, Chicago, Ill.; Dr. Wyllistine Goodsell, New York City; Miss Mary Dublin, New York City; Dr. Mildred Fairchild, Bryn Mawr, Pa.; Dr. Thomas Addis, San Francisco, Calif.

Mr. TOWER. I have a statement on the American Committee for the Protection of Foreign Born, and Mrs. Keyserling's attachment to it, with a supporting document, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COMMITTEE FOR THE PROTECTION OF FOREIGN BORN

The American Committee for the Protection of Foreign Born has been cited as a Communist front by the Special Committee on Un-American Activities, House of Representatives. It is also on the Attorney General's list of Communist organizations.

Exhibits which follow are taken from the Daily Worker, November 23, 1939.

It will be noted that Mary Dublin (Mrs. Leon Keyserling) is the signer of a letter opposing alien registration which was sponsored by this group.

[From the New York (N.Y.) Daily Worker, Nov. 23, 1939]

WOMEN LEADERS OPPOSE REGISTRATION OF ALIENS—LETTER TO GENERAL FEDERATION OF WOMEN'S CLUBS DECLARES MOVE IS "THREAT TO FOUNDATIONS OF DEMOCRACY"

The American Committee for Protection of Foreign Born, 79 Fifth Avenue, in a letter sent to the General Federation of Women's Clubs and signed by 41 prominent American women leaders headed by Dr. Mary E. Woolley, Alice Stone Blackwell, and Mrs. Mary McLeod Bethune, today stated its opposition to the registration of noncitizens as a step toward "regimentation of the entire population, native, and foreign-born" and a threat "to the very foundations of our democratic form of government."

The letter, Dr. Woolley stated, was sent to the federation as the result of an announcement in the press to the effect that, at their next convention, the chairman of their Department of American Citizenship would propose that the organization go on record favoring the registration of all noncitizens in the United States.

The letter strongly cautioned that "we can and should work in an American way, through understanding, and cooperation, to help the future citizens in our midst, make possible their naturalization and thereby enhance the value of American citizenship and the soundness of our American institutions."

Among those signing the letter were: Dr. Grace Abbott, University of Chicago; Dr. Janet Rankin Aiken, Columbia University; Helen Arthur; Mary McLeod Bethune, Bethune-Cookman College; Alice Stone Blackwell; Katherine Devereaux Blake; Prof. Dorothy Brewster, Columbia University; Mrs. Arthur Brin, past president, National Council of Jewish Women; Sarah Cleghorn; Mrs. Rachel Davis-Dubois, secretary, Service Bureau for Intercultural Education; Dorothy Destzer, Women's International League for Peace and Freedom; Rosa Donley, Akron International Institute; Mary Dublin; Prof. Mildred Fairchild, Bryn Mawr College; Fannie Hurst; Inez Haynes Irwin; Dorothy Kenyon; Carol King, secretary, International Juridical Association; Florida Lasker; Irene Lewisohn; Dr. Mildred McAfee, president, Wellesley College; Mrs. E. K. Morrow; Dr. Elizabeth Neilson; Hon. Caroline O'Day, Member of Congress; Dr. Marion Parks, president, Bryn Mawr College; Dorothy Parker; Sylvia Wilcox Razey, secretary, Descendants of the American Revolution; Elizabeth Madox Roberts; Dr. Florence R. Sabin, Rockefeller Institute; Prof. Margaret Schlauch, New York University; Adelaide Schulkind; Prof. Vida D. Scudder, Wellesley College; Isobel Walker Soule; Jean Starr Untermeyer; Mariquita Villard; Mary Heaton Vorse; Dr. Mary E. Woolley, president emeritus, Mount Holyoke College.

Mr. TOWER. Mr. President, to be certain that the record is complete on the American Council on Soviet Relations and its early identification with the Communist Party, I would like to quote from page 10 of a report of the Subversive Activities Control Board.

This report details the background of the American Council on Soviet Relations and the organizations which evolved from it. On page 10 the Subversive Activities Control Board states:

> There can be no question on this record that from 1921 until the formation and establishment of respondent (National Council of American-Soviet Friendship, Inc.) the Communist Party had created and maintained the Friends of Soviet Russia, the Friends of the Soviet Union and the American Council on Soviet Relations, which were directed and controlled by the party, and operated to aid and support party objectives concerning the defense and support of the Soviet Union.

From this report it would appear that anyone becoming associated with the American Council on Soviet Relations in the 1930's would have known full well that the council was Communist directed—or else have exhibited extreme naivete of judgment.

Mr. President, I ask that the full reports of the Subversive Activities Control Board concerning the American Council on Soviet Relations and the American Committee for Protection of Foreign Born be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. TOWER. Mr. President, as I have stated, I do not oppose the nomination of Mrs. Keyserling on the ground that I believe her to be disloyal. I believe she is loyal, but I believe she has exercised extremely poor judgment and should not be placed in such a sensitive position. There are many fine women who are qualified to hold this post who do not have this questionable background. I believe the President could find able women of his own political persuasion who could fill this post better.

EXHIBIT 1

[Subversive Activities Control Board, docket No. 104-53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER *v.* NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP, INC., RESPONDENT

(Troy B. Conner, Jr., and Oliver J. Butler, Jr., for petitioner; David Rein for respondent)

REPORT AND ORDER OF THE BOARD, DECIDED FEBRUARY 7, 1956

Statement of the case

This is a proceeding under section 13(a) of the Subversive Activities Control Act of 1950[1] (herein called the act) upon a verified petition[2] of the Attorney General for an order of the Board requiring the National Council of American-Soviet Friendship, Inc. (herein sometimes called the "national council" or the "council") to register pursuant to section 7 of the act as a "Communist-front organization" as defined in section 3(4) of the act.[3]

The petition contained allegations directed in the main at the considerations set forth in section 13(f) of the act.[4] The Commu-

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[1] Title I of the Internal Security Act of 1950, 64 Stat. 987, et seq.

[2] The original petition was duly replaced prior to the hearing by a "First Amended Petition." Upon the completion of petitioner's case, sec. I of the "First Amended Petition" was amended pursuant to rule 201.8 of the Board's rules of procedure with respect to the organizations from which respondent was alleged to have "emerged."

[3] Sec. 3(4) of the act reads:

"The term 'Communist-front organization' means any organization in the United States (other than a Communist-action organization as defined in paragraph (3) of this section) which (A) is substantially directed, dominated, or controlled by a Communist-action organization, and (B) is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title."

[4] Sec. 13(f) of the act provides:

"In determining whether any organization is a 'Communist-front organization', the Board shall take into consideration—

"1. The extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, dinist Party of the United States (herein sometimes called "the Communist Party" or "the party") was specified as the "Communist-action organization"[5] by which respondent "has been and is substantially directed, dominated, and controlled," and it was further alleged that respondent "has been and is primarily operated for the purpose of giving aid and support to the Communist Party, a Communist foreign government; to wit, the U.S.S.R., and the world Communist movement."

Following denial by the Board of several motions by respondent, issue was joined when respondent filed its answer to the petition in which it denied that it is a Communist-front organization, as alleged, or required to register as such.

Hearings for the purpose of taking evidence were held before Board Member David J. Coddaire,[6] at the conclusion of which oral argument was presented before Member Coddaire and both sides filed proposed findings of fact and conclusions. Thereupon, Member Coddaire, on June 23, 1955, issued his recommended decision finding that respondent is a Communist-front organization and recommending that it be required by appropriate order to register as such with the Attorney General of the United States.

Respondent, on August 15, 1955, filed exceptions to the recommended decision and petitioner, on September 2, 1955, filed a reply thereto. Oral argument on the exceptions was had before the Board on September 8, 1955.

On September 7, 1955, the day preceding oral argument on exceptions, respondent filed a written motion to disqualify Board Member Coddaire from further participation herein on the ground of alleged bias and prejudice claimed to have been demonstrated by Mr. Coddaire. The motion was denied by the Board in its memorandum opinion and order issued September 27, 1955, in which the Board stated, among other things, that an examination of the record had disclosed that the charge of bias and prejudice was completely unfounded.

The Board has reviewed the evidence and has considered the proposed findings, the recommended decision, the exceptions, and the oral argument, in the light thereof. Respondent's exceptions were addressed to practically every sentence of the recommended decision. A number are specifically discussed herein and others involving similar points are, in effect, disposed of by such discussions. Those not specifically treated and not expressly or by implication ruled on are overruled as not justified. The record contains 5,417 pages of transcript and 290 exhibits. Petitioner presented 17 witnesses in his affirmative case, one in rebuttal, and introduced 175 exhibits. Respondent presented 10 witnesses, including one whose testimony was presented in a deposition received in evidence, and introduced 115 exhibits. A list of witnesses, with pertinent information concerning them, is attached hereto as appendix A.

As indicated in appendix A, some of petitioner's witnesses reported to the Federal Bureau of Investigation while connected with the Communist Party or respondent; two were then associated with the Department of Justice; two were connected with the New York Police Department; and some were members and functionaries of the Communist Party at one time or another. The testimony of those witnesses, who fall within the category of "informers," has been given the careful scrutiny indicated under the circumstances, as has the interest of respondent's witnesses who are or have been members and officers of the respondent organization.[7] The testimony of petitioner's witness Matusow was disregarded in toto by the Examiner and, without exception or objection by either party, has likewise been disregarded by the Board. Respondent's exceptions directed to specific testimony by particular witnesses of petitioner are resolved elsewhere herein.

FINDINGS OF FACT AND CONCLUSIONS

Predecessor organizations

On the basis of unrebutted evidence, the examiner made a number of detailed findings of fact concerning certain organizations which existed at various times prior to the incorporation of respondent and from which the petition alleged that respondent "emerged." These organizations were Friends of Soviet Russia, Friends of the Soviet Union, the American Committee for Friendship with the Soviet Union, and American Council on Soviet Relations.

Respondent in its argument and exceptions contended that organizations other than those named were shown to have been interested in the Soviet Union and might also be termed, in point of time, predecessors of respondent, and that the examiner erred in ignoring these other organizations. Respondent also contended that most of the evidence concerning the predecessor organizations named in the petition was hearsay and that whatever the relationship may have been between respondent and such organizations, respondent is of a different character and the only issue is the character of respondent.

As appears from the findings hereinafter made, the predecessor organizations named in the petition and considered by the examiner were shown to have been controlled by the Communist Party and to have had the same purposes which respondent presently has. The other organizations indicated above were not so shown and the evidence concerning them was immaterial.

It is important to note at the outset that the examiner treated the testimony and exhibits concerning the predecessor organizations as background evidence which illuminated the creation and activities of respondent. That the evidence does furnish such background material is clear.[8] Respondent has not directed us to any specific evidence concerning the predecessors which falls into what respondent calls hearsay. The record contains documentary evidence in the form of official publications of the predecessors and oral testimony of occurrences at Communist Party meetings and meetings of the organizations involved, which were participated in by the witnesses.[9] Most of these witnesses, at the time, held offices or had responsibilities in both the Communist Party and the organization.[10] We find that the evidence concerning the predecessors is relevant and is probative of the nature and activities of such organizations and furnishes background against which to view the nature and activities of respondent. Accordingly, we adopt the findings of the examiner concerning the organizations which preceded respondent, as now set forth.

In 1921 the Communist Party of the United States, pursuant to orders from Lenin in Moscow, who was then head of the Communist International and chairman of the Peoples Commissar of Soviet Russia, created as part of the world Communist movement an organization in the United States called Friends of Soviet Russia ("FSR"), which was similar to organizations set up in other countries, and had as its purposes to enhance the Communist regime in Soviet Russia and to assist the Communist movement in the United States.

With respect to the supervision and leadership of the organization, the witness, Kornfeder, was a member of the Communist Party Executive Committee when Friends of Soviet Russia was established by the party; he and two other high party officials were designated as a subcommittee to direct and supervise the organization. Another high party official, Alfred Wagenknecht, because he was considered a capable executive, was assigned by the party to head the organization. Five out of eight members of the executive committee were shown on the record to have been at that time party members as were 16 out of 23 members of the advisory committee. The witness, Malkin, who was then a party functionary, joined the organization on orders from the party executive committee and was assigned to set up the organization in New York City.

The affairs of Friends of Soviet Russia were discussed at meetings of the Communist Party New York District Exective Committee, and reports were given by representatives of the organization, who were members of that party committee. The party committee gave orders to these representatives, which orders were duly executed. A particular activity of the organization in 1921 was to collect funds

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rection, or supervision of, or as representatives of, any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"2. The extent to which its support, financial or otherwise, is derived from any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"3. The extent to which its funds, resources, or personnel are used to further or promote the objectives of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"4. The extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2."

[5] As alleged in the petition, this Board on Apr. 20, 1953, issued a report finding the Communist Party to be a Communist-action organization as defined by sec. 3(3) of the act and ordered it to register as such. This was affirmed on Dec. 23, 1954, by the U.S. Court of Appeals for the District of Columbia, *CPUSA* v. *SACB*, 223 F. 2d 531. On May 31, 1955, the Supreme Court granted certiorari, 349 U.S. 943.

[6] For convenience, Board Member Coddaire is referred to herein as the "Examiner."

[7] Respondent's exception to the allowance by the examiner of questions during the cross-examination of its witnesses which showed membership in organizations on the Attorney General's list of subversive organizations is without merit since no reliance was placed by the examiner on such showing, nor do we.

[8] As the findings hereinafter made show, respondent is a successor of the earlier organizations. However, we do not treat the activities or conduct of the predecessors as that of respondent.

[9] We discuss infra, pp. 10 and 11, our judgment that occurrences at Communist Party meetings are to be given their natural probative effect.

[10] Petitioner's witnesses Malkin, Kornfeder, and Denver were active in both the Communist Party and the predecessor organizations. Their testimony was corroborated by petitioner's witnesses Budenz and Lautner, who were high party functionaries. Although some of respondent's present or recent officers were named by petitioner's witnesses as actively involved in certain occurrences concerning the predecessor organizations, none of those named were called to rebut such testimony. Kingsbury and Melish, who were named as officers in the earlier organizations, appeared as witnesses but merely testified to holding such positions.

and other forms of aid ostensibly for relief from a severe famine in the Soviet Union. Over a period of a few years, the organization collected approximately $3½ million in cash, and approximately $2½ million in food and clothing. Only the relief supplies reached the Russian victims of the famine, not the money. The money was used for expansion and development of the Communist movement under the direction of the Communist International with some retained in the United States for use by the Communist Party here. An example of such use was to pay the salaries of some Communist Party officials by carrying them on the payroll of the "FSR" while they were working for the party. Kornfeder was one of the party officials paid in that manner. Another example was the use of part of the funds to help set up the Daily Worker.[11]

In 1929, again pursuant to orders from the Communist International, the name "Friends of the Soviet Russia" was changed to "Friends of the Soviet Union" ("FSU") because the former name was considered incorrect since the Soviet Union consisted of more than Russia and because the organization was becoming too notorious as a Communist group. The Communist International sent a representative to the United States to manage the reorganization, which was only one of many changes being made at that time in the Communist movement. Changes made in the leadership of the Communist Party were reflected in the "FSU." Lovestone, a party official, and his followers were removed from the Communist Party, and Lovestone followers in "FSU" were replaced by disciplined party members. Otherwise, there was little change among the officers of the organization and the basic nature and character remained as it had been.

On direction from Moscow one Marcel Shearer (Sherer) was appointed by the Communist Party to be secretary of Friends of the Soviet Union after his name had been suggested by the witness Kornfeder to the Anglo-American Secretariat of the Communist International in Moscow. Malkin continued as an organizer for the organization after the name was changed. In 1934 Malkin, who at the time was also a party organization secretary, was elected by the party group in Friends of the Soviet Union as a delegate to the latter's national convention. At the convention, there was a meeting of the party members in the Friends of the Soviet Union where orders from the party were given by Alexander Trachtenberg, Jack Stachel, and M. J. Olgin, all high party officials, as to methods of handling resolutions and nominations. Party members were ordered to vote as a unit to control the convention for the benefit of the party. The leadership of the convention was composed of members and functionaries of the party[12] and the hall was decorated with party slogans. The convention was conducted in strict compliance with orders from the party.

During the late 1930's, some of the functionaries of Friends of the Soviet Union attend and participated in plenums of the Communist Party National Committee where leading functionaries of the party from all over the country were called before the Central Committee for reports and instructions.

With respect to the purposes of the Friends of Soviet Russia, the witness Kornfeder described them as including, "to create favorable sentiment for the Soviet Government in the United States." (Tr. 705.) Kornfeder showed that the basic character remained the same after the name was changed to Friends of the Soviet Union. The witness Malkin stated that one of the functions of the "FSR" and "FSU" was to propagandize for the Soviet Union, which was done through the medium of a publication known as Soviet Russia Today,[13] pamphlets, mass meetings, and demonstrations. Speakers for affairs of the organization were obtained from the speakers bureau of the Communist Party, which provided party members or such nonmembers as were known to speak favorably of the Communist Party and the Soviet Union.

After 1929 a primary activity of the organization was its effort to secure recognition of the Soviet Government by the United States; the basic overall policy of the organization was to support and defend the Soviet Union. In 1931 the Communist Party stated in its official organ, the Communist, that "the Central Committee * * * calls upon every member of the Communist Party to regard as a task of first importance the struggle against the war danger and the fight for the defense of the Soviet Union. As an important means to develop the struggle for the defense of the Soviet Union is the building of the Friends of the Soviet Union into a mass organization, the Communist Party organizations must assist in the building of the FSU * * *." (Pet. ex. 55, emphasis in text.)

The first issue of Soviet Russia Today, the official organ of Friends of the Soviet Union, dated February 1932, stated in a message from the FSU National Committee that: "In these days of frantic preparations for a new international bloodbath, at a moment when the glib and vile diplomats of the leading imperialist powers are doing their damndest to camouflage their hideous plans for a new anti-Soviet invasion—and in this state of widespread despair, our magazine comes as a fearless voice to broadcast the whole truth, and thus join the course of timely warning to the masses of impending catastrophe, which can only be averted by the organized resistance of the millions, who are expected by the capitalists to balance international debts with their naked lives." (Pet. Ex. 43.)

Another article in the same issue included the following: "* * * we, the American FSU, will do our task again and energetically will build up our organization in support and defense of the Soviet Union." (Pet. Ex. 43, p. 12.)

Further evidence showing the purposes of Friends of the Soviet Union is contained in an article in the November 1935 issue of Soviet Russia Today dealing with the question, "Why an FSU in America?" in which it is stated that American "reactionaries * * * want to crush the fruits of the Russian revolution," that they "fear Soviet progress and hate it" but the Soviet Union should "be defended by all right-thinking people," and the FSU "welcomes all who for one reason or another are in sympathy with the Soviet Union and want to defend it." (Pet. Ex. 47.)

Friends of the Soviet Union had a number of branches throughout the country. One of these, in New York City, was known as the American Committee for Friendship With the Soviet Union. Petitioner's witness Denver was a member of this New York branch and testified that the executive director, Clifford Welch, was a member of the Communist Party assigned to work in the branch. Friends of the Soviet Union ceased to exist sometime in the late 1930's or early 1940 and the American Committee (New York branch) merged with and became a part of an organization known as the American Council on Soviet Relations, which had been established by the Communist Party in 1938 and which was denied to have a broader appeal than the Friends of the Soviet Union.[14]

Clifford Welch remained to serve as the executive secretary of the American council. All of the national officers of the American council in November 1941 were shown to be functionaries or members of the Communist Party. During 1941 the witness Denver was excused from most of his other Communist Party assignments to work in the American council in view of plans to put the organization on a mass basis.

The affairs of the American council were considered and discussed at Communist Party meetings. At one closed party meeting attended by the witness Denver, Clifford Welch, the party functionary serving as executive secretary of the American council, stated that the American Peace Mobilization and the American council would be mere hollow shells without the Communist Party and that the party "had to use these means to weld the people into a fighting unit so that they could wrest the power from the dying ruling classes." (Tr. 868.)

The witness Budenz showed that the American Council on Soviet Relations was set up by the Communist Party as a national organization with the function, among others, of sponsoring large meetings and demonstrations to spotlight the Soviet Union in a favorable way. The witness Denver showed that the periodic publication, Soviet Russia Today, continued and was an authoritative organ of the American council. He described the function of the American council as being to advance the pro-Soviet, pro-Communist line of the Communist Party by means of propagandizing throughout the United States a favorable impression of the activities of the Soviet Union, purportedly to improve American-Soviet relations.

Although the record does not show a precise time when the American Council on Soviet Relations may be said to have ceased to exist, the witness Budenz testified without contradiction that it ceased to exist when the National Council of American-Soviet Friendship was established and there is no evidence of its existence thereafter. As is found in the following section hereof, members of the American council took the initiative for a "congress" which, in effect, launched respondent, although its formal incorporation took place a few months after the "congress." As is also found later herein, a number of functionaries of the predecessor organization, who were also important in the Communist Party, became officials of respondent.[15]

There can be no question on this record that from 1921 until the formation and establishment of respondent the Communist Party had created and maintained the Friends of Soviet Russia, the Friends of the Soviet Union, and the American Council on Soviet Relations, which were directed and controlled by the party, and operated to aid and support party objectives concerning the defense and support of the Soviet Union. We proceed to make our findings with respect to the creation of respondent.

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[11] The record establishes without dispute that the Daily Worker was at the time and continues to be the official organ of the Communist Party.

[12] Among those present were Jessica Smith, later very important in respondent, and Corliss Lamont, who also became a dominant person in respondent.

[13] The testimony of petitioner's witnesses Lautner and Budenz, as well as the face of the publication, as shown by the issue for February 1932 petitioner's exhibit 43, established that Soviet Russia Today was the official organ of Friends of the Soviet Union.

[14] The Communist Party official organ, the Daily Worker, on July 23, 1938, reported that at a dinner conference on the preceding Thursday, the formation of an American Council on Soviet Relations was announced, and that Corliss Lamont, "head of the American Friends of the Soviet Union," reported to the conference on his recent trip to the Soviet Union. (Pet. Ex. 134.)

[15] Theodore Bayer, Corliss Lamont, and Jessica Smith are among the more important of such individuals.

Creation of respondent

There is no dispute that the respondent organization was first incorporated under the name National Council of American-Soviet Friendship, Inc., in New York State in February 1943. A number of respondent's exceptions are directed to the findings of the examiner concerning the creation of respondent and his conclusion that respondent was created and organized by the Communist Party.

Petitioner's witness Budenz established without contradiction a number of pertinent facts showing Communist Party plans and activities in connection with the creation of the National American-Soviet Friendship. Before setting forth our findings as to respondent's creation, we treat with respondent's contention to the effect that nothing that occurred at Communist Party meetings is "binding" upon respondent.

Although in neither its exceptions nor its oral argument did respondent elaborate on this, we discuss this problem from the basic aspect of whether such evidence may be considered in reaching our determination herein with respect to the ultimate issues under section 3(4) of the act and with respect to the criteria set forth in section 13(f) of the act.[16]

To state the problem seems to answer it.[17] The act itself makes such evidence relevant. For instance, the Board is directed in section 13(f)(1) to consider the relationship to a Communist-action organization (here the Communist Party) of individuals who are active in the management or supervision of a respondent organization. And in section 13(f)(4) the Board is directed to consider the extent to which positions taken and advanced by a respondent organization on matters of policy do not deviate from those of a Communist-action organization. Further, official action taken at Communist Party meetings, or other proper manifestation of official party action, may be indicative of the purpose on the part of the party to create (or dominate and control) an organization. When such evidence is combined, as it is on this record, with instances where party members were given specific assignments in the respondent organization which they performed, and instances where party members in the respondent organization reported to the party on their operations in the organization, the reasonableness of the inference becomes clear and if not rebutted by substantial evidence is probative of the issues herein.

The nature of the determinations to be made under the statute are such that were we to hold that occurrences at Communist Party meetings could not be given their natural probative effect, it might well effectively frustrate the application of the statute in cases such as this.

The witness, Budenz, testified as to occurrences at meetings of the Communist Party National Board or "Poliburo," which conducted the business of the party constantly, and of the larger national committee, which met normally about four times a year. Budenz was a member of the national committee from 1936 to about 1940 when he commenced functioning as the managing editor of the Daily Worker and, although not thereafter publicly known as a member of the national committee, continued to serve in the same capacity and attended all the national committee meetings, as well as many meetings of the Politburo.[18] While Budenz was managing editor, the Politburo supervisor of the Daily Worker was William Z. Foster, who was followed by Eugene Dennis and then, from about 1942 on, by Jack Stachel, who continued in that capacity until Budenz left the party.[19] The Politburo representative scrupulously supervised material printed in the Daily Worker and such representative or other members of the Politburo gave specific instructions—"almost daily orders"—having to do with what was printed in the Daily Worker. (Tr. 2098.)

Budenz was present and participated in the meetings about which he testified and his testimony included the substance of reports made at these meetings, as well as what was decided. This testimony was credited by the examiner and we find that there is no merit to respondent's contention that such testimony was not competent.[20] That testimony was uncontradicted. It was corroborated by other testimony.

Among the facts shown by Budenz are that the predecessor organizations, Friends of the Soviet Union and the American Council on Soviet Relations (supra), were frequently considered and discussed at Communist Party Politburo and national committee meetings at which Budenz learned that the Friends of the Soviet Union was not considered by the party as a mass organization and that the American Council on Soviet Relations was considered as a tentative organization. Budenz established that commencing around 1940 the party decided to form a broader organization.

The witness, Lautner, corroborated this. He showed that in the 1930's the problems of the "predecessors" of respondent were on the agenda for discussion at party meetings; that Friends of the Soviet Union was a narrow organziation; and, that in the early 1940's there was a change in the party's united front policy on the basis of which the requirements were for a broader type of organization in the field of Soviet relations. Further corroboration was given by the witness Denver who showed that Communist Party Functionary Clifford Welch, who was also an official of the American Council on Soviet Relations, informed him at the office of the American council that the organization would in all probability be put on a mass basis that would entail a considerable broadening of its scope and a great deal more activity.[21]

Certain aspects of the plans and arrangements made at the Communist Party leadership meetings attended by the witness Budenz are significant. The name National Council of American-Soviet Friendship was decided upon for the broadened mass organization. The broadened organization was to have chapters throughout the country under the responsibility of the Communist Party district organizers. An individual named Corliss Lamont was decided upon as chairman of the broadened organization, with Edwin S. Smith and Theodore Bayer to be officers.[22] The party further decided that there should be a big demonstration in New York City to launch the broadened organization, which demonstration would take the form of a salute to the Soviet Union as the then ally of the United States, and that Joseph E. Davies, U.S. Ambassador to Moscow, should be the principal speaker at the demonstration.

The fact is that each of the foregoing plans and arrangements decided upon by the Communist Party materialized. It is not disputed that a "Congress of American-Soviet Friendship" was held in New York City in November 1942, which culminated with a "Salute to Our Russian Ally" at Madison Square Garden; that Corliss Lamont was chairman thereof and Joseph E. Davies was honorary chairman; that Corliss Lamont was the first chairman of the National Council of American-Soviet Friendship, which was incorporated a few months following the "Salute to Our Russian Ally," and Edwin S. Smith and Theodore Bayer were on the first board of directors; and, that various chapters or branches of the national council were established throughout the country.

We believe that the facts found above as to party plans and arrangements, when coupled with the facts as to what actually transpired, raise a reasonable inference that respondent came into being as the result of Communist Party plans and activities. However, this is not the entire state of the record on the issue of respondent's creation, and the reasonableness of the examiner's conclusion is made clear by the findings now made from other evidence adduced on the point.

The facts of record concerning Communist Party orders and activities in the formation of chapters of respondent furnish important additional evidence on the issue. In this connection, a preliminary matter for consideration is respondent's contention that the "councils existing outside of New York were not branches of the national council but autonomous affiliates that cooperated with the national council." (Resp. Ex. 10, p. 6.)

We consider first the "Draft of Revised Bylaws of National Council of American-Soviet Friendship" dated October 1, 1946 (Resp. Ex. 110), a copy of which was put in evidence and relied on by the respondent. Article VI thereof provides for the "affiliation" of those "who are organized for the purpose of furthering the objects of the national council and for the purpose of promoting and assisting in the carrying out of its activities." Under the bylaws the national council renders to affiliates "such direction and assistance as may be advisable and practicable," including the services of the national office and its field staff. Also, each affiliate is represented in the national council "by not less than one member" selected by the board of directors of the national council.[23]

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[16] Sections 3(4) and 13(f) are quoted in their entirety supra pages 1 and 2, footnotes 3 and 4.

[17] Assuming, of course, that the occurrences at the party meetings are established by otherwise probative evidence.

[18] Budenz was managing editor of the Daily Worker until he left the Communist Party in October 1945. He also held other functionary positions from time to time in the party, including membership for brief periods in the National Trade Union Commission and membership on other commissions of the party.

[19] Each of these Politburo members, who supervised the Daily Worker, were among the most important leaders of the Communist Party.

[20] Similarly, other witnesses, who gave evidence as to occurrences at party meetings and as to positions taken by the party or activities carried on, testified on the basis of personal knowledge acquired as members or functionaries of the party. Examples of this are Fletcher's assignment by the party to establish chapters of respondent in the Northwest and Townsend's assignment as a party member to be secretary of the Los Angeles chapter.

[21] At that time Denver was first informed that his regular party assignment was to concentrate on the American Council on Soviet Relations and to discontinue other party assignments.

[22] It was at a Politburo meeting in 1942 that a report was presented by the party official in charge of cultural work recommending Lamont, Smith, and Bayer. According to Budenz, Bayer was present at this meeting. As set forth infra, Bayer has been an important officer of respondent. He was present at counsel table during the hearings herein but did not take the stand to refute Budenz. The Budenz testimony was credited by the examiner and is accepted by the Board.

Funds of affiliates must be devoted exclusively to the objectives of the national council and expended under the general direction of the national council, with due provision for payments to the national council in support of national programs. Moreover, the national council promulgates rules and regulations "governing the structure, activities and other matters pertaining to affiliates and issue[s] directions relative to the same"; such rules, regulations, and directives are binding upon the affiliates.[24]

Respondent's exhibit 24, a report of the director to members of the national council, dated March 7, 1945, states: "Local councils of American-Soviet Friendship have been established and are now functioning in 32 cities of the United States. * * * In general these councils carry on activities similar to those of the national council." (Pp. 17 and 18.) Respondent's exhibit 25, the annual report of the director to members of the council, dated April 10, 1946, presents details at pages 2 and 6 which indicate that the local councils are established under the aegis of the parent body and that they represent "the field," as New York was the center or principal office. By these exhibits, respondent's minutes, and the testimony of petitioner's witnesses, particularly Fox, Fletcher, Townsend, and Glatis, who were active in chapters, and by Dillon, who had contacts with the Chicago chapter, it is established that the affiliation is more than a fraternal cooperation, and that the chapters are branches of the national council.

Petitioner's witness Townsend, who was executive secretary of the Los Angeles council, showed that it was in daily contact by mail, telephone, or telegraph with the national council in New York City and that daily letters, which amounted to a series of instructions, were received from the national director. A percentage of the money collected by the Los Angeles council was submitted to the national council as were carbon copies of all correspondence and publicity, as well as reports summarizing its work. The witness stated the relationship between the Los Angeles council and the national council to be that Los Angeles was a branch of the national.

Petitioner's witness Dillon contacted the executive officer of the Chicago council at the council offices on a number of occasions in 1952 and 1953. She was informed by this executive officer that John Kingsbury, chairman of the national council, was "the chairman of our organization"[25] (tr. 1301). The minutes of a meeting of the board of directors of the Chicago council in September 1945 include Theodore Bayer among those present and reflect the acceptance by the Chicago council of a proposal made by Bayer on behalf of the national council.[26] This proposal concerned the establishment by the Chicago council of a regional organization in Illinois and adjacent States with the employment of a regional director whose salary was to be temporarily subsidized by the national council. Petitioner's witness Fox, who was chairman of the Chicago council in 1944 until late 1945, stated that Chicago "worked hand in glove" with the national (tr. 388); that for all intents and purposes it was a branch of the national council.

Fletcher, onetime chairman of the Seattle chapter, testified that funds received by the Seattle chapter were sent to the national office, and that the policies of the Seattle chapter were primarily directed from the headquarters office of the national council in New York. Glatis, who was a member of the executive committee of the Massachusetts council, stated that it was considered a branch of the national council.

Respondent's witness Burgess, a sponsor of the Chicago council and also a sponsor of the national council, testified that he had no knowledge of the relationship of the Chicago council to the national council and never attended any business meetings of the Chicago council. Respondent's witness Melish stated on cross-examination that the affiliates were "autonomous." Otherwise, respondent presented no testimony of any of its leaders as to the relationship between the so-called affiliates and the national council. We find that the affiliated councils are branches or chapters of respondent, and constitute an integral part of respondent.[27]

With respect to the formation and establishment of the chapters, the witness Budenz showed that subsequent to the party decision that local chapters of the projected national council would be set up throughout the country (supra, p. 13), there were party politburo meetings to discuss the details, and that after respondent had been incorporated, reports were made at politburo meetings on the progress in setting up chapters. Specific instances given included a meeting at which Morris Childs, party organizer for the Illinois district, was ordered to set up a chapter in his district and reported that he had already considered the matter and was going to put William Card in charge.[28] The record establishes that Card, a party member, in fact became the executive director of the Chicago chapter.

Another specific instance given was a Politburo meeting at which it was reported that a chapter had been established in Pittsburgh, and another in Seattle where it was further reported that Jess Fletcher was a factor in its creation. Jess Fletcher appeared as a witness for petitioner and showed that he was instrumental in setting up the Seattle chapter, as well as other chapters in the Northwest, pursuant to orders from the party. Fletcher, then a secret party member, was selected and assigned by the national headquarters of the party to be temporary chairman of the Seattle chapter and while occupying that position, frequently received instructions from the party regarding the chapter, including that the Communist character of the organization was to be kept concealed.

Petitioner's witness Townsend showed that in about May 1943, shortly after she had joined the Communist Party, she had a telephone call from the organization secretary of the Hollywood section of the party, who told her that a branch of the National Council of American-Soviet Friendship was to be formed at Los Angeles, that a director was being sent from New York to head it, and that Townsend had been selected to be the executive secretary. The witness at first declined the position but subsequently accepted upon the insistence of the chairman of the Hollywood section of the party.

Additional findings pertinent to the creation of respondent's chapters are made in the following section of this report under the heading "The Management Direction, or Supervision of Respondent," and have been taken into consideration on the issue of respondent's creation.

In addition to the inference raised from the fact that respondent at its inception conformed with the plans and arrangements previously made by the Communist Party, and to the party activities in connection with the formation of chapters of respondent, both as heretofore found, other evidence of record pertinent to the creation of respondent is furnished by the following facts.

According to a publication of respondent entitled "7 Years of the National Council of American-Soviet Friendship" (Pet. Ex. 94), members of the American Council on Soviet Relations took the initiative for the congress which preceded the formal incorporation of respondent.[29] As previously found, the American council was a party-controlled organization. Corliss Lamont, established on the record as a party functionary, was also a functionary of the American council and was chairman of the congress. On this record he appears to have been the most active person actually involved in respondent's formation. Respondent's witness Melish could name only Lamont when asked by the Examiner for the specific individuals involved in discussions which he testified he had at the time of the congress relative to a permanent organization.[30] Melish also testified that upon being invited to be an incorporator of the organization, he attended a number of meetings at Lamont's house. Respondent's witness Pope was asked by Corliss Lamont to be a sponsor and to appear and speak at the congress.

It was not disputed that the director of the congress was one Alice Barrows, who became executive secretary of respondent. Barrows was shown on the record as a functionary of the Communist Party. In the light of the evidentiary facts heretofore found, it is pertinent to consider as corroborative evidence concerning the creation of respondent that the witness Fletcher described respondent as "a revival in a new form of the Friends of the Soviet Union" (tr. 1389–1390); the witness Horvath described it as "one of the Communist Party's mass organizations" (tr. 1644); and that the witness Budenz described it as a "continuing process" of organizations known by other names of which respondent was the successor (Tr. 2331).[31]

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[23] This provision of the bylaws appears contrary to the statement made by respondent's counsel at oral argument to the effect that members of the affiliates had no part in the control or policies of the national council—no "participation." (Tr. 5301.)

[24] The early bylaws of the national council specifically stated that affiliated councils would be "autonomous" but this was eliminated under the 1946 revision in which various controls were set up over the local councils by the national headquarters.

[25] During these visits to the offices of the Chicago council, the witness saw correspondence on the desk of the executive officer with the return address of the national council, and on several occasions the executive officer mentioned that he had just seen Richard Morford (the executive director of the national council).

[26] As set forth in more detail infra, Theodore Bayer was a director and important person in the national council.

[27] Respondent's answer stated that at the present time no other organization is formally affiliated with it nor is it affiliated with any other organization. On the other hand, the record established that the Chicago chapter is still actively in existence and, in addition, that in 1953 at least, there were branches in Detroit, Boston, and other places.

[28] As found infra, Card was instrumental in petitioner's witness Fox becoming the chairman of the Chicago branch. Petitioner's witness Latimer attended a mass meeting for the purpose of setting up the Chicago chapter after having been told to attend by one of his superiors in the Communist Party.

[29] The complete sentence in this publication of respondent having to do with the congress reads, "The initiative for this congress was taken by members of the American Council on Soviet Relations, who were joined in calling for it by a much wider group." Respondent contends that the sentence should be read as though the word "some" was inserted before members, i.e., that the sense of the sentence is that the congress was not called by the American Council but only by some members of it who were joined by other outside persons in making the call. We believe that the proper interpretation is that the congress was initiated by members of the American Council on Soviet Relations as such.

[30] Melish also name an individual who he believed was from the Department of Agriculture in connection with his testimony concerning "personal conversations" which led to his taking an interest in the organization, but the testimony is not clear regarding that individual.

Respondent presented no substantial evidence to overcome the showing presented by petitioner as to its creation and organization. We have previously set forth what amounts to very meager testimony by its witness Melish concerning his information on the incorporation of respondent. Otherwise with respect to the creation, Melish testified on direct examination that he attended portions of the congress pursuant to an invitation or "call" which he received in the mail, but that he had no connection with the arrangements prior to the opening of the congress. On cross-examination he testified that he does not believe he took part in the program of the congress, that he was merely a spectator, and that he does not know who issued the "call." Kingsbury testified on this issue merely that he attended some of the sessions of the congress but had nothing to do with the calling of it. Pope participated in the congress and was listed on the program as a sponsor. His only other testimony in that respect was the previously set forth statement that he was asked to be a sponsor and to appear and speak at the congress by Corliss Lamont.

A copy of the "call" to the congress was put in evidence by respondent but does not show the specific originators. It contains a number of individuals listed as patrons and contains a message by Joseph E. Davies as honorary chairman praising the part played by the Soviet Union in the then World War in which Davies characterized the congress as the form for expressing tribute to the struggle of the Soviet people against the invader.

Respondent argued to the effect that Joseph Davies had a part in the calling of the conference, relying upon a statement in the "call" that Davies, former Ambassador to the Soviet Union, gave a reception in his home in honor of two Soviet officials at which reception he announced that a congress demonstrating American-Soviet friendship was to be held in the near future. Davies appeared as a rebuttal witness for petitioner and testified that the reception was not held to urge anyone into the "organization of Soviet Union friendship" (tr. 5074) nor did the reception have the primary purpose to attract support for the Congress. He testified that the statements in the "call" to the Congress were not a fair statement of his activities, that he was not the author of it, and that there was material in it with which he would disagree. Further, on cross-examination he stated that he did not approve "what might be in the background that I didn't know anything about" (tr. 5102). At the hearing it was stipulated between counsel that a reception was, in fact, held at the home of former Ambassador Davies in September 1942 at which an announcement was made of a forthcoming Congress of American-Soviet Friendship to be held in New York in November 1942, but no issue would be made by either party as to whether or not this announcement was made by Mr. Davies personally. It was further stipulated that in July of 1943 Mr. Davies agreed to be a sponsor of the National Council of American-Soviet Friendship. We find on the basis of the record that the connection of Davies with respondent was motivated by his efforts to propitiate the Soviet Union in the interest of the war effort; and that he had nothing to do with the organization or creation of respondent.

On the basis of the foregoing and of pertinent findings hereinafter made, particularly those concerning Communist Party members placed by the party in leadership and other positions in respondent, it is concluded that respondent was created by the Communist Party.

The management, direction, and supervision of respondent

Throughout respondent's existence its internal organizational structure has included a board of directors and various national officers, who were also members of the board. There was no dispute as to who are, or from time to time have been, directors and national officers of respondent.

The examiner found that to a significant and controlling extent the directors and officers were shown to be members of the Communist Party, including most of the individuals who are or have been particularly important and influential in respondent. Respondent contended that the evidence of party memberships was not competent and the findings were not supported by the record; that the findings of party memberships were not contemporaneous with the activities of the particular individuals in respondent; and, that mere membership in the Communist Party is not sufficient to satisfy the "requirements" of section 13(f)(1) of the statute that such persons be active in the management, direction, or supervision of, or as representatives of, a Communist-action organization.

We consider first the national officers of respondent for the most recent period of record. For the years 1951, 1952, and 1953, such officers have been: John Kingsbury, chairman; Richard Morford, executive director; Henry Pratt Fairchild, national secretary; and, Theodore Bayer, executive or administrative secretary.

Of these national officers, Bayer has been continuously influential in respondent, as well as in the Communist Party-controlled predecessor organizations of respondent whether holding office therein or not. Significantly, he was shown without contradiction to have been present at the meeting of the Communist Party Politburo in 1942 at which it was decided to broaden the American Council on Soviet Relations into the National Council of American-Soviet Friendship (respondent). Mutually corroborative evidence presented by petitioner's witnesses Budenz and Lautner established that since the incorporation of respondent, Bayer has been liaison officer, at party instance, between it and the Communist Party. He was shown to have been managing editor of Soviet Russia Today (succeeded in the early 1950's by New World Review) in 1936, to have occupied a position with the publication in the late 1940's, and to have written articles published therein in 1950 and 1952.[32] Petitioner's witness Clontz, while present on assignment by the Communist Party at an important affair given by respondent in 1951, was told by the national secretary, Fairchild, that Bayer's word was law in respondent. Petitioner's witnesses Kornfeder, Denver, Lautner, Budenz, and Clontz gave evidence showing Theodore Bayer as an important member of the Communist Party, and we so find. Bayer was present at the counsel table throughout the hearing herein but did not take the witness stand to deny or contradict the evidence concerning him.

Richard Morford, the executive director, has held that position since 1946 and has been in charge of respondent's day-to-day activities.[33] He is quite active as a speaker and writer on behalf of respondent and acts as treasurer, in addition to functioning as executive director. Budenz gave evidence showing Morford to have been a member of the Communist Party in 1943 or 1944, and Clontz was told by a party functionary in 1951 that he need not worry about the party loyalty of Morford. He was present at the counsel table during the hearing but, like Bayer, did not take the witness stand. We find that Morford is a member of the Communist Party.

Henry Pratt Fairchild has been a director of respondent since 1944 and national secretary since 1946. He acted as chairman during the periods in 1950 and 1951 when Kingsbury was out of the country. The evidence presented by Budenz and Clontz established Fairchild as an active functionary of the Communist Party, and no evidence was presented by respondent in contradiction.[34] He has been active as a speaker and in presiding or moderating at affairs given by respondent.

John Kingsbury, the national chairman of respondent, was at one time titular head of the Communist Party-controlled American Council on Soviet Relations. The other officers he recalled therein were Thomas L. Harris, Mary Van Kleeck, Corliss Lamont, and George Marshall, all of whom became officials in respondent. All but Harris were shown to be members of the Communist Party. Kingsbury became chairman of respondent at the request of Mary Van Kleeck (a party member). He has little to do with the actual work or daily activities of respondent. His principal activities in respondent have been speaking and writing in support of the Soviet Union and Red China. Testimony given by Budenz tended to show that Kingsbury is a member of the Communist Party. Kingsbury testified that he is not and has not been a party member. It is of little moment whether he is an actual, formal member of the party insofar as the issues here involved are concerned since Kingsbury's partisanship in relation to communism and his activities in concert with party members and functionaries, as shown by the record, including his own testimony and that of Budenz, are entirely consistent with party domination and control of respondent and the primary operation of respondent to aid and support the party.[35]

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[31] We have considered respondent's contention that these statements were "conclusory allegations" of witnesses who were not members of respondent. However, the record shows that the witness Fletcher helped establish chapters of respondent in the Northwest and was chairman of the Seattle chapter from 1943 to 1946, and that the witness Horvath, although not a member of the national council, supported its activities as a member of the Communist Party. We have set forth supra the basis of Budenz' knowledge. Accordingly, although these statements might not be determinative standing alone, they are entitled to consideration as corroborative evidence.

[32] Soviet Russia Today commenced as the official organ of Friends of the Soviet Union. See supra, p. 7. It and its successor (New World Review) have a continuous record of over 22 years of uninterrupted publication and admittedly have operated in respondent's interest and are used as educational media by respondent. The publications have received recognition by the Communist Party official organ, the Daily Worker.

[33] Respondent's witness Spofford, considered in more detail infra, testified that he received a telephone call from Melish regarding the post of executive director and suggested Morford. Cross examination brought out that the vacancy was also discussed by Spofford with Corliss Lamont, the party functionary who was quite active in the creation of respondent and an important official of respondent until 1950.

[34] Although Fairchild is also a current officer of respondent, he did not appear to testify and there was no showing he was not available. Kingsbury, in effect a figurehead, was the only current officer presented as a witness by respondent.

In addition to the four national officers covered above, who were members of the board, and the board of directors for the most recent year of record, 1953, consisted of 25 other individuals, 12 of whom were shown by uncontradicted evidence to be members of the Communist Party; and another, respondent's witness Melish, like Kingsbury, is closely allied with party activities. Four of those identified as party members have been on respondent's board of directors since respondent was incorporated in 1943 or shortly thereafter. These are B. Z. Goldberg, George Marshall, Joseph Selly, and Jessica Smith.

Goldberg was shown to be a trusted "old timer" in the Communist Party. Marshall, in addition to membership in the party, was shown to have been treasurer of the American Council on Soviet Relations and, later, at one time, treasurer of respondent. Selly was shown to have been an active party member who was given special assignments by the party from time to time. Jessica Smith was also shown to be longtime member and functionary in the party, as well as in the party-controlled Friends of the Soviet Union. She has been continuously the editor of Soviet Russia Today and its successor New World Review for years.[36] Her many writings and speeches on behalf of respondent and its activities, as well as participation in its important affairs, clearly indicate her important function in respondent.

With regard to Melish, previously referred to as close to the party, he has been a director continuously since the incorporation of respondent and was chairman in 1946–48. The testimony of Budenz and of Melish, himself, shows a continuing, cooperative relationship with party activities on the part of Melish and at least some predisposition toward communism.[37] Based upon the Budenz testimony and upon the entire testimony of Melish, we conclude that the relationship of Melish with respondent in no way mitigates against and, in fact, is and has been compatible with Communist Party domination of respondent and primary operation by the latter to aid and support the party.

The testimony of Melish was lengthy and is such that it must be read in its entirety to get the full effect; this having been done, the conclusion we reach on Melish is inescapable. (See also Resp. Ex. 9.) [38] In this connection we concur with the examiner's assessment of Melish's manner of testifying in relation to his reliability (Rec. Dec., p. 22, ll. 22–31), and we find that the declination of the examiner to credit Melish's testimony in explanation or denial of connection with party activities was justified (id).

The testimony of respondent's witnesses Kingsbury, Melish, and Spofford to the effect that no one on respondent's board of directors was known by them to be a member of the Communist Party is hardly credible when the entire testimony of each of these witnesses is considered. In any event, the evidence is convincing that Communist Party members constitute not only a significant majority of respondent's present national leadership, but also that, of the present leadership, those who are members of the Communist Party are the most active and important.

We turn now to the chapters of respondent. The record is not complete as to the leadership thereof. What evidence there is, however, indicates further the dominance and importance of Communist Party members in the direction, supervision, and control of respondent. John Rossen, the executive director of the Chicago chapter (at least as late as 1953), appears to be the important officer there. He was shown also to be an important member of the Communist Party with activities which included membership on the Communist Party City of St. Louis Central Committee, membership on the Missouri State board of the party, and party organizer in southern Illinois. In 1941 and 1947 he ran for State elective offices on the Communist Party ticket. William Card, shown to have been a party member, was executive director and otherwise active in the Chicago chapter in 1944 and 1945, to the knowledge of petitioner's witness Fox. As found supra, the Communist Party district organizer for the Illinois district reported to the party Politburo that he had selected Card to be in charge of setting up a chapter of the national council in Chicago. Card was instrumental in getting Fox to become chairman of the chapter in 1944. [39] Charles Coyle, the treasurer of the chapter while Fox was chairman, was shown to have been a party member.

Petitioner's witness Townsend, a party member, upon orders of the Communist Party became secretary in 1943 of the then newly formed chapter of respondent in Los Angeles, Calif. She reported regularly to the party concerning the activities of the chapter and established that the chapter activities were directed by the party. Petitioner's witness Fletcher, a party functionary, was assigned by the party to be chairman of respondent's Seattle chapter and held that position from 1943 to 1946. He frequently received instructions concerning respondent from the party. He showed that the Communist party district organization controlled the chapter, staffed it, and handled its finances. Petitioner's witness Glatis, a party member, was on the executive committee of respondent's chapter in Massachusetts in 1949–50. He showed that all of the chapter executive committee members were members of the party. One of these, Dirk Struick, was also on respondent's national board of directors in 1953.

Reverting to the board of directors of respondent, including those serving as officers, the recommended decision contained a tabulation compiled by the examiner showing the number of directors for each year since respondent's incorporation in 1943 through 1953, and the number of those shown to have belonged to the Communist Party. We have made an independent review of the record and are except as noted in agreement with the figures compiled by the examiner.[40] The total number of the board has varied between 25 and 36, of which the number shown to have belonged to the Communist Party ranged from 15 to 20. In 1947, 16 of the 36 directors were shown to have been Communist Party members. For each of the other years, one-half or more of the directors were shown to have been Communist Party members. Those individuals who were identified as party members and the periods of their activity as directors of respondent are set forth in appendix B, attached hereto and made a part hereof, together with the names of petitioner's witnesses who gave evidence establishing the party affiliation.

The fact that there has been a continuous predominance of Communist Party members on respondent's board of directors is significant and indicates that the present high number of party members on the board is not accidental, particularly since the party created respondent as a broadened form of previously existing party-controlled organizations.

It is also significant that, as the record shows, most of the individuals who have been particularly important in respondent since its incorporation were shown to have been party members, and a number of such individuals were active in the previously existing party-controlled organizations. In December 1949, Kingsbury, at a rally held by respondent, singled out Theodore Bayer, Richard Morford, Corliss Lamont, and William Melish for praise of their courageous leadership to respondent. (Resp. Ex. 71.) Bayer and Morford are two of the four present national officers, and Melish a present director, as found supra.

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[35] Kingsbury has made three visits to the Soviet Union, the last two in 1950 and 1951, and in 1951 he also visited Red China. He received receptions in both the Soviet Union and Red China. Kingsbury admitted that if he knew there were Communists on the staff of respondents, he would not have them removed. His testimony as a whole indicated a disingenuous manner of testifying regarding the Communist Party. See app. A regarding his activities.

[36] See footnote 32.

[37] Melish appeared as a witness for respondent and testified that he is not and has not been a party member. There is no merit to respondent's contention that Budenz' testimony was not credited by the examiner in some respects, and, in addition, was contradicted "by a great many witnesses" of respondent and, therefore, should not be credited in any respect. This report discusses, where warranted, conflicts in testimony including that of Budenz. While portions of Budenz' testimony were discarded and not reduced to findings, this is not to say Budenz was discredited as a witness. It is common to make findings on some or most of what a witness says but not necessarily all. (*Pandolfo* v. *Acheson,* 202 F. 2d 38 (C.A. 2, 1953).)

[38] It was while chairman of respondent that Melish was also on the board and curriculum committee of the Jefferson School of Social Science. (See app. B.) This school avowedly partisanly teaches Marxism-Leninism, i.e., communism. It is noted that in June 1955 this board ordered the Jefferson School to register as a Communist-front organization. Melish admitted that when he went on the board, he was told by the School's director that Communists, as well as non-Communists, served thereon. He indicated he had no interest in pursuing the matter and there is no indication that he severed his relationship due to disagreement with the school's policies, functions, or otherwise. To illustrate but a few other instances of cooperative relationship with the party on the part of Melish, he has written articles for the party's official organ (the Daily Worker) and has expressed to the Worker that he thought it was doing a good job; he wrote two book reviews in a "friendly fashion" on a pro-Communist book by Earl Browder when Browder was the leader of the Communist Party (then called the Communist Political Association); he frequently is active in enterprises engaged in by the party and its functionaries; he does not believe that the party advocates force and violence to achieve its political aims (he stated this was based on what he read in newspapers but could name only the Daily Worker which reflected that position); it is his view from association with party members that it is the party's purpose to bring about change in our Government by constitutional means; that, if heavy emphasis is placed upon "economic interpretation of democratic principles," Communists are "prodemocratic" (tr. 3276); notwithstanding his conversance with world affairs, he stated an inability to answer whether he considered the Government of the Soviet Union to be totalitarian in nature; and, in terms of "an extension of democracy on the basis of the greater participation of labor," he would describe the Communist governments of the world today as "progressive." (Tr. 3285.)

[39] Fox resigned in 1945 because he believed the attitude of respondent was contrary to an understanding, arrived at when he accepted the chairmanship, that respondent would disseminate only factual information about the Soviet Union without controversial discussion or approval of any political methods of the Soviet Union.

[40] Krzycki and Melish have not been included in our tabulation (app. B).

Lamont, as previously found, was the party functionary selected by the party as the first chairman of respondent, having previously been an officer of Friends of the Soviet Union and, later, chairman of the American Council on Soviet Relations. He has been quoted and referred to with approval in the Daily Worker, particularly in respect to favorable positions he has expressed on the Soviet Union. He was a writer for Soviet Russia Today, supra, and a member of its editorial board. Lamont appeared extensively in respondent's activities from the preliminary meeting of the incorporators, which was held in his home, until he ceased membership on the board of directors in 1949. He did not testify in this proceeding.

In addition to the leader's singled out by Kingsbury, as set forth above, we have previously mentioned Jessica Smith, another carryover from the predecessor organizations. Also worthy of note in connection with the Communist Party membership of respondent's board in past years is Edwin S. Smith, onetime member of the Federal Government National Labor Relations Board, who, the evidence shows, was selected for a position of leadership in respondent by the party because of his contacts with Government.

The instances of record where anyone carrying out significant activity in respondent was not identified as a member of the Communist Party or closely associated with the party are few and pale into insignificance in the total picture. Perry and Pope, onetime officers, and Spofford, a current director, who appeared as witnesses for respondent and testified that they are not members of the party, had no evident significant influence in the activities or operations of respondent.[41] Respondent's witness Epstein, who also testified that she is not a member of the Communist Party, first became a member of the board of directors after the filing of the petition herein and her activities of record have been primarily with respondent's committee of women. With respect to this committee, the record shows that Jessica Smith was an important member, and the chairman until her death in 1952 was Muriel Draper, both established as members of the Communist Party.

We come now to the consideration of the contentions made by respondent regarding the matter of party membership as involved herein,[42] treating first with the argument that membership in the party of various individuals is not sufficient under section 13(f)(1) of the act, which refers in pertinent part to persons active in the management, direction, or supervision of, or as representatives of, a Communist-action organization.

It is pertinent to consider that, as the record shows, the Communist Party maintains strict discipline over its members both as to party policies and the way in which each member pursues and carries them out.[43] Also, evidence presented by Budenz, Clontz, and Lautner established that every party member is a representative of the party when he joins or is assigned to another organization, and that it is party policy to control organizations through party members or functionaries in positions of leadership and influence in the organization.

The fact that the party planned and created respondent, including the chapters, as a broadened form of a previously existing party-controlled organization, when coupled with the facts that Corliss Lamont was selected by the party and became first chairman of respondent and Theodore Bayer and Jessica Smith, who, like Lamont, were important in the predecessor organizations, became important officers in respondent, gives rise, in the absence of countervailing circumstances, to an inference of intent and purpose to maintain dominancy over respondent through party members. This is further borne out by the high incidence of party members in influential positions in respondent. This purpose becomes established, in our opinion, by considering additionally the findings heretofore made and the complete identity of the positions taken and advanced by respondent with those of the Communist Party, which is the subject of our findings in a subsequent section of this report. Moreover, as found supra, many of the individuals who are and have been of prime importance in respondent are more than mere rank and file party members.

Accordingly, we conclude that party members functioning in respondent are doing so in the capacity of party representatives.[44]

The next of respondent's contentions to be considered is that the membership in the party of various individuals was not shown to be contemporaneous with the activities of the individuals in respondent. Membership in the Communist Party, if established with reasonable proximity under the circumstances, is presumed to continue until or unless the contrary has been shown or a different presumption raised. No evidence at all was brought forward by respondent to overcome the presumption of continuance of membership with respect to any of the individuals found to be members. Further, a number of respondent's leaders were selected for such positions by the Communist Party, or, stated differently, their activity in respondent was party activity. We believe that reasonable evaluation of the record in the light of all the circumstances requires the finding that those who were shown as members of the Communist Party have continued to be party members.

Upon the findings heretofore made and upon the entire record, we find that the active and effective leadership of respondent is carried out by functionaries and representatives of the Communist Party. Next comes the issue of Communist Party aid and support of respondent in addition to the aid and support flowing from the fact that the party created respondent and the management personnel was provided by the party.

Communist Party aid and support of respondent

It is pertinent to consider the evidence on party aid and support of respondent in the light of the evidence related to party aid and support of the predecessor organizations, as well as in the light of the purposes and objectives of respondent as they appear in the record. Our findings as to the purposes and objectives of respondent are made in a subsequent section of this report. We are of the opinion that the evidence of party aid and support shows types of aid and support which fit, or would reasonably apply to, the nature of respondent's purposes and objectives.

With respect to the party-controlled predecessor organizations, we find party aid and support from instances such as now set forth, all based upon credible and uncontroverted testimony of petitioner's witnesses.[45] The Communist Party supplied money for various activities of Friends for Soviet Russia, including the campaign in the 1920's for recognition of Russia by the United States. The party aided and assisted the American Committee for Friendship With the Soviet Union and the American Council on Soviet Relations by such methods as distributing literature put out by the organizations, announcing activities of the organizations in the party press and at party meetings, and giving favorable publicity to the organizations and their activities in the party official organs. The party also actively participated in arranging rallies and public meetings to be held by the organizations and aided in conducting such meetings. At a Communist Party meeting attended by the witness Denver, following a meeting of the American Council on Soviet Relations held in Madison Square Garden in New York in 1941, for which arrangements had been made by the Communist Party, the party membership was criticized for failing to attend the rally in sufficient numbers.

The record shows that after the incorporation of respondent a similar pattern of Communist Party aid and support was continued. Before setting forth illustrative instances of such aid and support, it is relevant to note that the witness Budenz established that at meetings of the Communist Party Politburo, both before and after the incorporation of respondent, there were discussions of respondent's finances, and plans made to help respondent by such endeavors as requiring party members to attend respondent's mass meetings and to cooperate in raising funds for respondent. The Politburo put into the hands of one Robert Weiner, a party member active in the financial affairs of the party, the matter of respondent's finances. He reported back to the Politburo with reference to this activity in connection with respondent. The Politburo also discussed publicizing respondent in the Daily Worker.

Budenz showed that it was party policy that the party as a whole support the organization of chapters of respondent and of respondent as a national entity. He showed further that he was directed as managing editor of the Daily Worker to publicize rallies held by respondent so there would be a big attendance and that, in addition, directives came to his branch of the Communist Party from the State Committee to work toward a large attendance of party members and other people at respondent's rallies. Documentary material of record, as well as the testimony of the witness Budenz, shows that the Communist Party official organ, the Daily Worker, did, in fact, publicize and support respondent, as well as publicize rallies and meetings held by respondent. Another example of party support established by the Witness Budenz was that about 1943, the Politburo assigned one Harriet Lucy Moore to cooperate with Jessica Smith as a sort of consultant on the broadening of the council and publicizing it.[46]

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[41] Accordingly, we see no occasion to weigh the testimony in relation to party membership on their part. See footnote 37.

[42] For the reasons set forth supra at page 12 and footnote 20, there is no merit to respondent's contentions that the evidence of party membership was not competent and the findings not supported by the evidence.

[43] Budenz showed that the local party member is responsible to the branch organizer, who in turn is responsible to the section organizer, who is responsible to the district organizer. The last is responsible to the Politburo. Lautner verified this, and established that the party also maintains a review or control commission with responsibility for the discipline of party members.

[44] The ultimate consideration, of course, is whether the proofs meet the definition of a Communist-front organization (sec. 3(4)). Sec. 13(f) contains relevant considerations which are not exclusive. See infra, p. 52, under the heading "Discussion of Law."

[45] For the reasons given in the earlier section hereof under the heading "Predecessor Organizations," respondent's exception to the examiner's findings regarding party aid and support of the predecessor organizations is without merit.

Corroborative testimony was given by the witness Lautner, among others, who testified that the national council held meetings and rallies, in which it was assisted by the Communist Party, which publicized the affairs and provided members who served as ushers and in various other capacities.

The witness Horvath testified that the party assisted the national council in carrying out its activities; that party members were under instructions from the party to support such activities; that whenever the national council was to hold a meeting or rally, announcement to that effect was made at party meetings and party members were urged to attend; and, that tickets for these affairs were sold at party meetings. Horvath also testified that party members were given direct assignments to distribute respondent's literature advertising its rallies and meetings and were urged to attend such rallies and meetings. An official of the Communist Party club to which Horvath belonged was also a member of the national council and brought with her to party meetings national council literature which was circulated and sold. Horvath also testified that publications of the national council were sold by the party through its bookshop, as well as at party meetings, and were distributed through other channels of the party.

The Witness Fletcher showed that the Seattle chapter of the national council was supported by the Communist Party which, among other things, procured literature from the offices of the national council and mailed it to persons on the party mailing lists.[47] Literature of respondent was sold at public and private meetings of the party there. Fletcher was criticized by the Communist Party bureau in Seattle for not raising sufficient funds for the national council; and the party provided money to start the local council.

The witness Townsend, who became secretary of the Los Angeles branch of the national council on instructions from her superior in the party, showed that the Los Angeles branch of the Communist Party gave orders to all its members to attend the functions of the council, sold tickets for its affairs, and supported its work in any way they could. The affairs of the Los Angeles chapter were publicized by the Communist Party press. At one of the affairs of the chapter, the party provided the stage director and music.

The witness Glatis attended a congress of the national council early in December of 1949 on instructions of the party, and attended a showing of the Soviet cartoon "The Magic Horse," which was presented under the auspices of the Massachusetts Council, on instructions from Elizabeth Moos, an active party member in the Massachusetts Council. The witness Clontz likewise attended meetings of the council on instructions from the Communist Party.

The showings of party aid and support as indicated by the findings made above were not specifically denied or controverted by any evidence presented by respondent. Its witness Melish testified that, to his knowledge, respondent had received no contributions from the Communist Party from 1943 until the time of the hearing herein. Such is the substance of respondent's rebuttal on the issue of party aid and support.

We have considered respondent's contentions that discussions of aid which took place at party meetings are not binding on respondent; that the fact that party members attended affairs of respondent is not relevant to domination and control, even at the suggestion of the party; and, that there is no significance to the fact that respondent was publicized in and supported by the Daily Worker.[48] We cannot agree. When viewed in the context of the entire record, including as it does the fact that the party created respondent, and the fact that respondent's active leadership consists of party functionaries, we are of the opinion that the instances and types of aid and support indicated by the findings heretofore made are probative of the ultimate issue herein.

Respondent's policies and activities

We come now to consideration of the evidence concerning the purposes and objectives for which respondent is operated and the positions which respondent has taken and advanced.[49]

The majority of the activities which respondent has carried out and the positions which it has taken and advanced center around the Soviet Union. The issues are whether such activities and positions reflect Communist Party domination and are for the primary purpose of giving aid and support to the party, the Soviet Union, or the world Communist movement, or whether they are independently taken and carried out as respondent asserts, to promote friendship, understanding, and cooperation between the Soviet Union and the United States, and in the interest of peace.

The examiner, in his recommended decision, took official notice that the Soviet Union is a Communist foreign government as that term is used in the statute. Respondent did not take specific exception thereto nor did it offer rebuttal. We likewise take such notice. The examiner likewise noticed that on December 23, 1954, the U.S. Court of Appeals for the District of Columbia affirmed a determination by this Board that the Communist Party is a Communist-action organization in that it operates primarily to advance the objectives of the world Communist movement under the hegemony of the Soviet Union (*Communist Party* v. *Subversive Activities Control Board*, 223 F. 2d 531).

The record in this proceeding evidences a clear purpose and objective of the Communist Party to support and defend the Soviet Union under any and all circumstances. Such evidence was not controverted and may be chronologically summarized as set forth in the following paragraphs.[50]

As early as 1929, the party advanced the position that the revolution in Russia in 1917 whereby the Communists took over power was of vital interest to the American workers; that such revolution "is our revolution, bone of our bone and flesh of our flesh." The party further declared that "Soviet power * * * is the representative of the entire world's working class * * * the fortress, the stronghold of the whole working class * * * the proletarian fatherland," and called on the American workers to "prepare themselves for their own special role in the next great battles now looming before us." (Pet. Ex. 54, p. 547.)

In 1931, the party called on each member to regard as a task of first importance "the fight for the defense of the Soviet Union." (Pet. Ex. 55.) In 1937, the party told the Central Committee of the Communist Party and Comrade Stalin that the American Communists "are proud to be associated with you in the same world movement" and that the Soviet Union "is the living guarantee of the socialist liberation of the world." (Pet. Ex. 130.)

Significantly, Communist Party functionary Theodore Bayer presently an important national officer of respondent, wrote in the party official organ in 1937, that the Russian revolution was "a sudden realization of a dream—a long cherished dream—workers in power in a great state." (Pet. Ex. 130.) And in 1938 the Daily Worker contained a dispatch from Corliss Lamont, the party member who was selected by the party to serve as first chairman of respondent (see supra (pp. 13 and 26), which was sent from Leningrad and stated that "In my opinion the Soviet Union is pretty close to invincible. Any foreign government that launches an attack on this nation is crazy. * * * The Soviet Union carries within it the most precious hopes of humanity * * * socialism has at last come to stay in the world." (Pet. Ex. 132.)

When England and Germany were at war in 1940, the Communist Party accused the United States of seeking to convert what it called the "imperialist war" into a "counter-revolutionary war" against the Soviet Union. (Pet. Ex. 139.) After the German attack on the Soviet Union, however, the party position changed to one of urging U.S. participation in behalf of the Soviet Union. Corliss Lamont was reported in the Daily Worker as a spokesman in that respect. (Pet. Ex. 135.)

Following World War II, the party policy again became one of advocating unity of the working people, the "proletarian international brotherhood" (Pet. Ex. 120), behind the Soviet Union and against American imperialism and the "capitalist class." (Pet. Ex. 199.) Illustrative of a party statement of its position as of April 1953, was an article appearing in the party official theoretical organ, Political Affairs, which was written by party Chairman William Z. Foster. Germane excerpts are as follows:

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[46] Respondent's witness Melish testified that to his knowledge Moore was never on the staff of the national council and never held any position therein. We do not agree, however, that as contended by respondent this shows that Moore never performed the consulting work testified to by Budenz. The fact that Moore was assigned by the party to consult with Jessica Smith on matters involving respondent has some relevancy as a part of the entire picture of party aid and support of respondent.

[47] As indicated by the findings supra, the record shows that the national committee of the party ordered party officials in the northwest bureau to organize a chapter of the national council in Seattle. The party provided $1,000 for that purpose.

[48] See supra footnote 11 and pages 11 and 12 regarding the nature of the Daily Worker—only matters are published therein which conform with party policies and projects.

[49] This section includes our findings pertaining to considerations set forth in section 13(f) (3) and (4) of the statute. In this connection, we, like the examiner, are not concerned with the merit or objective validity of the positions taken by respondent. The positions taken are considered only as they may be probative of the issue whether respondent is a Communist-front organization as defined.

[50] We disagree with respondent's contention that this evidence is irrelevant. The evidence shows a clear and continuous purpose and objective of the party over many years. It is both relevant and material to consider respondent's activities and positions in relation to Communist party objectives. Cf. *Communist Party* v. *Subversive Activities Control Board*, 223 F. 2d 531. This is particularly true when the record shows, as it does, that respondent was created by the party and is staffed primarily by active party functionaries and representatives. The definition of a Communist-front organization (sec. 3(4)) makes relevant the relationship, if any, between the party and respondent, as well as the purpose of such relationship.

"The Soviet Union is in no sense a source of war danger. * * * The present center of war danger is not in the U.S.S.R., but right here in the United States * * *" (pp. 22–23).

"The capitalist class * * * suffers from a basic and chronic underestimation of the power of the revolutionary Socialist movement. Capitalism cannot possibly objectively recognize the strength and inevitability of socialism" (p. 24).

"Under the leadership of the great Communist Party of the Soviet Union, * * * the perspective of the Soviet people is for a rapid march forward into communism. * * * A swift advance toward and into socialism is also the perspective of the peoples of China and of the European People's Democracies. All the organized warmad powers of capitalism cannot halt the historic advances of the peoples, and if capitalism dares to try to do this, arms in hand, it will surely bring about its own destruction" (Pet. Ex. 100, p. 25).

Evidence such as the foregoing, and other evidence of record including that showing various party positions in matters involving the Soviet Union as hereinafter set forth, leave no question that the Communist Party has a policy to support and defend the Soviet Union under any and all circumstances.

Prior to the incorporation of respondent, many of the party aims and objectives in connection with its policy regarding the Soviet Union were aided through the party-controlled organizations which, as previously found, were the predecessors of respondent. By way of example, the recognition of the Soviet Union by the United States was, as discussed supra, an important party objective before 1933 and was assigned by the party as a function of the Friends of Soviet Russia and the Friends of the Soviet Union. In that connection, Theodore Bayer (the party functionary now quite important in the leadership of respondent) wrote in the party official organ for November 7, 1937, that: "The work of Friends of the Soviet Union was twofold: Firstly, to interpret the various stages of the building of socialism in the Soviet Union, the popularization of the Soviet peace policy, and the Soviet struggle against Fascist aggressors; secondly, the organization of the masses around the demand for the recognition of the Soviet Union by the American Government" (Pet. Ex. 130).

Another example of the activities of the predecessor organizations in furthering party objectives concerning the Soviet Union was illustrated by the evidence regarding the change in positions after Germany attacked the Soviet Union in the early stages of World War II, some of which evidence has been set forth supra. While Great Britain was at war with Germany, the Communist Party characterized it as an imperialist war and the predecessor organization, American Council on Soviet Relations, sought to discourage U.S. assistance to Great Britain. This objective changed abruptly, however, when Germany attacked the Soviet Union; the American Council then, like the party, urged and supported U.S. aid to Great Britain and the Soviet Union and cooperation between those countries.

We turn now to consideration of the purposes and objectives of respondent, with particular reference to the relationship with the policies and aims of the Communist Party and against the background of the use by the party of the predecessor organizations to further and aid the party objectives. At the 1940 National Convention of the Communist Party, a high official pointed out the importance for the party to "teach the masses in this country * * * that their true and basic interests lie in following the example of the Soviet Union," that such was a function of the American Council on Soviet Relations and it was very essential that the American Council be stimulated and organized on the proper basis, which the party should proceed with in "the Bolshevik's feeling that Stalin had recommended to them in his work 'The Mastery on Bolshevism'" (Tr. 2339–2340).

As previously found, plans were developed by the party politburo in 1941 to enlarge the scope of the American Council on Soviet Relations, which was accomplished when the organization became the National Council of American-Soviet Friendship, respondent herein. Respondent was incorporated during the period of World War II. The witness Budenz showed that the Communist Party at the time was very anxious to have a second front opened in Europe and activities in that connection were assigned by the party to the national council. The record shows that respondent did, in fact, propagandize for a second front. The witness Fletcher showed that the most important topics at meetings of the northwest bureau of the Communist Party in early 1943 were activities in support of the war effort of the Soviet Union. At one of the meetings, a top party official for the area stated the party bureau was instructed to support the national council, which was being set up to support the Red army in its fight against Hitler. The party official also stated at this meeting that it was necessary to mobilize the national council in order to educate the American people to support the Soviet Union.

The witness Lautner gave corroborative testimony as to the purpose of respondent. Based on knowledge acquired as a high functionary in the party, including items on the agenda at meetings of the party organization commission, Lautner testified that the national council propagandized for the Soviet Union by acquainting whomever they could reach of Soviet Union positions on issues and putting the Soviet Union in a favorable light on those positions.

The witness Horvath testified that the national council was known in the party as a party mass organization to carry on pro-Soviet propaganda. The witness Clontz was told by his party instructor that the purpose of the national council was: "To try to find a theme on which they could attract people into a movement and to tell them about the superiority of the Soviet Union, and to interest people in the Communist movement, that from the membership in the council you would find potential party members." (Tr. 2056–2057.)

As found supra, witness Townsend was selected by the party and became secretary of the Los Angeles chapter when that chapter was formed in 1943. She was selected because she was new in the party and not well known in the community as a party member, therefore she could influence a broader section of the community than would have been influenced by a known party member. Similarly, the witness Fletcher, who was a high official in a labor union and prominent in the Democratic Party while a secret member of the Communist Party, was instructed by the party to use his standing in the community to attract prominent people into the national council. Both Townsend and Fletcher gave specific examples of instances where prominent people were, in fact, brought into support of the national council or its activities, including business and professional people whose names were used as sponsors of the organization.

As previously found, Joseph E. Davies was given a prominent part in the Congress which preceded the incorporation of respondent. Subsequently, his name was exploited as a sponsor of the organization but he testified that he "never knew he was going to be exploited as a sponsor." (Tr. 5108.)

The record contains considerable documentary material in the form of official statements and releases by respondent which clearly establish that, as testified by the witness, Lautner, respondent consistently has sought to support and obtain support for positions taken by the Soviet Union; and, as expressed by other witnesses, to carry on pro-Soviet propaganda.

Before setting forth typical illustrations of the foregoing, it is pertinent to note that a principal theme of the Communist Party in its policy to support and defend the Soviet Union has been what the party calls "the struggle for peace," embodying the party position that the Soviet Union "stands today at the head of the world forces of peace," the Communist Party in this country is the "true champion of peace and democracy" but the U.S. Government is the principal source of war danger, "the main threat to the peace, security, democracy." (Pet. Ex. 120.) On the other hand, according to the party, "American imperialism" is dominant in "the camp of world imperialism." (Pet. Ex. 123.) It is reasonable to conclude from the record that what the Communist Party calls "the struggle for peace" is a slogan around which the party seeks to organize the American people to follow Soviet Union policies in order to destroy American institutions and traditions, which the party calls American imperialism.

In order to advance "the struggle for peace," the party in the May 1950 issue of its official theoretical organ stressed the necessity of "action of a thousand varieties—petitions, rallies, mobilization—on the many specific issues embracing the fight for peace." (Pet. Ex. 120.) Among the issues which the party claimed were involved in the "fight for peace" were trade with the Soviet Union, People's China, "and the new democracies." (Pet. Ex. 125.)

In January 1951 ,the party called upon its membership to work for broad "united action and parallel action on one or more immediate issues" as a means of creating "one great peace front." These issues included withdrawal of American troops from Korea and the creation of a united, independent, "democratic" Korea; "hands off China"; the seating of People's China in the United Nations and its recognition by the United States; and, opposition to the seating of "Franco-Spain" in the United Nations and its recognition by the United Nations. (Pat. Ex. 121, p. 7.)

The foregoing activities and positions of the Communist Party demonstrate the evidence from which we have concluded that to aid and support the Soviet Union under any and all circumstances is an important objective of the party; that to accomplish such objective the party seeks through various means to convert and rally the American people to favor and support the positions and objectives of the Soviet Union while opposing the policies of the United States.

As set forth in more detail later, the positions taken and advanced by respondent do not deviate from Communist Party positions. In that connection, respondent advances positions identical to those of the party on "issues" such as those set forth by the party as indicated above. Before treating with the evidence in these respects, it is pertinent to determine the general nature of respondent's positions and activities regarding the Soviet Union. It is unnecessary to set forth all of such evidence since a few examples will reflect the record.

In January 1951, respondent in a published statement characterized the foreign policy of the United States as a "war policy" and praised the Soviet Union as "the spearhead in the struggle for peace." (Pet. Ex. 20.) In 1952, respondent issued a booklet entitled "The Soviet Union in the Service of Peace 1917–52" which, according to the preface, was "dedicated to the cause of peace" and commended the Soviet Union for what are called "resolute efforts through the years to bring about a peaceful world." This booklet, among other things, stated that the world cannot doubt the sincerity of the Soviet Union, the Soviet example is permanent and never to be ignored. On the other hand, according to the booklet, the U.S. leaders are "impotent" for making peace because of an anti-Communist foreign policy. (Pet. Ex. 29, p. 15.)

The record contains evidence regarding a number of meetings and rallies held by respondent. Each reflected a pro-Soviet theme and advanced positions which were those of the Communist Party.[51] For instance, at a meeting in October 1951, attended by three or four hundred people, the general topic was "The Drive for War as Opposed to the Struggle for Peace." One of the speakers stated that the Soviet Union was in favor of peace while the United States was in favor of war. At a meeting in November 1951, Corliss Lamont, one of the speakers, stated that the Soviet Union was in favor of peace and needed peace whereas capitalism needed war as a basis for its existence. At a rally sponsored by respondent in 1946 a resolution was adopted to be sent to the President of the United States asking that he halt what was called the anti-Soviet war drive.

With respect to various aspects of U.S. foreign policy, the record shows that respondent has advanced many positions, all favoring the Soviet Union, and hostile to the United States save during World War II when the United States and the Soviet Union were war allies, all coinciding with positions taken and advanced by the Communist Party. The evidence in such respects may be summarized as now follows.[52]

The Korean war has been the subject of considerable attention by both the Communist Party and respondent.[53] Both have taken the position that the United States engaged in imperialist aggression in Korea. The various views expressed by the party and respondent from the beginning to the end of the Korean war were consistently identical. Illustrative of the positions expressed by the party are: A party statement in July 1951 to the effect that the Government of the United States "is waging war to enslave the Korean nation" which is part of a "dastardly and criminal conspiracy" to start a new world war (Pet. Ex. 123); a statement in June 1950 calling U.S. intervention in Korea an "aggressive, criminal, military intervention" (Pet. Ex. 109); and, a party election year platform in 1948 to "Stop military aid and intervention in * * * Korea." (Pet. Ex. 72.) Illustrations of respondent's position are: In July 1950, respondent designated the Korean war as "the war initiated by the United States" and stated that the Soviet Union is no party to this "struggle of the Koreans against American intervention" (Pet. Ex. 19); similarly, in January 1951, respondent stated that the Soviet Union cannot be blamed for what happened in Korea, it stemmed from the "reckless" action of the United States against the Korean people in their fight for independence (Pet. Ex. 20); in October 1951, a respondent advanced the position that the Korean war was American preparation for a new world war and its purpose was to keep the Communists fully occupied (Pet. Ex. 108); in a publication issued in 1952, respondent stated that the acts which brought on the Korean war were expressions of a U.S. policy of containment of communism and trying to tell other nations what kind of a government they could not have (Pet. Ex. 29).

Respondent has advocated and urged U.S. recognition of the Chinese People's Republic, trade between the two countries, and that Red China be seated in the United Nations. These positions are identical with positions advanced by the Communist Party. For instance, in October 1949, the party hailed the formation of the Central Government of the People's Republic of China and stated, among other things, that the formation heralds the defeat of "Wall Street's criminal policy of reactionary intervention" (Pet. Ex. 77); the party also set forth as a demand, that the United States establish trade relations with the "new" China (Pet. Ex. 74); subsequently, the party urged the seating of "new" China in the United Nations (Pet. Exs. 121, 124). Respondent, in December 1949, urged the opening of trade relations with the "new" People's Republica of China, the seating of "new" China in the United Nations, and abandonment of what it called the (United States) policy of aiding reactionary forces in China. (Pet. Ex. 86, p. 3.)

Positions taken by respondent on Germany have also coincided with the positions taken by the Communist Party. As in all of the various aspects of U.S. foreign policy on which respondent has taken positions, the positions regarding Germany invariably place the Soviet Union in a favorable light and the United States in an unfavorable light. The position of the Communist Party, and of respondent, has been to the effect that the United States needed a divided Germany and sought to rearm and otherwise use Western Germany as part of U.S. plans for launching a third world war, whereas the Soviet Union desired a unified, unarmed, peaceful Germany. In January 1951, respondent expressed this position as "the peace treaty with Germany is not yet in sight because the Western Powers forced the division of Germany contrary to the provisions of the Potsdam Agreement and against the will of the Soviet Union." (Pet. Ex. 20.) The witness Clontz showed that a meeting held by respondent in February 1952 was addressed by Victor Perlo, identified in the record without contradiction as a member of the Communist Party, who stated that the United States is using Germany for the anti-Soviet war plans of the U.S. imperialists. Clontz further showed that calling Western Germany a "place of Wall Street imperialism" was a "technical Communist expression." (Tr. 1983–1984.)

The important U.S. foreign aid programs as embodied in the Truman doctrine, the European aid program (Marshall plan), and the North Atlantic Alliance (NATO) have been strongly attacked by the Communist Party and, likewise, by respondent. Both have characterized these programs as part of a projected war or war alliance against the Soviet Union. The Communist Party theoretical organ, Political Affairs, for October 1949, praised the National Council as an important organization for initiating "peace" activities, particularly against the North Atlantic Pact and the military aid program. In April 1948, the party opposed the Truman doctrine, NATO, and the Marshall plan as a "reactionary 'cold war' against the Soviet Union, the new democracies of eastern Europe, and the people's movements all over the world" (Pet. Ex. 71). At a meeting held by respondent in December 1949, the general theme was an attack on the Truman doctrine, NATO, and the Marshall plan. Included among respondent's characterizations is the statement that the North Atlantic Pact was conceived to "rend the world asunder" (Pet. Ex. 31).

The Communist Party and respondent have taken identical positions with respect to urging that atomic weapons be outlawed, favoring the proposals of the Soviet Union in that respect over those projected by the United States, including supporting the Soviet proposal for periodic inspections as opposed to the American proposal for continuous inspection. Corliss Lamont, at a meeting held by respondent in March 1953, urged those present to get behind the Soviet proposal to outlaw the atom bomb and to hold periodic inspections later in the various countries. In its booklet "The Soviet Union in the Service of Peace, 1917–52" (Pet. Ex. 29), respondent stated that "When the Soviet Union proposed immediate outlawry of the A-bomb" U.S. officials warned that it "was an attempt to deprive us of our most effective weapon," but respondent defended what it called the Soviet expression of policy as an extension of an earlier Soviet statement concerning peaceful coexistence. Continuing, respondent stated: "When millions the world around united in support of the Soviet proposal to outlaw atomic warfare, and a new force entered history in the first worldwide conscious movement to end war, our State Department proclaimed that the World Council for Peace was Communist inspired and dominated, and that Soviet proposals for peace were deceptive propaganda, designed to soften the Western nations for easier Soviet conquest. * * * Outside of Alice in Wonderland could anything be more fantastic?—that a great nation while becoming the second greatest power, could appear continuously on the international stage for 30 years to attempt a monumental deception on the vital issue of war or peace?" (Pet. Ex. 29, p. 13).

The record contains a number of other matters on which respondent has advanced positions, as illustrated below. In each instance the record also shows the same positions have been advanced by the Communist Party. These include positions in connection with various countries in Europe and Asia and in connection with certain domestic policies of the United States.

With respect to the Balkan countries and Greece and Turkey, the Communist Party position as set forth in its official theoretical organ, Political Affairs, for May 1947, was: "By dominating Greece and Turkey, the United States is proposing to take up positions for outflanking Yugoslavia and Bulgaria and driving toward Rumania. Combined with the current pressure on Hungary, it is plain that the United States does not want a settlement; it wants to make an incursion into Eastern Europe, to reduce the Soviet Union's security interests that were previously recognized, and to deal with the U.S.S.R. as a secondary state in her pre-1939 position." (Pet. Ex. 70.)

Respondent's position in this regard, as set forth in Report on the News for March 12, 1948, stated: "The fact that the President chose the designation of 'free people' for the Greek people who are fighting to rid their country from a monarcho-fascist dictatorship, and the Turkish people who have suffered under dictatorships, while implying that the Poles, Rumanians and Bulgarians were 'subjugated,' was a clear indication of the true aims of the Truman doctrine.

"Today, a year later, the Truman doctrine and the Marshall plan * * * have created a divided world and an alinement of all the reactionary forces throughout the world with the United States in a 'crusade' against communism." (Pet. Ex. 14.)

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[51] In connection with Communist Party aid and support of respondent as covered in the preceding section of this report, the record shows a number of instances where such meetings and rallies of respondent have been publicized and supported in the Communist Party official organ, the Daily Worker.

[52] It is not necessary to set forth herein all of the considerable quantity of evidence that shows the positions advanced by the Communist Party and also by respondent. We limit this report to some of the more significant indications or typical examples.

[53] As set forth supra the party in January 1951 included Korea as one of the "issues" around which united action could be obtained as a means of building up a "great peace front." (Pet. Ex. 121, p. 7.)

With reference to Britain, France, and Italy, the Communist Party has stated the position that the U.S. foreign aid program was an attempt to make a big, new advance for American imperialism by frightening the weaker states into complete dependence on the United States. Respondent has taken a similar position as evidenced by Report on the News for June 17, 1948 (Pet. Ex. 127).

Both the Communist Party and respondent have taken the position that the United States is trying to suppress what those organizations call the national liberation movements of the peoples of Indonesia and Vietnam.

The domestic policies of the United States on which respondent has taken positions, which the record shows are identical with those taken by the Communist Party, have included strong opposition to the Committee on Un-American Activities of the U.S. House of Representatives and strong opposition to Federal legislation aimed at protecting the United States against what Congress has found to be dangers and evils arising from Communist activities. Respondent likewise has the same policy as the party with respect to the Negro people in the United States. It protests what it calls "persecution of the Negro people in retaliation for their part in the struggle for peace" (Resp. Ex. 72) and asserts that in the Soviet Union no discrimination of any sort, political, economic, or social, is applied to minority groups.

Respondent presented no evidence of any position advanced by it which differed with a position of the Communist Party. The totality of its evidence in this respect was the testimony of its witness Pope on cross-examination that "Once or twice with Corliss Lamont we were critical of Communist policy" (Tr. 4664) and a somewhat similar statement by Melish. Such testimony consists of bare inconsequential assertions without substantiation and falls far short of rebutting the evidence presented by petitioner, particularly in view of the admittedly short and very limited actual connection which Pope had with respondent and the overall nature of the Melish testimony as indicated supra, pages 23 and 24 and footnote 38.

On the question of respondent's policy regarding the Soviet Union, its witness Melish referred to a statement in a pamphlet which he had written as being critical of the antireligious activities in the Soviet Union, and respondent's counsel referred to a statement in one of its publications that "However, our friendly feeling for Soviet Russia does not mean that we are uncritical of Soviet policies." (Pet. Ex. 107.) This latter statement is in fact devoted primarily to an analysis of American-Soviet relations highly critical of the United States and entirely uncritical of the Soviet Union. A fair reading of the Melish pamphlet reveals that it is apologetic. It refers to certain antireligious activities once carried out in the Soviet Union as not having been conducted by the state; and notes that there has been no persecution of the church by that Government. On cross-examination, when Melish was asked whether respondent had ever circulated any literature in the United States which was critical of the Soviet Union, he could not think of an illustration and stated only that he believed there had been "incidental" criticism. We find that respondent has never announced a position which was critical of the Soviet Union. The record discloses, however, continuous hostility to U.S. Government policies, save when we were a war ally of the Soviet Union.

Respondent contends that the testimony of its witnesses and a number of items of documentary material, including those put in evidence by it as well as some put in by petitioner, establish that it is an independent, self-governing organization whose policies and positions are determined by the members, board of directors, and officers; and that its purposes and objectives are to promote peace upon the basis of friendship between the United States and the Soviet Union, and to establish friendly relations between the two countries through the promotion of better understanding between them.

Respondent's witness Melish testified that the purpose of the national council was to promote friendship between the United States and the Soviet Union; that during the war, the statement of policy of the council had reference to cooperation with the Soviet Union for the purpose of winning the war and building a postwar peace and that no basic shift in policy occurred after the war but the background became that of the construction of peace and cultural and economic relationships in terms of the postwar situation. He further testified that the council has never been primarily operated for the purpose of giving aid and support to the Communist Party, the Soviet Union, or the world Communist movement.[54]

The witness Kingsbury testified on direct examination to the same effect as Melish.[55] Respondent's witness Perry testified on direct examination that when he became vice chairman of the national council in 1943, its purpose was to build up a good understanding between ourselves and the Soviet Union and to prolong that relationship into the postwar period; and to preserve peace in the world and cooperate with the United Nations. As set forth supra, Perry was vice chairman of respondent only 2 or 3 months and had little, if any, participation in the operation of respondent.

A large number of respondent's exhibits reflected the positions of respondent during the period of World War II, i.e., from the incorporation of respondent until late 1945, and the period immediately following the cessation of hostilities. As pointed out by the testimony of Davies, expressions of friendship and cooperative measures were undertaken by the United States to bolster the morale of the Soviet people and maintain the war effort of the Soviet Union. Many of respondent's exhibits contain statements by high U.S. officials made during World War II expressing friendship for the Soviet Union, commenting favorably upon the activities of respondent and urging support for those activities as a means of aiding the Soviet war effort and furthering U.S. peace efforts immediately following the war.

Contrary to the testimony of respondent's witness Melish, the record shows that not long after the cessation of hostilities in World War II, respondent's positions, like those of the party, became more markedly pro-Soviet and anti-United States, particularly in that the Soviet positions were always championed. For instance, the Communist Party and respondent have consistently and strongly advanced the position that it is the Soviet Union which wants peace and not the United States. In other words, both organizations favor what they call Soviet peace policies; and refused to acknowledge a U.S. interest in peace, but on the contrary seek to show that the United States is imperialistic, warmongering, and has a policy to wage war against the Soviet Union.

Respondent has specifically referred in its exceptions to 16 of its exhibits as illustrative of many which are claimed to establish that the primary purpose of the organization is to promote friendship between the United States and the Soviet Union.[56] One of these exhibits of respondent, which was published by it following the 1952 world Olympics, entitled "Peace Won the Olympics" (Resp. Ex. 1), attempts in its treatment to show that participation of Soviet Union athletes in the Olympic games indicates a Soviet Union desire for peace. It is relevant to note in this connection that a similar treatment of the 1952 Olympic games was given by the Communist Party in its official organ, the Daily Worker. (Pet. Ex. 116.)

Another of respondent's exhibits was a statement issued in February 1950 which criticized the Secretary of State for saying that peace and the Soviet Union are incompatible. In this statement respondent said "the policy of containment of the U.S.S.R. * * * is an American-made and a primary cause of our strained relationship with the Soviet Union."; also, "The American people are awakening to the danger of our present course in international affairs and are resolved to make changes before we are led further down the road to self-destruction." (Resp. Ex. 4.)

We do not believe that such evidence preponderates against the showing that respondent's primary purpose is not to promote friendship, as such, between the United States and the Soviet Union but rather to promote the Soviet Union under any and all circumstances; and we find that respondent's evidence mentioned above is not inconsistent with the conclusion that respondent aids and supports the Soviet Union under all circumstances, even as against the United States.

There is no doubt from a review of respondent's publications that it has urged "friendship" between the United States and the Soviet Union. The Communist Party, as shown by the record, has done likewise. One aspect of this has been the position advanced by both organizations of the desirability of "peaceful coexistence." (Pet. Exs. 26, 100.) We note that even in this regard, however, respondent says, in effect, that the policy of the Soviet Union offers the possibility of peaceful coexistence but that of the United States does not and must be changed.

Moreover, we conclude from a study of the record that, as stated above, respondent's statements urging friendship and cooperation between the Soviet Union and the United States do not represent the primary purpose or objective of respondent. The preponderance of the evidence, including the nature of the positions advanced by respondent and the activities in which it has engaged, when viewed in the light of the entire record, requires the conclusion that respondent is concerned with attempting to convince the "masses in this country more that their true and basic interests lie in following the example of the Soviet Union" (supra p. 39); in always favoring the Soviet Union positions vis a vis the United States; and in supporting and defending the Soviet Union under any and all circumstances. We further find that this constitutes substantial aid and support for the objectives of the Communist Party.

The facts of record regarding certain aspects of rallies and meetings held or sponsored by respondent furnish additional indication of control by the Communist Party and primary operation of respondent for aid and support to the party.

To illustrate, witness Stone attended a number of respondent's meetings, one of which was in 1953 where a Dr. Harry F. Ward spoke comparing the United States unfavorably with the Soviet Union and declaring Marxism-Leninism to be the basis of a good social economy. At a meeting of respondent's Committee of Women on April 1, 1953, Jessica Smith spoke on the Soviet economy and the death of Stalin. She often referred to Stalin as "the beloved father." (Tr. 328–329.) At another meeting of the Committee of Women in April 1953 the speaker was Elizabeth Moos, who continually referred to the Soviets as "we" and "us." (Tr. 331–334.)

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[54] In this connection, see footnote 38.

[55] In this connection, see footnote 35.

[56] Respondent's exhibits 1, 13, 14, 15, 16, 20, 27, 28, 30–33, 37, 38, 40, and 47.

At a meeting in November 1951, which the witness Clontz attended, it was stated that there was a conspiracy on the part of the press of the United States to keep the people from learning the truth about the Soviet Union and that press associations and others in the United States were trying to build up an "iron curtain" to prevent the truth from coming through. At the same meeting Henry Pratt Fairchild stated that one of the aims of the national council was to penetrate this "iron curtain" to tell the American people about the Soviet's desire for peace. Witness Fletcher testified concerning a large meeting of the Seattle chapter of respondent attended by about 1,200 persons at which many of the speakers and sponsors were Communists. Witness Fox attended a meeting of the Chicago chapter at which the Soviet Union was eulogized.

The witness Clontz was taught in the party that a mass organization could be used "as a fermenting or proving ground by the Communist Party." (Tr. 1915.) The witness Horvath showed that the chairman of her party club in 1944 announced that all who were members of mass organizations were assigned to recruit as many nonparty members as possible into the party. The witness Fletcher testified that business and professional people, as well as those in labor unions, were brought into the respondent for the purpose, among other things, of later bringing them into the Communist Party. Although the record does not contain actual instances of people recruited from respondent into the Communist Party, the witness Fletcher showed that by a method called "tight lining" or threatening to expose individuals in respondent as members of the Communist Party, although they were not, such individuals were forced to do the party's bidding. Fletcher gave a specific instance of the use of the "tight lining" technique.

There was evidence which showed that party officials not members of respondent were featured speakers at a number of large rallies or meetings held by respondent, and the officers of respondent, who were shown to have spoken at such affairs, were principally those who were also shown as important members of the party.[57]

An example of specific results flowing from a meeting is apparent from evidence which showed that at a congress held by respondent in late 1949, the delegates were instructed to write to the State Department and U.S. Senators and Representatives in opposition to the Marshall plan and NATO, both of which, as previously found, were similarly opposed by the Communist Party. Another such example appeared from the rally set forth supra at which a resolution was adopted to be sent to the President of the United States petitioning him to halt what was called the anti-Soviet war drive of the United States. The witness Horvath was present at a meeting of her party club when all the comrades were urged to attend that rally.

The witness Budenz testified that the party politburo in 1944 decided to attempt to procure the Dean of Canterbury, England, for a tour of the United States under the auspices of the national council, which project was initiated in the politburo by Alexander Trachtenberg as a means to aid a better understanding of Soviet Russia from the Communist viewpoint in the United States. (Tr. 2182.) Budenz also testified to the effect that respondent arranged speaking tours for Soviet writers and soldiers, who came to this country. With respect to the activities in this country of both the Dean of Canterbury and the Soviet writers and soldiers, Budenz testified that he discussed them with Theodore Bayer, presently an officer of respondent, in the Communist Party building and in the offices of Soviet Russia Today.

Neither Trachtenberg, whom Budenz named as initiating the discussion regarding the Dean, nor Bayer with whom Budenz testified that he discussed the tour of the Dean, as well as of the Soviet writers and soldiers, was called as a witness by respondent and those aspects of the Budenz testimony were not contradicted. Respondent presented the testimony, by deposition, of the Dean of Canterbury and contended that such testimony contradicted that of Budenz concerning the arrangements for the Dean's tour.

The testimony of the Dean was to the effect that the arrangements for his tour were made by the National Council and that he had not been contacted in any way by the Communist Party in connection with the tour; that his tour could not have been discussed by anyone in 1944 since he heard nothing about it until after he had returned to England from a visit to the Soviet Union in 1945 and the basis for the invitation to come to the United States rested upon the fact that he had visited the Soviet Union. The Dean further testified, however, that Corliss Lamont made the arrangements for his visit here, which is not inconsistent with the Budenz testimony that Trachtenberg told the Politburo that the Dean had accepted an invitation from the party to make the trip, in view of Lamont's activities as a member of the party as heretofore found.

The uncontested fact was that the Dean made a tour in the United States under the auspices of respondent. As previously found, Corliss Lamont, who the Dean said made the arrangements, was an important Party member, selected by the party for, and serving at the time as, chairman of respondent. Accordingly, we find that the tour of the Dean was held under the auspices of respondent at the instigation of the Communist Party.

The witness Fletcher gave another instance of activities carried out by respondent at the instance of the party. In 1944 local business people in Seattle were interested in having a Soviet consulate there. Pursuant to instructions from the Communist Party, respondent's Seattle branch cooperated with the chamber of commerce in efforts to obtain the consulate. This was done by respondent as a means of gaining prestige and attracting prominent people to respondent.

It is unnecessary to set forth all of the evidence adduced with respect to rallies and meetings of respondent or as to the contents of literature and documents published and distributed by respondent. We believe that a fair consideration of such evidence indicates compliance by respondent with the plan of the Communist Party for an organization to publicize the Soviet Union in the most favorable light and to have large meetings and demonstrations to accomplish that end, among other things. Further, with regard to respondent's activities, the record shows that at rallies, demonstrations, and meetings held or sponsored by it, respondent engages in fund raising to carry on its activities, the nature of which we have hereinbefore treated.

Respondent's witnesses Melish and Kingsbury testified that the positions of the council were arrived at after discussion by the board of directors; that the council has had no liaison with the Communist Party; and, that their actions as officers and directors have not been dominated, directed, or controlled by the Communist Party. The testimony as to discussions of policy by the board of directors was not directly contradicted.

On the other hand, as previously herein found, respondent was created by the party; a predominant number of officers and directors are and throughout its existence have been party members; and, Theodore Bayer acts as liaison between respondent and the party. Accordingly, it is reasonable to conclude that it is primarily through and by the party members, who are officers and directors of respondent, that the party maintains and exercises domination, direction, and control of respondent. Moreover, there is essentially complete identity between the positions and policies advanced by respondent and those of the Communist Party. These facts together with other important considerations, which are summarized infra under the heading "Summary of Findings and Conclusions," all add up to a rational basis for concluding that respondent is, in fact, directed, dominated, or controlled by the Communist Party and is primarily operated to aid and support the Communist Party and the Soviet Union, a Communist foreign government.

DISCUSSION OF LAW

Respondent contends error in that there is and could be no finding that respondent engages in espionage, terrorism, etc., or activities designed for establishing "a Communist, totalitarian dictatorship in a foreign country"; that the act covers only organizations so engaged; that all its activities are in the field of speech and press and, therefore, constitutionally protected by the first amendment, as well as by section 1(b) of the act; and that, hence, no valid order may be entered against respondent. Respondent further asserts that "[i]f nothing that the respondent organization ever did contributed in the slightest degree to the aims of a Communist-action organization or the Communist foreign government as these are described in the act itself there is no basis for finding that the respondent organization comes within the scope of the act." (Resp. Exc. 94, pp. 41 and 42.)

It is true that no evidence of espionage or terrorism by respondent appears in the record. But it is not in the nature of a "front" organization to engage in such activities, else its purpose would be defeated. A "front" would hardly gain popular support for itself, the party, or the Soviet Union, if it so engaged itself. There is no merit in the assertion that unless respondent is found to indulge in those activities it cannot constitutionally[58] be found to be a "Communist front." And the court of appeals in the Communist Party case, supra, has so ruled in disposing of a similar contention by the party, 223 F. 2d 531, 560–561.

In its further assertion, respondent assumes a state of facts which does not exist. Respondent is here found, inter alia, to be operated primarily to aid the Communist Party and, in effect, to be a tool or arm of the party. The whole thrust of its activities is, in a disguised role, to win popular support for any and all Soviet Union objectives and thereby aid the party and the Soviet Union. So it can hardly be seriously said not to have "contributed in the slightest degree to the aims of a Communist-action organization."

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[57] As found supra, the party publicized the affairs of respondent to the party membership and otherwise supported such affairs by the attendance of party members and by furnishing party members to serve as ushers and in other capacities. There was also evidence of record indicating, without contradiction, that the party assisted respondent by providing speakers for its functions.

[58] Sec. 1(b) of the act is no deterrent, either, as the Board has previously ruled (see, e.g., *The Attorney General* v. *The Jefferson School of Social Science*, docket No. 107–53, decided by the Board June 30, 1955). In the Communist Party case, supra, the court likewise so held, in effect, in upholding the constitutionality of the act.

Respondent argues that there was no evidence in this record to show that the Communist Party is a Communist-action organization; and that the previous finding of the Board that it is cannot be made binding upon respondent. As set forth above, the determination of the Board that the Communist Party is a Communist-action organization has been affirmed by the court of appeals and that decision is the law unless reversed by the Supreme Court, where the case is now pending. We agree with the examiner that the Board's prior determination that the Communist Party is a Communist-action organization is conclusive and binding on respondent in this proceeding. We have consistently so ruled in prior "front" proceedings.

The reasons set forth in its exceptions with respect to respondent's position on this issue are that respondent was not a party to the Communist Party case, and that case is still under review and, therefore, is not a "final order" under the terms of the act. We do not believe that due process or fairness require that once the status of the asserted parent organization, in this case the Communist Party, has been litigated, it is necessary to relitigate such status in each proceeding involving an alleged front of the parent—an organization which by definition stands in such a close and intimate relationship with the parent, that it is directed, dominated, and controlled by the parent, and is primarily operated to give the latter aid and support. To do so would be contrary to our interpretation of a reasonable construction of the act, and would also unduly delay, if not prevent, the effective administration of the act. Further than this, it defies reason to suggest that an alleged "front" is in a position to succeed in showing the party is not a Communist-action organization notwithstanding the latter failed so to do.

Respondent's exceptions to the treatment, as probative of the issues herein, of occurrences at Communist Party meetings (referred to by respondent as "binding" respondent by such occurrences) have hereinbefore been considered and found to be without merit (supra, pp. 10 and 11). Such evidence, when properly connected as it was, meets the "substantial, relevant, and probative" requirements of the Administrative Procedure Act and, as stated, is in accord with clear statutory intent.

Other questions raised by respondent concern the sufficiency or reliability of the evidence and to the extent indicated have been previously considered herein in determining the evidentiary facts. It is pertinent, however, to make the observation that no single item of evidence conclusively establishes the existence of the two ultimate facts necessary to constitute respondent a Communist front. The evidence must be viewed as a whole.[59] Further, although there was no showing sufficient to support a finding of substantial financial aid, in terms of money, flowing from the party to respondent, a point which respondent emphasizes the matter falls squarely within the language used by the court in the Communist Party case. There it was stated that:

"The Board may find full activities in respect to some of these matters [referring to the evidentiary considerations set forth in the statute], partial activities in respect to some, and a complete absence of activity in respect to some. The Board may make findings in other relevant respects not here enumerated. Having made these several findings, the Board must distill from the composite an ultimate finding whether the respondent is or is not [a Communist-front organization as defined in section 3(4)]." (Id., at 559.)

Such have we done in determining that respondent is a Communist-front organization:

In so determining the issues, we have in some instances noted that two officers, who are particularly important in respondent and were present during the hearing, as well as others, did not take the witness stand to contradict or explain the evidence placing them in the Communist Party and otherwise showing their joint activities in the party and in respondent. Respondent contends that no inference can be drawn from the failure of such individuals to testify. We believe that under the circumstances in this proceeding, it is proper to consider the failure of those individuals to testify who were shown to be particularly important to and active in respondent.

SUMMARY OF FINDINGS AND CONCLUSIONS

The National Council of American-Soviet Friendship, Inc., respondent herein, is an "organization" in the United States within the meaning of section 3(2) of the act. It was created by the party in 1943 as the result of party plans to establish a mass organization under the name of respondent to carry out on a broadened scale functions and activities concerning various party objectives, which had previously been undertaken by party-controlled organizations that had existed under the various names of Friends of Soviet Russia, Friends of the Soviet Union, and American Council on Soviet Relations.

Prior to the incorporation of respondent, the Communist Party selected Corliss Lamont, a prominent member of the party, who had at one time been chairman of the American Council on Soviet Relations, to be chairman of respondent. Lamont, in fact, became the first chairman and was primarily active and influential in the selection of a number of other officers. Chapters of respondent were created and established with the active aid and assistance of the Communist Party.

Concerning those active in the management, direction, and supervision of respondent: the national officers and the board of directors are, and throughout respondent's existence have been, composed of individuals a majority of whom are functionaries and members of the Communist Party; all of the leaders of respondent, who at any time up to and including the present, have been of particular importance and authority were functionaries and members of the party; some less important officers in terms of actual responsibilities have been individuals whose incumbencies are consistent with party control of the organization; the important individuals in various chapters are or have been members of the Communist Party. Party representatives predominate for all practical purposes in respondent.

Respondent was incorporated during World War II at a time when the United States and the Soviet Union were military allies. Throughout the period of the war, from the time of respondent's incorporation and continuing for a period following the cessation of hostilities, respondent, while conducting pro-Soviet propaganda, advocated cooperation and support of the Soviet Union, particularly in the war effort. During this period, respondent received testimonials and support from prominent governmental, professional, and business people in the United States. Respondent did not then and has not since revealed the actual control and influence exerted upon it by the Communist Party.

Respondent invariably advances positions on matters of policy which do not deviate from positions of the Communist Party.

The positions advanced by respondent are invariably and markedly pro-Soviet and, except during the war years, anti-U.S. Government. Like the Communist Party, respondent supports the policies and positions of the Soviet Union, always championing the Soviet stand over that taken by the United States. Respondent did not present a single instance of a position taken or advanced by it which differed from a position of the Communist Party or the Soviet Union.

The Communist Party continually aids and assists respondent in carrying out activities in the name of respondent or under the sponsorship of respondent. The party consistently publicizes and supports respondent in official party organs and provides speakers at respondent's affairs. The speeches at important rallies and meetings held by respondent have reflected and advanced Communist Party positions; respondent's resources are used to aid and support the party. Various activities have been undertaken by respondent at the instigation of the Communist Party as a means to attract public interest in respondent.

The Communist Party is a Communist-action organization, which has as its primary purpose to advance the objectives of the world Communist movement under the hegemony of the Soviet Union; it has the policy to support and defend the Soviet Union under any and all circumstances. A fair consideration of the record as a whole in this proceeding requires the conclusion that the national council, operating under the domination, direction, and control of the Communist Party, has as its primary purpose to advance and promote the objectives of the Soviet Union for the Communist Party behind a facade of being independent of the party and interested only in developing friendship between the Soviet Union and the United States. The assistance rendered to the party is considered to be material.

We conclude that the National Council of American-Soviet Friendship, Inc., is substantially directed, dominated, and controlled by the Communist Party of the United States, a Communist-action organization, and is primarily operated for the purpose of giving aid and support to that Communist-action organization and to the Soviet Union, a Communist foreign government.

It follows that an order should be issued requiring the National Council of American-Soviet Friendship, Inc., to register as a Communist-front organization, pursuant to section 7 of the act. An appropriate order accompanies this report.

By the Board.

THOMAS J. HERBERT,
Chairman.
KATHRYN MCHALE,
FRANCIS A. CHERRY,
HARRY P. CAIN,
Members.

WASHINGTON, D.C., *February 7, 1956.*

APPENDIX A

The witnesses for petitioner and respondent, respectively, are listed below. A total of 18 witnesses appeared for petitioner and 10 for respondent, including one by deposition.

PETITIONER'S WITNESSES

Louis Francis Budenz, a member of the faculty of Fordham University; a member of the Communist Party from August 1935 until October 1945. From November 1937 to 1940 he was editor of the Communist Party daily, the Midwest Record; from 1936 to 1940 he was a member of the Communist Party National Committee; from 1941 until he left the party in 1945 he was managing editor of the Daily Worker and in that capacity attended meetings of the governing bodies of the party.

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[59] As stated by the court in the Communist Party case, "all relevant facts are cumulative in delineating a completed whole." (223 F. 2d at 568.)

Ralph Clayton Clontz, an attorney, joined the Communist Party in 1950 as a result of arrangements with the Federal Bureau of Investigation. He was a secret member of the party and attended the Jefferson School of Social Science. He attended meetings of the national council during the period from October 1951 to November 1952 while a member of the party. Clontz reported to the Federal Bureau of Investigation on these activities.

Joseph E. Davies, U.S. Ambassador to the Soviet Union from 1936 to 1938, Ambassador to Belgium in 1938, later Assistant Secretary of State, Special Envoy to London with the rank of Ambassador, and Special Envoy to the Potsdam Conference. He was honorary chairman of the Congress of American-Soviet Friendship held in 1942, and thereafter was listed as a sponsor of the national council until he terminated his connection in 1947.

Daniel J. Denver, a sergeant in the New York City Police Department, joined the American Committee for Friendship with the Soviet Union in 1940 and the Communist Party in February 1941 on assignment from the police department. He was active in the American Council on Soviet Relations. He was expelled from the party in 1942. While in the party, he reported to the police department.

Valerie Rose Vance Dillon, a graduate of the University of Illinois, worked for the United Press in Chicago and later for a publishing house. She attended meetings of the Chicago Council of American-Soviet Friendship in 1952 and 1953 and reported on them to the Federal Bureau of Investigation.

Jess C. Fletcher joined the Communist Party in 1936 and was a secret member until 1946 when he left because of disputes with the party. From about 1933 to 1952 he was engaged in labor union activities and held the position, among others, of international vice president of the International Building Service Employees Union. At one time he was a member of the Friends of the Soviet Union. He was chairman of the Seattle chapter of the National Council of American-Soviet Friendship from 1943 to 1946, and helped establish chapters in Tacoma, Wash., and Portland, Oreg.

Edward Gordon Fox, an engineer, spent from 1928 to 1933 in the Soviet Union working for a Chicago firm of which he was a member. In 1944 he became chairman of the Chicago Council of American-Soviet Friendship. He resigned in 1945 because he was dissatisfied with its activities and notified the Federal Bureau of Investigation as to the activities with which he had been identified.

James W. Glatis is employed by the General Electric Co. He became a member of the Communist Party in 1949 and was still a member at the time he testified. He was active in the Massachusetts Council of American-Soviet Friendship and a member of its executive committee. He attended a national meeting sponsored by respondent in October 1953. While in the Communist Party, Glatis reported to the Federal Bureau of Investigation.

Stephanie Horvath, a detective in the New York City Police Department, was a member of the Communist Party from March 1942 to March 1944, and from November 1944 to December 1947, on assignment from the police department. She was never a member of the national council but supported its activities as a member of the party.

Joseph Zack Kornfeder, a writer and speaker, was a member of the Communist Party from its formation in 1919 until he left the party in 1934. While in the party, he was a member of its central executive committee, a branch organizer, and a party industrial organizer in labor unions and factories. He was on a subcommittee of the central executive committee which was in charge of Friends of Soviet Russia. He was in Moscow from 1927 to 1930 and trained at the Lenin School; member of various commissions and committees at the Communist International Headquarters in Moscow.

Ira H. Latimer joined the Communist Party during the winter of 1945–46 and left in April 1947. Executive secretary of the Chicago Civil Liberties Committee since 1936. Attended meetings of Friends of the Soviet Union and Chicago Council of American-Soviet Friendship.

John Lautner, a consultant with the Department of Justice, was a member of the Communist Party from November 1929 to January 1950, when he was expelled. Held various offices in the party, among which was head of the New York Review Commission. As a party functionary, he attended conventions between 1938 and 1948 and national committee plenums between 1937 and 1941.

Maurice Malkin, a consultant with the Department of Justice, was a charter member of the Communist Party from 1919 to the end of 1937, when he was expelled. In 1919–20 he was branch and sectional organizer; from 1921 to 1925 a member of the party's City Central Committee of New York City; from 1924 to the end of 1928 a member of the district executive committee; and, from 1925 to the end of 1928 a member of the district control commission. He also held other posts in the party. He was a member of Friends of Soviet Russia from its beginning in 1921 and continued after the name of the organization was changed to Friends of the Soviet Union; remained a member until 1937; organizer of Friends of the Soviet Union in the upper New York district and delegate to its first convention in 1934.

Harvey Marshall Matusow, a member of the Communist Party from 1947 to 1951.

Louis Silverstein, supervisor in charge of the Division of Public Welfare, City of New York, which is an official governmental agency of New York; produced certain public records filed with his department by respondent and predecessor organizations.

Alvera Stone, a public stenographer, was hired by the national council in April 1952 to record a meeting. Thereafter she sent the national council a contribution, attended a number of meetings, and received its literature. Her last contact with the national council was in November 1953. She reported to the Federal Bureau of Investigation concerning the national council.

Beryl Ivan Stover was a member of the Communist Party from 1937 to 1950. He was a party press director in St. Louis and a member of the party State committee until about 1941.

Pauline Swanson Townsend is a part-time magazine writer. She joined the Communist Party in Hollywood, Calif., in 1943 and remained a member until 1948 when she left because she was dissatisfied with the party. She was secretary of the Los Angeles Council of American-Soviet Friendship from 1943 to 1944 on orders from the Communist Party.

RESPONDENT'S WITNESSES

Russell Brown, a practicing attorney, is a member of the District of Columbia and Texas bars and of the law firm of McGrath & Brown in Washington, D.C. He testified as to a visit to his office by Harvey Matusow.

Ernest Watson Burgess is professor emeritus of sociology at the University of Chicago. He has been an editor of several sociology journals, president or an officer of several sociology societies, and has written a number of books and articles on sociology and cognate subjects. He has been a sponsor of the national council and of the Chicago Council of American-Soviet Friendship since 1943.

Virginia Epstein has been a kindergarten teacher and a counselor in children's camps. She did volunteer work with the national council and was active in the women's committee. In 1952 she became cochairman of the women's committee and in 1953 a member of the board of directors of the national council.

John Adams Kingsbury, who resides in Ulster County, N.Y., has held several social service positions in New York and was commissioner of public charities for the city of New York. He was an adviser to the Memorial Fund Association, later known as the Milbank Memorial Fund, from which he retired on an annuity in 1949. In 1941 he was one of the organizers of the Russian War Relief. He was chairman of the American Council on Soviet Relations; one of the first sponsors of the national council and, in 1948, its treasurer. He has been chairman of the national council since 1949. In late 1950 he attended the Second Congress of World Peace, originally scheduled for Sheffield, England, but finally held in Warsaw, Poland, due to the refusal of the British Government to admit some of the delegates to the Congress into England. From the Congress he went to the Soviet Union on a Soviet Government plane, where his host was Nicholai Tikhov, chairman of the All Soviet Peoples Committee and a member of the Supreme Soviet. Beginning in the middle of 1951, he traveled for more than a year visiting Moscow, where he was given a great reception; he went to Vienna where he attended the World Peace Conference as a guest of Joliot Curie, its president; to China, on either a Chinese or Soviet plane; the first American to go to Peiping since the liberation, that is, when the Chinese Peoples Republic took over China in 1949. He attended an Asian Peoples Conference in China. On his return he stopped in Prague and Moscow and then went to East Berlin to the World Peace Council. On his return his passport was the subject of inquiry by the Immigration and Naturalization Service of the Department of Justice, which asked him to call or to send in his passport. No further action was taken by the Department, apparently because the passport had expired in October 1952.

Dr. Hewlett Johnson is dean of the Metropolitan Church of Christ at Canterbury, England. He first went to the Soviet Union in 1937 and wrote a book on it entitled "The Socialist Sixth of the World." This was published in America by International Publishers, a firm with which Alexander Trachtenberg was connected, and Johnson communicated with Trachtenberg in connection with the book. He spent 3 months in the Soviet Union in 1945. In 1945 and 1948 he made speaking tours in the United States under the auspices of the National Council of American-Soviet Friendship. A visa for the latter trip was at first refused, but later granted. He is president of the British-Soviet Friendship Society, the British equivalent of the national council.

Robert Morss Lovett taught English at the University of Chicago for 45 years. From 1939 to 1943 he was Government Secretary of the Virgin Islands and sometimes Acting Governor. After 1944 he taught in several universities. He has written several books on English, two novels, and an autobiography. He was a member of the American Council on Soviet Relations in 1938. He had no official connection with the national council.

Rev. William Howard Melish is an ordained minister in the Protestant Episcopal Church and acting minister of the Protestant Episcopal Church of the Holy Trinity in Brooklyn, N.Y. Author of "Strength for Struggle," a book of sermons and essays; he was a member of the New York Council on Soviet Relations in 1942 and was vice chairman of the New York Council of American-Soviet Friendship in 1943. He was one of the incorporators of the national council; a member of its board of directors since its inception and at one time its vice chairman and later its chairman. He has written articles for the Worker; has been a member of the board of the Jefferson School of Social Science; is the author of a pamphlet issued by the national council on "Religion in the Soviet Union." In 1947 he went to Yugoslavia and on his return lectured on his experiences there. He marched in May Day parades in 1946 and 1947. He was on a committee to defend the 12 Communist leaders indicted under the Smith Act and on a committee to defend Morris Schappes, a Communist who was convicted of perjury and under an order of deportation. In October 1952 he spoke at a meeting to celebrate the acquittal of Simon W. Gerson and Isidore Begun, Communist Party leaders who were indicted under the Smith Act. In October 1953 he addressed a meeting of an organization formed to raise money for the defense of Smith Act defendants at which were members of the Communist Party. He was active in the Citizens Emergency Defense Conference, the purpose of which was to raise funds for the second-string Communist Party leaders being tried under the Smith Act.

Ralph Barton Perry is a professor emeritus at Harvard University, where he taught philosophy from 1902 to 1946. He is the author of many books on philosophy and economics. During World War I he was executive secretary of a War Department Committee of the U.S. Government. During World War II he was associated with an orientation course for soldiers. In 1943 he was vice chairman of the national council and was associated with the Massachusetts Council of American-Soviet Friendship from 1943 to 1950.

Arthur Upham Pope has taught at Brown, the University of California, and Amherst. He investigated morale in the Armed Forces during World War I and later became an adviser to a group of museums and special collectors on problems of Persian art. He was founder and director of the Asia Institute, of which he is presently chancellor. He has made 19 or 20 trips to the Soviet Union, the first in 1925, the last in 1945. He is author of several books on Persian art and of the life of Maxim Litvinoff, former Soviet Union Ambassador to the United States. Pope participated in the Congress of American-Soviet Friendship and was one of its sponsors. He was a sponsor of the New York Council of American-Soviet Friendship in 1943. He was a director of the National Council and its vice-chairman from 1944 to 1947.

William B. Spofford, managing editor of the Witness, a publication which he described as a weekly of the Episcopal Church, but explained on cross-examination that this was merely a publication of a "group of Episcopalians" and not necessarily representing anything like the entire Episcopal Church. He was ordained a deacon of the Episcopal Church in 1917 and a priest in 1918. He was labor manager for a Chicago clothing firm and was field director for the Church League for Industrial Democracy and later its executive secretary. In the mid-1930's he was a member of the executive committee of the American League for Peace and Democracy, a united front organization, on which there were Communists. He visited Browder at the Communist Party headquarters and Browder asked him to be secretary of the American League, but he refused. He was a sponsor of the New York Council of American-Soviet Friendship in 1943. He has been a member of the board of directors of the national council since 1948.

APPENDIX B

Individuals who were members for the years set forth of the board of directors of the National Council of American-Soviet Friendship, Inc., and who were shown on the record to have been members of the Communist Party and the witnesses who identified them:

NAME, YEAR(S) ON BOARD,[1] AND IDENTIFYING WITNESS

Zlatko Balokovic, 1944-49, inclusive, Budenz.

Theodore Bayer, 1944-53, inclusive, Kornfeder, Denver; Lautner, Budenz, Clontz.

Elmer A. Benson, 1951 and 1953, Budenz.

Charles A. Collins, 1951 and 1953, Malkin, Lautner, Horvath, Budenz.

John W. Darr, 1944, 1948-53, inclusive, Budenz.

Dorothy Douglas, 1944-46, inclusive, Budenz.

Muriel Draper, 1947-51, inclusive, Malkin, Lautner, Budenz.

Henry Pratt Fairchild, 1944-53, inclusive, Budenz and Clontz.

B. Z. Goldberg, 1945-53, inclusive, Budenz.

Shirley Graham, 1949-53, inclusive, Budenz.

W. A. Hunton, 1949-53, inclusive, Budenz.

Raymond C. Ingersoll, 1945-48, inclusive, Budenz.

Phillip J. Jaffe, 1944-50, inclusive, Malkin.

Albert E. Kahn, 1953, Malkin, Clontz, Budenz.

Corliss Lamont, 1944-50, inclusive, Malkin, Lautner, Fletcher, Budenz.

Howard McKenzie, 1945-50, inclusive, Lautner.

George Marshall, 1944-53, inclusive, Budenz.

Frederick N. Myers, 1944, Malkin, Lautner, Budenz.

John Middleton, 1945-50, inclusive, Lautner, Budenz.

Richard Morford, 1946-53, inclusive, Clontz, Budenz.

Joseph P. Selly, 1945-53, inclusive, Malkin, Budenz.

Herman Shumlin, 1944-46, inclusive, Budenz.

Henry E. Sigerist, 1944-46, inclusive, Budenz.

Edwin S. Smith, 1944-51, inclusive, Fletcher, Budenz.

Jessica Smith, 1944-53, inclusive, Malkin Lautner, Budenz.

Vihjalmur Stefansson, 1944-50, inclusive, Budenz.

Dirk J. Struick, 1951 and 1953, Glatis, Budenz.

Mary Van Kleeck, 1948-50, inclusive, Budenz.

Max Weber, 1949-53, inclusive, Budenz.

Max Yergan, 1944, Malkin, Lautner, Budenz.

SUBVERSIVE ACTIVITIES CONTROL BOARD—DOCKET NO. 104-53—HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER *v.* NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP, INC., RESPONDENT

ORDER OF THE BOARD

Having this day issued its report in which, after a hearing upon a petition filed under subsection (a) of section 13 of the Subversive Activities Control Act of 1950, as amended, the Board finds that the National Council of American-Soviet Friendship, Inc., respondent herein, is a Communist-front organization under the provisions of the said act, it is

Ordered that the National Council of American-Soviet Friendship, Inc., shall register as a Communist-front organization under section 7 of the said act.

By the Board.

THOMAS J. HERBERT,
Chairman.
KATHRYN MCHALE,
FRANCIS A. CHERRY,
HARVEY P. CAIN,
Members.

WASHINGTON, D.C., *February 7, 1956*

EXHIBIT 2

WILLIAM P. ROGERS, ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER *v.* AMERICAN COMMITTEE FOR PROTECTION OF FOREIGN BORN

(Docket No. 109-53, Subversive Activities Control Board, Report and order of the Board, decided June 7, 1960—F. Kirk Maddrix and Malcolm F. Knight for petitioner during the original hearing, and James Lee Weldon, Jr., and Joseph M. Wysolmerski during reopened hearings. Oran H. Waterman and Anthony F. Cafferky also entered appearances for petitioner. Joseph Forer for respondent)

PRELIMINARY STATEMENT

This is a proceeding initiated by a petition of the Attorney General of the United States for an order of the Board determining that the American Committee for Protection of Foreign Born, respondent, herein sometimes referred to as the "American Committee" or "American," is a Communist-front organization within the meaning of section 3 of the Subversive Activities Control Act of 1950 and as such must register pursuant to section 7 of that Act.

The Board has earlier determined the Communist Party of the United States [hereinafter sometimes referred to as the "Communist Party" or "Party"] to be a Communist-action organization within section 3 of the Act.[1] The substance of the petition herein is that respondent is a Communist-front organization by reason of its being directed, dominated or controlled by the Communist Party (a Communist-action organization) and primarily operated for the purpose of giving aid and support to such party.[2] Respondent's answer to the petition denied that it is a Communist-front organization and denied that it is directed, dominated, or controlled by any other organization.[3]

Hearings were held before a hearing examiner of the Board during which the Attorney General presented 18 witnesses and 281 exhibits, and respondent 9 witnesses and 237 exhibits. Proposed findings were submitted by both sides and the examiner issued a recommended decision, dated September 10, 1957, that the Board order respondent to register as a Communist-front organization.

Exceptions to the examiner's findings were filed by respondent and a memorandum in reply to the exceptions was filed by petitioner. While the Board had the case under advisement the U.S. Court of Appeals for the District of Columbia Circuit remanded to the Board for further proceedings the case in which the Board had determined the Communist Party to be a Communist-action organization. Because of that remand it was necessary to postpone further consideration of the instant proceeding until the completion

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[1] There is no record information as to the members of the board of directors for the year 1952.

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[1] Report and Order of the Board, issued April 20, 1963; Modified Report of the Board, issued December 18, 1956; Modified Report of the Board on Second Remand, issued February 9, 1959. The determination has been affirmed by the United States Court of Appeals for the District of Columbia Circuit. See *Communist Party* v. *Subversive Board*, decided July 30, 1959, as yet unreported. The judgment of the Court of Appeals is presently pending review in the Supreme Court.

[2] We reject respondent's contention, exception 10, that it cannot be bound by the Board's determination of the status of the Communist Party. If respondent was shown to hold the relationship to the party alleged in the petition, then the determination of the party's status is binding and conclusive.

[3] No useful purpose would be served by detailing the petition and answer. Where appropriate, specific allegations are set forth in connection with our findings of fact.

of the Board's reevaluation of the Communist Party case.[3a] On February 9, 1959, the Board issued its decision reaffirming the earlier determination that the Communist Party was a Communist-action organization.

This proceeding was then reactivated by notice of the Board issued on March 2, 1959. On July 16, 1959, the Board ordered petitioner to make available to respondent any prior statements in his possession relating to certain specific matters testified to by the witnesses Hardin, Czarnowski, Harper and Markward, or in the alternative to submit to the Board for its incamera determination any documents containing information relating to the testimony but which petitioner claimed were not producible under the so-called Jencks statute, 18 U.S.C. 3500.[4] The Board's order also required that petitioner afford respondent the opportunity to inspect documents in petitioner's possession which had been acquired by the witness Miller from the Los Angeles Committee but not offered in evidence.[5] Respondent on July 24, 1959, filed a motion to modify the reopening order of July 16, 1959, so as to require the production of many other documents. This was denied by the Board for the reasons set forth in a memorandum opinion issued September 14, 1959.

Reports of the witnesses Hardin and Harper were submitted by petitioner to the Board for the excision of irrelevant material and as so excised by the Board were turned over to respondent at a hearing held on September 21, 1959. Upon examination of the reports, respondent requested the recall of the witnesses for further cross-examination in the light thereof and a hearing for such purpose was held on November 12, 1959. We consider infra the various contentions resulting therefrom.

As to the witness Markward, petitioner submitted for the Board's in camera inspection an FBI memorandum relating to information previously furnished by the witness on the particular subject matter of her testimony but petitioner took the position that the document was not producible to respondent. Thereafter petitioner also submitted an affidavit of the FBI agent who had prepared the memorandum. Counsel for respondent was heard on the sufficiency of the affidavit. The Board determined that the document did not qualify for production under 18 U.S.C. 3500. The document and the agent's affidavit have been made a part of the record, sealed, as Board exhibit 1.

Another issue on Markward's credibility was raised by respondent. After the hearing before the examiner had closed, respondent filed on December 26, 1956, a written motion and accompanying affidavit to reopen the proceeding to present evidence and further cross-examine Markward to show that "Markward committed perjury in her testimony in the Blumberg case [*United States* v. *Dr. Alfred Blumberg,* D.C.E.D. Pa., Cr. No. 17963] about Dr. Blumberg's alleged remarks at the June 10, 1945, meeting and about what Payne taught in a 1949 class." [6] Respondent contended in exception 3 that the examiner erred in denying the motion.

The motion sought to make a collateral attack upon Markward's general credibility since the subject matters of her testimony in this proceeding did not include and were not related to either Blumberg or any remarks he made at any meeting, or about Payne or anything he taught in any class, and neither of these persons nor the events were issues in this proceeding. The motion thus went far beyond attempting to show prior inconsistent statements of the witness.

Moreover, Markward appeared as a witness in the Board's proceeding involving the Communist Party and, having testified therein on matters touching upon some aspects of her earlier testimony in the Blumberg case, the Board admitted into evidence proffered portions of the Blumberg trial. The Board also considered certain other material going to the credibility of Markward.[7] The examiner took official notice from the record in the Communist Party proceeding of Markward's testimony in the Blumberg case and concluded there was no warrant in recalling her for further cross-examination. Counsel for respondent here was counsel for the Communist Party in that proceeding.

By officially noticing, as we do, all of the credibility items concerning Markward as they appear in the record of the Communist Party proceeding, including her testimony in Blumberg, respondent is given more than would be available for consideration had its motion to produce the Blumberg testimony alone been granted. Markward's testimony in this proceeding was limited and the effect of her entire testimony upon our ultimate conclusion herein is not of major importance. The only findings of fact of any significance based upon her testimony were unrebutted, not denied and not affected by the cross-examination, and the testimony from which the findings are made is credited.

Petitioner elected not to produce the reports ordered by the Board in connection with the testimony of the witness Czarnowski. In view thereof respondent moved that the proceeding be dismissed or in the alternative that all the testimony of the witness be stricken. The alternative motion was granted and the Board's order, issued September 14, 1959, struck from the record all of Czarnowski's testimony. Thereafter both sides were heard on the status of the exhibits introduced through the witness. Pursuant to stipulation and agreement, certain of the exhibits, not depending upon the witness for their authentication, remain in the record. The Board's order issued September 30, 1959, struck from the record petitioner's exhibits 38, 39, 40, 41, 42, 44, 45, 47, and 52, and respondent's exhibits 50, 51, 52, 53, 54, 55, 56, 57, 58, and 59.

On February 11, 1960, oral argument was heard on the sufficiency of the evidence on the record, including what had transpired since the recommended decision. Counsel for both sides asked that we regard the February 11 argument as supplemental to the oral argument on exceptions that was presented December 7, 1957. We have read and considered the entire record including the earlier arguments. The exceptions and arguments not specifically or by implication dealt with herein have been considered and rejected as not justified or necessary for discussion. A list of the witnesses for each side is attached hereto as an appendix and includes pertinent background information. The factors applicable to the general evaluation of the witnesses, such as possible interest, have been taken into consideration and the testimony weighed and scrutinized as such considerations indicate.

Respondent has contended in substance that the first amendment and the due process clause are violated by finding "guilt under the Act" from its constitutionally protected activities in defending Communists or persons accused of having been Communists, and by relying upon its views and policies as nondeviation items. See respondent's exceptions 48 and 57. The reasoning of the Court of Appeals in finding no merit to similar assertions in *Communist Party, U.S.A.* v. *Subversive Activities Control Board* is applicable here. See 223 F. 2d 531, 544–46, 560, 561. Moreover, as we spell out in more detail under the "FINDINGS OF FACT," infra, respondent's policies and activities are examined not for objective validity but rather in the process of determining whether the fact of nondeviation, and the elements of a Communist-front organization are present.

FINDINGS OF FACT

Respondent is an organization which has existed in the United States since in or about 1932 or 1933. Its main office or headquarters is in New York City. The activities of the organization have centered around the foreign born with considerable effort and attention given to the legal and propaganda defense of individuals involved in deportation and denaturalization cases. (Infra.) A substantial number of those defended and in whose behalf respondent has worked have been members of the Communist Party and individuals accused of being Party members. (Infra.)

Anyone charged in deportation or denaturalization proceedings is entitled to be defended, and anyone or any organization may devote efforts to such defense. This is not to say, however, that an organization engaged in these activities, which include as respondents do obtaining contributions of money and other support from the public (see infra), may not be required to register and make the disclosures covered by the Act if the activities have been carried out under circumstances and for purposes which make the organization a "Communist-front organization" as defined in the Act.

[3a] The ultimate issue in this proceeding being respondent's alleged relationship to the Communist Party as a Communist-action organization, final determination by the Board of whether the Party was such an organization was a prerequisite to going forward with this proceeding.

[4] During the hearing before the examiner, respondent had laid a foundation and requested the production of reports made by these witnesses to the Federal Bureau of Investigation on specific subjects of their testimony. The examiner's denial of the requests was assigned as error in respondent's exception 1. The Court of Appeals on January 9, 1958, in *CPUSA* v. *SACB,* 254 F. 2d 314, held applicable to this Board's proceedings the principles of the then recent opinion of the Supreme Court in *Jencks* v. *U.S.*, 353 U.S. 657, concerning the production of F.B.I. reports, and in an unreported memorandum having reference to its January decision, the Court of Appeals on April 11, 1958, recognized the so-called Jencks statute which had been enacted by the Congress following the Supreme Court opinion.

[5] Respondent's exception 4 to the recommended decision assigned as error the examiner's refusal to order these documents made available to respondent and the exception also assigned as error the receipt in evidence of petitioner's exhibits 70 and 71, introduced through the witness Miller. These exhibits have been stricken from the record by the Board's order of July 16, 1959. The documents ordered made available were turned over to respondent at a hearing held on September 21, 1959, and on September 25, 1959, counsel for respondent filed a memorandum stating "The respondent has no further request to make at this time with respect to the so-called Miller documents."

[6] Respondent also asserted that in an earlier case of *United States* v. *Frankfeld,* D.C. Md., Cr. No. 22322, Markward made no reference to Blumberg's remarks at the 1945 meeting although she testified that two of the defendants in Frankfeld were present at the meeting where Blumberg spoke.

[7] See "Modified Report of the Board on Second Remand," issued February 9, 1959, in Attorney General v. Communist Party, U.S.A., Board Docket No. 51–101, pages 2–9; and "Modified Report of the Board," issued December 18, 1956, in the same proceeding, pages 3 & 4. It will be seen that subsequent to the filing of respondent's exceptions in the instant proceeding the Board has carefully and fully considered not only Markward's testimony in Blumberg but a number of other items going to her credibility, and has considered the cumulative effect of all of the credibility issues.

In this proceeding, the issues under the Attorney General's petition are, as stated supra, whether respondent's activities have been carried out under circumstances constituting in effect direction and control by the Communist Party of the United States, and whether the purposes for which the activities have been carried out had the primary aims and objectives of aiding and supporting the Communist Party.

Before considering the evidence and making our determinations of these issues, it is pertinent to resolve the subsidiary issue of whether so-called area or local committees for the protection of the foreign born are branches or chapters of respondent so as to constitute one organization within the meaning of the Act.

Area or local committees

The petition of the Attorney General alleged that the American Committee for Protection of Foreign Born "functions through its national office in New York City and through affiliated branches and chapters throughout the United States." (Amended Petition, p. 2.) In support of this allegation, petitioner presented evidence on various groups sometimes referred to in the record as "area" or "local committees," more specifically on: the Los Angeles Committee for Protection of Foreign Born, the Michigan Committee for Protection of Foreign Born, the Midwest Committee for Protection of Foreign Born, the New England Committee for Protection of Foreign Born, the Northwest Committee for Protection of Foreign Born (which appears prior to the time of the hearing to have changed its name to Washington State Committee for Protection of Foreign Born), and the Western Pennsylvania Committee for Protection of Foreign Born.[8]

Respondent denied this allegation of the petition and presented evidence from which it was argued that the area or local committees are independent, that the American Committee has no control over them, and that the American Committee cannot be held responsible for the area committees, and vice-versa. Respondent's witnesses, particularly the executive secretary, Abner Green, acknowledged the existence of the above named committees as well as of a Northern California Committee for Protection of Foreign Born, a Minnesota Committee for Protection of Foreign Born, a Philadelphia Committee to Defend Foreign Born, and a Committee to Protect Oregon's Foreign Born. There is no evidence, other than incidental reference at the most, to three of these four last named committees.

Documentary evidence in the form of official publications of the American Committee and of various of the so-called area or local committees established a continuous and consistent pattern of authoritative references to the American Committee as the national office or national organization, and the area or local committees as "part of" and "affiliated to" the American Committee. We set forth below some examples, applicable to the American Committee, Northwest, Midwest, and Los Angeles committees.

The Lamp, a periodical admittedly published and distributed by the American Committee and its official organ, reported in the issue for August 1949, that there had been "established a Northwest Committee for Protection of Foreign Born *as a part* of the ACPFB." (Resp. Ex. 151, p. 4, emphasis added.) An undated brochure or pamphlet issued by the Northwest Committee described itself as "Affiliated to the American Committee for Protection of Foreign Born" and listed names of officers and sponsors of the American Committee preceding a list of the names of officers and sponsors of the Northwest Committee. (A.G. Ex. 34.)

The issue of the Lamp for September–October 1948, under the heading "Work and Activities of American Committee" and the subheading "Organization," related that:

"The National Office of the American Committee is located in New York City. A Midwestern office is maintained in Chicago, serving the foreign born in Illinois, Indiana, and Wisconsin." (A.G. Ex. 198.)

A brochure or pamphlet issued by the Midwest Committee announcing its formation in 1947, stated:

"The Midwest Committee functions as a part of a national organization, the American Committee for Protection of Foreign Born, which has served the American people for the past 14 years." (A.G. Ex. 256.)

This same pamphlet of the Midwest Committee contained an appeal for contributions of money and stated that annual contributors would receive the Lamp and other material regularly. (As set forth, supra, the Lamp is the official organ published by the American Committee.)

The Los Angeles Committee was reorganized as the result of a conference held in Los Angeles in October of 1950, and a report issued by the committee stated:

"The committee shall be affiliated to the national organization known as the American Committee for Protection of Foreign Born, for purposes of mutual support, exchange of information, and coordination of activities pertinent to the committee's aims." (A.G. Ex. 54, p. 2.)

Petitioner's evidence on the policies and activities of the American Committee and of the various area or local committees demonstrated that in actual practice an association existed of the very nature held out to exist in the official publications. This evidence showed that the policies, programs and aims are identical; that the American Committee and the local committees work together and exchange literature and correspondence; that the American Committee and the local committees have a number of dual officers and the persons primarily active in and responsible for the management and direction are members of the Communist Party; and that the American Committee, especially through its executive secretary, Abner Green, had been active in the formation and organization of the local committees. (See infra.)

The identical nature of the policies, programs and aims is revealed from our findings, infra. One aspect not readily apparent therefrom is that the tenor of the official publications of the American Committee has been the nationwide scope of its activities and deportation cases handled by the area committees have been treated as part of its activities by the American Committee.[9] Examples of the latter were: the cases of Joe Weber, Refugio Ramon Martinez, and James MacKay handled by the Midwest Committee; the Mexican deportees and a group referred to as the Terminal Island Four handled by the Los Angeles Committee; and the Giacomo Quattrone-Ponzi case handled by the New England Committee.

The evidence showing that the American Committee and the area committees worked together and exchanged material, and the evidence that American has been active in such things as the formation of the area committees is overlapping. Illustrations of the facts in these respects as they were established by the evidence are set forth in the following paragraphs.

Abner Green, executive secretary of "American," was the principal speaker at a meeting called to form the New England Committee, and Green stated at the time that the American Committee would work together with the New England Committee and assist it in every manner.

Green visited Los Angeles and discussed with the executive secretary of the Los Angeles Committee the plans for reorganization of that area committee. Petitioner's witness Miller, who had been secretary of the executive board of the Los Angeles Committee, showed that Green acted as coordinator of all area committees; that at Green's request all Los Angeles Committee literature was sent to the American Committee so Green could be kept informed at all times as to what was being done by the Los Angeles Committee; and, that Green kept in close touch with the activities of the Los Angeles Committee.

In 1953, Abner Green met with top officials of the Communist Party in the Northwest United States and stated that he was satisfied with the progress of the Northwest Committee and was pleased with the response at meetings and conferences that were being held around his visit there.

The September-October 1948 issue of the Lamp, supra, announced that the Midwest Committee was moving its office to 431 South Dearborn Street in Chicago, and that that office would also serve as the local headquarters for the American Committee's 15th Anniversary National Conference. (A.G. Ex. 198.) Green served as chairman of one of the sessions of a conference sponsored by the Midwest Committee in Chicago in March 1951.

The remaining consideration in connection with petitioner's evidence on the relationship between the American Committee and the area committees concerns the officers and persons active in the management and direction of the various groups. Our findings, infra, under the heading "Respondent's Management, Direction, and Supervision" showing the important roles played by members and functionaries of the Communist Party are relevant to the matter of the relationship between American and the area committees. In addition, the record shows that a number of individuals who held office in the area committees or were sponsors, were at the same time officers or sponsors of the American Committee.

Illustrative of the latter, and limited to the time of the hearing, the record shows that: Anton Julius Carlson was a sponsor of the American Committee and cochairman of the Midwest Committee; Pearl M. Hart was a vice chairman and director of American and chairman of Midwest; Rev. Charles A. Hill was a sponsor and a director of American and cochairman of Michigan; Louise Pettibone Smith was former chairman, present honorary chairman of American and honorary chairman of New England; Mildred Treffman was a director of American and executive secretary of the Midwest; and, Lenus Westman was a director of American and executive secretary of the Northwest Committee.

Petitioner put in evidence a constitution of the American Committee which provided in article III for the organization of "subcommittees of the American Committee, both regional and in the different language fields, to function in accordance with the program of the American Committee." (A.G. Ex. 160.) Respondent put in evidence a constitution reflecting changes made in 1950 or 1951, which did not contain the foregoing, and provided, in part, that:

"The American Committee shall be an unaffiliated, nonmembership, independent, nonpartisan body cooperating with all other organizations interested in any phases of its program." (Resp. Ex. 88.)

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[8] Petitioner's principal witness on the Midwest Committee was Czarnowski whose testimony has been stricken. (See supra.) There remain in the record as to the Midwest Committee certain exhibits and the testimony of some of respondent's witnesses.

[9] The American Committee has from time to time listed various organizations which the committee said aided or supported the American Committee and its campaigns. In no instance of record were the area or local committees so listed, indicating that they were considered more than supporting groups.

Respondent relies upon this provision and the testimony of the witnesses, particularly Abner Green, in arguing that the area committees are not associated with or a part of the American Committee. We find the attempted denials of affiliation are not convincing.

When asked on direct examination whether the American Committee had any affiliated branches or chapters, Abner Green qualified his answer by replying "not to my understanding of the term 'affiliated branches or chapters.'" (Tr. 5121.) His explanation of a reference in the American Committee's own publication, the Lamp, to the Midwest Committee as the Midwest Office of the American Committee, was that the reference was "by inadvertence." (Tr. 5151.) His explanation of the statement in the Lamp that the Northwest Committee was "a part of" the American Committee (Resp. Ex. 151, supra) was "That was simply a formulation and use of language which didn't square with the facts as they were at the time or the organizational setup that existed at the time." (Tr. 5184.) His explanation on cross-examination, of the Northwest Committee's reference to itself as affiliated to the American Committee (supra) was that he wrote to the committee that they had no right or authorization to indicate that they were affiliated with the American Committee. Green placed this as probably in 1949, said he did not think he had a copy of the letter, and his impression was that he did not consult with the board of directors in connection with it. We note in this connection that a publication of the American Committee called "Review of the Year 1950" (A.G. Ex. 25) contained the following at page 4:

"American Committee for Protection of Foreign Born:

"National office: 23 West 26th Street, New York 10, N.Y.

"Midwest: 431 South Dearborn Street, room 317, Chicago 5, Ill.

"Northwest: 300 Mutual Life Building, Seattle, 4, Wash.

"Southern California: 326 West Third Street, room 311, Los Angeles 13, Calif."

The addresses given are those which the record shows were also addresses of area committees here involved.[10] This indicates that even after the Northwest Committee had officially proclaimed its affiliation to the American Committee, and after the date when Green said he wrote the letter, the American Committee itself continued to recognize the Northwest Committee as the American Committee's Northwest office.

Green and Smith, and to an extent the other witnesses for respondent, testified on direct examination that the American Committee does not choose the officers or the governing bodies of the local committees, does not claim or assert any power to direct or control any one of the local committees, does not finance the local committees, and does not tell the local committees what to do with their funds. On direct examination, Green testified that it is true that American and the locals work and consult together and that in "different ways" the American Committee has taken the initiative in getting the local committees established. (Tr. 5138.) Smith testified to a "good deal of cooperation" among the locals and between the locals and the national. (Tr. 4132.)

Also on direct examination, Green answered "Yes" to the question whether before Pearl Harbor there were groups considered as branches or chapters or parts of the American Committee but that in 1943 there were "None that I can recall." (Tr. 5127.) On cross-examination he was asked whether in 1949, under the constitution then in effect which was also in effect before Pearl Harbor, it was possible for an organization to affiliate with the American Committee. He replied "It was possible under the constitution but not possible in any concrete or real manner." (Tr. 6792.)

Regarding the change in the constitution, Green testified on direct examination that the revision had no effect on the relationship between the American Committee and the local committees existing at the time of the revision.

Respondent's witnesses Carlson, Hill, and McArthur also testified that the locals are independent. We note, however, that this testimony was not unequivocal. Carlson said that basically the problems, plans, and scopes of Midwest and American are identical. Hill said that Michigan and American are "kindred" organizations which cooperate but are autonomous. McArthur referred to the American Committee as the "national organization" and said the locals "parallel the function of the American Committee." (Tr. 5563.)

Respondent's witness Reverend Moulton testified on direct examination that there were a number of "branches" of the American Committee in this country. On cross-examination he said there was one in the Northwest, one in Los Angeles, one in the Midwest, one in New England, and one in the South. On redirect examination, he stated as to the relationship between the American Committee and the local committees: "I think they are children of the parent organization." (Tr. 7067.)

The American Committee and the area committees are not incorporated. The fact that the area committees have their own officers and other indicia of day to day autonomy is not inconsistent with their being associated with the American Committee. Such characteristics are commonplace in organizations consisting of a national body and affiliated branches or chapters. We find on the entire record that the American Committee and the various area or local committees are associated together for joint action on particular subjects. Together they constitute a voluntary association and one organization within the meaning of the term "organization" set forth in section 3(2) of the statute.[11]

Respondent's direction, management, and supervision

Considerable evidence was presented by petitioner on the issue of the extent to which persons active in the management, direction, or supervision of respondent, including the local branches, have been active in the management, direction, supervision, or as representatives of, the Communist Party. (Sec. 13(f)(1) of the act.)

The record is clear, and we find, that Abner Green, who appeared as a witness for respondent, had been for a number of years, and at the time of the hearing was, the top functionary of the national organization and the most influential official in respondent's management and direction. It is unnecessary to detail here the many facts, established by oral and documentary evidence of both parties, showing Green's importance. He became associated with respondent in 1935, became executive secretary in late 1941, and had held that position continuously up to and including the date of the hearing. Green has been primarily responsible for the work and activities of the organization; he has traveled extensively throughout the country on respondent's business; and, he has compiled respondent's official publication, the Lamp.

Petitioner's witness Lautner, who had been a responsible Communist Party functionary for about twenty years up to early 1950, testified without contradiction or denial by Green, and we find,[12] that Abner Green attended Communist Party meetings; that Green attended the 1948 national convention of the Party; and that, although the 1948 convention was the last meeting at which Lautner recalls seeing Green, Lautner saw him in the Communist Party building on numerous occasions after 1948. A copy of the Communist Party official organ, the Daily Worker, issue for September 7, 1938, named Abner Green as one of four members of the Communist Party participating in a Party sponsored radio broadcast. (A.G. Ex. 168.) An article in the Party's official organ, Political Affairs, for February 1951, referred to "the Committee for the Protection of the Foreign Born, led by the devoted and indefatigable Abner Green." (A.G. Ex. 229.)

Green in testifying as a witness for respondent in this proceeding did not deny that he was or had been a member of the Communist Party.[13] On cross-examination he refused to answer, on grounds including the 5th amendment privilege against self-incrimination, the question whether during his time with respondent he was ever a member of the Communist Party.

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[10] The record indicates that at the particular time some or all of the other then existing area committees did not have offices; e.g., Professor Smith's testimony that the New England Committee before 1954, operated out of the home of Ruth Hillsgrove.

[11] Section 3(2) provides: "The term 'organization' means an organization, corporation, company, partnership, association, trust, foundation, or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together for joint action on any subject or subjects."

[12] There is no basis for finding, as counsel for respondent contends we should, that Lautner's testimony is unreliable. We likewise reject respondent's contention that all of Lautner's testimony should be stricken because on cross-examination when asked where he lived, he replied, "Department of Justice Building, Room 3266, Washington, D.C.," but declined to state his residence address unless given "guarantees as to my personal safety" because of threats upon his life by "Communist Party underground characters." (Tr. 1083–1084, 1835.) Lautner's direct testimony covered 100 pages of the transcript and he was cross-examined for 283 pages. We see no basis for contending that the absence of Lautner's residence address in any way impaired cross-examination. Respondent developed that at the time of testifying Lautner was a paid employee of petitioner and the cross-examination shows that respondent's counsel was adequately informed as to Lautner's background, environment and activities.

[13] Petitioner's witness Hardin testified that he attended a closed meeting of the Communist Party with Green in Johnstown, Pa., in 1949, and another party meeting in Pittsburgh, also in 1949, at which Green was present. Green contradicted Hardin as to both meetings. He testified that while he did attend a meeting in Johnstown in 1949, it was a meeting of the American Slav Congress and that he was in New York City at the time fixed by Hardin's testimony as to when the meeting in Pittsburgh took place. At the reopened hearing it developed that Hardin, serving as an informant for the FBI at the time, had not reported on any Communist Party meeting in Pittsburgh in late 1949, at which Green was present. It also developed that meetings Hardin had characterized in his testimony as being the Nationality Committee of the Communist Party were referred to in his FBI reports merely as the "Nationality Picnic" and the "Nationality Group." (Resp. Exs. 277 and 278.) We have fully reviewed all of Hardin's testimony and have ruled that there is no indication he was lying. (Rulings of the Board issued January 14, 1960.) On the other hand, there is sufficient doubt whether the Johnstown and Pittsburgh meetings about which he testified were formal Party meetings and we have not considered them in deciding that Abner Green was shown to be a Party member.

Lautner in addition to the above, also testified that in early 1942, as best as he could recall the date, he and another party functionary, Avro Dandy, were designated by the Communist Party governing committee to make a decision involving a dispute in the American Committee for Protection of Foreign Born between Abner Green and one Irving Novick, whom Lautner described as its "leader" at the time; that both Green and Novick were Party members and subject to Party discipline and decisions; that Lautner and Landy had Green and Novick appear before them at the national headquarters of the Communist Party to express their respective sides of the dispute; that the decision was that there was a bad working relationship between the two and Novick should be removed and Green put in as "head" of the American Committee; and, that as a result of the decision, Abner Green, whom Lautner identified at counsel table, was made the head. (Tr. 991–996.)

In attempted contradiction, Green testified that he succeeded one Curt Swinburne as executive secretary, actually assuming the duties sometime in October or November 1941 and being formally elected to the post by the Board of Directors on December 29, 1941, as reflected in the minutes which were received in evidence; and that Novick, who never had been executive secretary, left respondent regretfully because he had to earn a better living for his family. On cross-examination, Green while denying he met with Lautner and Landy and Novick in 1942, and (on redirect) in 1941, refused to answer on fifth amendment grounds a number of questions designed to explore the matter.

The fact that Green succeeded Swinburne as executive secretary is not necessarily inconsistent with Lautner's testimony. There is no basis for assuming that Lautner meant that Novick was the executive secretary at the time. The record shows that Novick had been one of the early functionaries of respondent and no evidence contradicts Lautner's description of him as the "leader." Moreover, the undisputed facts are that Novick left and Green, in becoming executive secretary, developed into the factual head of the organization. Under all of the circumstances, we do not consider Lautner's possible error in the date to be material and we credit the substance of his testimony. To the extent that Green's testimony is contradictory, it is not credited.

Petitioner's witness Hartle, who held high leadership positions in the Communist Party in the Party's Northwest District, testified without contradiction or denial, and we find, that Henry Huff, chairman of the Party District at the time, reported to a meeting of the District Board in the period between 1948–50 that he had met with Abner Green and Marion Kinney (see infra) on the occasion of a visit that Green made to the Seattle District as national head of the American Committee. In addition to this reported meeting of Green with a high Communist Party leader, Hartle also established that she met Abner Green in 1953 when Green was present at a luncheon meeting of the defendants in a Smith Act trial in Seattle; that there were present at this meeting Henry Huff, chairman of the Party District Committee and a codefendant with Hartle in the Smith Act trial, Paul Bowen, a member of the Party District Committee and also a codefendant, and John Daschbach and Terry Pettus, likewise District Committee members and codefendants; and, that Green talked at this meeting with Henry Huff about the work of the American Committee and of the progress, with which Green was pleased, of the Northwest Committee for Protection of Foreign Born in the Seattle area.

These facts as established by Hartle are consistent with Green being a member of the Party and tend to corroborate Lautner's testimony that Green became leader of respondent by decision of the Communist Party and served therein as a representative of the Party.

We find that Green was a member of the Communist Party and became the leader of respondent by decision of the Communist Party, and we conclude that Green remained and was a member of the Communist Party at the time of the hearing.

The only other person shown, in recent years at least, to have been particularly active in the management of respondent on a national level was Harriet Barron. At the time of the hearing and for a number of years prior Harriet Barron held the title of administrative secretary. Respondent's witness Saltzman testified on direct examination that she had met other people in respondent's office "but Abner Green and Harriet Barron are the main people." (Tr. 4572.) Respondent's witness Professor Louise Pettibone Smith testified that Green and Barron carried on the organization's day-to-day activities.

Lautner testified without contradiction or denial, and we find, that he had Communist Party business with Harriet Barron; that he attended Communist Party meetings at which she was present in the 1930's and the 1940's; and, that in 1949 she visited him at his office at party headquarters. From this and the entire record, we find that at the time of the hearing and for a number of years prior thereto Harriet Barron was a member of the Communist Party.

From 1948 until the position was abolished in 1952 the title and duties of naturalization aid director were held and carried out by Communist Party member Dorothy Strange. (See infra, page 26.)

We find that on the national level respondent at the time of the hearing was and for a number of years prior had been managed, directed, and supervised by Abner Green and Harriet Barron, both of whom were at the same time members of the Communist Party. From the fact that Green became the top leader of respondent at the direction of the Communist Party, and from other evidence of record, it is concluded that he has served as a representative of the Communist Party in operating respondent.

Respondent presented the testimony of two persons who at the time of the hearing were honorary cochairmen of the organization, Professor (emeritus) Louise Pettibone Smith was cochairman in the years 1952 and 1953, and an honorary cochairman for each year thereafter. She was also honorary chairman of the New England Committee. Bishop Arthur W. Moulton (retired) had been an honorary chairman since about 1949. Smith and Moulton have each been a "sponsor" of respondent—Smith since about 1950 and Moulton since about 1945.

It is clear from the entire record as well as their own testimony that neither Smith nor Moulton has been at all active in the actual management, director or supervision of respondent.[14] Therefore, their positions in the organization have no substantial relevancy to the precise issue of the extent that the organization is managed, supervised or directed by Communist Party functionaries or representatives. On the broader overall issue of whether the Communist Party dominates or directs respondent, both Smith and Moulton testified to the effect that they accepted their positions because of sympathy for the foreign born and a belief that respondent was working in the best interests of the foreign born and of the United States, and that they were elected to their positions (the inference sought to be made that the Communist Party had nothing to do with it, that no one put them on the list of sponsors or put them in as honorary officers.)

Yet, Moulton knows absolutely nothing, according to his testimony, about how he was selected and elected. On cross-examination it was developed that he was not a candidate for the office, and on being asked whether someone invited him to serve, he merely replied that "I was elected and accepted it." (Tr. 7052.) The first that he knew he was being considered for honorary cochairmanship was when he was advised that he had been elected. He implied that he accepted the office "to help out and be nice" and testified that "I didn't ask any questions." (Tr. 7053.)

Smith also, according to her testimony merely "was asked to be a sponsor, and I accepted." (Tr. 3979.) She then decided to go to the annual conference in Chicago because "I wanted to know what I was sponsoring in more detail than I did know." (Tr. 3996.) When she sent word to the New York office that she was going to be in Chicago and would like to be at the conference, "someone" wrote and asked if she would speak and "they," she doesn't remember who, then wrote her a letter asking whether she would allow her name to be offered in nomination as a cochairman, which she did. (Tr. 3997, 4001.) Smith was a sponsor of a Citizen's Emergency Committee formed for the specific purpose of defending 16 Communist Party officials on trial for violating a Federal criminal statute. At a meeting in Detroit, Mich., in December 1952, of the American Committee or the Michigan Committee for Protection of Foreign Born, at which Smith presided, one Nat Ganley, under indictment under the Smith Act, in giving a speech said that he was a Communist and proud to be a Communist, and Smith stated that America needs more loyal Communists like Mr. Ganley. Smith wrote a letter to Federal District Court Judge Medina, during the time he was presiding over the trial of top Communist Party leaders, to the effect that it was not to anybody's advantage to put a martyr halo around the Communist Party leaders. Smith believes that if the executive secretary of the Michigan Committee was a member of the Communist Party it makes no difference as long as "he did his job for us." (Tr. 4365.)

We find on this record that the fact that Smith and Moulton are honorary cochairmen of respondent, and the fact that they have carried out a few activities in behalf of respondent's work in connection with the foreign born, are not necessarily inconsistent with respondent being dominated and controlled by the Communist Party and operated for Party purposes.

We now examine the evidence as to Communist Party affiliations of those persons active in the local branches of respondent. The record indicates, and respondent did not present any substantial evidence to the contrary, that the persons holding the positions of executive secretary in the branches have, like Green in the national organization, been primarily and principally active in the management, direction, and supervision of the work and activities on the branch level.

The executive secretary of the Northwest Committee Branch (Washington Committee for Protection of the Foreign Born) at the time of the hearing was Marion Kinney who assumed the office in 1953. Marion Kinney was identified as a member of the Communist Party and as having been assigned by the Communist Party in late 1948 or early 1949 to organize and get the Northwest Committee under way. Kinney met with Communist Party officials and received instructions from them on organizing this committee and reported her progress in the assigned task.[15] According to the testimony of Abner Green, one Kenneth Howard was the first executive secretary of the committee and he was succeeded in 1949 by Lenus Westman. In 1951, Dr. H. J. Phillips succeeded Westman as executive secretary and Mabel Conrad became treasurer. H. J. Phillips and Mabel Conrad, as well as Marion Kinney, were identified on this record as members of the Communist Party.

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[14] Moulton has never attended any meetings or banquets of respondent and has never visited respondent's office. Smith had no desk at the office; she simply visited the office occasionally; and she did not know who performed the duties of naturalization aid director or general counsel. Her position as honorary chairman of the New England Committee "was really just a matter of giving my name" and she never worked for them. (Tr. 4193.) The record as to both Smith and Moulton bears out Moulton's observation that most of the work of any organization is "rather independent of honorary chairmen." (Tr. 7053.)

The only persons shown on this record to have been active leaders of the Western Pennsylvania Committee were Evelyn Abelson and Bess Steinberg. Abelson became executive secretary when the Committee was organized in December 1953. She was executive secretary at the time and arranged a meeting for Prof. Louise Pettibone Smith to speak during Smith's tour on behalf of respondent in early 1954. Meldahl received a written invitation to a meeting of the Western Pennsylvania Committee from Abelson in late 1955. Abelson and Steinberg were the people in the office and contacted by respondent's witness Peter Soldo in connection with deportation proceedings against his father as a former Communist Party member. Bess Steinberg was executive secretary at the time of the hearing.

Hardin testified without contradiction or rebuttal, and we find that he attended closed, policymaking meetings of the Communist Party with Bess Steinberg and that he saw her at 30 or 40 district conferences or district committee meetings of the Party. Hardin also testified, again without contradiction or denial, and we find that in 1951 Steve Nelson, chairman of the Communist Party District 5, told him to collect Communist Party dues and turn them over to Evelyn Abelson; that Nelson also stated that "When Abelson gives you orders, they will be orders from the Communist Party." (Tr. 344). Hardin actually collected Party dues at different times and turned the money over to Abelson. Prior to this, Hardin had seen and talked to Abelson at Communist Party meetings. Thus, the leadership of the Western Pennsylvania Committee has been by Communist Party members Abelson and Steinberg.

The only persons shown to have been active in the leadership of the New England Committee were Ruth Hillsgrove and Olive Sutton. Ruth Hillsgrove was executive secretary from 1952 until succeeded by Olive Sutton, who had been treasurer as late as February 1954. Hillsgrove was identified on this record as a member of the Communist Party.

While the record is not clear as to the date that the Michigan Committee was established, the evidence does show that early in its existence Saul Grossman was its executive secrtary and was still an officer at the time of the hearing. Grossman was identified on the record as a member of the Communist Party. One Peggy Wellman was administrative secretary of the Committee at the time of the hearing and she too was identified as a member of the Communist Party.

The Los Angeles Committee had as its leader from 1949 to 1951, one Delphine Smith, identified on the record as a member of the Communist Party. Petitioner's witness Miller became recording secretary of the Los Angeles Committee in late 1950 (at the suggestion of the FBI) and was later recruited into the Communist Party by one Morris Goodman, a functionary of the committee, who approached the subject after a meeting of the committee and told Miller that having seen how conscientiously she worked for the committee, he thought she would be an asset to the Party.

A number of various publications issued by respondent and showing the names of national or local functionaries were received in evidence. In no instance was Abner Green or any of the other persons that the evidence showed were Communist Party members so identified in the publications. Green was the only one of the persons shown to have been active in managing respondent who appeared as a witness.

This record requires the conclusion that the effective management, direction, and supervision of the local branches of respondent are substantially and primarily performed by and are under the control of members and representatives of the Communist Party. In view of our findings, supra, as to the leadership of the national organization it follows that the entire organization (national and locals) is effectively under the management, direction and supervision, and controlled by members and representatives of the Communist Party.[16]

Organization and purpose

The facts on the Communist nature of respondent's leadership and direction being established we consider next the evidence on the organization, aims and purposes of respondent, particularly as related to or connected with the programs and objectives of the Communist Party regarding the foreign born.

The record shows that the Communist Party of the United States has had a continuing policy toward the foreign born. The aims and purposes of the Party have been: (a) to seek to prevent the denaturalization and deportation of officers and members of the Party, and (b) to win the goodwill of the foreign born and obtain from them adherents to and support for the Party and for Party programs. The record also shows that it was the policy of the Communist Party to carry out and advance these aims and purposes through and by an organization separate from and not a part of the Communist Party as such. Illustrations of the facts establishing these findings will now be set forth.

Evidencing a general policy to win the goodwill of the foreign born were the adoption at the ninth convention of the Party, in 1936, of a platform which included the plank that the "infamous policy of deportation of foreign-born workers must be stopped" (A. G. Ex. 7, p. 2); and the adoption by the Party in 1948 of a platform which called for ending "persecution and deportation of the foreign born" (A. G. Ex. 227, p. 941).

The purpose to win the foreign born to the Party and to win their support of Party aims and objectives was evidenced by a declaration made at the eighth convention, in 1934, that "the foreign born workers constitute a revolutionary factor of the utmost importance." (A. G. Ex. 1, p. 701.) Means were outlined for "drawing the foreign born workers into the main stream of the class struggle, into the Communist Party and the mass organizations, particularly the trade unions." (Ibid p. 709.) The continuation of this purpose was evidenced and the role to be played by respondent was indicated, inter alia, by the testimony of petitioner's witnesses Hartle and Harper, both of whom held high offices in the Party's Northwestern United States organization at the time about which they testified.

Hartle showed that at meetings in 1948 and 1949 of the Communist Party Northwest District Committee and also of the Party District Board, there were discussions about forming a branch of the American Committee for Protection of Foreign Born, which branch was needed to defend Party members who were threatened with deportation, and in order to attract the support of a certain sector of the population to the Communist Party line who were interested in the problems of foreign born persons. Harper showed that in late 1948 or early 1949, at a meeting of the Party District Committee, Henry Huff, the Party's highest official in the northwest district, spoke at length on the need for setting up a branch of the American Committee in order to protect "our foreign born comrades" and to help build the Party. (Tr. 2977.)

In addition to showing the Party policies to win over the foreign born and to seek to prevent the deportation of Party officers and members, the above is a part of the evidence showing that it has been the practice of the Party to carry out these policies through so-called non-Party, independent organizations. Other evidence of record sheds further light on the existence of such a practice. For instance, petitioner's witness Hacker established that in the early 1930's there existed in the United States an organization named International Labor Defense ("ILD"). It was the American section of the International Red Aid which had its headquarters in Moscow and which was the parent organization of the various Communist defense organizations. Final policy decisions in the ILD were made by a Communist fraction in the organization or by Robert Minor, a Party member. The functions and purposes of the ILD were to carry out mass and legal defense of persons who were arrested in connection with what was termed working class activities. This included supplying legal counsel, the organization of mass protest demonstrations, the circulation of petitions, and the raising of funds to carry on these activities. The ILD was also utilized for the recruitment of members into the Communist Party.

During the year 1932, as the result of a suggestion made by Robert Minor, a member of the Central (governing) Committee of the Communist Party and liaison man between the Party and ILD, there was set up a Council or Committee for Protection of Foreign Born to take over and relieve ILD of the technical work (legal defense, bail, etc.) in deportation cases with ILD continuing the activity of arranging and holding mass meetings in order to dramatize the cases. Of the deportation cases handled by ILD, about 80 percent involved charges by the Immigration Service that the defendant was or had been a member of the Communist Party.

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[15] Petitioner's witnesses Barbara Hartle and Clark Harper both testified to the party interest in organizing the Northwest Committee and to the assignment by the party of Marion Kinney in that connection. The testimony of these two witnesses was unrebutted and undenied. We have considered the additional cross-examination of Harper on the basis of a statement given by him to the FBI on June 7, 1955 (Resp. Ex. 276) and find no basis for discrediting his testimony, particularly in view of the absence of contradictions, the lack of rebuttal or denial of his testimony, and the corroborative effect of Hartle's testimony. The fact that Harper's statement to the FBI was not as detailed as his subsequent testimony here, and the fact that the events as to which he testified were not the subject of earlier contemporaneous reports to the FBI were explained by the witness.

[16] Further evidence establishing this appears from various of the facts found under subsequent subheadings, such as the facts showing that these Communist Party people who have been the leaders of the respondent have constantly and consistently formed and promulgated views and policies of respondent in line with and without deviation from the views and policies of the Communist Party on the particular subject matters involved. In reaching the conclusion on the management and control of respondent we have considered and reject respondent's contention that the organization has been controlled by the annual conferences. See infra pages 41–42.

The continuation of the Party policy to carry out this work through a separate organization from the Party itself was evidenced, among other things, by an official Party statement in 1951 that:

"Comrade Foster warned us at our 1948 Convention not to allow our Party to become a defense organization. He spoke wisely from the sum total of experience in this field. A separate permanent nonpartisan organization devoted exclusively to this purpose is required." (A.G. Ex. 229, p. 126.)

We come then, against the background of Communist Party policies and objectives regarding the foreign born, including the defense of foreign born members of the Party itself, to consideration of respondent's organization and purpose.

Petitioner's witnesses Harper and Hartle showed that the need for the branch of respondent in the Northwest United States was the subject of Communist Party business in late 1948 and early 1949. (Supra.) Other evidence corroborates their additional testimony that a branch was actually formed shortly after the Party plans for it were made. Marion Kinney, a Party functionary, was designated by the Party to organize the branch in the Northwest and to assume an office in it. Kinney was given instructions by Party officials on organizing the branch and after it got started she reported to the Party officials on her progress in the new organization. In 1951, Kinney was further relieved of her other Party duties in order to do more work in the Northwest Committee for Protection of Foreign Born. Kinney was the executive secretary of the committee at the time of the hearing.

The evidence showed and we find that the Communist Party took the initiative in the formation and organization of the Northwest branch of respondent in order to have an organization to defend Party people subject to deportation and to win the support of the foreign born to Party programs and aims.

Petitioner's witness Baldwin, as part of her work in the Communist Party was assigned by her party section and attended as its representative, a national conference of the American Committee held in Detroit, Michigan, in the winter of 1949.[17] Baldwin served as a registrar at the conference. The Michigan Committee for Protection of Foreign Born participated in the conference. Baldwin testified to the effect that in the State of Michigan an organization known as the Civil Rights Congress was the organization to which were referred party members involved with law enforcing agencies and having immigration and naturalization troubles; that in the fall of 1948 the workload of the Civil Rights Congress became too heavy and a special committee was set up to take care of the foreign born of the Communist Party; and, that the name of the committee was the Michigan Committee for the Protection of the Foreign Born. The substance of Baldwin's testimony is credited.[17a]

Petitioner's witness Glatis was assigned in 1950 by the Communist Party in New England to a "sleeper basis" and told to work entirely through Communist-front groups rather than any open activity as a member of the Communist Party. In connection with this work for the party Glatis attended a meeting in Boston, Massachusetts, in about May of 1950, which was the founding meeting of the New England Committee for Protection of Foreign Born. A number of the 25 or 30 people present were shown by the evidence to have been members of the Communist Party. Glatis subsequently attended two meetings of the New England Committee, one in March of 1953 and the other around February of 1954. He received literature of the Committee through the mail and literature of the American Committee was available at meetings sponsored by the Communist Party, which Glatis attended in the period 1950–52. Based upon his attendance at the meetings, and upon the literature which he received, and upon discussions during his Communist Party membership, Glatis testified that the purpose of the New England Committee was to defend those who were subject to deportation as a result of being members of organizations that were dedicated to the overthrow of the Government by force and violence.

Petitioner's witness Lautner in 1945 was put on the credentials committee of a conference held by the American Committee and was elected to the Executive Committee although he was not there and was not consulted prior to being made a member of the Executive Committee. His explanation was that he was at the time on the Nationality Group Commission of the Communist Party and being placed on the Executive Committee of the American Committee for Protection of Foreign Born without being solicited was the way the Party works. Lautner testified that the American Committee "functioned to give legal aid and legal protection for members of the Communist Party, and particularly leaders of the Communist Party, who had difficulties with immigration and naturalization cases or problems." (Tr. 1004.)

Petitioner's evidence on the purposes was contradicted by respondent's evidence. Respondent's witness Green did not deny, and affirmatively stated, that one of the activities of the American Committee is to defend members and former members of the Communist Party involved in deportation proceedings. But Green stated that the purpose is not to give aid and support to the Communist Party, or to promote the objectives of the Party. Green testified that it is the position of the American Committee that laws or court decisions which deprive noncitizens of their rights because of their membership, past or present, in the Communist Party most certainly affect the status of the rights and welfare of all noncitizens or affect the rights and the welfare of naturalized citizens, and at the same time establish the basis whereby the rights and welfare of native-born citizens can be undermined and destroyed.

Green testified similarly on the matter of the denaturalization or revocation of citizenship of persons on the grounds that at the time of naturalization they had been members of the Communist Party. On the matter of immigration, Green testified to the positions of the American Committee that a reasonable number of immigrants be admitted each year and that the statutory quotas are discriminatory and should be abolished for more flexible means. Green gave illustrations of non-Communist cases handled in the various fields of deportation, immigration, and naturalization.

On cross-examination, Green refused to answer, on constitutional grounds, the question whether he at any time since he had been executive secretary conferred wtih any functionary or official of the Communist Party concerning the affairs or policies of the American Committee.[18] Petitioner's witness Lautner testified, without contradiction or denial, and the testimony is credited, that Abner Green, and also Harriet Barron, attended Party meetings and had the benefit of the discussions and deliberations of the Party on all policies, and carried out Party policies with respect to the American Committee, and "fitted" Party policies into the functions of the American Committee.

Tending to corroborate this testimony of Lautner, and further indicating that respondent is the organization used by the Party to carry out Party objectives regarding deportees and the foreign born was the report made at the 15th National Convention of the Communist Party, as printed in the Party organ, Political Affairs, for February 1951. (A.G. Ex. 229.) This party report stated that "The fighting spirit of the I.L.D. is a proud heritage" and that:

"The Civil Rights Congress, under the able leadership of William Patterson and Aubrey Grossman, is the logical inheritor of the I.L.D.'s record and experiences, and the Committee for the Protection of the Foreign Born, led by the devoted and indefatigable Abner Green, performs invaluable service in the fight against the Government's deportation drive. It is the duty of all progressives to appreciate the need of these organizations, help raise funds, and support their work."[19] (A.G. Ex. 229, 127.)

Still further evidence relevant to the real purpose of respondent was the facts established by petitioner's witness Mary Markward. She first learned about respondent through reading about it in the Communist Party press. Subsequently, around 1946, respondent was discussed at various meetings of the Communist Party, attended by Markward, particularly at the District level, as an organization that did from time to time assist Party members. In 1948, at the Communist Party office in Washington, D.C., Dorothy Strange, a Party functionary, told Markward that she (Strange) was working for respondent and that the work she at that time was doing with respondent was just as important to the cause of the Communist Party and was helping the Communist Party just as much as any work anybody was doing as even a functionary of the Party. Strange, who had been elected to the Communist Party district committee and district board in 1945 and had worked in the Party office in Washington, D.C., was in Washington at the time on a mission for respondent. For the years from 1949 through 1952, when the office was discontinued, Dorothy Strange held the position of Naturalization Aid Director in respondent. (Supra.)

Respondent's constitution provided as to purpose that:

"The purpose of the American Committee shall be to perpetuate for the foreign born the fundamental American concepts of equality, regardless of race, color, nationality, creed, or place of birth, and to preserve the fundamental ideals of liberty and hospitality which serve as the guarantees of democracy to all Americans.

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[17] Indicative of the relationship between the various local committees and the National Committee (supra) are the facts that in 1949 one Lenus Westman was a director of the national and also an officer of Northwest, that he attended this conference and thereafter reported on it to meetings of the Northwest Committee.

[17a] There is conflicting evidence on when the Michigan Committee was first organized. The point is not of substantial materiality.

[18] We have found, supra, based upon other evidence, that in 1953 Green met with the chairman and other officers of the Northwest District of the Communist Party and discussed with the Party district Chairman the work of the American Committee and the progress of the Northwest Branch. We have also found, supra, that sometime in the period 1948–50, the Chairman of the Party Northwest District reported at a meeting of the Party district board that he had met with Green and Marion Kinney on the occasion of a visit that Green made to Seattle as the national head of the American Committee.

[19] Additional evidence of Communist Party support of and favorable publicity for respondent is set forth infra.

"The work of the American Committee shall be to promote better relations and understanding between native and foreign born by means of education; to encourage and facilitate the naturalization of noncitizens; to prevent discrimination against noncitizens or foreign born citizens because of their nationality, political, economic or religious belief, or lack of citizenship; to prevent the destruction of American families by the threat of deportation; to maintain the traditional right of asylum for political and religious refugees in the United States and to actively work for the solution of the problems confronting the foreign born in the United States.

"The American Committee shall be an unaffiliated, nonmembership, independent, nonpartisan body cooperating with all other organizations interested in any phases of its program." (Resp. Ex. 88.)

Although not indicative standing alone, the fact that the constitution provides that the organization shall be "unaffiliated" and "independent" is consistent with the policy of the Communist Party, supra. Likewise, the provisions on the purpose and work when read in the light of this record are not inconsistent with a real aim or objective of aiding and supporting the Communist Party. Respondent's witness Reverend Moulton testified that "as far as my observation and knowledge goes" respondent's activities have been in furtherance of the purpose set forth in the constitution; that the work has been consistent with the U.S. Constitution; and that he has never observed anything which would lead him to the opinion that respondent is dominated by the Communist Party. (Tr. 7020–23.) It is to be noted that for the most part Reverend Moulton's relationship with respondent was by mail and he never attended any of its meetings or banquets.

Respondent's witness Louise Pettibone Smith testified to the effect that respondent defended anybody, including Communists, in pursuance of its own program and not that of the Communist Party. Respondent's witness Rev. Charles A. Hill testified that the literature of respondent has been consistent with the purpose set forth in the constitution and that the activities can be consistently supported by persons who disagree with communism.

This leads us to an examination of the literature of respondent as it may indicate its purpose. One consideration revealed from a review thereof is that respondent's support and defense of Communists has not been limited to those who were foreign born or who were involved in deportation or naturalization cases and has gone beyond the impression given by respondent's witnesses.[20] The evidence includes that now set forth.

In December of 1949, respondent went beyond the normal defense of the foreign born by supporting Communist Party functionaries Fred Estes and James Green, both of the State of Texas. Estes was sentenced to a jail term and fined by the Federal district court for refusing to produce local Communist Party books at immigration hearings held to establish whether seven noncitizen residents of Dallas, Tex., were members of the Communist Party. James Green, Texas secretary of the Communist Party, was found in contempt of court for refusing to testify before an immigration hearing as to whether two residents of Houston, Tex., were members of the Communist Party.

Respondent was active in supporting and defending one Gerhart (Gerhardt) Eisler in various proceedings. Petitioner's witness Lautner knew Eisler in 1935 as the representative of the Communist International in this country. Eisler was a well known foreign Communist. In the late forties, while Eisler was in this country, he was tried and convicted for willful contempt of the Congress of the United States. (*Eisler* v. *United States*, 170 F. 2d 273, 338 U.S. 189.) He was also tried and convicted of knowingly making false statements in an application to the Secretary of State for permission to depart from the United States. (*Eisler* v. *United States*, 176 F. 2d 21.) He was also arrested for deportation.

On the direct examination, counsel for respondent read to its witness, Abner Green, the allegation in the petition of the Attorney General that respondent actively supported the Communist Party in its efforts on behalf of Gerhart Eisler. Green testified that respondent defended him only in respect to the question of deportation and in respect to the questions of bail in deportation proceedings; that in so doing respondent was not advocating or following the views and policies of the Communist Party; and, that respondent was supporting its own program and the Bill of Rights—the Constitution of the United States. Conclusive evidence, on the other hand, shows that, contrary to Green's testimony, respondent supported Eisler and filed a legal brief in his behalf in the contempt of Congress case, in addition to defending him in the deportation matters.[21] This goes beyond the normal, avowed purposes of respondent.

While appeals were pending on his convictions in the criminal cases, Eisler was arrested on a warrant for deportation. He and other persons, two of them high officers of the Communist Party, U.S.A., were held on Ellis Island. Respondent actively participated in campaigns for the release of the five on bail and to "Let Gerhart Eisler Go Home." (Tr. 5432–43, A.G. Ex. 244.) After being released on bail, Eisler fled the country. Even the campaigns of respondent on behalf of Eisler which were designed to avoid his being held on deportation charges and immediately to let him leave the country, seem to exceed the avowed purpose of respondent. Moreover, in carrying out these campaigns, respondent advanced positions similar to those advanced by the Communist Party.

For instance, the Party took the position that the fight for freedom of Eisler was "the battle to preserve political rights" (A.G. Ex. 281), that the government was exhibiting cynical cruelty in the "persecution" of Eisler and other Communist leaders (A.G. Exs. 282, 283), and criticized the Department of Justice drive against Eisler and other Communists. Likewise respondent criticized the Attorney General saying he "displayed a contempt for the principles of democratic procedure" in arresting Eisler (A.G. Ex. 185); complained of the Department of Justice's procedure in arresting Eisler as "a new tactic to harass and intimidate the American people" (A.G. Ex. 194); stated that the Justice Department used deportation as "a repressive weapon" (A.G. Ex. 199); and complained as the Communist Party did of the refusal of the department to permit Eisler to leave the United States. Even Abner Green's testimony, supra, that in defending Eisler in the deportation proceedings respondent was supporting the Bill of Rights, was consistent with the position of the Communist Party that "To advocate action against Communists is to destroy the Bill of Rights." (A.G. Ex. 281.)[22]

The Eisler case is but one of a number of instances shown by the record where respondent's views and policies have been similar to and have not deviated from the views and policies of the Communist Party.

Like the Communist Party, respondent has taken and advanced the position for repeal of the Smith Act. Among the evidence of the line taken by the Party in its efforts to arouse the public against the Smith Act was a statement issued in October 1951 by the National Committee of the Party condemning the refusal of the Supreme Court of the United States to grant a petition for rehearing for the Party leaders that had been convicted under the act, and including the following:

"The court of last appeal is the American people. They can wipe the Smith Act off the books now as they have many other obnoxious laws in the past.

* * * * *

"This decision signalizes that Wall Street is ready to go full speed ahead into a bloody war and a brutal fascism. It is a cause for the gravest alarm. It must alert the entire labor movement, the Negro people, the cultural and religious forces, to unite in a renewed and mighty effort to repeal the Smith Act. It calls for united efforts to repel increasing terror in our country and to halt Smith Act mass arrests." (A.G. Ex. 297, p. 3.)

About 6 months after the issuance of the above-mentioned Party statement a publication called National Guardian contained an article by Abner Green, written as executive secretary of respondent, condemning the Supreme Court's upholding of certain deportation cases based upon past membership in the Communist Party. (A.G. Ex. 169.) Green declared that "any and every person who believes in peace and democratic rights [is] today threatened by un-American reaction" (ibid). His article continued with:

"At the base of this attack is the implementation of the 1940 Smith Act in the life of our country, utilized to jail leaders of the U.S. Communist Party and arrest dozens of others solely because of their political opinions.

* * * * *

"The Supreme Court majority has subordinated the people's interests to the inciters of war hysteria and proponents of a police state. But the court of last resort, the people itself, is still to be heard from * * *." (Ibid.)

In addition to advancing positions similar to those of the Communist Party regarding the Smith Act, the record shows, contrary to respondent's contention (exception 51), that respondent's opposition to the Smith Act has not been limited to the "anti-alien" provisions. For example, at one of its national conferences respondent went on record urging support of an organization named Civil Rights Congress in defense of the Communist Party officials indicted for violations of the conspiracy provisions of the Smith Act. Also, various exhibits showed resolutions and other actions of respondent seeking repeal of the Smith Act which were not limited to the alien provisions or even singled them out for specific mention.

In 1953, respondent circulated a booklet written by Abner Green seeking to rally the people behind a campaign for repeal of the "hated" Walter-McCarran Act. (Resp. Ex. 191.) Contained therein was the statement that: "The Smith Act prosecutions and jailings of Communist Party leaders bolster the McCarthys and Veldes." (P. 47.) Green was asked on cross-examination what relation there was between the Smith Act prosecutions and the work of respondent. He replied that the relationship "exists in the social sense," that the Smith Act prosecutions "helped to contribute to the hysteria, which served to intensify the persecution of the foreign born." (Tr. 6726.)[23]

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[20] We consider under the next subheading respondent's actual activities in the defense of persons involved in denaturalization and deportation cases. The facts therein are also indicative of respondent's true purposes.

[21] Eisler became a fugitive while his conviction for contempt of Congress was pending review in the Supreme Court of the United States. The Court in *Eisler* v. *United States*, 338 U.S. 189, ordered the case removed from the docket. Mr. Justice Murphy, in a dissenting opinion at p. 193 characterized Eisler as "an alien, a Communist, and a fugitive from justice."

[22] Green refused on fifth amendment grounds to answer if he knew what position Eisler held in the Communist Party or whether he had attended a closed Party meeting with him in Pittsburgh, Pennsylvania, in 1948.

This booklet also contained the position that: "The increased outbursts of anti-Semitism in all parts of the country, symbolized by the rotten frameup of the Rosenbergs, feed the bigots and the hatemongers." (Resp. Ex. 191, p. 47.)

The cross-examination of Green on this was as follows:

"Q. Now, Mr. Green, is there any deportation or immigration or denaturalization or naturalization aspect of the Rosenberg case?

"A. There is no direct aspect. There is the indirect aspect that the kind of treatment accorded the Rosenbergs, the frameup to which they were subjected, helped to create, to stimulate anti-Semitism, and also hysteria in the country, as a result of which it was a lot easier for the Justice Department to proceed to arrest several hundred noncitizens than it would otherwise have been in the course of the hysteria that was generated.

"Q. Are you familiar with the Rosenberg case?

"A. Somewhat, yes.

"Q. Can you recall or do you know, Mr. Green, what the charges were in the Rosenberg case? You don't have to use legal language.

"A. I think they were charged with being human beings and Jews.

"Q. Are you being facetious now, Mr. Green?

"A. No, I am answering your question.

"Q. There is no attempt there to be humorous?

"A. Not in the slightest.

"Q. Do you know, Mr. Green, that the Rosenbergs were charged with conspiring to commit espionage against the United States?

"A. I know the Rosenbergs were murdered by the United States Government".[24] (Tr. 6730, 6731.)

The booklet (supra) also stated:"The increased prosecution of trade unionists under the Taft-Hartley law provides ammunition for the enemies of the people"; and, "The vicious jim crow system and the national pattern of discrimination and genocide suffered by the Negro people strengthens McCarranism."[25] (Resp. Ex. 191.) Green conceded on cross-examination that there is nothing in the Taft-Hartley law that pertains to immigration or deportation or denaturalization matters.[26] His explanation (See sec. 9h, 29 U.S.C. 159(h).) was that Taft-Hartley affects deportation and immigration matters by generating hysteria and encouraging "the Justice Department to carry on forays on communities with FBI investigations and arrests and possible deportations." (Tr. 6732.) The Communist Party, as evidenced by Political Affairs for February 1951, had referred to the "straightjacket of Taft-Hartley" and advanced the position that "the persecutions of Communists and alleged Communists in trade unions under the Taft-Hartley Law" were among the corollaries to "direct attacks" upon the Party. Included by the Party among the "direct attacks" were deportations under the McCarran Act. (A.G. Ex. 229, pp. 127 & 129.)

The reference in the booklet (supra) to the Negro people is part of the evidence indicating that respondent has followed the Communist Party line in seeking to influence and win over the Negro people.[27] An approach by both organizations has been to link the Government's deportation activities with asserted lynchings and "Jim Crow" policies toward the Negro people claimed to have been carried out or sanctioned by the Government.

An early statement of the Communist Party's objective in connection with seeking to win over the foreign born appeared in a 1934 Party organ stating that the mass organizations " * * * must become levers in the hand of the Party for winning the majority of the working class. In this respect the language mass organizations must become the levers for moving the foreign-born masses to march shoulder to shoulder with their exploited brothers, the native Negro and white workers, in the class battles along the road of the working class way out of the crisis, along the road to Soviet America." (A. G. Ex. 1, p. 710.)

The record gives numerous instances showing that a consistent means used by the Communist Party in its efforts to win over the foreign born and others to Party causes and objectives has been by attacks upon the U.S. Government or branches thereof. At times the terms "reaction," "reactionary forces," "ruling class" (circles), and "American imperialism" (U.S.) have been used. For example:

"We [Communist Party] have to be alert to all sorts of tricks, through which profascist reaction attempts to penetrate our ranks and undermine our Party by sending into it spies, agents provocateurs, and traitors to the working class." (A.G. Ex. 161, p. 24.)

"The ruling circles of our country, in the guise of anti-Communism, are exerting the full force of state power in an all-out drive to weaken and undermine the fight for wage increases, pensions, upgrading for Negro workers; to smash the fight against speed-up and ultimately to reestablish the open shop and destroy free trade unionism." (A.G. Ex. 161, p. 22.)

"Gerhart Eisler, refugee German Communist, was sentenced to from 1 to 3 years imprisonment by Federal Judge James W. Morris. Eisler, before he was sentenced, gave a dramatic exposure of the reactionary political maneuvers behind his conviction. * * *" (A.G. Ex. 285, p. 5.)

"Reactionary forces, roused and organized by Hearst and the Liberty League, and striving to seize the Government fully." (A.G. Ex. 7, p. 1.)

"The agents of the ruling class within their ranks * * * mislead them [the foreign born] along the line of class-collaboration, of submission before the bosses." (A.G. Ex. 8, p. 4.)

"The ruling class has decided it must smash this unity [native, foreign born, white, and Negro workers]. It has begun its drive." (A.G. Ex. 89, p. 1.)

"The drive to stir up hysteria against the millions of foreign born is a calculated effort to break down the resistance of the majority of the people who oppose our country's involvement in the imperialist war." (A.G. Ex. 228, p. 626.)

Among the Party attacks upon the Government have been to condemn what the Party called attempts to "strangle the people's movements" in foreign countries. (A.G. Ex. 232.) The Daily Worker for January 1, 1952, contained the following:

"The voices and actions of the American people in 1952 assure the world that we and our country are not identical with the corrupt and desperate American ruling class, but our contempt for them is identical with that of people elsewhere." (Ibid.)

Respondent has likewise condemned the United States Government in the same activities condemned by the Communist Party. In 1945, Abner Green made a "report" as executive secretary of respondent, at the eighth annual conference. (A.G. Ex. 259.) He was critical of "American poll tax Democrats" and "Herbert Hoover Republicans" who he said were intervening against the people of Europe. (P. 12.) He was critical of the "domestic and foreign policies of the Government" as endangering the welfare of all Americans. (P. 12.) He used the various terms, in describing American leadership, of "camp of native reaction," "reactionary elements," and "fascist propagandists." (P. 13.) Among the statements in his report were:

"The foreign born are justifiably concerned with the direction that is being taken by the United States Government in its dealings with the recently-liberated peoples of Europe and the Orient." (A.G. Ex 259, p. 12).

* * * * *

"The failure of the Department of State to pursue a policy of supporting the democratic people's movements in Europe and the Orient undermines the unity of the American people. Our safety and our security rests on our winning for the people of the liberated countries an opportunity to establish governments free from reactionary interference. (Ibid.)

* * * * *

"We must realize that these fascist propagandists are exceedingly clever. For instance, they appeal to Polish-American homeowners in Detroit with their anti-Negro propaganda. * * * They drag out all of Hitler's lies against the Jews, against the Soviet Union, and against the threat of so-called communism, which covers everything progressive and everything decent in American life." (P. 13.)

"It is to our own interests to protect the foreign born from fascist influences, to expose and to fight these forces and their poison of anti-Semitism, anti-Negroism, and anti-Sovietism * * * fighting the reactionary forces among the foreign born will help weaken native reaction. It is our responsibility to help the progressive democratic forces in the foreign born communities fight this poison, to expose and to defeat these enemies of democracy." (P. 13.)

In 1951, respondent issued a booklet written by Abner Green entitled "the deportation drive vs. the bill of rights." (A. G. Ex. 56.) It combines an appeal for support in opposition to the McCarran Act [codifying the immigration and naturalization laws] with attacks upon so-called "reaction in the United States" (p. 7) or "American reaction"

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[23] On direct examination Green sought to give the impression that respondent's opposition to the Smith Act was limited to the alien provisions. He testified that respondent did not campaign against the enactment of the "sedition section" and thereafter did not campaign for the repeal of the sedition section (dealing with the advocacy of the overthrow of the government by force and violence and membership in an organization that so advocates). (Tr. 5924.)

[24] See infra, the facts showing a similarity of positions taken by respondent and the Communist Party in attacking the United States Government.

[25] We repeat, for emphasis, that this proceeding is not concerned with the merits of any positions taken or views expressed and that the merits of any positions or views are in no respect issues herein.

[26] The Taft-Hartley law contained provisions requiring officers of labor organizations to file so-called non-Communist affidavits.

[27] As early as 1934, the Party had the program to build the Party by "winning * * * the native white and Negro workers" but without ignoring "the role of the foreign-born masses * * *." (A.G. Ex. 1, p. 701.)

(pp. 11, 19), and with defense of the Communist Party (p. 7). Using the usual theme that the rights of "all sections of the American people" are "under serious and dangerous attack," (p. 6) respondent's booklet declared:

"On December 4, the United States Supreme Court will hear argument on a case that may well decide the whole future course of American democracy when the appeal of the leaders of the Communist Party is heard and the constitutionality of the 1940 Smith Act is tested. At the same time, we witness new attempts to illegalize the Communist Party as the Justice Department puts into operation the registration sections of the 1950 McCarran Law.

"Our concern is with the status and rights of those Americans who are foreign born, since reaction in the United States has always attempted to use the foreign born as a scape-goat and as an additional means for dividing the people of this country.

"We must develop that kind of program of action, and make possible that kind of defense of the rights of foreign-born Americans, that will help defeat the current attack on the rights of the foreign born and contribute thereby to the defeat of the reactionary attack on the civil rights of all Americans." (P. 7.)

Defense of the Communist Party was woven into a booklet written by Abner Green in 1950 and circulated and sold by respondent. (A. G. Ex. 166.) Entitled "The Deportation Terror a Weapon to Gag America," the booklet concentrated on deportation proceedings against one Peter Harisiades for past membership in the Communist Party as an organization advocating the overthrow of the Government by force and violence. (We further consider, infra, respondent's defense of Harisiades.) The following are excerpts from the booklet's presentation of what was involved in the Harisiades case:

"In finding that the Communist Party is an organization that advocates the overthrow of the government of the United States by 'force and violence,' the Justice Department could not point to one instance since it was organized in 1920 when the organization actually advocated force or violence or taught its members any such beliefs. (P. 9.)

"The Justice Department based its findings on the literature circulated by the Communist Party, the Marxist classics, some of which are more than 100 years old. (P. 9.)

"The record in the Harisiades case is hundreds of pages long. Peter Harisiades testified at length as to his beliefs and as to what the Communist Party taught him and advocated during the years of his membership. William Schneiderman, an American citizen, whose citizenship the United States Supreme Court preserved in 1945 in its historic decision after Wendell Wilkie argued in his behalf, also testified in the Harisiades hearings. (P. 9.)

"Mr. Schneiderman, who is California State Chairman of the Communist Party, discussed the principles of his organization, denied that it believes in, or ever believed in, force or violence, and completely exposed the Justice Department's charges as political persecution. (Pp. 9 & 10.)

"But, nowhere in these hundreds of pages did the Justice Department present so much as one iota of proof that the Communist Party believes in, or advocates, the overthrow of the government of the United States by 'force and violence.'" (P. 10.)

Under the heading "Part of General Attack" the following appeared:

"The deportation drive and the hysteria against the foreign born are an essential part of the concentrated drive on the rights of all minorities in the United States and the general assault on the liberties of the American people. (P. 19.)

"Lynchings of Negro people in the South. The 'loyalty' program for Government workers. The Hollywood 10. Increased police brutality against the Negro people in industrial centers and against Mexican-Americans in the Southwest. The Los Angeles 21 and the Denver 6. Increased anti-Semitic propaganda. The Trenton 6. The attempt to jail the leaders of the Communist Party because of their ideas. (P. 19.)

"These—together with the deportation drive—are part of the general attack on the rights of all Americans who believe in peace and the democratic way of life." (P. 19.)

The testimony of petitioner's witnesses as to the true purposes of respondent is strongly supported by the other findings made under this subheading. It is significant that respondent has taken and advanced views and policies on matters outside of and beyond the field of the foreign born; that in each instance of record such views and policies have been in areas involving either directly or indirectly the Communist Party of the United States and favorable to the party; and, that in such views and policies as well as in its views and policies in the field of the foreign born respondent has paralleled the views and policies of the Communist Party and has not in any instance deviated therefrom. We find that the clear preponderance of the evidence establishes that the purposes of respondent have been to aid and support the Communist Party.

This finding is further established by the facts that emerge from the record as to the detailed work and activities of respondent, particularly in connection with the foreign born, which we now consider.

Activities

It is clear from the record that the legal and propaganda defense of individuals involved in deportation and naturalization cases has occupied a substantial part of the time, effort, and attention of respondent. Considerable time and effort have also been devoted to working to defeat existing laws in the fields of deportation, naturalization, and immigration; promoting legislation; and, opposing the administration of the laws in these fields.

In connection with these activities, respondent has issued many leaflets, pamphlets, flyers, and other material, and has published the newspaper-type periodical, the Lamp, as well as the occasional publication, Review of the Year.

The American Committee, national organization of respondent, has, for each year from 1937 to the time of the hearing (except in 1944 and 1946) held annual conferences. It has also sponsored various events such as: pilgrimages to Washington, D.C., in 1949 and again in 1951, at which there were picketing and demonstrations in behalf of certain deportees; banquets and ceremonies keyed to various aspects of deportation and naturalization work; and, speaking tours of officers of the organization in behalf of the organization and its programs.

The various local committees, branches of respondent, have sent delegates at times to the events of the national organization and have themselves held or sponsored various conferences, testimonial dinners and other affairs, such as: "Midwest Conference on Deportations"; festivals of nationalities; "California Conference To Defend the Rights of Foreign Born"; and regional conferences.

Illustrative of the general nature of respondent's publication, the Lamp, the issue for "Dec., 1950–Jan., 1951" (Resp. Ex. 270) includes: announcement of a pamphlet being sold by respondent discussing "the McCarran Law and the rights of foreign-born Americans"; announcement that argument in the appeal in the deportation case of Peter Harisiades had been postponed; birthday greetings to a list of "non-citizens who are among those facing deportation"; announcement of the sale of a leaflet "Deadly Parallel: 1920–1951"; articles entitled "National Conference Adopts Program and Elects Officers for Coming Year," "Joe Weber Conviction Reversed by Federal Court of Appeals," "Revocation Proceedings Initiated Against Tenth American Citizen," "More Serious Than 1920 Palmer Raids"; "McCarran Law Deportation Drive," "'Fight Deportation' Month To Be Observed March 1951"; "Prominent Individuals Join in Protests," "Organizational Activities"; and, the commendation of respondent for attorneys who had represented persons held without bail on deportation charges.

No useful purpose would be served in detailing the voluminous evidence of respondent's apparently tireless work on what it holds out to be issues confronting or affecting the foreign born. One further illustration will suffice. Respondent's publication "Review of the Year 1950," a copy of which was put in evidence by petitioner (A. G. Ex. 25) summarizes the activities and work during 1950 in connection with noncitizens and naturalized citizens, and outlines the program for 1951 adopted by "the National Conference to Defend the Bill of Rights, which met in New York City on December 2 and 3, 1950" (p. 3). As shown by this publication, the work and activities during 1950 included: the legal defense, at deportation hearings and in appeals to the courts of individual deportation cases; efforts in connection with getting deportees released on bail; support of applications for naturalization, and opposition to revocations of naturalization; the publication of material such as folders concerning various individual deportation cases; the issuance of petitions and other protests against the Government's actions in various deportation and naturalization cases; and a summary of "victories" or favorable decisions of the United States courts involving aliens. The program for 1951 as outlined in the publication followed the same general lines as the actual activities during 1950, with apparent emphasis in 1951 on seeking the repeal of the deportation, naturalization and immigration provisions of the 1950 McCarran Law.

A review of the evidence, both the documentary material and the oral testimony, shows that at every opportunity, in its publications and flyers as well as at its conferences and other affairs, respondent urged and appealed for public voluntary contributions to carry out its work and activities. Such review also shows a constant effort to attract people to respondent and to induce public support for its programs and activities, particularly by advancing the position that the interests and liberties of all Americans are affected by the Government's policies and actions involving the foreign born.

In past years, at least, respondent was successful in obtaining the good will and support of the public, including persons prominent in government, civic, labor and religious life. The annual conferences have been attended by as many as 300 to 400 people of various walks of life and these people have participated as speakers and approved the programs and activities of respondent in connection with the foreign born. The annual conferences have been open to the public and any individual or organization could pay a registration fee of one or sometimes two dollars and participate in the sessions of the conferences. Since 1949, no Government officials or Members of the Congress of the United States have sent messages to or appeared at respondent's conferences, as some had in prior years. Abner Green attributed this to the fact that the organization had been included on the Attorney General's list of subversive organizations under the provisions of the Executive order establishing a loyalty program for Government employees. Respondent did not avail itself of the procedure for a hearing in connection with the listing by the Attorney General. Respondent's witness Soldo, whose father had been aided by respondent in connection with deportation charges, testified that had the Western Pennsylvania Committee (branch of respondent, supra) ever preached Communism to him, "I wouldn't be around there long." (Tr. 6301.)

Abner Green testified that the purpose of the annual national conferences has been "To serve as a general review of the work of the American Committee for Protection of Foreign Born during the preceding year, to discuss current problems facing the organization, and, in addition, of course, facing the foreign born in the United States and to work out a general program for the coming year to serve as a guide for the work of the organization and the administrative staff and the officers in carrying out the program of the American Committee." (Tr. 4873.)

Green further testified that the national conferences have been the only body of the American Committee that have ever set the policies of the organization; that the conferences elected the officers; and, that the policies and decisions of the national conferences have been binding on the officers of the American Committee.

It appears to be true that those who have attended the national conferences have reviewed the general work and activities of respondent in connection with the foreign born, and have adopted programs for the coming year although limited to the fields of deportation, naturalization, and immigration. To the extent that Green's testimony, above, goes beyond this, the testimony is not in accord with the preponderance of the evidence.

The actual management, direction, and supervision of the work and activities of the organization on the national level have been carried out and conducted by Communists Abner Green and Harriet Barron with minimal, if any, participation by the other officers, regular or honorary. (Supra.) The management, direction, and supervision of the branches (local committees) have been by Communist Party members such as Ruth Hillsgrove for the New England Committee; Evelyn Abelson and Bess Steinberg for the Western Pennsylvania Committee; Saul Grossman for the Michigan Committee; Marion Kinney for the Northwest Committee; and Delphine Smith for the Los Angeles Committee. (Supra.) As on the national level, there is no evidence of any participation in the actual management, direction, and supervision of the work and activities of the branches by any other officers.

The constitution of the national organization, and the constitutions of those of the locals that are of record, provide for the delegation by the annual conference of full responsibility for carrying out the programs, and provide that the executive secretary (who on the national level has been Communist Party representative Abner Green for many years) shall be responsible for the work and activities in between the annual conference. The limited number of minutes of respondent's meetings put in evidence shows no officers present other than these administrative officers. Minutes of the January 16, 1951, meeting of the executive board of the Los Angeles Committee showed Delphine Smith in complete charge of the work, and specifically provided that:

"Delphine Smith gave a thorough report of reorganization plans that were discussed when Abner Green visited Los Angeles and also action that has been suggested for the immediate future. * * * The Executive Secretary will be empowered with full responsibility to take action immediately when necessary without having to wait for an Executive Board meeting. * * * In line with the National Conference the Los Angeles Committee will have a Chairman, Co-Chairman and Treasurer for Officers and also a list of prominent sponsors who will act as Board of Directors, honorary offices (sic) without organizational responsibilities."

* * * * *

"Delphine Smith informed the Board of the change of offices to Room 311, same building." (A.G. Ex. 62.)

The conclusion is clear from this record that such things as the expenditure of respondent's funds, the pitch or line to be taken in its published material, the selection of day-to-day activities and of emphasis to be given in the campaigns, and the amount of effort to be applied in deportation and naturalization cases, rest with and are controlled by Abner Green and the other Communist Party people holding the administrative positions in the organization. The set-up is such that the organization can be run for Communist Party purposes as found supra.

Many of the facts previously found in considering the purposes of respondent are also indicative of and show activities in the carrying out of such purposes. It is pertinent, however, to examine in more detail the deportee defense activities.[28] In so doing we repeat again that it is not the fact of defending people which is relevant but the purposes for doing so. The emphasis in petitioner's evidence was upon Communists defended by respondent. On the other hand, Green testified and the record otherwise supports it, that respondent has defended a number of persons arrested for deportation on the basis of past or present membership in the Communist Party, but has also defended many non-Communists arrested for deportation on charges not involving any affiliation with the Communist Party.

Petitioner's witness Lautner testified that the defense of non-Party members was not incompatible with the operation of respondent as a Party defense organization, that "In fact, that would add to the prestige of the organization." (Tr. 1139.) Such defense activities and the approaches used by respondent (see supra) are consistent with the purpose of the Communist Party to have an ostensibly non-Party organization to assist Party members involved in deportation, and with the purpose of winning the good will and support of the entire foreign-born segment of the population. In the context of this record, the fact that respondent has defended a number of non-Communits is not persuasive in showing independence from Communist Party control or operation for Party purposes.[29]

Respondent's actual work and activities in the legal and propaganda defense of Communist Party members has been substantial. Respondent has worked intensively for the repeal of all provisions of the laws of the United States covering the deportation of noncitizens on the basis of membership, past or present, in the Communist Party. In addition, respondent has worked in behalf of a large number of specific individuals who were involved in deportation proceedings on charges of past or present membership in the Communist Party.[30]

A so-called past Party membership case given considerable attention by respondent from the late 1940's up to the time of the hearing involved one Peter Harisiades. Abner Green testified that respondent's activities in behalf of Harisiades were not an attempt to seek public support or public sympathy for the Communist Party, that "it was an attempt to win public sympathy and support of the American people for the protection of the foreign born and for the position of the American Committee in respect to the deportation of noncitizens in cases of this character." (Tr. 5477.)

Yet, the literature issued by respondent in its nationwide campaign in the Harisiades case shows strong efforts to undermine public trust in the Department of Justice, to relate the deportation of Communists to attacks upon the constitutional rights of all Americans, and to press for a stop to the deportation of Communists. For example, respondent in the Harisiades case as in other cases involving the deportation of Communists, accused the Department of Justice of "perverting the administration of the immigration and naturalization laws" and "using them as a political weapon." (Resp. Ex. 174.) In addition to indirectly picturing the Communist Party as a mere political organization, respondent seemingly defended the Communist Party by references such as the following in its literature in the Harisiades case:

"Peter Harisiades faces deportation to Greece on the ground that he is a former member of the Communist Party, which the Department of Justice alleges is an organization that advocates 'the overthrow by force and violence of the Government of the United States.' At the deportation hearing, Mr. Harisiades stated that neither he nor the Communist Party advocates, and that neither he nor the Communist Party ever have advocated, the 'overthrow by force and violence of the Government of the United States.'" (Ibid.)

Respondent used the Harisiades case as a "test" case of the laws permitting deportation by reason of an alien joining the Communist Party after entry into the United States.[31] (A.G. Ex. 166.) According to respondent's literature, Harisiades joined the Communist Party in 1925, later held certain official positions in the Party, and ceased membership in 1939 only because the Communist Party dropped aliens from its rolls but without changing his social or political views. Petitioner's witness Lautner showed without contradiction that Harisiades was a member of the Nationality Groups Commission of the Communist Party at least as late as 1945.

We find that respondent's work and activities in the Harisiades case were consistent with the purposes of the organization as found supra.

With respect to the defense by respondent of individuals subject to deportation on the basis of current membership in the Communist Party, those defended have included a number of the top officers of the Party. Among them were the following members of the top governing committee of the Party, some of whom also held other offices as indicated: Alexander Bittelmen, Betty Gannett, Claudia Jones, Irving Potash, Jack Stachel, educational director, William Weiner, and John Williamson, trade union secretary. In connection with the defense of Party members against being deported, we note that, significantly, in the case of foreign Communist representative Gerhardt Eisler, respondent supported him and the Party in efforts to allow him to leave the United States. (See supra.)

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[28] "Defense" as we use it here includes both legal and propaganda. Legal defense includes providing attorneys and representation. Propaganda includes publicity and efforts for public support.

[29] While the merits of the deportation and naturalization cases handled by respondent are not issues in this proceeding, we have given appropriate regard to the fact that in a number of cases the courts held in favor of the defended alien.

[30] Abner Green testified to the effect that less than ten percent of the total cases handled by respondent involved allegations of past or present Party membership. Other evidence of record indicates a much higher proportion, at least in excess of 50 percent. The actual number of people defended by respondent in the various categories is not necessary or important to the issues herein.

[31] Respondent's publication, the *Lamp*, issue for Aug.–Sept. 1952 (A.G. Ex. 218) reported that the Supreme Court of the United States upheld Harisiades' deportation and that in May of 1952 he was granted political asylum in Poland.

Among other Communists whom the record shows respondent has assisted in efforts to prevent deportation were: Party functionaries Beatrice Siskind Johnson; Ferdinand Smith, Dora Lipshitz, Toma Babin, Michael Obermaier, George Siskin, Alexander Stephens, alias Joe Goldberg and J. Peters, Israel Amter, Sam Mills, alias Sam or Sampson Milgrom, and Party members Morris Taft and James Lustig.

The work and activities of respondent in the field of the foreign born have been clearly consistent with the purposes found supra, and there have been no activities inconsistent therewith. A substantial part of respondent's resources, time and efforts have been devoted to campaigns directed at the elimination of all provisions of the laws under which alien members and officers of the Communist Party are deportable, to the legal and propaganda defense of such persons when they have been actually involved in deportation proceedings, and to instigating protests against Government officials when deportation charges have been brought against Communists. Respondent has consistently and strongly sought funds from the public with which to carry out its activities and has sought to win the good will of the foreign born. Obviously these activities particularly in opposing the laws and working to prevent the deportation of Communists, constitute aid to the Communist Party.

Communist Party support of respondent

There remains for consideration the issue of the extent to which respondent's support has been derived from the Communist Party of the United States. (Section 13(f)(2) of the Act; Amended Petition, p. 7.) Our findings supra show a definite policy on the part of the Communist Party fully to support respondent.[32] The findings supra also show important implementations of this policy in providing leadership for respondent, organizing branches of respondent, and discussions by Party officials with the leaders of respondent on the operations of respondent.[33]

Petitioner's witnesses who had been members and functionaries of the Communist Party and documentary evidence showed without specific denial or contradiction a consistent pattern of Party support of respondent and aid in respondent's activities. This included the fact that the Party specifically instructed its members to contribute to respondent and to actively support respondent's affairs. It also included evidence: that the Party circulated material issued by respondent; that the Party sold tickets to the affairs of respondent; that Party officers and functionaries served as speakers at affairs given by respondent; that the Party made financial contributions to respondent; and, that respondent was given considerable favorable attention in the Party press. We consider this latter aspect in more detail below.

Respondent did not specifically deny or contradict the evidence that we find constituted aid or support given by the Communist Party.[34] The thrust of respondent's contentions was that the Party support was insignificant and does not tend to show that the Party controls respondent or that respondent was primarily operated for Party purposes. Abner Green testified that, generally speaking, respondent is financed by public voluntary contributions from individuals and organizations; that it also tries to sell literature; and, that it makes special appeals in connection with campaigns in specific cases. Green further testified that in accepting contributions respondent in no sense and at no time has in order to obtain them committed its program or its policies.

Among the evidence presented by petitioner of Party financial support was a check in the amount of $2,000 given by the Communist Party to respondent.[35] Green explained the check as having been contributed by the Party to finance the legal expense of respondent in defending certain Party leaders who at the time had been arrested in deportation proceedings. Green also testified that respondent has received checks from labor unions whose members or leaders it was defending in deportation proceedings.

On the matter of speakers, greetings, and publicity, Green's testimony, and documentary material as well, established that in the 1940's officials of the United States Government, including the Department of Justice, spoke at affairs of respondent and otherwise endorsed the work of the organization. Other prominent people have done likewise. An example of respondent's evidence on the support given it is a letter dated in April of 1948 addressed to respondent by the then Commissioner of Immigration and Naturalization asking the cooperation of respondent in the celebration of "I am an American Day" and complimentary of respondent. (Resp. Ex. 239, Tr. 6223–6226.) Another instance was a broadcast by the Office of War Information in 1945 to Australia and New Zealand in reference to the American Committee and the work of the American Committee. Another instance was that the Department of Justice, in 1941, contributed time for a nationwide radio broadcast on behalf of the American Committee for Protection of Foreign Born.

Petitioner argued that it is irrelevant and immaterial whether non-Communist groups or individuals have rendered support to respondent and given respondent favorable publicity. (See Petitioner's Reply to Respondent's Exceptions to Recommended Decision, p. 22.) Petitioner also contended that: "Certainly it is clear from the record that any non-Communist group which may have been duped into assisting respondent would not have done so with knowledge of respondent's true nature." (Ibid. See also, tr. 7162–7163 and 7173.) It is, of course, true, as argued by petitioner, that other organizations and their views and activities are not involved as issues in this proceeding, and that the ultimate issue herein is the relationship between respondent and the Communist Party. However, in determining whether there is any significance in the evidence of aid and support given to respondent by the Communist Party, we have taken into consideration the evidence presented by respondent, examples of which are set forth above.[36]

We find that in the context of the record as a whole there is significance in the cumulative evidence of aid and support given respondent by the Communist Party. This is particularly true as regards the Party press. Some instances have been set forth, supra, of the nature and type of statements concerning respondent that were published in the Party press. The interest of the Party press in respondent took the following forms in the evidence of record: (a) printed calls to and announcements of various and sundry functions of respondent; (b) reported fund appeals of respondent and urged donations thereto and reported names of honorary and other officers of respondent; (c) reported from time to time on a number of deportation and naturalization cases being handled by respondent, and advised readers how and where to obtain aid from respondent; (d) reported deportation drives fostered by respondent and various protests sponsored by respondent, and urged joining them; and (e) urged readers to contribute bail money to respondent.

The Party recognition of respondent in the Party press dates back to the early years of respondent's existence and continued to the time of the hearing. The publicized Party statements and references to respondent have been consistently kindly, friendly and fostering with no strains of discord or adverse criticism.[37] One aspect of the favorable publicity given respondent in the Party press has been to urge Party members and other readers to support the protests, the meetings, the fund drives and the programs of respondent. Another aspect has been the Party capitalizing on and using respondent's activities, such as the defense of Party leaders in deportation proceedings, to the advantage of the Party. This has been done by the Party publicizing the fact that the Party leaders were being defended by a seemingly non-Party organization, and by publicizing the statements made and the positions advanced by respondent as part of respondent's drives in behalf of the Party leaders.

An illustration of the evidence on the foregoing is an article in the Daily Worker for June 2, 1948, which stated that Jack Stachel "national educational director of the Communist Party," had been arrested on a deportation charge, and which publicized the position on the arrest taken by respondent as follows:

> "The arrest is nothing but an attempt to 'promote political persecution and to terrorize the American people,' said Abner Green, executive secretary of the American Committee for the Protection of Foreign Born of 23 W. 26 St., in a wire to Attorney General Tom Clark yesterday." (A.G. Ex. 124.)

Another example of the evidence of Party use of respondent's activities was furnished by an article in the Daily Worker for May 10, 1949, quoting a statement said to have been released by respondent. It was a statement of one Alexander Stevens, who according to the Daily Worker, had departed voluntarily for Hungary. Included in the statement, which the Party publicized as having been released by respondent was the following:

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[32] For instance, the statement of top Party leader William Z. Foster, which the Party published in Political Affairs, that it was the duty of all progressives to appreciate the need of the organization, to help raise funds for it, and to support its work.

[33] For instance, the designation by the Party of Marion Kinney to organize the Northwest branch and her subsequent meetings with Party officials concerning her work in the branch; also, the selection of Abner Green to head respondent, and Green and Barron attending Party meetings where they "had the benefit of the discussions and deliberations of the Party on all policies." (Supra.)

[34] We reject respondent's generalized contention, exception 34 to the recommended decision, that the instances of Communist Party aid and support are based upon testimony of unreliable witnesses.

[35] Two other specific instances of financial aid given by the Communist Party to respondent were shown by petitioner's evidence—a financial report of the Los Angeles Committee reflected that in 1950 the amount of $35 was received from the People's World and in October of 1950, Frank Carlson spoke as a Communist Party leader at a conference of the Los Angeles Committee and contributed $50 toward the reorganization of the Committee on behalf of the Communist Party.

[36] We have also considered respondent's contention, as made in exception 35, that the Communist Party discusses and shows an interest in and supports many non-Communist and anti-Communist organizations. In support, respondent pointed to the cross-examination of some of petitioner's witnesses, including Lautner, Hartle and Harper. We have reviewed the testimony involved and find that it does not establish the findings claimed by respondent.

[37] This is itself significant in comparison with the attitude taken in the Party press as to legislation, institutions, and governments considered inimical to the Party. (See, supra.)

"My membership in the American Communist Party has been my certificate of citizenship, and I have cherished it as the symbol of my acceptance into the American working class to which I have tried always to give loyal service.

"Because the United States monopolists in their drive to fascism and imperialist war have used me as a focus to attack other Communists in the United States, they have made it impossible for me to make any real contribution to the cause of the American workers." (A.G. Ex. 127.)

Lastly, by way of examples, the Party, in an article in the Daily Worker for May 4, 1952, publicized that a conference initiated by the Midwest Committee for Protection of Foreign Born (branch of respondent) had attacked and was organizing resistance against Supreme Court decisions that past membership in the Communist Party was a deportable offense. (A.G. Ex. 138.)

We find that throughout respondent's existence there has been a clear intent and purpose of the Communist Party to aid, promote, and support respondent, and we find further that the aid and support given by or emanating from the Party has been substantial.

CONCLUDING FINDINGS

On the basis of the subsidiary findings of fact hereinbefore made and after careful consideration of all of the credible evidence in this proceeding, the Board determines that the following conclusions were established by the preponderance of the credible evidence.

The American Committee for Protection of Foreign Born is an organization within the United States consisting of a national headquarters in New York City and affiliated branches or chapters at various places throughout the country, named committees for protection of foreign born of particular localities. It holds itself out as an independent organization assisting all noncitizens and naturalized citizens with problems arising as a result of their foreign birth, and protecting the liberties of all the American people from what respondent asserts is a spreading American police state.

The circumstances of the control of respondent are clear on this record. Despite representations to the contrary, ample evidence established that the organization has been and at the time of the hearing was under the active control of and operated by a small number of individuals most of whom were shown to be members and representatives of the Communist Party of the United States. This appears not only from undenied evidence that the individuals were in fact Party members and from evidence that the chief leader among these individuals and at least one other were selected by the Communist Party to work in respondent, but from the nature and manner in which these individuals have operated respondent.

It has long been a policy of the Communist Party that the legal and propaganda defense of its members and officers be undertaken and carried out not by the Party itself but by a seemingly separate and independent organization. The Party also has long recognized and looked upon the foreign born as a good and likely source from which to gain adherents and sympathizers.

The weight of the credible evidence established that the purposes of respondent have in fact been to fight in many ways to prevent the deportation from the United States of members and officers of the Communist Party of the United States, and secondarily, to seek to win the good will of a certain sector of the population as a reservoir from which could be drawn adherents to and supporters for the programs and aims of the Communist Party. Thus from the true purposes of respondent and its control and direction by Party members and repersentatives there is strong evidence that respondent exists primarily to do particular work of and for the Communist Party. In addition, there are other significant considerations.

A major program of respondent under which it has undertaken and carried out concerted and concentrated drives and campaigns has been for the repeal of all the provisions of the laws of the United States authorizing and permitting the denaturalization and the deportation of alien members and officers of the Communist Party. Moreover, respondent has actually defended in deportation proceedings a substantial number of Communist Party members, included among them being top leaders of the Party, and respondent has strongly solicited public contributions and support of and for these Communists.

Asserting that the immigration and naturalization laws and their administration are alien-baiting and part of a reactionary drive to fascism and war, respondent uses this as a basis for vehement attacks upon and criticism of the Government of the United States. These and other views and policies taken and advanced by respondent are similar to and consistent with the views and policies of the Communist Party and there is no instance of record where respondent has deviated from the positions of the Communist Party. Some of the matters on which respondent has advanced positions similar to those advanced by the Communist Party have involved domestic laws of the United States not reasonably related to immigration or naturalization, such as criticisms of the provisions of the National Labor Relations Act requiring officers of labor unions to file non-Communist affidavits. Significantly, althought purportedly interested in preventing deportations, when foreign Communist official Gerhardt Eisler was being detained on criminal and deportation charges in this country and the Communist Party was agitating for his release from detention and freedom to leave the country, respondent provided legal assistance in Eisler's behalf and carried out intensive campaigns for public support of its efforts to let Eisler leave.

Respondent has in a seemingly innocuous way, coupled defense and support of the Communist Party itself with propaganda concerning the immigration and naturalization laws and in individual deportation cases. In all of its activities respondent has received substantial financial and other support from the Communist Party and the Party has sought to capitalize on respondent's efforts in behalf of Party members and officials involved in deportation proceedings.

Respondent's purported interest in the foreign born, its outward espousal of democratic rights, and its professed interest in civil liberties were designed to make it attractive to many of those it sought to attract, and it has undoubtedly received contributions and other support from the public that it would not have received had the true circumstances and its true nature been known.

In sum, we conclude and find that respondent has been and is (i) substantially directed, dominated, or controlled by the Communist Party of the United States, a Communist-action organization as defined in section 3(3) of the act, and (ii) primarily operated for the purpose of giving aid and support to such Communist-action organization.

It follows that respondent meets the definition of a Communist-front organization as defined in section 3(4) of the act and that pursuant to section 13(g)(1) of the act an order shall issue requiring respondent to register as such under section 7 of the act.

An appropriate order is attached hereto.

By the Board.

DOROTHY MCCULLOUGH LEE,
Chairman.
FRANCIS A. CHERRY,
JAMES R. DUNCAN,
THOMAS J. DONEGAN,
Member.

WASHINGTON, D.C., *June 27, 1960.*

LIST OF WITNESSES

An asterisk (*) following the name indicates that the witness while in the Communist Party supplied information to the Federal Bureau of Investigation.

PETITIONER'S WITNESSES

Bernice Baldwin,* a member of the Communist Party in 1943–52.

Edward William Cardiff, assistant secretary in charge of branch office of Manufacturers Trust Co., New York City.

Roy M. Cohen, an attorney, formerly associated with the office of the U.S. Attorney for the Southern District of New York.

James W. Glatis,* a member of the Communist Party in 1949–54.

Carl Hacker, a member of the Communist Party in 1919–20 and 1927–1938.

Reubin J. Hardin,* a member of the Communist Party in 1931 and 1934–1937. Also from 1943 to about 1954.

Clark M. Harper,* a member of the Communist Party in 1943–53, and a functionary in the Party's Northwest District.

Barbara Hartle, a member of the Communist Party in 1933 or 1934–54, and a functionary in the Party's Northwest District.

John Lautner, a member of the Communist Party in 1929–50, and a functionary on the Party's national level.

Alfro Lawson, an investigator for the Immigration and Naturalization Service of the U.S. Department of Justice.

Sarah Malloy, assistant vice president, Amalgamated Bank, New York.

Mary Stalcup Markward,* a member of the Communist Party in 1943–49, and a functionary in the Party's District of Columbia area.

Marion Miller, a member of the Communist Party from 1952 to the time testifying.

Thomas J. Nolan, an investigator for the Immigration and Naturalization Service of the U.S. Department of Justice.

Howard E. Schepeler, a supervisory investigator for the Immigration and Naturalization Service of the U.S. Department of Justice.

Herman Thomas,* a member of the Communist Party in 1937–39 and 1944–54, and a functionary in the Party's eastern Pennsylvania area.

Max Weinman, an investigator for the Immigration and Naturalization Service of the U.S. Department of Justice.

RESPONDENT'S WITNESSES

Anton Julius Carlson, a sponsor of the American Committee for Protection of Foreign Born and chairman and cochairman of the Midwest Committee for Protection of Foreign Born.

Abner Green, executive secretary of the American Committee for Protection of Foreign Born.

Charles A. Hill, minister in the Baptist church, sponsor and director of the American Committee for Protection of Foreign Born and cochairman of the Michigan Committee for Protection of Foreign Born.

Harvey K. McArthur, teacher at Hartford Theological Seminary and a sponsor of the American Committee for Protection of Foreign Born.

Horace Spencer Meldahl, an attorney who has appeared in denaturalization and deporation proceedings.

Arthur W. Moulton, retired bishop in the Episcopal church and sponsor and honorary chairman of the American Committee for Protection of Foreign Born.

Sadie Saltzman, wife of a person defended by respondent in deportation proceedings.

Louise Pettibone Smith, professor, emeritus, of Biblical history honorary cochairman of the American Committee for Protection of Foreign Born, and honorary chairman of the New England Committee for Protection of Foreign Born.

Peter Soldo, son of a person defended by Western Pennsylvania Committee for Protection of Foreign Born in deportation proceedings.

ORDER OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD

(Docket No. 109–53: William P. Rogers, Attorney General of the United States, petitioner, v. American Committee for Protection of Foreign Born, respondent)

Having this day issued its Report in which, after a hearing upon a petition filed under subsection (a) of section 13 of the Subversive Activities Control Act of 1950, as amended, the Board finds that the American Committee for Protection of Foreign Born, respondent, is a Communist-front organization under the provisions of said Act, it is

Ordered that the respondent herein, American Committee for Protection of Foreign Born, shall register as a Communist-front organization pusuant to the said Act.

By the Board.

DOROTHY MCCULLOUGH LEE,
Chairman.
FRANCIS A. CHERRY,
JAMES R. DUNCAN,
THOMAS J. DONEGAN,
Members.

WASHINGTON, D.C., *June 27, 1960.*

Mr. HUMPHREY. Mr. President, I yield to the Senator from Wyoming [Mr. SIMPSON].

Mr. SIMPSON. Mr. President, I wish to be associated with the remarks of the Senator from Texas.

I rise in opposition to the nomination of Mrs. Mary Dublin Keyserling. Mrs. Keyserling has been nominated by the President to be the Director of the Women's Bureau of the Department of Labor. With great hesitancy, I object to this nomination. Many names have come before the Senate of persons with whom I do not agree but I did not oppose their nomination. Their philosophy is foreign to the political philosophies in which I believe. I did not oppose them, because I felt the President of the United States had the right to draw around him those people in whom he could confide and trust. If the President wants to surround himself with men who, in my judgment, do not reflect the proper political philosophy and the proper thinking of the American people, that is his right and his business. But, today, we are confronted with a different situation. The President has not only asked that the Senate confirm his nomination of a woman with whose political philosophy I do not agree, but he has asked that we confirm the nomination of a woman whose judgment I believe to be very questionable.

Mrs. Keyserling has been the subject of several accusations and investigations about her past activities and conduct with regard to causes which were un-American. I do not wish to raise any of those charges nor do I, at this time, question Mrs. Keyserling's loyalty to the United States. Mrs. Keyserling professes loyalty to our country and alleges that she has never knowingly associated herself with subversive groups. I question her judgment and her ability to render such decisions as would be necessary in the post for which she has been nominated. I do not believe we can risk poor judgment in the high governmental post for which she has been nominated.

It appears that she has in the past exercised very questionable judgment in her associations. It is a matter of record in the Un-American Activities Committee in the House of Representatives and the Internal Security Committee of the Senate and the security sections of the executive branch that Mrs. Mary Keyserling was connected in the thirties with a number of leftwing organizations, at least two of which have been listed by the U.S. Attorney General as subversive.

The position of the Director of the Women's Bureau of the Department of Labor is a most responsible position and one which should be held by a person of the highest character, reputation, and good judgment. There are many women in the United States who would serve admirably in this post and it is a disservice to these women that they should be bypassed for a woman who has been guilty of questionable judgment in the past. Our Government should be bringing new people into public service so that we can meet the challenges of the 1960's without reverting back to the old programs of the 1930's and 1940's which have failed so miserably. We need new ideas, promoted by new people with ability, confidence, enthusiasm, and good judgment. Mrs. Keyserling is possessed of none of these.

Mr. HUMPHREY. Mr. President, on behalf of the distinguished Senator from Alabama [Mr. HILL], I ask unanimous consent to have printed in the RECORD a letter sent to him from Mrs. Keyserling, dated April 8, 1964, relating to the statement filed by the Senator from Texas [Mr. TOWER].

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
April 8, 1964.

Hon. LISTER HILL,
Chairman, Senaie Committee on Labor and Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR HILL: I would like to comment briefly on a statement filed by Senator TOWER on April 8 in which he announced that he will oppose my confirmation because, he states, I was connected in the 1930's with a number of organizations, at least two of which he says were listed by the U.S. Attorney General as subversive.

Although Senator TOWER does not identify the two listed organizations, he apparently had reference to the Committee for the Protection of the Foreign Born and a Spanish refugee organization which joined two other organizations in holding a dinner in New York City in 1941.

In 1939, my name was listed, with 40 others, in opposition to alien registration at that time. The signatures of these 41 individuals were publicized by the Committee for the Protection of the Foreign Born. The signers included Mrs. Eleanor Roosevelt, Mrs. Dwight Morrow, Representative Caroline O'Day (R., NY), and the Presidents of Wellesley, Mount Holyoke and Bryn Mawr colleges. I have no recollection of any other association with this organization which received messages from President Roosevelt, Secretary Hull and Attorney General Frank Murphy at a conference held in 1940.

The second organization, which Senator TOWER apparently had in mind, may have been a Spanish refugee organization known as United American Spanish Aid Committee which, together with several other organizations, held a dinner in New York City in 1941. The dinner was actually sponsored by the American Committee to Save Refugees. Governor and Mrs. Herbert Lehman headed a committee of sponsors for this dinner and my name was given as a sponsor in response to the Governor's invitation. I do not believe I attended the dinner. I had no connection with the United American Spanish Aid Committee nor with any of the other organizations which assisted in giving this dinner.

Thank you for giving me an opportunity to comment on Senator TOWER's statement.

Sincerely,
MARY DUBLIN KEYSERLING.

Mr. HUMPHREY. Mr. President, I want strongly to urge Senate approval of the appointment of Mrs. Mary Dublin Keyserling to be Director of the Women's Bureau of the Department of Labor.

President Johnson, in selecting Mrs. Keyserling, has, in my judgment, picked a woman extraordinarily well qualified for this important assignment. In fact, I know of no woman who by training, experience, judgment, and skill is better qualified.

An economist of national reputation and distinction, she has, for over 30 years, been engaged in teaching, in research, and in administrative work, both in public service and private employment, in fields directly related to the responsibilities of the post to which the President has appointed her. In all this she has acquitted herself brilliantly.

She is well known as an outstandingly able speaker and writer in the fields of concern to the Women's Bureau.

Her lifetime record is one of deep concern for the improvement of living standards. She has a profound understanding of the problems of women wage earners. She is dedicated to all that is best in our American way of life. I have known her well for many years and can unqualifiedly speak not only to her first-rate qualities of mind and character, loyalty and dedication, but to her qualities of personality which in combination would make her one of the most outstanding women ever to fill this post.

The PRESIDING OFFICER. The question is: Will the Senate advise and consent to this nomination?

The nomination was confirmed.

Mr. HUMPHREY. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Public Health Service.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the nominations in the Public Health Service be considered and approved en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. HUMPHREY. Mr. President, I ask that the President be immediately notified of the nominations confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. HUMPHREY. Mr. President, I now move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed consideration of legislative business.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 128 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Ellender
Ervin
Gore
Gruening
Hart
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Jackson
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Long, Mo.
Magnuson
Mansfield
McCarthy
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Pastore
Pearson
Pell
Prouty
Ribicoff
Robertson
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Williams, Del.
Young, N. Dak.

The PRESIDING OFFICER. A quorum is present.

The Senator from Alabama [Mr. Sparkman] is recognized.

PROCEDURE RELATING TO QUORUM CALLS—FAILURE OF WARNING SYSTEM

Mr. MANSFIELD. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. Mr. President, I ask unanimous consent that I may yield to the majority leader, without losing my right to the floor and without losing any other rights I may have.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the purpose of clarifying the Record, I believe it should be noted that as soon as the presence of a quorum was announced, the distinguished Senator from Arkansas [Mr. Fulbright] and the distinguished Senator from New Jersey [Mr. Williams] entered the Chamber. I understand that the bells in their offices failed to function; otherwise, they would have been in the Chamber in time to answer to the quorum call, instead of arriving here just after the presence of a quorum was announced.

Mr. HRUSKA. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HRUSKA. As a supplement to the statement by the majority leader, let me say that the bell in my office did not ring, either. Therefore, I did not hear either the first bell or the second bell. My secretary verifies the fact that the bell in my office is not working.

Mr. MANSFIELD. I should like to suggest that the Sergeant at Arms, or whoever is charged with that responsibility, immediately undertake a check on all the bells in the offices of all Senators and in all the committee rooms.

Mr. SPARKMAN. I should like to ask the majority leader a question: Some time ago it was stated that there would be installed in the offices of Senators, as there are in many of the other rooms in the Capitol, the light system. Is that being held in abeyance, or is it forthcoming?

Mr. MANSFIELD. It is in the process of being done. In view of the Senators' statements, I shall see to it that that work is expedited as much as possible.

Mr. SPARKMAN. It would seem to me that would be a precaution, in case the bells were not working—even though we realize that lights can get out of order, too.

Mr. MANSFIELD. I think that is a good suggestion.

THE ARTS AS A NATURAL RESOURCE

Mr. SPARKMAN. Mr. President, I ask unanimous consent that I may yield—without losing my right to the floor or any other right I may have—to the Senator from Rhode Island [Mr. Pell].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. I thank the Senator from Alabama.

Mr. President, I wish to direct the attention of the Senate to an article by the Secretary of the Interior, Stewart L. Udall, which appeared in a recent issue of the Saturday Review, and is entitled "The Arts as a National Resource."

Art in its many significant forms can be defined as eloquence of expression. In itself, the Secretary's excellent article meets this criterion. Rarely have I been privileged to read words which as well describe the fundamental role of the arts in enriching and, indeed, ennobling a society. Especially is this concept important to the United States, for, as the Secretary has emphasized, we have a great distance to travel before we attain our full cultural potentials.

Secretary Udall explains:

> We can achieve this goal only if we create a climate in which the arts can thrive and individual excellence will be suitably esteemed. We must become increasingly concerned with the inner life of the American people.

I am convinced that our country is capable of producing a new cultural renaissance; but I also believe that to make this development a reality, stimulation must come from our Government itself—through the impetus of enlightened legislation which I feel has too long been postponed.

In this respect, and as chairman of the Senate Special Subcommittee on the Arts, I believe we in this body have taken important initiative in passing, last December 20, most enlightened and comprehensive legislation to provide for the establishment of a National Council on the Arts and a National Arts Foundation.

This measure is now before the House of Representatives. Hearings are scheduled next week. I urge all those interested and concerned with our cultural development to expand their best efforts, so that this proposed legislation may be enacted.

Thus, Secretary Udall's article comes at a timely moment. His words are deeply meaningful, as we seek to produce, in the phrase he uses with such cogency, "a new Augustan age."

Mr. President, I ask unanimous consent that Secretary Udall's stimulating article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Arts as a National Resource

(By Stewart L. Udall)

If holocaust were to overtake us in midflight, it is likely that the Toynbees of tomorrow would render a mixed verdict on American civilization. It is predictable, I think, that they would admire our science and technology, our standard of living, our creature comforts, and miracle machines. They would respect our sincere accomplishments in establishing an equal-opportunity society and acclaim our enormous contribution to the theory and practice of democratic government.

But what would these historians say about the quality of American life? What would be their verdict about our insight into the good, the true, the beautiful, and the wise?

It is clear that America has reached an unprecedented pinnacle of power and affluence in this country, but our achievements have been lopsided. Our generation has necessarily been so preoccupied with the triumphs of technology and the uses of military and economic power that we have neglected the one realm that in the long run can confer lasting meaning on American civilization and leadership—the realm, in its highest and broadest sense, of the arts. Plainly, a cultural revolution has not kept pace with a scientific and technological revolution.

American society has reached the edge of a new era, an era in which science holds out the hope of abundant life for all, but in which freedom is confused by affluence and the individual is often overwhelmed by the subtle appeal of the tawdry and the second rate. Although much remains to be done in our country, in spite of our efforts to eliminate the dark pockets of poverty and the last deep stains of racial injustice, we must—in what some call the age of interspace—become increasingly concerned with the inner life of the American people. Our seeming worship of our gross national product as the ultimate index of national well-being and our overweening pride in the sophistications of science that make our cars and computers and the products of our machines the wonder of the age are matters that should give us pause. We have from the beginning underestimated the arts in this country, and we now run the risk that we will become so preoccupied with technology, the uses of military and economic power, physical power and prosperity, that the things of the spirit will not prosper.

The most subtle challenge today for American society is to provide the richest life for the greatest number, to set new currents of thought in motion that enable American civilization to enrich the lives of its citizens—and to make a full contribution to world order and the right kind of world progress as well. The United States is a powerful nation. If she is to become a noble nation—in the sense that Greece and Rome were, for a season, noble—art and philosophy must flourish, so that the outward ripple of our cultural influence will be welcomed on distant shores and will leave a deposit there. This can be done only if we create a climate in which the arts can thrive and individual excellence will be suitably esteemed.

Part of the trouble is that technology has not only made life incredibly complex, but has confused our values with its ever-present invitation to indulgence in conspicuous consumption and enervating entertainment. Worse, the specialization and fragmentation of thought that have ensued make it far more difficult for us to develop all the attributes of a mature society. Perhaps C. P. Snow has overstated the case, but his talk of two increasingly compartmentalized and hostile cultures—the sciences and the humanities—has at least dramatized the problem. Certainly the onrush of science that has produced the age of specialization has made us look longingly back to the time of Jefferson and Franklin, when the generalist, the whole man, had dominion.

Art is not an ornament to be worn for a day in its newest gloss, or a plaything of an intellectual elite, but an elixir that nourishes the best and highest impulses in man. It is the artists and men of ideas who have done, and will do, the most to determine our national purpose, to fix our national character, and to shape the American legacy. Creative men, therefore, must be projected to their rightful position of respect and encouragement in the forefront of American affairs.

Nearly 3 years ago, when the late President Kennedy was inaugurated, the late Robert Frost was invited to come to Washington as a sort of presiding patriarch to prophesy about the future of America. In an optimistic moment he prophesied that America possessed the potential to be the center of a "new Augustan Age," in which poetry combined wtih great power could produce a great civilization. We would win and deserve greatness, he told official Washington, only if our enormous power was exercised with grace. He had in mind the arts.

The old poet's hope apparently caused men in high places to ponder, and several months before his shocking assassination President Kennedy eloquently restated the case for the arts in America in these words:

"It's hardly an accident that Robert Frost coupled poetry and power. For he saw poetry as the means of saving power from itself.

"When power leads man toward arrogance, poetry reminds him of his limitations. When power narrows the areas of man's concern, poetry reminds him of the richness and diversity of his existence. When power corrupts, poetry cleanses.

"For art establishes the basic human truths which must serve as the touchstones of our judgment. The artist, however faithful to his personal vision of reality, becomes the last champion of the individual mind and sensibility against an intrusive society and an officious state."

And he concluded, "I see little of more importance to the future of our country and our civilization than full recognition of the place of the artist."

At the very beginning of our Republic, Thomas Jefferson wrote "from the heart" that the one thing that he envied the more advanced nations of Western Europe was their art. Aware that raw courage and physical prowess of the colonists were secondary virtues, Jefferson recognized that in the long run America could not hope to influence the affairs of mankind unless she had a cultural awakening.

Jefferson envied British culture because he grasped that it was the key to the durability and glory of British power. He accorded Britain more respect than Spain, not because she had destroyed the Spanish Armada or "ruled the waves" or possessed farflung colonies, but because she had developed a culture that could produce such enduring human institutions as the parliamentary system of government, the English common law, and a mode of colonial rule that enabled her to govern diverse areas of the world with enlightenment and humaneness. It was not her kings, but her kingly minds—the Shakespeares and Chaucers and Purcells and Christopher Wrens—that Jefferson envied; not her empire, but the empire of the mind that such men produced. Jefferson saw clearly that the success of British society was directly related to a flowering of the human spirit that, daily, gave fresh hope to the human enterprise.

Jefferson's major premise—the assumption that the arts are at the center of the essential dialog in a democracy—is as valid today as it was two centuries ago. The arts, when they are given the preeminence they deserve, affect our daily lives, permeate our politics, give insight to our science, and renew our aspirations. Thus the creative output of each age adds a morsel to the rich experience of the past that deepens man's understanding of his world and of himself.

Creativity that produces the rich civilization that we desire cannot, however, be limited strictly to the fine arts. The arts that need encouragement extend beyond art galleries, theaters, and symphony orchestras. America, in short, must seek to stimulate any creative process that adds beauty and livability to American society.

One such art is the art of city planning. Not long ago Walter Gropius observed that we would find our city planning problems insoluble until we had developed "the right balance and coordination between the artist, the scientist, and the businessman."

Clearly, until we admit the essential oneness of our cities and set out systematically to conserve them—giving the architect, designer, engineer, sculptor, painter, and conservationist full say in the process—we will never plan or build great cities.

Until recent years man did not have to worry about nature, because men had so little effect upon the natural world. It was Henry David Thoreau who once asked, "What is the use of a house if you haven't got a tolerable planet to put it on?"

His query will go unanswered unless America can sustain a life-giving environment. If this is to happen, the specialists must begin to fight together for the arts as a totality whose every splinter is vital to the American character.

Where the arts are concerned, the success of American civilization can be measured in many ways, for cultural achievement manifests itself at many levels of society.

First, there is the degree of public response. This is a sound index, but mass participation (the sale of books and records, the attendance at art galleries or concerts) must not be taken as the final measuring stick. This alone risks encouragement of mediocrity in place of quality, of superficiality instead of true appreciation.

Second, there is what one might call the "geniuses produced" test, for the number of really great artists that come from any one age is also one, but only one, clear test of the quality of a nation's culture.

The third measurement, and perhaps the most important, is the general attitude of a society toward the arts, including the climate for artistic creation that this attitude produces. If American culture is to bloom, all encumbrances that hamper creativity must be stripped away. The difference between meaningful art that ennobles or elevates and entertainment that distracts must be crystalized. Certainly, there is room in any society for entertainment, but the real battle in the arts is to get Americans to appreciate really good art, to get them to demand excellence and depth, not cleverness and diversion. If this is to come about, the value of the performing arts must transcend the profit-seeking motives of show business.

Only when this revolution in attitudes takes place, when arts that provoke rather than lull become not just a recognized value but a genuine need for the individual and the society can America think of herself as culturally mature.

Only when men recognize this need within themselves and their society will the arts influence the institutions of society in the way they should.

If America ever reaches this point, she will be able to look for a favorable judgment on the fourth measure of cultural success: the Nation's lasting influence on the world at large. When nations and men reach out for American culture, not just for the betterment of merely the material and political side of man, but for the betterment of the whole man, this would truly be Frost's new Augustan Age.

THE PROBLEMS AND CHALLENGES OF YOUTH

Mr. PELL. Mr. President, in recent days I have addressed the Senate on the problems and challenges of youth. The two, I believe, are inseparable, for in each problem area lies a challenge. In this respect, I am delighted to note that a particularly enlightened segment of our young people are responding to a special challenge in the field of education.

The distinguished columnist, James Reston, has drawn attention to this fact in a recent article appearing in the New York Times.

He points to the activities of a small, but growing, number of college students in our country who are volunteering to bring their talents and the knowledge they have gained to the assistance of pupils in school, especially those in underprivileged areas where teachers are already hard pressed and often are overworked.

Mr. Reston points out that it is the aim of the college volunteers "to help prevent premature dropouts by showing these children that education is the key to a better life."

Mr. President, "Profile of Youth," the report which I have mentioned in this Chamber, and which was prepared at my request by the Library of Congress, shows that 7.5 million school dropouts will be seeking jobs in the United States during the decade of the 1960's. Almost one-third of our school dropouts at present are unable to find jobs in the year they leave the classrooms. And this unemployment rate has been increasing during recent years. Unless present trends are reversed, it is likely to increase further, as industry becomes more automated and as technological skills grow more essential to our labor force.

Parts of President Johnson's newly proposed program are aimed at ameliorating this tremendous problem for today's youth. I firmly support the concepts of this program, and I applaud the example Mr. Reston describes of the American volunteer spirit already in action.

It seems to me that these young college students are contributing in high degree to the welfare of their country. They are helping us to begin one of the great tasks we have before us in making ours a better country for youth.

Mr. President, I ask unanimous consent that this most timely column by Mr. Reston be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LANSING, MICH.—WHATEVER HAPPENED TO THE BEAT GENERATION?

(By James Reston)

LANSING, MICH., March 19.—The Peace Corps idea is spreading fast. Some 46 countries are now sending their young men and women into the world to help the poor countries, and a spontaneous volunteer student movement is also working quietly and effectively among the underprivileged children in our own cities.

The Student Education Corps here at Michigan State University is merely one of many illustrations of this movement in the United States.

It started over a year ago on the assumption that serious college undergraduates might be able to help the harassed and overworked teachers in the poor districts of Lansing, Pontiac, and other cities within 100 miles of the Michigan State campus.

They had no money from the university of the State, but a few of them reasoned that they might be able to deal with some of the worst of the kids who came from broken homes and had no incentive to get an education.

HOW IT WORKS

Now about 200 of these young college students go out as assistants to the slum school teachers several times a week. Some of them take on the backward pupils. Others work with the bright ones who are held back by the drones. A few go around the State with a "Career Caravan" illustrating the kinds of jobs available to students who do their work.

But the main thing is not so much to help the young laggards with their work, but to make friends with them and thus provide good examples that are not available in many homes.

The movement has now arrested the admiration of Gov. George Romney. He addressed a meeting of teachers from all over the State here this week to introduce the leaders of the Student Education Corps to a wider audience, and there is evidence that the movement will grow.

Like the Peace Corps, the student volunteers go only where they are invited. Any school within reasonable range of the university can get them to help if it will only pay 8 cents a mile to bring a carload of undergraduates from the campus.

Nobody gets paid for the work, but David Gottlieb and Sandra A. Warden, who direct the corps, testify not only that they get all the volunteers they need, but that the volunteers themselves feel that they get as much out of the experience as the children they try to help.

The larger Government programs are directed at training the school dropouts. The Student Education Corps attacks the same problem earlier. "* * * The ultimate aim of the corps is to help prevent premature dropouts by showing these children that education is the key to a better life, by providing needed inspiration and motivation to continue with their schooling."

This is not an isolated experiment. Similar activities are going on in other universities. Pomona College in California is another lively center. Gov. Terry Sanford of North Carolina is working with William Friday, president of the University of North Carolina, on a corps of volunteers to help the underprivileged, and Yale produced the Northern Student Movement that is now active on many campuses not only in the field of education but of political action.

THE POLITICAL ACTIVISTS

For example, over 1,000 students from various colleges and universities, most of them affiliated with the Northern Student Movement, will be going to Mississippi, Alabama, and Louisiana this summer to live in Negro homes and help the Negroes register for the November elections.

The Commission of Religion and Race of the National Council of Churches will run a training school for these volunteers at Berea College in Kentucky, as soon as school is out in June.

Most of this activity, however, seems to start with a few young men and women unorganized by anybody else. For example, David H. Gunning, president of the executive board of student government at Cornell University, has advised the Justice Department that a group of students in Ithaca have collected $1,000 to finance a Cornell student team that will help with voter registration in Fayette County, Tenn., this summer.

Not so many years ago, the poor, "socioeconomically disadvantaged" professors in the sociology department were complaining about the postwar "beat generation" in America. A rotten crowd, they said, always dropping out of some school and into some bed; uninterested, uncommitted to anything but money, booze, and sex.

Unlike his contemporaries in other countries, who were knocking over governments and leading the torrent of political change, the American student, it was said, wasn't engaged in anything and didn't care about anything.

Well, something is happening on the campus. In some ways these student leaders are ahead of the Government. And when the Congress finally gets around to backing a domestic Peace Corps and backing President Johnson's war on poverty, quite a few young American men and women will already be in the field.

THE SITUATION IN LAOS

Mr. FULBRIGHT. Mr. President, will the Senator from Alabama yield briefly to me?

Mr. SPARKMAN. Yes, if I may do so by unanimous consent, and with the usual reservation of protection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Delia and Ferdinand Kuhn, which appeared in the Washington Evening Star of March 26. Mr. and Mrs. Kuhn have written numerous books and articles of distinction about problems in developing societies, and have served as consultants to Government agencies concerned with these problems.

The notable feature of this article, as the authors themselves point out, is its optimistic view of an American aid program in one of the chronic trouble spots, Laos. Rarely do we find such comforting newspaper comment about an individual aid program.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. AID BRIGHT SPOT IN LAOTIAN SITUATION

(By Delia and Ferdinand Kuhn)

VIENTIANE, LAOS.—Sometimes Americans at home must steel themselves for the shock of hearing good news from a far-off trouble spot. In this beleagued country, the posture of American aid is now upright and proud.

The contrast between the morale of the aid staff here in Laos and that of the mother agency in Washington is as startling as the contrast between the Winged Victory and the Laocoon. This is not to suggest that the Laos branch is an armless or a headless figure, but rather than it has verve and style and seems to know where it is going.

Having watched a good many aid programs in Asia, often with dismay, we can suggest two or three reasons for the quality of this one. Under the leadership of a new Ambassador, Leonard Unger, and a new aid director, Charles A. Mann, a fresh start was made about 18 months ago.

Everyone from the Ambassador down is conscious of the stigmas attached to the old program, the exposures of almost unbelievable mistakes. Nobody is going to let even the smallest grain of dirt settle on the new program if he can help it. Every project is kept out in the light and scrubbed daily.

As one of the new safeguards, four American customs inspectors are stationed here to check every item that enters the country under the American-financed commodity program. Every refugee from the Pathet Lao guerrillas who gets an American blanket, for example, must sign a receipt, even if he cannot write. In the files of the aid mission here are stacks of thumbprinted receipts, ready for the General Accounting Office to inspect and ponder.

A second source of pride and high morale here can be traced to the nature of the challenge in Laos. After the American military advisers departed in October 1962 under the terms of the Geneva agreement, the aid mission and the U.S. Information Service had the field to themselves. Today about 80 technicians, more than half the aid mission's technical staff, live and work outside the capital. Of these about 30 are young men and women of International Voluntary Services, a private agency under contract.

To say that the fieldworkers lead precarious lives is to understate. Guerrillas, bandits, and thieves rove the countryside. On the roads you may be ambushed; in the air you may be hit by bullets or flak.

The aid mission maintains its own plane and helicopter service, and its own radiotelephone system. Everyone based outside Vientiane must call headquarters daily, or, if atmospheric conditions prevent, must report through another contact in the field. If nobody hears from him, a plane flies off to check his whereabouts. So far the safety record has been good.

MANY ACCOMPLISHMENTS

So also has the record of accomplishment. The main effort outside the capital has been in rural development. As part of it, American skills and materials are helping Laotians to build roads and bridges, waterworks and schools. One American remarks that the Pathet Lao have not interfered much with the building of roads, probably because they expect to use them some day.

Pathet Lao tolerance does not, however, stretch to the refugee relief work. Of the multitudes who have fled Communist-led guerrillas in the past few years, no fewer than 170,000 have received some kind of help under this program. Many organizations from many countries cooperate with the Laos Ministry of Social Welfare to feed, clothe and resettle them. The American aid mission shoulders the largest part of the burden.

Of all the Americans scattered around this country, perhaps the two who lead the most isolated and exposed lives are a middle-aged farmer from North Fort Wayne, Ind., and a young graduate in community development at Berkeley, Calif. "Pop" Buell and Tom Ward work with refugees of the renowned Meo mountain tribe in the province of Sam Neua on the North Vietnam border.

FIGHT WITH OLD MUSKETS

The Meo account for about half the refugees in Laos. They not only flee the Pathet Lao; they fight them with old hunting muskets. Sam Neua is a Pathet Lao stronghold. So when American-donated rice and blankets and seeds are airdropped to the Meo in that province, Communist propaganda screams that American bandits are putting the Meo "in fighting condition." The Pathet Lao would dearly like to capture the two American aid officials in the mountains of northern Laos. More than once Mr. Buell has been roused in the middle of the night and warned that Communists were near. Each time the Meo led him to safety in another village.

As a show window of Asian neutralism, Laos may be what one European here called "a mess, a tolerable mess." But as a show window of American aid at its best, Laos is worth a respectful look.

MODIFICATION OF GREERS FERRY DAM AND RESERVOIR, ARK.

Mr. FULBRIGHT. Mr. President, will the Senator from Alabama yield again to me?

Mr. SPARKMAN. I yield, if I may do so by unanimous consent, with the usual reservations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I ask unanimous consent to introduce a bill, on behalf of myself and my senior colleague [Mr. McClellan].

Mr. STENNIS. Mr. President, reserving the right to object, although I shall not object, let me ask whether the Senator intends to include at this point in the Record remarks by him.

I understand that we are to be kept here until 11 o'clock tonight; and I believe the rule is that each Senator is to read his remarks into the Record, rather than to have them printed without being read.

Mr. FULBRIGHT. I wish to include only a short paragraph.

Mr. STENNIS. In explanation of the bill?

Mr. FULBRIGHT. Yes.

Mr. STENNIS. Very well; then I do not object.

Mr. FULBRIGHT. Mr. President, I introduce for myself and my senior colleague from Arkansas [Mr. McClellan] a bill to modify the Greers Ferry Dam and Reservoir project in Arkansas to permit the construction of a water garden as part of the recreational facilities adjacent to the dam. This project was conceived by the Department of Architecture at the University of Arkansas and the design work done by its students was the basis for the preliminary plans which have been prepared by the office of the district engineer in Little Rock. The estimated cost of the project—$325,000—is small when compared to the benefits to be derived from it. To place the cost in perspective I would call to the attention of the Senate that approximately $1,500,000 will be spent at Greers Ferry to provide the recreational facilities which as a matter of course are constructed at Federal reservoirs.

I wish it were possible for me to include in the Record the preliminary sketches which have been done for this work. They foretell a very gracious and attractive display. Suffice it to say that we contemplate a water garden which capitalizes on the natural beauty of the area. Greers Ferry Reservoir is ideally suited for this project. The surrounding area has great natural beauty and the native features—trees, rocks, shrubs, and flowers—provide a perfect setting for this type of development. All indications are that Greers Ferry will be one of the most popular recreational attractions in our area of the country. It is centrally located and readily accessible to large population centers such as Memphis, St. Louis, Kansas City, Dallas, Fort Worth, and Little Rock.

While recreational facilities at Federal reservoirs are provided for picnickers, campers, fishermen, boating enthusiasts, swimmers, and others interested in active sports, little, if any, attention has been given to making these impoundments attractive to the large segment of the public who do not care for water sports. A fountain display capitalizing on the natural beauty of the area will attract many who receive no benefits or enjoyment from traditional recreational developments.

While this is an innovation in this country, water gardens are well known in other parts of the world. The Tivoli Gardens of Italy and the Peterhof Gardens in Russia are perhaps the most famous. The countries of Europe have traditionally devoted great attention to such attractions for the benefit of the general public but, unfortunately, we in this country have all too often failed to recognize and develop the cultural and esthetic potential of our own natural resources.

This is a new concept in connection with Federal projects but one which we feel justifies consideration. I hope that prompt action will be taken on this bill by the Public Works Committee.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2727) authorizing modification of the Greers Ferry Dam and Reservoir, White River Basin, Ark., in the interest of recreational development, and for other purposes, introduced by Mr. Fulbright (for himself and Mr. McClellan), was received, read twice by its title, and referred to the Committee on Public Works.

ORDER OF BUSINESS

Mr. SPARKMAN. Mr. President, I understand that the Senator from New York [Mr. Keating] wishes to make brief remarks—to last 5 or 10 minutes, or something of that sort. I ask unanimous consent that without losing my right to the floor or without losing any of the other rights to which I am entitled at the present time, I may yield to the Senator from New York for such time as he may require.

The PRESIDING OFFICER. Without objection, it is so ordered; and the Senator from New York is recognized.

THE "JUNKIE" PRIEST

Mr. KEATING. Mr. President, one of the critical problems facing the city of New York, and to an increasing extent cities all across the country, is the increased extent of narcotics addiction. The statistical facts and figures on the addiction problem have been developed, discussed, and evaluated by the Narcotics Bureau and by the President's Commission on Narcotics. The human tragedies of narcotics addiction have to some extent been ignored in the heated debate over the best methods to curb the illicit trade in habit-forming drugs.

Mr. President, a book coming out next week seeks to put in human and in spiritual perspective the horrors of narcotics addiction and the unspeakably pathetic lives of those ensnared by the habit. "The Junkie Priest," the story of Father Daniel Egan, S.A., by John D. Harris, is a disturbing story. John Harris is a veteran New York newspaperman who has written about Father Egan and the problems of narcotics addiction in the New York Journal-American. In this book he explores in depth the dedication and selflessness of this priest of the Society of the Atonement whose work among the women addicts of New York's Greenwich Village has planted a seed of hope for the physical and spiritual regeneration of the unfortunate victims of narcotics addiction.

Mr. President, there can be no hesitation in any of our minds in condemning and punishing, as hardened criminals, the individuals who grow rich by enslaving fellow human beings with the terrible drug habit. But what are we to feel toward the victims, many of whom are first introduced to drugs as a teenage lark before they have the wisdom or maturity to appreciate the full meaning of drug addiction? What are we to do to redeem the bodies and souls of those who have been made dependent upon drugs which wholly pervert their minds and drag the ebbing life from their bodies?

Mr. President, this book offers no final answers to the questions that are plaguing those who work with narcotics addiction. It offers no optimistic panacea for those who wish to end narcotics addiction and the increasing crime rate which it encourages. But there is endless patience, dedicated effort, and the constructive suggestion, already borne out as valid through Father Egan's modest beginnings, that addicts can travel the long and lonely road back to physical and mental wholesomeness, if they have the understanding and support of society.

I commend this book to all who share my concern over the addiction problem, and I commend it even more to those who may not be aware of the extent of the narcotics problem in our country. The dedicated efforts of Father Egan and the halfway house or haven that he has established may be the start to a new, rational, and humane approach to the dreadful slavery imposed by these drugs upon so many unfortunate members of our communities.

A TAX IS A TAX IS A TAX

Mr. KEATING. Mr. President, when the Senate adjusted its schedule to consider H.R. 6196—the wheat-cotton bill—it was contended by the proponents that this was necessary in order to have the legislation enacted before the wheat planting season. The dates of the suggested planting season changed during the debate but the final date I heard in this body was March 15. Here it is April 10 and the legislation has just cleared the other body and has yet to be signed into law. I sincerely hope our farmers have not been waiting all this time for Congress to act, or we may suffer a wheat shortage ourselves this year.

In part because of the unusual speed with which the farm bill was pushed through the Senate, and now the House, many of those who would be affected by the legislation were unable to make known their views. In recent weeks I have been contacted by numerous farmers, millers, and consumers of wheat products who opposed the wheat title. They have shed much light on this issue and their views deserve to be part of the record.

In the debate, my contention that the wheat certificate plan would result in a "bread tax" was strongly disputed by some of the proponents of the bill. Nevertheless, I never could accept the contention that the cost of the 70-cent wheat certificate would be absorbed by the millers without having any effect on the price of bread.

My conviction has now been borne out by correspondence from flour companies and bakeries making it clear that the cost of the wheat certificate definitely will be passed on to the consumer. Moreover, since the 20 percent of our people in the poverty classification are the biggest users of wheat products, it is this group which would suffer the greatest impact from an increase in the price of flour. In this sense the wheat program certainly can be described as an anti antipoverty measure. It is also a fact that small farmers who need help will derive very little from this program, most of which will benefit only the largest and wealthiest farmers in the Midwest.

Mr. President, I ask unanimous consent to have correspondence from the Peavey Flour Co., Dunernoy Bakery, Continental Baking Co., Charles Freihofer Baking Co., and Stein's Bakery, Inc., printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KEATING. All these companies, who have authorized the publication of their telegrams, point out that this is a form of bread tax. Call it a bread tax, a flour tax, or a processing tax, a tax of this kind is a tax on the consumer for the purchase of one of the essentials of life—food for his family. I opposed the wheat program when it was before us, and am more convinced than ever that the American people cannot afford this kind of relief.

EXHIBIT 1

PEAVEY FLOUR CO.,
Buffalo, N.Y.

Senator KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.:

It is a distinct public service to point out, as you have been doing, the true significance of the proposed wheat legislation. The Commodity Credit Corporation will own practically all the wheat in the country at the end of this crop year. A large portion of Commodity Credit Corporation wheat stocks will be exported to implement our foreign policy and will have to be sold by the Government at a loss or given away. It is unfair to transfer the lion's share of this whole cost to the American consumer of flour as the proposed wheat bill will do. Any such cost should continue to be subject to congressional appropriation out of general revenues. The Government has enough power already to prevent any disaster to wheatgrowers without this additional legislation. The proposed wheat bill is misleading because the cost will be transferred to the domestic consumer rather than be paid out of general revenue.

E. J. GLATTLY.
Vice President.

DUVERNOY BAKERY,
New York, N.Y.

Senator KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.:

We urge you to vote against bill H.R. 6196. This bill would place a direct tax on flour and bread prices would definitely have to be increased.

Sincerely,

RUSSELL E. DUVERNOY.

CONTINENTAL BAKING CO.,
Rye, N.Y.

Senator KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.:

We are opposed to the wheat bill, H.R. 6196, because of the certificate plan which is a major feature of the bill. The certificate plan is a processing tax on bread and other wheat products. The processor of wheat for human consumption must pay 70 cents domestic tax. This tax must eventually be borne by the consumer of flour which means the baker and the major users of bread and other wheat products who are large families in middle- or lower-income groups. The indirect tax burden resulting from the certificate plan could amount to from $350 to $400 million annually. Proponents of this legislation argue that the bill will not cause higher wheat or flour prices but failed to point out that the bill does not guarantee ceiling prices. It only provides for a minimum support price to the producer. Even our national farm organizations are not in complete agreement on this bill. The American Farm Federation, largest of all groups, opposes it. Basically this bill proposes to reduce wheat surpluses and increase farm income at no cost to the taxpayer. It does this through a hidden processing tax which ultimately must be underwritten by the consumer. We believe that this bill which for the first time would provide a tax on bread is a dangerous measure. It is dangerous in itself and it is dangerous because of the precedent it sets.

ROY M. ANDERSON,
Vice President.

CHARLES FREIHOFER BAKING CO.,
Albany, N.Y.

Senator KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.:

H.R. 6196 would place a direct tax of 70 cents per bushel on all wheat flour products consumed in the United States. A wheat support price of $2 would be reflected in the price of flour and would increase the price of bread and wheat products to consumer. We hope you will oppose the bill in the Senate.

STEIN'S BAKERY,
Buffalo, N.Y.

Hon. KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.:

A number of flour salesmen from mills in Buffalo have informed me that flour which I have purchased, and is presently in their warehouse, that unless removed, will cost me approximately $1.69 per 100-lb. bag Federal tax or wheat certificate whichever the case may be. If this bill is passed by the House and made into a law, it would increase the price of bread approximately 20 percent. This will not keep our economy stable with everything else going up. I, as an officer of Stein's Bakery, Inc., suggest that this bill not be passed as a measure to hold stability in our economy. If the flour salesmen are correct in their approximate assumption as to the cost of bakers wheat certificate or Federal tax, it may very well put a lot of bakeries in serious financial trouble.

SCOTT M. STEIN.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. KEATING. I happened to be absent from the Chamber yesterday when the distinguished Senator from Massachusetts [Mr. KENNEDY] delivered a very fine address. I see him now in the Chamber, and I wish to commend him for putting the issue that we have before us so clearly, and for the really moving address which he made in tribute to our deceased and much loved President.

Mr. SPARKMAN. Mr. President, there are many features of the bill which I should like to discuss, and which I hope I may discuss before the debate comes to an end. I wish to spend a good part of my time today, certainly the starting part of it, on a discussion of sections 601 and 602 of title VI. My desire to comment on those sections comes about largely as a result of a colloquy in which I engaged on the Senate floor on Tuesday, April 7, which may be found in the CONGRESSIONAL RECORD at page 7092.

TITLE VI

Mr. President, in the light of the CONGRESSIONAL RECORD thus far concerning title VI and the Executive order on housing, I wish to take time now to speak on this most vital subject in the field of housing, as well as in the field of civil rights.

It is most important that the legislative history of title VI reflect a comprehensive anaylsis of the words used in the title as they relate to housing, and of the legal context of these words as to how they relate to one another.

Indeed I join the many voices that have been raised in this body against title VI. Let no one have any doubt about that. I sincerely trust that it is defeated.

Such a position, however, does not preclude a careful legal analysis of what the Senate is considering—of what the meaning of the title will be in event it is enacted into law.

I think it is clear that if title VI is enacted into law in its present form as amended on the floor of the House of Representatives, the Executive order on housing will be nullified as to all contracts of insurance or guarantee, which most definitely includes loans insured by the Federal Housing Administration and loans guaranteed by the Veterans' Administration.

I think this is as it should be.

This is an important hour in the field of housing. In many respects housing is at the crossroads. I regret that this field which is so dear to my heart and in which I have been so active down through the years is now embroiled in this bitter struggle where emotionalism can sometimes overcome commonsense reasoning and if carried too far can endanger the economic welfare of the Nation.

The course of much housing legislation may well be affected by what we do now with title VI. We have hanging over our heads an Executive order never approved by Congress—in fact, disapproved by Congress before it was issued—which compels racial integration in all Federal programs. I have felt that it was unsound, issued against the will of Congress, and was invalid as an attempted legislative act by the President. But now we are face to face with the problem of how this order fits in with the will of Congress and what Congress wants to do about it. The floor amendment to section 602 of the bill excluding contracts of insurance and guarantee brings this problem right out in the open and we must answer it.

I wish to approach this question first in a legal sense, and I have given careful consideration to the views that I am expressing.

There are several fundamental considerations that are inescapable. Can anyone doubt that the entire field of Federal housing is the creature of Congress? Certainly no one doubts that Congress created the various housing programs, and indeed this august Chamber has been in many late and prolonged sessions over the establishment or the expansions of these programs. Congress can curtail or abolish any or all of these programs any time that it so chooses, and, by the same token, it can establish the policy and lay down the standards for the running of these programs in as much detail as it chooses.

That is exactly what Congress would be doing if the House floor amendment remains as a part of title VI and becomes law. If it is deleted, then a major part of the conventional housing market, including loans through banks and savings and loan associations, would be endangered by the possibility of coverage by section 601 in a forced integration policy. Therefore, we must take the amendment at its legal face value and analyze what it means.

Until this amendment appeared on the scene, title VI constituted a ratification, at least in principle, of the Executive order on housing, subject, of course, to the normal qualification that the policies and procedures laid down in the title are the law and must be followed, all existing Executive orders and agency regulations to the contrary notwithstanding. Inasmuch as the housing order set forth policies similar to, but not as broad as, those pronounced in section 601, title VI without the amendment would supersede the Executive order as to procedures and qualifications but would not nullify it in substance. A similar order, together with regulations for the effectuation thereof could be issued by the President in this case under title VI if it were enacted into law without the House amendment excluding contracts of insurance or guarantee. When this amendment was adopted by the House of Representatives, however, the entire legal picture changed. Instead of being a ratification in principle of the Executive order, title VI changed at that point into a nullification of the Executive order, which is on extremely thin legal ground, anyway, because FHA and VA are excluded by the proposed law whereas they were included in the Executive order. This constitutes a variance, and an important one, between the order now in existence and the proposed law, and the variance is on the same subject.

It is basic law, which I will develop later with strong authorities that in event of a variance between a law and a regulation or order issued by the executive branch of the Government, the law shall and must take precedence.

The President heretofore acted on his own through the Executive order. Congress now is moving into the subject matter and is considering it. If Congress passes title VI as it is now before the Senate as the pending business, it will have seized itself of the subject and will have acted in a manner different from the course taken by the President, and the law as laid down by Congress must be followed. That would mean in plain and simple terms that FHA and VA must go back to where they were on November 20, 1962, in administering the housing laws immediately prior to the issuance by the President of what I have always considered the invalid Executive order on housing.

Let us trace for a moment the legislative history of title VI, particularly as it relates to this subject. The President sent the civil rights bill to Congress on June 19, 1963. Title VI at that time was a short, but extremely broad, one paragraph title calling for nondiscrimination, or racial integration as I view it, in all programs or activities of the Government providing direct or indirect financial assistance by way of grant, contract, loan, insurance, guarantee, or otherwise. It gave the President unlimited power to set the standards for assistance and the conditions thereof, together with a mandate to see that these conditions became a part of all financial assistance contracts. FHA and VA were in the title at that point in two places; namely, by insurance and guarantee and by contract, since FHA, for example, by contract agrees to insure a loan for housing construction.

On August 23, 1963, the Attorney General appeared before the Judiciary Committee of the Senate and submitted a substitute bill for title VI which had four sections. A similar substitute was presented to the Judiciary Committee of the House of Representatives. Section 601 of the substitute was the present section 601 of the pending bill with only the words "it is the policy of the United States" deleted in the present bill. Section 602 authorized both lawsuits for enforcement and enforcement by the withholding of funds. The lawsuit authorization was deleted by the House committee. The section at the time of the substitute submission by the Attorney General extended to "any program or activity, by way of grant, contract, loan, insurance, guarantee or otherwise." This broad language was somewhat similar to the language in the Executive order on housing, which was of course restricted purely to housing programs.

The House subcommittee draft of the pending bill, H.R. 7152, maintained the words "program or activity, by way of grant, contract, loan, insurance, guarantee, or otherwise." When the full Judiciary Committee reported the bill to the House however, the language was "program or activity, by way of grant, contract, or loan," which meant that the words "insurance, guarantee, or otherwise" had been deleted. This might have been intended to relieve savings and loan associations and banks from the title, but it did not relieve FHA and VA insurance and guarantee programs because they are by contract and the word "contract" was left intact in the title.

On the floor of the House three amendments were added to title VI. One required regulations to be cleared through the President. Another required action withholding funds to be reported to the appropriate committees for 30 days before going into effect. The third amendment, and the important one to us at this time, was agreed to on February 7, 1964, at page 2500 of the CONGRESSIONAL RECORD and was offered by Chairman CELLER, of the committee. It inserted after the word "contract," the words "other than a contract of insurance or guaranty."

The debate on the amendment was rather short, as found between pages 2500 and 2501 of the Record of February 7. It shows on the one hand a clear intent to exclude FHA and VA insurance and guarantee programs from the bill, but on the other hand it shows a confused attempt by some of the participants in the debate to keep the exclusion of FHA and VA from damaging or affecting the Executive order on housing, which is, as I shall show later, impossible. Chairman Celler at page 2500 stated:

> In other words, we nail down the prohibition. We allay all fears that, for example, actions under the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the Federal Housing Administration insurance programs, or any other Federal insurance and guarantee programs are included in the bill. They are excluded because they involve guarantees and insurance.

That is the chairman of the committee, the Representative who offered the amendment.

He was quoted as saying at the time the amendment was offered that it was offered because there had been so many protests. The amendment was offered for the purpose of allaying the fears which had been expressed in letters of protest. It was intended to do the complete job described by Representative Celler in connection with offering the amendment.

The statement of Chairman Celler shows clearly, as does the whole debate, that FHA and VA are excluded from the bill.

Mr. O'Hara of Michigan then asked Chairman Celler the following question:

> Would the gentleman please make it clear as to whether or not the amendment he offers, if adopted, will in any way affect the authority now being undertaken under President Kennedy's housing order affecting the operations of the FHA?
>
> Mr. Celler. No, sir. It has nothing to do with it.

The response given by Chairman Celler above, that the amendment has nothing to do with the housing order, is exactly where I disagree with him—and where I believe every careful reader of the amendment and the proceedings, and anyone who understand the law, must disagree with him—and I expect to prove it both in fact by the clear meaning of words and in law as to the significance of the proposed action.

To continue further with the House debate. Representative Corman of California, who spoke for the amendment, made the following statement:

> In the field of housing, the President, by Executive order, has already acted to require that racial discrimination be eliminated. That action rests on authority other than title VI, and that action will not be affected by the adoption of title VI as amended by this amendment.

To this statement I would respond directly here and now were it made on the floor of the Senate, because I believe that an act of Congress takes precedence over and order of the President; and, furthermore, the President was not given legislative authority to issue the order and in my belief possessed no power expressed or implied to issue it. Moreover, the order was more of an attempted law than it was an act by the President.

Representative Randall of Missouri then asked Chairman Celler a question similar to that of Mr. O'Hara about the effect of the amendment on the Executive order, to which Chairman Celler responded:

> Yes. Title VI has no effect over Presidential orders.

Mr. Randall then stated:

> Without going into great detail I could not go home and face my people after the passage of this bill if there was any doubt as to whether title VI would affect veterans' housing or FHA housing. I am glad to have the opportunity to participate in this effort to make it crystal clear and leave no room for the slightest doubt that any person owning real estate, whether it be a private home or other real estate, that may now have a mortgage or which may in the future become encumbered by an FHA or VA lien are not included nor will they be subject to the provisions of or in any way come under title VI of H.R. 7152. In other words title VI just will not apply to private property that has a mortgage, even though it may be insured by FHA or VA.

At that point the question was called for and the amendment was agreed to. The belief expressed by Mr. Randall that private property, even if covered by a mortgage insured by FHA will not be affected by title VI may prove quite true in event of passage of the bill as amended, because the Executive order on housing which could apply the policy of the title to private property will be nullified by the amendment.

With this background in the House of Representatives attaching to the title in the legislative history, we have a responsibility in the Senate to make it clear that the words mean what they appear to mean, namely that FHA and VA insured and guaranteed loans are excluded from the bill, and that Congress, if the bill passes, will be legislating on what is and what is not to be included in integration in the field of housing.

I would like to make reference at this point to two articles which are most pertinent to our deliberations at this time. One is an article which I mentioned last Tuesday by Chief Judge Charles Sterling Hutcheson, retired, of the U.S. District Court for the Eastern District of Virginia. The article is entitled "The Constitutionality of the President's Order Barring Discrimination in Federally Assisted Housing," and it is included in a book published in 1963 by Alfred Avins, general editor, entitled "Open Occupancy Versus Forced Housing Under the 14th Amendment"—Bookmailer Inc., New York, N.Y. Chief Judge Hutcheson stated that the order is clearly unconstitutional; that the President unaided by Congress had no authority to issue it; that it was a Federal intrusion into States' powers; that it violated the due-process clause; and that it was an invasion by the Executive into the legislative power of Congress. This article is a wholesome indictment of the Executive order by a most able and reputable legal scholar.

The other article, or articles, appeared in the New Republic magazine of February 29, 1964, page 14, and in the same magazine on March 14, 1964, at page 28, by Alexander N. Bickel, professor of law at Yale University. Mr. Bickel wrote specifically on the effect of the House floor amendment to title VI. He stated the exact view that I take, namely, that up until the time of the House amendment the title was mainly a statement at law of the existing racial policy in Federal housing, but the amendment completely changes the situation and nullifies the Executive order. He states that if the bill is enacted as amended any wider application of the policy stated in title VI, including any future application of it to FHA- and VA-insured and guaranteed loans, will have to be achieved by act of Congress and cannot be had by independent Presidential action. This is a sound legal view as stated by a teacher of the law, who, I understand, is generally speaking in favor of civil rights.

I would like to extract for the Record some appropriate quotes from the article by Chief Judge Hutcheson against the validity of the Executive order, cited above in the book by Mr. Avins, starting at page 100:

> The Constitution is utterly barren of any language which even remotely vests in the President the authority to issue legislative declarations such as the order here involved.
>
> While there is an utter lack of legislative authority for this action of the Executive, there is controlling judicial prohibition against it (citing *Youngstown Sheet & Tube Co.* v. *Sawyer*, 103 F. Supp. 569 (DCDC. 1952, aff'd 343 U.S. 579)). The founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. The purpose of the Constitution was not only to grant power, but to keep it from getting out of hand.
>
> Here we have a proclamation, intended to have the force of legislation, designed to effect a sociological change in the internal affairs of the Nation. The order is in every sense of the word new legislation.
>
> It is clear that no activity can be deemed more removed from interstate commerce than residential housing. * * * From the point of view of the consumer, nothing can be considered more local than one's home.
>
> An antidiscrimination order of the kind here involved is an attempt to require compulsory integration in housing, and is therefore a constitutionally invalid regulation of both landlord or builder and tenant or buyer.
>
> It is common knowledge that pressure for the Executive order has come from individuals and organizations interested, not in good minority housing, but in integrated housing. A court may look behind the ostensible purpose of a legislative enactment to determine its actual purposes, and the constitutional due process requirement "nullifies sophisticated as well as simple-minded modes of infringement." Constitutional requirements do not lend themselves so easily to evasion.
>
> The consequent pitting of ethnic groups against each other could result in disastrous internal dissension. Societies, ancient and modern, have erected legal prohibitions against racial integration to protect themselves and to reduce friction, but America today witnesses the first time in recorded history where individuals are compelled by the State to mix together.
>
> The President's order is clearly unconstitutional on several grounds and appropriate steps should be taken promptly to nullify it.

Judge Hutcheson not only presents sound logic and legal reasoning but he cites a wealth of legal authorities in his article.

Turning now to the article by Professor Bickel, I might comment that it is most appropriate that he should write so timely on the specific subject involved here today:

> One thing is, however, quite clear by way of limitation on the President's powers of independent action—it has been clear at least since President Truman stubbed his toe in the great steel seizure case of 1952—and that is that the President is free to evolve and act on policies of his own only so long as Congress has not, expressly or by implication, declared a contrary policy. And it is sometimes inferred by the courts that Congress has declared one policy simply by considering and refusing to adopt its opposite. It was therefore very dangerous business, as was pointed out in these pages last summer, when the Kennedy administration first introduced what has now become title VI, to put this matter before Congress at all. For in giving the President some of what he probably does not need from it, Congress might take away some of what he already had. This is what the House has now done, and done explicitly.
>
> This little eight-worded amendment in the House cuts all this out, leaves the Executive order effective only—

I want Senators to note that little word of limitation—"only." This is from Professor Bickel—

> as it relates to housing built with direct Federal grants or loans, and makes certain that any future wider application of the policy of equal housing opportunity will have to be achieved by act of Congress, rather than by independent Presidential action. This is no little thing.

I think that is a pretty powerful statement from a professor of law at Yale University who believes in civil rights legislation. But he is telling us exactly what I have been arguing in the course of the debate on the bill, namely, that the provision exempting FHA and VA loans from section 602 means just what it says. One reason why I have taken the time to prepare a legal brief on this subject and to present this discussion today is to attempt to clear up what I think is at times a confused record. As was the case in the House, statements have been made in the Senate at times which I did not feel were clear.

The effect of the House amendment was clearly to exclude all insured or guaranteed contracts or loans. I shall discuss this subject later. But the effect of the action of Congress in legislating on the subject was to repeal the President's Executive order, the validity of which I have never been willing to concede. Judge Hutcheson, in the article I quoted a little earlier, said it was invalid and that the President had no constitutional authority upon which to base or to issue the order.

After Professor Bickel wrote his article in the earlier issue of the New Republic, a letter was written to the editor by Mr. Herman Edelsberg, of Washington, D.C. Mr. Edelsberg is the director of the Antidefamation League in the Nation's Capital. He apparently took Professor Bickel to rather serious task. Professor Bickel was given an opportunity to answer that letter.

Professor Bickel made a devastating answer. It was published in the March 14, 1964, issue of the New Republic. In that article, Mr. Bickel went through the House debate on the amendment, excluding contracts of insurance and guarantee, and stated:

> If these statements express anything, it is a wistful desire on the part of Messrs. CELLER and CORMAN to have their cake and eat it. Mr. CORMAN thought he could have it both ways because the Executive order "rests on authority other than title VI" of this bill.

That is according to his own words:

> That statement is not a clarification of legislative intent. It is a statement of law, and it is wrong. Unless I gravely misunderstand the law of inherent Presidential powers, however, no such independent authority can or should exist once Congress has seized itself of the subject and expressed its own desires through a provision like title VI.

The view taken by Mr. Alexander M. Bickel is correct. I say it is unassailable. Careful legal analysis and authoritative legal briefing will sustain it.

In the first place, if section 601 were not limited by section 602, it is obvious that State and national banks, receiving the Federal financial assistance of the Federal Deposit Insurance Corporation, and savings and loan associations receiving the Federal financial assistance of the Federal Savings and Loan Insurance Corporation, would be in serious danger of being covered by title VI. This would endanger a major part of the conventional housing market. We are told that that is not the case; that section 602 does limit section 601, thereby exempting them.

The same language exempting the above institutions at the same time exempts FHA and VA, and the Executive order on housing does not apply to FHA and VA once they are excluded by act of Congress.

I place no importance on some distinctions between sections 601 and 602 that I have heard on occasions to the effect that one is mandatory and the other is permissive. The truth is that section 602 does limit 601 and is intended to cover the broad field of 601 in its procedures.

It relates to it specifically in the first sentence in the words "shall take action to effectuate the provisions of section 601 with respect to such program or activity." Therefore, the two sections are interlocked and must be considered together.

In other words, the exempting provision in section 602 specifies precisely that it excludes it from the provisions of section 601. I do not know how there could be a more perfected way of lifting something completely out, than to say it is excluded—in this case, excluded from section 601.

Moreover, section 602 directs departments and agencies to carry out section 601 except as to contracts of insurance or guarantee by rules and regulations approved by the President, by hearings and the withholding of funds if necessary, by voluntary persuasion, and "by any other means authorized by law."

That provision appears on page 26 of the bill, in line 18. Is not this a complete coverage of how section 601 shall be placed into effect if title VI is adopted? Therefore, the intent of Congress would be that section 602 covers 601 completely, and an amendment to 602 would amend 601. This is a rational and logical statutory construction.

Next we turn to rules of statutory construction. The House floor amendment provides specific exclusions for FHA and VA and all insurance guarantee contracts. Therefore, it is specific language. Specific language amends general language, and takes precedence. If this doctrine is true, the FHA and the VA could never claim that they are covered by the spirit of section 601 but not by the specific language of section 602. In this, the administration cannot "have its cake and eat it, too."

In the treatise on "Statutory Construction," written by Earl T. Crawford—Thomas Law Book Co., St. Louis, 1940—it is stated:

> While general and special provisions are both sources of the legislative intent, and both are entitled to consideration in the construction of statutes by victim of the rule requiring construction as a whole, the reason for granting the latter the power to control the former is obvious. It is founded upon a characteristic connected with our language. It is in accord with our use of the English language.

Numerous cases are cited by the author of this treatise on statutory construction, to show that specific language not only amends general language; it controls it, as well, "Generalia specialifus non derogant" as the author states the Latin maxim. Some of these cases are: *U.S.* v. *Jackson* (143 Fed. 783); *The Beechwood* (35 Fed. (2d) 41); *Ivey* v. *Railway Fuel Co.* (218 Ala. 407, 118 So. 583); *People* v. *Gilan* (126 N.Y. 147, 27 N.E. 282), and a host of other cases from Arizona, California, Connecticut, Iowa, Kansas, Louisiana, Michigan, Montana, Nebraska, Nevada, Ohio, Pennsylvania, South Carolina, South Dakota, Texas, West Virginia, and Wisconsin.

When Congress has seized itself of the question of what the law shall be, all prior regulations of an agency or any prior order of the President are null and void when in conflict with the statement of the law as made by Congress. This is clearly shown in the case of *Field* v. *Clark* (143 U.S. 649, 693 (1892)) quoting from *Cincinnati W. and R.R. Co.* v. *Commissioners* (1 Ohio St. 77.88 (1852)). Therein the Supreme Court in discussing delegation of powers stated:

> The true distinction is between the delegation of power to make the law which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution to be exercised under and in furtherance of the law. The first cannot be done; to the latter no valid objection can be made.

The precise point made applicable here is that the President in the Executive order has attempted to state what the law shall be without even a delegation of power from Congress, in fact, against the will of Congress. Therefore, and a fortiori a legally questionable statement of the President of what the law "shall be" as the Court stated, cannot stand when Congress later takes affirmative steps and definitely declares that FHA and VA and all contracts of insurance are excluded from the rigid racial integration policy of the Government.

The quotation from the case of Field against Clark, supra, is also a fine one to be used against title VI to show that it is unconstitutional in that it attempts to delegate to the executive branch the power to legislate or state what the law shall be respecting discrimination.

In fact, the point has been made here with reference to many parts of the bill that standards are not set and definitions are not given. "Discrimination" is one of the terms that is not adequately defined in the bill, and in regard to which adequate standards are not given.

The entire definition of this term would be left to the executive branch and that in itself would be a statement by the Executive of what the law shall be by defining what shall constitute discrimination. It is the duty of Congress to define discrimination and to lay down the standards for Executive action.

As Charles K. Burdick so aptly stated in his treatise "The American Constitution" at pages 149–150:

> It is universally recognized as a fundamental principle of American constitutional law that the legislative branch of the Government cannot delegate its essential legislative function to any other agency.
>
> Citing *Wayman* v. *Southard* (10 Wheaton 1, 42 (1825)).

The page referred to in the Wayman against Southard citation above includes a very familiar quotation pronounced by the Supreme Court 139 years ago by Chief Justice Marshall:

> It will not be contended that Congress can delegate to the courts, or to any other tribunals, powers which are strictly and exclusively legislative.

Mr. Burdick in his treatise on the American Constitution continues at page 150:

> This [the doctrine against the Executive performing legislative functions] results from the clear declarations in our constitutions, both Federal and State, that all legislative power shall vest in the lawmaking bodies which are thereby created.
>
> The establishment of principles or rules of conduct is the essential function of a lawmaking body and this power cannot be delegated.

Applying these important and well documented principles of constitutional law to sections 601 and 602 of the instant bill, we should have little or no difficulty in quickly realizing that it is clearly for Congress and not the President to say whether or not FHA, VA, savings and loan associations, banks covered by the FDIC, and any part of the conventional housing market related to this subject shall or shall not be covered by a policy of racial integration. The President acted out of turn when he attempted to perform this legislative function. The House floor amendment takes proper jurisdiction over the subject and states definitely that the agencies and activities listed above shall not be covered.

Therefore, the Executive order of the President would be clearly invalidated if the amendment were enacted into law.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. SPARKMAN. I yield to the Senator from South Carolina.

Mr. THURMOND. When the forefathers wrote the Constitution, they were endeavoring to establish a framework of government in which the people would have the greatest freedom. Is that not correct?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. In devising that framework of government, it was determined that the powers would be separated, so that no one branch of Government or no individual in Government could ever acquire or attain too much power. Is that not true?

Mr. SPARKMAN. That is true.

Mr. THURMOND. For that reason, three branches of Government were established: The legislative branch, the Congress that makes the laws; the executive branch, headed by the President, which administers the laws; and the judicial branch, headed by the Supreme Court, which interprets the law. So, under that framework of government, the Congress was given the sole power to make the laws. Is that not true?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. Is there any provision for a delegation of power anywhere in the Constitution that gives Congress the right to delegate to others the power to make the laws?

Mr. SPARKMAN. Absolutely not. I made that point in my presentation. I quoted eminent jurists in decisions to that effect, including a quotation from Chief Justice Marshall.

Mr. THURMOND. The quotations the Senator used substantiate that very point; do they not?

Mr. SPARKMAN. That is correct.

Mr. THURMOND. Article I, section 1 of the Constitution reads as follows:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The language is "all legislative powers." It does not mean a part of them, or that a part of them would be delegated to someone else, or that the Congress was authorized to delegate some of the powers to someone else. It provides that all legislative powers shall rest with the Congress. Is that not correct?

Mr. SPARKMAN. That is correct.

Mr. THURMOND. In the pending civil rights bill, would not title II, title VI, and title VII violate the Constitution of the United States in that they represent an attempt to delegate legislative powers to the Attorney General and other members of the executive branch, in violation of the Constitution, which provides that all legislative powers shall be vested in Congress?

Mr. SPARKMAN. The Senator is correct. I am not at all certain that the Senator included all of the titles in which that is the case.

The Senator will recall that in previous speeches I have made in the Senate I stressed the great fear I have that too often there is a tendency in our legislating, and in the operation of government, to yield to temptation under the pressures of time, tending toward a government of men rather than of laws. The Senator knows that the great distinguishing principle that was established by the Constitution was that ours was a government of laws, and not of men.

The Senator from South Carolina is correct when he points out that a delegation of powers is provided in the bill.

For example, keeping to a discussion of title VI, and the subject I am discussing primarily today, the housing aspect, there is an attempted delegation of power in the title that will not stand. I mentioned the word "discrimination." I am quite sure the Senator cannot point out to me any place in this great, omnibus bill—really 11 different bills—where there are adequate standards and adequate definitions.

Taking the specific case of the one word "discrimination," does the Senator know of any place in the bill where the term "discrimination" is described or where standards are established as to what will constitute discrimination? It is not there. It is left to some individual or some agency—government by men rather than by laws. It runs afoul of the intent of our forefathers in writing the Constitution. They intended that ours should be a government of laws, and not of men.

The Senator from South Carolina has put his finger on a very vulnerable part of this measure.

Mr. THURMOND. Throughout all the bill the word "discrimination" is referred to.

Mr. SPARKMAN. Yes.

Mr. THURMOND. As the Senator has said, not in one instance has the Congress defined the word "discrimination."

Mr. SPARKMAN. That is correct.

Mr. THURMOND. The bill contains 11 titles. Title I pertains to voting. The appropriate agency of Government that would bring suits under this title would define "discrimination" in the way the individuals administering the law would see fit to define it, because the definition is not given in the bill. Is not that true?

Mr. SPARKMAN. The Senator is correct. Let me give this little addendum: As the Senator from Florida pointed out one day, there are at least 15 different Federal legislative provisions relating to the protection of citizens in their voting rights.

Mr. THURMOND. There are now six criminal statutes and nine civil statutes pertaining to voting.

Mr. SPARKMAN. Yes.

Mr. THURMOND. And anybody in any State of this Nation can vote if he is qualified. If he is qualified and is not permitted to vote, he can go into court and obtain an order. If this bill were enacted into law and a person were denied the right to vote, would he not still have to go into court?

Mr. SPARKMAN. Yes.

Mr. THURMOND. So what is the purpose of having another law, when there are adequate laws now? In addition, there are State laws.

Mr. SPARKMAN. That is the point I am making. Why is there such insistence on piling law upon law when there are laws that are not used at the present time?

There is another feature about the bill. I say this in all kindness to those who believe strongly in this type of legislation. It does not matter whether the racial difficulties pertain to racial tensions between whites and Negroes in the South, the North, the East, or the West, or between Mexicans and Americans along the Rio Grande, or between whites and Japanese-Americans in California, or between Americans and other racial groups—Indians, for example. What puzzles me about this legislation and the friends of the legislation is that I do not think I have heard a single proponent of the legislation say one word about doing anything about the Indians.

If any minority is mistreated, it is the Indians.

Mr. THURMOND. The reason why nothing has been said about the Indians is that there are not enough of them around to throw the election one way or the other.

[Manifestations of applause in the galleries.]

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The galleries will come to order.

Mr. SPARKMAN. I believe the Senator is absolutely correct. I have often stated that I believe the tragedy of this whole issue lies in the fact that the great political parties are making a political football out of civil rights, instead of getting down to work and trying to solve the problem.

I am digressing from my subject, but for fear the Senator from South Carolina may have missed it, I invite his attention to some facts which were placed in the RECORD yesterday by the distinguished Senator from Louisiana. Fifteen or twenty years ago an FEPC bill passed the House and came over to the Senate. The appropriate committee reported the bill and a minority report was issued. There were about four Senators on the Committee, but the Senator from Louisiana and the Senator from Alabama [Mr. HILL] wrote a minority report which I believe to be probably the finest piece of work regarding that type of legislation yet produced. I commend it to the careful reading of all Senators. But yesterday the Senator from Louisiana asked in the course of debate about some of the figures on the charts in the rear of the Chamber, which showed the unemployment ratios of whites to nonwhites, the differences in percentages, the way the graphs ran, and so forth. It makes a good picture to look at, and for a person to argue from. But the distinguished Senator from Louisiana did something yesterday which I believe was quite revealing. I did not even know the facts that he placed in the RECORD. The figures were not made up by someone for or against the proposed legislation. They came from official Government sources. They show that nonwhite unemployment is higher in States which have FEPC laws than in States which do not have them.

I have not gone over the figures on a State-by-State basis, but have made a cursory study of them, and was in conversation with the Senator from Louisiana about them. I believe the figures are quite revealing. Many questions present themselves in connection with the proposed legislation which people do not understand, because they do not stop to study them, nor to find out what the facts are.

Mr. THURMOND. The figures demonstrate that the States with FEPC laws have not been able to provide the employment which they claim the proposed Federal law would provide, if enacted. If it cannot be provided under State law, how can it be provided under Federal law?

Mr. SPARKMAN. That is exactly the point that I am making. Many people speak of the millennium that is coming if the proposed legislation is written into law; yet they do not face the facts which they have in hand, that in the States which have enacted FEPC laws to do the same thing which the bill is supposed to do, the employment status of nonwhites does not improve. In our section of the country, there is about as good an employment situation—in the case of nonwhites as compared to whites—exists in any other section of the country where great numbers of Negroes are to be found.

Mr. THURMOND. Does the Senator know of any American, white or black, who is skilled to do a job and cannot get a job? Is not the big need today to assist people to become skilled, to assist them to learn a trade, to assist them to do something well, rather than to try to enact Federal laws to force people to do things they do not wish to do?

Mr. SPARKMAN. In some of the Executive orders, or some of the agency orders which have been put into effect in recent years—and I am confident that it would be true with regard to the proposed legislation, if enacted into law—the idea is to move people into jobs whether they are prepared for them or not.

I should like to ask the Senator, in order to be sure that my answer to his question will be correct, whether he said that any person, white or black, should be skilled in order to get a job?

Mr. THURMOND. Skilled.

Mr. SPARKMAN. I thank the Senator. I wish to be certain that the Senator limited his statement to skilled workers, because there is difficulty with unskilled workers. The Senator stressed the need for training and preparation for work.

Mr. THURMOND. Has there not always been a percentage of unskilled people who will not take advantage of an opportunity, who will not prepare themselves, who will not take training, and who have therefore remained chronically unemployed all their lives? Will we not always have those people with us?

Mr. SPARKMAN. The Senator is correct. There is something a little deceptive about our unemployment figures. In 1940 I was a Member of the House of Representatives. I was a member of a Congressional committee to study the problem of unemployment, as related to shifts in population. That was back in the days of the dust storms in the Middle West, with the "Okies" and the "Arkies" migrating to California and other Western States. The Committee made quite a long study of the situation. My recollection is that we came to the conclusion that there would probably be 2 or 3 million people unemployed at all times, because there are always people moving from one job to another, perhaps because they are handicapped and are not able to secure full-time employment, or because of lack of skill or something of that kind. We concluded that there would be what one might call a basic unemployment at all times. Trying to measure unemployment in terms of numbers or on the basis of some graph traced on a chart may seem to explain things simply, but actually it is misleading unless all the figures are carefully analyzed.

Mr. LONG of Louisiana. Mr. President, will the Senator from Alabama yield?

Mr. THURMOND. In all the titles throughout the bill—title I on voting; title II on the so-called public accommodations, a better title would be to call it "The invasion of private property title"; title III on public facilities; title IV on education; title V on the so-called Civil Rights Commission; title VI on withholding funds; and title VII on FEPC—discrimination is referred to generally. Is there a single place in any of those titles where the word "discrimination" is defined so that a court could definitely say to a man who had violated the law, "This is the law, you have violated it"? Instead, the definition of discrimination is left up to the particular agency concerned. One agency might have one definition and another agency another, so that there would be no uniformity whatever. Is it not well known that in criminal law, before a man is convicted, he must have perpetrated a specific crime? The crime must be defined. The person accused must show intent to violate the law and to commit an act that violates the law.

Those are the essential elements of a crime, are they not?

Mr. SPARKMAN. The Senator is correct. A little while ago I used the term "discrimination"; at least I intended to use it. I intended to say that that is a term which is not defined anywhere in this great big omnibus bill; nor is there a single standard laid down for it.

Let me follow the Senator's thought a little further, with respect to the necessity of definition. Perhaps that is one of the reasons why the punishment was left to be set by an individual or an agency, because it would be impossible, legally, to obtain a conviction in court. Every judge requires the grand jury, in its presentment or indictment, to do as the Senator suggests, namely, to set out the specific crime. That crime must be defined.

When the judge charges the jury, the first thing he says is, "Gentlemen of the jury, this defendant comes before you charged under an indictment with being guilty of" so-and-so—"discrimination," let us say. The next thing he says is:

"Under the law, discrimination is" so-and-so.

As the Senator has correctly stated, there is nothing in this great big combination of 11 different bills which lays down any standard whatever by which a judge could charge a jury. Perhaps that is the reason why the right of trial by jury is denied in so many instances. Perhaps that is the reason why an agency or some person in an agency is permitted to prescribe what the penalty shall be. The bill is shot through with weaknesses and provisions which, I believe, if taken to court, would be held invalid.

Mr. THURMOND. If a man were charged with an offense that was described or defined by a man, it would be done under a government of men, not a government of laws.

Mr. SPARKMAN. The Senator is correct. I do not believe an indictment could be brought under this provision which could stand, because a judge could not define the crime charged.

Mr. THURMOND. It would not be a rule of law, but a rule of men.

Mr. SPARKMAN. Yes. The bill very cleverly gets around that, because it provides for an agency to determine whether there has been discrimination and whether someone is to be penalized. A county or school district in a rural section of South Carolina or Alabama could be penalized.

Mr. THURMOND. The crime is not defined, in other words.

Mr. SPARKMAN. No.

Mr. THURMOND. Therefore the violation of the law would be what the head of an agency said it was.

Mr. SPARKMAN. Let me point out another terrible inconsistency in the bill. I wish some of the proponents of the bill would explain this point. I do not see any Senator in the Chamber who would be particularly affected. However, in our section we know that the colored and white live in the same area. We do not have the great ghettoes that exist in Harlem and in other places.

A few years ago the Civil Rights Commission stated that the most highly segregated city in the United States was Chicago. The Senator will recall the trouble Chicago has had in trying to break down its schools by what is called busing. Children were moved from one area to another to provide a balance in their schools as between white and colored. It did not work.

The bill contains a provision to prevent busing. In other words, Harlem would remain segregated. It would not be necessary to have integrated schools in Harlem. They are protected. The Puerto Rican schools would not be integrated. The Puerto Ricans are huddled in their own ghetto. They would go to their own schools, and there would be no busing. That segregation will not be broken down; neither will the segregated areas of Chicago and other sections of the country.

The only change that would occur would be made in the South, where Negroes and whites live in the same neighborhood. If there were a school in the neighborhood, everyone would go to that school. Negroes and whites would go to the same school. However, that would not be the situation in Chicago or New York or even in Washington, D.C.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I will yield in a moment.

Mr. THURMOND. In New York, where students were "bused" around, such a howl went up that 15,000 people assembled in protest against the practice. Is that correct?

Mr. SPARKMAN. Yes. That is why that provision is not in the bill. That practice is prohibited in the bill.

Mr. THURMOND. Exactly. Those people will not be affected.

Mr. SPARKMAN. They want to protect those areas.

Mr. THURMOND. They want to protect the areas in New York.

Mr. SPARKMAN. Not only in Harlem and in New York City generally, but particularly in Harlem and in the Puerto Rican sections.

Some time ago the Senate had under consideration an election bill, containing a provision that anyone who had finished the sixth grade of school should be entitled to vote. Some question arose about the adequacy of the proposed legislation, and it was discovered in debate, either here or in the House, that New York excludes Puerto Ricans if they cannot speak English. Am I correct?

Mr. TOWER. Mr. President, will the Senator yield ?

Mr. SPARKMAN. I yield.

Mr. TOWER. Is the Senator aware of the fact that according to a United Press International dispatch this morning the Rhode Island House, by a 61-to-32 vote, shelved for this session a controversial bill banning discrimination in housing? I am informed by my good friend the Senator from Rhode Island [Mr. PASTORE] that a provision calling for open housing is to be found in the platforms of both political parties in that State.

Mr. SPARKMAN. I was not aware of that. I am not greatly surprised. We have seen it happen in various parts of the country. That is what happpens when the question is put up to the people, and they have an opportunity to express themselves. It happened in the State of Washington, in Seattle, I believe, and also in Tacoma. The vote was 3 to 1 against such an ordinance in Tacoma. The same thing has happened in other parts of the country. A vote was held yesterday or the day before yesterday in some city.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. I believe the city the Senator has in mind is Kansas City, Mo. A referendum was held in that city on the question of whether certain facilities should be integrated. The vote was favorable, by about 1,500 votes.

Mr. SPARKMAN. Out of 89,000 votes.

Mr. LONG of Louisiana. Out of perhaps 88,000 votes. However, the crucial point is that it required the solid Negro vote of about 20,000 Negroes to put that referendum over. If the Negro vote were taken out, it would show that the majority of the whites did not vote in favor of it.

Where there is a high percentage of Negroes in a community, the white sentiment favoring separation of whites and colored in their social activities and in certain other activities grows stronger.

No one usually objects to the colored in an area in Washington, D.C., where the colored have a 1 percent population. However, it is a different story when the colored population in an area becomes 20 or 30 percent.

Mr. SPARKMAN. In some communities in my State the colored population is 90 percent. Imagine how upset they could be there. I admit that there are only one or two such counties. On a statewide basis, there is a 30-percent colored population.

Mr. LONG of Louisiana. The Senator will remember that when our liberal friends went about integrating the school system in Washington, they found that where 1 percent of the schoolchildren in a school were colored, no one tended to move out of the area, except perhaps one or two families. When the percentage reached 8 or 10 percent, the whites started moving out. By the time it reached 20 percent, the whites were moving out even faster. Then when it reached about 70 or 80 percent, the great liberal integrationists moved out themselves. So eventually no one was left except one or two white children in an entire school. In an instance like that if one were to study the situation, he would probably find that some of those might have been Puerto Ricans, or might have come from areas where there is somewhat of a shade between the white and the colored races.

So as far as the great majority of the Anglo-Saxon type of citizens are concerned, once the integration reached the point where 80 percent of the neighborhood was colored, most of them would be gone, even the liberals.

Mr. SPARKMAN. The Senator is correct. In 1954 or 1955, integration was first adopted in the District of Columbia schools. Up to that time, the schools had been segregated. About 3 years ago the Superintendent of Education in the city schools of the District of Columbia stated in his report that the schools were fast becoming segregated again.

Mr. LONG of Louisiana. "Resegregated" is the word.

Mr. SPARKMAN. Yes.

Mr. LONG of Louisiana. Is the Senator familiar with the Black Muslims, the sect that Cassius Clay joined when he changed his name to Muhammed Ali? Is the Senator familiar with the proposal those people have advanced to settle this problem? They want us to turn a number of States over to them and let them have the States to themselves.

Mr. SPARKMAN. Yes, somewhat.

Mr. LONG of Louisiana. The answer of the Black Muslims is to give them their own community and they will have their share of the jobs.

In the District of Columbia has not the effect of the integration program actually tended more toward an increase of

Muhammed Alis, or Black Muslims and their group, who talk about being given their own area for themselves?

Mr. SPARKMAN. The result has been as the Senator has described. There has been a tendency toward resegregation. A great many schools in the District of Columbia which a few years ago had all white students now are nonwhite. We know that there are large areas of the city that are altogether Negro.

In my opinion, we are fast moving toward having a series of ghettos in the District of Columbia. That is regrettable. That is not the kind of living we advocate. We do not advocate ghettos in rundown sections where the people are packed in.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. SPARKMAN. Yes.

Mr. LONG of Louisiana. Has the Senator made it clear that in the average Southern community, there is no ghetto-type segregation of the colored people?

Mr. SPARKMAN. That is true.

Mr. LONG of Louisiana. In the Southern communities, in a great many neighborhoods, the white and the colored tend to live side by side, in the same general neighborhood.

Mr. SPARKMAN. That is true.

Mr. LONG of Louisiana. One neighborhood borders on the other. In many instances, one sees the homes of white people and colored people side by side along the road.

Mr. SPARKMAN. That is true.

Mr. LONG of Louisiana. Would not the type of thing that is being urged in the bill lead to that type of segregation which we have seen in the District of Columbia, where the whites move out to get homes among their own kind of people, and leave the area where they formerly lived to the colored people?

Mr. SPARKMAN. I think that is true. Somebody has very carefully given recognition to the circumstances of that situation already by writing into the bill a provision that "bussing" will not be required. Do not break down Harlem. Do not break down the Puerto Rican section. Do not break down the most heavily segregated city in the United States, the city of Chicago, according to the Civil Rights Commission. I wish our friend the distinguished senior Senator from Illinois [Mr. DOUGLAS] were here to give us some explanation of that situation.

Senators will recall the terrible and regrettable trouble that occurred in Cleveland a few days ago. According to the newspapers, a number of fine new schools were being built, but they were being built in Negro sections, and the Negroes knew that they would be for Negro children. They would not be segregated by law, but by practice. They would not be segregated de jure, but would be segregated de facto. The Negroes were protesting that.

No "bussing" is provided for in the bill. The people know they will not be required to "bus" their children. The idea is to build good schools for Negroes, equal but separate. But under the bill that cannot be done in Louisiana or anywhere else in the South. It can be done only in areas where the Negroes are packed in, in ghetto sections, which are highly segregated, as in Chicago, Harlem, and some other areas.

Mr. JOHNSTON. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. JOHNSTON. Is it not true that 20 years ago the colored population of the District of Columbia was centered in the southern part of the city? The Negroes were congregated in that area at that time.

Mr. SPARKMAN. Yes. As I recall, they were centered in Southwest Washington. But that part of the city has been cleaned out and restored through the great urban renewal projects.

Mr. JOHNSTON. Is it not true that segregation continued as the Negroes moved farther out, street by street, in Washington?

Mr. SPARKMAN. Yes. They have become packed in. A gradual packing-in has taken place. That is why Washington is fast developing into a ghetto city.

Mr. JOHNSTON. Is it not true that year by year the Negroes have taken over two or three more streets to the north, until now about the only place where white people live in Washington is in the Northwest section?

Mr. SPARKMAN. Is not the Senator a little afraid to say that?

Mr. JOHNSTON. Why?

Mr. SPARKMAN. They may start taking the Senator in. I say that, of course, facetiously.

Washington is a vast expanse. Rather than try to define the areas, I would prefer to stick to the general proposition that there is a packing-in in the heart of Washington. The area is becoming larger. More Negroes are moving in, and the areas are becoming packed-in and congested. But under the bill, they would not be required to "bus" students. So there would be segregated schools de facto, but not de jure.

Mr. JOHNSTON. The Senator knows how the Negro area has expanded in Washington, does he not?

Mr. SPARKMAN. I have heard about it. I have been here for several years.

Mr. JOHNSTON. Is it not true that a Negro will go into a block and buy one house?

Mr. SPARKMAN. It is called "blockbusting."

Mr. JOHNSTON. "Blockbusting." A Negro will move into a block. Then the white people will put their property on the market at prices much less than its value, and the colored people will move in and buy the houses.

Mr. SPARKMAN. The other day, a Senator read into the RECORD an interview with a Negro, whose name I do not now recall. He was a highly intelligent person. He had been reared in Louisiana. He had migrated to Cincinnati, I believe.

He was interviewed by a reporter from the U.S. News & World Report. He has been quite successful, and he is highly intelligent. I believe he completed only the sixth grade in school; but he has gone through the school of experience. He has developed a very successful soap business; and he stated, "Last year I paid an income tax on over $100,000."

Perhaps it has been a good thing for him that he left Louisiana—although I know the Senator from Louisiana will agree with me when I say that some of the wealthiest citizens of Louisiana and some of the wealthiest citizens of Alabama and of other States in that area are Negroes. Some of them are millionaires. Some are the heads of banks, insurance companies, and building and loan associations. Some of them have become college presidents, doctors, dentists, or lawyers. I suppose many persons in the North might find it difficult to believe that when I was practicing law, 30 or 35 years ago, I practiced at the bar, in my hometown, with Negro lawyers; and in our community there were also Negro doctors, Negro dentists, and Negro businessmen. Some of the wealthiest citizens in my county—it is a very prosperous county—are Negroes. Some of the best farmers there are Negroes. The Senator from South Carolina used to be an agricultural teacher, and he knows what I am talking about. Some of our best farmers and some of our wealthiest farmers are Negroes.

Many persons from other areas find it difficult to believe that such things happen, but they do.

So I was interested to find in the article the statement by that Negro businessman, "Last year I paid an income tax on over $100,000."

Mr. President, I recommend to all Members of Congress a reading of that article, which includes excerpts from the interview with that successful Negro businessman, because his interview is one of the most intelligent I have ever read. Excerpts from it were published in the CONGRESSIONAL RECORD for Monday of this week—April 6—beginning on page 7017. The name of this very successful and very intelligent Negro businessman is Mr. S. B. Fuller, of Chicago, Ill.

Let me point out, too, that in many of the Southern States, including not only Louisiana and Alabama but also North Carolina and South Carolina, among others, many of the largest insurance companies and savings and loan associations and banks are headed by Negroes.

Mr. LONG of Louisiana. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. The Senator has referred to that Negro businessman in Chicago; and a few moments before that, the Senator referred to "blockbusting activities." Are we to conclude that perhaps that Chicago businessman was also active in connection with the blockbusting activities in white residential neighborhoods, and the subsequent possibility of purchasing their residential properties at low prices?

Mr. SPARKMAN. Oh, no; just the opposite is the case. That successful Negro businessman, in Chicago, did not engage in such activities.

I point out that in the interview, Mr. Fuller stated that it is natural for people to gather with their own. We know that is true. I am certain that if I lived in a foreign country, I would prefer to live in a neighborhood in which other Americans lived. I think a similar situation exists in this country. When we visit the large cities, we can see the neighborhoods in which the people from Ireland first lived, following their arrival in this country. Later, they moved elsewhere, to other neighborhoods; and perhaps at that time a number of people from Sweden moved into the neighborhoods then vacated by the Irish; and perhaps later the Italians came there; or perhaps later on, groups from other countries lived in those neighborhoods. In short, wave after wave of newly arrived people have lived in various sections of many of our larger cities; and in various sections of the cities we find various minority groups. That situation is noteworthy. However, very many people speak of civil rights legislation as if the Negroes were the only minority group in this country.

Mr. JOHNSTON. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. JOHNSTON. Reference has been made to "blockbusting" activities by certain real estate dealers who have made considerable money in that connection. Is it not true that when Washington real estate dealers sell property, they receive 5 percent or 6 percent as a commission?

Mr. SPARKMAN. I think 5 percent is the minimum real estate fee.

Mr. JOHNSTON. Does the Senator from Alabama know how some of the real estate dealers—although not all of them—have encouraged blockbusting?

Mr. SPARKMAN. No.

Mr. JOHNSTON. A colored lawyer came to see me. He said, "Senator, I think you should know about something that is going on here in Washington."

I replied, "What is it?"

He said, "I mean the way some of the people are carrying on this blockbusting. Here is the way they do it: I was at one of the meetings; and they said, 'We've got to raise $75,000 here, tonight.' A bunch of the real estate men were there, too. They said, 'We want to get colored people into the blocks where the white people are living now, so we can bust up some of the blocks, and we want to raise $75,000 here, tonight.'

"Immediately one of the real estate men jumped to his feet and said, 'I'll put in $5,000.' Another one jumped up and said, 'I'll put in $5,000, too.' And others, right down the line, did the same. Some of them said, 'If you colored folks put in as much as $5,000, we'll give you first choice on some of the first properties we get in the area, and you can apply the $5,000 to the purchase price. Do any of you want to do that?

"Some of them said they did; and they did it, to get on the preferred list."

And he said, "When the real estate dealers buy houses like that, they buy them in the middle of a block where only white people live. Then the other white people put their houses on the market, for sale; and that is the way the dealers make so much money. They get back not only the money they put up, but also sometimes ten times that much—just by selling the other houses that the other white people have put up for sale." He said to me, "That is what is happening."

I do not deny that it is happening, because I think some of the real estate dealers—although not all of them—have been doing that. One could get rich that way very quickly, could he not?

Mr. SPARKMAN. It is interesting to know that such developments and problems do arise.

By the way, let me say that I have referred to the unemployment figures the Senator from Louisiana [Mr. ELLENDER] placed in the RECORD on Wednesday. They appear on page 7249 of the CONGRESSIONAL RECORD for Wednesday of this week.

Mr. President, a moment ago I referred to an amendment which was written into the bill on the floor of the House of Representatives. The amendment very clearly exempts FHA and VA contracts, because it exempts contracts of insurance and guarantee, and the FHA insures, and the Veterans' Administration guarantees. I point out that if that amendment were to be deleted, the FHA and the VA—except in the case of VA direct loans—would be thrown back into coverage; and the conventional housing market, or at least the part covered by banks and savings and loan associations, could be endangered by possible coverage. The proposition before us is just that simple.

Let us take another approach; namely, the doctrine of preemption. Even if we were to assume that the Executive order of the President on housing is valid—a point which I will not by any means concede—nevertheless, how could it stand against a law to the contrary, if enacted by Congress?

Through the House floor amendment, Congress has decided to get into this field. If it enacts a law it has preempted the field.

In the well-known case of *Pennsylvania* v. *Nelson,* 350 U.S. 497 (1955) the Supreme Court carried the preemption doctrine to the extent of holding that because Congress had adopted the Smith Act, the State of Pennsylvania could not enforce its sedition law. The Court stated at page 504:

> We examine these acts only to determine the congressional plan. Looking to all of them in the aggregate, the conclusion is inescapable that Congress has intended to occupy the field of sedition.

In section 602 of the instant bill, which section clearly relates to section 601 and delimits it, Congress through the House floor amendment "has intended to occupy the field" of exactly what programs shall be included or excluded in the total Federal financial assistance field and has elected to say that all programs falling in the category of "contracts of insurance or guaranty" shall be excluded. Therefore, Congress will have preempted the field if title VI passes and there is nothing that the President can do about it through past Executive orders or future Executive orders unless Congress changes the law.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. SPARKMAN. I yield to the Senator from South Carolina.

Mr. THURMOND. In the Steve Nelson case, Nelson was convicted, and the case went to the Supreme Court. The Supreme Court overturned the conviction and freed him. They turned Nelson loose on the theory that since the Federal Government had passed a law on the subject, the Federal law preempted the entire field of sedition and struck down the State law. If the same policy should be followed here—and have we any reason to think it will not be?—when the Federal Government enters the field of voting, could that same thing not occur?

Mr. SPARKMAN. I did not agree with the Supreme Court in the Nelson case as to States rights.

Mr. THURMOND. I did not, either.

Mr. SPARKMAN. The case is not wholly analogous with what I am discussing, but I wished to cite it to show how strongly the Supreme Court had gone into the field of preemption. The preemption in that case was between the Federal Government and the State. I do not think it is right, because we have a dual system of government; and except in fields that are specifically delegated to the National Government, the National Government may not step in and preempt.

However, the preemption I am talking about is as between Congress and the Executive.

The Senator is correct in what he has said about how the Steve Nelson case was handled. I do not wish to say anything that would make it appear that I believe Congress can preempt the field of voting, because the Constitution clearly provides otherwise. When Congress deals with voting, it must be very careful to avoid stepping over into a field in which it has no business to be, because the Constitution clearly provides that the determination of the eligibility of electors of the State shall be decided by the States themselves. That is true even in the case of electors who are voting for President, Vice President, Representatives, and Senators, because the Constitution provides that they shall have the same qualifications as do the electors for the most numerous body of the State legislature—in other words, the question is clearly left to the States.

Mr. THURMOND. In the Steve Nelson case, Nelson was convicted of sedition for violating the Pennsylvania antisedition law.

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. The Supreme Court threw out the case. It said the defendant could not be convicted under the State law; that when the Federal Government had passed a law on the subject of sedition, the Federal Government had taken over the field of sedition and had preempted the entire field of sedition.

Mr. SPARKMAN. That is what the Supreme Court said.

Mr. THURMOND. It is as wrong as it could be. The able Senator from Alabama has put his finger on it. We have government at the National Government level; we have government at the State level.

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. The national level applies only in certain jurisdictions in which it can operate. But, of course, the Federal Government has gone into many other jurisdictions. There is no reason why there should not be a law on sedition at the national level and one at the State level. There is no reason why both laws could not stand, is there?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. But the Supreme Court threw out the State law merely because Congress had passed a law relating to the field of sedition. If that precedent were to be followed, would it not also follow that the public accomodations laws of States that have so-called public accommodations laws and similar ordinance of cities that has passed, so-called public accommodations ordinances would go out the window if the Congress should enact a law on the subject?

Mr. SPARKMAN. If we stick to the theory——

Mr. THURMOND. If we follow the same line of reasoning that the Supreme Court followed in the Pennsylvania sedition case, I still think it would be wrong, and I wish to make it plain that I think it would be wrong to do it now.

Mr. SPARKMAN. Following the line of the Nelson case, what the Senator describes could very easily happen.

I should like to say something about those cases. I have pointed out some of the provisions in the bill which would take care of special situations such as impacted school areas; that is, the impacted segregated school areas in the great cities of the North, where strict provision is made against mixing the races, if students must be moved out of the vicinity. My understanding is—I have heard this, but cannot prove it—that there was a great deal of support for the bill in the northern areas that would not have been obtained if there had not been written into the bill a special protection provision for the heavily segregated areas of the northern cities.

I wonder if the same thing would not apply perhaps to some of the other provisions—for example, the FEPC provision and the public accommodations provision. Is there not a provision in the bill to the effect that if a State has a law on the subject of public accommodations or on the subject of FEPC, or perhaps some other subject, the Federal law will not apply?

Mr. THURMOND. That is in the FEPC title.

Mr. SPARKMAN. Does that apply only to the FEPC title? I thought it applied to public accommodations, too.

Mr. THURMOND. That provision would protect the States that have FEPC laws.

Mr. SPARKMAN. Regardless of whether those FEPC laws are enforced or not.

Mr. THURMOND. Exactly.

Mr. SPARKMAN. From what I hear about them, in most cases there is no effort to enforce them.

Mr. THURMOND. There is no effort to enforce them.

Mr. SPARKMAN. If the Senator will examine the table to which I referred a while ago, he will see that such provisions have not had the millennium effect on unemployment that the supporters of the program had hoped for, because in States that have FEPC laws there is a higher percentage of nonwhite unemployment than there is in such States as those which the Senator and I represent, in part, and other States in which we are told Negroes are not working.

Mr. THURMOND. In other words, we have a situation in which a State that has an FEPC law is not enforcing the law, but it has such a law on its statute books to make the Negro people feel that they are getting equality when they are not, the State law would continue to operate.

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. In the States which do not have FEPC laws——

Mr. SPARKMAN. I should like to correct the Senator a little. Not necessarily. If the law of a State were operating, that State would be exempt from the operation of the Federal law.

Mr. THURMOND. That is correct.

Mr. SPARKMAN. The law might be on the statute books but not operative.

Mr. THURMOND. That is correct.

Mr. SPARKMAN. But the State would be fully protected; it would be exempted.

Mr. THURMOND. States which have no FEPC laws would receive all the power and force of the great Federal Government in Washington. Inspectors, snoopers, and agents would be sent down from Washington to look into the books of the people to see whom an employer had hired, what date he had hired the employee, who was turned down, who was not turned down, and so forth. In other words, there would be inequality. Would there not be discrimination?

Mr. SPARKMAN. Certainly.

Mr. THURMOND. Because a Federal law would be enforced stringently by the Federal Government in some States; and other States, because they had State laws on the subject, would be entirely excepted. Is that not true?

Mr. SPARKMAN. The Senator is correct. A very good friend of mine has a large plant in my State. He does a great deal of business with the Government. He has been most cooperative with the Government in the fair employment or equal employment policy, whatever it is called. He told me that a Government inspector once came into his plant and wanted to see his books and records to ascertain how many white and Negro employees he had. He said, "I cannot tell you how many Negro employees I have, because I do not keep my records that way."

He said, "I will take you down the work lines and let you see for yourself, but we do not distinguish between white and black on the records. We hire qualified workers as they become available."

It seems to me that is what is really desired in this country, rather than to have snoopers peering over one's shoulders, trying to learn what the situation is and trying to make certain that there is just the right percentage of white and colored workers, and so forth.

Mr. THURMOND. If the bill were passed, could not the following situation arise under title VII, concerning the FEPC? Suppose two persons applied for a position, and one of them was well qualified. The employer had known him for years and knew his family background. He knew him to be a loyal, patriotic American. He knew where he went to college. He knew the applicant had a good vocabulary and an imaginative mind and knew that the applicant met all the qualifications the employer wanted. He had initiative, energy, and appearance. He was a sound thinker. He came recommended by all who knew him.

Then suppose there was another applicant, one who had only average ability, who had a poor appearance, who did not have an imaginative mind, who had very little energy, initiative, and ambition, who did not care much about getting ahead, but mostly wanted to get on the payroll.

There would be two men applying for the job, one of whom was exceptionally qualified and just the person the employer wanted, the other applicant being only fair, and one whom the employer did not want under any circumstances.

Yet, under title VII of the bill, the FEPC section, the employer would not have the right to choose the man he wanted, the one who was exceptional and well qualified, if some bureaucrat said, "The other man applied 1 minute ahead of him; therefore, you must take him first."

Is that correct?

Mr. SPARKMAN. I think the Senator has correctly stated a situation which might occur.

Mr. THURMOND. Should not a man who operates his business be allowed to choose his coworkers, his associates, and his employees? Does he not know better than some bureaucrat in Washington whom he wants to work with him?

Mr. SPARKMAN. As I see the situation, we have always boasted of the fact that this country has grown great because of the private-enterprise system—the freedom of action, freedom of the individual to invest his money in some venture, and take a chance on losing it all or making a successful operation, growing, and becoming a big business.

That cannot be done, and the private enterprise system of this country cannot be built up, on the basis on which our country has become great, if there is not freedom for the person who invests his money, his brainpower, and his time in a business, to choose those he thinks will best work with him to make the business grow and be profitable.

Mr. THURMOND. Would not this provision force an employer to employ a political enemy, or a man whose loyalty might be questioned by the employer, or someone with whom the employer had had difficulty? Would not this provision force an employer to hire a man whose loyalty he could not trust, who might have been against him in every move he had made in his business, or in other ways, or whom he did not want connected with his business or to know what was going on in his business? Would not such a provision greatly handicap a businessman if he were forced to take employees like that?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. Would it not be unfair, and would it not be taking away freedom from the people of this country, if they were told, "You must take this man, because he applied 1 minute ahead of the other man," if he were not qualified?

Mr. SPARKMAN. The Senator is correct. It is rather strange that the Government itself does not follow that policy.

Mr. THURMOND. In a Senator's office we look for and try to get the best qualified people to work for us. Why should not this provision apply to a Senator's office? Because the proponents know they would not get Senators to agree to it. If Senators do not want it to apply to them, why should Congress impose it on the businessmen and other people of this country?

Mr. SPARKMAN. The Senator is correct.

Mr. President, I was discussing the decision of the Supreme Court in the Steve Nelson case, in the field of preemption. I wish to give another quotation from that case.

The Court in the Nelson case, speaking through Chief Justice Warren, cited very appropriate language from an opinion by Mr. Justice Holmes in the case of *Charleston & Western Carolina R. Co.* v. *Varnville Furniture Co.*, 237 U.S. 597, 604 (1914):

> When Congress has taken the particular subject matter in hand coincidence is as ineffective as opposition, and a State law is not to be declared a help because it attempts to go further than Congress has seen fit to go.

I will continue this point by quoting from another case because this point is of ultimate importance to us at this time and is of ultimate importance to this legislative record to show that, if title VI passes, the Executive order on housing is invalidated and the procedures as well as the inclusions and exclusions of Title VI are the law and must be followed. In the case of *Chicago Rock Island & Pacific Railway Co.* v. *Hardwick Elevator Co.*, 226 U.S. 426, 435 (1912) the Supreme Court stated:

> Even if such subject was embraced within that class of powers concerning which the State had a right to expect its authority in the absence of legislation by Congress, it must follow in consequence of the action of Congress to which we have referred that the power of the State over the subject matter ceased to exist from the moment that Congress exerted its paramount and all-embracing authority over the subject.

I say that by excluding contracts of insurance and guaranty in title VI, Congress will have exerted its paramount and all-embracing authority over the subject.

The real issue is, Shall the Congress make the laws of this land or shall the President make them?

To that question there can be, and should be, but one answer.

The Constitution gives the answer—namely, only the Congress.

Again in the case of *Southern Railway Co.* v. *Indiana Railroad Co.*, 236 U.S. 439, 446, 447 (1914), the Supreme Court stated:

> Such is the case here where Congress, in the exercise of its power to regulate interstate commerce, has legislated. * * * Until Congress entered that field, the States could legislate. * * * Under the Constitution, the nature of that power is such that when exercised it is exclusive, and ipso facto, supersedes existing State legislation on the same subject.

Therefore, in the light of the well-established doctrine shown above in the so-called field of preemption, there should be no question about the superiority of Congress over the President on the instant subject of the House floor amendment. While most of the preemption cases deal with the powers of States as related to Congress, these cases strengthen and fortify my position that Congress preempts the President from acting when it takes over the field as in the pending amendment.

Prior to this bill, Congress has spoken in two manners on the question of racial integration in housing. In the first place, when many of the various housing programs were enacted into law, Congress was silent on the matter. This meant that Congress deferred to State law on the question for the administration of these programs in the various States. Since even at the present time more than 30 States do not have antidiscrimination housing laws, this meant that Congress did not intend to foist forced racial integration in housing on the people in these 30-odd States, but would expect the Agency to comply with the laws in the other States in their varying degrees of racial requirements. That this was the intent of Congress goes back as far as the cases of *Prigg* v. *Commonwealth of Pennsylvania*, 16 Peters 539, 617 (1842) when the Supreme Court through Mr. Justice Lamar stated:

> In such a case, the legislation of Congress in what it does prescribe, manifestly indicates that it does not intend that there shall be any farther legislation to act upon the subject matter. Its silence as to what it does not do is as expressive of what its intention is as the direct provisions made by it * * * the will of Congress upon the whole subject is as clearly established by what it had not declared, as by what it has expressed.

Therefore, until November of 1962 with the issuance of the Executive order, the will of Congress was by and large carried out by the agencies in complying with State laws on the question of housing.

The second action of Congress was to refuse to adopt, on at least six occasions, amendments compelling racial integration in the housing programs. This was clear action. It showed the direct will of Congress which was in line with the policy adopted as a result of silence.

Then came the Executive order contrary to legislative intent and based, if at all, on some alleged power of the President to make the laws which I do not find in the Constitution.

Now with the House floor amendment, if it becomes law, Congress will be saying that racial integration shall be necessary in all grant and direct loan housing programs, and in all contract housing programs or activities, except in contracts of insurance or guaranty, and that most definitely includes FHA and VA. The Executive order would then be nullified. FHA and VA should then go back to procedures prior to the issuance of the order and no further Executive order should be allowed to cause them to continue their present method of operation of forced racial integration throughout the entire United States.

On this, I go back to the Prigg case and quote again the following:

> The legislation of Congress, in what it does prescribe, manifestly indicates that it does not intend that there shall be any further legislation to act upon the subject matter.

Congress will then have spoken and the President should not attempt again to legislate on the question.

On this, I specifically at this time warn FHA, HHFA, and the President and, in so doing, I use the words of Mr. Justice Jackson in the steel seizure case, *Youngstown Co.* v. *Sawyer*, 343 U.S. 597 (1951), at page 637:

> When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional power of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. ROBERTSON. I endorse the Senator's statement that should section 602 of title 6 be properly construed, it would absolutely eliminate from the application of that section all institutions which make insured loans, such as FHA, institutions under FDIC, and the Home Loan Bank Board.

Mr. SPARKMAN. And the Veterans' Administration.

Mr. ROBERTSON. Also the Veterans' Administration.

Mr. SPARKMAN. The Senator referred to "that section." They would also be excluded from section 601, which is so strictly limited by section 602 that they would be exempted.

Mr. ROBERTSON. Yes; that is the important section.

Mr. SPARKMAN. Yes. I appreciate the comment of the Senator from Virginia, the able chairman of my committee.

Mr. ROBERTSON. I thank the Senator.

Mr. SPARKMAN. I call attention from the above very strong and appropriate language of the steel seizure case that should the President in the instant case attempt to apply his own order on FHA and VA against a law of Congress, he could do so only if the courts should disable Congress from acting on this subject. Congress established the housing field and it has every right it needs to exclude FHA and VA as a part of contracts of insurance and guarantee in title VI. Unless Congress is disabled from acting by the courts, the President cannot act.

I would add also that if the President attempts to restore FHA and VA into the policy and procedures of title VI, if it becomes law, he would be doing much more than an act such as seizing the steel mills in the Sawyer case. He would be establishing a policy which is clearly a legislative matter.

I have made some reference to the right that Congress had to establish policy in this field either by action or by inaction. It is a field that Congress established. But I do not want to imply by that, as I have said previously, that on at least six different occasions Congress definitely turned down the proposal to have mixed integration of housing.

I was the floor manager of the 1949 housing bill when it was presented in the Senate. That was perhaps the greatest of all housing acts. It involved the rewriting of housing legislation and the establishment of new fields in housing legislation after the war was over.

That was a big bill. It was an important bill. A good friend of mine, Senator Bricker, of Ohio, was opposed to the bill. I will not say he was opposed to all the bill. He was opposed to the public housing part of the bill.

Senator Bricker offered an amendment to require mixed occupancy, or at least open occupancy, in order to prevent racial discrimination in housing.

The amendment was a very dangerous amendment so far as housing legislation was concerned. There was a good deal of opposition to the measure. There was hard fight in the Senate.

I asked Senator DOUGLAS, of Illinois, Senator MORSE, of Oregon, and if I recall correctly, Senator HUMPHREY, of Minnesota, to lead the fight. I remained quiet and suggested that all of our southern Senators remain quiet. That left the burden up to Senators whose feelings were well known. They opposed the amendment. They said it would be most unwise to put it in the act. The amendment was defeated.

I could go on and name the five different years after that in which amendments were proposed in Congress. They are enumerated on page 22908 of the CONGRESSIONAL RECORD, volume 108, part 17.

At that time I inserted a brief in the CONGRESSIONAL RECORD with reference to the Executive order. My contention today on the Executive order that President Kennedy issued is that it was not based on constitutional grounds. It is not new. I placed this brief in the RECORD back in October 1962.

Before the order was ever issued, President Kennedy asked me to come to the White House and discuss it with him. I urged President Kennedy as strongly as I could at the time not to issue the order. I wrote him later and urged him not to issue the order. I did not believe that it was valid. I am still of that opinion. But I wanted to bring out the fact that it has not been merely a case of inaction, or failure to take any kind of action. On six occasions, Congress, by yea-and-nay votes—I believe that most, if not all of them, were yea-and-nay votes at least in the Senate—refused to take action in a field in which it could clearly take action because it had established the housing program.

The predicate has been well laid as to the intent of Congress. On six different occasions Congress has refused to go along with that kind of program.

There will be one rather ironical situation if title VI becomes law as it is written.

FHA houses are ordinarily the higher priced houses, the finer houses. I hope the Senator from Mississippi will hear this because I think it is a point for us to think about. If title VI becomes law, the FHA houses, the prices of which run up to perhaps $20,000, $25,000, or $30,000, and even above, will be exempt. We cannot force integration in those cases. The same thing would be true in VA houses. In the case of public housing, and housing for the elderly and the middle income group, the poor people, and direct loans to veterans, those who are not able to get credit, or VA guaranteed loans—it does not matter so much as far as the poor people are concerned—they will still be subject to it, very much as the Senator from South Carolina was bringing out with reference to the schools in the District of Columbia.

The Senator referred to the people moving out and resegregating the schools. The Senator knows that a great percentage of those who are left at present constitute a very small number of whites who have probably not been able to move out, or who have been the victims of circumstances that compelled them to continue to live there. The same patterns will develop if title VI becomes law.

I. PROPERTY RIGHTS

Title VI of the bill is related to property rights, both vested and contractual. It proposes the cutting off of funds to enforce nondiscrimination in Federal financial assistance programs and activities. It makes no attempt whatever to advise or enlighten the millions of recipients of financial assistance how they must conduct themselves socially, personally, or in their business life in order not to be guilty of discrimination. Without a limiting definition, the purpose of the broad terminology of section 601 is to foster compulsory integration with the attendant loss of freedom of association in urban renewal, loans and grants, small business, educational and health programs, the huge defense contracts programs, farm programs, and programs and activities, large or small, too numerous to enumerate here—see House Report No. 914 on H.R. 7152, 88th Congress, 1st session, pages 104–105.

What constitutes a program or activity of financial assistance should be fully debated.

Section 601 simply states that "notwithstanding any inconsistent provision of any other law" there can be no "discrimination" on the ground of race, color, or national origin in any program or activity receiving Federal financial assistance—title VI—H.R. 7152—section 601 provides:

> Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program of activity receiving Federal financial assistance.

This broad language is similar in substance to specific language rejected by Congress on numerous occasions in various financial assistance programs.

This attempts to accomplish in one enactment, without the benefit of reports from the numerous committees of Congress whose fields are involved and who are well advised as to the effectiveness of their respective programs, what has been voted down heretofore in Congress on numerous occasions for just cause in separately proposed amendments. To enact this section into law would be not only hasty, it would be dangerous.

Section 602 is the mandatory section directing departments and agencies with the word "shall" to take action to effectuate the provisions of section 601. Its coverage is:

> Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity by way of grant, loan, or contract other than a contract of insurance or guaranty.

The exclusion of contracts of insurance or guaranty came by amendment on the floor of the House of Representatives on February 7, 1964, page 2498, CONGRESSIONAL RECORD. Inasmuch as section 602 refers directly to section 601, this excludes programs or activities by way of contract of insurance or guaranty. Included in this field are Federal savings and loan associations under the jurisdiction of the Federal Home Loan Bank Board that receive insurance from the Federal Savings and Loan Insurance Corporation—61 Statutes 954, 69 Statutes 640, 14 United States Code 1433 and the following—banks both State and Federal—Revised Statutes 5133, 12 United States Code 21 and the following—whose deposits are insured with the Federal Deposit Insurance Corporation—64 Statutes 873, 12 United States Code 1811 and the following—loans insured by the Federal Housing Administration, and loans guaranteed by the Veterans Administration.

Without objecting in the least to the exclusion of these programs from a bill to which I am strongly opposed in principle and in substance, for legal reasons, and in the interest of sound government, I cannot refrain from observing that the rich are again divided from the poor;

and the arbitrary cutting off of funds to enforce racial integration in the neighborhood and home life of people who really do not want it, applies to the very people who need the aid the most. Grants, including public housing, and college housing loans, are subjected to fund withholding, whereas banks, savings and loan associations, and FHA, the great underwriters of private enterprise, are excluded.

In this regard, however, I feel very strongly that we should not jeopardize the conventional housing market with threats of embroilment in racial integration edicts.

I have sponsored numerous housing bills in Congress. As a matter of fact, for years housing has been one of my more active fields of interest in the Senate. I feel that great good, economically and otherwise, has come from these programs, which include, among others, FHA and VA housing, public housing, elderly housing, farm housing, urban renewal, community facilities, savings and loan associations, and the functions of the Federal National Mortgage Association—See S. 2468, 88th Congress, 2d session proposing extensions and expansions of numerous programs. The original Federal interest in housing, dating back to 1934—48 Statute 1246, 12 United States Code 1702—was to stimulate private investment. That is why FHA can sue and be sued. Its operations are designed to encourage private lending. In essence, Federal housing was designed originally to defer to State laws and local customs. Most of the States do not have housing antidiscrimination laws. For laws of varying rigidity see: Alaska Session Laws 1962, chapter 49 at 54; Columbia Health and Safety Code, sections 33049–50, 35700–41; Colorado Revised Statutes Annotated, sections 69 7–1 to 7—Supplement 1960; Connecticut General Statutes Annotated sections 53–34 to 36 Supplement 1961, District of Columbia Act 45 Police Regulations December 1, 1963; Massachusetts General Laws Annotated ca 151B sections 1–6, chapter 112, section 87 AAA(k)—Supplement 1961; Minnesota Statute Annotated sections 363.01–09, 12–13, 462,481, 525(8), 641, 507.18, Supplement 1961, New Hampshire Revised Statute Annotated, section 354:1–a; 4 Supplement 1961; New Jersey Revised Statute, section 18.25 Supplement 1961; New York Civil Rights Law, sections 18(a)–(e); New York Executive Law, section 290–301; Oregon Revised Statute, sections 659.010–045, 696.300, 1961; Pennsylvania Statute Annotated title 35, sections 1661–64, 1680.307, 1711, title 43, sections 951–63, Supplement 1961; Washington Revised Code, sections 49.60.101, .217 1957: Virgin Islands Code Annotated, title 10, sections 1–10, Supplement 1963. We should not depart from this concept.

Federal dictates and mandates by regulations, especially on racial matters endanger the economic benefits of the housing programs and give me great concern. We cannot reform social customs very well by law. The net result might well be that some of the housing programs may diminish in effectiveness. Meanwhile the conventional market may continue to expand far more rapidly than Government sponsored programs, as it has during the past year, all of which is normal.

I place the blame directly on the Executive order on housing—Executive Order No. 11063, issued November 20, 1962, 27 Federal Register 11530 called for racial integration of all Federal housing programs and directed further action and regulations to carry out this policy—for a major part of the change in housing start percentages which took place in 1963 immediately following the issuance of that order. Private nonfarm housing starts increased from 1,439,100 in 1962 to 1,561,000 in 1963—Housing and Home Finance Agency compilations by the Office of Program Policy, 1963, preliminary and 1962 annual data—which represents a tremendous amount of construction. Instead of increasing with the rest of the market after the issuance of the racial order, Government-sponsored FHA housing starts actually decreased from 259,500 in 1962 to 220,200 in 1963—the same—a decrease of 15 percent. At the same time, conventional housing starts, which are free from Federal racial control, increased from 1,101,800 in 1962 to 1,269,800 in 1963—the same—an increase of 15 percent. In other words, there was a decrease of 15 percent in Government-sponsored, insured and guaranteed housing, and in the field of conventional home financing there was an increase of 15 percent. These figures speak for themselves as to how the American public feels about forced integration in housing even in the face of higher interest charges and larger downpayments in the conventional market.

Inherent in our consideration of property rights is a bedrock fundamental, namely, that every individual under the protective shield of the Constitution has the right to own property, both real and personal, and to use it as he sees fit, so long as he does not interfere with the lawful rights of his neighbors or endanger the health, safety, and welfare of the community. This principle is so strong in our traditions that as early as 1795 it was recognized by the Supreme Court as stronger than the power of a State legislature. In *Van Horne's Lessee* v. *Dorrance*, 2 U.S. (2 Dall.) 304, 310 (1795). See also *Calder* v. *Bull*, 3 U.S. (3 Dall.) 386 (1798)—the court stated:

> The legislature had no authority to make an act divesting one citizen of his freehold and vesting it in another—it is contrary to the principles of social alliance in every free government; it is contrary both to the letter and spirit of the Constitution.

Similarly, with sitdown strikes and picketing demonstrations on private property to protest segregation, it is a flagrant abuse of the property rights of the owners of the property to cast aside civil remedies for trespass and to nullify State criminal prosecutions for trespass under the guise of the right of assembly under the 1st amendment or of State action under the 14th amendment. The Constitution must be taken into consideration as a whole document and not piecemeal in a manner that causes imbalance and injustice. By overemphasizing one part of the Constitution to the long-term detriment of those whose rights fall under another part of it is not sound government. The theory of upholding the right of peaceful assembly and the right to petition Congress can easily be abused and enlarged far out of proportion, much to the detriment of the more important right of the maintenance of property rights. Moreover, a serious question arises as to how peaceful any assembly is when the drums of racial emotionalism are beating underneath it. Tension and violence are not only usual potentials, they are realities in many cases. It is straining the purpose of the first amendment, designed primarily as a restraint on the power of the Federal Government itself and not on the States, to call some of the demonstrations and riots in recent months merely peaceful assemblies.

If a State acts to quell breaches of the peace, the Supreme Court seems prone to outlaw the State action—*Taylor* v. *Louisiana*, 370 U.S. 154 (1962); *Shuttleworth* v. *Birmingham*, 373 U.S. 262 (1963); *NAACP* v. *Alabama*, 357 U.S. 449 (1957). In fact, the pattern of developing civil rights by the judicial route since the Brown decision seems to be by nullifying State action through use of the 14th amendment—*Turner* v. *Memphis*, 369 U.S. 350 (1962); *Johnson* v. *Virginia*, 373 U.S. 61 (1963); *Peterson* v. *Greenville*, 373 U.S. 244 (1963); *Lombard* v. *Louisiana*, 373 U.S. 267 (1963); *Wright* v. *Georgia*, 373 U.S. 384 (1963); see "Sit-ins and State Action" Karst and van Alstyne, Stan. L. Rev. 14; 762 July 1962. To harm private property rights in so doing is not within the original intent by any means of either the 1st or the 14th amendments. Our Government today can go far astray from its originally intended and commonsense balance if the judicial branch deprives the States much more in the way of exercising police powers to protect citizens as to both their personal safety and their property rights. The States should maintain this power.

It would be a sad state of affairs and a reversal of our Constitutional form of government to enact such Federal laws as to cause these local disturbances to be under Federal jurisdiction. That seems to be one of the purposes of the present civil rights bill. We have witnessed in recent years since the Little Rock, Ark., school episode, far too drastic an attitude by the Federal Government toward the power of the President to call out the Armed Forces to quell local disturbances. While I have no doubt that it would take a force as large as the U.S. Army to enforce the presently proposed civil rights bill, should it be enacted into law, I insist on the normal interpretation of existing laws regarding the use of Federal troops. See U.S. News & World Report, October 18, 1957, pages 74–79, Hon. A. WILLIS ROBERTSON, "Use of Army in Civil Rights Cases Is Clearly Illegal."

In short, I feel that States have, and should have, the police power to deal with local disturbances, and to protect property rights. It is not until there is an open defiance of the laws and authority of the United States that the President has authority to use troops, unless the legislature or the Governor of a State requests him so to act—70A Stat. 15, 10 U.S.C. sections 331–334, 42 U.S.C. 1993 was repealed in 1957. The legislative history of the laws dealing with this subject, as well as the plain import of the language used, especially when they are read together as enacted and not separately as codified, affirm this position. Until Congress goes further in this field, and that would in itself raise constitutional questions, this would seem to be a sound position.

To do indirectly what should not and perhaps cannot be done directly is a form of deception and is not right. We have on the statute books a vast array of laws in the field of civil rights. A mere check of the index to the United States Code would indicate this fact. Some of the Civil War and Reconstruction era laws are very strong if not even harsh. Their enforcement has been weak. Somehow it seems politically more beneficial to enact new laws than to turn to a process of enforcement of existing laws. Normal judicial processes are involved in our existing laws—criminal cases involve indictment and trial by jury, unless waived. Numerous civil remedies and remedies in equity are afforded. There are not as many presumptions, express or implied, favoring the burden of proof and allowing the Attorney General to act without fear of immediate contestability as are set forth in H.R. 7152—and for some reason the Department of Justice, and the proponents of the instant bill are not satisfied with our existing system which has proved itself down through the years. Hence the turn to government by injunction; the abolition of jury trials; and a request for a body of Federal affirmative laws both in policy statements and mandates that can lead to government by agency regulations and perhaps to a more serious use of our Armed Forces. With this, I respectfully and firmly disagree.

What would appear to be a normal and constitutional use of State powers to protect private property rights lies in the field of trespass while picketing against segregated housing. The principle of the superiority of private property rights should prevail over the right of assembly and petition whenever picketers come on the private property of the builder-owner to demonstrate, sit down, interfere with his office and other work, or to make any other form of group protest against the policy of the subdivision owner not to sell his houses to Negroes. For economic as well as social reasons, his policy may be sound and most of all, it is of his own choosing. The values of new houses surrounding a house sold out of racial context could easily diminish to the extent of material loss. Moreover the probability of further sales may be dangerously harmed. Salability and values are predominant factors in housing. Ownership and private property rights should protect the builder who is developing a tract of land, large or small, against sacrificing the economic facts of life for experiments in sociology unless he genuinely and personally desires to do so. Time and again it has been proved that white people in general do not wish to live in neighborhoods with Negroes. This is shown in the exodus from cities to the suburbs, as Negroes move into the city block or immediate neighborhood.

If the subdivision were financed with Federal Housing Administration insurance, the Executive order on housing would preclude the aforementioned situation, because the builder would be required to certify that he will sell irrespective of race, creed, or color before the project would be approved—24 Code of Federal Regulations 200.320. Therefore, irrespective of constitutional considerations, FHA could demand enforcement by specific performance of a contract. This manner of contractual circumvention by Government agencies of doubtful constitutional questions, together with the weapon of using the force of the Government and the desire of businessmen to maintain good relations with that force, is growing at an alarming rate in the present era.

If the subdivision owner uses conventional financing, the housing order applies to him, if at all, only indirectly. Under FHA regulations, 24 Code of Federal Regulations 203.16a, if a purchaser of a lot in a conventional subdivision seeks FHA insurance he must produce a certificate from the subdivision owner stating that he will not sell, rent, or lease on any but an open basis irrespective of race, creed, or color. If the subdivision owner refuses to sign the certificate, he is listed with the Government as a discriminatory seller, developer, or owner. Thus silence and the normal exercise of property rights constitute a quasi-type of indictment on Government records of the seller who has no Government connection. In the aforementioned situation, he should be able to seek and successfully maintain State aid to have the demonstrators held for trespass both as a crime and for civil damages. In the relatively few States and the District of Columbia that have housing antidiscrimination laws, he would be bound by State law—footnote 8, supra.

Even here, however, I feel that the laws are somewhat ill advised, perhaps emotionally adopted in some cases, and that they transcend too lightly a basic concept of both logic and what should be constitutional guarantees. In this we must consider that antidiscrimination housing legislation is implicitly filled with the conflict between reserved private rights, such as freedom of association and nonassociation, and nondiscrimination. The rights of freedom of choice and association are traditional. They have long been thought so inviolate as not to require formal embodiment in statutory or constitutional guarantees—a similar freedom, namely, freedom of competition is regarded as an economic norm; without such a norm our antitrust laws would be absurd. *Apex Housing Co.* v. *Leader*, 310 U.S. 469, 1940; *Standard Oil Co.* v. *United States*, 221 U.S. 1, 1911. Now they are being evaporated by the preemption of laws passed without due consideration of the fact that the freedoms of others are being infringed seriously by the "rights" created by these laws. It seems not only fundamental but elementary as well to state that if the widely hailed reason for enacting these laws is that "every American citizen should be able to live where his heart desires and his means permit"—see statement of Governor of New York, New York Times, July 14, 1959, page 1, column 3—then the laws themselves do not accomplish their avowed purpose because they completely ignore the rights and interests of individuals to choose their neighbors and to live in the kind of neighborhood that they desire.

As to the District of Columbia housing ordinance, I feel that it is stretching congressional intent to the point of ridiculousness to imply that Congress, the governing body of the Nation's Capital, in a joint resolution passed in 1892 authorizing the Board of Commissioners to adopt police regulations for health, safety, and welfare, intended to give the Commissioners the power to promulgate perhaps the most severe restriction on private property rights in this field in the United States. Moreover, and inasmuch as the law—or ordinance—has criminal penalties and prohibits even negotiating for the sale of property on other than an open racial basis, it is a vivid example of how far the proponents of this type of legislation, executive orders, or judicial decisions, will go if given the slightest authorization in a basic law enacted by Congress. The experience of the District of Columbia could be negligible when compared to what could happen in future years along this same pattern on a national scale if Congress enacts the presently proposed language of title VI of the civil rights bill.

Mention has been made heretofore of the Executive order on Housing, issued November 20, 1962—27 Federal Register 11530, footnote 42, supra. My initial reaction at the time of its issuance was that only Congress can enact what it attempted to put into law. My convictions are perhaps more deepseated now than they were then.

On October 9, 1962, I warned the President against issuing this order—CONGRESSIONAL RECORD, volume 108, part 17, page 22908.

I take comfort in the most able article by Chief Judge Charles Sterling Hutcheson, retired, of the U.S. Court for the Eastern District of Virginia—whom I have already mentioned—published in book form recently—Avins, "Open Occupancy Versus Forced Integration Under the 14th Amendment," Bookmailer, Inc., New York, 1963, pages 100–111; Hutcheson, "The Constitutionality of the President's Order Barring Discrimination in Federally Assisted Housing."

The President's housing order, in short, placed all Federal housing programs under a policy of racial integration. On its face it applied to all programs by way of grants, loans, annual contributions, insurance, or guarantee. This covers the entire field. It directed all department and agency heads to take the necessary steps to place the policy of the President into effect.

In other words, even in its form the order assumed the role of a legislative enactment. Congress on at least six occasions had refused to write these terms and conditions into the housing law. See CONGRESSIONAL RECORD, volume 108, part 17, pages 22908–22909, for a summary.

The whole field of Federal housing was established by Congress and Congress can change it or abolish it anytime it so desires. Certainly the President could not have established Federal housing; neither can he support it by appropriations of funds, nor can he abolish it. Then how under any commonsense view of our doctrine of separation of powers—legislative, executive, and judicial—can he change the housing field so drastically, especially when Congress itself has determined otherwise? The only logical answer is a simple one, to wit: The housing order was plainly a usurpation of legislative power. Action should be taken either by Congress or by the courts, or by both, to render the order null and void. The irreplaceable harm that will be done to our form of government if the order continues, outweigh any merits that may exist in favor of the order. Both of the aforementioned actions are imperative if both are necessary to remedy the wrong.

Numerous regulations have been issued to carry out the President's policy as though it were the law. This situation may be unique in the history of our form of government as an attempted extension of executive power.

Some of the regulations issued pursuant to the order are contrary to regulations issued pursuant to basic housing laws. For example, a builder or mortgage lender who deals with FHA may be blacklisted by FHA and his reputation seriously harmed for alleged racial discrimination through regulations—24 CFR 200.300-355; see previous regulations on undesirable risk determination, 24 CFR 200.200-203—issued under a legally questionable order in proceedings that are self-made by an agency, devoid of preponderance of the evidence requirements, and contrary to the proceedings set forth by act of Congress. Proceedings called for in the housing laws require notice, preponderance of the evidence before the Commissioner, and due process of law before such serious administrative action is taken—68 Stat. 610, 12 U.S.C. 1731(a); section 512 of the Housing Act of 1934 as amended in 1954. This difference appears on its face to lack due process of law. It may be called an illustration of the executive branch of the Government preferring to make both its own laws as well as its regulations.

The steel seizure case of 1952—*Youngstown Sheet & Tube Co.* v. *Sawyer*—343 U.S. 579 (1952); for the opinion in the district court see 103 F. Supp. 569 (D.C. D.C. 1952)—affords a very close parallel to the instant case or situation under consideration. There the President without legislation, which under the Constitution can be enacted only by Congress, issued an order when the Nation was under a proclamation of national emergency, which order took control of the steel industry to assure a strike-free flow of steel for use in the military engagements in Korea. The President reported his action to Congress, but Congress took no action. Application was made for an injunction against the Secretary of Commerce to prevent him from carrying the order into effect. The district court granted the injunction and on certiorari the Supreme Court affirmed.

Considerable argument was made by the Government, pointing out the national emergency necessity for the President's action and of his broad and inherent powers as Chief Executive. Numerous quotations could be made from the opinions in the case dealing with the types of powers which are vested in the President. To say the least, these powers are less in stature than the average layman or lawyer may think when the powers do not have legislation underlying them.

Mr. Justice Black who delivered the opinion stated:

> In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. * * * The founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times—Idem at pages 587–589.

The language quoted above could be applied to the instant housing order with the attending result that the order should not stand. The situations are almost identical with the equities, if any, favoring the steel seizure cases.

The argument might be made by proponents of the housing order that it merely places into effect the guarantees of the 5th and 14th amendments. This can be met easily and forcefully by the obvious fact that the order is nevertheless a legislative effectuation. The Constitution, even in the 14th amendment, gives the power of effectuation to Congress—the 5th section of the 4th amendment states:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Another argument might be made that in the steel seizure cases the President was exercising eminent domain powers. Nevertheless, there, as here, he was confronted with the lack of legislation, which under the Constitution can be enacted only by Congress. Therefore, in both cases it would seem that the orders were beyond the President's constitutional power.

There is a line of reasoning regarding the due process clause that might be overlooked in the emotionalism of promoting civil rights. In the field of property and property rights, it is appropriate for us to think of the rights of landlords and tenants, builders, sellers, as well as buyers against compulsory integration in housing.

People in general do not buy, rent, or sell residential real property, especially their own home, with a fond appreciation of governmental attempts to tell them who their neighbors must be or to whom they must sell, or not sell, their property. The average American citizen tends to look upon realty in a manner somewhat similar to his attitude toward it when he is drawing up his will; namely, that he can leave it to whomever he pleases because it is his to devise or bequeath as he chooses. This attitude is steeped in the traditions of this Nation of ours and it is not proper for Congress to attempt to disturb it. The gain, if any, to a relatively few people would harm many, many more people and would set a dangerous precedent at the same time. Such a move is contrary to the spirit of the due-process clause.

The due-process clauses of the 5th amendment and the 14th amendment protect businessmen against unreasonable restrictions in their business—*Goldblatt* v. *Town of Hempstead*, 369 U.S. 590 (1962); *Castleton Corp.* v. *Sinclair*, 264 U.S. 543 (1924); *Pennsylvania Coal Co.* v. *Mahon*, 260 U.S. 393 (1922); *Block* v. *Hirsh*, 256 U.S. 135 (1921); *Allgeyer* v. *Louisiana*, 165 U.S. 578 (1897).

There is also protection of law for the individual against compulsory association—*International Association of Machinists* v. *Street*, 367 U.S. 740 (1961). See also *West* v. *Lyders*, 59 App. D.C. 122, 36 F. 2d 108 (1929)—on the point that an Executive order cannot, of course, transcend these limitations either. Inasmuch as the net result of what is being sought, it would seem to follow quite logically that there is a constitutional protection to the individual against compulsory community integration or association.

There are authorities to this effect—See Avins, "Anti-Discrimination Legislation as an Infringement on Freedom of Choice." 6 N.Y.L.F. 13 (1960); Avins, "Trade Regulations (Compulsory Integration Law), 12 Rutgers L. Rev. 149, 150 (1957); Avins, "Open Occupancy vs. Forced Housing Under the Fourteenth Amendment," Bookmailer, Inc., N.Y. 1963, pages 5–42, "Anti-Discrimination Legislation in Housing, A Denial of Freedom of Choice," and cases cited. Our Constitution should not be taken so far out of balance on the one hand in the interest of "equality," "open occupancy," "fair housing," or "democratic living" that it denies freedom of association on the other. Freedom of association is a value which must be protected. Congress should not attempt to eliminate it by compulsory integration programs in which it is necessary that some people presume to dictate to others the type of environment in which they shall live.

It is refreshing to repeat the language of a few court opinions along this line: "the residential nature of the enterprise, the privilege of selecting neighbors and the needs of the community are not to be ignored," 1939—*Penthouse Properties, Inc.* v. *1158 Fifth Avenue, Inc.*, 256 App. Div. 685, 11 N.Y.S. 2d 417, 422 (1939)—"there is no reason why the owners of the cooperative apartment house could not decide for themselves with whom they wish to share their elevators, their common halls and facilities, their stockholders' meetings, their management problems and responsibilities and their homes," 1959—*Weisner* v. *791 Park Avenue Corp.*, 6 N.Y. 2d 190 N.Y.S. 2d 70, 160 N.E. 2d 720, 724 (1959)—"the need for a pervasive right of privacy against government intrusion has been recognized though not always given the recognition it deserves," 1963—*Gibson* v. *Florida Legislative Investigation Comm.*, 83 S. Ct. 889, 905 (1963).

In addition to the floor amendment in the House of Representatives dealing with insurance and guaranty contracts—CONGRESSIONAL RECORD, February 7, 1964, pages 2498–2499—previously discussed, title VI—section 602—was also amended to require Presidential approval of regulations issued by departments and agencies, and to require also that action designed to withhold funds on account of discrimination be reported to the appropriate committees in Congress for 30 days before effectuation. These amendments relate to section 601—H.R. 7152, 88th Congress, 2d session, as passed the House February 10, 1964. Section 602 provides "Each Federal Department and Agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, shall take action to effectuate the provisions of section 601 with respect to such program or activity"—as well as 602 because of the language specifically used in 602. The sense of these amendments is to mitigate the consequences of the title. The ultimate power of the executive branch is not curbed by them. They merely require more formality and time for the operation of withholding funds.

Arbitrary withholding of funds might conceivably impair the obligation of contract and embarrass even State governments in programs such as the highway program. Moreover, there are no provisions in the bill as to when or how funds that are withheld and contracts that are canceled or on which work has stopped, may be freed and restored when there is compliance.

Furthermore, section 602, as amended, would endanger property rights with the threat of Federal domination and the withholding of funds. There is no requirement for due process in determining the factual or legal issues of discrimination. All that is required is a hearing without mention of preponderance of the evidence. Without any definition of discrimination being laid down as guidelines, this could amount to a twofold lack of due process of law. The fact that section 603 provides for judicial review under section 10 of the Administrative Procedure Act does not offset this weakness. Entirely too much arbitrary power would be given to the executive branch of the Government.

Inasmuch as under the Constitution only Congress may appropriate money—article 1, section 1 of the Constitution provides: "All legislative powers herein granted shall be vested in a Congress of the United States;" article 1, section 8 provides: "No money shall be drawn from the Treasury but in consequence of appropriations made by law;" the absolute control of all the monies of the United States, including the terms and conditions under which they are made, is in the Congress, Harts case (1880), 16 Ct. Cl. 484 Aff'd 118 U.S. 62; *State of Ohio* v. *United States*, 65 F. Supp. 776 (D.C. 1946)—I seriously question the propriety of allowing the executive branch of the Government the quasi-right of appropriating funds in the loosely defined manner herein employed. I realize that several laws give agency heads administrative discretion but hardly so arbitrarily and vaguely as here. This propriety is more seriously weakened by the lack of standards in the proposed delegation of powers, so much so that I question its constitutionality—*O'Neil* v. *U.S.* and *Panama Refining Co.* v. *Ryan*, fn. 20 supra; also *A. L. Schecter Poultry Corp.* v. *United States*, 295 U.S. 495 (1935).

The power to withhold would be granted on the basis of discrimination, but discrimination is not defined. Agency officials in turn must define it in all of its categories and public funds would then be appropriated or not appropriated, that is to say issued or withheld, according to agency standards approved by the President. We have refused to give the President the item veto power on the theory that only Congress may appropriate funds—see hearings, Committee on Rules and Administration, and Subcommittee on Rules, U.S. Senate, 83d Congress, first session on Senate Concurrent Resolution 8, February 25, April 22, and May 19, 1953, pages 62–64—and here in this proposal in a reverse manner we would be allowing executive branch determinations to set the standards for the issuance or the withholding of public funds in a highly emotional and controversial field. I am not in sympathy with the methods or the substance of this procedure. The action that is taken, if any is necessary, should be taken with precise definitions by Congress.

On this note and in the vein of title VI attempting to compel racial integration by financial means, I quote from the late Justice Robert H. Jackson's book—"The Supreme Court in the American System of Government":

> Two of the greatest powers possessed by the political branches, which seem to me the disaster potentials in our system, are utterly beyond judicial reach. These are the war power and the money, taxing, and spending power, which is the power of inflation. The improvident use of these powers can destroy the conditions for the existence of liberty, because either can set up great currents of strife within the population which might carry constitutional forms and limitations before them.
>
> No protection against these catastrophic courses can be expected from the judiciary. The people must guard against these dangers at the polls.—Jackson, "The Supreme Court in the American System of Government," Cambridge, Harvard University Press, 1955, pages 59, 61.

Mr. STENNIS. Mr. President, will the Senator yield, if this is a convenient place for him to yield?

Mr. SPARKMAN. I am glad to yield to the Senator from Missisippi.

Mr. STENNIS. First I commend the Senator for his very fine discussion of the subject matter, particularly the problem raised by the bill with reference to housing, as well as other aspects of the bill, but particularly with respect to the Executive order on public housing and other housing, and also the extent to which the bill would affect Executive orders, whether it would leave the field wide open to further Executive orders on this subject, and what it would do to existing Executive orders which I think are without authority.

The Senator is preeminent in this field, and has contributed many years of service in the field of housing, not only to my knowledge, but to the knowledge of anyone who has been in the Senate.

I wish to ask him a question with respect to the present Executive order. I have not had an opportunity to hear all the Senator's speech, but I ask him if his position is that if the bill should pass—and we pray it will not pass—it would cancel out Executive Order No. 11063.

Mr. SPARKMAN. Does the Senator refer to the President's Executive order in housing?

Mr. STENNIS. The President's Executive order in housing.

Mr. SPARKMAN. Yes. May I go a little further? In the first place, I maintain that the Executive order has been invalid from the beginning.

Mr. STENNIS. Ultra vires.

Mr. SPARKMAN. If the Senator will look in the CONGRESSIONAL RECORD, volume 108, part 17, page 22908, he will see that I inserted a brief that was prepared by an able staff member, Mr. James Palmer, Jr., a member of the staff of the Housing Subcommittee of the Banking and Currency Committee, who has been very helpful to me in this presentation today.

I presented the brief at that time to help me argue my point that the Executive order was without legal authority. The bill would invalidate the order. First of all, I assert that it has been invalid all along—but had it been valid, this title of the bill would invalidate the order, both now and in the future.

The Senator from Mississippi was absent from the Chamber a part of the time. I hope he will read the brief I presented. I discussed the theory of preemption in the law. I used two very good authorities on the preemption doctrine which I mentioned the other day. One of them was Chief Judge Sterling Hutcheson, of the Virginia district court, and the other was Alexander Bickel, a law professor at Yale University, who, by the way, supports the civil rights legislation. He stated, when this amendment was written in the House, that it did not apply to FHA and VA. He stated that the President's order would be invalidated as to FHA and VA. Otherwise, he said, they would be eating their cake and having it, too. I hope the Senator will read the brief.

Mr. STENNIS. I certainly shall.

Mr. SPARKMAN. Not only would it invalidate the order now, had it been good originally, but it would do so in the future, because Congress would be taking a position, and would therefore be preempting the field.

I pointed out six different occasions since the Senator from Mississippi and I entered the Senate—and we entered the Senate a few months apart—when Congress has refused this kind of provision in legislation.

Mr. STENNIS. I remember quite well the first debate on it. Even though the Senator had been here a short time then, he was handling a major bill—one of the most important bills of the session—on the floor of the Senate. It was certainly by far the largest housing bill that had ever been presented to the Congress in this field.

Mr. SPARKMAN. Many parts of the bill were basic.

Mr. STENNIS. Yes.

Mr. SPARKMAN. I daresay the Senator from Mississippi remembers when, in the course of the presentation of the public housing part of the bill, Senator Bricker, of Ohio, offered an amendment to require mixed occupancy in public housing. The Senator will remember that southern Senators did not speak on it at all.

Mr. STENNIS. That is correct.

Mr. SPARKMAN. It was the Senator from Illinois [Mr. DOUGLAS], the Senator from Oregon [Mr. MORSE], and the Senator from Minnesota [Mr. HUMPHREY] who took the position that it would be quite damaging and we ought not to have it.

Mr. STENNIS. Even though that was the first year of their service, they were very effective, and they defeated the amendment.

Mr. SPARKMAN. Yes. Two of them were new; not the Senator from Oregon [Mr. MORSE], but the Senator from Illinois [Mr. DOUGLAS], and the Senator from Minnesota [Mr. HUMPHREY], were, and they were quite effective.

Mr. STENNIS. I thank the Senator for reviewing that history.

The Senator from Mississippi made a few remarks last Tuesday about the Executive order and how far it goes. Since the Senator from Alabama is well versed in the subject, I wish to read a brief paragraph from the speech I made last Tuesday and ascertain whether the Senator from Alabama agrees with the delineation of the effect of the President's Executive order.

I read from page 7079 of Tuesday's CONGRESSIONAL RECORD:

> Under the broad language of the order when Joe Doe and Mary Doe buy a home and use an FHA or a GI loan to finance their purchase, Federal control extends not simply to the agency administering the program, but it dictates first to the realtor who develops the land; second, the contractor who builds the house; third, the bank which makes the loan; fourth, the realtor who sells the home; fifth, Joe and Mary Doe, the owners, in the "use and occupancy thereof," in the "rental" of their home, in the "leasing" of their home, and in the "sale or other disposition" of their home.

Does not this Executive order cover all those subjects?

Mr. SPARKMAN. I am not sure that the Executive order does in specific terms. Section 601 does. The Executive order applied to all federally assisted housing programs, and regulations to administer it were issued by the agencies requiring certifications in contracts. It covered FHA-insured, VA-guaranteed and direct loans, urban renewal, public housing—anything that tax money or insurance went into, but it did not cover banks as financial institutions.

Mr. STENNIS. The bank loans which might be involved there are excepted, in the Senator's opinion?

Mr. SPARKMAN. Yes; in a regulatory sense.

Mr. STENNIS. That is good. I wish to know how broad it is. It was overstated. It could control the vendors and the material men, the contractors, and the subcontractors.

Mr. SPARKMAN. Section 601 would certainly do that.

Mr. STENNIS. That is very plain.

Mr. SPARKMAN. The Senator is correct; if it were not for the exception listed in section 602.

Mr. STENNIS. In other words, section 601, unless it is limited by section 602?

Mr. SPARKMAN. The Senator is correct.

Mr. STENNIS. Yes.

Mr. SPARKMAN. We will say, "Had it not been," or "if it were not."

Mr. STENNIS. I understand the Senator. But if it should be held—as some contend—that section 601 is not limited by section 602——

Mr. SPARKMAN. It is. It is.

Mr. STENNIS. And should their contention prevail, it undoubtedly would cover the material men——

Mr. SPARKMAN. Section 602 limits section 601. If the Senator will read the first sentence in section 602 and realize that it is a continuing sentence, it says "shall take action to effectuate the provisions of section 601," he will agree with me and with Professor Bickel, of Yale University, in saying that it does.

Mr. STENNIS. I was not arguing to the contrary.

Mr. SPARKMAN. I understand that.

Mr. STENNIS. I thank the Senator very much.

I invite the attention of the Senator to another point that came up recently, in which his State is involved, and that is a reference to the FEPC title VII of the bill, wherein a table was placed in the RECORD by the Senator from Louisiana [Mr. ELLENDER] during debate this week, I believe it was on April 8.

Mr. SPARKMAN. Last Wednesday.

Mr. STENNIS. Last Wednesday; yes. It shows the unemployment as percent of civilian labor force, by color, by States, for the year 1960. We find—not to my very great surprise—that it reflects credit on the States referred to as not having FEPC laws. Alabama is one of the low unemployment States, by the way, with a 5.7-percent total, 4.7 percent white and 8.4 percent nonwhite, compared to a good, solid State like Michigan which does have an FEPC law but for the nonwhites unemployment runs 16.3 percent, which shows that a great industrial State like Michigan with all of its FEPC laws—and I am sure they do a good job in administering it the best they can—has, on a percentagewise basis, twice as high a percentage of unemployment of nonwhites as the State of Alabama, or the State of Mississippi at that time, which was running 7.1 percent—virtually the same as the State of Alabama.

Does not the Senator believe this demonstrates that the FEPC law itself is no remedy for the purpose of solving unemployment, that it does not prove discrimination, the fact that nonwhites have a better opportunity to get a job?

Mr. SPARKMAN. I believe the Senator is correct. I referred to that table earlier in my remarks.

Mr. STENNIS. I am glad that the Senator did.

Mr. SPARKMAN. I should like all Senators to look at that table, because it is quite revealing. There is nothing in the figures to show us the cause. I was amazed by some of them.

The figures on Michigan, for instance, I do not imagine the nonwhite population in Michigan is anything like the percentage down our way——

Mr. STENNIS. I am sure it is not.

Mr. SPARKMAN. But the Negroes who have gone to Michigan have been those possessing more skill, who probably went to work in the automobile factories where their skill could be utilized.

Mr. STENNIS. They had a good capacity to change over.

Mr. SPARKMAN. The Senator is correct.

Mr. STENNIS. They were able to learn trades to which they were not accustomed.

Mr. SPARKMAN. The Senator is correct. In an exchange with the Senator from South Carolina earlier, in which we discussed some of these questions, he asked me if I knew of any skilled person, white or nonwhite, down our way, who could not find a job. Frankly, there might be some. There might be some who are handicapped in different ways, perhaps a few changing between jobs, or looking for jobs, but the employment opportunity is there.

As the Senator states, the existence of FEPC has certainly not brought them into balance in the States, either from lack of the FEPC laws working or as I have heard is true in some States—I do not say this about Michigan, or any particular State, because I do not know—that some of the States had FEPC statutes on the law books and that was about all.

In other words, they had de jure but not de facto operation. I believe the Senator is correct that FEPC laws cannot be depended upon as an insurer of improved employment for minority races, or for anyone else, with the showing demonstrated by this table.

Mr. STENNIS. One State with another, of course, would not prove a pattern. If the Senator has concluded his remarks——

Mr. SPARKMAN. I have not concluded my remarks, but I am going to stop soon because one of our colleagues desires an opportunity to speak, and I do plan to accommodate him. I have plenty of material and plenty of strength to go on.

Mr. STENNIS. I commend the Senator. We will leave that, then, with the suggestion that one State with another State would not prove a pattern, but if anyone will look over the table of States here, and compare all the States which have FEPC laws with those which do not—particularly the States which have a large colored population—they will see that the pattern runs exactly the same as it has in the States of Alabama and Mississippi, which I have mentioned, as compared to Michigan.

I noticed also the State of Minnesota. We do not wish to leave out our friend, the Senator from Minnesota [Mr. HUMPHREY], whose State has 12.8 percent nonwhite unemployment.

Mr. SPARKMAN. Unemployment?

Mr. STENNIS. Yes, 12.8 percent nonwhite unemployment.

Mr. SPARKMAN. That is much higher than down in our section of the country.

Mr. STENNIS. The Senator is correct. Minnesota has very few colored people.

Mr. SPARKMAN. Two-tenths of 1 percent, is it not, something like that?

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THE FUTURE OF REFORM IN THE ADMINISTRATION OF CRIMINAL JUSTICE

During the delivery of Mr. SPARKMAN'S address,

Mr. RIBICOFF. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. Mr. President, I ask unanimous consent that I may yield to the Senator from Connecticut on the same basis on which I have yielded to other Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. I thank the Senator from Alabama for his courtesy.

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Entitled "The Future of Reform in the Administration of Criminal Justice," this significant speech reviews some recent developments in criminal law, and raises important questions for the future. Not everyone will agree with the direction of Judge Bazelon's own answers to his questions, but few can doubt that he is right in posing these inquiries and in asking society to give new thinking to these matters.

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The Medean drama recurs in our time:

"A Montgomery County mother shot and killed her three teenage children yesterday, then ended her own life with a single shot from the death weapon she had bought only Wednesday, apparently with murder in mind."

The 20th century increase in crime has not brought great changes in the nature of the crimes. The future lies not in preparing to meet new and ingenious crimes but in fresh approaches to old problems.

The crimes which most concern us are those that threaten us in our streets and homes. We do not feel so threatened by the organized crime associated with political and economic corruption. We feel that the war against organized crime can be handled by the generals, and indeed the Department of Justice is now giving it effective attention. Sanctions are ineffective not because they are inappropriate but because the professional gangster gives himself long odds against being convicted.

The public is relatively unconcerned also about white-collar crimes, such as income tax evasion and stock frauds. We feel that the criminal law can curb such crime. Exposure is often punishment enough. No doubt the Benthamite notion that the criminal calculates pain against pleasure has some validity in this area. Bentham's system was a middle-class device more or less applicable to many middle-class crimes. But the law's deterrent effect is far removed from the juvenile delinquent who risks years in jail by grabbing a woman's purse. Calculation of potential pleasures and pains is not for him.

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I noticed also the State of Minnesota. We do not wish to leave out our friend, the Senator from Minnesota [Mr. HUMPHREY], whose State has 12.8 percent nonwhite unemployment.

Mr. SPARKMAN. Unemployment?

Mr. STENNIS. Yes, 12.8 percent nonwhite unemployment.

Mr. SPARKMAN. That is much higher than down in our section of the country.

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[1] These lectures are named in honor of Chief Justice Edward Douglass White (1845–1921), of the class of 1863, LL.D., 1892.

Procedural reforms are essential for initiating substantive reforms. Under our adversary system, no reforms—procedural or substantive—are likely without the effective assistance of counsel. The Attorney General's Committee pointed out:

"The essence of the adversary system is challenge. The survival of our system of criminal justice and the values which it advances depends upon a constant, searching, and creative questioning of official decisions and assertions of authority at all stages of the process. * * * [I] insofar as the financial status of the accused impedes vigorous and proper challenges, it constitutes a threat to the viability of the adversary system."

We have a long way to go before the wealth or poverty of a defendant makes no difference to his chance of a fair trial.

As Dean Pye's lecture in this series showed, the process is underway. Yet if we enforce all procedural safeguards and all constitutional rights, we shall not have gained humane and rational criminal law. We mock justice by assuming that procedural safeguards are equally available to all people accused of crime, but we mock it more cruelly by assuming that all are equally free to choose or refrain from illegal behavior. The Task Force on Law of the President's Panel on Mental Retardation put it this way:

"Sometimes it is apparent that some specific factor is needed to provide equal treatment for the unequal. * * * If height is an advantage, the short man may at least be given a box to stand on. But bolder and more far reaching supplements may be needed where intellectual stature or social adaptability lies far beneath customary standards. To give a person liberty to choose between alternatives of which he can have no appreciation is to defeat and mock the concept of liberty."

Equality of rights before the law does not have as a correlate equality of responsibility before the law. People are not equally endowed, either personally or socially. In the past the criminal law has dealt chiefly with our disappointed expectations. In the future it must deal with the inequalities in natural endowment and opportunity of the people who stand charged before it. This goes to the core of the criminal law—the concept of responsibility.

We have begun to realize that society must recognize its responsibility for individual inequality. Pope Pius XII forcefully asserted the relation between slum housing and delinquency. He said:

"Enough cannot be said about the harm that these dwellings do to the families condemned to live in them. Deprived of air and light, living in filth and in unspeakable commingling, adults and, above all, children quickly become the prey of contagious diseases which find a favorable soil in their weakened bodies. But the moral injuries are still more serious: immorality, juvenile delinquency, the loss of taste for living and working, interior rebellion against a society that tolerates such abuses, ignores human beings and allows them to stagnate in this way, transformed gradually into wrecks."

"Society itself," the Pope said, "must bear the consequences of this lack of foresight."

Strange though it may seem, the notion that the law must recognize the facts of social life is sometimes regarded as immoral. It is argued that if we recognize reasons for failure to meet our expectations this destroys the expectations and lowers the moral standards of society. I suggest that the opposite is true. We reenforce the validity of the expectations when we strip away the pretense that all can meet them. We have a moral duty to avoid the trap of Sunday morality—of ignoring the realities in order to maintain the facade.

There is also a more sophisticated objection to the law's recognizing the gulf between expectations and reality. Many people assume that morality is served by condemning and punishing those who disobey legal fiats. I suppose we punish others partly to overcome our own fear of losing self-control—to shore up our own defense mechanisms—and partly because of misguided religious notions. Religion emphasizes the accountability of the individual to God. In secularizing this concept, we have too often retained strict accountability while we have overlooked its divine corollary of forgiveness and compassion.

I am certainly no theologian but I recently discussed this idea with a friend, Father O'Doherty, who is head of the Department of Psychology and Logic at University College, Dublin, Ireland. The priest in the confessional, he pointed out, is a judge (he is called judex) and the confessional is called the sacred "tribunal." He is acting for God in a very literal sense. He is concerned with accountability but accompanies it with divine forgiveness. In the secular world, we borrow the idea of holding people accountable. But we forget that in the religious view of accountability the individual assuming it is rehabilitated—he is forgiven and absolved. In the secular world, we borrow the idea of holding people accountable. We seem to be unconcerned with forgiveness and mercy—we even verbalize our lack of concern by instructing the jury not to be swayed by sympathy for the defendant.

I suggest that this is "doing God's work" in a totally misguided, if not presumptuous, fashion. Father O'Doherty gave a historical explanation for "the erroneous notion that the judge should 'do God's work' in the sense that as judge he should be concerned with 'sin,' or the 'internal state of the individual's conscience.'" He said it is a survival of the confusion in medieval society where the responsibilities of church and state were closely intertwined. Yet in a real sense, he argued, our notion of justice should be a reflection of divine justice. But not with the divine concern for the internal state of the accused's soul.

I would not abolish the concept of moral responsibility, or necessarily abandon punishment. But we must fashion them to our needs as a human society. Society cannot dispense with its expectations of its citizens. To recognize the difference between our expectations of other human beings and the realities of their behavior does not deny that expectations affect behavior.

The criminal law cannot fulfill its function as a social tool if it continues to ignore the complexity of causation. Courts should not assume responsibility where there is reason to believe that the defendant's actions were inspired by something other than abstract evil in the Miltonian arena where God and Lucifer eternally contend. Though there are great gaps in our knowledge about the causation of behavior, this does not mean that we have no such knowledge from psychiatry, sociology, anthropology, physiology and other disciplines. We are not morally justified in ignoring what we know. We often seem so intent on punishing that we don't want to be confronted with information which might make punishment seem inappropriate. We ignore so much scientific and commonsense data as to causation in order to catch and punish the rat—always assuming there is a rat. We are content with a vast superstructure of codes, trials, prisons and so on, and do not look to see how it fits its base.

Yet we have not been able to bury all our doubts. We are worried for instance about the recidivism rate—about the fact that harsh punishment seems to be an ineffective deterrent. But we look to simple remedies within the system: probation and parole, sentencing institutes, more and more policemen. There is much to be said for each of these palliatives—but not for our timid approach to them. Let me give you an example.

Last year the Federal Probation Service made 33,000 investigations of offenders. If there is one kind of information we would expect these reports to contain, it is psychiatric or psychological evaluation—some insight into the motivation of these people whose motives we condemn and want to change.

A 1957 study by the Federal Probation Training Center states that most probation offices "have used Veterans' Administration hospitals and clinics, publicly employed psychiatric facilities, or the U.S. Public Health Service" for this purpose. But there is no indication of the extent of their use. The Chief of the Probation Division of the Administrative Office of the U.S. Courts has said that approximately $5,000 is spent per year for psychiatric help in the entire Federal Probation Service. No Federal probation office has a fulltime psychologist or psychiatrist to assist in the supervision process. Yet the Chief of the Probation Division in his last annual report did not request appropriations for psychiatric assistance or additional officers. That our wealthy society approaches its responsibilities in forma pauperis, as it were, is a national scandal.

Even where psychological evaluation could readily be obtained, many of our local courts have exhibited singular reluctance to consider it. In the year 1962, during which the District Court imposed 1,041 sentences, the Legal Pyschiatric Services was called upon to make only three presentence examinations.

Take our approach to sentencing itself. We spend hundreds of thousands of dollars conducting sentencing institutes for judges whose efforts are directed toward obtaining uniform sentences. Of course it is wrong for one person to spend 25 years in jail and a similar offender who committed a similar crime to spend 5. But isn't it more important to inquire how much good the prison can do in either case? And while these sentencing institutes ponder which factors make probation or parole more appropriate than prison, should they not examine the quality of the probation service itself? Such an examination would, I think, be very disquieting.

To my mind the Federal Probation System ought to be a model for the country. But not only is it short on help from psychologists and psychiatrists: competent, devoted probation officers are often the product of chance rather than a rational selection system. The power of appointing and promoting probation officers is in each district court. A probation officer can be removed by the court in its discretion. There is no inservice transfer as a matter of course. Perhaps as many as 10 percent of our probation officers do not meet even the minimum qualifications recommended by the Judicial Conference of the United States 22 years ago, in 1942. One judge has appointed a former used car salesman.

It has been asserted that the power to appoint probation officers must be vested in the district judge so that he will have confidence in them and their recommendations. One of my colleagues who served for many years as a U.S. District judge has pointed out the fallacy of this idea:

"Most probation officers serve in metropolitan areas. In these areas there is no atmosphere of intimate confidence. The relationship is one of impersonality. Those who suggest that this intimacy of relationship is required in order for probation to function are those who want to keep the probation officer under the judge's thumb.

"If we are to avoid abuses such as using the probation officer as a personal flunkey, we must provide him with some degree of independence from the judge, particularly in rural areas where the Federal judge is king."

It is difficult to conceive how we can insure the probation officer's independence of thought while he remains dependent upon the judge for his appointment, tenure and promotion. If we are to have a national probation service of trained professionals, they must be selected by and responsible to a unified central authority rather than responsible to all of the district judges with varying attitudes and practices. This would also encourage standardization of sentencing procedures—along with probation procedures.

These points, and other valuable comments are made in the excellent "Preliminary Survey of the Federal Probation System," by Kenneth Pye, George Shadoan, and Father Snee of this university.

It is another depressing reflection that the experienced head of the Federal Bureau of Prisons has to plead with Congress not to fix minimum mandatory penalties of 5 years for second-degree burglary and 20 years for first-degree burglary in the District of Columbia. James Bennett pointed out that "these Draconian penalties almost without parallel elsewhere in the United States are self-defeating * * * they will not have the intended effect of deterring this type of offense."

Somewhat to my amazement, a few theorists of the criminal law have now come out into the open and argued that besides its two generally accepted purposes—reformation and deterrence—a third rationale of the criminal law, vengeance, is also valid. Most of us still prefer to clothe our retributive instincts in the garb of deterrence. But we are being told that, since retribution is a natural human instinct, it is right and necessary for society to vent its feelings on the defendant. All agree that the individual must not give way to these feelings. He may not personally avenge a murder or even take his own life. A life for a life is acceptable, it seems, only if we all join in the taking. I hope the law has a less emotional, more rational and more moral base. True, we all have aggressive, punitive urges. But should the criminal law carry them out? Many people believe that international conflict begins with and feeds upon our aggressive impulses but few would advocate war. Awareness of our aggressive instincts should help us to refrain from aggression not to commit it collectively.

We should be more likely to avoid useless punishment if we reflected on why we punish and what we expect from punishment. We shall not know what punishment is useless unless we inquire why the wrongdoer acted as he did. Once we know why—or even begin to ask why—we shall better understand how to treat him, and how to deter others.

The common law purports to inquire into the causation of conduct when the insanity defense is raised. It has not ploughed deep. You are familiar with the McNaghten rules and with the controversy which has surrounded them for more than a hundred years. I sometimes think we approach that controversy in too academic a fashion. We rarely get to what actually happens—what actual verdicts are based on what actual testimony. I think you would be shocked, as I have been, to read the records in cases where convictions under the McNaghten rule have been sustained. Let me tell you about a murder case in which the defendant was sentenced to death. On appeal, the Washington State Supreme Court affirmed the conviction and the U.S. Supreme Court recently declined to review it. Five years ago, at the age of 22, Don White beat an old woman to death in a laundry room.

He raped her, took her ring and watch, which were of little value, then spent more than an hour in the room, folding laundry, placing some of it under the head of the dying woman, and chatting with the unsuspecting people who came into the laundry. Later that day, he killed a longshoreman, whom, like the old woman, he had never seen before. He stabbed him with a knife, then wandered a little distance away to drink wine and watch the police come and go. At trial, expert witnesses on both sides testified to the accused's serious mental disorder. Consider his background. He had never lived with his mother—who was only 13 at his birth. When he was 4 months old, a red cap at a railway depot hailed the woman who became his adoptive mother to ask if she wanted a baby. Despite his superior intelligence—his IQ was about 130—he was expelled from every school he attended. Nine times he was in State institutions, with a growing record of violence and delinquency. In 1951, a child psychiatrist said he was suffering from "a very malignant mental illness," that "institutionalization is absolutely necessary," and that "he will almost certainly wind up in prison or in a State mental hospital."

I will not discuss all the evidence, but it is apparent that, whatever the cause, the defendant was terribly sick, that his sickness was of long duration, and that it had been brought to the attention of the authorities time and time again.

The Washington Supreme Court squarely faced the issue: "The question before us is whether we, as the majority of jurisdictions, should refuse to extend absolute immunity from criminal responsibility to persons who, although capable of understanding the nature and quality of the acts (the ability to distinguish between right and wrong), are unable to control their own behavior as a result of mental disease or defect."

"One argument for such change," the court noted, "is that we must take advantage of new developments in psychiatry. [But] there is nothing new about the idea that some people who know what they are doing still cannot control their actions." In other words, the court recognized that no new knowledge was necessary to see that White was grossly disordered. But the court held that the insanity defense "is available only to those persons who have lost contact with reality so completely that they are beyond any of the influences of the criminal law." * * *

"[T]he McNaghten rule," the court concluded, "better serves the basic purpose of the criminal law—to minimize crime in society. * * * [W]hen McNaghten is used, all who might possibly be deterred from the commission of criminal acts are included within the sanctions of the criminal law."

I am reminded of the 19th-century English judge, Lord Bramwell, who quaintly expressed his approval of McNaghten in these terms: "I think that, although the present law lays down such a definition of madness, that nobody is hardly ever really mad enough to be within it, yet it is a logical and good definition." William H. Seward, as defense counsel urging the insanity plea to a jury in 1846, said that we seem to demand "entire obliteration of all conception, attention, imagination, association, memory, understanding and reason, and everything else. There never was an idiot so low, never a diseased man so demented. You might as well expect to find a man born without eyes, ears, nose, mouth, hands, and feet, or deprived of them all by disease, and yet surviving, as to find such an idiot or lunatic, as the counsel for the people would hold irresponsible."

It seems to me now, as it seemed to me in 1954 when we abandoned McNaghten in the District of Columbia, that a test of responsibility which allows Don White to be sentenced to death is no test at all. I think that when we broaden the test—by allowing the jury to consider whether the accused's mental disorder was such that he should not be thought responsible—as a criminal to be punished—we go a long way toward developing a useful courtroom inquiry into causation. I hoped that Durham would result in treatment rather than punishment for the mentally disordered. In this, it has been only partially successful. In the District of Columbia the last decade has seen an increase in acquittals by reason of insanity, but this has been largely offset by a decrease in the number of defendants found incompetent to stand trial, so that the total number of persons charged with crime who are eventually hospitalized instead of imprisoned has not changed very much. The combined total of those found not guilty by reason of insanity and those found incompetent to stand trial in our District court was 61 in 1963, the year before the Durham rule was adopted, and this total was not reached again until 1959. Acquittals rose steeply, but findings of incompetency decreased proportionately. And acquittals by reason of insanity are still only a small proportion of our criminal verdicts. In 1963 there were 1,439 defendants in criminal cases filed in our District court. Of these, 983 were convicted and only 50 were acquitted by reason of insanity. In most cases, of course, the insanity issue is not raised. But when it is raised, expert testimony is usually given in conclusory diagnostic terms so that the jury is not really informed as to why the accused behaved as he did. We do not yet know what the results would be if the accused's mental and emotional condition and the dynamics of his behavior were explained to the jury in detailed, understandable language.

In other jurisdictions, the mentally disordered are acquitted even more rarely than they are in the District of Columbia. The test of criminal responsibility is an area for experimentation, and one in which there is probably no single correct solution, whether the Durham rule, which other jurisdictions have not adopted, or any other. But it is deeply distressing that, 10 years after Durham and a hundred years after McNaghten, we in the United States still punish by imprisonment and death many offenders who are seriously disordered. In this sense Durham, and all our thinking on responsibility, has failed.

It is fallacious to argue that it would be "unsafe" to liberalize that insanity defense. Some argue that it would leave too much discretion in the hands of psychiatrists, particularly with respect to release. "I am not willing," said one judge, "to let the security of society depend upon a science which can produce such conflicting estimates of probable human behavior." But as Havelock Ellis said at the end of the last century:

"To seek for light in the fields of biology and psychology, of anthropology and sociology, has seemed to many a discouraging task. The results are sometimes so obscure; sometimes, it even seems, contradictory. * * * But if the path lies through a jungle, what is the use of the best and straightest of roads that leads astray? If a critic were to point out to a biologist * * * the limitations of the microscope, he would be entitled to reply—but excuse me, however imperfect the microscope may be, would it be better to dispense with the microscope? Much less when we are dealing with criminals, whether in the court of justice or in the prison, or in society generally, can we afford to dispense with such science of human nature as we may succeed in attaining."

I submit that nothing could be less safe than isolating a disturbed offender in prison, without treatment, for a fixed time and then releasing him without inquiring into his mental condition. Our experience in the District of Columbia shows that relaxation of McNaghten does not produce chaos: it does not release dangerous, disordered people into the community. Nearly all States have some provision, comparable to that in the District of Columbia, for detaining and treating a mentally ill offender who has been acquitted by reason of insanity. Of course, compulsory hospitalization has its dangers, too—but from the standpoint of individual liberty, not public safety.

We delude ourselves if we pretend that there is nothing "punitive" about compulsory institutional "treatment." But the solution is not to send sick people to prison. We may at least have an informed awareness of the ground we are treading. I think the Lynch case showed this awareness. Lynch was charged with a misdemeanor for passing bad checks. He pled not guilty and was committed to a hospital for mental examination to determine his competence to stand trial. When he was found competent and brought to trial, he sought to change his plea to guilty. The court refused to let him, apparently because the hospital said his offenses were the product of a mental illness.

Although he never claimed he was not responsible and presented no evidence to support an acquittal by reason of insanity, the trial judge acquitted him on this ground. Under the statute requiring hospitalization of those found not guilty by reason of insanity, he was sent to St. Elizabeths. In a habeas corpus proceeding, the Supreme Court held that the statute should not be applied to one who did not raise the insanity defense.

The compulsory hospitalization of acquitted offenders still raises difficult problems of civil liberties which will tax the conscience and judgment of judges, prosecutors, defense counsel, and hospital officials. Even at best, compulsory hospitalization is only a partial solution. Though some mentally disordered offenders are so dangerous that they must be confined in institutions, others are not. The treatment of those who require some help but are not dangerous challenges our resourcefulness. We should not think in terms of either/or—prison or hospital—but should tailor dispositions to fit individuals. What we must avoid is becoming so overwrought by the complexities of the caretaking process that we do nothing at all.

I respect arguments which my distinguished friend, Chief Justice Weintraub, of the New Jersey Supreme Court, recently advanced in the American Bar Association Journal. I think they reveal the real reasons for the resistance to Durham.

He argues that if we go beyond McNaghten, if we allow a jury to weigh the responsibility of one who, though sick, has some sense of wrongdoing, and invite psychiatrists to explain how mental illness affected his behavior, we might as well let him tell us how factors other than illness produced antisocial conduct in other cases. Why not let expert witnesses tell us whether physiological, economic, social, or other factors contributed to deviancy? The distinguished British sociologist, Barbara Wootton, sees the same implications and asks: If we excuse the "mad" why not also the "bad"? She says:

"[T]he creation of the new category of psychopaths is the thin end of what may eventually prove to be an enormously thick wedge, so thick that it threatens to split wide open the fundamental principles upon which our whole penal system is based—undermining the simple propositions * * * as to the responsibility of every sane adult for his own actions, as to his freedom to choose between good and evil and as to his liability to be punished should he prefer evil.

"[O]nce the grossly and persistently antisocial can claim to be treated as medical, and not as moral, cases, it is surely only a question of time before the mildly antisocial claim the same privilege. * * * To say that A must be judged guilty and punished because the doctors do not yet know what to do with him, while B must not be held responsible for his actions because he can be reformed by medical attention, is really to dig the grave of the whole concept or responsibility: for A, poor soul, is being punished not for his offense but for the limitations of medical knowledge. In a year or two's time, when medical science has advanced a little more, people like him also will rank as psychopaths and be treated as sick, not as wicked."

Lady Wootton concludes that, once we go beyond the limitations imposed by McNaghten, there will be no logical stopping place short of abandoning the concept of criminal responsibility. She is content to allow the concept to "wither away." Just because he fears and foresees this outcome, Justice Weintraub would cling to McNaghten.

But he is sympathetic to the needs of mentally ill offenders. He and others urge psychiatric treatment after conviction. They suggest that the proper place for the consideration of complete psychiatric evidence is in and after sentencing, not in the determination of guilt. Hold the man responsible on the basis of McNaghten; then remove the gag from medical testimony to decide what treatment he needs. There is sweet reasonableness in this view. And it has the added attraction of being easy. It withdraws from the community a difficult and troubling issue. But that issue, in my judgment, is one which the community has not only a right but a duty to consider. If we first find guilt and then promise to provide treatment for the person in spite of his guilt, we turn away from the question which should concern us most—the causes of criminal behavior. That is the question toward which Durham is directed. Even if our prison system were transformed, I should still be opposed to finding guilt regardless of moral responsibility, on the theory that the accused would be "treated" in prison. I think the success of efforts to treat the individual offender depends on the community's awareness of his needs—of how he came to act as he did. And the best available means for generating such awareness is to provide as much of this information as possible to the community in camera—to the jury, which will be forced to consider it seriously if it is required to assess the defendant's responsibility. I want the public, and not just the professionals, to know what caused the accused's behavior, so that they can have some idea of what is required not only for treatment but for the prevention of like cases.

Durham deals with defendants suffering from mental disease or defect. Whether we choose to stop there or go further, I think we should abandon the alleged safety of McNaghten. It is a know-nothing—and learnless—safety. But if McNaghten is unacceptable, we need not go to the other extreme, abandon the concept of responsibility, and largely abolish the criminal law. While no purpose is served by holding people to standards they could not attain, the existence of standards and their enforcement in appropriate cases has clear social utility.

In moving away from the classical legal concept of criminal responsibility, Durham does not embrace the mechanistic interpretation of human behavior which seems to be generally accepted by modern biologists. So it is open to attack from opposite directions. I think Durham revealed—but did not create—complex and hidden philosophical as well as administrative issues. I think the criminal law cannot avoid the riddle of responsibility. The future is in confronting it, with whatever resources the law may have or may acquire.

The genius of the common law is its capacity to assimilate new knoweldge and adapt to new needs. It has not used this capacity in the area of criminal responsibility. Recent decades have witnessed tremendous advances in relevant knowledge about human behavior. But legal thinking about criminal insanity has scarcely shifted in over a century. Senator FULBRIGHT recently delivered an important foreign policy address. Despite the different context, his basic theme was relevant here. He said:

"As long as our perceptions are reasonably close to objective reality, it is possible for us to act upon our problems in a rational and appropriate manner. But when our perceptions fail to keep pace with events, when we refuse to believe something because it displeases or frightens us, or because it is simply startlingly unfamiliar, then the gap between fact and perception becomes a chasm, and action becomes irrelevant and irrational."

So I would urge that the criminal law abandon the myth of total individual responsibility and adapt to the realities of scientific and psychiatric knowledge. This cannot be accomplished by a single decision of any court or in any single jurisdiction. The process will be slow and continuous. New and unsuspected difficulties will appear as we move forward. But the flexibility of the common law provides the tool for meeting them as they arise. What the common law cannot do, while remaining true to its tradition, is stand still while the world is in flux.

Mr. RIBICOFF. Mr. President, I thank the Senator from Alabama for his courtesy.

DISCLOSURE OF FINANCE CHARGES IN CONNECTION WITH CREDIT SALES

Mr. ROBERTSON. Mr. President, the bill introduced by the senior Senator from Illinois [Mr. DOUGLAS], S. 750, dealing with disclosure of finance charges on loans and credit sales, has been with the Banking and Currency Committee for 4 years, and to the extent of 4,378 printed pages of testimony, and the end is not yet in sight.

Recently, the Federal Reserve Board asked politely but emphatically to be excused from administering the bill. The patron of the bill indicated his willingness to have the Federal Trade Commission administer it. As chairman, I then wrote to the Chairman of the Federal Trade Commission, stating that the committee was considering designating it to administer the bill and calling attention to a previous report the Commission had submitted recommending changes in the bill in the event the FTC should be chosen to administer it.

At a meeting of the committee on April 9, the amendments proposed by the FTC, in response to my request, were presented to the committee and made a part of the record. Senator JAVITS and Senator MUSKIE then offered amendments. It was agreed that these amendments should be made available to the members of the committee for their consideration. and other members of the committee were given an opportunity to offer amendments to be circulated to the committee. The patron of the bill accepted this offer.

In view of the fact that one of the amendments suggested by Senator JAVITS, but not yet reduced to writing, would require the Federal Reserve Board to administer the bill insofar as it applied to banks and other financial institutions, I forwarded that recommendation to the Federal Reserve Board and asked their comments. In view of this proposal, I also asked for further comments from the Chairman of the Federal Home Loan Bank Board, which previously had requested that it be given the privilege of administering so much of the bill as applied to Federal home loan banks and member savings and loan associations.

For the benefit of Members of Congress, merchants who sell goods on credit, and all financial institutions who would be affected by the bill, I ask unanimous consent to have printed in the RECORD at this point the amendments which have been circulated to members of the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL TRADE COMMISSION,
Washington, D.C., April 8, 1964.

HON. A. WILLIS ROBERTSON,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of April 2, 1964, enclosing a copy of the committee print of S. 750, suggests the Federal Trade Commission may be designated to administer the enacted law and you request the Commission to provide you with the amendments it recommends.

The Commission recommends the amendments in the attached proposal.

It suggests that the declaration of purpose in the bill be redrawn to include logical reasons why the Federal Trade Commission should administer this bill. For example, President Kennedy in his special message on "Protecting the Consumer Interest," March 14, 1962, described this agency as best prepared, through approximately 50 years of experience to protect the public from deceptive acts and practices. Since the purpose of the act is fully to inform consumers who secure credit and to protect them from deception as to the terms of such credit, it would appear that the Federal Trade Commission is the governmental agency best prepared to administer the law.

An inclusion in the declaration of purpose of language suggested by the Department of Justice in its letter of August 22, 1962, referring to a prior version of this bill is also believed by the Commission to be a desirable modification of that section.

In the event the Commission is named to administer the enacted law, it is requested that further provision be made for an appropriation of sufficient funds to enable the Commission to administer this program without impairing the present operations of the Commission.

By direction of the Commission.

PAUL RAND DIXON,
Chairman.

PROPOSED AMENDMENTS TO S. 750 AS REPORTED BY THE SUBCOMMITTEE

(Committee print of March 17, 1964)

The suggested amendments have been underlined in the context of the bill. In each suggested amendment below, the words in black brackets are those of the Commission, the others are those of the bill.

1. Section 2, the Declaration of Purpose, should be amended to include both the "commerce" and "money" clauses of the Constitution. The Commission concurs in a previous recommendation of the Department of Justice suggesting the following language for possible inclusion:

"The Congress finds and declares that—

"The stability of the national economy has been, and is, threatened by uninformed use of credit for the acquisition of property and services. Lack of an awareness of the cost of credit to the user has resulted in inflationary credit purchasing, and in times of recession has threatened abrupt contraction of purchasing, because funds available for expenditure and investment have been diverted from the Nation's markets to meet preexisting credit obligations. Uninformed use of credit has thus tended to aggravate cyclical fluctuations in the national economy; it has threatened the stability of national production and the maintenance of full employment; it has contributed to harmful fluctuations in the value of money; and it has had a substantially adverse effect upon the flow of interstate and foreign commerce. Uninformed use of credit has, moreover, made expansions and contractions in the volume of credit in the national economy unresponsive to the general monetary and fiscal measures intended to combat inflation and deflation.

"It is the purpose of this act to prevent uninformed use of credit by assuring that every user of credit will receive a full disclosure of the true costs thereof. Informed decisions concerning credit will make expansions and contractions in the total volume of credit a stabilizing factor in the national economy, helping to assure high production and employment, a stable value of money, and the uninterrupted flow of interstate and foreign commerce."

Reason: Such a statement of purpose of the law and intent of Congress will be useful to the Commission in the proper administration and enforcement of the Act.

2. Section 3(1) should be amended to read:

"(1) ['Commission' means the Federal Trade Commission.]"

Reason: This is the change of administering authority from the Federal Reserve Board to the Federal Trade Commission.

The word "Commission" should be substituted for "Board" in the following places in the bill:

Line 21 of page 3.
Line 19 of page 4.
Line 11 of page 6.
Line 17 of page 6.
Line 8 of page 7.
Line 13 of page 7.
Line 16 of page 7.
Line 23 of page 7.
Line 2 of page 8.
Line 20 of page 8.
Line 21 of page 9.

Reason: As above.

3. Section 3(4) in the bill should be amended to read as follows:

"(4) 'Creditor' means any person engaged in the business of extending credit (including any person who as a regular business practice makes loans or sells or rents property or services on a time, credit, or installment basis, either as principal or as agent) who requires, as an incident to the extension of credit, the payment of a finance charge. [It shall be deemed to include for the purposes of this Act persons excepted from the operation of the Federal Trade Commission Act (15 U.S.C. 45).]"

Reason: It is our understanding that this bill is not limited in its application to all persons. However, the Federal Trade Commission Act, which in a later suggested amendment is incorporated into this act by reference, contains in section 5(a) an exception of "banks, common carriers subject to the Acts to regulate commerce, air carriers, and foreign air carriers subject to the Civil Aeronautics Act of 1938, and persons * * * subject to the Packers and Stockyards Act, 1921." * * * Many persons possibly excepted from the Federal Trade Commission Act, especially banks and carriers, are presently engaged in lending money in the consumer market, directly or indirectly, and may construe the exception of the Federal Trade Commission Act to apply to this law. We recommend a statement negating that interpretation.

4. Section 4(a)(7) should be amended to read:

"(7) the percentage that the finance charge bears to the total amount to be financed expressed as a simple annual rate on the average outstanding unpaid balance of the obligation, or on the declining unpaid balance of the obligation [, whichever rate is the higher]."

Reason: It is suggested the phrase "average outstanding" be deleted from this section, and that the underlined words be added. The suggested language is intended to remove a possible ambiguity in the term "average outstanding unpaid balance".

5. Section 5(a) should be amended to read:

"(a) The [Commission] shall prescribe such rules and regulations as may be necessary or proper in carrying out the provisions of this Act. [Except as otherwise specifically provided herein, this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

"[The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of said Federal Trade Commission Act were incorporated into and made a part of this Act.

"[The Commission is authorized and directed to make such rules and regulations as may be necessary and proper for purposes of administration and enforcement of this Act.]

"Such rules and regulations [may] (1) include a description of (A) the methods which may be used in determining the 'simple annual rate' or 'simple monthly or annual rate or rates' for the purpose of section 4, and (B) the size of type or lettering which shall be used in setting forth information required by such section, (2) [where necessary,] prescribe reasonable tolerances of accuracy with respect to disclosing information under such section, and (3) * * * etc."

Section 5(a) should be further amended to read in line 16 on page 7: "The Commission [may] exempt those credit trans-".

Section 5(b) should be amended to read in line 23 on page 7: "Commission [may] request the views of other Federal agencies."

Section 5(c) should be deleted from the bill. The subsection establishes an advisory committee to assist the Commission.

LINE 19 ON PAGE 6

Reasons: Section 5(a) should be changed on line 19 on page 6 to state the Commission's authority to enforce the bill's provisions and to make proper provision for the promulgation of rules and regulations. The basic amendment first incorporates by reference the terms of the Federal Trade Commission Act to establish quasi-judicial procedure and cease and desist order sanctions. It then authorizes the Commission to proceed by rule to administer and enforce the law. This, of course, greatly simplifies the enforcement procedure, and permits the Commission to advise lenders and borrowers in advance of the nature of their respective duties. In this manner, the parties are informed of the law's application before an occasion of violation arises.

LINE 19 ON PAGE 6

Reasons: Section 5(a) should be changed on line 19 on page 6 to permit the Commission to exercise greater discretion in the promulgation of rules. The wording therefore substitutes "may" for "shall" in this line. It is suggested that when full hearings for the purpose of promulgating rules are held, it may appear unnecessary to catalog every means of calculating interest rates, or to prescribe sizes of type or lettering for all statements of information, in advance, or to prescribe tolerances for accuracy in every case, or specify in advance the prominence of lettering disclosing information.

LINE 1 ON PAGE 7

Reasons: Section 5(a) should be changed on line 1 on page 7 to include as a modifying clause "where necessary" with respect to prescribing reasonable tolerances of accuracy. It is suggested where accuracy may be obtained mathematically, in advance, the prescription of reasonable tolerances would be inappropriate. However, for such situations as the revolving or open-end credit accounts, it may be necessary to prescribe reasonable tolerances.

LINE 16 ON PAGE 7

Reasons: Section 5(a) should be changed on line 16 of page 7 to give discretion to the Commission concerning the manner of applying the rules. The suggested amendment is from "shall" to "may". This is a necessary flexibility to apply the law to those transactions which require a disclosure of terms. The present language recognizes to some extent this flexibility.

LINE 23 ON PAGE 7

Reasons: Section 5(b) should be changed in line 23 on page 7 to make it discretionary with the Commission to request the views of other Federal agencies. It is suggested the exercise of discretion should be permitted to facilitate orderly rulemaking under this section. In not every instance would the promulgation, modification, or rescission of a rule require consultation and advice from other agencies.

LINE 3 ON PAGE 8

Reasons: Section 5(c), establishing an advisory committee, is believed to be unnecessary to the Commission's administration of this law and its regulations. The Commission in its regular proceedings uses Trade Practice Conferences, and open hearings, to which groups of interested persons are invited to attend and advise the Commission on particular problems. It is suggested these procedures, dealing directly with the persons affected by the law, might be of greater advantage to the lending and borrowing public than an advisory committee.

6. Section 7(c) should be amended to contain a proviso reading as follows: "[*Provided, however,* That it shall not be a violation of this Act, nor shall any penalty be imposed under this subsection, in any case of overstatement, intentional or otherwise, by the creditor of the true rate of interest.]"

Reason: The purpose of this proviso is to permit the same defense to a criminal action under the terms of the bill that is now permitted in section 7(a) with respect to a civil action for damages.

FACT SHEET ON JAVITS AMENDMENTS PROPOSED TO DOUGLAS TRUTH IN LENDING BILL, S. 750

1. The first would amend the requirement in section 4(b), relating to revolving credit plans, to bring the language clearly in line with the subcommittee's intent in amending that requirement; that is, that, when the plan is entered into, the percentage figure to be applied to the outstanding balance each month shall be disclosed, rather than a computed percentage figure, which in advance is probably mathematically impossible to ascertain in the case of revolving credit accounts. The amendment would make a change of substance as well, by permitting the continued use of charts or schedules, such as are authorized for revolving credit plans by New York State's credit law, which show dollar and cents service charges for successive amounts of purchases; the amendment would permit the use of such charts or schedules. In order to make possible the comparison of such charted plans, disclosure would also be required of the percentage figure used to construct the chart.

2. The second amendment would similarly clarify the subcommittee's intent in amending section 4(b)(2)(F), regarding the statement to be made at the end of each monthly period in a revolving credit plan by requiring disclosure of the percentage figure which has been applied to the outstanding balance, rather than, what would be mathematically possible at that point but extremely difficult, the computed percentage figure.

3. The third amendment would clarify the subcommittee's language in defining a revolving or open-end credit plan, to make it clear that it includes credit plans under which one or more of the terms, involving the total amount of credit to be extended, or the dollar amount of the finance charge to be assessed, or the amounts and times of repayment, is specified in advance; the subcommittee language would have required that all three remain unspecified.

4. The fourth amendment would exempt from the act securities and commodities transactions which are already subject to regulation by the Securities and Exchange Commission. Under section 19(b)(9) of the Securities Exchange Act of 1934 the Commission is authorized to regulate the fixing of reasonable rates of interest and other charges. The primary area of applicability would be margin accounts, which at present are so competitive that the New York Stock Exchange has set a minimum of one-half percent above the call money rate.

Javits amendment No. 1: On page 4, strike out lines 21 through 25 and insert in lieu thereof the following:

"(1) furnish to such person, prior to agreeing to extend credit under such plan, a clear statement in writing setting forth the finance charge which will be imposed monthly or periodically on the outstanding unpaid balances from time to time stated in terms of a percentage or percentages of such balances, and the minimum dollars and cents charge or charges, if any, or in terms of dollars and cents to be imposed on a schedule of fixed amounts of outstanding balances in which case the statement shall set forth the schedule and the basis of computing the dollars and cents finance charges under the schedule including the percentage or percentages and the minimum charge, if any, used in such computation; and"

Javits amendment No. 2: On page 6, strike out lines 1 through 3 and insert in lieu thereof the following:

"(F) the finance charge which has been imposed for such period stated as a percentage or percentages of the outstanding unpaid balance, and the minimum dollars and cents charge, if any, or in the case of finance charges based on a schedule of fixed amounts of outstanding balances, the percentage or percentages and the minimum charge, if any, used in the computation of such schedule."

Javits amendment No. 3: On page 6, strike out lines 4 through 9 and insert in lieu thereof the following:

"As used in this subsection, the term 'revolving or open-end credit plan' means a credit plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be computed on the outstanding unpaid balance from time to time thereunder."

Javits amendment No. 4: On page 10, between lines 17 and 18 insert the following new section:

"SEC. 8. Nothing in this Act shall apply to transactions in securities or commodities in accounts by a broker-dealer registered with the Securities and Exchange Commission."

SENATOR MUSKIE'S AMENDMENTS TO S. 750

(Committee print, March 17, 1964)

Amendment No. 1: To identify charges involved in a real property transaction that would be a "finance charge," as that term is defined in the bill.

On page 3, line 2, add the following at the end of paragraph (3) of section 3:

"In the case of a real property transaction—

"(a) the term 'finance charge' shall include but not be limited to charges for the following items incident to the extension of credit: (1) interest, and (2) lender's fees, and any amount paid under a point, discount or other system of additional charges;

(b) charges considered as not being finance charges and not incident to the extension of credit shall include but not be limited to charges for the following items: (1) title examination or corresponding procedures, (2) title insurance, (3) preparation of the deed and other documents, (4) preparation of the settlement statement and related services, (5) recording deed and other documents, (6) taxes and assessments, (7) fire and casualty insurance (8) escrows for future payments of taxes and insurance, (9) adjustments of purchase price resulting from supplemental agreements between seller and purchaser, or purchaser and others, (10) local transfer or ad valorem taxes, (11) notarizing deed and other documents, (12) revenue stamps, (13) maintenance and repairs, (14) credit report, and (15) mortgage insurance."

Amendment No. 2: To give the lender or person extending credit (other than revolving credit) the alternative of stating the rate of the finance charge in either monthly or annual terms.

On page 4, lines 12 through 15, strike out all of paragraph 4(a)(7) and substitute, in lieu thereof, the following: "the simple monthly or annual percentage rate at which the finance charge is imposed on the outstanding unpaid balance of the obligation."

SENATOR DOUGLAS' AMENDMENTS TO S. 750

(Committee print, March 17, 1964)

Amendment No. 1: SEC. 4(a). On page 3, line 18, strike out "prior to the consummation of the transaction" and insert in lieu thereof "prior to entering into an agreement to extend such credit".

Amendment No. 2: SEC. 4(b)2(B). On page 5, strike out all after the comma in line 12 down to and including line 14, and insert in lieu thereof the following: "and, unless previously furnished, the date thereof and a brief identification of the property or services so acquired;"

Amendment No. 3: SEC. 6(a). On page 8, line 19, after "Act" insert "or regulations issued thereunder".

Amendment No. 4: SEC. 7. On page 9, line 12, strike out "by such person within one year" and insert in lieu thereof "against such creditor by such person within two years".

On page 9, line 14, before the period insert the following: ": *Provided*, That such period of limitation shall be tolled during the pendency of any criminal proceeding brought under this Act by or on behalf of the United States against such creditor, if a judgment of willful violation with respect to any matters at issue in such proceeding would constitute, under subsection (e), prima facie evidence in an action brought under this subsection".

On page 10, between lines 17 and 18, insert a new subsection as follows:

"(e) A final judgment hereafter rendered in any criminal proceeding brought by or on behalf of the United States under this act to the effect that a defendant has willfully violated this act shall be prima facie evidence against such defendant in an action brought by any person under subsection (a) against such defendant as to all matters respecting which said judgment would be an estoppel as between the parties thereto."

Amendment No. 5.

SEC. 8. On page 10, strike out lines 19 and 20, and insert in lieu thereof the following:

"SEC. 8. The provisions of this act shall take effect upon the expiration of 180 days after the date of its enactment; except that section 5 shall take effect immediately."

AMENDMENT TO S. 750

(Committee print, Mar. 17, 1964, prepared by Staff Drafting Committee)

On page 6, strike out lines 4 through 9 and insert the following:

"As used in this subsection, the term "revolving or open-end credit plan" means a credit plan (1) under which the amount of credit to be utilized is not specified, except by way of a maximum limitation, at the time an agreement to extend credit pursuant to such plan is entered into, (2) which prescribes the conditions under which extensions or credit may be made from time to time under such plan, and (3) under the terms of which a finance charge may be assessed on the outstanding unpaid balance from time to time."

Mr. ROBERTSON. Mr. President, should additional amendments be received from members of the committee, I shall ask unanimous consent to have them also inserted in the RECORD for the benefit of all interested parties.

RESERVE COMMISSIONS HELD BY MEMBERS OF CONGRESS

Mr. THURMOND. Mr. President, the question of whether Members of the Congress should hold Reserve commissions in the military services has been brought to the fore very frequently in recent months, usually by individuals and publications who have been advocating that this Nation be disarmed.

On March 1, 1964, the Washington Post published an editorial entitled "Senator-Generals." In the editorial, the editors of the Washington Post raise some questions about reservists who serve in the Congress.

Shortly thereafter on March 11, 1964, a distinguished Capitol Hill attorney, Dr. Eli Nobleman addressed a letter to the editor of the Washington Post answering the questions raised in the editorial. I have been much impressed with Dr. Nobleman's response to the editorial and have, therefore, been concerned that the editor of the Washington Post has refused to print his letter. Dr. Nobleman has served for many years with distinction as a professional staff member of the Senate Committee on Government Operations.

In view of the fact that the Washington Post will not print the letter, I feel that it should be made available to the Members of the Congress since the Washington Post editorial was specifically addressed to Congress and called for the passage of a law requiring Members of Congress to choose between their Reserve obligations and their duties in the Congress. Mr. President, I ask unanimous consent that the editorial from the Washington Post and Dr. Nobleman's letter in response to the editorial be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SENATOR-GENERALS

Why should Members of Congress hold Reserve commissions in the military services? This question was raised by Tristram Coffin in his current book, "The Passion of the Hawks," and it is getting a good deal of attention elsewhere. The Army has 34 Members of Congress in its Reserve; the Navy, 20; the Air Force, 23; the Marines, 5.

The Constitution flatly provides that "no person holding any office under the United States, shall be a Member of either House (of Congress) during his continuance in office." Is not a Reserve commission an "office under the United States"? In some cases the House has declared seats vacant because the holders have continued in military posts. In recent years the Defense Department has taken the view that the problem is one for Congress to deal with. If the House and Senate continue to allow their Members to hold Reserve commissions, the armed services have no objection to granting them.

Aside from the constitutional issue, there is a serious question as to whether ties of this kind between the military and the legislative branch are desirable. In case of war legislators are more needed in Washington than on the fighting fronts. Most of those now holding Reserve commissions would doubtless be deferred. Can it be said, then, that commissions for Members of Congress serve any useful purpose?

With the multiplication of commissions in Congress that body may well be concerned about the independence of its judgment in military matters. Certainly it would be unsound to permit the Armed Forces to give a commission to every Senator and Representative. Where, then, should the line be drawn? In our opinion it would be good policy for Congress to pass a law requiring its Members to choose whether they wish to be in the military or in Congress, thus closing the door to service in both at the same time.

CHEVY CHASE, MD., *March 11, 1964*.

To the EDITOR, WASHINGTON POST.

DEAR SIR: In your editorial of March 1, 1964, entitled, "Senator-Generals," you ask the question "Why should members of Congress hold reserve commissions in the military services?" The answer to this question appears to be quite simple. Members of Congress hold reserve commissions in the military services for exactly the same reasons that other nonobligated men do—because they are high-minded, serious, patriotic gentlemen who desire to serve their country in time of national peril. Whether you believe it or not, many of these gentlemen served with distinction in World War II, the Korean war or both, and developed skills and experience which would be invaluable to the Nation in the event of a new conflict. In order to maintain their proficiency and keep abreast of late developments, these gentlemen attend regularly scheduled training sessions each week, as do thousands of other reservists throughout the United States. They receive no pay or emoluments, except for a brief period of active duty for training, which does not exceed 14 days, and is often of a lesser duration.

You state further that the "Constitution flatly provides that 'no person holding any office under the United States, shall be a member of either House (of Congress) during his continuance in office.'" The addition of the word "flatly" adds nothing to your position. The provision of the Constitution from which you quoted, is found in the second clause of section 6 of article I. It was added by the Founding Fathers in order to prevent a practice followed by King James I, in England, of appointing Members of Parliament to various plush offices and sinecures in order to influence their votes by means of such favors. (Luce, Legislative Assemblies (1924), pp. 436 ff.) Subsequently, Parliament enacted a law which put an end to this practice. Warren in his definitive work, The Making of the Constitution (1937), pages 612, further explains the inclusion of the provision in question as "* * * largely due to the resentment and jealousies which had been created in some of the States over the appointments made by the Congress under the Confederation of many of its own members to diplomatic and executive posts. There was also a fear lest the new Government might follow the example of Great Britain 'where men got into Parliament that they might get offices for themselves or their friends—a source of the corruption that ruined their Government.'" (Citing Pierce Butler's remarks in Convention on June 22, 1787.)

You ask the question "Is not a Reserve commission 'an office under the United States'"? The Supreme Court of the United States, in *United States* v. *Hartwell*, 6 Wall. 385, 393 (1868) held that "An office is a public station, or employment, conferred by the appointment of Government," and "embraces the ideas of tenure, duration, emolument, and duties." More recently, the Attorney General of the United States, in an opinion issued in 1943, held, among other things, that "an officer of the Army or the Navy is, in general, a person holding office under the United States"; and that "under the practice (which appears to have long prevailed) * * * Members of Congress may enter the Armed Forces by enlistment, commission, or otherwise. Upon entry into such service the individual ceases to be a Member of Congress provided the House or the Senate, as the case may be, chooses to act." However, in that instance, the individual concerned was about to enter upon active duty, and the Attorney General indicated that this would require the individual to absent himself from his duties as a Member of Congress (40 Op. A.G. 301, 302). Furthermore, an analysis of all of the precedents involving House action declaring vacant the seats of Members holding commissions in the military services, reveals that in every instance, the Member involved was actually on active duty with the military forces, or about to enter upon such active duty, in the Civil War, the Spanish-American War and World War I.

The situation referred to in your editorial is quite different. A Reserve commissioned officer who is not on active duty, other than for a short period for training, does not occupy "a public station or employment"; nor does he have "tenure, duration, emolument, or duties." His sole obligation, which is voluntary, is to attend training meetings 1 day a week, and he may or may not participate in active duty for training.

The status of Reserve commissioned officers, as holders of an office under the United

States, with respect to the constitutional prohibition, as well as various conflict of interest laws, was finally clarified by the Congress in the act of July 1, 1930 (46 Stat. 841). That statute, as amended, and as it now appears in title 5 United States Code, section 30r(d), provides:

"(d) When he is not on active duty, or when he is on active duty for training, a Reserve is not considered to be an officer or employee of the United States or a person holding an office of trust or profit or discharging any official function under, or in connection with, the United States because of his appointment, oath, or status, or any duties or functions performed or pay or allowances received in that capacity."

It appears that this statute was originally requested by the War Department, following a ruling of the Attorney General which prevented Reserve officers who were attorneys at law from practicing before the Treasury Department, or from performing any other work which the law prohibited officers of the Government from undertaking. However, the debate on the floor of the Senate reveals clearly the congressional intent to broaden its coverage so as to protect, as well, Reserve officers holding office in the Government of the United States.

On July 27, 1930, Senator Couzens, responding to a request for an explanation of the bill, said (72 Congressional Record 11881):

"Mr. President, the bill involves quite an intricate question, affecting Reserve officers who may hold office in the Government in addition to the office which they hold in the military service. There is a constitutional inhibition against an officer in the military service holding two offices. There are officers in the Reserve Corps who are Members of the Senate and who are also Members of the House of Representatives, as there are Reserve officers holding other governmental positions. * * *"

In the colloquy which followed, Senator Walsh of Montana, although agreeing that Reserve officers should not "fall under the inhibitions to which officers in the Regular Army in active service are subjected," felt that the bill was too broad in its application.

Senator Couzens replied that the bill had been passed by the House of Representatives and approved by the Committee on Military Affairs of both Houses. He concluded that "the Reserve officers * * * are volunteers; they are only to be called in case of emergency; and it does not seem to me to be just that officers holding positions in the Reserve Corps for military purposes should be excluded from holding any Federal office."

Subsequently, Senator Reed, chairman of the Committee on Military Affairs, announced that he had discussed the matter with Senator Walsh who had no further objection. After noting that the bill would correct the inequity resulting from the decision of the Attorney General, he stated:

"* * * Of course, nobody ever dreamed that a Reserve officer should be crippled from pursuing his ordinary peacetime vocation when he was not on active duty; and if the decision were insisted on and applied in parallel cases, it would force the retirement from the Reserve Corps of a large number of valuable, useful officers. Therefore, the committee was unanimous in reporting the bill." (72 Congressional Record 11892–93).

It is submitted that the foregoing colloquy clearly reveals that, although the measure was originally intended to remove a disability from a certain class of Reserve officers, the appropriate committees broadened its coverage to make certain that Reserve officers would not be excluded from holding any Federal office because of their status as Reserve officers. Furthermore, it was plainly acknowledged that Members of both the Senate and the House of Representatives, who held Reserve commissions were to be protected by its coverage.

Your next point is that "in case of war legislators are more needed in Washington than on the fighting fronts" and that "most of those now holding reserve commissions would doubtless be deferred." With respect to the first part, the skills, knowledge and experience which many of these congressional reservists can contribute would be very substantial. With respect to the second part, not even the Washington Post can predict whether or not Members of Congress who hold reserve commissions will respond to a callup in time of war or national emergency. This is a decision which each individual will have to make at the appropriate time. Members who respond to the callup and enter on active duty will, of course, have to relinquish their seats, unless their respective Houses decide to rule otherwise. Those who failed to respond would have to explain their actions to their constituents. However, it would appear that the Members involved are entitled to a presumption of good faith, and I am willing to predict that the same patriotic spirit and desire to serve in time of national peril, which causes them to devote time to training and to the maintenance of their military skills, will impel a large proportion of them to respond.

Concerning the question of whether ties of this kind between the military and legislative branch are desirable, you appear to overlook the nature of the tie. In a relatively recent opinion of the Judge Advocate General of the Army, it was held that "The Secretary of the Army is without authority to employ the reserve components for affirmative military purposes while they are not in Federal service, and Reserve personnel not on active duty are not under the control of agencies of the Department of the Army except for certain limited purposes relating to supervision of their * * * training, instruction and administration. (JAGA 1953/9322, 27 Nov. 1953; 3 Dig. Ops. Res. F. sect. 9.51.)

Concerning your final point, that "it would be good policy for Congress to pass a law requiring its Members to choose whether they wish to be in the military or in Congress, thus closing the door to service in both at the same time," you appear to be ignoring both the facts and the law. In the first place, it appears to be quite clear, as a matter of fact, that a Member of Congress, holding a reserve commission, who is not on active duty, cannot honestly be said to be "in the military." In the second place, Congress has enacted a law (Act of July 1, 1930) which clearly indicates its understanding that service in Congress or in any other Federal office is not incompatible with the holding of a reserve commission. Although this statute was enacted 34 years ago, it was reexamined and reenacted in 1956 when Congress recodified all of the statutes relating to the Armed Forces, thus indicating a decision to continue existing policy.

Sincerely,

Eli E. Nobleman.

NATIONAL LABOR RELATIONS BOARD'S REPEATED RECORD OF DISTORTION

Mr. THURMOND. Mr. President, in the December 1963 issue of Journal of Public Law there appears an article by Representative Phil M. Landrum which merits the attention of every Senator and Member of the House of Representatives. I ask unanimous consent that the article, entitled "The National Labor Relations Board's Repeated Record of Deliberate Distortion," be printed in the body of the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Journal of Public Law, vol. 12, No. 12]

The National Labor Relations Board's Repeated Record of Deliberate Distortion

(By Phil M. Landrum, Representative in Congress from Georgia's Ninth District)

From its creation by Congress in 1935 in the Wagner Act,[1] the National Labor Relations Board has been under public and private fire for consistent failure to perform its duties in an evenhanded, impartial, and fair manner. Its record is replete with gross and deliberate violations of congressional intent and statutory language. This article will deal with this record.

Senator Taft, during debates on the Taft-Hartley amendments, said: "In 1939 I sat through the hearings for nearly 6 months on the operation of the National Labor Relations Board up to that time, and I do not think I have ever heard, certainly in America, such a series of miscarriages of justice as occurred under the first National Labor Relations Board."[2]

House report[3] on H.R. 3020, released during the congressional consideration of Taft-Hartley, said: "Acting as prosecutor, judge, and jury, and to all intents and purposes as its own Supreme Court insofar as its findings of fact are concerned, the Board seems to have found the temptation to be arrogant, arbitrary, and unfair irresistible."[4]

So blatant in fact was the Board's administration of the Wagner Act[5] that corrective legislative measures were the only solution. With this mandate before it, therefore, and in view of the Board's record, Congress in 1947 passed the Taft-Hartley law,[6] not only to redress the statutory imbalance, but also to undo the damage wrought by biased Board decisions.[7] But there was no stopping the nimble-footed Board. NLRB loopholes became the rule, and the very abuses grew that Congress had ordered stopped. Thus, in 1959, after another 12-year period had passed, in answer to public demands and the findings of the McClellan committee[8] hearings, Congress passed the Labor-Management Reporting and Disclosure Act of 1959 (Landrum-Griffin).[9]

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[1] National Labor Relations Act, 49 Stat. 449 (1935).

[2] 93 Congressional Record 3834 (1947); 2 NLRB, "Legislative History of the Labor Management Relations Act, 1947," at 1006 (1947).

[3] H. Rept. No. 245, 80th Cong., 1st sess. (1947).

[4] 1 NLRB, "Legislative History of the Labor Management Relations Act, 1947," at 316 (1947).

[5] Acting under sec. 10(b) of the Wagner Act, which stated that rules of evidence prevailing in courts of law and equity shall not be controlling, the Board issued findings and decisions which some courts described as "shocking injustices," "asinine reasoning." findings "overwhelmingly opposed by the evidence," and "remarkable discrimination" on the part of the Board in believing its own witnesses and disbelieving others. (See e.g., Wilson & Co. v. NLRB, 126 F. 2d 114, 117 (7th Cir. 1942); NLRB v. Columbia Products Corp., 141 F. 2d 687 (2d Cir. 1944); NLRB v. Union Pacific Stages, Inc., 99 F. 2d 153 (9th Cir. 1938).

[6] Labor Management Relations Act, 61 Stat. 136 (1947).

[7] For instance, Senator Taft stated on Apr. 29, 1947, in dealing with secondary boycotts: "All this provision of the bill does is to reverse the effect of the law as to secondary boycotts. It has been set forth that there are good secondary boycotts and bad secondary boycotts. Our committee heard evidence for weeks and never succeeded in having anyone tell us any difference between different kinds of secondary boycotts. So we have so broadened the provision dealing with secondary boycotts as to make them an unfair labor practice." 2 NLRB, "Legislative History of the Labor Management Relations Act, 1947," at 1106 (1947); 93 Congressional Record 4198 (1947).

Now, less than 4 years later, however, Congress and the country once again are confronted with the Board's contemptuous refusal to follow statutory mandate. Loopholes are again created and enlarged by the Board. It is apparent that impartial justice by this Board is impossible.

Because of this conclusion I introduced on August 27, 1963, a bill which would divest the NLRB of its semijudicial functions in unfair labor practice cases and require that all such cases in the future be tried before judges of the U.S. district courts.[10] While it is true that Labor Board decisions may be appealed to the courts, it is equally true that the courts defer to the so-called expertise of the Board and have been reluctant to upset its decisions. In practical effect, therefore, the Board is all too often a court of last resort; when it carves out a loophole in the law, that loophole invariably stays open.

Perhaps the most notable of these loopholes have been those in the area of secondary boycotts. Congress in 1947 thought it had banned all forms of secondary boycotting; in fact, any reasonable reading of the 1947 statute and its history leads inescapably to that conclusion. However, the ingenious innovations and tortured interpretations by the Board soon demonstrated that Congress in 1947 did not foresee the nimble footwork of the Labor Board.[11]

When the Landrum-Griffin Act was passed in 1959, Congress thought it closed these loopholes. However, the pattern of decisions over the past 4 years would indicate that once again Labor Board actions are frustrating the intent of Congress. If the Constitution makes anything clear, surely it is that policymaking is primarily a function of Congress. To be effective in the performance of that function, it is essential that Congress observe whether, and to what extent, its policies are actually being implemented and carried out. The pattern of decisions by the NLRB raises serious concern that policies laid down by Congress in the Taft-Hartley and Landrum-Griffin Acts are being distorted and frustrated.

Recent decisions themselves are startling enough; however, when viewed in the light of some extrajudicial pronouncements by Board members, there is every reason to wonder whether the NLRB, an agency created by Congress, even concedes the constitutional authority of Congress to formulate and establish policy in the labor-management field.

For example, NLRB Member Brown commented in an address: "Thus in my view the Board is unquestionably a policymaking tribunal." In discussing and analyzing Board decisions since April 1961, he also said: "'The present Board has freed itself from the self-inflicted dedication to per se rules. Fixed rules are easy to apply and provide the parties with knowledge upon which to predicate their actions. These are desirable results and must, of course, be accorded some weight. Certainty necessarily follows from the implementation of mechanistic rules, but it is a superficial certainly destined for disrepute." [12] When read in the light of its recent decisions, this extrajudicial pronouncement seems to articulate quite candidly an attitude on the part of some Board members which indicates very little regard for the policymaking role of Congress. This is the fundamental issue.

First, consider the secondary boycott provisions of the law, and some recent decisions which purport to apply those provisions. In discussing the secondary boycott problem, too often there is a tendency to think of it as a partisan matter, as something done for one side and taken away from the other—this is not the case. Congress has concerned itself with secondary boycotts because the public interest is involved. As a matter of national policy, Congress determined that labor disputes and the effects thereof, should be circumscribed and confined to the principal parties involved; otherwise, in a highly integrated economic society such as ours, each dispute could easily involve many employees of many employers who are not parties to the dispute. The public would be the loser.

Restrictions against secondary boycotts are also in the best interests of unions. The secondary boycott is a weapon used primarily by a small minority in organized labor—a minority that too often has built its strength with strong-arm methods and a disregard for the rights of individual workers. The legitimate interests of American working men and women are not fostered by such tactics, and the abuses of a few give an unfair and distorted picture of the many.

The secondary boycott is a totally indefensible un-American weapon which utilizes the concept of guilt by association. By its use, a union makes warfare against its enemy, the person with whom it has its dispute, by inflicting economic damage upon the friends and business associates of the enemy.

Congress in the Taft-Hartley law intended to ban all secondary boycotts. However, through the years the Labor Board has not followed this congressional mandate, but instead, the board has carved out sizable boycott loopholes. For example, the Taft-Hartley law prohibited boycotts induced through the employees of any employer, boycotts through a concerted refusal to do certain things, and boycotts through a refusal to work on goods in the course of employment. Although it was the intent of Congress in Taft-Hartley to ban all secondary boycotts, the Labor Board somehow found ways to circumvent that intent. Typical of the loopholes was a strange holding that boycott activity was not concerted if carried out by a series of individual acts.[13] Still other decisions permitted boycotts by finding that certain people did not fall within the technical definitions of "employer" and "employee." Accordingly, agricultural and railroad employees could be made the targets of secondary boycott action.

In 1959 Congress moved to close such loopholes by adopting the Landrum-Griffin amendments to the Taft-Hartley boycott language. At the time the Landrum-Griffin bill was introduced, the following comment was made on the floor of the House of Representatives by Congressman ROBERT P. GRIFFIN of Michigan:

"Present law provides that it is unlawful for a union to induce or encourage 'employees of any employer' to engage in a strike or concerted refusal to do their work for one of the forbidden objects listed in section 8(b)(4)—such as to force their employer to cease doing business with a 'primary's employer. Since farm laborers, railway labor, and supervisors are not employees within the meaning of the act, unions may now without penalty induce them to engage in secondary boycotts. This bill corrects this by changing the word 'employees' in the phrase quoted above to 'any individual employed by any person.'" [14]

In short, it was clearly sought to prohibit a union from inducing "any individual employed by any person" to engage in a secondary boycott. Now, however, the Labor Board decides that in some circumstances an "individual" is not an "individual."

In the Carolina Lumber Co. case,[15] the board permitted a boycott by holding that the word "individual" applied to some supervisors but not to others. In the Board's view, this depended on how high the supervisor ranked in the management scale. The result is that one supervisor on a construction job may be an "individual" while another supervisor on another job may not be an "individual." In another case, Operating Engineers Union,[16] the Board allowed the boycott ban to be circumvented when it said a supervisor was an "individual" at one moment but was not an "individual" at the next, depending apparently on whether his boss was on the job with him or temporarily away.

In Middlesouth Broadcasting Co.,[17] another decision which threatens to put the dictionary out of business, the Board permitted a secondary boycott by holding, in effect, that a radio station produces the automobiles that are advertised in the station's commercials. In still another case, it permitted a secondary boycott by ruling that a man who distributes candy and tobacco is the producer of these items.[18]

To illustrate the trend of these Board decisions a little more clearly it may be helpful to discuss some of the background of the problem raised by the two cases just mentioned. During the course of the deliberations of the conference committee on the Landrum-Griffin Act, a so-called publicity proviso was placed in section 8(b)(4) of the act. The proviso states a very limited exception to a general rule. The exception, which is spelled out precisely in the proviso, provides that where the primary employer is the producer of a product, and that product is distributed by another, or secondary, employer, the union may truthfully publicize that fact by means other than picketing so long as the publicity does not affect the performance of services at the establishment of the secondary employer.

In adopting this proviso, it was not the purpose of Congress to encourage or legalize secondary boycotts generally. The proviso protects only limited appeals to the public at the establishment of a secondary employer under circumstances which are spelled out with precision. What was feared at the time of the proviso's adoption has now come to pass; the Board is applying the wording of the proviso to all sorts of situations, even to situations where no product is involved. The point is illustrated by the Middlesouth Broadcasting case, where there was no product flow whatever from the primary employer-broadcaster to the secondary employer who sold automobiles and only sponsored commercials on the radio station. If the union wanted to conduct a primary consumer boycott against a broadcaster, it could do so directly by simply urging people not to listen to the particular station without involving secondary employers and their employees who distribute no product produced by the broadcaster. It is conceded that in the application of any law to varying factual situations, close borderline situations will, of course, be presented; however, it is submitted that new heights of absurdity have been reached when a Federal agency literally determines, in order to make the proviso apply, that a radio station produces automobiles.

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[8] Select Committee on Improper Activities in the Labor or Management Field, U.S. Senate, 85th and 86th Congresses.

[9] 73 Stat. 519 (1959), 29 U.S.C. secs. 153, 158–160, 164, 186–187, 401–531 (supp. IV, 1963).

[10] H.R. 8246, 88th Cong., 1st sess. (1963).

[11] In retrospect it is significant that Senator Taft said on Apr. 25, 1947: "I think it should be made perfectly clear that the National Labor Relations Board came before our committee and opposed every amendment to the National Labor Relations Act. The only amendments to which they agreed were amendments which had already been forced upon them by * * * the Supreme Court." 93 CONGRESSIONAL RECORD 4024 (1947); 2 NLRB, "Legislative History of the Labor Management Relations Act, 1947," at 1031 (1947).

[12] Address by Gerald A. Brown, Member, NLRB, Institute on Labor Law, Duke University Law School, Feb. 9, 1962.

[13] *N.L.R.B.* v. *International Rice Milling Co.*, 341 U.S. 665 (1951).

[14] 2 NLRB, "Legislative History of the Labor Management Reporting and Disclosure Act of 1959," at 1522–23 (1959).

[15] Local 505, Int'l Teamsters Union, 130 N.L.R.B. 1438 (1961).

[16] Local 324, Int'l Union of Operating Engineers, 131 N.L.R.B. 228 (1961).

[17] Local 662, Radio & Television Engineers, 133 N.L.R.B. 1698 (1961).

[18] International Teamsters Union, 132 N.L.R.B. 901 (1961).

There are other cases which indicate the extent to which the Board's views on this publicity proviso are being extended. At the Peter Paul plant in Oakland, Calif., an independent union was certified by the Board. Another union sought to replace the independent union, but was appropriately enjoined from picketing the plant. Then it instituted a nationwide drive against Peter Paul and its products urging other unions and their members not to buy those products. A complaint did not issue, because the activities complained of fell within the permissive limits of the second proviso to section 8(b)(4).[19] Presumably this means an outside union can have a lawful, primary dispute with an employer, even though the Board has certified another union as the representative of the employees; presumably it also means the publicity proviso is being seized upon to protect a purpose directly contrary to the spirit and letter of the law, namely, forcing an employer to recognize one union while another is already certified.

The lengthy congressional hearings which preceded the Landrum-Griffin Act revealed that the boycott was a favorite weapon of gangsters and racketeers to gain control of some labor unions. If ever there was a resounding call from all over America, it was the call in 1959 upon Congress to prohibit secondary boycotts. Yet less than 4 years later it must be reported that the Labor Board is bent on undoing the very changes made by Congress in 1959 to prohibit secondary boycotts.

In addition to the secondary boycott cases already referred to, the Board has handed down a series of boycott decisions which should prove a special boon to Mr. Hoffa and his Teamsters Union. These cases hold that a union may follow and picket trucks at their various delivery stops even though the owner of those trucks has a fixed, permanent place of business where the union may picket to advertise any dispute it has with him. This new line of cases reverses the Board's holding in the Washington Coca-Cola Bottling Works case.[20] There, the Board had held it unlawful to picket trucks during delivery stops to customers, if the trucking employer had a place of business which could be picketed effectively.

In its first step away from the Washington Coca-Cola doctrine, the Board said a union could picket a secondary employer while employees of a man with whom it had a dispute were working at that secondary location. This was the Plauche Electric, Inc. case,[21] involving a situation where, while the primary employer did have its own full-time business headquarters, his employees spent most of their working time at the secondary location. However, in the Houston Armored Car Co. case,[22] the Board fully expanded the theory of the roving boycott. In the Houston case, the employer was an armored car company whose business was delivering money. It had a business headquarters, and its drivers returned there six times a day. The union could and did picket the headquarters; however, the Board permitted the union to follow the armored cars around the city, picketing them at delivery stops along the way. The consequences of this approach are grimly obvious to the trucking industry of America and the people who depend on that industry.

Another area where the emerging trend of Board decisions merits careful scrutiny is the area dealing with free speech. In the Landrum-Griffin Act, Congress made no change in the law's free speech provisions. These provisions, therefore, still say that if the employer's statements carry no threats or improper promises, then his remarks cannot constitute an unfair labor practice in themselves, nor may they be used as evidence that other acts constituted unfair labor practices. The legislative history is replete with references to the fact that the Taft-Hartley guarantee of free speech was not impaired, that free speech was in no way diminished by the Landrum-Griffin Act.

The Board evidently cannot resist the temptation to tinker with this fundamental right. For example, in two recent cases involving employers' remarks to employees, the Board did not find that an unfair labor practice had been committed. However, because of the employers' statements it set aside elections, which the unions lost, and ordered that new ones be held. In one of these cases, Somismo, Inc.,[23] the Board held that the employer interfered with the election when its officer said the union's promises were ridiculous, and that if the union demanded the benefits it was promising the company might have to go out of business. In the other case, R. D. Cole Manufacturing Co.,[24] the Board held that the employer interfered with the election when he said prior organizing efforts had resulted in the loss of business, and that business would improve and working conditions would be better if the union lost.

The Worth Manufacturing Co. case[25] adds a new and dangerous dimension. It indicates a return to the discredited practice of viewing an employer's utterances in the light of what the Board has called "all of the surrounding circumstances." In the Worth case, this meant that lawful speech and other lawful conduct, occurring separately, were coupled to support a finding that an unfair practice had been committed. If this is to be the Board's standard regarding free speech, we will have returned to the pre-Taft-Hartley situation when an employer could not safely express to his employees any views or opinions on labor matters. The inevitable result was then, and will be again, that during an organizing campaign employees were forbidden to hear both sides, and could not, therefore, secure the full information necessary for an intelligent and informed decision. To emphasize that this process of erosion goes forward every day, the Board has disinterred an old and discredited device for interfering with an employer's right to talk freely with his own employees. In the May Department Stores Co. case,[26] the Board revived its discarded Bonwit Teller doctrine[27] of more than a decade ago. Essentially Bonwit Teller held that an employer could not discuss union matters with his workers on his own time and property unless he gave equal time and equal facilities for the union to reply. That theory, most thought, had been overridden and forgotten in the intervening years, but not so with the NLRB. In the May case the Board said the employer, a department store owner, was unfair in making three speeches 3 weeks before the election, and in refusing to let the union use the store for the same purposes, even though the union could and did talk with the employees by telephone, through radio announcements, through newspaper advertising, and in visits to the employees at their homes.

Finally, consider certain Labor Board decisions affecting provisions of the Landrum-Griffin Act designed to outlaw the practice of blackmail picketing. Here again Board decisions show Board contempt for Congress. In the Calumet Contractors Ass'n case[28] the Board permitted one union to picket in an effort to force an employer to adopt that union's standard contract, even though the employees were already represented by another union which was certified by the Labor Board. Apparently the Board's reasoning was based on the notion that such picketing was lawful if the outside union merely goes through the motions of disclaiming intent to seek recognition from the employer.

In a later case, Houston Bldg. & Constr. Trades Council,[29] the Board cast off any sign of earlier restraint and extended its Calumet theory to apply to organizational picketing as well. At this point, it should be emphasized that section 8(b)(7) applies to picketing where an object is to force or require recognition or bargaining. Obviously, it was intended that the provision should apply even though the picketing may be carried on for other purposes as well.

In the Crown Cafeteria case[30] the Board reversed its own earlier decision. It had rejected the union's argument that picketing for recognition became protected activity if the picket signs merely indicated a purpose to inform the public that the employer was nonunion. In its first Crown decision the Board said that to accept this union contention would be to render the statute meaningless, at the whim of a picketing union. However, in its later decision of the same case, a majority of the Board reversed the earlier decision and adopted the union's argument, thereby opening wide the very loophole which the Board itself had pointed out in its first decision. Under the latter ruling, it would appear that proscribed recognition picketing can be legalized if the union merely includes on its signs a statement that the employer is nonunion or does not have a contract with the union doing the picketing.

In still another case, Blinne Constr. Co.,[31] a majority on the Board said that picketing otherwise proscribed will be permitted if the union, when it files an election petition, merely files also an unfair labor practice charge against the employer. Here the Board said it would not act against the picketing while an unfair labor practice charge is pending, even though the charge is groundless.

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[19] See Peter Paul, Inc., 20 CC 253–4.

[20] Brewery & Beverage Drivers & Workers, 107 N.L.R.B. 299 (1953).

[21] International Bhd. of Elec. Workers, 135 N.L.R.B. 250 (1962).

[22] United Plant Guard Workers, 136 N.L.R.B. 110 (1962).

[23] 133 N.L.R.B. 1310 (1961).

[24] 133 N.L.R.B. 1455 (1961).

[25] 134 N.L.R.B. 444 (1961).

[26] 136 N.L.R.B. 797 (1962), order set aside and enforcement denied, 316 F. 2d 797 (6th Cir. 1963).

[27] Bonwit Teller, Inc., 96 N.L.R.B. 608 (1951).

[28] International Hod Carriers, 133 N.L.R.B. 512 (1961).

[29] 136 N.L.R.B. 321 (1962).

[30] Local Joint Executive Bd. of Hotel Employees, 130 N.L.R.B. 570 (1961), reconsidered and reviewed, 135 N.L.R.B. 1183 (1962).

[31] International Hod Carriers, 135 N.L.R.B. 1153 (1962).

In its decision the Board said the fact that a timely petition is on file will protect the innocent union which, through mistake of factor law, has filed a groundless unfair labor practice charge.

This is an astounding invitation, extended by the Board, to circumvent the law. The very theory suggested by a majority of the Board was considered, and flatly rejected, in the conference on the Landrum-Griffin Act. The one limited exception to this statement was spelled out with precision, and provides only that a charge based upon section 8(a)(2) will constitute a defense if there is reason to believe the charge is true.

We also intended in the Landrum-Griffin Act to prevent one of the most flagrant of all blackmail picketing abuses, the practice of picketing after a union had lost a Labor Board election. We sought to deal with this problem by prohibiting such picketing where a valid Labor Board election had been held within the preceding 12 months. But it appears that this congressional directive was not clear enough for the Board. In Bachman Furniture Co.[32] the Teamsters Union consented to a Board election and lost. Thereafter the union tried to have the election set aside claiming the employer had committed an unfair labor practice. The Board's regional director refused to set the election aside, pointing out that the union had consented to the election after the employer's alleged misconduct had occurred. The employer, the union, and the Board's regional director then entered into an agreement settling the union's charge of unfair labor practice. However, less than a month after all this had transpired, the Teamsters Union threw up a picket line around the employer's place of business. The employer promptly filed a charge for picketing within 12 months after a valid Board election, but the Board dismissed the complaint, apparently accepting the Teamsters' claim that they were not seeking recognition, but were picketing just for the satisfaction of letting the people know that this employer had committed an earlier unfair labor practice.

Furthermore, in order to regulate blackmail organizational picketing, a speedy election procedure was provided in the act. In another recent case, Kinney Co.,[33] the Board found that a union was picketing for recognition and organization. It ordered an expedited election, and the union lost; however, the union continued its picketing. On reconsideration, the Board decided to apply its Crown Cafeteria doctrine and held that since the union's signs said the employer was nonunion, the picketing was protected after all. Then, the Board reasoned, since the picketing was protected it should not have held the expedited election. Thus, it concluded, since the election should not have been held, this could not have been picketing within the 12 months following a valid election. As befits such an outlandish holding, this case involved a situation where the employees voted unanimously against the union.

The pattern is clear. In an incredible series of decisions, the Board has attempted to legalize many of the picketing and boycott abuses which Congress through the Landrum-Griffin Act sought to eliminate. This is not all, however. In another significant development, the Board indicates it will limit an employer's right to use economic pressure on his own behalf during a strike, despite the fact that as recently as 1960, the Supreme Court ruled in *NLRB* v. *Insurance Agents Int'l*[34] that "the use of economic pressure by the parties to a labor dispute is part and parcel of the process of collective bargaining." The Insurance Agents case held that the Board had no authority to act at large in equalizing disparities of bargaining power between employer and union, and no right to police for the parties their choice of economic tactics. By attempting to do so, the Board, in the words of the Court, was moving into an area of regulation not committed to it by Congress. Now, however, in two 1961 decisions, Erie Resistor Corp.[35] and the The Crestline Co.,[36] the Board displays its disagreement with the policy enunciated in the Supreme Court's Insurance Agents decision. In the Erie case it denied the employer's right to grant so-called superseniority to strike replacements, because of the economic pressure on the union to end the strike. In the Crestline case the Board said an employer could not change employees' benefits during collective-bargaining negotiations, even after the prior contract had expired. It held that such changes might put economic pressure on the union and the employees to accept the employer's proposals.

The record is clear, therefore, that the Board is unwilling to accept the fact that true bargaining must be a two-way street, and that both sides should be free to use lawful economic pressures. In view of all these facts, it is obivous that legislative corrective action is postponed only at great peril to employees, to the public, and to American collective-bargaining processes. The NLRB, month by month and year by year, has put both the public and the Congress on notice that it is naive and futile to expect unbiased Board decisions. This conclusion prompted the introduction of H.R. 8246. As pointed out above, the basic thrust of this bill is the requirement that all unfair labor practice cases be tried before U.S. district courts.

In answer to the charge that this would impose an unreasonable burden on the courts, it is noteworthy that approximately 40 percent of all charges filed with the Board are withdrawn, that about 30 percent are dismissed, about 20 percent are settled, and only less than 10 percent reach the trial stage. The argument can be made, moreover, that if the parties were unable to use the NLRB for maneuvering advantages, an even greater number of cases would be settled.

It should also be pointed out that the bill makes Federal Rules of Civil Procedure applicable, and provides for hearings before special masters at the discretion of the court. Additionally, the bill does not rewrite any unfair labor practice sections of existing labor statutes, but rather is directed only at the manner in which these cases will be adjudicated.[37]

Summing up the record since 1935, it shows that Congress has been patient, tolerant, and helpful to the National Labor Relations Board to no avail. The record further shows that the Board, by its decisions, respects neither the letter of the law nor the intent of Congress. To put it bluntly and succinctly, it is the firm conviction of many that the NLRB has passed the point of no return.

ARBITRARY AND CAPRICIOUS TREATMENT OF STATE DEPARTMENT EMPLOYEES

Mr. **THURMOND**. Mr. President, while the Senate professes to concern itself with civil rights legislation, the civil rights of certain State Department employees are continually subjected to arbitrary and capricious treatment. I refer, of course, to the case of Mr. Otto F. Otepka and to the additional persons, including Mr. Harry M. Hite and Mr. John R. Norpel, Jr., who have now apparently been subjected to the same type of discriminatory treatment earlier given Mr. Otepka. Mr. President, this is one of the most rotten cases which have come to light in recent times, and direct congressional intervention by legislation, if necessary, is overdue.

Mr. President, I ask unanimous consent that a newspaper article from the April 5, 1964, issue of the Minneapolis Sunday Tribune entitled "Security Aid Otepka is Still Harassed After Senate Disclosure," and an article from the April 8, 1964, Des Moines Register, entitled "Two Protest 'Demotions' for Backing Otepka on Security Regulations," both written by Mr. Clark Mollenhoff, be printed in the body of the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Minneapolis (Minn.) Sunday Tribune, Apr. 5, 1964]

SECURITY AIDE OTEPKA IS STILL HARASSED AFTER SENATE DISCLOSURE

(By Clark Mollenhoff)

WASHINGTON, D.C.—It has been a lonely year for Otto F. Otepka, the State Department security evaluator who made the mistake of telling the truth and then proving one of his superiors was a liar.

It has been an unbelievable year of harassment for the 48-year-old career Government lawyer who made the difficult decision to testify truthfully about laxity and mismanagement in the State Department security program.

His telephone has been tapped, his room has been bugged, he has been put under tight surveillance, and top level officials—Secretary of State Dean Rusk and Deputy Undersecretary of State William Crockett—have been trying to fire him.

Otepka has been ostracized from the State Department social life. Six men who did continue to associate with him have found themselves suddenly transferred out of the Department's Security Division, and their clearance to handle security matters has been arbitrarily removed.

For more than 4 months, high State Department officials have been assuring Senator THOMAS DODD, Democrat, of Connecticut, that they have nothing against Otepka and that momentarily they will drop the efforts to fire him and let him return to his duties.

But over the whole period nothing of substance has happened to give DODD or Otepka much confidence that a serious effort is being made to restore him to the duties from which he was suspended.

The technical charge against Otepka is that he was guilty of "insubordination" because he furnished the Senate Internal Security Subcommittee, of which DODD is vice chairman, three personnel file papers and cooperated by suggesting some questions committee counsel Jay Sourwine should ask some of Otepka's superiors in the State Department.

DODD has said that Otepka furnished the papers to prove he had told the truth when he said he had given certain information on a security case to his superiors.

Otepka has not denied that he suggested a list of questions.

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[32] Teamsters Union, 134 N.L.R.B. 670 (1961).

[33] Department & Specialty Store Employees, 136 N.L.R.B. 335 (1962).

[34] 361 U.S. 477 (1960).

[35] 132 N.L.R.B. 621 (1961).

[36] 133 N.L.R.B. 256 (1961).

[37] In fact, over the past 3 years 36,968 unfair labor practice charges were filed, an average of 12,323 per year. During this same period a total of 2,221 hearings were held by NLRB examiners. This is an average of 740 trials per year. See 27 N.L.R.B. Ann. Rep. 6–14 (1962).

When Otepka's superiors found the Senate subcommittee had knowledge of documents proving untruthful testimony under oath, it touched off the whole series of drastic efforts to spy on Otepka and find a reason to fire him.

Initially Otepka had a choice, because originally the drive against him was largely to move him out of the way in the Security Division. He was offered a usually coveted appointment to the War College.

But Otepka, a career employee for 25 years, had been in the State Department Security Division for more than 10 years. He wanted to stay there. He believed the work was important and even vital to the Nation. In 1958, Secretary of State John Foster Dulles awarded Otepka the Department's distinguished service award for his outstanding work.

It was in March 1963 that three of Otepka's superiors—John F. Reilly, David Belisle and Elmer D. Hill—had their first discussions of the possibility of putting a listening device on Otepka's telephone. Later, Assistant Secretary of State Reilly and Hill, an electronics expert, arranged the first tampering with Otepka's office telephone.

More than a dozen conversations were recorded and passed by Hill to some still unidentified superiors in the State Department.

On June 27, 1963, six security officers walked into Otepka's office, seized his records, and the contents of his safe. He was summarily ordered to move to another office.

In July and August, Reilly, Belisle, and Hill were called before the Internal Security Subcommittee, and under oath each denied any knowledge that there had been any wiretap or listening device of any kind attached to Otepka's telephone.

In September, Reilly served notice of charges of insubordination against Otepka for having cooperated with the Internal Security Subcommittee by producing documents for the committee and helping Sourwine with the questions.

In October, Dodd and Sourwine obtained final conclusive evidence that Reilly, Belisle, and Hill had knowledge of the effort to place a listening device in Otepka's telephone. Taking note of their denials under oath, DODD went on the Senate floor and warned of the possibility of perjury involving these high-level State Department employees.

Instead of a vigorous State Department investigation of the perjury charge, the State Department legal office met with Reilly, Belisle and Hill to arrange letters to be sent to the Senate Internal Security Subcommittee to explain the untruthful testimony denying that Otepka's telephone was tapped.

The letters of Reilly and Hill admitted that they had taken an active part in arranging for the listening devices for Otepka's telephone, and had been present when the listening devices were removed. They insisted they had misunderstood the questioning, and denied the use of listening devices because they believed that they were being asked if there had been recordings.

Belisle admitted that he was told of the plans to put a listening device on Otepka's telephone, but stated he was out of the country when it took place.

In the face of these admissions by Reilly, Hill, and Belisle, Rusk took no immediate action against these men. However, he and Deputy Under Secretary Crockett did push forward with the Reilly-initiated charges to fire Otepka for insubordination.

Later, Hill admitted that more than a dozen recordings were made from the listening device on Otepka's telephone. He also stated that Reilly was present when the wiretap was put on and taken off.

The proof of the untruthful statements in the letters by Hill and Reilly was impossible for the State Department to defend. Both were asked to resign.

[From the Des Moines (Iowa) Register, Apr. 8, 1964]

TWO PROTEST DEMOTIONS FOR BACKING OTEPKA ON SECURITY REGULATIONS

(By Clark Mollenhoff)

WASHINGTON, D.C.—Two State Department security experts have filed petitions with the Civil Service Commission charging that they have been removed from security assignments because they have supported Chief Security Evaluator Otto Otepka.

They are Harry M. Hite and John R. Norpel, Jr., both former personnel security specialists in the State Department.

Norpel and Hite are two of the six men who were recently transferred from the Office of Security to posts as administrative officers in the Bureau of Inter-American Affairs.

CLAIM DEMOTIONS

Both Hite and Norpel contend that the transfers constitute a "reduction in rank" within the meaning of the Civil Service Act. They contend that the State Department has taken the action because they sided with Otepka in opposing the relaxation of security procedures at the State Department, and because the State Department has tried to fire Otepka, they have been in sympathy with his cause.

FBI AGENT

Norpel, a former FBI agent with 17 years of experience in the Federal Government, stated in his petition that high State Department officers had "falsely contrived evidence created solely to harm Mr. Otepka."

Hite is a lawyer and has been in Government service for more than 10 years.

Both contended in their petitions that they had direct knowledge of a plot to frame Otepka and then have him fired.

Both linked the efforts to fire Otepka to testimony he gave to a Senate committee that contradicted the testimony of John F. Reilly, who at that time was Deputy Assistant Secretary of State for security.

Hite stated that four of the persons reassigned to the Bureau of Inter-American Affairs on March 15 were members of a special group formed in May 1961, to conduct a special reexamination of all personnel security cases.

"All four persons had been selected by Mr. Otepka," Hite stated. "All have expressed their strong convictions concerning Mr. Otepka's innocence of wrongdoing with which he had been charged. The two other persons reassigned, though not members of the 1961 group, have stanchly supported Mr. Otepka in his present difficulties."

The appeals by Norpel and Hite were addressed to Stephen L. Elliott, Chief of the Appeal Examining Office, U.S. Civil Service Commission.

Hite and Norpel charged that the persons who have been given assignments in the Security Division are persons who are not supporters of Otepka.

They charged that the reassignments were made by David Belisle, one of three persons who were proven to have given untruthful testimony to the Senate Internal Security Subcommittee relative to wiretaps on Otepka's telephone.

TWO OUSTED

The State Department forced the resignation of Reilly and Elmer D. Hill, an electronics expert, who had knowledge of the unauthorized placing of listening devices on Otepka's telephone.

Under oath, Belisle had denied knowledge of the use of the listening devices on Otepka's telephone. Later, he admitted he had been told of the listening devices prior to the denials under oath, but Secretary of State Dean Rusk has taken no action against him.

However, Rusk has continued to push the charges to fire Otepka for giving documents to a congressional committee to prove he was truthful.

Hite stated that he had intended to appear as a friendly witness for Otepka at the hearings on the discharge.

"Messrs. Raymond Loughton, John R. Norpel. Billy N. Hughes, all of whom have also now been reassigned * * * also intended to appear as friendly witnesses for Mr. Otepka," Hite stated.

CARRIED TORCH

Both Hite and Norpel stated that they had been told that they "carried the torch" too long and too far for Otepka.

Both men declared that their transfers originated with Belisle, and is "in reprisal for my honest dissent and because of my close association with, and defense of Mr. Otto F. Otepka."

GENERAL OF THE ARMY DOUGLAS MacARTHUR

Mr. THURMOND. Mr. President, Mr. Herbert Hucks of the Berkeley Democrat at Moncks Corner, S.C., has paid a stirring tribute to the memory of General of the Army Douglas MacArthur. I have been impressed with these comments and feel that they should be made a part of the RECORD of this body. I, therefore, ask unanimous consent, Mr. President, that Mr. Hucks' editorial tribute to General MacArthur be printed in the RECORD.

I also ask unanimous consent, Mr. President, that a newsletter I have prepared for distribution on April 13, 1964, on the same subject be printed in the RECORD.

There being no objection, the editorial and newsletter were ordered to be printed in the RECORD, as follows:

[From the Moncks Corner (S.C.) Berkeley Democrat, Apr. 8, 1964]

COMMENTS ON CURRENT AFFAIRS

(By Herbert Hucks)

When Gen. Douglas MacArthur died Sunday afternoon, this country lost one of its greatest military leaders of all time. A veteran of World War I, he distinguished himself in that conflict. Then came World War II and he was called on to lead the Allied forces, mostly American, in the bitter fighting against Japan in the Pacific. It was his planning which little by little drove the Japs from island to island until in the end they were forced back. The final fight, it appeared, was to be on the Jap mainland. Then we dropped the bomb on two of the larger Jap cities and the stage for the surrender was set. It was MacArthur who met Jap warlords on board a U.S. warship and laid down the terms of surrender. Later, he was sent to Japan to supervise the dismantling of the Jap military forces, and to lead the Japs back into a peaceful way of life. His success there was outstanding. Under his leadership, Japan forgot the bitterness and began to rebuild.

Then came the Korean war. Little by little the Communists from North Korea were driven back, eventually being forced to retreat almost to their own borders. MacArthur wanted to follow them to and over the Yalu River and to strike their army and air bases in Manchuria from the air. It was then that President Truman disagreed and dismissed General MacArthur as leader of the American forces and from his work in Japan. The old soldier came home and was met with a welcome seldom given a military leader. It had been his plan to end the war with complete victory, but Truman did not agree. When he got home, he was invited to address a joint session of the Senate and House of Representatives. No one who heard that address can ever forget it. He told his story in a simple, earnest manner, showing no bitterness but also leaving no doubt of his disappointment and his fear of the future. Had he been permitted to drive on to complete victory, many believed with him, much of the trouble of the past few years might have been avoided. Fear that Russia might send in large forces (in addition to the air support she had given the North Koreans and the Chinese) was stronger than the will to win. And through the years we have had to keep large forces along the line dividing North and South Korea. Was MacArthur right, or Truman? No one can ever know. The soft line taken then by Truman seems to be the policy of today. We let Cuba fall into Khrushchev's hands, and now a prominent Senator says that this is no real danger to us. No danger to us? What if Castro, with the backing of the Russians, goes into and takes over one or more nations of South America? Will we sit quietly and let this happen? It appears that in our zeal to make friends with Khrushchev, we are preparing to go any distance to avoid his displeasure. We do not think that the American people have lost their will to win the cold war, but would prefer fighting, if necessary, to abject surrender to the forces which are set to destroy us. However, it could be that our leaders will continue their soft line until it is too late.

General MacArthur is gone. Would that we could raise up another like him and that those in high places would listen to his advice.

Senator Strom Thurmond Reports to the People

PATRIOTISM, VALOR, AND VICTORY

All people everywhere who cherish freedom have lost a staunch friend and dedicated servant in the death of General of the Army Douglas MacArthur. He was one of the greatest and most courageous military leaders the world has ever known. He was even more than this, however. He was a shining symbol of patriotism and courage, and he was an uncompromising advocate of victory over the enemies of freedom. These are qualities which, unfortunately, are on the wane in the America for which General MacArthur devoted so many years of distinguished service.

The patriotism of General MacArthur needs no documentation. His record of service and his eloquent statements of loyalty to his country speak for themselves. His dedication to his country and the people he served ran deep because it was bottomed on a firm belief in God. Even though he was a genius in many respects, and was looked upon by many as being a demigod, he recognized that his blessings and his gifts of leadership came from still a higher and greater power.

Courage, which Winston Churchill has aptly described as "the first of all human qualities because it is the quality which guarantees all others," came naturally to General MacArthur. He demonstrated his valor on many battlefields, both as a junior officer and as a general officer. For these acts of gallantry, he was awarded a Congressional Medal of Honor, 20 other U.S. medals, and many more foreign decorations.

His greatest act of courage, however, demonstrated the exercise of moral rather than battlefield courage. MacArthur was convinced of the truism that "there can be no substitute for victory." He was also convinced that "there is only one way to win victories; attack, attack, attack." Thus, when the U.S. State Department, the United Nations, and the British insisted on seeking a stalemate with the Communists in Korea rather than victory, General MacArthur fought for his battle plans which would have given the free world a much-needed triumph over the forces of communism at a most crucial time in world history.

In Korea, the General risked his illustrious career by insisting on a battle plan of victory. He knew the Communist enemy he was facing, and he knew how to whip this enemy. He likewise knew that if he permitted the State Department-British plan of stalemate to succeed that the free world would be plagued with more of these policies of paralysis and that this could be the turning point in the war with communism, which it was.

The official policy of our Government toward the Korean war was based on a no-win strategy. This no-win policy has caused our Nation defeat after defeat in subsequent encounters with the Communists. The State Department experts concluded that Korea was an inconclusive operation and that an aggressive pursuit of our military mission could lead to general war at a time when we had the monopoly on nuclear weapons.

Douglas MacArthur was right in just about every decision he ever made as a military commander. He was never more right, however, nor courageous, than he was in Korea when he risked being fired in order to fight for victory over the enemy. On August 27, 1961, during the military muzzling investigation, I had the privilege of meeting with General MacArthur. He confirmed that the State Department had tied his hands in Korea and that State Department officials were responsible for the no-win policy. Never have I heard a more eloquent or logical assessment of the world situation and the vital need for a policy of victory for the forces of freedom. This discussion convinced me that we, in America, missed one of the greatest opportunities in history when we did not draft this great "old soldier" and statesman to lead us to victory in the war with communism.

The old soldier lost his battle for victory in Korea, but not without a valiant stand. The only other battle he ever lost was with death, but in this fight, too, he gave the battle every ounce of courage and determination to win that his 84-year-old body could muster.

Douglas MacArthur has passed on, but let us hope that the memory of his incomparable qualities will serve to revive in our Nation a spirit of patriotism, courage, and the will and determination to win any contest in which our freedoms are challenged.

Sincerely,

Strom Thurmond.

Mr. SPARKMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 129 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Douglas
Fong
Gore
Gruening
Hart
Hickenlooper
Holland
Hruska
Humphrey
Jackson
Johnston
Jordan, Idaho
Kennedy
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Nelson
Pastore
Pearson
Pell
Prouty
Ribicoff
Robertson
Scott
Simpson
Smith
Sparkman
Stennis
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.

The PRESIDING OFFICER. A quorum is present.

Mr. KEATING subsequently said: Mr. President, the distinguished Senator from Louisiana [Mr. Ellender] and I were engaged in what I hope was a useful debate on the subject of civil rights in the Radio Gallery over a network program at the time of the previous quorum call. I was in the building, but was not able to respond to my name.

I ask unanimous consent that this statement appear immediately following the rollcall.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STATES JOIN IN ALASKA'S AID

Mr. BARTLETT. Mr. President, yesterday, Gov. John Anderson, Jr., chairman of the Governors' conference, and president of the Council of State Governments, met with Gov. William A. Egan, of Alaska.

At this meeting Governor Anderson pledged his assistance and that of the other Governors of the United States in securing the passage of the legislation which is so needed for the rehabilitation of Alaska.

He also offered to the State the full professional advice and research services of the Council of State Governments.

Alaska deeply appreciates the generosity of Governor Anderson and the Governors' conference.

It is comforting to know that the States stand with Alaska as Alaska begins the long hard recovery road.

Mr. President, I ask unanimous consent that a statement made by Governor Anderson at the meeting be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

I appreciate the opportunity to meet with this distinguished group. In behalf of the Governors' conference I wish to express our sympathy to Governor Egan and the people of our sister State for the tragedy that has befallen them.

We applaud the energy and dedication of the Alaskan people to the task of reconstruction and their very great courage at the time of the disaster.

I have received numerous calls from Governors and other State officials throughout the country offering support to our sister State. As chairman of the Governors' conference I wish to offer the assistance of the Governors' conference and the professional advice and research services of the Council of State Governments to the reconstruction effort. Our staff is available to consult with you and the President's Commission concerning the future development of Alaska.

The Governors' conference is pleased that Congress has passed a bill providing an additional $50 million for the President's disaster fund and it commends Governor Egan and the Alaskan Legislature for its emergency authorization of $50 million in bonds for relief.

The Federal Government is confronted with a problem absolutely without precedent. The immediate steps taken by the Federal Government to deal with the problem have been effectively and smoothly carried out. I am advised that at the request of the President, 16 departments and agencies of the Federal Government were mobilized under the able coordination of Edward A. McDermott. The establishment of this commission by the President and the allocation of substantial Federal funds for the emergency is a substantial contribution to recovery of the disaster areas.

From a very practical standpoint we are ready to assist Governor Egan and the Alaskan congressional delegation in securing passage of legislation necessary for the rehabilitation of the State. After all—1 of the lower 48 could at some future time be in the same predicament as Alaska.

So we stand ready to assist you in any way we can and the Governors' conference and the Council of State Governments will strongly support a sound and practical long-range program of aid to Alaska.

MESSAGES OF SYMPATHY IN CONNECTION WITH THE ALASKA DISASTER

Mr. **BARTLETT**. Mr. President, earlier in the week, I placed in the RECORD messages of sympathy in regard to the Alaska disaster. Such messages had been sent to Washington by the heads of 63 nations. Most of the messages were directed to President Johnson.

Further messages have now been received, and I ask unanimous consent to have them printed in the RECORD. Included among them is one from Queen Elizabeth. It is directed to the President of the United States, and it reads as follows:

> I and my husband have learned with great distress of the disastrous earthquake in Alaska and the severe damage that has been caused to life and property.
>
> I send to you, Mr. President, my deep sympathy and that of my people in this event.
>
> ELIZABETH R.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF STATE,
Washington, April 10, 1964.

The Honorable E. L. BARTLETT,
U.S. Senate.

DEAR SENATOR BARTLETT: Enclosed are copies of further messages addressed to the President, and one addressed to the Speaker, expressing sympathy from prominent persons abroad upon the recent events in your State.

Sincerely,

FREDERICK G. DUTTON.

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES,
Paris, April 1, 1964.

LYNDON B. JOHNSON,
President of the United States,
The White House,
Washington, D.C.:

Deeply saddened at the catastrophe in Alaska. We are writing today to the U.S. Ambassador in France to propose possible aid.

Respects and high consideration.

L. LENTSCHENER,
Secretary General Association Bol d'Air Gamins de Paris.

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES,
Buenos Aires, April 3, 1964.

His Excellency LYNDON B. JOHNSON,
President of the United States of America,
Washington, D.C.:

Accept, Mr. President, this expression of the deep sympathy of the Government and people of Argentina because of the earthquake that struck Alaska.

ARTURO ILLIA,
President of the Argentine Republic.

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES,
Yaounde, April 2, 1964.

His Excellency LYNDON B. JOHNSON,
President of the United States,
The White House,
Washington, D.C.:

Please accept our deep sympathy on the occasion of the catastrophe which has befallen a part of your national territory, costing the lives of several dozen of your fellow citizens and causing heavy damage. The people of Cameroon, its Government, and I myself send you most heartfelt condolences in this sad hour and the assurance of our deep sympathy.

Highest esteem and respects.

AHIDJO,
President of the Federal Republic, Yaounde.

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES.

His Excellency, the SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D.C.:

I have the honor to communicate to your Excellency the test of a resolution passed by this branch of our Parliament:

"*Resolved,* The Chamber of Deputies of Peru expresses its most heartfelt condolences to the Congress of the United States of America on the catastrophe caused by the earthquake that struck the State of Alaska."

In transmitting to the honorable House over which you preside the resolution adopted by the Deputies of Peru, I wish to present to your Excellency also my personal expressions of sympathy and the assurances of my highest and most distinguished consideration.

FERNANDO LEON DE VIERO,
President of the Chamber of Deputies of Peru.

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES,
Buenos Aires, April 3, 1964.

His Excellency DEAN RUSK,
Secretary of State of the United States of America, Washington, D.C.:

I wish to convey to your Excellency the expressions of my heartfelt sympathy on the Alaskan catastrophe.

MIGUEL ANGEL ZAVALA ORTIZ,
Minister of Foreign Relations and Worship of the Argentine Republic.

EMBASSY OF CEYLON,
Washington, D.C., April 7, 1964.

His Excellency Mr. LYNDON B. JOHNSON,
President of the United States of America,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Even though somewhat belatedly may I nevertheless send you my very sincere sympathies on the tragic loss of life and devastation that so suddenly struck the people of the State of Alaska.

My own country has experienced the terrible effects of natural disasters in the form of floods and I can realize how helpless the plight of man is in the face of such overpowering forces.

Please accept, Mr. President, the profound sympathy of the Government and people of Ceylon, to which I add my own sincere condolences, on the occasion of this unfortunate tragedy that has befallen the people of Alaska.

With renewed assurances of my highest consideration, Mr. President, I remain,

M. F. DE S. JAYARATNE,
Ambassador of Ceylon.

LISBON, *March 30, 1964.*

His Excellency, Adm. GEORGE W. ANDERSON,
Ambassador of the United States of America, Lisbon.

MR. AMBASSADOR AND MY DEAR FRIEND: I have received news of the tragic developments in the State of Alaska. Our own experience, past and present, places us in a position to know full well how sad such events really are. Fortunately, on the basis of the most recent information, it appears that the earthquake was not, from the standpoint of loss of life, as serious as was at first feared. But there are certainly many thousands of persons affected by the material damages. In the face of so many American lives lost and such great destruction, I beg you to accept the assurance of my sympathy, in the name of the Government as well as in my own, and I shall greatly appreciate it if you will convey to the families of the victims our most sincere sentiments of condolence.

With best wishes,

A. FRANCO NOGUEIRA.

MARCH 28, 1964.

FROM PRIME MINISTER TO PRESIDENT:

I am appalled by the dreadful news from Alaska. Please accept the sympathy of H.M.G. and let me know if there is anything we can do to help.

ALEC DOUGLAS-HOME.

BUCKINGHAM PALACE,
March 28, 1964.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I and my husband have learned with great distress of the disastrous earthquake in Alaska and the severe damage that has been caused to life and property.

I send to you, Mr. President, my deep sympathy and that of my people in this event.

ELIZABETH R.

ORDER OF BUSINESS

Mr. **LONG** of Louisiana obtained the floor.

Mr. **DIRKSEN**. Mr. President——

Mr. **LONG** of Louisiana. Mr. President, I ask unanimous consent that at this time I may yield to other Senators for a number of brief statements, and also for questions by other Senators, but without prejudice to my right to the floor, and without having my subsequent remarks count as another speech by me.

The **PRESIDING OFFICER**. Is there objection? Without objection, it is so ordered.

PROGRAM FOR TONIGHT

Mr. **DIRKSEN**. Mr. President, will the Senator from Louisiana yield briefly to me?

Mr. **LONG** of Louisiana. I yield, under the conditions stated, to the distinguished minority leader.

Mr. **DIRKSEN**. Mr. President, it is my understanding that the distinguished Senator from Louisiana will probably conclude his remarks about 8 p.m., and that there will not be another quorum call tonight.

Mr. **HUMPHREY**. Mr. President, will the Senator from Louisiana yield briefly to me, with the same understanding that his yielding will not in any way prejudice his rights?

Mr. **LONG** of Louisiana. Under those conditions, Mr. President, I yield.

Mr. **HUMPHREY**. I have discussed this matter with the distinguished minority leader and also with the Senator from Louisiana. I did not have an opportunity to discuss it with the Senator from Mississippi [Mr. STENNIS], but I believe he was informed of it.

Mr. STENNIS. That is correct.

Mr. HUMPHREY. I understand that it will be agreeable to have the quorum call just concluded be the final quorum call for this evening, because I understand that a number of our distinguished, courageous, and kindly—although greatly mistaken—Republican colleagues are to attend a Republican ladies' dinner this evening. I wish to be sure that all of these fine, alert, handsome, Members of the Senate will be able to be present. Therefore, because of the mutually cooperative and helpful spirit which motivates our debate on civil rights, I believe such an arrangement should be made.

Mr. DIRKSEN. Mr. President, I advise the Senator from Minnesota that we expect to cook up a lot of mischief for the New Frontier, but there will be no malice about it.

Mr. HUMPHREY. Mr. President, in the contemplation of such a change of diet, I am delighted to cooperate fully. So, Mr. President, on with the mischief, down with the malice, and on with the speeches.

SCHEDULE FOR TOMORROW

Mr. DIRKSEN. Mr. President, as everyone knows, the Cherry Blossom parade for the Cherry Blossom princesses is scheduled for 10:30 tomorrow morning. It would be somewhat of an inconvenience to Senators who should attend that delightful ceremony or who would be squiring the Cherry Blossom princesses from their States not to be able to attend that event.

I have discussed this matter with the majority leader; and he is agreeable to having a quorum call promptly at 10 a.m., tomorrow, when the Senate convenes, so that immediately thereafter, without running the danger of missing a subsequent quorum call, Members will be able to absent themselves from the Senate, in order to behold this colorful and beautiful spectacle.

Mr. HUMPHREY. Mr. President, I say to the minority leader that anyone who feels youthful enough to escort one of the charming, graceful, and beautiful young Cherry Blossom princesses to the Cherry Blossom parade should be quick enough of limb to be able to be in the Senate Chamber for the first quorum call tomorrow, at 10 a.m., and then, within the next 20 or 25 minutes, be able to attend the Cherry Blossom parade.

It will be our hope that when the bell rings up yonder we shall be here and be ready to answer the quorum. I accept the arrangement which the Senator has described. I hope we shall all be here at 10 a.m. promptly, because I am confident that shortly after the quorum call a brilliant message will be delivered. I am not sure who will deliver it, but it will be good. I presume that we will be able to assure Senators that that message or address will last a sufficient time so that the festivities which the Senator from Illinois [Mr. DIRKSEN] has described will at least have been well underway or completed. Is that arrangement agreeable to the Senator from Mississippi?

Mr. STENNIS. The Senator has not asked unanimous consent. We are talking about tomorrow, Saturday.

Mr. HUMPHREY. I was merely seeking general guidance and counsel from the Senator from Mississippi.

Mr. STENNIS. A quorum call at 10 a.m. tomorrow sounds satisfactory to me.

Mr. HUMPHREY. There will be a quorum call at 10 a.m. tomorrow.

Mr. STENNIS. That is tomorrow morning.

Mr. HUMPHREY. Tomorrow morning, not tonight. Tonight we shall be filled with bipartisan charity.

Mr. JOHNSTON. Mr. President, my group will be prepared to speak tomorrow, so Senators may rest assured that we shall be present to take over shortly after the 10 o'clock quorum call. We shall hold the floor until the Senator wishes to adjourn, if it is not too late.

Mr. HUMPHREY. Mr. President, I always feel better when I know that the senior Senator from South Carolina is in charge of things. I am confident that there is no need of any Senators to be at all uneasy or under any tension whatsoever over the fact that there will be a quorum call soon after the Senate meets, in the light of the assurance given by the Senator from South Carolina.

Mr. JOHNSTON. At the present time the arrangements are that the Senator from North Carolina [Mr. ERVIN] will speak. Senators will miss something if they are not here to hear him.

Mr. HUMPHREY. I shall be present, because I know I have a choice. It is a difficult choice to make between the princesses of the Cherry Blossom Festival and the legal tidbits that we will receive from the great senior Senator from North Carolina [Mr. ERVIN], but, difficult as that choice is, and adding the factor of duty, I shall be present.

Mr. JOHNSTON. Good.

Mr. DIRKSEN. Do I take prunes or South Carolina peaches?

Mr. HUMPHREY. On the present occasion, if I were the Senator, tomorrow morning I believe I would take peaches.

NOMINATION OF VIRGINIA MAE BROWN, OF WEST VIRGINIA, TO BE AN INTERSTATE COMMERCE COMMISSIONER

Mr. MAGNUSON. Mr. President, I should like to inquire about the confirmation of the nomination for the Commissioner of the Interstate Commerce Commission.

Mr. HUMPHREY. Mr. President, I ask the Senator from Louisiana to yield under the conditions previously stipulated.

Mr. LONG of Louisiana. Mr. President, under the conditions that I stipulated previously, I yield to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. What does the minority leader have to say about promoting the New Frontier with the Interstate Commerce Commission nomination?

Mr. DIRKSEN. The distinguished Senator from Kentucky [Mr. MORTON], who is a member of the Committee on Commerce, is not in Washington, D.C., at the present time. I prefer that the nomination not be called up until he is present.

Mr. HICKENLOOPER. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. HICKENLOOPER. Is the Senator speaking about the confirmation of the nomination of an appointment that would leave the entire Midwestern section of the country entirely without representation on that 11-man board? There is a great vacuum there. The eastern and western seaboards of the country have now captured the Interstate Commerce Commission entirely.

Mr. HUMPHREY. The nominee for Commissioner is from the State of West Virginia.

Mr. MAGNUSON. I can answer the Senator's question. When Republican vacancies arise in turn, the Republicans usually submit the name of one who is not from the Middle West. If they were to submit the nomination of a Midwesterner, we would be happy to join with them.

Mr. HICKENLOOPER. I beg the Senator's pardon. The vacancy which has occurred was a vacancy created by the leaving of a very able Democrat from the Middle West—from my State of Iowa. He was the son of a former Governor of Iowa. For some mysterious reason it was not seen fit to reappoint him, but someone from the eastern seaboard was selected.

Mr. MAGNUSON. The Senator is correct.

Mr. HICKENLOOPER. That was the only representation we had on the Commission. Now we are devoid of that.

Mr. MAGNUSON. My suggestion is that when a Republican vacancy arises—and there will be one in the next 8 or 9 months—if the Republicans in the Midwest and our minority leader would submit a nomination from the Middle West, no one would be more happy than the chairman of the Committee on Commerce to report it.

Mr. DIRKSEN. I wonder if my friend, the Senator from Washington, knows how many names I have submitted to regulatory agencies since the first of the year in an attempt to do justice to all sections of the country, and still we have not quite overcome the bias and the prejudice toward my section of the country? I have submitted many.

Mr. HICKENLOOPER. I should like to add to that statement that I have not noticed that the Republicans have any influence or authority whatsoever in suggesting or appointing Republican appointees when the appointees are scheduled to be Republican. Be that as it may, we are used to that.

Mr. MAGNUSON. We were used to it for 8 long years.

Mr. HICKENLOOPER. The only point I am making is that the great midwestern section of the country, where I believe the great bulk of the transportation industry originates—that is, the movement of commodities—is now completely devoid of representation on the Interstate Commerce Commission. I am merely making that statement as a matter of record.

Mr. **MAGNUSON**. Without being facetious, I believe that the situation has left a geographical void on the ICC from that section of the country. I would be very glad to join the Senator in an attempt to remedy it.

Mr. **HICKENLOOPER**. I know the Senator is not being facetious. I am not being facetious, either. I am stating a fact that an area which generates the big bulk of the transportation business in our country—railroad and truck—is completely devoid of representation now.

I know the man who was not reappointed. It was a Democratic appointment. I did everything I could to encourage the reappointment of that very fine gentleman. He was able and rendered good service. I still have not had an answer to the question as to why he was not reappointed on the Commission. There may be a good and sufficient reason. I am not privy to the thoughts of those in authority on the question. It leaves us with a void. There was an opportunity to continue the representation. We had only one representative on the Commission from that section of the country. But in the wisdom of those who make the appointments, reappointment of that man was not considered to be the thing to do. So now a vacuum has been created. I am not trying to be facetious.

I am deadly serious about it. We should have representation from the midwestern section of the country.

Mr. **HUMPHREY**. We shall take that up.

Mr. **MAGNUSON**. I would be the first to join in agreement with the general proposition stated by the Senator. I was not privy to the appointment of the very fine lady from West Virginia either.

Mr. **HICKENLOOPER**. I hasten to say that I am not speaking against the lady from West Virginia. I know nothing about the appointment.

Mr. **MAGNUSON**. I knew Mr. Clyde Herring very well. The Senator and I served with his father. I knew him very well. He did a very good job. What the situation was I do not know either. My only point is that if the nominee is to be confirmed, I should like to see the Senate confirm the nomination promptly so that she may get on the job.

Mr. **HICKENLOOPER**. I am raising no objection to the procedure. I am merely calling the attention of the Senate to a very sad fact in this very important operation.

DATA PROCESSING

Mr. **WILLIAMS** of New Jersey. Mr. President, will the Senator from Louisiana yield to me under the same conditions that he stated previously?

Mr. **LONG** of Louisiana. Mr. President, I ask unanimous consent that I may yield to the Senator from New Jersey under the same conditions that I have previously stated.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **WILLIAMS** of New Jersey. Mr. President, recently, Army technicians and scientists at Fort Monmouth, N.J., conducted a seminar on data processing. During their discussions, they were addressed by David Sarnoff, chairman of the board of the Radio Corporation of America. He spoke on the ever expanding role of the computer in our defense communication network. Because of the far-reaching implications of his remarks and their general interest I ask unanimous consent to have them printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

COMPUTERS, COMMUNICATIONS, AND DEFENSE

(Address by David Sarnoff, chairman of the board, Radio Corp. of America, at the Army data processing seminar, Fort Monmouth, N.J., March 5, 1964)

I am happy to be back among my old friends and associates of the Signal Corps. My relationship with the corps, both as an officer and as a civilian, extends over half a century, and membership in this branch of the service is a distinction of which I have always been deeply proud.

It was particularly pleasing to be presented to you by our Chief, Maj. Gen. David Gibbs, who is the son of my old friend, Gen. George Gibbs, the Chief Signal Officer of the U.S. Army 35 years ago.

There have been some changes, I notice, in titles and in organizational responsibilities, but the purpose of the old Signal Corps is still the same. Regardless of designation, the task is the one for which the corps was formed over a century ago—to get the message through. Where the real change has occurred, as this seminar clearly indicates, is in the techniques of transmitting the message as well as in the information it contains.

Over the years, it has been my privilege to speak to various organizations of the armed services and to venture some observations on the future of science and technology, particularly as they might affect our military posture around the world.

For example, on February 20, 1926, in an address before the Army Industrial College, I said, "Future great wars may well be fought and won on the basis of brains and scientific devices rather than numerical preponderance. * * * The various forms of destructive radiation have not yet been worked out thoroughly. * * * An investigation of these and perhaps as yet unknown rays, as well as other incendiary or disintegrating agencies, may well lead to the development of extremely powerful methods of warfare. * * * A future great war may last 5 minutes and yet be infinitely more destructive and decisive than the last World War."

A year later, on January 31, 1927, appearing before the Army War College, I said, "We may foresee the day when a fleet of aircraft, with no human occupants and loaded with bombs may be sent against the enemy's lines, with all controlling operations performed by radio. * * * It is conceivable that a radio television transmitter installed in an airplane might be useful in transmitting a direct image of the enemy's terrain."

Since I made these forecasts over 37 years ago, enormous changes have taken place, not only in the arts of war but in the means of communication.

These changes, of course, are still continuing, and today they are more fundamental in their nature and more far reaching in their effects than any that have occurred since the first use of the telegraph in the Civil War.

Our present communications must meet conditions and serve military needs which, as you are well aware, are vastly different from anything ever described in a military manual.

In this era of telescoped space and time, our power is deployed across the face of the globe, from the arctic tundras to the rain forests of southeast Asia, and now into the realm of space. We must measure reaction time in minutes, be prepared to rush strike forces to any point on earth within hours, and take only a little longer to move units of division and army size across oceans. In the field, our forces are further dispersed by the threat of atomic strikes, and the terrain and methods of guerrilla warfare.

Our worldwide commitments of men and machines, and the need for instant reflex, require the timely accumulation of masses of intelligence from many parts of the globe, quickly evaluated for command decision.

This in turn requires a communications capability that can fuse every element of this vast organization—from command headquarters to the most distant outpost—into a single swift responsive unit.

To accomplish this broad purpose—the acquisition, transmission, and interpretation of intelligence, and the communication of commands—we must have an integrated system, completely automated in its routine processing, but always requiring human intervention where seasoned judgment is called into play.

This broad concept already is taking form and substance in our Defense Establishment. Today, with equipment and techniques in being or just over the horizon, we can visualize a new generation of computers and communications systems transforming our military planning and operations.

As I envisage it—and I know that many of you are thinking along similar lines—a computer complex will be at the heart of a total system in which it is possible to achieve—from the Pentagon, the White House or a remote secret site—effective real-time command over any situation or combination of situations anywhere in the world.

When fully implemented, this system should make it possible to anticipate many developments before they actually happen and so gain vital time to take precautionary or preventive measures. It converts the Army of tomorrow into a highly mobile, ultra-swift fighting force, unencumbered by the long supply tail that used to wag the military body.

In this system, tiny forward sensing devices, some of them already to prototype, will automatically or upon interrogation report a variety of digital data to a mobile computer close to the scene of action. This computer will swiftly assemble, sort, and evaluate the information, and make it instantly available to the local commander to assist in arriving at decisions affecting his own area of responsibility.

At the same time, the computer will select other data of a broader nature and forward it, together with appraisals fed in by tactical officers on the scene, directly to the next computer echelon, whether it be corps, Army, or theater. Intelligence from many such computers stationed around the globe, including those operated by the other armed services and by related civilian agencies, will funnel into a command center in the United States.

In a vast war room at the command center, the Nation's top civilian and military leaders will see displayed a continuously changing, instantly updated computerized synthesis of pertinent events as they occur around the world, together with weighted appraisals of their significance.

Where action on a broader scale is indicated, the computers will suggest possible courses for such action. These would be based upon evaluations of all the significant factors—military, political, and economic; current and historic. They will estimate the effects of various decisions which may be taken. Every possible combination will be considered, computed, and rejected or recommended for top level decision.

Beyond this, other computers will be programed to recognize potentially dangerous developments, and to sound the alert before they occur. These could vary from the sudden appearance of key enemy agents in sensitive places, to the deployment of certain military units or personnel, or the occurrence of seemingly unconnected events around the world. We can in this way greatly reduce the surprise element or the possibility of some critical intelligence item remaining unnoticed. Had we had such a system some 2½ decades ago there perhaps would never have been a Pearl Harbor. In another instance—Panama—we might have been able to spot the potential dangers in the recent flag-raising incident and not have allowed it to fester and then finally explode.

There are, of course, other configurations to the system. For example, computers attached to field units will make unnecessary the vast storage depots and cumbersome supply lines that formerly slowed the Army's pace. By keeping up-to-the-minute tallies of stock levels and requirements they will instantly notify the rear echelons what is needed and where and when they are needed. By reducing the need for vast logistics support, our fighting forces on land, in the air, on and under the sea, could travel faster and lighter.

The computers of the future system will assume important intelligence and counterintelligence roles. For example, they will assess the enemy's intentions—taking into account all possible assumptions about his politico-military objectives, both strategic and tactical; his capabilities and limitations; what circumstances will stimulate what level of response and so on. By playing and replaying any number of conceivable enemy combinations, the computer ultimately reduces the possible to the plausible.

As incredible as all this might have seemed a decade ago, it is, today, only the prelude to still other communications advances. We can, for example, foresee two-way global sight, data, and sound communications with any person in the field, down to the individual GI if need be. The link-up will be accomplished by a small portable transceiver connecting by radio through a ground terminal to a communications satellite. It will be possible to communicate directly simply by dialing the appropriate code number. In a similar way, computers will be able to contact other computers or surveillance devices anywhere in the world.

In addition to the satellite network, future communications systems will include high-capacity transistorized cables, laser beams operating in space and through cables on the ground, and communications through rock strata under the surface of the earth.

Should many or most of these systems be made ineffective or destroyed by attack, we would still have emergency world communications by shooting missiles from hardened sites thousands of miles into space where for several hours they would broadcast pretaped instructions or serve as active message repeaters to major areas of the globe.

Of course, tomorrow's computers will be considerably smaller, more reliable, and vastly swifter than today's generation. They will use far less power, possess greater data capacity, and be infinitely more intelligent than anything in operation today. They will achieve results similar to those of the human brain, proceeding by a process of logic, learning by experience, never forgetting, and never repeating the same mistake.

We also will have sensing and identification devices that will function as an electronic equivalent to primitive animal sight and hearing. They will distinguish from among many objects, rejecting those which are unimportant to their mission, and reporting only the meaningful data—what types of enemy tanks, how many, moving in what direction, accompanied by what other vehicles and equipment. They will report directly to the computer, in digital code, in flashes of an instant.

These and masses of other data, assembled, sorted, evaluated, digested, and integrated, ultimately will feed out of a battery of computers in tomorrow's war room onto a huge cycloramic television screen showing a constantly updated sweep of events around the world.

The television cyclorama will be in color for clarity, differentiation, and emphasis. It will be divided into segments, each section handling a different facet of the total display. For example, one such section might be a status map of the entire world showing the global situation at a glance. Another would show one area in detail, perhaps in three dimensional relief. A third would present a live TV coverage of an event in process of happening. On another segment of the screen, the computer will report, in written English, what and where the problems are. Another section will delineate the alternatives; still another will suggest appropriate actions, and a fourth will assess the probable and actual results. The visual information, incidentally, will be transmitted via satellite from TV cameras on the spot, operating from remote controlled planes, or inspection satellites.

Certain conclusions may be drawn from these developments, and I will mention only three briefly.

First, for all its versatility and usefulness, I do not believe that any computer or combination of computers will replace personal judgment, intuition, or inspiration, or ever conceive the heights to which the human spirit can soar. What, for example, would a computer have told Churchill in June 1940, after his army was shattered at Dunkirk and the Luftwaffe was droning over England? Certainly, the computer cannot be given final authority for the fate of the Nation. Man's future, for better or for worse, can never be surrendered to a machine.

Second, with computers in extensive use, there is bound to be a trend toward greater participation by headquarters in tactical operations. Although field decisions certainly will rest with the field commander, knowledge of how his actions will affect other theaters will offer opportunities for greater global coordination.

Finally, although human judgment will remain supreme, the military leaders of tomorrow must possess a broad working knowledge of computers, their uses, and potentialities. Such indoctrination will be basic to every officer's training and will be an integral part of the study courses in our service academies and elsewhere. The presence of so many general officers at this 5-day seminar is one significant indication of the trend.

But the rate at which we press forward with these developments will depend upon many factors in addition to science and technology. Frequently, there is an unfortunate timelag between scientific progress and its application. One such example concerns this Nation's ability to make full use of its communications capabilities in the era of space satellites.

Technology has already blurred and obsoleted the distinctions between voice and record messages. Telephone, telegraph, telex, facsimile, television, computer data, can now be sent and received over the same circuits. The individual or organization wishing to talk, transmit, and record information at the same time is no longer satisfied with partial service or the inconvenience of separate services.

In the summer of 1962, in an address before the American Bar Association, I urged the development of a unified national communications policy leading to the adoption of a single, privately owned, independent American company in the international communications field operating under appropriate Government regulation.

Such a unified American company would provide the maximum advantages to the public of the new and rapidly developing technology. Moreover, unification at the American end of international communications circuits would enable us to deal on a basis of equality with the unified organizations at the foreign end of the same circuits. This is of vital importance to Americans in negotiating and establishing rates, routes, classes of services, division of tolls, and related matters.

As things stand now, certain provisions of existing communications laws and regulations are in conflict with the underlying principle of the same laws, which is to serve the "public interest, convenience and necessity." The advances made in technology call for such modification of existing law as would provide the public with all the benefits of modern communications and at the same time place the United States in a position of practical equality in competing with any foreign organization engaged in world communications.

The reasons which prompted me to propose a unified American international communications company 2 years ago have become more valid with each orbital journey of a communications satellite in space, and with the addition of each modern international cable.

Just as the military has recognized changes in the communications art by its recent realinements of the Signal Corps' functions, so I believe the Government should recognize the changes that are taking place in commercial communications, particularly in the international field.

Progress in organization must keep pace with progress in technology, for to neglect one is to sacrifice the other. Certainly America, which historically has led in the development of new forms of communications, should also lead the way in providing for their most efficient use. The security and prosperity of our Nation demand no less.

General Gibbs, I congratulate you and staff on your forward looking spirit and your initiative in constructing this seminar around a subject so vital to our future.

EYE CARE, FRAUDS, AND S. 2180

Mr. **WILLIAMS** of New Jersey. Mr. President, vision is one of man's most priceless gifts.

I was pleased to cosponsor with several of my fellow Senators, Senate Joint Resolution 113, authorizing the President to designate "Save Your Vision Week" as an annual national observance.

Modern life greatly enriches the rewards which flow to man's mind through his eyes. But the complexities of modern life also greatly tax those eyes. Driving powerful automobiles on high-speed highways keeps us on constant visual alert. Keeping abreast of developments in virtually every field of endeavor requires a skimming and reading of countless magazines, newsletters, and other specialized publications which disseminate information on important developments. All of us who must read an unending stream of letters, reports, bills, and so forth, are acutely aware of this necessary task. Television, which opens up unlimited vistas for entertainment and knowledge, as well as books, newspapers, and magazines which we read for pleasure, all further burden our busy eyes.

The Senate Subcommittee on Frauds and Misrepresentations Affecting the Elderly, which I have the great honor to chair, recently heard testimony from representatives of the American Optometric Association which reaffirmed my own personal conviction that the vision of our people demands our fullest attention.

The Nation's vision problems require dual action—on the part of the States and on the part of the Congress.

Vision defects leave people open to being victimized by unscrupulous individuals who have no compunction in taking advantage of persons requiring eye care to make a quick profit.

On the State level, it seems to me our legislatures should insure that only well-qualified, properly licensed optometrists and ophthalmologists are permitted to care for the vision needs of the people.

The first licensing optometrists law was passed in 1901 in Minnesota, and now each of the 50 States and the District of Columbia have such a law, but most of them require revision. In 1914 my own State of New Jersey passed its optometry law. It has been amended several times and I am very proud to report that New Jersey now requires the highest standards of practice in the eye care field.

Testimony presented before the Subcommittee on Frauds and Misrepresentations Affecting the Elderly indicates that devices are being foisted on the uninformed and gullible public which, not only does not correct their vision problems, but actually aggravates them.

Sight is too precious to be treated with less than the utmost care. Therefore, it is important to insure that only licensed and qualified professionals are prescribing and fitting eyewear.

Laymen who have been inadequately trained should not be permitted to fit contact lenses. I have gathered from the evidence presented to the subcommittee, that fitting contact lenses is a highly complex procedure demanding the greatest skill and the highest care. In my State of New Jersey, no one may fit contact lenses except an optometrist or a specially qualified physician. I believe that this type of restriction is essential to afford the public the protection to which it is entitled.

But we, too, have a responsibility in Congress. There is a serious shortage of eye specialists in this country which creates an atmosphere in which the unlicensed, untrained, and unscrupulous find opportunity for exploitation.

There are an estimated 16,000 optometrists in the United States, far short of the number needed. Coupled with a shortage of ophthalmologists, this dearth of competent practitioners creates a supply-and-demand situation which makes it profitable for the unlicensed, untrained exploiters to enter the field of vision service where they find no legal or other restrictions to prevent them.

Mr. President, I believe that legislation which I have introduced would help to alleviate this shortage of eye specialists. S. 2180 would afford more students an opportunity to study optometry. I firmly believe that its passage would do much to educate a larger number of qualified practitioners to meet the needs of the American people, thereby reducing opportunities for the unqualified laymen who are now exploiting those in need of eye care.

I earnestly hope the Senate will give consideration to this measure without undue delay.

LOCAL COMMUNITIES TACKLE POVERTY PROBLEM

Mr. WILLIAMS of New Jersey. Mr. President, the war on poverty cannot be won in Washington. As President Johnson wisely pointed out, dedicated community effort will be needed to finish this fight. Recently there have been two fine examples of what can be done by local communities even without Federal help. In New Jersey, Governor Hughes has begun a work-study program for unemployed youths, patterned after the proposed Job Corps. This program will help underprivileged youngsters to improve their work skills while attaining a high school diploma. Under the fine leadership of Ray Male, the State commissioner of labor, and Robert Roe, the conservation commissioner, I am sure that this program will achieve great success.

A similar program is at work in New York City. Already there are 930 students who are being helped to stay in school by New York's "earn and learn" program.

Both these statewide efforts could be expanded with the help of a work-study program offered in a bill which I introduced on behalf of myself and 16 cosponsors. These practical demonstrations of the workability of work-study programs are powerful arguments for the passage of such a proposal.

I ask unanimous consent that two articles from the New York Times be printed in the Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Forest Job Plan Opens in Jersey—14 School Dropouts Arrive at State Lodge Under New Training Course

(By Clarence Dean)

Belleplain, N.J., March 30.—"Say, they have sheets for the beds here."

The speaker was a 17-year-old youth from Newark, 1 of 14 who arrived at the State forest here today to begin a training program that its sponsors hope will change the course of their lives.

Three more youths will arrive soon. The 14 already here are all from the Newark area and have two things in common: they dropped out of high school and they had no jobs.

The program here is designed to remedy both deficiencies. Working in the forest, they are expected to develop habits and skills that will lead to a job They will also receive instruction to prepare them for a course leading to the equivalent of a high school diploma.

The idea, something of a latter-day counterpart of the Civilian Conservation Corps of the depression, originated with Raymond F. Male, State commissioner of labor and industry.

PLAN GREW QUICKLY

Mr. Male was taking a Sunday afternoon drive with Robert A. Roe, State commissioner of conservation and economic development, to inspect some of the park lands acquired under the green acres program.

"Bob," Mr. Male said, "you have 50,000 green acres and I have 50,000 unemployed young people in the State. Can't we get them together?"

The plan evolved swiftly.

The conservation department agreed to divert funds normally spent for seasonal help, since maintenance and such work as clearing trails can be performed by the trainees.

The department of education agreed to supervise the instructional program. The department of institutions and agencies agreed to provide hot meals from the State training school at nearby Woodbine. The department of defense offered work clothing and other equipment.

The 17 youths, who are between 16 and 21 years old, were selected for the initial program by the Youth Career Center in Newark, a federally financed demonstration project.

Members of the group will receive $20 a week. Their participation is voluntary and the period of their stay at Belleplain is indefinite, "only as long as it takes to place them in a permanent job," according to Mr. Male.

Eleven of those who arrived today are Negro and three are white.

They will live in a three-story hunting lodge facing a lake, and it was here that they found sheets for the dormitory beds.

They also found a television set and a table tennis table There was a billiards table, too, but it had not been set up.

"That's no problem," said an 18-year-old named Ronald. "We'll fix that. I've had experience with pool tables."

Earn and Learn Plan Cutting Dropouts

(By Theodore Jones)

Michael Brown, an 18-year-old senior at Evander Childs High School, said yesterday that 6 months ago he had been ready to increase the city's number of school dropouts by one.

"It was a matter of money," the tall, lanky youth explained, "I was going to quit school and find a job to help out at home."

Michael never got around to acting on his plans. A guidance counselor at Evander Childs found the solution by suggesting that the youth might qualify for the municipal cooperative education program.

Both the youth and his foster parents were receptive so today Michael is one of 930 high school students participating in the city's earn and learn program.

SCHOOL ON ALTERNATE WEEKS

The program, designed to keep potential dropouts in school, was started by the city in September 1961, under the sponsorship of the board of education and the city Department of Personnel.

It enables high school juniors and seniors who in the estimate of school authorities are potential dropouts to alternate school weeks with on-the-job training in city departments.

After a series of aptitude tests, Michael was placed with the Department of Marine and Aviation as a junior draftsman trainee.

"It's great," the Bronx youth said yesterday. "I had 3 years of drafting in school, so I know what I'm doing."

Under the program, the youth is paid slightly more than $50 a week. He receives credit for a major in school for his on-the-job training.

So that his school year is not extended, Michael and the other participants in the program are permitted to double-up in such subjects as English and history during their school week.

NOTHING TO LOSE

Yesterday, Theodore Lang, the city's personnel director, explained that the purpose of the municipal program was "to drain the flow of school dropouts into the unemployed pool of the city."

Mr. Lang, who is also chairman of Mayor Wagner's stay-in-school program, described the city effort as "tailor made" for helping the potential high school dropout.

"The beauty of this type of program," he exclaimed, "is that the city has all to gain and nothing to lose. There isn't an extra dollar to be spent."

Mr. Lang said that the youths "had to produce" to stay in the program. Reports from the various city agencies, he said, "show that they are producing, and this is borne out by the fact that the dropout rate in this program is only about 2 percent."

Mr. Lang's optimistic view of the program was substantiated by school authorities, who noted that there had been a decrease in the dropout rate since the inception of the program.

Marcus Karten, one of the education coordinators, estimated that two-thirds of the students in the program had been potential dropouts. He said this had been determined by a review of school records, reports from teachers, and "general knowledge" of family situations.

Under Mayor Wagner's drive against poverty, the municipal program is to be expanded to 2,000 students. Another objective, Mr. Lang said yesterday, is to attract "the participation of private industry in this worthwhile venture."

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Mr. President, I yield to the Senator from Minnesota under the conditions previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MRS. ELEANOR ROOSEVELT BY MRS. LYNDON B. JOHNSON

Mr. HUMPHREY. Mr. President, it has been said of Eleanor Roosevelt that she preferred to light one small candle rather than to complain of the darkness.

Yesterday one of the most moving tributes to this great lady was made by another great lady—the President's wife, Mrs. Lyndon B. Johnson. In a brief statement given in New York to commemorate the first anniversary of the Eleanor Roosevelt Memorial Foundation, Mrs. Johnson recalled qualities that made Mrs. Roosevelt beloved throughout the world—compassion, goodness, and courage. I believe, Mr. President, as Mrs. Johnson said, that Mrs. Roosevelt achieved in her person those qualities which America is striving to achieve for itself, as a nation, and for the world as well. The refusal to accept injustice and human suffering as inevitable and the courage to take the acts necessary to change these conditions when they exist are the essence of what Mrs. Roosevelt stood for, and the essence of what America stands for. And I cannot help noting, Mr. President, that the proud and fine lady who spoke so beautifully yesterday symbolizes these same qualities in herself.

Winston Churchill once said that perhaps the most important occurrence of his life was when he convinced his wife to marry him, and that this made all the other things possible. I believe the same might be said of our great President. Mrs. Johnson's courage, her dignity, her human warmth and understanding, have made her an ideal lifetime companion to the man who is our President. She is the latest of many graceful and distinguished women who have filled the role of the Nation's First Lady.

I ask unanimous consent that the tribute be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

TRIBUTE TO ELEANOR ROOSEVELT BY MRS. LYNDON B. JOHNSON, ELEANOR ROOSEVELT MEMORIAL FOUNDATION FIRST ANNIVERSARY LUNCHEON, HILTON HOTEL, NEW YORK, THURSDAY, APRIL 9, 1964

Mr. Ambassador, Mrs. Kintner, friends of Eleanor Roosevelt, for me, it is a great privilege to come here today and participate in this anniversary occasion.

I met Eleanor Roosevelt first in print and admired her. I met her later in person and loved her. As she did to many very young and very timid congressional wives, she extended her hand and hospitality to me—and Washington was warmer.

I saw her last when she came to my home on February 12, 1962, the day the Commission on the Status of Women was organized under her chairmanship and her inspiration. She was 78. I have often thought how much she made those years count for her country.

"Nobody," said Marcus Aurelius, "is either the better or the worse for being praised." We are engaged in an idle ceremony, which would have brought no comfort to Eleanor Roosevelt, if we come here merely to praise her great qualities and achievements. She does not need our praise.

All of us are familiar with people who are the partisans of departed virtue, but are afraid to defend an unpopular truth today. Mrs. Roosevelt never stood with this timid company. Her conscience was her counselor, and she followed its commands with unfaltering courage. Nor did she really understand what people meant when they praised her for taking so many risks. She would have taken the greatest risk of all if she had remained silent in the presence of wrong. She would have risked the integrity of her soul.

A rabbi of the Jewish community in Berlin under the Hitler regime once said: "The most important thing I learned is that bigotry and hatred are not the most urgent problems. The most urgent, the most disgraceful, the most shameful, and the most tragic problem is silence."

Eleanor Roosevelt taught us that sometimes silence is the greatest sin.

Do you remember what Dr. Samuel Johnson said about courage? "Unless a man has that virtue, he has no security for preserving any other." Mrs. Roosevelt knew what those words meant. She lived their meaning every day of her life. Courage sustained by compassion—that was the watchword of her entire career.

Always she thought not of abstract rights, but of living wrongs.

I watched her at close range one day when she spent 2 hours helping the 75th Congressional Club give a benefit luncheon to buy a wheelchair for a crippled boy.

Only one person was benefited but where else do you start, but with one person?

She thought of the suffering individual, not of a theoretical principal. She saw an unemployed father, and so she helped him. She saw a neglected Negro child, and so she educated him. She saw dictators hurling the world into war, and so she worked unflinchingly for peace. She saw the United Nations divided by the conflict of ideology and power, and so she became the prophet of the Universal Declaration of Human Rights. Are we ready to fight similar battles against new foes in our own day? If not, our grief is an empty thing, and the spirit of Eleanor Roosevelt is not among us.

President Wilson used to say that some people in Washington grow in office, while others merely swell. Mrs. Roosevelt steadily grew under the compulsions and inspirations of her great office. But, it is perhaps the ultimate tribute to Mrs. Roosevelt that she reached true greatness after the shock of her bereavement when she went bravely forward in a new career as a spokesman for America and a servant of world peace. In the White House she was the First Lady in the land, but after the White House she became, as Ambassador Stevenson has reminded us, the First Lady in the world. Great was her goodness, and it was her goodness that made her so great.

Let us today earnestly resolve to build the true foundation for Eleanor Roosevelt's memory—to pluck out prejudice from our lives, to remove fear and hate where it exists, and to create a world unafraid to work out its destiny in peace. Eleanor Roosevelt has already made her own splendid and incomparable contribution to that foundation. Let us go and do likewise, within the measure of our faith and the limits of our ability. Let Eleanor Roosevelt teach us all how to turn the arts of compassion into the victories of democracy.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Mr. President, I yield to the Senator from Nebraska under the same conditions previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEAT IMPORTS

Mr. HRUSKA. Mr. President, immediately following rejection by a 44 to 46 vote of the Hruska amendment to limit meat imports, this Senator announced that he would continue efforts for enactment of the measure by whatever vehicle available.

Accordingly, an independent bill, S. 2612 with 21 cosponsors was introduced; also proposed was an amendment to H.R. 1839 now pending in the Finance Committee.

At about that same time, letters were addressed by me to the President and to the Secretary of State respectfully urging them to reconsider their position of opposition which was so evident and expressed during consideration of the measure in the Senate.

Replies have now been received on behalf of the President from the Honorable Christian Herter, special representative for trade negotiations; and on behalf of the Secretary of State from the Honorable George W. Ball, Under Secretary of State.

These replies are sorely disappointing, Mr. President. Frankly, it was hoped that the strong and broad showing in favor of the measure as made in the Finance Committee in recent weeks might have caused a rethinking on this question by the administration.

Unfortunately, that is apparently not the case as yet.

The letters say that foreign trade policy comes first, domestic industry comes last. The credo of freer trade seems to be the prime and sole item of importance. Everything else must be sacrificed to that. The realities of the situation—its urgency and immediacy to the cattle, feed, and related industries—these things do not seem to rate at all.

As an illustration of the kind of thinking that apparently controls the State Department on this subject, I will read one sentence from his letter:

"If, just after the conclusion of these arrangements"—referring to the very unfortunate agreements that have been made by the executive branch with Australia, New Zealand, and Ireland—"the Congress were to impose a further mandatory cutback on beef imports, we could expect serious resentment."

Apparently, the emotional reaction, the resentment, of a foreign nation is considered of more importance than the prosperity or even the solvency of a great American industry. With our cattle industry there is a good deal more than emotional reaction involved—the price collapse of the last 16 months has inflicted serious and irreparable harm on every element in the industry and related industries as well. In fact, it has operated to depress the entire economy of rural America.

It is not my purpose to rebut each of the statements contained in these letters, but two points in particular should be called to the attention of the Senate.

In Mr. Ball's letter it is stated that the Australia, New Zealand, and Ireland agreements were "worked out after a good deal of conversation with the cattle growers." There may have been conversation, but there certainly was no meeting of minds. Every major organization of cattle raisers or cattle feeders is up in arms against these agreements as actually entered into. Some of them have adopted formal resolutions of condemnation; others have appeared before the Finance Committee in support of the quota amendments that are pending there. Mr. President, I ask unanimous consent to insert at the conclusion of my remarks, resolutions of some of the cattlemen's organizations.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **HRUSKA**. The second point of particular interest is the effect of these imports on domestic cattle prices. The reluctance of these administration spokesmen to face the hard facts of business life never ceases to amaze me. Imports of beef have reached record heights. Cattle prices have experienced a near-record collapse. Yet we are asked to believe that, when these two developments occur at the same time, it is sheer coincidence.

If imports have nothing to do with our domestic livestock prices, why did the administration see fit to negotiate these agreements at all?

As to domestic overproduction being the major reason for beef price decline: present U.S. cattle population is about 107 million head. If this is overproduction to a harmful degree, then 117 million head is even worse. The 117 million head is actually what the U.S. economy is supporting—107 million head located in the United States, and about 10 million head located in beef exporting nations' herds from which are derived the 3½ to 4 million head received in the United States by way of import, chiefly in carcass and boneless form, at 1963 levels. The Department letters indicate that U.S. industry should adjust its production, but the exporting nations are excused from this burden since they are protected in permissible volume by the agreements approved by President Johnson.

Secretary Freeman told our Agriculture Appropriations Subcommittee that he would have liked to see a greater rollback of imports. He confessed that the agreements with Australia, New Zealand, and Ireland provided for the admission of more beef than he wanted to see. Why should Secretary Freeman desire such a reduction in beef imports if, as Mr. Ball states in his letter, beef imports have had little or no effect on our prices?

These letters from Mr. Ball and Mr. Herter are discouraging, Mr. President. However, there is this ray of hope in the situation. Ever since the storm of indignation which greeted the Australia-New Zealand agreements, the administration has been in almost continuous retreat. Evidently, they recognize that something must be done to appease the wrath of the cattlemen. To this end, gesture after gesture has been taken. A special beef buying program for school lunches was announced during the midst of the debate on the Hruska amendment. A cooperative promotion program with the industry has been undertaken. A new policy of procuring American beef for use of our troops overseas has been instituted. Then, most recently, came the announcement that Australia and New Zealand would not, after all, ship to this country in 1964 the quantities of beef provided in those agreements.

News of any such reduction is gratefully received. It means more room for American beef in American consumers, as long as such reduced levels exist. But it does not do away with the necessity for legislation. It still leaves hanging over the heads of American cattlemen and farmers the capacity of exporter nations to bring in up to about 10 percent of U.S. production. What they may cut off therefrom this 6 months, they can just as summarily put back on during the third or fourth quarters of the year.

In the planning of the cattle business, the factor of certainty within reasonably attainable limits is as desirable, and in fact more necessary than in many lines of business. This is so because of the long period of time—4 to 5 years—which is required to breed, raise, feed, and market cattle. Such could not be the case with export nations being able at will to resume their shipments to America within the volume provided in their agreements.

Hence, such announcements, as well as news that a "new" policy of beef procurement for use of troops overseas, and so forth—mere palliatives at best—at least indicate that the administration is worried. Perhaps that is good. Meantime, efforts should not be relaxed. It is still possible that the administration will accept the necessity of placing firm limits on the quantity of importations of beef, when it is unmistakably clear that cattlemen will accept no half measures, or expedients.

Mr. President, I ask unanimous consent that there be printed in the Record at this point the exchange of correspondence to which I have referred; namely, the text of my letters to the President and to the Secretary of State, and the replies received respectively from Ambassador Christian Herter and the Under Secretary of State.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

March 7, 1964.

The President,
The White House.

My Dear Mr. President: On Thursday of this week, the Senate, by a vote of 44 to 46, rejected an amendment to the wheat and cotton bill which would have imposed quotas on meat and livestock imports which have so disastrously affected the American rancher and farmer.

Debate on the amendment showed clearly the strenuous opposition of your administration to the proposed legislation. One of the leaders of the Senate was quoted as saying the bill would be vetoed if the amendment were approved.

The outcome was hailed in the press as your most important legislative triumph to date. The vote may well have been considered a victory, Mr. President, but it was a disheartening defeat for American agriculture.

Nothwithstanding the considerable pressure brought to bear by the highest officials in the administration, 20 members of your party, together with 24 Republicans, voted for the amendment.

It is my hope that the wide support for this amendment in the Senate, fortified by virtually unanimous endorsement of ranchers, cattlemen and farmers throughout the Nation, will persuade you to reconsider your opposition.

Throughout the extended debate on the amendment, no one challenged the merits of the proposal. The majority leader, Mr. Mansfield, and the floor manager of the wheat-cotton bill, Mr. McGovern, argued, in fact, in behalf of the substance of the bill and based their opposition only on procedure. The same is true of many other Senators who voted against the amendment.

I have now redrafted the proposed amendment and introduced it as a bill. Because of the impending protracted discussion of the civil rights bill, the prospects for early hearings and action by the Senate are not bright.

Nonetheless, the critical nature of the problem requires that everything possible must be done.

The purpose of this letter is to request:

1. That you and other officials of your administration display the same enthusiasm in support of legislation to curb the devastating flood of meat and livestock imports as was shown in opposition to the Hruska amendment; and

2. That the voluntary agreements with Australia, New Zealand, and Ireland be immediately renegotiated at levels consistent with the proposed legislation.

Statistics released this week by the Department of Agriculture show that "this year began with a record number of cattle on (U.S.) farms—106.5 million—making 1963 the sixth consecutive year in the buildup phase of the cattle cycle that began in 1958."

In 1963, over 28 million cattle were slaughtered in the United States. The agreements with Australia, New Zealand, and Ireland mean, Mr. President, that in 1964 the equivalent of 3.5 million head, raised, fed, and slaughtered abroad, will be added to that record figure, and even more will be added in 1965. The result is ruin for the American cattle market.

It has been said, Mr. President, that as a cattleman, you are conscious of the life-and-death importance of this matter. It is earnestly hoped that you will use the considerable influence of your Office with due regard and compassionate action on behalf of the American cattleman and farmer.

With kind personal regards.

Respectfully,

Roman L. Hruska,
U.S. Senator from Nebraska.

U.S. Senate,
Committee on Appropriations,
March 7, 1964.

Hon. Dean Rusk,
Secretary of State,
Washington, D.C.

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Debate on the amendment showed clearly the strenuous opposition of you and other administration officials to the proposed legislation. Notwithstanding the considerable pressure brought to bear, 20 members of your party, together with 24 Republicans, voted for the amendment.

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Nonetheless, the critical nature of the problem requires that everything possible must be done.

The purpose of this letter is to request:

1. That you and other officials of the administration display the same enthusiasm in support of legislation to curb the devastating flood of meat and livestock imports as was shown in opposition to the Hruska amendment, and

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It is my hope, Mr. Secretary, that you will give this matter your personal attention and withdraw your opposition to legislation which will supersede the unfortunate agreements with New Zealand, Australia, and Ireland.

With kind regards.

Sincerely,

Roman L. Hruska,
U.S. Senator, Nebraska.

April 2, 1964.

Hon. Roman L. Hruska,
U.S. Senate.

Dear Senator Hruska: Secretary Rusk and I have considered carefully your letter of March 7 on the meat import question. You ask that the Department support legislation to restrict meat imports and that we renegotiate the agreements recently concluded with Australia, New Zealand, and Ireland.

There are several reasons why the State Department cannot support the course of action you suggest.

1. Beef imports have had only a minor effect on beef prices. The industrial beef that makes up most of the imports is not directly competitive with fed beef. Domestic overproduction, not imports, is the major reason for the decline in fed beef prices.

2. In view, however, of the distressed position of the cattle growers, the State Department, in close cooperation with the Department of Agriculture, negotiated agreements with Australia, New Zealand, and Ireland to bring about a reduction and stabilization of beef imports from these principal suppliers. These agreements were worked out after a good deal of conversation with the cattle growers. They represented a serious effort to help alleviate an unhappy situation.

3. Under these agreements imports from Australia and New Zealand in 1964, for example, would be reduced by some 6 percent from their 1963 imports. It was not easy to obtain the agreement of the producing countries to this arrangement. Australia, which is by far the largest source of our beef imports, buys substantially more goods from the United States than it sells to us, and it is always hard to persuade a good customer to reduce its sales to us without its responding by reducing its purchases.

4. But Australia, New Zealand and Ireland did agree to these arrangements in good faith and without asking any reciprocal concessions from the United States. If, just after the conclusion of these arrangements, the Congress were to impose a further mandatory cutback on beef imports, we could expect serious resentment.

5. Moreover, we could do great harm to our overall trading interests. Mandatory meat quotas would violate our obligations under the GATT and open us to very substantial trade retaliation by the countries from which we now import meat. We would be obligated under the GATT to accept such counteraction, just as the Europeans were obligated to accept our retaliation when we reacted to the restrictions they imposed upon the sale of our chickens.

6. Even more important, a mandatory cutback of our imports of beef, would greatly weaken our efforts to preserve the markets for our agricultural products around the world. As you know, the American farmer has an enormous interest in the preservation of liberal trading principles for agricultural products—and we cannot afford to jeopardize that interest. Last year the United States exported on a commercial basis (excluding Public Law 480) more than $4 billion of temperate agricultural products—more than twice as much as our imports of such products.

7. We are all aware of the threatening signs of protectionism in agricultural markets around the world. If the United States were to set an example by unilaterally cutting back on meat imports we would run the risk of seriously impairing the chances of the American farmer to maintain and expand his place in world markets.

8. For all of these reasons we feel that mandatory legislation along the line you have proposed would be very unwise. At the same time, we regard the long-term agreements recently worked out to control meat imports as only an interim solution to a difficult problem. For the long range, it is the aim of the Government to try to negotiate broader international arrangements to increase the access of meat exporting nations to other major markets, and such arrangements should relieve the pressure of imports on the U.S. market.

Indeed as you no doubt know, the Australian Government has already announced that its exports of beef to the United States during the first 6 months of 1964 will be 45 percent less than in the same period of 1963, and there is reason to hope that the apparently favorable worldwide market for meat this year may relieve the pressure on the U.S. market even before such broader arrangements are negotiated.

With kind regards.

Sincerely yours,

George W. Ball.

Office of the
Special Representative
for Trade Negotiations,
Executive Office of the President,
Washington, D.C., April 6, 1964.

Hon. Roman L. Hruska,
U.S. Senate, Washington, D.C.

Dear Senator Hruska: The President has asked me to reply to your letter of March 7, 1964, regarding the proposed legislation to impose quotas on meat and livestock imports. I appreciate your justifiable concern about the prices of beef. However, for the reasons set out below, I do not believe that the proposed legislation would be in the national interest.

The immediate cost of such action to the trading interests of the United States would be great. Unilateral quotas of the kind proposed would violate article XI of the GATT, which prohibits quantitative restrictions. As a result, the United States would have to suffer retaliation probably in the form of quotas against U.S. exports equal to the decline in beef trade. In such a case, other U.S. producers would be forced to pay the price. Indeed, the voluntary agreements recently concluded with Australia, New Zealand, and Ireland were concluded in part to avoid the harmful consequences of U.S. import quotas.

The longrun costs would be even more serious. Free and expanding world trade in agriculture is of cardinal importance to the United States. We are the world's largest exporter of agricultural products, marketing abroad the production of about 1 out of every 5 domestic acres. At the same time, we are presently confronted with a serious threat to our continued access to important foreign markets. Major changes are taking place in the agricultural trade policies of many traditional importing countries, with a definite leaning on the part of those countries to restrict rather than expand trade in agricultural products.

In particular, the European Economic Community is now in the process of establishing a common agricultural policy for its six member countries. This policy is a matter of major importance to us, since the EEC is our biggest single cash market for agricultural products. Accordingly, we have made it very clear that we expect the common agricultural policy to preserve the opportunity of efficient suppliers, including meat producers, to compete in the market of the EEC.

The United States is about to embark upon serious and comprehensive negotiations with respect to agricultural trade. The job of persuading importing countries to grant more liberal access for these products will be one of the most difficult we face and will require us to generate the greatest possible support for our demands among all governments concerned. Were the United States itself unilaterally to resort to quantitative restrictions on beef at this critical time, we would make our negotiating position untenable. I cannot overemphasize the seriousness of the consequences such action would have on the success of our agricultural trade policy in these negotiations.

Entirely aside from any other considerations, the three agreements which we recently concluded constitute no mean achievement. Should the proposed legislation be passed by the Congress and become law, the three Governments might well feel that the United States had acted in bad faith. This would certainly tend to cast doubt upon the intentions of the U.S. Government in the forthcoming trade negotiations.

The exorbitant price we would have to pay for added protection for beef at this time clearly requires, I believe, that such action not be taken unless there are imperative needs which cannot be met in some other way. While this Office is not competent to make such a judgment, I understand that the Secretary of Agriculture has already concluded that the recent increases in imports, while significant and justifying the need for the agreements recently concluded, have not been the primary cause of the present problem of the beef industry. Indeed, he has stated that there is conclusive evidence that overproduction in fed cattle is responsible for most of the current drop in prices. Accordingly, it would appear that the proposed quotas would not make a contribution of sufficient significance to the alleviation of the present problem as to offset the serious losses we might suffer in the difficult negotiations that lie ahead.

At the same time, I understand that, in recognition of the difficulties of the beef industry, the Department of Agriculture has already begun to increase its purchases of beef for the school-lunch program and for distribution to needy persons. It has also launched, in cooperation with the beef industry and with retailer and food groups, an expanded promotion program in order to move beef to market at the best possible price.

Most sincerely yours,
CHRISTIAN A. HERTER,
Special Representative.

EXHIBIT 1

RESOLUTIONS OF THE AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION, DENVER, COLO.

IMPORTS

Whereas imports on beef are at an all-time high; and

Whereas these heavy imports are seriously depressing our domestic cattle markets; and

Whereas a portion of these imports is of primal cuts which severely damage our domestic price structure; and

Whereas the production potential of beef in certain countries exporting beef to the United States is virtually unlimited; and

Whereas the American producers and feeders are obligated to pay high fixed costs associated with labor, land, local and Federal taxes, and other expenses over which he has no control, which are higher than those of his foreign counterpart; and

Whereas the stability of the American beef industry is essential to the growth and welfare of the entire American economy in all States; and

Whereas continued price depression will inevitably result in removal of capital from the United States to foreign points with concurrent employment losses; and

Whereas the American producer taxes himself to develop an expanded market for his product; and

Whereas in recent years the foreign producer has benefited from our expanded market out of proportion as compared with the benefits derived by our domestic suppliers; and

Whereas quotas so large as to be disastrous to the American producer and feeder, and unacceptable to the American public, may well set into motion restrictive forces which in the long run will have unfavorable impact upon exporting countries: Therefore be it

Resolved, That the American National Cattlemen's Association in convention at Memphis, Tenn., January 29, 1964, recommended to the Congress, the State Department, and the Department of Agriculture that quotas on imports of beef and beef products into the U.S. ports of entry be established with principal exporters at levels substantially less than those in recent years; and be it further

Resolved, That composition of imports be considered so as to embrace in future quotas cooked and cured meats and sharp reduction in importation of primal cuts; and be it further

Resolved, That should a growth factor be involved in any negotiations, it be at substantially less than the full amount, a provision to encourage the American producer on a continued basis to use his own funds, time, and energies to develop the domestic market for beef and use of our surplus feeds, and be it further

Resolved, That copies of this resolution be sent to the President, Members of Congress, the Cabinet, and all affected agencies, Government and non-Government, together with heads of government of exporting countries.

RESOLUTION OF NATIONAL LIVESTOCK FEEDERS ASSOCIATION ON IMPORTS OF MEAT AND MEAT PRODUCTS

In view of the fact that the United States is practically the only country which does not impose realistic tariffs on, or nontariff barriers against, the importation of meat and meat products allowing these products to enter the United States in unlimited volume; and

Since it has been established that the volume of beef and mutton coming into this country in recent years has depressed our domestic market for live animals thereby directly threatening the economic position of the entire livestock industry and indirectly affecting the economic welfare of many other industries; and

Since domestic producers cannot be expected to compete with foreign production under cost structures in many cases considerably below those in the United States: Be it hereby

Declared, That the National Livestock Feeders Association proclaims for satisfactory reductions in imports of beef and veal, fresh, chilled and frozen, and mutton, including cooked, cured, and canned products, to levels in pounds substantially the same as the volume of product received in 1960, approximately 775 million pounds or 4.9 percent of domestic production that year; be it further

Resolved, That if any market growth factor has to be included in restraints established, it be at a percentage figure below the rate of domestic production increases.

[From the Stockman's Journal, Feb. 19, 1964]

AGREED BEEF IMPORT REDUCTION DISAPPOINTS U.S. CATTLE INDUSTRY—CALL GOES OUT FOR TOUGH LEGISLATIVE RESTRICTIONS

Cattlemen, feeders, legislators, and bankers—representing practically every phase of the producing side of the cattle industry—reacted strongly Tuesday to an announcement that Australia and New Zealand have agreed to curb by 6 percent their shipments of beef to the United States.

While all of these interests favor reduction of foreign imports of meat, they were generally disappointed by the amount of reduction that would result from the agreement announced late Monday by the Federal Government.

As a result, many have called for strict legislation to control the growing volume of meat imports, believed a depressing influence on currently sagging domestic beef cattle prices.

The need for positive legislation to provide reasonable protection against heavy imports of foreign beef was emphasized by the American National Cattlemen's Association upon learning that the two largest shippers—Australia and New Zealand—had agreed on a high quota for future beef shipments to the United States.

Brooks J. Keogh, association president, said in Denver the agreement was not unexpected but that the organization and its 38 affiliated State groups and many Governors and Congressman are "extremely disappointed because we had asked for a lower base than that agreed to."

The agreement provides Australia and New Zealand with quotas equal to the average shipped here during 1962 and 1963, with a growth factor allowing for an annual increase in tonnage of 3.7 percent.

Cattlemen, recognizing that reasonable competition is healthy, had asked for substantially lower quotas because the levels of imports during 1962 and 1963 were exceptionally high and were causing considerable disruption and financial loss in the domestic cattle and beef industry.

"It is only natural that Australia and New Zealand would accept such high quotas because they have everything to gain," Keogh said.

"Our Nation, until now, has had virtually no protection against foreign meat, and it appears that these high quotas still will leave the domestic beef industry in trouble," he said.

"Our only hope is for legislation to establish more reasonable quotas on indiscriminate and ruinous imports."

NLFA OFFICIALS DISTURBED, DISGUSTED WITH AGREEMENT

Officials of the National Livestock Feeders Association in Omaha were disturbed and disgusted with the details of the agreement made Monday with Australia and New Zealand on the limitations of imports of beef, veal, and mutton.

"I'm dumfounded and can't understand why our Government would consent to such an unrealistic agreement," said Erwin E. Dubbert of Laurens, Iowa, president of the NLFA.

"Under the circumstances," Dubbert continued, "we have no alternative but to ask legislation that will reduce imports of beef and veal to the 1960 level which approximated 5 percent of the U.S. production, and we intend to pursue legislation with all the strength we have."

Under the agreement, Australia and New Zealand said they would hold exports of beef, veal, and mutton to the United States to the average volume sent here in the years 1962–63. However, since the agreement does not include cooked, cured, and canned products, total imports in 1964 could equal or exceed the 1963 volume. The agreement also permits annual increases beginning in 1965 at the rate of 3.7 percent which is higher than our domestic population increase.

"The arrangement would permit imports of beef and veal in 1964 at the approximate level, 1.6 billion pounds, carcass weight basis," said B. H. "Bill" Jones, associate secretary-treasurer of the NLFA, "and this means adding the equivalent of 2,667,000 head of 1,000-pound fed cattle to our annual domestic slaughter, or 50,000 to 51,000 head of extra cattle every week." Jones said the domestic livestock economy simply cannot stand this unreasonable addition to our plentiful domestic supply.

"The announced arrangement with the Australian and New Zealand Governments is more in the nature of a surrender by the United States instead of a realistic agreement," said Don F. Magdanz, executive secretary of the NLFA.

"At the annual convention of the feeders association held just last week in St. Louis, Mo., the membership demanded a reduction in imports to approximately 775 million pounds annually and, despite the agreement, the wheels are already in motion to carry out these instructions," Magdanz added.

[From the Evening World-Herald, Mar. 3, 1964]

RESOLUTION URGES A LIMIT ON IMPORTS AT LEVEL OF 1960

(By a World-Herald staff member)

SHENANDOAH, IOWA.—Following is the text of a resolution adopted by the Cattle Industry Committee for Legislative Action in behalf of the five to six thousand persons who attended a mass meeting here Monday:

"It is the consensus of those attending this meeting that attention must be called to the chaotic and serious financial straits in which the cattle industry finds itself, and that this condition affects not only everyone connected with the cattle industry but many other segments of the Nation's economy.

"Be it hereby declared that the Cattle Industry Committee for Legislative Action respectfully petitions the Congress to limit, by legislative action, imports of beef and veal, fresh, frozen, cooked and/or canned or cured, to levels in pounds approximately equal in volume to the level of 1960, approximately 775 million pounds, or 4.9 percent of domestic production that year.

"We further recommend and urge that the cattle industry take effective action toward orderly marketing and production, as well as production more nearly commensurate with consumer demands.

"Be it further resolved that we as a committee urge all organizations to join with us in a united effort to accomplish our objective.

"It is our solemn belief that through cooperation, understanding, and mutual respect, the meat industry from producer to consumer can face a future that will be profitable and satisfactory to all."

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Mr. President, I will yield to the Senator from South Dakota under the conditions previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHEAT-COTTON LEGISLATION

Mr. McGOVERN. Mr. President, this morning, while I was occupying the chair, the distinguished majority leader, the Senator from Montana [Mr. MANSFIELD] paid tribute to a number of Senators who were involved rather actively in the passage of the wheat-cotton bill, which passed the House of Representatives early yesterday morning.

I think the RECORD should show that the distinguished majority leader himself, the Senator from Montana [Mr. MANSFIELD], as well as the distinguished Senator from Minnesota [Mr. HUMPHREY], the assistant majority leader, played a key role making possible a vote in the Senate on this important legislation in time to be effective on this year's crop.

During the Senate debate on that bill, one of the hard decisions the Senate had to make was on the question of whether to accept the amendment relating to beef imports offered by the distinguished Senator from Nebraska [Mr. HRUSKA].

Some of us took the view at that time that, while we would like to see beef imports restricted, it would have been a mistake to add that amendment to the cotton and wheat bill, because it might have cost administration support for the bill in the House of Representatives.

In this morning's New York Times, Mr. William Blair, distinguished writer on agricultural affairs, reports that efforts by President Johnson were a decisive factor in securing passage of the wheat and cotton bill in the House of Representatives.

As Senators know, the bill passed in the House by a margin of eight votes. According to Mr. Blair, sources close to the administration's operation estimated that Mr. Johnson likely changed 15 to 20 votes, through his own great interest in the passage of that bill.

I believe it is certain that, had the Senate adopted the beef import amendment—important as the objective of that amendment is—it would have cost administration support for the wheat-cotton bill, and that in turn would have meant a defeat of the legislation in the House of Representatives. There is no doubt about it.

In other words, we would have ended without any wheat bill, and the beef import amendment would have gone down to defeat with it. As matters now stand, we have a wheat and cotton bill which will be signed into law by the President tomorrow at noon. The bill will save the wheat farmers about $500 million. Twenty million dollars of that saving will be in South Dakota.

The beef import proposal is very much alive. It has already been the subject of extensive hearings before the Senate Finance Committee. A number of Senators have testified before that committee, including the Senator from Nebraska [Mr. HRUSKA] and the junior Senator from South Dakota. I am hopeful that, with the prestige of the Finance Committee behind the bill, and with careful hearings completed, and perhaps with some modification that might make it somewhat more acceptable to the administration, the passage of that import legislation can be assured, so that we shall not only have the wheat and cotton bill signed into law tomorrow, but have a good prospect of doing something about the import situation.

Mr. President, I ask unanimous consent to have printed in the RECORD following these remarks, the article written by Mr. William Blair in today's New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHNSON PHONE EFFORT CREDITED WITH HOUSE VICTORY ON FARM BILL—CAJOLERY, APPEALS, AND "TALKING TURKEY" SAID TO HAVE HELD WAVERING VOTES—GOP MOVED TO STALL MEASURE

(By William M. Blair)

WASHINGTON, April 9.—President Johnson appealed, cajoled, and in some instances "talked turkey" to House Members in the administration's drive to get the food-stamp and farm bills through the House early today.

His telephone calls and other efforts from the White House characterized as a major element in nailing down votes and holding straight some wavering Democrats during the 14-hour session.

Informed sources described the Democratic action as one of the best coordinated legislative lobbying efforts in recent years. As some saw it, the main problem at the end was to overcome the Republican parliamentary moves, which sought to stall the bill and cause defections from Democratic ranks.

HOUSE WORKS STALLED

In the wake of the administration's dual victory, the House was stalled today, apparently by Republican pique over the power play on the farm and food-stamp bills. No business could be transacted because of Republican calls for quorums, reading of the daily Journal, and other time-killing tactics.

It did not seem to be an organized blockade but rather expression of the resentment of a few Members against the Democratic leadership for holding the House in session into the night. The stalling was effective because many Democrats did not show up today.

The business to be brought before the House was its own legislative appropriations bill, the money measure that will keep the House running and pay Members and staffs. It could not be called for action, however, as the Republicans backed up the efforts of stallers on a party-line vote.

WOULD BOLSTER INCOME

The President is expected to sign the farm bill Saturday in a White House ceremony. The bill is aimed at bolstering the income of wheatgrowers by applying a voluntary production control program. It would also aid American textile mills through a new subsidy while at the same time help cottongrowers reduce surplus and sell more cotton.

The food-stamp bill goes to the Senate, where nothing has been done about it. Senator ALLEN J. ELLENDER, of Louisiana, Democratic chairman of the Senate Agriculture Committee, introduced a food-stamp bill at the administration's request but has held no hearings.

President Johnson began before Easter his personal drive to get the two bills through the House quickly. He worked from a list of 25 or 26 House Members regarded as on the borderline. About one-third of the list were northern big city Members; the remainder a sprinkling of southerners, midwesterners, and western and Mountain State Democrats. The list included a couple of Republicans.

His argument varied with the individuals. To some he cited the prospective $600 million drop in wheatgrowers' income unless Congress acted. To some, mainly the more conservative southern Democrats and westerners, he dwelt on the reduction that would be achieved in the wheat and cotton programs by the bill.

To still others, his appeal was strictly partisan with emphasis: "I need your help in this election year."

BELIEVED HE WAS RIGHT

To one southerner, he calmly related that he felt he was right in his drive on poverty and that "something had to be done."

Further, he argued that the cotton situation was worsening and that the cotton section of the farm bill would help right the economics of the industry and aid all sectors of it, from cotton farmers to consumers.

One difficulty that he and his aids ran into was the deep-running resentment they found in some northern Members against southerners who voted to kill the recent pay bill that would have raised salaries throughout the Federal Establishment, including Members' pay.

Sources close to the administration's operation estimated that Mr. Johnson likely changed 15 to 20 votes. The farm bill passed by a vote of 211 to 203, which appeared to be a narrow margin. The Democrats, however, had six votes in reserve. The 2 food-stamp plan passed on a rollcall of 229 to 189.

One of the major but least publicly known figures in the fight was Kenneth M. Birkhead, assistant to Secretary of Agriculture Orville L. Freeman and a former longtime Congressional staff member in various capacities.

The National Grange was the key farm organization with some help from the National Farmers Union. Opposing them was the Nation's largest and most conservative farm organization, the American Farm Bureau Federation, whose president, Charles S. Shuman, said today that the farm bill "will be bad for farmers, consumers, and taxpayers."

President Johnson hailed the farm bill as an example of "good judgment and economic progress" that will benefit all Americans.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. McGOVERN. I am happy to yield to the Senator from Minnesota.

Mr. HUMPHREY. First, I wish to express my thanks to the Senator from South Dakota for his comment in reference to the wheat bill and the part some of us played in its passage. This measure is of great economic help to the Midwest and the entire wheat-producing section of the country.

Visitors to my office in the last 2 days have told me that the passage of the bill represented the difference between solvency and insolvency.

I might add that, had the wheat measure not passed and had beef prices taken a turn downward, there could have been an economic catastrophe in the grain-producing section of the country. This would have been anything but helpful to the Nation's economy. It might well have planted the seeds of a recession or depression, doing away with the benefits of the tax cut.

The President of the United States is to be commended for having played a forceful role of leadership in gaining the passage of this bill, but the leaders in the House are also to be commended—the Speaker, the majority leader, Mr. ALBERT, the majority whip, Mr. BOGGS, and others who were so forceful in having the measure adopted. It was truly one of the most spectacular performances of the 88th Congress.

I commend and congratulate them, not only for the work they did in passing the legislation, but for the beneficial effects that will follow therefrom.

Mr. McGOVERN. The Senator's point is well made. Mr. Blair makes the statement, in the article I submitted for the RECORD, that the activity of the House leadership on the bill has been one of the most brilliant legislative operations in the present session of the Congress.

I agree, too, with the point the Senator has made with regard to the economic importance of the bill.

I received a telephone call a week ago from one of the best wheat farmers of my State, Mr. Don Smith, of Ridgeview, S. Dak., in which he made the statement that, if this bill should fail of passage, he would sell his farm and get out of the farming business; that he could not operate another year without some reasonable assurances of a fair price on his production.

I am delighted with the action taken in the House of Representatives.

SPEECH BY MORRIS B. ABRAM BEFORE CONFERENCE ON SOVIET JEWRY

Mr. RIBICOFF. Mr. President, will the Senator from Louisiana yield to me?

Mr. LONG of Louisiana. I yield, without losing the floor.

Mr. RIBICOFF. Mr. President, the distinguished president of the American Jewish Committee, Morris B. Abram, is well known as an eminent southerner, a humanitarian, and now as U.S. member of the United Nations Subcommission on the Prevention of Discrimination and Protection of Minorities. This week, he delivered a most provocative and informed speech before the Conference on Soviet Jewry, in which he suggested the creation of an international Eleanor Roosevelt Court of Human Rights. I ask unanimous consent that Mr. Abram's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF MORRIS B. ABRAM

We have learned from our extensive studies in the social science that the problem of anti-Semitism, while it certainly affects Jews and has created havoc and catastrophe in human history—this problem is not really a Jewish problem. Wherever it exists, it is a problem of the whole of society.

We need no further proof really of the fact that Soviet anti-Semitism exists—one might say as an instrument of Government policy. We have seen too often its many manifestations, whether in campaigns of oppression against Jewish culture, religion, or tradition or whether in economic and political discrimination. Soviet anti-Semitism exists as a fact. It is one of the severe flaws of the Soviet society which, as we all know, is a closed society, closed, in various degrees but closed nonetheless. Despite breakthroughs here and there it remains a totalitarian system and this is where the trouble really lies.

Let me mention briefly an event of a few months ago which will underscore what I am trying to say. As some of you may know, I am the U.S. member of the U.N. Subcommission on the Prevention of Discrimination and the Protection of Minorities. In many areas throughout the world (particularly those within the Communist orbit or those bordering on it) great capital is made of the race relations crises in this country. The United States is held up to scorn because there seems to be a division between what is considered to be our principles and our practices in some of our race relations.

Consequently, I decided to invite my colleagues, including the Soviet delegate on the U.N. Subcommission, to visit Atlanta, Ga., and its environs for a few days in order to see for themselves what the problems and tensions were. That weekend of January 2 was a normally hectic weekend on the race relation front in Atlanta. There were a number of demonstrations, picketing, etc. During the course of the weekend I drove around with Mr. Ivanov, the Soviet representative on the Subcommission, and showed him Atlanta as I knew it, since Georgia is my native State. In Atlanta and its suburbs we passed through many sections where there were large, well-built houses lived in by our Negro citizens. Mr. Ivanov had some difficulty in believing that Negroes lived in these impressive-looking homes. Furthermore, I told Mr. Ivanov that in the evening he might be treated to a demonstration of the local Ku Klux Klan who were rabidly anti-integration and of course anti-Negro, I said to him "under every one of these KKK bedsheets beats a proletarian heart."

In a closed society the perceptions tend to become fixed and rigid. There can be little or no flexibility or criticism. The proletarian class is "good"—everybody else is "bad"—even when looking at events abroad, a kind of filter is used which admits only stereotypes. That's why it was hard for my colleague, Ivanov, to believe that Negroes could live in good houses, or for that matter, that members of the proletariat could possibly be bigoted and full of hate.

If we wish to understand the patterns and purposes of Soviet anti-Semitism we must see then in the perspective of the society itself. Only then can we focus on the various possibilities of dealing with them. To a large extent I believe that Soviet anti-Semitism is derived from three basic psychological and political factors that have played a large role in determining Soviet policies:

1. The Soviet Union is a powerful state possessing the ultimate weapon but it frequently acts frightened and weak. I remember particularly in debates on the draft convention in the 1963 session of the subcommission how violently the Soviets reacted to suggestions that a citizen should have the right to leave his country because he wanted to change his nationality.

2. This fear of free international travel, as a danger to the national state, is certainly unwarranted in the case of a country as strong as the Soviet Union. But the fear is related to the fact of a closed society and from this flows this second principle of Soviet conduct; namely, that the Government of the U.S.S.R. cannot admit there are any faults in its society at all. As a closed society the Soviet Union would find it very embarrassing to open its frontiers and recognize that any number of people would desire to emigrate. The Soviets, as I know them, would regard this as a criticism of the Soviet system and find it inadmissible.

There is no doubt in anybody's mind that there are Jews in the Soviet Union who might desire to leave the country as there well may be other ethnic groups or individuals. The fact that this is so does not prove that the Soviet Union is an intolerable system for all, or even a majority, of its citizens. It merely means that individuals may have a variety of their own reasons to choose one country over another, such as the ramification of dispersed families. From their fixed point of view Soviet authorities still deem it highly embarrassing for any person, just one person, to elect to leave its society. Thus, the country's borders become the confines of a prison.

3. The third principle that must be considered in seeking to get an understanding of Soviet anti-Semitism is one that I would call the principles of the telescope. As I frequently have said to my Soviet colleague in the U.N., we look through the same tele-

scope at the same time but we don't manage to see the same thing. The reason seems to me to be that you as a Soviet official look through the end which makes the individual smaller and the state larger, and the interest of the individual in this view is subordinated entirely to the interests of the state. I for my part as an American in an open society turn the telescope around and look through the glass that makes the individual large and the state small. Thus in my view the state exists to serve the needs of the individual while in the Soviet view the individual is seen as a cog in the great machine of the state.

The view of the state which is expressed in American political theory and which sees the individual of central concern embodies the prophetic Judeo-Christian view of social justice and individual human worth. The Jewish tradition I must say is compatible with the free and open society and it is quite possible that the Soviet leaders identify Judaism with democracy, except that they use an Aesopian term for democracy. In the Soviet jargon cosmopolitanism has frequently been the term used for democracy or Western democracy, and of course from the Soviet view this is bad.

The subordination to the state runs through Soviet policy both at home and abroad. Thus in a state in which the individual is of secondary importance, his need for expression, his traditions, his heritage, even his safety may be sacrificed for the temporary experiences of domestic or foreign policy.

This is nothing new, for the U.S.S.R. has long manipulated issues of religion as instruments of state policy and for power games whose lines of force are felt in many areas of the world. For example, as far back as 1923 the minutes of the 12th Communist Party Congress revealed a heated debate around the framing of the Soviet Constitution. Rakofsky, Bukharin, and other Bolsheviks argued that the constitution should be drawn up in such a way that would please the Germans and other Europeans. Stalin and his supporters countered that it was much more important to make an impression on the East by granting appropriate concessions to Eastern people.

Stalin stated openly that the targets were India, China and other European eastern countries. The Soviet's attitude toward its three major religious groups, Moslems, Orthodox, and Jewish is a rather blatant example of the political experiences which dictate Soviet policies. Since the Soviets have been concerned with infiltrating the Middle East which is overwhelmingly Moslem and since they realize that the Orthodox religion can be used as a propaganda link to otherwise antagonistic peoples, the Soviets have been posing as protectors of these faiths in many ways. At the same time it is recognized that an attack on Jews will probably be greeted with ill-concealed pleasure by the pan-Arab movement throughout the Middle East. Karl Marx's invective against religion as the "opiate of the masses" has been manipulated into a more practical equation: Religion is the opiate of some of the masses some of the time.

Let me just add a small postscript to this point by quoting Halid Bardash, Syrian Communist Party leader, who has said "The Koran is the key to the gates of the Orient and we Marxists have learned from experience the need to be able to handle the key."

Of course, a closed society which insists on being responsible for everything that happens within its borders and uses every totalitarian technique to retain control frequently finds itself in some ironic situations which would be quite amusing if they were not so tragic.

For example, we of the American Jewish Committee a few weeks ago made public in the West a book called "Judaism Without Embellishment." By now this book has become famous throughout the world because it presents such clear and irrefutable evidence of Soviet anti-Semitism.

It is a hodgepodge, as you all know, of distortions, Nazilike cartoons and scurrilous attacks against Jews and Judaism. It bears the official imprimatur of the Academy of Sciences of the Soviet Ukraine. Now what has happened? I have passed this book on to the Soviet representative Ivanov on the U.N. Subcommission and have asked him all the appropriate questions as to whether this violates in his view the Soviet Constitution. Thus far I have not yet received a direct answer from him. But there have been some answers from the world at large. So blatant is the book, so vulgar and crude are its insults and slurs that Communist Parties in many countries of the world have set up a loud clamor attacking it and for the first time demanding an explanation from the Soviet fatherland. The Freiheit in New York, the Neue Presse in France and other papers and factions have made public strong disclaimers because they can ill afford to be associated with a country or a movement which so clearly apes the Nazi style.

What else has happened? The latest news we have heard is that a Soviet official has asserted the constitutional right on the freedom of speech principle that the book is entitled to be published no matter what it says about Jews and Judaism and the Soviet Government as a free libertarian society has no right to suppress it. Later, the Soviets sought to sidestep the book in a mild statement, but even the Communist paper the Freiheit in New York was not satisfied with this statement. On Saturday we received press reports that the Communist Party of the Soviet Union has admitted what it callled the anti-Semitic spirit and overtones of the book. We welcome this admission and we think it's a step in the right direction, but I believe that the Soviet attitude is still marked by public denial of a very compelling reality. Senator JAVITS and Senator RIBICOFF have clearly pointed out in the Senate and in public forums the hypocrisy of the Soviet Government which practices one pattern of prejudice at home and seeks to disavow it publicly abroad.

I have had personal experience of the profound contradiction between Soviet policy and Soviet action. In the U.N. Subcommission my friends from the Soviet Union are always anxious to draft a set of substantive principles to outlaw discrimination. They frequently push beyond the call of traditional civil libertarian practices in their public and zealous attacks against discrimination in the abstract. But I have noticed time and again that their wills begin to wilt where they face the problem of implementation and in the enforcement of the high sounding principles. The Soviet representatives sound like 19th century nationalists, jealously guarding their borders, when facing questions of implementation. They worry about sovereignty, they anguish over the rights of states (as opposed to the rights of individuals) and they always end up with the proposition that enforcement should be left to the state itself preferably unobserved and unreported in the international forum by any kind of international body including nongovernmental organizations.

We do not believe that any nationality, Germans, Russians, French or Americans are angels. The Germans behaved under Hitler the way they did for many complex, social, economic and historical reasons but mainly because a totalitarian system destroyed their will and finally their power to react against war and to rebel against the deepest violations of human ethical postulates.

In fact, whatever history of anti-Semitism exists as part of the Russian ethos is being whipped up by design as it has been in the Ukraine by the publication of that ghastly book. What is the need to stir up long-smoldering hatreds? Clearly with the Soviet Union regressing to this crude form of anti-Semitism the situation of Soviet Jews is continuing to worsen. We must face the fact that the fate of Soviet Jewry will be whatever the government decrees it to be, the only limitation being the restrictions imposed by outside world opinion or the shifts of internal necesssity.

The traditionally democratic French had the Dreyfuss case. But the anti-Semitism of the most powerful institution of that country could eventually be checked by the democratic political system brought to its senses by a free and enraged press and public opinion. America has had its share of bigots but these are contained by democratic procedures and safeguards. There seems to be a gyroscope in a mature democratic system which Jefferson referred to when he said—"error of opinion may be tolerated where reason is left free to combat it."

Extremist political systems which do not seem to have this gyroscope device—whether they are of a rightist or leftist tradition—usually have made the Jew an object of abuse. What happens most frequently is that the minority group is manipulated by the all-powerful government to meet the very needs it may happen to think it has at that moment.

I believe we make a great mistake when we are willing to settle for improvements in the distribution of economic justice within a state and excuse its absolutist ends and totalitarian methods. Socialism as an economic doctrine stripped of democratic ideals has never been friendly to the Jews. Nor has Populism in this country which in a primitive way sought the redistribution of wealth in the United States. I, as a Georgian, can never forget the role for example, that Tom Watson, the vice-presidential candidate on the Populist ticket from Georgia, played in the Leo Frank case and in his lynching.

The American Jewish Committee, I am proud to say, has long recognized and fought against totalitarianism of the left and the right and its spawn of anti-Semitism. Back in the 1940's the committee published two volumes which authoritatively and with extensive documentation revealed the patterns of anti-Semitism in the Soviet society. I must say that there was a great resistance, public resistance, among Jews and non-Jews alike, against some of these findings and insights.

We know now that the Jew has only been safe in those systems in which (a) all people are safe under a rule of law guaranteeing individual rights even against majority decision; (b) where the government has operated by popular consensus in which the Jew as all other citizens has freedom of choice; (c) where the government is dependent for continuous support of a free electorate which is (d) informed by press and speech, free and open, to oppose and cry out against violations of rights.

In our concern for Soviet Jews and at this very conference, we are not expressing merely a parochial interest. In fact, there is an inextricable connection between human rights and world peace.

As early as the Dumbarton Oaks Conference, which was a precursor to the Charter of the United Nations, it was stated that the international organization to be founded should "promote respect for human rights and fundamental freedoms." There are other statements in the charter and later of course in the Declaration of Human Rights which can be used to make this point effective.

Then we turn to experience. Most knowledgeable people today believe that South Africa is a tinderbox. Why? South Africa has no quarrel over its borders with anybody, and the conventional causes of war are not present. Why? Purely over human rights violations. In the matter of Cyprus, the problem again which may bring Greece and Turkey into collision, is a human rights problem, growing out of ethnic conflicts. The India-Pakistan dispute is essentially a religious and ethnic quarrel, and the pattern is repeated elsewhere in the world.

The Declaration of Human Rights is one of the best known documents in world history. As much as we rejoice in it, it must be recognized as a document which has created a rise in the tide of expectations in all the peoples of the world. It has caused unrest and dissatisfaction among repressed and discriminated people who are no longer willing to forget their grievances. They want their freedoms now and the result is that there is a relationship between world peace and human rights.

We are not in this Conference to create new problems of world tensions; we are attempting to resolve them before they become unmanageable and explosive. It is true that every suggestion of dissatisfaction of minorities within the Soviet Union or South Africa does create tensions but it is better to deal with these problems before they become causes of conflict. Religion itself creates tensions when it posts a standard to be measured against present practice. But, on the whole, who can deny that much of mankind's ethical progress has been a result of the establishment of these ideals and goals and the exaltation by religion of man to follow.

Ethical progress is also frequently a product of international sanction since there seems to be no moral gyroscope within the U.S.S.R. and no enforcible law which can condemn the Soviets obvious purpose of committing cutural genocide. The only remedy is to arouse the sanctions of world opinion.

I believe that this Conference should call upon all religions and all men of good will to cry out against the shame of Soviet anti-Semitism. I believe that this Conference should do everything in its power to mobilize the moral force of humanity against the violations of human rights and decency.

I believe that this Conference should call upon the newly independent nations, the African and Asian countries, to speak out in the U.N. and in all international forums against the violations of ethnic identity which the Soviet Union is perpetrating. It is these nations, above all, who know very well what this violation can mean.

Let us also be realistic. Even the sanction of world opinion can be weak because of the inability to focus the spotlight of attention on human rights violations. Thus far U.N forums have not developed into a major arena in which to cry out against the specific human rights violations which are endemic throughout the world.

I would recommend that the nongovernmental organizations, and academic institutions, perhaps under the name of Eleanor Roosevelt, band together to create entirely on a voluntary basis an Eleanor Roosevelt Court of Human Rights. This Court would be composed of representative justices of each of the five continents, who would meet perhaps across the street from the U.N., perhaps while the U.N. Human Rights Commission is in session. This Court could hear and determine complaints of human rights violations around the world after screening by responsible persons and organizations. The Court could be founded with the announcement that when the U.N. has assumed its obligations under the charter to protect human rights, the Eleanor Roosevelt Court would go out of existence.

But in the meanwhile we know that we must make reasonable and effective efforts in every avenue available to us to keep a vast totalitarian machine from losing its balance in regard to its Jewish citizens. No one can deny that this danger exists and no one can deny as we have learned too bitterly from history that it is our obligation to prevent catastrophe and not to bemoan it after it happens.

"PROFILE OF COURAGE"—TRIBUTE TO THE LATE PRESIDENT KENNEDY BY DR. SAMUEL BELKIN, PRESIDENT, YESHIVA UNIVERSITY

Mr. RIBICOFF. Mr. President, so much has been written and said about our late beloved President, John F. Kennedy, that one sometimes feels there can be no more words with which to pay him tribute. Recently I received a copy of an address, "Profile of Courage," delivered by the president of Yeshiva University, Dr. Samuel Belkin, which does add to our appreciation and understanding of President Kennedy's memory. Distinguished scholar, author, educator, and spiritual architect of the largest and most comprehensive educational institution of its kind in the world, Dr. Belkin tells us how both courage of the mind and of the body were embodied in one man.

I ask unanimous consent to have Dr. Belkin's address printed in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

"PROFILE OF COURAGE"

Never in the history of this generation have the American people experienced such a deep sense of loss as that which resulted from the great tragedy of November 22. It was a black Friday when all media of communication shook us with the announcement that our President was cut down by an assassin's bullet. If all the tears shed had been collected, they would have constituted an ocean of sadness and sorrow. If all the unshed tears, concealed in hearts and minds, were gathered, they would have created a flood comparable to Jeremiah's lamentations.

On that Friday, I stood on the corner of 35th Street and Lexington Avenue with many people, and all of us shed tears without shame. A priest walked over and said, "Let us pray for his soul." An elderly gentleman answered him, "Father, I hope and pray that he will pray for us."

Thousands of eulogies have been delivered since. I do not intend these words as a eulogy but as an expression of appreciation of the man and evaluation of the events which took place.

HIS DREAMS AND IDEALS LIVE ON

I want to express our thanks to the Almighty that, with all our tragedies, with all our sorrow, with all our sadness, we still live in the greatest democracy. We have the utmost cause for pride and a deep sense of security that the continuity of the office of Presidency was immediately demonstrated in bold relief by the same man who stood on this very spot only 2 years ago as Vice-President of the United States, when he was the recipient of an honorary degree. Today he stands at the helm of our Nation. We are all confident that he will not only preserve the ideals and dreams of John F. Kennedy, but will advance them.

We pray for his good health and for the continuity of this great Nation.

The late President became famous in several fields long before he reached the White House. I am sure many of you have read his notable book, "Profiles in Courage." There are many types of courage, and I would like to dwell particularly on two types: Courage of the mind, and courage of the body. Courage of the mind built civilization. Courage of the mind is the essence of every form of progress made since the universe came into being.

Then there is that courage of the body which belongs to the animal kingdom. One sees the courage of the body in the madness of the bull, in the viciousness of the tiger, in the hatred of the snake, and in the vengeance of the lion. All of these have great courage of body. All of these are ready to kill, even at the risk of being killed. Mind you, if one lion kills, if one bull gores, if one snake poisons with his fangs, he is not just a lion; he is not just an animal. He represents animosity and hatred, hatred of an entire tribe, of an entire class, of the species to which he belongs.

Such was the man who assassinated President Kennedy. He is so described by Chief Justice Warren, who in his eulogy of our late and beloved President, said: "What moved some misguided wretch to do this horrible deed may never be known to us, but we do know that such acts are primarily stimulated by forces of hatred, and such forces are today eating their way into the bloodstream of American life."

VIOLENCE THRIVES ON HATRED

There is another type of physical courage. Such courage is exhibited by a man who may be motivated by compassion but who is mentally deranged. He is a man who listens to the various media announcing every moment of the day, "This is the assassin." Restless, impatient, this man loses his mind and, with confused emotion, applies physical force, pulling the trigger and killing the supposed assassin. He is not as great a criminal as the one who had nourished hatred throughout his life, but this man thinks that he is the law. His act is wrong, regardless of the motive. No man has the right to say, "I am the law."

COURAGE—THE ESSENCE OF THE MAN

The courage of the mind is personified by the life and action of our late President. Here is a young man, recently graduated from a great university, a man who may be considered an intellectual aristocrat. He joins the Navy and is assigned to a small vessel patrolling the Pacific. There he is challenged by a much superior force. His small boat is rammed and split in two. He receives a serious injury to his back; but he thrashes about in the water because he want to preserve his own life. The body says, "I am discouraged; I prefer to sink in the bottomless sea," but courage of the mind dictates, and the mind says, "Human life is sacred. Continue on, and find land."

But that is not enough. Sick in spirit and in much bodily pain, he is not content merely with saving his own life, but realizes that a badly injured crewman also needs help and he brings his companion to shore. He saves another man's life, too, but this, too does not fully satisfy him. For 24 hours he swims up and down in search of a place where he may find food and drink to preserve his life and the lives of his comrades. This, my friends, is a profile of courage. This is courage of the mind, that great quality by which civilization endures.

May I say to you that no matter how much our late President could have accomplished during the brief term in office, and certainly much has been accomplished, he will always be remembered for this courage of mind shown while a naval officer. Here we witnessed the greatness of the man.

I recall so vividly in 1955 when Mr. Kennedy, then a junior Senator from Massachusetts, spoke at a dinner in behalf of the Albert Einstein College of Medicine. It was, I believe, in the Concourse Plaza Hotel here in the Bronx. After lauding the programs and objectives of the newly established College of Medicine, he said that at the end of the last century, the average life expectancy was 47 years. He noted that by 1955, the average life expectancy had risen to 67—a gain of 20 years.

HIS LIFE TRAGICALLY CUT SHORT

Who would have thought only a few years ago that this great man, this gifted young intellectual, who became the 35th President of the United States, would never reach his 47th birthday.

With courage of mind and compassion of heart, he became the great champion of the freedom of man. The paragraph in his inaugural address which has often been quoted by freedom-loving people throughout the world is worth repeating. It reads: "Ask not what your country will do for you, ask what you can do for your country. My fellow citizens of the world, ask not what America will do for you, but what, together, we can do for the freedom of man."

LINKED IN HISTORY WITH LINCOLN

In this important address, the late President attempted to convey to the world that courage of the mind which would be ready to make sacrifices for the advancement of human freedom. His message recalls the words of the immortal Abraham Lincoln. When Lincoln was asked whether God is on our side of the war, he answered that he was confident that God was on our side; but the most important thing for us to decide is whether we are on the side of God. John F. Kennedy, by words and deeds, inspired the Nation to be on the side of human dignity and freedom. Hence, he was on the side of God. History will always link the destiny of those two great Presidents, not alone because both met martyr's deaths but, more significantly, because both possessed the courage of mind to fight for the same ideals.

Almost a century has passed since Lincoln emancipated the slaves; but the legal act of emancipation did not of itself achieve the complete freedom and dignity of man. It was only the first step in that direction. Our late President John F. Kennedy dedicated his life to fulfilling the hopes and aspirations of Lincoln, who failed to bring all of these to fruition because he, too, met an untimely death by an assassin's bullet.

FREEDOM WAS HIS CREED

We may divide the evolution of the freedom of man in our own history into three periods. Each period represents an advance in human dignity. The three periods may be symbolized by three religious and moral ideals; namely, charity, right, and justice. Even in the early days of our Nation, great moral leaders came to the realization that slavery was not an institution in which one could take pride. Many of them voluntarily emancipated their own slaves. These leaders were not ordered to do so by law, but were prompted by their own consciences, by their deep sense of charity. In this manner they reaffirmed their compassionate belief in the equality of men; but these acts were still only acts of charity.

Later Lincoln expounded the moral philosophy that freedom of man is not based upon charity and philanthropy. Freedom of man, he said, is not dependent upon the kindness of the individual, but is the inalienable right of every man. Upon this concept of the right of man to be free was based the entire philosophy of emancipation.

But the right to demand basic freedom and the right to be free are only stepping stones to the third and most important phase of freedom of man—and that is justice. Justice dictates that freedom of man is intertwined with the enjoyment of equal opportunities. Rights we demand, but justice is that great virtue which we extend to others. Supreme justice is the expression of civil and moral rights. In Biblical terminology, "Justice justly thou shalt follow." Sometimes even justice is not justly performed. Not everything which is correct is right; not everything which is right is just; and not everything which is just is justly performed.

SO THAT JUSTICE MIGHT PREVAIL

In the field of human freedom and human rights, our late President had the courage of mind to demand that justice should be justly performed. John F. Kennedy will go down in history for having carried forward what another immortal President had initiated a century before. The bills pertaining to civil rights which he introduced in Congress may even outrank his great accomplishment of achieving agreement among major nations for the limited test ban treaty.

I have repeated a number of times that our late President was a man of courage. But as I have mentioned before, he was also a man of great compassion. During his unfinished first term in office he introduced many important bills in Congress. But let us not forget that he also introduced bills which, while not of international importance, still reflect his moral personality and reveal his concern with the retarded as well as with the gifted.

COMPASSION FOR THE DISADVANTAGED

A bill to provide loans and scholarships to medical students was passed by Congress. In that bill, President Kennedy showed his high respect for the very gifted and the highly skilled men and women in our Nation. But his great compassion for humanity is reflected, above all, in the bill passed by Congress to aid retarded children. In fact, I was told that the latter bill pleased him most. I was told, too, by many people that the great majority who voted for this bill did so as a tribute to the compassion and kindness of the President.

In totalitarian states, the government spends the lion's share for those who can contribute to the welfare of the state; for those who are technically brilliant and particularly for those geniuses who may advance science so that some day we may conquer the moon. Mind you, the retarded and the aged will never reach the Moon.

There is, however, a fundamental philosophy which stresses the sacredness of the human personality and the infinite worth of the human being—regardless of whether he is sick or vigorous, bright or dim. The essence of democracy is that sacredness of the human personality. Democracy is vitally and equally concerned with the sick, the poor, the indigent, the retarded, and the genius.

In a sense, I may say again, this is justice justly performed.

While the span of life of our late President was very short, 46 years in all, he will remain an eternal beacon of light to all of us because of his courage of mind and his compassion of heart. As Shakespeare said of Brutus, we may also say of John Kennedy: "His life was gentle and the elements so mixed in him that nature might stand up and say to all the world, 'This was a man.'"

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

"SLEEPER" IN TITLE III

Mr. STENNIS. Mr. President, I do not believe there is any person who can honestly say that he knows every provision of H.R. 7152, the so-called civil rights bill, with all its conditions, exceptions, implications, and applications. If this bill is passed, the courts will be clogged for generations to come with lawsuits, many of them groundless and frivolous to such an extent that a man with a real case to be heard will find it difficult indeed to obtain justice.

I am frank to say that every time I read the bill H.R. 7152, I find something new in it although I have tried to make a careful study of it on numerous occasions.

Several days ago I read the bill still another time and came across a real "sleeper" which has been lurking in title III. I refer, of course, to section 302 of title III, which is the so-called desegregation of public facilities section. Section 302 provides as follows:

> Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action. In such an action the United States shall be entitled to the same relief as if it had instituted the action.

Although this bill refers to this section as section 302, it is virtually the same, or will have the same application, as the old title III which has been around so long and has been defeated and thoroughly repudiated by at least two rollcall votes in past years.

On the surface, section 302 seems to be rather simple. But its application and impact are unlimited.

Let us keep in mind that in section 301 there has been great care to provide that the Attorney General cannot file a suit in behalf of an individual litigant until he has received a complaint from that individual to the effect that he is being deprived of, or threatened with, the loss of his right to the equal protection of the laws on account of his race, color, religion, or national origin by being denied access or utilization of any public facility. Before filing suit in behalf of such an individual, the Attorney General must certify that the person filing the complaint with him is unable, in his judgment, to initiate and maintain appropriate legal proceedings and that the institution of an action will materially further the public policy of the United States which, the bill states, is to find the orderly progress of desegregation in public facilities.

Once the suit is filed, the Attorney General is the lawyer for this individual for all purposes, with the full power and might of the U.S. Government at his disposal and regardless of the cost, the number of lawyers, investigators, and other resources required. But the proponents of the bill emphasize that only when these conditions are present can the Federal Government, through the

Attorney General, act in behalf of a private individual.

The real "sleeper" is in section 302 which authorizes the Attorney General to intervene in the name of the United States whenever an action has commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin.

Under this section, a person could file a suit in any Federal court alleging such denial of equal protection of the laws and the same day the Attorney General could intervene without all the other conditions precedent so piously set forth in section 301. And under section 302, it makes no difference how groundless or frivolous the suit. The mere allegation of some individual, filed in the form of a suit in the Federal court, would authorize the Attorney General to come into the case and take it over—lock, stock, and barrel.

Then the United States would be the moving party. It would no longer be an individual suit and section 302 provides that the United States "shall be entitled to the same relief as if it had instituted the action." This includes the power of injunctive relief, with the Federal Government as the actual plaintiff. The suit could be enlarged as to relief sought; expanded as to defendants being sued, and extend the suit as a whole. The suit could be instituted against a policeman of a city or town; the Attorney General could intervene, as a matter of right, and have the chief of police, the police commissioner, and even the mayor and board alderman added as defendant. Thus the Attorney General could thus exercise an indirect supervision over the police power of the State. This power could extend to any case involving an alleged "denial of equal protection." Actions in which the Attorney General may intervene as a matter of right under section 302 are not confined to public facilities. The authority granted in section 302 is general and complete and without limitation of any kind.

Section 302 gives vast and unprecedented power to the Attorney General of the United States to represent every individual who has a grievance, real or imaginary, and which by any stretch of the imagination can be said to be a "denial of equal protection of the laws on account of race, color, religion, or national origin."

The Senate has voted on two separate occasions, after long debate, against giving the Attorney General the authority to institute civil actions in behalf of individuals alleging the denial of equal protection of the laws under the 14th amendment.

We have title III all over again, except that the Attorney General cannot institute the action in his own name. Certainly there is always some agitator or one with a grievance willing to make allegations when someone else will develop the case and try his law suit at the expense of the Federal Government.

During consideration of the so-called Civil Rights Act of 1957, I recall so well when the Senator from New Mexico [Mr. ANDERSON], the Senator from Vermont [Mr. AIKEN], and the late Senator from South Dakota, Mr. Case, presented their amendment to strike title III from that bill. Certainly title III granted excessive power of doubtful constitutionality and was most unwise. The Senate on July 24, 1957, approved the Anderson-Aiken-Case amendment by a vote of 52 to 38. It is interesting to note that President Johnson, then Senate majority leader, supported the amendment.

Again, in 1960, during debate on the civil rights bill of that year, an amendment was offered which would have authorized the Attorney General to institute a civil action or other proceeding for preventive relief, including injunctive relief, where a person or group of persons alleged the denial of the equal protection of the laws by reason of race, color, religion, or national origin. This amendment, of course, was the old title III. President Johnson, then Senate majority leader, moved to table this amendment and the amendment was tabled by a vote of 55 to 38.

In reality, this is the same title III that has been defeated twice and should be defeated again.

This section 302 is one of the most powerful and sweeping provisions of H.R. 7152 which is now before the Senate. This provision alone is sufficient reason for rejecting the measure, by an overwhelming vote, which I trust the Senate will do in due time.

Mr. President, I ask unanimous consent that the voting record on the two bills to which I have referred be printed at this point in the RECORD.

There being no objection, the records were ordered to be printed in the RECORD, as follows:

VOTING RECORD—VOTE NO. 71, CONGRESSIONAL RECORD, VOLUME 103, PART 9, PAGE 12565

Congress: 85th, 1st session.
File reference: Miscellaneous.
Subject: H.R. 6127. Civil Rights Act of 1957 (Anderson-Aiken-Case (South Dakota) amendment).

Digest of vote:

H.R. 6127, a bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Vote on Anderson-Aiken-Case (South Dakota) amendment to strike section 121, part III, from the bill which read: "Whenever any persons have engaged or there are reasonable grounds to believe that any persons are about to engage in any acts or practices which would give rise to a cause of action pursuant to paragraphs first, second, or third," (of sec. 1985, title 42, United States Code), "the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person. The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

Section 121, part III, would have permitted the Attorney General to institute civil actions for preventive relief in all civil rights cases arising under the 14th amendment.

Proponents of the Aiken-Anderson-Case amendment contended that section 121 was excessive in its grant of power, vague and indefinite, and of questionable constitutionality. It was further argued that the bill had been represented as a "voting rights" bill, while part III dealt only incidentally with such rights and apparently covered a limitless field of rights yet to be determined by possible future court decisions.

Opponents of the Aiken-Anderson-Case amendment contended that by striking part III, the Senate would be telling all the world that it does not support the Supreme Court decision ordering the desegregation of public schools. It was further contended that part III's only purpose was to provide an additional remedy by which these rights may be enforced with the assistance of a civil lawsuit filed by the United States.

For complete information on H.R. 6127, see vote Nos. 57, 57A, 58, 66–74, 107, 108.

Result of vote: Amendment agreed to.

Yeas (52): Democrats, 34, or 72 percent; Republicans, 18, or 42 percent.

Nays (38): Democrats, 13, or 28 percent; Republicans, 25, or 58 percent.

Not voting (5): Democrats (2); announced against, 2; Republicans (3); announced against, 1; announced for, 1; absent, 1.

YEAS (52)

Democrats (34): Anderson, Bible, Byrd, Chavez, Church, Eastland, Ellender, Ervin, Frear, Fulbright, Gore, Green, Hayden, Hill, Holland, Johnson of Texas, Johnston of South Carolina, Kefauver, Kerr, Long, Mansfield, McClellan, Monroney, Murray, O'Mahoney, Robertson, Russell, Scott, Smathers, Sparkman, Stennis, Talmadge, Thurmond, Yarborough.

Republicans (18): Aiken, Barrett, Bennett, Bricker, Butler, Case of South Dakota, Cotton, Curtis, Dworshak, Flanders, Goldwater, Hickenlooper, Malone, Mundt, Saltonstall, Smith of New Jersey, Williams, Young.

NAYS (38)

Democrats (13): Carroll, Clark, Douglas, Humphrey, Jackson, Kennedy, Lausche, Magnuson, McNamara, Morse, Neuberger, Pastore, Symington.

Republicans (23): Allott, Beall, Bush, Capehart, Carlson, Case of New Jersey, Cooper, Dirksen, Hruska, Ives, Javits, Jenner, Knowland, Kuchel, Langer, Martin of Iowa, Martin of Pennsylvania, Morton, Potter, Purtell, Revercomb, Smith of Maine, Thye, Watkins, Wiley.

NOT VOTING (5)

Democrats (2): Hennings, AN; Neely, AN.

Republicans (3): Bridges, A; Payne, AN; Schoeppel, AF.

Symbols:
A—Absent.
AN—Announced against.
AF—Announced for.

Analysis of issue voted on—

A Presidential recommendation? H.R. 6127: Yes.

Administration's position: Against amendment.

Administration's position:

Supported: Democrats, 13 or 28 percent; Republicans, 25 or 58 percent.

Opposed: Democrats, 34 or 72 percent; Republicans, 18 or 42 percent.

Party cohesion: Democrats, 72 percent; Republicans, 58 percent.

Measure of party support on issue as voted on:

For (52): Democrats, 34 or 65 percent; Republicans, 18 or 35 percent.

Against (38); Democrats, 13 or 34 percent; Republicans, 25 or 66 percent.

(Prepared and compiled by Senate Democratic policy committee, Lyndon B. Johnson, chairman.)

Voting Record—Vote No. 113, Congressional Record, Volume 106, Part 4, Page 5182

Congress: 86th, 2d Session.
File reference: Civil Rights.
Subject: H.R. 8315, Civil rights amendments (Table Case amendment)

Digest of vote:

Vote on Johnson motion to table the Case (South Dakota) amendment (to the Ervin amendment) which would have authorized the Attorney General to institute a civil action or other proceeding for preventive relief including injunctive relief, where a person or group of persons is denied the equal protection of the laws by reason of race, color, religion, or national origin.

(This amendment is similar to the proposed title III of the Civil Rights Act of 1957 and has been commonly referred to as title III or part III during this debate.) For contents of Ervin amendment, see vote No. 36.

Proponents: Senator Ervin, in support of the tabling motion, stated: "Part III (Case amendment), if enacted into law, would in effect destroy the States of the Union as we have known them. * * * Part III would give the Attorney General the arbitrary power to supervise the actions of States, the actions of cities, the actions of towns, and the actions of counties throughout the Nation in every case in which any action on the part of a State or on the part of a city * * * touch any citizen who comes within the groups specified under this proposal. * * * If part III should be enacted by Congress and survive the test of constitutionality, it would vest in the Attorney General * * * tremendous power in the civil rights field." (Congressional Record, vol. 106, pt. 4, p. 5610.)

Opponents: Senator Javits, in opposing the tabling motion of the Case amendment, stated: "* * * the adoption of part III is absolutely essential to an effective civil rights bill. * * * Unless we give an individual the backing of the majesty of the United States in a representative case, in which he is seeking to preserve a universal right to which every citizen is entitled, we will not give the States which have a mind to defy the Constitution of the United States the understanding that the people of the United States mean business." (Congressional Record, vol. 106, pt. 4, p. 5614.)

(For civil rights votes from February 15 to March 15, 1960, see vote Nos. 16, 17, 20–39.)

Result of vote: Agreed to:

YEAS (55)

Democrats (34 or 55 percent): Anderson, Bible, Byrd of Virginia, Byrd of West Virginia, Chavez, Eastland, Ellender, Ervin, Frear, Fulbright, Gore, Hayden, Hill, Holland, Johnson of Texas, Johnston of South Carolina, Jordan, Kefauver, Kerr, Long of Hawaii, Long of Louisiana, McClellan, McGee, Mansfield, Monroney, Murray, Robertson, Russell, Smathers, Sparkman, Stennis, Talmadge, Thurmond and Yarborough.

Republicans (21 or 68 percent): Aiken, Bridges, Brunsdale, Butler, Carlson, Case of South Dakota, Cotton, Curtis, Dirksen, Dworshak, Goldwater, Hickenlooper, Hruska, Martin, Morton, Mundt, Prouty, Saltonstall, Schoeppel, Williams of Delaware, Young of North Dakota.

NAYS (38)

Democrats (28 or 45 percent): Bartlett, Cannon, Carroll, Church, Clark, Douglas, Engle, Green, Gruening, Hart, Hartke, Hennings, Humphrey, Jackson, Kennedy, Lausche, McCarthy, McNamara, Magnuson, Morse, Moss, Muskie, Pastore, Proxmire, Randolph, Symington, Williams of New Jersey, and Young of Ohio.

Republicans (10 or 32 percent): Allott, Beall, Bush, Case of New Jersey, Cooper, Javits, Keating, Kuchel, Scott, Smith.

NOT VOTING (6)

Democrats (2): Dodd, PA[2]; O'Mahoney, PF[2].

Republicans (4): Bennett, AF[1]; Capehart, AF[3]; Fong, AF[1]; Wiley, A[1].

Symbols:
A—Absent.
AF—Announced for.
PA—Paired against.
PF—Paired for.

Explanation of absenteeism:
(1) Official business.
(2) Illness.
(3) Excused.

Analysis of issue voted on—

A Presidential recommendation? Civil Rights: Yes.

Administration's position:
Supported:—.
Opposed:—.

Party cohesion: Democrats, 55 percent; Republicans, 68 percent.

Measure of party support on issue as voted on:

For (55): Democrats, 34 or 62 percent; Republicans, 21 or 38 percent.

Against (38): Democrats, 28 or 74 percent; Republicans, 10 or 26 percent.

(Prepared and compiled by Senate Democratic policy committee, Lyndon B. Johnson, chairman.)

Mr. LONG of Louisiana. Mr. President, on two previous occasions, I have urged Senators not to vote to take up this measure until after careful and exhaustive study was made by means of hearings that would give witnesses an opportunity to testify concerning this matter.

In order for such hearings to be held, the bill would have to be referred to the appropriate committee of the Senate. The Senate has voted not to do this.

It now becomes necessary, Mr. President, for us to perform the functions of the Senate Judiciary Committee on the floor of the U.S. Senate.

For many years people have recognized the soundness of the U.S. Government's procedure of justifying the construction of public works that are performed at Federal expense. This procedure involves a careful study of the cost and benefits accruing from the project and at the conclusion of this study a determination of whether or not the project is economically justified. Even on relatively simple projects, this procedure covers a long period of time—sometimes 2 years—sometimes longer. The most important part of this study is a public hearing.

The public hearing is the most American institution we have. It is a forum wherein proponents and opponents of a project are invited to come to a central place to present their views. The public hearing is widely advertised to be certain that anyone who has any interest whatever in the project, who has anything to offer, has the opportunity to come and speak his piece.

Perhaps the study following the public hearing is even more important than the study that precedes it. I say this because those who come to the public hearing frequently present to those who are making the study new information that requires considerable additional research. Frequently, those who come to the public hearing present matters that had been overlooked before. That is the reason a public hearing is held. Sometimes, it is even necessary after studying some of the things that are developed to call a second or a third public hearing and go even deeper into matters that have been brought out for the first time.

We take this length of time and we go into this exhaustive research to keep from making serious mistakes in our construction projects. Mr. President, since we have been denied the opportunity to hold appropriate public hearings, I should like to present at this time some of the evidence that I feel would have been brought out at a public hearing if one had been held. I urge Members of the Senate to study this evidence just as they would have done had it been presented in a report of hearings held by the appropriate committee of this body. I urge Members of the Senate to bear with me and my colleagues as we attempt to bring out some of the things that we believe should be carefully studied before a precipitous vote is made on the measure before us.

The first question that I should like to raise at this time is the question of trend. Several of the proponents of the civil rights measure have stated that they are receiving numerous letters opposing the passage of this bill. Some of them have charged off these letters as pressure mail generated by southern interests. I do not believe that is the case. I do not believe that any of us can shrug off the views that the people of this Nation are beginning to express in greater and greater numbers as time goes on.

Not long ago, I invited attention to the fact that a recent Gallup poll pointed out that in the past few years the number of people in the entire United States who believe we should continue the right of unlimited debate in the U.S. Senate has increased by 26 percent.

Recently, a referendum in Kansas City approved a public accommodations amendment by a scant majority of less than 1 percent. A study of the records reveals that the public accommodations provision was originally approved without any obvious opposition and without a referendum.

Mr. President (Mr. Ribicoff in the chair), a study of the Kansas City referendum also shows that while it passed by a scant 1 percent, the margin of its passage was a heavy vote by the Negro race itself. If one takes this into account, by studying the Negro boxes and the percentage of votes which were cast for the provision, it also becomes clear that an overwhelming majority of the white voters, even in Kansas City, voted against the kind of provision we find in the bill.

Kansas City can probably live with that situation better than a great many other communities where a higher percentage of colored compared to whites prevails. There is a great deal more strenuous opposition toward forced integration proposals than one realizes.

In many places throughout the United States, outside of the South, the public is beginning to express itself as no longer being strongly in favor of sweeping civil rights measures.

Mr. President, I present to this body that this is a trend a committee chairman would not overlook if he were conducting hearings on this matter. An alert committee chairman would investigate this trend very thoroughly and at such time as the measure was acted upon in executive session, he would make certain that the members of that committee were thoroughly cognizant of the existence of this trend. The Senators who oppose passage of the civil rights bill are doing so because they feel it is not in the best interests of the country and it is not in accordance with the wishes of the majority of the country's people. It is my honest and sincere conviction that if this body, acting as its own committee in this instance, will consider this matter carefully enough and go into the proper detail in gathering information, it will find that this trend is real and growing at a surprising rate.

What is the reason for this growing trend?

In my opinion, the people of America are becoming alarmed at what is happening as a result of the efforts of the Congress, the Supreme Court, and the executive branch of the Government to force integration upon every section of the Nation. I should like to discuss some of the things that are going on in this connection.

I should like to invite the attention of the Senate to the needless waste of life that was involved when recently a young minister in Cleveland, Ohio, saw fit to throw himself under the tracks of a bulldozer. It is a sad spectacle, particularly when we realize that this young man could have been working in the direction of improved education and conditions for the colored people of this country as a prelude to them taking on greater responsibilities as they qualify themselves to perform a wider variety of more important duties in a free America.

The study of our daily newspapers should give us ample evidence that we have embarked on a new era of American government which, I believe, we can properly designate as the "era of government by fear." By our actions in Congress we encourage the more radical elements to teach our people that they can only accomplish things to help themselves, their families and their friends, by acts of violence or by threatening acts of violence. The difference between a demonstration and a riot is often only a question of seconds and inches. It is not a good idea to encourage people to have demonstrations and carry with them the weapons that will lead to mob violence.

Years ago, the textbooks of America eliminated the name American Revolution. The authors of our history books preferred to call it the War for American Independence. For years we have been proud to point to America as one of the nations of the world that could settle its arguments at the ballot box. We have indicated on many occasions that even though only 51 percent of the people of this country vote for a particular individual to serve as President, the day after election that individual represents 100 percent of the people. We have indicated on many occasions that we do not follow an election with a revolution. It appears that some of our people are not satisfied with our role in history and in recent months have been attempting to stir up laws through demonstrations that would cause lawmakers to vote out of fear.

Mr. President, it has been my observation that many of the demonstrations we have read about and witnessed have been carefully planned by the agitators to mislead and deceive in an attempt to scare our lawmakers into passing sweeping measures such as the one that is before us today. I shudder to think of the magnitude of these demonstrations should this law ever pass.

Many examples could be given of deliberate attempts to mislead, incite, and generally disrupt communities in an effort to accomplish ends by inciting fear in the hearts of the people who govern this Nation. However, I think it is appropriate that since an outstanding case took place in the State of Louisiana which I have the honor to represent at this time, I shall present that case to the Senate in complete detail.

The case to which I make reference is "The Other Plaquemine Story." Perhaps we could give this story another name and refer to it as the "Tale of Two Parishes," since, in my opinion, there was an obvious attempt on the part of the perpetrators of this incident to confuse the American people into believing that another entirely different place was involved; a place they felt had been given sufficient, lurid publicity to confuse the people of America and cause them to arrive at the erroneous conclusion that this was a place in the South where rights and privileges of minority races were continually violated. If the Senate will bear with me, I believe it will realize that this was not at all the case.

Plaquemine, La., is a small city located on the Mississippi River in Iberville Parish, not far from the city of Baton Rouge, La., our State capital. Plaquemines Parish is located near the mouth of the Mississippi River, many miles away. There is no connection and practically no similarity between the two places except the name. Plaquemines Parish has been in the news on a number of occasions in recent months; the city of Plaquemine had previously received no publicity at all. I feel certain that the great majority of the people of this country did not know it even existed.

Plaquemine, La., is one of the finest little cities in our State. It has always been marked by true southern hospitality and cordiality and a closeness between the relationships of its people—white or colored. There has never been any problem of voter registration in Plaquemine, which has one of the highest colored registrations in the entire South. There were no problems with the schools; there were no problems with segregated facilities; there were no problems concerning matters of employment. Why then should an organized group pick the little city of Plaquemine, La., for one of its most flamboyant demonstrations? I think I am entitled to come to the conclusion that this was done in order to deceive; that it was done in a crude effort to set up a backdrop for one more attempt to promote government by demonstration and fear.

The story I am going to tell at this time was carefully prepared and documented by one of the outstanding citizens of Plaquemine, La., Mr. John E. Uhler, who serves that community in its public library. I know Mr. Uhler very well. I have served with this gentleman in a number of capacities. I went to high school with him. I went to college with him. I know him intimately, and I also knew his family intimately. He is in a position to know and to get the facts. What he presents here is in detail and was carefully and studiously documented. He advises me that in order to present this story with the maximum amount of objectivity he drew details of the various incidents directly from local newspaper accounts or quoted from interviews that he had with the persons actually involved. In order to carry this objectivity to the ultimate, he offered two Negro organizations, CORE and the NAACP, and other local civil rights leaders in the Plaquemine area an opportunity to furnish material. He tells me that they were not especially enthusiastic about furnishing such material and up to this time he has not heard anything from them. I will be glad to supplement my remarks later if any presentations of this type are eventually made.

I would now like to bring you Mr. Uhler's account and, in doing so, I would like to call particular attention to the fact that the opening barrage of this incident was a threat of violence. It is particularly interesting to note that Members of the U.S. Senate have been threatened with demonstrations during the course of this debate. I would not think that it would be at all improper to assume that such demonstrations will be perpetrated along the same lines as the Plaquemine story and, for that reason, I urge each Senator to consider the far-reaching effect the repetition of incidents of this type will have on the stability of the Government of this Nation. I now quote from the material which Mr. Uhler prepared for me on this subject:

> Until June of 1963, Plaquemine, La., deserved the description given it as "a nice, sleepy, little Mississippi River town just below Baton Rouge." Plaquemine was typical of most small towns in Louisiana—composed of friendly people, prosperous businessmen, pleasant homes, good schools, and churches. and most of the characteristics which combine to make a pleasant, peaceful place to live.
>
> On June 4, all of this was changed, possibly forever. It was on that date that city and parish officials received a letter from three Negro integration leaders demanding that the area be completely desegregated. In addition to demanding desegregation of most public facilities, including the entire public school system, and equal job opportunities, the letter laid down the ultimatum that a biracial committee on community relations immediately to be formed "to avoid civil domestic disturbances of racial tension and violence."
>
> Until this point, there had never been a racial problem in Plaquemine. There had never been a single lawsuit in the parish of Iberville regarding the racial question; over

30 percent of the registered voters in the parish were Negroes, the fourth highest such percentage of all parishes in Louisiana; Negroes were employed on the force of the sheriff's office, two of them for 5 years; Negroes had unusually good employment opportunities in the parish; and the Negro-white relationship was such that, in many instances, the two races lived next door to each other in complete peace and tranquillity.

With such a situation as the background, Negro civil rights leaders from other sections of the country moved into Plaquemine and announced that unless the entire way of life for both the Negroes and the whites were changed immediately, riots and violence would occur.

Their letter, written on the letterhead of the Plaquemine Branch, National Association for the Advancement of Colored People, stated:

"We the undersigned organizations of Iberville Parish representing the Negroes of Iberville Parish, hereby appeal to you as our public elected officials to commence taking initial steps to set up a biracial committee on community relations in order to avoid civil domestic disturbances of racial tension and violence. We further request that the committee be composed of any white citizens that you desire; however, we reserve the right to submit an equal number of Negro citizens to serve on such a committee. We submit the subsequent aims as the primary objectives of the organization:

"1. Desegregation of courthouse facilities.

"2. Equal job opportunities.

"3. Desegregation of entire public school system.

"4. Desegregation of public accommodations (to include lunch counters, theaters, parish fair, etc.).

"5. Desegregation of recreational facilities.

"We respectively suggest the public officials be composed of the city councilmen, school board members, police jury members, and other elected leaders of both races for a careful evaluation of this proposed resolution. Request action not later than June 15, 1963.

"Respectively submitted,

"James Williams, President, National Association for the Advancement of Colored People, Plaquemine Branch; W. W. Harleaux, President, Iberville Industrial Voters League, Inc.; Capt. Tolbert Harris, Task Force Worker, Congress of Racial Equality.

"Copies: police jury, school board, chamber of commerce, sheriff, Attorney Tureaud, Attorney Bell."

The first public reaction to the letter came in the form of an editorial written by the editor of one of the two Plaquemine newspapers, the Iberville South. Mrs. Gladys Sloan said, "If town and parish officials are intimidated into action, any action, by threat of violence, then there forever looms the possibility of further contemptuous force by this inexcusable and unlawful method.

"Violence defeats its own purpose. Threats excite hatred. And in many instances, more is lost than is gained.

"Whether the elected officials decide for or against a biracial committee as has been requested by three individuals, remains to be seen.

"To set up such a committee because of a threat of violence, however, would be useless. It would be insecure. And, it would be harmful to both races.

"Violence of the law is punishable. The threat of it can only serve to set back any attempt to improve race relations.

"All in all, the citizenry of Plaquemine have, to our knowledge, not experienced an appreciable amount of public racial tension. We sincerely believe that it is felt by the majority of colored and white, that there be no emotional, or irrational agitation on the part of either—but, rather, a calm and tolerable approach.

"Let us try to solve our differences peacefully.

"Let us not be tagged as 'the sleepless little river town.'"

By the end of a week, no official comment had been made by any city or parish official. Appearing at the meeting of the city council 1 week later were Negro James Williams and Dr. Bertrand Tyson, local Negro physician. They asked the mayor and the council if that body had an answer to their petition, and they were informed that the council had not yet prepared an answer.

That is not unusual for a small city that has had no experience with this type of activity.

Meanwhile, citizens of Plaquemine were asking "Why Plaquemine?" Times-Picayune Reporter Charles M. Hargroder wrote an unusually objective answer to the question. He said:

"The town has a history of liberal relations between whites and Negroes. Its city officials have been recognized by the Negro community as willing to negotiate for improvements such as the extension of water and power lines, creation of youth recreation programs, and other facilities.

"Only recently officials prevailed on the State bond and building commission to allocate money for a triparish Negro trade school at Plaquemine. The closest such facility for whites is at Baton Rouge."

Please note that, Mr. President. It shows the kind of community the Congress of Racial Equality and the NAACP picked out in which to wage their war. It is a community that asked to have a trade school for Negroes located there so that the Negro citizens would not have to travel to Baton Rouge. The community did not have such a school for whites, but they asked to have one for Negroes, because the colored citizens did not have adequate facilities available to them. The community sought such a school, even though it did not have such facilities for its white people.

"The town is headquarters for the sixth district drive to register more Negro voters."

Mind you, this is one of the smaller communities in the congressional district and is headquarters for a Negro voting registry drive. Presumably it was picked out because it had had so much cooperation in registering Negroes.

"But there again, some 30 percent of the registered voters are Negro now in Iberville Parish. And though Baton Rouge is a more central location for such activities, CORE is under a permanent Federal court order there preventing demonstrations.

"James Farmer, national director of CORE, adds that Plaquemine was chosen because there was local support among Negroes and because they met with resistance to 'reasonable demands.'

"Farmer and other CORE workers admitted that they were operating in East Feliciana Parish at Clinton, that they had local support and that they had met resistance there to their demands. The last report of the State board of voter registration showed only 91 Negro voters in that parish.

"Why Plaquemine?

"'Time and tactics,' CORE replies."

In spite of Farmer's explanation, there was widespread belief that CORE had mistaken the city of Plaquemine—situated in Iberville Parish—with the parish of Plaquemines, below the city of New Orleans. Plaquemines Parish has long been noted as an area of stanch segregationists led by Judge Leander Perez. Citizens of the city of Plaquemine also speculated on the possibility that CORE chose the city intentionally, so that their future publicity could be made to confuse the rest of the Nation into thinking they were conducting their fight against Judge Perez' parish of Plaquemines.

Commenting on the Negroes' demands, Plaquemine Post editor, Gary Hebert said, "Along with rights go responsibilities, and nothing could be more applicable to the Negroes, local or otherwise, who have begun, with a letter to Mayor Schnebelen, as headlined on this week's front page, to demand desegregation of schools, public facilities and accommodations, theaters, and fair grounds and recreational facilities in the city of Plaquemine, and the parish, with threats of disturbances, racial tension and violence.

"The letter clearly directs the mayor to set up a biracial committee on community relations by June 15 'in order to avoid civil disturbances of racial tension and violence.' This, in no uncertain words, is a direct threat to the peace and harmony of this community. People who love our city and its people cannot but look askance at the men who make such threats and the phraseology used in expressing their desires, as well as those persons who would allow themselves to be duped by promise of a utopia which cannot exist. It's hardly likely that resort to such tactics could ever justify the end result.

"This editor is certain that those elected officials who have come to bear this development, will make wise and matured decisions on the issues. Much is at stake in this tragic 'game' which is being played in so many communities, and the demand on sane, reasonable, and responsible people is tremendously great. May God give them strength to bear the folly of others in the interest of our community."

While the Negroes were waiting for an answer to their ultimatum, a story appeared in the major daily newspapers throughout the country that Plaquemine Police Chief Dennis Songy had turned on the lights at the city's baseball park so that the Negroes could practice demonstrations.

Chief Songy emphatically denied this. He said that he knew of no such incident, that he did not turn on any lights, and that he knew of no lighted ball field in the city where demonstrations were practiced. "In fact," he said, "I have no authority to turn on lights anywhere."

Songy added that he had been asked by the Negroes if a permit was necessary for a demonstration in the streets. He said that he advised them that there was no ordinance on the books which required such a permit. The Negroes assured Songy that they would notify him 2 days in advance of any demonstrations planned.

June 15, the deadline set by the Negroes for action on their demands, came and went. Although there was a definite feeling of tension in Plaquemine, things were quiet and normal. The threats of violence ceased to be the main topic of cafe conversation, as the days passed into weeks, and most residents of Plaquemine had decided that there was nothing to the Negro demands.

But on July 10, the situation changed abruptly. The friendly, peaceful relationship which had existed between whites and Negroes in Plaquemine for generations was struck the first of several blows that was to kill it forever. On that morning Plaquemine citizens got their first close look at what Negroes over the entire country call "nonviolent, direct action." A handful of youthful Negroes, some no more than 10 years old, led by Capt. Tolbert Harris, Ronnie Moore, Rev. J. W. Davis, and Spiver Gordon, paraded in front of Food Town supermarket and West Brothers department store, in an effort to secure equal job opportunities for Negroes.

The marchers wearing CORE caps and carrying signs, attempted to prevent Negroes from entering the stores. The long lines of closely-marching Negroes made it difficult and dangerous for white shoppers, as well as for Negroes. In one instance, Spiver Gordon grabbed a Negro man by the arm and jerked him roughly out of the entrance to the grocery store, telling him, "Stay outside of the line. We don't want you in here."

Although the Negroes had promised to give the local police department 2 days notice before demonstrating, none had been given to the police. However, local newspapers noted that among the numerous white bystanders were several men who were identified as members of the U.S. Justice Department.

Mr. President, we heard some of the discussions about cases in which agents of the Department of Justice actually were at the scene at the initial incitement of demonstrations—leading one to believe that the leadership of the Department of Justice is actually being used to subsidize or encourage these uprisings. The description I am reading of the incidents in Louisiana leads me to believe that the Department of Justice may very well have been implicated in the events which occurred thereafter.

I read further from this report:

As they marched, the Negroes chanted such phrases as "Will you walk for your freedom? Certainly Lord." "Will you die for freedom? Certainly Lord." "Will you go to jail for freedom? Certainly Lord." "Will you tell it to Judge Kimball? Certainly Lord."

The reaction to this first demonstration, according to Editor Gary Hebert of the Plaquemine Post, was to throw the community "into a buzzing bundle of nerves and apprehension." Hebert stated, "Such irresponsible action, coming as it does in the wake of one of the most severe business reverses our merchants have ever experienced, is at the least, a serious injustice, and ranks not too short of total disregard for individuals, for business, and the welfare of this community. While white men slave at their business to eke out a meager living and fulfill their lawful responsibility of Federal, State, parish and city taxes, which make up the bulk of financing for vast 'give-away' programs in which Negroes are by far the greater number of beneficiaries, the Negroes are so unenlightened as to 'bite the hand that feeds them' by endorsing and participating in demonstrations such as Plaquemine witnessed on Wednesday of this week, creating hardship for our business people."

The fact that almost all of the marchers were children in their early teens brought feelings of indignation among the white people. "What sort of parents would permit their children to do such a thing?" was a frequent question.

Most of the signs carried by the pickets demanded equal job opportunities. "We Want Jobs, Not Charity," "Hire Cashiers, Regardless of Color," "Don't Buy Until They Hire" were typical. One youth, carrying a "Hire Cashiers" sign, was asked by a white man if he wanted to be a cashier in the store. "Yes, I do," was the reply. When asked what grade he was in, the Negro boy replied that he was in the sixth grade.

The demonstration brought this reaction from Editor Gladys Sloan of the Iberville South:

"In my opinion, respect is earned—just as a skill is learned. I believe that Negroes or any other group will make gains when those gains are deserved, and not before.

"The colored people in the South have made progress in several areas. Some will continue to if proving themselves of moral character and skillful ability.

"There are areas where I certainly do not believe in mixing of the two races, and I cannot ignore that.

"Nor can I ignore the developments which bring these feelings to the fore."

If the first demonstration had no effect on the hiring of Negroes in Plaquemine, it at least brought about other action. A special session of the town council was called 2 days later and 15 ordinances were passed, aimed directly at curtailing demonstrations which struck at the peace and harmony of the community. The ordinances were drafted by City Attorney Edward Engolio, who said they were taken from State law and modeled after similar ordinances in communities which had previously experienced racial strife.

Negro leaders were immediately called into city hall so that the ordinances could be explained by Police Chief Songy.

Mr. President, it might be noted that prior to the time when the Negro organizations started all those demonstrations and started trying to interfere with the peaceful operation of people's businesses there were no local laws or ordinances prohibiting demonstrations of that type or prohibiting such interference with a person's property rights. As might be expected—and I believe this will be the case among white communities, particularly in the South—when such unlawful demands and unreasonable pressures were brought to bear upon them, to injure their businesses and their property, the local representative bodies will enact laws to protect those who prior to that time had not found laws against such demonstrations and interferences with businesses necessary.

I continue to read from the report:

The Negroes objected to the presence of local newspaper reporters, saying that "We do not feel that all points will be adequately represented by the papers present, so we would rather not have coverage." Ronnie Moore stated that time be allowed to have the Associated Press and the United Press International wire services cover the meeting.

When it was pointed out that the ordinances were to take effect immediately, Captain Harris told Chief Songy that he felt that the Negroes should have been given more time to have their lawyer look them over. Songy pointed out that he was under direct orders of the city council to begin enforcing the ordinances immediately and said "I intend to carry out my job, and I want you people to understand and be aware of these ordinances."

The new ordinances limited the number of pickets to two persons, required permits for parades, made it unlawful to demand service in an abusive manner or to gather to restrain trade, prohibited violence against police officers and citizens, prohibited conspiring to commit a violation or to commit violence or to incite violence, defined and prohibited criminal trespass or illegal posting of signs or destroying or defacing or removing signs, prohibited a person from refusing to leave the premise when requested to do so by the owner, as well as inciting others to refuse to leave the premise, defined and prohibited contributing to the delinquency of juveniles, forbid the obstructing of buildings or passageways, and outlined the punishments and fines.

Mr. President, I believe one can see that there is adequate incentive for the passage of laws to deal with such demonstrations and riots, when the citizens of the community affected are sufficiently upset and outraged by the activities of the Negro organizations. Furthermore, if the police officers do their job with discretion, judgment, and tact, they can enforce those laws.

As I shall show later on, in that instance, it was not necessary to call out the National Guard, as it was in connection with the disturbances in Maryland and in connection with some other disturbances of this type.

I return to my reading of the report:

Picketing of the stores in Plaquemine was stepped up to include many others. In compliance with the new ordinances, only two pickets were used at each location. This brought momentary relief from the strain felt throughout the city, but in the meantime, Negro leaders called a meeting on July 15 at the Plymouth Rock Baptist Church (Negro) in Plaquemine to discuss plans to launch what they called an "extensive civil rights program in Iberville Parish and throughout the State of Louisiana." Letters were sent to public officials of the city and parish inviting them to attend. Typical of such letters was the one received by Mayor Schnebelen, quoted below:

"The Congress of Racial Equality has made plans to commence an extensive civil rights program in Iberville Parish and throughout the State of Louisiana beginning July 14, 1963. We shall appreciate your cooperation in our endeavor to perpetuate better human relations in our great country.

"Knowing that you are interested in promoting desegregation and obliterating dual citizenship, we cordially invite you to address the opening session of the institute on Monday, July 15, 1963, at the Plymouth Rock Baptist Church, Plaquemine, La. The session begins at 7:30 p.m.

"We humbly request your presence."

The letter was signed by W. W. Harleaux, James Williams, and Tolbert Harris.

No city or parish officials, according to the local newspapers, attended the meeting, although several hundred Negroes were counted. They were joined by numerous white persons who had moved to Plaquemine especially for the meeting. The Plaquemine Post reported "Many of these white persons have remained in Plaquemine and the area to assist with the drive, which began on schedule Tuesday with a house-to-house canvass of Negro areas to determine who was registered and who was not. In conformity with past patterns, classes will probably be conducted for those persons who are not registered, and then the grand procession to the registrar of voters office will begin."

With the news of the Negro voter registration drive, a white group was organized to increase the voter registration among white citizens. Stanley Hebert of Plaquemine, chairman of the group, said that the purpose of the effort was to gain more white votes before the pending election in December. CORE's response to this was an "Open Letter to All White Citizens Interested in Voter Registration in Iberville Parish." This letter stated:

"We read with great interest of your projected voter-registration campaign. We enthusiastically endorse your objectives, for we believe it is every American's right and duty to register and vote. As you may know, we have already begun a similar campaign here in Plaquemine, and so we have already done much of the preliminary research work which you are just beginning. We feel that two parallel registration drives in a town as small as Plaquemine constitute an inefficient use of the resources of all concerned. We believe that the unregistered people of Plaquemine could be more successfully registered if all the interested organizations combined their efforts. Therefore, we invite you to join us in encouraging all the people of this town and parish to register and vote, regardless of racial identity. Our organizations have had a varied and interesting history of voter-registration activity in the South, and we believe that our experience can be used constructively here in Plaquemine for the benefit of all. It is our hope that you will want to join us in a successful campaign of registration in all of Plaquemine and Iberville Parish. You can reach us at the above address to discuss further cooperation."

The letter was signed by the Iberville Voters' League and the Congress of Racial Equality.

Editor Hebert of the Plaquemine Post refused to print the letter. In an editorial, he gave his reasons.

(1) The Post was refused attendance at a meeting called by Plaquemine Chief of Police Dennis Songy 2 weeks ago to acquaint CORE leaders with 15 new ordinances adopted by the city council; (2) representatives of CORE refused to allow the Post's editor to remain at the meeting, claiming this newspaper would not "cover all points" of the discussion, and that the Post was "biased" in its reporting of the shenanigans of CORE in this community. This constituted a rejection of the local press. (3) Certainly, if the Post is denied the privilege of recording the actions and comments of an organization or individual in an open meeting, then that organization or individual is 100 percent presumptuous to believe that this newspaper will allow them to use this medium to disseminate news releases drafted by their cohorts, in the manner and fashion they choose to further their now infamous cause in this community.

On the other hand, the letter was given four-column headlines on the front page of the Iberville South, the city's other newspaper.

No action was taken by any group to combine efforts in the voter registration drive. Both the Negroes and the whites went into high gear to gain more registered voters. On July 22, Police Jury Secretary Gerald Berret was asked to open the third-floor balcony of the courtroom so that Negro registrants waiting their turn to register in the third floor Registrar's office could wait in comfort. Berret was told that some 70 Negroes would be brought to the courthouse at a time. He advised the Negro leaders that only eight registrants per hour could be allowed on the third floor due to fire marshal restrictions. The Negroes abided by this directive.

An incident occurred on that date which almost brought about a serious disturbance at the courthouse. The Plaquemine Post reported that two white men went to the registrar's office to register shortly before 4 p.m. One finished before the other and went into the hall to wait. While waiting, he leaned against the "White" drinking fountain. Upon seeing this, reports indicate Ronnie Moore, a fieldworker with CORE, approached the fountain and asked the man to move so he could get a drink of water. The white man immediately told him there was another fountain, the "Negro" fountain, if he wanted to drink. Moore, a Negro, reportedly told him the Supreme Court had ruled he had a right to drink at the "White" fountain. The white man then told him he would have to "go over him" if he wanted to drink. Moore told him he could get the sheriff to move him, and the white man told him to go ahead and do so, and volunteered the location of the sheriff's office. Moore registered the complaint with the sheriff's office, and Chief Deputy Lester Comeaux was dispatched to the scene to check the incident. Before Comeaux arrived, the second white man had come out of the registrar's office, joined his partner, and the two left the courthouse.

Possibly, as a result of this incident, all of the "Negro" and "White" signs above the drinking fountains and restrooms on the third floor of the courthouse mysteriously disappeared Monday night. When courthouse workers reported for work Tuesday morning, all the signs were gone, and throughout the day Negroes used the fountains and restrooms indiscriminately.

The following week, CORE representatives began picketing the courthouse, carrying signs which read "Jim Crow Signs in Courthouse Are Unconstitutional. CORE." Capt. Tolbert Harris told reporters that, although the signs had been taken down at the courthouse, they had later been replaced.

The next day, an 18-year-old white boy was arrested and charged with defacing public property at the courthouse when he was caught removing the signs designating segregated drinking fountains and restrooms. He was identified as Brendon Sexton, a resident of New York City. The boy became the first of hundreds of arrests as a result of the civil rights drive in the area.

In Baton Rouge, however, Spiver Gordon and Ronnie Moore were arrested on July 26 when they refused to leave the cafe at Ryan Airport after being refused service.

By the first week in August, the situation in Plaquemine had brought national attention to the community. Cameramen from the American Broadcasting Co. of New York were in the city making films for a nationwide telecast which was scheduled for August 18. Representatives of the television crews said that attempts were being made to give an accurate version of voter registration efforts in the South and that Plaquemine was one of the areas being photographed. Crews spent almost a week in the city photographing scenes of local registration efforts by Negroes and interviewing various persons in an effort to grasp the pulse of the community.

This aroused the interest of residents in the area, but it was soon learned that neither television station in nearby Baton Rouge would carry the show. It was produced over a New Orleans station, which few persons in Plaquemine were able to receive.

On August 11, a Sunday, the first mass arrests were made in Plaquemine. On that date, 25 Negro and white youths were jailed by sheriff's deputies for attempting to desegregate facilities on the Plaquemine ferry crossing the Mississippi River.

According to newspaper accounts:

"The youths, 18 Negroes and 7 whites, identified as CORE workers and sympathizers, boarded the ferry on the Plaquemine side, in four different automobiles, and allowed the ferry to pull away from the bank before making their move. Louis O'Neill, captain of the boat and pilot at the time of the incident, immediately warned the Negroes about their action, and then radioed the Port Allen Lock which in turn radioed the sheriff's office of the disturbance. O'Neill turned the ferry around in the river and returned to the Plaquemine side where sheriff's deputies were waiting for the youths. They were allowed to drive off the ferry and then stopped by deputies. They were then asked to accompany the deputies to the courthouse which they did, driving their own automobiles. Once at the receiving station, they waited around inside the gate for almost a half-hour, and then they were called into the office one by one for booking on a charge of disturbing the peace which was filed by Ferry Pilot Louis O'Neill. Most of the youths went willingly into the office for booking, but nine were charged with resisting arrest, and disturbing the peace. Bond for each offense was set at $500. At press time 11 of the Negro youths were still confined to the parish jail and 13 more were still confined in West Baton Rouge Parish."

The following day, James Farmer wired Louisiana Gov. Jimmie H. Davis, requesting that he use his influence to have the youths released. He also asked the removal of segregation signs and practices from the ferry. CORE National Program Director Gordon R. Carey disclosed at the same time that Farmer intended to go to Plaquemine to check on a campaign Carey headed to get Negroes registered as voters. Carey's version of the arrests stated that the CORE members refused to obey orders from the ferry crewmen to observe segregated seating, and that when they were arrested at the courthouse, they locked arms in passive resistance to the arrest. Six of the youths were charged with resisting arrest because of the armlocking.

On the Wednesday following the ferry incident, about 300 Negroes and several white persons staged a nighttime mass march to the parish courthouse following a meeting at the Plymouth Rock Baptist Church. Leaving the church at 9 p.m., the Negroes arrived at the courthouse, where they were met by Chief Deputy Lester Comeaux and several other deputies. They asked to talk to Sheriff C. A. Griffon, and when he arrived, they asked for permission to enter the grounds and hold a prayer-meeting near the jail, at the rear of the property.

Griffon told the leaders, Capt. Tolbert Harris, Rev. J. W. Davis, Lavert Taylor, and white CORE worker Gordon Carey that he could not grant them their request because he had not been informed until it was too late that the demonstration was in the making, and that it was too late for such a demonstration because of the disturbance it would cause to persons living in the immediate area. Griffon said that when he told them this, Davis asked why other "political rallies" were held at late hours at the courthouse. He replied that permission had been granted to those individuals and organizations and that most of the meetings at the courthouse get underway before dark and are over before late hours of the night. He pointed out that his office had been officially informed of the demonstration just 3 minutes before the marchers arrived at the courthouse. He said that he did not consider 9:30 at night a reputable time for such a function, adding that he would allow such an activity to take place only during the day or early evening.

The Senator from Louisiana, in campaigning both for himself and for other candidates, has spoken at that same courthouse square many times. References have been made to Plaquemine as a sleepy little town on the Mississippi. At 9:30 p.m. most of the lights are out, except for the few people who stay up to watch television. Obviously, a meeting starting at that hour would disturb all those whose homes were in the area.

Continuing to read from the report:

He was then asked if the Negroes could hold a demonstration the following day, and Griffon offered no objection if his office was notified and if the demonstration took place before dark. A short conference was held between the CORE leaders, and they then asked for permission to "just sing one song and have one prayer" in the front of the building instead of at the rear, where the jail is located.

Griffon pointed out that, since the Court House was within the city limits, and that the city had ordinances regarding such demonstrations, he could not give permission. However, Police Chief Songy, speaking for the city, gave the group permission to sing one song and to have a prayer. With this, Reverends Davis and Taylor led the demonstrators to the front of the Court House where they grouped three deep for the brief activity. Taylor led the group in singing "We Shall

Overcome" and Davis gave a loud prayer for the group. Then Davis told the Negroes, "We're thankful to the sheriff and chief of police for this moment," and directed them to march back to the church.

The protest march seemed to have some effect, for the youths involved in the ferry incident were released and charges were dropped. District Attorney Sam Cashio stated, "Although what they (the demonstrators) did was reprehensible and could have endangered the lives of those aboard the ferry, I dropped the charges because there was not sufficient evidence to justify prosecution."

This did not seem to satisfy the Negroes, however, for the days that followed in Plaquemine were ones of riots and extreme tension. Plaquemine Post editor Gary Hebert wrote about it in this manner:

"So now it's here.

"Since last Wednesday night when some 150 Negroes marched on the Iberville Parish Courthouse wanting to hold a prayer meeting on the courthouse property at 9:30 at night, Plaquemine has felt the sting and stigma of racial unrest, brazen infraction of the law, disregard for accepted conduct and relationships, and all else that goes with what the Negro calls his 'fight for rights.' This war is being waged here now, just as in many communities throughout the country. With it came a bevy of news media people, newspapers, TV stations, and networks, and wire service reporters, and writers. The entire country has been told the story of Plaquemine, La., in the month of August 1963.

"Last Wednesday's march on the courthouse was triggered by the arrest the previous Sunday of some 25 Congress of Racial Equality youths who attempted to desegreate the facilities on the State-operated Plaquemine ferry. Most of them were lodged in the Iberville Parish jail following the arrest, until Thursday evening of last week when they were released.

"All was quiet in Plaquemine over last weekend. Only reports that James Farmer, National Director of the Congress of Racial Equality, stirred suggestion that something might be 'in the air' on the racial issue. Farmer was slated to address a meeting at the Plymouth Rock Baptist Church on Monday night at 7:30.

"Farmer did not arrive at 7:30 p.m. He was brought into town an hour later, about 8:30 p.m. Several hundred Negroes from all areas of Iberville and the surrounding parishes crowded into the church, while another goodly number milled around the outside. The Post was there, inside the church to get a firsthand report, documented with pictures, in order to be able to give an accurate report on developments.

"Before Farmer's arrival a Negro who claims Iberville as his home, and who was identified to the Post as Major Johns, addressed the gathering between the singing of songs and the shouting of favored CORE slogans such as 'Freedom Now.' Johns stirred the congregation with talk of equality with the white man. He asked, 'How many of you would like to attend Plaquemine High School?' Many put up their hands. 'How many of you would like to attend LSU?' he asked again, and many more put up their hands and shouted amens to his words. He urged the Negroes not to allow a teacher who was not registered to vote to teach their children in school."

Mr. President (Mr. Moss in the chair), I digress at this point to state that Louisiana State University accepts colored students. It requires a court order to do so, but it has never resisted a court order. Most of the colored students, however, go to Southern University in the same city, and while Louisiana State University is in the southern part of the city, the great majority of the students at Southern University are very proud of that institution. I feel they should be proud of it, because it has a fine faculty and in my judgment in all respects is on a par with the requirements of any college in the country.

Reading further from the report:

Rev. J. W. Davis then introduced CORE Program Director Gordon Carey, a white man, who was given a tremendous standing ovation by the Negroes. Carey in turn introduced CORE's national director, James Farmer.

Farmer proved to be a forceful, quietly dramatic speaker who with firm and certain control of his voice numerous times moved the crowd to shouts, singing, and slogan yelling. He addressed the group as "fellow freedom fighters" and commended them for "joining the great movement." "You have put the town of Plaquemine on the map," he said. He told the group they had many weapons: their bodies to march and picket, their vote, and their boycott.

He urged the Negroes to boycott local merchants by shopping in Baton Rouge and Port Allen, until the merchants bring pressure to bear on the politicians to give the Negroes what they want. He mentioned incorporation of Dupont Annex and Seymourville, setting up a biracial committee, and many other items such as jobs above the mop-and-broom level in Plaquemine's business places, and the right to drink a cup of coffee or a Coca-Cola in a restaurant. "Make your demands, and if they're not met don't spend 1 more green Yankee dollar here," Farmer said. "I think you can win," Farmer said. "There's an election coming up, you have your vote, and the politicians know it," he added.

When Farmer finished his speech he left the sanctuary of the church through a side door and waited outside for a few minutes. During this time a giant march on city hall was organized. "Let's go to city hall and show Songy how strong we are," Spiver Gordon told the group of Negroes outside the church.

And march they did. With Farmer, Rev. Mr. Davis, W. W. Harleaux, and Dr. Bertrand Tyson leading the 2-by-2 procession, the Negroes, some 800 strong, marched to city hall. There they were confronted by Chief of Police Dennis Songy who asked them to disperse and go home. When they refused he conferred briefly with Sheriff C. A. Griffon who at city hall along with a detail of sheriff's deputies from Iberville and surrounding parishes. Songy returned to face the leaders and immediately placed them under arrest. He then ordered the others to disperse. When they refused he gave the order which set off a barrage of tear-gas explosions from grenades rolled into the crowds by deputies and city police. Most of the crowd ran to escape the onslaught of the gas, but many remained and were arrested immediately. Later others returned and were arrested and booked with disturbing the peace.

Mr. President (Mr. Brewster in the chair), it might be pointed out that by that time the Negro demonstrators were in violation of the very laws for which they were responsible. They had started disturbances, and were making unreasonable demands. The white citizens of the community, rather than bow down to them, had passed laws against demonstrating without a permit, and matters of that kind—a number of laws which so far as anyone knows at this point are constitutional and which I believe should be upheld.

It may be that the Supreme Court will undertake to say that almost any law can be violated and any crime short of murder can be condoned so long as those who do so have civil rights as their objective. But it remains to be seen just how far the Supreme Court will go. So far it has balked at nothing the Negroes have demanded. It seems to have indicated that law violations by civil rights demonstrators who have civil rights as their objective cannot be regarded as crimes against society. However, so far as we know at this moment, the laws which the demonstrators are violating are constitutional.

Reading further from the report:

Monday night was a long night for law enforcement officers and for this editor. Ill equipped for the occasion, the deputies and the city police felt the sting of tear gas themselves as they battled the development. Shortly after the first demonstration by the Negroes, a detail of 45 State troopers arrived in some 17 cars. They were present for the subsequent marches on city hall in which more Negroes were arrested. The troopers remained until about 2 a.m. when most of them pulled out planning to return in the morning.

Of the Negro leaders arrested, Farmer, Tyson, Davis, and Harleaux, only Tyson was bonded out. The others were taken to the Ascension Parish Jail in Donaldsonville. On Tuesday evening of this week W. W. Harleaux, principal of Iberville Elementary School, was bonded out.

On Tuesday morning at 11 o'clock, Dr. Tyson and a delegation of Negroes requested a meeting with Mayor Schnebelen. The mayor agreed to talk with them at that time. They called to say they would be 20 minutes late. Then the mayor stipulated that he would speak to only four Negroes. When they arrived, there were six. They made the same demands of the mayor as had been made at a meeting with him by a citizens' committee on Friday of last week. They asked that Seymourville and Dupont Annex be incorporated in the city limits and included in a proposed expansion program; that utility bills be reduced; and that nonwhite be employed at city hall above the mop and broom levels. Mayor Schnebelen told the Post he informed the delegation he could do nothing more for them than what had been done, and that they could approach the city council on August 29 with their demands. Dr. Tyson was quoted as telling the mayor, "There may not be a Plaquemine on August 29."

And well Dr. Tyson knew, for Tuesday and Wednesday were hellish days for citizens of this community, as mountains of gossip, rumors, and reports of CORE strategy over the issues converted the city into a simmering sore of unrest and apprehension.

But while the sore simmered and the unrest reigned, Police Chief Dennis Songy prepared for whatever might develop. Substantially backed by Sheriff C. A. Griffon's office, and the State troopers with Maj. Ben Ragusa in command, and the deputies from the neighboring parishes, Chief Songy girded the city's law-enforcement office for whatever was to come.

The Negroes met on Tuesday morning, but nothing came until early in the afternoon when groups of young Negroes attempted to desegregate restaurants and cafes in the city. As fast as the reports came in, details of police deputies and troopers converged on the scene, arrested the sit-in Negroes, herded them into buses and brought them to city hall where they were booked. Sit-in action continued throughout the evening. About 7 p.m. Negroes again met at the Plymouth

Rock Baptist Church Apprehension was high, especially around city hall, but about 9 p.m. the Negroes left the church and disappeared into the night. They did not march Tuesday night but promised to march on Wednesday morning. Wednesday came and the same sit-in demonstrations, in practically the same places, took place. All of the sit-in demonstrators were arrested. With dusk came another mass meeting at the church, and apprehension again ran high as the same detail of city, parish, and State law-enforcement officers braced themselves at city hall. Also on Wednesday afternoon, a group of children and two adults were taken into custody for demonstrating at the courthouse. The juveniles were warned and released in the custody of their parents, as were all juveniles arrested since the rioting started.

Late that Wednesday afternoon, E. Gordon West, U.S. district judge of the eastern district of Louisiana, granted a temporary restraining order to the city of Plaquemine and Iberville Parish after the move had been requested by Mayor Charles P. Schnebelen, Sheriff Griffon, Chief Songy and Edward T. Supple, president of the parish police jury. It restrained CORE against further action in the city and parish. Plans were made to serve the papers on CORE leaders early Thursday morning.

Meanwhile, over 100 Negroes prodded on by a pep rally at the Plymouth Rock Baptist Church, continued demonstrations at the courthouse and city hall. About 75 of them marched to the courthouse around 9 p.m. and stood on the sidewalk demanding to see the chief of police. They were confronted by Sheriff Griffon and a group of deputies and State police. Levert Taylor, acting as spokesman for the Negroes, told the sheriff they wanted to see the restraining order.

Griffon told them they would be served with the order by a U.S. marshal the next morning. They then asked to be allowed to sing a song after which they would return to the church. Griffon told them they were on the sidewalk, which was town property and that permission would have to come from Chief Songy. When Songy arrived at the courthouse, he immediately placed Taylor under arrest and ordered the others to disband. When they hesitated, Songy gave orders to deputies, city police, and State troopers to break up the gathering with tear gas. However, he was cut short by Taylor, who ordered the Negroes back to the church.

They began to move away 2 by 2, but about 50 of them went back to the courthouse a few moments later. They were held there until Chief Songy returned, and he immediately placed them all under arrest and ordered them impounded inside the parish receiving station and booked on charges of disturbing the peace.

While the demonstration was proceeding at the courthouse, another group of Negroes attemped to approach the city hall where they were turned back by mounted State police who used electrically charged cattle prods on the marchers. Some 30 of this group were arrested and taken to the fairgrounds where some of the commercial buildings had been converted into jail facilities.

At 10:30 Wednesday night, John Able, lockmaster of the Plaquemine and Port Allen Locks, reported to city hall offering to sign an order to have a group of some 25 Negroes removed from the lock property. When approached by the lockmaster, Chief Songy and Major Ragusa of the State Police, the group disbanded voluntarily. The lock property was then locked against such gatherings.

In the meantime, a letter had been received by the Iberville Parish School Board requesting that all parish schools be integrated. New Orleans attorney A. P. Tureaud made the request on behalf of several Negro parents of children attending school in Iberville Parish. Tureaud's letter said:

"I represent several Negro parents of children attending schools under your jurisdiction. They complain that the said schools are operated on a racially segregated basis with respect to both students and personnel. They have engaged me to lodge this complaint with you requesting that their children be permitted to attend the public schools of Iberville Parish without any distinction on the basis of their race or color as they have a legal right to do. Please advise."

Superintendent of Schools L. G. Hoffmann took the matter up with District Attorney Sam Cashio.

Because of the tense situation existing in Plaquemine, during the week of August 19 to 25, Mayor Charles Schnebelen made an appeal to local Negroes to stay out of the racial demonstrations and asked parents to keep their children away from what he termed the "radical Negro element." The appeal was made by radio shortly after Schnebelen met with five Negro ministers at city hall in an attempt to work out a solution to the problem. In his talk, Schnebelen also asked that the white people of the community "remain calm, patient, and let the 'law' handle the situation." He explained that the white and Negro people in the community have had good relations in the past and should continue to keep the same without outside influence.

In reference to the above-mentioned meeting between Mayor Schnebelen and Dr. Bertrand Tyson, the Iberville South came out with a story on August 22 quoting the mayor as saying that Tyson was a troublemaker. The story said:

"Holding his ground Tuesday, Mayor Charles P. Schnebelen called Dr. Bertrand Tyson a troublemaker and told him that the Negro group has to wait until August 29 to present their requests at the regular scheduled council meeting.

"Dr. Tyson said he couldn't wait until August 29 because there wouldn't be a Plaquemine on the 29th.

"The mayor said, 'I told him there would be a Plaquemine—that there would always be a Plaquemine.' "

The newspaper said that the Negroes requested action on three proposals: that two Negro subdivisions which were outside the city be included in the city's improvement program and be incorporated in the city, that utility bills be reduced, and employment of Negroes in city hall above the broom and mop levels.

I digress to note that these were not the requests with which the demonstrators had originally started. They made these requests after they had decided to pick Plaquemine to receive the brunt of their civil rights disturbances.

Reading further from the report:

The Negroes gave the city officials 24 hours to answer. Schnebelen told them that their request had to go through regular procedure and to be voted upon by the city council at a regular meeting. He said that he had no jurisdiction over the two Negro subdivisions, and suggested that the Negroes go to the police jury and have a sewage district created to take advantage of Federal funds as other towns have done. Schnebelen said, "They didn't want that. They wanted to be a part of the town of Plaquemine."

The group suggested to Schnebelen that Plaquemine would be a ghost town if all Negroes in the area would take their business to other towns, and they asked him what he thought would happen to the city if this should occur. Schnebelen said that it would "be bad for Plaquemine." Tyson then accused the mayor of giving the group "the run-around." To this, Schnebelen replied, "I've always been fair and honest with the Negroes, and I told him [Tyson] I considered him a troublemaker, that if he were not a troublemaker, then he would not be involved with this."

When asked about forming a biracial committee, Schnebelen told the Negroes that he was not in favor of such a committee as long as the Negroes made their request as they had done—by demanding and giving an ultimatum for violence.

In other words, the mayor's position was that, in view of the way these people had been approaching the problem by issuing ultimatums and threatening violence if the ultimatums were not complied with, he could not approve of the plan. If they had asked in a civilized way, their requests probably would have been agreed to. After all, both white and Negro had always lived together in Plaquemine, without any trouble. The mayor had always been willing to talk with Negroes, and he felt it was not necessary to have a biracial group to discuss these matters.

I continue to read from the report:

It should be noted that not all of the Negro citizens of Plaquemine were in sympathy with the CORE group. On August 21, Mayor Schnebelen called a news conference and stated that he believed that the five Negro ministers with whom he had met earlier were interested in working out a solution to the extreme racial tension which existed in the city. He said that he did not believe the ministers represented the "radical Negro element."

Schnebelen said that the ministers were considered "Uncle Toms" by the CORE element and that he, himself, considered them sincere in their attempt to work out a peaceful settlement.

"They mentioned forming a biracial committee in Plaquemine," the mayor said, "but I told them that as long as the colored people accept such radical elements as Tyson, Harleaux, and Harris, I don't think that we will ever have a biracial committee."

That brings to the fore one of the problems that the southern whites had to contend with. There had been good, responsible outstanding colored businessmen, preachers, outstanding labor leaders, and working people in the community. They had been leaders among the colored people for many years. Understanding and harmony existed between the white people and the colored people. But when radical leaders came from outside the city, they brushed aside many of their fellow Negroes who had the respect of the white and who had tried to understand the white man better and had tried to act sensibly in the matter of race relations. They branded them as "Uncle Toms." They said that they would not have anything to do with these moderates. To represent the Negro movement they must have some revolutionary type, the type that can be stirred up to lawlessness. That accounted for much of the ill will that was generated thereafter.

I continue to read from the report:

Schnebelen criticized the above-mentioned three Negroes in connection with CORE, saying that all of their approaches toward the settlement of the problems were wrong and that they made their approaches with threats. He advised the Negro ministers to talk to their congregations and get them to break away from the radical element of the Negro race. He said that he was personally opposed to a biracial committee "because it delegates authority away from elected officials as we were elected by the people."

Instead of a biracial committee, the mayor suggested that more success could be obtained through meetings with the more conservative Negroes in the community.

At the press meeting, a reporter asked the mayor his opinion on why CORE has picked the city of Plaquemine for their operations. Schnebelen stated that he believed it might be because of the liberal attitude the white citizens of Plaquemine had always had toward the Negro citizens. When a reporter asked if some of the demonstrators might be paid for their activities in Plaquemine, Schnebelen replied, "I do not know, but it is my opinion that Negroes from New York and California and other places did not just come here because of their love of their race."

Other criticism of CORE came from the president of the Iberville Taxpayers Association, Charles Banta, who wrote to the parish School Board and said, "It is a sad situation when the people of Plaquemine who pay taxes to run our schools have to put up with Negro principals and teachers who are paid with the taxpayers money to teach our young Negro population hatred and rabel rousing in the parish of Iberville with no respect for the law or the law-abiding citizens of Plaquemine. And the taxpayers feel it is high time that our respected school board officials correct this matter in the near future."

In keeping with their determination not to give in to CORE demands, merchants of Plaquemine failed to attend a meeting called by James Williams and W. W. Harleaux, who identified themselves with the Plaquemine Committee for Freedom and Justice. The meeting was scheduled on August 25, called to map out "certain procedures to encourage local officials to help alleviate the present crisis and arrive at a workable agreement," according to a letter of invitation distributed to all merchants. The letter stated:

"Since it is evident that channels of communications have been broken down between two segments of the Plaquemine community and since the citizenry and the economy of Plaquemine are suffering because of this breakdown, we, the representatives of the Negro community, feel it is important to meet with you to arrive at a solution to this dilemma.

"We should hope to map out with you certain procedures to encourage local officials to help alleviate the present crisis and arrive at a workable agreement.

"We are looking forward to your presence at 1 p.m. Sunday, August 25, 1963, at the Laboring Men's Hall.

"Thanking you in advance for your cooperation."

Recognizing the seriousness of the dilemma referred to in the letter, and to counteract the boycott imposed upon Plaquemine merchants by the Negro population, the Plaquemine-Iberville Chamber of Commerce sparked an extensive buy-at-home program aimed at getting local residents to purchase as many home, business, or personal needs from local merchants as possible. In support of the program almost 50 merchants joined in actively in the move. Full-scale newspaper advertising and direct mail campaigns were kicked off during the week of August 26 to September 1. A "buy-o-gram" was issued by the chamber of commerce and distributed in the cars of persons attending church services, calling for all local residents to make a concerted effort to buy from local merchants. The bulletin said, "You can overcome the boycott. Shop with your local merchants now. Let's prove that there'll always be a Plaquemine."

Meanwhile, CORE leaders fought the restraining order previously issued by District Judge E. Gordon West. The case was taken to the Fifth Circuit Court of Appeals in New Orleans. CORE's legal counsel pleaded the case before U.S. District Judge Herbert W. Christenberry in the hope of having the restraining order and the complaint dismissed. Going to New Orleans to plead the case for the city and parish were Mayor Schnebelen, Chief Songy, Sheriff Griffon, City Attorney Edward Engolio, District Attorney Sam Cashio, Assistant District Attorney Hayward Dameron, and Paul Borron, Plaquemine attorney who assisted local officials in securing the restraining order.

In a surprise move, Christenberry told CORE's attorneys that he did not think it was his prerogative to act on an order issued by one of his fellow district judges. He told CORE, "your remedy lies in the appeals court." So CORE moved immediately to the court of appeals to have the order dismissed.

While waiting for a decision from the court of appeals, the Negroes' activities were comparatively quiet. A song rally was held by about 200 Negroes near the Fair Grounds Jail Annex. They were stopped by State troopers and held for booking, but deputies of the sheriff's office released them and permitted them to disperse, in spite of the fact that they were in contempt of the Federal court order which had been issued a few days before prohibiting CORE from further activity in the city or parish.

Over the weekend, kneel-ins were staged at St. John's Catholic Church, the Episcopal Church of the Holy Communion, the First Baptist Church, and the Northside Baptist Church. They were allowed to sit through the services at the Northside Baptist Church, St. John's Catholic Church and the Episcopal Church. They were turned back at the First Methodist Church by two members and told they would not be allowed to enter, and at the First Baptist Church, where a delegation of deacons and the minister, T. J. Ozbun, met the Negroes and told them they were not welcome.

Regarding Mr. Ozbun's actions at the First Baptist Church, he received a request from a fellow Baptist in Kentucky asking for information concerning the civil rights activities in Plaquemine, to be used in a report for the Christian Life Commission, Home Mission Board and other agencies which were to send Negro workers to a meeting, one aspect of which would concern the separation of church and state and social issues in the South. Mr. Ozbun's reply, written on February 19, 1964, gave a very objective and fair account of the entire picture in Plaquemine. He said:

"Perhaps these statement will give some clarification of the racial situation in Plaquemine.

"Last June a voter registration drive sponsored by CORE began in Plaquemine and Iberville Parish. Upon coming to Plaquemine, CORE noted that about 30 percent of the voters in the parish were colored. Further examination by CORE revealed that about 50 percent of the parish was colored, and efforts were extended to register this additional group. Lethargy among the Negroes was encountered by CORE in this effort; therefore, other action was necessary to direct attention from apparent failure of this effort.

"To accomplish this action, a boycott of local businesses began where the Negro claimed he could not work (several of these businesses employed Negroes). From the boycott, mass demonstrations were organized in the Plymouth Rock Baptist Church (later the name was changed to Freedom Rock) under the leadership of CORE. The 'church' became a station where Negroes threw bricks, bottles, etc., at State troopers and police who patroled the streets as the meetings were held. Catcalls and very vile and obscene language could be heard while passing in front of the 'church' from the mobs gathered in and around the 'church.'

"During these demonstrations, a schoolbus used to transport white children was stoned, Negroes threatened each other with the use of icepicks, and the use of fire unless particular allegiance to CORE was declared. Several Negro property owners were called upon to mortgage their property in order to provide bail for jailed Negroes. These actions have been defined as 'Christian' acts, 'nonviolent' acts, and demonstrations in the name of 'freedom.' It is amazing that the white citizenry did not retaliate in a forceful manner as the Negroes actually ran wild over this city.

"On August 25, 1963, the Negroes sought entry into the white churches of Plaquemine. The Catholic church (Plaquemine is approximately 75 percent) had admitted a few Negroes in the past, but a group of some 20 entered and disrupted the mass one Sunday as they came into the building at intervals in pairs. The Negroes were admitted to the Episcopal Church and the Northside Baptist Church (who, according to the statement of their pastor, previously had voted to admit them, but they reportedly voted the following Wednesday night not to admit the Negroes). The Negroes were not admitted to the Methodist Church or to our church, the First Baptist Church.

"With a group of men, I [the pastor] met and talked to the Negroes myself; the discussion was brief and no excitement from anyone was involved. The police did not stop any Negro from entering a white congregation; however, since we knew the Negro group was coming and there had been these forceful, almost animalistic demonstrations, we had made arrangements with the police to give us assistance in event it was needed. Coincidentally, the Negroes met at their churches to organize groups to seek entry into the white churches.

"As far as I know, the procedure used by our church last August will be repeated if necessary. There has been no internal trouble at all in our church. Our church is small, but strong in many ways; it also has the best respect of this Catholic community. We do not feel that a pressure group such as CORE either black or white should be permitted to encroach upon a church. As long as a Baptist church remains an autonomous body, this right of restriction to anyone should be its prerogative. We do not consider this action irreligous, un-Christian, or immoral. It is a shame that the racial harmony which existed in this small city was disrupted. We are sick, and many, many Negroes are also sick of this entire mess. We have no hatred toward any Negro, but concern for his problems. It is evident, however, that a definite hatred for the white has been planted in many Negro minds in Plaquemine during recent months.

"Plaquemine has several Negro Baptist churches, and why they waited until a pressure group began to desire worship (and we doubt this as their intention) is beyond comprehension. Without too much examination, these demonstrations and their kindred acts bear all the marks of communistic activity. At least, these are some of the tactics employed by the Communists in other countries and the same type used in their rise in Russia."

During the following week, Mayor Schnebelen, presiding as magistrate of Plaquemine's municipal court, began the arduous task of hearing evidence in the cases of some 16 Negroes who had been arrested following the march on city hall August 19. Charges ranged from disturbing the peace to inciting riot. City Attorney Edward Engolio prosecuted the defendants on behalf of the city. Defense attorneys were Robery L. Collins and

Nils R. Douglas of New Orleans, and Murphy Bell of Baton Rouge.

Only a few spectators and members of the press were allowed to enter the courtroom. Mayor Schnebelen asked for silence and decorum during the hearing, and said that persons who did not abide by these rules would be evicted.

CORE's attorneys immediately moved to have all charges against the Negroes squashed, claiming the single affidavits were prepared to include as many as five violations of city ordinances. Bell claimed this was illegal and deprived the defendants of due process, and was not in harmony with the State's criminal code. City Attorney Engolio answered that there was nothing stipulating that the town of Plaquemine had to follow the code of criminal procedure of the State. "We have gone beyond the call of duty in preparing affidavits which you'd find in no other municipality," he said.

CORE's attorneys advised the court that all cases would be appealed to district court upon conclusion of the municipal findings.

Hearings went smoothly except in the case of Dr. Bertrand Tyson and James Farmer. These two men were placed on the witness stand by their attorneys. They were both questioned extensively by Mayor Schnebelen and entered into direct verbal clashes during the discussions. Tyson was found guilty of obstructing streets and sidewalks and disturbing the peace, and was fined $100 or 30 days on each count. Farmer was found guilty of the same charges and was given the same sentence. All of the others but two were found guilty of charges against them. One of the Negroes was a juvenile and his case was referred to juvenile court. The other case was passed on grounds that the arresting officer was not available to testify.

All was not quiet elsewhere in Plaquemine, however. On September 1 CORE staged another demonstration, in violation of restraining orders which were served upon them by Federal marshals just before they began leaving the Plymouth Rock Baptist Church for a march downtown. The march, made up of several hundred Negroes, mostly youths, was directed to the courthouse square and thence back to the church. Sometime later, they regrouped at the church for another march, this time without James Farmer, and proceeded along the same route to the courthouse. This time, they were met by the sheriff and and two U.S. marshals. The group bypassed the sheriff and the marshals and continued marching. In front of the courthouse they were confronted by Chief Songy, who stopped them and placed their leaders under arrest and told the others to return to the church. When they remained in front of the courthouse, Songy gave the order to break up the demonstration. Using horses and electric prods, the mounted State troopers, backed up by city police and sheriff's deputies on foot, backed the crowd toward Court Street and the church. Law enforcement officers then returned to the courthouse.

Shortly afterward, Chief Songy received information that the Negroes were starting to throw bricks, rocks, and bottles from the vicinity of the church. Following a conference with Mayor Ben Ragusa of the State police, it was decided to go to the church and clear the street and sidewalks for traffic. "The Negroes would have to go into the church or go home," Songy said.

Songy also stated, "Besides, that place is no longer a church for them, it's a fort."

At the church area, a large number of Negroes were milling about. A window in a nearby grocery store was broken with a brick. (The owner of the store was a Plaquemine policeman.) When the law enforcement officers arrived at the church to begin clearing the sidewalks and street, the demonstrators, among them the top CORE leaders, began throwing bricks and rocks from the church. At this point, orders were given to fire gas into the church to clear the rioting demonstrators from the building. No gas was thrown into the homes, Chief Songy has stated.

With the explosion of tear gas the demonstrators scattered in all directions, jumping from windows of the church building and taking refuge to avoid arrest in every nook and corner and private home in the immediate area. Law enforcement officers went into many of the homes to arrest fugitives in the melee. Songy said that every house which was entered produced several of the demonstrators.

Backing up the tear gas action on the church was one of the Plaquemine firetrucks. A consistent, forceful stream of water was poured into the church building to oust the demonstrators.

Some 69 Negroes were arrested in the demonstration, the youngest being 15 and the oldest 64. Some of the demonstrators were hospitalized for minor injuries, and a large number of law enforcement officers were treated at the Plaquemine Sanitarium.

James Farmer, the national director of CORE, and a leader of the first march on the courthouse in contempt of the Federal court order, disappeared from the church when the police arrived. He later turned up in New Orleans, but returned to Plaquemine on Tuesday for trial.

In the September 1963 issue of the CORE-LATOR, published by the Congress of Racial Equality, Farmer wrote his version of the demonstrations:

"On August 19, with three local leaders, Dr. Bertrand Tyson, a physician, W. W. Harleaux, a school principal, and Rev. J. W. Davis and I led 500 persons on a protest march to city hall. Upon reaching the building, several of the marchers began singing 'We Shall Overcome.' The three local leaders and I were arrested. The others were dispersed by a tear gas attack.

"Returning to the church, they regrouped and marched again into another barrage of the nauseating gas. In the next 2 days, 232 persons were jailed. There was not enough room in the parish jail, so some of us were sent to adjoining parishes, while others were placed in an improvised stockade.

"I had planned to be in Louisiana only 3 days on a brief speaking trip, but the town of Plaquemine had other plans for me. I had wanted to join the march on Washington, but instead I was in jail. Many of those jailed with me had planned to make the trek to Washington, but they chose to remain in jail. Their 'crime' was the same as mine—asking for freedom now, or as Plaquemine called it, 'disturbing the peace.' I had no real choice but to remain behind bars with those incarcerated with me. The historic march on Washington would go on beautifully without us; the historic struggle of Plaquemine Negroes might not.

"The magnificent demonstration in Washington inspired Plaquemine's freedom fighters to redouble their efforts. They marched and they sat in. They were tear gassed, struck with electric prod rods and trampled by State troopers' horses. Children and adults were injured.

"With most of us just out of jail—we had been jailed-in for 10 days—even bigger marches were planned. The Negroes had achieved a unity such as never existed before. On September 1, they marched in the largest demonstration of all. The mounted troopers with their prod rods, rode down the marchers like cowboys on a fearsome roundup. The demonstrators again took refuge in Plymouth Rock Baptist Church. Troopers pursued them into the church, hurling round after round of teargas canisters. The demonstrators were driven from the church, carrying the wounded, the faint, and the hysterical. They retreated to the parsonage.

"Not content with this desecration of a place of worship, the troopers turned high-pressure firehoses into the church, overturning benches and breaking windows. Bibles and hymnals floated in the pews. The troopers then hurled a volley of teargas canisters into the parsonage, driving the demonstrators into the yard. Further volleys of the gas drove them back into the parsonage. Many were overcome by the gas and artificial respiration was administered.

"Meanwhile, other State troopers rode through the town, pursuing and brutalizing any Negroes in sight. Doors were kicked in and houses invaded as troopers loudly proclaimed, 'We want Farmer.' Negroes beaten in the streets were told, 'We'll let you go if you'll tell us where Farmer is.' Two Negro girls heard troopers say, 'When we catch Farmer we're going to lynch him.'

"Hearing these bloodthirsty threats, I started to walk over and turn myself in. I was stopped by local citizens who insisted that if I surrendered, I would not be alive in the morning. They persuaded me to take refuge in a hearse. With another hearse as a decoy, I thus escaped from the frenzied lynch mob composed of law enforcement officers.

"In New Orleans next day, I called a press conference and described what had transpired in Plaquemine. I announced I would return on the morrow.

"Curiously, there was no warrant for my arrest awaiting me. The frenzied house-to-house manhunt 2 days before had been without warrant and without charges.

"Back in Plaquemine I was tried and convicted on earlier charges. The sentence on each charge was $100 fine or 30 days in jail. Through my lawyers, Murphy, Bell, Collins, Douglas, and Elie, I immediately served notice of appeal.

"The Plaquemine battle goes on. Negroes have launched a tight economic boycott of local stores. They have arranged to buy their food and clothing elsewhere on weekends. The school principal, W. W. Harleaux, has been threatened with his job. A worker in the Negro school lunchroom has been fired because her children were in the demonstration. The school's students are replying with a lunchroom boycott. Instead of eating lunch they sing freedom songs.

"Enjoined against further demonstrations, CORE is seeking through the courts to have the injunction overturned. Meanwhile, demonstrations are starting in other nearby communities. In Hammond, for example, students have demonstrated and their mayor has now set up a biracial committee. Plaquemine itself may be a long struggle, but we shall certainly overcome."

It should be noted here that there are a number of statements in Farmer's story which do not convey the actual facts or which are complete distortions of the truth. Superintendent of Schools L. G. Hoffman has emphatically stated that at no time was any Negro teacher or principal threatened with his job, as Farmer wrote. He said that demonstrations of the sort taking place in Plaquemine were not covered in the teacher tenure laws, and thus no employee of the school board taking part in such demonstrations could be fired even of the school board wanted to fire him.

Farmer's version of the incidents does not point out that he had been served papers by U.S. marshals prohibiting him or other members of CORE to march as they did. And he goes so far as to say that when he was released from jail he planned even bigger marches, in spite of the injunction against CORE. He does not mention the Negroes rioting at the church, throwing bricks and rocks, breaking windows in grocery stores, injuring passersby. Instead, he mentions only the police activity in their attempts to restore peace and order, hinting at dreadful "brutalities." He calls the Plymouth Rock Baptist Church a place of worship, when in

> actual fact, it was being used as a fort, as described by the chief of police. He makes the statement that the police officers became a lynch mob and quotes certain direct statements. At no time has there been a mention of such statements in any other report of the incident except from Farmer, and they have been definitely denied by all responsible white officials of the city and parish. Farmer said in his story that he left Plaquemine in a hearse, but he failed to add that he was inside a coffin also. He also says that he gave a version of the incident to reporters the next day at a press conference in New Orleans. It is significant that his story was published nationally, but at no time did reporters make an attempt to question officials of Iberville Parish or the city of Plaquemine to substantiate Farmer's version of the affair. As a consequence, a completely distorted and untrue version of the riot was given to the American public.

In my judgment, this type of activity points out the kind of injustice that is done the South, when someone makes vitriolic, untrue statements concerning demonstrators, not stating that they were violating the law, not stating that their group engaged in throwing brickbats and endangering citizens and damaging property, and not stating that they were acting in direct violation of restraining orders of the Federal court itself, but rathing making untrue assertions that southern law enforcement officers were in the process of organizing themselves into a lynch mob. That is something that has never happened in the history of the South. It may have been that many years ago some few persons were victims of lynch mobs. It has not happened in many years anywhere in the South, and even then such murders were certainly not committed or condoned by southern law enforcement officers.

Here was a case of officers who were doing their duty. They were undertaking to protect property, and to enforce a Federal court order.

If anyone wants to know why Mr. Farmer was in jail, this Senator thinks he was jealous of a famous Negro leader by the name of Martin Luther King, who was named Man of the Year by Time magazine. His great cause to be named man of the year had much to do with a famous letter written from a Birmingham jail.

I refer to what Martin Luther King wrote to his followers, "If you have seen your people lynched by hateful white lynch mobs—" Martin Luther King never saw anything like that.

Mr. JORDAN of North Carolina. He admitted he had not.

Mr. LONG of Louisiana. The Senator is correct. There has been no incident of that sort in the South for generations; so he could not have seen it during this generation, because it did not happen. When one has seen what this kind of thing does to colored people, it can be understood why I am impatient. If one can dream up these things and suggest that they are going on, of course one can imply that Negro citizens are being subjected to great indignities.

So as a practical matter James Farmer stirred these people up to break a court order and violate the law, to abuse property and individuals with complete contempt and in violation of the law. So when officials sought to stop his illegal activities, he understook to indicate that the police who were trying to enforce the law were guilty of organizing lynch mobs to proceed against him and his fellow demonstrators.

What a ridiculous situation, when people can be swayed by such suggestions. I regret to say that that is the kind of thing that many pitifully misinformed but well-intentioned individuals support.

My attention was directed to a Catholic organization which does a great deal of charitable work and which at one time contributed help to Cameron Parish, La., a community predominantly Catholic, to relieve the distress caused by Hurricane Audrey. My recollection is that almost a thousand people, mostly Catholics, lost their lives in that small community because of that terrible storm and tidal wave which occurred there a number of years ago.

This Catholic organization was able to muster only $2,000 to assist the persons who were suffering in that community as a result of Hurricane Audrey. A member of the organization told me—I have only his word to rely upon—that the same Catholic organization contributed $20,000—10 times as much money—to help the Negro march on Washington.

Imagine the disparity when one contributes money to help incite riots and lawlessness in direct violation of even Federal court orders. One can only imagine that well-intentioned and deeply religious people are doing things like that only because of fraudulent misrepresentation as to what is going on by men like James Farmer, who claimed that someone was trying to lynch him when all that responsible law enforcement officers, city, Federal, and State, were doing was trying to keep him from further engaging in violations of the law and of a Federal court order.

I believe these comments should help Senators understand the reaction of the pitifully misinformed people who read statements by James Farmer, Martin Luther King, and others, such as, "If you have seen your people lynched by these southern lynch mobs—" which is something which has not occurred. I can understand that reading statements like that and taking them at their face value, could cause some pitifully misinformed but well-intentioned people to contribute money to the march on Washington, or finance the kind of riots that James Farmer is engaged in.

It seems sad, indeed, but it proves the old saying, "The road to hell is paved with good intentions." I am sure those who contribute their money with all good intentions, money that should be devoted to charitable purposes, but is used to support this kind of violence and outrageous conduct, would certainly feel that they did so only because they were misinformed and would not do so if they knew the facts.

An objective account of the Plaquemine incident was given by Charles M. Hargroder of the Times Picayune in his "Louisiana Capital Report."

I know this reporter very well, as I know personally many of the officials involved in this situation, as well as some of the colored people mentioned in the discussion; so I can state this as my best information as to what really happened here. This is what he said:

> CORE represents itself as a Gandhi-styled nonviolence group disciplined not to reply to violence in kind. Newsmen on the scene of last Sunday's riot, which was in defiance of a new Federal order in restraint of demonstrations, can testify that the rioters threw rocks, bits of brick and bottles—streets were littered with these missiles and some of them narrowly missed members of the press covering the disturbance. Twenty State police had to be treated at the Plaquemine Sanitarium for injuries resulting from thrown objects.

What were 20 State policemen doing at the State sanitarium being treated for injuries if this sort of thing did not occur?

I do not have with me at the moment, but I shall obtain pictures which were taken of Negroes with their arms thrown out in the process of throwing bricks and rocks. I have also seen pictures of literally bushel baskets of brickbats, rocks and pieces of glass thrown by them in so-called peaceful demonstrations.

I continue to read Mr. Hargroder's account:

> At least one picture was taken of a CORE leader standing in the doorway of a church hurling an object toward State police outside.
>
> CORE officials are great believers in using every means of getting their message across—be it press conference or on the witness stand.
>
> Following Saturday night's demonstration when Farmer exhibited some 15 children ranging in age from 10 to 18 who were said to be injured, CORE staged another press conference claiming police brutality. He particularly stressed use of horses and cattle prodders.
>
> Unofficially, no evidence has been found that any of the injuries were caused by horses. Farmer was asked if he was aware that horses had been used in the last demonstration before CORE was restrained by a previous court order. He replied that he was.
>
> Asked if he had been appraised of the fact that horses were on hand Saturday night, he replied "No." But another CORE member added the Negroes knew horses were available but they thought they were to be used for "transportation."
>
> Both sides have asked for Federal marshals—CORE wants them to "protect civil liberties" and city officials ask for them to enforce orders of the court, a new switch in that Federal marshals have seldom found themselves enforcing court orders against the Negro.

That is one of the few reasons that the CORE officials found themselves confronted with a Federal marshal enforcing a Federal court order against them, rather than against the other parties in this particular community. This happened to be so because of a courageous Federal judge who had the courage to perform his duty as he saw it, in spite of the fact that he believed he would be reversed by the Supreme Court.

That is one more problem we have to contend with. Any time a Federal marshal, a judge or anyone else, makes a finding or renders a decision with which

CORE or the NAACP disagrees, then these groups begin dreaming up all sorts of grievances. The next thing they want is to get the man fired, or to have a judge removed, or change something else, or try to get for themselves some special advantage, such as the ones proposed by this so-called civil rights bill, or try to have their own judges picked to hear a particular case.

Again I read from this account:

CORE has long masked as a nonviolent and righteous group. The mere fact that their marches have been nighttime events, calculated to alarm the public and deliberately disturb the peace and tranquillity, added to their defiance of the court's order, reveals CORE as no better than any other rabble-rousing group, black or white.

The city's request for Federal marshals referred to in Hargroder's story was wired to Attorney General Robert F. Kennedy on September 2. Signed by the sheriff, the mayor, the chief of police, and the president of the police jury, it read:

"At 7:30 p.m. yesterday evening, September 1, 1963, Hon. E. Gordon West, judge, U.S. District Court, Eastern District of Louisiana, on our motion in action entitled "*C. A. Griffon, Jr., et al., plaintiffs,* v. *Congress of Racial Equality, et al., defendants,* miscellaneous No. 690," Baton Rouge division of said court, issued temporary restraining order restraining Congress of Racial Equality and others acting in concert with them from committing unlawful acts, breaches of the peace, agitation, and other conduct in the city of Plaquemine and parish of Iberville, La., all as set forth in the restraining order. Restraining order was served at approximately 9:40 p.m. same day, on defendants by U.S. marshal. Thereafter restraining order has been flagrantly violated by defendants. Your office is hereby requested in the name of law, peace and order, to enforce this restraining order through U.S. marshals in conformity with the laws of the United States.

"A copy of this telegram is being sent by wire to the office of U.S. attorney at New Orleans, La."

No answer was received and no action was taken on the request by the Attorney General.

An eyewitness account of what actually took place that fateful Sunday night was given by Chief Criminal Deputy Lester Comeaux of the Iberville sheriff's office. It was erroneously reported, in the press that "the police never (repeat never) have the right to deliberately use more force than is necessary to enforce law and order. When asked if he thought the local police used more force than necessary, Comeaux replied, "I don't think we used more force than was ever necessary." He said that he definitely did not think the police "unduly harassed, mistreated or hurt any of the citizens."

In reference to the use of cattle prodders and statements, that Negroes were driven off the streets like cattle, Comeaux explained, "Those electrical chargers were not manufactured for cattle use. They are special prods which are being used by police departments and which are stocked by police supply houses. A cattle prod is made differently. All we did was try to disperse the crowd when they started their unruly actions and refused to obey the orders of the police to move on."

He said that in spite of the fact that the Negroes were exceedingly violent, that in some cases they were armed—one boy had a .22-caliber zip gun and another was found with a butcher knife—the police used the electric prods in lieu of their own weapons, and they made every effort possible not to injure anyone.

Some press reports stated that over 300 arrests were made and that many of these were made without any real knowledge on the part of the police that the arrested persons had violated any law. Comeaux's comment to this was, "That definitely is not true. They were only arrested after they refused to move on upon being ordered to do so, then they were placed under arrest for disturbing the peace and refusing to obey the officers."

Some said that the Negroes basic constitutional right of protection against search and seizure was violated as policemen entered private homes without warrants and arrested the occupants. Comeaux said, "There again I could say the police could have been acting under hot pursuit. They had left the church where they had bombarded the officers with rocks, bottles, bricks, and they fled into these various homes. In some of the houses in question we even had permission of the owner to go in. 'You can look—there ain't nobody in here.' And still we found them hiding under the bed and in the clothes closet."

Some said that in at least one case, tear gas was fired into a group of Negroes that was quietly marching (without singing) down the street. To this, Comeaux said "I don't know what he is referring to. At no time did we throw tear gas at any group that marched quietly down the street, and that Sunday night they certainly did not march quietly down the street without singing. And I might add that at that time they had already been served an injunction of the Federal court prohibiting them to demonstrate in any way, shape, or form. They completely ignored the orders of the U.S. marshals, and marched, and the U.S. marshal even advised us that they were in violation of the injunction."

There is a case in which the agents of the Federal Government itself advised the local police that these people were in violation of a court order of the Federal court.

Comeaux said that when the Negroes began throwing brickbats, bottles, broken glass, and so on, "the U.S. marshals said there was nothing we could do, and said for us to break it up. They were throwing these rocks and bricks and stuff at us and they told us there was nothing you can do but break it up and bring it under control, which we did. The police had not gone to the church to break the church up. We had received reports from passers-by, white passers-by, that their cars were being bombarded with bricks and rocks and so forth. So then city police, sheriff's officers, and State police went down in a group to put a stop to that and when we got down there we were shellacked with these flying articles, and it was only then that we used tear gas to break that up. And it was then that they fled into these homes and we pursued them."

In remarking on reference in the press to tear gas being fired into the home of Rev. J. S. Davis, Comeaux said, "Rev. J. S. Davis' home is right behind the church and was used as a hiding place by a group of them from that house. When a brick came sailing out the front door, naturally we went to that house and threw tear gas there, too."

Comeaux said that the firehoses were used in the church after the crowd had been driven from it. He explained that the water was used as a precaution against fire. "It was a safety measure. We had the firetruck brought up in case there was any fire, because the tear gas bombs, when they go off, they generate some heat. If they get into a stack of paper or cloth or something they could start a flame going and then you'd really have trouble. After the people had all cleared the church we hosed it down inside to be sure there would be no burning."

Comeaux was asked about statements that one State police officer placed adhesive tape over his name tag and over the number on his official badge. He said, "I know nothing about it, and I never saw anything like that." Comeaux said that if such a situation did exist, there was the possibility that the officer did so to hide his identity because of the threats Negroes had been making by phone to various white citizens. In the case of Sheriff Griffon, for example, he had received frequent calls at all hours of the night, in which the speaker used exceedingly vile language and threatened to bomb his home, and threatened bodily harm to him and his family. Similar calls had been received by Deputy Comeaux to such an extent that he had his telephone disconnected. A large number of other white citizens of Plaquemine have made similar reports.

It should be obvious from the accounts of local newspapers, from that of Times Picayune reporter, Hargroder, and from the statements of the chief of police and Deputy Comeaux that the Sunday night riot did not occur as a result of police interference with the Negro CORE members. Police arrived on the scene at the church as a result of reports that the Negroes were destroying property and throwing bricks and bottles at white passers-by. The riot had already started when the police officials arrived, and it was at that point that they, too, were attacked. Any fairminded person who questions this must realize that the accounts of the riots were given—admittedly by white persons—but these were white persons who are responsible citizens and officials of the city and parish, as well as, in the case of Hargroder, a representative of a large newspaper.

The white citizens of Plaquemine were so incensed over the unfair and very biased reports that went out over the news wires of the Nation that a private group contributed sufficient money to have the "white" side of the story presented over what they hoped would be both television stations in Baton Rouge. It was broadcast over TV station, WAFB-TV, narrated by Col. E. M. Lanier, one of the most respected citizens of Plaquemine and a former member of the LSU Board of Supervisors. In speaking of the Sunday night riot, Lanier told his audience:

"What happened the following night, Sunday, September 1, has saddened the hearts of every responsible person in Plaquemine and should cause every person in our Nation—white or colored—to think seriously about the question: Just what does constitute law and order? It was a dramatic demonstration of democracy versus mobocracy. Tempers ran high. Emotions were clouded. News of that night's happenings have been garbled, sometimes inaccurate and in many cases, the accounts have contradicted each other."

In speaking of the Plymouth Rock Baptist Church, Colonel Lanier said:

"Much has been said about the role of the Plymouth Rock Baptist Church in the action last Sunday. One television station said the church was desecrated. However, it was not desecrated by tear gas and water. The desecration came hours earlier when the church was converted into a command post and a base of operations for what was to follow.

"Four walls do not make a church. Its essential ingredients are love, and a desire to live at peace with one's fellow men.

"But love had fled from the Plymouth Rock Baptist Church. Peace was declared expendable and this building served only to provide cover for a hooting, cursing, catcalling, brick-and-bottle throwing mob that had lost reason, perspective, and direction.

"Perhaps all of us would do well to place ourselves in the places of the men who were called upon to stand up to that mob Sunday night. These uniformed men were not in Plaquemine to start violence. They were there to avoid it, if possible, and to quell it if not. They were not there to breach the peace, but to preserve it, or, failing that, to restore it. None of them had any taste for the job that faced them, but they did have a duty and they did it; and, I might add, they did it well.

"For those who might have forgotten, this is the same State police that was commended by the Federal Government for its spectacular work when two chlorine barges were safely removed from the Mississippi River near Natchez. This is the same State police force whose prompt action in assisting communities devastated by Hurricane Carla saved untold numbers of lives. This is the same State police force that has reduced traffic fatalities on Louisiana's highways to an alltime low.

"The municipal police force and the sheriff's deputies are the same groups of men that have kept the peace in Plaquemine and have insured that justice is dispensed according to a man's conduct and not his color.

"The sheriff of Iberville Parish is the same sheriff who has served as president of the Louisiana Sheriffs Association and of the National Sheriffs Association. He has been judged by his peers and has been selected to lead. And the force under his direction is an integrated police force."

From the accounts previously given, and from those that follow, it should be noted how heavily CORE leaders depended upon very young children to carry their cause to the streets. Not content with the Sunday night riots just discussed, the following week CORE inaugurated a boycott of the Negro high school lunchroom by some 250 children. This was done as a pressure tactic to have the school board rehire a lunchroom worker fired because of participation in racial demonstrations. It should be noted that lunchroom personnel of this category do not have tenure, since she was not a full-time employee. The woman had been arrested and jailed, and as a consequence the school board did not feel that she could be considered a worthy employee thereafter.

Throughout the days that followed, the lunchroom was kept open, and as the days passed, the children slowly returned. By the end of the following week, use had jumped from a low of 5 to 135.

While this was going on, Plaquemine Post Editor Gary Hebert editorially commented on the results of the Negro's boycott of the city's merchants. He said:

"The Negro boycott of area merchants continues here this week, although only about 80 percent boycott has been achieved. Some of the sensible Negroes are still shopping locally. And speaking of 'sense'—what the Negroes have done in this community has probably taken us out of the picture as far as the location of the Higgins Flooring Co., is concerned. The industry could have supplied labor for several hundred unskilled laborers (the majority of which would be Negro). Reliable sources tell us that our chances of landing the giant industry are very poor because of the racial strife in the community. Now who's cutting off whose nose on whose face—you tell us."

Discussing the national news coverage of the events in Plaquemine, Hebert continued in his editorial:

"We continue to be appalled at the distorted stories and pictures which have been transmitted to all areas of this country regarding the racial situation in Plaquemine. Dr. C. E. Blunck brought us a clipping from the San Francisco Examiner of September 4 in which Mrs. Beverly Axelrod, a San Francisco attorney who worked with CORE for 6 weeks here, described Plaquemine as a 'police state'.

"The newspaper story quoted her as saying that voter registration workers were jailed for disturbing the peace, speeding, running stop signs, vagrancy and inciting violence. She also said registration was difficult; the South cannot solve its problems by itself, and that the movement here is nonviolent. 'For 6 weeks I carried a toothbrush wherever I went. It was the accepted thing. You didn't know when you might be thrown in jail,' Mrs. Axelrod told the newspaper. She's correct, marching the streets under the cover of darkness along with several hundred Negro youths, breaking the laws of the city deliberately, just might get a person arrested. It's also amazing how CORE and its cohorts lay the blame for the opposition they're receiving at the door of voter registration. We suppose it's pretty hard for a Negro to register to vote in Iberville, that's why we have almost 3,000 on the rolls, and 11 Negroes entered in the upcoming Democratic primary."

During the week that followed, things were comparatively quiet in Plaquemine. CORE was given a permit to march on Sunday, September 22, and about 60 Negroes marched from the Plymouth Rock Baptist Church to the courthouse where they said a silent prayer for the children killed in the Birmingham bombing.

It was not until Friday, October 4, that disturbances broke out again. As reported in an "extra" printed by the Plaquemine Post, the details were as follows:

"Tension has returned to Plaquemine in the aftermath of a riot of Iberville High School (the Negro high school) students shortly before noon on Friday. Approximately 400 to 500 students participated in the riot as all authority of Principal W. O. Williams and the teaching staff collapsed at the large Negro school located just out of the corporation limits of the city of Plaquemine, and accommodating some 650 students.

"In quick order several events developed which pretty well tell the story of Iberville High's outbreak: (1) Reprisal attempts of some 70 students against a teacher who shopped in two Plaquemine stores which are being boycotted by Negroes; (2) rejection of Principal W. O. Williams' authority in controlling conduct at the school; (3) the calling of Superintendent L. G. Hoffmann to the school to attempt bringing the students under control; (4) development of an incident in which Hoffmann allegedly slapped a young student when she shook her finger in his face stating her disregard for his authority and his requests for order; (5) the calling of sheriff's deputies to the scene to control the rioting children; (6) the throwing of a concrete block at Hoffmann while he was in the principal's office, and injuring of a Negro student and her mother by the same block; (7) dismissal of classes for the remainder of the day; (8) the calling of a special meeting of the Ibervillle Parish School Board to discuss the matter; (9) the filing of aggravated assault charges against Hoffmann stemming from the incident with the Negro student; and (10) the suspension of some 35 students who openly defied the authority of Principal W. O. Williams.

"All events of the student riot unfolded in well-planned, premeditated organizations. Starting about 10:45 a starter group of some 70 students mushroomed into several hundred as the student body changed periods, and from there uncontrolled, yelling, shouting, singing, disregard of the principal's authority, and general abuse of school regulations followed. The outbreak was only quelled after the appearance of several sheriff's deputies at the school. On decision of the principal and Superintendent of Schools L. G. Hoffmann, classes were dismissed for the day and buses called out to transport the children home. Many refused to enter the buses, but did so after some persuasion."

Superintendent Hoffmann said that the Negro children were "like savages, wild, wild savages." He was attacked by them and brickbats were thrown at him, forcing him to take refuge in the principal's office. It was then that the concrete block was thrown through the door, injuring a Negro girl and her mother, who were also seeking refuge.

At a meeting of the school board, called to investigate the incident, Principal W. O. Williams told the board members that the students rioted in an attempt to scare a teacher into cooperation with the mass boycott of Plaquemine's stores. He said that some 70 students went to the room of Mrs. Grant, home economics teacher at the school, and proceeded to plaster CORE stickers on the walls reading "Don't Buy in Plaquemine" and "No More Prods," and other slogans the Negroes had adopted in their struggle in Plaquemine. The students told Mrs. Grant they would teach her how to cooperate with the program, meaning the boycott. They then began singing songs and shouting in the teacher's room.

Williams said that every evidence of careful planning was evident in the riot. The school board reported that national wire services (news media) were calling about the incident even before the personnel at the school board office could get all details. Williams said that the riot was "well planned, well executed, and everyone knew what to do." He said no indication of the disturbance was suggested until it actually happened. He also said that out-of-town reporters were at the school questioning him just 5 minutes after the riot began.

Board member Mrs. John Supple told Williams that it was "hard to believe that this was happening at his school." Williams replied that it was not hard to believe when one realizes that all of CORE's activity has been centered in Plaquemine. "This is headquarters," Williams said, "and these children at my school are the captive audience of the CORE people who have them in charge."

Mrs. Supple asked Williams how many people were "influencing the children," and Williams replied, "many, very many." Mrs. Supple commented, "They have ruined that school."

Williams told her, "Those people had my students for 90 days. They are not the same children at all." He said that he had never witnessed such disrespect for order and authority at the school.

In discussing the charges brought against him, Superintendent Hoffmann told reporters of the Plaquemine Post that he slapped the Negro girl, Alandus Williamson, when she openly defied him while he was trying to bring the rioting students under control. He said he had just obtained a few seconds of quiet from the students when the girl, identified by the principal as a leader in the unrest, walked up to him, shook her finger in his face and said, "I'm not going to be quiet, I'm not listening to you."

On the following Tuesday, 25 Negro parents met with the school board and made a number of demands. Among them were the rehiring of the dismissed lunchroom worker; desegregation of the entire school system; hiring of Negroes on the school board above the menial level; use political influence on city officials to settle or solve racial tension problems; reinstate the 35 suspended students; fire the teacher who had defied their boycott; and fire Superintendent Hoffmann.

Since the meeting was an informal one, no action could be taken. However, the Negroes were told that when Iberville High School was operating normally and students were attending classes as usual, a special session of the board would be called and the matters would be discussed officially.

During the week following the school riot, Negro students expanded their boycott to include the entire school. On Monday, some 550 students refused to attend classes. They were gathered into the gymnasium while sheriff's deputies stood guard at the school. Twenty-two of the suspended students picketed the school on the road in front of the building, singing "freedom" songs and hurling verbal insults at their schoolteachers. Inside the gym, the president of the PTA tried to bring the children under control, but they ignored the plea and finally the entire student body took up the "freedom" songs and filed out of the gym, two-by-two, and began to march on the school board office.

At the city limits, they were met by Police Chief Songy and his force, backed up by sheriff's deputies. Songy told the students to return to school. "You're not going any further," he shouted at them. When the students refused the order and began getting out of order, the police threw tear gas bombs at them. This broke up the mob, which reorganized at a vacant lot nearby and held a small rally.

Later in the afternoon, groups of Negro students attempted to enter the white Plaquemine High School, and actually got inside the Catholic St. John High School. At Plaquemine High, they were met by Assistant Principal L. J. Raymond and turned back. At the Catholic school they were gathered from the classrooms by school authorities and were told they would have to speak to the bishop before they could be allowed to enter the school.

The next day, Tuesday, another 650 students failed to show up at the Negro school, staying away, as reported by Hebert, "in respect for the boycott or through fear."

On Wednesday morning, the students held a rally at the Plymouth Rock Baptist Church, and from there again attempted to invade the white high school. Chief Songy and city policemen again had to use tear gas and electric prods to break up the riot that ensued. It should be noted that no white students were involved in the disturbances.

The Negroes retreated to the Plymouth Rock Church, followed in hot pursuit by the police. Songy stated, "That's the end of the rallies and meetings at this church. They're not going to use the church as a fort against me. If they want to pray, that's different, but they're not going to use the church as a fort."

When the issue of a preliminary injunction by District Judge Daniel P. Kimball, the situation began to return to normal. Students returned to the school and reported for classes for the most part. Only a small group, led by a Negro exconvict from Birmingham, demonstrated during the remainder of the week. These students gathered on a vacant lot which they called the freedom lot and under the direction of the Birmingham Negro, who had come to Plaquemine to participate in the riots, they marched on the Negro high school. Again it was necessary to use tear gas to break up the mob, and the Birmingham Negro was arrested. He was charged witn disturbing the peace and trying to incite a riot.

The final racial incident during 1963 occurred in late October. A minor disturbance was created in front of the home of a Negro woman after she had defied the boycott of merchants and shopped in a local grocery store. No arrests were made and pickets were quickly broken up.

CORE leaders called a meeting, but no local Negro showed up. Thereafter, the city of Plaquemine began to breathe easier and to assess the cost of a summer and autumn of riots.

The city listed among its expenses for the disturbances the sum of $13,048.78, which included the amount of $8,017.11 as overtime on salaries of the personnel who had tried to control the rioting. The parish police jury had spent almost $3,500, as well.

Citizens of the city and parish asked themselves, "Where do we go from here?"

The question was well answered by Colonel Lanier in his television program concerning the rioting. Lanier said:

"We in Plaquemine are asking, 'Where does mankind go from here?'

"Are we to degenerate to a level where law and order have no real meaning for our people? Are we to criticize qualified law enforcement personnel for restoring peace while we commend the ruffians and the hooligans who break it? Will we issue citations for valor to those who incite men to violence while we censure those who deal with that violence?

"This is a question for all of us to answer.

"We in Plaquemine have answered it already. The law-abiding people of our parish, Negro and white, have answered it. We will preserve the peace and we will not be intimidated by violence or the threat of violence.

"The officials of the city of Plaquemine and the parish of Iberville are willing to sit down with any citizen or any group of citizens and discuss grievances. But we will not negotiate with a group of roving agitators who feed on headlines and who have demonstrated a peculiar sense of irresponsibility that makes them mortal enemies of peace, tranquillity and order.

"Our solutions must come from within ourselves. We ask no assistance from any who will not have to live with those solutions or abide by the decisions.

"Just as the demonstrations brought out the worst in some, it brought out the best in others. If there were 800 demonstrators of the colored race who believed in mob action, then let us not forget that there were many, many times that number who remained in their homes.

"Let us not forget that the white citizens of Iberville Parish—although strained almost beyond human endurance—have not been involved in a single incident.

"We in Plaquemine are sick at heart that our community has been chosen by outsiders for this disgusting episode. But we are still firm in our conviction that law and order must prevail, and nothing will shake that conviction."

Mr. President, as stated in the television editorial I have just quoted, I think it very important to note that although 800 or more Negroes engaged in the attempts at lawlessness, in turning that peaceful little community into a very sad and distressed area, those 800 Negroes constituted only a small percentage of the total number of Negroes actually living in that area. It must also be remembered that in order to put on those demonstrations and riots, colored citizens were hired in areas perhaps 30 or 40 miles away, to help mount those lawless activities. So one should keep in mind that despite the story which has been presented, the great majority of our colored citizens should not be blamed for the type of activity I have been describing here tonight.

THE STORY OF THE OTHER PLAQUEMINE

Mr. President, I have recited the story of Plaquemine City, La. I predict this story will be repeated over and over again in every section of the United States if the civil rights bill that is before the Senate were to be passed by this Congress and enacted into law.

The Plaquemine, La., story is a story of threatened violence; subterfuge; and organized action making use of any device available to accomplish a state of unrest among the colored people of this country. I remind the Senate that the little community of Plaquemine was perfectly content before the agitators made their appearance; it will take a long time for the wounds to heal.

I urge every Senator who is not on the floor today to read the Record tomorrow. The story of Plaquemine may be repeated in his own State at any time. The story of Plaquemine is a chronicle of setting the backdrop for government by fear. I urge every Senator to read over and over again the opening statement in the Plaquemine, La., instance—a statement that threatened violence unless all of the demands of the organization were complied with. In reading this account, I also recommend that each Senator look about him and take careful recognition of the trend that has developed in recent months—the trend that indicates that the people of America feel that the invitation to lawlessness and mob violence has gone far enough, and that they are expecting their representatives in Congress to bring it to an abrupt halt.

Mr. President, it is my purpose in bringing this account to you to develop the proposition that the civil rights measure that is before this Senate is bad legislation and that it should not be passed. I feel certain that many other Senators could bring other exhibits to bear, just as I have brought to you the Plaquemine story. Since the Members of this Senate are acting in the capacity of the committee which should have considered this bill, I urge each one to consult with his own people and see if there are many more incidents that could and should be brought to the attention of the Senate. I feel certain that when we conclude our research in this direction, we shall have a different outlook on the measure that is before us.

TRANSACTIONS OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Officers Assigned to Permanent Duty at the Seat of Government

A letter from the Secretary of the Air Force, reporting, pursuant to law, that, as of March 31, 1964, there was an aggregate of 2,152 officers assigned or detailed to permanent duty in the executive part of the Department of the Air Force at the seat of Government; to the Committee on Armed Services.

Administration of Coast Guard Band

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for the administration of the Coast Guard Band (with accompanying papers); to the Committee on Commerce.

Report on Examination of Financial Statements of Bureau of Engraving and Printing Fund

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of Bureau of Engraving and Printing fund, Treasury Department, fiscal year 1961–63 (with an accompanying report); to the Committee on Government Operations.

Report on Unwarranted Inclusion of Certain Costs in the Price of Case Extrusion Cylinders Procured From Wyman-Gordon Co.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the unwarranted inclusion of tooling costs in the price of case extrusion cylinders procured from Wyman-Gordon Co. by the Bendix Corp. under Atomic Energy Commission cost-type contract, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the **ACTING PRESIDENT** pro tempore:

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Commerce:

"Whereas Hawaiian pineapple is universally acclaimed as the foremost quality pineapple produced in the world today; and

"Whereas the Hawaiian pineapple industry has achieved this position of world leadership in quality pineapple production through great investment in research and technology; and

"Whereas by virtue of improved transportation and scientific methods of preservation fresh Hawaiian pineapple is being marketed in the continental United States in ever-increasing amounts; and

"Whereas fresh pineapple from other countries and areas in the world is also being marketed in the continental United States and such fruit is generally of lesser quality than the Hawaiian product; and

"Whereas the consumer has no way of distinguishing the country and area of origin of fresh pineapple marketed in the continental United States and there exists, therefore, a great likelihood of confusion with fresh pineapples from Hawaii, all to the substantial detriment and irreparable damage of the Hawaiian pineapple industry; now, therefore, be it

"*Resolved by the House of Representatives of the Second Legislature of the State of Hawaii, Budget Session of 1954 (the Senate concurring)*, That the Congress of the United States be and hereby is respectfully requested to consider legislation requiring that fresh pineapple marketed in the continental United States be appropriately labeled so as to indicate the country and area of origin; and be it further

"*Resolved*, That a duly certified copy of this concurrent resolution be transmitted to the President pro tempore of the U.S. Senate, the Speaker of the House of Representatives and the members of Hawaii's delegation to the Congress of the United States.

"Elmer F. Cravalho,
"*Speaker, House of Representatives.*

"Attest:

"Nelson K. Doi,
"*President of the Senate.*"

A resolution adopted by the Common Council of the City of Detroit, Mich., favoring the enactment of House bill 7152, the civil rights bill; ordered to lie on the table.

RESOLUTIONS OF MASSACHUSETTS GENERAL COURT

Mr. **KENNEDY**. Mr. President, on behalf of the senior Senator from Massachusetts [Mr. **Saltonstall**] and myself, I present certified copies of resolutions from the General Court of the Commonwealth of Massachusetts.

I ask that these resolutions be appropriately referred.

There being no objection, the resolutions were received, appropriately referred, and, under the rule, ordered to be printed in the Record, as follows:

To the Committee on Armed Services:

"Resolution of the Commonwealth of Massachusetts Memorializing the Congress of the United States To Enact Legislation Requiring the Formation of an Army Special Forces Unit Within All State National Guard Units

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation requiring that the table of organization of all State National Guard units shall provide for the formation of an army special forces unit; and be it further

"*Resolved*, That a copy of these resolutions be transmitted forthwith by the secretary of the commonwealth to the presiding officer of each branch of the Congress and to the Members thereof from the Commonwealth.

"House of representatives, adopted, March 31, 1964.

"William C. Maiers,
"*Clerk.*

"Senate, adopted in concurrence, April 3, 1964.

"Thomas A. Chadwick,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

To the Committee on the Judiciary:

"Resolution of the Commonwealth of Massachusetts Requesting the Judiciary Committee of the U.S. Congress to Report Out the Resolution Which Proposes an Amendment to the U.S. Constitution Permitting the Reading of the Bible in Schools

"Whereas recently the U.S. Supreme Court outlawed the reading of the Bible in the public schools throughout our Nation and held that it was contrary to the U.S. Constitution; and

"Whereas when this decision was handed down many people thought that the proper thing to do would be to amend the Constitution; and

"Whereas in line with this thinking a resolution was introduced in the House of Representatives proposing an amendment to the U.S. Constitution authorizing the reading of the Bible in the schools and, to date, this resolution is still in the Judiciary Committee in Congress; and

"Whereas the States should be given the right to express their opinions on the merits of such an amendment: Therefore be it

"*Resolved*, That the Massachusetts House of Representatives respectfully requests the Judiciary Committee of the U.S. Congress to report out the resolution which proposes an amendment to the U.S. Constitution permitting the reading of the Bible in the schools; and be it further

"*Resolved*, That a copy of these resolutions be forwarded forthwith by the secretary of the Commonwealth to the chairman of the Judiciary Committee, to the Speaker of the House of Representatives and to each Member thereof from this Commonwealth.

"House of representatives, adopted, March 18, 1964.

"William C. Maiers,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

"Resolution of the Commonwealth of Massachusetts Requesting the Congress of the United States to Call a Convention for the Purpose of Proposing an Amendment to the Constitution of the United States Allowing the Reading of the Bible in the Schools

"*Resolved*, That the Massachusetts House of Representatives respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

" 'Article—

" 'Section 1. No provision of this Constitution, or any amendment thereto, and no provision of any constitution or amendment thereto of the several States, shall deny, restrict or limit the reading of the Bible in the schools.

" 'Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within 7 years from the date of its submission; and be it further

" '*Resolved*, That if Congress shall have proposed as an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1965, this application for a convention shall no longer be of any force or effect; and be it further

" '*Resolved*, That a copy of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the Members thereof from this Commonwealth.'

"House of representatives, adopted, March 18, 1964.

"William C. Maiers,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

"Resolution of the Commonwealth of Massachusetts Memorializing the Congress of the United States To Support and Adopt an Amendment to the U.S. Constitution Permitting Bible Reading and Prayers in Our Public Schools

"Whereas these United States and the Commonwealth of Massachusetts were founded and established in and under a belief in Almighty God; and

"Whereas this principle and belief is explicitly set forth in the Declaration of Independence adopted by the Thirteen Original States in Congress at Philadelphia, and in the preamble to the constitution of Massachusetts; and

"Whereas this same principle and belief is recognized by the U.S. Government in the 'Flag Code', in the 'Pledge of Allegiance to Our Flag', and in the official coinage of the U.S. Government by having inscribed thereon the words 'In God We Trust'; and

"Whereas this same principle and belief is inherently a part of our American way of life and is the basic belief of the great majority of adult American citizens and their children and grandchildren; and

"Whereas a great majority of our adult American citizens are products of our public school systems and their children and grandchildren are enrolled in the public school systems of these United States; and

"Whereas the majority of the private and parochial school systems likewise hold a firm belief in the principle of "a nation under Almighty God"; and

"Whereas it is a basic belief of the people of the Commonwealth of Massachusetts and of the United States that reading of the Bible which is "God's Holy Book" and prayer are a basic part of the belief that this State and Nation is a State and Nation under

God and that such Bible reading and prayer should be a part of the curriculum of our public school systems; and

"Whereas under the recent U.S. Supreme Court decision reading of the Bible and recitation of the Lord's Prayer is now unlawful in our public schools; and

"Whereas such Supreme Court decision denies the very great majority of Americans of their fundamental constitutional right to express in our public schools their belief in Almighty God, the reading of the Bible and prayer, and forbids the public school systems of these United States from expressing and teaching that ours is a State and Nation under God; and

"Whereas he said Supreme Court decision has made it possible for a very small minority to suppress the will, desires and wishes of the great majority of the peoples of these United States: Therefore be it

"*Resolved,* That the Massachusetts House of Representatives memorialize the Congress of the United States to support and adopt an amendment to the United States permitting Bible reading and prayers in our public schools; and be it further

"*Resolved,* That a copy of these resolutions be transmitted by the secretary of the Commonwealth to the Presiding Officers of each branch of Congress and to each Senator and Representative from Massachusetts in the Congress of the United States.

"House of representatives, adopted March 18, 1964.

"WILLIAM C. MAIERS,
"*Clerk.*

"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth.*"

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 2726. A bill to amend the act approved March 18, 1950, providing for the construction of airports in or in close proximity to national parks, national monuments, and national recreation areas, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. MANSFIELD when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT (for himself and Mr. MCCLELLAN):

S. 2727. A bill authorizing modification of the Greers Ferry Dam and Reservoir, White River Basin, Ark., in the interest of recreational development, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. RIBICOFF:

S. 2728. A bill for the relief of Dr. Teofilo G. Gutierrez, Jr.; to the Committee on the Judiciary.

By Mr. MILLER:

S. 2729. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax certain compensation paid to members of the Armed Forces who die while in active service; to the Committee on Finance.

(See the remarks of Mr. MILLER when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

PRINTING OF REPORT OF MEETING OF THE AMERICAN INSTRUCTORS OF THE DEAF AS A SENATE DOCUMENT

Mr. HAYDEN submitted the following concurrent resolution (S. Con. Res. 78); which, under the rule, was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the International Congress on Education of the Deaf, and of the 41st meeting of the Convention of American Instructors of the Deaf, held in Washington, District of Columbia, in June 1963, be printed, with illustrations, as a Senate document; and that five thousand additional copies be printed for the use of the Joint Committee on Printing.

AIRPORT FACILITIES TO SERVE NATIONAL PARKS

Mr. MANSFIELD. Mr. President, our country's system of national parks is becoming increasingly important in the Nation's preoccupation with recreation and travel.

The State of Montana and the Western States are blessed with many fine national parks. We of the Treasure State are particularly proud of Glacier National Park and Yellowstone National Park. Because more and more people are traveling to these areas, improved modes of travel have become a very important consideration. Adequate airline facilities is probably the weakest link. The National Parks Service has the authority to provide for the construction of airports in or in close proximity to national parks, national monuments, and national recreation areas. Very recently, the Congress appropriated the necessary funds under this authorization to provide community airport facilities at West Yellowstone, Mont., to serve Yellowstone National Park and a similar project in the Grand Canyon area. These two airports will be of tremendous service to the traveling public, and insofar as the Montana project is concerned, it has been most enthusiastically received.

My colleague, Senator METCALF, and I are now attempting to obtain favorable consideration for similar facilities at East Glacier, Mont., to serve Glacier National Park. We discussed this proposal with the Committee on Appropriations asking for an appropriation of the necessary funds for the National Park Service to participate with the Federal Aviation Agency. During these discussions, it was determined that there were not sufficient funds remaining under the present $2 million authorization to permit this project to go forward. I am informed that about $1,662,000 of the authorization has been utilized, leaving only about $338,000. The Department of the Interior estimates that National Park Service participation in the East Glacier project would require about $520,000. The entire proposal is estimated to require funds in the amount of $1,030,000. The Montana Aeronautics Commission will be the sponsors of the project.

As a result of Senator METCALF's and my appeal to the Senate Committee on Appropriations, the report on the Interior and related agencies appropriations bill for fiscal year 1965 contains the following language:

> The committee urges the Department to give expedited attention to legislation needed to increase the authorization for financial participation by the National Park Service in the development of airports in or in close proximity to, national parks, national monuments, and national recreation areas. The current authorization of $2 million has an uncommitted balance of only $338,000 which is insufficient to permit the National Park Service to participate in the development of needed airport facilities.

The people of Montana are quite anxious to have airport facilities at the east entrance to Glacier National Park. Senator METCALF and I have determined that introduction of legislation increasing this authorization would be appropriate at this time.

In behalf of my colleague and myself, I have sent to the desk a bill to increase the present authorization from $2 to $3½ million. I am hopeful that the Department of the Interior and the related agencies can expedite their reports on this legislation so that hearings might be scheduled at an early date. I also believe that there are several other proposals which would benefit from this legislation.

Recognizing that this is a cooperative project with the Federal Aviation Agency, I am advising the administrator of this new legislation asking that the necessary planning be initiated at East Glacier.

Mr. President, I ask unanimous consent to have the text of this letter printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2726) to amend the act approved March 18, 1950, providing for the construction of airports in or in close proximity to national parks, national monuments, and national recreation areas, and for other purposes, introduced by Mr. MANSFIELD (for himself and Mr. METCALF), was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MANSFIELD is as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., April 10, 1964.

Mr. NAJEEB HALABY,
Administrator, Federal Aviation Agency,
Washington, D.C.

DEAR MR. HALABY: Today, Senator METCALF and I introduced legislation to amend the statutory authorization for the National Park Service to participate in the construction of airports in or in close proximity to national parks, national monuments, and national recreation areas.

This action was prompted by our great interest in the early development of airport facilities at East Glacier, Montana, to serve Glacier National Park. We have discussed this matter with the National Park Service officials on several occasions, and the Senate report on the interior appropriations bill for fiscal year 1965 contains the following language:

"The committee urges the Department to give expedited attention to legislation needed to increase the authorization for financial participation by the National Park Service in the development of airports in or in close proximity to, national parks, national monuments, and national recreation areas. The current authorization of $2 million has an uncommitted balance of only $338,000 which is insufficient to permit the National Park Service to participate in the development of needed airport facilities."

We are hopeful that the Congress will be able to approve this legislation this year. Senator METCALF and I would appreciate a comprehensive report from the Federal Aviation Agency commenting on the airport proposed for East Glacier and the details required in preparing plans. It is our understanding that the planning of such an airport facility is under your jurisdiction. The cost of the project is based on a contribution from the National Park Service and the Federal Airport Act. The Montana Aeronautics Commission would be the sponsoring and operating agency.

Thanking you for your consideration in this matter, and with best personal wishes, I am,

Sincerely yours,

——— ———.

EXEMPTION FROM INCOME TAX COMPENSATION PAID TO CERTAIN MEMBERS OF THE ARMED FORCES WHO DIE WHILE IN ACTIVE SERVICE

Mr. MILLER. Mr. President, I introduce, for appropriate reference, a bill which would exempt from income tax the military pay of members of the armed services who die while on active duty. This bill if adopted will make the deceased serviceman's military pay in the year of death tax free and also exempt from Federal tax his military pay of the year preceding death if the serviceman dies before the time prescribed for filing the tax return.

Under present law if a serviceman is killed or dies from wounds incurred while serving in a combat zone, no tax will be imposed with respect to the year in which he died or with respect to any prior taxable year ending on or after the first day he served in a combat zone. This provision is contained in section 692 of the Internal Revenue Code.

We are referred to section 112 of the Internal Revenue Code for a definition of "combat zone" which is as follows:

> The term "combat zone" means any area which the President of the United States by Executive order designates, for purposes of this section or corresponding provisions of prior income tax laws, as an area in which Armed Forces of the United States are or have engaged in combat.

It is my understanding that this definition was included in the law for the benefit of the Korean conflict combat veterans. An Executive order terminated the designation of the Korean combat zone on January 1, 1956. No other combat zones have been designated since.

It is rather meaningless to explain to the families of those servicemen killed in Vietnam and elsewhere that their loved ones were not serving in a combat zone.

The other day I received from a constituent a copy of a letter he had sent to the District Director of the Internal Revenue in Des Moines. It appears that the writer's son was killed in a Navy helicopter craft in the Alaska Sea. The father was understandably bitter that his son owed an additional $51.40 in taxes to the Government for which he died. I ask unanimous consent that this letter to the District Director of Internal Revenue, Des Moines, be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 27, 1964.

DIRECTOR OF INTERNAL REVENUE,
Federal Building,
Des Moines, Iowa.

DEAR SIR: Attached is the income tax return for my son who died in the service of his country in a Navy helicopter crash in the Alaska sea August 15, 1963. He had given his entire life beyond college to service to his country.

The usual Federal income tax deductions had been made from his pay. In other words, $464.60 were withheld from his $3,473.73 in wages received to August 15.

Now the Government regulations call for extracting another $51.40 extra to square his account with the Government. Doesn't that sort of amount to picking a dead man's pockets, even where he gave his life for his country? The 'copter the four boys lost their lives in cost an estimated million and a half. Where does this put a law that will seek to collect the last penny of income tax from the dead servicemen?

So that this miserly regulation will get the attention it should have, a copy of this letter is going to my Congressmen.

My check for the $51.40 involved is enclosed.

Very truly yours,

——— ———.

P.S.—It would appear to me that any time a serviceman is lost, any further collection of income taxes from Government wages be canceled, if for no other reason than respect to the deceased individual and as recognition for his sacrifice.

Mr. MILLER. Mr. President, the bill which I have introduced is not as broad in scope as the existing law which provides tax exemptions for all of the serviceman's income in the year of his death—my bill exempts just his service pay if his death occurred in the line of duty or as the result of wounds, disease or injury incurred in the line of duty. It is not a glamorous peacetime GI bill. It certainly is not an inducement for short-term enlistments.

The qualifying phrase, "line of duty" is not defined in the Internal Revenue Code nor in my bill. However, the Internal Revenue Service could look to the Defense Department for a determination of whether or not the death was the result of service in the line of duty.

The Army, for example, has published a pamphlet, "Principles Governing Line of Duty and Misconduct Determinations in the Army." I understand the other branches have similar guides. On page 3 of the Army pamphlet, the reasons for line of duty determinations are stated:

> Line of duty and misconduct determinations are made primarily for the purpose of providing data required in the administration by the Army of Federal statutes affecting the rights, benefits, and obligations of members of the Army. In addition, the determinations and related data are frequently made available to the Veterans' Administration and other Government agencies for consideration in determining the rights and benefits of individuals under statutes administered by those agencies.

Presumptions in making the determinations are set out on page 6 as follows:

> **Presumptions**: (a) Injury or disease incurred by a member of the Army is presumed to have been incurred in line of duty and not due to his own misconduct. The presumption against misconduct may be overcome only by substantial evidence that the injury or disease, or condition causing injury or disease, was proximately caused by the intentional misconduct or gross neglect of the member.

In this age of bigger and bigger Government and expanding impersonal bureaucratic control, I believe it is about time that our Federal Government develop a trait of compassion. I am certain the revenue loss under my bill will be insignificant.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2729) to amend the Internal Revenue Code of 1954 to exempt from income tax certain compensation paid to members of the Armed Forces who die while in active service, introduced by Mr. MILLER, was received, read twice by its title, and referred to the Committee on Finance.

PRINTING OF REVIEW OF REPORTS ON PORT ORFORD, OREG. (S. DOC. NO. 62)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated December 31, 1963, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a review of the reports on Port Orford, Oreg., requested by a resolution of the Committee on Public Works of the U.S. Senate, adopted March 7, 1960. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 10, 1964, he presented to the President of the United States the enrolled bill (S. 1951) for the relief of George Elias NeJame (Noujaim).

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 6196) to encourage increased consumption of cotton, to maintain the income of cotton and wheat producers, to provide a voluntary marketing certificate program for the 1964 and 1965 crop of wheat, and for other purposes; and it was signed by the Acting President pro tempore.

RECESS TO 10 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, I believe it was agreed that at 8 p.m.—an hour which now has passed—the Senate would take a recess until 10 a.m. tomorrow. Therefore, I so move.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to; and (at 8 o'clock and 3 minutes p.m.), the Senate took a recess, under the order previously entered, until tomorrow, Saturday, April 11, 1964, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 10 (legislative day of March 30), 1964:

Department of Labor

Mary Dublin Keyserling, of the District of Columbia, to be Director of the Women's Bureau, Department of Labor.

Public Health Service

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

To be senior surgeons

Martin Flavin, Jr.
John W. Harkness
Albert Roberts
Donald P. Conwell
Nicholas V. Scorzelli
Madeline A. Lynch

To be surgeons

Jan Wolff
Ned H. Wiebenga
Eleanor F. Smith

To be sanitarian

Arthur V. Regnier, Jr.

To be senior veterinary officer

Frederick W. Clayton

To be nurse officers

Jane E. Wynn
Ann C. Rooney
Invelda M. Artz
Ruth J. Metka
Hermione S. Swindoll
Helen V. Foerst

To be therapist

Joseph K. Reed, Jr.

To be health services officers

Francis F. Reierson
Lucia N. Mason

To be senior assistant surgeons

Carl R. Merril
Gustave J. Weiland
Robert A. Gotshall, Jr.
Anthony F. Milano

To be senior assistant dental surgeons

Ray E. Sessions
Joseph J. Scancarello, Jr.

To be senior assistant sanitary engineer

James W. Meek

To be assistant sanitary engineer

Norbert A. Jaworski

To be junior assistant sanitary engineer

Robert G. Britain

To be senior assistant pharmacist

Kenneth I. Letcher

To be assistant pharmacists

Richard R. Ashbaugh
Robert L. Childress
William P. Heffernan

To be senior assistant sanitarian

Geswaldo A. Verrone

To be senior assistant veterinary officer

Glen A. Fairchild

To be senior surgeons

Merlin L. Brubaker
Jean-Maurice Poitras
John E. Scott

To be senior assistant surgeons

William L. Wilkie
Larry H. Dizmang
Donald W. Dippe
Peter L. Putnam

To be dental surgeon

John D. Suomi

To be senior assistant dental surgeons

Benjamin H. Brown, Jr.
John Folio
Robert C. Birch
Ray E. Holloway II
Alan J. Trager
Edward Kuzma

To be sanitary engineer

Charles W. Northington

To be assistant sanitary engineers

Thomas M. Moore
James D. Russell
Richard F. Boggs
John P. Sorg
Ralph R. Wirth
William F. Buchholz, Jr.
Jerry L. Butler

To be junior assistant sanitary engineer

Robert P. Stein

To be senior assistant pharmacist

Jesse P. Walker, Jr.

To be assistant pharmacists

Leighton H. Tooms
Ronald A. Gomes
Norman L. Dunfee
Francis P. Barletta

To be senior assistant sanitarians

John G. Todd
Donald R. Smith

To be assistant sanitarian

John J. Bolen

To be senior assistant therapist

William D. Wallis

To be senior assistant health services officer

Roger W. Turenne

To be assistant health services officers

Robert M. Moroney
Philip C. Hoyer
Charles W. Roach

To be senior nurse officer

Mildred K. McDermott

HOUSE OF REPRESENTATIVES

Friday, April 10, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I John 4: 19: *We love God, because He first loved us.*

Almighty God, who dost claim and command our adoration and allegiance, grant that we may understand clearly how much we need the spirit of our blessed Lord for nobility of character and hope for the inheritance of eternal life.

We pray that His spirit may soften the hearts of men and nations everywhere and be gloriously triumphant over all injustice and hatred.

May we henceforth have a new and radiant vision of the dignity of human personality and its sublime destiny and inspire us to believe that a blessed and more abundant life awaits us.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

SUBCOMMITTEE ON COMMUNICATIONS AND POWER, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Communications and Power of the Committee on Interstate and Foreign Commerce be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. PICKLE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Health and Safety of the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADDITIONAL LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House of an addition to the program for today. Following the disposition of the legislative appropriation bill, the Committee on Rules will call up House Resolution 652, to grant additional authority to the Committee on Public Works.

SUBCOMMITTEE ON POVERTY OF THE COMMITTEE ON EDUCATION AND LABOR

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Poverty of the Committee on Education and Labor may be permitted to sit during general debate today while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. ASHBROOK. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1965

Mr. STEED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10723) making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited not to exceed 2 hours, one-half to be controlled by the gentleman from Washington [Mr. Horan] and one-half to be controlled by myself.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10723, with Mr. Thompson of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. ARENDS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-five Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 107]

Abbitt
Addabbo
Andrews,
  N. Dak.
Ashley
Avery
Bass
Blatnik
Bolling
Bray
Brock
Bruce
Buckley
Burkhalter
Burleson
Clausen,
  Don H.
Cooley
Corman
Curtis
Davis, Tenn.
Dawson
Dent
Derounian
Diggs
Dowdy
Downing
Duncan
Edwards
Elliott
Evins
Fallon
Farbstein
Findley
Fino
Fisher
Flynt
Forrester
Fraser
Fuqua
Grabowski
Grant
Gray
Griffin
Griffiths
Hagan, Ga.
Hanna
Hardy
Harvey, Mich.
Hébert
Hemphill
Henderson
Hoffman
Huddleston
Ichord
Jennings
Johnson, Pa.
Jones, Ala.
Karth
Kee
Keith
King, Calif.
Kirwan
Kluczynski
Kyl
Lankford
Long, Md.
McDowell
Martin, Calif.
Martin, Mass.
Matsunaga
May
Miller, Calif.
Miller, N.Y.
Moorhead
Morrison
Multer
Murphy, N.Y.
O'Brien, Ill.
Ostertag
Pilcher
Pool
Powell
Quie
Reifel
Rhodes, Ariz.
Riehlman
Rooney, Pa.
Roush
Schadeberg
Scott
Secrest
Sheppard
Short
Sibal
Smith, Va.
Snyder
Staebler
Stafford
Teague, Tex.
Thomas
Thompson, La.
Thomson, Wis.
Utt
Vanik
Waggonner
Watson
Weaver
Wickersham
Willis
Wright

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Albert) having assumed the chair, Mr. Thompson of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 10723, and finding itself without a quorum, he had directed the roll to be called, when 322 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

Under the unanimous-consent agreement, the gentleman from Oklahoma [Mr. Steed] will be recognized for 1 hour and the gentleman from Washington [Mr. Horan] will be recognized for 1 hour.

The Chair recognizes the gentleman from Oklahoma [Mr. Steed].

Mr. STEED. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman and colleagues, we present today the legislative appropriation bill for 1965 which provides funds for the House of Representatives, for the Architect of the Capitol, for the Botanic Garden, the Library of Congress, the Government Printing Office, and certain joint items of the two Houses such as the joint committees, the Capitol Police and, for the first time in this bill, the General Accounting Office which, is of course, an agency of the legislative branch.

This bill is the housekeeping bill of the Congress. It contains all of this year's budget for legislative expenses except those matters directly affecting the other body and as has been customary, the bill omits those items; they will be added when the bill is acted on by the other body.

SUMMARY OF BILL

This bill is in some respects a fairly unique bill. We are bringing you a bill today which provides almost $10 million less actual money than the bill had for these same functions last year. The bill is about $48 million under the budget request for 1965 and it is more than $9 million below 1964 appropriations, below last year.

Now that does not mean that there are not certain built-in increases in some of the activities and functions. It does mean that this very heavy demand that we have had over the past several years to carry out a very necessary and an extensive investment in permanent facilities on Capitol Hill has eased off somewhat this year.

Under leave granted, I include the summary from page 2 of the committee report and the highlights from pages 3 and 4 of that report:

Summary of the bill

Group	Appropriations, 1964 (to date)	Budget estimates	Committee bill	Committee bill compared with—	
				Appropriations, 1964	Budget estimates
House of Representatives	$52,967,170	$54,412,330	$53,777,945	+$810,775	−$634,385
Joint items	6,274,024	6,368,325	6,150,865	−123,159	−217,460
Architect of the Capitol (excludes Senate items)	30,744,200	19,834,400	19,607,000	−11,137,200	−227,400
Botanic Garden	454,500	528,000	500,000	+45,500	−28,000
Library of Congress	20,488,800	23,959,300	23,419,100	+2,930,300	−540,200
Government Printing Office (excluding proposed new building)	26,992,000	23,562,000	23,562,000	−3,430,000	----------
Subtotal	137,920,694	128,664,355	127,016,910	−10,903,784	−1,647,445
Proposed new building for GPO	----------	46,723,000	----------	----------	−46,723,000
Total (on basis comparable to prior years, excluding, as before, all Senate items)	137,920,694	175,387,355	127,016,910	−10,903,784	−48,370,445
General Accounting Office (heretofore carried in another bill)	45,700,000	47,200,000	46,900,000	+1,200,000	−300,000
Grand total (for items considered by the House)	183,620,694	222,587,355	173,916,910	−9,703,784	−48,670,445
Consisting of—					
1964 supplemental (H. Doc. 284)	----------	211,700	180,000	+180,000	−31,700
1965 appropriations	183,620,694	222,375,655	173,736,910	−9,883,784	−48,638,745

Note.—Includes all appropriations for 1964 and all budget estimates for 1965 to date of reporting. Supplemental estimates for 1964, aggregating $69,400 for items appropriated on here, are pending in the committee (H. Doc. 203).

HIGHLIGHTS OF THE BILL

The bill total has fluctuated somewhat in recent years as various construction, major repair, and remodeling projects were initiated, accelerated, tapered off, or terminated. Last year the bill as reported was considerably higher than the year before. This year, it is somewhat lower. It is also below the budget estimates.

Looking at the summary table, every major grouping in the bill is below the budget requests. Four groups show net increases above 1964; three show net decreases. Laying aside the General Accounting Office, which for the first time is included in the legislative bill, and the proposed new Government printing plant which looms so large in the totals, the bill carries $127,016,910, a net reduction of $10,903,784 below fiscal 1964 amounts and $1,647,445 below the budget requests.

Including in the comparison the large request of $46,723,000 for the printing plant, the bill, which does not carry that proposition, is $48,370,445 below the budget.

Finally, the General Accounting Office adds $45,700,000 to last year's total, $47,200,000 to the budget total, and $46,900,000 to the bill total. And on this grand total basis—

The bill totals $173,916,610.

It is $9,703,784 below 1964 appropriations to date.

It is $48,670,445 below the budget requests.

It is pertinent at this point to note that something over $11 million direct cash income will accrue to the Treasury from certain expenditures included in these totals, principally from sales of library catalog cards and Government publications and from copyright operations.

There is but one supplemental for 1964 in the bill—$180,000 for the Library's catalog card service, a reduction of $31,700 from the request submitted in House Document 284.

SELECTED INCREASES AND DECREASES

One item of added cost common to appropriations under the Architect, the Library, and the General Accounting Office is the annualization in 1965 of the Classification Act general pay step increase which went into effect last January. And there are the usual mandatory-type within-grade salary increases and kindred items.

Selected items of reduction below last year: $12 million, because of declining cash requirements for Rayburn Building construction and the underground garages; $3,550,000, deletion of a nonrecurring GPO working capital appropriation; $575,000, net, due to phasing out the Capitol extension project, partially offset by the current study of the west central front areas; $2,225,000, deletion of a nonrecurring item for replacing water distribution and sewer systems in the main Library building; $265,000, deletion of a nonrecurring item for a new fire detection system in both Library buildings; $307,310, deletion of one of the two added allowances for stationery and postage in the 1964 appropriation.

Selected increases above last year: $2,168,000, approximately, and in numerous appropriations, for maintenance and operation costs associated directly with the Rayburn building (and tentatively, for a full year basis in fiscal 1966, it looks like roughly $3 million); $1,535,000, for major additional repair and improvement projects in the Library Buildings (lighting, heating and cooling, space renovation, cleaning and redecorating); $250,000, associated with new editions of the United States and District of Columbia Codes of laws; $160,000, for conversion of an obsolete air and light shaft area to usable working space; $135,000, for resurfacing the badly deteriorated East Plaza and adjacent areas in the Capitol grounds; $692,000, to cope with an ever-increasing volume of business in the self-supporting Library catalog card service; $546,000, to more nearly meet the demands in the very worthwhile program of books for the blind; $282,000, for additional cataloger positions to enable the Library to eventually end the years of arrearages in processing an increasing accumulation of material; $519,000, to permit use of excess Treasury-owned foreign currencies to buy foreign library materials; $320,000, under the Superintendent of Documents, an office that turns a profit on overall operations, for mandatory costs, for increased sales of publications, and to further implement the new depository library law.

Mr. Chairman, we are carrying in this bill the last major appropriation for construction of the Rayburn Building. With this we shall be able to complete almost all the other major construction work which has been underway for some years. The reduction in the demands for nonrecurring capital items has made it possible for us to bring a bill to you this year which is substantially lower than that of last year.

There is another important item. I believe it is well to call attention to the fact that the bill total will be further offset, because some activities contained in it have revenue-producing features. There will be turned into the Treasury this year about $11 million as a result of sales of cards, publications, and of fees. That will be collected through agencies of the legislative branch and will actually offset the total cost to that extent. The committee report has more on that.

The building work which will be completed—part of which is for major repairs to the original Library of Congress building—will put the Capitol Hill physical plant in good order, we believe.

There are two or three other important matters which will come up in the future.

SOME FUTURE PROJECTS

They have entered into a contract with a special engineering-architect firm to make a study of the situation in respect to the west wall of the central portion of the Capitol Building itself. When the study is finished, it will be necessary to make another contract to make certain tests to determine what, if anything, can be done with respect to the situation there found. After these two matters have been concluded, at a cost of about $125,000, a report will be made to the Congress as to what, if anything, should be done and what can be done. At that time—we hope within the next year—the Congress will be in a position to have available the best expert advice obtainable, and can make a decision as to what if anything should be done in connection with the strengthening of the west wall or the enlargement of the west front.

Another matter which has been pending and which will have to be faced in the not too distant future is the third Library building. Authorization is not of course, under the jurisdiction of our committee, but once the site and other authorizations have been passed upon by the Congress it will require a substantial amount to fund that project. To give an idea of the need for space in the Library, despite the fact that in the past year there has been obtained additional work space at the Naval Weapons Plant and some rented space outside, and the fact that there has been provision made in this bill for conversion of some space in the Library Annex, for additional work room, there still will be a desperately crowded situation in the Library. It might interest Members to know that the Library receives, on an average, 2,400 items an hour to be considered for permanent cataloging and retention. While they keep only about one out of every five items received, the growth is increasing. To put it in other terms, the present rate of growth of the Library of Congress requires an additional 43,000 square feet of work space every 12 months. So there is a serious space problem now. It is getting gradually worse and will continue to get worse until it can be relieved for another 20 or 30 years by the addition of the badly needed third building.

Another important project currently receiving consideration by the proper committees of Congress is a Government Printing Office building which will cost in the neighborhood of $48 million.

The interesting thing about this is that the Printing Office now is doing an all-time high volume—about $127 million worth of production work last year. They are housed in four buildings and have a most uneconomic situation for operation there. It is so bad that by getting into a proper building, with the proper arrangement of their production schedules, they can make savings of such an extent, all factors considered, that they can recapture the $48 million cost in a little over 10 years. In other words, because of this physical situation down there, we are paying around $4.5 million a year in wasteful and unnecessary costs which cannot be eliminated until and unless a modern, new factory-type building is made available for them.

The west front problem, a library building, and a new Government Printing Office Building constitute the three additional capital investment propositions that the Congress in the next few years will have to deal with as against those that have been under financing and funding up to this time. And, of course, such remodeling as may be decided upon with respect to the two existing House Office Buildings.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. STEED. Yes. I yield to the gentleman from Georgia.

Mr. LANDRUM. With respect to the gentleman's statement about the study to be conducted on the west front, could the gentleman anticipate when the results of the first study might be available?

Mr. STEED. They are due to be in this fall. I think in October or November. From that the second phase of the testing will begin.

Mr. LANDRUM. This first phase, as I understand it, is an engineering study.

Mr. STEED. It is, by an architectural engineering firm which, incidentally, is one of the two firms in this country which specializes in this masonry arch type of construction involved in the Capitol. They will have to make first a determination as to what tests to make and where the tests can be made in order to give the engineers the information they have to have before they make any recommendations as to what can be done about it.

Mr. LANDRUM. So there will be tests to follow this engineering study proposed now?

Mr. STEED. Extensive tests.

Mr. LANDRUM. The contract for the engineering study has already been entered into?

Mr. STEED. That is right. The first phase. The second phase has not because we have to wait to see what they recommend as to tests.

Mr. LANDRUM. You do not anticipate any action will be taken on the second phase, then, until after the first phase of this report has been submitted?

Mr. STEED. Yes. Until both of these things have been accomplished there will be no need for the Congress to worry about it, because from that ultimate report we will have the advice and recommendations that we can consider.

Mr. LANDRUM. I thank the gentleman.

Mr. STEED. The coming year is going to present the House of Representatives and the Congress with one of the most unusual housekeeping problems it has ever had. We are going to have a gigantic move on our hands, because beginning late in November, or thereabouts, and running through December and January we will start occupying the Rayburn Office Building. We have 9 committees and 16 subcommittees, and 169 Members to move into that building. Under normal conditions our employees here say they can move effectively about six Members a day.

I call attention to that so that the Members can be thinking about it and understand that this is an unprecedented thing and that it is going to require all of the understanding and patience and cooperation that we can all lend to it so that this move can be made with a minimum of disturbance and difficulty for everyone. Once we can get settled, then we hope that we will have everybody in a better situation to carry on their day-to-day work.

Following the move of the original 169 Members into the new building, of course, a chain reaction starts in the other two buildings. Members now in a suite not as good as some that will be vacated will want to move. We estimate as best we can there will be probably 250 moves before the musical-chairs effect finally ends and we can settle down and know where we are. At that time they hope to be able to go into the two old buildings and make some determination as to what remodeling can be accomplished to bring those facilities up to a par with those in the new Rayburn Building.

We have many problems that deal with making this building available. It is going to cost a considerable amount of money to maintain this building and keep it in service once we get into it. It is going to require a considerable number of additional personnel. For instance, we have 30 elevators in the building, and while they are the automatic type it will require two operators a day per elevator during the rush hours, which adds up to a potential increase of 60 employees.

We have a garage facility that will require 24-hour-a-day attendants. It is going to require a number of attendants to take care of that. You are going to have some 1,600 automobiles coming into the garage of that building every day and it is going to require some traffic help to get those in and out of the building.

We have 28 escalators that will come into service. We have never had experience with any of them before, but we are going to have some personnel who know something about the operation and maintenance of escalators.

We are going to have underground railcars connecting the Rayburn Building with the House side of the Capitol that will be open this fall and we are going to have to have a minimum of five operators for those underground cars, something we have never had before.

As you go through this building you are going to find that the very size of the building automatically has built into it a considerable cost. Also we have to assume the cost of heating and cooling the building. Since there are about 50 acres of usable floor space in the building, the cost for coal and oil and electricity is considerable. The cost will be about a fourth or so of what the entire Capitol complex presently is consuming.

At the present time, as the move begins, and the expansion of use of the building requires, we think we have enough funds in here to meet any situation that might arise. But we may have to come back in here and ask to have some adjustments made.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield.

Mr. GROSS. When did the gentleman say the migration to the pyramid will start?

Mr. STEED. Of course, the gentleman understands, there are some temporary occupations now on one or two of the four levels. These are on a temporary basis. Those people will also have to be relocated. We expect to start moving the committees in in late November or early December. We hope we may have everybody moved in by some reasonable time in January. With the number of moves that have to be made and the difficulties encountered in making the moves, I think we may be able to move more than six a day; we hope we can. We are going to do the best we can. I am sure the Members will cooperate and minimize the impact on us. But we cannot tell. It is just a guess as to how soon we can start moving in November and how late it will require in January to get in.

Mr. GROSS. I note in the committee hearings that the swimming pool has not been completed. Does the gentleman think that the distinguished chairman of the Appropriations Committee, the gentleman from Missouri [Mr. CANNON], and myself will be permitted to move into that building without the swimming pool being completed?

Mr. STEED. Well, I will say this. I do not know what the situation is going to be as to the swimming pool. However, we hope that the occupation of office space by the Members will go ahead regardless of whether the swimming pool is there. It will have no effect at all on the moving of the Members.

Mr. GROSS. If the gentleman will yield further, the price tag on this building now, including the land acquisition, is about $122 million; is that correct?

Mr. STEED. No, that is not correct. We have spent about $122 million on the entire program, but for this building itself specifically, including about $3.5 million which is required to furnish the building with desks, chairs, and other equipment, the total cost now will be in the neighborhood of $86.4 million.

That cost could go up a little bit because there are some claims from several contractors who worked on the building—in all, I think about $996,000. These claims have been turned down by the Architect of the Capitol but are now pending on appeal to a special board to determine whether or not we should pay any or all of them. So whatever decision this appeal board makes can increase the cost by that amount.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Florida.

Mr. HALEY. May I inquire of the gentleman from Oklahoma as to this situation. On page 17 of the bill, at line 20, there is this language:

> To provide for the acquisition of property, construction, furnishing, and equipment of an additional fireproof office building for the use of the House of Representatives.

Are we going to build an additional building in addition to the Rayburn Office Building at another tremendous cost? What is the additional building?

Mr. STEED. This is the identical language which we have carried in the bill every year and which applies to the Rayburn Office Building.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. STEED] has again expired.

Mr. STEED. Mr. Chairman, I yield myself 2 additional minutes.

Mr. HALEY. Mr. Chairman, will the gentleman yield further?

Mr. STEED. I yield to the gentleman from Florida.

Mr. HALEY. Then it is not the plan to use this language to build an additional building for the House of Representatives?

Mr. STEED. No. The $8 million in the bill provides for a continuation for carrying out this language which was in the original bill some years ago and which provided for the starting of the construction of the Rayburn building. We will have to have this language contained in the bill again next year in order to be able to pay off any of the claims found due, or whatever the odds and ends are, and that is the end of the Rayburn building phase.

Mr. HALEY. In other words, the $8 million is to finish the present building?

Mr. STEED. That is right.

Mr. HALEY. And there is no authority granted here to build an additional building costing the taxpayers $100 million?

Mr. STEED. That is correct.

Mr. HALEY. If the gentleman will yield further, I hope if such is the desire on the part of some of our planners and builders to build an additional office building of any kind, that certainly the Congress should be apprized as to the cost of it and let someone take a look at it so that we will not have another monstrosity like we have at the present time.

Mr. STEED. The historic precedent for this is that we have built additional space on an average of every 25 or 30 years. Therefore, we are hopeful that when this is finished, it will be another 25 or 30 years before anything additional comes up again.

Mr. HALEY. Let us hope so. The taxpayers need some relief.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I would like to dwell further upon the point which was raised by the gentleman from Iowa [Mr. GROSS]. Could the gentleman from Oklahoma refresh our memory as to what the relationship of the final cost of the Rayburn building will be in comparison to the original estimates? That is a figure that disturbs many of us.

Mr. STEED. I am not sure that I can give the gentleman an accurate statement on that right off. There have been a number of changeorders which have had the effect of increasing the cost of the building over the original estimates. In most instances those things in the original plan have come out about as estimated and, actually, we have saved a considerable amount of money on the structural steel over what the original estimates were. However, when there is added an item such as a cafeteria designed to seat several hundred people, that adds a substantial amount to the cost of the building.

These change orders have added some additional facilities from time to time and, of course, have changed the cost estimates to some extent. However, I cannot at the moment, right off, give the gentleman an accurate figure. The figure is higher than the original estimated request.

Mr. DERWINSKI. If the gentleman will yield further, I would like to ask him one additional question.

The gentleman made the observation that, for example, the operation of the elevators will require additional personnel. Could not the elevators be made completely automated so that the cost of operating personnel could be saved?

Mr. STEED. They will be automatic and we hope many of them will be operated that way. However, experience teaches that in certain areas where there is heavy traffic we have to have an operator during those rush hours in order to obtain efficient operation.

We left as much as we thought we could on an automatic basis. But we had to be prepared to meet what we thought the minimum would be, and anything that we can save we are going to be far more than anxious to do so. At worst we can take two men and get 24-hour service out of the elevators, whereas with the old type of elevators you have to have three men to meet the service from 6 a.m. to 11 at night. Any way you look at it we are in a better position because these are the automatic-type elevators.

Mr. Chairman, under leave to extend, may I say that over the years there has been much confusion and misinformation about the cost of the Rayburn Building. It is a big building—a lot of building. So, for those interested in costs, I am including material from the Architect contained in the committee hearings. Also, for those interested in comparing the size and cost with other buildings, I am also including data inserted by the Architect in the committee hearings.

From pages 75–79 of committee hearings on the 1965 bill:

Additional House office building project—Cost breakdown: Rayburn Building and associated items

Acquisition of site: Acquisition of land, including appraisals, title search, clearing of site and protection of property	$2,500,000
Preparation of site:	
Rebuilding Tiber Creek sewer	1,392,805
Soils engineering	10,806
Changes in water and sewer lines, streets and curbings	$170,259
Test borings	19,449
Total	1,593,319
Construction and equipment of building:	
Superstructure and equipment	[1] 55,500,000
Furnishing and erection of structural steel	7,208,700
Excavation, excavation bracing, foundation piles and pile caps	[2] 8,830,000
Total	71,538,700
Related items:	
Inspection of stone off site	96,687
Electrical birdproofing	5,700
Sculptured Rayburn plaque, main entrance	35,000
Landscaping	197,900
Materials tests (by Bureau of Standards and District of Columbia government)	114,191
Total	449,478
Architectural and engineering services: Architectural and engineering fees (5½ percent of cost of work for which services are performed)	4,000,000
Furniture and furnishings	3,500,000
Administration and other costs: Administration, supervision, inspection on site, drawings, blueprints, travel, advertising, stenographic reporting services for Contract Appeals Board, etc	2,818,503
Total estimated final cost of Rayburn Building and associated items listed above	86,400,000

SUBWAY FROM CAPITOL TO RAYBURN BUILDING

Subway tunnel, terminals, cars, and other necessary mechanical and electrical work, underpinning of southwest section of Capitol Building, and installation of 4 new elevators and 2 esclators in this section of Capitol, and subway maintenance shop	7,700,000

ACQUISITION OF OTHER PROPERTIES

Acquisition of properties to the south of the Rayburn, Longworth, and Cannon Buildings, and east of the Cannon Building, demolition of old structures, protection and maintenance of such property	11,743,688

UNDERGROUND GARAGES

Construction of underground garages and maintenance shops in squares 637 and 691	8,803,401
Test borings	21,317
Architectural and engineering fee (5½ percent of cost of work for which services are performed)	475,282
Total	9,300,000

REMODELING OF CANNON BUILDING

Construction of garage in courtyard	$1,341,767
Construction of Disbursing Office for House of Representatives	247,646
Installation of telephone conduit	58,377
Test borings and soil analysis	2,270
Architectural and engineering fee (8½ percent of cost of work for which services are performed)	786,250
Miscellaneous	570
Total	[3] 2,436,879

REMODELING OF LONGWORTH BUILDING

Construction of cafeteria in courtyard	964,872
Providing 3d serving line in cafeteria	44,080
New post office in basement	145,782
Takeout bar	71,663
Alterations to folding room	148,100
Improvements to lighting in room 1324 (Interstate and Foreign Commerce) and room 1334 (Interior and Insular Affairs)	48,982
Improvements to room 1301 (Banking and Currency)	33,185
Pedestrian tunnels from Longworth to Rayburn Building, under South Capitol Street	950,000
Architectural and engineering fees (8½ percent of cost of work for which services are performed)	881,875
Miscellaneous work	4,867
Total	[3] 3,293,406

MISCELLANEOUS

Landscaping architectural fees for squares 637, 691, south of 635, and 692	62,500
Administration, inspection, drawings, blueprints, advertising, and miscellaneous expenses, for all projects, except the Rayburn Building	1,168,527
Total	1,231,027
Grand total "Additional House Office Building project"	122,105,000

[1] Includes original contract price, amounts of change orders issued to date, estimated amounts for change orders in process, and estimated amounts for anticipated change orders.

[2] Excludes claim of contractor in amount of $996,000, disallowed by Architect of the Capitol, appealed by contractor pursuant to contract provisions, and now before Board of Contract Appeals for settlement.

[3] These amounts are made up of known obligations and estimated obligations. Exact scope or extent of major remodeling of Cannon and Longworth Buildings has not yet been agreed upon by the House Office Building Commission.

Estimated cost of certain buildings, Capitol Hill

Building and construction period	Total	Cost when constructed[1]				Increase factor,[2] ENR index	Cost if constructed under contract awarded in 1964		
		Cubic feet		Square feet			Total	Unit cost	
		Area	Unit cost	Area	Unit cost			Cubic feet	Square feet
Old House Office Building, 1904–7, 1937, average; ENR 102.55	$4,354,298	11,282,215	$0.386	671,921	$6.48	[3] 5.89	$25,666,761	$2.27	$38.17
Old Senate Office Building, 1906–9, 1931–33, 1937–38, average; ENR 117.28	7,870,060	11,505,985	.68	685,250	11.48	[3] 5.15	40,516,159	3.50	59.12
New House Office Building, 1930–33, 1937, average; ENR 154.87	6,979,797	7,712,812	.90	599,675	11.64	[3] 3.90	27,002,040	3.51	45.40
U.S. Botanic Garden Conservatory, 1931–33; ENR 152.27	723,918	1,587,514	.46	52,689	13.74	3.97	2,873,954	1.81	54.55
U.S. Supreme Court, 1931–35; ENR 157.86	9,349,474	8,007,700	1.17	392,737	23.80	3.82	35,714,990	4.46	90.94
Library of Congress Annex, 1934–38; ENR 179.53	7,766,863	10,362,414	.75	934,225	8.31	3.36	26,096,660	2.52	27.93
New Senate Office Building, 1955–58; ENR 498.23	21,231,271	10,182,600	2.08	712,910	29.80	1.21	24,500,722	2.52	36.06
Rayburn House Office Building, 1957–64; ENR 560.61	80,400,000	35,266,000	2.27	2,375,000	33.85	1.08	86,832,000	2.46	36.56

[1] Does not include cost of site and furnishings but does include architectural and engineering fees, administrative, test borings, soils analysis, miscellaneous, and contingencies.

[2] Engineering News-Record building cost index, 1913=100, dated March 1964.

[3] Average.

Estimated costs of certain Federal buildings, Washington, D.C., area

Building and construction period	Total	Cost when constructed[1]				Increase factor, 1964[2] ENR index	Cost if constructed under contract awarded in 1964[1]		
		Cubic feet		Square feet			Total	Unit cost	
		Area	Unit cost	Area	Unit cost			Cubic feet	Square feet
Department of Commerce, 1929–32; ENR 171.3	$17,795,000	27,159,945	$0.66	1,610,000	$11.05	3.53	$61,775,000	$2.33	$39.00
Department of Justice, 1932–34, ENR 151.8	10,522,000	17,910,000	.59	1,237,000	8.53	3.98	41,877,560	2.35	33.95
Department of Labor and Interstate Commerce Commission, 1932–34; ENR 151.8	11,284,000	--------	--------	1,137,800	9.92	3.98	44,910,320	--------	39.48
Archives, 1932–35; ENR 160.1	12,254,000	8,926,879	1.37	1,375,000	8.91	3.77	46,196,580	5.16	33.59
Post Office, 1932–35; ENR 160.1	9,754,000	--------	--------	840,000	11.61	3.77	36,772,580	--------	43.77
Internal Revenue, 1929–32; ENR 171.3	10,176,000	--------	--------	1,281,000	7.94	3.53	35,921,280	--------	28.03
Federal Trade Commission 1937–38; ENR 196.5	3,753,000	4,100,000	.92	303,000	12.39	3.07	11,521,710	2.82	38.04
Department of State (original), 1940–41; ENR 207.1	10,548,000	--------	--------	642,500	16.42	2.91	30,694,680	--------	47.78
Pentagon, 1941–43; ENR 220.86	75,286,000	--------	--------	6,670,300	11.14	2.73	205,530,780	--------	30.41
Department of State (new wing), 1957–60; ENR 535.1	54,016,000	--------	--------	2,498,800	21.62	1.13	61,038,080	--------	24.43
Smithsonian Institution 1959–63; ENR 580.00	[3] 28,068,000	13,777,000	2.03	758,600	37.00	1.04	29,190,720	2.11	38.48
Bureau of Standards (phase II), 1962–64; ENR 592.00	[4] 25,328,000	12,752,000	1.99	754,500	33.60	1.02	25,834,560	2.03	34.27
Rayburn House Office Building 1957–64, ENR 560.61	80,400,000	35,266,000	2.27	2,375,000	33.85	1.08	86,832,000	2.46	36.56

[1] Does not include costs of site and furnishings, but does include architecural and engineering fees, administrative, test borings, soils analysis, miscellaneous, and contingencies.

[2] Engineering News-Record building cost index, 1913=100, dated March 1964.

[3] Based on $37 per square foot as stated in the Washington Post newspaper on Mar. 31, 1963.

[4] Based on lowest bid and does not include costs of site, furnishings, architectural and engineering fees, administrative, test borings, soils analysis, miscellaneous and contingencies.

Estimated cost of certain other buildings

Building and construction period	Total	Cost when constructed[1]				Increase factor, 1964[2] ENR index	Cost if constructed under contract awarded in 1964		
		Cubic feet		Square feet			Total	Unit cost	
		Area	Unit cost	Area	Unit cost			Cubic feet	Square feet
Empire State, 1930–31; ENR 176.75	$42,000,000	--------	--------	--------	--------	3.41	$143,220,000	--------	--------
Merchandise Mart, 1928–31; ENR 183.08	32,000,000	--------	--------	--------	--------	3.29	105,280,000	--------	--------
United Nations, 1949–52; ENR 385.85	72,000,000	--------	--------	--------	--------	1.57	113,040,000	--------	--------
Philharmonic Hall, 1959–62; ENR 563.88	40,000,000	--------	--------	--------	--------	1.07	42,800,000	--------	--------
National Geographic, Comp. 1960–64; ENR 580.74	[3, 4] 10,600,000	3,544,500	$2.82	260,400	$38.00	1.04	10,400,000	$2.93	$39.94
Rayburn House Office Building, 1957–64; ENR 560.61	[4] 71,538,700	35,266,000	2.01	2,375,000	30.12	1.08	77,261,800	2.19	32.53

[1] From the Washington Post newspaper on Jan. 29, 1964: "No information therein as to inclusion or exclusion of cost for site, architectural and engineering fees, administrative, etc."

[2] Engineering News-Record building cost index, 1913=100, dated March 1964.

[3] Comparative based on construction cost only, excluding costs of site, furnishings, architectural and engineering fees, administration, test borings, soils analysis, miscellaneous, and contingencies.

[4] Construction cost only.

Mr. HORAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is by no means the biggest appropriation bill that we bring to the floor for consideration, but in many ways it is one of the most interesting. It sometimes evokes a great deal of response from all Members of the Committee of the Whole House on the State of the Union, and I commend the membership for their interest.

I think we ought to go back, though, and understand what the Founding Fathers of this Nation of ours envisaged when they established the Capitol here in Washington, D.C. They had high hopes and had plans for a Capitol Building set in the middle of a long Mall. We still have one-half of that Mall left, probably because Foggy Bottom, or whatever you wish to call it, was subject to flooding at times at periods of extreme high tide on account of the absence of a watergate or floodgates as we have now located down beyond the Lincoln Memorial. It is a known fact, that in the old days of the horsecars people had to raise their feet up to the adjoining seat to avoid water on Pennsylvania Avenue until the gates were installed down there. This was all changed in 1908 when the watergates went in. Probably it is to that bit of luck that we owe the fact that we still have a Mall reaching to the west of us from the Capitol of the United States. It was too wet to be of interest.

The rest of the Mall was left to grow up and increasingly to become a commercial area and an area where residences were built. Gradually through the years slums became a part of the landscape around the Capitol. It was nobody's fault, it was a matter of history and weather, and changes in the population, suburbia, and what have you, until 10 or 12 years ago our great Speaker, Mr. Sam, became quite interested about the conditions around here.

He took action to restore at least a part of the original setting of the Capitol of the United States. And then we began to clear away the slums, then it was we began to remove "Ptomaine Row" out here. I did not originate that phrase. It was a long row of pretty good restaurants, I guess, but we got to calling it "Ptomaine Row." I drove past there yesterday because the plaza, which was blocked off, made me go around, and I was astounded to see that area springing up green and rather attractive, I thought. So we are beginning to clear away the slums and business areas not in keeping with the basic ideals of architecture as envisaged by our founders.

I think that gives a brief setting for the home of the Congress of the United States, the home and the workshop of everyone who sits in this Chamber and everyone who sits in the Chamber over on the Senate side.

While there are items in this bill that neither my colleague from Oklahoma nor I had any part in bringing to you, that is, initiating, other than by our votes on the floor, I for one, and I am sure I am joined by my chairman and by others on the subcommittee, are not here to apologize for what is in this bill at all. I think the Congress of the United States is entitled to a setting for their workshop, the Capitol, that is commensurate with the dignity and the worthwhile things we are supposed as the representatives of the people of a great nation to bring to life here. So we are before you with a sort of continuing resolution, carrying out that work.

In the case of the $125,000, I believe, that has been set aside to make engineering studies of the west front of the Capitol, what we may do for the west front of the Capitol may be similiar to what we did when we made a study of the east front years ago. We found that the 4,500-ton cast-iron dome was in bad shape, I will tell you, when we completed the east front. The weather, the heat, causing a sway or a slight movement of the dome as it alternately heated up or cooled off, had shorn off a lot of the rivets and bolts that held the dome to the masonry underpinning beneath it, and it overhung the main retaining wall of the then east front by some 12 feet. We know now from that experience and what we found that we had better take a look at the west front.

We know, or we think we know, that when the Capitol was built here originally there was a cliff which ran inside of the existing terrace out here toward the Mall, a cliff of rock that shot straight up, and that a fill was put in there, on which some of the main west walls may rest. The engineering studies are apt to make it apparent that we had better, if we want to save the Capitol, to make it architecturally secure, consider appropriations to finish the west front. I tell you this in addition to what my friend from Oklahoma [Mr. Steed] has told you so that you may know this is apt to show up in an appropriation bill in the not too distant future.

There are two fine things that have been added to the setting of the Capitol. One is the Supreme Court Building, which I feel is a very dignified piece of architecture, the home of one of the three branches of our laws of checks and balances. I think the Library of Congress, which was finished in 1889, while it is gingerbread, while it is definitely Victorian, has some of the most striking features of any of our buildings around here. It is almost unique in Washington architecture. This bill carries sums to clean 67 years of dust off the main hall and mezzanine, with all its mosaic, all its fine architecture, its splendid fittings.

We are indebted to our chairman of the full committee, the gentleman from Missouri [Mr. Cannon], for the fact that when that building was built the Library of Congress was then only the fourth greatest library in the world. Today it is the first library in the world, and growing by leaps and bounds.

We are adding about 1 million pieces of material, documents, books, volumes, maps, and so forth, to the Library each year. The Library has about 43 million pieces today, and the need for space is terrific. As the gentleman from Oklahoma [Mr. Steed] pointed out, we are expanding into the Naval Weapons Plant and into some properties that we have acquired near Baltimore in Maryland which will help, but the need for another annex for the Library is imminent.

Included in the bill is an item for the Library amounting to $1,500,000 for major repairs which, in our judgment, are long past due.

We have nearly $700,000 in order to cope with the ever-increasing business in the card catalog section which returns $3,500,000 to the Treasury of the United States and which is a self-supporting service.

We have about $500,000 increase to provide books for the blind and to provide other services for the blind people of this Nation, one of the really fine things that the Library of Congress does.

We have released $519,000 worth of foreign currencies to add material from various foreign countries where those currencies exist.

We have permitted 166 of the requested 198 new employees that the Library asked for. The Library currently has 2,272 authorized personnel.

I would like to say at this time, we have another item in this bill which is a self-supporting item and even more so in returning a profit to the Treasury. Some of the documents that we print at Government expense, I suppose might be considered practically worthless, but many of them rank among the best sellers in the Nation. As a result, through the operation of the Superintendent of Documents, we return to the Treasury of the United States over $6 million a year and that return to the Treasury over and above the cost of running that institution is on the increase.

We have also the Copyright Office. One of the functions of our Committee on Appropriations, of course, is through our reports to make recommendations to the proper committees as to what ought to be done.

We find that the Copyright Office, which ought to be self-supporting is losing ground. It is paying for only 64 percent of its operation now, and the fees ought to be adjusted.

Mr. Chairman, I believe that concludes my remarks.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. HORAN. I yield to the gentleman from New York.

Mr. LINDSAY. I compliment the gentleman for thorough and professional approach in his discussion of this subject. I only wish there had been more Members on the floor to hear it.

Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The chair will count. [After counting.] Fifty-eight Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 108]

Abbitt
Addabbo
Andrews, N. Dak.
Ashley
Auchincloss
Avery
Bass
Blatnik
Bray
Brown, Calif.
Bruce
Buckley
Burkhalter
Burleson
Clausen, Don H.
Cooley
Corman
Curtis
Davis, Tenn.
Dawson
Dent
Derounian
Diggs
Dowdy
Downing
Duncan
Elliott
Farbstein
Findley
Fino
Flynt
Fraser
Fuqua
Giaimo
Grabowski
Grant
Gray
Griffin
Griffiths
Hagan, Ga.
Hagen, Calif.
Hardy
Harvey, Mich.
Hébert
Hemphill
Henderson
Herlong
Hoffman
Huddleston
Hull
Ichord
Jennings
Jensen
Johnson, Pa.
Jones, Ala.
Karth
Kee
Keith
Kilburn
King, Calif.
Kirwan
Kluczynski
Kyl
Lankford
Latta
Leggett
McDowell
Mailliard
Martin, Calif.
Martin, Mass.
Matsunaga
May
Miller, Calif.
Miller, N.Y.
Moorhead
Morrison
Multer
O'Brien, Ill.
Ostertag
Pepper
Pilcher
Pool
Powell
Quie
Rains
Rhodes, Ariz.
Riehlman
Rivers, S.C.
Roberts, Ala.
Rooney, Pa.
Schadeberg
Scott
Secrest
Sheppard
Short
Sibal
Smith, Calif.
Smith, Va.
Staebler
Stafford
Teague, Tex.
Thomas
Thompson, La.
Thompson, N.J.
Thomson, Wis.
Tollefson
Utt
Vanik
Waggonner
Watson
Weaver
Wright

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Albert) having resumed the chair, Mr. Thompson of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 10723, and finding itself without a quorum, he had directed the roll to be called, when 317 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. HORAN. Mr. Chairman, I yield myself 1 additional minute.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. HORAN. I yield to my colleague from Washington.

Mr. WESTLAND. Mr. Chairman, I want to compliment my colleague from Washington on his presentation in the speech he made bringing out the historical events concerning the Nation's Capitol. I learned a little bit more about this Capitol as a result of listening to the gentleman's speech. I know the great concern the gentleman has with respect to budgets, deficits, and so forth, and I also know of his interest in maintaining this Nation's Capitol as a beautiful place, as it should be.

Does the gentleman feel he has been able to reconcile these two facets in this legislation he has presented to us today?

Mr. HORAN. I may say to the gentleman I have heard about some of the offices in the executive department where it is a long, long walk over heavy carpet to the office of the man you want to talk to.

I sometimes resent the suicidal tendencies I see in the Capitol where my colleagues in the House of Representatives sit when they get up and practically commit hara-kiri in the name of the House of Representatives. I do not think we ought to have offices as big as football fields or that they necessarily have to have wall-to-wall carpets, but when it comes to the Capitol of the United States, which houses the representatives of the people of this great Nation—and no nation in history was any greater, ever, than its people—when the Capitol and this Chamber are the residing place of the mace, which is the only authority in the United States, I sometimes resent, and I know my colleague from Oklahoma is right with me on this, some of the things that our colleagues say that I think are self-depreciating. I think also that in the name of the homefolks that send us here we should stand up and try to maintain the dignity of this body, and act accordingly.

Mr. Chairman, I yield such time as he may desire to my colleague, the gentleman from Minnesota [Mr. Langen].

Mr. LANGEN. Mr. Chairman, I thank my colleague for yielding to me.

Mr. Chairman, I shall not keep the Committee very long after the very thorough explanation that has been provided by the very able chairman of the committee and the distinguished ranking member. There is very little left that needs to be said about the bill before us.

However, in further recognition of the point that has just been discussed, let me add that while the bill is known as the legislative appropriation bill, there are a good many items in here that refer to subject matter that is something other than the mere cost of running the legislative body of this Government. In fact, there are substantial appropriations that relate to public service.

As we are considering the appropriations that relate to the Capitol Building, as the gentleman from Washington [Mr. Horan] has pointed out so very specifically and informatively. I think it is well to make note that a substantial amount of those moneys is necessary to accommodate the public that visit the Capitol. With this I have some concern, because it is my own personal feeling that a democracy will never function any better than the extent to which its citizens are informed. In that light, I spend some time in encouraging the public to visit their Capitol. I think it is good they come here. I think all those who come from my district and the rest of the Nation leave with a little more concern and interest in their Nation's Capitol and Government, than when they came. To that degree, I think these expenditures are worthwhile, and we ought to provide the money and see to it that the people are welcome, and that they do have an opportunity of being exposed to the activities that take place here. It is worthy of note that there are some 35,000 to 40,000 people who visit this building every day.

So as we look at the various appropriations, even to those which provide for parking facilities, these in turn are related to the number of people who visit here because so often it is impossible for them to find a place to park and in finding room for the cars that belong to the people who work here and for the Members of Congress, that is bound to provide for some additional space to accommodate the public.

But probably even more important than these are the number of direct public services that are involved. You have already had some explanation of the extent to which the public library provides service all over the Nation in supplying the depository library throughout the Nation with books and information distributed directly by the Library of Congress. In so doing, of course, this involves a distribution of information coming not only from the respective departments of Government but also from the wealth of materials that they have in order that this material might be available and convenient to the public and so convey better information and a better understanding of Government and its problems to the people throughout the Nation.

I should like to call your attention to the fact that substantial aid is provided in this bill for the blind. The administration of that program is under the jurisdiction of the Library of Congress. The extent to which this program has grown and been able to provide better service to the blind of this Nation, I think is most commendable.

There are moneys provided in this appropriation to expand the program for the blind so that records, tapes, and recording machines may be more readily available and the service may be improved and the waiting time that has been necessary may be made shorter.

I should like to make note of the fact that in so doing they are working very closely with State programs going on in this same field. In Minnesota, my own State, we have rather an extensive program in behalf of the blind and these aids supplement it and works well in harmony with that program.

Piecing all these things together, it occurs to me that we do have in this bill appropriations for some very important public services.

I should just make mention of one other point and that is this. I think there was a rather unusual problem that confronted the subcommittee during the course of its considerations this year. This has already been referred to with reference to the extent to which the Rayburn Building and the occupation of that building has brought additional considerations before the subcommittee. In the consideration of these matters there have been involved many unkown quantities where we have not had actual experience and where we have had to make determinations as to what would be the needs and requirements of the future. The committee has done its very best to make appropriate estimates of what those needs may be and to provide for them so that the building may be occupied and used with the least amount of confusion.

So, Mr. Chairman, with these words I do recommend this legislative appropriation bill to the committee.

Mr. STEED. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. Joelson], a member of the subcommittee.

Mr. JOELSON. Mr. Chairman, I am a new member of the Appropriations Committee, and I must confess when I was first assigned to this particular Subcommittee on Appropriations for the legislative branch, I was somewhat disappointed because I did not realize the importance of this committee. But having sat in committee and listened to the testimony on matters that come before this committee, it has been brought home to me very clearly that this building in which we now find ourselves is really the home of American democracy and that we are the keepers of this house. I do not want to wax "corny," to use an expression my teenage daughter uses, but at this time of the year when the cherry blossoms come out and the tourists come to Washington, they stream into this building as though they were visiting a shrine, as indeed they are, because this is the workplace of American democracy.

We are the board of directors of a corporation known as the United States of America.

I wish there were more interest in this subcommittee, because we must be concerned about our own House. The Library of Congress provides light, enlightenment, and education to millions of Americans. We have a Government Printing Office. Despite all the jokes about needless pamphlets and nonsensical publications, that is indeed a fountain of knowledge for the people of America, so that they can be kept informed about the workings of their own Government.

I do not wish to end on a sour note. I wish that in the past we had not delegated our authority so much. I make specific reference to the Rayburn Building, as to which all we can do is ratify decisions which already have been made. We fund the money, but we have little to say about original decisions.

I am proud to be a member of this subcommittee. I was completely impressed by the dedication of our chairman [Mr. Steed] and the ranking Republican member [Mr. Horan]. It has been a harmonious and a good relationship.

I wish to say again that I am proud and happy to serve on this subcommittee.

Mr. STEED. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. Feighan].

Mr. FEIGHAN. Mr. Chairman, first I thank the distinguished chairman of the subcommittee for yielding this time, and I also thank the members of the subcommittee for their courtesy and time when I appeared before the subcommittee on March 20. I also express appreciation for the fact that I shall be given sufficient time in which to state the case.

Mr. Chairman, the issue before the House today is whether Congress will support a full-scale, uninhibited and long-overdue study and review of immigration policy, as required by law.

The Appropriations Committee has thrown this issue to the membership of the House—without prejudice—so that it can be decided in the light of day and reported to the people.

This is the first time in my memory and I am sure in the memory of others that a procedure of this type has been followed on an appropriations matter. This is a strange situation to say the least. I ask why the Joint Committee on Immigration and Nationality Policy should be singled out for this kind of treatment. It is not enough to say some Members do not favor joint committees, or, the gentleman from New York [Mr. CELLER] feels the Subcommittee on Immigration of which I am chairman can undertake the long overdue review of immigration policy, or that the same Members of the Senate and House serve on both the joint committee and the respective subcommittees of both Houses—with one exception. The reasons for this peculiar state of affairs go much deeper and it is time they were flushed out into the open.

The question before the House is—who is determined to block a full and open inquiry into immigration policy and why?

It is not the Appropriations Committee because that committee has felt the issue important enough to put it before the entire membership for decision.

Hidden forces have been at work to block a congressional inquiry into immigration policy. Those forces have been working behind the scenes and that work has blocked joint committee action since last August. The work of the joint committee has been delayed for 8 months—a delay which I maintain has been damaging to the national interest.

Answers to these questions will identify the forces at work to block action by the joint committee.

Will it be denied by the Member from New York [Mr. CELLER] that last June he threatened to depose me as chairman of the Subcommittee on Immigration unless I conformed to his ideas as to how the work of that subcommittee should be conducted?

Will it be denied by the Member from New York [Mr. CELLER] that he favored activation of the joint committee and a full-scale immigration policy review until he learned I was to be elected chairman of the joint committee?

Will it be denied by the Member from New York [Mr. CELLER] that he informed me last August he would oppose root and branch all my efforts to activate the joint committee?

Will it be denied by the Member from New York [Mr. CELLER] that he approached members of the Appropriations Committee asking them to kill the appropriation request of the joint committee?

Will it be denied by the Member from New York [Mr. CELLER] that he threatened a filibuster on the foreign aid appropriations bill last December if funds for the joint committee were included in the legislative appropriations bill attached to that measure?

Will it be denied by the Member from New York [Mr. CELLER] that he has opposed root and branch, as he promised he would, all my efforts during the present session to secure funds for work of the joint committee?

Will it be denied by the Member from New York [Mr. CELLER] that Chairman STEED was accurate when he stated—and I quote from page 496 of the hearings:

> I am sure you can understand why it would be improper for us to be heedless of the very strong feeling of a chairman of one of our major legislative committees.

Will it be denied by the Member from New York [Mr. CELLER] that Chairman STEED was accurate when he stated, and I quote again from page 496 of the hearings:

> So, coming from a chairman of a committee, as the gentleman from New York [Mr. CELLER] is, it does impose an unusually heavy burden on us. We are just more or less caught between two prongs, and our job will not be a happy one either way.

On January 22 I took the floor of the House to expose a false charge placed against me which appeared in the New York Times on January 14. That false charge painted me as the blocker in Congress of pending immigration legislation. At that time I promised to name the blocker if he continued his efforts to prevent the joint committee from carrying out its functions as established by law. I had no other course open but to put the facts before the Subcommittee on Legislative Appropriations. I call attention to my testimony appearing on page 490 of the hearings, in which I identified the Member from New York [Mr. CELLER] as the one blocking action by the joint committee. These charges have been corroborated by Chairman STEED in the printed testimony of the hearing on this issue.

Rumors are rampant on Capitol Hill and in the press galleries about large payoffs running into hundreds of thousands of dollars to fix immigration cases through private bills. Let me quote from one such story, the syndicated column of Leslie Carpenter, which appeared in the Washington Post on February 29, 1964:

> Snarled in a behind-the-scenes feud high up in the House Judiciary Committee is a possible explosive investigation of big-money fees for fixing immigration cases. The money is said to have gone to some firms in which a Congressman or Senator was a law partner.
>
> Such firms are rumored to have earned as much as $100,000 for a single case when a gangster or some other wealthy undesirable alien was about to be hustled out of the country.
>
> Quickly a private bill would be introduced in Congress to block the deportation. Sometimes, when enough influence came into play the bill went through. How much of a payoff—if any—went to Members of Congress in such instances is an unanswered question.

The caption on that column was "Stymied Investigation."

I resent the finger of suspicion being pointed at any Member of Congress. Blanket charges against Congress must not be allowed to go unchallenged.

The integrity of Congress demands an uninhibited investigation and a full-scale public airing of those charges and action to correct all conditions which give rise to such charges. The joint committee is the proper arm of Congress to do the job. It has the jurisdiction. It has the necessary power of uninhibited inquiry and it has the will and determination to meet the challenge.

Beyond those rumors, people have come to my office requesting the opportunity to testify under oath before the joint committee concerning exorbitant payments extracted in immigration matters. Several cases involve the payment of extortion to Communist regimes through cutouts residing in the free world.

Since the enactment of the Immigration and Nationality law in 1952 there have been 10 special immigration laws enacted. Each of these laws were passed to meet some international emergency or to remedy some human problems growing out of the demands of these unsettled times. As a consequence of these enactments our immigration laws today are a complicated hodgepodge, with policy considerations as obscure as a needle in a haystack. To bring some order and equity into our immigration program, a clearly defined policy is a matter of first and urgent business of the Congress.

In addition, a series of advisory opinions and administrative determinations by agencies of the Government have occurred since 1953 which have had the practical effect of legislating—an authority which is the exclusive domain of Congress. This trend has cast the shadows of confusion and uncertainty over our immigration policy. As matters now stand it is impossible for anyone to define with clarity and accuracy what our immigration policy really is. Various claims and charges are made, for or against what is alleged to be our immigration policy. There are as many opinions about what our policy is as there are varying schools of thought as to what it should be.

Contrary to widely shared beliefs, the basic feature of our immigration laws—the quota system based on national origin—controls only 33 percent or one-third of immigrants entering our country. Immigrants outside the quota system, under the basic code and special enactments since 1953, represent 67 percent or two-thirds of the immigrants who enter our country each year. Nevertheless, many Members of Congress receive regular appeals from their constituents requesting assistance in uniting families separated by war, disaster, and misfortune. Our Nation is built upon the integrity of the family. Our sense of human concern and justice has always moved us to protect and preserve the family as the basic unit of our society. Something is wrong with our immigration program when we are not able to maintain that principle as the policy foundation of our program. Blame for this condition cannot be placed alone upon the quota system because the blame rests elsewhere. It rests with the lack of a clear-cut immigration policy which would look after the family needs of citizens and legal residents of the United States as a first and overriding priority.

Since enactment of the Immigration and Nationality Act in 1952 approximately 2.9 million immigrants have entered the United States. Only 1 million of these immigrants entered under the established quota system. These figures provide adequate proof of the need for Congress to assess what is purported to be our immigration policy. We are not short of numbers admitted annually, but we are certainly falling far short of making our immigration program serve the priority needs of our people.

There has not been a thorough, orderly, and dispassionate review of immigration policy in over 40 years. This fact was recognized in 1952 when Congress authorized the establishment of the joint committee and assigned to it the responsibility for conducting such a review. Much has changed during the past 40 years, at home and in the world around us, bearing upon a sound immigration policy which will serve the best interests of the United States and all our people. I am convinced it is time Congress took a good look at all these factors and weighed them on the scales of national interest. I believe Congress should be motivated by the facts in making a determination on any issue and I am confident Congress will act intelligently and wisely on immigration policy once the facts are clearly established.

Three questions raised in the report accompanying the bill call for answers from me.

First. It is stated some members of the committee think joint committee mechanisms are unsound. The validity of this contention is removed by the fact the committee approved the budget request of all other joint committees—a total of six—with no cutbacks in funds requested and an increase of $20,000 for one joint committee.

Second. Why cannot the policy inquiry called for be undertaken by the House subcommittee of which I am chairman? I have attempted by my remarks today to identify the sound reasons why this task must be undertaken by the joint committee. Let me add that as chairman of the subcommittee I have been denied the right to select staff members of my choice since the gentleman from New York [Mr. CELLER] reserves that authority exclusively for himself. As subcommittee chairman I have no authority to use the power of subpena, another authority reserved exclusively by the gentleman from New York [Mr. CELLER]. These two impediments do not burden my task as chairman of the joint committee.

Moreover, the staff of the subcommittee is preoccupied with private bills and other day-to-day business of the subcommittee.

There are over 2,000 private immigration bills presently pending in the House Subcommittee on Immigration. More than 90 percent of these bills originated in this House. This is a heavy burden for the subcommittee to carry.

As chairman of the subcommittee I see the need for a clarification of policy which would eliminate the necessity of introducing private bills for many worthy people. Congress must find a solution to this problem.

Third. Why cannot the joint committee use staff members assigned by the respective Judiciary Committees for purposes of the policy inquiry? To begin with, the work of the joint committee is not a part-time undertaking—it is not a casual responsibility—it must not be done on a hit-or-miss basis. The continuing responsibilities of the joint committee as defined by law obviously calls for a full-time staff specializing in the field of immigration policy. I have discussed this matter with the able chairman of the Senate Judiciary Committee and he has authorized me to state it is not possible for him to loan any members of his staff to the joint committee because they are all fully occupied with assigned duties. As for the chairman of the House Judiciary Committee, his opposition to the work of the joint committee should now be clear.

President Kennedy in his last appropriation message to Congress on November 21, 1963, requested $140,000 for the work of the joint committee. That was the only legislative appropriation request for committee work which failed to come before Congress for action in the closing days of the last session.

President Johnson included the sum of $160,000 for the same purpose in his budget now before Congress. That request was not acted upon by the committee and the committee determined to put the issue before the Members today—without prejudice. In other words, it is now up to the Members to decide whether they will support a full-scale, uninhibited and long-overdue study and review of immigration policy as required by law.

I need not make it abundantly clear that a Member voting to increase the appropriation is not casting a vote against the Appropriations Committee and by the same token a vote against the increase is not a vote to support the Appropriations Committee.

The Joint Committee on Immigration and Nationality Policy is prepared to move ahead expeditiously to discharge its responsibilities once the funds adequate to its task, as defined by law, are made available.

I urge Members to support the amendment which I shall offer to provide adequate funds for the task that needs urgently to be done.

Mr. Chairman, there is a strong possibility that our late President, John F. Kennedy, might still be alive today if Congress had taken time out during the past 5 years to review our immigration policy and supporting laws as well as their administration by the different agencies of Government, including the State Department.

The question as to whether an individual has lost his U.S. citizenship must be determined in accordance with the Immigration and Nationality Act of 1952.

While it is not generally realized, a person desiring to renounce his U.S. citizenship under section 349(a)(6) of the act, must make a formal renouncement of nationality before a diplomatic or consular officer of the United States abroad in the form prescribed by the Secretary of State.

According to the State Department's own admission on how it administers the law, I quote from a letter sent to a Member of the other body by Assistant Secretary of State Fred Dutton:

> Lee Harvey Oswald did not renounce his nationality in accordance with the provisions of this section, and, therefore, did not lose his U.S. citizenship under those provisions.

Although in 1959 he meant to become a Soviet citizen when he defected to Russia. The Department's records show that Oswald swore in an affidavit that:

> I affirm that my allegiance is to the Soviet Socialist Republic.

Mr. Chairman, under the State Department's interpretation, Oswald technically did not renounce his U.S. citizenship since he failed to sign the document in the presence of a consular officer. However, the Department's own records show that Oswald clearly intended to give up his citizenship. Only the State Department's interpretation of the law—which is open to serious question—cleared the way for Oswald to return to the United States despite his renouncement of his citizenship in a sworn affidavit.

Had there been a full-scale review of all the facets of immigration policy and the administration of the law—as the one we are today asking Congress to support—the State Department's highly questionable procedures of handling "defectors" might have been brought to light in time to have caused Congress to force the Secretary of State to tighten up his regulations governing procedures on renouncing of U.S. citizenship—and thus barring Oswald from the "free passage" he received back to this country.

Is this review of our immigration policy needed today?

The answer is a clear and loud "Yes."

Let me open your eyes to a few more facts. In a letter to a member of the other legislative body, Assistant Secretary of State Dutton revealed that 200 U.S. defectors now living behind the Iron Curtain or in Cuba could demand passports at any time and return to the United States, as long as they have not formally renounced their citizenship under the present State Department procedure. He wrote:

> There is no provision in our laws covering a "defector" who has not committed one of the expatriative acts set forth in the act.

Assistant Secretary Dutton stressed that under the State Department's interpretation of the law:

> In the event an individual has not performed an expatriative act, his U.S.

> citizenship and his entrance into this country cannot be denied.

In addition, Mr. Dutton revealed:

> Such an individual may receive a U.S. passport after complying with Department of State regulations and procedures required of applicants for U.S. passports.

Mr. Chairman, in other words, the gate is wide open for the return of as many Oswalds as want to come back to the United States, regardless of whatever type of sinister training, brainwashing, or Communist indoctrination they might receive while behind the Iron Curtain.

This is a serious problem with which Congress should be concerning itself. Nobody in official capacity in the administration will say how serious the problem is because no one person or single agency of Government knows or has the full story, the full danger to our great country's security.

For instance, the U.S. Defense Department is sitting on part of this explosive story—my sources in the intelligence community tell me that within the past 18 months more than 30 uniformed members of the U.S. Armed Forces have defected behind the Iron Curtain—many of them even better marksmen than Oswald. In the month of October, just 1 month before President Kennedy was gunned down—six U.S. military personnel defected behind the Iron Curtain. If any member is unconvinced of the accuracy of my remarks, all he needs do is to call at my office and I will give him the names of these defectors. I cannot state whether these defectors are in the Soviet Union, Cuba, Communist China, or the United States today. And I challenge the State Department or any other Government agency to give me the whereabouts of all of these defectors—or to come before a congressional committee and swear that none has returned to the United States. Like Oswald, one of the more than 200 U.S. "defectors" or "turncoats" now roaming the world could be waiting high in some building planning to repeat the terrible tragedy of Dallas by gunning down our President or other high officials during the coming political campaign.

As chairman of the House Subcommittee on Immigration, I have tried to gather information so Congress can act wisely in passing meaningful immigration legislation this year, which carries the needed safeguards to protect our country's security.

I have taxed the staff of the House Subcommittee on Immigration and Nationality to the limits of their abilities and have not even scratched the surface of the problems. For example, our investigations on the Cuban refugee problem and the treatment of U.S. nationals in the Soviet Union involved in United States-Russian cultural exchange programs, have produced startling information, indicating the need for certain changes in both policy and the law. Much more in both fields must be done—and to give the subcommittee staff an additional workload, with its regular duties, would not produce the certain and definitive results that are needed.

The review of immigration policy and implementation of that policy is one of the biggest jobs facing this Congress. What is needed is Senate cooperation, which we now have, to use the powers that already exist by law in the Joint Committee on Immigration and Nationality Policy, to go thoroughly into all of these facets of policy. This can only be done by giving the joint committee the funds and staff needed to do the job. The request for $160,000 is very modest in light of the job that must be done, but I promise you that members of that joint committee will do the job.

Let me tell you today that there is strong circumstantial evidence that one part of the underworld in this country is working hand and glove with members of the international Communist conspiracy. These two forces for evil are working together in bringing unsavory persons in and out of our country in violation of the immigration laws and in the transportation of money to and from the United States for safekeeping abroad.

To air and publicize this full danger to our security, Congress must use its best resource, which in this case is the Joint Committee on Immigration and Nationality Policy, which by law has jurisdiction over these matters.

In making this review, the joint committee pledges to cooperate and exchange information with every pertinent committee of Congress and with every Member of Congress.

It is time we all joined together to act—to act together to bring about a meaningful immigration policy and supporting laws. To do this we must know firsthand what our present immigration policy really is, what laws must be enacted to give us the kind of immigration program that serves best the interests of all the people of our country.

Mr. STEED. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman and Members of the House, this is the first time during my 41 years of service here that my word and the work that I have done here has been questioned or placed under any cloud of suspicion. I would say in general that the gentleman from Ohio substitutes figments of the imagination for facts. He seems to be suffering from some sort of frustration that has apparently been brought about by his own actions. I have tried wholeheartedly to cooperate with the gentleman from Ohio, but somehow or another he has spurned every effort I have made to work peacefully with him. He has his own reasons and it is indeed a pity that he has brought his unwarranted fulminations against me into this Chamber.

For example, the gentleman said that I have never allowed him any subpenas in his capacity as the chairman of the Subcommittee on Immigration and Nationality, in his work of inquiry. That is not true. That is as false as chalk is to cheese. I can give all sorts of documentary proof in reference thereto.

The gentleman speaks of a long overdue study on immigration, as though the late lamented Francis Walter, his predecessor, sat on his hands and accomplished nothing as chairman of the subcommittee as to policy on immigration, on which the gentleman from Ohio dilated.

I hold in my hand some 15 or 16 studies showing a most exhaustive effort on the part of the Subcommittee on Immigration headed by his predecessor, Francis Walter, when the gentleman from Pennsylvania was a member of the subcommittee, during all the months of mature study on all phases of immigration. I will give some of these phases:

"Study of Population and Immigration Problems in the United States."

"Study of Population and Immigration Problems of the World."

"Asian Populations."

"Trends in Canadian Populations."

"The Demographic Position of the Caribbean."

"The Growth of Population in Central and South America."

"The Population of Western Europe."

"Immigration to the United States, as presented by the Immigration and Naturalization Service."

"Nonimmigrant Visa Issuance and Registered Demand for Quota Immigrant Visas."

"Refugees and International Migration."

"Admission of Aliens into the United States for Temporary Employment."

"Commuter Workers."

"Study of Population and Immigration Problems."

"Inquiry into the Alien Medical Examination Program of the U.S. Public Health Service."

"Inquiry into the Entries of Aliens Under Administration Discretionary (parole) Authority."

"Inquiry into the Selection, Security Screenings, Admission, Emergency Care, and Resettlement of Cuban Refugees in the United States."

"Inquiry into the Enlistment of Nationals of the Republic of the Philippines in the U.S. Navy, and the U.S. Coast Guard."

"Judicial Decisions Construing Certain Provisions of the Immigration and Nationality Act."

Those are only a few of the studies that were made by the Subcommittee on Immigration. To say that there has been no consideration of the policy on immigration is a sad disparagement of the gentleman's predecessor, Mr. Francis Walter. I do not want his name disparaged in any sense of the word, directly or indirectly, in this Chamber.

Beyond that, the duty of the subcommittee is quite clear. The House passed a resolution, House Resolution 36, January 30, 1963, which gave authority to the Judiciary Committee to conduct and to stage inquiries. It said the following:

> 1. Relating to the administration and operation of general immigration and nationality laws and the resettlement of refugees, including such activities of the Intergovernmental Committee on European Migration which affect immigration in the United States; or involving—

Mark you this—

> or involving violation of the immigration laws of the United States through abuse of private relief legislation.

The gentleman makes much of these rumored charges by faceless, unknown, unseen newspaper columnists who he claims have been making certain charges.

Here at hand he has the opportunity to do the investigating of those who made these charges. This resolution, passed this House last January. He has been chairman of the Subcommittee on Immigration since the death of the late lamented Francis Walter, for almost a year. What has he done? He had the authority. If these charges were true, it was his duty, it was his solemn, sworn duty, to get after these malefactors whether they were in the House or the Senate.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. ROONEY of New York. Does that subcommittee have the staff and, if so, what is the cost of it?

Mr. CELLER. That subcommittee has a staff with annual total salaries of $67,000. It has a staff of seven—four professionals and three nonprofessionals. What has been done with reference to that staff? What has the gentleman from Ohio been doing all these months if these charges are true? Now he sits as chairman of the Committee on Immigration and he sat as a member of that committee for a great many years on all of these cases which might be the subject of charges leveled by these irresponsible persons who hide behind a barricade or a thin veneer of veracity by speaking of innuendoes and rumors, all of which hold this Chamber and the other Chamber in disrepute. He was present, and members of the State Department and members of the Department of Justice were also present in executive session of that committee and in open hearings of that committee. They should have found out what was happening. If perchance these charges were true, they had at hand all of the documents, all of the records. Why was not something done with reference thereto? I do not make the charge of dereliction against the gentleman. I do not know. However, it seems passing strange that he should come here and make these statements in the face of these facts.

Now, beyond that he speaks of the delay of 8 months now that prevented the joint committee from effectuating a policy or recommending a policy or acting upon a policy. Eight months? That is ridiculous. This joint committee has not functioned for how long? For 12 years. This honored Committee on Appropriations has refused to make any appropriations for this Joint Committee on Immigration and Naturalization for 12 years. Every year this committee has refused to make any appropriations of the type that the gentleman wants now. And what does he want?

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. ROONEY of New York. I should like to ask the distinguished gentleman is it a fact that the membership of this joint committee is the same membership as the membership of the Immigration Subcommittees of both the House and the Senate, with one exception, that being the most recent addition in the House, the gentleman from New Jersey [Mr. Rodino]?

Mr. CELLER. That is correct.

Mr. ROONEY of New York. And it is a fact that that joint committee we are talking about here has no authority whatever to legislate; that the legislative authority is in the subcommittee of which the gentleman from Ohio is the chairman?

Mr. CELLER. That is correct.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LANGEN. Mr. Chairman, I yield the gentleman from New York 10 additional minutes.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New Jersey.

Mr. JOELSON. The chairman stated that the Committee on Appropriations for 12 years refused to make this appropriation. Is it a fact that for 12 years the chairman of the Subcommittee on Immigration, Mr. Walter, did not want the appropriation and in fact did not ask for the appropriation?

Mr. CELLER. Mr. Walter always expressed the opinion that the joint committee interfered with the work of the Subcommittee on Immigration and therefore it was a joint committee that was utterly needless. Therefore, he frowned upon it and refused to make any applications for appropriations. In that decision he had my wholehearted approval.

Here let me also read a statement with reference to the joint committee. I read what the distinguished chairman of the subcommittee, the gentleman from Oklahoma [Mr. Steed], said at page 495.

> We are faced with the fact that we have a good many Members of the House who have a sort of built-in opposition to joint committees.

And that point of view undoubtedly affected Mr. Walter as it does a great many Members of the House.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. JOELSON. Is it not true also that despite the fact of the failure of the money to be requested the committee each year made a token appropriation of $20,000 which was never used by Mr. Walter?

Mr. CELLER. That token appropriation has been made for 12 years. It is in the bill now as recommended by the Subcommittee on Appropriations. I have no objection to that appropriation because it follows a 12-year precedent. I ask the members of this committee to follow that 12-year precedent and not reactivate by an appropriation of $160,000 this joint committee. Let me make one point very clear beyond that. It is not only $160,000. If you go back to the enabling act which set up this joint committee you find the following language:

> The expenses of the committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House.

That means that the Senate will match the funds appropriated by the House. The Senate will appropriate $160,000 and the gentleman from Ohio will have at his disposal $320,000 plus the $67,000 which we expend for his staff as a chairman of the Subcommittee on Immigration and Naturalization.

Now, ponder that, gentlemen. If you feel that that is just and proper then, of course, that is within your responsibility. I deny categorically that I threatened to do any filibustering. I have never sought to filibuster in my life, much less against the distinguished Committee on Appropriations. And when he indicates or implies that I was in anywise successful with that committee that is a rather serious disparagement of that honorable committee.

That honorable committee acts independently, I am sure. It has functioned without criticism over all these years. Now to make the charge of that sort that I was successful in any way in holding up appropriations is an indirect charge against the Committee on Appropriations.

As to the many private bills that have been offered, the proliferation of these bills he wants presented to the joint committee, and as the gentleman from New York [Mr. Rooney] indicated, that committee has no legislative power. They could not help one iota. The work would have to be done as far as the legislation is concerned first by the subcommittee of which the gentleman from Ohio is chairman and then by the full Committee on the Judiciary. I ask them to do just that.

Now, Mr. Chairman, with reference to these charges, these charges that come forward from faceless, unknown individuals, I would of course let there be an inquiry. I would be the last in the world not to ferret out any mischief of that sort which has been indicated and not to fathom the depth widely and broadly of any charges of misconduct, no matter who is guilty of that misconduct. But I say the instrumentality is at hand. It can be done and should be done by the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary.

Mr. Chairman, I do not want the jurisdiction of the Committee on the Judiciary diluted. In the language, indeed, of Churchill:

> I didn't become chairman of the Judiciary Committee to preside over its dissolution.

Mr. Chairman, I hope and pray that if and when the gentleman from Ohio [Mr. Feighan] becomes chairman of that Judiciary Committee, that splendid Judiciary Committee, he will have a like point of view.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I am glad to yield to the gentleman from Louisiana.

Mr. WILLIS. I am about to do something which I suppose is like sticking my finger between the bark and the tree. I do not wish to engage in personalities or choice or friendships. Personally, I am very friendly with the two gentlemen who have spoken thus far. It seems to me though that outside of that there are considerations which would justify my taking a position.

The gentleman from New York has appropriately said that many Members of this body have not thought over the years that a joint committee is very effective. The greatest exponent of that thought was the late and great former Speaker of the House of Representatives, Sam Rayburn.

Now, Mr. Chairman, in this situation I proceed again beyond personalities and say this: The chances are that, whether an inquiry is made through a joint committee or the regular subcommittee, it is likely that my philosophy on immigration would be more harmonious with the gentleman from Ohio [Mr. FEIGHAN] than the gentleman from New York [Mr. CELLER], who is now speaking. So, avoiding all that and knowing the disposition of my great friend, the late "Tad" Walter, my disposition, quite aside from personalities and friendships, is to stick by the action of the Committee on Appropriations in this instance. So I am going to cast my lot, aside from personalities, on the side of the committee that acted, because the appropriations for the entire Committee on the Judiciary are at stake. I have items which are contained in this bill here, as chairman of a number of subcommittees of the Committee on the Judiciary. I appear every year before the Committee on House Administration in support of the functions of my own subcommittees.

Mr. Chairman, I do not see how I could do less than to support the action of the Committee on Appropriations, and not avoid saying that I am not taking a position for or against my good friend, the gentleman from New York, "MANNY" CELLER, or my good friend, the gentleman from Ohio "MIKE" FEIGHAN.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Ohio.

Mr. FEIGHAN. If the gentleman will bear with me, I would like to make this observation. In the first place, the statement has been made that there has not been available $20,000 for the joint committee every year since its inception in 1953. That is one inaccuracy that needs to be cleared up, and the Appropriation Committee staff will bear that out. Every year beginning in 1953 and following the amount of $20,000 was appropriated.

Another thing is that we, the Member from New York and I, on January 16 went before the House Administration Committee and requested funds, and in the report of that hearing which I have right before me, it was indicated that we were not considering immigration policy whatever when we were having the hearings on population studies. That did not go into policy, and it was made clear right there when I stated:

> I expect the joint committee will go into the question of policy.

Then the gentleman from New York [Mr. CELLER] stated:

> You have to go into it essentially of course.

Mr. Chairman, when Judiciary members were before the House Administration Committee asking for the funds for the Judiciary Committee there was no indication whatever that there would be any policy study that was to be made by the Judiciary Subcommittee. As I stated, such policy review was to be made by the joint committee and therefore the Judiciary Committee members made no appeal for funds for the study the joint committee, by law, was obligated to make.

Another thing, it is said that the joint committee has never functioned. This is no excuse for avoiding the clear requirements of law, particularly when our immigration laws are now bogged down in a hodgepodge of piecemeal amendments and administrative determinations by the State Department over the past years.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. STEED. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. FEIGHAN. One more observation that I think should be made——

Mr. CELLER. Mr. Chairman, I refuse to yield further. I tried to be cordial. The gentleman has made a long speech, he has had his time.

I want to say, in closing, I offer the gentleman from Ohio every possible aid and comfort that he would seek in the conduct of an investigation concerning this alleged wrongdoing which is attributed, unfortunately, not only to Members of the House but to Members of the Senate. I shall do all and sundry to help the gentleman provided that work is performed where it should be performed, in the subcommittee over which he presides.

It seems rather anomalous that the gentleman, disregarding the protocol that exists between the House and Senate, would deign to repeat those baseless charges in this Chamber against Members of the other Chamber which he has placed under this cloud and by this repetition he has widened the cloud and given because wide circulation to such rumors. They will make headlines. I repeat, he has widened that cloud, he has violated the protocol that should exist between the House and Senate. He has cast an aspersion on the good name of the Senate and on the good name of the Members of the House.

He should have taken the charges and brought them before the Department of Justice and said to the Department of Justice: "Investigate these charges and we will give you every assistance we can as far as our conduct of the inquiry is concerned." But to drag this dirty linen into this Chamber here and ask the gentlemen here to decide between two members of the all-important Committee on the Judiciary, to me is inane and unwarranted.

I hope you will support the committee and refuse to support any amendment increasing the appropriation for this joint committee beyond the $20,000 that has been appropriated for the last 12 years.

Mr. HORAN. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. MOORE].

Mr. MOORE. Mr. Chairman, everybody this afternoon is finding it a little difficult to get on the side of the angels, and I find it particularly difficult to take the floor at this time and to take a position with respect to the matters in difference between the gentleman from New York and the chairman of the Committee on the Judiciary, and the gentleman from Ohio, chairman of the Subcommittee on Immigration.

I feel very strongly that the matter which the House has to decide here today could in great measure resolve the differences that have long been outstanding between the two gentlemen who have addressed this House.

It is perfectly obvious, in my opinion, that they feel intensely with respect to their individual positions and that neither will yield to the other.

It would seem well for me, as a member of the Subcommittee on Immigration, to make this observation. I have great affection for the gentleman from New York [Mr. CELLER]. That affection is deep, and it has endured over a long period of time. Likewise, I have great respect for the gentleman from Ohio with whom I have served for 7 years on the Subcommittee on Immigration. I believe him to be an honest and sincere American, dedicated and doing that which is in the best interests of the country. This House has to decide which of these two men is going to have his way here today.

May I also add that there has been mentioned here the name of a great American, the late chairman of the Subcommittee on Immigration, the late Tad Walter. I would like to make also the observation that as a young Member of this House nobody was any closer in thinking and friendship with Tad Walter than the gentleman in the well today. Nevertheless, I believe that the charges which have been made here today, and which have been presented to our Subcommittee on Immigration, merit a full disclosure and investigation. The question comes now how the House feels that this is going to occur.

I would like the gentleman from New York [Mr. CELLER] to answer two questions for me, if he will. He has indicated that there is authority for Subcommittee on Immigration, and I am in complete accord with that suggestion, to conduct an investigation; but does the gentleman from New York say to us here in the House today that he will give to the gentleman from Ohio sufficient funds to conduct such an investigation? That would be my first question.

Mr. CELLER. Of course, the funds must be allotted by the House Administration Committee. I would be glad to join with the gentleman from West Virginia and the other members of the subcommittee to help supply the gentleman from Ohio with all the reasonable tools, whatever they may be, funds or otherwise, to conduct this investigation thoroughly and maturely.

Mr. MOORE. Do I understand the gentleman from New York to say that if it is necessary to go before the House Administration Committee he will present, together with the chairman of the Subcommittee on Immigration, a request for necessary funds for that subcommittee to conduct the type of investigation that has been discussed in the House of Representatives today?

Mr. CELLER. I shall be glad to do so. I have said I would do it when I occupied the well of the House, and I certainly reinforce that now by saying I shall.

Mr. MOORE. May I ask the gentleman from New York to respond to this question: Will you as chairman of the full committee give the authority to the chairman of the subcommittee, the right and the prerogative, to hire whatever individuals he feels necessary to carry out the investigation?

Mr. CELLER. I will give the gentleman all the instrumentalities that are reasonably necessary to conduct his investigation, including the personnel, professional and nonprofessional. Of course, I want to be sure, since I have to sign vouchers, that the individual is of good character, that the individual is temperate, that the individual appears to have high standards of moral attributes, and so forth. If those conditions are met, I certainly will approve of any of the men he wants to put on his staff.

Mr. MOORE. It would appear to me that you have placed a qualification upon the question I asked.

Mr. CELLER. You see, I have to sign vouchers. Of course I would be held responsible by somebody in authority in case the individual does not measure up to the standard of high employment by Federal standards. I do not want to buy a pig in a poke, as it were. But I would give the gentleman every permission as far as the reasonable selection of individuals is concerned for the purpose of staging proper inquiries.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. HORAN. Mr. Chairman, I yield 3 additional minutes to the gentleman from West Virginia.

Mr. MOORE. I would like again to inquire of the gentleman from New York [Mr. CELLER], I would assume then by your answer, in the event an individual is presented to you as a possible employee or investigator or clerk for such an investigation that, if you in your own mind feel this is not an individual of substance, that you would veto the selection of that individual to be a part of any investigative staff?

Mr. CELLER. My colleague uses the expression "individual of substance." I do not know exactly what is meant.

Mr. MOORE. The gentleman from New York mentioned what he would consider to be the qualifications of such a person—good character and so on. That is what I was referring to.

Mr. CELLER. The answer is, "Yes."

Mr. MOORE. May I ask this question, and perhaps I am being unkind to my chairman, in the event the House should turn down the amendment which is to be offered by the gentleman from Ohio and refuse to make funds available to the Joint Committee on Immigration Policy, as he requests, do you not believe these matters are of such serious nature that notwithstanding what the House might do with respect to the Joint Committee, that all of us on the Committee on the Judiciary, interested in this subject matter, ought to appear before the House Committee on Administration urging the necessary funds so this investigation might go forward?

Mr. CELLER. Most assuredly, I answered that question before and the answer again is, "Yes."

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman.

Mr. FEIGHAN. First, I want to express my confidence in my good friend, the gentleman who is now in the well of the House. I appreciate his efforts for conciliation, but I think it is of extreme importance that the issues be not confused here. The primary purpose of the joint committee is to make a thorough study, investigation, and inquiry with reference to policy on matters relating to immigration and nationality. Unfortunately, now it seems the discussion is emphasizing the question of investigation with reference to wrongdoing, rather than the full spectrum of immigration policy.

Mr. MOORE. May I say to the gentleman, of course, the suggestion of wrongdoing has shocked the conscience of everybody in the House here today. I think we have to go forward with that whether it is through the joint committee or the Subcommittee on Immigration itself.

Mr. FEIGHAN. I agree, but the primary issue today is getting sufficient funds for the joint committee to function as it is required to do by law, and that is to make a thorough inquiry with reference to our immigration policy. We have President Johnson requesting a change. The joint committee must be allowed to go forward with a full scale inquiry with reference to our immigration policy.

Mr. MOORE. May I say, Mr. Chairman, it is difficult to take sides as between friends, and usually one tries not to. In this particular instance, I support the gentleman from Ohio in his request for funds to reactivate the joint committee. If in the wisdom of the House, the House decides not to supply these funds, I shall, of course, want to exert every effort to see that these matters that have been brought out here today are looked into completely by the Subcommittee on Immigration here on the House side.

I would urge support for the position of the gentleman from Ohio.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. ROONEY].

Mr. ROONEY of New York. Mr. Chairman, I am one of those members of the House Committee on Appropriations referred to on page 8 of the committee report who think that joint committee mechanisms generally speaking are not so good. As far as the Joint Committee on Immigration and Nationality Policy is concerned, which has been discussed here now for some while, I intend to support the committee.

But I rise at this time to talk to you about another joint committee. This joint committee is to be found on page 9 of the bill, and is known as the Joint Committee on Reduction of Nonessential Federal Expenditures—an appropriation to remain available in the amount of $29,750.

Now $29,750 may not be such a large amount of money and it may not compare with the cost of the waste to the taxpayers caused by the needless time lost in this Chamber on yesterday as the result of the activities of the minority, but I should like to say that this joint committee with such an attractive title and headed by a distinguished Member of the other body who under the rules of the House I cannot identify by name on this floor, has been in existence for 23 years. This joint committee was originally set up under the Revenue Act of 1941 and without question of doubt to serve for 1 year—with an authorized appropriation of not more than $10,000. Lo and behold, here we are 23 years later, and this joint committee has not yet submitted the final report provided for; and it has been operating at the rate of $30,000 a year.

Now let me tell you what this alleged joint committee does with the people they have on the taxpayers' payroll. It has a staff director drawing $18,879.96 which makes up the principal part of the $29,750 amount that I previously mentioned.

Every couple of months the staff gets hold of a document known as the "Monthly Report of Federal Employment." This one I have in my hand is for February 1964. It is put out by the U.S. Civil Service Commission. From this monthly report they draw an additional report, based on the same figures. And on their report every couple of months they issue a press release, as a result of which the chairman of the joint committee has become known throughout the length and breadth of this land as a great economizer and reducer of the cost of Government.

Gentlemen, I have been a member of the House Appropriations Committee for nearly 20 years and I do not recall of a single instance on any one appropriation bill being considered in the other body during all those years when that distinguished Member of the other body, the chairman of this joint committee, ever offered an amendment to reduce an appropriation by 5 cents.

I shall have a little more to say about this when the clerk reads the pending bill for amendment.

Thank you, Mr. Chairman and members of the committee.

Mr. STEED. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. Hays].

The CHAIRMAN. The gentleman from Ohio is recognized for 1 minute.

Mr. ROONEY of New York. Mr. Chairman will the distinguished gentleman from Ohio yield?

Mr. HAYS. I yield to the gentleman from New York.

Mr. ROONEY of New York. The gentleman asked me a question here on the floor a moment ago.

Mr. HAYS. I was wondering if the chairman of this famous committee which has succeeded in spending $600,000 over the years, in the process of keeping the chairman in office as its main objective, is headed by a gentleman best known for growing apples.

Mr. ROONEY of New York. I believe that to be so.

Mr. HAYS. I thank the gentleman.

Mr. HORAN. Mr. Chairman, I yield to the gentleman from Virginia——

Mr. FULTON of Pennsylvania. To the gentleman from Pennsylvania?

Mr. HORAN. Yes. To the gentleman from Pennsylvania. I wanted to get that applegrower straightened out.

The gentleman from Pennsylvania wishes to ask the chairman of the Judiciary Committee a question.

Mr. FULTON of Pennsylvania. Mr. Chairman, I had asked the chairman of the Committee on the Judiciary to yield earlier for a question but the gentleman from New York did not have time to yield. Actually, my present request is a little broader than that.

In all of this discussion I believe we should not fail to realize what a good committee is the House Committee on the Judiciary and what fine members are its members. We Members of the Congress have full confidence in the Judiciary Committee and its fine professional staff. I say to the chairman, I feel certain the chairman has full confidence in his subcommittees and their excellent professional staffs.

While we are discussing people and staff members, I believe we in the House who have used the services of the Judiciary Committee for many years should not fail to mention how well the professional staff has functioned. I say this to the chairman of the Judiciary Committee, the gentleman from New York [Mr. Celler], as well as the chairmen of the subcommittees and the ranking members. During the past months and years, during the long continued times of debate on civil rights, these staff members have been more than helpful to me and my office. I feel certain they have been the same wonderful help to every one of our Members of the House regardless of political viewpoint.

Finally, I wish to say that in former years, with respect to the excellent Subcommittee on Immigration and Naturalization, under the chairmanship of our good Pennsylvanian, Congressman Tad Walter, as well as in the present Subcommittee on Immigration and Nationality, under the present chairman, the staff has functioned well, honestly and amazingly efficiently. I know these topflight professional staff are well known to the House, and that their competence is fully appreciated.

I compliment the chairman, the gentleman from New York [Mr. Celler], and I have no doubt the chairman agrees the staff of the Judiciary Committee, and its subcommittees, particularly the Subcommittee on Naturalization and Nationalities, is excellent, honest, and topflight in competence.

Mr. HORAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. Meader].

Mr. MEADER. Mr. Chairman, I have listened to this discussion. I have read the record of the hearings, and I must say that I, as a member of the Committee on the Judiciary, am disturbed to witness this rather vigorous combat between two of my colleagues, for both of whom I hold high regard. Naturally, as are other members of the Committee on the Judiciary, I am torn between my friendship for both of these gentlemen.

I am not sure I understand precisely what is at stake here. The chairman of the full committee has, in answer to questions of a member of the subcommittee, the gentleman from West Virginia [Mr. Moore], assured us that he would support funds for an investigation by the Immigration and Naturalization Subcommittee, but he has also clearly indicated that he would not delegate to the chairman of the subcommittee, the gentleman from Ohio [Mr. Feighan], complete authority over the employment of staff. And this was not asked, but I assume that he also would not delegate to the chairman of the subcommittee the authority to issue subpenas. I would like to ask the chairman of the Committee on the Judiciary if I am correct in that understanding that he would refuse to delegate to the chairman of the subcommittee the authority to issue subpenas.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from New York.

Mr. CELLER. I answered the question when it was propounded to me by the gentleman from West Virginia concerning the selection of personnel. I think the gentleman heard me in that regard. With reference to the issuance of subpenas, I must make a similar reservation. I shall be very liberal in granting subpenas to the gentleman. I have never yet refused to grant a subpena that the gentleman asked me to grant, and I doubt very much that I would refuse or I would deign to reject any reasonable request he has for subpenas. So that the gentleman from Michigan can rest secure in the thought that I would not hamper the gentleman from Ohio in the granting of or issuance of subpenas.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HORAN. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. HORAN. I yield to the gentleman from Michigan the additional 2 minutes.

Mr. MEADER. Now, Mr. Chairman, let me say that I approach these matters of committee staffs with a general approval of acquiring able and adequate staffs to help committees of the Congress. I have been advocating the strengthening of the Congress through the strengthening of the committees and the committee staffs all the time that I have been here. I served as a staff member of the Truman committee and as counsel for that committee and for the Fulbright Senate Subcommittee on Banking and Currency. I suppose that is one reason why I believe that staffs are important.

This joint committee was created by law, and apparently up until the gentleman from Ohio became chairman of the joint committee, no request for substantial funds had been made. If the joint committee serves no purpose, why not repeal it. Or, if it does serve a purpose, or if some chairman wants it to, why should we not fund it adequately? There must be a reason for opposing this appropriation, and I think the reason is that the chairman of the Committee on the Judiciary wants to maintain control and is not willing to delegate to the gentleman from Ohio as chairman of the subcommittee the authority to acquire staff or the authority to issue subpenas. However, if this appropriation were made, the gentleman from Ohio would not have to ask the gentleman from New York for any money or any support of any kind because he would have it in his own right as chairman of the joint committee.

Now, I do not like joint committees. Some of them are good, and the Joint Economic Committee is active and the Joint Committee on Internal Revenue Taxation is. If this is a good joint committee, we ought to fund it. If it is not serving any useful purpose, let us repeal it but not starve it.

Mr. CELLER. Mr. Chairman, will the gentleman yield to me?

Mr. MEADER. I yield to the gentleman from New York.

Mr. CELLER. I would be very glad to join with the gentleman to secure a repeal of the Joint Committee on Immigration and Nationality Policy, because it is a useless appendage on the body politic. The mere fact that it has not served for 12 years clearly indicates that.

With reference to the other statement the gentleman made about my wanting control of this situation, I would say—and I say it in all kindness—that the gentleman is just about as wrong in that as a 2-foot yardstick. I do not want control of this situation. I have enough chores to take care of without trying to control an inquiry into the charges that have been made and repeated here on the floor of the House by the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. STEED. Mr. Chairman, in the 3 or 4 minutes remaining in general debate I want to try to make my position as chairman of this subcommittee crystal clear.

You have heard the substantive issue of immigration and nationality policy discussed here today by the gentlemen best able to know and bring us information about it. This subcommittee is in no position to be so well informed on a subject of this sort. When this matter came up, we were limited in what we could do and what consideration we could give to it by authorities issued by action of the House. We were faced with this situation: Here was a joint committee, created by law, that had been dormant for 12 years. There was no action by the House or the Congress in the meantime indicating that it had any need or desire to be changed. In January of last year this House of Representatives adopted a resolution which gave almost the identical authority to the standing Committee on the Judiciary and funded it to carry on the work. The newest and the latest expression from this House that this subcommittee had to guide it was that resolution. We followed it. As a committee, we are willing to abide by the direction and will of this House once we find out what it wants done. But under these circumstances when all of a sudden a committee is activated that has been dormant so many years, and a representation is made that a need has arisen, and then an equally strong and powerful representation is made on the other side, this subcommittee is caught in the middle.

Both the House and Senate Judiciary Committees have filed reports in this Congress stating that studies in these fields are underway, that they deal with policy, and in the light of that this committee had to come to the conclusion that if we granted any more money than had been traditional we would be spending money for duplication. It is our responsibility to deal solely with the money. We could not justify any action that could be shown to be a clear duplication of money.

You have heard statements here today asking why we had some ground to think that there was a conflict of some sort. What we have done has nothing in the slightest to do with the policy of the Immigration and Nationality Committee. It only has to do with the narrowly confined matter of authority by resolution of this House. That is the only reason we have taken this action. We have gone into all the authority that the House has created. Up to this point I cannot see that we could have taken any other action than the action we took.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield.

Mr. FEIGHAN. Am I correct concerning the statement the gentleman made previously that a vote to increase the funds would not be a vote against the committee?

Mr. STEED. I will say that the Committee on Appropriations is not here to sell this on the question of policy consideration. We are here to justify an expenditure under authority of the House. We are confining ourselves to the matter of the money.

Mr. Chairman, so that the position of the Committee on Appropriations will be clear in this RECORD today, I insert the explanation appearing on pages 7 and 8 of the committee report on this bill:

> The committee's action on the enlarged request from the chairman of the Joint Committee on Immigration and Nationality Policy requires some explanation, $160,460 was requested last fall as an immediate supplemental for fiscal 1964 but after consultation it was deferred for consideration in the regular bill this session. The accompanying bill carries $20,000, identical to the level of appropriation in every year since the joint committee was created.
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> The joint committee was created by section 401 of the Immigration and Nationality Act, June 27, 1952 (8 U.S.C. 1106). It is a committee of 10—5 from the House appointed by the Speaker and 5 from the Senate appointed by the President of the Senate. Membership must come from among members of the respective Judiciary Committees of the two Houses. These are the standing legislative committees having continuing jurisdiction of immigration and naturalization matters. The joint committee elects its own chairman; prior to election of the present chairman last July, it had been vacant since 1956. The committee has never really functioned. The appropriation of $20,000 was nominal, was always regarded as such, and except for a small portion several years ago, was never used. It is now being used; a staff director has been employed.
>
> The Committee on Appropriations would prefer not to presume to initially decide the question of whether a joint committee is the most suitable mechanism through which the two Houses of Congress should discharge their legislative responsibilities in the immigration and nationality policy fields, and especially so in view of the 12 years the matter of joint committee activation has been left to languish. It is a question directly involving the two Judiciary Committees and ultimately, of course, the two Houses themselves. The Committee on Appropriations has maintained the status quo in the bill without prejudice to the proposition and leaves it for such further resolution as may be decided. There are, however, several considerations which strike the committee as pertinent to the question:
>
> 1. The two Judiciary Committees—with continuing responsibilities for immigration and naturalization legislation given to them by their respective Houses—each have subcommittees on immigration and naturalization. Nine of the ten members of the joint committee are currently drawn from those two subcommittees. The chairman of the full committee in the other body is also chairman of its subcommittee on the subject and, in addition, ranking from that body on the joint committee. The chairman of the joint committee is also chairman of the subcommittee on the subject in the House Committee on the Judiciary. And the chairman of the House Committee on the Judiciary is next ranking on the joint committee. Thus there is virtually complete overlap of membership.
>
> 2. It appears that the jurisdictions of the two Judiciary Committees—which, as noted, have standing subcommittees on the subject—clearly encompass, and thus overlap, functions essentially similar if not, in fact, identical to those of the joint committee. Both Judiciary Committees have been securing and using investigative study funds from the contingent funds of their respective Houses for the purpose of studying immigration and nationality matters. Senate Report 933, March 3, last, reports on the activities of the Judiciary Subcommittee on Immigration and Naturalization under Senate Resolution 60 of the present Congress which specifically conferred authority to examine, investigate, and make a complete study of any and all matters pertaining to immigration and naturalization and to report its findings and recommendations for legislation. It reported that it had held hearings on bills to amend the Immigration and Nationality Act and anticipated further hearings.
>
> The formal justification by the House Committee on the Judiciary in support of investigative funds secured for the purposes of House Resolution 36 of the present Congress lists immigration and nationality laws as one area of full and complete investigation and study concern; it cites several special studies made and reported on; and it concludes with the statement that "this is a continuous study in depth and should, when completed, enable the Congress to evaluate realistically an immigration policy best suited to our needs."
>
> 3. The law creating the joint committee authorizes the chairmen of the two Judiciary Committees to assign staff members of those committees to serve on the staff of the joint committee without additional compensation. The committee is not aware that this provision has been utilized.
>
> In summary, then, a majority of the Committee on Appropriations, in all the circumstances, thought it proper to leave the funding question where it now is. Some members of the committee—and likely there are other members of the same mind—think joint committee mechanisms, except for some common housekeeping purposes, are unsound and unsuited to our bicameral legislative system and would, therefore, have preferred to cut out the $20,000. But it is for the House to first decide.

Mr. LIBONATI. Mr. Chairman, the Committee on Appropriations has completed a practical and significant analysis of the financial needs of the legislative and related agencies for 1965.

The appropriations indicated for the respective classifications are as follows:

House of Representatives, $53,777,945 plus joint items, $6,150,865; Architect of the Capitol, $19,607,000; the Botanic Garden, $500 million; the Library of Congress, $23,419,100; the Government Printing Office, $23,562,000; Office of Sergeant at Arms—Capitol Police, $180,700—$955,000; franked mail expense, and so forth, $1,833,560; education of pages, $79,925; the General Accounting Office, $46,900,000; Clerk, $1,240,000; agency of the legislative branch: Reference Bureau, $2,300,000; Copyright Office, $1,828,000; building of a new Government Printing Office plant, $46,723,000; books for the blind, $2,446,000; Capitol Power Plant, $2,700,000; Rayburn Office Building, $8 million, for items toward completion; extension of the Capitol, $125,000; Capitol Grounds, $665,000; Doorkeeper $1,174,000; thus the major items including the new proposed Government Printing Office plant—$46,723,000—reach a total appropriation of $173,916,910—$9,703,784 below 1964 and $48,670,445 below budget requests. Also some $11 million will inure to the benefit of the Treasury on direct cash income from sales of Library catalog cards and Government publications and copyright operations.

The committee is to be congratulated upon its efficient and thorough study given those complex questions presented to it well as the new proposals and projects submitted through the various agencies for determination. Chairman STEED and his committee are to be commended for the fine results attained in its final presentation for our consideration.

The controversial amendment related to the reactivation of the Joint Committee on Immigration and Nationality policy providing an appropriation of $160,000, for specific investigatory purposes, including alleged departures and fraudulent practices on the part of persons in interest—both sponsors in the Congress and others—in accepting moneys for such services against interest; also as a factfinding committee to study the proposals for a new basic immigration act submitted by our martyred President, John F. Kennedy. The opponents allege that the joint committee has no legislative powers or power to investigate except for making policy, and that Subcommittee No. 1 on Immigration of the Judiciary Committee is well equipped to carry on the purposes intended. It has investigatory powers of the subject matter under a resolution passed by the House in January 1963. My bill on immigration, H.R. 3323, introduced on February 4, 1963, rewriting the Immigration Act, is still pending. Its provisions incorporate the administration's recommendations made by the late President John F. Kennedy and President Lyndon B. Johnson.

In view of the representations made by Chairman EMANUEL CELLER that his full cooperation would be given to facilitate its functions—both as to requests for an appropriation enabling act before the Committee on House Administration and the free choice of qualified personnel and, further, that he would approve the issuance of subpenas as requested, the amendment was defeated.

The appropriation of $320,000—both House and Senate appropriations—was deemed unnecessary to reactivate the joint committee, in that under the law each body, the Senate and the House, must pay one-half of the expenses. The amendment was defeated by voice vote, division and tellers, 69 to 69. Personally, I was impressed with the arguments against the amendment and felt that the joint committee without legislative powers would only delay the legislation.

The gentleman from Ohio [Mr. FEIGHAN] explained his position relative to his support of his amendment and in positive terms pledged his every effort to carry out the responsibilities of his chairmanship of the subcommittee and his membership on the joint committee; but under the complicated involvement of a legislative prerogative of the House against joint committee action—affecting only policy—he was unsuccessful.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. STEED] has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

> Page 3, line 24: For two printing clerks, one for the majority caucus room and one for the minority caucus room, to be appointed by the majority and minority leaders, respectively, $14,515.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on yesterday the gentleman from Ohio [Mr. HAYS], made the following statement, to be found on page 7355 of the CONGRESSIONAL RECORD:

> We have been here for 4 hours while the gentleman from Iowa [Mr. GROSS] has cost the taxpayers probably $100,000, if we figure everybody's time.

Mr. Chairman, I am sorry the gentleman is not on the floor because I would like him to explain how he arrived at that guesswork.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Iowa yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. ROONEY of New York. I am inclined to agree with the gentleman from Iowa that the figure of the distinguished gentleman from Ohio, my friend [Mr. HAYS], may very well be incorrect. After having done some figuring with regard to what happened here yesterday, I think that it cost the taxpayers only $6,000 an hour for 4 hours.

Mr. GROSS. Would the gentleman from New York like to explain how he arrived at that figure?

Mr. ROONEY of New York. That figure, $6,000 an hour, includes the salaries of all the Members of the House, all of the employees on the floor of the House, divided into hours, plus the electric light bill, the cost of the doorkeepers and so on. The gentleman may divide these up and he will find that the cost comes to $6,000 an hour.

Mr. GROSS. The gentleman from New York still has not explained how he can pluck $6,000 an hour out of thin air. I do not follow him at all.

Mr. ROONEY of New York. If the gentleman from Iowa will kindly yield further, how much does the gentleman figure as the cost?

Mr. GROSS. Just a minute. I see the gentleman from Ohio [Mr. HAYS] has arrived. Perhaps he would like to explain how he arrived at the figure of $100,000 and why he charges $100,000 to me.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HAYS. I think the figure of $6,000 an hour is too low. I do not know of anyone in the House who has caused more quorum calls, who has made more speeches and so on than the gentleman from Iowa. I know that the figure of $100,000 is a round figure, but I feel it was a little bit too low based upon the amount of money that the gentleman has wasted this year and during the time since I have been here, let alone all the other years put together.

Mr. GROSS. Will the gentleman tell me how he arrived at that figure of $100,000 or is that more of his imagination?

Mr. HAYS. I just told you where it was.

Mr. GROSS. You have not told me how you arrive at the $100,000.

Mr. HAYS. I have the measurements of the number of pages that the gentleman has used. I do not happen to have them in my pocket. I have the count of the number of quorum calls. I said yesterday that you spent in my opinion, and it cost the House to run it for 4 hours, $100,000. I disagree with the gentleman from New York [Mr. ROONEY]. I think it is more like $10,000 an hour. That would come to $40,000. I estimated that the gentleman had spent in equally useless gestures and discussions of like manner another $60,000.

Mr. GROSS. When the gentleman puts these figures in the RECORD, will he also put in the RECORD how many thousands of dollars he has cost the taxpayers of America on his many junkets to Paris and London and elsewhere throughout the world? Would the gentleman spell out how many thousands of dollars he has wasted for the taxpayers on his freewheeling trips abroad?

Mr. HAYS. I have already done it. We have to do it every year in our reports to the Committee on House Administration.

Mr. GROSS. Has the gentleman put in all of the expenses?

Mr. HAYS. We put in all of the expenses of the committee.

Mr. GROSS. I trust the gentleman will also put in the RECORD how much it has cost the taxpayers for him to take his friends along on these junkets.

Mr. HAYS. That is in the RECORD.

Mr. GROSS. No, not all of it is in the RECORD.

Mr. HAYS. Why does not the gentleman read the RECORD once in a while?

Mr. GROSS. Put it all in the RECORD and also explain why you feel so badly because you have to be present on the floor of the House to answer a few quorum calls and rollcall votes.

Mr. HAYS. I gave it yesterday. You just could not take it. That is all. You got licked in a fair fight.

Mr. GROSS. All I want you to do is to be at least halfway accurate.

Mr. HAYS. I will put my accuracy up against yours any day in the week.

Mr. GROSS. I suggest that the gentleman try to be just halfway accurate.

Further, it may be of interest to the gentleman to know that I did not ask that the Journal be read yesterday. The gentleman from Ohio evidently does not know that.

Mr. HAYS. Well, good for you.

The Clerk read as follows:

> SPECIAL AND SELECT COMMITTEES
>
> For salaries and expenses of special and select committees authorized by the House, $3,965,500, of which such amount as may be necessary may be transferred to the appropriation under this heading for the fiscal year 1964.

Mr. GUBSER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time in an effort to secure answers to some questions that I have never been able to get in the 12 years I have been a Member of this body. I realize that probably or possibly the members of the Committee on Appropriations do not have these answers at their disposal because I realize they are difficult to get. But since they deal with the housekeeping and the financing of the House of Representatives, the Congress, and the Capitol, I think, perhaps, some Member might know.

If you walk down to the rotunda of this Capitol you will find people lined up by the thousands ready to pay 25 cents each for the privilege of touring the Capitol that belongs to every citizen of this country. I have been trying for the 12 years I have been here to find out how you become a Capitol guide. I have been trying to find out where the money goes, and if there is any record of disbursements and receipts in that operation, and who audits the books of that operation. I have never received an answer.

May I ask the members of the Committee on Appropriations to give me those answers, if possible?

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Oklahoma.

Mr. STEED. As the gentleman knows, the Capitol guides are not on the Federal payroll. They are employed through a committee of the Congress on which our Sergeant at Arms is our representative. They have a standard of selection which they use. These people pool the receipts they collect and divide them equally. They have to have a certain bookkeeping system to follow, and I have been advised that they are audited by the General Accounting Office. A report is made to the House and Senate.

Mr. GUBSER. Did the gentleman—I want to make sure I understand him completely—say that the financial transactions of the Capitol guide operation are audited by the General Accounting Office?

Mr. STEED. They are audited by the General Accounting Office.

Mr. GUBSER. I am grateful to the gentleman. I had not known that. After an honest attempt to find out in the past, this is the first time I have been told that. I am pleased to hear it.

I do wish to make the point that this Congress owes it to the American people in the very near future to see to it that a guided tour through this national shrine, which belongs to everybody in this country, should be free of charge to every American, and they should not be required to line up and pay a 25-cent fee for the privilege of seeing their own Capitol.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Oklahoma.

Mr. STEED. May I advise the gentleman I share his views and so does Senator MONRONEY, the chairman of this subcommittee in the Senate. We have been trying to draw up a bill that would provide for these guides to be on the Federal payroll, so that all Americans who come here could have a professionally conducted tour without their having to pay this fee.

Mr. GUBSER. I compliment the gentleman and sincerely hope his efforts are successful.

Mr. CHAMBERLAIN. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Michigan.

Mr. CHAMBERLAIN. I should like to commend the gentleman on his statement and say that I have had such a bill pending here for the last several years. This is the first mention I have had of it. I am glad to know that something may be done.

Mr. FULTON of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when we in Congress are asked how much this House of Representatives costs annually for each Member, we are sometimes cited an annual figure of $275,000 that includes items such as joint House-Senate items, the costs of the Library of Congress, the expenditures of the Architect of the Capitol, the Botanic Gardens, the General Accounting Office, the new legislative building, the Government Printing Office, and others. Various people have made comments in articles based on guesstimates that it costs $275,000 a year for each Member of this House of Representatives. I do not think that figure is correct. Just how much does it cost to maintain the services of a Member of Congress for 1 year?

Mr. STEED. I do not know that anybody has tried to arrive at such a figure. I would think it would be subject to question, because there are so many things that might or might not be included. But I will say this to the gentleman, that if you were to wipe out this entire legislative budget and refund to the American taxpayer his proportionate share of the amount saved thereby, for every $1,000 in taxes he paid he would get back one nickel.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I am glad to yield to my friend, the gentleman from Washington.

Mr. PELLY. If the figure did amount to $275,000 per Member, the gentleman from Iowa [Mr. GROSS] is well worth it.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I am glad to yield to the gentleman from Illinois.

Mr. COLLIER. Like the chairman of the subcommittee, I do not believe it is possible to determine the exact cost of the services of a Member of the House because of the many different items that are included in the figures. There are many factors that go into this determination, many of which are essentials that are not directly chargeable to the services of a Member. For instance, you might include the cost of the concrete walks in the front of the building as part of the congressman's maintenance cost and many other things which could be measured by the same ridiculous yardstick. If anybody wants to make a story reach far enough, he could probably get a figure like $1 million by including everything that has even a vague connection with Congress. It would be like ascertaining the cost of the services of an employee in Yellowstone National Park by taking the total number of employees and dividing by this number the total cost of the national park.

Mr. FULTON of Pennsylvania. How are the Capitol Grounds accounted for in the legislative budget, as well as the Capitol Police?

Mr. STEED. This is carried in the bill as an item for the Capitol Grounds under the Architect of the Capitol. The bill this year provides $665,000 which is $189,000 increase over last year, most of which is in the bill because we want to pave the plaza in front of the Capitol building and that work runs very close to $100,000.

Mr. FULTON of Pennsylvania. I should like to add a word of compliment to the Capitol Police. They certainly do a good job. They are always very courteous and friendly and helpful to visitors as well as Members of Congress and Senators. I mention this because there was some criticism previously with reference to the unfortunate shooting occasion in the House of Representatives. Nobody, but nobody, could have prevented that occasion. And I was present to witness this unfortunate occurrence. I believe that the Doorkeeper and guards in the galleries of the House of Representatives and the Senate are doing a magnificent and little-noticed job. I think we need a few compliments spread among our loyal people who work for this House in administrative positions, and help us in our daily functions. They deserve every credit and a good pat on the back. These fine people do so much to help us here in this House that their good service is often taken too much for granted.

Mr. STEED. Mr. Chairman, one of the great pleasures I have had as chairman of the subcommittee is the opportunity that has been given to me to become so much better acquainted with many of our employees. I appreciate and join in what the gentleman has said because we do have some of the ablest and finest and most dedicated employees of any place in the world. I do not know a single one of them who does not take real pride in the fact that they are here and helping the House of Representatives to do our job.

The Clerk read as follows:

JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

For an amount to enable the Joint Committee on Reduction of Nonessential Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941 (55 Stat. 726), to remain available during the existence of the Committee, $29,750, to be disbursed by the Secretary of State.

Mr. ROONEY of New York. Mr. Chairman, I make a point of order against the language relating to the Joint Committee on Reduction of Nonessential Federal Expenditures which appears on page 9, line 15 through line 2 on page 10, inclusive. There is no authority in the basic law to appropriate such an amount. The joint committee was established by the provisions of section 601 of the Revenue Act of 1941 and appears in volume 55 of the Statutes at Large, on page 726. Subsection (e) of section 601 limits the total appropriations that can be made to this joint committee to the sum of $10,000, or less, and I will quote the subsection as follows:

> There is hereby authorized to be appropriated, the sum of $10,000, or so much

thereof as may be necessary, to carry out the provisions of this section.

This joint committee was clearly intended to be a temporary thing of short duration. As a matter of fact, it has not been carried into the United States Code although that is not a matter of great importance to this question, even though it indicates that in the eyes of the people who prepare the code it was to be a temporary thing. I trust that the Chair will sustain the point of order which I have made.

The **CHAIRMAN**. Does the gentleman from Oklahoma [Mr. STEED] desire to be heard on the point of order?

Mr. **STEED**. Mr. Chairman, this item has been carried in this bill without protest for many, many years. While the original authorizing language does carry a ceiling of $10,000, obviously you could not hire half a person, or only half the salary of the top man on the roll, there are only two employees. Ever since I have been chairman of this subcommittee, this has been the practice and it has been accepted year after year by the Congress. We are dealing with a joint committee and it involves our relationship with the other body. We have merely proceeded on what has been accepted by the House of Representatives year after year without any protest that I know of. I think we would be completely unrealistic and impractical to carry less than the amount provided here. Obviously, if we were to go on the basis of the strict technicalities involved, it would have been an impossible situation and foolish; we have tried to do what is practical.

The **CHAIRMAN**. Does the gentleman from Oklahoma concede the point of order?

Mr. **STEED**. Reluctantly, Mr. Chairman. We have no other point to stand on except the fact that this has been done for many years without protest. If that does not give it life and legality, I know of no way that would give it life and legality as of this moment. I certainly cannot with any logic offer a substitute of only $10,000. That is so far from the realities of the moment that I will just have to let it pass for the moment.

The **CHAIRMAN** (Mr. THOMPSON of Texas). The Chair is prepared to rule.

Inasmuch as the authorization is for $10,000 and the appropriation is for considerably more than that, the Chair believes the point of order is well taken.

The point of order is sustained.

The Clerk read as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $235,000.

Mr. **GROSS**. Mr. Chairman, I make a point of order against the language relating to the Joint Economic Committee which appears on page 10, lines 4 to 6, inclusive, and which proposes to appropriate the sum of $235,000.

I make this point of order on the grounds that the sum in the bill exceeds the amount which is authorized to be appropriated by the provisions of the basic law which established this joint committee.

In title 15 of the United States Code, section 1024(e) the law says, I quote:

> There is authorized to be appropriated for each fiscal year, the sum of $125,000, or so much thereof as may be necessary, to carry out the provisions of this section, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman.

Inasmuch as the sum in the bill exceeds the sum that is authorized it seems to be a clear violation of the law and I therefore request the Chair to sustain my point of order.

Mr. **STEED**. Mr. Chairman, virtually the same situation prevails here as did with respect to the previous point of order.

If this committee is to exist and to function, it could not possibly exist on the budget provided by the original act creating it. We reluctantly concede the point of order.

Obviously, we are in no position now to offer an amendment to bring this inside the legalities of the situation. I see no logic in trying to put in the authorized amount because it is so far from meeting the current operating level. We will just have to leave it for later action. The other body is, of course, also involved here.

The **CHAIRMAN** (Mr. THOMPSON of Texas). The point of order is conceded and the Chair sustains the point of order.

The Clerk read as follows:

JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY POLICY

For salaries and expenses of the Joint Committee on Immigration and Nationality Policy, $20,000.

AMENDMENT OFFERED BY MR. FEIGHAN

Mr. **FEIGHAN**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FEIGHAN: Page 10, line 20, strike out "$20,000" and insert in lieu thereof the following "$160,460".

Mr. **FEIGHAN**. Mr. Chairman, I believe I should make it perfectly clear that the important issue is whether or not there shall be a full-scale uninhibited inquiry into immigration policy. A question of investigation is important but only a part of the broad inquiry which must be conducted. Congress has already legislated that the joint committee should be the proper arm of the Congress to undertake both these responsibilities. It is quite difficult to act as the chairman of a subcommittee, as I am, when the chairman of the full committee refuses to permit me to have even one person of my choice on the staff. He refused to issue a subpena for Professor Barghoorn which I requested. He said he was going to wait until he discussed it with some agencies including the Department of State among others. I did not hear further from him. In the meantime, I was able to get Professor Barghoorn to come down voluntarily to testify.

I have also had difficulty with the chairman holding up the printing of subcommittee reports. The extraneous and unrelated matters, which held up the printing of the subcommittee report were not inserted, by unanimous vote of the subcommittee.

I believe the distinguished gentleman from Michigan has made it patently clear that the gentleman from New York [Mr. CELLER] does not want this joint committee because he would not have control over it. Only under the joint committee would I have an opportunity for an uninhibited investigation or inquiry, which would give me the unqualified right to hire a competent and dedicated staff and to have the unqualified right of subpena.

In the time allotted to me under general debate, I have made abundantly clear the reasons why there is an urgent need for the Joint Committee on Immigration and Nationality Policy, to commence its work at once.

I have defined the issues involved, the issues on which every Member will vote today. The responsibility for decision now rests with Members of this House. The basic, overriding issue before the House today is whether Congress will support a full-scale, uninhibited and long overdue study and review of immigration policy as is required by law which Congress passed in 1952. President John F. Kennedy in his last message to Congress the day before his assassination called for $140,000 for the work of the joint committee. I had discussed this with President Kennedy, and that is one of the reasons for his recommendation. It was because he recognized the need for a thorough and complete and uninhibited review. As I previously stated, President Johnson in his budget message requested this Congress, those who will vote today on this amendment, to give $160,460 to the joint committee, which is the same amount as I have in my amendment. The request which I made beginning on August 1 was not acted upon by the Committee on Appropriations for the reasons that have been made equally clear today. The committee has determined to put the issue of the Joint Committee on Immigration and Nationality Policy before the House. In its report it says, "without prejudice." To me that means simply one thing, that is, the committee has not decided that $20,000 will be sufficient to carry on the proper functions defined under the law for the joint committee. My understanding is, and according to the report, it says they are maintaining the status quo and will permit the Members of the House, the Members of the Congress, to decide whether or not the Joint Committee on Immigration and Nationality Policy will be permitted to function. It cannot function adequately with $20,000.

Incidentally, I might say this—and I hope the gentleman from New York [Mr. CELLER] will hear: Every year since the inception of the joint committee, the Committee on Appropriations has appropriated $20,000, the same amount that is in the present bill, and which, as the report says, will maintain the status quo. My amendment gives the committee life and it gives the opportunity to the Members of Congress to make a determination as to whether or not they want to appropriate sufficient funds to support the functions of the joint committee.

I want to make it clear again, you are not voting against the Appropriations Committee if you vote for the increased amount.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment. In the first place, I wish to state that the item for the joint committee was automatically sent to the House. It is not a recommendation of President Johnson to the Bureau of the Budget. Generally the Clerk of the House sends these figures to the Budget, but the Budget just formally transmits them without change and without recommendation. I suggest that the Members see page 2 of the communication from the President of the United States, Document 174, which reads as follows:

> The proposed supplemental appropriations and the provisions for the executive branch have been carefully reviewed, and I recommend their transmission to Congress. Those submitted for the legislative branch have been included without change. Signed Kermit Gordon, Director of the Bureau of the Budget.

Now, I repeat, I never refused any subpena requested by the gentleman from Ohio. There were two requests, one in connection with a man named Hoffman, a student going to Cuba. I granted that subpena. The other concerned one named Barghoorn. Before I could append my name or my signature to the subpena, Mr. Barghoorn appeared voluntarily before the subcommittee. There was no need to have to issue the subpena. So that any allegations of my refusing to cooperate to issue a subpena are utterly without foundation.

I repeat that the distinguished late lamented Member of this House, Mr. Walter, functioned admirably as chairman of the subcommittee and conducted most important hearings and caused to be passed by this House and the Senate and signed by the then President something like 14 highly important pieces of legislation without any consideration of the Joint Committee on Immigration and Nationality Policy.

The gentleman from Ohio says that I refused to have a record printed. That is not true. The record was not printed the instant he demanded. Printing was delayed, because the gentleman from Ohio had the temerity to refuse to include in the record—and think of this, Mr. Chairman—refused to include in the record letters, communications from the Federal Council of the Churches of Christ in America, communications from the Catholic National Rural Life Conference, communications from the National Lutheran Conference, communications from the Hebrew Immigrant Aid Society, communications from the Friends Society. Certainly until he was willing to include those messages I held up the report. And under such circumstances who would not hold up the report?

He then finally agreed to include those highly important letters and the record was printed.

Finally, I would hope, Mr. Chairman, that the action of the Appropriations Subcommittee will be sustained and that the amendment of the gentleman from Ohio will be voted down.

Mr. LINDSAY. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, the reason I take this time is that I think the majority owes us some explanation about what is going on here. I think it is a very difficult position for the minority to be in, to be drawn into what seems to be a personal battle between two Members on the majority side which has the obligation and responsibility of running this body. I have a couple of questions I would like to ask.

First, what are the rules of the House and what are the rules of the committees we are talking about? The distinguished chairman of the Committee on the Judiciary I know is interested in immigration reform. So am I. I would like to see some changes made in the Walter-McCarran Act, particularly in respect of the national origins system, an infamous base for that act. And yet here I have been a Member for almost 6 years, have introduced omnibus reform legislation, and many Members on my side have done the same, and yet nothing has happened.

I join with the other gentlemen in the respectful statements about our late colleague, Mr. Francis Walter. And yet in the Committee on Judiciary we never saw any basic revisions of the immigration laws. So my question is this, What are we talking about here? Does the Joint Committee on Immigration under the rules have jurisdiction over substantive revisions of the immigration laws? If so, does the gentleman from Ohio intend to do something about it?

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman yield at this point?

Mr. LINDSAY. I am glad to yield to the distinguished gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, I should like to say to the distinguished gentleman from New York that I am in thorough agreement with him on his views with regard to the changes required in our immigration laws. I am and have been in favor of the pending bills which were sent up here by President Kennedy and by President Johnson. But the way to go about passage of such a bill and liberalization of our immigration policy is not through this joint committee because the joint committee is not a legislative committee. It has no authority in the premises and could not even make an investigation.

Mr. LINDSAY. I am glad the gentleman made the point. The distinguished gentleman from Ohio said that the joint committee would carry out "functions as established by law" in respect to the immigration laws.

Also he said:

> The joint committee is the proper arm of the Congress to do the job.

Now, what are the rules? Does the joint committee have jurisdiction over the immigration laws and does it have the power to report out an omnibus bill?

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from Ohio.

Mr. FEIGHAN. It is perfectly clear that the joint committee is not a legislative committee. This was set out in the law in 1952. I shall read what the functions of the joint committee are.

Mr. LINDSAY. If the gentleman would hold up for just a moment because I have the floor, I would like an answer to the question. Does the joint committee have the power to hold hearings on an omnibus review of the immigration laws and to report out a bill?

Mr. FEIGHAN. It is not a legislative committee. It is the arm of Congress, by law, to establish immigration policy. Laws enacted without a foundation in policy can only add confusion to an already confused situation.

Mr. LINDSAY. It cannot report out an omnibus immigration bill?

Mr. FEIGHAN. If the gentlemen will yield further, its functions are:

> To make a continuous study of the administration of the Immigration and Nationality Act and its effect on the national security, the economy and the social welfare of the United States, and such conditions within or without the United States which in the opinion of the committee might have any bearing on the immigration and nationality policy of the United States.

Congress has not had a thorough investigation or review of immigration policy since 1921–22. When the 1952 act was amended it was provided that we should have this continuing review by Congress, conducted by the joint committee, as set forth in the law which I have quoted.

Mr. LINDSAY. I am not arguing with the gentleman, but would it not be correct then that if a full review were undertaken, it should be undertaken by a committee that has the power to make changes in the law?

Mr. FEIGHAN. That is incorrect. The legal requirements of the joint committee are in the area of policy. Specific laws to implement policy must come from both the House and the Senate Judiciary Committees. But when policy review is transferred to the House subcommittee the responsibilities of the joint committee are thwarted. The chairman of the Judiciary Committee has not given an unqualified pledge that the Subcommittee on Immigration would have full power, full support, full staff of my choice, and funds to conduct investigations and draft legislation, to hold hearings and to issue subpenas, without limitations.

Mr. LINDSAY. Why is it not better housekeeping to keep an overhaul of the immigration laws under one roof?

Mr. FEIGHAN. The crux of the matter is the question of policy which is a determination by both bodies of the Congress and not by the House Judiciary Subcommittee or by the Senate Judiciary Subcommittee on Immigration. That is why we put in the law, in 1952, the condition that both bodies of the Congress should continue reviewing immigration policy, in terms of all developments, domestically and internationally.

The **CHAIRMAN.** The time of the gentleman from New York has expired.

(By unanimous consent (at the request of Mr. MacGregor), Mr. Lindsay was granted permission to proceed for an additional 3 minutes.)

Mr. **LINDSAY.** Then, I would like to yield to the distinguished chairman of the Judiciary Committee, the gentleman from New York [Mr. Celler], and ask him this question: Does the chairman believe that the full Judiciary Committee, the standing committee, will be able to do something about a revision of the Walter-McCarran Act in this Congress?

Shaped differently the question is: Why does the chairman resist the appropriation for the joint committee when the standing committee, the Judiciary Committee, has done nothing about the immigration laws?

Mr. **CELLER.** Mr. Chairman, will the gentleman yield?

Mr. **LINDSAY.** I yield to the gentleman from New York.

Mr. **CELLER.** Where does the gentleman get the idea that I am resisting any effort to change the immigration laws? That is not true.

Mr. **LINDSAY.** But we have not had any results.

Mr. **CELLER.** If the gentleman will yield further, do not blame me. Blame the chairman of the Subcommittee on Imigration. He has had a bill which I have offered as a result of the recommendations of President Johnson and President Kennedy before him since he has been chairman.

Mr. **LINDSAY.** How about my bill?

Mr. **CELLER.** The gentleman has asked a question. Yes; and similar bills. The gentleman ought to address himself to the chairman of the subcommittee. What has he done with those bills? He has done nothing. He gives as an excuse the fact that he wants to refer them to the joint committee. The joint committee has no legislative authority whatsoever. He has got to come back again to his own subcommittee and then consider the bills, and then the full committee acts upon the recommendation of the subcommittee. That is crystal clear. He has done nothing. Probably he wants more delay, and probably that is the reason.

Mr. **LINDSAY.** Mr. Chairman, if that is the case it seems to me that the only proper vote for the minority would be an abstention. If the majority cannot keep its house in order, I do not see how the minority can help. The only alternative is to give us control of the House.

Mr. **STEED.** Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say that for the guidance of the Members that when the Bureau of the Budget, or the President, send up an appropriation request, if it is for the legislative branch, the mere formality of transmitting it does not constitute an endorsement of it. Under the law, all of our budgets are sent down to the Bureau and are added to the budget estimates and come back over the President's signature without any change or comment from them. That is the law, and that is why this was in the budget. It went through the regular pro forma formality. But it is a formality only. It was not a real recommendation in the ordinary sense.

Mr. Chairman, obviously there is a need for some work in this field. The Congress has empowered the Committee on the Judiciary to do work on it. The report also shows that work is being done.

It is also provided in the original act creating the joint committee that it can borrow staff from both the House and Senate Judiciary Committees. We have to take into consideration if that is a practical thing.

There is little question of duplication. If it is going to be the will of the House this amendment should be approved, it would seem to me there should be some attention given to the fund and authority given for some of the things to be done in their place.

I want to say again that our committee is confined to a very narrow area of funds, and by whatever authority they have been given to operate under.

At best, I think you have heard enough to know there is a great deal of conflict and confusion in the problem we had in reference to this matter.

Mr. **BROMWELL.** Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if I may I would like to address a question to the chairman of the subcommitte, author of this amendment.

A few weeks ago I was somewhat dismayed to learn, following a routine inquiry of the Subcommittee on Immigration, that the subcommittee has before it now, in the files, several hundred private immigration bills and that following routine action on some of these pending bills, it will be impossible for private immigration bills submitted early in the 88th Congress to be considered before well into the 89th Congress; is that the fact?

Mr. **FEIGHAN.** That is a fact. One of the purposes of this inquiry and complete review of our immigration policy is to set a policy that is in tune with the present day needs of our people regarding domestic requirements, and to meet national emergencies that may be created in which the United States has a vital stake. That is the reason.

Everyone knows that the immigration laws are a hodge-podge. What we need is a thorough look into the situation that can only be done by a joint committee.

Mr. **BROMWELL.** Let me ask the gentleman this further question: In the event the subcommittee had additional staff and funds, would it be possible to expedite in the subcommittee the consideration of private immigration bills?

Mr. **FEIGHAN.** No, at least not substantially, because Members must be present—and that is our policy—to hear the Members on their bill. We are limited in time. An increased staff would not help that. What we need to do is to determine what causes the large number of private bills each session and to correct those causes so far as possible. Otherwise we will be confronted with this backlog, with no relief for the Members.

Mr. **BROMWELL.** Let me ask a third question. Would the adoption of the gentleman's amendment to the pending bill relieve any of the burdens of the subcommittee on Immigration and Nationality and provide more time for the members of that subcommittee to devote to the arduous business of the subcommittee?

Mr. **FEIGHAN.** The time of the members of the subcommittee is entirely used up with the burdens they have. We must find a way to reduce private bills to a minimum. The joint committee is set up for a study and inquiry into what our national policy is and what it should be. I do not know what it is, and I defy anybody to tell me what it is. But we ought to find out what our policy is and to have it clarified at least. The only way to accomplish that purpose is to have this joint committee study, in my opinion.

Mr. **BROMWELL.** I thank the gentleman from Ohio.

Mr. **EDWARDS.** Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio.

Mr. Chairman, I see no reason whatsoever to vote this joint committee $320,000. Any investigation or any work in a policy study to be made can be made by the existing Subcommittee No. 1. It is a reckless waste of money. It is perfectly agreeable to provide the necessary staff for any work that the gentleman from Ohio has in mind. I have been a member of the Committee on the Judiciary for 6 months. In these months I have learned to have a great deal of respect for the chairman of the committee, the distinguished gentleman from New York [Mr. Celler]. He is always fair and honorable. Every member of the committee regardless of party must be treated with the greatest respect. I hope that the Members of the Committee of the Whole will reject this amendment and support the subcommittee of the Appropriations Committee and the chairman of the Committee on the Judiciary.

Mr. **ROGERS** of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Ohio has outlined that he is asking for $160,000 for a joint committee that is created under section 401 of the Immigration and Naturalization Act known as the McCarran-Walter Act. His statement to the House, was that since 1921 there had not been a thorough study made of immigration and naturalization law. I am sure the gentleman did not mean to mislead the House in that regard.

President Roosevelt in 1938 appointed a cabinet committee that made a study of the immigration problem at that time.

Then again in 1940, under the leadership of Representative Rees of Kansas an additional hearing was conducted and then the Committee on the Judiciary of the House and of the Senate under the leadership of Senator McCarran and Senator Revercomb investigated or made another report which consists of innumerable pages. In fact this was a 924-page report plus 26 pages of an index dealing with the immigration and naturalization problem.

Then in 1952 we adopted the McCarran-Walter Act and again in 1952 President Truman appointed a special President's Committee on Immigration and Naturalization. They came forward with a report of over 2,000 pages.

In 1955 we had another investigation under the so-called Lloyd Wright Committee and the Members from this House were the Honorable WILLIAM McCULLOCH and the late Francis Walter. A report was made in connection with that investigation.

Then on the anniversary of the enactment of the Immigration and Naturalization Act of 1953 we had additional reports.

As Chairman CELLER outlined, more than 10 special reports have been given from time to time.

The gentleman from Ohio [Mr. FEIGHAN] stated that the objective of this amendment is to determine policy. He admits, as we all know, that the joint committee does not determine the policy in any instance. Policy, in connection with any piece of legislation, must arise from a committee. The gentleman from Ohio is a member of the subcommittee; in fact, he is the chairman. If he wishes to bring forward any piece of legislation, or to make any study, he has a full right and a full responsibility at the present time. Hence, the appropriation of $160,000 is not necessary.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the chairman of the committee.

Mr. CELLER. If the gentleman will read the provisions of the Walter-McCarran Act, which set up the joint congressional committee, he will find not a scintilla of wording to indicate that the joint committee has the power of investigating any of the charges which have been leveled against Members of the House and of the Senate as a result of these innuendoes and rumors by columnists and newspaper writers.

There is not a word in the act which gives the joint committee—and I am speaking of the joint committee—any power of investigation. The joint committee is given power to make policy. It can conduct investigations for the purpose of making policy, but not for the purpose of ferreting out any kind of wrong. The membership should understand that.

If we are to have any investigation, it cannot be conducted by the joint committee. It must be conducted by the subcommittee of the Judiciary Committee.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Ohio.

Mr. FEIGHAN. In the first place, I wish to say that the gentleman from Colorado is mistaken.

Mr. ROGERS of Colorado. In what particular am I mistaken?

Mr. FEIGHAN. I said that there has not been a dispassionate, thorough, and orderly congressional review of immigration policy since 1921 and 1922, which is correct. I am talking about policy.

Mr. ROGERS of Colorado. Was that not what I said; that the gentleman made the statement that since 1921 there had not been a study made? I cited time and time again at which it happened. If that is true, how am I mistaken? The gentleman admits that he made a statement that no study had been made since 1921.

Mr. RYAN of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the Committee, I am very much interested in seeing a revision of the immigration laws. The unjust and discriminatory national origins quota system must be eliminated.

On July 24, 1963, I introduced H.R. 7740 to accomplish this. This was in line with the position taken by the then President of the United States, President Kennedy, who last year, in a special message on immigration to Congress, asked that action be taken.

I am concerned that hearings be held. May I ask either the chairman of the subcommittee or the chairman of the full committee when we are to have hearings on these bills to revise the existing immigration laws?

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. RYAN of New York. I yield to the distinguished gentleman.

Mr. FEIGHAN. It has been determined that hearings will be held on substantive law after the joint committee makes the thorough inquiry; the dispassionate, orderly, objective study of the question of immigration policy, as required by law.

If the gentleman will bear with me, since I am not able to get time on my own, I wish to say that there has not been a thorough investigation by Congress of our national immigration policy since 1921–22. There have been policy hearings by special Presidential committees, but not by the Congress. There have been voluminous hearings on bills affecting certain provisions of our immigration laws but these hearings have not been properly related to the basic question of our immigration policy, or what should be our immigration policy.

Mr. RYAN of New York. Is it the chairman's statement that he does not intend to have the subcommittee hold hearings on these bills, and intends to delay this until the joint committee acts?

I might point out that the Senate Committee on the Judiciary has already held hearings. I do not refer to the joint committee, but to the Senate committee.

I should like to know why the subcommittee of the Committee on the Judiciary of the House cannot act and hold hearings on these important bills. Revision of the immigration laws was included in the Democratic platform in 1960. I believe it is time to enact the Democratic Party platform pledge which said, "The national origins quota system contradicts the founding principles of this Nation."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. FEIGHAN].

The question was taken; and on a division (demanded by Mr. FEIGHAN) there were—ayes 47, noes 74.

Mr. FEIGHAN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. FEIGHAN and Mr. STEED.

The committee again divided, and the tellers reported that there were—ayes 69, noes 69.

So the amendment was rejected.

The Clerk read as follows—page 10, line 21:

> JOINT COMMITTEE ON DEFENSE PRODUCTION
>
> For salaries and expenses of the Joint Committee on Defense Production as authorized by the Defense Production Act of 1950, as amended, $90,520.

Mr. BOW. Mr. Chairman, I make a point of order against the paragraph relating to the Joint Committee on Defense Production which appears on page 10, lines 21 to 24, inclusive, on the grounds that the amount proposed to be appropriated, $90,520, exceeds the amount that is authorized to be appropriated in the basic law. In title 50 of the United States Code, section 2162(e), authorization for this committee is limited to not to exceed $65,000 in any fiscal year, and I quote subsection (e) as follows:

> The expenses of the committee under this section, which shall not exceed $65,000 in any fiscal year, shall be paid from the contingent fund of the House of Representatives upon vouchers signed by the chairman or vice chairman.

In view of this limitation, the proposed appropriation in the pending bill is, in my opinion, clearly subject to a point of order and I trust the Chair will so rule.

The CHAIRMAN (Mr. MILLS). Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. STEED. Mr. Chairman, I would have to concede the point of order. The only way I know to meet this situation is to offer an amendment at this point.

The CHAIRMAN. Did I understand correctly that the gentleman from Oklahoma concedes the point of order?

Mr. STEED. That is correct, Mr. Chairman.

The CHAIRMAN. The gentleman concedes the point of order.

The point or order is sustained.

AMENDMENT OFFERED BY MR. STEED

Mr. STEED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. STEED: On page 10, insert the following: After line 20:
>
> "JOINT COMMITTEE ON DEFENSE PRODUCTION
>
> "For salaries and expenses of the Joint Committee on Defense Production as authorized by the Defense Production Act of 1950, as amended, $65,000".

Mr. STEED. This amount is approximately what the budget for this joint committee has been up to the present time. The amount in the bill this year is an increase that the joint committee requested and which we granted in reporting the bill. But in view of the point of order, the amendment I have just offered brings this back to just about where it has been. They are currently operating at about a $65,000 level. And of course, like the others, this is a joint committee. The other body will have to pass on this also.

The CHAIRMAN (Mr. THOMPSON of Texas). The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows—page 17, line 16:

ACQUISITION OF PROPERTY, CONSTRUCTION, AND EQUIPMENT, ADDITIONAL, HOUSE OFFICE BUILDING

To enable the Architect of the Capitol, under the direction of the House Office Building Commission, to continue to provide for the acquisition of property, construction, furnishing and equipment of an additional fireproof office building for the use of the House of Representatives, and other changes and improvements, authorized by the Additional House Office Building Act of 1955 (69 Stat. 41, 42), as amended, $8,000,000.

Mr. STINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time in order to seek a clarification of some of the language contained in this bill.

I would like to ask the chairman of the subcommittee, the gentleman from Oklahoma [Mr. STEED], about the language which appears on page 17, line 20, which makes reference to the acquisition of property.

Is it contemplated that additional property will have to be acquired for the Rayburn office building?

Mr. STEED. No. This is a repetition of the same language that we have used every year through the lifetime of the construction of this building. We have funded it year by year as the construction work progressed. The amount this year will come very close to completing the entire building. Next year I would not expect this item for the Rayburn building to be much over $100,000 unless, of course, this appeals board grants some of the appeals which the contractors are now processing against the architect.

Mr. STINSON. I wanted to ask the chairman of the subcommittee about that, also. Just how is this appeal for $996,000 being handled? How does this appeal board operate?

Mr. STEED. The House Building Commission which has charge of all this and which has to rule on these particular items, went to the General Accounting Office and had the Comptroller General appoint three of his experienced and outstanding men to constitute the special appeals board, and their findings will be final. That was done because it was felt that these were the three most able and most experienced men to pass on this type of dispute. Certainly, being from the General Accounting Office, it was felt that these men would be the most impartial and reliable help that could be obtained to bring this matter to a resolution.

Mr. STINSON. I understand that this claim will be made by the McCloskey Construction Co. I also understand that this same company has a suit for damages currently being brought against it by the Justice Department to the tune of about $4 million in reference to a veterans hospital which was built up in Boston.

Would it be possible that this $996,000 would be paid to the McCloskey Co. before the settlement was made on this $4 million damages that are currently pending against them for the faulty construction of the veterans hospital in Boston?

Mr. STEED. This work was done exclusively under the procedures of the legislative branch of the Government. I am not certain of the legalities. Of course, if the court had decided in favor of the Government and in the meantime the appeals bond should find in favor of the contractor, I would expect the architect to check with the Comptroller General to see if any offset arrangement is in order.

The work which he has performed for the Congress, in regard to the House Office Building and also the work of all the other contractors over there, is being done under a binding bond that was approved by the Treasury Department before it was accepted by the Congress.

Mr. STINSON. What is the dispute over? There seems to be disagreement between the contractor and the House Office Building Commission.

Mr. STEED. I do not know all the details, but one of the main arguments involves a disagreement over how to interpret the specifications or certain requirements that the Architect of the Capitol can tell the contractor to follow. The contractor claimed that these were not required in the original contract.

These are the kinds of matters of dispute that come up in the construction of a building of this sort. It is not an uncommon thing that happens under this type construction. The only thing we were concerned about is that after our architect had ruled in our favor and then the contractors want to take an appeal, we want to be certain that we have qualified, unbiased, untouchable members of an appeal board to make the final and binding decision for us. That is what we have in this case.

The Clerk read as follows:

LIBRARY OF CONGRESS

Salaries and expenses

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care, and maintenance of the Library Buildings; special clothing; purchase of a medium sedan for replacement at not to exceed $4,000; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $10,626,000, together with $168,000 to be derived by transfer from the appropriation "Salaries and expenses, National Science Foundation", of which $18,000 shall be retransferred to the appropriation "Distribution of catalog cards, salaries and expenses."

Mr. HORAN. Mr. Chairman, I move to strike out the last word.

I have been asked so many times by many people who want to know what the six warning rings are. I asked the Architect of the Capitol to give me information on this, which I will place in the RECORD at this time.

It seems that the Senate has a rule of procedure that we do not have. They have an executive session behind closed doors, they do not very often invoke this, but that is what the six rings are for. The information furnished me follows:

SENATE BELLS

One ring—Yeas and nays.
Two rings—Quorum call.
Three rings—Call of absentees.
Four rings—Adjournment or recess.
Five rings—Executive session or closed doors.
Six rings—Legislative session after executive or open doors.

HOUSE BELLS

One ring—Tellers.
Two rings—Yeas and nays.
Three rings—Call of the House, no quorum, or automatic yeas and nays.
Four rings—Adjournment.
Five rings—Recess.

The Clerk read as follows:

SEC. 103. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto: *Provided further*, That the provisions relating to positions and salaries thereof carried in House Resolutions 393, 646, and 647 of the Eighty-eighth Congress shall be the permanent law with respect thereto: *Provided further*, That the provisions of House Resolutions 291, 531, 532, and 533 of the Eighty-eighth Congress shall be the permanent law with respect thereto.

AMENDMENT OFFERED BY MR. EVINS

Mr. EVINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVINS: On page 26, insert the following after line 22:

"SEC. 104. (a) The rate of basic compensation of sergeants of the Capitol Police shall be $2,520 per annum, and the rate of basic compensation of lieutenants and special officers of the Capitol Police shall be $2,820 per annum.

"(b) The second sentence of section 106 (d) of the Legislative Branch Appropriation Act, 1963, is repealed.

"(c) Any member of the Capitol Police who by reason of the provision repealed by subsection (b) was receiving immediately prior to the effective date of this section, longevity compensation provided by section 105 of the Legislative Branch Appropriation Act, 1959, shall, on and after such effective date, receive in lieu thereof a longevity increase under section 106(b) of the Legislative Branch Appropriation Act, 1963, in addition to any other such increases (not to exceed three) to which he may otherwise be entitled under such section. In computing the length of service of such member for the purpose of such other increases, only service performed subsequent to the date on which he began receiving longevity compensation in accordance with such section 105 shall be counted.

"(d) This section shall become effective on the first day of the month following the date of enactment of this Act."

Mr. EVINS. Mr. Chairman, the language of this amendment is necessarily long and legalistic and complicated, but it is objective, is very short, and very simple. It is to correct an inequity that inadvertently got in the fiscal 1963 legislative appropriation bill which carried a new longevity pay plan for the Capitol Police and, in fact, for the telephone operators and for various groups of employees in the other body. The other body wrote the plan into the appropriation bill.

Without getting into the ramifications of the workings of the plan, the way it works now, a man promoted from sergeant to lieutenant would, strange as it may seem, have to take a salary cut. There is one such case right now—the man is acting as a lieutenant but continues to draw the pay of sergeant so as to avoid a cut in pay. This could happen to other employees.

This matter has been carefully studied by the technicians and lawyers and at the working levels on the other side. I am told that all concerned are agreeable to this wording and that it will solve the problem.

I might also say that I understand the Committee on House Administration is aware of the matter and one of its subcommittees had some hearings on it. I understand the subcommittee chairman, the gentleman from Maryland [Mr. FRIEDEL], and the gentleman from Ohio [Mr. SCHENCK] are both familiar with it and are sympathetic that any inequity should be corrected. The gentleman from Oklahoma [Mr. STEED] is, of course, aware of it; we have talked about it.

I trust the amendment is acceptable and will be adopted. I know of no opposition.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. EVINS. I yield to the gentleman from Oklahoma.

Mr. STEED. The committee did not include this in the first instance because it did not have jurisdiction over the matter and so did not include it in the bill. I have discussed this matter with several members of the legislative committee concerned, and I believe this is a justified and proper thing to do. If we do not do it we are going to cause one of our loyal and faithful employees to suffer a penalty, which I am sure Members would not want to do. So I urge that we adopt the amendment.

Mr. HORAN. Mr. Chairman, will the gentleman yield?

Mr. EVINS. I yield to the gentleman from Washington.

Mr. HORAN. I would agree with this. It deals with one of the finest individuals we have ever had on the police force here. It is to correct an oversight. I think that we will have to guard against a repetition of this procedure.

Mr. EVINS. I thank the gentlemen for accepting the amendment.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

AMENDMENT OFFERED BY MR. OLIVER P. BOLTON

Mr. OLIVER P. BOLTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLIVER P. BOLTON: Page 26, after line 22, insert the following:

"SEC. 104. No funds appropriated in this Act for the House of Representatives or the Architect of the Capitol shall be used unless the expenditure of such funds is audited by the Comptroller General at such times as he may deem appropriate. For the purpose of conducting such audits, the provisions of section 313 of the Budget and Accounting Act (42 Stat. 26; 31 U.S.C. 54) shall be applicable to the legislative agencies under audit. The Comptroller General shall report to the Speaker of the House of Representatives the results of each such audit relating to the financial transactions of the House of Representatives, and shall report also to the Architect of the Capitol the results of the audit of his office. All such reports, including the reports required by the Act of July 26, 1949 (63 Stat. 482), shall be printed as House Documents."

Mr. STEED. Mr. Chairman, it is with some reluctance that I must make a point of order against this amendment. I know what this amendment attempts to do and I am not in particular disagreement with the idea involved. However, it does constitute legislation on an appropriation bill. As floor manager of this bill, I feel it my duty to protect us from being in a posture of encroaching on the jurisdiction and prerogatives of the legislative committee. However, if the gentleman desires to explain the amendment, I shall be glad to reserve the point of order.

Mr. OLIVER P. BOLTON. Mr. Chairman, I wish to express my appreciation to the chairman of the subcommittee for reserving the point of order. I knew that a point of order would be made.

Mr. Chairman, the purpose and intent of my amendment is clear. Simply stated, the funds appropriated by H.R. 10723 would be subject to the limitations of the Accounting and Auditing Act of 1950, as amended, with a view toward making the operations of the House and the Office of the Architect of the Capitol subject to the same objective auditing standards as are other Government departments.

It is clear from the hearings on the bill before us this afternoon that the subcommittee on legislative appropriations was greatly concerned by the rising cost of the legislative branch. Since fiscal 1945, when $46,682,000 was appropriated for the legislative branch, our own costs have increased over 260 percent.

The chairman of the subcommittee on page 74 of the hearings said that there have been many misleading stories about our spending in an apparent effort at "distortion and criticism rather than to get the facts known." Scores of pages in the printed hearings were devoted to providing an explanation for the increased spending of the legislative branch—and especially the cost of the Rayburn Office Building. Yet, when you boil it all down, there was no satisfactory answer as to why the General Accounting Office—a creation and servant of Congress—is not generally required to conduct on-sight audits of our accounts and contracts.

With the acceptance of my amendment, the distorted stories to which the gentleman from Oklahoma referred would, I am confident, subside.

The gentleman from New Jersey [Mr. JOELSON] during the hearings developed testimony from both the Capitol Architect and the Comptroller General which pinpoints clearly the deficiencies my amendment is aimed at correcting. On page 22, Comptroller General Campbell testified that the kinds of audits which are currently conducted on most congressional accounts "might be interesting but not particularly reassuring." He went on to say that these central audits are "misleading and largely a waste of time." The more meaningful site audits, from which the GAO has been able to save millions of taxpayers' dollars each year, are conducted on congressional and Capitol Architects' accounts only upon request.

Mr. Chairman, it is high time we opened our books to the public. Just like any executive agency, we are spending taxpayers' money for our daily operating expenses. There is no logical reason why we should not be subjected to a public audit. Who knows, maybe a little fat can be trimmed right in our own backyard.

The CHAIRMAN. It is obvious on its face that this amendment is legislation on an appropriation bill. The Chair sustains the point of order.

AMENDMENT OFFERED BY MR. OLIVER P. BOLTON

Mr. OLIVER P. BOLTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLIVER P. BOLTON: On page 26, after line 22, insert the following:

"SEC. 105. The expenditure of any appropriation under this Act by any committee of the Congress or by the Architect of the Capitol shall be limited to those committees and to those funds and contracts supervised by the Architect of the Capitol where such expenditures are a matter of public record and available for public inspection."

Mr. STEED. Mr. Chairman, I make a point of order against the amendment, but will reserve the point of order so the gentleman from Ohio may explain it.

The CHAIRMAN. The gentleman from Oklahoma reserves a point of order against the amendment.

The gentleman from Ohio is recognized.

Mr. OLIVER P. BOLTON. Mr. Chairman, I appreciate the courtesy of the gentleman from Oklahoma.

Mr. Chairman, this amendment is very simple. It is directed purely at being a limitation on the appropriation and the expenditure of any funds authorized or appropriated under this act to those committees of the House or of the Congress, or to the funds or contracts carried out by the Architect of the Capitol which are matters of public record.

It has been my effort to get legislation passed by this House which would make it mandatory upon the GAO to audit the accounts of this House in the same way that the accounts of departments of the executive branch are audited.

It appears that the only way that this can be made a direct limitation and therefore in order on this bill is to restrict any expenditures appropriated under this bill to those committees and to funds and contracts under the Architect of the Capitol which are matters of public record and open for public inspection.

Certainly, with the criticism that has been directed at this House and at the Congress over the past 2 years; certainly with the charges that have been made against this House and this Congress; certainly with the whispering and the tearing down of the reputation of representative government that is being conducted in this country today for one reason or the other—it seems to me the very least we can do is to make our complete House and our expenditures open for public inspection. Certainly, that ought to take away all the doubt from the minds of those who are criticizing us as to the use which our funds are put.

Mr. Chairman, I strongly urge the adoption of this amendment.

The CHAIRMAN. Does the gentleman from Oklahoma insist on his point of order?

Mr. STEED. Mr. Chairman, in regard to the point of order, since I am so very much in sympathy with what the gentleman is trying to accomplish, it is with reluctance that I raise this point of order.

The 1950 act relating to audits by the General Accounting Office is quite specific as to what auditing shall be done in regard to the legislative and judicial branches of the Government. Where it is mandatory for the executive branch activities, it is subject to agreement as to on-site audits in the legislative and judicial branches.

It seems to me any action we take here today on this appropriation bill which affects that would be in effect legislating—even though it may be called a limitation in an appropriation bill. It would be a policy change—one which ought to be considered by a committee in the regular way.

I agree with the gentleman that we ought to live in a glass house and that we ought to keep all these matters as clear and in as good order as it is possible to keep them. We discussed some phases of the question of auditing in our hearings and this committee is vitally interested in it. But, Mr. Chairman, in order to maintain proper relationship with the legislative committees, I feel compelled to make the point of order. I have not had opportunity to study the breadth and depth and need for this.

Mr. OLIVER P. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman.

Mr. OLIVER P. BOLTON. It is my error, Mr. Chairman, I apologize for not showing you the substitute. The substitute does not contain any reference to the General Accounting Office. It is a pure limitation upon the use of funds appropriated in this act to these committees and to the Architect of the Capitol only where their records are a matter of public record.

Mr. STEED. Mr. Chairman, I have not had any chance to study this amendment and our experts have not had a chance to look over it and check it out. I just do not know what we might be bringing on ourselves if we were to act hastily on this. I can think offhand of several questions about it that come to mind. So I must insist on the point of order.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard further on the point of order?

Mr. OLIVER P. BOLTON. No, Mr. Chairman.

The CHAIRMAN (Mr. THOMPSON of Texas). The Chair is prepared to rule.

The amendment reads very clearly that the expenditures are under this act—and it is those expenditures that are limited.

The Chair therefore believes it is a limitation on an appropriation bill and the Chair overrules the point of order.

Mr. OLIVER P. BOLTON. Mr. Chairman, I believe I have explained my position to the House. The hour is late. I do not wish to take more time of the House. It seems to me the issue is quite clear.

I yield back the remainder of my time.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

My opposition, as I said, is with some reluctance, but we are not in a position at this time to know what may be the true effect of this amendment. I would prefer that these desirable goals be achieved through the regular legislative process.

If a matter of this sort is within the jurisdiction of the subcommittee, I would much prefer that it be given adequate time and opportunity to study and consider the operation of our affairs under such a limitation. It may be possible that, with an opportunity to have it properly considered, we could get this worked out, but there are several questions that ought to first be considered.

Right now, being in doubt, I have to urge the defeat of the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Iowa.

Mr. GROSS. Has the gentleman ever seen a copy of the lease with the Knott Hotels Corp., the corporation which operates the Congressional Hotel?

Mr. STEED. Yes, but I have never read it carefully.

Mr. GROSS. Is a copy of that lease available to other Members? Does the committee have a copy of the lease available for scrutiny by other Members of Congress? I am informed that there are no copies available to Members of Congress.

Mr. STEED. I get my information at the Architect's Office. He has never made it difficult for me to see anything. I do not know what the ruling might be about other Members, but it would be a surprise to me if any Member could not see the official documents on any matter affecting our affairs.

Mr. GROSS. Will the gentleman be kind enough to get a copy of that lease?

Mr. STEED. The gentleman is as able as I to go to the Architect and to obtain one. The Architect works for the gentleman as well as for me. The subcommittee does not keep those records.

Mr. GROSS. Does not the gentleman believe that copy of the lease should be available so that any Member of Congress can see it?

Mr. STEED. I certainly have no objection to that, and would not be a party to keeping it from them.

Mr. Chairman, as I say, I am in sympathy with the general objectives here, but I do not believe the House ought to adopt a seemingly desirable end without first carefully considering the language and its effect, and in fact the extent to which the practices already meet the apparent requirements of this amendment.

The reference, in the language to expenditures being a matter of public record does not disturb me at all. They should be. And they now are. Every payroll of the House is a public record. Anyone can see the salary lists.

Every committee must now publish their full payroll in the CONGRESSIONAL RECORD twice a year—by name and amount paid. That has been true for years.

The Committee on House Administration publishes each year a voluminous listing of all other disbursements of the House. It has every voucher listed by purpose and by name. It is about an inch thick and as I recall, is 300 or 400 pages of fine print. Anyone can go ask for a copy and get one. It is an open-book listing.

Every voucher of the House goes to the General Accounting Office for audit purposes. And they come here to the Hill to audit several of the activities. That is listed in our committee hearings.

I do not know what the practice has been as to the Architect's payrolls because I have not had occasion to check, but so far as I can see they are, or could be, a matter of public record. I know that all vouchers, contracts, payrolls, change orders, and the like go to the General Accounting Office. They are subject to financial audit by that Office.

As to impartial audit of the Architect's activities, we covered that in the hearings especially in respect to the Rayburn Building construction. Copies of all the contracts, change orders, and so on have been filed with the Comptroller General. There is a full statement on that in the hearings at page 63. And the Comptroller General inserted additional pertinent information on pages 16 and 17.

So, as to the matter of expenditures being a matter of public record, there is now far more publicity on our expenditures than on the executive agencies. They do not have to publish payrolls. They do not publish thick books listing every voucher. I do not see where there is any lack of publicity about expenditures.

But, Mr. Chairman, some questions come to mind about the language of this amendment, the way it is presently drawn, as to the matter of public inspection.

I literally do not know what is meant by making an "expenditure available for public inspection." I presume documents relating to expenditures is what is meant. What documents? What about internal papers supporting or directly related to vouchers, or to contracts, on which expenditures are based? Suppose change orders are issued on a contract, or claims develop during the course of the work. The value of change orders is often a matter of negotiation. Claims are often disputed. What supporting documents pertaining to the architect's calculations in regard to the values involved are open to public inspection and thus to the contractor involved? Is it not possible that indiscriminate public inspection could prejudice the Government's interest on pending claims or disbursements?

I do not know, but some documents are not usually made available even in court proceedings except upon subpena. As I say, I do not know, but these kinds of questions immediately come to mind.

Could any Tom, Dick, or Harry walk in at any time and demand to rummage through the thousands of vouchers on which the expenditures are made—surely anything like that would be disruptive and undesirable, and yet I suppose such might be within the term "public inspection," because those words are not delimited in the amendment.

Also, the amendment as drawn sounds far from clear as to when the expenditures would be open to public inspection. I don't know how that would work. Would the Clerk of the House and the Architect, for example, have to make some declarations before any funds could be drawn from the Treasury? Would the "public" be entitled to come in and demand "inspection" before or after the accounts are settled—could they demand to see a voucher immediately after it was paid, or how would this work? This might sound like a technical matter, but it could possibly present some real problems.

Mr. Chairman, these are some of the questions that I think only careful committee study could develop and explore. We certainly cannot do it here in a few minutes, late in the afternoon, on the floor.

Mr. LAIRD. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Ohio be reread.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. OLIVER P. BOLTON].

The question was taken; and on a division (demanded by Mr. OLIVER P. BOLTON) there were—ayes 66, noes 87.

Mr. OLIVER P. BOLTON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. OLIVER P. BOLTON and Mr. STEED.

The Committee again divided and the tellers reported that there were—ayes 71, noes 102.

So the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. JONES of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as we finish this appropriation bill I would like to take a couple of minutes to call attention and remind the Members of this House, particularly since the House will not be in session tomorrow, that tomorrow is the birthday of one of the most distinguished Members of this House, a man who has served this Government for more than 50 years, although he has been a Member of this body only since March 4, 1923.

On various occasions I have extended felicitations to the distinguished chairman of the Committee on Appropriations who came to Washington in 1911 as a clerk to the distinguished Speaker of the House of Representatives, the late Champ Clark. He came to Washington expecting to stay only 6 weeks, but has remained for more than 50 years.

At the conclusion of this, the 88th Congress, he will succeed the distinguished Member from Georgia, the Honorable CARL VINSON, as the dean of the House. On next January, the distinguished gentleman from Missouri will be the dean of the House after some 44 years of service, because we know that he will be reelected.

I am not going to take any further time, but would like to say, Mr. Chairman, that on a previous occasion the former Speaker of the House, Mr. Rayburn, made this statement in wishing many happy returns of the day. He said:

> He is a great servant of the American people, a great chairman of a great committee, and a man whose lifelong dedication to the service of his country will be an inspiration to all down through the corridors of time.
>
> His contributions in the field of parliamentary law alone would have been the hallmark of a great career, but these are just one phase of this devoted man's labors in his country's behalf for nearly half a century.
>
> For my great friend in the years ahead I wish all good health and happiness that he may continue his great service to all the people.

It would be impossible in the short space of time allotted to me to enumerate the many honors that have come to this distinguished Missourian, but before I close I would like to pay a tribute to his companion and helpmate through the years, his wife, known to her many friends throughout Missouri as "Miss Ida." As we salute this pair, our wish and our prayer is that they may continue to enjoy many more happy years of service to their State and Nation, and that we, in the House of Representatives, may continue to enjoy the friendship, comradeship, and wisdom with which our lives have been enriched by this great American.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Missouri. I am glad to yield to the gentleman from Iowa.

Mr. JENSEN. Mr. Chairman, I wish to join my colleague, the gentleman from Missouri [Mr. JONES], in paying tribute to a great American, the chairman of the Committee on Appropriations of the House of Representatives.

I have served with this great and good man on that committee for more than 20 years. I hold him in the highest esteem. There are times, of course, when we disagree but we have learned to disagree agreeably.

The gentleman from Missouri [Mr. CANNON] is one of the most likeable men I have ever known especially when you learn to know his heartbeats. He is a dedicated servant of the American people. He has been instrumental in saving many billions of dollars for the taxpayers of America.

Mr. Chairman, I rise with great pleasure to say these few words about this great man.

Mr. JONES of Missouri. I thank the gentleman from Iowa.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Missouri [Mr. JONES] yield?

Mr. JONES of Missouri. Yes; I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, I should like to join in extending felicitations upon his birthday to the distinguished gentleman from Missouri [Mr. CANNON], the chairman of the committee of which I have been a member for almost 20 years.

Mr. Chairman, I suspect that the distinguished chairman of the House Appropriations Committee learned in some way or other that the distinguished gentleman from Missouri [Mr. JONES] was now going to bring up the matter of his birthday. So, when we gave him the standing applause just a few moments ago, he had just previously left the Chamber.

Mr. Chairman, this is typical of the distinguished gentleman from Missouri as I have come to know him. He is a modest, unassuming, fine gentleman. He has been kind to me over all the years and I wish for him and Mrs. Cannon many, many more happy and successful years of life.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman from New York, the colleague of the gentleman from Missouri, who I think occupies the same position in seniority as the gentleman from Missouri.

Mr. CELLER. Mr. Chairman and members of the Committee, CLARENCE and I came to the House together. We were elected way back in 1922. We have served all these years. During those years I have grown to love CLARENCE CANNON.

Mr. Chairman, there is an old adage, "All trees bear fruit."

The gentleman from Missouri is certainly one who has rendered a tremendous service in this House, despite his years—years which have set lightly upon him.

I am sure he feels that while the candle burns there is much work to be done. He has a good name. As the psalmist says:

> Better is the fragrance of a good name than the perfume with its precious oils.

Mr. Chairman, a good name is like a sign at a crossing. You can read it from the right to the left or from the left to the right or up or down, and it spells goodness. All about Clarence Cannon is indeed goodness.

May happiness and good health ever attend him and his dear ones.

Mr. JONES of Missouri. I thank the gentleman from New York.

Mr. HORAN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman from Washington.

Mr. HORAN. Mr. Chairman, I am very happy to join my colleagues in wishing for the gentleman from Missouri [Mr. Cannon] everything good during the coming years.

Mr. Chairman, there has been a lot of mention about us "apple knockers" here today. Of course, Clarence is one of Missouri's outstanding applegrowers. I have had many happy hours talking to him about the production of that fruit.

We are very proud of what we do in that regard. But I want to say to this House that I think Clarence Cannon is certainly a credit to the State of Missouri. Anyone who is as physically and mentally alert and able as is the gentleman from Missouri in the autumn of his life, I think is a remarkably remarkable man.

The CHAIRMAN. The gentleman from Missouri [Mr. Steed].

Mr. STEED. Mr. Chairman, I happily and gladly join with my colleagues in the felicitations to our venerable chairman, and I wish him all of the best in the coming years.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, I thank my colleague for yielding, because I wish to join him in extending birthday greetings to the distinguished chairman of the Committee on Appropriations, a legislator of great renown, a man of tremendous energy, a distinguished parliamentarian, outstanding scholar, and one of the most articulate and eloquent Members of the House.

I join my colleagues in wishing him a happy birthday, and I hope that my colleague will request permission for all Members to join in this happy occasion.

Mrs. SULLIVAN. Mr. Chairman, I love Clarence Cannon as a friend whose kindness and gallantry are constant evidences of a warm heart and a fine character. I am happy to join my colleagues today in honoring the dean of the Missouri congressional delegation on the occasion of his forthcoming 85th birthday tomorrow. Missouri has produced many outstanding figures in the long history of the American Congress—since the start of the 17th Congress in 1821—Thomas Hart Benton, Francis P. Blair, Jr., Carl Schurz, James Beauchamp (Champ) Clark, John J. Cochran, Harry S. Truman, Thomas C. Hennings, Jr., and many others who have served with distinction. Clarence Cannon, through scholarship, diligence, dedication, and devoted hard work, became the successor to Thomas Jefferson as the authority on the procedures of the Congress of the United States and wrote the book which governs our day-to-day application of the rules of the House. But this is only part of his great distinction as a brilliant Missourian in the Congress.

For, as chairman of the Committee on Appropriations, he knows more—has learned more—about the operations of the Government of the United States than any American who has ever served in the Congress, with the exception probably only of Harry Truman, John Kennedy, and Lyndon Johnson, who went from Congress to the Presidency.

But I do not want to use this time, Mr. Chairman, to tell the House what it already knows about Clarence Cannon as a great legislator. Rather, I want to contribute to these proceedings honoring our friend a word or two about what Clarence Cannon's friendship really means. It means an old-fashioned courtliness, a gentle, loving kindness, a hand in need, a thoughtful gesture, a letter to lift one's spirits when tragedy strikes or cares mount; it means having a friend who is not just a friend in need but a friend in joy as well. I love him.

Mr. EVINS. Mr. Chairman, I should like to join with my colleagues and to endorse all that they have said in paying tribute to the gentleman from Missouri—our beloved friend, the Honorable Clarence Cannon—the distinguished chairman of the Committee on Appropriations. I too would like to extend my best wishes and congratulations on another birthday as he reaches a new milestone in his long and illustrious career as a Member of this body and a faithful servant of the American people.

The gentleman from Missouri [Mr. Cannon] is one of the most distinguished an influential Members of this body, and a great and dedicated public servant.

He is a distinguished and able legislator, an eminent lawyer, a great parliamentarian, and a true statesman.

As the efficient and dedicated chairman of the Committee on Appropriations, he has been successful in effecting economies and saving the American taxpayers millions and millions of dollars.

It has been my privilege and honor to serve closely with Chairman Cannon as a member of the Committee on Appropriations for the past 12 pears. His leadership has been a source of constant inspiration and encouragement. Hard work is his rule and I can testify that he has set an example that is difficult for any of his associates to match. He is a grand and gallant gentleman.

I wish for him and Mrs. Cannon many more happy birthday anniversaries.

Mr. PATMAN. Mr. Chairman, we in the House, who know him so intimately and admire him so much, have a thousand reasons for eulogizing Clarence Cannon, of Missouri, on having achieved his 85th year. The massive weight of his services for his State and his country, in the great decisions made in this Chamber and by its committees, is a matter of record and has not gone unnoticed, both nationally and internationally. Yet the degree of his fame hardly matches the monumental importance of his contribution for the good of our country and the free world.

The point, however, I am most eager to emphasize in the career of Representative Clarence Cannon, of the Ninth District of Missouri, is that the mere accumulation of years is no measuring device for determining an individual's capacity for major service. Far from being a handicap, the seniority that Clarence Cannon has attained is the very arch stone of his influence among us, because he is the living proof, demonstrated daily and hourly in this House and its deliberations, of just how relative age can be. By common acceptance and by what is sometimes called the conventional wisdom, Clarence Cannon, at 85, ought to be ripe for retirement. It may be, indeed, that Clarence Cannon is the exception, perhaps the remarkable and singular exception; but, exception or not, it would be foolhardy and wasteful to the point of legislative tragedy, for the people of his district, the Members of this House, or for Representative Cannon himself, to be persuaded that he should leave this deliberative body and go into retirement.

I have been in this Chamber long enough, indeed the whole of a political lifetime, to recognize at once among my colleagues the symptoms of failing powers and diminishing vigor. Thousands of legislators have come more or less intimately into my observation over the run of the years, whole generations of them. And so, however great my personal admiration, respect, and affection for Clarence Cannon may be, I would not offer this very special emphasis on the strength and effectiveness of his counsel with the committees on which he serves today, did not the fact make so powerful an impression.

For here, to put it bluntly, is seniority without senility.

It is, incidentally, a phenomenon I have witnessed again and again in this House in the course of the years.

What might very likely be a handicap with other legislators of advanced years is an asset with Representative Cannon, for every month and every year of his experience adds to the depth and soundness, the force and analysis of his judgments. Mr. Chairman, I have been in this Chamber some 36 years, and I testify as I would under oath, that it is my most thoughtful conviction that the most useful years of Clarence Cannon's service to his State and to his country in this Chamber occurred after he reached his 70th birthday. And yet the record of his life before that is one to excite the wonder and the applause of the most ambitious leaders of our time.

The wisdom that Clarence Cannon has demonstrated through the years and the restraint—especially in fiduciary matters—has been bulwarked by experience as it grew with the years. Had it been otherwise, his influence with the Members of this Chamber and with the committees on which his leadership and direction was so outstanding, would have declined as his gifts declined. Instead he never ceased to grow, to broaden, to understand more and more fully, the endless complexity of the problems that came under his ken and under his decision. Today, as, humbly, I evaluate his meaning to the Congress, to the country, and to the world, I am positive, beyond all question of a doubt, that CLARENCE CANNON stands at the very apex of his talents and his great force as a legislator and a leader of legislators. Mr. Chairman, I sincerely believe that in this man from Missouri the Nation has, for years to come, one of its greatest human assets.

EXTENSION OF REMARKS

Mr. STEED. Mr. Chairman, I ask unanimous consent that all Members may have the privilege of extending their own remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. STEED. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10723) making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. STEED. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. LIPSCOMB. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LIPSCOMB. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. LIPSCOMB moves to recommit the bill to the Committee on Appropriations with instructions that it be reported back forthwith with the following amendment: On page 26, after line 22, insert the following: "SEC. 105. The expenditure of any appropriation under this Act by any committee of the Congress or by the Architect of the Capitol shall be limited to those committees and to those funds and contracts supervised by the Architect of the Capitol where such expenditures are a matter of public record and available for public inspection."

Mr. STEED. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. PELLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 188, nays 131, not voting 114, as follows:

[Roll No. 109]

YEAS—188

Abele
Abernethy
Adair
Alger
Anderson
Andrews, Ala.
Arends
Ashbrook
Ashmore
Auchincloss
Ayres
Baker
Baldwin
Baring
Barry
Bates
Battin
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Boland
Bolton, Frances P.
Bolton, Oliver P.
Bow
Brademas
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, Va.
Byrnes, Wis.
Cahill
Cameron
Casey
Cederberg
Chamberlain
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Collier
Colmer
Conte
Corbett
Cramer
Cunningham
Curtin
Dague
Denton
Devine
Dole
Dorn
Dwyer
Ellsworth
Fascell
Feighan
Fisher
Ford
Foreman
Fountain
Frelinghuysen
Fulton, Pa.
Gathings
Gibbons
Glenn
Goodell
Goodling
Green, Oreg.
Gross
Grover
Gubser
Gurney
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hanna
Harrison
Harsha
Harvey, Ind.
Hechler
Hoeven
Horton
Hosmer
Hutchinson
Jensen
Joelson
Johansen
Kastenmeier
Kilburn
Kilgore
King, N.Y.
Knox
Kornegay
Kunkel
Laird
Latta
Lennon
Lindsay
Lipscomb
Lloyd
McClory
McCulloch
McDade
McIntire
McLoskey
MacGregor
Mailliard
Marsh
Martin, Nebr.
Mathias
Matthews
Meader
Milliken
Minshall
Moore
Morton
Mosher
Nelsen
Norblad
O'Hara, Mich.
O'Konski
Osmers
Pelly
Pirnie
Poff
Quillen
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes, Ariz.
Rhodes, Pa.
Rich
Robison
Rogers, Fla.
Roosevelt
Roudebush
Rumsfeld
Ryan, N.Y.
St. George
Saylor
Schenck
Schneebeli
Schweiker
Scott
Selden
Shriver
Sickles
Siler
Skubitz
Smith, Calif.
Smith, Iowa
Springer
Stinson
Stratton
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Tuck
Tupper
Udall
Van Deerlin
Van Pelt
Wallhauser
Watts
Weltner
Westland
Whalley
Wharton
Whitener
Widnall
Williams
Wilson, Bob
Wilson, Ind.
Winstead
Wydler
Wyman
Younger

NAYS—131

Albert
Aspinall
Barrett
Boggs
Bonner
Brooks
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Cannon
Carey
Celler
Chelf
Clark
Cohelan
Daddario
Daniels
Davis, Ga.
Davis, Tenn.
Delaney
Dingell
Donohue
Edmondson
Edwards
Everett
Evins
Finnegan
Flood
Friedel
Fulton, Tenn.
Garmatz
Gary
Giaimo
Gilbert
Gill
Gonzalez
Gray
Hansen
Harding
Harris
Hawkins
Hays
Healey
Holifield
Holland
Horan
Jarman
Johnson, Calif.
Johnson, Wis.
Jones, Mo.
Karsten
Kelly
Keogh
King, Calif.
Landrum
Langen
Leggett
Libonati
Long, La.
Long, Md.
McFall
McMillan
Macdonald
Mahon
Miller, Calif.
Minish
Monagan
Montoya
Morgan
Morris
Morrison
Moss
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
Olsen, Mont.
Olson, Minn.
O'Neill
Passman
Patman
Patten
Perkins
Philbin
Pickle
Pike
Poage
Powell
Price
Purcell
Reuss
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rodino
Rogers, Colo.
Rogers, Tex.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Ryan, Mich.
Schwengel
Senner
Shipley
Sikes
Sisk
Slack
Staggers
Steed
Stephens
Stubblefield
Thompson, N.J.
Thompson, Tex.
Toll
Trimble
Tuten
Ullman
Vinson
White
Whitten
Willis
Wilson, Charles H.
Young
Zablocki

NOT VOTING—114

Abbitt
Addabbo
Andrews, N. Dak.
Ashley
Avery
Bass
Blatnik
Bolling
Bray
Brock
Broyhill, N.C.
Bruce
Buckley
Burkhalter
Burleson
Burton, Utah
Cleveland
Cooley
Corman
Curtis
Dawson
Dent
Derounian
Derwinski
Diggs
Dowdy
Downing
Dulski
Duncan
Elliott
Fallon
Farbstein
Findley
Fino
Flynt
Fogarty
Forrester
Fraser
Fuqua
Gallagher
Grabowski
Grant
Griffin
Griffiths
Hagan, Ga.
Hardy
Harvey, Mich.
Hébert
Hemphill
Henderson
Herlong
Hoffman
Huddleston
Hull
Ichord
Jennings
Johnson, Pa.
Jonas
Jones. Ala.
Karth
Kee
Keith
Kirwan
Kluczynski
Kyl
Lankford
Lesinski
McDowell
Madden
Martin, Calif.
Martin, Mass.
Matsunaga
May
Michel
Miller, N.Y.
Mills
Moorhead
Morse
Multer
O'Brien, Ill.
Ostertag
Pepper
Pilcher
Pillion
Pool
Pucinski
Quie
Rains
Riehlman
Rooney, Pa.
Roush
St Germain
St. Onge
Schadeberg
Secrest
Sheppard
Short
Sibal
Smith, Va.
Snyder
Staebler
Stafford
Teague, Tex.
Thomas
Thompson, La.
Thomson, Wis.
Tollefson
Utt
Vanik
Waggonner
Watson
Weaver
Wickersham
Wright

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Kyl for, with Mr. Multer against.

Mr. Derwinski for, with Mr. Addabbo against.

Mr. Snyder for, with Mr. Farbstein against.

Mr. Keith for, with Mr. Hébert against.

Mr. Morse for, with Mr. St. Onge against.

Mr. Broyhill of North Carolina for, with Mr. Fogarty against.

Mr. Sibal for, with Mr. Kirwan against.

Mr. Derounian for, with Mr. Kluczynski against.

Mr. Thomson of Wisconsin for, with Mr. Rooney of Pennsylvania, against.

Mr. Jonas for, with Mr. Grabowski against.

Mr. Griffin for, with Mr. Thompson of Louisiana against.

Mr. Stafford for, with Mr. Blatnik against.

Mr. Schadeberg for, with Mr. Buckley against.

Mr. Michel for, with Mr. Cooley against.

Mr. Brock for, with Mr. Dent against.

Mr. Cleveland for, with Mr. Gallagher against.

Mr. Fino for, with Mr. Diggs against.

Mr. Utt for, with Mr. Jennings against.

Mr. Quie for, with Mr. Karth against.

Mrs. May for, with Mr. Lankford against.

Mr. Johnson of Pennsylvania for, with Mr. Fallon against.

Mr. Andrews of North Dakota for, with Mr. O'Brien of Illinois against.

Mr. Findley for, with Mr. Pepper against.

Mr. Short for, with Mr. St Germain against.

Mr. Bruce for, with Mr. Sheppard against.

Mr. Henderson for, with Mr. Ashley against.

Mr. Scott for, with Mr. Moorhead against.

Mr. Weaver for, with Mr. Madden against.

Mr. Curtis for, with Mr. McDowell against.

Mr. Riehlman for, with Mr. Burkhalter against.

Mr. Martin of California for, with Mrs. Kee against.

Mr. Harvey of Michigan for, with Mr. Staebler against.

Mr. Tollefson for, with Mr. Dawson against.

Mr. Pillion for, with Mr. Duncan against.

Mr. Burton of Utah for, with Mr. Matsunaga against.

Mr. Ostertag for, with Mr. Wickersham against.

Until further notice:

Mr. Hemphill with Mr. Hoffman.

Mr. Pucinski with Mr. Martin of Massachusetts.

Mr. Teague of Texas with Mr. Avery.

Mr. Corman with Mr. Miller of New York.

Mr. Abbitt with Mr. Bray.

Mr. Dowdy with Mr. Pilcher.

Mr. Hagan of Georgia with Mrs. Griffiths.

Mr. Herlong with Mr. Rains.

Mr. Huddleston with Mr. Roush.

Mr. Lesinski with Mr. Waggonner.

Mr. Thomas with Mr. Vanik.

Mr. Wright with Mr. Jones of Alabama.

Mr. Downing with Mr. Dulski.

Mr. Flynt with Mr. Mills.

Mr. Smith of Virginia with Mr. Hull.

Mr. Hardy with Mr. Elliott.

Mr. Forrester with Mr. Fraser.

Mr. Fuqua with Mr. Grant.

Mr. Ichord with Mr. Watson.

Mr. Pool with Mr. Bass.

Mr. HAGEN of California, Mr. BECKWORTH, and Mr. ROOSEVELT changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. STEED. Mr. Speaker, pursuant to the instructions just adopted, I report the bill (H.R. 10723), making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes, back to the House with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 26, after line 22, insert the following:

"SEC. 105. The expenditure of any appropriation under this act by any committee of the Congress or by the Architect of the Capitol shall be limited to those committees and to those funds and contracts supervised by the Architect of the Capitol where such expenditures are a matter of public record and available for public inspection."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STEED. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I have taken this time to inquire of the majority leader as to the program for next week, if the gentleman from Oklahoma is ready to announce the same.

Mr. ALBERT. Mr. Speaker, will the distinguished acting minority leader yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the gentleman from Illinois—and if I may first advise the Members of the House—we still have one legislative matter to dispose of today. After that, we will have completed the legislative program for the week and it will be my intention to ask that the House go over until Monday next.

Mr. Speaker, the program for next week is as follows:

Monday is District Day. There are no bills scheduled and there will be no legislative business.

Tuesday we will consider the bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for fiscal year 1965.

Wednesday there is scheduled S. 2394, compliance with convention on the Chamizal, open rule, 2 hours of debate.

Also, House Resolution 606, authorizing the Committee on the Judiciary to conduct within or without the United States studies and investigations in certain matters under its jurisdiction.

Thursday and the balance of the week are scheduled bills from the Committee on Ways and Means which will be brought in under a unanimous-consent request. These bills were on the program for this week but have been put over. Unless some Member desires that they be reread again, I will simply ask unanimous consent that they be placed in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The bills referred to follow:

H.R. 287. A bill including Nevada among States permitted to divide their retirement systems into two parts for OASDI coverage purposes.

H.R. 1608. A bill providing that aircraft engines and propellers may be exported as working parts of aircraft.

H.R. 2330. A bill providing that antiques may be exported free of duty if they exceed 100 years of age.

H.R. 2652. A bill to provide for duty-free importation of certain wools for use in manufacturing of polishing felts.

H.R. 3348. A bill extending time for teachers in Maine to be treated as covered by separate retirement systems for OASDI purposes, and permitting Texas to obtain coverage for State and local policemen.

H.R. 4198. A bill to provide for free importation of soluble and instant coffee.

H.R. 4364. A bill to provide for free entry of mass spectrometer for Oregon State University and spectrometer for Wayne State University.

H.R. 7480. A bill temporarily suspending the import duty on manganese ore (including ferruginous ore) and related products.

H.R. 8268. A bill to prevent double taxation of certain tobacco products exported and returned unchanged to United States and subsequently reprocessed.

H.R. 8975. A bill providing for the tariff classification of certain particleboard.

H.R. 9311. A bill to provide for suspension of duty on alumina and bauxite.

H.R. 9393. A bill extending time for ministers to elect coverage under OASDI, providing full retroactivity for disability determinations, and for other purposes.

S. Con. Res. 19. Concurrent resolution designating "Bourbon whiskey" as a distinctive product of the United States.

Mr. ALBERT. Mr. Speaker, of course this announcement is made subject to the usual reservation that conference reports may be brought up at any time, and that any further program may be announced later.

Mr. ARENDS. Mr. Speaker, I would like to ask the gentleman from Oklahoma, in view of the fact that next Tuesday is primary day in Illinois, and we do have a scheduled program for Tuesday, if there are rollcall votes, does the gentleman anticipate that they will be held on Tuesday?

Mr. ALBERT. May I advise the gentleman that it is with great reluctance that me must stay with the procedure which we have previously announced, not to postpone rollcalls because of primary elections. The reason for that is that we will come to certain weeks in which we cannot complete legislative business if this procedure is not followed.

Mr. ARENDS. But the pattern that you establish next Tuesday will be adhered to for the balance of this session?

Mr. ALBERT. The gentleman is correct.

Mr. GUBSER. May I inquire whether or not the extension of the Renegotiation Appropriation Act is on the program for next week as a part of the program for next week?

Mr. ALBERT. It is not.

Mr. GUBSER. I do not think it was in that list published the other day.

Mr. HALL. Mr. Speaker, I have a similar request to be made of the distinguished majority leader as to whether or not the Tax Exemption for the Importation of Antiques Act is on that list?

Mr. ARENDS. Yes; I am sure it is on that list.

Mr. ALBERT. Yes.

PERSONAL ANNOUNCEMENT

Mr. THOMPSON of New Jersey. Mr. Speaker, on Wednesday last I was absent on official business which had been planned for some time. On rollcall 99, had I been present I would have voted "yea."

I understood I had an arrangement to vote "nay", or had paired "nay" on rollcall 100. I do not know what happened in my absence, but if I had been present I would have voted "nay" on rollcall No. 100.

COMMITTEE ON PUBLIC WORKS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 652, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That, notwithstanding the provisions of H. Res. 56, Eighty-eighth Congress, the Committee on Public Works is hereby authorized to send three of its members and one staff assistant to Tokyo, Japan, to attend the Second Pacific Regional Conference of the International Road Federation, from April 16, 1964, to April 26, 1964, inclusive.

Notwithstanding section 1754 of title 22, United States Code, or any other provisions of law, local currencies owned by the United States shall be made available to the committee and employees engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided*, (1) That no member or employee of said committee shall receive or expend local currencies or appropriated funds for subsistence in an amount in excess of the maximum per diem rates approved for oversea travel as set forth in the Standardized Government Travel Regulations, as revised and amended by the Bureau of the Budget; (2) that no member or employee of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; (3) no appropriated fund shall be expended for the purpose of defraying expenses of members of said committee or its employees in any country where counterpart funds are available for this purpose.

That each member or employee of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

With the following committee amendment:

On page 1, line 3, strike out "three" and insert "four".

The committee amendment was agreed to.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] and at this time I yield myself such time as I may consume.

Mr. Speaker, House Resolution 652 is self-explanatory. It provides for four members of the Committee on Public Works along with one staff assistant to travel to Tokyo, Japan, to attend the Second Pacific Regional Conference of the International Road Federation, from April 16, 1964, to April 26, 1964, inclusive, and to make use of counterpart funds as they may be available in the area in which they may be traveling.

I urge the adoption of the resolution.

Mr. SMITH of California. Mr. Speaker, as stated by the gentleman from California [Mr. SISK], this is in accordance with the regulations we set up at the beginning of the session. The resolution complies with the Standardized Government Travel Regulations.

The United States is a member of the International Road Federation, the members of which get together and pool their information. This is about roads going from Alaska through Canada and the United States and going down to South America. This is an important thing for us to do and I think we ought to do it. I see no objection to the resolution.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE WHEAT-COTTON BILL

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, on the day we considered and passed the wheat-cotton bill, I received the following telegram:

WASHINGTON, D.C.,
April 7, 1964.

Hon. ARNOLD OLSEN,
House Office Building,
Washington, D.C.:

You will soon vote on H.R. 6196, the wheat-cotton bill. This bill is bad for farmers, consumers, and taxpayers and we urge you to vote no.

Farm Bureau has over 1,628,000 member farm and ranch families in 2,700 counties. I know I speak for our entire membership when I deplore efforts to make the wheat-cotton bill a partisan issue.

The wheat section is almost identical to the multiple price bread tax plan voted down overwhelmingly by wheat farmers last May.

The cotton section involves two additional subsidies, including one to the mills and the other in form of compensatory (Brannan type) payments to producers. It will cost taxpayers at least another $300 million annually.

Most farmers have already completed plans for 1964 plantings of both wheat and cotton and passage of this legislation will have only a disruptive effect.

We earnestly urge you to vote against this bill not only for the good of farmers, consumers and taxpayers, but to help preserve our efficient private enterprise system.

CHARLES B. SHUMAN,
President, American Farm Bureau Federation.

I think Mr. Shuman is in error. Failure to pass the wheat-cotton bill would have resulted in drastically depressing prices to the farmer and reducing farmer purchasing power by many hundreds of millions. The whole economy would have been seriously impaired.

This bill was the best we could do especially inasmuch as the Senate could not reconsider its action before planting time would be long past.

What is more, the consumers would have realized no saving. For instance, a drop in wheat prices by 70 cents per bushel would not bring a decrease in bread prices. According to baking companies, at $2 to $2.25 per bushel wheat, a 25-cent loaf of bread contains only approximately 2½ cents worth of wheat.

Thus without the bill the wheat farmer would lose at least 70 cents per bushel, the miller and baker would get the windfall, and the consumer would still pay the same price for bread.

I think we should have had a larger subsidy per bushel for the farmer, but this bill is the best compromise we could get the Congress to pass. So I voted for the bill and thus did the best available for all concerned.

COAST GUARD

Mr. BONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include certain tables.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Speaker, on March 24, during the debate on the Coast Guard section of the Treasury, Post Office, and executive office appropriation bill, 1965 (H.R. 10532), my good friend, the distinguished chairman of the Committee on Appropriations' Subcommittee on Treasury, Post Office, and Executive Office, Mr. VAUGHAN GARY, stated that at the end of the present fiscal year the Coast Guard would have unobligated $43,942,000 of the amount appropriated last year. I found the statement very disturbing because our study of the Coast Guard's needs during hearings on the authorization bill did not reveal such a prospect.

Since completion of the action of the House on the appropriation bill I have inquired into the situation and find that the gentleman from Virginia [Mr. GARY] had been misinformed as to the facts.

At the end of March there remained slightly over $16 million of fiscal 1964 funds unobligated, which during the balance of the fiscal year will be reduced by approximately another $10 million, leaving a balance of funds to be carried over, but planned for obligation in fiscal year 1965, estimated at $6,402,754.

The sum which will be unobligated at the end of the current fiscal year represents funds required for acquisition, construction, and improvement items presently in process but not scheduled for completion until next year, or even later. In the normal course of doing business the obligation of these funds will be made during future stages in the progress of projects now underway. For example, obligations were incurred during the month of January 1964 for the construction of the hull and machinery of a high endurance cutter. The construction of a major vessel can take as much as 2 years or more to complete, and there are many items of outfit and equipment that are, under good practice, not procured until the major construction work is well advanced. Therefore, some of the funds appropriated for the construction and equipping of such a vessel must await obligation until 1965.

There is set forth below the correct figures reflecting the actual unobligated balances at the end of December 1963 and at the ends of January, February, and March 1964, plus a projection of the unobligated balances remaining at the ends of April, May, and June 1964, based upon firmly planned obligations during the fourth quarter.

I include in the RECORD the following table which will reflect these facts:

Appropriation: Acquisition, construction, and improvements, Coast Guard

Funds available for obligation:	
Unobligated funds, June 30, 1963	$9,222,525
Appropriation, fiscal year 1964	51,000,000
Total funds available for obligation in 1964	60,222,525
Unobligated balances through 3d quarter, fiscal 1964:	
On Dec. 31, 1963	36,712,236
On Jan. 31, 1964	25,403,174
On Feb. 29, 1964	24,572,372
On Mar. 24, 1964	22,657,245
On Mar. 31, 1964	16,214,040
Unobligated balances after planned obligations during 4th quarter, fiscal 1964:	
On Apr. 30, 1964	13,989,566
On May 31, 1964	9,223,114
On June 30, 1964	[1] 6,402,754

[1] This balance is planned for obligation in fiscal 1965.

Mr. BONNER. Mr. Speaker, I ask that the distinguished gentleman from Virginia [Mr. GARY] who is chairman of the subcommittee handling this particular appropriation be permitted to extend his remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GARY. Mr. Speaker, the appropriation for "Acquisition, construction, and improvements" for the U.S. Coast Guard provides funds for the major capital expenditures of the Coast Guard in connection with modernization and replacement of vessels, aircraft, and shore installations. This appropriation is known as a "no year" appropriation—meaning that the funds may be carried over from year to year until expended, and do not revert to the Treasury at the end of each fiscal year as do normal appropriations. In addition, any amounts that are deobligated pursuant to changes in the program as well as amounts below estimates remain in the account to be used for other projects as required.

The committee realizes that capital expenditures under these programs must of necessity fluctuate from time to time and that accurate and positive forecasts of costs and balances cannot be made due to the long leadtime necessary for procurement of such major items as cutters and other large vessels and aircraft. Consequently, the committee has never considered it proper to base its appropriation recommendations on estimates of unobligated balances, and the committee did not do so in its recommendation for fiscal year 1965. The committee has never seen fit to reduce or rescind the unobligated balances in this appropriation, because such balances provide a necessary and desirable margin for the proper operation of the program.

The figure of $43,942,000 which I mentioned during the debate on the bill came from page 667 of the budget under the table entitled "Analysis of 1965 financing." I might also point out that the figure includes what is known as selected resources which have increased from less than $4 million in 1963 to over $40 million for 1965. Even these figures vary widely from year to year and for the same year depending upon which budget year is under consideration, as shown in the following table, which I include at this point in the RECORD:

Analysis of selected resources

[In millions of dollars]

	1961	1962	1963	1964	1965
In 1963 budget	4,041	13,230	−5,414		
In 1964 budget		9.076	−4,276	11,727	
In 1965 budget			3.475	5,910	40,004

The committee feels that the recommended $80 million for fiscal year 1965 which is $29 million above the 1964 appropriation will be sufficient to procure all the items which require authorization in the President's budget, and is in consonance with the President's public announcement of his desire that the program be held within the budget. It is most desirable and advantageous to provide for a level and consistent program of modernization and replacement rather than substantial increases and decreases from year to year with resulting displacement of personnel and other program modifications.

As I pointed out on the floor of the House, the committee is fully in sympathy with the program to provide for a modern and effective Coast Guard and has insisted that formal plans for that purpose be developed and presented to the committee. Those plans have all been provided now and are approved, and the committee intends to see that they are accomplished.

PROPOSED JOINT COMMITTEE ON FOREIGN INFORMATION AND INTELLIGENCE

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, yesterday I testified before the Committee on Rules in support of my bill (H.J. Res. 145) to establish a Joint Committee on Foreign Information and Intelligence. I commend the committee for holding hearings and hope that a rule will be granted.

House Joint Resolution 145 is identical to a bill which I introduced in May of 1961—House Joint Resolution 418 of the 87th Congress. At that time there was a great hue and cry for an investigation of the Central Intelligence Agency. The disastrous Bay of Pigs invasion had just taken place, and there was general agreement that the CIA did not function properly. The furor over the Bay of Pigs has subsided, and so has criticism of the CIA. But we cannot forget that the Bay of Pigs was the result of permitting a secret Government organization, which is not even subject to the usual congressional budgetary scrutiny, to conduct its own foreign policy. There is a saying that those who do not learn from history are doomed to repeat it.

We did repeat it. In South Vietnam the role of the CIA once again indicated the need for a Joint Congressional Committee on Foreign Information and Intelligence. Under the Diem regime the Government of South Vietnam conducted a ruthless campaign of religious persecution. The special forces of Col. Le Quang Tung were used by the Government not to fight the Vietcong but to suppress the people of South Vietnam. I am sure that we all remember the series of bloody raids on Buddhist pagodas which took place last summer. These raids were led by Colonel Tung's special forces. On September 10, 1963, the New York Times reported that the CIA paid as "direct under-the-table aid" $3 million a year for the salaries and maintenance of these special forces. And these special forces were the very forces which were undermining U.S. policy in this critical area.

Diem is now gone, and we have a new regime in South Vietnam. There is no doubt that the CIA is still active in that area. What it is doing is a total mystery to almost every Member of Congress. How much money it is spending in this and other areas is also a mystery.

I use Vietnam and Cuba merely as examples of the dual role of intelligence gathering and actual foreign policy formulation which has characterized the CIA from its very beginning. I do not deny the need for the Central Intelligence Agency. In the world in which we live we must have an agency of Government which gathers as much intelligence concerning other countries as can possibly be acquired. But that agency cannot and should not formulate and execute foreign policy decisions—the province under our democratic system of the elected officials of the United States.

My bill, House Joint Resolution 145, would establish a joint congressional committee to be known as the Joint Committee on Foreign Information and Intelligence. The committee would be composed of seven Members of the Senate and seven Members of the House to be appointed respectively by the President of the Senate and the Speaker of the House. The joint committee would make continuing studies of:

First. The activities of each information and intelligence agency of the United States;

Second. The problems relating to the foreign information and intelligence programs; and

Third. The problems relating to the gathering of information and intelligence affecting the national security, and its coordination and utilization by the various departments, agencies, and instrumentalities of the United States.

The bill specifically excludes the FBI from the scope of the joint committee.

Mr. Speaker, it is inconsistent with the basic concepts of our democratic government to allow a large and extremely important agency to avoid the scrutiny of the people's representatives by hiding behind the cloak of secrecy. The Congress and the people have a right to know and a right to regulate the intelligence services of this Nation.

I hope that all Members of Congress who are concerned about the activities of the CIA will join me in urging the Committee on Rules to grant a rule. The establishment of a Joint Committee on Foreign Information and Intelligence is long overdue.

INADEQUACIES OF NEW TAX WITHHOLDING TABLES

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain tables.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, enactment of the tax bill has caused a new series of tax withholding tables to be put into effect and I rise today to point out to my good friends, particularly those in the lower income brackets that the withholding of taxes is inadequate for this taxable year 1964. While normally a workingman would expect to have a sufficient amount withheld to pay his entire tax at the end of the year and possibly qualify him for a refund, in more cases than not we will find at the end of the taxable year 1964 many, many of our people having to come up with additional sums to make up for the balance of their tax for the year 1964. This was brought to my attention by my very good friend, George E. Morgan, a certified public accountant with the firm Morgan, Ellis & Co. in Peoria, Ill. The table which he has prepared points this out very clearly and under unanimous consent, Mr. Speaker, I include the tables at this point in the RECORD:

		1963	1964	1965
Single—1 exemption:				
Salary	$6,000			
Standard deductions	600			
	5,400			
Exemption	600			
Taxable income	4,800			
Tax		$1,048.00	$928.00	$866.00
Tax withheld per Government table, monthly salary of $500		981.60	799.60	763.20
Over (under) payment		(66.40)	(128.40)	(102.80)
Increase (decrease) in underpayment from preceding year			62.00	(25.60)
Salary	$3,000			
Tax from tax table		427.00	365.00	333.00
Tax withheld per Government table, monthly salary of $250		424.80	345.80	330.00
Over (under) payment		(2.20)	(19.20)	(3.00)
Increase (decrease) in underpayment from preceding year			17.00	(16.20)
Salary	$12,000			
Standard deductions and exemptions	1,600			
Taxable income	10,400			
Tax		2,792.00	2,496.00	2,318.00
Tax withheld per Government table, monthly salary of $1,000		2,040.00	1,662.00	1,586.40
Over (under) payment		(752.00)	(834.00)	(731.60)
Increase (decrease) in underpayment from preceding year			82.00	(102.40)
Married—4 exemptions:				
Salary—1 employed	$6,000			
Standard deductions and exemptions	3,000			
Taxable income	3,000			
Tax		600.00	500.00	450.00
Tax withheld per Government table, monthly salary of $500		621.60	506.60	483.60
Over (under) payment		21.60	6.60	33.60
Increase (decrease) in underpayment from preceding year			15.00	(27.00)
Salary—2 employed, 1 claiming all exemptions	$6,000			
Standard deductions and exemptions	3,000			
Taxable income	3,000			
Tax		600.00	500.00	450.00
Tax withheld per Government table, 2 monthly salaries of $250 each		609.60	496.60	474.00
Over (under) payment		9.60	(3.40)	24.00
Increase (decrease) in underpayment from preceding year			13.00	(27.40)
Salary—1 employed	$12,000			
Standard deductions and exemptions	3,400			
Taxable income	8,600			
Tax		1,836.00	1,621.00	1,512.00
Tax withheld per Government table, monthly salary of $1,000		1,680.00	1,369.00	1,306.80
Over (under) payment		(156.00)	(252.00)	(205.20)
Increase (decrease) in underpayment from preceding year			96.00	(46.80)
Salary—2 employed, 1 claiming all exemptions	$12,000			
Standard deductions and exemptions	3,400			
Taxable income	8,600			
Tax		1,836.00	1,621.00	1,512.00
Tax withheld per Government table, 2 monthly salaries, (1) $800, (1) $200		1,728.00	1,408.00	1,344.00
Over (under) payment		(108.00)	(213.00)	(168.00)
Increase (decrease) in underpayment from preceding year			105.00	(45.00)

FOOD STAMP BILL

Mr. GUBSER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GUBSER. Mr. Speaker, in view of the bitter controversy over the manner in which a food stamp bill and a combined wheat-cotton bill were railroaded through the House of Representatives on last Wednesday evening, I believe a few facts should be stated for the record.

In a statement to the House on Thursday after the prolonged night session at which the railroading took place, the majority leader defended the actions of the leadership by saying, "We had a job to do yesterday and we did it."

Mr. Speaker, the key word in this statement is "yesterday." As such, it deserves a searching analysis.

Mr. Speaker, why was it so urgent that these three major programs had to be acted upon in a single legislative day? Wednesday was the middle of the week in the first part of April in a session which has barely begun. The legislative calendar is not overcrowded. Why was it necessary to ramrod these nonemergency measures through when human decency would have required an adjournment out of respect to a national hero whose body lay in state not 100 yards from this Chamber?

Why was it necessary to create a situation where duly elected Members of the House were, on one occasion, limited to 15 seconds—one-quarter of a minute—to express themselves on major legislation?

Why was the matter so urgent that the House was forced to accept a wheat bill that had never been before the House with 1 hour's debate and a complete gag rule against amendments? Why was it necessary to restrict debate and dissent in a manner which was not a credit to democracy?

Why did all of these things have to be done, as the majority leader said, "on yesterday"?

I have never been known as one to mince words and I will not start now. These things had to be done on Wednesday because of an unholy alliance which was so shaky that it could not last overnight. Let us spell it out, Mr. Speaker, and state what everyone knows is the truth.

The northern liberal Democrats who oppose the wheat-cotton bill in principle agreed to support it in exchange for support of a food stamp bill. This alliance is the true and only coalition in this House, that of the northern big city Democrats and southern Democrats.

Apparently even after the deal was made, the northerners did not trust their southern allies to keep their word, and, consequently, insisted upon their pound of flesh in advance. The food stamp bill had to be first on the legislative calendar or the deal was off.

In his remarks on yesterday, the majority leader referred to the action of the gentleman from Iowa [Mr. GROSS] in demanding a full reading of the previous day's Journal as a "filibuster." Perhaps it was a filibuster, but to me it was something else as well. It was the only means available to a minority to demonstrate that the power of leadership had been abused the night before to suppress the rights of the freemen of a minority to register honest dissent in conformance with the traditions of a representative democracy.

On the previous night, our Speaker exercised his right as the Presiding Officer to place his own interpretation upon a unanimous-consent request which everyone in this Chamber knows was granted for the purpose of allowing a recess to allow attendance at the lying-in-state ceremonies for General MacArthur. The Speaker chose to use this authority to declare a recess which, in effect, preserved the priority on the legislative schedule of the food stamp bill over the wheat-cotton bill and insured the fact that it would be voted upon first as the northern liberal Democrats had demanded.

I do not question the right of the Speaker to make this decision, nor do I complain about it. But I do say that if such a technicality as the unanimous-consent request connected with General MacArthur's funeral can be applied by the majority, then it ill behooves the majority to complain when our side of the aisle chooses to be technical about the reading of the previous day's Journal. Our rights as a minority were ground down by sheer political power on Wednesday night and the happenings of Thursday may be just the first of many tactics we will be forced to employ in an effort to get fairplay from the majority.

The American people will probably never know the extent of the provocation of Republicans last Wednesday night by the majority. Some of the words I heard uttered in this Chamber which provoked the minority are not to be found in the CONGRESSIONAL RECORD. It is just as well because most of what happened last Wednesday will be best forgotten. This was not one of democracy's shining hours.

In a truly bipartisan spirit—as an American first and a Republican second—I sincerely hope the tactics which were employed last Wednesday will never be used again.

PASSAGE OF FARM BILL BRINGS BIGGEST 1-DAY FUTURES DROP SINCE 1953

Mr. **BATTIN**. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. HOEVEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. **HOEVEN**. Mr. Speaker, my colleague, the gentleman from Texas [Mr. PURCELL] in a statement he inserted in the body of the RECORD on April 9, 1964, said that the action of the House, in passing the cotton-wheat bill, was a "victory for our legislative system." He said that it was proved again that our system works for the advantage of the majority while protecting the minority.

I would like to know in what respect the ramming of the wheat bill down our throats protected the minority. The dictatorial and strong-armed tactics of the majority in running roughshod over the minority without even giving the minority an opportunity to debate or amend the wheat bill are a far cry from protecting the rights of the minority, let alone the rights and prerogatives of the House of Representatives itself.

The gentleman from Texas [Mr. PURCELL] in his statement also takes the liberty of speaking for all of the farmers of America when he thanks his colleagues in the House for having passed the cotton-wheat bill. It seems to me that the gentleman is taking in entirely too much territory in speaking for all of our farmers. I am confident that most of the farmers in America disapprove of the methods used in making a mockery of our legislative system as was done in ramming the wheat bill through the House. I am also sure that the wheat farmers of America, in particular, will be disillusioned to learn that the passage of the cotton-wheat bill has already brought about the biggest 1-day futures drop on the stock market since 1953. In this connection, I include an article which appears in the Wall Street Journal of April 10, 1964:

PASSAGE OF FARM BILL BRINGS BIGGEST 1-DAY FUTURES DROP SINCE 1953: WHEAT, COTTON, SUGAR SLIDE MOST AS DOW-JONES INDEX FALLS 2.66; RAIL STRIKE THREAT ALSO CITED

Commodity futures prices experienced the largest 1-day drop in more than 10 years, largely as a reaction to passage of the new farm bill.

The Dow-Jones Commodity Futures Index fell 2.66 to 140.09, the greatest decline since August 9, 1953. Most of the fall was a reflection of price declines in wheat, cotton, and sugar.

The cotton market closed 40 cents to $8.75 a bale lower. At the day's low, the July 1965 contract was off $10 a bale, the limit allowed for 1 day's trading.

New crop wheat deliveries on the Chicago Board of Trade closed 4 to 4½ cents a bushel lower. These prices were close to the day's extreme fall. The May 1964 contract finished with a gain of 2⅜ cents, although at one time it had advanced 5⅜ cents.

Sugar futures finished about one-fourth to almost one-half cent a pound lower.

In addition to the new farm bill, commodity dealers were confronted with the threat of a nationwide railroad strike at midnight last night. A strike would severely cripple bulk movement of all commodities and livestock.

QUICK ACTION EXPECTED

Secretary of Agriculture Freeman is expected to put the new farm bill into effect soon because of the lateness of the season for wheat and cotton crops.

New price support rates for cotton, soybeans, and cottonseed oil remain to be announced. The basic cotton support is expected to be about 30 cents a pound, down from 32.47 cents for the 1963 crop. Announcement of the new soybean support, which was $2.25 for last year's crop, was delayed because of the possible impact of the cotton program on plantings.

Trade quarters believe all details will be announced as soon as President Johnson signs the measure.

Flour brokers and several large millers said their business halted because they don't know when the 70-cent additional payment to mill flour will become effective. This 70-cent charge would be equivalent to $1.60 to $1.65 for 100 pounds of flour. Holders of wheat not milled before the effective date would lose this amount.

Buying of May 1964 wheat contracts, the last ones to represent last year's production, was spurred by the fact that old-crop wheat now will be considered cheaper than that grown in 1964. Traders figure that 1964 crop wheat, with a national average support of $1.30 a bushel plus a 70-cent payment to farmers who cut acreage, would bring the cost for new-crop wheat to well above that for 1963 production. In previous trading sessions when doubts began to arise about passage of the wheat-cotton bill, some speculators purchased 1964 crop futures beginning with the July delivery. They figured that if the bill failed to pass, millers and exporters would seek to accumulate new-crop positions since there would be no additional payments to farmers on top of a basic price-support loan, as is now the case following passage of the bill.

Thus prices for new-crop months declined sharply yesterday as some of the previous buyers sold and the price for the old-crop May futures rose.

Traders say the bill as approved gives bakers and millers an incentive to carry good-sized inventories of flour because new-crop wheat under the bill would be taxed at 70 cents a bushel if milled for domestic use. They said this should increase demand for remaining stocks of old-crop wheat at the marketplace.

The cotton section of the new bill aims to lower prices to domestic mills through a subsidy payable in cotton.

Dealers said that for cotton futures trading, the most important point in the legislation hinges on a ruling by the Agriculture Department on who will receive the subsidy payment. Traders said that if the payment is made to the first purchaser of cotton from the farmers, such dealers probably would buy cotton in large volume and use the hedging facilities in the futures market to protect the cotton against price risks. If the subsidy is paid to the last handler of cotton, this would curtail buying from farmers and cause much of the staple to go directly into the Government loan, the merchants added.

Selling of new-crop soybeans reflected trade thinking that some farmers who will retire cotton acreage now may use the area for soybeans.

COPPER FUTURES RISE

Prices for copper futures continued to rise. In early trading values were boosted about one-half cent a pound to new highs for the current move, but prices were later shaded by profit taking. Buying was again induced by the tightening of world supplies. The London copper market also was strong.

The market for sugar futures was weak. Prices for some deliveries fell almost one-half cent a pound, the limit allowed for 1 day's trading. Traders said selling was attracted by Wednesday's advance and the fact that new business failed to materialize in the world export market.

Prices of live hogs were mixed, but demand for fresh beef and pork was active as wholesalers tried to stock their coolers in anticipation of a nationwide rail strike.

The impending strike slowed packer demand for live animals because they feared they might not be able to get supplies to their slaughtering plants if a strike is called.

Wholesale prices for fresh pork rose as much as 50 cents a hundred pounds at New York and Chicago.

ADJOURNMENT OVER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

VARIATIONS IN PERCENTAGE OF PARTICIPATION BY PUBLIC ASSISTANCE RECIPIENTS IN PILOT FOOD STAMP PROGRAMS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentlewoman from Missouri [Mrs. SULLIVAN] may extend her remarks at this point in the RECORD and include extraneous matter and tables.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, in rereading the debate Tuesday and Wednesday on the food stamp bill, H.R. 10222, I find that few misimpressions were left by statements made during the debate which were not corrected or explained by supporters of the legislation. For instance, the charge was repeatedly made that a nationwide food stamp program would cost as much as $2.5 or $3 or $4 billions. I think the RECORD clearly sets that straight.

But one misimpression was left by a too-short answer of mine to a question from the gentleman from Virginia [Mr. SMITH]. He had been asking the chairman of the Committee on Agriculture [Mr. COOLEY], at page 7284 of Wednesday's RECORD, whether or not it was true that most of the participants in the food stamp plans would be public assistance recipients. The gentleman from North Carolina answered that it would not necessarily be true—that in his district, in the pilot food stamp plan in Nash County, many of the participants were not on public assistance.

I then volunteered the information—taken from the committee report on H.R. 10222—that of the 8,471 persons participating in the Nash County pilot food stamp program in January, only 1,577 were public assistance recipients and 6,894 were not. The following colloquy occurred:

Mr. SMITH of Virginia. Then, according to that, 90 percent of the recipients of this are going to be other than persons who need relief; is that right?

Mrs. SULLIVAN. Yes.

Mr. Speaker, aside from the error in arithmetic, I should have corrected the gentleman's impression by pointing out that the degree of participation by public assistance recipients in the various pilot food stamp programs varied widely from area to area. There are many reasons for such variation, one of them being, of course, that in many States, including Missouri, there is no general assistance for families in which there is an employable person, and there is no aid to children of the unemployed. Many of the families in these categories are needy but do not qualify for public assistance. They do qualify for the food stamp plan. On the other hand, in States like Pennsylvania and Ohio and Michigan, standards for public assistance are much broader and cover a higher percentage of the needy, and, as a consequence, the majority of those participating in the pilot food stamp plans are also on public assistance.

The actual statistics on participation by public assistance and nonpublic assistance recipients in the pilot areas for January are as follows:

TABLE I.—*Food stamp program—Summary of participation*

State and county	Current participation	
	Public assistance	Nonpublic assistance
Alabama:		
Jefferson	4,446	11,594
Walker	3,395	3,171
Arkansas: Independence	472	685
California: Humboldt	586	484
Illinois: Franklin	1,693	561
Indiana: Vanderburgh	2,475	2,135
Kansas: Rice	35	13
Kentucky:		
Floyd	1,008	5,269
Knott	1,280	3,898
Perry	958	5,441
Louisiana:		
Avoyelles (parish)	398	6,233
Evangeline (parish)	1,382	8,712
Michigan: Detroit	47,650	12,686
Minnesota:		
Carlton	478	376
Itasca	575	1,347
St. Louis	5,314	3,928
Missouri: St. Louis (city)	4,546	6,617
Montana: Silver Bow	575	502
New Mexico:		
Mora	340	299
San Miguel	1,630	1,741
Santa Fe	916	814
North Carolina: Nash	1,577	6,894
Ohio:		
Cuyahoga	45,569	5,591
Lucas	12,192	1,613
Oregon: Multnomah	9,709	2,129
Pennsylvania:		
Cambria	7,283	2,919
Fayette	16,641	4,282
Luzerne	7,563	4,073
Pittsburgh	33,359	5,943
Tennessee:		
Grundy	432	1,619
Hamilton	3,027	3,296
Marion	583	2,575
Sequatchie	185	254
Virginia:		
Dickenson	343	2,691
Lee	523	2,072
Wise	454	3,376
Washington: Gray's Harbor	870	311
West Virginia:		
Logan	7,013	1,097
McDowell	8,540	1,111
Mingo	6,781	1,017
Wayne	4,627	485
Wisconsin:		
Douglas	862	912
Iron	122	232
Grand total	248,409	130,998

Source: U.S. Department of Agriculture, Agricultural Marketing Service.

RESIDUAL OIL IMPORTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, I would like to correct some irresponsible misconceptions that have been circulated about the effect of residual oil imports upon the domestic oil producer. I refer specifically to a statement by Myron A. Wright, executive vice president of Standard Oil of New Jersey, which was filed with the Trade Information Committee on March 31, 1964.

According to Mr. Wright, these imports do not injure the domestic oil industry. He also alleges that U.S. production of residual oil is inadequate, failing to meet demand by 60 percent.

He contends that although overall demand for residual oil east of the Rockies has remained relatively static during the postwar period, that domestic production of residual oil has decreased so that the deficit had to be made up by residual imports.

The fact is that consumption of residual oil in district 1, or on the Altantic coast where all the imported oil is consumed, has not remained static. The latest figures I have seen on consumption are for January 1964, and total residual demand then was 23 percent greater than for January 1960, the first January affected by the import control program.

Despite the control program, which has been in effect since April 1959, quotas for this cheap foreign product have been increased nine times. Total imports have increased from 343,000 barrels a day in 1959 to the new quota level of 638,000 barrels a day, put into effect this month by Secretary of the Interior Udall.

Because these foreign imports of residual have been sold at dump prices with which domestic refiners could not successfully compete, their only recourse was to curtail production of residual.

Mr. Wright has confused cause with effect in order to justify asking for decontrol of residual oil imports, a chief beneficiary of which would be Standard Oil Co., of New Jersey, his own company, which already is the largest residual importer.

If decontrols were effected and an increase in foreign imports resulted, the surplus of oil above demand would be so great that domestic residual oil producers would be irreparably crippled. Already ridiculously low prices for this product would be further depressed. This would help no one. Certainly not U.S. producers. Nor would it benefit Venezuela or any source country of residual oil.

The vice president of Standard Oil of New Jersey further contends that independent oil producers have no economic interest in producing residual. He overlooks the fact that the domestic oil industry is still turning out about 700,000 barrels daily of residual oil which, when combined with higher priced products, can be marketed profitably from $3 a barrel crude oil, according to domestic petroleum authorities.

It was only natural that the domestic oil industry would reduce its output of residual oil as dump-priced foreign residual imports usurped its east coast markets. These imports have increased from 343,000 barrels daily to 638,000 b/d annually since controls were imposed in 1959. The recent residual quota authorized by the Interior Department, adds another 107.7 million barrels a year, an increase of 11 percent.

Independent producers are agreed that reasonable limitations on imports of both residual and crude oil are essential and that exemption for either would seriously impair the domestic oil market.

The position of independent oil producers in regard to proposed decontrol of residual fuel oil imports was aptly expressed by Mr. Thornton C. Huddle, of San Antonio, imports committee chairman of the Texas Independent Producers and Royalty Owners Association. He addressed a letter to Myron A. Wright, executive vice president of Standard Oil of New Jersey, in connection with the statement filed by Wright with the Trade Information Committee.

Because this letter so eloquently delineates my viewpoint and that of my Texas constituents involved in oil production, under unanimous permission, I reproduce it in entirety in the Record.

Mr. Speaker, there have been claims that residual oil import controls adversely affect Venezuela. This is one of the easiest of all myths to disprove. The hard facts are that imports of residual oil from Venezuela, including residual refined from Venezuelan crude in other countries, have grown steadily during the import control program. They rose from 309,000 barrels daily in 1959 to 471,000 barrels daily in 1963. Under the newly revised quotas for these imports, Venezuela will be able to import even more.

Complaints from New England about a shortage of residual oil and the high prices it must pay for it have been circulated perennially ever since controls were instituted. Yet, if one takes the average price of imported residual oil from the years 1958, 1959, and 1960, we get a price of $2.19 a barrel. The average price for the year 1963, however, was only $2.02 a barrel. Since New England consumes 75 million barrels of residual oil a year, this means they actually saved $12.7 million over the price formerly paid.

It is obvious that the residual oil import control program has not hurt Venezuela or east coast industries which purchase residual oil. But since it has permitted imports of residual to go steadily upward, it has injured the domestic oil industry, as well as the coal industry which attributes the loss of more than 50 million tons of coal production to these ever-increasing imports.

I want to commend my friend and constituent, Thornton C. Huddle, imports committee chairman of TIPRO, for his forthright letter clearly explaining the domestic oil industry's position on residual oil imports, and refuting the completely erroneous statements made to the Trade Information Committee by Mr. Wright.

I know he has the support of many others in the industry who also are opposed to excessive imports of residual oil and any attempt to decontrol such imports altogether.

Texas Independent Producers &
Royalty Owners Association,
Austin, Tex., April 3, 1964.

Mr. Myron A. Wright,
Executive Vice President,
Standard Oil Co., of New Jersey,
New York, N.Y.

Dear Mr. Wright: May I express our bewilderment at what are surely contradictory statements in your plea to the trade information committee for eliminating residual fuel oil from the oil imports program.

On the one hand you speak of "the resulting lower cost energy" that resid import decontrol would bring. On the other, according to press reports, you refer to Venezuela as "the principal direct beneficiary" of that resid decontrol.

Perhaps you would enlighten us as to how Venezeula, or any other source country, would benefit from further deterioration in already depressed residual fuel oil prices. Only last Thursday the new Venezuelan Oil Minister, Manuel Perez Guerreo, deplored the fact that "there has been deterioration of (oil) prices which has reduced the amount of income the Government of Venezuela could normally receive."

Could Jersey have had domestic producers in mind in describing its decontrol proposal as an ideal U.S. concession for the forthcoming Geneva tariff negotiations? Hardly likely, since some 650,000 barrels of resid daily is made from our U.S. crude. To say the least, domestic independents can hardly be expected to welcome the resid price collapse which your company has done much to lead so-called consumer interests to expect from decontrol.

Alas, we are reluctantly led to conclude that, in proposing resid decontrol, industry statesmanship in this instance got confused with measures to further Jersey Standard's competitive position. It may indeed be possible that, so far as Jersey is concerned, adverse price effects of resid decontrol can be more than offset by the advantages of restoring Jersey's virtual monopoly in the importation of residual fuel oil.

We ask quite seriously whether it is not about time to stop labeling our selfish pursuits as "consumer" benefits or "freer trade" promotion.

In the name of the consumer, the Jersey statement implies something we do not think you would directly say: that decontrol would result in more residual fuel oil imports. It would not for the simple reason that no more is really needed. Even the New England Council recognizes that its complaint is not that there is less than an adequate overall supply available under the present program. And only last month in your presence, Jersey officials acknowledged to the Texas Railroad Commission that their residual fuel oil stocks in the United States are actually too high.

In the name of freer trade, and facilitating further tariff reductions at the Geneva Conference in May, Jersey proposed a plan to help break the price of residual fuel oil—on the same day Under Secretary of State George Ball proclaimed official U.S. support of measures to stabilize prices of primary products we import from underdeveloped nations. Our Government noted that even a slight break in the prices of commodities we import often more than offsets all benefits of our aid program to Latin American nations.

Inasmuch as Jersey Standard has publicly recognized the necessity of oil import control, limiting its displeasure largely to the fact that such controls extend to residual fuel oil over which it has long predominated, we urge your personal attention to the following statement by Interior Secretary Stewart Udall:

"When the national security contribution of the residual fuel oil program is measured in the broader terms of the overall petroleum import control system, it is apparent that in order to maintain integrity of the control program it is necessary to retain controls on all the principal derivatives of crude oil, including residual fuel oil."

In the light of Secretary Udall's judgment that, in effect, Jersey's decontrol proposal jeopardizes the whole principle of oil import controls, surely it is not too much to ask that you reconsider whether Jersey's position is consistent with its reputation of rising above selfish interests during crucial times for our industry.

Respectfully yours,
Thornton C. Huddle,
Imports Committee Chairman.

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, my distinguished colleague from Texas [Mr. Gonzalez] has made an excellent and very necessary contribution to keeping the facts clear about the domestic fuels industries and their relationship with foreign imported residual oil.

He has exhibited a keen knowledge of the problems of the oil producers of the United States, just as one would have expected from a notable and competent Representative of his great oil-producing State of Texas.

His very pertinent comments have also served to bring into sharp focus the mutual concern that all of us who represent the great areas of America which produce our great resources of native fuel resources must feel when we are faced with the threatened destruction of the jobs and incomes of the millions of citizens which production, transportation, and utilization of these fuels supply.

Just as the distinguished gentleman from Texas can authoritatively relate this question to the domestic oil producers of Texas and the other great oil-producing States, I believe I can properly cite the effects of excessive imports of foreign residual oil to the miners and coal producers and railroad operators and workers of West Virginia and the United States.

In this connection, I can only join with this distinguished colleague in declaring that the spokesman for the Standard Oil Co. of New Jersey has made an incredible recommendation to the Federal Government—that this Nation sacrifice its domestic coal industry so that Venezuela can earn more dollars with which to buy more goods from the European Common Market.

Mr. Myron A. Wright, executive vice president of this large international oil company, suggested to the Trade Information Committee in a statement last week that the complete elimination of residual oil import controls "is one of least harmful" concessions this Nation can make at forthcoming trade negotiations in Geneva.

Certainly, such a course of action would not be harmful to the Standard Oil Co. As a matter of fact, such a step would undoubtedly help that company obtain an even larger share of the market which it already dominates.

But such a course of action would be disastrous for the coal industry and the men who mine and transport coal. The influx of cheap waste oil from Venezuela would inevitably drive coal out of the utility and industrial market on the east coast. The men now at work mining and transporting this coal to market would be out of work and the serious economic problems of the Appalachian areas would be further intensified.

Standard Oil's already swollen profits would become even larger. Obviously, the matter of jobs for Americans, and food and clothing for American families, is a matter of secondary concern to a company whose primary interests lie outside this Nation.

What makes Mr. Wright's suggestion even more incredible is that he justifies it by claiming that increased sales of residual oil by Venezuela to this Nation—at the expense of American jobs—would make more money available for purchases by Venezuela from European nations. Such a development no doubt would please these European nations and their pleasure undoubtedly would be reflected in greater purchases from Standard Oil and its affiliates throughout the world.

Perhaps to a top official of this giant corporation, which is bigger than most of the countries in which it operates, the coal industry may seem so small as to be insignificant. But to those communities where the mining of coal is the most important industrial activity, the liquidation of the coal industry would be an economic catastrophe.

The industrial federation built around coal is important to America. To argue, as Mr. Wright has done, that it should be dealt a damaging blow in order to increase the power of a foreign nation to buy more goods from other foreign nations—not from American manufacturers, it must be emphasized, but from foreign manufacturers—is irresponsible and against the best interests of the domestic fuels industries. His whole argument is ridiculous on its face and I am confident that simple justice dictates that it will be rejected by all concerned with the American economy.

GOOD NEIGHBOR BOWLING

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, on April 4, in my home city of San Antonio, I had the pleasure of addressing a unique organization known as the Good Neighbor Bowling League.

Patric McDonald, presently the league's president, had a heart to heart talk a few months back with Lin Waugh, Bowlerland manager, about crises in the Americas.

Their conversation went something like this:

> More cultural and athletic exchanges would help the Americas understand each other better. Let's do something more than talk about it.

And, there you have the beginning of the Good Neighbor Bowling Tournament.

The tournament will be held in Monterrey, Mexico, June 19–21. Sixteen Texas teams will play 16 Mexican teams under the banner of good neighbor. Of the 32 teams, the first 5 will be awarded trophies.

When I addressed this group, April 4, the occasion was the sponsors' banquet for the tournament. I would like to salute and commend the following San Antonio businesses for contributing to a worthy venture in fostering better relations among the Americas. They are: Dellmar Southside, McDonald's Paper Specialties, Leopold Drug, Wright's Sporting Goods Co., Dellmar Northside, Door Unit Mfg. Corp., Blue Bonnet Hotel, Gwyn Pharmacy, San Antonio Drug Co., the Gunter Hotel, Blanco Pharmacies, Hemphill-McCombs Ford, Berns Department Stores, Bowlerland, Cartwright Printing and Litho, and the Bowling Pro Shop.

I would like to especially commend Mr. McDonald and other members of Good Neighbor Bowling in San Antonio such as Jean Haase have made plans for the bowling tournament in Mexico, which will be one more good way to further unify the Americas.

OTTO F. OTEPKA

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. BROMWELL] is recognized for 20 minutes.

Mr. BROMWELL. Mr. Speaker, those of us concerned with the status of the Congress of the United States as an instrument of representative government in an embattled world must continue and intensify our concern over the case of Otto F. Otepka.

It should be mentioned in passing that as the executive department of the Government has grown in size and power a new but incomplete axiom of political conduct has been suggested: The abuse of executive privilege grows proportionally to the size of the executive branch. Whether that growth has been arithmetic or geometric should be discovered quickly.

Be that as it may, Mr. Otto F. Otepka, as you know, is a former State Department security evaluator who has been removed from his position following what, from published accounts, was simply decent and wholesome cooperation with a committee of the other body, the Internal Security Subcommittee.

His transfer to a make-work job—and bear in mind that Otto F. Otepka in 1958 received the State Department's Distinguished Service Award for his outstanding work—would be serious enough and just cause for concern, but there has been considerable fallout from the series of events leading up to Mr. Otepka's transfer that justifies the full consideration of the House. According to published reports the situation is briefly this: While engaged as a State Department security evaluator, Mr. Otepka was responsible for producing important evidence implicating some high foreign service personnel in questionable actions that were considered helpful in putting Castro in power in Cuba. In addition to this Mr. Otepka stood in the way of a number of proposals to revise and relax security standards in the Department of State. Purportedly he furnished the Senate Internal Security Subcommittee some three personnel file documents in support of the statements which he had made to the committee. He also cooperated by suggesting some questions for committee counsel to ask of his superiors in order that the truth might be more fully developed.

There has been no claim made against Mr. Otepka that national security was violated in any respect. When he cooperated with Congress, however, his troubles started.

After this happened he was offered a transfer. He refused this because he had been in security work for more than 10 years, and liked the work. Last June he was ordered to move to another office—the make-work job—denied access to his files, denied the assistance of a secretary except for specific jobs, and this was done through the office of the Assistant Secretary of State, John F. Reilly.

Now who is Assistant Secretary Reilly? He is one who, with Elmer D. Hill, intercepted the telephone calls of Mr. Otepka by means of an unauthorized wiretap or listening device, with the knowledge of Mr. David Belisle. In July and August of last year, Assistant Secretary Reilly, Mr. Belisle, and Mr. Hill denied to the Internal Security Subcommittee under oath any knowledge that any wiretap or listening device had been attached to Mr. Otepka's telephone.

Later on Assistant Secretary Reilly and Mr. Hill admitted recording Mr. Otepka's calls and Mr. Belisle admitted knowledge of it. Thereafter, Assistant Secretary Reilly and Mr. Hill were asked to resign their positions. Mr. Belisle remains in his position.

Meanwhile what has become of Mr. Otepka since last June? He has remained in the State Department at work which denies him the full exercise of his skills.

However, spreading out of this change in assignment like a miserable fog have been a series of other circumstances which should be equally distressing to the House. Six men who continued to associate with him have been transferred and their clearance to handle security matters has been removed. He has been ostracized from State Department social life by an atmosphere that has made his old friends reluctant to have any but the most formal contact with him. He suspects, and with some reason, that his telephone has been tapped. At the State Department his old associates shun him—some have called him at home. When he was given the job of sorting old security files two persons were assigned to sit in his office and supervise him and he was forbidden to take notes on the work he was doing. When he insisted on taking notes the project was terminated and the files were removed from his office.

This I think all Members will agree, Mr. Speaker, is a strange circumstance for one to find himself in who is guilty of no wrongdoing, who has conveyed no inaccurate information.

Now what of the six men who were recently transferred from the Office of Security to posts as administrative officers in the Bureau of Inter-American Affairs, ostensibly because of their association with Mr. Otepka? Three of them, Mr. Harry M. Hite, Mr. John R. Norpel, Jr., and Mr. Edwin A. Burkhardt, have filed petitions with the Civil Service Commission charging that they have been removed from their assignments because they supported Mr. Otepka. All three of these men contend that the transfers constituted a reduction in rank within the meaning of the Civil Service Act. Mr. Hite is a lawyer who has been in Government service for more than 10 years. Mr. Norpel is a former agent of the Federal Bureau of Investigation with 17 years of experience in Government. Mr. Burkhardt is an experienced civil servant. All three of these men claim that they have direct knowledge of a plot to frame Mr. Otepka and then to have him fired.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BROMWELL. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I commend my colleague from Iowa for bringing this incredible situation, with respect to Mr. Otto Otepka, to the attention of the House. As the gentleman from Iowa well knows, I have been interested in this matter for some time. I am delighted that he is today having something more to say about it and again calling it to the attention of the House.

It would be my hope that unless some agency of Government takes action to protect these gentleman, that the House Committee on Post Office and Civil Service, of which I am a member, would forget about pay increase legislation for a few hours or a few days and take some interest in what is being done by way of abrogating the protection of individuals through the civil service laws.

Again it is incredible that these six men, these six evaluators—and as I understand it, all of them have excellent records and all have had excellent records in the past and have today—have been transferred out of their jobs and sent into other fields of endeavor for which they may or may not be qualified. We talk today about increasing pay for the purpose of obtaining honest and efficient personnel in Government. Then we take six experienced evaluators and practically ride them out of their jobs because they are trying to do honest and efficient work in Government.

Again I commend the gentleman from Iowa, and I ask permission at this point, Mr. Speaker, to insert in the RECORD as a part of my remarks the letters from Mr. Harry M. Hite and Mr. John R. Norpel, Jr., to Mr. Stephen L. Elliott, chief of the Appeals Examining Office of the U.S. Civil Service Commission.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The letters referred to are as follows:

VIENNA, VA.,
April 6, 1964.

Mr. STEPHEN L. ELLIOTT,
Chief, Appeals Examining Office, U.S. Civil Service Commission, Washington, D.C.

DEAR SIR: Pursuant to section 752, civil service rules and regulations, I hereby appeal my reassignment by the Department of State from the position of personnel security specialist, GS–0080–13, Division of Evaluations, Special Review Branch, Office of Security, Deputy Under Secretary of Administration, to administrative officer, GS–0301–13, Bureau of Inter-American Affairs, Office of Assistant Secretary.

On information and belief, this action constitutes a reduction in rank within the meaning of the Veterans' Preference Act of 1944, as amended. This action was effective on March 15, 1964. There has been issued to me form DS–1032, signed by Earl D. Sohm on March 18, 1964, which I received on March 23, 1964. As a consequence, I have been assigned to duties which resulted in a lowering of my relative standing in the Department's organizational structure.

Before describing specific grounds for my appeal, a general statement concerning my personal history is in order.

In August 1954, after several years of employment with the U.S. Civil Service Commission and the Internal Revenue Service, I was hired as a security officer by the Department of State. During this same period, I was attending law school and I received my law degree in 1955. I left the Department in 1957 to join the Office of Civil Defense where I continued as a security officer. In August 1960 I returned to the Department of State as a personnel security specialist and was employed in that capacity until the Department's action on March 15, 1964.

My efficiency ratings during my Government service have always been satisfactory or better. For example, for the period 1954–55, representing my first period of employment with the Department of State, my supervisor wrote: "During almost all of the rating period Mr. Hite has been detailed to the security review section where his duties have involved writing summaries and analyses in difficult and involved cases of employees and applicants which, because of serious derogatory information contained therein, require adjudication under section 4 or 5 of E.O. 10450. Mr. Hite has performed his duties in this connection in a highly satisfactory manner. He has shown a very good ability to read and assimilate a complicated set of facts and to extract and effectively writeup the pertinent and neccessary parts. He has exhibited an ability to analyze involved cases and mature judgment in his analyses and recommendations."

In 1957, another supervisor wrote, "His knowledge and understanding of security criteria of the Department and his ability to apply these criteria in preparation of analytical summaries and in making final security determinations are unsurpassed among those of like assignment. Mr. Hite has consistently demonstrated superior judgment, excellent writing ability and a keen awareness of current development in matters pertaining to the security field."

In recommending my promotion in 1959, the Director of the Office of Security and Inspection, Office of Civil Defense, wrote, "As a security officer he has evaluated and made final recommendations in involved and delicate security cases covering all aspects of the applicable laws and Executive orders. His work has never needed revision. He has handled cases of alleged fraud against the Government involving hundreds of thousands of dollars and other matters, including alleged unethical employment practices. His reports are always so well written that they are ready for presentation to the Director, OCDM, without revision."

In February 1961, Mr. Otto F. Otepka, then Deputy Director, Office of Security, Department of State, in commenting on my work for him, stated, "I can only comment in terms of highest praise for Mr. Hite's ability as an evaluator. He has a great depth of perception and expresses himself clearly and succinctly in writing. I am particularly impressed also with his knowledge of ideological movements so that he can and does relate that information which is material to the case in its proper perspective."

Mr. Raymond Loughton, Chief, Special Review Branch, Division of Evaluations, wrote in October 1962: "Mr. Hite is a superior analyst. His work is always a precise and finished product. His prior experience in the Department and background in related cases plus his ability has prompted the assignment to him of many high complexity cases. He has evaluated all types of cases in SY. He understands thoroughly the regulations, policies and procedures related to the work, and completes his assignments on his own initiative. His methodical approach and objectivity, along with his experience, has given him valuable confidence and reserve—Mr. Hite is a dedicated security officer, very loyal and deeply interested in the security field. He is ideally suited to this difficult assignment and deserves special recognition for consistently turning out superior evaluations."

In writing my efficiency report in October 1963, Mr. Loughton said, "For most of the rating period he has been assigned the review of three highly complex employee cases, and intermittently, the evaluation of a number of complex, high priority Presidential appointment cases, all of which he has handled in superior fashion, with a minimum of supervision. Mr. Hite is a professional evaluator. He is deeply interested in his work and understands thoroughly the many facets of it. He studies avidly, not only developments in the security field, but in all the related fields: National policy, congressional, judiciary, and foreign relations. Associates seek his advice and his opinions are respected. Both he and the Department would benefit by his advancement."

Events which have occurred in the Department of State in the past several years cause me to base my appeal from the Department's reassignment on the following grounds:

1. I am one of the original members of a staff organized in May 1961 as a result of a directive approved by Mr. Roger Jones, then Deputy Under Secretary of State for Administration. The mission of this staff was to reexamine the security files of all employees of the Department to assure that no employee of the Department on whom there was seriously questionable information was then, or would be in the future, assigned to a policy-making or policy-influencing position relating to the national security. This group, consisting of six officers, was placed under the immediate supervision of Otto F. Otepka, then Deputy Director of the Office of Security. This operation was suspended in January 1962 and has not been resumed. The suspension of activities coincided with a reduction in force action which displaced Mr. Otepka to the position of Chief of the Division of Evaluations.

2. Following the appointment of John F. Reilly as Deputy Assistant Secretary for Security in about April 1962, the following events occurred:

(a) Mr. Otepka was placed under surveillance by Mr. Reilly and subsequently at the instigation of Reilly was detailed from his position as Chief of the Evaluations Division without adequate explanation to him and assigned to nonsupervisory duties, deprived of the services of a secretary, denied access to all pertinent correspondence and other documents relating to personnel security, precluded from entering the Division of Evaluations where I have been employed, and forbidden to discuss personnel security cases with me.

(b) Simultaneously with the detail of Mr. Otepka, John R. Norpel and Billy N. Hughes, both original members of the special group formed in May 1961, were reassigned from their positions as evaluators to duties of a routine investigatory nature. Subsequently, Mr. Hughes was compelled to accept a position as an investigator at Memphis, Tenn., without regard to his capabilities to perform the higher skilled functions as an evaluator.

(c) Mr. Otepka was charged on September 23, 1963, with "conduct unbecoming an officer" in that he allegedly furnished classified information to the U.S. Senate. He was also charged with certain other violations of departmental regulations.

3. A total of six persons, including myself, was reassigned to the Bureau of Inter-American Affairs effective March 15, 1964. Four of these, including myself, were members of the special group formed in May 1961. All four persons had been selected by Mr. Otepka. All have expressed their strong convictions concerning Mr. Otepka's innocence of the wrongdoings with which he has been charged. The two other persons reassigned, though not members of the 1961 group, have stanchly supported Mr. Otepka in his present difficulties.

4. I have been informed that Mr. Raymond Laugel, who held the interim appointment of Deputy Assistant Secretary for Security, and Mr. David I. Belisle, who was brought into the Department by John F. Reilly to supervise personnel security operations as the intended replacement for Mr. Otepka, personally selected the six individuals for reassignment to the Bureau of Inter-American Affairs. Mr. Laugel is a Foreign Service officer, who is unfamiliar with the civil service merit system, and who prefers the Foreign Service system over the civil service. Mr. Belisle's Government career has been almost entirely in the excepted service. I also have been informed that two additional members of the Division of Evaluations were also considered for reassignment by Mr. Laugel. Neither is a member of the Foreign Service. Neither is a known supporter of Mr. Otepka. According to my information and belief, Mr. Belisle vetoed their reassignment out of the Office of Security. The reassignment of the six persons, therefore, was confined only to members of the civil service who were supporters of Mr. Otepka.

Moreover, three members of the Evaluations Division were initially made intimately familiar with the nature of the work to which I have now been assigned in the Bureau of Inter-American Affairs. These persons are Frederick W. Traband, Joseph C. Sabin, and Norman R. Doe. This work commenced in about April 1963 within the Division of Evaluations and the cases involved were assigned to the foregoing persons. These persons were fully informed concerning the implementation of this program. None is a known supporter of Mr. Otepka. No explanation was given me why these persons were not included in the reassignment to the Bureau of Inter-American Affairs.

Furthermore, the work to which I have been reassigned was rejected by the Office of Security in 1962 on grounds that it was political in nature and not related to personnel security. Additionally, in January 1964, high level officials of the Department expressed doubts that the Office of Security was adequately staffed to carry out the project for the Bureau of Inter-American Affairs.

5. I intend to appear as a friendly witness for Mr. Otepka at his forthcoming hearing in the Department, if such a hearing is held. Messrs. Raymond Loughton, John R. Norpel, and Billy N. Hughes, all of whom have also now been reassigned from the Division of Evaluations, also intend to appear as friendly witnesses for Mr. Otepka. These witnesses shall endeavor to assist Mr. Otepka in establishing not only that the charges against him are without basis, but that the charge regarding his alleged clipping of documents is spurious and that the evidence was fabricated solely to harm Mr. Otepka. I am aware that Mr. Otepka intends to show that certain individuals who were qualified to perform the work involved in my present assignment, but who in fact were not reassigned, participated in the fabrication of the evidence used against him.

6. During the appraisal of the Department's personnel security program by Civil Service Commission Security Appraisal Officers from approximately March to July 1963, I cooperated fully with those officers. I identified and described shortcomings and deficiencies in the program. I understand that Messrs. Reilly and Belisle did not approve of my comments. In fact, I know that Mr. Reilly withheld derogatory information from personnel security files and refused to furnish the nature of this information to the Civil Service Appraisal Officers.

7. I appeared as a witness with the Department's permission before a closed session of the U.S. Senate Internal Security Subcommittee. I responded to the committee's questions truthfully and honestly. I identified and described to the committee specific instances of shortcomings and deficiencies in the Department's personnel security program. My statements were in opposition to changes instituted by Messrs. Reilly and Belisle, which according to my professional experience I felt were not in keeping with the intent of Executive Order 10450 and laws passed by Congress prescribing an effective security program. In fact, my testimony supported that of Mr. Otepka on prior occasions. I am aware that Mr. Reilly gave testimony inconsistent with that of Mr. Otepka and that when Mr. Otepka substantiated the validity of his own testimony he was subjected to reprisals and unwarranted criticism by Mr. Reilly. Additionally, in response to committee questions, I testified concerning certain substantive and procedural questions in the case of William Arthur Wieland, which I had coevaluated with Mr. Otepka. It is my assumption that my testimony contradicted that of Mr. Reilly on the same case. In accordance with the usual practice, a transcript was made available to the Department.

8. Prior to the public disclosure that Mr. Reilly had recanted his testimony that he did not have Mr. Otepka's telephone tapped, I had knowledge that Mr. Reilly had instituted telephone surveillance measures against Mr. Otepka and I discussed this knowledge with my associates in the Office of Security. I am certain that my comments about Mr. Reilly's improprieties were made known to him and to Mr. Belisle.

9. In the course of investigations conducted by the Federal Bureau of Investigation relative to the Otepka case, I was interrogated by special agents of the FBI. I believe this was at the instigation of Mr. Reilly who apparently suspected that I had cooperated with Mr. Otepka in presenting his defense before the Internal Security Subcommittee. In the course of these FBI interrogations, I criticized Mr. Reilly's tactics and also informed the FBI of my views concerning the handling of certain personnel security cases by the Department, and about deficiencies in security procedures. I stanchly defended Mr. Otepka to the FBI. I am certain that my statements to the FBI were made available to Mr. Reilly and to Mr. Belisle.

10. Prior to my present reassignment I was questioned at considerable length by Ambassador Wilson Flake and George W. French. These two officers were appointed recently to investigate wiretapping practices of the Department and other aspects of the Department's security program. I asserted that certain changes in security practices instituted by Messrs. Reilly and Belisle were detrimental to the best interests of security. I also defended Mr. Otepka. Since my reassignment I have been questioned on two occasions by Mr. French, first alone, and then in the presence of William J. Crockett, Deputy Under Secretary for Administration, and Mr. Bernard Rosen, director of personnel, relative to my criticism of security practices followed by David I. Belisle.

11. In my letter to the Commission of March 27, 1964, I discussed the circumstances of my reassignment. In particular I discussed by interview with Mr. John W. Drew of the Department's Personnel Office, on March 11, 1964, at which time Mr. Powhatan Baber, Deputy Executive Director, Bureau of Inter-American Affairs, was also present. I related that Mr. Drew had told me that the decision to reassign me had been made on a high level in the Department; further, Mr. Drew said he would reassign me regardless of my wishes in the matter. He further admonished me to discuss the nature of the work I was to be assigned with no one, owing to its "politically sensitive nature." Mr. Drew also said at that time that I would remain in the 0080 classification series, though the DS–1032 he later provided me placed me in the 0301 classification series. Upon my reassignment, I was required to relinquish my security officer credentials. These credentials were returned to me as a "souvenir" with a cancellation stamp on their face. Since reporting to my new assignment on March 16, 1964, I have received no definite work assignment and no position description has been provided. Mr. Raymond Loughton, my present supervisor, has admitted to me that the only functions he now has to assign to me are clerical in nature.

12. Since my reassignment I have been made aware of comments of some former associates in the Office of Security that I was reassigned because I "carried the torch" too far and too long for Mr. Otepka. Others have been heard to comment that I was transferred because I was critical of personnel security practices in the Department.

I have been made aware of the information that Mr. G. Marvin Gentile, recently appointed as Deputy Assistant Secretary for Security, although he had no part in the transfer of the six men, and despite his need for professional evaluators on complex security cases, would not ask for the return of the six men because he wished to start with an organization free of controversial persons. I am further informed that persons unskilled in personnel security evaluations have temporarily filled the positions vacated in the Office of Security by the reassignment of the six men, and that Mr. Gentile intends permanently to fill these positions from among the ranks of investigators, many of whom have had no pertinent evaluations experience.

In summary, I respectfully submit that the action taken against me was not for such cause as would promote the efficiency of the service. In effect, it removed me without adequate notice or explanation from my chosen career as a personnel security officer, to another position classified in an entirely unrelated and unspecialized field. This action originated with Mr. John F. Reilly and Mr. David I. Belisle and is in reprisal for my honest dissent and because of my close association with, and defense of, Mr. Otto F. Otepka. It is evident that Messrs. Reilly and Belisle are unworthy of belief because a congressional committee established the falsity of their statements under oath before that committee on matters relating to personnel security administration.

Mr. Reilly was required to resign because he lost the confidence of his superiors. Due to the continued presence of Mr. Belisle in a ranking position in the Office of Security, it is my belief that he has influenced my reassignment from the Department's personnel security program.

The action removing me from the personnel security program contrary to my own desires and motivations has subjected me to scorn and ridicule among my Governmentwide acquaintances in the personnel security field, thereby tending to degrade and humiliate me. Moreover, it has caused embarrassment and anguish on the part of members of my family.

The publicized shocking indiscretions of Messrs. Reilly and Belisle have rendered a disservice to the integrity of the Government security program. My associates in the security community are now even more alarmed to learn that I have been victimized by the "guilt by association" concept that the Department openly has professed to oppose. Furthermore, this action contravenes the principles of the Federal civil service merit system. It has resulted in the lowering of morale of dedicated civil servants who subscribe to the "Code of Ethics for Government Service," expressed in the House concurrent resolution of July 1958, later promulgated by the U.S. Civil Service Commission in Department of State Circular 982 on December 2, 1958.

It is requested that the Civil Service Commission take the necessary steps to fully investigate this matter and direct that I be restored to my position as personal security specialist, GS-0080-13, Office of Security.

Very respectfully,

HARRY M. HITE.

ALEXANDRIA, VA.,
April 6, 1964.

APPEALS EXAMINING OFFICE,
U.S. Civil Service Commission,
Washington, D.C.
(Attention: Mr. Stephen L. Elliott.)

DEAR SIR: In furtherance of my letter dated March 27, 1964, and your acknowledgement dated March 31, 1964, I hereby appeal from my reassignment by the Department of State to the position of administrative officer, GS-0301-13, Bureau of Inter-American Affairs, Office of Assistant Secretary. I was reassigned from the position of personnel security specialist, GS-0080-13, Division of Evaluations, Special Review Branch, Office of Security, Deputy Under Secretary for Administration. This appeal is submitted in accordance with section 752, subchapter B, Federal Personnel Manual.

Form BS-1032 (notification of personnel action) was personally delivered to me by John W. Drew of the Office of Personnel. The effective date of the reassignment was shown to be March 15, 1964, and it was authenticated by Earl L. Sohm on March 18, 1964. The effect of this action was assignment to a position and duties which resulted in a lowering of my relative standing in the organizational structure of the Department of State.

On information and belief, this reassignment resulted in a reduction in rank precluded by the intent and meaning of the Veterans' Preference Act of 1944, as amended. A summary concerning my background is in order prior to setting forth the specific bases for this appeal.

I have a total of almost 17 years employment with the Federal Government in the personnel, security, and related management fields. In June 1949, I received a bachelor of arts degree from LaSalle College in Philadelphia, Pa., and entered the School of Law of Temple University, Philadelphia, the same year. From 1947 to 1950 I was also employed as instructor by the Philadelphia Board of Education. In April 1951, I accepted the position of special agent in the Federal Bureau of Investigation.

Over 90 percent of my service in the Federal Bureau of Investigation related to the investigation, supervision, and administration of laws enacted for the preservation of our national security. In nine occasions between August 30, 1954, and November 19, 1958, J. Edgar Hoover, Director of the Federal Bureau of Investigation, personally commended my efforts in conducting and directing investigations involving the protection of the United States from the enemies within and without. On March 17, 1958, he presented me with a $150 award for supervision which attained successful results in three extremely delicate undertakings of considerable importance in the security field. In September 1959, I was rated outstanding for services as a No. 1 man during an internal inspection of one area of the FBI's organization.

In July 1961, I entered on duty with the Department of State and until March 15, 1964, was continuously officially assigned as an evaluator of personnel security cases. In addition I participated in management studies for the Office of Security and recommended certain internal realinement of functions, personnel, and space which resulted in greater efficiency of operation. Performance ratings attest to the satisfactory completion of my duties. As will be seen, commencing on June 27, 1963, I was detailed to lesser duties and became subordinate to a lower grade employee.

By an official personnel action effective December 24, 1963, this detail was extended with the approval of the Civil Service Commission. I was designated to the position of supervisory investigator general, GS-1810-13 in the Washington field office, Office of Security. No such available position existed and I was not permitted to fulfill its duties. Two supervisory positions in the Washington field office were already encumbered. The possibility also exists that the official personnel action was altered after approval of the detail by the Civil Service Commission.

BASIS FOR APPEAL

In May 1961, Roger Jones, then Deputy Under Secretary of State for Administration, recognized the need for a highly trained, competent staff to fulfill a mission in the personnel security field. He approved the establishment of positions for such a group. In about June 1961, Otto F. Otepka, then Deputy Director for the Office of Security, sought my services and I became one of the original members of the group charged with fulfillment of the challenging mission approved by Mr. Jones. Under Mr. Otepka's direction, the security files of all employees of the Department of State were to be reexamined to make certain that no employee having seriously questionable allegations against him was then or would be assigned to a policymaking or influential role relating to the national security. The select group consisted of six officers including Mr. Otepka. The others were: Raymond A. Loughton; Harry M. Hite; Frank V. Gardner; Billy N. Hughes; and myself. The functioning of the group was suspended in January 1962, and has not been resumed.

In April 1962, John F. Reilly was appointed Deputy Assistant Secretary of State for Security. During Reilly's tenure, he was responsible for a series of events which affected myself and the others adversely because of our working association with Mr. Otepka. These events were highlighted by the following incidents, among others:

Mr. Reilly placed Mr. Otepka under surveillance and employed surreptitious investigative techniques against him. Subsequently Mr. Otepka, having become Chief of the Division of Evaluations because of the abolishment of his job as Deputy Director and a subsequent reduction in force, was detailed from his former position without any explanation.

Mr. Otepka was placed in a nonsupervisory position fabricated for him; denied the services of a secretary; refused necessary material, information, and files relating to personnel security; denied the right to enter into the area occupied by the Division of Evaluations; and ordered to refrain from discussing personnel security matters with employees formerly under his direction.

Concurrently with Mr. Otepka's detail, Billy N. Hughes and myself were detailed also without explanation from our positions as evaluators to the lesser duties of routine investigators. Thereafter Mr. Hughes was coerced into accepting a position as an investigator at Memphis, Tenn. This position was created for Mr. Hughes to induce his acceptance of it to circumvent his ability to perform the more demanding duties of an evaluator.

On January 23, 1964, I testified in the presence of a State Department observer in executive session before the Subcommittee on Internal Security, U.S. Senate Judiciary Committee. On that same date Mr. Thomas Ehrlich, a member of the Department's Legal Adviser's Office, contacted me in reference to my testimony. He stated that if Mr. Reilly or Mr. David I. Belisle, a former special assistant to Mr. Reilly, had again done something wrong with respect to my assignment in a lower position it should be corrected.

On January 29, 1964, I received an informal memorandum over the name of Raymond W. Laugel, then Acting Deputy Assistant Secretary for Security. This informed me of a "temporary special assignment" and instructed I return to the original position from which I was detailed on June 27, 1963. It was not until March 1964, I received an official personnel action terminating my original detail.

In September 1963, the Department of State served formal charges on Mr. Otepka. These charges alleged he engaged in conduct unbecoming an officer by furnishing classified information to the Senate of the United States. Allegations of violations of regulations of the Department were also included.

On March 15, 1963, six persons were reassigned to the Bureau of Inter-American Affairs. Four of these, including myself, were original members of the group formed in May 1961 and personally selected by Mr. Otepka. The others are Raymond A. Loughton, Harry M. Hite, Frank V. Gardner, Howard J. Shea, formerly a supervisor in the Division of Investigations, and Edwin A. Burkhardt, an evaluator from the Division of Evaluations. All six have been, and continue to be, stanch in their defense of Mr. Otepka and have openly stated their strong beliefs in Mr. Otepka's innocence.

Frederick W. Traband, Joseph C. Sabin, and Norman R. Doe have remained in the Division of Evaluations. The project to which I have now been assigned in the Bureau of Inter-American Affairs was originally accepted by the Office of Security in about April 1963. These three men became most familiar with its purpose and were fully informed concerning its procedures. These men who remained in the Division of Evaluations are not known as supporters of Mr. Otepka. I have been given no information which would permit me to understand why personnel most familiar with the program were not considered and included in the reassignment of it and personnel to the Bureau of Inter-American Affairs.

Mr. Belisle was brought into the Department by Mr. Reilly to direct personnel security operations in place of Mr. Otepka. It has been brought to my attention that Raymond Laugel and Mr. Belisle personally selected the five others and myself for this reassignment which I am appealing. Mr. Laugel is a Foreign Service officer and prefers this system over the civil service merit system, with which he has had no personal experience. Mr. Belisle's Government experience has by far and large been in the excepted service.

Two other members of the Division of Evaluations, both members of the civil service system, were also considered by Mr. Laugel for reassignment to the Bureau of Inter-American Affairs. These two are not known as supporters of Mr. Otepka. It is my knowledge and belief that Mr. Belisle disagreed with the reassignment of these two persons suggested by Mr. Laugel. Consequently this reassignment included only employees under the civil service system who were supporters of Mr. Otepka.

I have been informed that in about October 1963, Mr. Belisle commented there was no place in the organization of the Office of Security for Mr. Loughton and that Mr. Hughes and Mr. Norpel would never return to the Division of Evaluations.

In about July 1963, the civil service commission's security appraisal team completed a review of the Department of State's personnel security program. In my discussions with the appraising officers I was completely truthful and candid. It is my understanding that my comments gained the disapproval of Mr. Reilly and Mr. Belisle since I was aware of deficiencies in their management of the personnel security program. I know Mr. Reilly and Mr. Belisle withheld from the appraising officers derogatory information in personnel security files.

I was questioned by Mr. Reilly concerning official assistance given to Mr. Otepka in order that he might disapprove certain statements made by Mr. Reilly under oath before the Senate Internal Security Subcommittee. Mr. Reilly attempted to discredit Mr. Otepka to me by making false and malicious statements concerning Mr. Otepka's ability and character. I subsequently testified favorably for Mr. Otepka before the Senate Internal Security Subcommittee and I disputed Mr. Reilly's evaluation of Mr. Otepka.

In November 1963, there was a public disclosure that Mr. Reilly had formally repudiated his earlier sworn testimony concerning the tapping of Mr. Otepka's telephone. Prior to that I had knowledge such a measure was taken against Mr. Otepka. I discussed this with my associates. I was critical of such tactics employed by Mr. Reilly. I believe my comments regarding such unethical practice were made known to Mr. Reilly and to Mr. Belisle.

The Federal Bureau of Investigation conducted an official investigation concerning Mr. Otepka. On July 30, 1963, I was interrogated by two special agents of the FBI. Based on their statements and line of questioning, I believe my interview was conducted at the provocation of Mr. Reilly who was of the opinion I assisted in the presentations of Mr. Otepka's defense before the Senate Internal Security Subcommittee. During my interrogation, I freely voiced by opposition to Mr. Reilly's tactics, his handling of some security cases, and volunteered deficiencies in security procedures. I assured the FBI of my complete confidence in Mr. Otepka's innocence and his determination to achieve a sound and realistic personnel security program. Since Mr. Reilly was instrumental in obtaining the FBI's investigative services, I am sure my statements were made available to him and Mr. Belisle.

On January 13, 1964, at my prior request, I received an appointment with John W. Drew, of the Office of Personnel, who was then in charge of Washington assignments. My discussion with Mr. Drew centered on my potential for advancement along administrative and managerial lines in the Department of State. Mr. Drew, in substance, informed me that the scope of my experience was too narrow to provide much of an opportunity for advancement to more responsible positions. He suggested, if this were my goal, I seek employment in a noncompetitive agency where the standards and qualifications of the managerial level were not as high as those in the Department of State.

On March 11, 1964, Mr. Drew summoned me to a meeting. Also present was Powhatan Baber, a Foreign Service Officer, and Deputy Director, Office of the Executive Director, of the area to which I was reassigned 4 days later. Mr. Drew in his comments outlined an important position for which I had been selected and implied that greater responsibilities and duties would be connected therewith. He stated I was being considered for this assignment only because of my exceptional qualifications for it. Mr. Drew assured me that I would remain in the 080 (personnel security specialist) series and a position description, yet to be devised and written, would be almost identical to the one under which I was serving in the Office of Security.

In response to specific statements I made, Mr. Drew did not explain the disparity between his present comments and those made on January 13, 1964. The alleged importance of the assignment was emphasized by Mr. Drew when he stated there was no other choice for me but to accept it.

On March 16, 1964, Mr. Drew personally delivered completed personnel actions to myself and the five other men reassigned from the Office of Security. At this time, the change in classification series was pointed out to him in the face of his earlier comments. Mr. Drew stated that regardless of this official classification designation we six individuals would remain in the 080 series for the purposes of reduction in force procedures. He was requested and declined to put this latter statement in writing. It was at this time Mr. Drew also stated one of his functions was to handle disciplinary cases involving employees of the Department of State.

Since March 16, 1964, I have received no position description; my duties and their objective in the framework of national security have not been clearly defined; and my Supervisor, Raymond A. Loughton, has agreed the duties, which have been explained to him for performance by me to date, are comparable to ones which could be assigned clerical researchers.

On March 16, 1964, I was required to relinquish my commission card which established my bona fide as a security officer in the Department of State. It was delivered to Mason A. LaSelle, the Office of Security's Executive Officer. This surrender was made in the presence of Mr. Drew, Mr. Baber, and the five other men reassigned with me. On April 2, 1964, my commission card was returned to me with the word "cancelled" across its face.

If and when Mr. Otepka is finally afforded a hearing of the charges made against him by the Department of State, I intend to appear as a friendly witness for him. Harry M. Hite, Raymond A. Loughton and Billy Hughes, all former subordinates of Mr. Otepka in the Office of Security, also intend to appear on Mr. Otepka's behalf. These witnesses will appear in an effort to establish that the charges against Mr. Otepka are without basis and specifically the allegation that he clipped an official document is based on falsely contrived evidence created solely to harm Mr. Otepka. I know Mr. Otepka intends to show that certain qualified individuals, not selected to perform the work reassigned to me in my present assignment, conspired to manufacture evidence for use against him.

Since March 16, 1964, when I was reassigned I have been informed that associates remaining in the Office of Security have commented my reassignment was due to the fact I "carried the torch" too far and too long for Mr. Otepka. Mr. Drew and Mr. Baber assured me that G. Mervin Gentile, the recently appointed Deputy Assistant Secretary of State for Security, had no part in the transfer of five men and myself from his organization to another area. The proposed action was not discussed with him but had been approved by the former directing officials of the Office of Security whom I identified as Messrs. Belisle and Laugel.

I have also been made aware that in spite of Mr. Gentile's stated need for qualified personnel security evaluators on complex cases, he would not request the return of the six men transferred to another area because he wished to effect a reorganization free from controversial persons. In December, 1963, Billy N. Hughes and I, two qualified evaluators, were on detail to lower level positions in the Washington field office. The Office of Security assigned investigators from field offices outside Washington, D.C., to assist in the reduction of a backlog in the Division of Evaluations which had reached unbelievable proportions since Mr. Otepka's removal. Currently, I am informed that persons unskilled in personnel security evaluations have temporarily filled the positions I and the five other men were forced to leave and that Mr. Gentile intends to permanently encumber these positions from the ranks of investigators, many of whom have not had the pertinent education, training, or experience necessary for such duties.

SUMMARY

I respectfully submit that my reassignment does not promote the efficiency of the service. This action had its foundation based on reprisal for my close association with and outspoken defense of Otto F. Otepka. It is evident it was culminated through actions of John F. Reilly and David I. Belisle. Without explanation or adequate notice I was removed in a preemptive fashion from my chosen career as a personnel security specialist and placed in an entirely unrelated position and a field not requiring specialization.

I, with other men in my chosen field, believe in the absolute need for an effective security program in the U.S. Government. The embarrassment caused by my removal is shared by these other sincere dedicated men in the security community. The "guilt by association" concept which the Department of State professes to openly oppose is the only basis for my degradation. My removal from the Government security program without cause has subjected me to scorn and ridicule and has caused embarrassment and anguish to my family.

Even though Mr. Reilly resigned because he lost the confidence of his superiors, Mr. Belisle continues in a position whereby he greatly affects the operations of the Office of Security. It is my belief that it was through his persuasion my reassignment occurred. The disclosed testimony of Mr. Belisle and Mr. Reilly to date has shocked the public and rendered a disservice to the entire security-intelligence community whose integrity suffered by the calculated actions of these two men. Mr. Reilly's and Mr. Belisle's testimony before the Senate Internal Security Subcommittee under oath establishes their unworthiness in matters concerning the administration of personnel security.

I also believe my reassignment is diametrically opposed to the basic defined concepts of the civil service merit system. The morale and dedication of loyal civil service employees, who by their actions evidence the

> high standards in which they believe, are weakened by their observation of my recent experience. If a "Code of Ethics" is to survive, it must be subscribed to by all civil service employees without fear of retaliation for telling the truth or recrimination for fulfilling a duty.
>
> It is requested the Civil Service Commission fully investigate this matter and direct that I be restored to my former rightful position as a personnel security specialist, GS-0080-13 in the Office of Security.
>
> Respectfully yours,
>
> JOHN R. NORPEL, Jr.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. BROMWELL. I thank the gentleman from Iowa for his contribution.

Now, Mr. Speaker, our concern over this matter should be intense and it should be deep. Our interest in the protection of a good and faithful civil servant should be no less than the interest to be exercised by the other body; our interest in elimination of unworthy civil servants should likewise be no less.

Otto F. Otepka, I repeat, did not by anyone's claim give inaccurate testimony. The documents he produced for the committee were accurate and authentic. He did not breach the national security. What then has been his offense? Technically, "insubordination." I suggest, Mr. Speaker, that the question here splits in two parts. If Mr. Otepka was in fact insubordinate by the rules of the State Department, prompt, effective and supportable action should be taken by the Department. The second question, and the first in the national interest is whether the definition of insubordination currently followed by the Department of State is one which would be supported by this body, by Congress as a whole, by the people of the United States and whether it serves the Nation. Many on the floor of this House, I believe throughout the history of this House, including myself, have spoken out against the overzealous use of executive authority. Overzealous use of executive authority is usually, Mr. Speaker, I submit, defined by one word—persecution. And, if, Mr. Speaker, cooperation with a duly constituted committee of this Congress in either body constitutes insubordination this is a matter in which this House must be keenly interested. By what token could this possibly be true? By what token do appointed officials including the Secretary of State and the Deputy Under Secretary of State Crockett, who brought about Mr. Otepka's transfer assume authority for calling insubordinate the release of accurate information not prejudicial to the national interest to duly authorized elected officials of the U.S. Government?

It seems to me, Mr. Speaker, that we are on the threshold—perhaps we have crossed the threshold—of a most critical area of intensely important national policy. If we are going to preserve our freedoms in the United States we had better be getting about it. If the elected officials of this Government are to be subordinate to the appointed officials in the manner in which this tyrannical chain of circumstances suggests, then the people of the United States, the Congress, the Constitution, and the courts must plainly declare it. If not, then the elected officials of this Government and in particular this Congress have the responsibility of exerting their rights to obtain the facts from the executive branch of the Federal Government whenever those facts suit the national interest, and to protect those who, in good faith, are able to provide them.

And I think, Mr. Speaker, we may serve the national interest as much with respect to Mr. Otepka in particular as we can in general by probing the policies which brought him to his present unpleasant plight. The published facts on Mr. Otepka's present condition indicate that he has been subjected to the type of opprobrious punishment which can only be directly and intentionally inflicted by persons desiring to bring him harm. What of David Belisle? What differentiates the case of Mr. Belisle from the case of Assistant Secretary Reilly and Mr. Elmer D. Hill? If Mr. Belisle knew, as he has admitted, of the recording of Mr. Otepka's telephone calls, what distinguishes his case from the case of Assistant Secretary Reilly and Mr. Hill who also admitted the actual recording of those calls? The latter two have resigned by request. Mr. Belisle has not nor has he been requested to do so. What of the six officials who have been transferred? If Mr. Otepka has done nothing wrong and if Assistant Secretary Reilly and Mr. Hill and Mr. Belisle have in falsifying information to the Senate Internal Security Subcommittee, why have Mr. Otepka's associates been transferred? Why the continued surveillance? Why the ostracism? Why the indignity of witnessing his work? Why the indignity of not permitting him to take notes upon the work he is doing?

Mr. Speaker, the U.S. Department of State represents the United States to the rest of the world. It has been only a few weeks since this chamber rang to honest pleas for civil rights for our citizens. We are a Nation which has with complete justification proudly presented ourselves to the world as concerned with human dignity, with common decency, with a prompt recognition and enforcement of rights. It is doubly tragic in these circumstances that the case of the unfortunate Mr. Otepka should arise in our own Department of State. And it is tragic in triple measure, Mr. Speaker, that the matter lingers on without full explanation and the full satisfaction of the Congress of the United States and the American people. We should demand that explanation and that satisfaction.

THE CLIFFORD DAVIS BRIDGE

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Oklahoma [Mr. EDMONDSON] is recognized for 5 minutes.

Mr. EDMONDSON. Mr. Speaker, acting upon the suggestion made by the Memphis Press-Scimitar, a widely circulated and influential newspaper published in Memphis, Tenn., that a name be suggested for the new bridge to be constructed across the Mississippi River in the vicinity of that city as a necessary link in the big interstate highway system, I am glad to inform the House that 16 Democratic members of the House Committee on Public Works are joining with me today in introducing individual bills authorizing this bridge to be named the Clifford Davis Bridge.

CLIFFORD DAVIS served at the right side of our distinguished colleague GEORGE FALLON from Maryland, in sponsoring the original interstate highway bill which was passed in 1956 authorizing 41,000 miles of defense highways connecting all of the capitals of this country and serving the Nation as the biggest and most useful alltime road building program in the history of the country. The Interstate Highway System designed to be completed in 1972 will cost upward of $41 billion. CLIFFORD DAVIS served with GEORGE FALLON during the long days of hearings and finally on June 26, 1956, the bill passed the Congress. As a conferee he served with our able chairman, Charles A. Buckley, and with our other distinguished colleagues, George Fallon, John Blatnik, George A. Dondero, the late Harry McGreghor, and James Auchincloss.

In his 24 years of service in the House of Representatives, CLIFFORD DAVIS has been an effective legislator. As chairman of the Flood Control Committee of Public Works he has presided for years over long hearings before the committee. He has acted uniformly with fairness and with impartiality, and has received the commendation of public officials and private citizens who have appeared from all parts of the United States. It is not always easy to resolve controversial flood control projects. Often times there is a conflict between public hydroelectric power and the philosophy of those who believe strictly in private power systems. Often times flood control programs are forced to remove people from their longtime residences. Likewise businesses are dislocated. The interests of all the people must be resolved. In this, Congressman DAVIS has acted with wisdom and great skill, in resolving these matters which affect individuals and businesses in all walks of life and in all sections of our great country.

CLIFFORD DAVIS has been named chairman of the Select Committee to Investigate Campaign Expenditures four times—three times by the late beloved Speaker Sam Rayburn, and one time by his good friend and leader the distinguished Speaker of the House, JOHN MCCORMACK.

He is now serving as chairman of the Select Committee on Real Property Acquisition. This Committee was named by Chairman CHARLES A. BUCKLEY at the request of the executive office of the President. For years there has been need for a full, thorough and complete examination of land acquisition practices by the Federal Government and State and municipal agencies supported in part by Federal funds. The recommendation of this committee will be made to the Congress before the conclusion of this session.

There is no more diligent nor more dedicated public servant than CLIFFORD DAVIS. He enjoys the complete confidence of the Speaker and the leadership of the House as well as a host of friends on each side of the aisle. His ability and the esteem in which he is held by his colleagues were especially recognized in his effective and successful management of the TVA self-financing bill which authorized that authority to go into the money markets of our country and to sell bonds to build steamplants to fulfill the increased demands of electric power in the TVA area. His longtime friend, our beloved colleague ROBERT JONES of Alabama, was constantly at his side during the hearings on this legislation and in CLIFFORD DAVIS' successful fight to have this bill enacted into law.

TVA today is known as one of the most efficiently operated properties of our our Federal Government. His contribution to flood control and in the sale of public power is firmly established.

His successful management of this important legislation made it possible for his own city of Memphis to rejoin the TVA system which assures even cheaper electric power to that progressive and growing city and its service area.

My 16 colleagues join with me in the feeling that this action on our part is a well deserved tribute expressing in a small way our confidence and our deep affection for one of the best loved men ever to serve in this body, CLIFFORD DAVIS of Tennessee.

Mr. ALBERT. Mr. Speaker, will my colleague yield to me?

Mr. EDMONDSON. I am happy to yield to my distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I am very happy that these bills have been introduced by my colleague and other distinguished Members of the House to do honor to my friend, the gentleman from Tennessee [Mr. DAVIS], who is one of the finest, ablest, and most valuable Members of the House.

I should like to add only that to do complete honor to the distinguished Representative from the great city of Memphis we would have to build a bridge from the earth to the sky.

Mr. EDMONDSON. I thank the distinguished gentleman from Oklahoma.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to the distinguished and beloved Speaker of the House.

Mr. McCORMACK. Mr. Speaker, I am very happy to learn of the introduction of these bills. The gentleman from Tennessee [Mr. DAVIS] is one of our outstanding legislators and a great American. There is no man in the entire history of the country who has done more for the development of our natural resources than the gentleman from Tennessee [Mr. DAVIS]. I hope the committee will report out his bill.

I shall cooperate in every way to bring it up in the House of Representatives. There is no Member of the House who more truly deserves this recognition and honor than my dear and valued friend and colleague from Tennessee [Mr. DAVIS].

Mr. EDMONDSON. I thank our beloved Speaker.

Mr. EVERETT. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am happy to yield to my distinguished colleague from Tennessee [Mr. EVERETT].

Mr. EVERETT. Mr. Speaker, I certainly appreciate the courtesy of the gentleman from Oklahoma in giving me the opportunity to say a few words in behalf of our distinguished colleague and my good friend and fellow Tennessean, the gentleman from Tennessee, Congressman CLIFFORD DAVIS. The gentleman from Tennessee, Congressman DAVIS, has been an inspiration to me throughout my political career in Tennessee. My congressional district, the Eighth Congressional District, lies just to the north of his congressional district. I have watched his career through these many years as a city judge, as a police and fire commissioner in the city of Memphis and also as a Member of this body.

Mr. Speaker, I too want to congratulate the members of the Committee on Public Works for introducing these bills today, naming that great bridge which will soon cross the Mississippi River in honor of the gentleman from Tennessee, CLIFFORD DAVIS.

Mr. Speaker, all of us here in the House of Representatives have witnessed the wonderful work and the great contribution that he has made not only in flood control work but also in the writing of the Highway Act of a few years ago.

Mr. Speaker, we have seen him as he has performed on the floor of the House under trying circumstances in presenting the public works bill and how he has presented that bill in a very clear and concise manner. How he knew all of the aspects of the bill, Mr. Speaker, is a great trait of the gentleman from Tennessee which reflects his keen insight into all of the public works projects.

Again let me say that I certainly appreciate the gentleman from Oklahoma [Mr. EDMONDSON] taking the lead and to say that I know of no greater tribute that could be paid to CLIFFORD DAVIS of Memphis than to have this great bridge named for him. I also greatly appreciate the Memphis Press-Scimitar, an outstanding newspaper of this Nation, asking for suggestions from various individuals as to how this bridge should be named.

Mr. Speaker, I thank the gentleman for yielding.

Mr. EDMONDSON. I thank my good friend, who is one of the best-loved Members of the House, and who has spoken so eloquently of his colleague.

Mr. DORN. Mr. Speaker, it is an honor and pleasure to join the distinguished gentleman from Oklahoma [Mr. EDMONDSON] and my colleagues in introducing this bill to name this great bridge at Memphis, the Clifford Davis Bridge.

Mr. Speaker, this bridge over the Mississippi at Memphis is now under construction and will be one of the most important connecting links in our Interstate Highway System—connecting the wonderful city of Memphis, and the great State of Arkansas. It is fitting and highly appropriate that this bridge be named after Judge CLIFF DAVIS. The name of Judge DAVIS is synonymous with the progress, the culture, and yes, the patriotism of that great beautiful southern city, Memphis.

I have benefited personally by his wise counsel as chairman of our subcommittee. In my 16 years in the Congress, I have never know a more able tactician in handling the passage of vital and necessary legislation—legislation essential to the prosperity, growth, and development of our entire Nation—our rivers, highways, and natural resources.

Mr. Speaker, I have never known in this Congress a more able, more dedicated public servant. Judge DAVIS adheres to the oldtime principles of integrity. His word is his bond. Many times I have heard our beloved and revered chairman of the Rules Committee, Judge HOWARD SMITH, say with great pride that DAVIS is a man of his word; that his promise is as sound as gold; that when he gives you his word, you can depend on it.

Mr. Speaker, Judge DAVIS has earned and deserves this high honor. Judge DAVIS ranks in that immortal company of illustrous Tennesseans, Andrew Jackson, Speaker Joe Burns, Cordell Hull, and Gen. Nathan B. Forrest.

Mr. Speaker, it is my honor to make many addresses throughout the country and upon one occasion I was delayed in Memphis for several hours waiting for the plane. While there I found that Judge DAVIS was most beloved by his constituents in every walk of life. A busboy in a cafe replied instantly, "Of course I know my Congressman. He is Judge CLIFF DAVIS." A taxidriver astonishingly said, "Have you not ever heard of the Judge Cliff Davis blues? This song was written in honor of Judge DAVIS before he went to Congress." I could not find anyone who did not know him.

Mr. Speaker, I urge that this bill pass unanimously and this bridge be named CLIFFORD DAVIS in honor of one of the greatest men that I have ever known, a great American and a man this House points to with pride.

IN HONOR OF THOSE WHO WERE LOST IN "U.S.S. THRESHER"

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House the gentleman from California [Mr. HOLIFIELD] is recognized for 3 minutes.

Mr. HOLIFIELD. Mr. Speaker, on the morning of April 10, 1963, the nuclear submarine, *Thresher*, was lost at sea 200 miles off Cape Cod, while undergoing a series of test dives.

Exactly 1 year has passed since the tragic loss of the *Thresher* and the 129 brave men who were lost with her. In this past year, the 129 men of the *Thresher* have become part of the history of American heroes who have given their lives in the defense of freedom.

Yet, it is not enough to merely pay tribute to these men, for tributes—no matter how heartfelt—are only words. We must learn something from this tragedy so that similar tragedies will not occur.

The Joint Committee on Atomic Energy, of which I am vice chairman, held extensive hearings last year on the events surrounding the loss of the *Thresher*. Our main objective was to assure that all measures were being taken to prevent a similar tragedy. The record of the hearings was classified for security reasons, but the joint committee has made every attempt to have the unclassified information made public. Recently, the Secretary of the Navy agreed to assist the committee in this endeavor. We now believe that a useful unclassified document may be released in the near future.

Our investigation was undertaken not for the sole purpose of ascribing blame if blame could be determined but rather with the objective of developing all the lessons that could be learned from the loss of the U.S.S. *Thresher*, so that it could be truly said that these 129 men did not die in vain.

No words can soften the grief of the widows, the orphans, the mothers, the fathers, the loved ones left behind by the men of the *Thresher*. We share their grief, but we cannot erase it. We can only take comfort in the knowledge that these men gave their lives in the defense of their country on the great, silent battlefield of the cold war.

JET SERVICE AT NATIONAL AIRPORT

The **SPEAKER** pro tempore (Mr. Libonati). Under previous order of the House, the gentleman from Illinois [Mr. Pucinski] is recognized for 15 minutes.

Mr. PUCINSKI. Mr. Speaker, the Associated Press reports from New York today that the Port of New York Authority Commissioners have granted four airlines permission to operate Boeing 727 jets at LaGuardia Airport. This is the first scheduled jet service at this particular field and signifies the first breakthrough in the United States for use of certain type of jets on shorter runways.

In view of the New York action, it would be my hope that the Members of Congress would join me in an effort to get the Federal Aviation Agency to permit scheduled jet service to operate to and from National Airport here in the Nation's Capital.

There is no reason why National Airport should remain a second-class airport in this modern age of jet travel. I am sure that every Member of Congress would see new travel opportunities opened into his area with the advent of the new jets into National.

I am sure that the moment the Federal Aviation Agency permits scheduled jet operations at National we will see the development of a shuttle service between Chicago and the Nation's Capital. Such shuttle service would provide substantial additional traffic for connecting flights both to Friendship Airport in Baltimore and Dulles International in Virginia.

There is just no reason to further delay the opening of National to jets in view of the development of the new Boeing 727 and other jet transports requiring shorter runways.

Following is a letter that I have sent today to Federal Aviation Agency Administrator Najeeb E. Halaby on this subject. I do hope my colleagues will join in this effort.

The letter follows:

April 10, 1964.

Mr. Najeeb E. Halaby,
Administrator, Federal Aviation Agency, Washington, D.C.

Dear Mr. Halaby: The Associated Press reported this morning that the Port of New York Authority commissioners have granted four airlines permission to operate Boeing 727 jets at LaGuardia Airport. This is the first scheduled jet service at this particular airfield.

As you know, jet service has been withheld from LaGuardia up to now because of the length of the runways. Obviously, the 727 and the Caravelle can operate on shorter runways.

I should like to strongly recommend that you give immediate consideration to permitting scheduled carriers to operate Boeing 727 and Caravelle jet service into and out of National Airport here in Washington, D.C.

There can be no longer any reason for refusing the carriers this service. I am not at all impressed with the excuse that the carriers have not requested permission. I know only too well that the carriers are aware of the fact that the Federal Aviation Agency is most desirous of developing Dulles and, whether by some clandestine agreement or not, obviously have not heretofore requested scheduled jet service at National.

It appears to me that the Federal Aviation Agency and yourself as its Administrator, as the de facto operators of National Airport have a responsibility both to the Government and to the public to initiate the action to begin scheduled jet service at National just as any other privately or municipally owned airport would attempt to recruit additional service to its airport.

The fact that National Airport is owned and operated by the Federal Government does not mean that the Federal Government is excused from trying to make this airfield as profitable as possible.

I am quite certain that permission to operate the smaller jets into and out of National would result very soon in some type of jet shuttle service between Chicago and the Nation's Capital as well as many other major cities in the United States.

It is inconceivable to me that in this modern day and age, when your agency is urging the expenditure of almost $1 billion for the development of a supersonic transport, that you would continue to deny the use of National Airport here in Washington for scheduled jet carriers which can operate safely within the limits of National's runways.

It appears to me to further delay opening National to scheduled jet service is to apply a double standard to jet travel in the United States. In fairness to the orderly development of the Nation's Capital and also in fairness to the carriers and the flying public, I strongly urge you to immediately open National to scheduled jet service. I am quite confident the moment you do this, the carriers will be filing schedules with you for such service very quickly.

There should be no question about permitting scheduled jet operations at National when you already are permitting privately owned corporation jets to operate into and out of National Airport.

Sincerely yours,

Roman C. Pucinski,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Hemphill (at the request of Mr. Stephens), on account of official business.

Mr. Blatnik (at the request of Mr. Albert), for an indefinite period, on account of death in the family.

Mr. Moorhead, for Friday, April 10, 1964, on account of death in family.

Mr. Teague of Texas (at the request of Mr. Albert), for today, on account of official business.

Mr. Farbstein (at the request of Mr. Gilbert), for Friday, April 10, 1964, on account of official business.

Mr. Addabbo (at the request of Mr. Gilbert), for Friday, April 10, 1964, on account of official business.

Mr. Talcott (at the request of Mr. Halleck) for April 13 through—on account of official business attending a conference of the Board of Governors of the Inter-American Development Bank in Panama.

Mr. Ostertag (at the request of Mr. Halleck) for Friday, April 10, on account of official business.

Mr. Riehlman (at the request of Mr. Halleck) for the balance of the week on official business.

Mr. Snyder (at the request of Mr. Halleck) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Edmondson, for 5 minutes, today.

Mr. Holifield, for 3 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. O'Konski (at the request of Mr. Battin), for 60 minutes, on Wednesday, April 15.

Mr. Bromwell (at the request of Mr. Battin), for 10 minutes on Tuesday, April 14.

Mr. Pucinski (at the request of Mr. Albert), for 15 minutes, today; and to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Steed while in the Committee of the Whole and to include tabulations and other pertinent material.

(The following Member (at the request of Mr. Battin) and to include extraneous matter:)

Mr. Mailliard.

(The following Members (at the request of Mr. Albert) and to include extraneous matter:)

Mr. Albert.

Mr. Davis of Tennessee.

Mr. Harding.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that

that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6196. An act to encourage increased consumption of cotton, to maintain the income of cotton and wheat producers to provide a voluntary marketing certificate program for the 1964 and 1965 crop of wheat, and for other purposes.

ADJOURNMENT

Mr. EVERETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Monday, April 13, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1930. A letter from the Secretary of the Air Force, relative to the number of officers assigned or detailed to permanent duty in the executive part of the Department of the Air Force at the seat of government at the end of the third quarter of fiscal year 1964 (March 31, 1964), pursuant to section 8031(c), title 10, United States Code; to the Committee on Armed Services.

1931. A letter from the Comptroller General of the United States, transmitting a report on a review of the unwarranted inclusion of tooling costs in the price of case extrusion cylinders procured from the Wyman-Gordon Co. by the Bendix Corp., Kansas City Division, under Atomic Energy Commission cost-type contract; to the Committee on Government Operations.

1932. A letter from the Comptroller General of the United States, relative to an examination of the financial statements of the Bureau of Engraving and Printing fund for the fiscal years ended June 30, 1961, 1962, and 1963, Treasury Department; to the Committee on Government Operations.

1933. A letter from the Assistant Secretary of the Air Force, transmitting a draft of a proposed bill entitled "A bill to amend title 10, United States Code, to continue the authorization to promote qualified Reserve officers of the Air Force to the Reserve grades of brigadier general and major general"; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FOGARTY: Committee on Appropriations, H.R. 10809. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes; without amendment (Rept. No. 1316). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NELSEN:

H.R. 10785. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. OSMERS:

H.R. 10786. A bill to specify the number of hospital beds that the Administrator of Veterans' Affairs must maintain and operate at the Veterans' Hospital, East Orange, N.J.; to the Committee on Veterans' Affairs.

By Mr. BUCKLEY:

H.R. 10787. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. FALLON:

H.R. 10788. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. BLATNIK:

H.R. 10789. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. KLUCZYNSKI:

H.R. 10790. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. THOMPSON of Louisiana:

H.R. 10791. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. WRIGHT:

H.R. 10792. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. GRAY:

H.R. 10793. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. CLARK:

H.R. 10794. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. EDMONDSON:

H.R. 10795. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. JOHNSON of California:

H.R. 10796. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. DORN:

H.R. 10797. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. HENDERSON:

H.R. 10798. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. OLSEN of Montana:

H.R. 10799. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. TUTEN:

H.R. 10800. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. MURPHY of New York:

H.R. 10801. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. RIVERS of Alaska:

H.R. 10802. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. ROBERTS of Texas:

H.R. 10803. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. BROYHILL of Virginia:

H.R. 10804. A bill to extend coverage under the Federal old-age, survivors, and disability insurance system to temporary and intermittent service performed in the employ of the District of Columbia if such service is not covered by the retirement system established by a law of the United States; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 10805. A bill to amend the Public Works Acceleration Act to increase the authorization for appropriations under that act, and for other purposes; to the Committee on Public Works.

By Mr. KING of California:

H.R. 10806. A bill to provide for the presentation by the United States to the people of Mexico of a monument commemorating the independence of Mexico, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LESINSKI:

H.R. 10807. A bill to provide research, technical, and financial assistance with respect to the disposal of solid wastes to the several States and political subdivisions; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE:

H.R. 10808. A bill to amend title 38 of the United States Code to increase by 10 percent the additional compensation payable to certain veterans on account of dependents; to the Committee on Veterans' Affairs.

By Mr. FOGARTY:

H.R. 10809. A bill making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes.

By Mr. ROYBAL:

H.J. Res. 993. Joint resolution providing for the designation of the 5-day period commencing June 29, 1964, as "National Environmental Health Week"; to the Committee on the Judiciary.

By Mr. RYAN of Michigan:

H.Res. 676. Resolution providing for the issuance of appropriate identification cards to certain individuals employed by Members and committees of the House of Representatives; to the Committee on House Administration.

By Mr. MADDEN:

H. Res. 677. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. SELDEN:

H. Res. 678. Resolution relative to the observance of Pan American Day; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of the rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States to consider legislation requiring that fresh pineapple sold in the United States be labeled by the country and area of origin, which was referred to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES:

H.R. 10810. A bill for the relief of Liberato Cornacchione; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 10811. A bill for the relief of Tom Keng Foo; to the Committee on the Judiciary.

H.R. 10812. A bill for the relief of Tom Wai Min; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 10813. A bill for the relief of Mrs. Caterina Wurzburger Varriale; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 10814. A bill for the relief of Gerardo L. Ciriello; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 10815. A bill for the relief of Lydia Caroline Pesso; to the Committee on the Judiciary.

By Mr. SIBAL:

H.R. 10816. A bill for the relief of Ilias Bakis; to the Committee on the Judiciary.

By Mr. HAGEN of California:

H.J. Res. 994. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

By Mr. PELLY:

H.J. Res. 995. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred to as follows:

846. By Mr. SHRIVER: Resolution of the officers and directors of the Advertising Club of Wichita, Wichita, Kans., endorsing action of the Advertising Federation of America requesting the Congress of the United States to investigate and introduce such legislation as may be necessary or indicated to define clearly the powers of the Federal Trade Commission; to the Committee on Interstate and Foreign Commerce.

847. By the SPEAKER: Petition of Ernest Jones, deputy city clerk, Detroit, Mich., endorsing the principles and purposes of H.R. 7152; to the Committee on the Judiciary.

848. Also, petition of Mrs. Nathan Moger, the Women's Zionist Organization of America, Inc., Hadassah, Boston Chapter, Brookline, Mass., enclosing copies of resolutions adopted by the organization dealing with United Nations, McCarran-Walter immigration law, the Genocide Convention, Human Rights Conventions, and Jewish citizens in the Soviet Union; to the Committee on Foreign Affairs.

849. Also, petition of Luis Felipe Rodriguez and Juan Jose Nunez Sarda, House of Representatives of Peru, Lima, Peru, relative to requesting assistance in applying to the President of Paraguay for the freeing of certain individuals being held by Paraguay; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

Congressman Harding Supports "This Nation Under God"

EXTENSION OF REMARKS

OF

HON. RALPH R. HARDING

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 10, 1964

Mr. HARDING. Mr. Speaker, I join with millions of other Americans in my alarm at the efforts of certain of our citizens to deemphasize the role that God has played in the foundation and preservation of our great Nation.

I have a deep and lasting faith in the existence and the loving kindness of our Creator. I believe that the future destiny of America is assured and our freedom will always endure as long as we are a God-fearing Nation. However, by the same token, I am convinced that if this Nation ever forgets or denies God that the American way of life as we know it today will become a thing of the past.

I do not share the alarm that many people do over the decisions of the Supreme Court on State-prescribed prayers in public schools. Combined with my personal faith in God, I also have a dedication to the principle of the separation of church and state. If a State prayer is to be said daily in a public school, should it be a prayer prescribed by the Catholic Church, one of the Protestant Churches, the Mormon Church, or a Jewish synagogue? It is evident that it is most difficult, if not impossible, to arrive at a prayer that a State can compel to be said in public schools and at the same time maintain the principle of the separation of church and state.

Therefore, Mrs. Harding and I have done everything possible to make prayer an important part of our family life, to teach our children to pray and to acknowledge the generosity of our Heavenly Father before each meal and to thank God for the bounties of life at least daily in family prayer.

I believe that the faith in our Heavenly Father that I learned in the home of my parents is the outstanding principle of my life in giving me the direction, ideals, goals, and aspirations that have made my life both challenging and satisfying. Is it any wonder that I want to see my children imbued with this same legacy?

I am one of the millions of Americans who believe that the Constitution of the United States was divinely inspired. At a time during the Constitutional Convention when it became evident that the framers of the Constitution could not agree, Benjamin Franklin delivered the following historic exhortation:

> Mr. President, the small progress we have made after 4 or 5 weeks close attendance and continual reasonings with each other—our different sentiments on almost every question, several of the last producing as many noes and ayes, is methinks a melancholy proof of the imperfection of the human understanding. We indeed seem to feel our own want of political wisdom, since we have been running about in search of it. We have gone back to ancient history for models of government, and examined the different forms of those republics which having been formed with the seeds of their own dissolution now no longer exist. And we have viewed modern states all round Europe, but find none of their constitutions suitable to our circumstances.
>
> In this situation of this assembly, groping as it were in the dark to find political truth, and scarcely able to distinguish it when presented to us, how has it happened, sir, that we have not hitherto once thought of humbly applying to the Father of Lights to illuminate our understandings? In the beginning of the contest with Great Britain, when we were sensible of danger we had daily prayer in this room for the divine protection. Our prayers, sir, were heard, and they were graciously answered.
>
> All of us who were engaged in the struggle must have observed frequent instances of a superintending providence in our favor. To that kind providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? Or do we imagine that we no longer need His assistance? I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the Sacred Writings, that "except the Lord build the house they labor in vain that build it." I firmly believe this; and I also believe that without His concurring aid we shall succeed in this political building no better than the builders of Babel: We shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and byword down to future ages. And what is worse, mankind may hereafter from this unfortunate instance, despair of establishing governments by human wisdom and leave it to chance, war and conquest.
>
> I therefore beg leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate in that service.

The above motion of Benjamin Franklin was adopted and our Constitution was thereafter drafted.

I believe that it is most appropriate that the coins that we carry in our pockets as legal tender in this great Nation bear the inscription "In God We Trust" as a constant reminder that this Nation in its origin was guided by our Creator and our present and our future if to be meaningful must have the same divine guidance.

I fully subscribe to the words of the Pledge of Allegiance in its present form in which we not only pledge allegiance to our great Nation but at the same time recognize the role that God played in the creation of our Nation.

Mr. Speaker, I feel prompted to make these remarks because of the following article appearing in the Washington Post of April 7 in which Mrs. Murray, a resident of Baltimore, Md., and a professed atheist, announced a campaign to delete the words "under God" from the Pledge of Allegiance to our flag:

> "UNDER GOD" ATTACKED BY PRAYER FOE
>
> BALTIMORE, April 7.—Madalyn Murray, who won her Supreme Court fight to outlaw required prayers in public schools, now wants

> to get rid of the words "under God" in the Pledge of Allegiance.
>
> Mrs. Murray will appear before the Baltimore Board of Education Thursday to demand that the reference be deleted from the pledge to the flag.
>
> Her two sons, Garth, 8, and William, 17, attend Baltimore schools.
>
> "We find this to be offensive to our individual liberties and to our freedom of conscience, since we are atheists," Mrs. Murray wrote to the school board Monday.
>
> Mrs. Murray contends the words "under God" make the Pledge of Allegiance unconstitutional.
>
> "We will proceed with whatsoever legal action is necessary to stop the practice," she said.
>
> Mrs. Murray said she wants her sons to participate in the pledge, but not with the reference to God.

I pledge all the resources of my command to oppose this most brazen attempt to deny God. If it were not for God, we would not be here today either as human beings or as Americans.

The great difference between our life and life in a communistic society is that in this Nation nearly everyone recognizes the existence of God and worships God according to the dictates of his individual conscience, whereas, the Communists deny God, ridicule Him, and prohibit members of their society from worshiping a supreme being. That is the great reason why I am convinced that our Democratic way of life will eventually triumph over atheistic communism.

However, today as I was still upset by the newspaper account of Mrs. Murray's action, I read in the letters-to-the-editor section of the Idaho Daily Statesman, the following letter from an Idaho teenager, Peggy Peterson:

> TEENAGER VIEWS PATRIOTIC LACK
>
> EDITOR, THE STATESMAN:
>
> I would like to thank Mrs. D. W. Crossley of Boise for her article entitled "Patriotism Flows in Boise Residence" in last Sunday's March 29, Statesman, and I say amen to her words.
>
> As a teenager, I am sometimes troubled by the seeming lack of patriotism and lack of interest in the workings of our government by others of my generation. The thought is even more troublesome when I stop to realize that my generation will, in a few short years, be at the head of the government.
>
> I am proud to be a citizen of the United States of America. My citizenship is truly one of my greatest possessions, but as Miss Kathy Fong pointed out in her winning speech, I need to do more than just be born in the United States to be called a true citizen. I should prepare myself to be able to vote intelligently when the time comes and possibly even do my part by trying to give others the feeling of deep love of this wonderful country by entering into the teaching profession or by possibly doing my part by preparing myself to serve as a public official.
>
> I personally embrace the principles of the Democratic Party, but that is really immaterial when it comes to feeling a great pride in my country. The important thing isn't for someone to be a Republican or a Democrat, but rather to be "something." I would actually rather see a very active Republican than a passive Democrat because even though the Republican may have a viewpoint differing from my own, at least they have an apparent interest in the government and are trying to do what they feel to be right.
>
> I, too, am distressed by such things as taking the Bible out of the schools or by talk of taking the words "In God We Trust" off our coins. Have we as Americans filled our heads with such a feeling of self-sufficiency to think that we would have what we now have without God's help and guidance? Can we as Americans look out upon our beautiful mountains and valleys, lakes and streams, sunrises and sunsets, and allow ourselves for even a moment to forget that it is all the work of the Master Painter—our God? If we can then we no longer deserve to be called Americans.

I am grateful for the views expressed in Peggy's letter. I pray that we will always have a great majority of Americans that will have the sincerity and faith expressed by this Boise High School junior. As long as we have enough Peggy Petersons in our society we can even tolerate a few Madalyn Murrays. Even then, our goal should be to change the atheistic views of Madalyn Murray to the beautiful realization and appreciation of God as expressed by Peggy Peterson.

Results of California's Sixth District Poll

EXTENSION OF REMARKS
OF
HON. WILLIAM S. MAILLIARD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, April 10, 1964

Mr. MAILLIARD. Mr. Speaker, the results of my annual poll of San Francisco's Sixth Congressional District have just been tabulated.

Questionnaires were mailed to every household containing a registered voter. Perhaps my colleagues will be interested in the results:

	Percent		
	Yes	No	No opinion
A. TAX CUT AND NATIONAL DEBT			
While the exact form of the tax bill expected to be approved by the Senate is uncertain at this writing, it appears likely that the final vote will come on a measure which will reduce Federal revenues and lower corporate and personal income taxes by more than $11,000,000,000. The measure would also eliminate the 4-percent tax credit on dividend income, render nondeductible items such as State and local auto and gas taxes, and adjust other miscellaneous rates. The national debt on June 30, 1964, is estimated at approximately $312,000,000,000 and an unbalanced budget is projected. In view of all factors, do you favor the tax bill?	56	39	5
B. CIVIL RIGHTS			
Do you favor the following features of the civil rights bill now before Congress authorizing the U.S. Attorney General to—			
1. Initiate civil proceedings concerning the possible violation of voting rights?	80	14	6
2. Initiate action to compel the full and equal enjoyment of the goods, services, and facilities of any place of public accommodations such as hotels, restaurants, movies, and sports arenas without discrimination on the ground of race, color, religion, or national origin?	67	27	6
3. Enforce equal opportunities for employment without discrimination on the ground of race, color, religion, or national origin?	70	23	7
C. EAST-WEST TRADE			
Recent developments such as the partial-test-ban treaty have heightened interest in increased trade between the United States and its allies on the one hand and the Soviet Union and Communist bloc nations on the other. Do you favor—			
1. Permitting maximum trade between East and West?	32	46	22
2. Trade limited to nonstrategic goods; e.g., recent U.S. wheat sale?	57	24	19
3. Restricting East-West trade to a minimum?	37	33	30
D. PRAYER IN PUBLIC SCHOOLS			
In view of the 1963 Supreme Court prayer decision interpreting the 1st amendment to the U.S. Constitution, do you favor the proposed constitutional amendment allowing the offering of prayers or reading from the Bible on a voluntary basis in public schools?	66	31	3
E. IMMIGRATION			
Do you favor a bill to change immigration requirements so that foreign-born individuals would be admitted to the United States on the basis of personal skills or relationships to U.S. citizens rather than by quotas allocated according to national origin?	59	35	6
F. PRESIDENTIAL SUCCESSION			
Do you favor a line of Presidential succession—			
1. According to present law whereby the Speaker of the House and the President pro tempore of the Senate follow the Vice President?	26	42	32
2. According to the law in effect from 1886 to 1947 whereby the Secretary of State and other Cabinet members followed the Vice President?	34	34	32
3. So that the Vice President, if he succeeded to the Presidency, could then nominate his own Vice President, subject to approval by Congress?	36	36	28
4. To provide for the election of a First and Second Vice President?	33	39	28

House Chaplain's Eulogy to General of the Army Douglas MacArthur

EXTENSION OF REMARKS
OF
HON. CARL ALBERT
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Friday, April 10, 1964

Mr. ALBERT. Mr. Speaker, during the services 2 days ago for the late General of the Army Douglas MacArthur, the Chaplain of the House, Rev. Bernard Braskamp, delivered a eulogy that stirred every person present.

Under leave to extend my remarks, I would like to make Reverend Braskamp's words available to all Members:

> EULOGY TO THE LATE GENERAL OF THE ARMY DOUGLAS MACARTHUR BY DR. BERNARD BRASKAMP, CHAPLAIN OF THE HOUSE OF REPRESENTATIVES
>
> In the life of each of us there are times when all our feelings seem to impose silence; times when we walk slowly and speak softly.

Rufus Jones, professor of philosophy at Haverford College, would always salute his audience with this salutation: "Let us have a moment of hush."

In the adventure of life we encounter great personalities, strange events, and experiences which make an indelible impression upon our minds and hearts.

In going up and down the courts of memory we find ourselves calling to mind two personalities who, in our generation, have stood like giants among their contemporaries. They were both unique in many ways and endowed with manifold gifts. What a matchless and marvelous command they had of the English language.

We recall that memorable day when Sir Winston Churchill stood and spoke in the Senate Chamber during the dark days of the World War; days when our hearts were filled with fear and foreboding. Then with what calm and courageous faith and assurance he quoted these words of the old psalmest, "He shall not be afraid of evil tidings, his heart is fixed; trusting in the Lord."

Today as we go up and down the courts of memory we find ourselves thinking of our own noble and beloved Gen. Douglas MacArthur whose departure men and nations everywhere are mourning.

How our hearts were thrilled when he addressed the joint session of the Congress. He was never a prophet of doom and defeat, but of courage and hope. He closed that memorable message with these words in a clear and clarion voice. "An old soldier, who tried to do his duty as God gave him the light to see that duty. Goodby."

General MacArthur quietly and peacefully went from among us last Sunday afternoon. His sun went down, while it was yet day, only to rise again with radiant splendor in that land whose language is music. We have not said "farewell" but only "goodnight," assured that on some blessed morning we shall dwell with him in hallowed union, forever with the Lord.

We like to think that Saint Paul's words to Timothy were also General MacArthur's valedictory words before his soul was released from the body. "I have fought a good fight; I have finished my course; I have kept the faith; henceforth, there is laid up in me a crown of righteousness which the Lord the righteous judge will give unto me and unto all who love His appearing."

The good Lord has opened unto him the gateway to the larger life and received him unto His nearer presence and bestowed upon him this priceless benediction, "Well done, thou good and faithful servant, enter thou unto the joy of the Lord."

So be my passing:

"My task accomplished and the long day done,
My wages taken and in my heart,
Some late lark singing,
Let me be gathered to the quiet West
The sundown, splendid and serene."

Our River Problems and Control of Our Water Resources

EXTENSION OF REMARKS
OF
HON. CLIFFORD DAVIS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Friday, April 10, 1964

Mr. DAVIS of Tennessee. Mr. Speaker, my colleague, GILLIS W. LONG from Louisiana, delivered a thoughtful and challenging address at the meeting of the Red River Valley Association last week at Shreveport, La.

His address showed careful research and a thorough understanding of our river problems and the importance of intelligent control and maintenance of our water resources, dating back to his early boyhood.

I have always had the greatest respect for the ability of GILLIS. As chairman of the committee appointed by the Speaker to investigate campaign contributions and expenditures, it was my privilege to name him on three occasions as chief counsel for the committee. Before that I had never known him, but he had served in the same capacity when my friend and colleague, the majority whip, HALE BOGGS, served as the chairman of this important committee. He is an excellent lawyer and performed his duties for the committee in such a way as to merit the praise of both Democrats and Republicans on the committee, as well as high praise from the membership of the House as a whole.

Because I appeared later on this same program in Shreveport, I had the pleasure, and I say with great sincerity, the privilege of hearing GILLIS deliver his address in a most forceful way.

That other of my colleagues may have the benefit of his speech, I extend my remarks and include it:

SPEECH OF THE HONORABLE GILLIS W. LONG BEFORE THE RED RIVER VALLEY ASSOCIATION, SHREVEPORT, LA., MARCH 31, 1964

Mr. Chairman, members of the Red River Valley Association, and ladies and gentlemen, you know, all of us that are here have something in common—a bond of concern and commitment; commitment to the job of bringing the people of the Red River Valley into the mainstream of progress through the oldest route known to man: Inland navigation.

Looking back over history, man's progress has paralleled his use of waterways.

I remember when I was a boy growing up near Tanehill in Winn Parish, a country schoolteacher tried to get me interested in the great civilization that once flourished along the banks of the Tigris and the Euphrates. It was pretty much of a wasted effort. Besides all the normal problems of trying to cram education into a boy's head, this teacher had to overcome the fact the the biggest body of water in my life was Dugdemona Bayou—and there wasn't much there except a few undernourished fish, some snakes and the black water from the papermill at Hodge.

A little later on, when I moved to Pineville, the Red River looked big and impressive, and I remember wondering why it didn't have steamboats and barges and the things I had read about or imagined. I still wonder.

In our own day we see the river's edge of American civilization along the Ohio, the Tennessee, the Missouri, the Mississippi, the Arkansas, the St. Lawrence, and still others now in the making. Pretty soon you'll be able to count the Trinity, the Ouachita and others with far less to offer than the Red River. Why? Well, I don't guess anyone has all the answers, but I'm going to venture a few guesses here today, and I hope I step on a few toes in the process.

Before I do, though, I'd like to take a little sentimental journey, with your permission, to the past of our venerable, muddy, undependable friend, the Red.

This river is tied up more closely than most people realize with the main course of American history. From the time LaSalle first pushed into the area around Natchitoches in 1687, looking for the mouth of the Mississippi, to the great era of the steamboat, its history has been as colorful as its name.

Everyone here knows of the great fight between Captain Shreve and the infamous raft. When he died in 1851, 13 miles of the river channel he had fought to open, was closed again. The history of her navigation didn't end then, however. Sternwheelers were later to reach their great moment in history along this river.

The stories told by steamboat buffs are as numerous as the big hulking sternwheelers—like the story of how the *Morning Star* burned and sank; how her owners shoved her engines into the *Belle of Shreveport*, which was to meet an unhappy fate; and how finally the same engines wound up in the *Ranger*.

When the War Between the States came, the river was jammed with boats supplying the Confederacy. Most of the beef that fed the hungry South came through the Red River.

The conflict itself came to Red River in a way which was to be sorely regretted by the Union Army, and after the fighting ended the river entered its golden age of navigation.

The wharves were piled high with cotton, pelts and hides, and total victory was finally won over the raft.

But the victory of channelizing the Red River came too late to be of much importance. The railroads had arrived—and Shreveport was on its way to becoming a rail center.

In what has turned out to be a monumental lack of foresight, the river began to feel neglect * * *. The steamboats began to leave Red River and in a few years their melancholy whistles were heard no more.

That was Red River. I am here to tell you today that we can restore the glory and excitement and prosperity that once was Red River. I don't mean in terms of an antebellum cotton and steamboat economy; I mean a combination agricultural-industrial manufacturing complex like none other in the South. And the first step, the urgent need of today is to make this river navigable gain. This valley cannot develop without navigation—it's that simple.

Of course the real irony is that I'm saying this to people who already know it and know it well. Sort of like a preacher talking to the same flock of believers every Sunday * * * you don't need to be converted * * * you just need a little revival once in a while.

Since it was organized in 1925, the Red River Valley Association has made common cause with the people of this valley, the Corps of Engineers and the U.S. Congress in trying to make the Red River the servant of the valley and not its master. This group is a living, breathing example of what the people of four neighboring States, in cooperation with the local and Federal Governments are able to do when they join together in a common cause.

But until the spirit of this group becomes a real part of the imagination and the daily life of each citizen in every community, we might as well quit talking.

Until the Red River becomes a people's project, our work will be slow and our achievements limited.

Those are harsh words, gentlemen, but they need to be spoken. Until we can break what Franklin Delano Roosevelt called the "ice of indifference" we are going to be frozen and immobile.

As I said, I'm telling this to the wrong people * * * it's the ones who are noticeable by the absence that I'm really talking to, not you.

The Red River Valley Association can be proud, very proud, of what it has done, and is doing. Recently this was brought home to me during some correspondence I had with Col. Frank Milner, chief of the Technical Liaison Office of the Corps of Engineers in

Washington. In a letter to me, Colonel Milner said "* * * the Red River Valley Association is one of the more able and energetic groups of its kind in the country and * * * deserves to be given full support and encouragement."

That esteem also goes to the Halls of Congress, where your association has been a great factor in getting this project as far along as it is.

But you cannot rest on your laurels—the democratic process doesn't allow local initiative to relax its efforts.

Back in 1959 when the late Senator Robert S. Kerr was going around the country holding hearings with his select committee on national water resources, he came to Alexandria. One of the witnesses at that hearing on water problems was Roy Mathias. Roy told the committee that he thought a certain piece of legislation would be a wise move on the part of the Federal Government.

Senator Kerr told him, in a manner very familiar to most of you, "I'll tell you this * * * the Federal Government is not going to take that move * * * it's going to have to be moved." To which Roy Mathias replied, "Maybe we can help move them."

In many cases you have moved them. You've been pushing hard for countless projects to move this valley forward. Right now you're working to get this comprehensive study completed. I hope that your efforts, and the efforts of your friends in Congress and the Corps of Engineers will result in an interim report this year and help us get started right away on a bank stabilization and navigation program.

You know what bank stabilization means * * * you've seen 250,000 acres of fine fertile soil wash down the river in the last 25 years. And as for navigation, you fully realize that if the Red's shifting and shoaling current can be brought under control the valley can grow and develop like our other major rivers.

With that in mind, I'd like to take a few minutes to talk to you about what we've been missing * * * and what we can expect to get if this dream of Red River navigation is brought to reality.

Here in Shreveport our per capita income has gone up over $1,000 in the last 20 years. This and other optimistic information sometimes leads us into a false sense of security.

There are more than 1,000 vacant homes in Bossier City and Shreveport alone—the best way to fill them is with workers—and workers need jobs.

Right now there's enough pulpwood available in our part of the State at low cost to supply several new papermills. But they won't be built because we can't provide them with the low-cost year-round barge transportation they need.

Bossier, Shreveport, Alexandria, Pineville, and many other towns and cities owe their very existence to the Red River's past glories. It's true they didn't wither and die on the vine when navigation passed away. But they haven't grown fast enough.

I don't want to labor the point, but I want to make it clear for even the most doubting Thomas:

There is great and urgent need for water transportation in the Red River Valley, and without it we will not prosper.

Fly over the Ohio, the Missouri; the facts are there for anyone to see. You don't even have to go that far—travel the banks of what was a few years ago the undeveloped wasteland between Baton Rouge and New Orleans. Today they call that stretch of the Mississippi "the billion dollar strip." This area is renowned for its "strip," too, but I doubt that you can base an economy on it.

Let's look around the rest of the country: Since the end of World War II, 2,500 new industrial plants have invested about $18 billion in new facilities in the Ohio River Valley.

If the Arkansas River Valley which is now developing its potential matches the Tennessee Valley it ought to bring in $20 billion in personal income to that region within 20 years.

The space industry is on the brink of bringing to the South and Southwest an industry with as powerful an impact on our economy as the automobile had on Detroit. The National Aeronautics and Space Administration will spend better than half-billion dollars in the southern Mississippi and New Orleans area in the next several years. And they went to that area largely because there was water to transport the giant Saturn boosters to their launch pads at Cape Kennedy.

Are we going to be left out of this great undertaking for lack of interest on the part of our people?

I hate to keep talking about what others are doing, but I think sometimes comparisons help to get our imaginations in gear.

Take the State of Alabama, for instance, where the State voted $10 million in bonds to provide terminals to serve the Chattahoochee River, 6 years before the project was finished. Their foresight has paid off: The project is being completed now, and its development has already started.

The city of Columbia, Ala., has launched large capital improvement programs to meet the needs of the expected boom. Their mayor has a watchword which could as easily apply to Shreveport, or Alexandria or any other city in the Red River Valley. He said "to achieve big things, you have to expect big things."

The people of the Ouachita River Basin are doing that. As you know, they've had a 6½-foot navigable channel for some time. In 1960 after years of testimony and letters and studies and passing reports back and forth between Vicksburg and Washington, they got Congress to authorize a 9-foot channel. Construction has now started on that $80 million project.

This was no pipedream. Between 1951 and 1959, the potential of that area for industrial development was shown through the spending of $80 million—the entire cost of the 9-foot project—annually on new or expanded manufacturing and processing plants.

Montsanto Chemical, Commercial Solvents, International Paper, the Murphy Co., the Crossett Co., and others went there, and they have prospered. Waterborne cargo increased 262 percent between 1954 and 1961 * * * and with a 9-foot channel the prospects are even brighter.

I could go on for an hour talking about the success stories of other river basins. But that is not our purpose here. However, I think it behooves us to look around at our neighbors, not in envy, but in admiration, and feel spurred on in our own search for the riches that are held out by navigation.

Louisiana is a maritime State * * * with 7,500 miles of navigable waterways, and three deep water ports. Yet the fact that only 2,500 miles of our streams are regularly maintained, and others are not yet either improved or developed should be a matter of great concern to our people.

The prospect of a booming Red River is not some idea from never-never land. It has been done and is being done on other rivers and streams nearby.

This State has hundreds of millions of its own dollars to fight and prevent floods. Can we afford not to protect this investment?

Since 1908, citizens groups in north Louisiana have promoted river transportation and river improvement. They formed this Red River Valley Association and have supported it through the years.

Now others are joining in the work and there are encouraging signs for the future.

Shreveport and Alexandria both now sport legally constituted port commissions. There are other groups formed or forming to help the Red River Valley Association in what has many times been a lonely fight.

The next move is up to Congress. These many willing hands cannot really begin to function until the Congress gives its stamp of approval to the project we are all interested in here today.

But even a favorable report to the Congress by the Corps of Engineers will not do the trick. You remember the corps several years ago recommended a waterway proposal for the Red River—but somewhere through the years since the Overton-Red River Waterway Authorization of 1946 the chain of cooperation and contribution broke down.

One failure does not justify another.

The Chinese philosopher, Mencius, said, "A journey of 1,000 miles begins with a single step."

Our journey up and down our hoped-for Red River waterway will only be 205 miles, but it too must begin with those first few steps.

Some of the steps are up to you; some are up to the Congress which always waits to hear from you; and some are up to the Corps Engineers whose mills do seem sometimes to "grind exceedingly slow."

Whatever philosopher you prefer—the Chinese, Mencius, or Oklahoma's Bob Kerr—it is up to you to take the first step and it is up to you to see to it that whoever needs to be moved, is moved.

SENATE

SATURDAY, APRIL 11, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God of grace, we thank Thee for sensitive hearts that thrill at every sacrament of loveliness which makes the awakening earth a tapestry of beauty. We come asking for Thy cleansing pardon, that a right spirit may be renewed within us and that we may yearn for spiritual integrity above all the tinsel of material things.

Grant us the purity of thought and the honesty of purpose which will deliver us from the dangerous sophistries which afflict our secular day when cleverness is so often elevated above goodness, and cheap humor above honor.

May the thoughts of our minds, the motives shaping our deeds, the words which pass our lips, and the meditations of our hearts be this day, and always, acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 10, 1964, was dispensed with.

ORDER FOR RECESS TO MONDAY, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock on Monday morning next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 130 Leg.]

Aiken
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Brewster
Burdick
Cannon
Carlson
Clark
Cotton
Douglas
Ellender
Ervin
Fong
Gore
Gruening
Hart
Hayden
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Ribicoff
Robertson
Scott
Simpson
Sparkman
Walters
Williams, N.J.
Williams, Del.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. Byrd], the Senator from West Virginia [Mr. Byrd], the Senator from Idaho [Mr. Church], the Senator from Connecticut [Mr. Dodd], the Senator from Mississippi [Mr. Eastland], the Senator from Indiana [Mr. Hartke], the Senator from Massachusetts [Mr. Kennedy], the Senator from Wyoming [Mr. McGee], the Senator from Wisconsin [Mr. Proxmire], the Senator from Georgia [Mr. Russell], the Senator from Texas [Mr. Yarborough], and the Senator from Ohio [Mr. Young] are absent on official business.

I also announce that the Senator from Oklahoma [Mr. Edmondson], the Senator from California [Mr. Engle], the Senator from Arkansas [Mr. Fulbright], the Senator from Alabama [Mr. Hill], the Senator from North Carolina [Mr. Jordan], the Senator from Louisiana [Mr. Long], the Senator from Florida [Mr. Smathers], the Senator from Mississippi [Mr. Stennis], the Senator from Missouri [Mr. Symington], the Senator from Georgia [Mr. Talmadge], and the Senator from South Carolina [Mr. Thurmond] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. Randolph] is absent during convalescence from an illness.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott] is absent on official business.

The Senator from Delaware [Mr. Boggs], the Senator from New Jersey [Mr. Case], the Senators from Kentucky [Mr. Cooper and Mr. Morton], the Senator from Nebraska [Mr. Curtis], the Senator from Illinois [Mr. Dirksen], the Senator from Colorado [Mr. Dominick], the Senator from Arizona [Mr. Goldwater], the Senator from Iowa [Mr. Hickenlooper], the Senator from New Mexico [Mr. Mechem], the Senator from Massachusetts [Mr. Saltonstall], the Senator from Maine [Mrs. Smith], the Senator from Texas [Mr. Tower] and the Senator from North Dakota [Mr. Young] are necessarily absent.

The PRESIDING OFFICER (Mr. Walters in the chair). A quorum is present.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

ORDER OF BUSINESS

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HUMPHREY. Mr. President, will the Senator yield to me briefly?

Mr. MORSE. I yield to the Senator from Minnesota without my losing my right to the floor.

QUORUM CALLS

Mr. HUMPHREY. Mr. President, in light of what transpired last Saturday, I thought some announcement of the good news of this Saturday ought to be made. The U.S. Senate is in business. It is transacting the public business. Fifty-one Senators had answered to the quorum call before 10 minutes had expired. I commend my colleagues for their diligence, and notify the distinguished representatives of the fourth estate, the news media of the Nation, that the little lesson we had a week ago has paid generous dividends.

During this week we could have used at least two more sets of doors in this Chamber, because our distinguished colleagues came through the doors with such alacrity and speed that we have broken all records. Senators have set a new historic record in answering quorum calls. On one occasion a quorum was obtained in less than 5 minutes. That requires jet propulsion.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. Mr. President, I yield to the Senator from New York with the understanding that I do not lose the floor.

Mr. JAVITS. Mr. President, I heard the interesting announcement made by the manager of the bill on the majority side. I think the record ought to show a number of things in addition to what he has said. What he has said is fine, and I approve of it.

I yield to no one in my devotion to civil rights or to attendance to keep the proceedings going, but I think two points for the record ought to be made.

One is that the informal quotas which were set for attendance were met last Saturday on the Republican side. I say nothing for the other side. I am not saying this in any contentious manner. It has a bearing on the situation for a reason, but representatives on our side were present.

It is well known—if not, it should be, because this is no game or joke—that every Senator cannot be on the Senate floor all the time. A Senator may become ill, or he may be away on business which even rates in importance with this issue—and again I yield to no one on the importance of the pending issue. For example, in my own case, I was embarrassed last Saturday because there was no quorum. I do not know why I should have been, because on our side Senators were present on the floor. But I was in Paris, presiding over a NATO meeting that had been scheduled weeks before. Had I not been there, I would have disgraced my country and 15 other nations. I could not do that.

Nevertheless, references to this situation group us all in one basket, and lead some people to think that we were not present to enable the proceedings to continue. I hope very much that the American public will exercise great discretion—which I have found the American public does—and distinguish between Senators who were doing their duty and those who were not, in view of the great office which we hold, and our obligation to do our duty at all times.

Mr. HUMPHREY. Mr. President, will the Senator from Oregon yield so that I may make a comment?

Mr. MORSE. I yield with the same understanding.

Mr. HUMPHREY. I thank the Senator from New York for what he has said. I refused last weekend to indicate to representatives of the news media Senators who were scheduled to be present and those who were not. I found it difficult to make a differentation between Senators who were scheduled to be present on so-called quorum duty and those who had been able to obtain replacements, and those who were absent on business that was urgent.

The Senator from New York [Mr. JAVITS] came to me early in the week and showed me that he had to be present in Paris. I said to him, "You have no other choice but to go. You cannot call a meeting of the representatives of 15 nations and then, on a Saturday afternoon, not be there." At great personal sacrifice, he traveled across the Atlantic, and was back here Monday morning of the past week.

Other Senators had exactly the same situation in the performance of other official duties.

Senators have had a fine record this past week. I hope it may continue.

Certain Senators who answered were not required to be present today for the quorum call because they were relieved of quorum duty. However, we cannot expect all Senators to be present during the entire debate. We have arrived at what I think is a reasonably good arrangement.

One of our good airplanes is the Boeing 707. Occasionally there is a malfunction of that plane, but it is still the backbone of the commercial airlines, along with the DC-8. Both of these airplanes make regular scheduled trips with safety and efficiency. Once in a while one does not get off the ground or falls out of the air. That does not mean we should condemn commercial air service.

Once in a while we fail in our responsibilities, but we are seeking to do a good job within the limit of our resources and capabilities.

I thank my colleagues not only for their attendance, but for what I consider to be the best discussion of a piece of legislation in years. There has been diligent work in the consideration of the bill, H.R. 7152, on the part of the Senate.

Mr. MORSE. Mr. President, preserving my floor rights, I now yield to the Senator from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. Mr. President, I thank the distinguished Senator from Minnesota for having made his clarifying statement and having referred to some of the Senators as having been relieved from quorum duty last Saturday.

I was one of the Senators so relieved, to attend an important meeting bringing with it an opportunity to discuss with persons who are seriously interested in the civil rights bill what could be done to advance the prospect of early action.

The necessity for being away from the Chamber last Saturday is, I am sure, quite well understood by the Senator from Minnesota. We have met our quota. We have met it again this Saturday. I should like to point out the irony of a situation like this, because after a hasty check, I am of the belief that out of 130 rollcalls this year, I have answerd 125. Prior to last Saturday, I had missed only one rollcall and two quorum calls—on Saturday one rollcall and one quorum call. I believe I missed previously one rollcall and three quorum calls. So, having been present in the Chamber during these proceedings whenever my presence was necessary and, in addition, having worked early in the day and late into the evening, have monitored the floor last Friday all day long and into the evening, and having on Monday discharged what I believe were my obligations as the Senator in charge of the bill on this side of the aisle on title V, the extension of the Civil Rights Commission, I believe it is well to make this explanation.

I believe that 97 or 98 percent attendance is rather good, and that it is above the average attendance record.

I understand that in the forthcoming week a national news magazine will attempt to make the point that some Senators were not present on a given Saturday. I believe this is a most unfair approach when one considers that the Senators who will be held up to public scorn as having missed a session will be the group of Senators who have been in the Chamber most of the time and most assiduous in pursuit of their duties in response to their obligations.

I know that when the Senator from Minnesota spoke, he did not mean to imply that either he or other Senators have a 100-percent attendance record. He has made it clear that there are times when we must be elsewhere. There will be times in the future when I may feel it more important to pursue my duties in connection with other proposed legislation. There may even be occasions, some time during this year, when I shall be absent because I want to be with my six grandchildren.

Mr. HUMPHREY. That is the best excuse anyone can have.

Mr. SCOTT. I do not know of a better excuse than that, but I believe the Senate is working extremely hard, is doing the best it can, and should not be held up to opprobrium because on one Saturday afternoon certain Senators who have continuously assisted in maintaining the fullest possible representation in the Chamber were not present, by the agreement and understanding of both parties.

I thank the Senator from Oregon for yielding to me.

Mr. MORSE. Mr. President, I should like to yield to the Senator from Oklahoma, but first I ask unanimous consent to waive the rule of germaneness.

Mr. HUMPHREY. Mr. President, will the Senator from Oregon yield?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none, and the rule of germaneness is waived.

Mr. HUMPHREY. Mr. President, will the Senator from Oregon yield me 1 minute to reply to the Senator from Pennsylvania?

Mr. MORSE. I am glad to yield to the Senator from Minnesota.

Mr. HUMPHREY. I would be remiss in my duty if I did not thank the Senator from Pennsylvania for his exceedingly effective cooperation on the civil rights bill. I want him to know that I am deeply grateful. There is no reason for him to make any apology to me. The Senator from Pennsylvania has been a bulwark during consideration of the proposed legislation.

Mr. SCOTT. I appreciate the comments of the Senator from Minnesota.

CONGRATULATIONS TO STATE OF OKLAHOMA ON 75TH ANNIVERSARY OF OPENING OF LANDS IN THE FORMER OKLAHOMA AND INDIAN TERRITORIES

Mr. MORSE. Mr. President, I am glad to yield to the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, within a fortnight the State of Oklahoma will celebrate the 75th anniversary of the opening of a large portion of its State to homestead settlement.

I therefore wish to submit a resolution for myself and my distinguished colleague the junior Senator from Oklahoma [Mr. EDMONDSON]. It reads as follows:

> Whereas on March 23, 1889, Benjamin Harrison, then the President of the United States, issued a proclamation opening to pioneer settlement certain lands in an area that now is the central portion of the State of Oklahoma; and
>
> Whereas this proclamation resulted in the famous and historic "Run of April 22, 1889," engaged in by some 100,000 citizens of other States who desired to acquire these lands for settlement and ownership; and
>
> Whereas through this "run," 2 million acres of land passed into private ownership and many of the present cities in central Oklahoma were founded; and
>
> Whereas with this original opening of land to settlement as a precedent, other sections of the old Oklahoma Territory were subsequently opened to settlement; and
>
> Whereas later developments in the former Oklahoma Territory and the adjacent former Indian Territory led to the joining of these two territories and the formation of the State of Oklahoma on November 16, 1907, as the 46th State of the Union; and
>
> Whereas the State of Oklahoma has, since its original opening, become one of the leading States of the United States in all fields; and
>
> Whereas the people of the State of Oklahoma are conducting, in their respective communities, appropriate ceremonies, and events celebrating this year of 1964 as "Oklahoma's Year of Vision" and the "diamond anniversary" of the "run," and the opening of Oklahoma to settlement; and
>
> Whereas it is fitting that the Senate of the United States should officially recognize and memorialize the historic "Run of April 22, 1889" and the subsequent events which have resulted in the establishment and development of the great State of Oklahoma: Now, therefore, be it
>
> *Resolved*, That the Senate of the United States hereby extends its most cordial greetings and warmest congratulations to the people and Government of the State of Oklahoma on the occasion of the 75th anniversary of the "Run of April 22, 1889," and expresses its recognition of the day of April 22, 1964, and the year of 1964, as the diamond anniversary of that historic event.

Mr. President, I ask unanimous consent—and I have cleared this with the leadership—that the Senate proceed to the consideration of the resolution; and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 307) was considered and agreed to.

The preamble was agreed to.

Mr. MORSE. Mr. President, I yield to the Senator from New Hampshire [Mr. McINTYRE].

EFFECT OF IMPORTS ON THE SHOE INDUSTRY IN NEW ENGLAND

Mr. McINTYRE. Mr. President, the dramatic effect imports are having on our domestic shoe industry presents a grave challenge to the economic well-being of New England. In the wake of our dedication to expanding international trade, we are faced with the threat that a new generation of foreign manufacturers, using all the resources of modern technology, could turn their foothold in the American shoe market into a dominant position. My concern is that the tide of imports should not become an unbearable burden upon the shoe industry in New Hampshire and the Nation. We do not seek to avoid competition, only to meet it.

Mr. President, during the course of the Tariff Commission's hearings in preparation for the forthcoming GATT negotiations, two very forthright statements were submitted against lowering the tariff on footwear. Such action would bring a flood of imports which would cause serious disruption of our domestic economy. We cannot sacrifice this industry for gains whose exact nature cannot be foreseen. Moreover, as these fine statements point out, we must press for agreement on important restraint. Only in this way will we be able to effectively compete and insure the success of the American shoe industry in its battle for survival.

Mr. President, with the hope that Senators will find both of these presentations before the Tariff Commission as convincing as I have, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY GEORGE FECTEAU, GENERAL PRESIDENT, UNITED SHOE WORKERS OF AMERICA, AFL–CIO, TO U.S. TARIFF COMMISSION ON PROPOSED TRADE AGREEMENT NEGOTIATIONS WITH CONTRACTING PARTIES TO GATT, MARCH 17, 1964

I appear here before the Commission as general president of the United Shoe Workers of America, AFL–CIO, on behalf of the approximately 50,000 members of that organization who work in shoe factories in this country from Maine to California.

The Commission has the duty of advising the President as to the probable economic effect of reducing the tariff duties on various articles upon the industries producing like or directly competitive articles. These hearings are for the purpose of developing the information on the basis of which the Commission can make its judgment as to the probable economic effect of modifying the duties.

On behalf of the members of my organization, I ask the Commission to find that lowering the tariff rates on footwear at this time would result in a flood of footwear imports which, in combination with other factors affecting the shoe industry in the United States, would have a serious adverse effect upon American shoeworkers and upon the communities in which they live. The deep concern of our members over this matter was accurately represented in a resolution unanimously adopted at the union's 1961 convention, calling upon the Government to take measures to prevent the flow of footwear imports from rising even higher. We firmly believe that, instead of a reduction in import tariffs on footwear, there should be an increase in the tariff rates or some other arrangement established for protecting American shoeworkers against increasing competition from footwear produced by exploited foreign labor.

Together with representatives of the industry, we have expressed this view to Members of the Congress and have received the support of many Senators and over half the Members of the House of Representatives. Joining with Members of Congress and the industry, we made a presentation to President Kennedy on the need for some form of protection for American shoeworkers. The President agreed that the situation justified serious further study, and, among other things, agreed there was a need for developing more meaningful statistical data with respect to imports of footwear. Procedures for obtaining necessary statistical information were drawn up, and requests for funds to put the revised reporting procedures into operation are now pending before the Congress.

The general trends which have made it essential to study seriously the need for restrictions on imports over and above the present tariffs argue with even greater force against a reduction in tariffs and a resulting increase in imports. To open the tariff gates wider at this time would make the entire effort now in process meaningless.

In 1954, imports of footwear, excluding rubber footwear and slipper socks, were only 5.6 million pairs. By 1962, that number had increased to 55.1 million pairs, or nearly tenfold. The increase in total footwear imports including rubber footwear and slipper socks, was even greater—from 6.2 million pairs in 1954 to 177.2 million pairs in 1962, or nearly 30 times as many. Not many of our members are engaged in the production of rubber footwear, but the sale of certain types of rubber and other footwear affects the market for the products produced by our members.

In September 1963, a wholesale revision in tariff classifications, and therefore in the statistical reporting classifications, went into effect. As a result, the import figures for footwear for 1963 are not comparable with those for previous years. I am told that there is no way of finding out accurately what happened to footwear imports in 1963. The figures on footwear imports for 1963 (other than rubber and slipper socks) prepared by the Leather and Allied Products Division of the Business and Defense Services Administration of the Department of Commerce are marked, "1963 data not directly comparable with prior year changes due to changes in Tariff Schedule." Under the new schedule import figures show a decline of 8.5 million in total pairs imported, from 55.1 million in 1962 to 46.6 million in 1963. However, these figures include a decline of 12.9 million pairs in footwear with nonleather uppers. Under the new reporting classification, some of the items included in the 1962 figures of leather footwear with nonleather uppers would have been included with rubber footwear in the late 1963 figures, while knitted infants footwear would have been transferred to an apparel classification after September 1963. A reported decline of a half million pairs in slipper imports may be real, or it may be due, I am told to the new classification system which puts footwear formerly reported as slippers into a nonfootwear group. Moreover, apart from these statistical questions, it should not be overlooked that 1963 was a poor year in domestic production and sales of footwear, and this would have an effect on imports also.

Even the noncomparable figures for 1963, however, indicate that the threat of footwear imports has not subsided but has become increasingly evident in the central elements of American footwear production—the leather shoe classifications. Although the number of pairs of nonrubber footwear imports reported for 1963 decreased by 8.5 million, the dollar value of these imports as reported by the Leather and Allied Products Division was some $400,000 higher than the 1962 figure. The comparisons are as follows:

U.S. footwear (other than rubber)

	1962	1963	Change (+) or (−)
Pairs (millions)	55.1	46.6	−8.5
Value (millions)	$80.3	$80.7	+$0.4

The reason for this unusual development is to be found in the change in the composition of the import figures. While the "others" footwear category, with an average 1963 per pair value of 53 cents declined by nearly 13 million pairs, and the slipper category, with a per pair value of 49 cents, decreased by a half-million pairs the men's footwear, with an average value of $4.32, increased by 233,000 pairs, and the women's footwear, with an average pair value of $1.97, increased by 4.5 million pairs.

The continued and increasing threat to the American shoe worker is seen in the sustained growth the men's leather footwear imports and the sharp increase in imports of women's and misses' leather footwear. The figures for these categories are not as much affected by the changes in classification in 1963 as other footwear import figures, but I am told that, even in these classes, the 1963 import figures may be understated because some shoes included in these categories in earlier years would be included with supported vinyl footwear in the rubber imports after August 1963.

I submit herewith a table (table I) showing the import figures for 1954 and for the years 1959 through 1963 for men's and boys' footwear and women's and misses' footwear. I have excluded the years between 1954 and 1959 because they were each affected to a greater or lesser degree by the inclusion before September 1, 1958, of certain Japanese imports which, by a change in tariff classification became effective on September 1, 1958, were transferred to rubber footwear imports. The table shows an increase in imports of women's and misses' shoes from half a million pairs in 1954 to 6.2 million pairs in 1959 and 18.2 million pairs in 1963. The increase of 4.7 million pairs (35.1 percent) between 1962 and 1963 was largely comprised of an increase of 3.6 million pairs (33.6 percent) from Italy, and 0.9 million pairs (111.4 percent) from Japan. The percent of the domestic market represented by imports of women's and misses' shoes rose from 0.2 percent in 1954 to 1.9 percent in 1959 and 5.5 percent in 1963 (see table I).

For men's and boys' shoes, imports increased from 600,000 pairs in 1954 to 4.8 million pairs in 1959 and 7.7 million pairs in 1963 (table I). These represented the following percentages of the domestic market: 1954—0.5 percent; 1959—3.4 percent; 1964—5.7 percent (table I).

Under present tariff rates, foreign imports in the major leather footwear categories have in less than 10 years increased from only one-half of 1 percent (or less) of the domestic market to over 5 percent of that market in the central areas of shoe production—women's and misses' shoes, and men's and youths' shoes. In the face of that fact, I submit to you that it would be doing a serious disservice to the American shoe workers to negotiate a lowering of the tariff.

Because the statistical reports are not adequate, as I explained above, we cannot pinpoint the specific types and price ranges of shoes affected. But this lack does not concern us alone. It also concerns the ability of the Commission to discharge its duty of determining the probable economic effect of lowering footwear duties. It would be unwise to ignore an obvious general danger signal because the statistics to pinpoint the precise areas which are threatened are not yet available.

Nor should the fact that the troubles of the shoe workers may not be due entirely to imports of foreign footwear be used to justify the complete ignoring of the problem of imports. There are many factors that plague the shoe industry and limit the ability of our union to achieve for its members the standard of living which, as American workmen, they should have. Our industry is highly competitive within itself. At the same time, it must compete with producers of substitute footwear—such as, for example, rubber-canvas sneakers—both in the United States and abroad. Moreover, the shoe industry is highly mobile. Manufacturers can close down in a unionized area on a Friday and open up with rented machines in a low-wage nonunion area on a Monday. We are constantly fighting the threat to our labor standards which is posed by the flight of manufacturers to rival nonunion low-wage areas. We are in competition with low-wage exploited nonunion labor in the United States. We are also in competition with low-wage exploited labor in foreign countries—principally in Italy and Japan.

The fact that the competition of exploited foreign labor is only one of the evils which our members face certainly does not justify recklessly multiplying the threat which that evil represents to the American shoe worker.

In spite of a growth of 13 percent in population since 1956, the production of American footwear has remained at approximately the same level in the last 4 years as in the years 1956 and 1957. (See table II). (In none of these 4 years did it even approach the 1959 figure.) Thus in these years of rising footwear imports, the American shoeworker has lost the benefit of the improvement in production which should have followed from the increase in population.

The failure of leather footwear production to increase with the increase in population is apparently not a result of a reduction in per capita shoe purchases. This is shown in the per capita domestic market column—the last column—in table II. The figures in this column are obtained by dividing the total domestic market for nonrubber footwear (production minus exports plus imports) by the population. Production in 1959, as has been stated earlier was far out of line with any year either before or after, and that year must be disregarded. There is no significant difference in the per capita domestic market between the years before and after 1959, especially if allowance is made for the change (previously referred to) in the classification of certain imported footwear beginning in September 1958.

Figures of average production-worker employment fluctuate from year to year in accordance with fluctuations in total production. Over the years involved in the growth of footwear imports—from 1954 on—the level of production-worker employment has declined. Employment in 1954—a depressed low production year—was 218.8 thousand; in 1963, it was 209.8 thousand, a decrease of about 4 percent. It might be noted here that the reduction in average employment was not offset by an increase in average hours worked. According to the Bureau of Labor Statistics the average weekly hours worked in the footwear, except rubber industry, exceeded 37.5 hours in only 1 year since 1954.

The small decline in employment levels shown by these figures suggests a picture of employment stability that just does not exist. For the figures reflect a net picture which results from the shutting down of established factories and the opening of new factories. And usually the new factory is not in the same area as the closed plant. In a letter to Senator KEATING which the Senator inserted in the CONGRESSIONAL RECORD for July 16, 1963, Mr. J. F. Collins, Director of the Office of Trade Adjustment in the Department of Commerce at the time, stated that 41 percent of the 1,450 factories which operated in 1951 were out of business by 1962, while 34 percent of the 1,300 factories operating in 1962 had started between 1951 and 1962. Our own union's records of new factories organized and old factories closed shows that, over the period from May 1959 through November 1963, we organized 92 factories with approximately 8,400 members, but over the same period 80 factories with which we had contracts closed, and about 9,500 of our members lost their jobs.

We are all too familiar with the fact that the shoe industry has shifted its production from one area to another and that further shifts are now in process away from the established centers. Underneath the relative stability of employment, therefore, there has been a constant shifting in the corporate and geographic composition of the industry, with innumerable personal economic tragedies for the individual workers who find themselves stranded by these shifts.

Since 1957, the International Shoe Co., the largest shoe manufacturer in the country, has closed down 22 plants with nearly 6,900 employees. These closings were not due entirely to imports. But the company would agree with us that in most cases imports contributed to the closing, and to the resultant unemployment.

The International Shoe Co. has frankly stated that it has been attracted by the low-cost labor in some foreign countries to substitute imported footwear for domestically produced footwear. In the company's 1959 annual report, President Henry H. Rand said:

"The presence in some foreign countries of extremely low-cost labor opens opportunities to supply the American market with the simple types of footwear which can be mass-produced very effectively in those countries.

"Your management believes that present world developments which encourage exchange of product will bring increasing quantities of shoes into this country. Our company's powerful distribution organization will utilize items produced so advantageously in foreign countries. We have already established ourselves as exclusive distributor of some types of footwear produced by one of the largest manufacturers in Japan."

At the annual stockholders meeting in 1964, M. R. Chambers, current president of International, reported that the company had established the Divina division to distribute women's shoes imported from Italy and that the division had sold more than 500,000 pairs by December 1 after the first presentation in September 1963.

Other manufacturers have followed and more will follow International's pattern of importing foreign footwear for sale in this country. Mr. Harold O. Toor, treasurer of the National Shoe Manufacturers Association, testified as follows before the Senate Finance Committee on August 2, 1962:

"This flood of imports not only reduced employment opportunities for shoeworkers, but it forces shoe manufacturers to make arrangements of one type or another in foreign countries to produce shoes or shoe parts. A few manufacturers, thoroughly discouraged by the import flood, are investing in facilities abroad or making other arrangements so that they may import footwear or parts and thus remain competitive. Unless some action is taken to adjust imports to an orderly growth, this movement will grow apace, and we shall see dozens of factories moved from this country to Europe."

The two largest footwear exporters to the United States are Italy and Japan. The average hourly earnings of an Italian shoeworker, in December 1962, was about 34 cents an hour, but cash wages might represent only about half the total hourly wage cost. The hourly wage cost figure for cash wages plus fringes would thus be about 68 cents an hour in the Italian shoe industry.

In Japan the average cash wage in the leather and leather products industry in 1962 also averaged 34 cents an hour, but with a lower fringe cost percentage of about 15 percent, the total hourly labor cost for cash wages and fringes would be under 40 cents an hour. The above figures are on the basis of information obtained from the U.S. Department of Labor.

The average hourly wage in footwear manufacturing in the United States is $1.74 an hour. If we add to that the shoe industry's estimated approximately 20 percent for fringe labor costs, we have a total hourly labor cost of $2.09 and hour—three times the comparable Italian figure and six times the Japanese figure.

In the light of these figures, I quote to you the following from the statement on International Fair Labor Standards, adopted by the AFL–CIO Executive Council at its recent meeting in Florida:

"Continued trade expansion requires international efforts to insure improved living standards in all nations. Fair competition can promote both more trade and better economic and social conditions. Unfair competition, based on exploited labor, can hinder trade and undercut living and working conditions everywhere. No nation has the right to base international trade competition on labor exploitation."

The council's statement goes on to say the following:

"However, unless wages of exporting countries improve as industrial progress improves, the economic and social conditions of workers in those countries will fail to show a fair sharing of gains. Moreover, the wages and labor standards of the importing countries must not be undermined by market disruption from low-wage imports, which has occurred in a few cases. If unit costs abroad are so far below U.S. unit wage costs that rapid introduction of too many foreign goods in the U.S. market will disrupt that market—on the basis of low wage and labor standard competition—the result may undercut standards of American workers or workers in any developed industrial area."

There is practically no unemployment in Japan at the present time and the unemployment rate in Italy is substantially below the average rate in this country. On the other hand, a great many of our shoe factories are already in areas classified by the Labor Department as having substantial unemployment. I attach as exhibit A a list of communities with substantial unemployment as of January 1964 in which there are shoe factories. It should be noted that many of the places listed are small communities with relatively limited alternative employment opportunities. The list does not claim to be complete, but there are enough areas listed to make clear that to increase the employment difficulties in the footwear industry in this country will aggravate the unemployment problem in many areas which are already having serious problems. There can be no doubt, in the face of the rapid growth of leather footwear imports in the past few years even under present tariff duties, that to reduce those duties will result in a tremendously accelerated influx of footwear from Italy, Japan, and other countries and a consequent intensification of the unemployment situation in many American communities.

I want to repeat that, if that happened, it would be small comfort to the American shoeworker to be told that his plight is not due solely to imports but also to many other problems. A condition which is due to many factors can be controlled only by treating all of the factors. It is unwise in such a situation to justify increasing the adverse effect of one factor by referring to other factors which must be controlled.

On behalf of the members of our union, I ask you to find that to reduce the duties on footwear at this time would substantially increase footwear imports into this country and that this factor, operating in conjunction with the other problems which plague the industry in this country, will have a serious adverse effect upon the economic well-being of the American shoeworker and upon the communities in which he lives.

Table I.—*Imports as percent of U.S. domestic market, women's and men's leather footwear, 1954 and 1959–63*

WOMEN'S AND MISSES' SHOES

Year	Imports	Exports	Domestic production	Total domestic market	Imports as percent of domestic market
	Millions	*Millions*	*Millions*	*Millions*	*Percent*
1954	[1] 0.5	2.5	282.0	280.0	0.2
1959	6.2	1.9	335.6	339.9	1.8
1960	7.6	1.5	320.1	326.2	2.3
1961	9.6	1.4	312.6	320.8	3.0
1962	13.5	1.3	305.3	317.5	4.3
1963	18.2	1.1	315.4	332.5	5.5

MEN'S AND BOYS' SHOES

Year	Imports	Exports	Domestic production	Total domestic market	Imports as percent of domestic market
1954	0.6	0.8	114.4	114.2	0.5
1959	4.8	.5	136.3	140.6	3.4
1960	5.2	.5	124.7	129.4	4.0
1961	5.4	.4	127.6	132.6	4.1
1962	7.5	.5	133.2	140.2	5.4
1963	7.7	.6	128.0	135.1	5.7

[1] Includes small number of infants' and children's shoes.

Source: United Shoe Workers of America, AFL–CIO, Mar. 17, 1964.

Table II.—*U.S. population and nonrubber footwear production and market, 1954–63*

Year	Population [1]	Production	Exports [1]	Imports [2]	Domestic market	
					Total	Per capita
	Millions	*Millions*	*Millions*	*Millions*	*Millions*	
1954	162.4	530.4	5.0	5.6	531.0	3.27
1955	165.3	858.4	4.9	7.8	588.3	3.56
1956 [1]	168.2	591.8	4.8	10.0	597.0	3.55
1957	171.3	597.6	4.7	11.0	603.9	3.53
1958	174.2	587.1	4.5	23.6	606.2	3.48
1959 [1]	177.3	637.4	3.5	22.3	656.2	3.70
1960	180.7	600.0	3.2	26.6	623.4	3.45
1961	183.7	592.9	3.0	36.7	626.6	3.41
1962	186.6	597.6	2.9	55.1	649.8	3.48
1963	189.3	591.4	2.8	46.6	635.2	3.36

[1] Year as of July 1.
[2] Nonrubber footwear, excluding slipper socks.

Source: United Shoe Workers of America, AFL–CIO, Mar. 17, 1964.

EXHIBIT A—AREAS OF SUBSTANTIAL UNEMPLOYMENT IN WHICH THERE ARE SHOE FACTORIES

Massachusetts: North Adams, East Brookfield, Milford, Ware, Lowell, Methuen, Bridgewater, Brockton, Whitman, Sturbridge, Fitchburg, Oxford, Webster, Amesbury, Newburyport, Salisbury, Middleboro, South Weymouth, Mills, Brookfield, Marlboro, Spencer, Worcester, Haverhill, Rowley, Lawrence, New Bedford, Stoughton, Norfolk.

New York: Amsterdam, Auburn, Batavia, Gloversville.

New Jersey: Newark.

Tennessee: Greeneville, Springfield, Martin, Centerville, Savannah, Union City, Franklin, Dyer.

Ohio: Portsmouth, Logan.

Pennsylvania: Philadelphia, Forest City, Montrose, Scranton, Oil City, Pittsburgh, Tunkhannock, Hazleton, Schuylkill, Wilkes-Barre, Meadville, Sayre, Williamsport, Bedford, Gettysburg, Altoona.

Wisconsin: La Crosse, Douglas County.

Missouri: Monett, Potosi, Hannibal, Cape Girardeau, Washington, Caruthersville, Poplar Bluff, Versailles.

New Mexico: Taos.

Texas: Raymondsville.

Maine: Auburn, Lewiston.

Maryland: Hagerstown.

Illinois: Mattoon, Anna, Litchfield, Mount Vernon.

Minnesota: Duluth.

Kentucky: Hopkinsville, Frankford.

Colorado: Denver, Grand Junction.

Rhode Island: Bristol, Pawtucket, Providence.

Michigan: Coldwater, Big Rapids.

West Virginia: Huntington.

Washington: Seattle, Centralia.

Connecticut: Norwich.

Georgia: Metter, Waycross, Buena Vista, Carrollton.

Indiana: Vincennes.

Arkansas: Paragould, Pocahontas, Conway, Wynne, Searcy, Russellville, Newport, Clarksville.

Statement of Views on Inclusion of Footwear Products on the List of Articles for Possible Consideration in Trade Agreement Negotiation Submitted by the Foreign Trade Committee of the Shoe Manufacturing Industry Representing National Shoe Manufacturers Association, New England Shoe & Leather Association, St. Louis Shoe Manufacturers Association

The Foreign Trade Committee of the Shoe Manufacturing Intustry, representing more than 800 shoe manufacturers requests that the footwear items enumerated in subpart A, part I of schedule 7, Tariff Schedules of the United States[1] be reserved from the list of articles to be considered for duty reductions during the forthcoming negotiations. We submit that duty reductions on footwear would aggravate foreign trade conditions which at present threaten the survival of a major portion of the U.S. footwear industry.

I. CONDITIONS OF FOREIGN TRADE IN FOOTWEAR

Analysis of foreign trade conditions in footwear reveals the following:

(1) Imports of footwear have increased more than 1,054 percent since 1955 and now represent more than 13 percent of domestic production;

(2) Exports of footwear, never significant in quantity, have virtually disappeared in recent years.

Import trend

In 1955, imports of footwear aggregated only 7.9 million pairs and had but a 1.2 percent relationship to domestic production. Since that time, imports have increased at an alarming and significant rate each year, the point of departure appearing to be 1958, when imports more than doubled the 1957 total.

The result of this dramatic trend was an aggregate importation of 92.2 million pairs in 1962, a figure representing 13.2 percent of domestic production. We know of no industry of comparable size which has suffered such a rate of increase and accompanying market disruption as have been thrust upon U.S. shoe manufacturers.

There was no sign that this deteriorating situation was reversed in 1963. Last year the footwear market was relatively depressed; domestic production was somewhat less than 1962. It might have been expected that the flood of imports would also diminish, but, in fact, reported imports remained at approximately the same level, although declared value increased by approximately $3,500,000. Accordingly, the imports to production ratio remained at approximately 13 percent.

Reported 1963 imports substantially understate total imports for last year. By operation of the tariff schedules, effective September 1, 1963, a large quantity of infants' knit booties, previously reported under paragraph 1530(e), Tariff Act of 1930, were transferred to schedule III (textiles) of the tariff schedules and are not now identifiable. Beyond question, this statistical factor accounts for a large share of the apparent decline in importation of footwear shown in table I as "all other nonrubber."

The total volume of footwear imports for each year, 1955 through 1963, is set forth in table I, attached hereto. This table has been developed to demonstrate the total impact of imports on the footwear market, and includes both leather and rubber-canvas footwear, although the information presented in this brief relates primarily to leather and leather-type footwear.

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[1] This brief does not cover statutory item 700.50 (rubber or plastic hunting boots, etc.) or statistical enumerations 700.5520 (zories) and 700.6520 (slipper socks).

Rubber-canvas footwear, except for footwear used for athletic purposes, is directly competitive with and displaces leather footwear. In the men's and women's fields canvas-rubber is worn for casual use and in the children's field it is worn for day-to-day use; in these markets a pair of canvas-rubber shoes takes the place of a pair of leather shoes. Such activities as tennis, boating, and certain other sports may require special rubber footwear which would be "extra" shoes, but such footwear occupies a very small share of the canvas-rubber total.

The import level increase involving certain significant categories of footwear is even more startling. For example, cement footwear for women, misses, children, and infants account for more than one-third of the total domestic footwear production by volume and only a slightly lesser proportion by value. Imports of this type of footwear equalled only 234,712 pairs in 1954; by 1962, 9,839,400 pairs were imported. For the first 8 months of 1963, 10,416,270 pairs were imported, more than total importation during the year 1962 and representing an increase of over 4,000 percent compared with 1954.[2] It is clear that invasion of basic footwear markets such as this cement category has an even greater overall impact than higher percentage penetration of less important markets. This statement does not, however, minimize that increased import penetration in other categories, for all tariff classifications covering footwear have experienced substantially higher import levels during the past 10 years.

Export trend

At the same time that the domestic industry has been experiencing the described sharp acceleration of footwear imports, exports have rapidly declined, and significant export markets are not available to U.S. producers. Between 1955 and 1962, exports of nonrubber domestic footwear declined by 1,700,000 pairs, approximately 37 percent. Our unfavorable trade balance in nonrubber footwear is approximately 20 to 1, and the unfavorable balance for all footwear covered by this brief is more than 30 to 1.

II. CAUSES FOR DETERIORATION OF FOREIGN TRADE IN FOOTWEAR

The alarming rate of increase in footwear imports entering the United States and the negligible and diminishing export market for these products are directly attributable to four causes. These are:

(1) Foreign employment costs, including fringe benefits, are substantially lower than such costs in the United States;

(2) High labor input is required for the production of footwear;

(3) Foreign shoe factories are of such modern character that no decisive U.S. productivity advantage can be achieved;

(4) Foreign entry barriers, tariff and nontariff, are significantly higher than U.S. import duties.

Employment cost disparity

By a substantial margin the most important factor generating the sharp and substantial import increase is the wide disparity in employment costs between United States and foreign shoe plants. The employment costs in the footwear industries of Japan and Italy are the lowest of all major producing nations; it is not surprising that they rank first and second among the nations supplying the United States with imported footwear. Imports from both Japan and Italy increased between 1955 and 1962 at an even greater rate than the total footwear import rate of increase during the same period. In 1962, approximately 48 million more pairs of Japanese footwear entered the United States than in 1955, an increase of greater than 1,700 percent. The acceleration of Italian imports is comparable: 13,900,000 more pairs entered in 1962 than in 1955, an increase exceeding 1,100 percent. The influence of the employment cost differential on footwear imports is further demonstrated by the fact that entries from the United Kingdom and Switzerland have increased only slightly during the 1955–62 period, and such costs in these nations are substantially greater than in Japan and Italy.

The following table sets forth employment costs for hourly rated labor in principal footwear producing nations.

Hourly employment costs in the footwear industry, by countries

[Includes fringe benefits for all nations]

Countries	1958	1959	1960	1961	1962
Japan	$0.27	$0.29	$0.32	$0.35	$0 40
Italy	.43	.44	.44	.47	.56
United Kingdom:					
Males	.81	.83	.93	.98	1 03
Females	.51	.53	.57	.60	.64
Switzerland:					
Males	.99	1.03	1.09	1.15	1.25
Females	.52	.55	.57	.61	.66
United States	1.81	1.84	1.90	1.95	1.97

Sources: ILO Yearbook of Labor Statistics; BLS, U.S. Department of Labor; National Shoe Manufacturing Association (for U.S. fringe benefits).

Labor input

The competitive impact of employment cost disparities naturally increases with the amount of labor required to make the products of an industry. Because of the nature of the process, direct labor continues to represent an unusually high proportion of total manufacturing costs, ranging from 25 to 35 percent. Notwithstanding the substantial improvements in productive efficiency and in component materials, in which the U.S. industry has led the way, labor content in footwear will continue to be unusually high. It is inherent in this item of apparel that fit specifications are of paramount importance, and equally inherent that symmetry of construction in difficult operations, particularly stitching, is essential. Attainment of these standards requires visual judgment and manual dexterity which cannot be mechanized.

Foreign plants

It is an unwarranted and unrealistic assumption that U.S. productive superiority will enable the domestic footwear industry to compete effectively in our home market and in foreign markets.

First, such an assumption ignores the fact that foreign factories are extremely modern, many having been built since World War II. They cannot be described as inefficient.

The U.S. footwear industry is continuing to improve its productive techniques and to seek lower costs in footwear production, and doubtless the domestic industry and its workers are more efficient than plant and employment abroad. It is the industry's estimate that U.S. plants and workers are 25 percent more efficient than foreign labor and facilities. But it is impossible that our workers could be five times more productive than Japanese workers or nearly four times more productive than Italian workers as would be necessary to overcome our employment cost disadvantage.

The described cost advantage enables foreign producers to sell footwear in the U.S. market at far lower prices than domestic manufacturers can sell comparable items. Over the average of the industry's product, foreign footwear sells at prices 15 to 25 percent below prices for equivalent items of U.S. manufacture.

In an industry such as this involving active demand response to price within the product mix, tariff rates exert a significant influence. It is important to point out that substantial tariff concessions have been granted on 21 of the 25 items covered in this brief.

Foreign trade barriers

The United States tariff levels applicable to footwear are as low or lower than those of any nation, and there are no U.S. "equalization" taxes applicable to imported footwear. Most foreign producing nations couple relatively higher duty rates, based on c.i.f. value, with substantial nontariff taxes resulting in much greater trade barriers than prevail in the United States.[3]

There is no question that these barriers burden what footwear export market remains available to the domestic industry, and they should be reduced to the existing U.S. level. One point, however, should be emphasized: Even if foreign trade barriers were to be substantially reduced the export markets for U.S. footwear would not expand significantly, since the cost-price advantage enjoyed by foreign producers would continue to prevent effective competition.

III. THE IMPACT OF IMPORTS

The rapid deterioration of U.S. position in footwear foreign trade has produced the following results:

(1) A decline in the domestic industry's growth and profitability;

(2) A loss of more than 30,000 jobs opportunities in 1963;

(3) An immediate threat to the survival of the domestic industry as a healthy element of the economy and consequent derogation of the national interest.

Decline in growth and profitability

Production in the domestic shoe manufacturing industry (rubber and nonrubber combined) increased at an average annual rate of 2.7 percent between 1947 and 1955. Had this growth rate been maintained in the years since 1955, production would have been 790 million pairs in 1963, but, in fact, the domestic industry produced only 698,602,000 pairs of footwear in 1963. The difference of approximately 90 million pairs is virtually equal to the 1963 import volume.

The shoe manufacturing industry is historically a highly competitive, low profit industry, and profit margins have been further impaired by import competition. Net profit (after taxes) on sales in the leather and leather products industry, including shoes, was 2 percent in 1957; only two manufacturing industries listed by the SEC-FTC financial report suffered a lower return. By the second quarter of 1963 percentage of profits to sales in the leather and leather products industry had declined to 1.2 percent and the industry was the least profitable of those listed in the SEC–FPC report.[4] It is evident that this development occurred during the period of greatest increase in import levels.

As is typical of a highly competitive industry, price has a substantial influence on shifts in demand. This very responsiveness of demand to price, of course, is the principal advantage enjoyed by foreign producers and underscores the economic impact which could result from further tariff concessions.

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[2] Statistical enumeration of cement footwear was eliminated on Sept. 1, 1963, upon promulgation of the U.S. tariff schedules.

[3] Comparable U.S. and foreign trade barriers applicable to footwear are set forth at table II, attached hereto.

[4] Table III, attached hereto, sets forth the net profit after taxes for all manufacturing corporations by industry, derived from the SEC–FTC report.

Loss of job opportunities

Imports during 1963 of 91,491,454 pairs of footwear eliminated approximately 35,096 job opportunities in the footwear manufacturing and allied industries, and 29,213 opportunities for production workers alone. This total is calculated on the basis of U.S. production figures and 1963 productivity. At the current rate and on the same formula, projected imports will displace approximately 51,400 job opportunities in 1965, including 42,786 for production workers. This labor displacement represents a substantial proportion of the workers currently employed in shoe manufacturing and related industries. Since 1958, the number of employee separations in the shoe industry has increased from 4 to nearly 5 per 100 employees, and new employment since 1959 has declined from 3 to 2.9 since 1959 per 100 employees.

As will be demonstrated in the immediately succeeding section of this brief, the loss of these job opportunities and concomitant purchasing power will have an immense impact on numerous small communities.[5]

Importance to the national economy

The described adverse foreign trade posture of domestic shoe manufacturers also has substantial impact on the Nation's economic well-being, because of the size, employment and location of the plants in the industry.

The 1958 Census of Manufacturers disclosed that there are over 1,300 shoe factories, located in over 600 communities, the majority of which are small towns where shoe manufacturing supplies the major source of income and few alternative job opportunities exist. These establishments are located in 38 States and over 260 congressional districts.

This industry mass-produces a basic necessity. The American consumer today is the best shod individual in the world; annual per capita consumption ranges from two to four times that of consumers in all other parts of the world.

The industry is one of the largest industrial employers in the economy, providing jobs for approximately 320,000 persons.[6] The vast majority of the workers seek and in many cases are limited to tasks which involve manual and handicraft talents, they can find few other employment opportunities. The industry is also an important customer of industries producing shoe machinery, materials, components and supplies. The activity of these persons results in sales of footwear of over $4,500 million annually.

Yet even these facts fail to reveal the direct relationship between the economic condition of the footwear manufacturing industry and that of the numerous small communities in which its plants are located. In Massachusetts, such areas include Fitchburg-Leominster, Brockton, Lawrence-Haverhill, Lowell, New Bedford, Springfield, Chicopee, Worcester, all towns which are classified by the U.S. Department of Labor as areas of "substantial unemployment." In addition, Portland, Maine; Manchester, N.H., and other small, semirural cities are in areas of moderate unemployment. If the U.S. shoe industry is made expendable to the cause of imports, hundreds of employees working in these plants must also be considered expendable. According to U.S. Department of Labor's "Area Labor Market Trends" for November 1963, "a moderate job decline seems likely for the shoe industry, where the bulk of the drop is expected to occur in Boston and Utica-Rome, N.Y."

The shoe industry has contributed substantially to manufacturing developments in Pennsylvania, now the second largest shoe producing State in the Union. But, the threat of imports increasing further may result in aggravated unemployment in this State. Already some manufacturers who were in the playshoe, casual, and slipper fields in Pennsylvania have terminated operations. Others who survive indicate that it is a much harder struggle to maintain a reasonable profit level than previously. We are particularly concerned about footwear manufacturers in Altoona, Scranton, and the Wilkes-Barre-Hazleton, and other Appalachian areas where unemployment is already at critical levels. In West Virginia, the industry is concerned about the Huntington-Ashland area, also in Appalachia, where unemployment is slightly under the 9 percent level.

Other small towns classified in labor surplus areas and having a local shoe manufacturing industry are: Carrollton, Metter, and Waycross in Georgia; Cape Girardeau, Carothersville, Hannibal, Monett, Poplar Bluffs, Potosi, Versailles, and Washington in Missouri; Logan and Portsmouth in Ohio; Centerville, Franklin, Greenville, Martin, Paris, Savanah, and Springfield in Tennessee, and La Crosse in Wisconsin.

National security

Of equal significance to its impact on the economy as a whole is the domestic shoe manufacturing industry's importance to national defense. The response to defense needs made by this industry in time of crisis is ample testimony to its essential defense character. In 1941, 15,285,000 pairs of footwear were shipped to the military; this volume increased to 40,875,000 pairs in 1942 and reached a peak of 50,485,000 in 1944. At the time of Korea, footwear for defense purposes increased from a negligible quantity in 1950 to more than 20 million pairs in 1951. This rapid satisfaction of emergency needs could not have been accomplished by an industry whose very existence was threatened by import penetration.

It is apparent that our defense chiefs are increasingly concerned with the Nation's ability to undertake flexible responses to critical or potentially critical situations throughout the world. Less reliance is placed upon pushbutton warfare as an exclusive retaliatory course, and correspondingly greater attention is devoted to conventional or modified conventional forces. If we are to be prepared for conventional action in various world trouble spots, certainly provision should be made for a shoe industry ability to provide for present and contemplated conventional forces. Permitting sacrifice of the domestic industry to a rapidly increasing import rate does not serve this end.

IV. ISSUES STATED BY TRADE INFORMATION COMMITTEE

In its notice of hearing, the Trade Information Committee lists four matters for consideration by witnesses. These are:

"1. Reductions in rates of duty which the United States should seek to obtain from other nations.

"2. Non-tariff barriers imposed by other nations which the United States should seek to have removed or modified.

"3. Articles upon which elimination, reduction, or continuance of present U.S. duties should be offered.

"4. Other U.S. import restrictions which should be offered for modification or continuance under section 201(a) of the Trade Expansion Act of 1962."

The first two issues cannot be analyzed separately: Foreign tariffs and foreign nontariff protective measures combine to erect tariff barriers on footwear far higher than U.S. tariff levels. As hereinabove set forth,[7] foreign tariffs on U.S. footwear are generally dutiable at a higher ad volorem rate than are similar items of foreign footwear entering the United States. Mere comparison of ad valorem duty rates, however, does not fully express the disparity in tariff burden. Foreign duties are assessed for the most part on c.i.f. valuation in contrast with the lower f.o.b. valuation applicable to imports entering the United States. According to a study by the Committee for Economic Development, "A factor of about 11 percent generally is used as a measure of the average difference between an ad valorem duty applied on c.i.f. valuation as opposed to f.o.b. valuation."[8]

In addition to higher tariff levels, many nations impose transactional-type "equalization" taxes on footwear imports from the United States. The range of these taxes is also set forth in attached table II.

We submit that the trade barrier disparity operates to the disadvantage of U.S. foreign commerce in footwear and, at the minimum, barriers should be equalized at the U.S. level. We reemphasize, however, that even if this objective were accomplished, there would be—for the reasons stated throughout this brief—no significant amelioration of our rapidly deteriorating foreign trade position.

Regarding the third issue propounded by the TIC, we think it obvious—again for the reasons stated throughout this brief—that any further reduction in U.S. duty rates on imported footwear would directly contribute to an accelerating important trend which already threatens the survival of the domestic shoe manufacturing industry.

Finally, in response to the fourth enumerated issue, there are presently no U.S. nontariff barriers to footwear imports. It is well known, however, that the domestic shoe manufacturing industry has long urged that voluntary agreements should be established which will insure the survival of the U.S. industry and, at the same time, allow foreign producers a fair share in the growth of the domestic market.

V. CONCLUSION

Because of the wide employment cost disparity affecting products which are inherently of high labor content, foreign shoes sell on the U.S. market at prices significantly lower than domestic items of like grades and quality. As a result, the import level has accelerated at a sharp and substantial rate, causing market disruption and serious damage to domestic producers.

We urgently recommend that the items covered by this brief be reserved from the list of products to be considered during the forthcoming negotiations.

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[5] Table IV, attached hereto, sets forth new employment, separations and voluntary separations, 1958–62.

[6] Employment figures for leather and allied industries are shown on Table V, attached hereto.

[7] See table II.

[8] Committee for Economic Development, "Comparative Tariffs and Trade," vol. I, p. XIII (1963).

TABLE I.—*Footwear imports, 1955–63*

Category	1955		1956		1957		1958		1959	
	Pairs	Value	Pairs	Value	Pairs	Value	Pairs	Value	Pairs	Value
Men's, youths', and boys'	856,551	$5,440,020	1,801,028	$8,987,826	2,409,921	$11,124,621	6,907,380	$16,359,552	4,834,849	$21,564,277
Women's misses', and children's	928,193	3,391,103	1,194,778	4,051,452	2,484,501	6,603,422	9,192,345	11,526,067	6,221,748	14,313,173
Slippers	921,263	1,081,529	1,027,784	1,187,412	818,917	1,081,037	1,135,704	1,173,042	1,598,914	1,857,348
Moccasins	1,547,811	926,877	1,170,618	703,345	941,720	580,520	1,063,005	733,583	917,985	772,992
All other nonrubber	3,555,836	2,730,931	4,804,731	3,565,595	4,333,418	2,824,789	5,298,107	3,086,538	8,703,345	5,906,486
Vinyl supported uppers	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Rubber and simulated rubber with canvas uppers	115,183	152,399	433,716	343,844	1,022,647	1,122,942	3,247,741	2,429,226	12,614,104	17,105,903
Total	7,924,837	13,722,859	10,432,655	18,839,474	12,011,124	23,337,331	26,844,282	35,308,008	34,890,945	61,520,179
Production	638,203,000		652,894,000		656,725,000		650,759,000		707,670,000	
Percent of production	1.2		1.6		1.8		4.1		4.9	

Category	1960		1961		1962		1963		Percent change, 1955-63	
	Pairs	Value	Pairs	Value	Pairs	Value	Pairs	Value	Pairs	Value
Men's, youths', and boys'	5,203,069	$24,183,344	5,420,358	$24,061,736	7,490,055	$32,297,483	7,723,871	$33,424,866	+801.7	+$514.4
Women's, misses', and children's	7,777,444	18,920,098	9,648,436	22,981,494	13,616,388	30,285,259	18,426,804	36,335,920	+1,885.2	+971.5
Slippers	2,828,061	2,138,591	3,231,758	2,189,022	7,175,220	3,790,009	6,969,140	3,294,546	+626.8	+204.6
Moccasins	1,327,119	1,057,988	1,006,868	882,756	658,560	626,863	570,818	530,312	−63.1	−42.8
All other nonrubber	9,480,815	6,957,357	17,350,967	9,619,615	26,117,234	13,264,202	13,145,418	7,083,499	+269.7	+159.4
Vinyl-supported uppers	(1)	(1)	(1)	(1)	[2] 7,961,212	[2] 5,694,252	16,252,784	8,856,381	(1)	(1)
Rubber and simulated rubber with canvas uppers	30,337,152	37,580,523	28,614,610	31,843,330	29,225,176	18,791,494	28,675,619	18,766,845	24,795.7	12,214.3
Total	56,953,660	90,837,901	65,272,997	91,577,953	92,243,845	104,749,562	91,491,454	108,292,369	+1,054.5	+689.1
Production	679,486,000		686,265,000		698,982,000		698,602,000			
Percent of production	8.4		9.5		13.2		13.1			

[1] Not available.

[2] Data available beginning July 1962, not available previous to this time.

Source: U.S. Commerce Department; National Shoe Manufacturers Association records, Feb. 24, 1964.

TABLE II.—*Foreign-duty-tax rates on U.S. footwear, 1964; and actual duty paid on nonrubber footwear imported into the United States, 1962*

[In percent]

Country	Range of foreign rates			U.S. duty, percent paid
	Duty, percent rate	Other taxes [1]	Net duty taxes	
Common Market:				
Belgium	16–20.0	6.0–12.0	23.0–34.4	14.4
France	16–20.0	25.0–26.0	45.0–51.2	11.2
West Germany	16–19.0	6.0	23.0–26.1	8.3
Italy	14–20.0	7.3– 7.8	22.3–29.4	13.8
Netherlands	16–20.0	2.0– 4.5	18.3–25.4	10.8
Luxembourg	16–20.0	4.0	20.6–24.8	
Japan	15–27.0	[1] 5.0–50.0	15.0–90.0	19.9
United Kingdom: With leather uppers:				
Men's	15.0	10.0	26.5	
Children's	20.0		20.0	
Women's	(2)	10.0	11.0–21.0	6.9
Canada	20–27.5	11.0	33.2–41.5	9.5

[1] This tax range applies to luxury and semiluxury items, which we understand may be applied to any given shipment of U.S. footwear.

[2] 3 shillings per pair or 10 percent whichever is higher.

Source: U.S. Department of Commerce. Cols. 4 and 5 compiled by National Shoe Manufacturers Association.

TABLE III.—*Net profit after taxes for all manufacturing corporations, by industry, as a percent of sales*

Industry	1957	1963 [1]	Industry
Drugs	10.4	9.8	Petroleum refining and related industries.
Petroleum refining and related industries	10.3	9.7	Drugs.
Chemicals and allied products	7.7	8.0	Chemicals and allied products.
Stone, clay, and glass products	7.5	7.2	Stone, clay, and glass products.
Primary metal industries	6.5	6.0	Transportation equipment.
Instruments and related products	5.7	5.8	Tobacco manufactures.
Tobacco manufactures	5.1	5.8	Instruments and related products.
Paper and allied products	5.0	5.7	Primary metal industries.
All manufacturing corporations except newspapers	4.8	5.1	Machinery (except electrical).
Machinery (except electrical)	4.8	5.0	All manufacturing corporations except newspapers.
Transportation equipment	4.5	4.7	Paper and allied products.
Electrical machinery, equipment, and supplies	4.2	3.9	Rubber and miscellaneous plastics products.
Rubber and miscellaneous plastics products	4.2	3.8	Electrical machinery, equipment, and supplies.
Printing and publishing except newspapers	3.8	3.5	Lumber and wood products.
Other fabricated metal products	3.6	3.4	Other fabricated metal products.
Furniture and fixtures	2.7	3.4	Printing and publishing except newspapers.
Miscellaneous manufacturing and ordnance	2.5	3.3	Miscellaneous manufacturing and ordnance.
Lumber and wood products	2.3	2.4	Textile mill products.
Food and kindred products	2.2	2.3	Food and kindred products.
		2.3	Furniture and fixtures.
		1.2	Apparel and other finished products.
Leather and leather products (including shoes)	2.0	1.2	Leather and leather products (including shoes).
Textile mill products	1.9		
Apparel and other finished products	1.3		

[1] 2d quarter.

Source: Quarterly financial reports, Securities and Exchange Commission, and Federal Trade Commission.

NOTE.—Of all industries recorded in 1957, the leather and leather products industry ranked 3d from the bottom. Of all industries recorded in 1963, the leather and leather products industry was the lowest.

TABLE IV.—*New employment, separations, and voluntary separations, 1958–62* [1]

	Nonrubber [2]			Leather tanning and finishing		
	New employment per 100 employees	Separations per 100 employees	Voluntary separations per 100 employees	New employment per 100 employees	Separations per 100 employees	Voluntary separations per 100 employees
1962	2.9	4.7	2.4	2.1	3.9	1.2
1961	2.6	4.6	2.1	1.8	3.6	.9
1960	2.8	4.7	2.3	1.6	3.4	1.0
1959	3.0	4.3	2.3	1.7	3.3	1.0
1958	2.0	4.0	1.7	1.2	3.1	.7

[1] Figures prior to 1958 are not available.

[2] Not available for rubber division of industry.

TABLE V.—*Number of employees and payroll in footwear manufacturing industry, by rubber and nonrubber division, 1955–62*

[In thousands of employees and dollars]

	Total		Nonrubber		Rubber		Allied industries					
							Total		Leather tanning and finishing		Footwear cut stock	
	Number of employees	Payroll	Number of employees	Payroll	Number of employees	Payroll	Number of employees	Payroll	Number of employees	Payroll	Number of employees	Payroll
1962	268.1	909,590	241.2	784,556	26.9	125,034	49.1	218,381	31.7	157,237	17.4	61,144
1961	263.4	864,119	239.6	756,696	23.8	107,423	52.0	224,935	32.3	158,217	19.7	66,718
1960	264.6	839,737	242.6	743,338	22.0	96,399	53.6	232,661	33.6	163,864	20.0	68,797
1959	269.5	853,917	247.5	758,224	22.0	95,693	55.2	241,821	36.3	173,563	18.9	68,258
1958	257.8	785,349	237.4	699,738	20.4	85,611	55.1	223,943	37.1	165,454	18.0	58,489
1957	264.0	799,915	243.8	718,280	20.2	81,635	62.6	237,609	40.1	171,071	22.5	66,538
1956	268.0	788,354	246.3	704,892	21.7	83,462	63.0	235,714	41.4	172,452	21.6	63,262
1955	268.5	737,355	248.4	664,316	20.1	73,039	65.4	239,038	43.5	177,153	21.9	61,885

Source: Bureau of Labor Statistics.

McNAMARA'S WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, press reports indicate that one of Secretary Rusk's missions in Manila this next week will be to induce some of our partners to the Southeast Asia Treaty Organization to join us in the war in South Vietnam.

However, to quote the New York Times of yesterday morning:

> Well informed sources said the proposals would be made directly to the individual nations, outside the SEATO framework, and would not involve concerted action by the Organization. Mr. Rusk is expected to urge more contributions from Australia, the Philippines, and possibly New Zealand.

If the Secretary is not going to seek concerted SEATO action in South Vietnam, then we are wasting our time being a party to that treaty. I am tired of hearing that we must support SEATO because it is a bulwark for peace in the area, when it does nothing about the one threat to peace that presently exists there.

If SEATO members do not want to enter the war on a joint basis, then at the very least they should explore the means of settling the dispute as quickly as possible. That, too, is a part of the Organization's responsibility.

Mr. President, let me make it clear that the senior Senator from Oregon does not believe that SEATO should enter the war in the sense of intensifying the war and killing more people. SEATO should enter the picture, but I think SEATO should enter the picture in an attempt to resolve the conflict short of war, short of killing, and short of shooting. SEATO has an obligation to see what can be done to try to resolve that dispute, which is a civil war, and to have it come to an end on some reasonable terms or basis, to stop the killing, and to stop the threat to the peace in southeast Asia.

Mr. Rusk should use the Manila Conference of SEATO Foreign Ministers to explore what France has in mind for a possible neutralization of Vietnam. I do not know what De Gaulle is talking about when he talks about possible neutralization. There are all sorts of neutralization possibilities. I should like to know what his plan is. He ought to be asked to produce it. His country is a signatory to the treaty. Our Secretary of State should not be over there talking with people independently and separately from their connections with SEATO. In my judgment, Secretary Rusk has a clear obligation and duty to get the Foreign Ministers together to talk about South Vietnam as a SEATO problem, not overlooking the fact that the SEATO signatories, including the United States, set up the protocol agreement in respect to the SEATO Treaty vis-a-vis South Vietnam.

I should like to know what the Foreign Ministers propose to do about bringing to an end the unjustifiable killing that is going on in South Vietnam. The UPI ticker outside the door tells about three more Americans who were killed when their helicopter fell to the ground. It is not clear whether the helicopter was shot down. However, they were flying over Vietcong territory. The probabilities are, therefore, that it was shot down. However, shot down or not, it is a casualty of the war, and three more Americans have been killed. The day before yesterday, a Maryland officer was killed. The casualty list is going up.

As I said the other day, we should keep the American flag over all public buildings, particularly the White House and the State Department and the Pentagon and the Capitol, at half mast for as long as we participate in the killing in South Vietnam and continue to allow American boys to be unjustifiably killed in a military operation in which we have no business whatever.

We ought to be using the great influence of the President of this great Republic of ours to act, through the Secretary of State, in Manila, at what is supposed to be a SEATO meeting. If they do not take up South Vietnam, it is a waste of time. We ought to expect our Secretary of State to try to use the machinery of SEATO to bring to an end the unnecessary war in South Vietnam and the completely unjustifiable participation of the United States in that war.

What else are these Ministers meeting for? Is it not the sole duty of SEATO to confer about threats to the peace in areas like South Vietnam? Is it not SEATO's function to work out a joint policy for either dealing with it or settling it? I do not know why we have a SEATO at all if it is not going to do that.

Secretary Rusk may find that France has a suggestion for Vietnam that is worth considering. He may even find that it deserves support. It may be that other SEATO members would be interested in what France has to offer on the matter.

Certainly if the other members are not going to contribute to the American intervention there, it must be assumed they are interested in a means of settling the dispute peacefully.

France's Premier has the interesting opinion that no military victory in South Vietnam is going to solve anything. He is probably remembering all the French victories that were reported in Indochina right up to the disaster at Dienbienphu. The French and American publics were fed a constant diet of optimistic reports on how well the war was going for the French.

But we know now that it was not. The victories that were reported were far from the whole story. So the end came suddenly and the collapse was a surprise to many in both countries.

The French learned the hard way. It has been said that to be educated only means to be able to profit from someone else's experience, and not have to learn everything for one's self. Are we going to learn from France's experience in Indochina, or do we have to learn the hard way, too?

I hope that will not be the case. I hope the SEATO meeting will explore the French views on Vietnam, and that it will work out a joint policy for handling the situation in South Vietnam. If it does not, then it is no longer worthy of American participation.

I ask unanimous consent that an article published in the New York Times entitled "Rusk's Asian Trip To Take in Saigon," and two articles published in today's Washington Post on the same subject be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Apr. 10, 1964]

RUSK'S ASIAN TRIP TO TAKE IN SAIGON—WHITE HOUSE ADDS STOP TO SECRETARY'S SCHEDULE

(By Hedrick Smith)

WASHINGTON, April 9.—Secretary of State Dean Rusk announced a surprise decision tonight to visit South Vietnam for a firsthand look at the war against Communist guerrillas.

After a meeting with President Johnson at the White House this evening, Mr. Rusk said he would extend his forthcoming trip to the Philippines and Taiwan to include a stop in Saigon. It would be his first visit there as Secretary of State.

The Secretary will depart tomorrow for the Southeast Asia Treaty Organization's ministerial conference in Manila and discussions in Taipeh with Generalissimo Chiang Kai-shek.

He told newsmen at the White House that "no special emergency or crisis" had prompted him to extend his tour to include a 2- or 2½-day visit to South Vietnam.

"I want to get my own impressions of the situation," he said.

PROPOSED BY PRESIDENT

"The President asked me, while I am out in that part of the world, to go on to Saigon and talk with Ambassador (Henry Cabot) Lodge and Maj. Gen. Nguyen Khanh," he said.

He said his visit, which is expected to include personal discussions with General Khanh, South Vietnam's Premier and probable helicopter visits to the Vietnamese countryside, was "another indication of the immense importance this country attaches to the safety of South Vietnam."

Earlier in the day, State Department sources briefing newsmen on Mr. Rusk's trip made no mention of a possible stop in Vietnam. Officials later said that Mr. Rusk had been considering such a stop, since Saigon is less than 3 hours flying time from Taipeh in Taiwan, officials said the decision that he should go was made in the White House.

THERE IN PREVIOUS POST

Mr. Rusk visited South Vietnam when he was head of the Rockefeller Foundation, before joining the Kennedy administration. This visit will give him his first opportunity as a Government official to see the guerrilla war firsthand.

While in Manila for the SEATO meeting, the Secretary is expected to urge the U.S. allies in the Pacific to make greater contributions to the war effort in South Vietnam.

Well-informed sources said the proposals would be made directly to the individual nations, outside the SEATO framework, and would not involve concerted action by the organization. Mr. Rusk is expected to urge more contributions from Australia, the Philippines and possibly New Zealand.

FRENCH EXPLANATION SOUGHT

Mr. Rusk is also expected to press the French delegation at the Manila Conference for fuller explanations of President de Gaulle's plans for neutralizing southeast Asia.

A high State Department source said Mr. Rusk had scheduled private talks with Foreign Minister Maurice Couve de Murville during their stay in Manila.

The SEATO ministerial talks will run from April 13 to 15. En route to Manila, Mr. Rusk will stop briefly in Alaska.

State Department sources said today that the SEATO talks would range over a variety of issues, including East-West relations in general and the dispute between Malaysia and Indonesia, but were expected to concentrate on the situation in South Vietnam.

[From the Washington (D.C.) Post, Apr. 11, 1964]

FUTILITY SEEN IN VICTORY

TOKYO, April 9.—Premier Georges Pompidou said today that a military victory for the forces the United States is backing in South Vietnam "would not solve anything."

The visiting Premier told a news conference:

"I don't want to seem to be a prophet of doom to our U.S. allies, but we have kept the memory of the bitter experiences in the Indochinese and Algerian wars. We are convinced that such a war, even if victorious, does not solve anything, and the solution can only be political."

[From the Washington (D.C.) Post, Apr. 11, 1964]

RUSK TO ARRIVE TODAY IN MANILA FOR TALKS

(By Warren Unna)

Secretary of State Dean Rusk is scheduled to arrive in Manila tonight for the annual meeting of Foreign Minsters of the eight Southeast Asia Treaty Organization nations.

He will also make a special trip to South Vietnam on behalf of President Johnson.

Administration officials tend to look on the SEATO meeting as a formality for a now 10-year-old organization that has never got off its blueprint stage.

But because the SEATO meeting will bring Rusk together with French Foreign Minister Maurice Couve de Murville, U.S. differences with French President de Gaulle over his desire for a neutralized southeast Asia may get an airing.

VIEWS TO BE AIRED

Similarly, Pakistan may want to press her views on inviting Communist China into the United Nations. And Britain and the Philippines probably will discuss their differences over Indonesia's confrontation policy against Malayasia.

But the meaningful exchanges are expected to take place in bilateral and trilateral conversations, not in the full SEATO arena.

Rusk is expected to talk with both Couve de Murville and Philippine President Diosdado Macapagal over the weekend, before the formal 3-day SEATO session begins on Monday.

SEATO's members include the United States, Britain, France, Thailand, the Philippines, Pakistan, Australia, and New Zealand.

On Thursday, after the SEATO session, Rusk will leave for Taipei, capital of Nationalist China's President Chiang Kai-shek, for a 1½-day visit.

CHIANG DISTURBED

Chiang and his government were very disturbed, earlier this year, when De Gaulle announced his intention of recognizing Communist China.

Taipei newspapers last week speculated that Chiang may have two objectives in his conversations with Rusk:

1. How to block China's entrance into the United Nations.
2. How to rid the Chinese mainland of its Communist regime.

After Taiwan, Rusk will make a brief visit to South Vietnam. He is expected to return to Washington April 20.

[From the Washington (D.C.) Post, Apr. 11, 1964]

HEAVY LOSSES ARE INFLICTED ON REDS BY SAIGON FORCES

MY THO, SOUTH VIETNAM, April 10.—Government forces in heavy fighting today thwarted a Communist attack on the town of Mo Cay, 50 miles south of Saigon, and inflicted heavy losses on the enemy, U.S. military advisers reported.

In an unrelated accident three American Army helicopter crewmen and seven Vietnamese soldiers were killed, a U.S. spokesman said when the tail fell off a troop-carrying helicopter for unknown mechanical reasons. A fourth American was seriously injured.

The U.S. military men said the Government scored a victory at Mo Cay. The fighting involved 1,000 men on each side. One American flier was killed and two were wounded. Two U.S. helicopters were shot down and the Government lost important equipment.

The dead pilot was identified by the Defense Department in Washington as Capt. Robert N. Brumet, whose wife lives at 9211 Shelton Street, Bethesda, Md.

The advisers reported at least 50 Vietcong guerrillas were known dead and their casualties probably were twice that figure. The Government lost 24 killed, 23 wounded and 13 missing. They captured 7 rifles, 1 submachine gun and 3 carbines but lost 2 automatic rifles, 21 rifles, 12 carbines, 6 submachine guns and 2 radios.

The American pilot and his Vietnamese observer were killed when the Communists shot down a Vietnamese airforce T–28 fighter carrying out strafing runs yesterday.

Two of four crewmen were wounded slightly when the Communists shot down a heavily armed HU–1–B helicopter and continued to fire at it on the ground. The Americans burned the aircraft before escaping.

The other helicopter, an unarmed H–21, crashlanded outside the battle area without serious damage or injury to crew members.

The Vietcong attacked, apparently to draw a large Government force out of Mo Cay and into an ambush while other guerrillas launched a direct attack on Mo Cay. Vietcong mortars shelled the town but the attack never materialized.

> A Government battalion left Mo Cay to relieve the Thanh Tho outposts but it expected the ambush and put up a fight that surprised the Communists. It radioed for help and two armored cars were sent to the scene. Other reinforcements were flown in by helicopter.
>
> U.S. advisers said the stiff resistance by the ambushed battalion and the quick arrival of reinforcements foiled the Vietcong plan to capture Mo Cay.

Mr. MORSE. Mr. President, I close this topic by saying that I believe now is the time to make a comment or two by way of projection on a hypothetical situation. Let us assume that McNamara's war comes out as he hopes it will. Let us pray to God that it is not escalated into North Vietnam. We know that if it is escalated into North Vietnam the plan is to use nuclear weapons. It is not possible to put conventional ground troops into North Vietnam and win. If we put conventional ground troops into North Vietnam, we shall undoubtedly find ourselves in the same position in which the United States found itself when it was the plan to bomb beyond the Yalu River in Korea. What the American people were not told then—but it is known now and it ought to be repeated on the floor of the Senate—was that when all the talk about bombing beyond the Yalu was filling the press, and people were saying that nothing short of victory would satisfy us, the United States did not control the air. The Chief of the Air Force so testified. The Chief of the Army so testified. The Secretary of State so testified. It is about time that that myth be exploded, too, as to why we did not bomb beyond the Yalu. If we had bombed beyond the Yalu, the probabilities would have been great—so the military testified, also—that we would have lost most of the American force in Korea. There were some who were high in command, but not with responsibilities in Washington, who did not believe Russia would enter the war. Russia made it clear that she would enter it. And she controlled the air at the time of the Korean war.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Has the testimony to that effect ever been published?

Mr. MORSE. No. It has not been published. But it has been in the newspapers time and time again.

Mr. President, the great Marshall was right, the great Bradley was right, the great Vandenberg was right, in following the course of action that was followed in Korea.

I am fed up with the undermining, the undercutting, the disparagement, the libeling, and the slandering of the great President who was in the White House during those critical days—Harry Truman. Never did a more courageous man serve this country. Harry Truman served the American people and the American military force well at the time of the Korean crisis. He recognized what a cost in thousands of American lives would have flowed as a result of bombing beyond the Yalu. When Harry Truman issued the order not to bomb beyond the Yalu, he served the security of this country well.

We had better take a look at South Vietnam.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. GORE. In view of the important, able, and provocative speech that the Senator is making, I wonder if he would further document his statement that at the time certain military leaders proposed that bombing raids be launched beyond the Yalu, the United States did not enjoy superiority in the air.

Mr. MORSE. It has been documented by time. I stand on it—period.

We had better take a look at South Vietnam. If we do not stop McNamara's war in South Vietnam and the situation becomes worse, there will be those in this country who will become emotionally aroused. They will wave the flag into tatters. They will want to escalate the war into North Vietnam. If we escalate the war into North Vietnam with the use of American nuclear weapons, we will be just as wrong as we can be. There will be more than merely American forces in North Vietnam. We ought to take judicial notice of the fact that Asia has no intention of turning Asia over to Western powers.

Let any Senator or anyone in the Government produce for me one high, competent military official who will appear and testify under oath that we can place an American conventional army in Asia and expect that army to succeed without horrendous losses, as tide after tide of Asiatic human bodies is hurled at that army by Communist powers who place no value on human lives.

Now is the time for us to do our thinking, before the fact, in order to prevent the fact from occurring, and not after the fact.

The South Vietnam war is of such great concern to American foreign policy, to our ideals, to our professions, to our statements, that we believe in settling disputes by application of the rule of law, that we ought to start keeping faith with it.

This great Republic ought to be taking the leadership either through SEATO or, if we fail there, in the United Nations to have the South Vietnam problem handled without unilateral action by the United States. We cannot justify continuing our activities in South Vietnam except through SEATO or the United Nations.

I shall continue to address myself from time to time to the South Vietnam, McNamara war so long as my country continues to do what I think it is doing in South Vietnam—betraying the great ideals of this Republic in respect to our claims that we seek to promote peace in the world by peaceful measures, not by killing.

The sad thing is that we are today following a course of action in Vietnam without ever having attempted to have SEATO or the United Nations take jurisdiction. One of the paradoxes of our activity in South Vietnam is that we are not even supporting freedom. If anyone believes that the military tyrant we are supporting in South Vietnam has any conception of freedom, he could not be more wrong. We are supporting a military dictatorship; and a military leadership, like a Communist dictatorship, destroys human freedoms, human rights, and civil liberties. I do not want to see my country writing this dark page in American history in which we are supporting one of the two vicious forms of totalitarianism that exist in the modern world, in this instance a military dictatorship—bad as a Communist dictatorship is. Under both kinds of dictatorships there are naught but police-state methods.

Why the United States has put itself into this paradoxical, hypocritical position is beyond my understanding. I intend to continue, irrespective of whatever the political cost may be to me, to speak out against it. The American Legion posts in my State that do not like it can pass all the resolutions they want, for I will test my patriotism against theirs at any time.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. MORSE. Protecting my rights to the floor, I yield.

Mr. ELLENDER. Reverting to the eloquent remarks the Senator made about President Truman concerning his conduct of the Korean war, is the Senator familiar with the reason why President Truman agreed to meet General MacArthur at Wake Island while the war was in progress?

Mr. MORSE. I have my own understanding of it, but I cannot speak for President Truman.

Mr. ELLENDER. Does the Senator from Oregon know that at that meeting President Truman pled with General MacArthur to agree to the establishment of an impregnable line from Wonsan through the capital of North Korea and on to the Yellow Sea, and to let the South Koreans carry the war to the north?

Mr. MORSE. I am not familiar with that.

Mr. ELLENDER. As I understand, that was one of the main purposes of President Truman's visit. General MacArthur refused to take that advice and said that if he were permitted to conduct the war as he saw fit, he would "bring the boys back by Christmas." Is the Senator familiar with that boast of General MacArthur?

Mr. MORSE. I am familiar with that MacArthur statement; but that MacArthur statement cannot be squared with the advice we got from other military leaders.

Mr. ELLENDER. I, myself, obtained the information before the Appropriations Committee, from one of the Joint Chiefs of Staff—one who is now dead; I think his name was Admiral Sherman, who died in Italy.

THE FLORIDA EAST COAST RAILWAY AND THE ALFRED I. DU PONT ESTATE

Mr. MORSE. Mr. President, I turn now to another matter.

Recently, some Senators received a letter from Mr. Edward Ball, chairman of the board of the Florida East Coast Railway, making serious charges against certain unnamed Government agencies in connection with the long strike on that railroad.

Mr. Ball enclosed with his letter a copy of a speech by Mr. W. L. Thornton, chief operating officer of the Florida East Coast Railway, in which Mr. Thornton accused the Government of "blackmailing" the railroad on behalf of the railroad labor unions. Mr. Thornton gave a number of examples of the supposed "blackmail" and "coercion."

Mr. President, these are very serious charges. They are made against some prominent officials of the executive branch. If true, they should cause grave concern to us here and to all other citizens.

If untrue—if made out of malice and spite—these charges reflect, not on our Government officials, but on the persons making the charges.

I have looked into Mr. Ball's and Mr. Thornton's charges. So far as I can find, there is no evidence whatever to support their allegations. Where Mr. Ball and Mr. Thornton see a conspiracy to blackmail and coerce them, the evidence shows only an effort by responsible Government officials to enforce the laws of the land and the policies enacted by Congress.

In my judgment, if Mr. Ball and Mr. Thornton would themselves obey the law—specifically, the policies laid down in the Railway Labor Act—the difficulties they complain about would vanish.

The attitude of Mr. Ball during this 14-month-old strike is illustrated both by his steady refusal to arbitrate the wage issue involved, and by the reasons given for his refusal. Beginning nearly a year ago, various public officials have suggested that, failing a negotiated settlement, the issue behind the Florida East Coast Railway strike be submitted to impartial arbitration.

The entire Florida delegation in Congress suggested this. The Secretary of Labor suggested it. The President of the United States suggested it. The unions agreed every time. Mr. Ball refused every time. Why did he refuse?

According to Mr. Thornton, in the speech sent to us by Mr. Ball:

> The F.E.C. feels it should not place the future of the railway in the hands of a so-called disinterested neutral party no more than could the President of the United States place the future of this Nation in the hands of a neutral country when negotiating the test ban treaty with Russia.

That is an interesting analogy, but I suggest that it rather intimates a delusion of grandeur on the part of Mr. Thornton.

His statement is a revealing one. In it, Mr. Ball identifies himself as the ruler of an empire endowed with qualities of a sovereign nation. He equates the granting or withholding of a 10-cent wage increase on his Florida East Coast Railway with a question of nuclear war or peace. He pictures himself, when dealing with the legally authorized representatives of his employees, in the same position as that of the United States when dealing with Communist Russia.

Mr. Ball, by his own admission, is the emperor of a billion-dollar system of banks, industries, railroads, real estate holdings, and stock holdings—an economic empire known as the Alfred I. du Pont Estate, of Jacksonville, Fla. This empire has expanded enormously, because it was exempted from the Bank Holding Company Act. It should now be brought under that act. That would split up its power. I have introduced a bill to do so, and I am glad to report that several members of the Banking and Currency Committee have expressed an interest in my bill.

For the information of the Senate, I wish now to review the principal charges made by Mr. Ball and Mr. Thornton. I shall also briefly review the history of the Florida East Coast Railway strike, to which their charges relate.

First let me say that a great Member of the House of Representatives from the State of Texas, in his capacity as chairman of the Subcommittee of the House of Representatives Select Committee on Small Business, headed by the great and incomparable WRIGHT PATMAN, has issued a document on tax-exempt foundations and charitable trusts. The third installment of that document deals specifically with the Du Pont economic dynasty in Florida and the lengths to which it goes in trying to exercise its economic dictatorial power over the State of Florida.

The entire report is too long to have printed in the RECORD; but I wish to place in the RECORD Representative PATMAN's letter of transmittal to the members of the subcommittee—a letter only 2½ pages long. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXCERPT FROM PAGE III OF "TAX-EXEMPT FOUNDATIONS AND CHARITABLE TRUSTS: THEIR IMPACT ON OUR ECONOMY" (THIRD INSTALLMENT)—SUBCOMMITTEE CHAIRMAN'S REPORT TO SUBCOMMITTEE NO. 1, SELECT COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, 88TH CONGRESS, MARCH 20, 1964

LETTER OF TRANSMITTAL

SELECT COMMITTEE ON SMALL BUSINESS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D.C., March 20, 1964.

To Members of Subcommittee No. 1 of the House Small Business Committee:

I am transmitting herewith for the consideration of the subcommittee the third installment of our study of the impact of tax-exempt foundations and charitable trusts on the Nation's economy. The first and second installments were transmitted on December 31, 1962, and October 16, 1963, respectively.

This report constitutes an analysis of the Alfred I. du Pont estate and its affiliate, the Nemours Foundation, of Jacksonville, Fla., and the destructive effect of such organizations on our tax base. Laid bare here for the first time is the detailed anatomy of one of America's great fortunes—a fortune that will one day slip away forever from the payment of any income taxes.

By this dramatic example, we will contribute to an understanding of the ever-increasing erosion of our tax base. More and more, the "cream" is slipping out of our tax system as the great fortunes go into tax-exempt foundations. The "skim milk" incomes of average, hardworking families must then shoulder an increasing part of the tax burden, both Federal and State.

As this erosion of our tax base has assumed major proportions, it must of necessity come under the scrutiny of Congress. Such scrutiny requires knowledge of the facts. Our earlier findings, now supplemented by this study of the Du Pont Estate and the Nemours Foundation, show clearly the ever-increasing drift of wealth into tax-exempt foundations and the serious problems this creates for tax policy.

Facts on Du Pont Estate

The Du Pont Estate has been used to build up an extraordinary economic empire controlling wide banking, industrial, railroad, and real estate interests. These interests center in the State of Florida, but they also spread into many other States.

According to reports received from the Nemours Foundation, the fortune represented by the Du Pont Estate was worth no less than $292 million at the end of 1962, including 764,280 shares of E. I. du Pont de Nemours & Co. common stock with a market value of over $183 million, and 444,618 shares of General Motors Corp. common stock with a market value of over $25 million (see table 4, p. 6). By way of comparison, the estate was valued at $39,374,845.38 on April 29, 1935, based on an appraiser's valuations.

During the 12 years 1951 through 1962, the estate had total income of $74,392,126.47, including dividend income of $72,885,402.93. In the year 1962 alone, the estate received total income of $8,196,244.50, including dividend income of $8,038,636.14.

Most of the Du Pont Estate's income down through the years has been paid out as annuities to certain beneficiaries. These annuities are taxable income to the taxpaying beneficiaries, subject to Federal and State income tax. After the death of the beneficiaries, their portion of the estate's disbursements will go to the tax exempt Nemours Foundation. Thus all income from the Du Pont Estate's vast fortune will in time escape Federal and State income taxes entirely.

According to the Du Pont Estate's Federal income tax returns, the taxable distributions to the beneficiaries totaled over $67 million in the 12 years 1951 through 1962 (see table 2, p. 5, and exhibits 6–17, pp. 62–114). In 1962, the distributions to beneficiaries totaled $7,597,675.25 (tax returns for the year 1963 have not as yet been forwarded to us by the Nemours Foundation).

The estate's principal beneficiary is Mrs. Jessie Ball du Pont, age 80, widow of the late Mr. Alfred I. du Pont. During the 12 years 1951 through 1962, the estate paid to Mrs. du Pont taxable income totaling $58,870,947.84. Payments by the estate of Mrs. du Pont in 1962 totaled $6,633,482.22. On the death of Mrs. Jessie Ball du Pont, the taxable income now paid to her will end. Instead, that major part of the Du Pont Estate's disbursements will then go to the tax exempt Nemours Foundation, which of course, does not pay any income tax.

Broader aspects

In 1960, the 546 foundations under study by our committee had untaxed receipts of over $1.4 billion as against $556 million in 1951. One hundred and eleven of these foundations each owned 10 percent or more of at least one class of stock of 263 different corporations on December 31, 1960, including numerous well-known corporations (see Foundation Study, First Installment, dated December 31, 1962, pp. 8–9, 38–50).

The progressive development of thousands of foundations through gifts of corporate stock illustrates the increasing flow of formerly taxable income into these cozy tax shelters. Here are a few examples, including three from our earlier reports.

On June 19, 1926, the assets of the Charles Stewart Mott Foundation, of Flint, Mich., consisted solely of 2,000 shares of General Motors Corp. common stock valued at $320,000. On December 31, 1960, the foundation's assets were valued at $76 million, including 227,012 shares of General Motors Corp. common stock with a market value of $9.2 million.

According to press reports, Mr. Charles Stewart Mott, the largest single stockholder in General Motors, last year contributed another 1,826,421 shares of General Motors common stock to the Charles Stewart Mott Foundation. On December 31, 1963, those shares were worth over $143 million. In 1962, the taxable dividends to Mr. Mott on these shares amounted to $5,479,263.

Total gross income of the Mott Foundation was $3.1 million during 1962. In 1963, the foundation's income would be increased by over $7.3 million as a result of Mr. Mott's donation of the 1,826,421 shares of General Motors stock. In the hands of the foundation, such income will, of course, go untaxed.

The assets of the Edward E. Ford Foundation, of New York City, consisted solely of 100 shares of International Business Machines Corp. capital stock valued at $30,000 on December 12, 1957 (date of trust agreement). A few years later, on April 12, 1961, Mr. Edward E. Ford, of New York City, transferred to the foundation 10,000 shares of International Business Machines Corp. capital stock valued at over $7 million. Hence, on December 31, 1962, the foundation's assets were valued at $7,535,229, based on the foundation's carrying value. The market value of the assets has not as yet been submitted to us by the foundation.

The Edward E. Ford Foundation had total gross income of $687.33 in 1958. During 1962, its tax-free, total gross income had jumped to $286,824.59.

On October 27, 1944 (date of organization), the W. Alton Jones Foundation, of New York City, had assets consisting solely of $500,000 cash. On December 31, 1962, the foundation's assets were valued at $26.4 million—including 277,621 shares of Cities Service Co. common stock valued at $15.8 million.

After Mr. Jones' death in 1962, the foundation received from the estate of W. Alton Jones 160,000 shares of Cities Service Co. common stock valued at $9.1 million (these shares are included in the 277,621 shares mentioned above). In 1962, the dividends on these 160,000 shares totaled $384,000. In the hands of the foundation, this income is tax free. In 1962, the foundation had total gross income of $852,203 compared with $385,499 in 1951, all of it tax free.

On December 31, 1945, the assets of the Phoebe Waterman Foundation, Inc., of Philadelphia, consisted solely of $1,000 and 210 shares of Rohm & Haas Co. preferred stock, valued at $21,000. On December 31, 1961, the foundation held 204,444 common shares of Rohm & Haas Co., or 18 percent of the company's outstanding common stock, with a market value of $112.5 million.

Income from the Rohm & Haas Co. shares—once taxable to the donors—is now untaxed. Total gross income of the Waterman Foundation was $825,256 during 1962 as against $79,722.40 in 1951, all tax free.

When the Gulf Oil Corp. organized the Gulf Oil Foundation, of Houston, in 1960, the corporation turned over to the foundation 100 percent of the common voting stock of Pontiac Refining Corp., of Corpus Christi, Tex., valued at $32 million. The foundation's dividends from Pontiac Refining Corp. have totaled $750,000 annually. This means that the dividends paid out by Pontiac Refining Corp.—which were once taxable to its taxpaying stockholders—are now being received by a tax-exempt foundation and are hence out of reach of Federal and State tax collectors.

Treasury's dawdling

Despite these facts, the Treasury Department has yet to propose effective measures for halting this erosion of our tax base. Over 2 years ago, we began urging the Treasury to propose steps for tightening the law and supervision of tax-exempt foundations. Surely 2 years is enough time for the Department's officials to do this. Instead, I find indications of deliberate obstructionist tactics on the part of top Treasury officials.

Last September Mr. Stanley S. Surrey, Assistant Secretary, informed me that a report on the activities of the Treasury's Advisory Committee on Foundations and resulting Treasury recommendations would be sent to me "in a couple of months." Now, over 4 months later, Mr. Surrey informs me by letter dated January 30, 1964, as follows:

"This is in reply to your letter of January 24 inquiring as to the progress we are making in our study of the tax aspects of private foundations. As you know, the work on the tax bill has gone on longer than was expected at the time you and I met last September. This work necessarily has occupied most of our time in the past months and of course is still our most pressing matter. We are, however, progressing with our work on foundations, although it is not possible at this time to fix a definite date for the conclusion of this work.

"I shall be glad to stay in touch with you on these matters and advise you when we have more definite knowledge as to the possible date on which a report will be forthcoming."

Apparently Mr. Surrey, the Treasury's tax expert, needs to be reminded that (1) the steady erosion of our tax base through the device of tax-exempt foundations requires remedies that are part and parcel of tax reforms, and is thus worthy of his attention, and (2) his sweep-it-under-the-rug attitude increases the tax burden of our tax-paying citizens. Indeed, Mr. Surrey seems to be much more in tune with the tax-exempt foundations than with the taxpayers. His conversations with me have given me the impression that he is one of the principal apologists for the large foundations.

The Treasury seems to have little confidence in the judgment of the American people and the press. Early last year the Treasury proposed the appointment of an Advisory Committee on Foundations. Nine months later, on September 12, 1963, Mr. Surrey informed me that (1) the Advisory Committee had been appointed, and (2) he would send me a list of the members and hoped I would keep it confidential. According to Mr. Surrey it was best to keep the names of the members of the committee confidential because "the group could conceivably feel less inhibited in examining these issues if their role was not distorted by the inevitable magnification that comes with extensive publicity."

The list of the members of the Advisory Committee was not delivered to me until almost a month later, October 7, 1963, after an alert Associated Press reporter had unearthed the fact that the Treasury had appointed—amid great secrecy—an Advisory Committee, composed of 14 persons, to counsel the Department respecting possible legislation and administrative changes in the supervision of tax-exempt foundations. Consider the following facts:

The taxpaying public paid the travel expenses, hotel, etc., incurred by the Advisory Committee, but the public was not permitted to know who the members were until the Associated Press story forced the Treasury to issue a release on October 15, 1963, naming the members of the committee.

Prior to the Treasury's October 15, 1963, release, two meetings were held in secret (September 13, 1963, and October 4, 1963), and, according to Mr. Surrey, no minutes were taken.

The members of the committee are: F. Emerson Andrews, director of the Foundation Library Center (New York City); Leigh Block, president, Inland Steel-Ryerson Foundation (Chicago); Morris Hadley, chairman, Carnegie Corp. of New York; Barklie M. Henry, vice president, John Hay Whitney Foundation (New York City), and vice chairman, Carnegie Institution of Washington, D.C.; Harry Mansfield, attorney, Ropes & Gray (Boston); Henry A. Moe, retired president of Guggenheim Memorial Foundation (New York City); Robert Mueller, attorney, Mueller & Criss (Austin, Tex.); James Patton, president, National Farmers Union (Denver); Harry J. Rudick, attorney, Lord, Day & Lord (New York City); Albert Sacks, professor, Harvard University Law School; Jack S. Seidman, accountant, Seidman & Seidman (New York City); Walter M. Upchurch, Jr., vice president, Shell Companies Foundation (New York City); David Watts, attorney, Dewey, Ballantine, Bushby, Palmer & Wood (New York City); Donald Young, president, Russell Sage Foundation (New York City).

Ten of the 14 members of the Advisory Committee are tied in with foundations. For example, Mr. Morris Hadley has been chairman of the Carnegie Corp. of New York, treasurer of the Rubicon Foundation, trustee of the Grant Foundation, director of the Milbank Memorial Fund, and trustee of the Arthur Vining Davis Foundation. Mr. Barklie M. Henry has been vice chairman of the Carnegie Institution of Washington, trustee of the Vincent Astor Foundation, director of the Milbank Memorial Fund, and vice president of the John Hay Whitney Foundation. Mr. F. Emerson Andrews has been supported largely by the Rockefeller Foundation, the Ford Foundation, the Carnegie Corp., the Alfred P. Sloan Foundation, the W. K. Kellogg Foundation, and the Russell Sage Foundation.

Conclusions

The facts we have developed on the Du Pont Estate and the Nemours Foundation deserve close scrutiny by the Congress. They strikingly illustrate the way great portions of our economy can fall into the hands of a tiny self-perpetuating group of trustees who are answerable on most matters neither to the beneficiaries of their trust, to their employees, nor to anyone else. Small and independent businessmen are hard put to compete with such vast agglomerations of power.

The trend to shift the wealth of America's richest families into tax-exempt foundations and trusts represents a gigantic loophole in our tax laws. Here is an area urgently needing reform.

Sincerely yours,

WRIGHT PATMAN,
Chairman, Subcommittee No. 1, Select Committee on Small Business.

Mr. MORSE. Mr. President, I shall read one or two paragraphs of the letter:

The Du Pont estate has been used to build up an extraordinary economic empire controlling wide banking, industrial, railroad, and real estate interests. These interests center in the State of Florida, but they also spread into many other States.

Mr. President, I shall state how powerful that empire is: It goes into a community, and Ball writes out a check, and says, "That is all I am going to pay for taxes on my properties this year"—an amount far less than the tax bill, and he gets away with it. This man Ball refuses, for example, as I said in my last speech on this subject, to repair or keep in repair or install safety arms and safety devices at railroad crossings in Florida. In the course of my last speech, I placed in the RECORD the figures in regard to the number of persons who have been killed or injured as a result of the conduct of this economic tyrant in the State of Florida.

We are asking that he be divested of this railroad—a railroad which, under the Bank Holding Act, this estate has no right to own, for at the present time it owns 31 banks and all the rest of its industrial empire and also this railroad. It got by with that by misleading Congress in 1956, by claiming that the proceeds go to hospitals for crippled children. But I placed in the RECORD the undeniable figures on what this widow gets—$8 million a year, and the record shows that only approximately 12 percent has gone to charitable uses. Mr. President, it is a subterfuge.

I received a letter from the President of Rollins College. In the letter he tried to alibi and to justify the machinations in Florida of the Du Pont estate. I shall place in the RECORD his letter and my reply to it, because when the president of a college permits himself to be used for such a purpose his hand should be called and I have called it.

CHARGES AGAINST OFFICIALS

Mr. Ball stated in his recent letter to Members of the Senate:

> The strike on the FEC Railway has now reached new proportions, mainly due to the fact that certain Government agencies are attempting to take sides in this dispute and are bringing pressure upon the railway to accept the demands of the labor organizations.
>
> * * * * *
>
> The unholy alliance between union labor organizations and politicians and certain Government officials shows a definite trend to totalitarian government which, if continued, will fix all wages and prices affecting the daily life of the individual, who will become only a tax slave chained to an oar in the galley of the States.

Ball ought to be the last man in America to talk about totalitarianism, for he is a totalitarian, economic tyrant in the operation of the Du Pont economic dynasty in the State of Florida; and I wish to say that the Government of the United States ought to decide whether he is bigger than the Government, and the Congress of the United States should decide whether he is bigger than the Government, and Congress should proceed forthwith to deal with this situation—first, by having the House pass the Wright Patman bill, and also by having the Senate pass the Morse bill, so as to bring this dynasty under the Bank Holding Act, and so as to force Ball to divest himself of this railroad, because under that act he would have no right to hold onto the railroad. After all, Mr. President, a good many other banks in the Nation have had to divest themselves of properties which they attempted to hold under such a subterfuge; they have had to divest themselves of properties which they had been attempting to hold in that way.

Mr. Ball gave no evidence whatever to support these serious charges. Instead, he referred Senators to an enclosed speech by Mr. Thornton, presented to the Kiwanis Club of Miami, Fla., on February 21, 1964.

Mr. Thornton's lengthy speech covered many topics related to the FEC strike, but its main theme consisted of denunciation of the national railroad labor unions and charges that Government agencies and officials have tried to "blackmail" and "coerce" the FEC into accepting the union demands.

BACKGROUND OF STRIKE

Mr. Thornton said very little about the background of this railroad strike. Its background is as follows, according to a letter written on April 11, 1963, by the Secretary of Labor, Mr. W. Willard Wirtz, to the chairman of the Florida Railroad and Public Utilities Commission:

> The history of this dispute had its beginning on September 1, 1961, when 11 nonoperating railway labor organizations each served on all the railroads in the United States on which they represent employes, including the Florida East Coast, uniform notices pursuant to section 6 of the Railway Labor Act, proposing the revision of agreements to provide, effective November 1, 1961, an increase of 25 cents per hour and 6 months' advance notice of reduction in forces or the abolition of positions.
>
> The railroads, again including the FEC, served counterproposals thereto. The resulting dispute was processed through the procedures of the Railway Labor Act and became the subject of investigation, report and recommendations by Presidential Emergency Board No. 145.
>
> The Board made its report and recommendations on May 3, 1962, and on June 5, 1962, the dispute was settled on virtually all class I railroads of the country by agreement. This agreement provided, substantially in accordance with the Emergency Board recommendations, for a wage increase of 4 cents per hour, effective February 1, 1962, a further increase of 6.28 cents per hour, effective May 1, 1962, and 5 working days' notice of force reduction or abolition of positions. Subsequently all other class I railroads except the FEC have settled the dispute on the same terms.
>
> BEGINNING OF STRIKE
>
> Since 30 days after Emergency Board No. 145 came down with its report and recommendation, on May 3, 1962, the brotherhoods have been free to engage in legal strike activity on the FEC in support of their efforts to accomplish a satisfactory settlement to their disagreement with the carrier.
>
> However, such action was withheld by the brotherhoods while efforts continued with the assistance of the National Mediation Board to find a satisfactory basis for agreement. Efforts to find agreement between the parties proved fruitless and on January 23, 1963, an authorized strike of nonoperating brotherhoods began and continues to this date.
>
> The basic question on dividing the parties has been a demand by the labor organizations that the carrier accept the same terms of settlement which have been followed througout the Nation by all the other class I railroads and an equally firm insistence by the company that it will not be bound by any national pattern of settlement but rather that any agreement must be tailored to the conditions prevailing on its property.
>
> MEDIATOR WAS "TAPED"
>
> On March 23, 1963, in a renewed effort to explore all possible avenues of agreement, Mr. Francis A. O'Neill, Jr., a member of the three-man presidentially appointed National Mediation Board, met at the headquarters of the railway in St. Augustine with representatives of the company including Vice President of Operations Thornton and Assistant Vice President and Director of Personnel Wyckoff.
>
> This meeting proved to be both unproductive and brief when the company officials refused Mr. O'Neill's request that a tape recorder which he noticed was being operated in the meeting room be turned off. Mr. O'Neill felt that the use of such a device to record conversations with an official of the Executive Department of the U.S. Government was unseemly and destructive of the informality and air of confidentiality which mediation discussion require and he therefore withdrew from the meeting and returned to Washington.
>
> SECRETARY WIRTZ' EFFORTS
>
> More recently, and because of the mounting concern of various segments of the industrial and agricultural community of Florida expressed through their Washington representatives, I have endeavored to assist in finding a solution to the difficulty. At my request for a meeting with representatives of the railway, its president, Mr. William B. Thompson, Jr., visited the Department of Labor April 4 at which time he met with me together with Assistant Secretary Reynolds and Mr. O'Neill.
>
> I suggested that the carrier consider the utilization of an appropriate arbitration proceeding to resolve the difficulty. Mr. Thompson said that he would take the suggestion under advisement and discuss it with Mr. Edward Ball, chairman of the FEC, but that prior to such discussions it would be helpful if he were to be informed as to the attitude of the brotherhoods concerning my proposal of arbitration.
>
> The following day, Mr. Reynolds and Mr. O'Neill met with Mr. Thompson and informed him that Mr. George Leighty, spokesman for the brotherhoods, had been prevailed upon to accept the arbitration formula. Hopefully, this departure by the brotherhoods from a traditional position of opposition to arbitrate presented a potential mechanism for a final resolution of the dispute.
>
> MR. BALL'S TOOTHACHE
>
> However, such expectations were destroyed on Saturday, April 6, when Mr. Edward Ball telephoned Assistant Secretary Reynolds to say that the carrier would not agree to submit the dispute to arbitration and urged instead the necessity for "meaningful bargaining."
>
> In view of his refusal and suggestion as to "meaningful bargaining," Mr. Ball was invited to come to Washington in the hope that discussions could be encouraged between him and Mr. Leighty under the general assistance of myself and Mr. O'Neill. Mr. Ball agreed to come to my office on Thursday, April 9, but, unfortunately, found it necessary to cancel the meeting because of a tooth infection which needed immediate attention.
>
> * * * * *
>
> The situation at the moment does not seem susceptible to a ready solution. However, in view of the serious economic damage being done to many innocent third parties, efforts will continue on the part of the Department

> in cooperation with the National Mediation Board to find an answer to the difficulty.

VISIT WAS REFUSED

> To this end, Assistant Secretary Reynolds, on my behalf, has today requested Mr. Ball to visit my office next week in a renewed effort to achieve meaningful discussions between him and Mr. Leighty. Mr. Ball has expressed a reluctance to accept my invitation, saying that he prefers to meet with representatives of the brotherhoods in Jacksonville without the intervention of representatives of the Government. Mr. O'Neill will endeavor to prevail upon Mr. Leighty and his associates to meet with Mr. Ball as he has suggested.

Secretary Wirtz, in his April 11, 1963, letter, added that he was not too optimistic about any such meetings, because of an added complication—the serving on April 2 by the FEC of a promulgation of new work rules for its nonstriking operating employees. Shortly thereafter, Judge Luther W. Youngdahl, in the U.S. district court at Washington, ruled this promulgation was illegal, and issued a temporary injunction against it.

FLORIDA DELEGATION'S LETTER

On April 27, 1963, all members of the Florida delegation in the Congress sent to President Kennedy the following letter:

> The Florida delegation in Congress is seriously concerned with the economic impact and the danger to the Nation's defense from the continued Florida East Coast Railway strike. We respectfully urge that there be further consideration and action on any additional possibilities of resolving this problem by negotiation.
>
> Upon any conclusion that the possibilities of negotiations have been exhausted, we request that the administration take up with both management and labor the possibility of reaching an agreement toward resolving the issues in dispute by voluntary arbitration. We, as a delegation, are vitally concerned with this important matter, and we recommend to your administration the most serious consideration of whatever measures can be devised to properly meet this situation and to bring it to an early conclusion.

FURTHER SETTLEMENT EFFORTS

On May 10, pursuant to Mr. Ball's request for meaningful bargaining, local leaders of the FEC's striking employees met with Mr. Ball in his Jacksonville office. At Mr. Ball's insistence, a court reporter was present to record the proceedings. Mr. Ball, at that meeting, made no serious settlement offer whatever, neither did the local union leaders.

On May 13, Secretary Wirtz formally requested both sides to submit the dispute to arbitration. Mr. Leighty, for the unions, accepted; Mr. Ball, for the railroad, refused.

On July 24, following further mediation, Mr. Leighty and other chief executives of the striking unions met with Mr. Ball for meaningful bargaining, in Mr. Ball's Jacksonville office. Again, at Mr. Ball's insistence, a court reporter was present. Again, Mr. Ball made no settlement offer; the union leaders offered to settle on the same compromise basis that all other railroads had agreed to.

None of these events is mentioned in Mr. Thornton's speech that was sent to Senators by Mr. Ball. Neither did Mr. Thornton nor Mr. Ball once mention the Railway Labor Act, which is the law Congress enacted many years ago to regulate disputes in this industry. The Railway Labor Act states, as the first of its general duties:

> It shall be the duty of all carriers, their officers, agents, and employees to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules, and working conditions, and to settle all disputes, whether arising out of the application of such agreements or otherwise, in order to avoid any interruption to commerce or to the operation of any carrier growing out of any dispute between the carrier and the employees thereof.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from Illinois.

Mr. DOUGLAS. In 1956 I was a sponsor on the Senate side of the Bank Holding Company Act. The Senator from Oregon is correct in saying that the plea was made to exempt the Du Pont estate and holdings, financial in character, from it on the ground that the funds were devoted to charity and that the trust was a charitable trust. I am sure that statement was made in good faith by the senior Senator from Florida [Mr. HOLLAND]. I am sure he spoke in good faith. It was on that assurance that I reluctantly consented to have the Du Pont financial institutions exempted. I believe I voted against the motion, but I did not make a fight on the floor. As the Senator from Oregon has said, the evidence seems to indicate that only about one-eighth of the funds is spent for charity. I have been happy to join the Senator from Oregon in his bill. I think the exemption should be canceled, and that the Florida East Coast Railway should be taken out from under the control of the Florida financial network of the Alfred I. du Pont estate. I congratulate the Senator from Oregon for what he is saying.

Mr. MORSE. I deeply appreciate the support which I have received from the beginning from the great senior Senator from Illinois. As he knows, because I have said so in many places in my judgment, he is the greatest authority in the entire Congress on questions of economics. He was a great and distinguished former professor of economics at the University of Chicago, and I believe he is the greatest economist in the Congress, and one of the 10 greatest in the Nation. When he puts his brilliant mind to work on the machinations of the Du Pont estate in Florida and comes to the conclusion which he has announced heretofore on the floor of the Senate and again today, that he supports the Morse bill, I feel that I have been reinforced and buttressed by support that is completely unanswerable.

Mr. President, in my speech I had much to say about William C. Thompson, Jr., who has been making wild charges about blackmail. He has been the executive officer. I understand that the president of the Florida East Coast Railway has resigned or is resigning his $250,000 a year position, which will be turned over to Mr. Thornton, Mr. Ball's new executive puppet in the operation of this economic dynasty.

SPECIAL INQUIRY BOARD

Mr. Thornton charges "blackmail" against the recommendations of a special Inquiry Board appointed to investigate the impact of the FEC dispute on our space and defense programs. This Board was appointed pursuant to an order by President Kennedy of September 24, 1963. Members of the Inquiry Board were Mr. James J. Reynolds, Assistant Secretary of Labor; Mr. Walter L. Lingle, Jr., Deputy Associate Administrator of NASA; and Mr. Stephen S. Shulman, Deputy Assistant Secretary of Defense.

Blackmailers, are they? Shocking—shocking that a man in Mr. Thornton's position would attempt to smear with that kind of attack these dedicated public servants. But that is what we expect from the Du Pont outfit in Florida.

Mr. Reynolds is a former vice president of U.S. Pipe & Foundry Co. and of ALCO Products, Inc., in addition to his Government service. Mr. Lingle is a former executive vice president of Procter & Gamble Co., in addition to his Government service. Mr. Shulman was formerly a practicing attorney and an executive for Bendix Aviation Corp., in addition to his Government service.

These are the three men whom Mr. Thornton accuses of "Government-sponsored blackmail" against the FEC, as part of a campaign to destroy the free enterprise system.

In point of fact, the Inquiry Board held hearings at Cocoa Beach, Fla., on October 1, 1963, at which Mr. Thornton, Mr. Ball and witnesses presented by them were heard at length, as well as witnesses from the unions and the affected Federal and State agencies.

INQUIRY BOARD'S REPORT

The Inquiry Board in its report of October 10, 1963, concluded:

> This labor dispute is currently and potentially detrimental to our Nation's defense and space efforts.
>
> The role of the Florida East Coast Railway looms large in the fulfillment of important national objectives.
>
> As the Merritt Island launch area and Titan III complex become operational, the whole concept of the spur line (a new rail spur built in part by the FEC and in part by the Government) as a reliable, operational service facility may be effectively destroyed if this labor dispute is not resolved.
>
> At other Government installations, particularly at Homestead Air Force Base where the railroad is the only rail carrier providing service, the railroad also plays a key role in national defense planning.
>
> Ability to maintain the road at full potential and in good working order is without question important to the national interest, especially under circumstances such as prevailed during the Cuban crisis in the fall of 1962.
>
> * * * * *
>
> It is essential in the public interest that this dispute be settled. Pending settlement, it is also essential that the dispute not be permitted to spread over into the vital, tightly scheduled construction projects at Merritt Island and Cape Canaveral.

In view of the foregoing considerations, the Inquiry Board urged that the parties make "a determined effort to achieve a prompt resolution of their differences, including, if necessary, giving serious consideration to binding arbitration." Meanwhile, the Inquiry Board suggested three further steps aimed at keeping the dispute out of the Cape Canaveral-Merritt Island area.

CONSTRUCTION SHUTDOWNS

This dispute has twice resulted in a shutdown of construction work on the Merritt Island and Cape Canaveral—now Cape Kennedy—space and defense projects—for 2 days in September 1963 and for 2 days in February 1964. In both cases, members of one of the striking railroad unions, the Order of Railroad Telegraphers, appeared with informational picket signs at entrances to the cape area, whereupon most of the union construction workers employed on these projects chose on an individual basis to refrain from working.

Mr. Thornton states that this telegrapher picketing was illegal and that the Government refused to act to enjoin it. In fact, National Labor Relations Board attorneys did secure a short-lived temporary restraining order against the February picketing. Further action in this injunction proceeding became unnecessary when the union agreed that picketing would not be resumed without 72 hours notice in order to permit prompt litigation before the NLRB and possibly the courts. The picketing union, the Order of Railroad Telegraphers, claims among other things that it is subject, not to the NLRB, but to the Railway Labor Act. No hearing on the merits of this issue has yet been held.

Secretary Wirtz, on receiving the Inquiry Board's report last October 10, forwarded it to President Kennedy, expressing his full accord with the Board's recommendations. President Kennedy on October 15 said the report "reaffirms my concern over the impact of this dispute on our defense and space programs." The President asked the National Mediation Board to seek new negotiations and, if those failed, he said:

> I urge the parties to give serious consideration to * * * binding arbitration.

MORE SETTLEMENT EFFORTS

Chairman O'Neill of the NMB then spent 3 days in Jacksonville, October 21–23, seeking to get negotiations underway between Mr. Ball of the FEC and Mr. Leighty and other leaders of the unions. Mr. Ball insisted he would negotiate only on a completely on-the-record basis, with a court reporter present. Mr. O'Neill then concluded "it is not possible to resolve this dispute through negotiations or mediation," and he "urgently requested" both sides to agree to arbitration. Mr. Leighty, for the unions, agreed. Mr. Ball, for the railroad, refused.

Faced with this situation the National Mediation Board certified the FEC dispute to the President for appointment of a Presidential Emergency Board under section 10 of the Railway Labor Act. As Mr. Thornton points out, the NMB before the strike had refused the FEC's request to have a special Emergency Board appointed, holding that the issues involved were "the same as were fully and adequately heard by Presidential Emergency Board No. 145"—that is, the 1962 national board.

Since then, however, as shown by the report of the Inquiry Board, the long strike had raised a threat to the Nation's defense and space programs and to our mobilization potential in case of another Cuban crisis. Thus the NMB reversed its position. However, I find no basis here for the statement by Mr. Thornton:

> This was clearly another example of the powers of the U.S. Government being used in an effort to coerce the FEC into accepting the demands of the labor organizations.

Mr. Thornton's statement is all the more extraordinary because Mr. Ball for many months had been demanding that the FEC's situation be considered on an individual basis. That is what Presidential Emergency Board No. 157, appointed by President Kennedy on November 9, 1963, proceeded to do.

EMERGENCY BOARD NO. 157

This Emergency Board's three members were: Harry H. Platt, chairman, an attorney, permanent impartial arbitrator in the Ford Motor Co.-UAW agreement, frequent arbitrator in railroad and other disputes; Paul N. Guthrie, professor of economics at the University of North Carolina, with long experience in arbitration; and Derek Bok, a professor of law of Harvard University, specializing in labor law.

These three men held extended hearings at Jacksonville on the FEC dispute, at which the railroad presented lengthy testimony about its special position and the unions presented voluminous testimony about their claims.

Presidential Emergency Board No. 157, in its report of December 23, 1963, to President Johnson, recommended that the FEC settle the strike on the 10.28-cent national pattern basis—except, in view of the railroad's presently deteriorated cash position, that no retroactivity be granted on the pay increase. The Board also recommended that newly hired strikebreakers be replaced "with striking employees to the extent necessary to permit jobs on the railroad to be filled on the basis of seniority."

Mr. Leighty, for the unions, accepted this Board's recommendations as a basis for settlement. Mr. Ball, for the railroad, rejected them. None of these facts are even mentioned by Mr. Thornton in his speech about the FEC strike.

MEETING AT DAYTONA BEACH

On February 18, 1964, responding to another urgent plea from Secretary Wirtz to negotiate an end to the strike, Mr. Ball and Mr. Leighty met with Assistant Secretary Reynolds in Daytona Beach, Fla. Mr. Ball brought with him a court reporter. When Mr. Reynolds suggested that "no useful discussions could be achieved with a court reporter present," Mr. Ball walked out. Mr. Reynolds then met separately with Mr. Leighty and Mr. Ball. He suggested arbitration. Mr. Leighty accepted. Mr. Ball refused.

As Mr. Reynolds later reported his conversation:

> I pointed out to Mr. Ball that he's not running a box factory, but that a vital public service is at stake and that, in the case of Cape Kennedy, national defense is involved.
>
> I urged him to take into account his responsibility to the public interest * * * and that if his case was just and right as he claimed it to be, his views would prevail before an arbitration board. But he refused.

Mr. Reynolds then renewed the recommendation of last October's Inquiry Board, that the FEC be barred from operating the Government-owned rail spur into the Cape Kennedy area, so long as this labor dispute is unsettled.

It is beyond all the bounds of fairness for Mr. Thornton in his February 21 speech to describe Mr. Reynolds' position as "nothing more than extortion advocated by the Assistant Secretary of Labor in attempting to blackmail the railway into accepting the union's demands."

CHARGES AGAINST JUSTICE DEPARTMENT

Continuing with Mr. Thornton's speech, he states:

> Another type of Government coercion has been the withholding of the protection of the law from our supervisory employees and our new employees.

Mr. Thornton cites just one alleged example of this, "an incident in which an engineer on a train was shot at by someone in a speeding automobile paralleling the train." He claims the Justice Department prevented an FBI investigation of this incident.

As Mr. Thornton well knows, the FBI has investigated many, many incidents of wrecks and alleged sabotage on his railroad over the past year. Yet, he pulls out one incident, where the Federal aspect of the crime appears disputable at best, on which to base a very sweeping and serious charge against the Justice Department.

The fact is that the FBI has arrested four men on the course of its full-scale investigation of the bombing incidents and all four have now been indicted by a Federal grand jury in Miami for conspiracy in connection with a dynamiting attempt. They are awaiting trial.

Mr. Thornton is evidently angry about the acts of violence against his railroad, and in that I can sympathize with him. As I have said before, in connection with last month's dynamitings of FEC trains, there is no excuse whatever for such acts. However, that does not excuse statements by Mr. Thornton such as his claim—without presenting the slightest evidence for it—that Mr. Leighty and Assistant Secretary Reynolds are "quick to try to take advantage of the injury suffered by the railroad because of these vicious and criminal acts."

FEC'S VIOLATIONS OF LAW

Mr. Thornton also states that the FEC has found "an unbelievable amount of featherbedding," citing as "the most outstanding example" the railroad's changes in the work rules for crews now running its freight trains between Jacksonville and Miami. I feel confident that every

Member of the Senate would welcome elimination of any featherbedding in the railroad industry—if it is done within the law.

But is Mr. Thornton afraid of his case? Is he afraid to present his proof to a board of arbitration? As a former member of the War Labor Board, and as one who has arbitrated major labor disputes in the 15 to 20 years before coming to the Senate—as my colleague from Illinois knows, because he and I were coarbitrators in the field of labor relations for years before we came into politics—I say that neither side has anything to fear if the facts support it.

The fact is that Ball, Thornton, and the Du Pont crowd did not want to take a chance with their case. They thought they were economically powerful enough to defy the Government by law and judicial processes for the settlement of labor disputes. Thus far they have gotten by with it, but it is about time for the Government to call their hand.

Unfortunately, the FEC's changes in work rules have been accomplished in flagrant violation of the Railway Labor Act—and the result, if not the aim, has been to make a settlement of the original wage dispute all the more difficult. I have referred already to the FEC's illegal work rules promulgation of April 2, 1963, which was enjoined by Judge Youngdahl.

Later, the FEC also violated the railroad arbitration law we passed on August 28, 1963, causing Judge Bryan Simpson of the U.S. district court at Jacksonville to issue a temporary injunction against the railroad last December.

On March 2, 1964, Judge Simpson issued another injunction against the FEC because of its continued violations of the Railway Labor Act in regard to the work rules of its trainmen.

CONCLUSIONS FROM THE EVIDENCE

Summing up, there appears to be no evidence whatever to support Mr. Thornton's charges of "blackmail" by Government officials or Mr. Ball's charges of an "unholy alliance" between labor unions and "certain Government officials."

Instead, although I believe both sides made real efforts to negotiate an agreement before this long strike began, once the strike started the FEC appears to have ignored completely its obligation under the Railway Labor Act to "exert every reasonable effort to make and maintain agreements" with its employees. The railroad withdrew its final settlement offer on January 30, 1963, and since then has made no new one.

As for the Government officials involved, the record seems to show, not that they favored the unions, but that they sought to carry out the policies we enacted in the Railway Labor Act.

In conclusion, let me repeat that one side has accepted and the other side stands alone among all class I railroads in refusing the recommendations of not one, but two impartial presidential emergency boards.

One side has accepted and the other side has rejected the recommendations of a special presidential board of inquiry.

One side has encouraged and the other side rebuffed all of the mediation efforts of the National Mediation Board and other Federal officials.

One side has accepted, and the other has refused all suggestions by the Florida delegation in Congress, the Secretary of Labor and the President of the United States that this dispute be submitted to impartial arbitration.

On the record, I submit that it is clear where the blame lies.

Mr. Ball and Mr. Thornton have a very poor case, and name calling does not improve it.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a letter dated April 7, 1964, which I received from the president of Rollins College, Mr. Hugh F. McKean, and my reply to the letter of April 10, 1964.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ROLLINS COLLEGE,
WINTER PARK, FLA.,
April 7, 1964.

Senator WAYNE MORSE,
Senate Office Building
Washington, D.C.

DEAR SENATOR MORSE: Your recent statements about the Du Pont interests in Florida are distressing to me; because through them lasting harm might be done, and wrong impressions might be created which could last for years.

Thus, I am writing to place on the record my view of the way the interests of Mrs. Jessie Ball du Pont have served and continue to serve the common good, both in Florida and in the Nation.

I am well aware that you have made flattering statements about Mrs. du Pont as a person. I believe, however, you are misinformed concerning the amount of her income and the extent of her contributions to religious, educational, charitable, and other philanthropic causes.

The record is clear, Senator. Mrs. du Pont supports many, many worthy causes. But she does this quietly and unostentatiously.

I will mention one humanitarian project which owes its existence to Mrs. du Pont. On the grounds of her home, Nemours, in Wilmington, Del., there are glorious vistas, sweeping lawns, magnificent trees, and beautiful gardens. There is also one of the most unusual institutions in the world. I refer to her hospital for needy children facing life, difficult under any circumstances, with deformed or malformed bodies. Here, children born without noses are given what will at least pass for a nose. Arms that are crooked are straightened. Legs that do not function are made, if not perfect, at least useful. Bodies are strengthened and mended.

Operation follows operation in what might be a center of gloom. But the hospital is bright and gay. The operations are preceded by parties and presents. They are an adventure. The whole hospital has an incredible quality which could come only through and from the personality of Mrs. du Pont.

It is true that to see children in casts, supported by pulleys, weights, and other mechanical devices, is a difficult experience for someone like me.

Nearly every child there is braced or supported in some way as part of the process of being treated or helped. And yet, each has a kind of happiness not possible without looking forward to a life made infinitely better because of Mrs. du Pont.

And on Christmas Day, when most of us gather with our friends or family, in one of the gayest celebrations of the year, Mrs. du Pont is with those children. They come from all parts of the country. They are separated from their homes and families. Christmas to them might be a day of special sadness and loneliness. But there is always a tree, and a Santa Claus, and a loving word from Mrs. du Pont herself. There are carols and toys. It is the kind of situation which is possible if there are people like Mrs. du Pont who have the resources to act on their finest instincts.

But her children's hospital is only one outlet for Mrs. du Pont's energy, personality, character, and wealth. Colleges, schools, churches, libraries, hospitals, and an endless variety of other public institutions in this great country are thriving because of her interest and support.

Because of Mrs. du Pont, potential leaders of this Nation are receiving a fine education in many private colleges. They will face life with more maturity, more wisdom, and more courage because of her.

I am in a position to know that during the last 10 or 12 years, in addition to what she has given to her crippled children's hospital, Mrs. du Pont has distributed between $30 and $40 million to other educational and charitable institutions. I am certain that if all the facts were known, her benefactions during the same period would total four or five times the funds Mrs. du Pont has been permitted to keep for her own use after taxes.

I happen to be almost a native Floridian. I have lived in Florida continuously for over 40 years. I have seen Florida prosperous, and I have seen it when prosperity seemed almost a dream or a myth. I know there are industries, roads, bridges, canals, highways, and utilities in Florida beyond anyone's realization that would not be here if it had not been for the Du Pont interests. Yet, Senator MORSE, it is the "mischief" of these interests which you would like to see come to an end. I know, too, that much of Florida's present prosperity and a great deal of its beauty that gives such satisfaction, not only to Floridians but to people from all over the world, are due to the wise use of Mrs. du Pont's interests.

This is a long letter; but in view of the violence introduced by lawless and irresponsible persons in the Florida East Coast strike situation; and in view of the fact that misinformation from any source might be construed as encouragement to those elements responsible for the violence; and because of my admiration for a great lady, Mrs. du Pont, who has spent so much of her life, her time, and her energies serving the people of this country, I have been led to bring my views to your attention.

Respectfully yours,
HUGH F. MCKEAN,
President.

APRIL 10, 1964.

Mr. HUGH F. MCKEAN,
President, Rollins College,
Winter Park, Fla.

DEAR MR. MCKEAN: I have read yor letter of April 7. In my opinion, Mrs. Jessie Ball du Pont is not entitled to the exemption that the Du Pont estate enjoys in respect to the Federal Bank Holding Company Act. I stand on every word of criticism that I have made in the Senate in respect to the record of the Du Pont interests in Florida.

I am enclosing tear sheets from the CONGRESSIONAL RECORD, containing those speeches.

The Du Pont estate should be required to divest itself of that part of its economic empire which involves the Florida East Coast Railroad. Your alibi in support of the economic practices of the estate is to your discredit.

Very truly yours,
WAYNE MORSE.

Mr. MORSE. For Mr. McKean's education and enlightment, I have sent for the tear sheets from the CONGRESSIONAL RECORD that set forth the official statistics and figures as to what happened to the Du Pont money so far as the official reports are concerned. On the basis of those official figures, I repeat that they have used less than 12 percent of their $8 million or more in net profits after taxes per year for any assistance to crippled children. I applaud them for that much. But, Mr. President, does anyone mean to tell me that they must be exempt from the Federal Bank Holding Act in order to be charitable, or does anyone mean to tell me that what they really mean is that, "If you want us to contribute to charity, you must pay us to do it; you must give us these great economic advantages and benefits to do it"?

That is not my conception of Christian charity. That is charity by economic expediency.

Mr. President, one or two more sentences and I shall conclude.

Although I think we ought to handle the problem by way of amendment to the Bank Holding Act, that if it should develop that the labor dispute now involving the class I railroads of the country is not peacefully settled by the adoption of peaceful procedures by the parties thereto in the 15-day extension period that the great statesmanship of the President of the United States persuaded the parties to accept the other night at the White House, or if it is not settled in any other period of extension that might possibly develop, it will become necessary for the Congress to act.

Let us not fool ourselves. If we get to a point where the economy of the country will suffer irreparably as a result of a prolonged railroad strike, we cannot sit here in a vacuum. We shall be sitting within the climate of a greatly injured economy, and, of course, we shall have to take action. I have not the slightest idea what that action could or should be, and would not even mention a suggestion about it until we know what the facts are. But if we reach the position where we have to act on a strike involving the class I railroads, the senior Senator from Oregon now announces and makes clear to his administration and the Congress that he will offer an amendment that will include action on the floor with respect to the East Coast Railway situation.

It would be a travesty on justice for Congress to enact legislation involving the class I railroads of the country and let the tyrant in Florida operate the East Coast Railway in violation of the Railway Labor Act and in violation and defiance of every request made of him to resort to the peaceful procedures of arbitration for settlement. We cannot let him get by with that kind of economic tyranny and then enact legislation dealing with the very serious situation in the class I railroads. I shall at least give Members of Congress an opportunity to stand up and be counted as to whether or not they want to give aid and support to that kind of economic defiance and to the tyrant in charge of the Florida East Coast Railway and his underlings and puppets.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, it is my intention this morning to address myself to the civil rights bill. Before I do so, I should like to discuss some morning hour business. First of all, I thank the Senator from Oregon who has kept complete fidelity with his assurances to me about the time he would take. I congratulate him.

Mr. MORSE. I thank the Senator for his graciousness and kindness. It was a pleasure, as always, to cooperate with him.

THE BILDERBERG MEETINGS

Mr. JAVITS. Mr. President, the 13th in a series of Bilderberg meetings on international affairs, in which I participated, was held in Williamsburg, Va., on March 20, 21, and 22. These meetings are designed to bring together leading figures in the United States, Canada, and Western Europe for informal roundtable discussions of international problems, particularly those affecting the Atlantic community. In keeping with the basic objectives of increasing mutual understanding on both sides of the Atlantic through a free and relaxed exchange of ideas, the meetings do not attempt to reach formal conclusions or adopt resolutions. Representatives of governments as well as authorities in the fields under discussion attend in a personal capacity, not official. The meetings are private and off the record, and attendance is confined to those who are actually participating.

I ask unanimous consent to have printed in the RECORD a background paper entitled "The Bilderberg Meetings," explaining the origin and purpose of the Bilderberg meetings, a list of the persons who attended the Williamsburg series, and a list of the 12 meetings which had preceded this one.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BILDERBERG MEETINGS

The idea of the Bilderberg meetings originated in the early fifties. Changes had taken place on the international political and economic scene after World War II. The countries of the Western World felt the need for closer collaboration to protect their moral and ethical values, their democratic institutions, and their independence against the growing Communist threat. The Marshall plan and NATO were examples of collective efforts of Western countries to join hands in economic and military matters after World War II.

In the early 1950's a number of people on both sides of the Atlantic sought a means of bringing together leading citizens, not necessarily connected with government, for informal discussions of problems facing the Atlantic community. Such meetings, they felt, would create a better understanding of the forces and trends affecting Western nations; in particular, they believed that direct exchanges could help to clear up differences and misunderstandings that might weaken the West.

ORIGIN

One of the men who saw the need for such discussions was the late Joseph Retinger. In 1952 he approached H.R.H. Prince Bernhard of the Netherlands with the suggestion of informal and unofficial meetings to discuss the problems facing the Atlantic community. Others in Europe wholeheartedly supported the idea, and proposals were submitted to American friends to join in the undertaking. A number of Americans, including C. D. Jackson, the late General Walter Bedell Smith, and the late John Coleman, agreed to cooperate.

The first meeting that brought Americans and Europeans together took place under the chairmanship of Prince Bernhard at the Bilderberg Hotel in Oosterbeek, Holland, from May 29 to May 31, 1954. Ever since, the meetings have been called Bilderberg meetings.

NO STRICT RULES OF PROCEDURE

From the outset it was the intention of the Bilderberg founders and participants that no strict rules of procedure govern the meetings. Every effort was made to create a relaxed, informal atmosphere conducive to free and frank discussions.

Bilderberg is in no sense a policymaking body. No conclusions are reached. There is no voting and no resolutions are passed.

The meetings are off the record. Only the participants themselves may attend the meetings.

PARTICIPANTS

It was obvious from the first that the success of the meetings would depend primarily on the level of the participants. Leading figures from many fields—industry, labor, education, government, etc.—are invited, who, through their special knowledge or experience, can help to further Bilderberg objectives. Representatives of government attend in a personal and not an official capacity. An attempt is made to include participants representing many political parties and points of view. American participation has included Members of Congress of both parties.

Over the years, Bilderberg participants have come from the NATO countries, Switzerland, Sweden, Austria, and Finland, and have included prominent individuals such as Dean Rusk, Christian A. Herter, Maurice Faure, Franz-Josef Strauss, Amintore Fanfani, Panayotis Pipinelis, Reginald Maudling, the late Hugh Gaitskell, Omer Becu, Guy Mollet, the late Michael Ross, Herman Abs, C. L. Sulzberger, Joseph Harsch, and T. M. Terkelsen. Individuals with international responsibilities have also participated, among them being Gen. Alfred Gruenther, Lord Ismay, Eugene Black, Gen. Lyman Lemnitzer, Paul-Henri Spaak, and the late Per Jacobsson.

THE MEETINGS

Bilderberg meetings are held at irregular intervals but have taken place once or twice a year since 1954. All the early conferences were held in Europe, but a meeting is now held on this side of the Atlantic every few years to provide a convenient opportunity for American and Canadian participants to attend.

The Bilderberg meeting at Williamsburg, Va., on March 20, 21, and 22, is the 13th to take place since 1954. The 12 preceding meetings were held at:

1. Oosterbeek, the Netherlands, May 29–31, 1954.
2. Barbizon, France, March 18–20, 1955.
3. Garmisch-Partenkirchen, Germany, September 23–25, 1955.
4. Fredensborg, Denmark, May 11–13, 1956.
5. St. Simon's Island, Georgia, United States, February 15–17, 1957.
6. Fiuggi, Italy, October 4–6, 1957.
7. Buxton, United Kingdom, September 13–15, 1958.

8. Yesilkoy, Turkey, September 18–20, 1959.
9. Burgenstock, Switzerland, May 28–29, 1960.
10. St. Castin, Canada, April 21–23, 1961.
11. Saltsjobaden, Sweden, May 18–20, 1962.
12. Cannes, France, March 29–31, 1963.

Bilderberg Meetings

(Williamsburg Conference, March 20, 21, and 22, 1964)

LIST OF PARTICIPANTS

H.R.H. the Prince of the Netherlands, Chairman.

Ernst H. van der Beugel, Honorary Secretary General for Europe.

Joseph E. Johnson, president, Carnegie Endowment for International Peace, Honorary Secretary General for the United States.

Paul Rykens, Honorary Treasurer.

Arnold T. Lamping, former ambassador, Deputy Secretary General for Europe.

Acheson, Dean, former Secretary of State, United States.

Agnelli, Giovanni, vice-chairman of the board and managing director, Fiat Co., Italy.

Ball, George W., Under Secretary of State, United States.

Baumel, Jacques, Senator, Secretary General, "Union pour la Nouvelle République," France.

Baumgartner, Wilfred S., former Minister of Finance, France.

Beer, Henrik, secretary, General League of Red Cross Societies, International.

Bennett, Frederic, Member of Parliament, United Kingdom.

Berg, Fritz, president, Federation of German Industries, Germany.

Birgi, M. Nuri, Ambassador to NATO, Turkey.

Birrenbach, Kurt, Member of Parliament, Germany.

Brauer, Max, former burgomaster of Hamburg, Member of Parliament, Germany.

Buchan, the Honourable Alastair, director, Institute for Strategic Studies, United Kingdom.

Bundy, McGeorge, Special Assistant to the President for National Security Affairs, United States.

Cabot, Louis W., president, Cabot Corp., United States.

Cisler, Walker L., industrialist, United States.

Collado, Emilio G., vice president, Standard Oil Co. (New Jersey), United States.

Dean, Arthur H., international lawyer and diplomat, United States.

Defferre, Gaston, Departement of National Assembly, mayor of Marseille, France.

Duncan, James S., company director, Canada.

Dundee, Lord, Minister of State for Foreign Affairs, United Kingdom.

Erler, Fritz, Member of Parliament, floor leader Social-Democratic Party, Germany.

Ford, Gerald R., Congressman, United States.

Frelinghuysen, Peter H. B., Congressman, United States.

Fulbright, J. William, Senator, United States.

Gallois, Pierre, general, specialist in nuclear problems, France.

Griffin, Anthony G. S., banker, Canada.

Gubbins, Sir Colin, industrialist, United Kingdom.

Haekkerup, Per, Minister of Foreign Affairs, Denmark.

Hague, Gabriel, president, Manufacturers Hanover Trust Co., United States.

Healey, Denis, member of Parliament, Labour Party spokesman on defense, United Kingdom.

Heeney, Arnold D. P., former Ambassador to the United States, chairman, International Joint Commission on Water Resources, Canada.

Heinz II, Henry J., chairman of the board, Heinz Co., United States.

Herter, Christian A., former Secretary of State, Special Representative for Trade Negotiations, United States.

Hoegh, Leif, shipowner, Norway.

Holifield, Chet, Congressman, United States.

Jackson, Charles D., senior vice president, Time, Inc., United States.

Jackson, Henry M., Senator, United States.

Javits, Jacob K., Senator, United States.

Jellicoe, Lord, First Lord of the Admiralty, United Kingdom.

Kerchove d'Ousselghem, Nicolas W. de, assistant "Ecole des Sciences politiques et sociales," Belgium.

Kissinger, Henry A., professor, associate, Harvard University Center for International Affairs, United States.

Kleffens, Eelco N. van, chief representative in the United Kingdom of the European Coal and Steel Community, International.

Kundtzon, Harald, general manager, "Den Danske Landmandsbank," Denmark.

Kohnstamm, Max, vice president, Action Committee for a United States of Europe, International.

Koster, Herman J. de, president, Federation of Netherlands Industries, Netherlands.

Kraft, Ole B., former Minister of Foreign Affairs, Member of Parliament, Denmark.

Krapf, Hans, Chief of the Political Division, Ministry of Foreign Affairs, Germany.

Kuhlmann-Stumm, Knut Freiherr von, Member of Parliament, floor leader of the Free Democratic Party, Germany.

La Malene, Christian de, Member of Parliament, Member of European Parliament, France.

La Malfa, Ugo, Member of Parliament, Italy.

Lamontagne, Maurice, President of the Queen's Privy Council for Canada, Canada.

Lange, Halvard, Minister of Foreign Affairs, Norway.

Lennep, Jonkheer Emile van, Chairman Monetary Committee EEC, Chairman, Working Party 3 OECD, International.

Lindsay, Franklin A., president of Itek, United States.

Lipkowski, Jean de, diplomat, Member of Parliament, Member of European Parliament, France.

Litchfield, Lawrence, Jr., chairman of the board, Aluminum Co. of America, United States.

Lolli, Ettore, deputy general manager "Banca Nazionale del Lavoro," Italy.

Luns, Joseph M. A. H., Minister of Foreign Affairs, Netherlands.

Majonica, Ernst, Member of Parliament, Germany.

Malfatti, Franco M., Under Secretary Ministry of Industry and Commerce, Italy.

Mansholt, Sicco L., vice president EEC, International.

McCloy, John J., lawyer and diplomat, United States.

McGhee, George C., Ambassador to the Federal Republic, United States.

Meynen, Johannes, managing director, AKU, Netherlands.

Murphy, Robert D., president, Corning Glass International, United States.

Nebolsine, George, international lawyer, United States.

Nykopp, Johan, former Ambassador, president of Tampella, Finland.

Pearson, Lester B., Prime Minister, Canada.

Peccei, Aurelio, managing director, Italconsult, Italy.

Pinay, Antoine, former Prime Minister, France.

Rockefeller, David, president, Chase Manhattan Bank, United States.

Roll, Sir Eric, Economic Minister at the British Embassy to the United States, head of the United Kingdom Treasury and Supply Delegation, United Kingdom.

Scaglia, Giovanni Battista, member of Parliament, vice chairman, Christian Democratic Party, Italy.

Schmid, Carlo, Vice President, Federal Parliament, Germany.

Schwitzer, Pierre-Paul, managing director, International Monetary Fund, International.

Shulman, Marshall, research associate, Russian Research Center, Harvard University, professor of international politics, Fletcher School of Law and Diplomacy, United States.

Smith, H. Page, Supreme Allied Commander, Atlantic (NATO), International.

Snoy et d'Oppuers, Baron, managing director "Compagnie d'Outremer pour l'Industrie et la Finance", Belgium.

Speidel, Hans, special adviser on defense matters, Germany.

Stewart, Michael, Member of Parliament, United Kingdom.

Stikker, Dirk U., Secretary General of NATO, International.

Stone, Shepard, director, International Affairs Program, Ford Foundation, United States.

Terkelsen, Terkel, chief editor, Denmark.

Umbricht, Victor H., former head of Swiss Treasury and diplomat, president, CIBA Corp., New York, Switzerland.

Vittorelli, Paolo, Senator, Italy.

Wallenberg, Marcus, chairman, Federation of Swedish Industries, Sweden.

Westrick, Ludger, Secretary of State, Office Federal Chancellor, Germany.

Winters, Robert H., industrialist, Canada.

Wolff von Amerongen, Otto, senior partner Otto Wolff Koln, Germany.

Wriston, Walter B., executive vice president, First National City Bank, United States.

Wyndham White, Eric, executive secretary, GATT, International.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. JAVITS. Mr. President, now to the business in hand: First, I had a debate last week on title VI of the bill. I made some statements with respect to the critical importance of the right to withhold Federal funds from Federal-State segregated programs or programs in which there was some segregation, and I gave figures at that time as to the amount of support which was available from the Federal Government for such programs, as compared to the amount which was paid into the Federal Treasury by those States. At least that part which was allocated and which went to Federal grants generally was challenged by the Senator from Louisiana [Mr. LONG].

I have since sought further confirmation of these figures from the Library of Congress. The figures I gave were from the Tax Foundation, Inc., a very reliable concern. Nevertheless, I felt it was appropriate to respond to the challenge which has been made to those figures.

I have now had the advice and analysis of the Library of Congress. I ask unanimous consent to include in the RECORD as a part of my remarks a new chart, which shows the comparison between the Tax Foundation's findings and those of the Library of Congress, an explanation by the Library of Congress of the method by which it prepared its findings, an explanation by the Tax Foundation as to the way it prepared its findings.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

Relationship of Federal revenues and Federal payments to State and local governments in the several States—Averages for the fiscal year 1959–61

[Ratio of revenue contribution to Federal aids received]

Region or State:	
Total United States	1.00
Conterminous United States	1.00
New England	1.24
Maine	.69
New Hampshire	.81
Vermont	.51
Massachusetts	1.33
Rhode Island	1.02
Connecticut	1.88
Middle Atlantic	1.78
New York	1.84
New Jersey	2.35
Pennsylvania	1.45
East North Central	1.32
Ohio	1.22
Indiana	1.30
Illinois	1.39
Michigan	1.38
Wisconsin	1.31
West North Central	.74
Minnesota	.86
Iowa	.79
Missouri	.78
North Dakota	.36
South Dakota	.38
Nebraska	.81
Kansas	.70
South Atlantic	.84
Delaware	2.09
Maryland	1.47
District of Columbia	.79
Virginia	.97
West Virginia	.54
North Carolina	.72
South Carolina	.53
Georgia	.56
Florida	1.08
East South Central	.48
Kentucky	.54
Tennessee	.55
Alabama	.47
Mississippi	.31
West South Central	.59
Arkansas	.38
Louisiana	.43
Oklahoma	.40
Texas	.81
Mountain	.50
Montana	.46
Idaho	.45
Wyoming	.25
Colorado	.65
New Mexico	.36
Arizona	.62
Utah	.49
Nevada	.60
Pacific	1.10
Washington	.86
Oregon	.62
California	1.25
Alaska	.14
Hawaii	.88

Source: Calculated from Legislative Reference Service report, "Federal Revenues and Expenditures in the Several States: Averages for the fiscal years 1959–61," tables 1 and 14. From table 14, column 6, "payments to State and local governments" were calculated for each State as a percentage of the U.S. total. The estimated percentage of the U.S. total of all allocated revenues, shown in table 1, column 1, for each State or region was divided by the percentage derived from table 14, column 6.

(NOTE.—Conceptually, these ratios are quite similar to the Tax Foundation's annual estimates of "Amount paid for every dollar of aid received." The principal difference is that the Tax Foundation series is based on an estimate of the "tax burden" of each State, whereas the Library of Congress series is based on an estimate of all Federal revenues derived from each State. The Tax Foundation ratios are for single years; those of the Library of Congress are weighted averages for a 3-year period. The assumptions underlying the estimates of taxes derived from each State differ in some respects, but the assumptions adopted in each study are applied uniformly for all States.)

TABLE 4.—*Total Federal grants to State and local governments and estimated burden of Federal grants, fiscal year 1963*

State	Federal grants-in-aid [1]			
	Payments to States	Estimated burden [2]	Amount paid for every dollar of aid received	
			Tax foundation	Library of Congress
Total	*Millions* $8,303.6	*Millions* $8,303.6		
Alabama	183.3	104.5	$0.57	$0.47
Alaska	46.5	9.2	.20	.14
Arizona	91.7	65.0	.71	.62
Arkansas	121.6	58.6	.48	.38
California	819.2	906.0	1.11	1.25
Colorado	120.1	89.4	.74	.65
Connecticut	97.4	156.8	1.61	1.88
Delaware	27.3	36.7	1.34	2.09
Florida	179.7	229.8	1.28	1.08
Georgia	207.5	143.4	.69	.56
Hawaii	41.8	27.2	.65	.88
Idaho	51.3	28.5	.56	.45
Illinois	386.0	522.3	1.35	1.39
Indiana	143.3	208.7	1.46	1.30
Iowa	102.3	112.1	1.10	.79
Kansas	87.5	95.6	1.09	.70
Kentucky	172.1	99.1	.58	.54
Louisiana	252.2	109.5	.43	.43
Maine	50.6	39.2	.77	.69
Maryland	118.6	152.0	1.28	1.47
Massachusetts	206.2	254.0	1.23	1.33
Michigan	297.4	360.6	1.21	1.38
Minnesota	150.5	147.3	.98	.86
Mississippi	135.4	58.8	.43	.31
Missouri	216.0	201.3	.93	.78
Montana	63.5	31.7	.50	.46
Nebraska	70.5	66.6	.94	.81
Nevada	29.8	23.9	.80	.60
New Hampshire	28.5	28.5	1.00	.81
New Jersey	177.9	332.5	1.87	2.35
New Mexico	81.2	41.5	.51	.36
New York	606.4	910.3	1.50	1.84
North Carolina	167.8	159.4	.95	.72
North Dakota	39.0	23.6	.61	.36
Ohio	373.6	449.5	1.20	1.22
Oklahoma	187.3	100.1	.53	.40
Oregon	109.7	84.0	.77	.62
Pennsylvania	423.3	495.6	1.17	1.45
Rhode Island	41.7	38.8	.93	1.02
South Carolina	91.7	72.5	.79	.53
South Dakota	47.2	27.1	.57	.38
Tennessee	207.6	122.6	.59	.55
Texas	444.1	430.1	.97	.81
Utah	65.4	39.3	.60	.49
Vermont	30.7	15.8	.51	.51
Virginia	181.3	163.6	.90	.97
Washington	161.6	135.7	.84	.86
West Virginia	98.9	59.5	.60	.54
Wisconsin	137.7	170.9	1.24	1.31
Wyoming	48.5	19.1	.39	.25
District of Columbia	83.2	45.8	.55	.79

[1] Excludes shared revenues; includes highway aids.

[2] The tax burden for aid payments is assumed to be equal to aid payments. The burden of aid payments financed through the budget is distributed by State on the basis of an estimated distribution of the burden of general taxes; the burden of highway aid payments is distributed by State on the basis of a Bureau of Public Roads estimate of the State distribution of taxes going to the highway trust fund.

Source: Treasury Department and Tax Foundation, Inc., February 1964.

Mr. JAVITS. I point out that the library's calculations show an even greater disparity between the taxes paid by certain States and the aid received by certain States, most of them in the South, than the tax foundation chart which I previously submitted.

Again I point out that I come from a State which contributes generally about 19.3 percent of the Federal Government's taxes and receives about 6.8 percent of grants from the Federal Government in aid in connection with Federal matching programs or programs in which States get aid.

As a representative of my State in the Senate, I state that we do not want our money spent for segregation in programs to which we contribute through the Federal Treasury and that it is my earnest duty to protest against it.

Finally, we have been confronted within the last 2 days in New York with a situation which is deserving of mention in connection with this debate. I refer to the fact that yesterday a story was published that the Brooklyn chapter of CORE proposes to use the opening day of the World's Fair—April 22—to stall automobiles by design on the principal highways of access to the Fair and thereby create traffic jams.

Some aspects of this critical question have been debated previously. Some Senators have claimed that an effort was being made to coerce the Senate by demonstrations and threats. Other Senators have pointed out that we cannot stop and have no right to stop Americans from exercising their privileges under the first amendment to express their grievances, provided they did so in an orderly and legal way.

That does not deal with the frontal question, which involves, first, illegality. I would be the first to join with others in seeking to punish, if I had the authority of a judge, actions of illegality. There is no excuse for illegal actions by anyone in this country.

However, this does not deal with the question of public inconvenience, nor does it deal with the excesses of police action, which we are trying to reach to some extent by the civil rights bill, or with the excesses of judicial action. Bear in mind that the excesses of judicial action have gone to the extent of holding demonstrators in Georgia for sedition, a crime punishable by death. This is no light matter in that State. Then to have the prosecutor state that the reason they were held for so serious a crime, notwithstanding the fact that undoubtedly it would not stand up in terms of a court proceeding, was in order to teach the demonstrators a lesson so that they would not be demonstrating again.

Here is the whole complex, therefore, of our problems which has brought so sharply and dramatically to the fore in this threat to the citizens of New York City by the Brooklyn CORE. What has happened is most revealing as to what we have a right to look at in terms of eventuation of the situation.

What occurred was that the national committee of the Congress of Racial Equality—CORE, as it is popularly called—through its national director, James Farmer, immediately repudiated the action of the Brooklyn branch and immediately suspended it from membership in its organization, by authority of its national council. Today, CORE has called a special meeting of its national council for the purpose of certifying their disapproval.

This is a salutary action, because CORE is considered to be one of the most militant in the field of civil rights—allegedly more militant than the NAACP or the Urban League, the two oldest and more seasoned organizations.

Now, people whose credentials are excellent—and I believe mine are good—have a duty to address themselves to this question. I happen to see sitting beside me a man for whom I have the warmest affection and whose credentials I believe are better than mine in this particular field, the Senator from Illinois [Mr. Douglas]—and I am glad that he is in the Chamber to listen to what I have to say.

Interestingly enough, to digress a moment, there was an item in the paper the other day that the leading Negro magazine, Ebony, which has a broad circulation among Negroes, polled its readers to find out who were the 10 whites whom Negroes trusted the most. At the head of the list was Earl Warren, Chief Justice of the Supreme Court, and other Americans who have taken an active interest in this field. And I was honored to be named one of the 10 persons in the country whom Negroes most trusted. In view of my credentials in the field, I hope Negroes in the United States will listen to what I have to say and will take it to heart. That would be the best kind of honor I could receive in this situation.

Mr. ELLENDER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. Let me finish my thought first and then I shall be glad to yield.

The message I wish to deliver is this: One of the great questions in this struggle is the question of discipline and order, and one of the greatest contributions which Negro groups can make themselves to the civil rights struggle, now going on in the Senate, is to follow their responsible leaders who have been designated as a national director or as a leader, or one in high authority in one of the organizations in this field.

I believe it reflects great credit upon so distinguished a leader in the field as James Farmer and his National Council that they have seen the importance of this matter. They have immediately, notwithstanding internal politics and difficulties and the fact that it is said Negroes want to exceed each other in their zeal to demonstrate, moved to halt what they consider to be a matter of grave public inconvenience, outweighing the virtue of the protest and being deleterious rather than helpful in its effect.

So let me emphasize the need for Negroes to follow the policy which is made in an orderly way by the duly elected and democratically elected members of these national organizations no matter how deeply their rank and file members may feel in a particular area about a particular thing. For let us remember that civil rights opponents would like nothing better than to see the irresponsible parts of these great organizations run away from and defy their leadership, and stage anarchic demonstrations, which could only react and hurt the cause.

Now I am glad to yield to the Senator from Louisiana.

Mr. ELLENDER. I am not surprised that Chief Justice Warren heads the list of the most trusted American by American Negroes. I wonder whether the Senator could provide the Senate with the rest of the names on that list and have it printed in the Record?

Mr. JAVITS. I will have it printed in the Record.

Mr. President, I ask unanimous consent for that purpose.

There being no objection, the article in the Washington Daily News, April 8, 1963, was ordered to be printed in the Record, as follows:

Chicago, April 8.—President Johnson, Attorney General Robert Kennedy, and Chief Justice Earl Warren are among the 10 whites most trusted by America's Negroes, according to Ebony magazine.

The magazine, in a poll of 105 prominent Negroes, said Justice Warren headed the list.

Publisher-Editor Ralph McGill of the Atlanta Constitution was in second place, Mr. Kennedy was ranked third and Supreme Court Justice Hugo Black was fourth.

Branch Rickey, who opened up organized baseball for Negroes when he signed Jackie Robinson to a Brooklyn Dodger contract in 1945, was in the fifth spot. President Johnson was sixth, Attorney Jack Greenberg, general counsel of the NAACP legal defense fund, was seventh, and Senator Jacob Javits, Republican, of New York, was eighth.

Southern authoress Lillian Smith was 9th, and Swedish Sociologist Gunnar Myrdal was 10th.

Mr. ELLENDER. I do not suppose that a list of the 10 most hated whites was submitted?

Mr. JAVITS. Well, I am rather glad that they do not. I would be the first to deplore such a list. America is not that kind of country. No matter how deeply the Senator from Illinois [Mr. Douglas] and I might disagree with the Senator from Louisiana and other Senators who strongly oppose the civil rights bill, I am sure he knows and I am sure he will be the first to affirm that no such thought or shadow of thought would ever cross my mind. I would also hope that it would not be true of any other American, and I say that with great sincerity and feeling.

But, having said that, let us also remember the deeply held feelings and the deeply held grievances with which we are faced. Let us remember the physical violence which is involved; namely, the bombings and assassinations, let alone the hosings with water and the prodding with electrified cattle prods, and the police clubs, and other forms of repression, not against illegal demonstrations, but against demonstrations subsequently found to be legal, because they were legal, such as modest, orderly walks to the town square, the most elementary aspect of an American's protest to lay his grievances before responsible officials. One need only look at the Edwards case, recently decided by the Supreme Court, in which 187 youths were released for being improperly convicted of sedition, and similar cases.

Therefore, I address this plea to the public. The public cannot be completely immune from inconvenience. There will be demonstrations. We all know that. There was a magnificent, orderly demonstration here in Washington, one of the jewels in the crown of this movement, on August 28 last year.

There will be picketing and meetings. The conscience of the Nation will be appealed to. The conscience of many individuals will be troubled, and it might well be. There will be some public inconvenience.

Therefore, Mr. President, the public must understand, too, just as in labor-management matters, and other public matters. There have been picketings in New York, as when white taxpayers—not Negroes this time—demonstrated because they did not want their children taken across the city by bus; and there will be other demonstrations I am sure. It is important that each of us should defend the right of people to picket in an orderly way and within the law, provided the law itself is constitutional, and that no effort is made to engage in repression under cover of an unconstitutional law.

The last point I wish to make is this: It has been said, and I say it again, that in the Senate we face a serious timetable on the civil rights issue. Let us not think that this matter can amble along from day to day and week to week without facing the timetable. That timetable, in my judgment, is the beginning of summer. If we cannot provide, by the beginning of summer of 1964, some reasonable redress at law, and an adjustment of the deeply held grievances with which we are seeking to deal, we shall be inviting grave dangers to public order and tranquillity in our big cities.

I have consulted the police chief of my city of New York. I invite other Senators to consult with their chiefs of police, about their timetable. We had better realize the dangers that face us as legislators.

To those who would say that this represents a threat and that we cannot legislate under threats, I say let us be just. We have a right to say that, being threatened, we will not act under threats. Until we do justice, we have no right to complain about citizens who have deep feelings on this subject and who protest in a perfectly legal way because we are not, in their judgment, acting reasonably. To deny reasonable measures of justice to deeply agrieved Americans, thereby inviting breaches of the public order, is a grade dereliction in our duty and a grave disservice to the national interest.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ELLENDER. Why does the Senator from New York expect or suspect that demonstrations will take place in New York? Since both Senators from that State are strong advocates of the pending bill. I can see no necessity for demonstrations.

Mr. JAVITS. I will tell the Senator why I do. It is, first, because people wish to demonstrate in the only way they can, notwithstanding that their Senators are for the bill, for their support. New York is a great center of communications, and when people demonstrate in New York, they are not demonstrating for the New York Senators alone. It is fair to say that they are demonstrating for the Nation and the world. It happens to be that kind of city. It has a great place in our Nation, and it has its characteristics. This is one of them.

Second, we who are so ardently for the bill—and we are the first to say it—know that we have our own troubles in racially imbalanced schools; in trade unions, which remain obdurate in the face of a forward moving society, in excluding Negroes from membership and from apprenticeship and jobs, and in other manifestations of the personal and social character of discrimination. They are protesting against it precisely because people feel free to express themselves. That is the way America should be. We are proud of it. We are doing something about it. The one thing that I have always said to my colleagues from the South is that I hope and pray for the day when they can do the same thing, when they can stand on the floor and not tell us about the tautological aspects of how all this is wrong, in terms of procedure—and I do not agree—but when they can argue with us about the fact, and can demonstrate to us, that they are doing a better job in this field than we are. That is the day I look forward to. That day, unfortunately, has not yet come.

Mr. ELLENDER. I cannot follow the Senator as to why demonstrations in his State should in any way affect the South. The second point he has made, the reason for the demonstrations, may be in order, and that is, that the State of New York does not qualify and does not live up to integration as the Negroes understand it.

Mr. JAVITS. The State of New York does live up to integration as the Negroes understand it. The State of New York has a government—and I assume the Senator must have the government in mind—that has the best network of laws of any nation in this field and is enforcing those laws extremely well, and is doing, in that respect, the outstanding job in the Nation.

The fact that we still have our troubles is indicative of the deep problems with which we are concerned, and one of the great reasons why we need across-the-board national legislation which, I say for the 50th time, will not only bind the South but also bind us. We welcome it.

Whether or not it will impress the South I do not know. I hope it will. Even if it does not, it is very important that it should have an impact upon the West and Southwest and Far West and the Mountain States, whose Senators will be the determining factor in whether we can get to the point where a majority of Senators can express its will. That is why I spoke as I did about the impact on the rest of the country.

I have only one other point that I should like to make, and that is the reason for the demonstrations that have occurred and how they tie in to the respective titles of the bill.

A count shows—and it is approximately correct—that in 1963 there were, roughly, 2,100 racial or civil rights demonstrations. Of those 2,100, the estimate is made that two-thirds were over the question of public accommodations, dealing with the affront to the dignity of the individual Negro who cannot find admission to a motel or hotel or restaurant or a moving picture house because of the way in which they run their exclusionary policy.

Two-thirds was directly related to title II.

The rest of them were directly related to public facilities, that is, parks and playgrounds and golf courses and similar places, which are maintained directly by public money, either by a municipality or a State. Others related to the question of the desire to be registered to vote and the exclusionary practices by registrars or the harassment or intimidation of that right by public officials, especially in the so-called black counties, the 100 counties which stretch across the Deep South.

They are attributable also to other problems that relate, for example, to law enforcement, which again we are trying to deal with to some extent in the bill. They are attributable to the fact that there is segregation in Federal-State programs. I gave an example the other day of the unbelievable fact that in certain States of the South, there is a Department of Agriculture, agent to administer farm programs. He is called a Negro county agent because his job is to deal with Negro farmers. Another county agent deals with white farmers.

I have cataloged these demonstrations to show that the great preponderance of them has involved the most controverted title of the bill, title II. No wonder it is so controverted, so deep is the feeling of those who believe something should be done to redress their grievance. Indeed, it should be redressed on this score; so the demonstrations bear a direct relation to what we are trying to accomplish in law. The answer is to have justice in law. That is the best answer to demonstrations.

Demonstrations must be confined to those which are lawful. The public cannot hope to avoid some inconvenience which, when compared with the objective sought to be served, should not, in all equity, be denied. The public should not deny those rights merely because of the fact that they will be somewhat inconvenienced.

Finally, as I think those of us who are fighting for the bill deeply believe, this is a struggle for the soul of the Nation. It is unthinkable in moral and religious terms that in our country any standard of judgment pertaining to the relationship of man to man can be based upon the fact that one man's skin is a different color from another man's.

One of the greatest things which has taken place in the civil rights field at long last has been the full and unstinted intercession of the great church organizations, the synagogue organizations. The great religious community of the United States has at last awakened to the fact that this is a struggle for the morality and soul of the Nation.

It is for these reasons that I am much more optimistic in this debate than I have ever been before that at long last we can have a meaningful civil rights bill.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ELLENDER. The Senator from New York mentioned some 2,000 demonstrations, and said that two thirds of them pertained to title II of the bill. Does the Senator know how many of those demonstrations took place in other parts of the country, particularly in the North, as compared with the South?

Mr. JAVITS. I do not; but I shall endeavor to find out. The original lunch counter sit-ins in North Carolina touched off all the civil rights demonstrations. So, at least I think it is only fair to say that we know that the whole movement originated as a rebellion against the exclusionary practices of the lunch counters in southern cities.

Mr. ELLENDER. Does the Senator know of any such demonstrations that took place anywhere in the State of New York?

Mr. JAVITS. The only one I know of—and the Senator knows I would tell him frankly anything I know——

Mr. ELLENDER. I understand. That is why I am asking.

Mr. JAVITS. Of course. The only ones that I know of that had any relation to it were demonstrations at certain chainstores, like Woolworth's in the hope of influencing their policy in the southern cities where they maintained segregated lunch counters.

Other than that, there was no demonstration in my State. Such practices are against the State law in my State. I know of no such practice in my own State. Therefore, I cannot conceive of any such demonstration.

Mr. ELLENDER. That was the next question I was about to ask the Senator. So far as the Senator knows, that was the only demonstration. The State of New York has had laws on its statute books for some time that are similar to the provisions of the pending bill. I am wondering the extent to which those laws have been violated since their enactment.

Mr. JAVITS. I do not believe there have been any appreciable violations. I shall endeavor to ascertain either today or by Monday the number of demonstrations of the two-thirds of the 2,100 in the North that involve violations of the public accommodations law. Also, if I can do so, I shall endeavor to ascertain the number of violations in the 30 other States that have similar laws.

I was attorney general in my own State. Therefore I should have personal knowledge of this subject. But I am unaware of any appreciable number of violations of such laws in New York.

I yield the floor.

Mr. ERVIN. Mr. President, by way of preface to my remarks, I wish to make two unanimous-consent requests.

The first is that I may submit certain amendments to the pending bill and have them printed at this point in the RECORD, and also printed and laid upon the desk until they are called up for action.

The PRESIDING OFFICER (Mr. WALTERS in the chair). Without objection, it is so ordered.

The amendments, numbered 478 to 490, are as follows:

AMENDMENT No. 478

On page 8, line 15, strike out "or enforced" and insert "and enforced".

AMENDMENT No. 479

On page 7, line 2, after "station;" insert "and".

On page 7, line 5, strike out "; and" and insert a period.

On page 7, strike out lines 6 through 11.

On page 7, line 18, after "commerce;" insert "and".

On page 7, line 22, beginning with "; and" strike out all through "subsection" in line 2, page 8.

AMENDMENT No. 480

On page 8, after line 23, insert the following:

"(f) The provisions of this title shall not apply to any barber shop or beauty parlor."

AMENDMENT No. 481

On page 9, beginning with line 6, strike out all through line 17, on page 11 (sections 203, 204, and 205 of the bill).

AMENDMENT No. 482

On page 9, line 23, after "action" insert "and that the person aggrieved is unable, either directly or through other interested persons or organizations, to bear the expense of initiating and maintaining an action under this title, and if he certifies that be has received a signed complaint from the person aggrieved".

AMENDMENT No. 483

On page 9, line 23, after "action" insert "and if he certifies to the court that he has made a survey and he believes that the person or persons against whom such action is instituted will not suffer financial loss as a result of complying with the provisions of sections 201 and 202".

AMENDMENT No. 484

On page 7, lines 16 and 17, strike out "it serves or offers to serve interstate travelers or" and in lieu thereof insert "a substantial number of the patrons it serves are interstate travelers and".

AMENDMENT No. 485

On page 11, after line 17, insert the following new section:

SEC. 206. If as a result of any action instituted under section 204 against the owner or operator of a business, such business is destroyed, becomes insolvent, or suffers financial loss, it shall be held and considered that such business (or with respect to a financial loss, that such business to the extent of such loss) has been condemned and taken for public use by the United States; and the owner of such business shall be entitled to just compensation for such taking as provided by the laws and Constitution of the United States.

AMENDMENT No. 486

On page 11, after line 17, insert the following new section:

SEC. 206. In any action instituted under section 204 against the owner or operator of a business, such owner or operator shall be entitled to show that compliance with the provisions of sections 201 and 202 would result in economic loss to the owner of such business. If such owner or operator establishes, by a preponderance of the evidence, that compliance with the provisions of sections 201 and 202 would result in economic loss to the owner of such establishment, then the provisions of section 203 shall not apply with respect to such business.

AMENDMENT No. 487

On page 6, beginning with line 1, strike out all through line 17, on page 11 (title II of the bill).

AMENDMENT No. 488

On page 11, line 3, beginning with "and shall", strike out all through "law" in line 5.

On page 11, line 5, after the period, insert the following: "No action may be instituted under section 204 unless the aggrieved person has exhausted all administrative and other remedies that may be provided by law. If an alleged violation of section 203 takes place in a State, county, city, or other political subdivision which has a legally established Human Rights Commission or similar body, no action may be instituted under section 204 with respect to such alleged violation by the Attorney General before the expiration of thirty days after he has given notice of such alleged violation to such Commission or similar body."

AMENDMENT No. 489

On page 7 line 16, after "(b)," insert "it has more than five employees and".

AMENDMENT No. 490

On page 9, line 5, after "thereof." insert the following: "This section shall not apply to homes, churches, cemeteries, or private clubs of any kind, or to fraternities or organizations of any kind membership in which is selective."

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. ROBERTSON. Is the Senator aware that if cloture should be imposed, unless an amendment had been read, it could not be considered?

Mr. ERVIN. I am not aware of that.

Mr. ROBERTSON. That is what the Senator from Georgia [Mr. RUSSELL] told me about the amendment I submitted, which pertained to jury trials. That is the reason I asked that it be read.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ERVIN. I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. The parliamentary inquiry is whether or not the impression of the Senator from Virginia is correct; namely, that an amendment has to be read in order that it may be considered as submitted in the event of cloture.

The PRESIDING OFFICER. The rule can be waived by unanimous consent.

Mr. ERVIN. I ask unanimous consent that the rule be waived with respect to the amendments I have submitted.

Mr. JAVITS. Mr. President, I am constrained to object. I should like to reserve the right to object and explain why. We have had this experience before. I am sure there will be no problem whatever about our doing exactly what the Senator desires. But it has not been done as yet for other Senators who have filed amendments. There should be agreement upon the policy. I believe the Senator from Virginia will bear me out—either we will agree, or be prepared to agree, to unanimous-consent requests of the same kind for every Senator who submits amendments, or we will insist, as we did on one occasion, that they should be read at the desk; that is, that the clerk should do the necessary pro forma reading of the amendment before it qualifies in this way.

My reason for objecting now is not in any way to seek to prevent the Senator from doing what he seeks to do, but only because I wish to have an opportunity afforded the proponents of the bill to arrive at a uniform policy to be applied to all amendments rather than merely the amendments the Senator is submitting now. I therefore object.

Mr. ERVIN. Mr. President, I wish to propound another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Does the objection of the Senator from New York apply to my unanimous-consent request that I be permitted to submit the amendments at this time and have them printed in the RECORD at this point, and have them printed so that they may lie on the desk until they are called up? I understood that unanimous-consent request was granted before the Senator from New York interposed any objection.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JAVITS. I have no objection whatever to that unanimous-consent request.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is granted.

Mr. ERVIN. Mr. President, I can take care of the objection of the Senator from New York later by having the amendments read before the day is over.

In order to oblige the Senator from Alaska, I would like to propound a unanimous-consent request that I may be permitted to yield to the Senator from Alsaka [Mr. GRUENING] for a statement or a speech, without losing my right to the floor, and without having any additional remarks which I may hereafter make on this occasion counted as a second speech on the pending matter.

The PRESIDING OFFICER (Mr. BAYH in the chair). Is there objection? The Chair hears no objection. It is so ordered.

The amendments submitted will be printed and will lie on the table.

Inasmuch as a point has been raised about the germaneness rule, the Chair asks the Senator from North Carolina to include in his unanimous-consent request a request that the requirement of the germaneness rule be waived.

Mr. ERVIN. Mr. President, in that event, I ask unanimous consent that the speech or statement to be made by the Senator from Alaska not be subject to the rule of germaneness which applies during the first 3 hours of the session after the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOUR MORE AMERICANS KILLED IN SOUTH VIETNAM—LET US STOP THE SLAUGHTER NOW

Mr. GRUENING. Mr. President, four more Americans have been killed in action in South Vietnam. There is no justification for it whatever.

My view, expressed at great length and with historic detail, on the floor of the Senate on March 10, and subsequently—that the United States never had any business getting into that civil war—has been borne out by the day-by-day reports from that distant southeast Asian country, where, despite optimistic reports and forecasts from the Pentagon, we are getting nowhere.

The latest casualty includes a Washington area man, Capt. Robert N. Brumet, age 36, who leaves a widow, a son, and two daughters. The United Press, as reported in this morning's newspapers, indicated that three American helicopter crewmen were also killed, along with seven Vietnamese soldiers, when the tail dropped off a troop-carrying helicopter. A fourth American was seriously injured.

What business these American soldiers, presumably sent to South Vietnam as "advisers," had in this action, Secretary McNamara should explain.

I repeat, that all Vietnam is not worth the life of a single American boy. We should get out now—not 6 months hence—pull our boys off the firing line, and obviate any more American fatalities.

As the Senator from Oregon [Mr. MORSE] has repeatedly pointed out, this is a civil war between South Vietnamese. We have been supporting governments of our own making, puppet governments, dictatorships that elicit little or no support or enthusiasm from the people they rule. Why should they? They have been corrupt, self-serving, tyrannical. They have been ruthless oppressors of their own people.

Our SEATO allies, who are supposed to join with us in any action that is deemed worthy, are conspicuously absent. They include Britain, France, Australia, New Zealand, Thailand, the Philippines, and Pakistan.

Let us hope that Secretary Rusk, who has arrived in Manila today to confer with our SEATO associates—we can scarcely call them allies in this matter, judging from their action, or lack of action—will emerge with a formula for an immediate cease-fire and a settlement by peaceful means—by negotiation, arbitration, or any other civilized method that will put an end to these senseless killings.

Our sympathy must be extended to the widow of Captain Brumet and to his children. As in Tenneyson's famous poem, he and the several hundred other Americans who have been killed, fall into the category of those gallant cavalrymen sent against artillery in a hopeless charge, of whom Britain's poet laureate wrote: "Theirs not to reason why; theirs but to do or die."

It is high time that the American people demand that this slaughter stop. Sentiment is overwhelmingly for this course of action, as my mail shows. It is running in a ratio of about 100 to 1 for withdrawal of the United States from this folly, which President Johnson inherited, which began 10 years ago under a preceding administration, and which should never have been undertaken.

I have just received, in the great mass of mail favoring withdrawal, a very intelligent appraisal, in the form of a copy of a letter to President Johnson from a Vietnamese-American who is living in San Francisco, and who analyzes the situation in a way in which—regrettably—it has not been presented to the American people by our press. Speaking as a former newspaperman, I feel that our press has been negligent and inadequate in presenting the facts on this important issue. I consider it of the utmost importance that this other point of view be presented; so I shall read the letter at this point in my remarks:

SAN FRANCISCO, CALIF.,
March 8, 1964.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: As a Vietnamese-American I am very much concerned about the war now waging in the land of my birth. Being familiar with the situation in that unhappy country, I would like to bring the following facts to your attention:

1. The so-called guerrillas are not invaders from the north but simple South Vietnamese people who feel they are only continuing the many-year-long struggle for independence and freedom from foreign domination.

2. Since France with armies numbering almost a half million was unable to overcome the stubborn resistance of the much smaller Vietnamese people's forces of liberation there seems no better chance of our winning the present struggle. Rather a disaster similar to that suffered by France at Dienbienphu seems much more likely.

3. The people of South Vietnam, exhausted from more than 20 years of unceasing struggle, do not have any reason for continuing the war. They want only to be left alone to organize their own government and restore their shattered economy.

4. The present Saigon government is no more popular with the people than was the cruel dictatorship of Diem and his family. Innocent people are still being tortured and young men forced into military service. American personnel in the country as advisers are unsafe as they are regarded as foreign oppressors backing up the hated ruling groups.

5. The South Vietnamese people do not consider their brothers in the north as enemies to be fought, but favor reunification with them under conditions set forth in the 1954 Geneva agreement for neutralization of both parts of the country.

6. President De Gaulle's proposals for neutralization of what was formerly French Indochina under the supervision of the powers which ratified the 1954 Geneva agreement have been met with hope and enthusiasm. Ho Chi Minh, President of North Vietnam, has also expressed interest in this plan. Senate Majority Leader MIKE MANSFIELD's speech calling on the Senate to study the French President's proposals has given great encouragement to all those vitally concerned with the peaceful solution of the differences in Vietnam.

7. The Vietnamese people do not share the fear frequently expressed in this country that China will attack if the U.S. Army advisers and officers are withdrawn. The history of Vietnam reveals that many invaders have attacked the country throughout the centuries. But so determined has been the will to resist any foreign domination that the intruder has always been turned back. The Chinese who have had experience with this stubborn Vietnamese resistance, are certainly aware of this fact.

8. The proposal of some Americans to carry the war to North Vietnam would prove, in my opinion, an extremely dangerous venture. Such action might very well lead to world war III. The problems existing in South Vietnam can never be settled through military action.

I ask you, Mr. President, to use your influence to bring about a peaceful settlement through neutralization of all Vietnam. You will be acting in the best interests not only of the Vietnamese and American people but of all mankind.

Respectfully yours,
NGUYEN, VAN LUY.

I ask unanimous consent that four articles—the Associated Press dispatch, as printed in the Washington Evening Star of April 10; the United Press dispatch, as printed in the Washington Post this morning; a local story in the Washington Post concerning Capt. Robert N. Brumet; and the Associated Press story from the Chicago Tribune, which differs slightly from that used in the Washington papers—be printed in the RECORD at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Apr. 10, 1964]

VIETCONG KILL U.S. PILOT IN MAJOR CLASH—BATTLE TOLL HEAVY ON BOTH SIDES; REDS FALL BACK

SAIGON, VIETNAM, April 10.—Communist guerrillas fell back south of Saigon today after a heavy engagement that took a severe toll of casualties on both sides, including the life of a U.S. pilot.

The pilot was identified by the Pentagon in Washington as Air Force Capt. Robert N. Brumet, whose wife, Mrs. Lee W. Brumet, lives at 9211 Shelton Street, Bethesda, Md.

The 36-year-old pilot's wife and three children, Barbara, 6, Bonnie, 5, and Woody, 4, have been in Bethesda since Captain Brumet went overseas last November. He attended schools in New Plymouth, Idaho. Before joining the Air Force, he served with the Marine Corps at the close of World War II.

The battle yesterday was the second major clash in as many days in an area considered by the Vietnamese Government to be one of the most crucial in the long war against the Vietcong.

The U.S. pilot and his Vietnamese observer were killed when their Vietnamese T-28 fighter was shot down by Communist gunfire at the height of the battle. A U.S. spokesman reported the recovery of the body of the pilot, the 123d American killed in action since 1962.

TWO COPTERS HIT

Two U.S. Army helicopters were hit and forced to land near the scene of the battle.

One American crewman was injured slightly. One helicopter had to be destroyed by its crew.

Two U.S. Army men were wounded in the battle, which swirled around Mo Cay, 50 miles south of Saigon.

Vietnamese officers claimed the Communist guerrillas lost 50 men killed, but U.S. advisers at the scene did not confirm the figure. Reporters who flew to the battle area said Vietnamese troop casualties were 24 killed, 23 wounded, and 13 missing.

The fighting at Mo Cay was 35 miles south of Go Den, where guerrillas smashed a civil defense post Wednesday.

OVERWHELM POST

The Mo Cay engagement opened when several hundred guerrillas attacked a military outpost about 5 miles to the north and overwhelmed the 15 civil guard defenders.

A Government battalion moved out on the highway to the rescue but was ambushed 3 miles north of Mo Cay. A U.S. military spokesman said the guerrillas struck from three directions, but the Vietnamese deployed quickly and repulsed the attack.

Several hundred guerrillas then tried to cross a river to attack Mo Cay itself but were scattered by an air force fighter attack. It was then that the U.S. pilot was shot down.

[From the Washington (D.C.) Post, Apr. 11, 1964]

HEAVY LOSSES ARE INFLICTED ON REDS BY SAIGON FORCES

MY THO, SOUTH VIETNAM, April 10.—Government forces in heavy fighting today thwarted a Communist attack on the town of Mo Cay, 50 miles south of Saigon, and inflicted heavy losses on the enemy, U.S. military advisers reported.

In an unrelated accident three American Army helicopter crewmen and seven Vietnamese soldiers were killed, a U.S. spokesman said, when the tail fell off a troop-carrying helicopter for unknown mechanical reasons. A fourth American was seriously injured.

The U.S. military men said the government scored a victory at Mo Cay. The fighting involved 1,000 men on each side. One American flier was killed and two were wounded. Two U.S. helicopters were shot down and the government lost important equipment.

The dead pilot was identified by the Defense Department in Washington as Capt. Robert N. Brumet, whose wife lives at 9211 Shelton Street, Bethesda, Md.

The advisers reported at least 50 Vietcong guerrillas were known dead and their casualties probably were twice that figure. The government lost 24 killed, 23 wounded, and 13 missing. They captured 7 rifles, 1 submachine gun, and 3 carbines, but lost 2 automatic rifles, 21 rifles, 12 carbines, 6 submachine guns, and 2 radios.

The American pilot and his Vietnamese observer were killed when the Communists shot down a Vietnamese air force T-28 fighter carrying out strafing runs yesterday.

Two of four crewmen were wounded slightly when the Communists shot down a heavily armed HU-1-B helicopter and continued to fire at it on the ground. The Americans burned the aircraft before escaping.

The other helicopter, an unarmed H-21, crashlanded outside the battle area without serious damage or injury to crew members.

The Vietcong attacked, apparently to draw a large government force out of Mo Cay and into an ambush while other guerrillas launched a direct attack on Mo Cay. Vietcong mortars shelled the town but the attack never materialized.

A government battalion left Mo Cay to relieve the Thanh Tho outposts but it expected the ambush and put up a fight that surprised the Communists. It radioed for help and two armored cars were sent to the scene. Other reinforcements were flown in by helicopter.

U.S. advisers said the stiff resistance by the ambushed battalion and the quick arrival of reinforcements foiled the Vietcong plan to capture Mo Cay.

[From the Washington Post, Apr. 11, 1964]

BETHESDA WOMAN'S MATE KILLED IN VIET FIGHTING

An American pilot whose wife lives in Bethesda was killed Thursday in South Vietnam when his T-28 fighter plane was downed by Communist gunfire during heavy fighting some 50 miles south of Saigon.

The pilot, Capt. Robert N. Brumet, 36, was the husband of Lee W. Brumet, of 9211 Shelton Street. He and a Vietnamese observer were both found dead in the burned wreckage of the two-seat fighter by rescue crews who were delayed hours by the intense fighting.

Captain Brumet, an Air Force veteran of 15 years, was the 123d American killed in action in Vietnam since 1962. Three other Americans also were wounded in a 48-hour fight along the Mekong River delta.

Captain Brumet was ordered to Vietnam last November while stationed in Texas. Mrs. Brumet moved to Washington at that time.

Besides his wife, Captain Brumet is survived by a son and two daughters; his mother, Clara A. Brumet, of New Plymouth, Idaho, and his father, Harold N. Brumet, of Moses Lake, Wash.

[From the Chicago Tribune, Apr. 11, 1964]

YANK KILLED, THREE HURT IN VIETNAM BATTLE

SAIGON, VIETNAM, April 10.—Communist guerrillas faded into hiding south of Saigon tonight after killing 50 Vietnamese soldiers and an American pilot in 2 days of attacks. Three Americans were wounded in fighting that brought the war to Saigon's doorstep.

The second and most violent conflict swirled yesterday near Mo Cay, 50 miles south of Saigon. This was where the American casualties occurred.

At the height of the conflict, Communist ground fire brought down a Vietnamese T-28 plane, killing the American pilot and his Vietnamese observer.

LIVES IN BETHESDA

The pilot was identified in Washington as Capt. Robert N. Brumet, whose wife lives in Bethesda, Md. He was the 123d American killed in action in the guerrilla war since 1962. His body was recovered.

Communist guerrillas also hit two U.S. Army helicopters, forcing them to land. One American crewman was injured slightly. Two U.S. Army men with the ground forces were wounded.

The Communist attacks were a challenge to Premier Nguyen Thanh, who has called that Vietnamese 7th Division area one of the most critical in South Vietnam.

He has been trying to assert Vietnamese control there, where guerrilla attacks have been almost constant in recent months.

Reporters who flew to the battle scene said Government troop casualties were 24 killed, 23 wounded, and 13 missing. The Vietcong battalion lost 50 men killed, said Vietnamese officers at the scene. This count was not confirmed by the Americans.

CAPTURE 115 WEAPONS

Yesterday's action followed a major Communist attack Wednesday on a defense post 15 miles south of Saigon. The Vietcong guerrillas inflicted 101 Government casualties including 28 killed, and captured 115 weapons.

The fighting began with a Vietcong attack on a small post 5 miles from Mo Cay.

A Government battalion moved down the highway to the rescue but was ambushed in a Vietcong trap.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ERVIN. Mr. President, I wish to make another unanimous-consent request; namely, that the 13 amendments I presented a few moments ago and all other amendments to the pending bill, heretofore proposed by any other Senator, be considered as read. I ask that their reading be dispensed with by unanimous consent, and that they be exempted from the rule requiring the reading of amendments in order to have them considered in connection with a cloture motion or order.

Mr. JAVITS. Mr. President, reserving the right to object, I would appreciate it very much if the Senator from North Carolina would withhold his request. My purpose in making that statement is that I wish to consult with the Senator in charge of the bill, the Senator from Minnesota [Mr. HUMPHREY], in order to determine whether there is any reason why we should not agree to such a unanimous-consent request. I have not had an opportunity to do so. The Senator knows that I am in no position to consent at the present time. I hope that the Senator will withhold his request.

Mr. ERVIN. Mr. President, I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. If I should request that my amendments be read at the present time, would such reading comply with the rule in respect to cloture?

The PRESIDING OFFICER. The Chair rules that such reading at the present time would apply in the event of cloture.

Mr. ERVIN. I request, then, that the amendments I have presented be read at this time.

The PRESIDING OFFICER. The clerk will read.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is it in order to read the amendments of the Senator from North Carolina at this time?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that unless unanimous consent is obtained at this time, such request would be out of order.

Mr. JAVITS. Mr. President, I have not heard the unanimous-consent request. Is one pending?

The PRESIDING OFFICER. There is no such request pending at the present time. The Senator from North Carolina has suggested that the amendments be read. The Chair now asks the Senator from North Carolina if he would be so kind as to propose a unanimous-consent request. The Chair will then determine whether the reading will be undertaken.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. At what point would the reading of the amendments be in order without a unanimous-consent request?

The PRESIDING OFFICER. If the amendments are to be printed and to remain at the desk, the proper time for presentation is after the cloture motion.

Mr. JAVITS. After the cloture motion has been filed?

The PRESIDING OFFICER. After the cloture motion has been filed. Then they may be read.

Mr. JAVITS. At that time they would be in order.

The PRESIDING OFFICER. Without unanimous consent they would then be in order; they would be in order at any other time with unanimous consent.

Mr. JAVITS. I thank the Chair.

Mr. ERVIN. Mr. President, I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. If the Senator from North Carolina should read the proposed amendments which he has presented in the course of his speech, would such reading on his part satisfy the rule?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the rule specifies that the amendments should be presented and read. The rule does not specify by whom they must be read. The Senator could present and read them.

Mr. JAVITS. Mr. President, I wish to make a point of order with respect to the ruling of the Chair.

The PRESIDING OFFICER. The Senator will state his point.

Mr. JAVITS. My understanding, in accordance with the precedents of the Senate, is that under the rule, reading must be done by the clerk at the desk. I do not have the rule in front of me. I shall look it up in a moment. I would not wish to accept as a precedent a ruling by the Chair that a reading by the Senator of his proposed amendments would be adequate to comply with the rule.

The PRESIDING OFFICER. The Chair wishes to examine the rule.

Mr. JAVITS. Mr. President, I should like to speak to the point of order.

The PRESIDING OFFICER. The Chair invites the Senator from New York to discuss the point of order.

Mr. JAVITS. Mr. President, it is a fact that the rule provides as follows:

> Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.

It is a fact that the rule does not say by whom the amendment must be read. Nevertheless, it has been the settled practice of the Senate, as long as I have been here—and I have been through the question of cloture and amendments to a bill subject to cloture in connection with the communication satellite bill—that the reading must be done by the clerk at the desk. However, I have no desire to impede the Senator in anything that he wishes to do and that he feels he should do. I only make the suggestion, in view of the fact that I believe the question is one of first impression and the fact that we may easily be able to settle it by unanimous consent, that I should like to have an opportunity to consult with the Senator in charge of the bill, and that it would be better not to press the question of appealing the ruling of the Chair, which may necessarily not be the correct ruling, at this particular time. However, if the Senator insists, I realize that the Chair has no alternative but to rule. I realize that the Parliamentarian has stated to the Chair his view.

However, I wish to state now, and have it understood, that I shall not consider the ruling as a precedent, and I reserve the right to contest the ruling, if I think it should be contested, at another time.

The PRESIDING OFFICER. The Chair is always within his right to do so. If the Senator intends to appeal the ruling of the Chair, he should do so now. Should he make the same point of order at a subsequent time, the then Presiding Officer would make his own ruling.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. My failure to appeal a ruling of the Chair at the present time would not restrict me from appealing a ruling of the Chair at a subsequent time?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. I thank the Chair.

The PRESIDING OFFICER. Does the Senator from New York withdraw his point of order?

Mr. JAVITS. The Senator has presented his point of order. The Chair will rule on the point of order, and then the Senator will decide whether to appeal or not.

Mr. President, I withdraw the point of order, and I ask the Senator to repeat his unanimous-consent request, in view of the suggestion; and I shall not object.

The PRESIDING OFFICER. The Senator from New York withdraws his objection.

Mr. ERVIN. Mr. President, I ask unanimous consent that the 13 amendments offered by me today to the pending bill and all previous amendments offered by any Member of the Senate to the pending bill be deemed to have been read in compliance with the rules of the Senate.

Mr. JAVITS. Mr. President, reserving the right to object, I wish the Senator would confine the request to his own amendments. We shall deal with others in due course. At the moment it is best not to complicate the request by including others. If he wants to limit the request to his own amendments, I shall not object, but if he insists on a broad "net" in proposing his request, I shall have to object. I have no desire to object, and the Senator is at liberty to proceed to make the request with respect to his own amendments.

The PRESIDING OFFICER. Does the Senator from North Carolina care to change his request?

Mr. ERVIN. Mr. President, I ask unanimous consent that the reading of the 13 amendments proposed by me today and the reading of another amendment proposed by me in the past be waived and that such amendments proposed by me be deemed to have been read in full compliance with the rules of the Senate requiring such reading.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. They are deemed to have been read.

Mr. ERVIN. Mr. President, yesterday the able and distinguished senior Senator from Illinois [Mr. DOUGLAS] made a statement concerning the law of North Carolina applicable to jury trials in criminal contempt cases and relative to the participation by the senior Senator from North Carolina, when he was a member of the Supreme Court of North Carolina, in certain decisions of the Supreme Court of North Carolina which held that no right of trial by jury in criminal contempt cases was in existence in North Carolina.

The able and distinguished senior Senator from Illinois also stated, in that connection, that he had given notice to the senior Senator from North Carolina that he proposed to make such a statement.

The statement of the able and distinguished senior Senator from Illinois appears in full in the third column of page 7513 of the CONGRESSIONAL RECORD for April 10, 1964, and is true in all respects.

I appreciated very much the courtesy which the Senator from Illinois extended to me in giving me advance notice of his purpose to make that statement, and regretted very deeply that matters then pending in my office prevented my reaching the floor of the Senate in time to hear the Senator from Illinois make his statement and to make any observations at that time concerning it.

As an associate justice of the Supreme Court of North Carolina for approximately 6 years and 3 months, I participated in the decision of hundreds of cases which came before that court on appeal. I do not remember the specific points which were involved in all of those cases. It is my recollection, however, that the cases mentioned in the statement made yesterday by the able and distinguished senior Senator from Illinois were cases in which preliminary injunctions had been issued, and the contempt proceedings arose out of alleged disobedience to those preliminary injunctions.

When I was privileged to sit upon the Supreme Court of North Carolina I observed what I considered to be the chief of all judicial virtues. By that I mean I laid aside personal proclivities concerning what I thought the law ought to be and followed the law as it had been established by the relevant statutes and decisions.

While I believe North Carolina is undoubtedly the best place this side of heaven, I do not believe that all the laws of North Carolina are perfect. I certainly do not think that the law which denies any defendant in a criminal contempt proceeding the right to trial by jury is a meritorious law.

I have always been interested in the study of history.

For many years I have known of certain things about the men who drew the Constitution of the United States and who wrote the Declaration of Independence. Those men knew that in 1765 the British Parliament, at the instigation of King George III and his Ministers, enacted the Stamp Act and other measures whereby they deprived American colonists of the right of trial by jury in cases arising under the revenue laws. They did this by a device astoundingly similar to that invoked by the pending bill; namely, "by extending beyond its ancient limits the jurisdiction of the courts of admiralty" in which trial by jury was not available.

They knew also that the Stamp Act Congress, which was attended by delegates from nine of the Thirteen Colonies, forthwith met in New York and adopted the Colonial Declaration of Rights of October 19, 1765, condemning this action of Parliament on the ground "that trial by jury is the inherent and invaluable right of every British subject in these Colonies."

They knew that in 1764 and 1768 the British Parliament, at the urging of King George III and his Ministers, enacted the Sugar Act and the statute known as 8 George III, chapter 22, whereby American colonists were deprived of the right of trial by jury in cases arising under the laws relating to trade and revenue, by a device resembling that invoked by the pending bill by extending beyond their ancient limits the powers of the courts of admiralty in which trial by jury was not available.

They also knew that the First Continental Congress adopted the declaration of October 14, 1774, denouncing this action of the British Parliament on the ground that American colonists were entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage according to that law.

They knew that the Declaration of Independence assigned the fact that American colonists had been deprived in many cases of the benefit of trial by jury as one of the injuries and usurpations requiring the American colonies to dissolve their political bonds with England.

Ever since I began the study of the history which revealed the events I have just recounted, I have been a firm advocate of the right to a trial by jury in respect to all issues of fact in all civil actions and in all proceedings seeking the punishment of anyone for criminal contempt. I do not advocate the right of a trial by jury in civil contempt proceedings which are designed to enforce the order or the judgment of a court.

I recognize that it is necessary for a court to have the power in civil contempt proceedings, to enforce its orders and judgments at all hazards; and for this reason, I have never advocated trial by jury in purely civil contempt proceedings.

Personally, I do not believe that the law of North Carolina in respect to criminal contempt proceedings, or the action which I, as a State judge in North Carolina, took pursuant to that law, has any great bearing upon the question as to whether persons involved in criminal contempt proceedings in Federal courts in civil rights cases, or other cases, should be permitted to have the issues of fact arising in such proceedings tried by juries.

Nevertheless, I admire in all other respects the laws of North Carolina relating to the right to a trial by jury in the courts of North Carolina.

Mr. DOUGLAS. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am delighted to yield to the Senator from Illinois.

Mr. DOUGLAS. The Senator from North Carolina is putting the discussion on a somewhat different plane from that of preceding days.

The demands of other Senators for a jury trial in any contempt proceedings under the civil rights bill, as I have heard and read them, are primarily based on the argument that there is now existing a legal and constitutional right for a jury trial in cases of criminal contempt. I have heard the colleagues of my friend point to the sixth amendment to the Constitution, which states that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury in the State and district where the crime shall have been committed. It has been argued, therefore, that cases of criminal contempt are cases of criminal prosecution, and that under the sixth amendment to the Constitution a jury trial is required.

What I was trying to establish yesterday was the fact that this principle does not apply in the case of trials for contempt or sentencing for contempt, whether those be criminal contempts or civil contempts, or whether they be committed in the presence of the court or outside the presence of the court.

I take it that the Senator from North Carolina is, on the whole, agreeing with the contention which I established, and is merely saying that as a matter of equity and as a matter of ethics there should be a provision for a jury trial; is that not correct?

Mr. ERVIN. The Senator is correct. In my judgment, the sixth amendment applies exclusively to the Federal Government and not to the State. It is my recollection that the Supreme Court of the United States has never gone so far, in any case, as to say that the due process clause of the 14th amendment makes the 6th amendment applicable to the States.

I am in agreement with the Senator from Illinois, if I understand his position correctly, that there is no constitutional right to a trial by jury in criminal contempt proceedings.

Mr. DOUGLAS. Or in civil contempt proceedings.

Mr. ERVIN. In civil contempt proceedings, or in criminal contempt proceedings.

Mr. DOUGLAS. Either in the presence of the court, or outside the presence of the court.

Mr. ERVIN. The Senator is correct. Either in civil or criminal contempt proceedings in the Federal courts. As the Senator from Illinois indicated a moment ago, there are some persons in high judicial position who contend that the provisions of the sixth amendment, to which the Senator referred, do apply to criminal contempt proceedings as well as to criminal accusations generally.

Mr. DOUGLAS. That is not the contention of the Senator from North Carolina?

Mr. ERVIN. No. As a result of my experience in the law, I entertain the opinion that the majority decision of the Supreme Court in the recent appeal of former Governor Barnett and present Governor Johnson, of Mississippi, holding that the constitutional right of a trial by jury does not exist in criminal contempt proceedings, accords with the precedents followed by that Court since virtually the foundation of our Republic.

Mr. DOUGLAS. I congratulate the Senator from North Carolina for his frank, manly, and forthright statement. To clear the matter up, I cited the two North Carolina cases yesterday not to embarrass the Senator but merely to point out that in the 1950 case of *Cotton Mills* v. *Abrams*, 231 North Carolina, a copy of which I hold in my hand, there was a picketing case injunction issued by the lower court, an injunction with respect to which apparently the sentence was given by the lower court without a jury trial. The Supreme Court upheld the sentence and did not require a jury trial.

Mr. ERVIN. To test my memory, did that case arise in Durham County?

Mr. DOUGLAS. In Edgecombe County.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ERVIN. I should like to finish my colloquy with the Senator from Illinois. I shall yield in a moment.

Mr. DOUGLAS. A companion case arose in the following year. It was a very similar case. It was the case of *Cotton Mill Co.* v. *Textile Union*, 234 North Carolina 545, in which an injunction had been issued by the lower court and had apparently been disobeyed by the union. Sentence had been imposed by the lower court by way of imprisonment and fine without a jury trial. The term of imprisonment was suspended

The case was appealed to the North Carolina Supreme Court, upon which my friend from North Carolina served with great honor and credit.

Mr. ERVIN. I thank the Senator.

Mr. DOUGLAS. The North Carolina Supreme Court unanimously upheld the rule of the lower court. It did not require a jury trial. I mention this merely to indicate that not only is there an unbroken chain of Federal decisions in this regard, but also that in the 11 Southern States, with the exception of an extraordinary provision in Virginia and a minute provision in Georgia, there is no legal right to a jury trial in cases of civil or criminal contempt, whether these be committed in the presence of the court or outside the presence of the court.

If we can agree on all this, and if the discussion from now on can take place on the merits of the question as to whether there should be a jury trial in civil rights cases, I believe we shall have made a great advance.

In my discussion yesterday I believe I swept away some of the cobwebs, and we have been able to come down to the real issue.

Mr. ERVIN. I find no disagreement between the Senator from Illinois and myself with respect to the constitutional and legal provisions on this subject. I have not studied the subject in other States. However, under North Carolina law no right to a jury trial exists either on a constitutional basis or a statutory basis, in either civil or criminal contempt proceedings.

Mr. DOUGLAS. I thank the Senator from North Carolina. If on both sides of the discussion we can proceed in the same spirit and with the same readiness to acknowledge facts, I believe we shall make progress. I shall try to be as frank as the Senator from North Carolina has been.

Mr. ERVIN. I thank the Senator. I shall boast in a moment about what the law in North Carolina provides in respect to trial by jury.

Mr. DOUGLAS. The Senator is entitled to boast about North Carolina. In many respects it is a very fine State.

Mr. ERVIN. I would be quite happy if Congress showed the same devotion to jury trial that North Carolina shows.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JAVITS. The Senator knows I have high respect for him as a constitutional lawyer. I noted that the Senator paid no attention whatever in his comment on the Barnett case to the footnote, which indicated some qualification in the mind of the majority of the Supreme Court, as one must assume that even a footnote is a part of the majority opinion, with respect to the severity of the penalty which exceeds the severity of the offense.

Although it is not settled law, the Court at least allowed the possibility that in its decision the punishment for more than petty offenses might conceivably be the rule that we seek to adopt. The Court did not include punishment that would require a jury trial. I wonder whether the Senator would care to give his view on that point.

Mr. ERVIN. In 1957 I favored and the Senate passed the finest jury trial provision in respect of civil contempt proceedings that could be devised. It provided for a jury trial in all cases and provided limited punishment in all cases. Unfortunately, it was not accepted by the House. As a result of its rejection by the House, the conferees came forth with a weird jury trial provision in the Civil Rights Act of 1957, which, of course, is restricted to that particular act. It is a rather monstrous provision, in my opinion, but it was probably the best that could be obtained at that time.

Mr. JAVITS. I had hoped to direct the Senator's attention to the footnote in the Barnett case and to get the Senator's view on its implications.

Mr. ERVIN. I observed the footnote. I have some misgivings about the Court's undertaking to deal with this subject and changing the rulings which have heretofore been made throughout the history of the Republic on that question. I have some misgivings as to how the Court will determine what is a petty criminal contempt and what constitutes a criminal contempt, of a degree above a petty criminal contempt. I believe that would require legislation. I do not believe the Court is authorized to legislate.

Mr. JAVITS. Does the Senator agree, however, that the provision, whatever the Senator may think of it, which has been adopted as a part of the bill—would apply to contempts under the various titles of the bill if it should become law?

Mr. ERVIN. I believe it would apply only in the case of public accommodations. I do not believe it would have any application to any other provision in the bill.

Mr. JAVITS. Would the Senator feel better about the whole situation if it did apply to the other titles of the bill?

Mr. ERVIN. I disapprove of that particular provision. I believe the right of trial by jury in criminal contempt proceedings should be made absolute. It is rather ridiculous to provide that the judge may try a person for criminal contempt without a jury and impose a judgment, but that if his judgment exceeds 45 days imprisonment or a fine of $300 that the defendant can obtain a trial de novo before a jury on the same charge. I do not approve of that provision, because I believe that a trial by jury in a criminal contempt proceeding should be absolute in all cases; not only in civil rights cases, but in labor cases, and in all other cases.

Mr. JAVITS. Will the Senator tell us how he differentiates between his desire in respect of trial by jury for criminal contempt in the proposed legislation we are considering, and the fact that it is not contained in the law in his State?

Mr. ERVIN. I venture to suggest that the Senator from New York and the Senator from Illinois are no more in favor of all the laws of New York or Illinois than I am in favor of all the laws of North Carolina.

I did not make that law. If I had the power to change it, I would change it. But despite the fact that North Carolina has that law, we do have the right of trial by jury in all civil actions of every kind, regardless of whether they involve legal elements or equitable elements.

Mr. JAVITS. But not for contempt.

Mr. ERVIN. That is correct; but the trouble with the cases to be brought under this bill, as with cases that are brought under the Civil Rights Act of 1957 and cases that are brought under the Civil Rights Act of 1960, is that there is a denial of the right of trial by jury on the merits of those cases. The judge sits in all those cases without a jury. Actually, he is the finder of the facts as well as the judge of the law.

I agree with Thomas Jefferson: I believe that even in what he calls chancery cases, which are the same as those I refer to as equity procedures, there ought to be a trial by jury upon all issues of fact in all instances.

Mr. JAVITS. I am sure we do not always agree with our State laws, except that the contempt procedure has been a long-standing and a time-honored procedure, and the appellate courts have had no hesitancy about reviewing the merits of a conviction, if we are to call it that, and also have never hesitated, so far as I know, to favor revising materially whatever punishment the court thought it ought to impose in either civil or criminal contempt cases.

Also, it seems to me that although this provision which was adopted as between the Senate and the House is an odd one, still it does not strike me as being such a bad rule of thumb. It is true that there is deep feeling on the subject on both sides. On the one side, people like myself feel that if we eliminate jury trials, the proceedings would be nullified very much as the criminal sections of the Civil Rights Act are nullified. That is the reason for this kind of civil proceeding. The fact that juries will not act does not mean we can complain about it. I agree with the Senator thoroughly. It means that we may have to have some other kind of statute. The jury has a right to acquit as well as to determine guilt. But that is the position on one side.

On the other side, considering the Senator's strong Jeffersonian feeling that there ought to be a jury trial, it may well be that what has been finally hammered out as a compromise is by no means a bad rule of thumb.

Mr. ERVIN. I do not agree with one observation of the Senator from New York. I do not believe the criminal statutes in the civil rights field has ever been nullified by juries. It has been nullified by the failure of the Department of Justice to do its duty in attempting to get convictions.

The present Attorney General appeared before the Committee on the Judiciary and complained about certain situations with respect to voting rights in certain counties of the Deep South. In response to my questioning, he confessed that he had never instituted nor attempted to institute any criminal prosecution at any time against any local election official under any of these statutes.

I might add that I propounded a similar inquiry to his two predecessors, and they answered to the effect, as I recall, that they had had grand jury investigations, but had never sought indictments for violations of voting rights in civil rights cases.

I do not accept the suggestion that people who reside below the Mason-Dixon line are so lacking in principle that they will take an oath to try a case according to the law and the evidence, and then will violate that oath in civil rights prosecutions.

Mr. JAVITS. I do not believe anybody could charge any person with violating an oath merely because I may not agree, or others may not agree, with a failure or refusal to indict. Remember, an indictment requires a vote by a grand jury of citizens in order to convict. It is not for us to argue that question.

But I believe there is a pattern of enough experience to indicate that these statutes fell into disuse because of the judgment of the prosecutor, in cases which he certainly thought desirable, that he could get neither an indictment nor a conviction.

Unlike the Senator from North Carolina, I had no idea that this question would be raised at this moment. If the Senator would allow me to do so, I should like to ask unanimous consent to obtain from the Department of Justice a memorandum as to the experience with this criminal statute. I should like to have the privilege of inserting such memorandum as the Department has on this subject. The Senator from North Carolina could then rebut them, of course.

Mr. ERVIN. I have no objection. However, two of the statutes which provide for prosecution—which make crimes in this case—namely, title 18, section 242, United States Code, and title 18, section 371, United States Code, are misdemeanors and can be prosecuted by the U.S. attorney on an information rather than an indictment.

Mr. JAVITS. I went into the question of informations. The Senator will readily understand that, in another way, I am as zealously interested as is the Senator in his way. I went into the question of informations and ran into the problem of, having informations sworn out in certain areas, again in view of the feelings of the Attorney General himself. So again I ask if the Senator will allow me to ask unanimous consent to obtain from the Department of Justice a memorandum, to be made a part of my remarks on this particular point, concerning the use of criminal statutes in civil rights cases. The Senator could then have the benefit of it for rebuttal.

Mr. ERVIN. I have no objection.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield, either for a question or for an observation, provided I do not lose the floor by doing so.

Mr. DOUGLAS. I so understand.

In order that the RECORD may be absolutely clear, it should be stated again that both the *Hart Cotton Mills* case, 231 North Carolina 431, and the *Royal Cotton Mills* case, 234 North Carolina 545, were cases of criminal contempt, committed outside the presence of the court. In each case, the Supreme Court of North Carolina, by a unanimous decision, unheld the penalties imposed by the lower court and did not require jury trials.

I hope the Senator from North Carolina will forgive me if I say that the RECORD does not show any dissent on his part. He did not write the opinions, but he did not dissent.

Mr. ERVIN. The Senator from Illinois is correct. I did not dissent, because I made it a practice while serving as a judge to subject myself to proper judicial restraint. I based my decisions upon the law as it was declared to be in relevant statutes and relevant decisions.

Mr. DOUGLAS. That was the whole point.

Mr. ERVIN. In other words, I was not a judicial iconoclast.

Mr. DOUGLAS. That was the whole point of my address yesterday; namely, that the right to a jury trial in contempt cases, whether civil or criminal, whether in the presence of the court or outside the presence of the court, does not exist in any of the 11 Southern States, with the exception of the extraordinary provision in Virginia, where a jury trial is granted for contempt in the presence of the court, and a very narrow provision having limited application in the case of Georgia. The thrust of what I was trying to say was that our southern friends are demanding provisions in the civil rights bill which they do not have in the laws of their own States and which, so far as the record shows, they have not advocated in the courts of their States.

I cited the novel by Tom Wolfe, who grew up near the Senator from North Carolina, in Asheville.

Mr. ERVIN. Yes.

Mr. DOUGLAS. Thomas Wolfe's semiautobiographical novel, "Look Homeward, Angel," was written about Asheville; and wishing to pay a compliment to our southern friends, I said, "Look homeward angels: Look homeward to your State statutes and your State judicial procedures, and do not address all your attention to the bill now before Congress."

Mr. ERVIN. I have reached the point where I shall have to disagree a little with the Senator from Illinois. I do not think the southern Members of the Senate are demanding additional rights. They merely are demanding that defendants be given the benefit of the Federal statutes now in existence, which provide the right of trial by jury in every criminal contempt case arising out of a contempt committed out of the presence of the court and not prosecuted in the name of the United States. The bad thing about these so-called civil rights bills—including the pending one and the previous ones—is that in such cases they would deny citizens of the United States the right of trial by jury, although in the absence of these provisions of these bills, that right would be possessed by the persons covered by these measures.

Mr. DOUGLAS. And which the Senator from North Carolina has twice stated is not granted in cases of contempt, whether by Federal courts or in State courts, and whether contempt be committed in the presence of the court or committed outside the presence of the court, and whether civil or criminal contempt.

Mr. ERVIN. I must correct the Senator from Illinois. I agreed that there is no constitutional right of trial by jury——

Mr. DOUGLAS. And also no procedural right——

Mr. ERVIN. In criminal contempt proceedings in the Federal courts——

Mr. DOUGLAS. Or in the State courts——

Mr. ERVIN. But so far as the Federal courts are concerned, there is a statutory right of trial by jury in criminal contempt proceedings in which the alleged contemptuous act constitutes a crime under either Federal law or State law, and in which the United States is not a party. Practically all or the great bulk of civil or contempt proceedings in the Federal courts are tried by juries, under Federal law.

Mr. DOUGLAS. I have hoped the Senator from North Carolina would brush aside all the legal arguments, and would come down to the practical proposition of whether a jury trial in civil rights cases is in the public interest. That would be a very proper subject for discussion; and, along with the Senator from New York, I think perhaps we can work out an arrangement on this matter.

But I hope the Senator from North Carolina is not going to argue that the provisions of the pending bill are unique and exceptional, when they merely conform to the constitutional law and procedures and to legal procedures and precedents in both State courts and the Federal courts on all types of contempt cases.

Mr. ERVIN. I will tell the Senator from Illinois that I would be delighted if the Senate were willing to give defendants in civil rights cases the kind of rights they had before 1957. Before then, the only person who could bring such a suit was a private individual. The purpose of the Civil Rights Act of 1957 and the purpose of the pending bill is to deny defendants in civil rights cases the right of trial by jury, a right which most citizens of the United States have in criminal contempt proceedings. In that connection, I refer to sections 402 and 3691 of title 18 of the United States Code. Under these sections a respondent—whether a natural person or a corporation—who is charged with an indirect contempt for violation of an injunction, is entitled to a jury trial if the act charged as a violation of the injunction is also a crime under an act of Congress or the laws of the State in which it was committed. Sections 402 and 3691 of title 18 apply in those cases; and I point out, in passing, that virtually all violations of the civil rights of others constitute crimes under both Federal laws and State laws.

Sections 402 and 3691 of title 18 of the United States Code confer another substantial right upon a respondent who is a natural person, in case he is convicted. While they provide that he may be "punished by fine or imprisonment or both," they set definite limits to his punishment, by specifying that he cannot be required to pay a fine to the United States in excess of $1,000 or subjected to imprisonment for a term in excess of 6 months.

If the pending bill, which gives the Attorney General the right to bring suits, were to be enacted, the defendants, in criminal contempt cases, would be denied the right of jury trials, because the United States would be a party; whereas, every other defendant in contempt cases under these two statutes would retain the right of trial by jury in virtually all other criminal contempt cases, because in other cases the United States is not ordinarily a party.

Mr. JAVITS. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. JAVITS. The Senator from North Carolina has said he believed that most contempts——

Mr. ERVIN. I said "most"; I did not say "all."

Mr. JAVITS. The Senator said that most contempts are tried or are triable under those provisions. Does the Senator from North Carolina have any figures to cite in that connection, or did he question the Attorney General about that matter?

Mr. ERVIN. No, but under sections 241 and 242 of title 18, virtually every denial by any State official of any right secured by the Constitution or laws of the United States is a crime; those two sections include practically all civil rights.

Mr. JAVITS. That goes back to the question we discussed before; and I state that I shall submit, for the RECORD, a memorandum of the experience of the Attorney General in connection with the enforcement of these sections which gave rise to the need for Civil Rights Acts of 1957 and 1960, and also give rise to the need for enactment of the pending bill. I assure the Senator from North Carolina that I shall do that.

Mr. ERVIN. Mr. President, under every provision of the pending bill which would authorize a suit by the United States or by the Attorney General in the name of the United States, with the exception of title II—the public accommodations title—every person charged with a criminal contempt would be denied the benefit of the jury trial provisions of sections 402 and 3691 of title 18 of the United States Code.

In addition to being denied the right of trial by jury in criminal contempt cases arising under every provision of the pending bill except the public accommodations title, defendants would not only be denied the right of trial by jury, but they would also be denied the benefit of limited and specified punishments. That would be a horrible situation, because the Federal courts have held that if a person does not have the benefit of the limitations specified in the acts, he can be punished by fine or imprisonment by a Federal court, for a criminal contempt, and that there are no maximum limits whatever to such punishments, other than the nebulous declaration of the eighth amendment to the Constitution that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

The Federal courts have upheld the power of district judges to sentence respondents in such cases to jail after trials without juries for as much as 2 years, in the case of *Hill* v. *the United States ex rel. Weiner,* 300 U.S. 105, and *Conley* v. *the United States,* 59 Federal 2d 929; as much as 3 years in the case of *United States* v. *Hall,* 198, Federal 2d 726, and *United States* v. *Green,* 140 Federal Supplement 117; and as much as 4 years in the case of *United States* v. *Thompson,* 214 Federal 2d 545.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. DOUGLAS. Is there any difference between the procedure provided in the hundreds of other cases in which a Government agency may seek and obtain an injunction and the procedures contained in the present bill?

Mr. ERVIN. I do not believe the number of cases in which the United States can seek injunctions are in the number suggested.

Mr. DOUGLAS. In scores of cases, then.

Mr. ERVIN. No; but that is one of the very important reasons why the proponents of the bill wish to give authority to the Government to bring the action.

Mr. DOUGLAS. Is my good friend now proposing that in all cases in which a Government agency seeks and obtains an injunction the right of jury trial shall be provided? Is the Senator proposing to revise the whole code of procedure in the Federal courts?

Mr. ERVIN. In reply to the question of the Senator from Illinois, I do not think the Government should litigate under procedural laws tailored in a particular way. Every litigant in a court of justice, whether the litigant be a private individual, a State official, a Federal official, or the United States of America, should have his case tried under uniform laws which would be applied in like manner to all in like circumstances, regardless of whether the litigants are individuals, corporations, officials, or the Government itself.

Mr. DOUGLAS. The Senator from North Carolina has made a ringing affirmation of his beliefs; but does he propose in his amendments—which I have not yet had an opportunity to read—that a jury trial be required in all cases in which the Government is a party, or is he merely confining those rights to the civil rights bill now before the Senate?

Mr. ERVIN. I have not yet offered an amendment to that effect, but I am in the process of having one drafted. That amendment would provide for jury trials in all criminal contempt proceedings in which the alleged contempt occurs outside the presence of the court, regardless of whether or not the Government is a party.

Mr. DOUGLAS. Is such a provision provided in the amendments which the Senator has asked to have printed?

Mr. ERVIN. No.

Mr. DOUGLAS. Are the amendments which the Senator has asked to have printed confined to the bill now under consideration, H.R. 7152?

Mr. ERVIN. Yes.

Mr. DOUGLAS. Why does not the Senator attempt to reform the entire legal procedure instead of making an exception for the type of act which we are now considering?

Mr. ERVIN. If the Senator from Illinois will vote for an amendment which would give the right of trial by jury to criminal contempt cases arising under the bill, I shall modify my proposed amendment to that extent. But otherwise I believe that as long as we are dealing with the problems of civil rights, I know of no civil right which all Americans ought to have which rises above the right to have cases tried under uniform laws applying to all people in like circumstances. I would extend the right of trial by jury in criminal contempt proceedings to everyone involved in a contempt proceeding—labor unions, southerners, and everyone else.

Mr. DOUGLAS. Is such a provision in your amendment?

Mr. ERVIN. No; it is not in the amendments that I have proposed thus far. I am having one drafted to that effect, however. I hope that the Senator from Illinois will vote for it.

Mr. DOUGLAS. I shall scrutinize it very carefully.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JAVITS. I wish the Senator from North Carolina would clarify one thing for me so that it may be clear in the RECORD, and so that when a reply is made, it may be directed to the Senator's specifics. As I understand the Senator, he is referring to two bodies of law. One is those sections of title 18 which make a criminal offense of a violation of the civil rights of another. The other is the section of the law which relates specifically to punishment for criminal contempt in the Federal courts of the United States where the contemptuous act also constitutes a crime under Federal or State law. Under title 18, section 402, unless the United States is a party, the rights of trial by jury apply as they would to the person if he stood accused of that particular crime. Do I understand the Senator correctly? There are two separate bodies of law to which the Senator has referred.

Mr. ERVIN. There are two statutes. Under section 402 and section 3691 of title 18 of the United States Code every person has the right of trial by jury, and the benefit of limited punishment in every criminal contempt case in which the alleged contemptuous act also constitutes a crime under either Federal or State law, unless it is in a case in which the United States is a party.

Mr. JAVITS. Will the Senator restate these sections?

Mr. ERVIN. Sections 402 and 3691 of title 18.

Mr. JAVITS. The Senator also invoked the fact that if a person guilty of a civil rights violation were charged under the criminal statutes relating to civil rights abuses, then that person would have under the normal rules of law a jury trial.

Mr. ERVIN. The Senator is correct.

Mr. JAVITS. The Senator referred to both.

Mr. ERVIN. That is correct, because section 242 of title 18 of the United States Code makes it a crime for any State or local official to deprive any person of any rights secured to him by the Constitution or laws of the United States.

Mr. JAVITS. I think I have in mind the Senator's argument. That is what I wanted. I thank the Senator.

Mr. ERVIN. Mr. President, I wish to make a few observations about the law of North Carolina, since it has been brought into question, to show how superior it is to the laws of the United States.

Article IV, section 1, of the constitution of North Carolina reads as follows:

> The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offense for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the facts at issue tried by order of court before a jury (Const. 1868).

The constitution of North Carolina also contains in article I, section 19, which is a part of the bill of rights of its constitution, this declaration:

> In all controversies at law respecting property the ancient mode of trial by jury is one of the best securities of the rights of the people and ought to remain sacred and inviolable.

Pursuant to article III, section 1, of the constitution, the Legislature of North Carolina adopted a code of civil procedure. By sections 1-1, 1-2, 1-4, and 1-5 of the General Statutes of North Carolina, the legislature has provided that a civil action is an ordinary proceeding in a court of justice by which a party prosecutes another party for the enforcement or protection of a right and the redress or prevention of a wrong.

By a statute embodied in section 1-172 of the General Statutes of North Carolina, the legislature has made this provision:

> An issue of fact must be tried by a jury unless a trial by jury is waived or a reference ordered.

The Supreme Court of North Carolina has held, under that statute, that a party to a civil action has a right of trial by jury on the merits in every single action tried in the courts of North Carolina, regardless of whether the civil action involves legal principles or equitable principles.

Section 1-189 of the General Statutes of North Carolina contains the following provision applicable to compulsory references:

> The compulsory reference under this section shall not deprive either party of his constitutional right to a trial by jury of the issues of fact arising on the pleadings, but such trial shall be only upon the written evidence taken before the referee.

Under these constitutional provisions and statutes, every litigant in a civil action tried in the courts of North Carolina has a right to demand that the issues of fact be tried by a jury, except in the most restricted class of cases.

Every litigant has a right, under these constitutional provisions and statutes, to have a trial on the merits in cases where the State or any corporation or any individual seeks injunctive relief.

In my judgment, these statutes are far superior to the Federal laws; the Federal law still denies the right of trial by jury on the merits in all proceedings of an equitable nature.

Under the pending bill virtually all the proceedings to be brought by the Attorney General are to be equitable proceedings, and they are to be tried by a judge without a jury. The judge is to be the one who, if he has the perception of an average human being, would try the case with the knowledge that he could not hope to be promoted in the Federal judicial hierarchy without his having the good will and favor of the Department of Justice. The Justice Department is to prosecute these actions for the benefit of certain individuals, selected out of all other Americans, with special consideration on the basis of their race.

In my discussion with the able and distinguished senior Senator from Illinois, I pointed out that, under all the provisions of the pending bill except those of the public accommodations section, the defendants would be denied the right of trial by jury and the benefit of limited punishments in case they are to be charged with criminal contempt.

North Carolina has a statute which limits the punishment in criminal contempt proceedings. This statute is section 5-4 of the General Statutes of North Carolina. It provides that the punishment for criminal contempt shall be by fine not to exceed $250 or imprisonment not to exceed 30 days, or both, at the discretion of the court.

So, speaking a word in defense of the law of North Carolina, I point out that the law of North Carolina is far superior to the law of the United States in its devotion to the right of trial by jury; and is far superior to the law of the United States in criminal contempt proceedings in cases in which the United States is a party, in that it prescribes limited punishment.

A book was recently written which points out that the most tyrannical thing in America is a criminal contempt proceeding prosecuted in a case in which the United States is a party.

I charge here and now that one of the motives for the passage of the pending bill and for the insertion in it of the provision authorizing the Department of Justice to prosecute cases under the bill is the realization that such provisions will rob defendants, in criminal contempt cases brought under the bill, not only of the right of trial by jury but of the right to limited punishment in criminal contempt proceedings which may grow out of such cases.

So much for the law of North Carolina and the law of the United States in respect to jury trials and criminal contempt proceedings.

Frankly, I do not see the relevancy between the law of North Carolina in criminal contempt proceedings and any action taken by me as a member of the Supreme Court of North Carolina and the pending bill.

The Members of the Senate are Federal legislators. They should enact, as Federal legislators, the wisest possible laws. I cannot imagine any law that needs enactment at the Federal level today more than a law which would give the defendants, in cases to be brought under such bills as this, the absolute right to a trial by jury and the benefit of limited, specified punishments in criminal contempt proceedings arising in cases to which the United States is a party.

The provisions of this bill in these respects are an affront to the principle on which our legal system is founded; namely, that the rights and responsibilities of all litigants in all instances should be determined by certain uniform laws applying to all litigants in like circumstances.

The arguments made in connection with the bill, in some respects, are indeed strange. It has been suggested, in many speeches delivered on the floor of the Senate, that the Senate should pass the bill speedily and without due consideration of all its merits and demerits, in order to forestall the possibility that there might be demonstrations and riots in some parts of the country unless the Senate does so.

In my honest judgment, the Senate would forfeit—and justly forfeit—its right to the respect of the American people if it should enact legislation of any character under the threat of demonstrations or riots. Accordingly, I reject this argument of some who seek to hurry this bill through the Senate.

Another argument made in connection with the bill is that it is a moderate bill. If this be a moderate bill, I cannot imagine what an immoderate bill in this area of our national life would be.

One section of the bill, title VI, would divert from its primary purpose every activity and every program in which the Federal Government offers financial assistance.

Under another title of the bill, the Attorney General would be empowered to bring actions in every school district in the United States which, according to the language of the bill, has failed to achieve desegregation, to convert the public schools from their primary purpose as educational institutions into sociological laboratories for experiments in race relationships.

Under title VI of the bill, the housing authorities of the Federal Government would be empowered to establish regulations converting every housing program from its primary purpose to provide shelter for the American people into an instrumentality to compel the involuntary association of the races.

Many eminent gentlemen have joined the administration and various racial and liberal organizations in the demand that this bill be passed by the Senate without committee consideration or amendment. On the basis of answers given by some of these eminent gentlemen to questions put to them by me, I assert without fear of successful contradiction that most of them have never read the bill or analyzed its contents. Indeed, I assert on this basis that most of them have never even seen a copy of the bill. They are simply beguiled into believing that the bill is good because it is entitled a civil rights bill.

The so-called civil rights bill is a bill of enormous content. It contains 1,305 lines on 55 pages, and undertakes to deal with virtually all of the activities of the Federal and State Governments, as well as with virtually all the commercial and personal affairs of all the inhabitants of our country.

Mr. RUSSELL. Mr. President, will the Senator from North Carolina yield, with the understanding that it will not affect his right to the floor?

Mr. ERVIN. And with the understanding that when I resume it will not count as another speech.

Mr. RUSSELL. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RUSSELL. Has the Senator from North Carolina referred to a document which was brought forward in all seriousness by the manager or generalissimo of the forces promoting the pending bill, and which has been mentioned by several other Senators in their remarks, and inserted in the RECORD in 2 or 3 different places, containing a letter written by about 22 lawyers, proclaiming the constitutionality of the bill?

I do not know all those men. However, I notice that they are spearheaded by three former Attorneys General of the United States. Those 3 former Attorneys General of the United States originated in some degree 1 or more of the 10 bills which have been wrapped into this 1 package, and given the erroneous label of a civil rights bill.

One is former Attorney General Biddle, who is an officer of Americans for Democratic Action. He became an officer in that organization on his retirement as Attorney General. Americans for Democratic Action is one of the most extreme liberal groups that I have any knowledge of. I do not call the Communist Party a liberal group. He advocated such legislation.

Mr. Brownell is also mentioned. Mr. Brownell has been the subject of a book, which appeared in the past few weeks, in which it is not only asserted that he had been the author of several provisions of the bill, but that he had deceived a former President of the United States to a certain extent in claiming that it was an administration measure.

Of course we know that Mr. Rogers, the other former Attorney General whose name is mentioned, was the good right arm of former Vice President Nixon, that he duly took a partisan view on the eve of a political campaign in advocating some of the provisions of the bill, if, indeed, one of them did not find its origin in his own mind.

If this were not such a serious matter, this letter, so far as these men are concerned, would be the subject of levity. They had advocated these bills and they had appeared before committees to testify in favor of them.

Asking them whether they thought the bill was constitutional one must expect to get exactly the same reply one would get if one were to ask a young mother if she thought her baby is pretty. To expect any other answer would be expecting the mother to say, "No; my baby is a terribly ugly baby."

I do not know the other men who were brought forward as great authorities in this field.

As I say, the document has been put in the RECORD at least twice. I note among them the name of the gentleman who is the dean of the Law School of Harvard University, Mr. Griswold. I recall that he was the member of the Civil Rights Commission who recommended to President Kennedy that he withhold aid to the blind, old, sick, infirm, and the veteran with scars of battle on his body, in the State of Mississippi, on account of some action by the Governor of that State.

Our late, lamented President was a Harvard man, and proud of it. He was an overseer, as a trustee is called, of Harvard. He surrounded himself with Harvard men. However, that was the only time that he did not take the advice of a Harvard professor, even though he was the dean of the Law School of Harvard.

That is when the late President made the statement that he did not have the right to do it, that he doubted that he should have the right to do it, and doubted the constitutionality of it, even though he was requested to take the action by a commission of which the dean of the Harvard Law School, who signed this letter, was a member.

As I say, I do not know all these men, although all of them are of the same bent as those I do know personally. The letter, which apparently has been brought forward seriously in support of the bill, was inserted in the RECORD by the senior Senator from Minnesota and the Senator from Pennsylvania. I do not know how many other Senators had the letter inserted as a part of their remarks. To me, and to any person who has knowledge of the background of those to whom I have referred, as well as one or two other signers that I know personally, the letter is about as earthshaking and momentous a contribution to the issue as if a Senator were to say on the floor of the Senate, "I am advised on good authority that the French still hold Paris in some force."

Mr. ERVIN. Mr. President, these gentlemen have given me quite a task. As soon as I obtained a copy of the memorandum accompanying their letter, in which they cited cases which in their opinion sustained the constitutionality of the bill, I began to study those cases.

I hold in my hand an analysis of every one of the cases they cited. I say it with regret, but I say it in all sincerity, that not one of those cases justifies the assertion that the bill is constitutional. Some of them show exactly the opposite. One of the cases cited is *United States* v. *International Boxing Club*, 348 U.S. 236 (1955). In that case a civil action was brought under the antitrust laws. It was alleged that the defendant had conspired to monopolize championship boxing contests on a multi-State basis, coupled with the sale of rights to televise, broadcast, and film the contests for interstate transmission.

The allegation was that they had conspired to monopolize and broadcast boxing matches over State lines throughout the country, and that 25 percent of all of the money they were to receive as a result of that monopoly and conspiracy was to be derived from the transmission of the boxing matches which they were to stage by television and radio across State lines.

Of course, upon those allegations, which were admitted by a motion to dismiss the case, there was a clear case of a conspiracy to monopolize trade and commerce in interstate commerce. The gentlemen cite that case to sustain the proposition that if a theater exhibits a picture which at some time past has been ruled to be in interstate commerce, or if one stages an athletic contest by athletes who have traveled at some time in the past in interstate commerce, or if one presents a vaudeville act by players who have traveled at some time in the past in interstate commerce, such activities are covered by the provisions of the bill.

The opinion reads in that regard:

> A boxing match, like the showing of a motion picture, or the performance of a vaudeville act, or the performance of a legitimate stage attraction, is, of course, a local affair.

The very case cited states that the conditions which call into play the third category of those to be covered by the public accommodations provision are local affairs exempt from congressional regulation.

There are other cases. One case which is claimed to sustain certain parts of this bill is a case styled *National Negro Alliance* v. *Sanitary Grocery Company*, 303 U.S. 552. The Senator will remember that the Norris-LaGuardia Act, which is embodied in title 29, United States Code, section 113, provides that no district court of the United States shall have jurisdiction to issue an injunction in a labor dispute. The facts of that case were these: The Negro organization demanded that the Sanitary Grocery Co., which, as I recall, was located in the District of Columbia, should hire some Negro clerks. The Sanitary Grocery Co. refused to do so. The organization placed its pickets around the place of business and picketed it, demanding jobs. The Sanitary Grocery Co. went into the Federal district court and sought an injunction against the picketing, and the court denied the injunction. The decision was affirmed by the Supreme Court of the United States on the ground that the Norris-LaGuardia Act denied to Federal district courts jurisdiction to issue injunctions in labor disputes. What application that case has to this bill is something which exceeds my comprehension.

The Senator from Georgia will recall that the distinction between the legislative power of a State legislature and the legislative power of Congress as a national legislative body is as wide as the gulf that yawns between Lazarus in Abraham's bosom and Dives in Hades.

Under all the decisions, the proposition is established that a State legislature has the power to enact any law it sees fit unless it is prohibited from doing so by the State constitution or some provision of the Constitution of the United States. All the decisions likewise hold that the Federal Government is a government of delegated powers, and that Congress cannot enact any law unless the power to enact the law is given to it by the Constitution of the United States.

The gentlemen cited these cases to sustain the power of Congress to enact this bill: *Nebbia* v. *New York*, 291 U.S. 502, and *Railway Mail Association* v. *Corsi*, 326 U.S. 88.

The Nebbia case involves the simple question whether the State of New York, acting through its legislature, which had unlimited power, except to the extent that it was restrained by the New York constitution or the Constitution of the United States, could enact a milk control law applicable to the State of New York.

What that case has to do with the power of Congress to enact laws for the United States is another thing which exceeds my power of comprehension. The Nebbia case is cited by virtually all text writers to sustain the proposition that the power to regulate contracts and the use of property is a power which belongs to the States and not to Congress.

The Railway Mail Association case involved the question of whether or not the Legislature of New York had the power to enact a civil rights law for New York State which would prohibit discrimination on the basis of race in membership in labor organizations.

Perhaps the Senator from Georgia can tell me how that case sheds any light whatever upon the power of Congress to enact this bill. I must confess that I cannot see any relevancy between that case and this bill, or anything in the decision of the Court in that case to justify the proposition that Congress has the power under the Federal Constitution to enact the bill now before the Senate.

Mr. RUSSELL. Mr. President, will the Senator from North Carolina yield, under the same understanding?

Mr. ERVIN. I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. I am glad the distinguished Senator from North Carolina has looked into those cases. I read through the statement rather casually. From such knowledge as I had of those cases, I did not see any relationship between them and the pending bill, nor did I expect to see any. Naturally those men, bearing the title of lawyers, wanted to cite some cases; so I suppose they did the very best they could.

But when I saw that the question had been addressed to former Attorneys General Biddle, Brownell, and Rogers—asking them whether they approved this bill and thought it was perfect in every respect—I remarked that that was just the same as writing to a Baptist minister and asking him whether he believed that immersion was the proper form of baptism, or writing to a Catholic priest and asking him whether he believed in the virgin birth. In short, those who asked the question knew what the answer would be; they knew that from the record of these men, who have been agitators in this area. In fact, their chief claim to fame and distinction—however tenuous it may be—lies in the fact that they have been agitators in this area.

So I did not look into the details of those cases, because when I saw the names of those gentlemen at the head of the list, I knew they had been asked for a verdict which could have been anticipated long before the question was asked.

That situation reminds me of a story which old Dr. Morris, a professor at the University of Georgia Law School when I attended it, told. He remarked that it could not be expected that a defendant would be convicted of stealing a steer if his case was tried before a jury composed of the men who had helped him eat the beef at a barbecue.

So when that question was asked of those men, who for so long had taken that professional opinion and had adhered to it, certainly the answer was known before the question was asked. I was only surprised that the Senator from Minnesota and the Senator from Pennsylvania would advance, with straight faces, the memorandum signed by those gentlemen. In view of their reputations and their activities in this field through the years, I thought it was quite a feat and quite an impressive demonstration of skill in the Thespian art when they urged, without laughing, that consideration be given to that memorandum, when they knew the activities and the stand of those gentlemen in this field through the years.

I thank the Senator from North Carolina for yielding to me.

Mr. ERVIN. I thank the Senator from Georgia.

Mr. President, in the Nebbia case, the court had this to say:

> Under our form of government the use of property and the making of contracts are normally matters of private and not of public concern. The general rule is that both shall be free of governmental interference. But neither property rights nor contract rights are absolute; for government cannot exist if the citizen may at will use his property to the detriment of his fellows, or exercise his freedom of contract to work them harm. Equally fundamental with the private right is that of the public to regulate it in the common interest. As Chief Justice Marshall said, speaking specifically of inspection laws, such laws form "a portion of that immense mass of legislation, which embraces everything within the territory of a State—all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State—are component parts of this mass."
>
> Justice Barbour said for this court:
>
> "It is not only the right, but the bounden and solemn duty of a State, to advance the safety, happiness, and prosperity of its people, and to provide for its general welfare, by any and every act of legislation, which it may deem to be conducive to these ends; where the power over the particular subject, or the manner of its exercise, is not surrendered or restrained, in the manner just stated. That all those powers which relate to merely municipal legislation, or what may, perhaps, more properly be called internal police, are not thus surrendered or restrained; and that, consequently, in relation to these, the authority of a State is complete, unqualified, and exclusive" (pp. 523–524).

Mr. President, a case in which it was held that the authority of the State to regulate the matter being regulated was "complete, unqualified, and exclusive," does not, in my judgment, sustain the proposition that Congress can pass a law similar to the bill now before us.

Mr. President, when I yielded to the distinguished senior Senator from Georgia [Mr. RUSSELL] I was commenting in a general way upon the pending bill. I wish to reiterate that the so-called civil rights bill is a bill of enormous content. It contains 1,305 lines on 55 pages, and undertakes to deal with virtually all of the activities of the Federal and State Governments, as well as with virtually all the commercial and personal affairs of all the inhabitants of our country.

Some of the 1,305 lines in the bill reveal, and others conceal, the most monstrous blueprint for government tyranny ever presented to the Congress.

The tragic truth is that the bill is as full of legal tricks as a mangy hound dog is of fleas.

I shall call attention at this time to the legal trick deceptively placed by the drafters of the bill in the seven lines of section 302 of title III. This title purports to deal only with the desegregation of such public facilities as public buildings, public parks, public playgrounds, and the like "owned, operated, or managed by or on behalf of any State or subdivision thereof." As a consequence, no rational man would reasonably expect to find in it a provision which is cleverly designed to vest in the temporary occupant of the Office of Attorney General of the United States, whoever he may be, an autocratic power to be exercised at his uncontrolled discretion to browbeat all persons acting in behalf of State or local governments into submission to his will in virtually all their official dealings with virtually all of the people within their borders.

Nevertheless, one finds a provision of this character in the seven lines constituting section 302 of title III. These lines read as follows:

> Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action. In such an action the United States shall be entitled to the same relief as if it had instituted the action.

It is difficult to describe the unprecedented magnitude of the power which these seven lines would confer upon the Attorney General. By the simple expedient of first inducing others to bring actions based upon an alleged "denial of equal protection of the laws on account of race, color, religion, or national origin" in the courts of the United States in the various areas of the country, the Attorney General would be empowered by these seven lines to prosecute actions against virtually all persons acting for any State or any subdivision of any State in any official dealings with any people within their borders for the purpose of making them conform to his desires. As a matter of fact, the Attorney General could undoubtedly impose his will upon such persons in most cases by a mere threat to intervene in such actions. This is true because the average human being is reluctant to have the financial and governmental might of the United States pitted against him in litigation.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from South Carolina for questions or observations without losing my privilege to the floor, and without having any subsequent remarks or any prior remarks made by me counted as a second speech on the bill now before the Senate.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Without objection, it is so ordered.

Mr. JOHNSTON. I desire to ask a question, but before I do so, I wish to state that I agree with the Senator from North Carolina thoroughly that the bill is as full of mistakes, illegality, and unconstitutionality as it could be. I agree with him on that point.

Being a country boy, I like his illustration that the bill is as full of mistakes as a mangy hound dog is full of fleas. However, I wish to go a step further. Fleas remain on a dog as long as he is living. The minute the dog dies, the fleas begin to hop off.

Does not the Senator from North Carolina believe that the people, especially business people throughout the United States, will become more and more opposed to the bill and they will hop off it, as fleas hop off a mangy hound dog after the dog dies?

Mr. ERVIN. I did not understand whether the Senator said that the people of the United States or the proponents of the bill would hop off.

Mr. JOHNSTON. I referred to the proponents of the bill. At least they will cease claiming that they had anything to do with it. Does not the Senator think that is so?

Mr. ERVIN. I think so. Representative WYMAN, of New Hampshire, described the bill correctly when he said that it was like an iceberg: Very little of it is now showing above the surface of the water, but were the bill to become effective, and the Federal Government were to undertake to enforce it, all the rest of the iceberg which is not now exposed would become visible to the American people, and the American people would realize that a monstrous thing had been done to them despite the Constitution of the United States.

Mr. JOHNSTON. Does not the Senator believe that the part of the iceberg which is not presently showing is likely to be as treacherous to the people of the United States as the iceberg that sank the *Titanic*?

Mr. ERVIN. If the bill is passed in its present form, it will signal the destruction of constitutional government in the United States as we have known it.

A moment ago I discussed with the Senator from Georgia some of the cases which have been cited to sustain the proposition that Congress has a constitutional power to pass the bill. The correct name of one case is *National Labor Relations Board* v. *Jones Laughlin Steel Corp.*, 301 U.S. 1. In that case Chief Justice Hughes said that there was a great difference between the power of Congress and the power of the States with respect to the regulation of commerce. He said that Congress had the power to regulate interstate commerce—that is, commerce between or among the States—and that the States had the power to regulate intrastate commerce—that is, business dealings within the borders of the States.

Chief Justice Hughes said that if this country ever reached the point where it failed to heed this distinction, the action of the country in that respect would destroy the Federal system established by the Constitution.

Those are not his exact words, but they are the substance of what he said.

If the Congress should enact this bill, and the law should be upheld by the courts, there would be a complete end of the Federal system which divides the powers of government between the Federal Government on the national level, and the States on the local level.

Mr. JOHNSTON. I believe the Senator illustrated his point a little while ago by referring to an iceberg, and stating that very little of it shows when it is first seen. In the pending bill we see very little of the flaws of the bill at the present time. If the bill should pass and the Supreme Court should rule that it was constitutional, would it not have a tendency to wipe out many of the Supreme Court rulings that have in the past made a distinction between intrastate and interstate commerce?

Mr. ERVIN. There is no doubt about it. A distinguished lawyer of Philadelphia made the statement, which I inserted in the record of the hearings last summer before the Senate Judiciary Committee, that to say that the bill was supportable on the basis of the commerce clause is an intellectually dishonest position.

The interstate commerce clause gives the Federal Government the power to regulate commerce among the States. Commerce among the States involves the movement of people or goods or communications from one State to another.

I do not have such little confidence in the intellectual honesty and the judicial stability of the Supreme Court of the United States to be willing to accept the view that the Court will adjudge this bill, and especially the public accommodations provisions of the bill, as an attempt on the part of the Congress to regulate interstate commerce.

It does not attempt to regulate interstate commerce at all. It undertakes to regulate the use of privately owned property and the rendition of personal services within the borders of the States. It has been acknowledged from the very beginning of the establishment of the Republic to this date by every court that has dealt with the subject that the power to regulate the use of privately owned property and the rendition of personal services within the borders of the States is a power which belongs to the States, not to Congress.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. TOWER. Could the Senator cite any precedent in the field of constitutional law that would support the contention that an independently owned roadside restaurant that serves the public generally, and perhaps some interstate traffic as well, could, by the longest stretch of the imagination, be regarded as being subject to the commerce clause of the Constitution? Could it be classified as interstate commerce on the basis of citing any legal precedents?

Mr. ERVIN. In reply to the question of the able and distinguished junior Senator from Texas, I have searched for months to find such a decision, and I have been unable to find one that would sustain that position.

In the course of this debate, I shall call attention to a number of decisions which hold exactly to the contrary. For example, the case of Williams against Howard Johnson Restaurant, which originated across the river in Alexandria, Va., the decision in which was handed down by the Court of Appeals for the Fourth Circuit in 1959, expressly holds that a privately owned restaurant located within the borders of a State is not engaged in interstate commerce, even if it happens to be located beside an interstate highway and even if it accepts among its customers interstate travelers.

Mr. TOWER. I thank the Senator.

Mr. ERVIN. I shall later call to the attention of the Senator additional cases, one being a decision of the Supreme Court of Delaware.

The Senator will recall that title II of the bill—the public accommodations title—undertakes to place all gasoline stations under its regulation on the theory that, if they sell gasoline which has been shipped into the State from other States, they are engaged in interstate commerce. That exact question was presented in a case from Delaware. The Delaware Supreme Court held that the operator of a gasoline station who sells gasoline at retail to his customers is not engaged in interstate commerce, but, on the contrary, is subject to the complete regulation of the State.

In that opinion, the Delaware court quotes a U.S. district court opinion by the late Judge Chesnut, of Maryland, who was one of the ablest Federal judges I have ever personally known, to the effect that Judge Chesnut could not imagine anything more remote from interstate commerce than the sale at retail of gasoline to customers by the operator of a gasoline station, even if all the gas had been shipped into the State from some other State.

Mr. TOWER. Mr. President, will the Senator yield for a further question?

Mr. ERVIN. I yield.

Mr. TOWER. If we in the Congress should liberalize the interpretation of the commerce clause to bring such business establishments as have been discussed within the purview of interstate commerce, and if we were sustained in this effort by the Supreme Court as presently constituted, would it not probably destroy the majority of the police powers now possessed and exercised by the States?

Mr. ERVIN. There is no question about it. Before the Senator from Texas came into the Chamber, I was discussing the question with the Senator from South Carolina [Mr. JOHNSTON], and I called to his attention the case of National Labor Relations Board against Jones & Laughlin Steel Co. In that case the opinion was written by Chief Justice Hughes who said that if this country ever ignored the distinction between interstate commerce, which is to be regulated by the Congress, and intrastate commerce, which is to be regulated by the States, the Federal system created by the Constitution would be destroyed.

Mr. TOWER. I thank the Senator.

Mr. ERVIN. On this point, as the Senator from Texas knows, the provisions of the public accommodations title of the bill attempt to regulate restaurants, cafes, soda fountains, and other places which serve food for consumption on the premise on either one of two propositions: Either that they may serve interstate travelers, or that the food which they serve, or a substantial part of it, may have moved in times past in interstate commerce. That precise question, as to whether that activity was interstate or intrastate commerce, was presented by a Pennsylvania case. In the Pennsylvania case, the Commonwealth of Pennsylvania criminally prosecuted certain defendants operating a restaurant. The defendants had obtained the ingredients of food shipped into Pennsylvania. Those ingredients consisted of such things as Jello, a pie mix, and certain lemon products. Those products were cooked into pies for service to the customers of the restaurant. An artificial coloring was added to the pie, in violation of the State law of Pennsylvania.

The restaurant owners were prosecuted for violation of the Pennsylvania law. In their defense, they urged that they were not subject to Pennsylvania law because the food had been shipped into Pennsylvania from the State of New York and therefore they were engaging in interstate commerce, the exact position which the proponents of the civil rights bill take in their attempts to regulate restaurants.

The Pennsylvania court held that the ingredients came to rest, after interstate passage, in the State of Pennsylvania; that they had been converted into another product, and that they clearly lost their interstate character and were therefore, completely subject to the regulation of the laws of Pennsylvania. The preparation of the pies for sale and any sale that might be made was held to be an intrastate transaction, subject only to the laws of Pennsylvania.

This is the same kind of case that was decided to the same effect by the Supreme Court of the State of Washington in the past few years.

During the course of this debate, I shall point out the cases which to my mind constitute a complete refutation of any basis for contention that places of public accommodation can be regulated by the Congress on the theory set out in title II of the bill.

Mr. JOHNSTON. Following up the discussion along the line of the Pennsylvania case, if the public accommodations title were declared constitutional, would it not take away the rights of the various States to regulate those particular activities?

Mr. ERVIN. There is no question about it. The bill undertakes to take control of the entire field, so far as customers are concerned.

Mr. JOHNSTON. Has not our Supreme Court decided that if the Federal court takes over a certain field, the State is barred from activities in that particular field?

Mr. ERVIN. The Senator is correct. It takes the position that the Federal Government has preempted the field to the extent that it has occupied it.

Mr. JOHNSTON. I believe that is a Pennsylvania case, is it not?

Mr. ERVIN. The Senator is correct. The Steve Nelson case.

Mr. President, before I yielded to the Senator from South Carolina [Mr. JOHNSTON] and the Senator from Texas [Mr. TOWER], I was discussing the drastic provisions of the seven lines which constitute section 302, title III of the bill, and was pointing out that under this provision the Attorney General could bring suits, or threaten to bring suits, against virtually every person exercising any State or local governmental power, by the simple device of persuading others to bring such suits in the first instance, so that he could intervene in them.

I wish to make a few more observations which will indicate the virtually unlimited power these seven lines would vest in the Attorney General in all areas of Government committed by the Constitution to the States.

Everyone can commence an action "seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin."

This is true because all people belong to some race and have some national origin. Moreover, most of them profess some religion. In order to commence an action seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin within the purview of these seven lines, a plaintiff is merely required to file a complaint alleging that he has been treated unfairly by some person acting for the State, or one of its subdivisions, in some official dealings because of his "race, color, religion, or national origin."

One of the latest texts on constitutional law, that is, volume 16A of Corpus Juris Secundum, requires 240 pages for a mere statement in exceedingly condensed form of the innumerable causes of action which can be brought upon allegations of a denial of the equal protection of the laws.

Let me enumerate just a few of the multitude of persons who act for States and their subdivisions, and who could be sued or threatened with suit by the Attorney General in the exercise of the autocratic power to be vested in him by the seven lines constituting section 302 of title III. They would include the Governors and Lieutenant Governors; State and local judges and State and local prosecuting attorneys; members of State boards of education; the trustees of State universities and colleges; State highway commissioners and employees of the executive branch of the State government; the superintendents, members of the medical staffs, and nurses at all public hospitals for the sick, the injured, or the mentally ill; commissioners and supervisors of counties and other county officials and employees; the mayors, councilmen, and employees of municipalities; public school superintendents, principals, supervisors, and teachers; sheriffs, deputy sheriffs, highway patrolmen, police officers, constables, firemen, fish and game wardens, and keepers of dog pounds.

When all is said, section 302 of the pending civil rights bill is merely old title III of the civil rights bill of 1957 in disguise. It merits the emphatic rejection which the Senate accorded to old title III at that time.

In addition to being objectionable because of the magnitude of the power it vests in the Attorney General, section 302 of the pending bill is objectionable because of its inconsistency with the concept that we have a government of laws rather than a government of men. This is so because section 302 makes the power it would confer the personal possession of the Attorney General who can exercise such power or refrain from its exercise according to his caprice or whim uncontrolled by any legal standard whatsoever.

The power which section 302 would confer upon the Attorney General is a power which no wise man should want, and no unwise man should have.

I wish now to discuss some of the cases cited in the letter and memorandum written to the senior Senator from Minnesota [Mr. HUMPHREY] and the senior Senator from California [Mr. KUCHEL]. I have mentioned some of these cases before.

By way of repetition, I state that three of them involved the legislative powers of the States rather than the legislative powers of the Federal Government, and for that reason have no relevancy to the bill now before the Senate.

These three cases are *Nebbia* v. *New York*, 291 N.Y., 502; the *Railway Mail Association* v. *Corsi*, 326 U.S. 88; and *District of Columbia* v. *Thompson Co.*, 346 U.S. 100.

The Nebbia case involved the question whether the legislature of New York had the power to pass a milk control law for the State of New York.

The Railway Mail Association case involved the question of whether New York State had the legislative power to pass a civil rights law for the State of New York forbidding racial discrimination in labor organizations.

The District of Columbia case involved the power of Congress to legislate for the District of Columbia. Congress has exactly the same power to legislate for the District of Columbia as the State legislature has to legislate for a State.

A legislative body exercising the legislative power of a State has the power to pass any law it wishes, unless it is forbidden to do so by the State constitution or the Constitution of the United States.

The Nebbia and Railway Mail Association cases have no application to anything except to the power of the New York Legislature to enact a law of the character of the pending bill for New York State.

The same observation may be made with respect to the District of Columbia case. In 1871 Congress created a municipal corporation for the District of Columbia, and established a legislative assembly for such municipal corporation, and delegated to that legislative assembly the power to pass legislation for the District, subject to the power of Congress to veto or repeal or alter it.

The Legislative Assembly of the District of Columbia passed an ordinance applicable to the District of Columbia prohibiting racial discrimination in restaurants in the District. The District of Columbia case upholds the power of the legislative assembly under the Organic Act of 1871, delegating to it the legislative power of Congress.

Since Congress has the same power to legislate for the District of Columbia that a State legislature has to legislate for the State, and since Congress is not prohibited from passing laws of that nature for the District of Columbia, the court upheld the act of the legislative assembly.

This case, like the first two, has nothing whatever to do with our consideration or determination here or with power of Congress to enact a law of the character suggested by the pending bill in the discharge of its function as a national legislative body.

Another of the cases I mentioned a moment ago was the case of *New Negro Alliance* v. *Sanitary Grocery Co.*, 303 U.S. 552 (1938). The facts in that case merely involved the question of whether Congress, in the exercise of its power to prescribe the jurisdiction of courts inferior to the Supreme Court, under article III of the Constitution, had the power to pass the Norris-LaGuardia Act, which denies to a U.S. district court the power to issue an injunction in labor disputes. Certainly no one questions the legislative power of Congress under article III of the original Constitution to prescribe the jurisdiction of courts inferior to the Supreme Court.

That case does not have the slightest relationship to the question of whether Congress has the power to pass a law of the character suggested by the pending bill.

Under the commerce clause, which is embodied in article I, section 8, clause 3 of the Constitution, Congress is given the power to regulate commerce among the States. Commerce among the States is the movement of people, goods, or communications from one State to another. Undoubtedly Congress has the power to regulate any commerce which involves any such movement across State lines. Congress has passed many acts of this character. One of these acts is the Taft-Hartley law.

I wish to refer to the Taft-Hartley law, because several of the decisions which the eminent gentlemen who wrote the letter and the memorandum to the Senator from Minnesota [Mr. HUMPHREY] and the Senator from California [Mr. KUCHEL] referred to cases arising under the Taft-Hartley Act.

The Taft-Hartley Act is codified as title 29, United States Code Annotated, sections 141 through 187. The Taft-Hartley Act, or, as it is officially designated, the Labor-Management Relations Act of 1947, undertakes to prevent obstructions to interstate commerce by lockouts, strikes, and other activities in the labor-management field. The Taft-Hartley Act has been said by the Supreme Court of the United States to go to the very limit of the power of Congress under the interstate commerce clause. In addition to regulating the movement of men, goods, or communications from one State to another, Congress has the power to regulate activities which burden or obstruct the movement of persons, goods, or communications in interstate commerce. This being true, the Labor-Management Relations Act of 1947 is constitutional in that it undertakes to regulate and prevent the obstruction of the movement of goods from one State to another, because of labor-management disputes.

To this end, it prescribes certain standards which it designates as unfair management or unfair labor practices. It does this in the exercise of its power to prevent obstruction of interstate commerce.

The Labor-Management Relations Act of 1947 is the exact opposite of this bill in its thrust, so far as the bill is attempted to be sustained on the basis of the interstate commerce clause. This is true because the Taft-Hartley Act establishes regulations which look to the future, whereas the bill, so far as the public accommodations title is concerned, looks to the past. The Taft-Hartley Act undertakes to prevent future obstructions of interstate commerce which would prevent the flow of goods in interstate commerce, that is, from one State to another.

The public accommodations provisions of this bill attempt to regulate not interstate commerce, not obstructions to interstate commerce, but the use of privately owned property and the rendition of personal services within the borders of the State, on the basis that at some time in the past someone who might have stopped at a place of public accommodations for food, lodging, or gasoline had moved in interstate commerce; or on the theory that athletes who were giving exhibitions of their prowess might have crossed a State line prior to the time of the exhibition; or on the theory that a theater had presented a play which was enacted by actors or actresses who had at some time before moved in interstate commerce; or on the theory that a motion picture theater had exhibited films which had moved at some time in the past in interstate commerce.

In other words, the Taft-Hartley Act looks to the future, and to the future prevention of the obstruction of the flow of goods in interstate commerce because of labor-management difficulties, whereas this bill looks entirely to the past and attempts to regulate not interstate commerce, but the use of privately owned property and the rendition of personal services, on the theory that some connection is had in one way or the other with some person, some article of food, some quantity of gasoline, some show, or some athletes who have moved across State lines.

I invite attention to what the Taft-Hartley law provides.

What I have been saying is made plain by one definition which is embodied in title 29, United States Code Annotated, section 142. I read subsection (1):

> The term "industry affecting commerce" means any industry or activity in commerce, or in which a labor dispute would burden or obstruct commerce, or tend to burden or obstruct commerce or the free flow of commerce.

That makes it apparent that the Taft-Hartley Act is designed to prevent the obstruction of the flow of goods in interstate commerce as a result of unfair labor or management practices. So the Taft-Hartley Act is directly related to interstate commerce and the flow of goods in interstate commerce.

The Court said, in effect, that in order for any activity or industry to be covered by the Taft-Hartley law, the activity and the industry must have a close and intimate relation to interstate commerce or a substantial economic effect on interstate commerce. I invite attention to that statement because some of the cases cited by the gentlemen in their letter relate to the Taft-Hartley law.

Another law that some of the cases relate to is the Sherman Act. The Sherman Act is popularly called the Antitrust Act. It is codified in 15 United States Code Annotated, sections 1 through 33. The Sherman Act applies to restraints of commerce which is interstate, as distinguished from that which is intrastate in character. The act denounces restraints of trade or commerce among the several States or with foreign nations. Congress has no jurisdiction over commerce which is wholly within a State, and therefore none over combinations or agreements insofar as they relate to restraints of such commerce. Therefore, the Federal antitrust laws do not affect commerce under contracts made and to be performed entirely within a State.

The Sherman Act is an entirely different piece of legislation from that proposed in the pending bill. The Sherman Act does not attempt to deal with contracts made and performed within the borders of a State, as does the pending bill. The Sherman Act merely attempts to prevent monopolies and restraints in interstate commerce.

I wish to call the attention of the Senate to the Federal Food, Drug, and Cosmetic Act of 1937. This act is based upon the power of Congress, under the interstate commerce clause, to prohibit commerce in adulterated or deleterious or misbranded drugs, food, and the like. Under this act, Congress forbids transmission, in the channels of commerce from one State to another, of adulterated, deleterious, or misbranded drugs or food, under certain specified conditions. In that respect, that act of Congress is entirely different from the proposals of the pending bill, for the pending bill does not constitute an effort to regulate or to exclude the transmission across State lines of anything. Instead, the pending bill constitutes a brazen effort to regulate the use of privately owned property and the rendition of personal services within the borders of a State.

Mr. JOHNSTON. Mr. President——

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the able and distinguished senior Senator from South Carolina for a question or an observation, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. First, let me say that I am very glad the Senator from North Carolina has seen fit to define the difference between interstate commerce and intrastate commerce. I feel that a great many persons, probably including some Senators, do not realize the difference between the two terms and do not realize that the Federal Government has a right to intercede or interfere in any way only with matters of interstate commerce, not with matters of intrastate commerce, and that the Constitution of the United States very clearly limits that power.

So I am very glad the Senator from North Carolina is today dealing with that point, because if Congress were to keep whittling away, as the pending bill attempts to do, the constitutional restriction against Federal interference in intrastate commerce matters, it would not be long before no intrastate matters would remain; instead, in that case all such matters would be held to be interstate commerce, to be controlled by the Federal Government—which cannot do that job.

Mr. ERVIN. I thank the Senator from South Carolina for his comment.

Mr. President, another act which regulates interstate commerce is the Fair Labor Standards Act of 1938. It does not attempt to direct the regulation of industry. It attempts to regulate certain minimum wages, certain overtime rates, and certain maximum hours of labor for employees who are actually engaged in interstate commerce, in the sense that they are engaged in transporting goods from one State to another or are engaged in the production of goods for shipment in interstate commerce. The Fair Labor Standards Act is codified in title 29, United States Code Annotated, sections 201 through 219. I shall read several excerpts from that act, to prove that it undertakes to regulate interstate commerce, not the rendition of personal services or the use of private property within the borders of a State.

Section 203, subsection (b) defines "commerce" as follows:

> Commerce means trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

In other words, that provision makes it clear that that act attempts to deal with interstate commerce.

Section 206 provides, in subsection (a):

> Every employer shall pay to each of his employees who is engaged in commerce or in the production of goods for commerce, wages—

At the rates specified.

In analyzing that provision, it is well to remember that the word "commerce," as used in it, is defined in the other section which I read as meaning commerce among the States, that is, commerce which involves interstate—as distinguished from intrastate—commerce.

Section 207 provides, in part, in subsection (a):

> No employer shall employ any of his employees who are engaged in commerce or in the production of goods for commerce for a workweek longer than—

Longer than the workweek therein specified.

These excerpts from the Fair Labor Standards Act of 1938 make clear that that act merely attempts to regulate minimum wages, overtime rates, and maximum hours of labor, for persons employed by others in the actual conduct of interstate commerce—that is, in the actual movement of goods, persons, or communications from one State to another, or in the production of goods for shipment in interstate commerce.

This act, like the Labor Management Relations Act of 1937, the Federal Food, Drug, and Cosmetics Act, and the Sherman Antitrust Act, undertakes to deal either with the actual movement of goods in interstate commerce, or with the production of goods for interstate commerce, or with obstruction to the flow of interstate commerce—that is, commerce across State lines.

There is another set of statutes which have some relevancy. They are the Agricultural Adjustment Act and the Agricultural Marketing Acts, which are found in 7 United States Code Annotated, beginning at section 601. An examination of those acts shows that they are all attempts to regulate interstate commerce in respect to the agricultural commodities. This is made clear by section 602 of the Agricultural Adjustment Act, defining the policies Congress had in view in the enactment of that legislation, which is to encourage the flow of agricultural products across State lines in interstate and foreign commerce, with a view to enhancing the return which the farmers of the country receive for such commodities.

Section 608(3) of the Agricultural Adjustment Act contains a provision concerning payments to be made for the purpose of removing certain agricultural products from the channels of interstate commerce, in order to enhance the return to farmers from other agricultural products moving in interstate commerce.

Section 608(a) deals with imports from abroad of sugar, which has a relevancy, of course, to foreign commerce, which the Congress is given power to regulate by the same clause by which it is given power to regulate interstate commerce.

Section 608(e) contains a prohibition upon certain imports from countries abroad. It is clearly an enactment, within the power of the Congress, to forbid the use of the channels of interstate commerce and the channels of foreign commerce to certain commodities designated by the Congress.

Section 612(c) of the Agricultural Adjustment Act contains a provision which deals with the payment of subsidies authorized by Congress for the purpose of encouraging the exportation of certain agricultural commodities. The Agricultural Adjustment Act of 1937 and all of the amendments to that act in the form of marketing acts are all concerned with the regulation of the actual movement of agricultural commodities in interstate and foreign commerce, and are clearly within the legislative power of the Congress to enact under the commerce clause.

I have given this brief analysis of the various acts of Congress for the purpose of illustrating that each of them is a bona fide effort to regulate interstate, or both interstate and foreign commerce, and not an effort to regulate primarily activities that are connected with the use of privately owned property or the rendition of personal services within the borders of States, as is the pending bill.

I have mentioned the fact that certain cases were cited by the gentlemen who wrote the letter and the memorandum to the distinguished senior Senator from Minnesota [Mr. HUMPHREY] and the distinguished senior Senator from California [Mr. KUCHEL].

I wish to call attention to all the cases mentioned in the memorandum other than the ones to which attention has heretofore been called by me.

One of the cases which I mentioned before is *National Labor Relations Board* v. *Jones and Laughlin Steel Corporation*, 301 U.S. 1. That was a case in which Chief Justice Hughes wrote the opinion of the Court, which upheld the constitutionality of the National Labor Relations Act. In the course of his opinion, Justice Hughes said—

> The act is challenged in its entirety as an attempt to regulate all industry, thus invading the reserved powers of the States over their local concerns. It is asserted that the references in the act to interstate and foreign commerce are colorable at best; that the act is not a true regulation of such commerce or of matters which directly affect it but on the contrary has the fundamental object of placing under the compulsory supervision of the Federal Government all industrial labor relations within the Nation. The argument seeks support in the broad words of the preamble (sec. 1) and in the sweep of the provisions of the act, and it is further insisted that its legislative history shows an essential universal purpose in the light of which its scope cannot be limited by either construction or by the application of the separability clause.

I emphasize the following words written by Chief Justice Hughes, which follow the passage I have just read. Chief Justice Hughes continued—

> If this conception of terms, intent and consequent inseparability were sound, the act would necessarily fall by reason of the limitation upon the Federal power which inheres in the constitutional grant, as well as because of the explicit reservation of the 10th amendment. *Schechter Corp.* v. *United States*, 295 U.S. 495, 549, 550, 554. The authority of the Federal Government may not be pushed to such an extreme as to destroy the distinction, which the commerce clause itself established, between commerce "among the several States" and the internal concerns of a State. That distinction between what is national and what is local in the activities of commerce is vital to the maintenance of our Federal system.

These distinguished lawyers cite that case in their memorandum to the Senators from Minnesota and California. As a matter of fact, that case is on the other side of the question, because Chief Justice Hughes said that:

> The authority of the Federal Government may not be pushed to such an extreme as to destroy the distinction, which the commerce clause itself established, between commerce "among the several States" and the internal concerns of a State. That distinction between what is national and what is local in the activities of commerce is vital to the maintenance of our Federal system.

Certainly, this decision will not sustain the power of Congress to enact into law the public accommodations provision of the bill, because the public accommodations provision of the bill destroys the distinction which the commerce clause establishes between the national concern for interstate commerce and the State concern for private property and personal services rendered within its borders.

Another case which is cited in the memorandum to the Senators from Minnesota and California as a basis of establishing the constitutionality of the pending bill is *Boynton* v. *Virginia*, 364 U.S. 454.

In this case the Supreme Court of the United States held that it was illegal for a restaurant in the bus terminal or station of an interstate common carrier by motor vehicle to segregate a Negro who was traveling from Alabama to Washington, D.C. The majority opinion was based upon the specific ground that the interstate common carrier by motor vehicle was operating the restaurant itself and that its segregation was prohibited by the section of the Interstate Commerce Act embodied in 49 United States Code Annotated, section 316(d).

Justices Whittaker and Clark dissented in this case from the majority decision on the ground that the evidence did not sustain the assumption of the majority of the Court that the interstate common carrier by motor vehicle was actually operating the restaurant in its bus terminal or station.

The majority opinion, which supports the position of those of us who oppose as unconstitutional the public accommodations title of the bill, was written by Justice Black, who said:

> Because of some of the arguments made here it is necessary to say a word about what we are not deciding. We are not holding that every time a bus stops at a wholly independent roadside restaurant the Interstate Commerce Act requires that restaurant service be supplied in harmony with the provisions of that act. We decide only this case, on its facts, where circumstances show that the terminal and restaurant operate as an integral part of the bus carrier's transportation service for interstate passengers.

The decision in this case has no possible application to the public accommodations provision of the pending bill, because it deals with what the majority opinion held was an instrumentality of interstate commerce itself.

Another case which is cited in the memorandum is that of *United States* v. *Darby*, 312 U.S. 100. This is a case upholding the Fair Labor Standards Act of 1938, which prescribes minimum wages and maximum hours for two groups of employees, namely, first, those actually engaged in carrying in interstate commerce itself, and, second, those engaged in the production of goods for interstate commerce.

The majority opinion in this case was written by Chief Justice Stone. Chief Justice Stone shows that the Fair Labor Standards Act is based upon a theory which is wholly alien to the theory advanced by the proponents of the public accommodations provision of the bill. He said:

> The Fair Labor Standards Act set up a comprehensive legislative scheme for preventing the shipment in interstate commerce of certain products and commodities produced in the United States under labor conditions as respects wages and hours which fail to conform to standards set up by the act. * * * While manufacture is not of itself interstate commerce, the shipment of manufactured goods interstate is such commerce and the prohibition of such shipment by Congress is indubitably a regulation of the commerce. The power to regulate commerce is the power "to prescribe the rule by which commerce is governed." It extends not only to those regulations which aid, foster, and protect the commerce, but embraces those which prohibit it.

Another case cited in the memorandum is *Mitchell* v. *Sherry Corine Corporation*, 264 Fed. 2d 831.

The decision was by the U.S. Court of Appeals for the Fourth Circuit. It was written by the late Judge Soper. The Secretary of Labor sued in this case to enjoin a violation of the Fair Labor Standards Act. The question involved the liability of the Sherry Corine Corp., to observe the provisions of the Fair Labor Standards Act in respect to minimum wages and maximum hours of labor for its employees who were engaged in supplying meals to Capital Airlines and National Airlines, to be served by them aboard their planes to passengers en route to flights leaving Norfolk, Va., for destinations outside the State of Virginia.

There is absolutely no relationship whatever between the decision of the court of appeals in this case and the public accommodations provisions of the pending bill. The pending bill attempts to make restaurants and other eating establishments, which sell food for consumption on the premises, subject to the coverage of the bill if a substantial part of that food, at some time in the past, has moved in interstate commerce, or is consumed on the premises by persons who have traveled in interstate commerce. In other words, the bill would undertake to regulate the sale of food to be consumed on the premises of eating establishments.

The food involved in the Mitchell case was food which was being sold, not for consumption in Virginia, but for consumption on airplanes by airplane passengers flying from Virginia to other States. Consequently, the Court of Appeals correctly held that employees engaged in the preparation and sale of such food, for consumption by passengers in interstate air flights, were engaged in the production of goods in interstate commerce.

Mr. President, in the interest of saving time, I ask unanimous consent that an excerpt from the opinion relative to this case may be printed in the RECORD as a part of my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> In addition to the patrons of the two restaurants, it regularly supplies meals to Capital Airlines and National Airlines to be served to their passengers en route on flights leaving Norfolk for destinations outside the State of Virginia. This business produces between 46 percent and 49 percent of the corporation's annual gross revenue.
>
> The Capital Airlines purchases meals prepared according to its specifications at an agreed price for 3 of its 16 flights leaving Norfolk each day. It notifies the defendant 3 hours before flight time how many meals will be required but reserves the right of cancellation 1½ hours prior to time of departure upon payment of half price. An hour before flight time the restaurant prepares the required number of trays, eight to a carrier, placing upon each tray the necessary accessories. Hot foods prepared in the

> kitchen in casserole dishes are kept hot in electric ovens. This equipment is the property of Capital Airlines. The trays and ovens are delivered to the planes and put in place by the defendant's bus boys 20 minutes before departure. Empty ovens, carriers, and soiled equipment are removed from the plane and cleaned in defendant's kitchen. The airline hostess aboard the plane serves the passengers after the plane has reached cruising height, and generally the meal has not been served and eaten until after the plane has left the State. In the case of one flight, service is not commenced until the plane has made its first stop in North Carolina. Southbound and westbound flights cross the State's borders in 8 to 12 minutes; northbound flights in 24 to 35 minutes. The planes carry from 24 to 57 passengers. The defendant also provides coffee and fruit juices for other flights, and special cleaning service for planes from out of State that stay in Norfolk overnight. The defendant's arrangement with National Airlines is similar in all material respects to its arrangement with Capital Airlines.
>
> The airlines serve meals on certain first-class flights without specific additional charge. This practice has been a competitive factor in air transportation. The expense is recognized as part of the cost of operation which enters into the authorized rate structure.

Mr. ERVIN. Mr. President, one of the other cases cited in the memorandum, which involved the applicability of the Labor-Management Relations Act of 1937, was *National Labor Relations Board* v. *Reliance Fuel Co.*, 371 U.S. 224. I read an excerpt from the opinion in that case:

> Jurisdiction before the Board was predicated upon the fact that Reliance, a New York distributor of fuel oil whose operations were local, purchased within the State a "substantial amount" of fuel oil and related products from the Gulf Oil Corp., a supplier concededly engaged in interstate commerce. Most of the products sold to Reliance by Gulf were delivered to Gulf from without the State of New York and prior to sale and delivery to Reliance were stored, without segregation as to customer, in Gulf's tanks located within the State. During the fiscal year ending June 30, 1959, Reliance had gross sales in excess of $500,000 and during the calendar year 1959, it purchased in excess of $650,000 worth of fuel oil and related products from Gulf.
>
> Under paragraph 10(a) of the act, the Board is empowered "to prevent any person from engaging in any unfair labor practice (listed in sec. 8) affecting commerce." Section 2(6) defines "commerce" to mean "trade, traffic, commerce, transportation, or communication among the * * * States."
>
> This Court has consistently declared that in passing the National Labor Relations Act, Congress intended to and did vest in the Board the fullest jurisdictional breadth constitutionally permissible under the commerce clause.
>
> This being so, the jurisdictional test is met here: the Board properly found that by virtue of Reliance's purchases from Gulf, Reliance's operations and the related unfair labor practices "affected" commerce, within the meaning of the act.

The excerpt from the opinion in the case which I have just read contains the statement that in passing the National Labor Relations Act, Congress extended its authority to the limit of its power under the commerce clause of the Federal Constitution. It is apparent that the labor dispute between the Reliance Fuel Co. and its employees would have obstructed the flow of interstate commerce in oil because Reliance Fuel Co. was one of the main distributors of the oil and other products of the Gulf Oil Corp., which was shipping its oil and other products across State lines for delivery to the Reliance Fuel Co. for distribution. This case bears no resemblance to the provisions of the public-accommodations title of the pending bill.

It might have borne some relationship to it if it had not been connected with the distribution of oil but had been an attempt to regulate how the oil should be used by the consumer. Yet this case is cited, even though it has no relationship to the bill, as a case which involves the application of an act of Congress which the court declares goes to the furthest extreme of the power of Congress under the commerce clause.

One case cited in the memorandum, which deals with the Fair Labor Standards Act, is *Mabee* v. *White Plains Publishing Co.*, 327 U.S. 178. The case goes into the question whether the employees of a newspaper which was published in White Plains, N.Y., with a daily circulation of between 9,000 and 10,000, and which sent about one-half of 1 percent of each issue out of the State, fell within the purview of the Fair Labor Standards Act. The court held that it did, for reasons set forth in an excerpt from the opinion which I ask unanimous consent to have printed in the Record at this point in my remarks.

There being no objection, the extract from the opinion was ordered to be printed in the Record, as follows:

> Respondent publishes a daily newspaper at White Plains, N.Y. During the period relevant here, its daily circulation ranged from 9,000 to 11,000 copies. It had no desire for and made no effort to secure out-of-State circulation. Practically all of its circulation was local. But about one-half of 1 percent was regularly out of State. Petitioners are some of respondent's employees. They brought this suit in the New York courts to recover overtime compensation, liquidated damages, and counsel fees pursuant to paragraph 16(b) of the Fair Labor Standards Act of 1938. (52 Stat. 1069, 29 U.S.C. 216(b).)
>
> The appellate division applied the maxim de minimis to exclude respondent from the provisions of the act. We think that was error. The Court indicated in *Labor Board* v. *Fainblatt*, 306 U.S. 601, 607, that the operation of the National Labor Relations Act (49 Stat. 449, 29 U.S.C. 151) was not dependent on "any particular volume of commerce affected more than that to which courts would apply the maxim de minimis."
>
> We hold that respondent is engaged in the production of goods for commerce. That, of course, does not mean that these petitioners, its employees, are covered by the act. The applicability of the act to them is dependent on the character of their work. We express no opinion on that phase of the case, as the New York appellate courts did not pass on it.

Mr. ERVIN. Mr. President, since the Fair Labor Standards Act makes no requirement as to the extent of interstate transaction as a basis for recovery, the decision is clearly right. It is well to note, however, that in the decision the Supreme Court of the United States said that although the Court held that the newspaper was engaged in the production of goods for commerce, it did not mean that all of its employees were covered by the act. It said:

> The applicability of the act to them is dependent on the character of their work. We express no opinion on that phase of the case, as the New York appellate courts did not pass on it.

Under the provisions of the Fair Labor Standards Act, the only employees of the newspaper covered by the act were those who were concerned with the newspapers which went outside the State, because these employees were the only ones concerned with the production of goods for interstate commerce.

The memorandum also cites the case of *Board of Trade of Chicago* v. *Olsen*, 262 U.S. 1. The nature of this case is correctly epitomized in the first and second headnotes which precede the opinion of Chief Justice Taft, who wrote the majority opinion.

I ask unanimous consent that the two headnotes be printed at this point in the Record as a part of my remarks.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> 1. The decision of this court in *Hill* v. *Wallace*, 259 U.S. 44, holding that local dealings on boards of trade in grain for future delivery could not constitutionally be brought under Federal control by means of the taxing power, as was attempted by the Future Trading Act, is not an authority against the Grain Futures Act of September 21, 1922 (c. 369.42 Stat. 998), which is an exercise of the power to regulate interstate commerce, page 31.
> 2. The flow of grain shipped into the Chicago market from other States, stored temporarily or held on cars, sold on the Chicago Board of Trade, and reshipped in large part to other States and foreign countries, is interstate commerce subject to regulation by Congress, page 33.

Mr. ERVIN. This case upheld the power of Congress to regulate the sales being made through the agency of the Chicago Board of Trade. The case reveals that these sales totaled as much as 350 million bushels of grain annually. They consisted of the sale of wheat shipped in interstate commerce, which was sent into Chicago from various States, and was then shipped, pursuant to the sales, in interstate commerce to other States. There can be no doubt that the Chicago Board of Trade was engaged in interstate commerce in respect to the sales of the wheat, and therefore the transactions were clearly within the regulatory power of Congress under the interstate commerce clause.

The case of *Wickard* v. *Filburn*, 317 U.S. 111, was also cited in the memorandum.

The case involved the Agricultural Adjustment Act of 1938. I shall show at a later stage in the debate that Congress not only has the power to regulate the actual movement of goods from one State to another, but also has the power to regulate activities within the borders of a State to the extent, and only to the extent, that regulation of such activities is necessary or appropriate to the effective regulation of the movement of the goods themselves from one State to another.

The Agricultural Adjustment Act of 1938 was presented as a vast congressional scheme for the regulation of transportation in interstate and foreign commerce of agricultural products. This decision was made under that act of Congress. The case is popularly known as the case which involved a man who was found guilty of growing wheat on his own land for his own consumption.

If Congress had enacted a single law which prohibited a man from growing wheat for his own consumption on his own land, that act clearly would have been unconstitutional, as being an illegal deprivation of property under the fifth amendment to the Constitution of the United States.

The decision, however, was not made under a single act of Congress, but was made under the Agricultural Adjustment Act, which undertook to regulate the actual movement of agricultural commodities, including wheat, in interstate and foreign commerce.

The court reached the conclusion, under the act, that if people generally grew wheat and consumed wheat grown on their own land, it would diminish the amount of wheat flowing in interstate commerce, and would necessarily obstruct interstate commerce. Therefore, this case is sustainable upon that ground.

One might question the wisdom of the application which the court made, but one cannot question the fact that the principle which the court was attempting to apply is sound. It was the principle that when Congress has regulated the actual transportation in interstate commerce of a given commodity, it can regulate also, as a part of the same scheme, intrastate activities whose regulation is necessary or appropriate to the effective regulation of goods whose transportation in interstate commerce Congress is actually regulating.

For that reason this case, which at least is an application, rightly or wrongly, of a sound principle of law, is sustainable. It bears no relationship whatever to the present bill, because the present bill does not undertake to regulate the movement of anything across State lines, and is not a part of a scheme to regulate interstate transportation, but is an attempt to regulate the use of privately owned property and the rendition of personal services within the borders of a State.

Other cases cited in the memorandum arose under the antitrust law. One case was *Interstate Circuit* v. *United States,* 306 U.S. 208. This case arose out of a civil antitrust action by the Government to enjoin distributors of motion pictures from an illegal restraint of interstate commerce by fixing prices and restraining competition in respect to feature pictures in theaters in at least two States—Texas and New Mexico. The case had nothing whatever to do with the exhibition of pictures. It was based entirely upon the distribution of pictures shipped in interstate commerce. The opinion of the court discloses that the defendants in the case were distributors of motion picture films, and had entered into a conspiracy to distribute 75 percent of all the first-class feature films exhibited in the United States.

Since the action involved interstate distribution as well as agreements which had a direct relevancy to the transmission of feature films in interstate commerce, it necessarily affected interstate commerce, and the Sherman Act, which prohibits restraint of trade in interstate commerce, applied to the case.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an extract from the majority opinion in the case.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

> Appellants comprise the two groups of defendants in the district court. The members of one group of eight corporations which are distributors of motion picture films, and the Texas agents of two of them, are appellants in No. 270. The other group, corporations and individuals engaged in exhibiting motion pictures in Texas, and some of them in New Mexico, appeals in No. 269. The distributor appellants are engaged in the business of distributing in interstate commerce motion picture films, copyrights on which they own or control, for exhibition in theaters throughout the United States. They distribute about 75 percent of all first-class feature films exhibited in the United States. They solicit from motion picture theater owners and managers in Texas and other States applications for licenses to exhibit films, and forward the applications, when received from such exhibitors, to their respective New York offices, where they are accepted or rejected. If the applications are accepted, the distributors ship the films from points outside the States of exhibition to their exchanges within those States, from which, pursuant to the license agreements, the films are delivered to the local theaters for exhibition. After exhibition the films are reshipped to the distributors at points outside the State.
>
> The exhibitor group of appellants consists of Interstate Circuit, Inc., and Texas Consolidated Theatres, Inc., and Hoblitzelle and O'Donnell, who are respectively president and general manager of both and in active charge of their business operations. The two corporations are affiliated with each other and with Paramount Pictures Distributing Co., Inc., one of the distributor appellants.
>
> Interstate operates 43 first-run and second-run motion picture theaters, located in six Texas cities. It has a complete monopoly of first-run theaters in these cities, except for one in Houston operated by one distributor's Texas agent. In most of these theaters the admission price for adults for the better seats at night is 40 cents or more. Interstate also operates several subsequent-run theaters in each of these cities, 22 in all, but in all but Galveston there are other subsequent-run theaters which compete with both its first- and subsequent-run theaters in those cities.
>
> Texas Consolidated operates 66 theaters, some first- and some subsequent-run houses, in various cities and towns in the Rio Grande Valley and elsewhere in Texas and in New Mexico.

Mr. ERVIN. Mr. President, the case of *United States* v. *Shubert,* 348 U.S. 222, was also cited in the memorandum. That was a civil antitrust action brought by the Government against certain defendants who were alleged to be participants in a conspiracy to monopolize or restrain theatrical attractions in interstate commerce in violation of the Sherman Act. I shall read an extract from the opinion, because it states, in substance, that the theory of the proponents of the bill, that Congress can regulate a theater or a motion picture house within the borders of a State because it exhibits films which have moved in interstate commerce, is unsound. The Court said:

> The defendants are principally engaged in the business of producing legitimate theatrical attractions, booking legitimate attractions in theaters throughout the United States, and operating approximately 40 theaters in 8 States for the presentation of legitimate attractions. The question presented is thus a narrow one: whether the business of producing, booking, and presenting legitimate attractions on a multistate basis constitutes "trade or commerce" that is "among the several States" within the meaning of those terms in the Sherman Act. And in the motion picture cases, the requirement was satisfied by the interstate transportation of films, *Binderup* v. *Pathe Exchange,* supra, even though the actual showing of motion pictures is of course a local affair.

I wish to emphasize that statement:

> Even though actual showing of motion pictures is, of course, a local affair.

The opinion continues:

> These decisions, apart from Federal Baseball and Toolson, make it clear beyond question that the allegations of the Government's complaint bring the defendants within the scope of the Sherman Act, even though the actual performance of a legitimate stage attraction "is of course a local affair." The complaint in the Hart case, much like the complaint here under review, alleged a conspiracy to control the booking and presentation of vaudeville acts in theaters throughout the country.

Instead of being an authority for the proposition that Congress has the power to enact a law to regulate theaters or motion picture houses which merely exhibit films or theatrical performances which have moved in interstate commerce, this decision, I submit, is authority for the position that Congress has no such power. This is true because the opinion states twice, in the most emphatic manner, that the showing of motion pictures is, of course, a local affair and that the actual performance of a legitimate stage attraction is a local affair.

I invite attention to another of the cases cited in the memorandum, United States against International Boxing Club, 348 U.S. 236. That case involved a civil antitrust action brought by the Government, in which the Government alleged that the defendants had conspired to monopolize professional championship boxing on a multi-State basis, coupled with the sale of rights to televise, broadcast, and film contests for interstate transmission. The court held that the Sherman Act applied, and based its decision upon the ground that the conspiracy involved interstate commerce in that it involved the televising, broadcasting, and filming of contests for interstate transmission.

Mr. President, I ask unanimous consent to have printed at this point in my remarks an extract from the opinion.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). Is there objection?

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

> The question thus presented is whether the defendants' business as described in the complaint—the promotion of professional championship boxing contests on a multistate basis, coupled with the sale of rights to televise, broadcast, and film the contests for interstate transmission constitutes "trade or commerce among the several States" within the meaning of the Sherman Act.
>
> The question is perhaps a novel one in that this Court has never before considered the antitrust status of the boxing business. Yet, if it were not for Federal Baseball and Toolson, we think that it would be too clear for dispute that the Government's allegations bring the defendants within the scope of the act. A boxing match—like the showing of a motion picture (*United States* v. *Crescent Amusement Co.*, 323 U.S. 173, 183) or the performance of a vaudeville act (*Hart* v. *B. F. Keith Vaudeville Exchange*, 262 U.S. 271) or the performance of a legitimate stage attraction (*United States* v. *Shubert*, ante, p. 222)—"is of course a local affair." But that fact alone does not bar application of the Sherman Act to a business based on the promotion of such matches, if the business is itself engaged in interstate commerce or if the business imposes illegal restraints on interstate commerce. Apart from Federal Baseball and Toolson, it would be sufficient, we believe, to rest on the allegation that over 25 percent of the revenue from championship boxing is derived from interstate operations through the sale of radio, television, and motion picture rights. Indeed, this Court's decision in the Hart case, less than a year after the Federal Baseball decision, clearly established that Federal Baseball could not be relied upon as a basis of exemption for other segments of the entertainment business, athletic or otherwise. Surely there is nothing in the Holmes opinion in the Hart case to suggest, even remotely, that the Court was drawing a line between athletic and nonathletic entertainment. Nor do we see the relevance of such a distinction for the purpose of determining what constitutes "trade or commerce among the several States." The controlling consideration in Federal Baseball and Hart was, instead, a very practical one—the degree of interstate activity involved in the particular business under review.

Mr. ERVIN. Mr. President, I invite the attention of the Senate to a specific statement in the course of that opinion. This statement shows that the test set forth in the public accommodations provision of the bill as a support for the constitutionality of the bill is insufficient to show that Congress has the power to enact the bill.

In the statement it is said:

> A boxing match—like the showing of a motion picture (*United States* v. *Crescent Amusement Co.*, 323 U.S. 173, 183) or the performance of a vaudeville act (*Hart* v. *B. F. Keith Vaudeville Exchange*, 262 U.S. 271) or the performance of a legitimate stage attraction (*United States* v. *Shubert*, *ante*, p. 222)—"is of course a local affair."

I respectfully submit that decision does not sustain—but, on the contrary, it refutes—the position assumed by the proponents of the bill as a basis for justification of the proposed enactment of the bill by Congress.

Another case cited in the memorandum is that of *Radovich* v. *National Football League*, 352 U.S. 455 (1957). It was an action by the plaintiff for treble damages against the defendant, under the antitrust laws.

The plaintiff alleged that the respondents had—

> conspired to monopolize and control professional football in violation of the Sherman Act, petitioner sued them under section 4 of the Clayton Act for treble damages and injunctive relief. He alleged, inter alia, that respondents scheduled football games in various cities, including New York, Chicago, Philadelphia, and Los Angeles; that a part of the business from which they derive a significant portion of their gross receipts is the transmission of the games over radio and television into nearly every State of the Union; that a part of the conspiracy was to destroy a competitive league by boycotting it and its players; that each team uses a standard player contract which prohibits a player from signing with another club without the consent of the club holding his contract; that these contracts are enforced by agreement of the clubs to blacklist any player violating them and to visit severe penalties on recalcitrant member clubs; that, by blacklisting petitioner, they prevented him from becoming a player-coach in an affiliated league and effectively prevented his employment in organized professional football in the United States; and that this damaged him in the sum of $35,000.

The court added:

> We now turn to the sufficiency of the complaint. At the outset the allegations of the nature and extent of interstate commerce seem to be sufficient. In addition to the standard allegations, a specific claim is made that radio and television transmission is a significant, integral part of the respondents' business, even to the extent of being the difference between a profit and a loss. Unlike International Boxing, the complaint alleges no definite percentage in this regard. However, the amount must be substantial and can easily be brought out in the proof. If substantial, as alleged, it alone is sufficient to meet the commerce requirements of the act.

I respectfully submit that there is not the slightest relationship between the decision in the Radovich case and the public accommodations provision of the pending bill. The Radovich case clearly presented a case of interstate commerce and of conspiracy to monopolize and restrain the business of professional football throughout the United States, and the acquisition, through conspiracy, of large sums of money from the games played or to be played under the auspices of the defendant engaging in interstate commerce.

Another case cited in the memorandum is one which arose as a result of an indictment for conspiracy under the Sherman Act; it is the case of *United States* v. *Frankfort Distilleries, Inc.*, 324 U.S. 293, 297.

The indictment in that case alleged a conspiracy of producers, wholesalers, and retailers to fix and maintain retail prices of alcoholic beverages shipped into a State, by adoption of a single course in making contracts of sale and boycotting others who would not conform.

The Court held that it was a clear violation of the Sherman antitrust law. The facts showed that the offenders were a number of wholesalers and retailers of liquors and wines in 12 States of the Union; that they conspired to fix the price at which all whisky would be sold in the State of Colorado; and that 98 percent of the liquors sold in that State and 80 percent of the wines consumed in that State were shipped from other States. The case involved the fixing of prices on more than 1,100,000 gallons of liquor and more than 800,000 gallons of wine and clearly involved violation of the Sherman Act, because the case showed an interstate transaction.

After setting forth the large quantities of liquors and wines which were the subject of the conspiracy, and also the fact that the conspirators were in different States and that their conspiracy contemplated the use of communications from one State to another, the transmission of moneys from one State to another, and the boycotting of persons, distilleries, and wholesalers of liquors and wines in various States who refused to join in the conspiracy, the Court said:

> Consequently, respondents were properly convicted, unless as they argue, their conduct is not covered by the Sherman Act, either because the price fixing applied only to retail sales which were wholly intrastate, or because the State's power to control the liquor traffic within its boundaries makes the Sherman Act inapplicable.
>
> These two questions thus posed relate to the extent of the Sherman Act's application to trade restraints resulting from actions which take place within a State. In resolving them, there is an obvious distinction to be drawn between a course of conduct wholly within a State and conduct which is an inseparable element of a larger program dependent for its success upon activity which affects commerce between the States. It is true that this Court has on occasion determined that local conduct could be insulated from the operation of the antitrust laws on the basis of the purely local aims of a combination, insofar as those aims were not motivated by the purpose of restraining commerce, and where the means used to achieve the purpose did not directly touch upon interstate commerce.

I respectfully submit that decision is a clear recognition of the essential difference between interstate commerce—that is, commerce which involves the transportation of goods or communications from one State to another—and intrastate commerce—that is, commerce which involves local activities taking place within the borders of a single State, and having no relationship to interstate commerce. So that case certainly does not sustain the proposition that Congress has the power to regulate places of public accommodation merely on the theory that they may have received some articles which had been shipped in interstate commerce.

I have called attention to all the cases cited in this brief except four cases which deal with the application of the equal protection of the laws clause of the 14th amendment. The four cases to which I refer in this connection are *Peterson* v. *Greenville*, 373 U.S. 244; *Lombard* v. *Louisiana*, 373 U.S. 267; *Turner* v. *Memphis*, 369 U.S. 350; and *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715.

In each of those cases the majority opinions stated that the segregation of persons in restaurants and soda fountains, pursuant to State law requiring such segregation, is a violation of the provisions of the 14th amendment, which prohibits States from denying to any person within their jurisdiction equal protection of the laws. These cases can have no possible application to the refusal of any operator of a place of public accommodations to receive customers where the refusal of the operator of the place of public accommodations is based solely upon his own wishes and is not required by the law of the State in which the place of public accommodations operates.

That being true, these cases can have no possible application to any of the provisions of the public accommodations title of the pending bill other than the provisions which relate to a refusal of access to places of public accommodations where such refusal is required by positive law of the State in which the place is located.

These four decisions do not justify the proposition that Congress has the power to pass a public accommodations bill, even for States which have laws requiring segregation in places of public accommodation. That is true because the Supreme Court has pointed out in many cases that the equal protection of the laws clause of the 14th amendment is merely a prohibition on State action, and that while it authorizes Congress to enact legislation to enforce the prohibition upon a State, it does not authorize Congress to enact affirmative legislation to perform the duty which the Constitution expects the State to perform.

Those four decisions based upon the 14th amendment clearly do not justify Congress undertaking to assume the affirmative power of passing a public accommodations law in any State of the Union.

I have discussed all of the decisions cited in the memorandum which accompanied the letter from the deans of law schools and lawyers to the able and distinguished senior Senator from Minnesota [Mr. HUMPHREY] and the able and distinguished senior Senator from California [Mr. KUCHEL]. What I have said, and the extracts from the opinions of the cases which I have placed in the RECORD, make it as clear as the noonday sun that none of those cases discloses that Congress has any power whatsoever to enact a public accommodations law such as that embodied in title II of the bill. On the contrary, I challenge anyone to find a single case anywhere in the United States which holds that Congress has any power to enact a public accommodations law to govern the conduct of people using private property within the borders of a State or rendering commercial services within the borders of a State. Every decision of every court that I have been able to find in many months of research is to the contrary.

When the Founding Fathers established our country, they made a great distinction between the powers of the Federal Government, on the one hand, and the powers of the States, on the other. They decreed in the Constitution that the power to regulate the use of privately owned property, the power to regulate the rendition of personal services, and the power to regulate contracts performable only within the borders of the State are powers which belong solely, completely, and exclusively to the States, and that the Federal Government has no power whatsoever in that area.

I hope at a later stage of the debate to point out many decisions which expressly hold, in the clearest possible terms, that Congress has no power under the Constitution to enact the public accommodation provisions of the bill. I say—and I say it in sorrow—that I believe there is more than a modicum of truth in the statement made by Representative WYMAN, of New Hampshire, on the floor of the House while the bill was under consideration. Representative WYMAN is a distinguished lawyer. He served with rare ability as attorney general of his State of New Hampshire. In his closing remarks on the bill he said that those who drew the bill declared by their acts, "Damn the Constitution. Full speed ahead."

I yield the floor.

During the delivery of Mr. ERVIN's speech,

Mr. METCALF. Mr. President——

Mr. ERVIN. Mr. President, I ask unanimous consent that at this point, I may yield to the able and distinguished junior Senator from Montana [Mr. METCALF], to permit him to make an insertion in the RECORD or a statement for the RECORD, without losing my right to the floor, or without having my subsequent remarks counted as a second speech by me.

Mr. METCALF. And also, let me add, with the understanding that my remarks will be printed in the RECORD at another point, so as not to interfere with the preservation of continuity in the printing of the speech of the Senator from North Carolina.

Mr. ERVIN. Yes—in other words, either before my remarks or following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. I am very grateful to the Senator from North Carolina.

Mr. President, opponents of civil rights are hard at work influencing public opinion. The mails abound with literature purporting to unmask the proposed legislation. Many of their publications describe the bill as a Communist conspiracy, an act of un-Godly people, or the blueprint for a Federal dictatorship. Those who support civil rights have been slow to respond. They have found it difficult to believe that the American public could accept such deviations from the truth. But supporters of the bill have underestimated the persistence and the persuasiveness of their opponents.

Therefore, I find it gratifying when a pro-civil-rights publication directly answers the challenge. One booklet that meets that attack head on is being furnished by the Leadership Conference on Civil Rights, a group of national religious, civic, labor, and fraternal organizations.

I ask unanimous consent that excerpts from the conference's booklet entitled "Some Questions and Answers on the Civil Rights Bill" be printed at this point in the RECORD.

There being no objection, the excerpts from the booklet were ordered to be printed in the RECORD, as follows:

SOME QUESTIONS AND ANSWERS ON THE CIVIL RIGHTS BILL

FOREWORD

Few pieces of legislation have aroused such high hopes and such deep feelings as the civil rights bill now pending before Congress. Introduced in June 1963, at the request of President John F. Kennedy, it has engaged the attention of House and Senate for many months and has provoked nationwide discussion.

This pamphlet has several purposes: to explain the key provisions of the bill; to answer some of the questions that have arisen in regard to it; and to consider the reasons that have impelled a bipartisan group of House Democrats and Republicans to pass the measure by a vote of more than 2 to 1[1] and millions of Americans to join, through their civic, labor, and religious organizations, in unprecedented support of the bill.

Finally, we hope this dialog will help the uncommitted make up their minds about this vital legislation.

WHAT'S IN THE BILL?

The major provisions of the 11 titles in the bill, whose number is H.R. 7152, are meant to assure all citizens, regardless of race, color, religion or national origin, their equal rights: in voting; in access to hotels, restaurants, theaters and other places of public accommodation and to such other public places as libraries and parks; in education; in federally assisted programs; and in employment. To accomplish this, the bill would give the Justice Department additional powers, establish two new agencies—an Equal Employment Opportunity Commission and a six-man Community Relations Service—and extend the life of the U.S. Civil Rights Commission another 4 years.

TITLE I. PROTECTING VOTING RIGHTS

A young Negro veteran in Jackson Parish, La., was rejected on his first attempt to register to vote because the registrar found an error on his application card. He himself was unable to find it after checking and rechecking and when he got up to leave he inquired, "Ma'am, would you do one thing for me?"

"What is that?"

"Will you tell me the mistake I made?"

"Oh, sure. You underlined 'Mr.' when you should have circled it." (Condensed from the U.S. Civil Rights Commission Report on Voting (1961—p. 54) on how immaterial errors are used to disqualify Negro voters.)

Summary of title I: To further protect voting rights in Federal elections, it would prohibit: (1) the application of different tests, standards, etc., to white and colored voters and (2) the denial of registration for immaterial errors in applications. It would require all literacy tests to be given in writing or transcribed. To expedite handling of cases filed under the 1957 and 1960 Civil Rights Acts, it would authorize the Attorney General or a defendant to ask for trial by a three-judge court, with direct appeal to the U.S. Supreme Court. In any such proceeding it establishes a presumption of literacy for those who have completed the sixth grade.

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[1] Passed by a vote of 290 to 130, Feb. 10, 1964.

Is there really widespread discrimination against Negro voters?

The difference between white and Negro voter registration in certain States of the Deep South is so enormous it is hard to account for it on any other basis except racial discrimination. In a Government sampling of counties in old Confederate States, it was found that while some counties had more registered white voters than the actual number of white inhabitants, no Negroes were registered. In a typical county of this sort, the white population over 21 totaled 2,624; yet there were 2,810 registered white voters, or 107.1 percent. No one in the qualified Negro population of 6,085 was registered. In another county, although there were 1,900 white persons over the age of 21, 2,250 or 118.4 were registered voters. None of the 5,122 Negroes of voting age was registered. In still a third county, with a white voting population of 4,116, there were 6,130 registered white voters, or 148.9 percent. Here only 56, or 6.1 percent, of the 909 Negroes of voting age were registered voters.

Other recent Government samplings revealed that in 100 counties of the Deep South, 89 percent of all whites of voting age were registered and only 8.3 percent of the Negroes. In 250 counties of the United States less than 15 percent of the Negroes of voting age are registered to vote.

Can't this be explained by apathy and indifference on the part of Negroes?

In Belzoni, Miss., the minister who led a Negro voting drive was shot down on the courthouse steps in broad daylight, by men who warned him against carrying on his campaign. In Gadsden County, Fla., 300 Negro teachers were told they would lose their jobs if they tried to vote. In Selma, Ala., last year, hundreds of Negroes ran a gantlet of armed State troopers and stood in line 8 hours without food or water in an attempt to register. In Fayette County, Tenn., Negroes who registered suffered serious economic retaliation. "Many Negroes lost their jobs," the Civil Rights Commission report for 1961 says. "A list of the culprits was circulated. White merchants quit trading with them. Pressure was brought to prevent suppliers in Memphis from selling to them. Their credit was stopped; their loans called; their mortgages foreclosed. They could not buy the necessities of life. One white banker was quoted as saying, "My secretary's got the names of the 325 who registered. I tell them, anybody on that list, no need coming into this bank. He'll get no crop loans here. Every store has got that list."

Such experiences are commonplace in some regions of this country; they are not exceptional cases. It is true that even in places where Negroes can register freely, registration is sometimes low and apathy may be part of the reason. But it is only part. Intimidation is sufficiently widespread so that the U.S. Civil Rights Commission, in its 1963 annual report, says it is persuaded that "the right to vote, in large sections of the South is still denied to many citizens, solely because of their race."

The Civil Rights Acts of 1957 and 1960 were meant to protect voting rights. Why is new voting legislation needed?

The previous laws laid the groundwork for correcting some of the denials of voting rights, principally by empowering the Federal Government to bring suits against States and registrars who engage in discriminatory practices. Even so, documentary evidence supplied to Congress shows that voting rights are still being circumvented by such methods as giving Negro voters harder literacy tests than whites; by requiring them to interpret difficult constitutional sections; by making applicants calculate their age to the exact day; and by subjecting them to special tests of their "good moral character." In its most recent report, the Civil Rights Commission finds that "after 5 years of Federal litigation, the conclusion is inevitable that present legal remedies for voter discrimination are inadequate."

To what extent does this provision apply to State and local elections?

Although it is primarily directed against discriminatory practices in Federal elections for President, Vice President, Senators and Representatives, it would include any election held solely or in part for the purpose of choosing such candidates. Thus, in some cases it would apply to State and local elections.

What is the constitutional basis for the voting provision?

Section 1 of the 15th amendment says "the right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude." Section 2 says, "The Congress shall have power to enforce this article by appropriate legislation." Section 4 of article 1 gives Congress the power to make or alterate regulations prescribed by the State for the election of Senators and Representatives.

Doesn't the bill interfere with a State's right to set voter qualifications?

No. It merely prohibits States from setting different standards for Negroes and whites voting in Federal elections. The States would continue to be free to establish any voter qualifications they please so long as they apply them equally to all citizens.

Why can't the whole matter be left to the States?

The continued failure of the States to protect all citizens equally in their right to vote has made Federal voting legislation necessary. Two members of the Civil Rights Commission, Robert G. Storey, head of the Southwestern Legal Foundation, Dallas, Tex., and Robert S. Rankin, chairman of the Department of Political Science, Duke University, Durham, N.C., men who have long championed States rights, observed in the Commission's 1963 report that they have reluctantly come to recognize the need for new Federal voting laws because "the evil of arbitrary disfranchisement has not diminished materially. The responsibility which must march hand in hand with States rights * * * has, as to the right to vote, often been ignored."

TITLE II. RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

"White people of whatever kind—prostitutes, narcotics pushers, Communists, or bank robbers—are welcome at establishments which will not admit certain of our Federal judges, ambassadors, and countless members of our Armed Forces."—U.S. Attorney General Robert Kennedy, in testimony before the Senate Commerce Committee, July 1, 1963.

Summary of title II: It would prohibit discrimination in most hotels, motels and other places of lodging; restaurants, cafeterias and other eating places; motion-picture houses, theaters, sports arenas, stadia, and other places of exhibition and entertainment; gas stations; and such places as specialty shops and barbershops in hotels subject to the section and stores with eating facilities covered by the bill. An aggrieved individual or the U.S. Attorney General would be able to enforce these rights through injunctions or other civil actions. There is a specific exemption for small rooming houses with no more than five rooms to rent and used by the proprietors as their own residences.

Why is the matter of public accomodations such a burning issue to civil rights supporters?

Because no other form of discrimination touches people so directly in every aspect of their daily lives. None is more violative of the human dignity which is every man's birthright. Roy Wilkins, executive secretary of the NAACP, in testifying before the Senate Commerce Committee last year, put it this way: "From the time they (Negro-Americans) leave home in the morning, enroute to school or to work, to shopping or to visiting, until they return home at night, humiliation stalks them. Public transportation, eating establishments, hotels, lodging houses, theaters and motels, arenas, stadia, retail stores, markets, and various other places and services catering to the general public offer them differentiated service or none at all."

Even a simple vacation trip by car, he pointed out, one of America's great national pleasures, can become a harrowing nightmare if one is colored and ventures into unfamiliar sections of the country. "How far do you drive each day? Where, and under what conditions, can you and your family eat? Where can they use a restroom? Can you stop driving after a reasonable day behind the wheel or must you drive until you reach a city where relatives or friends will accommodate you and yours for the night? Will your children be denied a soft drink or an ice cream because they are not white?

"The players in this drama of frustration and indignity are not commas or semicolons, in a legislative thesis; they are people, human beings, citizens of the United States of America."

Are Negroes the only ones this provision is meant to help?

While Negro Americans suffer the major disabilities, many religious and national minority groups in this country also encounter discrimination in places offering public services. This provision would require all Americans to be accorded equal treatment.

Does the provision apply to doctors' offices?

No. It does not affect doctors. Nor dentists, lawyers, or others offering the public professional services.

What about private homeowners?

The bill contains no provisions whatsoever that would affect the sale or rental of private homes.

How would the provision be enforced?

The Attorney General is authorized to undertake the settlement of all complaints by voluntary procedures. But where these fail, he can bring suit. An individual denied services protected by this title can bring suit in his own name.

Won't this provision provoke irresponsible suits and harassment of businessmen?

The many jurisdictions that already have public accommodations laws have not experienced any rash of suits. Take the District of Columbia for example. It is more than 10 years since the U.S. Supreme Court reinstated an old public accommodations law, yet in a decade, in a city of nearly a million, with a population about 55 percent Negro, only one complaint out of the relatively few filed has resulted in court action.

As a further deterrent, the courts may allow reasonable attorney's fees as part of the costs, against anyone who brings an irresponsible suit.

Is there any precedent for such legislation?

Abundant precedent. Thirty States and many cities now have laws requiring equal treatment of persons of all races in places of public accommodation. Most of these laws go further than the pending bill in their coverage and enforcement procedures. According to a recent survey, about 70 percent of our population already lives in States that ban discrimination in places of public accommodation. Restaurants in train and bus stations are prohibited from discriminating by the Interstate Commerce Commission Act.

Wouldn't this provision create tension and unrest?

On the contrary, the greatest tension and unrest is found in those States which deny equal access to places open to the public. The Southern Regional Council, Inc., provides some evidence of this in its summary of the civil rights situation in 1963. It found that "during 1963 an estimated 930 individual public protest demonstrations took place in at least 115 cities in the 11 Southern States.

"More than 20,083 of the persons, Negro and white, who have so demonstrated, were arrested.

"Thirty-five known bombings have occurred."

By contrast, States and cities with public accommodation laws have been relatively free of such incidents.

Shouldn't the provision be limited to large concerns, at least in the beginning?

An arbitrary exemption for small businesses would practically nullify the effectiveness of the bill. Under Secretary of Commerce Franklin D. Roosevelt, Jr., in testimony before the Senate Commerce Committee, said limiting coverage to businesses with annual sales of $150,000 or more would mean that in 10 cities—Atlanta, Birmingham, Dallas, Houston, Kansas City, Memphis, Miami, New Orleans, Richmond, Va., and St. Louis—at least 56 percent of the variety stores, 76 percent of the gas stations, 83 percent of the eating places, and 93 percent of the drinking places would be excluded. This is discrimination based on size. It is also morally indefensible. It is just as wrong for a citizen to be denied service in a corner diner, because of his race, religion, or national origin, as in a fashionable restaurant. Fairness dictates that all places of public accommodation, large and small, be subject to the law.

Since some opponents of title II say they would not object if this protection applied just to interstate commerce, how about limiting the guarantee of nondiscrimination to those who are demonstrably interstate travelers?

The vice of such proposals is that they set up new discriminations and introduce new difficulties of enforcement. A person on a long trip within a State gets just as tired and hungry as one traveling through many States. To require a restaurant or hotel to serve one and not the other is clearly discriminatory. And the burden would be on each traveler to prove, somehow, that he was traveling interstate in order to get service.

The Supreme Court has held that Congress is not limited to forbidding discrimination against interstate travelers but can protect local customers as well. The Court has held that Congress may "choose means reasonably adapted to the attainment of the permitted end, even though they involve control of intrastate activities." Courts have also held it is a burden upon interstate commerce if travelers have to carry proof that they are on a trip through more than one State. To paraphrase Representative MORRIS UDALL, Democrat, of Arizona, when he opposed a similar limit on the protection of title II, during the recent House debate:

> "From Mississippi to Wisconsin
> You can dine with Howard Johnson.
> But if you're on a county mission,
> You can count on malnutrition."

Doesn't this provision interfere with a businessman's right to choose his customers?

Businessmen are still free to set standards as to whom they will and will not serve—so long as they apply these standards equally. A businessman is still free to refuse to serve the drunk, the disorderly, and the disreputable. He could still set standards of dress and conduct of persons using his establishment. But he would have to apply the same standards to all customers and he could not deny service to anyone solely because of race, religion, or national origin.

Doesn't the bill represent an invasion of a businessman's rights of private property and his freedom to conduct his business as he pleases?

In answering this question, the distinguished commentator Walter Lippmann, observed, "Property is not absolute but is a system of rights and duties that are determined by society. It is a primitive, naive, and false view of private property to urge that it is not subject to the laws which express the national purpose and the national conscience—among which have been for a hundred years the abolition of slavery and the admission of the Negroes to the rights of American citizenship."

Any businessman serving the public must comply with many Federal laws, local police regulations, health and fire codes on the theory, long upheld by the courts, that his self-interest can be subject to restraint in order to serve the broader public interest. Surely it is in the public interest to see that no person is humiliated or denied public services simply because of the color of his skin or his religion.

Ironically, many Southern States have segregation laws that impose severe restrictions upon businessmen who would like to serve everyone. Yet no opponent of the bill has ever protested that such curbs on whom a proprietor may serve are unwarranted Government interference with his right to do business as he pleases.

Since considerable progress has been made in the voluntary desegregation of lunch counters and other places of public accommodations, why is a Federal law necessary?

The law would help encourage voluntary desegregation by setting uniform nationwide standards and a nationwide timetable for opening the kinds of places covered by the bill. Businessmen who are afraid to desegregate because it might offend local custom, would be able to say they are required by Federal law to serve everyone. Ivan Allen, Jr., mayor of Atlanta, made substantially these points when he testified before the Senate Commerce Committee in support of a Federal public accommodations law. Failure to pass such a law, he warned, "would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the Nation. Cities like Atlanta might slip backward."

He said, "Failure by Congress to take definite action at this time is, by inference, an endorsement of the right of private business to practice racial discrimination and, in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past."

Is there a constitutional basis for this provision?

A very firm one. It is based on both the interstate commerce clause of the Constitution, which authorizes Congress to regulate commerce among the States and the 14th amendment, which says "no State shall * * * deny to any person * * * the equal protection of the laws" and gives Congress power to enact laws to carry this out.

Numerous court decisions have held that the commerce clause powers are so broad Congress can use them even where particular activities are local, unimportant in size, or involve retail trade.

TITLE III. DESEGREGATION OF PUBLIC FACILITIES

"It is no longer open to question that a State (or city) may not constitutionally require segregation of public facilities." (Ruling of a three-judge court in New Orleans, enjoining segregation in a municipal auditorium.)

Summary of title III: The Attorney General would be empowered to initiate or intervene in suits aimed at desegregating public facilities other than schools—such as parks, libraries, hospitals, and playgrounds—where the injured party is unable to pursue the remedy. He would also be authorized to intervene in private actions brought by persons seeking relief from a denial of equal protection of the law because of race, creed, color, or national origin.

Why is this provision needed?

Although many courts have held it is unconstitutional to segregate public facilities, these decisions are not self-implementing. Violations of court orders continue to be widespread. Public beaches, hospitals, parks, reading rooms, and other public facilities are still denied to colored citizens whose taxes help pay for them. This provision would be a new tool for opening these facilities.

Why should the Federal Government bring these suits? Why can't an individual sue to protect his own rights?

Many people are financially unable to sue. Others face retaliation from hostile local officials and hostile neighbors if they do. Since the segregation sought to be ended here is imposed by the State and backed by the whole weight of State government, a private citizen faces an unequal struggle. The Federal Government, alone, can help balance the scales by its participation.

Then, too, the protection of constitutional rights should not be left to chance nor to the uncertainty of private resources. The public interest is poorly served if private citizens and organizations must vindicate constitutional rights of national significance through litigation in the Federal courts.

Does title III extend Federal authority into new areas?

No. It merely provides an additional remedy for the assurance of existing constitutional rights. In a long series of cases the courts have established that the right to desegregated public or governmental facilities is protected by the 14th amendment.

In what kind of private actions would the Attorney General be authorized to intervene?

In actions brought by persons who felt they were being denied the equal protection of the law guaranteed by the Constitution. If this provision had been law in 1963, and a private suit had been brought by one of the injured persons, the Government could have intervened and possibly enjoined Police Chief "Bull" Connor in his use of dogs and firehoses against peaceful demonstrators in Birmingham.

TITLE IV. DESEGREGATION OF PUBLIC EDUCATION

"(In our school decisions we) never contemplated that the concept of 'deliberate speed' would countenance indefinite delay." The U.S. Supreme Court in *Watson* v. *Memphis*, May 27, 1963.)

Summary of title IV: It authorizes the Attorney General to initiate or intervene in school desegregation cases. It provides for technical assistance, grants, and training institutes to help communities prepare for school desegregation. But it exempts from its definition of desegregation the transportation of students to end racial imbalance.

In view of the Supreme Court school decisions, why is this provision necessary?

Although 10 years have passed since the school decisions, nearly two-thirds of the previously segregated school districts still deny the rights of all children to an unsegregated education. More than 2,000 school districts still require white and Negro children to attend separate schools. Negro children who were just entering segregated grade schools at the time of the Supreme Court ruling in 1954 are now attending high school, without yet having received the educational opportunity to which they are constitutionally entitled.

What is more, many school districts listed as integrated offer only token integration, since an all-white school with a single colored student is classified as a desegregated institution. At the rate at which school desegregation has proceeded in the past 10 years, it will take more than 100 years to secure compliance with the Court's decision.

Are school districts obliged to accept the financial aid and technical assistance offered by this provision?

No. Such assistance is given only if local authorities ask for it. And there are no strings attached.

Won't these provisions put the Federal Government in control of public education?

No. The Federal Government would have no control whatsoever over the hiring or firing of teachers, the selection of textbooks, or the choice of curriculum. Local authorities would continue to remain in complete control of their schools.

Could the Government require the reorganization of school districts or the busing of students to eliminate racial imbalance caused by residential segregation?

The Commissioner of Education cannot compel a local board to do anything it does not wish to do. And in defining "desegregation" the provision specifies that it "shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Why is it necessary to give the U.S. Attorney General power to initiate school desegregation suits?

Compliance with the Supreme Court school decisions has simply been too slow. The power in this section would enable the Attorney General to implement the law of the land and hasten the enjoyment by all citizens of their constitutional rights.

Isn't the power to initiate school suits an unusually broad grant of authority for the Attorney General?

There is nothing extraordinary about giving the Attorney General such authority. There are now more than 50 statutes, having nothing to do with civil rights, that empower him to seek a court injunction. He can already initiate suits to protect voting rights guaranteed by the 14th and 15th amendments. It follows he should have the authority to protect other citizenship rights where they are being flagrantly denied.

TITLE V. COMMISSION ON CIVIL RIGHTS

"The outstanding success of the Commission to date proves how valuable it is and indicates that the public interest will be well served by extending its life." (Former U.S. Attorney General William P. Rogers.)

Summary of title V: It would extend the life of the Commission another 4 years and give it additional duties of investigating vote-fraud cases and serving as a national clearinghouse on civil rights.

What enforcement powers would the Commission have?

None. It is essentially a factfinding agency. Its studies provide information that Congress as well as many public and private agencies use for intelligent planning in the field of civil rights.

Why is it necessary to extend the life of the Commission 4 years?

Since the Commission was established in 1957, Congress has had to spend time in almost every session debating the short-term extensions of the agency. The Commission itself has suffered from this situation, since its uncertain future has made it difficult to attract good staff or to plan long-range projects.

TITLE VI. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

"I will say this—I repeat it, I have said it again and again: Wherever Federal funds are expended for anything, I do not see how any American can justify—legally, or logically, or morally—a discrimination in the expenditure of those funds as among our citizens. All are taxed to provide those funds. If there is any benefit to be derived from them, I think they must all share, regardless of such inconsequential factors as race and religion." (President Dwight D. Eisenhower, press conference, Mar. 19, 1953.)

Summary of title VI: It would prohibit discrimination in any program or activity receiving Federal assistance under grant, contract, or loan. It directs Federal agencies to establish programs of compliance and would authorize denial of funds to those programs that discriminate. But any denial is subject to judicial review. A hearing is guaranteed before funds are cut off, and a report to Congress is also required before funds can be denied. Presidential approval is required before any general cutoff of funds is approved.

Why is the provision necessary? What is the principle on which it is based?

Although many court decisions clearly establish that discriminatory use of public funds is unconstitutional, such discriminations still continue. Suits by private taxpayers have no standing in attacking these conditions. The only recourse is congressional or administrative action.

Since the funds for Federal programs come from taxes paid into the Treasury by all citizens, it seems only fair that all citizens should derive equal benefits from such programs. The purpose of the provision is not to cut off assistance. Rather, it is meant to make sure that public funds are not used to subsidize unconstitutional discriminations against any group of citizens.

Does the provision mean that individuals—widows, children of veterans, homeowners, farmers, elderly persons living on social security benefits—will be cut off if their States discriminate in the administration of federally supported programs?

No. The bill will not punish innocent beneficiaries of Federal aid for wrongs committed by others. It will not affect the individual farmer or homeowner who borrows money through a Government agency. It would affect the distributor of those funds if the distributing agency refused to lend to Negroes but did lend to whites.

What safeguards are there against any agency making arbitrary use of its power to cut off funds?

All agency action is subject to full court review. Each agency is directed to try to seek compliance with its policy through voluntary means before stopping any funds. In addition, it must guarantee a hearing, obtain Presidential approval for a general cutoff of funds and file a report with Congress in all cases. An agency cannot act until 30 days after the report is filed.

Would the provision authorize withdrawal of all Federal assistance from a State that discriminates in a particular federally assisted program?

No. Any action a Federal agency takes to see that there is no discrimination in a program it administers applies to that program alone. Aid given under one program could not be cut off because of discrimination in another.

Is there much evidence of federally supported discrimination?

There are many glaring examples of the extent to which American taxpayers subsidize racial injustice:

The Federal Government gives more than $1 billion a year in grants-in-aid to 11 Southern States that condone discrimination as a matter of official policy.

The Federal Government pays more than 95 percent of all National Guard operating funds, yet 11 States still require segregation in their Guard units.

The Federal Government gives the State of Mississippi about $2 million a year for its public schools, yet every public school in the State continues to be segregated 10 years after the Supreme Court school decision.

The Federal Government spent $750 million on research projects in 1960, yet in seven States 43 percent of all National Institutes of Health grants and 41 percent of all grants by the Atomic Energy Commission went to public universities and research centers that do not admit Negro students.

State public employment offices are financed 100 percent by the Federal Government, nevertheless many offices maintain separate buildings, separate waiting rooms and separate job lists.

TITLE VII. EQUAL EMPLOYMENT OPPORTUNITY

"The withholding of jobs and business opportunities from some people does not make more jobs and business opportunities for others. Such a policy merely tends to drag down the whole economic level. Intolerance is a species of boycott and any business or job boycott is a cancer in the economic body of the Nation. I repeat, intolerance is destructive; prejudice produces no wealth; discrimination is a fool's economy"—Eric Johnston, former chairman of the U.S. Chamber of Commerce.

Summary of title VII: Employers, labor unions and employment agencies whose activities affect interstate commerce would be prohibited from discriminating. Coverage would include employers and unions with 25 or more employees or members. But coverage would apply at first to those with 100 or more employees or members and drop by stages to 25, after 4 years. An Equal Employment Opportunity Commission would be established to investigate and voluntarily settle complaints. Upon failure to settle, the Commission would be authorized to file suit to enforce nondiscrimination. Prohibited discriminations include sex, as well as race, creed, color or national origin. The House excluded from coverage those denied employment because they are atheists or Communists.

Are job opportunities for Negroes so far behind those for whites that a Federal law is necessary?

The U.S. Department of Labor finds that Negroes have steadily and consistently fallen behind in terms of employment and that the gap is increasing. Its statistics show, for instance, that while in 1947 the nonwhite unemployment rate was 64 percent higher than the rate for white workers, in 1952 it was 92 percent higher; in 1957 it was 105 percent and in 1962, 124 percent higher. For Negro men 20 and over, unemployment totaled 11.9 percent in the first 3 months of 1963, compared with 5.4 percent for whites. During the past 8 years, unemployment has been twice as heavy among employable Negroes as it has been among whites.

Do other minority groups suffer job discrimination?

While Negroes are the most disadvantaged, discriminations are often just as severe against Jews, Catholics, Indians, Mexicans, Puerto Ricans, Japanese-Americans and other racial and religious minorities.

Wouldn't an FEPC law give Negroes preferential treatment over whites in hiring and upgrading?

No. Nothing in the bill permits any individual to demand employment simply because of race. It contains no provision requiring an employer to set up a quota system or to maintain any kind of racial or religious balance. Indeed, preferential treatment of Negroes or any minority group would violate this section. Its whole point is that all workers should be treated equally.

Doesn't the bill give the Federal Government control over the employment practices of private business?

No. It does not permit the Government to control the internal affairs of employers or to tell them whom to hire or fire. Employers are permitted to set any job qualifications they wish except those of race, religion, creed, national origin or sex, where these are irrelevant.

Does the provision give the Government any control over the affairs of unions?

No. It simply bars unions from denying or limiting membership to anyone or keeping them from a job because of race, color, religion, sex, or national origin. Far from seeing this as a restraint on their freedom, the major labor organizations in this country strongly support the bill as an essential weapon in their efforts to curb the activities of the relatively few unions that still deny opportunities to Negroes and other minorities.

Does the bill give the Commission too much power?

No, the Commission has no powers of enforcement. Its authority extends only to the investigation of complaints and it attempts to settle them by voluntary means. Where voluntary methods fail, enforcement rests exclusively with the Federal courts and an accused party would have full rights of appeal.

Isn't this a radical new proposal?

Such job protection is as old as the Executive order Franklin D. Roosevelt issued in 1941 barring employment discrimination in defense industries and Government. FEPC bills have been reported on favorably by congressional committees in both the House and Senate in every Congress for the past 20 years. As far back as 1944 the Republican platform specifically endorsed an FEPC and the Democratic platform, as recently as 1960. Unfortunately, no FEPC bill has ever been brought to a vote in the Senate.

Doesn't the provision represent an encroachment of the Federal Government upon States rights?

Where States have effective FEPC laws consistent with this section, those laws would in no way be affected by this legislation. What is more, the Commission is authorized to refrain from taking any action in such States.

Twenty-five States already have laws prohibiting racial and religious discrimination in employment. The bill would simply extend this protection into all 50 States.

What is the economic impact of discrimination?

The cost is staggering. The President's Council of Economic Advisers, in 1962, calculated that because of racial discrimination, the Nation's economy loses between $13 and $17 billion a year in national income and product. If Negro incomes could be raised to a level comparable to that of whites, Negroes would be able to spend almost $12 billion a year more on food, clothing, housing and other consumer products, giving the economy a powerful boost. On the other hand, our inability to use the Nation's manpower resources fully has greatly slowed down economic growth. Beyond calculation, is the effect on young people who are discouraged by discrimination from attempting to prepare themselves for useful careers and become dropouts, delinquents, and unemployables.

Why is this provision so important?

Unless we can assure employment, many of the other rights it is the intention of this bill to protect would become illusory. It does not help a man to know that all restaurants, theaters, and hotels are open to him, if he is unable to earn enough to enjoy them.

TITLE VIII. REGISTRATION AND VOTING STATISTICS

"A jealous care of the right of election by the people—a mild and safe corrective of abuses" (Thomas Jefferson, first inaugural address, 1801).

Summary of title VII: It directs the Secretary of Commerce to conduct a voting census by race in geographic areas recommended by the U.S. Civil Rights Commission.

What is the purpose of this provision?

It offers another way of protecting the right to vote from unjust restrictions. The census would provide data that could be used to enforce section 2 of the 14th amendment. That provides that where the right to vote in Federal or State elections is denied, the basis of the State's representation in the House of Representatives will be correspondingly reduced. Even if that sanction is not invoked, adopting this provision would help curb abuses.

TITLE IX. REMOVAL PROCEEDINGS IN CIVIL RIGHTS CASES

"This inability to appeal remand orders has effectively barred citizens from obtaining a redress to their denial of civil rights" (Representative **WILLIAM McCULLOCH**, Republican, of Ohio, and six other Republican members of the House Judiciary Committee, in views on H.R. 7152).

Summary of title IX: The orders of Federal courts sending certain civil rights cases back to State courts are not now reviewable. This would make them reviewable by appeal.

What is the purpose of this provision?

Under Federal law, a case begun in a State court that appears to raise substantial constitutional or Federal questions, may be removed to a Federal court. If the judge in the Federal district court decides, in an equal protection of the law case, that removal is improper, the case goes back to the State court. No appeal is allowed from the district court judge's decision. A number of district court judges in the South have consistently referred civil rights cases back to hostile State courts. This section would allow appeals from such arbitrary decisions to higher courts.

TITLE X. ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

"The objective of the Community Relations Service is to settle race problems across the conference table if humanly possible." (Representative **WILLIAM J. RANDALL**, Democrat, of Missouri, during House debate, Feb. 10, 1964.)

Summary of title X: It would establish in the Department of Commerce, a Community Relations Service with personnel limited to six persons.

What is the purpose of the Service?

It would provide assistance to communities trying to resolve disputes relating to discriminatory practices that impair constitutional rights or may affect interstate commerce. It may offer its services whenever it believes peaceful relations are thereatened and may do so on its own motion or at the request of local officials. The provision was suggested by southern Members and added to the bill without objection during the House debate.

TITLE XI. MISCELLANEOUS: FINANCING, SEVERABILITY, PREEMPTION

"The struggle of today, is not altogether for today—it is for a vast future also. With a reliance on Providence, all the more firm and earnest, let us proceed in the great task which events have devolved upon us." (Abraham Lincoln, message to Congress, 1861.)

Summary of title XI: It contains a number of customary provisions. One, authorizes appropriations to carry out the purposes of the bill. Another—a severability clause—says that if any provision of the act is held invalid, the rest of the act shall not be affected. A fairly standard preemption clause, added during floor debate, specifies that nothing in the act shall be construed as indicating an intent on the part of Congress "to occupy the field in which any * * * title operates to the exclusion of State laws on the same subject."

What effect does this provision have on State laws?

Where adequate State laws exist, offering protections equal to those in the bill, they will remain in effect. The Government is expressly forbidden to preempt the field and take it over.

SOME GENERAL OBSERVATIONS ON CIVIL RIGHTS, PREJUDICE, AND EDUCATION

"I ask you to look into your hearts—not in search of charity, for the Negro neither wants nor needs condescension—but for the one plain, proud and priceless quality that unites us all as Americans: a sense of justice. In this year of the Emancipation Centennial, justice requires us to insure the blessings of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy and domestic tranquillity—but, above all, because it is right." (John F. Kennedy, message to Congress, June 19, 1963.)

Doesn't this bill attempt the impossible task of trying to abolish prejudice by law?

No. The bill says nothing about prejudice. This is a state of mind and a man has a right to his individual prejudices no matter how wrongly conceived they are. But he has no right, in a democracy, to translate his prejudices into actions that deny or infringe the rights and liberties of others.

Laws cannot and should not dictate a man's private thoughts and wishes. They can and should prevent the harmful consequences of those thoughts and wishes. A man cannot be forced to love his wife and children but laws can compel him to support them if he is able to do so. The 18th amendment failed because it interfered with the private desire of millions of Americans to have a drink. But laws against drunken driving have proved necessary and effective.

The whole purpose of this bill is not to make bad people good but rather to make good people safe.

Can't the problem of discrimination be handled through education?

That question assumes education and legislation are separate and opposing things. Actually, they complement each other. The law itself is a powerful instrument for education. It was necessary to pass laws making school attendance compulsory before our educational system was able to function effectively. After thousands of years it is still necessary to have laws against murder to enforce the ethical teaching of "Thou shalt not kill."

WHO SUPPORTS THE BILL?

Millions of Americans. With a unanimity unique in the history of our country, several millions have joined in support of this legislation through their national religious, civic, labor and fraternal groups. They may and do differ on many issues. They are united, through the Leadership Conference on Civil Rights, in working to persuade the 88th Congress to pass a strong, effective bill. Through more than 80 groups that cooperate in the conference, they represent an affirmation by the majority of the people in this country of President Johnson's declaration, in his first state of the Union message, that "as far as the writ of Federal law will run, we must abolish not some but all racial discrimination."

Here is a list of the groups cooperating in the conference:

A. M. E. Zion Church.
Alpha Kappa Alpha Sorority.
Alpha Phi Alpha Fraternity.
Amalgamated Meat Cutters & Butcher Workmen.
American Civil Liberties Union.
American Ethical Union.
AFL–CIO.
American Jewish Committee.
American Jewish Congress.
American Newspaper Guild.
American Veterans Committee.
Americans for Democratic Action.
Anti-Defamation League of B'nai B'rith.
B'nai B'rith Women.
Brotherhood of Sleeping Car Porters.
Catholic Interracial Council.

Christian Family Movement.

Christian Methodist Episcopal Church.

Church of the Brethren Service Commission.

Citizens' Lobby for Freedom and Fair Play.

Congress of Racial Equality.

Council for Christian Social Action—United Church of Christ.

Delta Sigma Theta Sorority.

Frontiers International.

Hadassah.

Hotel, Restaurant Employees & Bartenders International Union.

Improved Benevolent & Protective Order of Elks of the World.

Industrial Union Department, AFL–CIO.

International Ladies Garment Workers Union of America.

International Union of Electrical, Radio & Machine Workers.

Japanese American Citizens League.

Jewish Labor Committee.

Jewish War Veterans.

Labor Zionist Organization of America.

National Alliance of Postal Employees.

National Association for the Advancement of Colored People.

National Association of Colored Women's Clubs, Inc.

National Association of Negro Business & Professional Women's Clubs, Inc.

National Association Real Estate Brokers, Inc.

National Baptist Convention, U.S.A.

National Bar Association.

National Beauty Culturists League, Inc.

National Catholic Social Action Conference.

National Catholic Conference for Interracial Justice.

National Community Relations Advisory Council.

National Council of Catholic Men.

National Council of Catholic Women.

National Council of Churches—Commission on Religion and Race.

National Council of Jewish Women.

National Council of Negro Women.

National Farmers Union.

National Medical Association.

National Newspaper Publishers Association.

National Student Christian Federation.

National Urban League.

Negro American Labor Council.

North American Federation of the Third Order of St. Francis.

Phi Beta Sigma Fraternity.

Phi Delta Kappa Sorority.

Pioneer Women.

Presbyterian Interracial Council.

Retail, Wholesale & Department Store Union.

Southern Christian Leadership Conference.

State, County, Municipal Employees.

Student Nonviolent Coordinating Committee.

Textile Workers Union of America.

Transport Workers Union of America.

Union of American Hebrew Congregations.

Unitarian Universalist Association—Commission on Religion and Race.

Unitarian Universalist Fellowship of Social Justice.

United Automobile Workers of America.

United Church Women.

United Hebrew Trades.

United Packinghouse, Food & Allied Workers.

United Rubber Workers.

United Steelworkers of America.

United Synagogue of America.

United Transport Service Employees of America.

Women's International League for Peace and Freedom.

Workers Defense League.

Workmen's Circle.

Young Women's Christian Association of the U.S.A.

Zeta Phi Beta Sorority.

IOU NO. 21: A BONANZA FOR MONTANA POWER CO. "INSIDERS"

Mr. METCALF. Mr. President, the residential customers of the Montana Power Co. in Montana's two largest cities, Billings and Great Falls, are overcharged by more than a million dollars annually. The Montana Power Co. residential customers in Butte, a labor surplus area long plagued with unemployment, are overcharged almost a million dollars annually.

The annual Montana Power Co. overcharge for residents of 10 Montana cities—the three mentioned above plus Missoula, Helena, Bozeman, Anaconda, Havre, Livingston, and Lewistown, amounts to more than $5 million.

These overcharges are based upon the Montana Power Co.'s own figures, in its 1963 annual report to the Federal Power Commission, and an analysis of power company overcharges, during the 5-year period from 1956 through 1960, using data and accounting procedures of the Federal Power Commission.

By overcharge I mean profit over and above a 6-percent rate of return, which most regulatory agencies and utility experts and some power companies consider reasonable.

On March 23, in IOU No. 18, I reported that the rate of return allowed the Montana Power Co., which is Montana's major IOU—investor owned utility—was the highest in the Nation—approximately 9 percent. Montana Power Co. enjoyed the most exorbitant rate of return of any major IOU in the country according to a report last year to the New York Society of Security Analysts from the utility analyst with Massachusetts Investors Trust, the computations of an independent utility consultant and the report of an economist with the National Rural Electric Cooperation Association.

The NRECA study showed that during the 1956–60 period Montana Power Co. overcharged its customers each year approximately $8 million over and above a 6-percent rate of return. If this annual overcharge were reflected in lower rates for residential customers, each family's annual electric bill would be reduced, on the average, by approximately $60, or $5 per month.

Were the Montana Power Co.'s rate of return only 6 percent and the overcharge reflected in lower residential rates, the company and its officers and stockholders—especially key company officials—would still do very well, for these principal reasons:

First. Lower rates would increase volume of sales.

Second. A 6-percent rate of return frequently means a return of 10 percent or more for common stock in a company, because carrying charges on bonds and preferred stock are less than 6 percent.

Third. The value of common stock in the company has increased fivefold since 1950 and "insiders"—to use the trade term for company officers and key employees—are permitted by the stock option device to purchase stock at a price substantially below its market value.

For example, according to the company's 1963 annual report to stockholders, during 1963 "options on 27,558 shares were exercised at an average price of $22.15 per share aggregating $610,302 for all shares issued." However, the market price of Montana Power Co. stock, to ordinary stockholders, is currently and last year was approximately $38 per share.

The ordinary stockholder must also pay a commission. The insider does not. Thus, last year the ordinary purchaser of Montana Power Co. stock paid almost twice as much for it as the few company insiders who were permitted to exercise stock options.

The extent to which Montana Power Co. officials have in the past and plan in the future to avail themselves of stock at a price far below that required of ordinary Montana stockholders—who according to the utility's fallacious advertising own the company—is indicated by the following paragraph which appears on page 16 of the company's 1963 annual report to stockholders:

> The board of directors may authorize, before June 16, 1969, the grant of options to officers and other key employees to purchase a total of 750,000 unissued shares of the no par common stock of the company. Such options shall be not less than 95 percent of the closing price on the New York Stock Exchange on the date the options are granted, become exercisable after 2 years and expire in 10 years from date of grant. At December 31, 1963, 283,713 shares at an average price of $31.19 per share were under option, of which 151,703 shares were exercisable. Options on 99,825 shares were granted during 1963 and options on 1,369 shares were forfeited by death, retirement or resignation of the option holders. During the year options on 27,558 shares were exercised at an average price of $22.15 per share aggregating $610,302 for all shares issued. A balance of 270,868 shares is available for option in future years."

In its 1963 report to the Federal Power Commission, the Montana Power Co. additionally reports that "options on 283,713 shares are exercisable by 114 officers and employees during or after 1964."

Mr. President, I now place in the RECORD a table which shows the average number of Montana Power Co. residential customers in each of 10 Montana cities during 1963, according to the company's 1963 report to the Federal Power Commission, and the dollar amount of annual savings there would be in each city if the company's overcharge, averaging $60 per year per residential customer, were removed, which would still permit the company a 6-percent rate of return.

City	Average number residential customers	Annual overcharge
Billings	19,802	$1,188,120
Great Falls	18,871	1,132,260
Butte	14,506	870,360
Missoula	12,933	775,980
Helena	7,927	475,620
Bozeman	5,041	302,460
Anaconda	4,362	261,720
Havre	3,728	223,680
Livingston	3,035	182,100
Lewistown	2,895	173,700
10 city total	93,100	5,586,000

ALEXANDRIA, VA., ALL AMERICA CITY, HELPS SEWARD, ALASKA, EARTHQUAKE VICTIM

During the delivery of Mr. Ervin's speech,

Mr. GRUENING. Mr. President——

Mr. ERVIN. Mr. President, I ask unanimous consent that at this point, I may yield to the able and distinguished Senator from Alaska [Mr. Gruening], with the understanding that by so doing, I shall not lose the privilege of the floor, and with the further understanding that any subsequent remarks I may make will not be counted as a second speech by me, and with the further understanding that the material submitted by the Senator from Alaska will be printed in the Record either before or after the printing of my remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ERVIN. Under that agreement, I yield to the Senator from Alaska.

Mr. GRUENING. I thank the Senator from North Carolina for his courtesy.

Mr. President, one of the heartening and gratifying aftermaths of the unprecedented disaster that has befallen Alaska, is the widespread sympathy and offering of assistance by communities and individuals at home and abroad. The people of Alaska are profoundly grateful for these evidences of their desire and purpose to help.

In our neighboring Virginia city of Alexandria, Mayor and Mrs. Frank E. Mann promptly appealed to the citizens of that historic community. It so happened that Alexandria, Va., like Seward, Alaska, has been nominated among 11 other All American Cities for that honor. Seward was making plans for a joyful celebration on the weekend of April 4 and 5. Then on Good Friday, 9 days earlier, disaster struck—the earthquake being followed by several engulfing tidal waves—Seward was left in ruins.

On Friday night, Mayor Perry Stockton of Seward—who had come to Washington earlier in the week as a member of Gov. William A. Egan's commission to meet with the corresponding members of the Federal Commission to work on Alaska rehabilitation, appointed by President Johnson—went to Alexandria. There was a hospitable gathering there to welcome Mayor Stockton, attended by Mayor and Mrs. Mann, members of the city council, and other interested Alexandrians. Mayor Stockton had the opportunity to express his appreciation on the part of the people of Seward. I would like to join in that expression of appreciation of the generosity and kindness that has prompted that action in the city across the Potomac. All Alaskans will be grateful.

I ask unanimous consent that a news story headed "Mayor of Seward Thanks Citizens of Alexandria," an editorial entitled "A Visitor From Seward," and a column, "Red Cross Reports" all from the Alexandria Gazette of April 10, be printed at this point in my remarks.

There being no objection, the articles and the editorial were ordered to be printed in the Record, as follows:

[From the Alexandria (Va.) Gazette, Apr. 10, 1963]

Mayor of Seward Thanks Citizens of Alexandria

(By John A. Reichmann)

On March 26 Seward, Alaska, like Alexandria, Va., celebrated an award as a winning All America City. It won the award because it had pulled itself by its own snowshoes out of economic disaster and was mushing its way upward.

A special issue of the newspaper told of a new $4.5 million harbor installation that would spur prosperity.

The next day, Good Friday, Mayor Perry Stockton went on over to Anchorage with his wife and local officials, to arrange a big celebration of All America Day on April 4–5.

At around 5:50 that evening the earth shook. Over in Seward the fuel storage tanks burst into flames with an immense roar. Simultaneously the earth gave a great heave. Seward's wharf, commercial and residential buildings shook and settled to the ground.

The water in the harbor drew back showing the bare sand and rock bottom. Boats, that had been riding high in the water at anchor, settled tipsily. Everything was still for about 10 minutes.

Then the water came back in, a 38-foot wave. It picked up the ships and floated them up over the city and the woodland behind and settled them on level, open land far from water.

Schools and houses were demolished. A few stood. The city stopped, stunned.

All communications were destroyed. The airfield closed. The rail terminus was demolished. Fishermen had no boats. Schools had been closed for Good Friday observance, thus eliminating wholesale deaths of children. But an inventory of the city of Seward could be taken at a glance. Nothing.

All America Cities, the Red Cross, and the Federal Government, all rushed aid to Seward and the area and to Anchorage, too, the big city.

Mayor Stockton and his wife, with the official party, came back to the All America Award winner city by a Civil Air Patrol plane. With the rest of the survivors they set to work to pull themselves out of disaster—complete and physical, this time.

As part of that effort, Stockton came to Alexandria last night. He came, he said, primarily to thank the city for its aid. He expressed his gratitude at a dinner given by the city council, to honor Stockton and Mrs. Frank E. Mann, wife of the local mayor, who headed the Alexandria relief committee.

Stockton, normally a smiling, energetic young man, told of the disaster; he could not hide his emotion. He told how his city of 2,000 (with the surrounding towns of Valdez, Kodiak, and Cordova, 4,000) is meeting it again.

The United States will rebuild the rail terminus, for it owns and operates the railway. It will rebuild its own installations. But $6.8 million of public property must be replaced, schools, roads, sewers, waterlines. Private property worth $7.8 million also must be replaced. Disaster loans will help rebuild much of the damage. It cannot restore the 3 known dead and the 10 missing and presumed dead.

What concerns Stockton most immediately is the fate of the owners of 94 houses destroyed in whole or in part. These householders, workingmen on the docks for the large part, have homes already mortgaged. Now the mortgage is secured by a disordered pile of lumber. Another loan, however lenient, would prove only another mortgage atop the pile.

No Federal agency can help here, he said, and Congress has no clearcut intent to do so now. He has established an SOS committee for these householders.

SOS (Save Our Seward) was suggested by Allentown, Pa., as a means of soliciting and depositing financial aid. Stockton has named a nine-man trusteeship committee to administer the funds. And these funds he is actively soliciting.

Local contributions may be sent to Mrs. Frank E. Mann, chairman of the Seward Relief Committee, 211 Cameron Street, Alexandria.

Stockton talked with Seward by telephone yesterday morning. He was told the elementary schools were opening; the high schools will open Monday.

He flew back to Alaska, leaving early this morning. But he left this message: "Alexandria was just wonderful to us. We have food, clothing, and medicine. We have had offers of physical and financial help, and everybody has been just wonderful.

"The American people are the finest in the world. Everyone in the United States may be proud. Never have a people been so helping."

[From the Alexandria (Va.) Gazette Apr. 10, 1964]

A Visitor From Seward

On Thursday night our civic leaders entertained as a guest the mayor of Seward, Alaska, one of the 11 winning cities to be dubbed "All America" in the recent contest. Mayor Perry Stockton came to our city to thank those who contributed to the recent drive for aid for his city, stricken in the earthquake that took a heavy toll of life and property. Alexandria chose Seward as its special ward as did others of the 11 All America Cities.

Seward's tragedy had something special about it. Two large fish processing plants had moved from the small community, leaving it a depressed city because of lack of employment. The community refused to accept defeat and instituted an improvement program. A new library was started. Efforts were being made to attract new industry. In an ironic twist of fate, the Seward newspaper of March 26, announcing the All America Award, carried a story of extensive new wharfage and docking facilities to be installed. Then the earthquake struck. Thus Seward was afflicted in more than one way.

Mayor Stockton came to give us thanks for our small help. We owe his city a debt for a fine example of courage in the face of adversity.

[From the Alexandria (Va.) Gazette, Apr. 10, 1964]

Red Cross Reports

Alexandria's All America City ceremony expressed amid pride and excitement was quite different from the similar ceremony in Seward, Alaska, for the city received the 1964 All America City flag only a few hours before the disaster struck. But the flag was raised for the first time over earthquake-ravaged Seward on April 1 with the Red Cross disaster director for that area participating in the ceremony along with the city manager and civil defense director. Seward city councilmen expressed to Red Cross their appreciation for the many gestures of friendship extended by sister All America Cities throughout America.

Last week, Red Cross was feeding some 800 persons with at least 150 cases expected to receive longtime rehabilitation assistance. More than 60 homes were destroyed or heavily damaged with many others experiencing minor damage.

Mrs. Frank Mann, wife of the mayor, headed a special campaign during the past week. The contributions soon will be turned over to Alexandria Red Cross to forward to Seward. Other donations made directly to the local chapter total $166. Putting Alaska back on its feet will take millions of dollars from every possible source—Federal Government, Red Cross organizations, and individuals.

Seward, the main port of Alaska and the terminal of the Alaskan Railroad, suffered major damage in the harbor, its destruction making shipment of supplies to the area difficult and costly.

Stories of terror and devastation filtered into disaster headquarters this week as people arrived from isolated coastal regions. Typical was the story of the David Nelson family. The longshoreman looked out to see a huge tidal wave heading for his house. Quickly he grabbed his wife and four children and, literally tossing them into the car, they drove off. The gas pedal was down to the floorboard as he aimed his car cross country and finally onto an airport landing strip. Coming to a stop a mile and a half from his home, Nelson looked back to see crevasses 2 feet wide in the runway. Smilingly, he said, "We must have flown right over them."

Another Alaskan had virtually lost everything in the quake. His immediate needs? A pair of boots. "With them," the man said, "I can go back to work tomorrow." Red Cross saw to it that he got the boots.

ANNIVERSARY OF THE LOSS OF THE SUBMARINE "THRESHER"

During the delivery of Mr. ERVIN's speech,

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may be permitted to yield to the junior Senator from New Hampshire without losing my privilege to the floor, and without having any subsequent remarks counted as a second speech on the subject, and with the understanding that his remarks will appear either before or after my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McINTYRE. I thank my distinguished friend from North Carolina.

Mr. President, yesterday was the anniversary of the tragic loss of the submarine *Thresher* and all men aboard her. On this first anniversary of this tragic loss, we should rededicate ourselves to the great tasks for which the *Thresher's* men gave their lives.

Both the sailors and the civilians who went down with the *Thresher* were heroes in the best sense of the word—working in peacetime to preserve the security of the United States. Their memories can best be served by a continuing realization of the importance of the men who build and serve on our great ships of the fleet.

It is most fitting that Vice Adm. Hyman G. Rickover has just pronounced as successful the first sea trials of the Portsmouth-built submarine *John Adams*. The *John Adams* will be commissioned May 12 and will soon join the Nation's fleet of submarines which constantly guard the safety of this Nation.

And so on this anniversary of the *Thresher* sea tragedy, we should all give prayerful thanks to the men who gave their lives and all like them who provide us with the strength to help insure peace in the world.

THE FIRST PRESIDENTIAL E AWARD IN SOUTH DAKOTA

During the delivery of Mr. ERVIN's speech,

Mr. McGOVERN. Mr. President, on April 20, in Vermillion, S. Dak., the first Presidential E Award ever given in our State will be presented to Electronics, Inc., for its outstanding contribution to U.S. foreign trade.

Mr. Harry J. Jensen, president of the firm, founded Electronics, Inc., 10 years ago to manufacture a small, low-cost steam cleaner for use by garages, machine shops, and various industries, in removing grease and mud from machinery.

Under Mr. Jensen's energetic direction, the company has diversified its production to include several models of steam cleaners, space heaters, construction heaters, airplane hangar heaters, swimming pool heaters, fork lifts, golf carts, and other products. The fact that Electronics, Inc., is now the world's largest producer of medium-priced steam cleaners is testimony to Harry Jensen's business skill and company management.

He employs 100 persons, providing a payroll of about $40,000 a month, in a small city formerly dependent mainly on agricultural production and the University of South Dakota.

Export sales have played an important part in the development of Mr. Jensen's company. Since territorial days, the bulk of South Dakota exports has been agricultural products. It is estimated that in 1960, agricultural production for export was $46 million. In the same year, manufactured exports were only $7.4 million, and processed food and kindred products accounted for $6.6 million of that.

Clearly, then, the honor won by Electronics, Inc., is an impressive, important, and encouraging first for South Dakota, but it has more than local interest. This contribution to the expansion of world trade is important on the national level, as well.

When President Kennedy reinstituted the Big E Award, he called upon both management and labor to exert their utmost efforts toward producing for and selling in foreign markets. He pointed out the importance of expanding foreign trade for such interdependent national goals as:

Sustaining a high level of employment throughout the United States in years to come.

Maintaining a sound balance-of-payments situation.

Preserving the strength of the national economy.

Retaining and increasing our capacity to fulfill our international commitments and responsibilities.

Preserving freedom and assuring peace throughout the world.

I am proud to salute Electronics, Inc., the president, Harry J. Jensen, and the dedicated staff of the firm on the presentation of this award for excellence. May they continue to prosper and expand the achievements and successes that have earned this high honor by our Government.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the E citation to Electronics, Inc.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

E CITATION, ELECTRONICS, INC.

With foresight and imagination, Electronics, Inc., has successfully conducted an imaginative program of worldwide sales development. Despite intense competition, the firm has introduced advanced types of steam cleaners and space heaters on a world-wide basis through advertising, trade fair exhibits, and aggressive selling. Electronics, Inc., and its employees merit highest commendation for this demonstration of the vitality and resourcefulness of the free enterprise system and a sound contribution to the national export expansion program.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Dorwin W. Suttle, of Texas, to be U.S. district judge for the western district of Texas, which was referred to the Committee on the Judiciary.

CIVIL RIGHTS—RESOLUTION

Mr. JAVITS. Mr. President, the Board of Supervisors of Onondaga County, N.Y., has adopted a resolution requesting the Senate to pass the civil rights bill. I ask unanimous consent that the resolution be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was ordered to lie on the table, and to be printed in the RECORD, as follows:

RESOLUTION 126 REQUESTING U.S. SENATE TO ADOPT CIVIL RIGHTS LEGISLATION

Whereas there is presently pending for the action of the U.S. Senate a civil rights bill which has been proposed and submitted by the proper committee; and

Whereas the New York State Legislature has requested the adoption of said pending legislation through a resolution offered by

Assemblyman John Terry representing the second assembly district of the county of Onondaga; and

Whereas the Honorable Walter Riehlman, the U.S. Congressman from this district, has also indicated his approval of such pending legislation; and

Whereas the New York State Senators, Jacob Javits and Kenneth B. Keating, have indicated their approval of this civil rights legislation: Now, therefore, be it

Resolved, That the Onondaga County Board of Supervisors, by resolution address their approval to the U.S. Senators and request the adoption of said pending civil rights bill; and be it further

Resolved, That certified copies of this resolution be forwarded to the Honorable Jacob Javits and Kenneth B. Keating, U.S. Senator from the State of New York, with a request that every effort be made in the support and adoption of this pending legislation.

Frank W. Conway,
Clerk, Board of Supervisors.

REIMBURSEMENT TO STATES FOR TAXES NOT COLLECTED ON PROPERTY OWNED BY FOREIGN GOVERNMENTS—RESOLUTION

Mr. JAVITS. Mr. President, I present a resolution adopted by the Town Board of the Town of Eastchester, N.Y., relating to the reimbursement of States for taxes not collected on property owned by foreign governments. I ask unanimous consent that the resolution be printed in the Record, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

Resolution Requesting the Congress of the United States To Adopt H.R. 9585, a Bill To Provide That the United States Reimburse the States and Their Political Subdivisions for Real Property Taxes Not Collected on Real Property Owned by Foreign Governments

Whereas there are two resident representatives to the United Nations residing in the town of Eastchester in property owned by their governments, which properties have received legislative exemptions from taxation and the question of exemption of real property owned by foreign government is not a matter of local concern as the foreign government representatives are in this country on business for their government with our Federal Government or with the United Nations of which our Federal Government is a member nation and this is a matter of national concern; and

Whereas the property owned by the foreign governments in the town of Eastchester has an assessed value of approximately $145,000 on which the town and school taxes for the year 1964 amount to approximately $10,500 which is borne by the taxpayers of the town of Eastchester and this is a burden and an obligation that should not be borne by the taxpayers of the town of Eastchester alone but should be assumed by all of the municipalities and the States within the United States with the town of Eastchester paying its fair portion and this can only be accomplished by the Federal Government reimbursing the municipalities involved for the taxes not collected on real property owned by foreign governments: Now, therefore, be it

Resolved, That the Town Board of the Town of Eastchester strongly supports H.R. 9585 introduced by Congresswoman Edna F. Kelly to provide that the United States shall reimburse the States and their political subdivisions for real property taxes not collected on real property owned by a foreign government and therefore exempt from taxation; and be it further

Resolved, That the Town Board of the Town of Eastchester urge the Committee on Foreign Affairs of the U.S. Congress to report favorably on H.R. 9585; and be it further

Resolved, That the Town Board of the Town of Eastchester requests its legislative Representatives in the U.S. Congress, to wit: Seantor Jacob K. Javits, Senator Kenneth B. Keating, and Congressman Robert R. Barry to support H.R. 9585 and use their good offices for the furtherance and adoption of this bill; and be it further

Resolved, That a copy of this resolution be forwarded to Congresswoman Edna F. Kelly, Senator Jacob K. Javits, Senator Kenneth B. Keating, Congressman Robert R. Barry, and to the Committee on Foreign Affairs of the U.S. Government.

This resolution shall take effect immediately.

Francis K. O'Rourke,
Supervisor, Town of Eastchester.

Attest:

Authenticated and certified this 3d day of March 1964.

David W. Smith,
Town Clerk.

URBAN MASS TRANSPORTATION BILL—RESOLUTION

Mr. JAVITS. Mr. President, I present, for appropriate reference, a resolution adopted by the Council of the City of New Rochelle, N.Y., urging enactment of House bill 3881, the urban mass transportation bill. I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

Resolution 103

Resolution supporting efforts to bring urban mass transportation bill, H.R. 3881, to the floor of the House of Representatives

Whereas the urban mass transportation bill, H.R. 3881, has been pending in the House Rules Committee since April 1963, because a House floor majority was uncertain; and

Whereas President Johnson is now strongly backing the bill and support for the measure is bipartisan; and

Whereas passage of the bill would relieve worsening traffic congestion and known continued deterioration of transit facilities and is designed to achieve balanced local transportation systems in which each mode of traffic, including private automobiles, can play its proper role: Now, therefore, be it

Resolved, That the Council of the City of New Rochelle strongly supports all efforts to bring the urban mass transportation bill, H.R. 3881, out of the House Rules Committee to the House floor for a vote by mid-April, 1964; and be it further

Resolved, That certified copies of this resolution be forwarded to President Lyndon B. Johnson at the White House, Washington, D.C.; Congressmen Albert Rains, Democrat, of Alabama, and William Widnall, Republican, of New Jersey, House Office Building, Washington, D.C.; Senators Jacob K. Javits and Kenneth B. Keating, Senate Office Building, Washington, D.C.; and Congressmen Ogden R. Reid and Robert R. Barry, House Office Building, Washington, D.C.; and be it further

Resolved, That this resolution shall take effect immediately.

Alvin R. Ruskin,
Mayor.

Attest:

Charles U. Combes,
City Clerk.

RESOLUTION

CONGRATULATIONS TO PEOPLE AND STATE OF OKLAHOMA ON 75TH ANNIVERSARY OF OPENING OF LANDS IN THE FORMER OKLAHOMA AND INDIAN TERRITORIES

Mr. MONRONEY (for himself and Mr. Edmondson) submitted a resolution (S. Res. 307) extending congratulations to the people and State of Oklahoma on the 75th anniversary of the opening to settlement in 1889 of lands in the former Oklahoma and Indian territories; which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. Monroney, which appears under a separate heading.)

CIVIL RIGHTS ACT OF 1963—AMENDMENTS

Mr. ERVIN submitted 13 amendments (Nos. 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, and 490) intended to be proposed by him to the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, which were ordered to lie on the table and to be printed.

RECESS UNTIL 10 O'CLOCK A.M MONDAY, APRIL 13

Mr. LONG of Missouri. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock a.m. on Monday next.

The motion was agreed to; and (at 4 o'clock and 16 minutes p.m.) the Senate took a recess, under the order previously entered, until Monday, April 13, 1964, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate April 11 (legislative day of March 30), 1964:

The Judiciary

Dorwin W. Suttle, of Texas, to be U.S. district judge for the western district of Texas vice Ben H. Rice, Jr., deceased.

◆

HOUSE OF REPRESENTATIVES

Monday, April 13, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Jude 25: *To the only wise God, our Saviour, be glory and majesty, dominion and power, both now and forever.*

Almighty God, with a humble spirit and a contrite heart, we confess to Thee and to one another that this world seems to be inhabited by a discordant and struggling multitude of human beings and that the idea of real unity is only a dream.

There are times when we are tempted to think that civilization and culture, education and commerce, have merely intensified this struggle and this strife between the nations and the members of the human family.

Inspire us with the faith which dares to believe that there is blessedness when humanity yields itself in obedience to Thee whose authority and appeal we cannot doubt or deny.

Hear us in His name who is the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, April 10, 1964, was read and approved.

A MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," had appointed Mr. JOHNSTON and Mr. CARLSON members of the joint select committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 64-13.

Mr. COHELAN assumed the chair as Speaker pro tempore.

THE LATE U.S. DISTRICT COURT JUDGE WILLIAM T. McCARTHY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCORMACK] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McCORMACK. Mr. Speaker, on Monday, April 6, 1964, one of our outstanding jurists, a dear and valued friend of mine, U.S. District Court Judge William T. McCarthy died. Highly respected as a judge by the bench, the bar, and the public, Judge McCarthy rendered justice with mercy. While he was fearless in the performance of his judicial duties, he recognized the frailties of human beings, and in the disposition of criminal cases, administered dispositions not only with judicial logic, but with a heart.

A major test of the prestige of a judge is the feelings of the members of the bar whether a judge is fair, recognizes the position of trust he occupies, or if in the courtroom he is a judicial dictator. Judge McCarthy was highly respected by the members of the bar because of his ability and his effectiveness, but above all, because he was kind and fair.

Judge McCarthy, or "Bill" McCarthy as he was endearingly called, was a "judge's judge."

Judge McCarthy had an outstanding career as a public official, as a lawyer, as U.S. attorney, and as a member of the Federal judiciary.

At the age of 20 years, Judge McCarthy graduated from Holy Cross College, later attending and graduating from Boston University Law School.

While a student at Boston University Law School, he was elected as alderman in the city of Somerville, serving for three terms, and afterward being elected as a member of the Somerville school committee.

From 1913 to 1916, he served as assistant district attorney of Middlesex County, Mass., gaining an outstanding reputation as an able and fair prosecutor.

In 1934, he was appointed U.S. attorney for Massachusetts by the late President Franklin D. Roosevelt, serving in this responsible post for 12 years.

In recognition of the excellent manner in which he performed the duties of U.S. attorney, former President Harry S. Truman appointed him in 1947 as a member of the U.S. District Court for Massachusetts, as a member of which court, Judge McCarthy made an outstanding name.

Judge "Bill" McCarthy will always be remembered for his ability, his kindness, and his fairness.

In his death, Mrs. McCormack and I have lost a dear and valued friend.

Mrs. McCormack joins with me in extending to his son and daughters and sisters our deepest sympathy in their great loss and sorrow.

GRISSOM TO PILOT FIRST GEMINI FLIGHT

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, the National Aeronautics and Space Administration has just announced that Virgil "Gus" Grissom will be the chief pilot for the first manned flight of Gemini this fall. Gus' copilot will be John Young and the backup men will be Wally Schirra and Tom Stafford. Hoosier citizens are especially proud of Gus Grissom because he is one of us. His hometown is Mitchell, Ind., where his proud parents, Mr. and Mrs. Dennis Grissom, live. Gus attended primary and high schools in Mitchell and graduated from Purdue University with a degree in mechanical engineering in 1950. He flew 100 combat missions in Korea in F-86's with the 334th Fighter Interceptor Squadron. He continued his career as an Air Force test pilot and was selected in April of 1959 as one of the seven original astronauts. Gus took his first ride on *Liberty Bell 7* on July 21, 1961, and has been active ever since in the manned space program. He has distinguished himself as one of America's foremost heroes and certainly as a distinguished citizen.

Indiana is proud of this man and his contribution to the Nation. We wish him every success as he shoulders this new and awesome responsibility. Our prayers are for his continued good fortune and for a safe journey.

CIVIL RIGHTS

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, I noticed in the Washington Star of yesterday that someone in the other body in discussing the civil rights bill said that the President had been very marvelous so far. But then he was quoted as saying that, knowing the President, he is expecting him to do "miracles."

When asked what these miracles were, the reply was, "He has a mystery kit of legislative remedies."

I am wondering if the "legislative remedies" suggested, are facts, undisclosed to the public, in the Bobby Baker case, which have been "swept under the rug" by dropping the investigation.

ED NEILAN, BANKER-PRESIDENT OF THE U.S. CHAMBER OF COMMERCE AND AUTHOR OF ARTICLE, "LET'S SAY 'NO' TO THE VETERANS," EXPOSED AS RECIPIENT OF SOLDIER'S BONUS; AND LATEST NEILAN FOIBLES

The SPEAKER pro tempore (Mr. COHELAN). Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 1 hour.

Mr. PATMAN. Mr. Speaker, there are more than 20 million veterans of the U.S. Armed Forces. In the beginning of my remarks today, I wish to show how one man—placed in a position of responsibility by the reactionary hierarchy of a large American business organization—the U.S. Chamber of Commerce—can do infinite damage—not only to the veterans of the country, but to many of the communities where these veterans live. I shall show that this one man—whom I exposed a few weeks ago as receiving farm subsidies while going from one end of the country to the other shouting against all subsidies—all self-aid programs—now may be exposed for an act of deception again worthy of "The Great Imposter." It was this man who wrote an article for a slick magazine entitled, "Let's Say 'No' to the Veterans."

In January of this year, I took the floor of the House of Representatives to point out to American veterans how phony the author of that article is. The response to that speech from the veterans in the 50 States was as gratifying to me as anything I can recollect. I did not know then what I know now—that the man who said "no" to the veterans in the article—had himself said "yes" to the State he was living in when it came to accepting—for his own fat pocketbook—a veteran's bonus.

Oh, he would close down the veterans' hospitals today—he said so in the article. And he wrote about "the blatant and outrageous maneuver called veterans' benefits." But a few years back he protested nothing—he merely accepted a soldier's bonus from his State.

He would attack a bill aimed at helping the rapidly thinning ranks of World War I veterans by writing:

> It aims a crippling blow at the sensible principle that benefits should be paid only for service-connected disabilities, for unemployability and for need.

He was neither unemployed nor needy, nor disabled in any way when he accepted a soldier's bonus from his State.

The carelessness with which the national business organization chose such a phony to head it must be in a large part responsible for that organization's prestige dropping to an alltime low. The slick magazine that played up the article—and asked on its cover, "Are Veterans Too Greedy?" is—according to the press—in financial difficulty.

The man I have been talking about, as you may have guessed, heads a large bank in the State of Delaware. His name—according to the application for the soldier's bonus—copy of which I hold in my hand—is Edwin Peter Neilan. His address—says the application—is Holly Farm, town of Bear, county of New Castle, in the State of Delaware. He filled out the application on November 4, 1949. It was processed almost immediately and by midmonth our "hero" had received $225 for a perfect war record. He was assigned to the Philadelphia Navy Yard, within commuting distance of his home.

This is the man who would deprive the remaining World War I veterans of just compensation due them for services rendered to their country two generations ago—who wants the Congress to shortchange the veterans of all wars—and thus reverse a fair-deal policy for veterans which has been traditionally ours.

While most Americans are aware that Ed Neilan has run around America screaming against subsidies and know that his Bank of Delaware has loaned out some $9 or $10 million worth of Uncle Sam's money at the "going interest rate"—for which Neilan and his big bank buddies pay nothing—all of this is practically unknown to the citizens in the State of Delaware. Few of them know that he has accepted farm subsidies. But his attacks against the U.S. Government, the Congress, and all self-aid programs, are well reported.

It is almost impossible for the citizens of that State to know what is happening on earth, because in the Duchy of Du Pont there is a "Greenback Curtain." The Du Ponts own or control—or have their friends owning or running—the leading—or should I say misleading—newspapers and radio and television stations in Delaware.

The Delaware State News, of Dover, appears to be, perhaps, the one exception. Anything that shows up the questionable foibles of the Du Pont dynasty or top business or financial leaders of the State—such as Edwin Peter Neilan—is either badly slanted or just not news at all behind the Du Pont "Greenback Curtain." Therefore, it is safe to say that most of the citizens of Delaware are unaware of the duplicity of the "Scrooge of Wilmington."

In the town of Millsboro, Del., there is a man of great courage. His name is William A. Carter, and he is past president of the commissioners of the town. Although he lives behind the Greenback Curtain, he is not afraid to employ a great birthright of Americans—the freedom to express contempt for phonies in high positions like Ed Neilan. He has held the "Scrooge of Wilmington" in the lowest of esteem ever since Neilan began protesting a request for Federal aid for the town's sewer and water construction early in 1963. The town had hoped to attract new business. In the period between 1959 and 1962, it had lost over 500 jobs. Neilan's clamoring ended Millsboro's efforts to move ahead.

When Mr. Carter learned that the arch enemy of subsidies for other people had been accepting farm subsidy payments himself, he wrote a letter to the editor of the Delaware State News of Dover which was published on March 24, 1964.

I am going to read Mr. Carter's letter because it shows that Ed Neilan is not only cynical and venal—and destructive of the best interest of people even within his own State, as the Millsboro incident shows—but that he is most careless in presenting facts. I would not exactly call him a liar—I will just say he is beyond any question of a doubt one of Delaware's most prominent untruthsayers.

The facts as stated in Mr. Carter's letter, which I will now read, will bear me out.

> PROTRACTED AFFAIR
>
> THE EDITOR,
> *Delaware State News,*
> *Dover, Del.*
>
> DEAR SIR: In an article in last week's Morning News, Edwin P. Neilan claims that he was "seduced into accepting subsidy payments for his farm at Bear." He further claims that he "has not received any subsidy payments since September (1963), when he began his attacks on Federal aid program."
>
> Congressman WRIGHT PATMAN, of Texas, this week revealed that Mr. Neilan was similarly seduced in 1959, 1961, and 1962. So this would appear to be no single seduction, but a rather protracted affair.
>
> During recent months Mr. Neilan has made speeches from coast to coast in the capacity of president of the U.S. Chamber of Commerce. He has posed as the erudite moralist in opposition to all forms of Federal aid programs. Now he would have us believe that it took him 4 years to realize that he was being seduced. My own opinion is that he was enjoying his affair thoroughly until Congressman PATMAN caught up with him.
>
> One final observation refers to timing. Mr. Neilan says that he has received no subsidy since September, when he began his attacks. If memory serves me correctly, one of his most vicious attacks was in a speech to the National Press Club in early August at which time it would seem that his own affair was still in progress. In fact, it was during the first week in September that he lambasted the town of Millsboro for accepting Federal aid for a municipal sewer project.
>
> WILLIAM A. CARTER,
> *Past President, Commissioners of Millsboro, Millsboro, Del.*

Neilan's first attack against subsidies was August 7, 1963. His last subsidies came to him in September and October of the same year. I have been most reliably informed that he did not send the checks back to Uncle Sam. Nor did he send his veteran's bonus back to the State of Delaware.

The same newspaper that published this letter previously ran an editorial on March 19 with a heading, "Seduction by Subsidy."

That editorial stated in part:

> If a man of means and morals like Neilan, who heads a bank and the U.S. Chamber of Commerce can be seduced, what chance is there for the rest of us poor, unprincipled working stiffs?
>
> So let's shed a tear for humanity, along with one for Neilan.
>
> Neilan, in effect, was caught down behind the barn smoking corn silk. While he was out on the hustings talking against subsidies, he was accepting them at home.
>
> But he's trying to kick the subsidy habit, Neilan said, so he should be treated like any other reformed smoker.
>
> Let's not dangle any dollars before him or smoke any subsidies when he's around.

Earlier I stated that the prestige of the U.S. Chamber of Commerce—due to the shenanigans of its president—had sunk to an alltime low. My mail has registered a strong protest against the national organization from great numbers of independent businessmen who belong to local chambers of commerce. The big business, big finance hierarchy, simply does not represent the membership of the local chambers of commerce. Their thinking is far away from the thinking of the members of the chambers of commerce in the First District of Texas where I come from. Neilan's rantings have not caught on—in the grassroots or even in the big cities—in Bay City, Tex., or Indianapolis, or Tulsa, to name just a few which have openly disavowed Neilan's nonsense.

Just a week or so ago, Neilan spoke in Chicago—attacking as usual public housing and urban renewal. An extraordinary thing then happened. Immediately the board of directors of the Chicago Association of Commerce and Industry—which describes itself as the largest metropolitan chamber of commerce in the United States—got out a release in exact opposition to the position taken by Neilan and the U.S. Chamber. I can think of no better way of showing up the medieval-minded leadership of the U.S. Chamber—the extreme rightism of Ed Neilan—than to place in the CONGRESSIONAL RECORD the press release of the Chicago branch of the chamber of commerce. Their release will be my closing remarks. Their statement gives the lie to the man who would say "No" to the veterans—"No" to anything that would do good for most of the citizens of our country.

Mr. LIBONATI. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I am glad to yield to the gentleman from Illinois.

Mr. LIBONATI. I think it is natural, the Chicago Chamber of Commerce being a moderate yet understanding group that has vitalized the programs, that they criticize it because of the fact that in the metropolitan area they understand the problems of housing. It comes with no ill grace that he loses the confidence of individuals who are important in industry and realize they have a responsibility toward the community. Certainly in the city of Chicago those leaders of the modern chamber of commerce are persons who are men of substance and very important with respect to their activity both in the fields of industry and community affairs. So naturally I am very proud of the fact that they have taken such a position, especially in the light of the criticism of Congress and especially of the Veterans' Affairs Committee relative to legislation and also with respect to questions involving housing where legislation has been passed by the Congress and where legislation is in the offing. Therefore, I congratulate the gentleman for calling this to our attention. I am very proud, as one coming from that area. They hold their meetings in my district.

Mr. PATMAN. Thank you very kindly.

The release of the Chicago branch of the chamber of commerce will be my closing remarks. Their statement gives the lie to the man who would say "No" to the veterans knowing that they would do good for most of the citizens of our country. In view of what the gentleman from Illinois [Mr. LIBONATI] said, I want to read this resolution. Remember that this was passed immediately after Mr. Neilan made his speech against the very things that the resolution covers. It reads as follows:

The board of directors of the Chicago Association of Commerce and Industry today opposed the chamber of commerce of the United States' stand against Federal participation in urban renewal and public housing programs.

While agreeing to the long-range ideal of restoring the responsibility for urban renewal to States and local communities, the association said that such action must wait until local governments are given the financial means to carry out current redevelopment programs without disruption.

The association pointed out that extended Federal taxes have so invaded local taxing sources that Federal grants must continue until taxing powers are realined.

The association, the largest metropolitan chamber of commerce in the United States, said it has a dual responsibility—to promote the Chicago area's commercial and industrial growth, and to help create a better community for all who live and work in the area. Urban renewal affects both objectives.

Neighborhood deterioration is the greatest challenge to American cities today, the association said. Both business and the community in general suffer from unchecked urban blight because it:

Stifles commercial and industrial vitality.

Depresses confidence required for continued capital investment, thus impeding the flow of private funds and expansion of free enterprise.

Demoralizes civic pride and creates breeding grounds for crime and juvenile delinquency.

Increases the cost of municipal services.

Reduces assessed property valuations and the local tax base, thus diminishing local government's financial resources.

On the other hand, the association said, urban renewal expenditures stimulate private enterprise and investment, which in turn help fight poverty and increase employment.

Urban renewal has justified itself economically, the association said. In Chicago, for example, tax yields from recent projects have more than doubled. Chicago's redevelopment program already has increased assessed valuation by over $100 million, broadening the tax base while improving living conditions and spurring economic growth.

The association cited the Hyde Park-Kenwood conservation program as an example of how such projects stimulate private investment. The program, which cost $36,700,000 in Federal and local public funds, will result in an investment of nearly $200 million by private property owners and institutions.

If Federal funds had not been available for the project and there were no alternative methods of generating the "seed money" necessary to attract private investment, a striking Chicago success story never could have been told, the association said.

The association's five-point position on urban renewal favors:

Continuation of present Federal sharing of local urban renewal costs at this time.

Federal grants only where they will be part of a comprehensive urban renewal plan and of an overall city plan.

Plans which encourage private enterprise to invest in redevelopment of cleared lands.

Plans which stimulate the entire community to upgrade living standards through private development and private financing.

Continued Federal provisions for low-rent housing for families displaced by public works projects, code enforcements, and other public actions.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, to include other statements, excerpts, and speeches I have made on this subject in the past.

The SPEAKER pro tempore (Mr. COHELAN). Without objection it is so ordered.

There was no objection.

STAB IN THE BACK OF AMERICAN VETERANS BY ED NEILAN, WILMINGTON BANKER AND PRESIDENT OF THE U.S. CHAMBER OF COMMERCE

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 60 minutes.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I have nothing to do with selecting Pulitzer prize-winning editorial writers. If I did, my vote would go to the Scripps-Howard writer of the Indianapolis Times, who wrote on January 7 an editorial entitled "Watching the Mud Go By." I shall not read the entire piece. But there are sections of it that you will enjoy sharing with me. It begins:

"If Edwin P. Neilan, Delaware banker and president of the Chamber of Commerce of the United States, is ever out of work, he needn't worry. He can hire on as consulting mudslinger. * * * When he was through his speech for the local chamber last night, you couldn't see the targets for the mud. * * * He talked about 'political pigs who have pushed their snouts into the public trough and are gorging themselves on human misery.' He did not say who they are except that they 'mask themselves as humanitarians and civic improvers.'"

The editorial writer asked:

"Whether this means that all people who work for humanitarian and civic improvement are political pigs? Or just some of them? The Congressmen who passed urban renewal and public housing legislation, the officials who carry it out, local officials who cooperate with it, private people who call for it? Neilan didn't say. * * * He purported to prove that urban renewal and public housing have gone to wealthier rather than poorer areas. He didn't say what he meant by an area, but later on he made clear he meant a State. He can't tell the difference between densely packed New Jersey and underpopulated Wyoming."

"He called programs in New York City and Newark vote buying. He didn't say how this works. * * * Neilan's technique"—

Continues the editorial—

"is like hunting a crook in a crowd with a machinegun, like killing weeds by plowing the garden under, like discarding the baby instead of the diapers."

The editorial wound up by saying:

"Indianapolis has wretched slums and nasty floods and 5,000 families getting evicted by highways and sky-high property taxes."

I want you gentlemen here in Congress to heed the last line of this magnificent editorial. It sums up the cynicism of the Scrooge of Wilmington.

"Neilan doesn't seem to give a damn," the editorial concluded.

No, the gentleman does not give a hoot about anything except the big bankers' bonus. That is, millions of Federal money on deposit that can be rented out to the public at the "going commercial rates." Mr. Neilan's Bank of Wilmington had $8,100,000 of Government funds on deposit on October 15, 1963, and according to his own admission considerably more than this on an average during the year, and this money comes to the bank free for nothing.

Oh, I know when I called this to the attention of the Congress not long ago, the banker from the duchy of Du Pont almost immediately got out a statement which said that in 1963 the Federal Reserve Bank in Philadelphia paid the Treasury $48,852,000 which it earned on the required reserve deposits made by member banks. Now Neilan had the temerity to state what every banker who is a banker knows to be a deliberate falsehood. He said that this $48-plus million belongs to the member banks and this includes his Bank of Wilmington. He said that the fact that this $48-plus million is turned over to the Treasury means that his bank and other commercial banks in the Philadelphia Reserve district, are "subsidizing the U.S. Treasury."

Despite the statement of the Wilmington gentleman, the truth is, and every banker in the country knows this—that the $48-plus million was not earned on the required reserves of member banks but on Government securities which the Federal Reserve Bank in

Philadelphia acquires by a flick of the pen thereby using its power to create money.

It is impossible to believe that a man who is a bank president and who is also president of the U.S. Chamber of Commerce cannot understand such basic fundamentals of banking and the Federal Reserve System. It must be concluded that Neilan is deliberately attempting to deceive his fellow members of the chamber of commerce, Congress, and the people. He certainly is not going to fool bankers. If there is any question about my own statement, let me quote from the December 1962 Monthly Review of the Richmond Federal Reserve Bank:

"The heart of the matter is that according to the principles under which central banks operate their earning power is not increased by the deposits which commercial banks carry with them, regardless of the way in which those deposits are created. Rather, the great profitability of central banks is due to the fact that they exercise the sovereign power of governments to create money."

Now we are coming to the hard core of our business for today; namely, the shoddy, despicable treatment afforded the American veteran by Ed Neilan, banker head of the U.S. Chamber of Commerce. We all know that the Scrooge of Wilmington is against almost everything. He is against the Congress, against public servants anywhere, against the American Government, against laws designed to see that the Government serves all the people. He is against chamber of commerce businessmen who seek useful projects in their communities if any Federal moneys are called for to help pay the way. He is really against people. He does not like people. The largest segment of the American people yet insulted by Ed Neilan is composed of American veterans. These are the men who came to the support of our Government at times of its greatest trial—World War I, World War II, and the Korean war.

When Neilan attacked these men in a sneering, contemptible piece in the Saturday Evening Post last November, he stabbed in the back the finest manhood of America.

I received a great deal of mail from prominent veterans concerning Neilan's stab-in-the-back article. From Earl A. Graske, Ohio American Legion:

"No citizen of our Nation has the right to spread lies and untruths as Edwin Neilan has done. * * * Neilan's slur against all veterans in his story in the Saturday Evening Post is an insult to any man who has served his country."

From John E. Erickson, national legislative director, Veterans of World War I of the U.S.A., Inc.:

"Neilan's tirade was so completely devoid of facts that it has not been difficult for veteran leaders to point out the distortions and untruths in his article which has aroused a terrific tide of resentment among veterans, their friends and supporters. * * * In nearly every appearance that he has made, his ill-founded statements have returned to haunt him. In Indianapolis, Ind., Minneapolis, Minn., Cleveland, Ohio, and Bay City, Tex., and even in his own State of Delaware his audiences have been astonished and amazed at the inaccuracies and misstatements that have been sprinkled most liberally throughout his addresses. * * * He puts his foot in the mouth at every conceivable opportunity."

Waldron E. Leonard, Director of the Department of Veterans' Affairs of the Government of the District of Columbia, sent me a copy of a letter he wrote Neilan after Neilan's attack against the veterans in the national magazine. Let me read you the letter:

"Mr. NEILAN: I have been a member of an affiliated organization of the chamber of commerce for approximately 20 years, which annual dues are about five times that of any veterans' organization. I have been acquainted personally with two past national presidents of the chamber of commerce, who were very fine and distinguished gentlemen.

"I was somewhat shocked to read the article attributed to you in the Saturday Evening Post. In my estimation you have done a great disservice to many thousands of veterans, who like myself pay large fees to belong to the chamber of commerce. You insulted these veterans, in my opinion, through your desperation for public attention or publicity. You insulted veterans' organizations that have cooperated and worked with the chamber of commerce throughout the United States in civic and welfare programs.

"There was an article that kept going through my mind when reading your insults entitled 'Let's Say "No" to the Veterans.' It is as follows, which you might find a little more interesting and I presume the research is factual:

" 'DID YOU KNOW

" 'In 1923 a very important meeting was held at the Edgewater Beach Hotel in Chicago. Attending this meeting were eight of the world's most successful financiers. Those present were the president of the largest independent steel company; the president of the largest gas company; the greatest wheat speculator; the president of the New York Stock Exchange; a member of the President's Cabinet; the greatest "bear" in Wall Street; head of the world's greatest monopoly; president of the Bank of International Settlements.

" 'Certainly we must admit that here was gathered a group of the world's most successful men. At least, men who had found the secret of making money.

" 'A check was made 25 years later; let's see where these men are:

" 'The president of the largest independent steel company, Charles Schwab, died a bankrupt and lived on borrowed money for 5 years before his death.

" 'The president of the largest gas company, Howard Hopson, is now insane.

" 'The greatest wheat speculator, Arthur Cutten, died abroad, insolvent.

" 'The president of the New York Stock Exchange, Richard Whitney, was recently released from Sing Sing Penitentiary.

" 'The member of the President's Cabinet, Albert Fall, was pardoned from prison so he could die at home.

" 'The greatest "bear" in Wall Street, Jesse Livermore, died a suicide.

" 'The head of the greatest monopoly, Ivar Krueger, died a suicide.

" 'The president of the Bank of International Settlement, Leon Fraser, died a suicide.'

"All these men learned well the art of making money, but not one of them learned how to live. So let's live and let live.

"Happy new year.

"Sincerely yours,

"WALDRON E. LEONARD."

Mr. Speaker, I am sure that Ed Neilan got the message. While he may today be enjoying life in a great master bedroom, I wish to remind him that in the architecture of the American system it is only a few short steps from the master bedroom to the doghouse.

For the benefit of the Scrooge of Wilmington and those like him who are opposed to veterans receiving their just due, I would like to review quickly a little history as it concerns veterans and bankers and veterans' benefits and interest rates. Those who have opposed veterans receiving their just due always take the position that those like myself who want justice rendered the American veteran are wild-eyed radicals, demogogs. We want to throw away the Government's money in unearned bonuses, et cetera, et cetera, et cetera. To these critics I would like to borrow a quote from the mayor of Cleveland, which he used concerning some hocum from the mouth of Ed Neilan. Quote, horsefeathers, unquote.

World War I was up to that time the greatest war in all history. Young men gladly served for the small compensation that they received. The private got "$30 a day 1 day a month." But after his allotment, insurance, laundry bills, incidentals were deducted and he had made a payment on a war bond—if he were able to pay on one—the amount he had left was usually raked off in his hat on payday in the form of small change.

However, the men did not complain; they were told that those who were furnishing the money would only receive a low interest rate in comparison to their low wages.

Most of the financing of the war was done through the sale of bonds since the amount of taxes raised was wholly insufficient.

The men were also told about the great and generous Government of the United States of America never forgetting those who came to its aid in times of trouble. The traditional policy of the Government was often quoted by civilian leaders, military leaders, and others to the effect that when the country is at war and needs the young men to defend and save it, the Government has an obligation later on when these young men become aged and they need the Government that they helped to save—the Government would then come to their aid and comfort and support as a traditional policy.

World War II was the greatest in every respect up to and since the time it occurred. A military man, citizen, soldier, and sailor received more pay than those who served in World War I. Even so it was recognized that they were inadequately compensated for their services. They were not paid the going rate for work or services of those who stayed home. During World War II, military officers reminded the men that though their pay was low, the people who furnished the money were buying bonds at a very low rate of interest. They were told that World War II would certainly not bring a rash of Daddy Warbucks, new multimillionaires. Everybody was supposed to make a sacrifice. The men by not receiving full and adequate pay, the people, corporations and institutions with money were also making a sacrifice by investing in bonds that provided a low rate of interest.

Immediately after World War II, the United States had a large national debt, aggregating between $250 and $300 billion—principally from the two major wars. Promises that had been made to those entering the military during these wars were not entirely forgotten, but as time went on they became only a dim memory. The result has been over the years that terrific fights were made against veterans benefits and every effort made to hold down the cost even though much of the cost required was entirely justified. On the other hand, the bondholders put on a tremendous campaign to get their interest rate raised on this debt. The result was that in 1946, a year after World War II ended, there were veterans benefits on the budget for $4.4 billion and interest payments on the national debt of $4.7 billion. In 1963, veterans benefits were $5.3 billion, the interest payments on the national debt $10.7 billion. For fiscal year 1965 it is estimated veterans benefits will be $5.1 billion, and for interest on the national debt $11.1 billion.

In compliance with my request, the Legislative Reference Service of the Library of Congress prepared a table for me, giving significant information along this line. It is as follows:

Administrative budget expenditures for veterans benefits and interest on the national debt for fiscal years 1944–64, also national debt at end of fiscal year

[Amounts in millions of dollars]

Fiscal year	Veterans benefits	Interest payments	National debt
1944	745	2,609	201,003
1945	2,095	3,617	258,682
1946	4,415	4,722	269,422
1947	7,381	4,958	258,286
1948	6,653	5,211	252,292
1949	6,725	5,339	252,770
1950	6,646	5,750	257,357
1951	5,342	5,613	255,222
1952	4,863	5,859	259,105
1953	4,368	6,504	266,071
1954	4,341	6,382	271,260
1955	4,522	6,370	274,374
1956	4,810	6,787	272,751
1957	4,870	7,244	270,527
1958	5,184	7,607	276,343
1959	5,287	7,593	284,706
1960	5,266	9,180	286,331
1961	5,414	8,957	288,971
1962	5,403	9,120	298,201
1963	5,186	9,980	305,860
1964 [1]	5,362	10,701	311,800

[1] 1964 data are estimates from the Budget of the United States for fiscal year 1965.

Source: Bureau of the Budget of the United States and Department of the Treasury of the United States.

Submitted Jan. 23, 1964.

The average interest on the national debt is now much lower than it will be when the long-term 2- and 2½-percent bonds are refinanced at the now going rate which is much more than 4 percent. Then our annual interest burden will be much more than $12 billion.

It should be stated that most of our national debt was incurred during the Second World War. At that time the Bank of Wilmington, which Ed Neilan now heads, and other commercial banks bought a large part of the bonds that were offered by the Government to pay on the cost of the war. These banks were privileged to buy these bonds on the Government's credit without even a reserve and receive the interest on them as though they had actually paid their own money for the bonds. Even after the war was over and at the present time, Ed Neilan's bank and other commercial banks invest in Government bonds by creating the money on the books of the bank to buy them. Today they own about $70 billion worth of bonds acquired in this manner.

The Federal Reserve banks could have bought these bonds without interest cost to the taxpayers by the issuance of noninterest-bearing bonds for that purpose—or by permitting the interest to be paid and returned to the Treasury like it is done today, through the Federal Reserve banks. In other words, the Government is not dependent upon the commercial banks to purchase U.S. Government bonds. The Government, through Congress, could easily provide for any bonds that the Government needs to sell to be purchased by the Federal Reserve banks. In that way the people and the taxpayers would get the credit by not having to pay interest, or getting the interest returned and not giving it entirely to the commercial banks that created the money. The bonds should be sold to the "Fed" after all the money possible is raised in taxes and after all the bonds can be sold to individuals and corporations having actual money to invest.

The Federal Reserve banks now own $33 billion in Government bonds which they bought with created money on the Government's credit upon which over a billion a year is paid in taxes by the taxpayers, millions of whom are veterans. The Federal Reserve System spends all this money that it wants to spend—usually about $200 million a year—and returns the remainder to the Treasury.

It is difficult to understand how a banker like Ed Neilan would be so hard set against the veterans and insist that the people say "no" to the veterans, but with a straight face, at the same time ask the Congress and the people to pay a fabulous bonus each year to the bankers.

Although the figures used are not exactly comparable, they nevertheless tell the story that after the wars were over the men who fought the wars received low pay and those who bought the bonds received low interest; yet, the campaigns commenced to pay the veterans, their widows, dependents, and other necessary expenses, just as little as possible. It looks like the same campaigners against the veterans were campaigning at the same time for higher and higher interest rates for those who furnished the money, even though much of it was the Government's money that they themselves were receiving interest on.

So now we realize in this year 1964 the annual interest on the Government obligations—most of which was used to fight the two wars—is twice as much as the Government appropriates for all veterans of all wars for all purposes, including compensation, pensions, hospitalization, and for every other purpose.

All of this is information that Ed Neilan left out of his Saturday Evening Post article. His omission is part of his technique of distortion. The information I have presented is what the Ed Neilans of America do not want the public to know about or talk about or think about.

"[News release, the American Legion, Washington, D.C., Dec. 5, 1963]

"National Commander of the American Legion, Daniel F. Foley, Strikes Back at Antiveteran Article in the Saturday Evening Post, of November 30, by President of the U.S. Chamber of Commerce, Edwin P. Neilan

"American Legion National Commander Daniel F. Foley today termed an article, appearing in the November 30 issue of the Saturday Evening Post and authored by the president of the U.S. Chamber of Commerce, a 'blatant and outrageous' attack on veterans and veterans' organizations and 'shocking and unwarranted' indictment of the Congress and of the Veterans' Administration. 'This will do nothing to improve the public image of either the Post or the chamber of commerce,' Commander Foley stated. The leader of the world's largest veterans' organization said the American people have a right to expect of the Nation's major magazines fair and responsible reporting. 'This article,' he declared, 'is a gross contribution to confusion. It is loaded with inaccuracies and inconsistencies.'

"The article, entitled 'Let's Say "No" to the Veterans,' contends that veterans are the 'worst offenders' among groups receiving from the Congress what its author calls handouts and Federal giveaways. It refers to the veterans' benefits program as a 'scandal' and implies that any veterans' legislation passed by Congress is 'loosely written.' Congressmen, says the article, 'are demonstrably unable to resist' the lobbyists.

"To thwart 'pressure groups' the chamber's president recommends abolishment of the House Veterans' Committee. 'If we were to pursue this kind of logic,' Commander Foley noted, 'one also would have to recommend the abolishment of the constitutionally guaranteed right of petition, and perhaps the American system of representative government. We doubt if the leading spokesman for the business lobby would seriously propose that the Banking and Currency Committees of the Congress be dissolved.'

"The chamber's president also charges the Veterans' Administration with 'loose' administration of veterans' legislation and with inefficient management of its hospitals. He would discontinue the VA hospital system and he questions the Agency's justification for remaining in control of other benefit programs.

"The American Legion took particular exception to the Post article's claim that the VA routinely permits veterans to perjure themselves so as to secure free medical care. The Legion's leader stated that 'this reckless accusation establishes without doubt the chamber president's complete ignorance of the extreme lengths to which the VA goes to insure that its hospital beds will be used only by those having entitlement on the basis of either service connection or need.' The commander said repeated surveys have demonstrated that abuse of the veterans' hospital treatment privilege is negligible. The findings, he pointed out, consistently have shown that 'less than one-half of 1 percent of the cases might be subject to question,' and he emphasized that this record is remarkably low in comparison with other public programs of like nature. The Legion spokesman added that his organization has given the VA every cooperation in continuing efforts to eliminate abuse of the non-service-connected medical program.

"The Post article, in the Legion's opinion, adds up to an unfair—and unsubstantiated—condemnation of all veterans' programs, even though its writer gives lipservice to the 'sensible principle that benefits should be paid only for service-connected disabilities, for unemployability and for need.' Commander Foley observed that the Legion has consistently supported this principle and, in fact, participated in establishing it as part of today's law. The chamber's president, however, selected out for particular abuse a general pension bill that is backed by an organization representing less than 10 percent of those in veterans' organizations, but he neglected to make clear the pension policy of the American Legion.

"The Legion commander said 'anyone even casually acquainted with our organization's longstanding position knows that we stand for a showing of need in non-service-connected benefit programs. The American Legion is, continued Mr. Foley, 'the foremost spokesman among veterans' groups for retention of a reasonable test of need in the veterans' disability and death pension programs. Within the framework of existing law, we seek moderate liberalizations in keeping with rising living costs, and such other modifications as will serve to perpetuate the dignified and gracious manner in which the Nation traditionally has cared for its war veterans and their survivors.'

"The Wabasha, Minn., lawyer identified four major fallacies in the Post article which he said served to discredit any claim its author might make to expertise in the field of veterans' affairs. These, together with the Legion's comment, are:

"1. The Post article asks, 'If low-income veterans of World War I should be helped, why shouldn't low-income, elderly nonveterans?' The Washington office of the U.S. Chamber of Commerce is well-staffed with experts in all forms of Government programs. It is inconceivable that its president would be unaware of the public assistance program under which well over 2 million older citizens, regardless of veteran status, receive a monthly payment consisting largely of Federal funds. The amount paid in such cases is, on the average, approximately the same as the average pension paid by the VA to a war veteran.

"2. The Post article says '* * * 85 percent of the VA patients have nonservice disabilities.' The quoted figure must have been grabbed out of the air for it bears no ascertainable relationship to official Government statistics. It is possible, of course, that all VA patients have some non-service-connected disability. The fact is, however, that somewhat over 40 percent of all veterans occupying a VA hospital bed have service-connected disabilities of a compensable degree. Of the remaining non-service-connected group, over 57 percent are under treatment for chronic, long-term disabilities such as tuberculosis and neuropsychiatric conditions. These patients would be a charge on the public whether in a VA or a non-VA hospital.

"3. The Post article claims '* * * there are generally more empty beds than patients in VA hospitals, if only because most of the patients are ambulatory.' The reference to 'ambulatory' patients renders this statement senseless. Under this definition, all beds in any hospital would be 'empty' on any given day that all of its patients could stand up and walk. The fact is the VA's record on utilization of beds is much better than non-VA hospitals. The bed occupancy rate for VA hospitals is 90 percent, compared to 75 percent for non-Federal hospitals.

"4. The Post article states: 'Our veteran population is aging, but not decreasing.' This would be a good trick, if possible. The fact is the Nation's war veteran population has been on the decline since March 1958.

"The chamber's president, a Delaware banker, favors dismemberment of the VA and letting the general social security system provide for the needs of veterans. Commander Foley called attention to the fact that the writer of the Post article failed to provide the details as to how this would be accomplished. 'Furthermore,' said Legion head, 'the business-lobby's representative did not tell us how much money, if any, would be saved. The needy—veteran or not—are cared for in our society for the most part through public programs. It is fundamental to the Legion's philosophy, however, that war veterans in need are a Federal responsibility and the VA is the agency for discharging that responsibility; and our philosophy in this regard is founded on the Nation's historic policy of providing special benefits for its war veterans and their survivors.'

"Representing the 2,600,000 veterans of World Wars I and II and the Korean war who are members of the American Legion, Commander Foley said: 'Thousands of Legionnaires also are members of some local chamber of commerce. They will have more than a passing interest in their national president's views as expressed in the Post article. We have found over the year that whenever a local installation of a Federal agency is threatened with transfer, dissolution or curtailment, the local chamber of commerce takes an active part in efforts to retain the status quo. Legion posts and chamber units often have joined forces to justify continued full operation of a given VA medical facility.'

"Commander Foley stated in conclusion that the Post article presents nothing new. 'It is the same old charges from the same old source. No amount of fallacious reasoning will dissuade the American public from its policy of caring for the Nation's war veterans and their survivors through special programs designed to provide for their just and reasonable needs. Neither will foundless attacks against the VA's fine record; nor will such a base purpose be served by impugning the integrity and judgment of Congressmen.

"'As national commander, I pledge to all needy war veterans, and to the widows and orphans of those who served, that the American Legion will continue its efforts in their behalf, that the VA's hospital system shall be maintained intact, and that we will fight with our full strength and resources any and all attempts to dismember the VA or otherwise weaken its ability to carry out its important mission.

"'We make no apology for our position on veterans' benefits, just as we need not apologize for the American Legion's great and continuing programs of community service; its child welfare work; its sponsorship of youth projects emphasizing American ideals of fair play, tolerance, civic responsibility, and constitutional government; its unselfish service to veterans and their dependents; its support for a national defense establishment second to none; its insistence upon the maintenance of American principles of justice, freedom, and democracy.

"'Finally,' said Commander Foley, 'in view of the attitude expressed by the writer of the Post article, perhaps it is also his view that veterans' groups, including the American Legion, should cease their keen interest and participation in countless community projects and endeavors all across America—many of which would not be realized without the support of such patriotic organizations.'

"NATIONAL LEGISLATIVE SERVICES,
VETERANS OF WORLD WAR I OF
THE U.S.A., INC.,
"Washington, D.C., January 24, 1964.

"Hon. WRIGHT PATMAN,
"Member of Congress,
"House Office Building,
"Washington, D.C.

"DEAR CONGRESSMAN PATMAN: With each succeeding week it becomes more and more apparent that Edwin P. Neilan, president of the U.S. Chamber of Commerce, is fast becoming the victim of his own utterances.

"Starting last summer, Neilan, who is also president of a chain of banks in the State of Delaware, opened a vicious attack upon Members of Congress, terming them 'confidence men,' 'bagmen,' 'patronage peddlers,' 'gravy ladlers.' He, in plain words, accused Members of Congress of squandering the public money in order to perpetuate themselves in office and virtually stated that all of them were open to various means of bribery in order to hold their elected positions.

"This blast, of course, did nothing to ingratitate the chamber head with Members of Congress and since that time he has authored an article in the Saturday Evening Post, 'Let's Say No to Veterans.' This tirade was so completely devoid of facts that it has not been difficult for veteran leaders to point out the distortions and untruths in his article which has aroused a terrific tide of resentment amongst veterans, their friends, and supporters.

"As the president of the chamber of commerce, Neilan has been invited to address civic organizations in various cities. In nearly every appearance that he has made, his ill-founded statements have returned to haunt him. In Indianapolis, Ind.; Minneapolis, Minn.; Cleveland, Ohio; and Bay City, Tex., and even in his own State of Delaware his audiences have been astonished and amazed at the inaccuracies and misstatements that have been sprinkled most liberally throughout his addresses.

"His charges against veterans and veteran benefits have been most ably answered by top veteran spokesmen. It would appear that Neilan's image as a spokesman for the Chamber of Commerce of the United States has been considerably tarnished as he continues to play the contortionist and put his foot in the mouth at every conceivable opportunity.

* * * * *

"While it seems popular to downgrade World War I service, we wonder how many, if any, of these critics have studied the history of the hastily built citizen army who were thrown against the most efficiently trained and experienced troops in the world. History shows that these farmers, mechanics, and just plain kids met and defeated the Feldgrau Legions who had 4 years of combat to their credit in every major encounter of World War I.

"The record is filled with astonishments by our European Allies at the free-swinging and singing doughboys as they recklessly stormed the fortified positions of the enemy who had defied attack for so long a time. If Mr. Neilan had acquired a little mud on the seat of his 'britches' perhaps he would not be so glib and careless in his evaluation of men who did the impossible. The adjectives he uses in reference to these doughboys should make even the most shameless blush.

"While the chamber of commerce head is unalterably opposed to benefits for veterans, he has no such scruples when it comes to benefits for bankers, estimated insofar as Neilan's bank is concerned, as being approximately $400,000 yearly. This subject has been amply covered by the Honorable WRIGHT PATMAN, of Texas, a recognized authority on finance. It would appear that it is only a matter of a very brief time before Edwin P. Neilan will be thoroughly discredited by the people of this Nation.

"The Veterans of World War I wish to commend the Honorable WRIGHT PATMAN, of Texas, for his courageous stand before the House of Representatives in defense of the veterans of this country from the unwarranted and unjust attack upon those men and women who answered the call of their country in time of its greatest need. We wish to assure all of those Members of Congress who have courageously stood up to be counted in supporting the Veterans of World War I, whose average age is now 70 or better, and particularly in defense of the traditional treatment which has been a part of our Nation since its founding. These traditions have been established upon many a field of battle, from the earliest Colonial days through the French and Indian Wars, the Revolution, Mexican War, the Civil War, Spanish-American War, World Wars I and II, and Korea. This tradition is epitomized in the statement made by President Hoover that military service in time of war is extraordinary service over and above the normal requirements of citizenship and, therefore, entitled to special consideration. The American fighting man has garnered strength and encouragement from these traditions together with a spirit of determination to defend and carry forward into perpetuity our American way of life and the true concept of our realization with those who have given so much and who will, in the future, give that which has to be given in its defense.

"Again we want to say we are grateful, particularly to the Honorable WRIGHT PATMAN, of Texas, for his consistent support and in defense of the fighting men of this Nation from the time he became a Member of Congress to the present. We consider all those who are supporting this concept and our World War I program as men of courage and men with a deep, sincere sense of loyalty to those who have fought and to the American tradition.

"Sincerely yours,
"JOHN E. ERICSON,
"National Legislative Director.
"MICHAEL J. DWYER,
"National Research Consultant.
"LEROY P. CHITTENDEN,
"National Public Relations Director."

A SALUTE TO ELGIN NATIONAL WATCH CO. ON ITS CENTENNIAL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from South Carolina [Mr. HEMPHILL] is recognized for 30 minutes.

Mr. HEMPHILL. Mr. Speaker, on March 18, 1964, a concurrent resolution relating to and saluting the centennial anniversary of Elgin National Watch Co. was passed by the house of representatives and the senate in my home State of South Carolina. This resolution was introduced by one of South Carolina's most distinguished citizens, Senator John Carl West of Camden, Kershaw County, of my district. Elgin National Watch Co. has a new, beautiful, and productive plant in my district, giving employment to hundreds of people, and producing great American products, and at the same time preserving and promoting skills so necessary in our overall defense concept. We are proud to have Elgin in South Carolina.

I would like to include as a part of my remarks the resolution, after which I should like to add some of my own remarks pertaining to this milestone in American industry:

S. 738

Concurrent resolution congratulating the Elgin National Watch Co. on the occasion of its centennial anniversary

Whereas Elgin National Watch Co. is the Nation's first major watch manufacturer to achieve its centennial; and

Whereas in a century of service to the Nation's economy, to its consuming public, and to its defense in peace and war, Elgin National Watch Co. has continually maintained only the highest standards of manufacture, quality of product and integrity of operation; and

Whereas, in its numerous contributions to the art and skills of watchmaking and to the Nation's space effort, Elgin National Watch Co. has become synonymous with timekeeping and horological products of the highest standards; and

Whereas, as an outstanding example of the validity of the American free enterprise society, Elgin National Watch Co. continues to grow, creating new products, new markets and thus new employment opportunities; and

Whereas, in establishing a major facility in this State, Elgin National Watch Co. is making a significant contribution to the economic growth of South Carolina: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That the general assembly does acknowledge with appreciation these contributions and extend to Elgin National Watch Co. and to its chairman of the board and president, Henry M. Margolis, its greetings and felicitations on the occasion of the company's centennial anniversary.

I am proud to join my colleagues and constituents in South Carolina in commending Elgin National Watch Co. upon achieving its centennial—an event which, in itself, is worthy of the approbation of all Americans.

More than a mere birthday is involved here. For if the roster of American companies that have reached the age of 100 is small, rarer still are those firms whose very names, products, and services have been woven into the fabric of our national economy.

Elgin is one of these. Born and nurtured in the great State of Illinois, the company today maintains manufacturing facilities in five States, including a new plant in South Carolina, and markets its well-known products throughout the Nation. I am proud that the new plant at Elgin, S.C., is located in my district.

In a century of contributions to the art of timekeeping, as well as to the national defense, Elgin has continually maintained high standards of quality and integrity. In World War II, its production of timing devices of all types for the military won 10 Army-Navy E's for production excellence.

More recently, Elgin, which is designing and building the central timing equipment for the Apollo project moonshot, won the commendation of the Air Force Ballistic Systems Division for engineering recommendations that were instrumental in saving approximately $100 million and 12 months of vitally needed time.

Next month (May) Elgin's chairman and president, Henry M. Margolis, will represent his company before the U.S. Tariff Commission in opposition to proposed tariff cuts on watch imports that would, in effect, destroy the U.S. jewelled watch industry, of which Elgin is an outstanding representative.

Mr. Speaker, it is with great pleasure that I salute Elgin National Watch Co. for its 100 years of corporate citizenship of the highest caliber.

THE LATE HONORABLE CHARLES CARPENTIER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. LIBONATI], is recognized for 15 minutes.

Mr. LIBONATI. Mr. Speaker, the recent death of Charles Carpentier, secretary of State of Illinois, removes from the political scene one of the most versatile statesmen developed at the State level in Illinois politics. His loyalties and friendships traversed party lines. His long service in the State senate was marked with incidents in debate that brought to the fore his fighting qualities and superior abilities needed in tough debate. Whatever faults may be attributable to Mr. Carpentier—weakness of will or determination were not among them. He was plain and forthright in everything he advocated. He hit hard and learned well the rules of the game. He never lowered his dignity by indulging in trickery or vilification. He would be the first to defend one against unfair tactics. He was frank, sincere, and courageous. If he thought he was right, he stood his ground with reckless abandon regardless of the consequences, even against Governors of his own party.

He could meet and talk to individuals of all types at their level regardless of their social stratification—and he understood. There was no question where he stood on issues. He minced no words and talked straight out in plain terms. His ability as a debater was well known and his grasp of the question at hand was perfect. His strong mental qualities were best portrayed in fiery debate. His familiarity with life's problems correlating with legislative values gave him a terrific advantage in matters of government. He was one of the best informed senators in his committee work in the State senate.

His extended service at the legislative level was mainly responsible for Senator Carpentier's rise in State politics. As secretary of state, he solidified the workings of his office to best serve the public needs. His sagacious training as a business man prepared him for the many diversified public functions of his office. This was a real challenge to him, and he met each problem head on. He never discharged an employee because of that individual's identification in politics—a skilled or talented employee, expert in his work received adequate recognition for his efforts. Secretary Carpentier recognized the fact that regardless of changing political fortunes, the work of the office must go on, and that certain public services of the secretary of state's office, such as in the corporation, veteran rehabilitation, circulating library, licensing, inspection, and so forth, divisions required at certain levels highly qualified personnel—those that he needed, he retained. His astuteness in this regard increased public confidence in his administration, and earned the respect of his staff and personnel. He initiated many reforms to improve that service. He was especially alert to the responsibilities of his office to the care and rehabilitation of veterans and was active in Legion affairs.

Early in his senatorial career he joined his political fortunes with those of three of his colleagues—Senators Arthur Bidwill, Arnold T. Benson, and Bill Knox—now deceased—later Senator Merritt Little. Their political operations were centered at their home on Grand Street in Springfield. An organized strength of 20 senators dictated legislative policy in the senate—the press in less than endearing terms called the four power leaders "the Grand Street Boys." All Governors learned to respect their decisions. Charles Carpentier was the happy and carefree one of the quads—yet served well as the axman of the group, his aim was straight and his ax deadly once poised for a strike. It was his assignment, and he was an expert in his manipulations on the floor of the senate. Senator Knox was a genius in creating confusion; Senator Benson, sagacious in planning; Senator Little, a front runner in debate and Senator Bidwill the moderator and compromiser. This powerful team made itself felt in the annals of legislative politics in the State of Illinois.

No one need apologize for praising the fine qualities of a great leader, for without them Mr. Carpentier would not have received the great majorities in facing the electorate—even when his party suffered defeat statewide.

People who were not acquainted with Charlie are apt to judge him as just another politician feeding at the public trough—but those who did know him appreciated the great achievements accomplished under his leadership for the public good.

Secretary Carpentier was a natural in the field of politics. He had weathered the great depression, as well as the financial inroads of modern television and radio programs, crippling his two movie theaters in Moline. His was a struggle that every businessman of that era understood.

He developed into a peerless political manager and directed the fortunes of the regulars of his party. It was through his worthy efforts that the party retained its identity within the basic principles of Republicanism.

As a candidate for Governor of his State until his recent illness, he marshaled together a formidable organization for his own political future and his party's welfare.

But, alas, the fatal stroke forced his withdrawal in January, and on Friday, April 3, passed on through the gates of destiny to immortality. No one with his fiery temperament could expect a prolonged longevity. His vigorous approach to all things had taken its toll. Thus, this fine leader of rosy cheek, brightly eyed, of tigerlike ferocity and clear mind, lost his chance to storm the political heights—he failed to realize his ambitious suppressed desire to occupy the Governor's chair.

His two most intimate friends—Senators Everett Peters and Arthur Bidwill—reflected, in their silence, the great sadness in his demise. They were steadfast in their loyalty.

Among his many friends and admirers at the funeral were Senator George E. Drach, Andy Faseas, Senators T. MacDowning, A. L. Cronin, Daniel Dougherty, John P. Meyer, Edward Moore, Attorney General William Clark, Richard Hodgman, State Auditor Michael Howlett, Charles H. Perce, State Treasurer William J. Scott, Governor Otto Kerner, former Governor William Stratton, John William Chapman, U.S. Senator Everett M. Dirksen, Chief Justice Ray Klingbiel, Lt. Gov. Samuel H. Shapiro, House Minority Leader Paul Powell, his successor, Secretary of State William Chamberlain, Congressman Roland V. Libonati, Frank J. Dick, Congressman Robert B. Chiperfield, Judge Latham Castle of the United States Court of Appeals, John L. Davidson, Jr., vice president and general counsel, Wabash Railroad Co., and many others, marched—a cortege of 200—in solemn respect behind the hearse, from his home to St. Anne's Catholic Church.

He had many supporters in the Illinois General Assembly, whose mutual interests in legislation resulted in mutual respect. Among those were Senators Joseph De La Cour, Donald J. O'Brien, Anthony DeTolve, Frank J. Kocarek, Fred J. Hart, Edmund G. Sweeney, Robert W. McCarthy, William Lyons, Edward C. Eberspacher, William L. Grindle, Arthur W. Sprague, W. Russell Arrington, Frank M. Ozinga, Hudson R. Sours, David Davis, Lillian E. Schlagenhauf, Dwight P. Friedrich, Paul W. Broyles, Mrs. Madge Green, Everett E. Laughlin, Paul Simon, Paul A. Ziegler and Ex-Senator Benedict Garmisa, as well as Congressmen Elmer Hoffman—former Illinois State treasurer—John B. Anderson, Leslie Arends, Harold Collier, William Dawson, Edward Derwinski, Paul Findley, Edward Finnegan, Ken Gray, John C. Kluczynski, Robert McClory, Robert McLoskey, Robert Michel, William T. Murphy, Thomas J. O'Brien, Barratt O'Hara, Melvin Price, Roman Pucinsky, Charlotte T. Reid, Dan Rostenkowski, Donald Rumsfeld, George Shipley, and William L. Springer, and those as ex-legislators, Aldermen John D'Arco and Vito Marzullo, Mayor Richard J. Daley, County Clerk Edward J. Barrett not only held a great respect for the abilities of Charles Carpentier, both as State senator and secretary of state, but, whenever possible, cooperated with him in the realization of good government.

Col. Jack Arvey, Hon. Joseph Gill, and corporation counsel of Chicago John C. Melaniphy were frequent visitors to Springfield because of their public duties, and, when possible, enlisted Secretary Carpentier's advice and support.

Others who cooperated with Secretary Carpentier were State Representatives Louis F. Capuzi, Corneal A. Davis, Lawrence DiPrima, Andrew A. Euzzino, Peter C. Granata, Noble W. Lee, John Merlo, Richard A. Napolitano, Cecil A. Partee, Sam Romano, Matt Ropa, Elroy C. Sandquist, Frank J. Smith, John P. Touhy, John M. Vitek, Warren L. Wood, Curley Harris, Clyde L. Choate, William E. Pollack, Paul J. Randolph, Peter J. Miller, Peter M. Callan, Robert F. McPartlin, Peter J. Whalen, Michael A. McDermott, Michael E. Hannigan, John G. Fary, Michael A. Ruddy, John F. Wall, George S. Brydia, John K. Morris, Francis J. Loughran, Joseph P. Stremlau, Carl W. Soderstrom, Charles K. Willett, Edward McBroom, Charles W. Clabaugh, Dr. Edwin E. Dale, G. William Horsley, John W. Lewis, Jr., Charles Ed Schaefer, and Committeemen James East and Russell Root.

Rt. Rev. Msgr. William J. Cleary, pastor of St. Anne's Church, gave the eulogy at the funeral Mass. He praised Secretary Carpentier as "an example of steadfast Christian living in a world prone to forget its divine heritage. He spent his life serving his Maker and giving glory to his Creator. He worshiped here every Sunday and from his life among us he grasped the humble truths." He was buried in St. Mary's Cemetery in East Moline.

In the humdrum of political and business life it is impossible to expect the personal attendance of individuals at funerals but, one thing is certain, that on the burial day, hundreds of important political figures and thousands of our citizens who admired and loved this great leader, in silent prayer, called upon the Almighty to escort him to the house of the Lord. As was stated on the prayer card, dedicated to his memory, we have loved him during life, let us not abandon him until we have conducted him by our prayers into the house of the Lord.

> O gentlest heart of Jesus, ever present in the blessed sacrament, ever consumed with burning love for the poor captive souls in purgatory, have mercy on the soul of Thy departed servant, Charles.
>
> Be not severe in Thy judgment, but let some drops of Thy precious blood fall upon the devouring flames and do Thou, O merciful Saviour, send Thy angels to conduct Thy departed servant to a place of refreshment, light, and peace. Amen.

The proud heritage that he left his beloved family will give them strength in their bereavement. We, the members of the Illinois delegation, extend our heartfelt condolences to his lovely wife, Alta, his son, State Senator Donald, and his darling daughter, Mrs. Edward J. Piper.

The State of Illinois has lost a favorite son and distinguished public servant, and the Nation a patriotic American, who dedicated his life in public service. The American Legion has lost a comrade who never forget the widow and orphan and those who could not help themselves. God's will be done.

I dedicate to his memory these few stanzas:

He came with naught and left with naught
But fought his way for what he sought
And spent his strength through all this strife
Yet, was it worth the loss of life.

But, if there's peace o'er yonder hill
For one who served a people's will
Then God alone will surely know
An earned reward of heavenly glow.

[From the Chicago Tribune]

ONE THOUSAND ATTEND SERVICE FOR CARPENTIER; DIRKSEN, KERNER HEAD GROUP OF OFFICIALS

(By Robert Howard)

EAST MOLINE, April 6.—A requiem mass for Secretary of State Charles F. Carpentier was attended today by 1,000 persons, including top officials in both political parties.

Senator DIRKSEN, Republican, of Illinois, and Governor Kerner were in the front rank as 200 persons walked four blocks from the Carpentier home to St. Anne's Church, where all pews were filled and scores stood during the service. Heading the procession was a detail of 28 blue uniformed investigators from the secretary's office.

The Reverend William J. Cleary eulogized Carpentier, who died Friday of a heart ailment, as a humbly pious man who was steadfast in Christian living. In the circular church, the widow, Mrs. Alta Carpentier, and her son, Donald, a State senator, sat with other members of the family in a front pew on the left side. It was the State official's regular place when he attended masses here.

CHIEF JUSTICE ATTENDS

Among the mourners was Chief Justice Ray I. Klingbiel of the Illinois Supreme Court, a neighbor who was corporation counsel when Carpentier was mayor of East Moline.

The funeral brought a truce in the campaign for April 14 primary votes. Shaking hands in front of the Carpentier home in this industrial city were State Treasurer William J. Scott and Charles H. Percy, rivals for the Republican nomination for Governor. Supreme Court Justice Byron O. House commended their campaigning and admonished the rivals to "keep it clean" during the final week.

Carpentier announced in East Moline 8 months ago that he was a candidate for the Republican nomination for Governor. He withdrew from the race in January after entering a Springfield hospital.

PAGE ACCOMPANIED SCOTT

Scott flew here with Ray Page, State superintendent of public instruction. Their wives attended a memorial mass in Springfield, held for the convenience of the employees of the secretary of state's office.

All elected State officials came to East Moline for the funeral. Accompanying Kerner was William H. Chamberlain, who was appointed by Governor Kerner, to fill the 9 months of Carpentier's unexpired term. Legislators from both parties also attended.

Burial was at St. Mary's Cemetery here.

[From the Chicago (Ill.) American, Apr. 4, 1964]

HUNDREDS ATTEND CARPENTIER RITES IN EAST MOLINE

EAST MOLINE, ILL.—Scores of State officials headed by Governor Kerner joined fellow townsmen of Charles F. Carpentier Monday in paying their final respect to the late secretary of state.

The 800-seat St. Anne's Catholic Church was filled to capacity during the funeral mass for Carpentier, one-time mayor of East Moline, who died Friday at 67 of a heart attack.

The theme of the funeral sermon, prepared by Carpentier's friend and pastor, the Right Reverend Monsignor William J. Cleary, was that Carpentier's long career was marked by dedicated service to his fellow men and his Maker.

BURIAL AT ST. MARY'S

After the 11:30 a.m. services, Carpentier was buried in St. Mary's Cemetery here near his parents.

Senator DIRKSEN attended the services. State Treasurer William J. Scott and Charles H. Percy, opponents for the Republican gubernatorial nomination, were also there.

William H. Chamberlain, who was appointed Carpentier's successor by Kerner, said the secretary of state's office was ordered closed Monday. He, too, attended.

Sunday night Monsignor Cleary led mourners in the recitation of the rosary for Carpentier.

WAKE IN HOME

Carpentier was waked in his home Sunday at 256 16th Avenue, East Moline.

Pallbearers were officials of the late secretary's investigation division.

Carpentier started his colorful political career as a Republican when he was elected an alderman in East Moline. He became secretary of state in 1952. Carpentier never lost an election.

A 4-day period of mourning through Monday was proclaimed by Kerner. Flags on all public buildings in the State will be flown at half staff.

Carpentier is survived by his widow, the former Alta Sarginson; a son, State Senator Donald D. Carpentier (Republican of East Moline); a daughter, Mrs. Edward J. Piper, and nine grandchildren.

AN ABLE OFFICIAL

We are especially sorry Charles F. Carpentier is dead because he had set, throughout his long life in politics, a fine standard of performance as a public official. He was a good secretary of state. He had been a good mayor of East Moline, and before that a good member of the city council. He was a good State senator.

Carpentier sponsored enactment of Illinois' drivers license law, which many other States have used as their model. As secretary of state, he worked constantly to improve the enforcement of laws withdrawing licenses from unfit drivers—and he must be given credit for helping materially in keeping the automobile death and injury rate in the State as low as it is—which is not, naturally, yet as low as it should be. He caused the phrase "Land of Lincoln" to be used on all Illinois license plates.

As Senator EVERETT DIRKSEN said in Washington Friday, Carpentier "raised the secretary of state's office to the magnitude of high public service."

Carpentier's interest was in the State of Illinois. He wanted to be Governor. He would have liked to have run in 1960, but Gov. William Stratton wanted to run again, and Carpentier gave up his own plans.

Last January he was easily leading in the contest for the Republican nomination when he suffered a heart attack. He was recovering from this in St. John's Hospital at Springfield when another heart attack ended his life early Friday morning.

He served the people of Illinois well for a long time, and they will remember him.

CARPENTIER WAKE IN EAST MOLINE

Friends and political associates of Charles F. Carpentier are headed for East Moline Saturday for the wake of the popular secretary of state.

Carpentier, 67, who suffered a fatal heart attack Friday, is being waked in the Van Hoe Chapel at 1500 6th Street, East Moline. Visitation at the chapel is from 2 to 9 p.m. Saturday.

GOES HOME SUNDAY

The body will be taken Sunday to the Carpentier home at 256 16th Avenue, East Moline, where visitation will begin at 1 p.m.

A rosary will be said for Carpentier at 7:30 p.m. Sunday in St. Anne's Catholic Church in East Moline.

Mass will be held at 11:30 a.m. Monday in St. Anne's Church by the Right Reverend Monsignor William J. Cleary, pastor.

Burial will be in St. Mary's Cemetery in East Moline. Pallbearers will be officials of the late secretary's investigation division.

FOUR-DAY MOURNING

Governor Kerner has proclaimed a 4-day period of mourning through Monday. Flags on all public buildings will be flown at half staff.

Carpentier is survived by his widow, the former Alta Sarginson; a son, State Senator Donald D. Carpentier, Republican, of East Moline; a daughter, Mrs. Edward J. Piper, and nine grandchildren.

[From the Chicago (Ill.) Sun-Times, Apr. 4, 1964]

CARPENTIER WAS IMMERSED IN CAMPAIGN UNTIL VERY END

(By Tom Littlewood)

SPRINGFIELD, ILL.—They could put Charlie Carpentier in a hospital bed, but they could not anesthetize him from the stresses and emotions of a rugged political campaign.

The Illinois secretary of state, Charles F. Carpentier, died early Friday of a heart attack shortly after he had issued a strong statement attacking State Treasurer William J. Scott, a Republican candidate for Governor in the April 14 primary election.

SERVICES MONDAY

Requiem mass for Mr. Carpentier will be offered at 11 a.m. Monday in St. Anne Roman Catholic Church, East Moline. Burial will be in St. Mary's Cemetery, also in Mr. Carpentier's home city of East Moline.

Msgr. William J. Cleary, priest for many years in the Carpentier family parish, will officiate at Monday's mass. Visitation at Van Hoe's Funeral Chapel, East Moline, is scheduled from 2 p.m. Saturday until Sunday noon, and visitation at the Carpentier residence from noon until 7 p.m. Sunday.

A rosary service is planned for 7:30 p.m. Sunday at the church. The family requested that donations be made to the St. Anne's building fund in lieu of flowers.

The 11 investigation lieutenants on his staff who will serve as pallbearers are: Victor De Corto and Joseph C. Green, of Chicago; Alfred Schiller, of Palatine; Samuel A. Maxwell, of Woodstock; Arthur M. Tofte, of Dixon; Edward V. Munge, of Pekin; Edwin Finney, of Champaign; Archie Smith, of Hull; Paul W. Bryan, of Flora; C. Luther Rudder, of Granite City, and Charles Bingaman, of Ullin.

Survivors include the widow, Alta; a son, Donald, who now occupies his father's old seat in the State senate, and a daughter, Mrs. Edward J. Piper.

The 67-year-old veteran Republican had expected to repeat his allegations against Scott from his hospital bed before television film cameras Friday afternoon.

ASSAILED SCOTT

Letters were mailed Thursday over his signature to Republican precinct committeemen and other officials. His statement referred to the treasurer as a "late-blooming candidate * * * a voluble young man (who) has been hurling a variety of irresponsible charges in all directions with the reckless abandon of a fifth-grader throwing snowballs."

The son of a Belgian immigrant tavernkeeper, Mr. Carpentier was stricken January 14—11 weeks and 2 days before his death—with an initial coronary thrombosis.

THREW SUPPORT TO PERCY

After his withdrawal and hospitalization here on January 21, Mr. Carpentier's support for the nomination was thrown to Charles H. Percy. Scott subsequently entered the race against Percy.

He lived for politics and loved the slambang of campaign combat. Often an irascible individual in good health, the white-haired secretary of state refused to shut the rousing campaign out of his mind.

Despite repeated warnings by his physicians that rehabilitation required "an environment free of the pressures and emotional involvement of a political campaign," he continued to read newspaper political stories and discuss political tactics with some of his staff.

His condition had improved, however, and he had been expected to be released shortly from St. John's Hospital for extended convalescence in Arizona.

SURVIVED DEMOCRATIC SWEEP

Mr. Carpentier was elected to three terms as secretary of state, being the only Republican State officer to survive the Democratic statehouse sweep in 1960.

His political career began with election to the city council of East Moline in 1924. He advanced to mayor in 1929, to State senator in 1938, and to secretary of state in 1952. In private life Mr. Carpentier owned a chain of movie theaters in Rock Island County.

The flag over the statehouse dome was flown at half-staff Friday and Governor Kerner declared a period of mourning through Monday. He asked that all flags on public buildings be at half-staff Monday.

Kerner said he would attend the funeral Monday, as will the State's leading political leaders in both parties. The Governor's Friday statement praising Mr. Carpentier as "a credit to the profession of politics" typified the high esteem in which the secretary was held.

Mayor Daley recalled his service in the Illinois Senate with Mr. Carpentier and termed him "a good secretary of state." "I extend my condolences to his family on their great loss," the mayor said.

Scott said, "It's very tragic. We were very good friends and served several years as State officials together. My prayers are with the family."

STATEMENT FROM PERCY

From Percy came this statement:

"The news of Secretary Carpentier's death saddens his thousands of friends throughout Illinois. I knew and liked Mr. Carpentier for many, many years. But during the last 2 months of his life when we became so closely associated I learned to appreciate at firsthand the qualities of mind and spirit that made him such a valuable public servant. The State of Illinois and the Republican Party have lost a true leader of men."

Lt. Gov. Samuel H. Shapiro said Mr. Carpentier "was a faithful public officer who served his State ably and well."

Hayes Robertson, Cook County GOP leader, termed Mr. Carpentier a strong force in the Republican politics and "a great credit to the party."

Former Gov. William G. Stratton said, "He was one of the most unusual men we have ever had in public office in this State. He was a great secretary of state and completely dedicated toward improving the office."

DIRKSEN TELLS GRIEF

Said Senator EVERETT M. DIRKSEN, Republican of Illinois: "When a man you have known through four decades passes on, he takes a little bit of you with him. * * *

Blunt and outspoken, yet kindly and courageous, always dependable, he was a true friend. I shall miss him, but Illinois will miss him more, for he gave his State his best throughout a lifetime."

Democratic Attorney General William G. Clark said the people of Illinois had lost a public official of whom they should be proud.

Alderman Jack I. Sperling (50th), a candidate for the GOP nomination as attorney general, said Mr. Carpentier's death was "a loss to all people who admire honesty and ability in public officials."

[From the Chicago (Ill.) Sun-Times, Apr. 4, 1964]

CHARLES F. CARPENTIER

Charles F. Carpentier will be remembered, the way Illinois secretaries of state usually are, as a man of great personal popularity and skill in the arena of State politics.

Louis L. Emmerson after three terms in the office went on to the governor's mansion and Carpentier, serving his third term, had hoped to do so, too, until stricken with a heart attack January 20. He had a large and loyal following in the State, built up over the years as he went up the political ladder. In 40 years he had won 15 straight elections, starting as an alderman in East Moline.

After five terms as mayor of East Moline he served four terms as State senator, becoming one of the most influential men in the upper house. A good-natured son of a Belgian immigrant innkeeper, Mr. Carpentier was a tough political fighter when the occasion demanded. He was so to the very end.

Although confined to a Springfield hospital bed Mr. Carpentier kept in touch with the current primary campaign by telephone. (He had a telephone installed that bypassed the hospital switchboard.) At age 67 he was expected to recover his health and his death was unexpected.

Only a few hours before he died during the early hours Friday morning Mr. Carpentier mailed a typically hardhitting letter to all Republican precinct committeemen, State central committeemen, ward and township committeemen and members of the general assembly commenting on the contest for the Republican nomination for governor April 14.

In it he reiterated his endorsement of Charles H. Percy and criticized the "irresponsible charges" being made with "reckless abandon" by Percy's opponent, William J. Scott. The letter was received as news of Mr. Carpentier's death was being published.

Thus "Charlie," as he was known affectionately by his host of friends, continued in his role as a force in Illinois politics to his last hours. His death removes a man of great personal popularity and takes away from the Republican Party the political strength not only of the man but the office that he held. Some 2,600 patronage jobs may now be taken over by the Democrats since Governor Kerner has appointed a Democrat to serve out the remainder of Mr. Carpentier's term.

Mr. Carpentier's successor should find the office has been run efficiently and with a high degree of responsibility. For Mr. Carpentier, as politicians must be if they are to be successful, was also a good public servant. In their bereavement, his family can be proud of that.

[From the Chicago (Ill.) Daily News]

THE LAST TRIP BACK HOME TO EAST MOLINE

Political friends and foes of the late Charles F. Carpentier will gather in East Moline Monday to pay their respects to the man who rose from smalltown movie-house operator to Illinois secretary of state.

A requiem mass for Mr. Carpentier will be offered at 11 a.m. Monday in St. Anne's Catholic Church, East Moline. Burial will be in St. Mary's Cemetery there.

Mr. Carpentier died early Friday of a heart attack in St. John's Hospital, Springfield, Ill., where he had been confined since suffering an earlier heart attack January 20.

Gov. Otto Kerner is expected to head the political delegation at the funeral.

The Governor ordered the flag over the statehouse dome to be flown at half staff and declared an official 4-day period of mourning.

Kerner called Mr. Carpentier, who was often a sharp political foe, a "credit to the profession of politics."

Mayor Richard J. Daley, of Chicago, further typified the wide respect held for the late secretary of state when he said:

"He always tried to do a good job for the people of Illinois. He was a good secretary of state."

Mr. Carpenter's political career dates back to 1924 when, at the age of 28, he was elected city councilman in East Moline.

This was the first of 15 consecutive election victories that carried Mr. Carpentier through several terms as mayor of East Moline from 1929 to 1939 and State senator from 1939 to 1952, when he was elected to the first of three terms as secretary of state.

Mr. Carpentier built a 10,000-vote majority in the 1952 election to a 384,000 majority in 1960.

Considered the frontrunner for the Republican gubernatorial nomination, Mr. Carpentier withdrew after he was stricken.

He offered the support of his powerful State organization to candidate Charles H. Percy against State Treasurer William J. Scott.

A master politician who particularly relished election campaigns, Mr. Carpentier was fond of saying, "I've never backed away from a fight yet."

It was in this spirit that he continued, against advice of doctors and friends, to work actively for Percy from his hospital bed.

He had scheduled for Friday a television appearance at the hospital in which he would have amplified a statement critical of Scott.

The statement was mailed Thursday to Republican officials throughout the State.

Mr. Carpentier reported chest pains Thursday night. He died shortly after midnight before his physician, Dr. G. K. Greening, arrived.

Senator EVERETT M. DIRKSEN, Republican, of Illinois, a close friend of Mr. Carpentier, said from his home in Washington:

"He was always on your side, blunt and outspoken, yet kindly and courageous, always dependable, a true friend.

"I will miss him, but Illinois will miss him more for he gave his State his best throughout a lifetime."

"It's very tragic," said candidate Scott. "We were very good friends and served several years as State officials together. My prayers are with the family."

"The State of Illinois and the Republican Party have lost a true leader of men," said Percy.

Hayes Robertson, Cook County Republican chairman, said: "He was a strong force in in the Republican Party. He was a credit to the party."

The Belgian consul general in Chicago, Albert Boelaerts, sent a message to Mrs. Carpentier, expressing "warmest sympathy in the great loss of your husband who was a great American and a great friend of my country."

Mr. Carpentier, of Belgian descent, earned the nickname "The Fighting Belgian" during his term as mayor of East Moline.

Besides the widow, Alta, Mr. Carpentier is survived by a son, Donald, Republican State senator from East Moline, and a daughter, Mrs. Edward J. Piper.

Friends may call at the Van Hoe Chapel in East Moline from 2 to 9 p.m. Saturday and to 1 p.m. Sunday. There will be a public rosary in St. Annes Church at 7:30 p.m. Sunday.

The 11 district lieutenants from the secretary of state's investigative unit will serve as pallbearers for the burial in St. Marys Cemetery, East Moline.

The family requested that in lieu of flowers, donations be made to the St. Annes building fund.

[From the Chicago (Ill.) Daily News]

CARPENTIER—ILLINOIS' ANGRY POLITICIAN

(By Charles B. Cleveland)

Charles Francis Carpentier was the angry man of Illinois politics.

Until he was felled by a heart attack earlier this year, he was clearly on his way to the GOP nomination for Governor, a lifetime ambition.

He might have made it all the way, with his legendary temper, extreme self-confidence—and the magic of a name imprinted on millions of forms as the Illinois secretary of state.

He was, to the end, the closest Illinois had to a Republican boss because of his control over one of the State's most important patronage offices, 2,500 jobs. His support thrust Charles H. Percy into a commanding position to a battle of his survivors for the governorship.

Short, white-haired and with a somewhat nasal voice (he was only a fair public speaker), Carpentier spent his lifetime in politics.

He was born in 1896, the son of a Belgian immigrant. After service in World War I, he went into the movie theater business.

He was elected alderman of East Moline's third ward in 1924, served five terms as mayor, then went to the Illinois Senate in 1938 and became the secretary of state in 1952.

In the senate he was known as one of "the boys on Grand Street"—a quarter of Republican senators who shared a rented home on Springfield's Grand Street during the legislative session and frequently voted as a bloc on key legislation.

One of the other "boys" was Arthur J. Bidwill of River Forest, now president pro tempore of the senate. That connection made Carpentier a frequent visitor to GOP legislative huddles in recent years, and a power in the upper house of the general assembly.

Another close friend was Ray Klingbiel, a boyhood friend Carpentier helped elevate to the Illinois Supreme Court.

In 1952, Carpentier took on what most observers thought was the impossible—beating popular Edward J. Barrett for secretary of state—but that was the year of Eisenhower.

In a vote of 4,400,000, Carpentier elbowed by with a 9,303-vote edge. Next time out, his margin was 600,000, and he joined the ranks of the political unbeatables.

Part of this voter magic was the office. Every voter writes out the name of the incumbent at least once a year for his auto plates, driver's license, or request for this or that form.

At first, his name was frequently misspelled Carpenter, which was among the things that made him angriest. But over the years the public learned to spell the name correctly.

Carpentier ran a good office, despite his hair-trigger temper. He had a knack of attracting and keeping capable assistants.

Although a thorough Republican, he retained many of Barrett's top aids at the start. And when he had to replace them, he picked their successsors carefully.

As a result, he and his assistants pushed through a model driver safety program, improved facilities for processing licenses and driver tests, and above all put in a tight disciplinary system to detect corruption—such as take-a-buck driver examiners.

[From the Chicago (Ill.) Daily News, Apr. 6, 1964]

CARPENTIER RITES HELD; PRAISE STEADFAST CHRISTIAN LIVING

(By Henry Hanson)

EAST MOLINE, ILL.—Charles F. Carpentier was eulogized at his funeral mass here Monday as an example of steadfast Christian living in a world prone to forget its divine heritage.

"He spent his life serving his maker and giving glory to his Creator," the Right Reverend Monsignor William J. Cleary said of the late Illinois secretary of state.

Monsignor Cleary, pastor of St. Anne's Roman Catholic Church, which Carpentier attended, recalled how the State official worshipped there humbly, Sunday after Sunday.

"From his life among us, he grasped the humble truths," added the priest.

More than 300 seats were reserved for State officials and other dignitaries in the 700-seat church, which was filled to overflowing.

After the mass, Mr. Carpentier was buried in the family plot at St. Mary's Cemetery.

The many State officials at the funeral were led by Gov. Otto Kerner.

Besides the Governor, State officials paying respects were Lt. Gov. Samuel H. Shapiro, State Auditor Michael J. Howlett, House Minority Leader Paul Powell, Attorney General William G. Clark, and Mr. Carpentier's successor, William H Chamberlain.

Also much in evidence were the two men now fighting for the Republican nomination for Governor, a position for which Mr. Carpentier was the front runner until he was stricken with a heart attack—State Treasurer William J. Scott and businessman Charles H. Percy.

The two shook hands outside Carpentier's home in the presence of Chief Justice Ray I. Klingbiel, of the Illinois Supreme Court.

"It takes the supreme court to bring two men together," said Judge Klingbiel with a smile as Scott and Percy chatted a few minutes.

Percy said, "I think that the people in the State are better aware of the issues now as a result of the campaign.

"This is going to be a very busy week for the both of us, isn't it, Bill?"

Scott answered, "You can be assured of that."

Percy later talked with Governor Kerner and told him some of his campaign experiences.

A block-long procession of public officials walked four abreast the four blocks from Mr. Carpentier's home to the funeral mass.

Governor Kerner was on the right in the front rank of marchers, and Senator EVERETT DIRKSEN, Republican, of Illinois, was on the left.

The hearse containing Mr. Carpentier's coffin followed them, along with a long line of black limousines containing more mourners.

Pallbearers were 10 blue-uniformed lieutenants of the State secretary's investigating staff.

Kerner declared Monday an official day of mourning throughout Illinois for Mr. Carpentier. Flags on State buildings flew at half staff, and the secretary's offices were closed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HANNA (at the request of Mr. BOGGS), for today, and the balance of the week on account of official business.

Mr. MCLOSKEY (at the request of Mr. HALLECK), beginning today, for indefinite period, on account of official business.

Mr. SMITH of Iowa (at the request of Mr. BOGGS), for the balance of the week, on account of death in the family.

Mr. FLYNT (at the request of Mr. BURKE), for Monday, April 13, 1964, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HEMPHILL (at the request of Mr. BOGGS), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. ROOSEVELT (at the request of Mr. Moss), for 60 minutes, on Friday, April 17, and to revise and extend his remarks and include extraneous matter.

Mr. LIBONATI, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. PELLY (at the request of Mr. BELL), for 30 minutes, on April 14; to revise and extend his remarks and to include extraneous matter.

Mr. DORN (at the request of Mr. Moss), for 60 minutes, on April 14; to revise and extend his remarks, and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ALGER.

(The following Member (at the request of Mr. GROSS) and to include extraneous matter:)

Mr. GUBSER.

(The following Member (at the request of Mr. Moss) and to include extraneous matter:)

Mr. FINNEGAN.

Mr. BURKHALTER (at the request of Mr. Moss) in two instances, and to include extraneous matter.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on April 10, 1964, present to the President, for his approval, a bill of the House of the following title:

H.R. 6196. An act to encourage increased consumption of cotton, to maintain the income of cotton and wheat producers, to provide a voluntary marketing certificate program for the 1964 and 1965 crop of wheat, and for other purposes.

ADJOURNMENT

Mr. MOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 29 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 14, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1934. A letter from the Assistant Secretary of the Interior, transmitting a report of the Secretary of the Interior on the Kennewick Division Extension, Yakima project, Washington, pursuant to section 9(a) of the Reclamation Project Act of 1939 (53 Stat. 1187) (H. Doc. 296); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1935. A letter from the Secretary of the Treasury, transmitting a draft of a proposed bill entitled "A bill to provide for the administration of the Coast Guard Band"; to the Committee on Merchant Marine and Fisheries.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOWDY:

H.R. 10817. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mr. RIVERS of Alaska:

H.R. 10818. A bill to amend the Alaska Statehood Act (act of July 7, 1958; 72 Stat. 339), and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. SULLIVAN:

H.R. 10819. A bill to extend and improve the laws regulating companies which own savings and loan institutions insured by the Federal Savings and Loan Insurance Corporation; to the Committee on Banking and Currency.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relative to urging rejection of legislation eliminating the cost-of-living allowances to Federal employees; to the Committee on Post Office and Civil Service.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation providing for more defense work for this area; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation generally referred to as the urban mass transportation bill; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation making Columbus Day a legal holiday; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 10820. A bill for the relief of Mrs. Michiko Miyazaki Williams; to the Committee on the Judiciary.

H.R. 10821. A bill for the relief of Dr. Edna Valera Franco and Mr. Benjamin P. Franco; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

850. The **SPEAKER** presented a petition of Maurice R. Franks, Searcy, Ark., requesting Congress to direct the Post Office Department to issue, in honor and memory of the late General Douglas MacArthur, a commemorative 5-cent postage stamp of similar design and in similar quantities to the stamp recently issued in honor of the late Eleanor Roosevelt; to the Committee on Post Office and Civil Service.

SENATE

Monday, April 13, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. Metcalf].

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou companion of our pilgrim years: Another week begins, and brings its urgent round of concerns and duties.

Help those who by the trust of the people stand here in posts of high public office, in all things to be masters of themselves, that they may be the servants of others.

In times of tension and strain, be Thou to each of us a present help, waiting to live in us and to speak through us, a constant fountain of strength and power that will use our faltering weakness as a healing and illuminating channel.

Thus, in every test may we keep calm in temper, clear in mind, and pure in heart, in spite of ingratitude, misrepresentation, or even treachery.

And so, whether what is said or done in this uncoerced forum brings blame or praise, above all may there rest upon the shoulders of these spokesmen of the Republic the white mantle of unsullied honor.

In the Redeemer's name we bring our prayer. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, April 11, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 10723) making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 10723) making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CIVIL RIGHTS ACT OF 1963

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 131 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Cannon
Carlson
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hartke
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Muskie
Neuberger
Pearson
Pell
Prouty
Ribicoff
Saltonstall
Scott
Simpson
Smathers
Smith
Talmadge
Tower
Walters
Williams, N.J.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. Burdick], the Senator from Virginia [Mr. Byrd], the Senator from Idaho [Mr. Church], the Senator from Louisiana [Mr. Ellender], the Senator from Arizona [Mr. Hayden], the Senator from Massachusetts [Mr. Kennedy], the Senator from Oregon [Mr. Morse], the Senator from Wisconsin [Mr. Proxmire], the Senator from Virginia [Mr. Robertson], the Senator from Georgia [Mr. Russell], and the Senator from Mississippi [Mr. Stennis] are absent on official business.

I also announce that the Senator from Maryland [Mr. Brewster], the Senator from West Virginia [Mr. Byrd], the Senator from Pennsylvania [Mr. Clark], the Senator from Oklahoma [Mr. Edmondson], the Senator from California [Mr. Engle], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from North Carolina [Mr. Ervin], the Senator from North Carolina [Mr. Jordan], the Senator from Louisiana [Mr. Long], the Senator from Wisconsin [Mr. Nelson], the Senator from Rhode Island [Mr. Pastore], the Senator from Alabama [Mr. Sparkman], the Senator from Missouri [Mr. Symington], the Senator from South Carolina [Mr. Thurmond], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. Randolph] is absent during convalescence from an illness.

I further announce that the Senator from Mississippi [Mr. Eastland] is absent because of illness.

Mr. KUCHEL. I announce that the Senators from Delaware [Mr. Boggs and Mr. Williams] are necessarily absent to attend the funeral of Hon. John G. Townsend, Jr.

The Senator from Kentucky [Mr. Cooper], the Senator from New Mexico [Mr. Mechem], and the Senator from New York [Mr. Javits] are necessarily absent.

The Senator from New Jersey [Mr. Case] and the Senator from Arizona [Mr. Goldwater] are detained on official business.

The PRESIDING OFFICER (Mr. Ribicoff in the chair). A quorum is present.

Mr. HOLLAND. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. HOLLAND. Before I start on my prepared remarks, I ask unanimous leave that the rule of germaneness be waived, so that I may yield to several Senators who, I understand, have brief statements. I ask unanimous consent that I may yield to those Senators for those brief statements without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I ask that I may yield first to the distinguished Senator from Ohio [Mr. Lausche], without losing my rights of any kind.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEMONSTRATIONS IN CLEVELAND, OHIO

Mr. LAUSCHE. Mr. President, I desire to say a few words about the threatened new demonstrations in Cleveland, Ohio.

Cleveland has been a community striving in the utmost to provide for every citizen a full enjoyment of his every right under the Constitution of the United States.

It has been a sanctuary for the oppressed. The downtrodden from practically all sections of the country have come to it knowing that it is a haven of help.

However, some foreign elements having no roots in the community have come into it and, by their disrespect for what is right and in ignorance of the goodness of the Cleveland people, have brought false and unjustified shame upon a fair community.

I know the Negro leaders of Cleveland. They have been fair, making their fight for the acquisition of equality of treatment within the law.

The disregard for law has not been in the interest either of the Negro people or the security of our country. The evidence is convincing that in our city we have persons learned in the technique of creating chaos and disorder, and indifferent to the future life of the United States. These persons are not either by deed or word depicting the true and overwhelmingly prevailing attitude of Clevelanders that equality of opportunity must be given to every citizen.

All citizens are duty bound to conduct themselves within the laws of the city and State.

Liberty can only be preserved through obedience to law and order. Liberty does not mean license; nor that one can exercise his liberty to the infringement of the liberty of another.

Of course, recognition must be given to the difference between the fight to gain full enjoyment of constitutional rights, and the means through which such rights shall be attained. The achievement must come within the processes of law and not by trespass, riot, and flagrant defiance of the rights of others.

Candidly, I state that the cause of the Negroes in Cleveland and in the Nation has been markedly harmed by the recently practiced violence and threats of violence.

The organization of rifle clubs throughout the country and within Cleveland, with the avowed purpose of using the rifles and the trained riflemen to settle racial differences is shockingly and indefensibly wrong. In fact, Mr. President, it is criminal in spirit and in purpose.

Over and above all else, the law must rule. If it does not, the rights of minorities can forever be disregarded, because the majority by violence can always prevail over the minority.

The principal responsibility for keeping the conduct of the citizenry within the law is upon the citizenry itself.

It next lies with the public officials whose sworn duty it is to uphold the law. For the good of all the people of our democracy, those of us who occupy public office should and must be firm in the performance of our obligations that there shall be no surrender of government to trespassers, rioters, and insurrectionists.

Beyond that, we should make it our goal to provide equality of opportunity under the Constitution for every human being within our land.

Mr. President, I pondered deeply upon the advisability of making this statement. Friends of mine from Cleveland advised that I should not do it. One especially, who formerly sat in the Senate, stated to me, "Why should you do it when others will not?"

My answer was that it had to be done, and that we cannot afford to surrender government to trespassers, rioters, and insurrectionists. Though it means demise from public life, I shall feel the better for it that I have not been an abject coward fearing to speak what I believed to be the truth.

Mr. President, I yield the floor.

Mr. HOLLAND. Mr. President, I congratulate the distinguished Senator from Ohio on his fearless speech.

WILL RIGHTS BILL GRANT OR DENY LIBERTIES?

Mr. HOLLAND. Mr. President, I yield now to various Senators, first to the distinguished Senator from Georgia [Mr. Talmadge], and then to the Senator from California [Mr. Kuchel], the Senator from Kansas [Mr. Pearson], and the Senator from Minnesota [Mr. Humphrey], provided that I may have unanimous consent to do so without losing my right to the floor, or any other right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, there is increasing evidence in some of the Nation's press of the growing concern of the American people over the so-called civil rights bill now pending before the Senate.

I am encouraged by this sign of increased public awareness of the far-reaching provisions of the bill. Inasmuch as it was railroaded through the House committee without legislative hearings of any kind whatsoever, the newspapers which are endeavoring to make up for this information gap are to be commended.

A splendid editorial examination of H.R. 7152 was published April 1 in the Brunswick, Ga., News, written by the editor, C. Howard Leavy, Jr. This editorial correctly assesses the dangers inherent in this proposed legislation.

I ask unanimous consent that this editorial may be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Will Rights Bill Grant or Deny Liberties?

The so-called civil rights bill, now being debated in the U.S. Senate, is perhaps the most drastic, far-reaching measure ever to be considered by the Congress.

As claimed by its proponents the bill, if it becomes law, may grant certain liberties to minority groups, but it also would deny other liberties or rights to all the American people.

The most objectionable provisions of the measure are those described as the public accommodations and fair employment sections. In the former, according to opponents of the bill, even private clubs could lose their identity, and a portion of their facilities be forced open to the general public. Moreover, this section would deny property owners the right to operate their businesses as they desire. The fair employment section would deny businessmen the right to hire and fire as they choose, and furthermore would subject them to the caprice of a commission whose members could arbitrarily examine a company's records to determine whether there has been discrimination in hiring or firing practices. If the commission decides there has been discrimination the owner would be tried before a three-judge Federal court—with no right of trial by jury.

People in all sections of the country have been disturbed over these and other provisions of the bill, and many have asked their Senators to oppose the measure as presently drafted.

This brings us to the matter of amendments—and many will be offered not only by opposition southern Senators but by those from other sections who favor a civil rights bill but feel the measure in its present form is too drastic, too harsh. For example, Senator Dirksen, Republican, of Illinois, and Senator Morse, Democrat, of Oregon, who want a rights bill passed, say the measure currently before the Senate must be amended or softened—especially the accommodations and employment sections—or they will not support it.

We believe the American people will not accept the measure in the absence of clarifying or softening amendments, and in simple justice and fairness we hope the Senate will consider carefully the serious effects of the bill, not on the people of the South or North or West, but on all the American people.

Meanwhile, Georgia Senators Russell and Talmadge and others who oppose the bill in its entirety, are waging a valiant fight. Their purpose, primarily, is to explain the proposed legislation in detail, and thus inform the country how dangerous and far-reaching are its provisions.

THE SS "HOPE," AMERICA'S VOLUNTEER HOSPITAL SHIP, DOING SIGNIFICANT JOB IN ECUADOR

Mr. KUCHEL. Mr. President, during the past few days, the attention of all Americans, as well as people throughout the world, has been directed toward the tragic events of nature which have been taking place in Alaska and along the Pacific coast.

In another part of the world, in Peru and Ecuador, a group of dedicated Americans is bringing teaching and training, care and comfort, to thousands less fortunate than we. I speak of the medical staff of the hospital ship SS *Hope* now anchored at Guayaquil, Ecuador.

I am proud to include, among my constituents, Dr. Eldon Ellis, of Redwood City, who has recently returned from spending a 2-month tour of duty in Guayaquil as well as Trujillo, Peru, where a Project Hope medical team carries on the work begun there when the ship visited the area in 1962. Dr. Ellis also served aboard the *Hope* during its Peruvian medical mission.

Mr. David Perlman, a correspondent for the San Francisco Chronicle, talked with Dr. Ellis recently upon his return to the United States and reported on the work carried on by Project Hope in South America. I ask unanimous consent to have printed in the Record Mr. Perlman's report. I salute Dr. Ellis and the more than 600 members of the medical profession who have served aboard the SS *Hope* during voyages to Indonesia, South Vietnam, Peru, and Ecuador.

There being no objection, the article was ordered to be printed in the Record, as follows:

The SS "Hope's" Endless Mission

(By David Perlman)

Guayaquil, Ecuador.—The SS *Hope*, America's volunteer hospital ship, is on duty here in Ecuador now, doing a job whose significance most people back home barely realize.

The *Hope* and its staff of doctors and nurses from throughout the United States take care of sick people—thousands of them. They operate aboard the ship, they hold clinics deep in the most woeful slums, they distribute free milk.

Their generosity is boundless, their enthusiasm is immense.

As a result, the United States has incurred the gratitude of thousands of poverty-ridden people in Ecuador, just as it has in Peru, in Vietnam, and in Indonesia, where the *Hope* has also operated.

GOAL

It may have also won some sort of leg-up in the cold war, if anyone chooses to think of a hospital as a cold war weapon.

But earning gratitude and winning skirmishes are not the goals of the *Hope*'s staff, although they may well be for many of the Americans who contribute the $4 million a year it takes to run the international project.

The *Hope*'s goal is simple but tremendously bold: To help advance, by teaching and example, the standards of medical care in those remote corners of the world where the job seems toughest.

IMPRESSIVE

I have just spent some time aboard the white ship here in Guayaquil. After visiting with doctors, nurses, technicians, and patients; and after watching *Hope*'s work in clinics ashore, I'm deeply impressed.

Some of *Hope*'s volunteer physicians may come from the States for their 2-month tours of duty thinking of themselves as a cross between Albert Schweitzer and Dr. Kildare. But once here reality takes over. They discover that the SS *Hope* can, in essence, do one truly major job, and do it superbly well.

It can patiently teach and train and set examples for the medical personnel of impoverished countries, so that a legacy is left of modern technique, of insistence on sterilization and immunization, and above all of profound concern for patients as individual human beings.

CHANGES

I visited one public hospital here in crowded, steamy, filthy Guayaquil, for example, where patients lie on the ward floors, two to a mattress, waiting for a vacant bed. There are almost no nurses; the bandages of untended surgery patients ooze blood; a lucky few have mosquito nets to keep the flies off their sores.

The *Hope*'s physicians run a clinic here, and already changes are on the way. Operating rooms are being modernized; Ecuadoran doctors are beginning to press hard for reform; some of the hopeless stagnation is lifting.

Dr. Eldon Ellis, a Redwood City chest surgeon, is working with the *Hope* here on his second round of duty as a volunteer. He did his first tour a year ago, when the *Hope* was anchored at Trujillo, an abysmally poor waterfront city in northern Peru.

SURPRISE

When he flew down to join the *Hope* here he made a side trip to Peru just to see if any of the *Hope*'s influence had remained.

"It was extraordinary," he told me, "I learned that if you really get through to people you can actually change institutions. I was amazed.

"Here we had worked in slums where they had no water, no electricity, no schools, no sewage. We even faced opposition by some strongly conservative medical leaders. But we had tried to stimulate the younger doctors, and to make the people themselves take an interest and realize that their misery wasn't inevitable.

CLEANLINESS

"When I went back I found that right in the slum where we had worked, volunteers had built a well and a pump for water; they had pressured the mayor into taking measures for sanitation.

"The clinic was continuing, and the hospital was enforcing rigid rules of cleanliness in its operating rooms. They were sterilizing all their instruments now, instead of pumping patients full of antibiotics as a preventive against infection.

"The doctors were really proud of the work they were continuing; and it made me proud too, that the *Hope* had started it.

INDIVIDUALS

"But most significant of all we seem to have established the concept that patients are individuals; and that the best medical practice recognizes this fact above all others, whatever the patient's level in life."

The *Hope* has left a medical team in Peru to continue teaching and to help with a new medical school there. Similar teams are operating in Vietnam and Indonesia.

This Hope project is an interesting one. Begun in 1960 as part of the people-to-people program, the hospital ship has a staff of about 85 doctors, dentists, nurses, and medical technicians. The doctors are all volunteers, except for the chief of staff, Dr. Howard R. Porter, a thoracic surgeon from Highland Hospital in Oakland.

EQUIPMENT

The ship is completely equipped with beds for 120 patients, diagnostic X-ray facilities, special laboratories, three operating rooms, and closed-circuit TV from the operating rooms to a small auditorium.

It is a hospital, but a teaching hospital. During every working moment every doctor, nurse, and technician has at least one Ecuadoran counterpart who works, observes and learns alongside him.

There are classes all the time; there are hospital rounds ashore. The American doctors work intimately with Ecuador's three medical schools, and with local sponsoring committees. The Ecuadoran Government requested the *Hope* mission.

At clinics in Guayaquil's largest, mud-choked, miserable slums, the *Hope*'s staff saw nearly 1,500 patients last month, and distributed 6,000 pints of milk. At local hospitals *Hope* clinics saw 1,452 patients, and aboard ship another 469 patients were treated. Surgeons performed 186 operations.

But to the *Hope*'s staff a great tragedy is that so few people who need help can receive it. It would obviously take a thousand *Hopes* to clean up the festering burden of unmet medical needs in a country like Ecuador.

"It hurts," said Dr. Porter, "but we simply have to be realistic. We have to remember that we're here to teach, and we must select our patients for their value in teaching. We don't try to do dramatic heart surgery, or treat cancer, because these aren't the areas where the big public health problems lie.

TREATMENT

"Instead, our surgeons correct hundreds of orthopedic deformities, left over from birth defects and polio. We do pediatrics; we cope with parasite infestations.

"We treat syphilis; we teach tuberculosis control; we try to persuade doctors that delivering babies should be their business and not left only to midwives."

The *Hope*'s chief nurse, Dorothy Aeschliman, of San Francisco, has been aboard since the project began. She's a realist too, and a dedicated one.

"Coming directly into a country," she said, "gives us a chance to get really close to our counterparts here. They live with us and work with us aboard ship. We work with them in their hospitals."

ENCOURAGEMENT

"There are people here, and in every country, who are trying hard to do a good job against terrible difficulties. They need a fair piece of encouragement, and perhaps this bucking up for the future is what we can give them best of all."

The gleaming white *Hope* has been in Guayaquil since last December, and will remain until September. From here she will go to Guinea, in Africa, at the request of Guinea's Government.

She has already helped train more than 2,000 doctors and technical personnel since she first left San Francisco in 1960; her surgeons have performed more than 4,000 major operations, and 500,000 have been examined and immunized at *Hope* clinics.

The *Hope*'s record is impressive; but her missions is endless—at least until the world changes.

POLITICS IN 1964—AN ADDRESS BY HON. ALF LANDON

Mr. PEARSON. Mr. President, I ask unanimous consent to have printed in the RECORD an address by Alf M. Landon before the Kansas Council for the Social Studies at Russell, Kans.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

POLITICS IN 1964

(Address by Hon. Alf M. Landon at the Kansas Council for the Social Studies, Russell, Kans., April 4, 1964)

By politics, I mean questions covering government, domestic, and international policies.

I cannot, of course, cover the whole field of issues involved in the coming election that are now being shaped by our President, by the Congress, and by economic and political conditions in America and the world.

I will attempt to discuss briefly three basic bipartisan problems: Control of news by the executive side of our Government, international policies that are being shaped now by our President and the Congress, and domestic problems particularly relating to agriculture.

1. As to news—

We are living not only in an era of great and rapid change. We are also in an era of great volumes of news. Our American news media are to be complimented for a good job done in keeping up with that change and with its multiplicity of news.

While there has never been—by and large—better news coverage than we have today, there are still highly important unanswered political questions lost today in that heavy day-to-day volume and multiplicity of news that are not followed up as they should be by good reporting.

Frequently two different and contradictory sources of information exist in the national executive branch: One handed out for the public, the other for administration officials. That is not good. That involves more than the customary management of news by every administration. It means downright deception.

Today's increase in the channels of communication has given Government propaganda a big edge over objective thinking because Americans are not able to digest all the mass of information that floods them. Taking advantage of that situation, our Government is holding back certain vital information and parts of the news for political as well as military reasons and, in the torrent of world news, these critical omissions are not noticed.

Even more important is for the Congress once more to vigorously assert its rights of punishing officials of the executive branch that deliberately withhold pertinent information, misrepresent, and even lie to congressional committees to cover up the mistakes of the executive branch. A song, "It Is

Classified," ought to be written to the tune of "Old Man River."

I call attention to—and urge support of—the U.S. Senate Judiciary Subcommittee's proposal:

"There is, of course, a certain right to privacy and a need for confidentiality in some aspects of Government operations. But outside these limited areas, all citizens have a right to know."

Government is more rigid in its structure in management of its affairs than private business. Yet this era of great change—particularly in science affecting military weapons—has forced a policy of cost-plus, instead of contracts to the lowest bidders in the field of military equipment.

Models of guided missiles, and manned aircraft are started and then must be changed constantly as experiments reveal defects or bring improvements in the original design.

Undoubtedly, with the vast spending that is taking place in our Defense Establishment, that method of cost-plus has encouraged fraud by those seeking special advantages by manipulation of the regulations and specifications by corrupt public officials or in return for political favors.

All that demands the most rigid ethical standards and attention by public officials.

The TFX General Dynamics contract is a case in point. Senator John F. McClellan, of Arkansas, chairman of the Senate Investigation Committee of this contract, pointblank accused Under Secretary of Defense Gilpatric of a conflict of interests in this case in favoring the Texas firm, which was neither the lowest bidder, nor had the approval of its design by top military experts in the Pentagon. That being true and known Mr. Gilpatric's connection with the Pentagon should have been terminated either before that contract came up for discussion or immediately after it was discovered.

It is not Bobby Baker that is on trial in the Senate investigation. It is the Senators themselves. Senator Hugh Scott, of Pennsylvania, in the AP report of March 13, said he "reluctantly had concluded the U.S. Senators would not investigate themselves."

During the past year, I have read and listened to statements that a public official's private life is separate and distinct from his public life. That's pure baloney. As William Allen White once put it, he wears a plug hat to bed and lives in a goldfish bowl. A public official's private life and affairs are and ought to be a part and parcel of his public record.

A public official who nourishes in his ethical and moral obligations easy and loose attitudes in efforts to influence favorable or special action involving critical decisions of Government funds lays the foundation for a growing menace to government in America.

Interpretations of what constitutes conflicts of interests widely differ and cannot and must not be ignored by the press and by American people. The burden of proof rests on all public officials in a vulnerable position. Even where there is no bribery involved—either directly or indirectly—the public should demand the simple question of those officials: Is their conduct and attitude proper and ethical?

There is a bill by Senator Case and Senator Neuberger pending in the U.S. Senate that will solve that for the voters and all public officials. That bill requires that all Members of the Congress and high appointed public officials and staff disclose their sources of income anually.

I do not believe the bill goes far enough. I would make their income tax returns a public record. Let the light of day fall on all their transactions. Then the fog of conflict of interests will be dispersed, clearing the voters' vision. It can be safely left to them to conclude the matter properly.

That, in turn, will encourage States to set the same standards. Why wait for the Congress? I hope Kansas gubernatorial candidates will support a declaration in both party platforms for such legislation.

In this extremely dangerous period, neither Republicans nor Democrats should ignore factors threatening to undermine our strength of character at home and our position in the world at large.

Control of news is not confined to these few illustrations I have mentioned. This evil is present in the following subjects that I will discuss.

2. In the field of international relations—The official label of "training and support," applying to our military force in South Vietnam, is a deliberate misrepresentation of a material fact with intent to deceive. The cold facts are that our American soldiers are involved in daily combat. According to a recent Associated Press story, in our fighting planes, "the Vietnamese who sometimes rides along is normally an ordinary soldier—his rifle between his legs—sitting between two gunners. He seldom can speak English."

There is the host of unanswered questions in our foreign policy, particularly relating to South Vietnam. We've had inconsistent and contradictory statements from the Secretary of State, the Secretary of Defense, the Democrat majority leader in the U.S. Senate, Senator Mike Mansfield, of Montana, and our President himself.

It was obvious for many months that our situation there was going from bad to worse. Secretary McNamara said, on his return from South Vietnam in December 1963, that we would have our troops out of there by 1965. That meant only one thing to the South Vietnamese and the whole world—that we were licked. To the American people that meant we had won the war. Everyone else but the American people knew that we were losing a war in which American soldiers were directly involved and fighting.

Secretary McNamara completely reversed his position of taking our troops out of South Vietnam in 1965 on March 18, saying we would send all military and economic supplies necessary to South Vietnam's victory. Two Democrat Senators immediately jumped on him for that demanding we bring our military force home.

As for Secretary of Defense McNamara. I think it can be said that he had the simple direction of a man of action in his first statement and his second statement.

If the South Vietnamese were not willing to do more to save themselves from Communist imperialism, then he would bring our combat army home. When, as, and if they did, he would finish the job.

In his last statement, he evidently reflected his confidence in the ability and the determination of the present Government of South Vietnam to unify an all-out effort by the South Vietnamese in defense of their liberty and freedom from Communist imperialism.

It has been 2 weeks since Secretary McNamara's return with General Taylor and we still do not have his report and recommendations, except in piecemeal that is simply a rehash of what he already had previously said. Even of greater importance, the administration has not formulated its policy on South Vietnam except the general White House statement on March 17 of continued military and economic aid. Why this delay in all the aspects of Secretary of Defense McNamara's report?

Still unsettled is what are we going to do that we have not been doing to establish the security of the South Vietnamese and then get our American combat forces out of there for home.

The most accurate answer at this time has to be that neither the State Department nor the President knows exactly what our new policy ought to be and is to be in Vietnam. I say that in full appreciation that there are many imponderable factors that surprise us—including the position of other great friendly powers who are involved in any actions we take.

South Vietnam is a key country to the free world and America. If we withdraw our combat troops—and that country follows the course of action of its neighbors and lines up with China—Formosa, South Korea, Japan, and the budding Malaysian nation are all outflanked. The pressure then is on the Philippines and Australia, and America is backed up against Pearl Harbor.

It can be, by and large, a correct foreign policy for our Government to be flexible in this kind of a world. That should not mean conflicting and vacillating day-to-day decisions. For example, the President's statement relating to Panama. That was, according to a spokesman for the Organization of American States, such a shock and surprise that that Organization withdrew from any further negotiations. Later the President felt it necessary to attempt to rectify that previous statement.

When our late President established his Cuban quarantine, our embassies received the customary long cablegrams of explanations to make to the other embassies. One of our foreign ambassadors told me that, when he started explaining his cablegram to another ambassador, he was stopped with just one question: "Do you intend to go through with it?"

Cuba today is not only a base of great military value to Russia—with a submarine base 90 miles from our shores—Cuba also has great value as a training camp for Communists in the Western Hemisphere, instructed in the techniques of murder, sabotage, guerrilla warfare, and propaganda.

Our policy is a voluntary economic blockade. I have always favored trading with all countries. As I said some 15 years ago, if it was true that trade followed the flag, by the same token it was true that the flag followed trade. Honest and fair dealing with even native tribes has always been the way to make friends. Yet we never learned that lesson out of the early days in our country's racial relations.

What I am saying is that we were juvenile in breaking our own policy of voluntary economic blockade of the Communist countries with the Russian wheat deal, and not expecting our friends to do likewise. When we suspended our foreign aid in retaliation, they did not get mad—they laughed at us. The rush is on among them to get into the Communist market.

The point I'm making is that the American people are entitled to know what our policies are in that Communist beachhead on our shores—as well as in South Vietnam or anywhere else in the world—if we really have one. We are entitled to know the story—not from some Government handout, but from free unshackled news media.

In 1936, I said the Neutrality Act was not a way to peace. It would lead a foreign aggressor to believe the American people would not fight a war under any circumstances—and that was not true.

Our foreign policy has been purely defensive under both Democratic and Republican administrations. That is unhappily reminiscent of the 1935 Neutrality Act—a purely defensive policy.

If the United Nations is not to go the way of the League of Nations, the indifference and lipservice of many of its membership must change to positive support. Come fall, some 17 nations in default of their dues must put their money where their mouth is—as the old saying goes—or lose their vote.

A week ago, Senator Fulbright, chairman of the Senate Foreign Relations Committee, directed the attention of our country to our unrealistic foreign policies and called for basic changes that I have long advocated. I agree with the Senator's general proposals, his reasoning, and his flat statement that our Cuban policy is a failure. I do not agree with him when he says Castro is a "distasteful nuisance but not an intolerable danger to the United States."

I do agree with Secretary of State Rusk, who promptly contradicted Senator FULBRIGHT, saying, "Castro is more than a nuisance. He is a menace to this hemisphere."

I emphatically believe that Senator FULBRIGHT's position—that it is high time that we reappraise our international economic policies in the light of drastically altered international political relations—is sound and calls for thorough consideration by all Americans.

Quoting "Research Institute Recommendations" of February 21:

"Khrushchev took another battering from the party in Moscow, last week. He's still on his feet, but looking shakier than ever. In fact there's real question now how much authority he has left.

"The setting for this latest round was unusual in itself; another plenum (full meeting) of the Party Central Committee—just 2 months after the last, instead of the customary 6 months. Its topic: agriculture—worst item in the whole Soviet mess. Its real subject: a free swinging battle over everything from ideology to the weather, so violent much of it is still secret."

Khrushchev's situation at home is a key factor in all foreign offices and state department decisions throughout the entire world. He is manifesting once again his clever skill of personally surviving awesome political hazards.

We are in some respects an isolated nation and getting more so every day. Whatever difficulties we Americans face and whatever breakdown we see in NATO, our problems are comparatively small when contrasted with the situation of the Soviet Union.

Its agriculture is an abysmal mess, and it will not be much different next year. Communism the world over is turning more gradually to the profit incentive of capitalism in both agriculture and industry in order to get its essential production. The Soviet Union's capability of enforcing discipline and unanimity in its central European colonies is now much less than has ever been the case. The Sino-Soviet conflict is proving both dangerous and costly to the Soviet Union.

Not only are countries like Indonesia, Cambodia, and North Vietnam getting off the fence on the side of China; the Communist Party in every country in the world is splitting between Russia and China.

Khrushchev has said that he would bury us. Mao now is saying he will bury both of us. If Mao is right, that will make two in the same grave.

Khrushchev evidently was building his support against Mao and the Chinese militancy in Budapest this week. After all, China is camped right on Russia's long border—not ours—and, to some extent, we may be fighting the Soviet Union's battles in Asia. That might make a lot of difference in international relations this year.

3. On our domestic policies—

Our national administration has the definite Keynesian theory of planned deficits—big government expenditures, big capital investments—being tried for the first time in any country, with its own addition of lower Federal taxes.

By and large, the conception of farm policies by Democrat administrations since the days of Secretary of Agriculture Henry Wallace, has been to balance output with consumption by eliminating hundreds of thousands of farmers. As it is now, farm producers are being sucked into the political quicksand of Government control and Government help.

Among other reasons I advocated the late President Kennedy's trade legislation was that it was the only way the American Government could handle trade negotiations with growing common market countries. As I said at the time, how efficiently it would be administered was another question.

When you get a perishable commodity that is walking around on four legs, what are you going to do with it? You can't hold it off the market indefinitely or put it in surplus storage like wheat.

I believe that farm organizations should be considering how they are going to meet their problems with their own marketing devices and plans. Therefore, what I am suggesting in the way of marketing controls is by the farmers themselves through their cooperative associations—not the National Government.

Basically, the problem is one of control by farmers as they move in unison on long-range planning through better marketing organizations.

The livestock people in Kansas are going through the same difficulties and problems our wheat producers have been going through these past years. Both have improved their production—more calves are saved now than was true 20 or 30 years ago, and the whole business of feeding has improved the production of livestock.

While consumption of beef, pork, and mutton has gone up, the production of livestock has gone up faster because of improved technical processes.

Just as in wheat production, techniques have steadily improved—in the livestock industry "black blizzards" do not affect high plains wheat areas today like they did years ago, because of soil conservation practices and the machinery we have to deal with them.

We are on the verge of hybrid wheat which they predict will increase the production of wheat another 20 or 30 percent. The wheat people have not been able to solve their problem with all the legislation we've had and the cattle people are now facing the same basic situation.

The trouble has been that all farm legislation has been written and administered with an eye on the next election instead of the basic problems confronting the wheat producer, corn producer, and cattle producer.

Take the fruitgrowers in Florida and California. Fruitgrowers have never asked for market controls of production. They have been able to impose marketing contracts through their growers' associations. That effort in California began in 1916.

I don't know whether it can be made to work, as I've said, for the wheat and the corn and the livestock producers, but at least there is a successful program that's been worked by the fruitgrowers that might have some basis for consideration through a national cooperative marketing setup of some kind.

A prime illustration of that is the Sunkist orange. I remember a conversation I had with an American ambassador about 30 years ago. Oranges were being marketed in the country in which he represented America in Africa under a label that was so close to "Sunkist" that the consumers did not notice the difference. Yet our Agriculture Department and our Commerce Department were entirely indifferent to his reports of what was going on in encroaching on this Sunkist orange brand. Yet this is just where the National Government could and should function.

In livestock markets, by the same token, we find the U.S. Department of Commerce ignores the plain wording of a Federal statute on labeling imports by not stamping the country of origin on imported meat for the ultimate consumer. The Commerce Department calls the ultimate consumer a packinghouse. A sensible reference to any dictionary will settle that question. "Ultimate" means "last—final."

Along with the basic factor of improved production, there is still continued the haphazard marketing of the farmers' products without a facility of some kind that can meet this fundamental problem. The farmer and the cattleman are dealing with mass purchasing power of the wholesalers and retailers who use it, as would be expected, to take advantage of the farm surplus.

I believe there should be an immediate inventory by the Agriculture Department of wheat storage in America to determine how much is actually in good market condition for human consumption. I also believe a congressional probe into basic changes of magnitude and actual marketing conditions will be helpful.

All that could tie in with my previous proposal that the whole farm problem needs to be studied and pulled together in a committee set up by the Congress and made by the land-grant colleges on the many basic factors relating to land use.

I have raised three questions of domestic and world problems briefly today that are obviously nonpartisan. Because of rapid and fundamental changes that are taking place that can turn the world up-side-down, we must seek balance in our thinking, based on fuller information and thoughtful discussion and debate.

In Brazil, not only the issue of a Communist Party takeover occupies the attention of every nation in the world. Of paramount importance are the divergencies in the Brazilian Communist Party itself. Which has the greatest strength—the Chinese faction or the Russian faction—is also a dominating question.

THE KOREAN PARALYSIS: TIME TO REEVALUATE OUR POLICY THERE

Mr. HOLLAND. Mr. President, I now yield to the Senator from Alaska with the same stipulation.

Mr. GRUENING. Mr. President, I thank the Senator from Florida for his generosity in yielding to me at this time.

The administration is to be commended for withdrawing 7,500 men of its military force from the European theater. It should by now be apparent that the conditions which created NATO, in the wake of World War II, no longer exist. France has not contributed its share and feels it no longer needs American military support. However unchanged the purposes of the Kremlin may be in seeking to communize the world, it is in trouble at home and it is clear that U.S.S.R. troops will not march westward across Europe and conquer the countries between it and the Atlantic. Moreover, the success of the U.S. troop lift a few months ago has also demonstrated that keeping our present forces in Europe to the strength formerly specified is no longer necessary. Withdrawing this small contingent of 7,500 men is evidence that our administration has wisely begun to appreciate the need of revaluating our policies established over a decade ago, and that our balance-of-payments problem will be aided thereby. This withdrawal should be only a beginning.

An even more desirable move, by which the United States will withdraw troops no longer needed abroad, is presented in an admirable article written by our able and distinguished colleague, the Senator from Idaho [Mr. CHURCH], a member of the Foreign Relations Committee.

In the recent issue of the Nation magazine in an article headed "Mired Troops and Frozen Policy: The Korean Paralysis," he points out that it is no longer necessary to keep two full combat divisions, some 52,000 troops, in Korea. He points out that the present-day Korean Army, numbering 600,000 men, the fourth largest army in the entire world, is ample to hold the line. If the administration wishes to pursue its policy of economy with safety, with no menace to the Nation's security, it will follow the wise recommendation of our knowledgeable colleague, FRANK CHURCH.

Mr. President, I ask unanimous consent to have printed in the RECORD this article entitled "The Korean Paralysis," by the Senator from Idaho [Mr. CHURCH].

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MIRED TROOPS AND FROZEN POLICY—THE KOREAN PARALYSIS

(By Senator FRANK CHURCH [1])

American foreign policy tends to maintain fixed positions long after these have ceased to serve our best interests. An example of this rigidity is the continued stationing of two full combat divisions—some 52,000 American troops, including various supporting units—in South Korea.

I neither challenge nor disclaim our basic commitment to defend, by whatever means may be necessary, the integrity of the Republic of Korea. The fixed position to which I refer is not our commitment to defend the country, but the means by which we have chosen to do so. The perpetuation of these means is, I believe, demonstrably unsound, excessively costly and long since unnecessary.

Why does the United States need two full combat divisions in Korea? Since the end of the Korean fighting in 1953, we have given nearly $5 billion in aid to South Korea; more than $2 billion of this aid has been used to equip their army. Today, the ROK Army, numbering nearly 600,000 men, is the fourth largest in the entire world. It far outnumbers the entire North Korean Armed Forces of approximately 350,000 men, and is surpassed only by the United States, the Soviet Union, and Communist China. We have made the South Korean Army combat-ready, and equipped it with the most modern weapons; it should, by now, be more than a match for the smaller North Korean force. If it is not, the American people are entitled to know how and where their money has been squandered.

The argument that we must leave 50,000 American sentinels on the frontline in Korea to guard against, not a North Korean attack, but the possibility of another invasion by Communist China, is transparently weak. Against an all-out Chinese attack, two divisions of American troops would never suffice. Should Korea be so invaded again, the United States would have to intervene with the whole of her military might. To pretend otherwise is merely to tempt fate.

If another armed challenge of this dimension were to occur in South Korea, we would have to respond with forces now stationed outside that country. And we are prepared to do so. Our Armed Forces are far stronger and more mobile than in 1950, when the last invasion occurred. Our formidable base and staging area at Okinawa is within easy reach. Moreover, the success of the recent "Operation Big Lift," which flew a whole division from Texas to West Germany, indicates how swiftly we can move our troops from one part of the globe to another. Should a big new invasion ever require it, we could quickly airlift formidable numbers of American soldiers into the Korean Peninsula.

The customary retort to these acknowledged facts is that two American divisions must nonetheless remain in Korea as a psychological deterrent to any future Communist adventures, and to keep the South Koreans reassured of our determination to defend their country. As to the latter, one wonders why further reassurance should be needed after so vast an outpouring of American life and fortune in the Korean war; as to the former, if we accept the argument that our continued presence in Korea is required to make our commitment credible to the potential enemy, then it follows that American forces will have to patrol the 38th parallel indefinitely—at least until such time as Korea's Communist neighbors either disarm or disappear.

I find neither of these propositions convincing. But, to play it absolutely safe, let us concede that the continued presence of American troops in Korea does offer further proof, to friend and foe alike, of our determination to uphold that country. Does it follow that we must keep two full divisions there? Surely, one regimental combat team would serve the purpose. With our capacity for rapid reinforcement from bases nearby, we can give South Korea the same guarantee of security, with far fewer American troops actually garrisoned there. It doesn't take a whole American Army to provide a "tripwire" to warn of intruders.

Withdrawing the remainder of these two divisions to locations from which they could be speedily airborne would also add to our general mobility. Our troops now on the line in Korea can be used only to defend that country. They are dug deeply into the hillsides. Ironically, we have limited their utility by miring them down in a region of the world where their instant availability for use in a crisis, somewhere else around the rim of China, could mean the difference between success and failure.

Moreover, the case against the frozen deployment of two whole divisions in Korea is not limited to the benefits to be derived from a more fluid strategic position. There are pressing financial, as well as sound military, reasons for reducing the level of American troops in that country.

The cost of maintaining our military forces abroad is a far greater burden to our balance-of-payments problem than our total outlay each year in foreign aid. For instance, in 1962, our balance-of-payments deficit was $2.18 billion. The drain on the balance from foreign-based military expenditures was more than $3 billion. In 1961, our balance-of-payments deficit was $2.37 billion, while our foreign-based military costs contributing to this deficit exceed $2.93 billion. In both years, we would have had a balance-of-payments surplus, had it not been for the cost of our garrisons in other countries. Retaining two whole divisions in Korea adds more than $100 million each year to our balance-of-payments deficit.

The United States has sustained a deficit in its balance of payments consistently since 1950. As a result, we have accumulated more than $25 billion in short-term obligations abroad, while our gold reserves have dwindled to less than $16 billion. If we subtract the $12 billion in gold bullion earmarked by law to back the currency in our own country, we now have less than $4 billion in gold reserves with which to redeem our outstanding obligations to foreign creditors. During the past 5 years, our gold reserves have been diminishing at an alarming rate. We have suffered a gold outflow of more than $7 billion since 1958.

All this is not to say that, wherever our vital interests require it, we should not continue to station American troops in other countries. But it is to say that the size of these garrisons should be reduced, wherever possible, to a prudent minimum.

I submit that a sound assessment of our position in Korea calls for the withdrawal of the bulk of our troops, for the following reasons:

The South Korean Army can repel a North Korean invasion.

An invasion by Communist China would require us to make an effort of an entirely different magnitude than is implied by the two divisions currently quartered in Korea.

A regiment of American combat troops on the front line in Korea would serve just as effectively as a "trip-wire" deterrent to the Communists.

Removing the remaining units from their trenches in Korea would add to the mobility of our military posture in Asia.

A reduction in the number of American troops stationed in Korea would mitigate our serious balance-of-payments problem.

Our paralysis of policy in Korea results not so much from pressures generated in Seoul as from those arising in Washington. They are partly bureaucratic and partly political.

To begin with, the Army has a vested interest in maintaining the status quo in Korea, while there is no vested interest in changing it. It is the Army, principally, which regularly resurrects the specter of Communist aggression as the probable consequence of any force reduction there. I think it reasonable to suppose that the Army's judgment on this matter is somewhat colored by its own perspective. I have yet to meet an Army officer who felt we were maintaining too many divisions anywhere, or one who believed that our Regular Army ought not to be further enlarged. There is a natural tendency for the Army to seek, not alone in Korea but elsewhere, to perpetuate those deployments of troops in the field which will have the effect of rendering our present Army strength immune to question, and thus invulnerable to competing demands for the slice of the defense budget it represents. If we must wait for the Army to endorse a troop withdrawal from Korea, we shall wait a long time indeed.

However, whether or not we shall continue to garrison troops in Korea is a decision of foreign policy. It is to the State Department, not the Pentagon, that the President should properly look for any recommended changes of course. Unfortunately, the voice of McCarthy still intimidates at the State Department, even as the dread campaign charge, "soft on communism," still intimidates at the White House. Fear of congressional reaction in the Capitol, and voter reaction in the precincts, stultifies our policy in Korea, as it does wherever we find ourselves "eyeball to eyeball" with the Communists. The overriding consideration against any reduction of our forces in Korea is the political calculation that such a move would pay off for the Republicans. If a Democratic President were to withdraw troops from Korea, the Republicans might denounce the move as some kind of retreat in the face of the enemy; on the other hand, a Democratic President can easily make the decision to stand still in Korea look like a determination to stand firm.

So it is likely that there will be no change in Korea in the near future. Perhaps we shall have to wait for a second-term President. But the paralysis of our policy in places like Korea, though it may sustain political interests at home, can also weaken our national interests abroad. Dean Rusk is reported recently to have said that we live in an area of diplomacy by boredom. For this, I suggest, we have ourselves partly to blame.

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[1] FRANK CHURCH, Democratic Senator from Idaho and a member of the Senate Committee on Foreign Relations since 1959, made a recent tour of the Far East, including Korea. During World War II, Senator CHURCH was a military intelligence officer in China.

PANAMA—A SUCCESSFUL TEST OF THE DIPLOMACY OF PRESIDENT JOHNSON

Mr. HUMPHREY. Mr. President, I believe the outcome of the administration's handling of the problems in our relations with Panama is a source of pride and satisfaction to all Americans. In the face of a most provocative situation, coming early in his tenure, President Johnson and his administration reacted with a sure and steady hand, and held fast to a patient and understanding course which has faithfully served the cause of peace in our hemisphere.

In the Washington Evening Star of April 8, 1964, the distinguished columnist, Max Freedman, gives a perceptive review and analysis of these developments which should be widely read.

Mr. President, I ask unanimous consent that the article entitled, "Settlement of Panama Squabble," may be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

SETTLEMENT OF PANAMA SQUABBLE—WHITE HOUSE ELATED AT CHIARI AGREEING TO REVIEW OF PROBLEM BEFORE ELECTIONS

(By Max Freedman)

The White House thinks it is a happy sign that President Chiari has agreed to review the entire problem of Panama before elections are held in that country. This seems to suggest that Panama will enter the discussion seeking a solution instead of trying to inflame an election issue. The United States is pledged to a reasonable and constructive policy. Thus, the path is clear at last to a settlement of this wretched squabble.

President Chiari could have obtained precisely the same terms within 1 hour of the outbreak of the dispute. He was assured so by President Johnson who repeated that offer several times at later stages of the controversy. It took harsh experience to persuade President Chiari that the United States wanted nothing but a fair settlement based on reason and equity.

From the standpoint of the White House, the key to a settlement has always been the restoration of diplomatic relations with the United States. How could this Government begin negotiations when Panama refused even to recognize its existence? Yet President Chiari had always insisted that there could be no resumption of relations until the United States pledged itself in advance to renegotiate the 1903 treaty. In the end he withdrew this impossible condition.

Yet he wavered and delayed to the last moment. He waited to see if Senator Fulbright's speech would lead to a new American policy. The delay lasted for 1 week. Then President Chiari saw that Senator Fulbright spoke for himself and not for the Johnson administration. American policy would neither crack nor retreat. So President Chiari gave the signal which has cleared the way for a settlement.

Great credit should go to Robert Anderson, the former Secretary of the Treasury in the Eisenhower administration, for consenting to be the special ambassador to conduct the negotiations for the United States. He was recommended to President Johnson by Tom Mann of the State Department and McGeorge Bundy of the White House. He accepted at once even though the task can hardly be very pleasant.

There is nothing said or implied in the announced terms for the discussions that commits the United States to a new treaty. That issue, like all other issues in this dispute, will be settled in the discussions themselves. The words of the announcement were carefully chosen to give this precise definition of American purpose and they are so understood without objection by Panama.

The discussion may result in a decision to clarify arrangements under the 1903 treaty in a way that can be met by an exchange of letters between the two Presidents. Or new methods of cooperation between the two countries may be embodied in an executive agreement. Or there may be changes in the treaty requiring the approval of two-thirds of the Senate. If the final decision goes to a revision of the 1903 treaty, Mr. Anderson will be a witness whose experience and integrity will hold the respect of the Members of the Senate.

That has always been President Johnson's purpose and policy in the Panama dispute though his aims have not been so understood. In retrospect the White House is ready to admit that the American case might have been better presented. But it has the facts on its side in insisting that the critics always were wrong, insofar as the substance of American policy was concerned. There never was any trial of strength between Panama and America, as Senator Fulbright mistakenly alleged. Nor was there any American campaign to impose a harsh bargain on Panama, as President Chiari mistakenly insisted. Nor was there any temptation by the United States to forget that the strong have an obligation to be magnanimous, as some American editors have mistakenly suggested.

The sticking point for the United States has always been the question of conceding—in advance and under pressure—the essential points which should be settled only at the negotiating table. Acceptance of this mischievous precedent would bring a tangle of perplexities to the United States in its negotiations with other countries. It wisely refused to yield on this basic point and its wisdom finally prevailed. The mood at the White House now is less one of exultant satisfaction than it is of rather sad wonder at why so many Americans should always be so quick to assume that American policy is wrong.

A NEW AMBASSADOR TO PANAMA

Mr. HUMPHREY. Mr. President, all who are interested in—and informed about—U.S. relations with Latin America have been both impressed and gratified by President Johnson's selections of diplomatic personnel to represent us with our neighbors. The President is giving us a new breed of interested, concerned and compassionate diplomats in the hemisphere.

In the Washington Daily News April 8, 1964, Miss Virginia Prewett discussed this very welcome effort on the part of the administration, citing particularly the President's excellent choice of Jack H. Vaughn as our new Ambassador to Panama.

Jack H. Vaughn is a gentleman whom I have had the pleasure of knowing, and with whom I have discussed our relationship with Panama in considerable detail.

I believe the insights and comments of Virginia Prewett's column will be heartening to all who read them.

Mr. President, I ask unanimous consent to have the article entitled "Vaughn Will Give United States Lift in Panama," printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[The Washington Daily News, Apr. 8, 1964]

VAUGHN WILL GIVE UNITED STATES LIFT IN PANAMA

(By Virginia Prewett)

Jack H. Vaughn, President Johnson's choice as new U.S. Ambassador to Panama, comes out of a new breed in Latin American affairs. A seasoned Latin American hand at 43, he not only has done shirt-sleeves work in Latin America, but also considers that region tremendously important.

A Latin American curse for many decades has been that many U.S. diplomats, whether career officers or political appointees, have considered the area the diplomatic boondocks.

At a time when one of our Central American neighbors was playing a crucial role in the New World, a new U.S. Ambassador there told me: "I'm just down here because the climate's good." He felt he was "in exile" till he could get a European or Asiatic post again.

Mr. Vaughn, first of all, has metaphorically calloused his hands working with Latin American problems—slum-improvement, education, housing—long before concern with them became, as it is today, mildly fashionable. During the mid-1950's he was in Panama for 2 years with point 4 projects.

As Latin American director of the Peace Corps, he has guided our young secular missionaries to Latin America's backward areas in the one U.S. program that has been most universally welcome. He described for me the secret of Peace Corps men's success: "They get one foot in each culture. They learn not only how to guide the Latin Americans, but also how to listen to them."

Mr. Vaughn's approach to the hemisphere's tremendous problems is like a breath of fresh air from the great American Northwest from which he originally hails because he has faith in Latin America's human material.

And he himself firmly straddles the cultures both above and below the Rio Grande.

As our new Ambassador to Panama, Mr. Vaughn will not be deceived by the great outcry over Panama's demands for immediate control of the canal. Every expert close to the problem understands that Panama's panic hinges on the canal's obsolescence.

The great fear prompting the frantic reaction of Panamanians in the recent crisis is that the United States in the next decade or so will decide to build the badly needed new canal somewhere else than along the present route.

MEAT IMPORTS AND LOW LIVESTOCK PRICES

Mr. HUMPHREY. Mr. President, a meeting is being held today in Willmar, Minn., on meat imports and low livestock prices. I was invited to address this meeting, but because of the civil rights bill, I will be unable to attend.

I did, however, prepare a statement to be read at the meeting wherein I discussed the problems being faced by our cattlemen and how we are trying to solve them. The people of Minnesota and of the Nation are concerned and rightly so about the cattle situation. I know every member of this body shares this concern and is making every effort to bring about a speedy solution.

Mr. President, I ask unanimous consent to have printed at this point in the Record my statement before a meeting of farmers on imports and low livestock prices at the senior high school in Willmar, Minn., April 13, 1964. I also ask unanimous consent to have printed at this point in the Record an editorial from a recent edition of Wallace's Farmer entitled "We Didn't Say We Like Imports."

There being no objection, the statement and editorial were ordered to be printed in the Record, as follows:

Statement of Senator Hubert H. Humphrey Before Meeting of Farmers on Meat Imports and Low Livestock Prices, Willmar, Minn., April 13, 1964

First of all, let me tell you how much I wanted to be with you this evening at your meeting. I share your deep concern over the low prices our cattlemen are receiving for their livestock. I want all of you to know I am doing everything I can to be of practical help to you. The economy of Minnesota and the Nation cannot stand these low livestock prices, and you as cattlemen cannot survive economically as long as they prevail.

We in the Congress, both as legislators and as consumers, have an obligation to help you in your time of need. I cannot be with you tonight because I must be on the Senate floor at all times to guide the civil rights bill through to passage. But I do want you to know that I am very much aware of your problem, that I am concerned about it, and that I am doing something about it. Yours, too, is a civil right—the right of hard-working people with a heavy investment to earn a decent living—to share in the wealth of this great Nation.

In the past few months I have met with representatives of livestock associations in order to better understand this problem. I have discussed it many times with the President of the United States, the Secretary of State, the Secretary of Agriculture and other Government officials. I have made numerous recommendations, and I want to let you know what I have proposed and what now is being done to remedy the situation.

First of all, it must be understood that President Johnson, both as President and as a Texas cattleman, fully understands the situation. He has expressed grave concern about the financial losses cattlemen are experiencing, and has urged that everything feasible be done to help. In my own case, I have recognized the economic implications of several factors as they affected the cattlemen, both in the long run, and in the short run.

First, I have suggested to the executive branch that it stop the heavy sales of feed grains by the Commodity Credit Corporation because, as you know, accelerated sales of feed grains adversely affect livestock prices. This suggestion was adopted. I felt that this CCC activity was not in the best interest of the grain or livestock producer. Hog producers have reacted to this situation by showing a 5-percent reduction in the 1964 spring pig crop. This will help prices this fall.

Second, I have urged initiation of a beef purchase program to the maximum amount feasible for distribution to schools and institutions and for donation to the needy, both at home and abroad. This is being done. Incidentally, these beef purchases will prove of great value in the the war against poverty. The Department of Agriculture in the last month has purchased more than 18 million pounds of canned beef at a cost of nearly $10 million for feeding needy families. It also has purchased 13 million pounds of choice grade frozen beef for schools and institutions in the last month at a cost of over $7.5 million. These programs are in addition to the normal beef purchase programs of the Department.

Furthermore, the Defense Department has increased its frozen beef purchases in a 3-month period by 18 million pounds in order to build up supplies. The Defense Department also will be buying up to 3 million pounds of beef a month for its oversea commissary needs. It is switching from oversea purchases to buying U.S. produced beef.

I also am greatly encouraged by House passage of the bill which would extend and expand the food stamp program. This would result in improved diets through a greater consumption of beef, since many more people would be eligible for stamps. I am confident we in the Senate also will pass the bill this year.

Third, as one of the cosponsors of a bill designed to reduce imports of meat, I feel it is essential in view of impending trade negotiations, that the responsible committees of the Congress fully assess all the implications of quota or tariff action on the part of the United States. As leaders of the free world, we must be prudent and responsible. The Senate Finance Committee is holding hearings on this bill. It is a responsible committee and a committee responsive to the national needs.

We must not forget that our exports of agricultural commodities, including substantial quantities of hides and tallow, will reach about $6 billion this year. Many of these commodities, including feed grains, soybeans, dairy products, poultry and wheat—all of which are produced in Minnesota—are sold for dollars to Western Europe, Asia, and Latin America. Action by the United States in restricting beef imports from Australia and New Zealand, which are members of the British Commonwealth, could invite retaliation on the part of some Western European countries and the British Commonwealth areas. In other words, we must be very careful that any action we take on behalf of our cattlemen is not harmful on balance—that it does not adversely affect other agricultural income. If, however, beef imports should increase and voluntary quotas are inadequate, then we must provide protection to our beef producers by imposing quotas or increasing tariffs.

Along with a needed reduction in imports of meat, we must maintain, or possibly increase, but certainly not jeopardize—our healthy export business. A much greater effort needs to be made directed toward beef exports from the United States.

Fourth, it is essential that the consumer demand for beef respond to reduced cattle prices. This can occur only if the retail prices reflect the reduced prices at wholesale. I have urged the retail store management to join with cattlemen to promote increased beef consumption through advertising and through price. The U.S. Department of Agriculture also is cooperating to the fullest in this. The cattlemen are selling livestock at bargain levels. Certainly, the retailer should do the same for beef. Price and promotion are the keys here.

President Johnson has recommended and a resolution has been introduced in the Senate for the establishment of a bipartisan commission to look into retail marketing practices and submit recommendations as to improvements that could be made. Hearings already have been held on this resolution and I am hopeful it will receive consideration by the Congress this year.

Fifth, strong consumer demand for meat in Europe, as well as the Near East and Japan, combined with the short fall in production in Eastern Europe and Argentina, have brought about—at least for the months immediately ahead—a number of changes in the world's meat trade. Chief among these are the temporary easement of import restrictions by a number of countries—particularly the Common Market countries and Japan—and their search for new sources of imports. In view of this situation we have urged Australia and New Zealand to ship some of their potential imports to countries where additional supplies are needed, especially the Western European countries, which temporarily have reduced some of their import restrictions.

My recommendations regarding this were accepted and on April 6, just last week, Secretary of Agriculture Freeman announced that the Government of Australia had informed our Government that Australian shipments to the United States of beef, veal, mutton and lamb for 1964 are expected to be 29 percent, or about 170 million pounds, below shipments in 1963. New Zealand's shipments of beef and veal to the United States in 1964 are likely to be 22 percent, or about 50 million pounds, below exports in 1963. Taking these two countries together, it now appears that their exports in 1964 of beef, veal, lamb, and mutton to the United States will decline from the 1963 total by 27 percent, or 220 million pounds. This is good news for our cattlemen, and it could get better.

Sixth, I am deeply concerned about the credit problems arising for our cattlemen. The losses being sustained have made it difficult for some of our finest cattle feeders to meet their obligations on time. They need our sympathetic assistance. I have asked the Department of Agriculture and the Farmers Home Administration to utilize every authority available to refinance loans and to extend the maturity dates of loans where needed, so cattlemen can avoid the problems of default. The Nation stands indebted to you for our high level of nutrition—the highest in the world. A sympathetic refinancing of loans will help us pay our debt to you only in part.

Again, I regret I was unable to be with you here today in Willmar. I am ready and anxious to be of help to you and will continue my efforts to ease the situation presently being faced by our Nation's cattlemen. I welcome your recommendations.

[From Wallace's Farmer]

We Didn't Say We Like Imports

We've received some nasty letters on the beef import editorial carried in the last issue. Since we were accused of subversion and worse, apparently we didn't get our point across. We repeat:

We fully recognize the damaging effect of imported beef on cattle prices last year. We've been calling your attention to the problem since last October. We strongly favor limiting imports to the 1959–63 average.

However, the climate in Washington doesn't appear to offer much hope of legislative action to further limit imports this year. The administration is committed to the principle of sharing U.S. markets in an effort to preserve our bargaining power abroad.

Our point was—other factors contributed heavily to the beef disaster of 1963. Since it looks like we're not going to get much more done in the import area soon, we think it's wise for cattlemen to direct their attention to areas that offer more hope of results. Included are adjustments in cow herds and in feeding and marketing practices.

And why don't cattlemen's organizations take a real hard look at zooming retail margins on beef? The farmer-to-consumer spread rose 6 cents per retail pound last year, according to USDA. This would amount to about $30 on a 620-pound steer carcass, figuring an 18-percent cutting loss from bones, suet, etc.

Choice steer prices at Chicago during 1963 averaged $3.74 below 1962. Thus the 1,000-pound steer that yielded the 620-pound

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carcass brought the farmer about $37 less. Note that $30 of this went for higher margins. And most of it was absorbed at the retail level.

WHAT CAN WE DO?

Must cattlemen sit idly by while middlemen grow fat on their losses? No, we think there are some very helpful things we can do.

When Campbell Soup Co. reduces its price on tomato soup 1 cent a can, are retailers allowed to gobble it up in higher profits? When Procter & Gamble lowers its price on soap flakes 1 cent a box, do retailers absorb the penny? Of course not.

Why do retailers pass on wholesale price cuts to consumers on items like these, and not on fresh beef? Because they know they'll get clobbered if they don't. If price cuts weren't passed on, the manufacturers would immediately run ads advising consumers of the drop in wholesale prices. And consumers would do the rest.

But who speaks for beef producers? A national organization of ranchers and feeders is needed to finance a capable public relations and advertising operation. It could keep consumers informed of drops in steer prices, and thus keep pressure on retailers to keep their margins in line.

THE BIG PICTURE

Most beef producers are not in a mood to consider our overall farm export-import situation right now. Yet it's important that we avoid serious mistakes in our international relations. Here's why.

We have a favorable balance of trade in farm products. Last year our agricultural imports amounted to $4 billion. About 45 percent of these imports were commodities not produced here—coffee, tea, silk, spices, etc.

In the same period, our agricultural exports amounted to $5.6 billion. And USDA expects exports to reach $6 billion this year. So U.S. farmers would suffer a sharp drop in income if all world trade was abolished.

Farm exports are particularly important to Iowa, according to ISU economist J. William Uhrig. Exports provide a market for 1 out of every 2 acres of soybeans. Also, 1 out of every 8 acres of Iowa corn was sold in the export market.

In terms of dollars, exports of these two items alone amounted to more than $170 million last year. Farm exports add an average of more than $1,200 income for each commercial farmer in the State.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

NOTICE OF LENGTHENED SESSIONS OF THE SENATE

Mr. HUMPHREY. Mr. President, I wish to serve notice now, in a most kindly and friendly way, that it is expected that the Senate will be in session rather late tonight. The session may run until as late as midnight. Senators should be on notice that they must expect to be available for live quorum calls.

Mr. CASE. Mr. President, I wonder if the Senator from Florida can give us some idea as to the length of his remarks in chief, for our guidance. It is now about 10:41.

Mr. HOLLAND. I appreciate the inquiry from the Senator from New Jersey. My speech is expected to last for about 2 hours, without allowing time for colloquies. I hope there will be colloquies. The length of the colloquies would add to the length of my speech .

Mr. CASE. I thank the Senator.

Mr. HUMPHREY. Mr. President, I thank the Senator for his consideration this morning of our colleagues, for his willingness to yield for the purpose of permitting Senators to introduce bills and submit resolutions and place items in the RECORD. The Senator has been most considerate.

Mr. HOLLAND. I thank the distinguished acting majority leader. It is the custom in the Senate that we show understanding of the problems of Senators and give appropriate courtesy to them.

Mr. HUMPHREY. I thank the Senator.

THE WRONG APPROACH

Mr. HOLLAND. Mr. President, I feel so strongly that the coercive and compulsive methods embraced in the pending bill are completely inappropriate for the solution of the racial problem which it is supposed to solve, that I must discuss in some detail that important aspect of the situation; namely, the coercive and compulsive methods embraced in the bill, and the complete inappropriateness of the suggested solution of the problems. For coercion, whether by legislation, litigation, economic pressure, or raw force can never solve a problem like this—coercion only makes the problem more difficult.

We all know how well intended was the action of our Nation in the adoption of the 18th amendment decreeing that prohibition should exist throughout the Nation, regardless of the attitudes of the millions of people whose habits, tastes, and individual convictions were involved. In spite of the good intentions of the Nation, however, and the strong majority of national support which the prohibition movement had behind it, and in spite of the fact that prohibition was accomplished by constitutional amendment, which was the proper method, the effort was a dismal failure and ended in its own collapse—and also in the enlarged consumption of alcoholic beverages both as to the total volume consumed and as to the much larger number of people who became consumers.

I think that all of us know of our own knowledge of harmful effects prohibition had on many young people and many men and women, and I am sure that we all know that much of that reaction flowed from deep personal resentment and from the feeling that the 18th amendment went too far in attempting to control the individual action of citizens in the exercise of their own preferences and their own convictions.

In the case of the Senator from Florida, he was at the time a law enforcement officer in his own State, the State of Florida. Florida had previously proceeded, first, by county unit action, and later by State constitutional amendment, to enact a prohibition law.

It was amazing how the morale of the citizens behind that movement declined and how soon it became clearly evident that many of the great States of this Union had little intention of observing the national prohibition amendment.

The Senator from Florida saw the decreasing morale in his own State in support of the prohibition effort, which quickly became evident and which so soon contributed to the complete collapse throughout the Nation of the national prohibition movement.

This happened despite the fact that the Senator from Florida did his utmost to uphold the national amendment and the State amendment, and who even voted, later, as a member of the State senate, against the repeal of the two amendments.

To any careful observer it ought to be completely clear that there are abundant signs already in evidence that a growing adverse reaction and an increasing resentment has appeared in many areas in both the North and South because of the coercive, compulsory, and vindictive features of the pending civil rights bill.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield for a question.

Mr. HILL. May I say a word, without the Senator losing his right to the floor?

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be allowed to yield to the distinguished Senator from Alabama for a brief comment without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. Mr. President, I was very much interested in what the Senator from Florida had to say about the two prohibition amendments, the national amendment to the Federal Constitution and the amendment to the State constitution of the State of Florida.

When I was in college, at the University of Alabama, I was a very ardent and sincere prohibitionist. Representing our congressional district at that time was Richard Pearson Hobson, who had been a great hero in the Spanish American War. Later he was called to represent the district in Congress. He, too, was an ardent advocate of the national prohibition amendment.

Many of us favored that amendment and favored national prohibition. It never occurred to us at that time that truly great rank and file sentiment of this country did not favor that amendment. The consequences came very fast. There were all kinds of violations of the Volstead Act. The sentiment of the people of this country was not in favor of national prohibition. Therefore, after the amendment was adopted, and it was implemented by the Volstead Act, there were all kinds of violations of the Volstead Act throughout the country. The result was not only violation of that law, but a breakdown of law and order in general.

Mr. HOLLAND. The Senator is completely correct. The situation could not be more clearly stated than he has stated it.

That is exactly what occurred in the State of Florida, which is represented in part by me at this time.

Mr. HILL. I thank the Senator.

Mr. HOLLAND. I thank the Senator for his observation. It was rather tragic to note what happened in States which had proceeded by the cautious approach, first, by county units, by county votes, and later, after the overwhelming majority of the counties had taken action, as was true of Florida, by way of a State amendment to the State constitution. What followed with respect to the observance by all the people of our State was that when the national movement was attempted first under the 18th amendment to the Federal Constitution, and then under an implementing act, the Volstead Act, and when it became clearly apparent that great numbers of people, and indeed numbers of States, had not the slightest disposition to enforce the Federal law, the law became more honored in its violation than in its observance.

We saw the morale involved in that whole exceedingly moral question decline throughout the country until the national effort literally collapsed under its own weight and carried with it, unfortunately, the effort which had been solved practically in so many of the States.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the distinguished Senator from Arkansas with the same understanding as heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. I had to leave the Chamber for a moment after I heard the Senator refer to the 18th amendment and what it had achieved. Constitutional amendment was the proper way—in fact the only way—that the Volstead Act could have been sustained, and the only procedure upon which such an act could be based. Prior to that, there was nothing in the Constitution which would authorize the Federal Government to prohibit the freedom and personal liberty of individuals with respect to the kind of tonic they might drink or possess. The same is true as of the present. Those who sponsored and advocated the great national moral reform at the time recognized that the only way to approach it was by a constitutional amendment. Although the noble experiment failed, they did respect and recognize the Constitution and proceeded in obedience to it, and not in violation of it.

Does the Senator not agree with me that the bill contains provisions and attempts to regulate this moral issue by a direct legislative act without any constitutional delegation of power upon which to premise it?

Mr. HOLLAND. The Senator from Florida believes that there are at least four such titles in the present bill which derogate the Federal Constitution and attempt by shortcuts to do what is evidently the objective of various Senators and others in the country, without taking the trouble to do it in the right way. That would be through the submission and adoption of constitutional amendments. The Senator from Florida will be glad to discuss those four particulars at a later date. I have already named them in earlier remarks on the bill. But the Senator from Arkansas has made a real contribution by bringing out so clearly that it is sought here to shortcut, and thereby circumvent, the Constitution by the hurry-up zealots who want to do something so badly that they are not willing to adopt the constitutional amendment method of accomplishing it, which is the proper way to do it, but instead attempt to force a statute through the Congress, the constitutionality of which is suspect, to say the least, which is the improper way to do it.

Mr. McCLELLAN. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield with the same understanding.

Mr. McCLELLAN. The approach to the problem by legislative measure is an attempt to implement something that the Constitution does not authorize. In other words, power to legislate in the field is not delegated to the Federal Government in the four areas the Senator mentions.

Mr. HOLLAND. The Senator from Florida profoundly believes that. He thanks the distinguished Senator from Arkansas for calling attention to that point.

I remind the Senate, first, of the fact that many wise people and many wise writers and commentators have made it clear through the years that persuasion based on logic, cooperation, and good will and not upon compulsion must be relied upon to solve a problem that exists in broad areas of our Nation, and that involves the customs, traditions, and dearly held beliefs of many of our citizens. Without laboring this question, I shall quote briefly from the often mentioned column of Mr. Walter Lippmann, a distinguished scholar of government, which was published in 1949, but which is just as true now as it was then, in which he clearly stated this principle, as follows:

> The American idea of a democratic decision has always been that important minorities must not be coerced.
>
> When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary, and it is better to postpone the decision * * * to respect the opposition and then to accept the burden of trying to persuade it.
>
> For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce.
>
> The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.
>
> For that reason, it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example, in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.
>
> The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will, in the end, be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorites shall not be coerced by majorities—is conserved.

Mr. President, these words come from Mr. Walter Lippmann, whom no one could accuse of being conservative, against the so-called civil rights program and its principal objectives.

I continue the quotation:

> For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

Mr. President, could any words more forcefully bring out the fact that the American people, when they have dealt with a great issue which was supported by deep convictions in large areas of our country, have always followed the cardinal principle that those who have such convictions must be persuaded and not coerced? The reason is apparent, for the effort to coerce can only end in failure, can only end in breakdown of law enforcement, can only end in disappointment and anything but the accomplishment which is expected to be attained.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. HILL. The ardent advocates of prohibition were honest people, good people, but mistaken. Does the Senator remember that after the 18th amendment was adopted, there was a popular song, "It Is in the Constitution Now"? The fact that this amendment was a part of the Constitution meant to them that there would be no question about its being enforced, no question about its being carried out fully and effectively. They were to that extent misguided, and mistaken. Is that correct?

Mr. HOLLAND. The Senator is so correct that the Senator from Florida would have to admit that he was one of those who repeatedly testified to the fact that the Nation had committed itself by taking constitutional action, that no one could contest the validity of the law. The sole purpose was to see that the national intention was carried out. The Senator from Florida not only strongly supported that intention, but as a law

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enforcing officer attempted to enforce that intention, just as he had earlier, and with much greater results than those later achieved in the enforcement of State efforts in that direction.

Mr. HILL. And is it not true that in the case of prohibition—as the distinguished Senator from Florida has suggested—those who advocated it went through the orderly processes provided by the Constitution itself for its amendment: The amendment was proposed by means of the affirmative votes of two-thirds of the membership of both the House and the Senate, and thereafter the amendment was ratified by three-fourths of the State legislatures; whereas in the pending bill it is not at all proposed to follow constitutional processes or procedures, but to do by means of a statute passed by Congress everything that is proposed in the bill.

Mr. HOLLAND. That is correct; and the Senator from Alabama might have said, as I know he recalls, that at the time of adoption of the 18th amendment—which was overwhelmingly adopted in very quick time—the vote showed that a very large majority of the people of the States were behind that effort; yet, notwithstanding that fact, since compulsion, directed against people who felt otherwise, was attempted to be enforced by legal means, the effort collapsed; and there is no question about the resounding nature of that collapse.

I thank the distinguished Senator from Alabama.

Mr. HILL. Mr. President, will the Senator from Florida yield for another question?

Mr. HOLLAND. I am glad to yield.

Mr. HILL. It collapsed so completely that there was but one course the American people could take; namely, to go through the constitutional process of repealing the amendment. Is not that true?

Mr. HOLLAND. That is correct; and the repeal of the amendment was agreed to with even greater speed than the almost unprecedented speed with which the amendment had been adopted in the beginning—although, of course, after a lapse of several years. But it became clear that the approach even by constitutional means could not accomplish the very fine objective, because it was sought to ram down the throats of good people by the millions who did not believe in that approach—although they were in the distinct minority in the Nation—a policy which affected their own convictions, their own customs, and their own traditions in such a way that they would not obey it.

Mr. HILL. Is it not also true that not only was the repeal amendment passed with great expedition and in almost unprecedented time, but, in addition, the sentiment against prohibition by that time was so strong that Congress even passed what was known as the beer bill, which provided that notwithstanding the 18th amendment, beer of a certain alcoholic content—less than the stronger types—could be manufactured and sold?

Mr. HOLLAND. That is correct. As I recall, it was 3.2 percent beer, which was not highly intoxicating. Nevertheless, that was an effort to appease in part the strong feelings of people who objected to the far-reaching nature of the 18th amendment. However, that effort at appeasement failed, I remind the distinguished Senator from Alabama.

Mr. HILL. Oh, yes, it failed. The truth is that appeasement was attempted in order to try to keep the people more or less halfway satisfied until the constitutional process of repealing the 18th amendment could go through.

Mr. HOLLAND. I thank the Senator from Alabama for his completely accurate comments on that situation.

Much has been said in support of this same principle by many others but I shall not attempt to burden the RECORD by other quotations at this time.

However, I invite attention to the fact—and I am sorry the acting majority leader is not now in the Chamber—that even our distinguished majority whip, the senior Senator from Minnesota [Mr. HUMPHREY], has made it clear that mere passage of a law to correct the problem of school segregation will by no means offer a satisfactory solution, but that a much larger problem than the mere mixing of children biracially within the four walls of a school is involved. I quote two paragraphs from the introduction written by your able majority whip to his newly published book "Integration vs. Segregation" which appear on page 3. Senator HUMPHREY writes:

> The problems of desegregation and integration in the large metropolitan areas of the North and West have been of especially direct concern to me. It is perhaps appropriate, therefore, that I address my remarks now primarily to the situation as it exists in those areas.
>
> It has become increasingly clear that in the North and West desegregation is not enough. The mere fact of attendance in a racially mixed school does modestly little to rectify a situation generations in the making. From desegregation to integration—from mere presence to full acceptance and equal participation in the total life of the school—is a long and vital step.

The most meaningful sentence in those two paragraphs is the last one, which I repeat, and which contains the following pithy and completely true remarks, by Senator HUMPHREY:

> From desegregation to integration—from mere presence to full acceptance and equal participation in the total life of the school—is a long and vital step.

This statement is tantamount to saying that the mere bringing of children together biracially by the forced mandate of a law, whether in the North or West—that is what he was talking about—in the South or anywhere else—is by no means a solution of the problem, but that the "full acceptance and equal participation in the total life of the school" is a necessary ingredient to accomplish what is intended, and that much more meaningful results must be attained than those which the law compels.

This means that the major part of the job is to have the children like each other, trust each other, work cordially with each other, participate socially in the many activities which are an accepted part of the full program of a well-rounded public school—in short, enter fully into the social aspects of school life by admixture of the races.

I have quoted Mr. Lippmann and Senator HUMPHREY to make it very clear that not only will legal compulsion accomplish little, but that such a revolutionary program must be based on persuasion, cooperation, good will, and the mutual acceptance by the two races of any such program, which in the case mentioned by Senator HUMPHREY is that of integration, and not mere legal desegregation of the public schools.

I think the Senator makes it rather clear that social integration is the true end which he thinks should be approached, rather than desegregation.

I am sure that all Senators know that that very fact is what makes compulsory school desegregation so abhorrent to millions of white people in the South and to millions of white people in other parts of the Nation.

It is hard to explain the march of more than 20,000 parents, mostly white, in New York City the other day upon the public school board, to present their demand that their children be not transported away from their home area, whether white or Negro, to some other community miles away, in order to effect a more complete integration—other than that many of those parents felt like the parents of the South have shown that they feel in this matter.

I think that it is impossible to construe the results of the election in Seattle on the open housing question, where open housing was turned down by more than 2 to 1, except upon the basis that a majority of the people, and certainly the great majority of the white people, desire to live in communities with people of their same race and desire to have their children attend community schools with people of their same race.

The earlier election in Tacoma, Wash., where by a vote of 3 to 1 the same result was determined, cannot possibly be construed as other than a determined opposition to the residential mingling of the races. The result at Kansas City a few days ago, when a referendum based upon a program of expansion of desegregation of so-called public accommodations showed the program was adopted by a bare majority of the participating voters, notwithstanding the fact that some 30,000 Negro voters were eligible to participate—and many of them did—could hardly be construed in any other way than that the majority of the white people of Kansas City did not approve the proposed program.

Only yesterday the New York Times in its Sunday ediiton of April 12, published an article on the Kansas City situation. Since it makes so clear that the majority of the white people did not approve of the issue by referring to the various parts of the city and the votes taken in those parts of the city, I shall read that article. It comes from a source which is noted for factual reporting, whether that reporting is in accordance with its editorial philosophy or not. I shall read the article into the RECORD, because I do not believe it has been clearly shown heretofore by any other source what was the real outcome of the Kansas City election. The article appears on page 40 of yesterday's New York Times. The title of the article is:

> KANSAS CITY SIFTS RIGHTS-LAW VOTE—HEAVY NEGRO TURNOUT OFFSET WHITE OPPONENTS' MARGIN
>
> (By Donald Janson)

The article states:

> KANSAS CITY, Mo., April 10.—A large Negro turnout was the key to passage this week of the border city's new public accommodations ordinance.

Mr. President, that article is from the authoritative reporting staff of the New York Times. It states—

> Two-third of the whites voting opposed the measure.
>
> The law adds taverns, retail shops and most other places serving the general public to the city's list of desegregated public accommodations. Beauty and barber shops are not included. Racial restrictions were removed from Kansas City hotels, motels, and restaurants 2 years ago.

To digress a moment from the quotation, 2 years ago the people of Kansas City, by municipal action, imposed a moderate desegregation provision which applied only to places of public entertainment and accommodations, including hotels, motels, and restaurants. The article states:

> After absentee ballots in last Tuesday's referendum were counted today, the final vote in favor of the new ordinance became 45,850 to 44,030.
>
> Negroes cast some 25,000 of the votes for approval, following a registration campaign by Negroes that added 4,500 voters to the rolls.
>
> The balloting provided an unusual gage of mid-American sentiment on the civil rights issue. In no other city of this size has there been a communitywide vote in recent years on the nationally sensitive questions of desegregating public accommodations.

I pause to comment that the New York Times article differentiates between what happened at an earlier date in Tacoma, Seattle, and Berkeley, which are all in the Pacific coastal area, with what is happening in Kansas City, which is in what is called the midcontinent area. Continuing to read from the article:

> ISSUE FORCED TO A VOTE
>
> Most public accommodations laws are acted upon only by legislative bodies. This one was passed by the city council but petitioning by opponents forced it to a vote of the electorate.
>
> The strongest opposition was registered in low-income, factory work areas close to the section of town where most of the Negroes live and where the Negro is feared by some as a competitor for employment.
>
> These neighborhoods include one settled by Italian-Americans, the only sizable nationality group in Kansas City.
>
> Another largely white section that voted strongly against the extension of civil rights was a residential neighborhood where Negroes have begun to buy homes.
>
> The ordinance was also rejected in a "little Dixie" area north of the Missouri River, where political influence since the Civil War has been wielded by families that supported the Confederacy.
>
> Only in the wealthier of the white wards did the ordinance carry. Here a strong moral appeal by the clergy, city government officials, and others was more effective than elsewhere.
>
> Most whites refused to endorse the measure despite its moderate nature. Although it applies to various types of public accommodations, only taverns, a few retail shops and an amusement park actually will be serving Negroes for the first time. The other places already did.
>
> TAVERN OWNERS' STAND
>
> Statements by spokesmen for the Kansas City Tavern Owners Association and by a group led by members of the ultraconservative John Birch Society may have heightened fears of quick social change and added to the large vote against the ordinance.
>
> The tavern owners told voters it would result, for example, in interracial dating and violence in bars.
>
> The Negro community, 10 percent of the city's half-million population, was divided in its reaction to the voting.
>
> Leaders expressed great satisfaction at the exceptional Negro turnout and said it marked an end to Negro apathy on public issues here.
>
> But the Reverend Cecil A. Williams of the Congress of Racial Equality said the white vote "indicates that we still have a lot of work to do in the area of race relations in Kansas City."
>
> The Call, Negro weekly, said today that "the hate campaign conducted by the opponents of the ordinance influenced many more white voters than we thought it would."
>
> "There will be no disturbances," it said. "Few Negroes will have the desire to frequent places operated by the opponents of the public accommodations ordinance. Our vote on Tuesday was not for the right to enter a tavern but to put on record Kansas City's recognition of the human dignity and full citizenship rights of all citizens regardless of their race, creed, or color."
>
> Mayor Ilus W. Davis, a strong supporter of the measure, was disappointed at the thin margin of approval. But it represented progress, he said, "because a few years ago even this moderate ordinance probably couldn't have passed."

I am speaking now about something that happened only last week in Kansas City, in the northwest portion of Missouri, which is generally regarded as a border State, but is also generally regarded as very strongly in the liberal or so-called civil rights camp.

I have read an authoritative statement from the New York Times which states that two-thirds of the white people participating in that referendum vote in Kansas City voted against the so-called public accommodations measure that was to be passed on by public referendum.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield.

Mr. HILL. Does not the story in the New York Times and the facts that it relates show very clearly that the issue is not merely a regional or sectional issue, but is a question that concerns all the people of the United States—those in the North, in the East, in the West, and in every section of the United States? Is that not correct?

Mr. HOLLAND. The Senator is correct. The statement made earlier in the day by our distinguished friend the senior Senator from Ohio [Mr. LAUSCHE], pointed out the resentment that has brought about some violence which has already manifested itself in his good city, Cleveland, and notwithstanding the fact that the Senator had been advised by his strong supporters—and I happen to know that one of them is a former Senator, because I had the pleasure of meeting them together only a day or two ago—not to make his voice heard on the question, but he wanted to make it clearly apparent that he could not approve the violence that existed there, that no good could come from it, and that the harm which would be done both there and elsewhere in the Nation to the cause of the Negroes was just as certain to fall upon them as could be. I believe he showed courage and wisdom in his statement.

I thank my friend for his question.

Mr. President, yesterday an article published in the New York Times entitled "What Is Happening to Cleveland?" adds materially to the statement made by the distinguished Senator from Ohio [Mr. LAUSCHE]. The article is found on page 44 of yesterday's issue of the New York Times. It is headed, "Cleveland Faces More Race Strife. Rights Group and School Board Are Still at Odds."

I shall not read the entire article, but I think that some portions of it may be read.

I ask unanimous consent that the entire article be printed in the RECORD as a part of my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> [From the New York Times, Apr. 12, 1964]
>
> CLEVELAND FACES MORE RACE STRIFE—RIGHTS GROUPS AND SCHOOL BOARD ARE STILL AT ODDS
>
> (By David R. Jones)
>
> CLEVELAND, April 11.—Racial strife has taken a firm hold on Cleveland, and most observers hold responsible a failure by community leaders to recognize and come to grips with a festering Negro problem.
>
> The city was plunged into a racial crisis this week when militant civil rights groups, intent on winning fuller school integration, tried to thwart new school construction in a Negro neighborhood. The incident led to the death of a young white minister and a wave of ensuing violence and tension.
>
> The basic issue is a months-old dispute between the United Freedom Movement, a coalition of civil rights groups, and the board of education over the best type of school system.
>
> The board is firmly committed to a system of neighborhood schools.
>
> The rights groups maintain this keeps schools segregated. They want new district lines established for centralized schools that would draw students from both Negro and white neighborhoods.
>
> The focus of the battle shifted this week to the city's Glenville section, a predominantly Negro area, where the board plans to build three new schools to alleviate overcrowding.
>
> The United Freedom Movement objects that once the schools are built the board will resegregate in them Negro students now being transported to integrated schools.
>
> The dispute grew to crisis proportions last Tuesday when the movement tried to block the construction.
>
> Common Pleas Judge John V. Corrigan yesterday enjoined the civil rights groups from further efforts to block construction, saying he could not condone such unlawful action. But this has not resolved the problem.
>
> The movement today called supporters to another nonviolent demonstration Monday afternoon at the Board of Education Building downtown.
>
> WHITE GROUP TO PARADE
>
> The National Association for the Advancement of White People said it would have a

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parade downtown tomorrow in support of the school board policy.

The racial trouble afflicting Cleveland has shocked most people here because the city had been notably free of such incidents.

Most citizens believe the peace of the past is a sign of success for Cleveland, where 28 percent of the city's 900,000 population is Negro.

But some informed sources here maintain that the city never worked hard at race relations. They say the only reason Cleveland missed violence before was that the Negroes were docile.

"It's been a peace without a recognition of the deep problem here," asserts James D. Mobel, director of the Council of Human Relations, a private nonprofit organization.

Cleveland, he says, has failed "to recognize the tensions within the Negro and his community."

Whatever the truth, the Negro is docile no longer. Civil rights leaders say the Negro community is seething with animosity toward white leaders. They warn of further violence unless Negro needs are met soon.

MAYOR IS SCORED

Mayor Ralph S. Locher, who took office in 1962, is criticized for not heading efforts to get the school board to resolve its dispute with the movement peacefully. The city council has shown no inclination to lead in his stead.

Ralph A. McAllister, the board's president, is the single person most heavily blamed for the current problems. He is criticized for refusing repeatedly to talk things out with civil rights leaders, except in crisis situations. He says he will not respond to pressure.

Mr. McAllister's attitude was illustrated here yesterday when the board did not respond to efforts by Judge Corrigan to arrange a 2- to 4-week truce in the school dispute. The movement had agreed to suspend the demonstrations and call in mediators to help resolve the problem, but the board, despite pressure from city leaders, would not go along.

Mr. McAllister said a proviso in the plan, calling for a temporary halt to new school construction, played into the hands of the civil rights groups.

The school board named last November a 16-member citizen's committee to make recommendations on school integration. The committee last week submitted a report that is said to call on the board to take a stand in favor of integration and give students in schools 90 percent or more Negro a right to transfer to schools 90 percent or more white.

This is contrary to Mr. McAllister's position, and the board has yet to make the report public.

Many of the city's white ministers are active in the civil rights struggle—150 Protestant and Jewish clergymen, for example, called for Mr. McAllister's resignation this week.

LEADERSHIP IS LACKING

However, Roman Catholic churchmen have appeared reluctant to get heavily involved, and many influential business leaders now live in such fashionable suburbs as Shaker Heights, Pepper Pike, and Hunting Valley, isolated from city problems.

"The people you look on for leadership aren't leading," laments one Clevelander. "I guess the city has suffered because the people that should be leading it are not living in it."

Many whites tend to blame the current turmoil on outside agitators.

Mr. McAllister has strong support in white neighborhoods that would be most affected by fuller school integration. The residents believe the Negroes are pushing far and too fast.

The board of education, while refusing to suspend school construction, said yesterday it would discuss the matter with any responsible groups. Judge Corrigan believes this represents a softening of the previous attitude. Only time will tell.

Mr. HOLLAND. I shall first read the opening paragraph of the article, which was written by David R. Jones, a special reporter on the staff of the New York Times.

It begins as follows:

> Racial strife has taken a firm hold on Cleveland, and most observers hold responsible a failure by community leaders to recognize and come to grips with a festering Negro problem.
>
> The city was plunged into a racial crisis this week when militant civil rights groups, intent on winning fuller school integration, tried to thwart new school construction in a Negro neighborhood. The incident led to the death of a young white minister and a wave of ensuing violence and tension.
>
> The basic issue is a months-old dispute between the United Freedom Movement, a coalition of civil rights groups, and the Board of Education over the best type of school system.
>
> The board is firmly committed to a system of neighborhood schools.

I digress to say that I had thought, until this unnecessary strife began to manifest itself, that the system of community schools was a fixed part of the public school system of our Nation. People want their children to go to schools as near as possible, for obvious reasons—for reasons of safety, closeness, ability many times to go home to lunch, or in the event of illness. They like to have their school problems considered by local PTA's, who know each other. School social activities are carried on on a community basis, where there is a background of knowledge and of liking of families for each other, since they live in the same community. Children have known each other for long periods of time and find it easier to get along with each other.

I had thought, from my considerable experience in the public school field, that the concept of community schools was a fixed, permanent concept of the best that is in our school system. Apparently the agitators think otherwise.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. HILL. Does not the community school system build the best morale and spirit of the children, for the best interests of the children and the school itself?

Mr. HOLLAND. That is correct. That is why it has become an established part of the public school system.

The Senator from Florida was at one time an official—serving without pay, of course—in this particular field, and later, as Governor, was head of the State board of education. It never occurred to anybody that the community approach was not the proper approach. I had never heard a word of suggestion that any other approach should be followed. Yet, that is exactly what the agitators—not in the South but in the North, and I now make particular reference to Cleveland, the city of our distinguished colleague from the State of Ohio, Senator LAUSCHE—have made as their definite objective in the pointless battle they are waging.

I quote another sentence later in the paragraph:

> The focus of the battle shifted this week to the city's Glenville section, a predominantly Negro area, where the board plans to build three new schools to alleviate overcrowding.
>
> The United Freedom Movement objects that once the schools are built the board will resegregate in them Negro students now being transported to integrated schools.

Because there are not enough schools nearby to take care of them.

> The dispute grew to crisis proportions last Tuesday when the movement tried to block the construction.

The article continues to tell about the sad incident which occurred when a group of civil rights demonstrators moved in and tried to stop the construction work. Certain persons were lying down in front of a bulldozer. A young white minister proceeded to lie down behind the bulldozer, and the driver, not knowing of his presence, backed up the bulldozer and the young white minister lost his life.

Let us come down to the next paragraph—and I am skipping in order to save a little time. The entire article will be in the RECORD, and any Senator can get any comfort or information he wants out of any portion of it by reading it. I am coming to the next paragraph from the article in the New York Times, headed:

> ### WHITE GROUP TO PARADE
>
> The National Association for the Advancement of White People said it would have a parade downtown tomorrow—

That is today—

> in support of the school board policy.
>
> The racial trouble afflicting Cleveland has shocked most people here because the city had been notably free of such incidents.
>
> Most citizens believe the peace of the past is a sign of success for Cleveland, where 28 percent of the city's 900,000 population is Negro.

Mr. President, I have already inserted the entire article. Perhaps it might be well, however, to read one or two additional paragraphs. Here is another one.

> Whatever the truth, the Negro is docile no longer. Civil rights leaders say the Negro community is seething with animosity toward white leaders. They warn of further violence unless Negro needs are met soon.

Another paragraph scores the mayor, in the opinion of the Negro participants in this demonstration.

Other paragraphs point to the lamentable situation in one of our greatest cities—which again points up the fact that violence and demonstrations cause resentment and violence.

I am particularly impressed, first, by the matter the Senator from Ohio brought so forcefully to our attention to the other day, relating to the fact that rifle clubs were being organized in Cleveland by Negro demonstrators, who were being trained and were wearing uniforms and helmets—which reminds me of the storm troopers of the Hitler age in Germany. I am just as alarmed at the article in today's press, that the white people are demonstrating today in the community and that they have formed an organization known as the

National Organization for the Advancement of White People.

No good can come of this, because, in the first place, these problems must be settled by good will, community cooperation, freedom, and the threshing out of problems to determine what may be tolerated by people of both groups. In the next place, the leaders of these demonstrations must realize that there are 10 white people for every 1 Negro; and if they persist on carrying on these efforts through violence and the wearing of uniforms and helmets and the calling for shotguns and rifles—which remind us of what happened during reconstruction days, which days have gone, when organizations such as the Red Shirts and the Ku Klux Klan, and other organizations were active—they will find that they are in the minority. There can be only one result, and that is their defeat and disaster. I hope the sensible leaders in their own group will persuade them to abandon violence before the white people are aroused to the pitch that they may be aroused to if they continue to be threatened and intimidated and abused as they now are—or are threatened to be.

Here is another article, dated March 13, 1964, wherein Malcolm X sounds off on the same subject. I shall not read it in full, but I ask unanimous consent that the entire article from the St. Petersburg Times of Friday, March 13, be inserted in the Record at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Malcolm X Predicts 1964 Will Be Year of Bloodshed

New York.—Malcolm X, the militant Negro leader who broke away from the Black Muslims to form his own group, predicted yesterday that 1964 will be the bloodiest year yet in the civil rights fight. He urged America's 22 million Negroes to learn how to use shotguns and rifles.

"It is dangerous and criminal for Negro leaders to stress the nonviolent approach," he said. "Negroes must be taught how to defend themselves under attack. They must be taught how to use rifles and shotguns."

He told a news conference it is legal to establish rifle clubs in this country and in most States it is legal to carry shotguns. He has noted that many white, ultraconservative groups like the Minutemen have rifle clubs and train with weapons.

Last week, Malcolm X, the young New York leader of the Chicago-based Black Muslim movement, announced he was resigning from the sect to form a Black Nationalist Party.

He said yesterday party headquarters will be set up in a Harlem hotel and that from now on he will call himself "Brother Malcolm" instead of "Malcolm X."

The Muslims had ordered him not to speak publicly since last December because he mocked the assassination of President Kennedy.

Yesterday, he said he had been "pressured" out of the Islam nation and decided to resign to "save the national leaders the disgrace of having to explain their real reason for forcing me out."

Malcolm previously had blamed his fall from grace in the Black Muslim movement on the "jealousy" of Elijah Muhammad's son, Akbar, and his son-in-law, Raymond Sharriff, head of the Fruit of Islam—the brawny, highly trained security guard of the sect. He said they feared his national reputation would make him a natural successor to Muhammad as the top leader.

"This year will be different," he said. "There will be more violence on the racial scene in 1964 than ever before."

His new organization, he said, will adopt a social philosophy that will "show the Negro how to elevate himself."

Mr. HOLLAND. Mr. President, I read only for the purpose of accentuation of the fact that violence spreads abroad in the land. The first paragraph reads:

> Malcolm X, the militant Negro leader who broke away from the Black Muslims to form his own group, predicted yesterday that 1964 will be the bloodiest year yet in the civil rights fight. He urged America's 22 million Negroes to learn how to use shotguns and rifles.

Mr. President, I dislike to put matters such as this in the Record, but I think we would be like the ostrich which puts his head in the sand if we did not recognize these agitators for what they are and what they may lead to. There can be but one result if they are carried far enough, and that is disaster to our Nation, particularly disaster to the minority group which adopts such tactics. They will suffer most.

That is as far as I shall go at this time. I have always counseled law enforcement rather than violence. When the great troubles occurred in our sister State of Mississippi more than a year ago, I stood on the floor of the Senate and stated I thought the law handed down by the Court, whether it proved to be the final decision or not, should be obeyed rather than opposed.

I shall always take that position. I know something about what it is like to be up through the middle of long nights, feeling that they would never end, in an effort to stop mob violence. We have stopped that kind of thing in my State. There has not been a lynching in my State in 12 or 15 years. I say this from memory. I do not have the figures before me. Besides, my State frowns upon that kind of thing. The same thing is true in the sister Commonwealth of Virginia, ever since Harry Byrd, the great senior Senator from Virginia—falsely accused by some to be far from sympathetic to the preservation of law and order—insisted that the Virgina legislature pass a law so severe against mob violence that there have been no lynchings since. I had hoped we had got away from mob action, I am calling attention to the fact that persons counseling violence, the wearing of helmets, the use of firearms, and the like, are literally playing with fire. I hope they will realize that before it is too late.

Mr. ELLENDER. Mr. President, will the Senator from Florida yield for a question?

Mr. HOLLAND. I am glad to yield for a question; and if the distinguished Senator wishes to make a statement, I shall be glad to ask unanimous consent that he may do so.

Mr. ELLENDER. It has been stated by several proponents of the measure that unless Congress acts quickly and passes the pending bill, more and more violence will develop. I wonder whether the Senator would express his view as to whether there would not be more violence if the bill should pass and stringent efforts were made to enforce the law.

Mr. HOLLAND. Certainly there will be more violence; and I am calling attention to that in a later portion of my speech. There is not the slightest doubt that as a part of the first point I have made, as pointed up by the comments of Mr. Walter Lippmann and others which I shall place into the Record, nothing can develop other than defiance of law and all the ill-starred problems that go with it, if we try to shove this force bill down the throats of some 50 million people or more in the southern area of our Nation.

That is clearly apparent. Many millions of people in other parts of the Nation do not want some of the features of the bill to become law. If it should become law, in spite of what the Senator from Louisiana will do to counsel observance of the law, and in spite of what I will do in accordance with what I believe is effective policy to insist upon observance of the law, he knows, and I know, that the kind of thing which happened in Cleveland will happen in New York City and other great cities of the North. I shall read a clipping from the New York Times of yesterday referring to the plans of the Brooklyn section of the CORE organization to tie up traffic on the highways and try to obstruct the opening of the great New York World's Fair the middle of next week.

Mr. ELLENDER. I presume the distinguished Senator from Florida will also refer to what is happening in San Francisco. In that city, according to the press reports, the NAACP has been engaged in long, drawn-out demonstrations directed against the new car agencies of the city, particularly those dealing with General Motors products. Violence has developed from these demonstrations on several occasions. The police have been called in to maintain order; hundreds of arrests have been made.

Apparently the demonstrations are being staged because of discrimination in employment by these auto dealers. Yet, the dealers and General Motors maintain that there is no discrimination in their employment practices. And of course, it is hard for me to see how there could be, or why there should be, when the State of California already has on its statute books a strong FEPC law.

But the Negro leaders are choosing to ignore this law, and are dealing in what has come to be known as "direct action." Once it was known as "illegal action," and the perpetrators thereof were arrested, tried, and jailed or fined. That course of action against lawbreakers is not necessarily followed today, I am sorry to say.

As a result, we have the spectacle of demonstrators assembling in the showrooms of car agencies, packing the cars themselves, crawling under the vehicles, and having to be dragged out. And this is all being done in the face of the fact that General Motors and the other dealers have many Negroes working for them already. More important, it is being done in the face of a California FEPC law.

In other words, even if this bill which is before us is forced onto the statute

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books, the Negro leaders will not be content to take their grievances through the courts, which is the normal process even today. Instead, they would prefer to take it into the streets and into individual private businesses, just as is being done where such laws are already in effect. This method gains much more publicity and keeps the coffers full.

One more point before I conclude. According to the press reports, the San Francisco civil rights leaders desire the auto dealers to take an active role to hire Negroes, and are incensed because up to now the dealers have been taking a passive role. In other words, it seems clear that the dealers have been doing exactly what every normal businessman does when openings occur in his organization. No doubt advertisements are placed in the papers; they are answered by applicants, and the businessman employes the man most qualified for the position.

This process is apparently not enough for some people. Now we find the dealers being asked to take an active role in behalf of Negro employment. They are being told, in effect, to go out and recruit, to hire more Negroes, under penalty of disruptive demonstrations and a loss of business.

This means that Negroes are to be favored over whites, no matter what the proponents of this bill and the FEPC section it contains contend.

Mr. HOLLAND. The Senator is correct. The Senator could add another point to what he has just stated so ably, that the incidents similar to those happening in San Francisco also are happening in Cleveland and in New York City, and in other great cities—including Chicago and others—where integration has been decreed by law in the schools, places where FEPC laws exist as to employment, and places where most of the revolutionary ideas sought to be accomplished in the bill on a national scale by a coercive statute rather than constitutional amendment have already been put into effect either by State law or by city ordinance.

How blind they must be to realize that the abject failure to accomplish these objectives is clearly shown in the areas of our Nation which now have all the laws existing which they are trying to impose upon another part of our Nation which does not want them, which laws have not yet been able to carry out the objectives apparently so dear to them.

I thank the Senator for raising the question. I am sorry I did not include the San Francisco item. It was a matter of selection. Things are happening in so many places that I could not cover them all. I am glad the Senator mentioned the situation in San Francisco, which has come to a head only in the last 2 or 3 days.

Mr. ELLENDER. In the last 2 or 3 days, but demonstrations have been taking place for a month or more.

Mr. HOLLAND. As I understand, an effort is being launched by demonstrators against certain selling agencies handling new cars of General Motors, which the demonstrators believe have not been sufficiently sympathetic toward employment of Negro personnel. I have no information on that subject. However, when an FEPC law is already on the books in the State of California, the idea of having to resort to the means that they are adopting when integration is supposedly already accomplished by California law is ridiculous. The futile actions described by the Senator from Louisiana, such as sitting in cars, lying down under them, blocking entrances, and blocking offices so that no business can be transacted, can produce nothing but resentment, frustration, and trouble.

If anyone were hired as a result of that kind of process, how long would he remain in friendly relations with other persons in the office where he was supposed to work? How long could he hope to retain any respect or liking from them?

It is idle to talk about forcing friendliness, forcing cordiality, forcing liking by acts as unlawful, as ridiculous, and as brutal as those mentioned by the distinguished Senator.

Mr. ELLENDER. Is the Senator familiar with the table which I placed in the Record last week, indicating the number of States which had FEPC statutes?

Mr. HOLLAND. Yes; I am familiar with the table. I believe the facts are that 24 of the States mentioned have compulsory FEPC statutes, and 3 of them have voluntary statutes.

Mr. ELLENDER. The Record shows, from the table which covers all of the States, as I recall, that in the Southern States—for example, in the State of Mississippi—the rate of nonwhite unemployment was approximately 7.1 percent, whereas in the State of Michigan, where an FEPC law already exists, it was around 18 percent. How does the Senator account for that?

Mr. HOLLAND. I account for it by reciting what I have tried to recite already, that FEPC statutes have not brought about the solution for which they were designed. They have not in the States—and they will not on a national level.

It is clear from the table placed in the Record by the distinguished Senator from Louisiana, which I have read with much interest, that the real places where great employment among Negroes exists are the places where the remedies so heavily relied upon in this force bill already are applied as a matter of law, and where they have been found to be ineffective and completely futile because they do not come to grips with the problem and do not solve it.

It does not make sense to the Senator from Florida, to contend that anyone can examine the table and believe that the extension of that principle to the part of the country where unemployment is not large, would afford any hope of bettering the small percentage of unemployment which exists in certain States, as in my own State, which I represent in part.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. The table is most interesting. It told us a great deal, as the Senator from Florida has brought out. In addition, I have some figures which show not only that unemployment among Negroes is greater in the FEPC States than in the South, but that also during the past 10 or 12 years the wages of Negroes in such States have increased considerably more than the wages of Negroes in FEPC States.

Mr. HOLLAND. The Senator is correct. In an earlier appearance in the present debate I placed in the Record a formal statement from an educator at the University of Michigan, to the effect that young Negroes coming from segregated schools in the South showed a greater degree of ability, competence, and training than those who came from the remainder of the country. The Senator will recall that statement, I am sure.

Mr. President, not only is violence abroad in the land, but many of the agitating groups do not seem to be able to hold themselves to any degree of unity for more than a few hours at a time.

From the same copy of the New York Times of yesterday, Sunday, April 12, to which I have heretofore referred, I present an article entitled "Strategy at Fair Debated by CORE." I ask that the article be placed in the Record at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Strategy at Fair Debated by CORE—Schism on Plan for Road Jam Stirs Heated Arguments—Unity Here at Stake

(By Joseph Levyveld)

The national and local leaders of the Congress of Racial Equality met here yesterday afternoon in a desperate effort to thrash out their differences. The heated debate continued into the evening.

At issue was the controversial plan of the Brooklyn chapter to create a huge traffic jam when the World's Fair opens on April 22. The refusal of the Brooklyn group to abandon this plan brought its suspension from the national organization Friday.

But the participants in the closed meeting also had to deal with the larger question of whether CORE could maintain unity in the city.

Technically, it was a meeting of the national organization's steering committee, which had summoned representatives of the Brooklyn chapter of CORE to defend its position. Representatives of the other local chapters sat in as invited guests.

In other words, the committee's decisions were those of the national leadership, and would not necessarily be accepted as binding by the local chapters, which consider themselves autonomous.

STALL-IN ON APPROACHES

The tactic of the Brooklyn chapter is to have a large number of cars run out of gas on the main highways to the fairgrounds. The stalled cars would be "on exhibition" as a protest against racial discrimination.

The chapter's leaders contended yesterday that the stall-in, as it is being called, was beginning to win national support. They said they had received the backing of Gloria Richardson, the militant leader of the Nonviolent Action Committee of Cambridge, Md.

The meeting had two subjects on its agenda. The first was to give final approval to the organization's plans for the opening day of the fair. The second was to determine what to do about the suspended Brooklyn chapter.

Since the disagreement with the Brooklyn group centered on its plan to stall fairbound traffic the two subjects were related.

But the schism seemed to have begun with the second boycott of the city's schools. The national organization, which had strongly supported the first and more successful boycott, held itself aloof the second time.

In the period between the two boycotts, Norman Hill, CORE national program director, had called for a realinement of civil rights groups and leaders in New York. This was interpreted as an effort to downgrade Rev. Dr. Milton A. Galamison, the leader of the citywide committee for integrated schools.

The National Association for the Advancement of Colored People tacitly supported Mr. Hill. But 9 of the 14 CORE chapters in the city stood with Dr. Galamison and actively supported the boycott.

On April 4 the Brooklyn and Bronx chapters of CORE joined Dr. Galamison in a demonstration at the fair.

Tuesday evening the local CORE chapters met with Mr. Farmer in the national office to plan the demonstrations for the fair's opening day. The Brooklyn group proposed its "stall-in" which was voted down. Mr. Farmer took the position that such a demonstration would cancel the value of other protests that were being planned.

Nevertheless, the Brooklyn chapter announced that it was going ahead with the demonstration. Mr. Farmer's interdiction swiftly followed.

The young and rambunctious Brooklyn chapter announced that the suspension would in no way alter its plans. It won support Friday night from the New York and Bronx chapters, which took the position that they favored any and all demonstrations being planned for April 22.

CORE is not the only group planning such demonstrations. Dr. Galamison's followers are believed to be considering plans of their own, as are the local chapters in the NAACP.

Leaders of the various rights groups have talked about coordinating their plans. But the dissension within CORE indicated that this would be hard to achieve before the fair opens.

Mr. HOLLAND. Mr. President, the article, written by Joseph Levyveld, of the New York Times reporting staff, covers a discussion of the day before yesterday, Saturday, among various CORE organizations.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield for a question.

Mr. CLARK. Can the Senator give me any rough idea, for reasons which I am sure he understands, how much longer he intends to speak?

Mr. HOLLAND. I stated to several Senators earlier, before they left for the ball game—I am sure that is what the Senator has reference to—that I have a speech which will last about 2 hours at the minimum. Anything beyond that would depend on how much colloquy there was. Judging from the interest manifested by my distinguished friends from Alabama and Louisiana, it might extend beyond 3 hours.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. CLARK. Does the Senator feel that for the next hour and a half he is likely to hold the floor?

Mr. HOLLAND. I believe so. However, I wish to make it clear that my prepared remarks would not extend that long. While I do not control the strategy or the progress of the debate, it is my intention when I complete my remarks to suggest the absence of a quorum.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. HOLLAND. I hope the Senator will enjoy the game. I wish I could be with him.

Mr. CLARK. Does the Senator share my fear that it might not be wise to go?

Mr. HOLLAND. No; I do not share that fear. Even if the Senate had to delay for half an hour, while Senators came hurrying back to the floor from the ball game, no harm would be done to the country.

Mr. CLARK. Will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. CLARK. Does the Senator know it is raining?

Mr. HOLLAND. No; I am distressed to hear it. Even nature weeps when such horrible legislation pends on the floor of the Senate.

To go back to the article published in the New York Times of yesterday, I have already asked that the article may be incorporated in the RECORD; therefore, I shall not weary the Senate by quoting from it in extenso. There are certain paragraphs which I believe might be of interest to Senators who are present. I thank them for remaining, notwithstanding the very vivid attractions which prevail elsewhere in the Capital, which will have the attention of some of our friends. I hope they will be able to attend and note the prowess of our President as he tosses out the first ball at the opening game of the American Baseball League game today.

The first paragraph of this fine article reads:

> The national and local leaders of the Congress of Racial Equality met here yesterday afternoon in a desperate effort to thrash out their differences. Their heated debate continued into the evening.

I believe Senators have already noted the key words: "desperate effort," and "heated debate." That heated debate prevailed not between whites and Negroes, but between several units of the CORE organization, mostly Negroes.

I continue to quote:

> At issue was the controversial plan of the Brooklyn chapter to create a huge traffic jam when the World's Fair opens on April 22. The refusal of the Brooklyn group to abandon this plan brought its suspension from the national organization Friday.
>
> But the participants in the closed meeting also had to deal with the larger question of whether CORE could maintain unity in the city.

The Brooklyn unit had already broken relations with the national organization. Now there was the question as to whether there should be any degree of unity among the CORE units in the city of New York.

> Technically, it was a meeting of the national organizations' steering committee, which had summoned representatives of the Brooklyn chapter of CORE to defend its position. Representatives of the other local chapters sat in as invited guests.

I do not believe it would be a contribution to the feeling of the country to read the other sections of this very fine, factual article. However, I wish to make it clear that, in the first place, the Brooklyn and Bronx chapters of CORE joined the demonstration which had already been planned by Dr. Milton A. Galamison, who is the leader of one of the chapters there, and that apparently, according to this article, the meeting broke up in great degree of inability to get together as between even the chapters of CORE located within Greater New York City.

I read this additional paragraph:

> Tuesday evening the local CORE chapters met with Mr. Farmer in the national office to plan the demonstrations for the fair's opening day. The Brooklyn group proposed its stall-in—

That is not "Stalin," although it is very much like it, but "stall-in." It is the method chosen by the Brooklyn chapter of CORE, to stall the opening and dim the prospect of the fine services to be rendered to this Nation and the world by the great New York World's Fair.

> Nevertheless, the Brooklyn chapter announced that it was going ahead with the demonstration. Mr. Farmer's interdiction swiftly followed.

The next paragraph is so good, particularly the adjectives, that I should like to quote it. This great liberal newspaper, the New York Times, and the liberal reporter, whose name I have already given, indicate to my mind that they have no feeling of happiness in the tactics that are being followed by CORE.

> The young and rambunctious Brooklyn chapter announced that the suspension would in no way alter its plans. It won support Friday night from the New York and Bronx chapters, which took the position that they favored any and all demonstrations being planned for April 22.

Mr. President, I shall not read any further from this article. However, I wish to express my deep distress, not only because of the nature of the demonstration, but because of the very fine effort against which the demonstration is directed. I had the honor, on the floor of the Senate, to plead, on behalf of the two Senators from New York [Mr. JAVITS and Mr. KEATING]—Senators now in the Chamber will recall this—for the successful effort to secure $17 million of Federal money for the establishment of a Federal exhibit at the great New York World's Fair. I have in my file at least a dozen letters from great leaders in New York, including Mayor Wagner; Mr. Moses, who has a position of importance in connection with the fair; retired Major General Potter, who, I believe, is acting superintendent of the fair; and others, including letters from both the distinguished Senators from New York, thanking me for my participation.

I would dislike to think that the CORE chapters are trying to close down the fair on its opening day merely because I helped the New York representatives in an effort which I thought was worthwhile from the standpoint of serving the whole country. If CORE is doing what it is doing because a few of us southerners may have had an active part in helping the effort, and because the State which I represent, in part, has spent

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quite a large sum of its money to establish an exhibit in the fair, thus trying to heighten the effect of the entire fair by constructing a beautiful building, I hope they will remember that their State has more at stake than any of the others, and that their two Senators were the leaders in the movement which the Senator from Florida was happy to take over for them on the floor of the Senate; and that they stand in their own light and in the light of their fellow citizens of their own great State—which I believe is now the second greatest in population in the Nation—by doing the foolish, ridiculous, and completely irresponsible things they propose to do, such as having jallopies break down on the highway which gives access to the New York World's Fair on the opening day of that great exhibition. To the Senator from Florida, that does not sound like America, or love of country by any standard. It sounds exactly the opposite and I deplore it.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield to the Senator from Georgia.

Mr. RUSSELL. We are often told on the floor of the Senate, particularly by those who represent the great Empire State of New York, that New York has achieved almost the millennium in matters of equality. New York has a Fair Employment Practice Commission, and I understand the city of New York has one also. I know that the State has a Fair Employment Practice Commission to assure equality in employment. New York has other commissions and governmental bodies to assure open occupancy in housing. The city of New York, through the gigantic sums it has received for urban renewal and for Federal housing projects, has taken every step possible to assure complete equality among all races of people and all creeds in the matter of housing opportunities in the city of New York. All the major concerns in New York have undertaken to employ members of the Negro race in their higher executive positions.

We from the South have been lectured on conditions in our own States, despite the fact that the statement has just been made, supported by Government figures, that there is a lower rate of unemployment among our own colored people than exists in some of the States that have Fair Employment Practice Commissions.

Mr. HOLLAND. Unemployment in most of our States is only a fraction as compared with the amount in the larger States which have FEPC agencies.

Mr. RUSSELL. But in the city of New York, when the Negro people decide that they wish to visit the mayor, they pay him a visit of some 10 days or 2 weeks at his office, to show their political influence. The same is true at the Governor's office. I recall recent occasions when the Governor and mayor were going in and out of side doors in an effort to reach their offices without having to step over the prostrate forms of their constituents here, there, and everywhere. I wondered what all the protesting was about.

The letters "CORE" stand for Congress of Racial Equality. Considering all the legislating that has been done in New York, and all the fawning and supplicating that has been done by the leaders in the State of New York, what on earth are those people seeking? They virtually have taken over the city hall and the State house whenever they felt like doing so. I was wondering what the objective of the campaign was that would cause such a great division in the ranks of the Congress of Racial Equality in the great city of racial equality. What objective is it trying to achieve?

Mr. HOLLAND. I am sorry I cannot answer the Senator's question. I observe in the Chamber the distinguished junior Senator from New York [Mr. Keating]. He may possibly be able to enlighten us.

Mr. RUSSELL. If he is not an authority on the subject, I do not know where we could go for an authority.

Mr. HOLLAND. In answer, I can only say that it is quite apparent that CORE does not like the kind of equality that is being meted out to it in the great State of New York. That is all I could venture to say.

Mr. RUSSELL. The State of New York has attempted for many years to attain the objectives I have outlined. If New York has been unable to achieve them by State law, how do the advocates think they can be achieved by Federal law, in areas where they do not meet with the approval of a majority of the people?

Mr. HOLLAND. There are those who believe that all that is necessary is to pass a law in Washington, and that when Uncle Sam, who represents that great centralized Government here, assumes responsibility, the problem will cease to exist—just vanish into the air.

We found that that was not true of prohibition. We found that it was not true in other fields. The Senator from Georgia and I both know, as former Governors of our States, that when we try to use coercion or compulsion, we generally get from typical American people anything but full cooperation.

Mr. RUSSELL. I thought the Negroes of New York already had all of the laws they were seeking.

Mr. HOLLAND. They do have it in the State of New York, as I understand; but if that not be true, the distinguished Senator from New York [Mr. Keating], whom I highly respect, may give us the reason. If he wishes me to yield for a question or to enable him to make a statement, I will ask unanimous consent to yield to him for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEATING. Responding, first, to the question asked by the Senator from Florida, I wish to tell him how much both my colleague from New York [Mr. Javits] and I appreciate his assistance as a member of the Committee on Appropriations in providing funds for the Federal Pavilion at the fair. Anything I may say hereafter will in no manner be in derogation of the gratitude which we feel or the sense of obligation which we feel toward the Senator from Florida and the Senate as a whole for the great help which they gave us.

Mr. HOLLAND. Speaking only for myself, I was happy to do that because I thought it was a fine, worthwhile project. I am still happy that I did it, regardless of the other incidents, which have nothing to do with that appropriation.

Mr. KEATING. I thank the Senator from Florida. The Congress of Racial Equality has been mentioned. It should be noted that the group to which the Senator has referred is not the national organization but a few chapters of CORE which have made threats with regard to stopping traffic or interfering with access to the fair. National leadership of CORE has said that they do not support any such effort to interfere with the operation of the fair.

We have previously encountered such splinter groups in New York.

I believe that the leaders of those who are seeking greater racial equality should exercise restraint, and should be very careful not to injure, by rash or intemperate action, the cause of civil rights and the cause of equality for all our citizens.

Mr. HOLLAND. Perhaps the Senator from New York can advise us just what it is that these three chapters—in Brooklyn, in New York, and in the Bronx—which, apparently, are going to engage in stalling tactics, are trying to accomplish.

Mr. KEATING. I shall come to that, and it will not particularly please either the Senator from Florida or the Senator from Georgia; but in my own time, if the Senator from Florida will permit me to do so—inasmuch as he has yielded to me—I shall explain what I believe they are aiming at, although I cannot speak for them.

Mr. HOLLAND. Mr. President, I ask unanimous consent that, without losing my right to the floor, I may yield to the Senator from New York, to permit him to make whatever statement he may wish to make at this time.

The PRESIDING OFFICER (Mr. Bayh in the chair). Without objection it is so ordered.

Mr. KEATING. It is understandable that the demonstrators are frustrated and often are discouraged. Certainly in our great country everyone has the right to petition for the redress of grievances, and the right to engage in peaceful demonstrations. All of these are entirely in order, and have become embedded in our traditions. I refer, for example, to the demonstration in connection with the march on Washington, which was well handled and was without incident, and was a credit to those who were seeking to advance the cause of civil rights.

However, it is injurious to that cause when such demonstrations are disorderly; developments of that sort hurt the community and hurt those who are seeking to obtain equality for all of our citizens.

The announced purpose of those who are promoting these demonstrations is, according to their plan, to demonstrate that some States with exhibits at the fair do not have equality for all their citizens. The members of these groups desire to stress that fact.

I would not wish for even a moment to imply that there are not shortcomings, in that regard, in New York State and in other States of the Union; but, so far as I know from reading the newspapers, the demonstrations are directed against the national problem, and, specifically, against some of the States which will have exhibits at the fair—States which do not give equality to all their citizens, either equality in voting or equality in education and employment or equality in the use of public facilities. That is the direction in which this effort is aimed, as I understand it, and these are the conditions we hope to remedy by the passage of this bill.

I emphatically point out to the Senator from Florida that these proposed "stall-ins" are not a plan of the Congress of Racial Equality as such; instead, it is a plan of certain of its chapters—chapters which, as I understand, have quite recently been disciplined by the parent body for their actions which the parent body has deemed to be injurious to the cause for which it stands. I think that point should be made very clear in the RECORD.

Mr. HOLLAND. I appreciate the statement the Senator from New York has made; but I am still left without a clear understanding of the proposed demonstrations. I do not see how the prevention of the success of the fair, on its opening day—a fair which involves investments of millions of dollars by the State of New York, by the city of New York, by the Government of the United States, by many other States, by many foreign countries, and also by many manufacturing enterprises—and the consequent frustration and disappointment of the perhaps hundreds of thousands of persons who will be trying to reach the fair on its opening day, which will be the latter part of this week, would in any sense contribute any sound result. Instead, it would simply result in more resentment; it would be like coercive legislation, only worse, because it would create resentment by good citizens of New York of all races who will be trying to get there, and also by many citizens of other States who will be trying to get there, to enjoy the exhibits at the fair, which is of great national importance. So it seems to me that such a situation would frustrate and antagonize many thousands of good people; and I cannot understand the psychology of that movement, any more than I can understand the psychology of those who are trying to force this coercive bill down the throats of people who do not want it, and who probably will not accept it.

Mr. KEATING. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. KEATING. I shall probably not find myself in agreement with many of the statements the Senator from Florida will make in the course of this debate; but in general I agree with what he has said when he has stated that demonstrations which get out of hand in such a way do not help the cause.

But I was seeking to point out that an attack has been made on the Congress of Racial Equality. Although it is not my province to defend any particular organization, I think in all fairness it should be pointed out that this proposal is by a splinter group—a group similar to the eight or nine persons, as I recall, who were so unwise as to lie down on the Triborough Bridge, and thus prevent many people from returning home from work, one evening. That was done as a civil rights demonstration; but I do not believe things of that sort help the cause at all.

Over the past weekend, I have been conferring with some of the Negro groups in New York, in an effort to convince them of the undesirability of such demonstrations. I believe that most of those in positions of responsibility in various organizations share that view, and feel that it is undesirable, unwise, and injurious to the cause to have demonstrations of that sort, in which people lie in the streets and stop traffic, or purposely drive on the highways cars which soon will run out of gasoline. Such activities will necessarily alienate many persons of good will, who now are sympathetic to the objective of equality for all our citizens.

So I believe it would be a great mistake; and I have been frank to say so, not only publicly, but also to some of the leaders of the groups which are backing civil rights legislation.

In my judgment, such activities have nothing to do with the position taken by Senators or other legislators in regard to the provision of equal opportunity for all Americans. We can believe sincerely and firmly in that cause, and can still be greatly opposed to demonstrations which get out of hand and cause great inconvenience, and sometimes suffering and injury, to others who are perfectly innocent bystanders. On no occasion have I said that the rights of any race or any person of a particular national origin or the members of any group should be superior to the rights of the members of any other group. Our country is composed of people of many races, colors, creeds, and backgrounds. All my efforts have been directed, insofar as possible, toward providing equality, insofar as constitutional rights are concerned, for all the people of the United States, without regard to their race, color, or creed.

When any one group seeks to do things that would injure other groups, it is our duty to speak out.

Mr. HOLLAND. I thank the Senator for his statement on the subject. Without seeking to give any offense, the attitude of the demonstrating groups in States that have FEPC's, that have legal school integration, and that have every type of coercive approach to the problem, is the best illustration that could possibly exist of the point which I am seeking to make, namely, that any legalistic approach, based upon the passage of laws, on the handing down of decrees, or on the use of economic pressures or force, would not only fail, but would also operate in reverse, because it would merely bring frustration and resentment, so clearly manifested in all the demonstrations going on in the States that have gone so very far in enacting every possible civil rights law that imagination could conceive of.

Mr. President, I could continue with a recital of the dismal and distressing things that are happening in many of the cities in the South. I do not want it to be understood that in making mention of those distressing occasions in the North, I am by any means indicating that we of the South have reached a perfect solution of this vexing complicated problem. I am merely trying to make clear, first, that in those areas which have adopted every conceivable legal approach to the problem that can be dreamed up or imagined in men's minds, there is apparently more frustration; resentment, and violence than there is even in our part of the country—and now apparently on a much larger scale.

It has been illustrated so clearly that approaches through the use of pressure, coercion, and compulsion in this kind of a field cannot bring about the desired objectives, no matter how earnest and kindly may be the interest of those who desire to follow those approaches.

Many of the other recent school and residential troubles in New York City, in Philadelphia, in Cleveland, in Chicago, in Detroit, and elsewhere make it completely clear that millions of people in our Northern States prefer de facto segregation, or something very much like that, or at least do not want to adopt any program of compulsory mingling of the races.

I have made this point at some length because I want to call attention to the fact that the psychology behind the approach that is written into this bill is just as wrong as it can be. American people—whether white or black—are as a rule individualistic and independent. They have their own ideas about how they want to live, with whom they want to live, and with whom they want their children to mingle.

They have strong feelings about avoiding everything that leads to undue social admixture of the races and the consequent intermarriage which would be sure to follow on a vastly increasing scale.

They are perfectly willing to study these problems carefully in the effort to try to discover what can be tolerated by way of increased adjustment between the two races, and much progress is being made in the adaptation of the two races to more complete integration—except on a social basis.

It is my view that instead of furthering such a reasonable approach to this problem under which much is being accomplished, the whole course of such adjustment will be set back by the passage of a law so arbitrary, compulsory, and coercive as is this bill. In fact, Mr. President, passage of this bill, or certain sections of it, may well destroy many of the great gains achieved in the last 100 years.

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One of the finest columns which I have seen that points out clearly the poor psychology which is used by the present proponents of the civil rights bill is that of Mr. David Lawrence of April 10, 1964, which appears under the heading "Civil Rights' Cause Appears Headed for a Debacle Because Proponents Have Chosen the Wrong Methods." Mr. Lawrence's column is so full of commonsense that I shall quote it in full as a part of my address as follows:

The article to which I refer is taken from the Florida Times Union of April 10 of this year. I read:

Civil Rights' Cause Appears Headed for a Debacle Because Proponents Have Chosen the Wrong Methods

(By David Lawrence)

> Washington.—Maybe what has just happened in the Wisconsin primary will give Congress pause. It may teach a lesson often forgotten—that a substantial segment of the American people resent intrusion into their private lives and their freedom to choose their associates, black or white or brown or yellow, on the basis of their own judgment and their own likes or dislikes.
>
> For if resentment already evidenced across the Northern States—not merely in the South—is beginning to be expressed in the form of votes at the polls, then a crisis of major proportions may come again to America.
>
> The last crisis of this kind—governmental coercion in an attempt to achieve prohibition of the sale of intoxicating liquors—ended in a debacle. It was largely the fault of the prohibitionists, who could not see that their methods were wrong.
>
> Today, the cause of civil rights which in many respects is a just cause, is headed for another debacle, largely because its proponents have chosen the wrong methods to win public support.
>
> It is easy enough to say that in Wisconsin mostly Republicans gave a symbolic vote for the arguments of Governor Wallace of Alabama. But there were unquestionably Democrats who felt the same way.
>
> The significant development is that, in a State as far from the South as Wisconsin—known for its progressive thinking—an election was actually conducted in which civil rights was an issue, and 25 percent of the voters registered their protest against it.
>
> On the same day, moreover, that the Wisconsin primary was being held, a tragedy occurred in Cleveland, Ohio, where an impassioned minister was killed as he dramatically threw himself behind a bulldozer. In that city, the mayor has been trying to halt the violent demonstrations in a school-segregation crisis. The trespassers on public-school property were trying to get the city to abandon the construction of certain schools.
>
> The responsibility for these tragic happenings rests on some of the leaders in the civil rights movement, particularly on those leaders who misconstrued demonstrations like the famous march on Washington as seeming to give the stamp of approval to demonstrations of all kinds.
>
> Today, many of the northern cities, including New York and Chicago, are conscientiously striving to handle the difficult problem of racial integration. But they find themselves not occupied merely with what the Constitution and the law require—namely, that there shall be no racial discrimination in citizenship rights. They are instead being stampeded to correct racial imbalance by methods which introduce a counterdiscrimination—as, for instance, against those white citizens whose children are being prevented from going to their own neighborhood schools. This is one of the demands of civil rights leaders in their boycotts and other demonstrations.
>
> How can public sentiment express itself against encroachments on private rights? The citizens of Wisconsin found a way, and so did the voters in Kansas City, Mo., this week when they voted on a city ordinance which dealt with public accommodations. The ordinance was designed to enlarge the number of places in which discrimination would be prohibited, and went beyond the provisions of the pending bill in Congress. The measure was under vigorous attack by tavern owners, and the vote was about 50–50, as the ordinance won by a narrow margin.
>
> Why, in a place as far distant from Alabama as Kansas City, would the citizens be divided evenly on this question if the issues were as clear as some of the supporters of the so-called civil rights legislation have described them? The problem in Kansas City, just as in other cities, is one that turns on the extent to which an effort to prevent discrimination results in a drive whereby governmental authorities control freedom of association and freedom of choice of customers in private business.
>
> All this adds up to civic resentment, the first signs of which are beginning to appear in different sections of the country. The pending civil rights bill is only a first step to the crusade. The real crisis will come when the Federal Government tries to enforce the provisions of the proposed law not only in public accommodations but in the handling of employment in various kinds of businesses. Demands that racial quotas become paramount guidelines of employment can only provoke deep-seated antagonisms if the Government agencies set up their own methods of determining efficiency and qualifications for a job in private business in America.

I have been quoting from an article, not written by a southerner, but by Mr. David Lawrence. He makes it very clear that the real crisis in this country is not to be found on the floor of the Senate or the floor of the House, but will come when and if a bill of this monstrosity is passed and there is a serious effort to enforce it in great sections of the country where more than 50 million people live, where the philosophy behind the bill is wrong, and where the psychology in the delicate matter of human relations does not permit the problem to be handled on the basis of persuasion but, instead, attempts to approach it on the basis of coercion.

Mr. Lawrence states the meat in the coconut in his statement:

> The problem in Kansas City, just as in other cities, is one that turns on the extent to which an effort to prevent discrimination results in a drive whereby governmental authorities control freedom of association and freedom of choice of customers in private business.

I call clear attention to the fact that the civic resentment which is already apparent will come to a real crisis when the Federal Government tries to enforce the provisions of the public accommodations and FEPC provisions in the civil rights bill. I hope that the Members of the Senate will realize in time that the passage of this bill in its present form would indeed provoke a serious crisis in our country whenever any real effort should be made to enforce it. The methods proposed by this bill are helplessly wrong and will make bad matters very much worse.

One clear evidence of the fact that unrest among white Americans created by the coercive and unacceptable methods that are the heart of the pending bill and of the unwisely led movement of which it is a part, is making itself clearly seen in parts of the Nation outside the South is the outcome of the recent presidential preferential primary in Wisconsin. In that race, Gov. George Wallace of Alabama, who is certainly an extreme segregationist rather than a moderate one, received 261,000 votes as against 508,000 for Wisconsin's Gov. John W. Reynolds and 294,000 votes for the favorite son Republican candidate, Congressman Byrnes. There have been so many pithy comments on that wholly unexpected heavy vote for Governor Wallace that I think it might be well to place in the Record some of these comments coming from different points of view. For instance, in the New York Herald Tribune appears the following editorial under the heading "It Happened in Wisconsin, Suh":

> The State that Joe McCarthy made famous has done it again.
>
> Despite the jeers and laughter, Alabama's segregationist, stand-in-the-schoolhouse-door Governor has seemingly won the hearts of more than a quarter of a million Wisconsin voters. His total in the Democratic presidential primary was more than half that of Wisconsin's own Gov. John Reynolds. It was nearly as great as that run up by Representative John Byrnes, unopposed in the Republican primary.
>
> Trying to divine the true meaning of election results is a little like chasing a pig through a forest at night. People don't register the reasons for their votes. Wisconsin allows crossover primary voting, and there's no knowing how many Democratic votes were cast by Republicans.
>
> The Democratic Party is split between supporters of Governor Reynolds and of Senator Gaylord Nelson. With the State's own Governor in contention (even though as a proxy for President Johnson), local issues could not be kept entirely out. A vote for Governor Wallace could have been simply a vote against Governor Reynolds. And Wisconsin has its share of political kooks. The chief organizer of the Wallace campaign, in fact, also heads a committee dedicated to abolishing the income tax by constitutional amendment.
>
> Still, a quarter of a million frosty Wisconsin votes for Wallace cannot be ignored. Wallace wasn't really running for the Presidency; he was conducting a diversionary, second-front campaign against the civil rights bill. And however many reasons these quarter-million Wisconsinites had for supporting him, they at least weren't offended by his segregationist stance.
>
> This is already causing added trouble for civil rights supporters in Congress. But the important thing to remember is that it doesn't affect the merits of the rights issue. What it does, in fact, is to underline the basic truth that civil rights are indeed a national problem.

And not a sectional problem. It seems to me that the most important conclusion stated by the Herald Tribune editorial is in the last two sentences which I repeat as follows:

> But the important thing to remember is that it doesn't affect the merits of the rights issue. What it does, in fact, is to underline

the basic truth that civil rights are indeed a national problem.

In many papers I have seen the comment made by the columnists Rowland Evans and Robert Novak under the title "Inside Report: Wisconsin's Warning." I quote this column in large part as follows:

> The quickest way to dispel the myth that Alabama Gov. George Wallace's shockingly large vote in Wisconsin was caused by "Republican crossovers" is to examine Milwaukee's Democratic 14th ward.
>
> The 14th lies in Representative Clem Zablocki's 4th Congressional District, in South Side Milwaukee's industrial heart. It is a Polish ward, with a sprinkling of German, Italian, Croatian, and other ethnic groups. It has scarcely a single Negro family, and only a handful of Republicans.
>
> In 1960, John F. Kennedy got 84 percent of the primary vote in the 14th ward against Senator Hubert Humphrey. Representative Zablocki regularly carries the 14th ward by margins up to 14 to 1.
>
> Last Tuesday, in this test tube ward, segregationist Wallace captured 29 percent of the vote—about the highest proportion for him anywhere in the State.
>
> That is one of the three key statistics in the ominous returns from Wisconsin's presidential primary. No matter what they may be saying for the record, Democratic politicians are painfully aware of it.
>
> They privately admit that a great many of the voters now reacting with the greatest hostility—or fear—toward the Negro revolution are hereditary sons of the Democratic party who still swear by F.D.R. Those in the 14th ward are highly skilled middle-income workers, many of whom own their own homes.
>
> These neophyte Wallace voters fear the threat of a Negro invasion of their all-white neighborhood from heavily Negro areas in the adjacent Fifth Congressional District, along Milwaukee's north shore.
>
> The second key statistic is found in the Republican suburb of Shorewood, in the Fifth District. Its two most Republican precincts (heavily Nixon-Lodge in 1960) split evenly between Wisconsin's Democratic Gov. John Reynolds, Wallace, and Representative John Byrnes, the Republican favorite-son candidate.
>
> True, there were crossovers in all-white Shorewood but one Wisconsin expert—a Democrat—estimates that at least half of these crossovers from Byrnes to Wallace had not the slightest intention of embarrassing Governor Reynolds. They reacted from fear of Negro househunters from nearby Negro enclaves and a sharp drop in real estate values.
>
> Finally, the third key statistic, a bulwark to the other two, is found up in Republican Representative Melvin Laird's Seventh District, far away from any Negroes at all. Wallace ran a very poor third in this conservative and Republican district, far behind Byrnes and Reynolds.
>
> As an immediate result of Wisconsin, some politicians in both parties are starting one of those agonizing searches for a safe position on the civil rights question, but for most the die is already cast.
>
> Example: Representative Rogers Morton, a freshman Republican from Maryland's archconservative Eastern Shore, now fears that Wallace may carry his district in the Maryland primary. There is not much he can do about it.
>
> Example: Representative William McCulloch, the esteemed Republican leader of the House Judiciary Committee, is encountering political trouble back home in Ohio because of his leading role in winning House passage of the civil rights bill.
>
> But these Republicans have one important political asset: To capitalize on the white backlash against civil rights there, Democratic opponents will be required to repudiate President Johnson and the President's flat commitment to a strong civil rights law. For northern Democrats, this simply isn't a possible position. Not today anyway.
>
> As the opposition party, Republicans have more flexibility—a fact plainly evident in the efforts of the Senate Republican leader, Senator Everett Dirksen, of Illinois, to water down the civil rights bill.
>
> For some Democrats then, Wisconsin is a warning signal, Indiana (May 5) and Maryland (May 19), the two other targets of Wallace's northern invasion, are just around the corner.

The most interesting part of this column is, it seems to me, the clear showing of heavy support for Governor Wallace in Milwaukee's strongly Democratic 14th ward, which is predominantly a Polish ward, and in Shorewood, a strongly Republican suburb of Milwaukee in the 5th District. These statistics make it completely clear that Governor Wallace's completely unexpected support came at least in very substantial figures from both traditionally Democratic and traditionally Republican voters. The unrest on the racial problems which is growing during the debate on the pending civil rights bill is both national and bipartisan. The deep resentment which is already articulate in Wisconsin comes from the unsound and psychologically wrong approach contained in the civil rights bill and in the poorly led movement of which it is a part.

Still another interpretation of the national unrest, as shown by the Wisconsin election and elsewhere, appears in an editorial of the Tampa Tribune, dated April 9, 1964, entitled "It Knows No Climate" which I quote in full as follows:

> IT KNOWS NO CLIMATE
>
> A segregation-forever Alabama Governor invades Wisconsin and picks up nearly 25 percent of the votes in a presidential primary. What does it mean?
>
> To strutting little George Wallace it means a moral victory for his States rights crusade. To Senator Hubert Humphrey it is "a fizzle, a flop." To Wisconsin Gov. John W. Reynolds who got 508,000 votes to Wallace's 261,000, "It just goes to show what we have known all along: There are prejudiced people in the North as well as the South."
>
> Reynolds' comment, we think, summed up the significance of the result.
>
> How many votes Wallace actually got because of his racial views and how many he got because Republicans wanted to embarrass the Democrats nobody knows. Wisconsin's silly primary system permits citizens of either party to vote for the other party's candidates. Since there was no contest on the Republican ballot, it was tempting for Republicans to vote for Wallace as a means of discrediting the Democratic Party in Wisconsin.
>
> Yet it is certainly true that a large part of the Wallace vote came from citizens either basically prejudiced on race or disturbed at the reckless pace of civil rights campaigns.
>
> Integration crusaders, in and out of Congress, habitually point to the South as the Nation's swampland of bigotry, which must be drained by a combination of Federal laws and northern missionaries.
>
> The South has enough, heaven knows, and no fairminded southerner defends the things which have happened in Alabama and Mississippi.
>
> But the rest of the Nation has its share of bigots and extremists, too. It also has, no less than the South, citizens of tolerance and good will who are alarmed at the attempt to eliminate discrimination in private associations by the heavy hand of law.
>
> It is noteworthy that a Kansas City referendum on an ordinance forbidding discrimination in most private businesses—similar to provisions of the pending civil rights bill—carried by a margin of less than 1 percent in an election Tuesday.
>
> Proposals for open-housing laws in Seattle and Tacoma, Wash., and Berkeley, Calif., previously had been rejected by voters.
>
> None of these cities, we may point out, is in the South.
>
> We carry no banner for George Wallace. In our judgment, he has served his own State badly with his racial demagoguery. But it is just possible that he may serve the South well in his northern invasion by showing, at the polls, that prejudice knows no climate.

The last sentence of that editorial is the most meaningful, which reads as follows:

> But it is just possible that he (Governor Wallace) may serve the South well in his northern invasion by showing, at the polls, that prejudice knows no climate.

On this point, I note in the Lakeland (Fla.) Ledger of Saturday, April 4, an editorial sounding a note of caution which I think should also be considered at this time, particularly in view of the fact that that highly reputable newspaper favors much of the pending civil rights bill. I read into the record that portion of the editorial titled "Yes, But Is a Law Needed?" which should operate as a stop, look, and listen warning to the eager supporters of the pending measure who seem to want to solve everything which they regard as wrong in the field of racial relations by the enactment of this single omnibus measure instead of giving due consideration to the use of an acceptable and attractive psychology in choosing the contents of their bill. The portion of the editorial which I quote reads as follows:

> What we do question is whether the public accommodations section actually is a desirable or needed feature of the bill. There is demonstrable evidence that Negroes are getting restaurant service and overnight accommodations in an ever-widening circle, even in the Deep South. The Howard Johnson chain, as but one example, serves any person who is clean, sober, and has the money to pay his check. Nonsegregated public facilities on turnpikes are nearly always available. Several months ago, Orlando restaurants and motor courts were almost unanimous in deciding to open their doors to all travelers. About half the eating and sleeping places in Gainesville are desegregated now, thanks to the hard work of a student committee at the University of Florida.
>
> The Ledger's position does not imply any lack of sympathy for the traveling Negro family, but rather an awareness that the problem of providing Negroes with in-transit food and sleeping accommodations is being resolved by moral, social, and economic pressure. In other words, why enact a law to force something that seems to be happening anyway?

I quote likewise a cautionary editorial from the well-known agricultural paper, the Progressive Farmer, in one of its

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recent issues. The editorial is entitled "Negroes Traveling the Wrong Road," and it reads as follows:

Negroes Traveling the Wrong Road

Radical Negro leaders need to learn the facts of economic life. Not all the Negro's troubles come from discrimination. Some are of his own making. They are due to his own shortcomings in training and dependability. Negroes hold few top jobs. They would hold many more, if they were qualified.

This isn't to say that U.S. Negroes aren't making progress. They have a far better standard of living than Negroes in other parts of the world. And, as U.S. News & World Report showed recently, the per-capita income of U.S. Negroes is higher than that of modern, up-to-date Western Germany.

With as many Negroes as we have in the South and with as many of them well to do, it is a mystery why they don't do more for themselves. The other day, Attorney General Robert Kennedy told a Senate committee that in Montgomery, Ala., and Danville, Va., a Negro can find overnight accommodations in only one listed place, but a white man's dog is welcomed in nine.

No doubt, Mr. Kennedy intended his testimony to be an indictment of the South. But to us his statement is even more an indictment of Negroes—for failure to help themselves.

Now this is a situation that civil rights has nothing to do with. New Jersey has more civil rights legislation than any other State in the Union. Yet, according to a Negro editor in New Jersey, there are more businesses owned and operated by Negroes in Atlanta, Ga., than the entire State of New Jersey. Indeed, there is abundant evidence to show that Negroes are getting ahead in business much faster in the South than in other parts of the Nation. Dallas, Tex., is said to have 3 or 4 Negro millionaires. And many Dallas Negroes are in the half-million bracket.

Negro progress toward first-class citizenship will be exasperatingly slow if it depends solely on force applied through civil rights legislation. In the excitement of the hour, Negroes are forgetting they have great problems to solve for themselves. Negro leaders as a group are doing little to improve the deplorable crime record of the race and too little in telling Negroes that getting a good job is one thing, being qualified to hold it is another. Self-improvement and cooperation with well-meaning white people of the South in working out race relations is the real solution. Sitdown strikes and demonstrations are not only silly, but futile.

In an editorial by Mr. Clarence Poe, senior editor and board chairman of the Progressive Farmer, appears another thoughtful article under the heading "What Both Races Need Today," which reads as follows:

For 100 years to come white people and colored will live together in the South. And for either race to have the peace, happiness, and prosperity we covet for it, four things seem supremely important: Greater good will by both races; greater generosity by our white people; greater restraint by our advancing colored people; and much, very much more and better training in schools and skills for all our people.

One of the serious psychological mistakes of proponents of the civil rights bill in my opinion is that they overlook what has become so clear in the history of our Nation with reference to the residential patterns preferred by both the white and Negro citizens. It has become perfectly clear throughout the last 100 years that the white citizens prefer to live with and among people of their own color and that the Negro citizens likewise prefer to live with and among other Negroes. The outcome of recent open housing elections, as mentioned heretofore, makes a strong showing of this fact but I think that an article appearing in the Wall Street Journal in August 1962 made an even stronger showing because that able publication presented the facts showing that even where deliberate efforts have been made to set up and maintain racially mixed housing under conditions which seemed ideal, those conditions have been defeated within a few years by the demonstrated preference of people of each color to live among others of their own kind. The article in the Wall Street Journal was entitled "Race and Residence—Negro Efforts To Find Racially Mixed Housing Lead to New Ghettos." The article is an objective and factual report by an able reporter, Lawrence G. O'Donnell, of conditions developing in named places in the three States of Connecticut, New York, and Pennsylvania, where deliberate efforts on the part of developers to create integrated housing have succeeded only in creating segregated housing, after a little time, due to the fact that white people that were there have moved elsewhere and other people who are Negroes have come in until finally we find that the original Negro residents, for example in the Village Creek development, feel that "one more Negro family will turn the section into a segregated ghetto."

This is a most interesting article showing that deliberate efforts to bring about racial integration in housing have failed because of the strong feeling among people of both colors against mixing of the races on a quota basis which had been carefully planned by the developers—this in spite of the existence of laws prohibiting segregated housing in all three of the States mentioned. I ask unanimous consent that this very interesting article may be printed in the RECORD at this time as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RACE AND RESIDENCE—NEGRO EFFORTS TO END RACIALLY MIXED HOUSING LEAD TO NEW GHETTOS—IRONIC TWIST OFTEN OCCURS BECAUSE FEW RESALES ARE CONSUMMATED WITH WHITES—CONTROVERSY IN CONNECTICUT

(By Laurence G. O'Donnell)

NORWALK, CONN.—Formidable obstacles lie in the way of the growing number of Negroes seeking to escape segregated housing in the North. And it would be hard to find a more striking example of these difficulties than the one provided by recent events in a racially mixed residential development here.

The development is called Village Creek, located on the shore of Long Island Sound, Village Creek contains 53 homes, ranging in market value from $20,000 to $45,000. It was laid out a dozen years ago by developers who made a point of selling houses to both whites and Negroes, with the aim of achieving a "favorable racial balance."

All seemed harmonious until last summer. Then a Negro electronics technician and his wife sought to purchase a house, and there were complaints from homeowners in the section of Village Creek where the would-be buyer wanted to settle. The strongest objectors, strange to relate, were Negroes. The proportion of Negroes in the neighborhood had been growing for several years, and the Negro residents felt one more Negro family would turn the section into a segregated "ghetto." The dispute is still unresolved.

AN ELUSIVE GOAL

Village Creek's plight shows the difficulty of maintaining racial "balance" in a neighborhood, even when residents support such a policy. As houses or apartments in an integrated area are put up for sale or rent from time to time, the percentage of Negroes almost inevitably grows, raising the prospect that the area may eventually become a segregated Negro community. The explanation, say students of racial matters, is that Negroes seeking good-quality housing are often limited to interracial developments, and thus demand from Negroes is heavy. Whites, even if not deterred by prejudice, are less likely to settle in integrated communities simply because they have so many more places to choose from.

The problems faced by Negroes fleeing segregated neighborhoods naturally become even more acute when they move into previously all-white neighborhoods. Whereas opposition to a new Negro family is a startling exception to the rule at Village Creek, in most white communities Negroes can count on a chilly reception from many homeowners, landlords, and real estate agents. Even in the 17 Northern States from Alaska to New York which have some sort of law against discrimination in housing, Negroes usually find it impossible to obtain housing in a white neighborhood, civil rights groups report.

Only last week the Congress of Racial Equality, a civil rights organization, complained to the New York State Commission for Human Rights that barriers against Negroes in many housing developments in Nassau County, a populous suburban area on Long Island just outside New York City, were impenetrable. In a test, Negro families visited 42 developments in the county and expressed interest in purchasing a home. In every case, the Negroes were rebuffed, said CORE. The organization added that when whites cooperating with the Negroes subsequently visited the same developments to make inquiries about buying a home, they were welcomed by the builders and their sales agents.

DISCOURAGING NEGRO BUYERS

The patterns seems to be that the development representatives are polite and conscious of a New York law forbidding discriminatory sales practices in developments, comments Mrs. Mark Dodson, chairman of the housing committee of CORE's Long Island chapter. But, says Mrs. Dodson, the builders and agents nevertheless discourage Negro buyers by such devices as specifying excessive downpayments, pleading that houses cannot be shown at the particular time the Negro calls or stating that all houses have been sold.

If a Negro family does manage to overcome such obstacles and establish residence in a white neighborhood, its battle against segregation may still be far from won. The whites often depart, partly out of bias and partly out of fears property values may drop. These fears are sometimes encouraged by real estate men who see the opportunity for a quick profit if a number of houses pass from whites to Negroes, maintain groups favoring integration. Whatever the reasons behind the whites' departure, the upshot is that the new Negro residents soon find they're living in a segregated area again.

The question of how housing integration can be achieved in the face of such problems is likely to receive increasing attention in the months ahead. "Pressure for nonsegregated housing is mounting in every metropolitan area outside the South," declares Margaret Fisher, an official of the National

Committee Against Discrimination in Housing, an organization which keeps close watch on new racial housing trends.

MORE MIDDLE-CLASS NEGROES

Behind the pressure is the scarcity of decent housing available to Negroes, coupled with the steady increase in the number of middle-class Negroes able to afford good housing if only it were open to them, say housing experts. They report that in most urban areas Negroes, even those who are well off, are now forced to seek residence in deteriorating and crowded neighborhoods abandoned by whites.

Civil rights authorities say the Negroes' drive for housing integration could help break down segregation barriers in many other fields. They say, for instance, that much of the de facto segregation that exists in northern schools and recreational facilities is traceable to housing patterns. Housing segregation is the "core problem, the heart of other civil rights problems," says Berl I. Bernhard, staff director of the U.S. Civil Rights Commission.

Currently, Negro rights groups, including the National Association for the Advancement of Colored People and the Urban League, are looking to the White House for help in achieving housing integration. Through Federal mortgage insurance and a variety of other programs, the Government plays a big role in home financing. President Kennedy is almost certain to sign, before the November elections, a long-promised Executive order that would outlaw racial discrimination in all federally aided public or private housing.

The proposed order is drawing the fire of many homebuilders, who claim its restrictions would hurt their business. The National Association of Home Builders claims a broad antidiscrimination order on federally assisted housing could slash home construction activity by $6 billion annually.

INTERRACIAL PROJECTS MULTIPLY

While the construction industry as a whole is opposing an immediate Government crackdown on residential segregation, a small but growing number of builders and developers have moved ahead on their own to create interracial apartment and single-home developments. These businessmen, who say they are motivated mainly by personal convictions in favor of integration, have built at least 200 private, interracial projects across the country, according to Eunice Grier, Washington, D.C., social researcher who has made a study of intentionally integrated developments. In 1955, says Mrs. Grier, there were only 50 such developments. Two recently announced integrated developments are a $7.5 million garden apartment project in Providence, R.I., and a group of 46 two-family houses in Downingtown, Pa.

But the experience of many developers of integrated projects has been similar to that of Village Creek. Some integrated developments try to set racial quotas to prevent an overwhelming preponderance of one race—say, 60 percent whites to 40 percent Negroes. But Negroes often view these quotas as a form of discrimination, and in some cities they have also run into legal snags. The latter situation exists in Pittsburgh, where the city's Human Relations Commission recently complained that racial quotas in an integrated apartment project violated a local antibias law. Before any legal action was launched, the project abandoned its quota.

PROBLEMS AT CONCORD PARK

Morris Milgrim, developer of Concord Park, an 8-year-old 139-home interracial community at Trevose, a Philadelphia suburb, says he established a ratio of 55 percent white residents to 45 percent Negro after his sales office initially was deluged with Negroes. To maintain the ratio, he had buyers agree to let him handle resales for the first 3 years.

After the period covered by the resale agreements ended, however, it became difficult to maintain the original quotas. "White sellers had trouble getting white buyers," says Mrs. Charlotte Meacham, a resident. As a result, a number of whites have been forced to sell to Negroes, and the percentage of Negroes in the development has risen.

Mrs. Meacham and other Concord Park residents say real estate agents contributed to the breakdown of the quota system. "Traditionally brokers bring only Negroes to an interracial area," she says. "We are not able to persuade them that we are interested in white prospects."

Here in Village Creek, where angular modern homes line tree-shaded streets, whites have been in the majority ever since the development was opened. But the proportion of Negroes has risen, especially in one section where properties are generally lower in price. It was in this section last summer that one of the few remaining white families contracted to sell to the Negro electronics technician and thereby touched off the controversy still underway. If the sale were to be carried through, the ratio of Negroes to whites in the section would be 10 to 2.

WORRIED NEGROES

"Negroes were more perturbed than the whites," recalls one Negro housewife. "Some had had this happen to them before. They had lived in an area once all white, then mixed and finally segregated because whites sold to Negroes."

To prevent the creation of a neighborhood in their community that would, in effect, be segregated, the Village Creek Home Owners Association bought the house from the white family. The Negro technician and his wife were told they could buy elsewhere in the development. But they insist their original choice fits their price requirements best, and they have brought suit against both the association and the white family which reneged on the sale to them.

In established white neighborhoods where Negroes are just beginning to settle, there is evidence that white residents increasingly are making efforts to achieve a smooth transition to a mixed racial composition and head off the creation of a segregated Negro community. But they face a hard job.

"Prejudice of some whites won't permit them to remain in an area where Negroes are," says David Kadane, a lawyer who is working to slow the pace of racial change in the section of Freeport, Long Island, N.Y., in which he lives. "Other whites fear diminished social standing in the eyes of friends if they live in a community with Negroes."

Also, continues Mr. Kadane, "a great many whites hold the mistaken belief that property values will fall substantially despite statistical evidence to the contrary." He refers to research by such groups as the New York City Commission on Human Rights, which suggests that values drop sharply only when a number of properties are offered for sale at the same time.

HOW "BLOCKBUSTING" WORKS

The attempts by some real estate agents to capitalize on fears of declining property values are known as "blockbusting." A New York City civil rights official describes this technique as follows: Spreading alarm about the likelihood of such a drop in values, the agents frighten white residents into selling their homes. Sometimes the agent may simply act as a broker and pick up a flock of commissions in a hurry by selling to Negroes eager to move into good homes. Other times an agent may buy whites' houses himself at low prices and sell them to Negroes for premium prices.

To bring about gradual integration, white residents of some communities have sought to line up homeowners and apartment landlords scattered throughout their towns who will sell or rent to Negroes. In Great Neck, a prosperous Long Island suburb of New York, a fair housing movement has succeeded in placing 10 Negro families in private houses and apartments previously occupied by whites. In towns such as Great Neck, however, generally high house prices and rents rule out a mass influx of Negroes.

Communities less expensive to live in are likely to have more trouble achieving orderly integration. In some of these, white homeowners have tried to thwart blockbusting by putting up signs saying they won't sell out. But such campaigns often don't work. In Springfield Gardens, a neighborhood of single-family homes in the New York City Borough of Queens, "we have not succeeded," reports Mrs. Evelan Glavans, a white housewife active in the not-for-sale campaign. In the last few years, says Mrs. Klavans, the racial composition of Springfield Gardens has changed from a "heavy Negro minority" to "predominantly Negro."

Mr. HOLLAND. Mr. President, this article demonstrates what is rapidly becoming apparent in various parts of our Nation outside the South; namely, that even in expensive housing communities the two races are as difficult as oil and water to mix on a permanent basis. You can stir them up by outside artificial means so that they briefly appear to be integrated but when left to their own devices, the white people will show a preference to live among other white people and the Negroes equally prefer to live among people of their own color and soon the pattern of segregated living begins to appear to thwart the well laid plans.

The question of school integration which parallels that of residential integration is just as difficult and just as unnatural. The pending bill is psychologically wrong in its approach when it tries to force integrated public schools which cannot and should not exist while the residential patterns of living as separate races remain as such a fixed part of the preferences and practices of Americans of both races in all parts of the Nation.

Mr. President, to briefly review the article from the Wall Street Journal, I wish to make it very clear that it deals with the planned, deliberate integration of racial patterns in expensive suburban communities in the three States of New York, Connecticut, and Pennsylvania. Of the three communities which are mentioned in the article, the first is the development of Village Creek on the shore of Long Island Sound. The second is Concord Park, at Trevose, a Philadelphia suburb. The third is at Freeport, on Long Island, near Great Neck, N.Y.

In all three of these instances, the developers, who are people of means, had sympathized with the desire of Negroes to have their housing integrated. In the setting up of quite expensive homes, they decided on certain quotas for each race, and sold homes to their first purchasers on the basis of those quotas. In each of those three situations, as reported by the Wall Street Journal, in a factual article, within a period of 2 or 3 years, the tendency of birds of a feather to flock together had appeared so clearly that even in one of them one of the Negro families, which was an original family there, complained to the commission of the

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State which was involved that the community was becoming a ghetto because white people had sold out to Negroes.

This pattern is a large part of the problem of school desegregation, because community schools are serviceable to children who come from homes in the community where the schools are located. When schools are put together on a racial pattern which is completely segregated, the children in those schools will follow the same pattern.

Those who are so ardently pushing for the complete desegregation of schools, to be followed, as our distinguished friend from Minnesota [Mr. HUMPHREY] has stated, by complete integration at all levels of school activities, including the social level, are overlooking the point that it flies in the face of residential preferences which have been shown so long and so clearly and which reassert themselves even when communities are set up with the deliberate intent to create racially integrated communities at the expenditure of large sums of money, and effort.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. Do not the cases which the Senator has cited further emphasize that the problem is not a sectional problem, that it is not a problem which affects only the southern part of the country, but is one which affects the North, the South, the East, the West—all sections of the country?

Mr. HOLLAND. The Senator is correct. All these things are happening in States outside the South, particularly in the large cities. They illustrate beyond cavil that the problem is a national one, and that the reaction of white people in the North, in the main, is exactly like that of white people of the South. This is true even though their reaction is based on a much shorter acquaintance with members of the colored race on a broad basis, although I think it operates without the distinct understanding and sympathy for the colored race that had been built up in the minds of most southern citizens, including, as one of the foremost, the distinguished Senator from Alabama and, I hope, the present speaker, the Senator from Florida.

Mr. HILL. Certainly we would include the distinguished Senator from Florida. We have seen action after action taken by the Senator from Florida looking to a better understanding toward the minority, and in an effort to help them advance and to solve their problems.

Mr. HOLLAND. I have made great efforts along that line, as the Senator knows. I have gone as far as I thought the practicalities permitted at the time. I have been conversant with the fact that no law will settle the question and that no force will settle the question. The solution depends upon good will and understanding between representatives of the two races, a solution that will be found to be tolerable to the two races. That does not include all the solutions in the bill, but a good many. I know by having been approached by numerous Negro teachers and numerous Negro businessmen, for example, that they feel their own existence is definitely threatened by the coercive methods toward school integration and toward the FEPC requirements in the bill.

I thank the Senator for his interruption.

I shall now discuss briefly some of the implications of title II of the pending bill—the so-called public accommodations proposal. The statement made by the Honorable Farris Bryant, Governor of Florida, when he testified before the Senate Commerce Committee in opposition to S. 1732, which has the same objectives as does title II of this bill, on June 29, 1963, was an able and most thoughtful presentation and I shall read it in full, for the RECORD, because I think it should be preserved as an approach by a distinguished southerner who is a graduate of the Harvard Law School and is not an extremist by anyone's standard. He wants to see the Constitution followed, and realizes that this is a field in which all the steps should be taken slowly and constitutionally, depending upon acceptance by the two races and tolerance of the various steps as they are taken.

I read Governor Bryant's statement:

> Mr. Chairman, Senators, I do appreciate this opportunity to present to you my views concerning Senate bill 1732, in the hope at most that I can add some grain to that storehouse of wisdom which I know that this distinguished body, individually and collectively, already possesses.

If that did not leave the members of that committee in good humor as they started, they are of different timber than I think most of us are in the Senate.

I continue to read:

> I am fully conscious that if the things I have to say are worth saying, and hearing, it will be because of the experience I have gained as Governor of one of the States of this Union at a time in which it has rested in large part upon the executive branch of the State governments to chart a course for the people to follow in otherwise uncharted waters.

I digress at this point to say that, contrary to what might be thought by some, Florida has a large Negro population—about 900,000. Many of them are fine people. Most of them are law-abiding people. Governor Bryant, in keeping with the program of our State to operate on a straight line rather than to yield to extremists on either side, has performed a valuable service.

I continue reading:

> Florida is a State with an experience in population dynamics, including the mingling of races, which should be of some value. It is the fastest growing State in the Nation, and the appeal it has for new residents is not limited to any particular group or class, or race, or religion, of people. It is a State with a growing Negro population which constitutes a percentage of its total population well above the national average. Unlike some other States its Negro population is not decreasing; indeed, the rate of increase of its Negro population, roughly 46 percent in the past decade—that was 1950 to 1960—is almost twice the national average.

Mr. President, those facts alone show volumes. They show that the progress of Florida has, in the main, so appealed to Negro citizens that many of them have come to us from other States of the Nation, and our Negro population is increasing at a rapid rate.

I continue further:

> Florida's experience is also unique among the States of the Union in that it has been and is the host to a tide of refugees from foreign tyranny, numbering one-quarter of a million people. These people, with a different language, and a different culture, have been absorbed and assimiliated into our cities, our schools, our hospitals, and our homes. The conduct of the people of Florida has been such as to bring credit to our Nation. We have been assisted by the Federal Government in making them welcome. We have not been coerced and I speculate that if we had been, the results would not have been so good.
>
> I submit to you that out of this record which the people of Florida have made there is some wisdom to be gained. Florida with its roots in the South, but with its spirit fixed on Cape Canaveral, has been and is in the mainstream of all the currents flowing across this Nation. Yet with all this, the names of her cities have not been spread across the headlines of the world as a herald of violence and of the incapacity of a people to resolve their conflicts within civilized institutions. Indeed, if you should inquire of the Department of State, I am confident they would tell you that the government and the people of Florida have been of active assistance to our National Government in providing hospitality to visitors from governments all over the world.
>
> I am not here today to argue the case for segregation—nor against it.
>
> I am not here to question the power of the Federal Government to do what it is proposed by this bill to do.
>
> I am here to argue the case for freedom.
>
> The real issue you must resolve is between conflicting demands for freedom.
>
> On the one hand the traveler demands the freedom to buy what he wishes to buy, in a hotel, a theater, or anywhere that there are things for sale.
>
> I believe that he should have that freedom, provided, of course, he does not violate the freedom of others.
>
> There is the crux of the matter.
>
> I do not believe that we are talking about the commerce clause. Candor, it seems to me, would force the acknowledgment that the commerce clause is just a convenient peg on which to hang this particular hat.
>
> What is here attempted is to give primacy to the freedom of some to go where they wish and to buy what they wish over the freedom of others to own private property.
>
> I have seen some suggestions that the real contest is between human rights and property rights. That is not so.
>
> Property has no rights. Humans have the right to own property, just as they have the right to speak, and to worship, and to travel from State to State.
>
> One man owns a piece of property. He has earned it. He may have acquired it by saving money he otherwise would save spent, perhaps for the pleasure of travel.
>
> He may have acquired it by borrowing and thereby risked the security of his age and his family.
>
> He may have acquired it by working long hours while others rested or played.
>
> In any event, it is his—by the law, and by every principle of justice.
>
> What this bill proposes to do is to take part of that right away from him, and give it to someone else who has never earned it.
>
> We are dealing with property rights. The only question is: Who shall have those property rights? Shall it be the man who has earned or the man who covets that which he has not earned?

The only human rights involved are the rights of some humans against the claims of other humans.

The debate in which we are now engaged is over the assertion of a new right: the right of nonowners of property to appropriate it from the owners. The new right is asserted in the name of equality. Differently stated: this is a debate between those who seek to preserve freedom in the use of property by its owners and those who would appropriate a part of the bundle of rights which make up that ownership, without compensation, to the public, in the name of equality.

May I suggest that the proper goal for the Congress to seek is not a transfer of property rights, but freedom. We would all agree that the traveler is and should be free not to buy.

He can pass a motel because he doesn't like the town, he doesn't like the color, or he doesn't like the name. He can stop and go in and when he sees the owner he can decide he doesn't like him because he doesn't like his mustache, or his accent, or his prices, or his race, or his other customers. He can turn around and walk out for any reason, or for no reason at all. Why not? He's a free man. So is the owner of the property. And if the traveler is free not to buy because he doesn't like the owner's mustache, accent, prices, race, other customers, or for any or no reason, the owner of the property ought to have the same freedom.

That's simple justice. The wonder is that it can be questioned.

The argument is made that this invasion of property rights is nothing new—that our courts have for years upheld laws on zoning, minimum wages, collective bargaining, etc. I submit that the comparison is superficial, and the argument misleading. The difference in degree is so great that it amounts to a difference in kind. The same argument would sustain price control and rationing. The same argument would sustain the equal ownership of property, which can only be achieved through ownership of all property by the state in the name of the people.

We have heard a great deal in this last decade about the 5th amendment, the 10th amendment, and the 14th amendment, and surely all of these deserve our respect and our attention. I call your attention now to another amendment to our Constitution which has never been modified, or superseded. It is the ninth amendment and reads thusly:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Mr. HILL. Mr. President, will the Senator from Florida yield for a question?

Mr. HOLLAND. I am glad to yield to the Senator from Alabama.

Mr. HILL. Is it not true that a study of the proceedings at the Constitutional Convention in Philadelphia, which resulted in giving us the Constitution, and also a study of the conventions which were held in the several States, to consider the question of ratification of the Constitution, show clearly, beyond dispute, that in the absence of the clear agreement that what we know as the Bill of Rights—including the 9th amendment and the 10th amendment—would become part of the Constitution, there never would have been a Constitution?

Mr. HOLLAND. That is very clear. Some time ago I read a report of the debate in the Virginia convention, where the 10 amendments of the Bill of Rights were first adopted—those which constitute the first 10 amendments of the U.S. Constitution. In that debate it was made completely clear that the submission of the original Constitution to the States and its approval by the required number of States were based upon the clear understanding and statement by the framers that at once, without any delay, there would be accomplished, as there was accomplished, the inclusion of what we now know as the Bill of Rights. So to all intents and purposes it was a part of the original determination by the Founding Fathers as to what our original charter should and would include.

Mr. HILL. Is it not also true that when the question arose in the House of Representatives about submitting to the States and to the people the first 10 amendments to the Constitution, Mr. Pinckney stated, as a Member of the House of Representatives, that he had been a member of the Constitutional Convention in Philadelphia, and stated that at that Convention there was a solemn agreement among the delegates there that the first thing to be done after ratification of the Constitution would be to ratify and make a part of the Constitution the first 10 amendments, including particularly the 9th amendment, to which the distinguished Senator from Florida has referred, and also the 10th amendment?

Mr. HOLLAND. The Senator from Alabama is, of course, completely correct. That distinguished South Carolinian voiced that understanding, and it was also voiced by others. It has never been challenged. The fact that the States proceeded with great speed to adopt, in one package, the first 10 amendments, bears that out; and I think it can be stated with complete soundness and without objection, that the first 10 amendments were the result of the thinking and of the cooperative effort of the framers of the Constitution, and that the first 10 amendments became a part of our fundamental charter as a result of the understanding reached by the framers of the Constitution and recognized by the Congress and by the States in their separate passage of the required ratification.

Mr. HILL. Mr. President, will the Senator from Florida yield to me for a further question?

Mr. HOLLAND. I am glad to yield to the Senator from Alabama.

Mr. HILL. Is it not true that the first 10 amendments—the Bill of Rights—were taken from the Virginia bill of rights, which had been written by the great George Mason, of Virginia?

Mr. HOLLAND. That is correct. Too few persons have recognized the very great contribution made by George Mason, of Gunston Hall, Va., near the city of Alexandria, by means of that extremely important contribution to the charter and the foundation and the establishment of our Government.

Mr. HILL. Is it not also true that the great Woodrow Wilson, an outstanding student of government, said he would rather have been the author of the Bill of Rights than to have been the author of any other document ever penned by the hand of man?

Mr. HOLLAND. It is correct that Woodrow Wilson did make that statement; and many others have felt the same way. I believe there can be no question that the provisions of the first 10 amendments to the Constitution became completely essential parts of our entire system of government. No one has tried to get away from them, because they are the very heart of individual freedom and of what is left of States rights. As we know, encroachments have been made from time to time, but the text remains in the Constitution—unimpaired and clear.

That is one of the reasons why I feel that sometime—and soon, I hope—our people will awaken to the fact that, by means of little steps taken from time to time, we have been forfeiting some of the States rights which are guaranteed in the 10th amendment, to which the Senator from Alabama has referred.

Mr. HILL. Is it not also true that our Bill of Rights constitutes the basis of our great American private free enterprise system which has enabled our country not only to be the freest ever known in the history of the world—with the individual citizens enjoying more freedom and more liberty—but also to build here the mightiest and most powerful Nation the world has ever seen?

Mr. HOLLAND. The Senator from Alabama is correct; and he accentuates the point made by Governor Bryant; namely, that we are talking about freedom and its preservation. By his last statement, the Senator from Alabama has made clear that he agrees completely with Governor Bryant's fine statement.

I read further from Governor Bryant's statement:

> My petition now is that you not deny or disparage the right of the people to own property—that you not further restrict their freedom.
>
> In our eagerness to make all things right with the world, let us not forget that inherent in and inseparable from freedom is the capacity to make errors. If this Government were all wise, and all powerful, it could prohibit all error. In such event this might be a better Nation. But it would not be a free one. And the state would have taken the place of God.
>
> I think I can understand the aspiration of minority groups to improve their status. Nothing is more American than to aspire. But surely we should remember that when the majority loses its freedom, the minority loses its hope for freedom.
>
> It would be a tragic mistake if we tried to purchase equality for minorities, and as part of the price gave up freedom for all.

Following that statement, made last year by Governor Bryant before the Senate Commerce Committee, there was published in the Orlando Evening Star, of Orlando, Fla., an editorial bearing upon Governor Bryant's statement. I believe the editorial will make a worthwhile addition to this RECORD; therefore, I wish to incorporate it into the RECORD at this point, by reading it. It appeared in the Orlando Evening Star on August 1, 1963:

BRYANT'S WARNING IS SOUND

Gov. Farris Bryant gave the more ambitious of our Negro friends something to think about when he testified Monday before the Senate Commerce Committee on the civil rights bills.

Governor Bryant said that the 9th amendment, which retains for the people all rights

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> not specifically delegated to the Federal Government, is just as important as the 5th, 10th or 14th amendments.
>
> "My petition now is that you not deny nor disparage the right of the people to own property," Governor Bryant told the Senators, "as the effort to prescribe for businessmen who their customers shall be surely does."
>
> Many Negroes, throughout the Nation as well as in Orlando, have made great strides in recent years. They have started insurance companies, savings and loan associations, motels, restaurants, and stores, some of which have become highly successful. Many of them have become professional men and their number is rapidly increasing.
>
> Others have the same opportunity now to achieve business or professional success which these Negroes have. As time goes on and they continue to take advantage of their educational opportunities, more and more of them will become property owners and the financial strength of the Negro community will become greatly enhanced.
>
> The number of automobiles owned by Negroes has tremendously increased in the last few years. There is not a reason in the world why Negroes should not have their own automobile agencies, their own garages and filling stations, and as travel among Negroes becomes more commonplace, they will go into the business of operating chains of motels and restaurants.
>
> This has nothing whatever to do with integration or segregation. Business opportunities will present themselves and as they do Negroes will want to take advantage of them in greater numbers just as some have already done in the past and as white men have done from the beginning of this Nation.
>
> Such motels and restaurants may want to cater exclusively to the Negro trade and if they so desire they should have the right. Others may want to serve the public generally, and if they serve better food or run a cleaner motel we have no doubt there will be many from all segments of society who will trade with them.
>
> But if the Government gets the right to tell white businessmen how to run their businesses, it can tell Negroes how to run theirs. History has shown that when a government gets its foot in the door it soon comes in and takes over.
>
> Governor Bryant has sounded a timely warning which all would do well to heed.

Mr. President, I thoroughly agree with that editorial and with the importance of the point made by Governor Bryant. In a scholarly way he has pointed out that freedom is at stake, and that coercion of the kind embraced in the public accommodations title of the bill is much the same as that in the bill upon which he testified; and, though he did not mention them specifically, in other titles of the bill, particularly the one dealing with the proposed FEPC, there is a shortening or lessening of individual freedom No one can escape that conclusion if a cautious survey of the bill is taken.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. Does the Senator believe that the tragedy of the situation is that the American people have not had an opportunity really to find out what is in the bill?

The Senator will recall how the bill was handled in the House. It was raced through the House committee without hearings on certain provisions of the bill, and with only 2 minutes of debate. One minute of debate was consumed by the chairman, who was the author of the bill, and the other minute was consumed by the ranking Republican Representative from Ohio, Mr. McCulloch, coauthor of the bill.

Only 2 minutes of time were consumed during the consideration of the bill before it was jammed through the committee. The American people have not had an opportunity to know what is in the bill. If they could know the facts and the provisions of the bill title by title, they would realize how contrary the bill is to the Constitution of the United States and to the spirit of our American form of government, and how destructive it would be to our American free enterprise system. The Senator well sounded the warning today when he declared that people being trained in the use of firearms are literally playing with fire. The Senator, by citing cases in his ringing remarks, has sounded a warning to all the people of the United States as to how dangerous the bill may be to the American people and to our system of government.

Mr. HOLLAND. I thank the distinguished Senator for his comment. I appreciate what he has said about my modest efforts today. I feel very deeply that the bill would be destructive of freedom. I feel that the bill would produce trouble in the land. I feel that the bill, based upon coercive and compulsive ideas which cannot be carried out in any field, and particularly in a field as intimate as that of racial relations, is bound to fail. The passage of the bill would bring on a crisis very much worse than any of the many crises which are making themselves felt in many parts of the country, and particularly in those parts of the country where they have done everything from the standpoint of a legalistic approach which is possible—where they have State FEPC laws, State desegregation of schools, State open-housing provisions, and other things of the same kind. The trouble now is showing up in those areas of the country, indicating that such laws enacted by legislatures, which are much closer to the people and to the thinking of the people in the area, are failing to bring about the results which are expected. In fact, they are bringing about results contrary to that expected—and desired.

Mr. President, another editorial from a distinguished Florida editorialist bears upon the question. It comes from Mr. Jack W. Gore, editorial writer of the Fort Lauderdale News. Fort Lauderdale is not a part of the Old South; neither is the Gore family a part of the Old South. Fort Lauderdale is as cosmopolitan a town as there is in the United States. I daresay that something like nine-tenths of the people in Fort Lauderdale do not have their roots in the native soil of Florida. The percentage may be even greater than that.

An editorial from such a writer, published in a great newspaper of that area should be read. I shall not read it in detail because it is a long editorial, but I wish to read a part of the editorial because I believe it hits the nail on the head in connection with some of the points that I have been making.

The editorial states:

> Heretofore, it has been a generally accepted constitutional doctrine that while there could be no segregation of facilities supported by public funds, any individual had free rein under the Constitution to pursue his own policies in regard to whom he wanted to do business with or provide service for.
>
> Thus, if a man wanted to run a restaurant and restrict his customers to any he saw fit to serve, he has had that right in the same fashion that anyone else is perfectly free to choose where he wants to eat and in what company.
>
> Now, however, we are on the verge of seeing that right taken away from individuals and private groups. We are now being told that it is wrong and it is evil for anybody doing business with the public to practice any form of discrimination and that legislation must be passed by Congress to outlaw such practices.
>
> This is the same as saying that one constitutional right must be sacrificed to guarantee another when it has long been an established principle of law that one person's rights stop where another person's begin.
>
> But never before in this Nation has it been argued that everybody is entitled to use of privately owned facilities. A man's private business has been regarded as his castle wherein he has traditionally been the sole judge of his own business policies, and for Congress to step in and rewrite this principle now would go a long way toward destroying what little choice individuals still have in the conduct of their own business.
>
> Coercion, by force of new and hastily contrived law, is no permanent solution to the racial problem we are confronting in this Nation today.

Mr. President, I did not confer with Mr. Gore, and he did not confer with me; but, so far as I am concerned, his statement, which I read, is very much like statements I have made on the floor of the Senate today and heretofore. I repeat that statement:

> Coercion, by force of new and hastily contrived law, is no permanent solution to the racial problem we are confronting in this Nation today.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the Senator from Alabama.

Mr. HILL. The Senator has effectively brought out and emphasized that the problem cannot be solved by a force act. That is certainly what the bill is. The Senator from Florida has beautifully emphasized what Mr. Gore had to say.

Mr. HOLLAND. I thank the Senator. It seems to me so clear, from reading the proposed bill, from reading the history of the country, and then looking, even casually, at what is going on all over the country now, particularly parts of the country outside of the South, that this force bill, this coercive bill, does not present a solution, particularly in the racial problems that are confronting the country.

Reading further from the Gore editorial:

> As Attorney General Robert Kennedy said in a Voice of America interview Tuesday,

amicable and cooperative efforts through discussion and moral persuasion can accomplish a great deal more than turning the problem over to extremists on both sides of the fence.

I am glad the Attorney General has finally come around to that point of view, as he did in the fall of last year. I had hoped he would accentuate it more fully since.

We now come back to the source of the bill pending before the Senate. I had understood, as did the distinguished Senator from Alabama, that the discussion in the full committee was as short, arbitrary, and peremptory as it had been in the subcommittee, but I have not understood that anybody has claimed the parentage for this particular bill.

One of the great secrets has been the source of the bill. We know what happened in the Congress of the United States. We know what happened in the discussions in the subcommittee. We know that the bill as it finally came from the committee varied materially from what had been sent to the committee, and that it included the FEPC provision, which had been left out of the President's request to deal with this subject.

As to the parentage of the bill, I am yet unadvised; and I hope, if the Senator from Alabama, or any other Senator, is able to throw any light on this issue, he will do so. Many people would like to know from what brain sprang such a proposal which represents so much coercion and violation of the fundamental law of the Nation as this means of dealing with one of the most serious and delicate domestic problems.

Mr. HILL. So far as the Senator from Alabama knows, it is a foundling. He does not know the parentage of the bill. The Senator from Alabama was very much impressed when the distinguished Senator from Florida referred to a speech by the Senator from Ohio [Mr. LAUSCHE], made earlier today, in which the Senator from Ohio had spoken of the rifle clubs being formed in his home city of Cleveland. The Senator from Florida spoke of the fact that the rifle clubs were reminiscent of Hitler's storm troopers, with their army fatigue uniforms and steel helmets. As the Senator knows, when we reach the point where people are wearing army fatigue uniforms and steel helmets, as the storm troopers did, there is not too much concern with who the parent of the proposed law is or what is in it—they will try to drive it through by force. A force bill is exactly what is before the Senate. It is an effort to meet by force a problem that the Senator from Florida and the Senator from Alabama know cannot be met by force.

Mr. HOLLAND. That is true. Not only would the dove of peace fly out the window, but so would the American eagle of freedom.

I am distressed by the extreme method being followed in the presentation of the bill, in the demonstrations, in the demands, and the threats, and in the efforts to put the bill through, because the proponents are risking prospects of legislation which might appropriately deal with the subject matter.

I continue to read from the editorial by Mr. Gore:

> We gain nothing in this Nation by destroying one right in order to emphasize another and so long as this racial problem continues to be inflamed by self-seeking politicians, by professional agitators and by bleeding hearts who don't even recognize the right of any individual to freely choose his own associates, we are going to continue to have trouble.
>
> Fortunately for the South, the latest series of racial outbreaks has emphasized that the North is just as guilty as the South in practicing all kinds of discrimination. Attorney General Kennedy admitted this Tuesday when he declared that segregation in the North "is more settled but more sinister than exists in the South, and I think certainly it frequently is more hypocritical than exists in the South."
>
> "What we have to do in the North," said the Attorney General, "is to provide legislation that increases the possibilities of education and vocational training, making sure we have full employment."
>
> Very few people, we feel, will argue with that kind of a legislative program as certainly education and vocational training are essential to help the Negro race obtain better employment facilities. But this kind of a legislative program is vastly different than taking away from businessmen their traditional right to own and manage their property as they see fit, and this is something Congress should well consider in studying President Kennedy's new civil rights proposals.

Before I leave this point, in accentuating the importance of the remarks made by the able editorialist which I quoted some time ago from the Orlando Evening Star, I refer again to what I placed in the Record the other day, taken from the columns of the U.S. News & World Report by way of an interview with a successful Negro businessman in Chicago, Mr. S. B. Fuller. If one goes back and reads his comments, one comes to the conclusion that he, with a sixth-grade education, in the great city of Chicago, found an opportunity by which, through honest means, he built up a business to the point where, as I recall, his income tax exceeded $100,000. From $25 he has built a million dollar business which employs some 600 persons.

The opportunity exists. The Government exists, which encourages opportunity. Now certain people, in the name of claiming a little different opportunity of one kind or another, go so far as to suggest the obstruction of those principles in our Government which lie behind the private enterprise system and which have given opportunity and freedom of choice of associates, of business, of opportunities to get ahead, to every citizen of this great Nation.

Mr. President, I have a group of other editorials and newspaper commenting upon various phases of the bill, which I should like to read into the Record, but I do not wish to impose upon Senators. I hope those who are not present are enjoying themselves at the baseball game. I hope the showers which the Senator from Pennsylvania said were falling outside have subsided. I hope the President, with his good right arm—or is he left-handed—has thrown the ball in the appropriate gesture which sets the fans wild. I hope everything is going well.

I shall not consume a great amount of time by reading statements from serious thinking people.

Mr. President, we are sometimes inclined to discount columnists. So far as I am concerned, I consider Walter Lippman a scholar, and a distinguished one. I consider David Lawrence a scholar, and a distinguished one. I consider Messrs. Novak and Evans as scholars, and distinguished ones. I quoted from Arthur Krock, a writer for the New York Times, who is also a distinguished scholar. I could continue to quote various sources, such as Max Freedman, whom I quoted in one of my earlier statements some time ago. But I have three columns that are so excellent that I should like to include them at the appropriate time. In the meantime I should like to read certain portions of them. This is a column by Mr. David Lawrence, which was written before the death of our late and lamented great President Kennedy:

ACCOMMODATION AND THE COURT—1883 RULING AGAINST CONGRESSIONAL ACT CITED IN CASE OF 1963 KENNEDY PROPOSAL

(By David Lawrence)

President Kennedy has proposed to Congress that it enact certain civil rights laws, and he assumes they will be held constitutional by the Supreme Court. But the truth is these same proposals are of doubtful constitutionality, and Members of Congress who have taken an oath to uphold the Constitution will have a hard time deciding whether, by voting for such legislation, they will be violating or sustaining the Constitution itself.

A little more than 88 years ago, Congress passed a law providing for equal accommodations in public facilities—hotels, restaurants, and eating places. It sought to ban racial discrimination. But the Supreme Court of the United States, in an action known as the Civil Rights cases, decided in 1883, held that Congress had no power under the 14th amendment to write any such laws and that its only power was to nullify State action of a discriminatory character. The Supreme Court decision was by an 8-to-1 vote, and the majority opinion said:

"It is clear that the law in question cannot be sustained by any grant of legislative power made to Congress by the 14th amendment. The law in question, without any reference to adverse State legislation on the subjects, declares that all persons shall be entitled to equal accommodations and privileges of inns, public conveyances, and places of public amusement, and imposes a penalty upon any individual who shall deny to any citizen such equal accommodations and privileges.

"This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject, or only allows it permissive force. It ignores such legislation, and assumes that the matter is one that belongs to the domain of national regulation.

"Whether it would not have been a more effective protection of the rights of citizens to have clothed Congress with plenary power over the whole subject is not now the question. What we have to decide is whether such plenary power has been conferred upon Congress by the 14th amendment, and, in our judgment, it has not."

It was declared by the court that Congress could pass a law nullifying what a State had done by way of racial discrimination, but that it could not deal with a situation in

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which a State has passed no law or taken no action whatsoever. The citizen's remedy, it was pointed out, lay in procedures through the States and not through the Federal Government.

Mr. Kennedy in his message pointed out that there are 30 States which have enacted laws against discrimination in public places, and he seems to feel that, when the States fail to pass such laws, the Government can step in and do so. It is precisely this extension of Federal power which the Supreme Court in the 1883 case declared unconstitutional.

On the matter of employment, the President is stepping on delicate ground when he insists that the Federal Government can compel an employer to hire somebody whom he does not wish in his employ because of friction among his other employees due to racial feeling. Incidentally, the President had one sentence in his message which probably will be received with much enthusiasm by national organizations that have insisted that there is an inalienable right to work and that State laws are needed to forbid labor unions to make a contract with an employer which would compel the latter to fire an employee who refuses to join a union. The President said:

"Denial of the right to work is unfair, regardless of its victim."

I do not know whether the late President was, by this statement, giving his complete approval to the right-to-work laws of the State of Florida and the other 20 States in the Nation which have adopted such laws. I assume that is not so. At any rate the language, as called attention to by Mr. Lawrence, might easily be construed that way.

I continue reading:

There are other implications in the President's message which will complicate the legal controversies that are bound to arise if the civil rights proposals he made are enacted into law.

Thus, for instance, the President hints that some day private schools may be proceeded against. He says:

"While this [proposed] act does not include private colleges and schools, I strongly urge them to live up to their responsibilities and to recognize no arbitrary bar of race or color—for such bars have no place in any institution, least of all one devoted to the truth and to the improvement of all mankind."

What will provoke the most embarrassment for Members of Congress is that part of the President's proposals which deal with uses of public funds. He asks Congress to "pass a single comprehensive provision making it clear that the Federal Government is not required, under any statute, to furnish any kind of financial assistance—by way of grant, loan, contract, guarantee, insurance, or otherwise—to any program or activity in which racial discrimination occurs."

The President would leave the determination of whether a grant, a loan, a contract, guarantee, or insurance can be given to a local project if the local administrator who represents the Federal Government thinks there is any racial discrimination involved. While the objective may be considered a worthy one from the standpoint of equal opportunity, the means to be used would be of doubtful constitutionality. There is no precedent for action of this kind.

I have read the column in full. It is dated June 21, 1963. It was published in the Washington Evening Star.

The next one, which I ask unanimous consent to have printed in the RECORD in full, comes from the Washington Evening Star of July 8, 1963.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETAIL BUSINESS FACES CHAOS—KENNEDY RACIAL PLAN CONSIDERED PRETEXT FOR FEDERAL DICTATORSHIP

(By David Lawrence)

An era of confusion, if not chaos, in the retail business in America seems to be on the way due to an unprecedented stretching of the lawmaking power such as is being proposed by Congress—without the support of a single Supreme Court decision.

For Congress is being urged by the administration to yield, in effect, to a stampede of street demonstrations and pass a law which creates virtually a Federal dictatorship over the relations of private business and its customers.

The legislation recommended by President Kennedy and his brother, the Attorney General, is ostensibly directed at racial discrimination. They deem it constitutional, even though the Supreme Court has never ruled that the Federal Government could expand the interstate commerce clause to cover control over who may or may not be served in business.

It might mean that, by using the Executive order device and relating it to the racial problem, the Federal Government will also feel authorized to regulate who shall or shall not be given a job and whether promotions are being made to suit the wishes of the administration in power. It could mean also that the Federal Government, as well as the States, would assume the right to use the granting or withholding of licenses as a method of opposing alleged racial discrimination. It could mean, too, that Federal authority would be exercised to interfere with what are called equitable wage or salary scales for particular classifications of jobs.

While labor unions at present fix hours and wages, they do so by a joint contract with the employer, who has the right—without penalty of law—to refrain from entering into any contract he does not like. He may choose union or nonunion employes, but it is his decision. With the racial problem as its leverage, Federal control of employment practices becomes a powerful instrument of national politics.

If the proposed law on public accommodations moreover, is held valid by the Supreme Court, there is no end to the powers that could be exercised on the mere pretext that it affects interstate commerce. The Constitution, of course, speaks only of the power of Congress to regulate interstate commerce—not the behavior of persons or their rights to select their own customers.

If it be conceded that all men are created equal and are presumably to be given equal opportunity to earn equal compensation when they do the same work, then a standardized system analogous to that which prevails under communism can be as logically applied by the Government here by merely invoking the doctrine of "equal pay for equal work." The private enterprise system would thereupon be materially changed. A political administration then becomes the judge of efficiency.

Meantime, what is beginning to bother many small business people, especially restaurant owners, is that the moment they open their doors to all kinds of customers, they begin to lose patronage. They know that, if they allowed white persons, for instance, in dirty clothing and of disheveled appearance to frequent their restaurants, other customers would stay away. Yet, if a Negro dressed in the same way should be refused a seat in the restaurant among white customers, the owner could be threatened with Federal punishment. Even if the owner argued that he was not discriminating on the basis of race but because of the personal appearance of some of his customers, he cannot be sure the Supreme Court will not say this is merely an excuse and that he was motivated by local customs.

From the standpoint of those who want to see individual rights preserved—which means the right of every private business to use its own judgment, even if it be discriminatory—the choice ahead may be between an acceptance of Federal authority or the expense and worry of politically generated lawsuits.

But it is being argued by some Members of Congress that interstate commerce in its total dollar amount will be expanded if there is no racial discrimination. Will the total number of customers, however, suddenly increase? Will Negroes eat more than before? Rather, it is as easy to speculate that many restaurants will be hurt, and no small part of the damage will be inflicted upon those who now cater primarily to the Negro trade.

If the Negroes desert their own restaurants, the Negro owners will have less business. Similarly, the white owner who caters to an integrated group of customers may find that he is gradually losing the trade of those white persons who may decide to patronize private clubs more than before or organize clubs. Whichever way the subject is viewed, there is likely to be an economic impact due to shifting customers in the restaurant business.

The biggest effect of all, however, inevitably will come in the field of employment. If white persons lose their jobs in factories and Negroes are employed instead, ill feeling will result.

Irrespective of the merits of the current controversy, many a Member of Congress who votes for a system of employment that could mean regulation of promotions or salary classifications by Government edict is bound to encounter a new wave of protest in the next election. It could make deep inroads inside both parties and furnish a real surprise.

Mr. HOLLAND. Mr. President, I shall read two or three paragraphs from it:

An area of confusion, if not chaos, in the retail business in America seems to be on the way due to an unprecedented stretching of the lawmaking power such as is being proposed by Congress—without the support of a single Supreme Court decision.

For Congress is being urged by the administration to yield, in effect, to a stampede of street demonstrations and pass a law which creates virtually a Federal dictatorship over the relations of private business and its customers.

A later paragraph:

If the proposed law on public accommodations, moreover, is held valid by the Supreme Court, there is no end to the powers that could be exercised on the mere pretext that it affects interstate commerce. The Constitution, of course, speaks only of the power of Congress to "regulate" interstate commerce—not the behavior of persons or their rights to select their own customers.

If it be conceded that all men are created equal and are presumably to be given equal opportunity to earn equal compensation when they do the same work, then a standardized system analogous to that which prevails under communism can be as logically applied by the Government here by merely invoking the doctrine of "equal pay for equal work." The private enterprise system would thereupon be materially changed. A political administration then becomes the judge of efficiency.

And more to the same effect. I read on:

> If the Negroes desert their own restaurants, the Negro owners will have less business. Similarly, the white owner who caters to an integrated group of customers may find that he is gradually losing the trade of those white persons who may decide to patronize private clubs more than before or organize new clubs. Whichever way the subject is viewed, there is likely to be an economic impact due to shifting customers in the restaurant business.

Mr. HILL. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I shall be glad to yield as soon as I have finished.

I close now by saying that I do not see how anyone could possibly argue with the fact that a great economic impact would surely come from this law if it were sought to be enforced and were enforced to change the nature of any business, as it would assuredly do.

I repeat what I said earlier, that I have been approached by Negro merchants and Negro operators of places of amusement who are deeply distressed by any effort to force them to accept white customers, because they say they believe they know the kind of white people who would accept that kind of treatment. In one case a committee of Negro businessmen referred to them as "poor white trash." They said they thought they knew what the result would be by way of violence and by way of racial trouble in the community, from which they felt that they—the Negroes—would be sure to suffer most in the long run.

How soon will Negroes generally understand that while their problems are many, while many good people are trying to help them in their struggle, if this situation is forced to the point where violence erupts, those in the minority cannot avoid being the ones who will suffer most. How soon will the agitators realize this?

I believe a duty rests upon the Senate to see to it that nothing is done which would create the kind of situation which would do great disservice to the very persons whom the proposed legislation is designed to serve.

The third of the columns by Mr. Lawrence is taken from the Washington Evening Star of February 7, 1964. It is entitled "Enforcement in Hotels and Cafes—Mountain of Legal Headaches Expected in Dealing With Proposed Racial Law."

While there is much meat in it—and that is the reason why I wish to have it placed in the RECORD—I do not propose to take the time of the Senate to read it in full. I ask unanimous consent that the article may be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENFORCEMENT IN HOTELS AND CAFES—MOUNTAIN OF LEGAL HEADACHES EXPECTED IN DEALING WITH PROPOSED RIGHTS LAW

(By David Lawrence)

It looks now as if enactment of a civil rights law prohibiting racial discrimination in hotels, motels, and eating places may prove to be a boomerang. It could hasten the day when the legislation itself will become a dead letter due to an inability on the part of the Federal Government, even with all its resources, to carry out an effective enforcement operation.

Under existing constitutional law, there is no sanction for the legislation. But the hope of its sponsors is that the Supreme Court will reverse all earlier decisions and bow to the advocates of integration.

Attempts to enforce even constitutional laws sometimes have resulted in bitter feeling, rather than an amiable adjustment of differences. The Nation's experience with the liquor prohibition laws is a case in point. In fact, after a dozen years of frustration over the problem of enforcement, another amendment to the Constitution turned this whole issue back to the States.

Already the effort to desegregate public schools is backfiring. The boycotts and disturbances in the North are more numerous than in the South, and are often characterized by violence. A New York City newspaper reported the other day that the Negro boycott of the public schools there "was in disregard for the law," and that it did more "to alienate black and white, and alienate them when they are young so they can carry it with them forever, than anything that has happened in this city in 25 years."

Some progress toward adjustment of racial disputes has been made in various parts of the country, but this may be adversely affected when the "public accommodations" rules become known to the public and when the problem of enforcement is more widely discussed than it is today. One businessman writes of this prospect as follows:

"Many large hotels and restaurants are now integrated, but reserve the right not to serve guests for dozens of reasons: Women in shorts or beachwear, men without jacket or tie, men or women who are loud, disorderly, or drunk, etc. Under Federal law, how could such a dining room refuse to serve a drunken Negro and not be subject to litigation? Aside from the trouble and expense of going into court, how could the hotel prove the Negro's rejection was due to disorderly conduct or excessive drinking if the plaintiff claims discrimination?"

Motels often do not rent to travelers with local license tags on their cars, or without luggage, or if they are in any way suspicious. This will provide excuses for discrimination. Undoubtedly word will get around in various communities that certain hotels, motels, and eating places actually do discriminate racially, and only white persons will be welcome. Nobody will advertise such a fact, but it will be spread by word-of-mouth.

The problem often is really not one involving any antiracial feeling on the part of the motel owner himself, but he discovers frequently that he can get more business by discrimination than by nondiscrimination.

The public accommodations law has been urged as a way to overcome these defects, but the prohibition experience argues the other way—that the businesses which comply with the law may find themselves at a disadvantage while their competitors use subterfuges to deny their facilities to those they do not choose to serve.

In the prohibition era, moreover, it took a vast army of Federal agents and large legal staffs to carry out an enforcement program involving customer relations. But bootlegging flourished and speakeasies were established to sell liquor in defiance of the law and the Constitution. Some persons were jailed, but a far greater number defied the law.

The big debate on the public accommodations section will come in the Senate, but all indications now are that the legislation will be enacted into law before summer. This means that the enforcement problem will be before the country soon thereafter, and a large number of lawsuits may be expected.

Meanwhile, the school-integration problem is reaching its most acute stage because neighborhood schools will no longer be protected from invasion by those who live outside the neighborhood. Efforts now are being made to produce a racial balance by transporting students from all parts of a city or county in order to integrate a larger and larger number of Negroes with whites.

This is encouraging enrollments in private schools. In some northern areas there is bitterness among white citizens who cannot afford to send their children to private schools and who resent the enforcement of integration.

Theoretically, the Supreme Court never ordered integration as such, but merely declared that segregation in public education is not constitutional. There has been no High Court decision on whether, under the Constitution, the States can retain their right to require children living in a certain neighborhood to attend schools in the districts geographically prescribed.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the distinguished Senator from Alabama.

Mr. HILL. Is it not correct to say that James Madison, who played such a leading part in the writing of the Constitution that he has become known in history as the Father of the Constitution, made it clear that the commerce clause of the Constitution was not a grant of a great many powers to the Federal Government, but, rather, was more of an inhibition——

Mr. HOLLAND. It was a limitation.

Mr. HILL. It was a limitation on the powers of the Federal Government. It was an inhibition against the States interfering with commerce moving across State lines.

As the Senator says, instead of being a grant of power, it was a limitation on the power, an inhibition, in order that commerce in the Thirteen Original States and the other States that would be admitted to the Union later, could move without one State interfering with or stopping in some way the development or impeding such commerce.

Is it not correct to say that the courts in the civil rights cases in the 1880's held that the 14th amendment gave no authority to Congress to legislate in this field, and that that amendment is exactly, word for word, line for line, as it was dealt with in the 1880's, when the Court held that there was no grant of such power as that asked for?

Mr. HOLLAND. The Senator is correct. One of the most amusing—if it were not so annoying—facts is that the very same session of Congress which submitted the 14th amendment to the States for ratification, established by statute the segregated school system for the District of Columbia, indicating with complete clarity that the amendment was not in any way proposed as a means of controlling the local school system.

Mr. HILL. Is it not correct to say that at that time what we now know as the District of Columbia was designated in the statute as Federal City?

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Mr. HOLLAND. The Senator is correct.

I now continue with the discussion of my prepared text. I go to the question of the constitutionality of title II of the civil rights bill, which deals with public accommodations, in the matter of its direct impact upon the rights of States and upon the fact that it directly infringes upon States rights, which I believe is so clearly the fact that not much argument is required.

For example, Florida, the State which I represent in part, and over which Governor Bryant presides so capably as our chief executive, has a public law—509.092, chapter 509, Florida Statutes, volume 2, 1963—which reads as follows:

> Public lodging and public food service establishments: Rights as private enterprises—Public lodging and public food service establishments are declared to be private enterprises and the owner or manager of public lodging and public food service establishments shall have the right to refuse accommodations or service to any person who is objectionable or undesirable to said owner or manager.

I believe that the State of Florida had full right to enact that legislation. The 10th amendment, to which the Senator from Alabama has so accurately referred, undoubtedly reserved that right to the States, because it was not mentioned; nor was there anything like it mentioned in the original Constitution; nor has anything like it been mentioned since. It was enacted by the State of Florida, which I represent in part, and which I will try to represent correctly in standing for the matters which we as a State have adopted in our Constitution or under our laws. This particular section is one adopted by the Legislature of the State of Florida.

There is no question, Mr. President, that if this force bill should become law it would conflict directly with that Florida statute and would overrule it unless the Federal statute, if enacted, is ruled by the U.S. Supreme Court to be unconstitutional, which I believe it is. That litigation would probably take many years.

In the interval, the owners of the thousands of fine hotels, motels, restaurants, boarding houses, and so forth, might be deprived of their constitutional rights to manage their own businesses which they have built up by hard work, sacrifice, and investment of their own hard earned money. Under the most favorable circumstances of the litigation their rights would be under serious question. In short, Mr. President, many small businesses in the State of Florida and in many, many other States across the Nation could be damaged or even destroyed by enactment of such a bill as this.

In addition to that economic tragedy, which also is a personal tragedy to me, the point of even greater significance is that enactment of this vicious, socialistic legislation strikes at the very heart of the Constitution upon which this Republic was founded and upon which our basic system of private enterprise, which we hold so high, lives and thrives.

There are other States which have dealt with the so-called public accommodations matter in a similar way to that which Florida has followed. I shall cite none of them at this time except the State of Tennessee, which I shall mention because I think the Senate will be interested in what that State has done in that particular field. The Tennessee statute on this subject is as follows:

Mr. President, this is from a document prepared by the Library of Congress, Legislative Reference Service, by Mr. Grover S. Williams, Legislative Attorney, American Law Division, and printed in pamphlet form. The Tennessee Code, section 62-710, reads as follows:

> TENNESSEE CODE
>
> Section 62-710. Right of owners to exclude persons from places of public accommodation—The rule of the common law giving a right of action to any person excluded from any hotel, or public means of transportation, or place of amusement, is abrogated; and no keeper of any hotel, or public house, or carrier of passengers for hire (except railways, street, interurban, and commercial) or conductors, drivers, or employees of such carrier or keeper, shall be bound, or under any obligation to entertain, carry, or admit any person whom he shall, for any reason whatever, choose not to entertain, carry, or admit to his house, hotel, vehicle, or means of transportation, or place of amusement; nor shall any right exist in favor of any such person so refused admission; the right of such keepers of hotels and public houses, carriers of passengers, and keepers of places of amusement and their employees to control the access and admission or exclusion of persons to or from their public houses, means of transportation, and places of amusement, to be as complete as that of any private person over his private house, vehicle, or private theater, or places of amusement for his family.

This is the Tennessee law, enacted by the legislature of Tennessee and approved by the Governor of Tennesseee.

I invite the attention of any Senator who may not have been able to follow my rapid reading of the statute to the fact that it does not apply to common carriers of any kind, but only to operators of taxis or private carriages, as well as to restaurant keepers, hotel keepers, motel keepers, and the like.

It may be of interest to Senators and to the general public, Mr. President—I hope the general public will get this point—to realize that Florida and Tennessee, two Southern States, have approached, by various actions, in a moderate but affirmative way the solution of civil rights problems. For instance both of these Southern States by State action some years ago eliminated the requirement of payment of poll taxes in order to vote in State and local elections. Later, when the anti-poll-tax amendment to the Federal Constitution banning the payment of poll tax as a requirement for voting for Federal officials was submitted to the States, both Tennessee and Florida ratified that amendment which has now become the 24th amendment to the Federal Constitution.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HILL. The distinguished senior Senator from Florida was the author of the poll tax amendment, the amendment to abolish the poll tax. He led the fight. He was the general of the army in the battle for the repeal of the poll tax.

Mr. HOLLAND. I thank the Senator from Alabama, who is now the general of the army, so far as I am concerned, in the pending debate. I wish to make it clear that I was happy to take some responsibility in the matter of abolishing the poll tax as a condition for voting in Federal elections in all States. I thought that was a right step to take. I thought it was an affirmative step which we could properly take, and that, above everything else, it would show that many of us in the South, in various ways which our feelings might permit us to move, could move toward solving the problems presented.

I recognize, however, that all States in the South are not alike, and the attitude toward many of these questions may not be uniform. But I am sure that every southern Governor whom I know during the time I served as Governor of my State and every southern Senator whom I now know is willing to move in any way he can, within the law, to better the situation. He is not willing to throw the Constitution of the United States in the ashcan. He is not willing to enact coercive legislation, the results of which he thinks will be not only destructive of the Constitution, but also so difficult of enforcement as to make the problem much greater and more serious. But we are trying to find ways in which to improve the situation, legally and lawfully and peaceably.

These were the only Southern States which did ratify the 24th amendment. I think that all Senators know that both Senators from Tennessee and both Senators from Florida strongly supported the action taken in the Congress on the 24th amendment and later followed up by urging their State legislatures to ratify the amendment. The Governors of both Tennessee and Florida joined actively in that effort. The legislative action speaks for itself. The result was that the Tennessee Legislature ratified the amendment by the vote of 22 to 1 in the senate and by the vote of 55 to 20 in the house of representatives. In the Florida Legislature, the vote was 36 to 6 in the senate and 105 to 3 in the house of representatives. Surely, these actions manifested an affirmative official recognition by both Tennessee and Florida and by the Tennessee and Florida officials at both Federal and State levels of the existence of civil rights problems and demonstrated an affirmative desire to correct the problem existing in the field of voting.

I wonder if the ardent proponents of the pending civil rights bill realize that by passing the pending measure they would deliberately override the solemn action of the States of Tennessee and Florida in adopting and retaining their private enterprise statutes which I have just quoted and which apply to the thousands of so-called public accommodations businesses in those two States. Do the advocates of the ultraliberal pending measure desire to show the Nation, as well as the public officials of the States of Tennessee and Florida, and other States which are seeking to approach the whole civil rights question in an affirmative but moderate way, that there is no place in this whole picture for persons or officials of moderate convictions or even for States where the great majority of the people approve a just but moderate approach? If they want to eliminate the moderates as the Nation takes its painful, step-by-step approach toward determining what should be done in this terribly difficult field of civil rights, they will do so by ramming through this bill as it is with its several drastic, ill-advised, unconstitutional, and, I think, unenforcible provisions.

I thought for a long time before I decided to read any of my mail into the Record, as I close my consideration of the principal point I have been discussing today; that is, that coercive as the bill is, it is a mistaken psychological approach which can lead only to violence, only to a breakdown of law enforcement, only to a worsening of a condition which already shows up as being terribly bad for the country and the people. I have tried to make that the principal point in my statement.

I have received thousands of letters from persons opposing vigorously the provisions of certain sections of the bill. I have received many letters approving my own statements on the floor that I could gladly support some of the provisions of the bill if they were separate presentations.

If it were separately offered, I could vote for an expansion of vocational education. I did so last year when the Senate passed the vocational bill, which later became law.

I could vote for an expansion of the training-on-the-job, or apprenticeship, program. Both of these activities deal with economic opportunity for the advancement of underprivileged Negroes, whites, and everybody else.

I could gladly vote for the establishment of a mediation board to try to assist communities which are stricken by the situation which exists when racial conflicts break out in the communities.

I could gladly vote for the provision of technical assistance to communities struggling in the effort to bring about either token desegregation or, if in their judgment they wanted it, full desegregation in their schools.

I could vote for some other provisions of the bill. I have tried to be as open as I could on the floor of the Senate, and I have stated from time to time, and restate now, that I have received letters approving my positions in that regard.

The Record should show that I have at least 100 letters in opposition to the bill for every letter which approved the bill. I could go further and say that the number I have received in opposition is vastly greater than 100 to 1, and that most of those who have approved the bill have either shown a complete ignorance of the provisions of the measure or have picked out some provision of the bill which I might be able to support if it were separately presented, or, as in the majority of cases, I believe, represent the views of some organization agitating for its passage. Many of the letters read the same.

There are three letters which I thought might be of interest to the Senate in this regard, both because they show different points of view and because they come from different areas.

Among the thousands of letters which I received, one was from my own State. It was from an old friend of mine, a man almost as old as I am. He is a fine citizen. He lives in Tallahassee, Fla. I shall not place his name in the Record. I remember that only recently I received a telegram from the CORE people at Tallahassee, making certain statements as to what they had in store for the Senators from Florida in the event we did not yield to their will. I do not wish to subject any citizen of Tallahassee to possible mistreatment from such a source as that.

I read the letter:

> Conditions in Tallahassee have reached a point where it is not safe for white people to walk or drive in certain areas within our city.
>
> Laws are being violated and our local law enforcement officers are helpless to try to stop some of the activities of so-called civil rights demonstrations.
>
> This situation has been made worse by the attitude and orders handed down by officials in Washington, D.C.
>
> Something must be done immediately to bring our country back to a law-abiding nation of free people. Since our present situation was originated in Washington, I believe the place to stop it is in Washington.
>
> Every possible effort should be made to defeat the present civil rights legislation, but all-out efforts should not stop until law and order is restored and it is again safe for my children and grandchildren to walk on the streets of Tallahassee.

That is a cry from a disturbed person who has just about run the years of his allotted life. He is disturbed to see his peaceful community engaged in strife, and he is worried for the safety of his children and his grandchildren. Having lived there a number of years, when I was serving as Governor, I know something about the people and the quiet racial good will which prevailed at that time in Tallahassee.

In the red hills of Tallahassee, with the peaceful, living-together pattern of that good city—almost as fine a one as I have ever seen anywhere—I hate to see develop a situation such as that described in this letter from my old friend. It is a grievous thing.

Mr. President, when I lived for 4 years in the Governor's mansion in Tallahassee, the housing situation in Tallahassee was very different from that which prevails in many of the great cities of the country. On one street would be the residences of the white people, facing the street. In the next block, back of the block filled by the white residences, in many instances would be the residences of the colored people. The relations between them were just about as cordial and as friendly as it would have been possible to find anywhere. I would never hesitate to call on any of my Negro neighbors—and they were neighbors of the Governor's mansion—for any of the kindly services they could have granted, and I do not think they would have hesitated to grant them.

But today the pendency of this proposed legislation and the coercive drive to force on the people of the country a law which would not correct prevailing conditions, but, instead, would greatly worsen them, have resulted in responses such as this letter from my old friend. I am greatly concerned.

The next letter is from a fine woman who at one time served in China, as a missionary. She is not a Floridian; she lives in another good State.

Again, I shall not disclose her name or her address.

Her letter reads as follows:

> I, a missionary to China, and an American citizen, was arrested and confined in a Communist prison cell for 4½ years, plus 18 days, 2 years and 4 months of which time was solitary confinement. At the end of that time there was a mock trial, false accusations, no witnesses, no lawyers, and certainly no jury.

She underscores the words "no jury."

Mr. HILL. Madam President, will the Senator from Florida yield?

The PRESIDING OFFICER. (Mrs. Neuberger in the chair). Does the Senator from Florida yield to the Senator from Alabama?

Mr. HOLLAND. I yield.

Mr. HILL. I take it that in that situation there also was no confrontation of the witnesses.

Mr. HOLLAND. In her letter she writes "no witnesses." I do not know this good woman; but in her letter, her heart cries out. She describes that situation itself; and I am simply reading her letter into the Record, because the people of the United States should know that there are many good people who have this conviction. She, herself, writes that she is willing to face the closest racial relations, but that she fears this bill with all her heart.

I read further from her letter:

> When I read two of the provisions in the civil rights bill, I could not but feel that if those provisions in the bill are passed, there will be many citizens in this, our presumably free America, who will suffer as I did in Red China. And the tragedy is that I am sure, there are many people like me, who hate discrimination of any sort. This bill does not free our country from discrimination. It only changes the color from black to white.
>
> I know you know the provisions about which I am speaking, but for emphasis I would like to quote again (in part):

Then she quotes the FEPC provision and the public accommodations provision, and also mentions again the absence of provision for trial in criminal contempt proceedings, under various parts or provisions of the bill, when injunction suits have been brought by the Attorney General or when he has intervened, so as to bring in the full power of the Federal Government upon the States and the people.

Madam President, I am sorry that I cannot read all of her letter into the Record; but I believe that if I did, it would almost inescapably point to the place of residence of this good woman, and I do not care to do so. I would not take the risk of submitting her to further distress.

Her letter is only one of many distressing letters in my file, from people who—as she states—deplore discrimination of any sort, but feel strongly that the bill now pending is most dangerous and undesirable and wrong—and fear it.

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The third letter comes from far away New Mexico, from a lawyer who, I understand, is highly respected in his community and also in the State in which he lives. I shall read the entire letter, although I shall not indicate his name or his address—for the obvious reasons I have already stated.

He has written to me as follows:

> Dear Senator Holland: The Senate of the United States is at present considering the Civil Rights Act of 1963 which, I understand, has already been passed by the House and is up for a vote.
>
> I do not know how you stand on this proposition—

I have never before heard of this gentleman; I do not know him, and he does not know me—

> but I am sure that you are interested in just how the people of New Mexico feel about this particular law. Frankly, I want to state that I am strictly and unalterably opposed to the law. For purpose of clarification, however, let me state that I am not a segregationist and I feel that regardless of race, color or creed that all persons should be equally treated as far as public matters are concerned. In other words, anything of a governmental nature, for which each person pays taxes, should be equally available to all persons. However, I do not feel that the Government has any place in controlling private business or private property. Any time that the Government starts to tell a man how he must run his business, or who he must do business with, then they are encroaching upon private matters in which they have no right.
>
> This bill in its present form seems to have these objectionable features and any time that you allow the Government to come in and tell the people how they must conduct their private affairs, you are getting to the same state that exists in the Soviet Union at the present time.
>
> It seems to me that this bill, rather than being a bill aimed at equalizing the rights of American citizens as to race and color, is going far beyond this purpose. To me it is an attempt to impose Federal control over our private lives, and in such an attempt it can only lead us further down the road to a welfare state. We cannot continue to let the Federal Government whittle away our individual rights without eventually becoming a totally socialistic state. If we allow this to happen, then we are becoming communistic without allowing ourselves to be taken over by the Soviet Union. It all amounts to the same thing.
>
> For the above reasons, I urge that you vote against the passage of this bill which I feel is strictly against our American concepts of individual liberties, private ownership and management of properties, and our system of private enterprise.
>
> Yours very truly,
>
> ———— ————.

Madam President, when I say that I have picked out almost at random—although not entirely so—these three letters from among the thousands which have come to me—and I have received even thousands of letters from persons outside of my own State, who have written me in regard to this matter—and when I have read the substance of these three letters into the Record, it must be apparent to all who wish to read that there is grave doubt in the minds of large segments of the American people as to the wisdom, the constitutionality, and the enforcibility of various provisions of the pending bill.

Madam President, I close on the same note on which I began some 3 hours ago:

I believe this bill is psychologically as wrong as it could be. I believe that instead of approaching this problem on the basis of persuasion, good will, logic, and an effort to carefuly and kindly think through the problem, so as to discover what is tolerable to good people of the two races as all of us look toward the necessary adjustments, the pending bill is, instead, a force bill, a bill which would result in coercion, a bill which would result in compulsion, a bill which unquestionably would result in the use of unconstitutional methods. I believe it is clear to all who will take the time to study and to consider that instead of appealing to the best instincts of all our good people, the pending bill would appeal to the worst instincts of many of the very great number of the American people who definitely and clearly do not favor such a bill.

I believe it is clear, beyond question, that the bill would be extremely harmful to the entire Nation, because the provisions of the bill have been written in disregard of the very definite, long standing, and, in fact, traditional attitudes which have become deeply fixed in the hearts and minds and souls of very great numbers of the people of the United States. Furthermore, the bill would seriously interfere with what are the religious convictions of the American people.

Therefore, Madam President, it is obvious that this problem cannot adequately or properly be dealt with by merely forcing on the people of the Nation legislation of this kind, full of provisions based on coercion and compulsion—provisions to which I have referred from time to time during the course of my remarks.

Madam President, I now yield the floor; and I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 132 Leg.]

Bartlett
Bayh
Beall
Brewster
Case
Church
Cotton
Curtis
Dodd
Douglas
Fong
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Inouye
Jackson
Keating
Kennedy
Kuchel
Long, Mo.
Magnuson
McCarthy
McIntyre
McNamara
Metcalf
Miller
Monroney
Moss
Muskie
Neuberger
Pell
Ribicoff
Robertson
Scott
Smith
Talmadge
Thurmond
Young, Ohio

The **PRESIDING OFFICER**. A quorum is not present.

Mr. **McCARTHY**. Madam President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

The **PRESIDING OFFICER**. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. Allott, Mr. Bennett, Mr. Humphrey, Mr. Anderson, Mr. Smathers, Mr. Mansfield, Mr. Clark, Mr. Pearson, Mr. Williams of New Jersey, Mr. Aiken, Mr. Prouty, Mr. Morton, Mr. Dominick, Mr. Mundt, Mr. Jordan of Idaho, Mr. Dirksen, Mr. Bible and Mr. McGovern entered the Chamber and answered to their names.

The **PRESIDING OFFICER**. A quorum is present.

Mr. **HUMPHREY**. Madam President, may I inquire of the Chair how much time was required to get this quorum?

The **PRESIDING OFFICER**. The time was 23 minutes.

Mr. **HUMPHREY**. I thank the Chair.

Mr. **HILL**. Madam President, in my opening speech in this debate, I urged that we carefully consider the consequences of any legislation such as H.R. 7152 and of expedient action to satisfy the demands of the hour and the clamor of the day. I cautioned that in the name of so-called civil rights we would, in effect, be granting "special privileges" to a particular group. At that time, I addressed myself primarily to title II, the misnamed public accommodations section of the bill, and stated that I would, in my following speech, discuss and expose the bill, title by title.

Madam President, after some 4 hours and 20 minutes of discussion and exposure, title by title, of H.R. 7152 on March 23, I yielded the floor to the distinguished junior Senator from Florida. At that time I had proceeded with my discussion into title V of the bill. I had stated that title V would extend a meddling hand of the Federal Government into the social and economic activities of our States, our towns, our communities, and our people. I contended, as I contend again now, that continuing this bureaucratic so-called Civil Rights Commission is a waste of the taxpayers' money. I showed how many of the functions, for which the Commission was purportedly founded, are already being performed by the Department of Justice and, therefore, are a costly and unnecessary duplication. I opposed the initial creation of the so-called Civil Rights Commission and I have unswervingly opposed it since.

Under the guise of collecting information, the agents of the Commission have invaded our communities and have incited agitation and animosity where none existed before they came. The Commission has served as a propaganda organ for a certain and definite school of thought on racial questions. The hearings conducted by the Commission remind one of a television "spectacular." Each witness has been carefully chosen to present the exact testimony that will bear out the aims of the Commission. The aspects of study and collection of information has been lost in the frantic rush to promulgate the Commission's predetermined views.

I said I would do so, that every American might have an opportunity to know the bill in its real form and to understand its far-reaching effects and implications and dangers to our democratic way of life. I have been encouraged that others have been endeavoring to expose the bill to the public and have actively sought means to do so. One such group is the junior chamber of commerce of my hometown of Montgomery, Ala. I commend the Jaycees on their efforts.

On February 18, 1964, the Montgomery Junior Chamber of Commerce passed the following resolution:

> Whereas there is now pending for consideration before the U.S. Senate the Civil Rights Act of 1963; and
>
> Whereas included in this act as title VII is the establishment of the Equal Employment Opportunity Commission; and
>
> Whereas the Equal Employment Opportunity Commission shall be empowered under the provisions of this act with authority to usurp all the constitutional rights of management in the selection, promotion, and firing of its employees through constant Government supervision; and
>
> Whereas included in this act as title II is the section covering public accommodations which empowers the Federal Government to supervise business enterprises which are privately owned in their choice of customers, clients, guests, or clientele; and
>
> Whereas such unprecedented power being placed in the hands of any governmental agency, whether it be local, State, or Federal level, violates every principle contained in our free enterprise system and relationship between a government and its people; and
>
> Whereas the national creed of the U.S. Junior Chamber of Commerce contains as its core the principle "that economic justice can best be won by freemen through free enterprise"; and
>
> Whereas the preservation of our free enterprise system is our greatest weapon in the fight against communistic collectivism and should be preserved at all costs: Now, therefore, be it
>
> *Resolved,* That every member of the U.S. Junior Chamber of Commerce who subscribes to and believes in this principle as pronounced in the national creed should endeavor with all his effort and ability to bring about the defeat of titles II and VII of this act and to prevent the creation of the Equal Employment Opportunity Commission.
>
> That every Jaycee chapter which sincerely and honestly subscribes to the national creed should awaken the people of its community to this danger to our economic system.
>
> That every responsible American should read and study this proposed legislation and every Jaycee chapter should endeavor to make available the truth concerning this unconstitutional invasion of all our property rights.

Following this, the Jaycees printed a pamphlet entitled "The Truth—A Photocopy of the Civil Rights Bill of 1963." After reciting the resolution and an analysis of the bill in the pamphlet, the Jaycees proceeded to print the complete text of H.R. 7152. The pamphlet has been widely circulated in an effort to apprise the people of the inherent evils and dangers of the so-called civil rights bill of 1963, and again I commend the Montgomery Jaycees on their efforts.

From a reading of its list of recommendations, one readily sees that the Commission has set out to ignore or destroy many of those principles upon which this Nation was founded and which have been the bedrock of our strength.

Possibly the most disturbing and far-reaching recommendation was contained in the Commission's 1963 interim report on the State of Mississippi. The report contained the recommendation:

> That the Congress and the President consider seriously whether legislation is appropriate and desirable to assure that Federal funds contributed by citizens of all States not be made available to any State which continues to refuse to abide by the Constitution and laws of the United States; and, further, that the President explore the legal authority he possesses as Chief Executive to withhold Federal funds from the State of Mississippi, until the State of Mississippi demonstrates its compliance with the Constitution and laws of the United States.

A similar provision is contained in title VI of this bill, and I discuss it at length under that title, but let me point out that this recommendation is so abhorrent to our democratic system that the late President Kennedy emphatically stated that he did not have the power to cut off aid to a State as proposed and that he thought it would probably be unwise to give the President of the United States that kind of power.

This irresponsible suggestion purports to put a new toy and weapon into the hands of those who seek to disrupt and destroy our system of government through law. When their lawless demonstrations and disobedience of duly constituted authority fail to gain the concessions they desire, they then sound the call for the President to deny the citizens of a State the benefits of their hard earned tax dollars. The suggestion in and of itself is not only unfair, but is cruel and inhumane. It proposes to penalize and cause hundreds of thousands of innocent men, women, and children of all races to suffer.

While this recommendation has been one of the most publicized, and while it is one of the most drastic departures from our Government as established under the Constitution, it certainly does not stand alone in its violation of our Constitution.

The Commission has recommended that the constitutional reservation to the States of the power to set qualifications for voters be ignored. It is recommended that there be ignored the power to set qualifications for voters, although those qualifications are written into section 2, article I, of the Constitution and written again into the 17th amendment to the Constitution, providing for direct election of U.S. Senators. Yet we are asked to ignore those provisions, and we are asked to write title I into law, providing that a sixth grade education be substituted as satisfactory proof in States which require literacy or educational tests. The States have a right to require such tests, and they have had that right ever since the Constitution was written, more than 172 years ago.

The Commission has requested that the Bureau of the Census initiate a nationwide compilation of registration and voting statistics to include a count of persons of voting age in every State and territory by race, color, and national origin, who are registered to vote, and a determination as to the extent to which such persons have voted since January 1, 1960. This is nothing more than the deliberate codification of alleged discrimination in an attempt to gain preferential treatment for those whose race or nationality is considered to be in the minority. A mere compilation such as proposed by the Commission could not accurately portray voter apathy—the real reason that many, many names are not on voting lists.

Time and again we have seen that those who are entitled to vote have not taken the trouble to go to the polls. It is apathy, Madam President. The same thing applies to registration for voting. The fact that there may be those who are eligible to register but who are not registered voters does not raise a valid presumption as to discrimination.

Not content with the strife and antagonism that they themselves have engendered, the Commission has recommended that Federal voter registrars be appointed by the President and sent into the States to usurp the constitutional function of local officials registering prospective voters. As with the sixth grade education literacy test provision, which I have already discussed under title I, such a proposal violates section 2 of article I of the Constitution and the 17th amendment, which reserve exclusively to the States the right to determine the qualifications of voters. Such intervention in matters of State control clearly violates the ninth amendment to the Constitution, which states:

> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

And it violates the 10th amendment, which says that:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It contravenes the spirit of the sixth amendment, which states:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed by the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

The appointment of Federal registrars violates the spirit of the sixth amendment because it would remove a local registrar from his duties and, in effect, condemn him as being guilty of a crime—the crime of unlawfully denying a qualified person of the right to exercise his franchise as a voter in violation of sections 241 and 242 of title 18 of the United States Code.

Regardless of whether or not such local registrar should ever be prosecuted, he would remain forever an accused who did not enjoy the right to a speedy and public trial under the sixth amendment nor an impartial jury of the State and area wherein the crime allegedly was committed. He would have been denied his constitutional right to be informed of

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the nature and the cause of the accusations against him. He would have been denied the right to be confronted with witnesses against him and the right to have compulsory process for obtaining witnesses in his favor. And whether or not he employed the assistance of counsel would make no difference, for he would have no defense nor any right to present his defense, nor any forum before which he could plead his defense.

The Commission has recommended that the Federal Government expend vast sums of money to train our teachers and school officials to disseminate the Commission's views on education and race relations—views that have distinguished their authors only in their ability to create discord where harmony and cooperation once prevailed.

Proposals such as fair employment practices legislation are rated high on the Commission's list of recommendations. The many violations of individual rights that would occur under any such enactment are ignored by the members of this Commission which claims to seek to aid in the protection of those very rights. I shall have much more to say about the principle embodied in this proposal when I discuss title VII later in this speech.

Another recommendation made by the Commission in its 1963 report would put the Attorney General of the United States, whoever he may be, in charge of the legal affairs of every American citizen insofar as those affairs may involve a right under a Federal statute or the Federal Constitution. This recommendation suggests:

> That Congress empower the Attorney General to intervene in or to institute civil proceedings to prevent denials to persons of any rights, privileges, or immunities secured to them by the Constitution of the United States.

If such a provision were enacted into law, no American would have the privilege of conducting his own lawsuit based on a Federal statutory or constitutional ground if the Attorney General wished to intervene and take charge of it.

Here we may well pause to take note of the warning of the poet Tom Moore, when he said:

> O Freedom! Once thy flame has fled,
> It never shines again.

The Commission has also recommended that:

> Congress amend section 1443 of title 28 of the U.S. Code to permit removal by the defendant of a State civil action or criminal prosecution to a district court of the United States in cases where the defendant cannot, in the State court, secure his civil rights because of the written or decisional laws of the State or because of the acts of individuals administering or affecting its judicial process.

If this recommendation were implemented by appropriate law, it would have the effect—it might well have the effect—of abolishing State courts and all matters could be transferred to Federal courts for jurisdiction. It would have the effect of abolishing State jurisdiction in the 50 States at the whim of the Federal Government, at its discretion.

The Commission's recommendations run on and on in the endless pursuit of a government of the bureaucracy, by the bureaucracy and for the bureaucracy. No subject or principle is sacred enough to escape attempted emasculation by these self-appointed captains of our ship of state.

The advocates of so-called civil rights legislation tell us that the Government must be colorblind in the enforcement of our laws and the administration of our many Government programs, but in marked contrast to this philosophy, the Civil Rights Commission is color conscious. They seek to emphasize and call attention to race and national origin. In the voting booth, schoolhouse, store, factory, home, or courtroom, they demand that all take notice of the race of all persons involved and then grant special privileges and concessions to those of certain races and national origins. They seek to make natural selectivity a crime with conviction to be handed down by a bureaucratic judge, jury, and prosecutor; in most instances all one and the same person.

The Civil Rights Commission stamps its feet and cries for its desires without consideration of the consequences or effects of attainment of these goals. It seems totally unconcerned about the rights and constitutional principles that would lie trampled in the dust under its rampaging feet if this Senate were to insure its continued existence.

Madam President, as I have stated, I am opposed to the Civil Rights Commission, its enlargement, or its extension. I am opposed to it because my study of its recommendations leaves me with the conviction that the only program it offers the American people is a program based upon the thesis that all Americans must be deprived of their basic economic, legal, personal and property rights for the so-called benefit of a particular group of Americans solely on the basis of minority status. Last fall, the Wall Street Journal carried an editorial that I think is apropos at this time. It said, in part:

> In recent times, among other things, America's traditional tolerance toward minorities has shown a tendency to get twisted. If a person is a member of a minority, his rights are sometimes alleged to be superior to the majority, by virtue of his minority status.

Perhaps the wisest men who ever lived on this continent, or anywhere else, were the Founding Fathers, who conceived and wrote the Constitution. They knew so well the long and bitter struggle of man for freedom and for the right of self-government. Indeed this knowledge has been translated and inscribed in human blood on the sands of time. Their object—their sacrifices and their bloodshed—was not to inscribe on the pages of history only a thesis for self-government, but an instrument that would prevent the subjects of government from suffering tyranny at the hands of their rulers. This they had experienced and knew and understood firsthand. They understood and were ever mindful of the words of their ancestor, the great English political philosopher, Thomas Hobbes:

> Freedom is political power divided into small fragments.

They knew and understood that whenever all the powers of government are vested in one man, one body—one commission, one agency, or whatever the case may be—such government is a tyranny. And so they devised and wrote a Constitution which divided these powers of government into "small fragments." They provided that a part of these powers should go to the Federal Government on a national level, and they reserved the remainder of the governmental powers to the States. This was not by happenstance. They did so to prevent either level of government from tyrannizing its subjects.

When it came to defining the Federal Government, the Founding Fathers followed the same principle—the principle that freedom is political power divided into small fragments. They were mindful of the words of the great English jurist, the Earl of Mansfield, when he said:

> To be free is to live under a government by law.

So those wise, immortal Founding Fathers divided the powers of the Federal Government among the Congress, which is authorized to legislate; the President, who is authorized to execute the laws; and the courts, which are authorized to interpret the laws.

Virtually every recommendation the Civil Rights Commission has made conflicts with the fundamental propositions that freedom is political power divided into small fragments, and that to be free is to live under a government of laws, rather than a government of men.

In speaking of a government of laws rather than a government of men, I echo the thought expressed much more eloquently by a great advocate, Jeremiah Black, and a wise judge, David Davis, in the famous case of *Ex parte Milligan*, 4 Wall. 2. Senators will remember that in that case the question was whether a man could be tried by a drumhead court martial or whether he should have his right to be tried by a jury of his peers.

In arguing the unconstitutionality of the trial of his civilian client by a military tribunal, Jeremiah Black asserted:

> But our fathers were not absurd enough to put unlimited power in the hands of the ruler and take away the protection of law from the rights of individuals. It was not thus that they meant "to secure the blessings of liberty to themselves and their posterity." They determined that not one drop of the blood which had been shed * * * during seven centuries of contest with arbitrary power, should sink into the ground; but the fruits of every popular victory should be garnered up in this new Government. Of all the great rights already won they threw not an atom away. They went over Magna Charta; the Petition of Right, the Bill of Rights, and the rules of the common law, and whatever was found there to favor individual liberty they carefully inserted in their own system, improved by clearer expression strengthened by heavier sanctions and extended by a more universal application.

> They put all those provisions into the organic law so that neither tyranny in the Executive, nor party rage in the legislature, could change them without destroying the Government itself.

In writing the opinion of the Supreme Court upholding Jeremiah Black's contention, Justice Davis declared:

> By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rules, or the clamor of an excited people. * * * These precedents inform us of the extent of the struggle to preserve liberty and to relieve those in civil life from military trials. The founders of our Government were familiar with the history of that struggle; and secured in a written Constitution every right which the people had wrested from power during a contest of ages. * * * Time has proven the discernment of our ancestors; for even those provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided.

Madam President, if I may interpolate at this point, Mr. Justice Davis then spoke of the attempts, 70 years before, to evade these great provisions; and I point out that at this time, 170 years after these great fundamental provisions which guarantee the liberties of the American people were firmly incorporated into the fundamental law of the land, attempts are—again—being made to evade, avoid, and discard them.

I read further from the opinion by Mr. Justice Davis.

> Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

Article I, section 1 of the Constitution of the United States, provides that:

> All Legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Despite the fact that the Constitution vests all of the lawmaking power in the Congress and none in the President, time and time again the Civil Rights Commission has recommended the President issue Executive orders prescribing rules of conduct and establishing punishments for violation of these rules. Madam President, such action would clearly be the exercise of lawmaking power—power never granted the President, but, instead, reserved wholly and entirely to the Congress of the United States.

The Civil Rights Commission has ignored the Constitution, has abused the unlawful power it was given, and has harassed and intimidated our local officials. It has done nothing to deserve the approbation of us as free men, and its recommendations themselves are reason enough to sound the death knell for the Civil Rights Commission and the dangers it represents. The Civil Rights Commission has already spent some $3½ million of the taxpayers' money in its useless ventures.

Madam President, this unwarranted squandering of funds should cease.

When we talk of squandering funds on the recommendations of the Civil Rights Commission, let us keep in mind that these recommendations are woven throughout H.R. 7152, the bill we are now considering. The Santa Ana (Calif.) Register published an editorial on it. The editorial is entitled the "High Cost of 'Liberty.' "

Let us remember this editorial is from the Santa Ana (Calif.) Register, from a State known to be moderate on its racial thinking. The editorial was not published in a State as to which it might be charged that the people there are not as moderate as they should be. The editorial has the following to say about the squandering of funds:

> The cost of liberty, Government style, will go up if the proposed civil rights bill, now pending in Congress, is passed. This bill will cost the taxpayer $100 million in administrative expenditures alone during the next 5 years.
>
> The administrative expenses connected with the bill were broken down in this way—

And I quote further the words of the editorial:

> To the Justice Department for enforcing new guarantees of voting rights and access to public accommodations and facilities, $923,920.
>
> To Health, Education, and Welfare for technical help to schools as they desegregate, $10,095,000, and $699,870 to the Justice Department for legal work in this connection.
>
> To Civil Rights Commission, operating under broader power granted in the proposed bill, $1,425,000.
>
> To Justice Department for enforcing nondiscrimination in federally assisted programs, $66,350.
>
> To proposed new Equal Employment Opportunity Commission, $5,760,000; and $75,000 to the Labor Department for special studies in this field.
>
> To Commerce Department for special voting census to determine how many Negroes are denied franchise, $1,800,000.
>
> The above-quoted figures, which represent roughly $21 million, are on a yearly basis, and it is claimed probably would be reduced to some extent if the program is placed in operation.
>
> The tragedy in the situation lies in the ironic fact that liberty cannot be forced on anyone, and therefore the only thing that can happen here is more useless expenditure of the taxpayer's money.

I called it the "unwarranted squandering of funds." The editorial continues:

> Liberty must occur on a voluntary basis and exists only when an individual is free to do whatever he desires, according to his wisdom and conscience.

Remember, this is from a California paper. This is its editorial thinking. This is not a southern press. The Santa Ana, Calif., Register goes on:

> Opinions differ widely about liberty. Abraham Lincoln said that the world has never had a good definition of the word "liberty" and the American people, just now, are much in want of one.
>
> Lincoln continued to talk about liberty by saying: "We all declare for liberty but in using the same word we do not all mean the same thing. With some the word 'liberty' may mean for each man to do as he pleases with himself and the product of his labor; while with others the same word may mean for some men to do as they please with other men, and the product of other men's labor. Here are two, not only different but incompatible things, called by the same name—liberty. And it follows that each of the things is, by the respective parties, called by two different and incompatible names—liberty and tyranny."
>
> Today, the extent of difference of opinion as to what comprises liberty is indicated by the widely differing ideologies whose advocates claim to be correct in their particular concept of liberty.
>
> This includes all political organizations and parties and other groups such as the churches. It also includes nations such as the United States, Britain, and Russia, all of whom proclaim to be championing the cause of liberty.

Yes, Russia has said that she is the champion of liberty.

Continuing to read from the editorial appearing in the Santa Ana, Calif., Register:

> Thus, if liberty is to prevail, a basic definition that all can understand must be voiced. There must be a willingness by everyone to open his mind to a discussion of the subject.
>
> Even superficial reflections about liberty reveal that its very nature precludes the use of force in its attainment.

That is exactly what the distinguished Senator from Florida in his masterful address on the floor of the Senate today said. I continue to read from the editorial:

> A relationship between persons must be either voluntary or involuntary. Liberty remains inviolate in any voluntary relationship because, being voluntary, the act is in accordance with the wishes of the participants. This is liberty, and thus it is only involuntary relationships wherein liberty is violated.

I remind Senators again that this is a California press, not a southern newspaper. The editorial continues:

> When this rule, in relationship to liberty, is applied to the recent integration actions of the Federal Government in schools, the farce that such action was an attempt at liberation, is clearly revealed.
>
> All voluntary relationships rest on the principle of cooperation, either consciously or unconsciously. Such actions rest on the spirit of cooperation alone, not a special kind that is defined as a law and subject to enforcement.
>
> Such a cooperative feature is evidenced by the fact that both sides of a deal enter into it willingly. Any solution of the civil rights problem based on other than voluntary agreements by those concerned, can result in nothing but enforcement by government and by force, which is a far cry from the accomplishment of liberty in its true form.

"Which is a far cry from the accomplishment of liberty in its true form," from a California newspaper.

Title VI is merely the third prong in the administration's effort to pitchfork the people of this country into acceptance of its preconceived notions as to what the order of society should be, regardless of the Constitution or the laws of the land. This title would purport to give the President the power to cut off

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or deny funds to federally assisted programs if these notions are not adhered to. Under titles I, II, III, and IV of the bill, the Attorney General would be empowered to force acceptance of these notions through court orders and injunctions issued without a trial by jury. Under title V a Federal agency is continued to promote and promulgate these notions and to create agitation and harassment to gain acceptance of them. If these devices should fail, then under title VI the President could deny any people or group of people the benefits of the tax monies they have paid in and thereby coerce them into submission.

At first blush, title VI, which is designated "Nondiscrimination in federally assisted programs," appears to provide only that there shall be no racial discrimination in programs receiving Federal financial assistance, but it is far more than that. It strikes at the very roots of individual liberty and reposes more arbitrary power in the executive branch of the Government than any proposed statute ever attempted to do before. It surrenders to the executive branch powers belonging to the other two branches of the Government. It does so to such an extent that it undermines and destroys the separation of powers devised by our Founding Fathers as a safeguard against any form of tyranny. The Founding Fathers had sound reason for incorporating the principle of separation of powers of Government in the Constitution. They had learned the hard way that the concentration of such powers in one man, or in a set of men, is the chief characteristic and evil of despotic forms of government. James Madison, "the philosopher of the Constitution," who contributed so much to the writing of the Constitution that he is known as the father of the Constitution, set out the fundamental principle underlying the idea of separation of powers when he declared in the Federalist:

> The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

On April 19 of last year the late President Kennedy was asked at his news conference about the recommendation by the Civil Rights Commission that Federal funds be withheld from Mississippi until it conformed to certain racial and social dictates of the administration. The President was asked, and I quote the question:

> Mr. President, will you attempt to cut off Federal aid to the State of Mississippi as proposed by your Civil Rights Commission?

The President replied, and again I quote:

> I don't have the power to cut off the aid in a general way as was proposed by the Civil Rights Commission, and I think it probably would be unwise to give the President of the United States that kind of power.

The President was absolutely right; and the Constitution of the United States and a long line of Supreme Court cases sustain him. Title VI would give to the President powers which under the Constitution he cannot have and which under the Constitution the Congress cannot give him. Sections 1 and 8 of article I of the Constitution make this abundantly clear.

Section 1 reads:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 8 reads:

> The Congress shall have the power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Article II, section 1, reads:

> The Executive power shall be vested in a President of the United States of America.

Article III, section 1, reads:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Under a representative democracy, Congress is the forum of the people, the forum in which all people can be heard through their representatives, where issues are presented, deliberation is had, debate is made, and by majority will laws are enacted. The product of this is a democratic form of government, not perfect by any means, but as yet the greatest form of democracy known to man.

In its deliberative processes, Congress defines the programs it enacts. As representatives of the people, it reflects their will and intent. In effect, the people set the requirements for the laws governing them and the programs under them. The people determine how their tax moneys should be spent and to which programs they shall be allocated. This is as the Constitution provides, and as it should and must be in a form of government of the people, by the people, and for the people. Not once, but many times, the question of restricting a program one way or the other and the funds for it have been presented to the Congress and decided by it—by the people—by the representative legislative process. In some instances restrictions have been accepted, in other instances restrictions have been rejected. But in either event, the people have spoken, they have legislated their will, and it is then for the executive branch to carry it out in this manner. This our forebears insisted on when they provided for separate branches of government and delegated the legislative powers of the people to the Congress—their elected representatives—in sections 1 and 8 of article I of the Constitution.

A long line of Supreme Court decisions confirm the intent and meaning of sections 1 and 8 of the Constitution. In the *Youngstown Co.* v. *Sawyer* case, 343 U.S. 579, commonly known as the Steel Seizure case, the Court in its majority opinion spells it out loud and clear in the following language:

> Nor can the seizure order be sustained because of the several constitutional provisions that grant Executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that "All legislative powers herein granted shall be vested in a Congress of the United States." After granting many powers to the Congress, article I goes on to provide that Congress may "make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." The Constitution does not subject this lawmaking power of Congress to Presidential or military supervision or control. It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution "in the Government of the United States, or any Department or Officer thereof." The founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power, and the hopes of freedom that lay behind their choice.

In the case of *O'Donoghue* v. *United States*, 289 U.S. 516, 530, the court said that the separation of powers of the Federal Government—

> Is not merely a matter of convenience or of governmental mechanism; its object is basic and vital; namely, to preclude a commingling of these essentially different powers of government in the same hands.

Justice Miller asserted in *Kilbourn* v. *Thompson*, 103 U.S. 168, 190, that the separation of powers among the three branches of government is "one of the chief merits of the American system of written constitutional law." Note that Justice Miller refers to constitutional law, and not law by Executive fiat.

The Youngstown case and other Supreme Court cases, some of which I have cited, have consistently held that the Congress cannot abdicate or transfer its legislative functions to the President and that an act of Congress constitutes an unconstitutional delegation of the legislative power of Congress to the President if such act confers upon the President the power to make a law or to determine to whom the law shall or shall not be applied, or to determine what the law should do or not do, or to determine what punishment shall be inflicted upon those who do not conform to the law. And this is precisely what title VI endeavors to do.

The enactment of title VI would introduce into the American system a new and radical concept in punishment. Enforcement of title VI would make it possible to penalize every participant and/or beneficiary of a federally assisted program as a means of punishing a single violator of the title, although the violator may not even be a participant in the program abolished, or be affected by it. For example, take the school milk and lunch program, which is designed to provide 2 million American schoolchildren the nutrition necessary to insure a sound body and thereby help develop a sound mind. Now, under title VI it would be possible for Federal funds to be barred from the school lunch program if some State or local official or administrator of the program is accused of violating title VI, thereby denying to the children—the participants in the program and the beneficiaries of it—the school lunch program—the milk, the hot lunches, the nutrition—although as immature schoolchildren, they have no voice whatever in the policy of administering the program or in the policies of the particular school or school district in which it is being conducted. In this instance, the so-called violator who would thereby cause the cutoff of Federal assistance is not a beneficiary of the program involved, but to punish him and his alleged act, all participants and beneficiaries of the program—the schoolchildren—are penalized by its discontinuance. As another example, let us take the VA direct loan program provided for our veterans. In a sense, our veterans acquire a vested right to participation in this program in return for their years of service to our country. But here again we find it possible under title VI to deprive the individual veteran of receiving the benefits of the program if discrimination is charged under title VI.

Let us take another example. Let us consider the farmer, who for some 30 years has been under Federal programs involving Federal aid. If H.R. 7152 is enacted, the farmer would be required to hire people of all races, religions, and national origins, notwithstanding his belief that members of one group may be more reliable, more trustworthy, or, in short, more desirable than of another. He will no longer be allowed to exercise his independent judgment in this regard. Under the purposes of this bill and the powers conferred to carry them out, he may be forced to hire according to race, or religion, or national origin to "balance" those who work for him or be in violation of Federal law. The penalty for any such violation could mean exclusion from every federally assisted program in which he participates. What could this mean to the farmer of today, very few of whom can successfully operate without the Federal programs? It could mean, at the direction of the Attorney General and the Civil Rights Commission, exclusion from the benefits of: First, the Agricultural Stabilization and Conservation Service; second, the Commodity Credit Corporation; third, the Agricultural Marketing Service; fourth, the Soil Conservation Service; fifth, production credit associations; sixth, banks for cooperatives; and seventh, Federal land banks; and all other agencies or departments having to do with Federal financial assistance in the field of agriculture.

These are but a few examples of the far-reaching effects of title VI of H.R. 7152. In addition, there are the public assistance programs providing aid to the aged, the sick, and the needy. There are the hospital assistance programs and the programs that provide scholarships, laboratory equipment, library assistance, dormitories and other forms of help in connection with our schools and educational process. There are the housing programs. We could go on and on. The list is endless, but suffice it to say that title VI makes it abundantly clear that its provisions would apply to virtually all programs financially assisted by the Federal Government. At the same time, it would give the President and the executive branch of the Government unprecedented control over employment policies in connection with federally assisted programs.

I am glad to have had the opportunity on past occasions to take the lead in opposition to legislation to give the Federal Government the power to dictate the employment policies of our private businesses, and I am as violently opposed to the proposition at this time. From a standpoint of unconstitutional delegations of power to the executive branch by the Congress, title VII, the so-called "equal employment opportunity" provision, is more of the same of title VI.

Blackstone once said:

> In all tyrannical governments, the supreme magistracy, or the right both of making and of enforcing the laws, is vested in one and the same man, or one and the same body of men; and wherever these two powers are united together, there can be no public liberty.

So declared that great lawyer and philosopher, the lawgiver Blackstone, that where the right of making and enforcing the laws is vested in one man or in one body, "there can be no public liberty."

Madam President, I continue to believe in the American system of free enterprise, in the principles on which it was founded, in the right of an employer to select his employees, to promote them for merit and to discharge them for unsatisfactory performance, and because I so strongly believe these things and that they have always been a part of our American way of life, I am opposed to title VII.

It contains the weapons for the destruction of many civil and natural rights which the people of this country have enjoyed since its founding. It is based on the thesis that the best way to grant special privileges to a particular group is to deny the majority the rights they already possess. In the name of "equal employment opportunity" it seeks to establish a preference and a special "right" to employment based on "race, color, religion, or national origin." It seeks to force employers employing a certain number of employees in interstate commerce to give preferential treatment to any person of a racial or religious minority in order to avoid any charge of so-called "discrimination" against an applicant or an employee.

The commission and the positions created by title VII would be virtually autonomous in their authority and would be vested with the power to establish their own administrative guidelines. The legislation would give the chairman of the Equal Employment Opportunity Commission almost a free hand to interfere with virtually every aspect of employer-employee relationships. It would control and regiment compensation, terms, conditions, and privileges of employment including but not restricted to: Hiring, promotion, transfer, and seniority; discharge, suspension, and retirement; recruitment advertising and methods of recruitment; referrals for employment; apprenticeship training and other educational opportunity for or in employment; equality of access to facilities and services provided in employment; and equality of participation and membership in employee organizations and labor organizations.

The rules and regulations of the Equal Employment Opportunity Commission, if H.R. 7152 were to become law, could compel employers to reemploy dismissed employees and to employ rejected applicants who were considered incapable and unfit. The practices of the Equal Employment Opportunity Commission would destroy the merit system as a basis for employment, upgrading, demotion or transfer, and layoff or termination.

Take, for example, an employer who employs 50 men. Ten of these employees can be identified with a minority group. If the employer has to lay off 8 men, he would be less likely to discharge any of the 10 men who could claim discrimination—whether it existed or not—and file charges with the Equal Employment Opportunity Commission, causing him harassment, expense, and possible punishment.

Madam President, the motto of the New York Times is "All the News That's Fit To Print." It proudly proclaims this motto and displays it daily on its front page.

The New York Times is the most widely read newspaper in the country—indeed, it is the most widely read newspaper in the world. It prides itself on its objective and fair reporting, and claims to have the best staff of reporters of any newspaper.

One of the New York Times' most prominent and widely read reporters, Arthur Krock, wrote on this subject of FEPC and title VII, which creates the Commission, in the Times of March 13. I quote:

> The Illinois Fair Employment Practices Commission has just furnished a graphic illustration that when a political arm of government assumes jurisdiction over the hiring and firing policies of private business, the tendency is to expand this authority into autocratic control. The ruling of the Illinois FEPC, by which this tendency was strongly established has nationwide importance because title VII of the pending equal rights bill proposes to make this jurisdiction a Federal power, exercised by an Equal Employment Opportunity Commission.
>
> If Congress approves the pending measure, with title VII included, and the constitutionality of this section is affirmed by the Supreme Court, the way will be open to project the rationale of the Illinois FEPC ruling throughout the free enterprise system of the United States. Then a Federal bureaucracy would be legislated into senior partnership with private business, with the power to dictate the standards by which employers reach their judgments of the capabilities of applicants for jobs, and the quality of performance after employment, whenever the issue of "discrimination" is raised.
>
> The administration bill of which title VII is a part has never been submitted to either

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> House or Senate committees for the customary and essential hearings and analysis. Consequently, if the Senate motion to send the measure to committee fails of adoption, as is expected, only the Senate rules which permit unlimited debate unless terminated by cloture will expose the bill to the intensive examination made imperative by its vast new donations of Federal power in a domain long established as the private sector.
>
> The assumption of authority by the Illinois FEPC stresses how vital this examination is to the general interest. The State commission ordered Motorola, Inc., to cease subjecting job applicants to its overall ability test on the finding that the test is unfair to "culturally deprived and disadvantaged groups." The test was compiled and copyrighted by Prof. Philip Surrager of the Illinois Institute of Technology in 1949 and, with some revisions, has been in use since then. He defined its objective as "not to exclude Negroes from whites * * * but to help evaluate the trainability of a prospective employee * * * and I know of no way to evaluate that a test in itself is discriminatory toward any group."
>
> Nevertheless, exercising for the first time an authority over the ability tests an employer may use in screening applicants, a State FEPC examiner ordered Motorola, Inc., not only to disuse Surrager's questionnaire, but to offer a job to a Negro who charged he was denied a job because of his race. The Employers Association of Chicago, representing 1,400 companies in the area, challenged the order. And, in announcing that Motorola, Inc., would appeal the action "all the way to the Supreme Court if necessary," its attorney said:
>
> "The question at hand is whether an employer in Illinois is going to be permitted to set the educational, moral, and aptitude standards for its employees, or whether the State will dictate the standards." If title VII survives the Senate debate, the scope of this "question at hand" will spread from Illinois to the Nation. Meanwhile the attorneys for Motorola, Inc., have contended that the company cannot depend on a fair hearing of its rebuttal because the hearing officer designated by the commission is a Negro.
>
> The company's finding that the applicant had not passed the Surrager test is complicated, so far as his particular case is concerned, by the announcement of the Illinois FEPC that he passed it on reexamination in its own offices. But, in commenting on the examiner's order, the Chicago Tribune stated the issue in its broad perspective.
>
> The examiner had also ruled that the questions in the test did not take into account "inequalities and difference in environment," thereby favoring the "advantaged groups." This, said the Tribune, "may be reduced to the absurdity that any test acceptable to the FEPC would be one which brought out no distinction whatsoever among competing applicants. How, then, is an employer to develop any basis for making a choice? * * * So here the doctrine is enunciated that a political appointee is going to dictate to business [its] standards of selection."

The New York Times—"All the News That's Fit To Print"—the leading newspaper of the East, the North—the most widely read newspaper in the world—objective and fair reporting—Mr. Krock said that "when a political arm of government assumes jurisdiction over the hiring and firing policies of private business, the tendency is to expand that authority into autocratic control."

In his very fine and masterful speech on March 23 the junior Senator from Florida, my distinguished colleague, Senator Smathers, made reference to the Chicago Tribune editorial regarding the Motorola situation. I think the message and warning in that editorial are of such importance to all of us that it is worth reading the editorial in its entirety at this time. The Tribune states:

> A foretaste of what employers may expect if the "equal employment opportunity" provisions of the Federal civil rights bill become law has been provided here in Illinois under the State fair employment practices act. An agent for the commission enforcing the act has just told Motorola, Inc., that the State hereafter assumes to direct its hiring practices.
>
> Motorola has been giving job applicants a general ability test devised by a professor at Illinois Institute of Technology and used by at least one other large Chicago employer.
>
> A Negro applicant charged that he was denied employment because of his race. The corporation said he failed the test. The claimant said he had passed it. He did pass it on reexamination in the FEPC office, and the company was ordered to hire him. But the question of fact concerning the results of the original test is less germane than the excursions of the examiner beyond that point.
>
> This official, Robert E. Bryant, decreed that Motorola must abandon ability tests for job applicants for three reasons: (1) That the test was unfair to "culturally deprived and disadvantaged groups"; (2) that the questions did not take into account "inequalities and differences in environment"; and (3) that the standards for passing were based on those of "advantaged groups."
>
> This may be reduced to the absurdity that any test acceptable to the FEPC would be one which brought out no distinctions whatsoever among competing applicants and would therefore be meaningless. How, then, is the employer to develop any basis for making a choice in hiring?
>
> The examiner's further dicta were not of a sort to reassure bedeviled employers. He said that "current circumstances and objectives" impose the demand that hiring personnel develop "general convictions of economic need" among minority groups and that executives "move positively" to achieve an unspecified balance in their work force.
>
> As merit and ability demonstrated by testing is out the window, this would seem to be a prescription for reverse discrimination—i.e., that race, color, religion, or something else be given priority over judgments of a job applicant's prospective usefulness to his employer.
>
> So here the doctrine is enunciated that a political appointee is going to dictate to business what standards of selection are to govern its employment policy. A business man is not to be allowed to decide the choice of workers or associates best fitted to advance his business interests. In the name of "rights," the employer's rights are canceled.
>
> In our recent editorial discussion of the Federal "fair employment" section of the pending civil rights bill, we said that government was intent on legislating itself into partnership with private business and dictating hiring, firing, and promotion policies. The ruling in Illinois demonstrates that once the snout is in the tent, the rest of the camel will quickly follow.

This is not a southern newspaper speaking. This is the voice of the Chicago Tribune, a leading midwestern newspaper. The editorial continues:

> The Federal Commission is empowered to bring charges of unfair practice on its own motion, and without a complaint; to turn loose its agents and lawyers on a business, with power to examine books and papers and to question employees or executives; and to require that an employer keep records of who applies for a job, who gets it, and who does not, and why.
>
> All this is to be done under standards not prescribed, but vague, and subjective in nature, according to what the agent thinks is discrimination and what he guesses may have been in an employer's mind. Under such ground rules, the harassment of business and industry could be unrestricted and unlimited.

There are those who will argue that such fears as expressed by Mr. Krock and the Chicago Tribune are not justified and could not happen under this bill. Obviously there were those in Illinois who never thought that the situation that took place with Motorola could ever happen under the Illinois FEPC law. To those, I say that it is not a question of whether a Government agency would embark on a voyage as destructive to an individual business and the principles of free enterprise as did the Illinois Federal Employment Practices Commission; the question is whether we are going to give a Government agency the power to do so. The Chicago Tribune warned "that once the snout is in the tent, the rest of the camel will quickly follow." As Senator Daniel W. Voorhees of Indiana said on the floor of this Senate:

> All history attests the danger of leaving instruments of usurption and oppression ready for the use of those entrusted with executive authority. The usurper will come at last. The hour of his advent is inevitable. The temptations of supreme and arbitrary power have never yet failed to develop a Caesar, a Cromwell, or a Napoleon, whenever the people have relaxed their vigilance and suffered their laws to pave the way toward despotism.

The New York Times and the Chicago Tribune were talking about a situation involving a private business and the denial of its right to hire on the basis of merit and qualifications. Title VII, however, also extends to nonprofit foundations and organizations. Thus, many of our nonprofit and great eleemosynary and religious institutions which contribute to scientific research, medical research and discoveries, and other programs of benefit to all the people, would be placed in a position whereby they would be compelled to hire the huckster or the quack regardless of the professional standards necessary to do the job.

Title VII does violence to both the letter and the spirit of our Federal Constitution. The proposal violates the first amendment by abridging freedom of speech, freedom of association, and freedom of religion. It violates the fifth amendment by denying an essential liberty of a free people through arbitrary restraints on freedom of association in business and in labor organizations; by denying liberty of contract in attempting to sandbag, intimidate, and compel employers to hire undesired persons and to deny employment to desired persons.

The bill denies the right of trial by jury, thus violating the sixth amendment. The proposal violates the ninth amendment by usurping the rights retained by the people. And the proposal violates the 13th amendment by imposing a form of involuntary servitude upon employers. In addition, the measure willfully disregards the doctrine implicit in article V of the Constitution that only the people of the United States have the right to amend the Constitution.

Obviously, the Congress cannot enact legislation which forbids a person to hire another person of a certain race, color, religion, or national origin. This would be a denial of equal protection of the law and an unreasonable prior restraint on personal liberty. On the other hand, there is not a sentence, a clause, or a word in our Constitution which vests the Congress with the authority to enact legislation which, in effect, commands and chooses for our people whom their associates shall be. Compulsory hiring, as envisaged by H.R. 7152, would operate to curtail the right of association and would give legal recognition to guilt by association under the pain of penalty. The very existence of such a law would serve to choke off free expression of views and would impose an unreasonable restraint upon freedom of expression. Under the proposed legislation an offense will consist, not in aiding or abetting in the commission of some specific unlawful act against society, but in openly and knowingly associating with a person of one's own choosing, notwithstanding the good reputation and character of both parties.

Mr. President (Mr. Kennedy in the chair), previously I have analyzed and discussed titles I, II, III, and IV. In this speech I have endeavored to put under the microscope titles V, VI, and VII. To say the very least, what we have seen has not been appealing. Those of us who are still interested in constitutional government—government by law rather than government by men—have been appalled at what we have seen under the lens.

Those of us who still believe in the blueprint of democracy as conceived by our Founding Fathers and as we have always known it, namely, separation of powers, limited Executive authority, and no special privilege, are as gravely concerned as ever.

As I have previously said, no longer is the issue regional. The winds have been blowing, and an awakening has occurred from coast to coast—North, South, East, and West. The people have come to realize that the racial problem is no longer only a southern problem, and that it cannot be solved by depriving the overwhelming majority of Americans of their rights, as proposed in H.R. 7152, or by mob violence and acts of civil disobedience.

From coast to coast—North, South, East and West—we know that all are involved in this problem.

Earlier today I read an editorial from the Santa Ana (Calif.) Register, which referred to the bill before us as "more useless expenditure of the taxpayer's money." It will be recalled that the California Register editorial went on to say:

> Any solution of the civil rights problem based on other than voluntary agreements by those concerned, can result in nothing but enforcement by Government and by force, which is a far cry from the accomplishment of liberty in its true form.

I said there has been an awakening from coast to coast. Now I read to the Senate the editorial thinking, expressed in the Haverhill (Mass.) Journal.

> Stripped of its high-sounding legalese, the proposed civil rights bill is essentially an attempt to abolish old injustices by creating new ones. It is a futile mission.

"It is a futile mission." Let us remember that this is not a southern newspaper. This is the editorial thinking of a Massachusetts newspaper, the land of Charles Sumner. The editorial continues:

> The law cannot move to guarantee equal opportunity in employment without first depriving every employer and employee of the time-honored right to enter into contracts upon their own terms. It cannot insure equal treatment in housing without denying every American the right to dispose of his personal property as he sees fit. It cannot force places of public accommodation to accept clients which the management finds objectionable without usurping the authority and responsibility of management in the handling of private investment. It cannot set forth a national policy aimed at establishing a neat, arithmetical racial and religious balance in every stratum of society without destroying the fundamental freedom of individual choice.
>
> Clearly, any legislative effort to protect the real or imagined civil rights of one group must inevitably involve an attack upon the civil rights of others. The realization of that fact should provide ample grounds for caution.
>
> Does all of this mean that Americans should ignore racial and religious discrimination by persuading themselves that the evil is inherent and irreparable?
>
> Not at all. It merely means that we must recognize that Government is actually powerless to resolve problems which stem from the failures of human nature, and that the only meaningful answer to racial and religious hatred rests in what the U.S. Supreme Court describes as "the inviolable citadel of the human heart and mind."
>
> Laws, however well-intentioned, cannot make good men out of bad men—and that is the awesome task which confronts us.

So, Mr. President, as I have already said, it is obvious that North, South, East, and West, there is an awakening of the people.

The PRESIDING OFFICER (Mr. Holland in the chair). Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. HILL. I yield.

Mr. KENNEDY. The Senator from Alabama has been quoting the Haverhill Journal. Did the Senator from Alabama know that this paper is owned by Mr. Loeb who also owns the Manchester Union in New Hampshire?

Mr. HILL. No; I did not know it. But I suppose that that newspaper expresses much of the feeling and many of the opinions of the people of Massachusetts, New Hampshire, and New England, or else it would not survive in business.

Mr. KENNEDY. Does the Senator from Alabama realize that the Haverhill Journal has been in existence only a few years, and that it is owned and operated by a Mr. Loeb—a man whom the Senator from Massachusetts will recognize as being one of the most vehement and strongest opponents of this bill? I would add, for the Record, and also for the interest of the Senator from Alabama, that I believe the editorials of that newspaper on this subject reflects the personal opinions of only Mr. Loeb.

I feel that it is appropriate to draw this to the attention of the distinguished Senator from Alabama. I know that he would want to be stated accurately in his comments reflecting the opinion of the people of Massachusetts.

Mr. HILL. Certainly the Senator from Massachusetts has every right to his opinion of this newspaper and its editorial policies.

Again I say that this newspaper would not survive very long if it did not reflect a considerable body of opinion in Massachusetts and elsewhere in New England—the opinion of the people it serves. It is bound to have very considerable support, and is bound to express quite a bit of the feelings and opinions of the people in the area it serves.

Mr. KENNEDY. The only point I would make is that financially the Haverhill Journal is not a moneymaking effort; it depends for much of its income on revenues, from outside the boundaries of Massachusetts.

I also wish to point out that the creditable newspaper in Haverhill, Mass., is the Haverhill Gazette. That newspaper and its editor, Mr. Moran, express what I consider to be the sentiment of the people of Haverhill in regard to this proposed legislation.

I knew the Senator from Alabama would be interested, in connection with his own great interest in accuracy, in these observations.

Mr. HILL. Mr. President, I am glad to have the distinguished Senator from Massachusetts express his views and his feelings about this matter.

But again I return to the proposition that surely there must be in New England a considerable body of sentiment such as that which this newspaper in Haverhill, Mass., expresses, or else I should think the newspaper would not survive very long in the great State of Massachusetts.

Mr. KENNEDY. I appreciate that.

Mr. HILL. I would judge that perhaps the Gazette, to which the distinguished Senator from Massachusetts has referred, is a good newspaper; and no doubt it supported the distinguished Senator from Massachusetts, in order to help enable him to become a Member of this body. I, too, feel rather strongly that those who support me are much the wiser. [Laughter.]

Mr. KENNEDY. I appreciate the courtesy of the Senator from Alabama in yielding on this point. I merely felt that the people of my State who read the Congressional Record—and particularly the people of Haverhill—would feel that these comments were justified.

Mr. HILL. I have been glad to have had the Senator from Massachusetts express the views he has expressed this afternoon. In saying that others think

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contrariwise, my statement is not a reflection on him. The greatness of our American system lies in considerable part in the fact that there can be differences of opinion, both among the people and among the newspapers. That is very important in connection with our freedom of speech and our freedom of the press.

So I have been glad to have the Senator from Massachusetts express his views. However, surely he will not deny that the Haverhill, Mass., newspaper that I have quoted must represent a segment of the body of opinion in that area, or else it would not be in existence.

The Wall Street Journal recently had this to say about demonstrations and acts of civil disobedience:

> Driving in rush-hour traffic in New York, as in other large cities, is no fun at best—which is presumably why a group of civil rights demonstrators chose to make it worse the other afternoon.
>
> The group blocked an approach to the huge Triborough Bridge, dumping garbage in the roadway and lying down, arms linked, in front of the cars, which soon were backed up for blocks. It was an ugly little spectacle, an inconvenience for many people just trying to get home. For some, perhaps worse; at least one car contained a pregnant woman. Or the life of a sick child on the way to the hospital might have been endangered.
>
> But the danger in this sort of tactic lies far deeper than individual inconvenience or harm. It rests on a totally inadmissible theory which increasingly is marring the whole civil rights movement. Some of its leaders hint that more such demonstrations may be in the offing.

I should like to interpolate that the distinguished Senator from Florida, in his address earlier today, referred to a planned demonstration in New York to paralyze the opening of the New York Fair.

Mr. HOLLAND. Mr. President (Mr. KENNEDY in the chair), will the Senator yield?

Mr. HILL. I yield.

Mr. HOLLAND. The Senator from Alabama has referred to demonstrations. I see further indications on the ticker in the cloak room to the effect that at least several of the four organizations in the area persist in their purpose to block the highways that give access to the New York World's Fair on the day of its opening.

I wonder if the distinguished Senator from Alabama believes that those people, in making the decision, are giving any consideration whatever to the fact that white people, colored people, American people, Canadian people, people from Europe, and people from all over the world will be driving to the fair. They will be interested in the very fine exhibits, built at great costs, which illustrate the growth of our country and of other countries, as well. They will be endeavoring to get there to express, among other things, their friendship for and interest in the United States, in the State of New York, and in the city of New York.

I wonder if they think they are encouraging a friendly and cordial feeling on the part of thousands of citizens from literally everywhere, who may easily be held up for hours on the highway or blocked completely from reaching the fair, and perhaps deprived of their opportunity—for some of them it will perhaps be their only opportunity—of seeing the fair. Is that a good way to create good will?

Mr. HILL. That is one of the worst ways to try to create good will, because I do not think that way could possibly succeed. Instead of creating good will it create anything but good will.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. HILL. I yield.

Mr. HOLLAND. Does the distinguished Senator recall that the Congress, both the other body and the Senate, granted $17 million Federal money to build a Federal building which would promote a Federal exhibit at the fair for the purpose of showing Federal interest in it and the desire of all parts of our Nation to encourage that very worthwhile effort? Does the distinguished Senator believe that the kind of proposed misconduct on the part of those misled demonstrators would encourage the United States to participate in similar great expositions in the future?

Mr. HILL. It would have the opposite effect. It would do much to discourage the people of the United States from participating. It might even cause them to refuse to participate.

Mr. HOLLAND. I think so, too. Will the Senator yield for another question?

Mr. HILL. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. The fair invited the State which the Senator from Florida represents in part—the State of Florida—which is known to be a vacation center for a good many million people in the United States, both from New York and elsewhere, to participate in the fair by the construction of a building and the maintenance of as beautiful an exhibit or series of exhibits as the State of Florida could produce and exhibit there. The State of Florida accepted that invitation and spent a good many hundreds of thousands of dollars in the building of the structure, the sending of exhibits, the training of personnel and the payment of their salaries, so that they would be there and show, we thought, the cordial reception which we should accord to the generous invitation extended to us from New York.

Does the distinguished Senator from Alabama believe that the kind of treatment which the group of demonstrators proposes to give indicates any feeling of generosity, gratitude, or even understanding of the cordial relations between the great fair and the State of Florida, and the reaction which the State of Florida has shown as a good neighbor, and one seeking closer connections throughout the Nation, particularly since that area of the Nation has installed its great exhibit there? Does the Senator believe that that is reasonably generous requiting of the treatment which the State of Florida has shown to those who are behind the fair?

Mr. HILL. The action would not only fail to requite, but it would demonstrate a very definite lack of appreciation and a very ugly disregard of the fine contribution which the State of Florida has made to the fair.

Several weeks ago I had occasion to get a glimpse of the very fine and imposing structure that has been constructed there for the exhibit of the State of Florida. It is an honor to the State of Florida to have done what it has in putting that fine exhibit there. The proposed demonstrations would be a very ugly and, I might say, indecent action which would show complete lack of appreciation and gratitude for what the State of Florida has done.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator. May I interpret his remarks as meaning that instead of showing even civil treatment, much less civil rights, to the response of the State of Florida and the participation of the State of Florida, the demonstrators in that one case—and the statement could be extended to every State and every nation which is exhibiting there—would show a completely callous disregard of the fact that we are there as their guests trying to make a greater fair by our participation?

Mr. HILL. As the Senator has said, the proposed demonstrations would show a complete willful carelessness and indecent regard for the fine contribution which the State of Florida has made.

In that connection, let me refer again to the Wall Street Journal. The editorial does not speak of the particular incident that we had in mind, but it speaks of the action taken on the Triborough Bridge. The editorial continues:

> The notion that it's perfectly proper to attack the general public—the majority of law-abiding, hard-working people—in pursuit of minority aims is a extremely distorted theory of rights. The essence of civil rights is that they should be as equal as the law and society can make them. But that proposition gives no one a right to vandalism.

The very thing that has been suggested would not only show an ugly, indecent, and loose disregard of the fine contribution of Florida, and lack of appreciation, but, as described in the Wall Street Journal, it would be vandalism.

Mr. HOLLAND. Mr. President, I appreciate that expression. Would it not be appropriate to say that demonstrators who in the very essence of their request are asking for equal courtesy from others are showing a complete disregard for that principle in showing discourtesy and indecent treatment to people who are trying to visit the great exposition in New York, including people who have come from Florida, other States, and many nations seeking to enlarge the attractiveness of the exposition by spending their own money to exhibit there?

Mr. HILL. The Senator will agree, will he not, that without the contribution of the Federal Government to the State of New York, to its World's Fair, without the contribution of Florida and that of other States and of other organizations, and without the visitation of many millions of people to the World's Fair, the fair could not hope to succeed?

Mr. HOLLAND. The Senator is correct. In addition to showing discourtesy to others, the demonstrators are fouling their own nests, if I may use that term.

Mr. HILL. I think that is a good way to put it.

Mr. HOLLAND. I thank the Senator for yielding.

Mr. HILL. The Wall Street Journal continues:

> Unfortunately this theory that civil rights means trampling on the rights of the public has also found its way into proposed legislation. The bill now before the Senate, along with its unobjectionable features, does seem to infringe what long have been accepted as individual rights of property. Perhaps that fact is encouraging the demonstrators in their random attacks on the public.
>
> It would seem in the interest of the civil rights spokesmen to disavow and discourage pigsty tactics without delay.

I like that term "pigsty." That is exactly what these tactics are.

Mr. HOLLAND. If the Senator will allow me to suggest, I think that term is somewhat in line with the suggestion the Senator from Florida made—that these people were fouling their own nests.

Mr. HILL. I think the term "fouling their own nests" and creating a "pigsty" go hand in hand.

I notice standing near me the distinguished Senator from Texas [Mr. TOWER]. I am sure he has seen on the farms and the plains of the West and Southwest, just as may be seen in the South, a good many pigsties; and I am sure he agrees with what I am reading now and what I have been saying.

Mr. President, time and again I have called for the rejection of the dangerous path of emotion, of expediency, of violence. The Wall Street Journal calls on the civil rights spokesmen to do so now. I have warned that emotion and expediency are the tinder from which mob actions explode into the flames of racial violence. What more timely example do we need than the recent deplorable and tragic violence in Jacksonville? We witnessed riots in Annapolis, Md., that required the use of firehoses and police dogs. We have seen sit-ins and lie-ins in New York City, and destruction of private property in Atlanta, Ga. We have seen school violence in Chicago, Ill., and parents parading in protest of their children being hauled out of their neighborhoods to forcefully mix schools in New York.

Earlier today the distinguished Senator from Ohio [Mr. LAUSCHE], on the floor of the Senate, told of a situation of mobs, violence, civil disobedience, and threats of all kinds and dangers in the city of Cleveland.

The Associated Press, in reporting on mass demonstrations in Cincinnati, Ohio, and Trenton, N.J., had this to say:

> Bayard Rustin, director of the march on Washington, said that Negroes will never get a strong civil rights bill through Congress "unless we stay in the streets."
>
> He said if Negroes in New Jersey do not get equal housing, jobs, and education, "I would like to see a crowd twice the size of this one surround the Governor's office and sit-in, sleep-in, lie-in, jump-in, and win."

There was a crowd estimated at 15,000 at this rally.

These are the threats and intimidations we are being demanded to react to. These are not carefully thought out solutions to the racial problem. These are demands "in the streets," as Rustin puts it, with the threat of continued acts of civil disobedience until the Congress responds. This, indeed, would be a unique, an un-American way to legislate.

Remember, it was acts of civil disobedience that precipitated the French Revolution, with all its terror and bloodshed, from which the French nation has never completely recovered.

It is time that we ask ourselves whether we are going to impose upon the American people a deprivation of their liberties in order to grant special privileges to a particular segment of the population. If the Congress enacts into law legislation such as this, then the constitutional liberties of all the people are imperiled for the specific benefit of a minority group. The enactment of this bill will only create more strife within our country when we should all be welded together in a wholehearted attempt to resolve whatever differences we have within the framework of existing law. That law is completely adequate to protect all citizens in their civil rights, and for this reason I fear that emotion and expediency are the driving forces behind the so-called civil rights bill now before us.

I have previously referred to various parts of that law in connection with specific provisions of this bill.

For the RECORD, let me submit a complete listing of the remedies now available to protect anyone's civil rights, regardless of race, color, or national origin. A great part of these laws already on the books were among the original civil rights acts passed to punish the South during the Reconstruction days following the Civil War. Patriotic Members of this body denounced them in those days as destructive of the liberties of all the people of this Nation, as I shall demonstrate. But first let us see what these laws are.

Section 1971 of title 42, which is derived from the act of May 31, 1870, provides that all persons otherwise qualified by law must be allowed to vote, without distinction as to race or color, in all elections whether State or Federal. That is in subsection (a).

In 1957, subsection (b) was added. That section makes it unlawful to attempt to or to intimidate, threaten, or coerce any other person for the purpose of interfering with his right to vote for Federal candidates in all elections.

Also in 1957, subsections (c), (d), (e), and (f) were added. Subsection (c) provides that when any person has engaged or there are reasonable grounds to believe that he is about to engage in any practice which would deprive any other person of any privilege accorded to him by subsections (a) and (b), the Attorney General of the United States is authorized to institute action for preventive relief in the name of the United States. The State involved may be joined as a defendant. Subsection (d) provides that it is not necessary for the party aggrieved to exhaust any administrative remedy provided by law. Subsection (e) says that in any such action the court has the right to declare that the complaining party is entitled to vote. Any election official refusing to obey such an order is declared in contempt, thereby losing, as I have demonstrated, his right to jury trial if the United States is a party and his right to the limitation of punishment otherwise provided by statute. Under this subsection, the court may appoint voting referees to determine, ex parte, the qualifications of would-be voters and report to the court. Subsection (f) contains provisions governing contempt proceedings.

As a further encroachment on the rights of the States, the Congress in 1960 added section 1974 of title 42 to the code. That section requires all election officials to keep records on Federal elections regarding applications, registrations, payment of poll taxes, or other acts requisite to voting for a period of 22 months. Any official who destroys such records is subject to a fine of $1,000 and imprisonment for a period of 1 year, or both. All the records so kept are subject to inspection on demand of the Attorney General. The district courts of the United States are given authority to compel the production of such papers.

Section 1975 of title 42, section (a) through (e) provides for the creation and duties of a Civil Rights Commission at Government expense.

Section 1981 of title 42, United States Code, which is derived from the act of May 31, 1870, reads as follows:

> All persons within the jurisdiction of the United States shall have the same right in every State and territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

Section 1982 of title 42, which is derived from the act of April 9, 1866, reads as follows:

> All citizens of the United States shall have the same right, in every State and territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

Section 1983 of title 42, which is derived from the act of April 20, 1871, reads as follows:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress.

Subsections (2) and (3) of section 1985 of title 42, which are derived from the acts of July 31, 1861, and April 20, 1871, provide for damage suits against two or more persons who conspire to deprive any person of a long list of constitutional rights. The action may be brought against any one or more of the conspirators.

Section 1986 of title 42, which is derived from the act of April 20, 1871, subjects any person having knowledge of such a conspiracy to the same liability as

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the conspirators if he has power to prevent or aid in the preventing of the carrying out of the object of the conspiracy and neglects or refuses to do so.

Section 241 of title 18, which is derived from the act of May 31, 1870, provides for a fine of $5,000 or imprisonment for 10 years, or both, if two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws of the United States, or if two or more persons go in disguise on the highway, or on the premises of another, with the intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured.

Section 242 of title 18 provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States by reason of his color or race, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Section 1987 of title 42, which is derived from the acts of April 9, 1866, and May 31, 1870, provides that the U.S. attorneys, marshals, and deputy marshals, the commissioners appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of sections 241 and 242 of title 18 and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States having cognizance of the offense.

Section 1992 of title 42, which is derived from the acts of April 9, 1866, and May 31, 1870, provides that whenever the President has reason to believe that offenses have been or are likely to be committeed against the provisions of sections 241 and 242 of title 18, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and U.S. attorney of such district to attend at any place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer, when any such requisition is received by him, to attend at the place and for the time designated.

Now, except for the statutes I have indicated which were passed for the special benefit of the Negro citizen in 1957 and 1960, all of these laws were on the books during the days of so-called Reconstruction in the South. No laws for the special benefit of one class of citizen, such as these, can be found in the historical jurisprudence of any nation on the face of the earth.

Mr. President, as we recall, many laws were passed in the Reconstruction era to grant alleged civil rights. They were stricken down by the Supreme Court because there was no power under the Constitution for the Congress to enact them. Congress had no power to enact such laws, and the Court declared them unconstitutional, and null and void.

On April 17, 1879, Senator Daniel W. Voorhees, of Indiana, delivered a denunciation of these laws on the floor of this Senate. I cannot improve upon his imperishable words. I quote him in part:

> A centralization of power in the hands of the Federal Government over the local rights of the people and the States has been consummated which would have startled Alexander Hamilton in his day, although he believed in a monarchy.
>
> * * * * *
>
> Sir, these laws are not the offspring of that great instrument which has descended to us with ever-increasing strength and glory from the days of our Revolutionary ancestors. They emanate rather from that malignant spirit of political oppression and tyranny which preceded the French Revolution, and caused its fires at last to break forth; which filled the prisons of France with victims arrested on secret orders, and made every citizen tremble as one who fears a blow in the dark. They emanate from that spirit which ruled over Venice, when a whisper or a look of suspicion was more to be dreaded than the blow of a dagger, and when the silent and voiceless accusation doomed its object to walk the Bridge of Sighs into the caverns of a ruthless and lingering death. In English history there never was a period in which they could have been executed. Charles I lost his head, James II his throne, and George III his American colonies in attempting far less encroachments on the liberties of Englishmen than these laws perpetrate on the liberties of Americans. Dionysius, the tyrant of Syracuse, suspended a sword by a single hair over the heads of his guests at a banquet, and enjoyed their terror. The party but yesterday in power in this chamber has suspended over the heads of the American people and put into operation in their midst enactments far deadlier than the sword; for, without the unassailable safeguards of personal liberty, life itself is of no value.
>
> * * * * *
>
> We are in the very vortex of the whirlpool wherein every local privilege, every right of citizenship, all the sanctuaries of home, and of the Ship of State itself are being drawn down and dashed to pieces, and yet the cry that all is well, uttered by false pilots, lulls us into a sense of security and repose. I call upon my countrymen to awaken, for the hour of mortal peril to their institutions is here. * * * I invoke against them [these laws] the memories of the mighty dead who fell for independence; who enriched the soil of Massachusetts with their blood at Lexington, Concord, and Bunker Hill; who struggled with Washington at Brandywine, and charged under his eye at Princeton, Trenton, and Monmouth; who tasted death at Camden, the Cowpens, and Eutaw Springs, in order that we might be free; who yielded up their brave spirits on the plains of Yorktown in the precious hour of final victory. By these great souls, by their privations, sorrows, anguish, and pain, I implore the American people not to forget the value of those liberties which are now trampled under foot with every circumstance of scorn and contempt.
>
> * * * * *
>
> There are 15 sections in this title, and they embrace the assertion and enforcement of every right and privilege known to American citizenship. They were prepared and enacted for the purpose of placing the Negro on an exact equality in every particular with the white man before the law, and they consequently cover as much ground as the Constitution itself. For instance, the first section of this title provides for the right to make and enforce contracts, to sue, be parties, and give evidence; and the second section provides for the right to inherit, purchase, lease, sell, hold, and convey real and personal property. * * * The third section of this title relates to actions at law and suits in equity for damages by such as deem themselves deprived of any rights, privileges, or immunities secured by the Constitution and laws. The fourth section treats of conspiracies—first, to intimidate persons from accepting and holding office; second, to deter witnesses from testifying in any U.S. court to influence grand or petit jurors, or in any manner to impede or defeat the due course of justice; and third, to deprive any class of persons of the equal protection of the laws, or to prevent anyone from voting for the candidate of his choice. The section concludes by giving a right of civil suit for damages to anyone conceiving himself aggrieved under its provisions.
>
> * * * * *
>
> I will not stop to say this is monstrous. That will be the universal verdict. I will not pause to denounce such laws as wholly infamous, for that will be the judgment not only of the American people but of all the civilized nations of the world. Simply to call up and exhibit such a horrible death's head as this in the laws of a commonwealth pretending to be free is enough to excite the jeers, the hisses, and the execrations of every lover of liberty on the habitable globe.

Senator Voorhees then turned his attention to what is now section 1992 of title 42 of the code which allows the President to order the judge and other officials of any district court to a particular place and for a particular time for the purpose of the more speedy trial of persons charged with civil rights offenses. He said:

> In the old and darker days of English jurisprudence we read of juries in a state of disagreement being carted through the circuit from one point to another until coerced into finding a verdict, but I think this is the first instance in civilized history where the court itself, with all its officers, was compelled to travel, to stop and to open for business at the discretion and the command of executive authority. The President, perhaps a candidate for reelection, has only to pretend to believe that offenses are likely to be committed and he can at once send the courts where he pleases, to remain as long as he orders, intimidating and overawing the inhabitants of any county, parish, or town that is politically opposed to him. The judges of the circuit and district courts of the United States are reduced to a state of itinerancy for political purposes whenever any administration from motives of party success shall order them to move on. * * * This conjuction of all the great powers of this Government in the hands of the Executive is not accidental nor the result of thoughtless action. It is the climax of a premeditated system for the complete withdrawal of all powers from the people and the States and for their centralization in the executive department. It is the logical conclusion of a well-wrought plan, perfect in all its details, for a revolution and ultimate monarchy. There was a party, when our Constitution was formed, in favor of what they styled a higher toned government; that is to say, a government further removed from the sovereign will of the common people. The idea of such a government was embraced in the draught of a constitution to the Convention of 1787 by the great leader of the Federalists providing for a hereditary monarchy and corresponding departments of government. There is a far

> larger party today in this country in favor of the principles then enunciated than there was at that time, and the laws are now in force to put them at once into active operation.

Earlier in the debate there had been some argument that these laws were not to be dreaded because they had not been enforced except against the South. Senator Voorhees disposed of that in this prophecy:

> Notwithstanding the derision of the Senator from Maine, all history attests the danger of leaving instruments of usurpation and oppression ready for the use of those entrusted with executive authority. The usurper will come at last. The hour of his advent is inevitable. The temptations of supreme and arbitrary power have never yet failed to develop a Caesar, a Cromwell, or a Napoleon, whenever the people have relaxed their vigilance and suffered their laws to pave the way toward despotism.

Later, he went on:

> And what cause is to be assigned for all these violent departures from the original principles and purposes of this Government? Who will stand forth and justify them, and say why the very elements of civil liberty must now be destroyed in our midst? Is this massive structure of despotism, created by the laws I have pointed out, made necessary by the results of the war which ended 14 years ago; and must it be upheld for the government of the Southern States? If so, then indeed has the North paid a dearer price than has ever yet been estimated for the preservation of the Union. Time repairs the loss of treasure and assuages a nation's grief for her gallant dead, but for the loss of liberty there is no compensation, and after it there comes no resurrection. The conquest of the South at the expense of free elections and upright courts would be a most dismal and barren victory, recoiling with curses on this and all succeeding generations. What shall it profit the American people if they gain the whole earth and lose their own liberties?

Senator Voorhees spoke these words 85 years ago—nearly a century ago—but how appropriate and timely his expressions and warnings are today. I ask each Member of this body to ponder Senator Voorhees' remarks—I would hope that each American would have an opportunity to do so. They sum up the case, not for the people of the South, but for the people of the Nation. And, remember these are not the words and remarks of a southerner, but a Member of the Senate from the Hoosier State of Indiana.

Expediency of any kind is one thing. The sacrifice of liberty in its name is a shamfeul commentary on the honor and intelligence of a people.

For "what shall it profit the American people if they gain the whole earth and lose their own liberties?"

GEN. DOUGLAS MacARTHUR

During the delivery of Mr. Hill's speech,

Mr. HILL. Madam President, I ask unanimous consent that I may yield to the Senator from Arizona [Mr. Goldwater] without losing my right to the floor, so that he may insert some remarks to appear in the Record after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Madam President, I thank the distinguished Senator from Alabama for yielding to me.

On the day following the one on which we lost the distinguished Gen. Douglas MacArthur, I made some remarks on his passing to an audience in Oregon, and I ask unanimous consent to have them printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

> Yesterday a great American died. Nothing that I could say today would or should distract your thoughts from that very mortal fact.
>
> What happened yesterday touched at more than the political present of this Nation. It touched the soul of the Nation. Douglas MacArthur was, as closely as a man may be, a reflection of that soul, a voice of it, and an exemplar of it.
>
> He was everything that makes most of us so very proud to be American.
>
> He was everything that makes the cynic and the skeptic uncomfortable.
>
> He was brave, in a time when personal bravery is derided by some as recklessness.
>
> He was unswervingly patriotic, in a time when pride in flag, destiny, and heritage is derided by some as unacceptably sentimental.
>
> He was forthright and outspoken, in a time when the guarded word and the cautious evasion have become a gage of statecraft.
>
> He was gentle as only the strong can be. He was wise in his strentgh, as only the good willed can be. He was proud among men and humble before God.
>
> And there is not a man, women, or child in this country who is not diminished by his passing.
>
> Every one of us should consider what he stood for and what he lived for. The deficiency of much we see around us, in comparison, should be apparent.
>
> General MacArthur was a man of total commitment to the things in which he believed. How total, between the coffee break and the cocktail hour, is the commitment others give their belief.
>
> General MacArthur was a man who was involved—involved in his Nation, in his time, in his civilization. How deeply involved can others be when comfort, not conscience, drives them?
>
> General MacArthur was a man whose life often and perilously had been on the line for freedom. How many, in honesty, can say today that freedom's line is where their life is pledged?
>
> General MacArthur's world was freedom's world and its only borders were the hopes of men. How stunted, in comparison, is the world of those who cannot see freedom's cause beyond their doorstep.
>
> While any of those questions remain in doubt—while any of us remain in doubt—freedom itself remains in doubt and the age of liberation which MacArthur symbolized, the patriotism, the commitment, the integrity, dims.
>
> You, all of us, this generation, is the only monument a truly great man can have.
>
> Buildings cannot house nor stones memorialize a spirit.
>
> General MacArthur's monument is shaping in the heroism of a helicopter pilot in Vietnam—in the desperate attempt of a young man to cross the Berlin wall—in the patient, proud resistance of all the men who are hunted, all the men who are shackled behind the bayonet borders of the Communist empire.
>
> His monument can be no more than the commitment of this living Nation.
>
> Those who do not care, who will not become involved, who see nothing but cloth when the flag is raised, who hear nothing but music when the anthem is played, will feel no loss today.
>
> The smug, the comfortable, the cynical, the takers and the grabbers, the spoilers and the deeply spoiled have already lost the world which Douglas MacArthur fought for. Theirs is the real death. For it is the death of the soul.
>
> It is they whom we should pity. And it is for us to live our lives so that the future will not be wrapped in the shrouds of their materialism but will be liberated by the best that is in man.
>
> We have in our time known such a man. I pray to God that our children's time will know such men. That, simply, is the challenge of our time.
>
> In a world when too many are ready to turn away or give up at the first risk—MacArthur returned.
>
> Pray God his spirit never leaves.

Mr. GOLDWATER. Madam President I thank once more the Senator from Alabama for yielding to me.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 133 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Brewster
Byrd, Va.
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Hartke
Hayden
Hickenlooper
Hill
Holland
Humphrey
Inouye
Jackson
Johnston
Jordan, Idaho
Keating
Kennedy
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Muskie
Neuberger
Pearson
Pell
Prouty
Saltonstall
Scott
Simpson
Smith
Sparkman
Tower
Walters
Williams, N.J.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. Kennedy in the chair). A quorum is present.

PRINTING AS A SENATE DOCUMENT OF A COMPILATION OF PUBLISHED SPEECHES BY THE LATE GENERAL OF THE ARMY DOUGLAS MacARTHUR

Mr. TOWER. Mr. President, all Americans were deeply touched a week ago on the passing of Gen. Douglas MacArthur, a man whose genius and brilliance in the military field were exceeded only by his absolute devotion to his duty to his country. He was a man of great courage and determination, a man of good judgment and wisdom. He was one of the really great Americans in our history, one who contributed to the success of our efforts in three wars, a man who had the inherent quality of greatness, one whose name, for generations to come, will roll from the lips of schoolboys like the names of Washington and Lincoln.

We Americans can think better of ourselves because we belong to a society that produced Douglas MacArthur.

I believe it would be appropriate for the Senate to have printed a compilation of his speeches, so that his words

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may be readily available in his own trumpet tones to all Americans, particularly to American students now and in the future, for whom he fought so long, so many times, and so well.

I therefore submit a resolution that there be printed as a Senate document a compilation, to be prepared by the Library of Congress, of representative published speeches, or selections thereof, by General of the Army Douglas MacArthur.

I ask unanimous consent that the resolution be held at the desk for cosponsors through the close of business on Friday, April 17.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution will be held at the desk, as requested by the Senator from Texas.

The resolution (S. Res. 308) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there shall be printed as a Senate document a compilation, to be prepared by the Library of Congress, of representative published speeches, or selections therefrom, of General of the Army Douglas MacArthur.

PERSONAL STATEMENT BY SENATOR KUCHEL

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from California for a few moments, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. I thank my able friend from Texas.

Mr. President, I desire to have the RECORD show that the senior Senator from California is present. I regret that I was detained and could not reach the Chamber before 20 minutes elapsed during the last quorum call. I believe the senior Senator from California has a reasonably decent record of attendance in the Senate.

I thank the distinguished Senator from Texas.

Mr. TOWER. It was a pleasure to yield to the Senator from California. I would not want anything to be a blot on his marvelous escutcheon.

Mr. KUCHEL. Mr. President, I thank my able friend.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TOWER. Mr. President, I wish to address myself in some detail to the Fair Employment Practices section of the bill, H.R. 7152, which, although the matter certainly should be considered separately, has been included in the proposed omnibus legislation as title VII.

The FEPC would subject a great part of American industry to bureaucratic whims, prejudices, and caprices to a degree never before contemplated. A hundred times a day an employer makes decisions affecting his employees. Under this title, every one of those decisions would be subjected to the scrutiny of a Government agent to determine the employer's state of mind when he made such decisions.

If he is a successful businessman, an employer is guided by the primary test of what, is his singular opinion, is best for his business. The employer discharges, promotes, demotes, transfers, and gives his orders with that thought as his controlling motive.

Each such act on his part requires selection and discrimination among his employees. Each such act is, therefore, subject to the charge that the race, religion, color, national origin, or sex of the employee or employees affected thereby determined, in part, his selection.

Unfortunately, most of us, when passed over for another, are prone to ascribe some reason other than that of relative competence. This bill would open the door for the continual harassment of the employer. The disappointed employee would have a Federal bureaucracy awaiting his beck and call into duty against the employer.

Managing one's business under the conditions of this Fair Employment Practices title would present an unhappy prospect to the employer who desired to comply with the law.

Employers have sometimes found it difficult under the National Labor Relations Act, which imposes the restriction that an employer not discriminate because of his employees' union activity. When a union was attempting to organize under this plan, any discharge or demotion of a union member, irrespective of the justification, insured a visit by a National Labor Relations Board investigator. The employer soon learned that to the test, "Will it be good for my business?" he had to add, "Will it subject me to a possible unfair labor practice charge?"

Mr. President, it is proposed to add five more considerations for the employer to worry about—race, religion, color, national origin, and sex.

There was one solution open to the employer under the National Labor Relations Act: He could sign a closed shop contract with the union, and, with all his employees members of the union, there could no discrimination. Of course, that discriminated against all prospective employers who were not members of the union, but that did not violate the law.

Mr. McCLELLAN. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield to the Senator from Arkansas.

Mr. McCLELLAN. The Senator from Texas said the employer could evade or avoid the responsibility under the bill by signing a contract for a closed shop. I believe there are approximately 20 or 21 States in which an employer is forbidden by law from agreeing to a union shop. So in those States he could not agree to a union shop without violating the State law.

Mr. TOWER. That is absolutely correct.

Mr. McCLELLAN. So if an employer undertook to sign such a contract, he would find himself in another predicament; would he not?

Mr. TOWER. That is true.

Of course, under the National Labor Relations Act of 1935, immediately following its enactment this possibility would have been available to a greater number of employers than it is now, because at that time less than 20 States had on their statute books right-to-work laws.

Mr. McCLELLAN. Yes; I think only 11 States then had such laws.

Mr. TOWER. Yes. But since that time, approximately 20 States have put on their statute books right-to-work laws; and in such States an employer cannot sign a closed shop contract. Therefore he is subject to a great deal of harassment by the unions and by the Federal officials who are charged with the responsibility of implementing our labor laws.

Mr. McCLELLAN. Mr. President, will the Senator from Texas yield further to me?

Mr. TOWER. I yield.

Mr. McCLELLAN. Assuming that an employer undertook to do that in a State which had enacted a right-to-work law, and assuming that he undertook, let us say, to make an agreement for a closed shop, in a State which had a right-to-work law, would not that action raise a legal question—which would have to be resolved by the courts—as to whether these fair employment practice statutes in effect repealed section 14(b), I believe it is, of the Taft-Hartley Act, which authorizes the States, if they desire to do so, to enact statutes prohibiting a closed shop? Would not the question then arise as to whether that statute was repealed or whether the fair employment practice provision, or whatever it is called——

Mr. TOWER. It is called "equal employment opportunity," but it is the old "fair employment practices" proposal.

Mr. McCLELLAN. Yes. Would it not then raise the question of whether the new statute now proposed, by means of the pending bill, had preempted State laws already in existence?

Mr. TOWER. Yes. It would open up a whole Pandora's box of possibilities. Certainly, under section 14(b) of the Taft-Hartley Act, any State is competent to enact a right-to-work law, if it wishes to enact one and to enforce it, without any inhibition by the Federal Government.

I think the Senator from Arkansas has correctly pointed to the very interesting possibility that we might be getting into some implied repeal of section 14(b) of the Taft-Hartley Act, by means of the proposed enactment of the pending very extensive "fair employment practice" law.

Mr. McCLELLAN. If an employer in a State which had a right-to-work law entered, in dealing with a union, into a contract for a closed shop, could not a prosecution or litigation to restrain the employer from entering into such an agreement be based on the allegation that such an agreement would be in violation of the State law; and, in response, would not the employer be able to plead—although whether he could plead it successfully or not, I do not know—the defense that the pending bill—if then enacted—would, in effect, by implication, have repealed that provision of the Taft-Hartley Act, and thus would have preempted the States from enacting a right-to-work law?

Mr. TOWER. It is altogether conceivable that he might raise that as a defense; and if the matter were pursued through the Federal courts, and if ultimately it reached the Supreme Court, as presently constituted, it might be found that we had gone far beyond what we would seem to intend in the pending bill, and that actually the bill had done violence to section 14(b) of the Taft-Hartley Act.

No closed shop or union shop device is open to the employer under this fair employment practice title of the so-called civil rights bill which we consider here today.

The employer's employment rolls are certain to contain the names of people of various nationalities, various religions, various races, and two sexes. No matter what his selection might be, the possibility of a charge of discrimination would always be present when the employer advanced any employee. The chances that he would have to defend his action against unfounded charges would be even greater when business conditions required a reduction in force.

Loss of a job might, to some, create a resentment and a desire to "get even" with the employer responsible; and to others, a desire to attain reemployment and backpay. To either, there would be available the services of the Fair Employment Commission which would be created by this title.

It has often been said that no general is greater than his lieutenants who administer his policies and carry out his decisions. This is equally true of every business enterprise. The successful business is one with every job filled by the most competent man available. Governmental interference with that most important factor—the selection of the right man for the job—comes now at a very poor time, when it is generally agreed that a vital need in the world today is for more production.

In that connection, in recent years, we in the United States have been faced with a great problem as the Western European economies have gone through a fantastic period of rehabilitation, expansion, modernization, and growth. We have really not kept pace. We have very generously poured some of our dollars into Western Europe and into Japan to enable them to rebuild their war-ravaged industries. We find that they have instituted methods, machinery, and plants which in many cases are far more up to date than ours and outstrip us in per-man activity. They have managed to keep wages at reasonable levels, while our production costs in this country have been steadily mounting, to the extent that we have not been able to keep those production costs at competitive levels. Indeed, our production costs are well above competitive levels. We are being driven out of markets not only in other parts of the world, but in our own United States by foreign industry that can produce for less.

True, we still maintain the biggest industrial markets of any country in the world, both at home and abroad. But that is merely because we produce in greater volume. Over a period of years we have developed and refined sales and marketing techniques that have been successful. But we have been steadily losing markets. If the time ever comes when in competitive fields the Germans, the Japanese, the British, and the French can produce in sufficient volume to satisfy our needs and resort to successful sales and marketing techniques, we may find American industry going down the drain.

Now we are flying in the teeth of the notion that, for example—and it is a correct assumption—if an industrial plant is to operate at maximum efficiency and realized maximum per-man productivity, the employer must be free and uninhibited in the selection of the most competent men or women for the jobs that must be done. The effect of a further inhibition on the employment practices of management could result in creating more unemployment.

I believe that most perceptive observers would agree that while there are many impoverished people in this country, and while we would like to ameliorate and mitigate conditions of poverty that we see over the land, the best way to do it is to create more jobs. Employment is the key to a successful war on poverty—not a great deal of static governmental expenditure and not make-work WPA-type programs, or the revival of the CCC camps.

That is not the way to attack poverty, but a way in which we would mitigate poverty steadily over a long period of time and establish it as a permanent trend. So we should not be considering any proposed legislation now that would have the effect of imposing inhibitions and restrictions on management's employment practices, hamstringing management to the extent that it cannot develop maximum efficiency and maximum per-man productivity, so that management can produce at a lower cost, so that there will be a greater demand, so that there will be more incentive to expand production, thus creating more jobs and more consumption, which in turn would create more jobs, and so on.

That is precisely what we are doing. The time has come when I believe we must review the entire system of regulation of business. Rather than creating more agencies, more boards, more commissions, more administrators, more arbitrary bureaucrats and more narrowly and more narrowly proscribing business, we should review. Rather than hamstringing and harassing business, and imposing on business the arbitrary will and discretion of one man or two men, or an oligarchy of men, rather than allowing a businessman to use his own independent business judgment, which he has accumulated by virtue of experience and by virtue of success in business, the time has come when we should review this system and see if we cannot regulate the businessman a little less.

I believe we would all agree that it is the function of Government to preserve order in our society. That means in the economy as well. Laws that prohibit businessmen and big companies from abusing the economic power that they possess are desirable. I do not believe there is a Senator who would vote to repeal the antitrust laws, because the antitrust laws have been conducive of expanded business in our country and have been a business stimulus. But has not the pendulum swung too far in the other direction, to the extent that we are smothering business with rules, regulations, massive edicts, and fiats by Federal bureaucrats? Such rules, regulations, and policies are not made by the Congress, because we have abdicated our legislative authority and our legislative responsibility to bureaucrats and in many cases, left too much to the independent and arbitrary will and discretion of only one man or a handful of men who are not responsible to the people of the United States, and who are not elected officials.

So the Senate is considering another step in the direction we are taking.

How long will it be before business in this country is completely regimented and there is a completely planned economy? How long will it be before someone in an administrative agency will be telling a businessman whom he can hire and the worker where he can work? That is the direction in which we are steadily moving.

Mr. McCLELLAN. Mr. President, will the Senator yield at that point?

Mr. TOWER. I yield to the Senator from Arkansas.

Mr. McCLELLAN. Can the Senator from Texas conceive, with any degree of accuracy, the number and volume of additional records that the businessman—even a small businessman—would have to keep in respect to applicants for jobs or those whom he may not employ but would consider? Since the burden of proof would ultimately shift to the businessman, and he would have to protect himself, would not the businessman be required to keep a great volume of records? The way the title to which the Senator has referred is intended to operate, if a half dozen men were to apply for a job and one were colored, the businessman would have to make a showing with respect to all of the applicants. He would have the burden of establishing that he chose one of the five white applicants rather than the Negro because of some special reason that would absolve him from alleged guilt of discriminating against the colored person.

Mr. TOWER. The able, experienced, and distinguished Senator from Arkansas has asked a very sagacious question

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that stems from his long experience in this body with matters of the kind about which we are speaking. As something of a neophyte to the business, it is difficult for me to try to make any prediction or prognosis as to the volume of records or the detail of forms and data sheets that would have to be kept by employers. It is my observation that every time a program begins a mass of paperwork is required; but inevitably administrators think of more and more paperwork that might be added, so I am sure any estimate that I would now make would be an underestimate over the long pull. Under the provisions of the act, the Commission could require a businessman to keep any type of record it decided he should keep to satisfy it in its quest for information or knowledge.

Mr. McCLELLAN. Mr. President, will the Senator yield further for a question?

Mr. TOWER. I yield further to the Senator from Arkansas.

Mr. McCLELLAN. What is "color" as defined by the bill?

Mr. TOWER. I am not sure I understand what it is.

Mr. McCLELLAN. The bill does not define it, does it?

Mr. TOWER. It is not defined. The term is ambiguous.

Mr. McCLELLAN. Suppose that one of the six people to whom I referred should be one-tenth Negro. Under the statute would he be considered colored, or would he be considered more white than black, so that color would not enter into the question of his possible employment or rejection?

Mr. TOWER. That is a very interesting question. If he had a multinational background, and there were some sort of obligation imposed by the commission on the employer, to hire, say, a certain percentage of people with one particular ethnic background, and another percentage of people with another ethnic background, the question would be difficult enough for anybody to resolve, but it would be left to the arbitrary will and discretion of the commission.

Mr. McCLELLAN. The pending bill does not undertake to define what is color and what is not color; does it?

Mr. TOWER. No; and we get into a real problem when we go into questions of color, religion, sex, or national origin. There can be all sorts of discussions along those lines.

Mr. McCLELLAN. In view of what the Senator has said, an employer may have had available a job which the commission had given to a woman. Although the woman could perhaps do the work, the employer would prefer a man on that job, because of a certain environment, the number and sex of the employees, the necessity for separate accommodations, and so forth, that would have to be provided. The circumstances might dictate that in all reasonableness a man should be employed to fill the job. As I recall, there is no exemption in the bill to meet that kind of circumstance.

Mr. TOWER. No exemption is provided in the bill. There is no escape hatch for the employer who finds himself in such a situation.

Mr. McCLELLAN. I think all womanhood would recognize that there are circumstances and situations in which, as a matter of propriety, in a sense, it would be better, and it would be the employer's judgment that it would be better, to have a man in a particular position. Yet no provision for exemptions and exceptions is provided in the bill that would enable the employer to make such a judgment and employ such persons without being subjected to examiners, inspectors, and so forth, who would be employed to enforce the act.

Mr. TOWER. What the Senator has said is absolutely correct. As has been pointed out, the massive burden of proof falls on the employer. He must prove that he has not discriminated in his hiring or firing. It is, of course, contrary to our traditional common law principle, one of the Anglo-Saxon concepts of law, and a right that had evolved even before Columbus discovered America, that an accused is innocent until he is proved guilty by the State. Of course, the rejoinder may be made that this would not be a criminal procedure; but regardless of whether the act itself contained provision for punishment, it certainly would be in effect punishment if a man were compelled to go to the expense of keeping records, to prove his good faith, to hire additional personnel to take care of the additional work that he would have to do for Uncle Sam if the bill were passed.

Mr. McCLELLAN. If I am not correct, I am sure the Senator from Texas will correct me. As I recall, the bill provides that the Attorney General may bring suits to enforce this particular title of the bill. Am I correct?

Mr. TOWER. Yes.

Mr. McCLELLAN. I am not sure whether it is true of this title, but I know it is of some of them, that the cost of such enforcement, even the attorneys' fees for the contestant, the one who brings the action or in whose name the action is brought, may, by the judgment of the court, be paid by the employer.

Mr. TOWER. That is correct. Of course, the employer must hire his own legal counsel to defend him in these matters.

Mr. McCLELLAN. Yes. Is there any provision in the title for protection of the employer if he is unduly harassed by suits brought against him? Is there any protection for the employer against attorneys' fees and other expenses?

Mr. TOWER. There is no protection. In the bill as now written and with the language in which it is now couched, it practically invites harassment. There may be an employer who, before the passage of the bill, and even after it, has had the best record of nondiscrimination in the country; but if there are people who are out to harass him and put him at an uncomfortable competitive disadvantage if someone has a real "mad" against the company, the employer may be harassed world without end, and he has no protection at all under the pending bill.

Mr. McCLELLAN. In other words, the employer could be harrassed at his own expense.

Mr. TOWER. An employer could be harassed at his own expense and be made to pay for it.

Mr. McCLELLAN. Does the Senator consider this bill to be discriminatory as between employer and employee with respect to the protection it affords to each? Is there any provision whereby either may recoup the costs by reason of the statute's being used?

Mr. TOWER. In his usual manner, the Senator has stated the issue clearly and lucidly. Quite obviously, it is a discriminatory measure that discriminates against the employer. I do not say that it necessarily discriminates in favor of prospective employees, because they conceivably could be the losers in this case, too.

Mr. McCLELLAN. I believe we can point out one further discrimination in this bill. There is no provision which would protect an employer from, or aid an employee in the case of a closed shop, if a man applies who is not a member of the union. He might be very competent, and the employer would like to employ him, but the employer could not employ him because of a collective bargaining contract with a closed shop. Does not this bill clearly discriminate against that man who wants a job, irrespective of his color?

Mr. TOWER. Certainly it does.

Mr. McCLELLAN. In other words, before he can get a job, he must join the union, whether he wants to do so or not. That is compulsory.

Mr. TOWER. He must pay tribute as a condition for earning his daily bread.

Mr. McCLELLAN. Therefore, I take it, the bill would further discriminate against an employee, irrespective of his race or color, merely because he did not feel that he wanted to belong to a union.

Mr. TOWER. The Senator is absolutely correct. So a man who obtained that particular job would have no protection whatever.

Mr. McCLELLAN. Irrespective of his color.

Mr. TOWER. Irrespective of his color, religion, sex, or national origin.

Mr. McCLELLAN. Will the Senator yield for a further question?

Mr. TOWER. I am delighted to yield to the Senator from Arkansas.

Mr. McCLELLAN. There is one exception in this particular title of the bill, is there not? An employee would not have to employ an atheist?

Mr. TOWER. That provision is in the bill; so it is obviously discriminatory against atheists.

It is provided in section 7, subsection (f), on page 35 of the bill:

> Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

It seems to me that this would plainly render the provision in violation of the equal-protection-of-the-law clause.

Mr. McCLELLAN. As the Senator knows, we cannot pray in schools any more without being exposed to court harassment if we do so, if I interpret correctly the decision of the Supreme

Court. Yet we can deny an atheist the right to work.

Mr. TOWER. Just as the Constitution does not give sanction to any religious faith, neither was it intended that it should discriminate against a person who has no religious faith. I hold no brief for atheism. I do not sympathize with it at all. I cannot rationalize it. I would have some doubts whether I would employ an atheist to work in my office. I would be highly unlikely to do so. However, I do not believe that it is meet and proper for the Congress to enact a Federal law that everyone except an atheist can enjoy certain rights, privileges, or immunities established under the statute.

This, it seems to me, would be in flagrant violation of the spirit and the letter of the Constitution. If this is not a violation or a denial of the equal enforcement of the law, I do not know what is.

Mr. McCLELLAN. It is contained in the very title we are now discussing.

Mr. TOWER. The Senator is correct.

Mr. McCLELLAN. It would be flagrant discrimination against people, irrespective of their race, unless they acknowledged a Divine Being and were willing to accept the faith of some religion.

Mr. TOWER. The Senator is correct. Who is to determine what an atheist is?

Mr. McCLELLAN. There will have to be an army of experts inspecting and examining into everything.

Mr. TOWER. We may have to hire a Catholic priest, a Protestant minister, a Jewish rabbi, and then perhaps——

Mr. McCLELLAN. How about Malcolm X? He wants to be represented, too.

Mr. TOWER. We shall have to hire him, and we shall have to hire a Buddhist priest——

Mr. McCLELLAN. The Senator is correct.

Mr. TOWER. We would also need someone from the Islamic faith. There would have to be a large board of experts to determine who is an atheist and who is not. Of course, the poor, innocent agnostics might be caught in the middle of the act because they are in between.

Mr. President, this bill would discourage those who are considering starting a new business, frustrate the expansion of existing industry, and encourage many to give up their businesses entirely. If Federal Government is to inject itself to this extent into the operation of the Nation's industry, it may well find itself in complete charge under a Socialist state.

Proponents of the bill say that there is a great need for such a law, but they have failed to back up their opinion with any concrete evidence of widespread discrimination in employment against minority groups. Indeed, unless they can read an employer's mind, they cannot be sure why an employer takes any action he takes in regard to his employees.

Any attempted Federal administration of H.R. 7152, title VII, can only result in long years of incalculable mischief, which will see the bill effectively nullified through concerted violations, repealed by an indignant Congress, or stricken down as utterly unconstitutional by the sound judgment of the Supreme Court.

I believe that last comment contains a little wishful thinking.

> Stricken down as utterly unconstitutional by the sound judgment of the Supreme Court.

Lately, it seems that the trend has been to ignore past sound precedents. The new judicial maxim is that we shall determine the validity and efficiency of the law on the basis of its social impact, not on the basis of whether it comes within the clear intent of the framers of the Constitution.

Mr. President, I believe that it is morally wrong to deny equal employment opportunities to any person because of that person's race, color, religious faith, national origin, or sex.

I say that in all sincerity. I have little patience with those who say that members of a certain minority group must prove themselves worthy of all the privileges, immunities, and rights of citizens, but who at the same time would deny them the opportunity to genuinely seek to make social or economic successes of themselves, when they genuinely desire and genuinely try. I hold no brief for that kind of attitude. I do not believe that it is morally right for Americans to be denied employment merely because of the color of their skin, because they have an alien background, or because they pursue a certain religious faith, on this ground alone, unless such ground is legitimate to the conduct of that particular type of business.

I am opposed to the enactment of title VII of this bill for the following reasons:

First. This is not a proper field for Federal legislation. A matter such as discrimination in employment or in labor union membership is best handled at the State or local level or through the force of public opinion.

Mr. President, public opinion can be a great force in this country. It has been a great force. Public opinion, when appropriately and properly marshaled—and by that I do not mean through mob action—can have a vast impact not only on holders of public office, but also in business institutions as well.

This legislation would involve the Federal Government in the most intimate detail of the operation of every business enterprise and every local labor union in the Nation, and in a matter in which the determinations to be made are extremely difficult. Moreover, there would be a considerable portion of hardships to both employers and workers. General enforcement of title VII of this act would be virtually impossible.

Second. The problem of racial and religious discrimination in employment is a problem in morality, in which public awareness and understanding has brought more progress than all the laws we could enact. Without the willingness of individuals to achieve progress in this field, this legislation will be as impossible to enforce comprehensively and effectively as were the prohibition amendment and the subsequent Volstead Act.

Our experiment with prohibition should be instruction as to the difficulty of trying to legislate morality in fields where there is a large and determined public resistance. The result tends to breed a contempt for the law and a public apathy about moral values.

The vast majority of Americans feel that discrimination in employment opportunities is morally wrong, and most business enterprises and labor unions, who actually control employment, now recognize that discrimination of this kind also is bad business, or bad for business.

Great progress has been made in this field by industry and labor and through the efforts of responsible community leaders. The progress has not been fast enough nor gone far enough for many Americans, but every sign points to its rapid acceleration without unconstitutional Federal intervention.

Mr. President, it is quite well known that there is wide opposition and deep concern about title VII of this bill. The title was not included at all in original legislation presented to the Congress. It was not in the original recommendation made by our late and grieved President Kennedy. It appeared, as from nowhere, out of the House committee. Over the years many important Americans have been opposed to fair employment practice legislation for a number of reasons.

I would like to remind the Senate of the views of the former majority leader of this body who now serves as our President.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. McCLELLAN. Does the Senator know, or has he made a check to determine, how many fair employment practice bills have been introduced in Congress on which no favorable action has been taken up to this time?

Mr. TOWER. I do not have the figure. There have been a great many. This is one of the legislative perennials that we get every session of every Congress.

There has rarely been extensive consideration or deliberation given to such measures. Perhaps the Senator, with his long experience, can give us the exact figure.

Mr. McCLELLAN. My recollection is that more than 200 such bills have been introduced. I have the exact figure in my office, and before the debate has been concluded I expect to put that figure in the RECORD and give more information about the subject. It is something like 200 in all. Not one of them has ever been successfully processed. As the Senator has pointed out, such a proposal was not contained in the bill originally. At the last minute it came out of nowhere.

Mr. TOWER. I thank the Senator. I hope he will include the figure in the RECORD, as a supplement and as supporting data for this discussion. If this section were to be considered independently, it would have very rocky going, based on past experience. Now this provision has

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been thrown into the omnibus bill, and we are asked to accept something that has been consistently offered year after year and rejected as being bad legislation. President Johnson himself, when he was in the Senate, had this to say on the floor of the Senate, on March 9, 1949:

> I sincerely believe that the right of unlimited debate in the Senate is an essential safeguard against potential total supremacy of the executive branch.
>
> One of the other civil rights measures deserves some passing attention. That is the bill for the creation of a Fair Employment Practice Commission.

Mr. President, these are the words of Lyndon Baines Johnson:

> This, to me, is the least meritorious proposal in the whole civil rights program. To my way of thinking, it is simple: If the Federal Government can by law tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to employ a Negro, it can compel that Negro to work for me. It might even tell him how long and how hard he would have to work. As I see it, such a law would do nothing more than to enslave a minority.
>
> Such a law would necessitate a system of Federal police officers such as we have never before seen. It would require the policing of every business institution, every transaction made between an employer and employee, and, virtually, every hour of an employer's and employee's association while at work.

Those were the words of Senator Johnson in 1949. I commend him for his statement. It is one of the most succinct and pointed arguments that I have ever heard.

The fears of the former Texas Senator and many other distinguished Americans about fair employment practices legislation over many past years have been well founded.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. McCLELLAN. What is the date of that statement?

Mr. TOWER. March 9, 1949. Senator Johnson was then a freshman Senator.

Mr. McCLELLAN. If his judgment was sound then, it is good today. I do not know of anything that has changed.

Mr. TOWER. A very wise man once said that that which is fundamental is not new, and that which is new is not fundamental. I believe it is fundamental that the argument the Senator advanced in his eloquent and persuasive way was a most succinct and pointed and lucid argument, one which we can believe today.

Mr. McCLELLAN. I believe we can follow his counsel in our deliberations.

Mr. TOWER. I believe it would be appropriate for us to follow the counsel of the man who is now the President of the United States.

Title VII of this bill does not in fact provide for "equality of opportunity," but it seeks to establish a preference in employment and a special "right to employment," based upon "race, religion, color, national origin, or sex." This title seeks to force all employers to give favored consideration and treatment to any person of a religious or racial minority in order to avoid prosecution and punishment on a charge of "discriminating" against such a person.

The proposed title states in section 701:

> The Congress hereby declares that the opportunity for employment without discrimination of the types described in sections 704 and 705 is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

Mr. President, that meaningless declaration is simply an attempt to have Congress usurp an authority which it does not have and I think, cannot possibly exercise. In the first place, Congress could not possibly make a "right to employment" a civil right unless that right could be enforced by making it the duty of someone to provide employment for "all the people." Therefore, unless the Government takes over all the industry and trade, by public ownership or by dictatorial control, Government cannot enforce this declared right. The promise to do so is pure pretense.

If we assume that those sincerely supporting this bill really want to declare that "the opportunity for employment without discrimination is a right of all persons within the jurisdiction of the United States," then Congress is utterly powerless under the Constitution to do so.

It is not my understanding, by virtue of what I know about the Constitution, that there is established a right to employment that we must, by appropriate legislation, implement and, by appropriate administrative action, enforce.

The Declaration of Independence asserts:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

By declaring these rights to be God-given rights, natural and unalienable, the Declaration of Independence asserted that no government of men had bestowed them and no government could enlarge upon them, diminish them, alter them, or take them away.

The first 10 amendments to the Constitution—the Bill of Rights—enumerates certain natural rights which Congress shall not abridge, including, in the first amendment, freedom of religion, freedom of speech, freedom of the press, and freedom of assembly.

The ninth amendment to the Constitution makes clear that other rights than these enumerated do exist and are retained by the people.

I grieve for the ninth amendment. It seems to me to be one of which nobody in this country has any cognizance. Few know what the ninth amendment provides. Certainly the courts have never tried to enforce it.

The 10th amendment expressly limits the power of the Federal Government to those powers delegated to the Federal Government by the Constitution. The 10th amendment reserves all other powers to the States or to the people.

The 10th amendment has been steadily eroded over a period of years as the result of acts of Congress, executive decisions and practices, customs, and usages. It has been steadily eroded also by decisions of the Supreme Court of the United States. Probably we could achieve not merely a slow erosion of the 10th amendment by the enactment of this measure; perhaps we could knock it out altogether if we enacted the bill as it is now written and if it were, as it probably would be, sustained by the Supreme Court as presently constituted.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. TOWER. I yield for a question.

Mr. McCLELLAN. The 10th amendment no longer serves as an obstruction to those who want to make any kind of interpretation of the Constitution that they wish to make, does it?

Mr. TOWER. It no longer serves as an obstruction. Perhaps some have been reluctant to confront it directly and say that it has no validity. They have skirted around it and have had the effect of eroding the strength, intent, and effect of it. But so far nobody has been emboldened to say, "We will not recognize it as a part of the Constitution."

Mr. McCLELLAN. A moment ago the Senator from Texas spoke about the Declaration of Independence and the right to life, liberty, and the pursuit of happiness; and the principle that all men are created equal to pursue those objectives—to maintain life, to exercise freedom of choice, and to pursue happiness.

If the Senator from Texas, through his ingenuity and perhaps his frugality and industry over a period of years, is able to accumulate, as many others have, enough capital to establish a business in the pursuit of life and in the exercise of liberty and the pursuit of happiness, and if, then, he has the liberty and the right to pursue happiness and to reap the fruits of his industry, ingenuity, and frugality, would it not violate those rights to have the Federal Government step in and say, "You may do all those things. You may accumulate all the fruits of your own industry, ingenuity, and frugality, but you must share them with somebody else, whether that pleases you or not, whether that is within your definition of liberty, whether it is the way you want to pursue happiness or not. You must give it to someone of a certain color or a certain religion. If you do not, you are discriminating."

Does not that take away, in a measure, the right to life, liberty, and the pursuit of happiness of one who, through his ingenuity, industry, and frugality was able to create the job in the first place?

Mr. TOWER. It certainly does. It is essential to life, liberty, and the pursuit of happiness, that man should enjoy the maximum individual liberty and freedom of choice. Government is established in society to preserve order in society; but it is not a function of government, as we see it, and traditionally and historically have seen it, to establish a government that does not merely preserve order in society, but attempts to order, regulate, and regiment society.

The more narrowly we proscribe the liberties of man, the more we inhibit him and oppress him to the extent that he will not use his ingenuity, his energy, his frugality, and his intellect to be a success in life, to produce something, to be something. If that time comes, we shall have weakened as a society. Our Republic will crumble and fall, and we shall pass into history as did the Roman Empire and many other great societies of mankind. We believe in equality in the eyes of God. Basically, our society is a Judaeo-Christian concept, which we accept because the Founding Fathers believed that every man, regardless of how humble or how mean he was, or regardless of his station in life, was equal in the eyes of God, and then concluded that he must also be equal in the eyes of the law.

We have established that principle; and I believe it has worked fairly well. As I recall, Anatole France cynically said, in speaking of equality under the law, something of this sort: "The law in its majesty equally permits the rich man to sleep under bridges and to beg alms, as well as the poor man."

But that is not characteristic of the law as we have known it in our country. For the most part, our law has dealt equally and fairly with men. When it has failed to do so, that has not been the fault of the law; it has been the fault of those who administered the law or the fault of the judges who interpreted it.

Mr. McCLELLAN. In other words, the human equation.

Mr. TOWER. Yes, the human equation.

So ours must be a government of laws, not a government of men.

On the other hand, in this bill we would be tampering with that basic principle of our Government; and the more we seek by means of intricate details to redress some grievance, either real or imagined, the more we tamper with the law, and the more likely we are to find that in attempting to prevent discrimination on one class of citizens, we may be imposing terrible discrimination on another class.

Mr. McCLELLAN. Mr. President, on this point will the Senator from Texas yield again to me?

Mr. TOWER. I yield.

Mr. McCLELLAN. Let us consider a hypothetical case—that of a man who had established and developed a business of his own, and who needed to employ someone. Let us assume that two persons applied.

We can apply this hypothetical situation to a situation involving religion or race or color or any of the other conditions named in the bill.

Let us assume that a member of the employer's own race applied—although we shall not specify which race; and let us assume that a member of another race, who was of another color, also applied. Let us further assume that, in the judgment of the employer, the two applicants had equal talents, equal skill, and were capable of equal or comparable industry, devotion, and loyalty. But let us assume that the employer decided that in view of his own personal pleasure and enjoyment in associations, he would prefer to employ the one who was of his own race.

Does not the bill undertake to take away from the employer that right and that discretion, and to substitute for them, not the law, but the judgment of a bureaucrat or other officer of the Government?

Mr. TOWER. The bill absolutely would do that. If the two men were equal, in terms of competence, ability, background, and experience, the employer would be likely to hire the one with whom he would most likely be compatible. Obviously, that would happen. So the other one could then imagine that he was aggrieved; he could protest, and he could invoke the provisions of the law now proposed.

On the other hand, the reverse situation might be the case: For fear of having the Federal law invoked against him, the employer might hire the man who was not of his own race and color. Then the man who was of his own race and color would be the aggrieved party.

Mr. President, in the face of these clear and explicit provisions of the Constitution, H.R. 7152 proposes that Congress assume a power it does not possess and, in fact, a power which is expressly denied to the Federal Government.

While H.R. 7152 purports to establish a new civil right, the bill would recklessly destroy the natural rights guaranteed in the Constitution. Title VII of the bill would violate the first amendment to the Constitution by abridging freedom of speech, freedom of religion, and freedom of association.

In connection with the first amendment's guarantees, I should like to cite two cases:

Adair v. *U.S.* (208 U.S. 173):

> A part of every man's civil rights is that he be left at liberty to refuse business relations with any person whatsoever, whether the refusal rests upon reason, or is the result of whim, caprice, prejudice, or malice; with his reasons neither the public nor the persons have any legal concern. It is also the right of the individual to have business relations with anyone with whom he can make contacts; and if he is wrongfully deprived of his right by others, he is entitled to redress.

Perkins v. *Lukens Steel Co.* (310 U.S. 127):

> Like private individuals and businesses, the Government enjoys the unrestricted power to produce its own supplies, to determine those with whom it will deal, and to fix the prices and conditions upon which it will make needed purchases.

Mr. President, this title of H.R. 7152 also would violate the fifth amendment, by denying an essential liberty of a free people, through arbitrary restraints on freedom of association in business and in labor organization: By denying liberty of contract, in attempting to compel employers to hire undesired persons and to deny employment to desired persons; by denying to a minority of those operating private enterprises the same liberty of contract and the same freedom of association which are preserved for the majority, thus violating the constitutional guarantee of "equal protection of the laws" which is implicit in the fifth amendment.

Title VII of the bill appears also to violate the ninth amendment to the Constitution, by proposing to usurp rights retained by the people. It also appears to violate the 10th amendment, because Congress could thus assume the power reserved to the States. And it appears also to violate the 13th amendment, by imposing a form of involuntary servitude upon certain groups of employers.

Mr. President, I address myself further to the 10th amendment. The reason why our American system has persisted as long as it has is that it has a certain resilience and flexibility. Rather than to have a rigid, unitary Constitution the Founding Fathers put together a basic law which resulted in having the States surrender certain of the authority they possessed to the Central Government; but the States reserved the remainder of it to themselves.

The whole idea behind the establishment of the Constitution was not to create in this country a unitary state, not to create only one government; but the impetus behind the drafting and the adoption of the Constitution was the desire to preserve the States.

They knew that confederation was too weak. It did not provide enough central authority. So in their wisdom, the Founding Fathers decided that we had better create sufficient central authority to exercise all the concomitants of nationality, such as the conduct of foreign relations, coinage of money, and other like powers that are necessarily identified with the national state, so that we could retain these other powers and responsibilities to ourselves and preserve the Union of States.

So the Constitution was adopted. It was never the intent of the Founding Fathers that the Central Government should preempt the States. To reemphasize that point, even after the Constitution was established and in operation, the 10th amendment was adopted. That amendment provided that all powers not delegated by the Constitution to the States, nor prohibited to the States by the Constitution, were to be reserved to the States, respectively, or to the people.

As I noted in my colloquy with the able and distinguished Senator from Arkansas [Mr. McCLELLAN], there has been considerable attrition and erosion of the police power of the State. But if the bill in its present form is enacted, particularly titles II and VII, which are the public accommodations and equal employment opportunities provisions, it will be the beginning of the end of the Federal system as we know it. Those two titles taken together are probably calculated to undermine or ultimately destroy the remainder of the police powers now exercised by the States.

We have talked about the durability of the system because of its resistance. It will have no flexibility and no resilience if we establish an absolutely unitary state. The reason ours is the oldest Constitution still in force and effect, and the reason why ours is the second oldest government in the world, second

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only to that of mother England, even though we are a relatively young nation, is that our Constitution has given us a flexibility that has allowed a maximum amount of self-determination at the State and local levels. If we destroy that system, we shall have established a new system so rigid that ultimately it must crack by virtue of its own rigidity.

Mr. HILL. Mr. President, will the Senator yield?

Mr. TOWER. I am happy to yield to the distinguished Senator from Alabama.

Mr. HILL. Is not the great glory of our system that we have a system of checks and balances in the Federal Government? We have the President, the Congress, and the Judiciary, which are all separate and distinct branches of the Government, one more or less checking the others. In the same way, great powers are reserved to the States and not directly granted to the Federal Government. In the States also there is a system of checks and balances all the way through. Is that not correct?

Mr. TOWER. That is correct. In other words, we have a system of checks and balances that operates at three levels—the Federal level, the State level, and the local level. We do not see a concentration of all the power of the Federal Government in the hands of the Executive. At least it should not be that way. We do not see a concentration of all the power of State government in the hands of the Governor at the State level. Rarely do we find all the power of local government in the hands of the mayor at the local level. So we are protected by those three governmental structures with checks and balances that run throughout each system.

Mr. HILL. Also, the people themselves are the residuary holders of power that is not granted to the Federal Government, the State government, or the county, municipal, or other local government.

Mr. TOWER. The people possess all the power. By their social contract, which is the Constitution, they have surrendered the exercise—but only the exercise—of certain of their powers to the Federal Government. They have not surrendered power, but merely the exercise thereof.

Our central government system is worth preserving. If we destroy the State and the Federal system, the Constitution will go down the drain, and in only a few years we shall have a dictatorship. Then we shall be back where we started. We shall be in worse shape than we were when we started, because when the Colonies separated from the British Crown, they enjoyed a fair degree of self-rule.

Mr. HILL. Does not dictatorship in and of itself mean tyranny?

Mr. TOWER. Dictatorship is indeed tyranny. The dictatorship may be benevolent, but benevolent dictatorships have way of becoming rather unbenevolent.

We remember that Mussolini made the trains run on time.

Mr. HILL. Is it not true that many people thought that he was a wonderful man because he made the trains in Italy run on time?

Mr. TOWER. Yes.

Mr. HILL. Mussolini exercised his great power by imposing tyranny on the people.

Mr. TOWER. The Senator is absolutely correct.

Mr. HILL. The same was true of Hitler.

Mr. TOWER. Mussolini may have turned out to be a great benefactor. He got Italy into the war, which it lost. We then gave Italy the necessary money to get the country back on its feet, and it is now doing better than ever before. We cannot tell about these things.

Personally I do not desire to go through that kind of historical development. I wish to hand down to my children the kind of country that I inherited.

The bill is plainly calculated to destroy the powers of the States. When that happens, we shall no longer have a flexible system that is responsive to the will of the people.

In connection with what my distinguished friend from Alabama said about checks and balances, it occurs to me that the bill would tend to destroy not only checks and balances in the field of State power as opposed to Federal power, but the checks-and-balances system within the tripartite division of powers—executive, legislative, and judicial—because there would be a delegation of congressional authority to an executive agency. There would really be an abdication of the constitutional and legal responsibility of Congress to make policy. Therefore, the bill would be destructive of the checks-and-balances system.

It may also be assumed that the advocates of FEPC base their case on the 14th amendment. This follows from the scope of the proposal which apparently would be applicable to intrastate as well as to interstate enterprises, and from the predilection of its supporters to refer to employment as a "right."

Yet, even the most farfetched interpretation of the 14th amendment cannot provide any justification for a Fair Employment Practices Act on the Federal level.

In the first place, employment has no place within the framework of political rights protected by the Constitution. In the second place, employers are private citizens whose acts do not come within the scope of Federal laws that are based upon the 14th amendment.

The prohibitions of that amendment apply only to the State governments, not to individuals. The wording is clear:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law.

If such a Federal law can be enacted and held constitutional, there is no constitutional protection against laws which first deprive employers of their rights, as is partially attempted in this title, and finally deprive all persons of their rights—heretofore regarded as permanently reserved and safeguarded by the guarantees of individual liberty set forth in the Constitution of the United States.

The Supreme Court of the United States, the final arbiter of the constitutionality of laws enacted by Congress through the years, has held the line between the Federal powers delegated to Congress and those powers retained by the States and the people.

The Court has ruled uniformly that any power to create a civil right, unless specifically delegated to the United States by the Constitution, has been reserved to the separate States. The Court has been steadfast in its defense of freedom of religion, freedom of opinion, freedom of association, and that greatest of all rights, the right that the late Justice Brandeis called, "the right to be let alone."

It is not necessary to dig into the past to find decisions of the Supreme Court which mark out the limitations upon the power of Congress and hold such laws as H.R. 7152's title VII to be unconstitutional. Recent decisions of the Supreme Court are consistent with earlier decisions. No change of time or condition or circumstance has altered the Court's fundamental concept of the rights of the individual or of the demarcation between Federal and State powers.

The Court has drawn upon the language of earlier judgments to reaffirm its reasoning. In *Hodges* v. *the United States* (203 U.S. 1), the Court quoted and gave new vigor to the following language from Justice Miller's decision in the famous Slaughter-House cases of 1873:

> With these decisions, and many others that might be cited, before us, it is vain to contend that the Federal Constitution secures to a citizen of the United States the right to work at a given occupation or particular calling free from injury, oppression, or interference by individual citizens.
>
> Even though such right be a natural or inalienable right, the duty of protecting the citizen in the enjoyment of such right, free from individual interference, rests alone with the State.

In the case of *United States* v. *Wheeler* (254 U.S. 281), the Court demonstrated the continuity of its judgment and the steadfastness of its position by turning again to the Slaughter-House decision and quoting:

> It would be the vainest show of learning to attempt to prove by citations of authority that, up to the adoption of the recent amendments, no claim or pretense was set up that those rights depended upon the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing the obligation of contracts. But, with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government.

Mr. HILL. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. HILL. Is it not true that the people adopted the 9th and 10th amendments to the Constitution to make clear, certain, and specific, exactly as the distinguished Senator has said, that all these rights and privileges were reserved to the States and the people themselves?

Mr. TOWER. That is absolutely correct. The Founding Fathers did not include the provisions contained in the 9th and 10th amendments when the Constitution was originally framed because, I suppose, they thought it would be absolutely clear that they were giving certain rights exercised by the States to the Central Government in order to enable the Central Government to deal with foreign states, to coin money, and the like; but, for emphasis, about 3 years after the adoption of the Constitution, they adopted the 10th amendment, which specifically reserved to the States powers not specifically delegated to the Federal Government nor prohibited by it to the States.

In the recent case of *West Virginia Board of Education* v. *Barnette* (319 U.S. 638), the Court declared:

> The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of public controversy, to place them beyond the reach of majorities, and officially to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights, may not be submitted to vote; they depend on the outcome of no elections.

in *Douglass* v. *City of Jeannette* (319 U.S. 157), the Court speaking through Justice Jackson declared:

> In my view, the first amendment assures the broadest tolerable exercise of free speech, free press, and free assembly, not merely for religious purposes, but for political, economic, scientific, news, or informational ends as well.

In another recent opinion, the Supreme Court has declared:

> But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

There are many opinions of the Supreme Court which might be cited, clearly demonstrating that the proposed act flings itself into the teeth of the Constitution. It is enough to quote here one final, beautiful passage from an opinion by one of the great liberals of our time, Justice Brandeis. He declared:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in the material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government—the right to be let alone, the most comprehensive of rights and the right most valued by civilized men.

It will be argued, of course, that the power of the Federal Government to regulate interstate and foreign commerce provides a constitutional basis for the proposed title VII of H.R. 7152. But civil rights are rights assured to every member of a well-regulated community. The word "civil" is defined as "pertaining to the whole body of citizens."

In this light, the title reveals its inadequacies so quickly as to be guilty almost of indecent exposure.

In section 701, the title undertakes to declare that the "opportunity for employment without discrimination is a right of all persons within the jurisdiction of the United States."

And yet the fact that title VII would apply, at least in the first year, only to employers or unions having more than 100 employees or members, promptly limits the application of the act to persons "engaged in commerce or in objectives affecting commerce," and to employers and unions employing no more than 100 individuals. Thus, the right which the supporters of this proposal claim belongs to all Americans is immediately restrained from many Americans and given only to a specific few.

Indeed, the fact that title VII of H.R. 7152 is made applicable only to employers of over 100 persons, at least in the first year, who are engaged in interstate commerce or in operations affecting commerce, and the fact that it excludes States, municipalities, and religious and other nonprofit organizations proves that there is no intention by the backers of this bill to create what they loudly tout as a "civil right of all the people," even if Congress had the power to do that. I do not concede for a moment that Congress does.

It has been pointed out in discussions of this bill that in the first year it would affect only 21 million employees and 56,000 employers; in the second year 25 million employees and 116,000 employers; and thereafter 29 million employees and 259,000 employers. So most of the people of the United States are not expected to enjoy this so-called "civil right of all the people."

Here again it is made evident that the effect of this title is to destroy the freedom of private management in the major business enterprises of the Nation. When private enterprise in the great, essential industries of the Nation is ruined, then all little business and agriculture will become completely dependent upon Government-controlled big business and upon state socialism which will be an accomplished fact.

The attempted validation of the proposed title VII as a regulation of commerce is based upon two fantastic assumptions. The first is that commerce is "obstructed" by discriminatory practices. For this there is absolutely no evidence. It is simply an assertion with no foundation.

The second assumption is that there will be "more buying power" and "less waste of manpower" when there is no "discrimination" in hiring employees. But what difference is there in total "buying power" or "manpower" when "A" is employed instead of 'B?" If 10 white applicants are rejected in favor of 10 Negroes, there are still only 10 men employed.

Nothing in title VII of this bill could operate to create full employment in the United States. In fact, this whole approach to the problem of unemployment utterly ignores the fact that full employment can be created only by a fully active economy. It is a fact that our economy never can progress to full activity so long as the Government constantly harasses and controls that economy. Therefore, this proposed title VII, which would present only another much more drastic harassment on the private economy, would in fact create more unemployment than now exists.

It would be absurd to argue that employers refuse to increase their working force because they are unwilling to employ persons of a particular race or color. The increased growth in the number of minority group employees in all sections of the country in recent years proves that employers do not reduce or suppress employment simply because of discrimination. If they cannot get the workers they regard as best, they will take the next best; and if the "best" happens to be of one race or color, they will employ that race or color. Yet that exercise of trained judgment as to what is "best" is now to be denounced as discrimination.

The truth is that antidiscrimination laws will be a further burden on commerce and are unjust alike to employers and employees in setting up an arbitrary interference by the Federal Government with what would otherwise be the informed and normally just judgment of an employer as to how to build and maintain his most competent, harmonious working force. On this judgment depends a manager's success and the good will of the owners and customers of his enterprise. To hamper the free exercise of such judgment is obviously to burden and to obstruct commerce.

The effort to use the commerce power as the authority for title VII, to establish a so-called "civil right" which promptly is denied to a good many Americans by restricting the employers covered, deserves the condemnation and abrupt dismissal expressed in a dissenting opinion of the late Justice Holmes when he said:

> I should regard calling such a law a regulation of commerce as a mere pretense.

In the same opinion, Justice Holmes made this comment on legislation which attempted "to reconstruct society":

> I am not concerned with the wisdom of such an attempt, but I believe that Congress was not entrusted by the Constitution with the power to make it, and I am deeply persuaded that it has not tried.

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Let us consider briefly the ways in which this bill would do violence to our American way of life.

Freedom to choose one's associates is a fundamental right reserved to the individual. And an integral part of that right is freedom from compulsion to associate, for forced association is not free. Congress has never been delegated any power to interfere with freedom of association except where abuse of this freedom results in a violation of the laws which the Congress has the power to enact and enforce. Yet, under section 704, it is made unlawful for any employer:

> To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

This means that an employer cannot freely express by speech or by advertisement the views that other citizens are free to express as to the desirability of hiring or promoting an individual, if he indicates a preference for persons of a particular race, color, religion, national origin, or sex, or if he indicates a preference against persons of a particular race, color, religion, national origin, or sex.

Yet if there is any one subject upon which free men and women have the right to express their opinion, it is upon matters involving race, color, religion, national origin, and sex.

Men and women have feelings, and free men and women are free to express those feelings. The people of the United States and of the other freedom-loving nations who fought with us in Korea will not find it easy to forget the hordes of North Koreans and Chinese Communists and their Russian backers who inflicted such a toll of suffering, death, and destruction upon Americans and their allies. It may be that lofty idealism requires all Americans to regard these other people as desirable, but it is likely that not all Americans would express that desirability. Nor should Americans be required to express desirability for anyone they do not wish to associate with.

And yet, here we have a law proposed which would attempt to deny to millions of employers and employees any freedom to speak or to act on the basis of their religious convictions or their deep-rooted preferences for associating or not associating with certain classifications of people. No one will contend that the dislike to associate with people who are unclean or dishonest or mean or cruel is a wrong which should be prohibited by law.

But, where was the Congress ever given the power to declare it to be a wrong for a person of one religion to dislike to associate with persons of a different religion? Where was the Congress ever given the power to declare it to be a wrong for an American to dislike to associate with persons of nations or races which have recently made war on America and treacherously killed or cruelly tortured the sons, brothers, or fathers of living Americans?

It may be a high type of morality to forgive immediately a vicious enemy and to clasp in friendship a hand that's stained with the blood of one's kith and kin; but where was Congress ever given the power to establish such a moral duty as a legal obligation?

It may be immoral for a man to have a prejudice against persons of a particular race, color, or religion just because he has found it particularly difficult to associate without discordant mutual misunderstandings with many persons of that particular race, color, or religion. But what is left of individual liberty if a man or a woman cannot choose associates in work or in play on the basis of either reason or prejudice, which are often indistinguishable? Where was Congress ever given the power to establish a state of morality to be enforced in the private selection of private associates for work or for play?

Under our Constitution, it has never been seriously questioned that a man has the right to set himself up in business, to select his own employees on the basis of such qualifications as he might within his own free and uncontrolled discretion consider advantageous to the undertaking, and to do all this without hindrance or interference. Yet personal freedom of contract is basic to the free enterprise system and to the whole American concept of individual freedom.

Yet title VII of H.R. 7152 would violate the liberty of contract guaranteed in the Constitution by compelling the making of contracts.

The far-reaching character of this provision of title VII is given its true perspective when we consider that laws have been enacted governing the form or substance of contracts voluntarily entered into; that laws make illegal certain types of contracts; that the labor laws require collective bargaining as a method of arriving at contracts, and affect the scope of the contracts. But the right of contract is left free to be exercised between voluntary parties.

Our history of encouragement to the men and women who give employment has been one of the compelling reasons for our unparalleled industrial success which again and again has served our Nation so well in time of need.

I believe it is most unfair for the proponents of this fair employment practices section to argue that it does not "force the hiring of certain minority group members." The whole purpose, design, and effect of the bill is just that—to "force the hiring" of persons whom an employer would not have voluntarily hired.

If the function of the bill is not to promote the hiring of certain minority group members, why are minority group members interested in the bill? Why is the bill being advocated? Obviously, it would mean intervention in the employment practices of management. Obviously, there must be some alleged discrimination, to remedy which the hiring of certain minority groups must be forced; otherwise, the bill would not have been advocated in the first place.

Let us be honest. The bill has a strong element of compulsion. It would compel employers to hire members of certain minority groups. It goes further than that. It does not really refer to one specific minority group. It could be Negroes, Indians, Anglo-Saxons, Italo-Americans, or Syrian-Americans. Ultimately, I think the effect of the bill would be to compel an employer in a given community to hire a given percentage of people of every nationality or ethnic background in the community.

If an employer, in a department store, for example, advertised for and hired only white salespeople, he would certainly be found guilty of violating this law on complaint of a Negro applicant whom he did not hire. He would then be compelled by an order enforceable by a court, to hire this rejected applicant, with, probably, the additional expense of paying backpay for the period during which he "unlawfully" employed and paid wages to an employee of his own choice. Any claim that such a law would not force the hiring of unwanted employees is simply and utterly without foundation.

It must also be pointed out that the bill not only authorizes Federal officials to dictate to an employer whom he shall or shall not hire, but it also authorizes a continuing supervision over his detailed management of his working force. All compensation, terms, conditions, or privileges of employment must be free from any discrimination. Every promotion, every assignment of duty, every privilege granted an employee, although decided on the basis of merit according to the employer's judgment, could be subject to review by the Federal commission on complaint that there was unlawful discrimination against some other employee. It is difficult to imagine a law more certain to insure the eventual destruction of private enterprise, by removing from private management all effective control of a working force.

The employer would be subject to a Fair Employment Practices Commission.

Mr. President (Mr. McIntyre in the chair), in the bill this Commission is called Equal Employment Opportunity Commission. But I use, instead, the term "Fair Employment Practices Commission," because this is the term which is commonly and ordinarily understood, for virtually every previous proposal of this type has called for the establishment of what has been called or referred to as a "Fair Employment Practices Commission." Inasmuch as this part of the bill is essentially the same proposal—although now dressed up with a new name, "Equal Employment Opportunity Commission," which I suppose is designed to escape the stigma of the old term "Fair Employment Practices Commission"—we might as well call it what it is, so that people can understand it, since there have been dozens and dozens of previous proposals of this character, which time after time after time have failed to receive serious consideration by Congress.

While I am on the subject of terminology, there have been any number of

FEPC bills which have not been seriously considered. But now we are presented with a similar proposal, which was not even in the bill President Kennedy proposed last year. He considered it, but he did not even ask for it. Yet it now comes to us from the House of Representatives, where it originated in the House committee; and the House asks us to consider this proposed Commission as part of an omnibus bill—a bill with so many titles that no one can hope to become an expert on each and every one of them. But now we are asked to accept this proposal as part of the package, even though it has consistently, time and time and time again, been rejected.

So, Mr. President, the employer would be subject to a Fair Employment Practices Commission—or, according to the bill, an Equal Employment Opportunity Commission—having wide powers of rulemaking, investigation, and the issuance of orders.

The inquiries and investigations directed by the bill would vex and harrass business to the point where orderly plant management and efficient production would be impossible. A small businessman, already overburdened, would encounter new regulations, investigations, hearings, and litigation far beyond his time, his energy, or his finances.

Labor organizations would be subject to interference with and supervision of their internal affairs. And the law which would tell the employer who his workers should be today, could be reversed; and then the worker could be told whom his employer would be tomorrow—and where, and at what wages. Justice Brandeis has warned:

> Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding.

If title VII of H.R. 7152 became law, employment and promotion based on merit would be superseded by governmental decree, and the worker would be moved to look with distrust and suspicion upon his fellow workers. The worker could not feel secure in his job.

Suppose a plant employed 50 men. Ten of them could be identified with a minority group. If the employer had to lay off 8 men, would he be likely to discharge any of the 10 men who could claim discrimination—whether it existed or not—and who would take the case to the Equal Employment Opportunity Commission and into the courts, thus causing the employer expense, and probably, and no doubt certainly, punishment. We know that the natural thing for the employer to do would be to avoid trouble and to lay off eight of the average Americans, who could not claim discrimination, even if they were better workmen than the employees who belonged to a minority group. We can picture the resulting damage to the efficiency of management and to the morale and productivity of the workers in that plant.

If a law prohibited employers from discriminating against men and women with red hair, the inevitable effects would be to give red-haired persons a preferred status and to assure them of an unequally good opportunity to be employed and promoted, because, by favoring them, their employer would avoid any charge of discriminating against them. In like manner, this antidiscrimination title actually would compel discrimination against majority groups, in favor of minority groups.

A white employer would be safe from prosecution because he employed a Negro, instead of a white applicant. That would show he had no racial prejudice. But if he employed a white instead of a Negro, he might expose himself to an expensive litigation and find himself compelled, in the end, to hire a hostile employee.

Mr. President, I should like to indicate that in at least one instance the merit system of hiring already has been damaged by this sort of civil rights attitude on the part of Federal bureaucrats.

In a recent manpower report of the President it was stated that Negroes held 13.1 percent of the Federal jobs in the United States, although Negroes represented only 10.5 percent of the American population. Yet the President tells us in his manpower report that the hiring of the 13.1 percent of Federal employees was accomplished "solely on the basis of merit without irrelevant considerations of race or ancestry."

Mr. President, if we are to accept the thesis in this case, we must therefore admit that the Negro race in the United States is much more talented, and therefore has more merit for employment in Federal jobs than does any other race. That must be so if we are to believe the statistics.

Because there are only 10.5 percent Negroes in our population, and yet there are 13.1 percent of the Federal merit jobs held by that race, therefore that race must be more meritous than any other race.

Of course, Mr. President, this is all ridiculous. And it only serves to point out how impossible it is for the Government to legislate morality in this field. I would like to quote for the Senate from a newspaper article in the Wednesday, March 4, 1964, New York Times, written by Marjorie Hunter. That article appears under the headline "Negroes Gain 3 Percent in Federal Jobs," and continues as follows:

> President Johnson said today that impressive gains had been made in placing Negroes and other members of minority groups in higher paying Government jobs. "We had some catching up to do," the President said in releasing findings of a Federal employment study made last June. "These changes in the minority picture do not reflect special privilege."

When asked why the results were released nearly 9 months after the survey, a White House spokesman said that the data had just become available after processing.

Negro employment in the Government reached a record of 301,889 last June, an increase of 3 percent over the previous year, a study showed.

It found that the major percentage gains had been in better paying jobs in grades GS–9 through GS–18, paying $6,667 to $10,165 a year. Negroes held 7,016 jobs. This was an increase of 1,146 or 19.5 percent over the previous year. In grades GS–12 through GS–18, paying $9,475 to $20,000, Negroes held 1,952 jobs, an increase of 545 or 38.7 percent. Government jobs range from GS–1, paying $3,305 to GS–18. From June 1961 to last June, the survey said that there was a net increase of about 20,000 Negroes in Federal employment. The 2-year gain in grades GS–3 to GS–11 was 8,963, or 36.6 percent, and in grades GS–12 through GS–18, it was 915, or 88.2 percent.

As of last June, Negroes held 13.1 percent of the 2,298,808 Federal jobs, the study revealed. In the last Federal census, in 1960, Negroes represented 10.5 percent of the population. The study was made by the Civil Service Commission at the request of the President's Committee on Equal Employment Opportunity, created in 1961 by President John F. Kennedy. Mr. Johnson, as Vice President, headed the Committee. In hailing the gains, Mr. Johnson credited Mr. Kennedy, various Government agencies and departments, and the Committee. The President said:

> This is the result of affirmative and persistent efforts by the Federal agencies to hire, train, and promote solely on the basis of merit, without irrelevant considerations of race or ancestry.

The study showed that employment among Spanish-speaking persons totaled 51,682 as of last June, an increase of 2 percent over the previous year.

There were 2,178 such employees in grades GS–9 through 11, an increase of 304, or 16.2 percent.

In GS–12 through 18, employment for that group totaled 785, an increase of 161, or 25.8 percent.

Other findings were: American Indians in seven selected States held 10,569 Federal jobs, an increase of 18.6 percent.

Oriental-Americans in California, Oregon, and Washington, held 10,158 jobs, an 8.3 percent gain. Mexican-Americans in five Southwest States held 33,925 jobs, an increase of 1 percent.

Mr. President, this New York Times article speaks for itself.

We may be positive that as soon as a Fair Employment Commission, or a Equal Employment Opportunity Commission, or whatever we call it—it makes no difference—begins to push its way into the domain of private judgment, as the article I have read indicates it has already pushed its way into the field of Federal hiring judgment, and as an FEPC authority begins to operate in the hiring, promoting, and development of efficiency of employees, it will in a short time disintegrate the power of private management to fulfill its responsibilities to investors and to customers.

This fundamental evil in this proposed legislation lifts criticism of its details out of the mere faultfinding field into a demonstration of why it profoundly violates both letter and the spirit of the Constitution, which was adopted for the

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purpose preventing zealous legislators from experimenting too recklessly with measures of moralistic reform. The Constitution, as we have seen, not only limits the lawmaking powers of the Congress to those expressly granted, but also provides explicity, in the 10th amendment:

> Powers not delegated to the United States * * * are reserved to the States respectively, or to the people.

Furthermore, in the Bill of Rights, the Congress is absolutely forbidden to make any law denying to individuals their fundamental liberties of speech, religion, and association.

Although the original conception of the creation of regulatory agencies to exercise quasi-legislative and quasi-judicial functions was perhaps sound because the economy had grown complex and national in scope, because the Government had increased in complexity to deal with problems of a complex, growing, and expanding economy, it was necessary, after the broad lines of policy and specific authorization by Congress had been laid down, that the detailed procedure of determining, for example, the rate for carrying a sack of potatoes from one point of the country to another should be left to some commission whose function it would be to carry out congressional policy.

We have departed far from that concept. We in the Congress have found it easy merely to delegate away authority that is constitutionally ours, responsibility that is entrusted to Congress by the Constitution and the people. Congress has vastly expanded the lawmaking power, and the judicial power as well, to the various regulatory agencies which Congress has established.

I am beginning to see these agencies as Frankenstein monsters that Congress has created. We have created such a vast and sprawling bureaucracy that not only do we see nameless, faceless administrators, commissioners, board members, who are not elected by the people, who have no responsibility to the electorate, making significant and important decisions that profoundly affect the lives of our people, but we also see a great machine that we ourselves can no longer adequately control and direct.

I wonder if we have not in them the harbingers of our own destruction as an integral, significant, and vital part of the governing process of the American people. We cannot exercise adequate and effective legislative oversight. We no longer really know how the money is spent. We know that from time to time our constituents become a little annoyed. "A little annoyed" is a massive understatement. They take high umbrage at the treatment they sometimes receive at the hands of administrators or regulators—Government functionaries of various sorts—who sometimes seem to have the impression that they are not in reality the servants of the people, but that their function is to plot and order the lives and the destinies of the people who pay their salaries.

Here we go again delegating away a little more responsibility, a little more authority, leaving a little more to the arbitrary will and discretion of a few men.

What do we propose to create? A commission of five men. Those five men are to determine whether a businessman employing thousands of people, investing millions of dollars, producing successfully and contributing to the economic growth of the country, has acted in good faith, or whether he has failed to act in good faith in his employment practices. We are to give the five commissioners the power to harass virtually every significant business institution in the United States.

The Senate is not powerful enough to do that. Even though it is composed of 100 Senators representing every State in the Union, representing not only the two political parties but the whole spectrum of political persuasion, yet it does not have that power. But the Senate will go along with the House to formulate a policy to confer immediate and direct power into the hands of five men. What powerful men they will be.

I have always understood that those of us in high office enjoy the exercise of political power. I suggest that if this commission is created, Senators who face the uncertain prospect of reelection might apply for these jobs. They might enjoy far more power than they ever enjoyed as Senators.

The Senate seems intent on divesting itself of whatever power it possesses. The Senate seems intent on divesting itself of power which it does not possess. The Senate seems to be reaching up into thin air to pull out some new and unusual right not specifically guaranteed in the Constitution, one that it believes someone should enjoy or at least it has perhaps often been pressured into believing that someone should enjoy.

I do not deprecate the Senate when I say that Senators respond to pressure. Certainly they do. I have cast one or two votes in the Senate which, upon reflection and hindsight, I do not believe were wise. In the heat of the moment I was made to believe it was a good idea because of the application of great pressure.

I do not question anyone's motives. But I do question the wisdom of the Senate saying in black and white that a right exists and that it intends to enforce that right.

A while ago, the Senator from Alabama referred to the 9th and 10th amendments.

Who are we to create rights?

Rights are inalienable and God-given. Rights are identified and secured by the Constitution. Rights reside in the people. The enumeration of the rights in the Constitution, according to the 9th amendment, was merely a recognition that some rights exist; that is, we recognize that there may be others. The framers of the Constitution said that they had not thought of all of them. So perhaps we do not wish to try to list them all. But the enumeration should not be considered to deny or disparage others. What the Senate proposes to do is to create one. I do not concede it has authority unless it chooses to amend the Constitution. Then perhaps it could, without flying directly into the teeth of the Constitution, adopt title VII, the so-called equal employment opportunities provision.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. I congratulate the Senator from Texas on making his point so completely accurate on title VII, which proposes to set up an FEPC or an EEOC to regulate the distribution of jobs, the employment of personnel, the promotion of personnel, the demotion of personnel, and the firing of personnel in businesses employing 25 workers or more. Of course, he knows—as I do, too—that before many years it would be down to five employees and then perhaps down to one employee.

I congratulate the Senator. It seems to me that one of the most telling points in the whole picture is the fact that those who so ardently insist upon establishing this unconstitutional and unwise Commission overlook the basic fact that the principal unemployment among minority groups is not found in the Southland but instead exists tonight—while we are talking at this moment, as shown by the statistics from the appropriate Government bureaus—in the very States which have State FEPC commissions, and which have completely failed to demonstrate their effectiveness. The greatest percentage of unemployment among Negroes exists in the very States which have resorted to all the imaginable legalistic approaches to this question, which particularly includes State FEPC Commissions.

So I congratulate the Senator, not only for attacking the proposition as being unconstitutional and unwise, but also as being blind to the fact, that the suggested approaches have completely demonstrated their ineffectiveness in States where FEPC commissions have been established and have been functioning for years.

I thank the Senator for calling our attention to the complete unwisdom, the complete unconstitutionality, and the complete futility of the approach suggested.

I hope the Senator will continue to get in the good "licks" which he has been delivering.

Mr. TOWER. I thank the distinguished and esteemed Senator from Florida for his kind remarks, and for his excellent supporting observation.

I note that the bill could work to thwart the employment of certain minority groups, because it is so vastly comprehensive in character.

It deals, not only with race, color, religion, and sex, but also national origin.

There we open up a whole Pandora's box of possibilities. The only conceivable way the bill could be equitably administered would be to go into communities and say to each administrator—and in some of the communities in Texas, this would really be something—"You must hire so many Negroes, you must hire so many people of Mexican origin, you must hire so many people of Italo-American origin, you must hire so many people of German-American origin," and so forth.

Mr. HOLLAND. Would they ever get around us plain Americans?

Mr. TOWER. I do not know what would happen. I do not know what would happen when we got to the intermarriage of people of various national origins and backgrounds. We would have some trouble on our hands, because we are not all thoroughbreds. Many of us are a mixed people, with no pure ethnic strains.

We shall encounter all sorts of problems. So far as the application of FEPC in some Southern States is concerned, as the Senator knows, there are many owners of business establishments in the South who prefer to hire Negroes for certain jobs. They prefer to have them, they want them, they advertise for them, they provide them with jobs. Hotels, retaurants, and many other establishments of a similar nature prefer to hire Negroes. Those people stand to lose their jobs if the proposed law is equitably applied, because some white people will apply for these jobs.

Mr. HOLLAND. I should like to mention, also, that thousands of businesses in the Southland, some large and some small, belong to Negroes, and they prefer to employ Negroes. I have in mind Negro insurance companies, of which two very successful and important ones are in my State. There are others in other States, including the State which the Senator so ably represents. How will those businessmen feel when their preferred field of employment, which is among people of their own race, is attacked as an improper field to make exclusive for their employees?

Mr. TOWER. The reason why there is discrimination in employment is that in a sales position it stands to reason that the Negro will do a better selling job to other Negroes, because he understands them better.

If I were operating an insurance agency and wished to make inroads into the Negro trade, I would certainly employ Negro agents, because I would feel they would be more effective.

Therefore I believe the effect and purpose of the bill will thwart the employment opportunities for a great many people.

It seems to me that the act cannot possibly be equitably administered, when it is said that an employer is discriminating if he does not hire a certain percentage of this race or this religion or that sex. It is tantamount to a police state. It is absolutely a police state. That is what we have arrived at. It cannot possibly work equally for all and give everyone fair treatment.

Section 713 of this title provides for rulemaking. We know that the issuance of rules and regulations by a commission is lawmaking by the executive branch under the authority delegated by the Congress. But where Congress so obviously has no power to take the actions proposed in title VII, Congress equally has no power which it can delegate to a rulemaking commission.

And what kind of rules could we expect this commission to prescribe?

It is very likely this fair employment commission would rule that you cannot mention color or religion in advertising for employees, that you cannot ask for the photograph of an applicant, you cannot ask his birthplace, you cannot ask his original name, and you cannot ask what holidays he celebrates. We would see a host of restrictions upon the rights of free speech and free opinion, all under the guise of rule and regulation.

Mr. President, it long has also been considered that involuntary servitude is something that only can be suffered by an employee. But involuntary servitude may be of many varieties. A man who accepts obligations to another man is putting himself in the servitude of that man. The law which says that one man can be compelled, under the penalty of paying back pay, on penalty of contempt of court, to hire another man whom he does not wish to hire, means that the first man is compelled by law to make a contract to pay the second man wages, to furnish him with tools, to accept obligations under law that the employer accepts voluntarily toward other employees. The employer, thus, is forced into a servitude to the employee from a minority group.

Mr. President, let me review my position by saying that I have, in the past, voted against discrimination in Federal programs, and I believe that it is morally wrong to discriminate in employment.

On at least two occasions I have offered amendments to bills calling for the establishment of certain welfare programs, by providing that moneys spent under the authorization for such legislation shall not go to any facilities in which discrimination is practiced. They were turned down, I am sorry to say, by the Senate, with the exception of one, acceptance of which I was able to obtain. It was in connection with the Youth Conservation Corps measure, which has not yet been enacted into law by the House. It has been passed only by the Senate.

I do not believe discrimination is morally right. In my opinion it is morally wrong.

If I owned a business establishment serving the general public, everyone would be welcome in it. If I owned a business establishment in which I employed people, I would consider every applicant on the basis of his merit, not on the basis of his color or ethnic origin.

At a time in my life when I had only one employee, my personal secretary, she was a young Negro woman. She was in my employ for 2 years. She was a student of mine in the university. She was very efficient, very talented, and she acquitted herself well. Were she to present herself to my office for employment, I would employ her. I do not believe discrimination is right. But I am opposed to this title of the so-called civil rights bill because, in their eagerness to protect one civil liberty, the proponents of the proposal cast aside other fundamental and well-established civil liberties of at least equal importance.

This is not a proper field for Federal legislation. Discrimination problems are best handled at the State and local level and through the force of public opinion. I think Federal Government regulation of employment is absolutely foreign to a free enterprise society, and, indeed, to a free society of any kind.

Without the willingness of individuals to achieve progress in this field, this bill would be unenforcible and would incite violence. It could be enforced only in a Federal police state.

Attempts to legislate morality breed contempt for the law, as was so often the case of prohibition. I happen to think that Americans are awake to this problem and that men of good will throughout the United States are working quietly and privately to solve it in a fashion much more effective than the Federal Government's intervention plan.

It seems to me that a fair employment practices type law can only transfer the seat of persistent discrimination. Such a law cannot eliminate discrimination; only the hearts of men can do that. An FEPC law can, however, establish legal discrimination in a heartless Federal bureaucracy which has no rightful concern in the matter at all.

This proposed title of H.R. 7152 violates our Constitution. Moreover, it ignores the facts that Americans are aware of the problem involved, and it threatens any atmosphere of reason through which Americans might work to solve that problem.

Mr. President, coercion is no substitute for reason.

Let us understand why we have this problem. We have this problem because there is prejudice on the part of men. Prejudice is a state of mind; and rarely have any laws been enacted in this country that have changed an American's mind.

I can tell Senators a thing or two about why there is a biracial problem in the South. I can tell Senators that a few New England Yankees had more to do with that than we did. I can tell Senators that in the period immediately following the Civil War, it was Mr. Lincoln's idea that the newly freed slaves should be gradually mentored by the whites. Negroes had been enslaved. This is not to our credit. They were not educated. They were not prepared to accept the responsibilities of citizenship, except in certain communities. Lincoln knew this; and he reasoned that they would be just as good citizens as there were in this country if they could gradually be educated as to the responsibilities of citizenship; if they could gradually be taught; if they could gradually take their places. It was his idea that the native leadership could be reestablished as the leadership in this area. But with the awful shot that killed Lincoln, there rose to power embittered men, such as Thaddeus Stevens and Charles Sumner, who were determined to impose a vindictive punishment on the southern people. They did so.

It has taken us almost a century to pay off the debts incurred in our States by Reconstruction legislatures that appropriated for themselves such legislative supplies as champagne, gold watches, and ladies' underwear, and levied confiscatory taxes upon our people. But that is not of particular importance. We are doing pretty well down there now.

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What is important is that in their eagerness to punish the native whites, they created a situation in which the whites were to develop and harbor for years the terrible prejudice against innocent Negroes who were exploited by the carpetbaggers, the military governments, and the self-seeking politicians, and set in positions of responsibility that they were not prepared to accept, and were segregated.

I could show Senators the gravestones in old churchyards in my State that existed before the Civil War. The names of the white and Negro members of those churches are on the gravestones. During the Reconstruction period, the idea was that if the poor black man was to be exploited, he must be kept away from the influence of the native whites. So the Negroes were placed in separate churches and separate schools. Then such propaganda agencies as the Freedmen's Bureau were established.

So my generation is not responsible for what that generation did or failed to do.

But we are the historical victims of the atmosphere of bitterness, vindictiveness, and defeat following the Civil War. Until this prejudice in the minds of men can be erased, there will never be a lasting solution of the biracial problem in the United States.

Such a solution can be achieved. There are men of good will in my section of the country, as indeed there are in every section of the country, who genuinely want to see the situation resolved, but who do not by Federal compulsion, who do not with harshness and vindictiveness, wish to shove something down people's throats to the extent that an atmosphere of bitterness and rancor is created that may make it difficult, if not impossible, for men of good will of all races to settle down to resolve their mutual discontent. Only when the minds and hearts of the people have been prepared can the winter of our discontent be made a glorious summer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 134 Leg.]

Aiken
Allott
Bartlett
Bayh
Bible
Boggs
Brewster
Cannon
Case
Church
Clark
Cotton
Curtis
Dirksen
Dodd
Douglas
Fong
Gruening
Hart
Hartke
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Keating
Kennedy
Kuchel
Long, Mo.
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morton
Mundt
Muskie
Neuberger
Pearson
Pell
Prouty
Scott
Smathers
Tower
Walters
Williams, N.J.
Williams, Del.

The PRESIDING OFFICER (Mr. Brewster in the chair). A quorum is present.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. Have I the floor?

Mr. DIRKSEN. I thought the Senator had.

Mr. SMATHERS. If I have the floor, I am glad to yield to the Senator from Illinois.

The PRESIDING OFFICER (Mr. Brewster in the chair). The Senator from Florida is recognized.

Mr. SMATHERS. I am happy to yield to the able Senator from Illinois.

Mr. DIRKSEN. I should like to inquire of the distinguished Senator from Florida how long he expects to hold forth this evening. It was my understanding that it could well be until 11 o'clock or thereafter. It would not be a firm commitment of course, but it is conceivable in the thrust of things which happen in the Senate, and the interposition of questions of one kind or another, that the Senator could hold forth until 11 o'clock.

Before he answers the question, however, I should like to address an interrogatory to him, only because, after discussing it with the distinguished Senator from Minnesota I thought there could be some assurance there could be no further "live" quorum calls tonight.

Mr. SMATHERS. In responding to the Senator from Illinois, I have no expectation whatever of suggesting the absence of a quorum tonight. I understand the inconvenience that would be caused to many Senators at this late hour—or even at a later hour—if they were to be forced to return to the Chamber, so I do not propose to ask for one.

It is conceivable that I may speak until 11 o'clock or after, as the able Senator from Illinois has suggested. It is more likely, however, that it would depend on the questions asked me, but even more likely that I shall conclude my remarks about 10:30.

Mr. DIRKSEN. It is possible.

Mr. SMATHERS. It is possible. I could also go on until 11 o'clock.

Mr. DIRKSEN. And possibly thereafter, if necessary.

Mr. SMATHERS. If necessary I could continue even a little longer; the Senator from Illinois is correct.

Mr. DIRKSEN. If there were suitable interrogatories, the Senator could talk until midnight.

Mr. SMATHERS. The Senator is correct; but I should say at the moment that I expect, from what I have prepared, and what I really wish to say, that I could probably stop at 10:30. However, I have enough to carry me on after 11 o'clock. If the Senator wishes to keep going I can do so until midnight, but I do not propose to suggest the absence of a quorum.

Mr. HUMPHREY. Does the Senator from Florida propose that the Senate vote on the bill at 10:30? Will the Senator from Florida yield for that question?

Mr. SMATHERS. Would the Senator like to suggest a vote on cloture?

Mr. HUMPHREY. No. I said on the bill.

Mr. SMATHERS. I am only suggesting that I make my speech. I may conceivably continue until 11 o'clock. That is the only suggestion I am making at this particular time, other than the fact that the bill is not very good. I am certainly suggesting that. I object to it in no uncertain terms.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield further? The Senator feels a little strongly about the bill. I know that he would not wish to leave the Senate in the situation where the only choice left for the Senator from Florida would be to vote on the bill. It is the intention to have the Senate session end at 11:30 although I thought perhaps it might run until 12, which is more reasonable.

Mr. DIRKSEN. Eleven o'clock is the witching hour.

Mr. HUMPHREY. Twelve o'clock is the witching hour in the Senate.

Mr. DIRKSEN. The Senator belongs to the wrong lodge.

Mr. HUMPHREY. This is daylight saving time. But the Senator was a little uncertain as to how long he would speak tonight. Ordinarily, he is much more decisive. It may be that he is somewhat weary at this hour of 8:30. I would suggest, if the Senator is not speaking as late as 11:30, that there be a quorum call. I would hope that the Senator would find good reason to lay down his arguments against the bill in such time as may be necessary for him to explain his position, and if he does not wish to talk until that time, there will have to be another speaker.

Mr. SMATHERS. Let me say to the Senator from Minnesota that it was my understanding that the Senator from Minnesota did not want Senators to speak at great length, and now he is urging me to carry on until 11:30.

Mr. HUMPHREY. I thought the Senator might wish to spare one of his colleagues.

Mr. SMATHERS. I have never intended to compete with the Senator from Minnesota with respect to length of speeches. I had thought possibly I might be able to say what I had to say within an hour, or 2½ hours, speak up until 11 o'clock or thereabouts, perhaps a little earlier, perhaps a little later, depending on the extent of the colloquy. If the Senator wishes to have a quorum call at 11:15 or 11 o'clock, I shall be present.

Mr. DIRKSEN. The Senator from Minnesota does not want a quorum call at all. Though I should like to have a vote on the bill tonight. If the Senator from Florida speaks for half an hour, or 2 hours, or 3 hours, it is planned to hold the Senate in session until at least 11:30; and it is desired to arrange the time accordingly.

Mr. SCOTT. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am glad to yield to the Senator from Pennsylvania, provided that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. I wish to show how helpful I am. I have no questions.

Mr. DIRKSEN. Mr. President, knowing the mental agility and the cerebral dexterity of the distinguished Senator from Florida——

Mr. SMATHERS. I am grateful for that.

Mr. DIRKSEN. And knowing his physical robustness and capacity for undertaking punishment at this late hour, I am confident that he can talk until well after 11 o'clock; and then, of course, our distinguished friend the Senator from Minnesota, might be on hand to ask him questions in sufficient number to carry on the debate until 11:30.

Mr. HUMPHREY. Do not depend on it.

Mr. DIRKSEN. That would satisfy the formula laid down.

Mr. HUMPHREY. Do not depend on it.

Mr. DIRKSEN. The Senator from Minnesota said 11:30.

Mr. HUMPHREY. Do not depend on it. It must be a reasonable hour.

Mr. DIRKSEN. The Senator had set the time for 11 o'clock.

Mr. HUMPHREY. Eleven thirty.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. CURTIS. This brings up the point of no quorum. If the Senator from Minnesota wishes a quorum call, it can be had now.

Mr. SMATHERS. I shall be happy to yield for that purpose.

Mr. HUMPHREY. Anytime any Senator wishes a quorum call, I shall be delighted.

Mr. CURTIS. Would that take care of the need?

Mr. HUMPHREY. The Senator can do as he wishes. There is a certain amount of time to spend on the bill. I would prefer to see it spent on sufficient speeches; but spend it as he will, the Senate will be in session.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Are these colloquies and all this intervening business of a sufficient order under the rule to justify another quorum call?

The PRESIDING OFFICER. The Chair is of the opinion that no business has been transacted since the previous quorum call.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an editorial which was printed in the last Sunday's edition of the Miami Herald entitled, "On Wisconsin." This is an excellent editorial written by that great publisher who is so admired by the able Senator from Minnesota, John S. Knight, and is an interpretation of the meaning, as he sees it, of the election in Wisconsin.

Mr. HUMPHREY. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, reserving the right to object, if objection is entered, does that mean that there will have been no transaction of business?

The PRESIDING OFFICER. The Chair is of the opinion that it does not mean that.

Mr. DIRKSEN. It does not, Mr. President?

The PRESIDING OFFICER. If unanimous consent is granted, it counts as a transaction of business.

Mr. HUMPHREY. And if it is objected to?

The PRESIDING OFFICER. It does not count as business.

Mr. HUMPHREY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Florida yield for this purpose?

Mr. SMATHERS. Mr. President, I yield for that purpose, provided that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I thank the Senator from Florida. If the Senator from Florida should suggest the absence of a quorum or should yield for that purpose, would that not mean that he had consumed the time of another speech under the rules of the Senate?

The PRESIDING OFFICER. If the Senator from Florida yields and a quorum call is had, the Senator from Florida loses the floor, and this will be counted as a speech on his part.

Mr. SMATHERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SMATHERS. Would that count as a speech despite the fact that I have not made a speech?

The PRESIDING OFFICER. The Chair is of the opinion that the Senator from Florida has been speaking for a while now.

Mr. SMATHERS. The Chair is very flattering. The Chair ought to hear me when I am really making a speech.

Mr. DIRKSEN. Mr. President, is this a formal ruling by the Chair? Is an appeal from the ruling of the Chair in order? Does the Senator from Florida yield to me?

Mr. SMATHERS. I yield to the Senator from Illinois with the understanding that I do not lose my right to the floor or have it considered as a speech, so that he may propound a parliamentary inquiry.

Mr. HUMPHREY. Does it require unanimous consent to do so?

The PRESIDING OFFICER. Yes, except for a question. Is there objection?

Mr. HUMPHREY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SMATHERS. May I propound a parliamentary inquiry without losing my right to the floor and having it considered as a speech?

The PRESIDING OFFICER. The Senator may propound his inquiry.

Mr. SMATHERS. Mr. President, I have an amendment to the civil rights bill. If I should determine to offer that amendment and discuss the amendment to the civil rights bill, would that constitute business so that thereafter a Senator might suggest the absence of a quorum?

The PRESIDING OFFICER. If an amendment were offered, it would be sufficient justification for a Senator to suggest the absence of a quorum.

Mr. SMATHERS. I have decided not to offer the amendment, in view of the fact that so many Senators are present and because the Presiding Officer is eager to hear what I have to say.

I know he wants to remain in the Chamber. I am appreciative of that fact. Therefore, I shall proceed at this point with my prepared remarks.

While the able Senator from Minnesota is present, I may say to him and other Senators that this is the third time I have tried to make this particular speech. I have not been able to do so, even though it consists of a mere 80 pages. Even so, I have reached only page 29 because of the fact that Senators who are proponents of civil rights legislation have asked so many illuminating questions that I have occupied as much as 3 or 4 hours without completing the reading of my speech.

Mr. MUNDT. Mr. President, will the Senator yield for a parliamentary inquiry?

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. SMATHERS. I yield, with the understanding that I do not lose my right to the floor and without its being considered as another speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. I yield to the Senator from South Dakota under those conditions.

Mr. MUNDT. There has been a ruling from the Chair that the Senator from Florida has been making his speech, and has now been speaking for 15 minutes, according to the rule. I have observed Senator after Senator conclude a speech and make the point of order that a quorum was not present. How long does the Chair believe the Senator from Florida must continue to speak before he is eligible to make the point that business has been transacted?

The PRESIDING OFFICER. The Chair is of the opinion that the previous comments of the Chair, in response to parliamentary inquiries, have not been formal rulings, and that any comments on the bill by Senators are speeches, but that no business has been transacted for the purpose of suggesting the absence of a quorum.

Mr. MUNDT. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. SMATHERS. I shall be glad to yield again to the Senator from South Dakota under the same terms and conditions under which I yielded previously.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. MUNDT. How did it occur that when the Senator from Texas [Mr. TOWER] concluded his speech, which lasted a little longer than the speech of the Senator from Florida, but was in the same general category, he made a

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point of order that a quorum was not present, and it was acceptable? There has been almost 20 minutes of a speech by the Senator from Florida. Why does he not have as much right as the Senator from Texas to take his seat so that a point of order can be made?

Mr. SMATHERS. That is what we are against in the bill—discrimination.

The PRESIDING OFFICER. If a Senator suggests the absence of a quorum, the Chair will direct the clerk to call the roll. The only way to stop it then will be to make a point of order that no business has been transacted. There has been no suggestion of the absence of a quorum.

Mr. DIRKSEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. SMATHERS. I yield to the Senator from Illinois, provided I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. The distinguished Senator will not be charged with another speech if the absence of a quorum is suggested, will he?

The PRESIDING OFFICER. The Senator from Florida is recognized, and he has the floor. If he yields for the purpose of a quorum call, he will be charged with a speech.

Mr. AIKEN. **Mr. President, a parliamentary inquiry.**

The PRESIDING OFFICER. Does the Senator from Florida yield for that purpose?

Mr. SMATHERS. I yield to the able Senator from Vermont with the understanding that I do not lose my right to the floor, and that it does not count against me as a speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. AIKEN. It has already been stated that the able Senator from Florida is suffering from cerebral dexterity, I believe it was called. In view of the fact that this attack has come upon him, is there nothing in the rules which permits the Senate to extend consideration to him in view of that affliction?

Mr. DIRKSEN. That is not an affliction. It is a glorious attribute.

Mr. SMATHERS. In some circles it is considered an affliction.

The PRESIDING OFFICER. The Chair does not believe it necessary to rule on that inquiry.

Mr. AIKEN. I will not question the decision of the Chair.

Mr. SMATHERS. I should like to propound a parliamentary inquiry, without losing my right to the floor and without it being considered a speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMATHERS. As I understand, the Chair stated that if a question were asked or a statement made by any Senator, that particular statement would be considered as one speech on the pending question. Throughout the afternoon and throughout the past few weeks we have observed Senators yield for the purpose of another Senator making a statement, or an insertion in the RECORD, and things of that character; and we have seen another Senator speak for 10 or 15 minutes about the bill in some instances in order to give his colleague a respite. I had not realized that statements made then, when the Senator had yielded, were considered as a speech against the interrogator.

The PRESIDING OFFICER. When a Senator who is recognized yields to another Senator, the second Senator is not recognized.

The original Senator has the floor. When the Senator is recognized, even though he yields to another Senator by unanimous consent, the second Senator cannot then ask for a quorum call or be charged with a speech without the consent of the Senator who is recognized.

Mr. SMATHERS. I thank the Chair.

I should like to have the attention of the Senate. I do not want to repeat that which I have already said. But because there were so many Senators who were not present on prior occasions to hear what I had to say I wish to say that I am talking about the civil rights bill, as it is inappropriately known, and its lack of deference to administrative procedures and State-created remedies.

I shall also speak at some length about other procedural defects in the bill. I expect to discuss that particular point a little further tonight. I am totally convinced that if Senators will stay and listen to me, they will be persuaded by what I shall say, that they will come to the same conclusion that I have reached with respect to the bill.

I would hope and presume that, as I speak this evening, if any Senator does not agree with that which I shall say, he will make that fact known so that we may get the RECORD straight. If he stays and listens to that which I shall say, does not object to it, and does not offer his reasons as to why he thinks it is not right, I shall assume that he thinks I am right.

LACK OF DEFERENCE TO ADMINISTRATIVE PROCEDURES AND STATE-CREATED REMEDIES; OTHER PROCEDURAL DEFECTS

An established principle of administrative and judicial procedure is that people should exhaust out of court procedures prior to resorting to litigation. One of the principal reasons for this rule is that litigation is time consuming, emotion provoking, and expensive to all parties and to the States and should be avoided where an adequate out-of-court remedy exists. The rule is also designed to relieve crowded court dockets.

Where congressional action results from State inaction, there is a similar policy to defer any Federal action until the State has had an opportunity to apply its own laws.

The bill violates both of these concepts. For example, section 205(a) provides for district court jurisdiction without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law. And even though the State may have a perfectly adequate procedure for dealing with the problem at hand, section 204(e) of the bill permits the Attorney General to disregard the State remedy and to proceed in Federal court without even permitting the State a reasonable time to act under State law.

Perhaps, as has been previously noted, the most flagrant and dangerous departure from accepted rules of civil procedure is embodied in title IX. Under existing law, certain civil or criminal actions brought in the State courts may be removed to the Federal court in the district and division in which the action is pending. The law of removal provides that immediately upon the filing of a removal petition by the defendant and the posting of a minimum bond, the State court is divested of jurisdiction to proceed. No process of any kind can issue by the State court, no depositions can be taken, hearings scheduled or in progress must be suspended, and the State court is powerless to maintain the status quo. Title 28, section 1447(d) presently provides that an order of remand to the State court is "not reviewable on appeal or otherwise." This enables the State court upon remand by the Federal district court to promptly resume jurisdiction and proceed with the disposition of the cause and the enforcement of its orders. Any Federal questions are reviewable by the Federal courts through regular channels.

Title IX would add to section 1447(d) the words, "except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise." Thus the jurisdiction of the State courts—in these cases alone—could be nullified for months by the simple filing of a petition to remove, followed by an adverse order of the U.S. district court, even though followed by an adverse judgment of the U.S. court of appeals upon the appeal. This seemingly simple amendment would permit the whim of the civil rights litigants—and none other—to destroy the efficacy of State courts. For all of the years past this right has been reserved to the U.S. district courts on the motion to remand and not to the litigant.

There are a large number of other instances in which standard procedures are not followed.

I digress to say that I cannot conceive that there is any Senator—certainly not the Senator from Wyoming [Mr. McGEE], not the Senator from Pennsylvania [Mr. SCOTT], nor any of the Senators present tonight—who would want to destroy the right of his State supreme court or his State court system, to carry out that which has heretofore been a proper matter for it to adjudicate.

I would not believe any Senator would knowingly or willingly, even in civil rights cases, go before his own State court, or his own State bar association—whether it be the Wyoming Bar Association or the bar association of some other State—and say to that State bar association, "I am willing to adopt a procedure and vote for a procedure in connection with the so-called civil rights bill which would have the effect of negating the power of our State system of courts, and even our State supreme court, to act on this particular type and character of case."

It is inconceivable to me that any Senator recognizing that this is a Federal Union, that under our Constitution the Federal Government is, after all, only a government of limited power; that, with respect to the 10th amendment, all powers not specifically given to the Federal Government are reserved unto the State; and recognizing that each State has a right to establish its own system of jurisprudence, its own system of courts, and realizing that each Senator is elected by the people of his State, would want, with regard to this bill, to say, in effect, to the people, "We are going to take away, and knowingly take away from you and from the State system of courts, the authority and the jurisdiction which you have previously had in matters of this character."

Yet that is exactly what title IX would do. It would negate the right of State courts to act in matters of this character. When the various State bar associations understand what title IX provides, I do not believe that the Wyoming Bar Association, the Pennsylvania Bar Association, the Iowa Bar Association, the Maryland Bar Association, or any of the other bar associations around the country would be in favor of it.

And I do not believe that the State Supreme Courts of Maryland or Wyoming would want this section enacted into law. I believe they would not look with great favor upon Senators who voted to diminish their power and mitigate their rights and proscribe in many respects their jurisdiction in cases of that type.

There are a large number of other instances in which standard procedures would not be followed.

It has been suggested that the provision with respect to fees may encourage litigation. And there has been some criticism of a failure to follow traditional concepts of standing to sue. Without discussing all of these procedural deficiencies, it is apparent that in the aggregate the bill is a procedural monstrosity, and should be referred to proper committees of the U.S. House of Representatives and the U.S. Senate, for further study.

TITLE II—DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

I would like to devote more detailed attention to the next title of the bill, which I consider among the worst, if not the worst, provisions of the bill. I refer to title II on "public accommodations."

This title begins with a declaration that:

> All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation * * * without discrimination or segregation on the ground of race, color, religion, or national origin.

This requirement would be applicable to inns, hotels, motels, and other establishments providing lodging to transient guests; restaurants, cafeterias, lunch rooms, lunch counters, soda fountains, and other facilities principally engaged in selling food for consumption on the premises; motion picture theaters, theaters, concert halls, sports arenas, stadiums, and other places of exhibition or entertainment, and all other establishments physically located within any of the foregoing or within the premises of which any of the foregoing is located.

The prohibitions of this title would be enforced by civil suits for injunctions against those who discriminate against or segregate or attempt to discriminate against or segregate the complainants in the establishments previously described. There would be an exclusion from the operation of this title of those establishments providing lodging for transient guests which are located within a building occupied by the proprietor as his residence and which contains not more than five rooms for rent or hire, the so-called "Mrs. Murphy" exclusion.

Mr. President, it is obvious that if it were a sound, logical, and legally defensible principle for the Federal Government to have authority under the commerce clause, or even under the 14th amendment, to regulate hotels, motels, or similar establishments, on the basis that their operations had something to do with interstate commerce, it is equally logical that no distinction could be drawn and no distinction should be drawn on the basis of the size of the house. If the Federal Government has authority to regulate the hotel or restaurant or motel of a businessman who is dealing with transients, and if the Federal Government has the right to say what he can do and what he cannot do with respect to his business, and if the Federal Government has the right to decide whom he can take in and whom he cannot take in, it is obvious that the next step would be to regulate the wages he could pay and the amounts he could charge. If that were a sound doctrine and a sound principle—as the bill purports to provide—then, in all candor and frankness, I believe the bill should also regulate everyone else, even Mrs. Murphy, or whatever may be the name of the lady who operates a house which has only three rooms, or even a house with only two rooms, or even a house with only one room for transients.

So long as she is in the business of taking care of tourists, if the doctrine is sound, it should be extended, and she should be regulated.

However, the proponents of the bill do not propose that that be done—for the reason that to a certain extent they are playing politics with the bill. They recognize that if such a provision were to be included, many local people, in addition to hotel and motel chains, would figuratively rise up on their hind legs and begin to go about in their communities preaching against this new Federal regulation.

So the authors of the bill have excluded those people from the coverage of the bill, even though if, as I said earlier, the principles were sound in its origin and were defensible legally, the same provision and the same principle should be applied to everyone in the business of taking care of transients.

Furthermore, the bill does not define very clearly who is a transient. Nowhere in the bill is there an adequate definition of, or even an attempt to define "transient." As the bill now stands, apparently the word "transient" means someone who moves across a State line; but the bill does not say under what circumstances, or when, one who crossed a State line would be regarded or held to be a "transient."

In that connection, I point out that one of my sons attends Princeton University, in New Jersey. Another of my sons attends the great university at New Haven, Conn.—Yale. I do not know whether, under the provisions of the bill, they would be considered "transients." In order to reach those universities from Florida, they cross several State lines; and they remain at those universities for perhaps 5 months at a time.

Under the bill, would the houses in which they are now living be held to be boarding houses subject to regulation under the bill, and would those houses be held to be engaged in interstate commerce, and thus subject to the provisions of the bill, under the commerce clause? In that event, would those who own and operate boarding houses for students at Princeton and Yale have to take in—under the provisions of the bill—any who might apply for accommodation? Perhaps the owners would not want to take in all who applied; perhaps they would think that some would not fit in with the groups already living in those houses. I know of certain houses which have only persons of certain religious groups. Although I know the employment title of the bill specifically exempts religious institutions, nevertheless, under the provisions of this particular title, if a man wished to operate a boarding house for students, and if he wished to have only Methodist students live there, if a student of another faith applied and were turned down, all that student would have to do would be to file a complaint in which he said he had been discriminated against because of his religion or his creed. In that case, he could allege discrimination because of his religion. Then the man who operated the boarding house would have to come into court and defend himself; and the burden of proof would suddenly be shifted upon him. He would have to prove that he did not have discrimination in his heart or soul. He would have to prove that he merely wanted to have only Methodists in his boarding house—but, somehow, under the bill such a restriction would suddenly become all wrong; or he would perhaps say that he merely wished to have only Presbyterians in his boarding house—but, under the bill, somehow, suddenly such a preference would become all wrong.

The bill goes entirely too far in that particular respect. When we talk about "Mrs. Murphy" and how unfair it would be to apply the bill to her, I am delighted to know that she has been excluded. If the legal concept is proper, she should be included in the title. But it is not a proper legal concept. That is why she has been left out. In some respects, it can be said that by so doing the proponents have set up a juxtaposition within themselves in that they are dealing with the commerce clause as the basis for their arguments on the one hand, and yet, on the other hand, they

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would not give Mrs. Murphy equal protection of the laws. The proponents do not say to Mrs. Murphy, "You will be treated like any other citizen because you have only five rooms and because you are small. The moral principle that I have heard them talking about does not apply to you because of your size."

If the principle were sound, the bill ought to apply. Other "Mrs. Murphys" around the country know that, as do the authors of the bill. But these are merely some of the things that are wrong with the bill.

Mr. President, the ablest presentation, in my judgment, that was made with respect to this particular title before the Senate Commerce Committee during its hearings on the prior public accommodations proposal was that of the Governor of the State which I am privileged to represent in part. I speak of Gov. Farris Bryant. His reasoning should be made available to all Senators, not just to the members of that committee who were present during Governor Bryant's testimony.

I do not believe there were many Senators present when the Governor testified, which was unfortunate for them.

In order that this testimony may be given the widest possible attention for the light it sheds upon this proposal, I should like to read only a portion of his comments from the record of the hearing of July 29, 1963. He said:

> I have seen some suggestions that the real contest is between human rights and property rights. That is not so. Property has no rights. Humans have the right to own property just as they have the right to speak, and to worship, and to travel from State to State.
>
> One man owns a piece of property. He has earned it. He may have acquired it by saving money he otherwise would have spent for some other purpose, perhaps for the pleasure of travel.
>
> He may have acquired it by borrowing and thereby risked the security of his age and his family.
>
> He may have acquired it by working long hours while others rested or played.

In most instances that is the case. The Governor went on to say—

> In any event, it is his—by law and by every principle of justice.
>
> What this bill 1732 proposes to do is to take part of that right away from him and give it to someone else who has never earned it.
>
> We are dealing here today with property rights. The only question is: Who shall have those property rights? Shall it be the man who has earned?—or the man who has coveted that which he has not earned?
>
> The only "human rights" involved are the rights of some humans against the claims of other humans.
>
> The debate in which we are now engaged is over the assertion of a new right: The right of nonowners of property to appropriate it from the owners. The new right is asserted in the name of equality. Differently stated, this is a debate between those who seek to preserve freedom in the use of property by its owners and those who would appropriate a part of the bundle of rights which make up that ownership, without compensation, to the public in the name of equality.
>
> May I suggest, gentlemen, that the proper goal for the Congress to seek is not a transfer of property rights, but freedom. We would all agree that the traveler is free and should be free not to buy. He can pass a hotel or a motel he does not like because he does not like the town, he does not like the color of the hotel, or he does not like the name.
>
> He can stop and go in, and when he sees the owner he can decide he does not like him because he does not like his mustache, or his accent, or his prices, or his race, or his other customers. He can turn around after he has gone in and observed what is there and walk out for any reason or for no reason at all.
>
> Why not? He ought to be able to do these things. He is a free man. So is the owner of the property. And if the traveler is free not to buy because he does not like the owner's mustache, accent, prices, race, other customers, or for any or no reason, the owner of the property ought to have the same freedom.
>
> That, it seems to me, is simple justice. The wonder is really that it can be questioned.
>
> The argument is made that this invasion of property rights is nothing new—that our courts have for years upheld laws on zoning, minimum wages, collective bargaining, etc. I submit that the comparison is superficial, and the argument misleading. The difference in degree is so great that it amounts to a difference in kind. The same argument would sustain price control or rationing. The same argument would sustain the equal ownership of property—which can only be achieved through ownership of all property by the State in the name of the people.
>
> We have heard a great deal in this last decade about the 5th amendment, about the 10th amendment, about the 14th amendment, and surely all of these deserve our respect and our attention. But I call your attention now to another amendment to our Constitution which has never been modified or superseded. It is in the ninth amendment to the Constitution and reads thusly: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."
>
> My petition, Senators, now is that you not deny or disparage the right of the people to own property—that you not further restrict their freedom.

There is much support from authorities on jurisprudence and constitutional law for Governor Bryant's thesis that property rights are a species of human rights. James Madison, who is often called the father of the U.S. Constitution, said in a speech to the Virginia Constitutional Convention on December 2, 1829:

> It is sufficiently obvious, that persons now and property are the two great subjects on which governments are to act; and that the rights of persons, and the rights of property, are the objects, for the protection of which government was instituted. These rights cannot well be separated. The personal right to acquire property, which is a natural right, gives to property when acquired, a right to protection, as a social right.

Further on the solid grounding of property rights in the realities of nature, it was said in the 10th edition of Kent's "Commentaries on American Law" published in 1860, at volume 2, pages 400–401:

> The sense of property is inherent in the human breast, and the gradual enlargement and cultivation of that sense, from its feeble force in the savage state, to its full vigor and maturity among polished nations, forms a very instructive portion of the history of civil society. Man was fitted and intended by the author of his being for society and government, and for the acquisition and enjoyment of property. It is, to speak correctly, the law of his nature; and by obedience to this law, he brings all his faculties into exercise, and is enabled to display the various and exalted powers of the human mind.
>
> * * * * *
>
> The sense of property is graciously bestowed on mankind for the purpose of rousing them from sloth, and stimulating them to action; and so long as the right of acquisition is exercised in conformity to the social relations, and the moral obligations which spring from them, it ought to be sacredly protected. The natural and active sense of property pervades the foundations of social improvement. It leads to the cultivation of the earth, the institution of government, the establishment of justice, the acquisition of the comforts of life, the growth of the useful arts, the spirit of commerce, the productions of taste, the erections of charity, and the display of the benevolent affections.

Dean Emeritus Roscoe Pound of Harvard Law School is one of the world's foremost authorities on jurisprudence. In his work "Jurisprudence," at volume IV, page 56, he said:

> There is no more ambiguous word in legal and juristic literature than the word "right." In its most general sense it means a reasonable expectation involved in civilized life.

Developing this thought further in his book, "An Introduction to the Philosophy of Law," Dean Pound says at page 108:

> In civilized society men must be able to assume that they may control, for purposes beneficial to themselves, what they have discovered and appropriated to their own use, what they have created by their own labor, and what they have acquired under the existing social and economic order.
>
> * * * * *
>
> A social interest in the security of acquisitions and a social interest in the security of transactions are the forms of the interest in the general security which gives the law most to do.

There are two quotations from legal scholars which might be added to Governor Bryant's comments on the applicability of the ninth amendment to this proposal. The first is from pages 58 and 69 of Patterson's book, "The Forgotten Ninth Amendment," where he said:

> The entire context of the ninth amendment, and its historic background, definitely prove that it was intended solely as a protection of our unenumerated personal rights as individuals as distinguished from our public or collective rights. This concept is necessary to maintain an even balance in the Constitution.
>
> The right of individuals to acquire property and to enjoy the fruits of their own labor are natural rights and are essential to the mental and spiritual happiness of the individual. This is true because human nature demands these rights. The right of private ownership of property is one of the freedoms and liberties that makes our system of government preferable to any other. It is one of the greatest sources of the moral strength of our Nation.

In Kelsey's 1936 law review article, "The Ninth Amendment of the Federal Constitution," in volume II of the Indiana Law Journal, at page 309, it is said:

> The general, undefined, and illusive right "to the pursuit of happiness", the elemental right of self-preservation, and the general statement in the Virginian "reservations" as to the right to the "means of acquiring,

> possessing and protecting property and obtaining happiness and safety," insofar as they are rights, and insofar as they contain elements not embraced within the enumerated rights, may be protected by the ninth amendment.

Mr. Justice Cardozo, in referring to property and property rights, used the phrase, "the bundle of privileges that make up property or ownership." I believe that is a fair conclusion to be drawn from all these legal authorities that a statute such as this, which would deprive a property owner of the privilege of making his own decision as to whom he will allow to use his property would violate his property rights, thus destroying what Dean Pound calls a "reasonable expectation involved in civilized life"; that it would, in the words of Patterson, deprive the individual of the "natural right" to "enjoy the fruits of his own labor," which is "essential to the mental and spiritual happiness of the individual"; that it would also deprive our Nation of "one of the greatest sources of its moral strength"; that the right of which the individual would be deprived is one of the "unenumerated" rights which has never been delegated to the central government and which is reserved by the ninth amendment to the individual. This is a loss which would be suffered by all Americans, without regard to differences of race, color, religion, or national origin.

In addition to the ninth amendment, there are other provisions in the Constitution which cast doubt upon the constitutionality of the public accommodations proposal. The 14th amendment is the provision upon which major reliance is usually placed in attempting to sustain the constitutionality of Federal action in the field of race relations. The Supreme Court, however, in a number of decisions has established the rule, derived from the clear wording of the amendment itself, that it inhibits only State action, not that of one individual against another. The Supreme Court decision which is on all fours with this bill is the *Civil Rights Cases*, 109 U.S. 3 (1883). The statute which was there held unconstitutional as beyond the powers of Congress under the 14th amendment was one passed in 1875, which declared that all persons within the jurisdiction of the United States should be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land and water, theaters and other places of public amusement, subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color, regardless of any previous condition of servitude. In its opinion, the Court observed that "individual invasion of individual rights is not the subject matter of the amendment."

In the majority opinion, which was written by the very able and prominent Mr. Justice Bradley, it was stated:

> Positive rights and privileges are undoubtedly secured by the 14th amendment, but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect, and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect. Until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity—of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws or State action of some kind, adverse to the rights of the citizens secured by the amendment. Such legislation cannot properly cover the whole domain of rights, appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supervise them. In fine, the legislation which Congress is authorized to adopt in this behalf is not generally legislation, that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking.

Supreme Court decisions since the civil rights cases which, among others, have reaffirmed this doctrine are *Hodges* v. *United States*, 203 U.S. 1 (1906); *Shelley* v. *Kraemer*, 334 U.S. 1 (1948); *Burton* v. *Wilmington Parking Authority*, 356 U.S. 715 (1961); and *Peterson* v. *City of Greenville*, 373 U.S.—May 20, 1963. In the Greenville decision, which is now only a few months old, the Court said:

> It cannot be disputed that under our decisions "private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it."

The Supreme Court said, as recently as just a few months ago that, as between individuals, one could not adopt a law such as is sought to be adopted in the Senate, based upon one individual's rights vis-a-vis another individual's rights, and claim the protection of the 14th amendment as the basis for enacting the law.

If that is the argument—and I know that it has been made by many Senators who are proponents of the bill—not only are they flying directly in the face of all the outstanding juridical thought which has been written down on this particular subject, but I think it would be fair to say that they are even going in the face of the liberal Supreme Court of the United States on this particular point, when it decided this particular question as recently as May of 1963.

Mr. President, we should recognize the futility of legislation essentially involving a moral question, and should recognize that prejudices and discriminations will be practiced in every State, and in every city, so long as we all are as human as we are; and should recognize that such prejudices and discriminations will not be eliminated whether they exist in the State of Pennsylvania, the State of Vermont, or in any city of those great States. We just cannot enact a law and make one group of citizens, ipso facto, like another group of citizens. We cannot coerce them by law into making them like it. In some cases, it is obviously to be regretted, where there is open and unfair discrimination, but having existed as long as it has existed, which is from the first day of recorded history, or from the day of Adam and Eve—which many concede to be the earliest point in time—it has existed from that time until the present day. It will exist on into the future, even in the great State of Pennsylvania, the great State of Vermont, the great State of Nebraska, or any other State.

We can enact this bill and put the law on the statute books, and we can pass 600 pages of other laws with respect to discrimination and try to say to people, "You shall not discriminate, you shall not move over into new neighborhoods, you shall not object if we transport children by bus across the city." They will object to it, anyway, until the happy day comes when, through education, and possibly a greater exercise of religious influence, we labor somehow to diminish the problem and finally eliminate it. But it will never be eliminated by this bill.

Mr. SCOTT. Mr. President, will the Senator from Florida yield, without losing his right to the floor?

Mr. SMATHERS. I am glad to yield to the Senator from Pennsylvania with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Does the Senator not agree that there is nothing whatever in the bill which relates to the transportation of schoolchildren by bus from one district to another? I find nothing in the bill which pertains to any such provision.

Mr. SMATHERS. I agree that in the House an attempt was made to drop that particular section, but I have the strong feeling that there is some latitude within the bill that might depend upon one's interpretation which might permit it to be done.

I agree that some proponents of the legislation have said that they did not want that provision to be in the bill. I hope the Supreme Court of the United States, in looking at the legislative history of the act, will conclude that there is no authority in it to "bus" students from one area to another. That method is being tried in many areas today, even in the great Commonwealth of Pennsylvania. I am not aware that the Senators who represent the great Commonwealth of Pennsylvania have raised any great objection to the fact that such attempts are being made in their own State.

Mr. SCOTT. Mr. President, will the Senator yield further?

Mr. SMATHERS. I am glad to yield with the same understanding as before.

Mr. SCOTT. I am not aware that any such provision is contained in the bill. I am strongly of the opinion that it is not. I am so advising my constituents. The junior Senator from Pennsylvania has not at any time committed himself ir

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favor of the arbitrary transfer by bus or any other means of transportation of children from one district to another, allegedly to eliminate what some people have called racial imbalance. I do not find such a provision in the bill. I have not advocated its insertion in the bill. I am not aware of any attempt to do it by force or compulsion in the Commonwealth of Pennsylvania.

I am of the opinion that the parents of the children, without regard to their color, prefer to keep their children as close to them as they can, and in schools as convenient as possible.

I am afraid that this may be one of those representations or notes of fear which are sounded from time to time to alarm people needlessly as to what is contained in the bill. I have received many letters alleging that in the bill there is a provision which would prevent the promotion of a white man, for example, over a Negro, or vice versa. There is nothing in the bill which would force the hiring of a Negro over a white man, or vice versa. The intent is that all men and women shall be treated on an equal basis and with equal justice under law. Workers who are entitled by seniority or capacity, or by the performance of their job, or ability to be promoted are not, under the terms of the bill, denied their right of promotion. There is no provision in the bill, or any arbitrary requirement, under which they would be denied promotions on merit, or denied their seniority rights, or anything of that sort. In my judgment, the bill seeks merely equal justice under law.

If the Senator feels that there is more in the bill than appears in its wording, I shall be only too glad to have the Senator's views on it.

Mr. SMATHERS. I thank the able Senator from Pennsylvania for his statement. I am sure the Senator agrees that among certain minority groups within the United States today a great effort is being made to eliminate what is called an imbalance with respect to how many white children and how many colored children are attending the schools. I am sure the Senator read about the incident that occurred in Cleveland last week, when some preachers got in front of a tractor and another one got behind the tractor in an attempt to stop the building of a school which had been judged by the school board to be in the proper place in which to build it. Those people had come there in an effort to stop the building of the school, in the face of the county's determination and the school board's determination to build it there, because they said it would be primarily and essentially a colored school, and they did not want it to be built there.

I know the Senator has read about that incident. I am sure he has also read about the fact that in the city of New York there has been considerable complaint by many parents, even colored parents, who have objected to the fact that their children have been bused from one area to another, in an attempt to integrate schools, to effect, on what the NAACP and CORE organizations would call a more evenly balanced racial base as between colored and white. That is going on. They are actually the ones who are most interested in this particular kind of legislation.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. SMATHERS. I shall be glad to yield in a moment. I should like to finish my thought first. They are the ones who want this particular provision in the bill. They are continuing to move in that direction. The bill does not specifically provide that "We do not mean by desegregation that there will be busing activity from one section to another"; but it does provide, at page 17, under section 407, subparagraph (a), that when the Attorney General receives a complaint that persons "are being deprived of equal protection of the laws by reason of the failure of a school board to achieve desegregation"—and I go down now to line 14—he shall "initiate and maintain appropriate legal proceedings for relief" if "the institution of an action will materially further the policy of the United States favoring the orderly achievement of desegregation in public education."

In other words, if a school is segregated, and it is the policy to desegregate, and the Attorney General does it, how is it possible to desegregate the school except by putting the children in buses and moving them across town? Yet, I understand that the Senator, as one of the proponents of the bill, says, "We do not believe in busing." However, how can desegregation be achieved in some instances without busing?

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield under the same conditions.

Mr. SCOTT. I said that I have no commitment to endorse and have not endorsed such a proposal, because it is not in the bill. We are seeking to secure the passage of the bill, with such perfecting amendments as would strengthen or improve it or which would bring about the primary objective of equal justice under law.

I say to the distinguished Senator from Florida that the New York incident to which he refers was brought about either under State or municipal law, and is not touched by Federal legislation. Almost all, if not all, of the provisions of the bill are already covered in various other legislation adopted by States or municipalities.

I know the Senator from Florida will immediately ask me, "Then why do we need Federal law?" The answer, of course, is that a Federal law would provide for equal and fair treatment under law for all persons in the Nation, and would provide overall guidelines by which laws of States might be judged. Under such guidelines the law of a State that is adequate would not be superseded by the Federal law. If the law of a State were inadequate, the Federal law would maintain fair and just and equal standards.

Conjuring up fears by reading into the bill that which is not in the bill, reminds me of a line in Shakespeare. Some of our colleagues may be enjoying the Shakespeare presentation downtown where the "Comedy of Errors" is on the bill—I do not mean on the civil rights bill but on the theatrical bill. Some of our colleagues have been lured by a most attractive invitation from the President of the United States and members of the Cabinet, some of whom may be unaware of the fact that the civil rights debate is taking place on the floor of the Senate this evening. Of course some of my remarks may be engendered in part by envy because I am unable to join them in the Shakespearean fantasy which entraps the mind and allures the spirit. The line from Shakespeare that I have in mind is, I think, from "Henry IV," when Owen Glendower, the dour Welshman, says:

> I can call spirits from the vasty deep.

Hotspur replies:

> Why, so can I, or so can any man; but will they come when you do call for them?

The Senator from Florida can call spirits from the vasty deep of his fears, of his concerns; but these spirits will not come when the Senator calls them unless those spirits are there to begin with. That is why I respectfully say to the Senator from Florida that he is calling spirits that have no existence, even evanescently; that he is summoning wisps of smoke from an area where there is no fire; and is calling down clouds from a clear blue sky.

If the Senator will forgive me, my reference to Shakespeare is perhaps occasioned by my possible misfortune in not being able to join our colleagues at the jollification provided by the executive branch. But does not the Senator really call forth spirits which have no existence, save in the channels of the minds of those who fear that which need cause no fear, because, indeed, they are not present?

Mr. SMATHERS. I shall first answer the Senator by saying that I join him in his deep regret that he is not with fellow Members of the Senate who are enjoying Shakespeare's "Comedy of Errors." I am grateful that the distinguished Senator from Nebraska [Mr. CURTIS] would rather listen to me than be attending the theater, hearing Shakespeare.

Mr. SCOTT. At the other "Comedy of Errors," I may say.

Mr. SMATHERS. In order to determine whether I am conjuring up any spirits which do not exist, and whether we are getting ready for a situation which will not happen, I am sure the able Senator from Pennsylvania will agree that in Philadelphia, New York, Cleveland, and in most of the areas of the South, there is, in fact, what amounts to school segregation.

Bucks County, Pa., is one of the most beautiful counties to be found anywhere in the United States. Yet in Bucks County are schools in which 99 percent of the students are white. In some schools 100 percent of the students are white.

Under the authority which the bill seeks to give to the Attorney General, he would have power, under the national policy, to bring about desegregation. The Attorney General would be given the right or authority to initiate and maintain legal proceedings for relief, so that the institution would further, in the words of the bill, "further the public policy of the United States favoring the orderly achievement of desegregation in public eudcation."

Furthermore, if we read the Department's own booklet on this bill, it says that the Department may sue in any instance in which full desegregation has not been achieved.

If a school is segregated because only people of a certain race happen to live in the neighborhood, how can it be desegregated except by "busing" some children from the other side of the town, children who are of another race, color, or religion?

I am sure the Senator knows of many schools which are totally of one color or another. If desegregation is to take place according to the policy—and that is what the bill seeks to do—how can it be done? The parents cannot be moved.

Powerful as the Attorney General is under this bill I do not believe he or anyone else in the Government can say to Mr. X, "You will have to take your family and move it 5 miles away, because we plan to bring about desegregation in the school."

How can it be done? It can only be done by "busing."

Mr. SCOTT. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield, provided I do not lose my right to the floor.

Mr. SCOTT. I think the Senator has missed the purpose of the bill. The purpose of the bill is not to provide a pattern of salt and pepper, but to provide equal justice and equal treatment under the law. There may be a neighborhood which is all white, and if it is all white, presumably there would be white children attending the school. If the neighborhood were all colored, presumably the school would be attended by colored children. There is nothing in the bill which provides that one must take the pepper and mingle it with the salt, and vice versa. The bill merely provides that we must not discriminate against the right of any human being to equal opportunity of education, to equal opportunity to vote, to equal treatment under the law.

Mr. SMATHERS. That is very good.

Mr. SCOTT. The idea may be "a poor thing but mine own," as Shakespeare says.

Mr. SMATHERS. I agree that that is what the Senator says, but that is obviously not the case. If it were the case, there would not have been a student named Meredith attempting to enter the University of Mississippi, because in Mississippi the Senator from Pennsylvania wanted equal education opportunity provided. There was the "equal but separate" doctrine for a long time, and equal opportunities for education were provided. Sometimes that education was even better, so far as the Negroes were concerned, but they would not stand for that. Some of the minority groups said, "Oh, no; we want to go to the same schools that white people attend." That is what is happening. They actually want to mingle the salt and pepper that the Senator from Pennsylvania is talking about.

Mr. SCOTT. Mr. President, will the Senator yield at that point?

Mr. SMATHERS. I yield.

Mr. SCOTT. The Senator would, of course, concede that in Mississippi there are Negroes of college and university age.

Mr. SMATHERS. There are.

Mr. SCOTT. If the attempt has been made to introduce Negro students by "one fell swoop," which comes, I believe, either from Hamlet or Macbeth, or if they were to continue to seek to enter Negroes in the University of Mississippi, under the theory of "once more into the breach, dear friend, once more," which comes from Henry the IV, Part 1 or Part 2 or is it Richard III?—subject to the right to correct the RECORD.

Mr. SMATHERS. I am impressed by the Senator's knowledge.

Mr. SCOTT. Is it not proper that a long injustice, which has indeed, in my opinion, been done by the denial to the citizens of Alabama and Mississippi, or whatever State it might be, of the right to attend a university, is it so unusual for a start to be made with one or two or three? Does that make a preexisting situation right, when the institution was all white and Negroes were not permitted to enter it at all? Or is it not the beginning of rightness, or the first step toward equal treatment, when Meredith and others seek to enter those schools?

Mr. SMATHERS. The Senator from Pennsylvania does not stay on the point. I wish I were as erudite as he is and had some Shakespearean quotations to give.

Mr. SCOTT. Since we could not be at the theater, the Senator from Pennsylvania was seeking to be as entertaining as he could be and still make a point.

Mr. SMATHERS. I enjoy the Senator from Pennsylvania. He says his remarks are subject to his right to correction. I am sure he will not have to correct them, because, I doubt whether there are any other Senators who would know whether his quotations are right or wrong.

Mr. SCOTT. "Aye; there's the rub."

Mr. SMATHERS. The problem is that what he spoke about was equal opportunity for education; but that is not exactly what is wanted by the NAACP, and that is not exactly what is wanted by CORE.

For example, in Florida, over the past 5 years, we have been under an order to remedy the situation. There had been an unequal situation in the past. But in order to try to remedy it, Florida appropriated more money for colored students than it appropriated for white students. Florida appropriated more money for the construction of colored schools than it did for the building of white schools. It provided more funds for colored teachers than it did for white teachers, in order to bring the salaries of colored teachers up to where they would be equal and would afford the colored students the same opportunity for education that the white students had. But the Negroes do not want that. That is not what they want. They want better education, and they should have it. But what they want is the opportunity to eliminate segregation by law. They want to mix, and they want to move in. That is what they are doing.

The school that was being built in Cleveland was obviously a good school and would have been a desegregated school, so far as it could have been desegregated; but what was the hue and cry all about?

When I say "Hue and cry," I have no reference to the Senator from Pennsylvania.

What was the discussion about? The discussion and the controversy were over the point that some people thought that if a school were built in that particular location, it would be a predominantly white school because it was in a predominantly white neighborhood, and they did not want that. They said they wanted a school built somewhere else. They wanted it built somewhere else, and would then move students into it.

This is what they are seeking to do, and I am sure the Senator knows that. The Attorney General would be given authority by the bill to bring a suit against various county officers, school boards, and so on, if they did not desegregate in the way that apparently the Attorney General believes they should desegregate—not in the way the local community or the school board of Bucks County or even the State board of education in Pennsylvania might decide but, instead, in accordance with the views of the Attorney General, in Washington, or in accordance with the views of one of his agents whom he would send out to such an area or community. That is why we object to this particular part of the bill.

I do not think we would have any objection if the determination were to be made, under the bill, by the local school board. That is what the local school board in Cleveland tried to determine the other day, but could not accomplish.

Mr. SCOTT. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Does the Senator from Florida yield further to the Senator from Pennsylvania?

Mr. SMATHERS. I am happy to yield again to the Senator from the Commonwealth of Pennsylvania.

Mr. SCOTT. I suggest to the Senator from Florida that the way for him to keep the Attorney General out of his hair is to have in his State a law such as that which the Commonwealth of Pennsylvania already has, and which already is adequate, and which provides not only for equal justice under law, but also for something the Senator has not mentioned—namely, the craving for equal dignity in American life. We do not expect the Attorney General to come in, in that connection. We are not entirely free from intolerance and bigotry; I do not think any American is entirely free from this evil.

Mr. SMATHERS. Does the Senator from Pennsylvania believe we shall ever be able to accomplish equal dignity by law, and that all college students in Pennsylvania will be able to go, for example, to the University of Pennsylvania, and that all persons will be equal from the time they are born until the time

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when they die, even though some are born in poverty and have to work very hard all their lives, which is regrettable, and some never will be able to become Members of the Senate? I do not think it will ever be possible to accomplish equal dignity—certainly not by giving the Attorney General, or even the State of Pennsylvania, the authority to bring a suit for that purpose. I do not know what the Pennsylvania law with respect to equal dignity is; but, as all of us know, in life one gets pretty much what he earns.

All of us know of many colored citizens who have earned positions of great prominence and influence. They have earned them because of their ability and their demonstrated capacity in work. We know of some who have been born into poverty but who, nevertheless, have become great industrialists and have become fantastically wealthy. They have great dignity, but they have achieved it. They have not gotten it by law—because a legislature cannot give it to people, just by means of a law, any more than it would be proper to say, all of a sudden, of someone in the service, "This man is really a first lieutenant of considerable caliber." No; one who wishes to receive recognition or higher rank must demonstrate that he is capable of doing very well. He must demonstrate whether he has ability as great as that of others or whether his ability is greater than that of some others.

This is where I think the real point is often missed—when some try to legislate in connection with matters which are essentially personal or moral.

Mr. SCOTT. Mr. President, will the Senator from Florida yield again to me?

Mr. SMATHERS. I am happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. Of course the Senator from Florida is entirely correct when he says dignity cannot be legislated. But it is possible to legislate equality of opportunity by law; and with a sense of equality and with a sense that the door which opens for one will open equally and just as quickly for another, the dignity comes with equality of treatment.

A lack of dignity is felt by persons who are denied the right to be called in court by their full names, rather than to be addressed, let us say, as in recent instances, only by their first names. The Supreme Court has indicated that dignity is something of which the law in its majesty will take cognizance, and that a judge shall not address a witness as "Mary" if the witness says, "I wish to be called 'Miss Hamilton'." The highest Court in the land has said that in such a case something of value is lost when a person is denied that aspect of dignity. The highest Court says that is wrong—that it is not proper to deny dignity; and the Court says that when dignity is denied, equality of opportunity and equality of treatment in a court of law or in a school or in a voting booth are denied. This is all we are getting at.

As Robert Burns well observed:

> The rank is but the guinea's stamp,
> The Man's the gowd for a' that!

That is all I am contending for—the right of a man to be treated like a man, exactly in the same way that the man who stands beside him is treated, no matter what his color may be.

I am trying to suggest that one achieves dignity through equality of treatment under the law; therefore, the law must treat one man in the same way that it treats another.

Mr. SMATHERS. I could not agree more with the Senator from Pennsylvania, up to a point; and I am delighted that he has quoted Burns.

Mr. SCOTT. Does the Senator from Florida think people are equal only up to a point?

Mr. SMATHERS. No, I do not think anyone is equal. I think people have to make their own way. I think they are entitled to equal opportunity—equal opportunity for education and equal opportunity for work; but I believe that some people take advantage of that opportunity more than others do, and accomplish more than others do, and learn more than others do, and develop more than others do in ability and in capacity to do things—things that others do not learn to do. So there is a vast difference between one man's capacity to work and another man's capacity to work. That is how the people determine who will be elected to the U.S. Senate and who will be elected to serve as Governors. That is how the people decide for whom they will vote. If everyone were equal, as the Senator from Pennsylvania puts it, in an election the two opposing candidates would come out in a tie, with the votes divided between them 50-50. But that does not happen, because people vote for the man they think has the most ability. That is why the people of Pennsylvania have voted for the able Senator from Pennsylvania. Probably they thought he was greater in ability and in capacity than whoever his opponent was—although I do not know who his opponent was; but apparently that was the view of the majority of the voters in Pennsylvania.

I agree with the Senator from Pennsylvania that under such circumstances people in court should not be called by their first names.

But if Dr. Bunche had been on the witness stand, he would not have been called by his first name; or if George Washington Carver had been on the witness stand, he would not have been called by his first name. If people with ability are put on the witness stand, they are regarded with respect, because of the ability they have demonstrated.

In our community, there are colored citizens who have achieved great positions with respect to their economic development and their educational development. We have city judges, in my home city, who are colored; and they are not called by their first names when they are in court. Why? Because they have earned the right to be called as they wish to be called and as they should be called. Why? Because they have done fine work and have accomplished a great deal.

It is on that basis that one man is called a private, another man is called a sergeant, another man is called a lieutenant, another man is called a captain, another man is called a major, and another man is called a colonel—because of the ability they have demonstrated in connection with their work.

Mr. SCOTT. Mr. President, at this point will the Senator from Florida yield again to me?

Mr. SMATHERS. I yield.

Mr. SCOTT. I dislike to interrupt too much; but in view of the frequent references to the State of Pennsylvania—which is a Commonwealth, not a State—I could not resist the temptation to ask the Senator from Florida to yield once more to me.

Mr. SMATHERS. I thank the Senator; and I yield to him.

Mr. SCOTT. When the Senator from Florida says the people of the Commonwealth of Pennsylvania wanted this Senator to serve in the Senate, I hope the people of that Commonwealth agree with the lucid and obviously judicious observations of the Senator from Florida; and I certainly am appreciative of his remarks, and would like to have them put in writing, at another time and place, and perhaps to be made use of.

Mr. SMATHERS. And no doubt the Senator from Pennsylvania will not run for reelection on a platform based on a claim that all men are equal. Instead, he will say to the people of Pennsylvania, "I can do more than my opponent can, and I have greater capacity than he has."

The Senator from Pennsylvania has been reelected over and over again; so apparently the people of Pennsylvania did not think he was "equal." Instead, they thought he was better.

The Senator has spoken about all men being equal, and has said that what they want is equality. They will never get it, because it is not in the nature of human beings to be equal.

Mr. SCOTT. Mr. President, will the Senator yield with the same understanding?

Mr. SMATHERS. I yield.

Mr. SCOTT. I did not desire to interrupt the Senator too soon. While he was referring to the Senator from Pennsylvania, who would willingly interrupt?

The Senator from Pennsylvania, who would not take advantage of his opponent, whoever he or she might be, by arguing his case on the floor of the Senate—which is the privilege denied to my opponent—would only say that obviously anyone who comes to the Senate may have come from one of many different origins.

I am like President Eisenhower. We were poor, but no one ever told us. I did not know that we were until I graduated from law school and got what was called an education. I am not arguing that people are born with the same inherent abilities. The Senator's tribute to me would long since have dissuaded me from such belief, even if I had ever held it. But I am arguing that people ought to be treated equally so that they may have an equal opportunity to attain everything which their talents, energy, and their commitment to their life, their career, and their work would warrant.

For that reason I made the point that if the law provides for equal opportunity, it should provide for people to achieve whatever is in them to achieve, subject to the normal ups and downs of human pursuits. I do not believe that people are made better by law. I believe they are made to adhere to certain standards by law.

For example, my father taught me, as he said, "Your liberty stops where my nose begins."

That is true. The law exists to see that people do not abuse liberty. It also exists to see that they do not abuse privilege. The Senator has privileges by virtue of his honored position. Those privileges are not to be abused by him or by any other citizen of his Commonwealth. But he exercises those privileges within the limitations of the law which permits someone else to say, "I, too, could be a U.S. Senator from Florida some day long in the future, if I were given an opportunity by the educational system of Florida, by the laws of Florida, and the application of the laws of the United States as they pertain to Florida. If I am given the same opportunity that the able George Smathers had, I, too, may become a U.S. Senator."

That is what we do not wish to deny to citizens. Does the Senator agree?

Mr. SMATHERS. I totally agree with the Senator from Pennsylvania.

Mr. SCOTT. Then that is a good point for me to take my seat.

Mr. SMATHERS. That is why I maintain that the bill is not needed. I agree with the Senator. As I have said on the floor of the Senate—and the able Senator from New Hampshire [Mr. McIntyre] has heard me make the statement—I have not known anyone who chose to be born the color with which he was born, or had the wisdom to pick out where he wished to be born.

So I do not believe it is the right of any man to feel that he is superior to any other man on the grounds of race, color, religion, or creed.

But everyone should be entitled to have the right of equal educational opportunity and equal economic opportunity. I work for that. Most other people whom I know who come from my State know that we are desperately working to achieve that opportunity for all citizens, regardless of their race, color, or creed. But I do not think we shall achieve it by passing the bill, or that we shall facilitate equal opportunity for education or equal opportunity for jobs by passing the bill. On the contrary, I think what we would do would be to aggravate the situation. We would exacerbate a wound which already exists. We would bring about more division rather than more cooperation.

Furthermore, we would take away certain rights from the majority of people—not property rights, but the human rights to own property. We would take away their rights to use that property as they thought they could use it and as they expected to use it after they had worked hard and saved their money. We would take away their right to use it as they would wish to use it. We would give to other groups of citizens—in the present instance a minority group of colored citizens—in many cases superior rights by giving to them the authority of the Attorney General in cases in which they claim they have been discriminated against. We would put an employer in such a position that, when he would start to hire people in his business, he would be required to consider how many employees he already had of all races, colors, and creeds, or else it would be presumed that he was discriminatory. The employer must accept applicants for jobs irrespective of whether they have ability or not. We have heard a great deal about that situation.

If Senators doubt what I have said, I ask them to consider what happened in the Motorola case in Illinois recently. Illinois has an FEPC law. Several men applied for a job with the Motorola Co. The company gave to all applicants the same examination. One of the colored applicants claimed that the test was unfair and that he had been discriminated against. Even though "Mr. X" had already obtained a job on the basis of the manner in which he answered the questions in the examination, the FEPC examiner, or the equal employment opportunities examiner from Illinois, told the company that they had discriminated in their questionnaire because the company had not made allowance for "socially disadvantaged people"—whatever that means.

The Motorola Co. had to try to dismiss the man whom they had already hired—who then had a lawsuit against the company—and put the man who did not pass the examination in his place. The State is trying to make them do it. And soon the Federal Government will try to make other employers do it.

When we reach the point at which companies must hire and fire men on the basis of whether they are socially disadvantaged or not socially disadvantaged, or, as I believe the opinion stated, they come from a culturally benighted area, and the employer did not take that into consideration when he hired the man, what does it mean?

It means that an employer must hire a host of psychologists and geographers to be sure that the examination given to certain people meets all the criteria as to whether a man is socially disadvantaged or is not socially disadvantaged.

In the long run, we would not help the citizen we wish to help by taking the course proposed in the bill. We would give to that group of citizens special rights that other people do not have. We would take away from the man who owns a business, and who had built the business, and who had earned the business by sacrificing, risking, and working, his right to hire the man whom he wants to hire because he thinks that man can do the best job for him. Ability would be out the window under the employment title of the bill, if the bill were passed.

So I say that rather than helping the situation, the proposed legislation would hurt the situation.

Certainly the wise Senator from Illinois [Mr. Dirksen], the minority leader, has had enough foresight and perceptiveness to foresee what would happen if this bill passed, and he has offered some amendments. If the bill is to be passed, these amendments ought to be adopted, because in its present form the bill would give to certain groups superior rights which other citizens do not have, not on the basis of ability, but on the basis of color, religion, or creed, which I think would go too far the other way.

Mr. President, I regret the fact that the able Senator from Pennsylvania has left the Chamber. I thank him for having been present and having engaged me in this colloquy. I cannot help but want an answer, and I hope the able Senator from Wyoming [Mr. McGee] will give me an answer in a moment. In a situation in which there is a totally desegregated school in one area, consisting of all white children, and in another area there is a totally segregated school consisting of colored children, and the policy of the Government, under the provisions of the bill, is to give to the Attorney General the authority to desegregate schools, how will those schools be desegregated if the children are not "bused" from one school and moved into another? I do not believe families can be "bused." I do not believe a man can be made to move into another neighborhood. So how would desegregation be achieved without "busing"?

I know the proponents do not like to talk about "busing." There is an express provision in the bill which, in effect, states, "We do not mean busing."

But, Mr. President, how would desegregation be achieved in the example of the two schools that I gave? Would a third school be started, and would it be said, "We will take you in here one at a time?"

The other day General Motors made the statement that one of the reasons they were being picketed in California is that they do not have a quota for colored people. They said a demand for a quota had been made on them by an organization which represented colored citizens.

Under the FEPC provision of the bill there would be a quota. Those administering the law would say, "10 percent of the people in this area are colored, and that is the number that should be hired." Or "10 percent of this particular faith or 10 percent of that particular group should be hired." Are they to be hired regardless of how well they can do the job? I say that is contrary to everything we have believed in under the free enterprise system.

I heard the President say the other day—and I was proud that he said it—that the Soviet Union had more people and more resources, but that this country had more free enterprise.

As I have always understood free enterprise, I thought it was the right of a man to work hard, to take a chance, to hire whomever he wanted to hire, to have the right to be wrong, to have the right to make a mistake if it is his own mistake. That is what I had always understood to be the free enterprise system. When that right is taken away from the people, I think we have destroyed something that is vital and of great importance to the American people.

To get back to the case of Peterson against City of Greenville, a case which

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was decided on May 20, 1963, the Court said:

> It cannot be disputed that under our decisions "Private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it."

That is what the Supreme Court said as late as 1963.

As I said earlier tonight, the present Court is certainly a liberal Supreme Court. However, it said the equal protection clause of the 14th amendment cannot be used as between individuals. It might be used, and it is the only basis on which it could be used, when a State moved against an individual. But the Court recognizes the right of individuals, insofar as the 14th amendment is concerned, to do what they want to do with respect to each other.

An individual riding on a highway has a right to pick the place at which he thinks he may want to stay. He may decide not to stay there. He may not like the color of the hair of the man running it. He may not like something else about the place. He has a right to leave. If he has that right, certainly the man who owns the place should have equal rights. It is another question whether, morally, he should advertise for customers and not put in the advertising the policy that he follows; namely, "I do not take people of a certain color." Morally, I do not think he ought to do it; but I do not think a law can be enacted saying that he cannot do it. If that were done, we would infringe on a person's constitutional right to do with his own property that which he wants to do.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield to the Senator from Wyoming without losing my right to the floor or being considered as having concluded my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, the Senator from Wyoming would dislike to think that the speech of the Senator from Florida was about to be concluded, but the Senator from Florida has raised a point which I think requires an observation. The point relates to the fact that an individual businessman owns a piece of property which is his and in regard to which he is entitled to conduct himself as he sees fit, in the tradition of our system.

It seems to me the question which is brought to a head is the old conflict between private property rights and human rights. In my judgment, the constitutional system was established to try to protect both, but whenever the two come in conflict it seems to me our constitutional fathers set up a system that was designed to create a priority. In a society in which we believe in people, in which we believe in the rights of man, we must make sure that we have sorted out our priorities.

I would question a judgment that had been handed down that private property rights should ever be permitted to precede human rights. I think such a policy stands not only in the American tradition; it stands in the unwritten law of mankind.

Therefore, it does not strengthen the cause which the Senator from Florida so eloquently represents to rationalize the possession of property rights as precedent to the rights of an individual person.

Mr. SMATHERS. I thank the able Senator. I should like to respond by saying that I do not believe the issue is property rights versus human rights. I think we are involved totally with human rights. The question is, Does the Senator, or do I, as a human being have the right to own a piece of property; and, owning that piece of property, have the right to do with it as I wish? Or are we saying, as it seems to me is proposed to be said in the proposed legislation, that if there are two human beings, one of whom has worked hard, sacrificed, and risked to acquire property, and another one, let us say for illustration, has not done anything but happens to be of a certain race or creed, the man who has done nothing must have the opportunity to share the property of the one who has worked hard? So the issue is not property rights; it is human rights.

Does a human being—not in the Communist system or the Socialist system, but in our system—and under our Constitution and free enterprise system, have the right to work hard, to acquire something, and to use it as he wants to use it; or does he have to give it away, or let it be used by persons for whom he does not particularly care?

Does a barber who has learned his trade—let us say it is a difficult trade—have to serve somebody he does not particularly want to serve? Under the pending bill, he does, if he works in a hotel or motel or has a shop in a place where transients may drop in, or if he operates at Yale University, where my son goes. While he is up there he is considered a transient under this bill. That barber will have to serve somebody he does not want to serve for his own peculiar reasons.

That almost constitutes involuntary servitude. We would be taking away from a man his right to exercise his ability and capacity in the manner in which he wishes to use them. Take that away and we have, I am afraid, irreparably damaged the concept of free enterprise.

Mr. McGEE. Mr. President, will the Senator yield further?

Mr. SMATHERS. I yield.

Mr. McGEE. Would the Senator not agree that there are two kinds of property, private property for one's own private living purposes, and property that is owned by reason of income which would depend upon a public service, such as a barbershop, motel, or restaurant? Whatever it may be in the generalization which the Senator has applied in terms of sacredness of private property, I own my own home which I do not offer the public, and I do not depend upon public participation in that property right of mine for any income for any other kind of service, and I have the right to draw the line on my own home. But, when I go into business that depends upon a public accommodation, it seems to me that I also assume, in entering business in that way, a public responsibility which then injects the element of human rights, not the private property rights to which the Senator was alluding. We should not lump those two in the same category, because it is completely misleading.

Mr. SMATHERS. Would not the Senator agree to go one step further, as to what he owns in his own home and what a man has earned and built up, say his own barbershop. The barber has six or more other barbers working for him, and there happen to be many transients coming through, but he wishes to serve only redheaded men with beards.

I believe everyone would agree that a lawyer who sits at his desk and has his name on the door, has a right to pick and choose his clients and that if he does not wish to represent someone, it is thus far agreed—it may not be if this bill is enacted into law—that he can represent only those whom he wishes to represent. It is the same with doctors.

Mr. McGEE. If I may inject the thought, I happen to be a Senator who is not a member of the bar, so I am in the best position——

Mr. SMATHERS. The Senator is fortunate, indeed, since for that reason he sometimes avoids a great deal of abuse. I know he is a fine member of the teaching profession. I do not believe he has to apologize for anything.

Mr. McGEE. I was raising the question of the Senator's analogy of the lawyer being able to pick and choose his cases. I was wondering whether this was a fair analogy to someone engaged in a general public service such as a barbershop or restaurant. A lawyer chooses his cases, first, I would hope, in terms of the principle involved, and second, perhaps the considerations are described in other terms, the pecuniary aspect of it, of course, because he has to make a living, so that the factor of prejudice in regard to race would rarely inject itself on that ground.

Mr. SMATHERS. If we are talking about principle with respect to public accommodations, and if the principle which he argues is right, is it not also right to apply that principle even to our "Mrs. Murphys"?

Mr. McGEE. My answer would be "yes." I believe that we are drawing an unfair line by trying to separate the "Mrs. Murphys." I believe human rights are indivisible by an imaginary line, and that we shall only complicate the question by trying to draw it somewhere just short of the total picture on human rights.

Mr. SMATHERS. I am delighted that the Senator has said that. I argued that earlier this evening. I have argued it before. If the proponents of the bill believe that there is a legal and proper principle involved, and that the bill provides that anyone who holds himself out to the public will take roomers or boarders, or whatever, people are transients between States, we logically and legally cannot draw a line on the little lady who has five rooms and is living in her own house, because if it is a logical principle it must apply across the board.

Mr. AIKEN. Mr. President, will the Senator from Florida yield for a question?

Mr. SMATHERS. I am glad to yield to the Senator from Vermont for a question.

Mr. AIKEN. As I understand, the bill from the House provides that any home that has five rooms or more in which to board teachers or schoolchildren is exempt from the proposed law. So far as the rooms are concerned, however, in reading in paragraph (c), section 2 on page 7, it would appear to remove that exemption if the lady rents her five rooms and serves food to people who hire those rooms.

Does not the Senator from Florida have any interpretation of that provision?

It provides that if she serves or offers to serve interstate travelers, or if a substantial portion of the food which she serves, or gasoline or other products which she sells, has moved in commerce, she is covered. That is in section (c) on page 7 of the bill.

The apparent exemption is found on lines 15 to 20 on page 6:

> (1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence.

Has the Senator made any interpretation of that language?

Mr. SMATHERS. I am not certain that I follow with exactitude what the Senator is saying.

Mr. AIKEN. That interpretation could make a difference in someone else's interpretation. It is very likely to make the difference between whether any civil rights bill will be enacted in this session or not.

Mr. SMATHERS. I believe that the able Senator from Wyoming, a strong proponent of the bill, would agree that what the bill seeks to do is to remove a certain group of people who have small roominghouses or establishments, but who nevertheless are, in effect, still taking care of transients overnight—perhaps for 2 months, perhaps longer. There is no exact definition in the bill of what a transient is, whether one has to stay 2 days, 2 weeks, or 2 months. There is no definition of what constitutes a transient.

What the Senator from Wyoming and I were talking about is the legal principle, whether having held oneself out to do business with the public, thereafter one has the right to pick and choose the clientele who stop at that hotel. If one does not have the right to pick and choose—which is what the proponents of the bill say—if that is a sound principle based on the commerce clause, it cannot very well be limited to the big hotels or the big motels and to establishments having over five rooms.

Mr. AIKEN. My question is this: Assuming that the bill as passed by the House undertakes to exempt roominghouses of not more than five rooms, does it also exempt the proprietor of those five rooms in the matter of serving meals to the occupants of the rooms?

Mr. SMATHERS. I must confess to the Senator that I do not know the answer to that question.

Mr. AIKEN. The question has been raised, and I believe we should have the answer. I have heard others raise the question as to whether the exemption with respect to the five rooms is not nullified by the provision in subparagraph (A) on page 7, which removes the exemption as regards meals.

Mr. SMATHERS. My staff tells me that the proponents do not intend to remove the exemption merely because food is served.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. McGEE. My recollection is that when this question was before the committee, and some colloquy was had on the point, there was a clear understanding, for example, with respect to a roominghouse on a college campus, and that the serving of meals in such a situation was in conjunction with the roominghouse, as a student's room, rather than a general service to the public, which would be brought into interstate commerce. That was the intent. Whether the words mean that to a lawyer, is another question.

Mr. AIKEN. This is a question that must be answered. I think the executive branch should tell us what its interpretation of this question is before we are called upon to vote. We know that we have put our interpretation on wording in other bills that we have passed. Then we have found the executive branch putting its own interpretation on the wording, which was not the same as our interpretation. Therefore, I believe that the Attorney General or the President or someone else in the executive branch should clarify this point, so that it may be fully understood, that the serving of meals is not a separate matter from the renting of rooms. I have in mind people who work in a bank nearby and come in from surrounding towns, or farmers, or students in the school, or teachers. This is one matter which I believe should be cleared up.

Mr. SMATHERS. It seems to me, from a cursory reading of the language, that if the person served meals to interstate travelers of any character, that person would lose the exemption with respect to serving meals, and would be required to serve meals to everyone. It would not be necessary to remove that person from the exemption which he or she now has under the bill with respect to people who wish to stay overnight.

Mr. AIKEN. Is there a definition of "transient" in the bill?

Mr. SMATHERS. So far as I have been able to determine, there is no definition of "transient" in the bill.

Mr. AIKEN. Would it cover a vacationer? When does a person stop being a transient and become a vacationer?

Mr. SMATHERS. The Senator is absolutely correct. I am satisfied that the intent, according to the debate I have heard, is that what is actually meant is a vacationer. The Senator comes from a State where there are a number of vacationers; so does the Senator from Wyoming, and so does the Senator from Florida.

Under the bill it is intended that a person is considered a transient if he stays at a house, and that the exemption would apply if he stayed in the house no matter how long, provided the house has only five rooms or less. However, if the owner of the premises serves any other transients, the owner loses the exemption.

Mr. AIKEN. Some people come to Vermont intending to stop at a house overnight. Then they decide to stay for a much longer period.

Mr. SMATHERS. The Senator is correct.

Mr. AIKEN. Sometimes they stay for a month.

Mr. SMATHERS. They sometimes stay so long that they shorten their season in Florida. We are sometimes disturbed about it. However, the Senator is absolutely correct.

Mr. AIKEN. Some people spend most of their time going back and forth between Florida and Vermont. Assuming they come as transients, and they rent a room, and then decide to stay for 2 or 3 weeks, are they transients still?

Mr. SMATHERS. I do not know. I have asked that question. I have a son at Yale. He spends 5 months of the year there. He actually lives in Florida. Sometimes he lives with us in Washington. Is he a transient at Yale or a transient here in Washington or a transient in Florida? I do not know what the definition is.

Mr. AIKEN. I hope we can get a clear interpretation of some of the wording of the bill before we are called upon to vote on it.

Mr. SMATHERS. I hope so. Those who are against the bill give their own interpretation. Those who are for the bill give their interpretation. We shall be voting on something we do not understand. The Senator from Vermont very wisely observed that the executive branch puts its own interpretation on the wording. That is usually different from our definition in the Senate. The Supreme Court will probably put its third interpretation in it, or its fourth interpretation. I do not understand what the word "transient" means other than what it means in ordinary conversation. I do not know of any other definition.

Mr. AIKEN. A transient is someone who stays overnight. I know of some people who come to Vermont who intend to stay overnight, and then decide to stay 2 weeks.

Mr. McGEE. Would it not be influenced by the intent at the time, rather than by the beauty of the countryside?

Mr. AIKEN. Massachusetts has a rather strong public accommodation law. Under it, if the sign outside the building says "tourists accommodated," the owner comes under the law. If the sign says "guests accommodated," the owner does not come under the law. What is the difference between a guest and a tourist?

Mr. McGEE. I would take the western definition. We treat them all as guests, whether they are tourists or transients.

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Mr. AIKEN. Is that regardless of the cost?

Mr. McGEE. That is known as western hospitality. We do not worry about semantics. We do not have as many lawyers out West as there are in other parts of the country.

We sometimes worry about the meaning of words, perhaps, in order to keep our cannibalistic groups from feeding on each other.

Mr. AIKEN. I wonder why a person who pays $20 or $25 a day to stay overnight somewhere should merit the title of guest.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SMATHERS. I shall yield in a moment. The Senator from Vermont is absolutely correct. We should understand what we are voting on. The bill needs to be amended, if it is to become law.

Mr. AIKEN. I am not speaking of amendments. We should have an interpretation from the executive branch with respect to some of these terms before we vote on the bill. Otherwise we might enact legislation on which we have our own interpretation, only to find that when it reaches downtown the lawyers there will decide it means something entirely different from what we understand it means. The definition should be made ironclad.

Mr. SMATHERS. If we had a letter from the executive branch we could do our job much better by putting an amendment in the bill which would with definiteness tell us what is meant by "transient" and "guest" and many other key words. Without having precise definitions, we do not know to whom the bill would be applicable.

I now yield to the Senator from Wyoming.

Mr. McGEE. I cannot let this opportunity pass without making an observation about the care that is being shown in making certain of the meaning of words. It is always a fascinating exercise to discuss what words mean. The meaning of words changes in each generation, in the course of time. The only person who could really give an absolute meaning of a word would be McGEE or the distinguished Senator from Florida [Mr. SMATHERS]. If we could be dictators, we could give absolute interpretations. So long as we are dealing with human language, we shall have a disagreement about the meaning of words. Thus, in any legislative body such as this, or any country such as ours, which has many interests, there is every excuse, at any time, not to act until one is certain. History does not give us that kind of luxury any more. Sometimes we have to make a decision with uncertainties, without meanings being totally clear.

I submit that so long as there are as many individuals interested in the specific semantics of the language as there are, we can never reach an absolute definition.

So, the choice is, Shall we do nothing, or shall we go too slowly and make certain that we do not make a mistake? Or shall we take a kind of step forward, with the kind of chance it represents, in order to produce timely action in the measure or tempo of our times? This is where the difference in philosophy comes in.

Those more cautious would think we had more time. Those who believe urgency is a greater factor would say it is worth taking a chance in order to take the edge off the urgency of a particular moment. That is what the situation really comes down to.

We shall never resolve a difference of meaning. Such differences will continue to fluctuate. But I submit, with all due respect, that the time is at hand when we must take the step, when we must act, when we must make a judgment. We cannot defer it.

A part of the colloquy on the floor of the Senate will make clear the general order of intent of Congress that will not be ignored downtown, even though we understand from time to time that there are, sometimes, misreadings of what a man meant when he said a certain thing.

But again, we must take chances. Therefore, I would hesitate to see us worry so much about the meanings of words and the absolute interpretations of where we go from here. I think it is important that we lay down some broad, general guidelines to move us another step toward the achievement of what we all agree is our dream of human rights.

The Senator from Florida has agreed that human nature cannot be legislated; that a law cannot be passed against human behavior. Those things certainly are true. But I believe that we can inhibit human prejudice, and I believe this is important. This is one of the areas that the history of our country has spelled out for us.

I can remember reading the debates in the Constitutional Convention, one of the great classical studies in parliamentary debate, legal argument, and philosophical exchange in the history of all modern nations. Many of those who spoke were cautious and worried about the meaning of words in the Constitution. Yet they still reached a general consensus from a broad outline, and those meanings have since changed and have changed with each succeeding generation. It is the looseness of interpretation that has kept the Constitution a breathing, living instrument, so that it could keep going. It failed to yield to Jefferson's worst fears.

He said that if we dealt in absolutes, or general terms, it would be necessary to overturn and rewrite the Constitution every 20 years; that each generation would have to have its own Constitution by starting a revolution. Fortunately, it has not been necessary to do that, because reasonable men were willing to take a chance on the spirit of the future.

I believe that is really a hallmark of what is capable of achievement in the proposed legislation.

Mr. SMATHERS. I thank the able Senator from Wyoming. I wish to comment briefly on what he has said. Before doing so, I wish to make a brief reference to the book which has been published by the Department of Justice with respect to the bill. The Department is strongly in favor of the bill. I refer to page 24, where the question is asked about transient guests. I shall read what is said. It gives an example of apartments rented on a month-to-month tenancy basis, which can be automatically renewed each month unless specifically terminated. Apparently one is covered by this provision if the tenancy is on a month-by-month basis, or even yearly.

I wish to call this to the attention of the able Senator from Vermont and ask him if his people would like this interpretation:

> Of course, coverage would be determined by the actualities of the arrangement; and whether or not the establishment caters to transient guests would be a question of Federal, not State or local, law.

In other words, what Vermont may pass or Massachusetts may pass would not be the guiding principle with respect to this particular bill. This particular bill, vague as it is, however the Attorney General wants to interpret it, is what will be applied in Vermont, Wyoming, and Florida.

Mr. AIKEN. Very well. I am not objecting to that so much, but cannot the Attorney General give us his definitions now instead of waiting until later?

Mr. SMATHERS. Someone who is in support of the bill should write to the Attorney General and ask him if he cannot supply that information.

Mr. AIKEN. The Attorney General will have to make clear his understanding of some of the provisions before the legislation is passed.

Mr. SMATHERS. The one thing which I say every apartment house owner, every motel owner, and every person who has a five-room house that he wishes to let out for rent ought to know is that the State or local regulation will not be applicable; it will be the Federal law as it is finally promulgated by the executive branch. The Senator from Vermont does not know what that will be, and I do not know what it will be. No Senator knows exactly what kind of interpretation will be given it by the executive branch.

Mr. AIKEN. I can understand why Federal law should prevail when Congress enacts legislation applicable to the 50 States. But I cannot understand why the Attorney General cannot give us his definition now rather than to wait until the legislation has been enacted. He must know now what his definitions of some of these provisions are or what his understanding is. I think he wants the bill to pass. I want some legislation to be passed, too. But I do not know any reason in the world why the Attorney General cannot give his interpretation to us before we vote on the bill.

If he does not choose to do so, he is bound to raise a suspicion in a good many minds that he intends to give a different interpretation than the one which is placed upon these provisions on the floor of the Senate, including my own.

Mr. McGEE. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield to the Senator from Wyoming, so that he may respond to the remarks of the Senator from Vermont.

Mr. McGEE. I suggest to the Senator from Vermont that the hearings in the Committee on Commerce, during which the Attorney General was interrogated on almost every word and every comma in the public accommodations section, and on which his able assistant, Mr. Marshall, was further cross-examined as to the meaning of the words, rather fully spelled out the definitions. That is not a fair rejoinder, but they are on record before the committee, and I should think it would be good advice if the leadership of the bill might extract, in rather condensed fashion, the words of both those members of the executive branch, so as to give us the meanings as they saw it, because it was a rather helpful, constructive point of view they injected, without jeopardizing fineness of the lines that were being drawn, that might otherwise be regarded as jeopardizing the interests of the individuals involved.

Mr. AIKEN. The Attorney General could give us some precise definitions and interpretations now. I do not want to go through an experience I had last year, when I asked an agency of Government a similar question, and was sent 2,400 pages of House hearings. They said I would find the answer in the hearings. That was not a good answer.

Mr. SMATHERS. I agree with the able Senator from Vermont. I do not propose to vote for this section at all; but if there is to be a vote on it, those who intend to vote for it and who want to see some law passed in this area, like the Senator from Vermont, should have some precise definition of the words involved.

Mr. AIKEN. I hope there may be such an understanding before the vote is taken, so that I can vote for it.

Mr. SMATHERS. I would hope so. I am a part of the leadership, but not in connection with this particular bill. Therefore, I cannot give the able Senator from Vermont any comfort in connection with this matter. But I totally agree with him that before the vote is taken, the wording of the bill should be more precise with respect to what is meant by "guest" and "transient" and several of the other terms which are rather loosely used in the bill, and are not defined anywhere in it.

Mr. AIKEN. I think public accommodations in fact should be covered by the bill; but certainly I do not want to vote for some proposed legislation, and later learn that, through misinterpretation, I had voted to give the Federal Government jurisdiction over homes.

Mr. McGEE. Well, Mr. President——

Mr. SMATHERS. I yield to the Senator from Wyoming, so that he may respond.

Mr. McGEE. I only wish the record to show that the Attorney General and his aids had not ignored this question or left it unanswered in any sense. At every opportunity they had spelled out what, in their view, the terms meant.

But I think the Senator has made a very useful suggestion—namely, that this information should be made available in specific form, in answer to specific questions about the meaning of these terms, so the definitions would be there, on the record.

I also believe they should not evade us in that connection—as, for instance, stating that the answers could be found somewhere in the midst of 2,400 pages. I think the Senator is correct as to that.

Mr. SMATHERS. And also that the Senator agrees with the principle that there should not be an exception for "an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence"—in short—places of the "Mrs. Murphy's," type; but, rather, that the provisions should apply to all who take in people for the night.

Mr. McGEE. In the committee, I lost on this point. Having lost, I now support the committee's decision, because I believe in majority rule. I think the bill encounters some complications in that connection; but other members of the committee, wiser than I, thought that provision strengthened the bill. Therefore, I take that one "in stride," although I believe it would be simpler if they did not try to draw those fine lines of exception.

Mr. AIKEN. I listened with interest to the colloquy of the Senator from Pennsylvania and the Senator from Florida in regard to the transportation of schoolchildren by bus from one school to another. There came to my mind the question as to the exclusion of the bus drivers from the protection of this clause—because if the bus drivers belonged to a religious organization or body, apparently they would not be covered by title VII of the bill.

Another point is that I do not believe there should be wholesale exemptions in the bill—such as exemptions for church property or religious property which is used for commercial purposes. Why should they be exempt? I know the Senator from Illinois has amendments covering some of those provisions.

Mr. SMATHERS. The Senator from Vermont has been a Member of this body for a long time; and he knows that frequently, when the proponents of a bill wish to try to get more votes for the bill they favor, they add "sweeteners" to the bill, in their attempt to get more Senators to vote for it. Certainly there are some "sweeteners" in this bill. One is the "Mrs. Murphy" provision; another is the exemption of busdrivers. Another is the exemption of religious institutions—whereas, in point of fact, if the principle is correct, it should be applied to everyone.

Mr. AIKEN. Another is the provision outlawing atheists—which is nothing more than an attempt at thought control, something which no government should attempt to do.

In connection with other bills, I have heard the argument, "Let us pass the bill as it is now, and amend it later." But we know that never works. I recall that when we passed the Taft-Hartley Act, Senator Taft offered amendments to correct obvious injustices in it the very next year.

He never was able to get his proposals approved, because at that time it was not considered politically expedient to let him do so.

That is why I say we cannot be too careful when we deal with proposed legislation, because we never may have a chance to correct injustices, or worse, which may inadvertently—or perhaps advertently—either one—be written into the bill.

Mr. SMATHERS. I fully agree with the Senator from Vermont. Of course, that is one of the reasons why possibly the bill should have received further study by a committee.

The Senator from Wyoming spoke very eloquently and very beautifully, as he always does, about the need for great rush and hurry and pressure in this particular case, because of the need for this proposed legislation. I do not happen to agree with that argument. I think great strides have been made in the last 10 years. As regards education and the rights of Negro citizens, many of whom, I am frank to admit, have had their privileges and guarantees long denied to them, I think that is true; but when we look back at what actually was occurring in the South at the time when the South itself had a great abundance of these colored citizens, and when we realize that at that time the general level of education of all southerners was rather low, and the general economic standing of the South, in relation to the rest of the country, was rather low; and, actually, there was very little opportunity to do—not only for the colored people, but also for the white people—what should have been done for them with respect to education; and when we remember that this area had Federal troops in it for something more than 10 years, and when we also consider the progress made in many respects in the past decade, certainly it is clear that the progress which has been made is amazing and is encouraging.

I am satisfied that if we would permit it to go forward, without pouring salt into the wounds and without exacerbating the problem, we would see much greater progress made in the next decade toward solution of the problems of segregation and intolerance and all the things that go with them—much more progress than we shall ever see if we proceed by means of this civil rights bill, if it is enacted.

Mr. AIKEN. I should like to ask another question, which either the Senator from Florida or the Senator from Wyoming can answer. Why was a sixth-grade education selected as a criterion for voting rights?

It seems to me a sixth-grade education as a requirement for voting might be used in some States to deprive many persons of their vote. So I do not know why that was selected. Probably this is the wrong time of day to ask this question, but I should like to obtain the answer.

Mr. McGEE. Will the Senator from Florida yield again to me?

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Mr. SMATHERS. I yield.

Mr. McGEE. Let me say this is the wrong time of night to try to recall what happened in that connection. But my recollection is that an arbitrary decision had to be made at some level; and it was felt that in view of the experience, while such a criterion certainly would deprive some of the right to vote, nevertheless it seemed to be an arbitrary level that would result in better progress than that being made now—even though it could be argued that the right to vote could not be measured in terms of the number of school grades completed. However, it was necessary to put a floor under this provision.

Mr. AIKEN. In other words, that the requirement that a prospective voter must be able to show that he had completed the sixth grade in school would result in enfranchising more persons than it would defranchise?

Mr. McGEE. Yes; and that thus it would make possible greater progress than that now being made.

Mr. AIKEN. But it seems to me that requirement could be used to prevent a good many thousands of people from voting. Some of the ablest men in the country never finished the sixth grade.

Mr. McGEE. Yes. In fact, one of the wisest and most beloved men I have ever known—my father—never got further than the fourth grade; and today he is 89 years of age. So I think that is a case in point.

Mr. AIKEN. Yes. So, although I think there may have been a reason for the inclusion of a sixth-grade requirement in connection with voting, I would not favor the drawing of any educational line of that sort.

Mr. SMATHERS. I am not for that provision.

Mr. AIKEN. The language providing for ability to pass a sixth grade test was placed in the bill in order to overcome certain conditions which prevailed in a single State.

Mr. SMATHERS. The only thing I do not understand about that provision is that if we would say that a sixth-grade education constitutes a presumption for eligibility to vote, why do we not say that everyone who has graduated from the sixth grade is eligible to vote? Junior high school students and high school students have graduated from the sixth grade. If the sixth grade were to be made the dividing line, a man's intelligence would be based upon whether he had finished the sixth grade. I do not see why the writers of the bill did not go ahead and follow the principle that everyone in the sixth grade would be entitled to vote. Some people say that such a provision is a trifle ridiculous. That is why I agree with the Senator from Vermont. I think that whole qualification is ridiculous.

Mr. McGEE. I should like to submit another thought on the point which the Senator from Florida has raised. He has made a proper allusion to the rather steady progress that has been made in the field of civil rights in our country, particularly in recent years. I submit that small steps have been taken for a long time, but World War II was probably a basic demarcation line. The war uncorked many things in the thinking of our people. They discovered that the blood of a colored man was as red as the blood of a white man, and that after a battle a colored man was as dead, when shot, as any white man. That began to make people think.

Then, too, in many instances Americans moved to other parts of the country and saw things that they had never fully understood before. To the credit of many sections of our country, real steps were taken.

I shall never forget a time when I was interrogated by a group of students in Ghana, West Africa, a Negro nation. We were asked what we were doing about equal rights in America and about our race question in America. That question they had uppermost in their minds. When we entered the city of Accra, the capital, the front page of the newspaper had a picture of an American Negro hanging by the neck. They had been expecting our arrival. The caption on the picture was, "Will the American Senators explain this?"

They displayed that picture as depicting something that happened every afternoon in America, and that in our country the white man committed such acts to keep himself as busy as the pagans of ancient Rome who fed Christians to the lions. What a twisting of the history of our country that was. Nevertheless, the people of Africa were trying to perpetuate that thought.

Later we checked the photograph and discovered that it was an actual photograph of a lynching that had occurred in 1933. The photograph had been resurrected as a contemporary picture.

Those people wanted to know what we were doing for Negroes in our country. Finally, after we had tried to tell them some of the things that the Senator from Florida could have stated more eloquently about the steps we had taken, one of the bright young fellows on the university campus said, "Mr. Senator, if that is true and you are making all that progress—mind you, we do not believe it—how long will it be before you will have a Negro President of the United States?

That question required reflection for a few seconds. Finally one of our group replied, "About as long as it will be before there is a white man president of Ghana."

That response broke the ice. From that point on hostility was gone. The psychological edge was taken off. But this example in Ghana, which occurred only a couple of years ago, reflects the impatience and the misunderstanding, whatever we wish to call it, all around the world.

We are being watched. No longer is the question one which can be locked up in the closet of our Nation, within the States and within our Federal Union. The force of history has jerked it out of that closet and has cast it into the middle of the world, whether we like it or not. Others, for better or worse, are standing in judgment. Whether they are judging on the basis of facts and truth is irrelevant. At any moment there will be emotional stress such as we are going through at the present time. Those are not the real considerations. The question is what the people or the human mind thinks is the fact or is the truth. That makes a difference. That is the reason why there is the sense of urgency to which I referred earlier. That requires our sober, but substantive action on the question.

I believe that some sense of urgency exists at home. For psychological reasons it is imperative.

Need I remind the distinguished Senator from Florida that the question of timing is of the utmost importance at all intervals of great crises in the history of mankind. Timing is imperative.

Timing made the difference with Britain in the American Revolution. The Senator from Florida and I happen to believe in law and order. We believe there ought to be an orderly, steady progress by the human race. But our forefathers did not. In 1776 the Conservatives in our country did not wish to rock the boat. They thought there must be some legal way to achieve the goals of the Thomas Jeffersons, the Sam Adamses, and others who wanted to achieve independence. But the Adamses and Jeffersons finally came to the conclusion that there was something above law and order. They were impatient men. They would not be slowed down. As a consequence, they acted. They acted with a minority of the people, but they acted in time to create an independent Nation, and ultimately a great Republic.

It is that kind of timing that makes a difference. Had the British been shrewd, they could have sensed that timing, as a rare British voice did in those days. They could have extended to the rambunctious American Colonies an alternative which would have included dominion status. Some years were yet required for dominion status to appear on the scene. Had the British done that, there probably would have been no American Declaration of Independence—at least at that time. Thus once more the question became one of timing.

Only 2 years after the Declaration of Independence the British offered the American colonists everything that the colonists had demanded on the eve of the Declaration of Independence, but it was too late.

There are parallel incidents in many other places around the world. Sometimes it is the expectation of the human spirit and the expectation of the human soul that create an urgency that defies the minds of lawyers and parliamentarians and defies the give and take as we try to move ahead in our society.

I remind the distinguished Senator from Florida that there is a force which is loose that is quite beyond the total control or management of even Republicans and Democrats, and even U.S. Senators. We must not close that force out of our minds or take it off the centers that weigh our final judgment. We might forfeit our opportunity to keep the progress to which the Senator has alluded from moving in the right direction, in an orderly way, without more violent, more destructive, and more disreputable consequences than we have had already. It behooves this body to look far enough ahead, and in time, or we shall forfeit our responsibilities as a legislative body.

Mr. SMATHERS. Again the able Senator from Wyoming has spoken eloquently and movingly. I regret that I could not at all agree with him in anything that he has said, and particularly his statement that the facts make no difference. For example, if the people of Ghana misunderstood our situation, the Senator contends that we should change our situation to conform, apparently, with the misunderstanding.

I do not believe that the people of Wyoming, Florida, Alaska, Vermont, or any other State in the Union wish to have their system of free enterprise, their constitutional rights, or anything else taken away from them because of what the people in Ghana happen to think.

Several nights ago the President of the United States appeared on television. Representatives of three networks interviewed him. He made the statement that we will not conduct our domestic policies on the basis of what the policies of 120 other countries are. I do not believe that is what we ought to do.

I do not believe that because the Australians or the New Zealanders think they should ship into our country more cattle—and the Senator from Wyoming will understand what I am now talking about—we should therefore permit Australia and New Zealand to ship in more cattle merely because those countries misunderstand what is happening in the United States.

There are fine people in Africa, but they have not long been in the enlightened group. We do not even call them the enlightened group today. We call them the backward nations, even in our own foreign policy. Are we to let those people influence us in an area of vital importance to the United States and to all American citizens, an area which would deprive them of the rights that they are entitled to? Should we change those rights because of what other people think?

I hope we have not gone that far off base yet. I hope we never do.

I do not think the Senator from Wyoming meant to say it that way. I think the Senator meant to say that possibly that was the impression which they had. Perhaps it was wrong. It does not mean that because those people have the wrong impression, our people have the wrong impression.

The vote in Wisconsin demonstrated that the people are beginning to understand the civil rights debate. The longer the debate continues, the better they will understand it.

I noticed that the Rhode Island Legislature, on Friday or Saturday, voted against a so-called fair housing bill by a vote of 62 to 31.

I noticed that on the west coast they have defeated such proposals, not because there should not be any such laws, but because the rush the Senator is talking about has begun to affront many American citizens.

We think this is a pretty good country. We think we have the best country on the face of the globe. This may be considered to be a 4th of July speech, but it is true. We have all these things, and we have obtained them under our system, and we do not have to rush into anything because of the demonstrations.

I do not agree with those who say we are either going to decide it here or there is going to be rock throwing and violence.

I totally agree with the statement made by the Senator from Ohio [Mr. LAUSCHE], a former mayor of Cleveland, and a Governor of his State five times, that we cannot permit a certain group of citizens who do not happen to like the way the law is at the moment to make their own interpretation, and to work and to move to fly in the face of all local and State law, in order to satisfy their own particular passions or emotions.

If they can do that, the day will come when the other 90 percent of the people can go the other way. That would be an unfortunate time. All our citizens must respect the law, whatever the law is. If it has not been set aside, it remains the law, whether it is a city, county, or State law.

I do not agree that the time has come in this Nation when we can say the facts or the truth are irrelevant. I do not think the Senator from Wyoming intended to say it that way. In fact, I know he did not.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. McGEE. To make sure that we are in agreement that the Senator from Wyoming did not say what his distinguished colleague from Florida suggested might have been his meaning, let me put it another way. I am talking about the state of mind of the human race; that the psychology of people in general happens to make a difference. One of the parallels that comes to mind most readily is World War II. People did not think we would wage two wars. Once we got into the war, however, the people wanted a quick victory. They could not understand why we did not land 2 million men on the coast of Japan in 1942.

In order to take the edge off the anticipation, this country had to capture a few tufts of grass here and there. It had to send groups of bombers over Tokyo. It had to send an excursion into north Africa. Such activity gave an impression of action to satisfy public demand to win the war.

Mr. SMATHERS. The Senator is talking about public demand; he is talking about the United States.

Mr. McGEE. I am talking about the human mind and the emphasis of a human psychology, which is quite indistinguishable around the world, and I am suggesting that, on our sophisticated level, we are in that same kind of situation. I cited World War II as a case in point.

Let us take some of the most undeveloped areas of Africa as an illustration. We may say in a sophisticated manner that they are not ready for independence. But who is to say if they are?

I read the British debates in 1784 and 1785. One of the chief assertions made on the floor of the House of Commons was that they did not have to worry about the Colonies, because they were not ready for independence. They should have tried to tell Samuel Adams that in 1775.

So it is not a question of what a particular country believes; it is a question of what the people in the area involved believe.

The same is true of other colonial areas. If we had not promised the Philippines ultimate independence—even though it was delayed—we would have had a situation that would have blown up in our face. We were yielding to psychological forces which had been loosed, no matter what we might have told the people.

The same applies to the tragedy in other parts of Africa. If the French could have committed themselves to independence, though very long range, they would have forestalled the explosive psychological forces which plagued them there for years.

So there is something to be said for the public mind. No one has suggested that we yield or surrender or cater to all demands. We are saying merely that these forces are more powerful than, let us say, a legislative body in the United States, or a legislative body in London or in Moscow. These are forces that can be challenged. These are forces that can be directed. But we should have the imagination and good sense to move into the future with the confidence that we can provide that direction. We cannot take a chance by saying we can meet the challenge by not "rocking the boat." The boat is rocking and our hats are being blown off. We have not acted in this field for 100 years. It is time to act. We must meet the challenge, considering the goldfish bowl in which we live, to give meaning to and to show that we practice and are willing to practice what we preach.

All I am saying to the Senator is that we need to win the battle for time, and that we are not going to get it if we do not take a giant step in this substantive way.

Mr. SMATHERS. I like and respect the Senator and I will not answer his speech in the way some people, who I am afraid have less affection and regard for him, would answer it. I know the Senator believes that, but I think what he said bears reconsideration. The Senator from Florida does not think that the Senator from Wyoming has any greater regard for the welfare and future of the United States than any other Senator. This is not our problem. He said he felt that on our side we were trying to do these things. With respect to what this Nation is and has become, I am delighted to put my record against anybody else's with respect to what he has done in serving his country in time of war or anything else.

I like to consider myself a patriot. I like to think that the people think fairly well of me, and they have substantiated that feeling, not in some areas of the press, but in areas where the people know me best and have elected me several times. They think I am a pretty good citizen and that I am concerned about the future of my State and about the future of the United States.

I am sufficiently concerned about the United States and where it is going that I do not wish to see the United States destroy that which has been almost its most valuable weapon. I do not wish to see it go against what the President of the United States said the other night, when he said—as I stated a moment ago—that the Communists are bigger, they have more resources, but we have the free enterprise system which after all is our secret weapon, and has been.

That may have sounded corny to some people, but it sounded great to me; and I believe it sounded great to most every American who lives here and enjoys what we have. They do not wish to see destroyed those privileges, those rights, and those opportunities which we have had, which, after all, are better than anyone has ever had anywhere else in the world. We can go anywhere in the world and look at the status of colored citizens, wherever they may be, and they are not as well off as those in the United States.

They do not have as much education, they do not have as much economic opportunity, they do not have as much medicine, they do not have as much of anything as we have in the United States. The Negroes of America are well off here. We want them to be better off, but we are not going to "gut" ourselves and give ourselves a "kamikaze" blow in the middle of the solar plexus, so to speak, just because a few nations happen to have a distorted view of what we are doing.

With respect to the problem of colored citizens, the Senator comes from the State of Wyoming. I do not know how many colored citizens reside in the State of Wyoming, but I would venture the guess that it is less than 1 percent. In the State of Florida there are about 12 percent. I have lived in an area where it has been as high as 30 percent. My contention is, as well as the contention of those of us who are in this fight on the other side, that we know as much about colored citizens as anyone else, because we have lived with them.

In the capital city of Tallahassee in my State, the Governor's mansion is on one side of the street and four colored families live on the other side of the street in the same block. We know something about the problem. We have lived with it for a long time. We maintain that we believe we are on the right track to solve the problem of our Negro citizens. And we want to solve it. We do not take a back seat to anyone with respect to our desire to see colored citizens have that which the Constitution guarantees to them. But we do not believe that the way to accomplish it is to attempt to change our system and give colored citizens superior rights which other citizens do not have, and in turn take away from many of the majority of the citizens of this Nation the basic, fundamental rights which have made them prosperous and independent—and made this country prosperous and independent.

Let me say to the Senator from Wyoming that we are moving in the right direction, and we are not going to be blown off course by the wind that may blow from Ghana. I am more concerned about the wind that may blow from Wisconsin, the wind that may blow from Florida, or the wind that may blow from New York. It is true, an image has been built up about us, but we have given away $160 billion, we have won two wars and we have helped many countries to obtain their independence. These are facts for which we need not apologize.

If other nations wish to misunderstand us, they can go ahead and misunderstand us. But we do not have to "gut" ourselves because some people insist on misunderstanding us, and print a picture and use it against us, or use it to embarrass us, even if it was taken in 1920.

That kind of thing is over with—it should never have happened in the first place, but it did—and we are making great progress. So I have to disagree with my able friend, whom I greatly admire. He is a splendid Senator. I do not agree at all, and I respectfully say that, with some of the conclusions which he has stated here tonight. Some are statements which in some respects I wish he had not made. In any event, having made them, I should be glad to go on with my speech.

Mr. HUMPHREY and Mr. McGEE addressed the Chair.

Mr. SMATHERS. I yield to the Senator from Wyoming.

Mr. McGEE. First I should like to say to the Senator from Florida that the real basis for my comments to him is to bring this debate to what I believe is the pinpoint of difference. We have the same goals. We want to make the same progress. We have the same patriotism. We love the same country. We hope to make it greater. We like to profess the same ingredients in the great question of free enterprise, but our only difference is in the sense of urgency. That is the difference which separates liberal from conservative, Republican from Democrat, or whatever other spectrum of philosophy we wish to sweep across. It is the timing. It is a question of the readiness to change, and how big a step we should take. That is why we have debates, and that is why we exchange differences of opinion in the public forums.

Mr. SMATHERS. I do not know what the Senator would call liberal or Republican, but with the exception of the civil rights bill, I do not know of any man who votes for more liberal causes than does the able Senator from Alabama [Mr. HILL]. I do not know of anyone who has done more than has the Senator from Alabama [Mr. HILL]. I do not know of anyone who has been responsible for providing more hospitals, providing education for not only Negro students but white students as well, to go to medical schools and elsewhere than has the Senator from Alabama. But he does not happen to agree with the Senator from Wyoming on this issue. Therefore, because he does not happen to agree with the Senator from Wyoming on this issue does not necessarily make him a conservative or a reactionary. I believe we can be very progressive and not be for this bill.

In my State, according to the Americans for Democratic Action, I am voted very high, but by the Americans for Constitutional Action, I am voted very low. So I must be quite a liberal. It is not judged on this particular vote; it is judged on many votes. But as to our thinking in this particular area, of course there is urgency; but it will not be settled by placing more laws on the books. It will be settled through education, through economic opportunity. That is why I argued on the tax bill that the best answer to the problem of civil rights is to have a strong economy to provide more jobs.

Why is it that of the people in the country who are unemployed, 8 out of every 10 are Negroes? Is it because they unfortunately lack the education they should have? We should provide it for them, but they are not going to get it because of this particular bill. They are not going to get it because they do not attend the schools which exist in their neighborhoods. We must elevate all the schools in the country—in the colored sections as well as in the white sections—and bring them all up to date. That is what we are desperately trying to do.

Mr. HUMPHREY. Mr. President, will the Senator yield without losing his right to the floor?

Mr. SMATHERS. I yield under those conditions.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. I thank the Senator for his courtesy. He always makes a persuasive argument, but I was moved and touched by the statement of the Senator concerning respect for law.

Does not the Senator believe that the Constitution of the United States is worthy of respect? I am sure he does.

Mr. SMATHERS. I absolutely do. I wish to see the Constitution observed and respected.

Mr. HUMPHREY. The Constitution is known as the supreme law of the land, is it not? The 14th amendment is a part of that Constitution, and the 13th amendment is a part of that Constitution. Is not that true?

Mr. SMATHERS. And so are the 9th and 10th amendments to the Constitution.

Mr. HUMPHREY. And so is the 15th amendment to the Constitution and the 10th amendment. They all are. But the Supreme Court rulings throughout the history of the country since the time of George Washington, Jefferson, Jackson, and Lincoln, and up to this very day, have been as much a part of the law of the land as the statutes enacted by the Congress.

Mr. SMATHERS. The Senator need not argue with me. I am a lawyer. I agree. The Brown case is the law. We know that.

Mr. HUMPHREY. If we speak of respect for law, why is there such flagrant disrespect of law? One State, the State of Mississippi, by action of its legislature, has passed a resolution ordering its State officials to resist integration and to resist efforts to eliminate segregation. Does the Senator expect his fellow citizens of America—not colored citizens—and, by the way, let us stop talking about colored citizens, and let us talk about citizens, because there are all shades of color——

Mr. SMATHERS. Mr. President, I should like to have the Senator make his speech on his own time. I heard the Senator from Illinois [Mr. DIRKSEN], at one time, refer to someone as a bag of bones. The Senator from Minnesota has been talking about this bag of bones for a long time. He has been talking about the bag of bones with respect to things that have not been happening, with respect to school integration, and with respect to many other things that have not been happening, as he says. However, he must recognize the fact that at the time of the 1954 Brown case decision there was no integration in any of the schools in the South. According to the figures of the Department of Justice, on October 15, 1963, 223 cities had integrated voluntarily. That is coming from nothing to something. Two hundred and fifty-three cities had at least 1 theater, and 306 at least 1 lunch counter, desegregated. That is coming up from nothing to something. That is doing a great deal in areas where this is occurring, because they had not even one before and now they have many. The Senator has no idea, not having lived in some of these areas, what conditions obtained in Mississippi or in South Carolina or in some other places.

Mr. HUMPHREY. I agree. Will the Senator yield?

Mr. SMATHERS. We are making progress. There are some wild people on our side, just as there are on the other side. There are some who try to ignore the Supreme Court decision. I tell them they cannot do it. We do not advise it. We do not do it in our State. We are integrating on a gradual basis. I cannot help thinking that gradualism—and I know that many people do not like the word—has much to commend it.

We are making progress. We are doing something. We are doing as much as reasonable people can expect to be done.

Illustrations are given about things that are not happening. They are the same illustrations. There are 50 States in the Union, and the Senator keeps talking about 1 State. That is no reason for doing violence to the Constitution, and destroying the basic rights of other people, because it is said something is happening in Mississippi. There has been some willful defiance of some Supreme Court decisions. I do not believe that defiance will be answered, and I do not believe it should be answered, by defiance on the part of other people in Cleveland or Chicago or New York or Jacksonville or anywhere else.

Mr. HUMPHREY. The bill does not call for defiance.

Mr. SMATHERS. No. What I am talking about is that some people say if we do not act we will have defiance.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. I should like to have the Senator make his speech on his own time. I have carried the Senate until a quarter to 12, 15 minutes before midnight.

Mr. HUMPHREY. I thought the Senator would like to yield on the basis of his saying that I would not know what it was to face up to the problems. Will the Senator yield on that basis?

Mr. SMATHERS. Very well. I yield. I want the Senator to respond.

Mr. HUMPHREY. I should like to ask the Senator if he thinks that either the Senator from Florida or the Senator from Minnesota knows what it feels like to be a Negro and to be told he cannot come into a restaurant, to be told he cannot come into a hotel, to be told that he cannot send his children to school. The mother of the wife of the Governor of Massachusetts appeared on this morning's "Today" TV program. She told of the wife of the bishop of the Episcopal Church in Boston, who is colored. She said they went into a restaurant, and the restaurant operator did not know that the bishop's wife was colored, because she did not look colored. When the mother of the Governor of Massachusetts indicated to the waitress that the lady sitting at the table—a lady, not just a woman, but a lady—is colored, the manager came over and said to her, "You will have to leave. I will pay your bill, but you will have to leave."

How does the Senator think people feel under those circumstances?

What is happening is not so much economics, even though it amounts to economic deprivation. It is not so much education, even though we know people have been denied education. What is happening is humiliation, the lack of a sense of dignity which has been imposed upon people. What we seek to do with the passage of the proposed law is to provide by law that every citizen is equal. It means a great deal. I would not like to be told that I could not go into a public place because my income was too low.

Mr. SMATHERS. The Senator does not mean to say that there is not discrimination because of income. I know of clubs that the Senator and I cannot join.

Mr. HUMPHREY. I am not speaking about clubs.

Mr. SMATHERS. I know something about discrimination. I recall that when I was in the Marine Corps, some of us could not enter certain officer areas to eat. We had to eat Spam. Those at the club ate steak, because they happened to be aviators.

Mr. HUMPHREY. That is a dictatorship called the Military Establishment.

Mr. SMATHERS. I know what it is like. I know that if anyone is generally discriminated against today it is the people of the South. It is unfortunate, but it is true. All we have to do is to look around the country to see who is the victim of the most discrimination. Who is taken to the woodshed regularly? It is the South. What does the Senator think it is? It is discrimination. It is prejudice. That is the cause of it. I have been in places where I heard it said, "He is a southerner." I know a little about these things.

I know that there are Catholics and Jews and Presbyterians and Christian Scientists, and all kinds of people, who have been kept out of places.

We are not going to change it by passing a law. We shall not make everyone equal by passing a law. We had that debate earlier this evening with the Senator from Pennsylvania [Mr. SCOTT]. People can try to do it by passing a law, but they will not accomplish it. Unfortunately, people are going to think what they want to think with respect to other citizens. It cannot be changed by laws. It might be done by education. I am sure it can be done by education. It can be done by the exercise of more religion, I believe. It can be done by the establishment of biracial committees. It will not be accomplished by passing laws.

The Senator asked me whether I knew what it means. I did not choose to be born white. I think I am fortunate. I do not think I have any right whatever to claim any privilege over any other citizen because I happen to be born with different color. We will not eliminate that feeling from other people's hearts and minds by passing a law.

What I am trying to say is that there is before the Senate a far-reaching bill, with which it is attempted to pacify a few extremists, who say they are being discriminated against. I am sure Catholics have been discriminated against in Boston. I heard the former President talk about it at one time. I heard his father make an eloquent speech about it. Of course there was discrimination. Unfortunately there has been discrimination. Unfortunately there will be discrimination in the future. We cannot eliminate it by trying to pass a law.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. GRUENING. I understood the Senator to say that we will not eliminate it by passing a law. There is a law against arson. There is a law against murder. However, we still have arson and we still have murder. The law indicates that society is opposed to those practices. That is why we want laws against discrimination.

Mr. SMATHERS. I do not believe the comparison is any more logical than it would be to say that a cap pistol is the same thing as an atomic bomb. Of course we have laws against murder. Every nation has laws against murder if the nation is civilized. They have laws against arson. But I do not know that there are laws against discrimination everywhere, because nations have recognized that in human nature this is a human problem; it is a moral problem. But it is basically and essentially a human problem.

Of course, we are trying to stop murder by having a law against it, and we should have. But we will not stop this

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particular kind of discrimination, I submit, by passing a law. What is proposed in this instance is to step in and take many basic rights away from other American citizens and give to a minority group a superior right that a majority of the people do not have.

Mr. HUMPHREY. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. What superior right is the Senator contemplating or is contemplated in the bill that other citizens do not have? Will the Senator name one?

Mr. SMATHERS. One important right which the colored citizen will have by virtue of the bill is to be hired, to get a job, when he has taken an examination and has come out even with another man. Because of the bill and the employer's fear that the Employment Commission will move against him after it has ruled that he has discriminated because he has not had a certain percentage of colored people in his plant heretofore, he will give the colored citizen the job.

The other night we discussed the Motorola case, in Illinois. All the applicants took an examination, both white and colored. Finally, one colored applicant objected, and the examiner said that Motorola should have given the job to the colored citizen, because it had not taken into consideration his uncultured background. It had not taken into account his history. When employers start doing that and do not hire people on the basis of ability, what happens? The company has to hire somebody not because he is the best, not even because he is equal, but because of his color. That was true in that particular instance. There will be other instances.

I had already said, before the Senator entered the Chamber, that in California General Motors had just announced that it was picketed because it did not submit to a quota system in the particular plants there. I say that is what the FEPC provision in the bill would lead to. It would lead to a quota system eventually and ultimately.

It is said that there are so many jobs, and they will be given to certain persons because they are citizens of a certain type, not because of their particular ability. I say that is where such persons get superior rights.

Mr. HUMPHREY. Mr. President, will the Senator yield for a further question?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. Will the Senator name one State in which there is a quota system under FEPC?

Mr. SMATHERS. There has not been one yet, but that is what is being aimed at. I am afraid this is what the bill would lead to. We saw it happen in California the other day, where it was asked for; and there is no question in my mind that when a man has to submit his records, and he has always hired a certain group of citizens, or a certain type of citizens, to work for him, and the Government goes through his records and says, "You have employed all of one kind; you must have in your heart a feeling of discrimination against persons of another type," that person will have to protect himself against such a situation because, despite what the Senator says, he could finally go to jail or could be fined $300, and could in fact, become a sort of criminal. So he will protect himself by hiring a certain number of colored people in order to keep the majesty and might of the Federal law and its large bureaucracy off his neck.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. Would the Senator from Florida be more pleased if we included in the bill an amendment which provided that there should be no quota system?

Mr. SMATHERS. I think the bill would be improved.

Mr. HUMPHREY. That might be a good amendment. It is only to satisfy those who are doubters, because if we do not expressly provide for a quota system, obviously it will not be included. But since we do provide in other sections of the bill—for example, in title VI—that the withdrawal of Federal funds should not relate to insured activities or guarantees, we might very well want to include that sort of restraint in the bill.

I have heard this argument made again and again. If there is that legitimate fear, which I do not see in the bill, but which others may see, perhaps we ought to remedy the alleged defect. I do not believe in a quota system. I do not believe in busing people—and this, by the way, is prohibited in the bill——

Mr. SMATHERS. I should like to ask the Senator a question. I have asked it of several other Senators, but none has given a satisfactory answer. Perhaps the Senator from Minnesota can give one.

It is said that it is the policy of the Federal Government to desegregate. Suppose there are two schools. On one side of the town is a school which is filled, 100 percent, with white students. On the other side of town is a school filled, 100 percent, with colored students. Students attend both schools as the schools nearest their homes. If the policy is to desegregate, how will desegregation be accomplished without "busing" from one school to another? Should a third school be built, so that the students can pile out there and go in equal numbers to that school? I do not know how desegregation can be accomplished, unless families are moved across town. We have already spoken about that, and it has been decided that that is not practical.

So while the Senator says there is a specific prohibition in the bill against "busing," as a matter of practical effect that is the only way it will be possible to accomplish desegregation, unless entirely new schools are built in entirely new locations.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. I recognize there is a problem of what we call de facto segregation. It is not an easy problem to solve. But before we take ourselves off into that wilderness, why not get to the problems that are right on the subject, that are so obvious, like one's thumb; a situation in which there is obvious segregation; where there are segregated schools; schools that are unmistakably segregated and segregated strictly on the basis of race? It seems to me that we should try to solve those problems first, as the Senator says, by raising income through better jobs and training. I agree with the Senator; I do not want to have my remarks misunderstood. I think the long-term civil rights fulfillment will come through education, better training, higher levels of income, better jobs, and the like. But in the meantime, there are some things that can be done, and one of them is to abide by the law.

When I hear Senators complain about demonstrators, as I have heard in this Chamber, the worst demonstration of illegality is open defiance of the Constitution. Many a President has had to say that that kind of defiance would not be tolerated. Men from the South, like Andrew Jackson, refused to tolerate it.

We need to take into consideration what promotes these activities and the kind of motivation that inspires people to do what I consider to be disorderly and illegal acts. I do not condone them. I do not condone violence in former colonial countries. But I know that many times the British would say, "You simply do not understand the problems in these countries." Other people would say, "You do not understand the problems here." But finally the point was reached where people no longer would "take it," and they demanded their rights.

Mr. AIKEN. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield.

Mr. AIKEN. I dislike to see Andrew Jackson brought into this controversy, because it is my understanding, under the sixth-grade requirement for voting, that Andrew Jackson could not even have voted, to say nothing of becoming President. That is why I say to the Senator from Minnesota that I do not think much of the sixth-grade requirement as a criterion for voting rights. I wish we could get rid of it.

Mr. SMATHERS. Andrew Jackson would not have been able to vote, despite the fact that he was the first territorial Governor of Florida.

Mr. HUMPHREY. He took a great deal of money and distributed it among the States.

Mr. President, will the Senator yield, so that we may recess?

Mr. SMATHERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. SMATHERS. I am making my speech. Earlier tonight it was ruled that I could make this one speech and, at the end of it, suggest the absence of a quorum, and so on. Must I conclude my speech before 12 o'clock midnight?

Mr. CURTIS. Mr. President, a parliamentary inquiry: Will the distinguished Senator from Florida have the floor when the Senate convenes on Tuesday?

The PRESIDING OFFICER. When the Senate takes a recess, it will, under the previous order, take a recess until 10 o'clock a.m., Tuesday.

Mr. CURTIS. Mr. President, if the Senate takes a recess now, while the distinguished Senator from Florida has not completed his speech, will he have the floor when the Senate reconvenes at 10 o'clock on Tuesday?

The PRESIDING OFFICER. If he is to have the floor until he finishes his speech?

Mr. CURTIS. But if he does not finish his speech, because the recess is taken——

The PRESIDING OFFICER. The Senator can make a unanimous-consent request.

Mr. SMATHERS. Mr. President, legislatively is this Monday or Tuesday?

Mr. HUMPHREY. Legislatively it is March 30.

Mr. SMATHERS. Mr. President, I wish to conclude my remarks in a very short time. I had hoped to conclude them before this.

But now that we have proceeded this long, I wish to make some comment in regard to an editorial which was written by John S. Knight, the publisher of the Miami Herald, the Charlotte News and Observer, the newspaper in Akron, and the Detroit Free Press. I think he is considered, in connection with this particular issue, not a conservative, and certainly not a reactionary. So I wish to read the editorial; and I wish to have the reporter have it recorded as though I were speaking it. I do not wish to see it in small print. I ask unanimous consent that it be printed as though I spoke it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. I now read the editorial:

"TIME FOR A STRATEGIC TIMEOUT: ON WISCONSIN? THE RIGHTS RUSH FUMBLES

"The large vote given Alabama's Gov. George Wallace in last Tuesday's Democratic presidential primary reflected growing disenchantment with civil rights legislation now before the U.S. Senate.

"As Arthur Krock of the New York Times has written, 'the only accurate poll is an election, and the voting in Wisconsin was an election in the opening phase.'

"Krock went on to say that 'the candidacy of Governor Wallace provided the only outlet for a protest against the pending Federal equal rights bill and the pressures used by some of its supporters. His capture of more than 25 percent of the party vote demonstrates that this protest is considerable and is continental rather than merely Southern in scope.'

"Wisconsin's Gov. John W. Reynolds offered the observation that 'we have prejudiced people in the North just as in the South.' Yet, this attempted rationalization of what happened in Wisconsin offers only a partial explanation of why Badger State voters cast more than 260,000 ballots for a hard-line Alabama segregationist.

"THE MILLENNIUM NOW

"As I see it, the militancy of the Negro struggle for civil rights legislation is alienating many normally fairminded people who have always been sympathetic to the Negro cause.

"I think we can assume that Negroes are fully entitled to all of the constitutional rights and freedoms accorded other citizens of this Republic.

"It is essential that they be given greater opportunities for employment. Substantial progress in this area has already been made through the cooperation of business and industry.

"The Negro will move forward as improved educational advantages lead to economic betterment. No sensible citizen would have it otherwise."

That is the argument I have been trying to make tonight; namely, that the real answer to this problem is in economic betterment and in education.

Mr. Knight goes on to say:

"Unhappily, the more aggressive Negro leaders are not content with orderly progress. They want the millennium, now.

"They encourage the nationwide rash of demonstrations, the unlawful sit-ins at cityhalls and State capitals, the pressures upon Members of Congress, mob action to awe school and other public authorities.

"Demands by Negro organizations that business concerns use a quota system in employment have led to violence and the destruction of property. These pressure tactics continue even though the Supreme Court has ruled there is no right to picket in order to achieve racial balance, or to eliminate racial imbalance.

"FAIR EMPLOYMENT?

"There is also rising resentment over a section of the civil rights bill now before the Senate which provides for an Equal Employment Opportunity Commission empowered to investigate the hiring, firing, and advancement policies of employers and labor unions.

"This provision would create an army of Federal inspectors empowered to inspect a firm's records and seek court action against alleged violators of the law.

"The burden of proof will fall upon the employer or the union. They must be able to show that they have not discriminated against Negroes because of race; they must prove that a dismissal had nothing to do with race; the employer must convince the Government of the absence of bias when promotions and pay increases are given.

"And so, ironically, as our flaming liberals prate about freedom for the many, they seek to place shackles upon the rights and liberties of the few."

That is the point I was trying to make earlier, although not nearly as well as Mr. Knight has made it. But this is what I mean when I say the bill would give superior rights to some of our citizens.

I continue to read from the editorial:

"Under the proposed law, the EEOC could become a vicious bureaucracy with powers to harass all business and industry suspected of unfair and discriminatory practices.

"This is not, I submit, the American way. We cannot preserve our cherished freedoms by supinely accepting this forerunner of a police state.

"TENSION'S REAL

"Part of the Wisconsin protest, as evidenced in the primary, is attributable to the fears of many workers in breweries, packinghouses, and other industries that they may be displaced as the pressure for Negro employment increases.

"This subject is seldom discussed in print, but it has become a source of increasing tension in all of our large industrial cities. Under present law, the apprehensions of non-Negro employees may have little foundation in fact, but they do exist and will be felt in future elections.

"EXTREMISTS RULE

"Arthur Krock has suggested that Negro leaders might well ponder the Wisconsin vote as a warning against the extremism which has characterized their tactics.

"The proposed civil rights bill is far more radical in its provisions than the draft originally favored by the late President Kennedy.

"It will be recalled that last October, James Farmer of the Congress of Racial Equality charged Attorney General Robert F. Kennedy with 'betraying' the civil rights cause. 'The Attorney General,' said Farmer, 'is asking his troops to retreat before they've reached the line of battle.'

" 'The Attorney General—and through him the administration,' added Farmer, 'has cynically, politically, and tragically attempted to pull the rug out from under our effective legislation.'

"This was the 'gratitude' given the Kennedys who labored so assiduously to advance the civil rights cause.

"Apparently, our late President's youngest brother—Senator EDWARD (TED) KENNEDY—has forgotten these insults.

"CORE's position is that you have to be 100 percent for its program, or you are automatically classified as an enemy of the Negro.

"Its Brooklyn chapter has just announced a plan to tie up traffic on five major arteries leading to the New York World's Fair on opening day. Nice people.

"Unfortunately, the voices of responsible and less radical Negro leaders are all but lost in the clamor of the extremists. Anyone who dissents or protests is promptly branded an 'Uncle Tom' and given no further consideration.

"PLEASE, DON'T PUSH

"At one stage in our history, the great industrial barons were contemptuous of public opinion.

"The Ku Klux Klan—through its devious and secret activities—was a powerful force in U.S. politics some 40 years ago.

"Law and order broke down in the 1930's when the new industrial unions were coming into power.

"In time, the extreme positions represented by these influences became intolerable, and the needed corrections took place.

"The Klan withered under attack and faded away into obscurity.

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"Business and labor are today responsible, progressive, and dedicated to the national welfare.

"I am making no invidious comparisons, but seek only to point out that public opinion is always the ultimate master of our destiny.

"Americans can be led, but never pushed."

Mr. President, I yield the floor.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Department of Defense Procurement From Small and Other Business Firms

A letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, a report on procurement from small and other business firms, for the period July 1963–February 1964 (with an accompanying report); to the Committee on Banking and Currency.

Report of National Advisory Council on International Monetary and Financial Problems

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of the National Advisory Council on International Monetary and Financial Problems, for the 6-month period ended June 30, 1963 (with an accompanying report); to the Committee on Foreign Relations.

Report on Kennewick Division Extension, Yakima Project, Washington

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the Kennewick division extension, Yakima project, Washington (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Post Office and Civil Service:

"Senate Concurrent Resolution Urging the Congress of the United States To Reject Legislation Eliminating the Cost-of-Living Allowances to Federal Employees

"Whereas there is now pending before the House of Representatives of the United States, legislation, if enacted into law, that would eliminate the cost-of-living allowances to Federal employees, and that such legislation will probably be considered in the Senate of the United States in the near future; and

"Whereas the affirmative action on such legislation will result in the taking away of a very substantial portion of the income of such employees and thereby reduce their standard of living from which they have been accustomed and entitled to; and

"Whereas the loss of such funds would seriously jeopardize the continued economic growth and prosperity of Hawaii due to the diminution of spendable income in the economy of Hawaii in the amount of approximately ten and a half million dollars per annum; and

"Whereas the spendable income attributable to the cost-of-living allowances in Hawaii supports approximately 250 secondary jobs and generates from one and a half to $2 million dollars per annum in tax revenues for the State of Hawaii; and

"Whereas the impact resulting from the stoppage of the cost-of-living allowances will be of a most serious nature affecting our State and its citizenry: Now, therefore, be it

"*Resolved by the Senate of the Second Legislature of the State of Hawaii, Budget Session of 1964 (the House of Representatives concurring)*, That the Congress of the United States be and is hereby respectfully requested to reject legislation eliminating the payment of the cost-of-living allowances to Federal employees; and be it further

"*Resolved*, That duly certified copies of this concurrent resolution be sent to the Honorable Carl Hayden, President pro tempore of the U.S. Senate, and the Honorable John W. McCormack, Speaker of the U.S. House of Representatives, the Honorable Hiram L. Fong and the Honorable Daniel K. Inouye, U.S. Senators from the State of Hawaii, and to the Honorable Thomas P. Gill and the Honorable Spark M. Matsunaga, U.S. Representatives from the State of Hawaii."

A resolution of the Senate of the State of Alaska; to the Committee on Labor and Public Welfare:

"Senate Resolution 37

"Whereas the earthquake disaster has had a grave impact on the public education program and system of the state through the destruction of school facilities and the loss of revenues vital to the existence of education; and

"Whereas the Federal support for the State's education program emanating from Public Laws 815 and 874 for matching money for school buildings and facilities and for grants to schools affected by Federal activities in the area could be expanded to meet the unprecedented situation facing the school systems in Alaska; and

"Whereas U.S. Senator Wayne Morse has introduced S. 2725 to amend Public Law 815 to release funds to replace the schools lost or ravaged in Alaska; and

"Whereas the magnitude of the disaster in Alaska strongly suggests the need for making Public Law 874 funds available on the basis of total enrollment at the discretion of the President and for a period of need to be determined by the President: Be it

"*Resolved*, That the President and the Congress are most earnestly and urgently requested to give early and favorable attention to S. 2725 and to make Public Law 874 funds available to Alaska on the basis of total school enrollment in order that the public education program of the State of Alaska may be sustained during the period in which the state is striving to rebuild its economy and overcome the disastrous effects of the earthquake on its economy and vital programs; and be it further

"*Resolved*, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; the Honorable Wayne Morse, U.S. Senator; and the Members of the Alaska delegation in Congress. Passed by the senate April 10, 1964.

"——— ———,
"President of the Senate (pro tempore).

"Attest:

"Evelyn K. Stevenson,
"Secretary of the Senate.

"Certified true, full and correct.

"Evelyn K. Stevenson,
"Secretary of the Senate."

A postcard in the nature of a memorial from the Citizens Committees for America, signed by L. G. Motsleigh, of Richmond, Va., remonstrating against the enactment of the civil rights bill; ordered to lie on the table.

RESOLUTIONS OF GENERAL COURT OF COMMONWEALTH OF MASSACHUSETTS

Mr. SALTONSTALL. Mr. President, on behalf of my colleague, the junior Senator from Massachusetts [Mr. Kennedy], and myself, I present for appropriate reference three resolutions of the General Court of the Commonwealth of Massachusetts. The first resolution asks for the enactment of legislation to provide more defense work in the area; the second relates to the urban mass transportation bill, and the third one providing for the designation of Columbus Day as a legal holiday. I ask unanimous consent that these resolutions be printed at the proper place in the Record.

There being no objection, the resolutions were received, appropriately referred, and, under the rule, ordered to be printed in the Record, as follows:

To the Committee on Armed Services:

"Resolution of the Commonwealth of Massachusetts Memorializing the Congress of the United States To Enact Legislation Providing for More Defense Work for This Area

"Whereas a number of the largest employers in the Commonwealth have been forced to lay off a great many workers because of a decline in defense business; and

"Whereas the loss of this business and the resulting unemployment of these workers adversely affects the economy of an area which has contributed greatly to the national defense in the past: Therefore be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation which will provide that this area will receive a sufficient share of defense work from the Federal Government to warrant continued maximum employment locally; and be it further

"*Resolved*, That a copy of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"House of representatives, adopted, March 25, 1964.

"William C. Maiers,
"Clerk.

"Senate, adopted in concurrence, April 1, 1964.

"Thomas A. Chadwick,
"Clerk.

"Attest:

"Kevin H. White,
"Secretary of the Commonwealth."

To the Committee on Banking and Currency:

"Resolution of the Commonwealth of Massachusetts Memorializing the Congress of the United States To Enact Legislation Generally Referred to as the Urban Mass Transportation Bill

"Whereas approximately 70 percent of our citizens live in urban areas and are affected by urban transportation or the lack of public urban transportation; and

"Whereas transit companies are caught in the vicious cycle of rising costs and declining revenues, while the costs of highway construction have increased greatly as their physical limits have been reached; and

"Whereas cities and towns lack the financial resources to cope with these staggering problems; and

"Whereas the increasingly complex and vital area of urban transportation is a national problem; and

"Whereas there will be a tremendous financial loss to the Nation as a result of the abandonment of rights-of-way which can only be replaced at many times their present value; and

"Whereas the proposed long-range program before the Congress provides the Federal aid needed by local communities to effectively combat these problems: Therefore be it

"*Resolved,* That the General Court of Massachusetts hereby urges the Congress of the United States to enact the legislation generally referred to as the urban mass transportation bill; and be it further

"*Resolved,* That a copy of these resolutions be sent forthwith by the secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"House of Representatives, adopted, March 25, 1964.

"William C. Maiers,
"Clerk.

"Senate, adopted in concurrence, April 1, 1964.

"Thomas A. Chadwick,
"Clerk.

"Attest:

"Kevin H. White,
"Secretary of the Commonwealth."

To the Committee on the Judiciary:

"Resolution of the Commonwealth of Massachusetts Memorializing the Congress of the United States To Enact Legislation Making Columbus Day a Legal Holiday

"Whereas the discovery of this continent by Chistopher Columbus on October 12, 1492, was an event of great historical importance; and

"Whereas he was a man of exemplary character and showed he possessed courage in the highest degree; and

"Whereas the esteem in which he is held has increased in leaps and bounds with the passing of time; and

"Whereas the people of this country are greatly indebted to him above all other people for his extraordinary achievement; and

"Whereas it is the desire of the vast majority of our citizens to honor this great man and his memory by having a day set aside to be known as Columbus Day: Therefor be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to declare October 12 of each year to be a legal holiday to be known as Columbus Day; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth.

"House of representatives, adopted, April 1, 1964.

"William C. Maires,
"Clerk.

"Senate, adopted in concurrence, April 6, 1964.

"Thomas A. Chadwick,
"Clerk.

"Attest:

"Kevin H. White,
"Secretary of the Commonwealth."

FLOOD CONTROL—PETITION

Mr. KEATING. Mr. President, I present a petition signed by 153 citizens of Wellsville, N.Y., relating to flood control. I ask unanimous consent that the petition be printed in the Record, without the signatures attached, and appropriately referred.

There being no objection, the petition was referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

Wellsville Flood Control Petition

Hon. Jacob K. Javits,
U.S. Senator,
Senate Office Building,
Washington, D.C.
Hon. Kenneth B. Keating,
U.S. Senator,
Senate Office Building,
Washington, D.C.
Hon. Charles E. Goodell,
Congressman, 43d District, New York,
House Office Building,
Washington, D.C.:

We, the undersigned taxpaying citizens of Wellsville, N.Y., do ask your support in remedying the design defects in our flood control project.

The U.S. Corps of Engineers now says that a design figure of 21,000-foot-per-second flow should have been used, rather than the 12,000-cubic-foot-per-second flow to which the project was constructed.

Since 1959, three floods have exceeded the design limits of the works and we barely escaped a major disaster this March.

It is our understanding that money is now available to complete the Wellsville project without further congressional appropriation.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALTERS:

S. 2730. A bill for the relief of Dr. Jorge A. Picaza; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2731. A bill to permit an additional 5 years to be disregarded, in determining average monthly wage of an individual for purposes of arriving at benefits payable to him under title II of the Social Security Act, if such individual has been involuntarily separated from employment held for 10 years or more under circumstances involving his loss of private retirement rights; to the Committee on Finance.

(See the remarks of Mr. Hartke when he introduced the above bill, which appear under a separate heading.)

By Mr. McNAMARA (for Mr. Engle):

S.J. Res. 167. Joint resolution with respect to the proposed location of a nuclear powerplant at Bodega Head, Calif.; to the Joint Committee on Atomic Energy.

RESOLUTION

TO PRINT AS A SENATE DOCUMENT A COMPILATION OF REPRESENTATIVE PUBLISHED SPEECHES, OR SELECTIONS THEREFROM, OF THE LATE GENERAL DOUGLAS MacARTHUR

Mr. TOWER submitted a resolution (S. Res. 308) to print as a Senate document a compilation of certain speeches, or selections therefrom, of General of the Army Douglas MacArthur, which was referred to the Committee on Rules and Administration.

(See the remarks of Mr. Tower when he submitted the above resolution, which appear under a separate heading.)

AMENDMENT OF SOCIAL SECURITY ACT RELATING TO RETIREMENT BENEFITS

Mr. HARTKE. Mr. President, it is a tragic circumstance for any worker, after spending 10, 20, or 30 years of his life as the employee of a company under a private retirement plan, to find suddenly that through no fault of his own he is not only out of a job but also without the retirement protection he had counted on. Yet all too often that is the case when a company ceases operations, transfers work to another plant and closes down, or makes, for business reasons, a decision which cripples the human prospects of its workers. The recent closing of the South Bend Studebaker plant is a case in point, but there are numerous others.

In such a case, workers with long service may find themselves deprived of the pensions they would have received otherwise. At 50 or 55, there is no demand for their special skills, and if they can find employment it is often at lower pay. This, through no fault of their own, not only loses them their private retirement benefits but, by the inclusion of years late in life with partial unemployment and low-paid jobs in the base of their social security calculations, deprives them also of a portion of the old age retirement benefits from the Federal system they would otherwise receive.

Therefore, Mr. President, I introduce a bill to aid in such situations. It would allow for the exclusion of 10 years instead of 5 years from the social security calculations base, with the second 5 years drawn from those following the involuntary unemployment of a long-service employee deprived thus of his private retirement benefits. I request unanimous consent for the printing of the bill at the conclusion of these remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2731) to permit an additional 5 years to be disregarded, in determining average monthly wage of an individual for purposes of arriving at benefits payable to him under title II of the Social Security Act, if such individual has been involuntarily separated from employment held for 10 years or more under circumstances involving his loss of private retirement rights, introduced by Mr. Hartke, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (2) (A) of section 215 (b) (2) of the Social Security Act is amended to read as follows:

"(2) (A) The number of an individual's 'benefit computation years' shall be equal to the number of elapsed years (determined under paragraph (3) of this subsection)—

"(i) in the case of any individual, reduced by five years, and

"(ii) in the case of an individual who, after having been employed for not less than 10 years for the same employer, was involuntarily separated from employment with such employer under circumstances involving the loss of his rights in a private retirement plan provided by such employer, reduced by five additional years occurring within the period following his separation from employment with such employer; except that (iii) the reduction provided in clause (ii) shall be made only if, and to the extent, that the average of the individual's wages and self-employment income for the period referred to in such clause would be increased by the application of such reduction, and (v) the number of an individual's benefit computation years shall in no case be less than two."

(b) Subparagraph (B) of section 215 (b) (2) of such Act is amended by inserting "(i)" after "(A)".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to applications for monthly benefits under title II of the Social Security Act filed on or after January 1, 1965, and with respect to applications for lump-sum death payments payable thereunder for deaths occurring on or after such date.

NOTICE OF POSTPONEMENT OF HEARINGS ON SENATE BILL 2296, RELATING TO THE CREATION OF GUADALUPE NATIONAL PARK

Mr. BIBLE. Mr. President, the Public Lands Subcommittee of the Senate Interior Committee had heretofore scheduled hearings on April 21 on S. 2296, Senator YARBOROUGH's bill to create a Guadalupe National Park. Many citizens from Texas have indicated their intention to testify in favor of the bill.

Because of the limited time that is available in which committees can sit during the current extended debate, it appears impossible to give the measure the consideration to which it is entitled.

I have, therefore, postponed hearings on the measure until adequate time is available to properly consider the measure.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. BAYH:

Statement by him relating to retirement of William Patrick Flynn as chairman and chief executive officer of Indiana National Bank, Indianapolis, Ind.

THE ALASKA DISASTER GROWS—NOW A FIFTH CITY, CORDOVA, IS ALSO HARD HIT

Mr. GRUENING. Mr. President, the earthquake and resulting tidal waves which hit Alaska on March 27 grow in magnitude as a disaster as their consequences are more fully ascertained.

Within a few days after that fatal and unprecedented convulsion, it was certain that the cities of Anchorage, Alaska's metropolis; Seward, ocean terminus of the Alaska Railroad and the port of entry to western Alaska; Valdez, terminus of the Richardson Highway and port of entry to the area lying east of Prince William Sound; and Kodiak, western Alaska's fishing center, that these four urban centers had suffered incredible damage, their economy having been partially or wholly destroyed as well as hundreds of homes. In addition, a half-dozen smaller villages have been destroyed and there is widespread damage to the railway and highways. But the first impression was that Cordova, the fifth of the five principal cities lying close to the coast of central and western Alaska, had escaped serious damage.

Unfortunately, that is not the case. For the wide-ranging Alaska earthquake, which has lowered the level of Kodiak about five and a half feet, so that the city itself must be removed to higher ground to safeguard it from high tides which would flood it, produced the opposite but perhaps little less destructive effect on Cordova. This city, a fishery center for salmon, crab, and clams, former ocean terminus of the Copper River & Northwestern Railway, and prospective entry by a highway being constructed up the Copper River Valley, was raised nearly 6 feet—about the same distance that the level of Kodiak was lowered. The consequences of that upheaval are graphically described in a telegram which I received last night from the city's Mayor William Sherman. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Senator ERNEST GRUENING,
U.S. Senate,
Washington, D.C.:

Boat harbor wiped out; no water 209 out of 215 moorings; unusable low tide; 6 a.m. today one vessel laid over, spilled 500 gallons diesel, enormous fire hazard; Alaska State ferry slip not usable three-quarters of time, only contact between coast and interior Alaska other than Anchorage; no grids for repairs and bottom painting; north of Juneau marineway servicing 400 vessels out of service due to low water; 7 canneries out of service due to low water; 450 boats stored in canneries cannot be put in water, only available fishing fleet between Southeastern and Bristol Bay with prospects of excellent years is out of service due to low water; harbor only one of all-year use available for service to interior Alaska if dredged.

Alaska Steamship Co. and Standard Oil Co. cannot lay at dock in low water; Coast Guard moorings in very poor condition; only station between Juneau and possibly Kodiak; 3,500 people this area depend entirely on fisheries for livelihood; without immediate assistance to restore harbor the economy will suffer catastrophic decline with resulting disaster effects to State of Alaska; urgently request dredging and approach of north breakwater rehabilitating entire harbor area.

WILLIAM SHERMAN,
City of Cordova Pro Tempore Mayor.

Mr. GRUENING. Thus it is clear that the full consequences of this monumental disaster to Alaska are not yet fully appraised and that massive help will be needed.

The Committee on Interior and Insular Affairs, authorized to be a special committee to cope with the Alaska disaster, will meet later this morning—for it is now after midnight—under the chairmanship of Senator CLINTON ANDERSON to hold hearings on a bill to amend the Alaska Statehood Act and provide suitable legislature remedies. The bill, which includes a provision for earthquake insurance retroactive for Alaska, sponsored by Senator JACKSON, is cosponsored by Senators MAGNUSON, BARTLETT, BIBLE, KUCHEL, ENGLE, INOUYE, FONG, MOSS, and myself. I hope there will be other cosponsors.

The problems which now confront Alaska are manifold and will be with us for some time. I expect to keep the Senate apprised of them and what is being done about them.

Pertinent is an excellent editorial, entitled: "The Kind of Relief Alaskans Must Have" which appeared in last Thursday's Anchorage Times. I ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Anchorage Daily Times, Apr. 9, 1964]

THE KIND OF RELIEF ALASKANS MUST HAVE

How can friends in the other 49 States help Alaskans recover from their earthquake losses?

There is no pressing need for emergency clothing, food or medicine, yet that is what Alaska is receiving from well-meaning friends and organizations.

Alaskans should be pointing the way for more effective help. But what should they suggest?

During a discussion of this question, Father Zabriskie came up with the best suggestion we have heard. He suggested that Alaskans urge their outside friends to press their Senators and Congressmen for favorable action on legislation to provide Federal relief.

This touches on the most critical need in the entire State.

It has already been shown that Alaskans have the will, the enthusiasm and the energy to restore the broken economy of the State and of themselves.

Their greatest need is an opportunity to carry on without a debt burden that is beyond the point of reasonableness.

Thousands of Alaskans are under contract to make monthly payments for many years to come on houses that no longer exist, are no longer inhabitable or are in need of major repairs. These good people cannot undertake to buy new houses or to rent additional living space if the payments must continue on the old one that has disappeared or been damaged.

The businessmen also need help. The little man with a tiny store is usually in debt for his merchandise. Now he finds his merchandise ruined but the indebtedness still to be paid off. How can he get new stock to reopen his store if he is to have both a new debt and an old debt? This same problem with more digits confronts the big businessman.

Only the Federal Government is in a position to help.

The first thing Uncle Sam must decide is whether he wants this State to carry on as it was before the earthquake.

If the answer is affirmative, finding a way to restore the stricken cities to their pre-earthquake status is Federal responsibility.

Alaskans are under the impression that the development of this State is in the best interests of the Nation. They got this impression from the words of national leaders who, during the past quarter century, have said so in no uncertain terms.

During World War II the military leaders said they could not defend a wilderness. Congress then created the unprecedented Alaska public works program with Federal assistance for financing community facilities.

During and since the war, Congress responded to many Alaska problems with unprecedented action for airports, health programs, and even a dowry to get the new State started.

Alaskans have made their decisions. They are here to stay and are ready and willing to continue their work. The only decisions remaining to be made are those that must be made in Washington.

MACARTHUR ON BOMBING

Mr. SCOTT. Mr. President, I ask unanimous consent that an editorial entitled "MacArthur Told the Truth on Bombing," by Ray Cromley, published in the Washington Daily News on Monday, April 13, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Apr. 13, 1964]

MACARTHUR TOLD THE TRUTH ON BOMBING

(By Ray Cromley)

It is true, as Gen. Douglas MacArthur said, that the British Government did tell the Indian Government to tell the Chinese Communist Government that General MacArthur and the U.S.-United Nations forces in Korea would not be allowed to bomb or enter Manchuria in the drive north of the 38th parallel after the brilliant Inchon landings.

The British did this at the request of the U.S. State Department.

This roundabout message was sent shortly before the Red Chinese entered the war as General MacArthur's forces swiftly advanced northward.

It was intended, U.S. diplomats say, to keep the Red Chinese out of the action. It didn't.

The background of the story is this:

It was known in Washington that the Red Chinese were arguing whether or not to enter the Korean conflict.

Some of the top Reds said they had to come to the aid of a neighboring Communist country; they claimed there was no way out of it.

Some argued that there was a strong danger of getting into a war with the United States.

They said this might mean they'd have to evacuate the coastal cities and some strategic areas of Manchuria.

The Chinese Reds weren't certain how much aid they would get from the Russians. Some argued they needed more time to build their strength after their takeover of mainland China.

With this in mind, there were lengthy Defense-State conferences. At the end, there was agreement that everything possible should be done to keep the Red Chinese out.

Sending the message to Mao Tse-tung was only the first step.

The Pentagon ordered General MacArthur to halt his American and non-Korean U.N. troops well short of the Korean-Manchurian border. He was told that only South Korea troops should be allowed to advance up to the border areas.

The U.S. Defense chiefs also ordered General MacArthur to make assurances to the Red Chinese they would not be cut off from the electric power they were getting from the major North Korean powerplant in the Yalu area.

General MacArthur opposed these two orders. They were not carried out.

Once the Red Chinese entered the war, preparations were made at the Pentagon for all eventualities. These included preparations for the possible evacuation of United States-U.N. forces from Korea.

This turn of events nearly ended efforts to secure any agreement with the Red Chinese up to the time of the truce talks.

The British did make an attempt to talk to Red Chinese representative Wu when he appeared before the United Nations. They wanted to explore what could be done to get the Chinese Communists to agree to peace.

Wu accepted a luncheon engagement. But he wouldn't talk.

As a result, the British, whose Ambassador in Peiping was being ignored by the Red Chinese, were about fed up.

One British source says, "By this time we were disillusioned with the Chinese Communists. There weren't any areas for discussion."

So the war moved on until the Red Chinese began to lose. Then they asked for truce talks.

ORDER FOR RECESS UNTIL 10 A.M. TUESDAY, APRIL 14

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate recesses tonight, it recess until 10 o'clock a.m. on Tuesday, April 14, 1964.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. ON WEDNESDAY

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday, April 14, 1964, it recess until 10 a.m. on Wednesday, April 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 O'CLOCK A.M. TUESDAY, APRIL 14

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock a.m. on Tuesday, April 14.

The motion was agreed to; and (at 12 o'clock and 13 minutes a.m.), on Tuesday, April 14, 1964, the Senate took a recess, under the order previously entered, until 10 o'clock a.m. of the same day.

EXTENSIONS OF REMARKS

Mr. David Saul Klafter, of Chicago, Wins FEAA Award

EXTENSION OF REMARKS

OF

HON. EDWARD R. FINNEGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 1964

Mr. FINNEGAN. Mr. Speaker, the Free Enterprise Awards Association, Inc., a nonprofit corporation chartered by the State of New York, annually presents its national American Success Story Awards to members of the American business community who have achieved outstanding and successful careers in business. These awards symbolize what can be accomplished by any individual because of the opportunities available in our free and competitive society. Through recognition of the recipients of American Success Story Awards, the Free Enterprise Awards Association promotes incentive and champions the freedom of the American democratic system.

One of this year's recipients of the FEAA awards is Mr. David Saul Klafter of Chicago, a resident of the Ninth Congressional District, which I am privileged to represent. Mr. Klafter, 75, was cited "for his enduring contributions to the history of architecture and his unswerving devotion to civic and philanthropic causes." The son of Hungarian immigrants, he was a newsboy at the age of 4 and worked in a cigar factory at 7. A self-taught architect he had, by the time he was 17, designed 16 two-story apartment buildings and at age 21 passed the State architect's licensing examination.

Since then, Mr. Klafter has left the mark of his individualistic talent on scores of Chicago's finest office buildings, theaters, synagogues, factories, homes, and shopping centers; and many of his innovations in hospital and other designs are today's standards. Mr. Klafter is now a member of the Architects Examining Board of Illinois and devotes much of his time to civic and philanthropic causes, serving on the executive boards of over 40 such groups.

Mr. Speaker, I firmly believe that the future of this great Nation is indivisibly linked with our ability to continue to produce men with Mr. Klafter's initiative, acumen, and drive. It is with great pleasure, therefore, that I join with the Free Enterprise Awards Association in paying tribute to Mr. Klafter on this occasion.

Foreign Aid

EXTENSION OF REMARKS

OF

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 1964

Mr. GUBSER. Mr. Speaker, on March 18, I called to the attention of this body the fact that current planning for military hospital construction is proposing a drastic reduction in the spaces available for medical care to military retirees and their dependents. For example, current planning for the replacement for Letterman Hospital in San Francisco proposes a reduction of exactly 300 operating beds. A similar situation exists at other hospitals. Current policy, when implemented, will bring about a reduction of

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2,937 beds from the constructed bed capacity of 9 existing military hospitals.

Today, I call attention to the fact that on March 24 of this year, according to the Associated Press, the United States gave to Communist Poland a $6.1 million grant to complete the building of a children's hospital in the city of Krakow in Poland. This will bring to a total of $10.4 million the U.S. contribution to that particular hospital, and will provide for a total of 300 beds therein.

It would appear that, in practical effect, we are deducting 300 beds from those available for our own military retirees in the San Francisco district alone, and transferring them to the city of Krakow, in Communist Poland.

It is an old adage that "charity begins at home." However, medical care for our own military retirees, who have preserved this Nation and made possible our ability to continue to distribute largesse around the world, is not charity at all, but the discarge of both a legal and a moral obligation. It would be bad enough if we were distributing charity abroad while denying it at home, but the situation is worse than that. We are distributing money as charity abroad, to nations which are our avowed enemies, which we still owe as an obligation to the longtime defenders of our own land.

The inconsistency as well as the injustice of the situation becomes even more apparent when we face the fact that these distributions of largesse gain us, not friends, but the ever-increasing bitterness and jealousy of the recipients. No better evidence of this fact is needed than what President Sukarno, of Indonesia, said publicly, in the presence of our Ambassador, on March 25 of this year, "I say go to hell with your aid."

It is high time that we restrained our spendthrift, giveaway policies, in favor of more consideration for our own people.

Retirement of William Patrick Flynn, Chairman and Chief Executive Officer, Indiana National Bank, Indianapolis, Ind.

EXTENSION OF REMARKS

OF

HON. BIRCH E. BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Monday, April 13, 1964

Mr. BAYH. Mr. President, there are still some great rags-to-riches stories, exemplifying the very heart of the American dream, abounding in our land today.

Few are more compelling than the story of William Patrick Flynn who, at the age of 65, has retired as chairman and chief executive officer of Indiana National Bank at Indianapolis, Ind. I hasten to add that retirement for Mr. Flynn means that he will now remain a member of the board and will be chairman of the bank's executive committee.

William P. Flynn was born on the west side of Indianapolis. His father was a farmer and later supervisor of the Indianapolis Street Railway Co. In 1915, when he was 16, young Flynn took a job as office boy for a life insurance company. But he quit that job to take advantage of his first great opportunity. He accepted an offer of a 50 percent salary increase to become a bank messenger. His decision meant that his weekly pay would increase from $4 a week to $6 a week.

From messenger boy, he was promoted first to clerk, then to bookkeeper, then to receiving teller. His rapid rise was noticed, and in 1918—when only 19 years old—Mr. Flynn became one of the youngest men appointed to the responsible position of assistant national bank examiner with the Seventh Federal Reserve District in Chicago.

In 1922 he became bank examiner for the Indianapolis Clearing House Association. He returned to the Indiana National Bank in 1930 as vice president in charge of the credit department. In 1940 he was elected to the board of directors, became executive vice president in 1944, president in 1952, and board chairman in 1957.

He is now a director of the insurance company where he started as an office boy, as well as the retiring chief officer of the bank where he started as a messenger boy.

In addition, Mr. Flynn serves as a director of a number of business, civic, and religious organizations. He is a director of the English Foundation, the United Fund of Greater Indianapolis, the Indianapolis Civic Progress Association, the Indianapolis Hospital Development Association, the Indianapolis-Marion County Building Authority, the Indianapolis Chapter of the American Red Cross, the Indianapolis Symphony Orchestra, and many others.

In 1961, Mr. Flynn was named a Knight of St. Gregory by Pope John XXIII for his leadership in fundraising campaigns for the archdiocese.

Mr. President, I submit that the example of personal, civic, and religious advancement set by William P. Flynn is one that commends itself to the youth of our Nation. He is to be congratulated for a life filled with service to his fellow man.

Washington Report

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 1964

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter of April 11, 1964:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

FREEDOM ASSAULTED

Using unprecedented naked power and disregard for reasonable procedure in passing important legislation, the Democratic leadership of the House this week rammed through two bills which may well prove to be decisive steps in putting an end to the freedom of the people of the United States. In passing the food stamp plan and the cotton-wheat bill the fundamental philosophies of the two parties were never brought into clearer focus. The real coalition in Congress, Northern and Southern Democrats, were almost unanimous in trampling on the parliamentary rights of the minority and in adopting the two measures.

THE LEGISLATION

1. The food stamp plan (H.R. 10222) to provide stamps to welfare recipients for the purchase of food: It is declared to be "an essential instrument in the war on poverty." The report on the bill states: "H.R. 10222 improves, expands, and makes permanent the food stamp program that now is operating successfully on a pilot and experimental basis in 43 areas in 22 States, covering some 380,000 persons."

In opposing the bill, the minority members of the Agriculture Committee said: "The establishment of a nationwide food stamp plan is not needed; it would be extremely expensive and inefficient; it would destroy the rights and usurp the responsibilities of local and State governments; it would aggravate the problems of commodities now held in surplus stocks by the Government; it would add hundreds of new employees in the Department of Agriculture; it would give the Secretary of Agriculture new broad and sweeping powers; it would be adverse to the needy people it is designed to help; and it would be of little benefit to U.S. farmers.

In the power move in which the House engaged, the food stamp plan was brought to the floor ahead of the cotton-wheat bill in a reported arrangement between city members who wanted the stamp plan and rural members who wanted the cotton-wheat program, thus assuring passage of both.

2. The cotton-wheat bill (H.R. 6196): The cotton bill was passed by the House with two very important amendments (the McIntire and Jones amendments) to protect States rights and lessen Federal control. The wheat bill was never considered by the House. In fact, it had not even been accepted by the Subcommittee of the House Agriculture Committee prior to the passage of the bill by the Senate and its return to the House. The entire wheat bill was added as a Senate amendment to the cotton bill after the Senate had stricken both the McIntire and Jones amendments from the latter.

Under these circumstances the House was asked to approve a 71-word resolution to send to the President without any amendment, with only 1 hour of debate, the entire cotton-wheat program.

Both bills were rammed through the House by keeping the Members in session until 12:30 midnight and by using a House-approved recess to honor the memory of General MacArthur as a device for an additional questionable recess to give some legality to highly irregular House procedure. Never in the history of Congress has there been a greater display of ruthless power, which resulted in an incident which to my knowledge is without precedent, the booing of the Speaker of the House of Representatives.

QUESTION OF PRINCIPLE

To detail all the parliamentary maneuvering and to discuss at length all the provisions of the legislation would take pages. The most I can do in the space of a newsletter is to alert the people as to what was done and the question of principle involved in the legislation.

1. The wheat bill is the same program turned down by the farmers in a nationwide vote last year. It established a two-price system in wheat; it is going to be more costly to the taxpayers both in supporting the sub-

sidies and in higher prices for food; it increases the potential for greater wheat surpluses; it opens further the floodgates for socialism. Approval of this legislation implies approval for greatly expanded minimum wage laws, medicare, wholly owned Federal housing, and complete Federal direction of urban renewal, together with all the other big government, big spending Federal projects, and welfare programs.

2. The cotton bill adds an additional subsidy to the two already in effect, giving cotton a triple subsidy; it gives unhealthy power to Federal-oriented cooperatives at the expense of private cotton merchandisers; places unusual control of cotton in the hands of the Secretary of Agriculture. It is claimed it will correct the market. Actually, it adds an additional subsidy to correct a problem created by a previous subsidy. It was sold to the cotton people as a temporary 2-year program. Those who bought this forget that we have been operating on temporary agriculture subsidy programs for over 30 years.

After months of study of the cotton legislation and in protest against being asked to approve a wheat program which had never been before the House, I opposed the bill. I am convinced, as are many members of the Agriculture Committee, including some from cotton States, that passage of this bill will, in the end, tremendously damage the entire industry and may even mean the end of privately owned cotton trading enterprises.

THE POLITICAL ASPECT

Many of the cotton people of Dallas do not agree with me at this time. I received a number of letters and personal telephone calls indicating political reprisal if I voted against the bill. Under such circumstances I have only one course—to follow reason and my conscience and vote according to my own judgment, knowing all the facts and the probable effect of the legislation. Political expediency cannot be the deciding factor in voting on such vital legislation if a Representative is to remain true to his convictions. I believe my vote was in the best interest of the cotton industry and am prepared to debate the issue with any leaders of the industry, presenting all the facts as I know them to be.

In the passage of these two bills and the manner in which it was done, freedom in America was seriously assaulted this week. Who knows what new blows are being planned to weaken the private enterprise system and the remaining freedoms of the American people?

APRIL 11, 1964.

BRUCE ALGER,
Member of Congress.

Where is the Roosevelt Memorial?

EXTENSION OF REMARKS
OF

HON. EVERETT G. BURKHALTER

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 13, 1964

Mr. BURKHALTER. Mr. Speaker, this is a particularly wonderful time of the year to be in Washington. The singular beauty of the city is enhanced by trees and flowers but most wonderful of all to me is the flood of the people from all over the Nation who come here to visit the seat of National Government.

They come here by the hundreds to see their Representatives at work in the Capitol. They come here to see the great art museums, the majestic memorials and monuments, and invariably to ask, "Where is the monument to President Roosevelt?"

To answer this question is most embarrassing. For all Members of Congress know that the memorial to President Franklin D. Roosevelt is still on paper. Disagreements among the various committees involved, arguments over location, contrary views of what is appropriate and what is not appropriate have resulted in a situation which has produced no national memorial to the man who brought this country back from the brink of revolution.

Thirty-two years ago this month, farmers in the Midwest were threatening to hang the officers of the court involved in foreclosure sales. Masked men were seizing milk trucks and dumping milk in the roadway. Irate Nebraska farmers threatened to tear down the new State capitol building unless help was forthcoming from the legislature.

Homes were being foreclosed at the rate of a thousand a day, unemployed workers in Detroit raided grocery stores filling their baskets and leaving without paying. In St. Louis, hungry men demanding food at city hall were shot by police in an effort to control the mob. In Chicago, 55 persons were charged with tearing down a brick building and carrying it away. People lived in packing boxes on the river front, they slept in empty street cars. Heart disease complicated by malnutrition was the entry in hospital registers when people, dying from starvation, were brought in to spend their last hours under a roof.

From Pennsylvania to Wyoming, jobless miners bootlegged coal. In cities, jobless veterans sold apples and shoestrings for paltry pennies. Fields of unpicked cotton extended from New Mexico to the Carolinas because the sale price of cotton would not pay for the picking. There were vineyards and orchards with fruit unpicked in the country and starvation in the streets of the cities.

Ten thousand striking miners in southern Illinois organized a coal caravan—the cars in the demonstration stretched for 48 miles. Communist-led demonstrations were at every hand.

In this chaotic and fearful situation, Franklin D. Roosevelt, in his inaugural address, had stated:

> First of all, let me assert my firm belief that the only thing we have to fear is fear itself, unreasoning, unjustified terror.
>
> We are stricken by no plague of locusts. Plenty is at our doorstep, but a generous use of it languishes in the very sight of the supply. Primarily, it is because the rulers of the exchange of mankind's goods have failed through their own stubbornness and their own incompetence and have abdicated. The moneychangers had fled from their high seats in the temple of our civilization. We may now restore that temple to the ancient truths.

Then came the national bank holiday and on March 9, 1933, within 5 days of his taking office, the special session of Congress convened to pass, sight unseen, the emergency banking bill which extended Federal help to reopen the banks.

Sixty million people gathered around their radios the next Sunday night to hear the first of the fireside chats.

Small wonder that the children and the grandchildren of those people ask when they come here, "Where is the Roosevelt memorial?"

And from the inaugural date on March 4, 1933, for the next 100 days, this House and Members of Congress stood by the President and remade the figure of Government in our time.

Franklin D. Roosevelt re-created the modern Presidency, according to William Leuchtenberg:

> He took an office which has lost much of its prestige and power in the previous 12 years and gave it an importance that went well beyond what even Theodore Roosevelt and Woodrow Wilson had done. Clinton Rossiter has written: "Only Washington who made the office and Jackson, who made it, did more than Roosevelt to raise it to its present condition of strength, dignity, and independence."

His most important formal contribution in the opinion of many historians was the creation of the Executive Office of the President on September 8, 1939, Executive Order No. 8248 set up the Executive Office with six assistants with a "passion for anonymity." It did more than that, it placed in the hands of the President as drivers at the reins of government. This authority has been increased and enlarged today but it all dates from the Executive order.

Small wonder students of government from around the world look for a memorial to this man who saved representative and democratic government.

Franklin Roosevelt perfected the art of the newspaper news conference and the fireside chat over the radio. His press conferences were rough and tumble, his fireside chats as cozy as a chat with grandfather. And the White House mail multiplied 50 times.

The financial center of the Nation shifted from Wall Street to Washington under the New Deal; John Dillinger, a notorious bank robber was shot to death in Chicago after he had escaped from a number of jails and led a spectacular career in crime through a dozen States, impotent to stop him.

Reform in the 1930's was economic reform and much of the force and power of the New Deal came from organized labor and brought fruit in the Committee for Industrial Organization.

Here, under sponsorship of Government organizers, set up a whole new concept to organized labor, a movement that was to have much to do with the sweep and the power of organization for the next 30 years.

Nor were the arts neglected as many a post office built in those troubled times can attest.

Art projects, theatrical projects, dance projects, the National Youth Administration, the Civilian Conservation Corps were adjuncts of the more widespread WPA, which kept many a family together, and the PWA which built badly needed buildings and gave jobs to thousands in permanent construction.

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Alphabetical agencies gave fodder to the cartoonists, the comedians, and the hardheaded. And they saved the lives of thousands, gave new hope to the entire country, and laid the groundwork for today's flexible Government the most powerful in the world.

Spring in Washington is a glorious time, a time to welcome the thousands of visitors who come here for a pilgrimage to this magnificant complex. But it brings a most embarrassing question from the lips of hundreds: "Where is the Roosevelt Memorial?"

It is difficult to believe that the memorial to the man who brought us back from the brink of revolution exists today only on paper.

The Pending Urban Mass Transportation Act

EXTENSION OF REMARKS

OF

HON. EVERETT G. BURKHALTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 1964

Mr. BURKHALTER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter:

THE PENDING URBAN MASS TRANSPORTATION ACT: A QUESTION-AND-ANSWER ANALYSIS OF THE NEED FOR THIS FEDERAL LEGISLATION

In the near future, the Urban Mass Transportation Act of 1963—one of the major legislative proposals of the current session of Congress—is expected to be called up for a vote by the House of Representatives.

The Senate already has acted favorably upon the Urban Mass Transportation Act, and it has been the subject of thorough committee hearings in the House of Representatives.

Originally proposed by the late President Kennedy and his administration, the Urban Mass Transportation Act is being strongly supported by President Johnson. Appeals for its enactment have been made twice to Congress by President Johnson—once in his state of the Union message and the other time in his message on housing and community development.

"Urban mass transportation is one of the most urgent problems facing the Nation and this Congress," said President Johnson.

"Efficient transportation systems are essential to our urban communities," President Johnson explained. "The proper mixture of good highways and mass transit facilities should be developed to permit safe, efficient movement of people and goods in our metropolitan centers.

"I urge early enactment of the mass transit program (H.R. 3881) as basic to the development of our Nation's cities," President Johnson asserted.

The Institute for Rapid Transit, using the question-answer technique, herewith presents the views of knowledgeable leaders in the transit industry on the need and justification of the Urban Mass Transportation Act:

Question. What is the need for this legislation?

Answer. After many years of concentration on improving highways and other facilities for the private automobile, it has become obvious that the automobile alone cannot possibly supply all of the urban transportation requirements. The cost alone of providing enough urban highways to provide the total transportation requirements would be fantastic and prohibitive. Furthermore, it would be a grossly uneconomic use of land to provide for not only the required highways but also the parking facilities required by these highway constructions. This continuing need for mass transportation facilities is especially apparent in the peak hours of travel to and from the central business districts and other increasingly congested sections of the metropolitan areas. It is the belief of the transit industry that improved transit facilities could attract substantial numbers of patrons and thereby relieve congestion on highways and streets.

Question. Isn't it possible to private industry to provide the mass transportation needs without any Federal or other governmental assistance?

Answer. Experienced operators, planners, and other students of the transit industry are in general agreement that it is no longer attractive to private industry to make substantial capital improvements which are required for the long overdue modernization and expansion of such facilities. There is not sufficient revenue coming through the fare box to provide either the basis for low-interest bonds or the capital to finance these improvements. To attempt to finance these capital improvements through the fare box would raise fares so high that not only would transit riding be reduced, but a financial hardship would be imposed on those persons who must depend solely on transit services.

Question. Aren't privately owned urban transportation properties profitable?

Answer. There are certain privately owned transit companies which are profitable operations, but the trend for many years has been for the privately owned transit companies to withdraw in favor of public transit authorities or similar governmental agencies. The fact of the matter is that since World War II, many privately owned transit companies have failed, resulting in either public operations or abandonment of transit services in the community involved.

The last 25 years have seen a shift from private to governmental operations in such cities as Boston, Chicago, New York, Miami, Memphis, Cleveland, and Los Angeles. In the last year or two, the privately owned transit properties have disappeared in St. Louis, Dallas, and Pittsburgh. This problem is not only restricted to the large and medium-size cities, but includes numerous smaller cities as well. For example, privately owned properties in recent years have given way to public operations in such cities as Long Beach, Sacramento, and Bakersfield, Calif.; Savannah and Rome, Ga.; Michigan City, Ind.; Tacoma, Wash.; San Antonio, Tex.; New Castle, Pa.; Janesville, Wis.; Jonesboro, Ark.; Greeley, Colo.; Staunton, Va., and Jamestown and Ithaca, N.Y.

Question. Would not this act be the death knell to private transit operators?

Answer. This act plays no favorites between the publicly owned and the privately owned transit operations. Under the provisions of this act, all Federal grants or loans would be made to State or local governmental bodies. In no case would assistance be rendered directly to an operating transit organization, whether publicly or privately owned. The sponsoring State or local governmental agency would make the necessary improvements in transit facilities. These improved facilities in turn would be operated by the existing transit operator, whether it is privately or publicly owned. In fact, this act might very well help to continue certain private operations which are having great difficulty in continuing on their own.

Question. Do proponents of this bill feel that improved transit can handle all of the transportation requirements of a modern city?

Answer. On the contrary, just as most Americans do, proponents of this bill recognize and enjoy the advantages of the private automobile and look to improvements in highways where required.

Transit experts also recognize the fact that no one form of urban transportation can handle all of the transportation requirements in large cities and metropolitan areas. In other words, the proponents of the Urban Mass Transportation Act are recommending a balanced approach to the urban transportation problem—an approach embracing the private automobile, the bus, the commuter railroad, and rapid transit, as required for a given urban community.

Question. Has the Federal Government recognized this need for a balanced transportation approach?

Answer. The answer to this question is found in section 9 of the Federal Aid Highway Act of 1962 approved October 23, 1962, amended chapter 1 of title 23, United States Code, by the addition of a new section 134, which reads as follows:

"It is declared to be in the national interest to encourage and promote the development of transportation systems, embracing various modes of transport in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary (Commerce) shall cooperate with the States, as authorized in this title, in the development of long-range highway plans and programs which are properly coordinated with plans for improvements in other affected forms of transportation and which are formulated with due consideration to their probable effect on the future development of urban areas of more than 50,000 population. After July 1, 1965, the Secretary (Commerce) shall not approve under section 105 of this title any program for projects in any urban area of more than 50,000 population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section."

Question. Would this proposed transit legislation be harmful to existing highway legislation?

Answer. By no means would this be a threat to highway legislation. For instance, Mr. Rex Whitton, Administrator of the Federal Bureau of Public Roads, testifying before the House Banking and Currency Committee, agreed that the Urban Mass Transportation Act would in no way impede the progress of the vast highway construction pragram.

On the subject of balanced transportation planning Mr. Whitton also told a subcommittee of the House Banking and Currency Committee:

"On the other side of the coin, financial aid from Federal or State sources has not been available in substantial amount for mass transportation improvements, and there has been no solid organizational apparatus developed through which such aid could be quickly applied. As a result, implementation of public transit aspects even of well-balanced plans has lagged behind the highway program in urban areas."

Question. Why have mass transportation improvements lagged behind highway improvements?

Answer. Mass transportation improvements have lagged far behind urban highway improvements primarily for two reasons. First of all, since World War II, emphasis was placed on highways and the private automobile with the thought that such improvements would take care of all the urban transportation requirements. Secondly—and probably more important—substantial financial assistance was available from the Federal Government for automotive facilities. Not only are 90 percent matching Federal funds available for urban highway improvements under the $41 billion interstate and defense highway program of 1956, but funds also have been available for many years for urban areas under the Federal assistance programs for urban, primary, and seconday highways. Similar Federal assistance up to now has not been forthcoming for mass transportation improvements.

Question. Would not section 134 of the Federal Aid Highway Act of 1962 mentioned in an earlier answer take care of the mass transportation requirements in our metropolitan areas?

Answer. No, it would not. Section 134 of the 1962 Highway Act requires that highways to be eligible for Federal assistance after July 1, 1965, must be part of an areawide transportation plan that includes all forms of transportation as required. In other words, the Highway Act itself now recognizes the need for transit by insisting on balanced transportatioh planning, but unfortunately it provides financing for the highway phases but not for the mass transit phases of any plan. Passage of the Urban Mass Transportation Act would at least in part answer this need.

Question. What type of transit improvements does the industry believe are needed under the Urban Mass Transportation Act?

Answer. The type of improvements would be determined by the physical layout, the size and population density of the city and surrounding metropolitan areas. Such requirements would be determined locally to fit the needs of the individual cities and areas.

The objective of the act, as expressed by Dr. Robert C. Weaver, Administrator of the Housing and Home Finance Agency, is "to provide the people in the community a choice so that if they want to have mass transit they can have it." Dr. Weaver has explained further that if a community decides to depend solely upon the automobile, it can make this choice. But he also has pointed out, in testimony before the House Banking and Currency Committee, that a community should "not be forced to use the automobile because of the lack of a decent mass transit system."

Question. Is the Institute for Rapid Transit supporting the Urban Mass Transportation Act solely for the purpose of expanding rapid transit facilities?

Answer. No; the Institute for Rapid Transit wholeheartedly supports the balanced approach to urban transportation. This includes not only the coordination of public and private transportation, but also the proper coordination of the various forms of mass transportation, such as rapid transit, commuter railroads, and buses.

The Institute for Rapid Transit is an operators' association whose board of directors is made up of the general managers of the larger transit operations throughout the country. While the transit operations represented have plans for expansion or implementation of rapid transit facilities, it should be recognized that these organizations also are the operators of the larger transit bus systems throughout the country. These operators are not trying to favor one form over the other, but are trying to utilize each—rapid transit and the bus—to its fullest effectiveness.

Question. Why can't surface transit vehicles operating over streets and highways provide all of the transit requirements?

Answer. To make transit more attractive, scheduled speeds must be increased and regularity of service must be assured. This is difficult if not impossible to attain with surface transit vehicles competing with automotive traffic in congested areas. These objectives in such areas can only be attained through the provision of transit service on a grade-separated, private right-of-way.

Long experience with rapid transit on its grade-separated, private right-of-way has shown that scheduled speeds of two to four times that of surface transit vehicles are easily attainable. Existing rapid transit lines, free from the interference of street traffic and the elements, have demonstrated the highest possible degree of regularity of service.

Question. Is not the need for rapid transit restricted to only the largest metropolitan areas?

Answer. Obviously, the need for rapid transit grows with the size and the density of population in the areas involved. However, we believe that the ability of rapid transit to handle large masses of people provides an economical method of supplying the high capacity required for the peak hour movements in and out of congested areas. We believe that the demonstrated ability of the Cleveland "rapid" to perform this function and the plans for such systems in such cities as Atlanta, South Jersey, and Washington, D.C., are indicative of the desirability of rapid transit in the important medium size metropolitan areas.

Question. Isn't the Urban Mass Transportation Act really a big city bill?

Answer. No; the transit industry definitely does not look upon this act as a big city bill. It is true that the problem of transportation might be more complex in the large metropolitan areas, but it probably is actually more serious in the smaller cities. Obviously, the automobile is relatively more effective in the smaller cities than the larger. This has resulted in great difficulties in the continuance of transit service in such areas. On the other hand, in any urban area, there always will be substantial numbers of people who will not have access to an automobile and who are handicapped unless some form of public transportation is provided. These people dependent upon public transit include families who do not own automobiles, members of large families having only one automobile, and those who are unable to drive, such as the handicapped, the young people, and the old.

There are also those who are able to drive, but prefer public transportation over driving in congested areas or who do not want to incur the cost of parking in downtown areas. Federal assistance is vitally needed to assure transit service for these groups of people in the small as well as the large cities.

Question. Could not financial assistance to transmit be provided by State and local governments without the Federal Government's help?

Answer. Actually, many metropolitan areas are providing assistance to transit operations in various manners. Unfortunately, however, because of the great demand on the local and State tax dollar brought about by our expanding urban populations, it is impossible to finance adequately the mass transportation improvements that are needed solely at the local level. Consequently, an imbalance has developed in urban transportation facilities because local levels of government have had Federal assistance available for the highway requirements. If Federal funds can be justified for highways in urban areas, it would seem logical that similar assistance be provided for mass transit.

Question. Isn't it true that Federal highway assistance represents a nationwide program, while transit assistance would be solely local in nature?

Answer. It is true, of course, that the Federal Government's Interstate Highway System includes rural as well as urban areas. But it also is true that much of the cost of the Federal Interstate Highway system is being incurred in the urban or metropolitan areas.

While only approximately 5,000 miles, or 13 percent of the total of 41,000 miles of highways in the new Federal interstate system are being built in urban areas, the proportional cost of the construction of this system in urban areas is equal to 45 percent of the total cost of the interstate highway program.

Question. Would the Urban Mass Transportation Act be a giveaway program by the Federal Government?

Answer. By no means. First, it should be understood that the public assistance would be only for capital improvements, not for the operations of transit. It also is important to realize that local governmental bodies and/or States would be required to provide a substantial contribution of their own before being able to qualify for Federal assistance for mass transit improvements. The Federal Government would provide up to two-thirds of the cost of the mass transportation facilities and equipment that could not be financed from estimated revenues. To retain responsibility at the local level, the remaining one-third of the cost of such improvements must be provided by local governmental agencies, but this local agency must be a body other than the transit operator.

In addition to the Institute for Rapid Transit, the Urban Mass Transportation Act of 1963 is being actively supported by many organizations. Among these are: American Institute of Architects; American Institute of Planners; American Municipal Association; American Transit Association; Association of American Railroads; National Association of Home Builders; National Housing Conference; Railway Progress Institute; United States Conference of Mayors.

Other organizations supporting the Urban Mass Transportation Act also include many local chambers of commerce throughout the Nation.

SUMMARY OF H.R. 3881: THE URBAN MASS TRANSPORTATION ACT

1. It would authorize a long-range program of financial assistance to States and local governmental bodies in providing, through both public and private transportation organizations, the mass transportation facilities necessary for the orderly growth and development of urban communities. It would replace a temporary program of loans and demonstration grants voted by Congress in the Housing Act of 1961.

2. Federal grants would be provided for up to two-thirds of the cost of mass transportation facilities and equipment that could not be financed from estimated revenues. This portion of the cost—that which cannot be financed from revenues—is designated the "net project cost." Local and/or State funds would be required for the remaining one-third of the net project cost. In all instances, the local contribution would have to come from a governmental agency or body other than the transit operator itself. Repayments of the local grant could be made later from any surplus revenues, but there also would have to be proportional repayments of the Federal grant if there were surplus funds.

3. Federal loans would be authorized only where the total project cost could be financed by this method with reasonable assurance of repayment. Such loans also would be made by the Government only when the funds could not be obtained in the private market on reasonable terms. Also, Federal loans could not be used to supplement grant funds.

4. H.R. 3881, as presently drafted, authorizes $500 million for appropriation spread over 3 years. Actual budget outlays in the next fiscal year are estimated at only $10 million.

5. Both grants and loans would be subject to strict planning requirements. A major requirement would be the preparation

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of a program for a unified or coordinated urban transportation system. Such a transportation plan in turn would be an integral part of a comprehensive development plan for the urban area.

6. For an initial 3-year period, Federal loans and grants on an emergency basis would be authorized on the basis of less provision of a 50-percent Federal grant, rather than a two-thirds grant. The remaining one-sixth Federal grant in such instances would become available if full planning requirements were met within 3 years from the date of the grant agreement.

7. A research, development, and demonstration program would be authorized for all phases of urban mass transportation to replace the present demonstration grant program authorized under the 1961 act. H.R. 3881 would add $30 million from the $500 million grant authority to the present $25 million demonstration grant authority.

8. An adequate relocation program for families displaced by urban mass transportation projects would be required. Federal grants would be authorized for relocation payments to individuals, business concerns, and nonprofit corporations on the same basis as in the Federal Government's urban renewal program.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 14, 1964

The House met at 12 o'clock noon.

Rev. Father Joseph F. Thorning, Ph. D., D.D., pastor of St. Joseph's Church, Carrollton Manor, Md., and professor of Latin American history, Marymount College, offered the following prayer:

Heavenly Father, author of Life and of Love, let the Light of Thy countenance shine brightly upon the Speaker of this House and upon all the Members of the U.S. Congress.

Impart, we beseech Thee, Thy choicest blessings to the President of the United States of America and to the conscientious, talented, experienced public servant to whom our Chief Executive has confided the supreme direction of Western Hemisphere affairs.

Grant to the noble people of the United States of Brazil the divine graces and human wisdom necessary to consolidate and to promote their recent triumph over evil forces that threatened to engulf their vast, vital nation in chaos, defeat, and Soviet slavery. May this South American victory be advanced by a new determination to mobilize and develop rich human and material resources in accord with the principles of brotherly love and social justice. In the efforts to attain such important goals, we pledge our help before God and invoke divine blessing with a view to new triumphs for the Brazilian and inter-American ideals of "order and progress."

As we in North America, including Canada, rededicate our minds and hearts to the good neighbor relationship, we are happy to recognize that this policy of statesmanship has now been reinvigorated, with the support of both political parties, by the practical measures of self-improvement and economic partnership embodied in the Alliance for Progress.

In Thy presence, dear Savior, we understand how true are the words of the Bible which teach that "a brother helped by a brother is a strong city." In that spirit we consecrate our souls to a broad program of cooperation in the fields of education, nutrition, housing, and good health from the Caribbean, where Cuba, a captive nation, implores our aid, to the Republic of Chile, where, as never before in her history, human rights are at stake.

We seek these celestial favors in the name of our most Holy Redeemer, the Christ of the Andes. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

REV. JOSEPH F. THORNING, D.D.

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY of New York. Mr. Speaker, for many years now, the House of Representatives has been privileged to have the invocation on our annual Pan American Day delivered by the Reverend Joseph F. Thorning, D.D., who offered the beautiful opening prayer a few moments ago. Dr. Thorning was the recipient of the highest decoration of the Guatemalan Republic, the Order of the Quetzal. According to Ambassador Carlos Alejos, it was bestowed because "this priest-scholar upheld freedom against the Soviet-dominated regime of Col. Jacobo Arbenz and led the crusade among intellectuals which culminated in the liberation of the Guatemalan people after the 10th Inter-American Conference in Caracas, where Dr. Thorning served as special adviser to the U.S. senatorial delegation." Dr. Thorning is known as the padre of the Americas and is the recipient of many other national decorations from Latin American countries. He is pastor of St. Joseph's Church, Frederick, Md.

THE LATE MAJ. GEN. MELVIN J. MAAS

Mr. QUIE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. QUIE. Mr. Speaker, it is my sad duty to inform the Members of the House of the death of a former colleague of many here and of a great American.

Maj. Gen. Melvin J. Maas died April 13, 1964, at Bethesda Naval Hospital. His death came 10 years to the day after he was appointed by former President Eisenhower as Chairman of the President's Committee on Employment of the Handicapped. This post, which he held until his death, was the last of many high positions which he held during his life. It is to his credit and to the credit of his home State, Minnesota, that General Maas' activities throughout his life can be summed up under one general heading—"service to his country."

General Maas was born in Duluth, Minn., 66 years ago. His career included 16 years as a Congressman from Minnesota; service in the U.S. Marines in three wars, during which he rose from a private in Marine aviation in 1917 to major general in 1952; and after blindness overtook him, he devoted his life to aiding the handicapped.

General Maas was first elected to Congress from the Minnesota Fourth District in 1926. He served until 1933 and then again from 1935 to 1945. In 1933, he received national recognition and the Carnegie Silver Medal for heroism when he disarmed a man in the House galleries who was threatening Members with a loaded revolver. During his career in Congress, he specialized in legislation promoting aviation, national defense, and measures to improve the unemployment situation. As a member of the Foreign Affairs Committee, he sponsored several international conferences designed to bring about better relations with foreign powers.

Prior to World War II, Congressman Maas recognized the need for strong defenses. He sponsored legislation to fortify Guam and was joint author of legislation setting up a promotion system for the Navy. He was also sponsoring author of the Naval Reserve Act of 1938 which governed the Naval and Marine Corps Reserve until passage of the Armed Forces Reserve Act. He was the congressional author of the legislation creating the first military women's reserve.

A few men in each generation blend into one lifetime special competence and excellence in several fields. General Maas was such a man. He was not only a farsighted Congressman, but an outstanding Marine.

He entered the Marine Corps April 6, 1917. During the First World War he served with Marine aviation in the Azores, as an enlisted man. He received a commission in 1926. In the summer of 1941, he returned to active duty and served at sea on the staff of Adm. William Halsey and in 1942 with Adm. Frank J. Fletcher in the Solomons campaign. He also served as a Marine Corps observer with Gen. Douglas MacArthur in Australia and New Guinea. For service with the Army Air Force at the Battle of Milne Bay in 1942, he received the Silver Star. He also won the Legion of Merit in combat, as well as 12 other decorations.

In the fall of 1942, General Maas returned to his duties in Congress, but returned to active duty in January 1945. In May of that year he assumed command of the Awase Air Base in Okinawa, where he received the Purple Heart.

He entered the Reserve following World War II, but was returned to active duty in the Korean conflict in 1950. He was promoted to the rank of brigadier general in 1950 and after blindness overtook him, he was advanced to major general for having been specially commended in combat.

Over the years, General Maas took an untiring interest in the Marine Corps Reserve. He came to be known as "Mr. Marine Corps Reserve." For 6 years he served as a member of the Reserve Forces Policy Board in the Department of Defense. He continued to serve until his death as chairman of the board, Marine Corps Reserve Officers Association. He was a past commander-in-chief, Military Order of the World War; past national commander of the Disabled American Veterans and past national president of the Blinded Veterans Association.

In 1954, he was appointed Chairman of the President's Committee on Employment of the Handicapped. Under his leadership, the Committee intensified its educational and promotional efforts in behalf of the physically handicapped, but also expanded its functions to include the mentally restored and the mentally retarded.

For his work in these many fields, General Maas was awarded a degree of doctor of laws in 1954 by his alma mater, St. Thomas College in St. Paul, Minn. He has been honored by Marquette University, Goodwill Industries of America, United Cerebral Palsy, National Rehabilitation Association, American Foundation for the Blind, Tri-Organization Scientific and Rehabilitation Conference 1961, and with the Veterans' Administration citation for exceptional service. In 1958, General Maas received the AMVETS Silver Helmet Award for his long career in public service.

On January 17, 1961, General Maas received a Presidential citation noting his major contribution to the cause of the handicapped. On the following day he was presented with the Department of Defense Distinguished Public Service Medal in recognition of his contribution to national defense.

In between these many projects of public service, especially to the defense of the Nation and to veterans, General Maas found time for a private business career of distinction. In his early business career he was a salesman and sales manager. Later, he managed a manufacturing plant in St. Paul, Minn. In 1925 he organized his own insurance firm. He was assistant to the board chairman of the Sperry Corp. from 1946 until he was recalled to active duty in the Korean conflict. He was a director of the United Services Life Insurance Co., and of Mutual of Omaha.

The entire career of Gen. Melvin Maas is unusual and noteworthy by itself. It ranks him as a truly great man and great American when one considers the physical handicaps which he had a way of turning into assets.

Though blind, when speaking he would recognize individuals in the audience and nod toward them. He helped other blind individuals in many ways, not least among them by telling his own story of overcoming the handicap. In humorous prose, he wrote articles in Braille telling people with two eyes how to help people with no vision.

Found diabetic, he volunteered as a guinea pig patient at the National Institutes of Health at Bethesda.

Arthritic, he remained active and until the past year kept up a busy schedule of personal speaking engagements. In addition, four-fifths of his stomach had been removed, caused by a lost battle with an ulcer.

But he used to tell his audiences that he felt qualified to speak for the handicapped because, "I am one myself—I've got false teeth." He once commented that he had read more books since going blind than in the previous 20 years.

The memory of Gen. Melvin Maas will continue to live as, first, a tribute to men who live a life of true public service and second, as a challenge to all those who have handicaps to overcome. He showed in his life that unselfish public service is a fact and not a dream and that the ability to overcome serious handicaps and to go on to lead a satisfying life of contribution to fellow men is a matter of courage, resourcefulness, and faith.

Perhaps his philosophy was best summed up in the words he is quoted as saying when forced to retire from the military due to his blindness. He said:

> Old Marines never die. They just take one pace to the rear so they can help push the younger men forward.

Mr. VINSON. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Georgia.

Mr. VINSON. Mr. Speaker, I was deeply saddened to learn of the passing of our former colleague and my close personal friend, Maj. Gen. Melvin J. Maas, U.S. Marine Corps Reserve, retired.

For many years General Maas and I served together on the old Naval Affairs Committee. I can say with sincerity and conviction that he placed the security of his Nation before all other interests.

Every member of the Naval Affairs Committee admired and respected his forthrightness, his integrity, his wisdom, and his dedication to his Nation.

He was an outstanding Marine Corps Reserve officer, and achieved the highest possible Reserve rank. Eventually he was retired for disability as a result of his service to the Nation.

"Mel" Maas ably represented his constituents when he served as a Member of the House of Representatives. He served from the 70th through the 78th Congress from the Fourth District of Minnesota. Although he served a district that was many hundreds of miles from the nearest sea, he demonstrated an amazing knowledge of the vital importance of sea power.

He was an early advocate of a larger Navy during a period in our history when the advocates of increased naval power were in the minority.

But of all the good deeds "Mel" Maas leaves behind, undoubtedly his greatest contribution to mankind was his leadership in acquainting the Nation with the many contributions that the physically handicapped can make to the economy and well-being of the Nation. He was Chairman of the President's Committee on Employment of the Handicapped for the past 10 years.

He lost his eyesight several years after he left the Congress. He was blind, but he could see far more than those with perfect vision. "Mel" Maas was handicapped, but he could accomplish much more than those with perfect faculties.

His disability might have defeated others, but he converted his disability into an asset by demonstrating to people throughout the Nation that a physical handicap need not prevent a man from achieving a high degree of success. He was an inspiration and a hope to those who might otherwise have lost hope and faith in the future.

"Mel" Maas will be missed by all who had the great privilege of knowing him as a colleague and as a friend.

I extend my deepest sympathy to his family. The Nation has suffered a great loss.

Mr. QUIE. I thank the gentleman from Georgia.

Mr. Speaker, I yield to the Speaker of the House.

Mr. McCORMACK. Mr. Speaker, I am deeply grieved at the passing of our late colleague and close friend, Melvin Maas. He served for 16 years in this body, serving with outstanding ability, great distinction, and extraordinary courage. After his service in this body, under great physical difficulties he carried out dedicated work in behalf of the handicapped persons of the United States, which the gentleman from Minnesota and the gentleman from Georgia have so aptly and properly referred to.

I recall an incident in this Chamber when he evidenced great bravery, bravery that protected the lives of Members of this body, an event that happened some years ago while he was a Member of this body.

It was only last Sunday that I visited the Naval Hospital at Bethesda. I there visited our dear friend, TOM O'BRIEN, of Illinois, and I heard that Melvin Maas was a patient there. I dropped in to see him, and we had a very pleasant chat. His mind was keen. He knew who I was. He spoke with that fine candor that he always had. I was very much surprised when I learned yesterday that he passed away so immediately after the visit I had paid to him on Sunday last.

Melvin Maas was not only a great legislator but one of the most courageous Americans of all time, one who gave

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to our country dedicated service in time of war and in time of peace, dedicated service in time of war that is evidenced by the fact that he was a veteran of three wars in which our country has been engaged. Our country has lost a truly great citizen, one who made marked contributions to the progress of our country during his rich and constructive life.

To Mrs. Maas and her son and daughters I extend my profound sympathy in their great loss and sorrow.

Mr. QUIE. I thank the Speaker.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I am very sure that all of us who knew Melvin Maas mourn his passing. I came to know him very, very well. He was my friend and I was his friend. Knowing him as I did, I think he was one of the most remarkable men I ever knew. He had great physical courage, which has already been referred to. He had great moral courage. He always had the courage of his convictions, yes, and he had the courage to carry on after the physical affliction which beset him.

I cannot help but recall one personal experience I had with Mel many, many years ago. He used to go out to Anacostia and get one of the planes out there and fly. One evening he asked me to go along. Well, we had a great ride. He certainly demonstrated his ability. I think if I had known exactly what I was getting into I would have stayed on the ground. But it was a great experience and one that I have always remembered very, very pleasantly.

Having said as much, I want to associate myself with the observations that have been made here about one of the great Americans of our time.

Mr. QUIE. I thank the gentleman from Indiana.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Speaker, the passing of Mel Maas leaves a void that never can be filled. Many have served in the Congress before us. Many will serve after us. But none will serve more fully and more nobly than Mel.

His service to God and country went beyond the uniform he wore as a U.S. Marine, first as a private and later as a major general. His service went beyond the horrors of World War I, World War II, and the Korean war; beyond the suffering of wounds, and beyond the glory of victories and military decorations, of which he had many.

Mel Maas' service went beyond these halls—beyond the bills he sponsored and his immeasurable contribution to the work of the Naval Affairs Committee.

All this testifies to his ability and stands as a lasting monument to him. Probably what stands out most was his setting aside all political considerations that our country might have a strong national defense.

And probably what testifies most to his courage was the spontaneous action he took, with no thought of his own safety, to disarm a deranged individual who participated in the shooting from the House Gallery.

But Mel Maas was more than a man of courage and ability. He was a man of compassion and understanding. His service to people went beyond his military service and beyond his congressional service. When he lost his sight he continued to serve his fellow men. In 1954 he took the position of Chairman of the President's Committee on Employment of the Physically Handicapped, and although blind he probably contributed more than any one individual to help those who were physically handicapped with loss of sight or limbs or otherwise denied full physical capabilities.

The immortal Milton wrote of his own blindness:

> When I consider how my light is spent,
> Ere half my days, in this dark world and wide
> And that one talent which is death to hide
> Lodg'd with me useless.

Mel Maas answered by words and deeds, by his own example, that even with "light denied," man can continue to serve his fellow man.

In the fullest sense of the word, my beloved friend, Mel Maas, was one of the noblest of men. It was a privilege and an inspiration to know him. I shall never forget him. Nor will he ever be forgotten by countless others he has helped and inspired.

I extend my deepest sympathy to his family.

Mr. THOMPSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. THOMPSON of Texas. Mr. Speaker, the passing of Mel Maas, former Member of this body and retired major general in the U.S. Marines, will give rise to a great many reminiscences on the part of us oldtimers. There will be innumerable true stories of his actions both as a legislator and as a soldier. Throughout the entire series will run the thread of fearless gallantry in action, whether it be in these Halls or in combat or in the ordinary pursuits of private life.

The day when he disarmed a would-be assassin within these walls will always be referred to when we think of him.

To me, perhaps the outstanding demonstration of courage and gallantry came when he learned that he was shortly to lose his eyesight. He was past 50 and had suffered a great deal of ill health. When the doctors told him what was in store for him, he made a typical comment: "Well, I'd better get ready for it."

Always one to express himself, he immediately began to learn the touch system of typewriting. Then he learned, from other blind people, the personal things that he would soon have to know. He learned how to get around and to provide for himself with little or no assistance. Then, after a period of training in the special school for the blind maintained by Government he set about making himself useful.

When he passed away, he was the Chairman of the President's Commission for the Employment of the Handicapped to which activity he rendered many years of outstanding service.

He never lost his sense of humor. I heard him address an audience of disabled American veterans down in Texas some years ago. He stepped up to the podium and said: "Gentlemen, first of all, I want you to know that I am one of the handicapped." He paused for a moment and then said: "I wear false teeth."

He never made light of his own major handicap; but he never let it get him down. To him, it was actually not a handicap but rather a challenge.

There will be many stories told and written about this courageous man; and they will inspire not only the handicapped but those who are more fortunate.

It is wonderful to have known him and we, who have, will never forget him. Our sympathy goes to his beloved Kathy and to the children who were so dear to him.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, I wish to join with my colleagues in paying tribute to a great American, who has passed on and who was a Member of this House for many years. Melvin Maas, was my friend with whom I had the opportunity to serve before he was handicapped and whom I came to know even better after he did suffer a very severe physical handicap.

Melvin Maas was a man who realized that he had the courage to carry on with his own affliction and to help those around him who might also be afflicted.

The last time I saw Melvin Maas, I talked to him—he did not see me. I was in the Naval Medical Center at Bethesda, ill myself. Melvin Maas had come out to the hospital for some reason and he came in to see me and he said:

> Where is that old devil from Ohio, CLARENCE BROWN. I want to cheer him up a bit.

He came up there and sat in a chair along side of my bed and said:

> Now don't worry about this thing. You will lick it. Look at me. They told me I would not last and here I am still going. There is a lot of work to be done by both of us. Keep your chin up—let's go.

That was Mel Maas. He always kept his chin up. He carried on regardless of his handicap. He had a feeling for his fellow man and he would inspire those with whom he came in contact to have the same courage and the same willingness and the same readiness to carry on that he himself always demonstrated, not only in war but in peace as well. So we will all mourn his passing here in this House. America has indeed lost a great man in the passing of Melvin Maas.

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. MACGREGOR. Mr. Speaker, a distinguished former Member of the House of Representatives has passed away, and it is entirely proper that we pause to recognize his very substantial services to our country.

Melvin Joseph Maas served in the House as a Representative from Minnesota in the 70th, 71st, 72d, and again in the 74th, 75th, 76th, 77th, and 78th Congresses—a total of 16 years.

Mr. Maas also distinguished himself with a brilliant military record in World War II while still a Member of Congress. He was a colonel in the U.S. Marine Corps from 1942 to 1945, serving in the South Pacific theater of operations. He was awarded the Silver Star, the Purple Heart, and the Legion of Merit.

He also served in World War I—in the aviation branch of the Marine Corps in 1918 and 1919. He became an officer in the Marine Corps Reserve in 1925 and retired with rank of major general in 1952.

I want to take this opportunity to offer a salute to the late Melvin Maas, and to include the following excellent article from today's New York Times:

GEN. MELVIN J. MAAS, 65, DIES; LED PANEL FOR THE HANDICAPPED: BLIND MARINE, EX-MEMBER OF HOUSE, HEADED PRESIDENT'S COMMITTEE FOR 10 YEARS

WASHINGTON, April 13.—Maj. Gen. Melvin J. Maas, Marine Corps hero, former Minnesota Congressman and Chairman of the President's Committee on Employment of the Handicapped, died today at the Naval Hospital in Bethesda, Md. He was 65 years old.

TRAVELED WIDELY FOR COMMITTEE

General Maas had been blind since 1951, a result of facial wounds he suffered on Okinawa early in World World II. He was afflicted with arthritis, diabetes, ulcers, and a heart ailment but nevertheless traveled during 10 years as Chairman of the Presidential Committee hundreds of thousands of miles by himself, urging equal employment opportunity for the handicapped.

He said recently:

"A handicapped person who lives up to his potential leads a more successful life than the so-called normal person who uses only 50 percent of his capabilities."

During his long career in the Marine Corps and in the House of Representatives, as well as in his private life, General Maas often displayed his personal courage and won a reputation as a man who said what he thought, no matter what the consequences.

He almost became an Army officer. In 1917, even though he had received an appointment to the U.S. Military Academy, he was so eager to get into the war that he enlisted as a private in the Marine Corps. He did not see combat during World War I, but he did learn to fly and he began forming some definite ideas about the role of airpower in modern warfare.

After the war, the future general completed his education at St. Thomas College, St. Paul, and the University of Minnesota. He prospected for oil in the Southwest for a few years, worked at various jobs, and finally founded an insurance business in St. Paul.

In 1926, he decided to campaign as the Republican candidate for the House of Representatives from Minnesota's Fourth District.

After being elected in a four-man race, General Maas was appointed to the House Foreign Affairs Committee, and from that position, he began promoting measures to increase America's air power, and he was a harsh critic of the Nation's defense posture.

In 1929, to demonstrate Washington's lack of proper air defense, the young Congressman rented a biplane and buzzed the Capitol, where a joint session of Congress was in session.

"People said that no plane could get within 10 miles of the Capitol. I wanted to show that one bomb could wipe out the entire Government," he said afterward.

By 1932, other Members of Congress were paying more attention to General Maas and his attacks on America's lack of preparedness in the face of growing unrest in Europe. The same year, General Maas had a chance to display his courage on the floor of the House.

One day while General Maas was addressing the House, a mentally deranged man in the spectators gallery rose to his feet brandishing a gun and demanded that he be allowed to address the House for 20 minutes on some personal business.

General Maas shouted to the man that no one was allowed to address the House while carrying a gun. He ordered the man to throw him the weapon. The man did and was overpowered by security guards.

The general's coolness in that incident won him the Carnegie Medal.

He was defeated in the Democratic landslide of 1932 but returned to the House 2 years later and was reelected for four more terms.

General Maas had been commissioned in the Marine Corps Reserve in 1925. He was a Reserve colonel at the outbreak of World War II and upon his request was placed on active duty.

He won the Legion of Merit and the Silver Star and received the Purple Heart during campaigns in the South Pacific. In 1945, he was wounded by enemy bomb fragments. These wounds caused his blindness.

Despite his blindness, he returned to active duty during the Korean war as a member of the Reserve Force Policy Board. When another general once remarked that General Maas was probably the only blind general who had ever served on active duty, he quipped:

"Oh no, General, only the first to admit it."

During General Maas' chairmanship of the President's Committee on Employment of the Handicapped, educational and promotional efforts were increased and the Committee expanded its functions to help the mentally ill and the mentally retarded find employment.

General Maas is survived by his widow, Katherine; their son, Joseph, and three daughters of the general's first marriage, Patricia, a major in the Women's Marine Corps, Mrs. Anthony C. Martino, and Mrs. Leo Catteron.

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. LAIRD. Mr. Speaker, as a member of the subcommittee of the Committee on Appropriations handling the Department of Health, Education, and Welfare, I came to know Mel Maas well as Chairman of the President's Committee on Employment of the Physically Handicapped.

The contribution which General Maas has made to promote the employment of the physically handicapped is perhaps little known to many Members of this House. Mel Maas worked hard and gave a great deal of his time and of his effort to this important work of the President's Committee. Every place he went, from one end of this country to the other, he was an inspiration to the physically handicapped people of the United States.

Mel Maas has made a great contribution. I join with others today in paying our respects to his outstanding service as a general in the Marine Corps, as a Member of Congress, and, more importantly, as a citizen of the United States who recognized an area in which he could make a tremendous contribution—by giving guidance, by giving inspiration, and by giving hope to the physically handicapped people everywhere. I salute, with you, the fine contribution of this outstanding citizen and true friend, Mel Maas.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Minnesota.

Mr. NELSEN. I join my colleagues in paying our respects to Mel Maas. Many of us from Minnesota have long known him for the great service he has performed in the State, in the Congress of the United States, and more particularly in the field of the handicapped.

I think of Mel Maas as a fellow who suffered a severe blow by the loss of his eyesight, yet, in spite of it all, was always cheerful, always happy, and a great inspiration to others who might likewise be handicapped.

I join in paying these respects to a departed friend, colleague, and great American.

Mr. KARTH. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to my colleague from Minnesota.

Mr. KARTH. Mr. Speaker, it was with extreme regret that I received the news of the death of Melvin J. Maas whose life was dedicated to public service.

I remember him particularly as a Congressman from Minnesota whose concern for the national defense helped better prepare our Nation for the outbreak of World War II.

Melvin J. Maas devoted much of his vast energies and talents to the encouragement of the Naval and Marine Corps Reserve. He turned down an appointment to the U.S. Military Academy during World War I so that he could enlist for immediate service as a Marine Corps private. His distinguished Marine Corps career in World Wars I and II, and the Korean war advanced him to the rank of major general in the Reserve at his retirement in 1951 and won him many military honors.

He was wounded severely in Okinawa in 1945 and as a consequence of his injuries lost his eyesight in 1951.

Undaunted by this impairment, Melvin J. Maas characteristically began another active career involving himself in various veterans' activities and in groups devoted to the rehabilitation of the handicapped.

In 1954 President Eisenhower honored him for his outstanding work in rehabilitation by appointing him Chairman of the President's Committee on Employment of the Handicapped. He was subsequently reappointed to this post by President Kennedy in 1961. Melvin J. Maas died on April 13, the day which marked his 10th anniversary as committee chairman.

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Minnesota and the Nation are the greater for the life of distinguished service which Melvin J. Maas dedicated to them.

Our sympathies this sad day are with his wife, Katherine, and their children.

Mrs. FRANCES P. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman from Ohio.

Mrs. FRANCES P. BOLTON. Mr. Speaker, I was among those who were fortunate enough to know Mel Maas a great many years. I have the greatest of admiration for him, for his gentleness and his forcefulness.

I remember well a day soon after he knew he would not see. His sight was impaired even then. I said something to him, to this effect:

> Mel, I just cannot bear this for you.

He said:

> You should not feel that way. I have seen so much in my life. If my eyes have to be closed, I have much to see without them.

To me that was perfectly magnificent. His work since his blindness has been so marvelous that the whole country should stand in respect and awe before it.

Mr. QUIE. I thank the gentlewoman from Ohio.

Mr. RIVERS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. Mr. Speaker, I had the privilege of serving with Mel Maas on the old Naval Affairs Committee 24 years ago. He served with us many years. When he retired from the Congress he served as a special consultant on varying phases of our Naval Affairs Committee. He was a great and dedicated American. He served his country in every aspect of its economic and military existence.

His passing leaves a great void in the words "service to country." This Nation will miss him for what he did as a legislator, as a military leader, as a retired legislator, as a retired military leader, and as a leader of the handicapped. His contributions will stand for generations yet to come.

Mr. FOGARTY. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Rhode Island.

Mr. FOGARTY. Mr. Speaker, I, too, am saddened by the passing of Mel Maas. He was not only a friend, but I served with him on the old Naval Affairs Committee in the early 1940's. Since then I have been listening to him for many years trying to do something to help the handicapped people of our country. He was one of the most courageous men I have ever known. A tireless and dedicated worker for all the handicapped.

His biographical background gives some indication of the measure of the man, Mr. Speaker, and I would like to include a brief synopsis of it under leave to extend my remarks.

MAJ. GEN. MELVIN J. MAAS, U.S. MARINE CORPS RESERVE, RETIRED

General Maas was reappointed Chairman of the President's Committee on Employment of the Handicapped on March 4, 1961, by President Kennedy. He had previously served as Chairman since appointed on April 13, 1954, by President Eisenhower. In addition, he served as Chairman emeritus of the Committee for the Handicapped, people-to-people program, having been named Chairman by President Eisenhower on May 29, 1956.

His career includes 16 years as a Congressman from Minnesota; service in the U.S. Marines in three wars, rising from a private in Marine aviation in 1917 to his present rank in August 1952. He was a native of Duluth, Minn.

CONGRESS

First elected to Congress from Minnesota in 1926, at the age of 27. Served from 1927 to 1933 and from 1935 to 1945. In 1933 he received national recognition and the Carnegie Silver Medal for heroism when he disarmed a man in the House galleries who was threatening Members with a loaded revolver. During his career in Congress, he specialized in legislation promoting aviation, national defense, and measures to improve the unemployment situation. As a member of the Foreign Affairs Committee of the House, General Maas sponsored several international conferences designed to bring about better relations with foreign powers. Prior to World War II he sponsored legislation to fortify Guam and was joint author of legislation setting up a promotion system for the Navy. He also was sponsoring author of the Naval Reserve Act of 1938 which governed the Naval and Marine Corps Reserve until passage of the Armed Forces Reserve Act. He also was the congressional author of the legislation creating the first military Women's Reserve.

MARINE CORPS

Entered the Marine Corps April 6, 1917. Served with Marine Aviation in the Azores throughout the war. In 1926 he accepted a Marine Reserve commission prior to entering Congress. In the summer of 1941 he returned to active duty and served at sea on the staff of Adm. William Halsey and in 1942 with Adm. Frank J. Fletcher in the Solomons campaign. He also served as a Marine Corps observer with Gen. Douglas MacArthur in Australia and New Guinea. He was awarded the Silver Star Medal for service with the Army Air Force at the Battle of Milne Bay in 1942. He also won the Legion of Merit in combat. In addition he wears 12 other ribbons. In the fall of 1942 General Maas resumed his duties in Congress but returned to active duty in January 1945. In May of that year he assumed command of the Awase Air Base, Okinawa, where he received the Purple Heart. He was promoted to brigadier general in the Marine Reserve, June 1, 1950. Blindness overtook him in 1951 and on August 1 of that year he retired and was advanced to major general rank for having been specially commended in combat.

PUBLIC LIFE

For his untiring efforts in behalf of the Marine Corps Reserve he was known as "Mr. Marine Corps Reserve." For 6 years he served as a member of the Reserve Forces policy Board in the Department of Defense. He served as chairman of the board, Marine Corps Reserve Officers Association, and was a past commander in chief, Military Order of the World War, past national commander, Disabled American Veterans (1955–56), and past national president of the Blinded Veterans Association (1960–61).

In his early business career he was salesman and sales manager. Later, he managed a manufacturing firm in St. Paul, Minn. In 1925 he organized his own insurance firm. He was assistant to the board chairman of the Sperry Corp. from 1946 until recalled to active duty in the Korean conflict. He was a director of the United Services Life Insurance Co. and of Mutual of Omaha.

PRESIDENT'S COMMITTEE

On June 4, 1954, General Maas was awarded a degree of doctor of laws at the College of St. Thomas, St. Paul, Minn., his alma mater. Subsequently, he had been honored by Marquette University, Goodwill Industries of America, United Cerebral Palsy, National Rehabilitation Association, American Foundation for the Blind, Tri-Organization Scientific and Rehabilitation Conference 1961, and with the Veterans' Administration Citation for Exceptional Service. In 1958 General Maas received the AMVETS Silver Helmet Award for his long career in public service.

On January 17, 1961, General Maas received a Presidential Citation signed by President Eisenhower, noting his major contribution to the cause of the handicapped. On the following day he was presented with the Department of Defense Distinguished Public Service Medal in recognition of his contribution to national defense.

The General resided with his wife, Katherine, and their son, Melvin Joseph, Jr., at 4714 Essex Street, Chevy Chase, Md. His daughter, Pataricia, is a Woman Marine Major. His other daughters, are Mrs. Anthony C. Martino, Richmond, Va., and Mrs. Leo Catterton, Annapolis, Md.

Mr. LANGEN. Mr. Speaker, a former Member of this body and one of Minnesota's most distinguished sons has crossed the border to immortality.

Melvin Joseph Maas spent a long lifetime of service to his State and Nation. He not only served with distinction in the Congress, but served his country in time of war. He took up the colors twice in his lifetime; first in World War I and again in World War II. His military service was of special note and he received the Silver Star, Purple Heart, and Legion of Merit Medals.

Melvin Maas' service to his Nation was not confined to defending his country in time of war or to his many years in these Halls of Congress. After leaving this Chamber for the last time, he devoted most of his remaining years in public life of one type or another. He was a special adviser to the House Naval Affairs Committee. He served as chairman of the President's Committee on Employment of the Physically Handicapped, and served as chairman of the Committee for the Handicapped, people-to-people program.

While I did not have the opportunity of serving with Mr. Maas when he was a U.S. Representative from Minnesota, I am well aware of the important contributions he made while here and of the most worthy life he led since leaving this body.

It is with privilege that we gather today to give testimony to the accomplishments of this dedicated American. While it is with sadness that we note his departure, it is with gratitude that we honor Melvin Joseph Maas for having spent a lifetime protecting and nourishing the freedoms under which our Nation was founded.

Mr. HORAN. Mr. Speaker, it is my sad privilege to join my colleagues in paying tribute to the memory of Mel Maas.

Mel was a leader in the Congress when I came here in January of 1943. As has been so well pointed out here Mel Maas was an inspiring, an influential and a hard-working member of this body. He added much to our effectiveness in World War II, mostly due to his studious criticism of our lack of preparation prior to the war's outbreak.

To me, as to others who have expressed themselves here, his "bounce back" from the blindness and stomach troubles that afflicted him after he left this House was both courageous and inspiring. His work as a leader and an example to the handicapped for a dozen active years that preceded his passing constitutes one of the truly great acts of fine public service that this Nation has ever seen.

Mr. DAGUE. Mr. Speaker, we are met today in contemplation of the passing of a former colleague who by any standard must be rated as one of the most distinguished members to serve in this body and one, who by his excellence in so many undertakings, brought lasting credit to the legislative process. Melvin J. Mass was so versatile that it is difficult to access his stature as a statesman above that which he displayed as a military man, and clearly his humanitarian endeavors may well have outshown all of his other contributions to the times in which he lived.

The two sections of government in which I had pride of service; namely, the Congress and the Marine Corps were also the areas in which Mel Maas made his shining mark. Coming to the Congress he displayed his brilliance in support of most measures having to do with the implementation of the military from where he moved into active service with Marines in World War II—he had already performed yoeman service in Marine Corps aviation in its infancy in World War I. Thereafter the honorable wounds of service took him into the twilight occasioned by approaching blindness and it was from that tragic experience that the great soul of this distinguished American began to truly shine. Discharged as a major general it was of that moment that he began to really serve.

As the shadows of darkness began to close in upon him the unquenchable spirit of the man began to shine forth from his countenance and his inimitable spirit began to radiate from his sightless eyes. Raw courage is often found within the sound of guns and there are many who rise to an occasion that calls for a glamorous display. In Mel's case he simply called upon his belief in the destiny that shapes our ends and with abiding faith proceeded to lend his superior talents to lifting up the handicapped and especially those who were afflicted in like manner with himself.

Knowing Mel Maas will always remain one of the great experiences of my life and the recollection of his courageous spirit will continue to strengthen me when trials and setbacks assail me. Mel Maas, statesman, humanitarian, philosopher, patriot extraordinary, friend—this is the image that will remain enshrined in my heart, this will be my motivation as I prayerfully petition our Maker for the repose of his soul.

Mrs. Dague joins me in these sentiments of sympathy and it is our fondest hope that his bereaved family may find comfort and consolation in the assurance that the one departed does truly rest from his labors and in serene anticipation awaits the hour when they shall join him on that distant shore.

Mr. TEAGUE of Texas. Mr. Speaker, I was saddened, as I am sure all of those who knew him were, by the passing of our former colleague, the Honorable Melvin J. Maas, who served as a Representative from the State of Minnesota until 1945.

I will leave to those who knew him during his service in the House to pay tribute to him for that type of dedicated public service, but the fact that he received the Silver Star, the Purple Heart, and the Legion of Merit based on his service in the Marine Corps in World War II, is sufficient indication of the type of service which he rendered the country in the military.

Mel Maas served with distinction in any position which he occupied. He made an especially fine contribution as National Commander of the Disabled American Veterans.

He never really retired from public life and some of the finest contributions which he made were during the period which he served as Chairman of the President's Committee on Employment of the Physically Handicapped, a position he held at the time of his death. It was here, and in personal contact, that Mel made his greatest contribution. He literally saved the lives of some of his despairing colleagues by inspiring them and by giving them a reason to live. In his later years, as most of you know, he was blind, but this was a physical weakness which did not affect his great spirit in any degree.

The Congress is a better place because of our late colleague's service here. The world is a better place because he lived, and certainly the thousands of handicapped individuals to whom he dedicated his later years, can attest to that fact, as those of us can who had the honor of knowing of some of his activities.

Mr. ROOSEVELT. Mr. Speaker, it was with great and sincere sorrow that I learned of the passing of Melvin J. Maas.

It was my privilege to know General Maas as a fellow marine, and it is my contacts with him in the corps that I value most highly. When I came to Congress, he served as a special inspiration, for despite severe handicaps, he was determined and successful in leading a useful and full life. His example will never be forgotten by all of us who knew him.

I want to express my deep feeling of loss and my deepest respect for a very fine and great man. Mrs. Roosevelt joins me in extending sympathy to his family.

Mr. MARTIN of Massachusetts. Mr. Speaker, it is with great sorrow that I have learned of the death of Gen. Melvin Maas. He served with me on the old Foreign Affairs Committee for several years. He was a dedicated public servant.

In a way, he sacrificed his military career for his country. He went blind, writing the Marine Code, at night. But, notwithstanding his blindness, he carried on his service to his country, and his service was outstanding.

Since he retired from the Marine Corps, he was a member of several Presidential Commissions and was active in the Marine Reserve.

When Congress was threatened on one occasion by a man in the gallery brandishing a loaded gun, General Maas walked over in the direction of the man and told him to throw the gun down to the floor of the House.

This was an act of rare bravery. The man might have emptied his gun by firing at General Maas, but the incident was typical of his lifelong courage.

We will miss this great public servant.

GENERAL LEAVE TO EXTEND

Mr. QUIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the body of the Record on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PAN AMERICAN DAY

The SPEAKER. Pursuant to House Resolution 627, this day has been designated as "Pan American Day." The Chair recognizes the gentleman from Alabama [Mr. Selden].

Mr. SELDEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 678.

The Clerk read the resolution, as follows:

Whereas April 14, 1964 marks the seventy-fourth anniversary of the first Conference of American States held in the city of Washington from which developed the inter-American system of free republics of this hemisphere, our Organization of American States; and

Whereas in article 4 of its charter the Organization of American States proclaimed the following essential purposes:

(a) To strengthen the peace and security of the continent;

(b) To prevent possible causes of difficulties and to insure the pacific settlement of disputes that may arise among the Member States;

(c) To provide for common action on the part of those states in the event of aggression;

(d) To seek the solution of political, juridical, and economic problems that may arise among them; and

(e) To promote, by cooperative action, their economic, social and cultural development; and

Whereas the United States and its fellow American Republics have sought through these principles to achieve, within the framework of democratic institutions, an order of peace and justice through the American Republics; and

Whereas the Organization of American States is today facing the greatest challenge

> in its history, with the peace and security of our hemisphere threatened by an extensive campaign of subversive aggression, making both timely and urgent the need for a rededication to the principles and purposes of the Charter of the Organization of American States: Now, therefore, be it
>
> *Resolved,* That in honor of this seventy-fourth anniversary the House of Representatives of the United States of America extend most cordial greetings to the legislative body of each of the other friendly republics of this hemisphere and to the peoples of the American Republics, with assurance of our continued adherence and dedication to the ideals of the Charter of the Organization of American States.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. SELDEN], for 1 hour.

Mr. SELDEN. Mr. Speaker, as chairman of the Subcommittee on Inter-American Affairs, it has been my privilege to introduce again this year a resolution marking the anniversary of the founding of the inter-American system and extending our most cordial greetings to the legislative bodies and peoples of the other American Republics.

As you know, the Charter of the Organization of American States sets forth the following essential purposes:

First. To strengthen the peace and security of the continent;

Second. To prevent possible causes of difficulties and to insure the pacific settlement of disputes that may arise among the member states;

Third. To provide for common action on the part of those states in the event of aggression;

Fourth. To seek the solution of political, juridical, and economic problems that may arise among them; and

Fifth. To promote, by cooperative action, their economic, social, and cultural development.

In the 74 years since the initial step was taken to provide for cooperation among the American republics on a continuing basis, the inter-American system has demonstrated its vitality on numerous occasions.

This year, as our resolution indicates, the Organization of American States faces the greatest challenge in its history—the extensive campaign of subversive aggression by a foreign conspiracy, aimed at the destruction of the sovereignty and independence of the American Republics.

We must recognize that the inter-American system, for all its notable achievements in maintaining the peace of the continent, has so far been ineffective in preventing a hostile regime, dominated by an extracontinental power, from placing hemisphere security in jeopardy. We have only to recall the tense days in the autumn of 1962 during the Cuban missile crisis to realize the extent of the breach in continental security represented by Castro's Communist regime.

Ballistic missiles are no longer poised for action against the Western Hemisphere from a point in its very midst. That danger, thank God, has been averted for the time being.

However, while we in the United States can breathe easier because Cuba no longer presents an immediate military threat to our security, other countries in Latin America are not so fortunate. To them, the subversion emanating from Cuba is as deadly a peril as offensive weapons in Cuba were to us.

I have supported the Act of Bogota and the Charter of Punta del Este as long-range programs designed to erase the conditions in which communism finds a fertile field to germinate. Repressive measures against totalitarian doctrines are doomed to eventual failure unless some positive alternative, such as the Alliance for Progress, is offered. At the same time, I am convinced that the Organization of American States vitiates its long-range efforts to build just and democratic societies by turning a deaf ear to the flagrant violations of its own treaty provisions with respect to aggression in the hemisphere.

The Organization of American States cannot continue to command the respect of its member States if it disregards the precepts of its own solemn treaty provisions.

At this juncture I am hopeful that the OAS' vacillations with regard to Cuba's disruptive tactics are coming to an end. Several developments on the hemisphere scene give reason for hope.

First, there is the settlement of the ugly situation in Panama, a continuation of which could have brought comfort only to the enemies of democracy. I am particularly gratified that the administration held firm in its refusal to precommit the United States to specific treaty revisions at gunpoint. To have succumbed to mob dictation—a mob egged on by saboteurs trained in Cuba—would have been an open invitation to Castro's gangsters everywhere in the hemisphere.

Second, the march to the ballot boxes by the Venezuelan people last December, despite Communist terrorists threats, was a resounding rejection of Castro's doctrines by the Venezuelan people.

Third, the argument that the Castro Communists have popular support in Latin America was also given the lie by the recent revolution in Brazil. The overthrow of Goulart's government, which was pro-Castro and dangerously tolerant of subversive elements, was greeted with massive demonstrations of popular approval. The Brazilians who jammed the streets cheered Christianity and democracy. Where was the alleged vast undercurrent of support for Castro and what he represents?

It is too soon, of course, to prophesy about Brazil's future. But at least that great country now has a much-needed chance to straighten up its own house and wholeheartedly participate in the opportunities open to it through the Alliance for Progress. Particularly heartening was a statement by the Brazilian Foreign Ministry on April 7, which declared:

> Brazil, as a country of the American continent, feels herself particularly linked to the nations of this hemisphere whose problems and aspirations are largely our own. Brazil will renew with resolve the necessary efforts to reinvigorate her political, economic, and cultural ties in the Americas with a view to achieve the continental objectives embodied in the Alliance for Progress.

Finally, Venezuela's charges against Cuban aggression are pending before the Organization of American States. The report of the OAS Investigating Committee, composed of representatives of Argentina, Colombia, Costa Rica, the United States, and Uruguay, leaves no room for doubt that the Castro regime was involved to the hilt in the plot to capture the city of Caracas and seize control of the Venezuelan Government. Venezuela is calling for sanctions against Cuba, the aggressor.

The fact that the plot was nipped by excellent police work in Venezuela does not absolve Cuba from its crime. Trujillo's attempt to murder President Betancourt, fortunately, also failed but the Organization of American States did not hesitate to punish the Dominican Republic for perpetrating the attempt.

Hopefully, in the climate which prevails today, the Organization of American States will again prove worthy of the faith which millions of this hemisphere's citizens place in it.

Those of us who work daily with inter-American events hope and pray that our regional organization, in all its political, economic, cultural, and security functions, will prosper and grow ever more effective as a servant of all freedom-loving people in the Americas.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I want to associate myself with the remarks which have been made by the eminent gentleman from Alabama [Mr. SELDEN] in his analysis of some of the major problems that confront the United States and the Western Hemisphere in Latin America as we today commemorate Pan American Day.

Mr. Speaker, while we should be fully aware of these problems that confront us, the effectiveness of and the opportunity for solving them that exists in the Organization of American States is of tremendous importance.

We might well recall that this organization is the modern world's oldest international organization. It is dedicated to the progress of all the American Republics toward the achievement of the common goals of peace, security, and happiness of its people.

There are 21 sovereign nations in this organization, and it is apparent that in the interest of the United States and in the interest of those other republics the Western Hemisphere represents a solid bulwark against the encroachment of any political philosophy, particularly communism, the OAS offers us, working together, the best opportunity not only to resolve our own problems but to take affirmative steps in the interest of the free world.

Mr. Speaker, I believe that it is well for us to recall the courage and the dedication of great leaders in Latin America such as Simón Bolívar, who brought freedom to our South American Republics so that they could take their place alongside the Republic of the United States.

Yes, Mr. Speaker, the history book of Latin America is filled with the record of the famous and the unknown who with courage and dedication of the highest order and in the best tradition wrought the great changes which we today seem to take for granted.

However, Mr. Speaker, the work of the great men of Latin America must continue. Today, many years afterward, we find that Latin America is still in the throes of very difficult social, economic, and political changes, all of which represents a very grave responsibility for them and for us. We know this all too well.

We here in this legislative Chamber who have to work with these problems sometimes seem to take the situation for granted.

Yet we have before us a program which fully emphasizes the tremendous effort being put forth by the people of Latin America and their governments and by the U.S. Government in the Alliance for Progress. This program is a great cooperative venture unparalleled in all history. We hope that the kind of courage and dedication which was exemplified in every way by Simón Bolívar and other heroes of South America will live on forever. And that together the United States and Latin American Republics in this oldest international organization, the Organization of American States, will continue to give the leadership for freedom, democracy, and social and economic betterments for all Americans.

So, Mr. Speaker, I rise in full support of the pending resolution that rededicates us to the necessity for cooperative action through the OAS. It is particularly important that we should do this, especially in view of not only the social and economic problems which must be resolved, but also because of the threatening political problem which is Cuba today.

Cold, surgical analysis in political terms tells us incontrovertibly that Cuba as a Communist state cannot be tolerated in the Western Hemisphere.

The Venezuelan affair is a case in point and it is clear that the OAS must deal very firmly and effectively with the serious charges.

More recently is the Brazil case where documents outlining a plot by the Communists of Cuba and the Communists of China to seize power through assassination and terror indicate a situation which is even more provocative than any heretofore.

Because here was Brazil under an administration which was patently friendly to the Government of Cuba; it refused to break off diplomatic ties and otherwise befriended the Communist government. But this did not give the Brazilian administration any protection. Notwithstanding this friendliness, the Communists were planning by all acts of violence and terror to take full and complete power.

The lesson is obvious—not only for all other Latin governments seeking political stability and economic and social betterment for their peoples, but also for the United States.

Our administration has made it clear that it does not desire and is not considering the thought of normalizing relations with the Communist Government of Cuba. Rightly so, our Government considers Cuba as a clear subversive threat to all of Latin America, and we must continue our policy of isolation and restriction. It may well be that the present government of Cuba cannot be toppled solely by this policy; but it would be foolish in the extreme to assist or allow Cuba to become a Communist showcase in the Western Hemisphere. Furthermore, internal economic improvement would free limited Cuban resources for more subversive efforts in Latin America.

If U.S. policy with regard to Cuba is fortified as it should be by all the Latin American Republics, we can only be properly assisting our cause and damaging that of the Communist movement.

It is also clear that this is no time to consider the Communist Government of Cuba harmless; this is no time to consider normalizing relations either politically or economically with the Communist Government of Cuba; this is no time to change our economic policy which, with the aid of most of our allies, has made it very difficult, if not impossible, for the Communist Government of Cuba to maintain or establish transportation and communication links with non-Communist countries.

We must continue to force the Castro government to live as he himself many times declared he desires to live—off the Communist bloc.

We must continue to make the Cuba operation as costly as possible for the Russians. They might get the idea someday that Castro is not worth the money and effort, especially if we are severe on the question of exported subversion from Cuba.

Mr. Speaker, on this Pan American Day there are many problems for the Republics of the Western Hemisphere acting through the Organization of American States, and many opportunities.

High on the list of problems and opportunities must be the question of Communist Cuba.

Mr. SELDEN. Mr. Speaker, I thank the gentleman from Florida [Mr. FASCELL], an outstanding member of the Committee on Foreign Affairs, for his very excellent contribution.

Mr. MATHIAS. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Maryland.

Mr. MATHIAS. On this Pan American Day I think it would be well to turn back in memory to other expressions of support for the pan-American movement, specifically to the year 1908, during the administration of President Theodore Roosevelt, when the Pan American Union established its headquarters here in the city of Washington. On the occasion of the dedication of the building constructed to house the officials of the Pan American Union and earlier at the time of the laying of the cornerstone, Elihu Root, the then Secretary of State of the United States delivered moving and eloquent addresses to the representatives of the American republics.

The words of Elihu Root contain wisdom which is still as pertinent in 1964 as in 1908 when he said them. I believe that adherence to the principles he laid down would have prevented some of the difficulties we have experienced in the intervening years.

At the cornerstone ceremony Secretary Root said:

> From this source shall spring mutual helpfulness between all of the American republics, so that the best knowledge and experience and courage and hope of every republic shall lend moral power to sustain and strengthen every other in its struggle to work out its problems and to advance the standard of liberty and peace with justice within itself, and so that no people in all these continents, however oppressed and discouraged, however impoverished and torn by disorder, shall fail to feel that they are not alone in the world, or shall fail to see that for them a better day may dawn, as for others the sun has already arisen.

At the dedication of the building Secretary Root said:

> The process of civilization is by association. In isolation, men, communities, nations, tend back toward savagery. Repellent differences and dislikes separate them from mankind. In association, similarities and attractions are felt and differences are forgotten. There is so much more good than evil in men that liking comes by knowing.

Not only are these principles sound but I firmly believe that if we turn to these principles in dealing with our neighbors in Latin America and in South America we will regain their respect and they will again be willing to follow our moral and intellectual leadership.

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include portions of a speech made by Elihu Root.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MORSE. Mr. Speaker, I would like to associate myself with the remarks of my colleague from Alabama, the distinguished and scholarly chairman of the Subcommittee on Inter-American Affairs of the House Foreign Affairs Committee. He has added intelligence and energy to our deliberations on our relations with Latin America and I have benefited from his counsel on numerous occasions.

This year we mark Pan American Day in a spirit of disciplined optimism. The spirit of cooperation which is the essence of pan-Americanism has reached a high level of development and sophistication. The partnership between the nations of the Western Hemisphere which is essential to meaningful progress is symbolized by the establishment of the new

Inter-American Committee on the Alliance for Progress, CIAP.

The decision made at São Paulo last fall to create this committee emphasizes the multilateral nature of the Alliance. Among the eight members of the committee are seven from Latin America and one permanent representative from the United States. CIAP promises that responsible voices of Latin America will be heard more clearly and more forcefully in the councils of the Alliance.

CIAP is charged with the responsibility of reviewing the financial needs of the 20 member countries under the Alliance for Progress and of recommending to the various lending agencies and financial institutions priorities for the assignment of funds. In addition, the committee is to review the machinery of the Alliance and recommend methods to improve public understanding and increase public support for its goals.

We should not delude ourselves into believing that the mere formation of CIAP will solve our hemispheric problems. The magnitude and variety of our needs requires years of dedication and wisdom. But the formation of CIAP and its emphasis on partnership and mutual consultation augurs well for the future.

Pan American Day gives us an opportunity to reaffirm our willingness and determination to work together with our Latin American friends in the creation of a world that will provide dignity for the humble and freedom for all. The Western Hemisphere has a proud heritage of liberty; it is our joint responsibility and challenge to give it meaning in the 20th century.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Speaker, I would like to join with the gentleman and the other Members who have spoken in favor of this resolution. It is most timely that the gentleman has brought this resolution before the House today, certainly on the day when we were honored to have our session opened by a prayer by Father Thorning, the knowledgeable and well-known "Padre of the Americas."

It is appropriate to have this resolution again on this pan-American anniversary. It is significant, too, that the chairman of the Subcommittee on Latin America of the Committee on Foreign Affairs, who has been a leader in trying to develop a very firm foreign policy to combat communism in this hemisphere, should be the one to offer this resolution, which has as its main purpose a strengthening of the Organization of American States, particularly as set forth in paragraph A.

There are those with little faith who would decry the efforts of the Organization of American States simply because we have not, perhaps, accomplished as much as all of us would have liked in a short period of time. There are those who think that simply because there has been an inroad of communism in this hemisphere we must accept it and do nothing about it. But I am glad to say I am sure that is not the feeling of the House of Representatives or the American people, nor is it the attitude of the people of this entire continent, as shown most recently, as the chairman has pointed out, in Venezuela, and even more recently by the action in Brazil.

I am very hopeful, as we see this anniversary of the Organization of American States come about, it will serve as a renewed time and effort for us to get together in this hemisphere and bring about a "curtain of freedom" around Cuba so that Castro's communism cannot penetrate that curtain of freedom, that we may isolate and get rid of communism in Cuba wihin this year so that by the next anniversary we can say that together we have joined forces to defeat communism's extension in this hemisphere. I believe with the Venezuelan resolution backed up by this Government, with the change of affairs in Brazil, where they too will break off with Cuba and join with us, whereas before we had a government there that would not wholeheartedly join with these decisive actions taking place, we can rid this hemisphere of communism and celebrate the next anniversary as one of complete freedom for the people of this hemisphere.

Mr. SELDEN. I thank my colleague, the gentleman from Florida [Mr. ROGERS] for his fine statement.

Mr. OSTERTAG. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from New York.

Mr. OSTERTAG. Mr. Speaker, in the consideration of this resolution I believe it appropriate to pay tribute to a great American, who has just offered the prayer here in the House of Representatives, and to point out that this is the 20th consecutive year he has offered the prayer on the anniversary of Pan American Day. I am referring to Father Joseph F. Thorning, who is pastor of St. Joseph's Church at Carrollton Manor, located in the heart of Maryland.

It is highly appropriate that Father Thorning deliver the prayer in the House of Representatives on Pan American Day, because he is an outstanding pioneer in the good neighbor movement throughout the Latin American area in the cause of freedom and the American way of life. I might add, that Father Thorning is a respected university professor, author, and editor of World Affairs, whose articles on the Alliance for Progress are considered most illuminating.

I am confident that we all share the hope that Father Thorning will be privileged to offer the prayer in the House of Representatives on the anniversary of Pan American Day, for many years to come.

Mr. SELDEN. I thank my colleague from New York, and I might add that I, too, was pleased to note that Dr. Thorning again offered the prayer that opened the House on the special occasion. I join my colleague from New York in the hope that Dr. Thorning will continue to do so for many years in the future.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for his leadership in regard to this resolution and the proper observance of Pan American Day.

Of the many legacies which we have received as treasures left by our late beloved President John F. Kennedy, I do not think any will prove more important in the years that lie ahead than the new attention which he brought in this country to the challenge of Latin America, to the need for us as Americans in the true spirit of the good neighbor to move aggressively and generously to assist in a positive way in meeting some of the bedrock problems that exist in Latin America. I refer to problems of their economies, problems of the absence of credit and opportunity for the average citizen, problems of the absence of an industrial base in many of the areas of Latin America, problems which go directly to the roots of the difficulties that have been exploited so successfully in some areas by the Communists and by Castro.

I think that in bringing out the need to accentuate the positive in America's foreign policy in Latin America and to help through the Alliance for Progress and its great objectives to give hope to the people of Latin America, the late President Kennedy made one of his greatest contributions. I am very proud of the fact that President Johnson is carrying on this program and is trying very aggressively to improve the work which we are doing in that area.

Every American has an obligation to the leaders of Latin America who fought for freedom. Just as surely and as positively as George Washington led the fight for freedom on the North American continent, so did the great liberator Bolivar, Jose Antonio Sucre, Bernardo O'Higgins, Benito Juarez, and other great names in Latin America, lead in that fight to the south of us. We share a great heritage with them. It is a heritage of belief in freedom for the individual citizen and in the need to provide for that individual citizen a maximum opportunity to realize his potential.

This is a cause to which the people of South America and the people of Central America and the people of North America can jointly dedicate themselves. I know of no agency that is more dedicated to the realization of that goal than the Organization of American States. Certainly, Pan American Day is an appropriate celebration and occasion for each and every one of us to rededicate ourselves to the realization of the splendid ideals which motivated the great liberator and those who fought at his side.

Mr. McCORMACK. Mr. Speaker, each year people across the Western Hemisphere celebrate Pan American Day on April 14. This year not all is well. The people of the Americas face problems almost overwhelming in size and complexity. But the principles and institutions which have become an integral part of pan-Americanism can solve every one of our problems, if they are supported and directed by men of good will and determination. The ideals which have motivated the Western Hemisphere for 150 years are more valid today than ever before. And we can prove that, if we honor them more in the observance, less in the breach. Pan-Americanism is not just a slogan. It is a banner around which the free republics of the New World can rally.

The growth of effective instruments available to democratic peoples of America has been constant since 1945. The Rio Treaty of 1947 gave us a tool for our own defense, especially when it was incorporated into the Organization of American States in 1948. Under the Rio Treaty, aggressive governments which threaten the peace can be quarantined. The OAS itself provides an ideal forum for discussion or arbitration or even inspection in case of a doubt about the facts. The peaceful, just settlement of the dispute between Honduras and Nicaragua in 1961 was a result of determined democratic action through the OAS. It proved what can be done by reasonable men who believe in the value of international law and the International Court of Justice.

In 1950 the first large scale attack on the economic needs of Latin America was undertaken under the point 4 technical cooperation program established by President Truman. Also the Inter-American Economic and Social Council of the OAS has performed invaluable service in studying and outlining the areas where cooperative programs among the American republics can do the most good. In 1958 Brazil took the initiative in advocating an expansion of these early programs, by calling for Operation Pan America. New vigor flowed through the American nations and cooperative effort speeded up. In 1959 the Inter-American Commission on Human Rights was created to pursue the assurance of representative democracy to all Americans. In 1960 the Inter-American Development Bank was founded.

In 1961, under the late President John F. Kennedy's leadership, the current of pan-Americanism reached its greatest strength in history when the Alliance for Progress was established in the historic meeting at Punta del Este.

All of this makes it abundantly clear that we have the instruments which are necessary for progress. They await the will to use them. The disruptive forces of communism daily grow stronger, feeding on misery and poverty, in a land where resources are abundant. Instability and inflation plague many of our Latin American neighbors. Communists threaten to win a majority by election in Chile. Guerrillas burn and destroy in Venezuela. Rioters attack the United States in Panama. Communists threaten constitutional government in Brazil. All the while Cuba continues to bear the crushing burden of a dictatorial government while its economy progressively declines, and Fidel Castro spends many millions of dollars to invade the sovereignty of Cuba's neighbors.

The people of Latin America are crying out for us to draw near and listen to their sorrows. They speak to their own governments. They speak to the United States. They speak to the many institutions of pan-Americanism. The crucial time is rapidly approaching. The Alliance for Progress needs sound and effective stimulations. The practical operation of many American governments has never been comparable to the high ideals of pan-Americanism. We have the means to put new life into the American people. We have the means to overcome our problems. What we need now—the nations of North and South America—is the will and the dedication to put these means to use in the service of the people, with a progressive and courageous outlook. When we do, Pan American Day will have brilliant new significance for every American.

Mr. FARBSTEIN. Mr. Speaker, today, April 14, the inter-American system, the regional association of the nations of this hemisphere, marks its 74th anniversary.

On this day, we mark more than the birthday of a long-lived structure for international political cooperation. We celebrate the power of a set of ideas and ideals which have slowly and certainly developed over the years into a regional doctrine that is without parallel in modern world history. The record of the inter-American system in maintaining the peace, promoting respect for the democratic rights of the individual and fostering good relations of mutual respect among sovereign states is unique. From the First Inter-American Conference, held in Washington, 1889–90, up to the present farflung operations of the Organization of American States, and its permanent secretariat, the Pan American Union, there has been a steady evolution of the principle that respect for national sovereignty and the assumption of international responsibility go hand in hand.

Yet, in a real sense, the inter-American system was not fulfilled until a mere 2½ years ago. At Punta del Este, a summer resort in the Republic of Uruguay, one of mankind's most remarkable documents was signed by 20 nations of the hemisphere. This was the Charter of Punta del Este, which gave birth to the Alliance for Progress.

There can be no doubt that stability of government, free exercise of representative democracy, and respect for the rights of the individual, are the most solid guarantees of good hemispheric relations. These have been the aims of the Pan American Union and the Organization of American States from the beginning.

But political equality may be a hollow concept, if it is not accompanied by a full measure of economic and social justice. Underlying the structure of democracy is the well-being of the people. A concern for the economic and social well-being of the people can be traced far back into the history of the inter-American system. The Pan American Health Organization, for example, was founded in 1902, and programs of technical cooperation were begun shortly after World War II. But it began to become a dominant theme in 1958, when then President Juscelino Kubitschek of Brazil set forth his proposal for an Operation Pan America, to deal with the mounting problems of illiteracy, sickness, poverty, and underdevelopment in the nations of Latin America. President Eisenhower responded warmly to this piece of original statesmanship, and, under the aegis of the Organization of American States, a series of meetings was begun to implement the proposal.

These meetings culminated in the Declaration of Bogotá in 1960, the first basic document of this hemisphere to clearly recognize the direct relationship between international unrest and tension and arrested social and economic development. The stage had thus been set for the Alliance for Progress.

On March 13, 1961, President Kennedy addressed a meeting of Ambassadors of the American States at the White House. In simple but deeply moving words, the late President spoke of the problems of the hemisphere and proposed new ways to meet them:

> Throughout Latin America—a continent rich in resources and in the spiritual and cultural achievements of its people—millions of men and women suffer the daily degradations of hunger and poverty. They lack decent shelter or protection from disease. Their children are deprived of the education or the jobs which are the gateway to a better life. And each day the problems grow more urgent. Population growth is outpacing economic growth, low living standards are even further endangered, and discontent—the discontent of a people who know that abundance and the tools of progress are at last within their reach—that discontent is growing. In the words of José Figueres, "once dormant peoples are struggling upward toward the sun, toward a better life."
>
> If we are to meet a problem so staggering in its dimensions, our approach must itself be equally bold, an approach consistent with the majestic concept of Operation Pan America. Therefore I have called on all the people of the hemisphere to join in a new Alliance for Progress—Alianza para el Progreso—a vast cooperative effort, unparalleled in magnitude and nobility of purpose, to satisfy the basic needs of the American people for homes, work, and land, health and schools—techo, trabajo y tierra, salud y escuela.

An extraordinary meeting of the Inter-American Economic and Social Council, an arm of the OAS Council, was called for August of that year.

On August 17, the Charter of Punta del Este was signed, giving form to the mandates of the Act of Bogotá, and creating the "vast cooperative effort" called for by President Kennedy.

There are two notable aspects of the charter. First, to a degree unmatched in any other regional organization, the American Republics pledged themselves to joint efforts in the economic field. Willingly, without hesitation, they pledged themselves to a series of reforms of basic governmental and administrative structures, and invited the criticism and assistance of their fellow nations in the task. The Declaration to the Peoples of America preceding the charter, states:

> For their part, the countries of Latin America agree to devote a steadily increasing share

of their own resources to economic and social development, and to make the reforms necessary to assure that all share fully in the fruits of the Alliance for Progress.

The United States in return pledged its intention to furnish long term development loans, grants and technical assistance over the 10-year period projected for the Alliance.

The second aspect, and one easily overlooked, is that the Alliance is primarily a Latin program, developed from Latin ideas, nurtured by Latin initiative and largely financed by Latin funds. According to the charter 80 percent of the funds for the Alliance for Progress are to come from the Latin American nations themselves. This in itself is a startling initiative, considering the shortage of resources available in the underdeveloped regions of the hemisphere.

The so-called Committee of Nine Wise Men, set up by the OAS to evaluate national plans for development, put it this way in its first report to the Inter-American Economic and Social Council:

> The Alliance for Progress is not a program imposed by the United States on Latin America, but an aggregate of Latin American ideas accepted by the United States.

It is in this sense that the Alliance represents the culmination of 74 years of hemispheric cooperation. No one can pretend that the Alliance is perfect in conception or performance. Our noblest motives are often drowned in the trickling stream of our weakest abilities. But it cannot be denied that the Alliance has accomplished an astonishing amount in its short life. It is a 10-year program, and may extend far beyond that. But in 2½ years, the concrete results are striking, unnoticed and unreported though they may be.

At the end of this year, there will be 220,000 new homes in Latin America because of the Alliance; more than 23,000 new schools; 7 million new textbooks; more than a thousand new pure water systems; new credit facilities for more than 200,000 rural farm families, and more than 21 million children and adults receiving nutritious food under the various feeding programs. These figures do not show the numbers of new literates, the increasing rolls of university and technical schools, and the steadily developing programs of tax reform and agrarian reform which are laying the base for a new hemisphere.

Statistics are useful only to prove a point. They do not reflect the deepest impact of the Alliance on the life of the American peoples. That impact is measured in terms of one commodity: hope. It is reflected in the eyes of children benefiting from the school feeding program. It is seen in the determination of a campesino going out to seed his first tract of land. And, indeed, it may be seen in the frustrated rage of a local Communist organizer who sees his audience melt away, day by day.

The Alliance is hope—and it is fulfillment. It is the culmination of years of effort to build a solid hemispheric unity that cannot be shattered by onslaughts from the outside or despair from the inside. As we mark Pan American Day, let us be proud of pan-Americanism's finest achievement—the Alliance for Progress.

Mr. REUSS. Mr. Speaker, this 74th anniversary of the founding of the permanent organization which grew into our present-day Organization of American States reminds us of our history of striving for freedom, social justice, and well-being in this hemisphere. The overthrow of the colonial regimes that once existed throughout the Americas has brought sovereignty. But we still face the unfinished task of conquering poverty and deprivation and of establishing the social and economic basis for democracy.

It is fitting that today's observance of Pan American Day should open with prayer by the Reverend Dr. Joseph F. Thorning who, in 1944, became the first North American scholar to be awarded the degree of doctor of divinity by a pontifical university in South America, the Catholic University of Chile. A native of Wisconsin who began his education at Marquette Academy in Milwaukee, Dr. Thorning was later elected the U.S. honorary fellow of the Historical and Geographic Institute of Brazil.

Mr. BECKER. Mr. Speaker, today is Pan American Day. It was in excellent taste that Father Joseph Thorning gave the opening prayer of the House on this occasion. He has given many years of his life to the promotion of good will and understanding between Americans in both North and South America. Even today he is active toward this end.

It is especially urgent—now more than ever before—that we strive to improve relations with the people of South America and bring about a firm foundation by mutual understanding.

It is with my sincerest hope that today and in the future the peoples of North and South America will work together for the betterment of mankind and the endurance of world peace.

We all owe a debt of gratitude to Father Thorning for the good will which he has created, and we hope that he will continue in this work.

Mr. HORTON. Mr. Speaker, in our Nation's Capital stands a building dedicated to the friendship and close cooperation of the peoples of 21 republics, the Pan American Union. Within its hallowed interior are found Aztec and Incan artwork, Spanish architecture, a Hall of the Americas hung with chandeliers from Tiffany, an amalgamation of the cultures of all these states into one symbolic edifice.

As a part of this union, the United States has closely allied itself with the Latin American republics since Monroe first issued his now famous doctrine in 1825. Through the years our Government has adhered faithfully to these tenets, to prove to the world that the Western Hemisphere is the spiritual home for freedom and democracy.

When Secretary of State James Blaine met for the first time with representatives from the Latin American states in April 1890, it is most probable that he had not envisioned to what this first Pan American conference would lead. The Organization of American States has been the outcome, a model for other international organizations to follow.

Each year at this time, to commemorate this historic meeting, we in the United States celebrate with parades, speeches, and other appropriate observances. In classrooms and public halls, Simon Bolivar is remembered and honored as the "Father of Pan-Americanism." Others, too, such as Jose de San Martin, the liberator of Argentina, Chile, and Peru, or Benito Juarez, the Indian lawyer who became President of Mexico, are revered as great patriots. And in turn, George Washington is honored as our great leader in other republics.

The Organization of American States is not simply a congenial gathering of states for social purposes. It is a working union, dedicated to the preservation of freedom and close alliance in the Western Hemisphere. Today's need for unity is great. Throughout Latin America, there exist the conditions through which communism infiltrates. Poverty and illiteracy, coupled with ignorance and social backwardness, are widespread.

To combat these forces, the United States is supplying the necessary development capital and technical know-how and equipment in a joint effort with the Latin American Republics who contribute additional funds and manpower. There are many projects now underway in Latin America. Through them we are helping to create stable economies, thereby gaining ground and time from Communist forces.

We have seen in Cuba how the seeds of discontent grew into a revolution, threatening the very existence of democracy in Latin America. This we cannot permit to happen again.

On this 74th anniversary of the first pan-American gathering, let us dedicate ourselves to the task set forth in the Charter of the Organization of American States:

> The American States established by this charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence.

Mr. Speaker, the Union is strong. Now, let us seek to make it stronger.

Mr. O'HARA of Illinois. Mr. Speaker, I could not permit this observation of Pan American Day to pass without mention of the great contribution to hemispheric understanding made by the Inter-American Bar Association, in which our own able and beloved Roy Vallence is a moving spirit. I cannot too highly praise and evaluate the work and the influence of this association, which in a sense is the meeting place of the lawyers of North and South America in a common effort to enthrone everywhere on this hemisphere law and justice.

It is my hope and prayer that with every passing year the bonds that unite us will be closer and warmer. We on this hemisphere are the members of the same hemispheric family and we have so much in common and nothing that should mar our harmony. I congratulate and commend the Inter-American

Bar Association and similar groups of the nationals of the American sister Republics that work on the level of peoples to peoples for hemispheric understanding, good neighborliness and mutual helpfulness.

Mr. NIX. Mr. Speaker, this is Pan American Week marking the 74th anniversary of the establishment by the American Republics of the inter-American system which is known as the Organization of American States.

The President, in proclaiming this special week, rededicated the Nation "to the ideals of the inter-American system, and to the principles and objectives of the Charter of the Organization of American States and the Charter of Punta del Este. For on the maintenance of these ideals and the achievement of these objectives depends the future of freedom, human dignity, and national independence in this hemisphere."

Mr. Speaker, the United States signed the Charter of Punta del Este in August of 1961. Already there are forces at work in this country which would contravene our solemn pledge to help our neighbors in Latin America to help themselves.

I am speaking specifically of that portion of the Charter of Punta del Este which called on the developed countries to "avoid increasing the uneconomic production of goods which can be obtained under better conditions in the less developed countries of the continent, in which the production of these goods is an important source of employment."

Last week, some of my colleagues sent a letter to President Johnson asking the administration to support an increase in domestic sugar production of at least a million tons. This million tons of sugar would be taken away from the sugar-producing countries of the world, primarily those in Latin America.

Sugar is the third most important dollar earner for these countries. Surely, if we reduce imports of their basic commodities, we will seriously restrict their ability to buy our agricultural and manufactured exports. In 1962, these nations imported some $4.2 billion of American goods.

We had a favorable balance of trade of $713.6 million with these countries. If we reduce imports of sugar, will we continue to have that favorable balance of trade?

I call on the President, the administration, and my colleagues in the House of Representatives to resist this attempt by highly subsidized, high-cost beet sugar industry to contravene the objectives of the Charter of Punta del Este—a move that certainly would jeopardize our own Nation's economic health.

Mr. Speaker, I include the following article from the Foreign Agriculture, April 6, 1964:

PAN AMERICAN DAY MARKS ANOTHER ANNIVERSARY IN OUR HISTORIC TRADE WITH LATIN AMERICA

Next week, on April 14, the Pan American Union, now a part of the Organization of American States, will observe its 74th anniversary.

From the start, this nonpolitical association concentrated on trade, its charter listing its purpose "to promote good relations among the American Republics through trade relationships and exchange of information pertaining to commerce." Yet this is only another milestone in the historic trade between the Americas that began back in the 17th century when the American Colonies were shipping cargoes of flour, codfish, and beef to the Spanish Territories in the Caribbean in return for their sugar, molasses, and fruit.

Today this mutual exchange of products represents the largest hemispheric trade in the world, and much of it is agricultural. The United States takes over three-fourths of Latin America's coffee and bananas, 40 percent of its cocoa beans, and a large part of the sugar (excluding Cuba's) that it sells on world markets.

These and other Latin American products, valued at $4 billion, accounted for nearly one-fourth of total U.S. imports in 1963. But this trade is not a one-way street. It provides the basis for U.S. exports of industrial and manufactured goods as well as a wide range of agricultural commodities to Latin American markets each year.

DECADE OF PROGRESS

Trade relationships between the Americas were greatly strengthened by the favorable economic growth which occurred during the decade following World War II. In the United States this growth spurred demand for agricultural and mineral products under terms of trade which were very favorable to the Latin American nations, and, in turn, this increased trade contributed to significant rises in the per capita gross national product of the Latin American Republics.

This decade of progress created in Latin America a growing market for U.S. farm products. Urban development, rapid population growth, and improved incomes in Brazil, Chile, Colombia, Cuba, Mexico, Peru, Venezuela, and the Central American countries, upped the demand for our grains, fats and oils, fruits, vegetables, meat, and dairy products. As a result, the value of U.S. agricultural exports to the Latin American republics rose from an average of $46 million for the prewar period, 1935–39, to $448 million for the 1950–54 period.

After the mid-1950's, as expected production around the world increased competition and weakened world market prices for most Latin American exports, the demand for U.S. agricultural imports slowed down. Depressed world prices contributed to reduced foreign exchange earnings, inflationary pressures, and a general tapering off in economic growth. Trade restrictions and other measures adopted to conserve scarce foreign exchange and capital resources generally favored those products needed to maintain industrial development.

In consequence, the nature of our trade with Latin America changed. Today approximately one-third of our food shipments to the area fall under the food-for-peace program, which is based on Public Law 480 enacted in 1954. Oriented to the economic objectives of developing nations, this law permits them to purchase their needed foodstuffs in their own currency. The law is also geared to long-range expansion of agricultural trade. Its effectiveness is evidenced from the fact that last year U.S. agricultural exports to Latin America (excluding Cuba, once our leading Latin American market) were valued at $485 million compared to the 1950–54 average of $331 million.

LOOKING TO THE FUTURE

The future of our trade with Latin America is closely related to the area's economic progress. These countries continue to face serious problems of stabilization and economic adjustment. They are unable to expand their agriculture to meet rapidly increasing consumption and export needs. Their weakened foreign exchange position continues to affect productive investment, and inflation still persists.

To overcome some of these difficulties two free trade areas have been organized in Latin America: The Latin American Free Trade Association (LAFTA), which associates Argentina, Brazil, Chile, Colombia, Mexico, Paraguay, Peru, and Uruguay; and the Central American Free Trade Association (CAFTA), linking Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. The goal of these two associations, as with all common market groupings, is to foster trade among the member countries and promote economic growth.

Even more important as positive factors are the food-for-peace program and the Alliance for Progress. By obtaining agricultural commodities under food for peace, the Latin American countries can more fully satisfy their food needs and, at the same time, apply their scarce foreign exchange earnings to economic development. The Alliance for Progress, in which the United States is the principal partner, is also expected to stimulate economic growth, improve levels of income, and further the demand for food and fiber.

Mr. ZABLOCKI. Mr. Speaker, I am pleased to join my esteemed colleague and friend, the gentleman from Alabama [Mr. SELDEN], in his commemoration of Pan American Day. It is fitting, indeed, to call to mind once again our historic bonds of friendship and goodwill with the republics of the Western Hemisphere.

Further, it is an appropriate occasion to reaffirm our dedication to the principles of mutual security and common action for peace and prosperity which have found expression in the Charter of the Organization of American States and the Alliance for Progress.

The links between North America and South America are not merely geographic ones. The people of the Western Hemisphere, the New World, are linked by a common vision of a better life for our children and our children's children.

By working together, we can achieve those aims. Pan American Day reminds us of this interdependence, a dynamic force for cooperation and progress in a crisis-ridden world.

In conclusion, I wish to point out that the stirring invocation we have heard this morning was delivered by the Reverend Joseph F. Thorning, a distinguished fellow son of Wisconsin. Known as the "Padre of the Americas," Father Thorning is a professor of Latin American history at Marymount College.

I am certain that his many friends and relatives in Milwaukee, particularly his two sisters, Mrs. Paul Reilly, of Shorewood, Wis., and Mrs. C. R. Reilly, of Wauwatosa, Wis., are proud of his efforts at strengthening the bonds of friendship among the sister nations of the Western Hemisphere.

Let me extend my sincerest wish and prayer that Father Thorning continues for many years in his ministry to his fellow men.

Mr. SELDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks in connection with the pending resolution.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SELDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUBCOMMITTEE ON MINES AND MINING, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Mines and Mining of the Committee on Interior and Insular Affairs be permitted to sit during general debate on H.R. 10809.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ALLEGANY INDIAN RESERVATION—SENECA NATION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1794), to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River—Kinzua Dam—project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none and appoints the following conferees: Messrs. ASPINALL, HALEY, EDMONDSON, SAYLOR, and Mrs. REID of Illinois.

TRIBUTE TO FATHER JOSEPH F. THORNING, PASTOR, ST. JOSEPH'S CHURCH, CARROLLTON MANOR, MD.

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MATHIAS. Mr. Speaker, last Saturday it was my privilege to attend a wedding in a historic parish church in Carrollton Manor in my Sixth Congressional District of Maryland. The bride was beautiful and the groom was a gallant officer of the Army. The celebrant of the nuptial Mass was the priest whose prayer opened our session today.

I could not fail to be impressed by the gentle and humble way in which Father Thorning explained the sacrament of matrimony to the bride and groom and to their friends in the congregation. His quiet words, assigning the central role in this sacrament to the participants rather than to the officiating clergyman, were not only appropriate and instructive but also were full of that humility and self-effacement which characterizes the ministry of Christ. It is a side of the character and personality of Father Thorning with which some of his many admirers may not be as familiar, as they are of his more public roles.

The Reverend Dr. Joseph F. Thorning has a worldwide reputation as the "Padre of the Americas"—as a preacher, a writer, a scholar, an editor, and a diplomat. To these accolades I would add the titles of humanist, shepherd of his flock, brother of men, and man of God.

NUCLEAR-POWERED AIRCRAFT CARRIER

Mr. HOSMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Speaker, during the debate on the armed services authorization bill, I offered an amendment to make the new CVA-67 aircraft carrier nuclear powered. It was argued that this would delay the construction of the ship to such an extent that it could not be tolerated. Within the past few days the chief of the Bureau of Ships and Admiral Rickover have stated that making the ship nuclear powered would not involve any delay whatsoever. It would still be delivered in the last third of the calendar year 1968.

Therefore, I feel that the Armed Services Committee should bring forward H.R. 9908, to make the CAV a nuclear carrier, and present that proposal to the House, to let us earn the lasting gratitude of the people of the United States and people who love freedom everywhere by maintaining our Military Establishment with the finest hardware that this Nation can build.

LEAVE OF ABSENCE

Mr. KILBURN. Mr. Speaker, I ask unanimous consent that our colleague, the gentleman from New York [Mr. HALPERN] may have leave of absence for this week due to official business.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PRIMARY ELECTION DAY IN ILLINOIS

Mr. O'HARA of Illinois. Mr. Speaker, today is primary election day in Illinois. There is no serious contest for any nomination in the Democratic Party as far as I know. There is a contest for nomination for Governor on the Republican side which has attracted considerable attention, and there are a number of other Republican contests. Because of that I presume many of our Republican colleagues feel it part of their duty to be in Illinois. I do hope, Mr. Speaker, that my colleagues, having in mind that many of our Members are in Illinois because of this election, will not raise the question of a quorum unless they feel by not doing so the public business will be harmed. I do hope all of my colleagues on this primary day in Illinois and on other primary days in other States will, whenever duty permits, refrain from raising the question of a quorum.

GENERAL LEAVE TO EXTEND

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that all Members be permitted to revise and extend their remarks on the appropriation bill we will consider today for the Departments of Labor and Health, Education, and Welfare and related agencies.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, in view of the large amount of money involved in the appropriation bill we are about to take up, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 110]

Addabbo
Alger
Anderson
Avery
Bass
Battin
Blatnik
Bolling
Bow
Brock
Broyhill, Va.
Buckley
Burleson
Chelf
Collier
Cooley
Curtis
Dawson
Derwinski
Diggs
Dowdy
Duncan
Elliott
Farbstein
Finnegan
Flynt
Fulton, Pa.
Giaimo
Gonzalez
Grabowski
Halpern
Hanna
Hansen
Harvey, Ind.
Hemphill
Hoffman
Huddleston
Johnson, Pa.
Jones, Ala.
Kee
Kilgore
King, Calif.
Kluczynski
Leggett
McLoskey
Martin, Calif.
Martin, Mass.
Matsunaga
Michel
Miller, N.Y.
Morrison
Murphy, Ill.
O'Brien, Ill.
O'Hara, Mich.
Osmers
Pepper
Pilcher
Powell
Pucinski
Purcell
Rains
Rostenkowski
Rumsfeld
Scott
Sheppard
Shipley
Siler
Sisk
Smith, Iowa
Steed
Taft
Talcott
Teague, Tex.
Thompson, La.
Utt
Wickersham
Williams
Willis
Wright

The SPEAKER. On this rollcall, 354 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATION BILL, 1965

Mr. FOGARTY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 10809, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 3 hours, one-half of the time to be controlled by the gentlemen from Wisconsin [Mr. LAIRD] and one-half of the time to be controlled by me.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Rhode Island.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 10809, with Mr. THOMPSON of New Jersey in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. FOGARTY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman and members of the committee, I am pleased to be able to bring this appropriation bill to you for your consideration today. This is the 14th year out of 18, that I have served on this committee, that I have had the privilege of offering this appropriation bill to the House.

First, I wish to thank all the members of the subcommittee for their attendance at all the hearings and their hard work on this bill.

This year, because of the insistence—and I believe rightly so—by our chairman, the gentleman from Missouri [Mr. CANNON], that we get our bills reported earlier, it was necessary to work long hours, to keep on schedule, and on many nights we worked until 6 o'clock.

I wish to express my appreciation to the gentleman from Indiana [Mr. DENTON], and the gentleman from Michigan [Mr. LESINSKI] on the Democratic side, and to the gentleman from Wisconsin [Mr. LAIRD], and to the gentleman from Illinois [Mr. MICHEL] on the Republican side, for their attention and cooperation.

As I have said before, no committee can work its will or do a decent job unless it has a good clerk. I believe we have one of the best clerks on appropriations in Mr. Moyer who serves our committee.

There is nothing startling in the bill today. Some increases are provided over the amounts for last year, and there are some decreases. The only significant changes in the bill result because of legislation passed by the last session of the Congress. Those were in areas dealing with health and education.

Mr. Chairman, I will insert in the RECORD a table showing in summary, the committee's recommendations included in the bill compared with the budget requests and the appropriations for fiscal year 1964.

Summary of estimates and appropriations

Department or agency	Appropriation, 1964	Budget estimates, 1965 (as amended), and 1964 supplementals	Recommended in the bill	Bill compared with—	
				Appropriations, 1964	Budget estimates, 1965 (including 1964 supplementals)
Department of Labor	$392,508,000	$725,510,000	$585,954,000	+$193,446,000	−$139,556,000
Department of Health, Education, and Welfare	5,372,823,500	6,789,299,000	6,276,200,000	+903,376,500	−513,099,000
National Labor Relations Board	22,460,000	25,250,000	24,000,000	+1,540,000	−1,250,000
National Mediation Board	1,950,000	1,970,000	1,970,000	+20,000	----------
Railroad Retirement Board:					
Limitation on salaries and expenses	(11,065,000)	(10,500,000)	(10,500,000)	(−565,000)	(----------)
Payment for military service credits	----------	13,834,000	13,834,000	+13,834,000	----------
Federal Mediation and Conciliation Service	5,690,000	6,100,000	6,100,000	+410,000	----------
Interstate Commission on the Potomac River Basin	5,000	5,000	5,000	----------	----------
U.S. Soldiers' Home	(6,622,000)	(6,888,000)	(6,888,000)	(+266,000)	(----------)
Total	5,795,436,500	7,561,968,000	6,908,063,000	+1,112,626,500	−653,905,000
Consisting of—					
Related to 1964 supplemental appropriations	----------	457,186,000	----------	----------	−457,186,000
Related to 1965 appropriations	5,795,436,500	7,104,782,000	6,908,063,000	+1,112,626,500	−196,719,000

As will be noted from the above table the committee considered requests totaling, in round figures, $7.56 billion and recommends appropriations totaling $6.91 billion, or a reduction of $0.65 billion.

The committee considered both 1965 estimates for these two departments and related agencies and the pending requests for supplemental appropriations for 1964 for the same departments and agencies. The committee carefully considered each individual supplemental request for 1964 but in view of the prospective timing for the final enactment of this appropriation bill, the committee has denied all of them. In all instances where a new program is involved the committee has included language in the bill to make the 1965 appropriation for these programs available immediately upon enactment of the bill. Thus, if the bill should become law before the end of the fiscal year, these important programs could be started.

The disallowance of requests for supplemental appropriations accounts for 70 percent of the total reduction recommended by the committee. In most part, the reductions recommended in the 1965 budget are only token reductions. There is a reduction of $100 million in the appropriation "Grants to States for public assistance" which is an administratively uncontrollable item and if the committees' estimate proves to be too low, it will have to be made up in a supplemental appropriation.

The other large reduction is $83,094,000 in the request for "Manpower development and training activities." This is a very important program and as the committee's report points out, this reduction in no way reflects a lack of appreciation of the importance of this program to the national economy, nor is it made with a view to reducing the number of training programs or the number of people who may receive training. In other words, if the committee's estimate of the speed with which this program can expand is too low, the Department almost has an invitation to come back with a request for a supplemental appropriation.

Thus, if one takes out of consideration the requests for supplemental appropriations, and the two items mentioned above, action on the remainder of the budget requests represents a net decrease of less than $14 million which, percentagewise, is almost infinitesimal.

On the surface, this may appear to reflect an unusually liberal attitude on the part of the committee. When one analyzes the character of the 1965 budget for the Departments of Labor and Health, Education, and Welfare, one gains a somewhat different perspective. The action of the committe does not so much reflect a liberal attitude as it does a recognition that the 1965 budget was one of the most conservative that has been submitted to Congress in recent years. The only significant increases were in connection with new legislation that made increases close to mandatory. Increases in this category include in round figures, $300 million for the manpower development and training program, $150 million for vocational education, $464 million for higher education facilities construction, $37 million for defense educational activities, $85 million for health professions educational assistance, and $35 million for construction of community mental health centers. With the exception of these programs, there were no significant increases in the budget for either Department. It was a hold-the-line budget, even in highly important fields like the Public Health Service, and, in many cases, even cut back from the level of operation provided for by the 1964 appropriations.

While the original 1965 budget was certainly conservative, it was made even more so by a budget amendment submitted to Congress on March 9, 1964. This budget amendment reduced the requests for the Department of Health, Education, and Welfare by some $4 million and 640 positions.

It was in view of the type of budget before it, that the committee made very few substantial reductions in the 1965 budget, and even increased a few appropriations above the amount requested.

For the Department of Labor the bill includes $585,954,000, which is $193,446,000 more than was appropriated for 1964 and is a reduction of $139,556,000 from the amount requested. There is very little change in the Department of Labor's appropriations except for the manpower development and training activities for which $327,906,000 is included in the bill. This represents an increase of $217,906,000 over the amount appropriated for 1964. Thus, this one item accounts for more than the total increase in the Department of Labor. The reduction which the committee recommends in the budget request for this program, including the supplemental request, totals $138,094,000, or approximately the total amount of the reduction in the whole Department. As I mentioned earlier in my remarks, this reduction in no way reflects a lack of appreciation of the importance of this program, nor is it intended that the committee's action result in any reduction in the number of people who could otherwise be trained. It simply represents the committee's best estimate of what the Department will be able to accomplish under this program during the next 15 months.

The first item under the Department of Health, Education, and Welfare is the very important "Food and Drug Administration." The committee has approved the full budget request which represents an increase of $3,395,000 over the amount appropriated for 1964, however, two-thirds of this increase is necessary to cover mandatory costs, most of which is the amount necessary to annualize new positions allowed for part of the fiscal year 1964. The rest of the increase is mostly for the partial implementation of the recommendations of the President's Advisory Science Committee on the Use of Pesticides, and to carry out the Kefauver-Harris drug amendments of 1962.

OFFICE OF EDUCATION

The committee considered two very important new programs in the Office of Education, "Expansion and improvement of vocational education" and "Higher education facilities construction." In both instances there was a request for a supplemental appropriation which the committee has not allowed. This disallowance in no way reflects a desire on the part of the committee to hamper the progress of these programs in any way. Both of these programs represent most significant advances in the field of education, and it is certainly my desire, and I believe the desire of the committee, that progress be made as rapidly as possible. The practicalities of the situation, which are discussed in more detail in the committee report, are that it would be practically impossible for any significant program progress to be made before the end of this fiscal year under the most optimistic outlook with regard to the final passage of this bill.

The committee has allowed the full 1965 budget request for the vocational education program, which was $183,296,000, and allowed $463,150,000 for the higher education facilities construction program. The reduction of $850,000 made in the request for the latter program is from the $1,750,000 which was budgeted for technical services to be rendered by the Housing and Home Finance Agency. This estimate was based on the program starting in fiscal year 1964 and being in full operation during fiscal year 1965. It is now obvious that there will be very little need for these technical services until well into fiscal year 1965. The committee's action allows the full amount requested for construction grants and loans.

HIGHER EDUCATION FACILITIES ACT

Mr. Chairman, on December 16, 1963, President Johnson signed the Higher Education Facilities Act of 1963. The statesmanlike action of the Congress in approving the bill, H.R. 6143, was lauded by the President in remarks he made upon signing the new law. On that historic occasion, Mr. Johnson paid great tribute to the Congress when he said:

> This new law is the most significant education bill passed by the Congress in the history of the Republic. In fact, this session of the Congress will go down in history as the education Congress of 1963.

Significant as was the enactment of this extremely important measure, approval of the bill represents the accomplishment of only one of the major steps required to implement fully this urgently needed program.

The measure upon which we deliberate today provides the funds necessary for meeting the objectives of the law.

Mr. Chairman, the objectives of this law were thoroughly and admirably presented and explained to the House by distinguished Members of both parties. Surely, the vote by which we approved this act is testimony to the overwhelming agreement on the urgent need for the assistance it provides. I remind my distinguished colleagues that the vote was 258 to 92 in favor of the measure. Further evidence of the wide support for the act is the action of the other body approving the bill by a two to one majority.

It appears abundantly clear that the House must translate its awareness of one of the most serious problems facing higher education into appropriate action, if this act is to provide the properly trained present and future generations upon whom the very security and welfare of the United States depend.

Perhaps the strongest argument for the speedy adoption of this appropriation is the tremendous work already accomplished by State and institution officials and by the U.S. Office of Education. The response of the States to the new program serves to underscore their readiness to assume their responsibilities under the act. To date, 34 States have designated commissions to participate in the administration of the grant program. Final action by five other States is imminent.

Mail arriving in the Office of Education from college and university officials indicates their advanced state of preparedness to use the Federal funds as soon as they are available. In view of the matching requirement included in the grant program, we may conclude, with justification, that the program has provided, in a few months, the kind of impetus to individual institution effort which was predicted during House debate. This is rather remarkable when one realizes that the matching requirements in the case of 4-year colleges is two-thirds of the construction project cost. This remarkable degree of preparedness on the part of States and institutions, even before appropriation approval augers well for the success of this milestone legislation.

During the period December 18, 1963, to April 9, 1964, the Commissioner's office has received 750 letters from State officials and school administrators relative to some part of the act. Many of the letters informed the Commissioner of institution readiness to participate in the program. Others asked how soon Federal funds would be available. Virtually all of the letters emphasized the importance of implementing the law at the earliest possible date.

I wish to call to the attention of my colleagues that the excellent work of the colleges and universities cannot proceed until this appropriation is approved. State commissions cannot function until the appropriation sets in motion the machinery for processing applications. And, in fact, many planned construction projects, for which grant money may be available, are being held up until the school officials know that applications may be submitted.

U.S. Office of Education officials have met and will continue to meet with representatives of colleges and universities to discuss procedures involved in administering grants for construction projects. Daylong meetings have been scheduled for Atlanta, April 15; New York, April 16; Chicago, April 22; and Denver, April 23. Attending these meetings will be members of State commissions and other State officials involved in the administration of the act.

Preparation of the regulations governing the act has been one of the major efforts of the task force. The regulations, applications, and supporting documents are in final draft form and await only the appropriation approval before they are printed and distributed to the colleges and universities of the Nation.

I am sure my colleagues would agree that all parties involved in the administration of the act have been proceeding admirably under rather serious limitations. Further progress awaits our action here today. Only by approving this appropriation measure will we make it possible for the program to be administered effectively.

Mr. Chairman, I urge my colleagues to be guided by the unquestioned need for appropriate action on the measure before us and respectively request that we join in the same bipartisan effort which marked our approval of the bill. Let us move quickly to approve this appropriation.

VOCATIONAL EDUCATION

Reports from all of the States indicate that plans have been underway for sometime to enable them to implement the provisions of the Vocational Education Act of 1963 promptly upon the availability of funds. It is known, for example, that all States have undertaken preparatory steps in the preparation of new State plans which would incorporate amendments to the Smith-Hughes and

George-Barden Acts as well as in providing for operations under the new act. The States have made an analysis of their present State plans in relation to the act, as they would interpret it and thus have been preparing themselves with understandings which would make possible more rapid preparation for implementation of the program.

The provision of authority for expenditures for the construction of area vocational education school facilities has been of considerable interest to the States. In the fiscal year 1963 it was reported that 71 new area vocational technical schools were opened and put into operation; 37 new area vocational technical schools were under construction; 69 were in the planning stages; and 53 schools were planning to expand their offerings in technologies this year. It is known that the States have plans for continued expansion of this activity and would be aided materially in the accomplishment of this objective by funds if appropriated by the Congress for this purpose.

In addition to the regular biennial sessions of most State legislatures, 1964 sessions are meeting in 22 States and many of these are being asked to consider legislation in behalf of vocational education.

Activity has been reported by the States, both in the matter of substantive legislation regarding the establishment and operation of area vocational school facilities and in sizable appropriations to implement plans for these new facilities. For example, in Kansas, the legislature appropriated $700,000 to aid in the implementation of such plans and local communities have been given taxing power and authority to issue bonds which they are doing for new construction purposes, as in Emporia, in the amount of $600,000, just recently. In Rhode Island, the legislature appropriated $2 million for the development of regional vocational technical schools of a secondary school nature. The State Board has already asked the Office of Education for professional help in developing programs for these schools. In New Hampshire appropriations have totaled $7 million for the construction of a central technical institute of post-secondary level plus two other area vocational technical centers and including the planning for three more of these. In West Virginia a fund of $500,000 was made available to continue area vocational education programs. In Arkansas, a special session of the legislature will consider supplementary budget requests for participation in the program authorized by the Vocational Education Act of 1963. Visits with State boards for vocational education and legislative committees reveal interest in gearing up State staff activities in anticipation of greatly improved authority for programs of vocational education.

An example of the States need for assistance is revealed by a survey of an 84-percent sample of high school students in one State. Twelve thousand students responded that they would attend a vocational technical school if such an opportunity were available. It was estimated that upon employment a total earning capacity of more than $5 million in the first year would have been gained by these youth. In that same State the unemployment of vocational school graduates was only 5 percent while 15 percent of the other high school graduates were unemployed.

More than 50 expressions of interest have been received regarding the establishment of residential vocational education schools. These have come from wide geographical areas around the country.

Considerable interest has been expressed regarding the establishment of vocational education programs in business and office occupations: 18 States have indicated a desire to add a supervisor in this field to the staff of the State education department; numerous meetings, at least one in almost every State, have been held by professional groups having concern for business and office education.

In the matter of replacement of vocational school equipment, about which there has been national notice regarding the need, many of the States have reported their intention to modernize their provisions for improved learning opportunities for students preparing for gainful employment.

Representatives of State boards for vocational education in all States have reported greatly increased interest in the program of vocational education as this would contribute to the solution of some grave social and economic problems affecting the lives of youth and adults in all parts of the country.

LIBRARY SERVICES

This bill does not include a budget item for Public Law 88-269, the Library Services and Construction Act. I would like to comment on this omission on behalf of the committee. Despite repeated inquiries by the committee, no budget request for this program was transmitted to Congress until 5 days after the hearings had been closed, obviously too late to be considered.

The Library Services and Construction Act was approved by the President on February 11, 1964. When he signed the bill the President noted that:

> Books and ideas are the most effective weapons against intolerance and ignorance. Anything that we can do to enlarge the number and the quality of libraries is, I think, an act of national achievement.

The States and communities are ready and eager to participate in the expanded library services program. Since 1961, every eligible State and territory has been participating in the Library Services Act of 1956 which was limited to rural areas and did not allow the use of funds for the construction of public libraries. Even under that limited program, State and local appropriations for rural library services increased 180 percent. Now that benefits under the law have been extended to urban areas, greater and more rapid achievements can be predicted.

Library facilities are generally inadequate and obsolete throughout the country. Only 4 percent of the libraries now in use were built within the past 40 years. Urban areas are greatly in need of the increased library services they can receive under the new act if funds are appropriated; 60 percent of our population live in areas covered by the expanded law.

The States report that $25 million can be fully matched and effectively used in 1965 for the development of public library services in urban and rural areas. They also report that $30 million can be far overmatched and fully used in 1965 for public library construction. Many communities have been planning new buildings and are now waiting for Federal matching funds to move ahead.

Public Law 88-269 passed the House on January 21, 1964, by a vote of 254 to 107. This fact indicates our commitment to the importance of good public library service for every American citizen.

My own State is intensely interested in the potential progress which this program will make possible. Rhode Island has drafted a statewide plan for better libraries which can be put into immediate operation when funds become available. Never have I seen interest in libraries and determination to improve libraries so great as it is in my State today.

Across the Nation there are some 16 million persons without any public library. Another 110 million people have inadequate libraries, many of which are poorly housed and understaffed, with book collections which are limited and obsolete. As our population changes and grows, many social and economic problems confront our cities and towns: illiteracy, unemployment, delinquency, and deprivation. These are all problems that a good library can help to solve. Free to all, the public library meets the user on his own terms, provides materials at his level of development, and allows him to proceed at his own pace. Those adults who have just begun to read English, those unemployed whose jobs have been automated, those youths whose training has not fitted them for productive work—all these and more may turn to the public library for free, unbiased, and reliable information.

I know that good libraries cost money. We have all seen the excellent return on our modest investment in the rural library program. I believe that the Federal Government has a definite responsibility toward the support of good libraries. Public Law 88-269, if properly funded, has great promise in making good library service a reality for all our citizens.

The vocational rehabilitation program continues to be one of the best, if not the best, moneymaking programs of the Federal Government. A conservative estimate is that for every dollar spent $7 comes back in Federal taxes alone. When other benefits are included the results are at least 10 to 1. Of course the human benefits are immeasurable in dollars and cents. The committee has included the full amount of the budget requests for all appropriations under the Vocational Rehabilitation Administration with the exception of $55,000 which was budgeted for increasing the overhead allowance on research grant projects. The budget was prepared on the basis of increasing the amount to be allowed for this purpose from 20 to 25 percent of the direct cost. The committee has retained the 20 percent limitation and so has reduced all amounts budgeted for more than that.

The first item under the Public Health Service, is "Buildings and Facilities." The committee allowed the full amount of the request for $21,512,000 but made internal adjustments to disallow funds requested for the Environmental Health Center, for which $1,500,000 was requested; add $2,500,000 for the Midwest Water Pollution Control Laboratory at Ann Arbor, Michigan; and reduce remaining projects by $1 million.

The committee was unable to find any good reason for the reduction recommended in the budget for accident prevention activities. The appropriation for fiscal year 1964 was $4,163,000 and the budget request for 1965 was for $3,823,000. Certainly a reduction in these activities is no economy measure for the Nation's economy is saved many times the cost of this program by the results it obtains. The committee hearings on this subject revealed very conclusive evidence of this. The committee has therefore restored the reduction and has included $4,163,000 in the bill.

Much the same situation prevails with regard to control of tuberculosis. The 1964 appropriation was $6,828,000 and the budget reduced this to $6,364,000. If there was any doubt whatsoever that a reduction in this appropriation is being penny wise and pound foolish, it was dispelled by the report by the task force established by the Surgeon General at the request of the Committee on Appropriation. This report recommends a 10-year program to reduce the very significant health problem of tuberculosis to the point approaching insignificance. It pointed out that if such a program were followed, it would, during this 10-year period, save $1,250 million in hospital costs alone. The committee felt that not to invest the funds necessary to carry out this program would be the essence of false economy. The committee has therefore recommended in the bill an appropriation of $10,364,000 or an increase of $4 million over the amount recommended in the budget. Of this $4 million, $1 million would be for formula grants to the States, and $3 million would be for project grants.

Another recommendation in the budget which suprised and disappointed the committee was in connection with control of venereal diseases. In its report 3 years ago the committee directed the Public Health Service to make a thorough restudy of this program and be prepared with recommendations for a program that would result in the eradication of syphilis. A task force was selected to make this study under the chairmanship of Dr. Leona Baumgartner, commissioner of health, city of New York. There was practically universal agreement among experts in this field that the task force submitted an excellent report and recommendations. The committee added $1 million over the budget request for fiscal year 1963 in order to get started on this program. The budget for 1964 continued the program, and the committee is at a complete loss to understand why the budget for 1965 cuts back from the task force recommendations, just at the time when the program is beginning to be effective in reversing trends of recent years toward every increasing incidence of this disease. The recommendation of the committee to increase the budget request by $314,000 is simply to restore this reduction.

Mr. Chairman, I am disappointed that the budget provides so inadequately for research training in the field of community health. We were led to believe, a year ago, that a real program was to be started but the budget provides for almost nothing compared to the need. I certainly hope that more attention is given the important activity in the future.

The health professions educational assistance program is another new program for which both a request for a supplemental appropriation for 1964 and a considerably increased appropriation for 1965 were requested. As in other similar programs, the committee has recommended no funds for 1964 solely on the basis that time will not permit any substantial activity under the program this fiscal year under the most optimistic predictions for final passage of the bill. However, in recognition of the fact that this is one of the most important new programs in the field of public health, the committee has allowed the full amount of $85,782,000 requested in the budget for 1965. As in other similar programs, the committee has also included language in the bill which will make these funds available immediately upon enactment in case the bill should be enacted before July 1, 1964.

NATIONAL INSTITUTES OF HEALTH

Mr. Chairman, we take up next the appropriations for the National Institutes of Health.

Through these programs we invest approximately a billion dollars a year in health research and training—representing our main national effort in the national attack upon the health problems of the people: What do we look to these programs for? For today and tomorrow, we invest for healthier and fuller lives for ourselves and for our children; for the future—and I say this without sense of overstatement—we look to individuals bred to a new splendor and fulfillment. Let me preface my summary of this part of the bill with a comment that I feel can not be restated too often—though doubtless you will find it self-evident. That comment is this: There is no human need more basic to any of us than good health.

Mr. Chairman, esteemed Members of this House, I am sure that each of us can testify—on the basis of his own experience—the fear, unhappiness, and distress that results when we, or our family, or our closest friends pass from health to serious illness.

I think none of us has been so fortunate that he cannot testify to this.

I ask also: As we know the world, from having lived in it awhile—is there another good that stands equally with health in making a difference to everything we do—especially in making it possible to enjoy every other good or blessing that comes our way? I think not.

I ask these questions. But do not really doubt your answers: For a number of years now, congressional consensus on the primacy to be given to meeting health needs—and to support for the health research programs that are the key to accomplishing that purpose—has been clear, enthusiastic, and nonpartisan.

With this as background, you will be able to appreciate my disappointment at the inadequate budget request we received this year for these programs of the National Institutes of Health. I am particularly concerned at the lack of leadership shown by the executive department in presenting so conservative and unimaginative an assessment of national health needs. Last year's relatively progressive budget, you will recall, gave up hope that a new era of budgetary realism had begun.

I have been intimately involved in the development of these health research programs over the years. And time and again—and more often than it should have been necessary—I have seen the Congress stepping in—because in good conscience it could not do otherwise—to assure the funds to seize present opportunities—as identified by our science leaders—to meet the most urgent of these health needs. Largely because the Congress has had the foresight and good sense to take bold action—these health related programs have flourished. Their effectiveness and high reputation throughout the world are unequalled in the science area. All of us—each day—count increasing benefits from these programs. I reiterate my conviction that what has been wrought in this postwar effort in medical research will emerge as the most significant Federal action of our era.

To judge the adequacy of program totals in the 1965 request for NIH, the committee listened with interest to official and outside witnesses, describing the present state of knowledge, recent gains and further needs and opportunities in each research area. I think you will find the record of these hearings—some 650 pages in all—completely reassuring on the benefits derived from our expenditures. Let me cite just a very few of the significant research gains which these programs contributed to in the past year:

Remission rate for children with childhood leukemia increased to about 90 percent, with increases also in the periods of remission and number of 5-year survivals.

A 2.1 percent decline in the average population of State and county mental hospitals during 1963—the eighth year in a row that there has been a decline. The 1963 drop represents an annual savings to taxpayers of about $12 million.

Increasing evidence of viral causation of cancer—with at least the possibility, therefore, of eventual control through vaccines.

Promise of new understanding of aging phenomena and associated disease processes—including possibly cancer—

through studies of growth promoter—"promine"—and growth retarder—"retine"—found in the thymus gland by Nobel Prize winner Albert Szent Györgyi.

Undefined but obviously tremendous research potential through synthesis of the benzene molecule—nature's most common organic building block—long considered an impossible chemical achievement. Synthesis of a biologically active, artificial insulin molecule, that should prove an invaluable tool for studying insulin action in diabetes.

Rapidly intensifying research in molecular biology—quite possibly the most active and exciting research area in all science today—with many contributions to knowledge of fundamental life processes, including the way characteristics are passed from generation to generation.

These hearings are also most instructive on the inadequacies of the present budget submission.

Let me cite a few of the inadequacies: As you know, two new National Institutes—child health and human development and general medical sciences—were established at NIH about 1 year ago. Would not any reasonable person expect a strong buildup of essential program staff, and presentation of a series of definite and clearly formulated program proposals in these new areas? The committee anticipated this, but unfortunately these matters were not at all clear.

Two of the Institutes received a net reduction in comparison with 1964 program levels. Oddly enough, these were the National Heart Institute and National Cancer Institute—which are responsible for research on respectively the Nation's largest and next largest killer diseases.

In the training area, the request simply is not consistent with the well publicized and generally accepted goal of doubling biomedical research manpower during the decade of the 1960's. For example, take fellowships: Appropriation requests for five out of nine institutes show an actual reduction in number of fellowships, relative to 1964 support levels. For three of the remaining four institutes, the 1964 level is maintained in 1965; and the final institute shows a small increase in number of fellowships, but the same funding level.

Also, there are no significant increases for the research resource programs of the Division of Research Facilities and Resources. Since there is abundant testimony that these resources are the key to further progress in a number of research areas, the committee found it hard to understand the neglect of this program in the 1965 request. Balance-of-payment fiscal policies have been applied uncritically to the small but vital international research programs of NIH. The evident consequence—unless the executive department specifically exempts these programs—is that these programs will be sacrificed; without any real gain to our balances problems.

In summary: Though these programs are the key to health gains—and thus to health savings and increased citizen productivity—they appear to have received no special recognition whatever in the budget formulation for 1965.

These are the actions taken by the committee with respect to the 1965 request for NIH:

For the 10 operating appropriations of NIH, plus health research facilities construction, the bill recommends a 1965 total of $1,045,242,000. This represents an increase of $70.788 million over the 1964 appropriation level—or an increase of about 7.3 percent. It represents a reduction of $4.25 million from the 1965 request.

For regular research grants program, appropriations will go up approximately $36.5 million. However, money for completely new grants remains at the 1964 level—with one exception noted below. This increase is needed to pay the higher cost and greater number of research projects active now, for which support will be continued in fiscal year 1965.

Among special research grants programs, the bill provides an additional $5 million for general research support grants, bringing that program total to $40 million. Testimony strongly backs up the value of this institutional support program. It permits certain grantee institutions, active in health research, a greater measure of flexible control over their own research activities. Another increase: Mental Health Institute program of hospital improvement grants is doubled by the addition of $6 million. Minor increases include $1.3 million for stepped-up operating levels on primate centers; and the general and categorical clinical research centers—taken together—will receive about $800,000 more, largely to consolidate the present level of the program.

The bill provides an additional $8 million in training funds to the Mental Health Institute. This will help meet acute shortages of mental health personnel—mainly service personnel for the new community mental health centers program approved by Public Law 88–164. General medical sciences also receives an increase for training grants—$1.2 million. However, this will go for higher costs and increased number of grants active now that will be continued in 1965. Fellowship programs are held at the 1964 level, except for increased stipend costs estimated at $735,000, and going mainly to NIMH and NIGMS.

The health research facilities appropriation is increased by $2 million, as authorized in Public Law 88–164, for construction of mental retardation centers.

The bill allows an additional $7.2 million for direct operations. This will make possible about a 3.7-percent rise in intramural research and roughly a 4.7-percent increase for collaborative studies.

One significant decrease was proposed in the budget request for 1965 and is reflected in the bill: $4.2 million for State control programs of the Mental Health Institute, representing the completion of NIMH State planning grants for community mental health centers.

The bill now before the House contains one very important increase over the 1965 budget request: The committee received such conclusive testimony as to the urgent need for stepped up fundamental research in problems of immunology, that $2 million was added for this purpose to the research grants total for the Allergy and Infectious Diseases Institute. Over the past year or so, I am sure you have all read many reports of extraordinary organ transplant operations, in which diseased kidneys, lungs, livers—and even hearts—of fatally ill patients that have been replaced by well organs, with potentially lifesaving effects. These operations represent triumphs in terms of surgical techniques. Understandably, there has been growing public excitement at the possibilities in this area. Unfortunately, however, the lifesaving potential of these operations is almost never achieved on a permanent basis: the patient dies—in a few weeks or a few months—for one of two reasons: Either because the body's immunologic defense—a little-understood mechanism that repels all foreign proteins in the body—eventually rejects the foreign organ; or because attempts to suppress this basic defense reaction of the body permits some other disease to attack with fatal effect. What is lacking in this area is fundamental knowledge of how the immunological defense mechanism works, whether—and how—it can be modified to tolerate vital organ transplants, or can be suppressed without fatal risks. It is felt that by concentrating funds for this effort in one Institute—NIAID—there is best assurance of prompt and purposeful development of research efforts in this vital area. The committee took note of a second research area where the need for increased effort—and the promise of research gains—was highly visible, though ignored by the executive branch. This is in drug therapy—including use of hormonal substances—for the control of coronary heart disease. The committee, therefore, proposes earmarking of $850,000 in 1965 research grant funds to get this program started. The need identified to the committee was for a tightly controlled cooperative study, utilizing engineered approaches, including carefully drawn research protocols. It is recognized that a substantially increased effort—rising to $2 or $3 million annually—will be required in subsequent years; and that an addition to funding—rather than earmarking or regular grants funds—should be requested, with backup based on specific program plans.

In connection with the Social Security Administration, the committee is very pleased to see that they are finally planning a program to construct many of their own office buildings rather than rent. This is not only going to result in much more satisfactory space arrangements in many cases, but will result in saving millions of dollars just on the small start that is now planned and should result in savings of many tens of millions if it is expanded in the future as seems logical and feasible.

Early in January, before this budget was submitted, the gentleman from Wisconsin [Mr. LAIRD] and I made a trip to the Southwest for the primary purpose of a firsthand review of the Mexican farm labor program. While we were there we also visited other activities of the Departments of Labor and Health, Education, and Welfare in this area. Among these was the Social Security Administration's payment center in San Francisco. We were surprised to find this operation located in the high rent district of San Francisco whereas their operations require only a simple building which could be located anyplace where good transportation is available for employees. We mentioned to the chairman of the Committee on Appropriations in our report that it appeared that many millions of dollars could be saved by construction of their own buildings rather than by renting. So the committee is pleased to see that they budgeted $5,750,000 to begin a construction program. The committee has approved the full amount.

Under the Welfare Administration, the committee has recommended a reduction of $100 million from the amount of $2,980 million requested for grants to States for public assistance. The committee cannot see why the cost of this program needs to continue going up, especially in view of the 1962 amendments which were supposed to reduce these costs, and in view of the increase in economic activity estimated to result from the tax cut, and the inroads to be made by the war on poverty program.

The committee reduced the amount of the request for "Salaries and expenses, Bureau of Family Services" by $264,000 which will allow them approximately one-half of the additional positions requested.

The bill also includes a reduction of $2 million from the request of $131,830,000 for "Grants for maternal and child welfare." This results from the committee's action to provide an increase of $2 million rather than $4 million for day care centers. For fiscal year 1964 this activity has $4 million.

There are no particularly significant changes in the special institutions or in the Office of the Secretary. Perhaps the most significant in the latter category is that the committee allowed $13 million for the relatively new program "Educational television facilities," which is $6,500,000 more than the appropriation for 1964, the first full year of operation, and a reduction of $2,300,000 from the request.

The only change which the committee made in the budget requests for the related agencies was in connection with the National Labor Relations Board. The bill includes $24 million, which is a reduction of $1,250,000 from the request, but an increase of $1,540,000 over the amount appropriated for the current fiscal year. There appears to be no doubt that workload will increase somewhat in 1965. The amount in the bill will cover all mandatory increases in costs and over $600,000 for additional personnel to handle the increased workload.

This is an overall summary of the bill and certainly does not cover all important activities that it provides for. However, I have taken a considerable amount of time and will not take more unless Members have questions.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mrs. GREEN of Oregon. I have two questions to ask. One is on a point that the gentleman discussed, the Higher Education Facilities Act. I notice that the supplemental for $266 million for this year was not allowed. There is a provision for a carryover in the bill. Is there any chance that later in this year there will be a supplemental appropriation which would allow this $266 million, or that it would be approved next year in addition to the full amount that has been authorized for the following year?

Mr. FOGARTY. I do not know whether I can give a direct answer to that question. I do not know whether there will be a supplemental appropriation bill this session. But under the law, the additional money could be added to the appropriation bill next year and it will not be lost.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman.

Mr. GROSS. If the authorization for Hill-Burton is passed this will call for some few hundred million more dollars than is contained in this bill; is that correct?

Mr. FOGARTY. If Hill-Burton is passed retroactively as is, it would add about $220 million more than is in this bill. They could use $400 or $500 million instead of $200 million from the requests that they have had.

Mr. GROSS. That would still be $220 million which would be added to the $1.1 billion above last year's spending; is that correct?

Mr. FOGARTY. That is right.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman.

Mr. LAIRD. Mr. Chairman, I think it should be pointed out to the gentleman from Iowa that the Hill-Burton authorization currently before the legislative committee, calls for an increase in the program. It is not just a continuation of the present program.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. FOGARTY. I yield.

Mr. GROSS. Then is it $220 million or $400 million, or what that is being asked?

Mr. FOGARTY. All I know is that if the act is just extended it would be about $220 million. But if they modify it as the gentleman from Wisconsin just stated I do not know what that request would amount to. We have no control over that at all. The House would have to work its will if and when the committee reports that legislation to the House.

Mr. DENTON. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I am glad to yield to the gentleman from Indiana.

Mr. DENTON. Mr. Chairman, I want to commend the chairman of the subcommittee for the work that he has done on this subcommittee.

As a member of the committee I know how much time, work and study has gone into this bill. The chairman of the subcommittee has pointed out that because of the necessity of getting the appropriation bills passed before the first of the fiscal year, we worked long hours on this bill. We started early and worked late. The chairman of this committee for the past 14 years has worked hard and has been able to do a great deal for labor and for projects in the fields of health, welfare, and education.

Mr. Chairman, I could mention many things in addition which the gentleman from Rhode Island has accomplished. But I refer to those in particular. I would like to mention also his very effective and prominent work in the field of retarded children, and the tremendous amount of work he has done in the field of medical research.

Mr. Chairman, I believe this is the tightest budget we have had during the 14 years I have served on this subcommittee. It does not provide as much for some of the programs as I would like. However, I feel, as the chairman of the subcommittee has pointed out, it is a compromise bill and it is the best bill we could get under the circumstances.

Mr. Chairman, again, I want to commend the chairman of the subcommittee, the gentleman from Rhode Island [Mr. FOGARTY] for the effective work which he has done on this committee.

Mr. FOGARTY. I thank the gentleman from Indiana for his kind remarks.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. As I mentioned earlier, I had two questions. At this point I will direct my second question.

I know of no committee in the House that does a more conscientious job than the committee chaired by the distinguished gentleman from Rhode Island. I must say I am sure not only the members of the Education Committee, because many of them have strongly supported this proposition, but countless other people will be disappointed also, that there is nothing in this appropriation bill for carrying out the Library Services Act, for basic to any educational program certainly there is the necessity for having libraries and books.

Does the gentleman think there would be any possibility of having legislation yet this year which would enable funds to go to the libraries across the country?

Mr. FOGARTY. Of course, this bill goes to the Senate. The Senate will work its will. We will then go to conference. I have stated my position. I am for the full amount, and will do everything I can to see that the full amount is appropriated for the fiscal year 1965.

Mrs. GREEN of Oregon. The gentleman is saying it might be added by the Senate or through a supplemental?

Mr. FOGARTY. The authorizing legislation passed the Senate by an overwhelming vote. It passed the House by more than two to one, and I would assume that the committees considering this appropriation will take into consideration this action of both Houses, and do something about it.

Mrs. GREEN of Oregon. I am not critical of the committees, but I would join with the gentleman in his general ideas along this line.

Mr. FOGARTY. As far as I am concerned, if the budget had been before us we would have had $55 million in the bill for library services.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I should like to point out that on the day the President signed this bill the Bureau of the Budget had a letter of transmittal to the Congress requesting these funds typed and ready for his signature. That was not signed by the President until more than 2 months later.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from New Jersey.

Mr. JOELSON. I share the gentleman's disappointment that there are no funds for the extended library services, but I am encouraged by the gentleman's statement and position and support of this general appropriation and hope something will be done about it. I also want to add my voice to those that have been raised in admiration of the chairman. He has done a splendid job, and I want to express my personal gratitude.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. FOGARTY. Mr. Chairman, I yield myself 3 additional minutes.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I certainly wish to compliment the distinguished gentleman from Rhode Island [Mr. FOGARTY] for such an excellent job. I too share the disappointment of the chairman of the subcommittee concerning the lack of library funds in the bill for this fiscal year.

The gentleman is certainly to be commended in seeing that these other programs such as the National Defense Education Act and vocational education, are being adequately financed.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Arkansas.

Mr. HARRIS. I observe that in connection with the hospital construction activities there is included $23,346,000, much of which is for the mental retardation program, and $45 million to assist in the construction of new teaching facilities under the Health Professions Educational Assistance Act we passed last year. The gentleman may have mentioned it in his discussion heretofore, but I do not observe that there are any funds for what is considered to be the regular Hill-Burton construction program.

Mr. FOGARTY. No, there are no funds for what we know as the Hill-Burton construction program, because the act expired and I believe the gentleman's committee is holding hearings now on a new bill.

Mr. HARRIS. That is what I wanted to make clear in the RECORD. The committee has concluded hearings. We are now meeting in executive session. We are endeavoring to get the schedule of the committee rearranged. We had hoped to get the bill out already. It will probably be next week before we can conclude the consideration of it, though we are going to try to tomorrow. Does the gentleman have any information as to whether or not a supplemental appropriation would very likely be forthcoming should we get the authorization extension?

Mr. FOGARTY. I do not know of any plans for any supplemental bills this year.

Mr. HARRIS. There is in the budget a certain amount of funds for hospital construction, is there not?

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Wisconsin.

Mr. LAIRD. On this point I think it might be pointed out that it is our hope that legislative action will be completed on the authorization in time for the Hill-Burton authorization to be included in the regular bill in the Senate. The question of a supplemental would then be a moot question.

Mr. HARRIS. I want to thank the gentleman for his suggestion. I was endeavoring to make the record here for the benefit of the members of our own committee and the States who are interested in the continuation of the program and those who are interested in the projects with reference to the appropriations for the next fiscal year, 1965. It would also be my hope that we could expedite the consideration of the authorization for this in time for it to be included in this bill.

Mr. FOGARTY. I know of no plan for a supplemental. As the gentleman from Wisconsin said, if the legislation is passed before the Senate considers this appropriation bill, of course it could be taken care of.

Mr. HARRIS. It will be my purpose, in order to do our job, to get it through so that can be done.

The CHAIRMAN. The gentleman from Rhode Island has consumed 28 minutes.

Mr. LAIRD. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this is a subcommittee that works hard and long and accumulates more testimony than any other subcommittee of the Committee on Appropriations. In reading over this report I have but one disagreement with my colleague, the gentleman from Rhode Island, and our committee report. What I quarrel somewhat with is the use of the term "conservative" in this report. The gentleman from Rhode Island insists on the use of the word "conservative" as the hallmark of the report which we have before us today. I do not know what a liberal report would be in view of the fact that this bill contains $1,112 million more than the Departments of Health, Education, and Welfare and Labor appropriations for fiscal year 1964. Under the definition of the word "conservative," I would say that this report falls short of that particular label. But labels sometimes do not mean very much and, insofar as this report is concerned, I think it is better if we do not try to use a label but just say that there is an increase of $1,112 million in the 1965 budget for the Department of Health, Education, and Welfare, and the Department of Labor, and a decrease of some $650 million from the President's budget.

It is only fair, I think, to point out that about $1 billion of the increase in this 1965 bill is a result of the enactment by the Congress last year of four programs. Those four programs are the Health Professions Assistance Act, the Vocational Education Expansion Act, the Higher Education Facilities Act, and amendments to the Manpower Training Act. President Johnson asked for a total of $1,554 million to finance these four new programs for fiscal years 1964 and 1965. The committee has reduced the Johnson request for 1964 and 1965 for these four programs by a total of $500 million. We have included a total of $1,058 million to finance these four programs as compared with President Johnson's request of $1,554 million for these programs.

Here is how the reductions were made. In the Health Professions Assistance Act, the budget asked for $115 million for fiscal years 1964 and 1965 to finance this program. The committee has combined 1964 and 1965 and made available upon the passage of this bill, whether it be next week, next month, or June, a total of $85 million or a reduction of $30 million from the budget request.

In vocational education, the committee was asked to provide $243 million in the budget submission. The committee has made available $183 million for fiscal years 1964 and 1965 or a reduction of $60 million in the budget.

In the area of higher education facilities, the budget documents requested $730 million for fiscal years 1964 and 1965 and the committee has made available $463 million for 1964 and 1965.

For manpower training the committee was asked to provide, for fiscal years 1964 and 1965, a total of $466 million. The committee has recommended for fiscal years 1964 and 1965, $327.9 million, or a reduction of some $138 million on this particular program.

The bill is a difficult bill on which to make reductions, particularly when dealing with the new programs. I add that there are before the Congress at the present time requests for new authorizations for new programs to be administered by the Departments of Health, Education, and Welfare, and Labor which total $1.5 billion, in addition to the programs funded in this particular bill.

It is impossible to predict with certainty what action the Congress will take on the new program requests for these two departments, but I predict that we shall have not heard the end of appropriations for these two departments when we act upon the bill today, because all of the increased poverty program spending, hospital construction spending, and spending for many other new programs presently pending before legislative committees will be considered at some future time in connection with requests which undoubtedly will be transmitted by the administration when these new programs are enacted.

I should like to call attention to two deletions which were made in the budget by the committee in the area of construction.

The committee deleted funds for the planning of new Food and Drug buildings in the Washington, D.C., area. It also deleted the funds for the establishment of the environmental health center in the Washington, D.C., area.

My vote was cast to delete those funds because of the heavy concentration of research activities and bureaucracy in general in this particular section of the United States.

Other committees of the Congress at this time are receiving recommendations from the Department of Defense and from the civil defense planning group of the Department of Defense for greater dispersal of these activities, so that they will not be concentrated in one area of the United States.

We had before us the broad budget covering all departments, and learned that President Johnson, in submitting his recommendations to the Congress this year, provided that 74 percent of all the construction money for new research facilities be concentrated in the coastal States. We have seen this trend developing for the past 10—yes, 15 years. There has been a concentration in space, military, health, atomic energy, and all the large research installations, in the coastal areas of the United States. This has had a tremendous effect upon the Midwestern region of the United States. I refer particularly to the Big Ten schools, and include with the Big Ten schools the University of Notre Dame and also the University of Chicago. This complex of graduate schools in the Midwestern section of the United States is supplying the greatest number of advanced degrees, on a percentage basis to enrollment, of any educational institutions in the United States.

My own University of Wisconsin has a higher number of Ph. D.'s working for the Federal Government here in Washington, D.C., than any other institution of higher learning in the country.

What is the reason for the exodus of advanced degree personnel from the Midwestern area of the United States to the coastal areas of the United States? The reason is simple to explain. Eighty-four percent of all of the basic research work being done in the United States today is being done with Federal tax dollars.

The **CHAIRMAN.** The time of the gentleman has expired.

Mr. **LAIRD.** Mr. Chairman, I yield myself 10 additional minutes.

The concentration of research facilities is in the coastal States. The only place that these people can receive the employment and the compensation they should, and pursue the work which they have trained for with their advanced degrees, is in these coastal States where the Federal financing of these research projects has been concentrated for the past few years. This is going to be more and more of a problem, and unless we in the Congress are willing to face up to it and are willing to look at this problem of the disbursement of our research dollar on a fair and equitable basis, we will be creating in the great midwestern section of the United States an economic wasteland. I say this because whether it be in the area of health research, atomic energy research, space research, or defense research, we find that the procurement dollars follow the location of the research dollars to a very marked degree. It should be pointed out that research contracts are not awarded on a competitive bid basis but are awarded on an assignment basis. This is something that I think we should call to the attention of legislative committees as well as all Members of the House of Representatives so that we can have a better development of the Nation as a whole, which development is being retarded in certain sections through the manner in which these research dollars are disbursed. In these hearings we developed some very interesting points and I would like to call the attention of the committee to the discussion, concerning the Food and Drug Administration, which we had with the Secretary of Health, Education, and Welfare. This begins on page 1312 of our hearings. I have been alarmed as I have watched the growth of the Food and Drug Administration, during the period of 12 years that I have served on this subcommittee on appropriations, at the large number of Food and Drug Administration people who are hired from this agency who go to work for concerns that are regulated by the Food and Drug Administration. I am not so concerned with the fact that these employees from the Food and Drug Administration come back and testify publicly before hearings that the Food and Drug Administration conducts on the use of this or that drug, or on the use of this or that additive in food, and so forth, because these are public hearings and the record is open for anyone to see. I am, however, concerned about another phase of this.

We found on the first survey, that during the last 5-year period 83 former Food and Drug Administration employees had gone to work for regulated concerns and we found some 96 former employees that are still to be reported on.

I believe you will find a major portion of these 96 former Food and Drug Administration employees are working for regulated concerns.

Here is what happens. A concern makes a breakthrough with some drug or with some other product that is regulated by the agency. It has spent, in many cases, hundreds of thousands of dollars in the development of this product through research. They have proprietary rights to these products. The employee of the Food and Drug Administration is given all of the information as to the ingredients, the formula, the manner in which this or that product was manufactured. This has to be. This information should be made available to the Food and Drug Administration. But immediately that particular employee of the Food and Drug Administration becomes a very valuable asset to a competing concern. His knowledge could be valued in some cases in the millions of dollars.

These particular concerns that are in competition go out and try to outbid one another for the services of the evaluator that had access to all of this confidential information on the development of this or that product and that particular person can command a tremendous salary in private industry because of the knowledge that he was able to gain through the study and through the analysis of that product.

I was shocked to find in answer to my question in a very minor survey of 4 or 5 weeks that some 83 individual employees of the Food and Drug Administration had moved in this direction. There are some 96 on whom we are still checking. It seems to me that the legislative committees of the Congress as well as the Appropriations Committee, should give serious thought and consideration to this, a new conflict-of-interest problem which is going to be with us to a much larger extent as we face the next 10 or 15 years when more and more regulations in the field of food, drugs, cosmetics and many of the other new types of products will be issued by the Food and Drug Administration.

This is one of the areas that both we in the Congress and the executive branch of our Government must take more interest in. If the executive branch will not police itself in this area, then it is our responsibility to investigate thoroughly. We started this year, through the development of this record, to go into an area which needs to be examined to a much larger extent in our hearings next year.

Mr. Chairman, before I complete my remarks, I will place in the RECORD material showing some pertinent comparisons with regard to Federal employment provided by funds in the bill.

Comparison of estimated number of permanent positions provided in the bill with the number authorized for 1964 and number requested for 1965

	1964	Original 1965 budget	Revised 1965 budget	Bill	Bill compared with—		
					1964	Original 1965 budget	Revised 1965 budget
Labor	8,452	8,542	8,542	8,346	−106	−196	−196
Health, Education, and Welfare	77,058	79,421	78,811	78,328	+1,270	−1,093	−483
Other	4,788	4,994	4,984	4,840	+52	−154	−144
Total	90,298	92,957	92,337	91,514	+1,216	−1,443	−823

Mr. Chairman, I intend to support this bill. I believe the committee was wise in combining the supplemental appropriation requests with the 1965 budget request for health professions educational assistance, for vocational education, for higher education facilities, and for the manpower training program. We have made a reduction of $500 million in these four programs from the requests of the President but I am sure that the funding levels which we have provided will be adequate to carry on these programs to a high degree of efficiency. The funds for these programs will be made immediately available upon the passage of the act.

I am supporting this bill and I hope that we will have a strong vote in support by Members on both sides of the aisle for this compromise which has been worked out by your subcommittee.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LAIRD. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I want to say that I fully embrace the remarks of the gentleman from Wisconsin [Mr. LAIRD] and would underscore what he has said relative to the "conservative" nature of this 1965 budget for the Department of Health, Education, and Welfare. The position of Mr. FOGARTY, the distinguished chairman of the subcommittee, has been known throughout the years. We do not see eye to eye on a number of items in this bill, but I will say this for him, he is always considerate of the minority's view and gives us ample opportunity to develop our own line of questioning and present our case. What he believes to be conservative today is something altogether different from what I believe to be conservative. The facts are, the total amount of direct appropriations for both the Department of Labor and the Department of Health, Education, and Welfare, and their related agencies comes to $6,908,063,000 for the fiscal year 1965, as against a total of $5,795,436,000 for the current fiscal year, or an increase of better than $1.1 billion.

It is true that the big increases in this bill are a result of new legislation that in effect made some of these increases mandatory—which all goes back to the old story that we cannot cut back on the level of Federal expenditures if the Congress itself, at the prodding of the President and his administration, continue to enact new authorizing legislation. We on the Appropriations Committee are foreclosed from "legislating on an appropriations bill" and our only recourse is the imposition of limitations and guidelines by report language.

I believe the subcommittee took the proper course in eliminating supplemental requests for the balance of this fiscal year, tying them together with the requests for the coming year, 1965, with the authority to begin spending as soon as this bill is enacted. This action might very well spur the other body to move more expeditiously on this, and other appropriation bills.

This bill includes $327,906,000 for manpower development and training activities, which is a booming increase of nearly $218 million over 1964.

The bill also includes $455,076,000 in grants to the States for unemployment compensation and employment security administration. This is an increase in this area of over $30 million. The committee report states that "priority in use of these funds for employment services must be for the placement of the unemployed," and I would add to that, from a personal point of view, that emphasis should be given to those unemployed who do not have the education and ability to express themselves, rather than putting so much emphasis on the college graduate. It would seem to me that those with the highly technical skills also have the capacity for securing jobs on their own. I am reminded of a publication of the Illinois State employment service for February 1964, which lists a public relations man at a salary of $10,000, an advertising manager at $10,000, an advertising production manager, $10,000, a copywriter at a salary of $21,000, an industrial relations manager, $10,000, a copy supervisor with a range of $20,000 to $25,000, a copy group head at $20,000, a general accountant at $10,000, merchandising manager at $10,000, account executive, $12,000, and a host of others.

This, to my mind, is just nonsense and is taking the U.S. Employment Service far afield from its original intent and purpose. There are private employment agencies throughout the United States adequately equipped and fitted to perform this function and the practice of concentrating on the placement of executives, highly skilled and well educated, is not, in my opinion, a primary function of the U.S. Employment Service. It was designed primarily to help those who really need some form of assistance in finding a job.

The Food and Drug Administration appropriation is now up to $39,200,000, an increase of $3,395,000 over 1964. Except for the mandatory pay costs, the increase is for partial implementation of the recommendations of the President's Advisory Science Committee on the use of pesticides and to carry out the Kefauver-Harris Drug Amendments of 1962.

I am glad the committee has seen fit to disallow any funds for planning for the development of a building site in the Beltsville area. I have been one of those who have severely criticized this concentration of further Federal facilities in the Washington area.

In the area of education, it is very significant that the bill includes $183,296,000 for the coming fiscal year in expansion and improvement of vocational education. This is over $148 million more than was appropriated for the current fiscal year.

At the beginning of my remarks, I made mention of the additional legislative enactments of the Congress which were responsible in large measure for upping the figures in this bill. Not the least of these is the higher education facilities construction portion of the bill which comes to $463,150,000, and we have included nearly $12 million, the same as appropriated for the year 1964, for further endowment of colleges of agriculture and the mechanic arts.

There is also included in this bill $287,853,000 for Defense educational activities which includes, of course, the contributions to student loan funds. The committee has also been very generous in allocation of funds for the education of the handicapped and cooperative research. I should point out that the U.S. Office of Education is growing by leaps and bounds. As I recall, back in 1958 there were some 500 employees in the U.S. Office of Education and the request for the coming fiscal year was for 3 times that number, to something in the neighborhood of 1,500, but I would go back once again to what I said in my initial remarks—that we cannot keep this level of Federal employment in check if we continue to authorize new spending programs.

On page 2 of the report, the chairman refers to a "hold the line budget, even in highly important fields like the Public Health Service," but I would point out that we are spending considerable sums in this area.

This bill calls for expenditures as follows for the Public Health Service:

Building and facilities	$21,512,000
Accident prevention	4,163,000
Chronic diseases and health of the aged	53,722,000
Communicable disease activities	29,828,000
Community health practice and research	22,575,000
Control of tuberculosis	10,364,000
Control of venereal diseases	10,030,000
Dental services and resources	6,651,000
Nursing services and resources	4,031,000
Hospital construction activities	23,346,000
Health professions educational assistance	85,782,000
Health professions educational assistance (1964 supplemental estimate)	----------
George Washington University Hospital construction	----------
Environmental health sciences	9,350,000
Environmental health sciences (1964 supplemental estimate)	----------
Air pollution	20,930,000
Air pollution (1964 supplemental estimate)	----------
Environmental engineering and sanitation	9,117,000
Occupational health	5,163,000
Radiological health	19,598,000
Water supply and water pollution control	34,239,000
Grants for waste treatment works construction	90,000,000
Hospitals and medical care	52,710,000
Foreign quarantine activities	6,851,000

Now, in addition, Mr. Chairman, for the National Institutes of Health, there is over $1 billion in this bill, as follows:

General research and services	$162,959,000
Biologics standards	4,969,000
National Institute of Child health and Human Development	42,696,000
National Cancer Institute	140,011,000
National Institute of Mental Health	187,932,000
Construction of community mental health centers	35,000,000
National Heart Institute	124,174,000
National Institute of Dental Research	19,983,000

National Institute of Arthritis and Metabolic Diseases	$112,050,000
National Institute of Allergy and Infectious Diseases	69,847,000
National Institute of Neurological Diseases and Blindness	87,621,000
Grants for construction of health research facilities	58,000,000

This brings the total figure for Public Health Service to $1,582,154,000.

Mr. Chairman, in conclusion, I want to say that last year I was opposed to our embarking upon a big construction program for an Environmental Health Center for this project would ultimately cost some $50 million or more and that, in my opinion, adequate work was currently being done at the Taft Center in Cincinnati. Now I am not so sure that in the future we will not have to proceed with something better, but I for one shall never give in to the establishment of this Center here in the Washington area. There is absolutely no reason in the world why we have got to have such a concentration of Federal facilities here in the Washington area and some of us out in the Midwest particularly are going to have to join forces on both sides of the aisle in opposition to this concentration if that is what is necessary to convince any administration in power that there ought to be a more equitable distribution of these Federal facilities. I can guarantee that if there were an establishment of this kind in my home State of Illinois, we would not be petitioning the Federal Government for special grants for school construction under the federally impacted school bill, as is the case here in the neighboring States of Maryland and Virginia. Federal employees with long tenure at a given installation ought to be treated like ordinary citizens and they should pay local taxes to support the education of their children, just like everyone else has to do. The only justification in my opinion for the granting of this assistance is in truly defense establishment areas where there are great influxes of transient Defense Department personnel.

Mr. LAIRD. Mr. Chairman, I yield 5 minutes to the gentlewoman from Ohio [Mrs. FRANCES P. BOLTON].

Mrs. FRANCES P. BOLTON. Mr. Chairman, I very much appreciate the opportunity of speaking on this bill. I had very much hoped that before this time I would have been able to submit a bill somewhat similar to the one which the gentleman from Arkansas [Mr. HARRIS] has submitted to the committee of which he is chairman. Mine would have been on the matter of training bedside nurses.

Mr. Chairman, this bill has to do only with the appropriation of money for the purpose of teaching chiefs, but not Indians. They are all to be degree nurses of some kind. Of course, there are not enough of these, that I grant. There is a tragic lack of nursing care for the sick in this country. There is a terrific gap between these top degree nurses and the practical nurses who do what they are trained to do exceedingly well, but at most their training is for but 1 year. It is quite true, Mr. Chairman, that the care of the sick has become much more complex, just as medicine has become more complex. No one knows better than the practical nurse herself that 1 year does not give one what one needs to take full care of a sick person. I am very enthusiastic over the practical nurse and am doing all I can to bring high standards into her legitimate field but the great lack at the bedside is not being filled.

Mr. Chairman, back in 1956, I submitted a bill to the committee which had for its purpose the setting up of what I hoped would be the last research group. Since then we have had one research group after another doing one research project after another gathering dust on the shelves. But there has been no action.

Mr. Chairman, I have worked with the nursing profession longer than many. I have considered it one of the great privileges that has been mine to be close to the heart of the care of the sick.

I know very poignantly that our great need is nurses who will nurse at the bedside. We need at least 50,000 of them. We are closing wards and at the same time building new hospitals. But who is going to staff those hospitals? How are we going to take care of the sick in those new hospitals when we shut wards in the old hospitals?

Yes; we need to renew and repair the old ones. We need to do better work in them. We need reorganization of the methods employed in them, of the division of labor so to speak. But how are we going to get that unless there is a real recognition on the part of the nursing profession itself that there is this huge gap between our degree nurses and the practical nurse? I agree that the practical nurse is a marvelous addition to the forces that take care of the sick in this country. But she is not sufficiently trained to assume the heavy responsibilities of a professional nurse.

If we are really going to do a job, Mr. Chairman, we need very definitely such a bill, with certain additions, as the gentleman from Arkansas [Mr. HARRIS] has submitted. I did not know it existed until today, and I have not had time to go over it to know what is in it; but I am sure he and I could sit down together and get somewhere in this whole matter.

What we need is nurses at the bedside. Yes, we need administrators. Yes, we need teachers. We cannot add to the number of the rank and file unless we have more teachers. But that is all this House has been doing—giving millions of dollars to increase the number of teachers. That is fine, but let us not forget that there are sick people in bed and they need care. They need far more care than hospitals today—with a very few exceptions—are able to give them. I cannot urge you too strongly to consider this matter.

The CHAIRMAN. The time of the gentlewoman from Ohio has expired.

Mr. LAIRD. Mr. Chairman, I yield the gentlewoman 5 additional minutes.

Mrs. FRANCES P. BOLTON. Thank you, Mr. Chairman, we have had the Surgeon General's consulting group on nurses. They issued a report. It is bright green, and it is very good as far as it goes. It calls for quality in nursing, the need, and so forth.

We also had a second group on evaluation of the professional nurses' traineeship program. It talks about nurses for leadership. Yes—so do I—but, Mr. Chairman, we must have the nurses who are going to take care of patients in the bed, both in the hospitals and at home, if they need it.

I think we have been really unfortunate in our lack of understanding of this whole problem, which is really serious. Mrs. Scott in her statement before the committee speaks of the shortage of nurses, of course, she is aware of the lack even as I am aware of the changes that must be met in nursing procedures. The need is for much more than greater and broader education. The need, to my mind, is for vastly more fundamental training in the actual care of the sick.

There are two very critical problems. One is the continuation of the effort to supply top nurses. This committee is doing a great deal for this and women everywhere, people everywhere, are especially grateful to this Congress for its efforts. The increased complexity in the whole nursing field makes a very different problem from what it was.

In 1941 the Congress was good enough to listen to my request for additional money to be given for nurse training to the Public Health Department. They did such a beautiful job in increasing the students in the big schools that when I again came before the Congress for more money in order to meet the even greater need through the war we established the U.S. Cadet Corps. That corps graduated 125,000 nurses. But we have not begun to touch the need of today.

We have to have teachers, yes, but we do have to attract the girls who are longing to care for the sick.

I am told that one reason why there are not more girls going into nursing is that they want college, they want to say, "I have been to college." All right. Two-year colleges are being established all over the country with 2-year nursing courses. There are more than 40 in California alone. I am told that in every one of those schools, when those girls go to take their State license examinations, they all pass. I would like to know what the license examination contains to find out what they are examined in, because I have been told that there is very little clinical experience in those 2 years. I want thousands and thousands and thousands who have had clinical experience, who know what it is to take care of a person in bed. Many of us know what it means to lie in bed for months on end. Have you? I have, and I happen to have a son who has been there, too. I happen to know a good deal about what it means to be in a hospital or sick at home, and so forth. I think it should be a requirement for most people.

I hope very much that this fine committee will have opportunity to give study to our need for adequate care for the sick of this country and in the world.

Mr. LAIRD. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. McCLORY].

Mr. McCLORY. Mr. Chairman, I have asked for this time in order that I might make a few comments and perhaps address a few inquiries to the committee. I certainly want to join the others who have paid high compliments to the chairman and members of the subcommittee who have worked with the extremely difficult problem of this budget.

I have had the opportunity to serve during the past year as a member of what we call the Jones committee, a subcommittee of the House Committee on Government Operations headed by the gentleman from Alabama, Mr. ROBERT E. JONES, investigating primarily the subject of water pollution. In the course of our investigations we have had occasion to consider the subject of the expenditures of the Public Health Service and other agencies which are concerned with water pollution and water pollution control and, may I say, research in these areas.

It has come to my attention that there is a great deal of overlapping on research and investigation in the areas primarily of water pollution and water pollution control. I notice that on page 424 of the budget, for the first time, the Bureau of the Budget has undertaken to identify water pollution research as a specific item, to correct the former practice of spreading it throughout the entire budget.

I do notice, too, that the budget of the Department of Health, Education, and Welfare is up almost $1 billion, almost 20 percent, and that in the areas of water pollution control I think the increase was between $5 and $6 million, which is again about a 20-percent increase over what it was in the prior year.

In connection with one of the hearings of the Jones committee, I inquired as to research activities planned to be carried on at a research laboratory down in Georgia, and was informed that a principal subject was to be a study of the adverse effect of pesticides on water conditions. Yet, I find that subject is also being investigated by the Department of the Interior and by the Department of Agriculture and under a special grant from the Public Health Service to Rutgers University.

Now, these multiple research programs have been explained to me as being complementary programs, but I am still impressed by the fact there is a great deal of overlapping and a great deal of duplication.

With regard to the Public Health Service research programs in the area of water, I have had presented to me a document which indicates there are as many as eight other departments and agencies that are working in the same areas and on the same subjects. I want to call this to the attention of the Committee on Appropriations.

I also want to make a comment about the subject of the proposed acid mine drainage investigation for which an appropriation is included in this bill of more than $1,500,000. Here is an area where several departments have assured our committee and the Committee on Appropriations that there would be cooperation and coordination. Yet, I am informed that the Public Health Service has unilaterally undertaken to decide where this research project is going to be and has placed it in West Virginia where they have two old deep mines that are no longer used. However, in order to do a competent job on the subject of acid mine drainage, it is going to be necessary to perform a pilot project not only with regard to deep mines but also with regard to strip mines. The pilot project should be carried on with regard to usable mines where people are working and where there are employees. That is something in which this Congress has an interest and ought to have an interest. I feel that the Public Health Service has departed from the admonition of the Jones committee and from what your committee expects will be undertaken.

I have correspondence between the Department of the Interior and the Public Health Service which I will be happy to show to the Members if they care to see it.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman.

Mr. LAIRD. I would like to point out to the gentleman on page 19 of the report we go into this very point that the gentleman is making. We made a reduction in the funds available for the administration of acid mine drainage control and abatement. It is true that we are still providing a substantial amount for this work, but we have made a substantial reduction in the budget request for this type of pollution research work.

Mr. McCLORY. I commend the committee for that. But I do want to call to the attention of the committee a letter from the Secretary of the Interior to the Secretary of Health, Education, and Welfare of March 5 which calls attention to the fact that the Secretary of Health, Education, and Welfare has acted unilaterally without the kind of coordination that he assured the Congress there would be.

The letter referred to is as follows:

> Although we are pleased with some aspects of the progress made at these meetings, we have some concern over developments which seem to indicate that the Bureau of the Budget requirement for joint HEW-Interior agreement has not been fully achieved. We refer specifically to insistence of the Public Health Service that a demonstration site be selected by February 28, despite the indicated and admitted need for at least another 6 weeks to 2 months of field examination to compile requisite data, such as aerial photographs and water quality measurements. In our opinion the necessity for a sound engineering and scientific approach to site selection demands these additional data. Despite our repeated urging to this effect at the Morgantown meeting, we have now been notified informally that a site has been selected by PHS without our concurrence.
>
> Another matter of concern relates to the decision of the Public Health Service to employ aquatic biologists for this program rather than to call upon specialists of this Department's Bureau of Sport Fisheries and Wildlife. As recognized in your February 5 letter the Bureau of Sport Fisheries and Wildlife has a significant role in research on acid mine water pollution. As we understand the proposed program to be funded through appropriations to HEW, fish and wildlife interests have not been clearly identified and there is no intent to transfer funds to that Bureau for participation in field studies. This is a serious omission of use of established scientific competency and recognition of agency mission.

Mr. Chairman, I am not satisfied with the appropriations recommended in this bill (H.R. 10809). I feel the amounts appropriated for the Department of Health, Education, and Welfare in the areas to which I have referred, and elsewhere, are excessive. These amounts should be reviewed further by the Committee.

Mr. ICHORD. Mr. Chairman, title II of H.R. 10809, allowing for implementing provisions of Public Law 88–204, the Higher Education Facilities Act of 1963, is of extreme significance because it responds to the urgent need to help higher educational institutions plan for the increased enrollments ahead which are estimated to double in the next 10 years.

The institutions themselves do not have the ready resources to make available the academic facilities which are anticipated to be very necessary if they are to keep pace with that enrollment, and keep pace with that enrollment, we must—at almost any cost.

Until adequate college facilities are available and within reach of all our able young people, time is wasting away and we are depriving our Nation of its greatest natural resource in failing to develop the unlimited potentials at our disposal and command.

The loan and grant provisions of Public Law 88–204, according to college and university officials all over the country are the only hope to meet the foreseeable needs in education. The obsolete structures must be modernized to conform to progress; new facilities must be constructed where needed; engineering, medical, scientific and other technical fields must be expanded and new graduate facilities developed if we are to produce a sufficient supply of qualified personnel needed by industry and Government and for research and teaching. It is the responsibility and duty of this body to see that opportunities for higher education are not denied to any of our young people "because there is no room." The burden rests on us today to provide for the expansion of high quality education and research in the technical fields which are so essential to national defense and security and continued economic growth.

There was lethargy and complacency in America before October 4, 1957, when a spacecraft called sputnik challenged our claim of world leadership. We were rudely awakened to the importance of the prerequisite of education and training our young people. We were awakened, sure enough, but not enough has been done to make up for the time we lost prior to 1957.

We cannot recall the lost time, and we cannot dwell on post mortems for lost opportunities, but we can establish an accelerated program of education in

1964. We have no choice—we not only can, we must.

Public Law 88-204 provides for a program of matching grants for assistance to junior colleges and technical institutes and for the establishment of graduate schools or graduate centers created by the mergence and cooperative efforts of two or more institutions in providing research projects. Both of the programs are designed to strengthen our educational system. The junior colleges will help alleviate the overcrowded conditions at the 4-year colleges and the universities, and the establishment of the graduate centers will promote a wider distribution of graduate facilities. The cooperative endeavors of educational institutions will, without doubt, provide for the advancement of knowledge and the strengthening and effectiveness of research.

The libraries, laboratories, and the classrooms provided by Public Law 88-204 are urgently needed—the classrooms to house the expanded enrollment, and the laboratories and libraries to accommodate the ever-growing volume of research knowledge.

The $463,150,000 proposed for 1965, although not sufficient in comparison to the need and urgency, is a trend in the right direction. I urge the passage of H.R. 10809.

Mr. CONTE. Mr. Chairman, I am dismayed by the fact that we are not able to pass appropriations for the Library Services Act this afternoon.

Certainly, as the subcommittee made clear to the full Appropriations Committee last Friday, there is no good reason why the administration failed to deliver the necessary reports so that the appropriations could be enacted at this time.

In fact, I attended the White House signing on February 11, and cannot imagine why this feature of the HEW appropriations was not dispatched in the normal course of events.

Surely, as the President indicated at the White House signing, this is a significant piece of legislation in that it expands the historic Library Services Act of 1956 to include communities with over 10,000 population.

During the floor debate on this legislation, Mr. Chairman, I made the point that the importance of this program and the necessity for its expansion was manifest because of the great nationwide interest in reading, and the importance of outstanding libraries in every community of the Nation.

The outstanding western Massachusetts libraries in my district are in immediate need of the matching grant money allotted under the terms of the Library Services Act, which is now public law of the land.

I understand that it was 5 days after hearings closed on the HEW appropriations that the administration followed through with the necessary reports.

All told, it has been pending since January when the legislation cleared the House of Representatives.

It seems to me imperative that immediate action be taken on the library services legislation. I plan to watch this very closely in the Senate, and I hope their deliberation will expedite the act.

I sincerely hope and trust that they will, because the strength of our country may very well turn upon the continuity and strength of our libraries and the ability of our citizens to have access to the information available at libraries throughout the land.

And finally, what is discouraging about this whole situation is the fact that this is National Library Week, and it would have been an ideal time to start circulating the funds that have been granted to the libraries. Instead we have to wait and give token praise to these institutions during their week in 1964.

Mr. LINDSAY. Mr. Chairman, there is one aspect of this bill that troubles me greatly. The full Committee on Appropriations has cut the appropriations for day care centers by $2 million. Why?

This Nation is engaged, theoretically, in an effort to overcome abject poverty. Of all the problems that arise out of broken homes or "part time" homes in the cities of this country, the worst is the infection of the little ones. If the young children are brought up in an uncared for, hostile, tension-ridden environment they cannot be expected to become responsible adults. The consequences are school dropouts, narcotics addiction, crime, and all of the other sad and sick results that in turn contribute to the further illness of the neighborhood.

The day care center program was designed to rescue the little ones before this could happen. The day care center program is designed to give children the right start in life so that we legislators will not be required to enact crash programs for the adults when it is too late. Day care centers have proven themselves in New York City. In thousands of cases where the mother works to round out the family income, or, as is often the case, the family is without a father, day care centers have saved the children.

Every cent that has been asked for in the day care centers is money well spent and an investment with high return to the citizens and the taxpayers.

I know from past history that an effort to restore $2 million by amendment on the floor of the House would not be immediately successful, because of the unanimous committee position on the subject. However, I do hope that the other body will make the restoration, strengthen this part of the bill, and give us a chance to strengthen our day care centers in our cities. If there ever was a program that had a minimum of red tape, a maximum of highly dedicated people connected with it, and a maximum of return to the taxpayers, it is the day care program. If we wish to avoid higher appropriations in the future for crash programs for the relief and rehabilitation of the adult world, a more significant investment in the children's world in this area, is one way to do it.

Finally, I should like to add that eventually separate and special legislation is required in this area. The day care center program has been given such wide recognition for excellence that it needs separate handling and substantial authorizations and appropriations. The amount provided in this bill is a beginning, but it is far less than what is needed.

Mr. O'HARA of Illinois. Mr. Chairman, I am happily enthusiastic in my support of H.R. 10809 as I have been of all the measures from the subcommittee chaired by the distinguished gentleman from Rhode Island [Mr. FOGARTY], whom I regard as one of the great Americans of this generation, certainly in the field of education and health. Mr. FOGARTY, as is well and accurately known, refused a seat in the U.S. Senate offered him on a silver platter, in order that he might continue to serve the cause of health, labor, and education from the vantage position of chairman of this most important subcommittee of the Committee on Appropriations.

Under date of April 10, 1964, President George W. Beadle, of the University of Chicago, wrote me:

> The University of Chicago has been anxiously awaiting the time when Congress will provide the necessary appropriations to implement the Higher Education Facilities Act of 1963. We have three projects on the drawing boards at the present time for which we would like to apply for the maximum loan and grant amounts and proceed with the construction involved. You may be interested in the nature of these facilities: (1) Renovation of Cobb Hall, approximately 66,300 square feet, at a cost of $2 million. This building will provide usable classroom space after renovation. (2) A new chemistry building, approximately 87,000 square feet, at a cost of $4,500,000 to provide additional laboratory and research facilities for our rapidly increasing enrollments in this discipline. (3) A new $12 million library.
>
> The first project is ready for the taking of bids, and the second will be in the same situation in 3 months. Prompt action by the Congress would make it possible for us to expand our facilities within a short period of time. I hope you will support the appropriation measure.
>
> Sincerely yours,
>
> GEORGE W. BEADLE.

I am informed that the bill now before us provides ample funds for the first two projects listed by President Beadle, which of course are subject to selection on a State level. Only a modest sum, however, is available for library purposes; but this, I am informed, is a temporary condition due to the failure of the Bureau of the Budget to act prior to the closing of the hearings of the Fogarty subcommittee on March 18, 1964.

Public Law 269 cleared Congress in late January of this year by an overwhelming majority. It provided for a greatly expanded library construction as well as library services program. The bill was approved by the President on February 11, 1964, and immediately thereafter the Department of Health, Education, and Welfare made request of the Bureau of the Budget for approval of funds with which to carry out the program. This approval, however, did not come until after the House subcommittee had completed its hearings, and it is my understanding that the House conferees will not offer objection if, when this bill reaches the other body, it is amended to provide funds for the implementing of Public Law 269 and I hope the construction of the new $12 million library at the University of Chicago.

Again, Mr. Chairman, I commend the gentleman from Rhode Island [Mr. Fogarty] and the members of his great subcommittee on both sides of the political fence for a good job magnificently executed.

Mr. SICKLES. Mr. Chairman, I would like to make three comments on the appropriations bill we are considering today.

First, I am extremely pleased to see that the subcommittee has acted to fund the important education programs passed by the 1963 "education" Congress. In particular I am pleased that money has been made available to implement the higher education facilities construction legislation which it was my pleasure to work on in the Education and Labor Committee last year. The substantive work of our legislative committee in developing programs such as this means nothing unless it is subsequently backed up by the necessary appropriations.

Second, I am pleased to note that the committee has fully funded the administration's request for 33 additional security guards at the St. Elizabeths Hospital although somewhat distressed that the Bureau of the Budget severely cut the original request of 98 additional security personnel made by the hospital staff. In the hearings before the House Education and Labor Committee's ad hoc subcommittee on St. Elizabeths Hospital chaired by the Honorable Mr. Daniels the need for additional security personnel was fully apparent. You may recall that the subcommittee was established because of the serious problem that had developed regarding the serious crimes committed by escaped "prisoner patients."

Unfortunately, the hospital staff did not act to secure funds to implement the subcommittee's suggestion that a subcampus be developed specifically for "prisoner patients." It is my understanding that funds for this purpose will be requested in the 1966 budget. In my view this represents an undue delay on the part of the hospital staff in resolving one aspect of the serious problem that the hospital has had in dealing with its contingent of "prisoner patients."

Third, it is disturbing to me that funds have not been allocated in this budget for the planning of the proposed Environmental Health Center. The committee report notes that the committee was presented with "a considerable amount of confused and indecisive information" on this project.

Mr. Chairman, this project has been delayed for at least 3 years and during this period the eventual consolidation of various related environmental research activities has also been delayed. This is not a healthy situation. It is my hope that the Appropriations Committee will be furnished all the information it needs to act on this important project at some point in the legislative process and that the executive branch of government will "speak with one voice" to the Congress on this matter.

For the Record, Mr. Chairman, I would like to submit the text of testimony submitted by Secretary Celebrezze favoring the location of the bulk of this important project in Beltsville, Md.

Contrary to what some of my colleagues may assume, I do not believe that every Government installation should be located in the Washington metropolitan area or in the State of Maryland. I do believe, however, that the principles of economy, efficiency, and good management require that a rational determination be made in each case regarding whether the proposed function can best be accomplished here at the seat of our National Government. I do not believe that the location or expansion of facilities in this area is bad per se anymore than I believe that the operations of our Federal Government should be decentralized to provide every community in the United States with some type of installation.

In this regard, I would like to submit for the Record a memorandum prepared by the Bureau of the Budget that addresses itself to the question of whether Federal facilities should be located within or outside of the Washington area. Each of us is concerned with the cost of Government and orderly development of Federal activities and consequently I am sure we will give these points full consideration.

ENVIRONMENTAL HEALTH CENTER

Secretary Celebrezze. I would like at this time, Mr. Chairman, to add a brief statement concerning the request for planning funds for environmental health facilities.

Mr. Fogarty. All right.

Secretary Celebrezze. The budget contains $1,500,000 for 1965, to be added to $785,000 previously appropriated, for the preparation of plans and specifications for urgently needed facilities to house the expanding staffs of the environmental health programs of the Public Health Service. The budget did not state where the facilities were to be located.

LOCATION OF FACILITY

Since the Congress disallowed a similar request last year involving a plan to build an environmental health center at Beltsville, Md., we have given careful thought to the objections which were voiced at that time to the further concentration of research and research-related activities in the Washington metropolitan area. It is not our purpose to locate activities here which could be performed as effectively or almost as effectively, elsewhere. Only when the advantages of locating research facilities are very strong would we recommend further concentration of activities in this area.

The result of our further review is to conclude that, although there are certain applied research and training activities which could be performed elsewhere without serious detriment to the program, the basic activities envisioned for our environmental health center are so interrelated with other activities located in the Washington area that we cannot see how these activities could be effectively and efficiently conducted elsewhere.

ADVANTAGES OF BELTSVILLE LOCATION

The environmental health sciences are concerned with the chemistry and physics of our environment, the effects of environment on man, and methods of control which might reduce pollution or its harmful effect upon man. Such work involves many scientific disciplines including chemistry, physics, physiology, biology, toxicology, and pharmacology, as well as a variety of engineering specialties. The Public Health Service needs to have a group of competent scientists in these disciplines, working with scientists in other departments and agencies of the Government on many types of problems, but particularly on the much-neglected area of the effects on man of long-term low dosages of various toxic chemicals in our environment. Recent emphasis on the adverse effects of pesticides and the extremely large and growing number of pesticides used both on food crops and for many urban and household purposes, has brought out how little we know about the long-term effects of very small dosages of numerous powerful chemical agents and poisons.

The Food and Drug Administration is likewise concerned with these problems and is planning to construct a new laboratory at Beltsville, Md., to work on these and other problems. The Department of Agriculture already has its pesticides research work centered at Beltsville. Each of these agencies has an important role related to its principal mission. Fundamental research, which will underlie the applied research of the other agencies will be conducted by the Public Health Service. In working on problems of this kind, the advantages of close proximity to the related research activities of the Food and Drug Administration, the Department of Agriculture, the National Institutes of Health, and the Fish and Wildlife Service of the Department of the Interior are obviously great.

I have used the illustration of research in the toxicology of pesticides as an example of the need for coordination with other agencies and great advantages of locating at Beltsville the basic research in the environmental health sciences which underlies specific research on pesticides. In using this illustration, I do not wish to convey the impression that it is our intention to conduct all research on subjects of this type in Federal laboratories with Federal employees. On the contrary, we intend to make appropriate use of grants to obtain the support of universities and other nonprofit research institutions to perform as much of this type of research as possible. It may also prove desirable and even necessary to use the contract device to enlist the special competence of industry to conduct some aspects of our research programs in areas such as these.

Heretofore, there has not been nearly as intense interest on the part of the scientific community in this kind of research as in the search for causes and cures of dread diseases. For this reason, it is especially important in this area of scientific work to develop the capability in our own laboratories to perform those aspects of research which do not lend themselves to being worked on elsewhere.

It is our plan to house at Beltsville, in addition to personnel who will be directly engaged in basic and certain long-term applied research in the environmental health sciences, the scientific review staff and the administrative staff needed to conduct the extramural grant and contract programs in the same and related areas. It seems self-evidently desirable to coordinate research performed through grants and contracts with related research done directly in Government laboratories by seeing that those responsible for both are housed together and work together. These personnel will also be within easy traveling distance of the NIH and other units of the Public Health Service with whom they will need to work in administering the research grant and training programs.

Another important function which can be performed far more effectively and efficiently in the Washington area than elsewhere is the conduct of our research responsibilities in respect to the long-range biological effects of radiation on man. Such research and the operation of our national surveillance center to keep constant check on radiation conditions of the atmosphere and the effects of "fallout," can be far better performed in the Washington area than elsewhere because of the need to maintain close working relationships with the Atomic Energy Commission, the Bureau of Standards, the NIH, and the Food and Drug Administration, all of whom have related responsibilities in this subject-matter area.

These functions, together with certain related training and technical assistance activities, would be grouped together to form the core of an environmental health center devoted to developing one of the most neglected fields related to the health of man. The most appropriate, effective, and efficient location of a center to carry forward these purposes is, in our judgment, the site recommended last year at Beltsville, Md., on land earmarked for transfer to the Department of Health, Education, and Welfare from the Department of Agriculture, which now owns it. It is part of the Beltsville Agricultural Experiment Station.

Location of the center in the Washington area was originally recommended by a panel of distinguished scientific consultants headed by Dr. Paul Gross, of Duke University, immediate past president of the American Association for the Advancement of Science. It was subsequently reaffirmed by a special panel of the President's Science Advisory Committee.

The size of the facility recommended last year was such as to house approximately 1,600 persons, with an estimated cost of about $34 million. It was to be located on a large enough piece of land and so designed that it could be enlarged if it was found later to be necessary or desirable.

LOCATION OF ONE-FOURTH PERSONNEL OUTSIDE WASHINGTON AREA

We are currently reviewing functions which might be performed elsewhere. Our preliminary conclusion is that approximately a fourth of the persons who were scheduled to work in this facility could be located outside the Washington metropolitan area. Certain types of applied research and training are more separable than other elements. Thus, the conclusion is that we should proceed with a basic center at Beltsville of approximately 300,000 square feet, to provide facilities for approximately 1,200 people. We will also pursue rapidly to a conclusion the most appropriate location for the other applied research and training functions. We urge that you provide the full amount of the planning funds requested with the understanding that approximately three-fourths of the total facilities requested will be located at Beltsville and that the remaining portion is to be located if feasible at an appropriate site outside the immediate Washington area.

We shall undertake to inform your committee at the earliest possible time of the decision on the location of the functions for which we are now seeking an appropriate location outside the Washington area.

This concludes my formal statement, Mr. Chairman.

Again I want to say I regret the length of time that I have taken but sometimes when I present my programs I wonder if there are any other departments in the Government.

EXECUTIVE OFFICE OF THE
PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., July 18, 1963.

To: The heads of executive departments and establishments.

Subject: Criteria for decentralizing Federal activities from the National Capital region.

1. Purpose: Section 3(d) of Executive Order No. 11035 of July 9, 1962, directs agencies to "review continuously their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be carried on elsewhere without excessive costs or significant loss of efficiency." This circular establishes general criteria to assist Federal departments and agencies in determining the desirability of decentralizing agencies or agency activities from the National Capital region.

2. Background: In a memorandum of November 27, 1962, to the heads of executive departments and establishments and to the Commissioners of the District of Columbia, the President set forth development policies to serve as guidelines for the agencies of the executive branch in fulfilling the objectives of the year 2000 plan developed by the National Capital Planning Commission and the National Capital Regional Planning Council. The plan projected a total regional population of 5 million by the year 2000. Among the assumptions on which that projection was based were that Federal employment in the region would not exceed 450,000 and, secondly, that Federal activities not essential to the seat of Government would be located outside of the National Capital region.

The President's ad hoc Committee on Federal Office Space initially proposed criteria for decentralization of activities from the National Capital region. These criteria are refined and clarified in this circular.

The criteria are designed to provide practical tests for determining whether agencies, new or expanding activities, or existing activities should be located in the National Capital region or located outside of the region through decentralization or delegation of responsibility to existing field facilities. The National Capital region includes the District of Columbia, Montgomery, and Prince Georges Counties in Maryland, and Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; the cities of Alexandria and Falls Church in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by outer boundaries of the combined area of aforesaid counties.

Development of a well-informed judgment on the most desirable location of an agency or activity under review will require balanced consideration of all applicable criteria; no one criterion can be considered conclusive. In such an evaluation, consideration must be given to the needs of the Government as a whole, the relation of the work of the agency to other agency headquarters, and the needs of persons served or affected by the agency or activity.

3. Criteria for location of agencies or activities: In formulating and applying criteria regarding the proper location of an agency or an activity, consideration must be given to its major purpose, its principal working relationships with other governmental and nongovernmental activities, and to costs and special requirements.

(a) An agency or an agency activity is generally susceptible to location outside of the National Capital region when—

(1) It performs functions or provides services to clientele in a particular region of the country other than Washington.

(2) It is engaged in operations to carry out well-defined policies and programs which require only limited day-to-day headquarters supervision.

(3) It is a regional, district or other field office (unless it can be demonstrated that the workload of the office is predominantly concerned with the National Capital region).

(4) It provides large-scale supporting services of a relatively repetitive or routine nature, such as records maintenance; procurement and inventory control; training, including the operation of schools; administration of real property and related engineering services; manufacturing; financial accounting and disbursing activities; or statistics and data collection, and related fact-gathering and processing operations.

(5) It is a review function or administrative service activity which could be performed equally well by field offices exercising general supervision over operating offices.

(6) It operates in a relatively self-sufficient manner, which does not require it to have close intra-agency or interagency working relationships.

(7) It requires close coordination with other governmental (Federal, State and local) and nongovernmental activities or individuals within a given geographical area other than the National Capital region.

(8) It requires close coordination or working relationships with other Federal activities which are also susceptible to decentralization or delegation to a common new location or to existing field offices in a common location outside the National Capital region.

(9) Small liaison offices in Washington could effectively meet headquarters needs.

(10) Increased administrative economies, such as in travel, communications, rental, and recruiting, and improved efficiency, as in speed of decisionmaking or better service to the public, can be achieved through relocation and its initial costs can be justified accordingly.

(b) An agency or agency activity is generally not susceptible to location outside the National Capital region when—

(1) It is directed to meeting the needs of the President, the Congress, or agency heads for continuing consultation, direction, and fixing of responsibility for governmental action.

(2) It is concerned with establishing national policies or developing broad principles and programs for nationwide application.

(3) It involves exercising general supervision over agency operations throughout the country to assure that those operations are in accord with general national policies.

(4) It is an activity conducted by persons who require close working relationships with those who make or direct major agency policy and who themselves must be located in the National Capital region.

(5) It requires close coordination or working relationships or continual communication with other headquarters agencies, the Congress, or nongovernmental organizations or individuals located in the National Capital region.

(6) The costs of decentralization (including replacement of specialized physical facilities, loss of personnel with specialized skills, special training, relocation, travel, communications, and disruption of current operations) would outweigh benefits to be gained.

(7) Workload would not justify development of additional specialized staffs solely in order to achieve decentralization or delegation.

4. Responsibility for implementation: Responsibility for implementing the provisions of this circular is assigned as follows:

(a) Department and agency heads: Department and agency heads will utilize the criteria contained in paragraph 3 in continuously reviewing their needs for space in and near the District of Columbia, as required by section 3(d) of Executive Order No. 11035, and in determining and justifying requests for additional space.

Whenever it is determined that decentralization of an agency or segments of an agency is desirable, but not permissible under existing laws, the department or agency head will request such amendments to these laws as may be required to carry out this objective. Department and agency heads (in coordination with the General Services Administration when appropriate) will also take such steps as may be required by applicable statutes and regulations to secure authorizations and appropriations for land acquisition, construction, alteration, or leasing of facilities.

(b) The General Services Administration: The General Services Administration will utilize the criteria contained in paragraph 3 in its continuing investigation and survey of public building needs in the National Capital region under the Public Buildings

Act of 1959 and Executive Order No. 11035 and in reviewing the requests of each agency for new space or facilities in the region.

Whenever decentralization of an agency or activity has been determined to be desirable, the General Services Administration, in coordination with the agency concerned, will take such steps as may be required by applicable statutes and regulations to secure authorizations and appropriations for land acquisition, construction, alteration, or leasing of facilities.

(c) The Bureau of the Budget: The Bureau of the Budget will provide assistance to agencies, upon request, in utilizing the criteria established by this circular and will further refine and clarify these criteria as necessary. It will take into account these criteria in reviewing agency reorganization proposals and in reviewing agency requests for funds for new space or facilities in the National Capital region.

(d) Consultation with other agencies: Agencies considering decentralization of one or more of their activities will consult with the Area Redevelopment Administration (Department of Commerce), the Civil Service Commission and the Office of Emergency Planning, on matters affecting the responsibilities of these agencies. Agencies considering relocation of existing activities involving the construction of public works or the location of new activities in the National Capital region will consult with the National Capital Planning Commission on matters affecting its responsibilities. The Bureau of the Budget and the General Services Administration will similarly consult with these agencies in reviewing agency proposals for decentralization.

5. Report to the Bureau of the Budget: Each department and agency head will advise the Bureau of the Budget not later than September 9, 1963, of the procedural arrangements (including assignments of responsibility) that he has made for the systematic utilization of these criteria in reviewing and determining his organization's space requirements in the National Capital region.

KERMIT GORDON,
Director.

Mr. FOGARTY. Mr. Chairman, does the gentleman from Wisconsin desire to yield any more time?

Mr. LAIRD. I have no further requests for time, Mr. Chairman.

Mr. FOGARTY. Mr. Chairman, I have no further requests for time and I ask that the Clerk read.

The Clerk read as follows:

EDUCATIONAL RESEARCH (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Education, as authorized by law, $500,000, to remain available until expended: *Provided,* That this appropriation shall be available, in addition to other appropriations to such agency, for payments in the foregoing currencies.

Mr. GROSS. Mr. Chairman, I move to strike the last two words.

Mr. Chairman, this bill calls for the spending of nearly $7 billion. It is $1.1 billion above spending for the same general purposes as last year.

I note in the report that this is called one of the most conservative bills that has been submitted to the Congress in recent years. I wonder if I am mistaken about the meaning of the word "conservative."

Mr. FOGARTY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. FOGARTY. That is my opinion. I am merely expressing my opinion that it is one of the most conservative budgets submitted to the Congress. In many areas we should be spending much more money than the bill calls for. That is why I call it conservative.

Mr. GROSS. If an authorization bill is passed, we may reasonably expect from $200 to $400 million more will be needed to finance the Hill-Burton Act. If the Department of Poverty is established, do I correctly understand that that will come under the Department of Health, Education, and Welfare appropriation?

Mr. FOGARTY. I am not sure where that is going. That would involve approximately another billion dollars, I have heard.

There is $55 million for the Library Services Act which I had hoped would be in this bill, but it is not.

Mr. GROSS. The gentleman hopes there will be another $55 million put in the bill today?

Mr. FOGARTY. That is why I believe it is a conservative bill.

Mr. GROSS. If the $55 million is put in, the gentleman would still say it is conservative?

Mr. FOGARTY. I am not talking about action by the House today on the $55 million. I hoped the budget request would have been submitted in time for the committee to put it in the bill.

Mr. GROSS. I see.

I note that the distinguished gentleman from Arkansas [Mr. MILLS], chairman of the Ways and Means Committee, is on the House floor. I seem to recall that when the $11.5 billion tax reduction bill was before the House he told us that we could take one of two roads—that it would be the road toward economy, if we were to have tax reduction, or we would run the risk of doing grave damage to the finances and economy of the country if we took the spending road. In view of the fact that this bill, as it now stands, calls for $1.1 billion above the spending for last year, I wonder which road we will be taking today if we vote for it?

Mr. FOGARTY. The gentleman would have to answer that question for himself. The gentleman from Iowa knows my position on these matters. I get very impatient with the slowness with which we approach some of these problems.

Mr. GROSS. I know.

Mr. FOGARTY. I believe we ought to move faster; to build more buildings and train more personnel and do more research.

Mr. GROSS. I notice that in the hearings the distinguished gentleman from Rhode Island said:

> But to put it bluntly, this is the most conservative budget since Mrs. Hobby was Secretary. I do not say it is worse, but I say it is almost as bad.

Mr. FOGARTY. I said it. That is in the RECORD. I cannot take it back.

Mr. GROSS. The bill is $600 million some below the budget estimates.

Mr. FOGARTY. Four hundred and fifty-seven million dollars of that was in the supplementals for fiscal year 1964.

Mr. GROSS. It is some $600 million below the budget estimates, but still $1.1 billion above the spending for last year and still it is called conservative.

Mr. FOGARTY. That is correct.

Mr. GROSS. Do I correctly understand that the State of Louisiana owes the Federal Government a million dollars in connection with some welfare program to which it failed to contribute? Is there any hope of collecting that million dollars from the State of Louisiana, does the gentleman believe?

Mr. FOGARTY. We did not get a very satisfactory answer on that. That was alleged by the General Accounting Office; that $1 million was owed. Louisiana is still in this program, but there is another program the State is not taking part in.

Mr. GROSS. But funds were not cut off on the basis of no reimbursement to the Federal Government. Is that correct?

Mr. FOGARTY. The gentleman is correct.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. I will be glad to yield to the gentleman.

Mr. WAGGONNER. I think the program to which the gentleman alludes, referring to Louisiana, is the fact that Louisiana does not participate in the Manpower Development Training Act program.

Mr. FOGARTY. That is the one that I was thinking of. But the gentleman from Iowa is right and this is in our hearings.

Mr. GROSS. I thank the gentleman.

Mr. Chairman, I regret that I cannot vote for this appropriation bill for it has a number of provisions which I approve. But here is a bill calling for the spending of $7 billion in the next fiscal year—an increase of more than $1.1 billion in expenditure for the same general purposes as in the present fiscal year.

Additionally, we have been told this afternoon that pending legislation may well add another $1 billion during this session of Congress. Instead of reducing expenditures or even holding the line we have here still another bill that means the borrowing of more money, increasing the deficit and promoting inflation. This is a strange procedure in view of the $11.5 billion tax reduction—a huge cut in revenue—and the dire need for a balance of spending and income.

No matter how worthy some of the programs contained in this bill, I am compelled to vote against it in the interest of fiscal sanity.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS

For grants pursuant to the Community Mental Health Centers Act, $35,000,000: *Provided,* That there may be transferred to this appropriation from "Hospital construction activities" an amount not to exceed the sum of the allotment adjustments made by the Secretary pursuant to section 132(c) of the Mental Retardation Facilities Construction Act.

Mr. LAIRD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to point out to Members who have contacted us regarding the General Accounting Office decision on the payment of grants to universities and college, the action the committee has taken on this. Since the inception of the National Institutes of Health, grants have been made to colleges and universities, particularly medical schools, for research activities. These grants are paid in a lump sum at the start of the project for a given year. Under the present procedures, for the first time, letters of credit will be issued to these universities and colleges. The universities will be able to draw down from their local bank on these letters of credit. Prior to this time the universities would deposit these funds, and many universities invested them and drew interest. This was wise management on the part of these universities and colleges. They are now being required, under this GAO ruling, to reimburse the Federal Treasury for all of the interest that they drew on the advance payments of these grants.

Our committee does not feel that this is fair. The schools that did invest these funds were engaged in proper management and should not be penalized. Language is written into this bill to protect those universities and colleges which carried out good management of these funds and they will not be required to reimburse the Federal Treasury for these interest payments. This amendment and this language was agreed upon unanimously by our committee and I think it is a step in the right direction.

I think it is only fair to point out that by using the letter-of-credit technique for the first time in this budget, we are using what some people refer to as gimmickry in the expenditure level for 1965. By issuing letters of credit instead of issuing checks we will show a reduction in the expenditure budget for 1965 of about $1 billion. We are, however, not reducing eventual expenditures in this amount. The expenditure budget can show this reduction, but our commitment is still just as large as it was under the old system. The expenditure budget figure is changed for 1965 but this spending will be reflected in the budget in the fiscal year 1966.

Mr. Chairman, I do not want anyone to be misled by this change in the expenditure level which has been pointed to by some as a saving. This, of course, is not the case. This is a bookkeeping device which, if taken for the Government as a whole has the effect of an apparent reduction of $1 billion which is not a reduction of our commitment in any way.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, do I understand the gentleman to say that by a provision in this bill the Congress is foregoing interest on loans to certain educational institutions for certain purposes?

Mr. LAIRD. I would like to explain this to the gentleman; and perhaps it would be best to use an example. College A and college B have been handling research grants over a long period. College A when it receives its research grant money would take it to a bank and invest it in short-term securities and receive interest on this grant until the grant was actually drawn down by the researcher. This practice was in fact good management on the part of college A. College B would take the money and just deposit it in a checking account at the bank and would not receive any interest. I do not believe college B used good management practices.

Under the new Federal procedure, the suggestions made by my colleague, the gentleman from Wisconsin [Mr. BYRNES] at the time of the hearings on the debt limitation before the Committee on Ways and Means are being implemented in this year's budget. This shows a reduction in expenditures for only 1 year. The expenditure level will be much higher next year as a result.

But as far as the interest is concerned we are not requiring those colleges that, during the last 6 years have received interest, to reimburse the Federal Government because they had used good, sound, financial arrangements as far as their school was concerned.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. LAIRD] has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin [Mr. LAIRD] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. I assume the gentleman from Wisconsin is aware that only about 2 weeks ago the Federal Government borrowed some $2 billion, paying an interest rate of 3⅞ percent and selling the notes at less than par, which means that the real interest rate on the $2 billion borrowing will amount to something like a 4.15 percent?

Mr. LAIRD. I well understand the point which the gentleman makes. However, I would like to state that in this budget we are not advancing research funds to the universities and colleges. This is not only in the Department of Health, Education, and Welfare programs but also in the Department of Defense, the AEC, and other programs. Letters of credit will be issued and this will not represent a charge against the Government until the college, the university, or the research establishment actually goes to the bank to draw down on the letter of credit which is issued by the Government agency.

This reflects a reduction in the expenditure level for fiscal year 1965. This, in effect, when compared with the 1964 budget is a misleading expenditure reduction because the commitment is still the same commitment.

Mr. GROSS. I thank the gentleman for his explanation.

My point is that there is no such thing as interest free money that the Government borrows insofar as the taxpayers of this country are concerned. There is no such money available when the Federal Government is now paying more than 4 percent interest on its borrowings.

Mr. LAIRD. These are grants about which I am talking.

Mr. GROSS. I understand.

Mr. LAIRD. They have nothing to do with loans. These are outright grants made by the AEC, the Department of Defense, the Department of Health, Education, and Welfare, and many other agencies. These are grant funds and not loan funds that I am discussing.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND BLINDNESS

For expenses necessary to carry out the purposes of the Act relating to neurology and blindness, $87,621,000.

Mr. CONTE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to take this opportunity to congratulate the chairman of the subcommittee and the minority members of the subcommittee, as well as the entire Committee on Appropriations for inserting certain money in this bill, the necessary funds, to carry out the programs to control tuberculosis and venereal disease.

It is my understanding that the administration requested more money from the Congress for the purpose of controlling bangs disease in cattle than it did for both of these items. The committee in its wisdom, however, restored $4 million for the control of tuberculosis and $314,000 for the control of venereal disease, which disease is running rampant especially here in the District of Columbia.

Mr. Chairman, this represented a case where the administration tried to send up to the Congress a balanced budget by cutting out programs that are very, very popular with the Congress and with the people of the United States. This is particularly true in the case of the control of tuberculosis. This control involves a 5-year program, and at a time when we are almost on the verge of a breakthrough in this program, we find the administration cutting needed funds.

Mr. Chairman, I might say that I am disappointed that no money is contained in this bill for the purpose of carrying out the provisions of the Library Services Act. However, I certainly have high hopes that this money will be inserted in the new budget for the purpose of carrying out our commitment under the authorization bill for this most worthwhile project and that the Senate will restore these funds. I also hope that we can have these funds agreed to by the committee when it goes to conference.

Mr. Chairman, I want to commend the committee for the outstanding job it has done, especially the chairman of the subcommittee, the gentleman from Rhode Island [Mr. FOGARTY], who has been a dedicated public servant in the field of public health.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ASSISTANCE FOR REPATRIATED UNITED STATES NATIONALS

For necessary expenses of carrying out the provisions of the Act of July 5, 1960 (74 Stat. 308), and for care and treatment in accordance with the Acts of March 2, 1929, and October 29, 1941, as amended (24 U.S.C. 191a, 196a), $310,000.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask the distinguished chairman of the subcommittee a question: What are repatriated nationals—U.S. citizens who are brought back to this country?

Mr. FOGARTY. Any American citizen who has been overseas and who comes back here with a disabling illness and is destitute, will be taken care of.

Mr. GROSS. That is the meaning of this particular provision of the bill?

Mr. FOGARTY. Yes.

Mr. GROSS. I thank the gentleman.

The Clerk concluded the reading of the bill.

Mr. FOGARTY. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of New Jersey, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 10809, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes, had directed him to report the bill back to the House, with the recommendation that the bill do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas, 347, nays 21, not voting 66, as follows:

[Roll No. 111]

YEAS—347

Abbitt
Abernethy
Adair
Albert
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Ashmore
Aspinall
Auchincloss
Ayres
Baker
Baldwin
Baring
Barrett
Barry
Bates
Becker
Beckworth
Belcher
Bell
Bennett, Mich.
Berry
Betts
Boggs
Bolton, Frances P.
Bolton, Oliver P.
Bonner
Bow
Brademas
Bray
Bromwell
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Bruce
Burke
Burkhalter
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cahill
Cameron
Cannon
Carey
Casey
Cederberg
Celler
Chamberlain
Chenoweth
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Colmer
Conte
Corbett
Corman
Cramer
Cunningham
Curtin
Dague
Daniels
Davis, Ga.
Davis, Tenn.
Delaney
Dent
Denton
Derounian
Devine
Diggs
Dingell
Dole
Donohue
Dorn
Downing
Dulski
Dwyer
Edmondson
Edwards
Ellsworth
Everett
Evins
Fascell
Feighan
Findley
Fino
Fisher
Flood
Fogarty
Ford
Forrester
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gary
Gathings
Gibbons
Gilbert
Gill
Glenn
Goodling
Grabowski
Grant
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Halleck
Harding
Hardy
Harris
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Hawkins
Hays
Healey
Hébert
Hechler
Hemphill
Henderson
Herlong
Hoeven
Holifield
Holland
Horan
Horton
Hosmer
Hull
Ichord
Jarman
Jennings
Jensen
Joelson
Johnson, Calif.
Johnson, Wis.
Jonas
Jones, Mo.
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
King, Calif.
Kirwan
Knox
Kornegay
Kunkel
Kyl
Laird
Landrum
Langen
Lankford
Latta
Leggett
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
Lloyd
Long, La.
Long, Md.
McCulloch
McDade
McDowell
McFall
McIntire
McMillan
Macdonald
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin, Calif.
Martin, Nebr.
Mathias
Matthews
May
Meader
Miller, Calif.
Milliken
Mills
Minish
Minshall
Monagan
Montoya
Moore
Moorhead
Morgan
Morris
Morse
Morton
Mosher
Moss
Multer
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
Nix
Norblad
O'Brien, N.Y.
O'Hara, Ill.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Ostertag
Passman
Patman
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pillion
Pirnie
Poage
Poff
Pool
Powell
Price
Pucinski
Purcell
Quie
Rains
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Pa.
Rich
Riehlman
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Roudebush
Roush
Roybal
Ryan, Mich.
Ryan, N.Y.
St. George
St Germain
St. Onge
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Secrest
Selden
Senner
Sheppard
Shriver
Sibal
Sickles
Sikes
Skubitz
Slack
Smith, Va.
Springer
Staebler
Stafford
Staggers
Stephens
Stinson
Stratton
Stubblefield
Sullivan
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Toll
Tollefson
Trimble
Tuck
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Van Pelt
Vinson
Wallhauser
Watson
Watts
Weaver
Weltner
Whalley
Wharton
White
Whitener
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wilson, Ind.
Winstead
Wydler
Wyman
Young
Younger
Zablocki

NAYS—21

Abele
Alger
Ashbrook
Beermann
Bennett, Fla.
Brock
Curtis
Foreman
Goodell
Gross
Hall
Hutchinson
Johansen
Kilburn
King, N.Y.
McClory
Quillen
Short
Smith, Calif.
Snyder
Waggonner

NOT VOTING—66

Addabbo
Anderson
Avery
Bass
Battin
Blatnik
Boland
Bolling
Broyhill, Va.
Buckley
Burleson
Chelf
Collier
Cooley
Daddario
Dawson
Derwinski
Dowdy
Duncan
Elliott
Fallon
Farbstein
Finnegan
Flynt
Fulton, Pa.
Giaimo
Gonzalez
Halpern
Hanna
Hansen
Hoffman
Huddleston
Johnson, Pa.
Jones, Ala.
Kee
Kilgore
Kluczynski
McLoskey
Martin, Mass.
Matsunaga
Michel
Miller, N.Y.
Morrison
Murphy, Ill.
O'Brien, Ill.
O'Hara, Mich
Osmers
Pepper
Pilcher
Rhodes, Ariz.
Rostenkowski
Rumsfeld
Scott
Shipley
Siler
Sisk
Smith, Iowa
Steed
Talcott
Thompson, La.
Utt
Westland
Wickersham
Willis
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Johnson of Pennsylvania.

Mr. Fallon with Mr. Broyhill of Virginia.

Mr. Buckley with Mr. Fulton of Pennsylvania.

Mr. Wickersham with Mr. Battin.

Mr. Thompson of Louisiana with Mr. Avery.

Mr. Pepper with Mr. Siler.

Mr. Dowdy with Mr. Hoffman.

Mr. Matsunaga with Mr. Miller of New York.

Mr. Steed with Mr. Utt.

Mr. Duncan with Mr. Talcott.

Mr. Willis with Mr. Martin of Massachusetts.

Mr. O'Hara of Michigan with Mr. Osmers.

Mr. Farbstein with Mr. Halpern.

Mr. Sisk with Mr. Rhodes of Arizona.

Mr. Rostenkowski with Mr. Derwinski.

Mr. Daddario with Mr. Anderson.

Mr. Giaimo with Mr. McLoskey.

Mr. Morrison with Mr. Collier.

Mr. Kluczynski with Mr. Michel.

Mr. Jones of Alabama with Mrs. Kee.

Mr. Elliott with Mr. Gonzalez.

Mr. Hanna with Mrs. Hansen.

Mr. Cooley with Mr. Finnegan.

Mr. Wright with Mr. Bass.

Mr. Chelf with Mr. Boland.

Mr. Shipley with Mr. Dawson.

Mr. Murphy of Illinois with Mr. Smith of Iowa.

Mr. Flynt with Mr. Kilgore.

Mr. Scott with Mr. Pilcher.

Messrs. SNYDER and BROCK changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

ANTIDUMPING LEGISLATION

Mr. HERLONG. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HERLONG. Mr. Speaker, at the last session it was my privilege to be one of the 50 Members of this House, including 10 members of the Ways and Means Committee, who introduced bills with identical provisions which would amend the Antidumping Act of 1921 to improve its effectiveness. Among the most outstanding men who ever served this body were 3 of those 50 Members who are not with us at this session. I refer to the untimely passing in recent months of three distinguished Representatives who were among the strongest House supporters of the antidumping measure—Congressmen Francis Walter, William Green, and Howard Baker. This bill was first introduced and championed in the House by Mr. Walter in April 1963; Messrs. Green and Baker were 2 of the 10 members of the Ways and Means Committee who subsequently introduced and vigorously supported the 1963 amendment.

It is the unfinished work to which they were so earnestly committed that I wish to address myself today in these remarks accompanying my introduction of newly revised and modified antidumping legislation. The need is still great for tightening loopholes and assuring fairer, more effective procedures in connection with the operation of the antidumping statute. In this regard, I can think of no more appropriate words than those of our late and respected colleague, the gentleman from Tennessee, Mr. Baker. On December 17, 1963, he underlined the importance of providing adequate guidelines through appropriate modification of the 1963 bills:

> During the intervening months since I introduced my bill, I have been concerned about certain developments in connection with the recent administration of the Antidumping Act. Moreover, I know that this feeling is shared by many interested, knowledgeable and objective individuals both in and out of Congress. It appears that some modification of the proposed amendment which has received such substantial bipartisan support will be needed to provide adequate guidelines for future determinations by the Department of the Treasury and the U.S. Tariff Commission. In any event, it is my expectation that this subject will be given close scrutiny during the next several weeks so that, when specific modifications are deemed advisable, they can be presented for consideration both to those who have introduced identical bills and those additional Members of Congress who have been mindful of the need to further modify or strengthen some provisions of our antidumping legislation.

Mr. Speaker, close scrutiny has been given in recent months to the development of modifications to the 1963 bills in order to provide a number of improvements. I believe it significant that these include not only the establishment of guidelines for the Tariff Commission in its "injury" determinations, but also have taken into consideration and accommodate the views of some who have expressed opposition to certain features of the 1963 amendment. May I say that, in my judgment, the proposed modifications are in keeping with the moderate, constructive tenor of the 1963 bill. It is my understanding, moreover, that on various aspects of the way in which the Antidumping Act has been and is presently administered, spokesmen for both domestic and foreign interests have expressed concern. Because of these considerations, I feel that continued bipartisan support should be enlisted to make the U.S. Antidumping Act a model of fairness, efficiency, speed, and certainty.

I should like to make clear that the 1964 amendment to the Antidumping Act represents a merging of the proposals embodied in the amendments introduced during the first session of this Congress with a few proposals which add to, modify, or delete various provisions.

First. Among those provisions designed to strengthen the act is one to provide guidelines for the Tariff Commission. It was necessitated because of several disturbing decisions reached by the Commission subsequent to the initial introduction of the proposed 1963 amendment last April. The new bill is intended to return the Commission to pre-1963 standards and provide certainty; it stipulates that a finding of injury would result if, "in any line of commerce in any section of the country," the complainant can show that he has been more than insignificantly injured by dumping. This would be true regardless of the presence of other causes of injury. Also, meeting other foreign competition and lack of predatory intent are specifically excluded as dumping defenses.

Second. Labor for the first time, in addition to industry, is given an opportunity to show injury.

Third. Provisions similar to the 1963 proposal requiring Treasury to give reasoned opinions and the right to review data are extended to the Tariff Commission.

Fourth. "Fair value," never before defined in the act and variously interpreted by Treasury over the years, is now replaced by specific terms.

Fifth. Treasury is required to return to pre-1963 standards in the use of third country sales.

In an attempt to meet opposition views, a number of provisions have been included in the 1964 modified amendment which should indicate the basic fairness and good faith of this legislation. Specifically, I have reference to the following provisions.

First. Though widely praised, judicial review was said to extend a case unduly. The proposed judicial review process is shortened by deleting the U.S. Customs Court stage, and going directly to the U.S. Court of Customs and Patent Appeals.

Second. The court is authorized only to continue, not to initiate, the withholding of appraisement.

Third. The importer is given an equal right to review data at the Tariff Commission which complainant would have at the Treasury level under the 1963 proposal.

Fourth. Treasury would be specifically charged not to disclose the costs of manufacture used in justifying quantity discounts, nor the costs of production when Treasury uses a constructed value formula.

Fifth. Reference to forfeiture provisions of the Tariff Act in the 1963 proposal, regarding false filings by importers or foreign producers in dumping cases, is deleted.

Because I feel that this modified antidumping legislation is constructive and vitally needed to insure that international trade is conducted on a fair and equitable basis, it is my conviction that hearings should be held on this important subject at the earliest feasible date. The extent of growing industry and labor support for the proposed antidumping provisions certainly justifies proceeding to hearings.

The prolonged deliberations on the tax bill precluded any opportunity during the first session to consider amending the Antidumping Act. A few days of hearings should be held on proposals for improving our antidumping legislation—with testimony delivered by knowledgeable representatives of manufacturers, importers, and labor, as well as by relevant officials of the Government. This would be a forward step in helping to make the Antidumping Act more effective and in clearing up the misconceptions and half-truths that have characterized much of what criticism the 1963 amendment received.

There are other sound reasons for reviewing this significant area of our trade policy. It is of considerable importance to have authoritative observations and recommendations presented at hearings of the Committee on Ways and Means in advance of any international dumping negotiations. Guidelines which would result from such hearings and subsequent legislative action in the House and Senate should prove beneficial in reaching a workable and constructive solution. In this way, our negotiators would be armed with a clear expression of the intent of Congress, rather than proceed with an inadequate or ill-conceived concept of what this country should press for in these negotiations.

Events within the past few months have highlighted the fact that the problem of dumping is being viewed with increasing concern by both management and labor.

In the visit of Mr. Roger M. Blough and Mr. David J. McDonald several months ago with our late President Kennedy, and their recent visit with President Johnson, the imperative need was stressed for enforcing the Antidumping Act if our tradition of fair competition in the marketplace is to be preserved. These conferences reflect the seriousness of the situation that has developed in the steel industry, as well as the cement and many other industries, because of the continued sale in the United States of foreign merchandise at prices below those charged in the exporting country. This growing problem and the appropriate procedures required to help curb this unfair international trade practice deserve our attention.

I have been interested in the fact that the Department of the Treasury held a hearing in January to consider changes in its administrative regulations under the Antidumping Act and that some modifications are expected to be issued in the not distant future. Any improved Treasury regulations, while welcome, necessarily would be limited in scope. Certain inadequacies and loopholes in the present act can only be remedied by legislation. Moreover, new regulations established by Treasury with respect to dumping would not, of course, provide the Tariff Commission with the needed statutory guidelines in its determinations of injury to domestic industry. I know that many of my distinguished colleagues share my feeling that statutory action, as well as any administrative regulations, must be forthcoming soon if a meaningful solution to this troublesome problem is to be achieved, and if we are to avoid jettisoning our dedication to responsible reciprocal trade.

The antidumping legislation proposed in 1963 was sponsored on a bipartisan basis not only by 50 Representatives, but by 27 Senators as well. This widespread desire for corrective action must not go unheeded. I sincerely hope, therefore, that many of my colleagues on both sides of the aisle will sponsor and vigorously support similar bills to the one I am introducing today. In modifying and superseding the bill which so many Representatives and Senators introduced during the last session of Congress, I am convinced that enactment of this revised amendment to the Antidumping Act at the earliest practicable date will prove salutary and in accord with our national interest.

Mr. HERLONG. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Betts] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BETTS. Mr. Speaker, at the first session of this Congress I was one who joined with nine other of my colleagues of the Committee on Ways and Means in introducing proposed legislation to improve and strengthen the operation of the Antidumping Act. Because of disturbing developments in a number of Treasury and Tariff Commission decisions since the initial introduction of that bill in April of 1963, there has been increasing concern about this vital area of our trade policy.

My distinguished colleague from Florida [Mr. Herlong] has just outlined those changes which we now feel are necessary to assure that the original purpose of the 1963 amendment will be achieved. A great deal of consideration by many knowledgeable individuals has been given to the preparation of these modifications. With the strengthening of certain provisions, and accommodation to include various suggestions modifying others, both those who have supported the 1963 bill and many other Members will be able to lend their endorsement in the knowledge that they are helping to provide the congressional action sorely needed to deal with the continued injurious dumping of goods in this country. If this unfair international trade practice is allowed to go on unheeded by us who are in a position to help, we will be turning our backs on a most serious threat to the fundamental principles inherent in our private enterprise system—the right to compete fairly.

This problem, which has been with us for a long time, I am sure will not disappear of its own accord. Any alleviation will require our best efforts. Three of our late colleagues in this undertaking—Representatives Walter, Green, and Baker—were deeply troubled about the spread of dumping and attempted to enlist the aid of Congress in seeking an effective solution. Congressman Baker, in his statement to the House on December 17, expressed the need to modify the proposed 1963 bill in view of subsequent developments since its introduction. This helped to spur the preparation of a revised bill which we are now offering for your consideration and support. The distinguished gentleman from Tennessee stressed:

> It is evident that sponsors of legislation aimed at plugging loopholes and improving procedures cannot overlook the administrative interpretations which an act receives. Especially is this the case when there is a question of whether those interpretations at times may have frustrated the purpose of the act and tended to contravene the intent of Congress.

In carrying out our congressional responsibility to provide guidelines for the administration of a law so vital to our domestic economy as one concerned with injurious dumping, we are particularly aware of the press of foreign countries to have U.S. markets laid open to their exports while retaining their own measures to limit entrance of U.S. exports. I mention this not in a spirit of protectionist fervor, but in an effort to state what I am sure is discernible as to the underlying realities of international trade. As the GATT trade negotiating sessions in Geneva approach, it is important to recognize that great care will be needed both in the negotiations on tariff rates and in any agreements reached on nontariff barriers. We must not allow one of the keystones in the basic superstructure of our import laws, the Antidumping Act, to be eroded away. This would render meaningless any care taken in the negotiations with respect to tariff reductions.

I should like to reaffirm what I stated in the House last December 17 when it was becoming obvious that appropriate statutory guidelines would be necessary:

> I am convinced that congressional action is sorely needed to clarify the U.S. position on dumping prior to any international negotiations at which we may become committed to ground rules that are unpalatable and unworkable. I trust that many Members on both sides of the aisle share this belief and will lend their efforts in the next session, as I will, to achieving this objective.

It is my pleasure today, Mr. Speaker, to demonstrate my concern and desire to help achieve this objective by joining with my colleague [Mr. Herlong] in introducing this vital measure.

Mr. HERLONG. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Thompson] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. THOMPSON of Texas. Mr. Speaker, it is of special importance to me today to add a word in support of this antidumping legislation. Just a year ago this week our distinguished colleague, the late gentleman from Pennsylvania, Mr. Walter, introduced and vigorously championed the original bill of the 50 with identical provisions which were sponsored in the House during the 88th Congress.

A vital concern of Francis E. Walter was the need to enact his amendment to the Antidumping Act and I am confident that, were he with us today, he would be in the forefront of those sponsoring this measure which has been broadened to meet developments that have taken place since last April, and which has been modified to accommodate some opposition views where they would not endanger the act.

As one who introduced the earlier version immediately following its introduction by Mr. Walter, it is my pleasure to once again join with fellow members of the Committee on Ways and Means and others who believe in furthering the intent of the Trade Expansion Act of 1962 by promoting, not restricting, full and fair international trade.

Anyone who studies this antidumping bill and understands its purposes will realize that many of its provisions—especially those designed to improve procedural fairness—will inure as much or more to the benefit of foreign manufacturers and importers as it will to American industry and labor.

Mr. HERLONG. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Knox] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KNOX. Mr. Speaker, I share the conviction of my distinguished colleagues as to the need for enacting the proposed 1964 amendment to the Antidumping Act. At a time when many nations of the world are torn in their choice between the competitive free enterprise system and the controlled state society, every effort we make to enable fair competition to flourish is of vital importance. The proposed provisions of the 1964 amendment, like those of the 1963 bill which I also introduced, are designed to further fair and equitable competition.

It is imperative that American businessmen be able to plan their operations with a degree of certainty. In view of the fact that imports are becoming of increasing significance in the U.S. marketplace, both domestic producers and importers have a justifiable interest in knowing what they can expect under the antidumping law.

Where the administration of a statute does not allow businessmen to estimate what business practices will be within the law, or in violation of the law, needless confusion and anxiety arise—to the detriment of legitimate commerce. Those of good faith will hesitate to act out of fear of violating an uncertain law, while those not principled in fair competition will be emboldened to take their chances.

For the foregoing reasons, I am pleased to join in the introduction of this bill which merits wide and bipartisan support.

Mr. HERLONG. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Burke] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BURKE. Mr. Speaker, may I lend my wholehearted support to the remarks of the gentlemen from Florida [Mr. Herlong], Ohio [Mr. Betts], Texas [Mr. Thompson], and Michigan [Mr. Knox]. As a fellow member with them on the Committee on Ways and Means and having also introduced the proposed amendment to the Antidumping Act in 1963, I share their strong feeling about the need for enactment of the modified version which each of us is introducing today.

Domestic producers and labor in my State of Massachusetts, as in the Nation, who are injured by dumping are understandably frustrated if relief is denied because of technicalities, or if relief is so slow in coming as to be no relief at all. In years past the mere existence of the U.S. Antidumping Act, awesome in its complexity and little understood overseas, had the effect of making potential dumpers into the U.S. markets think twice before acting. Today the commercial sophistication of those exporting to this country has risen to the point where they now understand and can take advantage of any loopholes in the Antidumping Act, as well as any inconsistencies in its administration. Therefore, it is of extreme importance that greater certainty be provided through the adoption of improved and clarified provisions to our antidumping statute.

Mr. Speaker, the well being of a great number of Americans—both those in industry and those in labor who are affected by international trade—will be aided by the enactment of this antidumping legislation which I am pleased to cosponsor at this time.

Mr. HERLONG. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Collier] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. COLLIER. Mr. Speaker, I should like to join with the five distinguished colleagues of mine on the Committee on Ways and Means who have just indicated their views about the need to enact the remedial antidumping legislation which each of us is introducing today.

Dumping has increased significantly in recent years. It causes reduced profits for American business, increased unemployment for American labor, and tends to disrupt the U.S. balance of payments.

There is a real need, therefore, for this new amendment which has as its purpose the tightening of loopholes and the assurance of equitable, more effective antidumping procedures. As has been emphasized, the bill provides also for the establishment of guidelines for the Treasury Department in its investigations of likely or suspected dumping and for the Tariff Commission in its determinations of injury to industry and labor.

It is imperative that we take steps to curb this unfair trade practice. The elimination of dumping would provide a useful assist to the expansion of legitimate international trade. I hope that this bill, which is aimed at such beneficial purposes, receives the enthusiastic support of many Members on both sides of the aisle.

Mr. CONTE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, I am indeed gratified to join with a number of my distinguished colleagues in sponsoring broad antidumping legislation.

The continuing injury and harm to many American industries makes it imperative that prompt attention be given to dumping, which has become a threat to our economic well-being.

This legislation is also designed to curb unfair price competition. It will tighten a number of existing loopholes in the 1921 Antidumping Act, a very strong act which is in need of review at this time and which will be strengthened with this well-written legislation.

Nor will the present legislation conflict with the basic and sound premises of the Trade Expansion Act.

Both of these acts are very sound in principle and the present legislation is bound to be an effective remedy in this time of widespread dumping.

As one who has been interested in the problem of dumping for some time, Mr. Chairman, and as one who has introduced antidumping legislation in the past, I plan to ask for hearings on the legislation. Its eventual enactment would be in the great interests of the security and interests of the United States.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, when I introduced my first bill as a new Congressman last August 14, it was one on the subject of antidumping. It was an amendment to the Antidumping Act which my distinguished predecessor, the late Representative Francis E. Walter, had originally introduced and which he considered to be of the highest priority.

I was pleased at that time to help further legislative efforts to provide an effective means of curbing the increased dumping of foreign merchandise in this country. Today I am glad to join in introducing this newly modified version of the earlier legislation. It is clear that subsequent developments in this important area of trade policy justify the establishment of additional statutory guidelines if relief against dumping is to be meaningful.

I believe it is imperative for us to act in this field as quickly as possible and my belief is supported strongly and unequivocally by the steel and cement producers and the workers they employ in my district.

CONVERSATIONS WITH GENERAL MacARTHUR

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks in the body of the Record.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, on last Monday during my eulogy of General MacArthur I referred briefly to the plan General MacArthur had to end the cold war which he revealed to President-elect Eisenhower and the late John Foster Dulles on December 17, 1952. Since last Monday several articles have appeared throughout the country which have aroused a lot of discussion. Therefore, I looked back in my files, in South Carolina and those here in Washington.

I am extending in the body of the Record today a more detailed account of the conversation in New York with General MacArthur in 1954 and a conference held in Tokyo, Japan, with General MacArthur several days before his recall. I believe it is in the interests of history, and I commend a resumé of these conversations to the membership of the House and to the country.

General MacArthur's Plan To End the Cold War as Revealed to General Eisenhower, December 17, 1952

Mr. Speaker, in my eulogy of Gen. Douglas MacArthur, the day following his passing, I referred briefly to MacArthur's plan to end the cold war which he revealed to President-elect Eisenhower and John Foster Dulles in December 1952.

In view of the publication of certain interviews with General MacArthur, following my remarks on Monday, I now find it necessary, in the interest of history, to go into more detail concerning MacArthur's plan to end the cold war as he outlined it to a small group of us in New York in 1954.

When I revealed MacArthur's plan, I did so after keeping it in the strictest confidence for almost 10 years and until after his much lamented death. I only mentioned it in my eulogy as a tribute to the great General's foresight, interest in world affairs and his keen insight into global strategy. I referred to it as a tribute to his masterful understanding of the relationship of the Far East to the security of Europe and the entire free world. It was a plan which stirred the imagination and had great merit if properly timed.

After further research, I now find that our conference with General MacArthur was held on Saturday, June 19, 1954, in the General's apartment in the Waldorf Towers, in New York City. Those present were: the late Lawrence Smith, a member of the House Foreign Affairs Committee; Wint Smith, Representative from Kansas and a former brigadier general, now retired living in Mankato, Kans.; Gen. Courtney Whitney and myself. The conference lasted approximately 2 hours and was followed by lunch with General Whitney.

The sole purpose of our going to New York was this conference with General MacArthur. We left Washington on Saturday morning and returned Saturday afternoon.

During this interview, General MacArthur told of his meeting with President-elect Eisenhower and John Foster Dulles in New York, following Eisenhower's return from the front lines in Korea where he fulfilled a campaign promise. General MacArthur conferred with Eisenhower and Dulles at length in New York on December 17, 1952.

MacArthur's plan was simply for Eisenhower to see Stalin alone, on neutral ground, as soon as possible after his inauguration as President in January 1953. No third power would be represented—only the United States and Russia. The urgency of Eisenhower's seeing Stalin immediately after his inauguration was that Stalin was tired, growing old, and could not possibly live much longer. Stalin was a realist and understood cold military power. Stalin's great concern, and czarist Russia before him, had been powerful Germany and Japan. Russia, in modern history, had fought two wars with Germany and two with Japan. Russia's greatest fear was a world military power on each flank—Japan in the Pacific and the traditional German menace in Europe. Russia had successfully avoided a two-front war in her immediate past history. She succeeded in pulling troops from the Japanese front in Siberia to prevent the Germans from seizing Moscow in 1941. In 1945, after the defeat of Germany, she was able to pour troops from Europe into the campaign against the Japanese Army in Manchuria. She has never been attacked by a strong Germany and a strong Japan simultaneously.

General MacArthur told Eisenhower he was in a unique position to deal directly with Stalin on a global basis. Only on a global scale could lasting peace be secured, the cold war ended, a global conflict averted, while at the same time containing communism. Eisenhower must capitalize on this inherent Russian fear of Germany and Japan. Eisenhower could simply and bluntly inform Stalin that, unless he abandoned his plans for world conquest, the United States would fully rearm both Germany and Japan. On the other hand, if he agreed to abandon a policy of aggression and international subversion, Eisenhower could guarantee the continued disarmament and neutrality of both Germany and Japan, thus protecting the Soviet flank. General MacArthur believed that Stalin would have no alternative but to acquiesce, as Germany and Japan together constituted the greatest pool of skilled labor in the world outside of the United States and thus had the greatest military potential and alone, if fully armed, could match Soviet Russia. In addition, Germany and Japan had millions of trained veterans of World War II who only needed arms.

The United States had the military strength in being to guarantee the time necessary for Germany and Japan to rearm. If Stalin refused, the United States could forthwith proceed with complete rearmament of these traditional and ancient enemies of Soviet Russia.

MacArthur emphasized to President Eisenhower the timing of this summit meeting—that it had to be held immediately due to Eisenhower's enormous prestige at the moment. He had the greatest opportunity in the history of the world. MacArthur told Eisenhower that no figure in the history of the world had come to power with such a halo, with no previous political record to shoot at, and he would come into office as a symbol of freedom, as a liberator, as the victorious commander of allied forces—respected even by Russia and its military hierarchy and respected by the cold calculating Stalin. Eisenhower was looked upon with affection and was almost worshipped by the free peoples of the world. No world figure had ever been held in more universal high esteem and this was fully recognized at that time by the Russian high command.

General MacArthur reminded General Eisenhower that he, above all, not only had prestige in Europe but, after his trip to Korea, had also focused attention on the Far East and that Stalin would be the first to know, that with united free world backing, Eisenhower could launch a more united war effort if large-scale hostilities should be resumed in Korea. He could not only threaten Stalin with rearmament of Germany and Japan, but with a successful conclusion of the Korean war.

To delay this meeting with Stalin or to hesitate for a moment would jeopardize success of the plan. MacArthur said, your prestige would be gone, the halo would disappear, and you would no longer be a knight on a white horse. General MacArthur said that he told Eisenhower that in 6 months or a year political bickering would follow; suspicion and jealousy would arise almost overnight in the United States and among our allies. Quarreling over assistance would be the order of the day and he would lose forever this golden opportunity for world peace.

MacArthur's principal point was that Eisenhower must capitalize on his prestige and popularity which would be at a climax immediately following his inauguration as President of the United States. Then was the psychological time to act. Also, at that time Russia had no great stockpile of atomic weapons and was still rehabilitating her economy from World War II destruction.

This, Mr. Speaker, in substance, was the MacArthur plan to end the cold war as submitted to General Eisenhower and Mr. Dulles in New York City on December 17, 1952.

At 74, MacArthur was still a striking figure—handsome, alert, and keenly interested in world affairs. MacArthur had a superb command of the English language—the superior of any man I have ever known. His conversations were always on a high plane. I did not find him bitter, only disappointed that we had failed to win the peace after World War II and had failed to accomplish victory and a permanent peace in Korea.

MacArthur said that President Truman had many great qualities; that he had "guts," courage, and that his decision to go into South Korea was a wise one and would be so recorded by history. He expressed the hope someday to sit down, man to man, with President Truman and discuss with him their differences over Far Eastern policy. He was curious to know if Truman was ever properly informed of his Far Eastern objectives, and the future consequences of a stalemate. At no time in this interview did General MacArthur even suggest that he had recommended the use of atomic bombs or any form of nuclear destruction in Manchuria, Red China, or Korea. He did express great concern for the failure of the free world to deal with the relentless creeping, constant Communist pressure.

The General also expressed great disappointment that our European allies did not more fully participate in the Korean War, which General MacArthur considered an eventful direct threat to them in Europe.

Mr. Speaker, I will not repeat here my reference Monday to the conversation with Gen. Carlos P. Romulo of the Republic of the Philippines on the origin of MacArthur's famed World War II quotation "I shall return." I refer you to my insertion in the CONGRESSIONAL RECORD of April 6, 1964, for details on that and for a reference to MacArthur's uncanny political insight and political prognostications.

The conference with General MacArthur on June 19, 1954, at the Waldorf is directly related to another conference with the General in Japan when he was Supreme Far Eastern Commander. The conference with General MacArthur in Japan was held on Friday, April 6, 1951, at his Supreme Headquarters in the Dai Ichi Building in Tokyo. This conference is very significant in that it took place 5 days prior to MacArthur's removal from Supreme Command by President Harry S. Truman. I, a Democrat, was accompanied on this trip by Congressman O. K. Armstrong, a Republican, and a roving editor for Reader's Digest. We went under the auspices of the Air Force Association and did not represent officially the Congress or any committee of the Congress. I did have with me, however, letters of introduction from the chairman of my Committee on Veterans' Affairs, the Honorable John E. Rankin, and one from the Honorable Walter Judd. I had a telegram from Congressman Bill Dawson, chairman of the Committee on Government Operations, and from my subcommittee chairman, the late Henderson Lanham, requesting certain information on the Far East.

At this stage of the Korean war, it was difficult to obtain permission to visit the Korean front as the situation had been quite fluid and uncertain. In fact, at that time, we were the only Members of Congress with the possible exception of one or two to visit the battlefront in Korea. I believe the record will substantiate my belief that when we saw MacArthur, that I was the only Democrat to visit the front lines, inspect all branches of the service, and confer with the Supreme Commander, General MacArthur. I welcomed this opportunity to visit Korea, as I was on the committee which wrote the "Unification Act of 1947."

Before the conference with General MacArthur in Tokyo on April 6, I conferred in the field with Gen. Matthew Ridgway, the 8th Army Commander. Ridgway made a dramatic appearance in a light plane near the front in his famous fatigue uniform, covered with dust and battle smoke. We were briefed by General Milburn and General Almond. I spent several days with General Partridge at his 5th Air Force Headquarters in Korea. I spent considerable time with Gen. George Stratemeyer, the Supreme Far Eastern Air Commander. There was a conference with the Korean President Syngman Rhee; John Muccio, American Ambassador to Korea; and, at an earlier date, Ambassador Sebald. We visited the front lines, interviewed prisoners, both North Korean and Red Chinese. We visited the famous Turkish Brigade and were the guests of its commander. We were particularly gratified with the combat effectiveness of some of the ROK divisions.

Present at the conference with MacArthur on April 6 were Representative Armstrong and Brig. Gen. Bill Nuckols, now retired.

General MacArthur at that time had no inkling of his subsequent removal. He was quite relaxed and revealed himself as a man of much charm, warm personality, deep affection for his men, and fantastic knowledge of the Far East dating back to his days as a military observer of the Russo-Japanese War of 1904. He was in excellent physical condition, mentally alert, and had at his fingertips every detail of the battle plans, including the position of the naval units, the Army, the Marine, and the Air Force dispositions. He was not only aware of the military situation, but as Occupation Commander, was keenly aware of politics in Japan, the Philippines, and the political situation throughout the Far East.

MacArthur, without hesitation, expressed the belief and advanced the opinion that there was absolutely no substitute for victory in war. He was convinced that a truce or stalemate without winning would be disastrous in our further relations with Red China and the Communist world. He felt that complete victory was within our grasp in Korea, not only over the North Korean aggressor, but over Red China as well. The Communists had blundered badly in precipitating the war and had provided a God-given opportunity for the United States to win conclusively its first open conflict with Red communism.

MacArthur said that Chiang Kai-shek on Formosa had some of the finest troops in the world. They were well trained, battle-hardened veterans and their morale was high. These troops should be used on the mainland of China. With them and with unrestricted air power, he could bring the war to a successful conclusion in a matter of weeks. Chiang's troops were not in the least necessary for the protection of Formosa. Our Navy in the Formosa Straits and our air power, made an invasion of Formosa by Red China absolutely impossible. The military situation with Red armies on the 38th parallel afforded MacArthur a great opportunity to crush both Red China and North Korea.

MacArthur said that never before in the history of the world had anyone been required to fight under such circumtances. He had overwhelming air power in the Far East but it could only be used in North Korea. We were prohibited from bombing the Yalu bridges and the Communist sources of supply in Manchuria. We were even forbidden to bomb within a certain number of feet south of the Yalu bridges. In other words, the Communist armies from Red China who crossed the Yalu bridges could not even be destroyed on Korean territory until after they had been deployed and dug in on the rough terrain well south of the bridges. This was indeed the most ridiculous military situation in all history. MacArthur said this was like fighting with one arm tied behind you. Supplies for the Red Chinese and North Korean troops were constantly brought across the Yalu River bridges even in broad daylight. MacArthur said these bridges and lines of supply could be destroyed in a matter of minutes with our air power. This could be done immediately to save the lives of American boys fighting at the front and to offer our men the hope of victory. Huge Chinese forces were already committed against American troops in Korea. Reinforcements were being mobilized in Manchuria; therefore, the Red bases of supply in Manchuria should be bombed and destroyed. Their railroad centers and factories supplying war equipment should be bombed. It is a basic elemental fact of modern war that air fields, power stations, and factories should be destroyed.

General MacArthur said that open ruthless aggression was committed by the Korean Communists and by the Red Chinese. This aggression must be dealt with decisively and crushed as an example to future aggressors. The Communists, having selected this key area of the world for their first open military conquest, aims should be dealt with severely to preserve the future peace of the entire world. Failure to win a war in which we were already involved and which we could easily win would inevitably lead to future aggression and untold loss of lives. China desperately needed time and we must not give them that time. At no time did General MacArthur remotely mention or even hint at the use of atom bombs or cobalt. When he mentioned the full use of air power, we all understood it to mean the same air power and bombs beyond the Yalu that he was using then in Korea. There was no suggestion whatever of the use of nuclear power in any fashion, or in any area of the Far East.

MacArthur believed that the first phase of World War III had already begun and should be dealt with and won decisively. We had every advantage, control of the skies, control of the seas, and with Chiang Kai-shek, the necessary manpower. We must not let North Korea and Red China off the hook and give them time to train new armies and eventually build an air force, possibly with nuclear weapons.

MacArthur had no fear of being bogged down in China. The cream and flower of the Red Armies had been destroyed. We should push our advantage as victory was within easy reach with a minimum cost of human life. With the landing of Chiang Kai-shek on the mainland, the liquidation of the remaining Red Army around the Yalu was assured. With the bombing of the lines of supply in Manchuria leading into China proper, the Red regime would collapse.

To substantiate this belief. I talked with members of the Japanese Diet who were experts on the Far East. They informed me that when Chiang Kai-shek, less than 2 years before, retreated to Formosa, most of the information coming out of China was favorable to the Red regime, but now with huge losses in Korea, shortages of food, and a breakdown of supply lines, the Red regime in China was on the verge of collapse. I spoke to members of the Japanese Diet, assembled informally in a committee room, which was followed by a question and answer period. The Japanese could not understand why we did not complete the victory we had already won.

MacArthur thought of the Red aggression in the Far East as only one phase of their global designs. MacArthur did not draw a line between Europe and Asia. MacArthur looked upon the whole as Eurasia. He felt that if we did not win in the Far East, eventually these overwhelming potential resources and manpower would be assembled, Western Europe would be outflanked by way of northern Africa, and we would lose Western Europe. We asked General MacArthur at this conference about Russian intervention. MacArthur expressed the opinion that Russia would never be that stupid militarily. They had no stockpile of atomic bombs at that time. They had only one railroad leading from Moscow to the Vladivostok, a long railroad which could be cut in a thousand places by air power. It would be impossible for Russia to supply a large army in Sibera or Manchuria at that time. Russia, too, needed time to rehabilitate its war-torn economy and develop its nuclear potential. Russia, China, North Korea, all desperately needed more time and by a truce or stalemate, we were simply giving them the precious time.

MacArthur, during this interview, mentioned the possibility and desirability if necessary, of using Japanese troops. Japan had been a traditional military power, but now many of its trained officers and men were unemployed veterans of the Pacific conflict. MacArthur felt that under the right auspices, these men could be used on a voluntary basis, thus saving American manpower for use in other key areas of the world. MacArthur had a high regard for the Japanese soldier, and he felt that this was as much their war as it was ours.

MacArthur was not bitter. The men at the front lines were bitter. Our Air Force pilots who came in from dogfights near the Yalu River were bitter. Some of them complained to me with tears in their eyes that they had pursued Russian Migs to the Yalu and then had to circle and watch them land on the ground in bright sunshine, refuel their planes with gasoline, and replenish their ammunition supply and come back across the Yalu to shoot at them again. The Marines were bitter, the Navy was bitter, every general, every soldier, every airman, and every seaman with whom I talked was bitter about not being permitted to win the war. MacArthur only reflected the opinion of the men under his command; the people and Government of Korea, the Japanese, and the Chinese on Formosa.

MacArthur said, "The first law of nature is self-defense; and regardless of policy, when people are shooting at you trying to kill you, then something should be done and it ceases to be a matter of policy but is military and a question of survival."

General MacArthur said that Formosa was just as important to the United States and the defense of the free world as France. Formosa was the center of the defense chain in the Pacific. If the Reds were permitted to take Formosa, the entire free world defense chain in the Pacific would be broken at its center.

I found no feud whatever between MacArthur, the supreme commander, and General Ridgway, the field commander. On the contrary, General MacArthur in this conference urged that we go back to Washington and urge four stars for Ridgway, that he had recommended it and he should be promoted. After talking with each of them, I found that Ridgway and MacArthur had the very highest admiration for each other at this time.

MacArthur did deplore the greed of the Socialist government in Britain which permitted business as usual with Red China while American and even some British boys were dying in Korea. MacArthur felt it unthinkable and incredible that any nation fighting under the United Nations flag could trade with Red China after its armies mercilessly and ruthlessly attacked United Nations troops in Korea.

Mr. Speaker, today with Cuba in Communist hands, southeast Asia again threatened, our planes being shot down over East Germany, and the Red pressure everywhere, I believe already that history is proving beyond any shadow of a doubt that MacArthur was right—in war there is indeed no substitute for victory.

PROPAGANDA IN THE LIVING ROOM

Mr. ASHBROOK. Mr. Speaker, I read with interest the Lawrence Laurent column of Saturday, April 11, 1964, in the Washington Post. It tells of a forthcoming series of six 90-minute film dramas which are to appear on television in the near future. I was particularly struck by the balance of the people who are behind this series and it makes one prepare for another assault by the liberal establishment as they prepare to propagandize the unsuspecting TV viewer.

It certainly will be interesting to see what they come up with. Unfortunately, most of us can guess. A few middle-of-the-roaders are sprinkled in for prestige but, by and large, it looks like 9 more hours of propaganda from the far left. The excerpt from Mr. Laurent's radio and television column follows:

> The Xerox Corp. is putting up approximately $4 million for production and network cost of six 90-minute film dramas to be telecast in prime evening time. The programs begin in January 1965, and will be on activities of the United Nations.

This series will be individually produced and directed by Peter Glenville, Stanley Kubrick, Joseph I. Mankiewicz, Otto Preminger, Robert Rossen, Sam Speigel, and Fred Zinneman. All have agreed to provide their services without pay.

Behind the series is a nonprofit organization, Telsun Foundation, Inc. The board of directors of Telsun consists of Anna M. Rosenberg Hoffman, Mrs. Albert D. Lasker, Robert Benjamin, Eugene R. Black, Donald L. Clark, Andrew Heiskell, Paul G. Hoffman, Sol M. Linowitz, John J. McCloy, Frederic Papert, William S. Renchard, Joseph C. Wilson, and Gen. Alfred M. Gruenther.

The Xerox Corp. will not offer commercials during the telecasts.

SUBMARINE ANNIVERSARY POINTS TO NUCLEAR CARRIER NEED

Mr. HOSMER. Mr. Speaker, I am pleased to join in this tribute on the 64th anniversary of the Navy's acceptance of its first submarine.

Sixty-four years ago, when the Navy commissioned the *Holland*, the depths of the ocean were opened as a new battlefield in naval warfare. In the ensuing years, the submarine indeed has changed the face and body of the Navy. It played a vital and important role in World War I and a crucial role in World War II.

With the advent of the atomic age, there was again a revolution in concepts of naval warfare. Atomic energy made possible the first true submarines—vessels that could patrol the ocean at great depths for virtually unlimited durations. Today, the nuclear submarine, armed with the Polaris missile, stands in the first line of America's defense.

It may be well at this point to review briefly the history of the nuclear submarine. Although its great military advantage is now generally accepted, the road to this acceptance was a long, rocky, uphill fight. The fact that we now have the nuclear submarine is, in fact, due in large measure to the determination and zeal of Adm. Hyman G. Rickover. However, if it had not been for the Congress and the Joint Committee on Atomic Energy, even the zeal of Admiral Rickover might not have been sufficient to overcome the inertia within the military services. As Admiral Rickover recently noted in testimony before the Joint Committee:

> It was this committee that forced the construction of the *Nautilus*—and the force subsequent to the *Nautilus*. Even after our success with the *Nautilus*, the Navy did not want to build additional nuclear-powered submarines. It was the Joint Committee that forced more nuclear submarines.

Mr. Speaker, the Congress may be justly proud of its crucial role in the development of the nuclear submarine. But we must not be content to sit on our laurels. Another great fight is before us today and the Congress must now heed another call for vision. In the end it is the Congress which has the final responsibility for the Nation's defense, and Congress should exercise that responsibility and, in so doing, if need be, overturn the decisions of the Secretary of Defense, the Bureau of the Budget, and even the President.

Right now there are a limited number of surface nuclear vessels in our Navy. But their performance during such episodes as the Cuban crisis conclusively demonstrates the overriding advantages of atomic power. These vessels are able to patrol the seas for extensive periods of time without refueling and without reliance on a fleet of escort vessels to supply logistic support.

Continuous improvements are being made in nuclear propulsion for surface vessels. In just the few short years since our first nuclear surface vessel, the cruiser *Long Beach*, went to sea, improvements have more than doubled the life and the power in nuclear reactor cores. We may now confidently expect even greater improvement in nuclear-propelled surface vessels. Daily the work of the dedicated scientists, engineers, and technicians of the naval nuclear propulsion division headed by Admiral Rickover add to our knowledge, skill, and ability to turn out more powerful, longer lived naval reactors at decreased costs for performance.

Yet despite this progress and the proven military advantages of nuclear surface vessels, the Secretary of Defense last year and again this year decided against the installation of nuclear power in CVA-67, the next aircraft carrier. In so doing he has dictated that a new carrier shall be built which, at the time it is commissioned, will be obsolete in relation to the more advanced and effective vessel which could have been built had Mr. McNamara so decided. It was he who recommended to Congress a conventional powerplant for this carrier and it is he who has persisted in that recommendation and who refuses to ask for a change. Contrarily, he has come before committees of this Congress in the very recent past and insisted that the plans for the conventional ship remain unchanged, placing emphatically behind the false proposition of a standstill on naval nuclear propulsion the full prestige of his powerful office.

The fallacy of the Secretary's position was exposed in a series of hearings on a sharp report issued last year by the Joint Committee on Atomic Energy. The Joint Committee has yet to hear from one responsible naval official who opposes the installation of nuclear power in the new aircraft carrier. Could it be that everyone is out of step except Mr. McNamara?

When I recently proposed an amendment to the Armed Services authorization bill on the House floor, providing that the new ship should be nuclear powered, it was argued then that it was too late to change plans and do so. However, a recent letter written by Admiral Rickover states to the contrary and is very explicit on the point as follows:

> This decision is so important to the future development of the Navy that I strongly recommend the Navy make another attempt to obtain the necessary approval to change the CVA-67 to nuclear propulsion while there is still time to do so. The Chief of the Bureau of Ships and I agree that either ship still can be delivered in the last third of calendar year 1968.

Mr. Speaker, it is apparent that the argument offered against my amendment to make CVA-67 nuclear powered was simply not valid and in complete error. I again urge this matter be reconsidered by the executive branch and the appropriate committees of Congress. There is still time to reverse this patently wrong decision which will plague and weaken our defense for decades, throughout the entire life of this ship. The House Armed Services Committee could be called into session tomorrow morning and pass out H.R. 9908 which I have introduced providing for CVA-67's nuclear propulsion.

Above all, as I emphasized earlier in this discussion, the Congress must realize it has a problem on its hands and that history will repeat its unfortunate cycle unless the Congress heeds this call for vision in a vital defense matter. The Congress saved the nuclear submarine, it can now save the nuclear surface fleet to the everlasting gratitude of all Americans who see in the superiority of our military hardware and the high morale of our military services the one sure protection from the aggressions of our enemies. Congress can do so and it should do so in the fulfillment of its responsibilities for the proper and adequate defense of the United States—today, tomorrow and always.

Mr. Speaker, on this 64th anniversary of a great revolution in naval warfare, it is fitting that we rededicate ourselves to a modern Navy—a nuclear Navy—a Navy which can effectively discharge its responsibilities for the defense of this Nation.

BUDDY WERNER

Mr. BROTZMAN. Mr. Speaker, it is with regret and sadness that I note the death of one of the Nation's most illustrious young athletes, one of Colorado's best liked citizens, and a friend. Buddy Werner was killed in Switzerland last Sunday by an avalanche.

The name of Buddy Werner is synonymous with the very best in the sport of skiing. When we think of skill and daring, of poise and bravery on skiis, we think of him.

The courage of Buddy Werner went far beyond the snowy slopes of Colorado. He has been an emissary of good will around the world. In 1960, prior to the Olympic tryouts for American athletes, it was thought that Buddy stood an excellent chance of being the first American athlete to raise the Olympic victory flag for the United States in ski events. Spurred by his love of country and his resolute desire to win an Olympic medal, he spent long hours in training. Misadventure stalked him, however, and in the last stages of preparation he suffered a severe break in his leg and he was prohibited from entering the Olympic ski events.

There were those who predicted that Buddy would never again ski competitively, but they failed to reckon with his courage and determination. Recovering from the injury, he led the American team into the Olympic trials again this year. Buddy did not bring home any medals, himself, but his patient teaching and counseling of the younger members of the team was evident to all. At the expense of his own chances, he spent long hours with the younger athletes and for the first time in history, our Olympic ski team won both a second and third place medal.

We shall not see Buddy Werner skiing any more, but we shall never forget his courage and determination, his quiet and courteous manner, and his code of conduct that exemplifies the very best of American athletes.

Mrs. Brotzman and I extend our deepest sympathy and affection to his wife, Vanda, and to Buddy's family.

URBAN RENEWAL

Mr. KYL. Mr. Speaker, a national magazine recently carried an article prepared by the gentleman from Texas, the Honorable JOHN DOWDY. The article related shortcomings and inequities of urban renewal programs and urban renewal legislation. The gentleman from Texas [Mr. DOWDY] unquestionably aggravated several exposed nerves.

Mr. William Slayton, the Urban Renewal Commissioner, has attempted to answer the charges with a lengthy explanation which includes such statements as this:

> Cities have paid more than $319 million of their share in cash—the total amounting to more than 35 percent of the total local share of net costs.

This is the kind of statement which made the gentleman from Texas [Mr. DOWDY] article necessary. I would like to have the Urban Renewal Agency inform the House just where and when this $319 million was paid in cash.

As a matter of fact, I will bet my aerial photograph of the Columbia Plaza area against Bill Slayton's Texas fedora that before the day is over someone in the Agency will hasten to the press to say: "This isn't what we meant to say" or, "This was a typographical error which was the fault of some poor secretary in the office."

The fact remains that in his carefully documented article, the gentleman from Texas [Mr. DOWDY] courageously outlined problems, unfairness, and just plain bad economics. No amount of alibis by Mr. Slayton will alter the validity of Mr. Dowdy's investigation and the conclusions he has drawn.

Sunlight of publicity is still a good germicide. I thank JOHN DOWDY for turning on the light.

SYRACUSE TRIES TO SAVE HISTORIC STRUCTURES

Mr. RIEHLMAN. Mr. Speaker, in the city of Syracuse, N.Y., which I represent, community developers are well aware of the fact that progress cannot sweep away everything in the area of urban renewal. They want to retain architecturally and historically significant structures.

Recently the New York Times printed an article attacking the ugliness of American cities.

A rebuttal to that argument was sent to the Times by John R. Searles, Jr., executive vice president of the Metropolitan Development Association of Syracuse and Onondaga County, Inc.

It is concise and to the point on what Syracuse is doing to save its limited architectural treasures. It deserves wider circulation so I am inserting Mr. Searles' letter here.

It follows:

THE METROPOLITAN DEVELOPMENT
ASSOCIATION OF SYRACUSE AND
ONONDAGA COUNTY, INC.,
Syracuse, N.Y., March 19, 1964.

To the EDITOR, the NEW YORK TIMES,
New York, N.Y.

DEAR SIR: Ada Louise Huxtable's article in the Sunday Times, March 15, 1964, properly attacks the current ugliness of American cities, but does not mention efforts to probe the cause and to find cures for the disease. In this she may give comfort to hand wringers and finger pointers who plead for historic preservation but hurt positive action programs which can actually preserve architectural assets and ally them "with the best new building."

Further, she may be unfair by implication to Syracuse which, although "in a state of spotty disorder" and thus typical of other cities, does have a vigorous citizen effort to save and restore its limited and scattered architectural treasures. This is one of the reasons for the preparation of the pilot study "Architecture Worth Saving in Onondaga County" by the New York State Council on the Arts.

Most cities, like Syracuse, are making the traumatic adjustment from the streetcar to the automobile; from the pretentious mansion to the apartment and ranchhouse and from an economically dominant downtown core to a collection of shopping and commercial centers dispersed through an urbanized area. Syracuse in the last generation has also had to accommodate itself to the transformation of the New York Central right-of-way and the Erie Canal (both cutting through the center of town) into traffic arteries.

To meet these changes of the last 30 years, cities had no clear plans—and if they had plans—they had no legal powers to give effect to plans which might direct new construction and destruction toward more esthetically pleasing results. The increase in automobile traffic and the loss of pedestrian traffic has had such a devastating effect on downtown property values that cities relying heavily for financial support on ad valorem real estate taxes have been understandably obsessed with the economic rather than the esthetic effects of urban change.

Among potential cures city plans taken alone tend to be two dimensional and guide and encourage rather than control private construction and destruction. "Zoning" controls land use, not design, and, except in a very few "historic zones" in cities which are fortunate enough to have historic areas, is little positive help in preserving historic structures or blending the old with the new. The control of land subdivision is a planning control with general applicability only in developing suburban areas.

How many cities can expect a Williamsburg treatment or have the opportunity to enjoy a Georgetown rehabilitation movement? Owners of obsolescent but historic property cannot be expected to let sentiment outweigh economic considerations for any substantial period of time. Children sell the family mansion when the land becomes more valuable as an apartment or office site than it could possibly be worth with the old house—heavily taxed and expensive to maintain—undemolished.

The best current solution and indeed perhaps the only solution of general availability is urban renewal. The acquisition of obsolete blighted property and resale subject to conditions of preservation and architectural standards is making possible the retention of many fine old buildings. The use of renewal to study and preserve structures in the College Hill area in Providence is an outstanding example. A number of architecturally significant structures in Southwest Washington which were surrounded by slums and inadequately maintained are being brought back to life through urban renewal. Wheat Row, built by Lawrence Washington, George's brother, the Washington, Lee, and Barney Houses are being integrated in Architect Clothiel Woodward Smith's design for the Harbour Square apartments. The Law House to the north of N Street SW. was required to be preserved in the Tiber Island development. Both preservations were accomplished through urban renewal.

The best opportunity for Syracusans to save the Third Onondaga Courthouse is through urban renewal. There is no current apparent economic use and developers seeking the building as a parking lot gain support with offers of taxes for currently public property. They are held off only by a group led by Common Council Majority Leader Albert Orenstein, who has a considerable following in his efforts to solve a very difficult problem. Local citizens' efforts saved the Weighlock Building on the old Erie Canal. The Syracuse Savings Bank has made an "uneconomic" investment in the preservation of its local building. A total downtown urban renewal plan now underway has among its objectives one of saving the best of the old architecture not only for sentiment or to blend, but also to influence and guide the design of new buildings. Syracuse would be vain to aspire to become a Paris or Vienna, but it is proud and becoming increasingly sensitive about its appearance.

We agree with Miss Huxtable's estimate of the significance of the Council on the Arts' excellent study, but disagree strongly that "most urban renewal seems doomed to sterility." Rather, cities which, like Syracuse, wish to use their excellent old buildings as the cornerstones of reconstruction, will find urban renewal to be their best and perhaps only solution.

Sincerely yours,
JOHN R. SEARLES, Jr.,
Executive Vice President.

PANAMA CANAL CRISIS: IRRESPONSIBLE JOURNALISM

Mr. FLOOD. Mr. Speaker, over the past few years, I have devoted much of my time in studying interoceanic canal problems. In an effort to alert the people of our country to the dangers of the Caribbean, in which area the Panama Canal is the key target, I have addressed this body on various aspects of the subject and suggested formulas for future policy.

My addresses have been widely quoted in small newspapers over the Nation; among periodicals of civic, fraternal, and patriotic organizations; and abroad, including the papers of Panama. With rare exceptions, the mass news media of the United States, especially in the Nation's Capital, has avoided reporting the facts and proposals developed in my addresses, especially those concerning the Panama Canal.

In contrast with this denial of information on the vital canal subject, the same mass news media has featured the views of "experts," who have made recommendations that many of our best informed citizens, in and out of the Congress, consider to be against the highest interests of the United States and as grossly unfair.

The Washington Post, in its editorial and journalistic columns, is always urging magnanimity on the part of the United States in dealing with "little Panama" but never presents realistically the necessity for adequate authority and sovereignty of the United States to do the job required, namely that of efficiently maintaining, operating, and defending the canal for the benefit of world shipping. Such authority and sovereignty was granted under the 1903 treaty and it is clear that the United States could not have built the canal nor could our country have maintained, operated, and defended it with less power than was granted by that treaty. I know of no instance where it was ever discussed or even considered the fact that the United States must have adequate authority to perform the vital tasks with respect to the canal and how it could be done with less authority than was accorded by the 1903 treaty.

If these critics believe that the United States can perform its duty in the premises with less power than it has thus exercised, let these critics say how much less. Surely at this moment when Cuba has become a western bastion of communistic revolutionary power and the most serious Red infiltration has taken place in Panama, any dilution of U.S. authority over the Canal Zone would be suicidal to all the Western Hemisphere, with the destruction of Panama itself.

The first consideration which the agents of the United States and Panama should have in mind is this matter of adequate authority of the United States to do the job required. Everything else is subordinate thereto.

Four days after President Johnson made his forthright remarks on March 16, 1964, before the Organization of American States, in which he bluntly refused to submit to demands of Panamanian political blackmailers to agree to renegotiate the 1903 Panama Canal Treaty, the Washington Post published a leading editorial condemning "that treaty."

This induced me to write the editor at length, explaining how the Washington Post editorial was deceptive and misleading. On April 9, the Post published excerpts of my letter, leaving out many essential points that should be known to our people.

While the editors of the Washington Post may assert that my letter was too long for publication of its full text, I do not accept this as a valid explanation. The magnitude of the Panama Canal question merits the fullest possible presentation of all significant facts and not their suppression.

In order that the Congress and the Nation may have full information in the premises, I quote the indicated editorial, my letter to the editor of the Washington Post, and the abridged version of it as published by the Post.

[From the Washington (D.C.) Post, Mar. 20, 1964]

THAT TREATY

We have come a long way from the time when Theodore Roosevelt called citizens of Colombia, in private letters, such endearing epithets as "jackrabbits," "contemptible little creatures," and "foolish and homicidal corruptionists." But North Americans at times still show a fatal incapacity for viewing a dispute through the eyes of the other fellow. An instance is much of the current public discussion of the Hay-Bunau-Varilla Treaty of 1903, which made possible the creation of the Panama Canal.

Who, for example, was Philippe Bunau-Varilla, the man who signed the treaty for Panama? This shadowy personage, who was as much the "father" of the canal as T.R. himself, was not a Panamanian at all. He was a French agent who had a keen interest in obtaining $40 million from the United States to buy out shares of a bankrupt French company that had tried, and failed, to build the Isthmian Canal.

In the fall of 1903, Mr. Bunau-Varilla was ensconced in room 1162 of the Waldorf Astoria in New York—the suite which he later said "deserves to be considered as the cradle of the Panama Republic." At that time, President Roosevelt was sputtering with fury over Colombia's rejection of a U.S.-drafted treaty providing for a canal in the Province of Panama.

On October 14, one Dr. Manuel Amador visited the Waldorf enclave, and was handed a draft of a constitution, a pledge of $100,000 and a proclamation of independence for a revolution to be carried out on November 3, election day in the United States. "Nothing remains but to make the model of the flag," said Mr. Bunau-Varilla as he guided Dr. Amador (later President of Panama) out of the room. "I am going tomorrow to join my family * * * I shall find * * * the agile and discreet fingers that will make a new flag."

In November, the Panamanian revolt took place, and Dr. Amador was able to proclaim: "Yesterday we were but the slaves of Colombia; today we are free * * * President Roosevelt has made good * * *. Free sons of Panama, I salute you." And certainly TR did make good to the extent of giving instant recognition and naval support to the new republic. But Panama paid a price; a French lobbyist signed a treaty in the name of the infant republic on terms far more disadvantageous than the treaty rejected by Colombia.

The United States, under the Hay-Bunau-Varilla Treaty of 1903, received rights in perpetuity to act as if it were sovereign in a 10-mile strip of Panama. The Colombian draft treaty provided for a 100-year grant with an option for renewal, for a 6-mile-wide strip, and for a payment of $10 million in gold. Panama, too, received a gold payment—but this was offset by $40 million paid to Mr. Bunau-Varilla's clients and by specific clauses in the treaty that virtually made Panama a protectorate of the United States.

From the moment the treaty of 1903 was inflicted on Panama, agitation began for modification of its terms. Twice—in 1936 and 1955—the treaty has been modified, and Panama is again seeking substantial but not unreasonable changes in a treaty so one-sided that even Theodore Roosevelt would not have dared propose the same terms to Colombia.

For his part, T.R. said on March 23, 1911, in a speech at the University of California, "If I had followed conventional, conservative methods, I should have submitted a dignified state paper of approximately 200 pages to the Congress and the debate would have been going on yet, but I took the Canal Zone and let Congress debate, and while the debate goes on the canal does also."

That remark cost the United States $25 million, voted as indemnification to Colombia in 1921. In intangibles, Roosevelt's diplomacy cost this country far, far more. We are still paying the price today. President Johnson would do well to tell his countrymen some of these uncomfortable truths that lie behind our troubles with Panama.

PANAMA CANAL CRISIS: IRRESPONSIBLE JOURNALISM

MARCH 23, 1964.

THE EDITOR, THE WASHINGTON POST,
Washington, D.C.

DEAR MR. EDITOR: The leading editorial in the March 20, 1964, Washington Post on "That Treaty" is truly shocking, not for what it states but for what it fails to relate about a subject of the highest importance to the entire world—the Panama Canal.

Deceptive, misleading, and inaccurate, the editorial is obviously designed to create a sense of guilt on the part of the people of the United States for their mighty achievement in constructing one of the greatest works of man at vast cost; and which propagandists in our midst would like to see liquidated without a cent of reimbursement to our people.

Significantly, the publication of the editorial followed closely after President Johnson's forthright and courageous remarks before the Organization of American States on March 16, in which he refused to accept the shotgun approach of the Panamanian Government in attempting to wring an agreement from the President of the United States to renegotiate the 1903 Panama Canal Treaty as the price for resumption of diplomatic relations with the United States. Serving to undermine U.S. sovereignty and jurisdiction over the Canal Zone and Panama Canal, the editorial plays into the hands of Communist revolutionary strategists, among whom the internationalization of the canal has been a prime objective since the 1917 Red takeover of the Russian Government.

In spite of its clever camouflage of altruism, the editorial reflects a wanton disregard of, as well as gross ignorance or indifference to specific problems involved in the maintenance, operation, sanitation, and protection of the Canal Zone and Panama Canal. Moreover, it completely ignores the lessons of history, including recent experience in defending the Canal Zone against Red infiltrated and directed Panamanian mob attacks, and indirectly supports the program of certain elements in, and on the fringes of, our Government who have collaborated with Panamanian radicals in the piecemeal erosion of U.S. rights, power, and authority. It serves to portray the eminent statesmen who formulated basic Panama Canal policy as helpless puppets of the French engineer who was the first Minister of Panama to the United States. Among those leaders thus belittled were Secretary of State John Hay; Rear Adm. John G. Walker, president of the Isthmian Canal Commission, 1899–1902; John Bassett Moore; and President Theodore Roosevelt.

The people of the United States are far ahead of the editorialists of the Washington Post in comprehending the significance of the current crisis at Panama and are not going to be fooled by such journalistic tactics as those used by the Washington Post in the subject editorial. The citizens of our country and the Congress will back President Johnson to the limit, if he stands firm for our just and indispensable sovereign rights and authority in the Canal Zone.

Specifically, the editorial is deceptive and misleading for the following reasons:

1. Fails to disclose that the Isthmus of Panama has always been, and still is, a land of endless bloody revolution.

2. Does not mention that the United States has treaty obligations with respect to the operation of the Panama Canal with Great Britain and Colombia, as well as with Panama; and, in fact, to the entire world.

3. Ignores the realistic fact that important provisions in the 1903 treaty as to sovereignty, perpetuity, and Canal Zone width,

are rooted in the 1902 recommendations of the Isthmian Canal Commission headed by Admiral Walker.

4. Fails to mention the truism that where there is responsibility such as that involved in governing the Canal Zone and in operating the Panama Canal there must be adequate authority as provided in the 1903 treaty and that the canal enterprise cannot survive under two masters nor with any less authority than that treaty provided.

5. Exaggerates inconsequential details to create a sense of guilt based on fragmentary evidence but fails to present the enormous benefits that Panama has received from the Canal Zone. The latter includes $82,465,000, annually, in addition to the $1,930,000 annuity and many other benefits. Among the last are economic assistance from the Agency for International Development, the International Bank for Reconstruction and Development, the Inter-American Bank, and U.S. direct private investments. All of these vast benefits are ignored by the Panamanian Government and the radical politicians of Panama; also by Panamanian Castroites, the Washington Post, other journals and commentators in our midst, who doubtless realize that if these benefits are publicized the charge of ill treatment of Panama by the United States goes out of the window.

6. Does not show that Panama was not a partner in the construction of the canal, is not a partner now, and has never been anything but its greatest beneficiary; nor does it show that Panama has no responsibility whatsoever for the maintenance, operation, and protection of the canal.

7. Attempts to degrade the 1903 Canal Convention as "that treaty" and, by implication, as being responsible for the January 1964 lawlessness and disorder.

8. Fails to relate the strong support and approval of the 1903 treaty given it by such able statesmen as Secretaries Hay and Hughes and President Taft.

9. Ignores the fact that the Canal Zone is an extension of U.S. territory and law pursuant to treaty and statute, in every way a part of the constitutionally acquired domain of the United States.

10. Hides the fact that, in addition to obtaining sovereignty over the Canal Zone by purchase from Panama, the United States acquired the ownership of all land and property in the Canal Zone by purchase from individual owners, including the holdings of the New Panama Canal Co. of France and the Panama Railroad; also that this title was recognized as "vested entirely and absolutely" in the United States by Colombia, the sovereign of the isthmus prior to November 3, 1930.

11. Ignores the fact that the Isthmian Canal would have been constructed at Nicaragua instead of Panama except for the favorable inducements offered by Panama in the 1903 treaty.

12. Treats the entire Panama Canal problem as if it were of no more importance than that of a site for a supermarket or a filling station.

13. It overlooks the realistic fact that, were it not for the presence of the United States in the Canal Zone, Panama itself could not endure as an independent state.

14. Disregards the fact that Panama gained its independence from Colombia solely because of the great movement for an Isthmian Canal and President Theodore Roosevelt's farsighted vision and fearless initiative.

15. Advocates a policy that would reduce the authority of the United States in the Canal Zone and increase that of Panama—a country that, for some reason, is unable or unwilling to collect garbage from the streets of Panama City and Colon, a duty previously discharged efficiently by the Canal Zone Government. Moreover, the Panama Government, during the January 1964 riots, actually prohibited the use of the National Guard to quell mob violence against the Canal Zone and United States citizens.

16. Disregards the fact that the Panama Canal, under adequate control of the United States, is a major factor in preventing conquest of all Latin America by communistic revolutionary power; witness, Cuba, British Guiana and Venezuela, covering both flanks of the Atlantic approaches to the canal.

It has been said that when statesmen are lacking in vision the people perish. The same is true when the news media is lacking in vision and integrity.

President Johnson's call on March 21 for a prompt settlement of the Panama crisis in the interest of all the American nations makes imperative that the editors of the Washington Post undertake to present and evaluate full information on Panama Canal problems, and to desist from presenting segments out of context.

Sincerely yours,

Daniel J. Flood,
Member of Congress.

[From the Washington (D.C.) Post, Apr. 9, 1964]

Irresponsible Journalism

The leading editorial on March 20 is truly shocking, not for what it states but for what it fails to relate about a subject of the highest importance to the entire world—the Panama Canal.

Deceptive, misleading and inaccurate, the editorial is obviously designed to create a sense of guilt on the part of the people of the United States for their mighty achievement in constructing one of the greatest works of man at vast cost, and which propagandists in our midst would like to see liquidated without a cent of reimbursement to our people.

Significantly, the publication of the editorial followed closely after President Johnson's forthright and courageous remarks before the Organization of American States on March 16, in which he refused to accept the shotgun approach of the Panamanian Government in attempting to wring an agreement from the President of the United States to renegotiate the 1903 Panama Canal Treaty as the price for resumption of diplomatic relations with the United States.

Serving to undermine U.S. sovereignty and jurisdiction over the Canal Zone and Panama Canal, the editorial plays into the hands of Communist revolutionary strategists, among whom the internationalization of the canal has been a prime objective since the 1917 Red takeover of the Russian Government.

In spite of its clever camouflage of altruism the editorial reflects a wanton disregard of, as well as gross ignorance or indifference to, specific problems involved in the maintenance, operation, sanitation, and protection of the Canal Zone and Panama Canal. Moreover, it completely ignores the lessons of history, including recent experience in defending the Canal Zone against Red-infiltrated and directed Panamanian mob attacks, and indirectly supports the program of certain elements in, and on the fringes of, our Government who have collaborated with Panamanian radicals in the piecemeal erosion of the United States rights, power, and authority.

It serves to portray the eminent statesmen who formulated basic Panama Canal policy as helpless puppets of the French engineer who was the first Minister of Panama to the United States.

The people of the United States are far ahead of the Washington Post in comprehending the significance of the current crisis in Panama and are not going to be fooled by such journalistic tactics as those used in the subject editorial. The citizens of our country and the Congress will back President Johnson to the limit, if he stands firm for our just and indispensable sovereign rights and authority in the Canal Zone.

Daniel J. Flood,
Representative, 11th District, Pennsylvania.
Washington.

FOUR AND ONE-FOURTH PERCENT INTEREST ON LONG-TERM GOVERNMENT BONDS MUST NOT BE INCREASED—STEERING COMMITTEE FORMED TO OPPOSE ANY SUCH ATTEMPTED INCREASE

Mr. PATMAN. Mr. Speaker, it is with genuine pleasure that I stand before the House today to congratulate and praise the 50 House Democrats who have been willing to take a firm and courageous stand by identifying themselves as being opposed to any attempts to increase interest rates on long-term Government bonds.

The 4¼-percent ceiling has been on the statute books since 1918. In the succeeding 45 years our country has survived the world's greatest economic depression; it has survived the world's most catastrophic war—and without paying more than 4¼ percent interest even during these periods of extreme stress. Of course, the Government should pay less in interest than private borrowers because it is the Government's own credit that is behind its borrowings.

PRESIDENT OPPOSES INCREASE

President Johnson himself in the Economic Report of the President, submitted to Congress in January 1964, strongly emphasized the need for low interest rates. Otherwise the effects of the tax cut and continued economic growth and prosperity might be seriously jeopardized.

In his press conference last month, March 7, President Johnson was questioned as to whether American interest rates may go up this year paralleling the British action in raising their interest rates. His answer was:

> We are hoping that that will not be necessary. We believe it is unlikely. We cannot speak for the investment community but we have hopes that we cannot materially increase our interest rates. We think that to do so might offset some of the advantages that come from the tax bill and we hope that capital will be available in ample quantities at reasonable interest rates to see the new investment take place and new facilities built that will employ additional people.

Only once in the last 45 years has there been a strong move to remove the 4¼-percent ceiling. That was in the closing days of the Eisenhower administration. You know, Mr. Speaker, that the Eisenhower administration spent approximately $4 billion more of the taxpayers' money on interest payments on the national debt than did the preceding Truman administration over a corresponding period of time. Only by prompt action on the part of some Members of this House was that maneuver defeated. Many of the Members of the House on this new steering committee helped to defeat it. The 1965 Federal budget indicates that approximately $11 billion of the people's money will be spent in the next fiscal year for interest alone. Interest as a percentage of the total budget is steadily climbing and now stands at more than 11 percent. Recent developments indicate that once more we must be on the alert to protect the taxpayer. If we fail to do this, the compounding of interest at the present rates will assure us of a $600 billion national debt before we know it.

This assumes that in future years Government expenditures will equal tax receipts except for interest payments. In other words, it assumes that the budget deficit in future years will equal interest payments. Thus it assumes interest payments are added to the size of the debt year after year. At 4¼ percent, our present rate limit of interest on long term for bonds it will take only 17 years to reach a $600 billion debt. At 5 percent it would take only 14 years.

Members of the unofficial steering committee of House Democrats to prevent interest rates on long-term Government bonds from going any higher are being notified of the committee's first official meeting at 9:30 a.m., on Wednesday, April 22, 1964, Banking and Currency Committee hearing room, 1301 Longworth House Office Building.

The list of 51 Members from 25 States, Mr. Speaker, I submit for the RECORD:

MEMBERS OF THE UNOFFICIAL STEERING COMMITTEE OF HOUSE DEMOCRATS TO PREVENT INTEREST RATES ON LONG-TERM GOVERNMENT BONDS FROM GOING HIGHER

ALABAMA

[1] Rains, Albert.
Elliott, Carl.

ALASKA

Rivers, Ralph J.

CALIFORNIA

Brown, George E., Jr.
Burton, Phillip.
Cameron, Ronald Brooks.
Corman, James C.
Edwards, W. Donlon.
[1] Hanna, Richard T.
Hawkins, Augustus F.
Holifield, Chet.
Moss, John E.
Roosevelt, James.
Sisk, B. F.
Van Deerlin, Lionel.
[1] Wilson, Charles H.

DELAWARE

McDowell, Harris B., Jr.

FLORIDA

[1] Pepper, Claude.

GEORGIA

[1] Stephens, Robert G., Jr.
[1] Weltner, Charles L.

HAWAII

Gill, Thomas P.
Matsunaga, Spark M.

IDAHO

Harding, Ralph R.
[1] White, Compton I., Jr.

ILLINOIS

O'Hara, Barratt.

INDIANA

Madden, Ray J.

MARYLAND

Friedel, Samuel N.

MASSACHUSETTS

O'Neill, Thomas P., Jr.

MICHIGAN

Ryan, Harold M.

MINNESOTA

Karth, Joseph E.
Olson, Alec G.

MISSOURI

Cannon, Clarence.
[1] Sullivan, Leonor K.

MONTANA

Olsen, Arnold.

NEW JERSEY

Daniels, Dominick V.
[1] Minish, Joseph G.
Rodino, Peter W., Jr.
Thompson, Frank, Jr.

OHIO

[1] Vanik, Charles A.
[1] Ashley, Thomas L.

OKLAHOMA

Steed, Tom.

OREGON

Green, Edith.
Ullman, Al.

PENNSYLVANIA

[1] Barrett, William A.
Dent, John H.
Holland, Elmer J.

RHODE ISLAND

[1] St Germain, Fernand J.

TENNESSEE

Evins, Joe L.

TEXAS

[1] Gonzalez, Henry B.
[1] Patman, Wright.
Wright, Jim.

WISCONSIN

[1] Reuss, Henry S.

EDUCATION AND THE FEDERAL GOVERNMENT

Mr. PELLY. Mr. Speaker, in connection with the House consideration today of legislation to appropriate funds to aid education, I would like to make a few comments. I want to clarify my position as to Federal support of academic and vocational education.

First let me say that in my judgment the future well-being of our country, and indeed of the world, lies in education. I know of no other effective long-range answer to such conditions as unemployment and poverty than the upgrading educationally of our people and the people of other lands.

In that firm conviction I have given my support to H.R. 10809 which provides $1.4 billion for programs under the Office of Education, including aid to build college classrooms and medical schools and to expand vocational education. This sum, huge as it is, is within the President's budget and can, I think, be justified in the National interest as necessary to the general welfare.

Mr. Speaker, much is being said and written concerning education and the role the Federal Government should play in furthering it. In today's increasingly complex age, when machines are multiplying the output of goods and reducing the manpower needed to produce them, learning is a human necessity. Less physical and more mental effort is involved in our present-day society.

Incidentally, the First Congressional District of the State of Washington, which I represent, ranks as one of the five highest of the 435 congressional districts in the Nation in its level of education. I think Members of the House might be interested in the significance of this high median of education in my district and how it relates to problems this Congress has to deal with in connection with Federal help to our schools.

In my opinion, the need for the best educational facilities, and maximum use of them by our young people today is quite obvious. How right Thomas Jefferson was when he said:

> If a nation expects to be ignorant and free, it expects what never was and never will be.

Research and statistics invariably show that economic independence in modern society to a large degree originates in the classroom. For instance, an official in New York City the other day pointed out that there are 50,000 jobs in that city alone going begging because there are no qualified seekers. Millions of workers are without the skills to fill existing job opportunities. But education is not solely book learning. It involves technical skill as well as knowing how to use a slide rule.

In considering the educational appropriation, it should be recognized that lack of qualified jobseekers swells welfare rolls. A Labor Department official said the other day that America has become corrupted by one-, two-, and three-generation families of public welfare recipients. Caring for such families is uneconomic and an expense the Nation cannot afford.

Dr. Milton Friedman, a University of Chicago economist, has estimated that Federal and local government, not including private agencies such as the United Givers charities, spend more than $33 billion annually on welfare. This averages $3,000 a year for each of the lower income 20 percent of our American families. But this vast expenditure has neither cured poverty nor unemployment. We are told that in spite of this expenditure, 40 million Americans live under inadequate income conditions. What is needed is more and better paying jobs.

The 1960 census provided some solid statistical information which directly linked education and income level. In the families where there was a background of the greatest number of total school years, there was the least unemployment, and the families with the most education had the highest incomes.

I mentioned earlier my own congressional district. Congressional Quarterly, in publishing its statistical material, has analyzed the census information and broken the results down by the 435 congressional districts represented by Members of Congress. I was quite proud of the showing of my constituency and its high average income, low unemployment, and high average median of education. In the State of Washington, of the seven congressional districts, the First District, which I am honored to serve, has the least unemployment, the highest average per capita income, and the highest level of education.

This is the pattern of America; a high median of education has given a higher average income and less unemployment.

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[1] Member of Banking and Currency Committee.

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When Federal aid to education is mentioned, Mr. Speaker, many people regard it as a new and radical process. Of course, the Federal Government has been helping our schools for many years through a variety of programs involving several Government agencies. Some programs help supply facilities and equipment. Students receive Government-financed scholarships, fellowships, and loans for education. Teacher support, curriculum strengthening, research financing, reimbursement through Federal impact funds—all these are already channeling Federal dollars into our school systems.

The Department of Health, Education, and Welfare, the Department of Agriculture, the Atomic Energy Commission, the Department of Defense, and the space program all have major projects. The cost is not paltry. Some 42 departments, agencies, and bureaus of the Federal Government disburse more than $2 billion a year, or about $56 for each student in America. All of our States' higher educational institutions are prime weapons in the fight against disease, poverty, unemployment, and other problems which beset us today.

As an indication of my respect for education, last year I had an opportunity to address the Washington State senate and house of representatives in Olympia. I urged adequate support of our public schools and colleges, as I have done many times in Seattle, in publicly urging support of local school special levies. The regard which Seattle and King County people have for education was emphasized on March 11 of this year, when 22 of 24 school issues were approved by the voters. This heavy local support will go a long way toward heading off the wrong kind of Federal aid—programs which could lead to centralized control of our schools from Washington.

Augmenting existing Federal school assistance programs last year, this Congress passed some specific measures to further aid education. One of the most expensive facets of any educational facility is its buildings. Costs have risen. Equipment is more expensive. Recognizing this, the Congress approved legislation to provide Federal aid for construction of vocational, medical, dental, public health and nursing and graduate schools, junior colleges, college libraries, and science facilities. Likewise, we liberalized a vocational education program to help school dropouts and another to give financial aid to students from impoverished families. Another new bill was to aid in training teachers of handicapped children. I supported all of these measures, and urged our legislature to support matching funds where needed to secure Federal grants.

During 1963, the Federal Government paid States and individuals $2,245,174,000 for educational programs. It was divided this way: $922,042,000 for elementary and secondary schools; $600,808,095 for higher education, and $715,245,000 for veterans and vocational programs. During my 12 years' service in Congress, total Federal education funds have doubled. Higher education appropriations are up more than five times.

In this period, the number of school classrooms has increased 50 percent, while enrollment is up 45 percent. There are 52 percent more teachers, whose salaries have risen 60 percent. Incidentally, in the Far West, teachers' pay scales are 21 percent above average. One of the most controversial aspects of new Federal aid programs proposed for congressional consideration is payment of teachers' salaries. Congress has not favored this type of aid. There are several reasons—the religious issue, fear of Federal control, and disproportionate payment by some States, which pay much more Federal taxes than others.

Mr. Speaker, I have opposed Federal aid for teachers' salaries because I have seen what happens in similar cases. Federal aid could well result in a single nationwide salary standard. I have seen the Federal employees and postal workers of Seattle suffer because they have the same scale as workers in States where living costs are lower. A postal clerk can live well in Mississippi on a salary that would pose problems of maintaining a good standard of living in our area, where general incomes are higher.

In 1960, I polled the people of the First District on Federal aid for teachers' salaries. So did my colleagues. In the First District, 78.3 percent of those replying opposed such a program. The percentages were similar in the Second, Third, and Fourth Districts. More recently, at the request of our Washington State congressional delegation, the University of Washington Political Science Department prepared a questionnaire, which contained a question on Federal aid to education. First District people again have opposed such aid.

At this point, Mr. Speaker, let me state categorically that I do not oppose Federal aid; I oppose Federal controls. Separating the two requires specific laws. Certainly our State highway officials and others in local government who have had to administer various federally assisted programs, have had reason to discover how true is the old adage: "He whose bread I eat, his song I sing." Certainly, too, the parents of America oppose any abdication by their school directors of controls over curriculum and management of education. People want a voice in running their own schools. Federal aid could prevent this and bring Federal controls and dictation from Washington. The Supreme Court has held that it is not only the privilege, but the responsibility of the Federal Government to maintain control over funds it spends. As to present programs, they involve Federal funds, yet are managed on the State level, but all have, to some degree, Federal "strings" attached. I favor local and State control, Mr. Speaker. To further this objective in maximizing Federal funds available for educational use, as many of my colleagues know, I have introduced the Pelly bill, which would have the Federal Government return a percentage of the personal income taxes paid by individuals in each State to that State to be used for education as each State legislature decides—for salaries, or for other school needs. This would require no costly Federal agency for administration. No funds would remain in Washington. It would require only computer figuring of the amount of 50 checks to be issued to the 50 States. Salary levels could be determined in accordance with the cost of living in the various States, instead of on a substandard Federal average, which would be the inevitable result of a federally administered program.

Cost of living salary determination for teachers is important. Our cost of living is rising. President Johnson has submitted the highest peacetime spending budget in history. The deficit next year will be at $5.9 billion. This causes prices to go up. Some 76 of the 100 wholesale price economic indicators have gone up since January 1, 1964. This spells more inflation, which will mean, in effect, a pay cut for every teacher and salaried person in the Nation. I, myself, have followed a policy in Congress of consistently opposing inflationary legislation in order to protect the buying power of wages, salaries, and pensions. Inflation is a silent robber. It is unfair. I know that one University of Washington professor of economics cites me to his students as mid-Victorian in my objection to planned Government deficits and inflation. His motives are good. He is essentially a humanitarian. He wants the Government to spend money we do not have. He does not worry about justifications. But, the cost of living is not a theory, it is the price we all pay for goods and services, and inflation hurts us all financially despite the best intentions and most elaborate theories of economists.

I think that morally I am right. It is dishonest for a Government to advocate policies that penalize sound personal finances. For instance, how about the teacher who puts $75 of her savings into a U.S. Savings Bond? Ten years later, she receives $100 for her bond—$75 plus $25 interest. If, as during the past decade, the buying power of each dollar has decreased, she is getting in reality only $50 back for a $75 investment. Her Government has cheated her.

There are several things that could be done to make Federal participation in education more effective without increased spending. With 42 different and separate agencies of the Federal Government dispensing funds for research and student training, there is a great deal of unnecessary duplication and overlapping. I think all educational programs should be under one or two Federal agencies.

Another weakness lies in the overlapping jurisdiction of various congressional committees. Lumping education under one committee could avoid much confusion and duplication.

The stake we have in education cannot be overestimated. The ultimate solution to poverty is not food stamp plans, a dole, or broader welfare programs, or massive Government spending on public works projects financed by borrowed money—it is education.

Abroad, too, all over the world, whether it is Cyprus or Latin America or the emerging nations of Africa, trained and educated leadership is the need. Foreign aid, misdirected, corrupts, but education strengthens.

We have seen by example that totalitarianism always seizes first the educational system of a country. Hitler, Stalin, and the latter day Castro, all went to the classrooms to indoctrinate the impressionable young with their creeds of hate, violence, and suppression of individual rights and opportunity. We must not let our educational system fall into Federal control. Our local citizenry is still the best repository for the responsibility of overseeing our educational processes. Besides, in cost, we benefit from not having all our educational dollars make the round trip to Washington, where they are shrunken by the penalties of long-distance administration.

Speaking of education, Mr. Speaker, I was interested to note that some 2,500 draft rejects were interviewed recently to determine the cause of their failure. The finding was that the majority were uneducated sons of uneducated fathers. That is not a mere coincidence. To break this rut, it is more important that the present generation of school-age youngsters be given opportunity for education rather than be the victims of handout programs that tend to perpetuate poverty from generation to generation. In Kentucky, social workers have found that many families are into the third generation of existence on welfare, which has become a "way of life" rather than temporary assistance for the jobless. Many have ceased to try to lift themselves out of the mire of underincome living. In this challenging age, the home, the PTA, and teachers are the fountainheads of locally controlled, sound educational systems.

Perhaps we are tempted during relatively prosperous times to forget that we must move ahead to keep even. By 1970, a million more seats will be required in American colleges. By 1970, 10 million more jobs must be found to employ forthcoming jobseekers.

It has been said that machines today possess the equivalent of a high school education. The responsibility we all face is serious. We cannot at the local level unburden ourselves from the task of meeting our educational needs. Federalization of education would be uneconomic. It would destroy choices and academic freedoms we now enjoy as citizens in direct control of our educational system.

Our last two former Presidents have realized the vital need for continuing our educational system under local auspices. President Dwight D. Eisenhower said:

> The responsibility for public education rests with the States and the local communities. Federal action which infringes upon this principle is alien to our system. But our history has demonstrated that the Federal Government, in the interest of the whole people, can and should help with certain problems of nationwide scope and concern when States and communities—acting independently—cannot solve the full problem rapidly enough.

The late President John F. Kennedy expressed the same views. He said:

> The control and operation of education in America must remain the responsibility of State and local governments and private institutions. This tradition assures our educational system of the freedom, the diversity, and the vitality necessary to serve our free society fully. But the Congress has long recognized the responsibility of the Nation as a whole—that additional resources, meaningful encouragement, and vigorous leadership must be added to the total effort by the Federal Government if we are to meet the task before us.

Mr. Speaker, it has been my purpose, as a Representative in Congress, to support those Federal programs that advance the cause of good education, while opposing those which I felt did not reflect the wishes of my constituents—did not contribute to the general betterment of our educational system.

I intend, as in the appropriations bill before the House today, to accept fully the challenge of devising means by which we can harness the prosperity of our productive economy, the revenues available through our Federal tax collections in a fair, equitable cooperative program participated in by the Government, but controlled by the people who pay our taxes.

No one questions the need. Our problem today is deciding on the methods and means of giving every American child the opportunity to fully develop, to savor the benefits of the coming age, to become a well-informed, productive citizen.

I think, Mr. Speaker, that this bill substantially contributes to that objective and it carries my full support.

INDUSTRY AND THE ECONOMY OF THE SEA

Mr. KING of California. Mr. Speaker, under unanimous consent I insert in the RECORD the very excellent and informative statement on "Industry and the Economy of the Sea," by the eminent scientist, Dr. Wilbert McLeod Chapman, at the Governor's Conference on California and the World Ocean:

INDUSTRY AND THE ECONOMY OF THE SEA

(By Wilbert McLeod Chapman, Van Camp Foundation)

I have been asked to speak on the subject "Industry and the Economy of the Sea." My remarks will be confined chiefly to the fishing industry. This is not because other aspects of California's relation to the economy of the world ocean are not important but for two other competent reasons. I know something about the fishing industry and I do not know much more about the relationship of other industries to the economy of the sea than has already been related by other speakers on this platform.

In the past 10 years the worldwide production of fish has approximately doubled. The rate of increase is still increasing.

In this same period of years the California fishing industry has expanded sharply as to production but even more broadly and basically in a geographic and political sense. It is presently operating on substantially a global basis. This has been accompanied by a continually closer interweaving of the industry's commercial policy with economic and diplomatic policy of the United States, of closer and closer cooperation and consultation with international agencies, and a growing dependence upon (and integration of activities with) scientific agencies on a State, National, and international level.

As a rough measure of what has occurred in this line, it can be stated that there are only six or seven countries in the world that will produce this year more fish from the world ocean than the total produced by firms headquartered in California. These are Japan (with whom this industry's relations are close on a global basis and for which California firms provide an important market); Peru (in whose rapidly developing fishing industry California firms are playing an important part); mainland China (whose statistics are very suspect); U.S.S.R.; the United States (in whose total production figures the product of California firms form a substantial part); and Norway (it is probable that the worldwide output of California firms will exceed that of Norway in 1964).

The rapid expansion of California fishing companies into the worldwide scene in the last few years has moved so quickly that its extent is not realized very widely in the State. The integration of this expansion with developments in marine science and technology on State, National, and international levels has come so rapidly that most people in the industry are puzzled by the number of alphabet agencies with which we deal and the ocean scientists are equally puzzled by the varied organizational aspects of the industry into which they seem continually to be coming into contact.

To illustrate graphically the present geographical extent of the production, processing, and marketing aspects of the California fishing industry the Van Camp Sea Food Co. has prepared an exhibit showing these things which is on display elsewhere in this building and will repay your examination.

To lead industry and scientist alike through the maze of organizations in which they are both entangled I have prepared appendixes to this paper describing the more essential State, National, and international agencies with which the industry deals and the major organizational aspects of the industry. In the course of this paper I will refer to these entities by their normally used alphabetic abbreviations, and the listener can refer to the appendixes for elucidation.

To sum up the former it is noted that in 1964 firms based in California will use something over 1,500,000 tons of fish as raw material (about 3 percent of the world total), process it in about 18 countries, and market the product of this manufacture in every State of the Union and in about 50 other countries. Most of this worldwide expansion has come in the past 5 years and the outlook is that it will proceed more rapidly in the next 5 years than it has in the past 5.

To sum up the latter it may be said that wherever this industry has yet gone it has found itself preceded by ocean scientists of the University of California (principally the Scripps Institution of Oceanography to this time) or by scientists associated therewith in other State, National, and international research agencies. It increasingly is learning to apply the results of the research instituted by these scientists, is continually urging them on further to such work, and confidently expects to continue to receive more benefit from them, both in the local seas and the rest of the world ocean, in the future than it has in the past.

THE GENERAL NUTRITION PROBLEM

The very rapid expansion of the world fish production and that of the California fishing industry does not happen simply by wishing it, but as in all such large movements, arises in reaction to basic forces.

The prime strategic problem of the United States, as of the world, is to improve the general welfare and to keep social unrest below such level as might provoke major, or sizable, warfare with consequent damage or destruction to the social, economic, political and other human values of civilization.

The prime and basic ingredient of massive social unrest is hunger and its more evil companion, malnutrition. FAO, WHO and UNICEF, of the United Nations, estimate that areas of the world inhabited by 1,500 million humans suffer a lack of food sufficient to properly support human life or civilized society.

A man, no matter what his stage of civilization, will in the last extremity seek to rob by brute force from his better supplied neighbor the food required to keep his wife and children from starving. So will a nation.

The strategic importance of this fact of human affairs is simply this: The provision of an adequate human diet in the world will not insure peace, but the continued vast hunger of broad sectors of humanity will insure continued social unrest, war and its inevitable destruction of the fabric of civilized society.

THE PROTEIN NUTRITION PROBLEM

From the standpoint simply of numbers of calories required to support satisfactorily human society on a global basis, the problem is not capability of production, but one of distribution, involving economic, political, diplomatic, and social problems of major proportion. In matter of fact production of cereal and other plant generated foods is increasingly becoming an embarrassment of plenty in all industrial countries outside the Communist blocs.

The major problem in global human nutrition is a lack of protein. Without adequate volume of protein in the diet, the human body can starve in the midst of plenty, because it cannot subsist on carbohydrate and fat calories alone. Extensive recent worldwide nutritional studies by FAO, WHO, and UNICEF indicate that almost everywhere in the world where there is subnormal human nutrition it is accompanied by, usually preceded by, and almost always intensified by, protein malnutrition.

Protein malnutrition is evidenced at its termination by the dread wasting diseases called Kwashiorkor and Merasmus, and these advanced stages are preceded by lassitude which increasingly prevents normal social activity as the condition progresses, and increased susceptibility to infectious diseases.

In countries inhabited by about half of the world's human population protein deficiency diseases are endemic and the above noted international agencies estimate that a full 500 million people in the world live in countries where protein deficiency diseases advanced to a stage of sickness or imminent death are endemic and normal. Those sectors of the population always most heavily affected by protein malnutrition are infant children and lactating mothers. Protein deficiency diseases are the largest single source of infant mortality on a global basis.

Protein deficiency diseases can be cured with almost miraculous swiftness by the addition of small quantities of protein containing the appropriate amino acids to the diet. There is, however, some evidence indicating that the advanced stages of the disease may leave irreparable damage to the nervous system. Protein deficiency diseases can be fully prevented by the continued inclusion of small amounts of the appropriate proteins in the diet.

FISH AND PROTEIN MALNUTRITION

To prevent protein deficiency diseases in humans, the proteins in the diet must have in them, in proper proportion, certain essential amino acids which the human body cannot synthesize from other food, without which the body wastes away, and in the continued absence of which the body perishes. These essential amino acids are not found in plant products, or in plant proteins, in the proportions and volume required to keep the human body in health. They are found in these proportions and volumes only in animal products (flesh, milk, eggs, etc.).

Many sectors of the world, heavily inhabited by humans, suffer from conditions which make substantial increases in land animal products impractical and unlikely. For instance, in broad areas of southeast Asia the available agricultural land must be reserved for cereal production. As another example, broad areas of tropical and West Africa have endemic livestock diseases which render the increase in local animal production impractical or impossible.

The flesh of all fish provides the essential amino acids required in the human diet in the proportions required by the human body. While it is possible to damage some of these amino acids in processing, it is also quite possible to preserve them indefinitely in properly prepared and stored products in frozen, canned, salted, dried, or powdered, dehydrated, defatted form. In the latter form a pinch or two in the daily diet of a child dying from Kwashiorkor will revive that child to health within a few days without other medication.

Recent competent studies by scientists at the Scripps Institution of Oceanography and the Institute of Marine Resources of the University of California, supported by similar studies elsewhere, indicate that under present conditions of production, and the state of the art, the production of animal protein from the sea can be increased by a factor of 10, and that the theoretical capacity of the sea to produce animal protein is adequate to satisfy the protein dietary requirements of a world population of 30 billion people (about 10 times the present world population).

EFFECT ON POLICY AND ACTION

It is very difficult for people living in the United States, where there is an embarrassment of plenty and the highest general living standard in the world, to grasp these harsh facts. It is even more difficult for a citizen of California, the most prosperous section of the United States, to do so. If we buy fish the act is occasional, as we like it, and out of no need; if we prefer meat we buy that, or eggs, or poultry, or cheese, all washed down with gallons of milk.

I can assure you, however, that others in the audience who, like I, have spent much time roaming around the developing world of the tropics and subtropics, will confirm to you that the grim picture I have sketched above is underdrawn. I will only reiterate that a prime world problem is protein malnutrition and that the means for solving it are in the sea. In West Africa and southwest Asia, for instance, there is no such thing as scrap fish. Whatever comes from the sea is eagerly sought for food and often purchased at what seems to us from California to be exorbitant prices.

Most of what I have said above is relatively new knowledge arising from world health and nutrition studies made during the past 10 years and from marine studies flowing from the considerable increase in oceanographic research in the same period, substantially spearheaded from our own Scripps Institution of Oceanography.

It takes time for new knowledge to insinuate itself into policy and action. This process is now going on. California fishing firms are increasingly being requested by USAID and foreign governments to make fishery development studies in different sectors of the world ocean. I have been involved in five such operations myself in the last 18 months. The United States and other governments are increasingly concentrating on these problems through the specialized agencies of the United Nations family.

There is another related factor giving additional impetus to fishery development in the world. As the human population of the world gets in its hands more disposable income it naturally tends to buy more protein for inclusion in its diet. This is as true in the industrialized world as in the developing world. Japan and Europe also are short of land space upon which to raise meat. Furthermore, although it is hardly understandable to Californians or other Americans, very large parts of these populations somewhat prefer fish to meat in their diet. Additionally Russia, and to some extent the other countries of Eastern Europe, are having trouble getting their agricultural production up. For Russia, at least, it is cheaper in capital and labor investments to increase animal protein production from the sea than from the land. This has led to a massive, and recent, expansion of Russian sea fishing on a global basis.

These industrialized nations, mostly of the Northern Hemisphere, have an ocean fishing tradition and background and the industrial capacity to push their fishing effort far out from their home waters. What they want to do badly enough they have the scientific, technical, and industrial capabilities to do. Already this has led to Japan and Russia expanding their fisheries geographically to a global basis. Very great geographic expansion is already taking place among the European nations, particularly Spain, Portugal, Italy, France, Greece, etc.

Since the high seas and their resources are the common property of all nations these rapid expansions of fishing effort by the industrialized countries have brought competitive friction among them throughout the Northern Hemisphere as well as conservation problems in several great fisheries.

Since a large share of the badly underutilized living resources of the sea are in the tropics and subtropics the large vessels of the industrialized countries go there. In the tropics and subtropics are most of the developing countries of the world who have the protein nutrition problems noted above. These countries, often, do not have the scientific, technical, and industrial capabilities to harvest the fish that their peoples need so badly and that often lie directly off their coast. To see big modern fleets working within sight off their shores taking the fish they need so much, and can't catch themselves, gives rise to friction and interaction between the coastal and the fishing nations.

It also excites their fears, very largely fed by ignorance, that these big, modern fleets will destroy or damage these resources to the extent that when their next generation will be scientifically, technically, and industrially capable of harvesting these needed resources, the resources will no longer be there.

CONSERVATION AND THE LAW OF THE SEA

The competitive reality and the conservation fears arising from these factors excited interaction and strife among the nations in a major manner throughout the world during the decade of the 1950's. This interaction culminated in three major, worldwide, international conferences on the subject under the auspices of the United Nations during the decade plus innumerable meetings among groups of nations, and in regional organizations and specialized agencies of the United Nations and regional organizations.

Settlement of most of the issues surrounding conservation of the living resources of the sea was achieved in four conventions arising from the U.N. Conference on the Law of the Sea held in Geneva in the spring of 1958. The most pertinent of the conventions to our present purpose was the "Convention on Fishing and the Conservation of the Living Resources of the Sea." A copy of this is attached hereto as an appendix.

There is no conservation problem associated with marine sources with which this convention is not capable of coping. The conservation problem, however, is only the lesser half of the source of the international strife. The other is, who is going to be able to reap the benefits of the conservation.

It is not breaking a confidence to say that most men of most nations have a slight touch of cupidity in their character, and the nations they compose reflect this in their actions. It is a truism of international, as well as domestic politics that such cupidity should never be evidenced in a direct manner because it is not only bad manners but it may persuade otherwise neutral voters to cast their ballots against you at a critical moment.

Accordingly the nations of the world seldom if ever seek to control the fisheries of the high seas by stating that it is for their private gain. This is not only contrary to international law at the present stage of history but it is bad form. Therefore they seek to cloak these competitive controversies under the comprehensive blanket of conversation.

The other fellow who is interfering with your fishing activity on the high seas is always overfishing the resource or just about to do so. The way to safeguard the resource is to have him stay home and fish off his own beach.

Despite the clarification of the issues in the above noted convention, which was signed by almost all of the 88 nations at that conference, the battle over fisheries on the high seas and their control goes on, and gives promise of generating about as much friction during the coming decade as it did during the last.

It is doubtful that there is any single factor aimed more directly at preventing the development of needed world fisheries than this one. Although under the above noted treaty the nations agreed to define "conservation of the living resources of the high seas" as "the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products," it is obvious that some of them had their fingers crossed when they signed it.

Those of us in California are happy to point the finger of shame at southern countries who have attempted from time to time to claim, or even enforce, sole jurisdiction over the sea adjacent to their coast to a minimum distance of 200 marine miles and were unable to harvest the resources in that area. It may be noted that their activity is founded on substantially the same basis that our Pacific Northwest colleagues (now joined by New Englanders as well) have employed in a so far futile effort to keep Russian and Japanese fishermen from harvesting resources off the North American coasts which American and Canadian fishermen have not had the economic ability to harvest.

We in California have been doing precisely the same thing, but so far only to ourselves, which at least is not so morally bad from the international viewpoint. As will be noted below, competent research has indicated that there are about 1 million tons of anchovy and perhaps 100,000 tons of hake per year that could be safely harvested off the southern California coast.

The regulations of the State of California prevent the reduction of anchovy to oil and meal (the foundation of the enormous Peruvian fishery), which is the only way anybody knows of using such a volume of anchovies, and prevents the use of trawl nets south of Point Conception, which is the only gear anyone knows that is likely to be able to harvest hake economically. In the meantime something over 1 million tons of fish that could be used for human needs and the improvement of the California economy dies and goes to waste in the sea each year.

Of course we Californians, like the Alaskans, Peruvians, Chileans, and New Englanders, do all this under the name of conservation. Our embarrassment is that we have perhaps the best rounded group of fishery researchers in the world in southern California and unfortunately they have looked into the situation and said that not only conservation is not involved but that these unused resources are just going to waste now and should be used.

This well illustrates one of the continuing needs of the California fishery, or any other substantial fishing industry in the world.

Conservation problems not only do exist in marine fisheries but it is certain that they will be more numerous and noticeable elsewhere in the world as time goes on, and as world fishing pressure increases. These are among the most vexing scientific problems to solve in the ocean research field, quite aside from the political and economic arguments that normally enshroud them. Skilled scientists, much money, and time are required to bring the scientific problems themselves to solution.

On record it is the fishing industry that sets up the demand for conservation research. This is not because people engaged in the fishing industry are any less selfish or more farsighted than others. Quite aside from wishing to know what the facts are and thus get politicians, sportsmen, diplomats and the like off its back, the fishing industry over the years of this century has learned the hard way that overfishing lowers the catch per unit of effort, raises the cost per ton of production, lowers profits, and if carried far enough eliminates the basis of business.

The California industry has been signally blessed by the quality and capabilities of the conservation scientists it has been able to attract to work here in the Inter-American Tropical Tuna Commission, the U.S. Bureau of Commercial Fisheries, and the California State Department of Fish and Game.

The industry will continue to look for guidance from these competent scientists in its conservation problems elsewhere in the world ocean. It is already using their advice and assistance in dealing with conservation research in the Peru area. It has sought their advice in the establishment of an Atlantic Tuna Commission, on the model of the highly successful Inter-American Tropical Tuna Commission, for the near future. It seeks and uses their advice and counsel frequently in local, national, and international problems of this sort that it has, and will undoubtedly do so more extensively and frequently in the future.

To conclude this section it may be summarized that conservation problems in marine fisheries are real and numerous, and will become more numerous as time goes on. This is so even where the sham of commercial and national selfish competition is stripped from the controversies. These problems need much labor from many of the most competent marine scientists for their solution. The demands of the California industry on the State's educational facilities to train these men and women, and its research establishments to utilize their talents, has already been large and will be ever more incessant and on a broader geographic base as the industry's operation stretches farther over the world ocean. This sort of work the industry cannot do itself.

INCREASING PRODUCTION

While there are many problems to be whipped in order to increase harvesting, processing, and distribution of the required protein from the sea to where it is needed, the chiefest of these is cost.

Man lives in a very narrow band on this earth. He has learned to go a few thousand feet up into the air and a few hundred feet into the water and still sustain life. As between the rigors of outer space and those of inner space, which is the ocean, the latter are worse and more unknown. The ocean is an inhospitable environment for man. He has not yet been able to get into it very deeply and learn much about it despite the overwhelming effects upon his livelihood that it controls through the weather, provision of fresh water, transportation of things, production of food, etc. So far he has been unwilling to put the money into the hard, grubbing work of scientific inquiry into the inner space of the ocean that he has to the more romantic if less productive and important outer space.

The prime problem of harvesting all resources from the sea is to separate the product from the water at a cost so that the cost of producing a ton of product will be less than the price those products will bring plus the cost of processing, distribution, marketing, etc. Animals of those sorts presently used by man aggregate at certain times and in certain places. The essential problems in reducing the cost per ton of producing animal protein from the sea is the location of these aggregations of resource in time and space so that the density of the aggregation, in combination with other economic forces, render the cost per ton of harvest least.

All major fishery resources in the ocean not only aggregate in this fashion from time to time, but also the point of aggression is normally susceptible to presently unexplainable shifts in time and space, with the seasons, in relation to longer term time periods not well understood, and in reaction to changing oceanic phenomena, some of which are dimly understood but most of which are quite unknown.

In general it may be said that fish are most abundantly produced and aggregated in relation to areas of vertical circulation of water where the sub-surface waters rich in chemical nutrients for plants rise up into the photic layer where sufficient solar energy reaches the plants so that they can synthesize from these chemicals the beginning building blocks of life.

Where strong winds blow off the land, where pinnacles or shoals rise from the bottom to cause turbulence in the passing currents, where currents going in opposite directions rub against one another, along the eastern boundaries of oceans, to leeward to capes and islands, and in some other typical localities, these areas of upwelling, with consequent fish production and aggregation, may be anticipated.

But the currents which cause these upwellings are dynamic. They fluctuate in respect of season, of location, and of strength. When the current dies away in strength, as has been observed, the upwelling decreases and the fish disperse. The location of the current, and particularly its boundaries, may shift not by miles, but by degrees, or by five degrees distances of longitude or latitude, with season, with year, with longer term cycle.

The prime need of the fisherman from the scientist and technologist is the capability of being able to guess better than he now can how these ever shifting currents will trend and how they will shift the location and density of fish he intends to harvest.

Since the major variable force driving most ocean currents is the wind, the fisherman as well as his associated marine scientists and technologists, look increasingly to the meteorologist for capabilities to enable them to predict better these key dynamics. Increasingly it becomes obvious that the forces which are primarily affecting the fisherman's cost per ton of production are occurring over the horizon out of the sight and sensing capabilities of himself and his associated scientists and technologists.

It is from this knowledge that increasing demand has come for the synoptic charting on an oceanwide basis of simple dynamic parameters such as surface temperature, salinity, thermocline depth, etc., along with the demand for the rapid transmission of these synoptic charts back to the ships at sea, where their information can be quickly applied. Thence comes the interest in international oceanography, for no nation is powerful enough yet to know the whole ocean. Thence stems the interest in the general scientific framework for a comprehensive program of investigation of the world ocean now being put together by SCOR, ACMRR, and the nations in the Intergovernmental Oceanographic Commission.

In the tropics and subtropics, in particular, the depth of the thermocline is especially important to the fisheries, and it is not certain that this is not the situation in higher latitudes as well, where the effect may be more subtle, but important all the same.

In the tropics the thermocline tends to be quite sharp, having quite cold water just below it, with a quite low, or almost zero, oxygen content. The fishes of lower latitudes not being habituated to such conditions, must stay above such water or perish. Thus as the thermocline rises toward the surface the schools of fish are concentrated into easily caught masses, while the reverse effect of a deepening thermocline disperses the fish through a deeper water column, giving them more space in which to avoid the fisherman, or even decreasing the density of concentration to a point rendering the attempt to catch them quite uneconomical.

I have noted the above as a few of the aspects of ocean research in which the fishing industry is interested. There is another growing field of research which appears to give much chance of benefit to the harvesting of marine resources. That is the field of fish behavior and also the field of fish location by electronic devices.

What commercial fishermen want and need from marine scientists and technologists is prediction of oceanic phenomena, sturdy and dependable instrumentation at reasonable cost with which they can sense the parameters required for the prediction, and the theoretical models by which the sensed parameter may be linked by them to the phenomenon sought—which is a school of catchable fish.

THE WET FISH BUSINESS

The California fishing industry lives in a harsh competitive world. The resources it harvests are the property of he who first reduces them to his possession. Unlike most land resources there is no private or national ownership. Through careful husbanding one cannot increase the productivity and profit therefrom, for one's self.

Its markets are open to every other fisherman. There are no tariffs on the fresh or frozen fish it produces. It has little or no access to the markets of its chief competitors on the high seas, which are closed to it by tariffs, quotas or other forms of exclusion. It operates on the sea with no direct subsidy from its government in competition with fishermen of other countries that have high subsidies from their government. It competes for labor and skills with shoreside industry having the highest rate of pay of any general industrial economy in the world. It has had to scratch.

The prime benefit it has had is being in a State where educational standards are high, where it could get labor which could apply new developments in science and technology, and where there was an ocean research establishment of extraordinary excellence and strength.

From about 1913 until shortly after the war a series of strong directors made the California State Fisheries Laboratory of the California Department of Fish and Game a prime force in United States and world ocean fish research. As has been customary in California this work was supported by direct user tax, that is by the fishing industry.

This worked quite satisfactorily when the industry was operating close to California shores and while sardine were abundant and life was uncomplicated.

After the war the sardine disappeared. In a last gesture the California industry solicited the State legislature to tax it another dollar per ton on sardine, anchovy, mackerel, herring, and squid catches (what are called wet fish) in order to initiate research on the problems surrounding the disappearance of the sardine. This was to be spent under the direction of a marine research commission whose members were appointed by the Governor of the State.

This problem turned out to be considerably more complex than the amounts of money available could solve, and perhaps a certain interval of time was required as well for the scientific problems to be elucidated. In any event it has taken the scientists, working in association with the MRC, 14 years to bring forward answers capable of being used by the industry, and as noted above, the means of using their findings now are blocked by State law adopted a generation ago for different purposes.

In the meantime the great sardine industry of California withered and died. The department of fish and game's marine research establishment very nearly did the same as its income from the sardine fishery declined, the department's attention was attracted more vigorously to inland fishing and hunting problems, etc.

The booming prewar fishing industries of San Francisco and Monterey found no important alternative to sardine and did not recover. The southern California industry in San Diego and San Pedro turned increasingly to tuna, and to tropical tuna. Directly after the war for several years all segments of the industry prospered and grew in an active market for tuna. As soon as the occupation was over in Japan the Japanese began their great surge to worldwide tuna fishing operations urged on by a benevolent home government. By 1951 the tuna fishing section of the southern California fishing industry was receiving hammer blows from its Japanese competition. The Japanese could catch fish in the Atlantic, Pacific, and Indian Oceans and lay it down in southern California at a creaper price than the California fisherman could do.

During this decade the southern California industry went different economic paths. The fishermen and boatowners staggered under heavier and more solid blows from Japanese competition; under the situation of low raw material costs and actively growing market the processors grew and prospered.

The only way the fishermen could survive was to lower their cost per ton of production. Finally in 1959, as they appeared to be drawing their last gasp, a technological breakthrough came. The simultaneous use of nylon webbing plus the newly invented hydraulic power block made it at last possible for the southern California tuna fishermen to get his cost per ton of production well enough lined up with his Japanese competitor so that he could thrive.

The benefit of this technological revolution fell most heavily on the San Diego fleet. The smaller vessels of the San Pedro fleet had been built mostly for the sardine and mackerel local fishery. They did not have the size or range so that they could compete with the larger long-range San Diego fleet which had been built specifically for the tropical tuna fishery of the Eastern Pacific. In consequence the San Pedro fleet has continued to wither away and is presently in very bad condition economically.

It is this fleet which has the possibility of benefiting if there were a chance of developing a new fishery nearby for it to work on.

In the ensuing 14 years the scientists of Scripps, the U.S. Bureau of Commercial Fisheries and the State Fisheries Laboratory working as the California Cooperative Fisheries Investigation in cooperation with MRC has riddled out what happened to the sardine and why they have not come back.

The facts appear to be that the anchovy off southern California have increased as the sardine decreased so that the sardine have been replaced almost weight by weight by anchovy. There is a standing crop of about 4 million tons of anchovy off the coast of California at the present time. According to the production records of other similar fisheries in similar latitudes, it should be able to yield a quarter of its total, or about 1 million tons per year, without exceeding the maximum sustainable productivity of the anchovy stock.

There is no possibility of canning or otherwise processing anchovy for direct human consumption under U.S. cost structure in any considerable volume and breaking even on doing so. This has been adequately tried by competent canners.

The only use that is known that could be made of this resource is to reduce it to meal and oil for indirect consumption by humans through feeding it to poultry. This cannot be done on a small basis—it has to be on a very low-unit cost and large-volume basis because the product would compete in the market with Peruvian anchovy oil and meal. Peru harvests about 6,500,000 tons of anchovy per year and the raw fish cost in Peru is a little less than $10 per ton. The California fishery would have to compete against this cost structure or not survive.

The San Pedro fishermen think that there is at least an even chance that they could do so if they could have a large enough quota to make it possible to reach a break-even point. They at least are willing to gamble on it. The scientists say now that there is a safe annual crop available of about a million tons a year. The fishermen do not need half of that with which to make their gamble. But the California Fish and Game Commission is the only official body in the State that can issue reduction permits. So far they have been unwilling to issue anchovy reduction permits adequate to get this fishery going again.

As an accidental outgrowth of this research the same body of scientists has found that there is a large crop of hake available, at least seasonally, off southern California. Access to this resource is blocked to the fishermen by an old law on the books, the origin of which is almost forgotten, saying that fish caught by trawl cannot be landed commercially in southern California. Nobody knows how to catch the deep swimming hake in commercially practical volumes except by trawl. Thus the fishermen are blocked from utilizing this scientific discovery.

Almost as interesting as these facts are the theory that this body of scientists has come up with to explain the replacement of sardine by anchovy in the California Current area. Oversimply put it runs as follows: Sardine were subject to a heavy fishery; anchovy were not. A long term cyclic change in the local ocean associated with a slight lowering of average temperature damaged the survival of young sardine for several years in a row. This same temperature change was favorable to the survival of the young anchovy. The sardine declined in abundance; the anchovy increased as the sardine declined. The sardine and anchovy were to a degree competitive in the ocean. At last the anchovy became so abundant in the local sea that they formed what might be called a "biological lid" on top of the sardine through which the sardine could not break and prosper even when they had a good ocean climate year that favored them.

Ergo the only way to get the sardine back is to fish the anchovy hard and give the sardine the advantage that the heavy fishing pressure formerly gave to the anchovy.

I will leave it to Professor Isaacs, one of the chief scientists in this work, to explain the obvious worldwide significance of finding out whether this theory is correct or not.

The upshot of these 14 years of research, supported by fishermen's money, at this stage, however, is that the facts are fine and the theory is interesting, but the fishery of San Pedro is nearly dead because it is against the law in California for the fisherman to make use of the scientific findings.

THE TROPICAL TUNA FISHERY

As noted above, the tropical tuna fishery of California (always centered on San Diego, but for many years substantially worked out of San Pedro) thrived from the end of the war until 1951, continuing the extension of range southward that the diesel engine and shipboard refrigeration had made possible during the 1930's.

From 1951 to 1959 this fishery fought to hold its own in the market and slowly retrogressed. In 1959 and 1960 the purse seine revolution revived it and vessel construction began again with a surge. The fleet is smaller in number of vessels now than in 1950, but the size of the vessels average larger and because of increased efficiency the fishing effort it is capable of is larger. The large new vessels, costing as much as a million dollars apiece, have the range to go anywhere in the world, and in actual fact have been fishing the Western Atlantic off New England and the west African coast in the past few months, as well as the Eastern Pacific from San Diego to Chile.

This fleet scarcely hit prosperity again before it began to make trouble. Of the two kinds of tropical tuna available to it in the Eastern Pacific, yellowfin was known to be able to produce something less than 100,000 per year without exceeding the point of maximum sustainable production. The skipjack so far have not been affected sufficiently by the fishery for any such estimate to be formed. It can only be said that the skipjack stocks are much larger in the Eastern Pacific than the yellowfin stocks and capable of producing much more than 100,000 tons per year without exceeding maximum sustainable productivity levels.

It was the luck of the San Diego fishermen, however, that yellowfin were much easier to catch by the new purse-seine technique than skipjack. Accordingly the weight of the newly revived fleet shifted suddenly the heavy pressure on yellowfin, and lightened pressure on the skipjack, which could have stood more.

The consequence was that already in 1960 there was overfishing on yellowfin, which became serious in 1961, and more serious in 1962. In 1963, without any regulation, the yellowfin stock produced only 74,000 tons in the entire fishery of the Eastern Pacific.

Fortunately the scientific work on yellowfin tuna is in good shape, due to the foresightedness of the industry in seeing to the formation of the Inter-American Tropical Tuna Commission in 1950, and the excellent research conducted by its staff from then to now. What should be done to rectify the situation is known and is being worked upon actively. Legislative and diplomatic activity simply moves slower than the industry. There was the necessity of getting legislation through the Congress giving the U.S. Government power to regulate American fishermen so as to carry out the recommendations of IATTC. There was then the necessity of getting the other countries involved to do likewise. The first has been accomplished. All of the other countries but one have agreed to take similar action, and it appears likely that the last one will similarly agree this spring.

Accordingly, although the San Diego fleet has a rough time ahead of it for the next 3 or 4 years while its yellowfin stocks are rebuilt again to full production strength, the barriers to that have been pretty well removed and the appearance is given that this will be begun this year.

THE SCIENTIFIC ESTABLISHMENT

Thirteen years ago when the IATTC began its work very little was known about the Eastern Tropical Pacific, or about the resources that live in it. To the good fortune of the fishing industry a great many competent scientists have been attracted to this work in the ensuing years. To two of them in particular the industry owes a deep debt of gratitude.

Dr. Roger Revelle has never pretended to know much about fish or fisheries. When he became the director of the Scripps Institution of Oceanography he had one overriding objective. This was to attract to that campus the best brains he could get in the ocean research field. He reasoned that if he had the best brains on his campus the money to support their work would flow in reasonably automatically.

Under this steady policy the Scripps Institution of Oceanography has become the largest and most competent ocean research organization in the world by a substantial margin. It has spread its interest at the same time to the whole world ocean, a fact that is now becoming a tower of strength to the California fishing industry, which began the same expansion on a global basis 2 or 3 years behind Scripps.

The second scientist to whom this industry owes much is Dr. M. B. Schaefer. He became director of the IATTC in 1950. Being a top fishery scientist he knew the size of the problem that had been given to him and that the budget he had been given to do the work with was by no means adequate to the task. What he needed was much more knowledge about his piece of ocean before he could learn much about his fish. This was expensive work that he did not have the money to buy.

Most of the Scripps money at this stage came from the U.S. Navy through ONR. The Navy had so much it needed to learn about the world ocean that it really did not care where Scripps investigated first. Dr. Schaefer did. There thus began a collaboration and cooperation between the two organizations and two men that was unparalleled in fishery oceanography to that time. This earned Dr. Schaefer the deserved reputation of being willing to cooperate with anybody who had a bigger budget than he had, latterly amended to a willingness to cooperate with anybody who had any budget at all and was willing to research in the Eastern Pacific.

The upshot of this is that much has been learned about the eastern tropical Pacific and its living resources in the intervening years. Also there has been built up a large and efficient group of research laboratories in and around the Scripps Institution which consists not only of IATTC, an international body, but the U.S. Bureau of Commercial Fisheries Biological Laboratory at San Diego, the Scripps Tuna Oceanography Research (STOR) program, and the Institute of Marine Resources of the University of California.

Roughly speaking the function of the IATTC is to protect the tuna from the fishermen, that of the BCF laboratory is to aid the tuna fishermen to more efficiently and cheaply catch tuna, and of the Scripps-University of California group to provide the climate of knowledge and understanding of the ocean to permit both of these things to proceed efficiently and in good time.

In the same interval of time Revelle and Schaefer, much strengthened by the activities of Professor Wooster, of Scripps, have worked in their several fashions to increase the ocean research capabilities of Peru, Colombia, Chile, Ecuador, and Mexico in the same area with varying but useful results. The marine research of Peru, in particular, has advanced rapidly so that that country is now a fully capable partner in these ocean researches.

Additionally the Bureau of Commercial Fisheries has, in this period, established its biological laboratory at Stanford which has undertaken most effectively to study (under Sette) the gross temporal changes in the whole North Pacific (north of 20° S. latitude) and their relation to fishing success in the important North Pacific.

Fourteen years ago the very few tuna biologists then working on the Pacific coast and in Hawaii (where Sette and Schaefer then were) decided that they should meet to discuss jointly what they had separately found out and to plan jointly what they might separately and jointly do during the coming year to find out more. This has worked so well that the informal Pacific Tuna Biologists Conference has been held each year since then, with much benefit to all hands.

By 1954 the tuna biologists were far enough along with their work to realize that they were not going to get much further until they had the help of physical and chemical oceanographers in planning, doing, and interpreting their work. Accordingly the chairman of the Pacific Tuna Biologists for that year (Sette), was requested to invite oceanographers from Canada and the Western United States to meet with the biologists at the conclusion of their meeting, held that year on the Scripps campus.

The upshot of this was the formation of a sister organization, EPOC (Eastern Pacific Oceanic Conference), which has met each year since then directly after the Pacific Tuna Biologists Conference.

Surely this is one of the most unusual of scientific organizations. It has no charter, no bylaws, no organization, no permanent officers, no dues, no members, nor anything else that an association should have. Yet it has become one of the more effective organizations in ocean research in the world, to whose meetings come scientists from afar. The reports of its study groups are paid attention to on other continents as well as this. The regard in which EPOC is held away from the Pacific coast was reflected at last year's meeting by the representative of the Canadian Oceanographic Data Center, who said: "Some of EPOC's recommendations have become increasingly far-reaching, so far in fact that some pertaining to data processing have entered my organization, that is, the Canadian Oceanographic Data Center. It is because of this that representation by CODC at EPOC meetings became a necessity, if only to help shape some of their future recommendations pertaining to data centers."

Sette (a fishery biologist engaged in oceanographic research) and Reid (of Scripps) (an oceanographer involved in fishery research) were elected temporary chairman and temporary secretary, respectively, in 1954, and have served temporarily in those positions until the present. The annual meeting, with few exceptions since it was opened, has been held at the Lake Arrowhead Conference Center of the University of California.

In 1957 the National Academy of Sciences/National Research Council established its Committee on Oceanography (NASCO). Dr. Harrison Brown, California Institute of Technology, was its first chairman and Revelle and Schaefer were exceedingly active on it from then to now. It is not an exaggeration to say that this committee has been not only the prime force in activating current interest in ocean research in the U.S. Government and in the United States, but in international circles as well. Not only the committee itself has been extraordinarily effective in the United States and world ocean research development, but so have been the activities of its many panels and working groups upon all of which California scientists serve. It serves as the U.S. national committee for SCOR.

In 1957, also, the International Council of Scientific Unions established its Special (latterly) Scientific Committee on Oceanic Research (SCOR). This has become the most effective international organization of oceanographers in the world—Revelle was its first chairman and has been a member of its executive committee continuously since. This body is directly responsible for the initiation of the international Indian Ocean expedition (the largest ocean research project to date, in which scientists and ships from more than 20 countries are engaged), the establishment of the Office of Oceanography in UNESCO, and the establishment of the semiautonomous Intergovernmental Oceanographic Organization (IOC), to which now over 50 nations belong. Aside from Revelle on SCOR, California scientists serve on most of the working groups of SCOR—appointed to study specific subjects.

The formation of the Intergovernmental Oceanographic Commission in UNESCO in 1961 was a major step forward in international oceanography. For the first time in history the maritime nations are considering the world ocean, and not just separate parts of it. Wooster (Scripps) was the Director of UNESCO's Office of Oceanography and Secretary of IOC for their two formative years, but now, fortunately is back at Scripps working.

In 1961 Revelle, on leave of absence from Scripps, became the first Scientific Assistant to the Secretary of the Interior, where he labored vigorously in the ocean research affairs of the Department of the Interior, the Interagency Committee on Oceanography (ICO) and the Office of the President's Scientific Adviser. Fortunately he, too, has returned to the Directorship of the Scripps Institution of Oceanography.

In 1962 FAO formed its Advisory Committee on Marine Resources Research as a counterpart to the oceanographic activity going on in UNESCO. IOC has made both SCOR and ACMRR advisory bodies to it. California scientists serve both on ACMRR and its working parties on specific subjects.

In 1951 the California fishing industry petitioned an interim committee of the State legislature to establish in the University of California an entity which would do for fishermen of the State what the university's various activities in agriculture have done so magnificently for the farmers of the State. This objective has not been nearly attained, but in 1956 the Institute of Marine Resources was formed in the University of California. It is a universitywide organization but headquartered on the campus of the Scripps Institution of Oceanography. In 1962 Dr. M. B. Schaefer became its permanent director, and the institute is now engaged in a period of vigorous growth which the industry hopes will be supported adequately by the State and may eventually reach that level which the industry solicited 12 years ago.

In the above change Dr. John L. Kask, an experienced hand in this area and work, returned from 10 years as Chairman of the Fisheries Research Board of Canada to become director, Inter-American Tropical Tuna Commission, also headquartered on the Scripps campus.

THE SKIPJACK PROBLEM

Fifteen years ago it would not have been possible to embark upon a program of research broadly enough based to find out much about the Eastern Pacific Ocean skipjack stock that could have been used successfully by the industry to continue and increase production from it. The scientists, the organizations, the research ships, and the scientific apparatus were not available and could not have been bought had the money been available, which it was not.

Now the scientists are at hand, the research vessels have been provided by the national oceanographic program, organizations to provide the required liaison among scientists on State, National and international levels are working, computers are available with which to handle the masses of data so huge that the human hand could do nothing with them unaided, moored buoys to gather time-space data in the open ocean automatically and continuously are in the advanced pilot model testing stage, etc., and now for the first time it becomes possible to look at a big piece of the world ocean in one glance and perhaps understand something about it.

The skipjack tuna which will provide the mainstay of the California tuna industry from now on are creatures of the open tropical ocean. This year they provided well over 50 percent of the tuna caught by all nations in the eastern tropical Pacific Ocean. They have been the object of a heavy fishery for over two decades and the subject of population dynamic studies of excellence by IATTC for 14 years. The heavy fishery upon them has produced no measurable effect upon their abundance. The corollary of this statement must be that their total abundance in the Eastern Pacific is very large.

For the most part skipjack do not spawn in the Eastern Pacific. Most of the skipjack caught in the Eastern Pacific are juveniles. They come in toward the continents of South America and North America from the open Pacific to the west and return there. From how far they come or whence they go is not known, but skipjack tagged off Mexico have been caught south of Hawaii, and in the central Pacific their eggs and larvae are a prominent feature of the plankton hauls almost every month of the year.

The area of ocean involved in the skipjack problem is too large to be adequately investigated on available fishery funds, or any that could be reasonably anticipated. However the U.S. Navy has many research objectives in the same area of ocean, as does the Peruvian Navy. The U.S. Weather Bureau wishes to learn about the effects of the ocean on tropical weather in this area. The U.S. Coast and Geodetic Survey has research objectives in the area as does the Atomic Energy Commission, etc. Pooled together with the available fishery oceanography capabilities in southern California, Mexico, Colombia, Ecuador, Peru, and Chile a suitable effort might be capable of being mounted.

At its 1960 meeting EPOC established a committee "to consider and report to the next conference on a program, including costs, of a study of the upper ocean in the Eastern Tropical Pacific." This committee reported back at the 1961 EPOC and EPOC adopted its report, with some modifications, and appointed a committee on implementation which had among its other instructions to "take such actions as it deems appropriate to secure the implementation of the report in accordance with the time schedule recommended therein."

Accordingly the scientists in and around Scripps have been in the process of correlating and summarizing available knowledge about the area of ocean enclosed between about 40° N. latitude, 30° S. latitude, 145° W. longitude and the west coast of the Americas, preparatory to mounting the at-sea phase of work contemplated by this large project. This is getting in an advanced stage and it is intended that the ship phase of the EPOC cooperative program of study of the eastern tropical Pacific Ocean will be initiated in 1965.

To quote the EPOC report the values anticipated by this extensive 8-year-long program will include:

"(a) It will contribute importantly to the oceanwide, ocean-deep survey of the World Ocean which has been recommended by the U.S. National Academy of Sciences, the Special Committee on Oceanic Research of the International Council of Scientific Unions, and other agencies. Such a survey in this region is practicable in the near future from the standpoint of availability of ships, shoreside facilities, and interested scientists.

"(b) It would provide the scientific basis of increasing the harvest of the living marine resources, which are of vital importance to the protein-deficient countries bordering the region, and are of considerable economic importance alike to the advanced and the underdeveloped nations of the Americas. In this region lie the economically most important fisheries of the United States, and the largest fishery in the world for a single species (the anchovetta of Peru). Although this region of the sea is currently producing some 10 percent of the total world fishery harvest, its potential is vastly underutilized.

"(c) It would provide an unparalleled opportunity for studying physical and chemical oceanography related to the equatorial circulation and to eastern boundary currents, and their effects on the oceanic plants and animals. These phenomena appear to be more strongly evident here than in any other part of the sea, and are most accessible to existing centers of oceanographic research.

"(d) The meteorological phase of the program would provide the scientific basis of greatly improved weather forecasting in the tropical regions. It would also provide understanding of air-sea processes of critical importance to weather forecasting, and possible future weather control, throughout the world.

"(e) It would make possible the fruitful study of geological and geophysical features, knowledge of which is of great importance to understanding the history of the earth and its ocean basins, the techtonic processes of the zone bordering the continents of North and South America, and processes of sedimentation, and heat flow through the sea floor, as well as providing a useful inventory of the mineral resources of the sea bottom.

"(f) It would importantly further the objectives of the technical and educational assistance programs of national and international agencies.

"(g) It would provide a focal point for development of international cooperation in marine sciences with and among the nations of Latin America bordering the Pacific Ocean."

SUMMARY

A shortage of animal protein in the human diet is a worldwide problem of major magnitude and concern. It centers in the developing countries of the tropics and subtropics, and most of them are affected by it, many to a major degree.

More than enough animal protein is available in the world ocean for harvesting on a sustainable basis to fill this need. The acquisition of added scientific and technical knowledge and understanding of the ocean will aid much in speeding up the process of filling this need, as will the application of available knowledge by competent management.

In California there is a unique combination of scientific and technical skills related to the ocean, of skilled management in broadly experienced fishing companies, of managerial talents in fishing vessel ownership and operation, and fishermen sophisticated in using modern techniques and applying new knowledge to fishing methods.

The full and coordinated use of these several talents can further the implementation of important economic and social policies of the State of California, the U.S. Government, and the United Nations family.

The California fishing industry, through economic forces falling with different weight upon its parts, and outside its control, has been artificially separated into two segments in the past decade, the canners on the one hand and the fishermen and boatowners on the other.

The canners, having much greater flexibility and mobility of capital, have moved out into the world away from California and have become an important force in the global production of animal protein from the world ocean. They are capable of taking full advantage of the ocean research on a worldwide basis done and stimulated by California scientists. This has been of aid to them, and they expect expanded assistance of this nature from their home State in the future.

The fishermen and boatowners sections of the industry have either only held their own (as with the San Diego fleet), have declined sharply (as in San Pedro), or have ceased to be an important economic force in the community (as in Monterey and San Francisco). Their prime source of past technical and scientific assistance in the local sea area, the California State Fisheries Laboratory, has had insufficient support from the State government to keep pace with modern developments in ocean research.

Antiquated State regulations prevent this sector of the industry from using the scientific knowledge of the local sea that has been acquired. They do not have the capital mobility and flexibility to go elsewhere in the world to ply their trade, as have had the canners. The State has never approached the point of giving its sea farmers the intelligent and practical assistance it has given its land farmers with such magnificent results.

In consequence the seas off California contain very large renewable resources for which there is a need in the world and which go unharvested. The fisherman-boatowner sector of the State's economy is at a low ebb and continues to decline.

The Institute of Marine Resources of the University of California which the industry requested to be formed 12 years ago to cope with such problems from a scientific and technological viewpoint (as the university has done for the State's farmers), has at last gotten up steam and is moving in the direction desired.

It has no housing or laboratory structure of its own as yet and there are no plans in existence for the construction of such. It is housed primarily in structures provided by the Scripps Institution of Oceanography.

Not only does this excessively cramp the proper growth of the Institute of Marine Resources, but the Scripps Institution of Oceanography itself is so cramped for space that a considerable part of its research staff is housed in temporary wooden structures on its campus, and, worse, in temporary wooden barracks left over from World War II (kindly provided by the Navy) on Point Loma, several miles from the campus.

The board of regents, and the State Department of Finance, is so overawed by the oncoming crowds of university students in the State that they have almost abandoned efforts to house the university's scientists adequately, in favor of diverting funds to structures to attend to strictly instructional needs.

Most of the funds supporting ocean research in California come from the Federal Treasury in one manner or another. It would seem that a proper responsibility of the State, at least, would be to provide office space and laboratory facilities in which to house the scientific work for which the Federal Government is willing to pay.

RECOMMENDATIONS

1. That appropriate attention be given by the State government to the financial support, the policy directives, the hiring policy for scientists, and associated matters aimed at making the marine end of the State department of fish and game competent to properly assist the California fishermen and boatowners in the application of modern science and technology to the increased harvest of the great latent marine resources directly off the coast of California.

In this instance it is noted that the research vessels of the State Fisheries Laboratory are not only overage but so decrepit that a commercial enterprise would junk them, the library (which is the finest fishery library on the Pacific Coast) is so inadequately housed that there is no longer floor space (much less shelf space) to stack publications on; modern computer devices with which to handle data are not available; there is scarcely a Ph. D. employed in what is supposed to be a scientific establishment because of antiquated hiring policies by the State civil service commission, which seems to have scarcely heard, as yet, that science is being applied elsewhere in the world to the marine resource field.

2. That the antiquated rules and regulations respecting fishing off California be overhauled to the end that any underdeveloped resource capable of harvesting economically can be worked consonant with proper conservation regulations based on adequate scientific findings and the recreational needs of the State's growing population.

3. That proper attention be given in the State government to the more rapid development of the Institute of Marine Resources in the University of California to the end that the appropriate full resources of the University of California can be brought to the development of the resources of the adjacent Pacific Ocean, and to the end that the capabilities in science and technology of the university can be applied to the assistance of the State's fishermen as has been done for the State's farmers, and

4. That the University of California review its building plans to the end that the Institute of Marine Resources can be provided with an appropriate laboratory building of its own and so that the Scripps Institution of Oceanography can have sufficient laboratory space so that all of its scientists can at least work on its campus.

CONCLUSION

This rapidly expanding industry intends to move expeditiously to the increased harvest of the resources of the world ocean, as are the fishing industries of other nations. It is alive to the fact that it requires the vigorous and widespread assistance of marine science and technology.

What it requires to know is how the ocean runs, how the web of life in it is nourished, how the living things of the ocean are linked in their increase, movements, and aggregations to the dynamic ocean, how the configuration of the bowls in which the ocean rests affect these things, and how the upper ocean and lower atmosphere are linked in their dynamic natures. These things it cannot do itself.

It has little, if any, interest in what is ordinarily called applied fishery science, and particularly in what is called exploratory fisheries research. These things, by and large, it thinks it can do better than scientists can. It has little interest in steady state oceanography except as a step in studying processes, because all aspects of the ocean with which it deals are highly dynamic.

It is presently aiding the U.S. Government and various foreign governments in developing the fisheries potentials of various localities throughout the tropical and subtropical world ocean.

It could probably aid the State of California equally well in the development of the fisheries potentials of the California sea, without calling for the support of the Special Fund of the United Nations, the Food, and Agriculture Organization of the United Nations, or even USAID, if the State of California decides that it wants its fisheries in the local sea developed.

APPENDIX I

OUTLINE OF INTERNATIONAL, NATIONAL, AND STATE ENTITIES DEALING WITH MARINE RESOURCES RESEARCH OF PARTICULAR CONCERN TO THE CALIFORNIA FISHING INDUSTRY

A. International:

I. United Nations family:

(a) Special Fund of the United Nations (SPUN). Headquarters, New York City. Supports predevelopment surveys upon suitable request from developing member countries aimed at speeding industrialization of developing world. Particular projects in fishery development include those in Peru, Ecuador, Chile, Nigeria, India. See FAO below.

(b) Fisheries Division of Food and Agriculture Organization of the United Nations (FAO). Headquarters, Rome, Italy.

1. Indo-Pacific Fisheries Council (IPFC). Headquarters, Bangkok, Thailand. Correlates fishery development activities among nations around the Indian Ocean and Western Pacific.

2. West African Fisheries Commission (WAFC). Headquarters, Accra, Ghana. Correlates fishery developments among the nations of West Africa.

3. Advisory Committee on Marine Resources Research (ACMRR). At headquarters, Rome. Advises FAO on fishery activities and ocean research. With addition of two Russian members, advises IOC (see below) on fishery oceanography on global basis.

4. Instituto de Investigaciones de Recursos Marinos de Peru. Headquarters, La Punta, Peru. Investigates oceanography and fishery development and oceanography in Peruvian area. Supported jointly by Special Fund and Government of Peru. Administered by FAO.

5. Fisheries Institute of Ecuador. Headquarters, Quayaquil, Ecuador. Similar to above, with respect to Ecuador and supported by Special Fund and Ecuador. Administered by FAO.

6. Fisheries Development Institute. Headquarters, Santiago, Chile. Similar to above with respect to Chile. Supported by Special Fund and Chile. Administered by FAO.

7. Many activities out of headquarters on global basis, of branch of economics, branch of biology, including fellowships, and training programs in marine science.

(c) United Nations Educational Social and Cultural Organization (UNESCO). Headquarters, Paris, France:

1. Office of Oceanography (OO). Fellowships and training programs in marine science. Provides secretariat for IOC (see below).

2. Intergovernmental Oceanographic Commission (IOC). Semiautonomous body in UNESCO designed to correlate ocean research among member countries (which now number more than 50).

3. International Indian Ocean Expedition (IIOE). Combined inquiry by upwards of 20 nations into full oceanography of Indian Ocean. Correlated by IOC.

4. International Cooperative Investigations of the Tropical Atlantic Ocean (ICITA). Combined inquiry by 12 nations into tropical Atlantic Ocean. Correlated by BCF (see below) out of Washington, D.C., through IOC.

(d) International Atomic Energy Agency (IAEA). Headquarters, Vienna, Austria. Laboratory at Monaco. Concerned, among other things, with international aspects of nuclear waste disposal in the world ocean.

(e) World Health Organization (WHO). Headquarters, Geneva, Switzerland. Concerned, among other things, with international aspects of human nutrition. With nutritional division of FAO, and UNICEF (see below) supports Protein Advisory Group (PAG).

(f) World Meteorological Organization (WMO). Headquarters, Geneva, Switzerland. Concerned with international aspects of meteorology, weather prediction, etc. Involuntarily involved in marine research due to ocean's affect on atmospheric conditions and movements.

(g) United Nations International Children's Emergency Fund (UNICEF). Headquarters, New York City. Involved with international aspects of child welfare, and leader in development of fish protein concentrate as possible means of alleviating major source of child mortality and sickness by improving diet and avoiding protein malnutrition. Does much work in these problems jointly with WHO and FAO, as well as with member governments of FAO.

(h) Economic and Social Council of United Nations (ECOSOC). Governs dispersal of funds under Expanded Program of Technical Assistance (EPTA) among projects of the specialized agencies of the United Nations (including fishery development and ocean research programs under FAO and (UNESCO)).

(i) World Oceanographic Organization (WOO). Designed to have primary responsibility in the United Nations family for international aspects of man's relationship with the world ocean (including present facets of such work handled by IOC, UNESCO, FAO, WMO, IAEA, IHB, etc.). Not yet formed.

(j) International Hydrographic Bureau (IHB) Headquarters, Monaco. Concerned among other things, with the preparation of a modern bathymetric chart of the world ocean.

II. Intergovernmental:

(a) Inter-American Tropical Tuna Commission (IATTC). Headquarters, San Diego, Calif. Joint efforts of Mexico, Costa Rica, Panama, Ecuador and the United States to rationally manage the tuna fisheries of the Eastern Pacific.

(b) International Atlantic Tuna Commission. (IATC). Still in the process of formation. Designed to perform the same function respecting Atlantic tuna resources at IATTC does in the eastern Pacific.

(c) International North Pacific Fisheries Commission (INPFC). Headquarters, Vancouver, B.C. Deals with fishery conservation problems in the North Pacific as among United States, Canada, and Japan.

(d) International Commission for the North-West Atlantic Fisheries (ICNAF). Headquarters, Halifax, N.S. Deals with fishery problems in the northwest Atlantic as among about 15 countries of North America and Europe fishing there.

(e) International Council for the Exploration of the Sea (ICES). Headquarters, Copenhagen, Denmark. Oldest continuous international coordinative effort in ocean research. Membership primarily European and primary area of interest the northeast Atlantic Ocean.

(f) Commission for Scientific and Technical Cooperation among the States south of the Sahara (CCTA-CSA). Headquarters, Lagos, Nigeria. In the marine field, with U.S. AID support, carrying on Guinean Trawling Campaign in West Africa and assisting with ICITA (see below).

III. Nongovernmental international:

(a) International Council of Scientific Unions (ICSU). Headquarters, Rome, Italy. Composed of national academies of science, and international unions of scientists. The primary nongovernmental international scientific organization in the world. Sponsors interdisciplinary international activities of scientists and their organizations, including:

1. Scientific Committee on Oceanic Research, referred to above under UNESCO (SCOR). The primary oceanography advisory body to IOC.

2. International Biological Program (marine section) (IBP). Scheme just getting underway to correlate and conduct international aspects of marine biological research.

3. International Geophysical Year (IGY), which did so much to begin modern, postwar ocean research.

B. U.S. Government:

I. Federal:

(a) Department of the Interior, Washington, D.C., Bureau of Commercial Fisheries (BCF). Has primary responsibility for national policy and activity related to commercial fisheries.

1. Biological Laboratory at San Diego. Primary Federal responsibility for research on tunas of eastern Pacific.

2. Biological Laboratory at La Jolla. Primary Federal responsibility for research on wetfish (anchovy, sardine, hake, mackerel, etc.) in California.

3. Biological Laboratory at Stanford. Primary Federal responsibility for research on general oceanography of North Pacific.

4. Biological Laboratory at Honolulu. Primary Federal responsibility for fishery oceanography in central Pacific.

5. Biological Laboratory at Seattle. Primary Federal research responsibility respecting INPFC research requirements (see above).

6. Biological Laboratory at Washington, D.C. Primary Federal responsibility for conduct of ICITA (see above).

7. American Fisheries Advisory Committee. Advises with respect to expenditures under the Saltonstall-Kennedy Act.

8. Technological Laboratory at College Park, Md. Primary Federal responsibility respecting the program to develop fish protein concentrate for human consumption.

(b) U.S. Navy:

1. Naval Electronics Laboratory at San Diego. Inhouse research of Navy on all manner of military aspects of oceanography of prime importance to the fishing industry.

2. Office of Naval Research (ONR), Washington, D.C. A prime supporter of ocean research on a global basis through outside institutions primarily.

3. Office of the Scientific Adviser to the Secretary of the Navy. Correlates ocean research activities of the U.S. Navy and acts as Chairman of ICO (see below).

4. Office of Special Projects (OSP), Washington, D.C. Responsibility for ASW program. It takes about the same kind of knowledge about the ocean to catch cheaply both tuna and submarines.

5. Many and varied other inhouse ocean research (see Tenoc program).

(c) U.S. Coast and Geodetic Survey, Department of Commerce, Washington, D.C. Prime Federal responsibility for the ocean surveys program of the U.S. Government.

(d) Atomic Energy Commission (AEC) Washington, D.C. Supports ocean research primarily, but not exclusively, on biological effects of nuclear products in the sea.

(e) National Science Foundation (NSF), Washington, D.C. Funds vessel, facility, education, and research in the marine sciences.

(f) Department of State:

1. Office of the Special Assistant for Fish and Wildlife (U/FW) Federal responsibility in international fisheries affairs.

2. Agency for International Development (USAID). Development surveys and projects in developing countries.

3. Area desks. Responsibility for U.S. diplomatic activity in areas under their purview.

4. Embassies abroad. Responsibility for conduct of U.S. diplomatic activity in country to which mission assigned.

(g) Office of the President's Science and Technical Adviser. Overall responsibility for federally supported research.

(h) Interagency Committee on Oceanography (ICO), Washington, D.C. Correlation of planning for U.S. oceanography program among all interested agencies of the Federal Government.

(i) U.S. Congress:

1. Senate Committee on Commerce. Responsibility for policy and law respecting fisheries and marine science.

2. Senate Committee on Appropriations. Responsibility for funding all Federal activities.

3. Senate Committee on Foreign Relations. Fisheries Commission, and so forth.

4. House Committee on Merchant Marine and Fisheries. Responsible for policy and law respecting fisheries and marine science.

5. House Committee on Foreign Affairs. Fisheries Commissions, and so forth.

6. House Committee on Appropriations. Originates all appropriations bills for meeting the Federal budget.

7. House Committee on Ways and Means. Responsibility for taxes and tariffs.

C. National, nongovernmental:

II. National Academy of Sciences/National Resources Council, Washington, D.C. (NAS/NRC).

(a) Committee on Oceanography (NASCO).

(b) Latin American Science Board (LASB):

1. Panel on Marine Sciences.

(c) Nutrition Board:

1. Advisory Committee to Bureau of Commercial Fisheries on Fish Protein Concentrate.

III. State of California:

1. Department of Fish and Game, Sacramento:

(a) Marine Division:

1. California State Fisheries Laboratory at Terminal Island.

(b) Marine Research Committee (MRC), La Jolla:

1. California Cooperative Fisheries Investigations, La Jolla (CalCOFI).

(c) Fish and Game Commission.

2. University of California:

(a) Institute of Marine Resources, La Jolla.

(b) Scripps Institution of Oceanography, La Jolla:

1. Marine life program (MLP), La Jolla.

2. Scripps Tuna Oceanography Research (STOR), Point Loma.

3. Department of Oceanography, La Jolla.

4. Department of Marine Biology, La Jolla.

5. Visibility Laboratory, Point Loma.

IV. Interstate:

1. Pacific States Marine Fisheries Commission (PSMFC), Portland, Oreg.

2. Atlantic States Marine Fisheries Commission, New York City (ASMFC).

3. Gulf States Marine Fisheries Commission (GSMFC), New Orleans, La.

APPENDIX II

ORGANIZATIONS IN FISHING INDUSTRY OF PARTICULAR CONCERN TO CALIFORNIA INDUSTRY

A. International:

1. International Association of Fish Meal Manufacturers (IAFMM). Headquarters, London, England.

2. Shrimp Association of the Americas (SAOTA), Brownsville, Tex.

3. Gulf and Caribbean Fisheries Institute (GCFI), Miami, Fla.

B. National:

1. National Canners Association (NCA), Washington, D.C.

2. National Fisheries Institute (NFI), Washington, D.C.

3. National Shrimp Congress, Tallahassee, Fla. (NSC).

C. State:

1. California Fish Canners Association (CFCA), Terminal Island, Calif. (Carry, Morris, Barr).

2. Fishermen Cooperative Association of San Pedro (FCA) (Nizetich).

3. Seine and Line Workers Union, A.F. of L., San Pedro (Calise).

4. Cannery Workers Union of San Pedro, A.F. of L., Terminal Island, Calif. (Gomez, Edny).

5. International Longshoremen Workers Union, Local 33 (ILWU), San Pedro (Royal).

6. American Tunaboat Association (AT), San Diego, Calif. (Felando, Silva).

7. Cannery Workers & Fishermen's Union of San Diego, A.F. of L., San Diego, Calif. (Balinger, Tarantino).

APPENDIX III

CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS

The state parties to this Convention considering that the development of modern techniques for the exploitation of the living resources of the sea, increasing man's ability to meet the need of the world's expanding population for food, has exposed some of these resources to the danger of being overexploited;

Considering also that the nature of the problems involved in the conservation of the living resources of the high seas is such that there is a clear necessity that they be solved, whenever possible, on the basis of international cooperation through the concerted action of all the states concerned:

ARTICLE I

1. All states have the right for their nationals to engage in fishing on the high seas, subject (a) to their treaty obligations; (b) to the interests and rights of coastal states as provided for in this Convention; and (c) to the provisions contained in the following articles concerning conservation of the living resources of the high seas.

2. All states have the duty to adopt, or to cooperate with other states in adopting, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

ARTICLE II

As employed in this Convention, the expression "conservation of the living resources of the high seas" means the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products. Conservation programs should be formulated with a view to securing in the first place a supply of food for human consumption.

ARTICLE III

A state whose nationals are engaged in fishing any stock or stocks of fish or other living marine resources in any area of the high seas where the nationals of other states are not thus engaged shall adopt, for its own nationals, measures in that area when necessary for the purpose of the conservation of the living resources affected.

ARTICLE IV

1. If the nationals of two or more states are engaged in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, these states shall, at the request of any of them, enter into negotiations with a view to prescribing by agreement for their nationals the necessary measures for the conservation of the living resources affected.

2. If the states concerned do not reach agreement within 12 months, any of the parties may initiate the procedure contemplated by article 9.

ARTICLE V

1. If, subsequent to the adoption of the measures referred to in article 3 and 4, nationals of other states engage in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, the other states shall apply the measures, which shall not be discriminatory in form or in fact, to their own nationals not later than 7 months after the date on which the measures shall have been notified to the Director-General of the Food and Agriculture Organization of the United Nations. The Director-General shall notify such measures to any State which so requests and, in any case, to any state specified by the state initiating the measure.

2. If these other states do not accept the measures so adopted and if no agreement can be reached within 12 months any of the interested parties may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the Special Commission.

ARTICLE VI

1. A coastal state has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea.

2. A coastal state is entitled to take part on an equal footing in any system of research and regulation for purposes of conservation of the living resources of the high seas in that area, even though its nationals do not carry on fishing there.

3. A state whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal state shall, at the request of that coastal state, enter into negotiations with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.

4. A state whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal state shall not enforce conservation measures in that area which are opposed to those which have been adopted by the coastal state, but may enter into negotiations with the coastal state with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.

5. If the states concerned do not reach agreement with respect to conservation measures within 12 months, any of the parties may initiate the procedure contemplated by article 9.

ARTICLE VII

1. Having regard to the provisions of paragraph 1 of article 6, any coastal state may, with a view to the maintenance of the productivity of the living resources of the sea, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in any area of the high seas adjacent to its territorial sea, provided that negotiations to that effect with the other states concerned have not led to any agreement within 6 months.

2. The measures which the coastal state adopts under the previous paragraph shall be valid as to other states only if the following requirements are fulfilled:

(a) That there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery;

(b) That the measures adopted are based on appropriate scientific findings;

(c) That such measures do not discriminate in form or in fact against foreign fishermen.

3. These measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Convention, of any disagreement as to their validity.

4. If the measures are not accepted by the other states concerned, any of the parties may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the Special Commission.

5. The principles of geographical demarcation as defined in article 12 of the Convention on the Territorial Sea and the Contiguous Zone shall be adopted when coasts of different states are involved.

ARTICLE VIII

1. Any state which, even if its nationals are not engaged in fishing in an area of the high seas not adjacent to its coast, has a special interest in the conservation of the living resources of the high seas in that area, may request the state or states whose nationals are engaged in fishing there to take the necessary measures of conservation under articles 3 and 4 respectively, at the same time mentioning the scientific reasons which in its opinion make such measures necessary, and indicating its special interest.

2. If no agreement is reached within 12 months, such state may initiate the procedure contemplated by article 9.

ARTICLE IX

1. Any dispute which may arise between states under articles 4, 5, 6, 7, and 8 shall, at the request of any of the parties, be submitted for settlement to a special commission of five members, unless the parties agree to seek a solution by another method of peaceful settlement, as provided for in article 33 of the Charter of the United Nations.

2. The members of the commission, one of whom shall be designated as chairman, shall be named by agreement between the states in dispute within 3 months of the request for settlement in accordance with the provisions of this article. Failing agreement they shall, upon the request of any state party, be named by the Secretary-General of the United Nations, within a further 3-month period, in consultation with the state in dispute and with the President of the International Court of Justice and the Director-General of the Food and Agriculture Organization of the United Nations, from amongst well-qualified persons being nationals of states not involved in the dispute and specializing in legal, administrative or scientific questions relating to fisheries, depending upon the nature of the dispute to be settled. Any vacancy arising after the original appointment shall be filled in the same manner as provided for the initial selection.

3. Any state party to proceedings under these articles shall have the right to name one of its nationals to the special commission, with the right to participate fully in the proceedings on the same footing as a member of the commission, but without the right to vote or to take part in the writing of the commission's decision.

4. The commission shall determine its own procedure, assuring each party to the proceedings a full opportunity to be heard and to present its case. It shall also determine how the costs and expenses shall be divided between the parties to the dispute, failing agreement by the parties on this matter.

5. The special commission shall render its decision within a period of 5 months from the time it is appointed unless it decides, in case of necessity, to extend the time limit for a period not exceeding 3 months.

6. The special commission shall, in reaching its decisions, adhere to these articles and to any special agreements between the disputing parties regarding settlement of the dispute.

7. Decisions of the commission shall be by majority vote.

ARTICLE X

1. The special commission shall, in disputes arising under article 7, apply the criteria listed in paragraph 2 of that article. In disputes under articles 4, 5, 6, and 8, the commission shall apply the following criteria, according to the issues involved in the dispute:

(a) Common to the determination of disputes arising under articles 4, 5, and 6 are the requirements: (i) That scientific findings demonstrate the necessity of conservation measures; (ii) that the specific measures are based on scientific findings and are practicable; and (iii) that the measures do not discriminate, in form or fact, against fishermen of other States.

(b) Applicable to the determination of disputes arising under article 8 is the requirement that scientific findings demonstrate the necessity for conservation measures, or that the conservation program is adequate, as the case may be.

2. The special commission may decide that pending its award the measures in dispute shall be applied, provided that, in the case of disputes under article 7, the measures shall only be suspended when it is apparent to the commission on the basis of prima facie evidence that the need for the urgent application of such measures does not exist.

ARTICLE XI

The decisions of the special commission shall be binding on the states concerned and the provisions of paragraph 2 of article 94 of the Charter of the United Nations shall be applicable to those decisions. If the decisions are accompanied by any recommendations, they shall receive the greatest possible consideration.

ARTICLE XII

1. If the factual basis of the award of the special commission is altered by substantial changes in the conditions of the stock or stocks of fish or other living marine resources or in methods of fishing, any of the states concerned may request the other states to enter into negotiations with a view to prescribing by agreement the necessary modifications in the measures of conservation.

2. If no agreement is reached within a reasonable period of time, any of the states concerned may again resort to the procedure contemplated by article 9 provided that at least 2 years have elapsed from the original award.

ARTICLE XIII

1. The regulation of fisheries conducted by means of equipment embedded in the floor of the sea in areas of the high seas adjacent to the territorial sea of a state may be undertaken by that state where such fisheries have long been maintained and conducted by its nationals, provided that nonnationals are permitted to participate in such activities on an equal footing with nationals except in areas where such fisheries have by long usage been exclusively enjoyed by such nationals. Such regulations will not, however, affect the general status of the areas as high seas.

2. In this article, the expression "fisheries conducted by means of equipment embedded in the floor of the sea" means those fisheries using gear with supporting members embedded in the sea floor, constructed on a site and left there to operate permanently or, if removed, restored each season on the same site.

ARTICLE XIV

In articles 1, 3, 4, 5, 6 and 8, the term "nationals" means fishing boats or craft of any size having the nationality of the state concerned, according to the law of the state, irrespective of the nationality of that state, irrespective of the nationality of the members of their crews.

(Articles 15 to 22 inclusive are procedural in nature and have been omitted.)

RADIATION AND HEALTH STANDARDS

Mr. PICKLE. Mr. Speaker, the Department of Labor, by administrative order, has promulgated regulations pertaining to radioactive materials and other radiation sources, including not only source material, byproducts, and special nuclear material of less than a critical mass, but industrial X-ray particle accelerators, high-energy electron tubes, radium, byproducts, and other sources. The State of Texas, and other States, is opposed to these regulations, and the Atomic Energy Commission does not feel that these regulations are necessary.

I wish to include in my remarks the statement of the National Association of Attorneys General, presented by our outstanding attorney general of the State of Texas, the Honorable Waggoner Carr, at the Department of Labor hearing on April 13.

The State of Texas, along with five other States, entered into agreements with the Atomic Energy Commission whereby the Commission could transfer certain licensing and regulatory controls to the States. Inasmuch as the proposed regulations are not applicable to those States which have not entered into an agreement with the Atomic Energy Commission, the implication is apparent that the agreement States, even though acceptable to the Atomic Energy Commission, are not considered by the Department of Labor to be competent or qualified to assume these responsibilities.

Today, more than ever, we should develop atomic energy for peaceful purposes—not discourage it, but at the same time protect our citizens from the effects of radiation.

This proposed action by the Department of Labor would give the appearance of affording protection, without actually doing so. No action should be taken which would hinder the individual States in their respective abilities to protect their people from the hazards of radiation.

I believe my colleagues will be greatly interested in this statement, particularly in view of the fact that Congress, when it enacted the Atomic Energy Act of 1954, was fully aware of the Department of Labor's duty to protect the health and safety of our citizens. Yet, it placed this very function in the hands of the Atomic Energy Commission, and the 1959 amendment authorized the AEC to cede many of its duties in this area to the States. The inescapable conclusion must be that Congress considered this field such a unique and specialized one that it intended the Atomic Energy Commission and specialized State agencies to have complete control and jurisdiction in this area.

Statement of the National Association of Attorneys General Presented by Attorney General Waggoner Carr, of Texas

The Department of Labor, by administrative order, has promulgated regulations pertaining to radioactive materials and other radiation sources, giving as its authority sections 1 and 4 of the Walsh-Healey Public Contracts Act. These standards include not only source material, byproducts, and special nuclear material of less than a critical mass, but also "industrial X-ray particle accelerators, high energy electron tubes, radium, byproducts, and other sources."

These regulations if made operative in every State, will apply to all users of such material subject to the provisions of the Walsh-Healey Act with one exception—this being the case of an employer licensed by the Atomic Energy Commission.

Section 50–204.320 of the standards, state that if an employer possesses or uses "source material, byproducts material or special nuclear material" and is licensed by the Atomic Energy Commission, he "shall be deemed to be in compliance with the requirements of this part with respect to such possession and use.

As a practical matter, therefore, these amendments will apply only in the six "agreement" States insofar as source, byproduct and special nuclear material of less than a critical mass are concerned. The results of this act appear to be not only inconsistent in view of the special treatment extended to AEC licensees, but also it apparently ignores the competence of the AEC in fulfilling its statutory duty to insure the competency of State programs.

The regulations will affect all States, however, insofar as the use and possession of radium, industrial X-ray and other like items are concerned, as the Atomic Energy Commission does not have the power to license or regulate such items. This area has always been within the exclusive jurisdiction of the States.

Secretary Wirtz, in explaining the effect of these standards to several Congressmen, wrote, and I quote, in part:

"Also, the regulations do not take away from the States such licensing and inspection functions as may be performed by State public health or other duly constituted bodies. Thus, the actual, practical effect of the regulations, which apply solely to those industrial situations where employers are producing goods under contract with the Federal Government subject to the Public Contracts Act, should not in any sense be construed as an effort to supersede traditional State authority in licensing inspection of radium, industrial X-ray and certain isotope material."

While it is agreed that the Department of Labor may not intend to displace State and local authority, our actual problem is the practical effect of these administrative standards on the State's programs, the use of radiation sources by industry, and the wellbeing and health of our people.

In the States which have entered into Atomic Energy Commission agreements, the resulting quality of standards, inspection and administrative procedures, and the resulting confusion and additional economic burdens placed upon the employers, can have but one result: the weakening of effective State programs. One question quickly arises: Why should an employer consider it desirable to hold a State license when, by holding an Atomic Energy Commission license, he would be subject to the rules of only one agency insofar as AEC items are concerned?

Of perhaps greater concern, is the effect these standards will have on the development of State programs designed to control and regulate the so-called non-Atomic Energy Commission items. Frankly, State legislators are reluctant to appropriate money to programs which are duplicitous, even in part. The effect of these standards can only delay rather than encourage vital State programs for many years.

In speaking of the effectiveness of State action, Mr. Harold Price, Director of Regulations for the Atomic Energy Commission, at the January 15 conference with the Department of Labor, expressed his findings in positive terms when he stated:

"These agreement States, once they decided to set up a program, have included in the program a scope that we can't reach, and also a scope that the Labor Department can't reach. This is the sources of radiation other than agreement materials, namely radium and X-rays; and when I say we don't have any jurisdiction over those materials and when I say the Department of Labor can't reach them, I am talking about the widespread use of these materials by doctors and dentists and perhaps other people who are not under the Public Contracts Act."

And though it might be argued that the area assumed by the Department of Labor is limited—inasmuch as the Walsh-Healey Act applies only to firms having Federal contracts in excess of $10,000, for the duration of the contract—it is submitted that this ignores the nature of modern technology. For virtually all industries using radiation sources have contracts with the Federal Government, and this very fact can only serve as an obstacle to effective enforcement. For example, whether the holder of an occasional contract complies with the standards, will have to be determined within a short period of time while the contract is in force. Therefore, a large highly trained inspection force must be available to avoid delays in inspections, or their complete omission.

While States have shown their competence in this field, there is no indication that the Department of Labor will be able to effectively discharge its assumed responsibilities.

A review of the appendix to the U.S. Budget for the last few years discloses no increase in personnel for the Wage and Hour and Public Contracts Division consistent with the promulgation of the Department's general health and safety standards, or these radiation regulations.

Nothing has been found which indicates the Department of Labor will be able to inspect and regulate even a fraction of Walsh-Healey users of radiation sources. The Division's personnel most likely to have a working knowledge of radiation protection are the safety engineers. Yet, in the last 2 years, it is reported that only 11 such positions have been authorized for the whole country, and the 1965 budget provides for no additions.

It is respectfully submitted that the Department of Labor should not adopt a program which would give the appearance of affording protection, without actually doing so. Nor should any action be taken which would hinder the individual States in their respective abilities to protect their people from the hazards of radiation.

State officials charged with State radiation control programs, and others will elaborate upon the States' accomplishments, and the effect of the Department of Labor's standards on State programs. The results that have been achieved will show beyond a doubt the ability of the States to fulfill their duty of protecting the health and safety of their citizens. Certainly, no greater contribution can be made today than the encouragement of those programs which would develop radiation sources for peaceful purposes.

Aside from the effects these radiation standards have upon the program designed by Congress, the promulgation of these standards amounts to an administrative amendment to the Walsh-Healey Act, and no administrative agency has such power. This power belongs solely to the Congress.

Administrative agencies have neither common law nor inherent power. They are creatures of statute, and have only such power and authority as may be given to them by legislative enactment.

Volume 73 of Corpus Juris Secundum on page 369 states the following concerning the powers and duties of administrative agencies:

"The measure of their powers and duties is the statute defining them. Hence, while their powers are derived from, and they have the powers conferred in them by valid statute, their powers are limited or circumscribed thereby, and they possess only such powers as are conferred on them by the Constitution, by statute, or * * * by implication from the grant of express powers."

If the Department of Labor has the power to promulgate such single uniform standards for the entire Nation, it must be found in the language of the Walsh-Healey Act. The applicable section of this act, section 1(e) reads as follows:

"That no part of such contract will be performed nor will any of the materials, supplies, articles or equipment to be manufactured or furnished under said contract, be manufactured or fabricated in any plants, factories, buildings or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract. Compliance with the safety, sanitary and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima facie evidence of compliance with this subsection."

This language is phrased entirely in negative rather than positive terms, and states what the conditions must not be "unsanitary or hazardous or dangerous." If Congress had intended positive regulations it would appear that the language of section 1(e) would have been couched in positive terms.

The radiation standards promulgated by the Department of Labor do not state what cannot exist, but rather what must exist. Paragraph 2 of the preamble of the amendment to part 50–204 (41 CFR) states:

"Except as may otherwise be specifically provided, these minimum radiation safety and health standards will apply to contractors engaged in the performance of Federal supply contracts subject to the requirements of section 1(e) of the Walsh-Healey Public Contracts Act."

Of equal significance in this interpretation, that the Department of Labor does not have the power to promulgate such single uniform standards for the entire Nation, is the last sentence of section 1(e). It states that if the State law has been complied with by an employer, it shall be taken as "prima facie evidence of compliance with this subsection."

It seems apparent, therefore, that Congress, by the enactment of section 1(e) intended the following insofar as State laws are concerned: (1) to recognize the existence and validity of State regulations in this field, and (2) to encourage employers to abide by State regulations.

Further, if section 1(e) is interpreted to authorize the enactment of such national standards, the practical effect is to eliminate the prima facie defense.

While other matters are closely related, such as compliance with the Administrative Procedures Act and other questions, they are generally outside the scope of this discussion. For the issue before us is the authority of the Department of Labor to enact such regulations, and I respectfully submit that such authority does not exist.

Even if this question were answered in the affirmative, the issue would arise as to the Department of Labor's authority to enact such regulations covering source, byproduct and special nuclear materials as defined in the Atomic Energy Act of 1954, as amended.

When the Atomic Energy Act of 1946 was enacted, Congress intended to confer all Federal authority in this field on the Atomic Energy Commission. The Atomic Energy Commission was given sweeping jurisdiction over such materials by section 12(a)(2) of the act which states in part:

"In the performance of its functions the Commission is authorized to * * * (2) establish by regulation or order such standards and instructions to govern the possession and use of fissionable and byproduct materials as the Commission may deem necessary or desirable to protect the health or to minimize danger from explosions and other hazards to life or property."

This same congressional intent has remained consistent since 1946. In 1954 almost identical language was used in section 161 of the act. Only in the 1959 act is an exception made. At that time the Atomic Energy Commission was authorized to enter into agreements with the several States by section 274(b) of the act which provides in part:

"During the duration of such an agreement, it is recognized that the State shall have authority to regulate the materials covered by the agreement for the protection of the public health and safety from radiation hazards."

That Congress intended the Atomic Energy Commission's authority to be exclusive until its jurisdiction was ceded to the States, is shown on page 2882 of the Joint Committee on Atomic Energy, Senate Report No. 870, from which I quote, in part:

"As indicated elsewhere, the Commission has exclusive authority to regulate for protection against radiation hazards until such time as the State enters into an agreement with the Commission to assume such responsibility."

Supporting this contention is the evidence that Congress, from the very beginning of the atomic era, realizing the terrifying hazards of radiation, intended that there be single control and single regulation.

This is illustrated by the comments made by the Joint Committee on Atomic Energy in Senate Report No. 870 which accompanied the 1959 amendment, where it was stated:

"It is not intended to leave any room for the exercise of dual or concurrent jurisdiction by States to control radiation hazards by regulating byproduct, source, or special nuclear materials. The intent is to have the material regulated and licensed either by the Commission, or by the State and local governments, but not by both."

To contend that the Department of Labor has statutory authority, from whatever source, to promulgate such standards, ignores both the language of the Atomic Energy Act and the legislative intent.

Not only did the two acts grow out of entirely different times, but they were also designed to meet entirely different needs. And of equal significance is the fact the records show that Congress, when it enacted the Atomic Energy Act of 1954, was fully aware of the Department of Labor's duty to protect the health and safety of our citizens. Yet, it placed this very function in the hands of the Atomic Energy Commission, and in the 1959 amendment authorized the AEC to cede many of its duties in this area to the States.

The inescapable conclusion must be that Congress considered this field such a unique and specialized one, that it intended the Atomic Energy Commission, and specialized State agencies to have complete control and jurisdiction in this area.

Also, Congress has recognized the traditional jurisdiction of the States over nonnuclear radiation sources. For example, in Senate Report No. 870, which accompanied the 1959 amendment, it was stated that the Department of Health, Education, and Welfare would "continue as the Federal focal point for guidance and assistance to the States with respect to contamination by and biological effects from radiation sources not now under control of the AEC."

This not only denies Federal regulatory authority in this field, but it also identifies the Department of Health, Education, and Welfare as the focus of Federal interest in this area.

While I know everyone here is respectful of the Department of Labor's position, our presence indicates the degree of concern which we feel as a result of the Labor Department's entry into this field. And, if I may borrow a term from the field of labor law—it appears that we are involved in a jurisdictional dispute between the Department of Labor, the Atomic Energy Commission, and the States—while in the middle are the affected employers, employees, and the general public.

If you cannot agree with the positions taken today, I suggest that there is a method available by which a third party may study this "jurisdictional" dispute under the AEC Act, just as there is a method of resolving jurisdictional disputes arising under the National Labor Relations Act.

Congress recognized that such a situation might arise in the field of radiation control and provided an expert body to study such "jurisdictional" disputes. In 1959, when the Federal Radiation Council was included within the Atomic Energy Act, Senator ANDERSON, in the CONGRESSIONAL RECORD, volume 105, part 15, page 19045, stated the Council's function as follows:

"The Council shall advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance by the President for all Federal agencies in the formulation of radiation standards and the establishment and execution of programs for cooperation with States."

It is submitted that the Federal Radiation Council is the only body that can equitably study our "jurisdictional" dispute. We recognize, as I am sure the Department of Labor recognizes, our position in giving our arguments to a body which has presented us with an accomplished act. By promulgating these regulations you have, in effect, stated that you have jurisdiction in this area. And, as an attorney, I can say without hesitation, that I would consider myself severely handicapped if I had the responsibility of defending a man before a jury which had conferred earlier and had decided his fate.

Therefore, I respectfully request that, in the event we cannot evolve a meaningful distribution of State and Federal responsibility in this area, that the Federal Radiation Council be called upon to study this matter.

Thank you.

TRIBUTE TO HON. THOMAS J. O'BRIEN, OF ILLINOIS

Mr. EVINS. Mr. Speaker, permit me to join with my colleagues from Illinois and others in paying a brief but sincere tribute to the memory of our distinguished colleague, the gentleman from Illinois, THOMAS J. O'BRIEN. I am saddened indeed to hear of his passing.

TOM O'BRIEN has had a long and distinguished career of service as a Member of this body. He was an important, highly respected, esteemed and valued member of the Committee on Ways and Means. He was first elected to the 73d Congress, and served three consecutive terms here before returning to Chicago, where he was elected in 1938 to the office of high sheriff of Cook County. In 1942, he was reelected to Congress—the 78th Congress—and he has been reelected to each succeeding Congress in the intervening period.

Congressman O'BRIEN was a distinguished legislator, a great American, and indeed a grand gentleman. He served his county, district, State, and Nation with devotion and fidelity. He believed in the principles of the Democratic Party and was a true Democrat in every sense of the term.

In the passing of Congressman O'BRIEN the House has lost one of its most distinguished Members and I have lost a good friend. I extend to Mrs. O'Brien and to the other members of his family an expression of my most sincere sympathy in their loss and bereavement.

TRIBUTE TO HON. LESTER JOHNSON

Mr. ZABLOCKI. Mr. Speaker, along with many other Members of this body who recognize and respect the legislative abilities of the Honorable LESTER R. JOHNSON, I noted with deep regret the news that our colleague from Wisconsin has decided to voluntarily retire from Congress at the end of this session.

Since his election to the House of Representatives in 1953, LESTER JOHNSON has worked diligently in the best interests of the people of his congressional district, the State of Wisconsin, and the Nation. His record is a distinguished one, of which he can be justly proud.

His knowledge and expertise will be missed here in the House, particularly with regard to farm legislation. As chairman of the House Agriculture Subcommittee on Dairy Interests, he has distinguished himself by his keen insight into the problems besetting this American industry and by the legislation he has shaped to combat these problems.

For many years, I have had the privilege of working with LESTER on a variety of matters, and have come to rely on his counsel and advice. So have many others in Congress. We will feel his absence keenly in the years to come.

Because of the valuable service LESTER has rendered his constituents and our Nation, it is my sincere hope that he will reconsider his decision to retire and run for reelection. Because of redistricting in the State of Wisconsin, there is no doubt he would be fighting an uphill battle. But LESTER JOHNSON has never been known to be deterred by being an underdog. Indeed, he has a reputation in Wisconsin as a "giant killer."

The Milwaukee Journal took note of this characteristic in an editorial on March 31. It recalls how LESTER has, time and again, overcome tremendous odds to win elections by virtue of tireless campaigning. It is my deep hope that my friend LESTER JOHNSON will once again take to the campaign trail and emerge as the "Giant Killer of 1964."

Should he determine to abide by his decision to retire, however, it is my hope that a position can be found for him within the executive branch where his immense knowledge of agricultural legislation can be put to productive use. This suggestion has been made, among others, by the Rice Lake Chronotype, a newspaper in LESTER's district. At this point I wish to include the Chronotype's editorial, as well as commendatory editorials written on the occasion of LESTER's announced retirement which appeared in the Milwaukee Journal, the Eau Claire Leader, the La Crosse Tribune, the Catholic Times-Review of La Crosse, and the Red Wing (Minn.) Daily Republican Eagle:

[From the Rice Lake (Wis.) Chronotype, Apr. 7, 1964]

BOWING OUT, SADLY

Though his formal announcement gave no hint of it, the decision of Representative LESTER JOHNSON, of Black River Falls, last week to retire from Congress at the close of 1964, must surely be tinged with both sadness and rancor.

The veteran Democrat legislator first went to Washington in 1953, the surprise victor in the special election to name a successor to the late Merlin Hull. JOHNSON's triumph at the polls evoked nationwide comment as the Republicans were riding high in those days, both in Wisconsin and throughout the Nation. The victory sparked the resurgence of the Democratic Party in Wisconsin—something the public has largely forgotten.

Representative JOHNSON won reelection to five full terms in the Ninth District, which included Barron County. It was presumed he could go on winning in the ninth as long as he wanted to keep on running.

But the Republican opposition took care of that (and the Democrats didn't raise much of a hand in protest) with their well-executed scheme of State congressional district reapportionment.

The Democratic 9th District was hacked up and divided between ALVIN O'KONSKI's 10th, VERNON THOMPSON's 3d, and MELVIN LAIRD's 7th—all Republicans. The old ninth, therefore, went out of existence and the new ninth was created in the Milwaukee metropolitan area.

The reshuffling left JOHNSON in a predicament: should he tackle O'KONSKI in the 10th, or attempt to unseat THOMPSON in the 3d? Neither, he has now decided, on the grounds that it would be well nigh impossible to defeat either of the two Republicans, so well entrenched are they. It was, JOHNSON concluded, the end of the line.

Maybe before his term draws to a close, Representative JOHNSON will be awarded some plum by the party which he helped rejuvenate in the Badger State. Certainly the Johnson administration ought to be able to find him some post consistent with his experience on the House Agriculture Committee, and commensurate with his service to the Democrats.

[From the Milwaukee (Wis.) Journal, Mar. 31, 1964]

GIANT KILLER OF 1953

Representative LESTER JOHNSON, with his 9th District moved and his old territory divided up between the 3d, 7th, and 10th Congressional Districts, is voluntarily retiring from Congress. He had considered running in the 3d or 10th District—but, as one of his aids says, "it would be rough." The Republicans look strong in both.

The Republicans looked strong in 1953 when JOHNSON took them on in a special election after the death of Representative Merlin Hull. His victory was taken as a repudiation of Republican farm policies and as at least a temporary setback for the Eisenhower administration. It foretold the Republican loss in the House in 1954, when the Democrats regained control.

The national Republican administration took an active part in the campaign. JOHNSON was outspent by 6 to 1. Outside GOP speakers included Secretary of Agriculture Ezra Taft Benson. JOHNSON did little speaking and had little help. But he shook many hands and covered his district in the manner of an Estes Kefauver, in whose Wisconsin presidential primary campaign Johnson had worked in 1952.

The Ninth District result is still discussed by political reporters. It brought the Democrats out of a limbo resulting from 1952 defeats. It labeled Lester Johnson as a giant killer.

[From the Eau Claire (Wis.) Leader, Apr. 7, 1964]

Johnson Retirement Leaves Democrat Gap

Ninth District Representative Lester Johnson, who developed the "double-H" system of campaigning into a fine art, has decided to step aside from the biennial battle for a seat in Congress.

Hard work and handshaking (the double-H) formed the main rungs in his ladder to the House. Thousands of Wisconsinites from the main street in Hudson to the outermost township in Jackson County have grasped his outstretched hand and heard him say, "I'm Lester Johnson, your Representative in Washington."

No politician ever discounts the effect of a personal meeting with one's elected officials especially when it's voluntary on the part of the official.

Congressman Johnson is living proof that a candidate for high office can succeed in spite of television rather than because of it.

He won reelection to office five times on the basis of a demonstrable record of effort and achievement in Washington, D.C.

Detractors dubbed him "errand boy"—a description he would probably welcome with the understanding that the errands were in the public interest.

His habit of following a bill beyond the hopper on the Speaker's desk and his determination brought eventually the rich reward to a dairy State Congressman of the chairmanship of the Dairy Subcommittee in the House Agriculture Committee.

While he attended to the needs of individual constituents to the best of his ability whatever their political persuasion he didn't avoid the responsibility of being clearly recorded in congressional voting.

His record is on the law books of the Nation in the legislation he introduced or helped get passed in the fields of dairying, agricultural and wildlife conservation, rural electrification, and antiwater pollution.

We'll miss the opportunity to compare him in the political arena with Congressman Alvin O'Konski, another practitioner of the "double-H" school of politics and candidate for the Republican nomination in our new district.

Democrats will want to find a candidate with Lester Johnson's appreciation for hard work if they hope to make a race of it in the 10th.

[From the La Crosse (Wis.) Tribune, Apr. 4, 1964]

Lester Johnson Left His Mark

Representative Lester Johnson's decision to retire from Congress, rather than fight for a House seat this year in either the revamped 3d or 10th Districts, very likely ends a long and unusual era in western Wisconsin politics.

The Black River Falls Democrat had a hard choice. Before he made it he had not only his party colleagues guessing but two Republican Congressmen, Vernon Thomson, of the 3d, and Alvin O'Konski, of the 10th, as well.

Democrats here hoped that Johnson would run in the Third District, which now includes his home county. With Johnson's retirement, the party lacks a name candidate in both the 3d and the 10th.

Not that Congressman Thomson or the Republicans will relax just because Mr. Johnson isn't running. Memories of the special election in the old Ninth District just 10 years ago last October, are enough to head off overconfidence.

In 1953, the late Representative Merlin Hull had become a fixture, first as a Progressive (as Johnson had been in the 1930's and 1940's) and then a Republican. The district never had elected a Democrat.

Lester Johnson changed that, in a quiet upset. He was elected to five full terms after that.

That 1953 election, less than a year after the Eisenhower landslide, proved something of a weather breeder.

Midwest farmers were unhappy with milk prices. The economy had faltered a bit with the Korean war ended. And in 1954 the Democrats nationally recaptured the House, while State Democrats took new hope. A few years later they took the Second District, and elected a U.S. Senator and Governor.

Lester Johnson probably couldn't survive politically once he's lost a district of liberal, ex-Progressive leanings.

But his tenure has left a lasting mark on Wisconsin politics.

[From the La Crosse (Wis.) Catholic Times-Review, Apr. 2, 1964]

Congressman Johnson Retires

Congressman Lester Johnson, Democrat, Ninth District from Black River Falls, announced his retirement when his current term ends.

This retirement will be a loss to the Nation, to our State, our diocese, and particularly the Ninth District. Congressman Johnson has devotedly served his country with fearless enlightenment and conviction.

We trust that Congressman Johnson will be available to some important appointment by the administration and we trust that the administration will not overlook his experience, ability, and dedication.

All of us owe a deep vote of thanks to Congressman Johnson for his years of dedicated service.

[From the Red Wing (Minn.) Daily Republican Eagle, Apr. 1, 1964]

Johnson Was a Friend

It's with genuine sadness that we receive the retirement announcement of Wisconsin Congressman Lester Johnson. He was a good friend in Washington for the Minnesota side of the Mississippi as well as Pierce and Pepin Counties.

Not that Democrat Johnson always reflected our views, of course. He didn't. But he was a sincere and hard-working plugger for the best interests of his farm and small town district, and we had to respect him for that.

Johnson also represented a fine old political tradition that grew out of Wisconsin soil. His father was an associate of "Old Bob" La Follette, serving four legislative terms from Fond du Lac County. Lester himself became active in the Progressive Party in the 1930's and won election as Jackson County district attorney on the Progressive ticket.

When Wisconsin's third party movement came to an end in the 1940's, Johnson first turned to the Republican Party as did his fellow Progressive and predecessor in Congress, Merlin Hull. But Lester was defeated for district attorney on the GOP ticket and wasn't successful again until he ran as a Democrat in 1952. His big opportunity came in 1953 when veteran Merlin Hull died in office and Johnson won a special October election that year—the first time Wisconsin's Ninth District ever sent a Democrat to Congress. His victory created a national stir at the time. It was widely seen as a repudiation of the new farm policies of Ezra Taft Benson, still in his first year as Dwight Eisenhower's farm chief.

Lester Johnson hasn't had much to say in explanation of his retirement, but it's pretty obvious he was redistricted out of office. At 64, he apparently didn't relish an uphill political fight against either of two potential Republican foes—Congressman Alvin O'Konski, Mercer; or Vernon Thomson, Richland Center. And the more's the pity, we say, because neither one is an attractive Republican. Thomson becomes the incumbent for Pierce and Pepin Counties in the enlarged Third Congressional District.

The reason we on the Mississippi's Minnesota shore feel a special kinship with Lester Johnson is that he more than anybody else brought about the Federal intervention which looks like our best hope in combating pollution of our river by the Minneapolis-St. Paul metropolitan area.

Alerted by Pierce County constituents, Johnson moved promptly following last spring's big oil spill and duck kill. He went to Federal water pollution control authorities and enlisted their interest. Then he suggested that Wisconsin Gov. John Reynolds invite Federal enforcement, and Reynolds found a willing ally in Minnesota Gov. Karl Rolvaag. The two Governors made a formal joint request, and the result is the Federal investigation that got underway with the 2-day pollution enforcement conference in St. Paul last February.

For this particularly we owe Congressman Lester Johnson a hearty vote of thanks and best wishes in retirement.

SIXTY-FOURTH BIRTHDAY OF OUR NAVY'S SUBMARINE SERVICE

Mr. HARDY. Mr. Speaker, last Saturday was the 64th birthday of our Navy's Submarine Service. I would like to express a word of tribute to the service, and to an outstanding submariner who originated the submarine birthday celebration, Vice Adm. E. W. Grenfell, better known to his friends as Joe Grenfell. Throughout his career as a submariner he has been interested in every sailor and every sailor's family. His purpose in originating the birthday celebration was twofold; to honor the memory of the gallant sailors who have given their lives through the pioneering of submarine operations, and to salute the living submariners on whom we rely for continued operations of our modern submarine complexities.

I suppose no man more nearly typifies the submarine service than Joe Grenfell. His entire career, from the time he entered submarine school in 1928 to his present assignment as commander, Submarine Forces, Atlantic, has been dedicated to the submarine service. His first submarine duty was on board the R–4 where he served from December 1928, to July 1933, 4½ years. Today he is the only admiral to have commanded both the Pacific and Atlantic Fleet submarine forces.

Joe Grenfell has participated in some of the "firsts" in the submarine service. In February 1941 the then Lieutenant Commander Grenfell assumed command of the submarine *Gudgeon,* and took her to sea on the Nation's first submarine war patrol. No U.S. submarine had ever gone so far from home port or been away so long in history prior to this. The *Gudgeon* steamed about 4,400 miles to the area of operation—at one engine speed in the interest of conserving fuel. Added to this, the *Gudgeon* crew had never fired a warshot torpedo in peacetime, and only one officer of the submarine had ever heard a depth charge. During this patrol the *Gudgeon* became the first U.S. ship of World War II to sink an enemy warship which ironically was a Japanese submarine.

It was my pleasure to work very closely with Admiral Grenfell when I was chairman of the Select Committee on Survivor Benefits. He helped our committee immeasurably in working out details of the Survivor Benefits Act for servicemen and their dependents. It was during this period that I became keenly aware of his concern for the serviceman and his family.

So, commemorating its 64th anniversary I pay tribute to the submarine service and to one of its outstanding officers, Vice Adm. Joe Grenfell—a tribute to all those who have played so great a part in the development of the American submarine from the first one accepted by the Navy on April 11, 1900, to today's with its nuclear power and Polaris missiles. We are proud of and indebted to the research and development and construction people of both Government and private industry who have brought into being these great defensive and deterrent weapons systems, and of the members of the "silent service" who man them in the interest of peace and the preservation of freedom for all who cherish it.

LAWBOOKS U.S.A.

Mr. O'HARA of Illinois. Mr. Speaker, at a time when conflicting theories of government and individual freedom are confronting the emerging nations of the world, the value of a "people to people" program becomes apparent. One such program is Lawbooks U.S.A., a noble undertaking by the organized bar of the United States to send basic paperback books concerning the nature of our legal system to selected lawyers, jurists, teachers, and law students in the new born nations.

Lawbooks is a joint project of the American Bar Association, Federal Bar Association, and U.S. Information Agency to communicate with the lawyers of the world on a "lawyer to lawyer" basis. Most important, it is not a Federal project, instead it is a private venture geared to promoting greater world understanding through the principles of law and order. In my opinion as a lawyer, these units of the legal profession are to be praised for their foresight and energy on behalf of world peace.

The Lawbooks program does not strive to bend men's minds. Instead, it recognizes the importance of offering lawyers abroad an opportunity to evaluate the American version of democracy and individual freedom so that principles of due process, trial by jury, and presumption of innocence will have greater meaning in an ideologically divided world. The Lawbooks program will send overseas basic paperback books on our legal system, not traditional volumes used by lawyers in their day to day practice, which are difficult to interpret and often unfamiliar to foreign lawyers. Hopefully, these popular selections by noted American legal scholars will form the basis for a greater understanding of our legal system in today's troubled world.

Recognizing the importance of this "lawyer to lawyer" program, the participating bar associations have formed a national committee on which I have the privilege of serving as a trustee. My colleagues on the board of trustees are some of America's most distinguished lawyer-statesmen: Justice Tom C. Clark, Senator Thomas Kuchel of California; Assistant Secretary of State for African Affairs, G. Mennen Williams; Dean Erwin Griswold of the Harvard Law School; Dean Clyde Ferguson of the Howard Law School; former USIA Director, Edward R. Murrow; former Gov. Harold Stassen; former ABA President Charles Rhyne, now chairman of the ABA World Peace Through Law Committee; and Earl Kintner, former FBA president and now president of the Foundation of the Federal Bar. I know that each trustee recognizes the intrinsic value of Lawbooks and has given the program his complete support.

Most important, I am sure, is the fact that younger lawyers of our country are administering the program. These future leaders recognize the potential impact of a "lawyer to lawyer" program and are to be commended for their efforts and foresight. Scott Hodes of Chicago, now serving on the Pentagon staff of the Army Judge Advocate General and currently chairman of the Federal Bar Younger Lawyers, has been selected to serve as the first national chairman of Lawbooks. Named as national vice chairmen are Robert Mucklestone of Seattle, the chairman-elect of the ABA Junior Bar Conference, and Richard N. Flint of Minneapolis. Erwin Krasnow of Washington, formerly president of the Capitol Hill Bar, has been chosen as National Lawbooks treasurer. Those younger lawyers bring energy and enthusiasm to the program, and I might mention have organized a most ambitious national campaign.

Response to the program has been widespread. Although only in its infancy, the project has been received enthusiastically by congressional spokesmen, bar association officials, and leaders of the executive branch of our Government. Representative statements from congressional leaders indicates true bipartisan support. Senator HUBERT HUMPHREY remarked:

> Lawbooks, U.S.A., is an impressive and significant step in developing educational opportunities in the emerging nations.

While Senator THOMAS KUCHEL speaking in the CONGRESSIONAL RECORD on March 30, 1964, stated:

> It is apparent that the legal profession of our country understands that lawyers in these new nations must know and have the very feel of the American concept of law if peace through law is to be achieved.

Bar association officials have publicly offered statements urging members of the organized bar to support the program. Lewis F. Powell, Jr., of Richmond, the president-elect of the ABA, has said:

> This plan is further evidence of the interest of the organized bar in cooperating with the lawyers of other nations, and especially in taking appropriate steps to extend knowledge and understanding of the rule of law.

Additional support from the president of the Federal Bar Association, Conrad Philes, has been pledged.

The potential value of Lawbooks has also been noted by leaders of our executive branch. Hon. Sargent Shriver, special assistant to the President and Director of the Peace Corps, has advised that "Lawbooks is certainly of interest to the Peace Corps" and has inquired whether volunteers in the Peace Corps "could be involved in suggesting potential recipients of books." Gov. G. Mennen Williams has noted the critical need for such legal volumes and has commented that such books are in "tragic supply on the continent of Africa." Indeed, Edward R. Murrow, my dear friend, has summed up the thrust of Lawbooks in those carefully chosen words:

> This is a small price to pay for helping to keep the human spirit unshackled and the desire for freedom alive.

Members of the legal profession are being urged to contribute funds to send lawbooks to fellow lawyers in the emerging nations through local Lawbooks committees now being organized in communities throughout the country. I am told that lawyers in Chicago, Indianapolis, Minneapolis, and Washington have already undertaken lawbooks drives. As contributions are received, the donor's name will be enclosed with the packet of lawbooks, and the recipient will be encouraged to correspond directly with the American donor thereby implementing the lawyer-to-lawyer approach. Individual contributions may be sent to the national committee, 1815 H Street NW., Washington, D.C., payable to Federal Bar Foundation—Lawbooks, U.S.A.

Mr. Speaker, for my own part, I hope to present packets of lawbooks to leaders of the bar on my next trip to the African Continent. I am convinced from past travels and from my experience on the Foreign Affairs Committee that future Afro-American relations will gain materially from the efforts of the Lawbooks, U.S.A., National Committee. Indeed, the program marks a significant milestone in the growth of the organized bar in America.

MEANINGFUL CIVIL RIGHTS LEGISLATION

Mr. DEVINE. Mr. Speaker, historically and traditionally this has been a government of laws—not of men. Although we all favor the freedom of assembly guaranteed by the Constitution, the continuing demonstrations throughout the country, sit-ins, walk-ins, chain-ins, sleep-ins, shop-ins, and indiscriminate picketing are, in my opinion, hindering rather than helping the cause of meaningful civil rights legislation.

Of course the issues involved are highly emotional in nature and it is difficult to have objective discussions relating to civil rights, however, there are relatively few people in this great country that would deprive our citizens of equal voting rights, nor would many deny the right of any family in the United States to travel across this land and be free of worry about being able to obtain a hot meal or sleeping accommodations as well as fuel and restroom facilities. Further, the opportunities for gainful employment must be based on abilities, skill, and merit—not color.

In fact, in my State of Ohio these needs were recognized years ago. Public accommodations laws were enacted about 70 years ago with stronger provisions than contained in the pending civil rights bill before the other body. And the Ohio Legislature over 10 years ago enacted effective fair employment laws, again with provisions beyond the bill in Congress.

And, section 1102 under title XI of H.R. 7152, which passed the House on February 10, 1964, by a vote of 290 to 130, recognizes and preserves the rights of the States to legislate in this area, and operates as preemption in reverse.

But, mobocracy, violence, bloodshed, and general civil disobedience are not the answers to this problem and will not be tolerated by the American people. Our very able senior Senator from Ohio, the Honorable Frank J. Lausche, in addressing that body yesterday said, "We cannot afford to surrender government to trespassers, rioters, and insurrectionists."

Some of these so-called civil rights leaders seem to think they and their followers should have immunity from the laws of the States and local subdivisions, and assume martyr complexes when they are arrested for violation of the law. With these I have no sympathy and they are inviting a criminal record. In fact, although we all regret such incidents as occurred in Cleveland last week when the minister placed himself in the path of a bulldozer, I hear very little comment by way of sympathy.

Efforts are made to divert attention from the willful and arrogant violations of the law by the obvious smokescreen claim of "police brutality." Law enforcement officers have a sworn duty to make arrests for violations of the ordinances of villages, towns, and cities; the laws of the States and the United States, as well as the Constitution. Using such force as is reasonably necessary to make such arrests for violation of the law is not brutality, nor is it a violation of civil rights.

Lawlessness, violence, mob rule, and general civil disobedience certainly will not further understanding between the races. To the contrary, the breach will be widened and the so-called brotherhood of man a dim illusion.

The Members of Congress from Ohio almost unanimously supported the civil rights proposal when it passed over 2 months ago, with the conviction it was the right thing to do, and the hope that some of the basic injustices could be resolved, and yet preserve the rights of the majorities as well.

Continued violence, demonstrations, demands and lawlessness will undoubtedly cause many Members to have some serious second thoughts about the wisdom of any legislative action in this area whatsoever.

Personally, I supported fair employment legislation on the State level in the early 1950's, and I voted for the civil rights bill in Congress in 1960, and again this year, but it seems to me that the greatest demonstration that could be made today is that of responsibility, not irresponsibility; tolerance, not intolerance; lawfulness, not lawlessness, and reason, not violence.

I am pleased that my congressional district has been reasonably free of incidents of civil disobedience and violence, which demonstrates reason and tolerance in an effort to resolve differences.

Thomas Jefferson is credited with that part of the Preamble of the Declaration of Independence that "all men are created equal" although he was a substantial slave owner. He also said, "The law of the majority is the natural law of every society of men."

Mr. Speaker, mobocracy will not be the rule in the United States.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. St. George, for 45 minutes on next Thursday, to report on the last meeting of the Interparliamentary Union.

Mr. Farbstein (at the request of Mr. Albert), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Dingell (at the request of Mr. Albert), for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Madden and to include extraneous matter.

Mr. Fogarty to revise and extend the remarks he will make in Committee of the Whole today and to include extraneous matter.

Mr. Laird to revise and extend the remarks he will make in Committee of the Whole today and to include extraneous matter and charts and tables.

Mr. Brotzman.
Mr. Ashbrook.
Mr. Berry.
Mr. Morris.
Mr. Delaney.
Mr. Johnson of California.
Mr. Gilbert.
Mr. Taft.
Mr. Wydler.
Mr. St. Onge.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Olsen of Montana, for April 18 through April 26, inclusive, on account of official business representing the United States at International Road Conference.

Mrs. Hansen (at the request of Mr. Albert), for today, April 14, 1964, on account of illness.

Mr. Clark for April 15 to April 24, 1964, on account of official business—attending International Road Conference.

Mr. Hall, for Wednesday, April 15, 1964, on account of official Armed Services Committee business—U.S. Military Academy, West Point, N.Y.

Mr. Rumsfeld (at the request of Mr. Arends), for today, on account of official business.

Mr. Gonzalez (at the request of Mr. Albert), for today and the balance of the week, on account of official business.

Mr. Sisk (at the request of Mr. Albert), for April 14 through April 22, 1964, on account of official business.

COMMITTEE ON PUBLIC WORKS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file reports on the bills H.R. 7654 and H.R. 10787.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL ORDERS FOR TODAY TRANSFERRED TO TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the special orders in order for today may be transferred until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

EXTENSION OF REMARKS

Mr. ALBERT. Mr. Speaker, without establishing a precedent, I ask unanimous consent that Members may extend their remarks in the Record and include in either instance extraneous matter for today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE LATE HONORABLE THOMAS J. O'BRIEN

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, I regret to inform the Members that the dean of the Illinois delegation, Thomas O'Brien, died at 1:45 this afternoon.

As we trace his political career in public life we can only state that he was an individual wholly dedicated to the purposes he had in life. He was loyal to the dignity of his party and in his solid friendship for all men who were in political leadership and assertive of party policy in the Congress. He was beloved by all of his fellow legislators.

He served 8 years in the Illinois Assembly and 28 years in the Congress of the United States.

His political potency in accomplishing favorable results were such that he inspired young members and he was a political asset to those he served. THOMAS J. O'BRIEN was a man in every sense of the word. When he was most provoked he was silent. He respected every individual who served his country, and those in this House especially.

He served as sheriff of Cook County for 4 years for 1938–42 and is the only man in Chicago who was ever elected out of one of two districts when both districts sought his services in this body.

He was educated in Chicago schools, in business law, and in accounting. He served for 6 years as a bank examiner under three auditors of the State of Illinois.

Anyone who met TOM O'BRIEN knew in his heart that he had met a dedicated and real American who loved fellow human beings because of his interest in their problems.

Mr. Speaker, this is not in the nature of a eulogy. It is purely a presentment of the life and character of a great man, TOM O'BRIEN, who had the respect of the House. We extend a heartfelt condolence to his darling wife, Nettie, in her bereavement.

Ceremonies will be held on Thursday, April 23.

Mr. Speaker, I offer a resolution.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable THOMAS J. O'BRIEN, a Representative from the State of Illinois.

Resolved, That a committee of fifty Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution (H. Res. 684) was agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee the following Members on the part of the House: Mr. Dawson, Mr. Arends, Mr. Keogh, Mr. Kirwan, Mr. Mills, Mr. King of California, Mr. Madden, Mr. Rooney of New York, Mr. Byrnes of Wisconsin, Mr. Price, Mr. Boggs, Mr. Karsten, Mr. Thompson of Texas, Mr. Herlong, Mr. Rhodes of Pennsylvania, Mr. Zablocki, Mr. Betts, Mr. Curtis, Mr. Kluczynski, Mr. Springer, Mr. Watts, Mr. O'Hara of Illinois, Mr. Broyhill of Virginia, Mr. Derounian, Mr. Knox, Mr. Utt, Mr. Alger, Mr. Bass, Mr. Gray, Mrs. Griffiths, Mr. Jennings, Mr. Collier, Mr. Michel, Mr. Ullman, Mr. Libonati, Mr. Burke, Mr. Derwinski, Mr. Hoffman, Mr. Murphy of Illinois, Mr. Pucinski, Mr. Rostenkowski, Mr. Shipley, Mr. Schneebeli, Mr. Anderson, Mr. Findley, Mr. Finnegan, Mr. McClory, Mr. McLoskey, Mrs. Reid of Illinois, and Mr. Rumsfeld.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect, the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 3 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 15, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1936. A letter from the Secretary of the Treasury, transmitting a report on the activities of the National Advisory Council on International Monetary Financial Problems during the period January 1 to June 30, 1963, pursuant to section 4(b)(5) of the Bretton Woods Agreements Act, approved July 31, 1945 (H. Doc. No. 297); to the Committee on Banking and Currency, and ordered to be printed.

1937. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 1, 1964, submitting a report, together with accompanying papers and illustrations, on an interim hurricane survey of Atlantic City, N.J., authorized by Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 298); to the Committee on Public Works and ordered to be printed with three illustrations.

1938. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the July 1963–February 1964 report on Department of Defense procurement from small and other business firms, pursuant to section 10(d) of the Small Business Act; to the Committee on Banking and Currency.

1939. A letter from the Comptroller General of the United States, transmitting a report on a review of unnecessary cost incurred by the Government by not using surplus stockpiled materials to satisfy defense contract needs, Department of the Air Force; to the Committee on Government Operations.

1940. A letter from the Comptroller General of the United States, transmitting a report on a review of unnecesary procurement resulting from failure to review requirements for nonrecoverable spare parts during fiscal year 1963, Department of the Air Force; to the Committee on Government Operations.

1941. A letter from the Secretary of the Treasury, transmitting a draft of a proposed bill entitled "A bill to amend the Internal Revenue Code of 1954 by imposing a tax upon the sale of aviation and motorboat fuel, extending the tax on the transportation of persons by air, imposing a tax upon the transportation of property by air, and for other purposes"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KING of California: Committee on Ways and Means. H.R. 4649. A bill to amend the Internal Revenue Code of 1954 to authorize the use of certain volatile fruit-flavor concentrates in the cellar treatment of wine; with amendment (Rept. No. 1317). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 4844. A bill relating to the release of liability under bonds filed under section 44(d) of the Internal Revenue Code of 1939 with respect to certain installment obligations transmitted at death; without amendment (Rept. No. 1318). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 6455. A bill to amend subsection (b) of section 512 of the Internal Revenue Code of 1954 (dealing with unrelated business taxable income); with amendment (Rept. No. 1319). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10466. A bill to amend title XI of the Social Security Act to extend the period during which temporary assistance may be provided for U.S. citizens returned from foreign countries; without amendment (Rept. No. 1320). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.R. 7654. A bill to designate the new lock on the St. Marys River at Sault Ste. Marie, Mich., as the "John A. Blatnik lock;" without amendment (Rept. No. 1321). Referred to the House Calendar.

Mr. BUCKLEY: Committee on Public Works. H.R. 10787. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; without amendment (Rept. No. 1322). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKLEY:

H.R. 10822. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States; to the Committee on Education and Labor.

By Mr. GRABOWSKI:

H.R. 10823. A bill to provide that a nuclear-powered submarine shall be named the U.S.S. *John F. Kennedy*; to the Committee on Armed Services.

H.R. 10824. A bill to authorize wartime benefits under certain circumstances for peacetime veterans and their dependents; to the Committee on Veterans' Affairs.

By Mr. LENNON:

H.R. 10825. A bill to appropriate funds for the construction of small river and harbor improvement projects; to the Committee on Appropriations.

H.R. 10826. A bill to appropriate funds for the navigation project at Wilmington Harbor, N.C.; to the Committee on Appropriations.

H.R. 10827. A bill to appropriate funds for the north Masonboro Inlet jetty, North Carolina; to the Committee on Appropriations.

H.R. 10828. A bill to appropriate funds for planning the New Hope Reservoir project, North Carolina; to the Committee on Appropriations.

By Mr. TEAGUE of California:

H.R. 10829. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. TEAGUE of Texas:

H.R. 10830. A bill to amend the Foreign Assistance Act of 1961 to provide that, to the maximum extent consistent with the national interest, U.S. firms shall be engaged to furnish engineering, procurement, and construction services for certain capital improvement projects abroad financed by the United States; to the Committee on Foreign Affairs.

H.R. 10831. A bill to provide for the issuance of a special postage stamp commemorating the centennial of the Sokol Organization; to the Committee on Post Office and Civil Service.

By Mr. HERLONG:

H.R. 10832. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. BETTS:

H.R. 10833. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. THOMPSON of Texas:

H.R. 10834. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. KNOX:

H.R. 10835. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. BURKE:

H.R. 10836. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. UTT:

H.R. 10837. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 10838. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. ALGER:

H.R. 10839. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. BARRETT:

H.R. 10840. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. BATTIN:

H.R. 10841. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 10842. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 10843. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 10844. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 10845. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. CURTIN:

H.R. 10846. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 10847. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 10848. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 10849. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 10850. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. HEMPHILL:

H.R. 10851. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 10852. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. LLOYD:

H.R. 10853. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. McINTIRE:

H.R. 10854. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 10855. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. MILLIKEN:

H.R. 10856. A bill to amend the Antidumping Act, 1921; to the Commitee on Ways and Means.

By Mr. MORRIS:

H.R. 10857. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. MOSHER:

H.R. 10858. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. PHILBIN:

H.R. 10859. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. PILLION:

H.R. 10860. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. RAINS:

H.R. 10861. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 10862. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. ROGERS of Colorado:

H.R. 10863. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania:

H.R. 10864. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 10865. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. SECREST:

H.R. 10866. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 10867. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. DANIELS:

H.R. 10868. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. ASPINALL:

H.R. 10869. A bill to amend section 613(c)(4)(E) of the Internal Revenue Code of 1954, as amended; to the Committee on Ways and Means.

By Mr. ELLSWORTH:

H.R. 10870. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 10871. A bill to amend title 10 of the United States Code to extend the benefits of the medical care program to retired personnel of the uniformed services who are retired under any provisions of law and their dependents; to the Committee on Armed Services.

By Mr. PATMAN (by request):

H.R. 10872. A bill to amend the Bank Holding Company Act of 1956, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROOSEVELT:

H.R. 10873. A bill to amend the bonding provisions of the Labor-Management Reporting and Disclosure Act of 1959 and the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. STAGGERS:

H.R. 10874. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CUNNINGHAM:

H.J. Res. 996. Joint resolution to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer; to the Committee on Agriculture.

By Mr. GURNEY:

H.J. Res. 997. Joint resolution proposing an amendment to the Constitution of the United States relating to the election by Congress of a Vice President; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.J. Res. 998. Joint resolution proposing an amendment to the Constitution to provide for the selection of a new Vice President whenever there is a vacancy in the office of Vice President; to the Committee on the Judiciary.

By Mr. STINSON:

H. Con. Res. 287. Concurrent resolution requesting the President to proclaim the 6-day period beginning May 18, 1964, and ending May 23, 1964, as National Halibut Week; to the Committee on the Judiciary.

By Mr. BARRY:

H. Res. 679. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. HALPERN:

H. Res. 680. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. GLENN:

H. Res. 681. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. O'HARA of Illinois:

H. Res. 682. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H. Res. 683. Resolution creating a select committee to conduct an investigation and study of the rate of cost increases under health benefits plans; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT of Florida:

H.R. 10875. A bill for the relief of Dr. Houshang Etessam; to the Committee on the Judiciary.

By Mr. EDWARDS:

H.R. 10876. A bill for the relief of Epifania de Leon de Dias de Salto; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 10877. A bill for the relief of Jose Alfredo Martinez-Valdes, Jose Luis Martinez-Garcia, Maria Concepcion Valdes-Moran de Martinez, and Maria de los Dolores Garcia-Sanchez; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 10878. A bill for the relief of Joseph Merendino; to the Committee on the Judiciary.

By Mr. FORRESTER:

H.R. 10879. A bill for the relief of John Henry Taylor; to the Committee on the Judiciary.

By Mr. HAGAN of Georgia:

H.R. 10880. A bill to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Mrs. Melba B. Perkins against the United States; to the Committee on the Judiciary.

H.R. 10881. A bill for the relief of Floyd Concrete Co., Mock Fence Co., Smith Contracting Co., and John G. Butler Co., Inc.; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 10882. A bill for the relief of Dogan Akman; to the Committee on the Judiciary.

By Mr. RICH:

H.R. 10883. A bill for the relief of Alexander Medovich, Olivera Medovich, Nikola Medovich, and Patrick Medovich; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 10884. A bill for the relief of Mrs. Tuva Berger and Miss Ester Berger; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 10885. A bill for the relief of Merline E. White; to the Committee on the Judiciary.

H.R. 10886. A bill for the relief of Mrs. Chawa Kaplan; to the Committee on the Judiciary.

By Mr. STINSON:

H.R. 10887. A bill for the relief of Rosalina Latag Tagavilla; to the Committee on the Judiciary.

H.R. 10888. A bill for the relief of Florencio D. Ponce; to the Committee on the Judiciary.

H.R. 10889. A bill for the relief of Maria Faccone; to the Committee on the Judiciary.

By Mr. WALLHAUSER:

H.R. 10890. A bill for the relief of Ramiro Ventura Pacheco; to the Committee on the Judiciary.

SENATE

TUESDAY, APRIL 14, 1964

(*Legislative day of Monday, March 30, 1964*)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, in whose keeping are the destinies of men and nations: Only when our vision is cleansed and corrected by the lure of far horizons can we be saved from the panic which lurks always in mistaken magnitudes.

To endure as seeing the invisible, we must see the transient in the light of the everlasting. May the eternal immensities shame our petty thoughts and ways.

May the vision of what we might be convict us of what we are. Save us from sitting in the seat of the scornful, of having any kinship with the cynical or fainthearted. Join us, rather, with the inspirers whose lives we have known and touched, whose spell upon our own spirits we can never escape—those whose lips were fragrant with prayer, whose eyes were radiant with hope, whose hearts were strong with courage, and whose contagious goodness made them like lighted temples. O God, to us may grace be given to follow in their train. Amen.

THE JOURNAL

On request of Mr. DODD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 13, 1964, was dispensed with.

CIVIL RIGHTS ACT OF 1963

Mr. DODD. Mr. President, I ask that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

PERSONAL STATEMENT BY SENATOR HOLLAND

Mr. HOLLAND. Mr. President, will the distinguished acting majority leader yield to me, on a matter of personal privilege?

Mr. DODD. I am glad to yield for that purpose to the Senator from Florida.

Mr. HOLLAND. Mr. President, I was awakened this morning by a call from Miami, reproaching me because of what was stated over radio stations in Miami, yesterday afternoon, to the effect that I had breached a gentleman's agreement by suggesting the absence of a quorum after I completed my speech yesterday in the civil rights debate.

I could not place the origin of such a report until I had an opportunity to read the Evening Star of yesterday, and then I noticed, under the byline of Cecil Holland—who, though not a relative of mine, is a longstanding friend, and I do not know where he could have got the information he reported in his article—this statement:

> Those going to the season's opener at District Stadium had no worries about being called back in the middle of the game.
>
> A gentlemanly understanding prevailed that, after the first quorum call, no other would be demanded until after the game.

Mr. President, it is very easy to put out reports which can be very hurtful to one's reputation, and particularly in the course of a political campaign. I hope the press will be a little more careful in connection with the further conduct of this debate than it was in that instance.

Later, I was called from the floor by a reporter for the Associated Press, who asked me whether I had heard any such rumor. I told him I had not and I dismissed the matter from my mind. But now I think it necessary and important for the RECORD to show the facts.

The facts are that, prior to the convening of the session yesterday, I had advised the majority leader and the acting minority leader, who was on the floor, that I would call for a quorum call when I completed my speech. I had also given them my best estimate as to the length of my speech, which was that it would last at least 2 hours, and that any additional time beyond that would have to depend upon the amount of colloquy, and I said I hoped there would be some colloquy, which, as Senators will recall, there was, and quite a lot of it.

In pursuance of that, the distinguished acting majority leader made very clear, in his first announcement, that Senators were to hold themselves in readiness, throughout yesterday, for quorum calls, and I call attention to the announcement by the Senator from Minnesota [Mr. HUMPHREY], the acting majority leader, which appears on page 7736 of yesterday's RECORD, before the beginning of the debate. I quote from the statement by the Senator from Minnesota:

> NOTICE OF LENGTHENED SESSIONS OF THE SENATE
>
> Mr. HUMPHREY. Mr. President, I wish to serve notice now, in a most kindly and friendly way, that it is expected that the Senate will be in session rather late tonight. The session may run until as late as midnight. Senators should be on notice that they must expect to be available for live quorum calls.

Thereupon the distinguished Senator from New Jersey [Mr. CASE] requested the floor, and addressed this question to me:

> Mr. CASE. Mr. President, I wonder if the Senator from Florida can give us some idea as to the length of his remarks in chief, for our guidance. It is now about 10:41.
>
> Mr. HOLLAND. I appreciate the inquiry from the Senator from New Jersey. My speech is expected to last for about 2 hours, without allowing time for colloquies. I hope there will be colloquies. The length of the colloquies would add to the length of my speech.

I continued to advise various Senators when they asked as I had advised Senators before the opening of the session, in accordance with the statement I had already made, that it was my intention to call for a quorum at the conclusion of my remarks.

However, the matter came up again on the floor, a little later, in a colloquy with the distinguished Senator from Pennsylvania [Mr. CLARK]. He interrupted my speech at about a quarter after 11. His questions and my replies and comments will be found on page 7743 of yesterday's RECORD, as follows:

> Mr. CLARK. Mr. President, will the Senator yield?
>
> Mr. HOLLAND. I yield for a question.
>
> Mr. CLARK. Can the Senator give me any rough idea, for reasons which I am sure he understands, how much longer he intends to speak?
>
> Mr. HOLLAND. I stated to several Senators earlier, before they left for the ball game—I am sure that is what the Senator has reference to—that I have a speech which will last about 2 hours at the minimum. Any-

> thing beyond that would depend on how much colloquy there was. Judging from the interest manifested by my distinguished friends from Alabama and Louisiana, it might extend beyond 3 hours.

I interpolate to say that prior to that time I had received a good many questions from the distinguished Senator from Alabama [Mr. Hill], the distinguished Senator from Louisiana [Mr. Ellender], and also the distinguished Senator from Arkansas [Mr. McClellan].

Then came another question from the Senator from Pennsylvania [Mr. Clark]:

> Mr. Clark. Mr. President, will the Senator yield further?
>
> Mr. Holland. I yield.
>
> Mr. Clark. Does the Senator feel that for the next hour and a half he is likely to hold the floor?
>
> Mr. Holland. I believe so. However, I wish to make it clear that my prepared remarks would not extend that long. While I do not control the strategy or the progress of the debate, it is my intention when I complete my remarks to suggest the absence of a quorum.
>
> Mr. Clark. Mr. President, will the Senator yield further?
>
> Mr. Holland. I hope the Senator will enjoy the game. I wish I could be with him.
>
> Mr. Clark. Does the Senator share my fear that it might not be wise to go?
>
> Mr. Holland. No; I do not share that fear. Even if the Senate had to delay for half an hour, while Senators came hurrying back to the floor from the ball game, no harm would be done to the country.

I do not know how it could have been made much clearer that the anticipated length of my speech was about what I had said it would be; namely, approximately 2 to 2½ hours before I would complete my remarks, exclusive of questions or interruptions.

A number of Senators were generous in asking questions. I, in turn, tried to be generous in yielding when Senators requested me to yield, to permit them to make insertions of various matters in the Record; and, as I recall, approximately 10 Senators requested that I yield to them, to permit them to make insertions of other matters in the Record before I began my speech; and I was glad to yield to them for that purpose.

Senators knew perfectly well what my intentions were. The leadership, on both sides of the aisle, knew what my intentions were, and the leadership's staff, whose responsibility it is to keep Senators advised at all times as to what may be anticipated in the Senate, in consultation with my staff, knew that a live quorum could be expected at the conclusion of my remarks.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. I shall be glad to yield, but first I should like to complete my statement by saying that the leadership very wisely had arranged cars and a police escort to get Senators back to the Capitol. Eveything worked out according to plan instead of otherwise.

I very much dislike the fact that anyone serving in the press gallery of the Senate should accuse me of having violated a gentleman's agreement. I have been in the Senate only 18 years; I do not believe a close scrutiny of my conduct in that time would suggest anything other than that I have tried to be highly considerate of my fellow Senators and also considerate of the leadership, not only on my side of the aisle, but on the other side, in advising the leadership clearly of my intentions.

I am glad that the majority leader is present, because I am sure that he has full recollection of that fact and also of the facts of what happened yesterday.

I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I wish to corroborate what the distinguished senior Senator from Florida has said. There was no agreement, gentlemanly or otherwise, that there would be no quorum call yesterday because of a baseball game. Personally I am glad that there was a quorum call, because I believe our first place is here on the floor of the Senate—even though I was one of those who were at the ball game. The Senator from Florida gave us ample notice that very likely there would be a quorum call. There was one. We came back, and any story otherwise, implying anything against the Senator from Florida, is untrue, not founded in fact, made up out of whole cloth, and is merely speculation. The Senator has related the situation correctly. He is correct. I repeat that there was no agreement of any kind and there should be no agreement, because we should be ready to be present on the floor of the Senate on a moment's notice.

Mr. HOLLAND. I thank my distinguished friend. The matter is relatively minor to others, but frankly I do not like to be accused, particularly in my own State, as a result of a news report emanating from Washington, of having violated a gentleman's agreement, because I have never done such a thing in my life.

I did not do it yesterday. I took great care to see that all of my fellow Senators were fully advised of my intentions, and the Record so shows.

Mr. President, I thank the Senate for allowing me these few minutes to address myself to the point of personal privilege.

Mr. HILL subsequently said: Mr. President, I fully and completely corroborate and confirm all that the Senator from Florida and the Senator from Montana have said.

CALL OF THE ROLL

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. Kennedy in the chair). The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 135 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Cannon
Carlson
Case
Church
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hartke
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Neuberger
Pearson
Pell
Prouty
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Talmadge
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Pennsylvania [Mr. Clark], the Senator from Louisiana [Mr. Ellender], the Senator from Michigan [Mr. Hart], the Senator from Arizona [Mr. Hayden], the Senator from Alabama [Mr. Hill], the Senator from Wisconsin [Mr. Proxmire], the Senator from Georgia [Mr. Russell], and the Senator from Texas [Mr. Yarborough] are absent on official business.

I also announce that the Senator from North Dakota [Mr. Burdick], the Senator from West Virginia [Mr. Byrd], the Senator from Oklahoma [Mr. Edmondson], the Senator from California [Mr. Engle], the Senator from North Carolina [Mr. Ervin], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from North Carolina [Mr. Jordan], the Senator from Louisiana [Mr. Long], the Senator from Wisconsin [Mr. Nelson], the Senator from Rhode Island [Mr. Pastore], the Senator from Florida [Mr. Smathers], the Senator from South Carolina [Mr. Thurmond], and the Senator from Tennessee [Mr. Walters] are necessarily absent.

I further announce that the Senator from Mississippi [Mr. Eastland] is absent because of illness.

I further announce that the Senator from West Virginia [Mr. Randolph] is absent during convalescence from an illness.

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. Cooper] and the Senator from New Mexico [Mr. Mechem] are necessarily absent.

The Senator from Arizona [Mr. Goldwater] and the Senator from Texas [Mr. Tower] are detained on official business.

The PRESIDING OFFICER. A quorum is present.

Mr. McCLELLAN obtained the floor.

TRIBUTE TO MRS. IDA B. ALSETH

Mr. MUNDT. Mr. President, will the Senator from Arkansas yield, without losing his right to the floor, for two insertions in the Record?

Mr. McCLELLAN. Mr. President, I ask unanimous consent that I may yield to the Senator from South Dakota, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. I thank the distinguished Senator from Arkansas for yielding to me.

Mr. President, this past weekend, the South Dakota Press Association held its annual convention in Mitchell, S. Dak.

As part of this annual meeting of South Dakota's newspaper publishers and editors, the South Dakota Press Women also held its spring meeting.

At this meeting, Mrs. Ida B. Alseth, of Lake Preston, S. Dak., was chosen Woman of Achievement for 1963.

It has been my privilege to know and to work with Mrs. Alseth over the years, so this deserving award comes as no surprise; nor is the award itself the first such honor for Mrs. Alseth.

Mrs. Alseth has earned many awards and honors in her years of dedicated service as a writer and author, as an educator and teacher, and as a representative of our Government in 1955 when she served as a lecturer and journalist in India and Pakistan under terms of the Smith-Mundt Act.

Mr. President, it gives me considerable pleasure to bring to the attention of the Senate the news story which tells of this award to Mrs. Alseth, and which also provides some of the interesting highlights of her remarkable career.

I ask unanimous consent that the article, published in the Huron Daily Plainsman of April 12, may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOMAN OF ACHIEVEMENT—PRESS WOMEN HONOR PLAINSMAN CORRESPONDENT IDA B. ALSETH

MITCHELL.—South Dakota Press Women chose Mrs. Ida B. Alseth, Lake Preston, as its Woman of Achievement for 1963, Mrs. Gail Nichols, Rapid City, president, announced.

Mrs. Alseth was presented the certificate award by Mrs. C. E. Robbins at a luncheon of the SDPW during its annual spring meeting here Saturday.

On the woman of achievement committee were Mrs. W. P. Capp, Presho, chairman; Mrs. R. B. Hipple and Mrs. Robbins, both of Pierre. Noteworthy achievements in journalism, outstanding public service and citizenship were the basis of judging. Award is limited to the organization's members.

Mrs. Alseth's entry has been forwarded to the National Federation of Press Women to which the SDPW is affiliated for further judging. Announcement of the national winner will be made during the BFPW convention at Richmond, Va., in June.

Journalist, teacher, and lecturer, Mrs. Alseth is still going strong at the age of 74. She takes her own pictures with a 4 by 5 camera. A regular correspondent for the Daily Plainsman, she will get a picture page at the drop of a hint from the editor.

As a freelance writer, her articles have been published in—some of them now defunct—Coronet, Argosy, the Fisherman, Flying, Natural History, Country Gentleman, Farm Journal, Capper's Farmer, Science Digest, Successful Farming, Western Stockman, Breeders, Nature magazine, Audubon, Rotarian, American Boy, Boys Life, Frontiers, and youth magazines such as Twelve-Fifteen, Upward, and Sentinel.

Her features have been carried by the Christian Science Monitor, Des Moines Register, Chicago Tribune, St. Paul Pioneer-Press Dispatch, Minneapolis Tribune, Aberdeen American-News, Sioux City Journal, Sioux Falls Argus-Leader, and the Rapid City Journal in addition to the Huron Plainsman.

Throughout the years Mrs. Alseth has won about 11 first places and about the same number of second-place awards in the annual writing contests of the National Federation of Press Women. She frequently leads the South Dakota Press Women's writing contest in the number of first-place awards.

In her field as educator, Mrs. Alseth is presently Kingsbury County superintendent of schools, a position she also filled from 1937–44. She taught in the Lake Preston School and was principal of the high school. During 1957–58 she taught at the American Girls College, Istanbul, Turkey. She served on the State board of education 5 years and the State PTA board for 9 years.

In 1955 Mrs. Alseth represented the U.S. State Department in India and Pakistan as a lecturer and journalist and wrote articles for several newspapers while in Dacca.

This versatile woman was winner of the Woman of Achievement award for the Sioux City Journal in 1947 and in 1957 was honored as South Dakota's Mother of the Year.

During World War II she served many a pulpit in her area when ministers were scarce. For 6 years she was on the State board of directors of the Congregational Church.

Active in political affairs, Mrs. Alseth served as Kingsbury County vice chairman of the Republican Party for 8 years and as State committeewoman for 4 years. In 1952 she was a delegate from South Dakota to the national GOP convention and served on the platform committee.

She is chairman of the Lake Preston Library Board, chairman of the Red Cross, has been chairman of the Junior Red Cross and county chairman of the cancer drive. Mrs. Alseth is a member of the Eastern Star, PEO, and Congregational Church.

A native of South Dakota, she is the former Ida Brooks, born September 29, 1890. Receiving her A.B. degree from the University of Minnesota in 1913, she has taken postgraduate work at Leland Stanford University, and the University of Minnesota.

She was married to Charles Alseth who has been deceased for 25 years. Her two children are Charles A., Jr., and Dorothy, now Mrs. W. R. Heller.

Believing that time is precious, Mrs. Alseth doesn't waste it. If she is not busy with her job, she writes news or feature stories. She has been writing since 1951 and loves it.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that during the course of my remarks I may yield to Senators upon their request to make insertions in the RECORD, or to make comments, or to ask questions relating to the pending bill, and relating to any remarks which I may make while I am speaking, and that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. Does this unanimous-consent request protect me during the course of my remarks for yielding to Senators for the purposes which I have just indicated, without requiring me to specifically make such request of the Chair in each instance in which I may be asked to yield?

The PRESIDING OFFICER. The Chair understands and so rules.

Mr. McCLELLAN. That it will protect me?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. I thank the Chair.

Mr. President, first, I wish to express my appreciation to other Members of this body, and particularly to the distinguished Senator from Georgia [Mr. TALMADGE], for unofficially yielding to me so that I might speak today, rather than at a later time, when it would have been possibly more in order in accordance with the arrangements made for me to deliver my address. The Senator very kindly exchanged places with me today so that I might be absent from the Senate a day or two later, in order to attend a very important occasion in my own State.

This occasion is the dedication of a new industry which has come to Arkansas, whose ceremonies I was hopeful I could attend and participate in on that day.

I thank the Senator from Georgia [Mr. TALMADGE] for helping me make those arrangements, which will accommodate me in that respect.

Mr. President, since 1943 I have had the honor of representing the people of Arkansas in this body. During this period, I have participated in Senate consideration of thousands of bills. Many of those measures stimulated serious controversy—not only in this Chamber, but throughout the Nation. They were subjects and issues of discussion among our people who, in some instances, were in disagreement with the proposals, and in other instances strongly supported the measures.

It is therefore quite understandable to me that the proponents and the opponents of a particular piece of legislation should differ as to its wisdom and the necessity for its enactment, often as to the practical necessity for it, and in many instances with respect to its constitutionality. But never in my 21 years-plus experience as a Member of the Senate have I observed the blatant mislabeling of legislation such as I find in H.R. 7152, the pending, misnamed "Civil Rights Act."

The more I study the bill and the better I understand it, the more convinced am I that it is misnamed and that its title is completely misleading.

A more accurate and descriptive title, I believe, would be "The Discrimination Act of 1964," rather than a civil rights bill.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to the Senator from Georgia. I may say that I expect, in the course of my remarks today, and possibly in subsequent remarks, regarding the proposed legislation, to attempt to point out, at least from my viewpoint, wherein it is a discriminatory bill and not a bill to prohibit discrimination, as the proponents of the measure undertake to contend it is designed to be. I am happy to yield to the Senator from Georgia.

Mr. TALMADGE. Would not a more apt title of the bill be a bill to regulate the American people? Is that not what the bill purports to do?

Mr. McCLELLAN. It not only undertakes to regulate them in their business ultimately it will prove to be the opening wedge to regulate them in their social life and, in a measure, to regiment them politically. I cannot see it as being anything but almost the very opposite of what its proponents claim it to be. It is unconstitutional. It is an imposition upon the concept of liberty that we have cherished and which has made our country what it is, and which has distinguished our way of life and our Government in many respects from those of other countries throughout history.

Mr. TALMADGE. I ask my able friend if the bill does not regulate where people sleep.

Mr. McCLELLAN. It attempts to do that. I am one of those who believe that it is not possible to regulate those things by law. There are certain intuitions in a human being that statutes will not inhibit. I do not think the bill, even though we might enact it, would be enforceable in some of those areas where it attempts to invade privacy and the right of decision and choice by an individual to pursue happiness.

Mr. TALMADGE. I ask my friend if it does not regulate where people eat.

Mr. McCLELLAN. It attempts to do that. Before I conclude my remarks I shall relate an incident that occurred in my State, when outside agitators came in and caused a great disturbance. They took the position that an injunction prohibiting such a trespass was not tenable and should not prevail. I hope to read into the RECORD during the day the oral decision or opinion of the court which decided that incident in my State, when an outsider came in and undertook to and did create a disturbance and caused feelings and emotions to be stirred by attempting to force himself upon those who had made a choice of the patronage they would serve and the clients they would entertain.

Mr. TALMADGE. I ask my friend if the bill does not regulate where people work, in their employment rights and rights of employers to employ employees, and seniority rights, and other conditions of employment?

Mr. McCLELLAN. There are not many areas of human activity in what we believe and have cherished to be a free society which the bill does not attempt to invade and in connection with which attempts are not made to invoke some governmental or centralized power and authority in violation of the 10th amendment to the Constitution. Thus, in those areas which the junior Senator from Georgia has in mind at the moment, and which I have in mind at the moment, the bill is not an exercise of powers granted to the Congress and to the Federal Government by the Constitution, but, rather, constitutes a usurpation of power which was withheld by the provisions of the 10th amendment to the Constitution.

Mr. TALMADGE. Is it not true that the bill purports to regulate the American people and to extend the Federal police power of the United States Government in every area of private, human conduct from the cradle to the grave?

Mr. McCLELLAN. Yes. If the proponents have skipped anything, it is evidently due to an inadvertent omission, and not intentional.

Mr. TALMADGE. I thank the able Senator for yielding. I agree with him.

Mr. McCLELLAN. Mr. President, H.R. 7152, would deny American citizens the freedom of choice—freedom to select their own personal associates and business customers, and yet it is described by its ardent proponents as a measure to advance human freedom.

The bill distorts the delicate balance between the powers of the Federal Government and those which have been reserved to the States, and yet it is hailed by its supporters as an implementation of the Constitution.

As I pointed out in a colloquy a few moments ago with the distinguished Senator from Georgia on that point, it is my conclusion that much of the proposed legislation is not authorized by the Constitution. Its enactment would constitute a usurpation of the powers reserved and withheld from the Federal Government by the 10th amendment to the Constitution.

In fact, the bill would subvert the constitutional right and duty of the several States to determine the qualifications of voters, and yet it is described by its sponsors as an enforcement of the constitutional right to vote.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I am glad to yield.

Mr. SPARKMAN. If it is not too early in the Senator's speech to break in——

Mr. McCLELLAN. My speech will be of some duration, so I might as well accommodate Senators at one time as another.

Mr. SPARKMAN. The Senator has referred to a violation of constitutional provisions by the terms of the bill. The Senator has referred to the very first title of the bill, which relates to voting rights and voting registration. Is it not true that under the terms of the bill the requirements for the qualifications of voters would be handled by the Federal Government rather than by the State governments, as the Constitution plainly provides?

Mr. McCLELLAN. The Constitution plainly provides that State governments shall determine the eligibility of voters. The bill would clearly undertake to establish a presumption of eligibility, and therefore it would be an invasion of the constitutional rights of the several States to fix the terms of eligibility.

Mr. SPARKMAN. That is the point I wish to make. The Senator from Arkansas has expressed the point much better than I have. But the Constitution leaves no doubt as to the right of the States to set the qualifications for voters. Is that true?

Mr. McCLELLAN. If language is to be given its common acceptation and meaning, there can be no doubt. There must be a disregard of the plain language and intent of the Constitution if the Federal Government should in any way attempt to determine or set standards by which the eligibility of voters shall be fixed by the several States.

Mr. SPARKMAN. Is it not true that the framers of the Constitution did not have the right to give powers to the States? Powers were reserved to the States. But the Constitution went so far as to provide that the power to determine the eligibility of voters should be retained by the States.

Mr. McCLELLAN. The purpose of that language in the Constitution was to make clear that that power was not being delegated to the Central Government.

Mr. SPARKMAN. Yes. It was really a double check, was it not?

Mr. McCLELLAN. It was clearly intended to make it doubly understood, without any reservations whatsoever and without any possibility of misunderstanding, that that power was not delegated; it was specifically provided that the power should be reserved to the States.

Mr. SPARKMAN. Is it not true that the provision to which the Senator has referred is stated in the original articles of the Constitution itself, and also, if I remember correctly, in two different amendments?

Mr. McCLELLAN. Yes. The two amendments to the Constitution recognized a responsibility.

Mr. SPARKMAN. Is it not true that one of the amendments granted suffrage to women?

Mr. McCLELLAN. I do not recall. The Senator may be correct.

Mr. SPARKMAN. There are two different amendments that relate to suffrage which do contain this provision. If the Senator will permit me, I shall ask him about those provisions later.

Is it not true that the Constitution—in the original Constitution and in two different amendments—recognizes the State's right to set qualifications for voters? Those provisions made it applicable to election for Federal offices as well as for State and local offices.

Mr. McCLELLAN. That is correct. It did. The Constitution states the eligibility of voters to vote for Federal offices, the same as the provisions prescribed by the States, and the same as the legislative branch of the Government—for the more numerous body of the legislature.

Mr. SPARKMAN. Yes. The two amendments were the amendments providing for electing Senators by direct vote, and woman suffrage.

Mr. McCLELLAN. Yes.

Mr. SPARKMAN. I think I am clear on that. The language was restated. It provided that in the election of the Members of the House of Representatives, the State should fix the qualifications of voters the same as it fixed them for the more numerous body of the State legislature.

Mr. McCLELLAN. That is correct.

Mr. SPARKMAN. When the Constitution was adopted, it provided for the direct election of Senators. This same provision was restated in that amendment. Is that the understanding of the Senator?

Mr. McCLELLAN. That is correct. The reason was to make it clear again that the amendment was not intended to change the original vesting of authority to determine the eligibility of voters. In other words, it carried it forward so that there could not be any conflict or any possible contention that the amendments were in conflict.

Mr. SPARKMAN. There was a later amendment. Is it not true that both of these amendments were adopted after the adoption of the 14th amendment?

Mr. McCLELLAN. Yes.

Mr. SPARKMAN. So the argument cannot be made that the 14th amendment changed it.

Mr. McCLELLAN. It was after the adoption of both the 1st and 14th.

Mr. SPARKMAN. Does the Senator agree with me—and I am sure he does from the statement he has made about title I—that title I clearly violates the provisions of the Constitution which have been stated and restated?

Mr. McCLELLAN. If there is anyway to violate it, it does. It does the opposite of what the Constitution provides shall be done. In other words, it attempts to invade the province of the State by setting a minimum standard or a presumption of eligibility, whereas the States would have the authority to set the presumption of eligibility under the Constitution. The Federal Government has no authority to set any presumption of eligibility.

Mr. SPARKMAN. The Senator has referred to some of the very strong positions taken by both proponents and opponents of the bill. He has referred to the labeling of the bill as the civil rights bill.

Mr. McCLELLAN. I think the bill is clearly mislabeled.

Mr. SPARKMAN. The Senator is a member of the Judiciary Committee. He is an outstanding lawyer and a constitutional expert.

I saw a statement quoted in the newspaper not too long ago which had been made by a Mr. Lloyd Wright. Mr. Wright is a former president of the American Bar Association. I believe he lives in California. In the statement, Mr. Wright said that the so-called civil rights bill was mislabeled. He stated that approximately 10 percent of the bill related to civil rights, and the other 90 percent of the bill was a transfer of power from the States and from the people to the Federal Government. Does the Senator agree with that?

Mr. McCLELLAN. First I want to thank the Senator for his complimentary reference to my ability. I am no expert on the Constitution. I do not think it takes an expert to know what was meant when the Constitution provided that the States shall fix the eligibility of voters.

All that is needed is a normal understanding of the English language and its everyday acceptance and usage. That is sufficient. It is not necessary to possess expert qualifications in order to place a proper interpretation upon that part of the Constitution.

I do agree with the statement of Mr. Wright, except that I would use the word "usurpation," instead of "transfer of power."

Mr. SPARKMAN. I am not sure that Mr. Wright used the word, "transfer."

Perhaps he used the word, "usurpation."

Mr. McCLELLAN. I think usurpation would be the better term to use. It would be more descriptive and more accurate.

Mr. SPARKMAN. I thank the Senator.

Mr. McCLELLAN. I appreciate the Senator's questions. We have heard a great deal about the bill that ought to be debated. I think this is the way to debate it and to get at these things. We make statements. I am making some general statements about the bill. I make statements concerning what I think it does, and what I think the effect of it is.

This is the way to determine whether the bill is constitutional or whether it is unconstitutional. The basis in the Constitution for congressional authority to so legislate is something that we should look into.

I appreciate the fact that there are those who advocate the bill who are not concerned about whether the bill impinges upon the Constitution. In their judgment, the end justifies whatever means are necessary to pass the bill, Constitution or no Constitution.

But this Government cannot long survive if such a philosophy ever predominates national affairs.

The bill seeks to revoke the present jurisdiction of Federal district judges in certain cases. Yet, it is championed by its advocates as a victory for the judicial process. The bill seeks to substitute the power of injunction for trial by jury. Yet, it is viewed and proclaimed by some as a triumph for the cause of justice.

I point out that in a decision a few days ago, which concerned the issue of the right to a trial by jury, the Supreme Court divided 5 to 4 with respect to the preservation of this great right of our constitutional government.

I think it is tragic that the majority of the Supreme Court went in the wrong direction. I emphasize that we are attempting by means of the pending bill to have Congress, the legislative branch of the Government, undertake to deny the right of a trial by jury in contravention of the Federal Constitution.

The bill would further undermine the traditional State and local control of public education, and yet its authors claim it would advance the "public policy of the United States." I do not understand when it became the policy of the United States, except when the Supreme Court made its infamous decision in 1954 regarding the schools, when it became the public policy of the United States to undermine the traditional States and local control of public education. That has been one of the strengths of our educational system. Our educational system in this country has been free. It has not been regimented. The local people determined what educational system they desired, how they would support it, and how it would be operated. Therefore, during all these years it has been free from the interference of Central Government. We have developed the best educational system the world has ever known. Now it is proposed to have the Federal Government, by usurpation of power, begin to tamper with it in such a way as to deprive the authorities in the local communities of the governing powers that the Constitution had preserved to them and which we have followed and observed during the centuries past.

This bill would confer unlimited discretion on Federal bureaucrats to cut off Federal assistance from taxpayers who paid such benefits, and yet we are told that this action would be social justice.

I am in process of preparing a speech on the particular issue on this particular title of the bill, which is title VI, I believe, which I propose to deliver on the floor of the Senate at some future time, in which I shall trace the history of grants and aids by the Federal Government, and loans and benefits, which the Federal Government has undertaken to bestow over the course of the life of the Nation. We will trace them and show how they developed; and how it is proposed that the Federal Government step in and coerce and intimidate, by attempt at legal threat, to penalize a community if it does not conform to a dictated policy emanating from the Federal or centralized Government.

This bill would destroy the rights and personal liberties of all the people, and yet there are those who insist and proclaim that this would be a victory for the protection of democracy. If ever a bill should have complete revision before being enacted into law it is this bill, and we are now to understand that every effort possible will be made to prevent any amendment at all from being adopted.

I assume that they might allow a technical amendment to be adopted, but not any amendment which would change the direction and import of the bill with respect to its impact upon the individual rights of citizens and upon powers which are properly reposed in State and local governments.

Mr. President, I have made these statements about the bill and what it would do in somewhat broad and general terms; but I have made them also in emphatic terms. I stand upon the full implication of what I have said as to what the bill would do, in spite of the claims made for it by its proponents, that it would do just the opposite, or that it will not do the things which I have enumerated it will do.

I am supported, and I find some consolation—if that is the right word—or reassurance in the opinions and conclusions which I have reached about it, and as I have stated about the bill, because I am supported and reinforced in these views by the opinions of others.

Mr. SPARKMAN. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I am glad to yield to the distinguished Senator from Alabama, and then I wish to proceed to indicate in a small way, at least, the support of the reinforcements about which I have spoken.

Mr. SPARKMAN. I wish to revert to the subject about which I was questioning the Senator a short time ago, as to the right to set voter qualifications. At that time, I referred to the fact that the same language was carried in two different amendments.

I have since refreshed my recollection by looking up the amendments.

The one in which the exact wording was quoted was the 17th amendment which came of course—as the Senator has indicated—long after the adoption of the 14th amendment, which might have been cited by someone as giving the Federal Government the right to change qualifications.

The other amendment to which I had reference was the 19th amendment, relating to woman's suffrage.

I find that I was in error in stating that the exact language was quoted in that amendment.

The point I really had in my mind was that a change was made in the voting qualifications but the Congress of the United States at that time saw fit—in fact it recognized the necessity—to make that change through a constitutional amendment, rather than simply by a simple congressional enactment; is that not correct?

Mr. McCLELLAN. The Senator is correct.

Mr. SPARKMAN. In other words, they confirmed the idea that Congress did not have the right to change the voter qualifications by simple enactment, but could do it only through a proposed constitutional amendment, which had to be ratified by three-fourths of the States. Is that not correct?

Mr. McCLELLAN. Of course that is correct. That is the way it should be done. If the pending bill is supported by the moral persuasion that its proponents argue for it, in behalf of and justification for it, the Constitution directs the way that goal may be achieved. It is not by the usurpation of powers which have been reserved to the States and to the people. The proper way to do it is by amendment to the Constitution.

We had that issue before us. It was debated for several years. If the Senator will recall, it was debated in connection with the repeal of the poll tax. I never thought the Federal Government had the power by congressional act to prohibit a State from requiring a form of registration in the nature of the payment of a poll tax, which, in my State, was only a dollar, a minimum amount. The money went into a common school fund, from which Negro children received benefits in ratio to the Negro school population of the State. That has been changed. It has been changed by constitutional processes, by amending the Constitution. The people had a right to do it that way. If a strong majority of the American people favor the proposals in the bill, which are at least of a questionable character as related to constitutional authority, a method is provided. Those who seek to achieve those goals, without risking doing violence to constitutional government, ought to pursue that course. Instead of attempting to force through legislation contrary to the Constitution, to achieve the goals that they wish to achieve, they should take the course of constitutional amendment.

Mr. SPARKMAN. Will the Senator yield for one more brief question?

Mr. McCLELLAN. I yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. I referred to the fact that the 17th amendment, for the direct election of Senators, and the 19th amendment were adopted long after the adoption of the 14th amendment. Is it not correct to say that with reference to the poll tax, the right of States to levy a poll tax for the qualification of electors was debated year after year, but Congress declined, year after year, to accept a simple congressional enactment? Last year, on the other hand, Congress ratified the principle we have been talking about by providing for a constitutional amendment. Is that correct?

Mr. McCLELLAN. The Senator is correct. I believe the States should be free to use that form of registration. In my States it benefited both races and treated everyone equally. There was no discrimination in a poll tax. Every person who wished to vote had to pay it. It went into a common fund, which was distributed, pro rata, as between the races for the purpose of educating children.

I saw nothing wrong with it. I opposed the constitutional amendment. However, I remind the sponsors of the pending bill that, after all, it was a southern Senator whose resolution for submitting the constitutional amendment to the States was adopted by the Senate. It was a southern Senator, the distinguished senior Senator from Florida [Mr. HOLLAND], who led in the direction of observing and preserving constitutional government on that issue. It is today a part of the Constitution. It was achieved, not in violation of the Constitution, not by the usurpation of powers, but by constitutional processes, which are available to those who feel that there is such moral persuasion in this issue that these goals should be achieved.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield to the distinguished Senator from South Carolina.

Mr. JOHNSTON. What the Senator says with regard to a constitutional amendment is correct. The proponents should try the constitutional amendment route with respect to the subject we are discussing, just as was the case with respect to the poll tax. Does the Senator know how the poll tax came about in the various States? Does the Senator recall how it came about?

Mr. McCLELLAN. The Senator from South Carolina probably is more familiar with that point. I wish he would illuminate it for us.

Mr. JOHNSTON. During Reconstruction days, when most of the Southern States were controlled by the colored race, the legislatures, which were also controlled by the colored race, passed constitutional amendments. I know that was done in my State, in 1868. There was put into the State constitution at that time what is known as a poll tax. The provision was also put into the constitution that the money collected from the poll tax should be used in the school district where the money was collected, and used for school purposes. We repealed the poll tax a few years ago, in the late 1940's. We submitted the question to the people, and they voted for the constitutional amendment to repeal the poll tax. In many other Southern States the poll tax was made effective during Reconstruction days. Of course it served very little purpose, in that it collected very little money for the schools. It got to the point where schools cost so much to build and maintain, that the poll tax did not amount to very much. It did not do much harm to wipe it out.

Mr. McCLELLAN. After all, it was a token of citizenship, and of one's interest in government and one's willingness to contribute to the education of the children of the State.

Mr. JOHNSTON. That is correct.

Mr. McCLELLAN. It was simply a token of citizenship, which entitled one to share in the burden of educational programs which the State had provided. That is the way it operated in my State.

Mr. JOHNSTON. Before the income tax was put into effect, about 1913, we had no way of collecting taxes from many people. Many people did not own real estate, and no sales tax was in effect. Therefore, many people paid no taxes whatever. Is that not correct?

Mr. McCLELLAN. That is true. That is not the issue here. However, that issue was resolved in the proper way. That is the only reason I have mentioned it. There is a proper and effective way to do it. If the issue before us today has the moral persuasion claimed for it, it can be victorious in the constitutional processes that are provided, rather than through a subterfuge procedure which would bypass the Constitution and usurp powers which the Constitution reserved to the people and to the several States.

I thank the distinguished Senator from South Carolina.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I am happy to yield to the distinguished Senator from Ohio.

Mr. LAUSCHE. I wish the Senator from Arkansas would undertake to interpret the meaning of section 4 of article I of the Constitution, with respect, specifically, as to whether or not it proposes to define the qualifications of an elector. Section 4 of article I reads:

> The Times, Places and manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

This section deals with the time of holding elections, the places of holding them, and the manner. What is the connotation of the word "manner" as used in this section? Does it deal with the qualifications of electors?

Mr. McCLELLAN. "Manner," I think, would deal with whether the election be by secret ballot or written ballot, or whatever means is used to indicate a choice. That is the "manner"—the manner in which one indicates a choice.

In the Senate, when a question is submitted, the manner of voting is by either a voice vote or a teller vote. That is the manner of voting.

I think the reservation of power or delegation of power is provided for Congress to fix the manner, if Congress wishes to fix it. That is the manner of voting. The provision says nothing about qualifications.

If the framers of the Constitution had qualifications in mind, the word is simple; everyone knew what it meant. All they would have had to do would be to use it. But evidently they did not mean qualifications.

The difference in terminology used in the respective constitutional revisions, it seems to me, makes it obvious that the authors of the Federal Constitution intended to differentiate between the authority to regulate the manner of holding Federal elections and the authority to prescribe qualifications of voters participating therein.

It is also equally obvious that when they used the word "manner" in article I, section 4, they were referring to the mode of voting; that is, the method by which qualified voters would express their choice among the candidates, and not to the "who" of voting. That is my interpretation of the use of the words. I have had some remarks prepared on this subject for possible use at a later date.

Mr. LAUSCHE. Have any decisions been rendered by the courts on this particular subject?

Mr. McCLELLAN. I have not read the decisions, but I believe the Supreme Court would certainly have to stretch its neck a long distance to hold that the word "manner" meant "qualifications." "Manner" refers to action. "Qualifications" refers to something that is still not an action; it refers to a condition that exists. "Manner" refers to the meaning of the act.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I will yield in a moment.

I have cited one case in another address I intend to give at another time. In that address, I shall say:

> Although not an issue in the case of *Ex Parte Clarke*, 100 U.S. 399, 418, decided in 1880, Justice Field there took occasion to present a most cogent analysis of the term "manner" as used in article I, section 4, and its relevance to the regulation of voter qualifications as provided in article I, section 2.
>
> In describing the scope of article I, section 4, Justice Field said:
>
> "The power vested in Congress is to alter the regulations prescribed by the legislatures of the States, or to make new ones, as to the times, places, and manner of holding the elections. Those which relate to the times and places will seldom require any affirmative action beyond their designation. And regulations as to the manner of holding them cannot extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained."

That is what I have been trying to say to the Senator from Ohio in defining my terminology. I quote further from the decision of Justice Field:

> The power does not authorize Congress to determine who shall participate in the election, or what shall be the qualification of voters.

That was the decision of one of the learned Justices of the Supreme Court in 1880. The Constitution has not been changed in that respect since then. Justice Field continued:

> These are matters not pertaining to or involved in the manner of holding the election, and their regulation rests exclusively with the States.

I realize that today, in modern times, the courts digress from the constitutional provisions and say that the modern situations of the day demand that we interpret the Constitution in this way or that way. It seems to me that that is the implication of many of the decisions of the Supreme Court of recent times. I do not know what the Court would say on this question now. It may say that "manner" means "qualifications." It would never mean that anywhere else than possibly in the Supreme Court's interpretation of "manner."

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. SPARKMAN. When I originally asked the Senator to yield, I intended to ask him that very question: if the Supreme Court had not, in decisions, drawn a clear line as between the different provisions.

Mr. McCLELLAN. It did at that time. As to what the Court would say today, I would not venture an opinion.

Mr. SPARKMAN. It was my understanding that the Court had clearly expressed itself and that the Senator's interpretation was correct.

Mr. McCLELLAN. I have not prepared anything on that issue in this address. I intend to cover it in another speech. I had forgotten about this specific case. I am not aware that the Court has said anything on this subject since that time or has changed its mind since that time. But in those days, which were nearer the time when the Constitution was written, "manner" meant "manner," and "qualifications" meant "qualifications." Those words might mean something else today if they were to be interpreted by the present Supreme Court. But in the days when the Constitution was written and for many years thereafter, the learned Judges knew the difference between the meaning of "manner" and the meaning of "qualifications."

Mr. President, a short while ago when I yielded to the distinguished junior Senator from Alabama [Mr. SPARKMAN] in the course of my prepared address, I said that the bill would do a number of things in spite of the claims made for it. A number of adverse and objectionable results would occur despite the claim made for the bill by its proponents. I stated that in respect to the assertions of what the bill would do, and in spite of the claims made for it by its advocates, I had found consolation and support in the views of others, and that I had found reinforcement in my position in high places. I now wish to refer to some of those briefly.

A few days ago I received a letter from a constituent in my State by the name of Mr. Todd Harrison. He lives in Blytheville, Ark. He is prosecuting attorney of the second judicial district of Arkansas. Some years ago his father served in the same position. I knew his father well. The letter, in two sentences, concisely, fairly and potently sums up the proposed legislation from the standpoint of the American citizen who is impartial and who tries to view the bill in all of its legal implications and its practical consequences. The letter is dated April 8, 1964, and is addressed to me. I point out that the writer is not a man of prejudice with hatred in his heart. He wrote the following letter:

> No right is more ancient, sacred, and secure than man's right to work, to take the profit from his work, to buy with these profits property of his own choosing, to hold, manage, and control the use of his own property, and he has always had the privilege of the protection of the police and the courts of this land to make this right absolutely secure.

In the next sentence, Mr. Harrison said:

> I wish to personally commend you and to thank you as a representative of all the good people of the State of Arkansas for opposing the attempt now being made by our Federal Government to abolish, infringe, and radically diminish this right.

Mr. President, that letter is somewhat of a sample of the many letters I have received from my State. Of course, there are differences of opinion among the citizens of all States, as was demonstrated a few days ago in an election up in Wisconsin. But a vast majority of the people of my State, I am confident, feel as that citizen has expressed it.

That is their view. That is their interpretation of the proposed legislation. They feel deeply about it. I have heard the statements of people on the other side of the issue who feel very deeply. No doubt they do. I do not question their feeling. I do not question the sincerity of many of them. But, Mr. President, I do say that there are many good and intelligent people who do not harbor hatred, ill will, and bad faith toward their fellow men in any sense, and who believe in the Constitution of the United States and believe that there are rights in it which are inherent in freedom and that cannot be alienated. Those rights of personal liberty are being placed in jeopardy by the proposed legislation.

Since I started speaking I received a telegram from three of my constituents. I shall read the telegram into the RECORD, and I shall follow it with some other quotations in a moment. I emphasize that good people throughout the land—a majority in my State—feel that this legislation is evil in its consequences, in its abuse of power, in its usurpation of power, and in the abuses that can be made of this power.

The telegram is from some business people in my State. It reads as follows:

> In this grave national crisis we feel compelled to tell you that we join with millions

> of other American citizens, North and South, in supporting your inspired fight against the strangling Federal octopus in the form of the so-called civil rights bill. The passage of this bill would be the last step in the complete destruction of the individual rights and freedoms for which our forefathers fought and died and left to us as our most cherished heritage. It is our bounden duty to preserve these same rights not only for ourselves but for future generations of Americans. Be confident and know our constant prayers are with you until final victory.

Assuming that today will be a 14-hour session, I could send to my office and obtain letters which were received by me from constituents in my State. I could read telegrams such as this. I could occupy the remainder of today's session in reading letters and telegrams. But I shall not do so. I know that Senators on the other side of the issue could obtain letters and telegrams from their files and occupy all of our time tomorrow in reading letters and telegrams which support their side of the issue.

I merely mention this to emphasize the division of opinion, and to point out that there are those who conscientiously believe and feel, as I do, that this proposed legislation is bad.

I stated I was supported in the conclusions I have reached about this bill by the views of others. I further stated that I found reinforcement in the CONGRESSIONAL RECORD in statements made by people who today occupy high places in Government. There is no office higher in our political life than that of the Presidency of the United States.

When the present occupant of the Presidency was a Member of the Senate—and, we have had these issues up from time to time—he had some views about this character of legislation. He expressed those views. They are in the CONGRESSIONAL RECORD, for all to read. They have not been obliterated by any changes since then. They are a part of the permanent record of the Senate.

Some of the statements by our now-President, and our then-colleague in the Senate, have been quoted before in the debate. I may repeat some of them. But I am sure I will have some quotations that have not heretofore, so far as I know, been given in the debate.

When our distinguished President was a Member of the Senate, I believe on March 9, 1949, during debate on a motion to change the cloture rule of the Senate, speaking at that particular point of the FEPC proposal, the Fair Employment Practices Commission provision, that was then being advocated as a legislative remedy for one of the same alleged situations that title VII of this bill seeks to correct, the then Senator Johnson, of Texas stated:

> This, to me, is the least meritorious proposal in the whole civil rights program. To my way of thinking, it is this simple: If the Federal Government can by law tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to employ a Negro, it can compel that Negro to work for me. It might even tell him how long and how hard he would have to work. As I see it, such a law would do nothing more than enslave a minority.

He further stated:

> Such a law would necessitate a system of Federal police officers such as we have never before seen.

I am quoting statements of the now-President of the United States, who once occupied a position in this body.

Moral rights and wrongs have not changed since then. Whatever was right then is right today; whatever was wrong then is wrong today. The rights and wrongs have not changed.

Senator Johnson was right in the conclusions that he had reached then and in the views that he expressed at that time. I thought he was right then. I have not changed my opinion. I think he was right then. I think the views he expressed then are correct now.

The then Senator Johnson further stated:

> It would require the policing of every business institution, every transaction made between an employer and employee, and, virtually, every hour of an employer's and employee's association while at work.

He then stated:

> I can only hope sincerely that the Senate will never be called upon to entertain seriously any such proposal again.

Mr. President, his wish, his hope, his expectation did not materialize. They were in vain. The proposal is before us again in a rather vicious form. The proposal which our now President, when he was a Senator, said he sincerely hoped the Senate would never be called upon to entertain seriously again, is once more before it.

Mr. President (Mr. INOUYE in the chair), those were the words of President Johnson only a few years ago. That is not all that he said in that address. He said, among other things, speaking of cloture.

> I cannot embrace any freedom which demands as the terms of its existence the imprisonment of another and more precious freedom.

The pursuit of happiness, Mr. President, is a precious freedom. The pursuit of a livelihood, to earn support for one's family, is a precious freedom.

A man can, by his ingenuity, his skill, and probably by his thrift, industry and frugality—possibly denying himself many of the pleasures of life, at least, and some of the necessities—accumulate a little capital so that he can go into business, not only to earn a profit and a livelihood for himself and his family, but also to create and provide jobs which will permit others to pursue a livelihood.

Mr. President, that man has some right in what he creates in a free country. He might not have such a right in a Communist system of society, but in America he has some right. He creates it. He denies himself. By industry and thrift he builds and accumulates a business. It is his, so long as he does not use it to the injury of others. He had to use some ingenuity to get ahead. He had to exercise some judgment.

Now he has created jobs. What is proposed by this bill? The Federal Government proposes to inject itself into his business and tell him, "You cannot discriminate with respect to race, color, national origin, sex, and so forth, as to whom you shall employ."

Mr. President, it may be essential to the success of his business that he make some discrimination. If he is a merchant, he may very well desire to solicit and invite and procure the patronage of a large Baptist element in the community. He has an opportunity to employ a Methodist and a Baptist of comparably equal talents but he says, "I believe I should hire a Baptist to work for me in this Baptist community, to appeal to them, in order to get their business."

But if the bill is enacted and the merchant violates the law, he is subject to injunction if he does not obey it. What is wrong with it?

We could reverse the situation and say that the merchant wished to get the Methodist trade. Why should he not be permitted to employ a clerk or a salesman who is a Methodist?

Suppose he wishes to get the Negro trade, because of the large Negro population in his trade area. Why should he not have the right to employ a Negro to solicit that business, rather than a white man of equal ability who wants a job?

What is freedom? We are proposing to take some of it away in this bill. It is not all color or all race. But this question can be carried to the point—and it is broad enough now—to prohibit exactly what I have said. The only thing anyone could do to remain immune would be to refuse to employ an atheist under the bill; otherwise there could be no discrimination, no exercise of judgment by the owner who created the job in the first place. He would be stripped of his rights. He has created the business. It is his. He is not abusing it. He is not misusing it. He wishes only to further his business interests by doing that which is best and which today is legal—and he has a right to do that.

Now we propose to step in and say, "You cannot do it." The bill does not define what color is. What is color?

One person may be born in a country of one color and another person in another country of another color. The bill defines nothing. It leaves the situation in a hodgepodge. Anyone could say anything and not be wrong; or one could say exactly the reverse and be right. One cannot tell from this bill what is intended in that respect.

What is a Negro?

If he is 55 percent white and 45 percent Negro, what is he, then, white or Negro, under this bill?

The bill contains no definition. I do not know what interpretation would be placed upon it. It is subject to the whims, views, and caprices of those who may hereafter interpret it. The proponents are not willing to state in the bill what it is and what it means.

Mr. President, I read further——

Mr. STENNIS. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I should like to finish quoting the President of the United States.

The President further stated:

> Freedom is not something which can be subtracted in one place and added somewhere else.

That is what he said when he was a U.S. Senator.

We propose to subtract freedom from the man who creates it, and subtract a right from the one who created the business and created the job. It is proposed to subtract from him the right to say whom he shall employ. That right would be transferred to the applicant. The applicant would be given a legal right to something that he did not create and to which he has no right and no title. He would be given something that he did not help create or contribute to in any way. It is there not because of him; it is there in spite of him. It is proposed to subtract freedom from the employer and to transfer a right to a person who has created nothing. Is that justice? Is that the dignity of man? What dignity?

A man is supposed to have a little dignity on his own. If he creates something, he is supposed to have some right in it, some benefit to it, some vested interest in it.

The President of the United States, when he was a U.S. Senator, recognized that fact. I quoted his language. I quote further from his speech. He said:

> When we of the South rise here to speak against this resolution, or to speak against the civil rights proposals, we are not speaking against the Negro race.

Mr. President, I am not speaking against the Negro race. I have shown that this principle can work both ways, and without any race differences. It can work in the religious field. It is said that it will not work there. However, that provision is in the bill for one reason or another. Of course it is intended to work there. I further quote from President Johnson's statement when he was a Senator:

> We are not attempting to keep alive the old flames of hate and bigotry.

That is what he said. He went further:

> We are, instead, trying to prevent those flames from being rekindled. We are trying to tell the rest of the Nation that this is not the way to accomplish what so many want to do for the Negro.

When I make my comments about the bill today, and what it does, I am supported and reinforced, and my position is fortified, by what the President of the United States said when he was a Senator. He said more. He said:

> We are trying to tell the Senate that with all the sincerity we can command, but it seems that ears and minds were long ago closed.

I am supported and reinforced in the position I have taken, as expressed here today in my own views, by the views and comments of Senator Johnson when he sat with us in this body.

Now I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator for yielding. I commend him highly for his analysis of the FEPC provision in the bill. If I correctly understand him, his interpretation of the FEPC part of the bill—and I believe he is correct in his interpretation—is that we are asked to enact a law that would prohibit and prevent through Government action any freedom of choice that the owner or operator of a small manufacturing plant would have in choosing his employees, his associates, and his coworkers, so far as considerations were based on race, religion, color, or national origin. Is that correct?

Mr. McCLELLAN. The Senator is correct.

Mr. STENNIS. When we do that, are we not invading a man's basic, fundamental, and what is considered his essential right to freedom to make his own decisions and to mold his own business and to carry on his own enterprise? Are we not striking at the vitals of his freedom?

Mr. McCLELLAN. The Senator is correct. I have emphasized that point. I say again that the business itself was built by the man's decisions, his right to make decisions, his judgment, his wisdom, and not by a Government order or decree.

Mr. STENNIS. Is that not the very basic principle and bedrock of the free enterprise system?

Mr. McCLELLAN. It is freedom.

Mr. STENNIS. It is necessary for a continuation of our system, is it not?

Mr. McCLELLAN. It is a vital part of it. It cannot be subtracted, as Senator Lyndon Johnson said. It is there. It belongs to the individual. Now the Government proposes to step in and subtract from one individual his freedom to create and transfer it to another individual.

Mr. STENNIS. If I lived in the Senator's State, where he had a manufacturing plant of this kind, even though we were good friends and had known each other all our lives, would I have any right to be employed by the Senator in his little manufacturing plant? Would I, as a citizen, have a civil right to be engaged by the Senator in his private undertaking?

Mr. McCLELLAN. I do not believe I have a right to demand the fruits of another man's ingenuity, his enterprise, his industry, his thrift, his frugality. Many businesses and private jobs were created by the ingenuity of one man or by the ingenuity of corporate interests that associated themselves together, and in that way created jobs.

If we say that a man who works and labors and saves and invests and uses his judgment to build a little business and to expand it, and in that way to provide jobs, cannot make decisions, but that, instead, we will establish a bureau in Washington, D.C., in the centralized government, to supervise those decisions and to veto them, and to enjoin him and to stop him, we take away from him something that the founders of this Nation never intended to do.

Mr. STENNIS. If I understand the Senator correctly, we apparently have the shoe on the wrong foot. As a prospective employee, I have no basic right to have the Senator give me a job. He may give it to me or he may not, as he chooses, but no right is violated in either case. As a matter of fact, the shoe is on the other foot. The Senator would have the right as the operator of that little business to choose whom he wished to employ. I might be otherwise qualified, but I might be an older man than the Senator wished to hire.

Mr. McCLELLAN. There might be many reasons. There are differences in the personalities of people. Two men might be eligible for a job in the sense of qualifications. They might have the qualifications to apply for the job. One man might be a little superior to the other, but the one who had the superior qualifications might have some undesirable quirks of personality, whether he was black or white, Methodist or Baptist, Catholic or Jew. He might have some quirks of character that would influence the judgment of an employer in employing him.

Those quirks would influence an employer in determining whether he would employ one or the other to best help him promote the success of his business. That is the business aspect of the question. That is an employer's privilege and right. If we take away from an industrious man, partnership, or corporation the right to select employees, we shall destroy much of the incentive that has been responsible for America's phenomenal growth and for the development of the greatest society on earth, where more freedom and more personal liberty are enjoyed than anywhere else in the world.

I do not want to subtract from or begin to whittle them away. I should like to make them more secure rather than to diminish them. But by starting in the way that is proposed by the bill, we shall be whittling those freedoms away. We shall rue the day we do it, because it will be only a beginning. This bill will not be the end. It will not fully satisfy or fully appease its advocates. There will be more such legislation to come. What is before us now is too much; it should be stopped now. It cannot be stopped after it gains too much momentum.

If we set a precedent by passing this bill, other bills will follow. This bill is a big foot in the door. The door will finally be opened, and then what will we have? We will have the difference between our society and society under a dictatorship. It is our society that we are trying to preserve.

It is said by some that the Government has a right to make people do this or that; that it is Government policy; that there should be a Government policy to make people do thus and so. That is where we are driving. That is the philosophy of governments which do not allow freedom today.

Only yesterday, according to news reports, the premier of the greatest Communist country in the world admitted that communism was in trouble. Why? Because there is no incentive for the individual to exercise his talents with the hope of reward for his energy, for his enterprise, for his industry, for his thrift, for his frugality. He serves the state, not himself. If we let the state regulate and control our lives and our businesses, we shall be serving the state.

The bill goes much further than some persons are willing to acknowledge today. Surely it should be debated.

The right way to act, as I said earlier in my remarks, if it is desired to do these things, is not to subvert the Constitution; instead, we should follow the procedure that was followed in connection with the poll tax issue. If the American people agree with what is proposed, they can adopt such policies and reach the goals sought by the constitutional processes of amendment of that great charter. That is the way to act, if the people decide that what is proposed in the bill should be done.

Mr. STENNIS. Pursuing the matter further, let us consider where the right is. If it is proposed to regulate the manner in which the operator of a business must hire employees, why limit the bill to an alleged operation in interstate commerce? Why cut off persons who might wish to apply for employment by employers whose businesses are not in anywise connected with interstate commerce? Is not that an admission on its face that the bill not deal with the civil right of anyone to have a job, and that if it did, it would be necessary to make it apply across the board?

Mr. McCLELLAN. Of course that is true.

Let no one fool himself—for that is what it amounts to—into believing that there is any constitutional authority in the commerce clause of the Constitution for such action.

Mr. STENNIS. For the alleged interstate commerce jurisdiction.

Mr. McCLELLAN. The Senator from Mississippi has reminded me of something I wish to say. I do not see the distinguished Senator in the Chamber, but one of the sponsors or supporters of the bill who, I understand, serves on the Committee on Commerce, the distinguished senior Senator from Kentucky [Mr. COOPER], in the hearings on a similar bill which was considered by that committee, and which contained a similar provision, said, last year:

> I do not suppose that anyone would seriously contend that the administration is proposing legislation or that Congress is considering legislation because it has been suddenly determined, after all these years, that segregation is a burden on interstate commerce.

That is what one of the sponsors or supporters of the bill said. He said, in effect, that no one would ever suppose or take seriously the statement that we are predicating legislation on the commerce clause of the Constitution. Of course, he is right. Nothing has suddenly happened to bring this situation within the commerce clause. It is not there; it has never been there; it will not be there.

We have taken an oath to uphold the Constitution, not to prostitute it. But we would be prostituting it if we took the position that the commerce clause provides in any way the right of a man to demand a job.

Mr. STENNIS. If we are dealing in the bill with the right of a person to be employed, why limit the provision to manufacturing plants or manufacturers who employ 25 or more persons? Why not let it apply to all employers? Why draw a line and make the bill apply to those who employ 25 or more, and not to those who employ fewer than 25?

Mr. McCLELLAN. That is another discrimination in the bill. I have said that the bill ought more aptly to be entitled "The Discrimination Act of 1964" instead of the "Civil Rights Act of 1964." One discrimination after another can be found in the bill. The Senator from Mississippi knows that, according to the accommodations title of the bill, if Sister Murphy had five boarders, she would not come under the law; but if Sister Jones had six boarders, the law would apply to her. Yet Sister Murphy and Sister Jones live across the street from each other. I am sure Sister Jones would think that was quite a discrimination against her. She would have to get rid of one of her boarders.

Mr. STENNIS. Does not that show on its face that we are not dealing with civil rights?

Mr. McCLELLAN. Of course.

Mr. STENNIS. It is in the civil rights bill, but somebody else would receive the privileges.

Mr. McCLELLAN. That is exactly what Senator Lyndon Johnson said. It is subtracting a freedom from one person in order to give an alleged right to another.

Mr. STENNIS. That is well expressed. I should like to ask one more question, to pursue the idea of the rights involved. I maintain that no right to be employed is involved. But if people do have a right to be employed, why should not all employment be required to come through Federal agencies? If people have a right to be employed, is there any other way to provide them with employment? Why not make everyone an employee through the Government?

Mr. McCLELLAN. If we pursue this line of thought and expand it, that is what the situation ultimately will come to. I spoke a few moments ago about the difference between our philosophy of government and that of a dictatorship.

Mr. STENNIS. So if the bill is passed, the logical step would be to extend it and further extend it until everybody would be employed through Government agencies.

Mr. McCLELLAN. Under Government supervision; under the supervision of Government agencies.

Mr. STENNIS. Through the control of Government agencies.

Mr. McCLELLAN. Through a Government inspector, a Government supervisor, or a Government examiner. He would have some title, of course. But he would be able to tell the businessman what he could do or what he could not do, with respect to whom he should employ—thus substituting the power, the authority, and the will, so to speak, of a centralized government for the will of the individual who is the creator, the owner, and the possessor of the business, who, under freedom, has a right to use it as he thinks best. However, the pending bill would take that right away from him.

Mr. STENNIS. I should like to ask another question: If the pending bill were to be passed and if such a practice were to be carried out, would not the next step in connection with the idea of the right to be employed be to have a quota system, so that people would have to be employed on the basis of a quota?

Mr. McCLELLAN. Yes; that would be true.

Mr. STENNIS. Would not that be the next logical step?

Mr. McCLELLAN. Yes.

In the United States there are approximately 20 million Negroes, among the total population of approximately 160 million—or in a ratio of about 1 to 8. If the Federal Government could require that they be given equal rights, equal opportunities, and equal benefits, why could not the Federal Government require that one-eighth of all the employees in a given plant be of that race or nationality or religion, as the case might be.

Mr. STENNIS. And we are still waiting for the proponents of the bill to state that it does not involve quotas.

Mr. McCLELLAN. Yes. But it would be impossible to have absolute equality—which is what the proponents say they want—without carrying it to that point.

Mr. STENNIS. Yes; that is the very point to be kept in mind.

The Senator from Arkansas will recall the violent opposition which developed so greatly in the Eastern States and in many other States to the quota idea, that all the proponents of the bill quickly said it would not include quotas.

Mr. McCLELLAN. Yes. But everyone knows that once the so-called balance and equality were provided for by the bill, the proponents would seek to transport schoolchildren from the area in which they lived to schools perhaps 10 miles away, "in order to achieve a balance." Such a proposal makes little sense to me. However, if that were to be done and if that would be right, possibly it could be said that those who demonstrated in Cleveland, in their attempts to prevent the construction of a school building in a neighborhood where the inhabitants were predominately Negro, were correct in engaging in their demonstrations, even though, so it might be as readily claimed, a school building already has been erected in a predominately white neighborhood, and therefore the colored children could be transported to it; or, on the other hand, the proponents could point to a vacant lot, and say "Erect a school building here, and transport a group of white children to the school on this site." Certainly one such plan would make about as much sense as another.

However, it is clear that the ultimate goal of the proponents of the bill is to achieve such a mixing of the races by means of the transportation of schoolchildren, even though the proponents of the bill will not now acknowledge that fact.

However, those who are the driving force behind the bill and who are prodding for and giving inspiration for its passage, ultimately want, it is clear, complete equality in association, in society, in business, and in every other way, as between all races and religions.

Mr. RUSSELL. Mr. President, will the Senator from Arkansas yield to me?

The PRESIDING OFFICER (Mr. INOUYE in the chair). Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. McCLELLAN. I yield.

Mr. RUSSELL. I am interested in the Senator's remarks about what he believes would occur ultimately.

He knows that the original bill, as sent here by the Department of Justice, provided for the correction of racial imbalances in schools; and he knows that was one of the primary objectives of title III of the original bill, and that under it the Attorney General would have had the right to bring suits to correct racial imbalances in schools.

That proposal encountered so much opposition that the proponents of the bill switched the provision around, with the result that when the bill reached us, it expressly provided that such authority would not be given. That was done in order to get the bill through the House.

No better demonstration of hypocrisy and demagoguery on the part of some of those who are supporting the bill can be found than by noting the fact that at first they were unwilling to support a bill which purported to give equality, unless it included provision to the Attorney General of the power to correct racial imbalance in the schools. But what have they done? They know that the pattern of population distribution among those who live in small towns in the southern part of the United States is such that the whites and the Negroes are not separated. In the Southern States there are no ghettos for Negroes, such as those to be found in the big cities in other parts of the country. But Senators from States in which colored citizens are confined to ghettos are insisting on an amendment which would protect their States in that situation, and would exclude them from any such action in connection with the bill.

This situation is much like that in connection with the FEPC, which the Senator from Arkansas has been discussing so ably. The proponents want to be sure that their States are not made subject to the provisions of the bill; they do not propose to have any of their outraged constituents ask them, "Why did you vote to have the school board send my children to a school 10 miles from home, in order to get them into a school where there are Negroes, in order to achieve what is called racial balance—getting them into a school so far away that I could not know where they were, and I could not communicate with their teacher, and I was not able to keep in touch with the parent-teacher association activities and all the other activities of the school?"

The proponents of the bill would not agree that that be done in their States. However, they have proposed that, as to the Southern States, where the population pattern is different, the Attorney General be given the authority to use all the power and strength and force of his office, with the assistance of all of his agents and employees, to force integration in the schools there, although providing protection against such action for their own States and their own cities.

So the proponents have made their plans; but we find that in New York, Chicago, Cleveland, Los Angeles, San Francisco, and St. Louis, the people are protesting against the so-called racial imbalance in the schools, which in many cases amounts to as rigid a system of segregation of the races as any ever to be seen in a Southern State. Nevertheless, that system in the Northern States would be perpetuated by the provision of the bill to which the Senator from Arkansas has been referring—a provision which would prevent any action by the Attorney General to correct imbalance of races in the schools.

If all the ardent advocates of equality and of race mixing are proceeding in good faith, and if this is not a political byplay, before the consideration of this bill in the Senate has been concluded, they will bring in an amendment to strike from the bill this provision which prohibits the consideration of imbalance of the races. They will vote to restore to the bill the language originally in it, which allowed the Attorney General to take action in cities in which the colored people are segregated in ghettos and to "let the hair go with the hide," all over the United States, instead of merely directing the bill against the population pattern in the Southern States, in an attempt to force the people in those States to integrate their schools.

It has been said that the District of Columbia was the first jurisdiction in which the schools were integrated. However, we find that in the District of Columbia there is as strict a pattern of segregation in most of the schools as any to be found anywhere in the entire Nation. If the provision in the original bill in regard to ending racial imbalance in the schools is left out of the bill there would be no authority whatever to correct the pattern of segregation in the District of Columbia schools, except by means of action by the local government in the District of Columbia.

I do not believe the Federal Government has any power over the local educational system of any of the States. I take note that of all of the zealous, radical advocates of so-called civil rights who served in the Congress from the time of Thad Stevens and Charles Sumner to 1954, and have introduced so-called civil rights bills almost every day, not one of them ever suggested in a bill that the Federal Government had any power to do away with the system of separate-but-equal schools. That idea was discovered only after the amazing advent of Thurgood Marshall, the attorney for the national colored people's association, who now is a circuit judge. He discovered that idea when he took over the Supreme Court and proceeded to dictate to it a long line of decisions.

The Senator has correctly stated another instance. One of those who in good faith is promoting the bill might offer an amendment which would provide for open housing occupancy. If the proponents are acting in good faith and the entire bill is not shot through and through with demagoguery and hyprocrisy, some Senator will rise and offer such an amendment. He will then force the amendment to a yea-and-nay vote on the floor of the Senate.

The Senator from Arkansas has correctly stated that the measure will not placate or appease those for whom the proponents of this bill are working so earnestly. They are demanding provisions which would correct racial imbalance in the schools and they are demanding provisions which would require open occupancy of housing.

Mr. McCLELLAN. Does the Senator from Georgia have any idea that the proponents of the measure intend to abandon the objectives which the Senator has stated after the proposed legislation has passed?

Mr. RUSSELL. Of course not.

Mr. McCLELLAN. Efforts will be renewed.

Mr. RUSSELL. If the proponents succeed in making captives of the majority of the Senate on the pending bill, it will be much easier for them to attain their objective next year, or the year following, as the Senator from Arkansas so well knows, since he has watched the processes of legislation in the Senate for many years. I am awaiting with interest to see which one of the great equalitarians will rise to offer the amendments that I have mentioned. I wish to see the one who will go all the way in expressing his good faith by saying that he is for absolute equality. In that context it would mean that a proponent of such a measure would be in favor of invoking the Federal power, not to assure equal rights, but to assure social equality and social mixing of the races by the exercise of Federal legislation.

The Senator has discussed the FEPC provision of the bill. As a boy in an old Jeffersonian home, I was reared on the doctrine of "equal rights to all and special privileges to none." When the laws of our country protect every citizen in his ability to establish or create a business or an enterprise of his own, such laws assure equal rights. But when a Government administrator can go to a man who has established a business and say, "You must hire this man," a special privilege is created. The bill flies in the very teeth of those rights, and would repeal that ancient Jeffersonian statement of "special privileges to none."

I have read with amazement some of the speeches that have been made in behalf of that provision in the bill. From a reading of some of the speeches one would think that the enactment of the bill with the FEPC provision would miraculously and automatically create thousands of new jobs. Everyone would have a job. All that would have to be done would be to get the people rated and assigned properly.

The Senator knows that the bill would not create a single new job in industry or in business in our country. It would create a bureaucracy. Hundreds of snoopers, investigators, and harassers would go out over the land harassing and annoying business. But the bill would not create a single new job in business or industry.

Mr. McCLELLAN. The bill would create a great many new jobs in Government.

Mr. RUSSELL. But nothing in business, where the bill is supposed to operate.

What does that mean? It means that the average, garden variety American citizen—the average young fellow who cannot claim that he is associated with any one of the minority groups—will eventually lose his job to a member of the minority groups. Why do I make that statement? We all know that if there is any group of people in this country that does not like to be dragged through the courts or diverted from their business by litigation, it is the men who operate industries and who afford employment in our country. If a man who is running a small plant and employing 200 or 300 people is required to lay off 7 or 8 employees, will he lay off a member of the minority group? Such a person could immediately bring a charge of discrimination against the employer. Would he go into the courts, being forced to hire a lawyer and compelled to leave his business so that his case could be properly tried, not only before the Commission, but before the Federal district courts? Of course, he would not. He would lay off the ordinary, garden variety of American citizen, who has no right whatsoever under the bill.

The bill would really create a decided preference for members of minority groups.

Of course, I can understand that and why people in States that have FEPC laws think they are entitled to such preference, because so few of them are employed.

I wish to state—and the Senator from Arkansas knows it is a fact—that, generally speaking, in our country today, race, creed, and national origin is no obstacle in securing 90 percent of the available jobs in our land.

Almost anyone who is qualified, skilled, and willing to work, and does not wish to be a "factory-corner lawyer" talking about how he is going to invoke the State law, can obtain employment in this country.

We are always likely to have some unemployment; it will apply to all races and all creeds.

Mr. McCLELLAN. How would the bill help the unemployed? If an employer were considering two applicants for a job, one colored and one white, he could employ only one. Or if he must discharge an employee, he would discharge only one. I do not see how the bill would create more jobs or help unemployment.

Mr. RUSSELL. It would merely cause the ordinary garden variety American who could not claim association with one of the minority groups to lose his job or not get a job in the first instance. That is what the bill would do. The bill is drawn in such a way that it would only apply to the Southern States. It provides that in the States which have FEPC's that have failed so miserably, according to the table which was printed in the RECORD on two or three occasions, the Federal Government would turn the job over to them; but the Federal Government would come down to the Southern States, where the percentage of unemployed among our colored citizens is low, and where historically they have held certain jobs and have done certain work.

Some of the most remunerative jobs are held by colored citizens in a large number of cities up and down the Atlantic seaboard. Labor unions of stevedores are composed almost 100 percent of Negro citizens. They do not allow white men in those unions.

About 90 percent of the stonemasons in my own State where masonry is a well-paying skilled labor, are colored citizens. It has been that way historically. But, under the guise of affording equality, the bill would build a breastwork behind which the States having FEPC laws would hide, and they would not feel the heavy hand of the Federal Government. On the other hand, an army of investigators, including the Attorney General and all of his cohorts, would be sent forth into the States that have the lowest percentage of unemployed among our Negro citizens.

I apologize to the Senator from Arkansas for having taken so much of his time. I did not intend to do other than to advert to the fact that the original bill had been changed deliberately, because the proponents of the bill feared that it could not be passed through the House without such changes. It was changed so that the Attorney General who would have been directed to correct the imbalance, would, under the bill, be prohibited from doing so in order to protect those States in which there are ghettos into which the colored people have been crowded into small areas of the cities. It is a great injustice. Before the bill is concluded I wish to see the good faith of the great apostles of equality demonstrated by their support of the original bill. I assure them that I will help them restore some of the provisions of the original bill. They will get some votes from the South on that.

If that is done it would at least strip away some of the false pretense, as it presently stands, that this is a nationwide bill.

We shall see how many Senators, who say they are so dedicated to the cause of assisting their colored brethren that they are willing to die here in the Chamber to accomplish it, vote when they get down to the two provisions that mean most to the colored people—racial imbalance in the schools and open housing occupancy.

Mr. McCLELLAN. I thank the distinguished Senator. I am grateful for the views he expressed. I would expect the Senator to express those views.

Before the Senator came into the Chamber, I was illustrating the support we had on these views. I read a letter and a telegram which I received from people in my State. They are from very good Americans. They expressed their views.

I thought I would reinforce and fortify the views I had expressed about this bill by quoting a very high authority. I quoted statements of the President of the United States. The statements were made at a time when he was Senator Lyndon Johnson.

Mr. RUSSELL. I apologize for taking the Senator's time. But the Senator's words inspired me so much that I felt constrained to express my views.

Mr. McCLELLAN. I am happy the Senator did. I wish to quote again the statements of the now President of the United States. I stated in my prepared remarks that when H.R. 7152 was received from the other body, the distinguished majority leader [Mr. MANSFIELD], spoke properly of the responsibility and duty of the Senate to examine and study the proposed legislation.

I could not agree with him more as to the grave obligations which rest upon this body. The Senate, in the consideration of this legislation, is performing the highest responsible role contemplated by the Founding Fathers. In support of that statement, I quote remarks of Senator Johnson, which were made in March 1949:

> There is no such thing as a reasonable limit on free speech. Good conditions, general reform, and reasonable limits have destroyed more freedom than evil forces could ever do. And I fear that danger now.

That was when an effort was being made to revise the cloture rule of the Senate. He supported our viewpoint then. I quote him now to show that on this vital issue—one as important as this, one that is fraught with dangers to our country, to our way of life, to our system of government, and to our freedoms—when dangers arise, when these freedoms are threatened, it is not only the responsibility, but it is the duty of those of us who see the issue in this light to stand and fight day after day with all our might to try to bring the light to those who are temporarily blinded to the ultimate effects and consequences of what we are about to do.

I make no apology for taking time, or for yielding to my colleague to take time in an effort to bring these dangers home to our colleagues who will share with us the responsibility as to whether we are to proceed under the intimidations of the atmosphere abroad in the land today and vote for a bill that we know in our hearts is destructive of freedom in order to pacify or appease some minority, or in order to make sure we are not jeopardizing our own political fortunes.

Mr. RUSSELL. Mr. President, I am sure the distinguished Senator likewise recalls that President Lyndon Johnson, when he was a Senator, voted to strike title III from the Civil Rights Act of 1957, which is in this bill as title IV, giving the Federal Government the power to desegregate public education.

Mr. McCLELLAN. I remember he also favored the right of a trial by jury.

Mr. RUSSELL. Yes indeed.

Mr. McCLELLAN. This bill would deny that right. I mentioned that earlier in my remarks. It is a strange thing. Right and wrong do not change. Senators talk about the moral issue. If there is a moral issue, there is also a legal duty to remedy that moral issue. If there is a legal process, it is by the means provided in the Constitution, and not by subverting the Constitution, not by making a flimsy rag of it, not by treating it as though it no longer possessed force or validity. There is too much of the philosophy that conditions are different, and that we must stretch the Constitution all out of shape in order to try to make it meet the conditions of today.

That was not the intention of the framers of the Government. They said, in effect, "the Constitution is sacred. It is the law of the land. It is not subject to the whim of man. If it does not fit the conditions that develop in society and in the economy of tomorrow, then change it. We provide a way."

Why do we not do it that way? We do not do it that way because the moral persuasion is not sufficient. If we were to take this issue to the people of the country, three-fourths of the States would not ratify a constitutional amendment with these provisions in it.

If the sponsors of the proposed legislation thought they could, they would do it that way. But they cannot do it. I do not think they would get half of the States to approve it. If the people know what is in the bill, and what is likely to happen, we shall see more of the results which occurred in Wisconsin. Senators will receive more mail than they are receiving today.

Quite a number of Senators are receiving mail in opposition to the bill, and they are not southern Senators. It is not all inspired by the one advertisement to which the State of Mississipi contributed. It is coming from other sources. All of the solicitation to write Senators is not coming from the South, or from those who share our point of view. There are other campaigns going on, too. I have before me a memorandum sent out by the American Friends Service Committee. The south central regional office is in Houston, Tex. The home office is in Pennsylvania. The man who sent this to me is a member of this society.

It reads:

> This committee is and always has been a volunteer organization incorporated under the laws of Pennsylvania. Its original purpose was to assist young Quakers caught under the draft law in 1917–18. It helped establish alternate services for those excused to its care. For several years it did yeoman work at an infinitesimal overhead. In later years it became rather popular, received many gifts and grants from those not Friends and some of us have been distressed by a growing leftward tendency.
>
> Its recent trend does not represent the attitudes of all the members of all the varieties of Friends by any means, but the Friends are my people. Those who send out these letters have come to have a rather authoritarian attitude, perhaps without their realizing it.
>
> Should I be known as having called this communication to senatorial attention I would almost surely be roundly condemned by the more vociferous. But, if that is necessary I am willing. To me the welfare of our colored people as well as that of our whites is at stake. I am convinced that if the present bill should pass it will harm all the country but the Negroes more than the others. They need to respect themselves and to earn respect from others. No man can earn respect by a holdup or by any form of violence.

The letter to which he refers and the memorandums being sent out by that group are an appeal to write Senators and Members of the House.

The letter is dated March 25, 1964. Apparently it was sent all over the country.

This is what it says:

> The latest report from Washington indicates that the mail now being received by the Senators is running 3 to 1 against the civil rights bill.

This is not propaganda on the part of those who are opposed to the bill. This is an earnest appeal——

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. McCLELLAN. In just a moment. This is an earnest appeal from the other side, in which they call upon those to whom they are appealing to get busy.

The mail against the bill is running 3 to 1 in the Senate of the United States and they say, "We must do something."

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. McCLELLAN. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. Does the Senator believe that the mail, which is running 3 to 1 against the bill from all sections of the country, and particularly from the States whose Senators are the principal advocates of the bill, is being written by cranks or crackpots, as some Senators have charged on the floor of the Senate?

Mr. McCLELLAN. No; 25 percent of Wisconsin's citizens would hardly seem to be cranks or crackpots. I do not believe anyone would claim that.

Everyone knows that there are many people in Wisconsin who did not vote for Wallace, but who felt as he did. I have no reason to dispute the figures given on the other side as to the mail received by Senators. If they are accurate, we had better get off the track, and the sponsors of the bill had better get back to constitutional processes to find a remedy, if they believe a remedy is needed.

Now if I may read the rest of the letter——

Mr. TALMADGE. Before the Senator returns to the letter, will he kindly yield to me again?

Mr. McCLELLAN. I yield.

Mr. TALMADGE. Does not the Senator share my view that the thousands of letters which have come from all sections of the country, importuning Senators to defeat the bill, are coming from people who are concerned about the bill, a bill which is 55 pages long, made up of 11 different bills combined into 1, every page, every paragraph, and every sentence in the bill extending Federal police power to virtually every area of human conduct contrary to the Constitution of the United States? Does not the Senator from Arkansas believe that is the reason Senators are receiving so much mail?

Mr. McCLELLAN. The Senator is correct. I believe debate on the floor of the Senate is calculated, to some extent at least, to inform the people throughout the country—as the press reports it, insofar as it will do so—as to the points made in the debate. The more the bill is discussed the more enlightened the people will become about what it contains, what it would do, and what its consequences would be and the more opposition there will be to it.

The purpose of debate is, as former Senator Johnson said, to try to place the issues before the country. There is no abuse of freedom of speech when there is so much involved, where there is so much in jeopardy in relation to human rights as there is in this bill. There is no reason why, for whatever reason, we should not continue to debate until the facts have been made known throughout the land.

As debate continues, we shall find more and more people against the bill. It would be a bad day for America if the bill should pass. It will be a bad day, unless—unless we can awaken the American people to the fact that they will have imposed on them a law which will not promote good will, which will not remove hatred, but will aggravate the ill feeling which exists today.

I have already heard it stated on the floor of the Senate that if we do not pass this bill it will incite more riots, and that there will be bloodshed. It is tragic that anyone should make such a statement on the floor of the Senate. Are we courting that result? Have we come to the point in America where we are going to live under the protection of a gun? Do we not have the courage to face the right when such conditions exist?

I am glad to report that the New York Senators take the position that civil disobedience should be condemned. We should tell the people to let us debate the issues. Let the American people, in the democratic way, decide whether they wish these laws or not. Let us do it by the constitutional processes, and not let any minority intimidate us by civil disobedience, or in any other way. Let us act in the constitutional way and submit the amendment to the several States of the Union for ratification. Then if the people want it, we shall have it. But until that desire can be demonstrated, with the convictions I hold I am compelled to oppose the bill with all my might, and I shall continue to do so. I continue to read the letter, to which I have referred:

> It is essential that this trend be reversed by floods of letters from all concerned people. "Silence gives consent." Let us not be silent. If civil rights legislation is to be passed, the supporters of this bill must express themselves now.
>
> Urge your two Senators, as well as other Senators, to vote for cloture, which would end the expected filibuster. Then ask them to vote for passage of the civil rights bill without omissions, compromises, or crippling amendments.

Letter for letter, that is what this letter states—irrespective of the defects in it.

It demonstrates the spirit of some of these people. They ask that we "pass it without omissions, compromises, or crippling amendments." I have received a telegram from a man who does not reside in my State. I should like to read it, to show that the pressure on behalf of the bill is not from the side of the opponents of the bill but from the other side.

It reads:

> The present program on civil rights is a piece of legislation being watched by the entire civilized world. It is a sad commentary upon the Democratic Party of the U.S. Senate—

That is my party and your party, Mr. President—

> that they are permitting themselves to be led by such resilient Senators as RICHARD RUSSELL, of the State of Georgia, and HOWARD SMITH, of Virginia, who are exercising their right of obstructionism to the passage of this piece of legislation which is obviously in the necessary progress of these United States.
>
> If the remaining members of the Democratic Party cannot control or isolate these few men then it is my opinion that their future is very dark indeed.

Then he says:

> The civil rights bill as it passed the House of Representatives should not require any debate whatsoever in the Senate of the Congress of the United States of America. The fact that such a debate is now existing constitutes a national disgrace.

Mr. President, the fact that we are undertaking to discuss the bill, to learn what is in it, and to acquaint the American people with it, in the view of radical extremists, constitutes a national disgrace.

I shall participate in the "national disgrace," if that is what it is, to the full limit of my strength. I do not believe in such things. I do not believe the best way to legislate is under threats of intimidation. I shall read the rest of the letter from the American Friends Service Committee:

> Everyone who cares should write two or three or four letters a day. After you write your own Senators, start on the list below. When you have finished the list, write to each of them all over again, and again, until the bill is passed.
>
> Letters should be handwritten, original, and brief. Do not send form letters. Give one or two reasons for your requests, and do not refer to any other issue. Address: Senator John Doe, Senate Office Building, Washington, D.C., 20025; Dear Senator Doe:
>
> The following Senators should get special attention. Most of them have not declared their positions, or they can probably be influenced by public opinion.

I shall not insert the list in the RECORD. Any Senator who wishes to see it may do so. Thirty-eight Senators are listed in the letter against whom the drive is to be made. Even with that—and this is not my estimate, but the estimate of these people—mail against the bill is running 3 to 1 in the U.S. Senate.

I say there is a job of enlightenment to be done. All the pressure and lobbying and intimidating tactics are not on the side of those who oppose the bill; it is on the other side. There are many similar organizations. The same thing is being repeated throughout the land.

The writer realized that he might be in disfavor or might offend his fellow members if he sent the letter to a Senator. Apparently he loves America. He apparently feels he owes a higher duty to his country than he does to the organization to which he belongs. At first he asked me to keep it in confidence. I wrote him and asked him if he would not tell me the authority. He had clipped off the name of the society. He had not sent it to me at first. He wanted me to use it on the floor of the Senate, or use it in some way if it would help. However, he did not want to become involved. I will keep his name out of it. People should be free to write their Senators and Representatives with respect to prospective legislation, and they should be free to do so without any reprisal. We all believe in that. I read the telegram and the letter to let the RECORD speak with respect to the effort, the organizing, the promoting, and the attempt to persuade and induce that is being made with respect to the proposed legislation, and to show that it is not on the side of the opposition. There are other organizations, and there are organized campaigns on the other side. In spite of that, the judgment is that the mail in the Senate is running 3 to 1 against the bill.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. I compliment the Senator from Arkansas for reading into the RECORD some of the communications he has received, to demonstrate the arrogance of some of the groups which are particularly eager to speedily pass the legislation without discussion and without debate. I was shocked indeed when the Senator read, from the telegram, that there should not be any discussion or debate whatever; and that such discussion or debate would constitute a national disgrace. A national disgrace to discuss this all-important bill of 55 pages, with 11 sections, with every page and paragraph and line extending Federal police power into the most intimate human relations, in the private conduct of people?

I ask the Senator if the Senate has not time and time again, in the history of our Republic, by discussion, enlightened our citizens and prevented oppressive and unconstitutional measures from being passed.

Mr. McCLELLAN. The Senator is absolutely correct.

Mr. TALMADGE. Does not the Senator feel, as I do, that if the American people learn in detail the all-inclusive provisions of the bill, they will rise up in their righteous wrath and demand that Senators strike from the bill the extreme unconstitutional and punitive provisions contained therein?

Mr. McCLELLAN. I agree. If the proponents of the bill were to put it in the form of a resolution for a constitutional amendment and submit it to the several States, no more than a dozen States would ratify it. If they were to do that, the proposal would go out to the grassroots, and Neighbor Jones and Neighbor Smith would talk about it, and about what the effect would be. They would realize, "If they can do this to us, they can pick up our children and take them 20 miles to another district to maintain what is called a balance of races in the schools."

Mr. President, if that can be done under the Constitution, the liberties of our citizens can be taken away.

There is no question about it. We ought to decide whether we are to have a government of law or a government of men. If we are to have a government of law, we cannot disregard, subvert, and evade the Constitution and still preserve freedom in this country. It is that dangerous.

Mr. TALMADGE. I ask the Senator if the House of Representatives of the Rhode Island Legislature did not, only last week, defeat an open housing bill by a vote of two to one.

Mr. McCLELLAN. I understand so. But as was stated a while ago, the proponents of the bill, those who are really instigating the proposed legislation, who are supporting it, who are making a drive for it at any price, will not be satisfied with this bill. All the other proposals which may now be abandoned by the advocates of the bill, because there is too much opposition at the moment, will be renewed, and another drive will be made later for their enactment.

Mr. TALMADGE. I ask the able Senator if the people of Tacoma, Wash., did not, in recent weeks, by a vote of 3 to 1, defeat an open housing bill that was submitted to them by referendum.

Mr. McCLELLAN. They did. Again I say that if this bill can be presented to the people, so that they may know what is in it, it cannot be passed. It can be passed if we yield to the persuasion, the drive, and the intimidation of some minority groups that have a balance of voting power in some areas of the country. Yes, it may be passed. But I say that the bill could not be passed as a constitutional amendment if the people were given the right to know what is in it.

Mr. TALMADGE. I ask the Senator from Arkansas if the people of Seattle, Wash., in recent weeks, did not defeat an open housing referendum by a vote of 2 to 1.

Mr. McCLELLAN. I think those are the correct figures. The Senator from Georgia has them fresher in his mind than I have.

Mr. TALMADGE. I read the figures in the press. I am assuming that the wire services reported them correctly. As I recall, the vote in Tacoma was 3 to 1 against an open housing referendum, and in Seattle, Wash., it was 2 to 1 against it, or about that proportion.

Mr. McCLELLAN. Again, a question of personal freedom is involved. What in the world does freedom mean any more if a community cannot have any legal rights, power, or authority to govern itself? Where are we driving?

Mr. TALMADGE. Did not the Supreme Court itself, in the civil rights case of 1883, hold that the Constitution did not grant to Congress the power to enact a code of municipal laws for our country?

Mr. McCLELLAN. It so held; and it should so hold again and again. I do not know what the present Supreme Court would do. I could not give my friend from Georgia any assurance about what the present Supreme Court would do.

Mr. TALMADGE. Has the 1883 decision been overruled?

Mr. McCLELLAN. It has not.

Mr. TALMADGE. Is it not the law of the land today?

Mr. McCLELLAN. It is; but that does not make any difference. It is intended to drive this bill through the Congress come hell or high water, or anything else.

Mr. PELL. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield to the Senator from Rhode Island.

Mr. PELL. I hope the Senator will permit me to make an observation. Earlier I heard my own State mentioned by the erudite, well-read Senator from Georgia [Mr. TALMADGE]. The Senator from Georgia is correct. The State of Rhode Island, in its general assembly, defeated "fair housing" legislation a few days ago by a vote of close to 2 to 1. However, the RECORD should show that the mail from my own State, which was earlier adverted to by the Senator from Arkansas [Mr. McCLELLAN], is running about 2 to 1 in favor of the civil rights bill.

I realize that this may appear hypocritical on our part, in that Rhode Island has not passed a "fair housing" bill. Personally, I regret its lack of passage. I know that the leaders of all the churches and of both parties favored the bill, but it failed. Sometimes we fail to pass what perhaps should have been passed.

Mr. McCLELLAN. I appreciate the Senator's point of view. He is entitled to it. I hope the State of Rhode Island will be able to have the kind of laws it wants and that the Federal Government will not impose on it and force it to take laws it does not want in those areas in which the States have the right, under the Federal Constitution, to govern themselves. I hope that no one will impose such laws on the great State of Rhode Island. I want to keep Rhode Island and her people free. If they want to intermingle the races and have people of all races living in the same houses, I will not object. But I do not want Rhode Island to force the people of Arkansas to do that.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. DOMINICK. I have read the bill quite carefully. I cannot find in it any provision which deals with fair housing. The bill does not contain a "fair housing" provision, regardless of what Rhode Island or other States may do. I constantly receive letters on this subject from the people of my State, where there is a "fair housing" law, saying, "Please do not vote for a fair housing law and run me out of my own business or my own home in Colorado."

I am receiving many such letters. However, the bill does not contain a provision for "fair housing." I ask the Senator from Arkansas if that is not correct.

Mr. McCLELLAN. I am not sure of all that could be done under the bill; but if this bill does not so provide, it is in the offing; it will follow in the next bill that the advocates of such legislation will seek to have passed. So get ready for it.

Mr. DOMINICK. That is possible; but such a provision is not in this bill.

Mr. McCLELLAN. That is the Senator's interpretation. I believe that if I were he, I would write to my constituents and tell them that it is not in this bill; but I suggest that he warn them about the next bill.

Mr. DOMINICK. I thank the Senator from Arkansas.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. TALMADGE. A fair housing provision was certainly in the bill when it was introduced in the House of Representatives, because that bill was all-inclusive. It covered everything by way of loans, contracts, guarantees, and other matters. If a citizen borrowed money from the Federal Government, with a Government guarantee or an FHA agreement, he would have been covered by such a provision. But, by amendment in the House of Representatives, the limitation on that power was imposed.

Nevertheless, after careful study of the bill for weeks, I am not quite convinced how far the power of the Federal authority can now go. In the final analysis, as I read certain provisions of the bill, everything that the Attorney General decides should be covered would be covered, because all he would have to do would be to satisfy himself that it should be covered. After satisfying himself, he would be authorized to file suit in the name of the Government of the United States, with all of its vast resources, with all of its vast powers, with all of its multiplicity of lawyers. Then the Government of the United States would be arrayed against one lonely little taxpayer, who might be a businessman, and he would be taken before a Federal court, before a Federal judge appointed for life, and tried without a jury trial.

He would be in the unfortunate situation of having to prove that he was not covered under the terms of the bill.

I thank the Senator for yielding.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that I may continue this speech on another day. I had 40 pages of prepared remarks, but up to now I have been able to read only 2 of them. I shall have to return to my office at 3 o'clock for another appointment. I would continue and finish the speech today, except that I had not anticipated the necessity for speaking beyond 3 o'clock. I hope Senators will indulge me so that I may conclude the other 38 pages of my speech, or whatever number of pages remain, at some other time. I am sure that, in all fairness, Senators would want me to do so. It is not that I am tired or weary. I shall continue to speak for another hour.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. Mr. President, reserving the right to object, I ask leave of the Senator from Arkansas to withhold his request for a few minutes.

Mr. McCLELLAN. Let the Senator from Rhode Island check with the leadership, if he will.

In view of the fact that it is now 2 o'clock, I shall be able to continue my remarks until approximately 3 o'clock, and still be able to keep my appointment. But for this appointment, I would now proceed to continue and to finish my speech. However, a delegation from my State has an appointment to meet with me at 3 o'clock on a matter of great importance to them; and the State's congressional delegation is to meet in my office at 3 o'clock this afternoon. That arrangement was made before I arranged to speak in the Senate today.

Mr. PELL. Mr. President, it displeases me very much to have to reserve the right to object; but I believe I must do so, temporarily.

Mr. McCLELLAN. I understand. I shall proceed with my speech, and shall progress with it as far as I can between now and 3 o'clock. In the meantime, will the Senator from Rhode Island check with the leadership?

Mr. PELL. Yes.

Mr. McCLELLAN. Mr. President——

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The Senator from Arkansas has the floor.

Mr. McCLELLAN. Mr. President, in the course of my remarks there has been a great deal of discussion by various Senators. I appreciate very much the contributions made by the various Senators who have asked me to yield, in order to permit them to ask questions or to make comments on the bill and also on the remarks I have already made about it.

At this time I wish to resume the speech I had prepared.

Mr. President, when H.R. 7152 was received from the other body, the distinguished majority leader spoke properly of the responsibility and duty of the Senate to examine and study this legislation. I could not agree with him more as to the grave obligations which rest on this body. The Senate in the consideration of this proposed legislation is performing the highly responsible role contemplated for it by the Founding Fathers.

Why are the terms of Senators fixed at 6 years, rather than 2, as in the other body? Why is only one-third of the membership selected in any election year? A good answer is provided in No. 62 of the Federalist where it is stated:

> The necessity of a Senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions.

That is why this body is constituted as it is. The Founding Fathers realized that the House of Representatives would become a large body numerically; and they believed that there should be an opportunity for adequate review, discussion, debate, examination, and scrutiny in connection with the proposed enactment of laws. Therefore the Founding Fathers in their wisdom provided for the establishment of the Senate in such a way that each Senator would serve for a term of 6 years, and one-third of the membership of the Senate would be elected every 2 years.

A a former Member of the other body, I watched with sorrow the methods that were employed there to secure the passage by it of H.R. 7152. In this connection, I would call the attention of my colleagues to an editorial which appeared on February 11 in the Washington Evening Star.

Mr. President, let us bear in mind the fact that the Washington Star editorially supports civil rights legislation. I do not know whether it supports every one of the provisions of the pending bill; but generally, the Washington Star supports so-called civil rights legislation. However, the editorial published in the Washington Evening Star stated, in part:

> The House now has passed what has aptly been described as the "most far-reaching" civil rights bill ever put before Congress. This is no exaggeration. And as enacted by the House, the bill is very much in need of an overhaul. The fact is that the bill * * * did not receive anything like adequate consideration in the House.

Mr. President, that statement in the editorial is true; it is no exaggeration. The pending bill, on which the House actually worked and, with some minor amendments, passed, came into existence less than 48 hours as I recall, before the House began its debate on the bill. In its finished form, before the bill was reported by the committee, it had never been seen by the committee until the day the bill was voted out of the committee. In the committee, the bill had only a casual reading; and there was only 1 minute for debate in favor of it, and there was only 1 minute for debate in opposition to it.

The record of the Senate in connection with this debate is rather replete with the history of the bill in the House of Representatives.

The editorial to which I have referred added:

> That this bill was railroaded through the House is beyond dispute.

Mr. President, if the pending bill has the merits that its proponents claim for it, why should it have been railroaded through the House of Representatives, where a bill cannot be defeated by prolonged debate, and where, in the course of the operation of the rules of the House of Representatives, the House can act on a bill within a reasonable time? Why was it necessary to railroad the bill through the House?

Yet the expression "railroaded through the House" was used by a supporter of civil rights. Why was it necessary to "railroad the bill through the House"?

Mr. President, when I spoke on March 12 on the motion to have the Senate take up the bill, I stated that the bill is tainted, and that if the bill in its present form were to be passed, it would be a tainted law—a bill which had been railroaded through one body, and as to which the other body would—if the will of the proponents were to be carried out—refuse to let the bill be amended, not even by meritorious amendments, because it is not desired to have the bill go to conference between the two Houses.

The editorial in the Washington Star also referred to the necessity that Senators debate "the bill line by line and clause by clause."

Mr. President, I do not always agree with the editorial pronouncements of the Washington Star, but certainly I do in this instance; and, as a great American publication, let it be said to its eternal credit that it demonstrates a conscientious desire to obtain good legislation—not bad legislation—in this field. But the bill was railroaded through the other body; and the bill needs to be overhauled. That is the judgment of this newspaper, and I agree with it.

But, Mr. President, at this time the Senate is obliged to consider the bill. There is no alternative, for the bill is now before the Senate. The Senate should not be required to consider a bill which was railroaded through the House of Representatives—as this one was, and as a friend of the proposed legislation claims it was, and publicly declares. The Senate should not be required to consider a bill which has been railroaded in the way this one was in the other body.

However, the bill is now before the Senate for consideration, and we are forced to consider it. Therefore we should carefully examine each of the provisions on the 55 pages of the bill. In doing so, we should be guided primarily by whether the Constitution confers on the Congress power to legislate in the various areas covered by H.R. 7152.

I have emphasized the fact that in connection with a number of areas there is no congressional power to legislate, for no such power has been delegated to the Central Government. Let no one indulge in the illusion that Congress may pass this bill and that any unconstitutional features will be invalidated by the judiciary. That would certainly be a forlorn hope. I have not much hope that the judiciary—and I am basing my statement on some of its past record—the highest court in the land, would undertake to declare unconstitutional a bill for which it is claimed there is great moral persuasion, although legally it is without authorization or permission. This is neither the time nor the place for any of us to imitate Pontius Pilate and attempt to wash our hands of the profound constitutional issues presented for our attention.

Often it has been said that if the bill is unconstitutional, the courts will take care of that question. We have the first duty. We have the duty to keep unconstitutional legislation away from the courts. We have the duty to kill unconstitutional provisions in this body. It is our initial responsibility not to enact unconstitutional statutes. We cannot wash our hands in the fashion of Pontius Pilate and say, "We will send it to the court and let it be the final judge and take the responsibility."

Mr. HILL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield to my distinguished friend from Alabama.

Mr. HILL. Mr. President, I have been privileged to hear a good part of the Senator's speech. It has been a magnificent presentation. I classify it as a masterful speech.

Mr. McCLELLAN. I thank my friend.

Mr. President, if the Constitution is to be defended, that should first be done in this body.

In determining whether the Congress has authority to legislate in any area, we must give great weight to previous judicial interpretations of the powers conferred on the Congress by the Constitution. There are those who say that previous decisions of the courts, even of the Supreme Court, can be ignored because the present membership of the Court might decide a case differently from its predecessor. I categorically reject this view. Based on precedents and performances of the Supreme Court in recent years, we can hardly rely on it to follow, defend, or observe the Constitution in passing on the provisions of any law passed by the Congress that bears a "civil rights" label.

Our oath is to uphold the Constitution. We should neither desire nor attempt to pass the buck to the courts. I recall that the distinguished senior Senator from Oregon [Mr. MORSE] in the consideration last October of the question of whether the Constitution prohibited Federal assistance to church-related educational facilities said:

> I hold to the point of view that a general grant of Federal funds to a university with religious ties to do with the money whatever it wants to do with it cannot be squared with the doctrine of separation of church under our constitutional system. The Supreme Court may some day hold to the contrary, but there is no decision of the Supreme Court that has been rendered to date that, in my judgment, indicates that I am wrong in the view of constitutional law which I have just expressed.

Thus the Senator from Oregon agrees that we must look to the state of the law as it exists today rather than to indulge in flights of speculation as to what the law may become at some time in the future.

In addition to examining this legislation from the viewpoint of the power of the Congress to legislate, we should examine it free from intimidation or pressures.

I remind my colleagues that intimidation is a part of the process of attempting to get this legislation passed. Many of the demonstrations throughout the country, the threats, the manifestations that have prompted Senators to predict in the chamber that blood will flow if this legislation is not passed, are a form of intimidation that ought to cause resentment in the heart and soul of every Senator and in the hearts and souls of all good Americans. This country cannot survive if we are to legislate in response to that kind of pressure.

As the able journalist, William S. White, wrote in his column of February 19:

> This sort of naked attempted intimidation of a U.S. Senator—

He is writing of Senator DIRKSEN, whom they had threatened to storm with demonstrations—

> is not a part of anybody's civil rights. It is, instead, a profound civil wrong. This is not the way of fair men in a free society. This is moral and intellectual mobism. And those who condone it, either out of confusion of motives or a lack of courage, will live to regret a shameful surrender to hysteria and demagoguery.

I agree with the views expressed by Journalist William S. White. I think every man who loves this country, who loves the freedom that is a part of our heritage, and that we cherish, must agree with these sentiments if he believes that our country should be preserved.

Concern over the pressures which are being employed by certain of the supporters of this bill are not confined to any one part of the country.

I would like to read part of an editorial which appeared on February 17 in the Jackson, Mich., Citizen Patriot. Please note this is Jackson, Mich., and not the beautiful capital city of the State of Mississippi. This Michigan newspaper declared:

> There is prevalent in America today a sort of hysteria over civil rights.
>
> The climate is such that anyone who dares whisper a word against the general thesis of civil rights also is against home, motherhood, virtue, the Ten Commandments and freedom for the slaves.
>
> But someone has to have serious second thoughts; has to ask if what we are doing today under pressure of political expediency may result, tomorrow, in the loss of the very freedoms for which the Founding Fathers died in 1776, the doughboys of 1918 died in France and the GI's of World War II shed blood all around the world.
>
> There are elements in the law which must be preserved. And there must be men who will stand up and be counted on the side of the law.

That is not southern propaganda. That is not some rebel from the South who has malice in his heart toward his fellow men, particularly toward the Negro. This statement is made by an American who senses the dangers, and who dares to speak out against legislating in this kind of atmosphere, under the intimidation of the fruits of hysteria prevailing in some areas and in some quarters with respect to the pending bill.

A number of extraneous arguments have been advanced by the supporters of this bill. One of the most specious of these arguments is the contention that the rejection of this legislation would hurt our image in the world.

Mr. President, the greatest contribution which the Senate can make to our image abroad is to demonstrate our adherence to the principles of the Constitution and to reject the counsel of those who maintain that Government has powers other than those which have been conferred upon it by the people.

If we yield to the opinions that some other countries and the people in other systems of government might have about us; if we yield to the extent of disregarding our Constitution, the law of the land, and the bulwark of our freedoms; if we do violence to it by evading it, by ignoring it, by subverting the Constitution, and by enacting laws which are unconstitutional under the proper and correct interpretation, in order to build or to gain the favor of people in other systems of government who have never enjoyed the liberties and freedoms that we enjoy; if we have come to the point where their approval and their approbation means that much to us; or, if we are willing to gain their favor by making a surrender of the rights which have made our liberties secure up to this time; if we are ready to do that, then we are ready to start down the road to our own destruction.

Mr. ERVIN. Mr. President, will the Senator yield for a few questions along the lines he is now discussing without losing his right to the floor, and without having any subsequent remarks counted as a second speech?

Mr. McCLELLAN. I yield.

Mr. ERVIN. I ask the Senator from Arkansas if he shares the belief of the Senator from North Carolina that the movement which resulted in the adoption of housing regulations for the District of Columbia is not a part and parcel of the civil rights movement represented by this bill.

Mr. McCLELLAN. Of course it is. If we want to convert the rest of the country into a situation comparable to that which exists in the District of Columbia, the passage of this bill would be a good way to do it. I know of no place in the country where there is greater discrimination, where there has been a greater movement of people trying to secure their liberty, than in the District of Columbia. When that situation was forced on citizens here, what happened? They moved out of the District of Columbia. They are doing so in other areas of the country.

We cannot legislate against prejudice in people. People will not stand for it if they can help it. We shall have to enslave each of them under a centralized government before they will do it.

Mr. ERVIN. Does not the Senator from Arkansas share the conviction of the Senator from North Carolina that the right to freedom of speech is one of the most precious of all rights which American citizens have enjoyed up until this hour?

Mr. McCLELLAN. The Senator is correct, it is one of the most precious rights that we enjoy.

Mr. ERVIN. Does not the Senator from Arkansas share the belief of the Senator from North Carolina that the preservation of the right to freedom of speech is essential to the preservation of the right of the people to rule themselves in this country?

Mr. McCLELLAN. Of course, without freedom of speech there can be no self-government. It is necessary. It is imperative. We could not deny them that right and expect them to govern themselves and have a voice in their government. Only by freedom of speech, and acts which stem from free speech, can freedom be maintained and preserved.

Mr. ERVIN. Does not the Senator from Arkansas share the conviction of the Senator from North Carolina that the regulations recently adopted for the District of Columbia, with respect to housing, constitute a method on the part of the government of the District of Columbia to deprive property owners in the District of the right to select the persons to whom they wish to sell their property, and also the right to select the tenants to whom they wish to rent their property?

Mr. McCLELLAN. Of course. It is a violation of personal liberty, of individual liberty, for such action to be taken by the Government. If the Senator or any other citizen should acquire enough capital as a result of his own industry—even if he inherited it, it would not make any difference—and wished to invest it either in a business or in an apartment building, there is no reason why he should not have the right to erect a building for people of his own race.

That also applies to the Negro race. If a Negro, by reason of his industry, frugality, and other qualities which contribute to success, acquired some capital and wished to invest it in a building to accommodate members of his own race, he should have the right to do that.

I defend that right. I believe Congress does not have the constitutional power to take that right away from any citizen. I would not want to do it if we had the constitutional power to do it.

The greater the amount of freedom we can preserve, the greater the amount of freedom that can be allowed to the individual, the greater is the strength and character of this Nation. That is what has made it outstanding and supreme among the powers of the world. When we begin to chisel away individual freedom and restrict the liberty of the individual citizen, or begin to control him by government, by edict, or by law, and tell him that he cannot be free as a result of his ingenuity, to reach his maximum development and his maximum achievement, the Government is bound to cause a deterioration in that individual's initiative which Americans have been free to exercise and which has made America great.

Why does not history record as among the greatest nations in the world the countries where the people are more restricted, where they have been living under dictators, under kings, and under tyrants in the past?

The difference lies in freedom and personal liberty. Take those attributes away and we diminish the happiness and joy of the people throughout the land.

Mr. ERVIN. Is not the Senator from Arkansas aware of the fact that under the housing regulations recently adopted for the District of Columbia, a man can be put in jail for as much as 10 days and fined as much as $300, if he merely goes to one of his neighbors, who he knows is about to sell his property, and suggests to his neighbor that owing to the residential character of the neighborhood in which the property is located, he should sell the property to a member of his own race rather than a member of another race?

Mr. McCLELLAN. That is a flagrant violation, in my opinion, of the police authority of the District of Columbia, or of the Government itself under our system of freedom. Moreover, it is a trespass upon the liberty and the rights of the individual citizen owning property.

Mr. ERVIN. Does not the Senator from Arkansas share the conviction of the Senator from North Carolina that the right to suggest to a neighbor that he sell his property to a man of his own race is a right inseparably connected with the right to freedom of speech, and involves no moral turpitude whatsoever?

Mr. McCLELLAN. None whatsoever. The right of intercourse between neighbors in business affairs, in social affairs, or in political affairs is a right which has made America strong. However, we shall tarnish that right by legislation, by invoking a power which the Government does not have under the Constitution. If we do these things, we shall bring about a deterioration. We shall be weakening the real pillars of strength upon which the Nation rests and from which our liberties stem.

Mr. ERVIN. Does not the Senator from Arkansas share the feeling of the Senator from North Carolina that we have reached a tragic day in the history of this Republic when regulations in the capital of the Republic provide that a man can be imprisoned and fined if he merely recommends to his neighbor that his neighbor sell his property to a member of his own race, rather than to a member of another race?

Mr. McCLELLAN. I believe that a law which prohibits that is unconstitutional. I believe the Congress or any other legislative body that enacts such a law would be subverting the Constitution of the United States. I believe a court which would uphold such a law would be inadvertently, if not knowingly, placing its stamp of approval upon tyranny.

Mr. ERVIN. Does not the Senator from Arkansas recall that the Supreme Court has held that under the 14th amendment a State cannot deprive a white man of the right to sell his property to a colored man?

Mr. McCLELLAN. I beg the Senator's pardon?

Mr. ERVIN. Does not the Senator recall that the Supreme Court of the United States has held that under the 14th amendment a State or municipality cannot deprive a man of one race of the right to sell his property to a man of another race?

Mr. McCLELLAN. That is the import of the decisions.

One either has freedom or he does not have it. The right to own property and to use it and enjoy it means that one has the right to sell it and the right to dispose of it to anyone of one's choice. It is not necessary to sell it at the same price to one person as to another. I can sell my property to a friend at one price, and I do not have to sell it to him at a price at which I would sell it on the open market. There is nothing morally wrong about it. There is nothing legally wrong about it either. That can be done provided one does not violate the letter and spirit of the Constitution. No such power has been granted to Congress. It has been reserved to the States and to the people, under the 10th amendment. It has not been delegated. We cannot use it without usurping it if we pass such a law.

Mr. ERVIN. Does not the 5th amendment to the Constitution provide that the Federal Government may not deprive any man of his property without due process of law?

Mr. McCLELLAN. It certainly does. That is why there is no authority for it. Due process of law means that a man's property is taken and compensated for. The Government cannot, under the Constitution, take a man's property, or confiscate it, without paying a fair price for the property. To say that a man cannot sell his property for the price he wants to get for it is denying him due process of law as defined in the Constitution.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that perhaps one of the most precious rights incident to the ownership of property, in addition to the right of having title to it, is the right to direct its use, free from government interference, so long as the owner does not use it in such a way as to damage the property of another?

Mr. McCLELLAN. That is correct. I do not believe that property that I work for, that I have skimped and saved for, in order to accumulate it, can be taken from me and given to someone else, particularly when, during the time that I was saving my money and being industrious, I had a goal that I was trying to reach. While I was accumulating a little capital to do something with it, the other man, to whom my property is to be given, was idling away his time, and probably dissipating, and throwing away his substance. He should not have any claim or right to say, "No matter what kind of scoundrel I have been, I want this job, and you must give it to me." I should not be forced to do that if his color or religion is the kind that I do not like.

However, under the bill I would have to give it to him. He would be able to take my property, even though he has no right to it.

Earlier today I used the illustration of owning a corner grocery store in a community where most of the people are Methodists. I am a Baptist, but I would like to get some of that good Methodist trade. Two men apply for a clerk's job in my grocery store. I want a salesman to go out and sell in that community. Of the 2 men who apply, one is a Methodist and the other is a Baptist. I am a Baptist. If I want to get the Methodist trade, I say to the Baptist, "I cannot use you, brother, even though you are a Baptist and I am a Baptist, because I want to get some of that Methodist trade, and I want to hire a Methodist."

Could I not be enjoined, under the terms of the bill, for hiring the Methodist, instead of the Baptist? I would be basing my decision on my best interests, and I would be basing my decision on religion. I would not be permitted to do that under the bill. It is an oppressive measure. It carries with it a form of oppression which the people of this country would not tolerate if they knew what was in it.

I read a letter a little while ago. It was dated the 28th of March. It was from the other side, not from our side. It was a circular being sent out by the proponents of the legislation. They admitted that the mail was running 3 to 1 against the bill. They asked people to whom the circular was going to get busy and to do something about it.

I pointed that out merely to show that if people knew what was in the bill, they would be against it.

We must attract the attention of the people and warn them of the perils that are confronting them in the proposed legislation. If people know what is in the bill and what it can do, they will not be in favor of it.

If the proponents of the legislation wish to follow the constitutional processes, and the due processes under the Constitution, and not try to subvert the Constitution by bypassing it or ignoring it, or usurping the powers of the Constitution, and wish to reach their goals by moral persuasion, and justify their effort to attain it, the proper way to do it is by constitutional amendment.

However, I say they do not dare to do it. They do not dare submit the bill in the form of a constitutional amendment, because no more than a dozen States of the Union would ratify it through their legislatures. That would be the proper way to do it. It is the only right way to go about it, and the only legal way to do it under the Constitution.

If it were done that way, the subject would be brought home to the people, and the legislatures of the States would take the responsibility of ratifying or rejecting the amendment. In my opinion, it would be rejected. However, with all the intimidation and hysteria behind the bill, and the atmosphere of intimidation and coercion, we are being threatened with political retaliation.

To legislate in the way that is proposed would be a tragic mistake. It would do harm and would be a disservice to our country.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina in the view that the bill, instead of being a civil rights bill, is a bill to rob American citizens of most of their civil rights?

Mr. McCLELLAN. It invades almost every province of a man's habitation, so to speak. Therefore, it would do great injustice. Wherever it is claimed that it is giving a right, it takes a right away from someone else. The Senator was not here this morning when I placed in the CONGRESSIONAL RECORD a statement made by our beloved President when he was a U.S. Senator. I quoted from that statement, particularly from the part in which he pointed out that he did not believe in subtracting from one person a right of freedom and adding to another person a right that he did not possess. In effect, that is what the President said when he was a Senator. I agree with the President. Under the Constitution, it is not possible to take away that right. We should not be permitted to say to a man, "You cannot go over and talk with your neighbor and suggest that he sell his property to someone of his own race." That cannot be done in the District of Columbia without violating the law.

The point I am making is that the proponents try to take away from that man his right to social intercourse with his neighbor, to discuss social affairs and matters of interest in that community. If a person does that, he can be put in jail, and a liberty can be taken away from him. If we give a man a right that he does not possess and that he has no right to have, it is a wrong, not a right.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that there is an incompatability between equality coerced by law and freedom of an individual?

Mr. McCLELLAN. I agree.

Mr. ERVIN. Is it not impossible to have a bill that will permit so-called equality coerced by law and at the same time preserve freedom of the people to act according to their own dictates with respect to their personal conduct in the handling of their property and in the handling of their business affairs?

Mr. McCLELLAN. Yes; I agree with the distinguished Senator from North Carolina.

Mr. President, as I announced earlier, I have an appointment at my office at 3 o'clock that I cannot escape. I wish to make one or two other remarks, if I may, and then renew my request. I was speaking about the image of our country abroad.

Are we to sacrifice the Constitution, which Gladstone has described as "the most wonderful work ever struck off at a given time by the brain and purpose of man," in order to win friends in a country such as Ghana, which has forsaken, in a few years of independence, its common law heritage and has become a one-man, one-party dictatorship?

Are we to sacrifice the Constitution to appease the warring tribes in every African nation? They are the ones before whom, it is said, we are blotting our image. Are we to sacrifice the Constitution to appease many other nations that we have so generously helped with our aid and who have never been able even to approach the economic strength and freedom that we have developed under our system? If we destroy the Constitution, no amount of world approval will be of any avail to our citizens. Neither will it strengthen our freedom.

It is appropriate in view of the circumstances now prevailing in this country and the emotions which have been unleashed to refer to one of the profiles contained in the late President Kennedy's book, "Profiles in Courage." Particularly appropriate is the chapter devoted to Senator Edmund G. Ross of Kansas. Following the War Between the States and the assassination of President Lincoln, there was unleashed a vicious campaign of repression against the States of the Confederacy. Passions ran high and extreme legislation was proposed and enacted over the opposition of President Andrew Johnson. I need not recite a history of the events which led to the impeachment trial of President Andrew Johnson. Let us recall, however, how Senator Ross, who held the decisive vote, responded to the pressures to which he was subjected. On the morning of the fateful vote Senator Ross received a telegram from a number of residents of Kansas demanding the conviction of the President. Senator Ross replied to this telegram at once. He said:

> I do not recognize your right to demand that I vote either for or against conviction. I have taken an oath to do impartial justice according to the Constitution and laws and trust that I shall have the courage to vote according to the dictates of my judgment and for the honest good of the country.

I cannot help thinking at this point of the telegram which Senator Holland received the other day from the Tallahassee chapter of CORE.

I have received a few such letters. As of the time I am speaking, probably two dozen letters have been received by me from my State in opposition to the bill. Some of the letters from my State strongly imply a direct threat of political reprisal or political defeat if I do not vote according to their views or demands. I have let them know without any equivocation or reservation that I will vote my convictions. They can have the Senate of the United States when I cannot do that.

There is before us an issue that is challenging. It is not important that any one of us return to the U.S. Senate, as compared with the importance of preserving what has made us great. If we begin to destroy that, a time will come when it will be no honor to serve in this body—and I cherish that honor today as one of the greatest that our people can bestow upon one of its citizens. I expect to keep that honor untarnished by refusing to yield to threats of political reprisals and intimidation. Something big is involved in the bill. It is bigger than any individual. We must preserve our heritage.

Mr. President, I have concluded some 6 pages of the 40 pages of remarks which I had intended to make today. I shall conclude with just one other paragraph. I ask unanimous consent that I may conclude this speech at some future date. I should like to finish it today. I have the strength, the purpose, and the will to do so, but I have a conflict—an appointment that is unavoidable. I did not know that I was to speak today, and I have an appiontment in my office at 3 o'clock with a number of citizens from my State.

I ask the indulgence and the graciousness of my colleagues to accord me the privilege of resuming this speech and continuing it to completion on another date—at any early date. I should like to have the continuity of it appear as one speech. I should dislike to have some Senator object and require me to make the speech as two speeches. I hope that my most earnest request will be granted.

The PRESIDING OFFICER (Mr. McIntyre in the chair). Is there objection?

Mr. PELL. Mr. President, with a high regard for the Senator from Arkansas and with an awareness of his problem, I am still constrained to object.

Mr. McCLELLAN. I regret that. I had hoped that Senators might accommodate one another in the Senate throughout this debate.

I have come to the Chamber to develop quorums at times when I could have done something else. I have come to the Chamber to make quorums at times when only one or two other Senators were present. On one occasion when I entered the Chamber, I was the 51st Senator to answer the quorum call. Senators ought to be accommodating toward one another.

I hope that upon further consideration those in charge of the "Establishment" will relent and permit me, when I next obtain the floor, to resume my speech and allow me to consider those remarks as a part of one speech. Because I was interrupted often this morning, and did not want to be rude or unkind or inconsiderate to Senators who wanted to speak, I yielded to all Senators alike, on both sides of the aisle.

Because my time has expired under these circumstances, I plead for reconsideration on the part of the "Establishment," so that I may resume my speech. I believe I could continue until midnight. I do not have any real problem about the time except that there are perhaps 15 or 20 people from Arkansas in my office at the moment, waiting for a conference on another matter. They have come all the way from Arkansas for this purpose. I ask my aid to telephone there, and find out whether the meeting can be delayed for 30 minutes.

Mr. TALMADGE. Mr. President, will the able Senator from Arkansas yield briefly to me?

Mr. McCLELLAN. I yield.

Mr. TALMADGE. I have listened to virtually all of the very able, effective, and eloquent speech of the Senator from Arkansas—one of the greatest speeches I have been privileged to hear since I became a Member of the Senate. The Senator from Arkansas has made an eloquent, able, and constitutional plea for the civil rights of all Americans, regardless of their color, and of whatever sex, creed, or religion, and regardless of the area in which they reside.

I hope his message will be heeded by all the American people, because he has set forth a powerful plea for constitutional liberty for all our citizens and for a continuation of our system of free enterprise and constitutional government—the system which has made America the greatest, freest country on the face of the earth, with the highest standard of living for all.

I thank the Senator from Arkansas for yielding to me.

Mr. McCLELLAN. Mr. President, I thank the distinguished Senator from Georgia. I do not deserve in any sense the high compliment he has paid me. I have merely tried to present the views that are rooted in my deep convictions.

Mr. President, I have been told that two of the Representatives from my State are waiting in my office, together with a delegation from Arkansas. So I suppose I shall have to conclude my remarks at this time. I do so most regretfully.

I say to the Senator from Georgia [Mr. Talmadge] that I have used only 6 of the 40 pages of the speech I had prepared to deliver today. Thirty-four pages of it remain to be delivered. They are devoted to a consideration of other phases of the bill.

Mr. TALMADGE. I hope the Senator from Arkansas will not deprive us of the privilege of hearing the remaining portion of his speech.

Mr. McCLELLAN. Mr. President, I hope Senators will permit me to conclude my speech at a later time. Of course, if they do not, I shall have to seek—by way of offering amendments, and with the aid of any parliamentary rules available to me—to get the remainder of my speech into the Record before the debate on the bill closes, because I believe that in the remainder of my speech there is included some important information which should be made available before the bill is acted on by the Senate.

I thank all Senators who have been so kind as to assist me, by making comments as I proceeded today with my remarks.

There are at least six other speeches, on the same order, but dealing with other aspects of the bill, which I hope to deliver before the bill is voted on by the Senate. During the course of the debate, I shall undertake to bring those views to the attention of Senators, and also to the attention of the country.

Mr. PELL. Mr. President, will the Senator from Arkansas yield briefly to me?

Mr. McCLELLAN. I am very glad to yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, in view of the desire of the Senator from Arkansas to have other Senators study the remainder of his speech and become informed in that way, it occurred to me that he might be willing to request unanimous consent to have the remainder of his speech printed in the CONGRESSIONAL RECORD.

Mr. McCLELLAN. However, if it were proposed that the Senate proceed by means of having Senators make insertions of such material in the RECORD, without actually reading the material, I would have to object. When Senators wish to make a display of their oratorical ability, I do not believe it would be proper to silence them.

After all, the Senate is the place for extensive debate to enlighten the people of the country; but we would not have debate if we arranged to have various pieces of material silently shoved into the RECORD. Many people do not read the CONGRESSIONAL RECORD; many people prefer to have the speeches of Senators actually delivered on the floor of the Senate, rather than merely printed, on request, in the RECORD.

So I believe this issue is much too important to be dealt with in the way proposed by the Senator from Rhode Island. Therefore, I do not wish to ask unanimous consent that my speech merely be printed in the RECORD, without actually being delivered to the Senate. So I shall wait until I have an opportunity to actually deliver the remainder of my speech to the Senate.

Mr. STENNIS. Mr. President, will the Senator from Arkansas yield briefly to me?

Mr. McCLELLAN. I yield.

Mr. STENNIS. I think the Senator from Arkansas is correct in preferring actually to deliver to the Senate his most important speech on this very important subject.

At this time I commend the Senator from Arkansas for his extremely effective remarks on this very important matter.

The pending bill is supposed to be a civil rights bill. However, no one has made clearer than the Senator from Arkansas has—and I doubt that anyone else has made it quite as clear—that the basic principle involved in the bill is that of taking away from the people of the United States basic rights which are essential to our form of government, as well as to our form of economy, and turning them—in the name of "rights"—into privileges to be given to another group.

I regard the speech the Senator from Arkansas has delivered as a real monument to the constitutional concept, as well as a credit to the Senator from Arkansas himself.

Mr. McCLELLAN. I thank the distinguished Senator from Mississippi.

Mr. President, someday I shall seek further recognition by the Chair, so as to proceed with my remarks, beginning at the point where I have left off today; and I should like to add thereto some comments and the expression of some thoughts not now included in this prepared speech. There are some others which I regard as of even greater importance.

ANTICIPATED SETTLEMENT OF THE STRIKE ON THE BUTTE, ANACONDA & PACIFIC RAILWAY

Mr. MANSFIELD. Mr. President, sometimes we become so involved in problems which are national in scope that we do not pay enough attention to matters which affect us on a State basis. We all know, of course, that at the present time there is a difficulty existing between railroad organizations and management extending back over a period of 4 years. Prior to the 15-day extension which was agreed to last week by both labor and management, and which prevented a strike occurring at 1 minute after midnight on Friday morning, there was a strike on the Butte, Anaconda & Pacific Railway, which operates between the city of Butte and the city of Anaconda in Montana.

The railroad, which is approximately 30 miles in length, is not one of the great railroads of the world, but, so far as the economy of the State of Montana is concerned, it is vitally important, because on the transportation of ore depends the economy of cities like Anaconda and Butte and, to a lesser extent, the city of Great Falls, where another smelter is located.

When this matter was brought to the attention of the President of the United States, Lyndon B. Johnson, he immediately got in touch with Secretary of Labor, Willard Wirtz, with the result that even though the 15-day extension did not encompass the Butte, Anaconda & Pacific Railway, because the strike was in effect prior to Tuesday a week ago, nevertheless, the President did order a member of the National Mediation Board, Mr. Leverett Edwards, to proceed to Butte and Anaconda to start immediate negotiations between the company and the rail unions.

Yesterday morning, Mr. Edwards conducted his first meeting. That meeting was resumed yesterday afternoon. At 3 o'clock this morning, an agreement was arrived at between the negotiators for the Anaconda Co. and the rail unions. At 10 o'clock this morning, mountain standard time, the members of the rail unions will meet to determine what shall be done about the negotiations which their representatives have agreed to. It is my hope that at that time the agreement will be ratified by the rail union membership, and that shortly thereafter, if that is done, work will be resumed in the mines of Butte and the smelters of Anaconda and Great Falls.

This may be a little thing in the whole national picture, but it is a big thing so far as the State of Montana and its economy are concerned.

I wish to express to the President of the United States my deep appreciation for the personal interest which he has undertaken in this respect; to the Secretary of Labor, Mr. Willard Wirtz, for the fine work which he has done in trying to bring the negotiations to a successful culmination; to the negotiators for the Anaconda Co. and the strikers; to Mr. Charles Luna, president of the Brotherhood of Railroad Trainmen, who also took a personal interest in the matter and who dispatched a representative from El Paso to sit with the representatives of the rail unions who were on strike; and, of course, to Mr. Leverett Edwards, who has performed so magnificently and has made so great a contribution to what may well be the settlement of this dispute, which has affected three of Montana's largest cities.

DEATH OF MAJ. GEN. MELVIN MAAS, U.S. MARINE CORPS, RETIRED

Mr. MANSFIELD. Mr. President, I wish to take this occasion to express my deep regret and sorrow at the passing of a former colleague of ours, Maj. Gen. Melvin Maas, U.S. Marine Corps, Retired.

Mel Maas and I served in the House of Representatives together. While we were on opposite sides of the political fence, I always found him to be courteous, considerate, and tolerant. Both of us being ex-marines, we, of course, had something more in common. On that basis, as well as others, a friendship developed which lasted during our lifetimes.

Melvin Maas served in the Marine Corps in the First World War, and he served with the Marine Corps in the Pacific in the Second World War. He suffered injuries and wounds while on combat duty, and because of this he was stricken with blindness about 10 years ago.

But blindness did not deter Mel Maas from carrying on his activities, not only in behalf of the Marine Corps, but also in behalf of the physically handicapped. Being physically handicapped, he had a better understanding of the difficulties and the trials which blind people, who comprise so sizable a portion of our population, must endure.

Mel Maas was a good Member of Congress; he was a good marine; he was a good American. To his family, I extend my deepest regrets and most sincere sympathy, because in the passing of Mel Maas the country has lost one of its really great citizens; the Marine Corps, one of its true friends; and the people of Minnesota, from which he came, one who represented that State ably and with distinction throughout his years of service.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from Minnesota.

Mr. HUMPHREY. I thank the distinguished Senator from Arkansas.

Mr. President, this morning I read the sad news of the death of a distinguished citizen of our country, Maj. Gen. Melvin Maas, a former Representative from the Fourth Congressional District of Minnesota. Mel Maas represented Ramsey County and the capital city of our State, St. Paul. He was an indefatigable worker for the people of his area, he was a respected Member of the House of Representatives, and he had a host of friends in all walks of life and in both political parties. I am happy to say that it was my privilege to be included in that circle of friends and to share in the precious gift of his friendship.

No finer tribute could be paid to Maj. Gen. Melvin Maas than has been paid this morning by the distinguished majority leader. I join with the majority leader in his moving words of praise, commendation, and tribute to this patriot, this soldier—both in war and in peace—this fine man who devoted the final years of his life to helping those who were handicapped. His own personal handicap of blindness did not discourage him in his efforts to assist others; in contrast it stimulated his reserve energies to help others who were afflicted by similar handicaps.

Mel Maas attended many gatherings in Washington after his affliction with blindness; yet I can honestly say that while his eyes could not behold that which was before him, his mind encompassed all. His understanding of people and events was in no way impaired. It is possible that out of the tragedy of blindness came an even greater understanding of the people with whom Mel Maas came in contact.

I conclude with words of condolence and sympathy to the family and I hope that they may live in the knowledge that Maj. Gen. Melvin Maas served his country well and faithfully, and that he enjoyed the respect, friendship, and admiration of thousands of people not only in this country but in other parts of the world, where many others were graced by his presence, influence, and friendship.

Mr. McCLELLAN. Mr. President, I am happy to yield to the distinguished Senator from Wyoming.

Mr. SIMPSON. Mr. President, I wish to associate myself with the remarks of the distinguished majority leader and the distinguished majority whip with respect to the passing of Maj. Gen. Melvin Maas, who was a dear friend of mine. When I read of his death, I was shocked. But, by the same token, his work on behalf of the physically handicapped throughout the Nation was singularly effective.

I recall when he came to Wyoming to establish a commission for the physically handicapped. One of his favorite expressions was, "Oh, I can see"; or he would say, "I see." In spite of his own physical handicap of blindness, he rendered outstanding service on behalf of the people of the United States. His memory will be revered by all who knew him for to know him was to love him. He will be sorely missed.

I thank the distinguished Senator from Arkansas for yielding to permit me to pay this brief tribute to a man whose memory will be revered and whose passing will be mourned.

I wish to extend my sympathy to the general's fine family.

Mr. MUNDT. Mr. President, I wish to join in the words of sympathy and commendation for Mel Maas that have been expressed by Senators who have preceded me this morning.

When I first became a Member of the House of Representatives, Mel Maas was a Member from the neighboring State of Minnesota. He and I soon became fast and lifelong friends.

Mel Maas was a great American by any standard by which we might choose to measure his ability and his greatness.

He had at least three separate careers in his life: one as a military man in the Marine Corps; one as a Member of the U.S. Congress, where he served well and ably; and one after his tour in Congress, when he did so much, as has been said earlier, for the physically handicapped of America. In a great many ways, we could refer to Mel Maas as a hero of peacetime, because he never, at any time after his blindness, which came after a mature age, sought any sympathy or accepted any.

I recall vividly an article which he once wrote for the American Legion magazine, dealing with blindness. It was written in such a way as to give encouragement and hope to people who had lost their eyesight. He told those of us who are fortunate enough to have eyesight how to work and to deal with people who are blind, and told the blind themselves how best to approach life in the circumstances from which they suffered.

Mel Maas was a great American patriot who inspired literally hundreds of thousands of Americans, both blind and sighted, by his courage and his ability, through the use of braille. He had an uncanny capacity to recognize voices and to know people. He would say, "I can see you, Karl."

His great and ever-prevailing optimism and his personal courage, as well as his love for humanity, marked Mel Maas as a man of heart. America today is the poorer because of his passing.

Mr. McCLELLAN. Mr. President——

Mr. THURMOND. Mr. President——

Mr. McCLELLAN. Mr. President, I yield to the Senator from South Carolina.

Mr. THURMOND. I thank the able Senator from Arkansas.

Mr. President, I wish to join the majority leader, the majority whip, and other Senators in their expressions concerning General Maas.

I had the pleasure of knowing him for a number of years. I knew him chiefly as a Reserve officer, and at Reserve meetings. He was truly an able Reserve officer.

He was an astute military man. In addition, he was a distinguished Member of Congress.

General Maas served well in time of war. He served well in time of peace.

To his family, I extend my deepest sympathy.

Our country has lost a great American.

Mr. McCLELLAN. Mr. President, I join in the sentiments which have been expressed in regard to former Congressman Maas. It was my privilege and pleasure to serve with him for a brief time, many years ago, in the House of Representatives. It was there that I had occasion to observe and to appreciate many of his fine qualities. Although I did not get to know him as intimately as some of the other Senators who have spoken here today in tribute to him got to know him, yet I knew him well enough to be able to say without any reservation whatever, and with deep sincerity and enthusiasm, that I join in the sentiments which have been expressed regarding him.

Mr. HILL. Mr. President, this morning I received an announcement of the death of Maj. Gen. Melvin J. Maas. The announcement was most distressing to me. It stated:

> Maj. Gen. Melvin J. Maas, U.S. Marine Corps, retired, Chairman of the President's Committee on Employment of the Handicapped, died today (April 13) at the Bethesda Naval Hospital on the 10th anniversary of his committee chairmanship. Death was caused by a combination of heart disease, arteriosclerosis, and diabetes.

Mr. President, Mel Maas was my good friend and I knew him well. I was privileged to serve with him in the House of Representatives and to witness his devoted services to his State and to our country. He was indeed an outstanding Member of the House.

As chairman of the subcommittee of the Appropriations Committee on Labor-Health, Education, and Welfare, I heard Mel Maas' testimony each year for the past 10 years, in which he told of his work and of the accomplishments of the President's Committee on the Employment of the Handicapped. The record of the committee under Mel Maas' devoted and inspiring leadership has indeed been historic and most fruitful. During 1962 and 1963, the number of disabled persons rehabilitated for useful employment exceeded 210,000 and to Mel Maas must go much of the credit for this fine accomplishment.

He was totally blind as the result of an injury received as a fighting Marine in World War II and although unable to see, he traveled hundreds of thousands of miles from one end of the country to the other carrying the message of rehabilitation to the physically handicapped, the mentally restored, and the mentally retarded. Although Melvin Maas was denied the light of day, he carried the light of heaven into the dark places. He brought to the physically handicapped, the mentally restored, and the mentally retarded hope, help, and the faith that removes the mountains and subdues the kingdoms. Melvin Maas will live in our history as one of our greatest humanitarians and noblest patriots.

We express our deep sympathy to his wife, his son, and his daughters for the irreparable loss they have sustained.

I ask unanimous consent to have printed in the RECORD immediately following my remarks the full announcement of the death of General Maas and also a brief biographical sketch of the general.

There being no objection, the announcement and biography were ordered to be printed in the RECORD, as follows:

Maj. Gen. Melvin J. Maas Dies

Maj. Gen. Melvin J. Maas, USMCR, retired, 65, Chairman of the President's Committee on Employment of the Handicapped, died today (April 13) at Bethesda Naval Hospital on the 10th anniversary of his Committee chairmanship. Death was caused by a combination of heart disease, arteriosclerosis, and diabetes.

A highly decorated veteran of three wars, General Maas was blinded in 1951 as a result of an injury received in World War II. Since becoming Chairman of the President's Committee on April 13, 1954, he traveled hundreds of thousands of miles, without aid, urging equal opportunity for the handicapped.

Because of his physical condition, he had to curtail travel a year ago. Yet he maintained full activity in behalf of the handicapped from his home, conducting his affairs by tape recorder.

Under his leadership, the President's Committee not only intensified its educational and promotional efforts in behalf of the physically handicapped, but also expanded its functions to include the mentally restored and mentally retarded.

He is survived by his wife, Katherine, and their son, Melvin Joseph, Jr., at 4714 Essex Street, Chevy Chase, Md.; a daughter, Patricia, a woman Marine major; and by two married daughters, Mrs. Anthony C. Martino of Richmond, Va., and Mrs. Leo Catterton of Annapolis, Md.

Maj. Gen. Melvin J. Maas, USMCR (Retired), Chairman, the President's Committee on Employment of the Handicapped

General Maas was reappointed Chairman of the President's Committee on Employment of the Handicapped on March 4, 1961, by President Kennedy. He had previously served as Chairman since appointed on April 13, 1954, by President Eisenhower. In addition, he served as chairman emeritus of the Committee for the Handicapped, people-to-people program, having been named chairman by President Eisenhower on May 29, 1956.

His career includes 16 years as a Congressman from Minnesota; service in the U.S. Marines in three wars, rising from a private in Marine aviation in 1917 to his present rank in August 1952. He is a native of Duluth, Minn.

CONGRESS

First elected to Congress from Minnesota in 1926, at the age of 27. Served from 1927 to 1933 and from 1935 to 1945. In 1933 he received national recognition and the Carnegie Silver Medal for heroism when he disarmed a man in the House galleries who was threatening Members with a loaded revolver. During his career in Congress, he specialized in legislation promoting aviation, national defense, and measures to improve the unemployment situation. As a member of the Foreign Affairs Committee of the House, General Maas sponsored several international conferences designed to bring about better relations with foreign powers. Prior to World War II he sponsored legislation to fortify Guam and was joint author of legislation setting up a promotion system for the Navy. He also was sponsoring author of the Naval Reserve Act of 1938 which governed the Naval and Marine Corps Reserve until passage of the Armed Forces Reserve Act. He also was the congressional author of the legislation creating the first military women's reserve.

MARINE CORPS

Entered the Marine Corps April 6, 1917. Served with Marine aviation in the Azores throughout the war. In 1926 he accepted a Marine reserve commission prior to entering Congress. In the summer of 1941 he returned to active duty and served at sea on the staff of Adm. William Halsey and in 1942 with Adm. Frank J. Fletcher in the Solomons campaign. He also served as a Marine Corps observer with Gen. Douglas MacArthur in Australia and New Guinea. He was awarded the Silver Star Medal for service with the Army Air Force at the Battle of Milne Bay in 1942. He also won the Legion of Merit in combat. In addition he wears 12 other ribbons. In the fall of 1942 General Maas resumed his duties in Congress but returned to active duty in January 1945. In May of that year he assumed command of the Awase Air Base, Okinawa, where he received the Purple Heart. He was promoted to brigadier general in the Marine Reserve, June 1, 1950. Blindness overtook him in 1951 and on August 1 of that year he retired and was advanced to major general rank for having been specially commended in combat.

PUBLIC LIFE

For his untiring efforts in behalf of the Marine Corps Reserve he was known as Mr. Marine Corps Reserve. For 6 years he served as a member of the Reserve Forces Policy Board in the Department of Defense. He served as chairman of the board, Marine Corps Reserve Officers Association, and was a past commander in chief, Military Order of the World War, past national commander, Disabled American Veterans (1955–56), and past national president of the Blinded Veterans Association (1960–61).

In his early business career he was a salesman and sales manager. Later, he managed a manufacturing firm in St. Paul, Minn. In 1925 he organized his own insurance firm. He was assistant to the board chairman of the Sperry Corp. from 1946 until recalled to active duty in the Korean conflict. He was a director of the United Services Life Insurance Co., and of Mutual of Omaha.

PRESIDENT'S COMMITTEE

On June 4, 1954, General Maas was awarded a degree of doctor of laws at the College of St. Thomas, St. Paul, Minn., his alma mater. Subsequently, he has been honored by Marquette University, Goodwill Industries of America, United Cerebral Palsy, National Rehabilitation Association, American Foundation for the Blind, Tri-Organization Scientific and Rehabilitation Conference 1961, and with the Veterans' Administration Citation for Exceptional Service. In 1958 General Maas received the AMVETS Silver Helmet Award for his long career in public service.

On January 17, 1961, General Maas received a Presidential citation signed by President Eisenhower, noting his major contribution to the cause of the handicapped. On the following day he was presented with the Department of Defense Distinguished Public Service Medal in recognition of his contribution to national defense.

The general resided with his wife, Katherine, and their son, Melvin Joseph, Jr., at 4714 Essex Street, Chevy Chase, Md. His daughter, Patricia, is a woman Marine major. His other daughters are Mrs. Anthony C. Martino, Richmond, Va., and Mrs. Leo Catterton, Annapolis, Md.

ARTHUR KROCK'S APPRAISAL OF THE ADMINISTRATION

Mr. HUMPHREY. Mr. President, there appears in the New York Times of today, April 14, an article by the dean of the correspondents in the Nation's Capital—and, in fact, throughout the United States. I refer to Mr. Arthur Krock. His article is entitled "The 'LBJ' Brand on the Administration."

I was very pleasantly surprised when I read the article, because although I have great personal respect for Mr. Krock and personal affection for him, I never had considered him to be a New Frontier Democrat or even a Better Deal Democrat; in fact, sometimes in past articles, I have been concerned about a total drift from the more progressive Democratic reservation altogether.

However, I notice that Mr. Krock has evaluated the present administration and the President of the United States, and has made some very pertinent and perceptive and complimentary remarks. Among other things, Mr. Krock states in the article:

> Although Mr. Johnson has had only a few months—in a year when he must submit his claims for direct election—to demonstrate that his is not a "caretaker" administration, he has achieved that objective.

Mr. Krock goes on to point out that the President of the United States is taking command in remarkable fashion of the Government and is doing an admirably fine job.

I thank Mr. Krock. I hope he will always be as considerate of the administration's activities as he is in this article. I know he will always be fair as he judges these matters.

Therefore, Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 14, 1964]

The "LBJ" Brand on the Administration

(By Arthur Krock)

WASHINGTON, April 13.—In an astonishingly brief time, Lyndon B. Johnson has put his famous brand firmly on the Presidency and the leadership of his party and the Nation. By this accomplishment, in unusually delicate circumstances, he has developed next November's popular referendum into a judgment on the Johnson administration and his own performance as President.

He has executed this masterly political feat without major deviation from the programs of President Kennedy because of a highly individual style and administrative method. Although Mr. Johnson has had only a few months—in a year when he must submit his claims for direct election—to demonstrate that his is not a caretaker administration, he has achieved that objective.

Among his predecessors who succeeded from the office of Vice President, Chester A. Arthur made the same attempt and failed, despite the fact that he had 3½ years of President Garfield's unexpired term for the purpose. Calvin Coolidge, in a period of presidential succession only a few months longer than Mr. Johnson's, made small effort to identify himself as a new national leader of the people or of Congress, taking positive positions only when extreme political exigency compelled him to. And, though

Mr. Truman ultimately stamped his administration as his own, and not just an extension of President Roosevelt's, he was in the White House many months longer before he established this than Mr. Johnson will have served of President Kennedy's unexpired term when he will submit his record to the electorate.

It required a remarkable man to cast the Presidency in his own image so firmly and so rapidly after the 3 years of its identification with John F. Kennedy, and in the first stage of the worldwide mourning for Mr. Kennedy's tragic death that will not soon abate. But Mr. Johnson is a remarkable man. He proved this by his extraordinary skill in getting from a Senate, in which his party followers were divided, the first significant antidiscrimination measures since Reconstruction, and in inducing a Democratic Congress to cooperate constructively with a Republican President. But full national comprehension of these and other natural talents of leadership was limited by the scope of his Senate office and the Vice Presidency, important as these are.

MAN OF ALL SEASONS

Now, supplied by a cruel stroke of destiny with the powers of the Presidency that he was denied by the normal electoral process, Mr. Johnson is exercising their powers in a protean political performanec of many diverse roles. One day he is the patient arbitrator of a stubborn and protracted management-labor dispute which threatens to culminate in the collapse of the national economy. The next he is coercing a balky Congress with a highly professional mixture of ruthless armtwisting and cajolery in which the rewards and punishments at his disposal are unmistakably implied.

Another day, the President is dangerously relaxing from the ex officio confinement of his native high spirits by driving an automobile as it he were a juvenile with a hotrod. Still another day, and the President is impulsively opening the gates of the White House grounds to a group of tourists that has happened along; then leading them in an inspection of the august premises. But when the occasion demands a show of the dignity befitting his great office, no President has excelled him.

Then he stands tall and grave of voice and manner behind the lecturn that bears the Presidential medallion on its face—a TV prop that has become as closely associated with Mr. Johnson as the desk across which Franklin D. Roosevelt conducted his news conferences without benefit of instant video.

When Mr. Johnson's acute political perception apprises him that he has left himself vulnerable to criticism, he shrewdly turns the tables on his critics with a homespun wisecrack or by drawing the mantle of the Presidency around him, according to the occasion. And in these shifting roles as a Lincoln trying to bind up the Nation's wounds, as a Jackson whipping his party and Congress to his will, as a Theodore Roosevelt defying Presidential conventions, he still manages to remain Lyndon B. Johnson, the poor country boy from the wide Southwest, the Alger hero who bettered himself in the admired American way.

THE NEW YORK POLICY AND PRACTICE AGAINST RACIAL IMBALANCE IN PUBLIC SCHOOLS

Mr. JAVITS. Mr. President, I have repeatedly called to the attention of the Senate the positive efforts being made by both the New York City and New York State governmental authorities to achieve better racial balance in the schools of that city and State. I ask unanimous consent that there be printed at this point in the RECORD a letter sent on February 21, 1964, by the commissioner of education of the State of New York to the New York City Board of Education.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF THE STATE OF NEW YORK, THE STATE EDUCATION DEPARTMENT,
Albany, February 21, 1964.

The President, Members of the Board of Education, and the Superintendent of Schools, City School District of the City of New York, Brooklyn, N.Y.

DEAR SIRS: On February 7, in a telegram signed by President Donovan and Superintendent Gross, the board of education requested that I set up procedures for evaluating the practical aspects of the board's plan for improving education through integration. I replied on February 9 that I would comply with the board's request and would give consideration as to how I might best be of assistance.

Since receiving your request, I have spent many hours in New York City and elsewhere meeting with individuals and representatives of interested groups, listening to many points of view and attempting to assess the situation. I am grateful to all those who met with me for their frank opinions and helpful suggestions.

Two years ago I established a committee of knowledgeable and experienced persons to advise me generally on matters of human relations and commmunity tensions affecting education. This committee consists of Dr. John H. Fischer, president, Teachers College, Columbia University; Dr. Judah Cahn, Metropolitan Synagogue of New York City; and Dr. Kenneth Clark, professor of psychology at the College of the City of New York and research director of the Northside Center for Child Development, New York City. I have decided to ask this committee to evaluate the practical aspects of the board's plan as you have requested.

As the board itself has recognized, however, integration is but one part of the much broader problem of school improvement. To consider one without the other is to ignore the vital relationship. No effort to improve integration can then, I believe, be fully successful without a more intensive and extensive effort to deal not only with the problems involved in integration but with all the other problems which influence the provision of equality of educational opportunity for all children and youth in the city.

Therefore, I am asking my committee not only to consider the practical aspects of the board's integration plan but to consider also how the plan might fit into a comprehensive program for the improvement of education for all young people in all sections of the city.

The conditions of our time have so magnified the problems and needs of urban education that we have reached a point where, despite the significant progress and efforts now being made, these problems and needs are going to have to receive treatment on a scale much larger, much more imaginative and far more intensive than ever before tried. The committee is being asked then at the same time to explore what the best means might be for formulating a program of such magnitude.

The problems of the schools are not only educational ones, but ones which affect all aspects of life in the city. The effects of good schools in New York City—or the lack of them—is felt throughout the entire community, and the State and Nation as well. Hence, broad involvement of interested persons and groups, private as well as governmental, within the city and without, is a necessity and I am requesting the commmittee to consider how such involvement might be achieved.

I shall see that the committee is provided with the necessary funds and staff assistance, and shall assume, of course, that Superintendent Gross and his staff will also be available, as well as all relevant information in the board's possession. Procedures will be established by the committee to secure the viewpoints and advice of the major groups interested in education and integration in the city, of leading authorities in these fields throughout the Nation, and of other persons whose knowledge and judgment could be of help.

The committee has been requested to submit to me a report of their conclusions and recommendations by early in May. They will get in touch with Dr. Gross immediately.

The approach suggested has great potential and I hope that all those interested in education, and in the city's future, will realize the importance of this opportunity and will give their full cooperation.

Through the efforts of the board and its staff, important advancement is being made in the schools of the city. I trust that the procedures suggested in this letter will be of help in accelerating the further progress which is so essential to the welfare of the city, the State, and the Nation.

Sincerely,

JAMES E. ALLEN, JR.

INTERFAITH DRIVE FOR CIVIL RIGHTS

Mr. JAVITS. Mr. President, the participation of religious groups in the civil rights struggle is being marked by a growing sense of unity and responsibility on this great issue. Plans are underway for a national interreligious convocation at which representatives of all faiths will be present, to be held in the Nation's Capital on April 28. It is expected to involve thousands of churchmen, and will be the signal for similar joint meetings in parishes and congregations throughout the country. An example of this joint local action was provided recently in Croton-on-Hudson, N.Y., when worshipers in churches and synagogues were given a joint statement on open membership and copies of the positions on racial justice of the three faiths and that of their branches that were represented. The groups included the Reform Jewish, Roman Catholic, Episcopalian, Methodist, and Lutheran; and it marked the first time that all the religious institutions in Croton were united in any single activity or statement.

I ask unanimous consent to have printed in the RECORD the report on the April 28 interfaith meeting, headlined "Churchmen Open Interfaith Drive for Rights Bill," which appeared in the New York Times of April 10; and the joint statement entitled "Brotherhood," issued by Asbury Methodist Church, Holy Name of Mary Roman Catholic Church Our Saviour Lutheran Church, St. Augustine's Episcopal Church, and Temple Israel, all of Croton, on Friday evening, April 3, and Sunday morning, April 5, following Passover and Easter.

There being no objection, the article and the statement were ordered to be printed in the RECORD, as follows:

CHURCHMEN OPEN INTERFAITH DRIVE FOR RIGHTS BILL—MASS MEETING WILL BE HELD APRIL 28 TO BEGIN CAMPAIGN OF LOBBYING AND PRAYER

(By Ben A. Franklin)

WASHINGTON, April 9.—Organized religion in the United States will commit itself here tomorrow to a campaign of spiritual leadership, public pressure, and private prayer for passage of the civil rights bill now before the Senate.

Representatives of the leadership of American Protestantism, Judaism, and Roman Catholicism will announce at a joint news conference a National Interreligious Convocation to be held here on April 28. Officials of all faiths said it would be the largest gathering of ministers, priests, and rabbis ever before assembled in a witness to racial justice.

A special section of 535 seats—one for each Representative and Senator—will be reserved. Each Member of Congress is to receive a personal invitation with a request for a "yes" or "no" response. This is a technique used first at the August 28 civil rights march on Washington last year, when seats were reserved for Congressmen at the Lincoln Memorial.

HAILED AS REVOLUTIONARY

In a number of ways—political, social, and ecumenical—the Washington convocation of church leaders has been hailed as revolutionary.

Church historians of three faiths said that such a gathering, involving hundreds and perhaps thousands of churchmen of virtually all denominations, would constitute "the first time in the history of Christendom that the church has spoken with one voice, if at all, on an issue of such contemporary social and political concern."

Plans for the April 28 meeting and for simultaneous church-sponsored gatherings elsewhere in the country in support of the civil rights bill have been viewed with urgent interest by administration leaders in and out of the Senate. This is because churchmen have demonstrated unexpected strength as a pressure group for passage of the legislation.

Several Representatives have acknowledged privately that they would not have voted for passage of the civil rights bill in the House if they had not recognized the growing unity of church leaders of all faiths on the issue.

Details of the Washington convocation will be announced at a news conference at 11 a.m. tomorrow at the International Inn. The April 28 meeting is to be only the first step in a massive, nationwide effort by major church leaders to mobilize a "prayer and politics movement for human rights," including previously uncommitted clergymen and church members.

One spokesman described the work to be done in parishes and congregations across the coming weeks and months as "the most important and exciting part of this historic development."

Both the meeting here on April 28 and the continuing work of the separate church groups involve an unusual degree of interdenominational cooperation. Representatives of the National Association of Evangelicals, a federation of fundamentalist Protestant denominations that has not usually joined in such interchurch programs were invited and were expected to participate.

The National Interreligious Convocation will be presided over by the Most Reverend Patrick A. O'Boyle, archbishop of the Catholic Diocese of Washington. It will be convened at 8 p.m. in McDonough Auditorium at Georgetown University here, a Catholic institution.

At the same hour on April 28, church officials said, a number of similar local convocations are scheduled to be held in up to a dozen State capitals across the country. Plans for these gatherings are still uncertain.

This second phase of the churches' campaign is to be conducted separately by the three major branches of organized religion.

BROTHERHOOD

(Joint statement of Asbury Methodist Church, Holy Name of Mary Roman Catholic Church, Our Saviour Lutheran Church, St. Augustine's Episcopal Church, and Temple Israel)

Our congregations join together in reaffirming our welcome as members all families of any racial, economic or cultural groups.

In the midst of a divided world, we stand united in the efforts toward a brotherhood of all peoples. In these pages are the official statements of the above religious bodies relative to their position on the current issue of segregation and the place of all people in their particular faith.

STATEMENT BY ASBURY METHODIST CHURCH, CROTON ON HUDSON, N.Y.

(Rev. Raoul J. Waters, local pastor)

"THE METHODIST CHURCH AND RACE

"Our Lord Jesus Christ teaches that all men are brothers. He permits no discrimination because of race, color, or creed.

"The position of the Methodist Church, long held and frequently declared is an amplification of our Lord's teaching:

"To discriminate against a person solely upon the basis of his race is both unfair and unchristian. Every child of God is entitled to that place in society which he has won by his industry and his character. To deny him that position of honor because of the accident of his birth is neither honest democracy nor good religion.

"We believe that God is Father of all people and races, that Jesus Christ is His Son, that all men are brothers, and that man is of infinite worth as a child of God.

"The church is the instrument of God's purpose. This is His church. The requirements for its membership and the nature of its mission are set by God. The House of God must be open to the whole family of God. If we discriminate against any person, we deny the essential nature of the church as a fellowship in Christ.

"Our pastors, upon whom rests the responsibility of receiving individuals into church membership, shall discharge that responsibility without regard to race, color, or national origin.

"It is our desire to accomplish the realization of Christian brotherhood and full participation by all in every aspect of the church life. We join other people of good will around the world in moving toward the day when all races shall share richly without discrimination or enforced segregation in the good things of life."

The above is a portion of the resolution on "The Methodist Church and Race," adopted by the general conference. Can be found in the "Discipline of the Methodist Church."

"SPECIAL RACE RELATIONS SUNDAY OBSERVED YEARLY

"Race Relations Sunday shall be observed in every local church on the second Sunday of February each year. This shall be the occasion for reviewing the work of the Methodist Church in the founding and support of Negro schools. It shall also be an occasion for creating better relations among all races and particularly informing our people concerning the contributions and needs of Negro colleges. An offering shall be received for the benefit of Negro colleges related to the board of education."

The above statement has been adopted by the general conference and appears in the "Discipline of the Methodist Church."

"THE METHODIST SOCIAL CREED

"Freedom from discrimination: We stand for the equal rights of racial, cultural, and religious groups and insist that the social, economic, and spiritual principles set forth in this creed apply to all alike. The right to choose a home, enter a school, secure employment, vote, or join a church should not be limited by a person's race, culture, or religion."

The above statement is one item in "The Methodist Social Creed." Its purpose is to make the creed a statement relative to all people. The creed is our stand on all conditions and relationships that should be given to any person.

Asbury Methodist Church is open. The Asbury Methodist Church not only holds to an open policy of church membership, but the church conference has adopted the resolution to accept any qualified minister of the Methodist Church, regardless of race and other conditions, as pastor upon the appointment of the bishop. We are proud of the contribution that has been made to Asbury by its many Negro, other racial, and national groups.

The general conference is the governing body of the Methodist Church. It is made up of equal representatives from laity and clergy. The "Discipline of the Methodist Church" is the book of laws and regulations set down by the general conference.

CARDINAL SPELLMAN STATEMENT

The inequities inflicted upon the Negroes in America have been a festering problem in our society for many decades. There is simply no reason why the color of a man's skin should limit his opportunities in a society that boasts of freedom.

Visiting our soldier-sons all over the world, I have seen white and Negro soldiers serving our country, suffering the same hardships and confronting the same hazards of war. Yet contrary to every Christian principle and in defiance of the glorious American ideal of equal justice for all, some of those same Americans who risked their lives for you and for me are denied the right to vote, the right to receive an adequate education, the right to live where they desire.

They are denied these rights for only one reason—the color of their skin. This is an outrage which America cannot tolerate. Doors cannot continue to close in the faces of Negroes as they search for jobs, as they strive for membership in some unions, as they seek the chance for specialized job training. Surely the spirit of justice and equality which lives in the very heart of our great Nation will not permit these inequities to continue.

The tradition of America is to get things done promptly, but also to get them done peacefully. That is the American way. We must accomplish what has to be done working together, as one people with a common ideal, calmly but with determination to progress and to succeed in making our ideals a reality.

The following are excerpts from a recent interview with Joseph Cardinal Ritter, of St. Louis, another acknowledged Catholic spokesman on the cause of racial justice.

"I'm grateful for what's happening in the country. The racial question is uppermost in all minds. The time is now. We must bring our own people to the full acceptance of civil rights for all.

"The Negroes themselves are asking for what should be theirs, civil rights. And this gives us an opportunity to do things we should have been doing. We have many apologies to make for having been neutral in this, for not fulfilling our religious ideals. We Catholics have failed in our prophetic mission toward justice. Yes, it is bending over backward to correct the things we've been doing wrong. We should somehow try to strike a balance by overfavoring the Negro. We have to go too far now to achieve equality.

"The fundamental consideration is civil rights. It is fundamental that they, as Americans, are free and have equality and can benefit from every fruit of their country. We must see to it that every citizen has full citizenship and full dignity as a human being. Civil rights should be our interest. That Negroes may come into the church is only secondary.

"There is only one answer now, we have to be more active. We've had sermons on this subject, but they've theorized too much. Now we've got to particularize, to tell the people what's expected of them and how they should be out promoting civil rights. More and more we will see the bishops pushing and pushing, giving firm leadership. That is for the good. It is necessary for us to do it. The country can't, and shouldn't want to turn back from this. The church should not shy away either."

The cardinal praised equal opportunity clauses in construction contracts and in bids for suppliers for church institutions. This also would mean that church institutions and facilities should go out of their way to hire Negroes for jobs at all levels, he said.

The cardinal then went on to point to Catholic laymen's organizations and how they should adopt active integration programs. He suggested that boycott techniques could be effective if clergy and laity refused to patronize businesses practicing segregation—not so much to deny them business as to give example.

"We have to open minds," he insisted, "and the proper place to do this is in the parish. Religious leaders cannot drag their feet on these questions. We ought to be in the lead to change the mentality of the whole neighborhood. One way we can accomplish this is to work closely with ministers and rabbis in the same neighborhood."

A difficult question was posed to Cardinal Ritter. "Your Eminence, how would you counsel a family wrestling with the temptation to move from a neighborhood that is turning black?" His answer: "I'd say, 'Stay. Don't be a coward. Don't run away.' Now, I know that's asking a lot, but I honestly believe most of this running is based on fear. The economic loss in property values that some people fear may even be real. I wouldn't want to whitewash these concerns, but they can all be explained. And someday this senseless procedure of running away is going to have to stop. And we owe our neighbors this much to help calm and stabilize society."

Two final questions: Is segregation a sin? Is racism a heresy? "Yes, racism is a heresy, there's no doubt about it. And segregation is a sin, a sin against both justice and charity. Now, we all know that a sin requires knowledge and intent, and for lack of that I think many people are not committing sin because of ignorance. They fail to identify the Negro. They just don't realize that he is Christ."

SOCIAL STATEMENT OF THE UNITED LUTHERAN CHURCH IN AMERICA—HUMAN RELATIONS, 1952

Since one of the disruptive forces which hinders the will of God is prejudice and discrimination in human relations, the United Lutheran Church in America sets forth the following propositions as the basis for study, discussion, experimentation, and concerted action by its congregations and members.

Christian principles

The word of God, which the church proclaims, reveals the righteous judgment of God upon sinful man, and sets forth the distinctive power of Christ to redeem him.

1. God the Father is the Creator of all mankind. We are made in His likeness. In the light of the common creation of all men, differences in physical characteristics or social background are only of incidental importance.

2. God condemns all injustice, all hatred, all abuse and persecution of men. His judgment is revealed in the moral sickness of all men and in the torn fabric of our common life.

3. God's atoning grace embraces every man. Through His Son, Jesus Christ, God offers redemption to all. Christ died for all mankind. All men have equal worth in God's sight.

4. Forgiveness through the Cross restores men to fellowship with God. Through the remission of sins the way is opened to reconciliation between men. The love of Jesus Christ, as revealed in the Cross, leads men to the deepest kind of human fellowship and mutual service. By the power of the Cross men can overcome prejudice, discrimination, and exploitation which sinfully distorts God's order and are the basic cause of social tension.

5. God calls all men through the Gospel to Christian brotherhood. Love, which flows from God, seeks to create justice and true community. Love for one's fellow men is the necessary counterpart of love for God. God calls men to serve Him by serving each other.

6. In God's providence Christians, different in racial, geographical, economic, and social backgrounds, may use their differences to contribute to the total enrichment of life. No group is self-sufficient. By the exercise of justice and brotherhood men may cooperate in building true human community.

7. The abiding love of Christ, our Lord, impels us. We dare not separate ourselves from that love. Christ is the one word of God, to whom we must listen and whom we must trust and obey in life and death. Thus Christians must face all human relationships in the spirit and power of Christ's love.

Human rights and responsibilities

In the light of these truths of Christian faith the church ought to help its people by offering a common witness to guide the individual conscience. Consistent Christian living requires that men shall seek to accord to each other the observance of the following rights and their matching responsibilities:

1. To possess and to respect the life and dignity of the human person as a child of God for whom Christ died.

2. To worship God without human distinctions in the church, the body of Christ.

3. To develop his God-given talents through education and cultural pursuits in order to use these talents in answer to God's call.

4. To establish a home in living space and housing conducive to a wholesome family life.

5. To occupy the place in economic life for which he is individually fitted, being free to advance therein on the basis of character and ability.

6. To share the privileges and obligations of community life, having equal access to all public services, including those related to health, education, recreation, social welfare, and transportation, and receiving equal consideration from persons and institutions serving the public.

7. To exercise one's citizenship in elections and all the other processes of government, having freedom for inquiry, discussion and peaceful assembly, and receiving police protection and equal consideration and justice in the courts.

Propositions for Christian action

The foregoing declaration of Christian principles in the field of human relations and the enunciation of human rights and their attendant responsibilities derived therefrom, inevitably point toward Christian action. In working out the implications of our faith we face an awesome and urgent task in overcoming the evil tensions and injustices in human relations that obedience to God requires us to challenge. Christians ought to lay the following propositions to heart:

1. Acknowledge our sin: Evil tensions and injustices resulting from racial and cultural practices must be faced before God. The unacknowledged sins of pride, fear, injustice and hatred have added a great moral peril to our present situation. Men must learn in repentance to seek God's atoning grace and renewing spirit so that society may attain its true basis in God's order.

2. Accept individual responsibility: Each Christian must realize his moral responsibility to God for his actions affecting his neighbor. Each must examine his actions in the light of God's commands. Each must learn to show respect to all men as children of God and render justice to those with whom he deals. This obligation is crucial today in relation to members of minority groups.

3. Begin in the home: Our families must nurture their members in Christian life and outlook so that people of different backgrounds are respected and treated with equal fairness and good will. Parents must be on guard neither to pass on to their children the sins of prejudice, nor to lead them in discrimination which is unbecoming to Christians. Rather it is the duty of parents to lead their children, by precept and example, in interracial cooperation and understanding.

4. Continue at work: All of us have special responsibilities in our daily work and economic activities to strive for justice for our neighbor, fair employment opportunities for all, and the removal of those economic handicaps from which minorities suffer. Christians in labor unions, business organizations, and industrial enterprises should take the lead in working for justice for oppressed groups. Minorities likewise should seek to fulfill in their employment their responsibilities to their employers and fellow workers, and to the groups affected by their work.

5. Rally as citizens: Christians have special responsibilities as citizens to make society's laws and practices conform to God's order. Many human rights in which Christians believe, especially rights as to personal safety, citizenship, education, employment, and housing, are not being extended to all men. Christian brotherhood is impeded by practices enforcing segregation. God calls for, and human justice requires, speedy changes at every level and in every area of our society.

Community self-surveys to determine the areas where basic rights are being denied and what the opportunities for remedial action are, have proved useful. Fair employment practices laws have proved generally beneficial in cities and States where they have been enacted. Citizens' groups have secured fair use of educational funds, just action in the courts, and fairer treatment in press and radio for minorities. Christians should work for such constructive changes, and for public support of democratically enacted laws which conform to Christian standards.

6. Arouse the church: Since the church is the body of Christ, it must free itself from those cultural patterns of prejudice and discrimination which persist in our society and must manifest in its own life the principles and attitudes of Jesus. The church must seek to be true to its own nature as a community of children of God inclusive of every race, nation, and class who confess Christ as Lord.

The church's agencies and institutions should seek to serve all people fairly without distinction because of racial or cultural background. All its congregations should be centers of action to develop equality and

Christian brotherhood. To this end the United Lutheran Church in America calls its pastors and people to earnest study and remedial action.

STATEMENT BY THE MOST REVEREND ARTHUR LICHTENBERGER, PRESIDING BISHOP OF THE EPISCOPAL CHURCH IN THE U.S.A., JUNE 1963

Recent events in a number of American communities underscore the fact that countless citizens have lost patience with the slow pace of response to their legitimate cry for human rights. Pleas of moderation or caution about timing on the part of white leaders are seen increasingly as an unwillingness to face the truth about the appalling injustice which more than a tenth of our citizens suffer daily. While we are thankful for the progress that has been made, this is not enough.

Our church's position on racial inclusiveness within its own body and its responsibility for racial justice in society has been made clear on many occasions by the general convention. But there is urgent need to demonstrate by specific actions what God has laid on us. Such action must move beyond expressions of corporate penitence for our failures to an unmistakable identification of the church, at all levels of its life, with those who are victims of oppression.

It is not enough for the church to exhort men to be good. Men, women, and children are today risking their livelihood and their lives in protesting for their rights. We must support and strengthen their protest in every way possible, rather than give support to the forces of resistance by our silence. It should be a cause of rejoicing to the Christian community that Negro Americans and oppressed peoples everywhere are displaying a heightened sense of human dignity in their refusal to accept second-class citizenship any longer.

The right to vote, to eat a hamburger where you want, to have a decent job, to live in a house fit for habitation: these are not rights to be litigated or negotiated. It is our shame that demonstrations must be carried out to win them. These constitutional rights belong to the Negro as to the white, because we are all men and we are all citizens.

The white man needs to recognize this if he is to preserve his own humanity. It is a mark of the inversion of values in our society that those who today struggle to make the American experiment a reality through their protest are accused of disturbing the peace—and that more often than not the church remains silent on this, our greatest domestic moral crisis.

I commend these specific measures to your attention:

1. I would ask you to involve yourselves. The crisis in communities north and south in such matters as housing, employment, public accommodations, and schools is steadily mounting. It is the duty of every Christian citizen to know fully what is happening in his own community, and actively to support efforts to meet the problems he encounters.

2. I would ask you to give money as an expression of our unity and as a sign of our support for the end of racial injustice in this land. The struggle of Negro Americans for their rights is costly, both in terms of personal sacrifice and of money, and they need help.

3. I would ask you to take action. Discrimination within the body of the church itself is an intolerable scandal. Every congregation has a continuing need to examine its own life and to renew those efforts necessary to insure its inclusiveness fully. Diocesan and church-related agencies, schools, and other institutions also have a considerable distance to go in bringing their practices up to the standard of the clear position of the church on race. I call attention to the firm action of the recent convention of the diocese of Washington which directed all diocesan-related institutions to eliminate any discriminatory practices within 6 months. I believe we must make known where we stand unmistakably. So I write with a deep sense of the urgency of the racial crisis in our country and the necessity for the church to act. Present events reveal the possible imminence of catastrophe. The entire Christian community must pray and act.

STATEMENT BY TEMPLE ISRAEL OF NORTHERN WESTCHESTER—OUR CONGREGATION'S PROGRAM FOR RACIAL JUSTICE

The following is a slightly modified version of the program for racial justice recommended by the Commission for Social Action of Reform Judaism for adoption by reform synagogues in America. It was adopted by the board of trustees of Temple Israel on November 14, 1963. In our independent congregational system, our national bodies make recommendations. The ultimate action has to go through local congregations.

"Have we not all one father? Hath not one God created us? Why do we deal treacherously, every man against his brother, profaning the covenant of our fathers?" (Malachi 2: 10).

In order to fulfill our religious responsibilities, we herewith endorse the following policies:

I. Racial justice in our congregation's administrative policies

1. Our congregation and all its affiliate groups will not patronize or sponsor any activity at a place of public accommodation which discriminates against anyone because of race, religion, or ethnic origin.

2. Our congregation will pursue a policy of nondiscrimination in all relationships with our employees.

3. Our congregation will require a nondiscrimination employment clause in any contract to build or improve our physical facilities.

4. Our congregation, in connection with investments and loans, will make every effort to deal with financial institutions which have nondiscriminatory lending, borrowing, and employment practices.

5. Our congregation will not be party to any restrictive covenant or gentleman's agreement in the purchase, sale, rental or use of property.

6. Our congregation will not purchase any equipment or supplies from purveyors who are known to have discriminatory hiring policies.

7. Our congregation will welcome as members all Jewish families, regardless of their racial origins.

II. Racial justice in our congregation's educational cultural and worship programs

1. Our worship services will reflect in prayer, sermon, and educational content our efforts to achieve racial justice.

2. Our religious school curriculum and program will be frequently reviewed in order to incorporate the most recent developments and the most progressive techniques for inculcation of respect for all races and creeds.

3. Our congregation will devote sessions to the subject of racial equality in our educational programs for youths and adults.

4. Our congregation and affiliate groups—youth, sisterhood, men's club, and Mr. and Mrs. Club will sponsor programs at homes, in our temple and in other religious institutions with Negro groups and individuals in an effort to establish positive relationships.

III. Racial justice in our congregation's cooperative relationships with other institutions

1. Our congregation will cooperate fully with civic and religious organizations working for racial justice and will encourage the active participation of our members in their programs.

2. Our congregation will support the freedom of our rabbi or board to join with others in issuing public statements to further the cause of equal opportunity.

3. Our congregation will support the right of our rabbi and laymen to participate in demonstrations and other direct actions involving racial justice as their consciences dictate.

4. Our congregation will take initiatives to urge the formulation and implementation of policies on racial justice similar to those herein approved in other institutions, agencies and associations within the community.

IV. Racial justice in the lives of our individual congregants

Because the ultimate objective of the synagogue is to have an impact on the lives and characters of our individual members, we deem it our duty now and in the future to direct the attention of our members to discriminatory practices in their own businesses, occupations, and neighborhoods.

1. We urge our members who are in business to institute and enforce nondiscriminatory employment and promotion policies and to make a conscious positive effort to introduce Negro and Puerto Rican employees into their work force, and to provide training to upgrade jobs for Negro and Puerto Rican employees.

2. We urge our members who belong to labor, business, and professional groups to take positive steps to encourage the introduction of Negroes and Puerto Ricans into skilled trades and professions, and to exert their influence in providing Negroes and Puerto Ricans with equal opportunities for occupational and professional advancement.

3. We urge our members who sell or rent real estate or other property to adopt an open occupancy nondiscriminatory policy.

4. We urge all our members to support and participate in efforts for racial integration in their own communities, neighborhoods, and public schools.

5. We urge all our members not to patronize places or businesses open to the public which discriminate against Negroes and Puerto Ricans either as patrons or employees.

6. We urge our members to invest in financial institutions which make funds and services available on a nondiscriminatory basis.

7. We urge our members not to frequent private clubs which refuse membership or service on racial grounds.

8. We urge all our members to give active support to the enactment of local, State, and Federal civil rights legislation and to forceful executive action on all levels of government.

DEPORTATION OF ANTI-COMMUNIST YUGOSLAVS TO YUGOSLAVIA

Mr. LAUSCHE. Mr. President, I have received from the junior Senator from New York [Mr. KEATING] a communication concerning a circular letter which came to him, dealing with the forcible deportation of anti-Communist Yugoslavs to Yugoslavia. He asked me for my observations in regard to the charges made in this circular communication.

For the last half decade or more, I have been definitely of the opinion that we in the United States and our allies, especially Austria and Italy, are, in effect, making the same mistake that was made after World War II when the shooting stopped and when our Allies were sending back into Russia fugitives who were attempting to get away from Communist rule. I do not think there is a blacker chapter in the history of World War II than the demise which we forced upon millions of persons who wanted to flee from the Communists. But by force of judgments made by the Allies, they were turned over to Red Russia—in my opinion, with the knowledge that that would be the end of their lives on this earth.

Many persons are escaping from Yugoslavia. Some have gone into Italy; others, into Austria. Some have come to the United States, under visas of a temporary nature. Many of them want to be liberated from the harness of a Communist economy and Communist political life.

Unless one in Yugoslavia becomes a member of the Communist Party, his ability to hold positions or to make advances in his position is practically nil. The people know that. If one is a devout follower of a religion, he is handicapped in his ability to earn a living.

But our Government has adopted the attitude that people who state that they are fleeing from political persecution are not relating the facts, the truth being, according to our Government, that they are attempting to find an improved economic life in the United States and in other places.

Under the law the Attorney General is authorized to withhold deportation of any alien within the United States to any country in which, in his opinion, the alien would be subject to physical persecution, and for such a period of time as he deems to be necessary for such reason. A fugitive from Communist Yugoslavia, in order to find haven in the United States, must affirmatively show that he would suffer physical persecution if returned to Yugoslavia. That is a heavy burden and often it cannot be sustained.

I say to the Senator from New York that I am firmly of the belief that a grave wrong is being committed upon liberty-seeking individuals in Yugoslavia, including Croats, Serbs, and Slovenes, who are attempting to escape the Communist rule with its unmerciful treatment of religionists and its persecution of individuals who do not become Communists in their efforts to make a living.

I hope that one of these days the Attorney General will give recognition to the facts.

Mr. KEATING. Mr. President, I am very grateful to the distinguished Senator from Ohio for his thoughtful statement. The problem was submitted to him because I know of the Senator's wealth of experience and deep interest in the field. I appreciate the Senator's comments. A large number of individual cases have been brought to my attention for possible relief through private legislation. The records in these cases bear out completely what the distinguished Senator from Ohio has said.

Mr. LAUSCHE. I should like to add further that I believe a study has been undertaken by the Committee on the Judiciary dealing with that general issue, and in effect that study declares in principle what I have said.

THREATS TO WORLD'S FAIR

During the delivery of Mr. McClellan's speech,

Mr. KEATING. Mr. President, is this a convenient time for the Senator from Arkansas to yield?

Mr. McCLELLAN. May I ask if the Senator's remarks will appear following my address?

Mr. KEATING. Yes.

Mr. McCLELLAN. With that understanding, I will yield. As I understand, the Senator from New York wishes to speak on a different subject.

Mr. KEATING. No; my remarks will deal with civil rights.

Mr. McCLELLAN. Then let them follow my remarks. If there is anything in the Senator's remarks that I wish to discuss with him, I will invite him to discuss it with me after he concludes his remarks.

Mr. KEATING. I thank the Senator from Arkansas for his courtesy.

Mr. President, yesterday the distinguished Senator from Florida [Mr. HOLLAND] and the distinguished Senator from Georgia [Mr. RUSSELL], and perhaps other Senators, referred to the difficulties which have been threatened in connection with the New York World's Fair. I replied briefly at the time and responded to some questions. It is my desire now to amplify the statements I made at that time.

CIVIL RIGHTS AND CIVIL WRONGS

One week from tomorrow on April 22, the city of New York will open its doors and its heart to the millions who come to see the World's Fair of 1964. Years of hard work and planning, millions of dollars, and the efforts of hundreds of thousands of New Yorkers have gone into making this fair a success.

Over the weekend, however, there were ominous rumblings in New York. A splinter group of individuals—whose actions have been repudiated by their own national leaders—has threatened to disrupt the fair, to jeopardize the jobs of its employees, to embarrass America in the world community, and to create a public disorder. This small band is trying to hide behind a banner labeled "civil rights," but they have been unmasked by the real civil rights leaders in New York and rejected by those who truly labor for the cause of equal rights.

Peaceful and orderly demonstration for a cause is an old American tradition, protected by the Constitution. But the plan to stall cars on all the roads leading to the World's Fair is not a civil rights demonstration, but a demonstration of irresponsibility. Those who threaten these tactics are not taking a step which will strike down injustice or do away with a century of unjust discrimination but are simply demonstrating power and the ability to cause disruption and disorder. They are accomplishing nothing in mobilizing support for the passage of legislation, for good civil rights laws are already on the books in New York, and both Senators from the State have unequivocally supported the Federal legislation now pending.

They cannot possibly hope to generate moral support for any cause by this act so contemptuous of the rights of others, and oblivious to the procedures already available in New York for the redress of any grievances they may be suffering—procedures totally lacking in many other States of the Union.

New York has accurately been described as a melting pot. Persons of every nationality, of every color, of every religion live there. Considering the enormous divergence of backgrounds of its citizens, I think we can be proud of the amount of harmony which exists. In the more than 300 years of its history, New York has seen many causes, many advocates of change, many demonstrations. Its citizens and its leaders have, over the years, been among the first in the Nation to adopt progressive legislation, to extend full civil rights and to protect the rights of minorities—for, in truth, this is a city of minorities.

The most effective means of bringing about desired changes has been in the voting booth. No one in New York has been denied the right to exercise his franchise because of the color of his skin, and the ballot has always been a powerful weapon. We have had equal accommodations laws in New York for more than 75 years. We have the most advanced fair employment and fair housing laws of any State in the Nation. We have not rested on our laurels, but have continued to this day to lead the Nation in the continuing struggle to advance human freedom. This record reflects the spirit of the people in New York—but it can give no encouragement to reckless actions which reflect petty struggles for leadership and notoriety more than a real concern for advancing the cause of civil rights.

No one would claim that New York has achieved a Utopia in the field of civil rights or that we can ever be complacent about the problems which exist. Demonstrations have been held in New York, peaceful picketing, sit-ins, lie-ins, and sleep-ins have been permitted in public places and private offices. In many parts of the country, peaceful demonstrations are not possible because dogs, cattle-prods and police clubs have been used on the demonstrators. This is not the case in New York and never will be.

But the proposed stall-in, to which has now been added the threat of wasting water, although I am happy to note this threat has been repudiated or withdrawn, are an invitation to violence and disorder and a threat to the health, safety and welfare of innocent persons. It represents contempt for the rights of others which will achieve nothing and which must be deplored not just because it will mar the opening of the World's Fair, but more fundamentally, because it represents a repudiation of the orderly process for the redress of grievances which we are at this very moment struggling to establish for citizens in every part of our Nation with all the energy and determination we can muster. Ill-advised actions, causing inconvenience, discomfort, and perhaps suffering to innocent persons.

I hope that reason and good sense will prevail, that the counsel of wise leaders will be accepted over the appeals of ill-advised individuals whose advice for action resulting in inconveniences, discomfort and perhaps suffering to innocent persons threatens the success of the very cause to which they profess such devotion—threatens it as much as anything which could be said in this debate by the most bitter opponents of equal justice and equal opportunity.

Mr. President, I sincerely hope that reason and good sense will prevail, and that the counsel of wise leaders will be accepted over the demagogic appeals of self-seeking individuals whose quest for personal power threatens the success of the very cause to which they profess such devotion—and threatens it as much as anything which could be said during this debate by the most bitter opponent of equal justice and equal opportunity.

So, Mr. President, I could not remain silent in the face of a threat of this kind in the city of New York and in the area surrounding it.

Mr. JAVITS. Mr. President, will the Senator from Arkansas yield to me, under the same conditions?

Mr. McCLELLAN. Yes; and with the understanding that the remarks of the Senator from New York will appear in the RECORD following my remarks on the civil rights bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, on Saturday, I addressed myself to this subject in a manner generally similar to that in which my colleague has addressed himself to it today. I believe it is the very laudable purpose of my colleague to state a position which could have an effect and an influence upon the people of the city of New York and upon the people of the State of New York; and I wish to do the same thing.

First, Mr. President, let me say that it always is important to note the credentials with which people speak. In that respect, I do not think either my colleague [Mr. KEATING] or I needs to yield to anyone.

The long and the short of this situation is simply that civil disobedience is not warranted in New York; but that is what this situation comes down to. These are not valid demonstrations within the 18th amendment or showing of the deep feelings of Negroes about grave injustices to which they have been subjected for years—yes, and in New York, too, notwithstanding New York's laws. The New York laws are not perfect, nor are they perfectly enforced, although certainly the New York laws lead those of the rest of the Nation, and the enforcement of the New York laws leads the enforcement of the laws of the rest of the Nation.

But civil disobedience is justified only in a revolutionary situation—in a situation in which the processes of law have broken down, and in which there is neither the will nor the ability to enforce the laws. However, that is not the case in New York.

So I have no sympathy for those who attempt to engage in such action—whether by stalling cars on the roads, by letting water out of faucets, or by other means. Once such action is determined upon, of course the variations of it could be almost infinite; almost anyone would be able to dream up others.

However, it is obvious that if a great majority of the people in a given community are opposed to such action, a small minority cannot continue such manifestations of civil disobedience.

I am addressing myself to the great body of opinion on this critical subject. I do not know about the motives of anyone. Motives do not matter. For all I know, my colleague [Mr. KEATING] is absolutely correct in his conclusions on that question. I respect him enormously. Nor do I put any strength in the fact that the proposed action may or may not influence the Congress. Someone else in some other city or State may embarrass us in the debate. But the ground on which I place my argument is that the proposed action would be demeaning to the cause, and it is not deserved by the people, the State, or the city of New York, who are really trying to act positively on the subject in a way which is unparalleled in our Nation.

When something is done which is not deserved and which people have a right to resent, and when something is done which demeans a cause, then it is harmful and it hurts. It hurts the very people, whose aspirations are as good as anyone's, but who are perhaps misguided in engaging in this very type of civil disobedience.

Valid, peaceful demonstrations are protected in New York, as they should be. We shall fight to our very last breath, with ability and courage, to see that demonstrations in the typical American spirit are not suppressed or thwarted, even by unconstitutional laws in some cities or States, which properly should be covered in the pending bill. But, as I have said, civil disobedience will demean the cause and bring enormous resentment from people who should not resent and should be for the measure all the way as they have demonstrated in election after election and in their support in the city and the State of New York.

I am honored and privileged to join with my colleague. Again I say that there is no one in the country who has the cause more deeply in his heart than he or I. I am honored and privileged to join with him in expressing this advice or, if the term is preferred, this plea, by making this statement of policy to the people of our State and to the great majority of the wise, sensible, and dignified Negroes who were such an important part of the march in Washington on August 28 of last year, which was the embodiment and the very epitome of what ought to be a demonstration, and was more effective than any other single thing that has been done in our Nation in that respect.

The demonstration was right. That is the way to do it. Let 500,000 New Yorkers demonstrate in New York their deep feeling on a subject in a suitable place, even Central Park. That is still not civil disobedience, which is what I disapprove of.

As a Senator from the State of New York, I am privileged to be able to state that on the floor of the Senate. I am very grateful to the Senator for yielding.

Mr. McCLELLAN. Mr. President, I express the hope that the distinguished Senators from New York and their people will be able to persuade those who would resort to civil disobedience in that great State, and dissuade them against such action as is proposed.

In a sense New York City will be host to the Nation and to the world during the World Fair. It certainly would be unbecoming and most regrettable if elements got out of hand and carried out some of the plans that have been announced. I am sure that the entire country would join me in expressing the hope that no such situation should develop or be permitted to occur.

The Senator is correct when he says that the right to petition is inherent, but there is no right to engage in civil disobedience and to violate the laws in order to try to coerce or to intimidate the Congress of the United States, including the Senate, into passing the proposed legislation that is before it, whether it is a civil rights bill, a force bill, or any other kind of bill of which we can think. I do not believe any such actions are warranted. They should be condemned by all men of good will and good faith on both sides of the issue.

Mr. KEATING subsequently said: Mr. President, I invite the attention of the Senate to two forceful messages I have received in support of the civil rights bill from religious leaders in New York. One is a telegram signed by 19 clergymen; the other is a compilation of statements of Reform Jewish, Catholic, Episcopalian, Methodist, and Lutheran clergymen presented at an interfaith meeting at Croton-on-Hudson, N.Y.

Because the efforts and opinions of our religious leaders emphasize the moral aspects of the civil rights struggle, I ask unanimous consent that the text of these messages be printed at this point in the RECORD.

There being no objection, the messages were ordered to be printed in the RECORD, as follows:

NEW YORK, N.Y.
April 8, 1964.

Hon. KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.:

We support you in an unequivocal stand on the present civil rights bill as a minimum and urge you to throw your influence against any weakening amendment.

Rev. Ralph E. Ahlberg, Rockville Center Congregational Church; Rev. W. Sterling Cary, Grace Church, Manhattan; Rev. Raymond L. Calhoun, Broadway Congregational Church, Manhattan; Rev. Albert E. Couch, Manhasset Congregational Church; Rev. Fred Dennard, East Harlem Protestant Parish, Manhattan; Rev. Martin Duffy, Vernon Heights Congregational Church, Mount Vernon, N.Y.; Rev. George E. Hardy, Congregational Church of North New York, Bronx; Rev. Robert R. Johnson, St. Albans Congregational Church, Queens; Rev. James M. Jones, Lemuel Haynes Congregational Church, Queens; Rev. David M. Kelley, First Congregational Church, Flushing, Queens; Rev. Harry H. Kurener, Plymouth Church of the Pilgrims, Brooklyn; Dr. Edwin D. McLane, First Congregational Church, Chappaqua; Rev. Wilbert B. Miller, St. Luke's Community Church, Brooklyn; Rev. Avery D. Post, Scarsdale Congregational Church; Dr. Philip G. Sctoo, Conference Minister, United Church of Christ (New York); Rev. Robert D. Dherard, Corona Congregational Church, Queens; Rev. Donald W.

Strickler, Metropolitan Association Minister, United Church of Christ; Rev. Arnold W. Tozer, Union Congregational Church, Richmond Hill, Queens; Rev. Theron A. Zimmerman, South Congregational Church, Brooklyn.

BROTHERHOOD

Joint statement of the Asbury Methodist Church, Holy Name of Mary Roman Catholic Church, Our Saviour Lutheran Church, St. Augustine's Episcopal Church, Temple Israel

Our congregations join together in reaffirming our welcome as members all families of any racial, economic or cultural groups.

In the midst of a divided world, we stand united in the efforts toward a brotherhood of all peoples. In these pages are the official statements of the above religious bodies relative to their position on the current issue of segregation and the place of all people in their particular faith.

STATEMENT OF THE ASBURY METHODIST CHURCH, CROTON-ON-HUDSON, N.Y.

(Rev. Raoul J. Waters, local pastor)

"THE METHODIST CHURCH AND RACE"

"Our Lord Jesus Christ teaches that all men are brothers. He permits no discrimination because of race, color, or creed.

"The position of the Methodist church, long held and frequently declared is an amplification of our Lord's teaching:

"To discriminate against a person solely upon the basis of his race is both unfair and un-Christian. Every child of God is entitled to that place in society which he has won by his industry and his character. To deny him that position of honor because of the accident of his birth is neither honest democracy nor good religion.

"We believe that God is Father of all people and races, that Jesus Christ is his Son, that all men are brothers, and that man is of infinite worth as a child of God.

"The church is the instrument of God's purpose. This is his church. The requirements for its membership and the nature of its mission are set by God. The house of God must be open to the whole family of God. If we discriminate against any person, we deny the essential nature of the church as a fellowship in Christ.

"Our pastors, upon whom rests the responsibility of receiving individuals into church membership, shall discharge that responsibility without regard to race, color, or national origin.

"It is our desire to accomplish the realization of Christian brotherhood and full participation by all in every aspect of the church life. We join other people of good will around the world in moving toward the day when all races shall share richly without discrimination or enforced segregation in the good things of life."

The above is a portion of the resolution on "The Methodist Church and Race," adopted by the general conference. Can be found in the "Discipline of the Methodist Church."

"SPECIAL RACE RELATIONS SUNDAY OBSERVED YEARLY

"Race Relations Sunday shall be observed in every local church on the second Sunday of February each year. This shall be the occasion for reviewing the work of the Methodist church in the founding and support of Negro schools. It shall also be an occasion for creating better relations among all races and particularly informing our people concerning the contributions and needs of Negro colleges. An offering shall be received for the benefit of Negro colleges related to the board of education."

The above statement has been adopted by the general conference and appears in the "Discipline of the Methodist Church."

"THE METHODIST SOCIAL CREED"

"Freedom from discrimination: We stand for the equal rights of racial, cultural, and religious groups and insist that the social, economic, and spiritual principles set forth in this creed apply to all alike. The right to choose a home, enter a school, secure employment, vote, or join a church should not be limited by a person's race, culture, or religion."

The above statement is one item in "The Methodist Social Creed." Its purpose is to make the creed a statement relative to all people. The creed is our stand on all conditions and relationships that should be given to any person.

Asbury Methodist Church is open: The Asbury Methodist Church not only holds to an open policy of church membership, but the church conference has adopted the resolution to accept any qualified minister of the Methodist church, regardless of race and other conditions, as pastor upon the appointment of the bishop. We are proud of the contribution that has been made to Asbury by its many Negro, other racial, and national groups.

The general conference is the governing body of the Methodist church. It is made up of equal representatives from laity and clergy. The "Discipline of the Methodist Church" is the book of laws and regulations set down by the general conference.

CARDINAL SPELLMAN STATEMENT

The inequities inflicted upon the Negroes in American have been a festering problem in our society for many decades. There is simply no reason why the color of a man's skin should limit his opportunities in a society that boasts of freedom.

Visiting our soldier-sons all over the world, I have seen white and Negro soldiers serving our country, suffering the same hardships and confronting the same hazards of war. Yet contrary to every Christian principle and in defiance of the glorious American ideal of equal justice for all, some of those same Americans who risked their lives for you and for me are denied the right to vote, the right to receive an adequate education, the right to live where they desire.

They are denied these rights for only one reason—the color of their skin. This is an outrage which America cannot tolerate. Doors cannot continue to close in the faces of Negroes as they search for jobs, as they strive for membership in some unions, as they seek the chance for specialized job training. Surely the spirit of justice and equality which lives in the very heart of our great Nation will not permit these inequities to continue.

The tradition of America is to get things done promptly, but also to get them done peacefully. That is the American way. We must accomplish what has to be done working together, as one people with a common ideal, calmly but with determination to progress and to succeed in making our ideas a reality.

The following are excerpts from a recent interview with Joseph Cardinal Ritter of St. Louis, another acknowledged Catholic spokesman on the cause of racial justice.

"I'm grateful for what's happening in the country. * * * The racial question is uppermost in all minds. The time is now. We must bring our own people to the full acceptance of civil rights for all.

"The Negroes themselves are asking for what should be theirs, civil rights. And this gives us an opportunity to do things we should have been doing. We have many apologies to make for having been neutral in this, for not fulfilling our religious ideals. We Catholics have failed in our prophetic mission toward justice. * * *. Yes, it is bending over backward to correct the things we've been doing wrong. We should somehow try to strike a balance by overfavoring the Negro. We have to 'go too far' now to achieve equality.

"The fundamental consideration is civil rights. It is fundamental that they, as Americans, are free and have equality and can benefit from every fruit of their country. We must see to it that every citizen has full citizenship and full dignity as a human being. Civil rights should be our interest. That Negroes may come into the church is only secondary."

"There is only one answer now, we have to be more active. We've had sermons on this subject, but they've theorized too much. Now we've got to particularize, to tell the people what's expected of them and how they should be out promoting civil rights. * * * More and more we will see the bishops pushing and pushing, giving firm leadership. That is for the good. It is necessary for us to do it. The country can't, and shouldn't want to, turn back from this. The church should not shy away either."

The cardinal praised equal opportunity clauses in construction contracts and in bids for suppliers for church institutions. This also would mean that church institutions and facilities should go out of their way to hire Negroes for jobs at all levels, he said.

The cardinal then went on to point to Catholic laymen's organizations and how they should adopt active integration programs. He suggested that boycott techniques could be effective if clergy and laity refused to patronize businesses practicing segregation—not so much to deny them business as to give example.

"We have to open minds," he insisted, "and the proper place to do this is in the parish. * * * Religious leaders cannot drag their feet on these questions. We ought to be in the lead to change the mentality of the whole neighborhood. One way we can accomplish this is to work closely with ministers and rabbis in the same neighborhood."

A difficult question was posed to Cardinal Ritter. "Your Eminence, how would you counsel a family wrestling with the temptation to move from a neighborhood that is 'turning black'?" His answer: "I'd say, 'Stay. Don't be a coward. Don't run away.' Now, I know that's asking a lot, but I honestly believe most of this running is based on fear. * * * The economic loss in property values that some people fear may even be real. I wouldn't want to whitewash these concerns, but they can all be explained. And someday this senseless procedure of running away is going to have to stop. And we owe our neighbors this much to help calm and stabilize society."

Two final questions. Is segregation a sin? Is racism a heresy? "Yes, racism is a heresy, there's no doubt about it. And segregation is a sin, a sin against both justice and charity. Now, we all know that a sin requires knowledge and intent, and for lack of that I think many people are not committing sin because of ignorance. * * * They fail to identify the Negro. They just don't realize that he is Christ."

SOCIAL STATEMENT OF THE UNITED LUTHERAN CHURCH IN AMERICA—HUMAN RELATIONS, 1952

Since one of the disruptive forces which hinders the will of God is prejudice and discrimination in human relations, the United Lutheran Church in America sets forth the following propositions as the basis for study, discussion, experimentation, and concerted action by its congregations and members.

Christian principles

The word of God, which the church proclaims, reveals the righteous judgment of

God upon sinful man, and sets forth the distinctive power of Christ to redeem him.

1. God the Father is the Creator of all mankind. We are made in His likeness. In the light of the common creation of all men, differences in physical characteristics or social background are only of incidental importance.

2. God condemns all injustice, all hatred, all abuse and persecution of men. His judgment is revealed in the moral sickness of all men and in the torn fabric of our common life.

3. God's atoning grace embraces every man. Through His Son, Jesus Christ, God offers redemption to all. Christ died for all mankind. All men have equal worth in God's sight.

4. Forgiveness through the cross restores men to fellowship with God. Through the remission of sins the way is opened to reconciliation between men. The love of Jesus Christ, as revealed in the cross, leads men to the deepest kind of human fellowship and mutual service. By the power of the cross men can overcome prejudice, discrimination, and exploitation which sinfully distort God's order and are the basic cause of social tension.

5. God calls all men through the Gospel to Christian brotherhood. Love, which flows from God, seeks to create justice and true community. Love for one's fellowmen is the necessary counterpart of love for God. God calls men to serve Him by serving each other.

6. In God's providence Christians, different in racial, geographical, economic, and social backgrounds, may use their differences to contribute to the total enrichment of life. No group is self-sufficient. By the exercise of justice and brotherhood men may cooperate in building true human community.

7. The abiding love of Christ, our Lord, impels us. We dare not separate ourselves from that love. Christ is the one Word of God, to whom we must listen and whom we must trust and obey in life and death. Thus Christians must face all human relationships in the spirit and power of Christ's love.

Human rights and responsibilities

In the light of these truths of Christian faith the church ought to help its people by offering a common witness to guide the individual conscience. Consistent Christian living requires that men shall seek to accord to each other the observance of the following rights and their matching responsibilities:

1. To possess and to respect the life and dignity of the human person as a child of God for whom Christ died.

2. To worship God without human distinctions in the church, the body of Christ.

3. To develop his God-given talents through education and cultural pursuits in order to use these talents in answer to God's call.

4. To establish a home in living space and housing conducive to a wholesome family life.

5. To occupy the place in economic life for which he is individually fitted, being free to advance therein on the basis of character and ability.

6. To share the privileges and obligations of community life, having equal access to all public services, including those related to health, education, recreation, social welfare, and transportation, and receiving equal consideration from persons and institutions serving the public.

7. To exercise one's citizenship in elections and all the other processes of government, having freedom for inquiry, discussion and peaceful assembly, and receiving police protection and equal consideration and justice in the courts.

PROPOSITIONS FOR CHRISTIAN ACTION

The foregoing declaration of Christian principles in the field of human relations and the enunciation of human rights and their attendant responsibilities derived therefrom, inevitably point toward Christian action. In working out the implications of our faith we face an awesome and urgent task in overcoming the evil tensions and injustices in human relations that obedience to God requires us to challenge. Christians ought to lay the following propositions to heart:

1. Acknowledge our sin: Evil tensions and injustices resulting from racial and cultural practices must be faced before God. The unacknowledged sins of pride, fear, injustice, and hatred have added a great moral peril to our present situation. Men must learn in repentance to seek God's atoning grace and renewing spirit so that society may attain its true basis in God's order.

2. Accept individual responsibility: Each Christian must realize his moral responsibility to God for his actions affecting his neighbor. Each must examine his actions in the light of God's commands. Each must learn to show respect to all men as children of God and render justice to those with whom he deals. This obligation is crucial today in relation to members of minority groups.

3. Begin in the home: Our families must nurture their members in Christian life and outlook so that people of different backgrounds are respected and treated with equal fairness and good will. Parents must be on guard neither to pass on to their children the sins of prejudice, nor to lead them in discrimination which is unbecoming to Christians. Rather it is the duty of parents to lead their children, by precept and example, in interracial cooperation and understanding.

4. Continue at work: All of us have special responsibilities in our daily work and economic activities to strive for justice for our neighbor, fair employment opportunities for all, and the removal of those economic handicaps from which minorities suffer. Christians in labor unions, business organizations, and industrial enterprises should take the lead in working for justice for oppressed groups. Minorities likewise should seek to fulfill in their employment their responsibilities to their employers and fellow workers, and to the groups affected by their work.

5. Rally as citizens: Christians have special responsibilities as citizens to make society's laws and practices conform to God's order. Many human rights in which Christians believe, especially rights as to personal safety, citizenship, education, employment, and housing, are not being extended to all men. Christian brotherhood is impeded by practices enforcing segregation. God calls for, and human justice requires, speedy changes at every level and in every area of our society.

Community self-surveys, to determine the areas where basic rights are being denied and what the opportunities for remedial action are, have proved useful. Fair employment practices laws have proved generally beneficial in cities and States where they have been enacted. Citizens' groups have secured fair use of educational funds, just action in the courts, and fairer treatment in press and radio for minorities. Christians should work for such constructive changes, and for public support of democratically enacted laws which conform to Christian standards.

6. Arouse the church: Since the church is the body of Christ, it must free itself from those cultural patterns of prejudice and discrimination which persist in our society and must manifest in its own life the principles and attitudes of Jesus. The church must seek to be true to its own nature as a community of children of God inclusive of every race, nation, and class who confess Christ as Lord.

The church's agencies and institutions should seek to serve all people fairly without distinction because of racial or cultural background. All its congregations should be centers of action to develop equality and Christian brotherhood. To this end the United Lutheran Church in America calls its pastors and people to earnest study and remedial action.

STATEMENT BY THE MOST REVEREND ARTHUR LICHTENBERGER, PRESIDING BISHOP OF THE EPISCOPAL CHURCH IN THE UNITED STATES, JUNE 1963

Recent events in a number of American communities underscore the fact that countless citizens have lost patience with the slow pace of response to their legitimate cry for human rights. Pleas of moderation or caution about timing on the part of white leaders are seen increasingly as an unwillingness to face the truth about the appalling injustice which more than a tenth of our citizens suffer daily. While we are thankful for the progress that has been made, this is not enough.

Our church's position on racial inclusiveness within its own body and its responsibility for racial justice in society has been made clear on many occasions by the general convention. But there is urgent need to demonstrate by specific actions what God has laid on us. Such actions must move beyond expressions of corporate penitence for our failures to an unmistakable identification of the church, at all levels of its life, with those who are victims of oppression.

It is not enough for the church to exhort men to be good. Men, women, and children are today risking their livelihood and their lives in protesting for their rights. We must support and strengthen their protest in every way possible, rather than give support to the forces of resistance by our silence. It should be a cause of rejoicing to the Christian community that Negro Americans and oppressed peoples everywhere are displaying a heightened sense of human dignity in their refusal to accept second-class citizenship any longer.

The right to vote, to eat a hamburger where you want, to have a decent job, to live in a house fit for habitation: these are not rights to be litigated or negotiated. It is our shame that demonstrations must be carried out to win them. These constitutional rights belong to the Negro as to the white, because we are all men and we are all citizens.

The white man needs to recognize this if he is to preserve his own humanity. It is a mark of the inversion of values in our society that those who today struggle to make the American experiment a reality through their protest are accused of disturbing the peace—and that more often than not the church remains silent on this, our greatest domestic moral crisis.

I commend these specific measures to your attention: (1) I would ask you to involve yourselves. The crisis in communities north and south in such matters as housing, employment, public accommodations, and schools is steadily mounting. It is the duty of every Christian citizen to know fully what is happening in his own community, and actively to support efforts to meet the problems he encounters.

(2) I would ask you to give money as an expression of our unity and as a sign of our support for the end of racial injustice in this land. The struggle of Negro Americans for their rights is costly, both in terms of personal sacrifice and of money, and they need help.

(3) I would ask you to take action. Discrimination within the body of the church itself is an intolerable scandal. Every congregation has a continuing need to examine its

own life and to renew those efforts necessary to insure its inclusiveness fully. Diocesan and church-related agencies, schools, and other institutions also have a considerable distance to go in bringing their practices up to the standard of the clear position of the church on race. I call attention to the firm action of the recent convention of the diocese of Washington which directed all diocesan-related institutions to eliminate any discriminatory practices within 6 months. I believe we must make known where we stand unmistakably. So I write with a deep sense of the urgency of the racial crisis in our country and the necessity for the church to act. Present events reveal the possible imminence of catastrophe. The entire Christian community must pray and act.

STATEMENT OF THE TEMPLE ISRAEL OF NORTHERN WESTCHESTER—OUR CONGREGATION'S PROGRAM FOR RACIAL JUSTICE

The following is a slightly modified version of the Program for Racial Justice recommended by the Commission for Social Action of Reform Judaism for adoption by Reform Synagogues in America. It was adopted by the Board of Trustees of Temple Israel on November 14, 1963. In our independent congregational system, our national bodies make recommendations. The ultimate action has to go through local congregations.

"Have we not all one father? Hath not one God created us? Why do we deal treacherously, every man against his brother, profaning the covenant of our fathers?" (Malachi 2:10).

In order to fulfill our religious responsibilities, we herewith endorse the following policies:

I. Racial justice in our congregation's administrative policies

1. Our congregation and all its affiliate groups will not patronize or sponsor any activity at a place of public accommodation which discriminates against anyone because of race, religion, or ethnic origin.

2. Our congregation will pursue a policy of nondiscrimination in all relationships with our employees.

3. Our congregation will require a nondiscrimination employment clause in any contract to build or improve our physical facilities.

4. Our congregation, in connection with investments and loans, will make every effort to deal with financial institutions which have nondiscriminatory lending, borrowing and employment practices.

5. Our congregation will not be party to any restrictive covenant or gentleman's agreement in the purchase, sale, rental or use of property.

6. Our congregation will not purchase any equipment or supplies from purveyors who are known to have discriminatory hiring policies.

7. Our congregation will welcome as members all Jewish families regardless of their racial origins.

II. Racial justice in our congregation's educational, cultural and worship programs

1. Our worship services will reflect in prayer, sermon and educational content our efforts to achieve racial justice.

2. Our religious school curriculum and program will be frequently reviewed in order to incorporate the most recent developments and the most progressive techniques for inculcation of respect for all races and creeds.

3. Our congregation will devote sessions to the subject of racial equality in our educational programs for youth and adults.

4. Our congregation and affiliate groups, youth, sisterhood, Men's Club, and Mr. and Mrs. Club, will sponsor programs at homes, in our temple, and in other religious institutions with Negro groups and individuals in an effort to establish positive relationships.

III. Racial justice in our congregation's cooperative relationships with other institutions

1. Our congregation will cooperate fully with civic and religious organizations working for racial justice and will encourage the active participation of our members in their programs.

2. Our congregation will support the freedom of our rabbi or board to join with others in issuing public statements to further the cause of equal opportunity.

3. Our congregation will support the right of our rabbi and laymen to participate in demonstrations and other direct actions involving racial justice as their consciences dictate.

4. Our congregation will take initiatives to urge the formulation and implementation of policies on racial justice similar to those herein approved in other institutions, agencies, and associations within the community.

IV. Racial justice in the lives of our individual congregants

Because the ultimate objective of the synagogue is to have an impact on the lives and characters of our individual members, we deem it our duty now and in the future to direct the attention of our members to discriminatory practices in their own businesses, occupations, and neighborhoods.

1. We urge our members who are in business to institute and enforce nondiscriminatory employment and promotion policies and to make a conscious positive effort to introduce Negro and Puerto Rican employees into their work force, and to provide training to upgrade jobs for Negro and Puerto Rican employees.

2. We urge our members who belong to labor, business and professional groups to take positive steps to encourage the introduction of Negroes and Puerto Ricans into skilled trades and professions, and to exert their influence in providing Negroes and Puerto Ricans with equal opportunities for occupational and professional advancement.

3. We urge our members who sell or rent real estate or other property to adopt an open occupancy nondiscriminatory policy.

4. We urge all our members to support and participate in efforts for racial integration in their own communities, neighborhoods and public schools.

5. We urge all our members not to patronize places or businesses open to the public which discriminate against Negroes and Puerto Ricans either as patrons or employees.

6. We urge our members to invest in financial institutions which make funds and services available on a nondiscriminatory basis.

7. We urge our members not to frequent private clubs which refuse membership or service on racial grounds.

8. We urge all our members to give active support to the enactment of local, State and Federal civil rights legislation and to forceful executive action on all levels of Government.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 1794) to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Aspinall, Mr. Haley, Mr. Edmondson, Mr. Saylor, and Mrs. Reid of Illinois were appointed managers on the part of the House at the conference.

Mr. McCLELLAN. Mr. President, I believe it would be well at this time to request a quorum call. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McNamara in the chair). The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 136 Leg.]

Aiken
Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Brewster
Cannon
Carlson
Case
Church
Cotton
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hartke
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Muskie
Neuberger
Pastore
Pearson
Pell
Prouty
Ribicoff
Robertson
Saltonstall
Scott
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. McIntyre in the chair). A quorum is present.

Mr. MANSFIELD. Mr. President, I make the announcement that so far as my nonappearance for the quorum call is concerned, the bells did not ring in my office. I was notified by telephone. I want the Record to show that.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The bill is open to amendment. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, before I proceed into the discussion of specific provisions of H.R. 7152, I should like to comment on a matter which was discussed at length in the Senate yesterday. The matter to which I refer is the proposed "stall-in" by the Brooklyn chapter of CORE at the opening of the World's Fair in New York. In discussion with the Senator from Florida, the Senator from New York [Mr. Keating] stated:

> The announced purpose of those who are promoting these demonstrations is, according to their plan, to demonstrate that some States with exhibits at the fair do not have equality for all their citizens. The members of these groups desire to stress that fact.
>
> I would not wish for even a moment to imply that there are not shortcomings, in that regard, in New York State and in other States of the Union; but, so far as I know from reading the newspapers, the demonstrations are directed against the national problem, and, specifically, against some of the States which will have exhibits at the fair—States which do not give equality to all their citizens, either equality in voting or equality in education and employment or equality in the use of public facilities. That is the direction in which this effort is aimed, as I understand it, and these are the conditions we hope to remedy by the passage of this bill.

Now, Mr. President, unless the newspaper reports on this matter are badly in error, the principal aim of the proposed demonstration is to change conditions which exist in New York City. In today's New York Times, there appears an article entitled "Brooklyn CORE Weighs Plan To Leave Faucets On." The first three paragraphs of this article read as follows:

> The Brooklyn chapter of the Congress of Racial Equality is considering a program of intentional water wasting as an ultimatum to the city in its campaign for racial integration.
>
> A spokesman for the chapter said yesterday that CORE supporters would be asked to open their faucets and let the water run only if the auto stall-in planned for the opening of the World's Fair on April 22 failed to produce "an immediate working plan on housing, schools, employment, and police brutality."
>
> The chapter hopes to have hundreds of cars run out of gasoline on key roads to the fair, blocking traffic.

Mr. President, I call particular attention to the fact that the plan to open water faucets, according to the article, will be staged: "only if the auto stall-in planned for the opening of the World's Fair on April 22 failed to produce 'an immediate working plan on housing, schools, employment, and police brutality.'"

This seems to demonstrate quite pointedly, Mr. President, that the purpose of these actions is to change conditions with reference to housing, schools, employment, and law enforcement in New York City.

According to a news report on the radio yesterday, the District of Columbia chapter of CORE is encouraging its members to participate in the stall-in at the World's Fair on an individual basis.

Mr. President, these proposed actions by CORE are reprehensible, and are none the less so because they are aimed at the actions in the local community rather than across the Nation. Nevertheless, there is a clear demonstration by this conduct that the legislative remedies proposed for the entire Nation in H.R. 7152 will not stem this lawless type of civil disobedience. The State of New York and the City of New York now have in effect almost every conceivable type of so-called antidiscrimination legislation, including provisions such as those embodied in H.R. 7152. Nevertheless, the civil disobedience continues and takes on more drastic forms as time progresses. This should demonstrate clearly to the Senate that the unconstitutional legislation now being discussed by the Senate will not appease the troublemakers and agitators who are bent on insuring racial strife, violence, and disorders at all costs.

It might be well for me to read some of the articles.

I have before me an article entitled "Brooklyn CORE Weighs Plan To Leave Faucets On. May Ask for Wasting of Water If Tie-Up at Fair Brings No Integration Plan—New Traffic Rule Balk Group," written by Martin Gansberg, and published in the New York Times of April 14, 1964. The article reads as follows:

> The Brooklyn chapter of the Congress of Racial Equality is considering a program of intentional water-wasting as an "ultimatum" to the city in its campaign for racial integration.
>
> A spokesman for the chapter said yesterday that CORE supporters would be asked to open their faucets and let the water run only if the auto stall-in planned for the opening of the World's Fair on April 22 failed to produce "an immediate working plan on housing, schools, employment, and police brutality."
>
> The chapter hopes to have hundreds of cars run out of gasoline on key roads to the fair, blocking traffic.
>
> A spokesman for the department of water supply, gas, and electricity said there was no cause for alarm because "there is plenty of water on hand."
>
> He said the city's reservoirs were at 81.5 percent of capacity with 388 billion gallons.
>
> "Last year at this time, the reservoirs were only at 65 percent of capacity," he said.
>
> ### D'ANGELO APPALLED
>
> However, Commissioner Armand D'Angelo was appalled at the prospect of water being wasted.
>
> "It's a sad thing," he said. "These are the people who, through careful conservation, built up the reserve. Now, they're going to waste it. They'll only be hurting themselves."
>
> The department spokesman said he knew of no law that could prevent the deliberate waste of water.
>
> There is, however, a law that could thwart the stall-in. That law, added to the books yesterday by Traffic Commissioner Henry A. Barnes, makes it illegal to run out of gas on a parkway, expressway, tunnel or bridge approach.
>
> Article 81, section 8 of the city's traffic regulations prohibits parking in specified places, among them a "highway tunnel or upon an elevated or limited-access roadway when all lanes are normally available for moving traffic."
>
> ### ONE SENTENCE ADDED
>
> "To this article Mr. Barnes added the following sentence:
>
> "The stopping, standing, or parking of a vehicle caused by lack of fuel shall constitute a violation of this section."
>
> The new regulation could mean a $15 fine for any demonstrator who runs out of gasoline near the World's Fair on April 22.
>
> Mr. Barnes, choosing to ignore the stall-in, said the new regulation had been designed to prevent accidents caused by illegal stopping on roads. He said that carelessness and "the disregard of the safety of fellow motorists" by the driver of a stopped car caused accidents like the recent one on the East River Drive that involved 35 autos.
>
> Informed of Mr. Barnes' action, Arnold Goldwag, a leader of the Brooklyn CORE unit, said: "It doesn't mean anything. Mr. Barnes can't set the rules. What does the [city] council say?"
>
> Commissioner Barnes has the right to revise traffic regulations under authority granted by the city charter. However, the enforcement of traffic rules is up to the police department.
>
> Police Commissioner Michael J. Murphy said no one would be allowed to interfere with a motorist's access to the World's Fair. He has told the police to keep the traffic flowing and safeguard the roads.
>
> "We are going through with this," he said, "and if that doesn't get us fast enough results, we will deliver our ultimatum—leaving water faucets on."
>
> Mr. Goldwag said that the program to waste water had been "talked about by some people, but has not been adopted by the chapter yet."
>
> From an informed source, it was learned that a defector from the Black Muslims, now in the Brooklyn CORE chapter, had devised the water plan.

Mr. President, it is important that the American people know what is taking place in New York. Both Senators from New York [Mr. Javits and Mr. Keating] are among the most ardent proponents of the so-called civil rights bill. They have their hands completely full in looking after their own problems in New York City and New York State, without trying to embrace the whole Nation and cause a nationwide bill to be passed to try to force upon people something the Nation does not want.

New York has so-called antidiscrimination laws; yet we see the trouble New York is having now. Nevertheless, there is an effort on the part of the Senators from New York and other proponents of the bill to try to force upon the Nation an unwanted, impractical, unwise, and unconstitutional piece of legislation.

Mr. President, under date of April 4, 1964, the New York Times published another article, this one entitled "NAACP and CORE Map Joint Action; They Call for School Protest on April 29—Challenge to Galamison Seen." The article, written by Junius Griffin, reads as follows:

> Two leading national civil rights organizations called yesterday for massive demonstrations at city hall and the board of education, tentatively on April 29, to protest racial imbalance in the city school system.
>
> The action was called for by local chapters of the National Association for the Advancement of Colored People and the Congress of Racial Equality. An NAACP spokesman said that if the demonstrations did not take place on April 29 they would be held during the first week of May.
>
> The joint call appeared to be a move by the two groups to wrest the local civil rights leadership from the Citywide Committee for Integrated Schools, which has staged two boycotts of the public school system.
>
> Both organizations joined in calling the first boycott, on February 3, but withheld support from the citywide committee in the March 16 boycott.
>
> ### COMMITTEE A COALITION
>
> The boycott were led by the Reverend Dr. Milton A. Galamison, who heads the citywide committee, a coalition of local civil rights groups. In commenting on yesterday's action by the two groups, Dr. Galamison said:
>
> "I sincerely hope they're able to get more than 15,000 people out for their protest, because if they don't it will be a signal victory for the segregationists.

"I wish them well, but it seems to me that the World's Fair would provide them with a more effective target for protesting injustices in the city."

Dr. Galamison's reference to segregationists was taken to mean members of the parents and taxpayers organizations and the Brooklyn Joint Council for Better Education, who staged a demonstration at city hall and board of education headquarters on March 13.

About 15,000 demonstrators, more than 70 percent of them women, demanded that the city preserve the neighborhood school system.

The board of education postponed announcing on March 25 the names of 40 elementary schools and 20 junior high schools that would be paired in an effort to change their racial balances. Each pair of schools was to consist of one that had been predominantly Negro or Puerto Rican and one that had been predominantly white.

An NAACP spokesman said that the planned demonstration would focus mainly on city hall to force Mayor Wagner and the city administration to exercise leadership in the "school segregation crisis."

"The primary purpose of the demonstration," the spokesman said, "will be to urge the board of estimate to earmark a substantial amount of funds for a desegregation plan in the city school system."

UNITY IN DOUBT

June Shagaloff, special assistant for education of the national association, emphasized that the demonstrations had been called jointly by her organization and CORE whereas there was no coordination among civil rights groups when the citywide committee called the first school boycott. This, she said, was one of the reasons the NAACP and CORE decided to leave the citywide committee.

Within CORE there was a question whether there was enough unity among local chapters to participate effectively in the demonstrations. This was a factor in the setting of only a tentative date.

The affiliation of three local CORE chapters is in question. The national office has suspended its Brooklyn chapter over its plan to tie up traffic on routes leading to the World's Fair on April 22. The suspension is to remain in effect until CORE's national steering committee meets here May 1.

The Bronx and Manhattan chapters in effect suspended themselves and announced their support of the Brooklyn chapter.

If the Bronx, Brooklyn, and Manhattan chapters are not reinstated by the date of the demonstration, CORE may not be able to muster enough support to justify its participation. This would leave the problem of calling the demonstration upon the 13 local chapters of the NAACP.

Miss Shagaloff repeated her warning that there is no truce in the school desegregation fight in New York City, Cleveland, Boston, Buffalo, or elsewhere in the North.

She said that the National Association would sue the board of education unless something meaningful came out of the study of the New York City school situation being made by the State education commissioner's advisory committee.

MEETING SCHEDULED

Both national and local NAACP officials are scheduled to meet with the advisory committee here this week.

Up to now the national association has avoided demonstrations as a primary tactic in fighting racial imbalance in public schools; it has counted on negotiations and suits.

Now, however, the organization is committed to two demonstrations, including a statewide one on May 18.

Dr. Eugene T. Reed, NAACP State president, said various protest techniques would be used May 18 at the discretion of each of the 60 branches. He did not say what form the demonstration would take here.

Dr. Reed also said he had sent a telegram to Governor Rockefeller urging him not to place the Van Cott (neighborhood school concept) bill on the agenda of this week's special legislative session.

This brought a response from Mrs. Rosemary Gunning, executive secretary of the parents and taxpayers coordinating committee.

"We are shocked by the attempt of the NAACP to prevent debate on legislation that is supported by a great majority of the people," she said. "The tactic of trying to silence opposition can only cause dissension and suspicion. We call on all Americans—including NAACP members—to speak out against this undemocratic and reckless policy."

In another development, the Conference for Quality Integrated Education called a meeting for Friday to put on record the fact that there are in this city organizations with hundreds of thousands of members who do want good schools in an integrated educational system."

The conference is an organization that includes representatives from most of the major predominantly white liberal organizations, as well as the civil rights groups.

The conference's cochairmen are the Reverend Dr. Donald Harrington, senior minister of the Community Church of New York, and David Livingston, president of District 65, Retail, Wholesale, & Department Store Union. The meeting is to be held at the union's headquarters, 13 Astor Place.

(At this point Mrs. NEUBERGER took the Chair as Presiding Officer.)

Mr. THURMOND. Madam President, another article which appeared in the New York Times on April 9, 1964, is entitled "Civil Rights Groups To March on Fair in Its Opening Days." The article is by Fred Powledge, and reads as follows:

CIVIL RIGHTS GROUPS TO MARCH ON FAIR IN ITS OPENING DAYS

(By Fred Powledge)

New York civil rights proponents are planning a dramatic demonstration for the first days of the World's Fair, which opens April 22.

Sources within the movement reported last night that the demonstration would involve numbers of Negroes and white sympathizers who would be transported to the fair from around the country, including the South.

"It would be sort of like the freedom rides, except they'd be heading North," one source said.

The demonstration would be primarily a project of the Congress of Racial Equality. CORE and the National Association for the Advancement of Colored People will also call a large-scale demonstration at city hall for later in the month, probably April 29.

The city hall protest would be centered on education. Its supporters hope for at least 30,000 participants, twice the number of persons who took part in the March 12 demonstration of parents and taxpayers, a citywide group opposed to the mandatory busing of schoolchildren.

The World's Fair demonstration, as it is now planned, would resemble in many ways last summer's march on Washington, which was attended by more than 200,000 persons.

Demonstrators would come to the fair, many of them in buses, enter the grounds, and demonstrate in various ways. It is expected that the protests would be peaceful in the manner of the Washington march.

Some of the ideas now being discussed by CORE include counterexhibits near the displays of the Southern States; enlarged pictures showing injustices against Negroes, and exhibits of electrified cattleprods and other devices used by southern law enforcement officials.

While the fair demonstration would seek to dramatize the total civil rights struggle, the city hall march would concentrate on education in New York City. Some of the persons who take part in the protest at the fair, however, would be expected to remain in the city for the city hall march.

One person close to the planning of the second demonstration said the marchers would demand both an increase in the quality of education and a meaningful plan of integration for the New York City's schools.

The city board of education has made several proposals for integrating the schools, but all have been described as inadequate by the civil rights community.

The city hall march would also seek to "secure the broadest support of the Negro and white communities" behind the school integration drive, the source said.

Observers of the New York situation have noted recently that the white liberal community has largely withdrawn from active participation in the education controversy.

Madam President, another article that appeared in the New York Times of April 10, 1964, is entitled "CORE Maps Tie-Up on Roads to Fair—Seeks Opening-Day Jam on Five Highways—Barnes and Moses Protest Sharply." The article was written by Robert Alden and reads as follows:

CORE MAPS TIEUP ON ROADS TO FAIR—SEEKS OPENING-DAY JAM ON FIVE HIGHWAYS—BARNES AND MOSES PROTEST SHARPLY

(By Robert Alden)

A plan to tie up traffic on the five major arteries leading to the New York World's Fair on its opening day was announced yesterday by the Brooklyn chapter of the Congress of Racial Equality.

With 1 million visitors expected at the fair on April 22, the city's traffic commissioner, Henry A. Barnes, said that the CORE plan "would paralyze the whole city."

Robert Moses, president of the fair, warned that the fair "will not become a stage for irresponsible interference" by civil rights groups.

But members of CORE and the National Association for the Advancement of Colored People pushed their plans for a series of dramatic demonstrations at the fair to call attention to their civil rights campaign.

A leaflet, distributed by the Brooklyn CORE chapter read:

"Drive a while for freedom. Take only enough gas to get your car on exhibit on one of these highways."

The leaflet then listed the highways leading to the grounds: the Grand Central Parkway, Brooklyn-Queens Expressway, Belt Parkway, Interborough Parkway, and Van Wyck Expressway.

Mr. Barnes, dismayed and angered by the plan, declared: "This would not only tie up the fair, it would paralyze the whole city. Traffic in Queens would back up across Manhattan and into the Bronx, Brooklyn, and even New Jersey.

"It would take a week to untangle the mess. A tow truck would have to get through each tieup to reach a stalled car. With hundreds of them out of gasoline, there wouldn't be enough towtrucks in the city to handle the mess."

Other CORE chapters across the country informally announced plans to come to the fair to demonstrate. Three sites within the fairgrounds were singled out for demonstrations—the Maryland Pavilion, the Florida Pavilion, and the Louisiana Pavilion.

The Maryland Pavilion is in a particularly sensitive area at the fair since it is adjacent to Singer Bowl, where President Johnson is scheduled to participate at the ceremonies on opening day, April 22.

SIXTEEN THOUSAND ARE INVITED

Sixteen thousand guests—diplomats, political figures and prominent members of the Nation's business and social communities—have been invited to attend the ceremonies in Singer Bowl.

Mr. Moses' stand against the planned demonstrations was firm:

"As to threatened demonstrations at the fair on opening day, with the cooperation of the city police, the rights access, free movement and comfort of our numerous fair visitors from all parts will be fully protected.

"The fair will not become a stage for irresponsible interference with visitors, secondary boycotts, and demonstrations not related to the proper conduct of the fair.

"There has been no claim of discrimination by the fair."

In the meantime, intense police preparations have been made to deal with the threatened integration demonstrations on opening day.

A number of conferences are being held between officials of the city's police department and officers of the fair's large private police force, a division of Pinkerton's National Detective Agency.

"We expect that the fair police force will be able to handle most things that go on inside the fair," Capt. James F. Hannon, commanding the 110th precinct, said. "But if they need help we're prepared to give them what they need."

REINFORCEMENTS PLANNED

The 110th precinct, at 94-41 43d Avenue in Elmhurst, Queens, will be "substantially beefed up" for the fair season a spokesman for the police department said.

"We're ready to handle anything that happens inside or outside the fair," he added.

Although the details of the police plan are being kept secret, it is considered likely that security forces will concentrate on the Maryland Pavilion, because of the threat of a demonstration there and its proximity to Singer Bowl.

"People will come to the fair to have a good time," said John J. Manning, executive of Pinkerton's World's Fair division. "We hope that everyone will keep to that spirit. We don't want any trouble and if any arises we will try to be gently persuasive.

Captain Hannon emphasized that integration leaders were aware of the problems faced by the police department in handling demonstrations and were usually cooperative.

But the first integration demonstration at the fair, which took place Saturday, resulted in 30 arrests, including that of the Reverend Dr. Milton A. Galamison, leader of a sit-in that blocked one of the main entrances to the fair.

During that demonstration 25 of the arrests were made by the city police just outside the fairgrounds. The five others were made by the fair's private police.

Acting as peace officers, the private police force can make arrests within the fairgrounds. Any persons arrested will then be turned over by the Pinkerton officers to the city police at the 110th precinct.

The Pinkerton guards at the fair are armed with both nightsticks and pistols. There are 700 of these men charged with police and firefighting responsibilities in the fairgrounds. They have undergone and are undergoing rigorous training.

More than 1,000 other Pinkerton agents will be on duty inside various pavilions as guards and guides for those pavilions.

Although there has been no formal enunciation of policy, a high fair official said that he felt that peaceful picketing within the fair would be allowed.

"But if they block main bus routes inside the fair, they will have to be arrested," he said.

The national office for CORE has not as yet announced its plan for the World's Fair protests.

"There will be a policy meeting on the matter on Saturday," a spokesman for the national office said, "and plans will be announced after the meeting."

But CORE groups from Baltimore and Prince Georges County in Maryland said that they would participate on opening day and sent a letter to Mayor Wagner advising him of their participation.

The Brooklyn CORE Chapter also announced its plan in advance of the national policy meeting.

A spokesman for the group, when asked how much gasoline would be needed to stall an automobile in the vicinity of the fair, said that the matter was under consideration.

"We'll work it out," he added.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a question?

Mr. THURMOND. Madam President, I ask unanimous consent that I may be permitted to yield to the distinguished Senator from Louisiana with the understanding that I do not lose my right to the floor, and that upon resuming, I shall not be charged with another speech on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Is the Senator discussing the situation concerning the unauthorized strike at the World's Fair?

Mr. THURMOND. That is correct. I was discussing the plans of CORE, and also the demonstrations to be held by CORE and NAACP.

Mr. LONG of Louisiana. Is the Senator discussing the situation that exists, in which a single chapter of the Congress of Racial Equality feels that it is in a position to shut off traffic for the entire city of New York, whether the national organization approves it or not? Is it not correct that the national organization of the Congress of Racial Equality and the national organization of the National Association for the Advancement of Colored People, have not authorized a strike, but that this is one of many wildcat strikes that we can anticipate?

Mr. THURMOND. The Senator is correct. In fact, the three CORE chapters in New York, as I understand, will go against the wishes, perhaps, of their national organization—at least its outwardly expressed wishes—to conduct the demonstrations against the opening of the World's Fair, planning to congest traffic by having hundreds of automobiles run out of gasoline. One of the officials in New York stated at that time that it would take a week to untangle the mess because tow cars would have to take the cars out, which would be difficult to do and it would create a terrific problem.

Mr. LONG of Louisiana. Madam President, will the Senator from South Carolina yield for a question?

Mr. THURMOND. I am glad to yield.

Mr. LONG of Louisiana. Is not the Senator familiar with the Supreme Court decision which states that if one is striking for the cause of civil rights, law enforcement agencies have no right to interfere?

Mr. THURMOND. It will be interesting to see what happens. The city officials in New York have stated that they will handle the matter. The demonstrators have indicated—the CORE chapters especially, in spite of the outwardly expressed wishes of the national organization—that they intend to go ahead.

Mr. LONG of Louisiana. Madam President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I am glad to yield under the same conditions stipulated.

Mr. LONG of Louisiana. Is the Senator familiar with the sitdown strike on the Triborough Bridge which tied up the whole city of New York for about 3 hours recently?

Mr. THURMOND. Yes, I am familiar with that situation.

Mr. LONG of Louisiana. Is the Senator also familiar with the fact that when that strike was called, the police were so afraid of the situation that it practically required an injunction to the Supreme Court to get the power to lay hold of the seven Negroes and haul them away from the traffic?

Mr. THURMOND. Yes; the law enforcement officers are baffled. In a great many places they appear to be baffled. They do not know how far they can go. They do not know whether they can touch these people or lift them up bodily or what they can do.

I understand that in various parts of the country—not in the South alone, but in other parts as well—they are using cattle prods, sticks with a little electricity in them, which seem to move the demonstrators along.

Mr. LONG of Louisiana. Madam President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I am glad to yield.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that the prod sticks have been described as cattle prodders because they have been used on cattle? Is the Senator further familiar with the fact that the prod sticks are not designed for cattle but are designed for exactly the kind of "animals" that they are touching; namely, reluctant human beings who insist on getting in the way of a policeman?

Mr. THURMOND. The demonstrators are certainly conducting themselves in a most unbecoming manner when they lie down in the streets and will not move. It seems to me that a stick of that kind might be appropriately used. There is not very much electricity in one. I remember once going through a secret organization ceremonial—a fraternal organization. There was a man after me with one of those sticks, and I ran for about 100 yards. I had to run fast to keep ahead of that stick because while it mostly tickled, it tickled pretty much. It would force one to move—it does not hurt anyone—but it is a practical means of getting these people to move on.

Mr. LONG of Louisiana. Madam President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I am glad to yield.

Mr. LONG of Louisiana. Can the Senator recall some of the nationwide publicity which shed so many crocodile tears over the fact that someone got his pants torn from walking into a police dog, when the police dog was on a leash? Is the Senator also familiar with the fact that the whole idea of having a police dog is that the dog does not know whether a demonstrator is striking for civil rights or something else? One has a choice; he can either walk into the police dog, or back away.

Mr. THURMOND. From what I have read about demonstrations, it appears that some of the demonstrators want to be bitten by dogs, they want a policeman to strike them or use force against them. They would then become great heroes. They would be taken to other parts of the country and shown off as exhibits. They could charge fees to people to come in and see them, and they could collect dues from new members to their organizations.

Mr. LONG of Louisiana. Madam President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I yield.

Mr. LONG of Louisiana. Has the Senator heard about the situation in which police dogs were used against Louisiana State University students who had demonstrated in favor of victory over "Ole Miss"?

Mr. THURMOND. I heard that police dogs were used, but I did not know the circumstances.

Mr. LONG of Louisiana. There was also a football game between two great State universities, and LSU students wanted to parade without a permit. The traffic could not get through, so the police had to use police dogs to get the students out of the way so that the traffic could move. Has the Senator heard about that situation?

Mr. THURMOND. Does the Senator mean to say that the police used police dogs against white students?

Mr. LONG of Louisiana. That was the situation.

Mr. THURMOND. It would be difficult to get certain people to believe that would it not? They believe that police dogs are used only against Negroes. Is that not correct?

Mr. LONG of Louisiana. Did the Senator read an account of that kind in Time magazine or Life magazine? The sheriff—who, incidentally, had been president of the National Sheriffs' Association—used police dogs to make the LSU students quit blocking the highways.

Mr. THURMOND. I do not believe I saw any pictures of that incident, or any articles in any of the leading magazines or periodicals in this country. Did such an article ever appear in any of those news media?

Mr. LONG of Louisiana. Madam President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I yield.

Mr. LONG of Louisiana. Is it not fair to ask why nothing appeared about it, when the whole country had to do a "flip-flop" because some Negroes insisted on tangling with a police dog in Birmingham, Ala.? Why did the country not have to do a "flip-flop" when the sheriff used police dogs to get LSU students out of a four-lane highway?

Mr. THURMOND. Perhaps they thought the police dogs would not harm the white students but would bite the Negro students. I cannot imagine any other reason, because if a police dog bites a student, it should be news as much to one race as to another. The whole point is, as the Senator knows, that the so-called civil rights bill is politically inspired. Its purpose is to gain bloc votes. The proponents are trying to show that Negroes are treated badly and treated unjustly, that they cannot vote, that they cannot go to school, that they have no opportunities. The charges they make are of course false and unjust.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a further question?

Mr. THURMOND. I yield.

Mr. LONG of Louisiana. Is the Senator aware of the so-called FEPC provision in the bill?

Mr. THURMOND. Yes, of course; that is title VII of the bill.

Mr. LONG of Louisiana. Does not that section proceed on the basis that a person must not discriminate in employment, and that if discrimination were eliminated, presumably that would help the colored man get a job?

Mr. THURMOND. That is the assumption, I believe, upon which it is predicated. The bill does not create any new jobs. I do not know of any new jobs these people will take, unless it be to take other Negroes' jobs or white people's jobs.

Mr. LONG of Louisiana. Has this thought ever occurred to the Senator: If we are to give written tests, to see who gets a job, the chances are that the Jewish people will place ahead of both the Negroes and the white gentiles. Next, I suppose, would come the gentiles, with the Asiatics and the orientals getting their fair quota, but the last poor fellow to get a job under that procedure would be the Negro.

Mr. THURMOND. Generally, the Senator may be correct. If capability or ability tests, were used, that could be generally true.

Mr. LONG of Louisiana. That is the kind of test one would take in a college or school under those circumstances? But this is not the way to have a poor Negro get a job. This is something to "confidence" him out of it.

Mr. THURMOND. They are telling him that he will get a job if this bill passes, which will make him feel that people will be forced to give him a job. If the bill passes, it might be that under certain circumstances they will be forced to give jobs to some of them.

In my opinion it would be a great injustice to the Negro to obtain employment under such circumstances, because if his employment proved unsatisfactory, which it is bound to be in a great many cases, there would be a backlash, and we would see a slowing down of production and inefficiency; we would see sentiment aroused against Negroes that otherwise would not exist. That would come about because Negroes would be forced into positions they could not fill properly.

Mr. LONG of Louisiana. Madam President, will the Senator yield?

Mr. THURMOND. I am pleased to yield.

Mr. LONG of Louisiana. Did not the Senator have the experience of serving as Governor of his State prior to his coming to the Senate?

Mr. THURMOND. I served as Governor for 4 years.

Mr. LONG of Louisiana. During that time did he not observe that the road contractors, who built the highways in his State, perhaps tended to go in one direction or the other; either they used only white people building highways, or they worked with only colored people in building the highways; and that in many instances they seemed to perfer colored people. In many instances the road contractors would prefer not to mix the races. The result was that the colored workers would get all the jobs, and not merely a part of them.

Mr. THURMOND. That has been the case on many occasions.

Mr. LONG of Louisiana. Did that not amount to discrimination against the Negroes?

Mr. THURMOND. I would not say discrimination. It was a matter of the employer choosing his own employees. If he prefers Negroes he should have the right to hire them. If he prefers white people, he should have the right to hire them. Under the proposed FEPC law, such a practice would probably be discrimination, provided we knew what was meant by discrimination. The bill does not define discrimination. Therefore, a bureaucrat in Washington will have to determine what discrimination is. We do not know whether he will say that employment must be racially balanced, or whether he will follow some other criterion. I do not know.

Mr. LONG of Louisiana. Has the Senator from South Carolina heard about the effort of the antidiscrimination committee to integrate the highway crews in Southern States?

Mr. THURMOND. I have heard something about it, but I have no firsthand information on it.

Mr. LONG of Louisiana. In the State of Louisiana, in the construction of highways, Negroes have 80 percent of the jobs. Notwithstanding that fact, we are being asked to sign contracts providing that we will not discriminate. If we do not discriminate, we must fire the poor Negroes because they have 80 percent of the jobs. Is that not correct?

Mr. THURMOND. If the matter were to be dealt with on a proportionate basis, according to population, it would be necessary to discharge a number of Negroes and give their jobs to white people.

Mr. LONG of Louisiana. It is not fair to say, if we were to try to deal with this problem on a racial balance basis—and that seems to be a popular term today—it would be necessary to discharge two-thirds of the Negroes working on the highways?

Mr. THURMOND. That is correct. That is what would happen.

Mr. LONG of Louisiana. Does it not make sense, if a person prefers to employ Negroes, that he be permitted to employ them?

Mr. THURMOND. I agree that a man should be permitted to operate his own private business in the way he wishes. He should also be permitted to hire all white people, if he wishes to do that; or all Chinese, or all Filipinos, or people of any other race; or to hire some of each.

He should be permitted to hire people in whatever proportion he wants to hire them.

Our Government was founded on the theory of freedom. That is why our forefathers came to this continent years ago. They came here seeking freedom. When we deny a man the right to choose his own employees for his own business, we are denying him a very vital right of freedom. He knows better than anyone else what kind of people he wants to have work with him in his line of work.

A few days ago I gave the illustration of two people applying for a job. I said the first man came into the place of business 1 minute before the other man. He was only average. He was average in appearance. His intellect was average. His ingenuity was average. His energy and his imagination were average. He was average from any standpoint anyone wishes to use. His loyalty might be in question. There might be some question as to whether he would be true to his employer. He might even be a political enemy.

If the bill were passed, that man would have to be hired instead of the other man, who came to the place of business 1 minute later.

The second man had a fine appearance. He was very intelligent and imaginative. He had a great deal of ingenuity and a great deal of energy and imagination. He was even an intimate friend of the employer, and was loyal to him.

Yet the employer would not be allowed to choose this top man. The employer would have to take the mediocre man, merely because he had applied a minute earlier. In that way we would be destroying the basic rights of the American people.

This system would not only hurt white people. It would hurt Negro people also. In my State—and I am sure the same is true in the State of the able Senator from Louisiana—there are Negro undertakers, who employ a great many people. There are also some Negro insurance companies and Negro banks. Many of those businesses would be put in the same position.

There are a great many manufacturing plants in my State and a number of garment factories whose rolls are all Negro. Those factories employ several hundred Negro women.

Another plant is being built in another county that will be all Negro.

If the bill is passed, they will have to integrate, and they will not be able to give those Negroes all the jobs. There is hardly a week that passes that an effort is not being made in my State—and I am sure it is true in the other Southern States also—to try to provide more jobs for Negroes.

I am eager to see everyone do well. To force a man to hire anyone in his private business against his wishes or to force him to hire one person instead of another, and for the Government to take the position that he must hire one man over another, is unwise, impracticable, and unconstitutional.

Mr. LONG of Louisiana. Madam President, will the Senator yield for another question?

Mr. THURMOND. I yield.

Mr. LONG of Louisiana. Has the Senator had occasion to make a study to see whether there was a higher percentage of Negroes out of work in Southern States than in FEPC States?

Mr. THURMOND. I believe the RECORD shows, according to some figures that were brought out in colloquy, that there is a larger percentage of Negroes out of work in States that have FEPC laws than in States that do not have FEPC laws.

Mr. LONG of Louisiana. Madam President, will the Senator yield further?

Mr. THURMOND. I am pleased to yield.

Mr. LONG of Louisiana. Can the Senator find anything in this so-called civil rights bill, in which our lovable friends, who seek to help the colored man, are offering to share Federal jobs with fine colored people who are looking for jobs?

Mr. THURMOND. I have not heard of it.

Mr. LONG of Louisiana. Or make available jobs as postmasters, rural carriers, collectors of customs, or any other good paying jobs?

Mr. THURMOND. I have not heard of any. If there has been any information along that line, it has not come to my attention.

Mr. LONG of Louisiana. Does it not occur to the Senator that if the fine people from States which have practically no Negroes in their population want to bring about some progress, all they need to do is to import some Negroes, to find out what one looks like, before they try to solve our problems for us?

Mr. THURMOND. The trouble is that those people think they know how to solve the problem much better than we do. They have not dealt with the problem. They do not know what the problem is in a State that has 30 percent or 40 percent colored, as does the State from which the Senator comes, or some other State in the South. I believe the South has done very well by the Negro. The Negro has made more progress in America than any other minority race has made in the history of any other nation.

The Negro has made more progress in America than he has made in any other country in the world. Is not that fact worth considering? Late last summer there was the march on Washington for jobs and freedom. Pictures of that march were sent all over the world. Some people in this country, even some Government agencies, such as the USIA, spread information that indicated that Negroes were mistreated or did not have jobs, or that there was racial prejudice or social injustice in this country. Why do they not change that picture and tell some of the truth about what the Negroes enjoy in this country? The world should be told that Negroes in America are better off than people in any other country.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a further question?

Mr. THURMOND. I yield.

Mr. LONG of Louisiana. Would it not be fair to ask what kind of fix the colored folks would be in if they had not been brought to this country, but had been allowed to roam the jungles, with tigers chasing them, or being subjected to the other elements they would have to contend with, compared with the fine conditions they enjoy in America?

Mr. THURMOND. Of course, the Negroes are much better off as a result of their coming to this country. The progress they have made has not been the result of activities on the part of people who are seeking votes by defending the so-called civil rights legislation. The people who are primarily responsible for the progress of the Negroes are the southern people, because the South is where most of the Negroes have lived until recent years. The South has had this problem. It is familiar with it and has had to bear it. The people of the South have borne up bravely. They have done much for the Negroes, especially in view of the economic condition brought about by Reconstruction.

Mr. LONG of Louisiana. Has the Senator during the course of his lifetime known a number of Negro families for whom he had the warmest feelings of friendship and affection?

Mr. THURMOND. Of course. I know many of them now. I have loaned money and given money to many of them. At this time, I am lending money to several to enable them to go to school or college.

Mr. LONG of Louisiana. There has always been Negro help in my home from the day I was born. Some people even believe I am left-handed today because a sweet colored woman carried me around in her left arm while she did housework for my mother with her right arm.

Does the Senator believe that northern people, who do not know what the feelings of the colored people are, have any more interest in the colored people than have the southern people?

Mr. THURMOND. On the whole, I do not believe that they have as much interest. The southern people have warm affection for the Negro. They understand the Negroes and have tried to help them. The South has provided excellent schools for them. In my State—and I understand the same situation exists in other Southern States—the schools for the Negroes are as good and sometimes better than the schools for the whites, because they are newer schools and provide many opportunities in various fields of endeavor. The only thing the Negro today has to do to advance is to prepare himself by getting an education or becoming skilled. I do not know of a skilled person today, white or Negro, who cannot obtain employment. Some people make it appear that Negroes cannot obtain employment. They must be able to get jobs when 6 million Negroes in this country own 3 million automobiles. Where do they get the money to buy the automobiles if they do not have jobs? The Negroes in America own 30 times the number of automobiles owned by all the people in Russia.

Mr. LONG of Louisiana. Has the Senator from South Carolina heard the argument to the effect that the Southern States discriminate against Negroes in educational opportunities?

Mr. THURMOND. I have heard the argument. I do not believe there is merit in it so far as my State is concerned; and I doubt if there is merit in it so far as other Southern States are concerned. The fact that Negroes attend separate schools does not mean that they do not have equal opportunity. The other day I read an article by a psychologist who said that Negroes received a better education in their separate schools than they do in mixed schools. In mixed schools they are placed at a disadvantage. A psychological reaction comes into being, and they do not have as good opportunities as they do in separate schools.

Mr. LONG of Louisiana. Is the Senator from South Carolina aware that in a number of instances the colored students cannot keep up with the white students in mixed schools, with the result that it is necessary either to hold back the colored child or else advance him and leave him so that he does not understand what the teacher is talking about?

Mr. THURMOND. In addition, they are probably happier among their own people. Ordinarily, lawyers are happier among a group of lawyers than they would be among other professional men, because they have common problems and can communicate with one another. They appreciate something in common. The same is true of doctors and other professional groups.

I believe most Negroes are happier among their own people. Of course, there are some exceptions; but I am speaking generally. I believe people generally are happier among their own kind. Arabs probably are happier among other groups of Arabs. I think the Jews are happier among their own people. I believe the white people are happier among their own people. That does not mean they dislike anybody. It does not mean that they have prejudice against anybody.

Nature made us like that. The white men inhabit Europe; the yellow men, Asia; the red men inhabited America; the black men, Africa. I do not know what God had in mind; but He must have had something in mind.

Mr. LONG of Louisiana. Might we not say that the great, masterful Lord was the greatest segregationist of all when he placed the white people in one place and the black people in another place?

Mr. THURMOND. That is the way they were placed until man interfered with the plan.

Mr. LONG of Louisiana. Would the Senator say that the Yankee slave traders were doing the work of God when they brought Negroes to this continent and put them in chains?

Mr. THURMOND. The British first brought Negroes to America. Then the Yankees found they could make money by selling them. The Yankees brought them to America to work in the factories, but they found that because of language and other difficulties it was not practical to use them in northern industries. But they found that the Negroes could be used on farms, so they sold them to the southern farmers. That is how the Negroes got into the South.

History will record that the southern people did not bring the Negroes to America; it was the northern people. I have no ill feeling toward the Yankees. That is an affectionate term—a contraction—that the southerners use toward them. The southern people did not bring the Negroes to America. The northern people brought them here and sold them to southern farmers.

I am glad the Negroes were freed. They should never have been sold in slavery. They should never have been brought here to start with. But some people love money, and they will do many things for money.

Mr. LONG of Louisiana. With reference to the charge of discrimination, as a former southern Governor, is not the Senator from South Carolina familiar with the fact that it is the white people, in the main, who pay for the education of both the white children and the Negro children in the South?

Mr. THURMOND. There is no question—and statistics and records will so show overwhelmingly—that the white people pay the major cost of education of all children, white and Negro.

Mr. LONG of Louisiana. Would it not be fair to say that the white people pay more than the major share; that they pay the overwhelming share, about 90 percent?

Mr. THURMOND. The amount is different in different States. It may be that in some States the amount runs that high; but in Southern States, from 75 to 80 percent is probably the average amount that the white people pay.

Mr. LONG of Louisiana. Does the Senator from South Carolina know who pays the cost of the welfare programs?

Mr. THURMOND. The records will show that the chief source of tax income for such benefits is the white people.

Mr. LONG of Louisiana. Does the Senator know who receives the biggest share of such benefits?

Mr. THURMOND. The records will show that the great majority of the recipients of welfare are Negroes.

Mr. LONG of Louisiana. Considering the charge of discrimination, is it not true that the southern white, having been held down by the armies of conquest, and having been discriminated against by the crooked carpetbagger politicians out of the North for a great number of years, have had all they could do to educate their own children, much less the poor Negro children?

Mr. THURMOND. The southern white people have had a very difficult time. When I was a child, I heard old people speak of the conditions that existed after the Confederate War or the War Between the States. The Southern States, having entered the Union voluntarily, thought they had the right to withdraw from the Union voluntarily. But they found out they did not have the power to exercise the right, because force prevented them from doing so.

But the conditions that existed in the South after that war were tragic. Those were terrible days, and the white people had an awful time. As I have said, I have heard some of the old people tell about the strenuous days which existed then. It was all they could do to feed themselves and their families and the colored people. But all during that period the Negroes, who had been slaves under the white people, were taken care of by the white people, although then the Negroes were free, and of course had a right to leave, and to go wherever they wished. But the white people were kind to them, and helped them. Perhaps they did not do everything they could for them; but I think they did just about everything they could do for them, according to their ability to do things.

I am thoroughly convinced that the southern white people, who have lived among the Negroes and know them, really have deeper affection for the Negroes and greater interest in the Negroes than do people who have not lived among the Negroes, do not understand them, and are advocating the passage of this so-called civil rights bill purely for the purpose of obtaining bloc votes, and to attempt to appease lawbreakers who have taken to the streets.

As I have said, the bill is politically inspired. In my opinion, there is no question that that is the root of the trouble in this case.

Mr. LONG of Louisiana. Madam President, I should like to say to the Senator from South Carolina that it was once my honor and my privilege to vote for the Senator from South Carolina when he was a candidate for election to be President of the United States.

Mr. THURMOND. Madam President, I deeply appreciate the kindness of the Senator from Louisiana.

Mr. LONG of Louisiana. At that time the Senator from South Carolina was running on a platform of permitting the people of the States to run their own affairs; and, as a sincere and deeply conscientious man, the Senator from South Carolina felt that the people of the States would do better in solving their own problems, rather than to have them dealt with here in the Nation's Capital.

Let me say that some who think they know all the answers—for example, some similar to the poor, misguided clergyman who the other day threw himself under a bulldozer—and certainly that was a most pitiful situation, in which the blind were attempting to lead the blind—are terribly wrong in the course they advocate.

On the other hand, the Senator from South Carolina is doing a magnificent job in representing the people of his State. After all, the people insist that they be permitted to decide their own problems for themselves, rather than to have some tyrannical group that thinks it knows best—but actually does not know the conditions which exist in the States—make the decisions which would apply to the States.

Mr. THURMOND. After all, I believe that too many who take that attitude forget that the States were in existence long before there was a Union; and they forget that at the time when the Constitution was written, the States were the ones who gave the Federal Government certain limited authority. The Federal Government was to be one with limited, restricted authority. It was to handle only certain fields of governmental activity. All other fields were to be controlled entirely by the States and by the people, under the Constitution.

So today all we need do is follow the U.S. Constitution. However, that is not being done. It would not be done under the provisions of this bill, for the bill is unconstitutional in very many ways. The other day, I jotted down a list of at least 10 ways in which the bill is unconstitutional—including denial of the right of trial by jury.

If the people of the country and if the Members of Congress would just read and study their copies of the U.S. Constitution, and would let the Federal Government proceed with its work in the fields of activity listed in the Constitution in article I, section 8, and in the 23 amendments adopted since ratification of the Constitution, and would leave all the other powers to the States, the Nation would be far better off—with local self-government.

After all, what could be better? Why do people in New York want Congress to legislate in regard to things which pertain to the people of Louisiana? Why do some Senators wish to have Congress legislate in regard to matters which are of concern only to the people of the State of Louisiana?

It seems to me that the people of every State understand best their local problems, and are the best ones to solve them.

However, some people become impetuous; and in order to make political appeals, some people are willing to abrogate and override and ignore the Constitution, and favor action which would have the practical effect of changing without amending the Constitution. There are only two ways legally to amend the Constitution, and both of them are set forth in the Constitution itself. But neither of those ways are being used.

I do not understand why some people wish to do that, because we have a great country.

Why not have respect for the people of each State, and why not permit them to handle their own problems?

Of course, the Senator from Louisiana knows very well the history of his State. He knows that after the War Between the States, the Representatives of the Southern States came back into the Congress, and voted to submit to the people of their States the 13th amendment, which was for the purpose of abolishing slavery and preventing involuntary servitude. The people of the South voted for that constitutional amendment. But, because they would not go along with the 14th amendment, the Northern States kicked their Senators and Congressmen out; and at that time, both in Louisiana and in South Carolina, the white people were denied the right to vote. Only the Negroes and a few carpetbaggers and scalawags were allowed to vote. Under those conditions, the 14th amendment was adopted.

The Senator from Louisiana knows that in his State a military officer was presiding over the State legislature when it considered the question of ratifying the 14th amendment. Such procedure was completely unconstitutional and completely wrong.

However, when people make up their minds that they wish to attain a particular goal, they are inclined to go a very long way in order to attain it, and sometimes even are willing to violate the great, basic document of our land, which guarantees our freedoms, in order to attempt to attain such a goal.

I repeat that if we follow the Constitution of the United States, we shall not have the trouble we are having today.

The pending bill would not have been introduced by anyone who was willing to follow the Constitution, because beyond any question the bill thoroughly violates the Constitution; it violates the Constitution in at least 10 ways.

Mr. LONG of Louisiana. Madam President, let me say to the Senator from South Carolina that he is making a very great speech. Many of us feel, as he does, that one of these days we shall have to return to the principle of local self-determination, so that the people of the States will determine for themselves what shall be done in connection with the problems and the tasks they face. After all, democracy means that the people rule.

The principle for which the Senator from South Carolina is pleading—namely, the principle of the right of the people to decide for themselves the matters which pertain to their own States, rather than to permit someone on the outside to proceed—for the purpose of political advantage, and in the hope that some day he will be elected President or Vice President of the United States—to try to ram this bill down their throats, in the hope that he can benefit from all the misinformation spread by some of the minority groups, through the television networks and the magazines they may own.

Mr. THURMOND. Madam President, the position of the Senator from Louisiana is perfectly sound. It seems that at times many people forget that we have 51 governments, not just 1 government. They overlook the fact that we have 50 States, and that the 50 States have all the governmental power, except in the case of the few fields in which, under the Constitution, powers were delegated to the Federal Government. The States have all the other powers. So why should Congress pass a bill to transfer power from the State level and to take away the rights of individual citizens and to bring that power to Washington, and place it in the hands of the U.S. Government, and permit the bureaucrats of the U.S. Government, here in Washington, to exercise that power, when, under the Constitution, all powers are reserved to the States, except for the few and definitely specified powers which, under the Constitution, are given to the Federal Government.

Mr. LONG of Louisiana. Madam President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I am pleased to yield.

Mr. LONG of Louisiana. Is not the entire bill predicated on the theory that the people are incapable of running their own State governments; that the people are dishonest, corrupt, and morally incapable of doing the decent things for themselves and for their neighbors; and that, therefore—in the view of those who take that position—the great Federal Government must impose its will on the people and must tell the States—or, at least, according to the view of certain of the people in the Northern States, must impose its will on the 11 Southern States which some persons say are incapable of properly governing their own affairs?

Mr. THURMOND. That seems to be the premise of the bill. Otherwise I do not know why it was introduced. The proponents seem to think that the people in the States are not capable of attending to their own business and are not capable of being fair and just to their fellow men and people generally. Otherwise, why should they introduce such a bill as the one before the Senate? It is incomprehensible to me that those people would take such a position.

The people of the South, like the people of other States, can solve their own problems. We ought to give them time to solve them. We cannot overnight change customs that have existed for many years. Even if the customs were wrong, we could not change them overnight. The South is not guilty of many of the things of which it is accused. As I mentioned to the able Senator a few minutes ago, the South is doing more, in proportion to the population, for the Negroes in the way of education and in other ways than any other section of the Nation. Still it is a question for each State to handle. Each State can handle its own problems, and each State will handle its problems if we will let them alone.

Mr. LONG of Louisiana. Madam President, will the Senator yield further?

Mr. THURMOND. I am pleased to yield.

Mr. LONG of Louisiana. Has the Senator noticed that when some of our northern friends come to live among us in the South for a while, they become very sympathetic and understanding of our problems in the South? Has he observed that they are often very complimentary of the southern people, feeling that we have done the best we could with the problems with which we are confronted.

Mr. THURMOND. The Senator is absolutely correct. I can cite an illustration. In Aiken County, S.C., there is the Savannah River plant of the Atomic Energy Commission. I believe there are as many physicists, chemists, and people with doctor's degrees within 25 miles of August, Ga.—and Aiken

County is within that area—as one would find in almost any other place in the country. A great many of those people came from the North, the West, the East, and other sections of the United States. They did not understand the Negro problem when they came down there. Only the day before yesterday I had lunch with some of them. They have now moved to Washington. Those people have told me that until they went South, they did not understand the problem. They now say that the southern people are kinder toward the Negro than the people that they had found in any other section of the country, and that the southern people are trying to do more for the Negro than people they had found in any other section.

Why not let the situation work itself out? It will work itself out. We cannot change everything overnight. As Abraham Lincoln said:

> With public opinion you can accomplish anything; without public opinion, you can accomplish nothing.

We were making progress much faster in race relations in the South before the agitation came about. The agitators who came in from other States, the demonstrations that have taken place, and the false leaders who have gone among the Negro people and stirred them up have brought about a breach between the whites and the colored people in many instances that was unnecessary, unwise, and has slowed down the progress the South was making in race relations.

Mr. LONG of Louisiana. Madam President, will the Senator yield for a further question?

Mr. THURMOND. I am pleased to yield.

Mr. LONG of Louisiana. Has the Senator noticed that when outside agitators from Harlem, Washington, D.C., or Detroit came down to the South trying to stir up hatred and venom among the races they found sweet colored folks that everyone loves, people who have the respect of all the whole community, white and colored, and the agitators described those people as "Uncle Toms" because they are people who believe in the teachings of Jesus?

Mr. THURMOND. I have heard the situation expressed in that way. Down South we do not call the people "Uncle Toms." We treat them courteously and well. But some of the outsiders who come in seem to think that "Uncle Tom" is a terrible name. When they come down South, they seem to think that they must call the Negroes by that name. They do not understand the situation at all.

I thank the able Senator from Louisiana. He has made a great contribution to the Senate by the pertinent questions which he has propounded.

Mr. President, another article on the proposed traffic blockade was published in the New York Post of Friday, April 10, 1964.

The article is entitled "Barnes: CORE Fair Plan Will Paralyze City," and was written by Ralph Blumenfeld. It reads as follows:

BARNES: CORE FAIR PLAN WILL PARALYZE CITY

(By Ralph Blumenfeld)

CORE's plan for a huge opening-day traffic jam ouside the World's Fair brought bitter protests today from Traffic Commissioner Barnes and the fair's president, Robert Moses.

More than 500 automobiles will be deliberately stalled—with empty gas tanks—on major roads leading to the fair on April 22 if the plan goes through.

Civil rights supporters are being urged in a leaflet distributed by Brooklyn CORE to "Drive a while for freedom"—taking only enough gas to leave their cars "on exhibit" on a fair-bound highway.

It is the latest and probably most provocative of several demonstrations planned by rights groups to command the attention of the 1 million customers expected at the fair on opening day. Observers agree it might create the worst traffic tie-up in the city's history.

Barnes said it would "paralyze the whole city," backing up traffic into Manhattan, the Bronx, Brooklyn, and New Jersey. "It would take a week to untangle the mess," he said.

Moses, in rare agreement with the Traffic Commissioner, issued a brief statement saying:

"With the cooperation of the city police, the rights, access, free movement and comfort of our numerous fair visitors from all parts will be fully protected. The fair will not become a stage for irresponsible interference with visitors, secondary boycotts, and demonstrations not related to the proper conduct of the fair. There has been no claim of discrimination by the fair."

National Urban League executive director, Whitney Young, Jr., reportedly is sidestepping the CORE plan and other rights groups are thus far silent about what looms as the most controversial rights demonstration since the school boycotts.

Even CORE's national director James Farmer withheld comment on the traffic-jam proposal until a press conference tomorrow.

Brooklyn's CORE is holding its own press conference today to spell out details of the plan, but one chapter official said he doesn't think it will be necessary "to spell out our purpose."

"They know what we want," said Oliver Leeds, former chapter chairman, now membership director. "We want an end to mistreatment of Negroes, an end to police brutality, an end to discrimination in housing and schools and the construction industries—and an ironclad effort toward those ends.

"Our objective," Leeds said, "is to have our own civil rights exhibit at the World's Fair."

He said, "we do not see why people should enjoy themselves when Negroes are suffering all over the country."

He said the significance of the traffic-jam plan is "not so much that CORE is planning it but that the man in the street is going to do it.

"From what I've heard in Bedford-Stuyvesant, neither CORE nor anyone else is going to be able to stop him. That's the beauty of this whole operation," said Leeds.

He said the exact number of stalled cars expected on the Grand Central Parkway, Brooklyn-Queens Expressway, Belt Parkway, Interborough Parkway, and Van Wyck Expressway is a "guessing game."

"But we think we'll have at least 500 out there," he said.

Mr. President, another article, this one published in the New York Times of April 11, 1964, is entitled "CORE Suspends Chapter for Urging Tie-Up of Fair." The article, written by Joseph Levyveld, reads as follows:

> The Congress of Racial Equality suspended its Brooklyn chapter yesterday for refusing to give up plans for a traffic jam at the World's Fair opening April 22.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield for a question?

Mr. THURMOND. I shall be pleased to yield to the Senator from Louisiana provided I do not lose the floor.

The PRESIDING OFFICER. Without objection, the Senator from South Carolina may so yield.

Mr. LONG of Louisiana. If a small number of racial extremists decided to stop the whole World's Fair—let us say, perhaps, a thousand—how in the world would a person ever get to the fair?

Mr. THURMOND. If those people do what they say they will do; if a large number of cars run out of gasoline and tie up traffic; nobody will be able to get there.

I understand that many heads of government and diplomats from foreign countries expect to attend the fair. Speaking about our foreign relations, I do not believe that it would make a good impression on distinguished guests who plan to visit the fair to be caught in a traffic jam like that. They would not be able to reach the World's Fair at all.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. THURMOND. I yield.

Mr. LONG of Louisiana. How many lanes are there on the Triborough Bridge?

Mr. THURMOND. I am not sure how many lanes there are.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the Senator from Louisiana for as many questions as he may wish to ask.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. THURMOND. Very well, Mr. President; I yield to the Senator.

Mr. LONG of Louisiana. Is not the Senator from South Carolina familiar with the fact that on that bridge there are not more than three lanes, and perhaps only two, going in either direction?

Mr. THURMOND. It is a rather narrow bridge.

Mr. LONG of Louisiana. It is a big bridge and a long one.

Mr. THURMOND. Yes.

Mr. LONG of Louisiana. Does the Senator know how many lanes there are in the Lincoln Tunnel?

Mr. THURMOND. I am not sure.

Mr. LONG of Louisiana. I believe there are not more than two lanes, each way, in the Lincoln Tunnel.

Let me ask the Senator from South Carolina how many lanes there are, going in either direction, on the George Washington Bridge.

Mr. THURMOND. The Senator from Louisiana will have to provide that information, I am afraid.

Mr. LONG of Louisiana. There are not more than three or four lanes going in either direction on that bridge.

Let me ask the Senator from South Carolina how many lanes there are in the Holland Tunnel.

Mr. THURMOND. The Senator from Louisiana will have to provide that information; he knows more about New York than I do.

Mr. LONG of Louisiana. My best recollection is that there are not more than two lanes going in either direction.

Is the Senator from South Carolina familiar with the fact that the Supreme Court has held that when Negroes demonstrate about civil rights, nothing can be done about what they do; that they can more or less "call their own shots" and can have things their own way? Has the Senator from South Carolina read the opinion of the Court in that connection?

Mr. THURMOND. It is very disturbing to me and I wonder what will happen in New York if Negroes demonstrate by lying on the streets or driving onto the highways cars which are about to run out of gasoline, and thus prevent both the officials of the fair and the thousands of visitors who wish to go to the fair from reaching it.

Mr. LONG of Louisiana. In line with the logic of that Supreme Court opinion, would it not be possible for the entire city of New York to be put out of functioning by approximately 24 Negro demonstrators, who thus could make it impossible for the city of New York to function at all?

Mr. THURMOND. One of the officials said that in that way the entire city could be paralyzed.

Mr. LONG of Louisiana. Does not the Senator from South Carolina agree that less than two dozen demonstrators could, by such means, paralyze the entire city of New York; and is the Senator from South Carolina also aware of the fact that the police force in New York is fearful of doing so much as touching a racial demonstrator?

Mr. THURMOND. I suspect that the police force there is very hesitant to take any step which would make others feel that any act of discrimination was taken by the police against such demonstrators because of their race.

Mr. LONG of Louisiana. Would the Senator from South Carolina be willing to predict that perhaps 24 racial demonstrators could, by such means, tie up the entire metropolitan area of New York—in other words, that 24 Negro demonstrators, if placed at strategic points, could, by lying on their bellies in front of automobiles, tie up the entire New York metropolitan area?

Mr. THURMOND. No doubt that would be so; and then it would be interesting to see whether the officials there would deem it necessary to take more drastic action than the action they have been taking in such cases of group action.

Mr. DOMINICK. Mr. President, at this point will the Senator from South Carolina yield on the same basis?

Mr. THURMOND. Mr. President, I am pleased to yield to the distinguished Senator from Colorado on the same basis as that on which I previously yielded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. As the Senator from South Carolina knows, according to the colloquial term, I am regarded as the "Officer of the Day"—or, in this case, the "Officer of the Night" for this side. But I have had the privilege of listening to the Senator from South Carolina speak on this problem and on similar problems.

First of all, I believe he has made his presentation in a careful and intelligent manner.

I am one of those who believe we need some effective civil rights legislation; but I also feel very strongly that demonstrations of the type of those the Senator from South Carolina has been discussing—I refer to those in New York and those which have occurred in other areas—require about as much attention as anything else does; perhaps the only difference is in degree. Certainly such situations require attention; and I believe that the Senator from South Carolina has stated the case unusually well.

The other day I read an editorial which may be summarized as follows: "Since when has it become the right of a few persons to be disrespectful of law and order, and not only to discommode, but also probably imperil, a great many persons, by means of a civil disturbance which has no relationship to the legislative process in Washington?"

This is not the first time I have expressed myself in this way. I have made several comments of this nature—some of them prior to our previous action on such legislative proposals, and some prior to the final decision in regard to the march on Washington. At that time we were told that perhaps the demonstrators would fill the galleries of the Senate and thus would make it impossible for the Senate to conduct its business. Others predicted that possibly the demonstrators would fill the offices of Senators, and thus make it impossible for the necessary business of Senators to be conducted there. Others predicted that perhaps large numbers of demonstrators would lie on the floor just outside the doors to Senators' offices—with the result that no one would be able to enter those offices without stepping over the bodies of the demonstrators.

It seems to me that such demonstrations are a wholly improper means of attempting to deal with this problem.

I may not agree with the Senator from South Carolina in regard to what needs to be done legislatively; but I believe he has ably presented his view of this situation; and I appreciate very much his doing so.

Mr. THURMOND. I thank the Senator from Colorado. I hope that as time passes and as the able Senator from Colorado has more opportunity to study the bill, he will agree that enactment of the bill is not really needed.

I appreciate his deep concern for the civil rights of people. I say to him that I, too, have a deep concern for the civil rights of people.

But the pending bill is really an attempt to shift power from the individual citizens in the States to the National Government; and I am very much concerned about such attempts to shift more power to Washington.

I believe that the people in the States and in the local communities can handle these problems without having them brought to Washington.

I am also afraid that if we were to go much further in centralizing the Government, eventually we would practically have a Gestapo working from Washington, trying to enforce all such provisions of law. In that case, so many Government agencies would be snooping into people's businesses, looking into their books, asking many questions about their private businesses, and prying into almost every facet of private life, that the whole process could be most irritating and unpleasant, and would completely destroy any semblance of domestic tranquillity.

The Senator from Colorado is one of the ablest lawyers in this body. He is a very distinguished lawyer in his own right, as well as a very distinguished Senator. So I hope he will carefully examine the deep implications, as I view them, of the provisions now in the bill.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield again to me?

Mr. THURMOND. Mr. President, I yield further to the Senator from Louisiana, under the same conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Is it not true that when the central government begins to impose its own views on the people, contrary to their views, the local citizenry regard such action as being tyrannical?

Mr. THURMOND. The Senator from Louisiana is eminently correct, and the people rightly view it so.

Mr. LONG of Louisiana. When the people of a given area feel that they are being imposed on by tyranny, does not that situation in some respects parallel the situation which existed prior to the American Revolution, when the colonists felt they were being imposed upon by the British Government and that they were being victimized by it, and that they had a right to fight for their freedom?

Mr. THURMOND. I heartily agree with the able Senator from Louisiana.

I recall reading the Declaration of Independence. Therein is recited the grievances of the colonies—the denial of trial by jury; taxation without representation; the quartering of troops in homes of citizens; the disallowance of freedom of speech and freedom of religion, and other things. Those grievances against the Crown are listed in the Declaration of Independence. For those reasons we fought the Revolutionary War. The colonists felt that tyranny had been brought upon them. They listed their chief grievances. There were other grievances, but in the Declaration of Independence they listed only the chief grievances as to why they declared their independence from the mother country.

Mr. LONG of Louisiana. Mr. President, will the Senator yield with the understanding previously entered into?

Mr. THURMOND. I yield.

Mr. LONG of Louisiana. Is it not true that when the people come to feel that they are being governed by a tyrant, who has no respect for their views or rights—even though it be a great central government—the people tend to take the law into their own hands? They tend to revolt against the Government, even resorting to bloodshed in fighting for their own freedoms and rights as they see them. Is not the whole structure of American Government built on the premise that the people themselves wanted to say what their problems were and to do the best they could with them?

Mr. THURMOND. The Senator is correct. That is the reason why so few powers were given in the Constitution to the U.S. Government. Most of the powers were retained by the States and the people.

Mr. LONG of Louisiana. If the people of any State in the Union should believe that they could do better in helping fine, honorable and decent colored men to solve their problems than South Carolina or Louisiana is doing, would we not be willing to encourage some of those honorable, decent, and hard-working people migrate to that State and help pay their expenses to move into that State, so that the people in that State could prove that they could do a better job than we can do? Would not the people of South Carolina be generous enough to pay their share of the expenses—while we in Louisiana would pay our share of the expenses—of fine colored people in our States, perhaps some of our better workers, so that they could migrate to areas of the country where they might earn better pay and have better conditions? They feel they could do a better job of helping our fine colored people than we can do.

Mr. THURMOND. The Senator is correct.

Mr. LONG of Louisiana. Would not the Senator agree with me that the fine colored citizens of South Carolina, Louisiana, and other Southern States are assets to our States, and that we are proud of them?

Mr. THURMOND. The Senator is correct. We have a fine relationship with the colored people in our States. If Senators knew the good relationship between the races in the Southern States, they might change their entire attitude toward the people. It seems that some of them feel that we are discriminating, that we are against the Negro people, and are prejudiced against them, when the opposite is true.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. THURMOND. I shall be pleased to yield to the distinguished Senator from Colorado on the same conditions under which I previously yielded. Mr. President, I ask unanimous consent that I may yield to the Senator from Colorado under those conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. I yield.

Mr. DOMINICK. I do not like the debate to be a dialog between two very fine Senators, so I thought I might as well get into the middle of it. As I believe the distinguished Senator from South Carolina knows, I lived in the South for quite a while. As a young man I lived with my family near his own State of South Carolina. I have lived in Georgia. I have been in a variety of other places. There is no doubt whatsoever that the Senator's statement that a great many of the colored people in the South are not only fine people, well liked, well respected, and well taken care of by the white people, but also there are many other things which I think constitute part of the problem. I shall try to express my thought as logically as I can.

I remember that when I was young, a fine young colored person working on our place in South Carolina was killed one night coming back from Charleston, S.C., by two people who were reported to be white. They were in a car. For 4 years we tried to get the case before the U.S. attorney. We could not even get him to bring an indictment. We had the names of witnesses. We had all the necessary information. We could not even get the case considered by the grand jury. That is one case. I know such a thing is no longer true.

The other day I heard of a case in Tennessee. In Tennessee there is a county in which a colored person traveling alone is not welcome, regardless of how he is dressed or comports himself.

I do not happen to know of them personally, but I understand there are areas in the South where a colored person is not welcome. He is not treated as a person who should be entitled to have his own job, make his own living, and conduct himself as other people would in that area.

Mr. THURMOND. That is like the area in Michigan in which a Negro is not allowed out after dark.

Mr. DOMINICK. I agree with the Senator. The problem is not exclusively in the South. There are problems in the North as well.

It seems to me that what we are trying to do under the bill is not to say that the problem is a North-South problem, but that it is basically a human problem. Until by law we can establish some foundation for the ability of those people to vote, to go into a restaurant, to go to the bathroom when they need to, and to eat when they have the necessary money and the decorum to go into restaurants, we are not treating them as we are treating others.

That is my basic feeling. I agree with the Senator that amendments to certain titles of the bill are needed—or even their elimination. But it seems to me that there are problems that can be too easily overlooked in the process of debating the other side of the question, which the Senator from South Carolina is doing so ably.

I agree with the distinguished Senator from South Carolina in respect to another point which he has brought out. The colored race of this country, by and large, is far better off than the colored race anywhere else in the world. I completely agree with him on that point of view.

Mr. THURMOND. I do not know the facts of the case which the Senator mentioned. Was the case in the Federal court or the State court?

Mr. DOMINICK. It was in the Federal court.

Mr. THURMOND. Then the U.S. Government did not take the action that it was supposed to take.

Mr. DOMINICK. That is 100 percent correct.

Mr. THURMOND. Then the State of South Carolina would not be responsible for it, would it?

Mr. DOMINICK. No; it would not. But the Senator must remember that the case arose many years ago. I was a small boy, and I do not have all the details firmly fixed in my mind at the present time.

Mr. THURMOND. If the case had been called to the attention of the Attorney General of the United States, very probably he would have taken some action to have the case brought before the U.S. attorney or he would have had the U.S. attorney bring it up.

Mr. DOMINICK. That is true, provided we could have gotten the witnesses.

Mr. THURMOND. I believe that the Negroes in the State of South Carolina have not complained—at least I have not heard any complaints—with respect to justice before the law.

The Communists issue a plea of equality. They try to win people on the ground of peace and equality. Of course, there is no such thing as people being equal. No two men in the world are equal. One who takes more exercise and eats more protein food is stronger than another. Another one reads more books; he learns more; he studies harder; he develops his faculties to a greater degree. Another has a deeper spiritual faith. They are not equal. There are two ways in which people are equal. One is in the eyes of God; the other is before the law. I have not heard any complaints in my State about equality before the law. There should not be. People should be equal before the law.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. THURMOND. I am pleased to yield.

Mr. DOMINICK. That is exactly why I rose earlier and said to the Senator that I thought the Senator from South Carolina was rendering a great service in speaking of the New York World's Fair problem. I agree with the Senator that equality before the law is absolutely necessary.

I am delighted to hear that South Carolina is in that condition. I assumed that it would be. This was many years ago, as I said. But this does not mean we cannot give people equality of opportunity, even though we do not give them equality.

Mr. THURMOND. There are no complaints in South Carolina with regard to voting. The Civil Rights Commission said there were only a few Negroes voting in certain counties of the State. The FBI made investigations in those counties. They turned things upside down. They fine-tooth-combed it and went through every detail—the records, the books, and so forth, with full cooperation from local officials. They did not make any complaints. No basis for even one suit could be found. They could not find anything wrong in the State of South Carolina.

If people are qualified to vote in the State of South Carolina, they can vote. No man, no woman, regardless of their color, their race, their religion, their creed, or anything else is denied the right to vote. Everyone who is qualified can vote.

Mr. DOMINICK. Does the Senator know the percentage of the colored race which votes down there?

Mr. THURMOND. We have a small State. More than 100,000 are registered to vote.

Mr. DOMINICK. Of the colored people?

Mr. THURMOND. Colored people.

Mr. DOMINICK. How much is the total vote?

Mr. THURMOND. Generally about 400,000 to 500,000. That is a large percentage. The Negroes have boasted about carrying elections in our State for the past 12 or 15 years. They have bragged about being the balance of power and carrying the elections. There is no complaint. That is completely out of the question.

The only complaint that any of them have now is that some of them—perhaps a very few, and that was because of outside agitation—wish to go to mixed schools. Now and then one will find some who wish to go on private property to be served meals. I have always taken the position that there are plenty of places to serve people, where the people want their business.

In Columbia, the capital of South Carolina, there is a new motel which replaced the old Jerome Hotel. It accommodates white people. It accommodates Negro people. Within a block of the new motel, there is another hotel which accommodates only white people.

In Richmond, Va., there are two restaurants which are very close to one another. One is integrated. One is segregated. But that is private business. I do not think we can afford to disregard the principle in connection with property and human rights in property for the sake of trying to satisfy some people who want to be served in places where the owner does not care to serve them.

Some people say, "If they have a license to do business, they ought to serve everyone." I do not think that is the proper way to look at it. It is not the constitutional way to look at it.

In 1875, Congress passed a law which was very similar to the one proposed here. Congress passed a law which provided that no one could be discriminated against and that a place that sold to the public would have to sell to all the public. In 1883, that law was declared unconstitutional. The Supreme Court held that a man had a right to serve anyone, or to sell to anyone, on his own private property.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. DOMINICK. The State of Colorado passed a public accommodations law in 1897. It has been in effect ever since. It contains criminal and civil penalties which are greater than those contained in this bill.

In 1927, the constitutionality of that act was challenged and the act was upheld. Certiorari was denied, as I understand it. I am not sure of that last statement, however.

Mr. THURMOND. Did that case go to the Supreme Court of the United States, or to the State Supreme Court?

Mr. DOMINICK. It went either to the Supreme Court of the United States, or certiorari was denied by the State Supreme Court. It has never been challenged since. It is interesting to note that the Colorado law was put in effect shortly after the decision outlawing the Federal law, to which the Senator referred.

Mr. THURMOND. If we are to have a so-called public accommodations law, I think it would be much better for the State which wants it to have it, or the community or city which wants it, to have it.

I remember a mayor from a city in Maryland who came down and testified that he had gotten the businesses in his city to desegregate. He said, "If we had had a Federal law on the subject"—similar to the one they are trying to pass here—"we never could have gotten it done, because the people would rebel against being compelled to serve persons on their own private property whom they did not wish to serve."

Some of those things have to be in the hearts and minds of people to obtain results. We must consider the ownership of property, the human rights in property. It is not a question of property rights against human rights. It is a question of human rights in property. I do not know of any higher rights which people possess than human rights in property. That is a very important right. That is one right which we have that the Communists do not have.

Under communism, a man cannot own his home. He cannot own a school. He cannot own a college. He cannot own an industry. He cannot own a business. He cannot own any real estate. He cannot own any property.

I am proud that in this country we can own property. A man ought to be allowed to use his own private property in any way he wants to use it, so long as he does not harm others. If he harms others, that is a different case. He should not be allowed to do that. But so long as he does not harm others, if it is his own private property, he ought to be allowed to sell to whomever he wants to sell, or he ought to be allowed to serve whomever he wants to serve, as he deems advisable.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. THURMOND. Mr. President, I yield to the Senator from Louisiana under the same conditions under which I yielded to the Senator from Louisiana before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Is it not true in some cases that the property comes nearer owning the man? A man has a piece of property. He works at it and improves it as best he can. He passes on, and leaves it to his children. Then they pass on. The piece of ground is still here. Those people have done the best they could to improve it. They planted some flowers; they made it a little nicer. They are gone, but the property is still here. The ground, the dirt, this little piece of dirt on the earth, is still here. In some respects, is it not fair to say that the property owns the person?

Mr. THURMOND. That is one way to look at it.

Mr. LONG of Louisiana. Is that not the big distinction between our system and the competing form of government? The competing form of government says that no man can make claim on so much as a single clod of dirt. No man can say, "That is mine."

Here is a soldier who captures the world. Someone used the expression relating to a Roman orator. "Here is a Roman soldier who has conquered the earth. There is not so much as a clod of dirt that he can call his own." Is that not the Communist system?

Mr. THURMOND. That is correct. Under the Communist system, one cannot own any property. One serves the Communist government, and the individual serves the state. Under our form of government, the state serves the individual. We put a great premium on the dignity, the rights, and the privileges of individuals. Communism does not. That is the main distinction.

Mr. LONG of Louisiana. Would it not be fair to say that when the central government tears away, strips away, strikes away the right of a person to own property, to have a home, the right of man to make a choice as to who he is going to trade with, who he is going to live with, as sure as I am talking to the Senator, if we permit them to get away with what they are trying to do now, some day they will tell us that we do not have a choice in marriage. Let us watch for that eventuality. If we let the bureaucrats strip away the rights to own property, to live among neighbors with whom we choose to live, and to associate with whom we wish to associate, the day will come when they will tell us, as white persons, or as Negroes, that we cannot even choose our mate in marriage.

We have no right to discriminate. We draw our share in a lottery. We take what we get.

Mr. THURMOND. Is that what some would like to have for equality?

Mr. LONG of Louisiana. Is that not what nondiscrimination means? This is what we get. We draw our share in a lottery.

Mr. THURMOND. In that case, one cannot discriminate on account of color or race. I suppose it would have to be done on the basis of whether one was thin or fat, or for some other reason other than race; is that not correct?

Mr. LONG of Louisiana. About the best that one can hope for is that one's mate in marriage at least will be a human being. It is proposed to operate this Government with this kind of outrage. I ask the Senator, is it not getting down to the point where people will have to rise up against the central government and destroy it unless it ceases to engage in such outrages against the liberty of the people?

Mr. THURMOND. A bill of the kind before the Senate goes too far. It goes further than any bill that has ever been proposed to the Congress in all the 188 years of this country's existence. Sooner or later, if we continue to centralize more and more power in Washington—when the history of government shows that centralized government brings tyranny to its people—and tyranny occurs, it is only natural to expect the people to rise up and try to throw off that tyranny.

Mr. LONG of Louisiana. Let me ask the Senator a further question. Would it not be fair to say that the only reason southern white people are not up in arms now is because they feel they have no chance to successfully revolt against central government, so they must yield to this kind of outrage?

Mr. THURMOND. The people down South live in smaller cities than do the people in other places in America.

They are probably more individualistic. A great many of them have lived on the soil. They have been reared on the farms, and possibly have an outlook that is different from that of people in congested cities. They are becoming enraged over what is now taking place.

I hope that this bill will not pass, because the people of the South feel very strongly that central government is trying to destroy their rights, that this shift in power from State government to National Government, from individuals to National Government, is taking away rights which have guaranteed to them by the Constitution and under which they have lived.

Mr. LONG of Louisiana. So far as I am concerned, I have never had the benefit of a vote of the Ku Klux Klan. My father lost an election because of the Ku Klux Klan when he ran for Governor. I come from a sect which did not own slaves. They were modest white folks in the South who did not own any slaves, who thought that the Civil War was a rich man's war in which the poor man had to fight, and my folks would not have a thing to do with it. They thought it was none of their business. But the kind of people from whom I spring are outraged at this sort of thing. Some fellow who does not even know what a poor colored man looks like, because he has never even seen a Negro, comes down here trying to tell us that he knows more about our problem, and hopes that he will be President and get some votes for President from them, or get some payoff or emoluments somewhere—I do not mean in a corrupt way, but in votes. Perhaps some preacher had been preaching to him, and the preacher never saw the situation himself, so the preacher comes down here and self-righteously pretends that he knows more than he knows.

Does not the Senator realize that when people who have never had any way to control the circumstances see all this happening, and realize that their Government has become tyrannical, the next thing folks would do would be to join the Ku Klux Klan and take the law into their own hands to fight to defend their rights, just as the colonists did when they fought a government which was tyrannical?

Mr. THURMOND. When people feel that tyranny is being imposed upon them, that is the only course they can pursue.

Mr. President, I ask unanimous consent that the colloquy I have just had with the Senators from Louisiana and Colorado come just prior to the article which I started to read into the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. The article is entitled "CORE Suspends Chapter for Urging Tie-Up at Fair," and reads as follows:

The Congress of Racial Equality suspended its Brooklyn chapter yesterday for refusing to give up plans for a gigantic traffic jam at the World's Fair opening April 22.

James Farmer, CORE's national director, charged that the flamboyant tactics of the Brooklyn group were in conflict with protests being prepared by other chapters under the guidance of the national organization. Those plans are to be announced today.

In a telegram, Mr. Farmer ordered the officers of the Brooklyn chapter to make no public statements before a meeting of all the local chapters at the national office this afternoon. The meeting could bring the expulsion of the Brooklyn chapter.

Defying Mr. Farmer, the officers of the Brooklyn chapter held a news conference in their storefront office in the Bedford-Stuyvesant section

SUFFICIENT SUPPORT SEEN

They insisted that they were going ahead with their plans and contended that they had already enlisted enough persons with cars to snarl fair-bound traffic. The plan, which is being called a "stall-in," is for the cars to run out of gas on major arteries leading to the fairgrounds.

The suspension put the national organization in the uncomfortable position of disciplining one of its most militant chapters. It created confusion among the local chapters here, none of which issues statements supporting Mr. Farmer.

In recent months, Brooklyn CORE has often seemed closer to the Rev. Dr. Milton A. Galamison and his Citywide Committee for Integrated Schools than to its own national leaders. Though the national organization withheld support from the second school boycott, Brooklyn CORE actively supported it.

In all, 9 of the 14 local chapters stood behind Dr. Galamison. Last Saturady, members of the Bronx and Brooklyn chapters joined Dr. Galamison in a demonstration at one of the entrances to the World's Fair. Thirty demonstrators, including the minister, were arrested for trespassing.

MORE TROUBLE EXPECTED

Dr. Galamison was not in the city yesterday. But Mrs. Thelma Johnson, the executive secretary of his committee, predicted that other CORE chapters would soon find themselves in trouble with the mother house.

"Can CORE continue to exist in New York by cutting off its branches?" she asked.

Yesterday Mr. Farmer was in Cleveland, where racial tensions have been deepening since the accidental killing of a local CORE officer—a white minister—in a civil rights demonstration Monday.

Reached there by phone, Mr. Farmer said that the Brooklyn chapter's "stall-in" would "merely create confusion and thus damage the fight for freedom."

"We're not splitting with them," he insisted. "They're splitting with us."

"The traffic snarl," he said, "would not only make it impossible for people to reach the fair, but would also make it impossible for them to see the demonstrations other CORE chapters plan to stage there."

SAYS HE WARNED UNIT

Tuesday evening the local chapters met in his office, Mr. Farmer said, and voted down Brooklyn CORE's scheme. The national director said that he then warned the officers of the Brooklyn chapter that the demonstration would violate the organization's bylaws, which forbids chapters to stage demonstrations that conflict with protests of other CORE groups.

An officer of Brooklyn CORE, Arnold Goldwag, said that he didn't know what was in the bylaws or who had drafted them. His group, he said, favored any and all protests planned for the opening day of the fair.

On the wall of the chapter's office was this sign: "D-Day minus 12." It was ironically similar to signs at the fair, which were proclaiming yesterday that there were only 12 days to go to the opening April 22.

Of the dozen or so Brooklyn chapter members milling about the office on Nostrand Avenue, none appeared to be as old as 30. Despite Mr. Farmer's interdiction, they were in a cheerful mood.

Listening to a radio broadcast, they learned that Roy Wilkins, the executive director of the National Association for the Advancement of Colored People, had described the "stall-in" as "strictly Brooklynese."

"Oh, you're so right, baby," one of the members shouted back at the radio amid raucous laughter.

The laughter was repeated when the announcer reported on a statement by Police Commissioner Michael J. Murphy.

The commissioner had insisted that he had the force and the equipment to keep the highways to the fair clear.

"We intend to protect the constitutional rights of all men to peacefully assemble and petition," Mr. Murphy said.

"We also intend to protect the constitutional rights of all men to the pursuit of happiness. The World's Fair should be a happy occasion in a somewhat far from happy world. No unlawful acts by any groups will be allowed to mar it."

The fair is doubly attractive to civil rights groups as a setting for their protests.

OPPORTUNITY FOR PROTESTS

First, they believe that as a monument to American affluence it gives them the opportunity to declare that the Negro is not getting his share of the pie. And second, because it is an international show, they see a chance to dramatize to the colored people of the world the degradation of the American Negro in his own country.

To the civil rights groups, the protests of the fair corporation that it does not discriminate are irrelevant. There is discrimination in Maryland, they say. Therefore, it is fitting that the Maryland Pavilion be picketed.

Mr. Farmer said that the demonstrations planned by national CORE would also be

> aimed at the pavilions of companies that do not give Negroes equal opportunities. The organization will be ready to negotiate agreements on employment rights with these companies, he said.
>
> Mr. Farmer said that the national organization had suspended chapters before—though never in the New York area. Constitutionally, the organization is a federation of autonomous units. The Brooklyn chapter reports a membership of 300.
>
> In calling the "stall-in" idea "Brooklynese," Mr. Wilkins offered this recollection: "Brooklyn had a baseball team which innovated the system of having two runners on second base at the same time."

Mr. President, these articles appeared in newspapers, and should be of interest to the people of this country.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the Senator from Alabama.

Mr. SPARKMAN. I have been listening to the Senator's reading of the article with a great deal of interest. Where are these demonstrations occurring?

Mr. THURMOND. These are being planned in New York City in connection with the fair.

Mr. SPARKMAN. They are designed to block the opening of the New York World's Fair. Is that correct?

Mr. THURMOND. Yes. The demonstrators plan to have automobiles run out of gasoline and in that way tie up traffic to the fair, and produce a tremendous traffic jam, which would prevent people from reaching the New York World's Fair.

Mr. SPARKMAN. I have heard references to it on the radio. The demonstrators plan to go on the highways with a limited amount of gasoline, to be certain that their cars will run out of gas. Is that correct?

Mr. THURMOND. Yes. The cars will run out of gasoline and remain on the highways. The police say they will have a terrible job sending out a tow car to get an automobile off the highway, because there will be so many cars jammed together. It would be a terrific job if hundreds of cars ran out of gas. We can well imagine what the congestion will be like, if that happens.

Mr. SPARKMAN. I ask this question to emphasize the fact that this is being planned in the great city of New York. Is it not true that from most of what we have read in the newspapers and from what we have heard over the radio and from the proponents of the bill, most of such troubles are supposed to be in the South, and that the bill is really aimed at the South; is that correct?

Mr. THURMOND. Judging from the fervor with which the Senators from New York are supporting the bill, one would think that they had a millennium in New York, that they were in heaven there, when, as a matter of fact, they are having more trouble than the South has ever had.

Mr. SPARKMAN. I have read of an incident the other day in which a white minister was crushed to death in one of these demonstrations.

Mr. THURMOND. That was in Cleveland, Ohio.

Mr. SPARKMAN. There has been a great deal of trouble along this line in the schools of Chicago, has there not?

Mr. THURMOND. There has been continuous trouble in Chicago for years. Even the Civil Rights Commission has held that Chicago is the most segregated city in the United States.

Mr. SPARKMAN. I was about to ask the Senator if he recalled that the Civil Rights Commission pointed out that the most segregated city in the United States was Chicago. Yet from what we read in the newspapers and from the comments we hear on the radio, and judging by the comments that we hear from the proponents of the legislation, one might be led to believe that such a thing would never happen. Is that not correct?

Mr. THURMOND. The Senator is correct.

Mr. SPARKMAN. By the way, does the Senator remember what the protest in Cleveland was all about?

Mr. THURMOND. I do not recall now.

Mr. SPARKMAN. Would the Senator like me to refresh his recollection?

Mr. THURMOND. I would be pleased to have the Senator do so.

Mr. SPARKMAN. I believe five new schools were being built.

Mr. THURMOND. I remember now. They were being built for the Negroes.

Mr. SPARKMAN. It is said they were not being built for Negroes. They were being built in communities that were——

Mr. THURMOND. Heavily populated by Negroes.

Mr. SPARKMAN. Communities that were almost exclusively populated by Negroes. Therefore, the Negroes said, these would be Negro schools, and they were protesting against their being built. Is the Senator familiar with the provision in the bill which prohibits what is called the "busing" of students?

Mr. THURMOND. Yes.

Mr. SPARKMAN. Moving students across town from one area to another.

Mr. THURMOND. Yes.

Mr. SPARKMAN. Does the Senator recall that provision?

Mr. THURMOND. Yes.

Mr. SPARKMAN. What would that do with respect to the heavily segregated areas in Cleveland, where the schools are being built?

Mr. THURMOND. The children would have gone to the nearest school.

Mr. SPARKMAN. If it was felt that in that area there would be a truly segregated school.

Mr. THURMOND. Yes.

Mr. SPARKMAN. Of course, it is said that it is not required. The Senator might be interested to know that there is not a single law in Alabama that requires any school to be segregated. There were laws on the statute books, but years ago Alabama repealed them. Therefore, there are no schools that are segregated by reason of State laws requiring segregation. Cleveland does not have such laws; but does not Cleveland have de facto segregation in areas which have a predominant Negro population?

Mr. THURMOND. That is correct.

Mr. SPARKMAN. Would not the bill guarantee the preservation of that system?

Mr. THURMOND. That is correct. The white people do not like it when an attempt is made to "bus" their children from one side of the city to the other, and thus mix the races.

Mr. SPARKMAN. That is correct. Much of the trouble in New York has been as a result of the effort to mix the races.

Mr. THURMOND. That is correct.

Mr. SPARKMAN. The white people in New York have protested against it. Is it not true that the bill contains a provision that guarantees that that condition will continue; in other words, that Harlem will remain segregated as it is?

Mr. THURMOND. The Senator is correct. On page 13 of the bill, under title IV, entitled "Desegregation of Public Education," section 401(b) reads:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Mr. SPARKMAN. Yes; "in order to overcome racial imbalance."

Mr. THURMOND. The Senator is correct. He mentioned the occasion in New York when 15,000 white people, chiefly women, the mothers of children, assembled and protested to the Board of Education the "busing" of children from one side of the city to the other. That is something the Negroes of Cleveland wanted to have done. They lived in a community where Negroes chiefly resided. They realized that the children who attended a school nearby would be chiefly Negro A new school was being built, and they did not want their children to attend it because, evidently they wanted to have their children "bused" across town to another school, which white children attended.

Mr. SPARKMAN. Is it not true that whether it was the result of the 15,000 white mothers who protested in New York or because of conditions prevailing in any other area, at least such situations were responsible for the drawing of the bill in such a way as to protect the heavily segregated areas in the large northern cities?

Mr. THURMOND. That is correct. In the North, there is no segregation by law—de jure.

Mr. SPARKMAN. That is correct; there is no segregation de jure, but there is segregation de facto.

Mr. THURMOND. As the Senator says, there is segregation in Harlem, which is practically an all-Negro area, and on the south side of Chicago, which is also practically an all-Negro area.

In Detroit and other large cities, Negroes live in certain sections. That is segregation in fact. But down South, the Negroes and whites live among one another.

Mr. SPARKMAN. Generally in the same neighborhood. There are no ghettos for the Negroes, such as exist in New York's Harlem and in Chicago. Is it not true that, according to the Civil

Rights Commission, Chicago is the most highly segregated city in the United States?

Mr. THURMOND. That is correct.

Mr. SPARKMAN. Is there anything in the bill that would break down that segregation?

Mr. THURMOND. There is not.

Mr. SPARKMAN. Would not the bill preserve segregation?

Mr. THURMOND. It would preserve it.

Mr. SPARKMAN. It preserves it for Cleveland.

Mr. THURMOND. It preserves it for Cleveland.

Mr. SPARKMAN. It preserves it for Harlem.

Mr. THURMOND. That is correct.

Mr. SPARKMAN. Is there anything in the bill that would allow the Puerto Ricans, who I understand live in great masses in certain sections of New York, to mingle with students from other areas or other schools, or would they continue to go to schools attended chiefly by Puerto Ricans?

Mr. THURMOND. They would continue to go to schools attended mostly by Puerto Ricans, because they live in the area where large numbers of Puerto Ricans are located.

Mr. SPARKMAN. The proponents of the bill speak of nondiscrimination. Did they observe nondiscrimination when they wrote the rule that there shall not be "busing" in the heavily segregated areas?

Mr. THURMOND. It seems to me that they are going directly against that which they profess to believe in.

Mr. SPARKMAN. They are preserving discrimination in those areas, and they are saying that down South, where whites and Negroes live in the same general neighborhoods, there shall not be segregated schools. Does the Senator believe that that is consistent?

Mr. THURMOND. I do not believe it is consistent with what the proponents say they really believe. I am not too sure they really believe it. I think they are after some votes. It is a political maneuver, and they are making a play to get votes. In many places Negroes hold the balance of power; and the bill holds great promise, they think, to the Negroes.

But let the bill be passed this year, and the Negro leaders will be back again next year wanting still more. They have already said they will continue to demonstrate even if the bill is passed. What will satisfy them? The Negro leaders must keep the Negroes stirred up to keep the memberships coming in, so that they can retain their big, fat jobs.

Mr. SPARKMAN. The Senator said that he did not believe that the proponents really wanted what they profess to want. A thought came to my mind. The Senator recalls that one of the greatest essayists that this country has ever produced was Emerson. Does the Senator remember Emerson's statement?

> What you are speaks so loudly, I cannot hear what you say.

Does the Senator believe that that statement is applicable? It sounds like a truism to me.

Mr. THURMOND. That is correct.

Mr. SPARKMAN. And as applied to the escape clauses for the heavily segregated areas of the North, which are really more segregated than are any areas in the South.

Mr. THURMOND. That is correct. I remember being in a debate in New York City with the distinguished senior Senator from New York [Mr. JAVITS] about 3 years ago. I had before me a map of New York City and a map of Atlanta, Ga., one a big city of the North, the other a big city of the South. I pointed out that in New York City the Negroes and the whites were segregated. The Negroes live chiefly in one section of the city, whereas in the South they live, as the Senator from Alabama has said, mixed together.

Mr. SPARKMAN. All over the city.

Mr. THURMOND. Therefore, the impact of the bill—and the proponents know it—would be felt in the South rather than in the North. Those from the North are protecting themselves, and they have especially preserved that protection by placing in the bill a provision that there shall not be required racial balance in the education provisions of the bill under the definition of desegregation.

Mr. SPARKMAN. Does the Senator recall—I suppose it was before he came to the Senate—that in past years we used to have brought up every year, or perhaps every second year—it would be in election year—an antilynching bill? Does the Senator remember those days?

Mr. THURMOND. I remember that when I was Governor of South Carolina antilynching bills were proposed, just as many people wanted Congress to pass a law to remove the poll tax or wanted an FEPC bill passed. One of them was the so-called Truman civil rights program. I remember those bills distinctly. I especially recall that they were proposed at the time I was Governor.

Mr. SPARKMAN. Does the Senator remember this as being characteristic of the antilynching bills? We do not have antilynching bills any more because lynching has disappeared.

Mr. THURMOND. Lynching is nothing but murder. A Federal law is not needed for lynching. Lynching is simply murder, and every State in the Nation has laws against murder.

Mr. SPARKMAN. Does the Senator remember that the antilynching bills were always made to apply to conditions in the South, and that they were challenged, time after time, by southerners, who said that if provisions were written into them to cover the gang murders in New York and other large cities, we would support the bill; that such bills should be made applicable throughout the country, and not merely to the South? Was any such provision as that ever written into the antilynching bills?

Mr. THURMOND. No; but such gang murders are much more in the nature of lynching than any murders which occurred in the South. No national legislation was proposed when half a dozen gangsters would shoot someone; and such murders were not called lynchings. But if half a dozen men killed one man in the South, that was called lynching, and national legislation was proposed and insisted upon.

Mr. SPARKMAN. Is not a similar pattern being followed in the pending bill—in other words, an attempt to single out the South, while permitting the large Negro ghettos in the northern cities to be continued? Would not the bill virtually guarantee a continuation of those conditions?

Mr. THURMOND. Yes. There is no question that the bill is aimed at the South; but I point out that although the bill is aimed at the South, it would, if enacted into law, take away the rights of all the people of the Nation—all the black people and all the white people. Therefore, those who are pushing for enactment of the bill would, if it were enacted, be very sorry that it had been enacted, because they would find that all the people of the United States would be hurt by it.

This bill is only a grab for power. The only question is whether all power is to be brought to Washington or whether it is to be left where the Constitution placed it. The Constitution left with the States the matter of voting qualifications, and that is where it should remain. But today some persons wish to have it brought to Washington.

When the Constitution was written, it provided that all powers not delegated to the National Government were reserved to the States and to the people. Under the Constitution, a man can use his private property as he sees fit, so long as he does not disturb others.

But today, some wish to have a man's private property taken away from him, and wish to have him required—if he owns or runs a restaurant—to serve everyone and anyone who might wish to be served there.

As the Senator from Alabama knows, in 1883 the Supreme Court declared a similar bill—almost word for word—unconstitutional.

Quite recently there went to the court of appeals a case involving a Howard Johnson restaurant in Virginia. That restaurant refused to serve a Negro person who applied for service. The circuit court of appeals threw out the case; it said the Howard Johnson restaurant had a right to serve those whom it chose to serve—despite the fact that the restaurant was built along a highway which had been constructed by the use, in large part, of funds coming from the Federal Government.

But the point is that the right to have private property is one of the great, very important rights; and when one who owns private property is forced to use it in a way dictated by the National Government one of the most important human rights is destroyed.

Mr. SPARKMAN. I agree with the Senator from South Carolina. Does he recall the date of the last decision to which he referred?

Mr. THURMOND. The Howard Johnson case decision was in 1959—only 5 years ago. It is a recent case.

Mr. SPARKMAN. Was there not a later case—in 1963,

Mr. THURMOND. Yes; but it was on another feature. On the other hand, the Howard Johnson case is entirely in point.

Mr. SPARKMAN. Yes, the Howard Johnson case is entirely in point; the Senator from South Carolina is correct.

Mr. THURMOND. Yes, that case is entirely in point.

Mr. SPARKMAN. During this debate, in one of my speeches, on the pending bill, I quoted the 1875 act, and compared the pending bill with it, and showed that, except for a few words which are not substantive, the pending bill is identical with the 1875 provision, which in 1883 was thrown out by the Court; and the Court ruled that Congress had no power to legislate in that field.

Mr. THURMOND. That is correct.

Mr. SPARKMAN. The Court also ruled that no part of the Constitution gave the Federal Government such power.

Mr. THURMOND. That is correct, because the Constitution provides that one shall not "be deprived of life, liberty, or property, without due process of law." That is provided in the fifth amendment to the Constitution of the United States.

Mr. SPARKMAN. And it is part of our Bill of Rights.

Mr. THURMOND. Yes. The fifth amendment reads, in part, as follows—and now I read from the Constitution of the United States: "nor be deprived of life, liberty, or property, without due process of law."

The fifth amendment also provides:

> Nor shall private property be taken for public use, without just compensation.

In the course of the hearings before the Commerce Committee we referred to a case in Mississippi. There, a poor widow was left $20,000. She invested it in a restaurant at the bus terminal. The National Government agency took the position that buses came there from other States, and that therefore the terminal was an interstate terminal, and that therefore there could not be any segregation there. Some Negroes applied at her restaurant for service. She declined to serve them. But she was told that she had to integrate the restaurant, or else she would have to give it up. So, when faced with that threat, she integrated the restaurant. But after that was done, no more Negroes applied for service in her restaurant; and when the white people learned that her restaurant had been integrated, they refused to patronize it any more. So the restaurant had to close, and the widow lost her $20,000. The result was that her private property was taken away from her, without just compensation—without paying her for it. However, the Constitution, in the fifth amendment, forbids such action.

Before all that happened, she had been getting along very well with the restaurant; but then the National Government compelled her to serve people whom she did not wish to serve; and when she did that, the people she had been serving would no longer patronize her restaurant. The result was that she lost her business and lost her investment of $20,000.

So we can see what the result is when laws attempt to control almost every facet of the people's lives.

Mr. SPARKMAN. Mr. President, will the Senator from South Carolina yield again to me?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from South Carolina yield further to the Senator from Alabama?

Mr. THURMOND. I yield.

Mr. SPARKMAN. Is the Senator from South Carolina familiar with a statement made by one of the recent presidents of the American Bar Association, Mr. Lloyd Wright? I believe he is from Los Angeles.

Mr. THURMOND. Yes; he is a prominent attorney of Los Angeles, and I know him.

Mr. SPARKMAN. Is the Senator from South Carolina familiar with that gentleman's statement to the effect that about 5 percent of the provisions of the so-called civil rights bill deal with civil rights, and about 90 or 95 percent deal with a proposed transfer of power from the States to the Federal Government—in other words, usurpation of power by the Federal Government?

Mr. THURMOND. Yes. In fact, I have on my desk that joint statement. It is entitled "Blue Print for Federal Regimentation—Analysis of 'Civil Rights Act of 1963.'" It is a joint statement by Lloyd Wright and John C. Satterfield.

Mr. SPARKMAN. I believe Mr. Wright also made that statement in the course of a speech.

Mr. THURMOND. Probably so.

Mr. SPARKMAN. By the way, Mr. Satterfield is another past president of the American Bar Association, is he not?

Mr. THURMOND. Yes, and he is one of the ablest lawyers in the Nation.

I quote now from that joint statement by Mr. Lloyd Wright and Mr. John C. Satterfield:

> If this legislation becomes law and is upheld by the courts—
>
> It will, in fact, extend Federal control over businesses, industry, and over individuals (with a corresponding destruction of State power) in a degree that exceeds the total of such extensions of power by all judicial decisions and all congressional actions since the Constitution of the United States was adopted.

That is a part of the statement they made.

Mr. SPARKMAN. Let me ask the Senator from South Carolina whether he agrees that the bill is shot through with provisions by means of which individuals or agencies—of course, agencies are headed by persons—could act to enforce such powers, rather than to have that done through the processes of law; and would not that be violative of the principle about which our people have boasted for so long—namely, that ours is a government of laws, not a government of men?

Mr. THURMOND. The Senator from Alabama is entirely correct. In other words, title II, title IV and title VII attempt to delegate legislative powers to the Attorney General and to other officials of the executive branch.

Such language violates article I, section 1, of the Constitution of the United States, which provides that all legislative powers granted in the Constitution shall be vested in the Congress.

Mr. SPARKMAN. Yes. I am thinking more of the enforcement of the powers that would be granted in the bill. The bill provides that an agency may make a certain determination, or the Attorney General may decide what is to be done. A person would decide the question rather than having a standard laid down in the law.

Mr. THURMOND. The delegation of powers in title II, title IV, and title VII would give the appropriate agency concerned, whether it be the Department of Health, Education, and Welfare or some other department——

Mr. SPARKMAN. The Bureau of Public Roads, the Department of Commerce, or whatever agency it is——

Mr. THURMOND. The bill would give that commission or agency the power to define a crime. For example, a definition of the word "discrimination" is not contained in the bill. If a firm definition of what discrimination is, is not in the bill, how would we know what the guidelines would be?

Mr. SPARKMAN. That is the very weakness which I was trying to point out. No guidelines or standards are set forth in the bill.

Is the Senator a lawyer?

Mr. THURMOND. I have been an attorney since 1930.

Mr. SPARKMAN. I knew the Senator had been engaged in many activities.

Mr. THURMOND. I was a State circuit judge.

Mr. SPARKMAN. The Senator is correct. I wanted the record to show that the distinguished Senator is a lawyer. I wanted to ask the following question of him: The Senator has sat on the bench. Suppose an indictment, a presentment, an affidavit, or some other document under which a defendant can be charged should come before a judge charging a person with discrimination. How would the judge decide the question of guilt? Putting the question in another way, is it not required that in an indictment, a presentment, an affidavit, or whatever the charging document may be, the specifications must be set out?

Mr. THURMOND. One cardinal principle of criminal law is that a crime must be definitely defined and be specific.

Mr. SPARKMAN. In the indictment itself.

Mr. THURMOND. And in the law, too.

Mr. SPARKMAN. In the law, of course; but the indictment must show the specific charge in order that the accused may know of what crime he is accused. Is that statement correct?

Mr. THURMOND. The indictment must contain the elements of the crime.

Mr. SPARKMAN. That is what I mean.

Mr. THURMOND. It must contain the intent to commit the crime and show that the act that the defendant committed constituted the crime.

Mr. SPARKMAN. How could an indictment based upon the bill show any such thing as that?

Mr. THURMOND. It would be most difficult to show the elements of the crime.

Mr. SPARKMAN. Perhaps that is the reason why those who drafted the proposed legislation gave to an individual the power to determine the question rather than setting it up as a matter of law.

Mr. THURMOND. Probably for that reason the provision was inserted under which defendants would not be given a trial by a jury unless the fine were greater than a certain amount and the term of imprisonment beyond a certain number of days in prison. Perhaps that language was inserted because the definition of the crime is so indefinite. The crime is not defined.

Under title I, title II, title III, title IV, and title VII the right of trial by jury is denied.

Mr. SPARKMAN. That is true.

Mr. THURMOND. In other words, under title I and title II, if the punishment were not more than 45 days imprisonment or if the fine were not in excess of $300 a defendant would not be entitled to a jury trial. Such a provision is directly in violation of the sixth amendment to the Constitution.

Mr. SPARKMAN. That right is one of our civil rights, is it not?

Mr. THURMOND. Of course it is.

Mr. SPARKMAN. I should like to ask the Senator the following question: We have spoken of civil rights. Are not the basic civil rights of our country included in the first 10 amendments to the Constitution? Are they not the civil rights that our people insisted upon being made a part of the Constitution before they would agree to adopt the Constitution?

Mr. THURMOND. The finest civil rights I could imagine are contained in the first 10 amendments to the Constitution of the United States.

Mr. SPARKMAN. That is what it was designed for, was it not?

Mr. THURMOND. That is what it was designed for.

In 1787, at the Constitutional Convention, some of the deputies representing the 13 States—actually it was 12 because Rhode Island was then in the hands of the radicals and did not send any representatives—the lack of a statement of those rights caused a number of the delegates to the Convention to refuse to sign the Constitution. They said, "We will not sign it. It does not contain the rights to be preserved for each individual citizen."

Finally, most, though not all, signed with the agreement and the understanding that a bill of rights would be added.

Mr. SPARKMAN. At the very first session of the Congress.

Mr. THURMOND. The Senator is correct. The Bill of Rights was nothing but a bill of civil rights. The finest civil rights in the world are the first 10 amendments to the Constitution of the United States.

Mr. SPARKMAN. Are the provisions of the bill in accord with the civil rights laid down in the first 10 amendments of the Constitution? Do those provisions accord with the first 10 amendments?

Mr. THURMOND. The bill which has been proposed?

Mr. SPARKMAN. Yes.

Mr. THURMOND. Not at all.

Mr. SPARKMAN. Does not the bill violate the Constitution in many different places?

Mr. THURMOND. That is the reason I do not call it a "civil rights bill." I call it a "so-called civil rights bill," because it is truly not a civil rights bill. It is a centralization-of-power bill. The so-called public accommodations provision is frequently called an invasion of property rights. It would tell a man whom he should serve or sell to on his own private property. That is an invasion of property rights. The bill is not a true civil rights bill; it is a shift-in-power bill.

Mr. SPARKMAN. I should like to go back to the question we were discussing a moment ago relating to the necessity of laying down guidelines or standards in the law itself. Let us consider the word "discrimination." We could use many different examples in the bill. Let us consider the term "discrimination." I speak of the necessity of the specifics of the crime being spelled out in an indictment. The Senator has agreed with me that that is correct.

Mr. THURMOND. That is correct.

Mr. SPARKMAN. Suppose the Senator were sitting as a judge and a defendant were tried before him for discrimination. Suppose a jury were present. The time would come for the judge to charge the jury. How could the judge tell the jury what "discrimination" was?

Mr. THURMOND. It would be a most difficult task.

Mr. SPARKMAN. Could he do it at all? No definition of the term is spelled out in the bill. The judge must adhere to the law.

Mr. THURMOND. One judge might define the term in one way and another judge might define it in another way. Perhaps the same definition would not be used by the various agencies and departments of the Government. One agency might define the term in one way and another agency might define it in another way. There is no central definition in the bill as to the word "discrimination" that would apply to all the Government agencies involved.

Mr. SPARKMAN. Is it not true, as I said a few moments ago, that there would be a very strong trend toward government by men rather than government by law?

Mr. THURMOND. That is what it would mean. What "discrimination" would mean is not spelled out in the bill. Therefore, it would tend toward government by men. It would establish rule by men rather than rule by law, because each official would say what the law is rather than the law books saying what it is.

Mr. SPARKMAN. Would that not be contrary to our system of jurisprudence and ideas of justice?

Mr. THURMOND. It would be contrary to Anglo-Saxon jurisprudence.

Mr. SPARKMAN. I thank the Senator.

Mr. THURMOND. I thank the able Senator from Alabama. He has asked some very pertinent and penetrating questions that I think will be helpful to anyone who will take the time to read the RECORD, so that it can be seen how nonsensical, unconstitutional, impractical, and unrealistic the bill is.

Mr. SPARKMAN. Mr. President, will the Senator yield for another question?

Mr. THURMOND. I am pleased to yield to the Senator under the same conditions.

Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama under the same conditions previously agreed upon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. I yield.

Mr. SPARKMAN. I shall abide by the rule and ask questions. The Senator will recall that a few moments ago he mentioned title I, which relates to voting rights.

Mr. THURMOND. The Senator is correct.

Mr. SPARKMAN. Does not that represent a taking away of rights from the States, as defined in article I, section 2 of the Constitution?

Mr. THURMOND. That is correct.

Mr. SPARKMAN. It defines the rights of the individual States to set the qualifications of voters.

Mr. THURMOND. Article I, section 2, provides for the qualifications of voters. That article reads that:

> The electors—

Which means the voters—

> in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That means that the Constitution of the United States adopted the qualifications which are used for voting in State elections. This provides for the same qualifications for the Federal Government.

Mr. SPARKMAN. The Senator recalls, does he not, that amendment 17, which was adopted about 1913, provided for the direct election of Senators?

Mr. THURMOND. That is correct.

Mr. SPARKMAN. I wonder if the Senator would turn to that amendment and see what it provides about electors.

Mr. THURMOND. It is the identical wording.

Mr. SPARKMAN. It repeats it word for word, does it not?

Mr. THURMOND. That is correct. It has incorporated article I, section 2. It is the identical wording. I shall be glad to read that.

Mr. SPARKMAN. I do not think it is necessary to read it. It is the identical wording.

Mr. THURMOND. That is correct.

Mr. SPARKMAN. It repeats the language, word for word.

Mr. THURMOND. That is correct.

Mr. SPARKMAN. Some people may argue that the 14th amendment had an effect on it, but the 17th amendment was adopted long after the 14th amendment, was it not?

Mr. THURMOND. That is correct. The 17th amendment was adopted in 1913. The primary purpose of it was to provide that U.S. Senators should be elected by the people, rather than by the

State legislatures. By doing so, they specifically reincorporated the same qualifications with reference to voters. In other words, a man who is entitled to vote in elections for the most numerous branch of the State legislature is entitled to vote for Senators in Federal elections.

Mr. SPARKMAN. The 19th amendment dealt with the subject of women suffrage. Is that not correct?

Mr. THURMOND. Women suffrage was the subject of the 19th amendment.

Mr. SPARKMAN. When was that amendment adopted?

Mr. THURMOND. In 1920.

Mr. SPARKMAN. That consisted of a change in the qualifications of voters so far as some States were concerned. Is that true?

Mr. THURMOND. That is correct.

Mr. SPARKMAN. How was the matter handled? Was it handled through congressional enactment, such as is proposed in this bill?

Mr. THURMOND. No.

Mr. SPARKMAN. It was handled by means of an amendment to the Constitution, which is the basic law of the land. Is that correct?

Mr. THURMOND. That is correct.

Mr. SPARKMAN. Congress recognized that the Federal Government had no right to do anything with regard to qualifications of voters. Is that correct?

Mr. THURMOND. That is absolutely correct.

Mr. SPARKMAN. Does the Senator recall the poll tax amendment?

Mr. THURMOND. The poll tax amendment is the 24th amendment.

Mr. SPARKMAN. That amendment was adopted when?

Mr. THURMOND. That was adopted this year, after Congress had refused for 20 years to pass a law repealing the poll tax as a requisite for voting.

Mr. SPARKMAN. That is the most recent expression of Congress?

Mr. THURMOND. That is correct.

Mr. SPARKMAN. Did that act of Congress not likewise recognize the fact that the only way that the Federal Government could modify the qualifications of voters was by a constitutional amendment, and not by congressional enactment?

Mr. THURMOND. That is correct. If the proponents of this bill feel that a sixth grade education should be the nationwide qualification, instead of leaving the qualifications as they now are for people who vote in State elections, the Constitution should be amended to that effect. An amendment should be proposed and submitted to the people on that point.

That is the proper way to do it, if it is to be done. Personally, I think it is better to leave it as it is now. It is now provided that persons may vote in Federal elections if they are qualified to vote for members of the most numerous branch of the State legislature, which, of course, means the State House of Representatives.

Mr. SPARKMAN. The ratification of the 24th amendment, which was the poll tax amendment, did not occur until this year, 1964.

Mr. THURMOND. That is correct.

Mr. SPARKMAN. Does the Senator believe, on the basis of this discussion of the actions that Congress itself has taken in the past, the various expressions in the original Constitution itself, and in the amendments thereto, that Congress has any power whatsoever to enact legislation modifying the qualifications of voters?

Mr. THURMOND. I do not think so. The wording in the original Constitution is so plain that anyone who can read ought to be able to understand it. In addition, by means of the amendments that have been adopted since the ratification of the Constitution, the procedures we have used in that respect are clear precedents that a constitutional amendment should be adopted in this instance if what the proponents favor is to be made law.

Mr. SPARKMAN. I thank the Senator. I agree with his statement.

Mr. THURMOND. I thank the able Senator.

Mr. President, I have previously discussed very briefly one of the more iniquitous provisions of H.R. 7152, the so-called public accommodations provision embodied in title II of that measure. I say, "one of the more iniquitous" because I believe it is impossible to categorically assess the relative degree of malevolence which should be assigned to any particular provision of the 11 titles of the measure. What is to be feared ultimately is the cumulative effect of this package of political power and it therefore serves no useful purpose to quibble over banalities.

In my previous remarks on this subject, I discussed the fact that in the past, legislation of this type—any so-called civil rights bill—has been based primarily upon either one or a combination of the 13th, 14th, or 15th amendments to the Constitution. However, the present attempt to "enact"—if that is not too graceful a word to use, considering the manipulations and maneuverings surrounding the consideration of this proposal—the pending proposal is a novel and highly questionable proceeding. Never before has Congress envisioned the commerce clause of the Constitution as an appropriate basis for the enactment of any so-called civil rights bill.

The arguments which have been previously presented show beyond question that title II of H.R. 7152 can find no constitutional basis in the 14th amendment. Briefly, the numerous court decisions on this subject uniformly hold that the provisions of the 14th amendment have no application to private action, but relate solely to State action. The proponents of title II pay only lipservice to these holdings, and contend that the concept of State action under the 14th amendment is limited by the definition of that term in H.R. 7152. The proponents further contend that:

> The bill would utilize the 14th amendment in title II only when discrimination is carried on under color of law, or under color of any custom or usage required by a State or political subdivision, or is required or enforced by action of officials of a State or political subdivision. Thus, State action would be a basis for injunction under title II only in those instances where the State or political subdivision affirmatively acts to preserve or institute discrimination or segregation. This is because in each instance the State, political subdivision, or officials thereof must "require" or "enforce" such practices.

These contentions might seem to have some reason behind them on first glance to those who are unfamiliar with the prior decisions of the courts or have not taken the time to look into the existing state of circumstances as fully as they should. On careful scrutiny, however, it is revealed that the legal reasoning upon which they are based is completely unsound. First: as far back as 1883, the Supreme Court in the Civil Rights Cases held that the 14th amendment was self-executing and required no ancillary legislation in order to make it applicable to any existing state of circumstances. This holding has been reaffirmed repeatedly, the latest case to so hold being Peterson against the City of Greenville which was decided on May 20, 1963.

If the proponents of this legislation were intellectually honest with themselves and with those groups who are the principal backers of this legislation, they would be forced to admit that this legislation is unnecessary insofar as it attempts to carry out any mandate of the 14th amendment.

Mr. President, the only relation which this bill can have to State action under the 14th amendment is in connection with the licensing powers of the States and the political subdivisions of the States. I have already discussed this point in some detail. Even the most ardent supporters of title II of H.R. 7152 recognize that this is a very tenuous argument to advance in support of this provision. It will suffice at this point to repeat the comment of Prof. Herbert Wechler, Harlan Fiske Stone, professor of constitutional law at Columbia University. In answer to this argument, he said:

> One need not be a lawyer to perceive that the fact that a State requires a lunchroom to obtain a license as a means of protecting the public health does not make the lunchroom a State agency. Are all private corporations to be viewed as organs of the State because their corporate existence is conferred by their State charters? It puts the matter with excessive charity to say that this is a submission which is most unlikely to persuade the Supreme Court and, what is more important, should not do so. In the entire history of the judicial interpretation of the 14th amendment, only Justice Douglas has accorded the position color of support in an opinion.

Calm reflection and the extension of this logic will reveal how far afield this tortuous method of finding State action will lead. State governments, either directly or through a municipal or county governmental subdivision, usually require that dogs be licensed. The regulation of the canine population generally is considered necessary for the health, safety, and welfare of the people of the State. Yet who would contend that this act of licensing on the part of the State or any political subdivision of the State enhances a dog with any semblance of State authority? Who would argue that a master walking his dog is tantamount to State action? However, this analogy is no more absurd than the suggestion that the proprietor of the corner drugstore or the local tourist home is carrying on State business and is, therefore, subject to the full force and effect of the 14th amendment merely because he has previously obtained a license to do so. S. 1732 and title II of H.R. 7152 seeks to find State action by concluding that where the State, through routine licensing, permits the owner of a business to conduct his business free of restraints other than those imposed for health or safety reasons, the State is encouraging, fostering, and tolerating the way the proprietor conducts his business. In actuality, the States are doing exactly what the 14th amendment requires. They are remaining completely neutral.

In some instances, the courts have found that discrimination by a business with a franchise—an exclusive permit from the State to operate a business affected with a substantial public interest; that is, a public utility—is prohibited by the 14th amendment. However, to find State discriminatory action in a State's refusal to intermeddle in the conduct of a privately owned business is stretching the thread of logic beyond all reasonable bounds. If such action by individual businessmen can now be reached under the 14th amendment, why have not the courts stricken it down previously? This novel theory of State action was summarily rejected in Williams against Howard Johnson's restaurant—ibid. In that case the Fourth Circuit Court of Appeals stated:

> This argument fails to observe the important distinction between activities that are required by the State and those which are carried out by voluntary choice and without compulsion by the people of the State in accordance with their own desires and social practices. Unless these actions are performed in obedience to some positive provision of State law, they do not furnish a basis for the pending complaint. The license laws do not fill the void. * * * The (licensing) statute is obviously designed to protect the health of the community, but it does not authorize State officials to control the management of the business or to dictate what persons shall be served. The customs of the people of a State do not constitute State action within the prohibition of the 14th amendment (268 F. 2d 847–848).

To contend that the 14th amendment places an affirmative burden upon a State to police private business establishments according to the dictates of the Federal Government can find no backing in either logic or the law. Under no valid interpretation of the 14th amendment can any so-called public accommodations measure be constitutionally upheld.

Repeated assertions have been made that constitutional authority for this type proposal can be found in the 13th amendment. Both the Attorney General and the Assistant Attorney General in charge of the Civil Rights Division testified before the Commerce Committee that S. 1732 would be constitutional on the basis of the 13th amendment. Even though neither the preamble to the bill nor the bill itself cites the 13th amendment as constitutional authority, the misplaced reliance on this amendment should not go unanswered.

The 13th amendment reads as follows:

> SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
>
> SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

In characterizing this amendment before the Senate Commerce Committee, the Attorney General said:

> I think, under the 13th amendment, which deals with servitude and freedom of the slaves, that involved in all of that were all the rights, privileges, immunities. When the 13th amendment was written, it involved granting to the Negroes all the privileges, rights, and immunities of all the other citizens.

Had this been the intention of the framers of the 13th amendment, and we must at least assume that they were aware of what they were trying to do, it hardly seems likely that they would have included the privileges and immunities clause in the 14th amendment. If they had understood the 13th amendment to mean what the present Attorney General says that it means, then they certainly would have considered the inclusion of the same provision in the 14th amendment to have been redundant and unnecessary. It seems more logical that the framers of the amendment were quite well aware of what they were attempting to do—abolish the legal institution of slavery and all other forms of involuntary servitude imposed by law.

In answer to a question during the hearings before the Commerce Committee, the Assistant Attorney General in charge of the Civil Rights Division, Burke Marshall, said of the 13th amendment:

> The 13th amendment abolished slavery and it also gave Congress the power to enact appropriate legislation to achieve the purpose of the amendment. Now, the Supreme Court, in the Civil Rights Cases, in the majority opinion, said they believed that that gave Congress the power, not only to enact legislation against the institution of slavery itself, as such, but against the badges, the remaining badges, left over from the previous condition of servitude. One of the badges, one of the remnants of the institution of slavery, based on race in this country, was the denial of access to these places covered by this bill. So that is why I think the 13th amendment positively gives the Congress power to move in this area.

It is true that this argument was advanced to the Supreme Court by the petitioners in the Civil Rights Cases, but there is no more validity to it now than the Court conceded to it in the opinion handed down in 1883. The brief of the Solicitor General of the United States in arguing for the constitutionality of that measure, which was in many respects identical to these proposals now before the Senate contained these paragraphs:

> The 13th amendment forbids all sorts of involuntary personal servitude except penal, as to all sorts of men, the word servitude taking some color from the historical fact that the United States were then engaged in dealing with African slavery, as well as from the signification of the 14th and 15th amendments, which must be construed as advancing constitutional rights previously existing.
>
> Granting that by involuntary servitude, as prohibited in the 13th amendment, is intended some institution, viz., custom, etc., of that sort, and not primarily mere scattered trespasses against liberty committed by private persons, yet, considering what must be the social tendency in at least large parts of the country, it is 'appropriate legislation' against such an institution to forbid any action by private persons which in the light of our history may reasonably be apprehended to tend, on account of its being incidental to quasi public occupations, to create an institution.

Even though the Assistant Attorney General cited the Civil Rights Cases in support of his argument, in reality the Court in that case completely rejected the entire proposition. In speaking of the 13th amendment, the Court said:

> This amendment, as well as the 14th, is undoubtedly self-executing without any ancillary legislation, so far as its terms are applicable to any existing state of circumstances.

As to the soundness of the argument that the 13th amendment was constitutional authority for the congressional enactment in question, the Court posed this question and answer:

> Can the act of a mere individual, the owner of the inn, the public conveyance or place of amusement, refusing the accommodation, be justly regarded as imposing any badge of slavery or servitude upon the applicant * * *? After giving to these questions all the consideration which their importance demands, we are forced to the conclusion that such an act of refusal has nothing to do with slavery or involuntary servitude. * * * It would be running the slavery argument into the ground to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab, or car, or admit to his concert or theater, or deal with in other matters of intercourse or business.

The date of this decision must be kept in mind at this point. This decision was handed down in 1883, less than two decades after the purported abolition of the institution of slavery, and even less time than that since the adoption of the 13th, 14th, and 15th amendments. All of these occurrences were within the lifetime of all the Justices participating in the decision, and a clear understanding of the purposes of the amendments can be attributed to them. These Justices, none of whom came from the South, did not suffer from the distortion of meaning which frequently comes with the passage of time.

On numerous occasions during the hearings before the Senate Commerce Committee, statements were made to the effect that it is not the South alone that is guilty of the discrimination which is so roundly condemned. The Assistant Attorney General listed several cities in which demonstrations have occurred protesting what he called 'this kind of discrimination." Included in the list were such cities as Sacramento, Calif.; Stamford, Conn.; Chicago, Ill.; Des Moines, Iowa; Englewood, N.J.; Philadelphia, Pa.; Buffalo, N.Y.; Detroit, and Grosse Point, Mich.; Denver, Colo.; and Beloit, Wis. The then Acting Secretary of Commerce, Franklin D. Roosevelt, Jr., in his testimony before the committee, stated:

> Even in the North, Midwest, and the Far West, where the denial of equal treatment

> is less obvious than in the South, all public accommodations are by no means fully available.

Are we to believe by these statements that the treatment that has been and is being demonstrated against is a vestige of slavery which the framers of the 13th amendment intended to abolish? In these areas which have never known slavery, I hardly think this an applicable argument. Yet, if this is a valid argument as it applies to the South, why is it not equally applicable to other areas of the country?

In his testimony before the Commerce Committee, the Secretary of State, Dean Rusk, several times made the statement that discrimination on account of race, color, religion, or national origin is not unique to the United States, but may be found in many other countries. Specifically, he stated:

> I think there have been tensions where different groups that are different in any important respect live side by side. I think that has been a general experience of mankind.

Although it is true that slavery has existed in many other countries, it hardly seems likely that this discrimination on account of race in other countries can be characterized as a badge of slavery.

Granting that slavery as an institution authorized by law no longer exists by virtue of the 13th amendment, the amendment still has a very pertinent application to S. 1732 and title II of H.R. 7152. Not only did the amendment abolish slavery, but it prohibited from that day forward "involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted." Neither S. 1732 nor title II of H.R. 7152 is in the nature of a criminal statute, although an individual who did not conform to the dictates of their provisions could, and probably would, end up in jail. However, the legal recourse provided in the bills is in the nature of a civil proceeding in equity. Since there would be no crime involved in violating the provisions of S. 1732 or title II of H.R. 7152, there is no constitutional basis for the involuntary servitude which either of these measures would establish by law. Make no mistake, both of these measures authorize, even necessitate, involuntary servitude. The Attorney General has admitted, in his testimony before the Senate Commerce Committee, that there is no constitutional right for any individual to demand service in the purely private establishments which would be covered. There does now exist a right of ownership of private property, however, and the cases clearly indicate to what extent an individual may be "irrational, arbitrary, capricious, even unjust in his personal relations" and still be free from arbitrary governmental interference—*Peterson* v. *City of Greenville* (373 U.S. 244, 1963).

The public accommodations proposals give legal sanction to a totally new and dangerous principle. It constricts the personal and property rights of all American individuals in an attempt to create a privilege for the favored few. Those who would patronize these private establishments would retain their right to pick and choose among the many. However, the counterbalancing right, the right to pick and choose one's customers would forever be done away with. It should be noted that this is just as much a personal right as a property right. Who can deny that this amounts to "involuntary servitude."

The unconstitutionality of so-called antidiscrimination laws which compel one person to serve another was pointed out in a dissenting opinion in a Washington State case, *Browning* v. *Slenderella System* (54 Wash. 2d 440, 1959). Judge Joseph H. Mallery correctly recognized the conflict between legislation of this nature and the 13th amendment to the constitution. Of the 13th amendment, Judge Mallery stated:

> It provides, inter alia: "Neither slavery nor involuntary servitude * * * shall exist within the United States * * *." Negroes should be familiar with this amendment. Since its passage, they have not been compelled to serve any man against their will. When a white woman is compelled against her will to give a Negress a Swedish massage, that too is involuntary servitude * * *.
>
> Through what an arc the pendulum of Negro rights has swung since the extreme position of the Dred Scott decision. Those rights reached dead center when the 13th amendment to the U.S. Constitution abolished the ancient wrong of Negro slavery. This court has now swung to the opposite extreme in its opinion subjecting white people to "involuntary servitude" to Negroes.

A most scholarly and fully documented legal brief on this one aspect of the problem was filed for the record during the hearings on S. 1732 before the Senate Commerce Committee. This brief was prepared by Mr. Alfred Avins, the well-known legal writer and a former associate professor of the constitutional law at Chicago-Kent College of Law. This work is entitled "Freedom of Choice in Personal Service Occupations: 13th Amendment Limitations on Anti-Discrimination Legislation," and I believe that it deserves the careful consideration of this entire body. For that reason, I shall read it at this time:

1. ANTIDISCRIMINATION LEGISLATION IN PERSONAL SERVICES

A majority of the States now have laws forbidding discrimination based on race, creed, color, or national origin in places of public accommodation. While statutory definitions vary widely, most States include in the definition of places of public accommodation one or more forms of personal service occupation. Probably the personal service most often singled out is barbering, although a number of statutes have been broadened to include almost every service imaginable.

Cases in the courts involving antidiscrimination legislation as applied to personal service occupations have been few and far between. Several cases have exempted such occupations from the scope of the statute by strict construction, but others have included them within the ambit of the law. However, as already noted, the lengthening statutory lists of occupations or the sweeping statutory terminology no doubt includes such occupations in an increasing number of States.

State Commission Against Discrimination v. *Mustachio* is a typical case involving a barbershop. There, the commission found that respondent had attempted to discourage Negro patronage of his barbershop by posting a sign saying: "Kinky Haircut—$5," and by attempting to charge a Negro that price, which the commission found was a "prohibitive price far in excess of respondent's usual charge for cutting a white person's hair." It ordered, inter alia, that the respondent barber write to the complainant "offering to cut her son's hair at the regular rate charged by respondent for cutting a white person's hair." It also ordered him to "furnish to Negro customers services of the same quality as those furnished to white customers and at the same rates."

The intent of this order is clear. It requires the respondent, a barber, to work for a person and a group of persons who he clearly does not want to work for, upon pain of imprisonment if he refuses to do so. He is thus required to serve, involuntary, the complainant and other Negro applicants.

A statute which requires one person to render involuntary service to another immediately raises the question of its constitutionality under the 13th amendment. Surprisingly, with the exception of one brief discussion in a dissenting opinion, no case has ever discussed this question. Although there are a number of cases which have held antidiscrimination legislation constitutional under the 14th amendment, no decision has dealt with this matter under the far more specific provisions of the 13th amendment.

Yet the 13th amendment would seem to apply far more directly to antidiscrimination legislation in the rendition of personal services. Whatever the vague contours of the phrase: "nor shall any State deprive any person of * * * liberty or property, without due process of law" as found in the 14th amendment may mean, the 13th amendment is quite specific: "Neither slavery nor involuntary servitude * * * shall exist within the United States." This article will explore the meaning of the term "involuntary servitude," and its application to personal service occupations.

2. PRE-CIVIL WAR PROVISIONS IN THE NORTHWEST

The words "involuntary servitude" first appear in the Northwest Ordinance of 1787. The relevant provision is as follows: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted."

As each of the areas of the territory emerged into a State, it copied this provision into its State constitution in very similar language. Thus, the provision is found in the pre-Civil War constitutions of Ohio, Indiana, Illinois, and Michigan.

The Ohio Constitution of 1802 contained an additional provision immediately beneath the wording from the Northwest Ordinance. It stated:

"Nor shall any person, arrived at the age of 21 years, or female person arrived at the age of 18 years, be held to serve any person as a servant, under the pretense of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on a condition of a bona fide consideration received or to be received for their service, except as before excepted. Nor shall any indenture of any Negro or mulatto hereafter made and executed out of the State, or if made in a State where the term of service exceeds 1 year, be of the least validity, except those given in the case of apprenticeships."

This provision, copied into the Illinois Constitution in almost identical language, is of considerable significance. Not only does this provision contain the typical requirement that contracts of service be by indenture to bind the servant, but in addition it requires that contracts of service be voluntarily entered into and for a valuable consideration. As further protection for Negroes, except in the case of minors whose apprenticeship was automatically longer than 1 year, the maximum period permitted for contracts of personal service was a year. Thus, the provision sought to assure, by a variety of safeguards, that labor contracts were made in a perfectly voluntary fashion and without coercion or imposition of any kind.

Two decisions interpreting the foregoing provisions are of particular note. In *Phoebe* v. *Jay*, the Illinois Supreme Court had before it a statute which permitted the owner of a slave over 15 years old to bring the slave into Illinois, upon condition that he and the slave should come before the court clerk and agree upon the terms of years which the Negro or mulatto would work for him. However, the statute also provided that if the Negro or mulatto refused to agree to work for his owner, the latter may take him back into slave territory. The court held that this statute violated the Northwest Ordinance. It said:

"Nothing can be conceived farther from the truth, than the idea that there could be a voluntary contract between the Negro and his master. The law authorizes his master to bring his slave here, and take him before the clerk, and if the Negro will not agree to the terms proposed by the master, he is authorized to remove him to his original place of servitude. I conceive that it would be an insult to commonsense to contend that the Negro, under the circumstances in which he was placed, had any free agency. The only choice given him was a choice of evils. On either hand, servitude was to be his lot. The terms proposed were, slavery for a period of years, generally extending beyond the probable duration of his life, or a return to perpetual slavery in the place from whence he was brought. The indenturing was in effect on involuntary servitude for a period of years, and was void, being in violation of the ordinance."

In re Clark is even stronger. In that case, it was undisputed that the petitioner had freely and voluntarily entered into a contract to serve her master as a housemaid. Later, she changed her mind, and brought an action for habeas corpus to free herself from her master's service. Notwithstanding the clear fact that she had initially entered into the contract voluntarily, the Indiana Supreme Court held that: "The fact then is, that the appellant is in a state of involuntary servitude; and we are bound by the Constitution, the supreme law of the land, to discharge her therefrom."

First, it might be noted that the court disregarded the fact that the petitioner was colored, and decided the case on general principles. It went on to point out that compulsion by law for the performance of personal service was degrading. It stated: "Many covenants, the breaches of which are only remunerated in damages, might be specifically performed, either by a third person at a distance from the adversary, or in a short space of time. But a covenant for service, if performed at all, must be performed under the eye of the master; and might, as in the case before us, require a number of years. Such a performance, if enforced by law, would produce a state of servitude as degrading and demoralizing in its consequences, as a state of absolute slavery; and if enforced under a government like ours, which acknowledges a personal equality, would be productive of a state of feeling more discordant and irritating than slavery itself."

Moreover, the court pointed out that whenever a court compelled a person to perform service, "the losing party feels mortified and degraded in being compelled to perform for the other what he had previously refused, and the more especially if that performance will place him frequently in the presence or under the direction of his adversary." Thus, "if a man, contracting to labor for another day, a month, a year, or a series of years, were * * * compelled to perform the labor, it would * * * produce in their performance a state of domination in the one party, and abject humiliation in the other * * *. A state of servitude thus produced, either by direct or permissive coercion, would not be considered voluntary either in fact or in law."

From the above two cases, it can be seen that the words, "involuntary servitude," as found in the Northwest Ordinance, and incorporated into the State constitutions of Illinois, Indiana, Michigan, and Ohio, have their ordinary and natural meaning. They mean service or labor which is, at all times, performed voluntarily, and without any legal or other compulsion. The agreement to serve must be entered into without coercion, and must be carried out without coercion. The provision, in short, banned any sanctions which compelled one person to work for another, for however short a period of time.

3. THE PASSAGE OF THE 13TH AMENDMENT

The earliest bill to abolish "involuntary servitude," passed by Congress during the Civil War period, was an act relating to the District of Columbia, which abolished slavery in the District. This bill provided that "neither slavery nor involuntary servitude, except for crime, whereof the party shall have been duly convicted, shall hereafter exist in the said District." These words were substituted for "subjection to service or labor proceeding from such cause [i.e., by reason of African descent] shall not hereafter exist in said District."

Senator Ira Harris, of New York, offered the criticism that the bill provided that "'neither slavery nor involuntary servitude' shall exist here, as though they were two distinct things. I suppose, but I am not sure about it, that up to this time, the term 'slavery' has not been introduced into the legislation of the country." Senator Lot M. Morrill, the Maine Republican who drafted the substitution for the Committee on the District of Columbia, replied that, "This is the exact language of the ordinance of 1787." Senator Harris renewed his objection. He argued: "I have a further suggestion to make, and that is that the term 'involuntary servitude' will embrace the condition of apprentices, unless the phrase 'by reason of African descent' in the beginning of the section shall control, as perhaps it will."

Senator Jacob Collomer, of Vermont, replied to this: "The phrase 'slavery or involuntary servitude' has received a construction under the ordinance of 1787." Aside from another comment that this bill enacted the Northwest Ordinance in the Senate, and a futile plea to extend the bill to cover "white persons who are enslaved" in the territories, nothing more was said which was relevant.

Section 9 of the confiscation bill, as enacted into law, declared that slaves of rebels "shall be forever free of their servitude and not again held as slaves." Here again, the Northwest Ordinance was considered a model. Congressman Samuel S. Blair, of Pennsylvania, stated: "The ordinance of 1787 was, indeed, great, for it preserved freedom; this is greater, for it restores freedom. That kept slavery out; this put it out."

The 13th amendment was introduced as a joint resolution (S. No. 16) in the Senate on January 13, 1864, by Senator John B. Henderson, of Missouri, and was reported back from the Committee on the Judiciary, changed in wording to its present form, by Senator Lyman Trumbull, of Illinois. The amendment of the Judiciary Committee was agreed to by the Senate.

Senator Charles Sumner, of Massachusetts, the equalitarian radical, criticized the committee for adhering to "the Jeffersonian ordinance." He proposed to amend their draft by striking out the words of the ordinance and substituting: "All persons are equal before the law, so that no person can hold another as a slave." He declared: "I do not know that I shall have the concurrence of other Senators in the criticism which I make upon it; but I understand that it starts with the idea of reproducing the Jeffersonian ordinance. I doubt the expediency of reproducing that ordinance. It performed an excellent work in its day; but there are words in it which are entirely inapplicable to our time."

Sumner's main objection was to the words "nor involuntary servitude otherwise than in the punishment of crimes whereof the party shall have been duly convicted." He commented that at one time it was the custom to doom criminals as slaves for life as a punishment, but that "slavery in our day is something distinct, perfecty well known, requiring no words of distinction outside of itself." He contended that the discussion of involuntary servitude was surplusage and would "introduce a doubt."

Sumner also had some grammatical quibbles which he argued were not to be found in the Northwest Ordinance. These did not appeal to the other Members. Trumbull showed his irritation at Sumner's rejection of the committee language, saying: "I do not know that I should have adopted these precise words, but a majority of the committee thought they were the best words; they accomplish the object; and I cannot see why the Senator from Massachusetts should be so pertinacious about particular words. The words that we have adopted will accomplish the object. If every Member of the Senate is to select the precise words in which a law shall be clothed, and will be satisfied with none other, we shall have very little legislation."

Trumbull sneered at Sumner's attempt to copy language from the French Revolution, and declined to alter the committee's version which it had agreed on. Senator Jacob M. Howard, of Michigan, joined the barrage against Sumner by declaring that the language was legally meaningless, and inapplicable as well.

After noting that the French Constitution meant only to equalize political rights, he declared: "Now, sir, I wish as much as the Senator from Massachusetts in making this amendment to use significant language, language that cannot be mistaken or misunderstood; but I prefer to dismiss all reference to French constitutions or French codes, and go back to the good old Anglo-Saxon language employed by our fathers in the ordinance of 1787, an expression which has been adjudicated upon repeatedly, which is perfectly well understood both by the public and by judicial tribunals, a phrase, I may say further, which is peculiarly near and dear to the people of the Northwestern Territory, from whose soil slavery was excluded by it. I think it is well understood, well comprehended by the people of the United States, and that no court of justice, no magistrate, no person, old or young, can misapprehend the meaning and effect of that clear, brief, and comprehensive clause. I hope we shall stand by the report of the committee."

Upon this, Sumner withdrew his amendment, and the joint resolution passed the Senate on April 8, 1864.

The joint resolution had a more difficult time in the House. There it was introduced by Congressman James F. Wilson, of Iowa, chairman of the House Judiciary Committee, on December 14, 1863. When it came to a final vote on June 15, 1864, it received only 93 yeas to 65 nays, and failed for want of a two-thirds majority. However, after the November elections in which Lincoln was reelected and the Republicans were victorious, the 2d session of the 38th Congress met in the winter of that year. At that time, Congressman James M. Ashley, of Ohio, who had originally voted in the negative, moved to reconsider the vote. On January 31, 1865, almost at the close of the war, the measure passed the House by 119 yea to 56 nay.

Debates in the House were largely confined to generalities on the evils of slavery by those who proposed to abolish it, and States rights by those who opposed the amendment. There were only passing references to the word "servitude." One opponent of the amendment declared that there could be property in the service of others, if State law so provided, a position rejected by a proponent. Another declared that "in any form of civilization resembling our own, servitude will always exist." He stated that servitudes merely differed in degree, and that the poor English factory workers were in bondage and had "little to boast of [their] freedom." Stating that the "freedom of a British workingman consists in a limited liberty to change his employer," he went on to proclaim that such a condition was little better than slavery. However, no one seems to have paid much attention to this line of argument on the other side.

It is clear from the foregoing materials that Congress intended to enact the provisions of the Northwest Ordinance, familiar to so many Senators as part of the constitutions of their own States, into the 13th amendment. It is equally clear that the judicial interpretations of that ordinance, discussed above, were intended to be carried along with the language of the ordinance itself into the U.S. Constitution. Senator Sumner proposed to declare all men equal, but Congress rejected this. Instead of enacting equality, it enacted liberty.

4. THE RIGHT TO REFRAIN FROM WORK

The "involuntary servitude" forbidden by the 13th amendment applies only to the rendition of personal labor. The performance of impersonal acts, such as giving instructions to a subordinate agent to take certain action, does not fall within the ambit of the amendment. While labor enforced as a punishment "is in the strongest sense of the words, 'involuntary servitude * * *,'" the term includes enforced labor which is not intended for punitive purposes, and which may even be intended as a benefit.

Nor does it matter whether a person is compensated for his labor. One case held: "Whether appellant was to be paid much, or little or nothing, is not the question. It is not uncompensated service, but involuntary servitude which is prohibited by the 13th amendment. Compensation for service may cause consent, but unless it does it is no justification for forced labor."

Thus, the term "involuntary servitude" has been defined as "the condition of one who is compelled by force, coercion, or imprisonment and against his will to labor for another whether he is paid or not." The constitutional provision accordingly gives every person the right to refrain from performing services for every other person.

To the right to refrain from work there is one well-recognized exception. Government may command the services of everyone in the performance of its essential tasks. In *Butler* v. *Perry*, the U.S. Supreme Court said the following about the 13th amendment:

"It introduced no novel doctrine with respect of services always treated as exceptional, and certainly was not intended to interdict enforcement of those duties which individuals owe to the State, such as service in the army, militia, on the jury, etc. The great purpose in view was liberty under the protection of effective government, not the destruction of the latter by depriving it of essential services."

The most common example of involuntary service for the government is military service in all of its aspects. In lieu of actual military service, Congress has required that conscientious objectors do work of national importance, and the courts have found this to be constitutionally unobjectionable. Often, such work of national importance includes activities not directly beneficial to any particular individual, and under the direct jurisdiction of the Federal Government, such as soil conservation, forestry, tree planting, construction of fire towers and roads, and similar public activities. However, such work may fall under the jurisdiction of a State or local government agency, on the theory that they also perform activities of national concern.

One activity, which may be questioned, is work in hospitals, which the courts have upheld for conscientious objectors in lieu of military service. This has even been extended as far as work in private, nonsectarian university hospitals ministering to the public. Here, some of the work might be said to confer some direct benefits on individuals, as distinguished from the community as a whole. If a person were required to work for the benefit of particular individuals, as distinguished from the community, then such work would constitute involuntary servitude.

However, the cases carefully limit such work to service for community benefit only. As one case held: "It is of no moment under whose direction the work is done. If it aids in our preparedness, civilian service is not open to challenge as involuntary servitude. We need only state the analogy sought to be drawn between the work to which these defendants were assigned and assignment to Macy's basement to demonstrate that the analogy in fact does not exist."

Moreover, civilian service by conscientious objectors is designed to free others for military service, and to protect morale and preserve discipline in the Armed Forces. If persons could escape any form of service by claiming conscientious objection, many would be found to do so who in fact had no such scruples. As a result, dissatisfaction among military personnel would become rife. However, even such service must be designed to benefit the community as a whole or it will constitute involuntary servitude.

Certain other civilian work for the Government has been upheld, even in time of peace. Labor on the public highways is not "involuntary servitude," nor is jury duty, or the requirement that abutting owners remove snow and ice from sidewalks and gutters. Government may impose the duty of making reports to public authorities, including tax reporting. It may require individuals to collect taxes for it, and to perform other occasional duties.

Only in the most exceptional circumstances may nongovernmental duties be imposed. One case held that involuntary servitude was not imposed by the requirement that a man work to support his family. Noting that these were "services always treated as exceptional," the court held: "The obligation of a husband and father to maintain his family, if in any way able to do so, is one of the primary responsibilities established by human nature and by civilized society."

Of course, this case does not hold that the husband is required to perform any particular kind of work to support his family. He may choose any work and any employer, if able. But if nothing else presents itself, he must work at what he can get. This requirement is based on two special circumstances. First, he has voluntarily undertaken the obligation of raising a family. Secondly, no one else exists who can support his family. Thus, there is a special condition and obligation which imposes on him the duty of working.

In *Ule* v. *State*, the Indiana Supreme Court held that a State may require a motorist who has struck and injured another person on the highway with his automobile to stop and render assistance to the injured party. The court declared that this was not involuntary servitude because it is a duty owed to the State and because an automobile is a dangerous instrumentality, and since a State may prohibit it, it may annex reasonable conditions to its use.

The first reason is unsatisfactory, since every duty imposed by a State does not become a duty owed to the State. The duty is clearly owed to the injured motorist or pedestrian. The second reason is more persuasive since a State may undertake to lessen the hazards of driving by imposing upon the driver the duty to assist one injured by his actions.

In terms of the constitutional prohibition against involuntary servitude, the more persuasive rationale for this exception is the special connection between the injured party and the one who has injured him. In an isolated area, no other assistance may be available. The State may reasonably act to save the lives and protect the health of its citizens, and where it cannot otherwise do so, it may impose this duty on one who, by his voluntary act in driving, has been the cause of the injury. Involuntary servitude is not imposed by requiring one to repair a wrong he has inflicted. He is the most appropriate person for the duty, performance of which is vital to life or health. While his service may not be willing, he is simply required to preserve that which he has jeopardized.

Two other cases are worthy of note. A lower Delaware court has held that a State may, as a war measure, mobilize its entire population to raise food and produce supplies. However, the authority of this case is somewhat doubtful in the light of a decision of the Supreme Court of West Virginia holding that a statute which provided that anyone who did not work for 36 hours a week at a recognized occupation during World War I and for 6 months thereafter was guilty of a misdemeanor, was violative of the 13th amendment, and hence unconstitutional.

Making and serving someone else a hamburger is not work for the Government, for one's family, or for a party one has injured. Nor is cutting another's hair, carrying his luggage, shining his shoes, or performing other personal services for him. The 13th amendment gives every person the right to refrain from working for any other person. It protects barbers, hotel clerks, shoeshine men, sales clerks, waiters, and waitresses, just as much as it protects cottonpickers, field hands, or farm laborers. A waitress can no more be required to wait on all persons who come into her shop without discrimination than can a cottonpicker be required to pick cotton for all who want to hire him, without discrimination. The 13th amendment guarantees the right to refrain from work, from all work, from some work, or from work for some people. To coerce personal service is to impose involuntary servitude.

5. THE RIGHT TO DISCONTINUE WORK

The compulsory fulfillment of a contract for personal service, once voluntarily made, would not necessarily seem, on principle, to constitute involuntary servitude. This was, in fact, the rule in the Kingdom of Hawaii, and later the Republic of Hawaii, before joining the Union. The performance of labor contracts, especially on agricultural plantations, was enforced by fine and imprisonment, notwithstanding the prohibition in the Hawaiian constitution against "involuntary servitude." The rationale of this position was stated as follows:

"A fair and honest contract to work for another, willingly and freely made with a knowledge of the circumstances, cannot be said to have created a condition of involuntary servitude. The contract which creates the state or condition of service, if it is voluntary when made and the conditions and circumstances remain unchanged, except that the mind of the one who serves is now unwilling to fulfill it, is not by that fact changed into a contract of involuntary servitude forbidden by law. If the contract is lawful and constitutional in its inception, it does not become illegal or unconstitutional at the option of one of the parties to it."

However, even in Hawaii, it was held that an employer could not assign a labor contract without the consent of the worker, on the theory that the new employer might have a less agreeable personality. Considering the fact that the employer might change his ways during the term of the contract, this reasoning would also support the right of the employee to quit at any time.

This is, in fact, the rule in the United States. Federal statutes have abolished involuntary servitude in liquidation of any debt or obligation, or for any other reason, and have made keeping a person in peonage a crime.

The hallmark of peonage was compulsory service in the payment of a debt. Under this system, "the citizen could sell his own services, and could contract with another for the exercise of dominion thereafter over his person and liberty, so that he could be held or subjected, against his will, to the performance of his 'obligation.'" This practice was most prevalent in the South during the turn of the 20th century, where several State cases held that farm laborers could not be forced to work out advances.

Since the 13th amendment, unlike the 14th amendment, is not directed exclusively at State action, but applies as well to private action, compulsory labor is unconstitutional even when exacted without benefit of State law. In *Clyatt* v. *United States*, the Supreme Court pointed out why compulsory service was unconstitutional. It said:

"But peonage, however created, is compulsory service, involuntary servitude. The peon can release himself therefrom, it is true, by the payment of the debt, but otherwise the service is enforced. A clear distinction exists between peonage and the voluntary performance of labor or rendering of services in payment of a debt. In the latter case the debtor, though contracting to pay his indebtedness by labor or service, and subject like any other contractor to an action for damages for breach of that contract, can elect at any time to break it, and no law or force compels performance or a continuance of the service."

The sweeping scope of the right to cease work is apparent even in labor dispute cases, where the courts frequently enjoin strikes when they are illegal. The theory here is that the cessation of work itself is not being enjoined, but that the illegal combination or conspiracy is the object of the injunction. Thus, the courts enjoin the strike as the means by which the unlawful plan is carried into execution.

However, even in labor dispute cases, the courts have been careful to refrain from preventing any employee from quitting work of his own volition for any reason. Indeed, the U.S. Supreme Court appears to have sanctioned the constitutional right of employees to leave work in concern. Thus, in one case in which the Wisconsin Supreme Court proceeded on the "conspiracy theory," the U.S. Supreme Court, in affirming its decree, narrowed the basis for the injunction still further. It said: "The union contends that the statute as thus applied violates the 13th amendment in that it imposes a form of compulsory service or involuntary servitude. However, nothing in the statute or the order makes it a crime to abandon work individually or collectively, nor does either undertake to prohibit or restrict any employee from leaving the service of the employer, either for reason or without reason, either with or without notice. The facts afford no foundation for the contention that any action of the State has the purpose or effect of imposing any form of involuntary servitude."

From this case, it can be seen that employees have a constitutional right to leave work in concert, as long as such concerted action is not in furtherance of an illegal plan, and in any case, a right to leave work singly. As one court put it: "It would be an invasion of one's natural liberty to compel him to work for or to remain in the personal service of another. One who is placed under such constraint is in a condition of involuntary servitude."

The right to leave the employ of another does not include the right to engage in action which is likely to result in injury to persons or property damage. When once an employee undertakes a job, he cannot leave at such a point that injury or damage is a natural consequence of his cessation of work. Where there is no such threat, he may leave at any time, but where such a possibility exists, he must either give such notice as will enable the employer to avert the danger, or delay his departure until the danger has passed. One case illustrated this point quite well, as follows:

"It is not contended that leaving the service cannot under any circumstances be made a criminal offense. Doubtless it is competent for legislation to make it a criminal offense for an employee, without giving reasonable notice, to suddenly quit duties the continued performance of which, for the time being, under the conditions of the particular calling, is necessary to prevent the endangering of life, health, or limb, or inflicting other grievous inconvenience and sacrifice upon the public. Surely a train dispatcher, indicted for suddenly leaving the service without giving orders necessary to prevent the clash of opposing trains upon a railroad, could not successfully plead, when destruction of life and property were brought about by his sudden leaving, that he could not be punished, because he did no more than breach a contract of service. In these and like cases, the criminal law would be exerted not to compel performance, or to prevent quitting the service in a reasonable way, but because, by abandoning it in an unreasonable way the employee has created a condition of affairs, the natural, direct, and known result of which is to endanger life, health, or limb, or to inflict grievous public injury."

Robertson v. *Baldwin* can best be explained on this rationale. In that case, a majority of the U.S. Supreme Court held that a sailor was bound to fulfill his contract of service even though, during his term, he desired to quit. After pointing out the danger to be anticipated to the ship, its passengers, crew and cargo, from indiscriminate quitting by seamen, the court held that the service was exceptional, and hence that restrictions on cessation of work did not constitute "involuntary servitude."

Mr. Justice Harlan dissented. He took an absolutist position on the other side. He said that "the condition of one who contracts to render personal services in connection with the private business of another becomes a condition of involuntary servitude from the moment he is compelled against his will to continue in such service." Thus, the majority of the court declared that a seaman could be forced to serve his full term; the dissent declared that he could not be required to serve any of it.

Between these two extremes there is a middle ground. A sailor might be required to serve until he could be conveniently replaced. To compel him not to abandon ship in the middle of the ocean or even in a strange port seems like a logical method of assuring the safe return of the vessel. To require him to continue serving after the vessel has reached an American port and a replacement can be secured is to nullify the freedom of a sailor to change jobs by an exception to the general rule not warranted by the actual facts of the case. Insofar as *Robertson* v. *Baldwin* extends to such service, it stands on a very shaky foundation.

The implications of the right to cease work for antidiscrimination legislation are clear. Since personal service is compelled in the first place, it is obvious that to permit the cessation of work before completion would frustrate the purposes of the law. It would hardly do to permit the unwilling barber to cut one side of his customer's head of hair or shave one side of his face, and then announce that he was unwilling to go any further. Obviously, antidiscrimination legislation in personal services infringes on the right to cease work as well as the right not to start it.

6. VOLUNTARINESS OF SERVICE

That antidiscrimination legislation in personal services requires servitude has already been demonstrated beyond doubt. However, a question may be raised as to whether such service to a Negro would be involuntary. An argument may be made that the barber, for example, is free to cease barbering at any time. Hence, it may be contended, that as long as he voluntarily continues to be a barber, he is not subjected to involuntary servitude if he is forced to serve all who apply.

Preliminarily, such an argument overlooks the right to work. The liberty mentioned in the 14th amendment includes the right to "work * * *, to earn his livelihood by any lawful calling; to pursue any livelihood or avocation * * * [and] the right to follow any of the common occupations of life is an inalienable right." The Supreme Court has held that "the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the [14th amendment] to secure." Indeed, the Court pointed out that to deny persons the right to work to earn a living is tantamount to excluding them from the state, since "in ordinary cases they cannot live where they cannot work."

To say that a person must either work for everyone involuntarily or not work at all is to require him to choose between his 13th amendment rights and his 14th amendment rights. Such a rule conditions the exercise of his 14th amendment rights to work at his chosen occupation with an unconstitutional condition, the surrender of his right to be free from involuntary servitude. Unconstitutional conditions may not even be annexed to the exercise of a privilege. It is all the more certain that they cannot be used to limit the exercise of a constitutional right.

Even leaving aside the 14th amendment right to work, antidiscrimination laws which provide in effect that a person must serve another on pain of leaving his chosen occupation is involuntary servitude since the alternative to the servitude is punishment. It is well settled that the 13th amendment encompasses more than physical compulsion to labor. Punishment for refusal to work is also within its scope.

The Supreme Court has several times pointed out that exclusion from one's occupation is punishment. In *Cummings* v. *Missouri*, the Court held that deprivation of the right to engage in a lawful occupation is punishment, and further stated: "Disqualification from the pursuits of a lawful avocation * * * may also, and often has been, imposed as punishment." When this disqualification stems, "not from any notion that the several acts designated unfitness for the callings, but because it was thought that the several acts deserved punishment," then the punitive nature of the disqualification is clear.

Ex Parte Garland is to the same effect. The court there held that "an exclusion from any of the professions or any of the ordinary advocations of life for past conduct can be regarded in no other light than as punishment for such conduct." Likewise, the Court said:

"The legislature may * * * prescribe qualifications for the pursuit of any of the ordinary avocations of life. The question, in this case, is not as to the power of Congress to prescribe qualifications, but whether that power has been exercised as a means for the infliction of punishment, against the prohibition of the Constitution, * * * this result cannot be effected indirectly by a State under the form of creating qualifications."

Finally, in the more recent case of *United States* v. *Lovett*, the Court was concerned with "a legislative decree of perpetual exclusion from a chosen vocation." Mr. Justice Black held that "this permanent proscription from any opportunity to serve the government is punishment, and of a most severe type."

Where a barber or waiter is permanently barred from earning a living in his occupation unless he serves all who apply, the reality of the situation is that he is being punished for refusing service. The exclusion from his calling is a particularly severe sort of punishment. To force him to serve on pain of such exclusion constitutes involuntary servitude.

Even, however, were the alternative to serving everyone without discrimination of going out of business or leaving one's occupation not deemed, strictly speaking, punishment, nevertheless, this alternative constitutes such a degree of coercion as to make the service involuntary. It is well settled that the method of coercion which compels the labor is immaterial, and that coercion is equally forbidden although exercised under the forms of law.

That the loss of the right to serve others, and thereby earn one's living, is coercion of the most potent sort for all but the wealthy few, can hardly be gainsaid. It has been held that a statute which tends to prevent a worker who has broken a contract of service from making a second contract of service with a new employer during the term of the first contract is unconstitutional under the 13th amendment as imposing involuntary servitude. One court said: "If no one else could have employed Carver during the term of his contract with plaintiff, after he had elected to break that contract, without incurring liability to plaintiff for damages, the result would have been to coerce him to perform the labor required by the contract for he had to work or starve. The compulsion would have been scarcely less effectual than if it had been induced by the fear of punishment under a criminal statute for breach of his contract. * * * The prohibition is as effective against indirect as it is against direct actions and laws—statutes or decisions—which, in operation and effect, produce the condition prohibited. The validity of the law is determined by its operation and effect."

However, the opinion most closely on point is that in the Peonage cases. The court there first noted:

"What is this but declaring, if a man breaks his contract with his creditor without just excuse, he shall not work at his accustomed vocation for others without permission of the creditor? What is this but a coercive weapon placed by the law in the hands of the employer to compel the debtor to pay a debt, to perform the contract?"

The court then spoke of the right to work. It said:

"This statute practically attaints the debtor and makes him a legal pariah if he attempts to exercise his right to labor without another man's consent, and that man his creditor. One of the most valuable liberties of man is to work where he pleases, and to quit one employment and go to another, subject, of course, to civil liability for breach-of-contract obligations. These laws attempt to take this right away and destroy this liberty."

The coercion inherent in limiting the right to work was then set forth. The opinion states:

"The leaving of the service, whether with or without just excuse, puts insuperable obstacles in the way of earning a livelihood, by the sweat of his brow, elsewhere than with the first employer or on the rented premises. He must stay there, or else, leaving, must starve, or go to work elsewhere, which in most instances he cannot do except by violating this statute and running the risk of conviction for crime, by not informing the new employer. Practically, the law places the laborer or renter at the mercy of his first employer, because of the broken civil contract. An employer with such power over the sustenance and liberty of another is master of his destiny and liberty, and the laborer or renter in such a condition is a serf in all but name."

It concludes:

"The whole scheme and purpose and the inevitable effect of these statutes are to coerce the laborer or renter to pay a debt, return to a personal service, by stress of penal enactments leveled at his person in the one instance and against his right to work in the other * * *. The debtor cannot be compelled to put himself upon the blacklist that he may be prevented from getting work without an employer's consent, in order to coerce him to the performance of a contract of personal service."

The coercion inherent in barring a person from any other employment is quite different in degree or kind from an action for breach of contract, which may lie if an employee breaches an agreement to render personal services. In such cases, the employee may bcome liable for actual damages sustained by his employer, if any. This is true of any contractor. However, he is not disabled from earning money entirely. The extraordinary compulsion inherent in such a disability is far different from a requirement that the aggrieved employer be compensated for his actual loss.

Even less is the compulsion, if it can be called that, inherent in the withdrawal of wages or other benefits from an individual who will not work. Such individual is free to substitute other work. He can work for whoever he pleases. The pay he receives is a benefit which he may take or not by working or not, but if he declines one job he may still earn his living at another. Hence, his decision to work at a particular job is voluntary even if he is motivated by the desire for the compensation it offers. This is a far cry from the case of an individual who loses all right to work for anyone by declining one job or type of service.

It must be remembered that, however compelling the need may seem that individuals serve others in particular situations, such a requirement flies in the face of the strong and clear policy of the 13th amendment. It has been truly observed that "to compel one person to labor for another against his will is legalized thralldom." And the Supreme Court has declared that "The undoubted aim of the 13th amendment * * * was not merely to end slavery but to maintain a system of completely free and voluntary labor throughout the United States." The clear words of this amendment cannot be frittered away by subtle subterfuge or refined legalese.

Nor does the fact that the worker's refusal to work for a particular patron or client may be based on arbitrary grounds alter the legal effect of the amendment. Indeed, even peons could leave their masters for adequate cause. The worker's right to discriminate on arbitrary grounds against serving particular clients or customers is perhaps most strongly illustrated by *Delorme* v. *International Bartenders' Union, Local 624*.

In this case, the plaintiff tavern owner found himself caught in a jurisdictional dispute between the Teamsters Union and the Brewery Workers Union. Because he bought beer brewed by the brewery workers, teamsters picketed his tavern and collectively refused to deliver supplies purchased by plaintiff from their employers. The plaintiff sued for an injunction, and the trial court found that the drivers were part of a conspiracy to drive the plaintiff out of business by withholding supplies and refusing to deliver them. The trial court then enjoined the Teamsters from interfering with the plaintiff's business. Later, upon a proceeding for contempt, the trial court further found that with knowledge of the decree and with intent to violate it, the Teamsters Union and drivers conspired not to deliver supplies to the plaintiff.

The court thereupon decreed that the drivers "be and they are hereby directed in the future while employed as drivers delivering products and commodities to refrain from making any discrimination against plaintiff, Leo Delorme, until further order of the court or until such time as this order may be modified.

"It is further ordered that respondents be and they are hereby directed to forthwith purge themselves of the said contempt by refraining in the future from refusing to make deliveries of products and commodities to Leo Delorme on the the same terms and conditions as to any other person and when directed by their employer to do so until such time as this order is modified or reversed."

The drivers appealed to the Washington State Supreme Court, contending that the order requiring them to deliver products to plaintiff and not to discriminate against him constituted involuntary servitude. That court held that while a mandatory injunction in a proper case did not violate the 13th amendment, "the portion of the decree entered by the trial court containing a mandatory injunction requiring appellants to deliver products and commodities from their respective employers' establishments to the respondent, Leo Delorme, appears to be subject to valid objection." The State supreme court thereupon modified the decree to make it permissive for the drivers to purge themselves of contempt by delivering products to plaintiff instead of mandatory, as the trial court had done, and further provided that if the drivers failed to so purge themselves of their contempt, the court might punish them in an appropriate fashion.

This case is, of course, highly significant, and a strong one indeed for a mandatory injunction. The drivers have conspired to ruin the plaintiff by not delivering the products he needs. As previously noted, such a conspiracy is illegal, even though the individual drivers could, on their own, refuse to deliver products to the plaintiff. The trial court has ordered the drivers to repair the damage from their unlawful conspiracy by ceasing the object of the conspiracy, and by engaging in the deliveries. However, even in such a case, the State supreme court is unwilling to require the drivers to refrain from discrimination. Not even a contempt of a prior decree whose validity is unchallenged can result in an affirmative mandate not to discriminate to alleviate the effects of the conspiracy. So strong is the policy of the law against involuntary servitude that not even a conspiracy not to serve can result in a decree requiring service. Antidiscrimination legislation can hardly justify a different result.

7. CONCLUSION

It is one of the most compelling ironies of history to find that in 1963, Negroes are demanding laws to compel whites to serve them in the very same occupations which they themselves were freed from serving whites in 1963, and demanding this under the name of "freedom." For the fact is that a century ago, Negroes had a near monopoly of the service occupations now engaged in by employees of so-called "places of public accommodation."

For example, New York has one of the most stringent sets of antidiscrimination laws. Yet these laws cover the occupations in which Negroes were compelled to serve a century ago. Thus, we are told:

"For generations the New York Negroes had had an almost uncontested field in many of the gainful occupations. They were * * * bootblacks, barbers, hotel waiters * * * ladies' hairdressers, caterers, coachmen. (At that time a black coachman was almost as sure a guarantee of aristocracy for a northern white family as a black mammy for a family of the South.) The U.S. Census of 1850 lists New York Negroes in fourteen trades * * * as caterers—a number of individuals actually grew wealthy."

In a number of northern localities, it was not until the great wave of European immigration during the 1840's and 1850's that the Negro monopoly on these service occupations was terminated. In 1853, Frederick Douglass complained:

"Every hour sees the black man (in the North) elbowed out of employment by some newly arrived immigrant whose hunger and whose color are thought to give him a better title to the place; and so we believe it will continue to be until the last prop is leveled beneath us—white men are becoming house servants, cooks, and stewards on vessels; at hotels, they are becoming porters * * * and barbers—a few years ago a white barber would have been a curiosity. Now their poles stand on every street."

In the South, Negroes predominated in the service occupations well into the 20th century. As late as 1930, 40 percent of the workers in southern hotels, restaurants, and similar establishments were Negro; in 1940, 32 percent were Negro. Myrdal observed that the "loss of the Negro male waiters was largely the gain of the white waitresses." He further noted that "travelers in the South often have occasion to observe that, nowadays, the most modern and busiest hotels and restaurants tend to have white bellboys and white waitresses, whereas the old-fashioned places tend to have Negro servants." Thus a century ago, the Emancipation Proclamation decreed that Negro waiters and waitresses would no longer have to serve white college students; now a hundred years later, Negro college students are demanding laws to compel white waiters and waitresses to serve them.

Negro barbers in the South likewise had a monopoly of this form of involuntary servitude before the Civil War. Myrdal notes:

"In the Old South, after the passing of wigs and elaborate hair dressing for men, the barber business fell largely into the hands of blacks. An old southern gentleman once told me that on his first visit to the North he experienced a kind of shame for the white man who cut his hair and the white girls who waited on him at a table."

Thus, we now find, a century after Negroes were freed from the involuntary servitude of cutting the hair of whites, a demand from their descendants that whites be forced by law to cut their hair. Perhaps Negroes who say that the Emancipation Proclamation's first century is being celebrated a hundred years too soon are right. Perhaps the problem with that document is that it discriminated on racial grounds, and included only Negroes within its terms.

The 13th amendment, however, contained no such limitation. Instead "the generality of its language makes its prohibition apply to slavery of white men as well as that of black men; and also to * * * every other form of compulsory labor to minister to the pleasure, caprice, vanity or power of others." The 13th amendment makes no distinction as to who enforces the labor; nor does it distinguish from whom compulsory service is extracted. Rather the amendment "reaches every race and every individual. * * * Slavery or involuntary servitude of the Chinese, of the Italian, of the Anglo-Saxon are as much within its compass as slavery or involuntary servitude of the African." As the Supreme Court has so eloquently declared:

"The language of the 13th amendment was not new. It reproduced the historic words of the ordinance of 1787 for the government of the Northwest Territory and gave them unrestricted application within the United States and all places subject to their jurisdiction. While the immediate concern was with African slavery, the amendment was not limited to that. It was a charter of universal freedom for all persons of whatever race, color, or estate, under the flag. * * * The plain intention was * * * to make labor free by prohibiting that control by which the personal service of one man is disposed of or coerced for another's benefit which is the essence of involuntary servitude."

The fact that Negroes, or those who sympathize with their aspirations, may believe that white persons who refuse to serve them are being arbitrary or capricious, does not alter in any way the legal effect of the 13th amendment. This provision bans absolutely, and in the most express terms, the claim of any person to force any other person to serve him, for any reason whatsoever. Correspondingly, it confers on every person the absolute and unfettered right to refuse, for any reason or none at all, to serve any other person. This constitutionally protected right cannot be abridged or fettered on any pretext or for any reason whatever, as it is the cornerstone of personal freedom and liberty in the United States. Those Negro college students and their white sympathizers who so loudly chant a demand for "freedom" and their "constitutional rights," and who so vociferously demand that whites serve them, would do well to first examine the Constitution themselves, and find out where their freedom and constitutional rights end, and those of others they would in fact violate, begin. As one case unequivocally stated:

"We are not advised of any rule of law under which any man in this country will be forced to serve with his labor any other man whom he does not wish to serve.

* * * * *

"If the injunctive order be construed to mean that the officers and members of the Longshoremen Association Local No. 1416 were thereby required to load or unload the trucks of 'Collins' although there was no contractual relation between the local and Collins, then such construction would violate the constitutional provision above referred to. We think it will not be contended that any member of the local could be committed to jail for refusing to load or unload the 'Collins' trucks. That service required the performance of manual labor and it is beyond the power of courts to punish one by imprisonment for failure to engage in involuntary servitude."

That antidiscrimination laws which compel one person to serve another are unconstitutional seems to be open to little doubt. However, most judges before whom such cases have come have acted as if they never heard of the 13th amendment. But one perceptive jurist, Judge Joseph H. Mallery of the Washington State Supreme Court, recently recognized the conflict between such legislation and the U.S. Constitution. To this author, his dissenting opinion in *Browning* v. *Slenderella Systems* "hits the nail on the head" and should be required reading for all sit-ins claiming "constitutional rights." The opinion is well worth quoting. As Judge Mallery declared:

"All persons familiar with the rights of English-speaking peoples know that their liberty inheres in the scope of the individual's right to make uncoerced choices as to what he will think and say; to what religion he will adhere; what occupation he will choose; where, when, how and for whom he will work, and generally to be free to make his own decisions and choose his courses of action in his private civil affairs. These constitutional rights of law-abiding citizens are the very essence of American liberties."

Discrimination is but another word for free choice. Indeed, he would not be free himself if he had no right so to do. In dealings between men, both cannot be free unless each acts voluntarily; otherwise, one is subjected to the other's will.

"Cash registers ring for a Negro's as well as for a white man's money. Practically all American businesses, excepting a few having social overtones or involving personal services, actively seek Negro patronage for that reason. The few that do not serve Negroes adopt that policy either because their clientele insist upon exclusiveness, or because of the reluctance of employees to render intimate personal service to Negroes. Both the clientele and the business operator have a constitutional right to discriminate in their private affairs upon any conceivable basis. The right to exclusiveness, like the right to privacy, is essential to freedom. No one is legally aggrieved by its exercise.

"The majority opinion violates the 13th amendment to the U.S. Constitution. It provides, inter alia: 'Neither slavery nor involuntary servitude * * * shall exist within the United States.' Negroes should be familiar with this amendment. Since its passage, they have not been compelled to serve any man against their will. When a white woman is compelled against her will to give a Negress a Swedish massage, that too is involuntary servitude."

Through what an arc the pendulum of Negro rights has swung since the extreme position of the Dred Scott decision. Those rights reached dead center when the 13th amendment to the U.S. Constitution abolished the ancient wrong of Negro slavery. This court has now swung to the opposite extreme in its opinion subjecting white people to "involuntary servitude" to Negroes.

Mr. President, from the foregoing article and observations, it is evident that the 13th amendment is an effective bar to the enactment of any so-called public accommodations proposal. If a proposal of this nature were enacted by Congress, it would establish a new type of involuntary servitude in direct violation of the 13th amendment to the Constitution.

Mr. President, I yield the floor.

EDITORIAL COMMENT ON THE NOMINATION OF WALTER TOBRINER TO BE A COMMISSIONER OF THE DISTRICT OF COLUMBIA

During the delivery of Mr. Thurmond's speech,

Mr. MORSE. Madam President (Mrs. Neuberger in the chair), last Sunday the Washington Star published a highly critical editorial of the senior Senator from Oregon. The editorial attacked me because I opposed the nomination of Mr. Tobriner to be a District of Columbia Commissioner. I ask unanimous consent that the critical editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TOBRINER CONFIRMED

As usual, the Senator from Oregon spoke at length. It was a windy speech, boring and largely irrelevant. When he finished, all but five Senators had fled the floor. And in that setting, Walter N. Tobriner was confirmed for a second-term as District Commissioner. There was but one dissent, coming, needless to say, from Senator MORSE.

This was much less than was due Mr. Tobriner for his efforts in behalf of Washington during a period which, to say the least, has been trying. But perhaps it is not too surprising. For a District of Columbia matter seldom is of prime concern to the Senate. And when one considers the fact that Senator MORSE ended his 2½-hour speech at 11:20 p.m., there may be some reason for gratification that as many as five Senators were still on hand to do their duty.

One of that small band was Senator BIBLE, chairman of the District Committee. He spoke as a man who is thoroughly familiar with Mr. Tobriner's record in the District building. And it was good to have him say: "I find him to be a sensitive man, a kind man, and a dedicated man—dedicated to the same principles and objectives to which I believe all of us are dedicated; that is, to make the Nation's Capital a better place in which to live."

This graceful little tribute should make it a bit easier for Commissioner Tobriner to swallow the abusive nonsense spouted by Senator MORSE.

Mr. MORSE. I desired to have the editorial printed in the CONGRESSIONAL RECORD so that students of American journalism, at least, will have this exhibit of dishonest journalism. But that is no exceptional practice for the Sunday Star, although their dislike for the senior Senator from Oregon is of long standing. The journalism of the Washington Star in so many fields of its reporting and editorializing can best be described by the word "dishonest," for in the editorial it is interesting to note that although the Star characterized my speech against the confirmation of the nomination of Mr. Tobriner as "windy, boring and irrelevant," it is very interesting to note that nowhere in the editorial, nor elsewhere in the news stories, which were marked by remarkable brevity, was the Washington Star honest enough to set forth the reasons which the Senator from Oregon gave for his opposition to the Tobriner nomination. Those reasons were so many—and they were documented—that it required 2½ hours to set them forth.

I intend to recapitulate in a capsule form this afternoon my reasons for opposition to the Tobriner nomination; and every time the Washington Star again exhibits its pattern of journalism, which can best be described as dishonest, I shall recapitulate again.

I am one politician who does not accept the general point of view which prevails among so many of my colleagues, that one must never respond to dishonest journalists, because they always have the last word. That is the fault of the politicians, if they give them the last word.

I do not intend to let any "yellow journalist," be it the Washington Star, or any other, have the last word when he dishonestly reports the senior Senator from Oregon.

In the 2½-hour speech that I made the other night in opposition to the Tobriner nomination, I pointed out at the very beginning that his nomination would be confirmed. The Washington Star seems concerned because, when the confirmation took place at 11:20 p.m., there were only five Senators in the Chamber. Senators knew all day long the procedure to be followed. I planned a procedural arrangement with the leadership of the Senate whereby I would make my record against Tobriner late that night, so as not to interfere with the regular course of business of the Senate.

Senators knew that the Tobriner nomination was going to be confirmed by a majority of the Senate. Senators who left early, after the rather long day, knew that enough Senators would remain so that a voice vote would be taken on the Tobriner nomination, and that the result would be a confirmation. But they also knew that the senior Senator from Oregon is a member of the District of Columbia Committee, and they knew that as the chairman of a subcommittee of the District of Columbia Committee, which has jurisdiction over the policies and practices of the District of Columbia Police Department I would make a record against the Commissioner. Commissioner Tobriner is the man in the District of Columbia Building who has the responsibility for administering and of supervising the District of Columbia Police Department.

As chairman of the subcommittee of the District of Columbia Committee which has jurisdiction over the Police Department of the District of Columbia, I am satisfied that Mr. Tobriner is doing an ineffective, inefficient, and poor job as the Commissioner having jurisdiction over the District of Columbia Police Department.

I made that very clear in my speech the other night. But one will look in vain for any statement of the basis of my opposition to Mr. Tobriner in the dishonest reporting of the Washington Star news stories and the dishonest writing of the editors of the Washington Star in their editorial columns whenever the senior Senator from Oregon is involved in any controversial matter.

Every time I pick up the Washington Star and find that it is in disagreement with me, I know for a certainty that I am right. All I need to know to convince me that I should go forward with a fight in what I consider to be the public interest, is that the Star is against me.

I want the Washington Star to know that I intend to continue this fight. All of its journalistic dishonesty, and its direct yellow coloring will not deter me one iota.

I pointed out in my speech the other evening that I object to Tobriner because I am satisfied that he is doing an unsatisfactory job as a member of the Commission which ought to be giving us a better Police Department administration than we are receiving.

I stated in my speech the other evening:

> I rise to oppose the nomination. I wish to talk to the Senate a little about the procedure that confronts us. If I thought I had any chance of beating the nomination, I would not have agreed to the procedure to which I have agreed. I know that the nomination will be confirmed. I have a clear duty, however, as a member of the committee on which I have served for so many years—as a Republican, as an Independent, and now as a Democrat—to make the statement that I am about to make. I have lived with and suffered with the problems of the District of Columbia for many years. I believe the appointment of Mr. Tobriner as a Commissioner is a mistake. I have agreed that it should be presented tonight, that the record, should be made, and that a voice vote on it should be had. I am satisfied that a substantial majority of the Senate would vote to confirm the nomination.

No reference to my statements will be found in the news stories of the Washington Star or in the editorials.

Later in my speech the other evening I said:

> What is the major basis of my opposition to Mr. Tobriner? Mr. Tobriner is President of the District of Columbia Commissioners. He is the Commissioner who has under his jurisdiction the administration of the Washington, D.C., police force. I do not believe he has been doing a good job in that capacity. In the previous session of Congress I announced, as a member of the District of Columbia Committee, in a subcommittee in which police affairs fall, that I was about to conduct a personal study of a good many complaints which I have been receiving in respect to the Washington, D.C., Police Department and the administration of it. I said if I found that my study warranted subsequently asking the committee to authorize a committee investigation, I would so report.

Later I said:

> Tonight I wish to discuss only one phase of Police Department policies to which I take strong exception. I have on my desk a list of the actions of one part of the Police Department for the past year, known as adjustment of traffic tickets. That is a nice-sounding phrase—adjustment of traffic tickets. It is known in the parlance of law enforcement as ticket fixing.
>
> I have in my hand a 1-foot ruler—a 12-inch ruler. The pile of documents on my desk measures 11¾ inches high. But do not think that each of those pages represents only one ticket. One page contains references to 10 cases, another one relates to 7, another relates to 10. But not all of them are limited to 10, either. One contains 32 cases.

Some of those pages contained as many as 50 fixed tickets. I then stated:

> I have a little difficulty reconciling that exhibit with Police Department efficiency. But do not think that these documents represent all the tickets that were fixed.
>
> Those are only tickets that were "fixed" at the precinct levels. But there were more, although I do not have those tickets here.

We have no way of knowing how many more tickets were fixed. We do not know how many tickets were fixed in the District of Columbia Building itself. We do not know how many tickets were fixed up here on the Hill, but perhaps it added thousands to the list.

I digress from what I said the other night. Ticket fixing in the District of Columbia can be characterized as a racket. The Police Department is honeycombed with ticket fixing.

It was alibied that that happens in other cities. Is that not a fine argument to justify malfeasance, inefficiency, and what I consider to be a form of corrupting the administration of justice in this country? For if there are tickets that the police issue that do not involve violations, we had better take a look at the efficiency of the Police Department; but if the tickets issued are, for the most part, tickets that should be issued, there is no justification for any person connected with law enforcement in the District of Columbia fixing a ticket.

Madam President, we cannot have sanctity of law and follow corrupt practices in administering the law. The alibi that was given last night, and the alibis which I understand are emanating from the District of Columbia Building, that this is common practice in all cities, cannot be sold to me.

I know corruption when I see it. I know malfeasance when I see it. I know many forms of dishonesty when I see them.

The many thousands of tickets in the District of Columbia that are fixed are not a justifying reason for voting for Mr. Tobriner, who is the Commissioner under whose jurisdiction and supervision falls the Police Department of the District of Columbia.

Reading further from my speech of the other night:

> Tonight, I wish to discuss only one phase of Police Department policies to which I take strong exception. I have on my desk a list of the actions of one part of the Police Department for the past year, known as adjustment of traffic tickets.

Madam President, I said in my speech the other night that I would point out in a foregoing tabulation printed on page 7441 of the RECORD on fixed tickets the caption, "Withdrawn by Department," which means, so the Department states, "adjusted." But I believe that in each case the word "fixed" would more appropriately be used.

I pointed out that from 1960 to 1961, 27,492 tickets were fixed in at the precinct level.

From 1961 to 1962, 28,429 tickets were fixed; from 1962 to 1963, 33,739 tickets; from 1963 to 1964, 26,077 tickets.

That is a shocking record, particularly when we know that it does not begin to include all fixed tickets.

We do not read news stories or editorials about that in the Washington Evening Star. But, of course, dishonest journalism covers up its henchmen. We all know the position of the Washington Evening Star in regard to another major objection that I had to Mr. Tobriner—which I shall discuss later—that the Washington Evening Star has been trying to cover up for the shocking police-state-like legislative proposals of Mr. Tobriner and the Chief of Police of the District of Columbia; but not a word in an editorial or a news story honestly setting forth the factual basis for my objections to Mr. Tobriner.

Granted, the Washington Evening Star does not have to agree with my conclusions. The Washington Evening Star can take the position, if it wishes, that it believes it is all right to fix traffic tickets. The Washington Evening Star can take the position, if it wishes, that it is all right to arrest free citizens and permit a procedure to allow a police-state third-degree policy to be followed in the District of Columbia, which the Chief of Police advocates, which Mr. Tobriner has condoned and which Mr. Tobriner himself, in testimony before our State committee, advocates by way of a proposal for modification of the Mallory rule laid down by unanimous decision of the U.S. Supreme Court.

They can take that position if they wish to do so, but I leave it to the reading public as to whether the precious right of freedom of the press, guaranteed under the Constitution of the United States, permits even yellow journalists to cover up the facts as they cover them up in respect to the objections which I raised in my 2½-hour speech in opposition to Mr. Tobriner.

I know we do not have to go down to the editorial offices of the Washington Evening Star to find people who are not happy with me, when I speak 2½ hours on the floor of the Senate, or 5 hours, or 10 hours; but that unhappiness, in or out of the Senate, in or out of the editorial offices of the Washington Evening Star, or in or out of any other precinct in this land, will never stop me from carrying out what I consider to be my duty to the people who elected me to the Senate, to set forth the facts as I find them and honestly believe them to be, and to advocate the public policy which I believe is dictated by the facts.

All the editorials charging me with being windy and irrelevant, and all the rest of the rot in the Washington Evening Star editorial, will not result in fewer speeches but more from me. There is a fight which has to be waged, to get the facts to the American people, so that we can administer the form of self-government that was contemplated under the procedural guarantees for which I have been fighting, and which our constitutional fathers set forth in the Constitution itself.

As I pointed out in my speech the other night, we cannot maintain respect for the law and advocate the police practices and policies, and the legislative policies, which Mr. Tobriner has been advocating. That was one reason why I voted against him.

Madam President, I pointed out that in my capacity as chairman of the Senate Subcommittee of Police Affairs, I have talked with a great many policemen. Many of them are concerned about ticket-fixing practices which prevail in the District.

I stated in that speech that they were discouraged by it—and the Senators will find that paragraph in the speech in which I said:

> But I have talked with officers who are not in the category. They tell me that a considerable number of officers of the District of Columbia Police Department write few tickets because they have had the same experience, they say, of making fools of themselves by reason of the tickets being fixed, adjusted, dropped, canceled, or whatever word may be used. I know of no better way to create a problem of troubled morale in a police department than to have the feeling exist that the police officers will not be supported in their rights.

There can never be an efficient police department with high morale if we pull the rug out from under the conscientious endeavors and efforts on the part of dedicated policemen to carry out the law, by reversing their police decisions and fixing tickets, or setting aside arrests, or not giving them the support to which they are entitled, when the facts bear out justification for the arrest and justification for the issuance of the ticket.

I wish to say for the benefit of the Senate and for Mr. Tobriner—although he knows it—and for the Chief of Police—and he knows it, too—that the morale in the District of Columbia Police Department is far from what it would be if there were no superiors engaged in thousands and thousands of ticket-fixings in a year.

As the statistics that I have put in the RECORD show, not one word was included in the Washington Evening Star, in either its news stories or in a critical editorial about me, because I dared to stand up before the Senate for 2½ hours to set forth my reasons for opposing Mr. Tobriner's nomination.

In the course of my speech the other night I said:

> I come now to the second basis of my opposition to Mr. Tobiner; namely, his legislative activities.
>
> Before I go into that subject, I should like to put into the RECORD a little information which has just been supplied to me by George England, of the Department of Motor Vehicles. Here again we have a police department. These figures deal with the rate of automobile accidents in the District of Columbia.

I pointed out the seriousness of the automobile accident rate in the District of Columbia. I said that my studies lead me to believe that a part of the cause is the so-called selective law-enforcement policy, the so-called qualitative law-enforcement policy being followed in the District of Columbia. There is only one way to enforce the law, and that is to enforce it. It is not possible to enforce it on a qualitative basis. If there is a violation of a traffic law, and a policeman sees the violation, the arrest should follow automatically, not on any selective basis.

The semantics of the administrators of the Washington Police Department would be amusing if they were not so serious in their implications.

My study satisfies me that when they speak about selective enforcement or quality enforcement, they mean they enforce the law except where there is "pull." The Police Department is honeycombed with pull—political pull, business pull, crony pull, and all sorts of pull. It is shameful.

That is another reason why I opposed Mr. Tobriner as Commissioner, because under his jurisdiction falls the supervision of the Police Department.

I then discussed at some length my opposition to Mr. Tobriner because he advocates taking a precious safeguard away from free people in connection with arrests. I discussed it. I also discussed at some length the other night the theory and the constitutionalism of the unanimous decision of the U.S. Supreme Court in the Mallory case. I said then, and I repeat now, that what Tobriner is up to and what Katzenbach is up to and what the Department of Justice is up to, and what the Chief of Police is up to is to be free to arrest for investigation. That is exactly what their proposals for modification of the Mallory rule add up to.

One of the precious safeguards, supposedly, of every man and woman in the United States, under our system of law, is that no one should be arrested without probable cause. It is that simple.

If there is no probable cause for arrest, no policeman has a right to put his hand on any person and say, "You are under arrest. Come with me." Tobriner testified in behalf of the modification of the Mallory rule, and on the basis of that testimony I could never vote for the confirmation of his nomination. There is not a word about my reason for voting against him in the editorial of the Washington Star, or in the inadequate reporting of the speech by the correspondent, who may by that time have been overcome with fatigue. Being a very charitable person, I will give him that possible escape hatch, because it was rather late at night. However, they certainly had an opportunity to read the speech between Friday night and the publication of the editorial on Sunday. In that speech I analyzed the Mallory rule on the basis of its legal history, and I pointed out that what Tobriner was after and what the Police Chief was after was a relaxation of any arrest procedure whereby an arrest could be made for investigation purposes, and an arrested person could be taken to a police station and subjected to lengthy cross-examination, although a committing magistrate might be available.

All that the Supreme Court said was, "Take him without delay to a committing magistrate." I asked the other night, "What is wrong with that?" I ask that tonight. I shall be asking that question many times before the end of this session if an attempt is made to try to put through the Senate what is known as the Police Chief's omnibus crime bill. The Police Chief's omnibus crime bill has one proposal after another in it which seeks to establish what I call police state procedures and techniques to be vested in the Washington, D.C., Police Department. This is no new fight in the history of American law enforcement. It is a fight to protect the American people from arbitrary and capricious conduct on the part of police departments, and it started almost before the ink was dry on the Constitution itself. This fight must be fought over and over again, year by year, in different parts of America. We have that fight now in the Capital of the United States, in the District of Columbia.

Therefore I opposed the nomination, because in my judgment anyone who is willing to advocate procedures which would lead to a form of arrest for investigation is not fitted to serve as the Commissioner who is charged with supervision of the Police Department of the District of Columbia; and any Chief of Police who advocates this kind of undercutting of the procedural rights of free Americans should not serve as Police Chief of the District of Columbia.

Madam President, I send to the desk a bill and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2732) to prohibit the fixing of traffic tickets in the District of Columbia, introduced by Mr. MORSE, was received, read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORSE. Madam President, the title of the bill reads as follows:

"A bill to prohibit the fixing of traffic tickets in the District of Columbia."

This will get them all. This will get the politicians who try to fix a traffic ticket. This will get the whole gamut of fixers.

The text of the bill reads as follows:

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That no officer or employee of the District of Columbia shall administratively adjust or cancel any summons or other process issued by an officer or member of the District of Columbia Metropolitan Police force in connection with a violation of any law or regulation of the District of Columbia relating to motor vehicles or the control of traffic. All records in connection with any such summons or other process so issued shall be preserved for a period of five years. Any officer or employee of the District of Columbia violating the provisions of this Act shall be imprisoned for not more than ninety days or fined not more than three hundred dollars, or both.

Pass that law, and we shall bring to an end the shocking ticket fixing in the District of Columbia, which this yellow sheet and mouth organ for the politicians in the police department and the District of Columbia government want to cover up, and did cover up, in the report of the recent objections to Tobriner. Pass this law, and we shall have an answer to the Washington Star and also to Mr. Tobriner and to the Chief of Police.

Mr. LAUSCHE. Madam President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. LAUSCHE. I note that there is no provision under which there could be a nolle prosse by submitting the case to a judge. In the State of Ohio, one can go before a judge, submit the matter, and show that there is not adequate proof, and the judge will issue an order to nolle prosse the case.

Mr. MORSE. I do not believe the bill would prevent that procedure. The bill is aimed only at preventing the police department and the Commissioners from fixing tickets. The bill does not seek to interfere with other judicial rights that an accused may have.

Mr. LAUSCHE. That is, if the papers were filed and the matter submitted to the court, the normal procedure of the court would be followed?

Mr. MORSE. Oh, yes. The bill would not prevent the setting aside of a ticket by a court, if the court found that a mistake had been made. It would not prevent an officer from telling the court, "I made a mistake," and explaining why he issued the ticket.

I want to stop the extralegal actions on the part of the police, the Commissioners, and others who are fixing tickets. I want to make the administration of law at all times a matter of official record, where one can get the judgment of the judicial officer. That is why, as the Senator knows, I am determined to see to it that the committing magistrate shall not be moved out of the picture in connection with arrests when there is no probable cause.

Let the accused be taken before a committing magistrate. He is the one to determine whether there was probable cause. The Police Department should not be given 6 hours, as is now the proposal of the Chief of Police and Mr. Tobriner, to browbeat an accused. Some of the most effective and vicious third-degree tactics can be a constant pommeling of the mind of the accused with questions. We know that. We know it because of our knowledge of psychology and the individual differences that exist among people.

The Supreme Court gives us this safeguard. As I said in my speech the other night, the Judicial Conference has under study the question of the Mallory rule. I suggest that we ought to delay any action on any omnibus crime bill until the Judicial Conference has finished its consideration. The Judicial Conference in its temporary report has sustained the Mallory rule. The Supreme Court, in the past month, by denying a writ of certiorari in the Seal case, has sustained the Mallory rule. Yet we find Mr. Tobriner and the Chief of Police determined, on the basis of a chain of fallacious argument and false reasoning, to have Congress stampede itself into a modification of the Mallory rule on the basis of the specious argument that certain procedures are necessary to strengthen the hands of the police department. Nonsense. They are not needed.

Mr. LAUSCHE. I thank the Senator from Oregon.

UNILATERAL AMERICAN INTERVENTION IN SOUTH VIETNAM

Mr. MORSE. Madam President, press reports of the Council of Ministers meeting of the Southeast Asia Treaty Organization expose again the thin and unsupportable basis for the current unilateral American intervention in South Vietnam. I have before me an article that was published in this morning's Washington Post. It is entitled "Thais Support Rusk Against French on Neutral Vietnam." I ask unanimous consent that the article be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THAIS SUPPORT RUSK AGAINST FRENCH ON NEUTRAL VIETNAM

(By Ed Meagher)

MANILA, April 13.—France's proposed neutrality plans for southeast Asia were stoutly challenged by the United States and Thailand today at the opening public session here of the Southeast Asia Treaty Organization's Council of Ministers.

While Secretary of State Dean Rusk smiled occasionally in presumed approval—and France's Foreign Minister Maurice Couve de Murville frowned—the Thai envoy, Thanat Khoman, denounced the thought of neutralization for Vietnam. He broadly implied that France should resign from the Alliance unless she shelves such an approach to securing peace for the area.

Couve de Murville was reported to have told a closed session that a political solution to Vietnam should be attempted if the present war effort fails. Sources said he questioned whether a military victory was possible.

FRENCH NOT SURPRISED

French delegation sources later indicated that the Thai attack was neither unusual nor unexpected. They implied that they were unlikely either to change their ideas on neutralization or to respond to the Thai challenge to decamp.

Rusk, in his opening public statement and, it was learned, in the closed debate, gave Foreign Minister Khoman solid support.

He pointed out that the Communists have consistently violated the Geneva agreements of 1954 on Vietnam and 1962 on Laos.

"North Vietnam," he said in his public address, "continues to maintain troops in Laos, to supply military equipment to the Pathet Lao and to infiltrate Vietcong guerrillas through Laos into South Vietnam in violation of the Geneva agreements of 1962.

"South Vietnam is the target of a continuing aggression directed, supported and supplied from Hanoi."

He said the United States has been encouraged by the vigorous reaction of Gen. Nguyen Khanh and his government in South Vietnam to the campaign of Communist terror and subversion as well as by their clear recognition that the guerrilla war will not be won by military action alone, but that there must be economic and social progress among all elements of the Vietnamese people.

MISSION UNCHANGED

He said SEATO's mission, the preservation and strengthening of peace and security in the treaty area, "is as relevant today—indeed as critical today—as it was in 1954. This is the time to rededicate ourselves to this mission as my country now does."

During the closed session, sources said, Rusk indicated to the ministers that the United States will not pull out of South Vietnam but will continue to do everything possible with guidance and material support to beat the Vietcong and permit establishment of a stable, progressive government.

Although he did not preclude extension of the conflict to North Vietnam, he said such an action would be taken only if and when the situation seemed to demand it.

Mr. MORSE. Madam President, apparently, Secretary Rusk is citing the Geneva accords as the basis for our intervention. That, at least, is a tacit admission that the SEATO treaty itself has been a failure in dealing with issues that have threatened the peace in that part of the world.

Secretary Rusk is said to have pointed out that the Communists have consistently violated the Geneva agreements of 1954 on Vietnam.

But the United States specifically refrained from adhering to the Geneva agreement when it was signed in 1954.

The United States did not sign the Geneva accords. We participated in the discussions, but we and South Vietnam did not sign the resulting agreement. The nations that did sign were Great Britain, France, Russia, China, Laos, Cambodia, and North Vietnam.

The then Under Secretary of State, Walter Bedell Smith, declared only that the United States would "refrain from the threat or the use of force to disturb" the agreements which had ended French dominion over Indochina and divided it up into the four countries of North and South Vietnam, Laos, and Cambodia. Under Secretary Smith also said that the United States "would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security."

I wonder if Mr. Rusk would like to argue that that language justifies unilateral military action by the United States in South Vietnam. Let him find an outstanding international lawyer who would say he would have a leg to stand on if he made such an argument. Let me read that language again:

> Under Secretary Smith also said that the United States "would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security."

That language, uttered by former Under Secretary of State Walter Bedell Smith, with no U.S. signature affixed to the Geneva accords, gives the United States no legal standing whatsoever for intervention in South Vietnam. In his speech today, the senior Senator from Oregon supports the proposal that the United States is without an international law right of any kind to be in South Vietnam. If we took the question of international law to the World Court, in my judgment we would receive a unanimous decision against the United States on the basis of any argument that Rusk made yesterday in Manila, that seeks to leave the impression, if it means anything, that in some way, somehow, the Geneva accords give the United States some international law right to be in South Vietnam, killing American boys. It is not so. Rusk and McNamara can repeat it over and over again, but the repetition of a fallacy does not make it a truth.

We are not a party to the Geneva accords. Neither the United States nor South Vietnam is a signatory. Citing Communist violations of the accords, we have violated them ourselves. Yet today our Secretary of State is trying to hold the Communists accountable under them. A part of the agreement created an International Control Commission consisting of Canada, Poland, and India to supervise the implementation of the agreement.

In 1957 it reported that neither North Vietnam nor South Vietnam had been fulfilling its obligations under the Geneva Agreement. Under the finding of the International Control Commission consisting of Canada, Poland, and India, to supervise the implementation of the Geneva accords, I repeat that in the Commission's 1957 report it reported that neither North Vietnam nor South Vietnam had been fulfilling its obligations under the Geneva Agreement.

As recently as 1962 the Commission issued a report condemning North Vietnamese aggression against South Vietnam.

If we recognize the agreement as binding international law—and Bedell Smith, on behalf of the United States, said that would be the position of the United States—and if we believe that international law has been violated, what is our obligation? Clearly, it is to take that violation of international law to the United Nations. We are avoiding the United Nations, insofar as the South Vietnam issue is concerned, as if the United Nations were a plague. But we signed the United Nations Charter. We did not sign the Geneva accords. As a signatory to the United Nations Charter, if we think international law is being violated, we have a duty to file our complaint with the United Nations and ask it to exercise the procedures set out in the charter, in an effort to preserve the peace and to bring to an end the killings in South Vietnam that jeopardize the peace.

The Secretary of State makes out a case, in Manila, for going to the United Nations, but apparently he does not know he is making out such a case. He makes no case whatsoever for unilateral U.S. enforcement of an agreement the United States never signed.

That story indicates that apparently the Foreign Minister of Thailand seems to think the United States should stay in South Vietnam and that there should be rejection of any proposal by France for neutralization of South Vietnam. Of course, he finds himself in a somewhat inconsistent position with another Thai, one whom I quoted last Saturday—the Secretary General of SEATO, who made a statement in Manila to the effect that the conflict in South Vietnam is an internal conflict; and, as I pointed out, in his statement he bore out what I have been saying in the Senate for weeks; namely, that that conflict is a civil war, and should be no place for U.S. unilateral action.

Apparently the Secretary of State has taken the position that he does not think we should follow whatever course De Gaulle had in mind. But, Madam President, the interesting thing is that the Secretary of State has not formally laid the South Vietnam issue before SEATO, and made it a part of the agenda, and asked for formal SEATO action. So what we shall be fed with during the next few days, I am willing to predict, will be one propaganda story after another, out of the U.S. delegation quarters in Manila—stories which the Secretary of State would attempt to have some other official or some other SEATO nation express as that official's opinion or that nation's opinion—and still others, and still others.

But the U.S. delegation at Manila—I am sorry to have to say this, but it is accurate—is "ducking" the responsibility of the United States as a signatory of SEATO to request officially that the South Vietnam issue be made a part of the SEATO meeting agenda, and that SEATO, as SEATO, be asked to determine what SEATO's policy should be in regard to South Vietnam.

Of course if that were done, some Australians would have to die in South Vietnam, and some New Zealand boys would also have to die there, and some Pakistan boys and some Thai boys and some Philippine boys and some British boys and some French boys would also have to die in South Vietnam. That is just what those countries do not want to support; they do not intend to throw their boys into the holocaust of a civil war there. Instead, they prefer to have only the boys of the United States thrown into that war. If those nations accepted SEATO jurisdiction, of course they would clearly be obligated to support the prosecution of McNamara's war in South Vietnam or else propose an alternative, such as coming out in support of a SEATO trusteeship over the tyranny that prevails in South Vietnam, for there are two tyrannies in a contest with each other. There is the Vietcong, which follows the Communist line; and there is the South Vietnam military tyrant, who follows the line of military fascism—supported, sad to say, by the United States.

Yet, in other places in the world we profess that we stand for freedom, for democratic processes, for self-government, and for the rights of the individual. But in South Vietnam they are nonexistent. All one has to do is to read the statement by Secretary Rusk, from Manila; thus it will be possible to obtain a clear showing that Secretary Rusk is "ducking" the international-law problem involved in the South Vietnam war, because he cannot answer it. We do not have the slightest basis under international law for engaging American boys in a military operation in a civil war in South Vietnam.

But what makes any Senator think that war will be limited to South Vietnam? Instead, the South Vietnam-McNamara war is going to become increasingly embarrassing to this administration, week by week and month by month. For some time I have said that the trial balloons have been put up, in connection with the plan to escalate that war into North Vietnam. This afternoon I charge on the floor of the Senate that such plans are under consideration, and that the programing of such an escalation—in case the final decision made is to escalate it—is in the making.

In the April 6 issue of Aviation Week there is a very interesting article. I do not know how it happened to get into the public print. I wish to read to the Senate a few paragraphs of the article, which is only a part of the supporting evidence which exists.

I have already had printed in the RECORD some of the communications I have been receiving from American military personnel in Saigon, who are objecting to being made human fodder in a civil war that in no way involves the United States, or should not involve the United States. American military personnel in that country are reporting that to me.

Last week, I pointed out the indications, from American military personnel who are being prepared and trained as marines for guerrilla fighting in South Vietnam. Mr. President (Mr. MCGOVERN in the chair), I have challenged the administration to deny that; and this afternoon I again challenged the administration to deny it.

But let me read one or two paragraphs from the article to which I have referred:

> SOUTH VIETNAMESE RAIDERS EXTENDING WAR
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> (By Larry Booda)
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> SAIGON.—War against the Communists already has erupted over the borders of South Vietnam in hit-and-run guerrilla raids and infiltration moves as far north as China, setting the stage for large-scale movements against Vietcong insurgents.
>
> With U.S backing in aircraft, weapons, and money, an estimated 50,000 elite South Vietnamese special forces troops are being trained to take the offensive in over-the-border strikes at Communist supply centers and communications routes.
>
> Despite Defense Secretary Robert S. McNamara's implication in Washington March 26 that the decision has not yet been made to extend the war, it is known here that guerrilla strikes against the Communists have been increasing since last summer. Objective of these operations is to stop the southward flow of weapons and trained Vietcong troops along the routes in Laos and Cambodia as well as inside North Vietnam.
>
> Laos appeared ready last week to permit South Vietnamese raids in pursuit of Communist Vietnamese inside Laos. It was reported that rightist Lao Vice Premier Gen. Phoumi Nosavan and South Vietnam Premier Maj. Gen. Nguyen Khanh had reached a border crossing agreement.
>
> Key factor in the current raids is airlift provided by Air America, a U.S. aircargo company incorporated in Delaware under a maze of legal obscurities that camouflages its U.S. Government sponsorship. Air America is operating a diversified force of aircraft, ranging from the four-engine Boeing Stratoliner to helicopters and light aircraft, within and outside the borders of South Vietnam.
>
> An indication of the increased tempo of operations came March 29 when 16 Vietnamese piloted fighter-bombers made the first night air raid of the war against a Vietcong staging and training area 350 miles north of here near the Laotian border. Large quantities of napalm and white phosphorus fire bombs and 50,000 pounds of other bombs were dumped on the area.

As I said Saturday in my speech against the unjustifiable unilateral American action in South Vietnam, we were caught in Cambodia. An American plane was shot down. An American pilot was killed along with the South Vietnamese occupants of the plane.

What had they been doing? Dropping fire bombs on Cambodian villages, killing 16 in one village and burning the village.

Do Senators believe that that action created a great deal of good will for us in Asia or anywhere else in the world? The United States was caught redhanded. The description is good—red with fire, red with the firebomb. They are the most inhuman weapons that can be used.

The story points out that the operations have gone beyond the borders of South Vietnam. That has been a growing practice. I am reading these paragraphs because I have heard Senators say in the cloakroom that they really do not think there is much danger that the war will be escalated into North Vietnam. The senior Senator from Oregon believes that it is a real danger and believes that the probabilities are greater than not that the war will be escalated into North Vietnam. That is what I believe. If the advocates of our present policy could only get a wide section of American public support for that kind of operation, we would start losing American boys by the scores.

The article continues—

> U.S. military advisers here are optimistic that extending the war beyond the borders, plus a stable government in Saigon, will force the Communist insurgency to collapse in a year. These advisers have long felt that this southeast Asian war could never be better than a frustrating standoff unless South Vietnam took the offensive against the support lines of the Vietcong.

These American military advisers are talking the same way the French talked for years. The French finally ended up beaten in Indochina, and the French people pulled down the French Government because they had become fed up with sacrificing the flower of French manhood in the Indochina war.

The whole strategy is wrong. When the door is swinging wide open, if we only walk through, I offer an alternative in keeping with American ideals and in keeping with our obligations under the United Nations Charter. If SEATO will not take jurisdiction, the United Nations should be asked to do so.

Mr. President, we cannot answer charges that will be made against us if we escalate the war into North Vietnam. If we escalate it into North Vietnam, I warn the Senate that the plan is to use nuclear weapons. I have been heard to say before that if we drop nuclear weapons on North Vietnam, we had better start looking around the world for friends. We shall not have very many. No Senator can be sure what would happen if we started using nuclear weapons in connection with the civil war in South Vietnam.

Last Saturday morning, in debate on the floor of the Senate, I pointed out that there were those who thought we should have bombed beyond the Yalu in the Korean war. That has been a pretty common point of view on the part of forces in this country that have wanted to castigate Harry Truman because he issued the orders not to bomb beyond the Yalu. That great man has not been given the protection to which he was entitled. He could not be given it at the time, because at the time his reason for issuing the order not to bomb beyond the Yalu was highly classified. But in the intervening years the question was officially discussed in American publications, so that now at least some people know that the reason the order was given not to bomb beyond the Yalu was that the United States did not control the air, and it was known that if Russia made the decision to come in, she would be able to massacre the U.S. forces in South Korea. And what an ungodly massacre it would have been, with only the Port of Pusan for escape.

One phase of that information appeared in Drew Pearson's column this morning. I ask unanimous consent that the column be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post,
Apr. 14, 1964]

MACARTHUR HAD FAULTY MEMORY

(By Drew Pearson)

It's too bad that the Old Soldier who was laid to rest last week authorized those two bitter interviews regarding the Korean war. Both President Truman, who had some reason to dislike Gen. Douglas MacArthur, and President Eisenhower, who didn't speak to him during the war years, had forgotten the past and paid him personal tribute.

But the posthumous interviews, in which MacArthur tried to write history the way he thought it should be—not the way it was—have now opened old wounds. They also have opened some hitherto confidential files in the Pentagon.

These files, plus other conversations with the Old Soldier, show that in his latter years sitting high in the Waldorf Towers, he was a bitter, brooding man—brooding over the last battle he fought, which ended in his summary retirement.

He continued so bitter that in the summer of 1960 he told one distinguished diplomat: "Eisenhower was always weak, even as a young officer."

And, regarding the young Senator who was later to become President, he said: "I remember Kennedy when he was PT boat commander in the Pacific. He should have been court-martialed. Those PT boats carried only one torpedo. They were under orders to fire and then get out. They were defenseless. Kennedy hung around, however, and let a Japanese destroyer mow him down.

SECRET BOMBING DEAL

When you're sitting all alone in a hotel room, with a long vista of years to look back on, it's only natural that memory becomes dim and history is mentally rewritten. However, the real history of the Korean war, as shown in the files of the Pentagon, proves the contrary of General MacArthur's memory.

And since the reputations of other military men, along with a former President of the United States, are at stake; and since many people have blamed Truman for refusing to permit bombing north of the Yalu River, this column will undertake to report from the Pentagon files.

They show three points which General MacArthur either ignored or forgot:

1. There was a secret agreement with the Chinese Communists that we would not bomb north of the Yalu River and they in turn would not bomb south of the 38th parallel.

2. The Chinese Air Force alone had 2,000 planes, twice the force we had committed to Korea, and the Russians had an even bigger air armada massed in the Far East. This made the bombing agreement attractive to the United States.

3. American troops and supplies were confined to a concentrated area in Korea. This was a much easier target to hit than the vast plains of Chinese Manchuria or Siberia. If we had bombed Siberia, furthermore, it would have touched off world war III.

Here is a confidential statement from Pentagon files, made by the late Gen. Hoyt Vandenberg, then Chief of Staff of the Air Force.

"We of the Air Force," he said, at a secret briefing not previously declassified, "have been concerned about the rising number of Russian twin-jet light bombers known as IL–28s. These jet light bombers have already been introduced into the Chinese Air Force, and the number is growing rapidly.

"If committed in quantity against U.S. airfields, ports, and supply lines in South Korea, these high-performance bombers could quickly jeopardize our whole position there.

"The situation in Korea is a special one such as never has occurred before and is not likely to occur again. Because of the peculiar circumstances of the Korean war, which are familiar to all of us, neither side has made full use of its airpower.

"They have made no effort whatever against our bases in Korea and Japan, despite their superior strength in aircraft. Their ability to damage us grows every day as they introduce more and more jet light bombers into the Chinese Air Force."

SUPPLY LINES VULNERABLE

Other data inside the Pentagon shows that American and U.N. forces in Korea were dependent on the single port of Pusan, which was choked with shipping and very vulnerable to bombing attack. Our supply lines—one rail line and three highways—were equally vulnerable.

This fact could not be published to refute MacArthur's criticism and still has not been declassified.

On the other hand, a target survey of Manchuria made by our Air Force during the Korean war showed only a dozen targets worth hitting. Most of these were in the staging areas, neither as strategic nor as vulnerable as our centers in South Korea.

Yet, General MacArthur, brooding in the Waldorf Towers to Jim Lucas and Bob Considine 10 years ago, claimed he could have won the Korean war in 10 days if given a free hand.

Much of the secret story of the Korean war remains to be told. How the bombing agreement was made with the Chinese and how MacArthur's intelligence proved faulty will be reported in an early column.

Mr. MORSE. The report of Mr. Pearson this morning is accurate. It sets forth the reason why MacArthur was reversed. MacArthur did a great job as a leader of our forces in the Japanese war. But he was completely wrong in his proposal for the prosecution of the Korean war. For, had he not been reversed by President Truman, whose reversal was based upon the top military advice available to him, and Russia had decided to come into that war—and the indications were clear that she would if we went beyond the Yalu—Russia had the air power at that time to drive the United States out of the air. We do not like to face that ugly fact.

We had followed a course of action following World War II which some of us opposed in the Senate. I shall always be proud of my vote to enlarge and not decrease American air power in those days.

That is why the senior Senator from Oregon in any debate on this subject can put his record on top of the desk and point out that he has voted for larger appropriations for American military might to keep this country secure day in and day out, 24 hours of each day, from a possible Russian attack, than any President under whom I have served in the Senate, up until the Johnson administration, has recommended.

I voted for more money for American air might and other American defense than Franklin Roosevelt recommended; more money than Harry Truman recommended; more money than Dwight Eisenhower recommended; and, on one air power vote, more money than President Kennedy recommended. I am proud of those votes.

When the issue came as to whether we should go beyond the Yalu, the President had to look at our "hole card," so to speak. He could not accept MacArthur's recommendation that he did not think the Russians would come in. The President had to answer the question: "Suppose they do?"

It was the President who was Commander in Chief, and not MacArthur. It was the President who, as the Commander in Chief, had the primary duty for the protection and safety of tens of thousands of American boys who very well could have been trapped and bottled up in South Korea with only one port for escape.

When we start talking about the probabilities of escalating the war in South Vietnam—and they are great probabilities—and when we face the ugly probability that if we escalate the war into North Vietnam and beyond, we use nuclear weapons, we are suggesting a course of action that on all moral grounds, as well as military, strategic grounds, calls for the United States once again to look at her "hole card," to reconsider the whole unfortunate, unjustifiable course of action in South Vietnam, and to reconsider what apparently is a decision of the Secretary of State not to ask to put the South Vietnamese-McNamara war on the agenda of the SEATO meeting now being held in Manila, but rather to talk to the foreign ministers, independently of any official SEATO agenda discussion.

In looking at our "hole card"—and, by that I mean the consequences in what would undoubtedly flow if we used nuclear weapons to escalate this war into North Vietnam, we ought to be forthright enough as a nation to say, "We want to do everything we can to try to settle this dispute in South Vietnam by resorting to peaceful procedures of international law." Let us be frank about it; we have not tried that. We have not even proposed to use it. We have not recommended it. We have not endeavored to create a SEATO trusteeship, or to pursue the meaning of what De Gaulle had in mind, whatever he had in mind, concerning a program for neutralizing this area of the world.

There were some newspaper stories today reporting the French Foreign Minister as saying he did not intend to limit it to South Vietnam. Very well. Probably that is all to the good. That would permit us to obtain the facts as to what North Vietnam's participation is in connection with the war in South Vietnam.

The newspapers today stated that there is some evidence that the Vietcongs are trained in North Vietnam. I do not think there is any doubt about that—just as the South Vietnamese are trained by the U.S. military. All that means is that two foreign powers are training the participants in a civil war.

I ask again for those in the State Department or those in the Pentagon Building to supply us with any evidence of North Vietnamese or Russian troops in South Vietnam. There has been a denial that they have any evidence that there are Russian troops in Vietnam. But there are U.S. troops in Vietnam. That is why we find it so difficult to convince people that we are on the right side in following our procedures for handling the South Vietnam war.

I am greatly concerned about the danger of escalating this war. I think we ought to give a great deal of heed to the article from which I read in regard to what is known by people in Saigon to be the policies that are being carried out in connection with this war. The article appears on pages 16, 17, 18, and 19 of the magazine Aviation Week & Space Technology, of April 6, 1964.

The article reads in part:

> One of the most striking developments in the situation here is the role of aviation as a vital force in preventing the military collapse of South Vietnam during the frequent periods of political upheaval. The relatively small combat and air lift support force has effectively countered the Vietcong's advantages in surprise and in numbers of troops.
>
> The force of U.S. military aircraft here consists of about 80 fighters and fighter bombers, 200 logistics support aircraft, and 500 helicopters and light aircraft. This force is augmented by an estimated 200 aircraft operated by Air America.

The article then discusses the operation of this aircraft, and the part that we are playing in airpower in South Vietnam.

Mr. President, I ask unanimous consent that the entire article, along with the boxed special comments set forth in the article, be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUTH VIETNAMESE RAIDERS EXTENDING WAR

(By Larry Booda)

SAIGON.—War against the Communists already has erupted over the borders of South Vietnam in hit-and-run guerrilla raids and infiltration moves as far north as China, setting the stage for large-scale movements against Vietcong insurgents.

With U.S. backing in aircraft, weapons, and money, an estimated 50,000 elite South Vietnamese special forces troops are being trained to take the offensive in over-the-border strikes at Communist supply centers and communications routes.

Despite Defense Secretary Robert S. McNamara's implication in Washington March 26 that the decision has not yet been made to extend the war, it is known here that guerrilla strikes against the Communists have been increasing since last summer. Objective of these operations is to stop the southward flow of weapons and trained Vietcong troops along the routes in Laos and Cambodia as well as inside North Vietnam.

Laos appeared ready last week to permit South Vietnamese raids in pursuit of Communist Vietnamese inside Laos. It was reported that rightist Laotian Vice Premier Gen. Phoumi Nosavan and South Vietnam Premier Maj. Gen. Nguyen Khanh had reached a border-crossing agreement.

Key factor in the current raids is airlift provided by Air America, a U.S. air cargo company incorporated in Delaware under a maze of legal obscurities that camouflages its U.S. Government sponsorship. Air America is operating a diversified force of aircraft, ranging from the four-engine Boeing Stratoliner to helicopters and light aircraft, within and outside the borders of South Vietnam.

An indication of the increased tempo of operations came March 29 when 16 Vietnamese piloted fighter-bombers made the first night air raid of the war against a Vietcong staging and training area 350 miles north of here near the Laotian border. Large quantities of napalm and white phosphorous fire bombs and 50,000 pounds of other bombs were dumped on the area.

U.S. military advisers here are optimistic that extending the war beyond the borders, plus a stable government in Saigon, will force the Communist insurgency to collapse in a year. These advisers have long felt that this southeast Asian war could never be better than a frustrating standoff unless South Vietnam took the offensive against the support lines of the Vietcong.

One of the most striking developments in the situation here is the role of aviation as a vital force in preventing the military collapse of South Vietnam during the frequent periods of political upheaval. The relatively small combat and airlift support force has effectively countered the Vietcong's advantages in surprise and in numbers of troops.

The force of U.S. military aircraft here consists of about 80 fighters and fighter-bombers, 200 logistics support aircraft, and 500 helicopters and light aircraft. This force is augmented by an estimated 200 aircraft operated by Air America.

The tactical combat force is made up of about 55 North American T-28's, 15 Douglas A-H Skyraiders, and 10 Douglas B-26's. The B-26's are being removed from service because of obsolescence, and additional Skyraiders will be sent to Vietnam.

The logistics support force consists of Douglas C-47's and C-54's, Curtiss C-46's, Fairchild C-123's, and de Havilland CV-2B Caribous and U-1A Otters. Remainder of the military force consists of Bell UH-1B's, Sikorsky H-19's and H-34's, Grumman OV-1 Mohawks, Cessna O-1E Bird Dogs, and Helio U-10's.

United States also has learned that airborne weapons—machineguns, bombs, rockets, and napalm—have been effective in supporting troop landings and movements, but that they are of little value against Vietcong positions in swamps and mountain caves.

The course of both air and ground actions is tied irrevocably to the political situation, and what has appeared to be indecision by the United States to win the war is really a reflection of the political instability that preceded the regime of Khanh.

Unlike the government of Premier Ngo Dinh Diem, which flouted U.S. advice while accepting dollar aid, General Khanh has won the confidence of U.S. military and political leaders. McNamara made it a point to be in General Khanh's company in public appearances during his visit here in March, thus demonstrating to the population that the United States is backing the government.

United States has contributed to the previous confusion in Saigon. When Ambassador Henry Cabot Lodge arrived here last August, he found an embassy staff so engrossed with military operations that it had little time to provide political advice. Army Gen. Paul D. Harkins has since been given command of the special forces and aircraft, leaving Lodge free to handle the delicate task of advising the Khanh government in organizing its administration and helping stabilize the political structure.

The elite corps of special forces is providing the basis for new optimism that this war can be won in a year, and that the number of U.S. military advisers here can be cut significantly in the near future.

Special forces, which now constitute one-tenth of the half-million South Vietnamese under arms, are essentially airborne troops not connected with any formal military organization. They rely on Air America to air lift them to the site of operations, supply them and return them to their bases.

In its open operations Air America is a parent company of the Civil Air Transport (CAT) airline and operates contract air lift through its own name and that of Southern Air Transport.

But in its covert operations, Air America uses numerous secret airstrips in South Vietnam and Thailand.

To a smaller extent Byrd & Sons, a company otherwise unidentifiable, is performing similar missions.

Hub of Air America's activities in southeast Asia—open and secret—is Don Muang airport at Bangkok, Thailand. It is the site of its major overhaul activity. A secondary maintenance base is at Taon Sun Nhut airport here.

Southern Laos, the principal pathway for reinforcements from North Vietnam to South Vietnam, is only 125 miles wide. By operating from fields in eastern Thailand and from the northern part of South Vietnam, Air America can penetrate to the interior of Laos on relatively short flights.

Usual technique in penetrating a new area is to parachute a few troops who are natives of the region, to make initial contact with the tribe or village. They receive supplies by air drop. Later more special forces troops are parachuted and with native help, they clear a landing strip. Village becomes a base of operation from which supply routes are hit. Establishing such a base may take as long as 3 months.

Most first landings are made from Helio U-10B STOL aircraft. Later airlifts and continuing supply runs are usually made with C-47 and C-46 transports. Other aircraft being used for these operations by Air America are the CV-2B and U-1A Otter and the H-34 helicopter.

Pilots of Air America are hired at a basic salary of $12,000 per year with most living expenses furnished. Most of them are former U.S. military pilots. If they fulfill a 2-year contract, they receive an $8,000 bonus. Bonuses also are paid for extra risk missions. Pilots who sign a second contract receive substantial salary increases.

Air America has been flying in Laos under charter to the United States Aid Mission in Vientiane. Much of this work consisted of hauling medicines, food, and clothing to refugees of the Laotian civil war. On March 18, after protests by the Communist Pathet Lao that Air America was mixing its relief airlift with military airlift, Seaboard World Services, a subsidiary of Seaboard World Airlines, was hired for the refugee airlift job. Seaboard will employ Air America personnel and manage its equipment.

With Air America supporting most over-the-border operations, military pilots perform these basic missions in South Vietnam:

U.S. Air Force: Major U.S. Air Force task is heavy air lift. Externally, Military Air Transport Service is the pipeline from the United States. Internally it is the three squadrons of the 2d Air Division flying C-123's. Some C-123's are being used for combat air lift to small landing strips. U.S. Air Force pilots are flying combat support in T-28's but are gradually being replaced by Vietnamese pilots. Air commando pilots are flying U-10 planes in missions similar to those of Air America.

U.S. Air Force furnishes forward air controllers in O–1E aircraft for air strikes.

Vietnamese Air Force: Most T–28's and all A–1H's are being flown by VNAF pilots on attack missions. They are now operating H–19 and H–34 helicopters, and are flying light aircraft on reconnaissance and liaison missions.

U.S. Army: The major helicopter force belongs to the Army. After May 1 the only Army helicopter will be the UH–1B as the Vertol CH–21 is phased out. About one-third of the UH–1B's are armed with machineguns and rockets for close troop support. The other two-thirds carry troops and supplies into combat. The Army is also operating Bird Dogs, U–1A's, and OV–1's on liaison, reconnaissance, and target marking missions. CV–2B's carry troops and cargo on combat missions.

U.S. Marine Corps: One large squadron of H–34 troop-carrying helicopters is operating on combat missions in the northern mountain regions.

Despite the continuing controversy over its value, the armed helicopter has proved itself as an escort on troop landing missions. Helicopters are used on all assault operations to hit hard-to-see targets that might be missed by the fixed-wing aircraft making the first heavy strikes. In many instances flights in the mountain areas by the Marines and Army are made in low-ceiling weather that grounds fixed-wing aircraft. In that case the UH–1B's provide the only armed escort.

Most tactical aerial reconnaissance in the South Vietnam theater of operations is being done by light aircraft, aided by helicopters and a few OV–1's.

Strategic photoreconnaissance in southeast Asia is being flown by McDonnell RF–101's, Martin RB–57's, Douglas RB–66's, and Lockheed U–2's. All but the U–2's stage from Taon Son Nhut and Don Muang airfields. The U–2's operate at Bien Hoa, 26 miles northeast of here. All these U.S. Air Force reconnaissance aircraft have their rear echelon base at Clark AFB in the Philippines. Whenever attack carriers of the U.S. 7th Fleet are in the area their photoreconnaissance fighters augment the U.S. Air Force flights.

Last fall when U.S. officials decided that it was impossible to win the war by confining it inside South Vietnamese borders, they began an expanded program of training the special guerrilla forces at secret bases. Courses emphasize techniques in operating beyond national borders.

These borders, artificially created, means nothing to local populations who conduct their trade by tribal and regional traditions. The Communists from North Vietnam have taken advantage of these traditions by winning over tribes and villages with promises of improved trade and better government. These tribes in turn allow free passage of weapons and troops through their areas.

Now the South Vietnamese special forces are learning to play the same game.

Training of Vietnamese military forces is beginning to show results. VNAF pilots are now flying most of the tactical support missions and will be flying all strike missions by the end of this year. They are being trained to fly H–34 helicopters and will be able to relieve the Marines in this aircraft by October.

Primary flight training for VNAF pilots will be taken over by the VNAF July 1, under present plans.

Army training is slower, but an increasing number of Vietnamese officers are taking over training duties. U.S. officials say that the U.S. military figure of 15,500 in South Vietnam can be reduced by about 1,000 soon because of this shift of training programs.

Military men here concede that there is no need for a great increase in the number of aircraft needed to fight the war. There is a high rate of usage for those planes now on hand but almost all requirements for missions are being filled. McNamara has promised that increased help from the United States "will include strengthening of the Vietnamese Air Force with better aircraft." So far this planning has included adding only 15 A–1E two-place attack aircraft to the VNAF. Otherwise, it means that as more pilots are trained more aircraft will be transferred from the USAF, increasing the aircraft inventory of the VNAF.

The use of obsolescent aircraft and weapons here has been the target of criticism of U.S. military officers. A U.S. officer told Aviation Week & Space Technology that the long-term aim is to turn over all equipment and weapons to the South Vietnamese.

Air operations in South Vietnam are characterized by these factors.

Communist ground fire has increased, but the turbine-powered UH–1B has proved its ability to survive small arms fire. Casualty rates for rotary wing and fixed wing aircraft have remained constant at an acceptably low figure for the number of hours and missions flown.

Weapons used are World War II and Korean vintage. More modern antipersonnel weapons have been developed, such as Lazy Dog, a small finned projectile that can be dispensed by guns and rockets. However, diplomatic officials claim that such a weapon has such devastating effects that it would cause unfavorable political reactions. Defense officials also oppose its use.

Major handicap in air operations in South Vietnam is the dual control system in which one-half controls USAF and VNAF aircraft and the other controls U.S. Army aircraft and Vietnamese Army units. The split creates extra coordination at the four corps headquarters where operations are planned and controlled, but no satisfactory reason for the split has been given.

Working and operating conditions for air units are modern and relatively clean. Efficient pipelines provide rapid resupply of aircraft parts.

There is little chance that the aircraft now in South Vietnam will be augmented or replaced by more advanced aircraft. Defense Department officials believe that at this stage the fledgling Vietnamese Air Force does not have the trained people to operate and maintain anything more advanced than those they now have.

These DOD officials believe that augmenting the VNAF would cause Russia to retaliate with modern aircraft for the Vietcong.

Thus, the long-term outlook for the VNAF is that it will retain the same kinds of aircraft and will gain slightly in numbers. In the meantime the training programs will enable it to take over all attack operations and H–19 and H–34 helicopter missions by the end of the year. Whether the fleet of transport aircraft operated by VNAF will be expanded beyond the current C–47's and C–54's to include C–123's has not been decided. Since the UH–1B and the CV–2B are modern aircraft in the U.S. Army's inventory it is not likely that these will be turned over to the VNAF for operations in its air war.

VALUE OF VIETNAM

WASHINGTON.—U.S. believes that southeast Asia has vital strategic significance. It is located across the principal east-west air and sea lanes in the Orient and flanks India on one side and Australia, New Zealand, and the Philippines on the other. It also dominates the entrance to the Pacific Ocean from southern Asia, Africa, and the Middle East.

Defense Secretary Robert S. McNamara said that for this reason, "To defend southeast Asia, we must meet the challenge in South Vietnam." In Communist hands, he said, this area would pose a serious threat to the security of the United States.

OPTIONS IN VIETNAM

WASHINGTON.—Secretary of Defense Robert S. McNamara "totally rejects" any suggestions that the United States withdraw from southeast Asia. In a speech March 26 he defined four options open to President Lyndon B. Johnson regarding Vietnam. One was withdrawal. Another was to sign a treaty agreeing to the neutralization of South Vietnam. "We have learned from the past that the Communists rarely honor the kind of treaty that runs counter to their compulsion to expand," was his answer to that one. A third option of carrying the war beyond the borders of South Vietnam is being studied, he said. There is evidence that this option is being already exercised. The fourth choice is helping the South Vietnamese win the battle in their own country, which McNamara said is essential.

ARMED HELICOPTERS

WASHINGTON.—Gen. Wallace M. Greene, commandant of the Marine Corps, believes the armed helicopter is an inadequate substitute for the close troop support that Marine fixed-wing aircraft could provide.

In a recent speech here he said that despite the fact that armed Bell UH–1B helicopters are escorting Marine Sikorsky H–34 aircraft in South Vietnam, "We have found no reason to change basic Marine Corps concepts of helicopter tactics and close air support."

A Marine troop-carrying helicopter squadron operating in the mountains of South Vietnam has encountered weather conditions that ground fixed-wing airplanes, leaving only UH–1Bs to furnish escort.

COMMUNIST STRATEGY

SAIGON.—War in South Vietnam is the second phase of the Chinese Communist attempt to control the strategic Indo-China peninsula. First phase was the defeat of the French in North Vietnam in 1954 which resulted in the partition of the country and establishment of a Communist government ruling the northern sector from its capital at Hanoi.

Communist aim in South Vietnam is to infiltrate the country with guerrillas and Vietcong troops trained in North Vietnam and armed with Chinese-manufactured equipment to eventually wrest control from the Saigon Government. The Vietcong operations in South Vietnam depend on a constant flow of troops, arms, ammunition, and other equipment from China and North Vietnam.

Vietcong forces now in South Vietnam are estimated at about 50,000 hard-core troops augmented by local sympathizers carrying arms. Saigon Government forces opposing them consist of about 125,000 regular army troops, 50,000 special forces troops, and about 325,000 local militia. United States has about 15,500 military personnel in South Vietnam as advisers and instructors for the Government forces. U.S. personnel also operate the airlift operations and fly the armed helicopters.

Mr. MORSE. What do I believe the article shows? The article shows that we have already aided and abetted the extension of the war beyond the borders of South Vietnam. I am fearful that as the proof of that becomes clearly established—as I believe it can be—we may wake up some morning to find charges being leveled against us in the United Nations because, as I said at the beginning of my speech, I do not believe we have any international law basis for being in South Vietnam as a combatant.

In making my final point, I believe it is important that we reevaluate and reappraise our policy in South Vietnam. I believe that we need to do it in order to keep faith with our SEATO and United Nations Charter obligations. We need to do it in order to keep faith with our idealism as a peace-loving nation. We do not believe in aggression. We do not believe that we can settle issues which threaten the peace of the world with bullets; only with reason. Those of us who have been speaking out against American unilateral action in South Vietnam must expect to be misunderstood in some quarters and attacked and criticized in others.

For example, a correspondent for Oregon newspapers who has been libeling and slandering me for years is now writing in the press of my State that there is great inconsistency between my position and my candidacy for a delegate to the Democratic Convention this summer, because in my announcement for that race I said—and repeat—"All the way with President Johnson."

Mr. President, at that convention I shall be going all the way with President Johnson, but if these slanderers and libelers believe that the President of the United States shares their views of my position, they should ask the President. If they should ask him, I will tell them what they will hear. The President of the United States does not consider that I am not going with the President of the United States all the way, merely because I may disagree with him on some particular policy. To the contrary, I am sure they will find out from the President that when he calls me down to the White House for consultation, he knows I will tell him exactly what I believe and will give him my reasons therefor. He wishes to have that kind of advice. He does not believe, because I do not agree with the policy of his administration on South Vietnam, that I am not going all the way in support of the reelection of President Johnson at that convention if I am selected as a delegate. I hope to strengthen the arm of the President of the United States by working as hard as I can to bring forth a program in which he will be vitally interested; namely, a Democratic platform that we can take to the people of the country on the basis of which we will make the race for reelection.

The President of the United States will tell them that WAYNE MORSE is not a rubberstamp, that the President does not want him to be a rubberstamp, any more than he wants any other Senator or Representative or delegate to be a rubberstamp.

If I am made a delegate from the State of Oregon, there will be no delegate that will be a stronger supporter of the President of the United States than I. I am a stronger supporter of the President of the United States, if I express disagreement with him on some specific issue, than is any rubberstamp delegate who apparently throws away his independence of judgment and fails to serve the President as the President has a right to be served by delegates, by expressing their honest suggestions as to a policy that may call for some qualification or modification from existing policy. I do not believe anyone could possibly perform a better service for the President of the United States on the South Vietnam issue than to point out, as I have been pointing out in the past several weeks, and will continue to point out, the reasons why I believe the policy of the administration in regard to South Vietnam should be modified.

Let me say to these political opponents, and those who try to take advantage of every opportunity to malign, that my record of support of President Johnson is so overwhelming that they have had to pick one or two issues in which I find myself in disagreement with him as a basis for charging that I am not going all the way with President Johnson.

If I am at Atlantic City, that falsehood will be put to rest, because I not only will be going all the way in urging quick renomination of the President but also will be following his recommendations in regard to the rest of the ticket, doing the best I can on the platform committee, on which I hope to serve as a delegate, to help the President frame the strongest possible platform to promote the general welfare of all the people, which is the basis of the great Jeffersonian philosophy of one Lyndon Baines Johnson.

I close these comments on South Vietnam by saying on the floor of the Senate, as I said to the President personally the other day, that I believe it is important that we reappraise and change our policy in South Vietnam, and that we seek to get the issue of the civil war in South Vietnam on the agenda of a meeting of SEATO and, failing that, to take it to the United Nations.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATION BILL (AMENDMENT NO. 491)

Mr. MORSE submitted the following notice in writing:

> In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraphs 1 and 4 of rule XVI for the purpose of proposing to the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, the following amendment; namely, on page 6, line 13, insert the following:
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> "Strike out '$47,315,000' and insert in lieu thereof: '$52,278,000, of which $4,963,000 shall be used for the conversion of a portion of Tongue Point Naval Base, Oregon, to a boarding high school for Indian children.' "

Mr. MORSE also submitted an amendment intended to be proposed by him to House bill 10433, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. MORSE. Mr. President, at the appropriate time I shall discuss the reason for my amendment. I am satisfied that once the Senate understands the history of the Indian school proposal at Tongue Point, and understands the position taken by President Kennedy, who reactivated Tongue Point, and in the reactivation approved the establishment of the Indian school, the majority of the Senate will agree with me that the position of the Appropriations Committee should be reversed and the amendment adopted.

I yield the floor.

NEED FOR DRAFT REVISION—ADDITIONAL COSPONSORS OF BILL

Mr. KEATING. Mr. President, I ask unanimous consent to add additional cosponsors to my bill S. 2432 to study the operations of the present draft laws. Senators ALLOTT, BENNETT, DOMINICK, MILLER, MORTON, and PROUTY have agreed to join this resolution calling for the establishment of a Commission to explore the overall problem of military manpower procurement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. This bill calls for the establishment of a Commission to explore the overall problem of military manpower and procurement. When the bill was introduced, it had 12 cosponsors, equally divided between the Democrats and the Republicans.

Mr. President, I am pleased that these additional Senators have felt that the bill deserved their cosponsorship.

Mr. President, it is unfortunate that the present draft system has been continued without substantial change in recent years, even though the military and international situation has changed substantially. Support for a thorough going revision is growing.

In the past 3 months, dozens of young draftees, career officers, medical corpsmen, mothers, and sweethearts have written me to add their endorsement of the idea that this method of obtaining military manpower be thoroughly studied and reformed, not with a patchwork approach, but with an overall view of the draft as it affects gnawing problems such as unemployment and as it affects our military preparedness. It seems little wonder that the 500,000 young men thrown into the draft limbo each year often feel no compunction in taking advantage of the loopholes with which this system is riddled. It seems that an evasion mentality is encouraged when a young man sees buddies on either side of him being rejected under a system that purports to be universal.

It is even more startling when the world heavyweight champion is rejected as unable to meet the standards of the military.

The needs of military manpower today are considerably more sophisticated than they were, and the number of young men reaching the age of 18 is considerably greater. What we have is no longer a Universal Military Training and Service Act, in which all recognize their obligation and perform it. Instead, it amounts to a compulsory obligation on the physically and mentally elite who cannot find a loophole for slipping out of the draft net. So we have the extraordinary situation of the Peace Corps volunteer who has served his country overseas for 2 to 3 years and is then drafted into the Army for another 2 years, while the boxing champion is excused from any kind of Federal service whatsoever.

In short, Mr. President, our draft system operates as something of a myth. It is not universal by any means. It aims at many of our potentially most qualified citizens. Yet once they are drafted, they are paid at a level lower than that considered to be the poverty line and frequently leave the service with a lifelong distaste for anything military at all—which is regrettable, in my judgment. That situation serves neither the individual nor the national interest.

There are a lot of questions that need to be asked about the draft today.

It is possible that the draft is the best thing we can have, the best compromise we can reach, but let us look into it to find out whether that is so.

For instance, we need to know why 80 percent of our draftees, and 73 percent of our first-term enlistees leave the service after their first tour of duty. One reason could well be that in the three lowest military grades, a married man with two children makes less than $3,000 a year, including food and housing allowances. Three thousand dollars is what the President has called the poverty line for a family that size. These ment are on call 24 hours a day and may even be risking their lives, yet in some cases their families have to depend on welfare to make ends meet.

We might profit by a good look at the system used by Canada, which relies entirely on enlistment to fill the ranks of the army. The Canadian military man enjoys the highest pay rate in the world; a private receives 50 percent more than his American counterpart. Educational opportunities are excellent, too. Canada's ROTC program pays the college expenses in return for 3 years of service after graduation, and two-thirds of these college-educated officers reenlist. In addition, there are opportunities for travel and orderly advancement, together with an attractive pension system and assured tenure. The result of these benefits is enhanced prestige for those who volunteer to serve their country and a sounder system of national security.

As a result, the reenlistment rate in Canada is very high. I will insert the exact percentages in the Record. I do not have them with me at the moment, but it is extremely high.

No one has determined whether the United States could forge an effective army with a system similar to Canada's. But, unquestionably the enormous turnover in our present system lays a heavy burden on the American taxpayer who supports the huge training program and everybody involved regrets it.

Mr. President, a number of editors have joined in calling for study of the draft, and I ask unanimous consent that some of their articles be printed in the Record at the conclusion of my remarks. They are from the Waukegan News-Sun, the New York World-Telegram, the Waverly Times, the New York Post, the Buffalo Evening News, and the Labor News. They too ask that we get down to investigating the problem of military manpower this year, so that the Commission's recommendations may be available to Congress as soon as possible.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Waukegan News-Sun, Mar. 25, 1964]

Do We Need the Draft? Yes, but Reforms Are Overdue

The population explosion in this country has caught up with the military draft, as it has with so many other phases of American life. The result has been a gathering storm of criticism over the inequity and uncertainty that mar the system, and a request for a sweeping review of the draft by Senator Kenneth B. Keating, Republican, of New York.

The need for some some sort of change is obvious. But coming up with actual recommendations that will materially lessen or eliminate the flaws, may be enough to test the wisdom of a Solomon.

A year ago, Congress extended the military draft through 1967 with little more than a passing glance. The House approved the measure by a vote of 387 to 3, while in the upper house, after a 10-minute study, only one Senator voted "No."

The act is called Universal Military Training and Service but the title is a misnomer. First of all, the draft is not universal. Secondly, while it provides training, it is failing to produce an ample supply of career personnel with the technical skills needed by the modern military.

The law says everyone must serve. They won't, however, for the simple reason that supply far exceeds demand. A disturbing fact is that to satisfy the average draft call of 100,000 per year, the lives of several million young men are disrupted.

Almost 1,400,000 become eligible for the draft each year, and with the coming of age of the "war babies," the number will soon hit 1,800,000 and continue to climb. About 9.5 million are on registration rolls at any one time, yet about half will escape duty—even in the Reserves.

The high proportion of those who are either exempt or deferred from military service often causes those who must actually serve to feel like "suckers." The list of escape hatches is long.

First, of course, are those rejected as 4–F, because of physical disabilities or mental deficiencies. There are no hard and fast requirements in either category. Rather, the minimum is raised or lowered to meet the needs of the moment. When enlistments drop, or the need increases due to national emergency, qualifications dip accordingly. Thus a man might sidestep the draft today, where 3 years ago, or 3 years from now, he might be called.

Education along with marriage and fatherhood are other common means of deferment. While the draft takes those between the ages of 18 and 26, college students who have been deferred are technically subject to the draft until they are 35. But since supply far exceeds demand, there is little danger of anyone over 26 being taken. The same holds true for married men. They also are deferred, not exempt, but it would take a great worsening of world conditions to put them back on the draft-eligible list.

Serious questions have arisen also concerning the value of the training received. Draftees for the most part simply serve time. Even enlistees, many of whom have joined merely to escape the draft, are content to do the same.

With all of these liabilities, and the growing number who attack the system, is the draft worth it? Quite a few experts in military and manpower fields answer "yes" for these reasons:

The draft is a constant prod for voluntary enlistments. Without the draft, the number of volunteers (about 400,000 per year) might fall off alarmingly.

The draft provides a constant flow of manpower, allowing the services to plan ahead. If they were at the mercy of enlistments which might rise or drop sharply, planning would almost be impossible.

The draft is still the cheapest way to get men.

The draft, paradoxically enough, converts quite a few men into careerists. Often men who find they like military service as a career would never have gone in, in the first place without the draft board breathing down their necks.

Thus, there are several reasons why the draft should not be discarded. At the same time, there is vast room for improvement.

We believe Senator Keating is on the right track in his request for a comprehensive study. The danger lies in it degenerating into a bland survey with generalized conclusions and no action. The problem is too serious to be pigeonholed. It not only demands study, it demands reform.

[From the New York World-Telegram and Sun, Jan. 17, 1964]

Draft Reform Likely as Charges of Unfairness Mount

(By Lee Townsend)

Faced with mounting evidence that the peacetime draft is unfair, Washington is finally taking a hard look at the Nation's highly selective system of Selective Service.

In rapid succession this month, President Johnson and the Pentagon took steps that might lead to the first major reforms in the post-war draft since its inception 15 years ago.

And yesterday, five Republican Senators, among them Kenneth Keating, Republican, of New York, joined to introduce a bill calling for a review of the draft laws.

"The present system has been too long extended as a matter of course," Keating said. "Some of the present inequities in the draft system have been called to my attention by an ever-increasing number of letters from New York State and other parts of the country."

The President ordered induction examinations to be given, wherever possible, as soon as youths reach the age of 18 instead of at the age of 22 or 23, which is the current practice.

The White House hopes that early detection of disabilities will lead to corrective measures. And this, it is hoped, will lead to a reduction in the number of 3.5 million draft-age Americans who so far have managed to escape military service because they are "unfit."

Just last week the Pentagon announced a sweeping study of the draft with an eye to major reforms. The brass gave no hint about what steps might be taken to improve the Selective Service System but made it clear there was little chance the draft would be abolished.

Defense experts argue that, in order to scrap conscription entirely, the size of our Armed Forces would have had to undergo a sizable reduction—and no such reduction is anticipated. In fact, most officials seem to feel that it would be impossible to think of a nation getting by without some form of conscription—even though this country never had a peacetime draft before 1940, Canada still doesn't have it, and England got rid of it in 1960.

The Nation's elaborate Selective Service currently can take credit for providing only about 7 percent of America's military force of 2.7 million.

And up to half of the 200,000 draftees are actually volunteers. These are men who ask that their names be pushed up on the draft list, usually because they figure, rightly or not, that military service is inevitable and so they might as well get it over with.

Conscription has been cited for bolstering our Armed Forces indirectly by bulldozing men into the Army, Navy, Marines, and Air Forces to avoid a draft notice. But with enlistment periods for all services usually set at 3 years, there's no evidence that men have flocked to recruiting stations in great numbers just to avoid a 2-year stint as a draftee.

RESERVE VERSUS DRAFT

It is generally conceded, however, that the Army Reserve program, in which men may fulfill their active duty military requirements in 6 months, has thrived solely as a substitute for the draft.

Local Selective Service authorities point out that an important part of their job is to provide a pool of readily available men in case of national emergency.

They say many men, who now are "better serving their country" with deferments and exemptions can be called into uniform in time of need.

Yet during the Berlin crisis in 1961, tens of thousands of reservists—among them former draftees—were called back to duty because there was not time to draft and train new men.

At one point, the Army admitted that more than 1,000 of these men were recalled erroneously.

Although draft calls increased sharply during the crisis, there was a serious question raised as to how successful Selective Service is in delivering men to meet the instant emergencies of the atomic age.

The vital questions about the effectiveness of Selective Service were not answered when the fourth extension of the draft law swept through both Houses of Congress last March.

In fact they were hardly asked.

The House of Representatives debated mainly whether the life of the law should be reduced from 4 to 2 years. It wasn't.

The Senate didn't even handle this issue. Debate there took only two pages of the CONGRESSIONAL RECORD and about 10 minutes.

Oregon Senator WAYNE MORSE delivered the only real blast against the peacetime draft. He said, "Selective Service remains just as discriminatory in its selection as before, and just as unfair to the young men of the Nation.

"It is astonishing to me that in a Pentagon building with the so-called whiz kids and slide-ruler minds that pride themselves on industrial efficiency, we must still stagger along with a rickety wasteful and completely unfair system of filling the ranks of the Army."

WIDER SCOPE EXPECTED

The Selective Service Director, Lt. Gen. Lewis B. Hershey, and Col. Paul Akst, New York City draft chief, have indicated that reforms are likely to expand the scope of the Selective Service System, not reduce it.

For instance, draft experts here feel more should be done to divert many skilled men, now deferred or exempt, to useful positions in the military or in national industry. Such provisions now are made in the case of doctors, who are called into service when there is a need for them.

One high draft official said, "Such a policy would aid in balancing the scales in the minds of persons who do not qualify for deferment before age 26 and enter military service."

It also has been proposed that men be drafted right after high school rather than in their early 20's, as is usually done now. Representative ALBERT H. QUIE, of Minnesota, pointed out, "We are drafting men between 23 and 26 with jobs and leaving younger men without jobs."

So far, most reforms are strictly talk. And the draft forecast for the near future remains: Good luck for the many, tough break for the few.

There is no guarantee that the forecast won't be the same in 1967, when the Universal Military Training and Service Act comes up again for passage * * * and the first babies born under peacetime conscription start trying to beat the draft.

[From the New York World-Telegram, Feb. 11, 1964]

THIRTEEN SENATORS URGE STUDY OF INEQUITIES IN SELECTIVE SERVICE

WASHINGTON, February 11.—A bipartisan drive started in the Senate today to revamp the country's draft laws.

Thirteen Senators, including both New York Members of the Senate, urged speedy action on legislation creating an independent 14-member commission to study Selective Service operations.

The legislation was introduced by Senator KENNETH B. KEATING, Republican, of New York, on January 16, the day after the World-Telegram started a series of articles on equities in the draft.

CALL FOR HEARINGS

In a letter to Senator RICHARD RUSSELL, Democrat, of Georgia, chairman of the Senate Armed Services Committee, the Senators called for prompt hearings on the measure.

"We believe that changing military requirements as well as the increasing number of potential draftees warrant a thorough reexamination of the operation of the draft laws," the letter said.

"The proposed study would involve investigation of inequities in present methods of selection as well as exploration of possible changes that might enable the Defense Department to meet its manpower needs at a lower personal cost to the young men of the Nation and a lower dollar cost to the taxpayers."

In its series on the draft, the World-Telegram showed that only about 15 percent of all draft-age New Yorkers have been inducted since the beginning of the Korean war and that more than half of our male population fails the preinduction exam.

NO OBLIGATION

It also showed there are so many ways of keeping out of that uniform draft-age males feel they have no moral obligation to serve if they can avoid it.

Readers and draft experts agreed that reforms were needed. One manpower specialist went so far as to recommend that the elaborate system of deferments and exemptions currently used be replaced by an impartial "fish-bowl" system where potential draftees pick a number to see if they will be taken or left.

In today's letter, signed by KEATING, Senator JACOB JAVITS, Republican, of New York, and 11 of their colleagues, the Senators urged that the proposed congressional investigation be combined with current studies of the draft by the Pentagon and the Labor Department.

[From the Waverly Times, Mar. 2, 1964]

DRAFT STUDY NEEDED

Inequities of the draft act become increasingly apparent as the pool of draft age young men increases without an increase in the number needed by the Armed Forces.

Universal military training is not universal. Many young men avoid service. Deferments are liberally granted to college students and men in critical occupations. Under the latest draft rules, married men are not taken.

Defense authorities concede that the draft act is not so much a program for conscription as a hot breath that spurs young men to enlist. They say that without the draft enlistments would fall off drastically.

Dr. Eli Ginzberg, the Columbia University manpower specialist, thinks the draft should be reformed. Recently he suggested a lottery. Each boy upon reaching 18 would pull a number from an urn. On the basis of the number drawn he would be classified as immediately available, available if needed, available in a serious emergency. Nobody would be permanently exempt but all would have a clear idea, early in adulthood, about the chances of being called.

Senator KEATING, Republican, of New York, and six other Senators have now introduced a bill calling for an investigation of the Draft Act. The legislation proposes that a study commission of 14 members be created. It could have no more than five military men.

By the time the present act expires July 1, 1967, detailed information and recommendations should be available.

[From the New York Post, Apr. 5, 1964]

QUESTIONS ABOUT THE DRAFT

Senators KEATING and JAVITS report that many constituents have expressed bafflement over the U.S. Army's ruling that it has no place in its ranks for heavyweight champion Cassius Clay. The confusion is understandable.

If Clay is our most rugged fighter, as he appears to have demonstrated, what sense is there in a draft system that deems him unfit because his arithmetic is terrible? Has military automation reached the point at which naked fighting talent is no longer deemed important by the armed services?

The inquiries, of course, involve deeper questions about the whole draft setup. Is a procedure essentially based on World War I standards still relevant? Is there sanity or equity in a program which makes early marriage a sure escape from service? Are we conceivably at the point at which the conscription concept should be reevaluated and alternative volunteer programs considered?

These are questions Senator KEATING and others have been asking. It is time Congress heeded the call for a full-scale review of the draft setup.

[From the Buffalo Evening News, Jan. 30, 1964]

NEW LOOK AT DRAFT

The proposal of five Republican Senators, including Senator KEATING for a study of the military draft laws expresses the growing conviction that the Selective Service operation needs some basic overhauling.

In the opinion of many critics, the system is so selective in its deferments and "escape hatches" as to nullify the concept of universal military service in the defense of the Nation.

The number of draft-potential men vastly exceeds the manpower needs of the Armed Forces. The ratio of those drafted to the total potentially eligible has dropped below 10 percent, and will probably drop still further as the number of "war babies" reaching their early 20's rises.

The broadening of deferment categories (most recently for married men) has given rise to charges that young men with enough money to get married or enter college have an advantage over those who must go to work immediately after high school—or who weren't farsighted enough to plan careers that made them draft-ineligible.

A Columbia University study, deploring the degree to which youthful decisions are swayed by the chance to escape the draft, concluded: "Most young Americans grow up without the understanding of military obligation, with the consequence that if and when they are called to duty they view it as an imposition, an annoyance, or a stroke of bad luck that they should get caught while so many others escaped." Moral erosion and confusion in one's sense of duty, warned the study, could be an "invitation to national disaster."

Defense experts say that military conscription remains a necessity to fulfill present manpower needs. These cannot be met entirely by voluntary enlistments.

So long as the need for compulsory service persists, however, an effort clearly is in order to correct in every way possible the inequities in spreading the burden of defense.

With respect to the uncertainties facing young men who must now wait 4 or 5 years to find out whether they are physically and mentally qualified for service, President Johnson's order directing that tests be given when they reach the draft-registration age of 18 is a step in the right direction.

[From Labor News, Mar. 14, 1964]

Is Draft Law Needed?

Some Members of Congress, of both parties, have raised questions about the need for continuing the military draft law.

Congressman John V. Lindsay, Republican, of New York, hailed a proposal by Senator Kenneth B. Keating, Republican, of New York, and by other Senators for a comprehensive investigation of the draft.

"We need to know how the draft fits into our educational and military needs," Lindsay said.

Senator Stephen M. Young, Democrat, of Ohio, declared that "the peacetime draft should be a thing of the past."

"It is discriminatory and unfair to youngsters," he said. "Few of our allies have any peacetime draft and none of them draft men for as long as 2 years."

Young predicted that voluntary enlistments should soon meet all needs, because the number of men drafted has fallen to 8,000 a month, while the number of men of draft or enlistment ages is rapidly rising.

"There seems little justifiable reason for continuing the practice of disrupting the lives of millions of our youth and dragging unwilling young men into service," he said. "I feel strongly that our future military needs can be met by well-trained volunteers."

Mr. KEATING. Mr. President, on behalf of the Senator from New Jersey, [Mr. Case], I also ask unanimous consent that three editorials, from the Newark Evening News, the Hackensack Record, and the Trenton Trentonian be printed in the Record. The Senator from New Jersey [Mr. Case] has been a vigorous supporter of a thorough study of the draft laws.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Newark (N.J.) Evening News, Feb. 2, 1964]

Examining the Draft

The Senate debated all of an hour last summer before voting to extend the draft another 4 years. That's precious little time for legislation that affects the lives of 10 million young men between the ages of 18 and 26.

Accordingly, Senator Case and a dozen other Senators don't want such lack of consideration repeated in 1967. They propose that the Selective Service System be examined in the light of current military manpower needs—and with an eye to removing inequities and opportunities for evasion.

Doubtless, families confronted annually with the problem of what to do about the draft would agree.

Current complaints focus on two categories of escape. One is the deferment granted for marriage. Since this was granted by Executive order last year, the induction order has been a chief ingredient of instant marriages.

The other widespread complaint is that educational deferments favor those affluent enough to remain in college beyond draft age. That amounts to buying a deferment, argue those unable to afford the luxury or unwilling to indulge it.

Aside from personal criticism, there is serious question whether a military-oriented Selective Service System that was devised a quarter of a century ago is the best means of meeting current manpower needs, both in and out of the services.

Senator Case and his colleagues think it might not be. In any case, Congress ought to be prepared for more than a perfunctory vote of extension when 1967 rolls around.

[From the Hackensack (N.J.) Record, Feb. 13, 1964]

Repair and Modernization for the Draft

It's about time somebody takes another look at the draft laws and the way they operate. Senator Case, Republican, of New Jersey, and a dozen other Senators are urging early congressional hearings on legislation to set up a study commission, and the Defense and Labor Departments do now have studies underway. The formal explanation of the new interest in Washington is that military requirements have changed and a rising population has produced additional supplies of men eligible for draft. This is true. But also it is true that the draft has long been notable for ineptness and unfairness.

Doubt and uncertainty concerning the draft have become all but traditional among the country's young men. Shall a youth attempt to start a career before military service? Shall he temporize with jobs that pay well but hold no promise for the future? Shall he loaf for a while and settle down only after military service? And how about the employers who confront promising job candidates who are likely to be snatched away for a term of military service within their first year or so of employment? Our present draft has the effect of leaving altogether too many young men in a predicament just as they seek or ought to seek to take their place in adult society.

It ought to be possible to contrive a draft program that would work clearly and precisely to feed into the services the manpower they need and do it without unnecessarily dislocating the lives of the men who are called. It should be possible to make use of young men with certain physical impairments that now guarantee exemption from service. It should be possible for a youth to fulfill his military obligation in an orderly and predictable way. We hope the Senators prevail in their quest of early congressional action and that the Labor and Defense Departments join effectively in eliminating the deficiencies of our present draft system. There simply has to be a better system than the one we're getting along with.

[From the Trenton (N.J.) Trentonian, Feb. 17, 1964]

Time To Take a Look at Our Draft Laws

(By J. Willard Hoffman, editor)

Thirteen U.S. Senators, including New Jersey's own Clifford P. Case, believe that the time has arrived to take a hard look at the operation of the military draft, and we couldn't agree more. It seems to us that this disruption of young men's lives is something that shouldn't be allowed to roll on and on without the benefit of periodic—if not constant—study by the Nation's lawmakers.

After all, military concepts are changing, or should be changing, now that the art of waging war has moved into the pushbutton stage. We are led to wonder whether it is Parkinson's law rather than actual need that dictates the induction of some 500,000 volunteers and draftees each year. The Parkinson concept as applied here is that during a time of international stress, the Nation needed great globs of fighting manpower and the military installations in which to house and train the men. Now we still have the installations and have to keep up the supply of manpower to maintain them, otherwise people (like President Johnson or Defense Secretary McNamara) would get the brilliant idea to close some down and put a dent in the economy of some Congressman's precious home district.

In any event, Senator Keating, of New York, introduced a bill which would set up a Commission of 14 to study the draft laws. Senator Case and 11 of his colleagues sent a letter to Senator Russell, of Georgia, chairman of the Armed Services Committee, urging that the Keating bill receive careful consideration and that hearings on it be scheduled as soon as possible.

"We believe that changing military requirements as well as the increasing number of potential draftees warrant a thorough reexamination of the operation of the draft laws," the 12 Senators said. "The proposed study would involve investigations of inequities in present methods of selection as well as exploration of possible changes that might enable the Defense Department to meet its manpower needs at a lower personal cost to the young men of the Nation and a lower dollar cost to the taxpayers."

Pointing out that the Senate spent only an hour of debate last year on the measure that extended the present draft laws for 4 years, Senator Case observed that "Congress has gotten used to the draft program but this is all the more reason for a comprehensive study to devote more thought to our present and future needs in the armed services."

Questions that have been raised, according to Mr. Case, concern themselves with whether present draft priorities are equitable, whether the draft is an efficient method of maintaining military manpower when modern technological specialization is considered, what effect it has on civilian needs for more and better trained professional people, and the economic and social impact it has on young men facing the outset of their careers.

Anent Senator Case's observation that Congress has gotten used to the draft program, we think that might be extended to include the American public. For all reasonably healthy young men, it has become a fact of life. Their schooling and their careers must be built around this obligation—which is as it should be so long as our country needs them in present quantities and for existing terms of service.

The public assumes that they are so needed, and perhaps they are. That is one issue that the Armed Services Committee can settle.

But in the process, the committee might also devote itself to determining where this Nation is headed, militarily speaking. Is the foot soldier, as they once called him, becoming outmoded, or is he, as Fort Dix proudly proclaims, "the ultimate weapon?" The answer should go a long way toward deciding the extent to which "citizen soldiers" are needed.

Mr. KEATING. Mr. President, I ask unanimous consent that the Senator from Vermont [Mr. Prouty] may be permitted to insert his statement following my remarks with reference to this measure.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **PROUTY**. Mr. President, I am pleased to join the distinguished Senator from New York [Mr. KEATING] and the other cosponsors of S. 2432.

It provides for a comprehensive study of our present system of compulsory military training.

I have long been aware that some inequities have been harbored by the Universal Military Training and Service Act. The time has come to perfect the system to meet the changing requirements of our Military Establishment.

We must accept the fact that there is an increase in the number of men reaching draft age, that there is a trend toward more specialized training, that there is a large turnover of military personnel, and that this large turnover may be a costly and inefficient way to field an army.

Mr. President, I support this bill because it would mean an affirmative step toward solution of these problems.

Let us take that first step and assure that an objective study is undertaken with a view toward eliminating the inequities and antiquities of the present system.

Mr. **ALLOTT**. Mr. President, I wish to compliment the Senator from New York for his comments. In my opinion—and in the opinion of many other people—we have far outgrown what was originally called the Universal Military Training Act, which is now called the Selective Service Act.

It is selective in a way, and as the Senator has pointed out so well, it takes those who are physically and mentally best qualified and leaves many others out.

For many years it left those out who were married and had children. A Presidential decree last year permitted young men to marry, so that they were exempted from military service. I believe the whole situation has created an aura around the young man who does do his military service, the kind of aura which makes some people think of him as a "square" for not being smart enough to get out of service, or being duped into serving. I think this is an unfortunate situation for the attitude of the young people of our country to take.

The Senator has pointed out some of the most important problems. I should like to discuss them at great length, but I shall not do so because of the pending business. But I did wish to join wholeheartedly as a cosponsor of the bill, in an effort to find out if we cannot come up with a better, more realistic and more equitable and cheaper system for our country.

Mr. **KEATING**. I am grateful to the distinguished Senator from Colorado who has evinced great interest in this problem over a long period of time. Like him, I do not know the answer. I do not know what kind of system we should have.

Speaking of the young man who gets married, one of the letters which I received was from a young man who married and was called into service. His brother married a month or so later, and he was exempt. The first man said to me, "What gives here? How come?"

That is a pretty hard question to answer.

It is typical of the kind of questions which I am sure all Senators have received from time to time. Of course we must bear in mind that we get most of our correspondence from those who have some objection or some grievance, which may be real or not. At least there is enough smoke for us to find out how much fire there is, and dig into the matter.

We have asked the chairman of the Armed Services Committee, when we are over the hump on some of our particularly pressing problems, to make it possible for us to have some hearings on the subject in order that we may forge a more equitable and fair and, hopefully, more economical method of raising the vitally necessary manpower for our armed services.

PAN AMERICAN DAY

Mr. **JAVITS**. Mr. President, I will be brief.

This is Pan American Day—the 74th anniversary of the establishment by the American Republics of the Organization of American States. To signalize its importance, the President proclaimed this day Pan American Day, and the week ending April 18th, Pan American Week.

It is extremely important that this day be a reminder to all of us of the political and economic importance of Latin America to the United States and of the close relationship that exists between the members of the inter-American system.

The postwar period has placed enormous stresses on this relationship. It is to the great credit and proof of the viability of the inter-American system that it has responded effectively to this challenge in all critical fields—through the Rio Treaty in 1947, the Inter-American Development Bank in 1959, the Act of Bogotá in 1960, the Charter of Punta del Este in 1961, establishing the Alliance for Progress, the Treaty of Montevideo in 1960, establishing LAFTA and the General Treaty of Economic Integration in 1960 which created the Central American Common Market. And last November CIAP—the Inter-American Committee on the Alliance for Progress—was created to coordinate and promote the multilateral implementation of the Alliance.

Much remains to be done. Industrialization is only at its infancy in Latin America. Enormous needs remain to be fulfilled in increasing agricultural productivity, in raising educational and health standards, in improving transportation and communications within and among the Latin American countries. Meaningful remedies must be found to improve its terms of trade vis-a-vis industrialized nations. Private enterprise—both indigenous and foreign—must assume a greater and more creative role in the economic development process of the hemisphere.

In each of these areas the United States must assume leadership with the clear recognition of its historic ties and its essential interests in the hemisphere. It is therefore of particular importance that at the current deliberations of the U.N. Trade and Development Conference the United States make every effort to find effective solutions to the vexing economic problems confronting developing countries, including those in Latin America.

I want to call the attention of my colleagues to a series of articles which appear in this morning's Journal of Commerce under the heading of "Pan American Day Review, 1964." I want to call your particular attention to the President's proclamation and to articles written by George S. Moore, president of the First National City Bank of New York and president of the Inter-American Council of Commerce and Production; by Felipe Herrera, President of the Inter-American Development Bank; by Walter J. Sedwitz, Assistant Secretary for Economic and Social Affairs, Pan American Union; by Warren Wilhelm, Executive Director, Atlantic Community Development Group for Latin America; by Teodoro Moscoso, U.S. member, Inter-American Committee for the Alliance for Progress—CIAP—and by H. Courtney Stickey, of the Chase Manhattan Bank, New York.

I ask unanimous consent that the articles referred to above be printed in the RECORD at the conclusion of my remarks.

There being no objection, the proclamation by the President and the articles cited were ordered to be printed in the RECORD, as follows:

PROCLAMATION BY PRESIDENT

Whereas April 14, 1964, marks the 74th anniversary of the establishment by the American Republics of the inter-American system which is now known as the Organization of American States; and

Whereas relations between the United States and the other American Republics are of utmost concern to this Nation since we believe that mutual problems of the various republics must be resolved in a spirit of friendship and understanding; and

Whereas the United States is firmly and traditionally committed to the concept that every American nation has the right and duty to govern itself, free from outside dictation or coercion from any quarter, and that every citizen of the Americas has the right to speak his views, worship God in his own way, and participate in the political life of his nation; and

Whereas mutual efforts to increase the solidarity and well-being of the peoples of the Americas over the years have evolved into an Alliance for Progress; and

Whereas the United States in its traditional spirit of cooperation and amity, has pledged the energies of this Nation to the achievement of the common goals expressed in the Charter of Punta del Este by engaging in a relentless war upon poverty, social injustice, and tyranny;

Now therefore I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim Tuesday April 14, 1964, as Pan American Day and the week beginning April 12 and ending April 18 as Pan American Week; and I call upon the Governors of the 50 States of the Union, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all other areas under the U.S. flag to issue similar proclamations.

Mindful of the vast tasks that still lie before us if the material progress and the social advancement of the Americas are to match the spiritual and cultural achievements of the republics of this hemisphere, I urge all citizens of the United States and all interested organizations to join their Government in helping to make both Pan American Day and Pan American Week occasions for the recognition of past achievements, and for this Nation's rededication to the ideals of the inter-American system, and to the principles and objectives of the Charter of the Organization of American States and the Charter of Punta del Estes. For on the maintenance of these ideals and the achievement of this objectives depends the future of freedom, human dignity, and national independence in this hemisphere.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington this second day of March in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON.

By the President:

DEAN RUSK,
Secretary of State.

RESOURCE MOBILIZATION ASKED—LATIN GROWTH JOINT CHALLENGE

(By George S. Moore)

Most thoughtful students of the international scene have singled out economic progress in the developing countries as the most important challenge of our time.

Financial institutions have a great and pioneering responsibility in mobilizing the resources needed to meet the challenge. Working together, we can exert our responsibilities in a powerful and constructive way.

Almost daily we are told that the outlook for Latin American countries is especially bleak. According to these modern-day Cassandras, the Alliance for Progress is already a complete failure. Mankind, they say, has neither the wisdom nor the moral fiber required to overcome poverty. Above all, these pessimists accuse our generation of lacking the leadership required to meet the development challenge.

GLOOMY FORECASTS SCORED

I say that these gloomy forecasters are wrong.

Notwithstanding the magnitude and complexity of these problems, at no time in history has mankind had a greater opportunity or capability to solve them and move ahead to unprecedented economic progress.

While the problems facing Latin America are of a broad social, political, and economic nature, all the nations of the Western Hemisphere must accept particular responsibility for the economic progress of Latin America.

If conditions are not propitious for vigorous and expanding free enterprise economies, it is the scope of the Inter-American Council to propose solutions for the problems impeding growth.

It is the purpose of the Inter-American Council to apply itself to this task with optimism as to the final outcome.

GOALS ARE CLEAR

The goals for the Council are clearly manifest. It must first convince the leaders and people in each Western Hemisphere nation that a free market economy is the economic and political system which will best fulfill their aspirations for growth and freedom.

In Latin America, the private sector currently provides at least 85 percent of the gross national product.

If the goals of the Inter-American Council are to be accomplished, the private sector in Latin America will have to geometrically expand its present rate of productivity.

In this respect, the Council has mutually agreed to adherence to the following fundamental principles:

Reliance on a democratic system of law and order and absolute respect for private property and contractual rights.

Maintenance of currency stability as an essential condition to savings and investment, both domestic and foreign.

Development of adequate educational systems throughout the Western Hemisphere to insure the proper relation of manpower to economic goals.

Elimination of trade barriers between Western Hemisphere nations as a method of creating expanded markets throughout the Americas.

ACTION NEEDED

While the identification of purpose is comparatively simple, the Inter-American Council has set itself firmly on a practical course of action for the coming months which includes:

Periodic exchanges of views among businessmen and government on problems as they exist in the respective countries and hemispherically.

Strengthening of the Council organizations in each country and the formation of chapters in local areas to coordinate with the national organization.

Establishment of close working liaison between Council chapters and different organizations representing the private sector.

Preparation of periodic summaries by local chapters in each area of the special problems impeding the growth of the private sector.

Meeting of the Council's executive committee a minimum of twice a year to crystallize problems and discuss a program of future action.

FUTURE PROPOSALS

For the immediate future, there are two urgent matters before the Inter-American Council which require adoption for a positive course of action.

The first is a resolution to urge the respective governments of the Western Hemisphere nations to support a change in the lending procedure of the World Bank to facilitate its long-term lending to private industry.

This change would consist of the elimination of the Bank's requirement of a governmental guarantee for its loans to private borrowers.

The proposals for easing of the World Bank's guarantee requirements can then be presented to the coming meeting of the International Bank's Board of Governors in Tokyo next September.

The second project of immediate importance to the Council is the achievement of a close-working liaison with the privately owned investment company ADELA which will provide private enterprise in Latin America with equity capital and technical know-how.

In the coming months, the impetus for achievement of the Council's goals must be provided by a joint effort of persons concerned in all sectors of private industry.

The lack of progress in this respect can be disastrous for Latin America's economic future—at least in the remaining years of the sixties.

With proper guidance and a concerted effort, a combination of capital, science, and technology can be achieved for a rapid increase in both industrial and agricultural output which is the true basis for improving the standard of living among all the workers of the hemisphere.

INDUSTRIALIZED LATIN AMERICA INDISPENSABLE TO ALLIANCE GOALS

(By Felipe Herrera)

For Latin America as a whole, industry has been the fastest growing sector of the economy since the 1950's. It's annual rate of growth, which averaged about 8 percent, has been almost double that of the gross domestic product during the period. Industrial expansion will have to continue at a vigorous pace in the years ahead, if Latin America is to achieve the relatively modest increases in per capita income levels envisaged under the Alliance for Progress. Some insight into the magnitude of this capital-widening process is provided by estimates of a population growth and of the relation of capital to output.

Given an expected population increase from the present 210 million persons to 300 million persons by 1975, it is calculated that gross domestic investment will have to rise from a current level of about $10 billion to about $30 billion annually by the end of the period, in order to sustain an annual growth rate in per capita income of 2.5 percent. Obviously, the major proportion of these outlays would have to be geared toward the establishment or expansion of a broad range of manufacturing activities.

IMPORT SUBSTITUTION

In general, the mainstream of Latin America's industrialization process has followed the course of import substitution. In postwar years, the region was able rapidly to replace imports of goods produced by the technologically simpler and low capital-intensive industries—such as many consumer nondurables—and is now well along in the substitution of more complex goods and intermediate products. Moreover, some countries have begun to move into the manufacture of capital goods and equipment.

Today, according to tentative estimates, the region as a whole produces about two-thirds of its present requirements of manufactured goods, including most of the consumer goods, more than half its intermediate industry requirements, and a limited proportion of its needs for machinery and equipment. Of course, substantial inter-country differences exist. Industrial activity has expanded farthest in those countries which possess the larger domestic markets—Argentina, Brazil, Colombia, Chile, Mexico, and Peru—which has boosted the index of industrial production for the region as a whole.

NEED FOR BROAD MARKETS

As industrial expansion continues, it will be essential for the Latin American countries to achieve some sort of an integrated market in order to enable them to implant more large-scale industries which must operate at high levels of output to reduce costs and maintain a competitive position. In this connection, the prospects offered by the nine-country Latin American Free Trade Association, which comprises the most industrialized nations of the region, are highly encouraging. Similarly, the Central American Common Market arrangement offers a promising outlook for a greater degree of industrialization of that area.

Such closer regional ties and the concomitant expansion and diversification of production do not mean, of course, that Latin America would turn its back on extra-regional trade. On the contrary, imports by an industrialized Latin America with a steady expanding economy would undoubtedly increase markedly in relation to current levels.

COMPOSITION OF IMPORTS

Certainly, changes would occur in the composition of such imports, with a decline in those goods which local production can replace and a rise in the variety of goods purchased and especially in the volume of capital goods and equipment. According to some estimates, if the annual rate of capital formation referred to earlier were maintained, by 1975 the region's outlays for machinery and equipment alone would rise from the present level of $2.6 billion to between $8 to

$10 billion by 1975, of which 90 percent would have to be imported from abroad.

Evidently, such a rise in the volume of imports presupposes a reciprocal increase in Latin American exports, mainly the traditional basic products on which the region has relied and will have to continue to rely for some time to come, as the main source of foreign exchange. It should be remembered that basic products represent 90 percent of the value of Latin American exports, and four of these—coffee, cotton, oil, and copper—account for more than 50 percent of the total.

UNFAVORABLE EXPORT PRICES

Trade in some of these products in recent years has been confronting serious problems which have adversely affected the economies of the countries dependent on them, particularly in Latin America. Between 1950 and 1962, while the volume of the region's exports rose by about 70 percent, their value rose by only 49 percent—that is, prices moved about a falling trend, neutralizing the potential increase in receipts that should have accrued from the greater quantum exported.

Prices of manufactured goods, on the other hand, have moved about a rising trend, bringing about a deterioration in the terms of trade between the primary product exporting countries and the capital goods exporting nations. The primary product producers are looking forward with great interest to the Conference on Development and Trade, where problems such as these will be discussed with a view to establishing better trade relations between the developed and the developing countries.

CAPITAL FORMATION

Undoubtedly, the great effort at capital formation that will be required in the years to come must be based largely on the mobilization of domestic productive resources. However, assistance in the form of a significant flow of public and private foreign capital will be indispensable. In this connection, the role of the Inter-American Bank as a catalyst might be noted.

One of the basic premises guiding the Bank's activity is that the Latin American countries will not be able to overcome their stagnation until conditions are created in the region that will encourage a vigorous and efficient industrial development capable of supplying, under competitive conditions of price and quality, the much broader range of goods required to carry out the region's investment programs and export diversification.

The Bank was created in 1960 by 19 Latin American countries and the United States as a complementary source of external financing. In its 3-year existence, the Bank has committed $875.1 million in loans from its own resources and those of the Social Progress Trust Fund which it administers for the United States as part of the Alliance for Progress program, toward the financing of projects and programs whose total cost is about $2.5 billion.

Loans designed to expand directly the region's industrial capacity through the financing of new plant and equipment have totaled $189 million; these funds, together with the domestic participation, are helping to finance projects worth about $600 million. In addition, the Bank has lent $80 million for projects intimately associated with the expansion of industrial productive capacity, in the fields of electric power and transport, whose total cost is estimated at $360 million. These commitments represent about 32 percent of the Bank's overall lending activity.

The remaining 68 percent of the resources lent have comprised loans for projects in the agricultural sector, and in the social fields of housing, water supply and advanced education. Of course, these outlays and the accompanying domestic resources committed to such projects also are having an immediate expansionary impact on the industrial sector. For instance, funds committed to housing, water supply, and agricultural projects are providing an immediate stimulus to the expansion of the construction and related industries. The Bank also is seeking to expand Latin America's capital goods industry through a program of export financing of capital goods among the Latin American member countries of the Bank, under which medium-term financing is being made available to domestic capital goods producers and importers. To carry out its program, the Bank is supplementing its original resources with the sale of bond issues in the United States and Europe, through the sale of participations in some of its loans to commercial banks outside the region through parallel financing arrangements with extra-regional private suppliers, and by assuming the administration of other external funds.

BANK'S EFFORTS COMPLEMENTARY

The Bank's efforts, it must be remembered, are basically of a complementary nature. Under the Alliance for Progress, they are part of the goal to provide a minimum flow of capital of $2 billion annually from external sources, both public and private. The coordination of both internal and external efforts and of the factors required to attain Latin America's industrial objectives will be no easy task, as evaluations of the early years of performance of the Alliance indicate. Nevertheless, there is no cause for pessimism with regard to the long-range outlook of the region.

ADELA Plans for Private Funds Honed

(By Warren Wilhelm)

The ADELA Investment Co.—expected to be incorporated in the very near future—is a new vehicle for private equity investment in Latin America. The company will obtain its funds from equity capital subscriptions of leading United States, European, and Japanese companies, in amounts of up to $500,000 from each. By an active investment program it will help to strengthen the confidence and forward momentum of the Latin American private sector.

The company will make direct equity investments in new or expansion ventures, mainly in medium-sized manufacturing. Many of the investments will be in conjunction with Latin American private capital. Three-cornered deals involving ADELA, a Latin American partner, and a Northern Hemisphere company experienced in the industry in question, will be an important form of operations.

BUSINESS ENTERPRISE

The company will have its own management, and will be a soundly managed profit-seeking business enterprise, cooperating with and assisting Latin American private activity.

The ADELA undertaking stems from the initiative of Senator JACOB K. JAVITS, of New York, who in 1962 proposed to the NATO parliamentarians, and won their support of, a resolution calling for new efforts toward Latin America in which Europe would play a full part. At the invitation of Senator JAVITS, Senator HUBERT H. HUMPHREY joined the effort and gave it his full support.

Over a dozen important companies from Europe, North America, and Japan are already committed to financial participation in the ADELA Investment Co. Following a Paris meeting in January of public and private leaders concerned with Latin America, these companies formed an interim organizing committee cochaired by Gianni Agnelli, vice chairman of FIAT, and Dr. Emilio Collado, vice president and director of the Standard Oil Co. (New Jersey).

U.S. LEADERS IN GROUP

The committee, which is now in charge of the venture, includes on the American side such leaders as Henry Ford II and George S. Moore. It is proceeding actively with the steps essential to going into business: The drawing of statutes for Luxembourg incorporation, the development of the organization, and the development of additional corporate participations. The target is to have the company ready to operate this spring.

Investments will be chosen which offer prospects of good return, taking into account the investment climate in the individual countries concerned. The company will concentrate its investments in countries providing adequate conditions for private endeavor. It will help these countries to succeed and become growth centers.

Working arrangements are contemplated between the ADELA Investment Co. and various other financial institutions, including the Inter-American Development Bank (IADB). The Bank is unable by its charter to take equity participations so that an important area for cooperation exists, whereby ADELA will supply equity capital, and the Bank loan capital, for sound private ventures in Latin America. Dr. Felipe Herrera, president of IADB, has called the ADELA undertaking a valuable contribution to the goal of Latin American economic growth.

TECHNICAL RESOURCES

The company will have behind it the technical resources of the participant companies. Furthermore, the company's management will have the guidance of a management committee of top-flight and experienced international executives from among the participants. There is every assurance that it will be a soundly run undertaking.

The capitalization target is $40 million, involving eventually the participation of perhaps 75 to 100 leading companies. Only part of each capital subscription will be paid in immediately, the balance as needed. If partnerships with Latin American capital average 50–50, there will be an activation altogether of $80 million of equity capital, the pure juice of entrepreneurial activity. Counting also the loan funds and bank credits which, at the project level, could be supported by this much equity capital, perhaps $200 million of total capital would be activated. Concentrated in certain countries and in the sector of medium enterprise, this amount of new capital will have considerable impact.

DEVELOPMENT OF PROJECTS

It is clear that, even in Latin American countries with favorable investment climate, and most especially in the medium industry area, local entrepreneurs often have great difficulty in finding the necessary entrepreneurial-technical help, and equity capital, to proceed. All the evidence is that the ADELA Investment Company will be able to develop a very substantial number of sound, profitable, and useful investment projects.

This joint undertaking for Latin America on the part of European, Japanese, and United States business leaders represents an important new development in the international business and development field.

(Mr. Wilhelm, on loan from Texaco, Inc., Dr. Aurelio Peccei of FIAT, and Dr. Julio Gonzalez del Solar of Inter-American Development Bank, have been the three executive directors of the ADELA group which brought the ADELA project to its present stage.)

Latin America Haunted by Fear of New European Trade Curbs

(By Walter J. Sedwitz)

With the United Nations Conference on Trade and Development now in progress, it is abundantly clear that Latin American development depends not primarily on the amount of financial aid to be supplied by the industrialized countries, but on Latin America's ability to trade. One of the major difficulties faced by the Latin American countries is that the increasingly prosperous markets in Europe are not fully accessible to Latin American sellers because of high protection and discrimination.

While Latin America's trade problems with other industrialized countries, notably the United States, may be just as grave, the acuteness of the European problem stems from the fact that with the rapid tempo of economic integration among the members of the European Economic Community, certain trade policies and patterns may be cemented to the detriment of Latin America. Certainly, the experience of the past 2 years has shown that the European Economic Community is not aspiring to be the paragon of liberal trade policies, particularly when it comes to relations with Latin America.

No one will deny that Latin America's trade difficulties particularly the worsening relationship between export and import prices (terms of trade) are in large part structural, i.e., they stem from the fact that exports consist, almost entirely of primary products, that industrial export capacity is still limited or noncompetitive, and that the inelasticity of demand and supply for most Latin American exports conspire to create violent fluctuations in prices and exchange income.

TRADE POLICY FEARS

Nevertheless, it is also true that there are superimposed upon these endogenous factors, those resulting from trade policies of the industrialized countries' trade policies, which operate so as to impede or make impossible the solution of the basic structural problems of Latin American foreign trade. Unless Latin America can gain access to the developed countries' markets with its existing products, the chances for developing new exports at competitive costs are indeed slim.

The importance of the European Economic Community to Latin American trade is evident from the fact that in recent years between 17 and 19 percent of total exports have gone to the six countries of the Community. This percentage is second only to that of shipments to the United States. At the same time, Latin American imports from the Community represented some 20 percent of total purchases abroad in 1962. Some 40 percent of Latin American exports to the Community consists of foodstuffs, mainly coffee, bananas, sugar, meats and cereals, while the bulk of Latin American imports from the EEC comprises industrial products, particularly machinery, vehicles, and metal products.

While EEC imports from Latin America have risen quite impressively in recent years, from $1,568 million in 1953 to $2,120 million in 1962 there remains the disturbing fact that Latin America's participation in aggregate Community imports has fallen steadily from 6.3 percent in 1958 to 5.5 percent in 1962. While this relative decline is attributable to many factors, there is no doubt that internal taxes, discriminatory tariffs, and high protection have played their part in damming up what otherwise might have been an even larger growth in imports from Latin America, in line with the growing prosperity of the region.

SLOWDOWN WORRIES

Furthermore, it is feared that from now on the growth in prosperity will slow down and ration, which only now are taking shape will undo most if not all of the earlier benefits. Latin American countries producing temperate zone agricultural products like meat and grains thus are wondering if they will not experience a setback similar to the one suffered recently by U.S. exporters of frozen chicken. It will be remembered, that these U.S. chicken farmers, too, first benefited from a tremendous boom in their sales, thanks to rising EEC prosperity, but that this was largely wiped out when the common agricultural policy of EEC began to be implemented and the Community started to restrict severely such imports.

As there have been official forecasts that by 1970 the Community will be largely self-sufficient and may even export such items as beef, wheat, and sugar, Latin Americans are worried not merely about a partial loss of EEC market, but they are concerned about EEC beef and grain producers entering world markets as formidable competitors. Such a development is by no means pure speculation. It is already being seriously considered in the Community. Thus French authorities have suggested plans to help producers in countries like Latin America through arrangements aimed at keeping prices at remunerative levels in the world market, so as to compensate for possible losses in the EEC market.

There are also dangers that the past trend toward larger exports of tropical foodstuffs and beverages from Latin America to EEC will reverse itself. As of July 1, 1964, coffee, cocoa, and bananas will enter anywhere in EEC free of duty when coming from African countries associated with the Community. This, for the first time, will give these associated states a competitive advantage over Latin America in such markets as Benelux and the Federal Republic of Germany, areas which traditionally have ranked second (after the United States) as an outlet for Latin America in these products. To appreciate the seriousness of this threat it is recalled that approximately half of all Latin American countries depend for the bulk of their export receipts on these commodities.

REDUCTIONS OVERDUE?

It is also felt in Latin America that elimination or substantial reduction of the EEC excises on coffee is overdue. Developed countries should not depend on a considerable part of their government revenues on taxes which greatly limit the exports of underdeveloped countries. The impact of these taxes is indicated by the fact that per capita coffee consumption in Germany, the main culprit, is half of what it is in Sweden or the United States, countries not levying any coffee excises.

In the instance of petroleum and mineral ores the picture is somewhat more favorable. The Community is and will not import duties on these products and no other serious obstacles are anticipated. However, in many instances, the tariff commonly to be applied through the EEC on even simple products made of such ores is considerable and even higher than the rates previously levied under the individual country tariffs. This could close off a natural avenue to more remunerative export activities.

Latin America, in general, looks to the EEC with special concern when it comes to the problem of semimanufactured and manufactured products. In the light of the limited growth potential of trade in the traditional foodstuffs and raw materials, underdeveloped countries anywhere have concluded that they must turn to exports of a somewhat higher industralized order if they wish to earn sufficient foreign exchange to finance their development plans. Latin America produces a wide range of raw materials and has a labor force often underemployed. Industrialized countries in general, and EEC particularly, must import these raw materials, and they suffer from an acute labor shortage, especially of the kind needed for the production of simple manufactures. Under these circumstances it would be natural that the community liberalize its imports of such items, allowing Latin America to earn more foreign exchange with which to buy what that area needs most, yet is least able to produce itself: The heavy industrial goods that EEC and other industrialized countries can provide well.

AFRICAN ADVANTAGE

But here, again, Latin America has reason to view future EEC developments with some apprehension. In this respect too, the EEC associates in Africa, including the Malagasy Republic, enjoy an advantage over other underdeveloped countries in their efforts to export manufactures to EEC because of the free entry granted to their products in the metropolitan countries. Thus it is felt that Latin American countries cannot make much headway in selling manufactures to EEC unless similar privileges are extended to them.

Efforts by the American states to establish a dialog on those questions with EEC go back several years.

Largely because of the particularly urgent problems with which the Latin American countries were confronted, a special mechanism for a dialog between EEC and this group of underdeveloped countries was created about a year ago. Following a suggestion of the EEC Commission, the Council of the Community agreed to establish a contact group with Latin America, to bring together, at monthly intervals, high officials of the Community's executive body (the Commission) and the diplomatic representatives of Latin American countries in Brussels.

It must be remembered that in get-togethers of this nature progress is always slow. Therefore it would have been too much to expect that great changes or improvements would result from these first five meetings. However, these initial sessions ought to be considered a very important beginning. The establishment of a forum like this, where it has been possible to work toward a meeting of minds, should, in the longer run, set the framework for fruitful cooperation between EEC and Latin America in the development efforts of the latter area. Undoubtedly, there is an urgent need to create a mechanism through which the most dynamic section of the free world can cooperate economically with Latin America. For only a helpful attitude on the part of the EEC in all that touches upon economic matters can assure that the development efforts of the Latin American countries will succeed.

EYED BY AFRO-ASIAN NATIONS—CENTRAL AMERICA SETS INTEGRATION PACE

(By H. Courtney Stickney)

Since the successful formation and rapid economic growth of the European Common Market, the idea of regional markets has spread around the world. This is particularly true for the less developed areas such as Latin America, Africa, and some of the Asian and Pacific countries.

In Latin America, two such markets have been formed: The Latin American Free Trade Association (LAFTA), comprising Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, and Uruguay; and the Central American Common Market (CACM), comprising Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

The success or failure of these two markets may prove to be of great significance not only to the area themselves, but to other world areas which may take actions dependent on Latin American results.

LAFTA: AN AMBITIOUS PROGRAM

Four years old in February, LAFTA is becoming an accepted fact to the governments and business leaders of Latin America. Moreover, foreign interests in the area are now carefully watching the possibilities presented by the beginnings of a unified market area with a population of nearly 180 million, and a total GNP of about $46 billion.

The fact that the nine member countries have held trade negotiations 3 times in the past 3 years is in itself a sign of progress in a region where countries have been traditionally isolated from one another. Thus, LAFTA is helping to lay the groundwork for the economic integration of the Latin American countries. But, it will not be an easy task and there is no assurance that future negotiations will not break down. And even if complete free trade within Latin America does eventually occur, this in itself will not ensure sound economic development throughout the area.

It is of course too early to make firm judgments about LAFTA, but some indication of how it is developing may be gleaned from the results of the just completed third annual meeting in Montevideo.

The third conference of LAFTA lasted nearly 3 months and proved to be the most difficult to date. The total tariff concessions on the national lists (i.e., the schedules of products which each country must negotiate annually, setting forth the tariff cuts it will grant other members) have not yet been fully compiled. But it seems likely that the required 8 percent annual reductions were approximately achieved with some 1,000 tariff concessions negotiated.

The slow pace of the negotiations at the third conference further highlighted the fact that there is a need to change from the present system of bargaining on a product-by-product basis. However, any type of across-the-board reductions seems unlikely so long as each country retains its own different and complicated customs systems.

COMMON LIST SLATED

A major LAFTA meeting is scheduled this May to negotiate the first common list applicable to all members. This common list is slated to cover 25 percent of total intra-LAFTA trade and is especially significant because once placed on it, an item can no longer be removed from the national list.

The common list is scheduled to cover another 25 percent of intratrade items by 1967. By 1970, 75 percent of intra-LAFTA trade should be on the common list, and substantially free intra-LAFTA trade is planned by 1973.

The pace of negotiations is expected to be more rapid this year, but real progress is bound to be slow. It will be many years before a major part of the area's current imports can be supplied from within the member countries.

CENTRAL AMERICAN PROGRESS

Good progress was recorded in the Central American Common Market during 1963. This was true not only for the common market itself but also for all the five member countries, each of which reported substantial economic growth. The CACM, with membership now virtually complete following Costa Rica's ratification of the General Treaty last September is developing at a much faster pace than its larger regional neighbor LAFTA. Of course, unlike LAFTA, there are strong historical ties with few traditional interests opposing economic union, and stable currencies have favored monetary union and facilitated regional financing arrangements.

Under the General Treaty of Economic Integration signed in 1960 in Managua, the area will become a nearly unified market by the end of 1966, when products made in any one member will be exempt from all trade duties and charges in other member countries. Already 95 percent of the internal duties have been eliminated, although it is likely that a few items, mainly agricultural, may retain internal tariffs for several more years.

The increase in intra-CACM trade has been encouraging. In 1962 this trade increased by almost 40 percent to about $43 million, and is reported to have also increased substantially last year. At the same time, the CACM is making rapid progress toward a common outer tariff, which also is scheduled to be fully in force by the end of 1966.

INVESTMENT CLIMATE

Last year the CACM continued to take measures to improve the investment climate. For example, last summer the member countries agreed to unify within 7 years the tax and tariff incentives to be granted to new industries. All of the countries have had industrial incentive laws, but in most cases the new incentives will be even more generous.

There is little question that these promotional activities have been extremely successful. There is a long list of sizeable new investments in the area by large international firms from all over the world.

A major aim of the CACM is to have a full monetary union, although no definite time schedule is now being considered. But the goal is currently being studied by the Central American Clearing House. The Clearing House, established in October 1961, now clears payments for all five member countries.

Last summer a clearing agreement was signed between the Banco de Mexico and the Central American Clearing House. The Banco de Mexico granted a $5 million credit which was reciprocated by a $1 million credit from the central banks of each of the CACM members.

The CABEI, which has as its primary mission the promotion of economic integration in the area, is becoming an important institution. While it concentrates on private industrial and agricultural development, it also assists key public works, participates in equity, and even advises governments on intra-area projects. Capitalized at $20 million ($4 million from each member of which half is paid in), the CABEI has also received an additional $21 million in loans from the Agency for International Development and the Inter-American Development Bank.

BASIC SERVICES STRESSED

Recognizing the need for basic services in order to bind the area into one economic unit, the CACM continues to press forward to accomplish these tasks. For example, having completed preliminary studies on an intra-area communications network, the CACM countries plan to invest a large amount in this project. Long-term credits are now being negotiated and work is expected to begin within the next 2 years.

Other projects include a program of intraregional road construction and a program for tourist promotion.

FRAMEWORK IN PLACE

The framework for the CACM has been firmly put in place and is being filled out and implemented much faster than most observers had expected. It must be kept in mind, however, that the market area is small, with a total population of only 12 million, and a total GNP of about $2.3 billion.

Nevertheless, results so far have been most impressive. It seems likely that progress will be maintained, even though occasional setbacks must be expected. But provided political stability can be realized, and private investment encouraged in a competitive climate, the CACM may emerge as an important world market area.

PROBLEMS RENEWED AT ANNUAL PARLEY—ALLIANCE STRIVES TO TRANSFORM LATIN AMERICAN SCENE

(By Teodoro Moscoso)

The Alliance for Progress continued through 1963 to provide framework for economic and social improvement in Latin America. At the Second Annual Review held in Sao Paulo during November, the progress and the problems of the Alliance were aired in an atmosphere of frankness. A new inter-American steering committee, the CIAP (Comite Inter-Americano de la Alianza para el Progreso) was established to guide our joint efforts and to increase Latin America's leadership role in the Alliance. I am honored to represent the United States on this committee.

Both practical and ideological topics were discussed at Sao Paulo. Before adjourning, the conferees reiterated that the Alliance for Progress should be considered "* * * a great common effort of the peoples and governments of Latin American countries to accelerate economic development and to achieve social progress—an effort which can count on supplementary economic collaboration on the part of the United States and the international lending agencies."

WHAT NEXT?

Shortly after the conference, the news of President Kennedy's assassination spread like a shock-wave through Latin America. What would happen to the Alliance?

On taking office, President Johnson reaffirmed our country's dedication to the goals of the Alliance and to the historic concept of pan Americanism.

More recently, before a distinguished gathering of Latin American diplomats and U.S. Ambassadors accredited to Alliance countries, the President declared: "The Alliance's basic principles of economic development, of social injustice, of human freedom, are not only the right path, they are the only path for those who believe that both the welfare and the dignity of man can advance side by side. To those who prize freedom, there just simply is no alternative."

OBJECTIVE UNCHANGED

Our objective—to make the Alliance beneficial to the member countries—remains unchanged. We are progressing by trial and error. By this process the Alliance is moving steadily toward its goals.

Here are some facts to document our gains in the brick-and-mortar sector:

Through our combined efforts, some 222,000 homes will have been built by the middle of this year. Another 104,000 are projected for completion by June 1965.

In 1962 and 1963, water systems—excluding individual wells—were constructed in 364 communities; our goals for 1964 and 1965 are 664 and 1,064 water systems respectively. Some 24 million persons will benefit by the new systems.

In roadbuilding, basic to any country's economic development, the financing of 2,360 miles of road in eight countries is shared by the Agency for International Development, the Export-Import Bank, the International Bank for Reconstruction and Development, and the participating Alliance countries. AID's share is $82 million, about half of the total outlay.

School construction constitutes an index of what the future holds for the young generation. In 1962 and 1963, 8,700 classrooms were built under the Alliance. For 1964 and 1965, our goals are 4,700 and 13,000 classrooms, respectively.

Incidental to new classrooms and increased enrollments, 3,430,000 textbooks were produced under the Alliance in 1962 and 1963. In 1964, we expect to produce 3,380,000 books and another 4,400,000 books in 1965.

In the Alliance "decade of progress" we expect the private sector to play an ever-increasing role. The bulk of investment funds needed to fulfill the promise of Punta del Este must come from private sources—mostly within the Latin American combine.

The role of Alliance governments is to catalyze and stimulate private participation in many ways.

INVESTMENT GUARANTEES

One effective device for attracting and stimulating U.S. private participation has been the investment guarantee provisions of the Foreign Assistance Act, covering certain specific political risks.

On January 1, 1964, AID had on hand 727 applications for such guarantees to cover private Latin American investment projects. The estimated total coverage requested—against the risks of expropriation, nonconvertibility, damage from war, revolution, or insurrection—amounted to $3.5 billion.

Under an agreement with AID, the Federal Housing Administration has established a Latin American Division staffed by professionals. Along with an augmented AID staff, we are now in position to make maximum and prompt use of our guarantee authority.

Here again, Government is working in close cooperation with the private effort.

Parallel to our housing guarantees, the Alliance countries are sponsoring savings and loan associations patterned after those in the United States. In Chile alone, 22 chartered associations helped to finance the construction of 9,648 homes up to January 1, 1964; another 10,000 homes are scheduled to be financed and built in 1964. As mortgages are paid off the money is re-lent to new borrowers. The result is an ever-expanding housing program, rather than one-shot projects. The 63,000 Chilean loan association members are credited with $32.7 million in savings.

The credit union movement, also modeled after that in the United States, has given new impetus to private business in several countries.

They are now making small loans in 35 categories—from hospital costs to farm equipment. In Peru alone, 396 credit unions were operating on January 1, 1964; their 157,000 members had combined savings of $6.5 million; combined assets were $7.4 million.

PROGRAM OF SURVEYS

Still another effort to attract private U.S. investors to Latin America is the investment survey program. Businessmen are prone to finance a preinvestment survey when they can share the risk. Under this program if the survey results prompt a businessman to go with an investment, he retains full right to the information developed and assumes the full cost of the survey. However, if he decides against the venture, AID will reimburse him for one-half of the survey cost; for this consideration AID acquires title to the survey information which can then be made available to other prospective investors.

Blessed with an extraordinary agricultural abundance, the United States has converted what at first appeared to be a liability into an asset of far-reaching consequence.

Under the Food for Peace program, some 17.6 million people in Latin America received food supplements from the United States in 1963; more than half of the recipients were children. In 1964 an estimated 20.7 million Latin Americans will receive such supplements.

In Central America the rural populations are now served by mobile health units—boats as well as automotive vehicles—staffed by licensed medical practitioners. This unique program, partially financed by AID grants, will eventually become self-sustaining. It has already made solid contributions to the physical, social, and economic welfare of hundreds of communities and millions of persons.

Throughout Latin America, hospital facilities, health centers, and sanitary services have been provided as a part of the Alliance. An estimated 9 million persons have benefited from the new health facilities and services in the participating countries.

The free labor movement is also gaining strength and winning ground with help from the Alliance. The American Institute of Free Labor Development (AIFLD), a tripartite organization, in which management, labor, and government are represented, is managed by Latin and North American leaders pledged to resist Communist and other totalitarian pressures. The institute deals with such matters on a union-to-union basis.

All this, along with a wider industrialization, will require the full use of Latin America's human, financial, and material resources. On our part, we shall continue to lend technical and financial aid and strong encouragement to this movement, which is based on self-help and has as its purpose economic growth with social justice.

AMBASSADOR HENRY CABOT LODGE ON VIETNAM

Mr. JAVITS. Mr. President, Ambassador Henry Cabot Lodge has just written an extraordinary and important article for Life magazine on the question of Vietnam, to which country he is our Ambassador. I think it is of such importance that it should have as wide a circulation as possible. I ask unanimous consent that it may be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW THE WORLD'S HOTTEST SPOT LOOKS TO ME

(By Henry Cabot Lodge)

(In this article the author sets down his specific views on the situation in South Vietnam. Lodge is the U.S. Ambassador to that embattled country. While so serving, he has suddenly become in the nationwide polls the leading contender for the GOP presidential nomination.)

SAIGON.—In his inaugural address of January 1961, President Kennedy described the challenge of the 1960's "not as a call to bear arms, though arms we need—not as a call to battle, though embattled we are—but a call to bear the burden of a long twilight struggle, year in and year out."

Vietnam is now, I think, actually emerging from the twilight, but these words of President Kennedy nonetheless apply directly to American policy there. For, in South Vietnam the Vietnamese and ourselves are indeed embattled. We bear arms—but we also bear a subtler and ultimately more crucial burden of getting the Vietnamese people to understand that their safety and welfare lie with the South Vietnam Government. Vietnam is thus typical in both respects of the struggle to which President Kennedy referred. But is is also unique in that it is the only place in the world today where Americans are under fire from Communist guns.

Communist China wants to turn all of Vietnam into a satellite. To be sure, the enemy is called "Vietcong," and many of the men who belong to it are recruited in South Vietnam. But the supplies and the men who direct the war come from North Vietnam. Ho Chi Minh, the ruler of North Vietnam, under whose direction the Vietcong fights, would undoubtedly have a hard time stopping the war in South Vietnam even if he wanted to, because Communist China would move heaven and earth to keep him fighting. Nonetheless, Communist China's influence over North Vietnam may weaken. North Vietnam may one day be as independent of Peiping as Yugoslavia is of Moscow today. It will, however, take some doing.

This Chinese interest is, by itself enough to make Vietnam important. But there are additional reasons. Geographically, South Vietnam is a keystone for all of Southeast Asia, the hub of an area which is bounded on the northeast and east by Formosa and the Philippines, on the south by Indonesia and on the west by Burma. Control of South Vietnam would put the Communists squarely into the middle of southeast Asia—whence they could radiate all over.

The Mekong River, one of the world's 10 biggest rivers, comes down from the Tibetan highlands and spreads its fertile delta into the southern end of Vietnam. The delta is a fabulous producer of food—and Asia is teeming with millions of starving people. Possession of the delta is thus of enormous importance.

The conquest of South Vietnam would immediately disturb Cambodia and Laos, and bring strong reprecussions farther west in Thailand and Burma. It would shake Malaysia to the south. It would surely threaten Indonesia. Then, if Indonesia were unable or unwilling to resist, the Chinese Communists would be on the doorstep of Australia. Finally, eastward, the repercussions for the Philippines and for Formosa would be severe.

Therefore, when we speak of southeast Asia, we are not talking of some small neck of the woods but of an area about 2,300 miles long from north to south and 3,000 miles wide from east to west—with about 240 million people.

Also, if the Communist Chinese, using North Vietnam as a cover, were to take over South Vietnam, it would be interpreted among Communist nations as a vindication of the militant Chinese policy over Khrushchev's methods. It would also be regarded as a reflection of U.S. inability of lack of will to prevent Communist aggression.

As for American public opinion, the loss of South Vietnam, with its weakening of the whole free world position in southeast Asia, would have a distressing effect, and many voices would be heard urging us to wash our hands of the world—to resign from it, to fall back onto our "fortress America," to gird up our loins for a contest with guided missiles.

At stake here, above all, are the Vietnamese people, long-suffering and freedom-loving. Their age-old aversion to Chinese domination or any form of colonialism is the essence of their national history. The abandonment of such a people would be an immediate, devastating blow at the confidence which the United States enjoys among the free and uncommitted nations of Asia.

The importance of this place and this people has been recognized by Presidents Eisenhower, Kennedy and Johnson. It has been recognized, in the noblest sense, by the 127 Americans killed in action in Vietnam since 1959, and by the 82 other military Americans who have lost their lives there by accident, natural causes and service-connected disease. We are forever in their debt. They gave their lives in a place in which the vital interests of the United States were—and are—deeply involved.

There are today good reasons for faith in the prospects for Vietnamese independence. The downward spiral in our ally's fortunes which began in the spring of 1963 has been arrested:

The decision has been made to concentrate now on the seven key provinces around Saigon. If we succeed there, the back of the snake will have been broken.

There is more night fighting by small units instead of big, daytime battles on the World War II model.

There are able province chiefs, who are the key people in the Vietnam Government, and competent military commanders.

The new Prime Minister, Gen. Nguyen Khanh, appears to be a man of impressive ability.

There is very little compulsory moving of farm families from their homes into strategic hamlets, as used to be the case.

The Vietnamese Government has embarked on the policy of attacking a selected area and leaving behind qualified civil administrators and citizen soldiers so as to hold what has been gained. As part of this program, too, the Government is strengthening the militia and training a desperately needed corps of civil administrators.

There is vivid recognition that the Vietcong campaign is, above all, a political affair;

that we must organize for the political conflict as carefully as we have organized for military success; and that there must be a true civil-political organization to go hand in hand with the military. For, the strength of the Vietcong does not consist in fortresses to which they retire for rest and repair. They have no rear area, behind the front, to which they can go. In the western sense there is no front. When the Vietcong have had enough and decide to stop fighting, they simply melt in with the people. If the people were to deny the Vietcong, they would thus have no base; they would be through.

This problem brings to mind Gen. Bedell Smith's remark to French Foreign Minister Bidault in 1954, when France was losing Indochina. Bidault had spoken of relieving the French general responsible for the fall of Dienbienphu. "Any second-rate general," said Smith, "should be able to win in Indochina, if there were a proper political atmosphere." The problem in southwest Asia is still to create the proper political atmosphere. The South Vietnam Government recognizes the problem and is trying to solve it.

But militarily we do not face the situation which existed in Dienbienphu 10 years ago, when Communist Gen. Vo Nguyen Giap had a big army in the field. Nowhere in all South Vietnam today can a Vietcong battalion march down a road in daytime with flags flying. The most they have been able to do—and that very seldom—is to hold a village for 24 hours.

Also, in this year of 1964 we have something we have never had before and that is a great American organization, which has been built and completed under the leadership of Gen. Paul D. Harkins and which, in its turn, has helped to build a big Vietnamese army. And in support of all this there is an economic and social structure, in whose creation the United States has also participated, which identifies the cause of victory with that of a better life for the ordinary people. Americans working with the Vietnamese have, in significant ways, transformed the country. To the fundamental Vietnamese effort we have contributed money, weapons, and machines. But our expert technicians and advisers have also made schools, health clinics, and better farms a reality. And the courage of our young Americans—military and civilian—in risking their lives every day has been particularly inspiring to the people.

But Vietnam—for all this—has not yet won the war. The Vietnamese and ourselves are engaged in a long-drawn-out contest of wills, which is still deadlocked. But stopping fatal deterioration although accomplished is not victory. It is undoubtedly true today that we cannot be pushed out against our will, but that is not enough.

On the other hand, the requirements for Communist victory are more than the continuing wave of terrorism in Saigon's movie theaters and baseball grandstands, and the Communist-inspired campaign in support of "neutralism" for South Vietnam which was launched during the winter of 1964. The Communists are far from invincible—even in southeast Asia. In the Philippines and Malaysia, they eventually gave up. It will not require miracles now to tip the balance against them, if we and the Vietnamese do our very best.

Meanwhile, we must not be easily discouraged. One asset which the Communists possess is that of molelike patience. When told that something will take 50 years to accomplish, they are not horrified. If we and the Vietnamese persist in carrying out realistic political and military policies, we will win—provided the hostile outside pressures stay about as they were last summer. Undoubtedly, the adverse turn of events in Vietnam in late 1963 and early 1964 was largely due to increased infiltration from North Vietnam of men, weapons and supplies.

If we do make up our minds that we are going to live with the problem year in and year out, we will undoubtedly wish to consider a personnel program whereby politically mature and unobstrusive American advisers are, upon request of the Vietnam Government, stationed in the various areas of Vietnam for periods of at least 2 years, and preferably more. It is not possible to be thoroughly competitive with communism in the civil-political field when you rotate advisers through Vietnam as fast as we are presently doing.

If we make up our minds that we will stay with the Vietnamese for as long as it takes to win, we should also think again about the scope of the entire southeast Asia problem. The Communists do not tie themselves down to a patchwork of piecemeal, nationalistic restrictions. They consider all of that part of the world as a strategical unit, and the Mekong as an immense river which gives all of the countries having to do with it very close, common strategic relationships.

The Communists certainly have not respected the Cambodian border, the Laotian border—or their own border with South Vietnam.

The United States must work for effective supervision of these borders, since this is essential both to ending aggression in Vietnam and to peace in the entire area.

We should also be sure that we are making full use of the things in which we excel and in which the Communists are deficient. For example, we probably cannot, as a general rule, surpass a young oriental guerrilla fighter, who doesn't mind the heat, who can get along on a daily handful of rice, and who can lie under water for hours at a time breathing through a straw. But we can do better in other things, such as: The use of airplanes, the art of medicine, improved farming and education, the development of an energetic political system based on justice.

The forces working against us are strong and subtle, and sheer persistence may not suffice if hostile outside pressures grow too great. Thus we may be forced to do something more.

The phrase "outside pressures" suggests, first, neighboring land which is used as a "sanctuary" and from which Vietnam can be attacked and the Vietcong helped with impunity. Obviously when one is engaged in a life-and-death struggle, such a "sanctuary" must not go on forever. It should be possible to deal with this problem by peaceful means.

And the phrase "outside pressures" also suggests the arguments that are advanced in behalf of "neutralism," although the problem is really one of desultory talk—chiefly by the Vietcong—rather than of real pressure. Those who preach "neutralism" seem never to talk about neutrality for North Vietnam. Yet, surely—if one wished to be fair, and realistic—one would never envisage a conference in which one of the two parties came as a weak neutral and the other came as a strong member of the Communist bloc.

We have had some practical illustrations of exactly what "neutralism" can mean in southeast Asia. Consider two agreements—one reached in 1954 concerning Cambodia, Laos, and Vietnam, and another in 1962 concerning Laos only. In both cases the accords were violated by the Communists before the ink was dry.

In Laos, the Communist forces, backed and directed from North Vietnam, attacked the neutralist forces. They have tried ever since to cut the country in two, and the International Control Commission has been unable even to investigate these shocking, violent actions because the Communists simply will not let the Commission function without crippling restrictions. No wonder that Souvanna Phouma, the chief of government of Laos, blames the pro-Communist Pathet Lao for the unsettled situation in his country and has called on the North Vietnamese to stop their interference.

We thus see that the Communists in southeast Asia cannot be trusted to carry out a neutralization treaty. One suspects that Peiping will always feel free to agree to neutralism with one hand and then to intensify the guerrilla war with the other.

Why, therefore, complicate a very simple situation by using such a woolly and deceptive word as "neutralism" without specifying exactly when "neutralism" would be applied?

If so-called "neutralism" had been applied to France at any time between 1940 and 1944, the German army would have remained in occupation in France. In fact, the initial German occupation, before the collapse of the Vichy government, was virtually the same kind of neutralism with regard to France which some appear to advocate today with regard to Vietnam. Those of us who have always wanted a strong France and who are glad that France is strong today would have opposed "neutralism" for a France occupied by a hostile army in the 1940's, just as we oppose "neutralism" for a Vietnam which, though not occupied in the same sense, is under hostile attack in the 1960's. And, one might add, just as we oppose "neutralism" for Berlin.

We must, therefore, insist, before even discussing any kind of new relationship between North Vietnam and South Vietnam, that the north stop its aggression. No conversations with North Vietnam are even conceivable while this interference in South Vietnam's internal affairs is going on. The aggression must stop immediately. The minute it does, there can be peace.

In a struggle which interests Communist China so closely there are no shortcuts, neutralistic or otherwise. Vietnam is thus not a problem which can be "turned over" to a Geneva conference or to the U.N. At this rough and dangerous stage, both for Vietnamese and for Americans, there is no substitute for force and the will to use it, even though a total solution to the problem cannot be achieved solely by military means.

We Americans must, therefore, for our part, continue to be superior in the fields where we are already superior. And we must become superior in the fields where the Communists are now ahead of us. This superiority of theirs can be summed up in the words "patience and persistence" and in the fact that they do not neglect the political-psychological side of the struggle.

As John Adams was told by his wife in 1776, we should try to subdue one obstacle at a time, and not be depressed by the greatness and the number of those obstacles. Many things have been called "impossible," she said, which become easy for those who know how to take advantage of time, opportunity, lucky moments, and the faults of others.

At the U.N., I used to notice that Communists think they can count on American impetuosity and impatience. Pham Van Dong, the prime minister of North Vietnam, says that he is in no hurry, because he is sure that Americans will lose interest in the struggle. We must prove him wrong.

The war in Vietnam is our concern. It is not one which Vietnam can handle alone, because external forces are so heavily involved. If it were not for these forces, there would in Vietnam merely be the banditry and piracy which has existed for a long time and with which local forces could cope. Given the international importance of the struggle, is it unreasonable for the United States to spend in Vietnam in 1 year roughly the cost of building one airplane carrier? And is it unreasonable for us to decide to spend whatever length of time it takes to make sure that this area can stand by itself without fear of foreign conquest?

History tends to establish that whenever China is united, it becomes imperialistic.

One is told that in the 13th century, it took the Vietnamese almost 40 years to get rid of the Mongols. But the pendulum of history ticks faster now. If we do what we are capable of doing, it will not take us 40 years, or 30 years, or 20 years to stabilize southeast Asia. It may take more than 1 year or 2. But I would not be surprised to see the Mekong Delta totally cleared of Communist guerrilla forces by the end of 1965. If we watch for the breaks, if we take advantage of them, and if we have a little luck, Vietnam will surely get into a posture where it need never fear defeat, whether on the battlefield or at the conference table.

If we in America are persistent, the outlook is good. If we in America are impatient and easily discouraged, the outlook is bad. The answer lies partly in Vietnam, but it also lies in the United States.

PRESIDENT JOHNSON: OUT IN FRONT LEADING THE TROOPS

Mr. HUMPHREY. Mr. President, a recent editorial appearing in the New York Post commented on President Johnson's activities on a number of domestic and foreign fronts: civil rights, poverty, foreign aid, hospital care for the elderly, among others. The editorial closed with this remarkably astute observation on the "can do" approach of the President:

> Some Presidents conduct crusades from behind a desk or the Burning Tree golf course; this President likes to be out front leading his troops. That is the way wars are won.

The President conducts his wars on the basis of a rather basic strategy; namely, take the offensive. And that is surely what President Johnson has done in a variety of areas in recent months .

His amazing feat in securing postponement of a national railway strike has already been noted on the Senate floor. Let me simply repeat that no other man in America could have prevented this strike except the President of the United States. And he did it. Simultaneously the President continues his drive for approval of his comprehensive poverty package, expanded education and training, a hardheaded foreign aid program, the long-delayed program for hospital care under social security for the elderly, and, of course, completion of the civil rights bill by the Senate.

If the editorial pages of the Nation's press are any reflection of the President's impact on the average citizen, this multifront offensive is not going unnoticed. An editorial in the Nashville Tennessean notes:

> The image President Johnson has made for himself during his hundred-odd days in office is of a quiet-voiced, serious administrator who has the political skill to get things done, to keep the country moving without the unnecessary shocks of brinksmanship, or waving the mailed fist.

In analyzing the President's poverty program, the Wichita Plaindealer says:

> The President's forthrightness and courage in challenging the Nation to face up to this problem and help fashion solutions was not dictated by political considerations or partisan advantage. The Republicans in the House ought to treat his program in this light.

Mr. President, I have clipped a variety of editorials commenting on the President's efforts in these various areas, both domestic and foreign. I believe they will make interesting reading for all Americans, including all loyal Democrats in the Senate and for our Republican friends as well. Therefore, I ask unanimous consent that these editorials from many of the Nation's newspapers may be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the New York Post, Mar. 30, 1964]

L.B.J.'s Must List

President Johnson is too wise in the ways of Congress to talk about a "must" list of bills. In effect, however, that is what he announced at his impromptu news conference at the LBJ Ranch. If he does get the items that he enumerated, this will indeed be a remarkably productive legislative session.

In addition to civil rights, the President said he wants a good foreign aid bill, hospital care for the elderly and passage of his poverty program.

The firsthand inspection tour of the areas of flagrant distress that he announced at the same meeting with reporters should help mobilize public support for his health and poverty bills. Moreover, since poverty and discrimination go hand in hand, the President's flying tour will also spur passage of the civil rights bill.

One of the first obstacles confronting a President concerned with poverty today is to make the Nation, most of whose people are relatively well off, care. Poverty no longer has the visibility it did in the thirties. Yet if Congress is to act, the public conscience must be stirred, and if the public is to be aroused it must first be made aware.

Wherever the President goes is news.

By traveling to the areas of the "forgotten men" himself, the President will forcefully remind the country of their existence.

Some Presidents conduct crusades from behind a desk or the Burning Tree golf course; this President likes to be out front leading his troops. That is the way wars are won.

[From the New York Post, Mar. 26, 1964]

President Johnson on Two Fronts

1. THE BATTLE FOR CIVIL RIGHTS

The earnestness and depth of President Johnson's commitment to a strong civil rights bill were manifest again in his plea for help to southern Baptist clergymen.

"No group of Christians has a greater responsibility in civil rights than southern Baptists," the President told them.

"Your people are part of the power structure in many communities of our land. The leaders of States and cities and towns are in your congregations and they sit there on your board. Their attitudes are confirmed or changed by the sermons you preach and by the lessons you write and by the examples that you set."

In making his plea, the President was aware that southern Baptist clergymen have shown more reluctance than those of other denominations to get behind the civil rights bill.

In general the churches are proving perhaps the most effective lobbyists for legislation too long delayed.

If the President's words stirred yesterday's audience, as some of his listeners said they did, a major battle in this long war has been won.

2. THE BATTLE FOR PEACE

Nothing more impressively illustrates the awakening of mankind provided by the awesome nature of nuclear weaponry than President Johnson's moving statement on the "impossibility" of general war.

The chastening effect of commanding the Nation's nuclear arsenal was clearly visible in his simple, sober phrases, starting with his obervation that "the people of this country and the world expect more from their leaders than just a show of brute force.

"We are the most powerful Nation in the world," he said, "and we can afford to be patient." Power carries obligations and this country "should offer the outstretched arm that tries to help rather than the outstretched sword that helps to kill."

There are those, he warned, who want him to send in the marines at the first sign of a crisis; but such action carries the risk of a war that could destroy both the United States and its adversaries.

"The world has changed and so has the method of dealing with disruptions of the peace," the President noted.

The theme of change was central to two other major foreign policy statements this week.

Adlai E. Stevenson, delivering the Dag Hammarskjold memorial lecture at Princeton, suggested "that the world may be moving out of the era of containment into one of cease fire and peaceful change * * * because the H-bomb has made even limited war too dangerous."

We were entering into a period, he indicated, when old cold-war distinctions were no longer a reliable guide to national judgments.

A new world consensus appeared to be emerging, Stevenson said, embodying an awareness that disputes have to be pursued by other than military means.

The way to widen and strengthen this new consensus is "to get on with the business of expanding and improving the peacekeeping machinery of the U.N."

Chairman Fulbright of the Senate Foreign Relations Committee was equally emphatic in discussing the "fluid world situation" and the necessity it imposed of differentiating among Communist regimes, some posing a greater threat to the free world than others. Americans who failed to make such distinction, he said, were "clinging to the old myths in the face of new realities."

The Senate leader even went so far as to suggest that Castro's Communist regime is here to stay and that it may be necessary for this country to accept it as a "distasteful nuisance but not an intolerable danger."

Soviet response to such expressions of American restraint and vision may indicate whether Moscow is looking for what Mr. Johnson called the way of "reasoned agreement instead of ready aggression."

[From the Nashville Tennessean, Mar. 26, 1961]

Mr. Johnson Previews His Own Guns of August

After August it will be possible to look closely at the battleground for the 1964 campaign. However, if the Republicans desire to know in advance what they will be up against, President Johnson has provided a clear outline.

In separate remarks, beginning with a television interview, including a partisan address to Democrats in Washington, and concluding with his remarks of Tuesday, the President has made it clear he has appropriated the middle ground of politics and that his major themes will be a fight for peace in the world and an equal struggle for betterment of the people at home.

Both in his television speech and a later one on March 20, Mr. Johnson mentioned the phrase "the better deal." It is safe to assume this will be his election banner, battle cry, and summation of the Johnson purpose. He took note of world change and made it clear that the time for a better deal in a changing world is now.

The elements of this purpose include strong emphasis on growth economics, the battle to improve the lot of the have-nots—the impoverished and uneducated—as well as that of the people generally. It also includes meaningful assaults on pressing domestic problems: education, unemployment, the farm economy, health care for the aged, and others.

On the international scene, President Johnson intends to continue the struggle for peace, making it clear that although this Nation is strong, it is not omnipotent; that "general war is impossible" in the nuclear age and that the peoples of the world expect more of their leaders "than just a show of brute force."

President Johnson has gaged the public mood of the Nation and found it sober and introspective. In his speech to Democrats he said: "I believe that the American people have had their fill of partisanship for partisanship's sake, that they have had enough of opposing just for opposition's sake. I believe that the people are weary and no longer enchanted by the frivolity and the transparent theatrics and the silly showmanship which has been grafted onto the election process.

"In that moment of cruel tragedy last November, we all saw the American Presidency and all of the offices of American leadership are not prizes for partisanship, but represent the greatness and glory of the people themselves."

The image President Johnson has made for himself during his hundred-odd days in office is of a quiet-voiced, serious administrator, who has the political skill to get things done, to keep the country moving without the unnecessary shocks of brinksmanship, or waving the mailed fist.

For the moment, he has left the GOP a paucity of issues: questions of foreign policy for which it has no alternatives short of force, and questions of welfareism which places Republicans against the common man.

In this strange stance, moderate and liberal Republicans are left voiceless in party councils and the de facto spokesman for the GOP is the isolationist, jingoistic Mr. GOLDWATER who talks nonsense and was repudiated by New Hampshire Republicans.

In their national councils the Republicans are whistling short bursts of "Dixie" and "California, Here I Come." But so far this is to dispel visions of headstones and the uncomfortable feeling of being in the cemetery of their New Year's hopes.

[From the Nashville Tennessean, Mar 24, 1964]

GOP Has Reason To Be Confused

The United Automobile Workers Union has added its strength to the growing support of President Johnson by the Nation's working people.

It is particularly significant that labor should be rallying to Mr. Johnson's cause at a time when the President is enjoying comparable favor in the eyes of the Nation's business and industrial leaders.

Business is now entering upon the threshold of what promises to be a period of tremendous growth as a result of the President's $11 billion tax reduction.

The feeling of optimism generated in the business world by Mr. Johnson's policies already has made itself felt to the extent that the UAW's largest employer—General Motors Corp.—has launched a $2 billion expansion program to prepare for the bonanza that is coming.

Meanwhile, the Republicans—watching one issue after the other go down the drain—are frantically thrashing about trying to find an issue or a candidate to stop the rising tide of the Democrats.

There are reports that Gov. Nelson Rockefeller's own New York delegation is getting ready to ditch him. Senator BARRY GOLDWATER's campaign has shown little recovery from the New Hampshire fiasco, and the bandwagon of Ambassador Lodge seems at this point to have stalled. The GOP appears to be in a state of confusion and dismay, and it is not difficult to see the reason why.

[From the Providence Journal, Mar. 31, 1964]

The President Has the Courage To Ask for Patience

The meaning of President Johnson's unscheduled remarks to the building trade unionists about the imperatives of peace in this changing world reaches beyond his words alone, as welcome and eloquent as they were. He has, in effect, reasserted the policy of peace-through-patience that both Presidents Eisenhower and Kennedy embraced ardently before him.

This unanimity in support of restraint in the use of American strength during a period of acute tensions is, we submit, neither coincidence nor expedient politics. The record testifies to the extent to which the view from the top—that is, from the Presidency—sobers any man of sensibility and responsibility.

Whatever else they may have been called, none of the three Presidents has been called an appeaser. All have been known to be impatient and even explosive at times, reflecting personalities highly susceptible to impatience, frustration, indigation, and anger.

But as each in turn contemplated the awesome consequences of war in a nuclear age, each in his own fashion counseled Americans, traditionally an impatient and action-prone people, to bear with a foreign policy based on quiet strength dedicated to "reasoned agreement instead of rash retaliation."

The sensitive sword of Cyrano de Bergerac, the quick gun of the frontier, the dashing attack of the Rough Riders up San Juan Hill, represent dangerous anachronisms in an era when, as President Johnson stressed, nuclear war would result in the deaths of between 100 to 200 million people, half of them Americans, in a matter of minutes.

There is a need today for invoking a different catalog of virtues, such as patience, calmness, reason, courage, and strength, in order to cope with what President Johnson described, in stark understatement, as a world that "is not the same as it was."

To this end, he states his own case better than anyone could state it for him in words that bear repeating:

"We, the most powerful Nation in the world, can afford to be patient. Our ultimate strength is clear, and it's well known to those who would be our adversaries. But let's be reminded that power brings obligations.

"The people in this country have more blessed hopes than bitter victories. The people of this country and the world expect more from their leaders than just a show of brute force. And so our hope and our purpose is to employ reasoned agreement instead of ready aggression, to preserve our honor without a world in ruins, to substitute, if we can, understanding for retaliation.

"My most fervent prayer is to be a President who can make it possible for every boy in this land to grow to manhood by loving his country—instead of dying for it."

We wish him Godspeed in this quest that so intimately relates, as he said, to "your family and mine, their future and their country."

[From the Nashville Tennessean, Mar. 22, 1964]

President Tailors Aid to Some Harsh Realities

In view of continuing congressional hostility to foreign aid, President Johnson has tailored his new aid requests to political realities while trying to keep in mind the harsher realities of a developing world struggling with poverty and ignorance.

The President asked for $3.4 billion for the fiscal year beginning July 1. This is $1 billion less than the late President Kennedy asked last year and $200 million less than Congress finally authorized last December 13.

Along with his request, the President promised new economies in the aid program, including the reduction of aid personnel by at least 1,200 by June. He also noted that he has directed aid missions to be consolidated with U.S. Embassies so that separate missions and duplication can be eliminated.

The President laid stress on the fact that his new program does not seek to cover the whole world, but that it will concentrate on carefully selected countries whose "survival in freedom is essential, and whose collapse would bring new opportunities for Communist expansion."

Addressing himself to those who have complained that aid has affected the U.S. balance of payments, the President noted that more than 80 percent of the aid funds will be spent in the United States, and that the impact of the program on payment balances should be less than ever before.

The President has put before Congress a minimal request. He will have to serve notice on that body that any less than what he asks will make it impossible to meet this Nation's commitments to its own security and to the free world.

Representative OTTO PASSMAN, Democrat, of Louisiana, the most frequent critic and ardent foe of foreign aid has frequently observed that Congress always cuts aid by a billion each year, whatever the President asks.

In the large context of peace or war, the basic aim of aid assistance is to build up stability in unstable states and to help them in providing their own defense against potential aggressors. Were it not for foreign forces supported by our military assistance, it would be necessary to consider substantial expansion of our own forces. And this would be at considerable cost in manpower and money.

Aid may not guarantee that countries will progress. It may not guarantee that the receipt country will be stable and avowedly pro-Western. It may not guarantee us friends. But there is no "may" to the probability that unaided areas will slide toward anarchy, chaos, and communism.

Aid, in the fullest sense, remains an indispensable instrument of Western security. Mr. Johnson has carefully cut his cloth to fit the needs. Congress should also be realistic before it decides to retailor it to the insular views of some whose vision hardly extends across the Potomac, much less across the sea.

[From the Houston Chronicle, Mar. 21, 1964]

Foreign Aid: A Flexible Arm of U.S. Policy

"One reason the foreign aid bill always runs into trouble is that Congress likes to debate foreign policy, and foreign aid gives it the occasion."

David Bell, who runs the Agency for International Development that administers the foreign aid program, discussed it carefully with a group of editors and reporters when he came to Houston Friday to make a speech.

The President's foreign aid plans for the coming fiscal year went to Congress Thursday, carrying a $3.4 billion price tag. Customarily, administrations ask for bouffant hairdo foreign aid, and Congress provides a crew cut.

This year, both President Johnson and Mr. Bell emphasize, it's a minimum request. Mr. Bell makes a further point: People shouldn't think of foreign aid exclusively in terms of price tag. The money doesn't buy a complete animal called "aid." Instead, it finances an infinitely flexible, sophisticated instrument of U.S. policy. The less money, the more inflexible it becomes.

A key to our foreign aid program, and one reason it works well currently, is its carefully defined place in the administrative structure. It has independence that Mr. Bell is careful to maintain, and is not merely another policy arm of the Department of State. He believes, and we agree, that this independence is essential.

To us, the "why" of foreign aid has long since ceased to be a relevant question. We agree with President Johnson when he says:

"We will be laying up a harvest of woe for us and our children if we shrink from the task of grappling in the world community with poverty and ignorance."

Mr. Bell is an able professional, and with his leadership, the foreign aid program has become a taut ship, better able to provide the important ingredient stressed by the President in his message to Congress:

"To those nations which do commit themselves to progress under freedom, help from us and others can provide the margin of difference between failure and success."

[From the Houston Chronicle, Apr. 15, 1964]

NATO's Tremendous Record

It was the quiet sore of duty speech that Presidents are called on to make often, but Americans should take good heart from Mr. Johnson's remarks to the North Atlantic Treaty Organization nations Friday.

The President spoke before a background of international events that have aided our cause.

A new government in Brazil shows promise of commonsense and steadiness that will help anchor Latin America.

Relations with Panama are restored, and differences over the canal can now be approached in calm negotiation.

Disruptive clamor in the Communist world indicates that our enemies are no longer monolithic. The split between Communist China and the U.S.S.R. is the most striking, but even in Eastern Europe, the Soviet bloc has troubles hanging together.

"Our guard is up but our hand is out," the President said Friday, and then he reviewed the considerable achievements of the NATO alliance.

Its military forces are strong, and have unquestionably maintained stability in Europe. Given that stability, the West has done well.

Population in the NATO nations has grown by 100 million in the past 15 years. Trade and production have doubled. Income of the average man has increased by 50 percent. As Europe works toward increased unity and cooperation, this splendid record will continue and improve.

Although the President noted in passing the resurgent nationalism in Europe—it is best indicated by France's independent policies under President de Gaulle—wisely, he did not stress them. The solid achievements of partnership are stronger testimony than any moves that seem to disrupt it.

Besides diversity of aims on the Western side of the Iron Curtain is far more tolerable to us than diversity of aims to the East are to the Soviet Union. The tradition of the West can accommodate many policies, but the totalitarian Soviet bloc can tolerate but one.

And we believe the President was speaking beyond his NATO audience in Washington, to each American. Total victory in this world is elusive—perhaps unattainable. But a total commitment from this Nation to a sound, reasonable policy—like the NATO alliance—we can reach useful goals. As he put it:

"We believe in the alliance, because in our own interest we must, because in the common interest it works, and because in the world interest it is right."

[From the Wichita Plaindealer, Mar. 27, 1964]

Poverty Is Nonpartisan

The one-fifth of America that lives in poverty has no single political identification or partisanship. The young and the old, the minority groups, the inhabitants of city and rural slums, the disabled and the deficient inhabit all sections of the country. They live in States and congressional districts that are represented in Congress by Democrats and Republicans alike.

It is difficult, therefore, to understand the initial reactions of many Republican Members of the House to the President's specific proposals for a war on poverty. There is seemingly developing a highly partisan party line approach to a problem that is nonpartisan.

The national scope of poverty has been amply documented by the mass media. The Nation's leading mass circulation magazines and newspapers, television and radio have produced excellent reports on the why and how of poverty. The 35 million Americans living in poverty have for the past few months been in full focus, with the national spotlight on the grim problem of America's havenots.

The President's forthrightness and courage in challenging the Nation to face up to this problem and help fashion solutions was not dictated by political considerations or partisan advantage. The Republicans in the House ought to treat his program in this light.

One of the Republican complaints in the special House Education and Labor Subcommittee holding hearings on the proposed legislation is that the poverty program would duplicate legislative proposals presently before Congress. The simple fact is that the youth opportunities bill and the domestic corps measure adopted by the Senate and deadended in the House are to some extent the victims of the conservative coalition in which the Republicans play a major role.

The President's program contains elements of both of these measures. But the charge of duplication misses the point. The problem is to secure passage of legislation that will begin to attack the causes of poverty. The President's program provides an opportunity for quick adoption, in the committee of an overall approach of measures that are now bogged down in the legislative machinery.

[From the Seattle Post-Intelligencer, Mar. 21, 1964]

Time Bomb

A fuse is burning on "social dynamite" in the slums of America's cities, according to educator Dr. James B. Conant and others concerned with the national welfare.

This is readily seen, day and night, in the spectacle of growing numbers of youths who live in and by idleness, delinquency, immorality, and outright murderous crime. In addition, cold statistics make it only too clear that many blighted urban areas are degenerating into a jungle.

The situation cannot be allowed to deteriorate. It is dangerous and alarming. Something must be done about it.

Thus we see much merit in President Johnson's call for numerous measures specifically designed to stem this menacing tide. He has called on Congress to enact a youth employment bill, to create a domestic Peace Corps, and to pass on other proposals that will get ill-educated and miserably housed youngsers off the streets.

No one knows whether these measures will work, will fail, or whether they will be only partly successful. But the point is they do represent action, they do call for something to be done.

Congress should address itself to the proposals with a sense of urgency. There is literally no time to waste. Citizens of this State should join in this sentiment by forcefully bringing home their problems to their own representatives in Washington.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that this interruption to the remarks of the Senator from Oregon [Mr. MORSE] may come at the conclusion of his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PARTNERS OF ALLIANCE PROGRAM

During the delivery of Mr. THURMOND's speech,

Mr. MOSS. Mr. President, I have before called to the attention of the Senate the new partners of the alliance program, which is the State and local partnership program under the Alliance for Progress. Recently a four-man evaluation team from Utah consisting of President Daryl Chase, of Utah State University, Logan; Mr. Glenn Snarr, Mr. Royden Derrick, and Mr. Dick Groen, of Salt Lake City, has returned from a visit to Bolivia, which has been assigned as the field operation for this program for Utah citizens and communities. They will soon have a debriefing session in Salt Lake City to describe the conditions they observed and methods by which the citizens of Utah can assist our Bolivian neighbors.

This program is yet in its infancy but gives hope of contributing much to the success of the Alliance for Progress. And it has always pleased me to know that various organizations were working individually on this same theme before the alliance got underway. One of those organizations, an early supporter of the alliance and the partners of the alliance program, was the National Farmers Union. Its effective training program falls within the framework of the needs of the partners of the alliance effort in Latin America and already giant strides have been taken by the National Farmers Union to expand their services.

The National Farmers Union farm leadership training program, presently being carried out in several Latin American nations and in the United States through contractual agreement between the National Farmers Union and the Agency for International Development, aims to develop capabilities, interests, and motivation of Latin American farm and rural leaders to create and engage in their own programs of socioeconomic development by means of democratically operated organizations.

The program is implemented in two phases—phase I to make available a Spanish-speaking training team of rural organization specialists for a period of 2 months to participating Latin American countries to engage in regional training institutes and consult with leadership people in parallel capacities among the farm and rural communities.

Phase II involves bringing approximately 75 rural leaders to the United States for a period of 6 months. Part of this time they actually live in a farm community in order to become thoroughly familiar with farm organizational procedures in grassroot cooperative ventures, in community problem-solving processes, and in the application of farm services—technical, credit, management, extension services, and so forth. Part of their time in the United States is spent in short-term training courses, designed to aid in relating this know-how to their own communities. The program proposes to offer training in utilizing social and economic tools, rather than the technical aspects of agricultural production.

The first year of the program has just concluded and National Farmers Union is now making preparation to receive another group of Latin American farm leaders from five countries—Bolivia, Chile, Colombia, Peru, and Venezuela.

Inasmuch as the results of this program are expected to be long lasting, they can be measured only as the developing process continues in the rural farm communities of the participating countries. Actual influences of the experiences gained can be seen only after sufficient time has elapsed to allow the returning participants to have opportunity to make application of knowledge gained.

It is quite evident from reports from the participating countries that there is already a multiplying effect moving within the areas represented by participants through community programs, thus the process of strengthening democratic principles continues.

Benefits of the program are not limited to the side of the Latin American participants. In rural communities in the United States great interest has developed to help our neighbors to the south at the grassroots level. The Latin American farmers and their U.S. hosts have formed close friendships, and already many U.S. families are seeking ways to offer specific and direct assistance—for example, several families in North Dakota are raising funds to provide a much needed tractor to farmers in the Vicos community in Peru.

The experience of the National Farmers Union farm leadership training program to date strongly supports the fact that this alliance, between family farmers in the United States and the Latin American campesinos, is truly an Alliance for Progress.

The Farmers Union program is indeed a happy complement to the meaningful partnership relationships that are developing between our States and our sister republics. A wise and full use of the resources of the organization will do much to further the strengthening of the Alliance for Progress. It is noteworthy and encouraging that some of our farm families who have taken participants into their homes are organizing projects to send needed farming items to their new friends in Latin America.

INVESTIGATION OF ROBERT G. BAKER BY COMMITTEE ON RULES AND ADMINISTRATION

Mr. JORDAN of North Carolina. Mr. President, in the conduct of the investigation which the Committee on Rules and Administration has been conducting over the past several months, I have refrained from using the floor of the Senate as a political forum in any sense of the word. I have also been restrained in some of the language which I have used to answer some of the questions raised on the floor of the Senate.

This afternoon the Senator from Iowa [Mr. MILLER] asked that a statement be inserted in the RECORD. I wish to answer the very first paragraph, or sentence in the material which he asked to have printed in the RECORD.

> It appears that the investigation of the Bobby Baker affair is over. The counsel for the committee is said to be drafting a report for the committee which consists of six Democrats and three Republicans.

That part is correct.

> The Republican members have not yet been called into consultation on the report, and it is probable that they will file a minority report in view of the refusal of the majority members to call certain witnesses requested by them.

Mr. President, I am certain that the Senator from Iowa did not make this statement knowingly, because those are not the facts. I am certain he did not mean to misrepresent them. I am certain he merely got his information tangled up—or that he did not have any information at all, but merely inserted something.

One of the distinguished Senators who is a member of the committee is present in the Chamber at the moment. He will remember that last Friday there was a meeting of the Committee on Rules and Administration in the Office of the Secretary of the Senate, at which all three of the Republican members of the committee were present.

We discussed affairs relating to the investigation, making plans to draft a report. Yesterday, there was another committee meeting, at which all three of the Republican members of the committee were present, at which time we discussed further plans to draft a report which would be submitted to the Senate at the proper time, and at a later date. So Republican Senators have had full notice of every meeting. They have had an opportunity to be present; and, as so far as I know, in each case they have been present.

Mr. PELL. Mr. President, will the Senator from North Carolina yield?

Mr. JORDAN of North Carolina. I am glad to yield to the Senator from Rhode Island, who is a member of the Committee on Rules and Administration.

Mr. PELL. Does the Senator from North Carolina recall that in the informal discussions that were held twice, with almost every member of the committee present, all of us—both Democrats and Republicans—were asked to make any suggestions we might have, so that counsel could have the benefit of Senators' thoughts prior to drafting whatever report was to be prepared.

Mr. JORDAN of North Carolina. The Senator is correct.

The Senator from Rhode Island will verify the statement that no report has been drafted. An outline was prepared at the direction of the chairman to submit to the members of the full committee for their consideration and guidance, to see if they had anything to add to or subtract from it on any phase whatever.

It has been discussed freely without any reservation or inhibition on the part of anyone. I regret that a statement of this kind should have been made on the floor of the Senate. It is absolutely incorrect. I am certain that the statement was made based upon lack of information. I should like to see more facts brought out and fewer assertions of this kind made. They tend to reflect on the committee, which has tried to do a good job. I believe we are doing a good job.

Mr. PELL. I commend the chairman of the committee for making the statement he has made. I believe all of us wish that there were less heat, more unity, and less partisanship in the discussions of our committee. Several of us have pledged to do our best to bring forth a unified report containing some solid ideas. We are hopeful that we may all join hands in the future, if we have not done so in the past, in order to make some solid recommendations, recognizing that conditions have existed which necessitate such recommendations.

EXPLOITATION OF AGRICULTURAL HELP

Mr. DOMINICK. Mr. President, sometime last year, the Senate went through a very difficult time in the process of trying to extend for at least 1 year the Mexican labor bill, or the so-called bracero bill. There was a full discussion, which generated considerable heat, and some very close votes. The program was finally extended for a period of 1 year. It appeared that it would not be possible to extend it for any more than that time.

The labor departments of various States have been trying to coordinate matters to determine what could be done about the problem of obtaining sufficient labor to harvest crops where labor is not available.

Some Labor Department representatives have suggested that these jobs be made available to certain Negroes in the South and to some of the unemployed in various sections of the country, as a pilot experiment, to determine whether this type of migrant labor would be of assistance in solving the problem which we all know exists.

Some comments on the suggestion have been made in our State, and the suggestion was greeted with a considerable degree of antagonism and fury by letters to the editor from some people who apparently wholly misunderstood the suggestion. In the Open Forum, published in the Denver Post of March 29, 1964, there appears a letter entitled "Exploitation of Agricultural Help," written by F. L. Childs, of Sterling, Colo., which I believe is about as clear an exposition of the problem that people in agricultural areas face with respect to obtaining necessary labor for the harvesting of the crops as I have read. It is an extremely able article, not only because it points out the agricultural problem, and the difficulties we have had with the braceros problem, but also because it is designed to refute the wholly unwarranted assertions that were made in some of the comments by the more violent exponents of the belief that the new proposal was unacceptable.

I ask unanimous consent to have the article printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Exploitation of Agricultural Help

(By F. L. Childs)

Francis Ross' open forum letter of March 16, accusing farmer-industrialists and the Governor of exploiting braceros and Negroes by giving them work in the fields, seems a bit farfetched. Mr. Ross says that he is a citizen of Colorado and the United States, and, if that is true, he has surely been around long enough to know that there is no force or duress imposed on anyone to compel work in the fields. The work is there and it has to be done if crops are to be raised and harvested. So far as the farmers are concerned they had just as soon hire doctors, lawyers, merchants, ministers, editors, and perhaps even Mr. Ross, but there is a shortage of that type of applicant, so they turn to any available supply.

If we exclude from agricultural employment the braceros, Negroes, and anyone else who wants that type of work on the grounds that it would be laudable and more charitable to put them on welfare and send them to college, then who would be employed and how would the work be accomplished?

Considering the average age and background of the bracero who comes to work in our beetfields, it is incredible that anyone would pretend that he did so with the intention of earning money to further his education.

Mr. Ross refers to having observed, on his travels in Mexico, that living costs are drastically lower. On trips to Mexico during the past seven winters the writer has failed to be introduced to this observation. Comparable accommodations and food cost just as much in Mexico as they do in the United States. True enough, thousands of peons live off the land, and what they can scrounge, at a bare subsistence level, and that is exactly the reason that many of them seek to be included in the bracero program. At least they do find some work which they can't find at home, and I dare say the majority return home with more pesos than they left with.

Mr. Ross asks if the importation of Negroes to Colorado beetfields will help these depressed people. It seems very elementary that if the Negro, or anyone else, is better off where he is, doing what he is, that he is not going to leave to work in Colorado beetfields. And if he is depressed he is not going to emerge from that situation by waiting for someone to bring the fields to him, do the work, and then hand him a check for any profits that may accrue.

He further says that he could not support the exploitation of a minority race. Exploitation is exploitation no matter whether it happens to a minority or majority, and a fast diminishing segment of the population is being mercilessly exploited to carry a larger segment of the population on its back.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Amendment of Agricultural Adjustment Act of 1938

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 374(a) of the Agricultural Adjustment Act of 1938, as amended, relating to measurement of farms (with an accompanying paper); to the Committee on Agriculture and Forestry.

Airway and Waterway User Tax Act

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 by imposing a tax upon the sale of aviation and motorboat fuel, extending the tax on the transportation of persons by air, imposing a tax upon the transportation of property by air, and for other purposes (with accompanying papers); to the Committee on Finance.

Report on Unnecessary Cost Incurred by the Government Not Using Surplus Stockpiled Materials To Satisfy Defense Contract Needs

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary cost incurred by the Government by not using surplus stockpiled materials to satisfy defense contract needs, Department of the Air Force, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Unnecessary Procurement Resulting From Failure To Review Requirements for Nonrecoverable Spare Parts

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary procurement resulting from failure to review requirements for nonrecoverable spare parts, during fiscal year 1963, Department of the Air Force, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution of the General Court of the Commonwealth of Massachusetts, favoring the enactment of legislation providing for more defense work in the Massachusetts area; to the Committee on Armed Services.

(See the above resolution printed in full when presented by Mr. Saltonstall (for himself and Mr. Kennedy) on April 13, 1964, p. 7802, Congressional Record.)

A resolution of the General Court of the Commonwealth of Massachusetts, favoring the enactment of the urban mass transportation bill; to the Committee on Banking and Currency.

(See the above resolution printed in full when presented by Mr. Saltonstall (for himself and Mr. Kennedy) on April 13, 1964, pp. 7802–7803, Congressional Record.)

A resolution of the General Court of the Commonwealth of Massachusetts, favoring the enactment of legislation to designate Columbus Day as a legal holiday; to the Committee on the Judiciary.

(See the above resolution printed in full when presented by Mr. Saltonstall (for himself and Mr. Kennedy) on April 13, 1964, p. 7803, Congressional Record.)

METHOD OF COUNTING IN FORTHCOMING U.S. CENSUS—CONCURRENT RESOLUTION

Mr. MILLER. I send to the desk, and ask unanimous consent to have printed in the Record and appropriately referred, House Concurrent Resolution No. 5 from the Iowa House of Representatives, recently adopted, which relates to the rather unfortunate census provisions under which people who are absent from a State—for example, those in the armed services, or those who are enrolled in a college outside the State—are counted in the State in which they are temporarily residing rather than in the home State in which they vote.

The proposal of the concurrent resolution is that appropriate action be taken to make sure that people are counted in the State in which they regularly vote, rather than in the State where they may be temporarily residing.

I believe that this proposal is of particular significance, in view of the recent Supreme Court decision requiring redistricting of congressional districts to reflect more accurate population statistics, and also in view of the current problems of various States with respect to reapportionment of their legislatures.

There being no objection, the concurrent resolution was referred to the Committee on Post Office and Civil Service, and, under the rule, ordered to be printed in the Record, as follows:

House Concurrent Resolution 5

Whereas apportionment of the Iowa Legislature and seats in Congress are based on the U.S. census, and allocations of Federal aid are based on population formulas, it is imperative that people be counted in their voting residences, and

Whereas it appears that the present statutory rules for taking the U.S. census are very broad and administrative rules decree that servicemen overseas are not included in the count at all; and servicemen in the United States are counted where they are stationed and college students are counted where they attend college and not in the county or precinct of their voting residence, and

Whereas it appears that these persons should be counted at their place of voting residence in order to fairly apportion legislatures and Members of Congress, and to insure fairness in allocation of Federal funds: Now, therefore, be it

Resolved by the house (the senate concurring), That we request the Congress of the United States to give serious consideration to enactment of a statute to insure that persons are counted at their voting residence in the forthcoming U.S. census; and be it further

Resolved, That the chief clerk of the house of representatives be instructed to forward a copy of this resolution to the Iowa Members of the Senate and the House of Representatives of the United States and to the Secretary of Commerce of the United States.

WILLIAM R. KENDRICK,
Chief Clerk of the House.
ROBERT W. NADEN,
Speaker of the House.

ADDITIONAL EXPENDITURES FOR OPERATION OF SENATE RESTAURANTS—REPORT OF A COMMITTEE

Mr. BYRD of West Virginia. Mr. President, from the Committee on Rules and Administration, I report an original resolution, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The resolution (S. Res. 310) was read, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay, from the contingent fund of the Senate, $36,300 to the Architect of the Capitol for the operation of the Senate Restaurants, said sum to be in addition to and to be utilized in the same manner and for the same purposes as the sums previously appropriated and paid in accordance with section 4 of Public Law 87-82, approved July 6, 1961.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MORSE:

S. 2732. A bill to prohibit the fixing of traffic tickets in the District of Columbia; to the Committee on the District of Columbia

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. MOSS:

S. 2733. A bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Moss when he introduced the above bill, which appear under a separate heading.)

FEDERAL WATER PROJECT RECREATION ACT

Mr. MOSS. Mr. President, on November 2 last year the Bureau of the Budget transmitted to Congress a draft bill intended to establish uniform policies among the agencies of the Federal Government in regard to the construction and allocation of costs for recreation and fish and wildlife features at multiple-purpose water projects.

Upon examination of the draft bill, members of the Senate Interior Committee felt that the assessment of certain reimbursable recreation and fish and wildlife costs against other purposes had not been worked out on a desirable basis and the bill was not then introduced in the Senate. Since the House Interior and Insular Affairs Committee had initiated the proposal, we concluded to await House study of the Budget Bureau proposal.

The House committee has now reported an amended bill. In the view of those of us who have looked into the measures, it is much improved.

The establishment of uniform policies in the area covered is a desirable objective. Therefore, Mr. President, in order to facilitate consideration of the measure I am today introducing the bill as amended by the House committee and reported for passage.

I ask unanimous consent to have printed in the RECORD following these remarks, the text of the bill and appropriate portions of the House Interior and Insular Affairs Committee explanation and report on the bill, including the Budget Bureau letter submitting the original bill.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and portions of the report will be printed in the RECORD.

The bill (S. 2733) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control, introduced by Mr. MOSS, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is the policy of the Congress and the intent of this Act that (1) full consideration shall be given to outdoor recreation opportunities and fish and wildlife enhancement where these can be provided or enhanced in the investigation, planning, construction, operation, and maintenance of Federal navigation, flood control, reclamation, hydroelectric, and multiple-purpose water resource projects; (2) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (3) except in the case of project areas or facilities which heretofore or hereafter are authorized by law for inclusion within national recreation areas or are appropriate for administration by other Federal agencies as part of the national forest system or in connection with other authorized Federal programs, the project construction agency shall encourage non-Federal public bodies to assume responsibility for the administration and additional development of project land and water areas for recreation and fish and wildlife enhancement purposes, including operation, maintenance, and replacement of basic recreation facilities provided initially at Federal cost.

(b) The benefits of the recreation and fish and wildlife enhancement features of each project or appropriate unit thereof shall be taken into account in determining the economic benefits of the project or unit. Costs shall be allocated to the purposes of recreation, fish and wildlife enhancement, and other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided,* That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or of the cost of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means.

(c) For each project or appropriate unit thereof, except local flood control, beach erosion control, small boat harbor, or hurricane protection projects, the Federal costs incurred specifically for land or basic facilities for recreation or fish and wildlife enhancement shall be nonreimbursable; joint costs allocated to recreation and to fish and wildlife enhancement shall in the aggregate be nonreimbursable up to a dollar limit determined in accordance with the following table:

If the cost of joint-use land and facilities is:	The dollar limit is:
Not over $10,000,000	25% of the cost of joint-use land and facilities
Over $10,000,000 but not over $40,000,000.	$2,500,000, plus 15% of the amount over $10,000,000
Over $40,000,000 but not over $100,000,000.	$7,000,000, plus 10% of the amount over $40,000,000
Over $100,000,000 but not over $200,000,000.	$13,000,000, plus 4% of the amount over $100,000,000
Over $200,000,000	$17,000,000, plus 2% of the amount over $200,000,000;

other Federal costs allocated to recreation and to fish and wildlife enhancement shall in the aggregate be nonreimbursable up to a limit of 25 per centum of the cost of joint-use land and facilities or $5,000,000, whichever is the lesser.

Provision shall be made for the reimbursement, for the contribution by non-Federal interests, or for the reallocation of costs in excess of the limits specified herein under one or a combination of the following methods, as may be determined appropriate by the head of the agency having jurisdiction over the project: (1) provision by non-Federal interests of land or interests therein or facilities required for the Federal project; (2) payment or repayment, with interest at a rate comparable to that provided in the Water Supply Act of 1958 (72 Stat. 319), pursuant to agreement with one or more non-Federal public bodies; (3) reallocation to other project functions in the same proportion as joint costs are allocated among such functions. The term "nonreimbursable" as used in this Act shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges. For purposes of this subsection "joint-use land and facilities" shall mean land or facilities serving two or more project purposes one of which is recreation or fish and wildlife enhancement. The provision of this subsection shall apply only to projects authorized or reauthorized after January 1, 1963.

(d) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (Public Law 88-29; 77 Stat. 49), with repect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act.

(e) Nothing in this Act shall be construed as amending the first proviso of section 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)), and the second proviso of section 2(d) of that Act is hereby repealed.

(f) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed $28,000,000: *Provided,* That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource projects.

(g) This Act shall not apply to the Tennessee Valley Authority nor to projects constructed under authority of the Small Reclamation Projects Act (43 U.S.C. 422a).

SEC. 2. Subject to the provisions of section 1 of this Act, the Secretary of the Interior is authorized as a part of any water resource development project under his control, except projects or areas within national wildlife refuges, to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, to acquire or to otherwise include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation use, to allocate water and reservoir capacity to recreation, and to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes: *Provided,* That this Act shall not provide the Secretary of the Interior with the basis for allocation to recreation of water or reservoir capacity or joint project costs at any existing or heretofore authorized project: *Provided further,* That no appropriation shall be made for the construction of recreation facilities or the acquisition of land for recreation use at existing projects, which construction or acquisition has not heretofore been authorized by law, prior to the expiration of sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days) from the date on which the Secretary submits to the Congress a report on recreation development at any such project, and then only if, within said sixty days, neither the House nor the Senate Committee on Interior and Insular Affairs disapproves such plan. The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, and additional development of project lands or facilities, or to dispose of project lands or facilities to Federal agencies or State or local public bodies by lease, transfer, conveyance, or exchange, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes. No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation purposes under the authority of this Act without the consent of the head of such agency, and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided,* That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation development of water resource project or to disposition of public lands for recreational purposes.

SEC. 3. This Act may be cited as the "Federal Water Project Recreation Act".

The portions of the report presented by Mr. Moss are as follows:

REPORT OF THE HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE ON THE FEDERAL WATER PROJECTS RECREATION ACT

PURPOSE

The purpose of this legislation is to provide uniform policies with respect to the treatment of recreation and fish and wildlife benefits and costs in connection with Federal multiple-purpose water resources projects. The legislation provides that full consideration shall be given to recreation and to fish and wildlife preservation as project purposes in Federal water resources projects, and its enactment would establish general cost-sharing and reimbursement policy for recreation and for fish and wildlife enhancement. Under the provisions of this legislation, recreation and fish and wildlife benefits would be taken into account in determining the economic value of projects, and project costs would be allocated to these and other project purposes in a manner which would insure that all purposes share equitably in the advantages of multiple-purpose construction. The legislation sets out the formula for determining the maximum amounts of percentages of project costs which can be allocated on a nonreimbursable basis to recreation and fish and wildlife. It also includes cost-sharing provisions relating to that part of the recreation and fish and wildlife allocation of a project which is in excess of the nonreimbursable amount.

The legislation would not apply to the Tennessee Valley Authority, or to projects constructed under Agriculture's Watershed Act or Interior's Small Reclamation Projects Act for reasons set out hereinafter. The legislation amends the Fish and Wildlife Coordination Act to make it consistent with this act, and it authorizes the use of water resources project funds up to an overall limit of $28 million to acquire lands to conserve and protect migratory waterfowl. It grants to the Secretary of the Interior general authority to develop the recreational potential of those projects under his control, including authority to construct minimum recreational facilities at existing projects where such authority does not now exist. Finally, the legislation provides the interagency procedures to be followed where the construction of water projects and the inclusion therein of recreation involve lands under the jurisdiction of Federal agencies other than the construction agency.

BACKGROUND

For many years, Federal water projects have been providing each year increasing millions of visitor-days of outdoor recreation for the American people, and all indications are that there will be increasing public interest in water-associated recreation in the years ahead. The difficult policy question which the committee has continually faced in connection with the consideration of water projects has been to determine to what extent and under what conditions the Federal Government should include recreation development as a part of Federal multiple-purpose water projects. During the last several Congresses, this question has been dealt with in various ways in connection with individual project authorizations to the Bureau of Reclamation and the Corps of Engineers. This has resulted in inconsistencies among projects and differences in agency procedures.

The fact that there has been no consistent congressional policy on recreation has been a matter of concern to this committee. In order to give study and consideration to this general policy question, the committee scheduled hearings in March and April of last year (1963). After 4 days of hearings and considerable study, the committee reached the conclusion that, because several departments and agencies were involved, legislation to resolve this matter should be initiated by the administration. On May 22, 1963, the committee adopted a resolution which, in effect, asked the administration not to submit additional water projects to the Congress proposing joint cost allocations to recreation and fish and wildlife on a nonreimbursable basis until it had submitted to Congress its recommendations with respect to legislation to establish general policies and procedures relating to cost allocation, reimbursement, and cost sharing. This committee request was implemented on November 2, 1963, when the Congress received the legislation that is embodied in H.R. 9032.

NEED

Outdoor recreation, and particularly water-oriented recreation, is of growing interest and importance to the American people. The demand for outdoor recreation opportunities has been increasing rapidly in recent years and needs are expected to continue expanding in years ahead. Records for 1962 indicate nearly 150 million visits to Federal reservoirs exclusive of those administered by the National Park Service and the Forest Service. Not only does water provide directly for such popular activities as swimming, boating, and fishing, but it makes more enjoyable many land-based recreational activities such as picnicking and camping. In many parts of our Nation, water-oriented recreation is dependent upon Federal water development projects, and this has resulted in general recognition that outdoor recreation should be given full consideration along with other project purposes in the formulation and management of such projects. If outdoor recreation is to be considered fully and included in water projects, then general policies, particularly cost-sharing and reimbursement policies, need to be adopted for the treatment of recreation and of fish and wildlife. These policies should provide uniform procedures to be followed by the agencies and provide equitable treatment to all projects. H.R. 9032 is intended to meet this need and to insure optimum development and use of the recreational and related resource enhancement opportunities in the project area. In the interest of achieving a desirable balance of the overall recreational program, the legislation would require the recreational aspects of water projects to be coordinated with State, regional, and national plans. It would also encourage non-Federal public bodies to assume responsibility for management and additional development of recreational areas and facilities.

The authority which section 2 of the bill gives the Secretary of the Interior relative to providing recreation development in projects under his control is authority which the Secretary of the Army already has for reservoir projects under his control. This general authority is desirable and would put the two Federal construction agencies on the same basis. The authority given the Secretaries of the Interior and Agriculture to transfer lands within project areas to each other would assure the administration of Federal lands in connection with water projects in a consistent manner. It provides the authority needed for the two Secretaries to work out agreements for recreation administration where projects lie partially inside and partially outside national forest boundaries and recognizes that, where project areas are entirely within national forest boundaries, the project area would generally be administered as part of the surrounding national forest.

DISCUSSION

Section 1 of H.R. 9032 sets out the policy that would be applicable to recreation and to fish and wildlife preservation as a part of Federal water resources projects. The bill covers the two major Federal water resources development agencies, the Department of the Interior and the Department of the Army. The Tennessee Valley Authority is excluded from the provisions of the bill because the TVA, a unified resource development agency with broad authority and responsibility in a limited geographical area, already has adequate authority for recreation and for fish and wildlife enhancement and has heretofore followed a policy of not providing recreation facilities at Federal cost but of transferring lands adjacent to reservoirs to non-Federal bodies for recreational development and management.

The legislation is not applicable to Agriculture's projects constructed under the Watershed Protection and Flood Prevention Act or Interior's projects constructed under the authority of the Small Reclamation Projects Act. These projects are recognized to be local projects rather than Federal projects. The local people decide the purposes which they should serve, and the local people construct and administer them. While it appears that there is need to place these two categories of projects on a more consistent basis, it seems appropriate that they be excluded from the provisions of this bill. The matter of recreation development at small reclamation projects will be considered by the committee in connection with legislation to extend the life of the small reclamation projects program.

In addition to requiring full consideration of recreation and fish and wildlife enhancement in connection with water projects, this legislation requires that the recreational aspects of a project be fully coordinated with other existing and planned recreation developments and encourages non-Federal public bodies to assume responsibility for management of project areas and facilities. Basic consideration must be given to differentiating between Federal responsibility and non-Federal responsibility; decisions would have to be made as to areas to be designated as national recreation areas and areas of less than national interest.

Included in the legislation is the principle that project costs shall be allocated in a manner which will insure that all project purposes, including recreation and fish and wildlife, share equitably in the advantages of multiple-purpose construction. With respect to reimbursement, the legislation provides that the cost incurred specifically for land and basic facilities for recreation or for fish and wildlife enhancement shall be borne by the Federal Government—in other words, nonreimbursable. Joint costs allocated to recreation and to fish and wildlife enhancement would be nonreimbursable up to a maximum ranging from 25 percent of the cost of joint-use land and facilities where such joint costs do not exceed $10 to $17 million plus 2 percent of the cost of joint-use land and facilities where such joint costs are in excess of $200 million. Certain other costs such as the cost of increasing the size of a reservoir for recreation would also be nonreimbursable up to a limit of 25 percent of the cost of joint-use land and facilities or $5 million, whichever is smaller. The range of limits on nonreimbursable joint costs is set so that the limit in dollar terms increases gradually for larger projects rather than in direct proportion to the size of the project. The amounts allocated to recreation and to fish and wildlife which are in excess of the limits set out in the formula would either be repaid by non-Federal interests or reallocated among the other purposes or a combination of the two, depending upon the circumstances prevailing in each individual project.

The legislation repeals a provision that is now in the Fish and Wildlife Coordination Act. The effect of repealing this provision is to require that the cost of mitigating project-occasioned damage to fish and wildlife be considered a project cost. The repeal of this provision also terminates the discretionary authority of the Secretary of the Interior to require reimbursement for cost allocated to fish and wildlife enhancement. This is necessary in order that the reimbursement policy established by this legislation may take effect.

The bill authorizes the expenditure of not to exceed $28 million from water resource project funds for land acquisition for the conservation or protection of migratory waterfowl. These expenditures would be in addition to those made from the migratory bird conservation fund. The construction of water projects creates opportunities for waterfowl refuges which do not otherwise exist. The authority in this bill permits the funding of the cost of lands for migratory waterfowl purposes as an integral part of other project features and facilities. Acquisition of land for migratory waterfowl refuge purposes in this manner should save the Federal Government substantial amounts of money because of the dual use of the land for refuges and for flood easements. This authorization resolves a very difficult problem that has existed by reason of having two different agencies, the Bureau of Sports Fisheries and Wildlife acting for the Migratory Bird Conservation Commission and the project construction agency, with different appraisers and appraisals, utilizing different authorities and different funds, attempting to purchase similar lands in the same areas.

The coordination of recreation plans is accomplished by requiring that each water resources project report include the views of the Secretary of the Interior developed in accordance with section 3 of the act of May 28, 1963. This is the Organic Act for the Bureau of Outdoor Recreation and this provision in H.R. 9032 brings this new agency into the planning picture.

The Secretary of the Army presently has general authority to provide recreation development for water resources projects under his control. Section 2 of H.R. 9032 would give the Secretary of the Interior similar authority for projects under his control. He now has only piecemeal authority for certain individual projects. This general authority for recreation development applies to all water resource projects under the control of the Department of the Interior, both heretofore and hereafter constructed. Thus, construction or acquisition of land for recreational purposes at existing projects could be undertaken under the authority of this legislation. It is made clear, however, that this authority could not be the basis for allocation of water reservoir capacity or joint project costs at existing or previously authorized projects.

A study as to what is involved in this authority with respect to existing or previously authorized projects shows that there are some 104 existing reservoirs or other recreation areas where additional lands or facilities, or both, could be added. The estimated cost for the needed lands and facilities at the entire 104 sites is about $15 million. There is no way of foreseeing how many of these 104 recreation sites will eventually be developed.

COST

Section 1 of this legislation establishes general policies to be followed in submitting water projects to the Congress and does not involve the authorization of appropriations. The authorization of appropriations will be included in the legislation authorizing the projects, including the authorization to appropriate funds for acquisition of wildlife refuge lands. The $28 million limitation on expenditures for wildlife refuge lands is not itself an authorization to appropriate that amount. This legislation will, however, result in substantial savings to the Federal Government because it establishes general allocation and repayment policy which is more conservative than policy followed in the authorization of individual projects in recent years. For example, the Omnibus Rivers and Harbors and Flood Control Act of 1962 includes numerous projects of the Corps of Engineers which were presented to the Congress and authorized on the basis of permitting allocations to be nonreimbursable for recreation and fish and wildlife up to a straight 25 percent of the project cost.

Section 2 of this legislation does provide authority for appropriating for minimum recreation facilities and land acquisition at existing Bureau of Reclamation reservoirs. On the basis of information furnished the committee the authorization for appropriations would not exceed $15 million, even if all of the 104 recreation sites listed in information furnished the committee were developed.

COMMITTEE AMENDMENTS

The committee amended the legislation recommended by the administration in several major respects. First, and most important, the committee deleted the third alternative for handling that part of the recreation and fish and wildlife allocation of a project which is in excess of the limitation set out in the legislation, and substituted language which permits the reallocation of the amount of the excess recreation cost to other project purposes. The third alternative which was deleted called for repayment of the excess recreation cost with interest by use of project revenues. It seemed to the committee that, because of the wide difference in the degree of availability of project funds to repay recreation costs and because in some projects, of course, there are no revenues available, it would be more appropriate to reallocate the excess recreation cost which is not reimbursed under alternatives (1) and (2). In this way, if there are reimbursable purposes in a project such as power, municipal, water, and irrigation, the amounts reallocated to these purposes would be repaid.

The committee agrees that the bills should include provision for reimbursement of the excess recreation cost and expects that, under alternatives (1) and (2) the appropriate agency would negotiate, so far as possible, repayment terms with non-Federal interests. However, from a practical standpoint, the committee believes that there will be very few instances where non-Federal interests will be in position to reimburse the Federal Government for any appreciable part of the joint cost of the project allocated to recreation. On the other hand, there will be occasions when partial reimbursement will be possible by contributions of land or facilities, or some repayment on the joint cost. The committee believes that reimbursement requirements should be established on the basis of circumstances prevailing in each individual project. It would appear that, in most instances, a combination of alternatives (1) and (3) or (2) and (3) would be the most likely arrangement.

The committee is on record as fully supporting a system of reasonable entrance and user fees at Federal outdoor recreation areas. This is a matter involved in the "land and water conservation fund" legislation (H.R. 3846) presently before the Congress. If Congress approves that legislation, Federal reservoirs will, with some exceptions, be among the areas subject to recreation entrance and user fees. It is on this basis that the "fund" legislation includes provision for returning to the Treasury a portion of the revenues received in the "fund" as a partial offset against the recreation costs in Federal water projects. With respect to returns from the specific beneficiaries of outdoor recreation development in Federal projects, the committee believes that reasonable user fees represent the maximum reimbursement that can be expected.

The committee's second amendment provides that the limitations on the amounts allocated on a nonreimbursable basis shall be applicable only to projects authorized or reauthorized after January 1, 1963. It seemed to the committee that projects already authorized by the Congress, such as those authorized in the Omnibus Rivers and Harbors and Flood Control Act of 1962, should go forward on the basis upon which they were submitted and authorized. Making this legislation retroactive would raise difficult problems in connection with many projects previously authorized, especially where cost-sharing arrangements have already been entered into. It should be understood, however, that no part of the joint costs of previously authorized projects can be nonreimbursable unless this is the basis upon which the project was authorized.

A third committee amendment deleted subsection 1(g) of the legislation. This subsection would remove the prohibition in the Flood Control Act of 1962 against constructing wildlife refuges in connection with the Wallisville Reservoir in Texas, the Kaysinger Bluff Reservoir in Missouri, and the Kaw Reservoir in Oklahoma. Committee study of this provision indicated that, in connection with at least two of these proposed refuges, there is considerable local opposition and no clear-cut official position of the States. It seemed to the committee that, in view of the fact there is controversy, the decision as to whether wildlife refuges should be developed in connection with these reservoirs should be made by the committee having legislative jurisdiction of these projects.

A fourth committee amendment relates to the authority given the Secretary of the Interior to construct basic recreational facilities and acquire lands in existing projects. The amendment adds a proviso which requires that, where previously unauthorized recreation development is proposed, the Secretary submit the recreation plan to the Congress, and it prohibits the appropriation of funds to implement the recreation plan for a period of 60 days after such submission and then only if neither the House nor Senate Committee on Interior and Insular Affairs disapproves the plan. This language is similar to language in the Small Reclamation Projects Act and gives the committee an opportunity to review the recreation plans prior to development.

The committee adopted a fifth amendment clarifying the interest rate which would be applicable in section 1(c). The committee amendment requires that the interest rate be comparable to that provided in the Water Supply Act of 1958.

COMMITTEE CONCLUSIONS

The committee concludes that an accelerated program to develop adequate water-oriented recreation opportunities is clearly in the public interest and that, in this connection, full consideration should be given to optimum recreation and fish and wildlife development and use in the planning, construction, and administration of Federal water projects. If this is to be accomplished, the committee believes that it is imperative that Congress adopt general policies which will provide for the uniform treatment of recreation and fish and wildlife as purposes in such projects. The committee believes that H.R. 9032, as amended, will meet this need. In the committee's judgment, the limits placed on nonreimbursability by this legislation are reasonable limits.

EXECUTIVE COMMUNICATION

The legislation was introduced as a result of an executive communication which is set forth below in full:

EXECUTIVE OFFICE
OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., November 2, 1963.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The demands of the American people for all forms of outdoor recreation opportunities, particularly those which are water related, have increased sharply since the Second World War and are expected to accelerate in the years ahead. This situation has resulted in general recognition that recreation should be fully considered along with other purposes served by Federal multiple-purpose water resource projects as part of a sound conservation program. Uniform policies, including cost-sharing and reimbursement policies, are needed for the treatment of recreation and fish and wildlife as part of these projects. In addition, the Secretary of the Interior should have general authority, comparable to that now available to the Department of the Army, for recreation development of projects under his control. I am transmitting herewith for the consideration of the Congress a draft bill which would establish uniform policies regarding recreation and fish and wildlife and would provide the Secretary of the Interior with appropriate authority.

Subsection 1(a) states congressional policy that (1) full consideration shall be given to recreation and fish and wildlife enhancement as part of Federal water resource projects; (2) planning with respect to recreation aspects of a project shall be coordinated with existing and planned recreation developments; and (3) except where Federal administration is authorized, the project construction agency shall encourage non-Federal public bodies to assume responsibility for the management of project areas and facilities provided initially at Federal cost and for the additional development of the area to realize the full recreation and fish and wildlife potential.

Subsection 1(b) provides that the value of recreation and fish and wildlife enhancement benefits shall be taken into account in determining the economic value of water resource projects, and that costs shall be allocated to recreation and fish and wildlife enhancement in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction.

Subsection 1(c) deals with the subject of reimbursement and cost sharing of those costs of Federal projects that are allocated to recreation and fish and wildlife enhancement. The two functions are combined for this purpose because of the close relationship between the benefits that flow from them.

Beginning in 1962, the Army Corps of Engineers recommended Federal assumption of the separable costs of balanced basic recreational development, plus a portion of joint project costs allocated to this function in the order of 25 percent or less of the total project costs. On June 21, 1962, we advised the Secretary of the Army in connection with the first project report containing this recommendation as follows:

"The administration is currently giving consideration to the problems of cost allocation and of reimbursement and cost sharing between the Federal Government and non-Federal bodies—matters not fully dealt with in the policies and standards recently approved by the President. There is also under consideration the development of detailed standards to supplement the new principle for estimating recreation benefits, including those derived from the recreational aspects of fish and wildlife. We would expect that prior to the initiation of construction, the project would be reevaluated in light of the administration's standards and policies applicable at that time."

Similar statements were included in letters of advice on other project reports. Thus, it is abundantly clear that the administration made no commitment regarding the 25-percent formula and that the proposed projects would be reevaluated before estimates of appropriations are requested to initiate project construction.

Enactment of the proposed legislation would establish general cost-sharing and reimbursement policy for recreation and fish and wildlife enhancement. Therefore, this matter was given very careful consideration. We requested and received the views of several agencies on the bill and held discussions with representatives of the agencies including the Department of the Interior and the Department of the Army. The enclosed draft bill takes into account the agencies' views. The following explains our views with respect to the bill.

A basic consideration is the need to differentiate appropriately between Federal responsibility and non-Federal responsibility. For example, the national park system has long been recognized as a Federal responsibility. As another example, the Recreation Advisory Council this year established criteria for the establishment and management of national recreation areas with costs generally to be borne by the Federal Government. It is considered that recreation opportunities provided by water resource projects in most cases will be of primary benefit to people living in the locality of the project. In the absence of such a project, there would be little question that the provision of similar recreation opportunities would be a non-Federal responsibility. Thus, it would seem appropriate and equitable generally to require cost sharing by State and local interests for project costs allocated to recreation and fish and wildlife enhancement. Such cost sharing would be consistent with the administration's proposed program of grants to States to assist them in providing recreation opportunities. However, it is recognized that to require cost sharing for recreation and fish and wildlife enhancement on every project may hinder the development of some much needed and worthwhile water resource projects because of the inability of the State and local people to share the costs. It is also recognized that there will be some sharing of costs through recreation user charges and fees upon enactment of the land and water conservation fund legislation; however, this will also be true of the national park system and national recreation areas.

Taking these factors into account, we believe it would be reasonable for the Federal Government to bear (1) the costs incurred specifically for land and basic facilities for recreation or fish and wildlife enhancement, (2) the joint costs allocated to recreation and to fish and wildlife enhancement up to a dollar limit as described in the next paragraph, and (3) certain other Federal costs, such as the cost of increasing the size of a reservoir for recreation, up to a limit of 25 percent of the cost of joint-use land and facilities or $5 million, whichever is the lesser. Joint-use land and facilities are defined as land or facilities servng two or more project purposes, one of which is recreation or fish and wildlife enhancement.

The draft bill provides that the limit on nonreimbursable joint costs allocated to recreation and fish and wildlife enhancement vary according to the size of projects—the limit expressed in percentages would be relatively large for small projects with progressively smaller percentages for larger projects. The effect of this is that the limit on nonreimbursable costs in dollar terms increases gradually for larger projects rather than in direct proportion to the size of projects. The rationale for this approach is that the Federal investment for recreation at water resource projects should not be inordinately large in any area merely because the water resource project happens to be large for other purposes. It would appear reasonable to start the percentage limit at 25 percent of the cost of joint-use land and facilities for small projects with decreasing percentages for larger projects.

Under the draft bill, cost sharing or reimbursement for recreation and fish and wildlife enhancement would not be required for the great majority of water resource projects. Even where cost sharing or reimbursement would be required, a large part of the cost allocated to recreation and fish and wildlife enhancement would in general be borne by the Federal Government.

Subsection 1(f) is largely self-explanatory; it places a limitation of $28 million on water resource project funds that may be expended for land acquisition to accomplish the Federal Government's obligations to conserve and protect migratory waterfowl. These expenditures are in addition to those made from the migratory bird conservation fund for migratory waterfowl refuges. The $28 million limitation applies only to expenditures for acquisition of lands or interests in lands which would otherwise not be acquired, when they are acquired at a water resource project for incorporation into a migratory waterfowl refuge located there. The $28 million limitation specifically does not apply to expenditures for the mitigation of damages to migratory waterfowl, since that is properly a project cost to be allocated to project purposes in the same manner as any other project cost.

Subsection 1(g) brings several recently authorized Corps of Engineers projects that may include migratory waterfowl refuges under the provisions of this bill.

Subsection 1(h) provides that the act shall not apply to the Tennessee Valley Authority nor to projects constructed under the authority of the Small Reclamation Projects Act (43 U.S.C. 422a). We believe that cost-sharing and reimbursement requirements for recreation and fish and wildlife enhancement at small reclamation projects should be considered in relation to such requirements at watershed protection projects constructed under the Watershed Protection and Flood Prevention Act (Public Law 566, 83d Cong.), as amended.

The Tennessee Valley Authority has informed us that they have adequate authority to plan for, evaluate benefits from, and allocate costs to recreation and fish and wildlife enhancement in connection with multiple-purpose projects. They believe that the bill contains language which is inappropriate for TVA, for example, the requirement that the views of the Secretary of the Interior be included in any report concerning a project within the bill's purview. While TVA consults and cooperates with other Federal agencies, TVA believes it must as a unified development agency take full responsibility for all phases of projects which it plans and constructs. This was recognized in TVA's exemption from the Fish and Wildlife Coordination Act. Furthermore, the policy of the Tennessee Valley Authority is not to provide recreation facilities at Federal cost but to transfer lands adjacent to reservoirs to non-Federal bodies for recreation development and management. We agree the TVA has been quite successful in this policy and recommend that the bill not apply to TVA.

The purpose of section 2 of the bill is to provide the Secretary of the Interior with the authority to implement the provisions of section 1. Since 1944 the Department of the Army has had basic statutory authority to provide recreation development at reservoir projects under its control; in 1962 this authority was expanded to embrace water resource development projects generally (sec. 4 of the act of Dec. 22, 1944, as amended; 16 U.S.C. 460(d)). On the other hand, only piecemeal authority exists for certain individual projects under the control of the Department of the Interior. A notable example of this project-by-project approach is section 8 of the Colorado River Storage Project Act of 1956 (70 Stat. 105; 43 U.S.C. 620g). Enactment of the proposed legislation will fill in the statutory gaps and permit the realization of potential returns on recreation resources created by public investment in the development of water resource projects of the Department of the Interior.

By its terms section 2 of the bill applies to all water resource projects under the control of the Department of the Interior, both heretofore and hereafter constructed. Thus, construction or acquisition of land for recreation purposes at existing projects could be undertaken under the authority of that section if it were to be enacted. In this connection, it is important to note what the section does not do; the first proviso of section 2 specifically provides that the bill shall not be the basis for allocation of water, reservoir capacity, or joint project costs at existing or previously authorized projects. While the Department of the Interior does propose to review existing projects in light of the general authority contained in the bill, we understand that the Department does not plan to undertake construction of basic facilities or land acquisition activity at existing projects without notification to the Congress.

Because of the contingent nature of the program that may be pursued under the proposed bill, it is not possible at this time to prepare the data required by the act of July 25, 1956 (5 U.S.C. 642a), with respect to this bill.

Because of the increasing use of Federal reservoirs for recreational purposes, water pollution can be expected to become a greater problem. We have discussed this matter with the Department of Health, Education, and Welfare and understand that adequate authority exists under the Water Pollution Control Act to correct such problems as may occur. We also understand that the Departments of the Army and the Interior have adequate authority to deal with water pollution problems at reservoirs under their jurisdiction and that further steps will be taken where necessary in controlling pollution to protect recreation values.

The Bureau of the Budget, with the concurrence of the Department of the Interior and the Department of the Army, recommends enactment of the proposed legislation as consistent with the administration's objectives.

Sincerely,

ELMER B. STAATS,
Deputy Director.

EXTENSION OF TIME FOR SENATE BILL 2720 TO LIE ON THE DESK

Mr. MOSS. Several days ago I introduced S. 2720 with the request that it lie on the desk through Tuesday. Because of a question on the computation of legislative days, I ask unanimous consent that the bill remain on the desk through Thursday of this week to permit those who wish to be cosponsors of the bill to indicate their desire to add their names.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF SENATE BILL 2715

Mr. CANNON. Mr. President, I ask unanimous consent that the name of the Senator from Utah [Mr. BENNETT] may be added to the bill (S. 2715) providing for the sale at public auction of standard silver dollars now held in the Treasury, the next time that bill is printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MILLER:

Summary prepared by him on the Baker investigation, and an editorial from the Washington Evening Star of March 26, 1964.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. THOMAS J. O'BRIEN, late a Representative from the State of Illinois, and transmitted the resolutions of the House thereon.

DEATH OF REPRESENTATIVE THOMAS J. O'BRIEN, OF ILLINOIS

The PRESIDING OFFICER laid before the Senate a resolution of the House of Representatives (H. Res. 684), which was read, as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable THOMAS J. O'BRIEN, a Representative from the State of Illinois.

Resolved, That a committee of fifty Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. DOUGLAS. Mr. President, it is with great regret that I announce the death of Congressman THOMAS J. O'BRIEN, the dean of the Illinois delegation and one of the most experienced and esteemed Members of Congress.

Congressman O'BRIEN had a distinguished career in the political life of Chicago and served in many capacities in local government; amongst others, as sheriff of Cook County. He came to the

House of Representatives in 1933 and for many years was a member of the House Ways and Means Committee where he became one of the most influential members of that body. Mr. O'BRIEN was extremely kindly and generous in his personal relations and had a deep loyalty and devotion to our country. He was a firm believer in the principles of our party and was very active in furthering them. He was sparing in speech but powerful in action. I mourn him as a personal friend, as do all who knew him.

Our heartfelt sympathy goes out to Mrs. O'Brien, his wife for more than 40 years with whom he lived a life of great fidelity and mutual devotion.

On behalf of my colleague [Mr. DIRKSEN] and myself I submit the following resolution:

> *Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Honorable THOMAS J. O'BRIEN, late a Representative from the State of Illinois.
>
> *Resolved*, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.
>
> *Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 309) was unanimously agreed to.

The PRESIDING OFFICER. Under the second resolving clause, the Chair appoints the Senators from Illinois [Mr. DOUGLAS and Mr. DIRKSEN] members of the committee on the part of the Senate.

Mr. PELL. Mr. President, as a further mark of respect to the memory of the deceased Representative THOMAS J. O'BRIEN, I move that the Senate do now take a recess, under the previous order, until 10 o'clock a.m. tomorrow.

The motion was unanimously agreed to; and (at 10 o'clock and 44 minutes p.m.) the Senate took a recess, under the previous order, until tomorrow, Wednesday, April 15, 1964, at 10 o'clock a.m.

EXTENSIONS OF REMARKS

Liberty Lobby

EXTENSION OF REMARKS

OF

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 14, 1964

Mr. BROTZMAN. Mr. Speaker, a column appeared in the Washington Daily News, Monday, April 13, 1964, written by Mr. George Clifford and Mr. Tom Kelly. I have never met nor talked to either of these reporters. The column implies that I am supporting an organization called the "Liberty Lobby" that has been extremely critical of the Republican leadership supplied by Senator EVERETT DIRKSEN and Congressman CHARLES HALLECK. This impression is totally inaccurate and misleading.

I was invited to participate in a school of politics panel, to be held Saturday morning, May 2, 1964. This panel is sponsored by the Government Educational Foundation. The invitation was first extended to my staff by phone and later by letter, dated April 4, 1964. One paragraph in the letter is indicative of what I considered the objective of the panel to be:

> Would you please tell the students the most effective way to contact a Congressman, both by letter and personally. Some of the mistakes that people make in trying to influence Congress would be extremely informative, as well as particularly effective means and methods with which you may be familiar.

At no time in the invitation was the Liberty Lobby mentioned. In fact, the panel to which I was invited is sponsored by the Government Educational Foundation and it takes place Saturday morning. The meeting sponsored by the Liberty Lobby is another gathering and it takes place Saturday evening. However, lest there be any confusion about my position, I am today writing the Government Educational Foundation advising them that I do not intend to appear on the panel.

Any statement or any implication that my acceptance of this seemingly routine invitation was an endorsement of the Liberty Lobby or an endorsement of their criticism of the Republican leadership is unfounded, unwarranted, and untrue.

Imports of Kentucky Blue Grass Seed

EXTENSION OF REMARKS

OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 14, 1964

Mr. BERRY. Mr. Speaker, the serious and imminent problem of agricultural imports has now been compounded by another threatened industry; namely, the producers of Kentucky blue grass cleaned seed.

South Dakota is the largest producer of Kentucky blue grass seed of any State in the Union. The industry adds over $4 million each year to the State's economy and produced over 17 million pounds of seed in 1960.

But this industry faces serious future problems if immediate action is not taken to curb the foreign competition which is flooding the domestic market. The estimates from the Department of Agriculture concerning imported Kentucky blue grass seed show that the tonnage has increased over 12 times the 1957 level of import. In 1960 only 4 million pounds of seed were imported, but in 2 short years, the total had tripled to a figure of 12 million pounds in 1962. Although the 1963 figures are not yet established, over 12 million pounds had been cleared for import by late February, and the total influx is expected to soar to a record high of 15 million pounds for 1963.

The primary foreign producers of the imported seed are the European countries. Much of the seed is inferior in that 75 percent of it has a Poa Anna weed content. This weed has been declared noxious in some States.

Like the other suffering industries in our economy which are facing great losses at the hands of increasing foreign products which annually flood the market, the blue grass seed producers do not ask for total elimination of seed imports, but do urge that realistic quotas be promptly established.

The foreign seed is certainly not imported for reasons of domestic need. The 25 million pounds of seed produced right here in the United States is an ample supply for annual use in this country.

The producers of Kentucky blue grass seed are now making their pleas for realism in our import policy and entire trading philosophy. We have witnessed the devastating effects of imported beef, veal, lamb, wool, mutton, dairy products, fruits, and other commodities upon the domestic market. Without immediate action we may add another casualty to the long list of private enterprises which are being ruined at the hands of foreign importers and free traders.

Pan American Week

EXTENSION OF REMARKS

OF

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 14, 1964

Mr. TAFT. Mr. Speaker, in many cities across the American continents, people will celebrate this week because it is Pan American Week. From April 12 to April 18 a great range of activities, including conferences, parades, speeches, and fiestas, will be held in commemoration of many years of peaceful cooperation among the nations of the Americas.

The ideal of a united, progressive hemisphere originated early in American history with the efforts of one of the greatest Americans, Simon Bolivar. While the plans of his conference of Panama in 1826 were not immediately carried out, they nevertheless expressed the hopes of millions of people and provided the goals toward which they constantly strove.

In 1890 Washington, D.C., became the center of the pan-American movement when the first Inter-American Conference was held here. That Conference established the International Union of the American Republics, which became the Organization of American States in 1948 at the Bogotá Conference, the final fruition of Simon Bolivar's aspirations. In 1910 the House of the Americas, surely one of the most beautiful buildings in Washington, was dedicated. Now the House of the Americas is headquarters for a dynamic organization, vitally concerned with the economic development of the Western Hemisphere, the defense of the American people against aggression and subversion, and a multitude of other activities effecting the lives of millions of people.

The Organization of American States has taken the lead among all international organizations of the world in human rights, but adopting the declaration of the rights and duties of man, through peaceful settlement of disputes, and in the cooperative application of reason to the social and economic problems of our time.

Pan American Week each year honors all of these significant accomplishments. In our recognition here we lend our approval also to the history and development of friendly relations between the nations of North and South America. We should especially remember Tuesday, April 14. It is designated as Pan American Day and is the apex of the hope and determination for a better tomorrow for all American people.

Tribute to an Outstanding Newspaper

EXTENSION OF REMARKS

OF

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 14, 1964

Mr. WYDLER. Mr. Speaker, outside of Government, there is no more important servant of the people than the news media. American newspapers have been part of the backbone of our daily way of life, and the weekly newspaper is closer to the people than any other.

It is my pleasure to call to the attention of the Members of this body the 25th anniversary of the Franklin Square Bulletin, a weekly newspaper published in my congressional district.

It should be noted that the Bulletin has continued publication throughout the period characterized by the greatest growth of any county in the United States. To me, this seems silent tribute to the Bulletin for the service it renders the community.

This is particularly true when one realizes that unprecedented population growth generally sees existing institutions go by the boards. In the newspaper field in suburban areas, we all too often see the community-oriented weekly paper go out of existence as the large nearby daily gets the bulk of the advertising dollar and the majority of the readers.

In such competition, it is only the weekly paper which realizes its unique ability to cover the events in its area better than any other media that perseveres.

The Bulletin stands today, too, as tribute to the strong belief in his country, county, and community that imbued its late founder John J. O'Neill. He was a man of vast vision, whose record of community contributions extends even farther than the founding of the Franklin Square Bulletin. He was one of the pioneers in the concept of developing vocational programs alongside academic programs at the high school level. A monument to him, too, is Sewanhaka High School, regarded today as one of the Nation's outstanding example of a "comprehensive school." Mr. O'Neill, in the late 1920's, fought for this concept in higher education long before it was in vogue, before we discussed dropouts, unskilled graduates, and vocational training.

Mr. O'Neill, too, has several living monument: His son, James, who helped his dad start the paper and is now one of the top reporters on Newsday, one of America's leading daily newspapers; his daughter, Margaret, who carries on in her father's tradition as the editor of the Bulletin; his son, John, a leading executive with one of America's outstanding companies; a daughter, Anne, who pursues a career as a legal secretary; and last, but by no means least, his wife, Margaret, who continues to bring culture to the weekly audience via her book reviews.

Today, Mr. O'Neill's paper survives as an indispensable part of the life of Franklin Square. It still publishes according to Mr. O'Neill's dictum:

> No one in Franklin Square will ever be embarrassed in the columns of the Bulletin. Sordid news has no place in my paper. This is a community. In a community a man has a right to his good name. I will leave to others, who care less about Franklin Square, to report the embarrassments of the people who live here.

I believe that dictum, Mr. Speaker, can serve as the highest ideal of a community newspaper anywhere. It is therefore proudly that I compliment the Franklin Square Bulletin and its staff on achieving its silver anniversary.

The Navy's First Submarine

EXTENSION OF REMARKS

OF

HON. THOMAS G. MORRIS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 14, 1964

Mr. MORRIS. Mr. Speaker, as a former member of the U.S. Navy, assigned to submarine duty, it is a distinct honor and a privilege for me to mark the occasion of the 64th anniversary of the Navy's first submarine. Had it not been for the tenacity of the inventor and builder of the Navy's first truly submersible boat, John P. Holland, a self-taught Irish immigrant, the history of our country might well have been written in different ink.

It was on April 18, 1900, that the U.S. Navy took possession of its first submarine, the *Holland*. This little craft was 53 feet long, and could make 7 knots on the surface and 5 submerged. It could travel a maximum range under water of 40 knots without coming up.

John Holland was 30 years old when he came to this country in 1872, joining his mother and two brothers in Boston. He got a job teaching in a parochial school in Paterson, N.J. After 7 years of full-time teaching and part-time tinkering, he quit teaching to devote all of his time to the design and construction of a workable submarine. He had already built an unsuccessful pedal operated 15-foot craft and had many failures and disappointments before building the *Holland*.

But Holland had mechanical genius and persistence in abundance—the two essential qualities of the really creative inventor. It was not the endless number of technical problems that inevitably occur that hampered Holland for these were a stimulant and a challenge. What often frustrated him was old-fashioned thinking and bureaucratic redtape.

In these early years the attitude of the Navy can be described as curious, but highly skeptical. But there were enough convinced people to persuade Congress to appropriate $150,000 in 1888 and invite bids from the several submarine designers of the day. A Holland design was chosen in the following year but the whole project was shelved until 1893 when Congress appropriated $200,000 for a new competition. Holland won again and this time the work went forward, with the inventor forming the John P. Holland Submarine Boat Co.

Work began in 1890 on the *Plunger*, with an 85-foot hull, which was to have been the first American submarine. But the construction was closely supervised by Navy engineers. During part of the time Holland was ill and a number of changes were made without his approval. Progress was slow because each new step had to be approved through channels. The result was a submarine that could not meet the requirements originally set. Holland knew the *Plunger* would fail and set about building a submarine of his own, at the company's expense. The *Holland* was launched on St. Patrick's Day, 1898. After 2 years of frustrating efforts to interest the Government, the boat was purchased in 1900 for $150,000. It had cost the Holland Co. $236,615 to build.

Even though it had passed what were considered by some to be impossible requirements the Navy was still not convinced. There were a few officers who felt strongly that the Navy should begin building submarines. They expressed their opinions before Congress, contradiciting their superiors. Ironically the top brass in England and Germany also scoffed at the submarine. Within a few years both nations were locked in a deadly sea battle of attrition with the traditional British maritime supremacy threatened by German U-boats.

After the *Holland* was acquired Congress appropriated money for seven more submarines of an improved design even though the Navy Department was indifferent. This next design became the first submarine to be accepted by the British and Russian Governments. The Holland Co. trained their first crews, as it did the first U.S. Navy crew.

Thus, the acceptance of the submarine by the United States, and the genius of this dedicated inventor had a worldwide impact. The United States originally looked upon the submarine as a short-range craft suited mainly for a defensive role close to our shores. Within a few years it was to become one of the most potent strategic weapons ever used in war, and its unrestricted use against American shipping brought this country into a world war.

No one ever again doubted the value of submarines and the U.S. Navy submarine service played a great role in World War II. Let us hope that the most modern and destructive undersea craft of all, the Polaris nuclear-powered submarines, will by their presence contribute to the security of the free world and make reckless aggression a thing of the past.

L.B.J. Deceives American People

EXTENSION OF REMARKS

OF

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 14, 1964

Mr. ASHBROOK. Mr. Speaker, it is indeed regrettable when the President of the United States should embark on a course of deceiving the American people about their sworn enemy. On Sunday, April 12, 1964, the front page of the Washington Post contained a two-column headline which proclaimed "Johnson Welcomes K. as Peace Apostle." What an affront it is that the chief spokesman for our Nation should refer to the butcher of Budapest, the man who put missiles in Cuba, the man who refuses to pay his U.N. assessments, the man who is today running a network of subversion throughout the world, as a peace apostle. This is sheer deceit and I do not believe it will fool the American people. More than any statement to date, it clearly shows the ineptness of Lyndon B. Johnson to be President of the United States.

In his press conference, the following colloquy is reported:

> Question. Mr. President, Mr. Khrushchev had some complimentary things to say about you and Mr. Rusk during his tour of Hungary. I wonder how you feel in response, sir?
>
> Answer. I am glad to see that Mr. Khrushchev is playing the role of peace and seeking to preserve peace in the world. That certainly is the desire of this country. When he talks in peaceful terms, he will always have our ear.

Is the President really so naive as to believe that Mr. K. is an emissary of peace? If he is, are we safe as a nation and a people? Or is he so arrogant as to believe that the poor, common people are not smart enough to see through the obvious deception of his effort to paint Nikita Khrushchev in any other color than red, blood red? Does the President believe that any American would honestly believe that the Kremlin gangsters are relenting in their ruthless drive to enslave the world? What must the people of the Iron Curtain countries think when they see our Chief Executive bow and scrape before their oppressor? How can you explain Mr. K.'s role as an apostle of peace to the people of Poland, Bulgaria, Albania, Rumania, Czechoslovakia, Hungary, Yugoslavia, and the thousands who are in concentration camps?

Has Mr. K. ever publicly retracted his threat of burying us? Little has changed, despite Mr. Johnson's rose-colored-glass approach, since Premier Khrushchev told the world the simple facts of life at Warsaw, Poland, in April 1955. He said:

> We must realize that we cannot coexist eternally, for a long time. One of us must go to his grave. We do not want to go to the grave. They [Americans and westerners] do not want to go to their grave. So what can be done? We must push them to their grave.

Does the President not know that the Communists are still an internal threat to this country? Consider the record of Soviet spying during the past year alone. It is not necessary to recite the long list of espionage and treason cases. Just look at a few of them:

July 1: The State Department ordered Gennadi G. Sevastyanov, a Soviet Embassy cultural attaché in Washington to leave the United States for attempting to recruit a Russian-born employee of the U.S. Central Intelligence Agency as a Russian spy.

July 2: The Federal Bureau of Investigation arrested four persons and charged them with conspiring to spy for the Soviet Union. Ivan D. Egorov, a personnel officer at the United Nations, and his wife, Aleksandra, were arrested in New York and later sent back to the Soviet Union in return for two Americans held by the Russians. Also arrested were a Washington couple using the names of Robert and Joy Ann Baltch.

July 19: A Federal court jury in New York convicted Navy Yeoman Nelson C. Drummond of conspiracy to commit espionage for the Soviet Union. He received life imprisonment.

October 10: The Defense Department disclosed that Sfc. Jack E. Dunlap, a former clerk-messenger for the National Security Agency, had sold secrets to the Soviet Union over a 2-year period before committing suicide last July.

October 29: The FBI arrested an American electronics engineer and a chauffeur for a Russian trading agency on spy conspiracy charges. Two Soviet diplomats were arrested and then released because they had diplomatic immunity. A third Soviet diplomat was named in charges filed by the FBI but he was not apprehended.

I repeat my question. If Mr. Johnson believes Mr. K. is an apostle of peace, are the American people safe?

Roseville, Calif., the All America City

EXTENSION OF REMARKS

OF

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 14, 1964

Mr. JOHNSON of California. Mr. Speaker, it is with great pride that I announce to the House of Representatives that my hometown of Roseville, Calif., has been named an All America City. Roseville was one of three western cities to win this coveted title and as one who has lived all his life in this beautiful community, I know of no other which deserves the distinction more.

The city of Roseville is a chartered city which has been progressive in the distribution of low-cost public power and development of an advanced municipal water system. It has taken the leadership in providing fine, modern hospitals, outstanding fire protection, and a model sewage treatment plant. Its school system is excellent and it has a splendid cadre of city employees to whom much of the credit for this award must go.

Mr. Speaker, I have a personal interest in this since I served this wonderful city as a member of its school board of trustees and as its mayor for several years before becoming her representative in the California State Senate and now in the House of Representatives.

Many commendable comments have been made about the city of Roseville in connection with the award and I shall have these printed at this point in the RECORD:

STATEMENT OF PRESIDENT LYNDON B. JOHNSON

> I am happy to extend my heartiest congratulations to the mayor and citizens of Roseville as you receive the All America Cities Award.
>
> I commend you on your many past achievements and wish your city continued prosperity and progress in the years to come. Your community has helped to set high standards of citizen participation and civil improvement which raise the quality of your Nation's life.

STATEMENT OF GOV. EDMUND G. (PAT) BROWN

> It is a pleasure to join in this tribute to one of the finest and most progressive cities in northern California. A beautiful city, Roseville very appropriately was chosen by Look magazine as one of the 22 finalist cities in its All America City awards competition.
>
> I want the people and the officials of Roseville to know that I share their pride in this honor and extend to all of them my best wishes for continued success and prosperity.

STATEMENT OF HON. HAROLD T. JOHNSON

> It is with great pride that I learn of the selection of Roseville to receive the All America City Award.
>
> As a lifelong resident of Roseville, who has had the privilege of serving my hometown as a member of the city board of education, city council, and mayor, I am certainly pleased that our progressive city has been awarded this honor.
>
> Every citizen, faction of local government, including the many faithful municipal employees, businessmen, and civic organizations are to be commended and congratulated.
>
> We are indebted to the early foresight of our "city fathers" who, with the coopera-

tion of the people, were greatly responsible for the factors that brought this honor to our city, among the most significant being:

1. The early acquisition of our electrical distribution system for municipal operation and later, the acquisition of the private water supply system, also for municipal ownership and operation which provided the city of Roseville with the financial means with which to move forward. While mayor, I had the opportunity to sign the first contract which called for the delivery of low-cost Federal power for redistribution through the municipal system. This has further benefited the financial condition of our city.

2. The use of the Revenue Sewer Bond Act of 1941, in perfecting the city sanitary facilities.

3. The passage of the initial bond issue of $250,000 for the start of the Roseville District Hospital, and the acquisition of the site which was donated by Mrs. Adamson. This project has been expanded under the Hill-Burton Act funding, whereby the Federal Government and the State contribute matching funds to the city. This has enabled Roseville to perfect a medical facility and health team which is unequaled for a city of comparable size throughout the United States.

Mayor Mahan, members of the city council, and all the fine municipal employees who contributed so greatly to the growth and progress of our city can be proud of the recognition which the city of Roseville is receiving.

Dr. Gordon Harris, chairman, and the members of the city's citizen congress, are to be highly commended and congratulated for the untiring efforts they have put forth toward winning this award and bringing recognition to our growing community.

State Senator Paul J. Lunardi

Having the distinction of being born and reared in Roseville, I am especially proud of the achievement of its citizenry in having been the only city in California to be awarded the 1963 All America City Award sponsored by the National Municipal League and Look magazine.

As a native son, I have watched the progress of this community and participated in the planning of many civic improvements during my tenure on the city council. I offer special congratulations to the civic leaders in meeting all the challenges accompanying the prolific growth in population. It is commendable that in meeting these demands of public service the city of Roseville drew national attention.

It is, indeed, a pleasure to join many others in paying this tribute to our wonderful city.

Roseville Mayor Robert P. Mahan

I'm very happy to hear that we have been selected as one of the 11 All American Cities. I know that Roseville has a lot to offer and this will show others what we do have. The city council and staff will go on doing all that's possible to see that Roseville continues to grow and prosper in an all-American manner.

Investigation of Robert G. Baker by Committee on Rules and Administration

EXTENSION OF REMARKS

OF

HON. JACK R. MILLER

OF IOWA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 14, 1964

Mr. MILLER. Mr. President, I have prepared a summary of the Baker investigation. I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD, along with an editorial from the Washington Evening Star for March 26 to appear at the end thereof.

There being no objection, the summary and the editorial were ordered to be printed in the RECORD, as follows:

The Bobby Baker Investigation

It appears that the investigation of the "Bobby Baker Affair" is over. The counsel for the committee is said to be drafting a report for the committee, which consists of six Democrats and three Republicans. The Republican members have just been called into consultations on the report, and it is probable that they will file a minority report in view of the refusal of the majority members to call certain witnesses requested by them. These included Walter Jenkins, a White House aid and former administrative assistant to the President when he was majority leader of the Senate. (Last month the White House announced that Mr. Jenkins, who owned some stock in the LBJ television station in Austin, had resigned as manager of the LBJ Co. interests.)

Mr. Baker served as secretary to the Senate majority for a number of years until his resignation under fire last October. He was regarded as a protege of Majority Leader Johnson who, on August 30, 1957, said of him: "I consider him one of my most trusted, most loyal, and most competent friends." (CONGRESSIONAL RECORD, volume 103, part 12, page 16722). He refused to give testimony before the committee, claiming his privilege under the fifth amendment.

The question of whether any of Mr. Baker's alleged improprieties involved the majority leader, now the President, will probably never be answered. The nearest the committee came to this delicate subject was when a Maryland insurance man, one Don Reynolds, testified under oath that he had been obliged to purchase $3,000 in advertising time on the LBJ station by Mr. Jenkins, following Reynolds' sale of a $100,000 policy on Senator Johnson's life. (Letters and checks in the committee's file substantiate payment of at least $1,208 for such advertising.) The committee received a sworn statement from Mr. Jenkins that he knew of no such arrangement, but the majority on the committee refused to call Mr. Jenkins before the committee to answer questions.

Mr. Reynolds also testified that, at Mr. Baker's instance, he bought an expensive hi-fi set and had it installed in Senator Johnson's home. Asked about this by reporters, President Johnson said that he understood that was a "gift" from Mr. Baker.

The monopoly position of the LBJ station in Austin has provoked considerable comment, particularly in view of its rapid growth into a very profitable enterprise. Since his succession to the Presidency, President Johnson has transferred the family stock to a trust in an effort to avoid any conflict of interest. However, dividends from the stock and any appreciation in the value of the stock will accrue to the family's benefit.

The question of whether any of Mr. Baker's alleged improprieties involved any Members of the Senate will also probably never be answered. The nearest the committee came to this equally delicate subject was the revelation that Mr. Baker participated in a highly profitable Florida real estate venture with one Member of the Senate. Asked by reporters about this, the Senator stated that he thought it would "help" Mr. Baker, who was trying to raise a family. (While serving in his $20,000 a year position as secretary to the majority, Mr. Baker submitted a financial statement with an application for a loan showing his "net worth" in excess of $2 million.)

Mr. Baker is reported to have handled campaign funds for some of the Democratic Senators in their campaigns for reelection.

It appears that Mr. Baker's outside activities included, among others, a highly profitable purchase of stock in a Milwaukee insurance firm 17 days before it was registered for sale by the Securities and Exchange Commission; assisting a Nevada gambler in obtaining gambling concessions in the Caribbean; a partnership in a motel in North Carolina with Secretary of Commerce Luther Hodges; a townhouse in Southwest Washington; stock in a vending machine corporation with machines located in plants of Government contractors; commissions from the Haitian-American Meat & Provision Co. on each pound of beef exported from Haiti to the United States (4.5 million pounds was exported by this firm to the United States and Puerto Rico from June 1, 1961, through last September); efforts (unsuccessful) to get the Federal Housing Administration to reverse itself and approve a housing project in Puerto Rico; and the million-dollar Carousel Motel on Maryland's Eastern Shore.

SCOPE OF INVESTIGATION

On October 10 of last year, the Senate adopted a resolution authorizing and directing the Senate Rules Committee to make a study and investigation with respect to any financial or business interests or activities of any officer or employee or former officer or employee of the Senate, for the purpose of ascertaining (1) whether any such interests or activities have involved conflicts of interest or other impropriety, and (2) whether additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities.

The committee got off to a very bad start when the chairman of the committee announced to the press that we are not investigating Senators. Subsequently, under a bipartisan threat of amendment of the resolution on the Senate floor, it was agreed that no such limitation of the scope of the committee's investigation was ever intended. However, the attitude toward avoiding possible embarrassment of Senators had been expressed, and it is significant that no testimony was taken which might have unfavorably reflected upon any present Member of the Senate, aside from the aforementioned transaction involving the Florida real estate deal.

My personal views on this matter were expressed on several occasions:

On February 3: "I have said publicly that I thought this investigation should be pressed completely and without regard to partisan considerations, letting the chips fall where they may; that the integrity of the U.S. Senate, and, indeed, very possibly certain offices within the executive branch of our Federal Government is involved * * * [regarding Mr. Reynolds' sworn testimony and the statement filed by Mr. Jenkins]. In view of what appears to be a conflict in testimony, I trust that the committee will call all of the parties before it to have it out—once and for all, and, may I add, to let the chips fall where they may. The public has a right to know the whole truth about this transaction—not just half of the truth. And I presume the committee will also want to have Mr. Baker shed some light on the situation too"—CONGRESSIONAL RECORD, 1964, page 1784.

On March 16: "I recall one witness in particular. Mr. Reynolds made some allegations, and those allegations have been completely denied by someone [Mr. Jenkins] who has not yet been called before the committee. It would seem that the least the committee might do is to get the witnesses together and find out who is committing perjury and who is not. That apparently will not be done"—CONGRESSIONAL RECORD, 1964, page 5371.

On March 18: [Referring to possible contempt proceedings against Mr. Baker for refusing to answer questions of the Committee] "However, it would seem to me that if there was any reasonable possibility that contempt proceedings could be successfully conducted, if there ever was going to be a time for the Senate to get moving on something like this, this is the time. If they cannot be made to stick when the integrity of the Senate is involved, as it is in this case, it seems to me we may as well forget about any contempt proceeding at any time."

RESULTS OF INVESTIGATION

The lead editorial of the Washington Evening Star for March 26 is printed in full below. It expresses my sentiments on this matter. The cloud over the White House will be a campaign issue this fall, I think.

[From the Washington Evening Star, Mar. 26, 1964]

TOO BAD

The chairman and the majority of the Senate Rules Committee apparently have decided to ring down the curtain on the Bobby Baker investigation. From the first they gave the feeling that they had been pushed into the whole thing only by the insensitive press and they had tried before this to get away from those embarrassing details and up onto the broad plains of principle. Now they have succeeded.

It is too bad. What is lost is not a "carnival," a "circus" or a "partisan field day," to quote a few of the reasons given earlier for letting Bobby off the hook. What is lost is the chance to find out just how involved the Senate majority staff and, for that matter, assorted Members of the Senate majority itself, were in the complex affairs of the wonder boy from Carolina.

However embarrassing such revelations might have been, they would have been preferable to the not quite diffused cloud that now hangs over the Senate and its staff. The cloud, unfortunately, also hangs over the White House. Nor is it likely to be dissipated while the conflicting testimony involving the President's close assistant, Walter Jenkins, remains unresolved. This is not guilt-by-association and it is not low partisan politics. It is the commonsense conclusion inevitably drawn from a failure to lay the facts on the table.

It is, we say, too bad. Assuming there was no serious fire beneath all the murky smoke, it would have been so easy to prove the fact.

The War on Poverty

EXTENSION OF REMARKS

OF

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 14, 1964

Mr. GILBERT. Mr. Speaker, a powerful and brilliant spotlight has been focused on one of our Nation's most deadly enemies, poverty. The entire world is watching to see what action we take to correct the situation and what we do to bring the millions in this, the richest nation on earth, out of the morass of suffering and despair in which they are now entrapped. The crusade against poverty is one in which every right-thinking American will wish to take part. I am inserting in the CONGRESSIONAL RECORD my statement to the Committee on Education and Labor which is in charge of the Economic Opportunity Act of 1964, in which I urge that prompt action be taken on this vitally important bill.

My statement follows:

Mr. Chairman and members of the Committee on Education and Labor, I am grateful for this opportunity to urge your favorable action on the bill under consideration, the Economic Opportunity Act of 1964.

The war on poverty can and must be won. The battle flags have now been unfurled and we must move forward speedily and resolutely toward victory and the goals set forth by the President in his program. Hope has finally been held out to the 35 million persons who live in dire poverty in our Nation; 11 million children who go to bed hungry every night have been told that they will soon have enough to eat. In our great State of New York there are 600,236 destitute families. It is beyond belief that any person, knowing of the hopelessness and despair of our Nation's 9.3 million poor families, could dash the hopes of the poverty stricken and oppose this bill. To show my strong support, I introduced a bill identical with the administration's bill, and it is my earnest desire to do all I can to secure passage of it without delay, so that the various programs provided by the bill can be implemented and the important work go forward.

Your committee has been given more than ample testimony which proves that poverty, on an alarming scale, exists throughout our country; we also know that concentrations of poverty are found in certain groups, especially among the undereducated, the nonwhite, the elderly, those in broken homes, and in rural farm families. We like to think that in ours, the richest Nation in the world, every man, woman and child enjoys the right to life, liberty, and the pursuit of happiness. The shocking truth is that one-fifth of our population is, in reality, barred from the pursuit of happiness by poverty; millions of persons are denied even meager comforts, and the opportunities enjoyed by the more fortunate are beyond their reach and their children's reach.

For far too long a time those who have, have found it easy to ignore the sad plight of the have-nots. We must face up to the problem honestly and with compassion in our hearts for our suffering fellow citizens; we must admit the truth, that people are not poor because they want to be poor but because they have been caught in a web of adverse circumstances beyond their control. They must have our help; they are powerless to help themselves. This Congress has been presented with a rare opportunity to break the vicious cycle of poverty which, in many cases, continues through generations. Poor housing, insufficient nourishing food, inadequate education, lack of job opportunities, all lead to the years of despair and hopelessness endured by millions, and forecast a similar lot for their children.

Our enemy, poverty, presently undermining all parts of our Nation, is a vicious one. Fortunately, we have powerful weapons at our disposal; knowledge possessed by our governmental agencies, the initiative of local communities, and the determination of dedicated Americans who wish to help their fellow man. It is estimated that victory, in economic terms will add $14 billion a year to the national output by creating new industry, higher production, increased earnings, and better income for all. Even as cold statistics cannot measure the terrible despair suffered by the poor, so there is no yardstick by which we can measure the full extent of the benefits which will accrue by implementation of this bill, the dawn of hope, the chance for education, training and employment, for realization of ambitions and plans for their children, now beyond the reach of so many.

It is well to emphasize that the programs do not represent handouts but a realistic undertaking which will give people a chance to become self-supporting; to take their rightful place in our society, to be able to walk through life with dignity and not be objects of charity. This bill would strike at the very roots of poverty.

It is altogether right that the accent of President Johnson's program to eliminate poverty is on youth, for this offers the most direct method of breaking the cycle of poverty and halting the transmission of defeatism from one generation to another. The Department of Labor estimates that there are 350,000 idle young men, 14 to 24 years of age, who face virtual lifetime unemployment unless rehabilitation programs are enacted to reach them. These young men are no longer seeking work because there is no opportunity for them in their areas.

The Job Corps will help 100,000 young men whose background, health, and education make them least fit for useful work. The work-training program will provide work and training for 200,000 American men and women between the ages of 16 and 21. The work-study program will provide Federal funds for part-time jobs for 140,000 young Americans who do not go to college because they cannot afford it. What better investment can we make than to help the youth of our Nation; our future depends upon our young people and it behooves us to help them toward realization of their full potential in education and work so they may take their rightful places in their communities and be qualified to discharge responsibilities of leadership and citizenship.

The programs giving each community the opportunity to develop its own comprehensive plan to fight its own poverty, the recruiting and training of dedicated Americans who enlist as volunteers for America in the war against poverty, the creation of special programs to combat poverty in rural areas, the establishment of an Office of Economic Opportunity which will coordinate the national effort, are all of vital importance. This will be a cooperative undertaking by all levels of our Government, Federal, State, and local; we aim to strike at the causes of poverty, for it would be futile to attack only the consequences.

I am in complete agreement with the President's statement that it is not a matter of whether we can or should support this program. We must. Now that the challenge has been so forcibly put to us, with our shame and disregard of the poor called to the attention of the entire world and the eyes of all nations upon us, we must, indeed, do our duty. I feel certain that your committee will approve this bill without delay. I look forward to the privilege of voting for the bill, which is reasonable and feasible in all respects. I trust that the Congress will pass the bill in the very near future so that the vitally important work can be started and the long, uphill fight against our enemy, poverty, begun.

Charles A. Buckley, Chairman, Committee on Public Works, U.S. House of Representatives: His Record for the People

EXTENSION OF REMARKS

OF

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 14, 1964

Mr. DELANEY. Mr. Speaker, I would like to commend to the attention of the House a short review of the many accomplishments of our distinguished colleague, CHARLES A. BUCKLEY. Few men in our time have contributed so much to the welfare and growth of our Nation through the legislative process. Mr. BUCKLEY is the able Representative of New York's 23d District, Bronx County. He is in his 30th year as a Member of Congress and for 12 years he has been chairman of the Committee on Public Works.

CHARLES A. BUCKLEY is a modest and unassuming Member of the Congress. During his long tenure of service he has consistently avoided the limelight. All who know him recognize him as a stalwart, honest individual. We also know him as a leader in advancing the Nation's welfare. I rise to cite his record of accomplishments and to commend him on behalf of his colleagues and the American people for the job he has done and is doing for this country.

Mr. BUCKLEY's work, particularly in committee, has affected and benefited all American citizens.

The jurisdiction of the Committee on Public Works covers an impressive array of vital Government activities, including the improvement of the Nation's rivers and harbors; flood-control projects which protect life and property, generate electric power, and provide recreation areas; the vast multibillion-dollar Federal highway program; the construction of public buildings; the operation of the mighty Tennessee Valley Authority; and the creation of permanent new public beaches and prevention of beach erosion.

The committee is responsible for the improvement of our Nation's lakes, streams, rivers, and ports. All waterborne navigation, whether commercial or recreational, benefits from the rivers and harbors legislation from the Committee on Public Works. The vast job of keeping the channels of our rivers clean, the constant dredging operations, the protection of our navigable streams and waters, are all helped along by enabling legislation from Mr. BUCKLEY's committee.

It can be truly said that the waterborne commerce of our Nation travels not only on our streams, lakes, and rivers, but also through the Public Works Committee. The widespread effect of this legislation becomes strikingly clear when one considers the impact of improvements of rivers and harbors on our waterborne commerce and on the sizable portion of our country's goods carried by it. Rivers and harbors legislation is of vital importance to the economic wellbeing of the United States.

The committee must also deal with flood control, a crucial instrument in the protection of American lives and property. Clear thinking and good planning under Mr. BUCKLEY's leadership today means life and property saved from flood tomorrow.

Flood control also means electric power. The huge dams authorized by the Committee on Public Works are sources of hydroelectric power, as vital to the individual consumer as to the businessman. The power generated by the flood-control projects helps move the wheels of industry in nearly every part of our Nation.

Important byproducts of the manmade lakes created by these dams are new water recreation areas used by millions of Americans, where they may enjoy swimming, boating, and water skiing. Within the land area immediately adjacent to these dams have arisen fine campsites and other land recreation areas. This is just one more benefit of the flood-control program, and records indicate that each year more Americans are taking full advantage of these facilities in all parts of our country.

Probably the most striking product of Mr. BUCKLEY's work is the vast network of new highways that cross our Nation, linking major cities and providing the avenues over which our defense apparatus can move in times of national emergency. Along these highways moves the American trucking industry, carrying the goods of our country from one section to another and providing thousands of jobs for those within the industry and for those whose livelihood depends upon it.

This new Interstate Highway System provides means by which the American citizen may travel freely to all portions of the country not only in his business pursuits but in seeking relaxation for himself and his family.

The entire Federal-aid highway program has come into being as a direct result of the Committee on Public Works and Mr. BUCKLEY's leadership. In 1956 the committee authorized the greatest single public works program in the history of the world—the 41,000 miles of Interstate System which will, when completed, link all our major cities. This poured into our economy billions of dol- program and the Federal-aid primary, secondary, and urban systems have lars and provided an untold number of jobs for men in all sections of the country. As a direct result of this highway program, the automobile industry and its companion industries, such as steel, concrete, asphalt, and rubber, have received a fantastic boost in their economic development.

The scope and magnitude of this road program is breathtaking and its overall effect on our national way of life has been tremendous. It has not only changed and stimulated our economy but has made us indeed "a Nation on wheels."

As one travels over these fine highways one can be thankful for the foresight and ability of CHARLES BUCKLEY, who fought so vigorously to see that this program came into being.

The program most readily associated with the Committee on Public Works is the construction of public buildings. For 30 years prior to 1959, as a result of the great depression, World War II, and the Korean war, the Federal public building program was at a standstill. Realizing the crying need for action in this field, Mr. BUCKLEY's committee authorized the Public Buildings Act of 1959. The great impact of this legislation on the public building program is known to us all. As the Federal Government grew the need for space grew with it. This program is providing that space. It not only provides for more efficient operation of the Federal Government but has been another shot in the arm to the economy in areas where these buildings are constructed.

In addition to the many responsibilities already cited, the committee must watch and improve the operation of the Tennessee Valley Authority. The TVA, wellknown in the thirties, has continued to bring prosperity to the Tennessee Valley and was essential in bringing necessary services to one of our great space centers, the Redstone Arsenal at Huntsville, Ala.

To understand the scope of Mr. BUCKLEY's interests and responsibilities, one need but look at the great span between a project such as TVA and the committee's work in developing a program to prevent beach erosion and create thousands of permanent new beaches along the Nation's seaboard.

It can be truly said that CHARLES BUCKLEY has not been provincial in his approach to public works projects. He has applied his energies and directed the work of the committee toward the full-scale development of the natural resources of the entire Nation. Though his interests have spanned the country, the people of the State of New York, those now living and generations to come, owe him a deep debt of gratitude for over 200 public works projects that his committee has authorized for the Empire State. Its waterways, highways, parks, and beaches have all benefited through Mr. BUCKLEY's leadership. The vast St. Lawrence Seaway project, the Niagara power project in the west and north sections of New York, the Hudson River improvements, the improvements in our lakes, the new highways, and the new beaches approved by his committee bear strong testament to Mr. BUCKLEY's deep interest in permanent public improvements.

In New York, one can cite Jones Beach, Coney Island, and the Rockaways, the new Federal building in lower Manhattan, and new highways moving traffic efficiently through the five counties of New York City, all permanent improvements.

The great port of the city of New York has continued to develop throughout the years with the help of Mr. BUCKLEY's interest in providing legislation to deepen its channels and keep it properly maintained at all times.

Let us move to Mr. BUCKLEY's home county, the Bronx. Its over 1½ million residents have their own postal operation to properly facilitate postal service within the county. The designation of the Bronx as a separate postal unit was, in large part, due to Mr. BUCKLEY's efforts.

With a keen awareness of his county's needs, Congressman BUCKLEY has worked diligently to gain authorization for a new Federal building there. Within a very short time this building will rise in Bronx County and housed therein will be all the Federal agencies now scattered throughout the area. This will provide more efficient Federal service for all citizens of the Bronx.

The new roads moving in and out of the Bronx, such as the Major Deegan Expressway and the New England Thruway, are in existence because Mr. BUCKLEY understands the highway problems of his home district, and acted to see that these needs were recognized in Congress.

The New York World's Fair of 1964–65 opens its doors on April 22. After the fair is over, a permanent park will be located on that site for the use of the citizens of New York. The roadways that lead into the fair, and which will provide for transportation to this park, are a direct result of Public Works Committee action.

Out of the murky mess that was Flushing Bay there will emerge a beautiful marina to house 2,000 boats. This marina is a permanent addition to the city's recreational facilities. This is but another product of Mr. Buckley's zealous efforts on behalf of the city of New York.

What I have cited is a brief resumé of Charles A. Buckley's contribution to his county, his State, and his city. His foresight and determination to have these many public works projects approved represent an invaluable contribution to the present and future well-being of our Nation. Americans in all walks of life owe a large debt to Congressman Buckley for his untiring efforts in this most important field. Those who are with us today and those who follow tomorrow will reap the great benefits of his work. I am sure that he will continue to fight as he has in the past for these projects which benefit all Americans. Charles A. Buckley is a representative of the people in the true sense of the word and we here in the Congress are privileged to know him.

Save the Small Retailer

EXTENSION OF REMARKS

OF

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 14, 1964

Mr. MADDEN. Mr. Speaker, in a recent article contained in the Washington World, the gentleman from Wisconsin, Congressman Alvin E. O'Konski, has performed a singular service to the cause of America's independent retail economy.

The March 23, 1964, issue of that publication contains the gentleman from Wisconsin's [Mr. O'Konski] argument in behalf of the quality stabilization bill. A great deal has been said and written about this important economic legislation in recent months, but the gentleman from Wisconsin [Mr. O'Konski] has succeeded in cutting through the fog of opposition propaganda regarding quality stabilization to get to the real substance of the issue.

I recommend the gentleman from Wisconsin's [Mr. O'Konski] article to those interested in a fair and penetrating discussion of quality stabilization and what its enactment will mean to our retail economy:

A Congressman Speaks: Chains' Price Cutting Kills Independent Retail Stores

(By Representative Alvin E. O'Konski, Republican, of Wisconsin)

Is competition doomed in America's independent retail marketplace?

Yes, said an expert witness before a recent congressional group studying current economic conditions among independent retail operators. According to this spokesman for one of the newly emerging retail giants, "fewer than 50 mass-merchandise operations" will control the country's retail system by 1974.

The steady economic attrition of independent retailers and small businessmen is a cause of concern of all segments of the national economy, and especially for the American consumer. Retail shutdowns mean fewer sales outlets for the country's manufacturers and fewer buying outlets for the housewife.

What are the factors behind this decline of the independent retail operator?

The reasons are many and complex, but high on the list, according to the retailers themselves, is the growth of cutthroat merchandising techniques that are destroying ethical operators, not to mention public confidence in the standard of the marketplace.

The increased use of "switchbait" and "loss-leader" lures for the unsuspecting buying public hurts consumer interests as well as legitimate retail competitors. Those most familiar with the working of the retail market say that sooner or later something must be done to curb these sharp practices—or the small retailer will face extinction.

The quality stabilization bills—S. 774 and H.R. 3669—are aimed at bolstering the competitive position of the independent retailer in his fight for economic survival. The bill is not claimed to be a panacea for the current ills of the retail market, but it does represent a most constructive effort toward bolstering the independent retailer in his fight for economic survival.

What is quality stabilization and how can it help the retail economy and the consumer?

Much has been said and written about this controversial legislation, yet seldom has any economic issue been so widely misunderstood as this bill.

In recent months, a massive propaganda barrage against quality stabilization has been launched by its opponents, including giant discount houses which have a splendid interest in maintaining present chaotic conditions in the marketplace.

Yet seldom has any legislation, economic or otherwise, received as widespread bipartisan support as quality stabilization. Eleven Senators and twenty-four Representatives—including the writer—are sponsoring the bill.

These sponsors range from Democratic leaders like Senator Hubert Humphrey, assistant majority leader; and Representative Hale Boggs, House majority whip; to Republicans like Senator Thomas Kuchel, assistant minority leader, and Senator Thruston Morton.

Moreover, the House Interstate and Foreign Commerce Committee has endorsed the bill, terming it "essential to the survival of hundreds and thousands of small, independent businessmen."

Quality stabilization would provide manufacturers of brand-name products the same rights concerning the resale of their merchandise as are now exercised by chainstores selling their own private-label goods.

The consensus of retail experts is that use of such brand-names as a consumer "come-on" is standard procedure for monopoly operators seeking to crush their smaller competition. Thus, by curbing the use of brand-names to lure customers (who are then high pressured into buying poor quality, nonbrand merchandise), quality stabilization would strengthen the independent retailer's competitive hand in his fight for economic survival.

Is this bill helpful or damaging to the free enterprise concept of the American marketplace?

Those of us who support quality stabilization do so in the belief that something must be done—and done quickly—to keep the free enterprise concept alive in our Nation's retail system. And if quality stabilization is not the complete answer, it is the best answer anyone has yet devised to meet the current problems facing independent retailers.

Critics of the bill have been guilty of misrepresenting what quality stabilization means and how it would affect free, independent market competition. Despite their claims, the fact is that the bill would not limit, but rather would encourage competition. After all, no one can seriously claim that the collapse of small business and the takeover of our retail market by monopoly giants would be in the interests of free enterprise. And despite all criticism, the record shows that no one has yet stepped forward with any other plan designed to check this trend toward retail monopoly.

Moreover, as Senator Kuchel has pointed out, the bill is "permissive."

No manufacturer would be compelled to come in under its provisions, nor would any distributor or retailer be required to sell any product.

What is the consumer's stake in this fight?

Clearly the American consumer would suffer if the retail economy fell into the hands of a limited few operators. Moreover, the spreading cancer of high-pressure, low-quality retail operations can come to make caveat emptor—let the buyer beware—the motto of a new era of "jungle" retailing in which the consumer is a helpless victim.

Only by preserving healthy and fair competition—and by maintaining the quality standards of brand-name products—can consumer interests be fully protected in the marketplace.

What the Bill Would Do

Evaluating the quality stabilization bill, Representative O'Konski believes:

Its aims and its effect will be to advance the cause of free enterprise on Main Street, U.S.A.

Action must be taken to curb predatory evils now rampant in the marketplace.

Retail shutdowns mean fewer sales outlets for manufacturers, fewer buying outlets for the housewife.

Increased use of "switch-bait" and "loss-leader" lures hurts consumer interests.

Anniversary of the Submarine

EXTENSION OF REMARKS

OF

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 14, 1964

Mr. ST. ONGE. Mr. Speaker, I am pleased to participate in the observance of the submarine birthday. This is the 64th anniversary of the Navy's acceptance of its first submarine, the U.S.S. *Holland*. It was on April 11, 1900, when the U.S. Navy purchased its first undersea craft from the Inventor John Philip Holland, who had built several submarines. That first submarine was 53 feet long and cost $150,000. Today, our nuclear-powered submarines are nearly 10 times as long and cost about $30 million each, exclusive of the powerplant.

I have the privilege of representing the Second Congressional District of Connecticut, which includes the city of Groton, sometimes described as "the submarine capital of the world." It is at Groton that the Electric Boat Co., one of the largest submarine builders in the world, is located. We in Connecticut are extremely proud of this company's great record of achievement and of our contributions to the defense of our Nation.

At the launching on April 4 of the submarine U.S.S. *Greenling*, built by Electric Boat at Groton, Rear Adm. Roy S. Benson, Assistant Vice Chief of Naval Operations, paid this tribute to the company and all those who work there:

> There is not the slightest question in my mind but that no submarine building yard turns out better submarines than does Electric Boat. Your record is magnificent.

Today, on the occasion of the anniversary we are observing, we are paying a well-deserved tribute to the men in the U.S. Navy's Submarine Service, we are stressing their role in our national defense, and we are recognizing the significance of the service in times of war and peace.

During World War I, submarines were used primarily for defensive purposes, such as coastal patrol, attacks on German U-boats to keep shipping lanes open, et cetera. Although the First World War demonstrated the strategic effectiveness of the submarine, the United States did not start a major submarine building program until 1933 when the Roosevelt administration came into power. By December 1941—at the time of the Japanese attack on Pearl Harbor—we had 111 submarines in commission and 73 under construction. We had 51 active boats in the Pacific, against 83 submarines in the Japanese fleet.

The first attack by an American submarine against a Japanese ship was by the *Swordfish* in the South China Sea on December 9—2 days after Pearl Harbor. While it was never verified the *Swordfish* hit its target, our first real success came 5 days later when the same *Swordfish* sank an enemy ship. In fact, this was the first time in history that an American submarine torpedoed a ship.

During the first year of the war in the Pacific our small but growing fleet of submarines carried out many special missions, such as reconnaissance, evacuation of civilians, running supplies, and transporting commando raiders.

Only eight of our boats were on full-time antishipping duty; consequently, we had only limited success in sinking enemy ships. In that first year our boats sank 600,000 tons of enemy shipping—which is a considerable amount—but the total Japanese merchant fleet was estimated at over 6 million tons. As our submarine fleet grew larger, Japanese shipping losses also grew larger and reached a critical stage. Our submarines turned their attention also on Japanese warships, particularly destroyers, a chief enemy of submarines.

It is a fact that more enemy destroyers were sunk by our submarines than by any other means. In all, we know that American submarines destroyed two-thirds of the enemy merchant fleet and one-third of his navy. Let me say at this point, in tribute to the gallant men in our submarine service during World War II, that theirs was an extremely hazardous service with a death rate of about one out of every five men. This is the kind of bravery and heroism for which our Nation is eternally grateful—and in this spirit of appreciation I salute them.

In World War II we used the submarine in much the same manner as it was used by the Germans in World War I; namely, to cripple the enemy's lifelines on the seas. Since the end of World War II the role of the submarine has changed. Great developments have taken place in submarine technology. There has also been a change in the potential threat in the development of a large Soviet submarine fleet. This has resulted in an effort to make the submarine an important aspect of antisubmarine warfare.

The change or reorientation of our submarine mission began in 1949, when we first realized that the Soviet Union is vastly increasing its submarine fleet and that it constitutes a potential threat to our naval power and sea communications around the world.

That change has been going forward since then. Every attack submarine in our Navy today has antisubmarine warfare as a primary mission. These are mainly nuclear-powered ships; they are fast; they are maneuverable; and they have new advanced underwater sensing devices.

There is another role performed by the submarine—a role unheard of even in 1949, less than 15 years ago. I refer to the role of the submarine as a sea-based strategic missile system. The latest in submarine technology, combined with the most advanced missile development, produced the Polaris-firing nuclear-powered fleet ballistic missile submarine. We now have 12 such submarines in commission, and 23 under construction or authorized for construction—a total of 35 of these submarines. May I add that these figures were given me by the Navy Department and they are not classified. Thus you can see that we are gradually building up the most formidable offensive second strike deterrent weapons in existence.

And there is another change to be noted here—a change that is no less important. I refer to the life and the role of the submariner today which has also changed greatly. Although there is the same informality among the officers and men, the same esprit de corps as in the past, living conditions have improved and the technical demands on the crew are much higher. Being constantly submerged for 60 days is the standard patrol of the Polaris submarines. The old submarines designed in the 1920's and used in World War II could stay submerged under the most favorable conditions for 24 hours. They were noisy, poorly ventilated, cramped for space, and always in need of repair. On modern submarines space is still at a premium, but much more attention has been given to comfort and surroundings, and the air is purer.

Even though it is peacetime and underwater patrols are much longer than before, we have more men who volunteer for submarine service than we can accept. The training is much more rigorous today. The enlisted man on the ballistic missile submarine requires about 6 months duty both ashore and at sea before he can attain qualification status. The officer requires a whole year. Engineering personnel get an additional 13 months of schooling. These men are highly trained technicians in a perpetual training process to master their jobs and the ever-changing equipment.

Mr. Speaker, there must be something very admirable about a service which can arouse so much interest and devotion, so much loyalty and heroism, both in time of war and in time of peace, as the submarine service. The men who have been in it, and those who followed them, deserve recognition for the sacrifices and the patriotism they have demonstrated. Theirs is not the patriotism of merely marching behind a band or lighting fireworks one day in the year. It is much more than that. It is the very defense of the flag and the Nation of which they are a part; it is the spirit of the people who unselfishly devoted themselves to the cause of freedom. Their patriotism is the love for their country, the respect for its traditions, the honor of its people, the future of its destiny. Their patriotism was expressed in standing firm for the common good, for the peace and well-being of all. Their patriotism was to stand tall and unafraid against all enemies, ready to sacrifice their lives, if need be.

Mr. Speaker, in connection with this observance, I believe it is fitting and proper to recall another occasion—a very sad one, indeed—where men of the submarine service made a supreme sacrifice. Just about a year ago, on April 10, 1963, we were all stunned by the tragedy of the submarine U.S.S. *Thresher* which went down in the Atlantic with a loss of 129 men. Many of those men were from my district in Connecticut. These gallant men are today a part of the long list of American heroes who have sacrificed their lives for the security and defense of our country.

On the first anniversary of this tragic event, we honor their memory and we recall their bravery. We express our deepest sympathy to their loved ones, to the bereaved wives, children and parents, in whose hearts they will live forever. We also voice our deepest gratitude to these men for their courageous deeds and patriotic devotion to their country.

Mr. Speaker, I wish to insert into the RECORD the text of an editorial on the subject, published in the Norwich (Conn.) Bulletin, on April 10, 1964. It reads as follows:

THEY ARE NOT FORGOTTEN

A year ago today the Nation and the world were shocked and saddened by a major submarine disaster for on April 10, 1963, the dark icy waters of the Atlantic Ocean claimed the nuclear attack submarine *Thresher* with 129 men aboard.

The *Thresher*, attached to Group 2 at the Groton Submarine Base but operating out of Portsmouth, N.H., was lost 220 miles east of Cape Cod while conducting a series of deep dives. The 8,400-foot depth of the ocean in the area made it impossible to either rescue the 96 enlisted men, 16 officers, and 17 civilian observers who were aboard what was described as the fastest and deepest diving submarine in the world or conduct salvage operations.

A dark cloak of mystery hung over the sinking until the bathyscaph *Trieste* was moved into the disaster area in June. This deep-diving craft failed to locate the hull of the *Thresher*, but during a series of dives debris positively identified with the ill-fated submarine was located on the ocean floor and brought to the surface.

These men, a number of whom lived among us in eastern Connecticut, will never be forgotten. They were dedicated to the service of their country and gave their lives in the performance of their duty, displaying the devotion and courage that is typical of America. In the words of Vice Adm. Elton W. Grenfell, commander submarine force, U.S. Atlantic Fleet, who wrote the forward to a *Thresher* memorial book forwarded to the immediate next of kin of officers and crewmen who lost their lives in the sinking of *Thresher*, "They are remembered not as men who were, but as men who are; men, who because of dedication to their profession of the undersea, have given us greater knowledge of its mysteries, and opened broader paths for its exploration and use."

On the first anniversary of this great sea tragedy we honor these submariners who made the supreme sacrifice, for they and men like them have and will continue to play a major role in keeping our Nation strong, both in war and in peace.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 15, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 98: 9: *With righteousness shall He judge the world, and the people with equity.*

O Thou God of all majesty and mercy, may our minds and hearts daily be animated and aglow with the kind and beneficent spirit of our blessed Lord.

Help us to understand that the many problems, which now engage the thought and time of our chosen Representatives, assembled in the council Chamber, are not primarily political, nor even social, but fundamentally moral and spiritual.

Grant that, as we think in terms of one humanity, we may believe that the difficult questions which confront our beloved country are the turning of a new page of history and the opening of a brighter chapter of progress in the spiritual life of mankind.

We thank Thee for the character and service of our colleague whose spirit has entered into the eternal blessedness of Thy nearer presence. Grant unto the members of his family the consolation of Thy grace.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution, as follows:

S. RES. 309

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable THOMAS J. O'BRIEN, late a Representative from the State of Illinois.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now take a recess until 10 o'clock a.m. tomorrow.

The message also announced that the Presiding Officer, pursuant to Senate Resolution 309, had appointed Mr. DOUGLAS and Mr. DIRKSEN to join the committee appointed on the part of the House of Representatives to attend the funeral of the Honorable Thomas J. O'Brien, late a Representative from the State of Illinois.

THE LATE THOMAS J. O'BRIEN

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, for the information of the Members of the House, Mr. O'Brien will be waked at Gawlers on Wisconsin and Harrison Streets NW., this evening, and then will be taken to Chicago tomorrow morning. Any of the membership who wish to attend the wake may do so. Mrs. O'Brien will be here.

FLORIDA STATE ADVISORY COMMITTEE ON CIVIL RIGHTS RECOMMENDATION

Mr. SIKES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, no one argues there are not too many Federal agencies. I have voted against the creation of dozens of them. Now, I am ready to certify that there is at least one State commission too many. I note that the Florida State Advisory Committee on Civil Rights has recommended that the Department of Defense shut down Tyndall Air Force Base in my district if Panama City businesses refuse to serve Negro servicemen. Whatever the complaint or its merit, this drastic action would be a severely damaging blow to the economy of the area and would hurt both white and Negro personnel. It would help no one. It is a stupid recommendation.

I note that one member of the commission had the good judgment to object to the recommendation. I respectfully suggest that Governor Bryant fire the rest of them outright if it lies in his power to do so. Groups such as this have an opportunity for constructive service. It is most unfortunate when one of them resorts instead to meddling and troublemaking.

MISS RACHEL CARSON

Mr. ROSENTHAL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, it is with much sorrow that I learned of the death yesterday of Miss Rachel Carson, at her home in Silver Spring, Md.

Miss Carson, through her knowledge of science, and her ability to transmit that knowledge to the written page, made a major contribution to the welfare of the citizens of this country when she called attention to the dangerous and widespread use of pesticides and insecticides. As a result of her book, "The Silent Spring," published in 1962, she triggered public concern about the contamination of our world with lethal materials.

Although there was much criticism by some of what she had to say, her warnings were verified to a great extent by the report subsequently released by the President's Science Advisory Committee the following year.

Miss Carson created an awareness of the problems confronting us, and the dangers imminent in the overuse and misuse of pesticides and insecticides. Because of the information contained in her book, backed up by years of concentrated study of the problem of insecticides, investigations have been underway and legislation introduced to restrict and control the labeling and use of economic poisons, a first step in counteracting these dangers.

Through her dedication to and love of humanity and nature, Miss Carson has made a most valuable contribution to the American scene.

CONGRESSMAN FINO FIRST MEMBER OF CONGRESS TO PURCHASE A NEW HAMPSHIRE SWEEPSTAKES TICKET

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, I am happy to inform this House that I am the first Member of the U.S. Congress—at least the first to publicly admit it—that has bought a lottery ticket for New Hampshire's first sweepstakes.

I might add, it is not a cardinal sin to buy these tickets, because Cardinal Cushing of Boston has bought 10 of them.

I am certain that millions of Americans throughout the United States will buy the New Hampshire lottery tickets with the same interest and enthusiasm they have shown in purchasing Irish sweepstakes and other foreign-run lottery tickets.

New Hampshire is to be congratulated for being the first State to recognize and accept the fact that the Government's need for additional revenue should be tied together with the people's thirst for gambling.

The courage and wisdom displayed by New Hampshire in tapping the underworld's chief source of revenue will, I am certain, be followed by other States. As a matter of fact, California, Rhode Island, Florida, Maryland, and New Jersey have already expressed great interest in the revenue-producing features of a lottery. These States, and more to follow, are finding out that a Government-run lottery is an excellent source of supplementary revenue voluntarily paid in by a great number of American citizens who are thankful for an honestly run legal outlet for a basically harmless diversion.

Millions of Americans are asking: What could be a more felicitous governmental act than to cheat crime for tax cuts and a reduction in our national debt? Why should not we compete with the racketeers and shut off the flow of billions of dollars now siphoned off by the underworld crime syndicates?

A national lottery, run by the Government, can raise, painlessly and voluntarily, over $10 billion a year in new, much-needed revenue.

CALL OF THE HOUSE

Mr. MARTIN of Nebraska. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 112]

Ashley
Avery
Barrett
Bass
Bates
Battin
Blatnik
Brown, Calif.
Buckley
Burkhalter
Burleson
Chelf
Clark
Cohelan
Collier
Cramer
Dawson
Diggs
Dorn
Dowdy
Downing
Duncan
Edmondson
Elliott
Farbstein
Flynt
Frelinghuysen
Fulton, Pa.
Gathings
Giaimo
Gonzalez
Grabowski
Gray
Hall
Halpern
Hanna
Hansen
Hardy
Harvey, Ind.
Healey
Hébert
Hemphill
Hoffman
Holland
Huddleston
Johnson, Pa.
Jones, Ala.
Karth
Kee
Kluczynski
McLoskey
Martin, Calif.
Martin, Mass.
Miller, Calif.
Mills
Morrison
Nedzi
Pepper
Pilcher
Pirnie
Powell
Pucinski
Riehlman
Rivers, Alaska
Rivers, S.C.
Rooney, N.Y.
Rooney, Pa.
Ryan, Mich.
St. George
Senner
Sheppard
Siler
Sisk
Smith, Iowa
Stafford
Steed
Stubblefield
Talcott
Taylor
Trimble
Utt
White
Whitener
Wickersham
Widnall
Wilson, Charles H.
Winstead

The SPEAKER. On this rollcall, 342 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

OVERPRICED ELECTRONIC ITEMS

Mr. WILSON of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WILSON of Indiana. Mr. Speaker, I would like to call to the attention of the House the matter which I intend to discuss later this afternoon.

In my study of procurement of electronics, I find that the budget requests have overpriced items to the extent of $217 million. I have checked these items out item by item and I find the first 12 are overbudgeted by $12 million—running from 43 percent to 278 percent overpricing—averaging 100 percent overfunding. I have the dates this equipment was purchased and how much was paid for it.

I shall go into this in more detail in my 15-minute speech later this afternoon.

ECONOMIC BLOCKADE OF CUBA

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, statements have been made that the economic blockade of Cuba is not effective. If one takes the trouble to look at the facts, I think one will see that the policy of trying to isolate Cuba is an effective policy.

In the last month, March of this year, according to the latest Commerce Department reports, all free world nations except three—Britain, Lebanon, and Greece—abstained from shipping to Cuba during the month.

Unfortunately, Britain is still the major offender against our policy of trying to isolate Cuba by keeping allied shipping from carrying goods to that island. In fact, British shipping has been on the increase since October. Ten trips then were made to Cuba. In November 12 were made. In December there were 12. There were 15 in January. There was a low of seven in February. This has increased now to 17 in March.

Certainly if we will continue to pursue our policy of isolating Castro in this hemisphere with renewed vigor and let Britain know of the dissatisfaction of the American people with British aid to Castro's Cuba, we ought to be able effectively to isolate communism in this hemisphere.

The economic blockade is working.

THE CAMPAIGN AGAINST POVERTY

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, the campaign against poverty in our country has occupied the attention of the country for the past several weeks. Recently the gentleman from Missouri, Representative RICHARD BOLLING, delivered some clear and compelling thoughts on the matter in a speech he made in his home district of Kansas City, Mo. Under unanimous consent, I include his speech, which I commend for reading and analysis, in the RECORD:

TEXT OF REMARKS BY CONGRESSMAN RICHARD BOLLING AT GARRISON COMMUNITY CENTER

We live in the richest country history has ever known. We produce more food, more television sets, refrigerators, and automobiles than any other country in the world. Our Nation is laced with an incomparable highway system. We have opened the earth to bring forth minerals and raw materials for our mills and factories. Our forests stand tall and our rivers run deep.

If we turn to the world, proud of this America we have built, then we must also stand in shame in the knowledge that one family in every five in this Nation of plenty lives in dark poverty.

What is poverty? Anyone who is poor knows what poverty is. It is an empty breadbox; it is the "no help wanted" sign on the factory gate; it is the cardboard stuffed into your shoe to keep your foot off the ground; it is the questions in the eyes of your children; it is the bitter memory of yesterday and the despair for tomorrow.

There has always been poverty and there have always been the poor. It has been said that "God must love the poor because he made so many of them." In the past, God's love and a painless death was all the poor could hope for. If you were born poor—you stayed poor. This was a fact of life and for centuries nobody thought to ask why.

Today, we are asking why and, as we ask, some answers are revealed to us.

We know now that poverty is not a natural state. That if we have rich we need not have poor. If we have abundance, we need not have poverty. To have the well fed, we need not have the hungry. To discover these plain facts was the work of centuries. This knowledge has led to understanding.

Through the ages, the very rich have mistrusted the medium rich and they in turn looked down upon the middle classes. And they were all united in their war upon the poor.

Now we have called off the war against the poor and have declared an all-out war against poverty.

Let us take a look at the enemy—poverty. Poverty is that state in which a family does not have enough money to provide the basic necessities of life: adequate food, clothing, and shelter. It has been established that the minimum income needed to secure these things is $3,000 a year. This is, let me repeat, the absolute minimum.

One out of every five families in the United States has an income below that required for bare existence. Of these, nearly half have incomes of less than $2,000.

If that does not shock you, then imagine, if you will, trying to raise six children on a total income of $38 a week. More than 1 million children presently are being raised in such homes.

Now, just in case you feel that these figures represent the agricultural South or depressed areas of the industrial North or places and people far away, let me try to bring them a little closer to home.

In 1959, the last year for which figures are available, 1 family in every 10 in Kansas City had an income of less than $2,000 a year. This is about twice as good as the national average, but it is a figure that must be erased.

Now that we have declared war on poverty what weapons do we use? What ammunition? What battle plan?

The first weapons in this war were wheeled out a generation ago, when Franklin Delano Roosevelt took office. He found one-third of a nation ill fed, ill clothed, and ill housed, and he set out to do something about it.

His big guns rolled out of Congress under the label of "Social Legislation." There was the WPA and the PWA to put men to work. There was the CCC to take our youth off the streets; the Wagner Act to compel employers to bargain fairly; social security which held the promise of dignity in old age; unemployment compensation to take away the shame of the breadline, and a battalion of others.

At last we were on our way toward doing something about poverty.

Succeeding administrations continued to build dams against the floods of poverty. It was not always easy and very often the attempts failed but at least we knew where we were going.

Under President Kennedy, the Congress created a Manpower Development and Training Act to provide new skills for those that were not equipped to enter or stay in the labor market. And, the Area Redevelopment Act was passed to provide new life to communities whose mines had been worked out or whose industries had disappeared.

All of these things have helped in the battles against poverty. But they have been only battles. Now, we have declared total war.

President Johnson has asked Congress to create a law to be known as the Economic Opportunity Act of 1964. Such a law would provide education and job training for our young men in centers away from home. It would create massive retraining programs for young men and women and would allow them to earn while they learn. It would supply assistance to whole communities trying to "get rolling" again. It would work to bring prosperity back to the small farmer and his rural neighbors. It would make available loans to businesses which agree to hire the unemployed. It would aid small businessmen. It will, in short, strike at the heart of the poverty cancer that is eating away at the healthy body of America.

Legislation has already been proposed that would complement and support the President's request for an Opportunity Act. For example, the minimum wage law should be extended to millions who are not now covered and the minimum wage itself should be raised substantially. We desperately need aid to education at the elementary and high school level. There is pending a bill, to provide double pay for overtime, which we hope will discourage employers from scheduling overtime and cause them to put more people to work.

And, finally, there is a bill to provide medical care for the aged. The bill is a must. To be poor is a tragedy. To be poor and old is a living death.

You can see from this outline that we do, finally, have an idea of where we are going. There are many who do not want us to get there. But there are others for whom we must—one-fifth of a Nation.

For them, I turn to the 9th Psalm, 18th verse:

"For the needy shall not always be forgotten, nor the expectation of the poor perish forever."

SPECIAL ORDER TRANSFERRED

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent that the special order entered on my behalf for next Friday, April 17, 1964, may be transferred to Monday next, April 20, 1964.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. WHITE. Mr. Speaker, during the last quorum call I was at the Pentagon on official business and missed the last quorum call.

SUBCOMMITTEE ON POVERTY OF THE COMMITTEE ON EDUCATION AND LABOR

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from New York [Mr. POWELL], I ask unanimous consent that the Subcommittee on Poverty of the Committee on Education and Labor may be permitted to sit while the House in is session during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MARTIN of Nebraska. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

EXPRESSION OF SYMPATHY BY CHAMBER OF DEPUTIES OF PERU ON THE CATASTROPHE THAT STRUCK ALASKA

Mr. ALBERT. Mr. Speaker, I have before me a communication from Fernando Leon de Viero, President of the Chamber of Deputies of Peru, addressed to the Speaker of the House of Representatives, concerning the catastrophe in the State of Alaska.

I ask unanimous consent that I may extend this communication at this point in the RECORD, including the resolution of the Chamber of Deputies of Peru, together with the reply of the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

[Translation of Spanish]

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES,
His Excellency, the SPEAKER OF THE HOUSE OF REPRESENTATIVES, *Washington, D.C.:*

I have the honor to communicate to your Excellency the text of a resolution passed by this branch of our Parliament. "*Resolved*, The Chamber of Deputies of Peru expresses its most heartfelt condolences to the Congress of the United States of America on the catastrophe caused by the earthquake that struck the State of Alaska." In transmitting to the honorable House over which you preside the resolution adopted by the Deputies of Peru, I wish to present to your Excellency also my personal expressions of sympathy and the assurances of my highest and most distinguished consideration.

FERNANDO LEON DE VIERO,
President of the Chamber of Deputies of Peru.

APRIL 14, 1964.

Hon. FERNANDO LEON DE VIERO,
President, Chamber of Deputies of Peru,
Lima, Peru.

DEAR MR. PRESIDENT: From myself and the Members of the U.S. House of Representatives, I am most grateful to you and the Members of the Chamber of Deputies of Peru for the cablegram of sympathy sent to me in connection with the catastrophe that recently visited Alaska and the people of Alaska.

I will appreciate it if you will convey to the Members of the Chamber of Deputies the sincere thanks of myself as Speaker and of the Members of the U.S. House of Representatives.

With my expressions of respect and esteem to you and the Members of the Chamber of Deputies of Peru, I am,

Sincerely yours,

______ ______,
Speaker.

APPOINTMENT OF MESSENGER TO THE SPEAKER'S ROOMS

Mr. ALBERT. Mr. Speaker, I offer a resolution (H. Res. 685) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker is hereby authorized to appoint a Messenger to the Speaker's rooms at the basic salary rate of $2,100, to be paid out of the contingent fund of the House until otherwise provided by law.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUBCOMMITTEE ON POVERTY OF THE COMMITTEE ON EDUCATION AND LABOR

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from California.

Mr. ROOSEVELT. Mr. Speaker, I asked the gentleman to yield in order that I might appeal to the gentleman from Nebraska [Mr. MARTIN] to withdraw his objection to the meeting this afternoon of the ad hoc Subcommittee on Poverty. I point out to the gentleman that the mayor of Chicago, the mayor of St. Louis, and the mayor of Syracuse are all sitting in the committee room. They have all come great distances. It seems to me that out of courtesy to these distinguished Americans and busy public officials, perhaps the gentleman will be willing to reconsider his objection.

Mr. MARTIN of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman.

Mr. MARTIN of Nebraska. I believe if the committee had properly scheduled these witnesses, instead of trying to crowd so many into one morning's hearings, this situation would not have existed as it does at the present time. Therefore, I must still object to the request.

Mr. ROOSEVELT. May I say that, of course, I regret the gentleman's decision.

U.S. NAVY'S SUBMARINE SERVICE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PATTEN. Mr. Speaker, as we observe the 64th birthday of the U.S. Navy's submarine service, I would like to cite the role that Perth Amboy, N.J., played in the Nation's first submarine torpedo boat put into use.

John P. Holland determined to build his own submarine at his company's expense and named it the *Holland*. The hull was laid in Elizabeth, N.J., by Lewis Nixon and brought to Perth Amboy, N.J., my hometown, and there it received its equipment of machinery and had its first trial trips to prepare it for the strict Government tests which it was later to undergo.

My father worked on the Lehigh Valley docks and saw these trial trips.

The *Holland* was officially tested on St. Patrick's Day, March 17, 1898, and was the first really practical and reliable submarine. The Navy purchased it for $150,000 and took possession on April 18, 1900.

PERSONAL EXPLANATION

Mr. RYAN of Michigan. Mr. Speaker, I was absent during the last quorum call. I came 3 minutes late. I wish the RECORD to show that I was on official business at the time.

ADDITIONAL TRAVEL AUTHORITY FOR THE COMMITTEE ON THE JUDICIARY

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 606, with a committee amendment, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That, for the purposes of investigations and studies specified in clauses (1), (5), and (7), of H. Res. 36, Eighty-eighth Congress, approved by the House of Representatives on January 31, 1963, the Committee on the Judiciary, acting as a whole or by subcommittee, is authorized to sit and act during the present Congress at such times and places, within or without the United States, whether the House has recessed, or has adjourned, and to hold such hearings as it deems necessary: *Provided*, That the committee shall not undertake any investigation of any subject which is being investigated by any other committee of the House: *Provided further*, That any and all provisions of H. Res. 36, Eighty-eighth Congress, relative to the utilization of local currencies owned by the United States, limitations of the use thereof and reporting on such use of funds authorized to be spent shall remain in full force and effect for the purposes of this resolution.

With the following committee amendment:

Strike out all after the word "*Resolved*," on page 1, line 1, and insert the following language: "That, for the purposes of the studies specified in class (1) of H. Res. 36, Eighty-eighth Congress, approved by the House of Representatives on January 31, 1963, the Committee on the Judiciary is hereby authorized to send, during the month of May 1964, six of its members and two of its employees to Europe, including Geneva, Switzerland, to attend the twenty-fourth session of the Executive Committee and the twenty-first session of the Council of the Intergovernmental Committee for European Migration. The subcommittee is authorized to sit and act whether the House has recessed or has adjourned, and to hold such hearings as it deems necessary: *Provided*, That the subcommittee shall not undertake any investigation of any subject which is being investigated by any other committee of the House.

Notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the Committee on the Judiciary of the House of Representatives and employees engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided*, (1) That no member or employee of said committee shall receive or expend local currencies for subsistence an amount in excess of the maximum per diem rates approved for overseas travel as set forth in the Standardized Government Travel Regulations, as revised and amended by the Bureau of the Budget; (2) that no member or employee of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee or its employees in any country where counterpart funds are available for this purpose.

That each member or employee of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

Mr. SMITH of Virginia. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia to the committee amendment: Strike out the words in the amendment "during the month of May 1964".

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMPLIANCE WITH CONVENTION ON THE CHAMIZAL

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 675 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2394) to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH]; pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 675 provides for consideration of S. 2394, a bill to facilitate compliance with the Convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes. The resolution provides an open rule with 2 hours of general debate.

The Convention on the Chamizal was approved by the Senate on December 17, 1963, and the treaty entered into force on January 14, 1964. The convention will settle a longstanding boundary dispute between the United States and Mexico concerning the Chamizal, an area of land situated to the north of the Rio Grande, in the El Paso, Texas-Ciudad Juarez, Chihuahua, region.

The principal objective of S. 2394 is to implement the Convention on the Chamizal by authorizing appropriations to enable the acquisition of lands to be transferred to Mexico and to make possible the relocation of the channel of the Rio Grande and other required relocations. The bill would also authorize special compensation to avoid economic injury to property owners and tenants affected by the Chamizal settlement and would provide for the relocation and expansion of port-of-entry facilities.

S. 2394 would authorize an appropriation of $44.9 million to accomplish its purposes.

Mr. Speaker, I urge the adoption of House Resolution 675.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just prior to the calling up of the matter now under consideration, the House passed House Resolution 606. I would like to state, in view of the fact that we did not have much discussion on that resolution, and for the benefit of several Members who have inquired of me about it, this is the usual type resolution to permit six members of the Committee on the Judiciary and two employees to go to Geneva to attend the 21st session of the Intergovernmental Committee for European Migration—ICEM—which was fathered and the constitution written by our esteemed late Member, the gentleman from Pennsylvania, Mr. Walter.

Mr. Speaker, the provisions of this resolution are entirely in keeping with the rules and regulations of the House of Representatives which we set up here a year or so ago.

Mr. Speaker, in connection with the matter now under consideration at this time, S. 2394, House Resolution 675 provides for an open rule and 2 hours of debate for the consideration of this measure, which is the measure to comply with the Convention on the Chamizal.

Mr. Speaker, I understand it was unanimously reported by the Committee on Foreign Affairs, and as set forth on page 2 of the report its objective is as follows:

> The principal objective of S. 2394 is to implement the Convention on the Chamizal by authorizing appropriations to enable the acquisition of lands to be transferred to Mexico and to make possible the relocation of the channel of the Rio Grande and other required relocations. The bill would also authorize special compensation to avoid economic injury to property owners and tenants affected by the Chamizal settlement and would provide for the relocation and expansion of port-of-entry facilities.

Mr. Speaker, one member of the Committee on Rules inquired about this particular language. It was brought out that, perhaps, this is the first time we are actually providing for loss of business where we condemn property by eminent domain, but this procedure has been worked out by the Convention and I suppose that is the action to take.

Mr. Speaker, the provisions of this bill will cost $44.9 million, according to the estimated authorization which will be provided for in this particular bill.

Mr. Speaker, I know of no objection to the rule.

Mr. Speaker, I have no further requests for time, but I do reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMPLIANCE WITH CONVENTION ON THE CHAMIZAL

Mr. SELDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2394) to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 2394, with Mr. O'HARA of Michigan in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from Alabama [Mr. SELDEN] will be recognized for 1 hour and the gentleman from California [Mr. MAILLIARD] will be recognized for 1 hour.

The Chair recognizes the gentleman from Alabama.

Mr. SELDEN. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I rise in support of S. 2394, a bill to implement and give effect to the provisions of the Chamizal Treaty with Mexico which entered into force on January 14 of this year. This treaty settles a boundary dispute with our great and friendly neighbor to the south, which dates back nearly a hundred years. It marks a fair and just settlement for both our countries, and one which should have been made a half century ago.

The Chamizal Convention was signed at Mexico City August 29, 1963, by representatives of our two countries. The U.S. Senate, by a vote of 79 to 1, approved the treaty on December 17, 1963, with the Mexican Senate voting approval 10 days later; and the treaty went into force on January 14, 1964. The Senate Foreign Relations Committee, after holding 2 days of hearings on the bill before us, reported it unanimously, and it passed the Senate without objection on February 7. The House Foreign Affairs Subcommittee on Inter-American Affairs held hearings on February 26 and 27, during which supporting testimony was received from Assistant Secretary of State Thomas C. Mann; Joseph F. Friedkin, U.S. Commissioner, International Boundary and Water Commission, United States and Mexico; and Robert M. Sayre, Director, Office of Mexican Affairs, Department of State. The subcommittee also heard testimony urging approval of the bill from the Honorable ED FOREMAN, of Texas, in whose district the area is located. The bill was reported to the full committee unanimously and subsequently ordered reported to the House by a vote of 17 to 1.

Under the Treaty of Guadalupe Hidalgo entered into with Mexico in 1848, our international boundary was established as the middle of the deepest channel of the Rio Grande. In the Chamizal area, which is in the El Paso-Ciudad Juarez region, the river gradually shifted southward, more rapidly during floods, and before the turn of the century had moved so far south that a good many hundred acres had accreted to the American side.

Mexico claimed this land and by 1910 both our nations agreed to arbitrate the question and bound ourselves by treaty to accept an arbitral award. We rejected the award when it was rendered, a year later, partially in favor of Mexico, and this area awarded to Mexico has remained a source of irritation and friction between our countries ever since.

Although both countries continued efforts to reach a solution, it was not until 1962, when President Kennedy and President Lopez Mateos instructed their respective executive agencies to recommend a complete solution, that agreement proved possible and resulted in the Chamizal Treaty. The settlement reached in the treaty generally carries out the 1911 award in today's circumstances. There will be a relocation of the channel of the Rio Grande and exchanges of land in the area. The United States will receive 193.16 acres north of the relocated channel and there will be a net transfer to Mexico of 437.18 acres.

The transfers of land provided for in the Chamizal Treaty are by no means unprecedented. Actually, such transfers have been made with Mexico for many years because of the meandering nature of the river. In 1905 and again in 1933, we entered into treaties with Mexico for the rectification of the river and stabilization of the boundary in this and other areas. Under the 1905 treaty alone some 10,000 acres, formerly on the United States side, were transferred to Mexico and nearly 18,000 acres, formerly on the Mexican side, passed to the United States. Approval of the Chamizal Treaty eliminates the last two detached tracts claimed by Mexico in the El Paso-Juarez Valley, and makes it possible to complete the rectification and stabilization project begun many years ago.

To implement the Chamizal Treaty, the present bill is necessary. Its prompt passage is essential, for in the transfer of acreage to Mexico some 5,000 property owners, businessmen, and tenants will be dispossessed and they will have to relocate in other parts of El Paso. The bill authorizes an appropriation of $44.9 million which will be needed to pay for the land to be acquired for transfer to Mexico, to pay the U.S. share of the cost of relocating the river channel, to relocate railroad tracks, public facilities and to provide compensation to avoid injury to property owners and tenants. Until this bill passes it will not be possible to permit families and businesses which must be evacuated under the treaty to obtain resettlement funds and to move into new areas and make the adjustments necessary.

The net cost to the United States is somewhat less than the $44.9 million authorized in the bill, for the United States will receive a payment of $4.7 million from a Mexico bank for the value of structures which pass intact on the lands transferred to Mexico. It is also estimated that the market value of the 193.18 acres of land which will be transferred to the United States will be $6 million.

American properties to be acquired comprise the net 437.18 acres to be transferred to Mexico, plus 193.16 acres to be exchanged for an equal area from Mexico, making a total of 630.34 acres to pass to Mexico, plus 140 acres needed for rights-of-way for a portion of the new river channel and adjoining levee in the territory of the United States; and for relocation of communication and other utilities, and public works in the area. These include Federal port-of-entry inspection facilities, making an overall estimated total of 770 acres to be acquired by the United States from the present owners.

The settlement is designed to exclude as much highly developed land as practical, and to inconvenience as few people as possible. About one-third of the total area to be acquired consists of agricultural lands, stockyards, and vacant lands. There are about 843 improvements of various types, railroad trackage, utilities, and Government border inspection facilities involved, as well as about 500 family dwellings, 90 "shelters" and 21 tenement, or low-cost apartment buildings. There are 130 commercial properties in the area, as well as nearly 9 miles of railroad tracks which will have to be relocated. In addition, there will have to be acquired El Paso city properties consisting of a modern grammar school, part of the grounds of a high school, and some of the lands of El Paso's main sewage treatment plant and garbage disposal facilities. Several Federal buildings and approximately a half mile of a Federal irrigation canal will have to be replaced. Six bridges are involved, and the treaty specifically provides that their replacement costs shall be borne equally by the United States and Mexico.

The bill before us is designed to show every reasonable consideration for those occupants of the territory to be transferred who must be evacuated from their homes and businesses. Compensation is authorized over and above market values in order to prevent serious economic injury to owners and tenants who will be dispossessed. Reimbursement is authorized for actual moving expenses and related losses and damages incurred by them in an amount not to exceed 25 percent of the fair value of the properties. This is the same authority as granted by law to the Department of the Army and the Department of the Interior.

For many property owners, market value plus moving expenses should prevent serious loss. Most, if not all, of those renting houses and tenements in the affected area will be able to find similar vacant housing. About 80 percent will incur no serious problem. However, for about 20 percent of the homes, those that are substandard shelters, there are no comparable homes in El Paso to which they could move. The market value they would receive would be insufficient for them to reestablish themselves and they would be homeless. Preliminary studies show their market value with the land is some $2,000 to $3,000 and the nearest minimum replacement of equivalent utility is somewhere in the order of $4,000 to $6,000.

Certain industries and commercial firms will be hurt because there is no market and there are no comparables where they can go. They would be unable to reestablish themselves under the general formula of market value without loss. Actually, the existing uncertainty has already been causing serious losses, in rentals, for example, for people do not want to move into places where they know they will have to move out in the near future. These losses would be minimized under the bill. Compensation is provided for certain categories of identifiable, reasonable, and satisfactorily proved costs and losses to owners and tenants over and above those related to moving expenses. A board of examiners would be created, consisting of men with experience in the fields of law, real estate, or business, to hold hearings, examine evidence and consider and determine claims for such losses. An owner of a nonconforming abode or minimum form of shelter for which there are no comparable properties on the market in El Paso, may be compensated up to an amount which, when added to the market values allowed for his property, including land values, would enable him to purchase minimum habitable housing of similar utility in another residential section of El Paso. This Board would be appointed by the U.S. Commissioner, International Boundary and Water Commission. Because their appointments would be temporary and of short duration, they would be exempted from the provisions of the civil service laws and the Classification Act. I am informed by the Chairman of the Civil Service Commission that the Commission has no objection to this provision of the bill.

These provisions to prevent and minimize loss to those who will be dispossessed are a most important part of the bill, and reflect the earnest desire to effectuate a settlement that will be as fair as possible to all concerned. Through this settlement many benefits will accrue to the El Paso area, including better flood control and the improvement of traffic circulation. Titles of land in the Chamizal zone remaining in the United States will be clarified.

Mr. Chairman, prompt passage of this bill is required to implement the obligation we incurred in approving the Chamizal Treaty, and one which we really should have discharged, in justice to Mexico, a half century ago. My work on the Foreign Affairs Committee has brought me into close contact with many officials of our great neighbor to the south. I have come to know, to like, and to admire the Mexican people. In spite of disagreements we have had in the past, such as the Chamizal dispute, recent years have seen a growth of better understanding and a steady increase in mutual respect and friendship between our peoples. We share a great deal in common, including our national aspirations and ideals of democracy and independence.

For over half a century, ever since the United States rejected the award in 1911, people have lived and worked in the Chamizal, with no reason to anticipate that ultimately they would have to move, for most of the U.S. discussions with Mexico on the Chamizal were on a confidential basis. Our negotiating position would have been jeopardized if our Government had made general and periodic warnings over the years to the people in the Chamizal. Under these circumstances, the people in El Paso proceeded on the not unnatural assumption that they would not be disturbed. These circumstances are so unusual that I believe they warrant every reasonable effort to see that the people in the Chamizal suffer no injury because the Federal Government has finally been able to resolve this problem with Mexico. Delay in providing the settlement called for in this bill can only be detrimental to our own interests and needlessly increase hardship and cost to the individuals concerned.

Passage of this legislation is required in justice to the Americans in the area as well as in our own national honor. Prompt enactment will also help cement even more firmly the bonds of friendship that unite us with Mexico. I urge the immediate passage of this bill.

Mr. MAILLIARD. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I join my colleague from Alabama in support of S. 2394, a bill to facilitate compliance with the convention between the United States of America and the United Mexican States for the solution of the problem of the Chamizal, signed at Mexico City on August 29, 1963.

The Convention on the Chamizal was approved by the Senate on December 17, 1963. The treaty entered into force on January 14, 1964. The convention will settle a longstanding boundary dispute between the United States and Mexico concerning the Chamizal, an area of land situated to the north of the Rio Grande, in the El Paso, Texas-Ciudad Juarez, Chihuahua, region.

The Treaty of Guadalupe Hidalgo in 1848 established the Rio Grande as the boundary between the United States and Mexico. The two Governments, through appointed Commissioners, surveyed the boundary in 1852. In 1910, after decades of dispute over the boundary, because of the shifting southward of the rival channel, the United States and Mexico agreed in a treaty to arbitrate the question of sovereignty over a tract of land in El Paso, Tex., of approximately 600 acres known as the Chamizal. This tract accreted to the United States after 1852 by the southward movement of the Rio Grande. The treaty provided that the decision of the majority of the International Arbitral Commission was to be final and conclusive on both Governments and without appeal. The majority decision awarded to Mexico the part of the Chamizal tract south of the channel of the Rio Grande before the great flood in 1864. The United States did not accept the award, but at once proposed that the two Governments endeavor to settle their differences through a new convention, and look toward a settlement on the basis of mutual accommodation and convenience. This has been the consistent bipartisan policy of the United States ever since. The history of the Chamizal dispute since 1911 has been a history of continual attempts to conclude a settlement. The two Governments exchanged ratifications on January 14, 1964, of a convention providing for such a settlement, and the bill S. 2394 implements that convention.

The preamble of the convention notes the desire of the two countries to arrive at a complete solution to the Chamizal problem and to give effect to the 1911 arbitration award in today's circumstances, and in keeping with the June 30, 1962 joint communique of Presidents Kennedy and Lopez Mateos. Some of the important aspects of this legislation are:

In the El Paso-Juarez sector the Rio Grande will be relocated in a new channel in accordance with an engineering plan recommended by the International Boundary and Water Commission, United States and Mexico, attached to and forming a part of the convention.

This alinement will transfer from the United States to the Mexican side of the river 823.50 acres. There would be a net transfer to Mexico of 437.18 acres representing the acreage now accepted by both Governments as that awarded to Mexico in 1911.

The centerline of the new river channel is the international boundary, each Government thereby renouncing any claim to territory on the opposite side of the relocated channel.

The lands transferred from one jurisdiction to another shall be free of any private titles or encumbrances, and recognizes that no payments are being made by one Government to the other for any of the lands transferred.

The Federal Government of the United States shall receive payment for the estimated value to Mexico of the structures passing intact to Mexico from a specified Mexican banking institution. This payment is to be made before the lands are transferred to Mexico, and the two Governments have agreed by an exchange of notes to accept $4,676,000 as the value to Mexico of these structures.

The two Governments are obligated to share equally the costs of constructing the new river channel, except that each Government must bear the costs of the structures or improvements which, in relocating the river channel, must be destroyed on the territory under its jurisdiction prior to relocation of the boundary. The equal division is based on the assumption that the two countries benefit equally from the maintenance of the river as the boundary.

The relocation of the boundary shall not affect in any way the citizenship status of present or former residents of the areas being transferred from one country to the other, jurisdiction over legal proceedings pending at the time of transfer or earlier decided, jurisdiction over acts or omissions have to do with these areas prior to their transfer or the law or laws applicable to these acts or omissions.

The U.S. properties to be acquired to carry out the convention comprise the net 437.18 acres to be transferred to Mexico plus 193.16 acres to pass to Mexico, plus about 140 acres needed for rights-of-way for that portion of the new river channel and adjoining levee in the territory of the United States; and for relocation of communication facilities and public works in the area, including Federal port of entry inspection facilities, making an overall total of 770 acres to be acquired.

Agricultural lands, stockyards, and vacant lands make up about one-third of the total area. About 4,500 people reside in the affected area. There are about 843 improvements of various types, railroad trackage, utilities, and Government border inspection facilities in this area.

Included in the improvements are about 500 family dwellings, mostly of 4 to 6 rooms, of modest construction and having market values ranging for the most part between $6,000 and $10,000 with a few as high as $12,000. In addition there are 90 shelters, generally of 2 to 3 rooms which are substandard dwellings of poor construction and without sanitary plumbing facilities. There are also 21 tenement—low-cost apartment—buildings, containing 301 1- to 3-room units.

Within the area to be acquired are 130 commercial properties. These include 37 large buildings among which are a major meatpacking establishment, the main customs and immigration inspection building leased from private owners, large supply warehouses, chemical plants, and other commercial and industrial establishments. About 8.9 miles of railroad tracks are situated in the affected area and will have to be relocated.

Further, there will have to be acquired, and reimbursement or replacement made for, El Paso city properties consisting of a modern grammar school, a portion of the grounds of a high school, a portion of the lands of the city's main sewage treatment plant, garbage disposal facilities, and utilities in the affected area. There will have to be replaced several Federal buildings, and about one-half mile of a Federal irrigation canal.

The convention provides that a Mexican bank will pay the United States the sum of $4.7 million for the value of the improvements passing intact on the lands transferred to Mexico.

Relocation of the river pursuant to the convention will involve the construction of a new channel 4.3 miles in length, which will be concrete lined to minimize right-of-way requirements, provide an efficient waterway, and firmly fix the international boundary line. The construction of new bridges to replace the six existing bridges over the river will involve relocation costs. The convention provides that this work be performed jointly with Mexico with the costs shared equally between the two Governments.

In connection with relocation of the railroads, the school properties, and other public facilities, the bill would authorize the U.S. Commissioner to perform any and all work involved; to enter into contracts with the property owners for the acquisition of properties and performance of work as with the railroad companies; and to convey or exchange properties acquired or improved by the United States.

The bill would authorize the U.S. Commissioner to operate and maintain, as well as construct the works provided for in the convention and in the bill, and to turn over to any Federal agency, or any State, county, or other political subdivision, such works as the Commissioner may deem appropriate.

The settlement is fair to the United States. The United States would in effect implement the award as it obligated itself to do in the 1910 arbitral convention.

The new line also seems to be fair to the Government of Mexico. While it does not receive all the awarded area from the Chamizal Zone, it receives all the area in one cut from the city of El Paso. It does not receive all the acreage that has at times been claimed, but it does receive the amount awarded to Mexico, so far as engineers of both countries could reasonably determine based on the best data available.

In addition to removing a very real cause of irritation in relations between the two countries, the settlement offers advantages to El Paso, to Texas, and to our whole country.

The people of El Paso will now know where the boundary is going to be, and titles to the lands in the Chamizal zone remaining in the United States will be clarified.

The channelized river itself will present an aspect of orderliness and beauty that should enhance the nearby area.

The development of El Paso, especially so far as traffic circulation and the location of public utilities are concerned, will be improved with the incorporation into El Paso of a part of Mexico's Cordova Island.

Settlement of the dispute will at last permit execution of international flood control measures indispensable for the proper protection of this rapidly growing city.

The international bridges at El Paso are to be replaced with structures in fuller harmony with the needs of the over 600,000 people who live in the El Paso-Ciudad Juarez area.

Amiable relations with Mexico and economic and political stability and growth in Mexico are of paramount importance to Texas and indeed to my own State of California.

For the country as a whole, the Chamizal dispute as an emotional issue in Mexico, which distorts what otherwise might be a favorable view of the United States, would be resolved.

I hope this bill will receive your support.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield for a question?

Mr. MAILLIARD. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. If I correctly understand the bill, the United States is to buy American-owned property and to deliver it over to Mexico. Is Mexico going to buy Mexican property and deliver it over to the United States?

Mr. MAILLIARD. The Mexican Government, through a specified bank in Mexico, will repay the United States for the improvements that it receives on the land that is transferred to it.

Mr. HUTCHINSON. The land will be delivered to the United States, presumably with some improvements on it. Will the United States then resell the land to private owners?

Mr. MAILLIARD. I believe the land which will be transferred from Mexico to the United States is intended to be used for public purposes for the most part.

Mr. FOREMAN. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Texas, in whose district this is located.

Mr. FOREMAN. To answer the gentleman's question further, the Mexican land which is coming to the United States is unimproved land. It is clear. It has no buildings and no improvements whatsoever on it. It is now owned by the Mexican Government. The title to that land will go to the U.S. Government.

Mr. HUTCHINSON. On the other side, however, the land going to Mexico includes some land that has been improved?

Mr. MAILLIARD. That is correct.

Mr. HUTCHINSON. This will go to the Mexican Government. Is it expected that the Mexican Government will resell this property to private owners?

Mr. MAILLIARD. I do not know what the Mexican Government might intend to do. There is a provision that the United States shall be reimbursed for the value of those improvements. When the Mexican Government gets title, I do not believe we would concern ourselves particularly as to for what it might be used.

Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. FOREMAN].

Mr. FOREMAN. Mr. Chairman, I am pleased indeed to speak in regard to this bill today. I have the privilege of representing Texas' 16th District, a broad, 42,000-square-mile area with over 600,000 residents, which includes the International Sun City of El Paso, Tex., the city which we are talking about today. El Paso is truly an impressive front-door entrance to the United States from Mexico and Central and South America. It is an old city and yet a new city with spirit, color, new ideas, and growth. It is an industrial city, the business hub of a growing Southwest. As I am sure you understand, our city and its citizens will be disrupted by the readjustments necessary in the Chamizal Treaty settlement. As you are aware, the city and county will experience a considerable financial loss in taxable property, but the citizens have gracefully and honorably accepted the reality of these losses and the inconveniences to which they will be subjected in order to carry out the Chamizal Convention agreement with our good neighbor, Mexico. The question here today is not whether or not we are going to go through with this treaty and settlement and turn the land over to Mexico; rather, the question today is whether or not we are going to reimburse the people who are being taken from their property or being displaced by the treaty which has already been agreed to and accepted by the other body.

I appear before you today to endorse this bill, S. 2394, to insure a prompt and just settlement and compensation to our people and the city of El Paso. Of utmost importance and concern to me, and I am sure to all of the Members of Congress, is an adequate, fair compensation to those folks who are directly affected by this settlement—those who must give up their homes and their businesses and move to new locations. This is an important, personal, and human consideration that must be properly and adequately settled.

Mr. MARTIN of Nebraska. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-three Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 113]

Arends
Ashley
Avery
Barrett
Barry
Bass
Bates
Battin
Blatnik
Bolling
Buckley
Burkhalter
Burleson
Casey
Chelf
Clark
Cohelan
Collier
Cramer
Daddario
Davis, Tenn.
Dawson
Diggs
Dorn
Dowdy
Downing
Duncan
Dwyer
Edmondson
Elliott
Evins
Flynt
Fogarty
Fulton, Pa.
Giaimo
Gibbons
Gonzalez
Grabowski
Gray
Hall
Hanna
Hansen
Hardy
Harvey, Ind.
Hébert
Hemphill
Herlong
Hoffman
Huddleston
Johnson, Pa.
Jones, Ala.
Karth
Kee
King, Calif.
Kirwan
Kluczynski
Knox
Leggett
McLoskey
Madden
Martin, Mass.
Moorhead
Morrison
Nedzi
Pepper
Perkins
Pilcher
Pirnie
Powell
Rains
Riehlman
Rivers, S.C.
Rogers, Tex.
St. George
Schwengel
Sheppard
Sibal
Sisk
Smith, Calif.
Smith, Iowa
Stafford
Steed
Stubblefield
Talcott
Teague, Calif.
Thomas
Ullman
Utt
Whitener
Wickersham
Widnall
Wilson, Charles H.
Winstead

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. ALBERT] having assumed the chair, Mr. O'HARA of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill S. 2394, and finding itself without a quorum, he had directed the roll to be called when 336 Members answered to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Texas [Mr. FOREMAN] had 8 minutes remaining.

The gentleman from Texas is recognized.

Mr. FOREMAN. Mr. Chairman, to proceed with the discussion concerning this bill which is before us today as it affects the city of El Paso, which I have the privilege of representing. I am sure the Members of this body understand, our city and its citizens will be disrupted by the adjustments necessary in the Chamizal Treaty settlement. But the citizens have gracefully and honorably accepted the reality of these losses and inconvenience to which they will be subjected in order to carry out the Chamizal Convention agreement with our neighbor to the South—Mexico.

I appear before you today to endorse this bill, S. 2394, to insure prompt and just settlement and compensation to our people in the city of El Paso. Of the utmost importance and concern to me, and I am sure to all the Members of the Congress, is an adequate and fair compensation to those folks who are directly affected by this settlement, those who must give up their homes and their businesses and move to new locations.

Section 3 of this bill is well written and explanatory testimony given in the committee hearings by Commissioner Joseph Friedkin as to the extent and determination of payment to those people of fair and just resettlement costs and expenses for their inconvenience and losses is well stated and I call it to the attention of the Members of the House.

I strongly endorse this, as perhaps the most important personal and human section of this bill.

In addition to the provisions included in this bill, there are three other very important considerations which I believe should be discussed and explained as a part of the overall settlement provisions of this program. These items were discussed quite thoroughly before the House Foreign Affairs Committee and the Senate Foreign Relations Committee during the hearings on the Chamizal Convention and during the meetings held by former Ambassador Thomas Mann and Commissioner Joseph Friedkin with the folks of El Paso.

I will touch on these briefly.

First is a border highway along the new river location. This is to provide the needed south loop main artery for traffic around the city in connection with the Federal and State highway system, which loop has not been possible because of the Chamizal dispute. It is needed to replace two of the streets in the downtown section of El Paso which will be lost by the settlement, to improve border patrol and control measures, and to improve and beautify the strip along the U.S. bank of the new river channel and boundary location, and as a part of the coordinated plan with Mexico for a similar highway on its bank of the new channel.

The second item is the Federal irrigation canal relocation and improvement, which has long been needed but not possible because of the Chamizal dispute. This canal should be placed underground in order to protect against further loss of life and unsanitary conditions in the old canal, built in 1915. This improvement is needed to assure full use of the United States of waters reserved to this country by the 1906 Water Treaty.

The third item is a National Monument Park on the 193 acres of land which pass to the United States from Mexico on a strip of land along the new channel, as a permanent monument and cultural center to commemorate the peace and good will reflected by the Chamizal settlement in this historic "Pass to the North," and to match the similar border improvement program on the Mexican side.

Mr. Chairman, it was my opinion and recommendation to the committee that it would be advisable, indeed, to include these three important considerations, so necessary to implement the full intent of this treaty and to keep faith with our El Paso citizens, in the original enabling legislation. It would have saved us much time and expense to have considered, and to have implemented, this complete settlement agreement and understanding in one bill instead of a series of piecemeal bills. However, it was the opinion of members of the various committees that in order to expedite this settlement, this bill should be approved as is, and the other considerations be handled by a single, separate bill. I mention this only in view of the additional legislation which will be introduced in this regard.

I might add that I had intended today to offer an amendment to this legislation to provide sufficient funds to reimburse the city of El Paso for the expenses that it has been out, and will be put to in the future, in connection with engineering surveys and planning on this involved urban program, including revision, redesign, and reconstruction of the sewerage disposal system of the city of El Paso. This is necessary because part of the present disposal plant site is to be transferred to Mexico.

Also involved is a relocation of schools and school services, involving 1,700 children.

We must plan for the rerouting of railroad trackage, together with removal and relocation of railway facilities now existing on land to be transferred to Mexico.

We must find acceptable locations for cattle yards similarly located.

There are many other problems and expensive planning considerations which have confronted, and will be confronting, our El Paso city planning department.

It has been the consensus that this simple amendment to the enabling legislation would be the most direct means of handling this additional expense, which will amount to approximately $200,000, with which the city of El Paso and county of El Paso have been faced.

I do not intend to offer this amendment on this particular piece of legislation today, because after consultations with the chairmen of the Foreign Affairs Subcommittee and full committee, and the chairman of the Foreign Relations Committee in the other body, I have been assured we will have additional legislation expedited concerning this problem, and it can be included at a later time.

Also, the bill we have before us for consideration today is identical to the bill which was approved by the Senate, and any amendment to this bill would cause undue and unnecessary delay because of the business being considered in the other body.

In view of these facts and in view of the fact that there are other means by which this can be accomplished, including a proposed amendment to the Housing Act of 1954, I do not intend to offer an amendment today. Rather, I endorse the legislation, S. 2394, and urge its passage as is.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. FOREMAN. I will be delighted to yield.

Mr. HOSMER. What is the situation where there is a property owner either with a house or commercial property who wants to retain it or possibly who wants to move to Mexico or go behind the Mexican border? Does everybody have to get out?

Mr. FOREMAN. Under the provisions of the treaty, this will be declared eminent domain and acquired by the U.S. Federal Government and turned over to the Mexican Federal Government.

Mr. HOSMER. In other words, there is no choice on the part of the individual?

Mr. FOREMAN. That is right. There is no choice under the treaty provisions as agreed to.

Mr. HOSMER. I thank the gentleman.

Mr. MAILLIARD. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Mr. Chairman, I am happy to give my support to S. 2394, a bill to implement and give effect to the provisions of the Chamizal Treaty with Mexico, and to urge that my colleagues in this body also vote for its passage.

The treaty and this bill that will carry out the terms of that treaty are, in my judgment, long overdue. Our country has always taken pride in its compliance with international awards made pursuant to agreements freely entered into by the parties. We have urged a similar standard of conduct for others. The arbitral award of 1911 that should have resolved the Chamizal issue between Mexico and the United States unfortunately was rejected by us because it included some findings favorable to Mexico. Thus, this matter has continued unresolved for more than a half century. Compared with the magnitude of other world issues, perhaps the Chamizal matter does not loom very large nor may it seem as important as others. That does not absolve us from the responsibility of dealing with it.

It has been my privilege to serve as a member of the U.S. delegation to several sessions of the Mexico-United States Interparliamentary Group. From the frank discussions that we have had with the Mexican parliamentarians, I know that it has been an irritant in the development of better relations between the two countries.

If this bill seems unusual in its terms, it is because it deals with a situation that is unusual in its nature; namely, the transfer of land occupied by, and long regarded as part of, the United States, and the consequent displacement of enterprises and individuals who will have to be reestablished in the United States. Some may shudder at the thought. On the contrary, I congratulate the draftsmen of the treaty, of the bill, and those who conducted the hearings accompanying the bill, for their meticulous attention to detail that will minimize the hardships attendant upon the reestablishment of these individuals in the United States. My colleague, the chairman of our Subcommittee on Inter-American Affairs, has described fully and clearly the terms of this bill. I endorse his analysis. For those who seek more detailed information, I commend to them the hearings of our committee. The members of the Texas delegation—whose State is directly affected by this bill—endorse it. In my judgment, the weight of all the evidence before us warrants favorable action.

Mr. MAILLAIRD. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I am well aware of the fact that a treaty has been entered into as between the United States and the Government of Mexico with respect to the Chamizal area in El Paso, Tex. I have no desire to take the full 5 minutes, but I cannot support this bill at this time, and for these reasons: First of all, the President of the United States and the President of Mexico met in El Paso, Tex., not too long ago. Within a period of hours after that meeting the Government of Mexico through one of its top officials said in effect that it would not make any difference what action the Organization of American States took with respect to Castro and Cuba by way of sanctions or penalties, the Mexican Government would not join in such penalties and sanctions.

In the second place, the Government of Mexico has never broken off relations with the Government of Cuba. It is one of five nations in this hemisphere that have not broken off relations with Cuba.

I insist this is the wrong time to implement the treaty. I think we should have a far better understanding with the Government of Mexico about whether it is going to cooperate in sanctions applied to Cuba and the cancer of communism that is festering on that island before we implement this treaty at a cost of at least $45 million. Therefore, I cannot support the pending legislation at the present time.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American-Mexican Chamizal Convention Act of 1964."

In connection with the convention between the United States of America and the United Mexican States for the solution of the problem of the Chamizal, signed August 29, 1963, the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized—

a. to conduct technical and other investigations relating to: the demarcation or monumentation of the boundary between the United States and Mexico; flood control; water resources; sanitation and prevention of pollution; channel relocation, improvement, and stabilization; and other matters related to the new river channel.

b. to acquire by donation, purchase, or condemnation, all lands required—

(1) for transfer to Mexico as provided in said convention;

(2) for construction of that portion of the new river channel and the adjoining levee in the territory of the United States;

(3) for relocation of highways, roadways, railroads, telegraph, telephone, electric transmission lines, bridges, related facilities, and any publicly owned structure or facility, the relocation of which, in the judgment of the said Commissioner, is necessitated by the project.

c. For the purpose of effecting said relocations—

(1) to perform any or all work involved in said relocations;

(2) to enter into contracts with the owners of properties to be relocated whereby they undertake to acquire any or all properties needed for said relocations, or undertake to perform any or all work involved in said relocations;

(3) to convey or exchange properties acquired or improved by the United States under this Act or under said convention, with or without improvements, or to grant term or perpetual easements therein or thereover.

SEC. 2. The United States Commissioner is authorized to construct, operate, and maintain all works provided for in said convention and this Act, and to turn over the operation and maintenance of any of such works to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

SEC. 3. The United States Commissioner, under regulations approved by the Secretary of State, and upon application of the owners and tenants of lands to be acquired by the United States to fulfill and accomplish the purposes of said convention, and to the extent administratively determined by the Commissioner to be fair and reasonable, is authorized to—

a. Reimburse the owners and tenants for expenses and other losses and damages incurred by them in the process and as a direct result of such moving of themselves, their families, and their possessions as is occasioned by said acquisition: *Provided,* That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of its fair value, as determined by the Commissioner. No payment under this subsection shall be made unless application therefor is supported by an itemized and certified statement of the expenses, loses, and damages incurred.

b. Compensate the said owners and tenants for identifiable, reasonable, and satisfactorily proved costs and losses to owners and tenants over and above those reimbursed under the foregoing subsection in the categories hereinafter provided, and for which purpose there shall be established by the Commissioner a board of examiners, consisting of such personnel employed and compensation fixed as he deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended. Said board may hold hearings and shall examine submitted evidence and make determinations, subject to the Commissioner's approval, regarding all claims in said categories as follows:

(1) For properties—

(a) For nonconforming abodes and minimum forms of shelter for which there are no comparable properties on the market in the city of El Paso and concerning which fair market value would be inadequate to find minimum housing of equal utility, compensation to the owner up to an amount which when added to the market value allowed for his property, including land values, would enable purchase of minimum habitable housing of similar utility in another residential section of said city.

(b) For commercial properties for which there are no comparable properties on the market in or near El Paso, Texas, compensation to the owner up to an amount which, when added to the total fair market value, including the land value, would compensate the owner for the "value in use" of the real estate to him. Such "value in use" is to be determined on the basis of replacement cost less deterioration and obsolescence in existing real estate and taking into consideration factors bearing upon income attributable to the real estate.

(2) For loss in business:

(a) Loss of profits directly resulting from relocation, limited to the period between termination of business in the old location and commencement of business in the new, such period not to exceed thirty days.

(b) Loss to owner resulting from inability to rent to others housing or commercial space that can be reasonably related to uncertainties arising out of the pending acquisition of the owner's property by the United States, such losses limited to those incurred after July 18, 1963, and prior to the making by the United States of a firm offer to purchase.

(3) For penalty costs to property owners for prepayment of mortgages incident to acquisition of the properties by the United States.

SEC. 4. Application for reimbursement or compensation under section 3 of this Act shall be submitted to the Commissioner within either one year from the date of acquisition or the date of vacating the premises by the applicant, whichever date is later. Applications not submitted within said period shall be forever barred.

SEC. 5. The Commissioner, in rendering an award in favor of any claimant under section 3 of this Act, may, as part of such award, determine and allow reasonable attorneys' fees which shall not exceed 10 per centum of the amount awarded, to be paid out of but not in addition to the amount of award, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed by the terms of this section, if award be made, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

SEC. 6. Payments to be made as herein provided shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law. The means employed to acquire the property, whether by condemnation or otherwise, shall not affect eligibility for reimbursement or compensation under this Act. Nothing contained in this Act shall be construed as creating any legal right or cause of action against the United States or as precluding the exercise by the Government of the right of eminent domain or any other right or power that it may have under this or any other law; nor shall this Act be construed as precluding an owner or tenant from asserting any rights he may have under other laws or the Constitution of the United States.

SEC. 7. No amount received as an award under subsection a. and subsections b. (1) and (3) of section 3 of this Act shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.). However, amounts received under subsection b. (1) shall be included in gross income to the extent that such amounts are not used within one year of the receipt thereof to purchase replacement housing or facilities.

SEC. 8. As used in this Act, the term "land" shall include interests in land, and the term "fair value" shall mean fair value of the interest acquired. The provisions of this Act shall be exempt from the operations of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001–1011).

SEC. 9. There are authorized to be appropriated to the Department of State for the use of the United States section of said Commission not to exceed $44,900,000 to carry out the provisions of said convention and this Act and for transfer to other Federal agencies to accomplish by them or other proper agency relocation of their facilities necessitated by the project. Of the appropriations authorized by this section, not to exceed $4,200,000 may be used to carry out the provisions of section 3 of this Act. The provisions of section 103 of the American-Mexican Treaty Act of 1950 (22 U.S.C. 277d–3) are hereby expressly extended to apply to the carrying out of the provisions of said convention and this Act.

Mr. SELDEN (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. There being no amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. ALBERT] having resumed the chair, Mr. O'HARA of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill S. 2394, to facilitate compliance with the Convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes pursuant to House Resolution 675, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 348, nays 5, not voting 79, as follows:

[Roll No. 114]

YEAS—348

Abbitt
Abele
Abernethy
Adair
Addabbo
Albert
Alger
Anderson
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Baker
Baldwin
Baring
Barry
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Bolton, Frances P.
Bolton, Oliver P.
Bonner
Bow
Brademas
Bray
Brock
Bromwell
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burke
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cahill
Cameron
Carey
Casey
Cederberg
Celler
Chamberlain
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Conte
Cooley
Corbett
Corman
Cunningham
Curtin
Curtis
Dague
Daniels
Davis, Ga.
Delaney
Dent
Denton
Derounian
Derwinski
Devine
Dingell
Dole
Donohue
Dulski
Dwyer
Edmondson
Edwards
Ellsworth
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Findley
Finnegan
Fino
Fisher
Flood
Fogarty
Ford
Foreman
Forrester
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gary
Gathings
Gilbert
Gill
Glenn
Goodell
Goodling
Green, Oreg.
Griffin
Griffiths
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Halleck
Harding
Harris
Harrison
Harvey, Ind.
Harvey, Mich.
Hawkins
Hays
Healey
Hechler
Hemphill
Henderson
Hoeven
Holifield
Holland
Horan
Horton
Hosmer
Hull
Hutchinson
Ichord
Jarman
Jennings
Jensen
Joelson
Johansen
Johnson, Calif.
Johnson, Wis.
Jonas
Jones, Mo.
Karsten
Kastenmeier
Keith
Kelly
Keogh
Kilburn
Kilgore
King, Calif.
King, N.Y.
Kirwan
Knox
Kornegay
Kunkel
Kyl
Laird
Landrum
Langen
Lankford
Latta
Leggett
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
Lloyd
Long, La.
Long, Md.
McClory
McCulloch
McDade
McDowell
McFall
McIntire
McMillan
Macdonald
MacGregor
Mahon
Mailliard
Marsh
Martin, Nebr.
Mathias
Matsunaga
Matthews
May
Meader
Michel
Miller, Calif.
Miller, N.Y.
Milliken
Mills
Minish
Minshall
Monagan
Montoya
Moore
Moorhead
Morgan
Morris
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nelsen
Nix
Norblad
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill
Osmers
Ostertag
Passman
Patman
Patten
Pelly
Philbin
Pickle
Pike
Pillion
Poage
Poff
Pool
Powell
Price
Pucinski
Purcell
Quie
Quillen
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rich
Rielhman
Rivers, Alaska
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Scott
Selden
Senner
Sheppard
Shipley
Short
Shriver
Sibal
Sickles
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Va.
Snyder
Springer
Staebler
Staggers
Stephens
Stinson
Stratton
Sullivan
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Toll
Tollefson
Trimble
Tuck
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Van Pelt
Vinson
Waggonner
Wallhauser
Watts
Weaver
Weltner
Westland
Whalley
Wharton
White
Whitten
Williams
Willis
Wilson, Bob
Wilson, Ind.
Wright
Wydler
Wyman
Young
Younger
Zablocki

NAYS—5

Cannon
Colmer
Gross
Harsha
Secrest

NOT VOTING—79

Arends
Auchincloss
Avery
Barrett
Bass
Bates
Battin
Blatnik
Boggs
Boland
Bolling
Buckley
Burkhalter
Burleson
Chelf
Clark
Cohelan
Collier
Cramer
Daddario
Davis, Tenn.
Dawson
Diggs
Dorn
Dowdy
Downing
Duncan
Elliott
Flynt
Fulton, Pa.
Giaimo
Gibbons
Gonzalez
Grabowski
Grant
Gray
Hall
Halpern
Hanna
Hansen
Hardy
Hébert
Herlong
Hoffman
Huddleston
Johnson, Pa.
Jones, Ala.
Karth
Kee
Kluczynski
McLoskey
Madden
Martin, Calif.
Martin, Mass.
Morrison
Nedzi
O'Konski
Pepper
Perkins
Pilcher
Pirnie
Rains
Rivers, S.C.
St. George
Schwengel
Siler
Sisk
Smith, Iowa
Stafford
Steed
Stubblefield
Talcott
Utt
Watson
Whitener
Wickersham
Widnall
Wilson, Charles H.
Winstead

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. McLoskey.
Mr. Buckley with Mrs. St. George.
Mr. Cohelan with Mr. Talcott.
Mr. Whitener with Mr. Martin of Massachusetts.
Mr. Dowdy with Mr. Johnson of Pennsylvania.
Mr. Wickersham with Mr. Hall.
Mr. Dorn with Mr. Auchincloss.
Mr. Kluczynski with Mr. Battin.
Mr. Morrison with Mr. O'Konski.
Mr. Nedzi with Mr. Pirnie.
Mr. Pepper with Mr. Siler.
Mr. Davis of Tennessee with Mr. Martin of California.
Mr. Sisk with Mr. Hoffman.
Mr. Barrett with Mr. Stafford.
Mr. Winstead with Mr. Utt.
Mr. Blatnik with Mr. Cramer.
Mr. Boggs with Mr. Arends.
Mr. Chelf with Mr. Fulton of Pennsylvania.
Mr. Daddario with Mr. Collier.
Mr. Clark with Mr. Bates.
Mr. Hanna with Mr. Halpern.
Mr. Steed with Mr. Avery.
Mr. Elliott with Mr. Schwengel.
Mr. Jones of Alabama with Mr. Widnall.
Mr. Herlong with Mr. Rivers of South Carolina.
Mr. Grabowski with Mrs. Kee.
Mr. Giaimo with Mr. Gonzalez.
Mr. Gray with Mrs. Hansen.
Mr. Charles H. Wilson with Mr. Diggs.
Mr. Madden with Mr. Dawson.
Mr. Pilcher with Mr. Bass.
Mr. Perkins with Mr. Smith of Iowa.
Mr. Huddleston with Mr. Watson.
Mr. Rains with Mr. Karth.
Mr. Stubblefield with Mr. Downing.
Mr. Flynt with Mr. Duncan.
Mr. Hardy with Mr. Dowdy.
Mr. Gibbons with Mr. Boland.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SELDEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

SUBCOMMITTEE ON POVERTY OF THE COMMITTEE ON EDUCATION AND LABOR

Mr. ALBERT. Mr. Speaker, I advise the House that we have finished the legislative program for today. In view of that, I ask unanimous consent that the Subcommittee on Poverty of the Committee on Education and Labor may sit during the remainder of the day while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. FRELINGHUYSEN. Mr. Speaker, reserving the right to object, I do so in order to make a few observations and also to make inquiry of anyone on the Education and Labor Committee who may care to expound.

The problem with respect to our so-called poverty subcommittee is that we have had far too many witnesses scheduled each day, and apparently there is an arbitrary deadline of May 1 to terminate hearings on the poverty package of President Johnson.

As an example of what I mean, there were six witnesses scheduled for Monday, which necessitated a last-minute decision on the part of the subcommittee chairman to start the hearing at 9 a.m., instead of 10 a.m., as would normally be the case. I might say that on Monday, of those six witnesses, only three had an opportunity to be heard, and I do not know whether the other three who were scheduled are expected to be heard before the hearings are terminated.

Then yesterday we had seven witnesses scheduled, and it was not until almost 8 o'clock last night that we were able to complete the schedule for that day. This again was in spite of the fact that the subcommittee was obliged to begin its hearings at 9 a.m.

Today the problem is that there are five mayors of large cities who have come to testify on this bill. Mayor Wagner, of New York City, has testified for approximately 1 hour and a half, and we still have four more mayors to be heard.

My point is that we are already unduly burdened with too heavy a schedule to expect that it can be completed in a single day. I am also concerned because I have not yet received any assurance from the chairman of the committee with respect to individuals whom I have requested to appear before the committee.

They have requested my assistance in getting an opportunity to testify. I submitted a written list with approximately 20 names to the chairman, and the only assurance I have had from him this morning was that he would do what he could even if it meant meeting morning, afternoon, and evening. But he was still determined then to wind up the hearings on May 1. I think it regrettable that we should have an arbitrary deadline such as this. It is inevitable, I think, that we will not get adequate consideration of the pros and cons of this particular piece of legislation unless we have adequate hearings. It is for that reason that I am reluctant to agree to this unanimous consent request made by our majority leader. I would be only too glad to get an authoritative statement, if possible, from some member of the Committee on Education and Labor, which I would hope they would have the authority to make, which would give us some reassurance about these witnesses who I think would have something substantial to offer the committee in the way of testimony.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I will be glad to yield to the gentleman from California.

Mr. ROOSEVELT. I am afraid the gentleman knocked me out of the box just before he recognized me, because I cannot make an authoritative statement in the absence of the chairman of the committee. I can merely state to him in all honesty that we have had something like 16 to 18 days of hearings already, and as far as I know, there are at least 8 or 10 more days scheduled. What the gentleman has said with reference to the list which he submitted, which I understand was submitted yesterday, I think simply raises a fundamental point. Does the minority have the right to ask for a reasonable number of witnesses to be heard before the committee? I think he will find the gentleman from Georgia [Mr. LANDRUM], the author of the bill, who is here, is very sympathetic to that point of view. Also I am very sympathetic and the gentleman from Illinois, who is present, is sympathetic. I assure you that we will make every effort to try to see that a reasonable number of days is given for the minority to present the witnesses that they want to present. I can only say, of course, that I speak for myself.

Mr. FRELINGHUYSEN. Mr. Speaker, that kind of reassurance is hardly substantial. A reasonable number of days, if we should work from 9 a.m. to 8 p.m., with 18 witnesses, would still be more than it would be possible to include in the remaining days in April. If this does mean that we are going to be obliged to remove witnesses who have been granted permission to testify, it seems to me we are shortchanging ourselves in other areas.

As I say, as the gentleman from California pointed out, I submitted no specific list until yesterday, but about 10 days ago I did address a letter to the chairman saying that a number of individuals requested permission to testify and would it be possible. I got no acknowledgment of any kind from the chairman of the committee with respect to that request. So I am not sure whether submitting a detailed list of the individuals I would like to have testify would be to any more avail. This is the nature of the problem, as the gentleman recognizes.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield further?

Mr. FRELINGHUYSEN. Yes. I yield to the gentleman.

Mr. ROOSEVELT. May I say to the gentleman it seems to me we have another day tomorrow. If the gentleman will be willing not to object and if the gentlemen on that side would also be willing not to object, we could at least accommodate the distinguished leaders waiting today and give us a chance on our side to see if we can help the gentleman work out a proper arrangement to take care of this situation.

Mr. FRELINGHUYSEN. I would say that I am very reluctant to object to this unanimous-consent request because I recognize it is a courtesy to the mayors we have asked to testify and would provide time for them to do so. However, I might say it is difficult for us to know what may be the schedule of the committee both as to the number of witnesses and the character of the witnesses if we are given no information with respect to the proposed schedule except the day before the witnesses appear. I would suggest that we have as much right to know what the plans are of the committee and how many witnesses the minority would like to have called as the majority. For that reason I am reluctant to yield and go along with this unanimous-consent request.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Georgia.

Mr. LANDRUM. Thank you, sir.

I wish to endorse what the gentleman from California has said in response to the inquiry made on the reservation of objection by the distinguished gentleman from New Jersey. If he and his colleagues on that side of the aisle could see fit today to withdraw any objection to the meeting this afternoon so that we may hear the distinguished mayors of the cities of Chicago, Detroit, St. Louis, and Syracuse, N.Y., who have come to this city of Washington at public expense to be heard on this important matter, then I would join with the gentleman from California and the gentleman from Illinois, and I am certain other Democratic members of the committee, in trying to work out a schedule that will accommodate the wishes of the gentleman from New Jersey [Mr. FRELINGHUYSEN] and his colleagues.

I am not in a position to say what number of days or when we would have to close; but certainly the gentleman ought to believe that we will try to be reasonable about it as he has always tried to be, himself.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from Georgia for that statement. It is typical of his fair approach to these problems that he would make a statement of that kind. The unfortunate part of it is that only the chairman of the committee has the authority to determine how long the committee is going to hold hearings and who is going to testify; and the only assurance I have had from him is that there is a deadline of May 1 on these hearings.

I think also the fact that we still have four mayors to be heard and the hour is now 2:35, is an indication of poor planning on the part of those who set up the schedule. I am reluctant, as I say, to object to the unanimous-consent request. Therefore, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALLECK. Mr. Speaker, reserving the right to object: Do I understand from the gentleman from New Jersey that the request is for hearings just for this afternoon?

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield to me, that is correct; for the remainder of the day.

Mr. HALLECK. For the remainder of the day?

Mr. ALBERT. The gentleman is correct.

Mr. HALLECK. Mr. Speaker, under my reservation of objection I want to say that this measure presently before the committee is one of far-reaching consequences. We have been subjected to a few of these great big rushes around here, rushes to get something done. I should like to express the hope that we may possibly get our business done and be able to adjourn in time to go to the Republican National Convention in San Francisco on July 13. I am beginning to be a little pessimistic about that. In any event I want to say to the majority leader that as far as I am concerned I shall do everything I can to expedite the business of the House of Representatives. At the same time when these matters are before committees, matters that are complex and certainly far reaching in their implications, there ought to be plenty of time to consider them.

If the gentleman from New Jersey is correct that there is some sort of a deadline that has been set for May 1, I should certainly think, Mr. Speaker, that such a deadline is completely unrealistic.

Mr. ALBERT. Mr. Speaker, will the gentlman yield?

Mr. HALLECK. I yield to the majority leader.

Mr. ALBERT. Mr. Speaker, the question of a deadline is one thing, and the gentleman recognizes that, I am sure; but the matter of establishing a precedent, at the end of a legislative day, particularly when we do have witnesses who have come a long way, witnesses who are very busy, would be another thing entirely. I think the minority leader would agree with that.

The question of what we should do today should stand on its own feet. I think it would be bad for the House to establish a precedent of objecting to a committee sitting on an important matter such as this, after the legislative program is over.

Mr. HALLECK. Well, may I say to the gentleman that I am not going to object under my reservation. Someone over on the other side of the aisle said that these gentlemen came to the hearing at public expense. I have seen many occasions where in my time citizens of this country came at their own expense and were not able to appear before a committee because time was not allowed for that purpose. Now, of course, if we are spending the public's money, I suppose that is a particular reason to be sure to get them heard. I think it will be all right, but at the same time I just hope that this will not serve as any sort of a precedent for what may happen hereafter.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GUBSER. Mr. Speaker, further reserving the right to object, under my reservation I should like to propound an inquiry to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

We all know that the very essence of democracy and fairplay is the right of the opposition to be heard.

I would like to inquire of the gentleman from New Jersey as to how many opponents have been heard in the Committee on Education and Labor who oppose the so-called poverty bill presently under consideration?

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I would be happy to yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I would like to say to the gentleman from California that I do not like to think in terms of opposition or being in favor of legislation. It seems to me what we need to do is to explore the significance of the legislation.

In answer to the gentleman's question, however, we have had two witnesses who have appeared in outright opposition to this particular bill. I am not sure whether all those who have requested of me that they be given the opportunity to testify are going to testify in opposition to the bill. That is not my point. My suggestion is that we need sufficient witnesses to bring more perspective to the nature of the problems to which this bill is addressed and to their proper remedy.

Mr. GUBSER. Am I to understand from the gentleman's answer to my inquiry that there have been only two witnesses up to this point who have testified other than from the standpoint of completely endorsing the administration bill?

Mr. FRELINGHUYSEN. If the gentleman will yield further, the gentleman is correct.

Mr. GUBSER. I thank the gentleman.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield to me?

Mr. GUBSER. I would be happy to yield to the gentleman from Georgia.

Mr. LANDRUM. A brief recitation of the witnesses who have appeared before the committee since the hearings started would show that every Cabinet member, with several under-Cabinet-level members, of the executive department have been heard by the committee on the bill.

In addition thereto we have heard the U.S. Chamber of Commerce in a long session yesterday, running until about 8 o'clock last night, having begun yesterday afternoon.

We have heard the American Farm Bureau whose president from the State of Georgia came in opposition to the bill.

We have heard in addition to that about six or eight representatives of the various organizations, some parts of the bill which these organizations oppose and some which they support.

We have heard Governor Hughes of New Jersey.

We have heard the distinguished Speaker of the House of Representatives of the State of Arkansas.

We are to hear, beginning tomorrow, from other Governors, including Gov. Terry Sanford of North Carolina, and other distinguished leaders from over the country.

In my opinion it seems that the committee has been diligent in seeking a pretty outstanding array of witnesses to come and testify on this subject.

Mr. GUBSER. If I may say to the gentleman from Georgia [Mr. LANDRUM], there are no implications in any of my remarks that the hearings have been anything other than objective. I was merely desirous of being assured that if people had differing views from the administration view, they would have an opportunity to be heard.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield further for one moment?

Mr. GUBSER. Yes, I am happy to yield further to the gentleman from Georgia.

Mr. LANDRUM. In addition to those people mentioned I may say that also Mr. Philip Randolph, head of the Brotherhood of Railway Trainmen has been heard. Mr. George Meany, president of the AFL-CIO has been heard. Mr. Walter Reuther, president of the United Automobile Workers, has been heard.

Mr. GUBSER. I thank the gentleman for that information.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. BROMWELL. Mr. Speaker, reserving the right to object, I had no intention whatsoever of entering into this colloquy, except that two statements have been made which I think are highly important to the entire House.

Is there an arbitrary deadline for the completion of the legislation by this committee as of May 1? Can the majority leader answer that question?

Mr. ALBERT. The majority leader cannot speak for the committee.

Mr. LANDRUM. There is not and there never has been, other than a desire to complete our work as expeditiously as possible. Insofar as this Member is concerned there has been no deadline established.

Mr. FRELINGHUYSEN. The chairman of the full committee indicated to me only this morning that in his view—and I will assume his view would carry considerable weight—the deadline is May 1. Whether we call that arbitrary or not, and I feel it is very arbitrary, it has been put out and in the process of getting through with a schedule I believe we should give all witnesses a chance to give testimony. I will say a deadline has been determined in the chairman's mind at least.

Mr. BROMWELL. I might suggest that under the circumstances it would seem appropriate to me that the chairman of the committee would make a unanimous consent request; but further reserving the right to object, Mr. Speaker, let me ask this question:

If I understand the majority leader it is his suggestion that this should be recorded as a precedent in favor of this sort of unanimous-consent request?

Mr. ALBERT. I may say to the gentleman that in all the time I have been here I do not think I have ever heard anyone objecting to a committee meeting after special orders have commenced in the House, and the legislative business has been disposed of. Of course, under the rules of the House any Member may object to any unanimous-consent request whenever he desires to do so. There is no question involved here as to that. If we started the practice of objecting at this hour of the day under circumstances confronting us today it might create a precedent that would be unsatisfactory.

Mr. HALLECK. Mr. Speaker, if there is objection here, and I suppose there will be none, if the majority leader moved to adjourn the House and if the chairman of the Committee on Education and Labor saw fit to call a meeting of that committee at any time this evening or tonight, until tomorrow, he could call it. It would not make any difference what we did here today; is that correct?

Mr. ALBERT. The answer is "Yes," but there are a number of special orders, some of which have been put over from yesterday, and the majority leader would be very reluctant to cut off Members today from speaking under special orders that were requested several days ago.

Mr. GOODELL. Mr. Speaker, I hope there will not be any objection to this. I think we should accommodate the mayors today. But I would like to raise a point. I sat here last night with some of my colleagues and listened to the chamber of commerce. It was extremely important testimony that was offered throughout the day. Our problem was that there was imposed upon Republican members 5 minutes and Democratic members went on for 26 minutes with no imposition of time. I objected, and was granted ample time to question the chamber of commerce, but I would like to say that in the future whoever presides over these meetings should be fair. It is not fair, it is not conducive to bringing out the true facts whether we are for or against the legislation involved.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

INVESTIGATION OF BLUE CROSS-BLUE SHIELD COSTS OF INSURANCE

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, I have introduced a resolution (H. Res. 683) to investigate increasing Blue Cross-Blue Shield costs and determine if Federal legislation is necessary to protect Americans against rising medical costs. My resolution calls for the appointment of a special committee of the House, to consist of 11 Members to be designated by the Speaker. The committee will have full power of subpena and investigation and is directed to report its recommendations to the House as soon as practicable.

I am certain my colleagues are aware of the staggering increases in medical and hospital costs, which is pricing Blue Cross and other health protection plans out of reach of the persons and families who need it most. The question of Blue Cross-Blue Shield is a nationwide problem. State insurance carriers have been faced, or will soon be faced, with requests for higher rates in many States.

The superintendent of insurance of New York has all but admitted that he is powerless to stem the tide of rising premium rates. I am particularly concerned that the New York City plan is seeking to adopt a form of experience rating. This new twist in Blue Cross rating involves basing the rates for coverage on the experience of each group. I fear this formula, with its automatic provisions for rate increases, will remove the plans from effective public scrutiny. The need for a House investigation thus becomes even more imperative under the circumstances. The State legislature, which has been urged to consider the problem, is not likely to give it any attention at the forthcoming special session called by Governor Rockefeller; and even if it did, there is serious doubt that the State has the resources to be of much help in the matter.

The New York Blue Cross plan is the largest in the country, with 7½ million subscribers; and as such is a pattern-setter for the other 70 Blue Cross plans in the country. Many other Blue Cross plans have adopted, or are in the process of adopting, the same experience rating mechanism which will penalize and put the highest risk groups at a disadvantage.

As a matter of fact, only this morning, the newspapers reported that the State banking and insurance commissioner of New Jersey had approved a rate increase for the New Jersey Blue Cross and which time he said, the rates "will place costs of Blue Cross beyond the ability to pay of a very large number of persons with low, limited incomes."

The special House committee that my resolution seeks to activate will make the first comprehensive national study of this grave problem. I feel it will indicate more importantly than ever the need for home and hospital care for the aged under the social security system.

I believe that an investigation will disclose that the only means of averting bankruptcy of the Blue Cross-Blue Shield and similar plans throughout the Nation will be the adoption of a Federal medicare law. Bankruptcy of these plans must result in chaos with the attendant losses and hardship to their subscribers.

Letters received from my constituents makes evident the alarm with which an increase in Blue Cross-Blue Shield rates is viewed. They urge a limit on the power of these plans to periodically raise their rates. At the same time they urge the passage of legislation providing for medical care for the aged and those with low income. To quote one letter:

> There is hardly a more important issue for the hundred of thousands of us who will have to forgo all Blue Cross protection if the present increase is permitted—in many instances, after paying ever-increasing premiums for many years.

The text of my resolution is as follows:

> *Resolved*, That there is hereby created a select committee to be composed of eleven Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.
>
> The committee is authorized and directed to conduct a full and complete investigation and study of the alarming rate of increase in the cost to subscribers for medical care benefits under so-called health benefits plans, particularly the increases in such costs which have been, or are proposed to be, put into effect by the so-called "Blue Cross—Blue Shield" plans for health benefits, with a view toward determining—
>
> (1) whether such increases are, in effect, forcing the most vulnerable subscribers of such health benefits plans (such as the aged and the low income groups with large families) to pay the highest premiums; and
>
> (2) whether Federal legislation is necessary to protect the general welfare of the people of the United States by assuring the availability of adequate hospital and medical care at a reasonable cost.
>
> For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpoenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.
>
> The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

The Blue Cross Dilemma

The Blue Cross plan which serves 7,400,000 subscribers in metropolitan New York is in grave danger. Last year it paid out $17 million more in benefits than it took in. Currently it is paying out $1.26 for every $1 it receives. Since the first of the year it has completely consumed its free surplus, and is now, with the permission of Superintendent of Insurance Henry R. Stern, drawing on its statutory reserves. Unless some quick remedy is found, he may be compelled, under the law, to take it over within the next few months. He is resuming hearings on the whole question today.

The basic reason for its difficulties is something over which neither the Blue Cross nor the insurance department has control: the tremendous increase in hospital costs. The Federal Department of Health, Education, and Welfare has found that the cost per day of patient care in general hospitals nearly quadrupled between 1946 and 1962. There are many reasons for this: new buildings, better equipment, broader services and, most important of all, higher wages for hospital workers.

Faced with this problem, Blue Cross is now endeavoring, in its current application, to change the basic concept under which it has operated since its initiation here in 1934. This is the community-rating concept, under which good risks are overcharged to compensate for the poor risks. It is basically a social welfare concept, not an insurance one. But in recent years more and more good risks—young, vigorous, ambitions men and women—have left Blue Cross because they have found they can get better protection from commercial health insurance plans at only slightly higher costs. Thus Blue Cross now has a disproportionate number of poor risks.

Now Blue Cross is seeking to convert to a modified experience rating system, based on insurance principles, under which various groups of members would pay different dues, based on the experience of the plan with each group. Inevitably this will mean very large, perhaps prohibitive, rate increases for many poorer risks. And even if the proposal is approved, the forecast is for an increase of about 35 percent, on the average, in rates for next year, and another 11 percent the following year.

Unless the Blue Cross plan and the medical profession which so ardently supports it can find some way of halting these mounting costs, the whole concept of voluntary health insurance, which has worked so well for the past quarter of a century, seems imperiled. One way to avoid this constant escalation of rates would be through passage of Federal legislation for medical and hospital care for the aged. This is the way to relieve the present program of the undue number of poor risks, and to hold the good risks who are now being overcharged.

JERSEY RAISES BLUE CROSS

TRENTON, N.J., April 14.—State Banking and Insurance Commissioner Charles R. Howell today approved a rate increase for the New Jersey Blue Cross and said the rates "will place costs of Blue Cross beyond the ability to pay of a very large number of persons with low, limited incomes."

He said the only answer for those people appeared to be some form of medical care subsidized by the Government.

Howell approved an 18.5-percent rate increase. Blue Cross, which provides hospitalization insurance for 2.6 million New Jerseyites, had asked Howell for a 32.6-percent rate increase.

Noting that he cut the Blue Cross request almost in half, Howell said, "Any further cut would almost certainly jeopardize the financial solvency of the plan." He said the new rates would become effective August 1 if accepted by the New Jersey Blue Cross.

INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include certain tables.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PASSMAN. Mr. Speaker, when the House was debating the request for a new authorization for the International Development Association on February 26, I promised to put into the RECORD a table showing the amount of aid the United States has given, on a bilateral basis, to the 16 part I member countries of IDA that are also proposing now to contribute additional funds to the Association, along with a list showing the amount of aid our Nation has given on a bilateral basis to all of the part II members of IDA who will also be the recipients of the additional $750 million in funds from the Association if this new bill is approved by the House.

Therefore, Mr. Speaker, I place these interesting and informative tables, which I have prepared specifically for this purpose, at this point in the RECORD:

Amount of U.S. aid to member countries of the International Development Association

Country	Amount of proposed contribution	U.S. assistance July 1, 1945, through June 30, 1963	Country contribution to IDA in 1963	U.S. assistance in fiscal year 1963
PT. I COUNTRIES				
Australia	$19,800,000	(1)	$3,884,650	(1)
Austria	5,040,000	$1,208,000,000	970,200	$31,400,000
Belgium	16,500,000	1,988,000,000		28,100,000
Canada	41,700,000		7,282,275	
Denmark	7,500,000	928,000,000	1,682,450	24,000,000
Finland	2,298,000	(2)	737,275	(2)
France	61,872,000	9,445,000,000	10,194,800	30,600,000
Germany	72,600,000	5,001,000,000	10,194,800	500,000
Italy	30,000,000	6,006,000,000	3,495,800	300,700,000
Japan	41,250,000	3,824,000,000	6,466,075	172,900,000
Kuwait			646,800	
Luxembourg	750,000	(3)		(3)
Netherlands	16,500,000	2,472,000,000	5,339,950	16,400,000
Norway	6,600,000	1,174,000,000	1,293,600	38,700,000
South Africa	3,990,000		1,942,325	
Sweden	15,000,000	109,000,000	1,942,325	
United Kingdom	96,000,000	8,711,000,000	25,244,450	11,200,000
United States	312,000,000		61,655,825	
Total, pt. I countries	750,000,000	40,866,000,000	142,973,600	654,500,000
PT. II COUNTRIES				
Afghanistan		237,000,000	194,425	19,200,000
Algeria		95,000,000	775,775	79,600,000
Argentina		773,000,000	3,624,775	156,500,000
Bolivia		334,000,000	204,050	69,900,000
Brazil		2,123,000,000	3,624,775	172,300,000
Burma		108,000,000	388,850	15,200,000
Burundi		6,000,000	146,300	1,500,000
Central African Republic		1,000,000	96,250	700,000
Ceylon		88,000,000	583,275	8,400,000
Chad		2,000,000	[4] 96,250	1,100,000
Chile		840,000,000	679,525	99,200,000
China		4,524,000,000	5,825,050	212,600,000
Colombia		547,000,000	679,525	134,900,000
Congo (Brazzaville)		2,000,000	96,250	700,000
Congo (Léopoldville)		242,000,000	581,350	79,800,000
Costa Rica		105,000,000	38,500	15,500,000
Cyprus		21,000,000	146,300	4,100,000
Dahomey		7,000,000	[5] 96,250	1,000,000
Dominican Republic		100,000,000	77,000	51,700,000
Ecuador		184,000,000	125,125	39,200,000
El Salvador		65,000,000	57,750	23,100,000
Ethiopia		212,000,000	96,250	24,200,000
Gabon		2,000,000	[4] 96,250	1,200,000
Ghana		159,000,000	454,300	3,000,000
Greece		3,516,000,000	485,100	128,800,000
Guatemala		178,000,000	77,000	15,400,000
Haiti		106,000,000	146,300	6,200,000
Honduras		61,000,000	57,750	14,400,000
PT. II COUNTRIES—con.				
Iceland		$72,000,000	$19,250	$1,400,000
India		4,718,000,000	7,767,375	821,000,000
Iran		1,422,000,000	873,950	115,900,000
Iraq		69,000,000	146,300	1,000,000
Ireland		146,000,000	583,275	
Israel		962,000,000	323,400	78,900,000
Ivory Coast		13,000,000	194,425	7,900,000
Jordan		414,000,000	57,750	63,600,000
Korea		5,674,000,000	242,550	403,700,000
Laos		328,000,000	[5] 96,250	[6] 36,800,000
Lebanon		88,000,000	86,625	300,000
Liberia		179,000,000	146,300	50,800,000
Libya		206,000,000	194,524	12,500,000
Malagasy Republic		2,000,000	194,425	1,000,000
Malaya		25,000,000	485,100	2,200,000
Mali		11,000,000	[6] 167,475	4,600,000
Mauritania		2,000,000	96,250	200,000
Mexico		817,000,000	1,682,450	50,900,000
Morocco		[7] 427,000,000	679,525	[7] 75,000,000
Nepal		53,006,000	96,250	.4,600,000
Nicaragua		79,000,000	57,750	9,000,000
Niger		5,000,000	96,250	1,400,000
Nigeria		81,000,000	646,800	36,600,000
Pakistan		[7] 2,227,000,000	1,942,325	[7] 372,500,000
Panama		110,000,000	3,850	10,000,000
Paraguay		70,000,000	57,750	10,200,000
Peru		509,000,000	340,725	31,000,000
Philippines		1,851,000,000	970,200	117,700,000
Rwanda		1,000,000	146,300	(8)
Saudi Arabia		[7] 46,000,000	712,250	(7)
Senegal		14,000,000	323,400	5,200,000
Sierre Leone		7,000,000	146,300	3,900,000
Somalia		38,000,000	146,300	9,200,000
Spain		1,742,000,000	1,942,325	61,000,000
Sudan		76,000,000	194,425	11,000,000
Syrian Arab Republic		96,000,000	182,875	400,000
Tanganyika		30,000,000	323,400	12,500,000
Thailand		869,000,000	583,275	94,200,000
Togo		7,000,000	146,300	1,300,000
Tunisia		[7] 364,000,000	290,675	[7] 71,900,000
Turkey		4,164,000,000	1,116,500	317,200,000
Uganda		12,000,000	323,400	7,000,000
United Arab Republic		807,000,000	977,900	198,700,000
Upper Volta		4,000,000	96,250	1,000,000
Vietnam		[7] 1,896,000,000	290,675	[7] 208,100,000
Yugoslavia		2,510,000,000	777,700	113,500,000
Total, pt. II countries		47,881,000,000	46,519,549	4,816,200,000
Grand total, all countries	$750,000,000	88,747,000,000	[9] 189,493,149	5,470,700,000

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[1] Military assistance credit sales program participant.

[2] Amount classified.

[3] Included in total for Belgium.

[4] Total amount of annual subscription was unpaid as of Mar. 31, 1964.

[5] Of which the portion payable in local currency, $90,000, was unpaid as of Mar. 31, 1964.

[6] Of which the portion payable in gold or freely convertible currency, $10,875, was unpaid as of Mar. 31, 1964.

[7] Amount of military assistance is classified.

[8] Less than $50,000.

[9] Of which 18 percent is payable in the currency of the country concerned and 14 percent is payable in gold or freely convertible currency

THE SCHOOL PRAYER DECISION

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, the Judiciary Committee has scheduled hearings on House Joint Resolution 693, a proposed constitutional amendment designed to guarantee the privilege of offering prayers to the Almighty in public schools. The hearings begin April 22 and are more than likely to continue 2 or 3 weeks. During this period many interested organizations including churches and other religious institutions will present opinions and many private citizens will present their views or submit them in writing. I sincerely hope that the American people, directly to the committee or indirectly through their Congressmen, will make their voices heard.

This legislation was made necessary by the notorious school prayer decision of the Supreme Court handed down June 25, 1962. The Court ruled that prayer in public classrooms is unconstitutional. The background of the case and the decision are as follows:

A school in New York had a simple prayer which said little more than "God bless my parents, my teacher, and my country." To be precise, the text of the prayer was:

> Almighty God, we acknowledge our dependence on Thee, and we beg Thy blessings upon us, our parents, our teacher, and our country.

No child was required to recite this prayer. No child even had to stay in the room during the ceremony if he did not choose to.

The Supreme Court decided that the use of this simple, nondenominational prayer on a permissive basis was a violation of the Constitution. The Court was wrong.

If the Court was right one of the first things it should have done was to abolish its own prayers. If the Court was right the Declaration of Independence might have to be rewritten to strike out references to the Supreme Being. If the Court was right the Bureau of Engraving and Printing and the mint might have to reissue all coin and currency sans "In God We Trust." Maybe "In the Supreme Court We Trust" would be an appropriate substitute.

If the Court was right we shall have to revise the Pledge of Allegiance to the Flag, and remove the words "under God." The pledge was revised just a few years back to include these words.

And, of course, the Court's ruling raises a question about the rules of the House and Senate which provide that each session shall open with a prayer. Perhaps we stand here today in contempt of the Supreme Court. I am sure some of us do.

None of these analogies are farfetched. In fact, the Associated Press on April 7 reported that the same lady who instituted one of the school prayer cases has petitioned the Baltimore School Board to strike the words "under God" from the Pledge of Allegiance. If the Board does not act favorably on her petition she says that she will take legal action. If her case goes as far as the Supreme Court there can be little doubt as to the ultimate outcome.

Conceivably this lady or others similarly disposed could effectively attack all of the references to God that I have mentioned and thereby succeed in removing such from any governmental function. I would say that this very probably will happen unless appropriate legislative action is taken.

We could go on citing examples to illustrate the absurdity of the Supreme Court's decision in the school prayer case, but this is hardly necessary. There has been general and widespread disobedience and therefore effective nullification of this particular decision. But the situation should not be allowed to rest here. There should be a legal nullification and the process of obtaining such can be set in motion through approval by the Congress of House Joint Resolution 693.

If the American people make their voices heard I am confident this resolution will be reported and approved by the Congress, and the constitutional amendment which it authorizes will be ratified by the States.

LET PRIVATE INDUSTRY BLANK OUR COINS

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, I have proposed that the current coin shortage in this country might be alleviated with substantial saving to the Government if private industry were permitted to manufacture the strip and blank our coins. This certainly could be done in the case of pennies and nickels and should be done for the convenience of our coin users.

In this connection, I append to my remarks an editorial from the Hartford Times of April 1, 1964, in which that estimable newspaper points out that it does seem silly to wait until the coin shortage becomes intolerable before we do anything about it.

With the approval of increased appropriations for overtime to permit increased minting, I suggest that the Bureau of the Mint turn to private industry, which is experienced in this field, for the manufacture of strip and the blanking of the additional coins that could do a great deal to increase the supply of this necessary medium of exchange.

MONAGAN SUGGESTION ON COIN SHORTAGE

Government officials are so worried about the coin shortage that they call it one of the worst in the Nation's history.

Local bankers agree that the situation is bad in the Hartford area. What makes the outlook particularly dismal is that there seems to be no hope for any quick remedy.

Even with stepped-up production in recent years, the supply of coins has steadily lost ground to the rising demand.

One local banker traced the beginning to the shortage back several years to the closing of the San Francisco Mint. Now only two mints, Philadelphia and Denver, are turning out coins.

Government officials are said to be uncertain why the coin shortage has skyrocketed in the past 3 years.

Certainly a contributing factor is the vending machine, though the vending machine companies deny they are solely responsible.

Other drains on the coin supply are parking meters and collectors. Coin collecting, some of it for speculation, has zoomed in recent years until now, it is estimated, between 8 and 10 million persons are keeping an enormous number of coins out of circulation.

Building another mint would help to relieve the shortage but Government officials say that would take 3 years.

Representative JOHN S. MONAGAN, of Waterbury, has a good idea. If the mints can't keep up with the demand, he says, why not let Connecticut's brass industry take over some of the job of producing coins? The plants and their workmen are accustomed to handling strip metal, like that from which coins are punched, and the work would create jobs and business for Connecticut.

It does seem silly just to wait until the coin shortage becomes intolerable before we do anything about it. It's estimated that within 2 years, it will be so bad that business will be suffering severely.

If it would take legislation to put the western Connecticut factories to work on the minting of coins, let's have some. This seems like a cheap and reasonable way out of a tight corner that never should have been created if Treasury and mint officials had been properly anticipating demand.

THE JOHNSONS' RADIO–TV INTERESTS

Mr. DEVINE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous material.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DEVINE. Mr. Speaker, since December of last year, when the Federal Communications Commission ruled on a dispute between TV cable companies in Austin, Tex., the press has given considerable attention to the television facilities available in that community.

The facts which have been revealed raise significant questions of policy in the field of Government regulated communications.

In Austin a single television station has served the area since 1952. Austin is the largest city in the United States with a single television station. The station in question is owned by the family of President Lyndon B. Johnson.

Last fall two cable companies began to transmit to Austin programs carried on the stations of San Antonio. One of these, Capital Cable Co., enjoyed a substantial competitive advantage over its rival, TV Cable.

The Capital Cable Co., before receiving permission of the Austin City Council to install its cable and to operate within the city limits, granted to the

LBJ Co.—now the Texas Broadcasting Corp.—a 3-year option to buy 50 percent of its stock by paying 50 percent of the cost of installation of its facilities. This agreement on its face seems to be strangely unbusinesslike, for the LBJ Co. paid not $1 for the option and has made no other apparent contribution to the Capital Cable Co.

The fact which disturbs me, however, about the Austin situation is the violation of the spirit of the Federal Communications Commission's rule against duopoly—ownership by the same party of two or more television facilities serving the same area.

The rules and regulations of the Federal Communications Commission prohibit duopoly in communities which have two television stations. Section 73,636 of the Federal Communications Commission rules and regulations reads:

> No license for a television broadcast station shall be granted to any party (including all parties under common control) if: (1) Such party directly or indirectly owns, operates, or controls another television broadcast station which serves substantially the same area.

If Austin had two television stations, this rule would operate to prohibit any individual or company from holding any significant interest in both. There is no logical difference between ownership of two television stations serving the same community and ownership of a television station and a television cable company serving the same community. For the cable company is a second source of programs for the television audience of any community.

I recognize that the law relating to television cables and community antenna systems is undeveloped. It is high time that the Congress and the Federal Communications Commission turned their attention to the problems posed by these systems. In order to encourage the development, I feel an investigation by the Interstate and Foreign Commerce Committee to determine the facts and in an effort which will rectify the glaring inconsistency in the duopoly rule exemplified in the Austin situation, is certainly in order.

A letter is being directed to the chairman of that committee for that purpose.

The following articles from the Wall Street Journal and the Texas Observer are most significant:

[From the Texas Observer, Feb. 21, 1964]

The Johnsons' Radio-TV Interests: A Basic Review in the Context of a Current Controversy

Austin.—The ownership of the only commercial TV station in Austin by Mrs. Lyndon Johnson and the Johnsons' two daughters continues to be the political basis of a rancorous dispute between two companies that are competing keenly for cable TV customers here.

One of the two cable TV companies, Capital Cable Co., has given the Johnsons' radio-TV company an option to buy 50 percent interest in Capital Cable. It was a part of the same agreement that Capital Cable "would use" the Johnson company's TV tower. Capital Cable is now paying $1,000 a month for the use of the tower and has agreed to go on paying this for 10 years.

The other cable TV company, named TV Cable of Austin, alleges that the Federal Communications Commission has placed a restraint on its operations even though this restraint does not apply also to Capital Cable.

The president of TV Cable, John Campbell, stated in his office here, "I personally do not think that any member of the Commission was told what to do. I don't believe that any of them had to be told." Asked what he would conclude if his company's present petition is denied by the FCC, Campbell replied, "That 'something is rotten in Washington.' "

Campbell said he is a Democrat. Two Democratic State senators, Tom Creighton of Mineral Wells and Charles Herring of Austin, own stock in Campbell's company. The Johnsons have no control over his company, Campbell said.

The political complications of the controversy become multidimensional when another facet of the ownership situation is considered. Capital Cable is a subsidiary of Midwest Video of Little Rock, Ark., whose president is Hamilton Moses, a senior partner in the law firm of Moses, McClellan, Arnold, Owen & McDermott. "McClellan" is Senator John McClellan, Democrat, of Arkansas, chairman of the Senate's Government Operations Committee and its Permanent Subcommittee on Investigations.

Therefore, a company whose president is a law partner of one of the most powerful Democratic Senators in the country has given a company owned by the President's family the right to buy half of it, and both companies are engaged in providing television programs to the citizens of Austin from the same TV tower.

Capital Cable does not fall under the jurisdiction of the FCC because it is not using the air, but is rather feeding programs from the tower to Austin televiewers by cables. Its competitor, TV Cable of Austin, is using a "microwave" system that places it within the FCC's regulatory powers.

TV Cable agreed, and Capital Cable refused to agree, to abide by an FCC requirement that pending the issuance of some regulations, they would delay for 30 days the duplication of any program the Johnson family's TV station shows.

TV Cable went ahead with its microwave plans, while Capital Cable decided on an all-cable system tied on to the TV tower and thereby placed itself beyond FCC regulatory authority. TV Cable appealed, last fall, for release from the condition on grounds that the Johnsons' station was not requiring Capital Cable to delay any programs, so the FCC should not require TV Cable to do so, either.

"They couldn't ask us for the protection that they weren't even providing for themselves," Campbell says of the Johnson family's station, KTBC–TV. Last December 9, the Commission voted 6 to 1 to deny the petition. In an appeal filed last month with the FCC, TV Cable summed up its case:

"The present situation in Austin boils down to two competing private businessmen doing business side-by-side. Both sell the identical commodity for the same price. The only difference is that [TV Cable] can offer only 'half a loaf' while Capital sells a 'whole loaf.' This difference is the result solely of the restraint placed upon the conduct of [TV Cable's] business by this Commission."

To the contrary, Capital Cable argued in its answering brief, delivered to the FCC early this month: TV Cable got a valuable competitive advantage that was "extremely costly to Capital Cable" by going ahead and signing up customers for its microwave system before Capital Cable got its cable laid, and now TV Cable simply wants the FCC to release it from its own agreement to the very condition on the basis of which it got the jump.

Capital Cable also contended that TV Cable "made the most" of newspaper publicity about Capital Cable's connection with the Johnson family's station to gain public favor. The facts of the option and "the interest of Mrs. Lyndon Johnson in the LBJ Co." were well known in Austin and were used by TV Cable in its bidding for customers, Capital Cable said.

"In its advertisements, TV Cable pointedly mentioned 'no options' and TV Cable reported to the Austin City Council that its Washington counsel charged that the FCC was 'deviating from norm,' and that the TV Cable application was being held up on 'orders from the top,' " Capital Cable told FCC.

Campbell says that Capital Cable has advertised "total television," without any delays in programs, and that TV Cable's obligation to delay six or eight key network programs a week has been a big obstacle in signing up customers.

"Capital Cable and its partner do currently enjoy the 'horse laugh' on petitioner," TV Cable admitted in its brief—"thanks, in principal part, to this Commission's failure to correct a basic, obvious injustice."

President Johnson gave a rare public account of his family's interest in the radio-TV business during a question and answer period before the Kiwanis Club in Austin late in October 1959, when Johnson was still a Senator.

The subject came up in a bantering way. "Senator," he was asked, "might you have some influence with the management of our local TV station?" "I'd like to think I do," he replied. "Then could you do something about getting Perry Mason on the program schedule?"

According to a newspaper report at the time, Johnson went on to say that actually he does not have a lot of influence with the management.

"I am married to a lady who graduated from the University of Texas and who intended to pursue a career in journalism until we met," he was quoted. "A few years ago she took some of her money and put it in a radio station."

Austin was allocated one VHF channel in 1948, but no one applied for it until Mrs. Johnson did in 1952. On the subject of Mrs. Johnson thus becoming the proprietress of the only commercial TV station in Austin, Mr. Johnson was quoted as saying, "Austin is one of 118 cities in the United States that have only one TV station."

The then Senator Johnson said that he owned no stock in the TV firm. "Mrs. Johnson has given some stock to our two daughters, and I might have some influence with them," he told the Kiwanians.

FCC files examined by the Observer in Washington in 1959 included an instrument recording gifts of stock from Mrs. Johnson to Lucy Baines Johnson and Lynda Bird Johnson, the Johnsons' two daughters, with this footnote in the records in each case: "The donor was joined by her husband, Lyndon B. Johnson, in making this gift."

On October 3, 1956, in an amendment to ownership reports, J. C. Kellam, general manager of KTBC–TV, wrote to the FCC, "In making these gifts, Claudia T. Johnson was joined by her husband, Lyndon B. Johnson, in such a manner as to enable these parties to avail themselves of the split gift provisions of the Internal Revenue Code."

FCC's files on KTBC–TV also includes a restriction-of-stock agreement dated January 10, 1956, between Texas Broadcasting Corp. and Claudia T. Johnson "joined by her husband, Lyndon B. Johnson, both of Blanco County, Tex. (herein called stockholder)." The instrument was signed by Claudia T. Johnson and Lyndon B. Johnson, and by Claudia T. Johnson for Texas Broadcasting Corp.

As Senator, Mr. Johnson wrote letters to the FCC in 1952 and 1953 routinely transmitting letters from constituents concerning an application from KWTX–TV in Waco, Tex., to the FCC. He asked the FCC to return the originals of his constituents' letters for his files. The application was granted.

On April 29, 1955, KWTX-TV filed with the FCC an antitrust complaint against Mrs. Johnson's company, protesting the FCC's granting the company's Austin station, KTBC-TV, an increase in power and range. Mrs. Johnson's company, the complaint alleged, "has violated and is continuing to violate the Sherman Act and the Clayton Act * * * and depriving the public of a free choice of television programing in sources."

The complaint was based on the fact that the Austin station was only 96 miles away from Waco and had the three major networks. In reply, Texas Broadcasting denied trying to monopolize any area and questioned the alleged overlap in the services of the two stations. In May 1955, KWTX-TV dropped the complaint. Subsequently, Mrs. Johnson's company acquired 29 percent of KWTX-TV through a stock transfer.

Senator Johnson did not regard his family's interests in the radio-TV industry as a source of conflict of interest for him, as between his duties on the one hand as a Senator and the Democratic majority leader and, on the other, as the head of his family.

Mrs. Johnson's stock is her separate property under Texas laws; he owns none of it. Since she acquired her stock, the Senator maintained, he had never voted on any radio or TV controversy, as, for example, the confirmation of an FCC Commissioner. It was his position that he had never received any favors from U.S. networks or advertisers.

As for "the Austin monopoly," businessmen who investigated the situation discovered that under Federal regulations, a second VHF television station is not physically feasible for Austin.

Because of transmitters already sending TV signals from cities within 190 miles of Austin, only one additional commercial channel could have been occupied in Austin. To conform to the FCC code, however, it would have had to have been located 20 miles west of Austin on the other side of a natural faultline. Since TV signals must be transmitted in a straight line and a relay tower would be regarded by the FCC as another primary point of transmission, a second station, these businessmen concluded, is technically unfeasible unless an exception is made for Austin.

The only other possibility, they said, would be a low-power local station that would not reach more than 60 or 70 miles outside of Austin.

These technical considerations are not generally known in Austin, and the Johnson family's ownership of the one TV station here has rankled many Austin people, especially those inclined to be critical of Mr. Johnson politically anyway.

The holdings of the Johnson clan in radio-TV included, as of a recent report, interests in stations in Austin, Waco, Bryan, and Victoria, Tex., and Ardmore, Okla. The prides of the stable are the Austin radio and TV stations that go by the call letters, KTBC.

Mrs. Johnson, principal owner of the Texas Broadcasting Corp. that holds these interests, recently put all of her stock in trust until Johnson is no longer in public life. The trustees are A. W. Moursund of Johnson City and J. W. Bullion of Dallas, who are also trustees for the stock in the company that belongs to the Johnsons' two daughters. Moursund, a close friend of the President's, is a lawyer, insurance man, and cattle raiser.

Mrs. Johnson, according to published reports, told the FCC that Moursund and Bullion will have complete discretion in managing her interests. "The sole information the trustees shall furnish to the grantor," the FCC was advised, "shall be the information which the grantor is required to show on her income tax return, or which may be required for reports to governmental authorities or for other governmental purposes."

Stockholdings in the Johnson family's firm have fluctuated slightly, but not significantly. Mrs. Johnson owns a clear majority of the shares; the Johnsons' two daughters own about one sixth of the firm each; J. C. Kellam owns about 6 percent, and Walter Jenkins, the President's aid and the treasurer and a director of the company, about 4 percent. The President's brother, Sam Houston Johnson, is among holders of one share.

As of an election of officers on August 24, 1961, reported to the FCC according to copies of documents filed with the FCC in April 1962, this was the list of officers and stockholders:

Claudia T. Johnson, chairman of the board and a director, 338 shares, 57.49 percent; J. C. Kellam, president and a director, 35 shares, 5.95 percent; Paul Bolton, vice president and a director (and the news chief of the station), 17 shares, 2.9 percent; Walter Jenkins, treasurer and a director, 23 shares, 3.91 percent.

Donald S. Thomas, secretary and a director (and the President's lawyer on personal business matters), one share, 0.17 of 1 percent; O. P. Bobbitt, vice president and a director, seven shares, 1.19 percent; A. W. Moursund III, director, one share; Warren Woodward, vice president and a director, two shares, 0.34 of 1 percent; A. F. Vickland, Jr., assistant secretary-treasurer, one share.

Nita Louise Kellam, one share; Carolyn Kellam, one; Sam Houston Johnson, one; the former Mary Margaret Wiley (now Mrs. Jack Valenti), one; Lynda Bird Johnson, 80 shares; 13.6 percent; Lucy Baines Johnson, 80 shares, 13.6 percent.

On May 16, 1952, Kellam advised the FCC, the former Miss Wiley sold her share to the company for $1,205. This left 593 shares outstanding.

According to an attachment to a document dated April 25, 1962, the LBJ Co., as it was then named, had the following properties:

KTBC-AM-FM-TV in Austin; 29 percent (and a fraction) of KWTX Broadcasting Co., licensee of KWTX-AM-FM, Waco, and 50 percent stockholder in the Brazos Broadcasting Co. (the licensee of KBTX-TV, Bryan, Tex.); a 75-percent stockholder in Texoma Broadcasters, Inc. (the licensee of KXII-TV in Ardmore, Okla); and a 78.9-percent stockholder in Victoria Broadcasters, Inc. (the licensee of KMAL-Radio, Victoria, Tex.).

LBJ Co. also owned Music for Business, which held the Muzak franchies in the Austin area, as of this report.

Employees at KTBC-TV have not been unionized. Kellam said in 1959 that he did not know of any attempts to unionize them during the preceeding dozen years or so. Asked in 1959 if he had any policy on the subject of union labor, Kellam said "No."

"I don't think any attempt has ever been made to organize them," Lyman Jones, public relations director for the Texas AFL-CIO, states in Austin.

According to a brief filed in the cable TV controversy in Austin, a balance sheet for KTBC alone, dated February 28, 1962, contained in KTBC's FCC file, showed assets of $3,992,902.39, of which $965,289.78 represented "cash." Under liabilities, the sheet showed $1,207,369.38, with "surplus and reserves" of $2,666,533.01.

Under these circumstances, Austin is ripe, indeed, for cable TV.

The cable TV business consists of taking from the air and delivering to televiewers, usually for a flat monthly fee, TV programs that originate at regular stations but are not available to the cable TV customers otherwise. Austin, according to Cable TV of Austin, "its the largest city in the United States in which cable television is utilized as a principal means of obtaining reception of television signals."

The Johnson family's interests were intimately involved in the coming of cable TV to Austin, just as they had been in the establishment of the city's only commercial TV station.

Midwest Video of Arkansas first eyed the lucrative Austin TV market in 1957, when it asked the city council there for a permit to operate a cable TV system. On the same day KTBC-TV filed its own application for such a permit.

KTBC-TV withdrew its application, a lawyer for Midwest Video said later, "when it was given the right by Midwest Video to participate in the venture at a later date, should it so desire." Kellam, KTBC's manager, told the FCC last fall that the 1957 agreement included (1) KTBC's option to buy half of Midwest's cable TV operation and (2) Midwest's agreement that it would use KTBC's TV tower for 10 years.

Midwest Video then organized a subsidiary, Capital Cable Co., which advised the city council in 1963 that Texans who were interested in it included J. C. Kellam, Warren Woodward, and Donald S. Thomas, who are officers, directors, and stockholders in the Johnson family's radio-TV firm.

Also interested in Capital Cable, the council was told, were Edward Clark and Frank Denius, members of the politically powerful Austin law firm of Clark, Thomas, Harris, Denius, and Winters. Clark is a close personal friend of the President's.

Despite Capital Cable's application for a permit to establish cable TV for Austin televiewers, the project languished until late 1962, when other potential investors entered the picture and forced the council to take action.

A group including the acting managing editor of the Austin daily paper applied for the cable TV franchise in October 1962. Capital Cable activated its inert application, and two other firms entered the contest. Early last year, with the subject receiving avid attention in the local press, the council announced that it would award not one franchise, but an indefinite number. It also released 21 specifications applicants had to meet, and with a premium on acting fast, the attorney for Capital Cable immediately scribbled out an application for a contract.

Political suspicions burgeoned, and representatives of at least two of the three other applicant companies indicated they suspected that the 21 points had been written with the acceptance of Capital Cable's application in mind.

Trueman O'Quinn, an Austin attorney, a member of the group with the local newspaper official, and a "Democrats for Eisenhower" kind of politician, muttered, as Capital Cable signed its contract with the city in an open city council meeting, "Variety magazine called it 'Lady Bird's gravy train.' The gravy train now has a cable connection, run by air and cables."

At first Southwestern Bell Telephone Co. announced that it would let only one company's TV cable on each of its telephone poles. This seemed to give a Johnson-associated company a virtual monopoly of cable TV in the city, but the telephone company reversed its position under pressure from the council.

Then it was that Campbell, who is a small businessman from Mineral Wells, informed the council that he wanted to apply, in the name of TV Cable of Austin, for a franchise to compete with Capital Cable.[1] The other three applicants retired from the field, leaving Campbell's new firm to take on Capital Cable.

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[1] For more details on the earlier phases of Mrs. Johnson's radio-TV interests, the reader is referred to the Observer's two reports on the subject, "The Johnsons' TV Interests" in the issue of Dec. 18, 1959, and "LBJ-TV," which appeared in the Feb. 7, 1963, issue.

Before either system could use the airways, an FCC permit was required. The FCC had adopted a policy that was being uniformly enforced that a condition to getting such a permit, a cable TV company had to agree not to duplicate simultaneously, or for 30 (now changed to 15) days, "a program broadcast by" the local TV station "when notified by the station in a timely manner." Eager to get going, Campbell agreed; Capital Cable did not, and turned instead to the laying down of a cable system to distribute signals from KTBC's TV tower. Capital Cable thus avoided FCC jurisdiction and did not come under the nonduplication ban.

Campbell's firm got a headstart, all right. Campbell says he has 1,700 signed-up customers today, and this is said to be more than Capital Cable has. But Capital Cable is advertising "total television," and Campbell admits that he is losing some potential customers because of the FCC rule.

Last August, Campbell's Washington lawyer, John P. Cole, decided TV Cable should ask the FCC to release it from the condition on grounds that it constituted precensorship that was unconstitutional. After receiving a petition from TV Cable, Ben Waple, Secretary of the FCC, wrote to the L.B.J. Co. as follows:

"The Commission's purpose in providing that microwave relay authorizations to (Cable TV) systems should be granted only upon the conditions referred to above was to protect local television broadcast stations from competition with CATV systems."

TV Cable had alleged, Waple said, that KTBC had taken steps to prevent TV Cable from duplicating certain programs, but that Capital Cable would distribute TV signals from KTBC's tower "without deletion of any programs and without delay of any programs.

"The Commission has also been informed," Waple told the L.B.J. Co., "that your company either has an option to purchase 50 percent of the stock in Capital Cable Co. or is now a 50-percent stockholder in Capital Cable Co.

"Under the circumstances, and assuming the above description of the present situation in Austin is accurate, a serious question is presented as to whether the Commission should continue to insist upon the conditions originally imposed upon TV Cable of Austin," Waple wrote.

"If, as it appears, you are insisting upon the protection afforded by these conditions," Waple told the L.B.J. Co., "while at the same time you are participating in and cooperating with a competing (Cable TV) operator from whom you are not seeking the same protection, then these facts will be taken into consideration."

Campbell says in Austin that his group had a strong impression that the FCC was going to rule in its favor. "The Commission staff told our attorneys they expected a favorable ruling, but all of a sudden we didn't get it. They put it off week to week."

Waple's letter was clear enough, and Kellam informed Waple that the L.B.J. Co. had not exercised its right to buy half of Capital Cable and that "Consequently, we do not have any control over or voice in the operation or the affairs of Capital Cable."

The L.B.J. Co. was "not insisting upon anything" and was not a party to the dispute between the two cable TV companies, Kellam told Waple. "The KTBC–TV tower is available on a comparable rental basis to TV Cable of Austin," Kellam said.

The tower's availability was news to TV Cable, its spokesman said.

TV Cable contends that the FCC was obliged by law to rule by November 5 on the challenge to the contested condition that prevents TV Cable from duplicating certain programs shown over KTBC–TV within a certain period, and that as part of an agreement that the issue would be ruled on "no later than November 20, 1963," TV Cable's lawyer agreed he would "interpose no objection to the Commission's failure to meet the time limit imposed by the statute."

On November 12, Waple asked for more information; in a letter November 16, Kellam provided it. TV Cable's lawyer, Cole, later reminded the FCC that at 9:50 p.m., November 19, the chief of the broadcast bureau of the Commission called Cole at his home to ask on the Commission's behalf for "an additional week's time." This was agreed to. Again, on November 27, the same FCC official asked for another week, "in view of recent circumstances," Cole said.

"Such consent was again extended with the understanding that the matter would be resolved finally on December 4," Cole said, but it was not.

Midwest Video, the parent company of Capital Cable, had not been idle. On October 22, G. R. Morrell, vice president of Midwest, had written E. William Henry, the FCC Chairman (with copies to the other Commissioners), arguing that TV Cable had obtained "a great competitive advantage" by agreeing to the condition from which it sought release.

Further, Morrell told the FCC in a politically pregnant sentence: "Efforts have been made to bring persons related to that station (KTBC) into this matter, and we can only say that such efforts are unwarranted and can only be considered a smear on highly respected persons."

On December 4, the day scheduled for the FCC's final decision, Morrell wired FCC Commissioner James Barr that if TV Cable was given a waiver of the contested condition, Midwest Video would "seek relief through any legal channels and enlist the aid of our delegation in Congress." Morrell specified in the wire, "Carbon copies to Arkansas delegation and FCC Commission."

One member of the Arkansas delegation, of course, is Senator John McClellan, a member of the law firm of Moses, McClellan, of Little Rock. "Moses" is the president of Midwest Video, C. Hamilton Moses.

On that date, December 4, instead of ruling on TV Cable's petition, the FCC wrote what Cole called "still a third letter to the LBJ Co. which, in essence, seeks the counsel of the LBJ Co."

In this letter, Waple, the FCC secretary, addressed to station KTBC–TV and the L.B.J. Co. two questions about the nonduplication condition from which TV Cable was seeking a release:

"We request that you state whether the condition is needed by Station KTBC–TV in order to serve the public interest. If you believe that some lesser protection is appropriate, please state exactly the terms of protection, if any, you think necessary or desirable in the public interest."

Waple also wrote that "the Commission requires full information concerning your efforts, if any, to obtain whatever protection you deem desirable from Capital Cable Co."

For the Texas Broadcasting Corp.—the name having been changed back from the L.B.J. Co.—J. C. Kellam, president, replied that KTBC–TV "seeks the same protection afforded to all other television stations similarly situated" and did not favor an exception for Austin.

He said that KTBC was not represented among the officers or directors of Capital Cable, and that "on several occasions" when KTBC requested Capital Cable to delay showing programs broadcast on KTBC, "they have been unwilling to do so."

On December 9 the FCC refused TV Cable the exception to the condition TV Cable says is an unfair restraint on its business. In its appeal from this decision January 10, TV Cable told the FCC that its three letters to KTBC and KTBC's responses were "quite an amazing study in contrast," with "a serious question" turning into a request for KTBC's opinion on what would "serve the public interest."

"Although we do not imply that * * * the Commission is delegating its decisionmaking process to an interested party, we do observe that the procedure followed here is somewhat novel in our experience," TV Cable to FCC.

TV Cable quoted FCC its own rules classifying an option to buy, such as KTBC has against 50 percent of Capital Cable's stock, under "ownership or control." TV Cable contended that the option amounted to at least negative control over Capital Cable's business.

TV Cable found it "astonishing" that the FCC had made determinations "involving the substantial rights of parties clearly having adverse interests principally upon the self-serving, conclusionary statements of an interested party."

When, on January 31 of this year, Capital Cable mailed to the FCC its opposition to TV Cable's application for the waiver, contending that TV Cable was seeking competitive advantage, pure and simple, the brief was signed, "Moses, McClellan, Arnold, Owen & McDermott, By: C. Hamilton Moses."

Campbell says that he has all of his capital tied up in his Austin venture. "I'm not a politician," he says. "I've tried not to be—but it's becoming difficult."

[From the Wall Street Journal, Mar. 24, 1964]

Johnson and the FCC: Agency Curb on Rival of Wife's TV Station Spotlights Touchy Issue—Some Cable TV "Blacked Out" in Austin; FCC Concerned by Relation to Presidency—Rulings Could Affect Fortune

(By Louis M. Kohlmeier)

Washington.—Since Lyndon Johnson entered the White House, the Federal Communications Commission has been silently squirming.

Now Mr. Johnson rules as President above the Commissioners, while the Commissioners must rule above the multimillion-dollar Johnson family broadcasting ventures. No matter how carefully they move, no matter how virtuous their motives, they must make decisions that will affect that wealth, favorably or unfavorably.

In the brief time since Mr. Johnson became Chief Executive, and without hearing from him on the matter, the FCC has already made one ruling that protects the "monopoly" television station in Austin, Tex.—the Johnson-owned KTBC–TV—against the full force of an infant competitive challenge.

The challenger is a far smaller company, TV Cable of Austin, Inc., which has begun to "pipe in" out-of-town television shows. An Austin household willing to pay $4.95 a month can now see programs relayed from the San Antonio TV stations.

ISSUE HEATING UP

Some shows—but not all. For the FCC, pursuing a policy which it says is designed "to protect local television broadcast stations from competition" by such enterprises, is explicitly requiring that many of these out-of-town programs be "blacked out." TV Cable of Austin, still hopeful of becoming profitable itself, is now seeking a reversal; the issue, remains alive before the FCC and is heating up.

The Commissioners are well aware that this is only the first of a number of problems concerning the broadcasting enterprises of the Presidential family which are likely to come before them. Next year, for instance, licenses of the Austin television and AM and FM radio stations will come up for normally routine renewal.

The Commissioners know FCC is an "independent" agency. They also know that in practical terms it can never completely escape the orbit of Presidential power. The agency's budget (rising to $16.4 million for fiscal 1965) clears through the White House. Its Chairman, 35-year-old William Henry, serves as such only at Presidential pleasure. No Commissioner can serve beyond his present term unless the President reappoints him.

Commissioner Frederick Ford knows his term expires this June. Commissioner Robert Bartley, nephew of the late Speaker Rayburn and longtime friend of Lyndon Johnson, knows his expires the next June. A majority of the Commission will be up for reappointment or retirement by 1968.

THE TRUSTEESHIP

The discomfort at FCC has not been perceptibly diminished by the fact that Lady Bird Johnson, almost immediately after entering the White House, placed the family broadcasting stock under the trusteeship of two old Texas friends of her husband, A. W. Moursund and J. W. Bullion, for so long as Mr. Johnson retains Federal office.

"That means nothing," remarks a Republican Commissioner. "The Johnsons retain beneficial interest—and they'll get the management of the stations back when Lyndon leaves office."

Says a Democratic member of the FCC: "Of course, every Commissioner and every member of the staff is aware" of the Presidential family's financial interest in the Austin stations. He terms Mrs. Johnson's trusteeship of the stock "a halfway measure that does not divorce the family from the stations."

In practice, the Johnsons have not permitted the trusteeship to insulate them from contact with top executives of the family broadcasting company—formerly known as L.B.J. Co., now as Texas Broadcasting Co. Its president, J. C. Kellam, has made trips from Austin to the White House on at least two recent consecutive weekends. There is no indication whether business was discussed with this old associate; his only publicized move was to go to church with the Johnsons. Officials at FCC are quite ready to assume the Johnsons are scrupulously avoiding company management decisions—yet this does not relieve their concern in the least.

COMMISSIONERS' KNOWLEDGE

What bothers the Commissioners is that there is no way they can blank out their own knowledge that the Johnson fortune, under trusteeship, remains the Johnson fortune—and that there is no way they can avoid acting in the light of that knowledge.

The situation seems unique; officials are unable to recall that any other Presidential family has had its wealth concentrated in a Government-regulated industry with the full knowledge of the regulators.

Senator Kennedy, before he was sworn in as President, disposed of all his personally held corporate stocks and bonds and put this money—plus all additional funds that accrued while he was in office—into Federal, State, and municipal bonds. General Eisenhower's holdings of corporate securities were placed in trust under a New York investment banker, just before he became President. By terms of the trust, Mr. Eisenhower did not know how the funds were managed or in what securities they were reinvested. Perhaps more important, subordinate Federal officials never knew what companies were represented in the portfolio.

One Commissioner says that since Mr. Johnson became President he has "been afraid" to ask to see the agency's own files on the Johnson broadcasting business, figuring somebody would think he was preparing to do favors. Yet failure to consult the files limits his information and could influence his judgment on matters affecting the Johnson fortune. This Commissioner declares he was "amazed" that the family retained, after reaching the White House, its clearly visible interest in a business so heavily dependent upon Federal regulation.

Against this background, there is concern within the FCC about the new competitive challenge to the Johnson television station, and about the agency's own current posture restricting the effectiveness of this incipient competition.

It was last October that the little challenger, TV Cable of Austin, for the first time offered those in Austin who wanted to pay for it, a choice of television programs beyond the fare offered by Austin's solitary station. TV Cable had erected a "community antenna" tower on a mountain top about 30 miles south of town, to pick up telecasts from all four television stations in San Antonio. It beams these shows on to Austin pickup points via microwave, and from there they move through house-to-house cables for delivery to subscribers' sets.

ONE SHOW AT A TIME

Why would anyone want to pay $4.95 a month when broadcasts of the Johnson station in Austin could be tuned in free? The local KTBC–TV is affiliated with all three networks, but can of course air only one show at a time. It records many network programs on tape and airs them later. So its delay should be TV Cable's golden opportunity; TV Cable has technical capacity for immediate relay of all network shows simultaneously from San Antonio, where CBS, NBC, and ABC each has an outlet station.

That it's not working that way in practice is due to FCC's insistence that TV Cable "black out" precisely the San Antonio shows which the Austin station holds up. TV Cable is forbidden to relay these from San Antonio to its customers prior to the time the Johnson station gets around to televising them, unless KTBC–TV holds them up for more than 15 days; it must also wait for at least 15 days afterward. To facilitate compliance, the Johnson station has been sending its program schedule to TV Cable in advance, the FCC has been assured by Mr. Kellam, the Johnson firm's president.

Receipt of the latest KTBC–TV weekly schedule, for instance, eliminated the Lucy show from yesterday's offerings by TV Cable, according to its officials. Today the Richard Boone show and Combat will be numbered among the casualties, and tomorrow Ben Casey will vanish into the blackout.

TV Cable of Austin, which foresees a potential market of 50,000 subscribers and declares it needs at least 3,600 to break even, reports it has so far signed up about 2,200. Recruiting of new customers has "slowed up some," executives declare, and some clients are dropping out. TV Cable contends the FCC is crippling its capacity to compete, grow, and survive.

And especially so in view of the fact that a rival community-antenna enterprise named Capital Cable Co. has also started up in Austin and has managed to free itself from the FCC's "blackout" rules—by turning to a transmission system which escapes the agency's jurisdiction.

Since it launched service in December, Capital Cable has won some 600 paid subscribers, and it is winning more as it extends its distribution lines. Interestingly, the Johnson broadcasting company was granted an option right to acquire half-ownership of this second new entry. Surprisingly, the Johnson firm paid nothing for this option, according to officials of the company which granted it.

LOEVINGER'S POSITION

On December 13, just 3 weeks after Lyndon Johnson became President, FCC formally rejected a request from TV Cable that the Government relax its "blackout" rules to permit freer competition. The only dissent came from Commissioner Lee Loevinger, formerly antitrust chief in the Justice Department.

Curbs should not be placed on business enterprises, Commissioner Loevinger argued, "unless and until some need has been established that is related to the public interest. In the absence of any evidence, the presumption should be in favor of free and competitively untrammelled enterprise." And, he noted, the Johnson company had offered no evidence whatever that it has "need" for protection.

TV Cable has asked FCC to reconsider and reverse its position; the Agency is expected to hand down a verdict soon.

Stakes are high; one of the lawyers involved in the fight estimates that if one firm wins the full potential community-antenna market in Austin—whether that winner will be TV Cable or Capital Cable—it will be worth $10 million. Tempers are high, too; charges of "ex parte" back-door attempts to influence the FCC, and countercharges of "a smear on highly respected persons" are appearing in briefs filed with the agency. Back of all this is an intriguing and intricate history.

The story must go all the way back to 1957, when a number of firms began applying to the Austin city council for a franchise to supply twonsfolk with community-antenna television. They figured the size of the audience, its appetite whetted by dependence upon a single local station, made Austin one of the most promising markets in the Nation for delivery of out-of-town TV programs.

Among those scrambling for the franchise was Midwest Video Co., headquartered in Little Rock, Ark.; it was already an experienced community-antenna operator, with systems in Texas, New Mexico, and Mississippi towns.

Another applicant lacked experience in this new field of cable-delivery TV, though it had other sources of strength. This was none other than the Johnson's local broadcasting company.

UNITED FRONT

Quickly, however, these two joined hands and proclaimed "a united front" against other applicants. Replacing their separate bids, a new outfit, Capital Cable, was created to seek the franchise. What had brought the two together?

According to Midwest's president, C. Hamilton Moses, it was done "at the suggestion of the mayor and some prominent citizens." The mayor was Tom Miller, since deceased; he was a close friend of Lyndon Johnson and so firm a political ally that he later attended the 1960 National Democratic Convention as a delegate backing the Senator's attempt to win Presidential nomination.

As a business arrangement, terms of the pact—described by Midwest Video officials—may seem remarkably favorable to the Johnson broadcasting company. Without paying a cent, the Johnson concern was given an option to acquire 50 percent ownership of the new Capital Cable Co., at any time up to 3 years after receipt of a franchise from the Austin City Council. (This deadline now works out to be January 1966.) Meanwhile Midwest foots all the bills; officials say Capital Cable is already committed to an outlay of $780,000. The agreement even specified the Johnson company was to be paid for use of its television tower, upon which Capital would erect an antenna to pick up the out-of-town broadcasts. (This now works out to be $1,000 a month.)

The terms have this significance: If the Capital Cable venture seems to be headed toward failure at the option deadline, the Johnson company can let it lapse and Midwest will have taken all the risks and be left with all the losses. If Capital seems headed toward success, on the other hand, the Johnson company can exercise its option and claim half the profits thenceforward. For that right, it will then be obliged to pay up its half of the outlays which Midwest is making. If the venture is booming, of course, this might be much less than market value of Capital Cable's stock at that time.

Midwest controls Capital Cable until the Johnson firm exercises its option, but thereafter it can lose working control. Then Midwest will name just three of Capital's directors; the Johnson concern will name three—and the balance of power will rest with a seventh director installed by the mayor of Austin.

Midwest, when it entered into this 1957 pact, was in a hurry to get community-antenna television going in Austin. But the Johnson broadcasting concern, though it had obtained potential participation, perhaps still had little reason to wish for the intrusion to come quickly, since it was already operating in Austin and in the meantime would continue to have the market to itself. In any case, the decision was in the hands of the Austin City Council, and certainly it felt no sense of urgency. It sat on the franchise application for more than 5 years.

Yet pressure from other applicants gradually built up; one group seeking the franchise (futilely, as it turned out) included a newspaper executive who knew how to stir Austin voters on the issue of their limited TV diet. Finally, on January 28 of last year, the council handed its franchise to Capital Cable, overlooking other contenders. This was a stormy session in a crowded chamber; reporters present noted heckling and booing when the decision was announced.

STATEMENTS BY OFFICIALS

Evidently, there was some local feeling that the Johnson dominance in Austin television was not being decisively ended. On February 6, statements denying that the council was fostering TV monopoly were issued by the incumbent mayor, Lester Palmer, and by other city officials. On that same day, the council issued a second, competitive community-antenna franchise.

This second grant went to TV Cable of Austin—in which the Johnson firm held no interest. TV Cable is headed by John Campbell, former owner of a small community-antenna system at Mineral Wells, Tex.; it has obtained financial backing from a New Orleans broadcasting group and from several Washington attorneys who specialize in broadcasting law.

So TV Cable and Capital Cable seemed set to begin their race to bring television competition to Austin—but at this point they encountered another Government hurdle, at the national level. During February 1963, both filed applications with the FCC in Washington. The necessity of their doing so is in itself a twisting tale.

Actually, Congress has never granted the FCC specific authority to regulate community-antenna systems. And the agency originally had no intention of doing so. When these systems first began appearing on the American scene, it was to bring television to towns with no stations of their own and beyond the normal reception range of transmitters in other cities. Folk in Cumberland, Md., for example, were beyond the reach of any TV station; now, about 16,000 subscribe to a community-antenna service which brings in telecasts from Washington and other cities.

But FCC sentiment swung to doubt and alarm as community-antenna promoters seemed ready to intrude into towns which did have a TV station or could have one. The fear expressed was that a marginal station in a small town might not survive the competition, and that its disappearance would infringe the "public interest."

Beyond that, TV Cable is still trying to convince the FCC it should be granted a waiver from the "blackout" rule, arguing this should not be enforced against only one Austin community-antenna system now that its competitor is escaping. And it contends the Johnson station needs no protection anyhow. Though the plea was rejected in December, the firm has renewed it, producing "new evidence" that the Commission has been subjected to "ex parte" contacts, outside normal and formal channels.

One bit of evidence: A letter to FCC Chairman Henry from G. R. Morrell, vice president of Capital Cable and general manager of Midwest Video, which recalls Mr. Morrell "had the pleasure of a very interesting conversation with you" concerning the competitive contest, and which warns Chairman Henry of "efforts" that "can only be considered a smear on highly respected persons."

Mr. Morrell confirms he wrote this letter; and that by "highly respected persons" he meant the Johnsons, that by "smear" he meant to include TV Cable's emphasis of the Johnson company's option to take half ownership of Capital Cable. He vehemently declares the Johnson option agreement was "a perfectly legitimate transaction" which carried with it no favorable treatment either in Austin or Washington.

"We have never attempted to cover up, or cash in on any influence," says Mr. Morrell. Capital Cable argues that since it escaped the FCC "blackout" rule only by a difficult shift to all-cable transmission, it would be unfair competition if TV Cable were now permitted to end the "blackout" while still using microwave beams.

FCC'S CONCERN

From the beginning, however, the FCC's primary concern has been not to create either free or equal competition between the two community-antenna systems but to place obstacles in the way of both invaders. The agency's general policy of protecting local telecasters against piped-in programs from other cities was specifically applied to Austin with the consequence that both TV Cable and Capital Cable have been handicapped—in different ways—as they sought to compete with the prosperous Johnson television station.

Before making its December decision against TV Cable, the FCC sent three letters of inquiry to the Johnson concern, though officially the LBJ Co. was never a party to the proceeding.

In the first of these, FCC Secretary Ben F. Waple emphasized the intent of agency policy was "to protect local television broadcast stations from competition" by community-antenna systems, "in order to preserve continued local television broadcast services." But FCC told the Johnson firm that in this Austin instance "a serious question is presented" as to whether the protection was justified and needed.

CALIFORNIA EXAMPLE

Prize example cited: Santa Maria, Calif., to which the FCC long ago allocated a station that only now is getting airborne. A community-antenna firm proposed to bring in the programs of all seven Los Angeles stations to communities near Santa Maria. Whatever the yearnings of the local citizenry may be, the FCC is convinced the embryo of the Santa Maria station must be protected against uncontrolled competition from Los Angeles.

To enforce its convictions, the agency's obvious recourse is to ask Congress for authority over community-antenna systems. And in fact it is trying to stir support for such legislation; if a bill is introduced, and passed, and signed by the President, then FCC will have clear legal authority. Lacking that, it is now using a power which Congress granted for quite different purposes. This is the authority to regulate transmission of microwave beams, on wavelengths allocated for communications use by all sorts of business.

Both TV Cable and Capital Cable, like most community antenna firms, wanted to use microwave beams—to relay the out-of-town television shows from their receiving antennas at some distance from the city to other antennas located within the city. (From the central points, the shows would then move on to subscribers by cables strung along the phone company's poles.) The FCC had no formal rule forbidding or regulating this, and still has issued none. But just 2 months before it received the Austin microwave applications, it had promulgated a "notice of proposed rulemaking."

So when TV Cable and Capital Cable came to the FCC seeking microwave permits, the agency made it clear that the right to use such relay beams to Austin would be granted to each only if it voluntarily agreed to a blackout provision protecting the local Johnson television station.

APPLICATION STALLED

Eager to start operating, TV Cable originally agreed to this sharp restriction. Nevertheless, its microwave application filed in February was stalled at the FCC until last July. Why so slow? Now in FCC's own file is an allegation by TV Cable's Washington lawyer, John P. Cole, Jr., stating that he was told by a member of the agency's staff that "orders from the top had been received to the effect that the (TV Cable) application was to be acted on simultaneously with" the similar microwave request by its competitor, Capital Cable. And Capital Cable was balking at the voluntary restriction.

Capital Cable, be it remembered, was linked to the Johnson television operation in Austin by option rights, but since these had not been exercised it was still wholly a subsidiary of Midwest Video in Little Rock. Midwest, having been so badly disappointed in its 1957 expectation that its alliance with the Johnson broadcasting empire would assure quick entry into Austin, was by 1963 in no mood to accept curbs on Capital's community antenna competition with the Johnson TV station. Capital Cable refused to accept the FCC's proposed rule; in consequence the agency informed the company in July that it was getting no permit for a microwave relay beam. And it never has received one.

Instead, Capital has laid a cable to the city from its receiving antenna (which it has placed, as agreed upon, atop the 1,280-foot Johnson TV tower on Mount Larson). This and other reengineering required to eliminate use of microwave—and thus escape FCC jurisdiction—added $100,000 to the company's costs, according to company officials, and delayed starting of service. Capital Cable finally began operating last December, a couple of months behind TV Cable. With fewer subscribers as yet, Capital has been pushing hard to catch up and pass, with its newspaper ads hammering the theme of freedom from "blackouts." "Total television * * * no delays, no rebroadcast" they proclaim. "Television programs at the time they are broadcast direct from network stations."

TV CABLE'S ADS

These are claims which TV Cable cannot make, of course. Instead, TV Cable has been appealing to what President Campbell describes as "tremendous resentment against the Johnson broadcasting monopoly." Its ads have featured the theme that "there are no options for stock." In recent days, this pitch has been softened, with current advertising more subtly plugging "your independent cable company."

The Johnson company was invited to supply facts—or, at least, to "state" that it "needed" continued governmental restrictions upon TV Cable to insure its own preservation.

The replies of the L.B.J. Co., signed by President Kellam, avoided offering any evidence that the Johnson TV station required Government protection from competition, for its survival or prosperity. And they even avoided stating any need. The company said it had "nothing whatsoever to do" with the agency's policy, that the company was "not insisting on anything." TV Cable's plea for relief, Mr. Kellam said, was "a matter to be resolved between that company and the FCC."

In answer to FCC questions, he confirmed the option right to half-ownership of Capital Cable, said there was no "present intention" of exercising it, and provided a little other information.

Then, in its final letter to the FCC, December 9, the Johnson company did offer a bit of advice. It told the FCC that "the situation in Austin, Tex., is the same as in other cities where community-antenna systems operate." So, after all, the Johnson company—though still officially refraining from becoming a visible party to the dispute—did have a request: "Station KTBC-TV seeks the same protection afforded to all other television stations similarly situated."

Four days later the Commissioners accepted that view of the affair, by a vote of 6 to 1.

In rejecting TV Cable's plea to escape the "blackout" rule, the majority argued that "at least 15" other community-antenna outfits around the country have accepted this curb. One thing the Commissioners did not note is that in a number of such cases the obedience to FCC wishes is currently meaningless—because the town involved has no station, just a TV channel allocation which may be used some day.

For the present, such a community-antenna firm can therefore operate without "blackouts" and build its business without hindrance. Towns in this category, according to FCC staff men, include Globe and Paradise Valley in Arizona; Independence, Calexico, Holtville, and Brawley in California; Alpena, Mich.; Pendleton, Oreg.; Comanche, Tex.; and Gallup, N. Mex.

In other cases community-antenna plans have involved audiences currently served by telecast stations, of course. Among these are systems projected for San Angelo, Tex.; Casper, Wyo.; Fort Smith, Ark.; Tallahassee, Fla. (which is served by a station in Thomasville, Ga.); Wabash, Ind. (the stations concerned are in Fort Wayne); and Myrtle Beach, S.C. (the stations are at Wilmington, N.C.).

If the Commissioners reverse their decision on the "blackout" for Austin's TV Cable, as that company urges, it will be highly unusual. Yet they could find themselves equally uncomfortable if they do not. For they appear in the position of applying to a highly lucrative station, which has made no claim of vulnerability, the protection of a "proposed rulemaking" theoretically intended to assure the survival of marginal stations in financial peril.

And that strong station which is being shielded from free competition is one which channels profits to the Presidential family.

ORVILLE FREEMAN FAILS TO MEET TEST

Mr. NELSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NELSEN. Mr. Speaker, as a Minnesotan I have listened for years to the words of our self-styled liberals—and especially to Orville Freeman—as they spoke glowing words about the rights of man, about equal and fair treatment of all people, about the integrity of our civil service. But when it comes to a showdown—when Mr. Freeman is up against the ax of decision for the rights of man against the "rights" to protect himself and his Department of Agriculture from exposure, he fails sadly to meet the test.

I speak of this today because the action by Secretary Freeman in denying a routine ingrade promotion to N. Battle Hales apparently stems from Mr. Hales' one offense—daring to testify that Billie Sol Estes was shown favoritism in the days before his million-dollar empire in Texas crumbled. For more than 2 years the Secretary and his associates have done their best to wipe the Estes case from the public mind, and the latest move against Mr. Hales is a Freeman warning to Government employees that they had better watch their step when a congressional committee wants to question them.

They have tried to make the people forget the Billie Sol Estes case, just as they now are hoping to make people forget the Bobbie Baker case. But when Mr. Freeman, in his eagerness to keep the Estes case out of sight, turns anticivil service and antirights of man, he is defying and contradicting all the pretty words he has uttered down through the years.

You may recall that it was just 2 years ago that Billie Sol Estes broke into the headlines, when it developed that Estes had been getting favored treatment on cotton planting allotments under the Federal price-support program—one of the items is an involved operation in which Estes had $40 million in contracts for storing Government wheat and grain sorghums, and in which he defrauded several finance companies on mortgages for fertilizer tanks which did not exist.

Some of the angles of the sensational Estes case came to light, so that he was indicted and convicted. But the story back of the story remains a mystery, thanks to such coverup as is the inevitable result of coercion such as that involving Mr. Hales, who insisted there was favoritism in Department dealings with Estes. When he had the courage to testify before a Senate committee, he found himself in the Freeman doghouse.

But even the smooth operation of the Agriculture Department bureaucracy slips now and then. A month ago Hales was notified that he was getting the routine ingrade promotion—some $500 additional salary a year. This is standard procedure under civil service rules. But then someone discovered the boner, and Mr. Freeman himself moved in to cancel the promotion.

Thus are Government employees warned that it would be well if they would play ball with their superiors or suffer the consequences. How is the integrity of our civil service system to be maintained under such conditions?

LEGISLATION PUTTING THREE PROFESSIONAL SPORTS ON SAME LEGAL FOOTING AS PROFESSIONAL BASEBALL

Mr. HORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, today I am introducing legislation which is designed to clarify certain antitrust regulations which have caused constant irritation to professional team sports.

Currently, professional baseball is exempt from antitrust laws. In 1922, in Federal Baseball Club of Baltimore against National League, the Supreme Court ruled that baseball was "not a subject of commerce," and thus, was not subject to Federal antitrust laws. Football, basketball, and hockey have not received such protection. My bill will put these three professional sports on the same legal footing as professional baseball.

In doing this, my proposal recognizes the unique character of professional team sports, a factor which limits the applicability of the antitrust law in their case.

Specifically, this bill states that antitrust regulations will not apply to agreements and rules pertaining to:

First, the equalization of competitive playing strengths; second, the employment, selection, or eligibility of players, or the reservation, selection, or assignment of player contracts; third, the right to operate within specific geographic areas; or fourth, the preservation of public confidence in the honesty in sports contests.

In recent years, the legality of such practices as player drafts, reserve clauses, and territorial franchises has received serious scrutiny—especially as it pertains to football, hockey, and basketball.

In 1957, in Radovich against National Football League, the Supreme Court decided that, unlike baseball, professional football could claim no exemption from the antitrust laws.

In commenting on the apparent inconsistencies in its decisions, the Court stated in part:

> If this ruling is unrealistic, inconsistent, or illogical, it is sufficient to answer, aside from the distinctions between the businesses, that were we considering the question of baseball for the first time upon a clean slate we would have no doubts. But Federal Baseball held the business of baseball outside the scope of the act. No other business claiming the coverage of those cases has such an adjudication. We, therefore, conclude that the orderly way to eliminate error or discrimination, if any there be, is by legislation and not by court decision. Congressional processes are more accommodative, affording the whole industry hearings and an opportunity to assist in the formulation of new legislation. The resulting product is therefore more likely to protect the industry and public alike.

This statement reiterates what the Court had said in 1953 in Toolson against New York Yankees. At that time, the Court affirmed its 1922 ruling, but added the words:

> We think that if there are evils in this field which now warrant application to it of the antitrust laws, it should be by legislation.

Twice in recent decisions, the Supreme Court has charged Congress to bring clarity to the relationship between professional team sports and antitrust laws. As yet, little has been done.

This problem was taken up in 1958 with the consideration of H.R. 10378. The Judiciary Committee held extensive hearings and reported out a bill designed to deal with the problem.

After lengthy floor debate, the House decided that the committee version did not bring the desired degree of exemption to professional sports. The original version stated that only those activities which were "reasonably necessary" would be freed from antitrust regulation. This nebulous term had the effect of placing professional baseball in the category of the other professional sports.

If enacted, this proposal would have involved all four sports in litigation to determine the meaning of the term. The result would have been further confusion of the whole situation.

Fortunately, a substitute version was agreed upon by the House. The new version expressed without any doubt the areas of antitrust exemption for all the sports. No longer was there any room for judicial misconceptions of the will of Congress.

The new version subsequently passed the House, and was sent to the Senate. There, it failed to become law only because the Senate had insufficient time to give the measure full consideration.

In 1961, Congress passed legislation enacting one aspect of H.R. 10378. Public Law 87-331 exempted professional baseball, football, basketball, and hockey from antitrust legislation as it related to the regulation of rights to broadcast and telecast reports and pictures of sports contests.

The bill I am introducing today is essentially the same as the measure passed by the House in 1958. The one exception is that provision which has been eliminated by the passage of Public Law 87-331.

In my own personal experience with professional team sports, I have learned that all sports should receive the same consideration under the law. Professional baseball, football, basketball, and hockey are businesses which all have peculiar problems. These problems come from the fact that their very business is competition. For them, competition—not monopoly—is their best assurance of high profits for owners and players alike. In other words, in any one of these sports, a monopolist would hurt not only the public, but himself as well.

Sports are unique in this capacity. Here the owner of one team does not wish to destroy the financial stability and the competitive capability of opposing teams.

When one team gains access to all the good players, there obviously is not an equalization of playing strength. Thus competition is destroyed, and the public then loses interest in the sport. With the collapse of public interest, professional sports are destroyed.

We see, therefore, that the need to maintain a high level of competition between teams on the playing field requires the opposing clubs to cooperate at the management level. The distribution of player talent and the granting of territorial rights are imperative. The business procedures of this industry must be such that it can maintain an equalization of competitive playing strengths. If professional sports are to continue to flourish for the public's enjoyment, they must be allowed to insure that competition is preserved.

I, therefore, ask that Congress take favorable action on this legislation, thus removing the legal uncertainty which clouds the status of the four major professional team sports.

DUANE J. CORRIVEAU—GREAT YOUNG AMERICAN

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I feel that it is appropriate that I should make fitting recognition of the recent, seasonal achievements on the intercollegiate basketball courts of my fine, young constituent, Mr. Duane J. Corriveau, of this year's Clark University basketball team.

This young man is a resident of Spencer, Mass., in my district. He is an outstanding athlete, and a splendid student, a fine, dedicated citizen of his college, a very capable and well-balanced young man, who is being justly hailed for his brilliant accomplishments on the basketball courts during the college competitive season just concluded.

The Massachusetts House of Representatives has deemed this young man's achievements to be worthy of a commendatory resolution, and it recites the great honor this young man has brought to Clark University, the town of Spencer, and the Commonwealth of Massachusetts, and extends to Duane Corriveau its congratulations and best wishes for success in the future.

Needless to say, everyone at Clark University, Worcester, Mass., where this young man is matriculating, is extremely proud of his achievements. I would like to state that I most abundantly share this pride and join in the commendations and acclaim that are being rendered to Duane Corriveau by so many people for his brilliant work on the basketball court.

I think it should be said that there is really no precedent for such outstanding basketball play by any New England small college player as that of Duane.

He was voted the No. 1 New England Small College Player by United Press International for 1962-63, and he finished his brilliant Clark basketball career in most dramatic fashion, in a whirl, as it were, by a 50-point performance—school single-game record—the fourth straight game in which he scored more than 40 points, and increased his season's average to 34.9 points per game, which gives him third ranking in the national, small-college scoring.

This amazing basketball wizard scored 30 points in the first half of the Amherst game and hit 64 percent from the floor, 83 percent from the foul line for his 50 points.

A top candidate for Small College All-America, Corriveau holds virtually every scoring record at Clark, having scored 1,830 points in 70 games during his 4-year career, for a cumulative college average of 26.143.

Playing both forward and guard, his versatility knows no bounds and he is a skilled, all-around team player, a competitor of unrivaled spirit and eagerness, a sure-fire champion.

Young Corriveau is a well-built, sturdy 6-footer, who weighs about 183 pounds and moves fast and skillfully over the court.

He has mastered every phase of the game and his speed and versatility permit him to capitalize on one-hand jump shots, driving layups and other dynamic moves that bewildered the opposition and amazed the spectators and thrilled his coaches and many fans.

Duane is a typical American boy, reared in a typically American town, the product of a good Christian home where fundamental American and religious principles are loved and taught.

Trained at a fine high school, a hardworking student at Clark University, one of our very best American colleges, whose president, the Honorable Howard B. Jefferson, is one of the outstanding educators in the Nation, a college noted for its highly rated staff of professors and instructors, this young man is not merely an athlete, although his achievements in the athletic field are tremendous, and impressive, and he is proud and confident of his athletic ability which he worked so long to develop and which his able coaches have enhanced. He is also a serious-minded, industrious and very capable student, a history major, and a member of the Senior Men's Honorary Society, Gryphon.

This boy, it can be easily seen, combines the very best qualities of American youth, of which we are all so proud. He realizes the truth of the old classic adage—a sound mind in a sound body—mens sana in corpore sano—which he has practiced religiously throughout his career. He also wisely realizes the need for balance, neither to over accentuate the physical, the mental, or the social, but to keep them all in equilibrium, complementing each other, and never becoming distorted by overemphasis on one phase of activity to the exclusion of other vital activities. Health and good physical condition, studies, sport, good college citizenship, wholesome recreation, hard work, and family devotion—these are good ingredients of a happy, constructive life.

This young man is now 22 years of age, a senior who played his last college game March 3 against Worcester Tech on his own court. He climaxed his brilliant college career in this game by scoring 40 points, and being named the top small college player in New England for the second straight year, and also receiving honorable mention in all-American voting.

He has been the subject of many articles in the Worcester Telegram in the past few weeks and his fame as a basketball player has spread far and wide.

He has set an admirable record for other young college boys to shoot at and, believe me, they will have a high mark to shoot for.

This young man is in the select group of outstanding young Americans who give us great pride in our country and confidence in our future. The knowledge that we are developing such outstanding young men to be the leaders of the country in the years ahead gives us special confidence that so long as our Nation continues to develop such splendid young men and leaders we need have no fear about the future of our free institutions and our free way of life.

I am exceedingly proud of Duane Corriveau. To me, he not only represents the best in our college life, but the type that I have always believed is best and most needed in our America. He is destined to be a real leader.

I think that it is capable, well trained, well oriented, aggressive, well balanced young men like Duane Corriveau who will provide the courageous, intelligent leadership that our country will need in the future to continue its forward march toward an ever-improving, ever-advancing Nation where freedom, prosperity, and peace may dwell.

How proud and elated his parents, his schools, his teachers, his hometown of Spencer, and all of us, are to hail this very fine young man.

May Duane Corriveau move on to greater triumphs—with modesty and grace, with optimism and confidence, and with the Lord's choicest blessings. Godspeed and keep him.

VACATING SPECIAL ORDER

Mr. O'KONSKI. Mr. Speaker, I ask unanimous consent that the special order I have for today be vacated.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE 64TH BIRTHDAY OF THE U.S. NAVY'S SUBMARINE SERVICE

The SPEAKER. Under previous order of the House the gentleman from New York [Mr. HORTON] is recognized for 60 minutes.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I have reserved this time today in order that we in the House can recognize the U.S. Navy's Submarine Service on the occasion of its 64th birthday. The actual date of this event occurred this past weekend on April 11 and marked the anniversary of a spring day in 1900 when the Navy accepted its first submarine, the U.S.S. *Holland*.

For the next few minutes, I would like to review briefly a history of the submarine in peace and war and then offer as many of my colleagues as are interested the opportunity to add their greetings to the Submarine Service.

In the past 64 years, the changes made in submarining tell a story of advancing technology so wondrous that they might have been looked on as science fiction only a few decades ago. Comparing today's nuclear-powered submarines that roam the seas at will with the *Holland* which did not have any sea going ability is like comparing two different worlds.

We now live in an age where submarines have virtually unlimited underwater endurance. Every day, submarines explore new waters. They disappear in the vast ocean waters and reappear months later.

EARLY SUBMARINING

The earliest records of man tell of his attempts to conquer the watery world that surrounds him. A wall painting from the Nile Valley tells of the submarine snorkel concept. It shows duck hunters, bird spears in hand, using hollow papyrus reeds as breathing tubes and moving submerged toward their prey.

Down through the ages, man made little further progress in getting beneath the water and staying there for any length of time. His fancies roved under water, but his technological limitations kept him safely on the surface.

However, well before 1900, early technical explorations of inventors and seafaring men resulted in the discovery of principles that gradually removed the barriers to successful submarining.

The first practical submarine was a rowboat covered with greased leather. The idea and design of Cornelius Van Drebbel, a Dutch doctor living in England in 1620, the submarine was powered by oarsmen. The oars protruded through flexible leather seals. Snorkle air tubes held above the surface by floats permitted several hours of submerged operation.

On another historic date, 1776, David Bushnell, a Yale graduate, designed and built a submarine torpedo boat. This one-man vessel was submerged when its skipper let water into the boat. To surface, he used a hand pump to remove the water. A pedal-powered propeller gave Bushnell's boat its forward motion.

Named the *Turtle*, this egg-shaped craft gave Revolutionary Americans high hopes for a secret weapon to use against the British warships anchored in New York Harbor. Its offensive weaponry consisted of a keg of powder which was to be attached to the hull of an enemy ship and detonated with a time fuse.

The *Turtle's* mission was destined for failure and finally had to be abandoned. A boring device manipulated from inside the oak-plank *Turtle* could not penetrate the copper-hulled British ships, making it impossible to attach the powder keg.

The next significant date in submarine history was 1803. Robert Fulton successfully built and operated a submarine in France, before turning his talents to the steamboat. Fulton's cigar-shaped *Nautilus* had a kite-like sail for surface power. It also carried flasks of compressed air which allowed its two-man crew to stay submerged for 5 hours. A variation of this technique still is in use today since our present nuclear submarines carry compressed oxygen to help renew the air supply during long underwater periods.

Another submarine technique that is in use today came from the adventure of William Bauer, a German, in 1850. During experimentation at Kiel, Bauer's boat with the inventor and two seamen aboard sank in 55 feet of water. With his sailors growing more terrified by the moment, Bauer opened the flood valves to equalize the pressure inside the submarine so the escape hatch could be opened. When the water was chin level, all three men were shot to the surface in a bubble of air that blew the hatch open. Years later, Bauer's simple principle was rediscovered. Modern submarines have escape compartments employing the same air bubble technique.

During the Civil War, H. L. Hunley converted a steam boiler into a submarine for the Confederate Navy. A hand-driven propeller drove the *David* at 4 knots. But, she sank repeatedly in trials at New Orleans, Mobile, and Charleston. Since the *David* had no periscope, direction was determined by frequent surfacing in order to let the conning officer peer out the hatch. Consequently, even a small wave could swamp the boat.

Hunley and eight other crew members were drowned after such an incident in Charleston Harbor. His submarine was raised and renamed *Hunley*.

In 1864, the *Hunley* was armed with a 90-pound charge of powder on a long pole. She attacked and sank a new Union ship, the *Housatonic*, in Charleston Harbor. The concussion wave swamped the *Hunley* and it sank along with the *Housatonic*. While the *Hunley* did not survive this milestone in naval combat history, her exploit proved that a submarine could be a valuable weapon and showed the world that a ship was vulnerable to submarine attack.

For some 8 years, from 1864 to 1872, the U.S. Navy tinkered with a hand-cranked submarine, the *Intelligent Whale*. Intelligent or not, the *Whale* floundered during its first trials. Inventors realized that until a method of propulsion better than manpower could be developed for underwater use, submarines were not going to be worth the effort.

Since surface ships were powered by steam, thoughts turned to its application in submarines. But fire to heat the water and generate steam was impossible because of the limited air supply of a submerged submarine. Today, of course, the atomic reactor has eliminated this drawback to a heat source and submarines are driven by steam.

In preatomic days, the internal combustion engine became the submarine's first source of real power. This engine offered speed and comparative endurance on the surface, but its deadly carbon monoxide exhaust fumes and high oxygen consumption were obstacles to life beneath the surface.

By 1900, the storage battery was in use. An Irish-American, John Holland, was the first to conceive of using the electric power of storage batteries and the internal combustion engine to power a submarine. Holland and another American, Simon Lake, became the first modern submarine designers.

THE U.S.S. "HOLLAND"

Holland built nine submarines, one under Navy contract, before the Navy would accept one. The Navy would not accept Lake's *Argonaut*, and advanced version of his *Argonaut, Jr.* Lake's first boat had wheels for crawling along shallow bottoms and air locks to permit divers to enter and leave the wooden hulk while it was submerged.

In 1900, Holland sold the Navy its first submarine, the U.S.S. *Holland*. The *Holland's* 45-horsepower internal combustion engine gave her a surface speed of 7 knots. Her rechargeable storage batteries gave the *Holland* an underwater endurance of several hours. The *Holland* cost the Navy $150,000.

The *Holland* was armed with three Whitehead torpedoes and a bow gun recessed into the bow. The depth of the Whitehead torpedoes run was controlled by a pressure sensitive piston. Its stability was controlled by a pendulum, and its direction by a gyroscope. Many modern torpedoes are much the same.

Nuclear submarines and ballistic missiles use an electronically sophisticated gyroscope system for navigation today.

Holland and Lake were at odds in their conceptions of the submarine. Lake experimented with boats that ascended and descended vertically according to negative or positive buoyancy controlled by pumps and tanks. Holland's boat was given a neutral buoyancy by admitting water to balance the weight of the boat with the weight of water it displaced. Given diving planes and a constant source of power, Holland's boat could dive and surface on diagonal lines. Holland's principle, with some improvements for fast diving and surfacing, is still used in today's submarines.

The loss of vision when submerged was corrected by Simon Lake, who experimented with a set of prisms and lens he bought from a window display. The *Hunley* was sunk because of her lack of vision when submerged. Even the *Holland* had to broach the surface so the crew could look out the windows in the conning tower. This broaching denied the *Holland* one of the submarine's greatest advantages—surprise attack. Lake and a Johns Hopkins University professor worked out the periscope device. This was the submarine's only visual aid until underwater television was installed aboard the nuclear-powered *Nautilus*.

THE BLACK OIL ERA

The diesel engine replaced the gasoline engine in 1912, when it was first installed aboard the *Skipjack*—SS–24—and the *Sturgeon*—SS–25. The oil-burning engine required no complicated ignition or sparking systems. It produced fewer noxious fumes and was more economical. The diesel engine and the electric battery remained the power source for submarines until nuclear power was introduced in the last decade.

BATTLE GLORY

World War I saw the submarine emerge as a major factor in conflict. The Germans suddenly found themselves in possession of a most effective weapon to effect economic strangulation. England had to import food to live. Had the rate of sinkings attained by submarines in the spring of 1917 been continued, England would have been in a desperate situation in a matter of weeks. Insofar as any single campaign can be assigned primacy in a world conflict, it was the defeat of the German submarine menace by the combined efforts of the United States and British Fleets that staved off impending collapse.

When America entered the war, her latest submarines were the L boats, a far cry from *Holland*. Twenty submarines of the E, K, L, and O types reached the war zone. One L boat found herself attacked by two German subs and had the unique experience of watching one fire a torpedo at her and sink her mate. Another, the L–10, was taken under attack while submerged by an American destroyer. When she finally managed to surface and identify herself, the irate sub skipper found his Annapolis roommate commanding the destroyer.

By 1919 the O and R boats had joined the fleet, followed during the twenties by the S boats. O and R boats were used as late as 1945 for training, and enough S boats were on hand in the Pacific to account for some 65,000 tons of Japanese shipping.

During the thirties new boats and new designs were added to the growing American submarine force. These fine craft bore the brunt of the early years of World War II.

WORLD WAR II: GREATER GLORY

Radar and sonar were World War II innovations. Both were developed by the English to combat German U-boats, but were incorporated into the submarine to warn of airplane attack and counterattack from surface vessels. Sonar has become the most important of the submarine's "senses." Hydrophones listen for sounds from other ships and the echos of sound waves signaled from the submarine itself.

During World War II, U.S. submarines reached a peak of importance and effectiveness. When Pearl Harbor came the submarine force was ready. What the silent service accomplished is a long story but it can be summarized in one sentence. Japan's ability to wage maritime war depended not only on her navy but on her merchant marine, and U.S. submarines alone sank 55 percent of the total Japanese tonnage sunk in the war.

In the early days of the war an American submarine squadron was based in Scotland. After the invasion of north Africa, however, it was decided to concentrate our efforts in the Pacific and leave submarine operations in the Atlantic to our allies. The squadron in Scotland had a few kills to its credit, and R–1 had an unconfirmed U-boat kill 300 miles northeast of Bermuda, but it was the Pacific that became the hunting grounds for our submarine forces.

The Japanese plans for Pearl Harbor overlooked the submarine force based there. Even as the rest of the base was extinguishing fires, American submarines were slipping out to sea in search of the retiring Japanese. For many months they were the only naval forces that could penetrate enemy controlled waters and operate offensively against Japanese seapower that made possible her swift advance into south Asia and the Pacific.

In Manila, the initial attacks sank *Sealion*, but left the remainder of the Asiatic Submarine Force intact. Adm. Thomas C. Hart, commander in chief, Asiatic Fleet, was a seasoned submariner himself, and looked to the small handful of undersea craft to do their share in repelling, or at best retarding the advancing Japanese. The ships set forth on patrol, and there was no lack of targets. On December 16, *Swordfish* under Lt. Comdr. Chester D. Smith sank *Atsutusan Maru*, a 9,000-ton freighter. This was the first confirmed sinking of a Japanese vessel by the submarine force, and *Atsutusan Maru* was the first of 1,392 victims accredited to American submarines. "Fearless Freddie" Warder in *Seawolf* and "Moon" Chapple in S–38 also scored early kills.

By the summer of 1942, the first checks had been administered to the Japanese at Coral Sea and Midway. The United States was faced with an arduous island-hopping amphibious campaign over long stretches of the sea before her military might could concentrate on the heartland of Japanese strength. But the submarine struck deep immediately. Surfaced at night, submerged by day, with tremendous ranges at their disposal, the subs could travel to the very heart of the Japanese Empire no matter who held the sea and air above them. They immediately began to hit Japan where it hurt—at sea. Steadily they began to whittle down the Japanese merchant fleet.

American industry gathered its strength and soon new boats reached the Pacific. The ever-increasing stream was loosed on the Japanese lifelines as soon as it arrived. Remorselessly, with naval surface and air attacks, they began to spell the doom of Japan.

Admiral Nimitz was a veteran of the submarine service—his first submarine command was U.S.S. *Plunger* SS–2 in May 1909—and knew what to expect. Under Vice Admiral Lockwood in Pearl Harbor, Rear Admiral Christie in Perth, and Commodore James Fife in Brisbane, the results began to pour in. From 5 or 6 kills a month in the early months of the war, kills climbed steadily to a heady 69 in 1 month of 1944—over 2 Japanese ships a day.

During the war, U.S. submarines were credited with the sinking of 201 Japanese naval vessels with a tonnage of 540,192 tons and 1,113 Japanese merchant vessels of 500 or more gross tons for 4,779,902 tons. In fact, since their invention, submarines have accounted for far greater ship tonnage losses to the enemy than all other agents of destruction combined.

The submarine force is justifiably proud of the performance of its personnel. Comprising less than 2 percent of the Navy's total personnel during World War II, the submarine forces accounted for two-thirds of enemy ship losses.

Fighting skippers and fighting crews established record after record and thrilled the Nation as the stories finally came out. Comdr. Howard Gilmore, mortally wounded on the deck of *Growler*, gasping "Take her down" with his last breath; Captain Cromwell deliberately riding doomed *Sculpin* down on her last dive rather than risk capture and possible extortion of the vital information he carried; immortal *Tang* blazing into her last great attack under

Comdr. Richard O'Kane and being destroyed by the last of her own torpedoes in an erratic circular run. *Tautog* with 26 kills, *Flasher* with over 100,000 tons of shipping. Over 14,500 torpedoes fired.

As Japanese shipping shrank, one of the major problems was finding targets. Once Commodore Fife personally took to the air to search for kills, found a target and radioed her position to the nearest submarine. Within hours she was on the bottom. More and more submarines were released for new duties, and by V-J Day, submarines had a score of functions. In addition to the subseacraft lurking in every corner and off practically every harbor of the Japanese homeland, submarines were rescuing aviators from Tokyo Bay, scouting islands for weather data and intelligence, transporting Marine raiders, supplying guerrilla movements, and planting mines in strategic and dangerous waters.

The submarines exacted a tremendous toll, but they paid a stiff price. Silently under the sealanes, that they helped sustain for America and wrench from the Axis, rest 52 silent, wounded hulls and the bones of more than 3,500 submariners.

THE NUCLEAR AGE

After the war the Navy began to integrate the new scientific advances of the war into newer and better submarines. The greater underwater propulsive power program gave us the *Guppy*, a streamlined craft capable of startling bursts of underwater speed. Submarines were designed for specific purposes, and today we have submarines for attack, for transport, for oilers, for missile launchers, for minelayers, for radar pickets, and submarines to hunt out and destroy other submarines.

At the same time the Navy speeded the development of revolutionary atomic power. Early in World War II, as part of the Navy's initial work in controlling the atom, proposals were made for developing atomic power for use afloat. The highest priority, however, was given to development of the atomic bomb.

Power limitation had long concerned submarine designers. In fact, John P. Holland had written in 1900:

> Larger (more than 200 feet long) boats will never be feasible, unless we discover some better system of storing electricity than exists today—a contingency which is exceedingly doubtful.

Nuclear power was the long awaited propulsion source for the submarine. It was to turn the submersible surface ship into a true submarine, capable of almost indefinite operation and no longer bound to the earth's atmosphere. After World War II had been won, the Navy was able to "turn to" in earnest to develop a nuclear powerplant. Naturally the first use was in the submarine—the historic and world famous *Nautilus*.

"UNDERWAY ON NUCLEAR POWER"

While we are considering important dates in the history of the submarine, there is another standout occasion that merits our attention. It is January 17, 1955. On that date, Comdr. E. P. Wilkinson, U.S. Navy, messaged from the U.S.S. *Nautilus* four words that opened an entirely new era for the whole world: "Underway on nuclear power."

This was the communication which announced that our first nuclear submarine had commenced her sea trials. It marked the first time that the power of the atom had been harnessed by man and developed into useful power.

During its first week of sea trials, the *Nautilus* completed high speed test runs, both on the surface and submerged, and dived over 50 times. After further rigorous and detailed testing, the Navy accepted the *Nautilus* for service on April 22, 1955.

It would be my feeling that in due course we might consider this important date in the *Nautilus* log an historic anniversary for the U.S. Navy.

This first nuclear powered submarine far exceeded the hopes of her most optimistic supporters. During her first 2 years of operation, *Nautilus* steamed over 62,000 miles without refueling and established new speed and endurance records. On a second core *Nautilus* went even further, pointing the way toward the Navy and Atomic Energy Commission goal of a nuclear core which would last at least the same duration as World War II.

Nautilus vividly demonstrated the new versatility in August 1958, when she traveled from the Pacific to the Atlantic via the North Pole during a 4-day, 1,830-mile voyage.

Other nuclear submarines—*Seawolf*, *Skate*, and *Sargo*—pioneered new areas of submarine operation. *Seawolf* remained submerged for 60 days completely independent of the earth's atmosphere, proving that extended submerged patrols are feasible from both mechanical and human standpoints.

Skate made two trips under the Arctic ice, one during the northern summer and the second during its winter. On the first trip *Skate* surfaced nine times in lake-like openings in the ice. On the second it surfaced by pushing its way through the ice and on March 17, 1959, surfaced at the geographic North Pole.

The next year *Sargo* spent 31 days under the Arctic ice on an exploratory mission and duplicated *Skate*'s feat of surfacing at the pole on February 9, 1960. Since then there have been a number of other Arctic cruises, the outstanding one being the historic rendezvous of *Seadragon* and *Skate* at the North Pole on August 2, 1962.

These achievements proved that the Arctic Ocean is not only accessible to nuclear submarines but is actually an operational area, open to nuclear submarines regardless of the season.

Nuclear power enabled a second revolutionary development to take place, this one in the field of design. Naval architects had long known that a shark-shaped hull was ideally suited for subsurface operations. Holland, in fact, had designed his submarines along this line. However, power limitations made the surface craft design—sharp bow, superstructure deck and conning tower—the most practical for the prenuclear era.

With the new power source at their disposal, designers developed a radically new type of submarine, the first fleet nuclear type was U.S.S. *Skipjack*, built by General Dynamics and commissioned April 15, 1959. A shark-shaped hull, completely free of protuberances, a sail with diving planes mounted on it, and a single screw propeller made *Skipjack* the world's fastest and most maneuverable submarine. Its speed, classified, is "in excess of 20 knots." *Skipjack* and others of the same class are altering previous concepts in undersea warfare.

Probably the most dramatic submarine conquest which nuclear power allowed was the epic circumnavigation of the U.S.S. *Triton*—SSN 586—in 1960. On February 16, she departed from Groton, Conn., and submerged south of Long Island. For the next 83 days, the *Triton* followed the course originally charted by Ferdinand Magellan in 1519. When she surfaced off Rehoboth Beach, Del., on May 10, the *Triton* had traveled 36,000 nautical miles, entirely submerged and undetected, at an overall elapsed speed of 18 knots—a record for endurance, distance, and speed.

Her commander on this historic voyage around the world was Capt. Edward L. Beach, U.S. Navy. Captain Beach is a respected naval officer who saw submarine duty aboard three submarines during World War II and was decorated for his extraordinary heroism and conspicuous gallantry. He also was naval aide to President Eisenhower from 1953 to 1957.

A bestselling author, Captain Beach wrote "Run Silent, Run Deep" and "Submarine." He also wrote a book on the *Triton* circumnavigation, "Around the World Submerged." From this account I would like to quote from the epilog an indication of the unlimited vision which characterizes our Navy's submarine service:

> As time goes on, more and more of us will retire, but in future years, all of us, like myself—though perhaps no one so much as I—may have occasion from time to time to reflect upon the events of this first voyage of the *Triton*. As we do, we will no doubt find our accomplishment pale beside far greater deeds as yet unaccomplished on or beyond this earth. For as soon as the capability is there, man will do what needs to be done so that earth and the spirit of man will both benefit therefrom.

POLARIS

The latest, and perhaps most spectacular, submarine advancement came with the Polaris fleet ballistic missile firing submarines. These submarines can launch the Polaris solid-fuel missiles from beneath the surface and strike targets up to 2,500 miles away. The mobility and endurance of these submarines make them virtually invulnerable. This potent weapon system is a major advance in the steadily increasing relative importance of sea-based power.

The fleet ballistic missile weapon system was brought from conception to operation in less than 4 years, an unprecedented feat during peacetime.

The first Polaris-firing nuclear powered submarine U.S.S. *George Washington*, was launched June 9, 1959, by Electric Boat Division, General Dynamics, and was commissioned December 30 that year. On July 20, 1960, she launched the first two Polaris missiles ever fired from a submerged submarine. On November 15, 1960, *George Washington* made the system operational when she went on patrol with 16 ready-to-fire, nuclear-tipped Polaris missiles.

By the end of 1962 *George Washington* had been joined by 8 more fleet ballistic missile submarines, each with 16 missiles.

Four of these were of the same class; the others were of the larger *Ethan Allen* class, first designed from the keel up as a Polaris-firing submarine. *George Washington* class submarines are loaded with 1,200 nautical mile range Polaris A-1 missiles. *Ethan Allen* class carry the second generation 1,500 mile range Polaris A-2 missiles. Still larger *Lafayette* class submarines are now joining the fleet.

At present a Polaris-firing submarine fleet of 41 is planned. By mid-1964 these submarines will start carrying the third generation 2,500 nautical mile range Polaris A-3 missiles now being developed. When they do, they will be able to strike any target in the world.

The advent of the fleet ballistic missile system has brought a change in the Navy's traditional ship manning methods. Each of the Polaris submarines has two complete crews called Blue and Gold. The crews alternate on 2-month-long patrols, thus providing maximum on-station time for the submarines whose endurance is limited only by its personnel.

These submarines give our Nation an invulnerable deterrent force immune to sneak attack and always ready, if need be, to loose nuclear destruction on an aggressor.

The virtually insoluble problems such a force presents to a potential aggressor gives the Fleet Ballistic Missile system a vital significance as a deterrent and may well give our Nation the edge that will preserve the peace.

ADMIRAL GRENFELL

Mr. Speaker, this discussion of submarines on the 64th submarine birthday would be incomplete if I failed to include a prominent mention of the Vice Adm. Elton W. Grenfell, U.S. Navy. Admiral Grenfell, who now serves his country as Commander, Submarine Forces, U.S. Atlantic Fleet, originated the submarine birthday celebration. Today, we help to carry out the purpose of that observance: to honor the memory of those gallant sailors who have given their lives in submarine duty and to salute the living submariners to whom we look to carry forward the mission of the U.S. Navy's Submarine Service. Admiral Grenfell is responsible for the training and preparation of Polaris submarines for their deterrent patrols, and for the conduct of other submarine operations throughout the Atlantic and the regions of the Arctic and Mediterranean where U.S. submarine missions are carried out.

He began his naval career as a midshipman at the U.S. Naval Academy. He received his B.S. degree and was commissioned ensign, U.S. Navy in 1926. Following his graduation, Admiral Grenfell served on the battleship *Florida* with subsequent tours at the Naval Torpedo Station, Newport, and the ships *Lexington* and *Childs*.

Entering the submarine school in July 1928 for instruction in submarine torpedo boat duty, Admiral Grenfell dedicated his career to the submarine service. His first duty on board a submarine was the R-4, where he served from December of 1928 until July of 1933.

The Admiral took a break in his submarine career to attend postgraduate school, and earned his master of science degree in mechanical engineering, from the University of California, Berkeley, in 1936.

Returning to sea in January of 1936, Admiral Grenfell reported to the submarine *Pickerel*, a unit of the Pacific Fleet. About this time he began to concentrate on habitability—an effort to improve the crews' spaces in submarines—and to provide educational and recreational facilities which were heretofore precluded from submarines because of the extreme complexity and limited space available.

After his tour of duty on the *Pickerel* he reported to Washington, D.C., and commissioned the Navy's newly organized Bureau of Ships, where he continued to stress the necessity of providing submarine crewmen with better facilities. Perhaps the most significant of his Bureau of Ships accomplishments was the procurement of LCVP and Higgins landing boats, which were to become so famous during the World War II era.

In February of 1941 Admiral Grenfell returned to sea—to the Submarine Force Pacific—and took command of the U.S.S. *Gudgeon*. During this tour of duty the admiral—then a lieutenant commander—established several "firsts." *Gudgeon* had been on a shakedown cruise near Hawaii, and was in preparation to return to California for badly needed freshwater evaporator replacement, and to have installed the remainder of the ship's fire control and electronics items. The ship had been at sea over 4 months—away from the families in the home port of Mare Island. When departing Pearl Harbor in December of 1941 to return home, Harbor Control ordered the submarine back to port because they thought there were some Japanese submarines at the harbor entrance. Turning the submarine in that rough and choppy channel was a task—and a heartbreak for the crewmen who had worked almost day and night the past 3 months in preparation to return home. When the course was changed another message was received—this one saying to cancel the last message—"proceed to sea." Admiral Grenfell took *Gudgeon* to sea on the Nation's first submarine war patrol. It is appropriate to mention here that on this patrol no U.S. submarine had ever gone so far from home port or been away so long in history. *Gudgeon* steamed about 4,400 miles to the area of operations—at one-engine speed in the interest of conserving fuel. Added to this, *Gudgeon's* crew had never fired a warshot torpedo in peacetime, and only one officer of the submarine had ever heard a depth charge.

During this patrol *Gudgeon* became the first U.S. ship of World War II to sink an enemy warship, which ironically was a Japanese submarine.

In August 1942, Admiral Grenfell returned to the United States and took command of the U.S.S. *Tunny;* however, that was to be of short duration, for the admiral was injured in an airplane crash, and his seniority demanded assignment to more responsibilities. He was ordered to the staff of the Commander Submarine Force Pacific.

Following this were successive tours in command of Submarine Division 44, Submarine Squadron 34, and Submarine Squadron 5, back to Washington, D.C., for a 2-year tour in the office of the Chief of Naval Operations, and then a return to Hawaii and more duty with the staff of the Commander Submarine Force Pacific.

This time in Hawaii, with the war past, Admiral Grenfell was able to place in effect many of his ambitions concerning incentives and facilities for enlisted personnel. Always an ardent fan and participant in sports, the admiral promoted spirited competition in order to develop physical fitness and to help the submarine crews relax from their arduous duties. Basketball, softball, tennis, golf—the matches grew more and more popular as the admiral arranged tournaments, vieing with other Pearl Harbor based commands—the Marines as well as the Air Force and Navy offered competition.

During the years 1951 through 1960 the admiral served as president of his class at the Industrial College of the Armed Forces, conceived the Submarine Flotilla organization, the first flotilla since World War I days, and later the admiral commanded the flotilla in San Diego. He served a tour as the Deputy Chief of Naval Personnel, in Washington, another tour in the Pentagon as the Assistant Chief of Naval Operations, and commanded the Submarine Force Pacific. He was—and is—the first and only admiral to command both submarine forces, Pacific and Atlantic.

These years were fruitful for the sailor—for the admiral continued his relentless efforts to better the Navy for the serviceman—to provide career incentives—to let the sailor's wives know why ships are deployed for long periods of time—to revive pageantry and recognize the wife's vital role in the career of a serviceman. Wives' clubs are widely known and common to the officer's groups, but the admiral and Mrs. Grenfell saw to it that facilities were provided for enlisted wives to hold meetings and formulate clubs. Admiral and Mrs. Grenfell both attended these enlisted wives' meetings, to give recognition, and to emphasize the importance of dependents of military personnel having a complete and full knowledge of their rights and benefits—arranging for guest speakers to address the enlisted wives' clubs on such subjects as medical care, hospitalization, career planning, scholarship programs available to children of the sailors, and so forth.

In Hawaii, the admiral had a swimming pool built in order to accommodate dependents—with emphasis on a planned and counseled program for children to learn swimming. Scuba diving was becoming popular; so the admiral had qualified professional Navy divers teach a class in skindiving on the theory that since these youngsters were going to skindive, these dependents of the sailors should have professional training for their own safety.

During the admiral's 42 years in Navy uniform, there have been literally thousands of sailors and sailors' wives who have contacted the admiral in time of need or want—personal matters—requests for schools—requests for transfer—asking advice—and throughout the Navy the admiral is well known for his habitual diligence to such requests, be they oral or written. He invariably looks into both sides of the argument and promptly takes the appropriate action. In nearly all cases he has been able to help the serviceman or wife. No request is too time consuming or too trivial—the admiral personally replies with the "facts in the case." Many times the admiral has "taken the bull by the horns" in cases where he felt the sailor was unable, or inadequately prepared, to face such situations as sickness or death. Having heard of the need, on countless occasions the admiral personally contacts a doctor—a chaplain—a Navy Relief representative and directs the action to effect comfort or help to the sailor or his family.

During the past 3½ years, as commander, Submarine Force Atlantic—Admiral Grenfell has traveled over 200,000 miles to visit the far-flung installations and home ports of the Submarine Force, Atlantic. He goes to sea in the submarines—talks to the crew—in private—offering each an opportunity to "air his views—pro or con" and when remedial action is indicated, the admiral personally supervises the corrective guidance. He is interested in every sailor and every sailor's family.

Mr. Speaker, Admiral Grenfell recently addressed a distinguished gathering of scientific educators in New York City. He discussed the tremendous strides which have been made in advancing the art of submarining and called attention to need of matching personnel training to these achievements.

I feel that his words are worthy of attention by all of us who are concerned with the defense of our Nation and the men and women who shoulder the awesome responsibilities of protecting our freedom. For that reason, I take pleasure in sharing the text of Admiral Grenfell's speech, "Modern Submarines," to the New York Academy of Sciences on March 14, 1964:

Dr. Ehrlich, Admiral Schanze, ladies and gentlemen, I am extremely happy to be with you today. It is not very often that I have the opportunity to speak in the midst of so many educators. This gives me the rare opportunity to thank you, the teachers of America, for the vital contribution you are making to our beloved country's future.

Education constitutes our best bet for the survival of free societies and free individuals. This is most clearly brought into focus in our Defense Establishment. National defense today requires, not only the highly specialized education of many scientists and engineers, but the maximum general education of many millions of people of the entire Nation. This dependence is more absolute now that at any point of our history. To realize the enormity of this dependence, you need only to look at the size of our defense budget, at the number of scientists, engineers and other highly trained men at work on research and development projects that are primarily military. One might also note the speed with which whole weapons systems can be made obsolete by "breakthroughs" in the laboratory and the enormity of our technological base today.

It was largely because of the efforts of our scientific-educational community creating these breakthroughs that made the most modern submarine fleet in the world possible.

It is confidential, that I, a submariner, be here today addressing this Academy of Sciences about the modern submarine navy on the birthday of another science teacher, Albert Einstein, who has made it possible for us to have a modern nuclear submarine navy. From his principle of relativity of mass, Einstein arrived at a conclusion of incalculable importance to the world. His train of reasoning made it possible for all to write the most important and certainly most famous equation in history: $E=MC^2$.

This formula not only made the atomic bomb possible, but also unleashed that awesome energy for peaceful uses and peaceful pursuits by our nuclear-powered Navy.

During my almost 36 years as a submariner I have taken every opportunity to tell the public about our submarine Navy. It is something I thoroughly enjoy. However, the story I tell must be brought up to date quite often because of the advancements being made in submarining, as well as the increasing importance played by submarines in our national strategy.

Not so long ago we did not enjoy this stature. Today, we have grown in importance largely because of the public's awareness of the Soviet submarine threat and the role of Polaris.

It is my purpose today to further your understanding of undersea warfare as I discuss the submarine forces in our Navy—namely, the attack submarines, the strike submarines of the Polaris Force, and the personnel who man these submarines.

The submarine as an effective weapon is 100 years old. It is the Confederacy that we thank for the first use of a submarine as a weapon system. It was on February 14, 1864, when the Confederate States ship *Hunley* torpedoed and sank the Union sloop *Housatonic* in Charleston, S.C., Harbor.

Although the *Hunley* did not survive this milestone in naval history, it showed the world that a ship could be sunk by a submarine.

Submarining was not adopted by our Navy until 1900 when Mr. John P. Holland's first submarine—the *Holland*—was accepted by the Navy.

Next month our submarine forces, everywhere, will celebrate this acquisition of submarine No. 1—with appropriate ceremony.

Since that humble beginning we have withstood the trials and frustrations of the pre-World War II era. During that period we designed and started building the fleet type submarine which was so successful during the war. The deeds of those days are well known to all here.

After World War II the Navy began to integrate the new scientific advances of the war into newer and better submarines. The greater underwater propulsive power program gave us the *Guppy*, a streamlined craft with increased battery capacity, capable of short bursts of high underwater speed. Submarines were designated for specific purposes; for attack, for transport, for missile launches, and to hunt out and destroy other submarines.

During this same period of time the Navy speeded the development of revolutionary atomic power. Early in World War II, as part of the Navy's initial work in controlling the atom, proposals were made for developing atomic power for use afloat.

The advent of the atomic age has revolutionized our undersea Navy. Nuclear power was the long awaited propulsion breakthrough for the submarine. The introduction of nuclear power converted the submersible surface ship of yesterday into a true submarine of almost unlimited endurance. Since *Nautilus'* historic message, "Underway on nuclear power" in January 1955, events have followed swiftly.

Records established by the *Nautilus* for submerged endurance and speed were soon eclipsed by submarines of later generations such as *Seawolf, Skate, Skipjack,* and *Triton.*

Skipjack, first to incorporate the blimp-shaped hull, ideal for underwater mobility, broke all existing records to become the world's fastest submarine. Security limitations only permit me to say her speed is in excess of 20 knots.

Nuclear submarines have also opened up the waters under the Arctic icepack for operations. In 1958, *Nautilus* made a historic voyage from the Pacific to the Atlantic Ocean via the North Pole. The *Skate* has three times journeyed to the top of the world, twice surfacing at the geographic North Pole as well as making numerous other surfacings in the polar regions.

The durability of the modern submarine was best demonstrated by the U.S.S. *Triton* in 1960 when it cruised around the world submerged—sailing 41,500 miles in 84 days.

To this durability and speed we have been able to couple such technological gains as solid fuel missiles, advanced acoustics, advanced hydrodynamics, nuclear weapons, and many others. All of these advancements have made it possible for the submarine forces to fulfill a larger role in our country's military structure.

All of our submarine forces today have one dominant characteristic—that of offense.

First of all, the attack submarine has a primary mission to sink enemy submarines, but its purpose is to sink ships whether they are submarines, warships, or merchantmen.

These operations should not be confused with the essentially defensive role of our other antisubmarine forces, both surface and air.

Many people tend to interpret the present by what has been done in the past. Thus, when we recall antisubmarine warfare in World War II, people think of convoys protected by ships and aircraft against German submarines as the only means of antisubmarine warfare. This protection was a close-in type of defense and many enemy submarines were sunk in the immediate vicinity of the convoy. However, we neglect to mention the havoc inflicted on the enemy by the aircraft of the British coastal command operating off the coast of France close to enemy shores. Since this command operated over the homewaters of the enemy it was in the best position to inflict damage upon the Germans before they got to the open sea. While the nature of the submarine threat is quite different today, we have not forgotten this lesson. It is this lesson coupled with our experiences in the Pacific during World War II, which is the basis for our submarine strategy today—that of destroying the enemy submarine menace on his doorstep.

The reason for this strategy is to be found, most importantly, in the strengths of a submarine—stealth, concealment, and surprise, as well as endurance. Because of these we can bring our submarine weapons to bear at the focal point of his activity, in his home waters. Our problem of finding him there is much simpler and we can kill him in greater numbers there than in the broad ocean areas where he also enjoys the initiative. In other words, our strategy is offensive, to keep the initiative for ourselves and to deny it to the enemy. It is this strategy that guides our training program, our building program and the major part of our research and development effort.

This effort has really paid off in recent years in the development of better submarines. Our greatest dividend of all this effort is the fast attack class submarine. This submarine, of the *Permit* class, is in my opinion the most advanced ASW vehicle in the fleet today.

Prior to *Permit* we built 14 nuclear attack submarines commencing with *Nautilus*. All of them are still fine new ships but in *Permit* we really hit the jackpot. Of the 13 submarines in this class in our shipbuilding program, only 3 have joined the fleet as yet—and with the addition of each one of them we gain a warship with immense capabilities.

I believe that in this class of submarines we have created a most effective answer to the Russian submarine force, and which will be a wise national investment for a long time to come. Their performance has been a continuing source of amazement to us and we intend in the future to build as many more of them as we can afford.

Admiral Nimitz once said that "a ship is always referred to as a 'she' because it costs so much to keep one in paint and powder." To this I would add that ships these days are more female than ever before, and that their paint and powder represent only a minor portion of the total cost we men must bear to keep these ladies in the manner to which they have grown accustomed. Like our lovely ladies, though, these attack submarines are worth every cent we have to spend on them.

These fashion plates are noted principally for their speed, endurance and depth of operations and their tremendously long range sonar and weapons for killing any adversary who seeks a contest or threatens our national interests or security.

In speed, the 8 knots we had in World War II has grown to 20 or more in all high-speed nuclear submarines.

In submerged endurance, the 100 miles we could do in our battery-driven submarines has grown to the equivalent of 10 trips around the world.

In depth of operation, our submarine depth capability of World War II has been improved by a significant factor.

The advances in sonar have been unheralded and deliberately unpublicized, but they have truly been fantastic.

These nuclear attack submarines are capable of shooting a large variety of weapons, the latest of which is the antisubmarine missile Subroc. This is a weapon fired from a torpedo tube while the submarine is submerged. It leaves the water to the atmosphere where it becomes a ballistic missile similar to Polaris but, of course, it is smaller and of shorter range. Upon reaching the position of the enemy submarine, it reenters the water to destroy the enemy before he has time to slip away.

I believe that in our newer class of submarine we have created a most effective answer to the Russian submarine threat.

Although the nuclear fast attack submarine is our delight, the submarine strike force Polaris is the most publicized.

The genesis of Polaris occurred a little over 8 years ago, in September 1955 to be exact, when President Eisenhower granted the Department of Defense broad authority to develop land and sea-based intermediate range ballistic missiles. At that time the Navy had no active program in this field, so it spent the following year in investigating the role it wanted to play in this development. That year was well spent and from it came Polaris. In hindsight, it is still astonishing to me that the Polaris program went from concept to Presidential approval in 2 short months in late 1956.

The orginal target date for system availability was 1963, largely because a leadtime of 7 years was usually required for military systems development. However, a year later, in October 1957, the Russians put up their sputnik, and because of it many things in the United States became accentuated as you in education know too well. Not only did the emphasis on science education escalate, but also the emphasis on Polaris. The target date of Polaris was cut by 3 years. The first submarine was scheduled to deploy in December 1960. As some of you may remember, this was met with a month to spare.

Polaris, of course, has had all the headlines and deservedly so because it is a truly fantastic weapons system with almost unlimited potential for serving our country well.

As many of you know, 11 of these ships are deployed today and others will join them in rapid succession in the very near future.

The first 5 of these ships, commencing with *George Washington*, carry 16 of the A–1 missiles with a 1,200-nautical-mile range, while the other 6 carry the A–2 with a 1,500-nautical-mile range.

Our building program has enabled us to send submarines of the newest *Lafayette* class on patrol at a rate of about one per month. Soon our newer Polaris submarines will carry the new A–3 missiles with a 2,500-nautical-mile range. We expect these new A–3 missiles to be operational late this summer.

We are building this force for several reasons, but largely because it satisfies the three most important criteria for deterrent weapons systems; namely, survivability, reliability, and credibility.

From the beginning it was recognized that the nuclear powered submarine was the most survivable of any system we had produced or thought about. Moreover, the system could survive over a long period of time and in any wartime environment. With such survivability in time the strategist was afforded the luxury of strategic freedom in the selection of many variations in the response he could select.

Since this program began we have steadily improved upon the survivability of these submarines in several ways. One of the ways has been to increase the missile range.

With a 1,200-nautical-mile A–1 each of our submarines is assigned a group of targets which are within missile range of whatever part of the ocean he may be located. With a do-it-yourself kit consisting only of a map of Europe and the oceans around it together with a compass, you can choose targets of possible interest and draw a 1,200-mile arc around each point, this arc being the range of the A–1 missile. Then by measuring the ocean area within these arcs you will find that it is about one-half that of the United States. By going through the same sort of exercise with the 1,500-mile A–2 you will find that the ocean area is doubled, and for the 2,500-mile A–3 it has increased by a factor of at least 10.

The ASW problem which Polaris has thus presented to the Russians is almost beyond comprehension.

This is one of the reasons why I say Polaris is survivable in time and assure you that many other reasons exist which are of equal importance.

But it is the second criterion, the reliability of Polaris, which accounts, in large part, for the large capital investment we are making at present in the force of 41 submarines. Over the past 2 years our patrol experience indicates that this system is far more reliable than we anticipated in the beginning.

This reliability has been reported by the news media and it is the incredible capabilities of this system which have made it, in fact, such a terribly credible deterrent to any potential antagonist. I am sure that Mr. Khrushchev has a translator read him selected American newspapers, so it is doubtful that he gets any peace and comfort from Polaris.

Next year we expect to start operations in the Pacific and I doubt that any difference of opinion will exist between the Russians and Chinese on the significance of this step.

As to the long-term future of Polaris, I believe that it is going to be our winning hand for a long, long time to come. By no means do I imply that Polaris is all that we need in the way of a strike system. No single system has ever filled all requirements in the past, nor is this ever likely to be the case. Our national security is too important and too precious for us to take such a risk.

People often ask me to make meaningless comparisons of Polaris with carriers, manned bombers and land-based missiles. This is a ridiculous kind of exercise, because each of these systems has a particular role in the combination of strategies available to us, a role for which it and it alone is best suited for implementing a wide variety of alternatives. If nothing else, 2,000 years of military history teaches us the necessity for flexibility of choice. Polaris has added a great new dimension to that flexibility.

Polaris provides a powerful, mobile military force at sea which requires no treaties, no consent of governments to be there. This powerful deterrent force can be shifted from one ocean to another without crossing a national boundary. It triggers no threats of reprisal against a friendly nation for military acts of ours. Polaris is a weapon system which does not need to launch its missiles on the first note of warning of an impending attack—yet is ready at any instant. It is a system which provides time for mature decision and careful evaluation. It can do its job right away or hours or days or weeks later at the discretion of our national leaders.

The Polaris submarine has the curtain of the vast oceans to give it concealment and forces the potential enemy to expend infinite effort on search and detection of moving, submerged targets rather than pinpointing potential launching sites in our homeland.

Since the first Polaris submarine went to sea more than 3 years ago, Mr. Nitze, Secretary of the Navy, stated last week "none has been late in deployment, no patrol has been cut short, no vessel has returned prematurely from patrol, and no communication message has been missed." This is really an outstanding record particularly when you realize that we have completed 86 patrols thus far.

Mr. Nitze also said "15 of the 16 missiles on each submarine had been ready for firing more than 99 percent of the time. All 16 have been ready 95 percent of the time."

We have 11 of these submarines today which are capable of delivering 176 warheads if ordered by the President. Thirty more are in various stages of construction, procurement, or trials, to complete an authorized future force of 41 submarines with 656 missiles; and I hope there will be more to come.

All of these statistics could not have been possible if it were not for the personnel who man our submarine forces.

All of our new submarines, both attack class and Polaris, are technological marvels—and represent the finest our country has to offer. They are, therefore, almost unbelievably complex.

Four years ago we had about 8,000 submarine officers and men in the Atlantic Fleet. These men provided the hard core which enabled us to expand to about 17,000 today—but hardly enough to facilitate the force of 25,000 we need within the next 2 years.

As you can readily understand, the major problem of the modern submarine navy is to find the qualified men to man these complicated machines.

These ships place new demands upon personnel—in skills, intelligence, education, and training.

During my present assignment I have spent many days at sea aboard Polaris and attack submarines and while there I have taken time to hold conversations with the men aboard. Admittedly, all these men are the cream of our crop.

They are highly intelligent, highly trained and highly skilled people. Bear in mind, too, that unlike the old Navy, these men have spent several years in training for their jobs and must continue to spend long hours of theoretical and technical study just to stay on top of their jobs.

These men like their jobs, appreciate the advanced technological training they are receiving and believe in what they are doing. I found them to have a real sense of purpose and to be thoroughly dedicated to the cause of freedom and democracy. They had a high sense of personal pride in their jobs, their ship, and themselves. They had a desire for personal improvement and advancement within the submarine force and the Navy. Most of them were diligently prosecuting personal study programs to enhance their opportunities for selection to officer rank. You should know, too, that an extraordinarily large number of these outstanding young enlisted submariners are selected for one of the various officer programs My periods at sea with these men left no doubts why this is so. The accomplishments of these people represent the most impressive facet of the entire program.

The personnel requirements are further aggravated by the number of attack submarines that are being built and the amount of training required by their crews.

To meet these stringent demands we rely on recruitment of top talent from high schools as well as reenlisting our trained personnel already in the Navy.

We take the high school student you have prepared for this scientific age and continue him on a course of studies which may take as long as 2½ years to complete. I am sure that all of you are familiar with Columbia University's Teacher's College report in January which stated that 50 to 80 percent of a U.S. serviceman's time is spent in schools. In the submarine Navy, with our innumerable pieces of complicated and complex equipment a young man beginning in our organization can conceivably receive the equivalent of 2 to 3 years of college education if he enters either the nuclear field seaman recruit program or the Polaris field seaman recruit program.

Each program offers many attractive opportunities for young men who want to broaden their scientific and technical backgrounds.

In one, he can obtain a sound theoretical knowledge of the principles of nuclear physics and reactor engineering; while in the other, a young man can become thoroughly trained in the maintenance and operation of the Polaris missile guidance and fire control systems.

In addition to all of this he can pursue studies and training in modern navigation, that is, navigation requiring extensive knowledge of oceanography as well as outer space dealing with satellite navigation. All this is necessarily coupled with studies in computer theory and operation.

In allied fields of sonar and fire control, the young man of today's Navy must learn and be proficient in such subjects as advanced underwater acoustics as well as electromagnetic theory.

The days when the sailor learned to tie knots and was judged by how proficient he was at this are almost over. Today, the sailors study subjects such as modern mathematics, Boolean algebras, set theory, mathematical logic, automatic data processing, mechanics, ballistics rockets, submarine dynamics, solid state electronics, radiological monitoring, atmosphere control, and countless others.

However, in this age of expanding educational facilities it is only the Navy in its many schools that can offer some of these subjects to the young man on the go in the modern world.

Even such lucrative offers which guarantee a young man's future does not produce the quantity of quality personnel we need. In the past groups such as yours have helped us in our drive for new enlistments for the nuclear power and Polaris programs. Anything you can do to spread the word of our need for intelligent and adventurous young men will be greatly appreciated. It will be those young men who will make our submarine program a success. In return, the submarine service will provide these young men with an identity and provide them a path which can lead to success. By your assistance in this effort, you will aid us in keeping the peace and keeping America's ready force strong.

Again let me thank you for the privilege of appearing before your group and I hope that I have been able to give to you a deeper insight into the philosophy and problems of modern submarining.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman.

Mr. LEGGETT. Mr. Speaker, it is my privilege today to participate with my colleague, the gentleman from New York, FRANK HORTON, in formally acknowledging the current formidability of the American submarine capability.

In World Wars I and II the submarine was regarded as the most dread of instruments of war. Striking silently and mercilessly, the submarines of both the Allies and Axis countries took their toll.

In the past war years, the submarine has assumed a new capability and in fact has become a political instrument. No longer does world peace necessarily have to depend on ententes and detentes, on alliances and mutual security pacts. At the present time, armed, loaded ICBM's, whether housed in a silo in the peaceful Sierra Nevadas or encased in the belly of a Polaris SSBN lying at the bottom of the Atlantic, are a complete balance of power with the hundreds of ICBM's dug into the Siberian hillsides.

The United States now has in service 18 Polaris submarines and will have a total complement of 41 near the end of 1965. Seven of these vessels will have been constructed at my home shipyard of Mare Island at Vallejo, Calif.

The people of my congressional district are proud of their part in the construction of these vessels—constructed not as instruments of war, but as instruments of peace.

This Nation and the world have experienced the peace provided by weakness—this is a peace that endures only so long as international gangsters are not on the scene. We have experienced substantial peace now in the world for nearly 20 years. This peace has been kept in balance by power and capability clearly disclosed and used with discretion by both the Soviets and ourselves.

When the annals of our time record the significant events which have motivated our social and political life, I believe the Polaris submarine will play an important part. I think it is fitting then that we salute also the gallant crews of these ships that are perpetually on defensive alert to protect the world from totalitarian encroachment.

WAY OF LIFE FOR POLARISMEN

Life for a Polaris submariner, if not unique, is certainly different from that of others, be they sailors, soldiers, airmen, or civilians.

Where others measure time in days and weeks, a Polarisman counts his in months. Months on patrol, months at home, months of training.

His way of life is a mixture of about equal parts adventure, training, education, spacemanlike isolation, family living, and the camaraderie of submariners the world over.

With nuclear power for propulsion, and oxygen-generating equipment, and air conditioning providing a controlled, pleasant and livable atmosphere, Polaris submarines are capable of almost endless periods of submerged patrols. Endurance of these true submersibles is, in fact, limited only by the stamina of the crew.

Taking full advantage of this revolutionary capability to keep the submarines on station as great a percentage of time as possible the Navy has changed the traditional manning concept of one ship, one crew.

Each fleet ballistic missile-firing submarine is assigned two full crews. Called "blue" and "gold," each has its own skipper and full complement of officers and men. While one crew has the ship on patrol, the other is back in the home port, undergoing refresher training, taking leave, breaking in new crewmembers, and, in general, getting ready to go back to sea.

One way of understanding the life of a Polaris submariner is to follow a typical crew of one of the submarines and see what happens to them during a normal cycle.

The "gold" crew of an FBM submarine homeported in New London, Conn., is ready to pack up and head out to take their submarine on patrol. There are 124 men and 12 officers in the crew, which is average.

The officers include the commanding officer, the executive officer, the navigator, the engineer and his three assistants, the weapon system officer and his assistant, the communicator, the supply officer, and the ship's doctor.

Thirty-four of the men are in the 5 ratings directly concerned with the Polaris missile weapon system and 34 men in 4 ratings operate the nuclear powerplant. They are electronics technicians, machinist's mates, electrician's mates, interior communication electricians, quartermasters, torpedomen, fire-control technicians, and missile technicians.

The rest of the men are sonarmen, enginemen, radiomen, yeomen, commissarymen, storekeepers, hospital corpsmen, or stewards. Every officer and man is an expert in his field and has received special training ranging from 4 weeks to over 2 years.

Average age of the crew is 24 and almost all are high school graduates.

After goodbyes to families and friends, the crew boards busses at New London for an hour's trip to the Naval Air Station, Quonset Point, R.I. There, two Military Air Transport Service jet passenger planes wait to fly them to Scotland where their submarine will be returning in a few days.

A few hours after takeoff they touch down at the U.S. Air Force Base, Prestwick, Scotland, and immediately board busses for the short trip to Holy Loch where the submarine tender is moored.

The tender is mother for the 10 ships of Submarine Squadron 14. When the submarines come off patrol they pull alongside the tender for minor repairs, refitting, reprovisioning, and so forth. By using an oversea anchorage such as this, transit time to patrol areas is cut down for the submarines, adding considerably to their purposeful life.

Arriving at Holy Loch, the "gold" crew reports aboard the tender to live until their submarine comes in and the change of command has taken place. Then they move aboard her for the rest of the refit period.

Alongside time runs about 30 days. The two crews get together immediately on return of the submarine and discuss the problems, plans, needed repairs and replacements, and so on.

The crew change comes in a few days and the "blue" crew is flown home to New London. The "gold" crew, together with the ship's force of the submarine tender, then starts on a round-the-clock schedule to get the submarine into shape for sailing.

Despite long hours and hard work, the men get some opportunities to visit the surrounding country during this upkeep period.

A few days before going on patrol, the submarine is taken out to sea and put through her paces to insure that she is seaworthy and all equipment is working as it is supposed to.

As scheduled, the submarine, complete with new crew, full provisions, and all repairs made, slips away from the tender and points out for patrol. All the crew knows about the voyage is that they will be gone for 60 or more days and they will be submerged for the entire time.

Where they are going, what route they will take to get there, just when they will return, only the skipper knows. But the whole crew is aware that the only reason for being on patrol is to be ready to launch their deadly cargo of 16 Polaris missiles, if and when the President so orders.

All of the money, all of the time spent in training, all of the effort put into the system is for that sole purpose. By being on patrol beyond a potential enemy's ability to find and by being ready to launch missiles at any time, they know their ship is a mighty deterrent to an enemy's attacking our country.

As soon as they reach deep water they pull the plug and for 2 months they will live, work, eat, and play in the artificial world of their spaceship of the sea.

Everyone has already donned the specially designed blue dacron coveralls which is the uniform on patrol. Designed for comfort, the patrol suit is also a practical wash and wear item. Dacron also eliminates the problem of lint which could foul the air.

Shortly after submerging, the ship settles into the routine which will be followed for the entire cruise. For the missile system and nuclear power technicians, the sonarmen and radiomen, this means shifts of 6 hours on and 6 hours off. Ship's routine is up to the skipper and in some cases watches are stood on a 4 hours on, 8 hours off basis.

The yeoman, corpsman, storekeeper, cooks, stewards, and some others may work normal 10- to 12-hour days or split their work to cover periods required.

To keep some sort of distinction between day and night, the ship is "rigged for red" at nighttime.

The submarine has been assigned a specific area to patrol and at all times is in range of assigned targets.

Since the mission is to be ready to fire missiles on command, main emphasis of the daily routine is bent toward keeping the missiles in an "up" status, ready to go. Missile firing drills are as much a part of life as eating and sleeping.

The first several years of patrol experience have shown that FBM submarines average having 15 of their missiles ready for launch 99 percent of the time and all 16 of them over 95 percent.

In addition to being ready to launch missiles, the submarine has to be ever alert to take evasive action if she detects strange ships, either submarine or surface, in her area. Each FBM submarine carries torpedoes as defensive weapons to protect herself.

Communications are the vital link with authority which can order missiles launched so radiomen keep around the clock vigil.

Besides the need for getting the firing message, should it be sent, the radiomen provide the only contact with the world outside.

Daily news broadcasts by the Armed Forces Radio service are picked up and, what the crew considers more important—"familygram." These are brief, personal messages from kin and friends of the crewmen which let them know how things are at home.

An FBM submarine receives constant message traffic during a patrol but is not allowed to send any since it could give away her position.

Naturally, all is not work on board the submarine during patrol.

Like all submarines, though bigger and roomier than non-Polaris types, bunks for the crew are scattered throughout the ship, as well as in the comparatively spacious crew's quarters. Only the captain has his own cabin. The officers double and triple up in well designed, but compact, staterooms.

The ship is decorated throughout in light pastel colors to provide a pleasing atmosphere for the long haul.

The crew's mess is large by submarine standards and serves the additional purpose of movie and recreation hall, study area, and country store cracker barrel.

Eating, of course, is of major concern, and every possible effort is made to provide outstanding food. This begins with the excellence of the cooks who are given special training at topflight restaurants before joining a Polaris crew.

When the ship left Holy Loch it was carrying enough food to more than cover the expected duration of patrol. Boneless and ration-dense food are used to save storage space but submariners swear by the ability of the cooks to prepare a meal as fresh looking and tasting as you can get.

Food consumption on a typical patrol will include something like 4,000 pounds of beef, 3,000 pounds of sugar, 1,200 pounds of coffee, 120 pounds of tea, 2,000 pounds of chicken, 1,400 pounds of pork loin, 1,000 pounds of ham, 800 pounds of butter, 3,400 pounds of flour, and 960 dozen eggs.

Some of the more enticing items listed on the menu are chicken Isabella, baked Alaska, shrimp newburg, beef stroganoff and lasagna. Standard favorites are roast beef and steak.

Four meals a day are served including breakfast, lunch, dinner, and a soupdown in midafternoon. The galley is open the rest of the time so everyone can help himself.

Exercise machines are available to help keep the weight down.

Originally it was thought that boredom would plague the crew on long patrols like this but it has not proven to be a problem.

This is due to some extent to the long hours of hard work required on the part of every officer and man to keep the submarine ready at all times for its mission.

Off hours are more than filled with recreational facilities available, a well-stocked library, the need to study for advancement in rate, and, if desired, the opportunity to take college-level courses for self-improvement and college credit.

Harvard University has devised a full, 2-year course of instruction for the men to earn credits toward a bachelor's degree. Lectures for the most part are on film and the greatest share of the work is done while on patrol. Any lectures, tests, or laboratory work which cannot be accomplished on patrol is done in the home port as part of the day's routine. These courses are available only to Polaris submariners.

The submarine carries a good supply of movies and "movie call" goes at least once a day, though usually twice to take care of day and night workers.

Talent shows, bingo, and sing-along nights also help to enliven the cruise.

All in all, the crew finds that time passes quicker than expected and soon it is time to head back for Holy Loch and turn the ship over to the "blue" crew once again.

A few miles out from the tender the submarine surfaces and the men rejoin the world of ordinary mortals. Odd as it may seem, the first taste of "fresh" air is not too greatly appreciated since the controlled air of the submarine is cleaner and purer.

A rash of colds may hit the crew right after return, too, for they have been free of such things since about a week after submerging on patrol.

Once alongside the tender, the "gold" crew spends a few days handing the ship over to the "blue" crew, and then they reverse the trip they took 3 months before.

Arriving home, they may take leave if they want it. Like other Navy men, Polarismen get 30 days leave a year and usually split it between home port periods. If they want they may take leave in Europe before returning home.

After a week or two of getting used to home life, the crew starts on a regular 5-day-a-week program of refresher training.

Of particular importance is work on the elaborate FBM trainer which has been installed at the submarine school at New London for use by off crews. New crew members get a chance to work as a team with experienced personnel on equipment exactly the same as they will operate on patrol.

Family men, of course, spend as much time as they can with wives and children. One of the advantages of Polaris life is that the men know exactly what their schedule will be for the next year or so and can plan ahead with reasonable certainty. This is seldom the case with other men in any of the military services.

About one-quarter of the crew will change during the off-patrol period with oldtimers going to shore duty or another submarine. Many will join precommissioning details of brand new FBM submarines which are still being built.

Three months later the "gold" crew will once again leave home and family, grass and sky, and return to the strange but exciting world beneath the seas.

Mr. HORTON. I thank my colleague the gentleman from California.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I am glad to yield to the gentleman from California.

Mr. GUBSER. I compliment the gentleman for bringing this interesting and timely subject before the House. I thank the gentleman for giving me the opportunity of joining with him.

Because of the location of the congressional district which I represent, I have more than an ordinary interest in submarines. It so happens that one of my closest friends is Adm. Charles Lockwood, U.S. Navy, retired, who was commander of submarines in the Pacific during World War II. Of course, the great Lockheed missiles system division, which developed and manufactures the Polaris missile, which has been wedded with the nuclear submarine, is located in my district.

Because of this extraordinary interest in submarines, I have made some study of the question of nuclear propulsion, and currently I have legislation pending before the Committee on Armed Services to extend recognition to the part played in this development by two men, Dr. Ross Gunn and Dr. Philip Abelson. They played an important part in the development of nuclear propulsion. These two men have been unsung heroes, who did a great deal to give to the free world this tremendous weapon for freedom, the nuclear submarine.

It is commonly believed that the idea for the nuclear submarine did not originate until about 1946. That is not true, because in 1939, shortly after it was first proved that a nuclear chain reaction could be controlled, Dr. Ross Gunn, who was then Director of the Office of Naval Research—located just south of Washington—sent a paper to the Navy Department in which he proposed nuclear propulsion for submarines. Naturally, the efforts of the United States were devoted almost exclusively to the Manhattan project at that time. It is rather interesting to note that Dr. Gunn, who today is a Professor at American University, made a breakthrough which provided one of the processes for handling uranium so that the atomic bomb could be developed. He did this as a part of his work with the Office of Naval Research.

Finally, in 1945, after Dr. Gunn had been joined by Dr. Philip Abelson, another eminent scientist, now with the Carnegie Institute, Dr. Gunn and Dr. Abelson submitted actual drawings of a proposed nuclear submarine. These drawings reposed in Navy files for a number of years before they were finally acted upon.

If the truth were known, their proposal was pretty much the prototype for the reactor which was eventually placed into the *Seawolf*, our second nuclear submarine.

It was in 1946 that then Comdr. Hyman G. Rickover was assigned to Oak Ridge, Tenn., to work upon this idea which had been conceived by Dr. Ross Gunn and Dr. Philip Abelson. It was the extraordinary organizational genius of Commander, later to be Captain Rickover, which implemented the ideas of Drs. Gunn and Abelson into actual being and brought forth our first nuclear submarine.

My resolution which is pending will not detract from any person's contribution to the development of the nuclear submarine, but it will, as it should, extend additional credit to these two fine Americans, Dr. Ross Gunn and Dr. Philip Abelson, who conceived the idea of nuclear propulsion.

I thank the gentleman.

Mr. HORTON. I want to thank the gentleman for his contributions toward this recognition of the 64th submarine birthday.

U.S. NAVY'S SUBMARINE SERVICE SALUTE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Rich] may extend his remarks at this point in the Record and include extraneous matter.

Mr. SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RICH. Mr. Speaker, on April 11, 1900, the first submarine, the U.S.S. *Holland* was purchased by the U.S. Navy for $150,000. It was the first undersea craft commissioned by the U.S. Navy. Today's atomic submarines cost in excess of $30 million exclusive of the powerplant.

Dollar for dollar and man for man, the submarine is this country's most economical weapon. Comprising only 1.6 percent of the Navy's World War II personnel, the submarine service accounted for 55 percent of all enemy shipping destroyed.

The modern submarine can travel faster submerged than on the surface. They can fully submerge in less than 1 minute.

The insignia of the Navy's submarine service is a submarine flanked by two dolphins.

The first boat known to have been navigated underwater was built in 1620 by a Dutchman, Cornelius Van Drebbel. It is said he developed a chemical which would purify the air and allow the crew to stay submerged for extended periods.

Alexander the Great—356 to 323 B.C.—is said to be the first person known to have descended into the sea in a vessel of any kind.

Leonardo da Vinci, inventor and artist, developed plans for an underwater warship but kept them secret. He was afraid it would make war even more frightful than it already was.

Interest in submarines has been shown by Presidents. As a result of a trip in an early U.S. submarine, President Teddy Roosevelt ordered extra compensation for personnel serving in the "silent service." President Harry Truman made a 440-foot dive in a captured German submarine. President Dwight Eisenhower was the first President to cruise aboard an atomic submarine, the U.S.S. *Seawolf*. The late General MacArthur was ordered and left the Philippines for Australia by submarine.

Submarines have been invented which were propelled by oars, sails, treadles, hand-operated screws, clockwork, springs, steam stored in tubes, chemical engines, compressed air, stored gases, electric motors, and nuclear power. There is more science packed into a submarine, per cubic inch, than into any other warship. Submariners say, "There is room for everything aboard a submarine except a mistake."

Atomic power has brought a revolution to navies and their influence on history not yet fully comprehended. Its introduction into the undersea element of the might trident seapower will have far-reaching effects. It has brought to fruition the vast possibilities in underwater strength by giving navies for the first time a true submarine—one that can operate indefinitely hidden under the surface of the sea.

Before atomic power, the diesel battery-powered submarine was tied to the atmosphere for all except relatively short runs. Therefore, it had to operate most of the time on the surface, cruise at reduced speed under the surface and always operated with the necessity of reaching the air again within a reasonable period to recharge batteries.

Events have followed swiftly since the pioneer nuclear submarine, *Nautilus*, entered fleet service in 1955.

The durability of the modern submarine was best demonstrated by the U.S.S. *Triton* in 1960 when it cruised around the world submerged—sailing 41,500 miles in 84 days.

Nuclear submarines have also opened up the waters under the Arctic ice pack for operations. In 1958 the *Nautilus* made an historic voyage from the Pacific Ocean to the Atlantic via the North Pole. The *Skate* has three times journeyed to the top of the world, twice surfacing at the geographic North Pole as well as making numerous surfacings in polar lakes.

The marriage of the nuclear submarine and the ballistic missile has been one of the most significant developments in the free world's defense structure.

Since 1960, nuclear submarines capable of submerged firing of the Polaris missile, armed with a nuclear warhead, have been patrolling the seas that constitute 70 percent of the earth's surface.

The Polaris submarine, carrying 16 missiles and roving virtually undetected, constitutes an awesome weapon of retaliation.

The Polaris weapon system is the latest and perhaps most spectacular manifestation of the Navy's traditional ability to adapt to its special environment, in the interest of our Nation's defense needs, the most effective weapons of the day. I do not wish to stress, however, the destructive potential of these submarines. The Polaris, after all, is a most effective instrument for maintaining peace. And peace is what all Americans want most of all. And so, today, I congratulate the special projects office of the U.S. Navy which has so quickly and successfully brought into being this weapon system which has had such a profound impact upon the world situation.

SUBMARINE BIRTHDAY

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, it is an honor to participate in this observance of the 64th anniversary of the U.S. Navy's submarine service. From the original U.S.S. *Holland* in 1900 to the nuclear submarines of today, the United States has made a distinguished record in the development of this key weapon for the defense of the free world. We are thankful that the Eisenhower administration and Admiral Rickover had the vision to push the development of the Polaris and nuclear attack submarines during the 1950's. The United States now has 36 nuclear submarines in commission and 49 additional submarines are authorized or under construction. The continued production of these boats is one of our strongest deterrents to the possibility of a surprise nuclear attack.

PORTSMOUTH NAVAL SHIPYARD

I feel a special kinship to the submarine because of the association of the historic Portsmouth Naval Shipyard with my State of New Hampshire. Portsmouth is the only Navy shipyard on the east coast building nuclear submarines and was the first naval shipyard selected to build a nuclear submarine—the *Swordfish*—in 1956. In New Hampshire we are old hands at building ships. In Portsmouth shipbuilding goes back to the year 1690, when the first warship in North America was built by the British, and in 1800 Congress established the Portsmouth Naval Shipyard. The yard had a peak employment of 20,000 during World War II, and current employment is over 8,000. Since 1915 Portsmouth Naval Shipyard has completed 123 conventionally powered submarines and 5 nuclear submarines, and the yard is now constructing or has orders for 2 Polaris and 4 nuclear attack submarines including the *Jack, Tinosa, Grayling, John Adams,* and *Nathanael Greene.* The experimental deep diving *Dolphin* is also being built at Portsmouth.

THE "THRESHER"

Honoring the silent service has additional meaning and poignancy today. A year ago the *Thresher* sailed out from Portsmouth and into the pages of history with tragic and shattering impact. Constituents of mine, brave sons of the Granite State, were on the *Thresher.* Last year we were reminded anew that for many the cold war is an everyday and present danger. We were reminded anew of our debt of gratitude to the silent service and their unending sacrifice.

Our sorrow can be lessened a bit by knowing that those 129 men did not die in vain. From the *Thresher* tragedy the Navy has initiated new techniques in boat design and a new approach to underwater salvage studies. The deep submergence systems review group has been formed because of the *Thresher.*

It is an honor to salute today those men of America's submarine service who are on duty in the viligant defense of freedom and those who have given their lives in that service in our struggle to preserve liberty.

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. JOELSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JOELSON. Mr. Speaker, I would like to point out that John Philip Holland, for whom the U.S.S. *Holland* was named, was a resident of Paterson, N.J., in the congressional district which I have the honor to represent.

He is generally acknowledged as the inventor of the submarine, and one of his successful vessels now is in Westside Park in Paterson.

I am grateful to my colleague, the gentleman from New York, FRANK HORTON, for taking the time to remind our Nation of the importance of the submarine in America's history.

Mr. WYMAN. Mr. Speaker, the submarine has come a long way since the United States acquired its first truly submersible boat in 1900. In the past 64 years there have been incredible changes in the technology of undersea craft, and a revolution in their strategic role.

We first thought of the submarine as a short range shore-defense weapon. In 1900 we were blissfully unaware of the part that American military forces would come to play in world affairs. Seapower then was measured in battleships of the type that defeated the Spanish fleets.

The U.S. Navy purchased its first submarine from the man who designed and built it for $150,000. The little *Holland* was named after its builder, John P. Holland. It was the most advanced submarine of its time, but newer and better models were already on the drawing boards.

The *Holland* was 53 feet long and could range about 50 miles underwater. Today, America's submarines are anywhere from 200 feet to 450 feet long and some of them can cruise around the world without ever coming to the surface.

With this technological transformation has come major changes in the strategic role of the submarine. By 1914 the Germans were able to challenge British maritime supremacy and turned the submarine into a strategic weapon.

In World War II the United States made use of a great submarine force against the Axis powers. Seven submarine officers won the Medal of Honor during the war, three of the awards were posthumous.

Today our submarine fleet is prepared for that kind of war if it should ever occur again. But part of that fleet has the primary mission of preventing war. The submarine has taken on a vital peacetime role as a part of our strategic deterrent. Of all of our various strategic retaliatory weapons the Polaris missile, fired from our nuclear powered submarines, is the most certain to survive a surprise attack and hit back. These remarkable craft are constantly on the move under the sea and they do not have to surface while on patrol. Because of this mobility, they are the only strategic missile platforms we have whose location is not known to potential aggressors. No attacker could hope to escape deadly punishment.

Our Polaris submarines have been fully integrated into the overall strategic plan which is designed not only to deter an attack, but to make the free world less vulnerable to nuclear blackmail.

These weapons contribute in a real sense to the cause of arms control, for they make deliberate aggression much less likely. Yet even arms control must remain in the domain of the precatory until there is a guaranteed right of inspection of all nations at all times. As yet the Communist bloc has given no indication by act or word of trustworthiness—nor would or should the word of any Communist ever be believed by any other nation if its belief is preliminary to unilateral disarmament or any military weakness. So we should and are particularly grateful and thankful that the Polaris submarine is on guard for America today. It is our first line of defense and if need be of offense as well. And we can be sure that each has its instructions should we or our allies ever be attacked.

All citizens pay tribute to the vital contributions being made to the Nation by our modern submarine service. A leader in this service both in new construction and in repair and overhaul as well, is the great Portsmouth, N.H., Naval Shipyard. With its design capability and a long and distinguished record of production of a great portion of our undersea fleet—even the *John Adams* just the other day—Portsmouth is a vital part of the shore installations under Naval command so essential to the national defense in this nuclear age.

And I might add, essential to the Nation's security whether or not there are cost margins favoring certain private yards in certain respects. We have to have the naval shipyards and we are all doing our best to see that they operate efficiently, economically, and effectively. It would be helpful if the Department of Defense would cease speculating about closing these facilities. Such speculation not only is inimical to morale of workers but in the case of the nuclear yards it is strategically impractical to say the least. Not only must we keep the naval shipyards but they are entitled to their fair share of both new construction and repair and overhaul assignments so that they will remain in vital operating condition.

GENERAL LEAVE TO EXTEND

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the subject of this special order, the 64th birthday of the U.S. submarine service.

The SPEAKER pro tempore (Mr. LIBONATI). Is there objection to the request of the gentleman from New York?

The was no objection.

THE LOW PRICE OF LIVESTOCK

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House the gentleman from Iowa [Mr. BROMWELL] is recognized for 10 minutes.

Mr. BROMWELL. Mr. Speaker, those of us who are desperately interested in the low price of livestock have noted a few unrelated events during the past few weeks with mixed feelings and I think it well for the sake of the record that these events be commented upon.

Following defeat of the Hruska amendment to the wheat-cotton bill in the other body, which amendment would have restricted the importation of meat, hearings were commenced in the Finance Committee of the other body on pending legislation directed to the same end. A substantial number of highly qualified witnesses were heard, but presently the parliamentary situation in the other body has caused the adjournment of those hearings subject to the call of the Chair. Needless to say, no final action was taken on the legislation nor is it possible at the moment to anticipate when those hearings will be resumed or, indeed, whether they will be resumed at all. Because no legislation to the same effect is currently pending in the House the progress of the legislation in the other body is extremely vital to the livestock industry. As I remarked some weeks ago in this forum, the 1964 calf crop is now appearing wherever calves are raised in the United States and the last of the 1963 calf crop is finding its way into the feedlots of the Middle West.

Yesterday in Chicago 6 carloads of the finest cattle in the world, the meat of which will provide one of America's finest table delicacies were sold for 23 cents a pound. This was the highest price paid for beef yesterday in Chicago. The balance of 13,000 head brought lower prices. On the same day the finest hogs brought 15¼ cents a pound.

Quite recently the U.S. Department of Agriculture announced that the importation of meat from Australia and New Zealand was expected during this year to be less by about one-fifth than it was last year. Several observations can be made to place this announcement in the proper perspective. In the first place it demonstrates concern with the meat import situation on the part of the Department and this concern is welcome. We hope the concern continues and grows more realistic as time passes. Secondly, this is a projection on the basis of first quarter data and projections are less reliable than accomplished facts.

Moreover, the Department in the past has repeatedly insisted that imported meat makes very little difference in the domestic prices. The current position is, however, that importation does affect domestic prices and we hope that we can construe these recent statements of the Department as indicating a restatement of the importance of imports on the domestic market. Assuming the accuracy of the projection, what we have in store by reason of these figures is the relief of the marketplace of some 1 to 2 percent of total meat supply. No one, I think, is justified in anticipating that even this considerable anticipated drop in supplies from Australia and New Zealand will very healthily stimulate the domestic price of livestock. We may also be excused, I think, for wondering why these two great suppliers of meat to the United States should so drastically reduce their exports to this country below the maximum permissible amount agreed upon by negotiation early in the year. And as we speculate on this question, the thought arises of the possibility of shipment from Australia to some intermediate purchaser and then to the United States in a manner which would still result in the lodging of the meat in the American marketplace. I have no reason to doubt that the people of Australia and New Zealand are acting in the most complete good faith with respect to our market here, but as I have observed before on this subject, the responsibility is not the responsibility of Australia and New Zealand, either private citizens or officials—the responsibility to control this situation rests right here in this room and in the other body.

I also noted that the Government plans to buy some $20 million of domestically produced beef for distribution to our own citizens under existing authority. When one considers that the State of Iowa alone annually produces about $1 billion worth of beef the thought that $20 million purchased for distribution to those who might otherwise buy a portion of that anyway causes us to keep our enthusiasm in check.

I have been rather diligent in reading forecasts for the livestock market for the year and I see no basis for optimism. The Wall Street Journal last week published a projection for stable livestock prices at their current low levels throughout the year with seasonal peaks in the warm weather months, but with the possibility for prices even lower than current prices in the fall of the year.

Which brings us back to the hopes which we entertained for legislation setting import quotas as soon as possible.

We must not let our Government in any branch deceive itself or the people concerning the grave situation in the livestock business. Sadly we seem to be continuing to whistle by the cemetery.

COST OF THE OPERATION OF THE HOUSE ON THURSDAY LAST

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House the gentleman from Michigan [Mr. DINGELL] is recognized for 30 minutes.

Mr. DINGELL. Mr. Speaker, the Washington Post of Friday, April 10, 1964, appeared with a heading, "GOP Ploys Stall House To Avenge Late Session."

Mr. Speaker, the opening paragraph reads as follows:

> House Republicans angry at being held in session past midnight Wednesday for two losing fights tied the House in knots yesterday and prevented any work being done for 4½ hours. They forced quorum calls and needless rollcalls until the House quit with nothing accomplished.

Mr. Speaker, I undertook the trouble to read the RECORD of last year and I find, lo and behold, one of the principal complainers of this body about the fact that the House remained in session so late last year was our beloved friend, the gentleman from Iowa [Mr. GROSS].

I notice that the gentleman from Iowa [Mr. GROSS] not on one occasion but on three occasions, according to the RECORD of last year, complained that the House was detained here so long.

I asked my office to call the gentleman from Iowa to be here. I took the trouble also to advise him I thought it would be well for him to be on the floor at the time I had this special order because I wanted to give him a full and fair opportunity to reply to whatever comments I might happen to make about my good friend.

Mr. Speaker, I took the trouble to get some figures on how much it cost to run the House of Representatives. Last year the appropriation for the House was $49,520,130. This year, 1964, the figure is $52,967,170, according to the legislative appropriation bill for 1964, which this body just finished considering.

Figuring 365 days a year, the daily figure for the sessions last year would be $135,671.59. This year, figuring 365 days a year, the daily figure would be $145,115.53. If you figure this Congress goes on the basis of 200 days or less the actual cost of running the Congress runs up more in the neighborhood of $290,000 than $145,000.

I think it becomes very clear that the interests of the membership in general and the interests of our good friend from Iowa who complains so vigorously about the fact that the House remains in session so late during the year would be best served by having the Congress conduct its affairs in an orderly manner. As one Member of this body, I wish to make my complaint that our good friend from Iowa and some of the other Members on the minority side who I am sure complained as vigorously as he about the long continuing session last year would waste one good useful legislative day. It is bad that they would do so because of any pique at our proceedings. I have lost legislative fights in this body, and I am sure Members on both sides have had this same experience, and have accepted our lumps in a spirit of good sportsmanship. I think what is past is past. It is my hope our friend from Iowa and those Members on the other side of the aisle who delayed the proceedings of this House will learn from this.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. YOUNGER. Will the gentleman please tell the House the difference in the cost of operating the House whether the House is in session or not?

Mr. DINGELL. I have not been able to get that specifically. I am merely prorating this on the basis of a year, on a yearly basis. I am sure if the gentleman would analyze it he would find that the House costs more to be in session than when it is in adjournment, although I have no statistics and have not been able to determine that.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. GUBSER. I am sure that the average figures which the gentleman presented certainly would prevail on the day when this House did not see fit to adjourn when General MacArthur was lying in state not over 100 yards from here. Would he tell us the cost of running the House, and if it was any different than it was for last Monday when we opened the baseball season and had only an abbreviated session of the House?

Mr. DINGELL. I would not know what the difference was between the figures. I was here. I was in my office, and I was attending to business on the floor and in committee on Monday. I did not attend the baseball game to which my good friend refers, although I am sure many of my colleagues did. I would surmise that my friend from California attended the baseball game.

Mr. GUBSER. I was not one of the fortunate few who was out at the District of Columbia Stadium on that day. I was here with the gentleman from Michigan.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield for a statement? I should like to make a statement along the same line.

Mr. DINGELL. I would be happy to yield to the gentleman from Ohio.

Mr. ASHBROOK. I am glad the gentleman from Michigan has brought this matter up, because I might frankly admit I was one of the participants in the Thursday session to which he referred. I might say at the outset I think he has been very candid and very objective in referring to it.

I myself have several basic ideas that might be good for me as a Member of Congress to present at this time, because I have had some objections to unanimous consents in the past and I have had objections to procedures. When it was all over I found myself criticizing my colleagues on the other side of the aisle, but when you analyze a unanimous-consent request, whether I like it or not I am a part of that, so if something has happened under unanimous consent that is wrong, it is not good for me as a Republican to criticize those on the other side of the aisle because surely if it is agreed to it had to have my approval or it would not have had unanimous consent.

I have seen these rules abused on several occasions. The gentleman refers to Thursday. I would go back 1 day before that, to Wednesday, April 8. I happen to feel that that was a gross abuse of the rules. As one Member who permitted the unanimous-consent request to be granted, I must share the blame for it.

I well recall one incident last year when a question arose about a subject very dear to me, the loyalty oath. Loyalty oaths were completely stripped off the books by a gentleman who stood right on the floor. As a Member of Congress I am in favor of loyalty oaths, and all of a sudden I found out they were taken off the books; and I participated in it.

As one Member of Congress who participated in that type of procedure, I would suggest in the future we do not have such procedures. So I would say there are many abuses.

I appreciate the gentleman giving me a few moments to make this statement, because I have strong feelings on this matter.

I have some other statements I want to make.

Second, I feel that the majority leader, as he has said on various occasions, has the responsibility of setting the legislative calendar and the procedure. I also have heard it said, more often than not in committee than on the floor, that the majority leader has the votes and it does not matter. If they have the votes, it might be well to keep them on the floor.

I hear quite a few complaints about quorum calls. If it is an inconvenience for Members of this body to be on the floor, I would suggest they tell their constituents and then their constituents would take care of this.

After spending 10 days in my district, and I am a candidate for reelection, I find that my greatest problem is to prove I am not associated with what goes on in Washington. If we have laws passed or there are changes in laws with which I do not agree, I am a part of it, so one of the methods I have found to separate myself from what goes on is possibly not to give my consent when unanimous consent is requested.

Lastly, there is an old saying that people quite often repeat, made by a former illustrious Member of this body, "If you want to get along, go along." As one Member who did demand the reading of the Journal last Thursday, well, if what went on here is the price of getting along, I for one would not want to get along. If the rules are not good, change them. I am not speaking of the gentleman from Michigan, because I think he has had a very objective approach to this problem, but we hear it criticized from time to time. I say if there is objection to those of us who once in a while rise and protest about unanimous-consent requests, it would probably be better to raise objection elsewhere, because if the rules are set up in this manner, I feel we should avail ourselves of it. If it is an inconvenience to be on the floor, and quorum calls really do cost what other Members allege, then we should tell our constituents that we would rather be elsewhere than on the floor of the House when it is in session.

I thank the gentleman for permitting me to make this statement.

Mr. DINGELL. I thank the gentleman for his contribution.

Mr. DOLE. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Kansas.

Mr. DOLE. This session the gentleman was talking about on Thursday, which session did he mean? There was one session after midnight, and there was another one on Thursday.

Mr. DINGELL. Well, for the benefit of my friend, the gentleman from Kansas, I point out I am discussing the session reported in the CONGRESSIONAL RECORD, April 9, 1964, page 7353 and immediately following.

Mr. DOLE. What does this cost an hour? What is this 30 minutes that you have going to cost?

Mr. DINGELL. I am not figuring up the cost and I am sure the gentleman's mathematics is as good as my own.

Mr. DOLE. What about the 30 minutes you are taking now? What is that going to cost?

Mr. DINGELL. The 30 minutes I am taking now is aimed at bringing out the fact that we wasted one whole good day of legislation here because of something reported in the newspapers—the pique of my Republican colleagues. I do not know whether it was the pique of my Republican colleagues or not and that really does not make a great deal of difference to me. I would like to see the House proceed with its business as rapidly and as efficiently as is possible. I would point out the events chronicled in the newspapers and recorded in the CONGRESSIONAL RECORD to which I alluded very clearly indicate that something between $145,000 and perhaps $290,000 were wasted by the gentleman who by the purest happenstance, I am sure, happens to be on the same side, the Republican side of the aisle of the gentleman I am now talking to. I do not want to make any estimate of what my discussion costs. I would point out to the gentleman that it is very rare that I happen to be in this well talking on a special order, but I would point out to the gentleman, I think in the interest of orderly procedure, and in the interest of the procedures of the House which is something I am sure the gentleman from Kansas and I am sure his colleague, the gentleman from Iowa, who is seated next to him regularly complain about, I am simply expressing my views as a Representative of my people. First of all, this is no way to legislate; second of all, that this is not the behavior that I think our people expect of Members of the House of Representatives; and third of all, I am pointing out to my good friends, it did cost a great deal of money. I am sure the gentleman from Kansas and the gentleman from Iowa who are known for their strong views for economy would accord to me the interests of orderly procedure and the interests of the taxpayers and saving the money of this country are not well served by the events reported in the newspaper to which I alluded to or in the Congressional Record of Thursday, April 9, 1964.

Mr. DOLE. Mr. Speaker, will the gentleman yield further?

Mr. DINGELL. Yes, I am happy to yield to the gentleman.

Mr. DOLE. I certainly want to commend you for your interest in economy and since I follow you on the rollcall, I always watch your vote carefully. I do think though, in all seriousness, coming from one of the biggest wheat districts in the country, I had 1 minute to discuss the farm bill and if that was a good point, it pointed up the high-handed manner in which it was pushed through the House.

I certainly think the farmers of America are entitled to a little more consideration. I do not know anything about what happened the following day.

Mr. DINGELL. I do not want to debate the wheat bill with my friend, the gentleman from Kansas. I would be happy to do that at another time. But I would point out to the gentleman that under the wheat bill that was passed, no farmer has to participate and they will be perfectly free to proceed under the plan voted through by the farmers the last time or they can come in under the support procedure. So I will be happy to debate this with the gentleman but I am sure this is not the time to do that.

Mr. DOLE. The only point I am making is that we had a very limited time.

Mr. DINGELL. I think, perhaps, maybe the House ought to give thought to that under the rules. But what I am pointing out to my friend is that we are talking here about economy in Government. I know that my good friend, the gentleman from Kansas, sincerely believes that and I know my good friend, the gentleman from Iowa, who is seated next to him believes in economy. They will discuss their belief in economy at every turn of the road and I just want to bring that to the attention of our good friend from Iowa who is seated there behind the committee table.

This affair last Thursday cost the taxpayers somewhere between $145,000 and $290,000 and it delayed the proceedings of the House in considering important legislation for a period of 1 day.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. YOUNGER. I am sure you do not want to leave in the Record any such calculation as that when you know very well that the major cost of conducting the business of the House of Representatives consists of the salaries, and they go on whether the House is in session or not.

Mr. DINGELL. I am satisfied to let my good friend make his calculation as to what the cost to run the Congress is and I am very happy to make my own. As I indicated, I am sure the gentleman is as fully capable of adding and subtracting as I am capable of adding and subtracting. But the result was and the fact we have before us is simply that we wasted a whole perfectly good legislative day and I figure that it cost the taxpayers between $145,000 and $290,000—a figure that is very charitable. I would simply point out to my good friend from Iowa and to his many colleagues on that side that they should not engage in wasting that much in taxpayers' money and the time of the Congress again if they can avoid it. I am sure they will agree with me that no useful purpose was served.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I am happy to yield to the gentleman.

Mr. KYL. I am delighted that the gentleman from Michigan brought this matter up. In fact, I would invite the people of the United States to participate in this proposition because I do not believe they really understand what goes on here. I would urge the citizens of this country to say to us in any way they so desire, whether they think if the rules of the House say that a quorum shall be present to do business that the gentleman from Iowa is right in insisting that those Members be here on the floor listening and participating and trying to conduct the business of the House or whether they should instead be left in their offices and in the absence of quorum calls to interpret who is on the floor or who is not on the floor and who is in Washington and who is not.

Mr. DINGELL. The gentleman will observe that I was not discussing the question of quorum calls. I believe I have as good an attendance record as has the gentleman from Iowa.

I would point out, for the benefit of my good friend from Iowa, the question involved last week was not that of quorum calls; it is simply of expeditious procedures in the House, it was a question of dispensing with the reading of the Journal. I am sure that the gentleman is well aware of the fact that in the proceedings of the House, regularly the reading of the Journal is dispensed with.

I know that the gentleman does not wish to have us believe that the life or death of the Republic will stand upon whether or not the Journal is read in this body. I am sure the gentleman understands that the question of dispensing with further proceedings after quorum calls is an ancient practice, which has long been observed, in the interests of seeing to it that the proceedings of the House are expedited.

I believe that in each instance the gentleman will recognize that steps were taken which resulted in the delay of orderly consideration of legislation before the House.

I merely point out that our good friend, the gentleman from Iowa—I do not refer to the gentleman from Iowa [Mr. Kyl] but I refer to the gentleman from Iowa [Mr. Gross], sitting behind him—and some other colleagues on that side of the aisle followed a procedure which had the practical effect of delaying for 1 day the consideration of important legislation.

I point out that our colleague from Iowa [Mr. Gross] has regularly complained about the fact that the House remained in session late last year. I am sure that I was as much inconvenienced by that as he was.

I will say that if the gentleman from Iowa wishes to be here next Christmas Eve, I am sure that his actions on Thursday last were a step well calculated to achieve that end. One of the ways in which he can arrange that this session will end in December will be by the kind of proceeding we saw reported in the Record on April 9 and as reported in the newspapers for the same day.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I am happy to yield to the gentleman from Iowa.

Mr. KYL. I merely wish to point out the ridiculousness of this situation, in which one Member of the House is being castigated for spending some money on 1 day in a session, when that same individual probably has done more to try to facilitate the proceedings of the House and to save the money of the taxpayers of the United States than any other Member of this body. I object to that procedure.

Mr. DINGELL. If there is anything in what I have said which has been improper, I am, of course, subject to the rules of the House, as is any other Member of this body.

I would point out to my friend that I do not believe I am castigating the gentleman from Iowa. I believe I am merely pointing out that the affairs of the House were delayed for 1 whole day.

I do not pick out the gentleman from Iowa alone. I believe the record will speak at better length and in better manner than I speak with respect to why the proceedings were delayed.

I merely note—and I am sure this is available in the Record—that it was the gentleman from Iowa, I believe, who objected to the dispensing with the reading of the Journal.

I beg your pardon; it was the gentleman from Ohio.

The House met 1 day futilely trying to consider legislation. I had no position that was very strong on the legislation before this body at that time. I believe the House should have considered the legislation and voted it up or voted it down. The House was denied that privilege.

The gentleman from Iowa and the gentleman who has just spoken, our friend from Ohio, I am sure are well aware of their part in this matter. I do not allege anything. I am not castigating the gentlemen. The record of the House does that far better than I.

I merely wanted these gentlemen, who speak so strongly for economy on that side of the aisle, to know that they frittered away $145,000 of the taxpayers' money.

I say that to my good friends on the other side of the aisle. I say that the gentleman from Iowa [Mr. Gross] is a good friend of mine. I served on a committee with him. We have great personal affection.

I point out that these gentlemen who have protested their concern about economy and have protested—I believe perhaps with a measure of propriety—the long sessions of this body, frittered away a whole legislative day. That is the only point I wish to make today.

I am sure that my good friends on the Republican side of the aisle do not wish to fritter away any more days and they do not wish to have any more Christmas Eve sessions, and wish to see the RECORD printed as economically as possible; so for that reason, I say to my friends on the Republican side, I am anxious to yield back the remainder of my time.

Mr. BROMWELL. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my good friend the gentleman from Iowa.

Mr. BROMWELL. May I ask you this question? I am interested in the gentleman's arithmetic. Does it cost the Government anything for Congress on the days it does not meet here?

Mr. DINGELL. I would rather let the gentleman make his own statement on that point. I have to say I imagine that it costs something to run the Congress, and I expect that it costs a good deal more when it is sitting here having quorum calls than when it is not. I would point out I have arrived at my figures and the gentleman is perfectly free, if he chooses to do so, at some later time to arrive at his own set of figures.

With that I decline to yield further.

Mr. BROMWELL. Would the gentleman yield for one more question?

Mr. DINGELL. I am sorry. Mr. Speaker, I respectfully have to decline to yield to my friend and ask for the regular order, because I have a number of other colleagues who wish me to yield to them.

At this time I am glad to yield to my friend from Ohio, [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding. I was the Member who demanded the reading of the Journal, as he pointed out. We got rave notices on the procedure that day. I was amazed to listen to the number of Members who did not know what was in the Journal or in the wheat bill or the stamp bill. As they listened to it as it was read line by line, to my way of thinking, it was one of the most educational projects perpetrated on this House for some time.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. Yes. I am glad to yield to my colleague from California.

Mr. GUBSER. Mr. Speaker, I would like to commend the gentleman for bringing up this point. I would say there is much more involved here than just a simple and friendly needling of one party against the other. I would also like to compliment the gentleman for his basic fairness in seeing to it those who disagree with him have a right to express themselves. However, I would like to put another tone to what happened last Thursday that has not been mentioned yet; in other words, to try to show the gentleman what probably went through the minds of those of us in the minority who he says engaged in a useless exercise last Thursday.

Mr. DINGELL. I did not say that, but I would be glad to endorse that position.

Mr. GUBSER. I will be glad to accept the amendment.

Last August there was a tremendous demonstration of civil rights marchers in Washington which cost the District of Columbia and the military services of this country untold thousands of dollars, but I am sure the gentleman from Michigan was in sympathy with it. I certainly was in sympathy with the right of those people to hold that demonstration, because it was the right of a minority properly to demonstrate against what they thought was a denial of their rights. This is exactly what we were doing here last Thursday. It was the only means available to a minority to demonstrate that the power of the leadership had been abused the night before when it suppressed the rights of us as free men and members of a minority to register honest dissent in conformance with the traditions of a representative democracy.

I might say to the gentleman on the previous night our Speaker exercised his right as a presiding officer to place his own interpretation on a unanimous consent request that everyone in this Chamber knows was given for the purpose of allowing attendance at the services for General MacArthur. I do not complain about that ruling. I do not even protest it. But I do say that if we are going to have such a technical application of the rules as that ruling by the Speaker on that Wednesday night, then it ill behooves the majority to criticize when we as members of the minority use the rules of the House to demonstrate that we as a minority have had our rights denied to us.

I thank the gentleman for yielding.

Mr. DINGELL. I would point out the action of the Speaker about which the gentleman complains did not unduly prolong the consideration.

Now I will be very happy to yield to my friend the gentleman from New Jersey [Mr. WIDNALL].

Mr. WIDNALL. Mr. Speaker, I was wondering if the point the gentleman was trying to make today was that on Wednesday night when we were here in that long night session, that it was an economy move to limit the time for debate to the opponents to 9 seconds a person and whether you felt that was adequate for any Member of Congress.

Mr. DINGELL. I would point out to my friend that I had as little to do with the manner in which that was programed as the gentleman from New Jersey did. I would point out it was programed in full conformity with the rules and the matter was handled through the Committee on Rules. I think the gentleman remembers when the present minority has controlled this Congress it has accorded the present majority as little or less rights. I say that because I have been a page boy here during the times immediately preceding and following such a period, and my father served in the Congress under the minority, and I can remember the present minority here, shall we say, as heavyhanded and ofttimes a good deal more so than was the leadership on this side of the aisle. So I do not think the gentleman ought to speak about heavyhandedness or lighthandedness or abuse of the rules, because the whole procedure, I am sure the RECORD indicates, was in full conformity with the rules. We might perhaps have been privileged to have more debate. I am sure had the distinguished gentleman on that side of the aisle—and I do not know whether he sought to be heard or not, but had he so chosen and had the leadership on that side so chosen, they would have had sufficient opportunity.

There are many devices besides the debate which takes place on the floor to make known the wishes of the several Members. I do not think the gentleman was unduly prejudiced by this procedure. It is one that is viewed as being fair. I would certainly point out that I have heard of no moves on the part of the minority to change the rules of the House. I would suggest to my friends on the minority side, if they really wish to protest procedure which they claim is terribly unfair, the best way they can do it is not by tying up the House for a full day, but by coming forward with some changes in the rules which Members on this side might look upon with favor.

I think if my friends on that side really wanted to improve the procedure of the House and do it in a proper way, so as to indicate their protest and their displeasure over the application of the rules which we saw the other day, they could do it more fully and more correctly by bringing forward a change in the rules. I have discerned no effort on the part of any of my colleagues on that side of the aisle to make any changes in the rules which would make available more time.

I can say to my friend from New Jersey that I have been caught many times as an opponent of a conference report and have been very much limited in time. In fact, on a number of occasions, I have been a member of the committee and have been strongly opposed to a conference report that was brought out on my side of the aisle, but I have been unable to get any more time than was available to my friends on the minority side. That is one of the rules of the House. I certainly think maybe the House should look at this, but I do not think that it should look at it through the myopic spectacles through which they saw it on Thursday last.

Mr. WIDNALL. I take it that when the gentleman protests the expenditure of a few thousand dollars on last Thursday that he approves the expenditures of hundreds of millions of dollars provided in the bill that this House considered during a 30-minute period without full opportunity to debate it. That is what the protest is about.

Mr. DINGELL. My good friend from New Jersey should know full well when he interprets my position to me I can never recognize it.

The SPEAKER pro tempore (Mr. LIBONATI). The time of the gentleman from Michigan [Mr. DINGELL] has expired.

REGULATORY PLIGHT OF NATURAL GAS PRODUCERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oklahoma [Mr. JARMAN] is recognized for 60 minutes.

Mr. JARMAN. Mr. Speaker, as this, the 2d session of the 88th Congress gets underway, I consider it of the utmost importance to invite the attention of my colleagues to a situation now existing in this Nation which, although it has been many years in development, has now reached the stage when it can no longer be ignored or condoned.

Specifically, I refer to the intolerable regulatory plight in which producers of natural gas in these United States now find themselves as a result of the activities of the Federal Power Commission.

Mr. Speaker, it will be recalled that back in 1938, Congress delegated to the Federal Power Commission regulatory jurisdiction over the interstate transportation and sale of natural gas. The sole purpose of this act was to provide regulation of interstate pipelines engaged in the transportation of natural gas from the producing areas of the southwest to the large consuming areas of the Nation.

As early as 1940, the Commission held that under the Natural Gas Act of 1938 "it did not have jurisdiction over sales for resale in interstate commerce by a company engaged solely in the production and gathering of natural gas where the sales are made as an incident to and immediately upon completion of production and gathering"—Columbian Fuel Corp., 2 F.P.C. 266. Later in 1951, the Commission concluded "it had no jurisdiction over independent producers"—*Phillips Petroleum Company* case, 10 F.P.C. 246. Yet in spite of this clear legislative mandate and repeated administrative intrepretations and practice for 16 years, the U.S. Supreme Court ruled in June 1954 "that independent producers selling natural gas in interstate commerce were subject to FPC rate and certificate jurisdiction"—*Wisconsin* v. *F.P.C.*, 347 U.S. 672.

Thus began the impossible task of fixing prices and regulating the sales of some 18,000 individuals and companies engaged in the local activity of producing natural gas.

Mr. HARRIS. Mr. Speaker, will the gentleman yield to me?

Mr. JARMAN. I am happy to yield to the distinguished chairman of the Committee on Interstate and Foreign Commerce.

Mr. HARRIS. I think it would be appropriate to note at this point in order for the record to be made that notwithstanding the history to which the gentleman has referred or the legislation, and notwithstanding the decision of the regulatory agency prior to this time, the decision to which the gentleman has referred said in fact that all producers of natural gas, independent natural gas producers, were as a result of the decision utilities and therefore must be regulated as being a utility, whether it was practical to do so or not.

Mr. JARMAN. I thank the gentleman for that clarification.

As a result of this decision, producers found themselves entrapped in a scheme of Federal regulation. For 16 years, they had been assured that the local production of natural gas was not to be regulated by the Federal Government. By these assurances, they had been encouraged to enter into contracts for the sale of gas into interstate commerce. Under the Phillips decision, these sales were the basis for their being regulated by the Federal Power Commission.

The Phillips decision presented the FPC with a mandate. It had no choice. But in examining the Natural Gas Act of 1938, as amended, the Commission found only one legislative guideline, namely, an individual company rate base, cost-of-service, utility standard. Rate base, cost-of-service regulation was, of course, devised by regulatory agencies to apply to utilities operating under monopolies, not to the production of natural gas under competitive conditions.

As the Commission set about its work, it soon found that utility-type regulation of the production and gathering of natural gas was inappropriate and contrary to the public interest. Accordingly, on several occasions, the Commission recommended to Congress that producers of natural gas be relieved, by statutory enactment, of the burdens and expense of utility-type controls.

On two occasions Congress has passed laws that would have done just that, only to have them vetoed by the President.

Now, Mr. Speaker, let us review briefly what has taken place since 1954 under the Supreme Court mandate to the Federal Power Commission to regulate producers selling gas in interstate commerce.

For 6 years, the FPC attempted to do the impossible, that is, to treat thousands of producers of a commodity as public utilities. This was 6 years of futile but harassing experimentations with the economic life of a basic industry.

Finally in 1960, the Commission gave up. It forthrightly admitted that to attempt to regulate producers as utilities was impractical and unworkable. The Commission concluded:

> Producers of natural gas cannot by any stretch of the imagination be properly classified as traditional public utilities. It is clear that in regulating producers, we are faced with problems entirely different from those presented by an ordinary public utility.

Recognizing the futility of utility regulation of gas producers, the Commission announced in an official policy statement issued on September 28, 1960, that it was embarking on a new approach for establishing just and reasonable prices for natural gas to be known as the area pricing method. Under this method, prices are to be established for 23 separate gas producing areas throughout the United States—which rates are to be "based on reasonable financial requirements of the industry." Although there is no such legislative standard in the Natural Gas Act of 1938, and no precedent exists for the application of such a standard to the competitive sale of a commodity, the Commission concluded this was the best way out of its dilemma.

Under this new method the Commission was faced with establishing proper prices for the 23 geographical areas. The area known as the Permian Basin which lies in west Texas and eastern New Mexico, was the first to be set for hearing. This proceeding was begun 3 years ago in March. Unbelievable as it may sound, this case is still in the hands of the Commission hearing examiner. It now appears that this first case is another year away from a final Commission ruling.

Mr. Speaker, when this approach was first begun in 1960, it was characterized as a "noble experiment." Today, it still remains an experiment but any reasonable man who looks at the facts will readily agree the word "noble" must be dropped.

Mr. Speaker, I was appalled to learn that the hearing in this case was in process for more than 2½ years. There were some 250 hearings days. The transcript consists of more than 30,000 pages. There are 337 exhibits. The initial brief of the staff of the Commission is over 500 pages. The cost of the transcript alone is several thousand dollars. To participate in these cases, a producer must employ lawyers to attend the hearings, and prepare evidence, briefs, and other filings. In addition, there are expenses for company officials, witnesses, and experts such as economists, geologists, engineers, and statisticians. The many gas distribution companies and State regulatory agencies have had similar expenses and the FPC has had to devote much of its increased staff and funds to the proceeding. This one proceeding has cost many millions of dollars which, unfortunately, in the end must be paid by the consuming public.

The scope and magnitude of this one hearing is overwhelming. It is impossible in my opinion for a producer of natural gas, particularly the smaller ones, to obtain due process of law as guaranteed by the Constitution in such a proceeding. The experience, to date, in the Permian Basin case is alarming. I agree wholeheartedly with Justice Clark, who was joined by Chief Justice Warren, Mr. Black, and Mr. Brennan, in his dissent in a recent case—*Wisconsin* v. *F.P.C.*, 373 U.S. 294—when he declared:

> In addition, area pricing must run the hurdle of legal attack and, to be constitutionally sound, must include a showing that the individual producer at the area rate fixed will recover his costs; otherwise it would be confiscatory and illegal. I cannot share the Court's optimistic view that the Commission's area rate, tested by "the reasonable financial requirements of the industry in each production area," is likely to do this.
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> If the rate is set by the "financial requirements" of the higher cost producer it will be higher than that necessary to make it just and reasonable to the lower cost producer, thus resulting in a windfall to the latter. If the "financial requirements" of the lower cost producer are used it will result in a rate that will confiscate the gas of the higher cost producer. If the higher and lower costs are averaged, as the Commission indicates it intends to do, then the higher cost producer will still not recover his costs and the rate will be confiscatory. On the other hand the lower cost producer will receive a windfall. And so, as I see it, the area plan is in a squeeze—i.e., any criteria the Commission uses would not reflect individual just and reasonable rates. Moreover, it must be remembered, that the burden of proving just and reasonable rates is on the producer and he cannot be precluded from offering relevant proof of his cost. This he will demand in the event his statistics show his costs

> above those fixed for his area. And so the cold truth is that, after all of its area pricing investigation and the fixing of a rate pursuant thereto, the producer aggrieved at that rate may demand and be entitled to a full hearing on his cost. The result is additional delay, delay and delay until the inevitable day when there is no more gas to regulate."

Mr. Speaker, I should point out that after 3 years of endless administrative procedures the legality of the area rate approach to producer regulation has not yet been tested before the Supreme Court. Justice Clark and his colleagues were commenting on it in connection with another issue before the Court. As a matter of fact, in this case, the majority opinion of the Court in commenting on "area pricing," stated:

> The validity of the statement of General Policy No. 61-1 (wherein the theory "based on reasonable financial requirements of the industry" was first propounded), the actions taken pursuant to it, and the lawfulness of the area pricing method are not themselves before the court for review.

It was even more shocking to me to learn that, even though the legality of the area rate approach is still much in doubt, the Commission is not even giving the courts an opportunity to consider the area rate approach before proceeding further with it. The south Louisiana area rate proceeding is already in progress and thousands of pages of testimony and hundreds of exhibits have been submitted. Two more area rate proceedings have been designated, although hearings have not yet started. In order to provide it with data for each of those hearings, the Commission has now ordered 114 producers to fill out and return a questionnaire so gigantic that even the Commission recognized that a full year, at least, would be required to complete it. Thus, in addition to the millions of dollars already spent in one hearing alone, the Commission is requiring that additional millions of dollars be spent in other area rate hearings, without knowing that the area rate approach is even legal.

Mr. Speaker, I regret that there is more than legal uncertainty involved here. After more than 3 years in pursuing the area pricing method of regulating producers, the Commission has established no administrative guidelines. As a result in the Permian Basin case, the examiner and staff are floundering about grasping for guideposts. In so doing, they are pursuing and advocating absurd and weird theories which obviously are impractical, unworkable, and have no proper application to the activity of producing natural gas.

For example, the Commission staff takes the position that exploring for natural gas is not a risky business and does not require a recognition of this fact in establishing area prices for gas. The staff recognizes that a producer has only a one-in-nine chance of finding oil or gas, but then contends that since this high-risk factor has been consistent for many years then there is no risk. It is common knowledge that the oil and gas business is a high-risk endeavor. Yet, the staff in this case argues that the petroleum industry is less risky than most industries. How far from reality can you get? How far from reality will the Commission permit this case to go?

A fundamental aspect of the staff position being advocated in this case is the so-called Wein economic theory advanced by Prof. Harold Wein, a former member of the staff. In essence, this theory is that if the producer's field prices for natural gas are decreased enough and the more the better, then demand will increase, then production will increase, and then exploration for gas will increase. Under this theory, if you decrease gas prices you will sell more volume and thereby take in more dollars needed for increased exploration. This theoretical concept purports to terminate with the proper result, namely, increased exploration, but where is the cost factor? This theoretical concept assumes that producers will explore to satisfy the demand for gas without regard to whether the expected price is adequate to pay the cost of exploration and production. Mr. Speaker, the day has not yet arrived in this economy of ours where you can sell at a loss and stay in business. Yet the Wein theory, a keystone to the staff position in this case, embraces such economic fantasy.

That is not all. There is another most disturbing aspect of the position being advocated by the FPC staff. The basic premise of the staff case rests upon the utility concept. It will be remembered that following the Phillips Supreme Court decision in 1954, the Commission endeavored to regulate producers individually as public utilities. Ultimately the Commission concluded that the utility concept was not appropriate for the regulation of producers. Here, in the Permian Basin case, the staff ignores the Commission's determination that producers are not public utilities and advocates a rate base cost-of-service method, not as to producers individually, but on a selected group basis. Here, after 10 years of experimentation and endless confusion and chaos, the regulation of producers is back to utility regulation where it started.

Mr. Speaker, the Federal Power Commission is at fault in permitting this situation to develop and continue. Here is a 10-year record of experimental tampering with the economic life of an industry, leading to confusion and chaos and then back to more experiments. This entire process reveals a capricious disregard of orderly government. It is the type of governmental activity which destroys confidence in government. No segment of our economy should be subjected to such a repetitive process of experimentation and failure such as has gone on at the Federal Power Commission for 10 years.

Mr. Speaker, after 3 years of experimentations, we know the area pricing method of regulating producers is cumbersome; we know it is complex; we know it is unduly time consuming; we know it is extremely costly; we know it was not envisioned by the Congress in 1938 when it wrote the Natural Gas Act; we know it is of doubtful legality.

Yet, despite all this and the endless confusion that has ensued for 3 years, FPC Chairman Joseph Swidler, in an address, in Washington, on January 13, expressed the opinion that area pricing "will work." More recently, the FPC has filed with Congress its 1963 annual report. In this report, the Commission states that it has "put into effect a workable plan" for regulating wellhead prices of gas producers. In this report the Commission takes the position that "solid gains" and "considerable progress" have been made. A reading of the report leaves the impression that all is well. But the facts clearly point to the contrary. The facts clearly show that this report to Congress is grossly misleading.

Mr. Speaker, with all due respect for Mr. Swidler, why does the Commission not face reality. Why does it not forthrightly recognize this 10-year history of its inability to regulate producers under the present law. Why does it not forthrightly report to Congress that 10 years of experimental efforts to regulate producers have resulted in heavy unnecessary costs to the industry and to consumers; and has entailed unconscionable waste of public funds. Why does not the Commission recommend that Congress provide a clear legislative directive so as to remove all the legal uncertainty of the present effort and all the resulting confusion, delays, and frustrations. The Commission in my opinion has been neglectful of its responsibility to report to Congress its experiences which reveal the need for further congressional action.

Mr. Speaker, my purpose, today, is to bring to the attention of the House what I believe to be a very serious situation. I do not wish to be unduly critical of either the Commission or the staff. I merely wish to emphasize some of the things an individual gas producer operating in my State of Oklahoma or other producing area is faced with in proceedings before the FPC.

Mr. Speaker, what does all this mean? To me, it means that the gas producing industry, the consuming public, and the Federal Power Commission all are caught in an ever-broadening web of confusion and growing complexities in which no one can possibly benefit, a situation which, if not corrected, can only lead to less natural gas discoveries, less gas availability, greater ultimate cost to the consumer. This 10 years of confusion has been accompanied by a decline in the ratio of natural gas reserves to production to its lowest point in history at year-end 1963.

If the Supreme Court had realized in 1954 that the utility-type cost-of-service concept of regulation would be so utterly unworkable for producers and that attempts to find alternatives would produce such interminable confusion and cost, it might not have reached its strained interpretation of the Natural Gas Act, holding that an act clearly intended by Congress to apply to natural gas pipelines was applicable also to natural gas producers. However, the damage of the 1954 Phillips decision is done; it can now be corrected only by Congress.

Mr. Speaker, all the responsibility does not rest with the FPC. The Congress has the basic responsibility to see that its delegations of authority are clear and appropriate.

Mr. Speaker, my reason for bringing this matter to the attention of this body today is to point up the need for Congress to act so as to bring order out of the growing chaos which is enveloping the Federal Power Commission in its efforts to regulate natural gas producers. This is a matter which I strongly feel deserves the early attention of the Congress.

Mr. BECKWORTH. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Texas.

Mr. BECKWORTH. Mr. Speaker, I commend my colleague from Oklahoma for the excellent statement he is making. As a former member of the Interstate and Foreign Commerce Committee for a period of some 10 years, I had occasion to work on some of the legislation to which the gentleman refers. I am well aware our gas producers and our oil and gas men have been in a great dilemma because of the very circumstances the gentleman has described. Indeed, I join the distinguished gentleman from Oklahoma in urging that the Congress take action immediately to bring about a genuine solution to this problem to the end that our oil and gas people will be able to move forward in the future at the rate they should. I was a member of the Petroleum Subcommittee of the House Interstate and Foreign Commerce Committee in 1949 when we wrote and passed one of the first bills to help our independent gas producers; I actively supported the legislation. Later this bill on August 5, 1949, passed the House by a vote of 183 for, to 131 against. It then passed the Senate March 29, 1950, but was vetoed which I regret. Before closing I also wish to comment on the fact that some of us from the Texas area along with others have worked diligently in the past to reduce imports of oil which are of a ruinous nature. Mr. Earl Turner of the TIPRO organization in Austin, Tex., and a number of his associates of Texas often have come to Washington in the past to work on the problem of excessive oil imports. I have been to a number of these meetings with my Texas colleagues in the past and shall continue to work diligently to prevent excessive and ruinous imports of oil. I recall indicating my continued interest again recently as is evidenced in the February 13, 1964, issue of the CONGRESSIONAL RECORD. I might add I was one of 130 Members of the House of Representatives who signed a letter to the Speaker of the House of Representatives March 9, 1964, indicating my support of legislation that would prevent ruinous and excessive imports.

Mr. MORRIS. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from New Mexico.

Mr. MORRIS. Mr. Speaker, I, too, wish to commend my colleagues in pointing up the need for Congress to act to bring about some order out of the confused state we now find in the Federal Power Commission attempts to regulate the natural gas producing industry.

Mr. Speaker, as late as 1960, the Federal Power Commission recommended that the Natural Gas Act be amended to clarify its authority over the production of natural gas. The Commission recognized there was need for such clarifying legislation.

However, Mr. Speaker, since that time, the Commission, in spite of its demonstrated inability to come up with a workable plan to regulate natural gas producers in 10 years of experimentation now takes the position that there is no need for such legislation.

Since the present Commission, under the chairmanship of Joseph C. Swidler, came on the scene early in 1961, it has disregarded the need for clarifying action relative to producer regulation. Instead, the Commission seems to think in only one direction—more and more authority. It has flooded Congress with bills which seek to broaden the Federal Power Commission's jurisdiction.

For example, we have H.R. 5867, which would give FPC broad informational authority. It would delegate to the Federal Power Commission broad powers to conduct investigations and to collect information of every sort from the natural gas producers with only one thought in mind—more and more authority over natural gas producers.

We have H.R. 7587 which, among other things, would require Commission approval for abandonment of certificated sales as well as for the abandonment of service and facilities even though the contract involved is clear on these points.

Then we have H.R. 6790, which would give the FPC broad authority with respect to the issuance of securities and other financial activities of the companies they regulate.

We have H.R. 7117, which would vest in the Federal Power Commission complete jurisdiction over direct sales of natural gas in interstate commerce for industrial use.

We also have H.R. 8296, which would delegate to the Federal Power Commission additional control over the importation and exportation of natural gas.

Mr. Speaker, these are some of the bills which have been introduced all at the request of the Federal Power Commission which, to my mind, represents an urge on the part of the present Commission for more and more power.

This Commission is not satisfied to work for a solution to the chaotic conditions existing in the regulatory efforts over natural gas producers—a job it has not been able to do yet. It wants more and more and more power over the entire natural gas producing industry.

Mr. Speaker, I believe that Congress should recognize the intolerable situation existing within the FPC and work toward a constructive solution thereto. The Congress should make it clear just what course of action it wishes the Federal Power Commission to follow.

Mr. FOREMAN. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Texas.

Mr. FOREMAN. Mr. Speaker, I commend the gentleman from Oklahoma [Mr. JARMAN] for his very excellent presentation and explanation of the deplorable situation we have allowed to develop in futile attempts to control and regulate the natural gas industry. I am pleased, indeed, to join my good Oklahoma friend in this bipartisan discussion of this serious problem.

Probably the greatest natural gas producing area in the world lies in the 16th Congressional District of west Texas, a district that I am very proud to represent. Although this district is famous for a variety of industries, many thousands of our people are directly involved in either the exploration for, or the production and processing of natural gas in the Permian Basin area of west Texas and New Mexico.

In this district, natural gas flows from wells that are only a few hundred feet deep, as well as from holes drilled as deep into the crust of the earth as 4 miles. In fact the deepest producing well in the world was completed in this unusual area only last year—it was over 20,000 feet deep.

Combining natural resources and private initiative, this district produces an economical and convenient fuel for millions of American homes every year, and we could produce much, much more if just allowed to compete freely on the energy markets of the country.

The people involved in the natural gas industry know their business. They only wish that the people assigned to regulate the gas business, the Federal Power Commission, understood the problem as we do.

Ten long years ago, the Supreme Court, in a decision contrary to the explicit language of the Natural Gas Act and the intent of Congress, ruled that thousands of independent natural gas producers were subject to regulation by the FPC. Under the Court's mandate, the FPC assumed jurisdiction of these thousands of producers in June 1954.

What has occurred since has no parallel in the history of government. Never has an entire industry been harassed for so long, by such involved, entangled, indecisive, and punitive bureaucracy without serving one single, identifiable, useful purpose. It has been a 10-year saga of the sorriest example of government in its most repugnant form.

The FPC attempted to regulate the Nation's thousands of gas producers as individual Federal public utilities for 6 years. Finally, in 1960, it gave up this course. It announced what had been obvious all along—that cost-based utility regulations of producers would not work. So, instead, the Commission announced another experiment, the so-called area pricing approach which has been in the trial stage for 3 years. The Commission Chairman recently said a final decision in the first area rate case still is a year away. Then that decision must be tested and retested in the courts.

So after 10 years of chaos, indecision, and uncertainty, the producers of natural gas still are on the hook for additional years of more of the same. The tragedy of it is that such controls are unnecessary, unworkable, and serve no public purpose and are being pursued without any legislative guidelines whatsoever. The regulation of the production of a commodity, competitively produced by thousands of individuals and companies, is being attempted under a law written for one purpose—to regulate interstate pipeline transportation.

These 10 years have proven what all who had given any thought to the matter had said in the beginning, that such regulation is doomed to failure and futility. It has not worked because FPC has been given an impossible assignment. The very nature of natural gas production is contrary, in spirit, and in letter, to every concept of a utility operation.

The involved costly nature of present regulation is exemplified in the area rate proceeding of the great oil and gas producing Permian Basin area of west Texas and New Mexico. This is the first of 23 areas in which FPC is attempting to establish just and reasonable rates for wellhead gas prices. It has been going on for 3 years. The Commission has taken 30,000 pages of testimony augmented by 337 exhibits. The FPC staff's brief on the Permian Basin case alone is 500 pages long. But a decision on this single case, as stated earlier, still is years away.

The Congress can no longer permit such wasteful Federal Government entanglement in one of our basic fuel industries. It is time that Congress fully investigated this decade of indecision by FPC, and act to reassert its original, clearly expressed intent that producers of natural gas are not subject to the utility mechanisms of the Natural Gas Act. We should, and must, work with our gas producers and the FPC to try to design adequate legislation to fulfill the responsibilities outlined, and develope and maintain a healthy, dynamic gas industry.

Mr. BELCHER. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to my colleague from Oklahoma.

Mr. BELCHER. Mr. Speaker, first I want to congratulate my colleague the gentleman from Oklahoma [Mr. JARMAN], for bringing this matter before the House, and I want to associate myself with his remarks. I notice that the gentleman said "Yet in spite of the clear legislative mandate." I certainly agree there could have been no intention on the part of Congress to give authority to the Federal Power Commission to regulate the price of gas at the wellhead. There is never any excuse for giving authority to a regulatory agency to set prices unless there is a monopoly. In other words, when a public utility has a monopoly on the franchise of a city it is necessary to have the prices regulated because there is no competition. As far as gas at the wellhead is concerned there is tremendous competition, more competition than there is in almost any other kind of production. There are literally tens of thousands of gas wells competing with each other for the market. Therefore, there is absolutely no excuse for regulating prices when there is such tremendous competition.

In addition to all that, of course, it is an impossible task to fix these prices when there is so much difference in the cost of production and such uncertainty as to whether there will be any production at all, and other numerous factors which make this regulation utterly impossible.

The Federal Power Commission in 10 years has failed to arrive at any conclusion as to how to accomplish this task. For the good of the producers, the gas distributors and consumers, Congress should immediately clarify its attention as to this type of price fixing. A lot of confusing things have happened in the past, and two bills have been vetoed, one under a misunderstanding, but that should not prevent Congress from taking action to correct this intolerable situation.

I want to commend the gentleman from Oklahoma [Mr. JARMAN] for his efforts along this line, and want to join him in an effort to get something done.

Mr. JARMAN. The gentleman has made a real contribution to the subject, and I appreciate it.

Mr. THOMPSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield.

Mr. THOMPSON of Texas. The gentleman takes the position that regulation is necessary to straighten out the activities of such agencies as the Federal Power Commission? Am I correct in that?

Mr. JARMAN. The gentleman is correct. I feel that legislation is necessary and overdue.

Mr. THOMPSON of Texas. I certainly want to subscribe to that thought. I have had my troubles legislatively and otherwise with the Federal Power Commission and some of the other agencies downtown. I do not see any other way for us to proceed except to lay down the law and then require that these agencies follow what we lay down.

Mr. Speaker, in the interest of time I shall not develop some of these thoughts further at this moment, but I ask unanimous consent to revise my remarks immediately following those of the gentleman from Oklahoma.

The SPEAKER pro tempore (Mr. LIBONATI). Without objection, it is so ordered.

Mr. JARMAN. I thank the gentleman for his contribution.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Texas.

Mr. MAHON. I have been aware of the work of the gentleman from Oklahoma [Mr. JARMAN] with regard to the problem which he has just discussed and is discussing with the Members of the House. I want to commend him for the contribution which he is making. I think it is urgently necessary that the Congress assert its own legislative prerogatives and that these regulatory agencies not be encouraged or permitted to, in effect, legislate themselves.

I have supported the legislation to which the gentleman from Oklahoma [Mr. BELCHER], has referred and which has been considered in previous Congresses. I do think some appropriate legislative action is required in order to meet the situation.

I represent an area which is very much interested in the oil and gas business. I represent the largest oil producing county in the State of Texas and we have gas production. But this is not a matter involving just the special interest of any group. It involves the overall best interests of the citizens of the United States, producers and consumers alike, and I welcome the opportunity to cooperate with my friend, the gentleman from Oklahoma, on this important matter.

Mr. JARMAN. I thank my colleague, the gentleman from Texas.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman.

Mr. HARRIS. Since our distinguished colleague, the gentleman from Texas, has brought the matter to the attention of the Congress, and he is eminently correct, it will be recalled that these issues were thoroughly debated in 1949 and in 1950 when we had the first bill that passed both Houses of the Congress, which bill was later vetoed by the then President; and subsequent thereto when another bill was considered and passed later by the Congress in 1955 and 1956, which was also vetoed by the then President.

I think it would be interesting for this record to show, Mr. Speaker, that those of us trying to help straighten out this matter as a result of the Supreme Court decision in 1954 and the original comments of the Supreme Court in 1947 which raised the question and brought it on, predicted, and this record is replete with the information, that if it were not corrected appropriately the consumers of America were going to have to pay much higher prices for their gas. At that time the average price of gas at the wellhead was less than 10 cents. I think it would be interesting to note today in view of the frustration that has beset this industry since then, what the price of natural gas is at the wellhead and it is now in a trend substantially above 20 cents.

Some of those contracts have been agreed to in the neighborhood, I think, of 22 cents or 22½ cents. That does go to show, in my judgment, as to the point the gentleman from Texas raised and the discussion with the gentleman from Oklahoma, that the consumers of America are now experiencing what we said they were going to experience and that is much higher cost of gas. I think the gentleman from Texas [Mr. THOMPSON] is eminently correct when he indicated that the only way this matter is finally going to be resolved is that it is going to require some kind of legislation to provide guidelines to resolve this matter.

Mr. JARMAN. I thank the gentleman. The gentleman's remarks have particular import because his name is so closely associated with legislative efforts to achieve a solution in this field.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I am happy to yield to my colleague, the gentleman from California.

Mr. YOUNGER. I want to congratulate the gentleman from Oklahoma for his very fine presentation of this problem. As a member of the Committee on Interstate and Foreign Commerce, one of the mysteries to me about this whole situation is that, as pointed out by our distinguished chairman, the Supreme Court virtually ordered that the Commission regulate the gathering of gas as a utility. Now after 6 years the Federal Power Commission came to the conclusion that it was not in the public interest and it could not be equitably administered as a public utility, but they failed to come back to the Congress and ask for the legislation in this field.

This is because they know, as does everyone who is acquainted with the problem and has gone through it, that the only way it can be solved is by legislation. They are just launching forward on a different tack in the regional pricing, which is as fallacious as trying to regulate production and gathering of gas as a utility.

I hope the Federal Power Commission will come before our committee and ask for legislation to solve this problem so that we can get it settled once and for all on an equitable basis to protect both the producer and the consumer.

Mr. JARMAN. I thank the gentleman for his contribution. I am in complete accord with his statement.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I am happy to yield to the gentleman from Louisiana.

Mr. WILLIS. Mr. Speaker, certainly I not only wish to commend the gentleman from Oklahoma but also I wish to associate myself in the position he has so clearly taken on the floor today with respect to the serious problem which came about as a result of the Supreme Court decision in the Phillips Petroleum case.

Under our system, except in time of war, price fixing is not only distasteful to us but also is contrary to our free enterprise system. No such thing was intended by the Congress in the Natural Gas Act of 1938. There is no more justification for the Court to undertake to legislate on this subject and to hold, without an expression of intent of the Congress to that effect, that the price of natural gas can or should be fixed at the wellhead than there is to undertake a price as it is severed from the ground for oil, coal, wood, timber, or any other natural resource extracted from the earth.

I believe the learned gentleman from Oklahoma, who is so well versed on this subject and is bringing this problem to our attention, would acknowledge that Congress never intended this result; that the Federal Power Commission itself, for a number of years after passage of the Natural Gas Act of 1938, specifically held that no regulation of price at wellhead was intended; and that the Phillips Petroleum Co. case came as a bolt from the blue.

I was interested in hearing from my friend from Texas [Mr. THOMPSON] a while ago that it is time to lay down the law. Fortunately, led by the distinguished chairman of the House Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS], who has preceded me in commending the gentleman, we did lay down the law twice. For various reasons, on the basis of the veto messages coming out, we had the same conclusion and the same result, when former President Truman and former President Eisenhower frustrated the efforts of the gentleman from Arkansas, in which we all joined, to lay down the law. But we cannot and we must not give up.

I applaud the gentleman for his leadership. One should not want to lead in everything or be anything but a follower in certain things, so I tender to the gentleman from Oklahoma and to the gentleman from Arkansas, the chairman of the Committee on Interstate and Foreign Commerce, my cooperation and my efforts and my assurance of not letting up before coming out with another bill which we hope will this time prevail.

Mr. JARMAN. I thank the gentleman for an able statement.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I will be happy to yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, I want to commend the gentleman from Oklahoma [Mr. JARMAN] for having brought forcibly to the attention of this House again the very serious condition which exists within our gas industry. In my opinion, the meaning of this is quite clear. I do not see how the gas-producing industry, the consuming public, and the Federal Power Commission can help but realize that we are all caught up in the ever-broadening web of legal complexities and confusion which exists in this industry today. It is a situation from which no one can derive any benefit. It is a situation which, if not corrected, will certainly lead to less in the way of natural gas discoveries. Of course, that means less natural gas will be available, but, in the end, more than anything else, it means that the consumer is going to pay more and more ultimately for the gas which he consumes. I think it is an obligation of the Congress to lay down once and for all for the Commission, for all to see, in clear and precise terms, a legislative directive which will remove all of the legal uncertainty from the present confusion and frustration that the industry finds itself confronted with.

I join the gentleman and I support him in his efforts. I support the Committee on Interstate and Foreign Commerce in their work and their chairman, the gentleman from Arkansas [Mr. HARRIS], and I support the efforts of this Congress to bring out of this chaos an orderly process which the gas-producing industry and the consuming public are entitled to receive.

Mr. JARMAN. I thank the gentleman for his contribution.

Mr. DOLE. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Kansas.

Mr. DOLE. I want to take this time to state I am certainly pleased to join in this special order this afternoon. As the gentleman from Oklahoma knows, Kansas ranks high in the production of oil and gas. In fact, Kansas ranks fifth in the Nation in gas production and 90 of our 105 counties produce either oil or gas. Eighty-four percent of this oil or gas is shipped in interstate commerce. We certainly recognize the difficulties inherent here. It just happens that the largest gas field in the world, Hugoton, is located primarily in my district, although it also extends into Oklahoma and the State of Texas. I would certainly join with the gentleman in a great deal of bipartisan effort here. In fact, it has been suggested that we could probably pass the Harris bill, by unanimous consent this afternoon. Nonetheless, it is an important thing. I think Congress has a responsibility to legislate at this time.

Mr. MONTOYA. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I will be glad to yield to my colleague from New Mexico.

Mr. MONTOYA. Mr. Speaker, I would like to commend the gentleman from Oklahoma for calling for this special order and for leading the discussion on this very vital question. It occurs to me it is strange indeed that the Federal Power Commission would assume a jurisdiction which was not within the spirit and the letter of the law under which it sought to act. This has created tremendous expenditure on the part of the oil companies to try to find a lucid path through the sea of confusion which the Federal Power Commission has created in assuming divergent aspects of jurisdiction over this vital industry. Mr. Speaker, I believe it is about time, at this period when the exploration of gas reserves is at stake, that this Congress should assume some kind of responsibility in trying to bring out legislation which would create definitive standards under which the Federal Power Commission can act, and outside of which it should not act.

I am sure that that is the intention of the gentleman from Oklahoma in launching this discussion. Of particular interest to me were the remarks of the gentleman from Arkansas, whose committee has complete jurisdiction over this type of legislation. I can fully appreciate the efforts of that great committee in trying to restore calm in this particular field and I am sure that a discussion of this nature will end up by Congress acting in good faith in trying to bring about legislation which will inure to the benefit of a growing industry and also to the benefit of the consumers of this country; because it is patently clear that the assumption of jurisdiction on the part of the Power Commission has not redounded to the benefit of the consumers of this country in spite of the fact that the Power Commission recently gave vent to the idea that it has ordered $500 million in refunds. That is not justification for the assumption of jurisdiction when equated against the vast increase in the cost of gas at the source.

I thank the gentleman from Oklahoma for yielding to me and, Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MONTOYA. Mr. Speaker, I am pleased that my colleagues are bringing out into the open the facts relating to the very deplorable state of affairs existing as a result of the Federal Power Commission's frustrating regulatory efforts toward the natural gas producing industry.

Mr. Speaker, I am concerned about the many burdens being piled on natural gas producers through the interminable experimentations by the Federal Power Commission in its efforts to regulate the industry although long ago the Commission itself recognized and stated that "producers of natural gas cannot by any stretch of the imagination be properly classified as traditional public utilities." Yet, the Commission goes right on seeking ways to hamstring this vital industry by such regulaton under the Natural Gas Act of 1938 which was designed to apply to public utility activities—not a commodity producing activity.

Mr. Speaker, the thing that concerns me most in the total picture is the dire effects these unsound policies of the Federal Power Commission are having on the natural gas industry.

The ultimate loser will be the consuming public. Adequate gas supplies at reasonable prices should be the goal of everyone concerned. This goal is going down the drain. In the 10-year period since FPC took over the regulation of natural gas producers in 1954, our gas reserves have declined from 22.5 years' supply down to 18.7 years' supply in 1963. In 1963, we found less new gas than in any year since 1954 with the exception of 1960 and 1961.

Mr. Speaker, this is a serious situation—so serious that in a recent publication, sponsored by the gas distributing companies, the pipelines who transport the gas, as well as the producers of the gas, it was recognized that clarifying legislation is the only answer.

Mr. Speaker, this report which was published by the American Gas Association, and entitled "Natural Gas—A Study in Industry Pioneering," went on to say, and this is really what concerns me:

> Until this matter is clarified none of the three branches of the industry can look to the future, or plan for it, with any degree of assurance. Each branch will face uncertainties with respect to future natural gas supplies and the prices it will pay for gas or, in the case of producers, the price it will receive for gas. In other words, the regulation of gas production has created a chaotic situation in the industry at the very time when the public demand for gas is growing steadily. Thus the ability of the industry as a whole to find, develop, produce, transport, and distribute ever larger quantities of natural gas is being thrown off balance to the extent that such confusion and uncertainty is allowed to continue.

Mr. Speaker, here we have the producers, the transporters, and distributors all in agreement that everyone is going to suffer if the present situation downtown in the FPC is allowed to continue.

Let me say in conclusion that we in Congress are running from our responsibilities to over 35 million natural gas consumers if we do not act to correct this situation.

The mass confusion and uncertainty that the FPC has created within the gas producing industry has far-reaching adverse effects. Not only does it endanger the future supply of the gas consuming public, it is seriously depressing the economy today. I know that is the situation within my State of New Mexico.

New Mexico is a substantial source of supply for natural gas consumers in States which have inadequate or no production of their own. More than two-thirds of all natural gas produced within the State is exported to consumers in other States.

New Mexico is the fourth largest gas producing State in the country and accounts for about 6 percent of total U.S. production and more than 5 percent of total U.S. proved reserves.

Although a large portion of natural gas produced in New Mexico is exported, it also supplies almost three-fourths of the total energy consumed within the State. At the time of the last count, there were almost 200,000 consumers of natural gas in the State.

Natural gas is the second most valuable mineral produced in New Mexico, being surpassed only by crude petroleum.

The natural gas producing industry is important to the economy of New Mexico from many other aspects. It is an important source of employment for citizens of the State. It is an important source of income to both the State and the people who live there. At the present time, more than 25 million acres, or 34 percent of the State, are under lease for oil or gas.

Mr. Speaker, the local activity of producing natural gas should not be regulated by the Federal Government. The damaging effects of this 10-year experiment are abundantly in evidence. The Congress has a responsibility to correct this fiasco and it should do so without further delay.

Mr. JARMAN. I thank the gentleman from New Mexico for his contribution.

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I am happy to yield to the gentleman from Texas.

Mr. FISHER. Mr. Speaker, the gentleman from Oklahoma [Mr. JARMAN] deserves our appreciation for the excellent way he has presented an important, but yet very complicated, matter to us. He has discussed a subject that for a long time has been of very great concern to me—the plight of the independent producer during 10 years of futility—this is because June 7, 1964, will mark the 10th anniversary of the Phillips decision by the Supreme Court. So it was 10 years ago that the price charged for natural gas by independent producers became subject to regulation by the Federal Power Commission.

The gentleman from Oklahoma has made the history of this problem very clear to us by pointing out that when the original Natural Gas Act was enacted in 1938 it was intended to give the FPC jurisdiction only over the interstate pipelines engaged in the transportation of natural gas. The act was simply not designed to regulate the independent producer. The FPC so held in a number of cases prior to 1954.

Therefore, when the Phillips decision came along on June 7, 1954, the FPC had jurisdiction over the independent producers, but there was no legislative standard as to how they should be regulated.

The gentleman from Oklahoma very adequately showed how the FPC from 1954 to 1960 found that it could not regulate the independent producer as a public utility. It was at this point in 1960 that the FPC began its experiment in the matter of area rate proceedings, and the gentleman from Oklahoma has more than adequately pointed out how cumbersome and unwieldy this method has become. Therefore, I agree most heartily that the time has long since come for the Congress to face up to its responsibility and handle this vexing problem.

Mr. Speaker, it has been pointed out how burdensome and expensive these area rate proceedings have been to the industry as a whole and to the independent producer himself. I am genuinely concerned for the welfare of my independent producers. They are having a very difficult time at best and to this has been added the problems surrounding the pricing of their natural gas.

I might point out that I am deeply concerned by the fact that last October a questionnaire of tremendous proportions was sent to the 100 major natural gas producers and I am reliably informed by some of them that it will take a year to answer this questionnaire and separate departments are of necessity being set up by these companies to gather, assemble, and furnish the information requested. All of this is in face of the fact that this questionnaire is related to the area rate hearings which now appear to be a useless proceeding. Beyond that, there is another matter that concerns me even more. That is the smaller producers who have not been required to complete the questionnaire, but whose prices are being controlled in hearings in which they are not able to participate because of their small size. Yet their means of livelihood is being affected just as much as that of the larger producers.

Mr. Speaker, another thing about this questionnaire that concerns me is this—the regulation of production of oil will certainly follow with the regulation of the production of gas. This is due to the fact that there is such a large amount of oil produced along with the natural gas. They come from the same well and are often inseparable. The income from liquids produced with natural gas has already entered into the determination of some prices charged for the natural gas. Furthermore, the fact that the recently issued questionnaire covers the entire production segment of so many companies does nothing to alleviate my fears. The Commission has already accumulated extensive data from producing departments of a number of the larger companies during the company-by-company phase of investigations, and the additional new material could be misinterpreted and misused. We must be continually on guard against the extension of the Commission's authority lest the oil industry becomes completely subjugated.

Mr. Speaker, there is another matter in this area rate proceeding that concerns me greatly; it shows the absurdity of the theories being presented in these hearings. For example, the FPC staff has claimed that, if prices of natural gas are decreased sufficiently, then the demand will increase and stimulate greater production. They reason that this, in turn, would create an expansion in exploration to bring forth the necessary supplies to satisfy the greater demand. My point is this: Under this misguided concept I suppose that if the gas were given away then this would lead to such an oversupply of natural gas that we would be faced with the burden of finding a market for shut-in production. How absurd can they become in this matter?

In conclusion, Mr. Speaker, let me again say how glad I am that the gentleman from Oklahoma has called this matter to our attention. I hope that in due time we can settle this matter with definite legislative standards.

Mr. JARMAN. I thank the gentleman from Texas.

Mr. SHRIVER. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Kansas.

Mr. SHRIVER. Mr. Speaker, I want to commend the gentleman from Oklahoma [Mr. JARMAN] for his knowledgeable and fair presentation on a vital subject. I share his concern in regard to Federal regulation of producers of natural gas, and I associate myself with his remarks.

It is most appropriate that the attention of Congress be called to the plight of natural gas producers as a result of the Federal Government, through the Federal Power Commission, endeavoring to fix rates.

Since the fall of 1960, this Federal regulating agency has been engaged in its experiment to try an "area rate" approach upon producers of natural gas. Prior to this the Commission attempted for 6 years to regulate individual producers on a traditional cost-of-service utility basis.

Thus, for nearly a decade this vital industry, and its consuming public, have been subjected to confusing, expensive and unworkable attempts to regulate prices. The Federal Power Commission continues to contend that the area-rate plan is "workable."

However, the record shows that with 23 area rate proceedings scheduled for Commission consideration, the first case still is before the Commission after 3 years and 30,000 pages of testimony.

Even before the Permian Basin proceedings have been decided, the Commission plans to consider other areas. It would be well for the Commission to heed the counsel of one of its own members, Commissioner Ross, who dissented to further proceedings until the Permian decision is made. The Commissioner stated:

> The question we should ask ourselves in instituting additional area proceedings is whether the area approach will permit a satisfactory conclusion. The experience in Permian strongly suggests that the area approach, as presently constituted, and as presently contemplated, is a far cry from being the golden key which will unlock the heretofore undiscovered secrets for successful producer regulation.

Despite the words of caution from Commissioner Ross, the FPC evidently plans to follow the same course and has announced additional rate proceedings. They involve the Hugoton-Anadarko area and Texas gulf coast area. I am particularly concerned with the Hugoton-Anadarko area since this includes the entire State of Kansas and affects natural gas users in the Midwest.

In view of the confusion and frustration experienced in the 3 years of Permian Basin hearings, I seriously question whether or not many of the small producers in my State can afford the cost of participation in such proceedings.

In addition, many producers have been requested by the Commission to complete a 10-pound questionnaire. Recently it was reported that one producer estimated it would require more than 600 man-years of labor to fill out the questionnaire for his company alone.

Mr. Speaker, we are dealing with an industry which is important to our national security. Yet there is evidence that present-day economics and Government regulations are forcing many small and independent producers out of business.

Unless some encouragement is forthcoming to stimulate finding, developing, and producing oil and gas in this country, we could be faced with a shortage of these essential resources in the not-too-distant future.

We are concerned with stimulating economic growth and eliminating poverty throughout the Nation. The road to development of more jobs and continued prosperity does not lie in greater regulation. The private sector of our economy needs room to breathe if it is to expand.

The oil and gas industry of this Nation has made a substantial contribution to the social and economic progress of our country. Yet today it is adversely affected by broadening Federal regulation.

Congress must face up to its responsibility. The present confusion and frustration deserves the immediate attention of the Congress and a legislative remedy should be considered.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, my distinguished colleague, the gentleman from Oklahoma [Mr. JARMAN] has made a great contribution to the understanding of the House by his remarks today.

There can be no question about the seriousness of the problem he has discussed in the gas-producing States of the Nation.

The confusion and uncertainty which have followed the Federal Power Commission's 1960 decision on area ratemaking continue to plague a great industry, and the Permian Basin case dramatically illustrates the difficulties which are involved in such a policy.

I share the view of Justice Clark in the Wisconsin case that each individual producer is entitled to recover his costs, and area pricing must meet this constitutional requirement and include such a showing in any legal attack. Justice Clark's support in this position by Chief Justice Warren and Justices Black and Brennan is further evidence of its soundness.

It is high time that Congress faced its own responsibility in this field and moved affirmatively to put an end to the FPC's present policy of confusion.

Mr. JARMAN. I am grateful to my colleague from Oklahoma for his statement.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, our distinguished colleague from Oklahoma is performing a most commendable public service in calling to the attention of the Congress the intolerable condition that prevails in the natural gas industry, brought about by the Supreme Court's 1954 decision in the Phillips case. Notwithstanding the clear legislative history and even the language of the act itself to the contrary, the Court saw fit to draw upon its collective imagination, and through the application of devious reasoning to bring the wellhead sale of natural gas under Federal regulation.

Not only was the Court's decision a flagrant encroachment upon the legislative powers of the Congress, but its effect was to create a most chaotic condition that defies administrative solution in the absence of additional legislation. It is imperative that Congress act, and act soon. It seems to me that we have two alternatives. The first alternative, to which I subscribe fully and unreservedly, would be the enactment of legislation specifically exempting the wellhead sale of natural gas from Federal regulatory jurisdiction. The remaining alternative is for Congress to accept the premise and philosophy of the Phillips decision, and attempt to promulgate legislatively the rules and guidelines under which regulation could be effected so as to protect the public interest, insofar as this may be possible under regulation.

Mr. Speaker, when I read and study the operations of the Federal Power Commission over the past few years, I find that this Commission is regulating an important and vital industry without benefit of congressional directive, without congressional standards and guidelines.

When we look at the many years of experimentation by the Commission in which it has searched unsuccessfully for a workable means to regulate natural gas producers, we can only conclude that Congress must act to clarify the situation so that all concerned will know where they stand—the public; the producer; and the Government itself.

We can no longer tolerate a system where the rules are changed on the whim of the Commission, a system where one day a producer's contract is accepted and given legal force—and the next day it is barred from even being filed with the Commission simply because the Commission decides it contains provisions which are not in accord with some newly made Commission regulation, a regulation which was proposed and put into force by the Commission.

Mr. Speaker, I have in mind one particular far-reaching instance. The FPC has recognized on many occasions that it is desirable and appropriate in the public interest that long-term contracts be utilized as a basis for considerations of supply and service expansion by natural gas companies. Usually this term is 20 years.

To continue this sensible practice both equity and practical business economics require that producers have the freedom to protect themselves from unforeseen economic conditions; from inflation; from rising and unpredictable increases in costs of operation and so forth. To provide for this equitable protection, producers and purchasers for many years wrote into their contracts what is commonly known as "indefinite pricing clauses."

Likewise for many years the Commission gave full force and effect to such contracts. Then one day, early in 1961, without any legislative basis, or any new directive from Congress, the Commission found:

> (2) Long-term gas supply contracts containing provisions for rate changes dependent or based in part on "indefinite escalation clauses," as herein defined, have contributed to instability and uncertainty concerning prices of gas and service expansion by natural gas companies. As found by us in the proceeding of the Pure Oil Co., docket No. G-17930, opinion No. 341, issued concurrently herewith, these indefinite escalation provisions are contrary to the public interest. Such escalation provisions, therefore, are undesirable, unnecessary, and incompatible with the public interest for the due and proper development of natural gas service by natural gas companies.

Mr. Speaker, here the Commission issued a general rule applicable to all subject to its jurisdiction without even holding a public hearing. There was no opportunity for interested parties to present through testimony and oral argument their views, comments, and recommendations. There was no opportunity for interested persons affected by the rule to cross-examine the basis for this edict. Failure of the Commission to hold a public hearing in this instance was not in keeping with fundamental law. This is an example of the rulemaking that the Commission employs in its regulation of natural gas producers which appears to me to be outside the pale of authority.

At first the Commission said it would not enforce these price escalation clauses. Then it later ruled it would not even accept a contract for filing which contained such provisions.

Now, Mr. Speaker, the Commission not only legislated in this area—it gave retroactive application to its Commission-made law.

Mr. Speaker, it is one thing to outlaw contract provisions by law. It is entirely another to do so by administrative fiat. If experience of the Commission leads to the conclusion that indefinite escalation provisions in independent producer sales contracts are contrary to the public interest, it should have sought an amendment to the law. The Natural Gas Act contains no such authority. Under the law, the FPC has no authority to dictate the terms of sales contracts. Its authority is that of the traditional public utility commission; namely, authority to review. The Supreme Court has so held. Yet the FPC continues to ignore the law and the courts.

Mr. Speaker, this is only one instance. There are many others where the Commission is ruling by the whims of the Commissioners and not by law. This abortive attempt to set arbitrary sales prices for natural gas at the wellhead on an area basis is still another example of Commission-made rules without a legal basis.

Mr. Speaker, I hope Congress will act and act promptly to exercise its responsibilities in this matter and put a stop to this independent agency acting like it is Congress.

Mr. JARMAN. I thank the gentleman for his contribution.

Mr. Speaker, I ask unanimous consent that Messrs. Albert, Boggs, Teague of Texas, Steed, and Herlong may have permission to extend their remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JARMAN. Mr. Speaker, I also ask unanimous consent to insert in the Record an editorial from the Oil and Gas Journal of March 23, 1964.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent also that Messrs. Purcell, Wickersham, Harrison, Poage, Long, Avery, Pool, Young, and Wright may extend their remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JARMAN. Mr. Speaker, I also should like to make a matter of record the fact that the gentleman from Texas [Mr. Kilgore] has authorized me to say that he is in complete accord with the sentiments expressed in the remarks that I am presenting in this special order, and requests that the Record show that fact.

The editorial previously referred to, from the Oil and Gas Journal of March 23, 1964, follows:

Doubts Are Mounting Over FPC's Success

The Federal Power Commission is acting like a man whistling to keep up his courage in a graveyard on a dark night.

Its public statements boast that it has everything under control and is making dandy progress in solving the regulatory problems of the natural gas industry.

But privately it is showing far less self-assurance than it did a couple of years ago when a whole set of brandnew Commissioners confidently waded into a job their predecessors had found well-nigh hopeless.

This split personality may be due in a large part to a forthcoming investigation of FPC by a Senate subcommittee headed by Senator Gale McGee, of Wyoming.

This will not be an attempt to write new law, though it could well lay the groundwork for such. It is billed as an objective inquiry into FPC's general policies and procedures in regulating gas and electric rates.

It's high time Congress took such a look. Grumblings from the affected industries are mounting, and even outsiders are becoming critical of FPC's apparent philosophy of regulation for regulation's sake.

Congress itself has exhibited doubts about FPC by consistently ignoring its repeated requests for new laws to give it more sweeping authority to investigate and control additional phases of the gas business.

Doubts are appearing even within FPC. In recent months dissenting opinions have asserted that the majority overreached its authority and misapplied the law. Even the workability of the much-vaunted area-pricing method of regulating producers is being questioned within the agency.

Gas producers, of course, have long been violently vocal in opposing FPC's regulation of them. Now transmission companies are beginning to complain that FPC is over-regulating the pipelines, interfering with management functions, and attempting to control details of the business that should be left to private enterprise and competitive forces.

In addition there is some indication that much of the general public is in a mood to react against excessive Federal control and expansion of regulatory agencies—of which FPC is a prime example.

In view of this, the proposed Senate inquiry is timely. It can be most fruitful if all affected parties volunteer to assist and present their views in constructive fashion.

With no specific bills before the committee, the hearings should be free from the rancor that has often marked gas legislation in the past.

Out of this could come a general realization that all is not lovely; that FPC needs a new set of instructions from Congress, a new direction.

Then the way will be cleared to start drafting specific legislative proposals with some chance of having them seriously considered by Congress a year or so hence.

Mr. ALBERT. Mr. Speaker, I want to commend the gentleman from Oklahoma [Mr. Jarman] for his fine efforts today. He is serving all Americans, from all parts of the country, by focusing attention on the plight of our natural gas producers.

Mr. Speaker, the gentleman has shown that our Federal Power Commission did not seek out the job of regulating gas producers. It is somewhat understandable if a state of confusion exists. But something must be done, and I congratulate my colleague for the accuracy and force of his statement.

Mr. BOGGS. Mr. Speaker, the gentleman from Oklahoma is making a very constructive statement. I share his concern relative to the independent producers of natural gas and the present difficulties which they are encountering as a result of the Phillips decision.

For years we have sought to correct this condition by act of Congress but so far we have not been successful. I am hopeful that the Congress will recognize this situation and will take action in the near future. Otherwise, the consumers, the producers and the public generally will continue to suffer.

Mr. TEAGUE of Texas. Mr. Speaker, I would like to join with my colleagues from oil and gas producing States in seconding the reasoning and purposes behind the speech of the gentleman from Oklahoma [Mr. JARMAN] in urging that the need for congressional action in the regulation of natural gas production is urgent.

Regulatory agencies of the Federal Government were created by the Congress of the United States, and when a situation is at hand like the one which the natural gas producers and the FPC now find themselves. It seems to me that it is up to the Congress to provide some guidance.

Mr. STEED. Mr. Speaker, I, too, have become alarmed at the incredible situation now existing with respect to the Federal Power Commission's activities concerning the regulation of the natural gas producer. The facts and information being outlined here today certainly place the responsibility squarely on the shoulders of Congress to act. This body cannot stand idly by and watch this regulatory fiasco continue.

We all recall that for many years following the famous Phillips case in 1954 the Federal Power Commission itself came to Congress and recommended that it be given some statutory relief from the impossible tasks of regulating the sales of a commodity as if the thousands of natural gas producers were each a public utility. Gas producers are not a utility and have none of the characteristics of a utility; and yet today, some 10 years after the Phillips case in which the Supreme Court forced on the Federal Power Commission the task of attempting to regulate natural gas producers, we find that it still is an impossibility. No progress has been made in solving this problem for a decade. No guidelines exist today and confusion remains.

Mr. Speaker, I note, on page 139 of the Federal Power Commission's annual report, the Commission declares that the area rate approach offers the most workable and sensible solution to the long-range problems of producer regulation. The Commission there states also "it will enable the FPC to decide in a single proceeding what otherwise would require hundreds of individual rate cases."

In other words, instead of having hundreds of individual cases, we can settle it all in one case. On its face, this would seem to be a pretty good saving on time and money. However, Mr. Speaker, the Commission has not interpreted this saving of time and money into any real meaningful savings. As a matter of fact, the Appropriations Committee, of which I am a member, received early this year in its proposed budget, submitted on January 21, a recommendation that we increase the Federal Power Commission's appropriation for natural gas regulation by about 8 percent.

Among other things, the new budget as asked for by the Federal Power Commission, would provide an increase in the total number of employees from 1148 in fiscal 1964 to 1234 in fiscal 1965 or an increase of 86 positions. This does not sound to me like the Commission is heading toward economy in time, energy or money by this composite area rate proceeding they seem to be so proud of. As a matter of fact, Mr. Speaker, last year the House Appropriations Committee eliminated 109 additional employees requested by Chairman SWIDLER and pointed out that the Federal Power Commission was "annualizing" the budget cost of too many jobs by hiring new employees near the end of the fiscal year and including their annual cost in the budget estimate for the following fiscal year. The Commission did this despite being cautioned against this practice.

Our Committee further stated in its report:

> The Federal Power Commission is an important agency, but it has grown almost 40 percent in jobs since 1960. Along with growth in jobs there is much complaint that the agency is footdragging in its disposal of cases. The Committee urges the Commission to cut down its delay in disposing of cases as it is hurting the industries it has to regulate. Considerable improvement is badly needed in the seasonable disposition of the Commission's business. The Commission is spending too much time in empire building and trying to expand its jurisdiction.

Now Mr. Speaker, you will note those last words:

> The Commission is spending too much time in empire building and trying to expand its jurisdiction.

It seems to me that what we have here is a Federal agency which, instead of spending its time digging out of the morass forced upon it by the Supreme Court 10 years ago, it has chosen to dedicate its time and efforts to extend its tentacles far and wide over the natural gas producer, all of which is resulting in more bureaucratic power, more cost to the Government, more cost to the producer, and more cost to the ultimate consumer.

Mr. Speaker, I cannot overemphasize the importance of prompt congressional action to eliminate from the empire-building Federal Power Commission its choking control over the natural gas producers. If we do not, we are going to see the day when the consuming public will pay through the nose due to the lack of adequate gas reserves to furnish their needs.

Mr. HERLONG. Mr. Speaker, I wish to compliment the gentleman from Oklahoma on his remarks. He has discussed a complicated subject in such a way that it can be understood and we can see the problem as it faces us.

I can readily understand the concern that the gentleman has for the producers that he represents. But beyond that, I appreciate his references to the fact that "10 years of experimental efforts to regulate producers have resulted in heavy unnecessary costs to the industry and to consumers."

The gentleman from Oklahoma knows that I am interested in the consumers in my State. Therefore, I am interested in the welfare of his producers so that my consumers can benefit. In other words, I am interested in my consumers obtaining adequate supplies at reasonable costs. It is my understanding that the gentleman from Oklahoma is saying, among other things, that this supply and the reasonableness of the price thereof is being endangered by all of the matters he has so ably outlined to us. Mr. Speaker, for that reason, I am glad that this problem has been outlined to us and I again thank the gentleman for his service in presenting the facts to us and I wish him success in his undertaking.

Mr. PURCELL. Mr. Speaker, I want to commend the gentleman from Oklahoma [Mr. JARMAN] for his untiring efforts in this fight to bring about a more sensible attitude toward the regulation of producers of natural gas. Something can and must be done to change the present situation, which is grossly unfair, and which places almost unbelievable burdens on the producers.

The statement of the gentleman from Oklahoma gives the history of the law with reference to regulation of natural gas, and describes the attempts of the Federal Power Commission at price fixing and sales regulation of thousands of individuals and companies engaged in the production of natural gas.

Mr. Speaker, the FPC, in its annual report for 1963, stated that the "Commission has put into effect a workable plan" for regulating producers of natural gas. This report went on to say that the Commission has made "considerable progress" and "solid gains" in producer regulation. Nothing could be further from the truth.

The FPC has been experimenting with producer regulation since 1954. For the first 6 years an attempt was made to place a utility type of regulation on these producers. It took the Commission 6 long and fruitless years to finally see that this approach was unworkable. They abandoned this effort. For the past 3 years they have been trying another approach called the area pricing method.

Mr. Speaker, this method is also obviously unworkable. I only hope that the Congress will not allow the FPC to continue this worthless experiment for another 3 years before it is abandoned.

Let us see what has happened during these 3 years of the area pricing experiment. First of all, I would point out that these 3 years have not produced any administrative guidelines to be followed. Secondly, there is not even agreement on the number or boundaries of the geographical areas involved. The first area proceeding is still underway. This is the Permian Basin area.

Has there been a solution? Far from it. It appears that this proceeding is still at least 1 year away from a decision, and even then subject to question as having no legal basis. The record of this proceeding shows that in groping for a solution, the Commission is resorting to absurd schemes and theories of regulation. It appears that the Commission is very little closer to a workable solution to the problem than was the case the day the proceeding started.

As the gentleman from Oklahoma pointed out, there have been some 250 hearing days in this proceeding. The transcript consists of more than 30,000 pages. There are 337 exhibits. The initial brief of the staff of the Commission is over 500 pages. Can you imagine the costs which have been incurred by the companies required to take part in this experiment? Untold millions of dollars have been spent by both the FPC and by the natural gas producers in this proceeding. These costs must, of course, be passed on to the taxpayers by the Commission and to the consumers by the gas industry.

The results of the 10 years of wandering around in the darkness on this matter have obviously wasted Government funds, but this is not all. The experiment has placed almost unbelievable financial burdens on the natural gas industry, and it has increased the cost of natural gas to the consumers.

As has been previously pointed out, for 16 years before 1954, the natural gas industry was repeatedly told by legislative mandate and administrative interpretation that the FPC had no jurisdiction over independent producers. This was all changed by the so-called Phillips decision of the Supreme Court in June 1954. It appears obvious that, in absence of legislation to change this, the FPC is operating under a mandate from the Court to subject independent producers selling natural gas in interstate commerce to rate and certificate jurisdiction.

Mr. Speaker, it is obvious that the 10 years of experiment and frustration which have followed this ruling have made only one clear point. These past 10 years of experiment have shown that current law does not provide the FPC with any reasonable method of regulating producers. This fact seems to be obvious to everyone who has studied the situation except the FPC itself. If the FPC does recognize the problem, it has failed to act in the proper manner.

I respectfully suggest that the Federal Power Commission should promptly come to the Congress and ask for guidance and proper legislative authority to carry out their mandate from the Supreme Court in an effective and orderly fashion. Failing this, the Congress should not allow this present situation to continue, but we should take it upon ourselves to initiate proper legislation.

Mr. Speaker, it is grossly unfair to the taxpayers, the gas users, and to the natural gas industry to go on like this. I sincerely urge action by the Congress in this field as early as practicable.

Thank you, Mr. Speaker.

Mr. WICKERSHAM. Mr. Speaker, the oil and gas producing industry is a vital link in the economy of Oklahoma. Either natural gas or oil is produced in all but 5 of our 77 counties. More than 40,000 Oklahomans are employed directly in just the producing segment of the industry. Almost half of the entire land area of the State is under lease for oil or gas.

Natural gas is the second most valuable mineral produced in the State being surpassed only by crude petroleum. The value of natural gas produced in 1962, the latest year for which data is available, was more than $135 million. This was equivalent to about one-sixth of the total value of all mineral production in the State.

Oklahoma is the third largest producer of natural gas in the United States. It accounts for about 8 percent of total U.S. production and about 7 percent of total proved reserves.

Oklahoma is an important source of supply for natural gas for States having insufficient production to meet their needs. Well over half of all the gas produced in Oklahoma is exported to other States.

Even though much of Oklahoma's gas production is used in other States, it is also an important fuel in the State and provides about 55 percent of the total energy consumption in the State. At the last count, there were more than 600,000 residential, industrial, or commercial consumers of natural gas in the State.

Now, Mr. Speaker, I consider it vital to my State and to the consumers all over the United States that natural gas producers be paid a fair and reasonable price for their product so they can continue in the search for and development of this vital product. Without the necessary funds, exploratory efforts fall off, just as they have been during the past 8 years. If this trend continues, there will not be adequate natural gas to fill the ever-growing demand.

Mr. Speaker, I am genuinely concerned. I believe one of the causes for the falloff in exploratory drilling for oil and gas by almost 40 percent since 1955 is due to the continual harassment of the producers by the Federal Power Commission. In spite of all the talk we receive from that Commission, all is not well. Its regulatory efforts have fallen flat and have proven a dismal failure.

Mr. Speaker, when FPC began its job of regulating a commodity, natural gas, as though it were a service, it came up with all kinds of problems. To begin with, the Commission attempted to regulate producer prices of natural gas according to the same method used to set public utility rates—a formula based on individual cost of service. But computing these costs accurately was a nearly impossible problem, particularly for the many companies which produce both oil and natural gas and thus had joint costs. These costs had to be arbitrarily separated to comply with the FPC's formula. Also, because of varying degrees of risk and different operating methods, the costs of finding and producing natural gas differed greatly from company to company and well to well. These factors combined to make the cost-of-service formula unworkable in setting wellhead prices. And because costs fluctuated greatly, so too did the pattern of regulated prices. There have been instances, in fact, where three different prices were allowed for gas from the very same well.

With a growing hodgepodge of similar cases, it became increasingly obvious to the Federal Power Commission that attempts to apply the cost-of-service formula to natural gas producers just would not work. The FPC finally announced that even if its staff were tripled it could not catch up with its natural gas producer caseload on a public utility cost-of-service basis until the year 2043—at the earliest.

So now the Commission is experimenting with another method of regulating natural gas prices—on an area basis. But this, too, is showing signs of excessive redtape and delay and its future is cloudy, at best. The first hearing to establish area prices has stretched over more than 3 years—and is not expected to be completed until 1965 at the earliest.

As this price setting fiasco continues, it is costing the petroleum companies involved millions of dollars each year. Armies of legal experts, statisticians and specialized accountants are needed to comply with FPC procedures and regulations, and to keep rate cases and litigation up to date. A recent example: Perhaps the most detailed and extensive questionnaire ever devised by a governmental agency. This 10-pound document, asking for precise and extensive cost figures, was sent to 114 domestic natural gas producers who had to fill it out—in quadruplicate—or face severe penalties. The time and cost involved for each producer is enormous—with total direct costs for this one questionnaire alone estimated to run into millions of dollars.

Living with this regulation now is bad enough. But if the present policy of regulating gas producers under a law that does not apply to their industry continues, it could have serious long-range repercussions for petroleum companies, their employees and, in fact, every American.

Faced with the present price muddle on the one hand, and with rising costs of finding and developing new gas reserves on the other, producers have become less and less inclined to continue the risky and expensive search for new sources of gas. Reserves of natural gas are still increasing each year, but they are steadily falling behind the rate of increase in demand. If this dangerous trend continues, it could mean a shortage of an important fuel in the years ahead.

Another possible result is one with an ominous ring for the entire business community. Continued Government regulation of the price of a competitive commodity might eventually be extended into other parts of our industry—and into other industries as well.

The issue is basically one of principle. It is important to all of us, as oil and gas producers and as citizens and consumers. The continuation of unworkable, unreasonable regulation could deal a serious blow to our time-tested system of competitive enterprise. The only answer is a congressional mandate to exempt natural gas producers from this FPC regulation.

Mr. HARRISON. Mr. Speaker, I want to congratulate the gentleman from Oklahoma [Mr. JARMAN] on bringing before the House the problems confronting the producers of natural gas, problems which have multiplied because of the failure of the Federal Power Commission to provide a fair and proper solution.

Prior to 1954, the Federal Power Commission contended that it had no jurisdiction over the sales for resale in interstate commerce by a company engaged solely in the production and gathering of natural gas. In 1954, the U.S. Supreme Court ruled that independent producers selling natural gas in interstate commerce were subject to Federal Power Commission rate and certificate jurisdiction. This placed upon the Federal Power Commission the task of fixing prices and regulating the sales of individuals and companies engaged in producing natural gas. Because the Federal Power Commission found such task of regulation nearly impossible and because it felt such regulation was contrary to the public interest, it recommended on several occasions that the Congress pass legislation relieving the producers of natural gas of the burden and expense of utility-type controls. On two occasions Congress has passed laws only to have these laws vetoed by the President. Although the Federal Power Commission in 1960 announced that it was establishing an area pricing method for establishing prices of natural gas, no conclusion has been reached by the Commission as yet. Although it is intended that prices are to be established for 23 separate gas producing areas, action on the first area, begun 3 years ago, has not been completed.

Mr. Speaker, the production of natural gas is an important part of our economy and there are many risks entailed in exploration and production. Certainly the natural gas industry is entitled to a prompt decision as to its status and further experimentation on its regulation should be stopped. It is my belief that either the Federal Power Commission must come up with a fair and equitable solution to the problem confronting our natural gas producers or Congress must again take action in this matter.

Mr. POAGE. Mr. Speaker, while I agree entirely with the gentleman's criticisms of the Federal Power Commission, and while I think that I am reasonably familiar with the problems confronting the Congress in any effort to again secure curative legislation, does not the gentleman from Oklahoma agree that in the final analysis the Congress is going to have to act and the President is going to have to approve before there can be any real solution of this problem?

Mr. JARMAN. Mr. Speaker, I am in complete agreement with my colleague from Texas. We need legislation to solve this problem and to get legislation we must have positive and affirmative support from the White House.

Mr. LONG of Louisiana. Mr. Speaker, natural gas is the second most valuable mineral produced in Louisiana, being surpassed only by crude petroleum. In 1962, the latest year for which complete data is available, the value at the well of natural gas production reached $700 million. This was equivalent to more than 28 percent of the total value of all mineral production in Louisiana.

Louisiana is an important source of supply for natural gas consumers in States which have inadequate or no production of their own. More than three-fourths of all natural gas produced within the States is exported to other States.

Louisiana is the second largest gas producing State in the country and accounts for about one-fourth of total U.S. production and more than 27 percent of total U.S. proved reserves.

Although a large portion of natural gas produced in Louisiana is exported, it also supplies almost three-fourths of the total energy consumed within the State. At the time of the last count, there were more than 400,000 consumers of natural gas in the State.

The natural gas producing industry is important to the economy of Louisiana from many other aspects. It is an important source of employment for citizens of the State and royalties, and so forth, are an important source of income to both the State and the people who live there. At the present time, almost 12 million acres, or 45 percent of the State, are under lease for oil or gas. The oil and gas producing industry is so widespread in Louisiana that there are now only three parishes in the entire State that are not productive of either oil or gas.

Many of us have been concerned for some time about the attempted regulation of this industry by the Federal Power Commission. It seems to go from bad to worse. The people involved in the industry go around the corner and meet the FPC coming in the opposite direction from which it had just been going.

The resultant trouble and expense to the industry is what causes us this concern of which I speak. A classic example of this was recently brought to my attention and I want to bring it to the attention of my colleagues in the Congress. This type of action by the Commission does nothing to help either the producer or the consumer.

It seems that more than 4 years ago the Continental Oil Co., Sun Oil Co., General Crude Oil Co., M. H. Marr and several other individuals sold leasehold interests in the South Louisiana Rayne gas field to Texas Eastern Transmission Corp. At the time of sale, the Internal Revenue Service ruled that this was a sale of real estate leases and not a sale of natural gas. The Federal Power Commission also ruled at that time that this was a sale of real estate rather than natural gas and stated flatly it did not have jurisdiction over this transaction.

This holding was confirmed by the court of appeals in December 1960, as was the FPC's determination that it lacked jurisdiction. This bore out the U.S. Supreme Court opinion in the Panhandle Eastern case in 1949.

Lo and behold in February of last year, FPC issued a ruling, completely reversing itself and declared it did have jurisdiction. FPC then ordered the parties to undo their 1959 lease sale transaction and to enter into some different "new arrangement."

Mr. Speaker, this is a shocking example of just how bad things can become when Congress sits idly by and lets an agency downtown write its own rules, and make arbitrary decisions and generally keep all parties dealing with it in a constant state of confusion. This is a disgraceful exhibition of what can happen when Congress walks away from its responsibilities as it has done in the case of the plight of the natural gas producer.

Mr. Speaker, to me the persons involved in this transaction have been unconstitutionally deprived of property without due process of law.

I understand that last July FPC issued a further opinion, reasserting its jurisdiction over the Rayne Field lease sale and postponing, pending judicial review, the requirement that the parties rescind their 1959 transaction and enter into a new arrangement. However, FPC warned the parties that they may be prosecuted for violating the Natural Gas Act unless they eventually rescind and revise their lease sale arrangement.

To do this about face and get the result it desired, the Commission did six things: (a) Went counter to the laws of Louisiana and a ruling of another Federal agency, the IRS; (b) repudiated the FPC's own prior opinion and its own appellate brief; (c) disparged, disobeyed, and overruled the District of Columbia Court of Appeals opinion and mandate; (d) reversed the U.S. Supreme Court's Panhandle decision; (e) rewrote the Natural Gas Act without any help from Congress; and (f) declared invalid a $134.4 million transaction 4 years after it had been consummated with the blessing of FPC itself.

To me, Mr. Speaker, this action of the Commission raises three questions: First, does FPC have jurisdiction over the sellers of interests in oil and gas leases and over the terms and conditions of such real property transactions; second, is FPC to be bound by the adjudication of Federal Courts of Appeal which review its order; third, does FPC have power to force rescission of a lawful sale of leasehold interests and to require the parties to enter into an entirely different contractual arrangement, effective retroactively.

Mr. Speaker, this transaction involved the sale of real estate in the sum of $134.4 million.

This is a large transaction, but it will look like peanuts if this action of FPC is allowed to stand. If FPC gets away with this, it could dictate, revise, or nullify the terms of every conveyance of mineral leases covering lands from which natural gas has been, or ever may be, produced and sold for consumption in another State. This would not only cloud the title to countless mineral leaseholds but would place the entire petroleum industry under the control and at the mercy of the Commission.

Mr. Speaker, this is a serious matter, one which we cannot permit to continue. We in Congress must act—and act promptly. The only answer is for constructive legislation that will clarify Government policy on this matter so that producers will know where they stand.

Mr. AVERY. Mr. Speaker, I rise in support of the remarks of my colleague from Oklahoma [Mr. JARMAN]. I wish to join him in expressing my great concern over the alarming state we find natural gas producer regulation. I was particularly interested in what Congressman JARMAN had to say about the area rate proceeding covering the Permian Basin area because the Federal Power Commission is embarking on another area rate proceeding known as the Hugoton-Anadarko area, which, of course, covers my State of Kansas as well as a large portion of Oklahoma and Texas. I certainly do not wish to see this area subjected to the same lengthy, costly, and what may be an illegal experience.

In announcing the Hugoton-Anadarko proceeding, the Commission stated that hearings on the rates for the Permian area had recently concluded and the decisional stage had begun. Thus, after more than 2½ years of taking testimony and receiving lengthy exhibits and numerous legal briefs, that proceeding is now in the decisional stage. How long this hearing will remain in the decisional stage is anyone's guess.

The final legal test of this decision could be years away. Yet, in its report to the Congress released on February 25, the Federal Power Commission declared:

> Considerable progress was made during the 1963 fiscal year in the regulation of natural gas producers, long the most troublesome area in the Federal Power Commission's range of responsibilities. While early advances were necessarily slow through the new system of regulation based on areawide prices, solid gains were recorded during the 1963 fiscal year in bringing this concept nearer to effective realization.

This rosy outlook sounds somewhat akin to the statement made by Federal Power Commission Chairman Joseph C. Swidler, in an address to an oil producer's meeting way back in the fall of 1961, at which time he stated:

> The Permian Basin proceeding is well under way. * * * We are attempting step by step to shape these area proceedings so as to bring them to an early and meaningful conclusion.

Mr. Speaker, being only now in the decisional stage after more than 3 years does not impress me as being anything like "an early and meaningful conclusion."

Mr. Speaker, in this same report, the Commission declared in defense of its area rate proceeding as follows:

> Thus, by setting one price for all sales of the same type, the area rate approach offers the most workable and sensible solution to the long-range problems of producer regulations. It will enable the Federal Power Commission to decide in a single proceeding what otherwise would require hundreds of individual rate cases.

Mr. Speaker, what the area pricing proceeding means is that the Commission is going to place each producer in an administrative rulemaking straightjacket. The Natural Gas Act when it was enacted in 1938 did not contemplate the "area pricing" method of regulation. As a result, there are no legislative guidelines for this method of regulation. The guidelines that are being followed and the only ones that can ever be followed under existing law will be arbitrarily established by the Commission itself. This is regulation in its worst form. It is regulation by administrative fiat. It is government by administrative rule, rather than by law.

The FPC has been on an administrative escapade for 10 years. As yet it has arrived at no definite standard or guideline. It is still experimenting. It is still exploring. It is still confusing all concerned. It is a shameful example of government by men, not by law.

In the meantime, the natural gas producing industry is left stranded in an impossible situation. After 10 years, it does not know what the Government is going to do. It may be years before there is any definite answer as to whether the area pricing method is legal. In the meantime, the producer must wait not knowing what his price will be; not knowing whether he is operating at a loss or making a profit.

Mr. Speaker, there is grave doubt as to the legality of this area rate procedure. I do not think we should overlook the statement by Justice Clark, in which he was joined by Chief Justice Warren, Justice Black, and Justice Brennan in his dissent in a recent case mentioned by Congressman JARMAN. I would like to repeat a significant part of that statement:

> In addition, area pricing must run the hurdle of legal attack and, to be constitutionally sound, must include a showing that the individual producer at the area rate fixed will recover his costs; otherwise, it would be confiscatory and illegal.

Mr. Speaker, it is crystal clear to me in spite of the rosy picture painted by the Federal Power Commission concerning the area rate proceeding and the matter of natural gas regulation, in general, that this industry is faced with the continual harassment and burden of an unworkable regulatory scheme designed for utilities and of questionable legality when applied to producers of a commodity. After looking into this matter, I am more and more convinced that Commissioner Ross was correct when he stated, in his dissenting opinion in the establishment of the Hugoton-Anadarko area rate proceeding, as follows:

> In view of all the shortcomings of the present area approach, the wiser course of action would be first to decide Permian, which promises to be accorded all reasonable expedition. With the experience gained in its consideration of that case, the Commission could then intelligently direct the course of future proceedings and obtain meaningful results much more expeditiously. As it is, the majority seems content to shoot in the dark, forcing staff and all the industry and consumer parties to plod along in still further repetitions of the burdensome and defective area approach. I am not so inclined, and I therefore dissent to the institution of these area proceedings at this time.

Mr. Speaker, it is obvious that this experimental technique being followed by the Commission is unsound, unworkable, and a great waste of time and money on the part of all concerned. It appears to me that the only lasting answer to this growing problem is for Congress to face up to its responsibilities and pass clarifying legislation. This is imperative so that the independent natural gas producer can have the heavy hand of governmental regulation lifted from him in order that he might spend his time and energies looking for badly needed gas reserves instead of wasting his time and adding to his costs in incessant proceedings before the Federal Power Commission.

Mr. POOL. Mr. Speaker, it is time for the Congress to focus attention on the unbelievable situation of the natural gas producers of the United States.

These producers find themselves under the jurisdiction of the Federal Power Commission almost by accident. The 1938 Natural Gas Act was intended to control long-line gas pipelines because they are utilities. The act was not intended to cover gas producers. On the basis of this legislation, the Federal Power Commission repeatedly concluded that it had no authority over independent producers engaged in the production and gathering of natural gas where the sales are made as an incident to and immediately upon completion of production and gathering.

Yet, after 16 years of such a position taken by the FPC, the U.S. Supreme Court in 1954 ruled that independent producers engaged in interstate commerce were indeed subject to the FPC.

The FPC, faced then with the necessity of establishing guidelines, came up with the standard set in 1938 to apply to interstate pipelines, a standard which would regulate natural gas production on a public utility basis.

Finding that this sort of regulation was actually contrary to the public interest, the FPC repeatedly recommended to Congress that natural gas producers be removed from its jurisdiction. Congress twice passed legislation to this end, to have it killed by Presidential veto.

In 1960 the FPC said plainly that:

> Producers of natural gas cannot by any stretch of the imagination be properly classified as traditional public utilities.

In September of that year, the FPC announced a new approach to regulation of natural gas prices, to be known as the area pricing method. Prices are based on reasonable financial requirements of the industry, and are established according to gas producing regions.

Having set up this standard, the FPC had next to establish the prices for each of its 23 areas.

It scheduled its first hearings on the area located in Texas and New Mexico and known around the world as the Permian Basin. That hearing began 3 years ago.

Mr. Speaker, the case of the Permian Basin is still in progress.

This case, the first to be considered under the area pricing policy, is still a year away from a final ruling.

This hearing has already cost millions of dollars.

In 3 years of pursuing the area pricing method of regulation, the Commission has still established no administrative guidelines. The confusion faced by the 18,000 individuals and companies engaged in natural gas production is unbelievable. Their industry has been through 10 years of ghastly experimentation at the hands of the FPC, and relief is nowhere in sight.

It is incredible that an important segment of our Nation's economy—a very important segment of my State's economy—should have been subjected to such tampering.

Mr. Speaker, the natural gas producers of Texas have had 10 years of living in a "Salvador Dali" world, where nothing about their business has been real or permanent.

I call on the Federal Power Commission to be frank. The FPC must tell the public that 10 years of experimentation have been a costly failure.

I call upon the Federal Power Commission to recommend necessary new legislation to Congress, legislation which would state clearly the position of the natural gas producer.

I call upon the Congress to move on such legislation swiftly and to restore dignity and strength to an American industry which has been badly treated during these years of confusion.

I call for such action now.

Mr. YOUNG. Mr. Speaker, much information and misinformation with regard to the domestic oil and gas industry has been disseminated from widely varied sources and viewpoints in recent years. One fact is clear, and let us make no mistake about it. It is the survival of the domestic petroleum industry of the United States which is at stake.

Far too long there are those who have promoted and nurtured the idea that a dynamic and progressive oil and gas industry in this Nation is of concern only to the producing States. This is not a problem of purely parochial interests. Two parties to the matter share equal stakes—the producer and the consumer. So long as we choose to consider the problem to be that of the producer—the other fellow—I suppose it is only natural that it is given impersonal consideration. As consumers, however, the problem is at our door and as surely at the door of the housewife and user in New England, and throughout the length and breadth of this land. May we never become so complacent or so misinformed that we find ourselves dependent upon the disposition of foreign rulers and oil supplies of foreign lands to supply our fuel to operate our factories, to heat our homes, and to serve our national security needs.

One does not need to rely upon vague generalities in placing this problem in focus. Even the most cursory examination of vital statistical gages from industry sources confirms its alarming decline. Topically and typically the problem can be enumerated:

1. DECLINE IN SEARCH FOR OIL AND GAS RESERVES IN THE UNITED STATES

When measured by the crew-months of geophysical activity between 1955 and 1962, there was a decline of 50 percent in the search for oil and gas reserves in the United States.

2. CURTAILMENT OF DRILLING

Oil and gas reserves are developed by one method—drilling. Since 1955, the number of rotary drilling rigs in operation in the United States has declined by 40 percent—from 2,688 in 1955 to 1,641 in 1962.

3. WELLS DRILLED, FEWER AND FEWER

From a figure of just under 60,000 wells of all types drilled in 1956, over the short span of 6 years, total drilling was reduced by 12,000 wells in 1962, a reduction of approximately 20 percent.

4. DECLINING OIL AND GAS INDUSTRY EMPLOYMENT

In 1957, the producing end of the oil industry provided employment for 344,000 people. In 5 years, there has been a drop of 40,000 employees.

5. PETROLEUM ENGINEERS—A VANISHING PROFESSION

Based upon data provided by more than 25 major universities, the number of students pursuing a course of study in petroleum engineering declined 72 percent—from 4,803 in 1957 to a fantastic low of 1,330 in 1962.

6. INCREASING NEED FOR U.S. OIL AND GAS

When projected against estimated population growth and related factors, oil production in the United States must increase by one-third for the next 15 years to meet minimum requirements. The production of natural gas must double for this same period.

7. WORLD PRODUCTION—HOW THE U.S. MEASURES UP

Since 1956, crude oil production in the United States has increased 2 percent and in friendly foreign nations 66 percent, as compared to an increase of 115 percent by Russia.

In conclusion, Mr. Speaker, when weighed objectively, the responsiveness of Congress to the needs of the Nation is consistent and creditable. The long-range welfare and best interests of oil and gas producers and consumers must, in the national interest, be heeded. I am confident that the Congress ultimately will meet this need and will perform its responsibility on this vital problem.

Mr. WRIGHT. Mr. Speaker, I rise to associate myself with the remarks of my distinguished colleague, the gentleman from Oklahoma [Mr. JARMAN].

Those of us from oil and gas producing States have long recognized the threats posed to the domestic industry by stringent Federal controls. The most discernible evidence of this threat to the domestic petroleum industry is found in present controls being exercised by the Federal Power Commission over producers of natural gas. Rate control cases before the Commission sometimes are not finally adjudicated until 3 or 4 or more years have passed. These prolonged and complicated proceedings prevent small producers from gaining needed relief. A small producer, who cannot raise his rates to meet economic conditions allowing him to conduct a profitable business, may be faced with bankruptcy while he waits for the Commission to reach a decision.

In one notable instance, known as the Permian Basin case, the Commission has advanced the theory that if prices are decreased sufficiently, it follows that demand, production, and exploration increases. Under this theory, the item of cost to the producer is ignored as is the traditional law of supply and demand. If one should accept the Commission's rather strange economic theories in this case and carry it to a logical conclusion, then one would ultimately determine that by giving away its products the petroleum industry would expand both its production and exploration. This, of course, is absurd on its face.

The Commission's staff has also taken the position that wildcatting for oil and gas is not a risky venture. The application of simple mathematics disproves this theory. Statistically, it is a fact that when a wildcatter searches for oil or gas he has but one chance in nine of meeting with any degree of success. When the industry remains under close control of persons who advocate these theories, then very obviously it is in danger.

If this important domestic industry is to regain its vitality then it must look to the Congress to free it from unwarranted controls, administered by the application of unrealistic standards which ignore primary economic considerations. Congress recognized this in 1955 when it passed legislation freeing producers of natural gas from Federal control at the wellhead in offsetting the Supreme Court decision in the so-called Phillips case. In passing the bill, Congress merely ratified original legislation passed in 1938, which specifically spelled out that:

> The provisions of this act * * * shall not apply * * * to the production or gathering of natural gas.

Testimony presented to Congress in 1955 clearly proved that high consumer rates are brought about by various charges and taxes added by States and municipal governments rather than by any exorbitant charges traceable to the petroleum industry. In most cases, if you were to reduce the producer's price to zero, it still would not materially reduce the cost to the consumer.

The domestic petroleum industry has declined in recent years. Factors contributing to this decline have included the importation of foreign oils and controls such as have been cited here today. I would urge each and every Member of this body to reflect long and well upon these conditions and to lend his talents to efforts that shall be made to alleviate these very serious problems. It would be my hope that the Congress in its wisdom would objectively approach this matter, realizing that the FPC has exceeded its authority far beyond the intent of authorizing legislation. I believe that any openminded man who cares to examine the facts as they exist will find himself persuaded that some relief from stringent Federal controls must be brought about if the petroleum industry is to survive.

Mr. DOLE. Mr. Speaker, when we judge the situation concerning the Federal Power Commission and its regulation of natural gas producers, it is important to look at the practical application of its rulings.

The experience of area rate proceedings is enough to shock those who are concerned with orderly government, however, I have learned of specific examples of how the Commission operates which are even worse.

In a recent case, the Hunt Oil Co. had asked the Commission for a temporary certificate authorizing the sale of natural gas in interstate commerce. This is a normal longstanding procedure followed by the Commission to avoid harm to the producer that may result from drainage or other emergency conditions. In its report made to Congress just a few weeks ago, the Commission stated:

> Pending conclusion of the individual proceedings for the Nation's many producing

> areas, the Commission is continuing the operation of its system of interim area ceilings. New rate proposals by producers generally are accepted if the price is at or below the "guideline" ceiling. If the price is above the temporary ceiling, the proposed rates are suspended and allowed to go into effect after the statutory time limit subject to refund pending determination in an area rate proceeding.

Not so in the Hunt case where a temporary certificate was being sought. In the Hunt case, the Commission refused to permit this company to collect its contract price for its gas pending action on its permanent certificate. The Commission did this in spite of what it told Congress it did in circumstances where the contract price was above the Commission's guideline ceiling. The only difference here being this was an application for a temporary certificate where the Commission even had an opportunity to take a second look at the whole matter.

The Supreme Court recently upheld the Commission in this matter. However, Justices Harlan and Stewart dissented and stated:

> While the result reached by the Court may be thought desirable, I can find no justification for it either in the Natural Gas Act or in any of the prior decisions of this Court. The matter is one for Congress.

This seems to be just another instance where the Commission writes a new law and the Supreme Court, for some reason, upholds the Commission in its legislating functions.

Another instance where the Commission, without congressional directive, carved out for itself more and bigger authority over the natural gas industry concerned not only the producer but also a pipeline and user.

This involved FPC blocking the direct sale of gas from producers to the Consolidated Edison Co. of New York even though the gas was not for resale. The law is very specific that the Commission only has jurisdiction over sales of gas in interstate commerce for "resale."

Yet in this case, FPC denied a certificate to Transco to transport the gas from Texas to New York—thereby stopping the whole operation. The "end-use," said the Commission, was inferior and would preempt pipeline capacity and gas reserves. In addition, the field price in the contract was higher than any the FPC had theretofore approved for the area and would stimulate higher prices. The U.S. Court of Appeals held that the FPC lacked power to deny Transco the certificate, but was reversed by the Supreme Court. The result: The producer could not sell—the pipeline could not transport—the would-be producer could not buy, even for its own use, even though the law only gives the Commission authority over sales of gas for "resale."

Mr. Speaker, in another hard-to-believe case I was recently informed that a producer in Kansas had to spend $2,000 in expenses to seek permission from FPC to connect just one gas well up to an interstate pipeline near the well.

I am told this producer had several gas wells and contracted to sell his gas for use within the State of Kansas. However, one lone well was not included in this contract for sale within the State. It then became necessary for this producer to seek authority from the Federal Power Commission to sell the gas from this one well into interstate commerce. A letter setting forth the facts and the filing of an application was not sufficient. It required the hiring of experts, trips to Washington, a long wait, and the spending of about $2,000 before this lone well could be connected up to the interstate pipeline for sale in another State. However, the end of this story is that permission never was received for the producer to sell this gas in interstate to a willing buyer at a price less than the producer later sold this gas for use within the State of Kansas.

Mr. Speaker, these are but a few of the actual case histories which make it absolutely necessary for Congress to face up to its responsibility and spell out by legislative enactment, just how we wish the production and gathering of natural gas to be treated.

Mr. Speaker, I am greatly concerned over these matters for two reasons. I do not wish to see a basic industry hamstrung to the point of possible strangulation. I do not wish to see the consumers of natural gas suffer future years by gas shortages and higher prices which could occur if the present regulatory mess is not corrected.

I am also greatly concerned over this situation because of the importance of natural gas production and consumption to the State of Kansas.

Kansas ranks fifth in the Nation in natural gas production and natural gas is the second most valuable mineral produced in my State with a value of $86 million in 1962.

More than 84 percent of our gas production shipped is in interstate commerce. We produce oil or gas in all but about 15 of Kansas' 105 counties.

Also, Mr. Speaker, natural gas provides more than half of total energy consumption in Kansas and we have 545,000 consumers of natural gas in my State.

An excellent illustration is the Hugoton field. During December 1919 a wildcat well located a few miles west of Liberal in the southwestern corner of Kansas tapped what is today the largest dry-gas field in the world. The well was Traders Oil Corp. 1 Boles. It found gas between 2,581 and 2,755 feet and was completed for 7,500 million cubic feet of gas per day in December 1922.

Now the field sprawls across three States. It extends for more than 150 miles from southwestern Kansas into the Oklahoma Panhandle, terminating in the northern part of the Texas Panhandle. Its width ranges up to 35 miles.

Mr. Speaker, I am hopeful that we in Congress will seriously look into this matter and take prompt and constructive action. I ask unanimous consent to include an article appearing in the April 14 issue of the Washington Evening Star which will be of interest to many.

[From the Washington Evening Star, Apr. 14, 1964]

FPC Is Pondering Moves To Exempt Gas Producers

(By Lyle Denniston)

There is talk again of freeing some producers of natural gas from Government controls.

It won't be surprising if the talk comes to nothing again.

From the time, 10 years ago this June, that the Supreme Court put all gas producers under Federal Power Commission rule, the issue of exempting some or all of them has come up repeatedly.

The industry, and for years the FPC itself, tried to get Congress to overrule the Supreme Court.

Even President Kennedy, in 1961, recommended that all but 270 large producers be put beyond FPC's reach.

The main difference in today's talk of exemption is that the Commission is pondering a move all on its own, without first getting Congress' permission.

That's a bit unusual, since few, if any, observers have felt that the Commission could voluntarily surrender some of its price and service regulation of gas companies.

Even more unusual, perhaps, is the fact that the idea of exemption has now come from the Supreme Court.

SUGGESTED CURE

The Court's idea is, in effect, a suggested cure for a problem the Court had caused by its 1954 ruling.

Up until that time, FPC supervision of the gas industry was limited to "integrated" companies—those that produced the gas and sent it from the field toward the ultimate user.

But the Court said the regulatory law also covered independent producers—those that only brought gas out of the ground for wholesale sale.

That one ruling added so many price and service cases to FPC's agenda that it still hasn't completely caught up.

INHERENT DANGERS

Justice Tom Clark, speaking for the Supreme Court in a recent case, spoke of "the dangers inherent in the accumulation of a large backlog of cases."

Then came the suggestion. Said Mr. Clark: "Procedures must be worked out, not only to clear up this docket congestion, but also maintain a reasonably clear current docket so that hearings may be had without inordinate delay."

Specifically, the Justice said, FPC might imitate the National Labor Relations Board, which sets a minimum size for companies whose labor cases it will consider.

Now, the Commission has put its staff to work on a special study of the problems and potentials of freeing small producers.

TAKING ANOTHER LOOK

The Commission "is taking another look," one aid said, to see if it was right 2 years ago when it decided after a special review against creating a class of exempt producers.

One of the reasons for that decision, the aid noted was "a great question" whether FPC could legally exempt producers. The fact that the Court itself now suggests this does not make it absolutely legal, but at least tends to dissolve doubt.

Another reason against exemption, FPC aid argue, is that the Commission is already making progress in clearing up its backlog. It is readying a technique of regulating prices by geographic area, rather than by individual company.

ANOTHER CONSIDERATION

Still another consideration, according to Commission staff men, is that exempt small producers might raise their prices and that

> would trigger like increases among the regulated firms. Clauses in many natural gas contracts—for big companies as well as small—permit them to keep up with others' price increases.
>
> Finally, there is the fact that small producers are themselves divided about the virtue of being exempt unless all producers—big and small alike—are exempt.
>
> These reasons, then, seem to add up to an argument against the Court's suggestion. But, aids insist, "we are not foreclosing anything."

Mr. THOMPSON of Texas. Mr. Speaker, I want to congratulate my distinguished colleague from Oklahoma for calling to the attention of the Congress a most important and critical problem which now exists for our natural gas producers in their relationship with the Federal Power Commission. He has made an excellent record of this problem and the need for corrective legislation.

I took particular note of my colleague's statement:

> The Congress has the basic responsibility to see that its delegations of authority are clear and appropriate.

I think what will be said here today will reaffirm this basic of all constitutional facts and make it clearly evident who is the master and who is the servant.

My colleague's remarks call to my mind a related problem concerning the attitude of the Federal Power Commission in its treatment of tax incentive benefits. The actions and decisions of this Commission are adversely affecting the entire economy of the country which the tax incentive laws are designed to help.

As a member of your Ways and Means Committee which initiates and recommends the tax policies of this country, I have become keenly aware of the flagrant abuse of this Commission toward our tax laws. I was the sponsor of section 203 in the recently enacted tax bill. This section contains the provision regarding the 7-percent investment credit and its treatment by Federal regulatory agencies.

Since the enactment of this provision, I have had many requests to explain in detail this provision and the reasons it was needed. I request unanimous consent to revise and extend my remarks on this matter.

To summarize first, the Congress has now made it unmistakably clear that the so-called independent Federal regulatory agencies, such as the Federal Power Commission, are still arms of the Congress set up by acts of the Congress to be impartial, unbiased administrators of its laws in order to relieve Congress of time-consuming detail work which Congress does not have time to perform. Furthermore, Congress intends that such agencies shall effectuate national policy as determined and established by Congress. Congress will not stand idly by and permit a small core of appointed officials to thwart the will of Congress by substituting their judgment for that of Congress in deciding who shall benefit from tax incentive provisions.

The failure of some Federal regulatory agencies to recognize the foregoing as an essential condition of their relationship with Congress is sufficient reason for Congress to include in the tax bill some specific restrictions on such agencies.

Continued failure by the regulatory agencies to be guided by expressed legislative intent and the national policies established by Congress will no doubt require additional restrictions. The Commissioners of these agencies should do a little soul searching. This could save everyone concerned lots of trouble and work.

In one breath, these people insist that all regulatory matters be left to their judgment and discretion. In the next, they speak of rule-making proceedings and their decisions and orders which they claim establish regulatory principles and policies and which they proceed to enforce as law. Thus, they have gathered up an impossible conglomeration of legislative, judicial, and executive functions under a single head—a situation entirely incompatible with our concept of division of authority. Their expanding claims of jurisdiction are an imposition upon the Congress and their exercise of discretion usually results in unequal treatment for those entitled to equal treatment and, worst of all, it means a permanent exposure of the regulated industries to the uncertainties of the changing minds of these officials. In many recent cases, one man's vote has destroyed precedents of this same agency which have been relied upon for years. In this way irreparable damage has been done to entire industries.

Congress has made it clear that regulated transportation industries such as the railroads, bus lines, airlines, pipelines, trucklines, and barges are actually highly competitive rather than monopolistic industries in that they not only compete with others of the same type, but often with other methods of transportation. Being competitive there should be equal treatment accorded each industry in the transportation group when tax incentives are involved, not only as between the different methods of transportation, but also equal treatment with the unregulated industries.

Unfortunately, and too often, these regulatory agencies have ignored these basic truths and have flouted the laws of the land. They obviously feel they are best qualified to adjust the Nation's tax policy. Their actions and decisions are adversely affecting the entire economy of the country, which the tax incentive laws are designed to help. The remarks being made here today and the actions I will describe later are examples of the growing alarm and concern in the Congress about the activities of these agencies.

Congress has enacted several tax incentive measures in the past, designed specifically to encourage all industry to expand, modernize, and diversify. These include measures providing for rapid transportation, liberalized depreciation, consolidated tax returns and the newly enacted 7-percent investment tax credit. In all instances the legislative history and intent has been clear that these incentives, which some have called windfalls, were actually a bonus to the taxpayers if they would invest capital for purposes deemed desirable by Congress. Especially were these incentives needed in the case of industries subject to the forces of competition. Heretofore, it seemed unnecessary for Congress to specifically tell the Federal agencies not to deprive regulated transportation industries of the tax incentives—we thought that was clear—that they would follow the law and be content to let us, the Congress, set the Nation's tax policy. In the immediate past few years, some agencies, notably the Federal Power Commission, have decided to the contrary. They have upset prior decisions and precedents by taking these tax incentives away from the regulated transportation industries subject to their jurisdiction, thereby creating such confused uncertainty in the business community that their self-granted powers are working at complete cross-purposes with national policies set by Congress.

With this background, let me review briefly the language in the 1962 tax bill and the legislative history regarding the 7-percent investment credit. Clearly it was intended as an incentive to all industry to modernize and expand. Specifically mentioned to receive the 7-percent credit in the reports of both committees were the regulated transportation industries such as railroads, airlines, pipelines, and so forth. Being aware of growing tendencies and philosophies at the regulatory agencies which would flout the law and negate the Nation's tax policies, we wrote and passed the 1962 tax bill and appended strongly worded legislative intent on this point. Despite these efforts, the ink was hardly dry on the bill before efforts were underway at the Federal Power Commission to conclude that the FPC, not Congress, were the ones to determine who was to receive the benefits of the investment tax credit which had been granted to taxpayers.

Now, let us look at the 1963 tax bill and this issue which was so thoroughly debated for several days on the Senate floor. The House Ways and Means Committee report reviews the legislative history of the 7-percent investment tax credit. Our committee states it was clearly written before, that Federal regulatory agencies were not to deprive regulated transportation industries of the tax credit, and again express their intent that this credit go to the taxpayer. We passed the bill containing explicit restrictions. The Senate Finance Committee passed the same provision in the bill and reiterated the same intent in its report.

The bill was brought to the Senate floor and despite the most thorough and sustained efforts, opponents of this provision could not prevail in having it stricken or amended. The record of this debate leaves no doubt that Congress has rightly asserted its supremacy over the Federal regulatory agencies. The record is replete with statements evidencing our intent that we, not the agencies, will set the tax policy of the Nation. It has been made clear again by Congress that regulated transportation companies are entitled to the same tax incentive benefits as nonregulated industries. We cannot have space age manufacturing industries with horse and buggy transportation. This would have been the result if these agencies have the right to determine the Nation's tax policy.

In summary, the record clearly demonstrates beyond any doubt that the Congress intends to carry out its responsibility to set the tax policy of this country. If it had been our desire to exclude these transportation industries from the tax benefits I previously mentioned, we would have so stated and given it statutory force. We have done no such thing and assumed that these agencies would not, in the absence of congressional approval, have the mistaken notion to deny these benefits to those under their jurisdiction.

Unfortunately, our assumption has proven incorrect all too often and we have been required to turn our attention back to matters we thought settled when originally enacted.

I trust that we have now made it explicitly clear to these agencies that they are the servants. We, in the Congress, are likewise the servants; but we have been delegated to speak for the masters—the people of the United States.

Mr. BETTS. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Ohio.

Mr. BETTS. I should like to join the gentleman in his position on this subject and associate myself with his remarks about the delay and uncertainty in connection with the decisions of the Federal Power Commission. The gentleman is not alone in his views about the operation of the Federal Power Commission and the delay and uncertainty surrounding its decisions.

On March 25, 1964, one of my constituents, the president of the Marathon Oil Co., J. C. Donnell, made a speech in Oklahoma before the Petroleum Accountants Society of Oklahoma. Mr. Donnell is a recognized authority on this subject. In the course of his speech he said this:

> The imposition of regulation on the gas-producing industry has been ineffective and expensive. The total impact of these past 10 years may never be assessed, but it may be felt for many years in the future if natural gas is compelled to be rationed, or if it is superseded by technological breakthroughs in other energy fields. Reasonable men, whether gas producers or gas consumers, should not be condemned to the wilderness in which we find ourselves. For this reason, I call upon each of you to reexamine your points of view and your attitude toward fundamental freedom.

I should also like to point out to the gentleman that in the Washington Star of last night there was an article the headline of which is, "FPC is Pondering Moves to Exempt the Gas Producers." I know this may be a field the gentleman might not want to get into today, but it does emphasize the point the gentleman is bringing out here today, that there is considerable consternation not only among legislators but within the Federal Power Commission itself about the problem of delay in its decisions. I think in view of this article the gentleman's remarks have brought out the fact that we are in the right climate to reconsider legislation which has previously been considered by the Congress.

I wish to thank the gentleman for his statement, and to associate myself with his remarks.

Mr. JARMAN. I thank the gentleman for his contribution.

Mr. Speaker, I ask unanimous consent to include at this point a comparison of the claims of the Federal Power Commission Chairman, Mr. Swidler, with a statistical study of the case and dollar backlog of the Federal Power Commission, and following that a statistical study of the case and dollar backlog.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

Comparison of Claims of FPC Chairman Swidler With Statistical Study of Case and Dollar Backlog

Within the past year Chairman Swidler of the FPC has made various claims as to the great progress the Commission is making under his direction in reducing the FPC backlog. Most of Congress, industry and the Commission staff have taken these statements as being truthful; however, a comparison of his remarks with the actual statistical facts establishes that there has been no appreciable progress in reducing the case backlog and the dollar backlog has actually increased by $4.3 billion or triple of what it was when the present chairman took office. To merely say that Congress and the industry have been deceived would, perhaps, be a gross understatement.

Exemplary of such statements by the chairman are set forth below:

1. Swidler. "One Commission program which has produced exceptional results is the program to clear up the backlog of pipeline rate cases." [1]

"The situation which existed just a little over 2 years ago when the present members of the Commission took office did indeed give credence to the charge that there had been a breakdown of the regulatory process. The backlog of pipeline rate increases had climbed to over $1 billion and many pipelines had two or three rate increases in effect, none of which had bene decided, and all of which were being collected subject to refund. I am sure all of you are familiar with the decisive action the Commission has taken in the past 2 years to eliminate this backlog." [2]

The facts: The number of pipeline rate cases pending did drop substantially from the end of the fiscal year 1961 to 1963, i.e., from 116 [3] to 32,[4] respectively. However, these cases were disposed of by settlement proceedings which were vigorously initiated under the 1961 Kuykendall Commission. The 1963 Commission was very lucky in having only 9 new cases [5] filed as compared with 54 cases [6] filed under the 1960 Commission which caused 40 percent of the then backlog. If the chairman's references were to the Kuykendall Commission, then it would be accurate to say the Commission produced satisfactory results in reducing the backlog of pipeline rate cases.

2. Swidler. "Perhaps more important than any of these is the sense of urgency which dominates the efforts of the Commission and which I am sure has characterized the efforts of staff at all levels." [7]

The facts: Apparently this "sense of urgency" never bore fruit for the sum total of the case backlog in 1963 of independent producer and pipeline rate and certificate proceedings plus all pending electric license applications hardly changed from the total existing at the end of the 1961 fiscal year. At the same time the dollar backlog increased from $2.3 billion to $6.6 billion in 1963.

3. Swidler. "Another bright spot has been the Commission's program which I announced in my talk last year, to give greater emphasis to settlement of producer cases. This program has shown good progress.[8]

"The Commission has made significant progress in our program of producer rate and certificate regulation." [9]

The facts: From the end of the 1961 fiscal year to that for 1963 the independent producer backlog of rate cases increased by 427, from 2,552 [10] to 2,979.[11] Although the 1961 Commission had 270 more independent producer certificate filings in 1961 than in 1963,[12] the 1961 Commission disposed of 34 more cases than did the 1963 Commission.

4. Swidler. "We think our progress in reducing our backlog of natural gas cases and in making a positive contribution to the main problems facing the electric power industry demonstrate that the Commission can make prudent and effective use of the funds we are requesting for 1964 in carrying out our programs under the Natural Gas Act and Federal Power Act.[13]

"Let me now describe in more detail the progress we have made toward mastering our backlog of natural gas work and why we need more people.[14]

"In the past year we believe we have demonstrated that we can make effective use of the additional staff which we so clearly need to become current and remain current in our natural gas work.[15]

"As reported in an earlier section, the Commission made significant progress in the 1963 fiscal year in producer certificate and rate regulation, the area of greatest backlog.[16]

"On the whole, the 1963 fiscal year was a period in which the Commission made considerable progress in moving toward the goals it established the year before, by making use of the new administrative devices and programs it had conceived to combat what President Kennedy early in his term cited as an 'incredible backlog' of cases." [17]

The facts: (1) The backlog of all cases pending as of the end of the fiscal year 1963 was 5,639 as compared with 5,794 for the comparable period in 1961. This 2 percent decrease is not particularly noteworthy.

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[1] Address by Chairman Swidler before the American Gas Association, Los Angeles, Calif., on Oct. 14, 1963, p. 2.

[2] Address by Chairman Swidler before the American Public Gas Association, Memphis, Tenn., on Sept. 12, 1963, p. 14.

[3] 1961 FPC Annual Report, p. 75.

[4] 1963 FPC Annual Report, p. 136.

[5] Ibid.

[6] 1960 FPC Annual Report, p. 74.

[7] Supra, note 1, p. 4.

[8] Supra, note 1, p. 7.

[9] January 28, 1963, hearings before a subcommittee of the Committee on Appropriations, House of Representatives, 88th Congress, 1st session, on Independent Offices Appropriations for 1964, p. 291.

[10] Supra, note 2, p. 80.

[11] Supra, note 4, p. 143.

[12] Cf. 1961 Annual Report, p. 73 and 1963 Annual Report, p. 140.

[13] Supra, note 9, pp. 288–289.

[14] Id. at 289.

[15] Id. at 292.

[16] Supra, note 4, p. 120.

[17] Id. at 13.

(2) Perhaps even more importantly, the 1963 FPC is holding up the investment of many more billions of dollars than did the 1961 Commission. The dollar backlog of pipeline certificates and electric licenses increased from $2.3 billion in 1961 [18] to $6.6 billion in 1963.[19] The dollar amount of the pipeline backlog increased by $100 million.[20]

(3) The backlog of independent producer rate cases increased by 427 between the fiscal years 1961 and 1963.

(4) A logjam appeared for the first time in the electric license applications which increased from 109 in 1961 [21] to 275 in 1963.[22]

This deterioration of the FPC occurred in the face of an increase in number of FPC employees from 860 in 1961 [23] to 1,140 in 1963.[24] And the request for 1965 is 1,234 employees. Yet, the number of hearing days before the FPC declined from 818 in 1961 to 587 in 1963.[25]

What makes the startling lack of progress even more fantastic in light of the Swidler propaganda is the tremendous increase in FPC appropriations between 1961 and 1963. The appropriation jumped from $8,163,500 in 1961 [26] to $11,080,000 in 1963.[27] And its request for 1965 is $13,335,000. There appears to be occurring an inverse ratio between progress and appropriations.

If the Swidler Commission has done so much to reduce the case backlog, one wonders why he should not need fewer, not more, employees. The truth is the case backlog remains as large as ever and the dollar backlog has tripled. Because of these facts, one also wonders why there has been fewer hearing days in 1963 than in 1961.

5. SWIDLER. "The Commission's appropriations request for its electric power work reflects the vigorous leadership it is exercising in the electric power field.[28]

"We have breathed new life into our responsibility for licensing non-Federal hydroelectric projects which, as you know, is a self-supporting activity under the terms of the Federal Power Act." [29]

The facts: The electric license case backlog increased from 109 for the 1961 fiscal year to 275 for the 1963 fiscal year. The dollar backlog for licenses increased from $1.5 billion to $5.7 billion.[30]

6. SWIDLER. "Through this area rate program, the Commission attacked its only remaining major backlog—independent producer rate cases." [31]

The facts: In view of the actual facts, e.g., an increased electric license backlog from 109 to 275 and over 2,100 independent producer certificate cases pending, the statement that the only major backlog is the one for independent producer rate cases is sheer fantasy.

STATISTICAL STUDY OF CASE AND DOLLAR BACKLOG

The attached statistical study of the FPC case and dollar backlog establishes the fact that the Swidler Commission has made no real progress in reducing the FPC case backlog and establishes that the dollar amount of pipeline and electric applications awaiting action has tripled to over $6.6 billion. This has occurred despite a 40 percent increase in appropriations and a 30 percent increase in the number of employees.

The study shows the following:

(1) The backlog of all cases pending as of the end of the fiscal year 1963 was 5,639 as compared with 5,794 for the end of the 1961 fiscal year;

(2) The capital outlay desired to be invested by FPC regulated companies but which is being delayed by reason of the inaction of the FPC increased from $2.3 billion in 1961 to $6.6 billion in 1963;

(3) The backlog of independent producer rate cases increased by 427 from June 30, 1961, to June 30, 1963; and

(4) The backlog of electric license applications increased from 109 in 1961 to 275 in 1963; and

(5) Yet, despite these increases in the case backlogs, the Commission for the 1963 fiscal year held only 587 days of hearing as contrasted with 818 held in 1961.

This startling lack of progress occurred in the face of a greatly increased appropriation and about 300 additional employees. Regardless that more money and more staff meant no greater progress, the FPC now requests another greatly increased appropriation and another 100 employees.

Set forth below is a comparative statistical study of the Kuykendall and Swidler Commissions. The cutoff date for the Kuykendall Commission is regarded as being June 30, 1961. Practically all of the information below is taken from the 1960 through 1963 annual reports of the FPC and includes pertinent statistics which were reported in all annual reports.

1. Total all cases pending

Fiscal year ended June 30, 1961	5,794
Fiscal year ended June 30, 1963	5,639

Comment—The totals represent a compilation of all pending independent producer and pipeline rate and certificate proceeding and pending electric license applications.

2. Total dollar amount of certificates and licenses pending (pipeline and electric)

	Millions
Year ended June 30, 1961	$2,332
Year ended June 30, 1963	6,672

Comment—The figures represent the total dollar backlog of pipeline certificate and electric license cases pending. An increase of over $4.4 billion occurred in the 2-year period.

3. Pipeline certificate

Pending July 1, 1960	245
Filed in fiscal 1961	347
Total	592
Disposed of in 1961	319
Pending June 30, 1961	273
Pending July 1, 1962	269
Filed in fiscal 1963	360
Total	629
Disposed of in 1963	396
Pending June 30, 1963	233

Comment—The 1963 Commission reduced the backlog by 40 cases.

4. Independent producer certificate

Pending July 1, 1960	2,743
Filed in fiscal 1961	1,681
Total	4,424
Disposed of in 1961	1,680
Pending June 30, 1961	2,744
Pending July 1, 1962	2,355
Filed in fiscal 1963	1,411
Total	3,766
Disposed of in 1963	1,646
Pending June 30, 1963	2,120

Comment—Even though the 1961 Commission had 270 more cases filed in 1961 than were filed in 1963, it disposed of 34 more cases than did the 1963 Commission.

5. Temporary certificates issued

Fiscal year	Pipelines	Independent producers
1960	149	1,497
1961	157	1,713
1962	103	1,611
1963	96	1,516

Comment.—The 1961 Commission issued 60 more temporary certificates for pipelines and 197 more temporaries for independent producers than did the 1963 Commission.

6. Pipeline rate cases

Fiscal year	Number pending	Annual amount
June 30, 1960	129	$462,000,000
June 30, 1961	116	376,000,000
June 30, 1962	76	277,000,000
June 30, 1963	32	138,000,000

Comment—The 1961 Commission had made substantial progress toward reducing the backlog of pipeline rate cases; this progress was continued by the 1963 Commission. For all years, most of these cases were reduced by settlement proceedings; the intense effort to eliminate the backlog by settlement was initiated by the Kuykendall Commission. The very substantial reduction in recent years in annual filings by pipeline companies has obviously contributed substantially to the reduction of backlog and released FPC employees for other areas. The great number of filings in 1960 comprising 40 percent of the backlog existing at the end of that fiscal year obviously contributed to the number of cases not settled by the end of the fiscal year 1961.

7. Pipeline rate increases filed annually

Fiscal year ended—	*Number filed*
June 30, 1960	54
June 30, 1961	26
June 30, 1962	22
June 30, 1963	9

8. Independent producer rate cases pending

Fiscal year ended—	Number pending	Annual amount
June 30, 1961	2,552	$168,000,000
June 30, 1963	2,979	147,000,000

Comment—From 1961 to 1963 the backlog of independent producer rate cases increased by 427.

9. Dollar amount of all pipeline applications pending

Year ended June 30, 1961	$797,237,446
Year ended June 30, 1963	896,084,867

Comment—The dollar backlog in pending pipeline certificate cases increased $100 million from June 30, 1961, to June 30, 1963.

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[18] Supra, note 3, pp. 71 and 53.

[19] Supra, note 4, pp. 134 and 82.

[20] Cf. 1961 Annual Report, p. 71, and 1963 Annual Report, p. 134.

[21] Supra, note 3, p. 53.

[22] Supra, note 4, p. 82.

[23] Supra, note 3, p. 9.

[24] Supra, note 4, p. 21.

[25] Statistics available in the FPC Office of Hearing Examiners.

[26] Supra, note 3, p. 10.

[27] Supra, note 4, p. 21.

[28] Supra, note 9, p. 292.

[29] Id. at 295.

[30] Cf. 1961 Annual report, p. 53; 1963 Annual Report, p. 82.

[31] Supra, note 4, p. 11.

10. Dollar amount of all major electric license projects pending

	Number	Amount claimed
Pending on June 30, 1961	109	$1,535,890,863
Pending on June 30, 1963	275	5,776,996,678

11. FPC appropriations

For the year ended June 30, 1961	$8,163,500
For the year ended June 30, 1963	11,080,000
Authorized for the year ended June 30, 1964	11,850,000
Requested for the fiscal year 1965	13,335,000

Comment—The 1965 requested appropriation for the FPC is 60 percent greater than the 1961 appropriation.

12. FPC average monthly employment: Number of employees

For the fiscal year ended June 30, 1961	860
For the fiscal year ended June 30, 1963	1,140
Requested for fiscal year 1965	1,234

Comment—The proposed number of FPC employees for the year 1965 would represent a 40-percent increase over that granted for 1961.

13. Number of hearing days

For the fiscal year ended June 30, 1961	818
For the fiscal year ended June 30, 1963	587

Comment—Although there has been no appreciable change in the number of backlogged cases, there were fewer days of hearing in 1961 than in 1963. This occurred despite the great increase in appropriations and number of employees. (Statistics available from the FPC Office of Hearing Examiners.)

Mr. ROGERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield.

Mr. ROGERS of Texas. My compliments to the gentleman from Oklahoma on the contribution he is making to the discussion today. This has been a long and controversial issue.

I think it is one that the Congress ought to look into and look into now. There has been a great deal of talk in recent years about the Congress losing all of its powers. Here is a perfect example of where the judiciary misconstrued the clear language of the Congress. When they did, they turned over to an independent agency, which was the creature of the Congress and which is supposed to be an arm of the Congress, this power; and that commission, that independent agency, has undertaken to write substative law through the rulemaking powers that they gained through that decision. I think the gentleman from Oklahoma will agree with me unless we stop that trend and stop it very quickly, it can reach a point where there will be very little need for the Congress.

When the Supreme Court held in effect, as was pointed out by the able chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. Harris], that all of these producers were brought into the utility field, they created a situation where they were fixing prices at a time when there was no emergency. Now they go further than that and they disrupt entirely the contractual system of this country because they are applying one price-fixing measure in regard to independent producers, yet they are not applying the same rules to the reserves of the pipelines. They say they are keeping the price down.

As the able chairman of our committee pointed out, they have not been keeping the price down. I think history will prove that. Only recently we had a situation where through competitive negotiations between three large companies, the long-term prices in a contract were reduced. Whether or not that is going to be translated into a reduction of the price paid by the user of the gas in the apartment or in the small store or in the small home is a matter that is going to depend upon what the local regulatory body does; that is, the State regulatory body or the municipal regulatory body. I think it is high time that the Congress declared to the people of this country that the legislative power is vested in this body by the Constitution and that we are ready, able, and willing to assume our responsibility and come forward and write the law on this subject as it ought to be written.

Mr. JARMAN. I thank the gentleman for his able contribution.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman.

Mr. PICKLE. I wish to associate myself with the remarks of my colleague, the gentleman from Texas, and the remarks of the distinguished gentleman from Oklahoma. This is a problem that has harassed and frustrated the producers of natural gas and something ought to be done about it. No one is particularly happy about it. One of the companies in America that formed in a county in my district is going out of business now simply because they just cannot compete under the present regulations of the Federal Power Commission. It is not a matter of being antagonistic toward them. They just cannot produce and make money. They are going out of business. This is not good for the country and, of course, it is not good for them. It is something that the Congress ought to act upon, and I hope the Congress will write some definitive law on it.

Mr. JARMAN. I thank my colleague, the gentleman from Texas.

Mr. ALGER. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I am happy to yield to the gentleman from Texas.

Mr. ALGER. It is my privilege to join with the gentleman from Oklahoma who is clearly demonstrating his knowledge of this subject. The gentleman from Oklahoma and the members of the Committee on Interstate and Foreign Commerce as well as other Members of the Congress who have spoken obviously recognize the fact that the control and pricing of gas at the wellhead was never intended.

I am going to submit for the record a copy of a bill I was happy to cosponsor with the gentleman from Mississippi [Mr. Williams], and others which would exempt, as was originally intended in the law, the pricing of gas at the wellhead.

I want to commend the gentleman for bringing this to our attention and assure him inasmuch as Congress does have this power, when it becomes necessary to try to round up the votes to pass this much needed legislation, I will help the best I can on this side even as I know the gentleman and others on his side will do the same.

Mr. Speaker, the legislation to which I referred is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 1 of the Natural Gas Act (15 U.S.C. 717) is amended by inserting at the end thereof the following new sentence: "For the purposes of this subsection the term 'production or gathering of natural gas' includes the sale of natural gas by the person engaging in its production or gathering, if such person is not engaged in (or affiliated with any natural-gas company engaged in) the transmission of natural gas to consumer markets in interstate commerce or the distribution of natural gas to the ultimate consumers."

Sec. 2. The amendment made by the first section of this Act shall apply only with respect to sales of natural gas occurring on or after the first day of the month following the month in which this Act is enacted.

Mr. JARMAN. I thank the gentleman for his able assistance.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I would be happy to yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I am grateful to the gentleman from Oklahoma for bringing us up to date on the longstanding problem of producers of natural gas.

As he has remarked, the men and women who invest their resources, their time and their talents and energies to the discovery and production of natural gas have been existing in a sort of legal limbo for the past 10 years.

This vital industry has managed to exist under circumstances that can be described only as frustrating, discouraging, and disheartening, because the Government of the United States is unable to decide whether or how the industry should be regulated.

I have participated in two efforts to clarify the problem through legislation. The speech of the gentleman from Oklahoma convinces me that we should undertake another effort to remedy the problem.

Failure to do so can only result in depression in this vital resource industry, with resulting increases in costs to the millions of American consumers who have come to rely upon natural gas.

Mr. JARMAN. I thank my colleague from Ohio for his contribution to this Record today. Mr. Speaker, I yield back the balance of my time.

OVERFUNDING OF MILITARY ELECTRONICS BUDGET

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Indiana [Mr. Wilson] is recognized for 15 minutes.

Mr. WILSON of Indiana. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WILSON of Indiana. Mr. Speaker, when two-thirds of a budget we are asked to approve turns out to be as phony as a $3 bill, I think you will agree that budget should be fired back to the agency involved with instructions to come back to Capitol Hill and tell us the truth.

That is exactly what it appears has happened in the military's electronics budget for fiscal 1965. Yesterday, I turned over to a colleague on the Defense Subcommittee information which proves the military's entire $2.1 billion 1965 electronics budget should either be drastically cut or sent back to the Pentagon for item-by-item rejustification.

When this bill comes before the Appropriations Committee on Friday, it is my intention to propose electronics budget cuts that will total at least $117 million. It is also my opinion that the committee should seriously consider firing the entire electronics budget back across the Potomac to be resubmitted in something approaching honest form.

Mr. Speaker, a little over a week ago, I took a short look at the so-called electronics "shopping list" for 1965. It lasted about 45 minutes and in that time I picked out 35 planned fiscal 1965 electronics procurements which I checked.

Here is what I found:

Twelve of the thirty-five equipment purchases are overfunded up to 287 percent. These overfund requests range from 287 to 43 percent. They average 100 percent for the first 12 and involve overfunding of $12,300,000.

Another 10 are overfunded to the tune of another $1 million. The fat here ranges up to 19 percent.

Only 10 of the 35 are properly funded at present. There was one on which I could not develop information sufficient to reach a conclusion.

What does this mean?

To begin with, it means to me that it is possible there is overfunding here that is more alarming than I turned up. Congress must act. When we are asked to swallow a budget packed with fat of up to 287 percent, we have pushed past our limit and should react vigorously. We should cut this budget to the bone if, indeed, we do not send it back across the river.

Mr. Speaker, at this point in my remarks, I want to submit a compilation of the waste I found in my small check. Nomenclatures and materials which could violate security regulations have been removed. Even if they had not, it is my opinion that when the military tries to hide its fiscal sins under the mantle of security, we in Congress should expose them and present the facts to the people.

Here is what I found:

Results of check by Congressman Earl Wilson, Republican, of Indiana, of 35 electronic equipments—A summary of some overfunded items in the Defense Department budget for fiscal 1965

[These equipments are overfunded by the percentages listed. Documentary information can be supplied on request to support the overfunding conclusion]

Nomenclature, type of equipment, service branch	Quantity requested, fiscal year 1965	Appropriation request, fiscal year 1965	Unit price (quantity into request)	Actual unit price at present	Actual need, fiscal year 1965	Request overfunded by—	Percent
1. Radio, Air Force	50	$4,000,000	$80,000	$21,150.00	$1,057,500	$2,942,500	278
2. Shelter, Army	163	1,000,000	6,135	1,987.00	323,920	676,080	208
3. Metascope, Navy	1,120	700,000	625	249.50	278,000	422,000	151
4. Radio, Navy	57	2,300,000	40,350	16,400.00	934,800	1,365,200	146
5. Radio, Navy	77	1,400,000	18,181	8,104.00	624,008	775,992	124
6. Countermeasures, Navy	50	2,000,000	40,000	19,336.00	966,800	1,033,200	107
7. Telephone, Navy	88	400,000	4,545	2,451.00	215,688	184,312	85
8. Multimeter, Air Force	248	300,000	1,200	715.00	177,320	122,680	69
9. Radio, Army	10,000	10,000,000	1,000	604.00	6,040,000	3,960,000	65
10. Radio, Navy	200	1,200,000	6,000	3,930.00	786,000	414,000	52
11. Countermeasures, Navy	1	700,000	700,000	474,667.00	474,667	225,333	47
12. Radio, Marines	107	600,000	5,600	3,929.00	418,403	181,597	43
Total or average		24,600,000			12,297,106	12,302,894	100 +

OVERFUNDING OF LESS THAN 43 PERCENT

Nomenclature	Overfunded by—	Percent
1. Radio, Army	$79,386	19.0
2. Radio, Navy	166,000	14.0
3. Airborne meteorological, Air Force	155,272	11.5
4. Radar, Navy	38,345	10.0
5. Waterborne radio, Navy	168,000	10.0
6. Teletypewriter, Navy	247,905	9.0
7. Multimeter, Navy	33,880	7.0
8. Radio, Navy	23,600	2.0
9. Waterborne radio, Navy	59,250	1.0
10. Radio, Navy	11,322	1.0
	982,960	

NOTE.—This represents spot checking of but 35 items: 22 overfunded; 12 properly funded; 1, not possible to develop information.

It is my full intention to ask the Defense Subcommittee to support cuts in this budget I will request Friday morning when this bill is before the Appropriations Committee. One amendment will be to effect a further 5 percent cut across the board for electronics. This is over and above any cuts already made, because I think I have proved it can stand it. This cut will amount to about $105 million. Specific cuts should also be made on the 12 most flagrant examples listed in the chart. This will mean cuts of about another $12 million.

In that way, Mr. Speaker, the Nation's taxpayers can be saved $117 million. We must do this, both to protect the tax dollar and to teach the budget fakers who hatched this fairytale a lesson.

It is unthinkable to me that the Air Force would ask 287 percent more than it needs to buy a radio, but that is what has happened.

Last year I was appalled when I found 100 percent potential waste in an Army request for a radio. Due to the amendment offered by my friend and colleague the gentleman from Texas [Mr. MAHON], we pared $10.2 million from the Defense money bill last year.

Imagine my surprise when I discovered in the same money bill this year that the Army has overfunded the same radio again—this time by 65 percent. It has asked $1,000 each to buy this radio. It needs only $604, and its own contract figures prove it.

I have these contract figures. I got them from private industry and verified them with the Army. They are not included here because I do not wish to divulge information which could lend unfair advantage to any industry. But I have them and members of the Appropriations Committee will have them Friday.

The Navy has overfunded a request for an equipment called an image metascope by 151 percent. The same Navy has overfunded one radio by 141 percent, and another by 124 percent. It has packed 107 percent potential waste into a request for a radar countermeasures set.

Mr. Speaker, the information I am relating here today was searched out after my little 45 minute look at the electronics shopping list. That list is long. I only wish I had more time.

At the same time I picked out the 35 cases to check, I was astounded to note that many equipments, which I know will be bought next year, are not even included in the budget.

Where are they? Or, is this year like the others. Are the brass hats again submitting a fairytale to justfy backing trucks up to the Capitol to haul away billions?

If the rest of this Defense budget is as full of fat as the electronics list, the entire matter should be restudied.

Mr. Speaker, a bit later in my remarks, I shall make specific recommendations designed to correct some of the glaring faults of this budget. For example, in future years, the Defense Department should be required to furnish the following details:

How it spent the money appropriated the preceding year.

Information as to past prices paid for each equipment it proposes to buy.

Mr. Speaker, we in Congress are bogged down with an increasingly heavy workload. We do not have the time to keep on digging out these hard facts. The Defense Department does, and we should insist that this be done.

Unless it is done, we are physically incapable of coping with the staggering sums we are asked to appropriate. We are powerless to stop the waste unless we make a start and deal in specifics.

By dealing in specifics, such as this electronics budget, the way is pinpointed and the route is marked toward dramatic savings in the Defense budget. It is a route which must be taken now if we are to reverse the upward spiral of Government spending.

I have noted in reading the report of the Defense Subcommittee on this year's hearings that the military is being put over the fire on many problems I have fought for years. This is encouraging to me and to industry. It also means more defense for fewer dollars.

The picture is getting brighter and now is the time to get down to the real roots and causes of the waste and to cut these wastrels off at the pockets.

Mr. Speaker, I must again ask the question about the fat in this budget—What does it all mean?

Well, let us take a look at what is happening.

Secretary of Defense McNamara has made a great noise about how he is holding down military expenditures. He tried last year—with a notable lack of success—to take credit for cuts that started right on the floor of this House.

The word from the Pentagon almost daily is that McNamara is reducing expenditures. Indeed, the budget we will shortly deal with calls for less new obligational authority for the Pentagon than last year.

Dealing specifically with electronics, I have found that 3 years ago, before my study had reached its present effectiveness, no money was taken from the electronics requests of the Defense Department. A small across-the-board cut was made, but electronics specifically was let alone.

Last year, the Subcommittee on Defense recognized the fat in this budget by cutting $50 million from the electronics request in committee. My colleague, the gentleman from Michigan [Mr. FORD], stated that figure to me in debate on the House floor when he said, and I quote:

> We have reduced electronic funds available in the magnitude of about $50 million. It is my opinion that the reductions the committee has recommended for the cutbacks in electronics procurement are sound, and stem from the examples he gave of single-source procurement.

That statement was made during a colloquy between Mr. FORD and myself. At the same time I revealed potential overfunding of another $10.2 million for an Army radio. This amount was cut from the bill unanimously on an amendment offered by my colleague, the gentleman from Texas [Mr. MAHON].

This year, I am reliably informed, another specific cut has been made in electronics, and I can assure you I hope there will be more when the bill reaches the floor.

So we have come from a position of blanket approval of electronics requests to annual cuts and an increasingly closer look at what is to be bought in the electronics field.

Why?

I submit it is because enough specific information about waste, mismanagement, and inefficiency has been dredged up to make this mandatory. I also submit that if the entire Defense budget were to be scrutinized in this manner, if the Pentagon were forced to tightly support and document each request, the cost of national defense would fall dramatically.

But Mr. McNamara, you might say, has asked for less money this year. So we are to assume that this budget is tight, "pared to the bone" is the phrase we hear around here.

Mr. McNamara has even used psychology on the military assistance section of the foreign aid budget. He says he has pared that one to the bone, then goes on to say he pared it too much. Thus, he makes the conclusion that Congress is riding him too hard and by inference makes his budget appear to be further sacrosanct.

Now we have this giant Defense budget before us. It bears the seal of Secretary McNamara, of the Armed Services Committee, and of all the command echelons of the Armed Forces. It is gold-plated, foil-wrapped and tied with a big red ribbon.

Mr. Speaker, I have never pretended to be an expert in all fields of military purchasing. My study is restricted to the field of electronics, an area which I know and understand. It is also an area which experience has proven consistently provides a haven for procurement abuses.

I have documented these abuses time and again, and I herewith submit by date, page number, and title, these cases as they appeared in the RECORD:

Date	Page	Title
1961		
Sept. 19	20348	Naval Procurement Investigation.
1962		
Jan. 30	1052	Importance of Military Procurement.
Jun. 6	A4166	Gross Waste in Military Procurement.
Jun. 7	9233	Discussion of procurement waste.
Jun. 11	9306	Military Procurement Investigation.
Jun. 12	9440	Poor Taxpayer—Taken for a $30 Million Ride.
Jun. 13	9660	Another Example of Military Waste.
Jun. 14	A4445	Pinpointing Responsibility for Procurement Waste.
Jun. 20	10430	Time for a Woodshed Chat.
Jul. 3	A5125	Tragedy of Errors.
Jul. 13	12572	Government Procurement Abuses.
	A5378	Bribery Comes to Light.
Jul. 20	13412	Hooray! Hooray! Hooray!
Jul. 25	A5740	How Many Times Can a Man be Skinned?
Aug. 16	A6276	Patriotism in Procurement Scandal Rewarded With Vicious Reprisal.
Aug. 22	A6345	Over $100,000 in Excess Profits Should Be Recovered by Justice Department.
Oct. 5	A7322	Wilson Versus Waste—A Victory.
	21282	A 5,000-Percent Win for the Taxpayer.
Oct. 8	A7458	Competitive Bidding Saves 200 Percent.
1963		
Feb. 27	2883	Reducing Government Expenditures.
Feb. 28	3071	Ride Herd on Award of All Negotiated Contracts.
Mar. 6	3356	More Waste in Defense Spending.
Mar. 7	3554	Restricting Competition on Bids.
Mar. 12	3790	Government Procurement.
Mar. 19	4323	Navy Department Procurement.
Mar. 28	4659	Billion-Dollar-A-Week Club.
Apr. 1	4893	Billion-Dollar-A-Week Club.
Apr. 8	5508	Purchase of a Mobile Airport Control Tower Known as AN/MRN-12.
Apr. 10	5843	100 percent Waste in Proposed Navy Department Purchase of Drone Aircraft Radio.
May 6	7390	Welcome but Overdue Change in Procurement.
May 9	7685	Pentagon Billion-Dollar-A-Week Club Waste.
May 15	8106	More Defense Boondoggling.
May 16	8283	Army Inefficiency.
May 20	A3144	Revive the True Concept of Competitive Bidding.
May 23	8680	Capt. H. E. Beckmeyer, U.S. Navy Bureau of Supplies and Accounts, and Capt. John A. Scott, Office of Naval Material.
May 27	9040	Defense Procurement Competitive Bidding.
May 28	9082	The Monmouth Mess.
May 29	A3456	The Tortoise Is Winning.
Jun. 18	10424	Surveillance Over Negotiated Defense and Space Contracts.
Jun. 19	10589	More on Waste and Inefficiency in Defense Procurement.
Jun. 20	10616	The Navy.
Jun. 25	10852	Speech on Overfunded Items.
Jun. 26	11110	Congressman Mahon's amendment to cut $10.2 from appropriation as result of Congressman Wilson's speech of June 25, 1963.
Jun. 27	11190	Sole-Source Purchase of Radios by Navy Department.
Jul. 17	12091	ARC-54, Where Are You?
Jul. 23	12431	Purchase of Attitude Indicators for Military Aircraft.
Aug. 14	A5197	Waste in Military Procurement.
Aug. 15	14280	Competitive Bidding Saves Taxpayers $300,000.
Oct. 7	17943	A Happy Ending After 2 Years of Study.
Oct. 10	A6361	No More Freeloading, Navy Contracting Officials Are Told.
Oct. 14	18442	Army Electronics Command Procurement.
Oct. 24	19219	Assistant Secretary of Navy K. M. BeLieu Supplied Falsified Information to Congress.
Nov. 26	21719	Proposed Sole-Source Purchase of a Control Antenna for a Drone Airplane.
	21720	Inefficiency of the Department of the Navy.
Nov. 27	21741	The Army Electronics Command.
Dec. 3	21963	Navigational Computer System.
Dec. 4	22216	Competitive Procurement.
Dec. 5	A7430	Sweeping Changes Needed in Procurement in Procurement Division of the Military.
Dec. 9	22768	Procurement Methods of the Defense Department.
Dec. 10	22819	Waste in the Air Force.
Dec. 11	23044	Shocking Stockpiling of Supplies by Navy Purchasing Office.
Dec. 12	23130	Army Procurement of Vehicular Radio System.
1964		
Jan. 20	582	Contract to Sperry Signed in Record Time.
Feb. 4	1868	Waste in Military Procurement.
Feb. 5	1923	Wastage of Taxpayers' Money.
Feb. 7	A604	Waging War on Waste and Inefficiency in Government.
Feb. 26	A923	Rigging of Bids in Navy Department, Bureau of Weapons Procurement.
Mar. 2	3871	Extravagance in Sole Source Buying.
Mar. 3	4102	Need for Competitive Bidding on Navy Procurement.
Mar. 12	4996	Reduction of Salaries of Inefficient Federal Employees.
Mar. 18	A1426	President Johnson's Program To Get More Women Into Positions of Authority in Government.

These cases prove, time and again, how reliable have been the Pentagon's contentions.

How tight, then, is this year's budget? The charts I have inserted certainly point to something less than being "pared to the bone."

After what happened here on the floor last year, one would think the Pentagon would have come up with a budget that was so clean it could be called sterile. These people had to know we would be watching them this year and yet they have come up with a budget that is apparently worse than last year's.

Mr. Speaker, I hope the import of the figures I have quoted here today is not lost. The Pentagon is, at the least, misleading the Congress. Some would go so far as to say it is not telling us the truth. A few might say there are downright lies involved in these deceptive requests for money that is either to be wasted or spent in some manner other than for which it is asked.

Where does this money go? Last year, McNamara said, when we caught him trying to make off with an extra $10 million, that he would have told us this, would have given the money back.

Well, Mr. Speaker, Mr. McNamara should be challenged to prepare a chart for last year's electronics equipment budget that will show, in separate columns, how much was paid for each item and how much less that was, in many cases, than what Congress gave the Defense Department, and what was done with the rest.

I predict that it will be found that the money was spent on other electronics items—items which no committee ever scrutinized or approved. In other words, there is better than a good chance this money will have proven to be spent for materials other than that for which it was appropriated, which the Comptroller General might well consider to be a violation of the law.

And that is not all. Since I began exposing waste in electronics purchasing 3 years ago, the Defense Subcommittee has been remarkably cooperative. I want to again thank Mr. MAHON, Mr. FORD, and the subcommittee members for their help. This subcommittee has been going after electronics procurement in an increasingly vigorous manner.

So, it appears to me, the Pentagon, to escape the prudent pruning that has been going on, has taken to hiding great chunks of procurement elsewhere in the budget. I will name just a few to give you an idea:

Where is the PRC–38 walkie-talkie radio buried? It is referred to slightly in the hearings but it can be stated here and now that, unless it changes plans when it reads this, the Navy plans to buy the PRC–38 in the next fiscal year. Sources inside the Navy have already told me this. Last year I disclosed the Navy was trying to hand this contract sole source to a manufacturer saying it was a commercial item. In reality it was all Government developed by two developers and has never been sold commercially. I shall have more to say on this radio in the future. Right now, it should be said that a year ago the Assistant Secretary of the Navy for Installations and Logistics told the Defense Subcommittee this radio was a commercial item, inferring it was an off-the-shelf buy that had to be from the manufacturer. This year, another Navy official told the committee, bugs had been discovered and the Navy has not decided what to buy. How can a radio be a commercial item 1 year and full of bugs the next. The two facts would not wash together. The Navy plans this buy. Where is the money?

The ARC–54 is an airborne radio which the Army tried to hand out sole source, to the tune of some $22 million—a very exorbitant price—when, in reality, a good part of the buy should have been competitive. With the aid of the General Accounting Office, I forced part of this buy—all future procurement, by the way—out in the open, setting the stage for savings of millions. These radios, I was told were to be brought in fiscal 1965. Where is the money in the budget?

The ARC–51 is another radio that was slated to go in big gulps to a favored producer without competition—until pressure from me stopped one of the buys. That second purchase is to be made and it involves millions of dollars. More of these radios will be needed. Where is the money in the budget? It is not there today.

Mr. Speaker, how many more items are buried? Are there airplanes, tanks, warehouse replenishments, even ships that are hidden from our view? All this materiel should be broken out where we can see it and examine it and deal with this budget on an ethical basis. But that is not being done.

A most serious question is this—if one lone Congressman can spot $13 million waste in just 22 items, why could not McNamara and the whiz kids see it? Why could not he require each service to do what I have done? That is, namely, for every piece of equipment that is needed, show, in addition to quantity and total price, the most recent contract number, the quantity, the price, and the date and the firm.

In this manner, the Secretary of Defense, or the service chiefs, could cut out this waste themselves. In this way Congress could deal with a budget that would stand up and could survive the most detailed checks.

Mr. Speaker, I am forced to state here today this can be done. If the Pentagon does not want this done, if it does not trust Congress with the facts, then that is a different story.

This situation obviously calls for the solution I spoke of a short time ago.

Cut the items I have detailed here, insofar as the cuts can be justified by past price information.

Send back to the Pentagon the entire remainder of the electronics budget and have the services return here with the information I have requested above, supporting each request in detail. I predict the new budget will be much different than the present one.

It should be required in the future that the Pentagon supply a list of the previous year's so-called "shopping list" and show what was done with the money by first, the amount and price requested for each item; second, the amount actually bought and the price paid, and third, when number two is less than number one, where the unused money went.

After this is done, the question will follow "what goes on in other fields?" Shortly you will find the Congress requiring backup information on all purchases and we will start to get somewhere in the money savings department without sacrificing one iota of our defense posture.

Mr. Speaker, it may be contended here in future days that cuts already made are sufficient. The figures I have presented here today, I hope, make such a conclusion implausible. To vote for this bill without insisting on more cuts would be like burying one's head in the sand.

I would like to stress in closing that sending this electronics budget back across the river to require complete backup information would entail little delay in the ultimate handling of the bill. My research took less than a week. The Pentagon, with its massive employee staff, could do the work in a few days at most.

And, Mr. Speaker, soon after this was done, we could all be singing "What a difference a day made."

JOHNSON'S OVERLY OPTIMISTIC ECONOMIC OUTLOOK FEEDS THE BOOM PSYCHOLOGY

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CURTIS. Mr. Speaker, at his press conference on April 4, President Johnson threw restraint to the winds and painted a glowingly optimistic picture of the economic outlook. He promised continuing advances in output, a sharp improvement in the unemployment situation, an absence of inflationary pressures, and an elimination of the balance-of-payments deficit during the first quarter of the year. Interjecting a frankly partisan note, he added that the favorable economic situation would make it "a good year for the Democrats from the political standpoint."

One of the greatest threats to the health of an economy is overoptimism and overexuberance. Inevitably a boom psychology feeds on itself and leads to speculation, excesses, and dislocations. These eventually require correction with all the pain of higher unemployment and lost output which that brings. If we are to avoid the possibility of a serious recession, which looms larger as the current expansion lengthens, consumers and businessmen—their pocketbooks fattened by the recent tax cut—must resist being carried away by a euphoric optimism fed by those who have their eye on the November election.

It is also vital that the Johnson administration itself act with restraint and caution so as to foster conditions of balanced and sustainable growth. Most importantly it should reduce the $5 billion budget deficit which it has projected—also optimistically—for the coming fiscal year and abandon its easy money bias which works against the timely and effective use of monetary policy to curb developing excesses and thus prevent or moderate a possible recession.

The danger is not solely that the President's optimism could encourage excesses that would prick the bubble of prosperity. There is a large and growing body of opinion which holds that underlying economic conditions are not as robustly healthy as the administration believes and that the outlook for the future may hold serious threats to the economy.

A large number of economists are now beginning to suggest what the minority members of the Joint Economic Committee have been contending for several months—that an overheating of the economy in 1964 could lead to inflation, economic excesses, and a sharp dropoff in activity in 1965 or later.

For example, a panel of economists meeting at an annual conference at the University of Chicago has warned of the same dangers. An article from the New York Times of April 4, reporting on the conference, noted that the panel cautioned that "if the 1964 boom went too fast there would be a correction in 1965." One panel member said that while 1964 may be a vintage year, it "may leave us with a hangover."

These developments would be the direct result of the overall economic strategy of the Johnson administration, which is to pack a "massive" fiscal stimulus into 1964, along with continued easy money, in order to heat up the economy to a high pitch before the November election. The President has even boasted that the net fiscal stimulus to the economy this year will be three times greater than in any other peacetime year.

One tactic in the overall strategy was to drop the income tax withholding rate to 14 percent in 1964 rather than to 15 percent this year and 14 percent in 1965, as originally planned. The cut in withholding was thus more than the cut in tax liability. Many taxpayers will find—to their shock and dismay—that next spring they will be required to make large tax payments or that they will receive considerably smaller refunds than customary. The economic effect of this action, coupled with the fact that the tax bill will provide practically no added stimulus in 1965, raises serious problems about the ability of the economy to sustain its advance. This is particularly true since by next year the recovery from the mild recession of 1960–61 will have attained an extraordinarly long age. In view of the expected high level of capital spending, automobile sales and construction this year, it would be imprudent to expect too much help from these sources next year.

The administration has sometimes contended that most of the stimulus from the tax cut would not be felt until next year, thus giving a boost to the economy just as it may begin to falter. One of the President's top economic advisers, Gardner Ackley, a member of the Council of Economic Advisers, has now revealed, however, that the administration expects the major stimulus not in 1965 but this year. Consumers, he said in a speech on April 7, are expected to respond to the tax cut "fairly quickly" but that "if the timing should be slower than we have predicted" then there would be some stimulus left over to prolong the expansion in 1965.

In their editions of April 7, both the New York Times and the Washington Post took issue with the President's unrestrained optimism. The Times commented that "the bright outlook is not without clouds." Noting that the President did not devote much attention to the cloud of inflation, the Times charged that "the President is again taking a most complacent attitude toward inflation." If overexuberance in the economy occurs in the coming months the effects would be particularly damaging to our balance-of-payments position.

The Washington Post has commented that it is "not so sanguine as the President." It pointed to the likelihood of a continuing balance-of-payments problem, a continuing high level of unemployment and "uncertainty about our ability to expand economic activity without inflation."

In the Washington Evening Star of April 7, two articles appeared which support the more realistic views of the New York Times and the Washington Post. One article quotes Frederick L. Simmons, vice president and economist of the Morgan Guaranty Trust Co., as saying that business is likely to be good throughout the rest of this year, but that the economy may drop into a "rather severe recession" in 1965 or later, particularly if profit margins fall and if capital spending eases off.

In the second article, Sam Dawson, business newswriter for the Associated Press, said that the improvement in the balance of payments in the first quarter of the year "may be more of a fluke than a guarantee of the end of a nagging problem." The balance of payments is expected to slip back into the red, he said, and still be large enough for the year as a whole to be troublesome.

Roy L. Reierson, senior vice president of Bankers Trust Co., warned recently that the balance-of-payments situation was far from solved and that the first quarter improvement was largely due to temporary factors, including a slowdown of foreign borrowing here and a large, but probably temporary, rise in agricultural exports. Even the most optimistic forecasts place the balance-of-payments deficit for the current year at about $2 billion, which as Mr. Reierson says, "is unsustainably large." I should also note here that the administration's first report that the 1963 balance-of-payments deficit was $3 billion proved overly optimistic and that, in fact, the final figures showed a deficit of 10 percent higher, or $3.3 billion.

The likelihood of a new round of serious inflation as a result of the administration's expansionary policies is becoming increasingly recognized. In the past 7 months, for example, the index of raw materials prices has risen 8 percent. Even administration spokesmen—while claiming that inflation cannot occur because of excess labor and plant capacity—are warning against "irresponsible" private wage and price decisionmaking that could lead to a new inflationary spiral.

The noted financial columnist, Sylvia Porter, recently wrote two columns on the inflationary problem which I inserted in the daily Congressional Record of April 7, pages A1676–A1677. She pointed out for the first time in this decade inflation is a danger that cannot be shrugged off. She noted a general advance in wholesale prices in manufacturing industries, rising prices of basic materials and commodities, the free spending mood of the public and the mounting probability of a big wave increase in the automobile industry. Consumer prices are almost certain to be affected by these developments.

Pointing out that booms carry with them the seeds of their own destruction, Miss Porter asked what could be done to curb inflation. After ruling out an increase in taxes and dismissing the administration's guidelines as an "iffy" weapon at best, she said that more aggressive action could be taken in issuing warnings against the unwise use of credit in the stock and mortgage markets and observed that a major assist could also come from a ceiling on Federal Government spending while tax collections rise to bring the budget into balance. Finally she pointed out that the most effective weapon would be a shift in monetary policy to reduce the availability and to raise the cost of credit to borrowers.

The administration's argument that a large amount of excess capacity is available as insurance against the possibly inflationary effects of burgeoning demand suffered a heavy blow when the Department of Commerce published an evaluation of current capacity in the March issue of the Survey of Current Business. I inserted this material in the daily Congressional Record of April 10, pages A1796–A1797. The Department's study of manufacturing industries showed that almost one-third of the companies surveyed, accounting for just under half of total capital assets in manufacuring, indicated that their facilities at the end of 1963 were inadequate to meet their needs in 1964. Less than 10 percent of the firms with 7 percent of the assets felt that existing capacity exceeded their needs. This official data supplements information from several private sources which indicates that excess capacity is not as large as the measures of current operating rates indicate.

Aside from the continuing problems which I have already referred to, concern also is being voiced over a possible overbuilding of motels, hotels, apartment houses, and shopping centers; a 40-percent increase in personal bankruptcies between 1960 and 1963; a rapidly rising level of public and private debt; a high level of business failures; an increase in mortgage foreclosures; and a continuation of the farm parity ratio at the low level of 1939.

Many observers question the quality of credit and feel that lenders are taking bigger and bigger risks and thus contributing to a weakening of the Nation's debt structure. Installment debt last year shot up $5.7 billion—the largest yearly rise ever. In February of this year, consumers increased their installment debt by the largest amount in 4 years. The amount of installment debt at the end of 1963 was $53.7 billion, or more than double that of 10 years earlier. When you add single-payment loans, charge accounts, and service credit with installment credit, then total consumer credit comes to 17.3 percent of the disposable personal income compared to 12.3 percent a decade ago.

Home mortgage loans have also been trending sharply upward. At the beginning of this year the total stood at over $182 billion—or over three times the level of 1953. Significantly an increasing proportion of these housing loans are being used to finance nonhousing needs, such as education and travel.

The rise in consumer credit over the past decade has been greater than the increase in disposable income and the Nation's population. Population between 1953–63 rose 18 percent; disposable income rose 59 percent; but installment credit increased 130 percent. Repayments on this debt as a percentage of disposable personal income have risen from 9.1 percent in 1953 to 13.3 percent in 1963.

Many economists feel that the level of debt is not troublesome in itself, but they point out that it is sensitive to trouble in other sectors of the economy. Because of the broad debt expansion the impact of a recession would be more severe than in previous downturns.

The fact is that other storm signals are in evidence. Two recent articles from the Wall Street Journal go into some detail with regard to two of these problems.

An article of April 9 discusses that liabilities of business failures hit their highest level last year or double the level of as recent a year as 1959. Last year saw 151 firms with liabilities of $1 million or more each fail, compared to 134 in 1962 and 91 in 1961. Failures of firms with $100,000 or more in liabilities last year jumped 8 percent above the 1962 level and were 50 percent above the level of 1958. The main reason given is optimism exceeding business ability and preparation. It is just this kind of dangerous over optimism that the President's rosy statements are encouraging.

Another article from the Wall Street Journal of April 8 outlines the efforts of mortgage lenders to prevent a boom in apartment building from turning into a bust. There is concern about avoiding a possible wave of foreclosures because of the difficulties some builders are having or have had in meeting their mortgage payments.

Two recent articles from the U.S. News & World Report pointed up the fact that signs of trouble in the real estate boom are multiplying. Unless the situation is watched closely and appropriate action taken, problems in the real estate market could become the "Achilles heel" of the economy. Nonfarm real estate foreclosures increased 68 percent between 1960 and 1962 and mortgage loan delinquencies have been on the uptrend for 3 years. The foreclosure rate in 1962 was 4.4 per 1,000 mortgaged homes compared to 1.5 in 1956.

According to an article which appeared March 9, vacancies are increasing; builders are having to cut prices or offer other concessions to sell houses; foreclosures are increasing; and savings and loan associations and other lenders are taking losses—and sometimes heavy ones—where loans are going sour without Government guarantees.

Concern with the situation is being expressed by the Home Loan Bank Board, the State banking officials and by a great number of the lending institutions.

An article by George Shea in the April 13 edition of the Wall Street Journal also discussed the "signs of possible trouble" existing in real estate and pointed to other weak spots of the economy. His article is especially useful because it analyzes the dangers in believing that the economy is invulnerable to trouble because of the stability of wholesale prices, the modest level of inventories, and the slight rise in interest rates during the current expansion.

It was not long ago that the same administration spokesmen who are now unrestrained in their optimism were complaining that our economic system was stagnating. To cure the deep and fundamental sickness which, they claimed, afflicted our economy required massive injections of Federal funds and Government intervention.

It was fashionable at one time to suggest that the United States follow the example of Europe. There it was said, "sophisticated" officials had fearlessly embraced the policy of deficit financing as a way to stimulate their economies and step up their economic growth. Now that these same countries are afflicted with galloping inflation, little more is heard from our own authorities about the wisdom of deficit financing as a way of economic life.

The administration has now swung from deep pessimism to glowing optimism. One reason is that once more our economy has defied its detractors by moving vigorously ahead powered by the dynamics of the free enterprise system. Last year it turned in a better performance without the tax cut than the administration predicted would occur if a tax cut had been enacted. On top of this performance, we now have a tax cut and continuing increases in Federal outlays.

At the very moment when caution is most indicated, the administration is feeding the boom psychology. Were it not for the coming election, economic sense might still prevail, and we would have a better chance of controlling the expansion and preventing it from turning into a serious recession.

The duty of a minority party—and it is the reason for my remarks—is to lend some balance and perspective to the overly optimistic and one-sided statements about the economy emanating from the administration. The danger in these statements is that they themselves become an expansive influence on the economy. They become an additional force leading to an overheating of the economy.

Should the end result be a repetition of the familiar boom-and-bust pattern, the administration will have to answer to the country—and particularly to the unemployed—for the reckless course it is now pursuing.

I ask unanimous consent that the newspaper and magazine articles and editorials which I have referred to in my remarks be included in the RECORD at this point.

[From the New York Times, Apr. 7, 1964]

MR. JOHNSON'S CRYSTAL BALL

President Johnson has again painted a rosy picture of the Nation's foreign and domestic economic prospects. He predicted the other day that the Nation's balance of payments would be at or near equilibrium for the first quarter of the year. He also noted that domestic business activity was strong, with further improvement to be expected as the impact of tax reductions makes itself felt.

Mr. Johnson will probably earn high marks as a short-term economic forecaster of an economic level which, as he himself conceded, will benefit the Democrats in the November elections. But the bright outlook is not without clouds. The improvement in the balance of payments is due in part to the virtual cessation of foreign borrowings in the United States since the administration first proposed its interest equalization tax on American purchases of foreign securities. In addition, demand for imports has remained relatively stable while exports have soared, primarily because inflation is much less in evidence here than abroad.

The improvement in the balance of payments can be sustained, provided that the economy can advance without a recurrence of inflationary pressure. Mr. Johnson, however, did not devote much attention to the cloud of inflation. With idle capacity and manpower still in evidence, he evidently now believes that inflation has more shadow than substance. When he signed the tax bill, the President discounted inflation, urging consumers and businessmen to spend and invest in order to accelerate the expansion. But subsequently he warned that an inflationary wage-price spiral could result if labor and business did not exercise restraint. This view was echoed by his chief economic adviser, Walter W. Heller.

Now the President is again taking a more complacent attitude toward inflation. Yet a speeding up of activity caused by overexuberance and irresponsible behavior could, as we have repeatedly noted, result in inflationary wage and price rises even before excess plant and labor were absorbed. It also could lead to a big increase in imports while curbing foreign demand for American securities, thus reversing the trend in our balance of payments. But the administration appears once more to be oblivious to inflationary pressure despite the fact that the quickening pace of business activity is sure to hasten their coming.

It takes no special skill to predict rising business activity over the balance of the year. The administration's tax reductions guarantees higher levels for the economy. This is all the more reason for stressing restraint—on the part of labor, business and the Government—and doing so consistently. Mr. Johnson's attention needs to be focused on sustaining the advance, not merely on accelerating it.

[From the Washington (D.C.) Post, Apr. 7, 1964]

ON COUNTING CHICKENS

"I think," said President Johnson at his regular Saturday press conference, "this will be a good year for the people from an economic standpoint, and I think it will be a good year for the Democrats from a political standpoint." The inference to be drawn from this and other of the President's remarks is that prosperity will deprive the Republicans of a campaign issue in the November election. Mr. Johnson, who graciously declined to be drawn into a discussion of past elections, may prove himself as a prophet. But short-term economic forecasts, for whatever purpose they are made, involve hazards. And while we look forward to economic progress over the next 8 months, we are not so sanguine as the President.

The confidence which the President exuded was based on information relating to the balance of international payments, the level of unemployment, and the stock market, information which should be weighed and analyzed with care.

The news that our export surplus is running at the rate of $7 billion in the first quarter of this year and that or international payments may be balanced is indeed very good. But the balance-of-payments picture is generally brighter in the first quarter than in others. And although our exports are growing rapidly, imports will also rise as the tax cut expands incomes. Nor can one predict with any degree of confidence the direction of capital movements which play a very important role in the United States balance of payments.

Perhaps the President is right when he characterizes the increase in the value of outstanding common stocks as "encouraging." A rising market is of course indicative of investor confidence. But experience tells us that the judgment of the typical common stockholder is fallible.

On the issue of unemployment, the President's confidence was tempered by caution. He was encouraged by the decline in the State unemployment insurance rolls, but when pressed about the overall unemployment rate of 5.4 percent, conceded that there is much to be done.

Economic issues may well take a back seat in the forthcoming campaign, and if we are so fortunate as to be able to ignore them, few save the esoteric masochists will turn nostalgically toward the debates over the growth "lag" and the recession which were so prominent in 1960. But at a time when a fifth of all families live in poverty and there is uncertainty about our ability to expand economic activity without inflation, one must view that happy prospect with skepticism.

[From the Washington (D.C.) Star, Apr. 7, 1964]

YEAR 1965 OR LATER—ECONOMY DROP FEARED

(By Lyle Denniston)

A leading bank's economist has warned here that the economy may drop—in 1965 or later—into a "rather severe recession."

Frederick L. Simmons, vice president and economist of Morgan Guaranty Trust Co. of New York, stressed caution in forecasting the economic outlook in a talk yesterday at Union Trust Co.'s semiannual economic meeting.

He said there is "practically no doubt" that the economy would remain healthy through 1964 and possibly longer. But, he said, "as time goes on, there will be more concern as to whether the favorable outlook will continue."

LEVEL OF PROFITS

The level of profits and the amount of business spending for new factories and machines will help the economy continue to expand this year, Mr. Simmons declared.

However, if profit margins fall and if capital spending eases off, the economist said, "there are several things that suggest we will have a more serious recession than the relatively mild ones we have had since the war."

Mr. Simmons emphasized that he was not making a prediction of recession, nor was he even forecasting a time when one might happen.

He did say, though, "I am a little skeptical that we have learned enough about recessions that we can forget them."

Mr. Simmons expressed some worry that profit margins might be forced downward before much longer by fairly general increases in workers' wages. He also said the American economy might be threatened if there is an economic decline in Europe next year or later.

If there is a recession in this country, the economist said, it probably would be "a rather severe one" because the recovery programs that Government could put into effect might not be as effective as they have been in earlier economic slumps.

Mr. Simmons noted especially that extra Federal spending for housing was used as an economic cure in the 1954, 1958, and 1960 recessions.

RESIDENTIAL BUILDING

"But now," Mr. Simmons declared, "I'm a little afraid that residential building has been overdone and that, therefore, this approach to recovery would not work well the next time it is tried."

The bank executive's optimism about the economy this year was based on his view of the stimulating effect of the tax cut, of the fact that the economy's performance since 1961 has been free of "distortions" and of "the very high prospects of capital expenditures."

The capital goods outlook may be affected, Mr. Simmons said, by the effects of wage negotiation in some key industries this year. He explained that there are some signs that factory wages will rise more than worker output, increasing industry's cost but the political pressures will prevent business from maintaining its profit level by raising prices.

[From the Washington (D.C.) Star, Apr. 7, 1964]

U.S. BALANCE OF PAYMENTS SEEN SLIPPING BACK INTO RED

(By Sam Dawson)

NEW YORK.—The United States came close to balancing its books with the rest of the world in the first 3 months of 1964 for the first time in 7 years.

But the outlook for the rest of the year is that U.S. payments soon will slip back into the red. They should do better than last year's $3.3 billion deficit, but still be large enough to be troublesome.

There are several reasons why the first quarter's performance may be more of a fluke than the guarantee of an end to the nagging problem.

PRESSURE IS EASED

Still, the early reports that the first quarter saw the outflow of dollars offset by the return from abroad eases some of the pressure for higher interest rates. It encourages those seeking to increase U.S. exports further and it casts a different light on the efforts of U.S. representatives trying for tariff concessions from other nations.

The apparent balance also lifts quite a weight from the shoulders of U.S. monetary authorities who have been battling to reassure the rest of the world about the strength of the Yankee dollar, and to discourage others from turning in surplus dollars for our gold.

A balance-of-payments deficit occurs when U.S. spending, lending, and aid gives foreigners more dollars than they return here for our exports, or as yields on our investments.

In the first 3 months of 1963 this deficit was $810 million before seasonal adjustment.

SEASON PLAYS ROLE

But the season plays a role in today's brighter picture. The deficit in the first quarter usually is smaller than in any other period of the year. U.S. exports often rise in the early months and so does the flow of income from U.S. investments abroad.

From early reports (the final figures are due about the middle of May) this year has seen greater-than-usual gains in exports. The returning flow of income on investments abroad has been augmented by a flow of foreign-held dollars into this market for investment here. Bankers say much of this influx arises from fear of rising inflation in Europe—investors are seeking safer havens for their money.

The United States also has gained by the one-shot influx of dollars that Russia bought in Europe with its gold to pay for American grain shipments.

Also imports by U.S. firms eased in the first 3 months of this year.

CONDITIONS IN DOUBT

Bankers doubt if any of these special conditions will last much longer. They feel that imports are bound to rise, particularly if the Federal tax cut stimulates U.S. industrial activity and consumer spending as expected. The rate of gain in exports may not last. There is the still to be answered question of whether a tax-cut stimulated economy here may lead to inflation later on. This would tend to encourage an outflow of investment money rather than the present inflow.

But temporarily, at least, the need to keep interest rates high here to discourage any such outflow of investment dollars as sent the payments deficit soaring in the second quarter of 1963 is much less urgent. Stability of easing of interest rates could encourage the greater economic growth that Government and business are counting on as an aftermath of the tax cut.

The word that exports are higher is good news to U.S. firms that have fought increasing competition from foreign goods in world markets. Inflation in Europe—rising prices and production costs—has helped the American exporters—and apparently, also, is helping ease the task of the U.S. monetary authorities in stabilizing the dollar and guarding the gold reserves.

[From the Wall Street Journal, Apr. 9, 1964]

BOOMING FAILURES: LOSSES OF COMPANIES GOING BUST HIT HIGH AS THE ECONOMY SOARS—OVEREXPANSION WRECKS SHOE FIRM; HOTTER COMPETITION DRIVES MANY TO THE WALL—TEMPTATIONS OF EASY CREDIT

It's pretty easy to go broke in this biggest of booms. And there's evidence that it grows easier.

Liabilities of failing businesses hit a lofty $1.3 billion last year. That was the highest ever. It was double the figure of as recent a year as 1959. It was six times that of 1947, when the long postwar prosperity began.

Despite year-to-year ups and downs, the commercial fatality rate (failures per 10,000 firms) has traced a long climb since the big shooting ended. As chronicled by Dun & Bradstreet, here's the record of random years through 1961:

Year:	*Failures*	*Failures per 10,000*
1947	3,400	14.0
1950	9,000	34.3
1955	11,000	41.6
1957	14,000	51.7
1961	17,000	64.4

The 1961 figure was the high for the current era. Under the impact of the latest cyclical zoom in economic activity, the figure on total failures slipped back to 14,300 last year, for a rate of 56 per 10,000. But the 1963 total figure concealed a continued rise in mortality among larger enterprises.

MILLION-DOLLAR FAILURES

Last year saw 151 firms fail with liabilities of $1 million or more each. That was a steep jump from the 134 of 1962. It was more than a third larger than the 91 deaths among such firms in 1961. Failures with $100,000 or more in liabilities last year jumped 8 percent above the 1962 level—and were a fat 50 percent above the level of just 5 years earlier in 1958.

Of course, the current failure rate is well below that of the 1930's; the average for that decade was 85.7 per 10,000 firms. But that was an era of depression. The present is one of soaring prosperity. And it's against this background that the nagging failure pattern makes many economists wonder what the picture would be if the seas should get rougher.

Why do businesses fail in these prosperous times? Reasons are many. But most seem to boil down to optimism exceeding business ability and preparation.

In the current boom atmosphere, "people don't get just a little optimism about business success—they get big optimism," says J. D. Francis, president of Dallas' Mercantile National Bank. So many businesses "are started with inadequate equity and can't even sustain a short period of depressed sales," comments Charles Haywood, research director at San Francisco's big Bank of America. Others, says William Daniel, president of Casa Linda State Bank in Dallas, are started by "salesmen who can't sell, dealers who can't deal, and businessmen who have no business being in business."

TIGHTENING COMPETITION

But the times currently are far too competitive for such ventures, observes A. Bruce Bowden, senior vice president of Mellon National Bank & Trust Co., Pittsburgh. "A lot of sleepily managed companies got by" right after the war when "people were hungry for goods and would take about anything that was offered," he says. "But now there is ample capacity in most industries, and people have satisfied most of their affordable wants. So the fellow who gets the sales today is the one who gets out and really competes. And with costs rising and prices becoming more important to customers, it takes an alert management to turn sales into profits."

Though the factors of overoptimism and tightening competition are the underlying causes of many business failures, the specific ways in which they combine to drive a company to the wall can be both diverse and complex, as some case histories show.

For a New England shoe manufacturer, overexpansion was the fatal step. When sales hit $5.5 million a year, the company opened a second plant. "To do this we borrowed from banks and took a Small Business Administration loan," says a former executive. But orders suddenly dropped a third, he says, and "we lost money fast. We had acquired excess capacity because growth looked like it was going to continue forever. The overhead was too great once volume fell. About 9 months after sales started to slide, we were bankrupt."

TOO CHOOSY

The company also was "a little too choosy with our customers," says this executive. "It looked like the right thing to do at the time, because demand was so good we thought we could choose our outlets, but the time soon came when we wished we hadn't turned down so many. In today's competitive shoe industry there is much shifting of suppliers. Years ago if you had customers you could count on them year after year, but we found that isn't true any more."

CompuDyne Corp., a Hatboro, Pa., electronics and aerospace firm currently making its way out of a receivership under chapter 11 of the Federal Bankruptcy Act, illustrates another pitfall of overoptimism. Officials connected with its receivership indicate its trouble was that it let its costs get out of hand in a hot pursuit of lucrative contracts.

Ironically, the pursuit was successful. Bertram Wolfe, Federal bankruptcy referee in Philadelphia, says the company landed Government contracts in 1961 and 1962 that "should have netted a profit of a couple of million dollars over a period of time." But, he says, company officers "found they didn't have enough cash to complete the contracts. So they went to Chase Manhattan Bank. Before long they owed it $1.5 million and the bank had liens on their receivables, their profits and their equipment. Then you had a company with over $1 million estimated assets and they couldn't even call Washington for consultation on their contracts because the telephone was cut off. They could not pay the bill."

Edward J. Eggart, a consultant named general manager by CompuDyne's receivers, says the company's payroll costs ballooned when it boosted employment after winning the contracts, and its cash ran out when subcontractor demands came in faster than Government payments to CompuDyne. "I lopped off $170,000 in executive salaries the first week I came in and cut the company down from 19 cars to 6," he says. With this cost cutting, Mr. Eggart relates, CompuDyne since May has paid back $900,000 to Chase and $465,000 that had been advanced by the Air Force. He expects a "modest profit" in the fiscal year that ends next January 31.

CONTRACT-BIDDING RISKS

Such experiences are fairly common among the many firms bidding feverishly for Government or other contracts. Army procurement officials fear the fat contracts they offer tempt many electronics firms to take foolish risks.

Some concerns are organized to bid for Government contracts with assets of little more than "a pair of pliers and a workbench," says one Army contracting officer. Looking for big profits fast they bid hurriedly and low, assuming they'll hit no snags in doing the work. Then, he says, they get caught by the "liquidated damages clause," which deducts a cumulative penalty from the contract price if delivery is late. "Once they start getting behind with liquidated damages, they lose their shirts."

This officer's comments illustrate another factor behind many business failures: A rush by would-be executives to start companies with little preparation, apparently in the belief that anybody can make money in today's boom.

Bostonians note this tendency particularly among research-engineering type minds that start scientific companies with little conception of the financial or marketing problems they're likely to encounter. A Boston economist relays this explanation—by an engineer who headed a small concern that developed a new electronic device—of why his company failed: "We engineered the devil out of (the device) but found nobody wanted to buy it."

RECKLESS BORROWING

In many cases, bankers say, such inadequate preparation is accompanied by inadequate financing. "I'd hate to tell you how many times a man comes to me with a story like this," says Robert L. Tripp, vice president of Albuquerque, N. Mex., National Bank. "He wants $25,000 to buy a little business. I ask him how much the business costs. He says $20,000. Why does he want to borrow more? To consolidate his other debts."

What's more, Mr. Tripp complains, many lenders will make such a loan. "Credit is so ridiculously easy nowadays," he says, "that people are encouraged to start things they cannot finish."

"Want to be a contractor?" Mr. Tripp asks. "All you have to do is say you are a contractor—people will lend you equipment, materials, anything you need. Want to be a retailer? The competition between big wholesalers is so hot that they take a chance on a man whether he is competent or not. They load him with goods (sold to him on credit) and soon he's in trouble."

The experience of a Southwestern salesman who decided to open a restaurant indicates such complaints are far from unfounded. The salesman's banker advised against it, telling him: "You have no funds, no real estate, nothing but your job, and you'd have to give that up to run a restaurant." But the salesman nevertheless borrowed money from friends, leased an empty store, and got a contractor to remodel it for him, at a cost the contractor thought he could keep to $5,000 (the bill eventually came to $12,000). A restaurant supply house was so eager for sales that it shipped furnishings for a small downpayment and a note. Credit also was extended by food suppliers and an advertising agency.

DEATH OF A RESTAURANT

So the salesman got his restaurant started—but, says his banker, "by the time it opened it was so enmeshed in debt it couldn't possibly succeed. It lasted 6 months, and the man has left town."

Bankers and other authorities cite many other ways the boomtime atmosphere is leading the inexperienced businessman astray. High sales, they say, are dulling the sensitivity of many firms to the dangers of remaining too specialized. This has been lethal to a number of companies that concentrated on making a single product for military equipment, only to have a change in Government specifications destroy their business.

Conversely, some firms have come to grief by attempting to follow business fashion and diversifying for diversification's sake. "Too often the head of a moderately successful company, who doesn't really know enough about his own business, gets into something else that he knows even less about," says the legal officer of a New York bank.

Harder to explain is the rise in failures among older, formerly successful firms. In some cases, however, it reflects failure to adapt to changes brought about by today's tightening competition.

TROUBLES OF AGE

A New England structural steel fabricating company went bankrupt last year because the owner "tried to run the business as he had years ago," says Harvey Krentzman, Newton, Mass., business consultant. "He didn't know what his costs were; he kept winning bids, but he lost money on them." Another consultant believes such problems, caused largely by antiquated accounting, are responsible for a majority of the failures of established firms. "Things move too fast today for the old accounting systems that provide management with monthly reports in the middle of the following month," he says.

As competition tightens further, many bankers and executives look for failures to rise still more in several industries. "The small specialty shops are losing out—the ones between the quality stores and the discount operations," says C. W. Aurand, president of Des Moines (Iowa) National Bank. "The public is looking either for quality or a low price, and those stores haven't had a place since World War II." Dallas bankers are wary about loans for restaurants, appliance stores, and privately owned discount houses, largely because of rising competition. And Pittsburgh bankers worry that steel fabricators will be hurt by growing import competition.

[From the Wall Street Journal, Apr. 8, 1964]

APARTMENT WORRY: LENDERS TRY TO KEEP BUILDING BOOM FROM GETTING OUT OF HAND—SOME PRINCIPAL REPAYMENTS DEFERRED TILL UNITS FILL UP; MORE PROJECTS IN DEFAULT—WILL DEMAND KEEP SOARING?

(By Laurence G. O'Donnell)

NEW YORK.—Mortgage lenders are trying to prevent a record-shattering boom in apartment building from turning into a bust.

For the past few years the lenders have been fueling the boom by making big loans easily available to apartment builders. Now, however, there are indications some of these builders are having trouble meeting their mortgage payments, or may have trouble soon. "The orange flag is waving, and in some cases the red flag," says the vice president for mortgage loans of one New York-based insurance company.

Many lenders are modifying their loan agreements to allow builders to defer repayments of principal until their newly built apartments fill up. Some also are beginning to tighten their standards for making new mortgage commitments, to keep high-risk loans off their books. Their actions are being taken with the approval—indeed, sometimes at the prodding—of the Federal Housing Administration, which has insured over $8 billion of the $35 billion now outstanding in first mortgage loans on U.S. apartments, and is trying to avoid any possibility of a wave of foreclosures.

SIZZLING CONSTRUCTION PACE

A look at construction statistics might make such a possibly seem rather remote. In 1963 work started on a record 575,000 rental and cooperative apartment units, more than double the number begun five years earlier. In 1964 many experts expect starts to rise as much as 10 percent. More than 1 of every 3 housing starts is now an apartment project, against 1 in 10 a decade ago.

But a number of mortgage men are becoming "convinced that a large part of the current apartment surge is a response to favorable financing rather than to demand" for new apartments, in the words of Sidney Kaye, executive vice president of Detroit's Advance Mortgage Corp. And there's evidence to back them up.

Advance Mortgage itself recently surveyed 10 midwestern cities and concluded that the number of apartment units scheduled for completion in the next 18 months "appears much greater than the market can absorb." Yet, it said, building is still accelerating in most of these cities. It quoted one Cleveland builder as asking: "With such good financing around, how can I afford not to build?"

TROUBLE BEGINS

In several cities, mortgage brokers assert, liberal financing has enabled inexperienced investors to get into the complicated business of apartment building with cash outlays of less than 10 percent of a project's estimated total cost. This, they say, has resulted in overbuilding that has caused some new apartment buildings to open with a vacancy rate far higher than the 7.5 percent national average. Their owners, say mortgage men, often have found they underestimated either the costs of getting the buildings up, or the cash reserves that would be required to carry them through the sometimes long period while the apartments were being rented, or both.

So some new apartment houses have had trouble paying their bills. "Several (building) contractors have had to go into bankruptcy during the last year because of slow payments from apartment house sponsors," says H. Earl Fullilove, chairman of New York's Building Trades Employers Association. And C. Franklin Daniels, director of multifamily housing for the FHA, says owners of 88 apartment projects were in default on their FHA-insured mortgages, too, at the end of 1963. That was up from 63 FHA apartment-house mortgages in default a year earlier and more than twice the 42 mortgages in default 5 years before.

Some apartments have been foreclosed. New York banks and insurance companies have started foreclosure actions on at least a half-dozen FHA-insured projects. In Miami the FHA itself has had to seize one of the seven new cooperative apartment buildings it has backed since 1960, and lenders have foreclosed another.

But most lenders are working hard to prevent such troubles from spreading. Instead of foreclosing, they're revising their loan agreements to ease the financial strain on apartment-house owners while their new buildings are renting up.

DEFERRING PRINCIPAL, INTEREST

Major Realty Corp., for instance, finished its 33-story Hopkinson House in Philadelphia in 1962, but has not yet rented enough apartments to get to the 85 percent break-even point. So last summer it got John Hancock Mutual Life Insurance Co. to defer amortization—or principal—payments on the $10.1 million first mortgage loan John Hancock had provided. Now Major and Hancock are dickering over details of a formula under which Major could defer at least a portion of its interest payments, too, until the building can cover all its costs.

Such arrangements are far from unique. The FHA says 88 "modification agreements" were in effect at the end of last year on loans it insures, up from 80 at the end of 1962. The current 88 cover projects with 15,098 apartment units. Mr. Daniels says most of these agreements involve new projects and allow deferment of amortization payments for a year "and in some cases longer" while the apartment owners are looking for tenants.

Also, while many lenders are still scrambling to make new apartment loans, some now are getting more cautious. The New York State Employees Retirement Fund, which began lending heavily on apartment mortgages only 2 years ago, now doubts it will make any more such loans. "I feel the quality of mortgage opportunities has deteriorated," says Arthur Levitt, the fund's trustee, who is also New York State comptroller.

Other lenders are committing themselves to make permanent mortgage loans on new apartment houses only when those houses have achieved "break-even occupancy." The permanent mortgage loan replaces the temporary—and higher cost—loans builders get from banks to finance the actual construction. To get these temporary loans, the builder usually has to have a commitment for a permanent loan.

A few years ago a builder could get such a commitment "with no rental achievement clause, because projects had no trouble renting," says one mortgage broker. "Now there's a definite trend toward tightening up the screws on minimum rentals" that have to be achieved before a permanent mortgage loan will be made, he says.

The FHA has been tightening up, too. In many areas where apartment construction is spurting, its regional offices are cutting back on new loan-insurance commitments. These commitments are the key to the financing of many projects, because without guarantees of FHA insurance many lenders won't lend. "We are discouraging more new projects than we're encouraging," says an FHA official in Dallas.

ESCROW REQUIREMENTS NOW

Nationally the FHA is moving to meet criticism that its loan insurance has helped builders put up apartments with big loans and little cash. It now requires apartment builders to put in escrow a deposit large enough to cover anticipated operating deficits during the first 2 or 3 years after the apartments are finished. The New York FHA office says it has required such deposits on all 30 apartment projects on which it has agreed to insure mortgages but on which construction hasn't yet started. It also has reuired them on "some" of the 150 projects now in construction, says Regional Director Ralph Morhard.

Lenders are a long way from being generally tough, however. Indeed, it's their "frenzied competition" to make mortgage loans that has caused much of the trouble in the field, according to Mr. Levitt, of the New York State Employees Retirement Fund.

One reason is a widespread conviction that all new apartments will rent eventually. Lenders stress that population statistics indicate the number of young and elderly couples, traditionally apartment dwellers, will rise sharply in coming years. So "our surveys show we'll have to have a lot more apartments," says an official of Equitable Life Assurance Society of the United States, which has been investing heavily in apartment loans.

A good many others have had the same idea. Mortgage brokers say some savings institutions and insurance companies that had shunned apartment loans for years recently have taken them on again, and others that had never withdrawn from the market have stepped up their search for such loans. They're having to compete with other institutions, such as union and other pension funds, which are now pursuing apartment mortgages, too.

BUYERS' MARKET FOR BUILDERS

Up to now, this scramble has created a buyers' market for builders shopping for loans. "In certain instances lenders are making high loans because they want to put money into mortgages, and they figure even if the apartments don't rent up immediately they will over a period of time," says a mortgage broker active in Ohio and other Midwestern States. "These lenders are willing to make arrangements to help the (apartment) owners weather the storm."

In New York, says Mr. Levitt, of the New York State Employees Retirement Fund, many builders have been demanding, and often getting, larger loans in relation to a building's appraised value than "is safe." Builders, he says, also have pressed for amortization deferment provisions on their mortgage loans even before construction starts. Other builders, he says, have broken "long-standing commitments" for loans from his fund to take more favorable commitments from other lenders, and one builder even threatened to "voluntarily default" on a loan from the fund to take advantage of better terms on a new loan from another source without paying a prepayment penalty.

Most experts feel any overbuilding these conditions may have encouraged is a temporary thing. "Our analysis is we're suffering from temporary indigestion, but it is cause for no serious alarm," says Mr. Daniels of the FHA.

But meanwhile, says one New York savings bank official, "good (apartment mortgage) loans are relatively few. There are a lot of dogs on the market. And many have found a home."

[From the U.S. News & World Report, Mar. 16, 1964]

AS FORECLOSURES RISE—BARGAIN COUNTER FOR HOUSES

(NOTE.—More and more homeowners are losing their homes through foreclosure. Thousands of houses and apartments are falling into Government hands, to be sold. This article tells where most of the foreclosed properties are located, how they are priced. Buyers often get price concessions, special guarantees, easier credit.)

For sale: enough homes and apartments to house more than a quarter of a million people.

Seller: The U.S. Government. Terms of sale: easy. No closing costs, practically nothing down, 30 years or more to pay. Seller makes good any defects.

There, in summary, is the biggest real estate operation in the country today—the sale of properties that are falling into Government hands.

More people than at any time since the great depression are falling behind in their payments on mortgages, and many of these mortgages have Government backing. When the homeowner is unable to pay, the loans are foreclosed and the properties end up in Government hands, to be sold to new owners.

Today, because of the growing number of foreclosures, the Government is taking title to homes faster than it is able to sell them.

DISCOUNT PRICES

The sales effort is being stepped up. In some cases, prices of Government-owned houses, already set at appraised value, are being cut. Unusual warranties, repairs, and redecorating are offered at Federal expense.

Pictures on these pages show the kinds of homes the Government has for sale. Included are individual homes scattered all over the country, with heavy concentrations near Tampa, Miami, Fort Worth, San Antonio, Dallas, Houston, and Wichita. Reports indicate a growing number of Government-owned houses for sale in the San Diego area, too.

Prices of the single homes generally range from $10,000 to $15,000, though some are bigger, more expensive.

Most of the properties are in the hands of one agency—the Federal Housing Administration, which has been insuring home mortgages since 1934.

FHA owns about 50,000 houses on which mortgages have been foreclosed. Most of these are up for sale. And the number is increasing weekly.

AVERAGE LOSS: $2,000

At present, FHA is taking title to about 3,000 houses a month, selling about 2,250. On sales, it is taking an average loss of $2,000 per house, counting taxes, repair bills, and brokerage fees. The houses are sold through private real estate brokers, with the Government paying the fee.

In 1963, FHA lost $46 million on sales of single-family homes.

FHA is also the owner and temporary landlord for more than 250 apartment projects with more than 23,000 apartments. These, too, are going on the market as speedily as possible, and at a loss. On 56 sales in 1963, the agency sustained a loss of $13.6 million.

Some apartments are in bad shape when taken over. A report by the Comptroller General last month blamed FHA for not requiring better maintenance. It pictured buildings with paint peeling, wood rotting, shingles missing, doors broken, holes in plaster.

More FHA foreclosures and losses lie ahead, for this simple reason:

In addition to apartments owned outright, FHA is holding mortgages on 645 projects with more than 50,000 units, where the owners are behind in payments. The lenders have turned the mortgages over to FHA in return for Federal debentures, and the next move is up to the agency.

HOPE FOR HEALTH

FHA is hoping to nurse some of those projects back to financial health, but it expects to foreclose on many.

The Veterans' Administration, which guarantees up to $7,500 of a veteran's mortgage, is also in the house-selling business in a big way.

At last report, VA had nearly 23,000 houses as a result of foreclosures. Like FHA, the VA has been taking title to properties faster than it can sell them. In 1963, it acquired 29,260 and sold 26,807. The average selling price was $11,300; the average loss, $390.

Both FHA and VA are taking steps to cut down the number of foreclosures and speed up sales of houses.

On one hand, the agencies are making it a little harder for people to get loans with Federal backing. They are doing this by requiring more complete credit reports. In the past, the agencies concede, people were approved who should have been identified as poor credit risks.

HELP FOR DELINQUENTS

On the other hand, FHA is also trying to make it easier for homeowners, if they fall behind on payments because of illness or unemployment, to avoid foreclosure. Congress is being asked now to give some additional protection to the mortgageholder who gives the defaulter time to work his way out of his predicament. The present FHA insurance is only a partial protection.

Meanwhile, in the interest of stepping up sales, VA offices are accepting price cuts on some of the houses up for sale. VA is also "bending over backward," a spokesman says, to correct any defects that show up after the buyer moves in.

That's in contrast to the usual practice in selling a used house, where the seller assumes no responsibility for repairs.

FHA even gives the buyer a 6-month warranty on the soundness of the structure and the heating and plumbing systems. Up for study at the present time is a plan to expand this guarantee by warranting appliances for 30 days.

Some FHA field offices are accepting downpayments of as little as $100 and are giving buyers up to 35 years to pay the balance. VA offers similar terms.

Either agency will take back a mortgage for the unpaid balance of the price, if the buyer can't get financing from a private lending institution.

All this means that terms of sale on one of these Government-owned houses are likely to be even more liberal than terms on the purchase of an ordinary house with FHA or VA backing.

But what of the impact of these Government sales on the real estate market? Are they tending to depress prices? In some places, brokers and builders fear they are. However, FHA says that, in spite of its eagerness to sell, it holds back on sales and tries to keep a firm price line in areas where there's a glut of houses on the market.

FHA recently turned down an offer of $40 million for 9,000 houses in Florida. The offer from a New York firm was judged to be far below the appraised value of the properties. The firm complained, in a telegram to President Johnson, that FHA is placing "unrealistic" values on its homes.

EASY DOES IT

How did the Government get into this fix? Easy credit and overbuilding get the blame in talks with most officials and real estate men. Terms for FHA and VA mortgages have been liberalized repeatedly in the postwar years.

There is no sign, as yet, that terms are going to be tightened up, in spite of the wave of foreclosures. The Government apparently believes that the losses on foreclosures are a small price to pay for a booming building business and a steady rise in homeownership.

[From the U.S. News & World Report, Mar. 9, 1964]

NEW SIGNS OF TROUBLE IN THE BUILDING BOOM

(NOTE.—At a time when home building is near a record level, concern is growing. There are more vacancies, more foreclosures. Credit is tightening up a bit.

(This report concentrates on problems of the building boom in one key area—the Far West. It draws on official surveys, on experiences of State officials, on the views of leading western builders and bankers.)

(Reported from Washington, D.C., and San Francisco, Calif.)

Signs of trouble in the real estate boom are multiplying.

Here and there, builders are having to cut prices or offer other concessions to sell houses.

Landlords in many localities are finding it harder to get enough tenants to cover expenses. Tenants are getting rent-free use of apartments for a month or more, "free" drapes or "free" wall-to-wall carpeting.

Foreclosures on apartment houses and individual homes are increasing.

Where loans going sour are without Government guarantees, savings and loan associations and other lenders are taking losses—sometimes heavy losses.

OFFICIAL CONCERN

This situation has generated concern at the Home Loan Bank Board in Washington, in the offices of State banking officials, and in a good many of the lending institutions. A move is on to raise the standards of credit. And this move, in turn, seems to spell still more trouble for the builder who relies on credit to finance the construction and sale of homes.

All this is happening at a time when the price of land is still soaring.

WHERE PROBLEMS PILE UP

Trouble spots are found all over—in some of the new apartment houses in Manhattan, in tracts of suburban homes near Miami and Jacksonville, in various Texas cities, in Detroit and Wichita.

Judging by official statistics, however, problems in the real estate business seem to be most prevalent in the West, a region when interest rates on mortgages are the highest in the country, where savings and loan associations pay the highest rates on deposits, and where the rapid growth of population has encouraged real estate operators to take extra risks.

Latest figures issued by the Home Loan Bank Board shows that nearly 11 conventional mortgages—those without Government backing—were foreclosed in California in the past year for every 1,000 on the books of the insured savings and loan associations. That was more than two and a half times the foreclosure rate for the country as a whole.

In Nevada, foreclosures hit nearly 17 out of every 1,000 conventional mortgages, more than four times the national rate.

The board's figures also indicate that 10 California savings and loan associations had the Nation's highest rate of delinquencies—cases of homeowners who were behind in their mortgage payments. In these 10 institutions, 8 percent of the borrowers were behind. The corresponding rate for the country, as a whole was 1.6 percent.

PRICE CUTTING APPEARS

Evidence of trouble in the real estate market is not limited to statistical studies, however.

In Las Vegas, Nev., houses priced at $17,500 have been discounted as much as $2,600 to pep up sales.

In Seattle, Wash., builders found themselves a few months back with 1,600 new houses for sale. In the scramble to unload, prices were forced down.

In Tucson, Ariz., a new subdivision that opened in January offered the first 15 buyers the choice of a free swimming pool or $1,600 in free furniture and landscaping.

In Marin County, Calif., near San Francisco, the latest check on occupancy showed 26 percent of apartment units vacant. In Los Angeles, the vacancy rate has doubled in the past 3 years.

Slow sales and slow payments spell losses for some of the institutions that are putting up the money for the building business. Here's an extreme example, from Sacramento, Calif.:

A savings and loan association in this city advanced money to a builder to put up 400 houses. The houses didn't sell well, and the builder fell behind in his payments. To keep him going the president of the association then granted additional loans, including even the moneys to pay the builder's salary.

LENDER GOES TO JAIL

The builder and the management of the association got in deeper and deeper. They entered into a deal to buy a ranch, in the hope apparently, that profits from land would redeem the losses on homebuilding.

That case is now in court. The president of the savings and loan has declined to fight criminal charge of making illegal and false loans and is serving a 7-month jail sentence. The builder, the association and a vice president of the association are under indictment.

That savings and loan is saddled with $9 million worth of foreclosed property and with $6 million in problem loans. It has sustained a loss of a million dollars thus far.

Marshall S. Mayer, deputy attorney general of California, who prosecuted that case and another involving savings and loan association lending, says: "I think the criminal aspects of these cases are isolated. But poor lending practices are quite prevalent. Complete disregard of loan applicants' personal credit and overappraising of the property are common."

Officials at the Home Loan Bank Board say their examiners are finding a good many cases in which properties have been appraised at more than the true market value or selling price, in order to justify bigger mortgage loans for the buyers. When such loans go sour, the lenders naturally have trouble reselling the property for enough to cover the loan and the expenses involved in foreclosing. In the words of Milton Gordon, head of California's State Real Estate Commission: "Real estate salesmen and the public have colluded to delude the savings and loan associations. They have in some cases falsified sales prices in order to secure higher loans. We're trying to stamp this out. I only know of 15 or 20 instances, but, like a cancer, we don't want this to grow. I'd say the situation is causing us deep concern."

Why all this trouble in the real estate business? Is it simply a matter of too-easy lending?

END OF INFLATION?

A broader explanation of the problem comes from Frederick E. Balderston, savings and loan commissioner of the State of California. "In my judgment, price inflation in many housing markets has ended," Mr. Balderston declares. "There are ample inventories of rentals and sales. The market now is really different from what it has been over the last 15 years. There's no longer a 5- to 10-percent price rise annually. Overgenerous loans are no longer likely to be bailed out by inflationary price rises."

The head of the Arizona Homebuilders Association, Sam Witt, says: "Arizona right now is 2 years ahead of itself in the construction of apartment and high-rise commercial buildings."

The president of the San Francisco Home Loan Bank recently pointed out that building in the West had slowed down somewhat, while savings and loan associations were still amply supplied with funds on which they were paying depositors record high rates of dividends. There is evidence now of a pickup in building, but, even so, a good many of the money-lending institutions seem hard put to find enough good loans to keeps their funds invested and bring in the income they need.

The real estate loan director of a Seattle bank reports: "We need more loans. Everybody does. There's more money than good mortgages."

A TIGHTENING UP

Despite this pressure to make loans, there are plenty of signs of greater caution among the lenders and the officials who supervise them. A few examples:

From Mr. Balderston, California's Savings and Loan Commissioner: "The slight upward drift in foreclosures and delinquencies has prompted us to request more examiners so we can keep a tighter rein on this new situation. It represents a tightening up of our supervisory activity."

From the head of a San Francisco savings and loan association: "Mortgage-financing companies have been tightening their terms for the last 9 months. Builders and purchasers of houses are required to have more equity—cash or tangible assets—now. We've almost outlawed apartment building in Santa Clara County."

From a California mortgage banker: "Bankers are being cautious now."

From a field official of the Federal Housing Administration: "We're very selective on multifamily dwellings. There are some real problems here."

The head of the California Savings and Loan League, writing in the association's journal in February, urged the savings and loans to slow down on growth in order to "improve the quality of our loan portfolios."

THE OPTIMISTIC VIEW

Not all authorities, of course, agree with a gloomy view of the real estate problem on the West Coast.

A leading San Francisco appraiser, a man with many years of experience, says: "I don't think California real estate is in trouble. In some particular districts developers have run into trouble, but this was due to poor foresight. Some builders are inclined to put up nonsaleable goods, and there is evidence of a little looseness on the part of some lenders. But California is still growing at a rapid rate, and people need homes."

William T. Leonard, executive vice president of the Associated Home Builders in the San Francisco-Oakland area, reasons that "lenders are pretty well protected. You've got a built-in inflation factor of 5 to 7 percent in labor costs alone each year. Land costs are going up, too. Overlay this with 300,000 in immigration and 300,000 in natural population increase in California each year, and your values aren't going to go down."

Mr. Leonard predicts that prices on the $17,000 to $25,000 houses will go up by $500 to $1,000 by July 1, 1964.

Thus, you can get a dispute over how serious the trouble in the real estate market really is. But official figures, the comments of most authorities and the actions of the moneylenders seem to attest that trouble exists and has been increasing.

[From the Business Outlook, Apr. 13, 1964]

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

One observation frequently made about the state of general business today is that no economic or speculative excesses are apparent. The conclusion usually reached on this basis is that the current boom still has a long way to go.

The statement that there are no visible excesses is broadly true, but it is not true 100 percent. One field in which signs of possible trouble exist is real estate. This newspaper last week published a story showing that increasing numbers of new apartment buildings are hard to rent fully enough to be profitable, and that many of their developers have been granted deferments on the repayment of mortgage loans.

Another sign that the boom may be approaching an excited stage is the price trend of industrial raw materials. A Government index of 13 such items is up from 94 percent of 1957–59 last September to 102 percent now—a gain of more than 8 percent in 7 months. If all prices were going up that fast the trend would be regarded as highly inflationary.

However, the broad wholesale price index of the Government, covering 2,000 rather than 13 items, and including goods all the way from the raw to the finished state, has remained practically unchanged since before the current expansion in business began early in 1961. Other signs being cited to show there are no excesses are the fact that inventories of goods have not risen in relation to sales, that the cost of borrowing money hasn't advanced as sharply as it has in the later stages of most booms.

That these various factors together add up to a reassuring package cannot be denied. However, in the back of one's mind it is safest to keep the thought how quickly the appearance of things can change. The real fact is that the economic excesses that precede recessions and depressions are usually visible only by hindsight, after the downturns in business have begun.

Steady wholesale prices, for instance, don't always reflect a safe situation. In the late 1920's wholesale prices didn't merely hold steady, they declined a little. At the time this trend was regarded as a factor of safety. Yet it didn't save the general level of goods prices from collapsing between late 1929 and 1932.

Statistics on inventories as booms mature also can change their appearance in a few short months. The latest figure for manufacturers, for the end of February, shows inventories only 1.65 times the month's sales, which is lower than the 1.81 of July 1957, just before the start of the 1957–58 recession, and also lower than the 1.77 of May 1960, just before the 1960–61 recession began. That comparison is reassuring.

However, only 4 months before the May 1960 peak, in January of the same year, the ratio of inventories to sales was only 1.67, or practically the same as the latest reassuring figure. Thus, as late as March 1960, two months before the business peak, when the January inventory figures became available, the statistics showed no excess.

It was in the light of subsequent figures that the inventories of winter-spring 1960 came to be regarded as excessive. The rise in the inventory-sales ratio, which started while business was approaching its peak, continued when business declined into recession, and the ration got up as high as 1.84 during the recession.

What actually happened, of course, wasn't that inventories suddenly soared after January 1960, but that sales stopped growing and later turned down. This change was what caused monthly gains in inventories to look excessive, although previously they had seemed safe because they had been in step with sales.

The 1957 experience was similar. The ratio of inventories to sales, 1.81 in July, was only 1.74 in February. Not only that, but the ratio had been up to 1.89 in July 1956. Thus the economic analyst, three months before the 1957 business peak, that is, in April, when the February statistics became available, could say that not only was the ratio not very high but it seemed to be headed down and therefore was probably safe. Even the July 1957 ratio of 1.81 was still down from the 1.89 of a year earlier.

Also, as happens in all recessions, the ratio increased in the fall of 1957 and the subsequent winter, rising as high as 1.94. Just as in 1960–61, it was this later rise in ratio, caused by declining sales, that made the inventories appear excessive.

The limited extent of the rise in the cost of borrowed money is also less reassuring if examined closely. That the rise has been limited there is no doubt. From the recession bottom of February 1961 to the present, representative average yields on high-grade corporate bonds have risen from 4.20 to 4.45 percent, and on longer-term U.S. Government bonds from 3.80 to 4.20 percent. These increases are, respectively, 6 and 10 percent.

The corresponding increases in the 1958–60 and 1954–57 business expansions were substantially greater. In 1958–60, high-grade corporate yields advanced 24 percent and U.S. Government yields 33 percent. In 1954–57 the comparable increases were 34 and 36 percent.

However, the slowness of the rise this time isn't the result of restricted borrowing in the current period. Postwar, the bank-loan expansions of the last 2 years have been exceeded percentagewise only in 1955, during the first upturn from a sharp recession, and in 1950, when Korean war scare buying was done heavily on credit.

The reason interest rates have moved up only mildly is that the Federal Reserve System has kept the banks well supplied with lendable cash, instead of restricting them as it did on the other occasions. The different trend represents a different opinion among the money managers rather than different fundamental credit conditions.

Altogether, then, while the combination of the safety factors commonly cited does provide some reassurance regarding the trend of business, it is a reassurance that can be counted on for only a few months. Beyond that, the usual uncertainty prevails.

LOUISVILLE: ALL AMERICA CITY

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. SNYDER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SNYDER. Mr. Speaker, I would like to take this opportunity to congratulate all of the citizens of Louisville on being selected as an All America City. This is indeed a high honor, particularly since this is the first time that Louisville has received the All American City Award. The award, as you know, is presented for outstanding leadership in a community and a progressive attitude on the part of the citizens of such a community. Louisville has indeed made many strides in many areas. Louisville's selection for the award this year was based on the advancement in race relations, economic progress and cultural advancements which our city has made.

I definitely agree with Mayor William O. Cowger when he said:

> This is a great honor and it should be shared by everyone who has worked in behalf of Louisville's progress during the past year.

It is my belief that Louisville will continue to progress if all of the citizens continue to unite for a better community.

FOR LAW AND ORDER

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FINDLEY. Mr. Speaker, it is high time for a crusade back to law and order.

Disobedience to law is contagious and destructive—whether the law disobeyed applies to compulsory school attendance, peace disturbance, or trespass.

Community leaders who openly urge student boycott of schools, demonstrations in defiance of law officers, and interference with work by private contractors actually sow seeds of disrespect for law generally.

This may well reap a bitter harvest. When a civil rights law is finally enacted, will it be respected?

In many communities law officers are treated with contempt and abuse. Blood is shed and lives are lost. From it all comes a call for more militancy.

This trend can only deepen the trouble and make solutions more difficult.

I recognize fully and prize highly the precious right of free speech, and the right peaceably to assemble to petition government for redress of grievances. But these rights give no license to abuse laws and law officers, nor to violate rights of others.

As citizens build respect for law and order, they also build a basis for public respect and acceptance of whatever civil rights laws may be enacted this year or in the future.

POLITICAL STEAMROLLER

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, last week in a most unusual and lengthy session, the House was twisted into passage of the wheat-cotton bill. A most interesting discussion and timely interpretation of last week's events appeared in this morning's Chicago Sun-Times in an editorial which I place in the RECORD at this point as part of my remarks:

POLITICAL STEAMROLLER

The passage last week of the administration's wheat and cotton bill and its food-stamp bill were political victories and not acts of legislative wisdom. Both bills represented vote-garnering potential in an election year. The weaknesses in the bills were ignored in favor of possible votes.

The food-stamp bill was a proposal to give the administration the authority to issue food stamps to the poor of the Nation no matter whether they were on the public assistance rolls or not. Each food stamp would cost the needy $6 and could be exchanged in a grocery store for $10.

Republicans on the floor of the House protested the bill saying that there were no adequate limitations on who would qualify for the food stamps and because of this lack the bill could easily cost more than $2 billion annually instead of the $100 million estimated by the Democrats. They also protested because the Secretary of Agriculture would have the power to define what was "food" and what was not.

Representative DELBERT L. LATTA, Republican, of Ohio, pointed out that the Secretary of Agriculture would be able to give or deny food stamps to any area, a political weapon of rare degree. LATTA also noted that the food-stamp pilot program now in progress gives food stamps to 37 Democratic areas and only 6 Republican areas. One of LATTA's Republican areas was denied when it applied for participation in the food-stamp pilot program.

The administration's wheat and cotton bill has been discussed at length on this page. It is a bad bill. It will put the farmers under stricter controls than ever before and it gives the Secretary of Agriculture unprecedented power. It will raise the price of food and fiber to the consumer.

However, a bill to give the poor $10 worth of food for $6 and a bill to provide the wheat farmers more money and the textile producers protection against competition are powerful political weapons in an election year. The machinery of persuasion which President Johnson commands so ably went into action weeks ago to insure passage of both bills. It was successful even though the actions of Speaker JOHN W. McCORMACK, Democrat, of Massachusetts, brought forth a chorus of booing from the floor as he used a fast gavel and other ramrodding parliamentary procedures to hammer the House into submission.

The wheat and cotton bill is now law for 2 years. When the tenure of this farm bill runs out those who opposed it will be ready with farm legislation that will be something more than a means of gaining a temporary political advantage for those who put votes ahead of statesmanship. And it is hoped that when that time comes those who opposed the administration's wheat and cotton bill will be better able to resist the administration's steamroller tactics.

In addition, Mr. Speaker, to further display the type of editorial comments which our action of last week has produced, I ask to include as part of my remarks an editorial of March 13 from the Chicago Tribune.

WHEAT, COTTON, AND POLITICS

President Johnson, presumably with a straight face, said the passage by the House of the administration's farm bill "represented good judgment and economic progress" which will benefit farmers, workers, and taxpayers. It hardly does that. It does, however, represent the weakkneed propensity of many Democrats in Congress, including House Democrats from Chicago, to submit to White House pressure, a fact that bodes ill for the taxpayers when more free spending administration measures come up for consideration.

The farm bill was an outright vote-buying scheme to win election year favor for the administration in the wheat-growing areas of the Midwest and the cotton-producing sections of the South. Accurate estimates of the cost are hard to come by, but $2 billion a year would be a conservative estimate of the assortment of subsidies the legislation offers wheat and cotton farmers, exporters, and textile mills. The administration relied on widespread ignorance and apathy toward farm legislation among urban voters, who will now have to pay the bill, to put it over.

The kind of "good judgment" that was displayed was illustrated in the vote trading that went on between the farm bill and the bill to establish a permanent food stamp program. The administration induced urban Congressmen who favored the food stamp plan to support the farm measure in return for rural support for food stamps. Having approved legislation to provide cheap food for poor people, the House then proceeded to approve a farm bill which the milling and baking industries and the American Farm Bureau federation maintain will increase prices of wheat foods.

Even so, the farm bill passed by a narrow vote of 211 to 203. A switch of only five votes could have defeated it. President Johnson is credited by Washington political observers with having shored up the courage of 15 to 20 wavering Democrats in personal phone calls from the White House. Only 10 Republicans, representing mainly cotton textile centers, defected to vote for the bill.

Although they have lost in Congress, opponents who believe the legislation will hamstring the farm economy and heavily burden consumers and taxpayers would appear to have grounds for challenging it in the courts. During the debate, Representative Thomas B. Curtis, Missouri Republican, questioned the constitutionality of the legislation.

He pointed out that the wheat section of the bill authorizes the Secretary of Agriculture to collect as much as a half billion dollars annually from flour millers and wheat exporters under price support provisions. This authorization, said Representative Curtis, was added in the Senate and makes the bill a revenue measure of substantial proportions. Article I, section 7, of the Constitution states that all bills for raising revenue shall originate in the House.

Representative Curtis contends, moreover, that these provisions authorize what in effect are processing and exporting taxes, which are also unconstitutional. Beyond that, said Mr. Curtis, the legislation gives the Secretary of Agriculture the direct power of taxation, "which this Congress has refused to give even the President of the United States."

These questions deserve to be cleared up. Taxpayers and consumers who have to foot the bill for subsidies designed to enhance the administration's chances at the polls next November at least are entitled to know if it's legal.

Mr. Speaker, it is most unfortunate that the basic problems facing both our wheat and cotton producers, as well as our consumers, were disregarded in the interests of a questionable, short-term solution. I would hope that our deliberations for the remainder of the session and the type of bills produced by the majority would rise to acceptable congressional standards of statesmanship rather than be products of the executive branch fiercely driven through the legislative bodies.

OCEANOGRAPHY

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Bob Wilson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, I am today introducing a bill which I am hopeful will be the beginning of an organized assault by the United States in the field of oceanography.

Annually, we in the Congress are asked to pass bills providing billions of dollars for programs for exploration of space. Yet, we have not begun to explore or exploit the oceans which comprise three-fourths of the earth's surface. Where space offers a void, the ocean contains valuable minerals, material, and foodstuffs. Where space exploration involves landing on strange worlds, with unhospitable terrain and unhealthy atmospheres, oceanography offers the prospect of bounteous return from sea waters close to every major country.

I am proposing that we set up a Federal agency to administer oceanography and related sciences, including meteorology. The Soviet Union is engaging in an intensive program of studying the undersea world. In the race for survival between communism and our free world, our future may well depend on our being the first to discover means of tapping the vast riches of the seas.

Space research has been justified as being necessary for defense. The oceans are our present first line of defense. Polaris submarines prowl the seven seas as deterrents to aggression by sneak attack.

We also need more knowledge about undersea currents. We need mapping of undersea hazards, and the location of undersea wealth. There is much to be done to assure an orderly maximum harvesting of the tremendous, renewable fisheries resource of the oceans. Our weather prognostication would benefit by full knowledge of oceanic effects on the climate of adjoining lands.

We are working in various ways on oceanography. There are many private institutions and commercial interests who have discovered its importance and are devoting great efforts to unravel some of the mysteries of the sea.

The oceans offer an almost unlimited supply of fresh water for the future through development of practical saline conversion plants. For centuries the rivers and streams of the world have been washing dissolved minerals into the oceans. Recovery of these valuable minerals could well hold the key to future prosperity of the United States and the free world.

Oceanography is a complex science. A recent television documentary chronicled the graphic story of the search for remains of the ill-fated atomic submarine *Thresher* which went down in the Atlantic just a year ago. The bathyscaph *Trieste* which has subsequently been modernized in my hometown of San Diego, utilized the latest techniques of deep-diving, undersea propulsion, lighting and retrieval of objects from the ocean's floor during the search. The *Thresher* was not positively found, but remarkable photographs of debris were made.

We in the Congress have the responsibility of seeing to it that the United States does not have an "oceanography gap." It is as important to our future welfare to advance this science as to conquer space. We are now in the field of oceanography where we were in space a decade ago. Much is being done, but the program lacks coordination and leadership.

I propose an agency which would function much as the National Aeronautics and Space Agency, or the Federal Aviation Agency. I ran across my old glider pilot's license the other day. It was issued 33 years ago. At that time it was authorized by the limited Aeronautics Branch of the Department of Commerce. Air travel has come a long way since then and agencies specializing in aviation have helped it advance.

Few will question the contribution of the FAA to advancing air safety regulations and developing facilities for the Nation's complex of airline-connected towns and cities. Yet this agency did not exist 10 years ago.

The Federal Council for Science and Technology has prepared a study of current Government oceanography efforts. There are eight Federal agencies involved in various aspects of oceanographic research. Their activities include development of new vessels, studies of undersea environment, currents, fish life, and a host of other related research activities.

It is only logical and good sense to bring these activities together under a coordinated, less wasteful program. We will save money by avoiding duplication of effort. We will get a fine return for the taxpayers through the discovery of vast new sources of wealth. We will bolster national security by meeting the Soviet undersea military activity head on with full preparedness for underwater defense.

Oceanography offers great opportunities for future employment. The highest skills of designers and builders will be needed to produce the specialized equipment necessary to probe and mine the seas, and to develop the marine resources.

I can think of no better investment for America's survival and future prosperity than development of an intensive, well-managed, all-out oceanography program. Text of my bill is as follows:

A Bill To Establish the National Oceanographic Agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established an independent agency which shall be known as the "National Oceanographic Agency" (hereinafter referred to as the "Agency").

Sec. 2. There shall be at the head of the Agency an officer to be known as the Administrator. The Administrator shall be appointed by the President, with the advice and consent of the Senate.

Sec. 3. The Agency shall establish a coordinated national program for oceanography and related sciences including meteorology. In order to implement that program the Agency shall have authority to carry out research, projects and programs of the United States in this broad area.

Sec. 4. There is hereby transferred to the Agency all functions relating to oceanography and related sciences which are vested on the date of enactment of this Act in any officer, employee, department, agency, and instrumentality of the United States. There are hereby transferred to the Agency so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, of any department, agency, or instrumentality of the United

States with respect to which any function is transferred under this section, as the Director of the Bureau of the Budget determines necessary in connection with the exercise by the Agency of the functions so transferred.

Sec. 5. All orders, regulations, directives, and other official acts of any officer or employee of the United States with respect to functions relating to oceanography and related sciences which are transferred by this Act and which are in force on the date of enactment of this Act shall continue in force until modified, amended, superseded, or revoked by the Administrator.

Sec. 6. In the performance of his functions the Administrator is authorized—

(1) to make, promulgate, issue, rescind, rules and regulations governing the manner of the operation of the Agency and the exercise of its powers;

(2) subject to the civil service laws and the Classification Act of 1949, as amended, to appoint and fix the compensation of such officers and employees as may be necessary to carry out its functions;

(3) to accept unconditional gifts or donations of services, moneys, or property, real, personal, or mixed, tangible or intangible;

(4) without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution;

(5) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities, and each department, agency, and instrumentality of the Federal Government shall cooperate fully with the Agency in making its services, equipment, and personnel, and facilities available to the Agency, and any such department, agency, or instrumentality is authorized, notwithstanding any other provision of law, to transfer to or receive from the Agency, without reimbursement, supplies and equipment other than the administrative supplies and equipment;

(6) to establish within the Agency such offices and procedures as may be appropriate to provide for the greatest possible coordination of its activities under this Act with related activities being carried out by other public and private agencies and organizations; and

(7) with the approval of the President, to enter into cooperative agreements under which officers and employees (including members of the Armed Forces) of any department, agency, or instrumentality in the executive branch of the Government may be detailed by the head of such department, agency, or instrumentality for services in the performance of functions under this Act to the same extent as that to which they might lawfully be assigned in such department, agency, or instrumentality.

Sec. 7. Notwithstanding any other provision of this Act, no function shall be transferred under this Act which the President determines should not be transferred in the interests of national security.

SUPREME COURT ANTITRUST STATUS ON SPORTS

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Bob Wilson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, we in Congress have the opportunity to eliminate the confusion and uncertainty which conflicting opinions of the U.S. Supreme Court have placed on the antitrust status of professional sports.

The Court itself has invited us to pass clarifying legislation. It has placed professional football under antitrust laws as recently as 1957. This decision followed a 1955 decision which ruled that professional boxing matches were within the purview of antitrust laws. In 1953, professional baseball had been exempted from such laws by another Court ruling.

I support legislation which has been introduced into the House to exempt certain aspects of professional baseball, football, basketball, and hockey from antitrust procedures. I believe that professional football, basketball, and hockey are entitled to the same considerations as baseball now receives through Court decisions.

The proposed bill does not exclude normal commercial activities of professional sports from antitrust scrutiny. It does provide exemption for activities dealing with equalizing competitive player strengths, employment, selection, or eligibility of players, the right to operate within specific geographic areas and the preservation of public confidence in the honesty of sports contests.

All of these provisions have been found to be necessary to the successful operation of professional sports. They protect the organizations, the participants and the public.

I believe this bill is highly desirable, and urge that my colleagues study it and support its passage by the House.

GENERAL LEAVE TO EXTEND

Mr. JARMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

HENRY J. KAISER

Mr. JARMAN. Mr. Speaker, I ask unanimous consent that the gentleman from New Mexico [Mr. Morris] may extend his remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MORRIS. Mr. Speaker, I am happy to introduce a joint resolution honoring Mr. Henry J. Kaiser. In doing this I join with my able colleague the gentleman from Texas [Wright Patman], and others in asking the Congress to authorize an expression of appreciation and the issuance of a gold medal to Mr. Kaiser.

The year 1964 marks Mr. Kaiser's 50th year in corporate business. The wartime achievements and record of this great industrialist are well known to most of us. The conception of mass production of needed wartime materials which Mr. Kaiser developed and others copied, and his untiring ability to get the job done had much to do with the winning of the great conflict of the forties. He is a man of vision. His industrial activities today span much of the free world, bringing economic advantages to our citizens and to peoples of developing countries.

I am pleased to be able to salute this industrial genius who, in a few weeks, will be celebrating his 82d birthday. I urge that the Congress recognize the many contributions of this humanitarian by approving this resolution to honor him.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Hansen (at the request of Mr. Albert), for today, on account of illness.

Mr. Stafford (at the request of Mr. Halleck), for today, on account of official committee business.

Mr. Nedzi, for April 15, 1964, on account of Armed Services Committee business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Sikes, for 1 hour, on Tuesday, April 21, 1964.

Mr. Sikes, for 1 hour, on Wednesday, April 29, 1964.

Mr. Wilson of Indiana, for 15 minutes, today.

Mr. Alger, for 1 hour, on Wednesday, April 22, 1964, and 1 hour on Monday, April 27, 1964.

Mr. Dingell, for 30 minutes, today.

Mr. Gross, for 30 minutes, today.

Mr. Feighan, for 30 minutes, April 16, 1964.

Mr. Hosmer (at the request of Mr. Bell), for 30 minutes, on April 16.

Mr. Moore (at the request of Mr. Bell), for 1 hour, on April 28.

Mr. Dent (at the request of Mr. Jarman), for 30 minutes, on April 20; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Philbin in two instances.

(The following Members (at the request of Mr. Bell) and to include extraneous matter:)

Mr. Barry.
Mr. Hall.
Mr. Curtis.
Mr. Hosmer.
Mr. Wydler.
Mr. Pelly.

(The following Members (at the request of Mr. JARMAN) and to include extraneous matter:)

Mr. COHELAN.
Mr. FRASER.
Mr. WELTNER.
Mr. DONOHUE.
Mr. CAREY.

ADJOURNMENT

Mr. JARMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p.m.) the House adjourned until tomorrow, Thursday, April 16, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1942. A letter from the Postmaster General, transmitting the report of the Post Office Department relating to a review and survey of the postal rates structure, pursuant to section 2304 of title 39, United States Code (H. Doc. 299); to the Committee on Post Office and Civil Service and ordered to be printed with illustrations.

1943. A letter from the Secretary of Agriculture, transmitting a draft of a proposed bill entitled "A bill to amend section 374(a) of the Agricultural Adjustment Act of 1938, as amended, relating to measurement of farms"; to the Committee on Agriculture.

1944. A letter from the Secretary of the Army, transmitting a draft of a proposed bill entitled "A bill to amend section 1006 of title 37, United States Code, to authorize the Secretary concerned, under certain conditions, to make payment of pay and allowances to members of an armed force under his jurisdiction before the end of the pay period for which such payment is due"; to the Committee on Armed Services.

1945. A letter from the President and Chairman, Export-Import Bank of Washington, transmitting the semiannual report of the Bank for the 6-month period ending December 31, 1963, pursuant to the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Currency.

1946. A letter from the Comptroller General of the United States, transmitting a report on a review which disclosed that the Panama Canal Company improperly used about $640,000 of funds appropriated for the construction of the Thatcher Ferry Bridge and its approaches to finance the construction of facilities and facility improvements which were not directly related to or necessitated by the bridge project; to the Committee on Government Operations.

1947. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to provide for the disposition of the funds arising from judgments in favor of the Miami Indians of Indiana and Oklahoma, and for other purposes"; to the Committee on Interior and Insular Affairs.

1948. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to provide for the popular election of the Governor of the Virgin Islands, and for other purposes"; to the Committee on Interior and Insular Affairs.

1949. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to provide for the popular election of the Governor of Guam, and for other purposes"; to the Committee on Interior and Insular Affairs.

1950. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a special report of the U.S. Atomic Energy Commission entitled "Fundamental Nuclear Energy Research, 1963." The report is a supplement to the Commission's Annual Report to Congress for 1963 which was submitted to the Speaker of the House on January 30; to the Joint Committee on Atomic Energy.

1951. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 18, 1964, submitting a report, together with accompanying papers and an illustration, on a letter report on Beach Creek, Lancaster County, Va., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 3, 1959; to the Committee on Public Works.

1952. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 14, 1964, submitting a report, together with accompanying papers and an illustration, on a letter report on Bennett Creek, York County, Va., authorized by the River and Harbor Act approved June 30, 1948; to the Committee on Public Works.

1953. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 25, 1964, submitting a report, together with accompanying papers and illustrations, on a review of the reports on the Duluth-Superior Harbor, Minn., and Wis., requested by resolutions of the Committee on Public Works, House of Representatives, adopted July 13, 1949, and June 29, 1955; to the Committee on Public Works.

1954. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 18, 1964, submitting a report, together with accompanying papers and an illustration, on a review of the report on the Touchet River and Tributaries, Wash., requested by resolutions of the Committee on Public Works, U.S. Senate and House of Representatives, adopted April 15, 1949, and July 6, 1949; to the Committee on Public Works.

1955. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 18, 1964, submitting a report, together with accompanying papers and an illustration, on a letter report on the San Bernard River, Tex., requested by a resolution of the Committee on Public Works, House of Representatives, adopted February 17, 1949; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS: Committee on Ways and Means. H.R. 10669. A bill to extend the Renegotiation Act of 1951, and for other purposes; with amendment (Rept. No. 1323). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10465. A bill to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders; without amendment (Rept. No. 1324). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10468. A bill to continue until the close of June 30, 1966, the existing suspension of duty on certain copying shoe lathes; without amendment (Rept. No. 1325). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10537. A bill to continue for a temporary period the existing suspension of duty on certain natural graphite; without amendment (Rept. No. 1326). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1327. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHENOWETH:

H.R. 10891. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 10892. A bill to establish a program for Government purchase and resale of domestically mined manganese; to the Committee on Interior and Insular Affairs.

By Mr. DEROUNIAN:

H.R. 10893. A bill to join families in the United States by granting nonquota status to certain aliens entitled to a preference under the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. HARVEY of Indiana:

H.R. 10894. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. HOLIFIELD:

H.R. 10895. A bill to provide for the presentation by the United States to the people of Mexico of a monument commemorating the independence of Mexico, and for other purposes; to the Committee on Foreign Affairs.

H.R. 10896. A bill to authorize disbursing officers of the Armed Forces to advance funds to members of an armed force of a friendly foreign nation, and for other purposes; to the Committee on Government Operations.

By Mr. JONES of Alabama:

H.R. 10897. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. McFALL:

H.R. 10898. A bill to provide that tires sold or shipped in interstate commerce for use on motor vehicles shall meet certain safety standards; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES of Arizona:

H.R. 10899. A bill to provide for the conveyance to Pima and Maricopa Counties, Ariz., and to the city of Albuquerque, N. Mex., of certain lands for recreational purposes under the provisions of the Recreation and Public Purposes Act of 1926; to the Committee on Interior and Insular Affairs.

H.R. 10900. A bill to amend title 39, United States Code, to permit Federal individual income tax final returns to be mailed under the franking privilege; to the Committee on Post Office and Civil Service.

By Mr. RYAN of Michigan:

H.R. 10901. A bill to provide assistance for students in higher education by increasing the amount authorized for loans under the National Defense Education Act of 1958 and by establishing programs for scholarships, loan insurance, and work study; to the Committee on Education and Labor.

By Mr. SCHNEEBELI:

H.R. 10902. A bill to amend the Tariff Act of 1930 to provide that certain forms of nickel be admitted free of duty; to the Committee on Ways and Means.

By Mr. WHARTON:

H.R. 10903. A bill to amend section 22 of the Agricultural Adjustment Act of 1933, as amended, with respect to imports of dairy products; to the Committee on Agriculture.

By Mr. BOB WILSON:

H.R. 10904. A bill to establish the National Oceanographic Agency; to the Committee on Merchant Marine and Fisheries.

By Mr. WRIGHT:

H.R. 10905. A bill to provide for the presentation by the United States to the people of Mexico of a monument commemorating the independence of Mexico, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BERRY:

H.R. 10906. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. BYRNES of Wisconsin:

H.R. 10907. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 10908. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. DOWDY:

H.R. 10909. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. FORRESTER:

H.R. 10910. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. HERLONG:

H.R. 10911. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 10912. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. MacGREGOR:

H.R. 10913. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLS:

H.R. 10914. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. NORBLAD:

H.R. 10915. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of New York:

H.R. 10916. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. RYAN of Michigan:

H.R. 10917. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITENER:

H.R. 10918. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. BELL:

H. Res. 686. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. ROOSEVELT:

H. Res. 687. Resolution authorizing the Speaker to appoint delegates and alternates to attend the International Labor Organization Conference in Geneva; to the Committee on Rules.

By Mr. SAYLOR:

H. Res. 688. Resolution regarding regulations relative to rights-of-way across Federal public lands; to the Committee on Interior and Insular Affairs.

By Mr. GARY:

H. Res. 689. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. HAWKINS:

H.Res. 690. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. KING of California:

H. Res. 691. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. STINSON:

H. Res. 692. Resolution condemning persecution by the Soviet Union of Persons because of their religion; to the Committee on Foreign Affairs.

By Mr. ANDERSON:

H. Res. 693. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. TOLL:

H. Res. 694. Resolution condemning persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relating to a national Natural Disaster Insurance Act, which was referred to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BETTS:

H.R. 10919. A bill for the relief of Alfred Estrada; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 10920. A bill for the relief of Mrs. Kajla Mandel Stachewsky de Balaban; to the Committee on the Judiciary.

By Mr. LIBONATI:

H.R. 10921. A bill for the relief of Mrs. Cleofe Bartolomei; to the Committee on the Judiciary.

By Mr. NORBLAD:

H.R. 10922. A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Eugene E. Laird; to the Committee on the Judiciary.

By Mr. PICKLE:

H.R. 10923. A bill for the relief of Tancredo Townsend; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 10924. A bill for the relief of Mr. Adolfo J. Torres; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 10925. A bill for the relief of Francesco Rizzuto; to the Committee on the Judiciary.

By Mr. CANNON:

H.J. Res. 999. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

By Mr. MORRIS:

H.J. Res. 1000. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause I of rule XXII,

851. Mr. HERLONG presented a petition of William Netschert, Daytona Beach, Fla., requesting Congress to eliminate measurable monetary discrimination in social security which was referred to the Committee on Ways and Means.

SENATE

WEDNESDAY, APRIL 15, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m. on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God: Hushing our thoughts and words to quietness, and bringing our feverish hearts to the coolness of Thy green pastures of sustaining grace, we would be still and know that Thou art God.

Always when we meet the conditions, Thou dost fulfill the promise, "I will keep that man in perfect peace whose mind is stayed on Me."

In a world of suspense and suspicion and turmoil, breathe now, in this fenced-in moment we snatch from the rush of busy hours, Thy peace on hearts that pray—the calmness that steals into our jaded lives only when the jarring discords are tuned to the music of Thy will.

Then, as heralds of good will, send us forth across all the barriers of race and creed, to make our contributions to the glad day, for whose coming we toil and pray, when justice and mercy and truth shall roll down like broad rivers, and righteousness like overflowing streams, when Thy kingdom comes among men. And to the Lord of that kingdom shall be the power and the glory. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 14, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 10809) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 10809) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CALL OF THE ROLL

Mr. WILLIAMS of Delaware obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Delaware yield, without losing his right to the floor, so that I may suggest the absence of a quorum.

Mr. WILLIAMS of Delaware. With that understanding, Mr. President, I yield.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Then, Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

The Chief Clerk called the roll; and the following Senators answered to their names:

[No. 137 Leg.]

Aiken
Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Cannon
Carlson
Case
Clark
Cotton
Curtis
Dodd
Dominick
Douglas
Ellender
Fong
Gruening
Hart
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smith
Sparkman
Symington
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. Church], the Senator from Alabama [Mr. Hill], the Senator from Arkansas [Mr. McClellan], the Senator from Michigan [Mr. McNamara], the Senator from Wisconsin [Mr. Proxmire], the Senator from Georgia [Mr. Russell], the Senator from Mississippi [Mr. Stennis], and the Senator from Texas [Mr. Yarborough] are absent on official business.

I also announce that the Senator from Indiana [Mr. Bayh], the Senator from West Virginia [Mr. Byrd], the Senator from Oklahoma [Mr. Edmondson], the Senator from California [Mr. Engle], the Senator from North Dakota [Mr. Burdick], the Senator from North Carolina [Mr. Ervin], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from North Carolina [Mr. Jordan], the Senator from Louisiana [Mr. Long], the Senator from Florida [Mr. Smathers], the Senator from Georgia [Mr. Talmadge], the Senator from South Carolina [Mr. Thurmond], and the Senator from Tennessee [Mr. Walters] are necessarily absent.

I further announce that the Senator from Mississippi [Mr. Eastland] is absent because of illness.

I further announce that the Senator from West Virginia [Mr. Randolph] is absent during convalescence from an illness.

Mr. KUCHEL. I announce that the Senators from Kentucky [Mr. Cooper and Mr. Morton], the Senator from Illinois [Mr. Dirksen], the Senator from New Mexico [Mr. Mechem] and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Arizona [Mr. Goldwater] is detained on official business.

The **PRESIDING OFFICER** (Mr. Ribicoff in the chair). A quorum is present.

The Chair recognizes the Senator from Delaware.

USE OF FACILITIES OR SERVICES OF SENATE RESTAURANT

Mr. WILLIAMS of Delaware. Mr. President, under date of March 30, 1964, I directed two letters of inquiry to Mr. Robert F. Sonntag, manager of the Senate restaurant.

In the first letter I inquired concerning a $4,248.93 outstanding balance which, as of August 1, 1963, reportedly was still owed by the Teamsters Union. I wanted to know—

First. Why had Mr. Hoffa's Teamsters Union been allowed to open a charge account in the Senate restaurant?

Second. Who had made the arrangements or guaranteed the payment?

Third. Had this account been paid; and if so, when?

In the second letter I asked to what extent the facilities or services of the Senate restaurant had been used by Mr. Robert G. Baker in his 1962 grand opening of the Carousel Motel at Ocean City, Md.

Thinking that perhaps all Members of the Senate may want to read this correspondence I ask unanimous consent that at this point my two letters of March 30, 1964, as addressed to Mr. Sonntag, and the reply which I received thereto, be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 30, 1964.

Mr. Robert F. Sonntag,
Restaurant Manager,
The Capitol,
Washington, D.C.

Dear Mr. Sonntag: It is my understanding that as of August 1963 the Teamsters Union had an outstanding balance for restaurant accounts of $4,248.93. This reportedly included $1,056.99 as charges for the month of July and $3,191.94 as charges for August. In this connection will you please advise me of the following:

1. Has this account been paid? If so, on what date?

2. It is my understanding that such accounts must be guaranteed by a Member or employee of the Senate. Who made the arrangements or guaranteed this account pending its payment?

Yours sincerely,
John J. Williams.

U.S. Senate,
Washington, D.C., March 30, 1964.

Mr. Robert F. Sonntag,
Restaurant Manager,
The Capitol,
Washington, D.C.

Dear Mr. Sonntag: I have received a report to the effect that the Senate restaurant acted as caterer on the occasion of the grand opening of the Carousel Motel, Ocean City, Md. If this is true will you please furnish me the following information:

1. Does the Senate Restaurant make a practice of operating outside catering service?
2. The amount charged Mr. Baker.
3. The number of servings.
4. The date and by whom this account was paid.

Yours sincerely,
John J. Williams.

Architect of the Capitol,
Washington, D.C., April 2, 1964.

Hon. John J. Williams,
New Senate Office Building,
Washington, D.C.

Dear Senator: Your letters of March 30, 1964, to Robert F. Sonntag, manager of the U.S. Senate restaurant, concerning payment to the U.S. Senate restaurant of charges for the months of July and August for luncheons given by the Teamsters Union, and a report to the effect that the Senate restaurant acted as caterer on the occasion of the grand opening of the Carousel Motel, Ocean City, Md., have been referred to this office for reply.

The charges for luncheons of the Teamsters Union were paid in full on December 12, 1963. The delay in payment of these charges arose out of the refusal of the restaurant accounting office to furnish certain documents which the union's auditors felt they needed for compliance with the Landrum-Griffin Act. As soon as these differences were resolved the account was promptly paid. All of the luncheons were sponsored by individual Senators numbering 10 in all.

The Senate restaurant did not act as caterer for the grand opening of the Carousel Motel in Ocean City, Md.

I am attaching for your information a copy of a letter written by Hon. Robert C. Byrd, chairman, Subcommittee on the Restaurant, Committee on Rules and Administration, which sets forth the policies under which the Senate restaurant operates with respect to sponsorship of functions utilizing the facilities of the restaurants and the handling of charges therefor.

Yours sincerely,
J. George Stewart.

U.S. Senate,
Committee on Rules and
Administration,
February 8, 1964.

Dear Colleague: Within the past month it has come to my attention that the Senate restaurants have tolerated a practice of extending credit to certain organizations such as the State societies, Senate staff club, Democratic and Republican campaign committees, and certain other organizations for luncheons and other parties held in the Senate restaurants upon being sponsored by some particular Senator or Senators. The sponsor of such a group usually requests that the bill be charged to the organization involved.

I am further informed that no particular difficulties have been experienced in collecting amounts due the restaurants, but, as chairman of the Subcommittee on Senate Restaurants, I, nevertheless, feel that this practice should not be continued. Therefore, I have requested the management of the restaurants to extend credit only to U.S. Senators or officers of the Senate, beginning February 17, 1964.

I certainly hope that Senators will feel free to sponsor luncheons for such groups in the Senate restaurants, but I want Senators and officers of the Senate to know of the change in policy and to know that the credit will have to be hereafter extended in the sponsor's name.

With best wishes.

Sincerely yours,

ROBERT C. BYRD,
Chairman, Restaurant Subcommittee.

Mr. WILLIAMS of Delaware. In answer to the first letter, I am told that the Teamsters Union did have an open charge account, which was paid on December 12, 1963, and that in all, 10 different Senators had sponsored their luncheons. Beyond that explanation, I am advised that no further information is available to me as an individual Senator.

Personally, I strongly question the advisability or the propriety of the Senate restaurant's having extended any credit to Mr. Hoffa.

In answer to the second letter regarding the extent to which the facilities of the Senate restaurant had been used by Mr. Baker for the grand opening of his Carousel Motel in Ocean City, Md., I was told:

> The Senate restaurant did not act as caterer for the grand opening of the Carousel Motel in Ocean City, Md.

This statement is not quite correct. The Senate restaurant records show that to a large extent the facilities of the Senate restaurant were used. For instance, the chef of the Senate restaurant and several of the management were sent to Ocean City for the weekend to take care of Mr. Baker's guests who would be attending the opening of the Carousel.

With them they carried food, table linens, serving trays, a considerable number of cooking utensils, warming pans, pots, pans, and so forth. All this property of the Senate restaurant was loaded in cars and transported to Ocean City, Md., for use at the grand opening of Mr. Baker's motel. To what extent the food furnished was prepared in the Senate restaurant or to what extent Mr. Baker paid for these services I do not know; but of these two points we can be sure:

First. The Teamsters Union was allowed to open a charge account in the Senate restaurant, that as of August 1, 1963, they owed $4,248.93, and that this account was several months overdue before it was finally paid on December 12, 1963.

Second. Some of the facilities, equipment, and supplies of the Senate restaurant were used by Mr. Robert Baker in the grand opening of his Ocean City motel, and the only reason which I can think of to explain why this does not appear on the books of the Senate restaurant is that this service was either rendered free, at Government expense or at a very low rate which they do not wish to reveal. Otherwise, why deny that the services and facilities were used?

In making this report, I want to make it clear I am not criticizing the personnel of the Senate restaurant who went to Ocean City, Md., on that date to assist in taking care of Mr. Baker's guests at the grand opening of the Carousel. I am sure that they felt that they had no choice, but I do criticize and question the propriety of those who ordered them to go and take with them such equipment and supplies from the Senate restaurant.

The duties of the Senate restaurant are to furnish food in the Capitol and Senate Office Buildings, for which services they must charge regular rates.

But the Senate restaurant is not supposed to operate a catering service to a private party in Ocean City, Md., for Mr. Bobby Baker or for any other public official, and when such services are rendered, either in whole or in part, at the taxpayers' expense it is even more subject to criticism.

I am sure the Senate Committee on Rules and Administration after checking into these transactions can give us a more complete report.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MORSE. It is kind of the Senator to say, as he did in his last sentence, that he is sure the Committee on Rules and Administration will give us a report. I believe we are entitled to a report, and very quickly, because if these allegations are true—and I am sure they are or the Senator from Delaware would not be making them on the floor of the Senate—we are entitled to have a report from the Committee on Rules and Administration without delay.

Mr. WILLIAMS of Delaware. I thank the Senator from Oregon. I agree that this should be public information.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. ALLOTT. I commend the distinguished Senator from Delaware for bringing this matter to the attention of the Senate. I should like to ask one question, and that is whether or not his investigation has disclosed that the Senate restaurant, which is operated with public funds, is carrying any private accounts for any other person outside the Senate or its employees.

Mr. WILLIAMS of Delaware. Not to my knowledge. It is my understanding, and it has always been my understanding, that when the Senate restaurant furnishes its services or supplies to any group or to Senators it is to be done only within the Capitol Building or the Senate Office Buildings, and in each instance a Senator or employee must guarantee payment. It was not my understanding that the Senate restaurant under any circumstances could operate or furnish its services to any private function outside the Capitol or Senate Office Buildings. I was under the impression that such was prohibited under the rules of the Senate.

Mr. ALLOTT. If the Senator will yield further, the Senator's understanding is the same as mine. On various occasions, when constituents have been here who wanted to have lunch or dinner with Members of the Colorado delegation, I was informed in every instance that there was only one way it could be done, and that was to have one of the Senators from Colorado make the reservation, be personally present, and to assume complete responsibility for the bill. Is that the Senator's understanding?

Mr. WILLIAMS of Delaware. That is my understanding. On occasion I have arranged luncheons for groups from Delaware. My colleague and I recently had the Delaware Farm Bureau as our guests. But we guaranteed and paid the bill. We pay for those guests at the regular rates. If a separate room is used, there is an additional charge for it, which is proper. It was my understanding that in all instances the services and facilities of the Senate restaurant would be available only to Senators or employees of the Senate. This is not a privately owned restaurant that can compete with private enterprise.

Mr. ALLOTT. I am sure that is the understanding we have always had.

Mr. HUMPHREY. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Minnesota.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

OHIO'S CIVIL RIGHTS LAWS

Mr. YOUNG of Ohio. Mr. President, will the Senator from Delaware yield to me?

Mr. WILLIAMS of Delaware. I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, the Civil Rights Act of 1964 does not seek to establish new rights as relates to citizens of my State of Ohio. Through this legislative proposal we seek only to preserve old rights—rights guaranteed to all Americans, regardless of race or color, by our Constitution, as amended, our Declaration of Independence, and our heritage of freedom.

I have received letters from uninformed, or misguided Ohio citizens, who fear that the President's civil rights proposals will in some way infringe on their own liberties or way of life. Nothing could be further from the truth. There is nothing in these pending legislative proposals which will deliver to our Negro citizens rights or privileges which they do not already enjoy in the State of Ohio and have enjoyed in our State for years. I am proud of this fact, as all Ohioans should be. What this legislation will do is extend these rights to all Americans regardless of the States in which they live or in which they travel.

The fact is the Ohio civil rights and antidiscrimination laws are much more effective and more far-reaching than the civil rights bill which is presently pending before the Senate. This was pointed out clearly and concisely in an article written by George Jenks, Washington correspondent of the Toledo Blade and published in that newspaper on April 12, 1964. The article is entitled "Ohio's Civil Rights Law Tougher Than Federal Proposals," and is an outstanding example of accurate and informative reporting at its best. The Toledo Blade, one of the great newspapers of Ohio, and the Nation, and its publisher, Paul Block, Jr., have a well-earned reputation for responsible and in fact outstanding journalism. Certainly, this article is in that tradition.

Mr. President, I commend this article to my colleagues and ask unanimous consent that it be printed at this point in the Record as part of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

An Appraisal—Ohio's Civil Rights Law Tougher Than Federal Proposals—Impact of National Legislation Would Be Felt Largely in South

(By George Jenks)

The men trying to steer the civil rights bill through Congress are disturbed more than they care to admit by signs that the massive propaganda drive against it is making headway in the North.

There is no overlooking the fact that Gov. George C. Wallace, of Alabama, was able to take a fourth of all the votes cast in the Wisconsin primary last week with no other issues than diehard segregationism and States' rights.

But what is causing more consternation is mail from home. A number of northern Congressmen, both Republican and Democratic, report that the letters they are receiving show widespread apprehension over the proposed civil rights program.

Representative William M. McCulloch, Republican, of Piqua, last week said he has been amazed by the letters he is receiving, criticizing the bill. He wrote almost the entire measure himself and played an important part in winning its approval in the House.

Mr. McCulloch, ranking Republican on the House Judiciary Committee, says these protests largely are based on distortions and misinformation which he traces to the work of such southern-based segregationist groups as the Coordinating Committee for Fundamental Freedoms.

Incidentally, the propaganda campaign does not seem to have taken hold in the Toledo area. Representative Thomas L. Ashley reported that when the bill first came up in committee last year, his mail was running from 4 to 5 to one against it.

When the measure came up for debate in the House this year, however, the tide had turned and the margin was almost 10 to 1 in favor, he said. He attributed the shift to the strong stand taken by church groups in the community.

Mr. McCulloch said most of the protests against the bill concern things which are not in it at all, such as compulsory pupil exchanges between school districts to achieve racial balance.

He described himself as hard put to understand the complaints from residents of Ohio, which he says already has civil rights laws much more comprehensive, tougher, more rigorous, and more punitive than the proposed Federal bill.

The bill as passed by the House and now before the Senate, he points out, is not the original administration proposal. He and other Judiciary Committee members substituted the present version with the idea of making it moderate enough to be acceptable to the great majority of Congressmen, excluding those in the Deep South.

To support his argument that Ohio, like a number of other Northern and Western States, already has civil rights and antidiscrimination laws more stringent and far-reaching than the Federal proposal, Mr. McCulloch has obtained from Ohio House Speaker Roger Cloud a point-by-point comparison of the State and Federal provisions. Here is a condensation of that comparison:

VOTING RIGHTS

Ohio: Every citizen meeting age and residence requirements is entitled to vote except those convicted of bribery, perjury, or other infamous crime.

There are no voting restrictions because of race, color, religion, national origin, or ancestry in Ohio; nor does Ohio require literacy tests prior to voting.

Proposed Federal provision: In elections involving the Presidency and other Federal offices, no voter can be barred because of immaterial errors in registration applications, and the same standards must apply to all applicants.

The bill would create the assumption that any person who has completed the sixth grade shall be deemed literate enough to vote and stipulates that all literacy tests be written unless the applicant requests otherwise.

It would speed disposal of discrimination suits by authorizing the Attorney General or any defendant to request that a three-judge district court be convened to hear the suit. An appeal would go directly to the Supreme Court.

PUBLIC ACCOMMODATIONS

Ohio: Under a 1961 amendment to the State Fair Employment Practices Act, there are fines up to $500 and imprisonment up to 90 days or both for denial of public accommodations because of race, color, religion, national origin, or ancestry.

Enforcement is by the State civil rights commission, which acts on receipt of any sworn charge. The procedure involves investigation, conferences, conciliation attempts, and persuasion before public hearing and formal order.

Proposed Federal: All persons shall have access without regard to race, color, religion, or national origin to hotels and places of lodging (except those having five or fewer rooms for rent), eating establishments, places of amusement, gasoline stations, and any place segregated by State of local law.

Private clubs are exempt except when their facilities are made available to customers of one of the hotels, restaurants, or other places mentioned above.

Aggrieved persons themselves or the Attorney General may bring action against violators. The latter would be compelled to seek corrective action from State or local agencies before going to court.

Contempt cases arising from failure to comply with court orders could result in fines and imprisonment. The Attorney General also would be authorized to file suits to ban discrimination in public facilities such as parks and libraries.

PUBLIC SCHOOLS

Ohio: The State's last school segregation law was repealed in 1886, and the courts have enjoined local boards from assigning Negro children to all-Negro schools.

Proposed Federal: The bill would authorize the Commissioner of Education and the Attorney General to assist the States in desegregation of schools. The latter would be authorized to institute civil actions to desegregate if voluntary measures failed.

The education commissioner could conduct surveys, supply technical assistance to school authorities, issue grants for hiring and training personnel to deal with desegregation problems, and sponsor university institutes for training teachers to handle those problems.

As approved by the House, the bill specifically prohibits action under this program to shift schoolchildren to correct racial imbalance.

COMMUNITY RELATIONS

Ohio: The Civil Rights Commission may create advisory agencies at the local level to foster better community relations. There are local community relations agencies in Toledo, Akron, Cincinnati, Cleveland, and Columbus.

Proposed Federal: The bill would create a Community Relations Service in the Department of Commerce to assist States and cities to solve difficulties arising from racial friction.

CIVIL RIGHTS COMMISSION

Ohio: The Ohio commission has been in existence since 1959, administering the Fair Employment and Public Accommodations Acts as well as conducting educational and research programs.

Proposed Federal: The bill would extend the life of the Federal Commission for 4 years and give it additional authority to serve as a clearinghouse for information. A House amendment barred the Commission from investigating membership policies of private clubs and fraternal groups.

PUBLIC PROGRAMS

Ohio: Since 1935, Ohio has barred discriminatory practices by contractors and subcontractors dealing with the State or its subdivisions.

Proposed Federal: Government agencies would be authorized to withhold grants or assistance programs from areas where discrimination is practiced, provided they informed Congress beforehand and held a public hearing.

EQUAL EMPLOYMENT OPPORTUNITY

Ohio: The State Fair Employment Practices Act bans discrimination because of race, color, religion, etc., on the part of employers of four or more persons, employment agencies, or labor unions.

Proposed Federal: This section declares a national policy of freedom from discrimination in opportunity for employment. It would not become effective until a year after the bill is signed into law and in the initial year would cover employers and unions with 100 or more workers or members.

This provision would be tightened gradually until the fourth year of its effectiveness when it would cover those with 25 or more workers or members.

The law would be administered by an Equal Employment Opportunity Commission of five members empowered to act in complaints filed by individuals. It could bring legal action only after attempts to settle cases by conciliation.

The commission, however, would be required to work with State and local agencies, such as that in Ohio, unless such agencies were not performing effectively.

What form a Federal civil rights bill will take, if and when one is passed, is of course impossible to determine. The prolonged Senate debate now appears to be some weeks away from the filibuster stage, and indications are that the House version will be toned down with Republican-sponsored amendments.

Yet it is apparent that the impact of any bill enacted will be felt almost exclusively in the South. For Ohio and the other 35 States with civil rights codes of one kind or another, it would mean only that Washington would become a secondary point of recourse for those with grievances, real or fancied.

SECRECY AND THE A-11 PROGRAM

Mr. ALLOTT. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I am glad to yield.

Mr. ALLOTT. Mr. President, a short time ago, I spoke briefly as to the facts surrounding the announcement of the President of the United States concerning the A-11 program.

It is interesting to note, from the testimony and the articles which have appeared subsequently, that the House Subcommittee on Defense Appropriations, and certainly a great majority of the members of the Senate Subcommittee on Defense Appropriations apparently had no knowledge whatever, even of the beginning of the development of the A-11. During the past 3 years, there has been extensive testimony before that committee, discussing the B-70 and the RS-70. The technical matters surrounding that work tie in intimately with the development of any supersonic plane, particularly in the area of mach 3.

I am greatly indebted to outside reporters who have ferreted out a part of the truth behind this matter. It is somewhat difficult to understand how this country could have spent $100 million to $500 million in the development of a supersonic plane, which is probably—although we do not know—an improved manned interceptor, without the Appropriations Committee having knowledge of it.

I am informed by the distinguished chairman of the subcommittee, the senior Senator from Georgia [Mr. RUSSELL] that he did have knowledge of it, and that he was fully informed. This does not evade the responsibility of every Senator who serves on that committee in the Senate, and every Representative who serves on the corresponding committee in the House of Representatives, to account to the people of his own State and to the people of the United States and to have knowledge of the functions of the Government.

If we can develop an airplane which must have cost from $100 million to $500 million—the best estimate is $500 million, over the course of 2, 3, or 4 years, no one knows how long—without the Appropriations Committees of the Congress having knowledge of such appropriations, questions arise as the source of the money, and where was it hidden in the budget.

Mr. President, I intend to pursue this matter further, because in my opinion it represents a grave threat to our representative form of government. It represents an abrogation of the right of Senators to know what is going on in the Government and to bear the responsibility for the decisions which are made.

A decision was made. It was made in our name, using hidden funds, and other methods to which I do not have access. But, somehow, it was accomplished. I hope that the Secretary of Defense particularly, and anyone else who had knowledge of these matters, will disclose the information to Congress at an early date.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Less Than the Whole Truth," written by Claude Witze and published in the Air Force magazine of April 1964, which discusses this situation in detail.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LESS THAN THE WHOLE TRUTH

(By Claude Witze)

WASHINGTON, D.C., March 18.—There are substantial reasons why public pressure should be maintained for the revelation of more facts about the new Lockheed A-11 mach 3 airplane. And none of the facts that should be public property in this democracy will menace national security if they are disclosed. The A-11, like the TFX, the RS-70, and the Skybolt missile before it, is involved in arguments about concept and policy that are properly the subject of public discussion.

The general capabilities of the A-11 and the mission for which it was designed can be aired before Congress and the voters without disclosing any specific information about the technologies involved and the precise threat it presents to a potential enemy. If the A-11 is undergoing tests to determine how good it is as an interceptor, which is what we were told by the White House, the threat to the enemy will not be real until the system is combat ready. The A-11 is far from that state and may never reach it.

Details of President Johnson's announcement that the A-11 exists and an analysis of its technological significance appear starting on page 33 of this issue. Of equal importance is the administration's insistence that the A-11 is an interceptor aircraft and that it meets the Air Force requirement for an Improved Manned Interceptor (IMI). So long as the news about the A-11 is carefully managed, the administration is not likely to get a serious challenge to its assertion, but the atmosphere on Capitol Hill is charged with skepticism. When Gen. Curtis E. LeMay, USAF Chief of Staff, was testifying a few weeks ago before the House Armed Services Committee, he said, "We need a new long-range interceptor and we feel that $40 million this year will move us in an orderly program toward producing it." Asked at what point we are in the IMI program, he said, "We are doing some work in this field, but we are not going fast enough to have an orderly program to produce it." He made a further statement that was deleted from the published record.

Whatever the general told the committee in confidence, the House included the $40 million in its version of the defense authorization bill. There is no evidence in the record that Chairman CARL VINSON or any of his colleagues knew of the A-11 or considered it the prototype of an interceptor if they did know about it. Chairman MELVIN PRICE of the Subcommittee on Research and Development voted with the majority in favor of granting the money. Three Democratic members of his subcommittee, Representatives SAMUEL S. STRATTON, JEFFREY COHELAN, and OTIS G. PIKE, voted against it and signed a minority report. In this, they argued the money had not been requested from the subcommittee but indicated they knew of progress made toward an IMI. They then picked up the argument of Defense Secretary Robert S. McNamara that there are several airplanes which could take on the IMI mission, citing the F-106, the F-4, and the TFX or F-111. General LeMay already had said he wants something better.

There was a strange change of attitude in the Senate. The $40 million item was dropped from the bill. After the A-11 was uncovered Senator RICHARD B. RUSSELL, floor manager for the bill, bolstered the President's portrayal of it as an interceptor. He said he had been privy to all of its history and that what has been learned has applicability to other types of aircraft. The Senator said the $40 million was taken out of the bill because the A-11 already is past the research-and-development stage and is undergoing test and evaluation. He said he did not know why the Air Force, meaning General LeMay, asked for the money.

Secretary McNamara was the next witness in Washington. He told a press conference, "The A-11 is an interceptor aircraft, it is being developed as such, and beyond that I have nothing further to say on its use." He said the Air Force naturally knew all about the A-11 and that there was a misunderstanding about what was requested. This was not new money, he said, but a request "to have the authority within the total funds budgeted to reallocate funds to increase the expenditures on the IMI and to reduce expenditures on certain other projects." He said there is no doubt that the A-11 is the plane USAF has in mind for the IMI mission.

One of the more significant sentences in Mr. McNamara's remarks was his comment that "hopefully, we can have multiuse aircraft evolve from the single-purpose designs."

It is this conviction of his, first brought to fruition in the TFX joint USAF-Navy project, that has not been accepted by experienced airmen in any branch of the services. The A-11, it has not been denied, was laid down in 1959 as a high-flying and fast reconnaissance airplane and the undisclosed amount of money that has gone into it would be hard to disguise in USAF's budget. It could have been financed by the Central Intelligence Agency, but that is not as important as the fact that the reconnaissance and interceptor missions cannot be performed efficiently by the same airplane. It is obvious that the technologies overlap in such areas as propulsion, materials, human factors, and aerodynamics, but weapon systems differ according to their missions.

All through the discussion following the A-11 announcement here has been an aura of the half-truth about administration statements. Asked bluntly whether the A-11 had been designed as an interceptor, Secretary McNamara replied, "I don't think that I said that, and I would rather not say." Nobody asked, "Why not?" It was brought out in General LeMay's testimony that all of the Chiefs of Staff favored going ahead with an IMI and that even the Chairman, Gen. Maxwell Taylor, gave it his endorsement. USAF Secretary Eugene Zuckert testified that "No formal proposal has gone forward from the Air Force, that is, from the civilian Secretary [Mr. Zuckert] to the Secretary of Defense. I did write him a letter in which I said it looked as if we were progressing to the point where we would need a sizable sum of money such as the one General LeMay mentioned for 1965."

Later Representative PORTER HARDY quizzed the Air Force Secretary and asked whether Mr. McNamara showed any signs of "mellowing" or beginning to understand the requirement for an IMI. Mr. Zuckert acknowledged that his boss was not "too encouraging." He added that he favors a larger development program than the Defense Secretary, but "I have not personally proposed that we build a force of any particular size leading toward a full defense capability with an IMI."

Further quotations are not needed to display the status of the IMI project, at least as it stood in February. If we accept the natal date of the A-11 as 1959, it seems clear that nobody called it an Air Force airplane at least until some time in 1963, by which time the concept probably had been overtaken by more esoteric systems operating in space. If the A-11 was designed as an IMI there was no reason to blanket its existence with any more secrecy than would have surrounded the F-108, interceptor counterpart of the B-70 and also designed by North American Aviation, if that project had not been abandoned a few years ago. It was after cancellation of the F-108 that airmen concerned with the defense mission, most notably Gen. Laurence S. Kuter, first proclaimed the requirement for an IMI. If they knew the A-11 was being developed as an interceptor, which they should have known if it is true, their speeches, in retrospect, make little sense.

Since disclosure of the A-11 by President Johnson, most of the verbiage has been concerned with its place in the history of aeronautical progress and the fact that the story was kept out of the public prints, whether by publicists or patriots. The emphasis has been in the wrong places. The sophisticated observer, be he aeronaut, editor, or military officer, knows that USAF does not develop a new interceptor by starting with a vehicle that flies higher and faster, with limited maneuverability, and then try to determine its capability. The interceptor capability would be built in, starting on the design boards. There is much justification for suspecting that the A-11 has been used for manipulation of American public opinion, possibly to cast aspersions on Air Force competence in an area of Air Force specialization. The outlook for national security is frightening if this kind of manipulation is allowed to continue, making it look as if technology escaped the grasp of the men with the mission.

WHY DOESN'T ANYBODY GET MAD?

As we write this, the East Germans, who are Communists, are withholding information on the condition of three USAF officers who were shot down a few days ago when their RB-66 reconnaissance bomber strayed out of its flight path. A compilation by the Associated Press shows that in the past 14 years at least 80 American military flyers have been killed by Russians in attacks that ranged from the Baltic Sea to the Sea of Japan. The airmen have been from the ranks of the U.S. Navy, Marines, and Air Force.

So far, there has been no sign of official indignation in Washington other than a demand for the release of our men. Our attitude, according to the Washington Post, is tempered by our "hopes to avoid having the incident damage the relatively moderate climate of present American-Soviet relations." Indeed, the Post, which should know better, peers around the 80 corpses and poses an editorial question: "What is wrong with the Air Force that it cannot prevent its planes from wandering over Communist East Germany and getting shot down?" Then the paper says U.S. Air Force does not say the airplane strayed but suggests it was lured by phony radio signals.

Somehow, the lives of 80 American flyers seem to have been sacrificed in near silence while the climate of our relations with Russia shows no material change. It should be pointed out that the Washington Post, which hesitates to put any blame on the Russians, is a paper that speaks out loud and clear in favor of avoiding escalation in any conflict with the Reds. The response should be nonviolent to most provocation, according to this school of thought, and if it must be violent it should be graduated to the minutest degree possible. The Communists disagree.

Any responsible reporter could learn by asking that U.S. Air Force pilots have strict orders not to resist challenges in the air, even if they are armed. The Russians, in this case, destroyed an airplane which they could have had intact with its airborne equipment if they had told the pilot to land instead of shooting him down. This indicates they were more intent on murder than capturing the RB-66 to see what reconnaissance equipment it was carrying. A responsible reporter also could have learned that the pilot was following a filed flight plan for a navigation training mission that was to be flown entirely in France and West Germany. An informed reporter would know that the RB-66 is an obsolescent airplane and it is not likely it would be sent on a sensitive mission so close to the Iron Curtain. Even an editorial writer, lacking all these facts, should be able to recall that in late January a T-39 jet trainer out of Wiesbaden strayed across the border and was shot down, killing the crew of three U.S. Air Force officers. In this case the Reds merely said it was our fault because we violated their airspace, and they gave us permission to retrieve the bodies and wreckage.

It is not generally discussed, but these violations of airspace have at least one of the characteristics of a cultural-exchange program. The Russians violate airspace, too. They have overflown Alaska and are reported to have violated Western airspace in Europe at least 20 times in 1963. They have been intercepted by our airmen and warned to go back. There is no record that they have been fired upon. On top of this, it is no secret in Europe that Aeroflot, the Russian airline, and Polskie Linie Lotnicze, its Polish counterpart, treat airlines with disdain. On scheduled flights to and from such major points as Paris, their pilots wander far from their routes as assigned by traffic controllers. There is a strong conviction on the Continent that these deviations are not accidental, but are part of the Communist reconnaissance effort.

In view of the record, it is difficult to believe we are dealing with reasonable people concerned in any way about the climate of our relations. It is even more difficult to understand how an American newspaper, in particular the Washington Post, can ignore the Soviet trigger finger, the 80 dead, and the nature of the cold war.

READING LOUD, BUT NOT CLEAR

Almost exactly a year ago Lt. Gen. Alfred S. Starbird, an Army officer who serves as Director of the Defense Communications Agency, told a committee on Capitol Hill the Defense Department needs a satellite communications system as soon as possible. Testifying before Representative CHET HOLIFIELD and his Military Operations Subcommittee of the Committee on Government Operations, General Starbird cited some of the reasons why communication through space has become essential to military operations. Clearly, the ballistic missile has changed the threat to existing systems as much as it has altered national strategy. The missile, the General said, puts a new premium on speed. Service must be almost instantaneous. The communications system also must be able to survive attack. On top of this, there is a more pressing requirement for reliable ways of talking to remote spots on the globe. Thus it is the nature of war, the cold one we are fighting and the hot one that we may have to fight, that makes DCA look into space, where it finds the satellite system most promising.

We are fortunate, General Starbird said in April of last year, in that we can meet the requirement with a simple system that is entirely within the state of the art. It is designed as a lightweight, active, medium-altitude random system, and efforts to build and test it have been underway for more than a year. The basic orders were issued by Defense Secretary Robert S. McNamara in the summer of 1962. The Air Force today has a contract with the Philco Corp. to provide program definition for the satellite itself. The Army, which is in charge of the ground-based elements, has hired Hughes Aircraft Co. to develop and build six link terminals.

So far as the Holifield subcommittee is concerned, it has recorded testimony on this subject even predating the appearance last year of General Starbird. In August of 1962 USAF Gen. Bernard A. Schriever, Chief of the Systems Command, had testified on the requirement for a space communications system that would be owned and operated by the military services. He was supported that year by Dr. Ivan Getting, president of the Aerospace Corp., and USAF's top technological consultant.

With this background, the Holifield group was provoked by curiosity last fall when Mr. McNamara wrote a letter to the Communications Satellite Corp. (Comsat) and asked whether it would be interested in selling its services to the Defense Department. Currently, the Defense Department and General Starbird are back on the witness stand to face an examination on the current status of their project. Mr. McNamara's spokesman, and a highly competent man in an inquisition, has been Dr. Eugene Fubini, an Assistant Secretary of Defense and Deputy Director of Defense Research and Engineering. Dr. Fubini was being asked, in Mr. HOLIFIELD's words, "why the signals have now changed and whether military requirements for security, privacy, and remote-area coverage can be fulfilled by a commercial system which must give first consideration to high-density traffic for profitable operations?"

The answer, the witness said, is that the Defense Department may have been too hasty when it gave the green light to DCA and more or less ignored the Comsat potential. Dr. Fubini claimed that when Mr. McNamara put his query to Comsat last October he really expected the corporation, which still does not know what kind of a satellite system it will have and when it will have it, to politely show no interest in doing business with the Pentagon. But Comsat, which is in business to make money and works under a charter granted by Congress, replied that it would like to start negotiations. They are underway, and Dr. Fubini discussed the possibility that Comsat can satisfy the Government's needs:

"Extensive discussions with the corporation in the last several months have revealed the possibility of using the global system to be deployed by the corporation for satisfying these needs, provided that during the next year the corporation's program continues in the present direction toward the design of an appropriate system to satisfy the Government's needs, and at a pace which assures its early deployment. Such a program may be capable of meeting Government trunk communication requirements without compromising the U.S. goal of establishing a single global commercial system, open to all countries of the world. We see no problem of operational control that would not also have been applicable to a Government-deployed system." Later, he added that if an agreement is reached "there would then be no need for a separate system to satisfy the Government's requirements for command-and-control and other communications." And he restated the requirement for a system that provides "links for worldwide traffic * * * a high degree of satellite reliability and availability and a reasonable invulnerability to interference, and permits ready access to remote areas and use of transportable ground terminals under the Government's control."

Under questioning, Dr. Fubini reiterated several times that the Defense Department will not compromise an inch on its insistence that its requirements be met. The alternative is to press on with DCA's present program, although he admitted that at least a year will be lost because of the reexamination of Comsat's potential. The questions put to Dr. Fubini betrayed a good deal of skepticism on the part of the committee, against which his main argument appeared to be the hope for economy. The cost of renting a system, or the use of one, would be less than that of creating a Defense Department satellite chain, probably of 24 units in orbit. For Government use of Comsat channels the witness anticipated paying a fee of $25 million a year. He indicated the most important issue in negotiations with Comsat is the Government's requirement that the system be as nearly jam-proof as possible. Dr. Fubini said any system is vulnerable to deliberate electronic interference, and our aim should be to make the creation of that interference as expensive as possible for an enemy. At the same time, there is the question of how much Comsat can and will pay to meet this defense requirement.

General Starbird, in his repeat performance before the committee, indicated there is no change in the DCA attitude that a satellite system must be provided as soon as possible. It was clear, however, that he is being forced to wait the outcome of negotiations with Comsat and that the general will not express an option on what the corporation can provide until he has the specifications at hand.

The general is showing good military and political judgment. Informed observers of the present investigation are expressing skepticism that Comsat can and will meet the real military requirement. Dr. Fubini, fortunately, is on the record with his promise that they will not get any Defense Department business unless they do. For the sake of security, which may be jeopardized by delay, the Holifield committee should press for a quick decision.

Mr. ALLOTT. Mr. President, I also ask unanimous consent to have printed in the Record an article entitled "A-11—Born in the Skonk Works, Reared in Secret, It Blazes New Heights in Aircraft Performance," written by J. S. Butz, Jr., technical editor, and also published in the Air Force magazine for April 1964.

There being no objection, the article was ordered to be printed in the Record, as follows:

A-11—Born in the Skonk Works, Reared in Secret, It Blazes New Heights in Aircraft Performance

(By J. S. Butz, Jr.)

The dramatic disclosure last month that the United States has manned airplanes that are secretly cruising at speeds above mach 3 was good news to the aviation community.

President Johnson, in revealing the Lockheed A-11 program, showed understandable pride in this important U.S. "first." He said that several A-11's were being flown "at more than 2,000 miles per hour and at altitudes in excess of 70,000 feet," and are "capable of long-range performance of thousands of miles." The President added that the A-11 "has been made possible by major advances in aircraft technology of great significance for both military and commercial application."

He mentioned only one specific application. He said that the A-11 was being tested extensively to determine its suitability as a long-range interceptor. Former White House Press Secretary Pierre Salinger and Defense Secretary Robert S. McNamara stressed the interceptor role in their brief expansions of the President's remarks. However, Mr. McNamara, in response to insistent questioning by reporters, has indicated that the A-11 was not designed originally as an interceptor but that he has considerable confidence that it can be adapted to that role.

Beyond these minimum remarks, the secrecy lid has been clamped on. The administration opened the door on the most tantalizing aviation news since the X-1 proved there wasn't a sonic barrier. But the door was slammed shut immediately.

From the technical viewpoint, the A-11 clearly is the most important aircraft since the X-1. It is by far the most efficient airplane yet to fly at supersonic speeds. It is the first to have adequately high aerodynamic efficiency (low drag) and high powerplant efficiency to allow it to carry enough fuel to sustain flight above mach 1 for more than 30 minutes or so. In the President's words, the A-11 also is extremely important because it led to "the mastery of the metallurgy and fabrication of titanium metal which is required for the high temperatures experienced by aircraft traveling at more than three times the speed of sound."

As reported by Claude Witze on page 16 of this issue, a tight information clamp has forestalled meaningful public discussion of the A-11, its genesis, or its proper role in civil and military aviation.

The following questions are typical of those which should be asked, for the answers concern the use of a very large sum of the taxpayers' money. Congress and the public have a legitimate right to frank answers.

How much did the A-11 and its engines cost? Judging from previous pioneering programs that fought their technical battles out beyond the state of the art, the A-11, with its mach-3-plus performance, titanium construction, and high-temperature engines cost at least $500 million and possibly $1 billion. That is $100 to $200 million per year for the 5 years the program has been active. (President Johnson said the A-11 design work started in 1959. The J-58 program was initiated several years earlier by the Navy.) This kind of money is in the cost range of the much-criticized and now-defunct nuclear airplane, and programs of this magnitude should get a thorough working over by the Congress.

The obvious conclusion to be drawn from the information available is that the A-11 was originally developed for the CIA as a high-altitude reconnaissance airplane to replace the U-2. Most reporters reached this conclusion, supported largely by the close secrecy on the airplane, Mr. McNamara's refusal to divulge the original design objective, and the fact that the project was not handled in normal management channels. If this conclusion is correct, several questions arise immediately concerning the past and future expenditure of large sums of money:

1. Does the fact that a given airplane can cruise at mach 3 also mean that it automatically has a multipurpose capability—reconnaissance, interceptor, bomber—without a major design change for each type of mission?

2. If the answer is no, was there coordination between the CIA and the DOD at an early stage to make certain that the A-11 was not hopelessly boxed into one role?

3. Can the A-11 development expedite the supersonic-transport (SST) program?

4. Have reconnaissance satellites eliminated the need for reconnaissance aircraft such as the A-11, and will it therefore end up only as a high-cost experimental aircraft with limited capability?

Precise answers will require the most candid discussion of the current version of the A-11 and its design and development history. Certainly no one can judge the exact performance or mission capability of a supersonic-cruise airplane using only the two side-view photographs and brief statements currently available on the A-11.

Estimates of this type are riskier for supersonic-cruise airplanes than they are for subsonic aircraft or for those that are capable of only short dashes at supersonic speed.

Basically, supersonic-cruise airplanes involve extremely difficult design problems. Their payload-range performance is extremely sensitive to engine weight, structural weight, fuel consumption, and aerodynamic efficiency (lift/drag ratio, written L/D). Small mistakes in predicting these values can lead to large errors in payload and range.

Fortunately, the supply of technical literature concerned with these problems is large. This literature points to some general conclusions about the A-11 and places some broad limits on the possible performance of this new aircraft.

The difficulties described in this literature also provide the best tribute to Clarence L. (Kelly) Johnson and his "Skonk Works" colleagues at Lockheed, who, with the J-58 engineers at Pratt & Whitney, led the team that first achieved supersonic cruise.

Here is what can be deduced about the A-11, based on this literature:

Size: The airplane is about 90 feet long based on scaling of the A-11 pictures, using published data on the J-58 diameter and estimating the size of the pilot's helmet visible in the front window. There is room in the slim fuselage and in the wing stub areas for more than 70,000 pounds of fuel, with space left over for substantial mission equipment. Since efficient supersonic-cruise airplanes have to carry at least 50 percent of their weight in fuel, the A-11 takeoff weight apparently is more than 150,000 pounds. This is roughly the same as that of the B-58 bomber.

Wing: Densely loaded aircraft such as the A-11 need large wing areas; otherwise their wing loadings will quickly rise above 100 pounds per square foot and severely reduce both cruise altitude and flight efficiency.

The side view photographs obscure most of the A-11 wing, and published drawings of the A-11 have not indicated a large lifting surface. However, the aircraft must have an effective wing area in the neighborhood of 2,000 square feet. This includes not only the area outboard of the engine nacelles but also the area between the engines, and the area of the long, very narrow wings on the fuselage, which have been referred to in some reports as fairings. The long and narrow wings form the forward section of a large, double-delta wing similar to that used by Lockheed in its supersonic transport proposal. At supersonic speeds these long, narrow wings plus the fuselage area between them generate much more lift than they do at subsonic speeds.

This generation of additional lift up forward is important in maintaining control over the airplane above mach 1. The controllability problem arises because the rear portion of the double delta acts like a conventional lifting surface at supersonic speeds, and its center of lift moves abruptly aft, a long distance away from the center of gravity. This can make the aircraft so stable that it can't be controlled by a normal-size horizontal tail. In any event, it calls for a large deflection of the tail and an unacceptably big trim drag, which eats into range. On the A-11, lift on the long, narrow wings counteracts the shift of center of lift on the main surface and keeps the center of lift near the center of gravity. On some designs a small canard (horizontal) surface near the nose serves this purpose. The Swedish Saab Draken, the mach 2 fighter operational for several years, was the first of the so-called tailless (no conventional horizontal tail and no canard) airplanes to use the double-delta planform.

Design mach number: The centerbodies of the engine air inlets on the A-11's in the photographs released by the White House appear to have a ramp angle suitable for a maximum economical cruise speed slightly above mach 3.

Cruise altitude: Most press reports have placed the A-11's maximum cruise altitude between 90,000 and 125,000 feet. This appears to be a serious error. There is a well-established procedure for checking maximum cruise altitude. It indicates that the A-11 must cruise between 70,000 and 80,000 feet or its range will severely suffer. Thus, the A-11 can be expected to get its maximum range while cruising about 6,000 to 10,000 feet below the U-2. The U-2's superior wing and lower wing loading give it better altitude capability in unaccelerated flight. But in a zoom climb the A–11 would outperform it.

To figure maximum cruise altitude you have to know two characteristics of any aircraft—the wing loading (written W/S and equal to the gross weight divided by the wing area), and the lift coefficient (written C_L, a dimensionless number indicating the lifting power of the wing) generated when the aircraft is flying at the proper angle of attack for maximum range (maximum aerodynamic efficiency). When the W/S is divided by the C_L, it equals the dynamic pressure required to keep the aircraft in level flight. The dynamic pressure is the term that fixes the altitude of flight for any given speed.

There is enough information on the A–11 to put the above relationships to work. For instance, when the A-11 is flying at mach 3 at 70,000 feet, the dynamic pressure is nearly 600 pounds per square foot. The lift coefficient for maximum L/D is about .1 (this has been confirmed in many NASA reports on aircraft similar to the A-11). So 600 may be multiplied by 0.1 to give a maximum possible wing loading of about 60 pounds per square foot. This is about the wing loading the A-11 would have if it had a 2,000-square-foot wing area, weighed 150,000 pounds at takeoff, and burned about one-third of its 75,000-pound fuel load during its climb to altitude.

This procedure can be run through again to show that the A–11's wing loading would be a little better than 30 pounds per square foot once it had burned all its fuel. It, therefore, would end its cruise at mach 3 at 80,000 feet.

Speed would not change this picture too much. If the A–11 were capable of mach 4, it would begin its cruise at about 82,000 feet and in the lightened condition at the end of cruise would be flying at nearly 95,000 feet.

The press reports of 125,000-foot altitude completely fall apart under check. If the A–11 flew at that altitude at mach 4 it would need a wing loading of less than 10 pounds per square foot. In other words its structure could not be any heavier than that of a Piper Cub.

Or, if the A–11 tried to fly at 125,000 feet at a wing loading of about 30 pounds per square foot, corresponding to an end-of-cruise weight, its speed would have to be at least mach 8 to maintain level flight and to keep it from stalling out.

The same procedures can be used to show that the U–2's altitude during maximum range cruise will vary from about 75,000 feet to a little more than 90,000 feet.

Another check on the operational altitude of the A–11 can be made by examining the engine air inlets which appear to be about 6 feet in diameter at the most. Therefore, the maximum capture area for both inlets to take in air is between 50 and 60 square feet. This is just about enough to fly an airplane like the A–11 at 80,000 feet at mach 3. At 100,000 feet at mach 3 the required capture area goes well over 100 square feet. At 125,000 feet the inlets would become truly gigantic.

In recent years, the ability of Century-series fighters to zoom higher than 100,000 feet has tended to distort the picture as far as maximum cruise altitude and maximum level flight altitude are concerned. Most of the Century-series fighters cruise best between 35,000 and 45,000 feet, and their maximum level flight altitude is around 60,000 feet. Therefore, the A–11's ability to cruise in the 70,000- to 80,000-foot level is certainly not to be disparaged. With the A–11 cruising at mach 3 at those altitudes, on a gentle dogleg course, it would be essentially impossible for any operational fighter in the world to intercept it. And it is doubtful that any existing ground-based missile system could down the airplane.

Aerodynamic efficiency: The A–11 came along in time to benefit from several years of inspired aerodynamic research during the middle and late 1950's. By 1960 the unclassified literature had made it clear that the old idea that L/D (aerodynamic efficiency) was certain to be less than five at mach numbers above 3 had to be discarded. There were strong indications that L/D's of 7 and 8 and possibly higher could be attained.

These were still well under the L/D's of 18 to 23 at which subsonic transports and bombers operate. However, an L/D of 8 is enough to bring the total flight efficiency (and range) of a supersonic airplane up close to that of the subsonic jet because propulsive efficiency increases rapidly at supersonic speeds. The idea that an economical supersonic transport (SST) was possible grew out of supersonic L/D research in the late 1950's, and the idea of the A–11 undoubtedly had the same beginning.

The basic rules for obtaining high L/D have been discussed exhaustively in NASA reports and the publications of the technical societies. The A–11 appears to use all of them. First, the wing leading edges are as sharp as possible, even sharper than those of the F–104. Second, the fuselage has a fineness ratio (length divided by diameter) of around 18, which gives it a very high internal volume for carrying fuel and equipment. Such design was found to be the optimum means for carrying any given weight at supersonic speeds, and the A–11 has the highest fineness ratio yet used on any aircraft.

Third, proper distribution of the pressure forces, the lift and drag forces, is a key to getting high L/D's with any airplane. Several important techniques which bring pressure distributions closer to the ideal were developed during the 1950's. They primarily involved twisting and cambering the wing. The side-view photographs of the A–11, both looking endwise at the wing, clearly show its twists and cambers.

Supersonic vehicles offer designers one unique opportunity for reducing drag and improving L/D. This is to arrange the vehicle components (fuselage, wing, tail, nacelles, etc.) so that they interfere favorably with each other. At subsonic speeds interference effects are negligible at a distance of more than a few inches away from any surface.

However, at supersonic speeds strong shock waves and pressure fields spread away from all objects. Pressure fields spreading from an aircraft's components can combine unfavorably to make the total vehicle drag much higher than the drag of the components taken separately.

Happily, this situation can be reversed. The components can be arranged so that their pressure fields and shock waves cancel out each other and reduce total drag. For instance, an engine nacelle outboard from a fuselage can throw a high-pressure field on the curved aft side of the fuselage to create a thrust force and reduce fuselage drag. The ultimate in favorable interference is a theoretical supersonic biplane postulated by Adolph Busemann in the 1930's. This was an arrangement of two wings, properly shaped and spaced apart, which canceled all of each other's wave drag at one particular mach number.

In the 1950's supersonic interference effects were the object of intensive research notably by Antonio Ferri of the Polytechnic Institute of Brooklyn and A. J. Eggers, Jr., of NASA. Their basic information was applied on the B–70, which is arranged so that a powerful positive pressure field is created on the lower wing surface by the engine air duct during mach 3 cruise to increase lift and improve L/D. Design techniques for favorable interference have been under continuous refinement and are very important in the SST proposals now being evaluated by the FAA.

On the A–11, the area on the back of the fuselage between the engine nacelles is a highly critical flow area in which several strong pressure fields meet Undoubtedly, the fuselage slopes off continuously in this area and forms a gentle ramp ending in the sharp point visible in the photographs. It would be possible to reduce drag, improve L/D, and increase the effectiveness of the vertical tails by creating favorable pressure fields along this ramp. The slope and contour of the ramp, the spacing and shape of the engine nacelles, the location of the vertical tails, and the flight speed all would be important in creating a favorable flow field and a high L/D. This leads to the conclusion that the A–11 is a single design point airplane. That is, it has a high L/D at its cruise mach number, but its aerodynamic efficiency falls off at both lower and higher speeds. Consequently, the airplane probably doesn't have much growth potential in speed and would be in serious trouble about making its range if one engine were lost.

Structure: The extent and the manner in which titanium is used in the A–11 has not been disclosed. However, the President's remarks hinted that titanium was the main load-bearing metal. If this is true, the A–11's airframe must be relatively light and efficient for a high-temperature structure. According to data from the SST program, it would have been possible to design the airframe for mach 4 temperatures with only a slight increase in weight and probably the installation of new leading edges made of higher temperature material. The refractory metal alloys developed in the Dyna-Soar program, for example, would have a long life on a mach 4 airplane.

After the heating problems the most important structural question about the A–11 is its design load factor. If the load factor were low, say, 2 G's at cruise, the structure would be extremely light, and amount to only about 20 percent of the airplane's total weight, or even less. Consequently, maneuverability would be sharply limited and the aircraft certainly would be marginal as an interceptor even if its missiles were extremely maneuverable. However, the light structure would result in a low-wing loading and a high cruise altitude, and it would allow a greater percentage of the airplane's weight to be carried as fuel, which would increase range.

If the design load factor were high, to allow 7 G turns, for instance, the structural weight would go up sharply. Such design would make the aircraft very useful as an interceptor or a bomber, but it would substantially reduce maximum cruise altitude and range.

The question of adapting the A–11 to an interceptor or a bomber mission depends largely upon the design load factor, which, of course, is a closely held secret. Structural strength is more important in this case than the problem of incorporating the necessary electronics and missiles, for the A–11 is big enough.

Engine: Official reports dating back several years describe the Pratt & Whitney J–58 as a simple supersonic turbojet with an afterburner. An early version lost the B–70 competition to the General Electric J–93. If an early version is powering the A–11, the specific consumption (SFC) is high and the range is low. Simple turbojets of the middle 1950's all ran on afterburner at mach 3, and their SFC was more than 2 pounds of fuel consumed per pound of thrust per hour, compared to an SFC of about 0.8 for the best fan engines on subsonic jet transports.

However, great strides have been made in engine design, and it seems highly unlikely that a 1955 vintage supersonic engine would still be in the A–11. The J–58 undoubtedly has been improved in many ways through higher operating temperatures, the use of advanced turbine-cooling techniques, better compressor blading, and possibly the addition of a fan and new thrust-augmentation systems.

If such engine improvements have been incorporated in the A–11, the SFC during cruise is down near 1.5 pounds of fuel per pound of thrust per hour. Figures almost this low are being quoted for the SST engines. And, in 1962, three Lockheed engineers—F. S. Malvestuto, Jr., P. J. Sullivan, and H. A. Mortzschky—in a most interesting paper before the Institute of the Aeronautical Sciences gave Lockheed's views of what could be done in the way of optimizing supersonic and hypersonic-cruise configurations in the near future. On the key question of achievable SCF's they said, "Propulsive efficiency (mach number divided by SFC) of 2 * * * appears to be a reasonable value for any chemically fueled pure-turbojet or dual-cycle propulsive system now available or projected in the near future." According to this estimate, the best expected SFC is 1.5 in the near future for mach 3 airplanes.

One point, continually emphasized in the literature, is that the match between airframe and engine on supersonic-cruise airplanes is much more critical than on any aircraft of the past. Engine weight becomes a larger percentage of the total airplane weight, and fuel consumption rises sharply compared to subsonic powerplants, so the engine becomes relatively more important in achieving long range. Consequently, tailoring the airplane to achieve the best possible engine air inlet and exhaust flow conditions has a large payoff. This tailoring must be balanced by airframe considerations, however. On the relatively narrow-span supersonic airplanes the placement of engine nacelles, inlets, and exhaust flows can seriously affect the total flow pattern over an aircraft, which is the determining factor in achieving a high L/D.

On the A–11, the fuselage and the forward and aft portions of the double-delta wing apparently ride at an angle of attack of about 4° to 5° during cruise. This angle gives maximum L/D for the A–11 type configuration. The openings of the engine air inlets and the inlet spikes are canted forward through the same angle to face directly into the airflow and maximum inlet efficiency during cruise. The engine exhaust flow, however, nearly parallels the fuselage and is directed downward at an angle of about 4° to the line of flight. Therefore, about 7 percent of the thrust force is realized as lift to improve L/D and range.

In addition, the A–11 powerplants apparently have been placed so their thrust line is slightly below the airplane's center of gravity during most of the cruise flight. Therefore, the engines produce a nose-up pitching moment and reduce the amount of elevator deflection needed to trim the airplane. NACA reports have estimated that the proper placement of the engine thrust line to reduce trim drag of the elevator can increase range 5 to 10 percent in aircraft of the A–11 type.

Fuel: Several years ago there were reports that the J–58 was being tested with boron fuel. If pentaborane were burned in the J–58 afterburner—and research has shown this to be possible—then a thousand miles or more could be added to the A–11's range.

U.S. production of borane fuels has been stopped, but Defense Secretary Robert S. McNamara last year told the Congress that enough was stockpiled to satisfy projected needs for the foreseeable future. The boranes are now being used in rocket-engine research, primarily by the Air Force, and conceivably the A–11 could draw from this reservoir.

Borane fuels are expensive compared to the hydrocarbons, and this is a major reason why the use of pentaborane was dropped from the B–70 plans. However, on a relatively small aircraft such as the A–11, with relatively limited numbers involved, the extra cost could be justified by the large performance improvement.

Range: Maximum range on the A–11, if it is hydrocarbon fueled and powered by a J–58 model only slightly better than the original version, probably is around 3,500 miles. This assumes an L/D of 6, an SFC of 2.0, and 50 percent of the aircraft weight in fuel, with about one-third of it being consumed in the climb to altitude. Borane fuel would add around 1,000 miles to the range.

If it has been possible to achieve the maximum L/D's and SFC's suggested in the Lockheed paper mentioned above, the range would go over 5,000 miles on hydrocarbon fuel. This assumes an L/D of 8 and an SFC of 1.5. But this level of performance probably will not be achieved for some time.

Development schedule: It has been reported that the A–11 was delivered and flown for the first time in 1961; that is slightly more than 2 years after design work started. The same report also claims that the A–11 has been operational for 2 years, meaning 1963 and most of 1962. That would leave about 1 year, early 1961 to early 1962, for flight testing.

If this report is true, it would have been necessary during this 1 year to move in relatively small speed increments toward mach 3 to make sure that all systems were responding properly to all speed, temperature, and vibration conditions. The inevitable fixes would have been made and the modified systems rechecked. Finally, it would have been necessary to move slowly toward maximum-range flights, by cruising at mach 3 for longer and longer periods to ensure that all systems were withstanding the high-temperature soaking.

Under any conceivable set of circumstances, designing, fabricating, flight testing, and bringing a pioneering, first-generation, mach 3 cruise airplane to operational status in 3 years would be an almost miraculous achievement. True, the CIA-type management system is conducive to rapid developments. In effect, the CIA simply says to the contractor, "Bring us one of these. We are making you responsible for performing all tests and making all technical decisions."

The U–2 was designed this way and delivered for first flight in little more than 1 year. But the U–2 was a completely straightforward project with a well-known type of wing, aluminum construction, and a slightly modified version of a well-developed turbojet. The A–11 designers were breaking new ground in every department, although they did have access to development data from the B–70 and J–93 projects.

It seems reasonable that design, fabrication, and ground testing of the A–11 and its systems took nearly 4 years and that the first flight took place in 1963. Less than a year of flight testing probably would have allowed President Johnson to say that the aircraft "has been tested in sustained flight at more than 2,000 m.p.h.," and is "capable of * * * long-range performance of thousands of miles." He didn't say the range had been achieved.

But if the shorter development time reported is true, the SST program certainly bears review. If any mach 3 cruise airplane can be brought to operational status from scratch in 3 years, then maybe the FAA is correct in taking the position that SST costs, technical uncertainties, and development time will be much lower than industry estimates.

Development of an economic supersonic transport is a much more difficult problem than the A–11, but if the CIA's handsoff management concept can indeed get us a mach 3 airplane in 3 years, this concept certainly should be considered for the SST. And the Pentagon could benefit from this example as well.

Supersonic transport: The A–11 probably can spell the difference between success and failure in any U.S. mach 2.5-plus supersonic transport program. The A–11 provides an immediately available means of getting vital flight-test time on all SST systems. It will yield data on the performance of titanium structure at mach 3 that could not be obtained by any other means. And, when the SST engines are ready, the A–11 will allow them to be exhaustively tested in flight in a known vehicle and not an unproven SST airframe. By allowing such testing, the A–11 will fill a gap in the Government's SST plan that has worried many in industry. The A–11 experience should make it possible to go ahead in an orderly manner and build the SST, which must be a true second-generation, supersonic-cruise airplane that has high aerodynamic and propulsion efficiency at all subsonic and supersonic speeds, and an extremely rugged titanium structure which can last through 10 years of airline flying.

By any standard the A–11 is a magnificent technical achievement. Quite obviously it can outfly any known aircraft in the world by a substantial margin. It is a natural for reconnaissance. However, if the A–11 is from the U–2 mold and built with an extremely light airframe, it will not have significant combat potential as a bomber or an interceptor without major redesign. Even if such redesign is not forthcoming, the A–11 will play a key research role in building the technology of mach 3-plus cruise airplanes of all types—transport, fighters, and bombers. In this role its ultimate importance to aviation and the Nation may be as great as any aircraft ever built.

Mr. ALLOTT. Mr. President, in closing, what is most disturbing about this situation is that we received from the Secretary of Defense and his Director of Research, Dr. Harold Brown, over the last 3 years, many reasons—which I shall not discuss at this point—why we could not develop a B–70 or an RS–70, and why it was not practical from a technical standpoint, when in fact they knew they were developing a plane and already had it in the works. In fact, it was operational and had overcome many of the defects which had been discussed in committee.

Mr. McCARTHY. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I am glad to yield.

Mr. McCARTHY. I ask the Senator to yield so that I may commend him for raising this question regarding the supersonic plane, and to make the further point that I have also raised the question concerning secrecy, the failure of the executive branch to properly involve Congress, and the decision to channel such matters through the Central Intelligence Agency.

Almost every time the question of secrecy is raised, Senators rise and state that there are some Members of the Senate who are made privy to certain inside information. No one knows. I believe the senior Senator on the Appropriations Committee thought he was being reasonably fully informed on these vital matters, but it seems that that was not the case.

I believe we must raise this question about every vital area of government upon which there is the possibility of secrecy and determination of matters by the executive branch, and with respect to which Congress, which has the congressional responsibility, is not necessarily fully informed, but at least is adequately informed and is called upon to participate in a judgment. I hope that progress will be made in opening up some of the other areas in which there is too much secrecy, and in which Congress is excluded from vital judgments affecting the welfare of the country.

Mr. ALLOTT. I thank the distinguished Senator from Minnesota. I agree with him completely. I have never had a more flagrant case called to my attention. I know that there are certain matters which are of a highly sensitive nature. So long as I know that the senior members of my committee, both minority and majority, are aware of them, I do not object, because I know that the information is available to me.

Mr. McCARTHY. As a matter of principle, we should not allow it. If we were to permit the executive branch to decide which Members of Congress to confide in, the next step would be to ask, Why not let the Secretary of State name the members of the Committee on Foreign Relations, or the Secretary of Defense the members of the Armed Services Committee?

Mr. ALLOTT. The Senator is entirely correct. When I look back, I believe that some of the statements I have made about the B-70 and the RS-70 really are ridiculous in light of the new announcement and in light of the information which I ought to have had but did not have.

I thank the distinguished Senator from Delaware for yielding.

NEED FOR STUDY OF STRIP MINING OF COAL AND OTHER MINERALS

Mr. WILLIAMS of Delaware. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, several weeks ago I introduced a bill that would authorize a study of strip mining operations of coal and other minerals throughout the country.

The bill is now pending in the Committee on Interior and Insular Affairs. Today I received a letter from Mr. John C. Kinder, a citizen in Belmont County, Ohio. Belmont County is in the eastern area of our State, on the Ohio River. It is in the foothills of the Appalachian Mountains.

In the past this industry has consisted mainly of the mining of coal. I have no doubt that Belmont County and other counties immediately adjacent to it properly fall within the definition of the Appalachias which are now being discussed in the newspapers.

The purpose of my presentation this morning is to demonstrate the inconsistency and the folly of Government on the one hand in providing subsidies used for the destruction of the land, and on the other hand in spending moneys through the Appalachia program to restore destroyed land into what is said will be gardens of paradise with vegetation growing, recreational grounds available, and lakes fit for use by the public as it comes into the area.

The two operations are completely inconsistent. It is the equivalent of trying to build the front of the house while the back of the house is on fire. That is exactly what is happening in Belmont, Harrison, Jefferson, Morgan, Columbiana, Tuscarawas, Coshocton, and other counties of our State.

The experience of the people in the Appalachias of Ohio is duplicated by the experience of the people in Pennsylvania. About 10 days ago, I read excerpts from an article written by a Mr. Sperling, of the Christian Science Monitor, quoting his conversations with inhabitants of the Pennsylvania area. He talked with the leaders of unions. He asked them, "Do you think that Federal money will be of help in rehabilitating these areas?" One of the union leaders said, "Look out over the land. Behold what is there. You find pits, crests, ridges, and toxic lands upon which nothing will grow—miles and miles of area completely devoid of all wildlife, vegetation, and waters."

The letter from the citizen in Belmont County reads:

> I think we have a crisis here in Belmont County and that your sympathies will be with us and possibly you may be able to help us. We are enjoying the best prospect for general economic improvement we have had for years, and it is threatened by an extensive stripping operation apparently receiving the indirect encourage of a governmental agency.
>
> As you undoubtedly know, Ohio University recently decided to expand into this county—

That is Belmont County—

> and its plans call for a considerable institution to be created here over the next few years. The new Interstate 70 is nearing completion through this county and within the next 2 or 3 years should be in use. West Virginia is at work constructing its portion of the road across the panhandle and Pennsylvania has already completed the road to the Pennsylvania State line. The effect of the opening of this highway augers well for the area. Wheeling Steel Corp. is well along with a considerable expansion of its facilities in Martins Ferry.
>
> Without question, this is the happiest prospect which we have had for many years. All these things have encouraged those of us who live here and caused us to hope that the county's population will cease to decline and to hope that a new era might be beginning.
>
> Unfortunately, it has now become apparent that a huge stripping operation is also about to be launched which will decimate the western third of the county and be so close to the site of Ohio University that we are afraid that it will decide not to come here at all or that it will curtail its wonderful plans.
>
> Although the leases and options of the new coal company are being taken under the name of a small concern called the Marietta Coal Co., there is little doubt that this company is being used as a strawman by the Peabody Coal Co.
>
> The Peabody Coal Co. is the largest stripping operator in the world and has equipment in Kentucky which is far larger than the equipment Consolidation Coal Co. is using in its Harrison County operations.
>
> The seam of coal which is the subject of this interest is the No. 11 vein. It has never been exploited before, and there are huge acreages of it in this county as well as in the portions of Harrison County which have not yet been stripped. One unfortunate geological characteristic of this vein is that in many places the overburden is free from limestone, so that the spoil banks will be very acid. (The No. 8 coal—

By way of interpolation, the No. 8 coal is three levels above the No. 11—

> which is that most heavily stripped in Harrison County, is overlaid by heavy limestone deposits.) It is very doubtful if anything will grow on the spoil banks which will be left after this No. 11 is stripped. Certainly Harrison County will look like the Garden of Eden compared with what will be left of our county.
>
> As you probably also know, it has recently been announced that a huge new coal-burning powerplant will be constructed in Brilliant, which is in Jefferson County, by the Ohio Power Co. and the REA.

It is the REA, I may say by interjection, which is a Government agency, that will participate through financing in this huge strip operation. The letter continues:

> It is perfectly apparent that the interest in the new field has been precipitated by the new powerplant, since No. 11 coal has certain properties which make it undesirable for use in most existing markets. Certainly there is no existing market which could absorb the quantities which will be removed in this county from the proposed field, while the new facility could be designed to make economical use of this coal.
>
> It seems to me that the REA—

That is a Government agency—

> should not be a party to an operation which would be so patently damaging to the already depressed economy of our county and which would dim its first prospects for improvement in many years. I thought that perhaps you would be in a position and inclined to agree and to act to call this to the REA's attention and persuade it to oppose the use of this stripping coal or any coal from a new stripping field in this State in the new plant.
>
> The man who has been most active in procuring leases and options for this coal has told farmers and landowners whom he has contacted that it is his belief that this coal may be sold to the Government-sponsored pilot coal-to-gasoline conversion plant to be constructed across the river in Ravenswood, W. Va. I am inclined to discount the creditability of this story, but, if true, it would be another illustration of a Federal project leading to decimation of our county by stripping.
>
> This is a crisis because it is becoming more apparent every day that a heavy commitment has been made to exploit the coalfield and because the university is just at the outset of its development plans.
>
> We are acting locally and the only way I can see that we can, as you will be able to determine from the enclosed clipping from today's issue of the Times-Leader.
>
> Zoning is not a very effective tool, however, to use to save the major part of the county and the most effective way this threat could be arrested would be for REA to refuse to purchase strip coal, which it certainly should do.
>
> I know that you will sympathize with us and I hope that you will feel that you can do something to help us.

If the writer only knew how helpless we are in these matters most often, it makes no difference where our affections, our sympathies, and our judgments lie. We are helpless to bring relief when there is an overall, powerful action indulging in this unpardonable, irreparable, and, in my judgment criminal conduct. His letter continues:

> One of the principal assets which we have in this locality is the beauty of our countryside which is great in areas removed from the scars of previous exploitation, which are gradually healing. This beauty will be completely destroyed if the county is stripped and there will be no hope for betterment of our people.
>
> If you want, I can produce considerable factual information to support the conclusions stated in this letter, and I will be more than happy to do anything I can in any way to assist you, if you would be interested in helping us try to solve this problem.

The eyes which have not seen the damage caused to the countryside and the landscape by the strip mining operations can have no conception of what is done to nature by the strip miners.

The Peabody Coal Co. is now developing a shovel that will lift 115 cubic yards of coverage—that means practically 170 tons—in one bite. With a 200-foot boom, the massive shovel will dig into the tender soil, destroy the grass coverage and legumes, the flowers and the trees, drive out the birds, lower the water table, and finally after the coal has been removed, bequeath the land to posterity.

Ghost towns are developing in eastern and southeastern Ohio. The taxpayers will be asked to provide money to restore Appalachia.

I ask the Senator from Virginia [Mr. BYRD]: How foolish can we get? How can we boondoggle in that way? How can we be so careless in government as to allow this exploitation to continue; and then to say, after the economy of a community has been destroyed, that with a poverty war program we will go in to restore it? That is exactly what is being proposed.

According to my understanding, the powerplant which is being built at Brilliant, Ohio, is a joint venture by the Ohio Power Co. and, as I recall, 23 rural electric cooperatives. It will be the largest powerplant under one roof in the country. I have no doubt that it is being constructed there because the coal is cheap, and it will be economically profitable to operate the plant, especially when there is absent a conscience that should be mindful of the destruction that is being done to the land.

I should like to know: Where are the great advocates of conservation? Where are the men who argue that money should be spent to restore the land? Why are they not speaking up to stop the causes rather than to buy the medicine with which to provide what is supposed to be the cure?

Not a single one, I am sure, will speak up. The easy way out will be to let the destruction continue, but then to dig into the taxpayers' money and engage in a project that simply cannot be profitable and healthfully achieved.

Senators may ask, "Why are you so excited about this?" In about 1920, after the First World War, I went into a little town in Belmont County to play baseball. A team known as the Cleveland All Stars went into that mining area to play the local community team.

I came into Belmont County; and there, as a kid of 22 years, I looked at those hills; and the ravages of strip mining were apparent. They struck me deeply. I could not believe that an ethical human being would proceed to do to the land what was being done there. It left an indelible impression upon me.

The next time I went into that town, where we played the baseball games, was in 1944, as a candidate for Governor. By 1944, what was done to that area was simply unbelievable. What formerly had been gently rolling hillsides and valleys, in Harrison County, the richest sheep breeding county in the United States, was then completely devoid of any scenic beauty. The wildlife was gone; the grasses had been removed; the trees had been destroyed. Wherever limestone had been uncovered, it acted as fertilizer, and it was possible to replant. But if there was not limestone, what was brought up was rock and shale and poison. In the span of 12 years, during 10 of which I served as Governor, we tried interminably to develop new types of growth that would take hold in that area; but all was in vain.

In the Ohio Legislature I tried to procure the passage of a law that would cure that situation. A law was passed, but it was never adequate. The power of the coal companies was simply so great in that legislature that it was impossible to obtain any recognition of what I thought was proper and fair and ethical.

I was in the hope that probably the strip mining would stop. But it has not. In the Sperling article, we were informed that in the Pennsylvania about which I have just now spoken, 250 square miles of new land was acquired to be stripped.

One who travels along Route 40, through Pennsylvania and Ohio, probably will find the roadsides green. The coal companies have been very designing: They would try to leave a screen of beauty along the roadsides. But if one leaves Route 40, on either side he will get into this desolate land of strip mining.

I wish to say to Mr. Kinder, who wrote me the letter, that I have sympathy for his views, and I have sympathy for the people in that area. I do not know whether the REA, in Washington, can do anything about that situation; I have grave doubts. Even if it could do something about it, I doubt that it will.

My hopes are that the study which I have asked to be made will be executed.

In the meantime, and in conclusion, I wish to repeat that, on the one hand, we are allowing the desecration and the butchery of the land. We shall bequeath a barren, lifeless, sterile area to posterity. On the other hand, we are talking on the floor of the Senate, and in the House of Representatives the Members there are talking, of providing new funds with which to build lakes on these lands—all a boondoggle, and for an objective that cannot be achieved.

Mr. ELLENDER. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. ELLENDER. I was very much interested in the letter the Senator from Ohio read, in which it is said that the REA is supposed to engage in the endeavor therein described. I am entirely familiar with the REA. The only thing it could do would be to loan money to local cooperatives who would distribute electricity; and the people there would have to decide whether that would be done. So far as the REA itself is concerned, it has no power to interject itself into such an area; but loans can be made to local cooperatives, in order to permit them to develop electricity there, by using coal.

Mr. LAUSCHE. Yes.

Mr. ELLENDER. I am surprised to learn from the Senator from Ohio that the Ohio Power Co. is about to enter into a contract with the cooperative. If that is true, it is very unusual.

Mr. LAUSCHE. It is a $200 million project. The money will be borrowed in the private market. Twenty-three REA's have formed a corporation which is entering into a partnership with the Ohio Power Co.

However, the point I am trying to make is that the REA's of Ohio and everywhere else or the cooperatives have been borrowing money at 2 percent from the Federal Government, while the Federal Government has been paying 4 percent to borrow the money with which to make the loans. I should think those REA people would become conscious of this problem.

Mr. MORSE. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. MORSE. I wish to say to the Senator from Ohio that I join with him in his criticism of this shocking waste of a great natural resource that God has given us, and in regard to which I believe we are trustees for future generations of Americans. So I do not believe we can justify the devastation of the topsoil in the area to which the Senator from Ohio has referred.

As he knows, in my own many years of service in the Senate, I have risen time and time again to speak out in support of the conservation program. The one to which the Senator from Ohio has referred is not the only conservation program which confronts us; we have similar problems in the West, in connection with problems of soil conservation and problems of the raising of a falling water table, and in connection with conservation programs that deal with our national forests. All of them are parts of a common package.

So I wish the Senator from Ohio to know that I join in the conservation plea he has made this morning—because that is what all of it adds up to; and I want him to know that I will come to him, hat in hand, time and time again, to ask for his support of great conservation programs far from Ohio—programs that I believe are as of as serious import to other sections of the country as this one is to Ohio and to the Appalachian area.

I thank the Senator from Ohio.

Mr. LAUSCHE. I wish to say that when we talk about stripping the surface, to extract copper or iron ore or other minerals, that has no relationship to the vastness of what is done in stripping the surface to expose the coal and dig it out.

Mr. President, I ask unanimous consent to have printed at this point in the

RECORD the article from the Times-Leader, of Martins Ferry and Bellaire, for April 10.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Martins Ferry and Bellaire (Ohio) Times-Leader, Apr. 10, 1964]

ZONING PUSHED IN RICHLAND TOWNSHIP—COAL STRIPPING BAN SOUGHT BY TRUSTEES

ST. CLAIRSVILLE.—Richland Township trustees, during an emergency meeting this morning, unanimously approved a resolution declaring the necessity for zoning regulations in the township.

Faced with the prospect of extensive strip mining that would devastate huge areas of the township, the trustees agreed on the importance of acting with utmost haste.

The goal is to submit zoning regulations to the electorate next November. Only a majority is needed for approval.

The resolution says that zoning in the unincorporated areas is necessary for the preservation of health, safety, and morals.

The trustees said that they would begin immediately to contact prospective members of the zoning board. Five will be appointed. A consulting engineer will be employed as soon as possible to set up zoning specifications and to prepare maps.

Once the proposed zoning regulations are completed, a public hearing must be held.

Ten days' advance notice are required for the hearing.

The election resolution must be filed with the election board at least 90 days before the election.

The trustees acted following a meeting yesterday afternoon with Belmont County commissioners and other interested citizens. During the meeting, it was pointed out that a coal company is taking leases and options on approximately 100 square miles of farmland south of Route 40 and apparently intends to strip the No. 10 and 11 veins of coal, which lie up to 50 feet below the surface.

The trustees were told that the coal is not covered with limestone, and an acid condition would exist after the land was stripped.

"The soil wouldn't even grow thorns," one observer said. Another predicted that 200 years would be required to restore the land to its present state.

It was also pointed out that the worthless land would eventually lower the tax duplicate in the county and cause a loss of revenue.

REGIONAL PLANNING VITAL TO FUTURE OF COUNTY

Belmont County Commissioners are entirely right in moving fast to seek zoning ordinances that might at some future time prevent St. Clairsville and the site for the new Ohio University Branch College from becoming isolated islands surrounded by a desert of strip mine residue.

They are also entirely right in trying to set up a regional planning commission for the county that would not only make the county eligible for Federal participation in many roads and bridges, but would make it possible to insure for all the people the greatest benefit from the county's fields, forests, and streams.

There is great urgency in this program. In recent months, farmowners over more than 100 square miles of the county have been approached to lease their lands for strip mining. Drillings are even now in progress over an area that would embrace another 100 square miles. With what stripping has been done and is in progress, that would mean that eventually more than one-third of the land in Belmont County would be waste. And that is true, despite the literature being sent out by one of the Nation's largest strip miners pointing out what great conservationists they are.

The commissioners will agree, as will anybody else, that there are certain areas where stripping for coal might do no harm, but they also insist, wisely, that it should not be carried on where there is a possibility for residential or industrial development.

A county planning group would also facilitate providing water and sewage for areas where industrial or residential development is feasible.

But to carry out such a plan, all of the political subdivisions must cooperate, because all of them would benefit. If the plan is not put into effect, and the county as a whole is allowed to deteriorate, or to be ravaged, then all communities will, one at a time, slowly die on the vine. The issue transcends politics or personalities. We have a choice between a bright or a dismal future.

It will not be cheap. But as Alton McKeen, president of the Community Improvement Corp., has pointed out, as long as his organization can be kept alive and active, the Federal Government will absorb 75 percent of the costs. Both the commissioners and County Auditor Tom McCort have pointed out the possibility of finding some money in the general fund, so it should cost the people of the county very little. Certainly the cost would be infinitesimal compared to the cost of letting the county go to pot.

There will be some phases of a countywide organization that will not be to the liking of all. But this has ceased to be a question of what we may not like about the county, but what we do like, and our hopes for the future.

We feel sure everybody will be willing to cooperate, and we congratulate the commissioners and anyone else whose foresight and unselfishness have made them willing to undertake the burden of such a venture, and also the few raps that generally go along with such a thing.

Mr. McCARTHY. Mr. President, will the Senator from Ohio yield to me?

Mr. LAUSCHE. I yield.

Mr. McCARTHY. I appreciate the courtesy of the Senator from Ohio in yielding to me.

There really is nothing which would prevent the State of Ohio from forbidding the Peabody Coal Co. from engaging in this operation, if Ohio were to lay down the necessary rules and regulations, so as to forbid such action, is there?

Mr. LAUSCHE. That is true. I regret that Ohio has not gone that far. It was not my fault; I bled in the battle; but the laws passed by the legislature were inadequate.

Mr. McCARTHY. The difficulty is that even if adequate steps were taken in one State, a State directly across the river would permit such operations on its side of the river. Then the adjoining State would have to say, "We have prevented that development here; but across the river the coal resources are being exploited by that State."

Mr. LAUSCHE. I do not believe that has been the argument. I believe that the people in West Virginia, Indiana, Illinois, Pennyslvania, Tennessee, Ohio, and other areas are conscious of that fact. They have been making slight progress in trying to cure the situation. If limestone underlies the surface of the ground, there is a possibility of bringing back growth. But if it does not, there is no chance.

Mr. McCARTHY. Is not the Senator really saying that we need a national policy on questions concerning which the States have either failed to take action when they could, or they are under such economic or political pressure that they cannot stand against it?

Mr. LAUSCHE. I am saying that if the Federal Government is going to pour money into the land supposedly to restore it——

Mr. McCARTHY. To rehabilitate it.

Mr. LAUSCHE. Yes, to rehabilitate it—we ought to do something to prevent the exploitation which makes it necessary for the Federal taxpayer to kick in his dollars to restore the land.

Mr. McCARTHY. Is not what the Senator has said true in many other areas, such as water pollution and control and the other subjects of conservation to which the Senator from Oregon [Mr. MORSE] referred a few moments ago?

Mr. LAUSCHE. Yes.

Mr. McCARTHY. I commend the Senator for raising the question. I hope that the Congress will take up the issue along with the many other problems of conservation in our country and give them the kind of national attention that I think they deserve.

Mr. LAUSCHE. I thank the Senator.

Mr. President, in 1953, during the sesquicentennial year of Ohio, instead of coming to the Federal Government to ask for money to build monuments in honor of heroes of the early days of Ohio, I thought we would build a monument by way of a tree-planting program. So I developed the program of planting trees in Ohio starting with the year 1953. In that year we planted 26 million trees; in 1954, we planted about 25 million trees; in 1956, we planted about 25 million trees. As I saw schoolchildren, farmers, people in the cities, and others planting trees, I could not help but think how foolish it seemed to be that while, on the one hand, we were trying to rehabilitate, on the other hand, we were permitting what I call a butchering of the land. We have disemboweled the land so that nothing but reptiles could live on it.

Mr. DODD. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. DODD. I join the Senator from Oregon [Mr. MORSE] and the Senator from Minnesota [Mr. MCCARTHY] in complimenting our able friend from Ohio in his presentation of these facts here this morning. The Senator from Ohio, not only as Governor of his great State, but as a Member of this body, has been deeply devoted to the whole problem of conservation.

As he knows, I consider conservation a No. 1 domestic problem in our country. As has been pointed out, the question has not been merely one of strip mining in Ohio and Pennsylvania. There has been a stripping of grazing lands in the West and the pollution of our rivers.

My colleague from Connecticut [Mr. RIBICOFF], who is the Presiding Officer of the Senate this morning, has been a leader in the effort to do something about the pollution of our rivers.

Through the center of Connecticut a great river, the Connecticut River, flows. Years ago the Connecticut River teemed with fish and all kinds of marine life. Today there is very little of that life left in that river. Industries and factories that have built along its banks have polluted it and spoiled it.

The Senator from Ohio has told us what is going on in the strip mining industry. Our problem relates to water as well as what is happening to the soil.

I commend the Senator from bringing the subject to our attention. I feel, as he does, frustration about what we can do in the face of the plundering of our national wealth that has been going on.

Somehow we ought to be able to move together to solve the problem. Certainly the question is not a partisan one. We can do something about it if we make up our minds to do so.

(At this point Mr. HART took the chair as Presiding Officer.)

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. LAUSCHE. Mr. President, I yield to the Senator from Connecticut.

Mr. RIBICOFF. I have listened with great interest to the statement of the distinguished Senator from Ohio and my colleague from Connecticut.

More and more in our country people are realizing the factors of our environment and what is taking place. It is a tragedy that not only the present generation but also many future generations will pay a very high price.

The distinguished Senator from Ohio is absolutely correct in feeling a deep emotion toward what is taking place in Ohio. I have felt that emotion in relation to all of our environment as well as our natural resources, including the problem of water pollution and the problem of air pollution or poisons in the air.

DEATH OF RACHEL CARSON

Mr. RIBICOFF. Mr. President, I wish to note that yesterday a great lady died.

The death of Rachel Carson brings sadness to all mankind, for she dedicated her life to the well-being of everything that lives. A devoted scientist and a dedicated government servant, she combined the expert's knowledge with the writer's ability to communicate. The result was that this gentle lady, more than any other person of her time, aroused people everywhere to be concerned with one of the most significant problems of mid-20th-century life—man's contamination of his environment.

Her books have probably been read by more people than the works of any other scientist. Many great authors have helped the world to examine the nature of man. Rachel Carson made man take a close look at his world. She made us aware of the wonders of nature, of the mysteries and infinite variety of the life process. Most important, she shattered a complacency born of ignorance and made us face up to the long-range dangers inherent in man's unrestrained assault upon his environment.

After Rachel Carson brought her message of concern to the public, it was no longer possible to consider only the benefits of manmade pollution without weighing the risks. It was no longer possible to build a new factory without being concerned about air pollution, a nuclear reactor without being concerned about water pollution, or a new pesticide to make food more abundant without being concerned about the health of wildlife and even people. She was no fanatic trying to wish away the advantages of the 20th century. She was a humanitarian insisting that man weigh carefully the consequences of his modern technology and strike a balance that will preserve the wonders of nature in the 21st century.

The pesticide hearings before the Subcommittee on Reorganization are in large part the result of her work in the field of pesticides. In one of her last public appearances she testified before this subcommittee. We owe it to her memory to press on with the task we have begun—to learn everything we can about pesticides, their advantages, their dangers, and the appropriate regulation of their use.

Today we mourn a great lady. All mankind is in her debt.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. JAVITS. I, too, am a member of the subcommittee of which the Senator from Connecticut [Mr. RIBICOFF] is chairman. I should like to join with him in paying tribute to the great work and the national interest reflected by Rachel Carson and her books. I join the Senator in his expressions of her gifts as a woman and our great sadness at her untimely passing.

Incidentally, the Senator from Connecticut [Mr. RIBICOFF] has done a magnificent job in presiding over the subcommittee. I am sure the whole Nation appreciates his efforts. I have not given as much attention to the work of the subcommittee as I should have liked, as I have been engaged in the study of other problems before other committees and subcommittees. But I shall do my utmost to pay my tribute to Rachel Carson by participating actively under the distinguished chairmanship of the Senator from Connecticut [Mr. RIBICOFF] in the work of the subcommittee.

Mr. RIBICOFF. I thank the Senator for his gracious remarks. Every member of the subcommittee, including the Senator from New York, has made a contribution to the committee. Our work has only started. There is much more to be done.

I was interested in the remarks of the senior Senator from Connecticut [Mr. DODD] and the Senator from Ohio [Mr. LAUSCHE] because all of the activity of which they have spoken is a part of the same piece. Every one of us must be concerned to see that mankind has not become so brilliant and so smart that we are upsetting the balance of nature to the point at which we shall destroy what God has given us. If we do, we shall pay a penalty that will come not only to us but to our children and to our children's children.

I commend the Senator from Ohio for the fight that he is making to preserve the beauties of the landscape and nature in Ohio. All of us must continue to preserve our great Nation, its environment, wildlife, and the future of our people.

Mr. President, most people think Rachel Carson's concern about our environment was limited to the problem of pesticides. Actually, her interest and concern extended far beyond this one phase of environmental health. In testifying before the Subcommittee on Reorganization last June Miss Carson stated—

> The contamination of the environment with harmful substances is one of the major problems of modern life * * *. Contamination of various kinds has now invaded all of the physical environment that supports us—water, soil, air, and vegetation. It has even penetrated that internal environment within the bodies of animals and men. It comes from many sources: radioactive wastes from cities and towns, chemical wastes from factories, detergents from homes and industries. * * * The problem of pesticides can be properly understood only in context, as part of the general introduction of harmful substances into the environment.

The problem of environmental health raises more questions than we have answers for. I was startled to read the other day, for instance, that the death rate has been more or less stationary in this country during the period 1950–60 despite our great advances in science and medicine and surgery. In submitting this report the Public Health Service points out that the possible adverse effects on mortality of radioactive fallout, air pollution, and other manmade hazards cannot be completely ignored.

Our research effort in this field must be greatly expanded. As Secretary of Health, Education, and Welfare I recommended the establishment of an Environmental Health Research Center in which coordinated and extensive new work could be conducted in the field of environmental health. To date no funds have been appropriated for the project but I am hopeful they soon will be.

When this facility is finally constructed—as I am sure it will be—I think it only appropriate to dedicate it to the memory of a great lady who jarred our national conscience and started us down the path to a healthier environment—a more habitable world. I am therefore introducing today a joint resolution designating this facility as the Rachel Carson Memorial Research Center for Environmental Health.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 168) providing that an Environmental Health Center that may hereafter be established in the Public Health Service shall be known as "Rachel Carson Memorial Research Center for Environmental Health," introduced by Mr. RIBICOFF, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. LAUSCHE. Mr. President, it was with deep sorrow and shock that I learned this morning of the death of this great American lady. I read her book; and the impact upon me was one of great tenderness, particularly her description of dying robins, looking up as if for help, lying on the ground of the campus at a certain place where insecticides had been used. She dealt with a drab subject with competence and with a tenderness that left an unforgettable impact upon the need for our doing something about the problem, as the Senator from Connecticut has suggested.

PAN AMERICAN DAY

Mr. DODD. Mr. President, yesterday the people of the United States joined the people of the other free countries of the Western Hemisphere in celebrating Pan American Day, a day dedicated to the peace, security, progress, and friendship of all of the peoples of the Western Hemisphere.

With each passing year the concept of Pan Americanism takes on increased meaning. We are now engaged in a great joint endeavor with our sister Republics to provide for common hemispheric defense against Communist aggression and to build a framework of social justice and economic progress, through joint cooperation, upon which all of the Republics of the Americas can stand together in peace and prosperity.

The common hopes and indeed the future of the Americas are in many ways bound up in the Alliance for Progress. Three short years ago this great enterprise was launched, an enterprise which, through a common effort by the United States and our sister Republics, sought to raise levels of health, education, and economic growth throughout the hemisphere. This effort has been accompanied by closer and closer cooperation between the American states in resistance to Castroism, which seeks to communize Latin America.

The Alliance for Progress has encountered many difficulties, as indeed it had to, from the enormity of its task. It has also scored successes and the steadily growing number of schools, hospitals, and housing projects are evidences of this success. The Alliance for Progress is today going through what I would call an ordeal of public skepticism. Its successes are little heralded and the continuing problems of the hemisphere are constantly raised as proof of its inadequacy and ineffectiveness.

This is a shortsighted view, and as a Member of the Senate and of the Foreign Relations Committee, I want to take this occasion during Pan American Week to express my complete support of and confidence in the Alliance for Progress and my intention to support this indispensable program with every means at my command.

I observe in the Chamber, our distinguished colleague, the senior Senator from Oregon [Mr. MORSE], who is chairman of the Subcommittee on Latin American Affairs of the Committee on Foreign Relations. In my judgment he has made a tremendous contribution to furthering the Alliance for Progress and furthering a better understanding of the problems in South America and in helping all of us to take a more active interest in the nations to the south of us.

As I mention the Senator from Oregon, I believe it is fitting during Pan American Week for me to also pay tribute to an unassuming man who has gained an international reputation as an expert on the problems of Latin America. His name is Father Joseph F. Thorning, and in tribute to his life long dedication to the problems of Latin America he has been frequently called the Padre of the Americas.

Father Thorning is an eminent scholar, writer, and lecturer. I have sought his counsel on many occasions concerning the problems of this hemisphere and he has invariably responded with an insight, a lucidity, and a broad perspective that has always aroused my admiration and complete confidence.

He came to my mind during the preparation of these remarks concerning Pan American Day because his life, which has been devoted to serving the common interests of all the nations of the Americas long before it became an obvious matter of national urgency, has been a living personification of the spirit and the aspirations and the high ideals which are in our hearts and our minds as we join together with our sister republics in building upon this hemisphere an edifice of progress, of prosperity, and of justice in which all people of the Americas may dwell together in peace and friendship.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. MORSE. I join the Senator from Connecticut in expressing appreciation to Father Thorning for the assistance he has given to us over the years in connection with Latin American problems and the advice he has given to the subcommittee and to me as chairman of the subcommittee in connection with ways and means of perfecting the Alliance for Progress program. I expect to seek his advice again this year as we work on the Alliance for Progress program.

I say to the Senator from Connecticut that I am for strengthening the Alliance for Progress program. For example, I could be persuaded to enlarge the appropriations for some phases of the Alliance for Progress program if certain policy changes could be made in the program. I am for a modification of the program in some respects, because I think the American taxpayers are entitled to have great assurance that the money they make available for Latin America is going to go into projects that will actually help the economic standard of living of the masses of the people. The State Department and the AID officials could obtain from me support for really greater appropriations than are being ask for in the Alliance for Progress program if they would agree to some very much needed reforms in the program which many experts on Latin America say ought to be made.

I shall continue this year to seek to reduce the amount of money made available for unnecessary military aid of the types being asked. I shall support military aid to Latin America, but the kind of military aid needed to meet threats of Communist coups, not the type that is embedded in so much of the military aid requested for Latin America.

I shall support large appropriations for various economic projects in Latin America, particularly projects that will make it possible for the private segment of the Latin American economy to develop itself.

Yesterday I met with one of the leading Senators from Uruguay for some time. We discussed the matter of encouraging foreign investments in Latin America. It is fine if the investments are conducted in a way that will develop the private economy of Latin America, and not the private economy of the United States abroad. I am of the point of view that we ought to export the economic portion of the American corporate system, but not export American corporations. There is quite a difference. If this country exports the know-how, the techniques, the format of the American corporate system to establish Latin-American corporations, where at least 51 percent of the control is in the private segment of the economy of Latin America, and not in the private segment of the U.S. economy, there is quite a difference in approach. As chairman of the subcommittee, I can be counted upon to support that kind of program. The sad fact is that that vision has not been grasped by the Defense Department, the Pentagon, or the AID.

Mr. DODD. I thank the Senator. As he knows, I share his view in considerable measure. I congratulate him for his leadership and his efforts to see that necessary improvements are made in the program. I think improvements must and will be made, so that the program will be even more successful in the future.

I yield the floor.

ORDER OF BUSINESS

Mr. MORSE and Mr. JAVITS addressed the Chair.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Has the unfinished business been laid before the Senate?

The PRESIDING OFFICER. The unfinished business has not been laid before the Senate.

Mr. JAVITS. I ask that the unfinished business be laid before the Senate, unless there is some objection on the part of the Senator from Oregon.

Mr. MORSE. Mr. President, I have no objection to the unfinished business being laid before the Senate, but I would object to not being recognized first, because if I did not address the Chair before any other Senators, I would never be recognized. I would be perfectly willing to have the Chair lay the unfinished business before the Senate, but I shall insist upon being recognized first.

Mr. JAVITS. I thank the Senator from Oregon.

The PRESIDING OFFICER. The order of procedure could be arranged by compromise. The Senator from Oregon [Mr. MORSE] asked for recognition first. By complying with the request, the Chair could lay before the Senate the pending business, and the Senator from Oregon could ask to waive the rule of germaneness.

Mr. MORSE. Mr. President, I ask unanimous consent to waive the rule of germaneness, and that the Chair lay before the Senate the pending business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 138 Leg.]

Aiken
Allott
Anderson
Bartlett
Beall
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cooper
Cotton
Curtis
Dodd
Dominick
Douglas
Ellender
Fong
Gruening
Hart
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Magnuson
Mansfield
McCarthy
McGee
McGovern
Metcalf
Miller
Monroney
Morse
Mundt
Nelson
Neuberger
Pastore
Pearson
Pell
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smith
Sparkman
Talmadge
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). A quorum is present.

DEATH OF MAJ. GEN. MELVIN J. MAAS

Mr. McCARTHY. Mr. President, yesterday the newspapers carried notices of the death of Maj. Gen. Melvin J. Maas, formerly a Member of the House of Representatives, where he represented the Fourth District of Minnesota, which it was my privilege to represent for some 10 years.

General Maas was greatly respected in his home State and by all who knew him. He served with great honor in Congress, in representing that District and our State. From there, he went on to serve the Nation as an officer in the war. In the years since the war, although afflicted by blindness, he continued to be a great public servant and a great inspiration to all who worked with him and who came to know him.

I ask unanimous consent to have printed at this point in the RECORD, in connection with my remarks, an editorial entitled "Maj. Gen. Melvin J. Maas," which was published today in the Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MAJ. GEN. MELVIN J. MAAS

Maj. Gen. Melvin J. Maas, who died Monday, was a brave man. He was brave enough, as a politician, to start his career by denouncing prohibition when it still was popular. He was brave enough as a Member of the House, to take up many other unpopular causes. His most spectacular act of bravery, of course, occurred in the House when a deranged spectator in the gallery waved a loaded revolver. The Congressman calmy asked him to surrender the weapon and he did so. He was brave enough as a Marine officer to carry on hazardous duties in the Pacific theater during World War II.

But his bravest acts followed the disaster of total blindness which struck him down more than 10 years ago. General Maas cheerfully undertook the training necessary to permit a continued active career. Then he became Chairman of the President's Committee on Employment of the Handicapped and conducted a crusade for jobs for the handicapped. His own strenuous endeavors were the best possible demonstrations of how useful blind and otherwise handicapped persons could be.

He had a distinguished career in Congress, in the Marine Corps and in the work with which he was occupied for the last decade. He faced dangers and misfortunes in many fields with great gallantry. He was a brave man.

LOWELL MASON'S GRACE

Mr. CARLSON. Mr. President, 30 years ago Lowell Mason, a former member and Chairman of the Federal Trade Commission, arranged a luncheon on the opening day of the baseball season in Washington. He invited as his guests several members of the executive, judicial, and legislative branches of the Government.

This has been an annual event during these 30 years and many outstanding and prominent citizens have been his guests at these luncheons, including President Lyndon Johnson, former President Harry Truman, Vice President Barkley, Chief Justice Earl Warren, our distinguished President pro tempore of the Senate, the Honorable Carl Hayden of Arizona, and many outstanding Members of the House and Senate.

As a token of our appreciation on this 30th anniversary, we presented to Lowell Mason a silver platter on which our names were inscribed.

Every year we look forward to the inspirational grace written and given by him preceding the luncheon.

I ask unanimous consent that the grace given by Lowell on this 30th anniversary be printed at this point in the RECORD.

There being no objection, the grace was ordered to be printed in the RECORD, as follows:

LOWELL MASON'S GRACE

Our Father, who shall say that those who make and those who administer our laws may serve without Thy help.

And who shall say they may receive it, except they be simple, gentle and humble, becoming as little children.

For no nation can be truly great whose servants do not have something childlike in their lives.

We must renew our youth with simple joys that re-create the jaded mind and revive the burdened soul.

This, we seek to do, here at this table where the armaments of life are absent.

Grant us this day the saving touch of friendship, for in times of conflict, friendship is the quality that keeps open the lines of communication. May this happy noontime help to refill the reservoirs of our spirit, give us courage greater than our fears and strength more adequate to our tasks.

Bless and guide our President and all who direct and lead our Nation that it may carry out Thy purpose. Amen.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. BYRD of Virginia. Mr. President, I opposed intercepting the pending bill—H.R. 7152, the so-called civil rights bill—at the door of the Senate and placing it directly on the Senate calendar without hearings or committee examination.

I voted to send the bill to an appropriate committee, for the purposes of proper consideration, and giving the public an opportunity to be heard on one of the most far-reaching proposals ever before Congress.

I oppose this proposed legislation from beginning to end. I shall oppose it every step of the way; and if the bill in any form is brought to a vote in the Senate, my vote will be cast emphatically against it.

The reasons for my position at all of these stages fall generally into three broad categories: First, a dangerous—and in my opinion an improper—procedure is being followed; second, it is a bad bill; and third, it is unnecessary and unjustifiable legislation.

The facts behind these reasons are on the record, and they are clear. I have dealt in some detail with the facts in the first two categories. The discussions may be found on pages 5875–5881 of the CONGRESSIONAL RECORD.

It is my purpose today to deal with the facts in the third category. But, for continuity, I shall first summarize briefly the facts and reasons under the headings "improper procedure," and "bad bill," before getting to "unnecessary and unjustifiable legislation."

As to improper procedure, the facts are:

This bill has been placed directly upon the calendar—a procedure which is becoming normal for civil rights bills when they cannot stand up under committee examination.

For all practical purposes, there was no committee examination on H.R. 7152, as it stands, in the House of Representatives; and committee consideration was completely bypassed in the Senate.

I am aware of the argument that hearings have been held in the past on pieces of the bill. But some of the pieces have been changed, and differences are magnified when the pieces are consolidated.

The public was not allowed to be heard on this bill. Those affected have been denied the right to be heard, and the public generally and the Senate are denied the information to be developed in formal testimony.

This bill is a massive collection of 11 titles, stated in some 10,000 words, covering 55 printed pages. It would change laws of long standing, create new statutes, and extend the might of Federal bureaucracy into the lives of individuals, industry, labor unions, and local and State governments.

Bypassing committee consideration has denied the Senate and the public the benefit of majority and minority views, and has precluded the requirements of the Cordon rule—to publish the proposed changes in existing law and their effect.

As to the facts behind the reason why this is a bad bill:

Even a cursory reading of H.R. 7152 develops glaring deficiencies. The whole purpose of the bill, for example, is to outlaw discrimination; but nowhere does the bill define "discrimination."

In fact, the absence of definitions in the bill is its hallmark. Bureaucrats administering provisions of the bill would make the rules as they went along. An exception to the definition rule is the definition of a State, in the FEPC title. This title says:

> The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, the Outer Continental Shelf Lands, defined in the Outer Continental Shelf Lands Act.

The fact that an act of Congress—if this bill were passed as it is—would define all of these places as States of the United States may be news to some of these areas. These are only examples of need for perfecting the bill before it comes to the floor of the Senate.

I doubt that any bill ever before the Senate has been more in need of committee examination. Evidences of drafting deficiencies and the inconsistencies of a hasty, patchwork job permeate the bill.

I have mentioned only a few of the facts behind the reasons why this, of all bills before the Senate in modern history, should be considered, if at all, within the requirements of proper procedure; and I have listed only samples of the technical reasons why it is a bad bill.

I have not even touched on the provisions of the bill which would:

Tend to destroy the States' control over their own voting requirements.

Stretch the commerce clause of the Constitution beyond recognition.

Improperly invoke the 14th amendment which was never constitutionally adopted in the first place.

Undermine the rights of property.

Raise grave questions as to a citizen's right to a trial by jury.

Open new doors to the centralization of power in Washington.

Lower the safeguards against trespass, and a vast number of other unbelievable provisions which would, in the whole, affect virtually every individual, business, and level of government in the country.

If, and when it is necessary, I shall discuss the provisions of the bill on an item-by-item basis. But for now, I wish to discuss my third category of facts behind the reasons for voting against the pending motion by bringing up the bill as it was intercepted at the door of the Senate.

I list the third category under the heading of "Unnecessary Legislation." Perhaps a better term is "unjustifiable legislation." Whatever we may call it, the fact is the purpose of this bill is to force social acceptance at the expense of liberty to choose.

There has been too much of this already by judicial decree, Executive order, and legislative act. The objectives of this bill are found in its effort to make legally respectable what has already been done, and to extend and expand the excesses already indulged in.

And perhaps equally as important, and certainly more offensive, are the provisions in the bill which extend intrusion of the Federal judiciary into the private lives of people, their social customs, and the management practices of business where the Federal Government has no business.

What I am saying with respect to unjustifiable and unnecessary legislation becomes crystal clear by looking at provisions in the bill, H.R. 7152, in view of what has been done before in the fields of voting rights, public accommodations, public facilities, education, federally assisted programs, employment, and so forth.

Title VII(7) of H.R. 7152 would establish the FEPC with all of its offensive provisions for Federal control over hiring, firing, promotion, pay raises, transfer, and so forth, by every employer who gives work—when the bill is fully effective—to 25 or more people.

It is one thing for the Federal Government to write its own stipulations into contracts under which citizens, businesses, and local and State governments may do business with the Government, if they choose to accept the contract conditions. It is another thing to put the power of a tyrant into the hands of the bureaucracy and the judiciary of a centralized government in this country, and force FEPC provisions on private business whether it chooses to do business with the Government or not.

If and when it is necessary, I shall go into the offensive detail of the FEPC title of H.R. 7152. But it suffices here to say that provisions in the bill go far beyond application only to businesses which have contracts with the Federal Government.

Compare this with what has already been done—not by law, but by Executive order. I refer to Executive Order No. 10925, dated March 6, 1961, signed by President John F. Kennedy, and issued under the title: "Establishing the President's Committee on Equal Employment Opportunity." This Executive order establishes some aspects of the FEPC, but application of the order is limited to those having contracts with Federal agencies.

I quote directly from Executive Order No. 10925 as follows:

> PART III—OBLIGATIONS OF GOVERNMENT CONTRACTORS AND SUBCONTRACTORS
>
> *Subpart A—Contractors' agreements*
>
> Section 301: Except in contracts exempted in accordance with section 303 of this order, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:
>
> "In connection with the performance of work under this contract, the contractor agrees as follows:
>
> "(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
>
> "2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.
>
> "3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
>
> "4. The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.
>
> "5. The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee; or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
>
> "6. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulation, or order of the President's Committee on Equal

Employment Opportunity, or as otherwise provided by law.

"7. The contractor will include the provisions of the foregoing paragraphs (1) through (6) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

Section 302: (a) Each contractor having a contract containing the provisions prescribed in section 301 shall file, and shall cause each of its subcontractors to file, compliance reports with the contracting agency, which will be subject to review by the Committee upon its request. Compliance reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the Committee may prescribe.

(b) Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of this order, and in that event to submit, on behalf of themselves and their proposed subcontractors, compliance reports prior to or as an initial part of their bid or negotiation of a contract.

(c) Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or other representative of workers, the compliance report shall include such information as to the labor union's or other representative's practices and policies affecting compliance as the Committee may prescribe: *Provided*, That to the extent such information is within the exclusive possession of a labor union or other workers' representative and the labor union or representative shall refuse to furnish such information to the contractor, the contractor shall so certify to the contracting agency as part of its compliance report and shall set forth what efforts he has made to obtain such information.

(d) The Committee may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his compliance report, a statement in writing, signed by an authorized officer or agent of any labor union or other workers' representative with which the bidder or prospective contractor deals, together with supporting information, to the effect that the said labor union's or representative's practices and policies do not discriminate on the grounds of race, color, creed, or national origin, and that the labor union or representative either will affirmatively cooperate, within the limits of his legal and contractual authority, in the implementation of the policy and provisions of this order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the order. In the event that the union or representative shall refuse to execute such a statement, the compliance report shall so certify and set forth what efforts have been made to secure such a statement.

Section 303: The Committee may, when it deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including the provisions of section 301 of this order in any specific contract, subcontract, or purchase order. The Committee may, by rule or regulation, also exempt certain classes of contracts, subcontracts, or purchase orders (a) where work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (b) for standard commercial supplies of raw materials; or (c) involving less than specified amounts of money or specified numbers of workers.

Subpart B—Labor unions and representatives of workers

Section 304: The Committee shall use its best efforts, directly and through contracting agencies, contractors, State and local officials and public and private agencies, and all other available instrumentalities, to cause any labor union, recruiting agency, or other representative of workers who is or may be engaged in work under Government contracts to cooperate with, and to comply in the implementation of, the purposes of this order.

Section 305: The Committee may, to effectuate the purposes of section 304 of this order, hold hearings, public or private, with respect to the practices and policies of any such labor organization. It shall from time to time submit special reports to the President concerning discriminatory practices and policies of any such labor organization, and may recommend remedial action if, in its judgment, such action is necessary or appropriate. It may also notify any Federal, State, or local agency of its conclusions and recommendations with respect to any such labor organization which in its judgment has failed to cooperate with the Committee, contracting agencies, contractors, or subcontractors in carrying out the purposes of this order.

Subpart C—Powers and duties of the President's Committee on Equal Employment Opportunity and of contracting agencies

Section 307: Each contracting agency shall be primarily responsible for obtaining compliance with the rules, regulations, and orders of the Committee with respect to contracts entered into by such agency or its contractors, or affecting its own employment practices. All contracting agencies shall comply with the Committee's rules in discharging their primary responsibility for securing compliance with the provisions of contracts and otherwise with the terms of this Executive order and of the rules, regulations, and orders of the Committee pursuant hereto. They are directed to cooperate with the Committee, and to furnish the Committee such information and assistance as it may require in the performance of its functions under this order. They are further directed to appoint or designate, from among the agencies' personnel, compliance officers. It shall be the duty of such officers to seek compliance with the objectives of this order by conference, conciliation, mediation, or persuasion.

Section 308: The Committee is authorized to delegate to any officer, agency, or employee in the executive branch of the Government any function of the Committee under this order, except the authority to promulgate rules and regulations of a general nature.

Section 309: (a) The Committee may itself investigate the employment practices of any Government contractor or subcontractor, or initiate such investigation by the appropriate contracting agency or through the Secretary of Labor, to determine whether or not the contractual provisions specified in section 301 of this order have been violated. Such investigation shall be conducted in accordance with the procedures established by the Committee, and the investigating agency shall report to the Committee any action taken or recommended.

(b) The Committee may receive and cause to be investigated complaints by employees or prospective employees of a Government contractor or subcontractor which allege discrimination contrary to the contractual provisions specified in section 301 of this order. The appropriate contracting agency or the Secretary of Labor, as the case may be, shall report to the Committee what action has been taken or is recommended with regard to such complaints.

Section 310: (a) The Committee, or any agency or officer of the United States designated by rule, regulation, or order of the Committee, may hold such hearings, public or private, as the Committee may deem advisable for compliance, enforcement, or educational purposes.

(b) The Committee may hold, or cause to be held, hearings in accordance with subsection (a) of this section prior to imposing, ordering, or recommending the imposition of penalties and sanctions under this order, except that no order for debarment of any contractor from further Government contracts shall be made without a hearing.

Section 311: The Committee shall encourage the furtherance of an educational program by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate or reduce the basic causes of discrimination in employment on the ground of race, creed, color, or national origin.

Subpart D—Sanctions and Penalties

Section 312: In accordance with such rules, regulations, or orders as the Committee may issue or adopt, the Committee or the appropriate contracting agency may:

(a) Publish, or cause to be published, the names of contractors or unions which it has concluded have complied or have failed to comply with the provisions of this order or of the rules, regulations, and orders of the Committee.

(b) Recommend to the Department of Justice that, in cases where there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in section 301 of this order, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, of organizations, individuals or groups who prevent directly or indirectly, or seek to prevent directly or indirectly, compliance with the aforesaid provisions.

(c) Recommend to the Department of Justice that criminal proceedings be brought for the furnishing of false information to any contracting agency or to the Committee as the case may be.

(d) Terminate, or cause to be terminated, any contract, or any portion or portions thereof, for failure of the contractor or subcontractor to comply with the nondiscrimination provisions of the contract. Contracts may be terminated absolutely or continuance of contracts may be conditioned upon a program for future compliance approved by the contracting agency.

(e) Provide that any contracting agency shall refrain from entering into further contracts, or extensions or other modifications of existing contracts; with any noncomplying contractor, until such contractor has satisfied the Committee that he has established and will carry out personnel and employment policies in compliance with the provisions of this order.

(f) Under rules and regulations prescribed by the Committee, each contracting agency shall make reasonable efforts within a reasonable time limitation to secure compliance with the contract provisions of this order by methods of conference, conciliation, mediation, and persuasion before proceedings shall be instituted under paragraph

(b) of this section, or before a contract shall be terminated in whole or in part under paragraph (d) of this section for failure of a contractor or subcontractor to comply with the contract provisions of this order.

Section 313: Any contracting agency taking any action authorized by this section, whether on its own motion, or as directed by the Committee, or under the Committee's rules and regulations, shall promptly notify the Committee of such action or reasons for not acting. Where the Committee itself makes a determination under this section, it shall promptly notify the appropriate contracting agency of the action recommended. The agency shall take such action and shall report the results thereof to the Committee within such time as the Committee shall provide.

Section 314: If the Committee shall so direct, contracting agencies shall not enter into contracts with any bidder or prospective contractor unless the bidder or prospective contractor has satisfactorily complied with the provisions of this order or submits a program for compliance acceptable to the Committee or, if the Committee so authorizes, to the contracting agency.

Section 315: Whenever a contracting agency terminates a contract, or whenever a contractor has been debarred from further Government contracts, because of noncompliance with the contractor provisions with regard to nondiscrimination, the Committee, or the contracting agency involved, shall promptly notify the Comptroller General of the United States.

Mr. President (Mr. NELSON in the chair), the implications of this Executive order are bad enough. If the Government contracts to buy lumber, its interest should be in the quality and quantity of lumber received for the Federal expenditure, but this order puts the emphasis on integration of the sawmill.

The purpose of title VII of H.R. 7152 is to extend this Federal policy and philosophy to every business enterprise in the Nation, when fully effective, employing 25 persons or more, whether they do business with agencies of the Federal Government or not.

Now look at title VI. The purpose of this title is to deny use of Federal funds in programs of Federal aid to States, and other federally assisted programs involving grants, loans, and contracts through which Federal money is spent. Expenditures in these programs total untold billions of dollars.

Under these provisions Federal departments and agencies would cut off payments through these programs upon an "express finding" of failure to comply with some undefined requirement against discrimination—power which President Kennedy said last April he thought would be "unwise."

But the effect of title VI of H.R. 7152 would be to legalize, expand, and extend an Executive order by President Kennedy with respect to "federally assisted contracts," and a Federal court decision with respect to funds disbursed under the Hill-Burton program to assist in the construction of hospitals.

The Executive order is numbered 11114 and it is dated June 22, 1963. It supplements Executive Order No. 10925, of March 6, 1961—dealing with other Federal contracts, which I have already discussed—extending its provisions to embrace federally assisted construction projects.

I quote directly from Executive Order No. 11114, as follows:

Whereas it is the policy of the U.S. Government to encourage by affirmative action the elimination of discrimination because of race, creed, color, or national origin in employment on work involving Federal financial assistance, to the end that employment opportunities created by Federal funds shall be equally available to all qualified persons; and

Whereas Executive Order No. 10925 of March 6, 1961 (26 F.R. 1977), reaffirmed the policy of requiring the inclusion of nondiscrimination provisions in Government contracts and established the President's Committee on Equal Employment Opportunity to administer the program for obtaining adherence to and compliance with such provisions; and

Whereas construction under programs of Federal grants, loans, and other forms of financial assistance to State and local governments and to private organizations creates substantial employment opportunities; and

Whereas it is deemed desirable and appropriate to extend the existing program for nondiscrimination in employment in Government contracts established by Executive Order No. 10925 to include certain contracts for construction financed with assistance from the Federal Government; and

Whereas it is also desirable to amend Executive Order No. 10925 in certain respects in order to clarify the authority of the President's Committee on Equal Employment Opportunity: Now, therefore,

By virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

PART I. NONDISCRIMINATION PROVISIONS IN FEDERALLY ASSISTED CONSTRUCTION CONTRACTS

Section 101: Each executive department, and agency which administers a program involving Federal financial assistance shall insofar as it may be consistent with law require as a condition for the approval of any grant, contract, loan, insurance, or guarantee thereunder which may involve a construction contract that the applicant for Federal assistance undertake and agree to incorporate, or cause to be incorporated, into all construction contracts paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to such grant, contract, loan, insurance or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance or guarantee, the provisions prescribed for Government contracts by section 301 of Executive Order No. 10925 or such modification thereof, preserving in substance the contractor's obligations thereunder, as may be approved by the President's Committee on Equal Employment Opportunity (the "Committee"), together with such additional provisions as the Committee deems appropriate to establish and protect the interests of the United States in the enforcement of these obligations. Each such applicant shall also undertake and agree (i) to assist and cooperate actively with the administering department or agency and the Committee in obtaining the compliance of contractors and subcontractors with said contract provisions and with the rules, regulations, and relevant orders of the Committee, (ii) to obtain and to furnish to the administering department or agency and to the Committee such information as they may require for the supervision of such compliance, (iii) to enforce the obligations of contractors and subcontractors under such provisions, rules, regulations, and orders, (iv) to carry out sanctions and penalties for violation of such obligations imposed upon contractors and subcontractors by the Committee or the administering department or agency pursuant to part III, subpart D, of Executive Order No. 10925, and (v) to refrain from entering into any contract subject to this order, or extension or other modification of such a contract with a contractor debarred from Government contracts under part III, subpart D, of Executive Order No. 10925.

Section 102: (a) "Construction contract" as used herein means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(b) The provisions of part III of Executive Order 10925 shall apply to such construction contracts, and for purposes of such application the administering department or agency shall be considered the contracting agency referred to therein.

(c) The term "applicant" as used herein means an applicant for Federal assistance or, as determined by agency regulation, other program participant, with respect to whom an application for any grant, contract, loan, insurance, or guarantee is not finally acted upon prior to the effective date of this part, and it includes such an applicant after he becomes a recipient of such Federal assistance.

Section 103: (a) Each administering department and agency shall be primarily responsible for obtaining the compliance of such applicants with their undertakings hereunder and shall comply with the rules of the Committee in the discharge of this responsibility. Each administering department and agency is directed to cooperate with the Committee, and to furnish the Committee such information and assistance as it may require in the performance of its functions under this order.

(b) In the event an applicant fails and refuses to comply with his undertakings, the administering department or agency may, and upon the recommendation of the Committee, shall take any or all of the following actions:

(1) cancel, terminate, or suspend in whole or in part the agreement or contract with such applicant with respect to which the failure and refusal occurred;

(2) refrain from extending any further assistance under any of its programs subject to this order until satisfactory assurance of future compliance has been received from such applicant;

(3) refer the case to the Department of Justice for appropriate legal proceedings.

(c) No action shall be taken with respect to an applicant pursuant to paragraph (1) or (2) of subsection (b) without notice and hearing before the administering department or agency or the Committee in accordance with the rules and regulations of the Committee.

Section 104: The Committee may, by rule, regulation, or order, exempt all or part of any program of an administering agency from the requirements of this order when it deems that special circumstances in the national interest so require.

Section 105: The Committee shall adopt such rules and regulations and issue such orders as it deems necessary and appropriate to achieve the purposes of this order.

PART II—AMENDMENTS TO EXECUTIVE ORDER NO. 10925

Section 201: Section 301 of Executive Order No. 10925 of March 6, 1961, is amended to read:

"Section 301: Except in contracts exempted in accordance with section 303 of this order, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions—

" 'During the performance of this contract, the contractor agrees as follows:

" '(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

" '(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

" '(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

" '(4) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, as amended, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

" '(5) The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, as amended, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

" '(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, as amended, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

" '(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity, issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, as amended so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the contractor becomes involved in, or is threatend with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States'."

Section 202: Section 303 of Executive Order No. 10925 is amended to read:

"The Committee may, when it deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including any or all of the provisions of section 301 of this order in any specific contract, subcontract or purchase order. The Committee may, by rule or regulation, also exempt certain classes of contracts, subcontracts or purchase orders (a) where work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (b) for standard commercial supplies or raw materials; (c) involving less than specified amounts of money or specified numbers of workers; or (d) to the extent that they involved subcontracts below a specified tier. The Committee may also provide, by rule, regulation, or order, for the exemption of facilities of a contractor which are in all respects separate and distinct from activities of the contractor related to the performance of the contract, provided that such an exemption will not interfere with or impede the effectuation of the purposes of this order and provided that in the absence of such an exemption all such facilities shall be covered by the provisions of this order."

In addition to Executive Order No. 11114 we have the decision by the Federal Court of Appeals for the Fourth Circuit, handed down at Greensboro, N.C., on November 1, 1963. The circuit court reversed a North Carolina District Court and outlawed "separate but equal" facilities in Hill-Burton hospitals.

I quote directly from the Fourth Federal Circuit Court decision:

As the Government argued in its brief, the Hill-Burton Act itself and its legislative history reveal "emphasis on the creation of a State-wide system of hospitals for the provision of hospital service to all the people of the State [which] indicates that the Hill-Burton program was not limited to the granting of financial aid to individual hospitals. It shows, rather, a congressional design to induce the States, upon joining the program, to undertake the supervision of the construction and maintenance of adequate hospital facilities throughout their territory. Upon joining the program a participating State in effect assumes, as a State function, the obligation of planning for adequate hospital care. And it is, of course, clear that when a State function or responsibility is being exercised, it matters not for 14th-amendment purposes that the * * * [institution actually chosen] would otherwise be private: the equal protection guarantee applies."[1]

Moreover, the Government's argument stresses the fact that the challenged discrimination has been affirmatively sanctioned by both the State and the Federal Government pursuant to Federal law and regulation (42 U.S.C.A. sec. 291e(f); 42 C.F.R. sec. 53.112). It is settled that governmental sanction need not reach the level of compulsion to clothe what is otherwise private discrimination with State action.

It remains to discuss the case of *Eaton* v. *Board of Managers of James Walker Mem. Hospital*, 261 F. 2d 521 (4th Cir.), certiorari denied, 359 U.S. 984 (1958). Not only the defendants but also the district court relied on this as a precedent in apparent conflict with the present decision. This court, held, upon consideration of certain sums paid by the city of Wilmington and the county of New Hanover, N.C., that the defendant hospital was not so impressed with State action as to require injunction under the 14th amendment against its racially discriminatory practices. Initially we note that Eaton was decided before the Supreme Court's decision in *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715 (1961). In light of Burton doubt is cast upon Eaton's continued value as a precedent. And we hold that the district court erred in its attempt to distinguish the Burton decision.

The Supreme Court's language and holding is not to be limited to cases involving lessees of public property. Also significant is the fact that the Eaton case did not involve any consideration of the Hill-Burton program, with its massive financial aid and comprehensive plans. Moreover, no argument was presented in Eaton as to possible fulfillment by a private body of a State function pursuant to an extensive State plan. And finally, the Eaton case did not consider what effect overt State and Federal approval would have on otherwise purely private discrimination.

Having found the requisite "State action," necessarily we must remand to the district court with directions to grant the requested injunctive relief. We agree with the plaintiffs and the Government that adjudication of the statute's constitutionality is not advisory merely and that the plaintiffs have standing to challenge the constitutionality of 42 U.S.C.A. 291e(f) and 42 C.F.R. 53.112 which promote federally assisted and approved hospital facilities. To make any relief effective it becomes necessary to pass upon the validity of the statute and the regulation, because they contain an affirmative sanction of the unconstitutional practice.

These Federal provisions undertaking to authorize segregation by State-connected institutions are unconstitutional. The rest of section 291e(f), providing for hospital facilities without discrimination, however, remains in effect. The basic and overriding purpose of the Hill-Burton Act was to permit the States to develop programs of hospital construction that would provide adequate services "to all their people," 42 U.S.C.A. 291(a). It serves the dominant congressional purpose best to prune from the statutory provision only that language which adopted what is now known to be an unconstitutional means of accomplishing a constitutional end. The general prohibition against discrimination stands; only the exception tolerating "separate but equal" falls. Accordingly, we declare invalid only that portion of 42 U.S.C.A. 291e(f) which reads: "but an exception shall be made in cases where separate hospital facilities are provided for separate population groups, if the plan makes equitable provision on the basis of need for facilities and services of like quality for each such group."

Unconstitutional as well under the due process clause of the 5th amendment and the equal protection clause of the 14th are the relevant regulations implementing this passage in the statute.

This court does not overlook the hospitals' contention that they accepted Government grants without warning that they would thereby subject themselves to restrictions on their racial policies. Indeed they are being required to do what the Government assured them they would not have to do. But in this regard the defendants, owners of publicly assisted facilities, can stand no better than the collective body of southern voters who approved school bond issues before the Brown decision or the private entrepreneur who outfitted his restaurant business

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[1] *Terry* v. *Adams*, 345 U.S. 461 (1953); *Marsh* v. *Alabama*, 326 U.S. 501 (1946); *Smith* v. *Allwright*, 321 U.S. 649 (1944); *Nixon* v. *Condon*, 286 U.S. 73 (1932); *Guillory* v. *Administrators of Tulane Univ. of Louisiana*, 212 F. Supp. 674 (E.D. La. 1962).

> in the Wilmington parking garage before the Burton decision. The voters might not have approved some of the bond issues if they had known that the schools would be compelled to abandon their historic practice of separation of the races, and the restaurateur might have been unwilling to venture his capital in a business on the premises of the Wilmington Parking Authority if he had anticipated the imposition of a requirement for desegregated service. What was said by the Supreme Court in Burton in regard to the leases there in question is pertinent here:
>
> "[W]hen a State leases public property in the manner and for the purpose shown to have been the case here, the proscriptions of the 14th amendment must be complied with by the lessee as certainly as though they were binding covenants written into the agreement itself," 365 U.S. at page 726.
>
> We accord full weight to the argument of the defendants, but it cannot prevail. Not only does the Constitution stand in the way of the claimed immunity but there are powerful countervailing equities in favor of the plaintiff. Racial discrimination by hospitals visits severe consequences upon Negro physicians and their patients.
>
> Giving recognition to its responsibilities for public health the State elected not to build publicly owned hospitals, which concededly could not have avoided a legal requirement against discrimination. Instead it adopted and the defendants participated in a plan for meeting those responsibilities by permitting its share of Hill-Burton funds to go to existing private institutions. The appropriation of such funds to the Cone and Long Hospitals effectively limits Hill-Burton funds available in the future to create non-segregated facilities in the Greensboro area. In these circumstances, the plaintiffs can have no effective remedy unless the constitutional discrimination complained of is forbidden.
>
> The order of the district court is reversed and the case is remanded for the entry of an order in conformity with the opinion of this court.
>
> Reversed and remanded.

I invite the further attention of Senators to title VI (6) of H.R. 7152. For reasons best known in the House of Representatives, this title was amended in attempt to exclude the FHA and veterans housing programs from provisions cutting off Federal funds.

The effectiveness of this exclusion is doubtful as it stands in the bill. But I point to Executive Order No. 11063, entitled "Equal Opportunity in Housing." This order was signed November 30, 1962, by President Kennedy.

I quote directly from Executive Order No. 11063:

> Whereas the granting of Federal assistance for the provision, rehabilitation, or operation of housing and related facilities from which Americans are excluded because of their race, color, creed, or national origin in unfair, unjust, and inconsistent with the public policy of the United States as manifested in its Constitution and laws; and
>
> Whereas the Congress in the Housing Act of 1949 has declared that the general welfare and security of the Nation and the health and living standards of its people require the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family; and
>
> Whereas discriminatory policies and practices based upon race, color, creed, or national origin now operate to deny many Americans the benefits of housing financed through Federal assistance and as a consequence prevent such assistance from providing them with an alternative to substandard, unsafe, unsanitary, and overcrowded housing; and
>
> Whereas such discriminatory policies and practices result in segregated patterns of housing and necessarily produce other forms of discrimination and segregation which deprive many Americans of equal opportunity in the exercise of their unalienable rights to life, liberty, and the pursuit of happiness; and
>
> Whereas the executive branch of the Government, in faithfully executing the laws of the United States which authorize Federal financial assistance, directly or indirectly, for the provision, rehabilitation, and operation of housing and related facilities, is charged with an obligation and duty to assure that those laws are fairly administered and that benefits thereunder are made available to all Americans without regard to their race, color, creed, or national origin:
>
> Now, therefore, by virtue of the authority vested in me as President of the United States by the Constitution and laws of the United States, it is ordered as follows:
>
> ### PART I—PREVENTION OF DISCRIMINATION
>
> Section 101: I hereby direct all departments and agencies in the executive branch of the Federal Government, insofar as their functions relate to the provision, rehabilitation, or operation of housing and related facilities, to take all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin—
>
> (a) in the sale, leasing, rental, or other disposition of residential property and related facilities (including land to be developed for residential use), or in the use or occupancy thereof, if such property and related facilities are—
>
> (i) owned or operated by the Federal Government, or
>
> (ii) provided in whole or in part with the aid of loans, advances, grants, or contributions hereafter agreed to be made by the Federal Government, or
>
> (iii) provided in whole or in part by loans hereafter insured, guaranteed, or otherwise secured by the credit of the Federal Government, or
>
> (iv) provided by the development or the redevelopment of real property purchased, leased, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under a loan or grant contract hereafter entered into; and
>
> (b) in the lending practices with respect to residential property and related facilities (including land to be developed for residential use) of lending institutions, insofar as such practices relate to loans hereafter insured or guaranteed by the Federal Government.
>
> Section 102: I hereby direct the Housing and Home Finance Agency and all other executive departments and agencies to use their good offices and to take other appropriate action permitted by law, including the institution of appropriate litigation, if required, to promote the abandonment of discriminatory practices with respect to residential property and related facilities heretofore provided with Federal financial assistance of the types referred to in section 101(a) (ii), (iii), and (iv).
>
> ### PART II—IMPLEMENTATION BY DEPARTMENTS AND AGENCIES
>
> Section 201: Each executive department and agency subject to this order is directed to submit to the President's Committee on Equal Opportunity in Housing established pursuant to part IV of this order (hereinafter sometimes referred to as the Committee), within 30 days from the date of this order, a report outlining all current programs administered by it which are affected by this order.
>
> Section 202: Each such department and agency shall be primarily responsible for obtaining compliance with the purposes of this order as the order applies to programs administered by it; and is directed to cooperate with the Committee, to furnish it, in accordance with law, such information and assistance as it may request in the performance of its functions, and to report to it at such intervals as the Committee may require.
>
> Section 203: Each such department and agency shall, within 30 days from the date of this order, issue such rules and regulations, adopt such procedures and policies, and make such exemptions and exceptions as may be consistent with law and necessity or appropriate to effectuate the purpose of this order. Each such department and agency shall consult with the Committee in order to achieve such consistency and uniformity as may be feasible.
>
> ### PART III—ENFORCEMENT
>
> Section 301: The Committee, any subcommittee thereof, and any officer or employee designated by any executive department or agency subject to this order may hold such hearings, public or private, as the Committee, department, or agency may deem advisable for compliance, enforcement, or educational purposes.
>
> Section 302: If any executive department or agency subject to this order concludes that any person or firm (including but not limited to any individual, partnership, association, trust, or corporation) or any State or local public agency has violated any rule, regulation, or procedure issued or adopted pursuant to this order, or any nondiscrimination provision included in any agreement or contract pursuant to any such rule, regulation, or procedure, it shall endeavor to end and remedy such violation by informal means, including conference, conciliation, and persuasion unless similar efforts made by another Federal department or agency have been unsuccessful. In conformity with rules, regulations, procedures, or policies issued or adopted by it pursuant to section 203 hereof, a department or agency may take such action as may be appropriate under its governing laws, including, but not limited to, the following:
>
> It may—
>
> (a) cancel or terminate in whole or in part any agreement or contract with such person, firm, or State or local public agency providing for a loan, grant, contribution, or other Federal aid, or for the payment of a commission or fee;
>
> (b) refrain from extending any further aid under any program administered by it and affected by this order until it is satisfied that the affected person, firm, or State or local public agency will comply with the rules, regulations, and procedures issued or adopted pursuant to this order, and any nondiscrimination provisions included in any agreement or contract;
>
> (c) refuse to approve a lending institution or any other lender as a beneficiary under any program administered by it which is affected by this order or revoke such approval if previously given.
>
> Section 303: In appropriate cases executive departments and agencies shall refer to the Attorney General violations of any rules, regulations, or procedures issued or adopted pursuant to this order, or violations of any nondiscrimination provisions included in any agreement or contract, for such civil or criminal action as he may deem appropriate. The Attorney General is authorized to furnish legal advice concerning this order to the Committee and to any department or agency requesting such advice.
>
> Section 304: Any executive department or agency affected by this order may also invoke the sanctions provided in section 302 where any person or firm, including a lender, has violated the rules, regulations, or proce-

dures issued or adopted pursuant to this order, or the nondiscrimination provisions included in any agreement or contract, with respect to any program affected by this order administered by any other executive department or agency.

I have quoted from these Executive orders, and the circuit court decision with respect to titles VI(6) and VII(7) of H.R. 7152 as facts behind the reasons why this bill would be unnecessary and unjustifiable legislation.

I shall not at this time go further with examples of the manner in which H.R. 7152 would legalize, extend, and expand offensive usurpation of power by the executive and judicial branches of the Federal Government.

It suffices, in conclusion, now, to say I will cite examples in due course, if necessary, with respect to every major title in this so-called civil rights bill.

I ask unanimous consent to continue this speech if and when I find reference to more examples of this kind is necessary to complete the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 139 Leg.]

Aiken
Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Byrd, Va.
Cannon
Carlson
Case
Cooper
Cotton
Curtis
Dodd
Dominick
Douglas
Ellender
Fong
Gruening
Hartke
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Long, Mo.
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Monroney
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Ribicoff
Russell
Saltonstall
Scott
Simpson
Smith
Sparkman
Symington
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. BREWSTER subsequently said: Mr. President, I arrived in the Chamber immediately after the conclusion of the quorum call. I make this statement merely to have the RECORD show that I arrived a few minutes late.

Mr. JOHNSTON obtained the floor.

Mr. INOUYE. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. Mr. President, I am glad to yield to the Senator from Hawaii, with the understanding that I shall not lose my right to the floor, that it shall not count as a second speech, and that his remarks will come either just before or after my remarks so that it will not interfere with context.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESS BY SENATOR KUCHEL BEFORE JAPANESE-AMERICAN CITIZENS LEAGUE

Mr. INOUYE. Mr. President, in the spirit of bipartisanship which pervades the civil rights movement in this country today, I wish to submit for Senators' study and consideration an address made recently by a distinguished Member of this body, the Senator from California [Mr. KUCHEL]. The occasion for this speech was a conference of the Japanese-American Citizens League held in San Francisco on February 23, 1964.

I ask unanimous consent to have the address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF ADDRESS BY U.S. SENATOR THOMAS H. KUCHEL, OF CALIFORNIA, BEFORE THE JAPANESE-AMERICAN CITIZENS LEAGUE, FEBRUARY 23, 1964, SAN FRANCISCO, CALIF.

There is an air of expectation in the Senate at the present time over the civil rights bill which has just come to us from the House of Representatives.

We are all extremely pleased with the swiftness with which the House passed the bill. We are proud that it had widespread bipartisan backing. It was supported by 59 percent of the Democrats in the House of Representatives and 78 percent of the Republicans.

The House bill, at a minimum, has made a good start in the direction of assuring equal opportunity for all our citizens in accordance with the mandate of the Constitution.

It prohibits discrimination because of race in Federal elections.

It outlaws discrimination in many public accommodations such as places of lodging (unless they have 5 rooms or less), eating establishments, places of amusement, gasoline stations, and establishments located on their premises if their operations affect commerce. California has had a similar law since March 13, 1897.

It authorizes the Attorney General to initiate action in cases involving public facilities, school desegregation, and fair employment. Limited intervention is permitted in other areas.

It authorizes the Commission of Education to study the progress of school integration throughout the United States and render technical assistance and make grants to a school board, upon request, in order to assist in the desegregation of public schools.

It extends the life of the Civil Rights Commission for 4 years, and permits Federal agencies to deny grants and loans to local government programs operated in a discriminatory manner.

It will establish a five-member Equal Employment Opportunity Commission to eliminate discrimination in any phase of employment or union membership on the ground of race, color, religion, national origin, or sex. On the House floor the effect of this provision was limited to firms and unions of 100 or more in the first year and phased to cover all firms and unions of 25 or more by the fourth year. The Commission can utilize State or local fair employment agencies where they are effective. The Commission has the power to secure court enforcement of its decisions, if necessary.

It authorizes the Bureau of the Census to compile registration and voting statistics in geographic areas recommended by the Civil Rights Commission. This information could be used to reduce Southern representation in the House of Representatives as has long been provided, but never utilized, under the 14th amendment.

And finally, the bill provides for the creation of a Community Relations Service in the Department of Commerce to aid communities in resolving their racial disputes amicably. Legally enforced integration will mean nothing if it is not accompanied by genuine progress in building amicable race relations based on mutual respect rather than merely judicial power.

Yes, the House-passed civil rights bill is a good start. But I think there are several areas in which it does not go far enough.

One is the area of minority group voting rights.

The House-passed bill bars unequal application of voting registration requirements, which is very good. It also makes a sixth-grade education a rebuttable presumption of literacy, thereby making it impossible for registration clerks in the South to give some citizens extremely difficult literacy tests and other citizens extremely easy ones. This provision, too, is a badly needed one.

The trouble with these voting rights provisions, however, is that they apply only to Federal elections for the President and Members of Congress. Under the terms of the House-passed bill, these provisions would not apply in State and local elections.

It is my belief that the best way we can strengthen this bill in the Senate is to extend the voting rights provisions to State and local elections.

I believe this is particularly important because it is State and local governments—not the National Government—that are most likely to pass discriminatory legislation—especially in the fields of education, health, and local police regulations—harmful to minority groups.

It is also my belief that, once all Americans are guaranteed full voting equality in State and local elections, State and local governments will be more responsive in guaranteeing these minority groups fair treatment. Thus, in the future, the necessity for the Federal Government to continuously intervene in this area will be reduced.

I therefore intend to support an amendment to the civil rights bill in the Senate which will extend Federal guarantees to voting rights in State and local elections. I hope you, and all the citizens of California, will join me in supporting and pressing for this measure.

In addition, I feel a genuine effort must be made to strengthen the so-called part III provisions of this legislation.

Part III is the approach, as I am sure some of you know, which was devised by the administration, in 1957, when it presented the first civil rights legislation in almost a century to Congress. This title of the 1957 bill authorized the Attorney General to initiate suits in the Federal district courts to protect a person's civil rights. It was overwhelmingly approved by the House of Representatives. Unfortunately, in the Senate, the heart of the bill—title III—was eliminated.

Once again this issue is before us—the issue of giving the Attorney General the tools he needs to preserve the peace so that the Federal Government does not stand helpless in a tension-filled local disturbance involving discrimination. All too often in the last year or so the Department of Justice has been powerless before lawlessness as at Albany, Ga., and Birmingham, Ala. Several of us, in my party, have repeatedly urged the Attorney General to ask for such authority. In a limited way, the bill approved by the House of Representatives has now done this—but it is inadequate to do the job which needs to be done.

You will recall that I noted earlier that the House had given the Attorney General the authority to initiate suits in cases of discrimination having to do with public facilities, schools, and fair employment practices. An overlooked area is that of protecting citizens who are engaged in peaceful demonstrations in pursuit of their consitutional rights and protecting citizens who are victims of police brutality.

In a strife-ridden local situation it is difficult, if not impossible, to expect private individuals, usually of little financial means and who have been browbeaten for a century, to be able to initiate their own court action and to be able to secure the necessary counsel to prosecute successfully their cause. I believe it is the responsibility of the Attorney General to preserve constitutional guarantees and, on behalf of all the people of the United States, to be able to intervene and initiate such actions in the first instance if we are truly to be able to get these cases off of the streets and into the courts. The rule of law rather than the rule of man—which all too often and all too sadly has been the rule of the electric cattle prod and the billy club—must prevail. Thus, I shall work to strengthen the House passed legislation in this respect.

CONCURRENT RESOLUTION OF LEGISLATURE OF STATE OF HAWAII ON NATIONAL ENVIRONMENTAL HEALTH WEEK

Mr. INOUYE. Mr. President, I ask unanimous consent to have printed in the Record a copy of House Concurrent Resolution 22, which was adopted by the Second Legislature of the State of Hawaii, Budget Session of 1964.

I fully concur in the proposal.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

Whereas the economic progress of the United States is dependent on the health of its citizens; and

Whereas the health of its citizens is dependent on the protection, preservation and development of the natural resources of the United States as well as their expansion for domestic and recreational uses; and

Whereas, the protection, development and use of the natural resources is directly dependent upon the practice of good environmental sanitation by each citizen, each industry and each governmental agency; and

Whereas the establishment of a National Environmental Health Week will help alert each citizen to healthful sanitation practices and procedures in his home and community: Now, therefore, be it

Resolved by the House of Representatives of the Second Legislature of the State of Hawaii, Budget Session of 1964 (the Senate concurring), That the Congress of the United States be and it is hereby respectfully requested to establish the last week of June in this and succeeding years as National Environmental Health Week; and be it further

Resolved, That copies of this house concurrent resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives to Congress from the State of Hawaii.

We hereby certify that the foregoing concurrent resolution was this day adopted by the House of Representatives of the Second Legislature of the State of Hawaii, Budget Session of 1964.

Elmer F. Cravalho,
Speaker, House of Representatives.
Signeto Kaniwoh,
Clerk, House of Representatives.

We hereby certify that the foregoing concurrent resolution was this day adopted by the Senate of the Second Legislature of the State of Hawaii, Budget Session of 1964.

Nelson K. Doi,
President of the Senate.
Seichi Hirai,
Clerk of the Senate.

EAST-WEST CENTER IN HONOLULU—AN EDUCATIONAL MIRACLE

Mr. INOUYE. Mr. President, I have just received in my morning mail an editorial published in the Saturday Review of March 21, written by that publication's president and editor, Norman Cousins. It is on the East-West Center located at the University of Hawaii, Honolulu, Hawaii.

This is a completely objective and unsolicited editorial by the head of one of the most respected national publications. I believe that the Congress, which has been the prime mover in the establishment of the center, should feel justly proud of the programs and accomplishments cited by Mr. Cousins.

The Congress should also read with some interest the concluding remarks by Mr. Cousins. He suggests that although the East-West Center is not quite a world university, "it is the closest thing to it that exists." As such, he continues, "It deserves to be encouraged, supported, and enlarged."

I ask unanimous consent to have the editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

E-W Center: Educational Miracle

(The March 21 issue of the Saturday Review carried the following article written by the publication's president and editor, Norman Cousins. Mr. Cousins wrote it after visiting the Center and meeting with staff and students. The East-West Center News is grateful to Mr. Cousins and the Saturday Review for permission to reproduce the article.)

One of the major needs in the 20th century has been for a world university in which the human condition and the human potential would form the radiating center of a curriculum. More particularly, the need has been for a school that could create the foundations on which a genuine meeting place between East and West might be built.

With very little fanfare, such an institution is now in the making. It is the East-West Center, associated with the University of Hawaii in Honolulu. Launched less than 4 years ago, it has taken tangible and dramatic form in four major respects.

First, it has visiting scholars drawn from some 30 nations. Second, it has been able to attract more than 1,000 students from West and East, mostly the latter. Third, it has a highly developed course of study, most of it on the graduate level. And, fourth, it has a striking physical and architectural presence.

What is most remarkable about the enterprise is that it was quietly hatched in the form of a congressional legislative rider in 1960. It has since received $26 million in Government funds, constituting virtually its entire support. Based both on the results to date and on the potential, the Center may well represent the most imaginative and useful Federal initiative in higher education yet attempted.

Indeed, the assumption of financial responsibility by the U.S. Congress for the institute is something on the order of a small miracle. The then Senate Majority Leader, Lyndon B. Johnson, is generally credited with the strategy and the steering that made the miracle possible.

Generally speaking, the East-West Center seeks not just to develop a dialog between cultures but to create the working knowledge that can be diffused far beyond the campus and, in fact, even beyond the countries whose students and scholars are participants in the program.

In this sense, the Center is both a headquarters for cultural interchange and a generating agency for new ideas and approaches to a world fumbling for ways to accommodate its diversity and pluralism.

But the Center is much more than a bridge for carrying philosophical traffic. It provides Asian students with the special training to become public health officers, specialists in food production, engineers (general, electrical, civil), biologists, chemists, physicists, meteorologists, curators of art museums, librarians, motion picture producers, etc.

And it takes from Asian scholars and gives to American students the ideas and techniques developed in other countries for comprehending, and meeting problems concerned with man's relationship to himself, to other men, and to his total environment.

In general, the work of the Center is divided into three parts. One part is the scholarship program that brings in a large number of highly qualified students for 2 years of postgraduate study (580 students from 28 countries are now taking part in this program).

Second, an advanced institute provides senior specialists and scholars with research and laboratory facilities. In some cases, the specialists are in residence; in others, they participate in international seminars and conferences.

Third is the program for technical training, in which the United Nations and the Agency for International Development are among the cooperating groups and beneficiaries.

Unfortunately but perhaps inevitably, the Center has not escaped serious difficulty. As a recipient of Government funds, it has had to come up each year for congressional review in order to explain and justify its budget request. The job of a congressional appropriations committee, quite properly, is to hold on to the people's money in every way it can.

The going at such hearings can be pretty rough. Seasoned budgeteers from Government agencies have developed the hide and the techniques for defending their requests without twitch or trauma. Educators are not too well conditioned for this kind of combat.

Chancellor Alexander Spoehr managed to save the Center's budget from congressional cutting a few months ago but the ordeal was apparently more than he was prepared to endure or to repeat. His resignation followed shortly upon his return from Washington.

Since that time, Thomas Hale Hamilton, president of the University of Hawaii, has served as acting chancellor, with the help of John M. Allison, former Ambassador to Japan.

Before long, some way may have to be found to satisfy congressional concern that the people are getting their money's worth and to meet the Center's need to plan ahead with confidence. A university cannot exist on a year-to-year basis; the very nature of education requires long-term commitments. A school must anticipate its growth requirements or die.

The clear need, therefore, is for an arrangement under which specific financing will be substantially assured several years in advance while providing for periodic and effective congressional review.

At some point soon, too, the leading American foundations may wish to consider taking over some or all of the underwriting. The sums involved may be steep but it is difficult to think of any major educational enterprise today that is yielding a greater return for the amount spent, or is serving a more essential purpose.

The East-West Center at Honolulu is not quite a world university, but it is the closest thing to it that exists. It deserves to be encouraged, supported, and enlarged.

MATSON NAVIGATION CO. OCEAN FREIGHT RATE ADJUSTMENT

Mr. INOUYE. Mr. President, the nearest land mass to the State of Hawaii is the State of California, a distance of approximately 2,000 miles. Being completely surrounded by the waters of the Pacific Ocean, we are naturally heavily dependent upon the facilities of the various shipping companies serving the State of Hawaii. One of the major shipping companies serving our State of Hawaii is the Matson Navigation Co., an old and respected company, whose history parallels that of our State.

On March 7, 1964, the Senate of the State of Hawaii unanimously adopted a resolution entitled "Commending the Matson Navigation Co. on the Announcement of Its New Ocean Freight Rate Adjustment Whereby All Cargo Suitable for Containers Will Be Carried at Container Rates."

Mr. President, I wish to join my colleagues in the Senate of the State of Hawaii in commending the Matson Navigation Co. for offering our people better service at lower rates.

I ask unanimous consent to have printed in the RECORD a copy of Senate Resolution 32 adopted by the Senate of the State of Hawaii on March 7, 1964.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION COMMENDING THE MATSON NAVIGATION CO. ON THE ANNOUNCEMENT OF ITS NEW OCEAN FREIGHT RATE ADJUSTMENT WHEREBY ALL CARGO SUITABLE FOR CONTAINERS WILL BE CARRIED AT CONTAINER RATES

Whereas the great bulk of food and other items necessary for our everyday living is shipped to Hawaii from the mainland United States by surface transportation; and

Whereas the Matson Navigation Co. has been the prime surface carrier of the goods shipped to and exported from the islands to the mainland; and

Whereas the freight rates charged on these items have a direct and real effect on their retail and on wholesale prices; and

Whereas the Matson Navigation Co., through its president, Mr. Stanley Powell, Jr., has announced that as of April 1, 1964, all cargo suitable for containers will be carried at container rates which are generally and substantially lower than the conventional freight rates heretofore charged; and

Whereas about 70 percent of containerizable cargo is now carried in containers and the remaining 30 percent of such cargo will now move in the regular conventional manner but at container rates; and

Whereas this new ocean freight rate adjustment will be carried on by Matson Navigation Co. until a new $14 million program for two more special purpose freighters and additional containers for the system will be completed probably later this year at which time 100-percent containerization of all of Hawaii's cargo will be an actuality; and

Whereas the new ocean freight rate adjustment will, when combined with other rate adjustments made by the Matson Navigation Co. since 1962, reduce Hawaii's annual ocean freight rate bill by more than $3.7 million; and

Whereas the action of Matson Navigation Co. highlights very clearly the benefits that are resulting from the efficiencies possible in the freight container system in which the company will soon have invested about $45 million; and

Whereas the new ocean freight rate policy by Matson Navigation will mean that more cargo can be moved expeditiously in the Matson container system to the greater overall benefit to the economy of the State: Now, therefore, be it

Resolved by the Senate of the Second Legislature of the State of Hawaii, Budget Session of 1964, That the Matson Navigation Co. be and is hereby recognized and commended on the announcement of its new ocean freight rate adjustment whereby all cargo suitable for containers will be carried at container rates; and be it further

Resolved, That a certified copy of this resolution be forwarded to Mr. Stanley Powell, Jr., president of Matson Navigation Co.

HONOLULU, HAWAII, *March 7, 1964.*

Mr. SIMPSON. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I am glad to yield to the Senator from Wyoming, under the same stipulation.

The PRESIDING OFFICER. Without objection, it is so ordered.

A FAST PRESIDENT AND AN ALARMED NATION

Mr. SIMPSON. Mr. President, no public office in the world carries with it the responsibility, the trust, the obligations, and the sheer power of the Presidency of the United States. The resident of 1600 Pennsylvania Avenue controls the destiny not only of this Nation but, as custodian of the nuclear trigger, the destiny of all peoples. His personal safety is a matter of concern to the world. It seems incumbent upon the President, therefore, to exercise the restraint and judgment commensurate with his office.

When the President made the much publicized tour of his Texas ranch recently at speeds up to 80 miles an hour while sipping beer from a paper cup, his thoughts were hardly on this responsibility. Reports of the incident have elicited anger, shock, and surprise from Americans throughout the Nation. I believe that the reaction of Wyoming's press was perhaps indicative of the national reaction, and I ask unanimous consent to have printed in the RECORD two editorials—one published in the April 5 Cheyenne Wyoming State Tribune, the other in the April 10 Sheridan Press. It is my hope that they will come under the perusal of President Johnson whose responsibilities now are much broader than those of a Representative, Senator, or Texas rancher.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Wyoming State Tribune, Apr. 5, 1964]

SLOW DOWN THIS SPEEDER

The Texas Department of Public Safety, commanded by a redoubtable and conscientious law enforcement officer named Col. Homer Garrison, does not look with favor on speeding and reckless driving on its highways.

It is not very likely, however, to put the pinch on the President of the United States, whoever he may be and particularly if he be a local light named Lyndon B. Johnson.

President Johnson's speeding and his propensities in the field of fast driving are too well documented of late for there to be any doubt about these two—shall we say—foibles.

Reporters and photographers assigned to the Texas "White House" have noted publicly, both in the press and in the broadcast field, the President's speedy driving last weekend.

Speeds of in excess of 70 miles an hour which is the Texas speed limit only on some portions of its interstate highways, and apparently in bursts of up to 90 miles an hour, plus passing cars at those speeds on hills, are not recommended for even ordinary citizens.

But when the President of the United States is involved, we say it is time to call a halt on two grounds, to say nothing of the fact that it is against the law of the State and as such a serious hazard to the other citizens thereof.

The two grounds on which we say it is time that Mr. Johnson started driving less and enjoying it more are these:

(1) As President of the United States it not only is undignified but constitutes a flagrant disregard for the law for the Chief Magistrate of this country to violate those laws. It is unseemly for the Chief Executive of this country to exhibit such gross disrespect for the law. Mr. Johnson's conduct is little short of shocking.

(2) The President of the United States owes it to the people of this country to observe the security regulations covering the protection of his life and limb. Regardless of the individual who may occupy this high office, it is incumbent upon every citizen, and particularly the President himself, to see to it that the security surrounding him is of the best at all times. The grave threat to the well-being of this Nation that comes with a breach of this security leading to the death of a President is all too fresh in our memories, borne of the tragic days of last November 22.

Therefore, if Mr. Johnson has no other consideration, none for the laws of the State of Texas, none for the people who drive on its highways, none for those who enforce its laws, nor for his own safety as an individual plus those who ride with him, he must and should heed the best interests of all Americans who have it owed to them that the maximum protection available be accorded to the person of the President of this country.

That he cannot, should not, and must not ignore.

[From the Sheridan (Wyo.) Press, Apr. 10, 1964]

A SCOLDING FROM PENS OF THE PRESS

President Lyndon Johnson deserves a scolding.

He deserves a scolding for driving at high speeds while sipping beer. Even though it happened while showing reporters around the LBJ ranch, and even though the President was being a good host, it was thoughtless on a number of counts.

It was thoughtless because he had others in his car—because he has an obligation just as much as the rest of us to drive safely with due regard for the lives of others. It was thoughtless because he showed no regard for other traffic.

It was thoughtless because a President is an example—an example to other citizens young and old. It is difficult for adults to preach the necessity of sane speeds to their children, when a President of the United States ignores sane speeds. It is difficult to preach that drinking, no matter how light the brew, and driving don't mix, when the President of the United States does it.

It was thoughtless because the President was increasing the hazard to his own life. Only a few weeks ago President Johnson announced he would not leave the country for any meetings with the heads of foreign states until the United States has a Vice President. The announcement reflected sound judgment. But if trips overseas amount to a hazard, certainly driving at high speeds is equally hazardous. So if he doesn't feel responsible to himself, he should at least feel responsible to the Nation.

The President could have used more sense while functioning as a host.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The **PRESIDING OFFICER**. The bill is open to amendment.

TITLE I

Mr. **JOHNSTON**. Mr. President, before this great legislative body, the Senate of the United States of America, has completed its consideration of H.R. 7152, the so-called civil rights bill of 1963, millions of words will have been spoken, millions of words will have been written, and millions of words will have found their way into the CONGRESSIONAL RECORD.

Mr. President, I have asked myself, time and time again, why I am willing year in and year out to arraign myself against those forces, who in the name of justice and humanity, launch wholesale attacks, not only against the Constitution of the United States, but against the documentary and conceptual premises on which that Constitution was founded—the English Bill of Rights, the American Declaration of Independence of 1776, the American Bill of Rights, which constitutes the first 10 amendments of the Constitution, and the whole concept that powers of Government must be separated, not only between coordinate branches of Government, but between levels of Government. Inevitably I come up with one answer as to why I am willing to subject myself, year in and year out, to this sort of ordeal. Perhaps that answer was best supplied by the great commoner, William Jennings Bryan, who stated with typical eloquence, in New York City, during the presidential campaign of 1896:

> The humblest citizen in all the land, when clad in the armor of righteous clause, is stronger than all the hosts of error. I come to you in defense of a cause as holy as the cause of liberty—the cause of humanity.

My opposition to H.R. 7152, the so-called civil rights bill of 1963, is based on my fervent belief that the cause of the opponents to this bill is not only the cause of liberty but also the cause of humanity. For there can be no doubt that, whatever the intentions of its individual proponents, H.R. 7152, the so-called civil rights bill of 1963, constitutes a calloused, crafty conspiracy to circumvent and corrupt the Constitution of the United States.

As a Southern Senator, I make no apologies for my stand in support of the South's position over the years. Under our system of government there should be no need for apologies. There are times when I might wish for more fair treatment in the press or less extremism on the part of the South's would-be lynchers. But with former President Harry S. Truman, I believe that "if a politician cannot stand the heat, he should get out of the kitchen."

I do, moreover, offer this summary explanation for my stand on States' rights, the separation and balance of powers not only between coordinate branches of government but between levels of government, and related issues. I offer this summary explanation with the sincere conviction, born of Anglo-American tradition, that every point of view deserves a hearing and that, accordingly, it is my right—nay, my privilege—to do something to offset the reckless propaganda of the South's would-be lynchers.

But the great debate on H.R. 7152, the so-called civil rights bill of 1963, is not based merely on sectional differences. My colleagues in the Senate must have been made fully aware of this fact, as I have been, by their daily mail deliveries. From all over the land comes letter after letter deploring the arbitrary excesses of Federal intimidation and coercion written into every title, every section, every sentence of H.R. 7152, the so-called civil rights bill of 1963.

I turn now to several preliminary points by way of introduction to my remarks in opposition to title I of H.R. 7152:

First. The Supreme Court of the United States, in removing, in 1954, the sanction of law from the separate-but-equal doctrine, constituted itself into a legislative body, rewrote the Constitution, and violated established tradition.

H.R. 7152 would now attempt—as I will clearly demonstrate in subsequent remarks—not only to place the legislative branch of Government on record as approving decisions by the Supreme Court to date but decisions which the Supreme Court could not have handed down even by using the most liberal interpretations of existing constitutional provisions and statutes.

Second. There is considerable evidence that segregation in the South has worked far better than integration in the North. Repeated incidents of mob actions in the streets of southern cities—and cities all over our land—should not make us lose sight of the fact that the Southern States, despite their relatively low per capita incomes, do not have the high rates of crime and juvenile delinquency of those States which are hotbeds for agitators against so many American institutions—including the institutions of the South.

Third. Those who agitate against the South give no recognition whatever to the historical and economic facts of life. They blame everything, both real and imaginary, on the so-called evils of segregation. They refuse to remember—as only the naive or the willfully blind can refuse to remember—that segregated schools in the South were begun in the reconstruction era by the Freedmen's Bureau, an agency of the Federal Government. They will not recognize—as only the naive or the willfully blind will not recognize—that the white people of the South—staggering under the burden of the destruction of war, the chaos of vindictive reconstruction and the wretched status of being an economic colony of the North—had to educate not only their own children but the children of impoverished Negroes.

Fourth. It is also a fact that the South's would-be lynchers select the particular and generalize upon it where civil rights and segregation are concerned. That is, they seize upon rare instances of inequities and attempt to establish them as the rule, which makes no more sense than if we southerners seized upon behavior in the teeming slums of the North's cities and attempted to paint them as typical of the northern behavior.

Whatever inequities there are or may be under segregation—and we southerners do not claim perfection—these inequities flow from exactly the same principal source as do the inequities under integration: the rapid move of Americans to the cities and all of the problems that go with urbanization. The miracle is that the South, with its memories of devastation and its status of exploitation by outsiders, has done as well as it has—no thanks, I might add, to any assistance or compassion from the powerful interests of the North.

Fifth. William Graham Sumner, the great Yale educator, once said:

> State ways cannot change folk ways.

If the South's would-be lynchers—if the proponents of Federal intimidation and coercion—have the good moral case they say they have, then why must they employ force and intimidation as weapons?

Mr. **LONG** of Louisiana. Mr. President, will the Senator yield for a question?

Mr. **JOHNSTON**. I yield for a question, with the understanding that I will not lose the floor, and that when I resume my speech it will not be counted as a second speech.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **LONG** of Louisiana. May we understand that the Senator has never tried to propose some kind of law to tell the people of New York, New Jersey, Maine, Massachusetts, or Minnesota how they should conduct their affairs, particularly their social and local customs and traditions?

Mr. JOHNSTON. I have never done so, and I never shall try to tell another State how to conduct its affairs. One thing that would get us into trouble and hot water, so to speak, would be to interfere with States' rights.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. JOHNSTON. I yield.

Mr. LONG of Louisiana. Has the Senator ever tried to prevent someone who wanted to leave South Carolina to go to California, Michigan, or some other State, which he might like better, from doing so?

Mr. JOHNSTON. I have not. Any individual in the United States has a right to go to any town or State, if he desires to do so. Of course, there are restrictions if he wishes to leave the United States to go to other countries.

Mr. LONG of Louisiana. Would the Senator from South Carolina interpose objection to allowing someone who might like to go to another country to do so?

Mr. JOHNSTON. I myself have never objected to a person who wanted to leave this country to go to another country doing so. I have always been annoyed by people who go around the country running down the American Government. If I felt that way, I would bundle up and go to some other country that I liked better. I would stop criticizing this one.

Mr. LONG of Louisiana. Does the Senator recall a bill that was supported by certain colored groups in the Nation, which would have required the Government to provide assistance to colored persons who desired to leave this country and settle in the land of their forebears in Africa?

Mr. JOHNSTON. I believe that has been talked about ever since the War Between the States, or immediately thereafter. There was some talk about that, as I recall, when that subject came up after the war. I think it was even proposed to Abraham Lincoln.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. JOHNSTON. I yield for a question with the same understanding.

Mr. LONG of Louisiana. Does the Senator believe that support of any consequence could be obtained from our friends outside the South, or from among those who claim to be the friends of the colored man, for an effort to help those people who might feel they had been imposed upon because their forebears had been brought here in chains and slavery, to return to the land whence their forebears came, if that was what they wanted to do?

Mr. JOHNSTON. No; we in the South have never objected; but in the North, the people seem to take a little different view.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. JOHNSTON. I yield.

Mr. LONG of Louisiana. Does it not seem to the Senator that the people who would like to come to the South and manage our affairs might, instead, make a greater contribution by finding or providing jobs in their area for colored persons, and urge them to come to their cities and States and settle there, work at those jobs, and conduct themselves in the way they would perhaps require us to do, and see if that would work out as well as they think it would?

Mr. JOHNSTON. We have tried to do that; and I believe we have been fairly successful in providing employment for the colored people.

The Senator may recall that the Department of Labor published statistics which show a lower percentage of unemployment among colored people in the South than in the Northern States.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. JOHNSTON. I yield.

Mr. LONG of Louisiana. Would it not seem fair that no one should be permitted to try to force other people to engage in a course of conduct that he would be unwilling to pursue himself?

Mr. JOHNSTON. It seems that that should be the case; but, as the Senator knows, the bill, in many sections—in fact, in practically every sentence—contains provisions pointing the way toward Federal control of the States.

Mr. LONG of Louisiana. Has the Senator heard it suggested from time to time that this movement is a great moral issue?

Mr. JOHNSTON. I have heard it spoken of on several occasions as a great moral issue.

Mr. LONG of Louisiana. If someone thinks that a great moral issue is involved, would it not seem appropriate that he should conduct himself in the same general pattern that he would urge others to follow, if he has in mind that additional opportunities should be provided for colored persons? Why does he not follow that practice in his own State, city, or county, so as to make available jobs, homes, schools, and other opportunities that he would seek to force upon someone else?

Mr. JOHNSTON. It does seem that they might manage the affairs of their own States and permit other States to do likewise. That has always been my position.

There is no censorship in the press of the South or in the schools, or in any other organ of public opinion. If, indeed, they really believe that it is mind-changing time in the South, why on earth do they not try to change our minds by reasonable means? Why have they abandoned education and persuasion, the age-old fortresses of good and true liberals everywhere

Sixth. Even with the rapid communications and transportation of the missile age there is still room—there must be room—for differences in important particulars and for varying principles among the 50 States. The State of Hawaii probably comes the closest of any State to complete integration. That is Hawaii's tradition, and by all means let her continue with it.

I do not believe we would find anyone in South Carolina, or anywhere else in the South, who would try to tell another State how it should manage its affairs. That would be wrong, in my opinion.

We southerners seek not to foster our institutions on others. We ask only to be left alone in peace with our traditions—traditions which we may choose to change over the years. We were getting along very well. As a reasonable people, we will do just that—change our traditions, when it comes time to change them.

The miracle of the mid-20th century is that the South has remained steadfast in its pacific attitudes when faced with assault after assault upon its integrity. But, as I say, we are a reasonable people. We are a peaceful people. We are a law-abiding people.

We put it another way, we do not claim perfection, but we do claim honesty of belief, integrity of principle, and candor of conviction. Therefore, we believe that there is a difference between the way we and our institutions are being treated and the way we think we and our institutions should be treated. Indeed, we believe that it is not only southern institutions, but institutions throughout the land, which are under assault.

Mr. JAVITS. Mr. President, before the Senator from South Carolina begins to discuss in detail the various provisions of the bill, will he yield for a question?

Mr. JOHNSTON. I yield.

Mr. JAVITS. In view of what the Senator from South Carolina says about the traditions and practices of the South in regard to racial matters and the South's being law abiding—I believe it wants to be law abiding; and that is why I think this bill should be passed—what does the Senator from South Carolina say about the fact that a citizen of South Carolina is also a citizen of the United States, and that, as a citizen of the United States, he is entitled to the benefit of the law, as interpreted by the Supreme Court, which provides that the public schools shall be desegregated?

Would the Senator from South Carolina say there is anything in his philosophy which would not allow that particular person, who happens to live in South Carolina, at the same time to enjoy the benefits of citizenship of the United States?

Mr. JOHNSTON. In South Carolina the schools are desegregated now; if we are left alone, there will be no trouble. But there will be trouble if the people are pushed too hard.

The Senator from New York talks about South Carolina. Let me ask about New York and the remarks of the Senator from New York about the plans of some groups to use automobiles to block the roads and stop the traffic on its way to the New York World's Fair. What does the Senator from New York say about that situation at the present time?

Mr. JAVITS. Both my colleague [Mr. KEATING] and I have discussed that effort at civil disobedience; and I repeat what we have been saying throughout this debate; namely, that we will meet the standards of the Nation. We ask only that others do the same.

We also point out that the pending bill, when enacted, will be a law which will apply throughout the Nation, across the board. It will apply equally to New

York and to South Carolina, and we in New York will be more than happy to comply with it.

The Senator from South Carolina persists in saying that South Carolina has segregated schools, but that if others try to see to it that segregation in the schools there is stopped, "there will be trouble."

We do not say that about New York. We say that we in New York do not want segregated schools. And we would be delighted to have any help—although I do not think we need any—if we needed help in order to have desegregated schools. I think this is the difference between the two States; and, in that respect, the difference between New York and South Carolina is as great as the difference between day and night.

Mr. JOHNSTON. I do not think New York is perfect, any more than any other State is perfect. The Senator from New York will have to acknowledge that there already is difficulty in New York. What about the Puerto Ricans there? Can they vote?

Mr. JAVITS. Yes; in just the way that anyone else can.

Mr. JOHNSTON. But what about the restrictions in that connection?

Mr. JAVITS. There are none whatever.

Mr. JOHNSTON. New York requires that they must be able to read and write the English language; otherwise, New York will not permit them to vote.

Mr. JAVITS. The same is true of South Carolina.

Mr. JOHNSTON. But the Senator from New York criticizes us. That is not just, inasmuch as we have the same rule that New York has.

Mr. JAVITS. We in New York will be more than happy if South Carolina follows the same standards that we in New York do. But South Carolina does not do so.

Mr. JOHNSTON. The only difference between the Senator from New York and the Senator from South Carolina is that the Senator from South Carolina does not want to interfere with New York, whereas the Senator from New York wants to interfere with South Carolina. My position is that the people of New York can do as they please; and we in South Carolina want New York to let us alone.

Mr. JAVITS. I am sure the Senator from South Carolina does not believe that it would be possible to defend the United States in war without the assistance of the people of New York; and we in New York do not think the United States could be defended in war without the assistance of the people of South Carolina. That necessity existed both in the Revolutionary War and in the World Wars, which proved that our Nation is a United States, not a collection of States.

Mr. JOHNSTON. The Senator from New York failed to mention the Civil War, or, as it is often referred to, the War Between the States.

Mr. JAVITS. I am happy to include it.

Mr. ERVIN. Mr. President, will the Senator from South Carolina yield to me for a question?

Mr. JOHNSTON. I yield.

Mr. ERVIN. Does not the Senator from South Carolina agree with me that the Supreme Court of the United States never has said the schools must be desegregated; but that, on the contrary, the Court has merely said that the 14th amendment prohibits a State from excluding a child from school on account of his or her race?

Mr. JOHNSTON. That is the only thing the Court said. Furthermore, the schools involved in that case before the Supreme Court are not desegregated at the present time. If the law had required them to be desegregated, that would have been done. But the law has not required that to be done.

Mr. ERVIN. Was not one of the cases involved in the so-called school desegregation case the case of Briggs against Elliott, from Clarendon County, S.C.?

Mr. JOHNSTON. That is correct.

Mr. ERVIN. I ask the Senator from South Carolina whether, after the school desegregation case, the Supreme Court did not remand that case to the district court in South Carolina; and did not Judge John J. Parker, the chief judge of the fifth circuit, in writing a subsequent opinion, state that the opinion by the Supreme Court did not require schools to be desegregated, but that, under the decision, it was lawful and constitutional for schoolchildren to go to whatever schools they desired to go to, regardless of whether they were segregated or desegregated?

Mr. JOHNSTON. That is true.

Mr. ERVIN. And did not Judge Parker say, in his opinion, that a child had exactly the same right to go to a segregated school, notwithstanding that decision, that he had to go to a segregated church?

Mr. JOHNSTON. That is also true.

Mr. ERVIN. Was not another of the cases involved in the school desegregation case the case of Brown against Board of Education of Topeka, Kans.?

Mr. JOHNSTON. Yes.

Mr. ERVIN. Does not the Senator from South Carolina know that the school desegregation case took its name from one of the cases involved in it; namely, a case which originated in the State of Kansas; namely, the case of Brown against Board of Education of Topeka, Kans.?

Mr. JOHNSTON. That is true.

Mr. ERVIN. Will the Senator from South Carolina yield for a further question?

The PRESIDING OFFICER (Mr. BREWSTER in the chair). Does the Senator from South Carolina yield further to the Senator from North Carolina?

Mr. JOHNSTON. I yield.

Mr. ERVIN. When that case was remanded by the Supreme Court, after the school desegregation decision, to the district court in Kansas, did not the opinion of that court, like the opinion of Judge Parker in the case of Briggs against Elliott, also state that the Supreme Court's decision did not require the State to furnish an integrated education, but, on the contrary, merely prohibited the State from discriminating against children in respect to the school they attended on account of their race?

Mr. JOHNSTON. That is also true.

Mr. ERVIN. I ask the Senator from South Carolina whether within approximately the past 2 years the Federal district court sitting in the State of Delaware has also said that the opinion of the Supreme Court in the case of Brown against Board of Education did not require States to furnish an integrated education, but merely prohibited them from excluding a child from a particular school on the basis of his race?

Mr. JOHNSTON. It certainly did.

Mr. ERVIN. I now ask the Senator from South Carolina whether, in about January of this year, the Federal district court sitting in the State of Indiana, and presided over by Judge Beamer, held that the Supreme Court's decision in the case of Brown against Board of Education did not require the State of Indiana to furnish its children an integrated education, but, on the contrary, that that decision merely prohibited the State of Indiana from excluding children from a particular school on the basis of race.

Mr. JOHNSTON. That is true.

Mr. ERVIN. I also ask the Senator from South Carolina whether that case was carried for review to the U.S. Court of Appeals in the circuit embracing the State of Indiana, and whether the Court of Appeals in the circuit embracing the State of Indiana affirmed that judgment, within the past 2 or 3 months?

Mr. JOHNSTON. That is also true.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that the able and distinguished senior Senator from New York [Mr. JAVITS] was sadly in error when he implied by his question that the Supreme Court held that public schools had to be desegregated?

Mr. JOHNSTON. The Senator is correct. There has been a great deal of misinterpretation of the cases that have been before the Supreme Court on that subject.

Mr. ERVIN. Does not the Senator from South Carolina know from reading press dispatches over a considerable period of time that members of the Negro race residing in New York, and particularly in New York City, have been complaining for a long time that, for all practical intents and purposes, the schools in New York are segregated schools owing to racial patterns of living in New York?

Mr. JOHNSTON. That is true.

Mr. ERVIN. Does not the Senator from South Carolina know that when the administration bill was sent to the Senate and the House last summer and introduced in the Senate and in the House, the bill contained a provision which provided for the implementation of what is known as the racially imbalanced school theory in the United States?

Mr. JOHNSTON. That is true.

Mr. ERVIN. Does not the Senator from South Carolina know that the bill, as originally introduced, provided that the Congress could appropriate money to assist in desegregating segregated schools in de facto segregated areas of the country such as New York, by hauling those children, or assisting in hauling children from their home neighborhood schools and communities to other schools in other communities merely for the purpose of mixing the races in the schools?

Mr. JOHNSTON. That is true.

Mr. ERVIN. Does not the Senator from South Carolina know that the proponents of the bill in the House abandoned that bill and offered an amendment to the bill now before the Senate to outlaw the racially imbalanced school theory, and that such amendment was adopted?

Mr. JOHNSTON. The Senator is correct.

Mr. ERVIN. Does not the Senator from South Carolina realize that if true desegregation of the schools in New York City is to be attained, the racially imbalanced school theory must be implemented by transporting children from the segregated residential areas in which one race lives into other residential areas in which other races live?

Mr. JOHNSTON. That is true. In almost every one of the large cities the colored people have congregated in one locality. Their schools are in those localities. So to mix the races the children must be hauled across the city perhaps 8 or 10 miles in order to put them in other schools.

Mr. ERVIN. Does not the Senator from South Carolina realize that the bill, insofar as it deals with the question of the so-called desegregation of schools, would have an impact only in the South, and not in the North?

Mr. JOHNSTON. The Senator is correct.

Mr. ERVIN. Does not the Senator from South Carolina know that the able and distinguished senior Senator from New York [Mr. JAVITS] and the able and distinguished junior Senator from New York [Mr. KEATING], both of whom are now in the Chamber, have stood on the floor of the Senate and expressed disapproval of the implementation of the racially imbalanced school theory in their areas?

Mr. JOHNSTON. Yes.

Mr. ERVIN. Does not the Senator from South Carolina have a suspicion that those who do not possess the clairvoyant power of the Senator from South Carolina and the Senator from North Carolina to read the hearts of the Senators from New York and ascertain the purity of their motives in respect to the segregation issue may reach the erroneous conclusion that the Senators favor de facto segregation in New York but are strongly opposed to segregation in the South?

Mr. JOHNSTON. The Senator is correct.

Mr. ERVIN. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield briefly?

Mr. JOHNSTON. I yield with the understanding that I shall not lose my right to the floor.

Mr. JAVITS. Of course. Mr. President, I ask unanimous consent that the Senator from South Carolina may yield to me with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. I yield.

Mr. JAVITS. As I listened to the Senator from North Carolina, I did not realize that I was in the Senate Chamber. I thought I was where I had spent most of my life—in court—and that the Senator's last words would be, "Your witness." It seems to me that the questions which the Senator asked were pretty leading.

If the Senator feels free to tell us, does he define a desegregated school as one in which there are only white children, but that a Negro child who sought admission to that school could not be refused?

Mr. JOHNSTON. The question must be determined on the facts. The Senator is a lawyer. He would take all the facts and circumstances into consideration. If a State had on its statute books a law which provided that applications for admission must be made by a certain date, if a person did not make application by that date, that person could be excluded, whether he was white, colored, or a member of any other race. That law would operate, provided it was reasonable. I believe the Supreme Court would rule in that way. But many factors enter into the question. We would have to have the facts of the particular case before the case could be decided. As an attorney, I would not decide a case until I knew all the facts.

Mr. JAVITS. I am trying to obtain from the Senator what he himself said a while ago. He said that the school in South Carolina, or at least a good many of the public schools in that State, remain segregated, and if we should try to desegregate them or allow the admission of Negro pupils to schools which have been exclusively occupied by white pupils, we would have "trouble." I am trying to get from the Senator how he would define one of those South Carolina schools.

Mr. JOHNSTON. When people live for 100 years with segregated schools, and the Government then tries to integrate them, a certain feeling develops on the part of both the white people and the colored people. In my State I would be willing to permit the colored people to vote on the question. If they desire integrated schools, let them have them. But the Senator would not agree to such a procedure. He wishes to force integration on them.

Mr. JAVITS. In most of the States of the South there has been considerable agitation about those very questions. A great many lawsuits have been started in order to achieve those very objectives. The difference is that now they must proceed on a case-by-case basis, which would take more time than the national interest could afford and more resources than individual citizens can afford. For that reason, those of us who seek such an objective, are seeking to authorize the bringing of such suits under the 14th amendment by the Federal Government.

I should like to ask the Senator another question. If South Carolina is so anxious to be itself and not have the rest of the Nation tell it what to do, would not that attitude apply to laws raising the necessary taxes to provide for the Army, the Navy, the Air Force, enforcement of the narcotics laws, and other laws of that type? Suppose the State did not like laws of the kind I have suggested? Could the State say, "We will not obey them?"

Mr. JOHNSTON. The Senator from New York knows quite well that in the Constitution there is provided the right to tax the people of the United States. But there is no language in the Constitution which would permit the Federal Government to tell the State of South Carolina how to operate the schools in South Carolina.

Mr. JAVITS. I point out to the Senator that it is written in the Constitution that any child—whatever may be his color—is entitled to equal protection of the laws, which the Supreme Court has held means an equal right with any other child to an education. That is the right which is being denied, and it is the right we are seeking to assert for such children in the proposed legislation.

The point that I do not understand—and I should like to have the Senator's comment upon it—is how Senators from Southern States can argue consistently that every other Federal law is satisfactory to them and is applicable to them, but that the interpretation of the Constitution by the Supreme Court to which the Senator has referred is not applicable.

Mr. JOHNSTON. I do not contend that every law is satisfactory. At one time the 18th amendment to the Constitution was vigorously opposed in New York. A former Governor of New York fought that amendment, although the provision was plainly written into the Constitution. We find opposition to such laws.

If our Government continues without the public having the right at any time to say that changes shall be made, our Government will become static. For that reason I have felt that there should be some changes here and there in various provisions.

We were criticized in many areas because of the poll tax. Very few States required poll taxes for voting. My State did not. But the colored people put that provision in. In 1868, they wrote a new constitution in South Carolina and provided that a $1 poll tax should be paid by any male 21 years of age and above who was not physically disabled. They all paid it. But voters did not have to have it in order to vote when they went to the ballot box.

Mr. JAVITS. The only point I am trying to establish here—and I did not mean to interrupt the Senator's speech for this long—was that there are certain rights of the people, whether they are children or grownups, which arise under the Constitution and laws of the United States, and they are just as effective and binding within any State as are the laws of that State. Therefore, one cannot say, "Well, this is the way our State believes it should be." That might be an argument which the distinguished Senator would make to dissuade us from enacting the bill, but I do not think it can be put on any constitutional or moral ground, or on the ground of governmental policy, because what we are trying to do we are trying to do under the Constitution, which by its very terms is paramount to the laws of the individual State.

I think the differentiation between a citizen as a citizen of the State and as a citizen of the United States is something which apparently Senators from States which feel strongly about the racial question find extremely difficult to accept. But I do not see how it can be ignored.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. I yield.

Mr. ERVIN. I quote to the Senator from South Carolina as the basis for my question what Judge Parker said in Riggs against Elliott. After the case was remanded by the Supreme Court to the U.S. District Court for the Eastern District of South Carolina, Judge Parker said this was the interpretation which the court had put on the 14th amendment:

> It merely forbids the use of governmental power to enforce segregation.

Is that not a correct statement?

Mr. JOHNSTON. That is correct.

Mr. ERVIN. Does not the Senator from South Carolina agree that the Senator from New York has taken another interpretation of the amendment and is saying, in effect, that the 14th amendment requires the use of governmental power to compel desegregation?

Mr. JOHNSTON. He goes that far.

Mr. ERVIN. I will ask the Senator from South Carolina if he agrees with me that there is nothing in the 14th amendment or any decision construing the 14th amendment which says that the 14th amendment requires the use of governmental power to enforce desegregation.

Mr. JOHNSTON. That is correct.

Mr. ERVIN. Where the Senator from South Carolina and the Senator from North Carolina disagree with the Senator from New York is on the fundamental point that if Government-forced segregation is wrong, then Government-forced integration is equally wrong.

Mr. JOHNSTON. That is entirely right.

Mr. ERVIN. So far as decisions on the 14th amendment are concerned, they do not require any action on the part of the Federal Government either to force segregation or to force integration; do they?

Mr. JOHNSTON. That is correct.

Mr. ERVIN. I thank the Senator.

Mr. PASTORE. Mr. President, will the Senator yield so we may pursue for a moment the question of what the law is?

Mr. JOHNSTON. I yield.

Mr. PASTORE. May we begin with the premise that if a colored mother brings her 6-year-old girl to primary school to attend the first grade, and is denied the right to enter and enroll that child in any public school in North Carolina, South Carolina, Rhode Island, or New York; it is a violation of the decree of the Supreme Court in Brown against Board of Education? Can we agree on that?

Mr. JOHNSTON. The Supreme Court did not go quite that far.

Mr. PASTORE. Of course it did.

Mr. JOHNSTON. It did not.

Mr. PASTORE. The Senator from North Carolina has already said that the Supreme Court did not decree desegregation. All the Court held was that it is unconstitutional to deny the right to any child, regardless of color, the right to be entered in any public school.

Mr. ERVIN. Mr. President, since the Senator from Rhode Island referred to me, will the Senator yield?

Mr. PASTORE. When I am through. I have not finished.

Mr. ERVIN. The Senator has referred to what I said.

Mr. PASTORE. The Senator said that is what the Supreme Court said.

Mr. ERVIN. Yes.

Mr. PASTORE. The Supreme Court said there shall be no discrimination. We all agree to that. The Senator said all the Supreme Court decreed is that there shall be no discrimination. The Court did not say there shall be no segregation. I am following that principle. I think all we are doing is playing with words. The Senator from South Carolina says this violates the traditions and customs of the South and they ought to be left to do what they please—forget what the Supreme Court said. He says, "We ought to be left to do what we please."

All we are saying this afternoon is that an American citizen has a right to have an edict of the Court complied with. That is all we are trying to do in the bill.

We are trying to give power to the Attorney General to act for a colored mother who does not have the money to go into court and enforce that right. She does not have the money, the power, the prestige, and sometimes she does not even have the open door. All we are saying in the bill is that if that mother is denied the right which has been decreed to her by the Supreme Court of the United States, let the Attorney General go into court and protect that right. That is all we are trying to do here. We do not have to dance around it a day and a half.

Mr. JOHNSTON. Each individual has the same right in that field as he has in any other field. In other words, if somebody fails to make a tax return—and I will agree that is written into the Constitution—on time, it is a criminal act. Everyone seems to have plenty of money to go into court and defend himself against a charge of that kind, if he has good reason to believe he is not guilty.

Mr. PASTORE. Is the Senator putting the mother I referred to in the place of a criminal now? She is no tax evader. This mother has a right given to her by the Supreme Court. She does not have money to go into court to defend and protect that right. We are saying, let the Attorney General go into court and protect that right. Let us make the rights of all Americans sacred. Let us protect them. That is all we are trying to do in the bill. We are not trying to change the edict of the Supreme Court.

Mr. JOHNSTON. If the Attorney General starts bringing these cases, it will be only a short time before he will bring into court different kinds of cases in all other fields, and we will find the Attorney General is nothing but a prosecutor. He will be going into court all the time, spending the taxpayers' money on one side of a case—in civil cases, not necessarily criminal cases. That will be so. It will cost this Nation a great deal of money. Wait and see how much it is going to cost to bring these cases into court, and what will happen.

Mr. PASTORE. I think it is unfair to say that all the Attorney General is is a prosecutor. That is a characterization.

Mr. JOHNSTON. What is he going to be under this bill?

Mr. PASTORE. It is a characterization that has been invented by those opposed to the bill. I would hope the Attorney General would be a man of integrity. I would hope he would respond to the responsibilities of his office. Like other high officials, he can also be impeached. Congress can deny him the money to conduct the affairs of his Department if he does not conduct them according to law. But what will this law do? It will provide nobility, because it exemplifies the dignity of man. It does not make separations between American citizens. It removes all distinction as to national origin and color. It carries out the edict of the Supreme Court of the United States of America. That is what this bill represents. That is why President Johnson is advocating its passage, not because he is un-American, not because he wishes to prosecute anyone, but because he wishes us to carry out our affairs according to the American way of life.

To stand up on the floor of the Senate and state that this is the way of life in the South—who said that? The whites against the blacks? Who is saying to the blacks what their rights are? The whites? Do they not have rights which they can enforce on their own, without being told?

That is all the bill would be doing, exemplifying the dignity of man.

To stand up on the floor of the Senate and state that the South has a way of life which must be protected as against the American way of life, I say is un-American.

Mr. ERVIN. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I am glad to yield.

Mr. ERVIN. I should like to ask the Senator from South Carolina a question on subsection (b) of section 401 of the bill, starting on line 23 on page 13 and ending on line 2 on page 14, which reads as follows:

> (b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment

> of students to public schools in order to overcome racial imbalance.

I should like to ask the Senator from South Carolina if the first three lines of the sentence, reading:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin—

Are not applicable, largely as a practical matter, to the South rather than to the North?

Mr. JOHNSTON. The Senator is correct, to a very large extent it is.

Mr. ERVIN. I should like to ask the Senator from South Carolina if the part, "'desegration' shall not mean the assignment of students to public schools in order to overcome racial imbalance," is not applicable largely to the North, where they have residentially segregated racial patterns, and if this part was not put in here so as to fight for equal rights for colored people in the South, but the other is put in here to deny them equal rights in the educational field in the North?

Mr. JOHNSTON. The Senator is correct. As he knows the South, and as I know the South, the colored people are scattered all over the State. When we come to the North, when they go to New York, most of them go to Harlem. When they go to Baltimore, they go to a certain section there. When they go to Washington, they go to a certain section there. When they go to Philadelphia, they go to a certain section there. When they go to Detroit, they go to a certain section there. When they go to Chicago, they go to a certain section there.

Mr. JAVITS. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I yield.

Mr. JAVITS. Is it not a fact, however, that the segregation, the State-required exclusion of the Negro child—as the Senator from Rhode Island so eloquently stated—from a school is illegal, whereas racial imbalance, which the State seeks to eliminate, is not illegal? What we are trying to do is to correct a social problem which we have, which is not a legal wrong. What the opposition is trying to do is to perpetuate a legal wrong, under the fiction that the laws of the United States do not apply in South Carolina.

Actually, what the opposition is arguing is not only untenable, but anarchy.

Mr. JOHNSTON. Is it not also true that New York started to take its pupils across the city of New York in order to put some colored people in practically every school, and there was such a row up there about it that it was necessary to exclude it in this bill?

Mr. JAVITS. The fact is, the city of New York should be lauded for trying. I shall not argue about the details, many of which happen to be incorrect. Even if it were true, we are trying to do even more than the law requires.

What the Senator is arguing for is that the South should not even do what our fundamental institutions require. I cannot understand how people as law-abiding as those the Senator is discussing can ever gloss that over on the ground that the Supreme Court did not order desegregation. For all practical purposes it did, because there are Negro children bringing suit trying to fight their way into school.

After all, there are people trying to keep them out, even to the extent of public disorders like Little Rock and Birmingham.

In other words, Senators from the South would have us believe that we are all deaf, dumb, and blind, that we do not read the papers, listen to the radio, or see the evidence with our own eyes. Somehow or other we should shut it all out and let the South live as it did a century ago. It cannot be done in this modern day. That is all this bill declares.

Mr. JOHNSTON. The Senator from New York is neither dumb nor blind, but has the Senator from New York ever been in South Carolina to see what we have accomplished down there?

Mr. JAVITS. I have.

Mr. JOHNSTON. For how long a time has the Senator been down there?

Mr. JAVITS. I have not been down there as long as the Senator——

Mr. JOHNSTON. What schools did the Senator from New York visit while he was down there?

Mr. JAVITS. I have been through South Carolina. I have been in their schools in Charleston and in other cities.

Mr. JOHNSTON. What schools did the Senator visit, and when was he there?

Mr. JAVITS. I do not know the name of the school district——

Mr. JOHNSTON. When was the Senator there?

Mr. JAVITS. Within the last 5 years.

Mr. JOHNSTON. The Senator has not been there in the last couple of years?

Mr. JAVITS. No.

Mr. JOHNSTON. Has the Senator been out in the country in South Carolina and seen where the colored schools are much better than the white schools?

Mr. JAVITS. That does not answer the question. The Senator has admitted there is segregation in the schools and that if we try to eliminate it, there will be trouble.

Mr. JOHNSTON. The Senator has already experienced trouble in his own State.

Mr. JAVITS. We have had trouble everywhere. There will be more trouble unless we do something about it.

Mr. JOHNSTON. There will always be trouble when one tries to force an issue upon a reluctant people.

Mr. JAVITS. There will be trouble wherever one tries to enforce the law upon a community which insists on concepts which are unconstitutional, but that does not mean the law has to be rammed down their throats with bayonets.

The Supreme Court has given the South all kinds of latitude, in holding that public school discrimination shall be eliminated "with all deliberate speed." Up to the present time, it has been eliminated to the extent of approximately 8 percent of the Negro schoolchildren in the South, 10 years after the Supreme Court decree. It seems to me that that is being accomplished as moderately as human beings can ever move, so that there is no idea of pushing this decree down anyone's throat. Instead there is the determination to have a national standard to enforce the constitutional guarantees of the United States for everyone, whether white or Negro.

Mr. ERVIN. Mr. President, will the Senator from South Carolina yield for several questions?

Mr. JOHNSTON. I yield.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that the Supreme Court of the United States has no power to make laws?

Mr. JOHNSTON. The Senator is correct.

Mr. ERVIN. Does the Senator from South Carolina agree with the Senator from North Carolina that when the Supreme Court spoke about desegregation "with all deliberate speed," that the Supreme Court of the United States was talking about the schoolchildren involved in that case?

Mr. JOHNSTON. The Senator is correct.

Mr. ERVIN. Does not the Senator from South Carolina know that the decision of the Court is only the law of the case, and binding only upon the parties to the case?

Mr. JOHNSTON. The Senator is correct. It does not make a law.

Mr. PASTORE. Mr. President, will the Senator from South Carolina yield on that very point?

Mr. JOHNSTON. I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. That is precisely why we need the bill, so that we will not have to take every single instance of segregation and pursue it through the courts ultimately to the Supreme Court. All that the bill is trying to do is to take that edict of the Supreme Court and make it apply nationally and universally, so that we do not have to take every single case of discrimination into court.

I discussed title VI on the floor of the Senate. I stated at that time that we needed title VI because there were several instances, such as the Simkins case in Greensboro, N.C., where suit was instituted because certain hospitals would not admit Negro patients. It is necessary to litigate again, again, and again, because the Supreme Court can only strike down segregation in the particular case before it.

All that this bill is trying to do is to take that Supreme Court edict, that Supreme Court ruling, and have it apply universally in every case similar to it, not only in North Carolina, South Carolina, or Rhode Island, but in all of the 50 States.

Mr. JOHNSTON. It makes no difference if the facts are different in the particular case?

Mr. PASTORE. I did not say that at all. I did not say that it makes no difference. I said in every case similar to it.

Mr. JOHNSTON. The Senator is lawyer enough to know that no two cases are ever exactly alike.

Mr. PASTORE. When we disallow a Negro to apply to a school in South Carolina or to a school in North Carolina, that is rather much the same.

Mr. ERVIN. Mr. President, will the Senator from South Carolina yield for a question?

Mr. JOHNSTON. I am glad to yield.

Mr. ERVIN. I should like to ask the Senator from South Carolina, if that is the objective of our good friend, the able and distinguished senior Senator from Rhode Island [Mr. PASTORE], does the Senator from South Carolina not believe that the able and distinguished Senator from Rhode Island should offer an amendment to take out the last part of subsection (b) of section 401 which grants virtual exemption to northern cities where they have residential segregation patterns—virtual exemption from desegregation? That would be only fair.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. PASTORE. The word "virtue" is being bandied about. What the Senator from North Carolina is actually saying is that a certain situation exists in some northern cities where there is a concentration of the Negro, for reasons that cannot be justified today.

Mr. JOHNSTON. The same situation exists all over the North.

Mr. PASTORE. We are trying to cure it. Certain areas are badly congested. There may be a dissimilarity between certain localities. But that does not touch the principle that is involved here, which is the carrying out of the edict of the Supreme Court. That is what we are trying to do.

All other conditions are subject to change. They can be changed. It is true that the situation varies in different States, and that the law might apply more severely in one locality than in another. I would not be so naive as to deny that. But to say that we are doing it deliberately, attacking a certain section of the country, because of those conditions is a misstatement of fact. It impugns the motives of those who are sponsoring this legislation.

This legislation has been advanced by two Presidents. It was advanced by President Kennedy. Now it is being pursued by President Johnson. All we are trying to do is to bring a semblance of sanity into the field of human rights.

There will be some rough spots. There will be some hard spots. We admit that. There will be some difficult situations. We admit that. But somewhere along the line, someone must stand up and say that one of the truths held to be self-evident is that all men are created equal.

If that language means anything, we need a bill of this kind. We are talking about equality. We are talking about doing away with discrimination. That is how simple the issue is.

A man can say, "I am against this bill." The decision is up to his conscience. But to stand and say that this is being done deliberately in order to attack one part of the country or another is most unfair.

Mr. JOHNSTON. Is not that what is done?

Mr. PASTORE. It is not done deliberately.

Mr. JOHNSTON. Why not?

Mr. PASTORE. Because the law would apply everywhere throughout the United States. Once the bill is enacted by Congress and signed by the President, it becomes the law of the land. It applies to the State of Rhode Island just as it applies to the State of South Carolina.

Mr. JOHNSTON. What percentage?

Mr. PASTORE. The Senator is talking about degree. We are talking about principle. It is true that there are more Negroes in the State of South Carolina than there are in Rhode Island. But Rhode Island is not responsible for that. We did not bring the slaves here. We did not lodge them in South Carolina. We did not pick cotton in South Carolina. They happen to be there.

Mr. JOHNSTON. The point is that there are more Negroes in New York than there are in South Carolina. But this one sentence in the bill lets them all out.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. ERVIN. Does not history reveal that about 99 percent of all the slaves sold in the South were brought there in the ships of New England shipowners?

Mr. JOHNSTON. That is correct.

Mr. PASTORE. Yes. But how many of those ships did PASTORE own?

Mr. ERVIN. The congenial Senator from Rhode Island mentioned that the bill was advanced by two Presidents. Is it not true that the bill that the President advanced was the bill that was introduced in the Senate as of June 19, 1963?

Mr. JOHNSTON. That is correct.

Mr. ERVIN. Did not the bill that was sent to Congress by the administration of President Kennedy on June 19, 1963, contain a passage beginning on line 16, page 18, and running through line 21 on page 23, that provided for the Federal Government to give technical assistance and financial aid in "busing" children from one school district to another in order to correct the racial imbalance in the schools in the North?

Mr. JOHNSTON. That is true. The Attorney General was questioned concerning that.

Mr. ERVIN. Did not subdivision (2) of subsection (b) of section 304, on page 21 of President Kennedy's bill, go so far as to allow the Federal Commissioner of Education to employ specialists to brainwash the general public on the desirability of dealing with racial imbalance in the schools?

Mr. JOHNSTON. That is true.

Mr. ERVIN. Does the Senator from South Carolina agree with me that that brainwashing disposition as exemplified by this particular provision of the bill has not taken effect in the minds of certain Senators who represent States which have de facto segregation arising from residential patterns?

Mr. JOHNSTON. That is correct.

Mr. ERVIN. I thank the Senator.

Mr. JOHNSTON. Mr. President, I now turn specifically to title I. Title I, "voting rights," of H.R. 7152, the so-called civil rights bill of 1963, is an unnecessary extension of the Federal authority over the State, county, and local affairs of our citizens and an unconstitutional grab for power. It violates at least three clauses of our Federal Constitution. It also violates the basic concept of the balance of powers between separate and coordinate branches of government—a concept developed with penetrating insight by that great French scholar and sensitive observer of political life in England. Baron Charles-Louis de Montesquieu, 1689–1755, in a book that was published in England. "The Spirit of the Laws," widely read by the drafters of the Constitution of the United States of America.

The original voting rights section of H.R. 7152 applied to any election, but the Attorney General, in order to comply ostensibly with the Constitution, requested that the language be changed to read "Federal elections." This, of course, might be a noble stand were it not for the provisions of section 101(3)(f) of H.R. 7152, which provides:

> When used in subsections (a) or (c) of this section, the words "Federal election" shall mean any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives.

Consequently, inserting the word "Federal" before election has no substantive effect whatever on the provisions of this title. We are informed that 46 States conduct elections for both Federal and State officers simultaneously. This, of course, means that a citizen voting for sheriff would be restricted by any qualifications imposed under this section, supposedly affecting only Federal elections.

So it can readily be seen that it is misleading.

The proponents of this title assert no qualifications are established for State elections. But in truth the provision makes a sixth grade education a presumption of literacy, restricting many States and State officials in exercising their duties which have heretofore been a strictly State matter. The sixth grade cut-off, incidentally, conforms to the State requirements in at least one of our largest States—New York—but it certainly does not conform to the requirements throughout most of the country.

Under present law we have criminal statutes—the civil rights statutes of 1957 and the Civil Rights Act of 1960—which were enacted specifically to prevent anyone from interfering with a citizen's right to the ballot. The fact is that adequate laws exist on the statute books to protect every citizen, by both State and Federal action in his right to the franchise. What we in the Senate are now being asked to do is to enact additional legislation covering fields already adequately protected and thereby extending the tentacles of Federal control further into affairs of our State governments.

I cannot help thinking of what took place in the committee when the Attorney General was before it. He was asked a number of questions by the distinguished senior Senator from North

Carolina [Mr. ERVIN], a former member of the Supreme Court of North Carolina. The Senator from North Carolina cited numerous laws, reading them all into the RECORD. Then he asked the Attorney General how many of those laws he had tried to enforce; how many he had prosecuted; the number of indictments he had sought under those laws; and the number of convictions he had obtained.

What was the Attorney General's answer to all such questions? His answer was, "Not any."

I distinctly recall the Senator from North Carolina then asking the Attorney General, "If you are not enforcing the laws already on the books, why are you coming before us and asking us to enact more laws?"

The Senator from North Carolina then said, "I am reminded of a little incident that took place in North Carolina. Late one afternoon or early in the evening, shortly after the moon had risen, a young couple were sitting on the banks of a stream. The stream was flowing along, making the noises streams make as they flow over the rocks. The flowers were blooming all around.

"The conversation of the two lovers happened to drift into the subject, 'What would you like to be?'

"The young man asked the young lady, 'What would you like to be?'

"She said, 'Oh, I am satisfied. I would like to live forever here and smell the fragrance of the flowers. I would like to be here in the cool of the evening, beside the trees, when all the stars begin to come out. I would be satisfied to be here forever, just like this.'

"Then she turned to the young man and said, 'Now, then, I have told you what I would like to be; I would like you to tell me what you would like to be.'

"He said, 'I would like to be an octopus.'

"She said, 'An octopus? That ugly looking thing, with all those legs and arms? Why should you want to be an octopus?'

"The young man replied, 'So I could have all those arms and could squeeze them around you.'

"She said, 'Oh, you're not using the two arms you already have.' "

Mr. President, the Attorney General and the Federal Government are not using the laws now on the statute books relating to elections throughout the Nation.

Title I is unconstitutional and most definitely is in violation of article I, section 1, paragraph 2 of the Constitution: the 17th amendment; and article II, section 1, paragraph 2 of the Constitution.

Article I, section 1, paragraph 2 of the Constitution states:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors—

That is, the voters—

> in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The 17th amendment reads:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Article II, section 1, paragraph 2 of the Constitution states:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The courts have consistently held that this provision means that the States have exclusive rights to establish voter qualifications in presidential elections—*Walker* v. *United States,* 93 F. 2d 383 (1937), certiorari denied, 303 U.S. 664.

The 14th and 15th amendments, of course, restricted this absolute right of the States to set voter qualifications by providing that no citizen of the United States shall be deprived of the right to vote, nor shall his right to vote be abridged by the United States or any State on account of his race, color, or previous condition of servitude.

In addition, article I, section 4 of H.R. 7152 grants the Federal Government the power to make or alter certain regulations written by the States, limited to regulations covering the times, places, and manner of holding elections for Members of Congress. That is, the Federal Government can exercise certain powers over the mechanics of holding elections, but not over the qualifications of voters, which are to be determined solely by the States.

Furthermore, section 101(3)(b) of H.R. 7152, provides:

> If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or Territory, the District of Columbia or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election.

Mr. President (Mr. PASTORE in the chair), notice the words used there—"predominantly in the English language." Those words are used to take care of the Puerto Rican situation in New York, so that New York can prevent Puerto Ricans from voting.

There can be doubt that this provision is a calloused violation of the States' undisputed right to establish literacy tests. Notwithstanding many legal assaults, the Supreme Court has repeatedly held that the States have the power to establish literacy tests to determine the citizens' qualifications for voting—*Williams* v. *Mississippi,* 170 U.S. 213 (1898); *Lassiter* v. *Northampton County,* 360 U.S. 45 (1959).

Mr. President, the provision which presumes literacy on the basis of a sixth grade education not only violates the States' right to establish literacy tests, but in many cases it will require drastic revision of the manner in which these tests are conducted. In many areas of our country, literacy tests are given orally, section 101 of title I of this bill requires that a certified copy of the test—whether the test be written or oral—together with the answers given by the individual, must be supplied to the individual within 25 days beyond the submission of his request, which shall be made within the time during which records and papers are required to be retained pursuant to title III of the Civil Rights Act of 1960.

Under existing laws in our States, thousands of these oral tests are given, and very few are ever questioned. If this title I is enacted into law, records must be kept, questions and answers must be maintained in writing, and the duties and responsibilities of the registration officials will be changed by Federal fiat.

It seems that the Federal Government would pay for everything else. So why should not the bill provide that the Federal Government pay for this extra cost?

Under title I, as under other titles of this civil rights bill of 1963, we again have the provision that if the Attorney General does not like the district judge who is assigned to hear a case brought under title I, the Attorney General can request a three-judge court, which must hear the case at the earliest practicable date, and who must also cause the case to be in every way expedited. Bear in mind that they would take precedence over the hundreds of thousands of cases already on the dockets of the courts in the United States and already awaiting trial. Under the provisions of the bill, when civil rights cases were brought, the cases which had been waiting—in some cases for many years—would be set aside, and the civil rights cases—the latest to be brought—would be taken up first.

An appeal from the final judgment of this three-judge court will go immediately to the Supreme Court. This unique procedure under our laws, allowing special privileges to certain litigants and to the Attorney General, places all other litigants presently awaiting hearings before our Federal courts at a disadvantage—a disadvantage not too difficult to understand for litigants who have had a case or cases clogged for years on the Federal docket, and who have seen other litigants given special preference for immediate hearing of cases.

As a further illustration of what is going on, I point out that 2 years ago the President nominated—and the Senate confirmed the nominations; and the effect was that most of the judges began to serve only a year ago—76 new Federal judges. Why were they added? Because the court dockets have become so greatly congested that people in the United States cannot have their cases tried within a reasonable period of time. However, under the provisions of the pending bill, civil rights cases would be brought to the forefront, even though other cases had been waiting for years for trial.

Bear in mind that if the Attorney General were given the authority proposed in the bill, there would be numerous cases of that sort; numerous lawyers would be employed, and millions of dollars of the taxpayers' money would be spent to pay the lawyers and to pay the court costs in connection with cases of that nature. The proponents of the bill are advocating that that be done. We are not.

Not only will the civil rights complainants in these cases receive special and expeditious treatment of their complaints to the disadvantage of the other parties, but this provision also creates the option of accepting the judge assigned to hear the case or alternatively requesting a special three-judge court if, for any reason, the complainants do not like the original judge.

I presume that the Attorney General would fish around, in an attempt to find out how the judge felt about cases of this kind. If the Attorney General found that the judge of a certain district was inclined to rule in the way the Attorney General wanted him to rule, the Attorney General would have him try the case—but only then. On the other hand, if the Attorney General found that the judge was not inclined to rule in the way the Attorney General wanted him to rule, the Attorney General would have the case transferred to what he might consider a more favorable jurisdiction. Otherwise, why should this provision have been included in the bill?

Why should not the question of the transfer of such cases be subject to the rule which applies to all other cases—namely, that an adequate reason must be given for the proposed transfer?

Such unfair advantage given to some litigants in our judiciary system can only cause a loss of trust, feelings of partiality and disgust with the judicial process on the part of many of our citizens, and contempt for the entire system of justice.

If someone would not allow a case in which you, Mr. President, might be involved, to be tried in your district, but, instead, would move that a three-judge court be appointed to hear the case, do you not think that your loved ones and friends would talk about the unfairness of having your case tried by a three-judge court, instead of by the judge in the district in which you lived—and to have that done merely because the Attorney General wanted it done? Many reasons might be stated as to why the Attorney General wanted that done; and all kinds of rumors would be going around. Let us not cause our courts to be put in that awkward position. However, it is true that such procedure would result from this bill, if it were to be enacted.

It is clear that there would definitely be a loss of trust and there would be feelings of partiality and disgust with the judicial process, on the part of many of our citizens; and there would be contempt for the entire system of justice. God help us if we ever break down entirely the trust of the people of our country in our courts.

Such unfair judicial advantage, of course, appears in many other titles of this bill, but in my opinion, these three-judge courts are an unjustified opportunity for certain litigants, including the Attorney General, to participate in forum shopping, while other parties who are equally if not more in need of decision, must take their chances in the ordinary processes of judicial procedure. I have always thought that the office of the Attorney General was almost a part of the court. When the Attorney General comes into court, one might feel that he is the one who truly recommended the judge's appointment to the office. It is bad enough for the Attorney General to come into the district court, but when the Attorney General has the right to recommend the appointment of the judge to a higher court, one realizes that the Attorney General might have further influence. I have heard talk about the way there has been held over the heads of judges the possibility that they might be appointed to a higher court later. I suppose some of that would go on in the courts if there were cases of the kind of which we have spoken.

In conclusion, title I is unnecessary, unconstitutional, shows partiality and lays the heavy hand of Federal supervision over State officials performing traditional State functions. Finally, I must state, for the benefit of all of us, that the old adage: "Justice delayed is justice denied," must, and should, apply equally to all litigants, not merely to civil rights complainants.

Mr. President, I deem it appropriate—convinced as I am of my obligation to bring all of the forces at my command to the aid of my country in this tragic hour of our legislative history—to end my remarks with this succinct statement which the first President of the United States, Gen. George Washington, made to the Pennsylvania Legislature in 1789:

> It should be the highest ambition of every American to extend his views beyond himself and to bear in mind that his conduct will not only affect himself, his country, and his immediate posterity, but that its influence may be coextensive with the world, and stamp political unhappiness or misery on ages yet unborn.

The words I have spoken in ending my remarks on the first title are well worth reading and rereading at this time, for I feel that the unnecessary laws that we are asked to pass could give us a great deal of misery and cause headaches in the days to come.

TITLE II—PUBLIC ACCOMMODATIONS OF H.R. 7152

Mr. President, while I am opposed to civil rights bill, H.R. 7152, in its entirety, I wish to turn at this time to remarks against title II of the bill which is known popularly as the public accommodations title.

This is perhaps the most prominent title of the bill insofar as general clamor or discussion by the public at large is concerned. I attribute this fact mainly to the realization by the American public that here in this title we have an attempt by the Federal Government to regulate the local customs and social practices of the people at large. Everyone realizes that if this title becomes law, restaurants, theaters, and all places of public accommodations in their own communities will be under the doctrine of forced integration.

It is my belief that the people of the United States basically are against the use of force as to social customs and practices. When the sovereign power of a State is employed under the doctrine of the police powers of the several States, then the public at large is in general more receptive. This is as it should be because we established a Government of the United States under the presumption of giving to that Government only those powers delegated to it by the States.

The debates at the Constitutional Convention and the debates throughout the Nation pertaining to the ratification of the Constitution clearly indicate that it was not in the minds of our Founding Fathers—who so recently had resisted King George III's efforts for strong centralization of power over the Thirteen Colonies—to establish a Central Government that would reach down into every community, small or large, and tell the people of that community what their social customs should be. We have already extended the power of the Federal Government in this direction entirely too far. My opposition to H.R. 7152 is based on my firm belief that the bill will do more harm than good. It would bring about more feeling of ill will between the races than if we did not pass the bill. There would be more bloodshed if the bill were passed than if it were not passed.

I feel also that it would establish so many changes in our form of government that the people of my State and all the people of the United States could not, and would not, approve it if they understood all of its ramifications.

I predict that the outcome of the forthcoming election will result in a great many new faces in Congress. I do not wish to lose some of our friends, but the proposed legislation, if passed, will cause more defeats than would any other bill which we might pass this year. I suggest to Senators that they watch my prediction and see if it does not come true. I do not hope for the defeat of any Senator or any Representative in the House, but I speak what I believe is the truth. If one reads the election returns that have been coming in, he will see that it does not require too much wisdom to come to that conclusion.

Title II and the whole civil rights bill of 1963, if enacted, will cause nothing but turmoil, strife, emotionalism and all of the bad things that go to make up a disturbed population. Let that point sink in. Senators will have to acknowledge that that is so. The enforcement of this bill, if it becomes law, would require a great army of officers, bureaucrats and perhaps troops in uniform to enforce it if the executive branch of Government is determined to place all of its provisions into full force and effect.

The second title would cause a great deal of trouble. I consider it utter foolishness for the Federal Government in Washington to attempt to tell the owners of restaurants, gasoline stations, movie theaters and all of the many establishments covered in this title that they must suddenly open their doors to all races, colors, and creeds.

These property owners have heretofore exercised their normal and traditional rights as owners of the property to serve whom they pleased insofar as the Federal Government is concerned. Now it is suddenly proposed that they receive a dictate from Washington as to how they can use their own private property.

It is natural for any American to resent such a command as this, whether he be from South Carolina or whether he be a resident of any other State in the United States. It is my view that this proposal is nothing more or less than another attempted thrust of Federal power.

We have heard it said already on several occasions that the civil rights bill of 1963, as now proposed, is 90 percent Federal power and 10 percent civil rights. The more I study the bill, the more I agree with that statement. We in the Senate should recognize this fact and should cast aside the issue of merely trying to do something to help the Negro and get at the facts of the case. The banner of wanting to do something for the Negro is being used here to cover up the real purpose of the bill, which is to place all States, all cities, all counties, and even all townships, under the domineering iron forces of the Federal Government. Title II would accomplish just that. Moreover, it would pave the way for vicious feelings and administrative proceedings not in keeping with our American traditions of law and order. Let us examine the title more specifically.

Title II is entitled "Injunctive Relief Against Discrimination in Places of Public Accommodation." I was somewhat impressed by the fact that the first words in the title is very indicative of the dangerous emphasis throughout the entire bill on injunctions.

We have a system of law in the United States that is dual in concept; namely, Federal and State. The law in general is divided into two categories, civil and criminal. Civil law is divided into the two categories of law and equity. It is only under the doctrine of equity that we find the normal use of injunctive relief. The history of injunctive relief reveals that it has grown in our body of legal procedures to be used more as an emergency measure than as a normal measure. Injunctions are extremely powerful. Under congressional authorization, a Federal judge may enjoin individuals, corporations, cities, and on some occasions, even States, from doing various things.

It is normal in an injunctive proceeding to ask for an immediate injunction, and then later for a trial on the merits. This affords the plaintiff an immediate weapon. Very often it affords the plaintiff a considerable amount of time to prepare himself, and, in some instances to accomplish what is ultimately desired. In the field of civil rights, the use of the quick weapon of the injunction is an extremely dangerous thing.

Innocent people can be the victims of temporary injunctions based merely on suspicion and evidence that has its foundations in emotionalism rather than in fact. It is a sad reflection on our form of Government to see the Department of Justice, and in fact the administration itself, coming to Congress, as it is in this bill and in title II, and asking this Congress to authorize it to impose government by way of injunction on our people.

I, for one, consider it too dangerous on its face to approve. Furthermore, when I examined the bill, I found that section 204(a) authorizes injunction based on mere suspicion. Let that sink in—mere suspicion. The language is as follows:

> Whenever any person has engaged, or there are reasonable grounds to believe any person is about to engage, in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order or other order, may be instituted.

That goes a long way.

The section then goes on to empower the Attorney General himself to initiate a suit in the name of the United States if he satisfies himself—not a court, not a judge, but himself—that the purpose of the title will be materially furthered by the filing of an action.

In other words, the entire strength of the Department of Justice, with its great staff of lawyers and financial resources, can be applied against a humble little restaurant owner, or a little home that has six rooms—I do not know why they stopped at that number, but they did—in South Carolina or South Dakota on the mere suspicion that he is about to engage in discrimination. This is un-American. I think this bill is un-American. It is Government by inquisition.

The bill goes even further than that. It states that this little restaurant owner can be the innocent victim of custom or usage without doing anything in an affirmative manner. The bill specifically states that where there is State action involving discrimination, injunction may be granted. It then states that State action may be defined to include discrimination or segregation created under color of any law, statute, ordinance, regulation, custom, or usage.

As a lawyer, I see this bill as a drastically formed trap for an innocent proprietor—a trap devised as a handy bludgeon for scheming drifters who would delight in seeing a proprietor of a restaurant have no defense because he is the victim of the customs and usages of his community. Therefore, I conclude that what is proposed here is an attempt by the Federal Government to reform the customs of all of the communities who believe in letting whites get together in private establishments and in letting Negroes do the same thing.

I can see no purpose in title II other than a national attempt at social reform. There is a doctrine at law which states that a court may look behind the ostensible proposition of laws to determine their actual purpose. This was brought out clearly in the case of *Bush* v. *New Orleans, Parish School Board*, 194 F. Supp. 182 (E.D. LA. 1961).

If the main purpose of title II is social reform, I should like to inquire as to where under the Constitution of the United States is the Congress given the authority to regulate social customs. Are we to read into the commerce clause, an undreamed-of provision to the effect that Congress may regulate the social customs of our people among the several States? A social custom is a very intangible thing. It is indeed ridiculous to say that a social custom is an item which flows in interstate commerce from one State to another. It is more ridiculous to say that our Founding Fathers wrote the commerce clause of the Constitution for the purpose of regulating social customs.

Wherever there are proceedings by injunction, the right to trial by jury does not accompany the proceeding unless it is specifically written into the law. The seventh amendment to the Constitution of the United States preserves the right to trial by jury in suits if they existed in common law. Injunctive proceedings are not included in this category. Therefore, the proponents of this bill purposely chose the injunctive route so that trial by jury could be avoided. Obviously they remain unimpressed with one of the major grievances which the American colonists stated against King George III in the Declaration of Independence of 1776, perhaps, indeed, the proponents of H.R. 7152 have never even read that grievance, and for their education, I will quote it to them:

> For depriving us in many cases, of the benefits of trial by jury.

I believe that the least we can do is to safeguard this valuable protection to the property owners which would be involved under this title, by providing specifically for the right to trial by jury, at least on the issue of what constitutes discrimination. Therefore, I would favor any and all amendments aimed at establishing jury-trial rights. I would also favor any amendments that would require adequate proof by the doctrine of the preponderance of the evidence before action is taken.

I feel sure that the probability of Government in an arbitrary fashion through injunction will be diminished materially by inserting the right of trial by jury. I can think of no better field in which to grant the right of trial by jury. This right—as I shall show in subsequent remarks—has become sacred to freedom loving people throughout the centuries as a right to protect them against arbitrary treatment. Here in title II we have the dim prospect of an invasion of property rights—or, more accurately, the human right to property.

If property rights, mainly the rights that surround an owner of real property, mean anything, they should mean the protection against an unjust and unlawful invasion of his property. In this title the owner of a business establishment covered by the title should be protected against anyone, including the Government, coming to him and telling him that he should conduct his business not as he wishes but only on the terms and conditions laid down by Federal law.

I feel that if this is done at all it should be done by local and State governments. Even then a serious case of invasion of property rights may exist if the laws and their administration are arbitrary. We seem to forget that as far back as 1795 the sacred right of property ownership was construed in the Supreme Court of the United States to be as follows:

> The legislature had no authority to make an act divesting one citizen of his freehold and vesting it in another. It is contrary both to the letter and spirit of the Constitution.

That language appears in the case of *Van Horne Lessee* v. *Dorrance*, 2 U.S. (2 Dall.) 304, 310 (1795). Thus we see that our Nation as early as 1795—and really, long before, held the concept that the ownership of property is a sacred and important ownership. The Bill of Rights to the Constitution includes in the third amendment an expression by the people of preservation of many of these property rights. The people of the Thirteen States had to be assured—before the States would ratify the Constitution—that the Government of the United States could not enter a man's home or quarter troops except in time of war. Yet in title II of H.R. 7152, the bill before us today, we are asked to empower the Federal Government to enter a man's property and to tell him that he must conduct his business not as he wishes but as the Government wishes him to do. We have come a long way, in the wrong direction, away from the spirit of people from the several States who voted for the Bill of Rights as a condition precedent for adopting the Constitution of the United States.

I turn now to the broad coverage of title II. Specifically the bill would outlaw racial discrimination in every inn, hotel, or other establishment which provides lodging to transient guests, with the exception of owner-occupied establishments of five rooms or less.

We may experience trouble with the provision regarding five rooms. Some people say they have a six-room house. Others might call it a five-room house. I do not know how that dispute will be settled. Some people refer to a room as a breakfast room. Other people call it a dining room. There will be some dispute along that line.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. ERVIN. The Senator thinks that provision is complicated because the language does not define what a room is, whether it is a bathroom or a bedroom?

Mr. JOHNSTON. That is correct.

Mr. ERVIN. Does not the Senator believe that when Congress is asked to enact a law that is as involved as this bill, the proponents should at least take the trouble to draft the proposed law so that the meaning can be understood when a person reads it?

Mr. JOHNSTON. I certainly do, especially when the Government is given injunctive power to permit it to enter a case and deny a man the right of a trial by jury. It becomes the judge, the prosecutor, and everything else.

I suppose that we should all be grateful for the small favors given us as concerns the five rooms. At least, the much-discussed "Mrs. Murphy" will not be forced out of business, either by the Federal Government or by her five outraged house guests.

There was a great deal of discussion before the Committee on the Judiciary with regard to our friend about whom we talked so much—"Mrs. Murphy." For that reason, the provision with regard to five rooms was included.

And we did not have to speculate as to what kind of house the successor to "Mrs. Murphy's" premises might be forced to operate in the absence of bona fide houseguests.

But, to continue, title II would extend to every restaurant, cafeteria, lunch room, lunch counter, soda fountain or facility principally engaged in selling food on premises—hot dog stands; to every motion picture house, gasoline station, theater, concert hall, sports arena, place of entertainment, stadiums; and also to all establishments physically located within the premises of establishments covered by the bill.

A lawyer who had an office in the building covered by the bill might be covered by its broad provisions. A barbershop in the same building could be covered. Therefore, without going into further details, the bill is an across-the-board attempt to apply enforced integration to all places of public accommodations. There are provisions in the bill relating to items involved in interstate commerce, such as the requirement that a substantial portion of products sold shall have moved in interstate commerce. This language only tends to broaden the bill in many respects because one of the most common items in interstate commerce is food. In the case of movie theaters practically all films are per se involved in interstate commerce.

It is legal fallacy to place emphasis on products involved or sold when the main purpose is to regulate that intangible thing called social customs. In truth and in fact, the color of people who eat food or go to theaters is the item which is attempted to be regulated. It is far beyond my conception of the commerce clause of the Constitution to state that a person's race or color is an item in commerce. But apparently, the proponents of title II fully intend to give the broadest possible interpretation of "home" with which the great poet, Robert Frost, provided us in his "Death of the Hired Man":

> Home is the place where, when you go there, they have to take you in.

I am quite mindful of the fact, of course, that the Supreme Court has expanded the commerce clause to rather extreme cases. In general, this expansion as it relates to our purpose came by the regulation of railways, barge lines, and common carriers, which now include television channels and airlines. Next the power was extended to the goods themselves which moved among the several States. Finally the commerce clause was expanded to regulate conditions under which goods were manufactured for commerce among the several States.

The Federal Government is gradually inching in and eating up the States and States rights, just as termites eat up a building. Eventually the building falls. The building will fall when the termites have eaten enough of the underpinning. That is what the Government is doing in this bill—eating a big mouthful of States rights.

I could cite numerous cases to illustrate these expansions. Some of these cases are rather extreme, and I do not agree with all of them. Even in the extreme cases, however, more justification would be found than would exist here in title II. If we adopt the proposals made in title II there is no stopping point as to the extension of the power of Congress to regulate the personal lives and property rights of the citizens of this great land of ours. That is the worst danger in the bill. It is somewhat like a snowball which starts at the top of a hill and grows in size and weight as it descends. Where it would stop in our future history should we start it in this bill no one could predict. The danger is in starting it, and it is my position that we should not start it.

Mr. ERVIN. Mr. President, will the Senator from South Carolina yield for a question?

Mr. JOHNSTON. I yield.

Mr. ERVIN. Does not the Senator from South Carolina recall that the late Justice Sutherland, of the Supreme Court of the United States, declared in one opinion that the saddest epitaph which can be carved to the memory of vanished liberty is that those who had the saving power failed to stretch forth their hands while there was yet time?

Mr. JOHNSTON. That was a great saying.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that if the Senate does not reject the bill, an epitaph can be carved to the vanished memories of American citizens, in respect of their economic, personal, and property rights, that they lost their liberties because Members of the Senate who had the saving power refused to stretch forth their saving hands while there was yet time?

Mr. JOHNSTON. The Senator from North Carolina has spoken with the wisdom of Solomon.

Mr. ERVIN. Is not the bill subject to these two fatal defects: First, that it would deprive the States of the power to regulate virtually all personal dealings of persons of different races, despite the provisions of the Constitution of the United States to the contrary?

Mr. JOHNSTON. That is exactly what I am speaking against.

Mr. ERVIN. Does not the bill undertake to rob all American citizens of economic, legal, personal, and property rights, which are far more precious than any of the rights it would confer upon its supposed beneficiaries?

Mr. JOHNSTON. It most certainly does.

Mr. ERVIN. Does not the Senator agree that the bill, if enacted, would carve an epitaph for the vanished liberties of all Americans?

Mr. JOHNSTON. I fear it would.

Mr. JAVITS. Mr. President, will the Senator from South Carolina yield on that line of questioning?

Mr. JOHNSTON. I yield.

Mr. JAVITS. Does the Senator consider it to be an element of American liberty that there shall continue to be public schools in South Carolina, supported by public money, to which a child, in the regular course of events, cannot be admitted because that child is of the Negro race?

Mr. JOHNSTON. The Negro is admitted to school in South Carolina.

Mr. JAVITS. I am speaking about a school which is a so-called white school. Does the Senator feel that the refusal to admit a Negro child to such a school is conducive to the liberty of the people of the United States?

Mr. JOHNSTON. I have heard more cries from the Senator on that issue than I have had from all the people of South Carolina.

Mr. JAVITS. The Senator is still not answering my question. Does he feel that that is consistent with the liberties of the people of the United States, when the Supreme Court has clearly said it is not?

Mr. JOHNSTON. If the Senator will go down and talk to the colored people of South Carolina, he will find the great majority are satisfied with the way things are being handled.

Mr. JAVITS. A great majority of taxpayers might be satisfied not to pay their taxes, but that cannot satisfy the United States, even if those people would be satisfied. How can citizens be said to have all their liberties when they have been denied their rights as citizens of the United States? It is difficult for us to see how the argument of the Senator from South Carolina can persist, when he speaks, on the one hand, about depriving Americans of their liberty while, on the other hand, Americans are being denied liberties which the Supreme Court says the Constitution gives them.

Mr. JOHNSTON. In this particular bill it is proposed to take away the liberties of at least 10 people for every liberty to be given to someone.

Mr. JAVITS. But the Senator proposes to take away from one group the liberties enjoyed by others; and the very essence of the Constitution is opposed to that.

Mr. JOHNSTON. No liberties are taken away in South Carolina. If the Senator will go there, he will find that the colored people are much better satisfied than are the colored people in New York.

Mr. JAVITS. I have said on other occasions, in response to the same point, that if one is looking for quiet, the quiet of the tomb is the maximum quiet one can find. But that is not the economy of society.

I have great respect for the Senator from South Carolina. I know we are going over the same ground again, just as are our colleagues from the South. But it is most difficult for us to grasp, on the one hand, the argument made so eloquently by the Senator a little while ago, and, on the other hand, believe, as we deeply believe, that there is a denial of that very freedom, especially when it has the support and the sanctity of a court ruling based upon specific provisions of the Constitution. I am sorry I cannot convince the Senator from South Carolina; but it is important to place these ideas in juxtaposition, in view of the fact that by means of the bill it is sought to prevent Americans from being deprived of their inalienable freedoms.

I thank the Senator from South Carolina for yielding to me.

Mr. ERVIN. Mr. President, may I ask the Senator from South Carolina several questions, without causing him to lose the floor, and also without causing his subsequent remarks to be counted as a second speech by him?

The PRESIDING OFFICER (Mr. INOUYE in the chair). Without objection, it is so ordered.

Mr. ERVIN. Then, Mr. President, will the Senator from South Carolina yield, with that understanding?

Mr. JOHNSTON. I yield.

Mr. ERVIN. Has the Senator from South Carolina heard the Senator from New York make a number of statements in reference to conditions in the South?

Mr. JOHNSTON. I have.

Mr. ERVIN. Has not the Senator from South Carolina read in the newspapers about demonstrations occurring in New York City by Negroes who claimed their children were having to go to public schools in New York which were de facto segregated.

Mr. JOHNSTON. Yes, I have heard of such complaints.

Mr. ERVIN. And, second, has not the Senator from South Carolina also read in the newspapers that a number of white parents had gone out in a snow storm, to protest the implementation of the so-called racially imbalanced school theory in New York, whereby their children were denied the right to attend the school in their neighborhood, on the theory that, based on the racial situation in the schools in that area, they should be hauled by bus to other schools far away from their own neighborhood, in order to attempt to desegregate those schools?

Mr. JOHNSTON. I have read of that.

Mr. ERVIN. Has not the Senator from South Carolina also read in the newspapers, in recent days, that some people in New York lay down on one of the great bridges there on which heavy motor-vehicle traffic moves?

Mr. JOHNSTON. Yes.

Mr. ERVIN. Has not the Senator from South Carolina also read constantly in the newspapers, in the last few days, statements to the effect that the CORE organization in New York is threatening to have a "run out of gas"—I suppose that is what it is called—on the roads leading to the fair, so as to obstruct the opening of the World's Fair?

Mr. JOHNSTON. I have read of that, too; and I could not understand how the two Senators from New York could explain it.

Mr. ERVIN. Has the Senator from South Carolina ever read the story by Don Marquis about Mehitabel, the cat, and Archy, the cockroach?

Mr. JOHNSTON. I have read it.

Mr. ERVIN. Does not the Senator from South Carolina recall that, according to that story, Archy, the cockroach, would get on top of the typewriter in the study of the owner of the house in which Archy lived; and, after the owner had retired, Archy would write his comments on the typewriter, by diving from the top of the typewriter onto the keys?

Mr. JOHNSTON. Yes.

Mr. ERVIN. Does not the Senator from South Carolina also recall that, according to the story, on one occasion Archy wrote this: "Man is past understanding."

Mr. JOHNSTON. Yes.

Mr. ERVIN. Late one afternoon a man was returning from his labor to his home. He saw a hungry wolf seize a little lamb and attempt to render it into pieces and devour it. The man was so shocked by the cruelty of the wolf to the lamb that he killed the wolf. He then picked up the little lamb and carried it tenderly home in his bosom. After reaching his home, the man slaughtered the little lamb and cooked and ate it for supper. Having had a good supper of lamb's meat, the man sat down before the fire to meditate on the state of the universe in general. As he was meditating, he thought of the cruelty of wolves to lambs and broke down and wept.

Mr. JOHNSTON. Yes; I recall that.

Mr. ERVIN. Does not the Senator from South Carolina think the Senator from New York is one of the people who is past understanding? He is so generous about weeping over the supposed ills of the Southern States, that he forgets about those which exist in his own State.

Mr. JOHNSTON. I believe that is true. He is so busy looking at the trees that he cannot see the forest.

Mr. ERVIN. Does not the Senator from South Carolina also recall the great, late American humorist, Will Rogers?

Mr. JOHNSTON. Yes; I remember him very well.

Mr. ERVIN. Does not the Senator from South Carolina recall that Will Rogers used to write articles for publication in many newspapers, and that the articles were syndicated and were published in newspapers throughout the country?

Mr. JOHNSTON. I certainly do.

Mr. ERVIN. Does not the Senator from South Carolina also recall that on one occasion Will Rogers wrote an article in which he advised people who became ill to go to a specialist in the area in which their illness lay, rather than to go to a general practitioner?

Mr. JOHNSTON. Yes; I remember reading that.

Mr. ERVIN. Does not the Senator from South Carolina also remember that a few days later Will Rogers wrote an article in which he stated that he suffered an attack of arthritis and was taken from his home in Beverly Hills to a hospital where he was confined to his bed?

Mr. JOHNSTON. Yes; I recall that.

Mr. ERVIN. Does not the Senator from South Carolina also recall that, in that article, Will Rogers wrote that as he was lying in a hospital room, suffering from arthritis, his old family doctor, from Ardmore, Okla., walked into his room and said to him:

> Will, you're trying to put us old family doctors out of business; you're advising people who are ill not to go to their family doctors, but, instead, to go to specialists in

the line of the illness from which they are suffering.

Mr. JOHNSTON. I recall that.

Mr. ERVIN. Does not the Senator from South Carolina also recall that, in that article, Will Rogers wrote that the old family doctor then said to him:

> I was afraid you were taking your own advice, and would get into the hands of a specialist in arthritis. So I've come all the way out here, to take care of you until you get on your feet again.

Mr. JOHNSTON. Yes, I remember that, too.

Mr. ERVIN. Does not the Senator from South Carolina also recall that Will Rogers then wrote, in that article, that, in reply to what the doctor had said to him, he asked the doctor:

> Doctor, do you know anything about arthritis?

Mr. JOHNSTON. Yes, I recall that.

Mr. ERVIN. Does the Senator from South Carolina also recall that the doctor said to Will Rogers, in reply:

> I reckon I do know about arthritis. I've been suffering from it, myself, for about 60 years.

Mr. JOHNSTON. I recall that, too.

Mr. ERVIN. Does not the Senator from South Carolina agree with me that when the distinguished senior Senator from New York cures all the racial ills in New York and all of the "arthritis" in New York, then—but only then—will the Senator from South Carolina and I accept the Senator from New York as a specialist in this field, capable of treating our ills?

Mr. JOHNSTON. Yes; we shall be glad to accept him as a specialist when he has shown that he has done a good job in his own State of New York.

Mr. ERVIN. But in the meantime, will not the Senator from South Carolina join me in expressing to the Senator from New York our gratitude for his willingness—notwithstanding his failure to cure the racial ills in New York—to try to ram a new law down the throats of the people of our States, and thus give the southern people his directions about how they should treat these matters?

Mr. JOHNSTON. Yes. The Senator from New York is trying to do that to all the 49 other States, and especially to the Southern States.

Mr. ERVIN. Does not the Senator from South Carolina think that, as we say in North Carolina, "That is downright kind and generous of the Senator from New York?"

Mr. JOHNSTON. Yes.

Mr. ERVIN. Nevertheless, does not the Senator from South Carolina, like the Senator from North Carolina, entertain some misgivings concerning the capacity of the Senator from New York to act as a specialist in this field, in view of the conditions which exist upon his own doorstep?

Mr. JOHNSTON. Yes. It seems that he is so busy looking at the mote in someone else's eye that he does not see the beam in his own eye.

Mr. ERVIN. With all due deference to the Senator from New York, I do not believe that he possesses enough skill in this particular field to operate upon the people of our States. I would prefer for him to operate upon the people of his own State instead.

Mr. JOHNSTON. Perhaps he may see part of the troubles in his own State; but he is not seeing very well, you know, and he does not know much about the South or about the colored people who live there. He does not know much about where they are located and about the conditions among them, for they are scattered, as a group, over the whole State or the whole area of the State. He has been dealing only with the group of Negroes in Harlem; and all of them stay there together and go to school together.

Mr. ERVIN. I should like to ask the Senator from South Carolina one more question along that line: Does not the Senator from South Carolina agree with me that in 4 hours one can see more segregation based on race in Harlem than it would be possible to see in North Carolina or in South Carolina in a lifetime?

Mr. JOHNSTON. Certainly that is my belief.

Mr. JAVITS. Mr. President, will the Senator from South Carolina yield to me?

Mr. JOHNSTON. I yield.

Mr. JAVITS. I am delighted to be the object of such affection by these two distinguished Senators from the South; but it strikes me that charm never covered up a running sore; and that is what we are dealing with.

The fact is that racial imbalance in New York is undesirable, and I am among the first to say so. But I should like to hear the Senator from North Carolina and the Senator from South Carolina say that segregation is at least undesirable and—what is more—is against the law.

I will stand on our record every time.

The Senate is now in the process of making new law; and we in New York are trying to improve, in our State, an already lawful situation.

I thank the Senator from South Carolina for yielding to me.

Mr. JOHNSTON. Mr. President, I do not think there is any chance that on this subject the Senator from New York would ever agree with the Senator from North Carolina and the Senator from South Carolina. The Senator from New York grew up in an environment entirely different from the one in which the Senator from North Carolina and I grew up; and, therefore, I think we do not see alike, and never will, until the Senator from New York moves down South and finds out what is happening in the South.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that there is nothing whatever unlawful in segregation when segregation results from the voluntary choice of the people?

Mr. JOHNSTON. Segregation in the South started in that manner.

Mr. ERVIN. Am I correct in my recollection that the Senator from South Carolina said that in his opinion, assuming legally coerced segregation to be wrong, coerced integration is equally wrong?

Mr. JOHNSTON. The Senator is correct.

Mr. ERVIN. Would not the bill deprive people of their right to make a free choice?

Mr. JOHNSTON. It would.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that one of the most precious rights of all Americans is the right to select their own associates and the associates of their immature children?

Mr. JOHNSTON. The Senator is entirely correct. I would dislike to think that if I were to live my life over, the Government would tell me who my friends should be and with whom I would have to associate all the time.

The proponents of this legislation, of course, insist that it should be started and that the law, once on the books, will regulate people's conduct and actions. They seem to have no doubts that the courts will uphold this unconstitutional legislation and no misgivings in thinking that morals can be legislated merely by the law being passed and upheld by the courts. Legislating morals, however, is a particularly unsuited field for a national legislature in a country as diverse as ours, and it has ever been so.

In various sections of the United States there are various ways of thinking and acting. We have gotten along very well when the Federal Government let alone the particular localities of our country.

For example, for many years the people in the West had charge of the Indians. I believe that, under the circumstances, they did a good job. For many years Indians were not permitted to vote. Indians could not even buy or trade a cow unless they obtained permission from the Commissioner who was in charge of them. That was their method of operation. Probably they did well, for, as we know, there were a great many people who could have done a great deal of injury to them by taking their property away, if proper protection had not been afforded. The responsibility of the task was left to the particular localities to do as they saw fit.

The mere fact that the Supreme Court upholds a piece of legislation never has guaranteed that the legislation will succeed in its purpose, and in many cases has merely inspired the opponents to new attacks which subsequently prevailed.

I still remember the passage of the 18th amendment and the Volstead Act. We know what those laws brought forth at the time. A great many people who are still living are blind because of the kind of drugs they were drinking at that time when they desired to get something which would deaden them or make them feel the way a drunken man feels.

The misguided people pushing this bill have been very quick to quote the words of Abraham Lincoln to suit whatever purpose they saw fit. I should like to quote to the Members of this body the views of Abraham Lincoln on Supreme Court decisions, and then, in the same connection, the views of the late John F. Kennedy on our unfortunate desire to rely on Government in fields such as we are here discussing today.

President Abraham Lincoln in his first inaugural address stated:

> I do not forget the position, assumed by some, that constitutional questions are to be decided by the Supreme Court; nor do I deny that such decisions must be binding, in any case, upon the parties to a suit, as to the object of that suit, while they are also entitled to very high respect and consideration in all parallel cases by all other departments of the Government. And while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it, being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than could the evils of a different practice.
>
> At the same time, the candid citizen must confess that if the policy of the Government, upon vital questions affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made, in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal. Nor is there in this view any assault upon the Court or the judges. It is a duty from which they may not shrink to decide cases properly brought before them, and it is no fault of theirs if others seek to turn their decisions to political purposes.

The late President John F. Kennedy, during the presidential campaign of 1960, stated in a letter to the American Civil Liberties Union:

> It is an unhappy irony that the drift toward conformity has been encouraged by our faith in government. A nation that extends the reach of public authority seems likely to forget that each extension endangers traditional immunities and privacies. A deep and proper concern for the public welfare seems to breed indifference to the significance for all of us of the individual's conscience, the personal conviction, the private effort. Trusting the legislature to secure our civil rights we have relied on courts to safeguard our civil liberty. We have too often asked the judges to save us from ourselves.
>
> Judge Learned Hand, our most distinguished jurist, has told of his concern that we may "rest our hopes too much upon constitutions, upon laws, and upon courts." "Liberty," he tells us, "lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it."

It goes without saying, if Congress enacts into law the proposals made here, the executive branch and the Supreme Court will have little or no difficulty in placing them into operation. Enforcing these things into the lives of the American people is an entirely different question.

Prohibition failed as an amendment to the Constitution because it attempted to regulate the personal conduct of our citizens when they did not wish to be so regulated. It is my feeling that the owners of property in this Nation who wish to serve meals to white people alone or to Negroes alone or to Chinese alone, do not wish to be told by law that they must use their property otherwise. If there be compliance it may well be reluctant compliance and reluctant compliance can easily bring about circumvention and circumvention can foster contempt for the law—especially among children and the younger generation. Therefore, we would be establishing another dangerous precedent in passing the civil rights bill of 1963 which could dilute among future generations the dignity of law.

The only other legal justification which could be advanced in support of title II is the 14th amendment. I have read several arguments to the effect that the 14th amendment would authorize title II. I disagree with this argument immediately, and state here and now that this argument is not valid—unless the Supreme Court directly reverses itself in the doctrine of the civil rights cases 109 U.S. 3—1883—as later applied in the case of *Shelly* v. *Kramer*, 334 U.S. 1 (1948).

The 14th amendment empowers Congress to enact legislation to prohibit States from denying persons the equal protection of the laws. As we all know, however, the 14th amendment prohibits States from acting. It should not be—and was never intended to be—an instrument for affirmative action by Congress. In the case of Shelly against Kramer the Supreme Court stated with respect to the 14th amendment:

> That amendment erects no shield against merely private conduct however discriminatory or wrongful.

I have examined the history of the 14th amendment as shown in the Congressional Globe for the 39th Congress, 1st session, 1865–66, and I find that throughout all of the debates the point was made time and time again that it was not designed to invade private property rights of individuals. It was designed instead to prevent States themselves from taking arbitrary action against Negroes.

An argument that can be made in the field of public accommodations with respect to the 14th amendment is that mere acquiescence by a State government to the custom and usage within that State whereby white people eat together and Negroes do the same thing, is not itself State action. This theory was brought up specifically in the recent case of *Williams* v. *Howard Johnson's Restaurant*, 286 Fed. 2d 845, 4th Circuit (1959). An examination of that opinion shows that the court had very little difficulty in stating that mere acquiescence to this custom is not in and of itself State action.

In order to circumvent this clear-cut legal position, the drafters of title II inserted, as a qualification to the language of the bill, the specific words "custom and usage" relative to that which constitutes State action. We should not vote on this matter without an understanding of these hidden words. To adopt title II as it is now written would be a statement by Congress that we feel that the court was wrong in the recent Howard Johnson case which I have cited above. Courts in the future would look to the language of the bill if it is enacted, and would be influenced by the words which were designed to circumvent the decision cited above.

In summary, I feel that title II should be soundly defeated. It is an invasion of the private rights of all citizens by the Federal Government and it constitutes an extremely dangerous thrust of Federal power into the normal and traditional domain reserved to State and local governments. And I take this opportunity to remind the proponents of the civil rights bill of 1963—if, indeed, their daily mail deliveries have not already reminded them—of these words delivered by our great President Woodrow Wilson at Pueblo Colo., in 1919:

> The most dangerous thing for a bad cause is to expose it to the opinion of the world. The most certain way that you can prove that a man is mistaken is by letting all his neighbors know what he thinks, by letting all his neighbors discuss what he thinks, and if he is in the wrong you will notice that he will stay at home, he will not walk on the street. He will be afraid of the eyes of his neighbors. He will be afraid of their judgment of his character. He will know that his cause is lost unless he can sustain it by the arguments of right and of justice. The same law that applies to individuals applies to nations.

Mr. ERVIN. Mr. President, will the Senator from South Carolina yield for a question along the lines with which he has been dealing?

Mr. JOHNSTON. I am glad to yield to the Senator from North Carolina, with the same understanding and stipulation as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Does the Senator from South Carolina know whether the bill which is now before the Senate has been considered by any legislative committee of either House of Congress?

Mr. JOHNSTON. This particular bill has not been before any committee of the House or of the Senate. Neither have we any report before us on this particular bill.

Mr. ERVIN. Is it not the understanding of the Senator from South Carolina that the bill was suddenly presented to the House Judiciary Committee after the House Judiciary Committee had, acting through its subcommittee, conducted hearings upon the original administration bill?

Mr. JOHNSTON. The Senator is correct.

Mr. ERVIN. Is it not the understanding of the Senator from South Carolina that no member of the House Judiciary Committee was permitted to offer an amendment to the bill, or even to discuss the bill for more than 2 minutes?

Mr. JOHNSTON. The Senator is correct. Under the gag rule which prevails in the House, no Member was permitted to speak more than 2 minutes, and no amendments were allowed.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that every bill of major importance should be sent to a committee of the Senate having jurisdiction of that particular type of bill?

Mr. JOHNSTON. I should like to answer the Senator from North Carolina by stating that I spoke for approximately 3 hours on that subject, when the question was before the Senate, on a motion, to refer the bill to the Judiciary Committee for 2 weeks, to afford the committee an opportunity to study it to see if any amendments should be submitted. There were 4 out of 15 members on the committee who felt as the Senator from North Carolina and I feel, we wished to study it and find out more about it. We asked for the right to call it back in 2 weeks. We were not even accorded that right.

Mr. ERVIN. Does the Senator from South Carolina not believe, as a result of his long experience in the Senate, that the best way to test the soundness of the provisions of a bill is to permit the bill to be sent to the appropriate committee, and have the members of the committee cross examine the advocates of the bill?

Mr. JOHNSTON. That is the proper way for a bill of any importance to be tested.

Mr. ERVIN. Has the Senator from South Carolina not seen it occur time and time again that a bad bill has been defeated because of the exposure to which it was subjected in the committee to which it was referred?

Mr. JOHNSTON. I have seen hundreds of bills in the Committee on the Judiciary—of which the Senator and I are both members—defeated because provisions were in the bill that were absolutely wrong. Many such bills are never reported to the Senate.

Mr. ERVIN. Does the Senator from South Carolina not recall that last summer the Committee on the Judiciary had the administration bill before it, and also considered, in addition to the administration bill, a bill in this field of civil rights which had been sponsored by 31 Senators?

Mr. JOHNSTON. I remember that bill. I commend the Senator from North Carolina for the excellent work that he did in the committee. I was presiding at various times, but the Senator from North Carolina did the work.

Mr. ERVIN. Does not the Senator from South Carolina recall that early last summer some 31 Senators, for whom we have the deepest respect and affection, introduced a bill in this general field with considerable fanfare and publicity, based upon the theory that whenever a State licenses an individual to practice a given vocation, the action of such individual becomes State action within the meaning of the 14th amendment?

Mr. JOHNSTON. That is correct, with regard to the operation of the establishment for which the license is issued.

Mr. ERVIN. Does not the Senator recall that some of the proponents of this particular bill stated in substance that they joined in sponsoring the bill because they did not believe Congress had the power under the commerce clause to enact a public accommodations title?

Mr. JOHNSTON. Several Senators took that position.

Mr. ERVIN. Does not the Senator from South Carolina recall that the Senator from North Carolina was asked during the course of the committee hearing what he thought about the license theory as a basis for invoking the legislative power of Congress under the 14th amendment?

Mr. JOHNSTON. I recall that very distinctly.

Mr. ERVIN. Does not the Senator from South Carolina recall that on that occasion the Senator from North Carolina had in his possession a copy of the Revenue Code of North Carolina, and that he called the attention of the Committee on the Judiciary to the fact that approximately 100 pages of the Revenue Code of North Carolina were devoted to enumerating the categories of persons who had to obtain a license from the State of North Carolina in order to practice a vocation, and the amount of money that they had to pay in order to receive such a license?

Mr. JOHNSTON. I remember the Senator producing those records.

Mr. ERVIN. Does not the Senator from South Carolina recall that in addition to approximately 100 pages in which the Revenue Code of North Carolina undertook to specify the persons who had to obtain a license from the State of North Carolina in order to practice their profession, there were some 25 pages prescribing franchise taxes for corporations, which are nothing in the world but license taxes?

Mr. JOHNSTON. I recall that.

Mr. ERVIN. Does not the Senator from South Carolina recall that the Senator from North Carolina pointed out that among those who had to obtain a license from the State of North Carolina were gypsy fortune tellers, horse traders, tombstone vendors, and scores of other persons?

Mr. JOHNSTON. I recall that.

Mr. ERVIN. Does not the Senator from South Carolina recall that the Senator from North Carolina expressed his incapacity to apprehend how the gypsy fortune teller could be exercising any judicial, legislative, or executive power in the State of North Carolina by telling fortunes pursuant to the license issued to her by the State of North Carolina?

Mr. JOHNSTON. I recall that.

Mr. ERVIN. Did any member of the Committee on the Judiciary profess any comprehension of how a horse trader, in lying about the nag he was attempting to trade, could be in any way exercising any judicial, legislative, or executive power in the State of North Carolina?

Mr. JOHNSTON. There was not.

Mr. ERVIN. Does not the Senator from South Carolina recall that the next day, those of us who were opposed to the public accommodations provisions of the bill produced some germane Federal court decisions before the committee, which decisions repudiated that theory as having no basis whatsoever in constitutional law?

Mr. JOHNSTON. I recall that also.

Mr. ERVIN. Does not the Senator from South Carolina know that from that time on to the present moment, none of the proponents of that bill, and no other person, has ever advocated the enactment into law of a public accommodations bill based upon the theory that when the State licenses an individual to operate a restaurant, or anything else, the action of such individual becomes State action?

Mr. JOHNSTON. That is correct.

Mr. ERVIN. Did not the very case to which the Senator from South Carolina alluded a few moments ago—the case of Williams against Howard Johnson restaurant—the decision in which was handed down in 1959, absolutely repudiate the theory that the action of a restaurant owner, licensed by the State to operate his restaurant, is the action of the State?

Mr. JOHNSTON. That is correct.

Mr. ERVIN. Does not the Senator from South Carolina also recall that during the hearings before the Committee on the Judiciary, the committee had under consideration the so-called administration bill which was introduced on June 19 of last year?

Mr. JOHNSTON. I recall that.

Mr. ERVIN. Does not the Senator from South Carolina recall that this bill provided for the cancellation of grants made by the Federal Government to States, on the ground of racial discrimination, without even defining what racial discrimination is, and without even specifying who was to cut off the grants?

Mr. JOHNSTON. I recall that.

Mr. ERVIN. Does not the Senator from South Carolina also recall that it was pointed out in that hearing that there was no provision whatever for any judicial review of the cutting off of any grants, and that the attention of the Attorney General was called to the fact that the administration was presenting a bill which absolutely ignored the due process clause of the fifth amendment, 748 years after the barons compelled King John at Runnymede to a guaranty of due process of law in Magna Carta?

Mr. JOHNSTON. That is true.

Mr. ERVIN. Does not the Senator from South Carolina know that after the inadequacies, the unwisdom, and the unconstitutional portion of that particular bill were pointed out before the Committee on the Judiciary, no one has advocated the passage of that bill?

Mr. JOHNSTON. That is correct.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that the two bills which I have just mentioned in colloquy with the Senator from South Carolina were abandoned by those who introduced them, and those who advocated them, after their deficiencies were pointed out?

Mr. JOHNSTON. I know that they did not show up to advocate them any further.

Mr. ERVIN. Has the Senator from South Carolina heard anything about anyone urging the passage of either of those bills since that time?

Mr. JOHNSTON. I have not.

Mr. ERVIN. Would not the Senator from South Carolina reach the conclusion that it is reasonable to infer that those two bills were abandoned by those who introduced them, because of the deficiencies contained in those bills, from the standpoint of commonsense, from the standpoint of wisdom, and from the standpoint of constitutional law, which deficiencies were pointed out in the hearing?

Mr. JOHNSTON. That is true.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that the fate of those two bills is a striking illustration of the desirability of having bills of major importance considered by Senate committees?

Mr. JOHNSTON. The Senator is absolutely correct.

Mr. ERVIN. Does the Senator from South Carolina not believe that he and the Senator from North Carolina can reasonably infer that the proponents of the pending bill are unwilling to let it go to the Committee on the Judiciary because they fear that no official of the administration can defend the implications of the bill against the exposure to which such implications would be subjected by the committee?

Mr. JOHNSTON. That is the only reason I can see why the bill was not allowed to go to committee. It was feared that the attacks that would be made on it would be detrimental to the passage of the bill.

Mr. ERVIN. Does not the Senator from South Carolina know that if a bill of this nature comes before the Committee on the Judiciary, or before any other committee of the Senate, the members of the committee can cross-examine any lawyer who comes and undertakes to attack the bill?

Mr. JOHNSTON. That is true.

Mr. ERVIN. And make him say whether his interpretation of the Constitution or the decisions construing the Constitution are sound or unsound?

Mr. JOHNSTON. That is true. Another reason is that bills that affect the States ought always to be referred to committees, so that the Attorneys General of the States may have the right to appear and say what they think concerning the proposed legislation, and not merely let it be a one-sided proposal which does not even go before the committee. The only place to which members of the public at large can come to express themselves is the committees; they cannot come to the floor of the Senate.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that it has been held by the courts, from the foundation of the Republic down to this very moment, that the power to regulate the use of privately owned property belongs to the States and not to the Federal Government?

Mr. JOHNSTON. That is entirely correct.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that the aim of the authors of the bill, so far as the public accommodations title is concerned, is to have the power of the States usurped and exercised by the Federal Government?

Mr. JOHNSTON. That is true. Any State that desires to do what is sought to be done by the bill has a right to do it. It can do it.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that in virtually every judicial opinion handed down by any court from the date of the foundation of the Republic to this good hour, holds that the primary power to regulate dealings between individuals is a power that belongs to the State and not to the Federal Government?

Mr. JOHNSTON. The Senator is exactly correct. Many persons do not realize that the Federal Government is limited in what it can do and cannot do. Many persons believe that the Federal Government has a right to do everything; that it can take all powers away from the States, and make all kinds of laws. That is not true. The Federal Government can only assert the powers that the States have given to it under the Constitution.

Mr. ERVIN. Is not this a brief statement of the true distinction between the legislative power of the States and the legislative power of the Federal Government, namely, that the State legislatures have the power to enact any laws they desire to pass, unless they are forbidden to do so by provisions of the State constitutions or provisions of the Federal Constitution; whereas, Congress has no power to pass any law whatsoever unless it is either expressly or impliedly authorized by the Federal Constitution to do so?

Mr. JOHNSTON. That is true.

Mr. ERVIN. Is not that the reason why it is said that the Federal Government is a government of limited powers?

Mr. JOHNSTON. That is true; and the Constitution so states. Any rights not delegated to the Federal Government are reserved to the States.

Mr. ERVIN. Does not the fact that the bill would make a drastic impact upon the powers of the States to regulate the use of property and the rendition of personal services within their borders and the commercial dealings between persons within their borders, prompt the Senator from South Carolina in his statement that the States, through their Governors and attorneys general, should have been accorded the opportunity by the Senate to have the bill considered by the committee and to appear before the committee and express their opinions?

Mr. JOHNSTON. That is true. That was an irregular performance, because the bill was not referred to committee for its study. If it had been referred to committee, the committee would have submitted a report concerning the proposal to amend the present laws on the statute books. We have nothing before us now to advise us.

Mr. ERVIN. Does not the Senator from South Carolina know that applications were made to members of the Committee on the Judiciary by distinguished lawyers residing north of the Mason-Dixon line, who said they desired an opportunity to appear before the Committee on the Judiciary and point out the unconstitutionality of certain portions of the bill?

Mr. JOHNSTON. That is true; and some of them have held positions as high as president of the American Bar Association.

Mr. ERVIN. Does the Senator from South Carolina share the inability of the Senator from North Carolina to believe that the 4 southern Senators who are members of the 15-member Committee on the Judiciary are such legislative wizards that they could thwart the will of Congress in a bill of this type?

Mr. JOHNSTON. Something would be wrong if we could.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that we receive a compliment to which we are not justly entitled when it is suggested that we 4 Senators from below the Mason-Dixon line can control the action of the other 11 members of the Committee on the Judiciary?

Mr. JOHNSTON. Something is wrong somewhere.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that even if we 4 were such wizards in the legislative field that we could prevent action by the other 11 members of the committee, the Senate itself, by majority vote, could divorce us from the right to have further custody of the bill, and bring the bill back to the Senate for consideration by the Senate?

Mr. JOHNSTON. Under the rules of the Senate, any bill that is in committee can be recalled from committee by a majority vote of the Senate.

Mr. ERVIN. Does not the Senator from South Carolina share the belief of the Senator from North Carolina that the reason why the bill was not referred to committee was not our wizardry in legislative matters or our nefarious conduct, but that some of its advocates did not desire to have the contents of the bill scrutinized carefully by experts in this field?

Mr. JOHNSTON. That is true. I observe in the Chamber the distinguished senior Senator from Oregon [Mr. MORSE]. He urged that the bill be referred to committee for a limited period of 10 days to 2 weeks.

Mr. ERVIN. Has not the Senator from South Carolina heard the Senator from Oregon plead on a number of occasions for procedural regularity, and hear him say that the substantive rights of no people are of any higher value than the procedural rights by which their substantive rights must be enforced?

Mr. JOHNSTON. That is true.

THE CIVIL RIGHTS ACT OF 1963

TITLE III, TITLE IV, AND TITLE V

Mr. President, I shall now address myself in opposition to title III, "Desegregation of Public Facilities"; title IV, "Desegregation of Public Education," and title V, "Commission on Civil Rights." It seems appropriate that I deal with titles III, IV, and V together. For if there ever were three shameless sisters who are devoted members of a sorority of tyranny, it is these three titles of the Civil Rights Act of 1963.

Before the beginning of every term of my office as a Senator, I take a solemn oath to support and defend the Constitution of the United States. All Senators do likewise. To uphold H.R. 7152, the Civil Rights Act of 1963, would, in my opinion and on the basis of my conscience, violate that oath.

Why? The answer is obvious. For only the incredibly naive, the willfully blind, or the determinedly deceitful would refuse to admit that the purpose of H.R. 7152, the Civil Rights Act of 1963, is to destroy the Constitution of the United States.

H.R. 7152, in its present form, would be, if enacted into law, an unconstitutional delegation of power to the executive branch, resulting in a preference for a special class of litigants. This Congress has no power to legislate with regard to private lives, private business, and individual activity within and among the several States. For there can be no doubt that these essentially private matters have nothing whatever to do with interstate commerce.

How is it possible to define such private conduct so that it could become constitutionally amenable to Federal law when the Constitution never gave the power to enact that law to the Federal Government in the first place? There are still many private rights in America which under our Constitution are beyond the power of the Government to regulate. One of these private rights is the right to pick one's associates and one's friends and one's customers in private business. The premise of our whole existence is by rule of the majority with the consent of the governed. Do we or do we not have majority rule in this land? Are we to abdicate our responsibilities as Senators to satisfy a minority pressure which urges that out of sympathy and a record of social injustice of some kind, Congress, in spite of the sworn obligations of its Members, should enact such a law?

President James Madison was the author of the very brilliant Federalist Paper No. 10, which was written in 1788, during the long debate on whether the present Constitution of the United States should be ratified by the 13 former British colonies or not. In Federalist Paper No. 10, Madison provided us with a handy moral yardstick which we can use to determine what this legislative body should do relative to H.R. 7152 if it wishes to uphold its duty:

> It may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people.

This bill now before us would allow people to be jailed without trial by jury—titles I, II, III, IV; allow the civil rights commission to hold star chamber proceedings and to imprison those who disclose without permission what went on behind its closed doors; take away from municipal and State officials their right to regulate local parks, swimming pools, and other recreational facilities—title II; deny to school boards—both public and private—and to colleges the right to determine, unhampered by the octopus-like tentacles of the Federal Government, how their students and teaching staffs will be administered—title IV.

Our Government has always been a government of legislation arrived at by deliberation, consideration, and judgment. It has not been a government subject to legislation by coercion and intimidation. At this point in time, one of the most critical eras in the history of our Nation, we are told that H.R. 7152 must be passed, and passed now, and passed without the deliberation, consideration, and judgment accorded to other legislation. Why? Because H.R. 7152 is considered an expedient effort to satisfy the coercion and intimidation resulting from the lawless actions of incensed zealots and their street mobs.

The first president of the United States, the incomparable General George Washington, foresaw just this sort of lawless effort in his farewell address of 1796. Senators may remember that President Washington stated:

> Toward the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard, by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian.

I am opposed to H.R. 7152 because it does precisely the very thing which President Washington warns us against in the final sentence of the foregoing quotation. It destroys the balance of the separation of powers of our three separate branches of Government—the legislative, the executive, and the judiciary. It gives the executive branch of Government excessive and unlimited power.

It grants special privileges to special groups, classes, or individuals. It takes away from our States their constitutional right to set voters' qualifications, and imposes, in lieu of those States rights, the Federal standard that a sixth-grade education automatically qualifies all American citizens to vote.

Mr. President, what do the proponents of H.R. 7152 ask us to do? Among other things, they ask us to instruct businessmen on how they may use their private property, and whom they may hire and fire. I cannot propose, in all conscience, that we destroy the American free enterprise system with a wave of a legislative wand. Here I am reminded of the very succinct statement of Karl Marx and Friedrich Engles in the Communist manifesto:

> In a word, you reproach us with intending to do away with your property. Precisely so; that is just what we intend.

I do not propose to deny the citizens of my State of South Carolina, or of any other State, be it Maine or Mississippi, New York, or any other State, the right to trial by jury. I do not propose that any class or case shall have a preference over any other litigant in our Federal courts. I do not propose that the right of a trial and review by our courts of appeals shall be bypassed.

Charles Pinckney, the distinguished South Carolina delegate to the Constitutional Convention of 1787, was among those present when the commerce clause of our Constitution was written. He explained the meaning of the commerce clause in this way:

> The power was given to Congress to regulate the commerce by water between the States and it being feared, by the Southern, that the Eastern would, whenever they could, do so to the disadvantage of the Southern States, you will find, in the sixth section of the first article, Congress is prevented from taxing exports or giving preference to the ports of one State over another, or obliging vessels bound from one State to clear, enter, or pay duties in another; which restrictions, more clearly than anything else, prove what the power to regulate commerce among the several States means.

I do not have to invite the attention of the Senate to the fact that for many years discrimination in freight rates has existed, and still exists, in regard to the South, below the Mason-Dixon line. There is an extra charge when one goes below the Mason-Dixon line. The freight rate overcharge costs the South many millions of dollars.

Therefore, under the definition of what the commerce clause meant by one who helped to write it, can anyone logically contend that it was intended to empower the Federal Government to force a restaurant operator to serve a customer he does not wish to serve? To force a theater owner to admit a patron he does not wish to admit in his regular line of business? To force the owner of a boarding house to accept a boarder he does not wish to accept? To force a barber to cut the hair of a person whose hair he does not wish to cut?

Mr. President, in my opinion, even Chief Justice John Marshall, dedicated advocate of a strong central government though he was, would be amazed at this extension of Federal power. For in the famous case of Marbury against Madison, in 1803, Justice Marshall made himself quite clear on the point that the Constitution of the United States is the supreme law of the land. He stated:

> The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, is these limits may, at any time, be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished if those limits do not confine the persons on which they are imposed, and if acts prohibited and acts

> allowed are of equal obligation. It is a proposition too plain to be contested that the Constitution controls any legislative act repugnant to it or that the legislature may alter the Constitution by an ordinary act.

If we are going to amend the Constitution, there is a proper way to do so, but it cannot be amended by an act of Congress.

> Between these alternatives there is no middle ground. The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts and, like other acts, is alterable when the legislature shall please to alter it.
>
> If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law; if the latter part be true, then written Constitutions are absurd attempts, on the part of the people, to limit a power in its own nature illimitable.
>
> Certainly, all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the Nation, and, consequently, the theory of every such government must be, that an act of the legislature repugnant to the Constitution is void.
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> This theory is essentially attached to a written constitution and is, consequently, to be considered, by this court, as one of the fundamental principles of our society. It is not, therefore, to be lost sight of in the further consideration of this subject.
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> If an act of the legislature repugnant to the Constitution is void, does it, notwithstanding its invalidity, bind the courts and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow, in fact, what was established in theory and would seem, at first view, an absurdity too gross to be insisted on. It shall, however, receive a more attentive consideration. * * *
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> Those, then, who controvert the principle that the Constitution is to be considered, in court, as a paramount law are reduced to the necessity of maintaining that courts must close their eyes on the Constitution and see only the law.
>
> This doctrine would subvert the very foundation of all written constitutions. It would declare that an act which, according to the principles and theory of our Government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence, with the same breadth which professes to restrict their powers within narrow limits. It is prescribing limits and declaring that those limits may be passed at pleasure.

The Civil Rights Act of 1963 does not apply only to persons traveling in interstate commerce, or to establishments doing business only in interstate commerce. This bill, indeed, also applies to establishments doing business wholly in intrastate commerce, if a "substantial" portion of the goods they use, or the services they offer, have at one time or the other traveled in interstate commerce.

Under this mystical and paranoid standard, there would be established a legal climate in which no phase of American life would escape some sort of continuing Federal control. The right to use one's private property as one sees fit is as necessary as is the right of one to select his customers and to do business with whom he desires. These rights are one and the same under our system of law. These rights are all given protection under the fifth amendment of the Constitution of the United States—the same fifth amendment which is one of the first 10 amendments which constitute our Bill of Rights, which guarantees that no person shall "be deprived of life, liberty or property without due process of law."

In the adoption of the amendments to the Constitution in 1789, the Bill of Rights secured to the citizens their individual rights and liberties. The Bill of Rights is part and parcel of the original Constitution just as much as it would be if it had been part of the main instrument itself when it was signed on the 17th of September 1787. For the Bill of Rights goes back into medieval British history. It was the price which the anti-Federalists in the Thirteen States demanded for their acceptance of our present Constitution.

And to repeat the often-quoted immortal words of the Elder Pitt, Prime Minister of Great Britain, when he spoke on the excise:

> The poorest man may in his cottage bid defiance to all the forces of the crown. It may be frail, its roof may shake; the wind may blow through it; the storms may enter; the rains may enter—but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement.

The principle of the free enjoyment of one's property is woven as a necessary thread throughout the framework of our entire system of laws. From the earliest days of our Nation—and long before the United States gained its independence, in medieval England—legal scholars and the courts have voiced their agreement on the sanctity of that right. The right of property is a fundamental, natural, inherent, and inalienable right. It does not owe its origins to the Constitution which protected it, for it existed long before written constitutions. The great English philosopher, John Locke—1633–1704—who is considered the ideological father of both the Declaration of Independence and the Bill of Rights, believed that the fundamental right of property existed in the state of nature and that, indeed, one of the major reasons that man abandoned the state of nature and accepted the limitations imposed by governments was that he had reached a stage in his development where government was necessary for the protection of property. They had to have the government prosecute his property rights.

The judiciary sometimes has referred to the right of property as a sacred right. Actually the right of property is not a separate right under the Anglo-American legal tradition, but a human right which is inseparable from other human rights. And the protection of human rights, including the right of property, remains to this day one of the most important objects of government.

Mr. President, if we destroy the right of property, we will have destroyed our very principles and, along with those principles, the separation and balance of powers among the three coordinate branches of the Government of the United States. Without doubt, if the Civil Rights Act of 1963 should become law, we will be reminding ourselves in the near future of the prophetic words which Thomas Jefferson uttered when he complained about the new constitution of Virginia in 1781:

> An elective despotism was not the government we fought for, but one which should be founded on free principles, but in which the powers of government should be so divided and balanced among the several bodies of magistracy, as that no one could transcend their legal limits without being effectively checked and restrained by others.

Title III bears the subheading, "Desegregation of Public Facilities." Title IV bears the subheading, "Desegregation of Public Education." Unfortunately—and with complete contempt for the purposes and feelings of not only the legal profession, but the political philosophers and historians of the future—the word "desegregation" is not defined in the act.

I believe that if the bill had come before the Committee on the Judiciary, we probably would have made a recommendation that some definition be made of what desegregation really means in this particular bill.

Title III grants new blanket authority to the Attorney General "to institute for and in the name of the United States," actions for the desegregation of "any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof." The only requirement—and I believe this requirement is meaningless as well as ineffective—is that the Attorney General certify that he has received a complaint and that he is satisfied that if the individual filed a suit he would be unable either directly or through other interested parties or organizations, to bear the expense of the litigation, or the filing of the suit might jeopardize the employment of the individual or result in his injury or economic damage to such person or persons, their families or their property. Title III also provides no requirement that the action should be filed by any individual, or that any proof in connection with the complaint and the certification should be made in any court.

Anyone can file any action, if that is read in its broadest terms. Anyone has a right to file for anybody who comes in and makes the slightest complaint. If he tells those in the Justice Department that he does not have any money, and he would like the Justice Department to handle it, it will do so, or, the Justice Department could hear about it and come in without being asked to come in.

Title III also provides that the costs of the unknown accuser shall be borne by the United States.

That is what we are opposed to. We think the people themselves have the right to do this instead of the Attorney General. We think each individual should pay his costs. We think each case should be decided upon the facts in the case, instead of one person deciding all of the cases. This is unique, to say the least, in the institution of a complaint which later could result in an action at law. It is my purpose, at the proper time, to introduce amendments to provide that the accused, who is forced to hire an attorney and to defend himself, shall also have his costs borne by the taxpayers of the United States, for if it is the right of the accuser, it should therefore be a like right of the person accused.

I am almost tempted to say it should go a step further. It should provide that if they do not prove their case, and if they cause damage to a man, he ought to be able to receive damages from the Federal Government, if the Federal Government comes in and takes part in the case and becomes a party to the suit.

At this point I should like to quote the fourth amendment to our Constitution:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

Now in further argument I want to quote the seventh amendment to the Constitution:

> In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Furthermore, the provision of title III for the institution, on behalf of an unknown accuser, of a complaint by the Attorney General would also have its effect in the application of title V, wherein the Civil Rights Commission can punish witnesses for criminal contempt. I wish to call attention to the sixth amendment of the Constitution which states:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

How can we reconcile the Bill of Rights with the authority requested by, and given to, the Attorney General in title III, "desegregation of public facilities," section 301(a), which provides that when the Attorney General receives a signed complaint that a person has been denied or restricted in the right to use public facilities owned, operated, or managed by or on behalf of any State or municipal government unit, he, the Attorney General, may institute suit in a Federal court upon his certification, and further deny that the Attorney General's certification should not be reviewable?

The least that can be said of this infamous provision is that it destroys—indeed, devastates—the rights of both individuals and the States under the Constitution of the United States of America.

If title III of the Civil Rights Act of 1963 becomes law, the majority of Congress will have spoken. Even so, I doubt that Congress will have carried out the will of the majority of the American people. But one thing is certain: The individual American will have been subjected to the tyranny of the majority, whether that majority be—as I believe—the mere majority of Congress or the majority of the American people. Here I am reminded of the prophetic words of that great English philosopher of the 19th century, John Stuart Mill, 1806–73, who is accorded the title of "The Father of Modern Liberalism." Mill, in his discourse entitled "On Liberty," made this frightening statement which has so much applicability to the plight in which we find ourselves relative to the Civil Rights Act of 1963:

> Like other tyrannies, the tyranny of the majority was at first, and is still vulgarly, held in dread, chiefly as operating through the acts of the public authorities. But reflecting persons perceived that when society is itself the tyrant—society collectively, over the separate individuals who compose it—its means of tyrannizing are not restricted to the acts which it may do by the hands of its political functionaries. Society can and does execute its own mandates; and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practices a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. Protection, therefore, against the tyranny of the magistrate is not enough; there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and, if possible, prevent the formation, of any individuality not in harmony with its ways, and compel all characters to fashion themselves upon the model of its own. There is a limit to the legitimate interference of collective opinion with individual independence; and to find that limit, and maintain it against encroachment, is as indispensable to a good condition of human affairs, as protection against political despotism. * * *
>
> Apart from the peculiar tenets of individual thinkers, there is also in the world at large an increasing inclination to stretch unduly the powers of society over the individual, both by the force of opinion and even by that of legislation; and as the tendency of all the changes taking place in the world is to strengthen society, and diminish the power of the individual, this encroachment is not one of the evils which tend spontaneously to disappear, but, on the contrary, to grow more and more formidable. The disposition of mankind, whether as rulers or as fellow citizens, to impose their own opinions and inclinations as a rule of conduct on others, is so energetically supported by some of the best and by some of the worst feelings incident to human nature, that it is hardly ever kept under restraint by anything but want of power; and as the power is not declining, but growing, unless a strong barrier of moral conviction can be raised against the mischief, we must expect, in the present circumstances of the world, to see it increase.

Mr. President, I submit five amendments and ask that they be printed and lie on the table.

The **PRESIDING OFFICER**. The amendments will be received and printed, and will lie on the table.

Mr. **JOHNSTON**. I yield the floor.

AMERICAN CASUALTIES IN SOUTH VIETNAM ARE MORE THAN DOUBLING—THE RATE IS NOW 91 MONTHLY

Mr. **GRUENING**. Mr. President, American casualties are mounting in our undeclared, inexcusable, unilateral war in South Vietnam. In fact, the lives of American boys are being sacrificed at more than twice the rate this year than they were last year.

A special dispatch in the New York Times for April 15 reveals that in this year, 1964, the U.S. casualty list is running at the rate of 91 per month killed, wounded or missing. The monthly rate last year was half as great.

I ask unanimous consent that the article from the April 15 New York Times, headed, "United States Will Revamp Its Saigon Forces," be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES WILL REVAMP ITS SAIGON FORCES—ADVISORY GROUP TO BECOME PART OF MILITARY COMMAND IN EFFICIENCY MEASURE

(By Jacques Nevard)

SAIGON, SOUTH VIETNAM, April 14.—Senior American officers said here today that the U.S. Military Advisory Group would be merged into the Military Assistance Command in Vietnam.

The object is to reduce paperwork and duplication of effort and to make more efficient use of the nearly 16,000 U.S. servicemen in South Vietnam.

American sources said they expected a "slight increase" in the number of U.S. troops in South Vietnam soon, but they doubted that the total would reach 17,000.

STAFF JOBS WOULD BE REDUCED

There is no indication that the streamlining would alter the subordinate role of the Military Assistance Command to the U.S. Pacific Forces Command in Hawaii, military officials said. There have been rumors that the command in Vietnam would be made directly responsible to the Pentagon.

The merger of the Military Assistance Advisory Group into the Military Assistance Command is expected to reduce by 100 the 700 headquarters jobs in the two commands. It is believed likely that some of posts that may be eliminated are held by generals. There are now 14 American generals in South Vietnam. There have been as many as 16.

The advisory group has been responsible for training Saigon's armed forces and for distributing U.S. military equipment. About 3,000 officers and men are assigned to it.

Under the planned merger, these advisers would continue in their present jobs, except that they would report to different superiors.

The Military Assistance Command, Vietnam, is under Gen. Paul D. Harkins. The command has long had operational control of American advisers in the field, as well as control of the Army and Marine Corps helicopters and Air Force fighters, bombers, and transports used here.

The advisory group is under the command of Maj. Gen. C. J. Timmes. It was established in South Vietnam in 1955 to help train and equip the South Vietnamese Army to meet the threat of armed Vietcong Communist insurgents.

The Military Assistance Command was formed as a result of recommendations late in 1961 by Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, for a substantial increase in the American commitment in South Vietnam. The advisory group is a major command under the Military Assistance Command.

Military sources reported figures that supported the belief that the fighting had increased.

Last week, according to data compiled by American officers, the number of "small-unit operations" reached nearly 5,000, a new high.

Battalion-sized operations were at a near record level, with 65 reported in the week that ended last Saturday.

In the same week South Vietnamese forces lost 180 men killed, 310 wounded, and 110 missing or captured. Saigon reported 300 Vietcong guerrillas killed in the week and 100 captured.

So far this year U.S. losses in South Vietman have been 31 men killed, 276 wounded, and 2 missing. Military sources said that about 3,500 to 4,000 U.S. servicemen were "regularly exposed" to Vietcong fire.

The U.S. casualty rate so far this year is running at the rate of 91 per month killed, wounded or missing. The monthly rate last year was 42.

Only about 200 American servicemen are here on 2-year tours of duty. They are practically all headquarters personnel who have brought their dependents here. All other military personnel are here for 1-year tours, without dependents, except special forces teams, whose tours in South Vietnam are 6 months. Servicemen are usually free to extend their tours here.

Mr. GRUENING. I repeat my view that all Vietnam is not worth the life of a single American boy. That the American people are asked to face the prospect that 91 or more men will be sacrificed every month from now on is horrible, disgraceful, shocking, and needless.

Reports from Manila make it clear that our SEATO Allies are entirely willing to have us go it alone. They view with composure that American boys are losing their lives, but they are unwilling that French boys, British boys, Philippine boys, Pakistani boys, Australian boys, New Zealand boys, and Thai boys shall suffer a single casualty.

I repeat that we should never have been sucked into this war 10 years ago; that it is not our war; that we cannot win it; and that we should get out.

Now another American has been killed in combat in Vietnam. This is in addition to the four Americans whose deaths were recorded in the papers last Saturday and on which I spoke in the Senate, urging that this senseless slaughter cease at once.

No less disturbing is the news conveyed in an Associated Press dispatch from Manila which attributes to Secretary of State Rusk the possibility that the South Vietnamese war might be extended. This corresponds with Secretary McNamara's promises to the South Vietnam generalissimo, Nguyen Khanh, that we were there indefinitely, whatever the cost.

This latest statement of our Secretary of State is deeply disturbing, in view of the obvious folly of either continuing or escalating the war and of U.S. participation in it. As I have stated repeatedly on the floor of the Senate, this is a mess which President Johnson has inherited. This is a war we had no business to engage in in the first place, when, under a previous administration, it decided to take up the burden which the French ceased to carry after vainly sacrificing thousands of Frenchmen's lives, and into which we went without any consent or approval of the Congress of the United States. It is a war which has been costly in American lives and treasure, for we gave the French much financial assistance before we took on the entire conduct of the war ourselves.

It has cost us over a billion dollars to date. But much more serious is the loss of American boys' lives.

One hundred and forty-one Americans killed in combat is the official toll, although over 200 have lost their lives incidental to our presence there. These American boys were alleged to be only "advisers," but they were actually in combat.

It is a war which we cannot win.

It is a war which bears only the remotest relation, if any, to our national security.

It is, in fact, a civil war fought among the South Vietnamese. It is, as Senator MORSE has repeatedly pointed out, a civil war in which families are divided, in which South Vietnamese are fighting other South Vietnamese.

It is a war in which we have chosen to support the puppet governments which owe their existence to our support, which oppress their own people and make it impossible for the United States or their own government to secure a peace by military action which will be responsive to the wishes of their own Vietnamese people.

Mr. President, I have spoken of the overwhelming support which I have received from the people of the United States, from all sections of our country, since a little over 1 month ago—on March 10—I made a speech in the Senate urging that the United States withdraw from South Vietnam. This was the first major speech on this subject, although our able and distinguished colleague, Senator MORSE, had several times previously urged precisely the course that we both advocate; namely, that we should pull our men from the firing line and attempt to secure a peace by negotiation. Our distinguished majority leader, Senator MANSFIELD, who has been better informed on this situation than any other American official, has also urged that we explore the alternatives suggested by President de Gaulle. It is high time we did so, and at once.

I had hoped that when Secretary Rusk went to Manila to a meeting of our SEATO associates — Great Britain, France, Pakistan, Thailand, New Zealand, Australia, and the Philippines—who, despite their treaty obligations, have been conspicuous for their inaction—that a constructive proposal to end our unilateral participation in the war would emerge and that steps would be proposed jointly to work for a cease-fire and to stop the senseless slaughter not only of Americans, but of Vietnamese, who want peace and independence in their own country. It is extremely disappointing that Secretary Rusk apparently has failed to move in this direction. The course that he appears to be advocating can lead only to more carnage and to disaster. Such a course will be repudiated by the American people.

I ask unanimous consent that at this point in my remarks there be printed four Associated Press articles which appeared in the Washington Evening Star of April 13: One from Manila, entitled "Extended Vietnam War Is Possible, Rusk Says"; one from Saigon, entitled "American Dies, 11 Hurt in Embattled Vietnam"; one from Saigon, April 14, entitled "U.S. Army Streamlines Command in Vietnam"; and one originating here entitled "General Taylor Opposes Putting GI's Into Combat in Vietnam."

There being no objection, the news articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, Apr. 13, 1964]

EXTENDED VIETNAM WAR IS POSSIBLE, RUSK SAYS

MANILA, April 13.—Secretary of State Rusk told a closed session of the Southeast Asia Treaty Organization today the United States does not completely rule out extending the war in South Vietnam, presumably into the Communist north.

This was reported by U.S. informants after the eight-nation session. They said Mr. Rusk laid heavy emphasis on the Vietnam war, although South Vietnam is not a member of the mutual defense organization set up 10 years ago to halt Communist expansion in southeast Asia.

The informants quoted Mr. Rusk as saying that a victory over the Communist guerrillas in Vietnam is vital to the West.

The United States, Mr. Rusk said, has decided on a course of support and guidance of the South Vietnamese but he added that the United States could not completely preclude extension of the war in a situation so volatile and important to the Western World. Mr. Rusk said, however, widening of the war is not what the United States wants and is not a course that anyone would welcome.

CONTROLLED BY COMMUNISTS

He said there is no question that the Communist Vietcong in Vietnam is being controlled, supplied, and directed by North Vietnam. The Vietcong have improved their techniques and added new capabilities, but their ability to overrun large sections of the countryside does not mean they are running the countryside, Mr. Rusk said.

Mr. Rusk also discussed what he called the ineffective neutrality of Laos, also outside SEATO. He said SEATO, particularly because of Laos and Vietnam, is in serious trouble and blamed this on Red China and North Vietnam.

The simple fact is, Mr. Rusk said, that the North Vietnamese and the Red Chinese "won't leave their neighbors alone, which is the key to peace and tranquility in the area."

Mr. Rusk called for the full support of SEATO for the South Vietnamese. The informants quoted him as saying:

"They need our support for their success and we need their success for our own world interests. * * * This is not a sideshow but a vital problem for the free world."

ANOTHER CLOSED SESSION

The closed door session, to be followed by another tomorrow, came after an open session that got the Conference underway.

At that session, Thailand and the Philippines indicated the time had come for hard talking on the alliance's ability to stem Communist aggression.

France, which recently recognized Communist China and advocates the neutralization of southeast Asia, also said the time has come "to do away with myths, to eliminate ambiguities and squarely to face realities."

France will face some candid questioning on its neutrality proposal, which has been rejected by the United States, Thailand, and the Philippines.

RUSK'S PUBLIC SPEECH

Mr. Rusk, in his opening address, cited such major problems of the area as South Vietnam's war, the ineffective neutrality in Laos, the Indonesian confrontation of Malaysia and economic problems of the whole region.

But it was Thailand's Foreign Minister Thanat Khoman who set the theme for the meeting.

Mr. Khoman said: "The 10th anniversary of the Manila Pact seems to be as good an occasion as any to review whether the strong urge which impelled eight nations to set up in this region a system of collective defense has kept its vitality or whether, with the passage of time, it has waned to the vanishing point for the simple reason that some may have lost interest in the original concept or have been reluctant to discharge their responsibility."

Mr. Khoman said membership in SEATO "cannot be conceived as a one-way street." If the members are satisfied with the alliance, "it is only natural that they also accept sacrifices."

NEUTRALIZATION OPPOSED

The Thai diplomat said neutralization for South Vietnam "would be tantamount to delivering the country, with hands and feet bound, to its northern aggressors."

Philippine Foreign Secretary Salvador P. Lopez said the time has come to explore the present situation in southeast Asia with candor and realism and to find out in what ways SEATO can continue to counteract or to deter Communist aggression or subversion.

Mr. Lopez pointed out that when the SEATO alliance was formed he strongly advocated that it commit itself to automatic collective military action to repel aggression, along the lines of the North Atlantic Treaty Organization.

"It may now be observed, by way of footnote, that while the NATO treaty area has enjoyed relative stability and security from the subversive and expansionist schemes of communism, the same cannot be said of the SEATO treaty area, he said.

[From the Washington Evening Star, Apr. 13, 1964]

AMERICAN DIES, 11 HURT IN EMBATTLED VIETNAM

Saigon, Vietnam.—A weekend of fierce fighting left one American soldier dead and 11 others injured, U.S. military authorities reported today. More than 100 South Vietnamese casualties were reported.

A crewmember of a U.S. Army H–21 helicopter was killed by a Communist ground-fire yesterday while it was carrying South Vietnamese troops during a battle in Chuong Thien Province, near the southern tip of Vietnam, 140 miles from Saigon.

The soldier was the 131st American killed in combat in Vietnam. His name was withheld pending notification of his family.

Seven other U.S. Army men, including two officers, were wounded in the battle.

Vietnamese Government forces suffered about 100 killed, wounded, and missing in the daylong battle. Thirty Vietcong bodies were counted; and many more were believed to have been carried off.

American authorities said "numerous" Vietcong were killed and 17 government troops were wounded in another fight 60 miles north of Chuong Thien, in Kien Phong Province.

Vietcong ground fire wounded a U.S. marine aboard an H–34 troop-carrying helicopter in fighting 500 miles north of Saigon, near the north Vietnam border, on Saturday.

Three U.S. Army enlisted men were injured by a terrorist guerrilla in front of their hotel in Tra Vinh, in the Mekong Delta, on Saturday. They returned to duty after treatment.

A U.S. Navy officer was injured in an accidental ammunition explosion near the North Vietnam frontier yesterday. No details were given.

The Communists flaunted their control of the coastal town of Qui Nhon, 270 miles northeast of Saigon, by holding public soccer matches, informed sources said.

In Saigon, Maj. Gen. Nguyen Khanh, South Vietnam's Premier, assailed "teahouse intellectuals" for failing to support the fight to prevent the country from becoming "a small province of Communist China."

[From the Washington Evening Star, Apr. 14, 1964]

GENERAL TAYLOR OPPOSES PUTTING GI'S INTO COMBAT IN VIETNAM

Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, says he opposes the use of American troops "as the direct means of suppressing the guerrillas" in South Vietnam.

"Under all circumstances?" he was asked by Representative Ford, Republican, of Michigan, at a February 17 session of a House Appropriations Subcommittee.

"Under all circumstances that I can think of," General Taylor replied. U.S. troops are used as advisers in Vietnam.

General Taylor testified with Secretary of Defense McNamara at a closed meeting. The subcommittee released a censored transcript of the testimony today.

General Taylor's testimony about United States forces in South Vietnam did not satisfy Representative Flood, Democrat, of Pennsylvania.

Mr. Flood said there was a division of command in the Asian country between the United States and South Vietnam.

"You have come to the Rubicon," Mr. Flood said. "Very, very soon in South Vietnam you are at the end of the line. You have to make up your mind very soon, General, that you are going to command or you are not going to command.

If you are not going command, you are a dead duck, you cannot win.

Mr. Flood said that it seemed that in South Vietnam "we command and control nothing."

General Taylor said he disagreed.

Mr. Flood: "What do you command there?"

General Taylor: "Nothing."

Mr. Flood: "What do you control there?"

General Taylor's reply was deleted from the record.

Mr. Ford said there "somehow seems to be a reluctance on the part of administration officials to commit United States forces to combat for a Vietnamese-United States victory, and I don't think this is a proper or prudent attitude.

"If we want victory or if we want to prevent a Communist victory," Mr. Ford continued, "I think we have to be prepared to make commitments."

Mr. McNamara replied: "We will make whatever hard choices have to be made."

But he added that "the kind of war now going on in Vietnam can be won only by the Vietnamese people themselves."

Mr. McNamara, as he has told the House Foreign Affairs Committee, testified that Congress had hurt the military assistance program by cutting it down from $1.4 billion to $1 billion last year. And he added that the $1 billion requested this year was not enough.

"The very, very substantial cuts in our military assistance program * * * made by the Congress," Mr. McNamara said, "has seriously limited the amount of assistance that we can give to South Vietnam from the military assistance program."

[From the Washington Evening Star, Apr. 14, 1964]

U.S. ARMY STREAMLINES COMMAND IN VIETNAM

Saigon, Vietnam, April 14.—The United States is going to streamline the topheavy administration of its military forces in Vietnam, American authorities announced tonight.

The U.S. Military Advisory Assistance Group (MAAG) that has operated here since 1955 will be abolished soon, they said, and its personnel will be absorbed by a higher organization established in 1962, the U.S. Military Assistance Command of Vietnam (MACV).

About 100 administrative jobs that overlap will be eliminated.

The combined staffs now number about 700.

HARKINS HEADS COMMAND

The new command is headed by Gen. Paul D. Harkins. MAAG, which has been responsible primarily for training of Vietnamese servicemen, is headed by Maj. Gen. Charles J. Timmes. American sources said General Timmes probably will become General Harkins' chief of staff.

A spokesman said that despite the reorganization the level of 16,000 U.S. servicemen in Vietnam is expected to increase slightly, in keeping with U.S. Secretary of Defense Robert S. McNamara's recent statement that more help is needed here.

Asked if the number would reach 17,000, he said no definite limit can be placed on U.S. personnel and that as many will be brought in "as are needed to win the war."

The overwhelming majority of the U.S. servicemen in South Vietnam are working in administrative or support jobs. Between 3,500 and 4,000 regular combat pay.

GENERALS TO BE FEWER

One expected result of the reorganization will be a reduction in the number of American generals here. About a dozen general officers, representing the Army, Air Force, and Marine Corps, are stationed in Vietnam. On the other hand, more U.S. personnel are expected to be assigned as advisers to Vietnamese district chiefs in the field.

The spokesman was asked to comment on a recent statement by Ambassador Henry Cabot Lodge that the tours of U.S. servicemen in Vietnam should be lengthened so experienced men can stay longer on the job.

The spokesman said no consideration is being given to lengthening the 1-year tours of servicemen who do not have their families with them. This group comprises all but about 200 servicemen in Vietnam.

Mr. GRUENING. General Taylor is quite right of course. Our GI's are allegedly in South Vietnam as "advisers." But they are engaging in combat. Hence the casualties.

Mr. President, in the 5 years that I have served in the Senate, I have never received mail comparable in volume and in virtual unanimity to the recommendation that I made on March 10 that the United States should get out of South Vietnam.

I shall shortly introduce into the Record some of the several hundred letters which I have received supporting my stand that the United States should withdraw our boys from the firing line, put an end to these wholly needless killings, and make the best possible arrangements to work for a peaceable settlement and get out.

TRAFFIC TICKET FIXING IN THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, today I received a note from my office receptionist. She wrote:

> A fellow by the name of Bill McMullen called. He said he went to George Washington University. He mentioned that he had been reading about your investigation of the Police Department and their fixing of tickets.
>
> He mentioned that the papers might be interested to know about the many traffic tickets your daughter got while attending GWU and how they were fixed through your office.
>
> He hung up on me before I could get his address or phone number. I told him I knew nothing about it.

Mr. President, if anybody by the name of Bill McMullen alleges that any traffic tickets were fixed by my office for my daughter or anybody else, he is just a plain, dirty liar—and I am sure he will understand that descriptive term. I am accustomed to such human snakes, as that, who resort to such smear tactics.

It may be that my daughter—or daughters—received some traffic tickets. If they did, I did not know about it. Perhaps that is one reason why my daughters were prone to say sometimes, good naturedly, "Who says our father is a liberal?" They joshingly would say they never found much liberality when it came to the personal conduct policies and standards I tried to instill in them in regard to what ought to be proper social behavior on their part. They were and are wonderful daughters of whom I am proud, but like all of us they made their mistakes.

However, I wish to say that I doubt that one of my daughters ever had a ticket fixed. If she did, I would have liked to know about it at the time, and there would have been a reduction in her weekly allowance of the amount of the fine she should have paid and the requirement that she get the ticket unfixed and the fine paid. Such was the conservative rule of family conduct that prevailed in our household.

But, Mr. President, I am accustomed to smear tactics of the type used by this man who called my office receptionist and identified himself as Bill McMullen. If a fellow of this kind thinks I will be the least influenced by this attempt at blackmail when I am trying to clean up the traffic-ticket-fixing scandal in the District of Columbia, he is just wasting his time.

So I merely wished to put the record straight in regard to the position of the senior Senator from Oregon in regard to ticket fixing.

OREGON LAUNCHES PARTNERS OF THE ALLIANCE PROGRAM

Mr. MORSE. Mr. President, I was witness yesterday to a most refreshing development in our relations with Latin America that gives me real hope for the future of our Alliance for Progress program. I had the opportunity to visit over lunch with Mr. Edward E. Cooper, superintendent of the Crow-Applegate School District No. 66, near Eugene, Oreg., who left last night for a 3-week visit to Costa Rica. We were joined in our talk by Mr. James H. Boren and Mr. Wade B. Fleetwood, of the Alliance for Progress.

Mr. Cooper is traveling to Costa Rica under the Agency for International Development and the partners of the alliance program, the State and local partnership approach to the alliance. His objective is to put together a program of practical in-service training for Costa Rican teachers at various public schools of Oregon. Mr. Cooper reports that the round trip transportation will be provided with the assistance of the local school districts in the State. The Oregon taxpayers will get their money's worth through the services of the Costa Rican participants as resource people in Spanish language and social science classes. Board and room will be accorded them by local townspeople. While on his trip, he will meet with national educational officials and U.S. AID mission officials in San José and will visit various schools and educational institutions throughout Costa Rica.

Mr. President, I commend Mr. Cooper, of Eugene, Oreg., for his imaginative proposal to involve our local school districts in a worthwhile participation program in the field of education with Costa Rica. I congratulate him and wish him well on behalf of my State on the occasion of a new partnership of mutual helpfulness. Mr. Cooper's trip personifies, to me, the new, fresh and effective approach to the Alliance for Progress as seen in the partners of the alliance effort now underway. Private groups in States will be brought together with people in areas of Latin American countries in direct partnerships.

Mr. President, here is the program that has the something that is needed in large quantities in our foreign aid program under the Alliance for Progress. That something is a sense of participation by the people of our country, working in a practical way in an alliance with the people of Latin America. This active participation in the program at the local level gives a vital and necessary sense of movement to the alliance here and in countries of our neighbors. It is this feeling of movement in the program that is needed. I am pleased that Oregon is becoming active in this program. I think it is a splendid program and one that I can commend and support, because it makes sense to people here, as well as to those in Latin America.

Mr. President, by way of calling attention to the mechanics of this new program under the alliance, I find it appropriate to note that Mr. Boren, who heads this operation, and is also the special assistant to the U.S. coordinator for the Alliance for Progress, recently addressed the Council of League of Women Voters of Virginia, in Arlington. I ask unanimous consent that his address be printed at the conclusion of my remarks.

Again, I salute Mr. Edward E. Cooper on his enterprise and resourcefulness; and I look forward to his report to the people of Oregon, on his return from Costa Rica.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF JAMES H. BOREN, SPECIAL ASSISTANT TO THE U.S. COORDINATOR, ALLIANCE FOR PROGRESS, AT THE MEETING OF THE COUNCIL OF LEAGUE OF WOMEN VOTERS OF VIRGINIA, MONROE ROOM, PARK-ARLINGTON MOTEL, ARLINGTON, VA., APRIL 9, 1964

It is a particular pleasure to be with you because the League of Women Voters is a most important opinion-forming group in the State of Virginia. In responding to your invitation to speak in practical terms, I shall do so not in generalities nor in pink tea terminology but rather in specifics—specifics as to how the people of Virginia can become actively involved in a direct alliance with the people of a Latin American nation. I am here to put before you an opportunity and a challenge to become a part of a dynamic local-level program through which civic clubs, business and professional groups, trade unions, trade associations and individuals can work directly with the people of an Andean village, a jungle colony, a valley community or a slum improvement association. This challenge is the challenge of the partners of the Alliance.

The partners of the Alliance (compañeros de la Alianza) program is a new dimension of the Alliance for Progress. It was born of the very basic philosophy of the Charter of Punta del Este—that the Alliance is an alliance of people which is importantly but only partially articulated by the government-to-government programs. President Kennedy's call was for all of the people to join in this great Alliance and this is the continuing call from President Johnson. I am now translating this call to you as opinion formers in Virginia to lead the way in directly identifying the people of Virginia—the people of the great Old Dominion—with the people of Latin America who are striving to lift themselves, individually and through their governments, to a better level of living.

Now, let me be specific. Our experience in Peru has demonstrated that the partners of the Alliance concept is a sound and workable one. The mission director, Bob Culbertson (whose wife is a Virginian incidentally) and I worked to respond to the many requests which were coming from self-help oriented villages. We could not easily do this within our regular program at first, but we later worked a combination of possibilities into a sound program.

There were villages in Peru in which the people had built schools but lacked the materials for the roofs, the doors, and the windows. An amount of $150 to $350 would provide such materials for most schools and we found a way of responding to the need. Other villages were conducting night literacy classes for adults—classes in which the adults, after long hard days of difficult work, were sharing stubs of pencils and straining their eyes to see the small blackboard which was lighted by candles or perhaps a kerosene lamp. In some instances, where the altitude of the Andes would permit safe operation, we helped the villages obtain pressure lanterns. In most instances we helped them with a small Amp-Champ generator—a generator which runs for 5 hours on a gallon of gasoline and lights seven 50-watt bulbs. Think of the impact. This was the Alliance for Progress for the people of these villages. This lantern or generator was not given to the village; it was a part of an alliance effort. They had to do something as their part of the partnerships program such as building a larger blackboard across the front of the room, or building a latrine by the school, or rerouting a sewage ditch, or building or improving a footbridge across a river.

A Peace Corps volunteer in Peru was working with the village of Cuyochico near Cuzco.

The people of that village were digging an irrigation ditch through the rock of a mountain—their tools, picks, and iron bars. We helped by providing a jackhammer unit. When the Communist march was made through Cuzco, the entire Cuyochico area—and, indeed, the entire valley—did not have a single participant in the march. Certainly this was not due simply to the jackhammer unit; but it was due, in my opinion, to the combination of the jackhammer and a very effective Peace Corps volunteer. We are working closely with the Peace Corps in this program, but they do not want to become identified as a resource of material help. Their volunteers will help, however, a local village develop its petition for assistance in a self-help project and they or our AID technicians will be available to teach the people how to properly use the equipment.

The possibilities for direct partnerships are limitless. When a village has built its own community center and dug a well for a pure water supply, $285 can provide a pump to help lift the water to the village. When a barriada (slum improvement association) has a self-help project under which it is building community buildings such as schools or medical posts, the provisions of a cement mixer and a few wheelbarrows can make significant contribution to the peoples' efforts to help themselves. I could go on and on * * * hand tools, equipment for small medical posts, small collections of books in Spanish for community or barriada libraries, and first-aid kits for villages. These are not pretty little stories pulled out of the air * * * these are specific illustrations of what has been done in Peru.

This direct alliance of a club in the United States with a village or other group is not an adoption program in which a city of a State partonizingly adopts a Latin American state or city. It is a partnership program that has as its base the direct assistance to help people help themselves. It is not an "old clothes" charity program * * * it is a direct alliance between a U.S. group and a Latin American group to work toward the establishment of a lasting and constructive relationship. This is not a program in which mayors exchange keys to the cities and then establish pen pal committees. This is rather a program through which mayors and groups and individuals can do something constructive as working members of a direct alliance.

How does the partnership program work? A number of States have organized statewide partners of the alliance committees and others are in the process of organizing them. In some States the organization may involve only a part of the State, with a view toward expanding to a statewide program at a later date. These committees are the receivers of specific projects from specific villages or organizations in a specific country. These projects are then detailed out to the various civic clubs, high school and university student groups, trade associations, leagues and organizations which finance the respective projects.

Very properly you may ask a number of questions about this partnership program. Why isn't the government-to-government program taking care of these needs? Why are we as taxpayers now asked to do more? There are several good reasons why this partners of the alliance program makes sense.

In our more formal programs, we are working with the various Latin American countries in helping them to build their institutional capability to resolve their own problems. We are not in the business of doing things for these nations but we are in the business of helping them build their own institutions through which they can attack and solve their own problems. It takes time, however, to build institutions and we should reflect upon the history of our own country in this respect. It takes time, for example, to develop an agricultural extension service that can meet the needs of the great rural areas; it takes time to build a savings and loan system to the point that it can foster a private enterprise housing program; it takes time to develop credit institutions which can meet the needs of small business and agricultural supervised credit; it takes time to establish cooperative institutions that are effective tools for problem solving. In short, it takes time to help build institutions to the point that they have impact upon the people. The partners of the alliance program can help buy the time to carry out this vital but more impersonal economic development program.

The funds appropriated for our programs must go to this basic business of building institutions and infrastructure. If we were to spend the limited funds available to us for the type of impact projects which I have described as being the core of partnership activities, we would be building for failure because without effective institutions there can be no economic or political stability. On the other hand, if we only concern ourselves with the impersonal business of institutional development we may be building for failure in that we may not have the time available to us—the United States and our sister republics as partners—to carry out the basic program.

The partners of the Alliance program does not contemplate the shipment of clothing or old books—old clothing smacks of charity and English language books are useless to semi-illiterate people—it is, rather, a program which responds to specific efforts of villages or slum organizations in meeting a productive need when there has been a demonstration of self-help interest. Most of the items needed are available in the country (and about 90 percent are U.S.-produced items) and in the interests of speedy response and simplified administrative handling, the funds are generally sent directly to the man designated in each American embassy to be the partner's program representative. He sees that the materials are properly purchased and delivered to the partnership village or association. He also arranges, where possible, for pictures of the project being completed with the help received from the U.S. organization. These will be sent to the U.S. organization.

To those who are concerned about the problems of communism in this hemisphere, I say that the opportunity is at hand to translate words into action. To those who wish to help people help themselves and to help give meaning to hope, I say that the way is open to them. The partners of the Alliance has an inventory of self-help needs and is seeking the participation and help of those interested in constructive action.

Therefore, in responding to your invitation to be with you, may I again emphasize that my response to your interest is in the form of a challenge and a request for your help. We need your help in the operational development of this program and we ask you that you join hands with us in establishing a partnership between the people of Virginia and the people of a Latin American country, and hope that you will give of your means and of your talents to this cause.

THE SOUTH VIETNAM DECLARATION BY THE SEATO COUNCIL OF MINISTERS

Mr. MORSE. Mr. President, today I wish to speak very briefly on McNamara's war in South Vietnam and the participation in it, in recent days, of the Secretary of State of the United States, Mr. Rusk.

The declaration on South Vietnam by the SEATO Council of Ministers is nothing but the grossest hypocrisy. Their statement refers to the defeat of the Communist campaign as "essential not only to the security of the Republic of Vietnam, but to that of southeast Asia." The Council also "affirmed its confidence that the program of political and administrative reform, military action, pacification, and economic and social development recently instituted by the Government of the Republic of Vietnam, together with the support it is receiving from member nations of SEATO and from other nations in the free world, will greatly enhance the ability of the Vietnamese to defeat the Communist campaign."

The truth is that SEATO members other than the United States are doing little or nothing in South Vietnam. The number of advisers from their members, other than the United States, total only a few dozen. The financial contributions from SEATO members other than the United States amount to a small pittance from Australia, New Zealand, and Great Britain, and somewhat more from France. But 97 percent of all outside financial aid to South Vietnam is coming from the United States.

The SEATO organization apparently is going to do nothing about the situation in South Vietnam except to pass resolutions urging the United States to continue its unilateral intervention. In the meantime, the United States will also be expected to go on sending aid to these SEATO members on the pretext that they are defending our interests in that part of the world—which would be complete nonsense.

I invite Secretary Rusk to tell the American people what proposal, if any, he placed before the Council, calling for a joint SEATO action in South Vietnam. I invite him to report to the American people on what proposals he made to make the "support South Vietnam is receiving from member nations of SEATO" a reality. I invite Secretary Rusk to tell the American people how much money and how many men—how many men, Mr. President, these SEATO members are putting into South Vietnam right now—men to die alongside of the American boys who are being killed in South Vietnam—and how much more they will put in as a result of the Manila conference.

The Manila meeting has shown up SEATO once and for all as a worthless organization. The sooner the United States stops financing it, the better off the American people will be.

Mr. President, what I resent is that the release comes from Manila, and that the Secretary of State of the United States is a party to it, although the release is not worth the paper on which it is written, insofar as binding SEATO to any effective help of South Vietnam is concerned.

A great opportunity was muffed by the Secretary of State by his failure to lay on the SEATO council table a program which would have SEATO take over jurisdiction of the operations in South Vietnam.

Instead of rising to that opportunity, we receive the kind of release that the Secretary of State undoubtedly is more responsible for than anyone else, coming from Manila. It tries to pull the wool again over the eyes of the American public. I desire the Secretary of State to know that the American public is not being fooled.

Now, having muffed the opportunity at Manila, I say to the Secretary of State that, in my judgment, he has the obligation to proceed to lay the South Vietnam "McNamara war" before the United Nations, for, as I pointed out yesterday, the United States never signed the Geneva accords. We are not a party to the Geneva accords. But if the Geneva accords are being violated, the United States, not a party to the accords, does not have the slightest right to act as an enforcement officer for the Geneva accords by way of unilateral action in South Vietnam. If the Geneva accords are being violated, the responsibilty for doing something about it rests with the United Nations. That happens to be the international law situation in which we find ourselves. My country ought to be taking the lead in calling upon the United Nations to do something about taking the necessary steps to preserve the peace in South Vietnam. If anyone thinks peace is being preserved in South Vietnam, I suggest that he read the tickers this afternoon. The South Vietnamese have now suffered another major military defeat at the hands of the Vietcong.

The shocking thing is, that not only was the military defeated, but also terror rained down upon innocent, helpless civilians. We do not know yet from the ticker stories how many civilians were killed. But the ticker that I read indicated an unknown but considerable number.

I repeat: The kind of operation that we are conducting in South Vietnam will never produce a victory. If we get the kind of military victory that McNamara is talking about in connection with his war in South Vietnam, we will still not have a victory. There can be no victory in South Vietnam until South Vietnam sets up the system of freedom that we prate about supporting; but we are not supporting freedom in South Vietnam. We are supporting a military dictatorship headed by a military tyrant—a complete totalitarian.

I wish to see my country move itself out of that posture and back into the posture in which we all glory; namely, a posture of standing for peace through the application of the rule of law. We as a nation should not seek to attain peace through the application of the jungle law of military force. We have entered an era in civilization, in my judgment, which does not permit even the establishment of a so-called temporary peace between wars by use of military force.

So once again I raise my voice in a plea that my country proceed, now that the opportunity for handling this subject through the SEATO organization has blown up in our face, to move into the United Nations with a resolution asking the United Nations to take jurisdiction, and with the objective in mind, I hope, of trying to set up a United Nations trusteeship over South Vietnam.

Mr. ELLENDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 140 Leg.]

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Byrd, W Va.
Cannon
Carlson
Case
Clark
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Ervin
Fong
Hart
Hartke
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Monroney
Morse
Mundt
Nelson
Neuberger
Pastore
Pell
Prouty
Ribicoff
Robertson
Scott
Smith
Sparkman
Symington
Williams, N.J.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. MANSFIELD. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the majority leader without losing my right to the floor, or having my remarks count as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

A MILESTONE IN MEXICAN-UNITED STATES RELATIONS

Mr. MANSFIELD. Mr. President, it is with great satisfaction that I note passage by the House of Representatives of legislation to carry out the terms of the El Chamizal Treaty which the Senate ratified on December 17.

By authorizing the funds necessary for compensation and relocation of the inhabitants of the affected areas, the Congress has clearly demonstrated what it means to be a good neighbor. The patience and good will of Presidents Lyndon B. Johnson, Adolfo Lopez Mateos, and the late John F. Kennedy, ably abetted by Thomas Mann, our former Ambassador to Mexico, and Manuel Tello, Mexico's Foreign Minister, have brought about the solution to a long-standing irritant.

Mr. President, the warm friendship and cordiality which have increasingly characterized our relations with Mexico over the last three decades have reached a new height with the Chamizal settlement. I trust that this state of affairs will continue in a common effort to achieve the goals of the Alliance for Progress.

JUDGE LESTER H. LOBLE

Mr. MANSFIELD. Mr. President, the April 1964 Reader's Digest publishes a feature from the American Legion magazine about a distinguished Montana jurist, Lester H. Loble, of Helena. For many years, Judge Loble has been concerned with the problems of young offenders. He has administered the law with impartiality and with firmness. He is not a "soft" judge. But he has expended a great deal of energy and time in attempting to further the correctives of purposeful training and useful work among young people who might otherwise find themselves at loose ends.

Judge Loble waged a campaign for the enactment in 1961 of the Montana Juvenile Traffic Act. It is a stern law, but after its enactment there were 49 percent fewer felonies and a 75 percent reduction in juvenile traffic cases in his district.

Over 30 years ago, Judge Loble was also instrumental in establishing a trade school at Helena. This school has trained thousands of auto and aviation mechanics, pilots, welders, electrical workers, and radio repairmen whose acquired skills have found use throughout the nation.

Judge Loble has been an adviser on the President's Committee on Juvenile Delinquency. His wide experience both in the specialized jurisprudence of the young and in specialized education places him in a unique position to make an outstanding contribution to that group.

Mr. President, I ask unanimous consent that the article in the Reader's Digest previously referred to and a copy of a letter dated April 6, 1964, which Judge Loble sent to me on the work of the trade school may be printed in the RECORD.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

OPEN HOUSE FOR YOUNG HOODS

(By Donald John Giese)

The scene was similar in many ways to those enacted every day in courtrooms across the country. Sentence was about to be pronounced. The defendant stood, head bowed, staring at the floor. His attorney stood motionless beside him. Spectators quietly shifted in their seats. A newspaper reporter flipped over a fresh page in his notebook. The unsmiling judge cleared his throat.

"You have been found guilty of aggravated assault," the judge said. "It is the sentence of this court that you be confined in the State reformatory for a period of 5 years. Court is adjourned."

This scene in the courtroom of Judge Lester H. Loble, in Helena, Mont., was unusual in one important respect. Despite the fact that the press was present (though not photographers), and spectators were free to come and go, it was a routine session of Loble's juvenile court. The defendant was only 16.

For 2 years Loble has been giving under-18 offenders large doses of publicity and punishment. Juveniles charged with serious offenses who appear before the gray-haired, gruff-voiced jurist are handled like adults. They appear in open court, and all the details of their trial are made public.

Under Montana's Juvenile Traffic Act, adopted as a means of curbing under-18 traffic violators, juvenile traffic offenders are also tried in open court, be it municipal or county, and their driving mistakes are reported in embarrassing detail. Other nonfelony cases are heard in closed court.

The judge doesn't claim to have found a sure-fire cure-all for juvenile delinquency. But a survey of court records in his district (population 31,000) for an 18-month period following Montana's adoption of the open-court law in March 1961 shows that felony cases have dropped 49 percent, traffic cases 75 percent.

Judge Loble's fight against adolescent crime started in 1956, when, after 40 years as a prominent trial lawyer, he was elected judge of the first judicial district with headquarters in Montana's capital city of Helena—a ranching-trading-tourist center in the heart of the Rocky Mountains. As a Montana district judge, Loble was assigned to hear adult and juvenile cases involving both criminal and civil matters. More than half his time was spent on juvenile cases.

"My first full year was a nightmare," he says. "I had 99 cases involving serious offenses by juveniles, and it was getting worse all the time. We had juvenile gangs prowling our streets, and burglaries, robberies, assaults, and other serious offenses being committed by youths under 18 years of age.

"Helena started getting a lot of publicity. When a gang of 15 juveniles attacked 2 old hobos, the town got headlines all over the country. But the culprits got no publicity. The juvenile court, by law, was a closed court. People had no confidence in it. Juveniles were laughing at us. People complained that 'nothing ever happens.'"

So the judge launched a campaign to change the law. "I wanted to throw the doors open and put the spotlight where it belongs—on the individual. I drafted a bill providing open courts for serious juvenile offenders and sent it to J. Edgar Hoover. He felt it was a good law. Then I tried to get support for it. I ran into a large group of opponents who claimed I was destroying Montana's youth.

"The only strong support I had was from two boys in Billings. They got up a petition signed by 400 youngsters who favored the bill because they were taking the blame for hoodlums. 'That's what we're doing every time the press has a story about some hood and never says who he is,' they said."

In 1959, Loble got his bill into the legislature—but it was killed in committee. During the next 2 years he visited every county in the State. "I spoke nearly every night, at farm, labor, business, and PTA meetings," he recalls. "Whenever I could get two or more people to stand still, I told them we needed a new law that would make the offender, whether he's 12 or 17, assume his responsibility as a member of society. The public started getting behind me. Legislators wanted to know more about my bill."

The bill finally came before the 1961 legislature and was passed with only seven votes against it. The words Loble put in Montana's statutes are: "Whenever the hearing in the juvenile court is had on a written petition charging the commission of any felony, persons having a legitimate interest in the proceedings, including responsible representatives of public information media, shall not be excluded from such hearing."

In practice the law works this way: The county attorney files a petition charging Billy Doe, 16, with any felony offense that would be punishable by imprisonment in a penitentiary if the offender were an adult (burglary, auto theft, robbery, assault, and other serious offenses). The judge then requires the county attorney to produce any information he has showing that a crime has been committed. If he is convinced a felony charge is warranted, the judge orders the case tried in open juvenile court.

The juvenile may hire an attorney. He can demand a jury trial. He can seek to have the judge disqualified by claiming he cannot have a fair trial before him. (No juvenile has yet asked that Loble be disqualified.)

The first case heard under Montana's open-court law involved two brothers, 15 and 13, who had stolen $1,500 worth of electronic equipment "because we could use it." Loble committed both to the Montana Children's Home at Twin Bridges. Helena's daily newspaper, the Independent Record, devoted 35 column-inches to detail: names, ages, parents' identities, addresses, and verbatim testimony. Today, Loble says, the youths are doing very well, and the older one is going to college.

The courtroom doors swing only one way for juveniles who are found guilty of using violence on residents in Loble's district. He tried in open court the case of two youths, 17 and 16, who robbed a gas station attendant of $295. They held a pistol at his head, slugged him with a heavy moneysack and threatened to kill him. The youths pleaded guilty.

Before sentencing them, Loble said, "Crimes of violence such as yours require punishment in keeping with your utter disregard for the law. The people of Helena are not going to be placed in fear of hoodlums." He sentenced the 17-year-old to 10 years in the Montana State Prison at Deer Lodge. The 16-year-old was sent to the State Industrial School at Miles City.

No youth who commits a serious offense in Helena, nor his parents, can escape the floodlight of publicity. Loble recently heard the case of a youth, 16, who had vandalized a school, doing $160 damage. The trial was held before 25 spectators and reported in detail in the Independent Record. The defendant was the son of Loble's court clerk.

In nonfelony cases, such as habitual truancy, petty larceny, and minor property damage, Loble's court is closed. "I want it closed so we can lay our cards on the table without a lot of formality," he says. "I may turn the offender loose under probation or other supervision, but I tell him if he comes back he'd better bring his toothbrush, because he's going to stay for a while. They all know I'll not disappoint them."

In his juvenile traffic court, Loble uses other means than fines to reform violators. "Fines are ineffective, and the parents usually end up paying them anyway," he says. "When a juvenile is tagged for his first moving violation, his parents get a letter from the chief of police asking their cooperation. This provokes some strong reactions. The parents start supervising their youngster's driving, because they know they will make the headlines if he gets tagged again.

"On the second violation he goes to court. If he is found guilty I suspend his license and order him to take driver training in a 10-week course which meets 2 hours a week and cost him $10. When he graduates I return his license. By that time, and after a news story informing everybody he's a bad driver, he learns that being a good driver is smart."

The son of a prominent citizen was charged with speeding through 35 stop signs. The car had no steering wheel. The boy, 16, had removed it and was maneuvering the car with a wrench fastened to the steering column. When Loble cited the danger of his act, the youth replied, "So what." He was adjudged delinquent and committed to the reformatory at Miles City. "He's driving a tractor there now," Loble says, "and getting good grades in school."

Loble realizes many feel his methods are harsh, but he says, "I'm not trying to win a popularity contest with juvenile lawbreakers or their parents. I'm trying to restore some sanity to juvenile crime prevention. By using publicity and punishment I've achieved sharp decreases in juvenile offenses."

Dave Middlemas, sheriff of Lewis and Clark County for the past 13 years, says he and his deputies "have noticed a big drop in delinquency since Judge Loble started using the open-court procedure. We have also noticed big changes in the attitude of young people—all for the better."

Officials of Broadwater County, the second county in Loble's district, and law-enforcement officers in Townsend, the county seat, are also happy with Loble's program. They report they have had only three cases serious enough to be referred to Loble's court so far.

While Loble's success in reducing juvenile crime has been acclaimed in Helena (he was reelected in 1960, carrying every precinct in his district), his methods have made him unpopular with those who believe that juvenile offenders are emotionally maladjusted and must be treated rather than punished.

Loble remains indifferent. "Those who condemn my methods are long on criticism, but short on producing evidence that their own theories have resulted in the slightest reduction in youth crime.

"Our crime problem is critical because our court systems have become infiltrated by dreamers. They hold that juvenile offenders are sick, have no free will, are made worse by punishment, are gravely damaged by publicity, and can't choose between right and wrong unless a psychiatrist guides them.

"They believe every young punk who robs a gas station, or snatches an old woman's purse, or assaults an innocent girl is a mental case who can only be reclaimed through 'treatment.' They want to tear down our prisons and build hospitals. In my opinion, these 'progressive' notions push crime rates higher."

Despite his tough talk, Judge Loble's interest in juvenile offenders doesn't end when they enter the reformatory. "I visit them when I can," he says. "Sometimes we play baseball or handball, or sit around and talk."

The judge has long been in demand as a guest speaker. He asks no fee, but says any contribution to the Judge Lester H. Loble Trust Fund will be appreciated by inmates, many committed by him, of a dozen public and private Montana institutions.

Franklin Robbie, executive director of the Yellowstone Boys' Ranch at Billings, says he is using money from the fund to help pay college expenses for a former boys' ranch youth who has no other means of getting help. "We are also getting a place ready for all the power tools that came to us through the judge," he says. The tools, valued at $10,000, were left to the ranch in the will of a Montana man who heard Loble discussing delinquency on the radio.

A few other Montana juvenile court judges now use the open court, and many more are watching Loble's experiment closely. The President's Committee on Juvenile Delinquency and Youth Crime, to which Loble was reappointed in October 1963 for a second term as a special adviser, considers publicity and open courts for the serious juvenile offender a controversial subject, and a matter for each community to decide.

Today, as many communities rush to find answers to their own worsening youth-crime problems, Loble continues using publicity, punishment, and rehabilitation to keep the lid down on delinquency in his district. Says U.S. Senator Lee Metcalf, of Montana, "Judge Loble's record in reducing juvenile crime speaks for itself."

Helena, Mont.,
April 6, 1964.

Hon. Mike Mansfield,
Senate Office Building,
Washington, D.C.

Dear Mike: Over 30 years ago, together with others, I helped established a trade school at Helena. Over 9,000 students have received training there. It operates through the Helena High School and is outstanding. Every 2 years these high school students build a house, under the supervision of the trade school and the various labor unions. The house is sold. This school has trained 4,500 mechanics and technicians. It prepares youngsters for the building trades, welding, flight training—it has trained over 2,500 high school students and has a night school for adults. They have trained pilots, aviation mechanics, welders, electrical workers, radio repairmen and operators, etc.

These graduates have been outstanding in Lockheed, Canaveral and many other places. In short, we have been doing in Helena, Mont., for 30 years what is now being widely discussed in Washington. Someone in Washington who is identified with the new program ought to spend a week here.

This is very helpful in my juvenile program. I have had many youngsters who have been in some minor trouble continue in high school for a half day and go to this trade school for a half day. They have turned out to be very successful and some now own their own shops in the various trades, and some are working for other people. I recall a 14-year-old boy nearly 6 feet tall who wanted to drop out of school (I knew he was embarrassed by the little kids). He wanted to be a mechanic. He did very well at the trade school.

The April issue of the Reader's Digest contains a story of my program in handling juvenile delinquents through public hearing. It is extremely important. The other side of the coin is that I have programs like this and preventive programs, rehabilitation programs and these help a lot.

Best regards.

LESTER H. LOBLE,
Judge.

Mr. METCALF. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. Mr. President, I ask unanimous consent for the Senator from Montana [Mr. MANSFIELD] to yield to the distinguished junior Senator from Montana [Mr. METCALF], with the understanding that my action in so doing will not jeopardize my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. I thank the Senator from North Carolina.

I appreciate the tribute that the majority leader has paid to Judge Loble.

Judge Loble may be a stern judge, but at the same time he is also a friend of all the boys and girls in Montana—especially in the judicial district wherein he serves.

Judge Loble has been interested in humanitarian projects all his life. Long ago, as the national president of the Eagles, he sponsored the first old-age pension program. So he is not only interested in youth, but also in those who are much older.

He is a citizen of Helena, and one of the most outstanding district judges in the State of Montana. He has sponsored and fostered many other humanitarian programs.

I believe it is appropriate that the majority leader should point out that he was one of the founders of the vocational educational program in the trade schools in Helena. He is one of the outstanding experts on juvenile delinquency in America, and one of Montana's outstanding citizens.

Mr. MANSFIELD. I join my colleague in all the remarks he has made.

I thank the Senator from North Carolina for his usual courtesy and consideration in yielding to me.

INVESTIGATION OF ROBERT G. BAKER BY COMMITTEE ON RULES AND ADMINISTRATION—CORRECTION OF THE RECORD

Mr. MILLER. Mr. President, in the CONGRESSIONAL RECORD of April 14, 1964, on page 7955, in the second column, a correction is indicated in line 14, or line 6 of my statement which appears therein. The correction that should be made is to change the words "not yet" to the word "just," so that the language will read:

> The Republican Members have just been called into consultations * * *.

I ask unanimous consent that the RECORD be changed accordingly.

The PRESIDING OFFICER. The correction will be made, as indicated.

Mr. MILLER. Mr. President, in this connection I believe an explanation is due.

I note from the CONGRESSIONAL RECORD for April 14, on page 7945, a statement made by the distinguished junior Senator from North Carolina [Mr. JORDAN], inviting attention to my statement to which I have just referred, and pointing out that I was in error in stating that "Republican Members have not yet been called into consultations."

I apologize for the error. I believe an explanation is due.

I point out that the statement which was inserted in the RECORD was drafted a week ago, following the statement by the distinguished junior Senator from Pennsylvania [Mr. SCOTT] which appears on page 7047 of the CONGRESSIONAL RECORD of April 7, 1964, in which he pointed out that the first the minority members of the Rules and Administration Committee knew of the drafting of the report was when they read about it in the newspapers.

The distinguished junior Senator from North Carolina pointed out in his comments yesterday that there had been two meetings held since that time—one last Friday and one last Monday.

I am pleased to know that this policy and procedure are being followed. It has been my practice, if I find something in the RECORD about which I wish to criticize a colleague, always to notify the colleague, or his office, that I am about to do so, in an effort to insure that he will be present so that he may respond if he so desires.

I regret deeply that my friend and colleague, the junior Senator from North Carolina [Mr. JORDAN], did not see fit to do this. All that would have been necessary would have been to place a telephone call to my office, telling me of the error in my statement, and the RECORD would have been corrected accordingly.

When we are dealing with the Bobby Baker investigation, anything can happen.

NEW YORK STATE'S POLICY AND PRACTICE AGAINST RACIAL IMBALANCE IN PUBLIC SCHOOLS

Mr. JAVITS. Mr. President, in accordance with the practice which I have pursued, I ask unanimous consent that there be printed at this point in the RECORD a summary of the State education department's position with respect to the solution of the problem of racial imbalance in the schools, which further indicates the positive approach to this problem being taken in the State of New York.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF STATE EDUCATION DEPARTMENT'S POSITION WITH RESPECT TO THE ELIMINATION OF DE FACTO SEGREGATION IN THE SCHOOLS

The following is a summary of the State education department's position with respect to the elimination of de facto segregation in the public school systems of the State:

1. It is the responsibility of the State to see that every child has an equal opportunity for a quality education regardless of his race, creed, color, place of residence, social or economic background.

Many conditions limit the attainment of this objective. One of these conditions is the existence of racially segregated schools.

2. It is the position of the department that racially segregated schools are a handicap to the achievement of equality of educational opportunity and must, therefore, be eliminated in New York State.

Experience has shown that when the proportion of Negroes in a particular school reaches a critical point, white parents tend to seek other schools for their children; teachers seek assignment in what they consider more desirable schools; and there tends to be a lowering of general morale, pupil motivation and achievement. These, among other factors, make the problem of de facto segregation, or racial imbalance, relevant to the problem of providing equality of educational opportunity in our public schools.

3. The elimination of de facto segregated schools is to be sought as an important means to good education, not as an end in itself.

Our primary concern is for the improvement of educational opportunity for all children. Children must be properly housed in a good school and well educated no matter where they happen to live. Integration is an important means of improving educational opportunity for all children.

4. When application of the neighborhood school policy creates or perpetuates inequalities of educational opportunity, a change in the application of that policy is called for.

A neighborhood school offers important educational values which should not be overlooked. The relation between a school and a definable community with which it is identified can, in many cases, lead to more effective participation by parents and other citizens in the support and guidance of the school. It can stimulate sound concern for the welfare of the school and its pupils and can lead to beneficial communication between the school staff and the community that staff serves. When a neighborhood school becomes improperly exclusive in fact or in spirit, when it is viewed as being reserved for certain community groups, or when its effect is to create or continue a ghetto type situation, it does not serve the purpose of democratic education. In short, when the application of the neighborhood school principle in a particular location fails to produce good schools, its application in that location should be reviewed and revised.

5. In keeping with the principle of local control, it is the responsibility of the local school authorities to develop and implement the necessary plans to eliminate de facto segregated schools.

It is recognized that in some communities residential patterns and other factors may present serious obstacles to the attainment of racially balanced schools. This does not, however, relieve the school authorities of their responsibility for doing everything within their power, consistent with sound educational principles, to achieve equitable racial balance.

In order that the department would know local plans for dealing with de facto segregation, school boards were asked last June to submit information to the department on all schools in which 50 percent or more of the enrollment was Negro. The 50 percent figure was used as a statistical point of reference to identify those schools from which relevant information was requested, not as a definition of racial imbalance.

To assist local authorities in developing their plans and in formulating their policies, a statement of "Guiding Principles for Dealing With De Facto Segregation in Public Schools" was prepared and sent to each school district. A copy of this statement is attached.

The State, of course, has broad responsibility for education. For practical considerations and as a matter of principle, the State delegates to local authorities the power for administering local affairs in education. There are a variety of ways of dealing with the elimination of de facto segregation. With their initimate knowledge of all the factors of the local situation, local authorities are best equipped to devise solutions best suited to local needs. In some communities the busing of children may be necessary to bring about equality of educational opportunity for all children. What is feasible and practical will have to be considered. The department has not proposed State-mandated busing to eliminate imbalance, believing as we do that the most effective means of dealing with this problem can best be determined at the local level. The department, of course, stands ready at all times to assist local authorities in their planning.

While the public school authorities have a special responsibility for leadership in the elimination of de facto segregation, the problem is also the responsibility of every citizen—of government officials, civic leaders, leaders of ethnic and racial groups. The existence of segregation, de jure or de facto, not only creates individual and group injustice, abhorrent to all who believe in the dignity of man and the equality of opportunity implicit in a democracy, but it also poses a threat to the economic, social and cultural health of the community, State and Nation. It is, therefore, of utmost importance, both as a practical matter and as a moral obligation, that prompt action be taken to correct the situation wherever it exists.

SOVIET SHADOW ECONOMY

Mr. JAVITS. Mr. President, in connection with the current anti-Jewish activities in the U.S.S.R., considerable light is cast on the economic problems inside the Soviet Union and the background of the economic crimes in which Jews appear to be cast in the role of scapegoats, in a recent article in the Reporter magazine.

I ask unanimous consent to have printed at this point in the RECORD the article by Joseph M. Hochstein, entitled "The Soviet Shadow Economy," which appeared in the Reporter magazine April 9, 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SOVIET SHADOW ECONOMY

(By Joseph M. Hochstein)

When the Russians announced the arrest last fall of a group of clandestine businessmen who had set up and operated a factory in a Moscow mental institution, one expert on Soviet affairs observed that "The story, as told by Izvestia, could have come straight out of Gogol."

Izvestia reported that a citizen had bribed his way into the managership of an occupational-therapy workshop for mental patients. He and his accomplices then converted the workshop into a clandestine knitwear factory, illegally importing 460 tons of raw wool, 58 knitting machines, and other equipment from farms and factories as distant as Leningrad, almost 400 miles to the north, and Poltava, 440 miles to the south. The secret factory established illegal commercial ties to 52 state factories, collective farms, and workers' cooperatives; even members of the Soviet economic police were involved. Bribery, of course, was practiced on a large scale—Izvestia listed payoffs totaling $195,000 at the official exchange rate, or a week's pay for almost 10,000 Soviet textile workers—and the profits were accordingly great. The Soviet Government newspaper said the underground factory obtained supplies worth 3 million rubles ($3.3 million at the official exchange rate), or more than 1,680 percent of the original "investment" in bribes.

Although the case is of modest proportions compared with other clandestine enterprises, Edward Crankshaw, the noted British Kremlinologist, pointed out that the knitwear factory illustrates how the Soviet economy today is "* * * a highly theoretical system of centralized control, which does not work and can be kept in being only if authority turns a blindish eye to a vast illegal network of undercover dealings which enable the producers to short circuit bureaucratic channels and organize a distribution network of their own." Crankshaw's suggestion that a second, underground economy provides a necessary lubricant for the overall Soviet economy is not without an official echo in the Kremlin. Soviet Premier Nikita S. Khrushchev, in a speech to industrial and construction workers last year, said that "Some kind of mutual tie has been formed between enterprises and has persisted for many years. So we maneuver around it, are afraid to disturb it, take no decisive steps to improve the situation."

Some steps, of course, are being taken. For almost 3 years, the Soviet press has provided a growing variety of similar reports in connection with an official crackdown on speculators, black marketeers, illegal traders, clandestine manufacturers, and other violators of the Soviet economic order. In bits and pieces, these accounts yield a tapestry of an unseen side of the Soviet economy.

They portray an official economy so riddled with illegal profiteering that a parallel underground economy of considerable proportions now exists, one that is more subtle and complicated than a standard black market, and much larger as well. Some specialists in Soviet affairs call it a gray market, for it apparently involves millions of persons, many of whom are officially respectable and not all of whom fit the accepted definitions of black marketeers.

Seemingly fantastic ventures built around nonexistent people and invisible corporations take place in this netherworld of commerce with no present-day Gogol to record their essence. The only chronicler is the official press, and the exploits it describes are obviously regarded by the Soviet leadership as serious offenses. Since mid-1961, thousands of persons have been reprimanded and jailed for economic crime, and about 200 have been sentenced to death by shooting.

Of hundreds of published reports, those appearing in provincial newspapers uncirculated in Moscow often offer the most detailed information about the modern style of Soviet chicanery. A story headlined "End of a Joint-Stock Corporation," in the Uzbek provincial newspaper Tashkentskaya Pravda, described a trial of 21 persons who started a clandestine manufacturing business in the Remmebel state furniture factory at the direction of their chief engineer, S. G. Brodsky. "The necessary raw material—viscose—was obtained by Brodsky & Co. by bribing employees of the Barnaulsky synthetic fiber factory and many other enterprises," the newspaper reported. "However, only a small portion of the viscose was delivered directly to the secret factory. The majority was resold to similar shadowy operators. To cover up the thefts, wide-scale writeoffs of viscose and cord were practiced, with spoilage claims for large amounts, and the raw materials written off in this manner were transferred to the manufacturing Combine No. 2 of the Uzbek Society for the Blind. Thus were the ends of the operation tucked in."

In the Ukraine, 62 managers and workers were tried for having taken control of the Kiev City Fruit and Vegetable Trade Trust. They included warehouse directors, trade specialists, store managers and their assistants, and officials of the trade trust. The provincial newspaper Pravda Ukrainy said that their activities cost the state more than 500,000 rubles in only a few months. To divert state food shipments to private resale, the group made false reports of the quality and amount of food delivered by farms "* * * and simply reduced the quality and sometimes wrote shipments off as spoiled. This is how they got hold of hundreds of tons of perfectly good and sometimes high-quality apples, oranges, lemons, and bananas."

In neither of these cases did any of the 83 convicted persons receive a sentence of more than 15 years. Nor did either case become news to foreigners. In the main, the only Soviet economic crime trials of which Americans have been immediately aware have been those involving death sentences that were announced in Moscow. Since only 50 of the first 160 death sentences were reported in Moscow newspapers or in national magazines available to correspondents in Moscow, the full extent of the crime revelations has seldom received even routine coverage on American news wires. In fact, few of the 110 death sentences announced outside Moscow by provincial publications have found their way into any Western news reports, and then only belatedly. For example, a trial in which eight illegal traders were sentenced to death was announced February 28, 1963, by Lvovskaya Pravda. On April 15, the story was uncovered by the New York Herald Tribune, whose Moscow correspondent cabled: "The mass executions, unreported in any of the major national Soviet dailies easily available in Moscow, were carried in a local newspaper serving the Lvov industrial regional Communist Party committee. The paper cannot be purchased by Westerners in Moscow, but a copy became available yesterday." Only then was the story picked up by major wire services and the New York Times.

How could such an extensive underground economy operate in a police state? One basic skill required is the ability to falsify records. Phony bookkeeping in the Soviet Union has been widely documented in the past, of course, mainly in connection with attempts to conceal production shortcomings and unfulfilled quotas. That practice continues, as Izvestia observed in a dispatch last year from Tselinograd, where farm managers apparently were failing to enroll enough workers in tractor operators' courses. One official padded his enrollment with 37 fictitious names. Another, according to Izvestia, "remembering the experience of the landowner Chichikov (the central figure of Gogol's "Dead Souls") added on 43 souls. * * * Khimak Yashev, director of the Kalinin State Farm, set the record. On the farm he heads, there are no courses at all, but the reports show 188 students."

FROM OMAR TO GARBAGE

False bookkeeping for embezzlement is also a familiar theme. The periodical Soviet Culture has reported that two bookkeepers in the Ukraine were sentenced to death for embezzling through fictitious literary royalties. Izvestia has reported that the records of the Kirghiz State Publishing House show money expended since 1962, as royalty payments to eight dead authors, including the poet Omar Khayyam, born in 1040, and the philosopher Avicenna, born in 980.

A special feature of the press disclosures since the economic crime trials opened shows how Soviet citizens have learned to juggle books not only to conceal failures and embezzlement but also to pyramid their incomes by conducting undercover business. Pravda and Izvestia have both described how the chief physician in the city of Kentau used false bookkeeping to make possible a series of underground business ventures involving, among other things, his hospital's garbage.

The doctor merely ordered a nonexistent nurse carried on the payroll of the city hospital, but instead of pocketing her wages, he let the employees in the bookkeeping office take turns collecting the money. Having bought control of the books, the doctor then was able to turn the hospital into a source of capital. He raised his own pigs on hospital food. He organized a business selling the hospital garbage, and created three fictitious jobs for himself on the hospital payroll.

In retail trade, those who have mastered the techniques of false bookkeeping can acquire their own production facilities. The equipment is available. In one instance, a group of high officials were exposed last year for selling 900 power looms illegally. In reporting the case, Pravda commented that "A loom is not a meat grinder; not everyone can buy one. It is issued according to the state plan and only upon orders of the planning agencies. How then did the crooks obtain automatic loans?" The Communist Party newspaper answered its own question by reporting that bribes spread among officials and accountants in key positions enabled the ring to sell state-produced looms to three separate groups of private purchasing agents for delivery to three separate clandestine manufacturing enterprises in the Caucasus, in Central Asia, and near the Black Sea.

But equipment is useless without raw materials. The operator of an illicit lipstick factory in a Moscow suburb obtained his stocks from a state cosmetics plant more than 500 miles away in Riga, Latvia. He put the state's factory director, chief engineer, and two bookkeepers on his payroll, and they supplied chemical formulas, equipment, and lipstick cases to his secret manufacturing center in the basement of a home he owned on the outskirts of the city. His products were sold throughout the Soviet Union, the local newspaper Moscovskaya Pravda, said, and he became so prosperous that he invested part of his wealth in government bonds.

In Moldavia, a group of government tailors used a more direct system for supplying their private factory at the state's expense. The newspaper "Sovetskaya Moldavia" said that the tailors diverted more than 65,000 yards of cloth to private manufacture by the simple ruse of making all suits for the state trade system a size too small.

The newspaper Pravda Ukrainy has indicated the vigor of the unauthorized food trade with a report of illegal purchasing by a film troupe that traveled to the Caucasus from the Ukraine. The moviemakers returned to Kiev with 10 tons of citrus fruit for resale through private channels in the Ukrainian capital. Since food is perishable and often must be shipped long distances from farm to market, it requires especially efficient transportation in the underground economy. Economic Gazette, a Communist Party weekly journal, described a series of clandestine food shipments last year as follows:

"In the course of a single year scores of freight cars and containers and more than 1,500 consignments of fruit belonging to private individuals were carried by the West Siberian Railroad alone. The total weight of the baggage came to 464,000 pounds. Some 7,700 pounds of plums were confiscated from the speculators Yalabadze and Geniashvili. They had bought them in Georgia and shipped them to Perm in railroad containers. The officials of the Nakhichevan railroad station, in return for bribes, let them have 179 containers.

"There have been similar cases on the Moscow, Northern Sverdlovsk, and Southern Urals railroads. The irresponsibility and gullibility of some railroad, airline, and post office workers is staggering. Someone loads several tons of fruit aboard a plane, but no one takes an interest in who he is or to whom the fruit belongs."

The plums were shipped to Perm from the Georgian Republic, a distance of 1,250 miles. Izvestia has recorded illegal shipments over greater distances, such as a consignment of 880 pounds of tomatoes that went more than 1,500 miles to Minsk from the Uzbek city of Margelan in 90 mail bags, and 5 tons of cabbage that were driven from Slavyansk to Minsk in a state-owned truck belonging to a highway transport office in Yerevan, the capital of Armenia. An Izvestia dispatch from Novosibirsk last summer mentioned other private food shippers and commented: "To get all these loads moving without waiting their turn, so that the vegetables, fruit, etc., will not spoil, whether through the mails, by rail, or on planes, they feel out the morally unstable people among responsible officials and give them bribes." Economic Gazette put less stress on the bribery of morally weak individuals and more emphasis on shortcomings in the entire official food distribution system; it suggested that the basic problem might be that the state has surrendered important segments of the market in food to private dealers.

LOSS INTO GAIN

Another area of vigorous fraud is the Soviet construction industry. Until the state began a drive in 1961 against private ownership of homes, real estate was one of the soundest types of investment for the personal savings of Soviet citizens, so much so that private construction accounted for 30 percent of all the new housing space created in the period 1952–60. That private builders could obtain the materials necessary for operations on such a scale is suggested by Economic Gazette's disclosure that at the start of the 1961 campaign against private homeownership, about 20 percent of the Soviet Union's concrete output was being written off each year as lost, including 10 percent lost in transportation.

A recent report on the clandestine construction industry provides further evidence of how it operates. A development of private suburban homes with automatic steam heat, reinforced-concrete cellars, and prefabricated panels sprang up near the west Siberian metallurgical factory in Kemerovo Province. The youth newspaper Komsomolskaya Pravda, noting that such supplies could not be obtained through official channels at the factory site, reported that a third of the materials had been obtained fraudulently from a state agency and the remainder through bribery, theft, and deals with black-market truckers.

Examples of the manipulation of large industrial enterprises have also been put on record. One official reported in Pravda last year that more than 300 clandestine movie studios had been organized in Soviet factories since 1961 and had produced more than 1,500 films at a cost of more than 10 million rubles. He described the output as "low-grade hack work glorifying the activities of their agencies. The desire to acquire their own movie studios pushes many chiefs of agencies and organizations to direct violations of financial discipline. At the Gorki automobile plant the head of the movie lab receives the wage of a mechanical engineer, and the cameraman, cartoon animator, sound man, and mechanic are registered as engineers. There are a number of false foremen, electricians, and storekeepers at the movie lab of the Likhachev automobile plant."

The type of empire building exemplified by the secret movie studios has been given a name in the Soviet Union: "localism," or the placing of local interests above the needs of the state. Localism is an outgrowth of the drastic post-Stalin economic reorganizations. In 1957 the state replaced its huge nationwide economic ministries with regional economic councils or Sovnarkhozi. One object of that move was to rid the economy of a problem known as departmentalism, or the placing of a ministry's interests above the needs of the state.

A key figure in Soviet industry has been a kind of expediter known as a pusher, or lobbyist. He is the man who puts deals together, finds scarce supplies, and knows how to make wheels turn. The director of the Lisichansk chemical combine wrote in Izvestia last year that his enterprise "has 40 skilled workers engaged in squeezing equipment out of suppliers. They have to travel to Donetsk, Kiev, Moscow, and many other cities." Since his work must be conducted secretly in most cases today, the lobbyist is generally listed on the payroll of his enterprise as performing some other job.

Before lobbying was prohibited in 1961, the Journal USSR Finances reported visits in the previous year by 13,000 lobbyists to the Soviet economic plan headquarters, and by 14,000 to the planning headquarters of the Russian Republic. Among the larger under-the-table deals that have come to light since lobbying was officially banned, the disappearance of Karelia's timber crop appears as a prime example of clandestine trade in the service of localism. Karelia, a heavily wooded region bordering Finland, failed for several years in a row to meet its timber quota. Moscow learned later that Karelian authorities had been secretly sending their timber to factories elsewhere in exchange for large amounts of scarce industrial goods such as sheet steel, pig iron, pipe, and rubber tires.

BLAME IT ON THE JEWS

Just how large is the secret sector of the Soviet economy? On February 29, the Washington Evening Star, in an editorial on anti-Semitism in the Soviet Union, estimated that private enterprise accounts for some 25 percent of the Soviet gross national product, and several Washington experts agree that that estimate is not unreasonable. However, those closest to the subject point out that exact totals cannot be obtained, since neither the planners and police in Moscow nor the Sovietologists in the West can hope to uncover all the figures necessary for a true accounting.

What is known is that the activity is widespread, vigorous, and often concentrated. It appears strongest where the official economy is least adequate: in consumer goods, food supply, construction, services, and relations between industrial enterprises. It is least apparent, of course, where the state is strongest: in armaments production, steel, oil, power generation, and space flight, although deals still crop up in machine-building enterprises and other industrial sectors where the central planning process is faulty.

Even though the state has declared war on clandestine operators, it has not yet employed the broad powers it granted itself in a series of loosely worded decrees that extended the death penalty to economic crime in 1961. Only in the Republic of Kazakhstan has the state enforced a mass crackdown; the firing of more than 16,000 officials in Kazakhstan was reported last year.

Against that background, the economic-crime trials that have been in progress since mid-1961 must be viewed as somewhat misleading if not fraudulent, since at the local level the crackdown has been spotty and far from complete. It is also worth noting that more than 50 percent of the defendants receiving death sentences have been Jews. Press reports have consistently stressed the Jewish identities of economic offenders while failing to identify other defendants, and the press has accompanied these reports with a profusion of virulently anti-Semitic articles. In the Ukraine, where Jews have received 90 percent of the death sentences, a book issued last year by the Academy of Sciences contains drawings and text portraying Judaism as an ally of Nazi Germany and quoting Karl Marx: "Money is the jealous god of Israel." Agreement is widespread among Western experts that the economic trials dovetail neatly with Soviet anti-Semitism, but the precise elements of this relationship remain obscure.

At the same time that the fury of the firing squads is concentrated on Jews and other less-favored elements of the Soviet population, guilty officials and Communist Party members go untouched. Some have been jailed and a few shot, but others have retained their privileges after being caught at crimes that would have brought punishment to a plain citizen. For example, the chief of the Vilna Communist Party was caught dealing in automobiles, but instead of being expelled, he was put in charge of production planning in a Vilna enterprise. Caught in illegal deals in this second job, he was expelled from the party, but the journal Party Life announced a few weeks ago that his colleagues on the Vilna party committee had revoked the expulsion and restored him to membership.

WINKING AT THE HOODWINKING

Soviet publications often attempt to explain why so many citizens tolerate or engage in illegal commerce. A frequent explanation is that these citizens have not yet learned that to steal from the state is to steal from themselves. Their lack of ideological education is expressed by the Russian word "perezhitok," meaning "survival." This word did not appear in general usage until the Second World War. It functions as a blanket explanation that undesirable conditions are accidental and stem from vestiges of capitalism.

Many other explanations not found in the Soviet press can be adduced. The short supply of consumer goods and consequent heavy demand, the inviting opportunities presented by bureaucratic confusion and red tape, and, above all, the lack of material reward for those who remain totally within the official economy—all can be viewed as essentially modern and peculiarly related to the institutions created under Soviet rule.

But Soviet chicanery has elements that might indeed represent survivals of the past, although not in the sense intended by perezhitok. Even without a Gogol to tell the story, the record of sly deception spread in the Soviet press today attests to the continuing vigor of the centuries-old traditions whereby Russians have matched wits with the central governments that have tried to control them from remote seats of power.

NEW YORK TIMES ELECTION HANDBOOK

Mr. JAVITS. Mr. President, this is a presidential election year. From now until convention time, and from then until the November election, the American voter will be searching for facts, for answers, and for intelligence which will help him in arriving at his decision in the polling booths. That task should be made easier this year by the New York Times Election Handbook. In the words of the introduction, this handbook is "designed to help voters and others survive the American presidential election of 1964." Organized and written by reporters and editors of this distinguished and internationally recognized newspaper, the New York Times Election Handbook, 1964, covers such integral parts of a national campaign as the candidates, issues, party strategy, State-by-State political charts, national election maps and convention scoring tables. I commend it to my colleagues as a valuable contribution to an informed electorate in this presidential election year. And I ask unanimous consent that an introduction to the handbook, by James Reston, chief Washington correspondent of the New York Times, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Introduction

(By James Reston)

I

This little handbook was designed to help voters and others survive the American presidential election of 1964. It is a catalog of decontaminated information, and this is both its main asset and liability.

For while information sometimes dispels illusion and prejudice, information alone is not enough. The weakness of political records is that they deal only with the past, whereas a vote in an election is really a bet on the future. We want to know not only how the candidates acted in 1960, but how they are likely to act in the changing conditions of the future.

The winner in the 1964 presidential election will be in the saddle until January 20, 1969, and maybe even until January 20, 1973. This is a long time at the present pace of American history.

By 1973, the population of the United States will be up to 219,150,000, and the world of De Gaulle, Chiang Kai-shek, Francisco Franco, Jawaharlal Nehru, Mao Tse-tung, and Nikita Khrushchev will probably be gone.

We do not know what will take its place, but we do know that it will probably be a period of extraordinary growth and change. We can guess with some assurance that this growth and change will produce new problems and probably new tensions between the nations, between the races, between the educated who will have jobs and the uneducated who won't, between management and labor, between the regions of the country that adjust prudently to change and those that don't.

We also know that the President of the United States, whoever he is, will be in the center of all these problems, tensions, and controversies. He is, for example, the one man in the United States who has the power to decide whether American atomic power can be used in an emergency. He alone can determine whether Federal troops are to be used again to deal with civil disorder and defiance of law, and whether the war in southeast Asia is to be limited, or ended by negotation, or pressed to total victory.

In this sense, an American presidential election is a world event. For what the President does in an emergency affects not only the lives of the American people but the security of a great many other people who have no vote on who the President should be and thus could be in the awkward position of facing obliteration without representation.

A vote in the American national election, therefore, is more than an act of civic responsibility: It is an act of faith involving the interests of a large part of the human race. Americans of different political traditions naturally differ about how this obligation and trust should be met, but the scientific revolution is a fact; the racial revolution in the United States is a fact; the movement of the American people off the land into the suburbs and the cities—27 million since World War II—is a fact; the increase of the American people by over 50 million since the last war—equivalent to the total population of France or Britain—is a staggering fact—and all these facts exist regardless of what the Democratic and Republican Parties and their candidates think about them.

The central question of the presidential campaign of 1964, therefore, is not whether we like all this change, or whether it fits our personal and party preferences and prejudices, but what we are going to do about it.

II

It will not be easy to take an objective and detached view of this year's election. The assassination of President Kennedy last November 22 is still an important political factor. The Democrats will be running on his program and arguing that a vote for the Republican candidate would be a repudiation of the murdered chief.

Also Johnson will have been in office less than a year on election day, and the Democrats will be asking for his election on the ground that it would not be fair not to give him a longer chance.

These arguments, in a time of relative peace and prosperity, will no doubt be effective. The three Vice Presidents in this century who moved into the White House on the death of the President—Teddy Roosevelt, Coolidge, and Truman—were all elected in their own right at the next election. Indeed almost any sitting President has a great advantage. Taft in 1912 and Hoover in 1932 were the only Presidents in this century to be defeated for reelection—the first because the Republican Party split with Teddy Roosevelt and the Bull Moosers, and the second because of the great depression.

History and sentiment, therefore, favor Johnson. To turn him out now would mean having three different Presidents in 14 months and the voters are not likely to be very enthusiastic about that. On the other hand, he, himself, had a severe heart attack in 1955 and in many minds does not have the strength or the style to be an effective world leader.

Accordingly, great attention will and should be paid this year to the vice-presidential candidate, for the pressures on the President are increasing all the time, and after the startling death of Kennedy, the electorate is likely to take into consideration whether the vice-presidential candidates have the capacity to run the country.

Fortunately, the American political system gives the voter an opportunity to sort out these questions, to separate fact from opinion, to test the assumptions of the past against the realities of the present, and to judge the character and abilities of the candidates against the problems of change that will confront the new President in 1965 and beyond.

The British system of selecting candidates is quite different. The leader of the British Labor Party, for example, is chosen by a vote of the Labor Party members of the House of Commons. The leader of the British Conservative Party, Sir Alec Douglas-Home, was chosen by his predecessor, Harold Macmillan, after consultation with a few influential members of the party.

Thus the British voter has no opportunity to participate directly in the selection of the men who may be Prime Minister. Even in the British general election, each voter casts his ballot for a member of Parliament for his district and never votes directly on the man who is to head the Government.

The American voter has a wider choice. He sees all potential presidential candidates on television long before the election. Sometimes they compete against each other in the presidential primary elections in his State. He casts his ballot on a national election day for the presidential candidate of his choice, and he seems to be more flexible in the way he casts his vote than he was a generation ago.

The changes of the last generation have broken down many of the old political allegiances and voting patterns of the past in the United States. The large pockets of first generation immigrants in the big cities are dwindling: Hence the decline of the big city political boss who could deliver solid blocs of votes. Machines are forcing people off the land and into the cities and suburbs: Hence the decline in the "farm vote." The rise of education, of wages, and of a new middle class is evident everywhere: Hence a more independent electorate more able and willing to make up its own mind about the presidential candidates.

Everything, in short, is changing, and paradoxically, becoming more the same as everything else. Thus, farmer, townsman and city dweller all see and hear the presidential candidates and the same electronic news at the same time. With the constant movement of citizens into and out of the South and out of the Middle West into the Far West, New England is no longer safe for the Republicans or the Old South for the Democrats and political prophecy about the strength of either party, particularly in States like California, has become exceedingly hazardous.

I think this is a good thing. I would rather trust the judgment of an increasingly well-educated electorate that sees the candidates under the stress of a campaign than rely on the subjective judgments of the parties and their political bosses. The more the people take a national, rather than a local or partisan view of picking a President, the more likely they are, in my view, to reach a sound decision and the quicker we have two strong parties operating in all parts of the country the better.

The question then is: How to approach a presidential election? From a strictly partisan point of view: My party right or wrong? From a personal point of view: How the candidate looks and whether he has a pretty wife? From the point of view of past records, or from a basis of the hard fact of the time and the outlook of the next 4 years? Everybody has his own answers to these questions, but my own feeling is that there is less to be said today for the personal or partisan approach than ever before. I believe the main thing is first to ask the right questions: What do the years ahead require? Are they likely to be years of violent change here and abroad or fairly stable years? Can any President really control the present torrent of change or is the answer to give power to the man and the party most likely to adapt wisely to change?

These, at least, are the questions I would keep in the front of my mind during the campaign.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ERVIN. Mr. President, the men who drafted the Constitution of the United States were the wisest in the field of government that the earth has ever known. They were studious men. They had studied with much concern the long and bitter struggle of the English-speaking people for the right to self-government, and for the right to be free from governmental tyranny. They had discovered the shocking but everlasting truth written upon every page of that history that government itself is the deadliest foe to freedom.

They had found this shocking but everlasting truth written many times upon the pages of history in letters of blood. When those men assembled in the Constitutional Convention of 1787, they were determined above all things to secure two things by means of a written Constitution. First, they were determined to establish a government for the Thirteen Colonies which would be as nearly incapable as human ingenuity could make it of practicing tyranny upon the people of the Thirteen Colonies and their descendants. Second, they were determined to establish a government of laws rather than a government of men, a government in which laws should control men, rather than one in which men would control laws.

They accomplished their object insofar as such an object can be accomplished by the use of words. They drafted a written Constitution which specified the nature and powers of the Government which they were creating for the United States, and which specified the rights which the people of the newly created country were to enjoy, even against their own Government.

The most remarkable contribution of the Constitution of the United States to civilization lay in the fact that it established implied and expressed rights belonging to the individual which the Government itself could not deny, and which could be enforced against the Government in the courts established by the Government.

The men who drew up the Constitution of the United States realized the truth which the great English political philosopher Hobbes spoke when he said:

> Freedom is political power divided into small fragments.

They realized that eternal verity spoken by Hobbes and elaborated upon by the French political philosopher Montesquieu in his great book entitled "The Spirit of Laws." Montesquieu designated this great truth spoken by Hobbes as the "Doctrine of Separation of Governmental Powers."

The Founding Fathers recognized clearly what James Madison had in mind when he stated, in substance, that wherever the powers of government are concentrated in one man or one body of men or one government, that government is a tyranny, regardless of the name by which it may be called.

In order to make the great statement of Hobbes a vital factor in the government of the new nation which they were creating, the Founding Fathers divided all governmental powers in the land which they were creating as a sovereign nation in a twofold way. First, they divided the powers of government between the Federal Government on a national level and the States on the local level. They gave to the Federal Government the limited governmental powers necessary to enable it to discharge its limited functions as a national government. They declared in the plainest of words that all other governmental powers were reserved to the States or to the people.

The Founding Fathers did not believe they had secured all citizens sufficiently against governmental tyranny by dividing the powers of government between the Federal Goverment, on the one hand, and the States, on the other. They made a second distribution of the powers of government, in that they divided the powers which they gave to the Federal Government by the Constitution among the Congress, the President, and the Supreme Court, and such courts inferior to the Supreme Court as Congress might establish.

They vested in Congress, by the first article of the Constitution, all the legislative power conferred upon the Federal Government by the Constitution. In doing so, they used the word "all" in reference to the legislative power. This was a very significant use of the word "all," because it is one of the few times that that word appears in the Constitution.

I am sure the Founding Fathers would have their eternal rest disturbed if they knew the extent to which the power of the Federal Government to legislate has been usurped by the President and by the Federal courts. The Founding Fathers vested all powers of the Federal Government of an Executive nature in the President, who was charged with the duty of executing the laws passed by Congress—not Executive orders of a legislative nature issued by the President himself.

They vested in the courts the power to interpret the Constitution and the laws, and not the power to change the meaning of the Constitution or to make laws.

One of the most important provisions of the Constitution so drafted by the Founding Fathers and subsequently ratified by the people of the States is section 8, clause 3, of article I:

> The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

If the Senate is to act in an intelligent manner in reference to the bill, particularly with respect to title II, the so-called public accommodations title, it must understand exactly the nature of the power of Congress to regulate commerce among the several States, within the purview of this clause, section and article.

Before addressing myself particularly to that clause, which I shall call the interstate commerce clause, I invite attention to other matters which, in my judgment, show confusion in respect to the law applicable to the bill. I also wish to make some observations about the bill in general.

I assert without fear of successful contradiction by anyone that the bill is subject to two fundamental defects. First, the bill constitutes the most drastic assault of any legislative proposal ever presented to an American Congress on the constitutional system established by the Founding Fathers, in that it seeks to transfer from the States and from the people themselves powers which the States and the people are given by the Constitution, and which the States and the people have exercised without question since the foundation of the Republic.

In the second place, the bill attempts to rob all American citizens of some of their most basic economic, legal, personal, and property rights, on the strange theory that it is necessary to do so in order to confer special privileges—never before sought by or granted to any other Americans in our history—upon one group of Americans, because of their race.

Some days ago, the able and distinguished senior Senator from Minnesota, [Mr. Humphrey] was invoking the assistance of the church, in his efforts to secure the enactment of this bill.

I am glad to see that in some areas, some churches seem to have a very good conception of the nature of the bill. At this point I wish to read a sage editorial on the bill. It appeared in the Virginia Methodist Advocate for March 26, 1964, and it bears the title "Labels and Contents." These are the words of the editorial, which was written by a man whose name is unknown to me; however, I can attest to the fact that he knows what he is talking about, and that he understands the bill:

Labels and Contents

> Picture for yourself a situation something like this: When the housewife in your home makes her periodic visits to the neighborhood grocery store, let us suppose that she is unwise enough to select her purchases entirely by the attractive labels on the cans or boxes she sees. Her concern is only incidentally with the quality of merchandise inside, so enticed is she with the labels.
>
> Let us suppose further that only in rare instances do these containers hold what she thinks she is buying. If she thinks she is getting a can of coffee, she goes home, opens the container and finds tea, not coffee, on the inside. She buys a can with a most attractive label reading "tomatoes" and showing a picture of several specimens thereon, but when she opens the can at home, behold the contents are string beans or succotash.
>
> Unless such a housewife is in serious need of medical attention herself, it will not be long before she finds other ways of selecting her purchases.
>
> The above picture is so extreme that, of course, it is ridiculous; yet, it does portray without much exaggeration what is constantly going on in the religious, political, and social realms. Just find a popular label for some real or fancied "cause," place behind that label almost any kind of contents you desire, and there will be multitudes of uncritical folks who will eagerly buy the label and pay scant heed to what lies behind it. If the label is acceptable, the whole product must be good. That seems to be their motto.
>
> Specifically, what we have in mind at the moment is the so-called civil rights bill now before the U.S. Senate. Because of the label on this bill, there seem to be multitudes of persons who stand eager and ready to give this bill all-out support, and to urge others to do likewise. But one wonders whether they have read the bill? Do they know just what this proposal actually contains?
>
> On the one hand, the bill has merit. It recognizes that there are minority groups—including Negroes, Puerto Ricans, Mexicans on this side of the Rio Grande—who do not receive certain rights to which they are and should be entitled. Voting rights are a case in point. Better educational opportunities are another.
>
> But, there are other provisions in this bill that make one wonder whether he is in America or in Moscow or Havana. If this bill is passed in its present form—i.e., without substantial amendment—the United States will be perilously near a dictatorship. Such absolute powers will be given to the Attorney General in Washington that any difference that may exist between personal freedom and totalitarianism in this country will be purely coincidental. Well, let's see the record; but, before we do, let this point be made perfectly clear: What we are about to say has no direct bearing on civil rights, as such. We are talking about procedures of coercion and arbitrary power which will reduce citizens of the United States—of whatever race or religion—to a state of near tyranny. We ask, is this the best way that supposedly sensible men can find to achieve social changes which they hold to be desirable?
>
> Title II of the civil rights bill now before the U.S. Senate is the public accommodations section. It applies to operators of inns, hotels, motels, roominghouses which have more than five rooms to rent; also to restaurants, cafeterias, lunchrooms, lunch counters, soda fountains; also picture houses, theaters, concert halls, sports arenas, and the like, although the bill specifically excludes what are called bona fide private clubs, including the swank country clubs of the wealthy and pretentious.
>
> This section 203 reads in part: "No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person (the use of privately owned public accommodations); or (b) intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege (at these places of public accommodation); or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege."
>
> Then there is this statement: (section 204): "(a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted (1) by the person aggrieved, or, (2) by the Attorney General."
>
> Thus, as Charles McWilliams says in his series of articles in a Richmond newspaper, "anyone who pickets a hotel, restaurant, or theater for serving Negroes, or of whom there are reasonable grounds to believe that he is about to picket such a place may find himself enjoined, and thereafter subject to imprisonment for contempt * * * without trial by jury or right of appeal."
>
> The civil rights bill (which the Advocate editor has read with care) makes it clear that the person who brings a charge against a taxpaying private property owner, accusing him of having violated some portion of this bill, does not himself have to sign his complaint. This means the taxpayer can be hailed into court, without knowing the identity of his accuser; can be tried before a Federal judge selected by the Attorney General (and favorable to the latter's views); can be sentenced to prison without trial by jury, and can make no appeal to a higher court to review the case. And this, Advocate readers, is not Moscow or Peking or Havana; it is Washington, U.S.A.
>
> Furthermore, as U.S. Senator A. Willis Robertson, of Virginia, said 2 weeks ago in Washington, D.C., Federal funds going to the States for highway construction, social security, and child welfare could be cut off by the complaint of one individual under the proposed civil rights bill.
>
> We have never heard of a surgeon who claimed that, in order to remove a patient's appendix, it was necessary first to cut out his heart and throw it away. Yet, these politically minded legislators in Washington are trying to do just this to the American people. Let it be said with emphasis and gratitude that Virginia's 10 Representatives in the House all voted against this iniquitous bill, and our two Senators are now fighting it. Strength to them.
>
> This bill does not need to be scuttled, but it would seem that Negro leaders as well as whites would realize the folly of attempting to promote justice by first taking away vast areas of human liberty which do not need to be removed in order to promote racial justice, or justice of any other variety.
>
> As the House has already passed this legislation, despite the opposition of Virginia's courageous Representatives, the battle is now in the Senate. Letters of encouragement to our two Senators will help, and the prayers of all right-minded people are needed in this crisis.

Mr. President, a number of curious statements have been made in connection with the advocacy of the bill. One of them is that under the common law of England an innkeeper was required to receive as a guest, to the extent of his accommodations, any persons who applied to him, unless such persons were obnoxious in their character or demeanor.

What that statement has to do with the power of Congress to pass the bill is something which exceeds my powers of comprehension. The legal system of the United States, like the governmental system of the United States, is entirely different from that of England. In England there was only one law and only one legislative body—one Parliament. England was not divided into states, on the one hand, and a national government, on the other.

Furthermore, England had a homogeneous people, among whom laws of that nature would operate without friction, without turmoil, and without any disadvantage. There is the greatest possible governmental difference and legal difference between England and the United States of America.

It is well to remember that the Thirteen Colonies came into existence as sovereign and independent States 13 years before the Government of the United States was created by them. Those Thirteen Colonies of England inherited the common law of England. The common law of England became a part of their law.

On the contrary, however, there is no Federal common law and there never has been any Federal common law. Furthermore, under the system of government created by the Constitution, the regulation of the duties and responsibilities of innkeepers was a function of the State. The Constitution of the United States expresses in the plainest language what the laws of the United States are, and makes it very clear that the common law of England was never a part of the law of the Federal Government.

Article VI of the original Constitution provides:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

The three things named by that constitutional provision are the only ones that constitute the law of the United States—that is, of the National Government. They are the Constitution, the acts of Congress made pursuant to that Constitution, and treaties made or which shall be made under the authority of the United States.

The common law of England is not, and has never been, any part of the law of the United States of America, as distinguished from the original Colonies and those States of the Union which adopted the common law system.

Most of the States have abolished the provisions of the common law of England, which made it the obligation of an innkeeper to receive all guests who applied to him, to the extent of his accommodations, provided they were not obnoxious to him in their character or conduct.

My own State of North Carolina, which is a common law State, abolished this requirement a long time ago, as is illustrated by the decision of the North Carolina Supreme Court, if I recall the case correctly, in State against Steele, which was reported in 106 North Carolina Supreme Court reports; this decision was handed down about 1896.

So the statement which has been repeated on the floor of the Senate about the obligations which the common law of England put upon innkeepers in England has no relevancy whatsoever to the issue before the Senate.

Another matter which has been called to the attention of the Senate as if it had some bearing upon the problem which confronts the Senate is the statement that some 25 or 30 States of the Union have public accommodations laws of various kinds. The States undoubtedly have power to enact public accommodations laws. This is true because a State legislature has power to make any law it pleases, unless it is forbidden to do so by some provision of the State constitution or some provision of the Constitution of the United States.

On the contrary, the Congress of the United States has no power to make any law unless it is given such power by the Constitution of the United States.

There is no provision of the Constitution of the United States that gives the Congress of the United States any power to enact a public accommodations law.

As every informed lawyer knows, the Supreme Court of the United States held in the civil rights cases of 1883, which are reported in 109 U.S., at page 3, that Congress does not have the power under the Constitution to enact a public accommodations law.

That case has been cited with approval and followed in multitudes of cases, both at the Federal level and at the State level, and is cited by the writers of all modern textbooks on the subject of civil rights as sustaining the proposition that the Congress of the United States has no power whatever under the Constitution of the United States to pass a law of the character of that which is proposed by title II of the pending bill.

When I spoke on Saturday of last week, I discussed a memorandum which certain deans of law schools and lawyers had furnished to the able and distinguished senior Senator from Minnesota [Mr. HUMPHREY] and the able and distinguished senior Senator from California [Mr. KUCHEL], bearing the date of March 30, 1964.

I pointed out that not a single case cited in that memorandum supports the contention that Congress has the power to enact the public accommodations provisions of the pending bill. I said, on the contrary, that several of those cases refute that proposition.

I wish to discuss those cases by way of summary for the purpose of demonstrating my opposition in respect to those provisions.

One of those cases is entitled *New Negro Alliance* v. *Sanitary Grocery Co.*, 303 U.S. 552. That case was decided in 1938. It involved a labor dispute in which pickets sought to persuade the Sanitary Grocery Co. of the District of Columbia to grant them employment.

The Sanitary Grocery Co. applied to the courts of the District of Columbia for an injunction against the picketing. The courts refused to grant such an injunction on the ground that the pickets and the Sanitary Grocery Co. were involved in a labor dispute, and that under title 29, United States Code, section 111, which is commonly called the Norris-LaGuardia Act, the Federal courts were forbidden by Congress to issue an injunction in a labor dispute.

That decision was clearly correct, because section 1 of article III of the Constitution of the United States provides that:

> The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish.

Section 2 of article 3 provides that the original jurisdiction of the Supreme Court shall cover certain specified cases, and that in all the other cases "the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

The courts have held, quite properly, that since the power to create Federal courts inferior to the Supreme Court is given to Congress and since article III of the Constitution does not prescribe the jurisdiction of any Federal courts with the exception of the original jurisdiction of the Supreme Court, Congress has an undoubted right to define the jurisdiction to be exercised by the Federal courts inferior to the Supreme Court.

Despite my respect for the law school deans and lawyers who signed this statement, I cannot for the life of me understand what the decision has to do with the power of Congress to pass a bill such as that now before the Congress.

This decision, like the lyric which begins, "The flowers that bloom in the spring, tra la," has nothing to do with the case pending before the Senate.

I should like to comment on three other cases, which are cited in the memorandum.

One is *Nebbia* v. *New York*, 291 U.S. 502. The only question involved in that case was whether the State of New York had the power to enact a milk control law for the State of New York.

A similar case is *Railway Mail Association* v. *Corsi*, 326 U.S. 88. The only question involved in that case was whether the Legislature of the State of New York had the authority to enact a civil rights law for the State of New York forbidding racial discrimination in the membership of labor organizations in New York. This case manifestly had nothing whatever to do with the power of Congress to legislate.

Another case was *District of Columbia* v. *Thompson Company*, 346 U.S. 100. This case is, in substance, like the Nebbia case and the Railway Mail Association case, in that it really involves the question of the power of the State legislature to enact a law under the jurisdiction given to the State legislature.

As I stated a few moments ago, it is beyond question that the legislature of every State in the Union has the power to pass any law it desires, unless it is forbidden to do so by the Constitution of the State or by the Constitution of the United States.

The same observation applies to the Congress of the United States, when the Congress is not acting as a national legislative body but, on the contrary, is acting as a legislative body of the District of Columbia. It has been settled by repeated decisions that whenever Congress is acting as the legislative body of the District of Columbia rather than as a national legislative body, the Congress has the same power to legislate for the District of Columbia that a State legislature would have to legislate for a State.

That was the point involved in the District of Columbia case; and, like the Nebbia case and the Railway Mail Association case, it sheds no light whatsoever upon the question of whether Congress has the power, under the Constitution of the United States, to pass the pending bill.

This memorandum also referred to these four cases: *Lombard* v. *Louisiana*, 373 U.S. 267; *Peterson* v. *Greenville*, 373 U.S. 244; *Turner* v. *Memphis*, 369 U.S. 350; and *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715.

Mr. President (Mr. CARLSON in the chair), those four cases dealt with State laws which required segregation in places of public accommodation. In those four cases, the Supreme Court merely held that State laws requiring segregation in places of public accommodations are unconstitutional under the provisions of the 14th amendment, which prohibits a State from denying to any person within its jurisdiction the equal protection of the laws.

Those four cases do not establish, in any respect, any authority in Congress to pass title II of the bill, which is the title concerning public accommodations.

To understand this question, I believe it would be well for me to refer to one provision of the public accommodations title. I refer to subsection (b), of section 201, on page 6 of the bill, which provides:

> Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

Let me state here, with all the emphasis at my command, that under multitudes of decisions, even the violation of the equal-protection-of-the-laws clause of the 14th amendment by a State act or a municipal ordinance, requiring segregation in places of public accommodation within the State or within the municipality, does not empower Congress to pass a public accommodations law for the States.

This is apparent when one reads the 14th amendment. The provision of the 14th amendment relating to the equal protection of the laws is found in section 1, and it provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws."

Section 5 of the 14th amendment provides:

> The Congress shall have power to enforce this article by appropriate legislation.

What is it that Congress is authorized to enforce by appropriate legislation? Congress is merely authorized to enforce the prohibition on State action. But the Congress is not authorized to usurp the power of the State in this field and to enact an affirmative law requiring the places of public accommodation to extend service to everybody.

As the Supreme Court of the United States has held in many cases, the power of Congress is limited to the power to enforce a prohibition on State action, but it does not include the authority of Congress to enact an affirmative law of the nature of that which is embodied in title II of this bill.

The fact that Congress does not have the power to do anything except to enact laws to enforce the prohibited State action, and that it has no power to enact an affirmative law, has been declared in many cases. Perhaps the clearest exposition and explanation of the power of Congress in this field is that which is set out in the Civil Rights Cases of 1883 in 109 U.S. 3.

In this case, the Court was dealing with the power of Congress under the 13th amendment, and the 14th amendment as well as under the commerce clause, to enact a public accommodations law similar to that which is embodied in title II of the bill. I now read an extract from that opinion, beginning on page 9, as follows:

> Are these sections constitutional? The first section, which is the principal one, cannot be fairly understood without attending to the last clause, which qualifies the preceding part. The essence of the law is, not to declare broadly that all persons shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances, and theaters; but that such enjoyment shall not be subject to any conditions applicable only to citizens of a particular race or color, or who had been in a previous condition of servitude. In other words, it is the purpose of the law to declare that, in the enjoyment of the accommodations and privileges of inns, public conveyances, theaters, and other places of public amusement, no distinction shall be made between citizens of different race or color, or between those who have, and those who have not, been slaves. Its effect is to declare that in all inns, public conveyances, and places of amusement, colored citizens, whether formerly slaves or not, and citizens of other races, shall have the same accommodations and privileges in all inns, public conveyances, and places of amusement, as are enjoyed by white citizens; and vice versa. The second section makes it a penal offense in any person to deny to any citizen of any race or color, regardless of previous servitude, any of the accommodations or privileges mentioned in the first section.
>
> Has Congress constitutional power to make such a law? Of course, no one will contend that the power to pass it was contained in the constitution before the adoption of the last three amendments. The power is sought, first, in the 14th amendment, and the views and arguments of distinguished Senators, advanced whilst the law was under consideration, claiming authority to pass it by virtue of that amendment, are the principal arguments adduced in favor of the power. We have carefully considered those arguments, as was due to the eminent ability of those who put them forward, and have felt, in all its force, the weight of authority which always invests a law that Congress deems itself competent to pass. But the responsibility of an independent judgment is now thrown upon this court; and we are bound to exercise it according to the best lights we have.
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> The first section of the 14th amendment—which is the one relied on—after declaring who shall be citizens of the United States, and of the several States, is prohibitory in its character, and prohibitory upon the States. It declares that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State law and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation; but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the 14th amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect; and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect. A quite full discussion of this aspect of the amendment may be found in *U.S.* v. *Cruikshank,* 92 U.S. 542; *Virginia* v. *Rives,* 100 U.S. 313, and *Ex parte Virginia,* Id. 339.
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> An apt illustration of this distinction may be found in some of the provisions of the original Constitution. Take the subject of contracts, for example. The Constitution prohibited the States from passing any law impairing the obligation of contracts. This did not give to Congress power to provide laws for the general enforcement of contracts; nor power to invest the courts of the United States with jurisdiction over contracts, so as to enable parties to sue upon them in those courts. It did, however, give the power to provide remedies by which the impairment of contracts by State legislation might be counteracted and corrected; and this power was exercised. The remedy which Congress actually provided was that contained in the 25th section of the Judiciary Act of 1789, 1 Stat. 85, giving to the Supreme Court of the United States jurisdiction by writ of error to review the final decisions of State courts whenever they should sustain the validity of a State statute or authority, alleged to be repugnant to the Constitution or laws of the United States. By this means, if a State law was passed impairing the obligation of a contract, and the State tribunals sustained the validity of the law, the mischief could be corrected in this Court. The legislation of Congress, and the proceedings provided for under it, were corrective in their character. No attempt was made to draw into the U.S. courts the litigation of contracts generally, and no such attempt would have been sustained. We do not say that the remedy provided was the only one that might have been provided in that case. Probably Congress had power to pass a law giving to the courts of the United States direct jurisdiction over contracts alleged to be impaired by a State law; and, under the broad provisions of the act of March 3d, 1875, ch. 137, 18 Stat. 470, giving to the circuit courts jurisdiction of all cases arising under the Constitution and laws of the United States, it is possible that such jurisdiction now exists. But under that or any other law, it must appear, as well by allegation as proof at the trial, that the Constitution had been violated by the action of the State legislature. Some obnoxious State law passed, or that might be passed is necessary to be assumed in order to lay the foundation of any Federal remedy in the case, and for the very sufficient reason that the constitutional prohibition is against State laws impairing the obligation of contracts.
>
> And so, in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity, for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may and should be provided in advance to meet the exigency when it arises, but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws or State action of some kind adverse to the rights of the citizen

secured by the amendment. Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may, therefore, provide due process of law for their vindication in every case; and that, because the denial by a State to any persons of the equal protection of the laws is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation; that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which by the amendment they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which by the amendment they are prohibited from committing or taking. It is not necessary for us to state, if we could, what legislation would be proper for Congress to adopt. It is sufficient for us to examine whether the law in question is of that character.

An inspection of the law shows that it makes no reference whatever to any supposed or apprehended violation of the 14th amendment on the part of the States. It is not predicated on any such view. It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offenses, and shall be prosecuted and punished by proceedings in the courts of the United States. It does not profess to be corrective of any constitutional wrong committed by the States; it does not make its operation to depend upon any such wrong committed. It applies equally to cases arising in States which have the justest laws respecting the personal rights of citizens, and whose authorities are ever ready to enforce such laws as to those which arise in States that may have violated the prohibition of the amendment. In other words, it steps into the domain of local jurisprudence, and lays down rules for the conduct of individuals in society towards each other, and imposes sanctions for the enforcement of those rules, without referring in any manner to any supposed action of the State or its authorities.

If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress, with equal show of authority, enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? If it is supposable that the States may deprive persons of life, liberty, and property without due process of law (and the amendment itself does suppose this), why should not Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights, in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters? The truth is that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject, and not merely power to provide modes of redress against such State legislation or action. The assumption is certainly unsound. It is repugnant to the 10th amendment of the Constitution, which declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

We have not overlooked the fact that the fourth section of the act now under consideration has been held by this Court to be constitutional. That section declares "that no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000." In Ex parte Virginia, 100 U.S. 339, it was held that an indictment against a State officer under this section for excluding persons of color from the jury list is sustainable. But a moment's attention to its terms will show that the section is entirely corrective in its character. Disqualifications for service on juries are only created by the law, and the first part of the section is aimed at certain disqualifying laws; namely, those which make mere race or color a disqualification; and the second clause is directed against those who, assuming to use the authority of the State government, carry into effect such a rule of disqualification. In the Virginia case, the State, through its officer, enforced a rule of disqualification which the law was intended to abrogate and counteract. Whether the statute book of the State actually laid down any such rule of disqualification or not, the State, through its officer, enforced such a rule; and it is against such State action, through its officers and agents, that the last clause of the section is directed. This aspect of the law was deemed sufficient to divest it of any unconstitutional character, and makes it differ widely from the first and second sections of the same act which we are now considering.

These sections, in the objectionable features before referred to, are different also from the law ordinarily called the Civil Rights Bill, originally passed April 9, 1866, 14 Stat. 27, ch. 31, and reenacted with some modifications in sections 16, 17, 18, of the Enforcement Act, passed May 31, 1870, 16 Stat. 140, ch. 114. That law, as reenacted, after declaring that all persons within the jurisdiction of the United States shall have the same right in every State and territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding, proceeds to enact that any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or territory to the deprivation of any rights secured or protected by the preceding section (above quoted), or to different punishment, pains, or penalties, on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor, and subject to fine and imprisonment as specified in the act. This law is clearly corrective in its character, intended to counteract and furnish redress against State laws and proceedings, and customs having the force of law, which sanction the wrongful acts specified. In the Revised Statutes, it is true, a very important clause, to-wit, the words "any law, statute, ordinance, regulation, or custom to the contrary notwithstanding," which gave the declaratory section its point and effect, are omitted; but the penal part, by which the declaration is enforced, and which is really the effective part of the law, retains the reference to State laws by making the penalty apply only to those who should subject parties to a deprivation of their rights under color of any statute ordinance, custom, etc., of any State or territory, thus preserving the corrective character of the legislation. Rev. St. Sections 1977, 1978, 1979, 5510. The civil rights bill here referred to is analogous in its character to what a law would have been under the original constitution, declaring that the validity of contracts should not be impaired and that if any person bound by a contract should refuse to comply with it under color or pretense that it had been rendered void or invalid by a State law, he should be liable to an action upon it in the courts of the United States, with the addition of a penalty for setting up such an unjust and unconstitutional defense.

In this connection it is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual cannot deprive a man of his right to vote, to hold property, to buy and to sell, to sue in the courts, or to be a witness or a juror; he may, by force or fraud, interfere with the enjoyment of the right in a particular case; he may commit an assault against the person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right; he will only render himself amenable to satisfaction or punishment; and amenable therefor to the laws of the State where the wrongful acts are committed. Hence, in all those cases where the Constitution seeks to protect the rights of the citizen against discriminative and unjust laws of the State by prohibiting such laws, it is not individual offenses, but abrogation and denial of rights, which it denounces, and for which it clothes the Congress with power to provide a remedy. This abrogation and denial of rights, for which the States alone were or could be responsible, was the great seminal and fundamental wrong which was intended to be remedied. And the remedy to be provided must necessarily be predicated upon that wrong. It must assume that in the cases provided for, the evil or wrong actually committed rests upon some State law or State authority for its excuse and perpetration.

Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such power to the States, as in the regulation of commerce with foreign nations, among the several States, and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified, in every detail, and the conduct and transactions of individuals in respect thereof. But where a subject is not submitted to the general legislative power of Congress, but is only submitted thereto for

> the purpose of rendering effective some prohibition against particular State legislation or State action in reference to that subject, the power given is limited by its object, and any legislation by Congress in the matter must necessarily be corrective in its character, adapted to counteract and redress the operation of such prohibited States laws or proceedings of State officers.
>
> If the principles of interpretation which we have laid down are correct, as we deem them to be (and they are in accord with the principles laid down in the cases before referred to, as well as in the recent case of *U.S.* v. *Harris*, 106 U.S. 629), it is clear that the law in question cannot be sustained by any grant of legislative power made to Congress by the 14th amendment. That amendment prohibits the States from denying to any person the equal protection of the laws, and declares that Congress shall have power to enforce, by appropriate legislation, the provisions of the amendment. The law in question, without any reference to adverse State legislation on the subject, declares that all persons shall be entitled to equal accommodations and privileges of inns, public conveyances, and places of public amusement, and imposes a penalty upon any individual who shall deny to any citizen such equal accommodations and privileges. This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject, or only allows it permissive force. It ignores such legislation, and assumes that the matter is one that belongs to the domain of national regulation. Whether it would not have been a more effective protection of the rights of citizens to have clothed Congress with plenary power over the whole subject, is not now the question. What we have to decide is, whether such plenary power has been conferred upon Congress by the 14th amendment, and, in our judgment, it has not.

Mr. President, I have read at length from this opinion, because it is the best interpretation of the power of Congress under the 14th amendment.

As the Court pointed out in the opinion, Congress has no power, except the power under the 14th amendment, to enforce a prohibition upon the action of the State denying a person equal protection of the laws. It can pass laws to enforce the prohibition, but it cannot pass laws to regulate the matter as an affirmative course of action on its part.

The opinion not only holds that Congress cannot affirmatively enact a public accommodations law, but it also points out that places of public accommodation are operated by individuals, and that the 14th amendment does not touch the actions of individuals at all. Congress has no power to regulate the conduct of individuals under the 14th amendment.

That point is germane to the question of the power of Congress to enact the public accommodations provision of the bill which is embodied in title II.

The decision from which I have read was handed down in 1883, but that opinion is recognized and has been recognized constantly throughout the years by the Federal courts. Indeed, the Federal courts cannot do anything except assign that interpretation to the Constitution, unless they are willing to change the meaning of the English language. For, the first section of the 14th amendment, insofar as the equal protection of the laws is concerned, insofar as the privileges and immunities of citizenship are concerned, and insofar as due process of law is concerned, is a prohibition upon State action, not upon the action of individuals.

Despite the predictions of some of the supporters of the bill that the Supreme Court as now constituted would overrule that decision, I point out that the Supreme Court cannot possibly overrule the Civil Rights Cases of 1883 unless the Supreme Court performs the intellectually dishonest act of saying that in instances in which the amendment refers to the actions of the State, it refers to the actions of individuals. I do not have so little confidence in the intellectual integrity or the judicial stability of the Supreme Court as to be able to entertain the opinion that it is willing to murder the king's and queen's and everyone else's English for the purpose of securing an interpretation of the Constitution which cannot be obtained without a distortion of the plain English words contained in the 1st section of the 14th amendment.

The necessity of State action under the 14th amendment was recognized by the Supreme Court of the United States in the case of *Peterson* v. *Greenville*, 373 U.S. 244, on May 20, 1963. The majority opinion in that case was written by Mr. Chief Justice Warren. On page 247 of his opinion, Chief Justice Warren states:

> It cannot be disputed that under our decisions private conduct abridging individual rights does no violence to the equal protection clause, unless to some significant extent the State, in any of its manifestations, has been found to have become involved in it.

In that statement was the recognition by Chief Justice Warren that the 14th amendment applies only to State action, and that recognition is in an opinion handed down on the 20th of May 1963.

In a concurring opinion in the same case Mr. Justice Harlan said—and I refer to his statement on page 249 of the opinion in the case of Peterson against Greenville:

> In deciding these cases the Court does not question the long-established rule that the 14th amendment reaches only State action.

Civil Rights Cases, 109 U.S. 3.

In other words, the Civil Rights Cases from which I have read were cited in the concurring opinion of Mr. Justice Harlan in the case of Peterson against Greenville, which was handed down less than a year ago.

Some other significant statements appear in Justice Harlan's opinion that are worth reading. Speaking about places of public accommodations, on page 252 of his concurring opinion, he said:

> An individual's right to restrict the use of his property, however unregenerate a particular exercise of that right may be thought, lies beyond the reach of the 14th amendment.

That is an express recognition by Justice Harlan less than a year ago that this rule of the 14th amendment, as expounded in the Civil Rights Cases of 1883, is still the law of our Nation. It will have to remain the law of our Nation until the English language loses its meaning or until the Constitution is amended in a way in which the Constitution authorizes an amendment to be made.

I respectfully submit that under those decisions Congress has no power under the Constitution to enact the proposed public accommodations law, even for States which by statute require segregation in places of public accommodation. That statement is true because the power of Congress is the power to enforce a prohibition, not the power to usurp the authority of the States to enact an affirmative law.

I invite attention to some other cases cited in the memorandum to which I have referred. Before I do so, I wish to make plain exactly the theory on which Congress attempts to enact title II of the pending bill.

The salient provisions are subsection (b) of section 201, and then the four subdivisions of subsection (b).

Subsection (b), which appears in lines 10 to 14, both inclusive, on page 6 of the bill, states:

> (b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action.

I expect to address my remarks to the part of that section which reads "if its operations affect commerce."

The places of public accommodation which are covered by the bill are divisible into four categories.

The bill further provides how each of the businesses in those four categories is to be determined to affect commerce, referring to interstate commerce.

The first category of places of public accommodations in the bill is described in paragraph (1) of subsection (b) of section 201 on page 6. The first category includes "any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than 5 rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence."

I digress for a moment to point out that the reference to the five rooms does not describe the kind of rooms they would be, whether they would be bedrooms, living rooms, bathrooms, or what kind of rooms. Those who drafted the bill evidently drew it in too much of a hurry to attempt to specify what the bill should provide in that respect.

In subsection (c) of section 201, which appears on pages 7 and 8 of the bill, there is an attempt to specify exactly when one of the places of public accommodation is to be held to affect interstate commerce by its operations. With respect to inns, hotels, motels, or other establishments providing lodging to transient guests, lines 12, 13, and 14 on page 7 specify when they are to be deemed to affect interstate commerce. The following language appears at that point:

> The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b)—

As I have mentioned, this refers to inns, hotels, motels, or other establishments which provide lodging to transient guests or the establishments as provided in paragraph (1) of subsection (b).

This is a queer declaration. Here is the Congress saying that the operations of an inn or a hotel or a motel or other establishment providing lodging to transient guests affect interstate commerce regardless of whether they affect interstate commerce or not.

There are many hotels, motels, inns, and other establishments providing lodging for transient guests which do not have the slightest connection, as a matter of fact or as a matter of law, with interstate commerce.

Here is an attempt to expand the coverage of the Constitution of the United States by an utterance which can be described only as a legislative falsehood, because the bill states that all inns, all hotels, all motels, and all other establishments which provide lodging for transient guests, except residences where only five rooms are rented, affect interstate commerce, whether they affect interstate commerce or not.

Let us see what the provision says about the next category. The next category of places of accommodation is described in paragraph (2) of subsection (b) of section 201 on page 6 and the top of page 7 of the bill. This category includes: "any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station."

The words of subsection (c) of section 201, on lines 15, 16, 17, and 18, on page 7 of the bill, undertake to say when such establishments serving food for consumption on the premises and gasoline stations are deemed to affect commerce in their operations. These lines state that the operations of an establishment affect commerce "in the case of an establishment described in paragraph (2) of subsection (b)" if "it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce."

The mere selling of food which has moved in interstate commerce and the selling of gasoline which has moved in interstate commerce is declared by the bill to affect interstate commerce and makes the eating establishments and gasoline stations subject to the proposed act.

The third category is found in paragraph (3) of subsection (b) of section 201, as embodied in lines 3, 4, and 5, on page 7 of the bill. This category includes: "any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment."

Subsection (c) of section 201, as set out in lines 19, 20, 21, and 22, on page 7 of the bill, states, with respect to any one of the establishments in the third category, that its operations shall be deemed to affect interstate commerce if "it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce."

The fourth category is a sort of catchall phrase. The drafters of the bill go fishing with two nets, one net to catch the big fish, and the other net to catch the minnows that escape from the first net. This illustrates the fact that the Federal Government very readily succumbs to the temptation to be a thief of jurisdiction. I do not know any other way to express it.

The language provides that any establishment which is "physically located within the premises of any establishment otherwise covered by this subsection" is covered.

Under this language, if one has an establishment of any kind within a motel, hotel, inn, or other establishment which provides lodging for transient guests, it is covered. In other words, a shoeshine boy in premises located inside a hotel is to be regulated by the Federal Government, and the Federal Government is to tell him whose shoes he is to shine, merely because he has a shoeshine stand in a hotel.

A barbershop within the confines of a hotel is to be told by the Federal Government whom he is to shave—not because he has any connection with interstate commerce, but because he has an establishment physically located inside a hotel. A beauty parlor which happens to be located inside a hotel will be told by the Federal Government which ladies it will attempt to beautify, merely because of its location, not because it is engaged in interstate commerce of any character whatsoever.

The next part of this catchall phrase, which, as I have said, is intended to catch the minnows that escape the other net, reads: "any establishment within the premises of which is physically located any such covered establishment and which holds itself out as serving patrons of such covered establishment."

Under that language, if a parking or shopping center had a soda fountain within the parking or shopping system which sells food for consumption on the premises, and if a portion of that food has moved in interstate commerce, or if it serves travelers in interstate commerce, everybody in the parking or shopping center would be covered; or if there were a filling station in the shopping center selling gas originating in another State, everybody would be covered. Under what constitutional pretext could it be said that those establishments could be covered?

When one considers the catchall provision, especially with reference to shopping centers, it would appear difficult to know who would be covered. A soda fountain operator would not know whether he was covered unless he knew where the food came from. Probably most of the small operators buy their food from wholesalers within the State. They would have to keep records to know where the food came from, and would have to learn from the wholesaler where he got his food, and whether it came from inside or outside the State.

They will have to do that. To be sure, if they know they do not have any food that comes from outside the State, they will have to know the identity of the customer. They will have to ask each customer, "Are you an interstate traveler? Are you a local resident? If you are an interstate traveler, are you now in interstate transit?"

The Romans had an emperor named Caligula, who liked to apprehend Romans for violating his laws. In order to make certain that they would violate his laws, he wrote them in very small letters and hung them high in the corners of buildings so that no one could read them.

When it comes to covering the establishments described, requiring them to know where their customers come from, and where the food comes from, the situation will be about as bad as Caligula's methods.

If someone who operates a soda fountain undertakes to inquire of all his customers whether they are in interstate travel, where they come from, what their business is, and where they are going, he may be subjected to some abusive language or something even worse.

When the Federal Government tries to regulate whose shoes a shoeshine boy shall shine, whom a beauty parlor shall beautify, and whom a barber shall shave, and to require soda fountain establishments to ascertain where their customers come from, it is not likely to have any time left to deal with trouble in such places as Cuba, Panama, and southeast Asia. I believe the Federal Government has more important things to do than to regulate shoeshine boys, beauty parlor operators, and barbers operating in hotels, and vendors of soda pop and sandwiches.

If one does not believe that this bill, H.R. 7152, is calculated to convert America into a police state, I suggest that he sit down and meditate awhile on the extent of the regulation under title II.

I have read the provisions of title II, for the purpose of pointing out that they purport to regulate eating establishments, either on the theory that some of the food which is served has moved in interstate commerce at some time in the past, or on the theory that some of their customers may have been interstate travelers at some time in the past. Eating establishments have no real connection with interstate commerce on these grounds whatsoever. Moreover, the tests are impractical because they would require the operator of an eating establishment to ascertain from many wholesalers and producers the source of the food they serve and to inquire of all their customers whence they come and whither they go.

The proponents of the bill attempt to justify their regulation of places of public accommodations under title II of the bill upon the pretext that interstate commerce is involved because some customers or some athletes or some actors and actresses may have traveled in times past in interstate commerce or because some food or some gasoline or some motion picture film may have been transported in times past in interstate commerce. The plain truth is that title II attempts to regulate local activities after all interstate commerce has ceased.

The memorandum to which I have referred, which was placed in the RECORD either by the Senator from Minnesota [Mr. HUMPHREY] or the Senator from California [Mr. KUCHEL], contains some interesting cases which, it is contended, prove that Congress has the power to enact the public accommodations provision. I respectfully submit that none of them establishes that proposition.

Most of them arose under the antitrust laws. The antitrust laws prohibit monopolies or restraints in interstate commerce—that is, in the movement of goods from one State to another, or in foreign commerce, that is, in the movement of goods from the United States to foreign countries.

Among these cases are *United States* v. *Frankfort Distilleries*, 324 U.S. 293; *United States* v. *Shubert*, 348 U.S. 222; *Interstate Circuit* v. *United States*, 306 U.S. 208; *Radovich* v. *National Football League*, 352 U.S. 455; and *United States* v. *International Boxing Club*, 348 U.S. 236.

Those five cases all arose under the antitrust laws. They are not cases in which an effort was made to prosecute people, because of the mere movement, in the past, of goods, or individuals, or films, in interstate commerce.

The case of United States against Frankfort Distilleries involved an alleged conspiracy to monopolize trade in 98 percent of the 1,150,000 gallons of liquor that was sold in the State of Colorado each year, and a conspiracy to monopolize trade in 80 percent of the 800,000 gallons of wine that was consumed in Colorado each year.

The case involved a conspiracy formed by a number of distilleries and a number of distributors of liquor and wine in various States of the United States. It was a conspiracy to fix the prices of all liquors moving into the State of Colorado. Ninety-eight percent of all the liquor which moved into Colorado each year moved in interstate commerce. Eighty percent of the wine that was consumed in the State of Colorado in 1 year moved in interstate commerce. This not only involved many transactions in crossing State lines for the purposes of conspiracy and transportation of whisky and wine, but also constituted a conspiracy whereby the parties to the conspiracy agreed that they would boycott every other liquor distillery and every other distributor of liquor and wine in the United States which did not become a party to the conspiracy and assist them in fixing exorbitant prices on all liquors and wines sold in the State of Colorado.

Thus, it was clearly an interstate transaction involving many movements of many things from one State to another. The case does not sustain any kind of regulation based upon mere use of goods, the mere presentation of plays, or the mere exhibition of films which, at some time in the past, moved across State lines, and then came to rest within the borders of a State.

Another one of these cases was United States against Shubert. This was a conspiracy to monopolize the booking of plays in theaters throughout the entire United States. It was not a conspiracy looking to actions occurring within the borders of any individual State, as is the basis of the regulations in title II.

The other case, the Radovich case, was one of a conspiracy of many persons to monopolize the playing of professional football throughout the United States. As part of the conspiracy, the conspirators envisaged that they would transmit by radio and television the football games played across State lines throughout the United States.

This cannot be compared with the basis upon which the regulation is attempted in title II, involving not the sending of a television or radio communication across State lines, but the selling of food and gasoline which at some time has passed in interstate commerce; the feeding of an individual who may have crossed State lines; the exhibition of a motion picture film, or the presentation of a play or an athletic event, involving the crossing of State lines by the participating parties.

The last of the five conspiracy cases—United States against International Boxing Club—was a conspiracy to monopolize professional boxing on a multi-State basis. The conspirators envisioned that they would reap a handsome profit through the monopoly of professional boxing, and that 25 percent of the ill-gotten gains which they expected to receive by carrying out the conspiracy would have come from interstate radio and interstate telecast by television. So, there is no comparison between the basis of the five cases cited in the memorandum and the basis of the regulation under title II of this bill.

Two other cases cited arose under the National Labor Relations Act. They are *National Labor Relations Board* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, and *National Labor Relations Board* v. *Reliance Fuel Company*, 371 U.S. 224. The Labor-Management Relations Act was enacted under the power of Congress to prevent obstruction to interstate commerce. It was designed to prevent the interruption of interstate commerce—that is, the movement of persons, goods, and communications from one State to the other—by strikes and their attendant disorders.

It is interesting to note that in the first of these two cases which arose under the National Labor Relations Act, the Jones & Laughlin Steel Corp. case, Chief Justice Hughes pointed out in his opinion that if we ever destroy the distinction between interstate commerce, which the Constitution gives Congress the power to regulate, and intrastate commerce, which the Constitution leaves to the regulation of the States, we thereby destroy the Federal system.

Those are the words of the late Chief Justice Hughes in the Jones & Laughlin case. These cases clearly involve strikes, or threatened strikes, and attendant disorders which would have impeded the actual flow of large quantities of steel in interstate commerce, and the actual flow of large quantities of oil in interstate commerce.

It is significant to know that in the cases under the Taft-Hartley Act, the Supreme Court has declared on several occasions that the Taft-Hartley Act goes to the outer limits of the power of Congress to regulate interstate commerce.

The power which Congress exercised under that act is merely the power to prevent obstruction in the flow of commerce from one State to another.

Three of these cases arose under the Fair Labor Standards Act. They are: *United States* v. *Darby*, 312 U.S. 100; *Mabee* v. *White Plains Publishing Company*, 327 U.S. 178; and *Mitchell* v. *Sherry Corine Corporation*, 264 F. 2d 831.

The Fair Labor Standards Act provides regulation which establishes minimum wages and overtime pay for maximum hours of labor for two groups of employees; namely, employees who are actually engaged in interstate commerce; and employees who are engaged in the production of goods for interstate commerce.

The Darby case involved employees who were actually engaged in the production of a vast quantity of goods for interstate commerce, and were clearly subject to congressional regulation under the power of Congress to exclude from the channels of interstate commerce goods produced under certain circumstances.

Congress exercised that power in enacting the National Labor Relations Act. There is no relation whatever between the regulations in title II of the bill and the National Labor Relations Act. That act is based upon the power of Congress to deny the use of the channels of interstate commerce under certain circumstances. Nobody is seeking by this bill to deny the use of channels of interstate commerce to anyone in connection with any of the matters that are being regulated.

The case of *Mabee* v. *White Plains Publishing Company*, 327 U.S. 178, clearly involved a field subject to congressional legislation. The publishing company was actually sending its newspaper into other States. It was actually using the channels of interstate commerce. It was engaged in interstate commerce. But the court was careful to point out in that case that the only employees of the publishing company who were covered by the Fair Labor Standards Act were those who were actually participating in the interstate commerce activities of the company, and that the other employees, who were participating in the intrastate activities of the publishing company were not covered by the act.

The case of *Mitchell* v. *The Sherry Corine Corporation*, 264 F. 2d 831, certiorari denied, 360 U.S. 934, was a case in the U.S. Court of Appeals for the Fourth Circuit, which is my circuit. In this case, the employees were engaged in the preparation of lunches for two airline companies which landed in Norfolk, Va. They were engaged in the production, preparation, and furnishing of lunches to airlines, to be furnished by the airlines to their interstate customers, and to be consumed by the interstate travelers while the airplane was flying from one State to another.

The court pointed out in that case that most of the airplanes having a southern destination were out of the State of Virginia and across the border of North Carolina in about 8 minutes and that some of the lunches were not even served until after the plane had landed at another point in North Carolina.

The employees in that case were clearly engaged in the production of goods for interstate commerce.

It is ridiculous to me as a lawyer to have that case cited to sustain the proposition that Congress has the right to regulate all the people who sell food for consumption on their premises. That ridiculous proposition is certainly not sustained by a case which involved people selling food to be consumed on interstate air flights.

Another case cited rose under the Agricultural Marketing Act, *Wickard* v. *Filburn*, 317 U.S. 111. That case involved the application of a very well established doctrine, that where Congress undertakes to regulate interstate commerce in a specified commodity, it has a right, as a part of that regulation, to regulate intrastate activities which obstruct the flow of the commodity in interstate commerce. The Agricultural Marketing Act authorized and provided a very broad plan for the shipment in interstate commerce of various agricultural commodities, including wheat.

It was held in that case that one could not grow wheat locally to compete with wheat shipped in interstate commerce without paying a penalty in accordance with the act. Although Congress undoubtedly did not have the power to enact a law, which, taken by itself, penalized a man who grew wheat upon his own land for his own consumption, under this doctrine, Congress has the power to regulate interstate commerce in a given commodity. Therefore, Congress has a right to regulate intrastate activities which would obstruct and defeat the purpose of its regulation of interstate commerce. That is all that is involved in that case.

Another case *Boynton* v. *Virginia*, 364 U.S. 454, which arose under the Interstate Commerce Act. On the basis of the facts as found by the majority opinion, the regulation by Congress of one of the instrumentalities of interstate commerce was clearly valid. The majority of the Court found that Boynton was discriminated against in a restaurant which the majority of the Court said was operated by an interstate motor carrier as a part of its instrumentality of interstate commerce. Boynton was traveling in interstate commerce on the motor line from Alabama to Washington. It was a clear case of the regulation by Congress, under the Interstate Commerce Act, of an instrumentality of interstate commerce. It has not the slightest relation, so far as the law of the case is concerned, to the bill.

However, the opinion contains an observation which is relevant. The Court took pains to say what it was not deciding. It said that it was not deciding that every time an interstate motor bus stopped at an independent roadside restaurant, the law required the independent roadside restaurant to feed the bus passengers and prohibited it from discriminating against any of the bus passengers on the ground of race or any other ground on which it desired to discriminate. So intsead of being an authority for the passage of the bill by Congress, as I see it, it is an authority on the other side of the question.

criminate. So instead of being an au-

Another case on which I shall comment, is the last case that is cited in the memorandum furnished to the Senator from Minnesota [Mr. HUMPHREY] and the Senator from California [Mr. KUCHEL], the case of *Chicago Board of Trade* v. *Olsen*, reported in 261 U.S. 1. The opinion in that case was written in 1923 by Chief Justice Taft. The case involved the power of Congress to enact the Grain Futures Act of September 21, 1922. That legislation was enacted by Congress to prevent obstructions and burdens in interstate commerce. The evidence in the case showed that the Chicago Board of Trade, which dealt in grain coming into Chicago from other States, sold grain with the intent of shipping it into other States, after it had come to Illinois in interstate commerce.

The evidence further showed that the Chicago Board of Trade dealt in this fashion with 350 million bushels of grain annually. Its operations were to encourage the importation of wheat into Chicago through channels of interstate commerce, and then to sell it for shipment into other States. Clearly, that was engaging actively in interstate commerce.

I became intrigued with this question early last summer. Since that time I have read literally hundreds of cases dealing with the commerce clause. About 2 years ago Dr. Bernard Schwartz wrote a two-volume work dealing with constitutional questions. In that two-volume work, he said there were 1,400 different decisions on the commerce clause up to the year 1900. Since the year 1900, Congress has passed many acts undertaking to regulate interstate commerce.

Among others, it has passed the present Food, Drug, and Cosmetic Act, which is based upon the undoubted power of Congress to exclude from channels of interstate commerce adulterated, deleterious, or misbranded drugs and food.

Congress has also passed the Labor-Management Relations Act, popularly known as the Taft-Hartley Act. That act was passed by Congress in the undoubted exercise of its authority to pass laws to prevent the obstruction of interstate commerce by strikes and attendant disorders.

Congress has passed the Fair Labor Standards Act, which undertakes to regulate, in the exercise of the undoubted power of Congress, the wages and working hours of persons actually engaged in interstate commerce or of persons actually engaged in the production of goods for shipment in interstate commerce.

Congress has passed the Agricultural Adjustment Act and the several Agricultural Marketing Acts which deal with the shipment of agricultural commodities in interstate and foreign commerce.

Congress has passed other acts, such as the Federal Arbitration Act, which provides for the arbitration of controversies arising out of transactions in interstate commerce.

If there were 1,400 decisions by the Federal courts on the interstate commerce clause down to the year 1900, there must be about 5,000 such decisions up to the present moment. Before analyzing many of these decisions—and I have an analysis of most of them before me—I think we must first understand what interstate commerce is. Interstate commerce is the movement of persons, goods, or communications from one State to another. That is all interstate commerce is.

Interstate commerce does not last forever once an article gets into interstate commerce. Transportation of merchandise from one State into another is interstate commerce and is protected by the interstate commerce clause—article I, section 8, clause 3 of the Federal Constitution—from the operation of State laws from the moment of shipment, while in transit, and up to the end of the journey by delivery of the goods to the consignee at the place to which the goods were consigned.

That is the holding of multitudes of decisions by the Supreme Court of the United States, of multitudes of decisions by State courts, and of multitudes of decisions by the lower Federal courts. I shall cite a few cases decided by the Supreme Court of the United States to that effect: *Danciger* v. *Cooley*, 248 U.S. 319; *Weigle* v. *Curtice Bros. Co.*, 248 U.S. 285; *Western Union Telegraph Co.* v. *Foster*, 247 U.S. 105; *United States* v. *Freeman*, 239 U.S. 117; *Illinois Central Railroad Co.* v. *De Fuentes*, 236 U.S. 157; *General Oil Co.* v. *Crain*, 209 U.S. 211; *American Express Co.* v. *Kentucky*, 206 U.S. 129, 206 U.S. 138, 206 U.S. 139; *Wabash Railway Co.* v. *Pearce*, 192 U.S. 179; *Vance* v. *W. A. Vandercook Co.*, 170 U.S. 438; and *Rhodes* v. *Iowa*, 170 U.S. 412.

Another principle of law that is established beyond controversy in this field is that goods cease to constitute a part of interstate commerce, and become a part of the general property in the State, and amenable to its laws, when they are sent into the State, either for the purpose of sale or in consequence of a sale. That proposition has been established by the Supreme Court of the United States in multitudes of cases—among them:

Packer Corporation v. *Utah*, 285 U.S. 105; *Leisy* v. *Hardin*, 135 U.S. 100; *Bowman* v. *Chicago and Northwestern Railway Co.*, 125 U.S. 465; *Robbins* v. *Taxing District of Shelby County*, 120 U.S. 489; *Welton* v. *Missouri*, 91 U.S. 275.

It is also established by multitudes of decisions of the Supreme Court of the United States that whenever goods which are moved in interstate commerce come to rest in a State, interstate commerce ceases, and those goods become a part of the general property of the State; and that under their power to regulate strictly internal commerce, the States may prescribe the form of all commercial contracts, as well as the terms and conditions upon which the internal trade of the States may be carried on. That proposition is established by the most important case on interstate commerce ever handed down by the Supreme Court of the United States; namely, *Gibbons* v. *Ogden*, 9 Wheat. 1, the opinion in which was written by Chief Justice John Marshall.

The same ruling was made in innumerable decisions of the Supreme Court of the United States, of which I shall cite just a few—the following, among a multitude: *Parker* v. *Brown*, 317 U.S. 341; *Ziffrin* v. *Reeves*, 308 U.S. 132; *Utah Power and Light Co.* v. *Pfost*, 286 U.S. 165; *Ware and Leland* v. *Mobile County*, 209 U.S. 405; *Schollenberger* v. *Pennsylvania*, 171 U.S. 1; *Western Union Telegraph Co.* v. *Seay*, 132 U.S. 472; *Ratterman* v. *Western Union Telegraph Co.*, 127 U.S. 411; *Wabash, St. Louis, and Pacific Railway Co.* v. *Illinois*, 118 U.S. 557; and *Covington & C. Bridge Co.* v. *Kentucky*, 154 U.S. 204.

I point out that under the interstate commerce clause, Congress has the power not only to regulate interstate commerce, but also to regulate intrastate activities under certain restricted circumstances.

These circumstances have been described in several ways. The fundamental principle involved is that where Federal control is sought to be exercised over circumstances which, separately considered, are intrastate, it must appear that there is a close and substantial relation to interstate commerce, in order to justify Federal intervention for its protection. That is the general test that is laid down in these decisions by the Supreme Court:

Santa Cruz Fruit Packing Company v. *National Labor Relations Board*, 303 U.S. 453; *Consolidated Edison Company* v. *National Labor Relations Board*, 305 U.S. 197; *National Labor Relations Board* v. *Jones & Laughlin Steel Corporation*, 301 U.S. 1; and *National Labor Relations Board* v. *Fainblatt*, 306 U.S. 601.

I should like to emphasize the fact that where Federal control is sought to be exercised over activities which, separately considered, are intrastate, it must appear that there is a close and substantial relation to interstate commerce, in order to justify Federal intervention for its protection.

Mr. President (Mr. Ribicoff in the chair), I respectfully submit that the tests laid down in title II of this bill do not show in any case any close and substantial relationship to interstate commerce. There is no interstate commerce in the tests laid down in title II as a basis for invoking the power of Congress to pass title II under the interstate commerce clause.

All the goods mentioned under the tests laid down in that title would come to rest and become a general part of the property of the State in which their interstate travel ended with their delivery to whomever is the consignee at the place to which they are consigned. Even the motion picture films moving in interstate commerce to the States are no longer a part of interstate commerce and are no longer under the jurisdiction of Congress. On the contrary, they have come to rest in the hands of the exhibitor.

The same statement applies to the athletic teams which are described in these tests, and the actors and actresses taking part in the plays which are described in those tests.

Furthermore, interstate travelers have ceased interstate traveling, because none of the places which are described are instrumentalities of interstate commerce.

The law is well established that even if one is engaged in interstate travel, he ceases his interstate transit and the Federal Government loses power to regulate him whenever he stops his interstate travel for any purpose whatsoever not connected with the continuance of his travel.

So, legally speaking, there is absolutely no connection between interstate commerce and any of the tests prescribed in title II of the bill, because in every case there enumerated interstate transit has ceased and the goods and the articles described have come to rest within the borders of the State and are subject to State regulation alone. They would have no effect on interstate commerce. There is no close or substantial relationship to it.

Furthermore, I challenge every proponent of the bill, and I challenge the 600 lawyers in the Department of Justice, to find any decision in any case anywhere in the United States that has ever been handed down by any court which states that the conduct of people can be regulated on the local level because they happen to trade with a man who may be traveling in interstate commerce. I am confident in laying down that challenge, because in my judgment no such case exists. If that were the law, the Congress could abolish all the States in the Union, for all practical purposes, by merely hiring a few interstate travelers who would travel around and deal with people on the local level. The whole theory of the bill is absurd. It is based upon the theory that Congress has the power to regulate a man's conduct so long as the man wears a pair of breeches that have moved in interstate commerce, but the power over interstate commerce ceases when he takes his breeches off. I do not believe that the rights of States can hinge on any such flimsy pretext as that.

A while ago I mentioned some of the decisions of the court which hold that Congress cannot regulate any intrastate activity unless there is a close and substantial relationship between that activity and interstate commerce, and unless the regulation of the intrastate activity is necessary or appropriate to the effective regulation of interstate commerce.

The Supreme Court has spelled out the circumstances under which Congress can reach and regulate intrastate activities. It can do so in the following cases:

Congress can reach local and intrastate activities having such a close and substantial relation to interstate traffic that control is necessary or appropriate. first, to the security of that traffic, that is, interstate traffic; second, the efficiency of the interstate service; third, the maintenance of conditions under which interstate commerce may be conducted upon fair terms, and without molestation or hindrance. That is the doctrine laid down in the celebrated case of *Bethlehem Steel Co.* v. *New York State Labor Relations Board*, 330 U.S. 767.

The only time that Congress can regulate an intrastate activity is when the regulation of an intrastate activity is necessary for Congress to obtain a permissible regulation of interstate and foreign commerce. That is the doctrine laid down and applied by the Supreme Court of the United States in *U.S.* v. *Walsh*, 331 U.S. 432, and *Mulford* v. *Smith*, 307 U.S. 38. It is the same doctrine which was laid down, in slightly different phraseology, in *Overnight Motors Transportation* v. *Missel*, 316 U.S. 572, in which the Court declared that the power of Congress over interstate commerce extends to intrastate activities which so affect interstate commerce or the exercise of the power of Congress over it as to make regulation of them appropriate means to the attainment of a legitimate end of Congress.

Title II does not represent any effort by Congress to regulate interstate commerce. It does not represent any attempt by Congress to regulate local activities in order to obtain a permissible—and that means a constitutionally permissible—or legitimate—and that means a constitutionally legitimate—end of Congress.

Title II of the bill represents a brazen effort on the part of the Congress to regulate local activities which have not the remotest connection with interstate commerce. It is an attempt to regulate local activities long after interstate commerce has totally ceased.

As a distinguished lawyer of Pennsylvania stated in an article which appeared some time ago in the Philadelphia Public Ledger, the claim that title II represents an effort to regulate interstate commerce is intellectually without foundation.

Last summer, after reading scores of opinions of the Supreme Court of the United States concerning the power of Congress to legislate under the interstate commerce clause, I made what I considered to be an accurate statement of this power. I read it:

> Under the interstate commerce clause, which is set out in clause 3 of section 8 of article I of the Constitution, Congress is granted in express terms the power to regulate interstate commerce, which consists of the movement of persons, goods, or information from one State to another. The power of Congress is not restricted, however, to the regulation of interstate commerce. Congress has the power to regulate intrastate activities, that is, activities wholly within a State, to the extent, and only to the extent, that such action on its part is necessary or appropriate to its effective execution of its expressly

> granted power to regulate interstate commerce.
>
> The power of Congress to regulate activities of an intrastate character arises only when those activities have such a close and substantial relation to interstate commerce that their control is essential or appropriate to protect that commerce from practices within a State which burden its freedom or obstruct its flow.
>
> In the very nature of things, the power of Congress to regulate intrastate activities in order to execute in an effective manner its expressly granted power to regulate interstate commerce necessarily runs forward. It cannot possibly run backward. This is true because the power of Congress to regulate commerce interstate ends when interstate commerce ends.
>
> Hence, Congress cannot regulate the use of property or the activities of persons within the border of a State under the interstate commerce clause after interstate commerce has ceased.

With all due respect to many people, I have heard much nonsense about the power of Congress under the commerce clause in an effort to justify the position that title II represents a legislative proposal which the Congress has the power to enact. They have even gone so far as to argue that if a man eats in a restaurant, he will eat more food than if he eats at home. That was one of the arguments advanced before one of the committees for this proposal. That is foolishness. There is no proof of it. Most people have an appetite, and they will satisfy that appetite whether they eat at home or abroad. The chances are a person will eat less food in a restaurant, because it is more expensive.

That is beside the point. If Congress has the right to enact laws on the theory that there would be more interstate commerce in food if people ate more, Congress could enact a law providing that every person in the United States should eat twice as much, and consume twice as many calories, because it would cause interstate commerce in food to increase. Or Congress could enact a law providing that people would have to buy twice as many clothes as they now have, because since they would have to buy more clothes, the buying of the clothes would increase the flow of clothes in interstate commerce.

The truth is that Congress has no power to regulate anything under the commerce clause except interstate commerce. It has no power to pass a bill to regulate the use of privately owned property within the borders of a State or the rendition of personal services within the borders of a State where interstate commerce has ceased and there is no interstate commerce to regulate.

Some time ago I read the various provisions of title II which lay down tests that are invoked by the proponents of the bill to sustain the assertion that Congress can adopt the regulations set out in the title. I shall not comment further on the declaration of title II that the operations of any inn, hotel, motel, or other establishment which provides lodging to transient guests affect interstate commerce regardless of whether or not they affect interstate commerce, because I am satisfied that Congress cannot extend this power by the mere expedient of uttering a falsehood in a legislative act.

However, I wish to comment on this point: The pending bill is an attempt to regulate the second category of establishments set out; that is, restaurants, cafeterias, lunchrooms, lunch counters, soda fountains, or other facilities engaged in selling food for consumption on the premises, on two grounds. The first ground is if they serve or offer to sell to interstate travelers.

To me as a lawyer, that is a rather absurd proposition.

Congress has the power, under certain circumstances, to regulate interstate travelers, but it does not have the power to regulate local activities of persons who may deal with interstate travelers. That principle is well established by recent decisions of the Federal courts.

One of the recent cases is *Elizabeth Hospital, Inc.*, v. *Richardson*, 269 F. 2d 167.

This case involved the direct point whether a person who deals with interstate travelers seeking medical or hospital treatment is engaging in interstate commerce. It is a decision handed down under the act of Congress regulating interstate commerce; namely, the Sherman antitrust law.

Mr. President, I ask unanimous consent that the entire opinion and decision of the court in the Elizabeth Hospital, Inc., case be printed in the Record at this point in my remarks.

There being no objection, the opinion and decision were ordered to be printed in the Record, as follows:

Elizabeth Hospital, Inc., Appellant, v. Fount Richardson; Friedman Sisco; Ruth Ellis Lesh; Stanley Applegate, Individually and as President of Washington County Medical Society; and Washington County Medical Society, Appellees

(No. 16187—United States Court of Appeals, Eighth Circuit, July 10, 1959)

Action by hospital to recover treble damages for alleged violations of the Sherman Act, and to obtain injunctive relief. The United States District Court for the Western District of Arkansas, John E. Miller, Chief Judge, 167 F. Supp. 155, entered an order dismissing the complaint and plaintiff appealed. The Court of Appeals, Vogel, Circuit Judge, held that complaint alleging that a conspiracy on the part of a county medical society and individual members thereof interfered with referral of patients to the hospital from outside the state, and that such conspiracy was based upon refusal of county medical society to admit hospital's chief of staff to membership in the society, with resulting loss to the hospital due to a reduction in the number of patients both within and without the state seeking treatment at the hospital, was insufficient to state a cause of action under the Sherman Act due to its failure to show that the conspiracy complained of had any restraining effect on interstate commerce within the meaning of the Act.

Affirmed.

1. Courts—406.2

The Court of Appeals will accept the considered judgment of a trial judge in any matter of doubtful or disputed local law.

2. Conspiracy—18

Complaint of hospital alleging a conspiracy on the part of a county medical society and individual members thereof which interfered with referral of patients to the hospital from outside the state, based upon refusal of the county medical society to admit the hospital's chief of staff to membership in the society failed to state a right of action under the law of Arkansas.

3. Monopolies—12(1.1)

Essential to jurisdiction of a cause of action under Sherman Anti-Trust Act, is that conspiracy complained of be in restraint of trade or commerce among the several states. Sherman Anti-Trust Act, §§ 1, 2 as amended 15 U.S.C.A. §§ 1, 2.

4. Commerce—16

Operation of a hospital, including rendition of hospital services to some persons who came from outside the state, did not constitute engaging in interstate commerce for purposes of stating a claim under the Sherman Anti-Trust Act, since the fact that some of the hospital's patients might have traveled in interstate commerce did not alter the local character of the hospital. Sherman Anti-Trust Act, §§ 1, 2 as amended 15 U.S.C.A. §§ 1, 2.

5. Monopolies—12(1.1)

Interference with intrastate activity cannot constitute a violation of the Sherman Act unless its effect on interstate commerce is both substantial and direct. Sherman Anti-Trust Act, §§ 1, 2 as amended 15 U.S.C.A §§ 1, 2.

6. Monopolies—28(6.6)

Complaint alleging that a conspiracy on the part of a county medical society and individual members thereof interfered with referral of patients to the hospital from outside the state, and that such conspiracy was based upon refusal of county medical society to admit hospital's chief of staff to membership in the society, with resulting loss to the hospital due to a reduction in the number of patients, both within and without the state, seeking treatment at the hospital, was insufficient to state a cause of action under the Sherman Act, due to its failure to show that the conspiracy complained of had any restraining effect on interstate commerce within the meaning of the Act. Sherman Anti-Trust Act, §§ 1, 2 as amended 15 U.S.C.A. §§ 1, 2.

James R. Hale, Fayetteville, Ark., for appellant.

Eugene R. Warren, Little Rock, Ark., (Warren & Bullion, Little Rock, Ark., were on the brief), for appellees.

Before Sanborn, Vogel and Van Oosterhout, Circuit Judges.

(Vogel, Circuit Judge.)

Elizabeth Hospital, Inc., plaintiff (appellant here) is a Delaware corporation authorized to do business in Arkansas, where it maintains and operates a hospital at Prairie Grove, Washington County. Its stockholders are Frank Riggall, Eva E. Riggall, Cecil Riggall and Robert Douglas Manning, each of whom owns 25% of the capital stock. The defendants are Fount Richardson; Friedman Sisco; Ruth Ellis Lesh; Stanley Applegate, individually and as president of Washington County Medical Society; Washington County Medical Society; and American Medical Association. The individual defendants are all physicians and surgeons and all defendants excepting the American Medical Association are citizens and residents of the State of Arkansas. The Washington County Medical Society is an unincorporated organization with at least 36 dues-paying or active members. The defendant Stanley Applegate is a member and president of such society and the other individual defendants are members thereof. A motion for dismissal as to the American Medical Association, a corporation organized under the laws of the State of Illinois, was granted by this court and it is accordingly not involved herein. For convenience, the parties will be designated as they were in the court below.

Plaintiff brought this action to recover treble damages in the total amount of $300,000.00 for alleged violations of the Sherman Anti-Trust Act, 15 U.S.C.A., §§ 1, 2, 12 and

15, and to obtain an injunction requiring the Society and Association to admit Dr. Frank Riggall to membership therein. Plaintiff also alleged a violation of the constitution, statutes and common law of Arkansas, attempting thereby to create two grounds for federal court jurisdiction: First, under the Sherman Act; and, second, because of diversity of citizenship and amount involved.

In brief summary, plaintiff's complaint alleged that it was authorized to and did engage in the operation and maintenance of a hospital of which Dr. Frank Riggall was Chief of Staff; that it purchased medical equipment and supplies, etc., for its use in operating its hospital from outside the State of Arkansas. It alleged a conspiracy on the part of the defendants which interfered with the referral of patients to the plaintiff hospital from outside the State of Arkansas. The conspiracy was based upon the refusal of the Washington County Medical Society to admit Dr. Frank Riggall to membership therein, resulting in denial to him of membership in the Arkansas Medical Society and the American Medical Assocation.

Excepting for the fact that Elizabeth Hospital, Inc., is the named plaintiff in the instant case and here alleged violations of the law of Arkansas as well as violations of the Sherman Anti-Trust Act, the complaint is virtually the same as that contained in a recent case wherein the plaintiff was Dr. Frank Riggall and wherein the defendants included all those named as defendants herein and in which this court, in *Riggall* v. *Washington County Medical Society*, 8 Cir., 1957, 249 F. 2d 266, certiorari denied 355 U.S. 954, 78 S. Ct. 540, 2 L. Ed. 2d 530, sustained the District Court's dismissal of the complaint. The same District Court granted motions to dismiss here—*Elizabeth Hospital, Inc.* v. *Richardson*, D.C.W.D. Ark. 1958, 167 F. Supp. 155.

[1, 2] To sustain jurisdiction in the federal court it must be found that the allegations of the complaint, which for present purposes we must assume to be true, establish a claim under the law of Arkansas or that the complaint states a claim under the Sherman Anti-Trust Act. It has already been noted that the allegations of the instant complaint are, for all practical purposes, the same as the allegations contained in the complaint filed by Dr. Riggall in what might be termed the earlier case, *Riggall* v. *Washington County etc.*, 249 F. 2d 266. Therein, Dr. Riggall was the sole plaintiff. He sought to recover treble damages in the same amount as is sought by Elizabeth Hospital, Inc., in the present case. There, Dr. Riggall sought recovery because of alleged wrongful refusal of the Washington County Medical Society to admit him to membership. The alleged damage to the plaintiff here is likewise based on the Society's refusal of membership to plaintiff's Chief of Staff—the same Dr. Frank Riggall. In addition to the allegation of a conspiracy or combination in violation of the Sherman Anti-Trust Act, it was alleged that there was a conspiracy under the law of Arkansas to injure or damage the plaintiff by refusing Dr. Riggall and certain members of his staff membership in the Washington County Medical Society. Dr. Riggall's application for membership in the Society was rejected by the membership by a secret vote of 34 to 2. The by-laws of the Society are set forth in plaintiff's complaint. Among other things, they provide that the Society shall be the judge of the qualifications of its members. They also provide that the members shall vote upon all applications and that the elections shall be by secret ballot and that three-fourths of the votes of the membership present and voting shall be necessary to elect. The opinion of the District Court ably demonstrates that under neither the common nor statutory law of Arkansas was there a right of action spelled out in plaintiff's complaint, 167 F. Supp. 155. Citing Arkansas statutes dealing with monopolies, combinations and attempts to regulate or fix prices, it concluded, at page 162:

"Since no monopoly or attempt at monopoly is alleged or shown by the facts in the complaint, and since it is likewise apparent that the plaintiff is not being driven from competition, these statutes have no application."

And at page 163:

"The action of the medical society and its individual members, whatever their motive may have been, was not action to attain an unlawful purpose or to use unlawful means in attaining a lawful purpose, absent some specific statutory requirement that all persons be admitted to membership.

"It is true that the plaintiff alleges that the refusal of the defendants to admit Dr. Riggall to membership has resulted in a number of other conditions unfavorable to the plaintiff hospital as well as to Dr. Riggall. It may be seriously doubted whether any of the numerous conditions alleged to have been caused by the denial of membership are proximate results of that action by the medical society. Compare *Robinson* v. *Lull*, D.C. Ill. 1956, 145 F. Supp. 134, at page 137, where the court considered a series of facts similar to those presented here, and found no proximate connection between the acts of the defendants and the alleged injury.

"Assuming, however, that the conditions and injuries allegedly resulting from the medical society's denial of membership to Dr. Riggall were all proximate results of that action of the medical society, there is nevertheless no showing of any violation of state law in that action or any conspiracy to violate any state law. Most of the injuries said to result to the plaintiff and to Dr. Riggall from his inability to obtain membership in the medical society relate to the alleged loss of patients of the hospital. These assertions are in essence specifications of the allegation that the defendants 'imposed a professional boycott upon the plaintiff, and thereby prevented the plaintiff from receiving great numbers of patients from outside the State of Arkansas and elsewhere.' These allegations, however, fall short of establishing a claim under Arkansas law."

Plaintiff here has utterly failed to demonstrate anything to the contrary and on this point cites but one case, *Southwestern Publishing Co.* v. *Ney*, 1957, 227 Ark. 852, 302 S.W. 2d 538. Such case is no support for plaintiff's contention. It is this court's well-established rule to accept the considered judgment of the trial judge on any matter of doubtful or disputed local law. *Guyer* v. *Elger*, 8 Cir., 1954, 216 F. 2d 537, 540, certiorari denied 348 U.S. 929, 75 S. Ct. 342, 99 L. Ed. 728; *Barnard* v. *Wabash R. Co.*, 8 Cir., 1953, 208 F. 2d 489, 493; *Buder* v. *Becker*, 8 Cir., 1950, 185 F. 2d 311, 315–316; *Northern Liquid Gas Co.* v. *Hildreth*, 8 Cir., 1950, 180 F. 2d 330, 336. We concur in the trial judge's opinion that the complaint spelled out no right of action under the law of Arkansas.

[3] Next for consideration is whether a claim under the Sherman Anti-Trust Act has been alleged. Essential to jurisdiction is that the conspiracy complained of be "in restraint of trade or commerce among the several states * * *." To establish this fact, plaintiff alleged that the wrongful exclusion of its Chief of Staff from the Washington County Medical Society so diminished his professional standing as to reduce the number of patients, both from within and without Arkansas, seeking treatment at plaintiff's hospital. Plaintiff also alleged that it purchases from outside the State of Arkansas medical equipment and supplies, etc., for its use in operating its hospital. However, this fact need not be considered here as plaintiff has failed to assert that the conspiracy complained of interfered with these purchases.

[4] We think that the plaintiff's operation of a hospital, to include rendition of hospital services to some persons who came from outside the state, is no more engaging in interstate commerce than was Dr. Riggall in rendering medical services to persons who likewise came from other states. The fact that some of plaintiff's patients might travel in interstate commerce does not alter the local character of plaintiff's hospital. If the converse were true, every country store that obtains its goods from or serves customers residing outside the state would be selling in interstate commerce. Uniformly, the courts have held to the contrary. *A.L.A. Schechter Poultry Corp.* v. *United States*, 1935, 295 U.S. 495, 55 S. Ct. 837, 79 L. Ed. 1570; *Lawson* v. *Woodmere*, 4 Cir., 1954, 217 F. 2d 148, 150; *Jewel Tea Co.* v. *Williams*, 10 Cir., 1941, 118 F. 2d 202, 207; *Lipson* v. *Socony-Vacuum Corp.*, 1 Cir., 1937, 87 F.2d 265, 267, certiorari granted 300 U.S. 651, 57 S. Ct. 612, 81 L. Ed. 862 certiorari dismissed 301 U.S. 711, 57 S. Ct. 788, 81 L. Ed. 1364.

[5] Interference with intrastate activity cannot constitute a violation of the Sherman Act unless its effect on interstate commerce is both substantial and direct. *A.L.A. Schechter Poultry Corp.* v. *United States*, supra; *Mandeville Island Farms* v. *American Crystal Sugar Co.*, 1947, 334 U.S. 219, 68 S. Ct. 996, 92 L. Ed. 1328; *Local 167* v. *United States*, 1933, 291 U.S. 293, 54 S. Ct. 396, 78 L. Ed. 804. We observed in the earlier case at page 268, 249 F. 2d:

"There is no allegation in the complaint remotely suggesting that the acts of defendants cast any burden upon interstate commerce. The mere fact that plaintiff at his location in Arkansas may be treating patients from other states who must travel interstate does not result in practicing his profession in interstate commerce, as the transportation of such patients is incidental. The practice of his profession as disclosed by the allegations of his complaint is neither trade nor commerce within Section 1 of the Sherman Anti-Trust Act, nor are there any allegations in the complaint indicating that the actions of defendants here complained of resulted in a monopoly within the provisions of Section 2 of the Act. Plaintiff has not been prevented from practicing his profession, but in the final analysis his complaint is that he could practice it more profitably but for the acts of the defendants."

The case of *Spears Free Clinic and Hospital for Poor Children* v. *Cleere*, 10 Cir. 1952, 197 F. 2d 125, is on almost all fours with the instant case. Therein the court stated, at page 126:

"The practice of the healing arts in Colorado, including chiropractic, is wholly local in character. The alleged conspiracy and the acts alleged to have been done in furtherance thereof had for their purpose and object the monopolization and restraint of purely local activities. No price fixing or price maintenance for professional or other services was involved. There was no intent to injure, obstruct or restrain interstate or foreign commerce. The mere fact that a fortuitous and incidental effect of such conspiracy and acts may be to reduce the number of persons who will come from other states and countries to the Spears Hospital for chiropractic treatments does not create such a relation between interstate and foreign commerce and such local activities as to make them a part of such commerce.

"To come within the purview of the Sherman Act the restraint of commerce or the obstruction of commerce must be direct and substantial and not merely incidental or remote."

[6] We think the complaint here is wholly lacking in a jurisdictional essential in that it fails to show that the conspiracy complained of had any restraining effect on interstate commerce within the meaning of the Sherman Anti-Trust Act.

Affirmed.

Mr. ERVIN. I should like to read parts of the opinion—on page 170:

> [4] We think that the plaintiff's operation of a hospital, to include rendition of hospital services to some persons who came from outside the State, is no more engaging in interstate commerce than was Dr. Riggall in rendering medical services to persons who likewise came from other States. The fact that some of plaintiff's patients might travel in interstate commerce does not alter the local character of plaintiff's hospital. If the converse were true, every country store that obtains its goods from or serves customers residing outside the State would be selling in interstate commerce. Uniformly, the courts have held to the contrary. *A.L.A. Schechter Poultry Corp.* v. *United States*, 1935, 295 U.S. 495, 55 S. Ct. 837, 79 L. Ed. 1570; *Lawson* v. *Woodmere*, 4 Cir. 1954, 217 F. 2d 148, 150; *Jewel Tea Co.* v. *Williams*, 10 Cir., 1941, 118 F. 2d 202, 207; *Lipson* v. *Socony-Vacuum Corp.*, 1 Cir., 1937, 87 F. 2d 265, 267, certiorari granted 300 U.S. 651, 57 S. Ct. 612, 81 L. Ed. 862 certiorari dismissed 301 U.S 711, 57 S. Ct. 788, 81 L. Ed. 1364.

The decision continues:

> The mere fact that plaintiff at his location in Arkansas may be treating patients from other States who must travel interstate does not result in practicing his profession in interstate commerce, as the transportation of such patients is incidental.

There is cited the case of *Spears Free Clinic and Hospital for Poor Children* v. *Cleere*, 10th Circuit, 1952, 197 Fed. 2d 125, in which the court says:

> The practice of the healing arts in Colorado, including chiropractic, is wholly local in character. The alleged conspiracy and the acts alleged to have been done in furtherance thereof had for their purpose and object the monopolization and restraint of purely local activities. No pricefixing or price maintenance for professional or other services was involved. There was no intent to injure, obstruct, or restrain interstate or foreign commerce. The mere fact that a fortuitous and incidental effect of such conspiracy and acts may be to reduce the number of persons who will come from other States and countries to the Spears Hospital for chiropractic treatments does not create such a relation between interstate and foreign commerce and such local activities as to make them a part of such commerce.

Those decisions, which were handed down recently, absolutely refute the theory that Congress can regulate local activities because such local activities deal with people who travel in interstate commerce.

I invite attention to another case squarely on this same point—Williams against Howard Johnson's Restaurant, a decision of the U.S. Court of Appeals for the Fourth Circuit, which was handed down July 16, 1959, and which was reported in 268th Federal Reporter, 2d series, page 845.

I ask unanimous consent to have printed in the RECORD, at this point in my remarks, the opinion and decision in this case as part of my remarks.

There being no objection, the opinion and decision were ordered to be printed in the RECORD, as follows:

CHARLES E. WILLIAMS, APPELLANT, *v.* HOWARD JOHNSON'S RESTAURANT, RUSSELL V. KEYS AND MARY BARNES, APPELLEES

(No. 7867—United States Court of Appeals Fourth Circuit; Argued June 15, 1959; Decided July 16, 1959)

Action complaining that defendant, operating private restaurant in state of Virginia, violated plaintiff's federal rights in refusing to serve him because he was a Negro. The United States District Court for the Eastern District of Virginia at Alexandria, Albert V. Bryan, J., dismissed the action and plaintiff appealed. The Court of Appeals, Soper, Circuit Judge, held, inter alia, that a privately operated restaurant, as an instrument of local commerce, was at liberty to deal with such persons as it might select and that the commerce clause and the 13th and 14th Amendments of the Federal Constitution did not operate to prevent proprietors from excluding Negroes.

Affirmed.

1. Civil Rights—5

The Civil Rights Act of 1875, insofar as it is constitutional, creates no cause of action against privately owned restaurant based on its refusal to serve persons assertedly because they are Negroes. Act March 1, 1875, §§ 1, 2, 18 Stat. 335.

2. Constitutional Law—213, 254

Customs of people of state do not constitute state action within prohibition of 14th Amendment to United States Constitution. U.S.C.A. Const. Amend. 14.

3. Constitutional Law—216

Where statutes of state did not require private restaurant operators to exclude Negroes from their establishments, no acquiescence of state in exclusionary practices would amount to state action within condemnation of 14th Amendment to Federal Constitution. U.S.C.A. Const. Amend. 14; Code Va. 1950 §§ 18–327, 18–328, 35–26, 56–196, 56–325, 56–326, 56–390, 56–396.

4. Commerce—16

A restaurant was not engaged in interstate commerce merely because, in course of its business, it furnished accommodations to general public and served persons traveling from state to state. U.S.C.A. Const. art. 1, § 8, cl. 3; Interstate Commerce Act, § 3(1), 49 U.S.C.A. § 3(1).

5. Constitutional Law—216

A privately operated restaurant, as an instrument of local commerce, was at liberty to deal with such persons as it might select, and the commerce clause and the 13th and 14th Amendments of the Federal Constitution did not operate to prevent its proprietor from excluding Negroes. U.S.C.A. Const. art. 1, § 8, cl. 3; Amends. 13, 14.

Charles E. Williams, Lexington, Va., pro se.

James H. Simmonds, Arlington, Va. (Howard M. Murphy, Arlington, Va., on brief), for appellees.

Before Sobeloff, Chief Judge, and Soper and Haynsworth, Circuit Judges.

Soper, Circuit Judge.

Charles E. Williams, an attorney in the Internal Revenue Service of the United States, brings this suit on his own behalf and on behalf of all others similarly situated against Howard Johnson's Restaurant in the City of Alexandria, Virginia, complaining that he was wrongfully refused service by the restaurant on the morning of April 20, 1958, because he is a Negro. He seeks a declaratory judgment that his exclusion on racial grounds amounted to discrimination against a person moving in interstate commerce and also interference with the free flow of commerce in violation of the Constitution of the United States, as well as a violation of the Civil Rights Acts of 1875, 18 Stat. 335. He prays for an injunction restraining the defendant from denying him and persons similarly situated access to the restaurant and also a money penalty for the infraction of the statute. On motion of the defendant his suit was dismissed by the District Court. Notwithstanding the substantial inconvenience and embarrassment to which persons of the Negro race are subject in the denial to them of the right to be served in public restaurants, the dismissal of the suit was in accord with the decisions of the Supreme Court of the United States and other Federal courts.

[1] Sections 1 and 2 of the Civil Rights Act of 1875, upon which the plaintiff's position is based in part, provided that all persons in the United States should be entitled to the full and equal enjoyment of accommodations, advantages, facilities, and privileges of inns, public conveyances and places of amusement, and that any person who should violate this provision by denying to any citizen the full enjoyment of any of the enumerated accommodations, facilities or privileges should for every such offense forfeit and pay the sum of $500 to the person aggrieved. The Supreme Court of the United States, however, held in *Civil Rights Cases*, 109 U.S. 3, 3 S. Ct. 18, 27 L. Ed. 835, that these sections of the Act were unconstitutional and were not authorized by either the Thirteenth or Fourteenth Amendments of the Constitution. The Court pointed out that the Fourteenth Amendment was prohibitory upon the states only, so as to invalidate all state statutes which abridge the privileges or immunities of citizens of the United States or deprive them of life, liberty, or property without due process of law, or deny to any person the equal protection of the laws; but that the amendment did not invest Congress with power to legislate upon the actions of individuals, which are within the domain of state legislation. The Court also held that the question whether Congress might pass such a law in the exercise of its power to regulate commerce was not before it, as the provisions of the statute were not conceived in any such view (109 U.S. 19, 3 St. Ct. 27). With respect to the Thirteenth Amendment, the Court held that the denial of equal accommodations in inns, public conveyances and places of amusement does not impose the badge of slavery or servitude upon the individual but, at most, infringes rights protected by the Fourteenth Amendment from state aggression. It is obvious, in view of this decision, that the present suit cannot be sustained by reference to the Civil Rights Act of 1875.[1]

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[1] Even if the Act of March 1, 1875, were valid, it would not support the plaintiff's case since it covers only inns, public conveyances and places of amusement. It has been held in Virginia, *Alpaugh* v. *Wolverton*, 184 Va. 943, 36 S.E. 2d 906, in a case which did not involve race relations, that a restaurant owner is not an innkeeper charged with the common-law duty to serve everyone who applies. The Court said at page 948 of 184 Va., at page 908 of 36 S.E. 2d:

"A restaurant, on the other hand, is an establishment where meals and refreshments are served. 28 Mm. Jur., Innkeepers, § 10, p. 545; 43 C.J.S., Innkeepers, § 1, subsec. b, p. 1132.

"The proprietor of a restaurant is not subject to the same duties and responsibilities as those of an innkeeper, nor is he entitled to the privileges of the latter. 28 Am. Jur., Innkeepers, § 120, p. 623; 43 C.J.S., Innkeepers, § 20 subsec. b, p. 1169. His rights and responsibilities are more like those of a shopkeeper. *Davidson* v. *Chinese Republic Restaurant Co.*, 201 Mich. 389, 167 N.W. 967, 969, The plaintiff concedes that no statute of Virginia requires the exclusion of Negroes from public restaurants and hence it would seem that he does not rely upon the provisions of the Fourteenth Amendment which prohibit the states from making or enforcing any law abridging the privileges and immunities of citizens of the United States or denying to any person the equal protection of the law. He points, however, to statutes of the state which require the segregation of the races in the facilities furnished by carriers and by persons engaged in the operation of places of public assemblage,[2] he emphasizes the long established local custom of excluding Negroes from public restaurants and he contends that the acquiescence of the state in these practices amounts to discriminatory state action which falls within the condemnation of the Constitution. The essence of the argument is that the state licenses restaurants to serve the public and thereby is burdened with the positive duty to prohibit unjust discrimination in the use and enjoyment of the facilities.

[2, 3] This argument fails to observe the important distinction between activities that are required by the state and those which are carried out by voluntary choice and without compulsion by the people of the state in accordance with their own desires and social practices. Unless these actions are performed in obedience to some positive provision of state law they do not furnish a basis for the pending complaint. The license laws of Virginia do not fill the void. Section 35-26 of the Code of Virginia, 1950, makes it unlawful for any person to operate a restaurant in the state without an unrevoked permit from the Commissioner, who is the chief executive officer of the State Board of Health. The statute is obviously designed to protect the health of the community but it does not authorize state officials to control the management of the business or to dictate what persons shall be served. The customs of the people of a state do not constitute state action within the prohibition of the Fourteenth Amendment. As stated by the Supreme Court of the United States in *Shelley* v. *Kraemer*, 334 U.S. 1, 68 S. Ct. 836, 842, 92 L. Ed. 1161:

"Since the decision of this Court in the *Civil Rights Cases*, 1883, 109 U.S. 3, 3 S. Ct. 18, 27 L. Ed. 835, the principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the Fourteenth Amendment is only such action as may fairly be said to be that of the States. That Amendment erects no shield against merely private conduct, however discriminatory or wrongful."

The plaintiff makes the additional contention based on the allegations that the defendant restaurant is engaged in interstate commerce because it is located beside an interstate highway and serves interstate travelers. He suggests that a Federal policy has been developed in numerous decisions which requires the elimination of racial restrictions on transportation in interstate commerce and the admission of Negroes to railroad cars, sleeping cars and dining cars without discrimination as to color; and he argues that the commerce clause of the Constitution (Article I, Section 8, Clause 3), which empowers Congress to regulate commerce among the states, is self-executing so that even without a prohibitory statute no person engaged in interstate commerce may place undue restrictions upon it.

The cases upon which the plaintiff relies in each instance disclosed discriminatory action against persons of the colored race by carriers engaged in the transportation of passengers in interstate commerce. In some instances the carrier's action was taken in accordance with its own regulations, which were declared illegal as a violation of paragraph 1, section 3 of the Interstate Commerce Act, 49 U.S.C.A. § 3(1), which forbids a carrier to subject any person to undue or unreasonable prejudice or disadvantage in any respect, as in *Mitchell* v. *United States*, 313 U.S. 80, 61 S. Ct. 873, 85 L. Ed. 1201, and *Henderson* v. *United States*, 339 U.S. 816, 70 S. Ct. 843, 94 L. Ed. 1302. In other instances, the carrier's action was taken in accordance with a state statute or state custom requiring the segregation of the races by public carriers and was declared unlawful as creating an undue burden on interstate commerce in violation of the commerce clause of the Constitution, as in *Morgan* v. *Com. of Virginia*, 328 U.S. 373, 66 S. Ct. 1050, 90 L. Ed. 1317; *Williams* v. *Carolina Coach Co.*, D.C. Va., 111 F. Supp. 329, affirmed 4 Cir., 207 F. 2d 408; *Flemming* v. *S. C. Elec. & Gas Co.*, 4 Cir., 224 F. 2d 752; and *Chance* v. *Lambeth*, 4 Cir., 186 F. 2d 879.

[4, 5] In every instance the conduct condemned was that of an organization directly engaged in interstate commerce and the line of authority would be persuasive in the determination of the present controversy if it could be said that the defendant restaurant was so engaged. We think, however, that the cases cited are not applicable because we do not find that a restaurant is engaged in interstate commerce merely because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from state to state. As an instrument of local commerce, the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select. Our conclusion is, therefore, that the judgment of the District Court must be affirmed.

Affirmed.

Mr. ERVIN. Mr. President, I invite attention to page 848:

> The plaintiff makes the additional contention based on the allegations that the defendant restaurant is engaged in interstate commerce because it is located beside an interstate highway and serves interstate travelers.

The court said:

> We do not find that a restaurant is engaged in interstate commerce merely because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State. As an instrument of local commerce, the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select.

That is another case which squarely holds that the fact that a restaurant may serve interstate travelers, and the fact that it stands beside an interstate highway, does not constitute engaging in interstate commerce on its part.

It is well to remember that the only power Congress has in this connection is to regulate interstate commerce.

On the same point, I invite attention to the case of Slack against Atlantic White Tower System, Inc., a decision of the U.S. Court of Appeals for the Fourth Circuit, which was handed down December 27, 1960, and which is reported in 284 Federal Reporter, second series, at page 746. Since the headnote correctly reflects the opinion of the court, I invite attention to it.

> A private restaurant located along Federal highway was, as an instrument of local commerce, at liberty to deal with such persons as it might select and commerce clause, and the 13th and 14th amendments of the Federal Constitution did not prevent proprietor from refusing to serve Negroes in restaurant.

I respectfully contend that on the basis of these three decisions, there is no foundation whatever for the notion of the proponents of the bill that Congress can regulate eating establishments within the borders of a State merely because they may deal with certain persons who happen to travel in interstate commerce.

The second test which is cited as a basis for congressional regulation of eating establishments is the proposition that Congress has the power to regulate them if a substantial portion of the food which they serve has moved in interstate commerce. There is an interesting case on that point in a decision of the Supreme Court of the United States. The case is *Wagner* v. *City of Covington*, 251 U.S. 95. This is a very interesting case. The case did not involve food, but it involved the sale of soft drinks.

In this case, Wagner had a place of business in Ohio where he manufactured soft drinks. He sold the soft drinks in Kentucky. He loaded his wagon with soft drinks, and drove it across the river into the city of Covington, Ky. He sold his soft drinks in two ways. He sold some of them to fill orders, and he peddled the others from his wagon in the city of Covington, Ky. He went to soft drink stands soliciting sales and sold the soft drinks to the soft drink stands. The city of Covington imposed an excise tax upon him.

Under the commerce clause, a State cannot levy an excise tax upon the privilege of doing business in interstate commerce. The Supreme Court of the United States says that is a burden on interstate commerce.

So the square question was presented in this case as to whether this man was engaged in interstate commerce when he peddled his goods from one place to another. The Supreme Court of the United States held that he was not, that when he undertook to peddle his goods from one establishment to another, his activities were entirely local, the interstate transportation of the goods from Ohio to Kentucky had ceased, and he was then engaged in local activities within the State of Kentucky, and that the State had the right to levy the tax upon him.

In the interest of time, I ask unanimous consent that the decision of the Supreme Court in this case be printed at this point in the RECORD.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

WAGNER ET AL., PARTNERS, DOING BUSINESS UNDER THE NAME OF W. T. WAGNER'S SONS, *v.* CITY OF COVINGTON—ERROR TO THE COURT OF APPEALS OF THE STATE OF KENTUCKY

No. 61—Argued November 10, 11, 1919; decided December 8, 1919

Where a manufacturer of goods habitually causes them to be carried on his vehicles

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L.R.A. 1918E, 704. He is under no common-law duty to serve everyone who applies to him. In the absence of statute, he may accept some customers and reject others on purely personal grounds. *Nance* v. *Mayflower Tavern*, 106 Utah 517, 150 P. 2d 773, 776; *Noble* v. *Higgins*, 95 Misc. 328, 158 N.Y.S. 867, 868."

[2] See Code of Virginia. 1950, Title 56, §§ 196, 325, 326, 390, 396: Title 18, §§ 327, 328.

from the State of manufacture to various establishments of retail dealers who are his customers in an adjoining State, and there sold and delivered to such dealers in the original packages in such quantities as they may desire to purchase at the times of such visits, the business, as thus transacted with them, is that of an itinerant vender or peddler, and may be taxed in the second State under a nondiscriminating license tax law without imposing a direct burden on interstate commerce, page 102.

A State tax which in substance and effect is constitutional can not be made otherwise by the name it bears in the State laws and decisions, page 101.

177 Kentucky, 385 affirmed.

The case is stated in the opinion.

Mr. Harry Brent Mackoy, with whom Mr. William H. Mackoy was on the briefs, for plaintiffs in error:

The goods are shipped from Ohio and sold and delivered at wholesale in Kentucky in the original packages; are always in transit except during the short pause incidental to delivery; when shipped, they are appropriated in a practical, if not in a technical, sense to the fulfillment of contracts with certain specific existing customers, with whom a general understanding is previously had that plaintiffs in error will furnish them with such as they may need or desire to purchase of them.

The goods are not carried into Kentucky with the intention of having them remain there permanently, or for an indefinite period, or for sale to the general public; but merely for a temporary purpose which is either to apply them to fulfilling the contracts, or to carry back into Ohio the part not so applied. This is all done and intended to be done on the same trip of the same vehicle, which consumes at the most but a few hours. They are never hawked about, peddled, offered, or sold to the public generally.

This course of dealing constitutes a continuous current of commerce between plaintiffs in error, as residents of Ohio, and their standing customers in Kentucky. The original packages do not become part of the general mass of property in Kentucky until after the sale and delivery to the customers, and hence are not subject to state regulation or control in the hands of plaintiffs in error. This power does not extend to the taxation of such packages while temporarily within the State, which are in course of transportation or which are being held therein only long enough to find out the exact needs of the customers. The person who imports goods in original packages from one State into another has the right to sell them in such packages in the latter State as a necessary incident to the right to import, without being subject to state regulation or control, and this right continues until the original packages are commingled with the general mass of property in the State either by actual sale, or by breaking up the packages, or by some other act which indicates that they are to be so commingled. *Leisy* v. *Hardin*, 135 U.S. 100; *Lyng* v. *Michigan*, 135 U.S. 161; *Schollenberger* v. *Pennsylvania*, 171 U.S. 1; *Austin* v. *Tennessee*, 179 U.S. 343; *Cook* v. *Marshall County*, 196 U.S. 261; *Purity Extract Co.* v. *Lynch*, 226 U.S. 192; *Adams Express Co.* v. *Kentucky*, 238 U.S. 190; *Price* v. *Illinois*, 238 U.S. 446; *Rosenberger* v. *Pacific Express Co.*, 241 U.S. 48.

An examination of the decisions of courts of last resort in the various States shows that all of them are in accord with this rule, and, so far as we have been able to find, Kentucky stands alone in holding to the contrary.

Where goods are sent for sale from a place in one State, with the expectation that they will end their transit, after purchase in the same form in another State, and when in effect they do so, with only the interruption necessary to consummate the purchase at the point of destination, and when this is a typical, constantly recurring course of business, the current thus existing is a current of commerce among the States and the purchase of the goods is a part and incident of such commerce, *Swift & Co.* v. *United States*, 196 U.S. 375.

The current does not cease to flow until the articles are delivered to the persons for whom they are intended, or to whom they are destined to be sold, even though the consignor ships them at the starting point by a common carrier consigned to himself at the point of destination, and himself makes delivery to such persons instead of by the common carrier, and even though the title does not pass until then. *Caldwell* v. *North Carolina*, 187 U.S. 622; *Rearick* v. *Pennsylvania*, 203 U.S. 507; *Crenshaw* v. *Arkansas*, 227 U.S. 389; *Stewart* v. *Michigan*, 232 U.S. 665; *Western Oil Refining Co.* v. *Lipscomb*, 244 U.S. 346; *York Mfg. Co.* v. *Colley*, 247 U.S. 21.

In each of the last-mentioned cases the article was started to move in pursuance of a previously existing definite contract of sale—but this is not essential. It is sufficient that the intention be conditional, depending upon the ability to negotiate a sale upon exhibition or after pause for negotiation; or it suffices if the article is started because of an expectation to sell. *Swift & Co.* v. *United States, supra; Dozier* v. *Alabama*, 218 U.S. 124; *Coe* v. *Errol*, 116 U.S. 517; *Kelley* v. *Rhoads*, 188 U.S. 1; *Davis* v. *Virginia*, 236 U.S. 697; *General Oil Co.* v. *Crain*, 209 U.S. 211. See also *Weigle* v. *Curtice Bros Co.*, 248 U.S. 285; *Rast* v. *Van Deman & Lewis Co.*, 240 U.S. 342, 362; *Crew Levick Co.* v. *Pennsylvania*, 245 U.S. 292, 295–298; *United States Glue Co.* v. *Oak Creek*, 247 U.S. 321, 326–327.

Original packages of interstate commerce themselves only become taxable when they have come to rest at their destination or have become part of the general mass of property in the State.

There is a distinction between the right to impose a tax on the nonresident importer for the privilege of selling goods in the original packages and the right to impose a tax on the original packages themselves after they reach their destination and come to rest in the State.

There is also a distinction between the right to impose a tax on an importer who is using persons licensed by the State to make sales for him within the State and the right to impose a tax on the importer himself for making such sales, as is sought to be done here.

The so-called peddler cases, *Machine Co.* v. *Gage*, 100 U.S. 676, and *Emert* v. *Missouri*, 156 U.S. 296, do not apply, because the license here involved is one for dealing at wholesale in soft drinks, and under the decisions of the Court of Appeals of Kentucky and the statutes of that State, the plantiffs in error are not engaged in a peddling business. *City of Newport* v. *French Brothers Bauer Co.*, 169 Kentucky, 174, 183 S. W. Rep. 532, 536, 537. Moreover, the business there carried on was purely intrastate, as an examination of the two cases will show. See *Watters* v. *Michigan*, 248 U.S. 65; *Crenshaw* v. *Arkansas, supra.*

Mr. E. A. Stricklett for the defendant in error.

Mr. Justice Pitney delivered the opinion of the court.

This was an action brought by plaintiffs in error in a State court of Kentucky against the city of Covington, a municipal corporation of that State, to recover license fees theretofore paid by them under certain ordinances of the city for the conduct of their business in Covington, and to enjoin the enforcement against them of a later ordinance calling for further like payments. The several ordinances, each in its turn, required all persons carrying on certain specified businesses in the city to take out licenses and pay license fees; among others, the business of wholesale dealer in what are known as soft drinks. Plaintiffs were and are manufacturers of such drinks, having their factory and bottling works in the city of Cincinnati, in the State of Ohio, on the opposite side of the Ohio River from Covington. They have carried on and do carry on the business of selling in Covington soft drinks, the product of their manufacture, in the following manner: They have a list of retail dealers in Covington to whom they have been and are in the habit of making sales; two or three times a week a wagon or other vehicle owned by plaintiffs is loaded at the factory in Cincinnati and sent across the river to Covington, and calls upon the retail dealers mentioned, many of whom have been for years on plaintiffs' list and have purchased their goods under a general understanding that plaintiffs' vehicle would call occasionally and furnish them with such soft drinks as they might need or desire to purchase from plaintiffs; when a customer's place of business is reached by the vehicle the driver goes into the storeroom and either asks or looks to see what amount of drinks is needed or wanted; he then goes out to the vehicle and brings from it the necessary quantity, which he carries into the store and delivers to the customer; upon his trips to Covington he always carries sufficient drinks to meet the probable demands of the customers, based on past experience; but, with the exception of occasional small amounts carried for delivery in response to particular orders previously received at plaintiffs' place of business in Cincinnati, all sales in Covington are made from the vehicle by the driver in the manner mentioned. Sometimes the driver succeeds in selling there the entire supply thus carried upon the wagon, sometimes only a part thereof; or he may return after having made but a few sales, or none at all, in which event he carries the unsold supply back to plaintiffs' place of business in Cincinnati. The soft drinks in question are delivered in stopped bottles or siphons, according to their nature, and these are placed (at the bottling works) in separate wooden or metal cases, each case being open at the top and holding a certain number of bottles or siphons according to the nature of the drinks and the custom of the trade; the filled bottles or siphons are carried upon the vehicle, sold, and delivered in these cases, each case remaining entire and unbroken, and nothing less than a case being sold or delivered. The retail dealers usually pay cash, and purchase only the contents of the bottles, while the bottles and cases remain the property of plaintiffs and are subsequently collected, when empty, by plaintiffs' drivers or agents on their regular visits; there are, however, a few customers who pay for and thereafter own the bottles in which distilled water is delivered. The ordinances were and are respectively applicable to all wholesale dealers in such soft drinks in Covington, whether the goods were or are manufactured within or without the State.

The trial court and, on appeal, the Court of Appeals of Kentucky gave judgment for defendant, overruling the contention of plaintiffs that the ordinances as carried into effect against them were repugnant to the "commerce clause" (Art. I, Sec. 8) of the Constitution of the United States, 177 Kentucky, 385; and upon this Federal question the case is brought here by writ of error.

It is important to observe the precise point that we have to determine. It is indisputable that with respect to the goods occasionally carried upon plaintiffs' wagon from one State to the other in response to orders previously received at their place of business in Cincinnati, plaintiffs are engaged in interstate commerce, not subject to the licensing power of the Kentucky municipality. The Court of Appeals in the present case, in line with its previous decisions in *City of Newport* v. *Wagner*, 168 Kentucky, 641, 646, and *City*

> of *Newport* v. *French Brothers Bauer Co.*, 169 Kentucky, 174, recognizing the authority of the decisions of this court bearing upon the subject, conceded that this part of plaintiffs' business was not subject to State regulation (177 Kentucky, 388). At the same time the court held that with respect to the remaining and principal part of the business conducted in Covington, that which consists in carrying a supply of goods from place to place upon wagons, exposing them for sale, soliciting and negotiating sales, and immediately delivering the goods sold, plaintiffs were subject to the licensing ordinances; and it is with this alone that we have to deal. If, with respect to this portion of their business, plaintiffs may be subjected to the regulatory power of the State acting through the municipality, we are not concerned with the question whether the general language of the ordinances, if applied with respect to some other method of dealing with goods brought from State to State, might be repugnant to the Federal Constitution.
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> From the facts recited it is evident that, in essence, that part of plaintiffs' business which is subjected to regulation is the business of itinerant vendor or peddler; a traveling from place to place within the State selling goods that are carried about with the seller for the purpose. Plaintiffs in error insist that this view of the matter is untenable because the courts of Kentucky have held that sales made to a retail merchant for resale do not constitute peddling within the meaning of the statutes of that State. *Standard Oil Co.* v. *Commonwealth*, 107 Kentucky, 606, 609; *City of Newport* v. *French Brothers Bauer Co.*, 169 Kentucky, 174, 185. These decisions, however, deal merely with a question of statutory definition; and it hardly is necessary to repeat that when this court is called upon to test a State tax by the provisions of the Constitution of the United States, our decision must depend not upon the form of the taxing scheme, or any characterization of it adopted by the courts of the State, but rather upon the practical operation and effect of the tax as applied and enforced. The State court could not render valid, by misdescribing it, a tax law which in substance and effect was repugnant to the Federal Constitution; neither can it render unconstitutional a tax, that in its actual effect violates no constitutional provision, by inaccurately defining it. *St. Louis Southwestern Ry. Co.* v. *Arkansas*, 235 U.S. 350, 362.
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> We have, then, a State tax upon the business of an itinerant vendor of goods as carried on within the State, a tax applicable alike to all such dealers, irrespective of where their goods are manufactured, and without discrimination against goods manufactured in other States. It is settled by repeated decisions of this court that a license regulation or tax of this nature, imposed by a State with respect to the making of such sales of goods within its borders, is not to be deemed a regulation of or direct burden upon interstate commerce, although enforced impartially with respect to goods manufactured without as well as within the State, and does not conflict with the "commerce clause." *Woodruff* v. *Parham*, 8 Wall. 123, 140; *Machine Co.* v. *Gage*, 100 U.S. 676; *Emert* v. *Missouri*, 156 U.S. 296; *Baccus* v. *Louisiana*, 232 U.S. 334.
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> The peddler's license tax considered in *Welton* v. *Missouri*, 91 U.S. 275, was denounced only because it amounted to a discrimination against the products of other States, and therefore to an interference with commerce among the States. To the same effect, *Walling* v. *Michigan*, 116 U.S. 446, 454.
>
> Of course the transportation of plaintiffs' goods across the state line is of itself interstate commerce; but it is not this that is taxed by the city of Covington, nor is such commerce a part of the business that is taxed, or anything more than a preparation for it. So far as the itinerant vending is concerned, the goods might just as well have been manufactured within the State of Kentucky; to the extent that plaintiffs dispose of their goods in that kind of sales, they make them the subject of local commerce; and this being so, they can claim no immunity from local regulation, whether the goods remain in original packages or not.
>
> The distinction between State regulation of peddlers and the attempt to impose like regulations upon drummers who solicit sales of goods that are to be thereafter transported in interstate commerce, has always been recognized. In *Robbins* v. *Shelby County Taxing District*, 120 U.S. 489, Mr. Justice Bradley, who spoke for the court, said (p. 497): "When goods are sent from one State to another for sale, or, in consequence of a sale, they become part of its general property, and amenable to its laws; provided that no discrimination be made against them as goods from another State, and that they be not taxed by reason of being brought from another State, but only taxed in the usual way as other goods are. *Brown* v. *Houston*, 114 U.S. 622; *Machine Co.* v. *Gage*, 100 U.S. 676. But to tax the sale of such goods, or the offer to sell them, before they are brought into the State, is a very different thing, and seems to us clearly a tax on interstate commerce." See, also, *Crenshaw* v. *Arkansas*, 227 U.S. 389, 399–400, where the distinction was clearly set forth. And in all the "drummer cases" the fact has appeared that there was no selling from a stock of goods carried for the purpose, but only a solicitation of sales, with or without the exhibition of samples; the goods sold to be thereafter transported from without the State. *Rogers* v. *Arkansas*, 227 U.S. 401, 408; *Brennan* v. *Titusville*, 153 U.S. 289; *Caldwell* v. *North Carolina*, 187 U.S. 622; *Rearick* v. *Pennsylvania*, 203 U.S. 507, 510; *Dozier* v. *Alabama*, 218 U.S. 124; *Browning* v. *Waycross*, 233 U.S. 16; *Western Oil Refining Co.* v. *Lipscomb*, 244 U.S. 346; *Cheney Bros. Co.* v. *Massachusetts*, 246 U.S. 147, 153.
>
> Judgment affirmed.
>
> No. 62. *Gilligan* v. *City of Covington*. By stipulation of counsel this case was heard with No. 61, and it is agreed that a similar judgment is to be entered.
>
> Judgment affirmed.
>
> Mr. Justice McKenna and Mr. Justice Holmes dissent.

Mr. ERVIN. Let us see about the food business, and the theory that if a person serves food which has moved in interstate commerce, he is subject to Federal regulation, rather than State regulation, and that the interstate commerce continues in effect. That is ridiculous. The food has come to rest.

I call attention to the case of Parrott & Co. against Benson. This is a decision of the Supreme Court of the State of Washington. It is reported in 114 Wash. 117, and 194 Pacific 986.

This case involved the direct question whether the State of Washington had the power to regulate a local restaurant serving eggs which had been transported in foreign commerce from the country of China to the State of Washington. The court held quite correctly that the operator of the restaurant was engaged in a local activity and not in foreign commerce in serving such eggs.

In dealing with an act of the Washington Legislature which required that all eggs imported from other countries should be labeled, as such, the court stated, as shown on page 988:

> Surely when an egg reaches a restaurant, hotel, or bakery and is taken from the package, cooked or mixed with other ingredients, and served to the guest or purchaser as food, it requires no argument or authority to establish beyond cavil that it is no longer an article of foreign commerce over which Congress alone has control; otherwise no article once brought from without into the State, no matter how changed by any conceivable process, could ever become subject to State legislation; but authorities are as numerous as the question is simple.

The direct question was involved as to whether when a restaurant serves imported food, that food is still in interstate or foreign commerce rather than in local commerce. The Supreme Court of Washington handed down a sensible and sound decision which proves that the proponents of the bill are in error when they attempt to establish the proposition that Congress can regulate a restaurant which serves food for consumption upon its own premises within the borders of a State merely because the food may have come into the State in interstate or foreign commerce.

There is another interesting case on this point, Commonwealth against Di Meglio. This is a decision of the Pennsylvania Superior Court. It was handed down in 1955, and is reported in 179 Pennsylvania Superior, page 472; and 117A (2d) 767.

In this case, a restaurant owner cooked some lemon pies made from ingredients which had been shipped into Pennsylvania from New York. He used Jello, which accompanied it, and a certain pie mix. When cooking the pies, he put into them some artificial coloring in violation of a criminal statute of the State of Pennsylvania. He was indicted by the State of Pennsylvania for violating this criminal statute. He pleaded that he was not subject to the regulation of the State of Pennsylvania in respect to this incident because the food which he had converted into pies had come into Pennsylvania from New York, and that he was therefore engaged in interstate commerce.

The Pennsylvania court said, in part:

> It should be further noted that the Pennsylvania legislation does not prevent the shipping into, or sale of the Jell-O product within, this Commonwealth. Indeed, the product is freely sold for home use throughout the State. If the ingredients alone had been held for sale after shipment in interstate commerce the situation would be entirely different.

I digress from the reading of the opinion to state that the Court in that case was evidently referring to the so-called "original package" doctrine, which is not germane to present purposes. I continue to read:

> However, the addition of egg yolks, water, and pie crust makes a completely different and new product. The Jell-O filling thus loses its interstate characteristic and becomes entirely intrastate in every respect.

I respectfully submit that that decision is eminently sound and is absolutely inconsistent with the theory of the proponents of the bill that Congress can regulate an eating establishment which serves food for consumption upon its premises merely because a part of the food it serves may at one time have traveled in interstate commerce.

I come now to the provision that purports to regulate gasoline stations. Title II of the bill undertakes to support congressional regulation of gasoline stations located within the borders of States merely because the gasoline or other products which the station sells have moved in interstate commerce. I invite attention to 11 American Jurisprudence, subject "Commerce," section 74, page 71, which reads, in part, as follows:

> Where gas is transported from another State, the interstate movement ends with the delivery of the gas to the distributing companies; its subsequent sale and delivery by these companies to their customers at retail are intrastate commerce, which is subject to State regulation.

That proposition is established by the Supreme Court of the United States in *East Ohio Gas Company* v. *Tax Commission*, 283 U.S. 465.

I have before me citations of approximately 15 or 20 decisions of the Supreme Court of the United States and the various lower Federal courts which sustain the same proposition. I call attention to a few of them.

One is the case of *Jewel Tea Company* v. *Williams*, 118 F. (2d), 202; another is *Lipson* v. *Socony-Vacuum Corp.*, 87 F. (2d), 265; another, *American Airways* v. *Wallace* 57 F. (2d), 877; another, *Atlantic Coastline Railway Co.* v. *Standard Oil Company of New Jersey*, 12 F. (2d), 541. Incidentally, the opinion in that case was written by a personal friend of mine, now deceased, Chief Judge John J. Parker, of the U.S. Court of Appeals for the Fourth Circuit, who, in my judgment, was as great a jurist as ever lived on the North American Continent.

Another case holding that when gasoline and motor oil are brought into a State from outside the State and reach their destination in the State they cease to be interstate commerce and become intrastate commerce, subject to State, rather than Federal, regulation, is *Atlantic Coastline Railway Co.* v. *Standard Oil Co. of Kentucky*, 16 F. 2d 441.

Another case, *Brosious* v. *Pepsi Cola Co.*, 155 F. 2d 99, concerns soft drinks. This was an action by William G. Brosious against Pepsi Cola Co. and another for the recovery of treble damages under the Sherman Antitrust Act. The court held that the plaintiff had no case. The point involved was that the soft drinks were made from ingredients which were shipped from the State of New York in interstate commerce to the State of Pennsylvania. I shall read an extract from page 103:

> The contract here in question was made in Pennsylvania. The concentrate, a principal ingredient of the completed article of commerce, was shipped from New York to warehouse in Pennsylvania, where the article of trade was compounded and packaged. Did the interstate movement of the concentrate end when the 10-gallon containers of concentrate were received at Cloverdale Spring Co.'s plant; or did it, in its transition with other substances into a bottled and labeled beverage sold to the trade, continue in the flow of interstate commerce? We are of the opinion that the interstate movement ended with the containers resting in Cloverdale's warehouse.

Mind you, Mr. President, the Cloverdale Co. received the ingredients and made up the drinks, and Cloverdale's acts were in Pennsylvania, and it was closer to interstate commerce than the people who operate restaurants and other places where food is served.

Here is another case concerning the effort to sustain Federal regulation of gasoline filling stations by reason of the fact that they sell gasoline which has moved in interstate commerce. I call attention to the case of State against Hobson, a decision of the Supreme Court of the State of Delaware, which is reported in 83 Atlantic Reporter, second series, at page 846. In the interest of time, I shall confine my reading from the opinion to the part on the precise point here involved. I read now the portion of page 852 which deals with the commerce clause; this was a case in which the defendant was charged with violating a statute of the State of Delaware regulating his gasoline station:

> Defendant asserts that in selling gasoline at retail he is engaged in interstate commerce and that the restrictive provisions of the act of June 5 unduly burden that commerce, and that therefore the act is in conflict with the commerce clause of the Federal Constitution and is void.

I digress to observe that the defendant raised the point that since the gasoline had been shipped in from other States, he was engaged in interstate commerce when he sold it, just as the proponents of this bill claim to be the case.

I continue the reading:

> We think there is no substance in the argument. The retail sale of gasoline from filling stations in quantities to suit the purchaser does not constitute interstate commerce, though all the gasoline that is dealt in must be brought from other States.

Many authorities are cited here. I read further:

> In *United States* v. *Mills, D.C.*, 7 F. Supp. 547, 549, Judge Chesnut said "Indeed it would be difficult to state an activity more clearly involving only intrastate commerce than the business of local sales of gasoline from filling stations."

Incidentally, I was privileged to know Judge Chesnut, who was a Federal judge in Maryland, and a great lawyer.

I have shown that under these specific decisions, the courts have held that no interstate commerce whatever is involved in a sale of food by a restaurant, for consumption upon its premises within the borders of a State, even though the food has moved in interstate commerce.

I have cited cases which specifically hold that no interstate commerce whatever is involved in the act of a gasoline station or service station selling gasoline, even though the gasoline has moved in interstate commerce.

I have cited the specific cases holding that no interstate commerce whatever is involved in the act of restaurants in serving interstate travelers.

So I have dealt with all of the things that are used as a pretext for the alleged right of Congress to enact into law this public accommodations provision, except the provision which deals with motion pictures, theatrical performances, and athletic events.

Now, I invite the attention of the Senate to 11 American Jurisprudence, subject "Commerce," section 88, pages 78 and 79. Here is what the textwriter says:

> Nor is the business of booking vaudeville acts interstate commerce so as to be within the prohibitions of the Federal antitrust acts, although the acts are to be performed in different States, if for the most part the artists merely furnish their personal services without the necessity of transporting paraphernalia, although transportation of accessories is necessary in some instances.

Among the cases that hold that the presentation of a vaudeville act or other theatrical performance given by actors and actresses who have moved in interstate commerce are local acts, not subject to Federal regulation, are *Hart* v. *Keith Vaudeville Exchange*, 12 F. 2d 341; and the decision of the Supreme Court of the United States in the case of *Interstate Amusement Co.* v. *Albert*, 239 U.S. 560.

Now I wish to invite the attention of the Senate to the text of 15 Corpus Juris Secundum, subject "Commerce," section 32, page 319. The textwriter says:

> So the business of owning, controlling, and leasing theaters, producing plays and entertainments of the stage, and booking contracts for the production of plays is not "commerce," and the exhibition itself of a motion picture film is beyond regulation as interstate commerce, although the business of distributing them from one State to another for the purpose of exhibition is interstate commerce.

In other words, the textwriter declares that the exhibition of a motion picture film is local commerce and is beyond regulation as interstate commerce.

This statement by the textwriter is supported by a number of decisions. I shall call attention to some of them. These decisions hold that the business of acting in a theater is purely a State affair. The mere fact that the actors were obliged to cross State lines and have transportation paid, in some instances, does not change the character of the service.

(At this point Mr. WILLIAMS of New Jersey took the chair as Presiding Officer.)

Mr. ERVIN. These decisions are placed upon the ground that the presentation of a play is a local event, and the prior movement across State lines was merely incidental. The cases which make that holding, in addition to the Hart case that I have cited, are *Pappas* v. *American Guild of Variety Artists*, 125 Fed. Supp. 343, and *Neugen* v. *Associated Chautauqua Co.*, 70 Fed. (2d) 605. Another interesting case is the decision of the District Court of New York in *San Carlo Opera Co.* v. *Conley*, 72 Fed. Supp. 825.

In the San Carlo Opera Co. case the question was whether the contract was governed by interstate commerce and hence was subject to the Federal Arbitration Act, which is codified in 9 U.S. Code section 1 and the following sections. An agreement had been entered into between an operatic tenor and an opera company under which the tenor contracted to sing in a number of opera houses throughout the country. The court held that the contract did not involve interstate commerce, even though the tenor singer was required to travel from one State to another in order to perform the contract.

The question of whether the presentation of a show constitutes interstate commerce was presented in a very drastic and dramatic fashion in a case in which the Supreme Court of the United States handed down the decision. The case was *Southern Pacific Co.* v. *The State of Arizona*, 249 U.S. 472. In that case a traveling show came into the State of Arizona from the State of California to give several performances at several different towns. After completing the performances in Arizona, the show was to continue into the State of Texas.

The question arose as to whether the show, insofar as its Arizona activities were concerned, was in interstate commerce. The question also was raised as to what fare and freight rate should apply—whether it should be the interstate fare and freight rate or the intrastate fare and freight rate. In that case the Supreme Court of the United States held that the activities of that traveling show in Arizona were local and were not subject to regulation as interstate commerce, notwithstanding the fact that the show had originally come from California, and notwithstanding the fact that it intended, after fulfilling its Arizona performances, to move to the State of Texas.

Mr. President, I ask unanimous consent that the decision of the Supreme Court of the United States in that case be printed at this point in the RECORD.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

SOUTHERN PACIFIC COMPANY v. STATE OF ARIZONA

ERROR TO THE SUPREME COURT OF THE STATE OF ARIZONA

No. 238. Submitted March 13, 1919.—Decided April 14, 1919.

Whether a shipment was at a given time interstate is a question of fact. P. 477.

Evidence held insufficient to prove that a traveling show was moving interstate, at the time of proceedings before a State commission, to require transportation within the State and fix the rate. Id.

The mere intention to continue the tour of a traveling show beyond the State where it was performing, held not enough to give interstate character to a contemplated journey within the State. Id.

A claim of Federal right which was not set up in the State court and made in the assignments of error held not open in this court. P. 478.

Semble, that when required by a State commission to transport a traveling show at a rate which is not objected to and upon terms the same as it has habitually and voluntarily agreed to in like cases, a railroad company has no ground to complain that it is thus deprived of its liberty to make or refuse a contract as a private carrier, in violation of the equal protection and due process clauses of the 14th amendment. P. 478.

19 Arizona, 20, affirmed.

The case is stated in the opinion.

Mr. C. W. Durbrow, Mr. Henley C. Booth and Mr. Wm. F. Herrin for plaintiff in error, in support of the contention that the movement was interstate, cited *South Covington Ry. Co.* v. *Covington*, 235 U.S. 537, 545; *United States* v. *Union Stock Yards of Chicago*, 226 U.S. 266, 304; *Missouri, Kansas & Texas Ry. Co.* v. *Texas*, 245 U.S. 484; *Western Oil Refining Co.* v. *Lipscomb*, 244 U.S. 346, 348.

In support of the contention that the right of private contract was invaded, in violation of the Fourteenth Amendment—*Chicago Rock Island & Pacific Ry. Co.* v. *Maucher*, 248 U.S. 359; *Sante Fe, Prescott & Phoenix Ry. Co.* v. *Grant Brothers Construction Co.*, 228 U.S. 177; *Baltimore & Ohio S. W. Ry. Co.* v. *Voigt*, 176 U.S. 498; *Wilson* v. *Atlantic Coast Line*, 129 Fed. Rep. 774; affd. 133 Fed. Rep. 1022; *Chicago, Milwaukee & St. Paul Ry. Co.* v. *Wallace*, 66 Fed. Rep. 506; *Cluff* v. *Grand Trunk Western Ry. Co.*, 155 Fed. Rep. 81; 1 Hutchinson on Carriers, 3d ed., sec. 88; Moore on Carriers, sec. 38, pp. 79, 80.

It is not necessary in order to render an order or a statute obnoxious to the Federal Constitution that it in terms or in effect authorize the actual physical taking of the property or the thing itself, so long as it affects its free use and enjoyment or the power of disposition at the will of the owner. *Forster* v. *Scott*, 136 N.Y. 577; *Monongahela Navigation Co.* v. *United States*, 148 U.S. 336.

Mr. Wiley E. Jones, Attorney General of the State of Arizona, for defendant in error.

Mr. Justice Clarke delivered the opinion of the court.

An agent for Campbell's United Shows applied to the Southern Pacific Company to transport eighteen cars, carrying a carnival show equipment, including employees and animals, from Tucson via Maricopa, to Phoenix, Arizona.

In reply to this application the company gave two reasons for refusing the request. The first of these was that the company had contracted for the transportation of another show, under an agreement not to carry a second one within thirty days, which had not expired; and the second, that the company was not a common carrier of shows and would not make the customary contract with Campbell, but would serve him only at certain published interstate rates, which it regarded as applicable. These were many times greater than had been charged for the same show and than had been the customary charge by the Southern Pacific and other companies for similar service.

Upon receiving this refusal, an application by the owner of the shows to the Arizona Corporation Commission for relief, resulted in an order to the Southern Pacific Company and the Arizona Eastern Railroad Company, operating a connecting line, to show cause why they should not publish, on one day's notice, a special rate, designated in the order of the commission, for the transportation of the shows between the points named. The reasonableness of the required rate is not contested, and the order permitted the Southern Pacific Company to make the special terms for transportation of the shows which had been customary with it in like cases.

The company refused to obey the order and the commission issued to it a second rule to show cause why it should not be punished for contempt for such disobedience. On this second rule a hearing was had, and the company was adjudged in contempt and fined $1,500, which it refused to pay.

Thereupon the State of Arizona instituted this suit in a superior court of that State to recover the amount of the fine.

In its answer to the complaint of the State, the Southern Pacific Company alleged:

That the proposed movement of the shows was "interstate in character" because they were engaged in a tour, beginning at the City of El Paso, Texas, and designed to extend through the States of Arizona and New Mexico into the State of California, of which tour the movement from Tucson to Phoenix was a part; that in its necessary operation the order would require the company to accept a rate lower than its published interstate rate and would be a direct burden upon interstate commerce; and that, for these reasons, the order for the transportation was in contravention of the provisions of Article I, Section 8, of the Constitution of the United States, and the fine for contempt was unlawfully imposed and void.

The judgment of the superior court was in favor of the State, the company appealed to the Supreme Court of Arizona, which affirmed the judgment, and the case is here on writ of error.

The only claim of error argued in this court which is properly presented by the record is: Whether the persons and property which the commission ordered the railroad company to carry were in interstate transportation when the order was made for the service between two stations in Arizona. If the shipment was then in interstate commerce the order was void, and if it was not the order was valid and the judgment of the Supreme Court of Arizona must be affirmed.

The evidence which was before the courts and the commission was as follows:

Early in February 1914, an agent for the shows applied to the Southern Pacific Company for their transportation from El Paso, Texas, to various towns in Arizona where it was desired to exhibit, and ultimately to Cochise, Arizona, from which point another line would be taken into Tucson. Nothing came of this application and an arrangement was made for carriage to Tucson by another road. Before the shows arrived at Tucson the application out of which this suit arose was made. The agent for the shows testified that the tentative purpose of the management was to go from Tucson to Prescott, to Clarkdale, to Kingman, all in Arizona, and then to Needles, California, exhibiting in each town, but when testifying on March 23d, when his show was exhibiting in Tucson, he said that although he had made application to the Santa Fe Railroad Company for a contract for transportation beyond Phoenix, he had not at that time received a reply.

The agent for the Santa Fe Company at Phoenix testified that about March 20th an application was made to him for a rate and contract for the transportation of the shows over his line from Phoenix to Prescott, "possibly to Clarkdale and to Needles, California."

Two contracts with the Santa Fe Company were introduced in evidence, one dated April 3d, providing for the transportation of the shows from Phoenix to Prescott, to Kingman and to Needles, and the other dated April 16th, providing for transportation from Prescott direct to Bakersfield, California.

The shows were actually carried by the Southern Pacific Company on March 29th or 30th from Tucson to Phoenix but at an interstate rate insisted upon in defiance of the commission's order. At Phoenix the transportation ended so far as the Southern Pacific Company was concerned, and the contract with the Santa Fe Company to carry the shows beyond that city was not concluded, as we have seen, until April 3d—in its modified form not until April 16th.

This statement of the case decides it. Whether a shipment was at a given time in interstate commerce is a question of fact, *Railroad Commission of Ohio* v. *Worthington*, 225 U.S. 101, 108; and it is plainly impossible to say that the property and persons constituting the shipment of the shows here involved were in progress of interstate transportation when the Arizona commission entered its order on March 25 that the company should accept the intrastate shipment from Tucson to Phoenix. For at that time the shows were in the exclusive possession and control of the owner, exhibiting for 6 days at Tucson, and the application to the Southern

Pacific Company which was refused, shows, incontrovertibly, that the transportation to Tucson had terminated, and that no other transportation had then been contracted for. The company itself proved that interstate transportation was not subsequently arranged for until April 3d certainly—and probably not until April 16th—and then was via another line from Phoenix, after two weeks for exhibition in that city.

The mere intention of the shipper to ultimately continue his tour beyond the State of Arizona did not convert the contemplated intrastate movement into one that was interstate. The case is ruled by *Coe* v. *Errol*, 116 U.S. 517; *Chicago, Milwaukee & St. Paul Ry. Co.* v. *Iowa*, 233 U.S. 334; *Gulf, Colorado & Santa Fe R.R. Co.* v. *Texas*, 204 U.S. 403; *Arkadelphia Milling Co.* v. *St. Louis Southwestern Ry. Co., ante*, 134.

It is further argued by the plaintiff in error that the order of the state commission deprived it of its right to make or refuse to make a contract as a private carrier for the transportation of traveling shows, and thereby deprived it of the equal protection of the laws and of its property without due process of law.

It would be enough to say of this contention that no such claim was asserted in the answer of the company in the state court, or even in the assignments of error in this court, and that, therefore, it cannot be considered here. But this omission is not an oversight, for the record shows that it had been the prior practice of the plaintiff in error to transport such shows on application under special contract—a short time before it had transported another show and the year before it had accepted these same shows for transportation—and that the order of the commission was: "It is understood * * * that the * * * company may enter into a contract covering this transportation, the terms of which shall not be in substantial variance with the contract now existing between the Arizona Eastern Railroad Company and Sells-Floto Shows Company, with respect to details, as to responsibility, service, and conditions," which contract was on file with the commission, and was dated March 4, 1914. This form of contract was one also used by the Southern Pacific Company.

Thus this second claim, obviously an afterthought, is so clearly without merit that it cannot be considered, and the judgment of the Supreme Court of Arizona is affirmed.

Mr. ERVIN. Mr. President, the hour is growing late. I have many other decisions dealing with the points which I have been discussing. Many decisions are cited in reply to the memorandum to which I referred, which was filed by the Senator from Minnesota and the Senator from California to sustain the validity of the proposed legislation. The cases to which I refer hold squarely that a presentation of a play or the exhibition of a moving picture, film, or athletic contest within the borders of a State is a local event and local commerce, not subject to Federal regulation, even though the film has been transported in interstate commerce, and even though the athletes or the actors had moved in interstate commerce. But owing to the lateness of the hour, and my conviction that I shall have an opportunity at a subsequent time to elaborate on the question further and call the attention of the Senate to many other decisions, showing that Congress has no power to regulate the places of public accommodation described in title II, I shall desist from further discussion, except for one item.

I ask unanimous consent that I may submit an amendment to the bill, that it may be printed in the body of the RECORD for the information of the Senate, and that the amendment be printed and allowed to remain at the desk until it is called up. I also ask unanimous consent that the reading of the amendment be waived, and that it be deemed that the amendment has been presented and read prior to the time mentioned in the second sentence of the fourth paragraph of subsection 2 of rule XXII.

The PRESIDING OFFICER. Is there objection to the requests of the Senator from North Carolina? The Chair hears none. The amendment will be received and printed, and will be on the table and be printed in the RECORD.

Also, without objection, the reading of the amendment is waived, and it will be deemed to have been presented and read prior to the time specified in rule XXII.

The amendment (No. 497) is as follows:

AMENDMENT NO. 497

On page 27, between lines 20 and 21, insert the following new section:

"SEC. 604. (a) The Congress hereby declares that the individual American property owner, regardless of race, color, creed or national origin, must be allowed, under law, to retain:

"(1) The right of privacy.

"(2) The right to choose his own friends.

"(3) The right to own and enjoy property according to his own dictates.

"(4) The right to occupy and dispose of property without governmental interference in accordance with the dictates of his conscience.

"(5) The right of all equally to enjoy property without interference by laws giving special privilege to any group or groups.

"(6) The right to maintain what, in his opinion, are congenial surroundings for tenants.

"(7) The right to contract with a real estate broker or other representative of his choice and to authorize him to act for him according to his instructions.

"(8) The right to determine the acceptability and desirability of any prospective buyer or tenant of his property.

"(9) The right of every American to choose who in his opinion are congenial tenants in any property he owns—to maintain the stability and security of his income.

"(10) The right to enjoy the freedom to accept, reject, negotiate, or not negotiate with others.

"(b) To the extent of any inconsistency with the foregoing declaration, all laws heretofore enacted by the Congress are hereby repealed, and all Executive orders and all administrative orders, regulations, and instructions heretofore promulgated by any officer, department, agency, or instrumentality of the United States are hereby declared to be void and shall have no legal effect. No such order, regulation, or instruction hereafter promulgated may contain any provision inconsistent with the declaration contained in subsection (a).

"(c) No provision contained in any contract entered into between any officer, department, agency, or instrumentality of the United States and any person, firm, partnership, corporation, State, or political subdivision of a State which is in violation of or inconsistent with any of the declarations contained in subsection (a) shall be deemed valid or enforcible. No officer or employee of the United States may take any administrative or legal action for the enforcement of compliance with any such provision."

STATEMENTS BY SOUTHERN BAPTIST MINISTERS CONCERNING CIVIL RIGHTS LEGISLATION

Mr. THURMOND. Mr. President, I have had called to my attention three important statements by Southern Baptist ministers in response to the recent request that they support the passage of the so-called civil rights legislation through the use of their pulpits. One of the articles is from the "Beacon," of the First Baptist Church of Orlando, Fla. It was prepared by Dr. Henry A. Parker, pastor of the church, and was called to my attention by Dr. Archie Ellis, pastor of the First Baptist Church of Columbia, S.C.

Another article was written by Dr. Leslie W. Edwards, pastor of the Kilbourne Park Baptist Church in Columbia, S.C. His views were printed in the Kilbourne Park Baptist Church weekly newsletter dated April 8, 1964.

The other statement consists of a letter written by the Reverend Wallace M. Taylor, pastor of the First Baptist Church in St. Matthews, S.C. The Reverend Mr. Taylor's statement has been printed in both the Calhoun Times of St. Matthews, S.C., and the News & Courier of Charleston, S.C., and has been well received by many Southern Baptists and others, as have the other two articles to which I have referred.

Mr. President, I ask unanimous consent that the three articles be printed in the RECORD at the conclusion of these remarks.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

[From the Orlando (Fla.) Beacon]

BAPTISTS IN WASHINGTON

By now all of the world knows about President Johnson's appeal to Southern Baptists to support the civil rights bill now pending. There are many things I would like to be able to say about this appeal and the publicity given to it, but space dictates that I confine my remarks to a few statements.

First, the Baptists assembled in Washington were a small group and in no wise spoke for the Southern Baptist Convention, for its churches, or for the more than 10 million members of its constituency.

Second, I would like to register my personal resentment to the President singling out Southern Baptists in such an appeal when actually we are outnumbered by at least two other religious denominations in the Southern States.

Third, I am a Christian minister and a southerner, and have repeatedly urged my people to be thoroughly and genuinely Christian in their attitude, remarks, and treatment of all human beings. On the other hand, I find myself greatly disturbed over the present civil rights bill that is being so ruthlessly pushed by politicians in Washington. I have just completed reading a most enlightening tract entitled, "Unmasking the Civil Rights Bill," which presents the dissenting views of several members of the House Committee on the Judiciary. Their opinion is: "The reported bill is not a moderate bill and it has not been watered down. It constitutes the greatest grasp for executive power conceived in the 20th century." This bill impairs the property rights as well as the civil rights of all Americans as is amply demonstrated in the pamphlet referred to. If the bill becomes law, these Congressmen conclude that our "fireball of liberty will spin into darkness." To say that I am alarmed and disturbed by this "grasp for power" is to put the case mildly. I could wish very much that every American would secure a copy of this tract from the Fundamental American Freedoms, Inc., Suite 520, 301 First Street NE., Washington 3, D.C. From 1 to 10 copies may be secured free of charge.

HENRY A. PARKER.

KILBOURNE PARK BAPTIST CHURCH NEWSLETTER

Baptists have traditionally stood for the independence of each believer and church and the absolute separation of church and state. We have maintained our conviction that each one stands as a priest in his own right, responsible to God alone, and holding the right to his private interpretation of the scriptures and religious belief. We have insistently declared that the state has no jurisdiction over the church, nor should the church seek to dominate the state.

It is in the light of these principles that the request of the President of the United States recently made of Southern Baptists seems out of place and inconsistent with our views. Within the Southern Baptist membership there are many divergent views as to the proposed civil rights legislation, and each one has the right to his own opinion. But the Southern Baptist Convention nor any Baptist church has the right to speak for its constituency on any matter, nor to seek to coerce its members into conformity.

The church cannot and should not be used as an instrument for political or sociological pressure. The President has asked us to help him get his civil rights bill passed as a church. Many of us disagree with the proposed bill and consider it to be wrong in many respects. But suppose we were in unity is agreeing even then the church could not take part in political pressuring.

The task of the church is to preach Christ and to develop within men the principles of Christian living and citizenship. We must preach the gospel of redemption and teach the ethical principles of Christ. From these the individual Christian will express his own views and will, motivated by the spirit of Christ within him, take his place as a citizen of his country.

With all due respects for the high office of the President of United States I cannot and will not use the high office of pastor to engage in political or sociological pressure.

May God bless you all.

CLERGY IN CIVIL RIGHTS

To the NEWS & COURIER:

The following letter has been addressed to President Lyndon B. Johnson:

It was reported on the Huntley-Brinkley newscast Wednesday, March 25, and by news releases of the Associated Press Thursday and Friday, March 26 and 27, that a group of Baptists attending a Southern Baptist Leadership Seminar in Washington were received by you on the White House lawn. According to reports, you read a prepared statement which the group assembled had not expected. In your prepared statement you urged support for the civil rights bill.

As a Baptist, I desire to make my feelings known. I believe an obvious danger can be seen in becoming identified with a political party supporting as a church group that party's program. In an effort to get into the world of human affairs and become identified with it, the church faces the danger of losing its distinctive message and power. It may become just one of many agencies that engage in efforts to improve human society by human means.

The church, whether Negro or white, may forget that its primary purpose is to lead people to salvation in Christ and to proclaim the Gospel under the leadership of the Holy Spirit. In the midst of all the agitation today, I wonder how many of the Negro pastors are effectively preaching the word of God to their flock. Or do they spend a great deal of their time organizing and leading demonstrations?

Many religious leaders, Negro and white, have participated in civil rights demonstrations. The Negroes have been encouraged from Washington to carry their problems to the streets instead of to the courts. Certainly it is not Christian to follow "mob law" under Negro leadership any more than under white leadership. Under Negro leadership, schools have been boycotted in New York, Chicago, Ill., and Orangeburg, S.C., as well as elsewhere.

Cities have traffic jams, and businesses are halted by street mobs because many Negroes now seem to feel that they have been given special license to do whatever they please in the name of freedom. The Apostle Peter evidently wrote for the Negroes and whites when he said, "Be subject to every ordinance of man for the Lord's sake."—I Peter 2: 13.

I am writing as an individual. I do not presume to speak for the church which I pastor nor for any group of people. Mr. President, I would hope that you and other national leaders would understand that as Baptists no individual, nor group of individuals, can speak for over 10 million Southern Baptists. Especially is this true regarding legislation sponsored by any political party. I believe that Southern Baptists and other religious groups want justice on behalf of the minority groups and that most of us as pastors try by preaching and example to encourage our people to exemplify the love of Christ in all of our relationships.

However, we do not want to feel that we are coerced by the administration into backing a move to enlarge Federal power to the point where one would be denied the freedom to choose his associates and neighbors. Our economic system is based on private ownership of property. The civil rights bill proposed would destroy many of the rights that were fought for by our forefathers and guaranteed in our Constitution and Bill of Rights.

It is my hope that law and order will prevail among Negroes, as well as among whites, that the love of God will motivate us in all of life's relationships without any threat of Federal power from Washington, D.C.

WALLACE M. TAYLOR,
Minister, the First Baptist Church.
ST. MATTHEWS.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2394) to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF SECTION 1006, TITLE 37, UNITED STATES CODE, RELATING TO PAY AND ALLOWANCES OF CERTAIN MEMBERS OF THE ARMED FORCES

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 1006 of title 37, United States Code, to authorize the Secretary concerned, under certain conditions, to make payment of pay and allowances to members of an armed force under his jurisdiction before the end of the pay period for which such payment is due (with an accompanying paper); to the Committee on Armed Services.

REPORT ON PROVISION OF AVIATION WAR RISK INSURANCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of aviation war risk insurance, as of March 31, 1964 (with an accompanying report); to the Committee on Commerce.

REPORT ON IMPROPER USE OF FUNDS APPROPRIATED FOR CONSTRUCTION OF THE THATCHER FERRY BRIDGE BY THE PANAMA CANAL COMPANY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the improper use of funds appropriated for construction of the Thatcher Ferry Bridge by the Panama Canal Company, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON SURVEY OF POSTAL RATES

A letter from the Postmaster General transmitting, pursuant to law, a report on a survey of postal rates, dated April 15, 1964 (with an accompanying report); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A letter in the nature of a petition from Alfred C. Bean, of Corona, Calif., relative to his claim for allegedly being illegally in Costa Rica; to the Committee on Foreign Relations.

A letter in the nature of a petition from C. R. Mead, of Westpoint, Conn., concerning the oath required of persons seeking naturalization as citizens of the United States; to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER (by request):

S. 2734. A bill to amend section 8(e) of the Soil Conservation and Domestic Allotment Act; to the Committee on Agriculture and Forestry.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Oregon will state it.

Mr. MORSE. Did the Senator from Louisiana [Mr. ELLENDER] just introduce a bill?

Mr. ELLENDER. The Senator is correct.

Mr. MORSE. I thank the Chair.

By Mr. YOUNG of North Dakota (for himself and Mr. BURDICK):

S. 2735. A bill to provide for the establishment of a mint of the United States at Bismarck, N. Dak.; to the Committee on Banking and Currency.

By Mr. NELSON:

S. 2736. A bill for the relief of Georges Fraise; to the Committee on the Judiciary.

By Mr. MUNDT (for himself, Mr. ALLOTT, Mr. DOMINICK, Mr. CARLSON, Mr. CURTIS, Mr. SIMPSON, Mr. LONG of Missouri, Mr. SYMINGTON, Mr. HRUSKA, Mr. MILLER, and Mr. YOUNG of North Dakota):

S. 2737. A bill to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program; to the Committee on Public Works.

(See the remarks of Mr. MUNDT when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE:

S. 2738. A bill to amend the act of August 12, 1955, as amended, relating to elections in the District of Columbia; to the Committee on the District of Columbia.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. McGEE:

S. 2739. A bill to provide premium compensation for work performed on Saturday or Sunday by employees in the postal field services; to the Committee on Post Office and Civil Service.

By Mr. MILLER:

S. 2740. A bill to prohibit the sale by the Postmaster General of stamped envelopes containing lithographing, engraving, printing, or advertising; to the Committee on Post Office and Civil Service.

By Mr. RIBICOFF:

S.J. Res. 168. Joint resolution providing that an Environmental Health Center that may hereafter be established in the Public Health Service shall be known as "Rachel Carson Memorial Research Center for Environmental Health"; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. RIBICOFF when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

REQUEST FOR PRESIDENT TO PROCLAIM NATIONAL HALIBUT WEEK

Mr. MAGNUSON (for himself and Mr. JACKSON) submitted a concurrent resolution (S. Con. Res. 79) requesting the President to proclaim the 6-day period beginning May 18, 1964, and ending May 23, 1964, as National Halibut Week, which was referred to the Committee on the Judiciary.

(See the above concurrent resolution printed in full when submitted by Mr. MAGNUSON, which appears under a separate heading.)

DESIGNATION OF THE PICK-SLOAN MISSOURI BASIN PROGRAM

Mr. MUNDT. Mr. President, I introduce, for appropriate reference, a bill which would designate the comprehensive program of flood control, and development for the Missouri River Basin as the Pick-Sloan Missouri Basin program. Joining me in the introduction of this bill are Senators ALLOTT, DOMINICK, CARLSON, CURTIS, SIMPSON, LONG of Missouri, SYMINGTON, HRUSKA, MILLER, and YOUNG of North Dakota.

Mr. President, just 20 years ago this year, in 1944, the Congress passed what is known as the Flood Control Act of 1944. This act resulted from studies which had been made of flooding activities of the Missouri River and led up to the enaction of the needed law to carry out the massive development program which has taken place in the Missouri River Valley.

During the summer of 1943, based primarily upon the disastrous consequence of the now famous 1943 Missouri River flood, there was a tremendous upsurge of interest among Missouri Basin citizens to develop some method of preventing for all time, a recurrence of floods on the Missouri River. Under the leadership of the then Missouri River division engineer, Col. Lewis A. Pick, the Corps of Engineers had developed a program which consisted of a series of reservoirs on the upper Missouri River coupled with bank stabilization and other channel control features on the river from a point below Yankton, S. Dak., to the mouth.

This plan became known as the Pick plan, and during the summer of 1943, Colonel Pick and a number of leading Missouri Basin citizens made extensive trips throughout the valley to explain the program in detail to the citizens. These meetings were in the nature of public hearings and I participated in a number of them.

On February 28, 1944, the Secretary of War finally transmitted to Congress a report of the Corps of Engineers relative to controlling floods on the Missouri River. The report states:

> In addition to providing flood control benefits on the Missouri and Mississippi Rivers, the comprehensive plan would also provide for the efficient utilization of the waters of the Missouri River basin for all purposes, including irrigation, navigation, power, domestic and sanitary purposes, wildlife and recreation.

Simultaneously with the development of the Pick plan, the Bureau of Reclamation under W. Glen Sloan, then Assistant Regional Director of the Bureau of Reclamation, was developing a water resources program for the Missouri Basin, based primarily upon the requirements of reclamation and power development. That program was submitted to Congress in April 1944 by the Secretary of the Interior.

Because of differences between the Pick plan and the Sloan plan and because neither satisfied both upstream and downstream interests, legislation to authorize the projects in the reports of the Corps of Engineers and the Bureau of Reclamation made very slow progress in the 78th Congress. It became increasingly obvious that the two plans would have to be coordinated if there was to be any hope of congressional approval.

During the Senate Commerce Committee hearings on H.R. 3961 in May 1944, Reclamation Commissioner Bayshore introduced W. Glen Sloan to explain the engineering details of the Sloan plan. As hearings proceeded on that bill and on H.R. 4485, which was to become the 1944 Rivers and Harbors and Flood Control Act, the reclamation program began more and more to be called the Sloan plan. It was thus referred to on several different occasions during those hearings.

During the same period of time, the Corps of Engineers program for dams on the Missouri River was also discussed by the Committee on Commerce of the Senate. Just as had happened with the Sloan plan when the Bureau program was under discussion, the Corps of Engineers plan began to be called the Pick plan.

For example, in the hearings, Gov. M. Q. Sharpe, of South Dakota, referred to the corps portion of the program as the "Pick plan." Later in the hearings in describing tours made by then Colonel Pick and W. Glen Sloan throughout the basin, Mr. Harry Trustin, now president of the City Council of Omaha, Nebr., repeatedly referred to the Pick plan and the Sloan plan.

In these hearings, my colleague, Senator ROBERTSON, referred to the Corps of Engineers' plan as the Pick plan and the Bureau of Reclamation's plan as the Sloan plan. In one place, Senator ROBERTSON asked Mr. Sloan if he was "the author of the Sloan plan."

Still later in the hearings, Col. Miles Reber, Deputy Chief, Legislative and Liaison Division, Office of the Chief of Staff of the War Department, said "there is an overall plan for the Missouri River today, the Pick plan and the Sloan plan."

On October 23, 1944, representatives of the Interior Department and the Corps of Engineers agreed on the combined program. The agencies agreed as to who should construct various projects involved in the two plans and upon their coordinated functions.

The legislation implementing the basic agreement between the Bureau of Reclamation and the Corps of Engineers was contained in H.R. 4485, which became the Flood Control Act of 1944 or Public Law 534, 78th Congress, 2d session, and H.R. 3961, which did not become law in 1944 but which ultimately became the Rivers and Harbors Act of 1945; Public Law 14, 79th Congress, 1st session.

By now, the combined program was being called the Pick-Sloan Missouri Basin program by citizens throughout the Missouri Basin. A reference to newspaper clippings of that day shows that the press used this term as the generic phraseology with which to describe the program.

Since that day, the phrase "Pick-Sloan Missouri basin program" has become the most commonly used expression with which to designate the comprehensive Missouri Basin development program.

A perusal of hearing records of both the House and Senate Appropriations

Committees during the intervening years discloses that more and more witnesses began to use this form as the term to designate the comprehensive basin development program. Similarly, newspaper stories from that date to this indicate that in the public mind, the comprehensive Missouri Basin program is usually known as the Pick-Sloan Missouri Basin program.

Col. Lewis A. Pick, who at the time was Missouri River division engineer, went on to become the Chief of Engineers. It was during his tenure in that office that much of the initial construction was done. General Pick is now deceased.

W. Glenn Sloan, then assistant regional director of region 6 of the Bureau of Reclamation, continued to serve the Bureau well in many capacities until his retirement several years ago. During his active tenure in office, much of the construction work of the Bureau's phase of the comprehensive program was begun. The high esteem in which Mr. Sloan is held by citizens of the basin is at least partially indicated by the fact that streets have been made for him, he has been the recipient of a number of academic degrees and his name will go down in history as coauthor of the most comprehensive water resources development program ever undertaken in this Nation.

Similarly, testimony by various officers of the Corps of Engineers left no doubt as to the authorship of the Corps' plan for water resource development in the Missouri Basin. General Pick's importance in the acceptance of the basin program by the citizens of the valley is further strengthened by the fact that it was he who, in the company of leading Missouri Basin citizens and Glenn Sloan, toured the valley and conducted public hearings to develop and crystallize the thinking of basin citizens as to the importance of flood control and multipurpose use of the waters of the Missouri basin. These travels took place during the summer of 1943, a full year prior to the discussion which led ultimately to the approval by Congress of the Flood Control Act of 1944.

It is very fitting and proper, therefore, that Congress recognize the contributions of these two gentlemen by making official the words "Pick-Sloan Missouri Basin program" as the proper nomenclature for the comprehensive Missouri Basin development program. Basin leaders who were involved in the acceptance of the program by Congress during the days of its development and congressional discussion will well remember the contributions of these two gentlemen and would agree that their contributions should be memorialized in perpetuity. Now, a new generation of basin leaders is being developed. It is well to remind these younger men of the immense contributions which Lewis A. Pick and W. Glenn Sloan have made to the economy and to the Missouri Basin development program, the fruits of which we are all now beginning to reap. I hope our bill to officially designate this vast development as "the Pick-Sloan Missouri Basin program," will be adopted.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2737) to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program, introduced by Mr. MUNDT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

AMENDMENT OF LAW RELATING TO ELECTIONS IN THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excellent editorial entitled "New Primaries Law." The editorial was published today in the Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEW PRIMARIES LAW

> The District court, in its decision on the case brought by the District Republican Party, has apparently eliminated the possibility of holding presidential preference primaries here. The decision of Judge William B. Jones that the statute setting up the board does not permit presidential primary questions on the local ballot may or may not be upheld on appeal, but at least it highlights the weaknesses of the present law. Both the local government and Congress should take note.
>
> Judge Jones found little merit in the board's ruling that the names of presidential candidates could be placed on the ballot only if they gave their consent. The purpose of having such names on the ballot would obviously be to guide the party's delegates elected in the primary when they cast their ballots for a presidential candidate at the convention. That purpose would be served whether or not the candidates formally entered the local primary. So the Board was wrong in drawing a distinction between candidates who had given their consent and those who had not.
>
> But Judge Jones concluded that, in either event, Congress had not intended to authorize preferential primaries here. What Congress did was to authorize the board of elections to put on primary ballots questions relating to party affairs. It is true that a specific provision for preferential primaries was eliminated from the bill in conference. But Congress could have taken this action in the belief that the more general authorization of questions relating to party affairs would permit District voters to indicate their choice of presidential candidates.
>
> At best, however, the District statute has been a weak reed on which to rest a presidential primary system. It has served only as an expedient to give convention delegates some indication of popular sentiment in regard to rival candidates. With even that uncertain machinery discarded, it is of the utmost importance to enact a new preferential primaries law in keeping with the District's new participation in the presidential contest. Here is a real opportunity for District officials and Congress to draft a primaries law for future elections that could well become a model for the country.

Mr. MORSE. Mr. President, I think the editorial has great merit. It concludes as follows:

> Here is a real opportunity for District officials and Congress to draft a primaries law for future elections that could well become a model for the country.

Mr. President, this morning I read that editorial; and then I went to work, and obtained the assistance of the Senate legislative counsel. During the day we have drafted what I think is a good primary law for the District of Columbia. It is modeled somewhat after the Oregon law. It is one which would guarantee to the two major parties in the District of Columbia an opportunity to have placed on the District primary ballot the names of the candidates of the two parties for election to be President and Vice President of the United States. It would thereby give to the voters in the District of Columbia an opportunity to vote on their choices for their party's nominees.

I introduce the bill, send it to the desk, and request its appropriate reference.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2738) to amend the act of August 12, 1955, as amended, relating to elections in the District of Columbia, introduced by Mr. MORSE, was received, read twice by its title, and referred to the Committee on the District of Columbia.

PROHIBITION OF SALE OF STAMPED ENVELOPES CONTAINING LITHOGRAPHING, ENGRAVING, PRINTING, OR ADVERTISING BY POSTMASTER GENERAL

Mr. MILLER. Mr. President, I call attention to one of the most unfair, unreasonable and ridiculous situations one can imagine.

It is unfair because it deals with price cutting where big business is shutting out little business. It is unreasonable because it involves a loss of tax money and a pricing system no businessman in his right mind would use.

The State of Iowa—and almost every other State—is engaged in a great campaign to attract industry and get more payrolls into the State. But every year one of our major industries, the printing industry, loses hundreds of thousands of dollars because of unfair competition. This money for labor and a product go out of the State. The printers of Iowa and the other States can use the business.

I am referring to the Government printing of envelopes. Of course, I realize it is an old story but to me some new research by the Iowa Press Association puts an entirely new light on the matter. Let us discuss it in simple economic terms, in dollars and cents.

Here are the prices charged by the Post Office for stamped envelopes:

Size	Denomination	Per 1,000	Per 500
Plain, stamped (unprinted) regular envelopes:			
No. 6¾	5 cents	$56.40	$28.20
No. 10	do	57.60	28.80
Printed, stamped regular envelopes:			
No. 6¾	do	58.90	29.45
No. 10	do	60.10	30.05

Let us take the regular business No. 10 envelopes for example: Note that you can buy 500 unprinted for $28.80. Notice that it only costs $30.05 to have the envelopes imprinted by the Post Office. In other words they will print 500 envelopes for $1.25.

Now, Mr. President, no printer however big or little can make up a form and print one set of envelopes for $1.25 and meet the provisions of the wage and hour law, or in fact, keep from losing money by any standard.

It is not fair that the Federal Government, big business that it is, should be allowed to compete so unfairly with small printers. In fact, should the Government be in the printing business at all?

I believe it is claimed that the Government encourages the use of printed envelopes to keep mail out of the dead letter office. Reputable business firms are not the offenders of dead letter mail and this printing subsidy is not serving even its alleged purpose.

Title 39, section 2510, United States Code, now reads:

> The Postmaster General may not sell stamped envelopes containing any lithographing or engraving, printing, or advertising, other than the usual request for return of the envelope to the sender.

It is my opinion that no exceptions should be provided for printing of the requests for return to the sender. Therefore, I introduce, for appropriate reference, a bill which would amend section 2510 of title 39, to prohibit the Postmaster General from selling stamped envelopes containing any printing or advertising whatsoever.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2740) to prohibit the sale by the Postmaster General of stamped envelopes containing lithographing, engraving, printing, or advertising, introduced by Mr. MILLER, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

NATIONAL HALIBUT WEEK

Mr. MAGNUSON. Mr. President, the week of May 18 through 23 has been set aside by the Halibut Fishermen's Wives and the Deep Sea Fishermen, along with the entire fisheries industry, and proclaimed by them as National Halibut Week.

I should like to have printed in the RECORD a communication from Senator Ted G. Petersen, member of the Washington State Legislature.

It will be noted, from reading his statement, that a new halibut product is coming on the market—canned halibut. From personally sampling it, I can agree that it is a very palatable sea food.

I have just finished reading a book—"Halibut Recipes"—published by the Halibut Fishermen's Wives Association of Seattle—31 ways in which to prepare and serve this wonderful fish—should never be read, except after meals. My hunger increased as I read from page to page; and tonight I am going to have halibut for dinner.

Upon request, copies of "Halibut Recipes" will be made available to Members of this body to enable them better to celebrate National Halibut Week.

Mr. President, on behalf of myself, and my colleague, the junior Senator from Washington [Mr. JACKSON], I submit, for appropriate reference, a concurrent resolution.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution and letter will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 79) was received and referred to the Committee on the Judiciary, as follows:

> *Resolved by the Senate (the House of Representatives concur ing)*, That the President is authorized and requested to issue a proclamation designating the six-day period beginning May 18, 1964, and ending May 23, 1964, as National Halibut Week and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The letter presented by Mr. MAGNUSON is as follows:

> WASHINGTON STATE SENATE,
> *March 26, 1964.*
>
> Senator WARREN G. MAGNUSON,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR WARREN: The president of the Halibut Fishermen's Wives, Mrs. G. Molvik, and the Deep Sea Fishermen, along with the entire fisheries industry, by unanimous resolution, are setting aside the week of May 18 through May 23 as National Halibut Week.
>
> They are desirous of establishing this week to alert the citizens of the United States on the benefits and use of the halibut resources. It is hoped that you can be instrumental in setting aside this week for this purpose as it coincides with a fisheries congress which will be held in Ottawa on Friday, May 22.
>
> This fishery is having its problems but through marketing research has been able to can halibut and it has become a very palatable seafood through this canning process.
>
> We are only endeavoring to help popularize a fisheries through the establishment of a National Halibut Week.
>
> Sincerely,
> TED G. PETERSON.

PRINTING OF REVIEW OF REPORT ON THE LITTLE COLORADO RIVER, WINSLOW, ARIZ. (S. DOC. NO. 63)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated July 11, 1963, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the report on the Little Colorado River, Winslow, Ariz., requested by a resolution of the Committee on Public Works of the U.S. Senate, adopted November 6, 1957.

I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL RIGHTS—AMENDMENTS (AMENDMENTS NOS. 492, 493, 494, 495, AND 496)

Mr. JOHNSTON submitted five amendments, intended to be proposed by him to House bill 5172, the civil rights bill, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF BILLS

Mr. ELLENDER. Mr. President, I ask unanimous consent that the name of the Senator from Wyoming [Mr. MCGEE] be added as a cosponsor of Senate bills 2720, 2635, and 2726, at their next printing.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARINGS ON NOMINATIONS OF CHARLES E. SIMONS, JR., AND ROBERT W. HEMPHILL, OF SOUTH CAROLINA, TO BE DISTRICT JUDGES

Mr. JOHNSTON. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Wednesday, April 22, 1964, at 9 a.m., in room 2228, New Senate Office Building, on the following nominations:

Charles E. Simons, Jr., of South Carolina, to be U.S. district judge for the eastern district of South Carolina, and Robert W. Hemphill, of South Carolina, to be U.S. district judge for the eastern and western districts of South Carolina.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman, the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Nebraska [Mr. HRUSKA].

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. JOHNSTON:

Speech delivered by Representative Robert W. Hemphill, of South Carolina, entitled "Leadership Justifies Confidence," delivered on March 29, 1964.

RECESS UNTIL 10 O'CLOCK A.M. TOMORROW

Mr. RIBICOFF. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock a.m. tomorrow.

The motion was agreed to; and (at 10 o'clock and 16 minutes p.m.), the Senate took a recess, under the order previously entered, until tomorrow, Thursday, April 16, 1964, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 15 (legislative day of March 30), 1964:

U.S. CIRCUIT JUDGE

Abraham L. Freedman, of Pennsylvania, to be U.S. circuit judge, third circuit, vice Herbert F. Goodrich, deceased.

U.S. DISTRICT JUDGES

Ray McNichols, of Idaho, to be U.S. district judge for the district of Idaho, vice Chase A. Clark, retiring.

Sidney L. Christie, of West Virginia, to be U.S. district judge for the northern and southern districts of West Virginia, vice Harry E. Watkins, deceased.

Charles E. Simons, Jr., of South Carolina, to be U.S. district judge for the eastern district of South Carolina, vice Ashton H. Williams, deceased.

Robert W. Hemphill, of South Carolina, to be U.S. district judge for the eastern and western districts of South Carolina, vice George B. Timmerman, retired.

EXTENSIONS OF REMARKS

National War on Poverty

EXTENSION OF REMARKS
OF
HON. CRAIG HOSMER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 15, 1964

Mr. HOSMER. Mr. Speaker, in a special message to Congress, President Johnson recommended legislative action against poverty, calling for total victory in a national war on poverty.

The message was accompanied by a 46-page omnibus bill, H.R. 10440, written by various White House aids. It contains a wide variety of new spending measures, increased spending for some laws now on the books, a revival of other programs out of President Franklin D. Roosevelt's first administration which subsequently died, together with provisions for an antipoverty czar here in Washington with very broad powers.

H.R. 10440 can be likened to a large bundle of sticks, some of which may be strong and of good quality, others of which may be weak and unreliable. Anyone who wants to examine these sticks one by one, rather than buy the total package like a pig in a poke is going to risk accusations of being for poverty.

Nevertheless, it is my intention to run such risk and for a very good reason: It is well known that several key members of the Johnson administration—even Cabinet secretaries—are violently opposed to some of the sticks in the bundle known as H.R. 10440. They grouse about them bitterly in private, even though they cannot do so in public without being fired.

I consider myself just as much against poverty as President Johnson. I think it should be eliminated wherever it may exist and such effective measures as will do so are well within the national interest and well worth the effort and expense involved. However, I refuse to be a party to running in endless, useless—but politically attractive—circles of expenditures in the name of eliminating poverty but which have no prospect whatever of doing so. I am not willing to be a party to measures which subsidize poverty in the name of eliminating it. Nor am I about to approve blindly any scheme which will unnecessarily concentrate power in the hands of Washington bureaucrats—which I regard as a contributing cause of poverty.

In short, like most Americans, I will regard with favor any reasonable stick in the bundle which does, in fact, have effective promise for eliminating the blight of poverty. But also, like most Americans, I look with disfavor on any of those which have failed in the past or show no promise for the future. This is because squandering Federal money uselessly is not a sure cure for poverty, it is a sure way to make it universal.

Cheap Imports Hurt Shoe Industry and Others

EXTENSION OF REMARKS
OF
HON. PHILIP J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 15, 1964

Mr. PHILBIN. Mr. Speaker, the continued imports of shoes is disconcerting and bewildering. It bears no good portent for our shoe industry.

It probably will continue to increase with ever graver implications.

Of course it should be stopped and stopped now.

How to do it. It is obvious it will not be done effectively by so-called informal agreements, or by hearings before the Tariff Commission which are usually abortive and seldom productive of real relief, as the law now stands.

Before any real relief can come to the shoe industry, impacted, as it is, by steadily mounting, cheaply produced imports, the basic law will have to be changed. That is clear and obvious.

It is idle to talk about "peril points" and "escape clauses" that are never enforced and seldom invoked and flagrantly ignored.

It is all too trusting and but a pious hope, to expect that officials who, in principle, approve the steady, growing flow of imports into this country could be relied upon to check them.

I think it is time for American industry to realize where the remedy lies, if indeed any remedy can be applied in the light of all the current apathy and opposition.

There are many in the Congress willing to help to save our American industrial structure from the devastating effects of low-standard, foreign competition, but until the industries and employees affected make it unmistakably clear to their Representatives in Congress that they are prepared to wage a strong, determined, organized campaign to revise these stultifying laws it is all too much to expect this situation will improve. The fact is it will continue to get much worse.

While changes in Government statistical methods make it difficult to get comparative figures, the foreign trade committee for the shoe manufacturing industry has ascertained that total foreign imports of footwear for 1963 were over 91 million pairs, valued at $108 million and equal to 13 percent of domestic production of leather and rubber-canvas types of footwear.

This situation needs to be corrected and fast. Can we mobilize the leadership and support from American industry and labor to accomplish this desperately needed task?

Franklin Square Post Office Cited for Excellence

EXTENSION OF REMARKS
OF
HON. JOHN W. WYDLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 15, 1964

Mr. WYDLER. Mr. Speaker, in August 1962, in order to create a continuing awareness of good housekeeping practices by all employees of the postal service and to improve the postal image to the general public, the Post Office Department instituted an award entitled "Citation for Excellence." This award is authorized for presentation to those facilities demonstrating superior accomplishments.

Recently, after a survey of housekeeping practices at more than 1,500 post offices, the post office at Franklin Square, Nassau County, N.Y., which is in the Fourth Congressional District, which I have the honor of representing, was adjudged to be superior and eligible for the citation.

My congratulations to Postmaster Anthony B. Nicastri and all the employees of his post office in Franklin Square who contributed to the award.

The wording of the award follows:

THE POSTMASTER GENERAL'S CITATION FOR EXCELLENCE

To the community of Franklin Square and its postal employees for maintaining the building and grounds of the Franklin Square Post Office in such a manner as to provide a clean, attractive, and pleasant place in which the public may conduct its postal business.

JOHN A. GRONOUSKI,
Postmaster General.

I am proud that this post office is located in my congressional district.

National Library Week

EXTENSION OF REMARKS
OF

HON. HUGH L. CAREY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 15, 1964

Mr. CAREY. Mr. Speaker, this week, April 12-18, we salute National Library Week. Having recently enacted legislation vital to expanded library service, we are keenly aware of the major and fundamental role libraries play in a free society. To the National Library Week slogan "Reading Is the Key to New Worlds" we might add, "Libraries Are the Key To Realizing American Objectives." Functioning as storehouses of knowledge, as disseminators of information, and as educational and cultural institutions, the libraries of this country have served goals basic to the American system since the time of its founding.

Social, educational, and economic developments have daily increased the responsibilities of our libraries. Population expansion, increased leisure time, training for new skills, and a body of knowledge that both accumulates and becomes obsolete at a staggering rate demonstrate that the library must be a dynamic and growing institution able to meet diverse and changing needs. School and college libraries should be at the center of the instructional program with current materials and methods to meet the demands of a modern curriculum. All special and State libraries have a greater job in maintaining up-to-date and complete records and collections. The public library, must develop, improve, and extend the wealth of its resources so that it might truly serve all the American people.

In describing the modern public library of today, Francis St. John, former director of the Brooklyn Public Library said:

> It covers all segments and ages of our society. Its resources and services reach the citizen seeking information, the student, the technologist, the scientist, the businessman, government officials, housewives, children, and you might say the total community. It is the information center for the total community and the main source of continuing education for the adult population.

In large urban areas the library has the important opportunity to serve diverse segments of our population such as businessmen, the adult learners, the potential delinquent, gifted children, and retired persons. The library can also be a significant weapon in the war against poverty in opening new worlds to culturally deprived youths and adults.

The free and ready access to knowledge is a right and privilege. Exercise of this privilege is increasingly crucial to individual well-being and the success of our system. A great lady of the world of books, Dorothy Canfield Fisher, once said:

> And there is no shaping modern human personalities to the necessary minimum of intelligence and civilized standards without a continuous, widespread use of books of decent quality.

Libraries are a wellspring of opportunity serving our Nation's objectives. In saluting National Library Week it is fitting to stress the need for continued promotion, support, and use of the Nation's library resources and services this week and each week throughout the year.

Foreign Aid: U.S. Labor Programs in Turkey

EXTENSION OF REMARKS
OF

HON. ROBERT R. BARRY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 15, 1964

Mr. BARRY. Mr. Speaker, there are many aspects to a well-rounded aid program in any country. Take, for example, Turkey, a valuable and strategically located ally which links Europe with Asia. Most of this country of 30,000 square miles is a high, semiarid plateau surrounded by mountains. Its population which was estimated at 29.4 million in 1962 has a per capita income of $210. Although agriculture still predominates, the mining of its rich mineral deposits and the rising industrial sector are contributing more and more to the development of a modern Turkish state.

Just as important as the economic aid we are giving Turkey to achieve this advancement is our assistance to their labor ministry and private labor unions through AID development grants. If Turkey and other countries like it are to become vigorous, modern states, they must not only encourage technical advancement but also foster a corresponding change in attitudes and institutions. This change must not only permeate the upper classes, but necessarily pervade the working classes which, more than any other group, could be attracted to communism.

Thus, our Turkish labor aid program does not only cover inplant training projects, which provide Turkish enterprises with skilled workers and manpower projects with the Turkish Ministry of Labor, which encourage the study of manpower needs, but it also includes the training of labor officials, at the national, regional, and local level. Under agreements reached with Turkey's Organization for Economic Cooperation that began in fiscal year 1961 and are scheduled to end in fiscal year 1968, the Turkish Confederation of Labor, which represents 162 local unions whose combined membership exceeds 400,000, has responsibility for the education and training projects. Working with them are two full-time American advisers who have so far obtained promising results.

In the spirit of joint participation, the scope of this program encompasses the entire labor relations field. This year approximately 900 Turkish trade union leaders, from shop stewards to top level union leaders will study areas vital to them. Subjects include collective bargaining, agriculture production, industrial relations, and such complicated courses as labor economics and statistics and labor law administration.

Although most training takes place in Turkey, some trade unionists, under the participant training program, are visiting the United States to study our labor problems and the techniques of American unions. One such recent visitor, Mr. Oktay Poyraz, director of public relations and publications for the Confederation of Turkish Trade Unions, said after spending 4 months here with different American unions that "AID does a tremendous job with its exchange program, especially with labor and in the trade union field."

It is certainly heartening to hear such praise of and appreciation for our aid program. However, the success of this project is possibly best illustrated by the expression of interest from the business sector. Following the Turkish law of July 1963 calling for collective bargaining and free trade unionism, business has shown a desire for management training as well.

Voter Registration

EXTENSION OF REMARKS
OF

HON. CHARLES L. WELTNER

OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 15, 1964

Mr. WELTNER. Mr. Speaker, though the right to vote is one of the most cherished and hard-won privileges of American citizenship, it often is the case that citizens do not use it. In recent months, an extensive voter registration campaign has been underway in Fulton County, in the Fifth District of Georgia.

Under the leadership of local officials such as Chief Registrar Leon Hay and many interested citizen groups, an impressive gain of over 75,000 new voters is expected.

Acting under a law passed in a recent session of the Georgia Legislature, Registrar Hay has taken the voters' books out of the courthouse and into the neighborhoods, even during the evening hours, to give citizens an opportunity to register.

Mr. Speaker, I would commend the staff of the Fulton County registrar's office, and other civil groups including the Ben Hill Junior Chamber of Commerce, for this important and successful service.

"Leadership Justifies Confidence"—Speech by Representative Robert W. Hemphill of South Carolina

EXTENSION OF REMARKS

OF

HON. OLIN D. JOHNSTON

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 15, 1964

Mr. JOHNSTON. Mr. President, I would like to bring to the attention of the Senate an outstanding speech made by Representative ROBERT W. HEMPHILL, of the Fifth Congressional District of South Carolina, at the occasion of the dedication exercises of the new Jefferson Post Office on March 29. The subject of Mr. HEMPHILL's talk was "Leadership Justifies Confidence," and he defends our great democratic system of government and our way of life in his usual forceful manner.

Mr. President, I ask unanimous consent to have Representative HEMPHILL's address printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

LEADERSHIP JUSTIFIES CONFIDENCE

(By Representative ROBERT W. HEMPHILL)

Senator Leppard, Mayor Miller, Postmaster Thomas, distinguished guests, ladies and gentlemen, thank you for having me here today. While I am sure I cannot feel as much pride in this new evidence of Jefferson's progress as you who live here must feel, I delight to share your happiness and your justifiable delight in this new facility. It is a token of the steady and sure pattern of progress symbolic of the town of Jefferson, and its people, today and tomorrow.

As most of you know, our national debt is around $300 billion. You doubtlessly know also that the gold reserves are at the lowest in many, many years; on the international front, or fronts, as it were, we are besieged, bedamned, and at times seemingly bewildered. Domestically we face high unemployment, despite our civilization and progress, and I suppose there are all sorts of other signs, problems, and troubles which make happiness for the prophets of gloom in our country today. I thank Heaven that I am not one of those.

In international affairs we have failed to evaluate the progress we have made. We have maintained the salutary effect of our Peace Corps on our country-to-country and people-to-people relations. We have maintained, here at home, the strong stand taken by President Kennedy in the Cuban missile incident. Until his unfortunate death, the prophets of gloom here at home endeavored to overshadow or hide the impact and the image that Mr. Kennedy, as President of the United States, made all over the world.

On November 22, there emerged from out of the tragedies of the hour, a sure and experienced statesman, who gave the world its greatest and most modern lesson of confidence in the continuity of our way of life and our system of government that this century has witnessed. In his first 100 days, the President of the United States, Lyndon Johnson, has used his great talent and his great American traits to reassure the free world and to strengthen our world leadership. In this great effort he has exhibited the acknowledged and great American characteristics of hard work, comprehension, coordination, humility, leadership, and many other happy factors that good fortune has bestowed upon him, and through him, on the American people. Even the prophet of gloom will have to admit that his direction of the ship of state has been sure, significant, and salutary.

But some may say, look how much we are in debt. Is our money sound? What about the fact that we have debts to finance it? What blind ray, or rays, of hope does our horizon of the future offer? What consequence has such contemplation on the occasion of the dedication of a small post office in a small but growing town, in a small Southern State?

This post office is a part of the wealth of our Nation and the wealth of our people. Because of the way we keep our books in our Government we fail to list as assets of our people, of our Republic, the millions of acres of land, the timber, the minerals and stored water, that we as a people own in the name of our Government. Were we to cash in on these assets and sell them we could discharge the national debt without having to sell such things as the thousands of post offices, Federal buildings, docks and other terminal facilities, airplanes, automobiles, ships and other hardware which could be adapted to civilian use with minor changes. We fail to count the fact that our gross national product is $600 billion a year or more and if we are willing to make the sacrifice and go for broke by a major tax contribution, in 1 year we could take our earnings and wipe out the national debt. We fail to count our blessings, and far too often we accept the installation of a post office or other governmental facility as something very ordinary, or even something apart from the people.

President Johnson has declared war on poverty, on unemployment, on lack of education. Every American citizen now has the call to arms, to participate, to share in this typically American effort. I do not know what my part is, I hope I have a part—I shall certainly seek it out. I urge you to do likewise—you do have a part in this program.

Would you look to the right of you, or look to the left? Do you believe there are any finer people on earth? Of course not. Do you believe these people, and their descendants can continue, and improve, the standards of living that have made us the envy of the world? Of course they can. We will meet the problems of the present and the future, and we will solve them.

Just as this post office will be a part of you, and I believe your happiness, in its use and its services, so it will be a part of your American way of life. This is your building, your Government, and your public facility, and I am sure it will be a blessing to your community. It is a symbol of what a free people can do for themselves with their collective efforts and determinations. It is the part of your Federal Government that is the nearest to your home.

I have no gloom about the future of this great country and its people. I am sure we are going to have problems, I hope we are not going to continue to have debt, but we will from time to time. I am sure we are going to have some unemployment, but, as in Jefferson, we know what the Area Redevelopment Administration and the accelerated public works programs are able to do in communities with the municipal facilities such as the town of Jefferson.

Your great Government today, as large as it is, and some may criticize it for being too large, is alert to the needs of its citizens. Some say it is doing too much and others say it is trying too much and not doing enough. I believe that it is right and proper to have a new post office at Jefferson and a modern water system.

I believe such things are in the best interest of you as a people and part, an important part, individually and collectively of a great nation. I would not dare to predict what tomorrow may bring, but I have faith in the future because I have faith in citizens like you who, all over the land, continue in the determination for freedom, and gather at such occasions as post office dedications to participate in the happy salute to progress of the people, for the people, and by the people.

That is why we are here today and we want all to know that this, our postal facility, is another signboard to our progress and our freedom.

Results of Missouri Seventh District Opinion Poll

EXTENSION OF REMARKS

OF

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 15, 1964

Mr. HALL. Mr. Speaker, following are the results of the Missouri Seventh District opinion poll. A total of 13,850 persons responded, about a 10 percent return. I believe the poll represents an accurate reflection of the opinions of the seventh district since an effort was made to send the questionnaire to all residents of the district, regardless of party affiliation.

Although the last question on the poll, I suppose it is only natural that question No. 15 dealing with presidential preference, would attract the most attention and publicity. In listing all potential candidates, I assumed it to be a foregone conclusion that the incumbent President would receive his party's nomination and therefore President Johnson was the only Democrat listed, although a blank space was left for write-in votes by those not satisfied with the choices offered.

At the time the poll was prepared back in late January, Henry Cabot Lodge was not considered a serious candidate and he was not included among the choices though he did receive 394 write-in votes.

It should come as no surprise that President Johnson, as the only Democrat choice on the poll, would draw more votes than any single Republican since the Republican vote was divided among seven potential candidates. On the other hand, of those responding to this question, 31 percent indicated a preference for the incumbent President, while 69 percent indicated a preference for someone else.

In regard to the other questions, I believe the answers clearly indicate that the residents of the Seventh District of Missouri have views which differ from the present administration on most issues.

The greatest disenchantment with present policies seem to be in the field of foreign affairs. Almost 90 percent believe that the United States should take whatever steps are required to prevent the use of Cuba as a base for Communist subversion in Latin America. Contrast this with the statement of the Senate Foreign Affairs chairman that we should accept Castro as a permanent fixture in the Western Hemisphere. In southwest Missouri at least, there is a decided difference of opinion with the Senator from our sister State as to which is myth and which is reality.

Of those responding, 61.6 percent said the United States should not bow to a U.N. decision if it conflicts with our own national self-interest. I believe this shift in attitude toward the U.N. reflects an uneasiness about the balance of voting power now held by a large group of unstable African nations intent on playing the East against the West for their own gain.

Eighty percent indicated a belief that the foreign aid program should be substantially reduced. Each year a new "image" is placed on our foreign aid program, but more and more people are beginning to suspect that a new cover does not change the book. I believe they are right.

On domestic issues, although 66 percent favored some form of civil rights legislation, there was a substantial difference of opinion over separate sections of the bill now before the Senate. Fifty-six percent do not favor the creation of a Fair Employment Practices Commission and another 14.4 percent are undecided, leaving only 30.6 percent favoring this particular title of the civil rights bill.

The opinion poll follows:

RESULTS OF THE MISSOURI SEVENTH DISTRICT OPINION POLL

Congressman **DURWARD HALL** today announced the results of the Missouri Seventh District opinion poll. A total of 13,850 persons responded to the poll. Although some replies still are being received, Representative **HALL** said they are not expected to make any appreciable difference in the results. He expressed personal appreciation to all who had participated directly in this survey in the interest of good representative government. **HALL** also thanked all who as a result of legislation and/or the poll, wrote personal letters.

[Percent]

	Yes	No	Undecided
1. Do you believe the present law of Presidential succession should be changed?	44.7	43.8	11.5
2. Do you believe a constitutional amendment should be adopted which would restore the status that existed between religions and the schools prior to the Supreme Court Decision on prayer?	73.5	16.8	9.7
3. Do you believe that civil rights legislation which may be adopted should include specific language:			
a. Prohibiting segregation in public accommodations?	44.0	40.8	15.2
b. Guaranteeing all Americans the right to vote?	83.9	10.5	5.6
c. Creating a Federal Fair Employment Practices Commission with authority to require employers to hire persons which the Federal Commission determines have been denied jobs because of race?	30.6	56.0	13.4
4. Do you favor passage of some form of civil rights legislation?	66.3	20.7	13.0
5. Do you favor creation of a Domestic Peace Corps financed by Federal tax funds?	18.0	64.8	17.2
6. In the event that tax reduction legislation is adopted, do you believe that the Congress should attempt to make cutbacks in individual appropriation bills if necessary to avoid a large planned Federal deficit?	78.6	10.5	10.9
7. Which of the following do you favor as a means of meeting the medical care needs of persons over 65 years of age:			
a. Emphasis on individual responsibility channels, (personal and family resources, insurance; and private, church or community, voluntary help)?	44.5	17.0	38.5
b. Expansion and improvements in the existing Kerr-Mills law of Missouri wherein assistance for payment of hospital and doctor bills to persons over age 65 is limited to those in need, and financed out of matching Federal-State funds?	56.5	18.7	24.8
c. An increase in employee and employer social security taxes, to provide compulsory Government financed hospital care for all persons over age 65, regardless of need?	18.9	53.7	27.4
8. Do you favor legislation:			
a. Authorizing compulsory Government arbitration to avert national strikes when collective bargaining cannot produce an agreement?	68.5	15.0	16.5
b. Making labor unions subject to similar antitrust laws now applicable to business?	77.4	9.2	13.4
c. Repealing the Taft-Hartley law section that permits States to enact right-to-work laws?	20.0	58.2	21.8
9. Do you believe solution of present problems in agriculture requires a trend toward—			
a. More Government control on a compulsory basis?	5.6	63.4	31.0
b. Less Government control on a voluntary basis?	82.6	3.8	13.6
10. Should we make new concessions in our Panama Canal Treaty?	10.9	73.1	16.0
11. Should the United States take whatever steps are required to prevent the use of Cuba as a base for Communist subversion throughout Latin America?	89.2	4.1	6.7
12. In the event a United Nation's decision conflicts with our own national self-interest, should we bow to the United Nations decision?	18.7	61.6	19.7
13. Which of the following statements should be the guidelines for our foreign aid program:			
Percent			
a. It should be continued at approximately the present level....... 12.1			
b. It should be substantially increased....... 2.6			
c. It should be substantially reduced....... 80.0			
d. Undecided....... 5.3			
e. The military assistance funds should be removed and included in the defense budget	44.1	11.1	44.8
14. Which statements of principle do you believe more nearly describe the proper role of Federal Government:			
Percent			
a. "That government is best which governs least"....... 26.1			
b. "The government should do for the people only those things which the people cannot best do for themselves"....... 50.7			
c. "The government should redistribute the wealth through the tax system"....... 8.8			
d. "The government should increase its direct activity in welfare programs"....... 14.3			
15. Whom do you believe would make the best President of the United States in 1964–68:			
Number			
a. President Lyndon Johnson....... 3,444			
b. Senator Barry Goldwater....... 3,006			
c. Governor Nelson Rockefeller....... 453			
d. Governor George Romney....... 572			
e. Governor William Scranton....... 473			
f. Richard Nixon....... 3,058			
g. Senator Margaret Chase Smith....... 116			
h. Ambassador Henry Cabot Lodge....... 394			
i. Miscellaneous write-ins....... 310			
j. Opinion withheld....... 2,014			

Halibut Industry Opposes Senate Bill 1006 To Subsidize Fishing Vessels

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 15, 1964

Mr. PELLY. Mr. Speaker, on April 6, 1964, I introduced House Concurrent Resolution 285 to request the President of the United States to issue a proclamation declaring the 6-day period, May 18, 1964, through May 23, 1964, as National Halibut Week.

My purpose in introducing this legislation was to honor this segment of our fishing industry and especially, Mr. Speaker, to call attention to the present sad situation of the halibut fishermen.

I hasten to point out that the present unfortunate plight of this important industry I refer to is not due to a catastrophe such as the Alaska earthquake. Rather, our Government itself must accept a large share of the responsibility. I have in mind the action last year of the International North Pacific Fisheries Commission opening the East Bering sea to the Japanese fishing fleet. This mistake was supported by Secretary of the Interior, Stewart L. Udall, and as a matter of fact Secretary Udall was the one who said that there was evidence that "new concentrations" of halibut had been found in the area.

This contradicted the testimony of Dr. J. L. McHugh, Division of Biological Research of the Bureau of Fisheries. Dr. McHugh stated that the scientific staff of the Halibut Commission had considerable evidence that this fish resource in the area of southeastern Bering Sea already was substantially utilized by American-Canadian fishing.

Leaders in the fishing industry such as Clarence R. Nordahl, Secretary of the Deep Sea Fishermen's Union of the Pacific had warned that the Halibut Commission had reasonable proof that the halibut fishery was already being fished to the maximum sustained yield.

And, referring to the almost 40 years of uphill effort to build a stable halibut fishery, George Johansen of the Alaska Fishermen's Union protested that the American fishermen were not agreeable to pacifying foreign exploiters who had done absolutely nothing conservationwise to build for the future.

Mr. Speaker, the protests of our fishermen went unheeded. The Government dealt an industry that had been already declining over the years what may be almost a mortal blow in its battle of survival.

This year our Pacific halibut fleet barely has been able to recover its expenses due to the depletion of the fisheries as a result of the United States agreeing to open the Bering Sea area to the Japanese which was previously prohibited to them. This eastern Bering Sea area now may well have to be closed and it may well take years of conservation to rebuild it.

A grevious error has been committed and there is no satisfaction for those of us who begged our Government to withhold action. I take no pleasure in saying "I told you so."

Now the Department of the Interior is pressing for passage of legislation which could further harm our present halibut operation. I refer to S. 1006 to subsidize the construction of new fishing vessels. The Department says this bill is needed to aid the Alaska fishing fleet following its loss and damage by the recent earthquake and tidal wave.

Mr. Speaker, this is discriminatory legislation. It would upgrade one part of an industry as against another. Why should one vessel owner receive a 55 percent subsidy and then be in competition with unsubsidized boatowners?

Last week S. 1006 was not considered in the House Fish and Wildlife Subcommittee, of which I am a member. Consideration was withheld at my request.

I wanted time to alert the fishermen I represent to the implications of this bill. As I see it, this bill is being pressed as a relief measure for Alaska. Meanwhile, the Small Business Administration is making 100 percent disaster loans available to fishermen in Alaska who lost their boats. Also, retroactive earthquake insurance legislation is being considered by a Senate committee.

Mr. Speaker, if the Nation would honor the halibut industry by declaring a Halibut Week in May, let us not make a memorial out of such action. Let us not destroy the existing halibut fleet by a subsidy to new vessels so we can set aside a week to honor a dying industry and glory in the past contributions of these fishermen.

I oppose S. 1006 and any legislation that discriminates by providing relief on an unequal basis. I hope Members of the House of Representatives will not support this bill as a relief earthquake disaster measure because it will do more harm than good.

I am for compensating Alaskans including fishermen, but their highly controversial subsidy method is the wrong way to do it and, by the way, S. 1006 is opposed by the following organizations: Fishing Vessel Owners Association, Deep Sea Fishermen's Union, Purse Seine Vessel Owners Marketing Association, Fishermen's Cooperative Association, Halibut Producers' Cooperative, and Fishermen's Marketing Association of Washington.

Mr. Speaker, the North Pacific halibut fishermen need our help. Already the Government has done them great harm. Let us not add insult to injury. S. 1006 should not be enacted into law.

Hats Off to the Mayor, the City Council, and the Citizenry of Waltham, Mass.

EXTENSION OF REMARKS

OF

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 15, 1964

Mr. DONOHUE. Mr. Speaker, last Sunday afternoon, April 12, 1964, there was celebrated in the great metropolis of Waltham, Mass., a classic example of what is too rarely exhibited today, of our traditional New England and American community resourcefulness, community reliance, and community pride.

Initiated and chartered by the irrepressible and distinguished mayor of Waltham, the Honorable Austin D. Rhodes, with the cooperation of the city council, civic leaders, all the civic organizations and the loyal citizenry, Waltham, last Sunday, formally dedicated a $2.5 million municipal service center which will forever stand as a high tribute to community response and responsibility and which provides an inspiring example for all other American cities and towns to follow.

I have been requested to include the brief address I was privileged to deliver on this most eventful occasion and I wish to include also a most pertinent editorial which appeared in the April 7 issue of the Waltham (Mass.) News Tribune. They follow:

SPEECH OF CONGRESSMAN HAROLD D. DONOHUE AT THE DEDICATION OF MUNICIPAL SERVICE CENTER BUILDINGS, WALTHAM, MASS., APRIL 12, 1964.

Mayor Rhodes, members of the city council, distinguished invited guests, dear friends, it is a high honor for me to take part in these exercises today celebrating with you the completion of this beautiful modern public service center.

As a longtime observer of Waltham activities I am not at all surprised by this additional evidence of the aptitude and initiative of your leaders and your citizens.

Through the years that I have been privileged to be your U.S. Representative I have experienced repeated demonstrations of your inspiring community spirit, community interest, and community cooperation.

Very early in my National Representative career, I was, you might say, "made" aware of the extraordinary unity, combined resourcefulness and persuasive impact, that exists among your civic directors and your people.

I vividly remember this solid impact upon those occasions when you were particularly concerned with the reorganization of the watch company, the construction of the South Side post office and the urgent need of the facilities of a new boys' club.

Of course, I heard from Austin Rhodes almost, it seemed, before I had completed the recitation of my congressional oath in Washington. I had the feeling he must have been waiting for me and for any one else who could help his city. Even then, as he was approaching the conclusion of his private business career, I marked Austin Rhodes as a "young heart" who was going to go places and do a great many more things in the field of public service. I earnestly wish that all my judgments were as easy to make as that one.

In the truest sense the dedication of any public facility is basically the recognition of the prudent planning of devoted city fathers, the responsive understanding of alert civic leaders, and the cooperative zeal of a local citizenry.

As practically an adopted son of Waltham, I am very pleased to join in this eminently deserved recognition of and salute to the "youngest" mayor in the country, Austin Rhodes, the distinguished members of the city council, the News-Tribune people, the wise advisers of your citizens' committee, the chamber of commerce, the Rotary Club, every civic organization that took part and last, but most of all, the sacrificing citizens of Waltham without whom this center would not have been possible.

Beyond our local recognition and salute to you I consider it my further obligation, as an official of this country's Government, to emphasize, however briefly, the larger meaning of our gathering here today.

In the noblest sense this public service center generates a consciousness of community self-reliance and self-resourcefulness of national significance. Your achievement here is a timely and symbolic reminder that the grain of traditional American greatness is still rooted in the American community. It needs only the vision of local leaders and the sacrifice of local citizens to flourish into fruitfulness, as we see around us here today.

In an age of unprecedented doubt, temptation and confusion this center represents a revival of individual responsibility, community conscience, cooperative sacrifice, and common pride through which this Nation was begun and by which, please God, it will forever survive, against all enemies, even the weakness of ourselves.

It is for this patriotic contribution to your country that I especially congratulate you and for which, in my opinion, you deserve national recognition as an all-American city.

Yes, it is for this patriotic contribution that I am, today, even more proud and privileged, than ever before, to represent the people of Waltham, Mass., in the U.S. Congress.

[From the News-Tribune, Apr. 7, 1964]

PROGRESS, 1964 STYLE

Every now and then it is important to pause and reflect upon what is right with Waltham. Too often the attention of a lot of us is focused on the negatives—such liabilities as traffic congestion, parking, school problems—because the desire for improvement makes it essential that the eyes are kept on the future.

There is a great deal that is right with Waltham.

This month civic pride is lifted another notch with the opening of a facility that is comparable to the finest in all of New England. Waltham's $2.5 million municipal service center is to be put on public display for 3 days, then pressed into action for the concentrated operation of three vital departments.

Waltham's antiquated Blue Lantern Inn at 25 Lexington Street will be going out of existence, leaving memories that trail back into another century. A half mile or so away on the same street is the fine new police headquarters, spacious and finely appointed. It is flanked by a bright new fire station. Centerpiece is the Public Works unit, which for the first time pulls together the scattered divisions of the department.

It is significantly appropriate that industry should join with the city fathers in celebrating the service center's dedication, for Waltham is blessed with a solid economic base principally due to extensive commercial investment. The older, established firms which made Waltham the Precision City have been joined by a galaxy of new companies whose coming to Waltham represents the expenditures of millions of dollars in job-producing plants.

For those who want to be impressed at the diversity and scope of Waltham manufacturing enterprises, the Rotary-sponsored industrial exhibition will be most revealing. Its theme is "Decade of Progress" and the exhibits are certain to demonstrate that Waltham is well out front in the industrial parade.

A lot of bows can be taken. The municipal service center represents the top accomplishment in the four terms of Mayor Austin D. Rhodes, who got strong support from the city council and considerable help from the citizens' advisory committee. Rotary, the chamber of commerce, and other civic organizations all have pulled together in the exhibition project.

So, Waltham citizens, puff out your chests and bust off a few buttons. You've got plenty of the right things to boast about.

Antidumping Bill and Its Implications

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 15, 1964

Mr. PHILBIN. Mr. Speaker, I have introduced a bill to amend the Antidumping Act of 1921.

A bill similar to this one was introduced in the 1st session of the 88th Congress by 50 Members of the House, including 10 members of the Committee on Ways and Means. I introduced the bill at that time, and am pleased and privileged to introduce it now.

To my mind, this bill poses one of our greatest domestic needs; that is, to have some form of relief for our afflicted industries and their faithful workers from the incessant, ever-increasing flood of cheap foreign imports that are flooding our American markets and causing untold disruption, unemployment and hardship to many industries, many workers and many communities, and sapping the vitality of our economic system.

This measure broadens the antidumping amendment which was previously introduced to meet certain determinations of the Treasury Department and the Tariff Commission, clearly indicating that changes in the 1963 amendment were necessary if we are to accomplish our objective of securing relief against dumping in a truly significant way, and without having to face the blank wall of frustration that currently ascends from the Federal bureaucracies responsible for administering the act.

We are concerned, of course, about making sure that proper, sufficient guidelines for the future consideration and action of the Department of the Treasury and the U.S. Tariff Commission be included in this bill, because it is of utmost importance to spell out with clarity and positiveness the congressional intent and the aims and ends which this important legislation contemplates.

I believe that the revised measure is a much improved one. It derives from much consultation with the industries, workers, and Government agencies concerned with the Antidumping Act. While laying out more definite guidelines, so to speak, the bill does not depart from the basic philosophy of the Antidumping Act and, certainly, it does not go as far as I should like to see remedial legislation concerning imports go in applying proper safeguards to the Trade Expansion Act.

I feel very strongly that there can be no real relief from the present most inequitable, harmful, and injurious effects of the Trade Expansion Act until Congress adopts adequate safeguards to regulate the growing deluge of cheap goods entering the country from abroad. This must be done, in my opinion, if we are to save our industrial structure from increasingly serious harm and damage from foreign, cutthroat competition.

Until this is done, I fear, there will be no real relief from these conditions. While this measure moves in the right direction, it covers only a limited area where dumping exists.

There are very great difficulties in first, uncovering and then checking the dumping that is now evidently being practiced by some foreign nations. Dumping is hard to prove. It requires sometimes long research, the collection of evidence, it takes a great deal of time when speedy action to shut out destructive imports is imperative.

Then, second, there are the political undertones that are emphatic, in the obvious statement that without strong support from the executive department, it is almost impossible to get favorable action on legislation of this kind.

There is not much point in Members of Congress introducing bills, however important and vital these bills may be, when departmental reports on them are held up, and consideration of them is shunted aside, and they are otherwise delayed, and put off, so as to give the impression that Nero is fiddling while Rome is burning.

I think that the affected industries themselves must act; their workers and labor organizations must act; public opinion must be aroused and mobilized to conduct a militant campaign to change our trade bills.

If for any reason it is not possible to prevail upon the agencies now vested under the trade bill with authority to act internationally and domestically to cut down injurious imports, it strikes me that Congress would be well advised to move to recapture its own constitutional powers over imports and make sure on its own account, as it always did prior to the adoption of the trade laws, that ruinous destructive foreign competition is stopped.

As I pointed out, this does not mean any renunciation of enlightened, forward looking trade policies adapated to the times in which we live. As Americans, we favor trade, we want trade, and we are willing to enter into all reasonable negotiations with other nations to get mutually profitable trade.

We are an open country and an open economy, and the last thing we want to do is to shut ourselves off from the rest of the world in any respect. The American people want maximum communion intellectually, commercially, socially, and cooperatively, especially in those areas having to deal with disarmament, control of nuclear energy, peace, and human betterment with other nations of good will.

These are all goals toward which we of this great Nation are working day by day, resolved, as we are, to strive for peace with full enthusiasm and determination to gain the ends that we seek of a world organized to maintain peaceful relations of brotherhood, good will, and justice.

But, frankly, the presence of dumping, cutthroat competition and other harmful, injurious practices are unquestionably impairing the development of the kind of climate we need in the world today to promote the broader goals of brotherhood and mutual cooperation we so earnestly seek and strive for.

Therefore, Mr. Speaker, it seems to me that we should do our best to try to pass a bill like the antidumping bill, and also pass other pending legislation designed to bring about better and fairer conditions in our commercial and trade intercourse with other nations, that will prevent harmful, destructive imports into this country.

I hope that the committee will take early action to conduct hearings on this bill and report it to the House, so that it may be considered and acted upon by all Members.

It is a good bill. While it does not go far enough, it is needed now—not later, and the sooner the better, because so far as our import situation is concerned, we may well say it is now a quarter to 12.

An Economist in the House

EXTENSION OF REMARKS

OF

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 15, 1964

Mr. COHELAN. Mr. Speaker, our distinguished colleague, the gentleman from Maryland, CLARENCE LONG, is also a noted professor of economics who taught at

Johns Hopkins University before being elected to the 88th Congress.

In an article appearing in the April issue of Challenge, a magazine of economic affairs, Dr. Long has posed the challenging questions of how different might economic legislation be if the Congress were composed of professional economists? How much does an economist's position change after more than a year in the House of Representatives?

I am sure that our colleagues will share my interest in this article and sympathize with Professor Long who has now joined the ranks of those who must make hard day-to-day decisions not always rooted in the textbook models of the classroom.

The article follows:

An Economist in the House

(By Clarence D. Long)

A little over a year ago—after more than two decades as an economist—I took office as Representative from the Second Congressional District of Maryland. During my freshman year, the usual questions were put to me by my academic friends: "What theories have you been able to put into practice?" "Have your ideas changed since you went to Congress?" "How has your year in Congress affected your thinking on such closely related problems as unemployment, economic growth and inflation?"

My initial reaction was gratification that anybody imagined I had had the time to think. In a year in which my Committee on Armed Services met 74 times and my subcommittee 16 times; in which I inspected our bases in Guantanamo Bay, Puerto Rico, Europe, and many parts of the United States; participated in voting on the floor; spoke in favor of fallout shelters and on the need to improve the quality of human resources in order to reduce unemployment and raise incomes; introduced a dozen bills; sent out 200,000 copies of my newsletter; spoke to, or attended, 650 meetings; lectured to 2,500 students visiting the Capitol; kept 900 appointments in my offices; received 10,000 letters and signed 20,000—in such a year, did I really have time for reflection? Sixteen hours a day putting out fires leaves little time for the theory of combustion.

Nevertheless—in the midst of pressure to get a military burial for a combat veteran, to eliminate an official reprimand from the record of an employee who had his arm chewed off in a hamburger grinder, or to get information for a businessman on whether he can legally reproduce the President's seal for business use—I welcome the opportunity to reflect on what my first year in the National Legislature has done to the ideas I had formed in teaching and writing on economic questions.

Those familiar with the problems of unemployment, stagnation, and inflation are aware that opinion on their causes and cures divides into two broad schools of thought—the effective demand school and the structural school.

The effective demand school holds that the cause of unsold goods, idle labor, and unused plant capacity is insufficient spending by consumers, business, and government. Lack of spending may be due to not enough income, too much income going to oversavers, insufficient inducement to invest, and taxation which chokes off incentive. With the approval of this school, the Kennedy-Johnson administrations moved to cut the personal income tax, without an equivalent cut in Government outlays, thereby leaving more spendable income to households and businesses. The corporate income tax was also cut in order to increase incentive. These tax cuts, it is held, will reduce unemployment and stimulate economic growth. They will not cause inflation, it is alleged, because the resources called into production will counter increases in demand with increases in supply.

The structural school holds that unemployment is due largely to deficiencies, not in demand, but in the quality of the labor supply. Joblessness is thus concentrated among the young, the old, the unskilled, the Negro, and manual laborer, the worker with a one-use skill, and, above all, the poorly educated or illiterate. This structure of unemployment is by now familiar and well documented. The question arises as to why structural unemployment is a new problem. Haven't there always been workers with these characteristics? Indeed, millions of unskilled, unlettered immigrants were absorbed by the American economy during the last half century before World War I, apparently without creating chronic unemployment. What is new in the current labor market which creates the modern problem of structural unemployment?

This new thing, I have argued, is the social minimum wage which applies mainly to the worker of humble qualifications and which has priced him more or less permanently out of the market. The last 20 years have seen the development of a formidable system of social minimums—statutory minimums, union minimums, unemployment insurance benefits, welfare, generous allowances given by middle-class families to teenage children, and high-wage policies of firms and governments.

Under social and political pressures, these minimums are geared to the average of wages and living standards, and rise with them—indeed, outpace them—with the result that they keep the services of the marginal workers overpriced and unemployed even during periods of high aggregate demand for labor. Further increases in aggregate demand may result in the employment of the overpriced and substandard worker, but only at the expense of still higher prices—and only temporarily, until a new upthrust in the social minimum wage again prices them out of the market.

Since the problem of structural unemployment is thus caused by two factors, the lagging productivity and the overpricing of poor quality labor, the remedy is also twofold: First, raise the productivity of poor quality labor by providing a massive program of education and training, and by eliminating discriminatory job barriers to enable workers to qualify for new opportunities. Second, stop boosting the social minimum which continually prices low-productivity labor out of the market.

This was my diagnosis of the problem before my election. How have this diagnosis and my views concerning sound policy been affected by my service in Congress?

Congressional experience has strengthened my view that the current unemployment problem is largely due, not to inadequate demand, but to the substandard quality of the supply. It has done this in a modest way through my own experience in hiring a full-time staff of eight. The number interviewed and the necessity of replacing several of those originally hired has reinforced my view that a substantial number of the unabsorbed labor force are of borderline employability. The employers I have talked to do not find this discovery surprising. Even a union leader told me, "Perhaps I shouldn't say this, but our problem nowadays is not so much with the employers as with the workers."

When I sought to employ a Negro secretary, I notified my numerous friends in the Negro communities in Baltimore and Washington (there are few Negroes in my own district) that I wanted a mature, well-educated woman who could type and handle case work. The salary—like all Federal salaries for secretaries—is much higher than that paid by private industry. I expected to be deluged with jobseekers. In actual fact, I received few applications. The employment offices of Howard University and Morgan State College informed me that good secretaries are scarce; any on file would probably be hired by the colleges themselves. I now have three Negro secretaries—more, I believe, than any other white Congressman, and all are quite satisfactory; but I do not have the impression that there are large numbers of well-educated and competent colored girls who cannot get jobs.

The chief insight my year has provided, however, has come from close contact with the unemployed who seek my help. On Saturdays I "ride the circuit"—each week meeting constituents in a different post office in my giant district. Usually the entire post office lobby is full of people waiting to see me. A random call of the roll includes:

A Negro boy, who barely graduated from high school, has been turned down for entrance in a junior college and has just fathered an illegitimate child. He seeks my aid in enlisting in the Army after he received a score of 3 percent on an exam in which the minimum passing grade is 31 percent.

A jobseeker who came to see me in the morning reeking with alcohol and who returned later in the day barely able to speak.

A father who asked me to get his 27-year-old married son's undesirable discharge from the Marines changed to honorable so the son could get a job. Unfortunately, the son's chances were impaired by his having since served 3 years for statutory rape.

A man in his forties—trying to support a family of five on a take-home pay of $218 a month, barely able to feed his family, his wife is mentally ill, the only clothing his children had were "what they were stealing," his teeth badly in need of care—said he "could do anything," but could not name a skill, and stated that, with his family responsibilities, he could not afford to enter the manpower retraining program.

A man unemployed since having been discharged from a steel plant 5 years earlier (with the union's consent) for assaulting his foreman, now taking psychiatric treatment and at the same time participating in the manpower retraining program.

A 45-year-old woman who had resigned several years ago as a bench hand in a large electronics firm just as she was about to be fired for absenteeism, got a job with another firm as a result of my intercession, but is dissatisfied and wants to change her job again.

This experience has impressed upon me that the unemployment problem—even in my relatively high-income district—is a stubborn one. Nearly all the unemployed who come to me for jobs have one or more of the following characteristics: incomplete education (often nearing illiteracy), alcoholism, mental disturbance, prison or bad military conduct records, poor health or physical handicaps.

The older people and the Negroes who come to me are nearly always unemployed because of these handicaps and not primarily because of age or color—although, no doubt, these are complicating factors. I have gotten jobs for many, but of the ones I have been unable to place, I can think of none who does not fall into one or more of the categories of poor motivation, poor education and training, or emotional instability.

If I am correct in my assessment that the unemployment problem is primarily structural, what are the remedies? One of my lessons as an economist in Congress is that the political pressures are too often strongest for those remedies which involve questionable economics: greater subsidies to shipyards than the already high 55 percent;

tariffs on imports of steel; a 35-hour workweek with double pay for overtime in order to discourage it; a third layer of subsidy to cotton mills; supports and controls for wheat; increases in the minimum wage; retaining obsolete military bases; accelerating and proliferating public works projects of dubious need.

Such programs are doubtful economics because they involve the production of things not needed or things available cheaper and better elsewhere; measures to prevent people from working, under the pretense of protecting them; or measures to provide jobs for the wrong people at the wrong places at the wrong times.

Such programs impede adjustments that are ultimately needed, impair flexibility, inflate costs and prices, place a burden of lower real incomes upon the general taxpayer, and shift the burden of idleness to workers in other areas or trades perhaps unprotected by unions or unable to perceive how they are being injured.

It is difficult to resist such proposals. For one thing, the arguments in support of them are often persuasive to Congressmen untrained in economics. More important, the businessmen and workers who come to your office to urge them are alive and present, are sincerely hurting, and are demanding immediate relief. The measures asked for promise to give this immediate relief in the workers' and firms' localities, and in their occupations and products. Proposals, however sound, that firms shift to new products and that middle-aged workers with families enroll for instruction in a new trade, take kids out of school, kiss families goodbye and move to new localities—all these sound hollow even to one who prides himself, as I do, on being a free market economist.

Given this conflict of loyalties between good economics on the one hand, and suffering, voting, humans on the other, each Congressman must make his separate peace. The vote he casts will not please everybody, not even himself. Most politicians—including this one—hold firmly to the philosophy that, to be effective, they must stay in office. After all, the difference between a Congressman and the many high-class citizens who somehow never get to Congress, lies in the ability to get elected. Getting elected is a difficult art; those who deprecate it are invited to give it a whirl. Unfortunately, politicians are rarely frank in setting forth the essence of the art. All action in social, economic, and political affairs is a compromise of conflicting principles. When a politician tells an audience he never compromises, he is either kidding the audience or kidding himself.

In my brief tenure I have followed one broad course in trying to vote good economics and at the same time to stay alive in the political jungle. I have become a "service Congressman," ever ready to stimulate local projects and to help with personal problems.

My activities in behalf of local projects have included organizing a mass meeting in support of a bridge across Chesapeake Bay between Baltimore and Kent Counties; calling a defense procurement conference; setting up a business desk which has won contracts for radiosondes, rabbits for medical research, paper butter dishes and post office design; inviting and answering inquiries on how to get on bidders' lists and find new markets for products; mailing thousands of books and pamphlets to firms in my district on how to sell to various Government agencies; arranging meetings between Baltimore area industrialists and the National Aeronautics and Space Administration in an endeavor to attract a $50 million electronics center to my area; waging a long fight against New York to win a $2.5 million nuclear research reactor for the Aberdeen Proving Ground; taking a keen interest in cleaning up dirty water and air in industrial areas of my district, and bringing in the Public Health Service to study this pollution for the purposes of law enforcement.

In addition to these civil programs, I have done much for individuals in need of help. A family denied social security benefits wrote to me: "An injustice has been done, but we do not know how to cope with the Government—it is too large." My appeal brought them $4,400 in back benefits. I persuaded the Internal Revenue Service to stop dunning an aged and indigent woman for back taxes. I got the State Department to allow a South African girl stranded in Canada to join her fiance in America, and a young Austrian to visit her sister here. My latest triumph was to get a 17-year-old girl out from behind the Iron Curtain to join her family, who had not seen her since she was a baby.

All these efforts have won me a reputation as a hardworking Congressman, who helps people. As a result, my strongest potential opponents have backed away from running against me. I have discovered—or think I have—that most voters are not greatly interested in national legislation. They have problems and needs of their own, and if you help them with these, they allow you great freedom in voting on national legislation. Put it another way, a solid base of popularity with the ordinary voter gives a Congressman sanctuary from pressure groups who want things inimical to the national interest. As a consequence, I can vote solidly for civil rights in a basically southern State with a white constituency drawn increasingly from the Deep South.

Perhaps the least satisfactory aspect of being an economist in Congress is that it is seldom possible to cast a vote which does justice to all the many and subtle considerations that surround any major issue. For example, the tax cut and its effect on unemployment and economic growth are, to me, complicated and many-sided questions. I have grave doubts as to the need for, or the efficacy of, such a cut at a time when important indicators show that we are far from recession conditions. And all the arguments regarding our deficient aggregate demand have still not changed my mind. I voted for the cut because I had to make a choice. I was doubtful that a cut was justified; on the other hand, I was not absolutely certain that it would not help, and I was willing to take a chance on it.

I voted for the tax cut also for party reasons. As a Democrat, I am naturally convinced that my party is closer to the right answers in most matters and that it is important that the opposition not be allowed to hand us a black eye on an important issue. Thus the tax cut became a party, as well as an economic, issue.

There is also the matter of time and energy. Hundreds—nay, thousands—of economic bills came before Congress. While I can analyze and understand any one, or a small number, of such bills, to master all aspects of all such legislation is impossible, in view of the heavy demands to serve my district, receive visitors, speak to and visit in my district, read and answer thousands of letters and phone calls.

I am sometimes bemused by the fact that my vote normally does not differ from that of many of my colleagues who never had a principles of economics course. Unquestionably, economics training is needed in Congress; more Congressmen ought to have it. But isn't there a limit to what an economist can do in Congress when the public which, after all, makes the rules of practical politics, neither knows nor cares much about this intricate subject?

Thus, although my thinking on the causes of unemployment, stagnation and inflation has not been significantly modified by my year in Congress, I have concluded that in politics, pure economics must be heavily laced with pragmatism, and that Congress is no place for a textbook economist.

Minneapolis Survey Results: For Medicare, 67 percent; for Civil Rights, 75 Percent; for United Nations, 86 Percent

EXTENSION OF REMARKS

OF

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 15, 1964

Mr. FRASER. Mr. Speaker, I am pleased with the response to a questionnaire I sent to my constituents in Minneapolis and want to share the results of this informal mail survey with the other Members of the House.

The questionnaire covered nine topics: Civil rights, the tax cut and economic growth, foreign aid, Federal aid to education, care for the elderly, the United Nations, unemployment insurance, Cuba, and civil defense, although the last question could not be tabulated because of an error in printing. The questionnaire was part of a newsletter and went to every home in the city of Minneapolis.

UNITED NATIONS STRONGLY SUPPORTED

The most consistently stated opinion—held by those of all political views—was strong support of the United Nations. Eighty-six percent of those answering said that the U.N. has been doing a good job. The choice checked by this large majority stated:

> The United Nations has been doing a good job. Although it has limited power, it has helped keep peace in the Middle East and the Congo without involving American troops. Its specialized agencies have helped many new nations. We must keep building the U.N. and encourage more nations to bring their problems to it.

MINNEAPOLIS RESIDENTS FAVOR CIVIL RIGHTS

Strong support was also stated for Federal civil rights legislation, though many added comments that they wished laws did not have to be passed because all persons are equal and naturally deserve equal rights. Seventy-five percent of those answering the question said that "Congress should make laws to curb discrimination." These included 85 percent of the Democratic-Farmer-Labor voters, 74 percent of the independents, and 54 percent of the Republicans. Thirteen percent of those answering thought State legislatures should make the civil rights laws.

Minnesota has had a tradition favoring civil rights. I think this reflects the strong position our churches have taken on this issue. Catholic, Protestant, and Jewish leaders have worked together for many years.

I am proud to report to my constituents that I worked and voted for the civil rights bill and am proud that it is

Senator HUBERT HUMPHREY of Minneapolis who is now floor leader for the bill in the U.S. Senate.

MEDICARE WIDELY ENDORSED

In reply to a question on medical care for the elderly, 67 percent were in favor of hospital care under social security. This was supported by 92 percent of the Democratic-Farmer-Labor, 80 percent of the independent, and 22 percent of the Republican voters.

Minneapolis has many senior citizens and a high standard of medical care. But this care is costly and the fear of large hospital bills wiping out savings reserves or taking big bites from small pension checks is very real. This subject drew more comments than any other single subject.

TAX CUT SUPPORTED

Almost as many added notes favoring greater economy and efficiency in government. Virtually everyone favored the tax cut. Forty-eight percent were in favor without qualification, because, "Though we may have a deficit in our Federal budget, we will eventually get more tax money as the economy grows." Almost all others replying favored a tax cut only with reduced Federal expenditures in the same amount.

FOREIGN AID GETS A MAJORITY VOTE

More than half of those replying like strong foreign aid programs. Three in ten, however, said they think it time to cut back sharply, that foreign aid has been a failure. About 1 in 10 wrote comments on the programs—usually that although foreign aid is good it may not have been wisely planned and administered.

MINNESOTANS CONCERNED ABOUT EDUCATION

Federal aid to education is needed on a broad scale, about 48 percent of the respondents think. Thirty-one believe that "limited Federal aid is justified"; and 18 percent want no Federal aid.

Minnesota has a strong tradition of public education. It has an excellent university, an expanding system of State colleges, and superior private colleges.

I was interested that many, many people commented on the problems of education. They were concerned about dropouts and the necessity for young people to have training in order to find jobs.

I am proud that I am a Member of the 88th Congress, which has adopted the strongest series of education bills in history. I believe, like many others, that the local school districts and States have carried far more than their share of the burden of education. It is time our Federal Government began bearing its share of the responsibility.

UNEMPLOYMENT INSURANCE—FEDERAL STANDARDS

In January 1964, unemployment in the Minneapolis metropolitan area stood at close to 31,000. In considering unemployment insurance standards, 53 percent of those answering the question would like Federal standards, and 39 percent favor State standards. Others stated no opinion.

CUBA

Although they dislike the existence of a Communist regime in Cuba, 47 percent of those who replied feel the real Communist threat is in the U.S.S.R. and China. Another 22 percent think that reestablishing better relations with Cuba might be worth while. Twenty-six percent want stronger action against Cuba.

CITIZENS LIKE QUESTIONNAIRES

Mr. Speaker, I further report that many of our citizens indicate that they like the idea of questionnaires. They are concerned with telling their Congressman what they think. Many asked specific questions about bills before Congress.

Written comments generally indicated an alert, well-informed public. I found the views expressed very useful and important.

In short, the survey was a stimulating and informative project. I trust my colleagues in the House will think these results interesting and significant.

An Economist in the House

EXTENSION OF REMARKS

OF

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 15, 1964

Mr. CURTIS. Mr. Speaker, in the April issue of Challenge magazine our colleague, the gentleman from Maryland, CLARENCE D. LONG, former professor of economics at Johns Hopkins University, has written a wise and perceptive article describing his personal transition from the campus to Capitol Hill. I commend it strongly to all Members of the House.

In the course of his article, the gentleman from Maryland, Professor LONG, discusses the problem of structural unemployment and repeats a long-held conviction that the current unemployment problem is largely due, not to inadequate demand, but to the substandard quality of the supply.

He says that the modern problem of structural unemployment is largely the result of the social minimum wage which applies mainly to the worker of humble qualifications, and which has priced him more or less permanently out of the labor market.

The gentleman from Maryland, Professor LONG, says that the solution to the structural unemployment problem does not lie in any of the questionable remedies that have been suggested such as double pay for overtime, a third layer of subsidy to cotton mills, higher tariffs on steel imports, increases in the minimum wage, supports and controls for wheat, retaining obsolete military bases, and accelerating public works projects. Such programs, he says, are "doubtful economics" and only impede adjustments as well as lead to other economic problems.

Under unanimous consent, this important article follows:

CAMPUS TO CAPITOL HILL—AN ECONOMIST IN THE HOUSE

(By CLARENCE D. LONG)

(While economists often criticize politicians for either ignoring or not understanding the complexities of economic issues, one wonders how different economic legislation would be if Congress were composed of professional economists. CLARENCE D. LONG was professor of economics at Johns Hopkins University until his election (as a Democrat) to Congress from the Second Maryland District in 1962. While his views on the major economic issues have changed little, he finds that by being a "service Congressman"—helping his constituents with personal problems—he has greater freedom in voting on national issues which most voters are not really interested in. After a little over 1 year on Capitol Hill, Representative LONG concludes that "in politics, pure economics must be heavily laced with pragmatism.")

A little over a year ago—after more than two decades as an economist—I took office as Representative from the Second Congressional District of Maryland. During my freshman year, the usual questions were put to me by my academic friends: "What theories have you been able to put into practice?" "Have your ideas changed since you went to Congress?" "How has your year in Congress affected your thinking on such closely related problems as unemployment, economic growth, and inflation?"

My initial reaction was gratification that anybody imagined I had had the time to think. In a year in which my Committee on Armed Services met 74 times and my subcommittee 16 times; in which I inspected our bases in Guantanamo Bay, Puerto Rico, Europe, and many parts of the United States; participated in voting on the floor; spoke in favor of fallout shelters and on the need to improve the quality of human resources in order to reduce unemployment and raise incomes; introduced a dozen bills; sent out 200,000 copies of my newsletter; spoke to, or attended, 650 meetings; lectured to 2,500 students visiting the Capitol; kept 900 appointments in my offices; received 10,000 letters and signed 20,000—in such a year, did I really have time for reflection? Sixteen hours a day putting out fires leaves little time for the theory of combustion.

Nevertheless—in the midst of pressure to get a military burial for a combat veteran, to eliminate an official reprimand from the record of an employee who had his arm chewed off in a hamburger grinder, or to get information for a businessman on whether he can legally reproduce the President's seal for business use—I welcome the opportunity to reflect on what my first year in the National Legislature has done to the ideas I had formed in teaching and writing on economic questions.

Those familiar with the problems of unemployment, stagnation, and inflation are aware that opinion on their causes and cures divides into two broad schools of thought—the effective demand school and the structural school.

The effective demand school holds that the cause of unsold goods, idle labor, and unused plant capacity is insufficient spending by consumers, business, and government. Lack of spending may be due to not enough income, too much income going to oversavers, insufficient inducement to invest, and taxation which chokes off incentive. With the approval of this school, the Kennedy-Johnson administrations moved to cut the personal income tax, without an equivalent cut in Government outlays, thereby leaving more spendable income to households and businesses. The corporate income tax was also cut in order to increase incentive. These tax cuts, it is held, will reduce unemployment and stimulate economic growth. They will not cause inflation, it is alleged, because the resources called into production will counter increases in demand with increases in supply.

The structural school holds that unemployment is due largely to deficiencies, not in demand, but in the quality of the labor supply. Joblessness is thus concentrated among the young, the old, the unskilled, the Negro, and manual laborer, the worker with a one-use skill, and, above all, the poorly educated or illiterate. This structure of unemployment is by now familiar and well documented. The question arises as to why structural unemployment is a new problem. Haven't there always been workers with these characteristics? Indeed, millions of unskilled, unlettered immigrants were absorbed by the American economy during the last half century before World War I, apparently without creating chronic unemployment. What is new in the current labor market which creates the modern problem of structural unemployment?

This new thing, I have argued, is the social minimum wage which applies mainly to the worker of humble qualifications and which has priced him more or less permanently out of the market. The last 20 years have seen the development of a formidable system of social minimums—statutory minimums, union minimums, unemployment insurance benefits, welfare, generous allowances given by middle-class families to teenage children, and high-wage policies of firms and governments.

Under social and political pressures, these minimums are geared to the average of wages and living standards, and rise with them—indeed, outpace them—with the result that they keep the services of the marginal workers overpriced and unemployed even during periods of high aggregate demand for labor. Further increases in aggregate demand may result in the employment of the overpriced and substandard worker, but only at the expense of still higher prices—and only temporarily, until a new upthrust in the social minimum wage again prices them out of the market.

Since the problem of structural unemployment is thus caused by two factors, the lagging productivity and the overpricing of poor quality labor, the remedy is also twofold: First, raise the productivity of poor quality labor by providing a massive program of education and training, and by eliminating discriminatory job barriers to enable workers to qualify for new opportunities. Second, stop boosting the social minimum which continually prices low-productivity labor out of the market.

This was my diagnosis of the problem before my election. How have this diagnosis and my views concerning sound policy been affected by my service in Congress?

Congressional experience has strengthened my view that the current unemployment problem is largely due, not to inadequate demand, but to the substandard quality of the supply. It has done this in a modest way through my own experience in hiring a full-time staff of eight. The number interviewed and the necessity of replacing several of those originally hired has reinforced my view that a substantial number of the unabsorbed labor force are of borderline employability. The employers I have talked to do not find this discovery surprising. Even a union leader told me, "Perhaps I shouldn't say this, but our problem nowadays is not so much with the employers as with the workers."

When I sought to employ a Negro secretary, I notified my numerous friends in the Negro communities in Baltimore and Washington (there are few Negroes in my own district) that I wanted a mature, well-educated woman who could type and handle casework. The salary—like all Federal salaries for secretaries—is much higher than that paid by private industry. I expected to be deluged with jobseekers. In actual fact, I received few applications. The employment offices of Howard University and Morgan State College informed me that good secretaries are scarce; any on file would probably be hired by the colleges themselves. I now have three Negro secretaries—more, I believe, than any other white Congressman, and all are quite satisfactory; but I do not have the impression that there are large numbers of well-educated and competent colored girls who cannot get jobs.

The chief insight my year has provided, however, has come from close contact with the unemployed who seek my help. On Saturdays I "ride the circuit"—each week meeting constituents in a different post office in my giant district. Usually the entire post office lobby is full of people waiting to see me. A random call of the roll includes:

A Negro boy, who barely graduated from high school, has been turned down for entrance in a junior college and has just fathered an illegitimate child. He seeks my aid in enlisting in the Army after he received a score of 3 percent on an exam in which the minimum passing grade is 31 percent.

A jobseeker who came to see me in the morning reeking with alcohol and who returned later in the day barely able to speak.

A father who asked me to get his 27-year-old married son's undesirable discharge from the Marines changed to honorable so the son could get a job. Unfortunately, the son's chances were impaired by his having since served 3 years for statutory rape.

A man in his forties—trying to support a family of five on a take-home pay of $218 a month, barely able to feed his family, his wife is mentally ill, the only clothing his children had were "what they were stealing," his teeth badly in need of care—said he "could do anything," but could not name a skill, and stated that, with his family responsibilities, he could not afford to enter the manpower retraining program.

A man unemployed since having been discharged from a steel plant 5 years earlier (with the union's consent) for assaulting his foreman, now taking psychiatric treatment and at the same time participating in the manpower retraining program.

A 45-year-old woman who had resigned several years ago as a bench hand in a large electronics firm just as she was about to be fired for absenteeism, got a job with another firm as a result of my intercession, but is dissatisfied and wants to change her job again.

This experience has impressed upon me that the unemployment problem—even in my relatively high income district—is a stubborn one. Nearly all the unemployed who come to me for jobs have one or more of the following characteristics: Incomplete education (often nearing illiteracy), alcoholism, mental disturbance, prison or bad military conduct records, poor health or physical handicaps.

The older people and the Negroes who come to me are nearly always unemployed because of these handicaps and not primarily because of age or color—although, no doubt, these are complicating factors. I have gotten jobs for many, but of the ones I have been unable to place, I can think of none who does not fall into one or more of the categories of poor motivation, poor education and training, or emotional instability.

If I am correct in my assessment that the unemployment problem is primarily structural, what are the remedies? One of my lessons as an economist in Congress is that the political pressures are too often strongest for those remedies which involve questionable economics: Greater subsidies to shipyards than the already high 55 percent; tariffs on imports of steel; a 35-hour workweek with double pay for overtime in order to discourage it; a third layer of subsidy to cotton mills; supports and controls for wheat; increases in the minimum wage; retaining obsolete military bases; accelerating and proliferating public works projects of dubious need.

Such programs are doubtful economics because they involve the production of things not needed or things available cheaper and better elsewhere; measures to prevent people from working, under the pretense of protecting them; or measures to provide jobs for the wrong people at the wrong places at the wrong times.

Such programs impede adjustments that are ultimately needed, impair flexibility, inflate costs and prices, place a burden of lower real incomes upon the general taxpayer, and shift the burden of idleness to workers in other areas or trades perhaps unprotected by unions or unable to perceive how they are being injured.

It is difficult to resist such proposals. For one thing, the arguments in support of them are often persuasive to Congressmen untrained in economics. More important, the businessmen and workers who come to your office to urge them are alive and present, are sincerely hurting, and are demanding immediate relief. The measures asked for promise to give this immediate relief in the workers' and firms' localities, and in their occupations and products. Proposals, however sound, that firms shift to new products and that middle-aged workers with families enroll for instruction in a new trade, take kids out of school, kiss families goodby and move to new localities—all these sound hollow even to one who prides himself, as I do, on being a free market economist.

Given this conflict of loyalties between good economics on the one hand, and suffering, voting, humans on the other, each Congressman must make his separate peace. The vote he casts will not please everybody, not even himself. Most politicians—including this one—hold firmly to the philosophy that, to be effective, they must stay in office. After all, the difference between a Congressman and the many high-class citizens who somehow never get to Congress, lies in the ability to get elected. Getting elected is a difficult art; those who deprecate it are invited to give it a whirl. Unfortunately, politicians are rarely frank in setting forth the essence of the art. All action in social, economic, and political affairs is a compromise of conflicting principles. When a politician tells an audience he never compromises, he is either kidding the audience or kidding himself.

In my brief tenure I have followed one broad course in trying to vote good economics and at the same time to stay alive in the political jungle. I have become a "service Congressman," ever ready to stimulate local projects and to help with personal problems.

My activities in behalf of local projects have included organizing a mass meeting in support of a bridge across Chesapeake Bay between Baltimore and Kent Counties; calling a defense procurement conference; setting up a business desk which has won contracts for radiosondes, rabbits for medical research, paper butter dishes and post office design; inviting and answering inquiries on how to get on bidders' lists and find new markets for products; mailing thousands of books and pamphlets to firms in my district on how to sell to various Government agencies; arranging meetings between Baltimore area industrialists and the National Aeronautics and Space Administration in an endeavor to attract a $50 million electronics center to my area; waging a long fight against New York to win a $2.5 million nuclear research reactor for the Aberdeen Proving Ground; taking a keen interest in cleaning up dirty water and air in industrial areas of my district, and bringing in the Public Health Service to study this pollution for the purposes of law enforcement.

In addition to these civil programs, I have done much for individuals in need of help. A family denied social security benefits wrote to me: "An injustice has been done, but we do not know how to cope with the Government—it is too large." My appeal brought them $4,400 in back benefits. I persuaded the Internal Revenue Service to stop dunning an aged and indigent woman for back taxes. I got the State Department to allow a South African girl stranded in Canada to join her finance in America, and a young Austrian to visit her sister here. My latest triumph was to get a 17-year-old girl out from behind the Iron Curtain to join her family, who had not seen her since she was a baby.

All these efforts have won me a reputation as a hard-working Congressman, who helps people. As a result, my strongest potential opponents have backed away from running against me. I have discovered—or think I have—that most voters are not greatly interested in national legislation. They have problems and needs of their own, and if you help them with these, they allow you great freedom in voting on national legislation. Put it another way, a solid base of popularity with the ordinary voter gives a Congressman sanctuary from pressure groups who want things inimical to the national interest. As a consequence, I can vote solidly for civil rights in a basically Southern State with a white constituency drawn increasingly from the Deep South.

Perhaps the least satisfactory aspect of being an economist in Congress is that it is seldom possible to cast a vote which does justice to all the many and subtle considerations that surround any major issue. For example, the tax cut and its effect on unemployment and economic growth are, to me, complicated and manysided questions.

I have grave doubts as to the need for, or the efficacy of, such a cut at a time when important indicators show that we are far from recession conditions. And all the arguments regarding our deficient aggregate demand have still not changed my mind. I voted for the cut because I had to make a choice. I was doubtful that a cut was justified; on the other hand, I was not absolutely certain that it would not help, and I was willing to take a chance on it.

I voted for the tax cut also for party reasons. As a Democrat, I am naturally convinced that my party is closer to the right answers in most matters and that it is important that the opposition not be allowed to hand us a black eye on an important issue. Thus the tax cut became a party, as well as an economic, issue.

There is also the matter of time and energy. Hundreds—nay, thousands—of economic bills come before Congress. While I can analyze and understand any one, or a small number, of such bills, to master all aspects of all such legislation is impossible, in view of the heavy demands to serve my district, receive visitors, speak to and visit in my district, read and answer thousands of letters and phone calls.

I am sometimes bemused by the fact that my vote normally does not differ from that of many of my colleagues who never had a principles of economics course. Unquestionably, economics training is needed in Congress; more Congressmen ought to have it. But isn't there a limit to what an economist can do in Congress when the public, which, after all, makes the rules of practical politics, neither knows nor cares much about this intricate subject?

Thus, although my thinking on the causes of unemployment, stagnation, and inflation has not been significantly modified by my year in Congress, I have concluded that in politics, pure economics must be heavily laced with pragmatism, and that Congress is no place for a textbook economist.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 16, 1964

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. ALBERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
April 16, 1964.

I hereby designate the Honorable CARL ALBERT to act as Speaker pro tempore today.

JOHN W. MCCORMACK,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I Corinthians 15: 58: *Be ye stedfast, unmoveable, always abounding in the work of the Lord.*

Most merciful and gracious God, we penitently acknowledge that in the adventure of life there are many strange events and bitter experiences whose meaning we cannot understand.

It gives us peace and courage and hope to believe that this universe is in the keeping and control of One whose mind is infinitely wiser than our own.

We rejoice that we may trust ourselves to Thy divine love and care and that Thou wilt gird us with an indomitable spirit to rise above the storm when the winds are contrary.

May we also go about doing good and extend a helping hand to the weary and heavy laden and speak words of cheer and comfort to those who are lonely and discouraged and find life a difficult struggle.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON BILL MAKING APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE, FISCAL YEAR ENDING JUNE 30, 1965

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow, Friday, April 17, to file a report on this bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1965.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FORD. Mr. Speaker, I reserve all points of order on the bill.

REPORTED READINESS OF THE SOVIET UNION TO SUPPORT "A PEACEFUL SOLUTION TO THE ISRAEL PROBLEM"

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, according to a press report issued out of Paris, dated April 9, 1964, Premier Khrushchev's son-in-law, Alexei Adjubei said, while on a visit there, that the Soviet Union was ready to support "a peaceful solution to the Israel problem." This was based on the Soviet Premier's policy of peaceful coexistence with the West. Adjubei, who is editor of the official Soviet Government newspaper, Izvestia, said that the policy applied to the Middle East as well.

It has occurred to me that the import of the foregoing should be explored with the Soviet Government at this time. I say this especially in view of the fact that the Soviet Union has begun shipping rocket firing mosquito patrol boats which are capable of firing guided rockets 10 to 20 miles from the launching pads aboard the ships. Similar type ships have previously been supplied to Egypt.

May I therefore urge that a request be made of the Soviet Government that they join with us in making representations to the Arab countries in order that the groundwork be laid for peace talks between this Government, the Soviet Union, and representatives of the Arab countries.

I believe that it would be appropriate at this time to engage in conversation with the Soviet Union in view of the continued sale of arms to the United Arab Republic by the Soviet Union and the reported production of ground-to-ground missiles by the United Arab Republic with the aid of Soviet and Nazi scientists.

The threatened diversion of the headwaters of the Jordan River by the Arab countries, in order to prevent Israel from using its share of the waters of the Jordan for the purpose of irrigating the Negev, is another development worthy of talks between the respective countries.

HENRY J. KAISER HAS DEMONSTRATED THAT INDIVIDUAL INITIATIVE AND PRIVATE ENTERPRISE ARE THE BULWARK AND FOUNDATION OF DEMOCRACY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute on a resolution to honor Henry J. Kaiser, and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, in less than a month, on May 9, one of America's all-time industrial titans will celebrate his 82d birthday. Henry J. Kaiser, since his birth in 1882, has not only witnessed—but has profoundly influenced and vigorously helped to guide—the greatest expansion in all history of any nation's productive capacity and inventive genius. His creed as a practitioner of individual initiative and private enterprise has been "Find a need, and fill it." He has done, so many times, in magnificent fashion, in the 50 years since he founded his first Kaiser enterprise.

"Problems are opportunities in work clothes," Henry J. Kaiser has said. The Kaiser Industries Corp. which he still leads as chairman of the board, is a towering demonstration of the vitality of free enterprise when men of vision and of courage and of faith in American democracy are willing to invest their brains and energies, as well as their financial resources, in the service of the American economy.

Henry J. Kaiser has done much more than build a giant among business enterprises. He has fashioned an industrial machine to the needs of the American people, and to the aspirations of freedom-loving peoples of many other countries as well, to bring prosperity to areas which had previously experienced economic stagnation or want. His industries forge the sinews of defense, the tools of commerce, and the instruments of transportation and communication, and America is the greater for them.

Only the perspective of history will enable succeeding generations eventually to measure the true extent of the vast contributions to this country's greatness and progress made by Henry J. Kaiser. But we have had sufficient perspective in the past 50 years to know that this man who dared to pioneer in human relations as well as in technology has given his countrymen more confidence in the strength of initiative and free enterprise than any other businessman of his era.

And for this achievement among many, many achievements, Henry J. Kaiser deserves the recognition which many of us in the Congress of the United States have joined in proposing for him.

Mr. Speaker, Henry J. Kaiser should be awarded a Congressional Medal of National Honor.

Few Americans have ever been granted this honor. It is—and should be—reserved only for those whose deeds have written new chapters in the annals of American greatness. Henry J. Kaiser is such an American.

House Joint Resolution 951, introduced in the House of Representatives on March 16, 1964, authorizes the issuance of a gold medal to Henry J. Kaiser. My great admiration for this outstanding American is shared, I know, by every citizen who thrilled during World War II to the industrial miracles wrought by this man in helping to arm our Nation for victory. Americans have been thrilled time after time, also, since the end of World War II—as we were on numerous occasions prior to the war—by his daring and imagination in building new enterprises and restoring faltering old ones.

The legislation proposing the issuance of a Congressional Medal of National Honor to Henry J. Kaiser has been introduced by 16 Members of this House, and by 19 Members of the U.S. Senate, who joined in sponsoring Senate Joint Resolution 163, introduced on March 23.

Mr. Speaker, I submit herewith the list of the pending House joint resolutions proposing this well-deserved honor for Henry J. Kaiser, and their sponsors as follows: Mr. Cannon, House Joint Resolution 999; Mr. Cohelan, of California, House Joint Resolution 975; Mrs. Green of Oregon, House Joint Resolution 964; Mr. Gubser, of California, House Joint Resolution 984; Mr. Hagan of California, House Joint Resolution 994; Mr. Hanna, of California, House Joint Resolution 956; Mr. Hechler, of West Virginia, House Joint Resolution 985; Mr. Holifield, of California, House Joint Resolution 961; Mr. Horan, of Washington, House Joint Resolution 988; Mr. Hosmer, of California, House Joint Resolution 989; Mr. Morris, of New Mexico, House Joint Resolution 1000; Mr. Morrison, of Louisiana, House Joint Resolution 965; Mr. Patman, of Texas, House Joint Resolution 951; Mr. Pelly, of Washington, House Joint Resolution 995; Mr. Secrest, of Ohio, House Joint Resolution 966; Mr. Sheppard, of California, House Joint Resolution 957; Mr. Tollefson, of Washington, House Joint Resolution 986; and Mr. Charles H. Wilson of California, House Joint Resolution 958.

The companion measure in the Senate, Senate Joint Resolution 163, has been sponsored by Senators Anderson, of New Mexico; Bartlett, of Alaska; Bible, of Nevada; Byrd of West Virginia; Church, of Idaho; Cotton, of New Hampshire; Douglas, of Illinois; Engle, of California; Hartke, of Indiana; Inouye, of Hawaii; Jackson, of Washington; Javits, of New York; Kuchel, of California; Long of Missouri; Magnuson, of Washington; Moss, of Utah; Randolph, of West Virginia; Williams of New Jersey and Young of Ohio.

Mr. Speaker, this is impressive support for legislation to bestow upon Henry J. Kaiser the highest honor within the power of Congress to grant upon an American citizen.

The text of House Joint Resolution 951, and of the companion bills above cited, follows. The Senate resolution, Senate Joint Resolution 163, is identical.

H.J. Res. 951

Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser

Whereas Henry J. Kaiser, world-famous industrialist and humanitarian, has devoted his full life to the business of serving and building people; and

Whereas he has demonstrated to the peoples of the world that individual initiative and private enterprise are the bulwark and foundation of democracy; and

Whereas he pioneered a new approach to solving the problems of providing medical care for the average man by applying the instruments of private enterprise; and

Whereas Henry Kaiser's remarkable wartime record of building ships, planes, weapons, and military installations set the pace for the rest of the Nation to supply her the necessary materials she needed for victory; and

Whereas his generous use of imagination and spirit of cooperation have helped solve the problems of labor with realistic understanding, and consequently have earned for him the respect of labor, management, and the public; and

Whereas Henry J. Kaiser has helped peoples of the world to rise to freedom and a more ample life by searching the globe for areas of human want and need—and then fulfilling them: Therefore be it

Resolved, That the Congress of the United States of America bestow upon Henry J. Kaiser a Congressional Medal of National Honor and therewith express the admiration, respect, and appreciation in which he is held by the Congress, by the people of the United States, and by the people of the world for his contributions to upholding the dignity of man; and be it further

Resolved, That the President of the United States is hereby authorized and requested to present to Henry J. Kaiser in the name of the people of the United States of America a gold medal of appropriate design.

Sec. 2. The President is further authorized and requested to present such a medal at an appropriate program of presentation; and be it further

Resolved, That the Secretary of the Treasury shall cause such a medal to be struck and furnished the President. The sum of $2,500 is hereby authorized for the purpose of paying for the medal and incidental expenses in connection with the presentation.

THE BROADCASTING INDUSTRY

Mr. WELTNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WELTNER. Mr. Speaker, few among us stop to realize the great impact upon our Nation and upon national thinking brought about by the growth and development of the broadcasting industry.

Beginning almost as a novelty, radio and television have become an intricate part of our national life. This growing giant has brought entertainment, education, and new understanding to millions of Americans far removed from centers of national activity.

During this week an outstanding citizen of my district, Mr. J. Leonard Reinsch, celebrates his 40th year in the broadcasting industry. Now chief executive of an important and influential group of radio and television stations, Mr. Reinsch has grown with the industry to a place of paramount importance.

I am happy to join his many friends and associates throughout the Nation in recognizing this milestone in his career.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, may I ask the majority whip if he will inform us as to the program for next week?

Mr. BOGGS. Mr. Speaker, the program for the week beginning April 20, 1964, is as follows:

On Monday bills on the Consent Calendar will be called. Two bills will be called up under suspension of the rules, H.R. 9521, increasing the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior, and S. 793, promoting the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California in the administration of the Klamath reclamation project.

On Tuesday we will take up the appropriation bill for the Defense Department after bills on the Private Calendar are called.

We have added several bills which were not on the calendar in addition to bills from the Committee on Ways and Means. I will read this. It is a long list of bills from the Committee on Ways and Means which will be considered next week. They are as follows:

H.R. 1997, limitation of diversity jurisdiction of Federal courts under direct action statutes.

H.R. 287, including Nevada among States permitted to divide their retirement system into two parts for OASDI coverage purposes.

H.R. 1608, providing that aircraft engines and propellers may be exported as working parts of aircraft.

H.R. 2330, providing that antiques may be exported free of duty if they exceed 100 years of age.

H.R. 2652, duty-free importation of certain wools for use in manufacturing of polishing felts.

H.R. 3348, extending time for teachers in Maine to be treated as covered by separate retirement systems for OASDI purposes, and permitting Texas to obtain coverage for State and local policemen.

H.R. 4198, free importation of soluble and instant coffee.

H.R. 4364, free entry of mass spectrometer for Oregon State University and spectrometer for Wayne State University.

H.R. 6455, amending the Internal Revenue Code of 1954 with respect to unrelated business taxable income.

H.R. 7480, temporarily suspending the import duty on maganese ore—including ferruginous ore—and related products.

H.R. 8268, to prevent double taxation of certain tobacco products exported and returned unchanged to United States and subsequently reprocessed.

H.R. 8975, providing for the tariff classification of certain particle board.

H.R. 9311, suspension of duty on alumina and bauxite.

H.R. 9393, extending time for ministers to elect coverage under OASDI, providing full retroactivity for disability determinations, and for other purposes.

Senate Concurrent Resolution 19, designating "bourbon whiskey" as a distinctive produce of the United States.

Mr. ARENDS. Those bills were on the program for this week

Mr. BOGGS. They were on the program for this week, yes; and in addition thereto the bills added are H.R. 1997, limitation of diversity jurisdiction of Federal courts under direct action statutes and H.R. 287, including Nevada among States permitted to divide their retirement systems into two parts for OASDI.

Mr. ARENDS. This is the end of the program for this week?

Mr. BOGGS. This is the end of the program for this week.

DISPENSING WITH CALENDAR WEDNESDAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ADJOURNMENT UNTIL MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

NAMING OF BRIDGE ACROSS THE MISSISSIPPI RIVER AT MEMPHIS THE CLIFFORD DAVIS BRIDGE

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. GATHINGS. Mr. Speaker, it is highly fitting and proper that the new bridge to be built across the Mississippi River at a point near the cities of West Memphis, Ark., and Memphis, Tenn., be named the Clifford Davis Bridge.

Cliff Davis is a great American. He has been a Member of this House since February 1940, the 76th Congress, when he was elected to succeed the Honorable Walter Chandler, who resigned his seat to serve as mayor of the city of Memphis.

It has been my privilege to serve with Cliff Davis all of these years. The only thing that separates Cliff Davis' district and the district I am privileged to serve is the Mississippi River.

Mr. Davis has been an outstanding Member of this House. He is a Christian gentleman, without hypocrisy. He has served and is serving with great distinction as a member of the House Committee on Public Works. For many years he has been the chairman of the Subcommittee on Flood Control. The people of Memphis and the Midsouth are vitally concerned with drainage, flood control, and river and harbor improvements. On many occasions Cliff Davis has headed the Select Committee on Campaign Expenditures of the House of Representatives. He was named chairman of this group three times by Speaker Sam Rayburn and once by Speaker John McCormack.

Cliff Davis is an orator of renown. While he speaks only when it is necessary and appropriate in serving his district he gets an attentive ear from his colleagues. They listen when he talks. There is no one who enjoys the esteem and admiration of the membership more than Judge Davis.

He worked tirelessly in the hearings and in the drafting of the Interstate Highway Act of 1956. He was named as a conferee by the Speaker to iron out differences with the Senate on this most essential and forward-looking highway program. Bridge building such as is anticipated at Memphis-West Memphis was authorized by this act that Cliff Davis sponsored along with Representative George Fallon, of Maryland, and the other members of the Subcommittee on Roads and the full Committee on Public Works.

Cliff Davis is deserving of this honor—he has earned it. I trust that the bill introduced first by Mr. Edmondson, of Oklahoma, will be approved and enacted into law.

CONGRESSIONAL ETHICS AND CONGRESSIONAL REFORM

Mr. REID of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REID of New York. Mr. Speaker, today I am introducing companion bills with slight modification to legislation introduced in the 1st session of the 88th Congress by Senators Jacob Javits and Kenneth Keating in the other body and by Congressmen JOHN V. LINDSAY and HENRY S. REUSS in the House.

It is essential in my judgment that the Congress regain to every extent possible the confidence of the American people in two broad areas: Congressional ethics and congressional reform.

We cannot continue to function with a double standard of ethics—one set for the executive branch—but none for the legislative branch. In 1962 the Congress passed a modern conflicts-of-interest code for the executive branch of our Government. This was a signal achievement and represented the first major overhaul of our conflicts-of-interest laws in the 20th century. However, an appropriate code for employees and Members of the Congress totaling some 25,000 was not enacted. This is an omission which should be promptly remedied.

I am submitting a concurrent resolution to establish a Joint Committee on Ethics to recommend a comprehensive code for Members of the Congress and all legislative employees. In addition, the resolution would establish an interim code—which would require a Member of the Congress to file with the Comptroller General a record of any financial interests—valued at $10,000 or more—in an activity which is subject to the jurisdiction of a Federal regulatory agency. It would ban the use of confidential information for other than official purposes; and would bar the use of official influence to gain special privileges or exemptions.

I am also introducing a companion measure which would amend the Administrative Procedure Act to require that any written or oral communication between a Member of the Congress or his staff and a regulatory agency in adjudicatory proceedings be made a part of the public record.

Finally, Mr. Speaker, I am introducing a bill establishing a bipartisan Commission on the Organization of the Congress. General procedural and organizational problems have not been considered by the Congress since the La Follette-Monroney Legislative Reorganization Act of 1946.

The volume and complexity of Federal legislation have increased substantially in the past 17 years. Two new States and 15 million additional persons are now represented in Washington and whole new fields of science and technology have become the responsibility of the Congress since that time.

The question is, I believe, Mr. Speaker, whether the Congress is fully able to function thoughtfully and responsibly under the problems and opportunities of the 1960's and 1970's—with rules, procedures, customs, and committees geared in some respects more nearly to the 1890's.

In a word, I, along with others of my colleagues, urge the need for specific reforms and the desirability of widespread public attention to the need for Congress to put its own Houses in order. Only in this fashion can we meet the responsibilities of our time and the future—and truly be a coordinate branch of the Government.

SUPREME COURT PRAYER DECISIONS

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, on April 22 the House Judiciary Committee will begin hearings on legislation concerning prayer and Bible reading in the public schools. To aid in the debate concerning this important matter, I would like to bring to the attention of my colleagues a compilation of comments by religious spokesmen upholding the Supreme Court prayer decisions and opposing efforts to amend the U.S. Constitution to negate those decisions.

The comments follow:

COMMENTS OF RELIGIOUS SPOKESMEN UPHOLDING SUPREME COURT DECISIONS ON PRAYER IN THE PUBLIC SCHOOLS AND OPPOSING EFFORTS TO AMEND THE U.S. CONSTITUTION

"Don't tamper: In our view, it would be less confusing and safer to leave the country's basic declaration about religion untouched * * *. The two clauses about religion, one forbidding the establishment of an official American religion and the other guaranteeing inviolability of religious freedom, admirably express traditional American convictions. There will always be some disagreement over the precise meaning of these ideas, but if we must rely on amendments to apply these ideas to particular situations, the amendments could become endless, and the Bill of Rights would become a confusing patchwork of words."—Cincinnati Catholic Telegraph.

"Campaigns * * * to change the Constitution are deplorable."—Catholic World.

"Christians—Catholics and Protestants—would properly be disturbed if their children in public schools were expected to be present for the saying of a Mohammedan or Buddhist prayer. Catholics and other citizens have objected to the public school system being used as an auxiliary of Protestantism. The present decision of the U.S. Supreme Court makes the point more clear: Tax-supported public educational systems are not to be used to promote a specific denominational religion.

"The decision is not against God; it is not against the Bible; it is not against prayer. From what we have read, it simply states that the reading of a denominational Bible and the saying of a denominational prayer—the Our Father—is contrary to the first amendment.

"We think that if those who have become upset by the decision turned their attention to the furthering of religious instruction of the young—by word and example—much good would be accomplished."—Msgr. FRANKLYN J. KENNEDY, Milwaukee Catholic Herald Citizen, June 22, 1963.

"Any explanation of the Bible reading and prayer cases must take account of the fact that here the Government was deeply and directly involved in religious practices that operated with an indirect compulsive force on all public school children.

"The Court has clearly made an important contribution to the cause of religious freedom. Its interpretation of the separation principle has not stemmed from any hostility to religion or to the churches. On the contrary, its interpretations have been premised on the assumption that due regard for the necessity of freeing religion from the compulsion of government and of freeing government from the domination of religious forces, serves the best interests of both religion and government."—Commission on Church and State Relations, Board of Social Ministry, Lutheran Church in America, 1963.

"It is an essential task of the churches to provide adequate religious instruction through every means at their disposal * * *. We warn the churches against the all too human tendency to look to the state and its agencies for support in fulfilling the churches' mission. Such a tendency endangers both true religion and civil liberties. At the same time, we call the churches to renewed worship, study, work, and sacrifice to fulfill their mission as God's people in the world.

* * * * *

"The full treatment of some regular school subjects requires the use of the Bible as a source book. In such studies—including those related to character development—the use of the Bible has a valid educational purpose. But neither true religion nor good education is dependent upon the devotional use of the Bible in the public school program.

"The Supreme Court of the United States in the Regents' Prayer case has ruled that 'in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as part of a religious program carried on by the government.' We recognize the wisdom as well as the authority of this ruling."—The National Council of the Churches of Christ in the U.S. of A., June 7, 1963.

"The guarantees of the first amendment were hard won and are precious. The proposed [amendment] calls for a fundamental change in our basic charter of liberties which were regarded by our Founding Fathers as unalienable. The proposal to tamper with the freedom of religion clause of the first amendment sets a dangerous precedent.

* * * * *

"Leaders of various religious bodies, both in the State and in the Nation, have announced support of recent Supreme Court decisions as being good for religion and beneficial to the Nation even though these decisions bar religious exercises in public schools. We believe it is important for our legislators to give serious weight to such moral guidelines."

The Reverend Arthur C. Barnhart, Executive Secretary, Department of Christian Social Relations, Diocese of Pennsylvania, Episcopal Church; Wilbur W. Bloom, Executive Secretary, Pennsylvania Baptist Convention; Jules Cohen, Executive Director, Jewish Community Relations Council of Greater Philadelphia; Chad P. Combs, Church and Society Chairman, Synod of Pennsylvania, United Presbyterian Church, U.S.A.; Brant Coopersmith, Regional Director, Anti-Defamation League of B'nai B'rith; Donald M. Hall, Field Director of Christian Education, United Presbyterian Synod of Pennsylvania; Theodore R. Mann, President, Pennsylvania Region, American Jewish Congress; Harry L. Moore, Director of Christian Education, Pennsylvania Baptist Convention, Valley Forge, Pa.; Jesse D. Reber, General Secretary, Pennsylvania Council of Churches, Harrisburg, Pa.; the Reverend George H. Easter, Chaplain and Instructor in Christian Ethics, Philadelphia Divinity School (Episcopal); the Reverend Norman J. Faranelli, Rector, St. Martin's Episcopal Church, Oak Lane; Dr. Murray Friedman, Pennsylvania Area Director, American Jewish Committee; Rabbi Harold Goldfarb, Executive Director, Board of Rabbis of Greater Philadelphia; Rabbi

Theodore H. Gordon, Main Line Reform Temple Beth Elohim; Miss Margaret E. Kuhn, Office of Church and Society, United Presbyterian Church, U.S.A.; Howard Maxwell, Office of Church and Society, United Presbyterian Church, U.S.A.; Rev. Edward A. Powers, General Secretary, Division of Christian Education, United Church of Christ; Protestant and Jewish religious leaders, Philadelphia Inquirer, March 13, 1964.

"In view of the recent Supreme Court decision on school prayer and Bible reading, we, a group of educators, lawyers, editors and religious leaders, have felt it our duty to meet and to discuss the implications of this decision. We represent diverse religious commitments and reflect varied reactions to the Court's ruling.

* * * * *

"Despite our differences, we concur on the following points:

"1. We treasure the guarantees in the first amendment of the Constitution and appreciate the role of the Supreme Court in protecting religious liberty. The Court has clarified the relation of the public school to religion. We are obliged to respect and heed this decision.

"2. The decision does not endorse irreligion or atheism in America. The Court emphatically states its belief that the place of religion in American society is an exalted one. The policy of 'wholesome neutrality,' which the Court asserts, 'neither advances nor inhibits religion.' We see no need to amend the Constitution or change the role of the Supreme Court.

"3. Although devotional exercises are forbidden, the Court clearly allows for the objective study of religion and particularly of the Bible in the public school. Citizens should encourage public school authorities to explore the possibilities suggested by this decision to include within the public school curriculum an understanding of the role of religion in society, culture, and history. They should assure school officials the necessary freedom to perform this task in a responsible professional manner.

"4. We advocate that in a pluralistic society religious and civic groups use the instrumentality of dialogue to resolve conflict. However, we affirm the right of individuals or groups, without being subjected to abuse or penalty, to appeal to the courts to secure and protect civil rights.

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"5. The decision challenges parents and religious leaders to shape and strengthen spiritual commitment by reliance on voluntary means, and to resist the temptation to rely on governmental institutions to create religious conviction."

Dean Edward W. Barrett, Columbia University Graduate School of Journalism; Dr. William Brickman, Professor of Education, University of Pennsylvania; Dan Callahan, Associate Editor, Commonweal; Dr. C. Emanuel Carlson, Executive Director, Baptist Joint Committee on Public Affairs; Father James Deneen, Superintendent of Catholic Schools, Evansville, Ind.; Rabbi Ira Eisenstein, Editor, Reconstructionist; Rabbi Arthur Gilbert, Staff Consultant, Religious Freedom and Public Affairs Project, NCCJ; Rabbi Robert Gordis, Jewish Theological Seminary; Dr. Kyle Haselden, Managing Editor, Christian Century; Dr. Carl F. H. Henry, Editor, Christianity Today; Dr. David Hunter, Director, Department of Christian Education, Protestant Episcopal Church; Dr. Wilber G. Katz, Professor of Law, University of Wisconsin; Father William J. Kenealy, S.J., Law Professor, Loyola University, Chicago; Dr. Dumont F. Kenny, President, Queensborough Community College of the City University of New York, who served as the meeting's chairman; Rabbi Norman Lamm, Professor, Yeshiva University; Dr. Joseph Manch, Superintendent of Schools, Buffalo, N.Y.; Senator Eugene McCarthy, Minnesota; Dr. Claud Nelson, Staff Consultant on Interreligious Relations, NCCJ; Thomas J. O'Toole, Former Director, Church-State Institute, Villanova University; Dr. Theodore Powell, Connecticut State Department of Education; Father John Reedy, C.S.C., Editor, Ave Maria; Father John B. Sheerin, C.S.P., Editor, Catholic World; Prof. Roger Shinn, Union Theological Seminary; New York; Rev. John M. Swomley, Jr., St. Paul School of Theology (Methodist), Kansas City, Mo.; Rev. Norman Temme, Acting Public Relations Director, Lutheran Church-Missouri Synod; Father Gustave Weigel, S.J., Woodstock College, Maryland; Dr. Thomas J. Van Loon, Nashville, Tenn.

"The United Synagogue of America earnestly prays that no legislation will be enacted by the Congress which will in any way compel or threaten to compel the children of America to worship in Government agencies or under the aegis of temporal authority. The religious training of American children should be permitted to flourish in church, synagogue, and home, where it belongs. Religion cannot become, however remotely, an arm of Government."—Mr. George Maislen, president of the United Synagogue of America, July 1962.

"We are skeptical * * * of the advisability of attempting to modify the wording of the religion clauses of the first amendment, even for purposes of clarification. For one thing, it would speedily appear, we fear, that those who want a clarification are deeply divided among themselves. It may be true that a majority of the American people are willing to add something to the religion clauses in order to bring out their true meaning. But does everyone want to add the same thing? We doubt it.

"A weightier reason for questioning the wisdom of this move is that, if it should succeed, it would only shake the faith of the American people in the firmness of the constitutional guarantee of our most basic civil liberty, freedom of religion. From a purely formal point of view, of course, everything in the first amendment is as much subject to amendment by the people as any other part of the Constitution. But for all practical purposes, the first amendment's religion clauses ought to be regarded as unamendable.

"Our country contains more than 250 different religious faiths, as well as a host of people of no definite religion. It is imperative that all of us should be able to feel a serene confidence that, however much we may quarrel and dispute, no successful attempt will ever be made to change the fundamental terms on which we live together in the secure enjoyment of religious freedom."—America (a Jesuit weekly), May 25, 1963.

"I do not see how the U.S. Supreme Court could honestly have ruled otherwise than it did when it outlawed Bible readings and recitations of the Lord's Prayer as devotional religious exercises sponsored by the authorities in the Nation's State-operated public schools.

"Not for one moment can I agree with those who are calling for a constitutional amendment to make these practices legal. I am strongly opposed to the setting of any precedent of tampering with the first amendment to the Constitution.

"The amendment as it stands is adequate, and has proved a priceless protection for freedom of conscience and religion.

"Apart from the legal question, the primary right and responsibility in the education of children belongs to the parents. American law says so. So does the United Nations' Universal Declaration of Human Rights. And the popes—including John XXIII—have repeatedly enunciated the principle.

"If by our energy and ingenuity and community cooperation we can wipe out polio, we can correct religious illiteracy. But we won't accomplish much until we stop leaning on the public schools, and address ourselves to our religious duty."—Joseph Breig, The Pittsburgh Catholic, August 15, 1963.

"It is now clear that public authorities are required to show neutrality toward all groups of believers and nonbelievers. In public schools, members of religious minorities are not required to choose between participating in religious practices against their conscience and submitting to the handicap of expressing their dissent by conspicuous withdrawal.

"We may be thankful that the Constitution does not permit the Government to define and give preference to some general version of Christianity or of Judeo-Christian religion."—The Rt. Rev. Arthur Lichtenberger, Presiding Bishop, Protestant Episcopal Church in the United States.

"Prayer is cheapened when it is used as a device to quiet unruly children, and the Bible loses its true meaning when it is looked upon as a moral handbook for minors. Both are meaningful only as sincere expressions of faith.

"The Court's decision underscores our firm belief that religious instruction is the sacred responsibility of the family and the churches. It is both mistaken and dangerous to assume the spiritual needs of our youth are met by formal recitation of prayers or the casual learning of words taken from the Holy Writ.

"We reiterate that religious instruction is not the responsibility of a public institution * * *. Now that the Court has spoken, responsible Americans will abide by its decisions in good grace. They will not speak out of disrespect for the judicial system of the Nation or encourage proposals subversive to the Bill of Rights.

"Responsible Americans * * * cannot praise the Court or remain silent when they approve of a decision and then turn around and attack its integrity when they dislike a ruling."—The Reverend Silas G. Kessler and the Reverend Eugene Carson Blake, the United Presbyterian Church in the United States.

"Since pagan influences increasingly shape American institutions, it is noteworthy that the Supreme Court set its prohibition of compulsory devotional exercises in the context not of irreligion but of the Nation's religious heritage. The Court banned legislated Bible reading and prayer in public schools and its logic likewise would ban legislated irreligion. Neither majority nor minority should use machinery of government to implement religious beliefs or nonbeliefs.

"The decision multiplies the responsibility of American parents and churchmen to promote spiritual decision not through machinery of the state but through voluntary agencies."—Christianity Today, July 5, 1963.

"As representatives of the Christian faith, we accept the decision of the Court in full recognition of the historic spiritual values the decision seeks to preserve.

"The decision makes it mandatory for us to seek ways of relating religion and education in the life of the child that shall not be by statutory decree. Unless Bible reading and prayer are performed in an atmosphere of religious devotion and worship, often not possible in the public school, the very act may be profane and secularized to the detriment of the public.

"In the long run, this decision of the Court is more likely to conserve and protect the spiritual values that lie at the heart of our democracy, and of the Christian faith, than a contrary decision."—Bishop John Wesley Lord, bishop of the Methodist Church (Washington area).

"Recent decisions of the Supreme Court of the United States have interrupted or modified traditional devotional practices in many public schools and caused considerable concern in many quarters * * *. We concur in the implication of these decisions that the state has no right to establish or authorize devotional practices in our public schools. Since we have lived in considerable harmony under the first amendment of the Federal Constitution for many years, during which time free religion flourished in America we see no reason for proposing amendments to either the Federal or * * * State Constitutions to nullify the decisions of the Supreme Court."—New York State Council of Churches, statement of legislative principles, 1964.

"Prayer amendment, No: It seems to us that it is a panic reaction to suggest that only a constitutional amendment can solve what is certainly a serious problem for our society.

"The issue is whether the publicly financed, publicly administered, obligatory educational system should, under our system of freedom of worship, conduct acts of religious devotion and indoctrinate students in a set of religious values.

"And the related issue is: How shall this society effectively provide a religious dimension to the education of its children?

"This last question weighs heavily on the consciences of parents and religious leaders. But it does not demand that we amend the Constitution in such a way that authority over religious education will be granted to some government official or agency.

"And that's what would have to be done if the amendment were to be carried out as a reality.

"Authority over religious education should not be conveyed by majority vote."—Ave Maria (a Catholic weekly), December 21, 1963.

"When the Court ruled against the New York Regents' prayer and against religious devotions in the public schools of Pennsylvania and Maryland * * * many mature persons seemed to think the Highest Court had driven God out of the country, as if that were possible * * * and some 50 bills were introduced to amend the first amendment in such a manner as to undo the Court's decision.

"The Standard submits that the people of the United States are fortunate to have a government which provides for checks and balances. At this particular time, when so many in government want to pay the bills for the churches and so many in the churches want the government to pay them, we should be thankful that the judicial department has 'prevented the Government from underwriting any religious sect.'

"The National Constitution provides for separation of church and state, and perhaps most of the men and women in Government really believe in the principle, but those who obtain and retain their office by the vote of the people know the votaries are divided, are often tempted to sidestep the constitutional provision in order to please the people 'back home.' * * * There must always be one division of government free from any and all political pressure. If American people are smart, they will see to it that the judicial department shall always remain free.

"For the last 40 years, the legislative and executive branches of the National Government have sometimes sought new means for permitting something, even though it might be unconstitutional. We are fortunate that the third branch is devoted to preventing that which the Constitution forbids."—The Baptist Standard, February 26, 1964.

"We oppose any attempt to override the Court's salutary interpretation and to alter the intent of the Founders of our country to keep church and state separate. If the state engages in religious practices, religion in the United States will suffer; and if religion suffers, so will the Nation. We need government and we need religion, each working in its own sphere, each acting for the good of all."—Unitarian Fellowship for Social Justice and the Unitarian Universalist Association, July 26 and August 2, 1962.

"Whether the Supreme Court declares these particular mandatory religious practices in public schools to be constitutional or unconstitutional, there are some significant characteristics of our Presbyterian heritage that must not be forgotten or ignored. One is that the instruction of children in the beliefs and practices of the Christian faith is the responsibility and privilege of the church and the family; these things are not properly to be provided by the state or by any of the agencies of the state, including the public schools. Another is that the greatest perils confronting the church when it confuses its faith with the surrounding culture—even a benign and benevolent culture—and substitutes civil legislation for its own internal disciplines in order to replace its own evident responsibilities and tasks. Finally, it is the greatest betrayal of our heritage and of our profession of faith in Jesus Christ as Lord, to treat the worship of God, and prayer in particular, or the public reading of the Scriptures, as convenient devices to enforce order in assemblies, or as ceremonial supports for either a narrow band of patriotism or an expedient social morality."—William A. Morrison, general secretary, board of Christian education; Eugene Carson Blake, stated clerk, general assembly; Monday Morning (a magazine for Presbyterian ministers), May 20, 1963.

"Don't rush the prayer amendment. It is so easy to think that one is voting for prayer and the Bible. It comes as a shock that this is not the issue. The issue is that agencies of government cannot avoid favoring one denomination and hurting another by the practical decisions that have to be made by government authority on what version of the Bible shall be imposed and what prayer. The churches know this and that is why they are against the Becker amendment.

"Prayers and Bible reading are more meaningful within the home and church than in the public schools. The late President Kennedy pointed out quite accurately that the U.S. Supreme Court ruling 'would be a welcome reminder to every American family that we can pray a good deal more at home and attend our churches with a good deal more fidelity.' "—Christian Science Monitor, March 30, 1964.

"The Baptist Joint Committee on Public Affairs reaffirms its conviction that laws and regulations prescribing prayers or devotional exercises do not contribute to a free exercise of religion and should not be encouraged.

"The Baptist Joint Committee also expresses a deep concern lest such laws and regulations become the means for confusing the moral values of American society for a devotion to religious insights. While the committee is enthusiastic about much in the American heritage as a national way of life, the equation of religious ideas and practices with our national culture will erode rather than strengthen the American heritage.

"The committee recognizes that some political leaders may make appeals for the establishment of religious acts through legalized means to arouse public sentiment. This we regard to be in bad taste as a violation of the principles of separation of church and state.

"Legislative representatives and political leaders should be made aware of our Baptist support for a clear distinction between the roles of the churches and those of State agencies."—Baptist Joint Committee on Public Affairs, March 10, 1964.

"The religious liberty declaration," Cardinal Ritter said, "is necessary for progress toward Christian unity and the unity of mankind." The reason:

" 'Without such a declaration there can be no mutual discussion, and the door would be closed to any real dialogue with those outside the church.'

"In other words, the first requisite for a dialogue with other Christians, with Jews, with Mohammedans, with mankind generally, is full recognition that each person must be free to obey conscience.

"A corollary of this is that the church must strive to express religious truth with such clarity and charity that it will appeal to the free intellects of free human beings.

"Those are among the purposes for which Pope John XXIII summoned the Ecumenical Council.

"This principle of respect for conscience is also in perfect accord with Pope John's encyclical, Pacem in Terris, in which he emphasized that 'by the natural law every human being has the right to freedom in searching for truth and in expressing and communicating his opinions.'

"It would seem impossible to square with such principles a school prayer amendment to the Constitution which would legalize religious exercises which are initiated, sponsored, or directed by public school authorities."—Catholic Universe Bulletin (Cleveland, Ohio), January 3, 1964.

"We believe that a person is not adequately educated for life unless he has a real appreciation of religious ideas, values, institutions, and practices. But because of the religious pluralism which prevails in our society today, religious education cannot be a function of the public schools. However, this does not mean that the role which religion, as empirical fact, plays in the culture and in human history cannot be taught in the public schools. Therefore, while supporting the Supreme Court decision of June 17, 1963, we urge positive cooperation toward this end among clergymen, educators, administrators, and other leaders of the community."—Bishops F. Gerald Ensley, A. Raymond Grant, John Wesley Lord, and Kenneth W. Copeland (officers of the General Board of Christian Social Concerns of the Methodist Church).

"We do not believe that much has been lost in terms of the specific points covered by the recent decisions of the U.S. Supreme Court in the school prayer and Bible reading cases. If the Lord's Prayer were to be recited in schoolrooms only for the sake of the moral and ethical atmosphere it creates, it would be worth nothing to the practicing Christian. The Lord's Prayer is the supreme act of adoration and petition or it is debased. Reading the Bible in the public schools without comment, too, has been of dubious value as either an educational or religious experience. The more we attempt as Christians or Americans to insist on common denominator religious exercise or instruction in the public schools, the greater risk we run of diluting our faith and contributing to a vague religiosity which identifies religion with patriotism and becomes a national folk religion."—Statement of the Executive Council, Lutheran Church in America, June 28–29, 1963.

"Committing religious suicide—Several religious and political forces in the United States appear determined to destroy the Nation's constitutional guarantee of religious freedom * * *. The numerous efforts to circumvent the U.S. Supreme Court's decisions on Bible reading and prayer in the public schools are variously motivated. Some of the efforts rise from a sincere but misguided notion that the Supreme Court's rulings have jeopardized religion in the United States. Some of the attacks on the Court's decisions can be charitably explained only as products of ignorance * * *. Jews, Unitarians, secularists, Roman Catholics and others whose children have been unwillingly subjected to religious services and instruction in public schools may have to excuse [this] ignorance, but they do not have to stand idly by while that kind of ignorance destroys their freedom from religions imposed, supported, and coerced by the state. Some of the efforts to amend the first amendment are entirely motivated by political considerations. Whipping the Supreme Court, even when it faithfully interprets the Constitution, is a popular pastime, and a political candidate who runs on a platform that 'defends God' expects from Providence a reciprocal courtesy * * *. Frenetic attacks on the Bill of Rights imperil the very soul of the Nation and jeopardize every man's right to worship and obey God in freedom. God does not need our defense, but we need to defend ourselves against religion-intoxicated fanatics, sincere but bungling religionists, and opportunistic politicians who offer us their kind of religion and their brand of God in exchange for God-given religious freedom."—The Christian Century, April 1, 1934.

INTERPARLIAMENTARY UNION SPRING CONFERENCE, LUCERNE, SWITZERLAND

The SPEAKER pro tempore (Mr. Albert). Under previous order of the House, the gentlewoman from New York [Mrs. St. George], is recognized for 45 minutes.

Mrs. ST. GEORGE. Mr. Speaker, as President of the U.S. group to the Interparliamentary Union Spring Conference, I have taken this time to report on the Lucerne conference, which was held from March 30 to April 5, inclusive.

We went to Lucerne by way of Spain, where the bases were reviewed by some members of the Armed Services Committee, notably the naval base at Rota, which is now in need of enlargement because of the transfer of most of the big submarines from Holy Loch to Spain.

This again points out something that we have to keep doing constantly. We prepare a base in Europe or in South America or wherever you will, and after it is all in operation and order—and I visited this base myself back in 1958, when it was considered completely adequate—we go back a little later and are told that it needs to be enlarged by about two-thirds.

It seems unfortunate that in building these very expensive bases we are not able to look ahead far enough to realize that either the old bases must be kept or the new bases must be built for future use and not just for the present.

After this we reached our conference. We found there and we approved seven resolutions, which will be taken up at the big conference in Copenhagen on the 20th to the 28th of August.

By the Committee on Political Questions, International Security and Disarmament, from international detente to peace. This was unanimously passed.

May I say at this time, Mr. Speaker, that the Iron Curtain countries were on the whole far more cooperative and far more sympathetic than they have been in the past.

We also passed a resolution on the adaptation of the United Nations Charter and working methods to the requirements of an enlarged international society.

By the Parliamentary and Juridical Committee, the international protection of human rights; and space law and prospects of international cooperation in space activities.

By the Economic and Social Committee, the fight against disparities in world economy.

By the Cultural Committee, the problem of education and the fight against illiteracy.

By the Committee on Non-Self-Governing Territories, the implementation of the United Nations Declaration on Colonialism.

In all of the debates the U.S. delegates were most active and held their country's interests paramount throughout. We were well briefed with position papers prepared by Dr. Galloway, our executive secretary, through the Library of Congress.

We also, as I said before, found the Russians in a much more amenable mood and willing to accept some of our suggestions. They did, however, rear back at a West German amendment to change the name of the Committee on Non-Self-Governing Territories, which, incidentally, I think is a very cumbrous and unintelligible title, at least in English, to the Committee on the Rights of Peoples to Self-Determination.

Of course, self-determination is like a red rag to a bull to the U.S.S.R. What, indeed, would happen to all those countries they have gobbled up and hardly digested if self-determination were to become the order of the day.

The uproar become so great and the African and Asian allies took such a part therein that after prolonged and very acrimonious debate, the West German delegation withdrew the amendment.

I have here, Mr. Speaker, a report on the Interparliamentary Council written by our executive secretary, Dr. George Galloway, and I ask unanimous consent that it be placed at this point in the Record.

The SPEAKER pro tempore (Mr. Albert). Without objection, it is so ordered.

There was no objection.

The report referred to is as follows:

Report of the Executive Secretary, Interparliamentary Union Council and Committee Meetings, Lucerne, Switzerland, March 30–April 5, 1964

The spring meetings of the Interparliamentary Union Council and Standing Committees were held in Lucerne, Switzerland, March 30 to April 5, 1964, in the Kunsthaus. Two-hundred and twenty-six members of Parliament from 44 different countries in all regions of the world participated. The delegation from the United States consisted of Representative Katharine St. George, chairman; Representatives W. R. Poage, Alexander Pirnie, Emilio Q. Daddario, F. Bradford Morse, and Robert McClory; and Senators Gordon Allott and Mike Monroney. Dr. George B. Galloway, executive secretary; Darrell St. Claire, fiscal officer; and Dr. Charles J. Zinn, law revision counsel of the House of Representatives, accompanied the delegation.

The conference opened with a general session at which the delegates were welcomed by Swiss officials of Lucerne. Four days of the conference were devoted to a series of meetings by the five Standing Study Committees of the Union. The Political and Disarmament Committee, on which the United States was represented by Representatives Pirnie and Morse, debated four topics: (1) possible steps toward general disarmament, (2) relations between political and military alliances, (3) active coexistence and future international law, and (4) adaptation of the United Nations Charter and working methods to the requirements of an enlarged international society.

The Parliamentary and Juridical Committee, on which Representative Daddario represented the United States, discussed the report of its subcommittee on space law, and considered the international protection of human rights and the role of members of parliament as intermediaries between the citizens and governments.

The Economic and Social Committee, where Senator Monroney and Representative Poage represented the United States, debated the fight against disparities in world economy, including (1) the role of international organizations in technical cooperation and development assistance, (2) means of insuring more extensive exchanges between countries with different political regimes and economic levels, and (3) the demographic problem: the present situation and proposed solutions.

The Cultural Committee, on which Representative McClory represented the United States, discussed democratic access to educational facilities and the fight against illiteracy in the developing countries. And the Committee on Non-Self-Governing Territories, where Senator Allott represented the United States, considered the implementation of the United Nations declaration on colonialism. On all these topics the U.S. delegation was equipped with position papers prepared in the Legislative Reference Service of the Library of Congress.

During the Conference the Executive Committee of the Union held its 131st session, and the Interparliamentary Council held its 94th session. Representative Katharine St. George and Senator Allott represented the United States at the session of the Interparliamentary Council.

The five permanent study committees submitted an account of their work to the Interparliamentary Council which, at a meeting held on April 4, drew up the agenda for the 53d Interparliamentary Conference to be held in Copenhagen from August 20 to 28, 1964. The subjects to be discussed there will be:

1. Adaptation of the United Nations Charter and working methods to the requirements of an enlarged international society;
2. The fight against disparities in world economy; and
3. The problem of education and the fight against illiteracy.

There will also be an exchange of views on the role of Parliament.

During the session of the Council on April 4 it was agreed to postpone until the Copenhagen Conference action on the application of the Republic of South Korea for reinstatement in the Union and not to admit observers from South Vietnam to the floor of the 53d Conference. Proposals formulated by the Executive Committee regarding the status and rights of honorary members of national groups at interparliamentary conferences were accepted by the Council. Secretary General André de Blonay was selected to that office for the period from July 1, 1965, to June 30, 1969. The Council elected the Honorable M. Senanayeke, member of the Parliament of Ceylon, to fill the vacancy on the Executive Committee caused by the dissolution of the South Vietnam Parliament and the withdrawal of Mr. Thiep. A proposal by Mr. Hermann Kopf of the Federal Republic of Germany to change the name of the Committee on Non-Self-Governing Territories was debated in the Council, but a decision on a new name was postponed until the Copenhagen meeting.

During the Lucerne meetings Representative ALEXANDER PIRNIE was elected vice chairman of the Committee on Political Questions, International Security and Disarmament; and Representative ROBERT MCCLORY was elected rapporteur of the Committee on Cultural Questions.

At the invitation of the Spanish group of the Interparliamentary Union, the U.S. delegation to the Lucerne meetings spent a few days in Spain as guests of the Spanish group, some of whose members had previously been entertained by the U.S. group in Washington. While in Madrid the congressional delegation was received at a reception in their honor given by the American Ambassador, Mr. Woodward, at his residence. The delegation was also taken on a tour of the Cortes, the National Parliament of Spain, by the vice president of that body. Several members of the U.S. delegation also visited the Rota Naval Station. The generous hospitality of the Spanish group was deeply appreciated and greatly enjoyed.

Respectfully submitted.

GEORGE B. GALLOWAY,
Executive Secretary.

APRIL 10, 1964.

Mrs. ST. GEORGE. Mr. Speaker, I also have an extremely interesting resolution and study by one of the British delegates which I would also like to have placed in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. ST. GEORGE. The following is the suggestion by the Honorable Mr. Mallalieu and is for a closer link in the United Nations and the Interparliamentary Union; and it was made some time ago. It has been brought back to our attention at this time.

It would certainly seem as though both organizations would benefit by a closer tie-in in their work. While at the present time the organizations do meet and do have observers going from one to the other, this could be better coordinated and the two should be able to meet together and discuss world problems from the two angles of the legislative and the parliamentary branches of government.

For the above reasons, Mr. Mallalieu's suggestion is very worthy of our consideration.

A CONSULTATIVE ASSEMBLY OF THE UNITED NATIONS

(Memorandum from L. B. Sohn to Mr. E. L. Mallalieu, August 6, 1963)

The United Nations General Assembly is a body composed of representatives of states on the basis of equality. While some delegations include members of national parliaments, these delegates are bound by governmental instructions and cannot represent directly the interests of their peoples. By participating in the meeting of the General Assembly, these delegates get acquainted with the workings of the United Nations and bring back to their parliaments a better understanding of United Nations problems. Nevertheless, this link between national parliaments and the United Nations is not a satisfactory one. The problem has been solved in a better way in the various parliamentary assemblies of the European international organizations where a separate body exists in addition to a body representing governments. The Consultative Assembly of the Council of Europe, the Assembly of the Western Europe Union and the Common Assembly of the three European communities are based on direct representation of national parliaments. The number of representatives from each country varies, depending roughly on the size of its population.

In all the existing international parliamentary assemblies, the role of these assemblies proved to be a progressive one. Their members are imbued more with a common spirit than ordinary government representatives. It is due to the insistence of the Consultative Assembly, for instance, that the Council of Europe adopted the Convention on Human Rights and established the European Court of Human Rights. If such an assembly were established in the United Nations, one could expect that it would also have a beneficial effect.

One could say that such an assembly exists already in the form of the Conferences of the Interparliamentary Union, the 51st meeting of which was held in Brasilia in 1962. If one looks through the resolutions of the Interparliamentary Conferences, one sees in them a spirit of progress and an attempt to reflect as closely as possible the hopes and fears of mankind. The size of national delegations in the Interparliamentary Conferences is related to a nation's population, though not exactly proportionate to it. The votes vary from 9 to 22.

Perhaps it might be possible through concurrent resolutions adopted by the General Assembly of the United Nations and by the next Conference of the Interparliamentary Union to establish a direct link between the United Nations and the Interparliamentary Union. The Interparliamentary Union would not become simply an organization with a consultative status, advising the Economic and Social Council, but would be working closely with the General Assembly itself. At the beginning, its jurisdiction might be limited to questions which the General Assembly would refer to it for advice. It might also have some role to play in the approval of the budget of the United Nations and other fiscal matters. Finally, it might be entitled to make suggestions for the strengthening of the United Nations, in the spirit of the joint statement of the United States and the Soviet Union of September 20, 1961, which was unanimously endorsed by the General Assembly. In general, the Conference would have broad jurisdiction with respect to the problems of the future, but would be limited to current questions by the requirement of a prior request from the General Assembly or the Security Council to deal with a particular question.

If such a link were established, the United Nations would have the benefit of advice of a group composed of eminent members of national parliaments. The existence of such a link would also provide in most cases the necessary backing of world public opinion for important decisions of the United Nations. It would also acquaint many influential members of parliaments with the workings of the United Nations and with its current and future problems. This would establish support for the United Nations on a local level and would create pressure on governments to behave in accordance with United Nations standards. The parliamentarians can help the United Nations not only by the work done at the Conferences of the Interparliamentary Union, but also in their home countries after their return from the Conferences.

Arrangements will have to be made for a closer coordination of the meetings of the General Assembly and the Interparliamentary Union. It would be desirable that they should meet at the same time and in the same place. If this should not prove possible, they should at least meet at the same time. In fact, it might be desirable for the Conferences to meet in various places around the world to make clear to the peoples of the world that they have an important role to play in the settlement of international affairs.

While this suggestion might involve some changes in the statutes of the Interparliamentary Union, it would not require a change in the Charter of the United Nations. The General Assembly may, at any time, ask the advice of any existing international organization and may even establish new organs to deal with specified problems. Similarly, it may authorize studies either by any new group especially established for that purpose, or by an existing organization.

It may be expected that giving to the Interparliamentary Union the role of a consultative assembly of the United Nations can be as important an influence on the development of the United Nations as the establishment of the European parliamentary assemblies was for the strengthening of various bonds among the European nations.

It seems, Mr. Speaker, every time we go to these meetings and these discussions, we are constantly blamed for engaging in this sort of work. This is very unfortunate. The other nations that take part take their work extremely seriously. The British, of course, have long had a secretary on full pay who does nothing but keep the Members of Parliament informed as to the work of the parliamentarians of the world.

Now, Mr. Speaker, whether we like it or not the parliamentary system, whether it be the presidential system such as our own, or the straight parliamentary system such as the British, is gradually falling into disrepute all over the world. At these meetings we find more and more people coming as representatives of one-party parliaments. This is becoming more and more prevalent. It is not only becoming more and more prevalent, but it is becoming more and more popular—which makes it a little more serious.

Something has got to be done by the parliaments of the world of whatever type or of whatever kind, to make themselves felt, to make the parliamentary system work, if you will. That is the question before the peoples of the world today: Does the system work; is it workable? Many are asking this question and answering it in the negative.

Mr. Speaker, there are those in our own country observing things happening now at the other side of the Capitol and observing how legislation for one reason or another is being held up. Because this House can pass a great deal of legislation to its heart's content which may never see the light of day, if the other body is to be held up perhaps indefinitely. People in other lands, students of political government and political science seeing all this have good reason to pause and to ask whether that system can work in a modern world; whether a system of this kind can work on a 12-month basis; whether a system of this kind is at all efficient.

We are seeing many peoples and many debating societies all over the world take quite an opposite view to the one we have always believed.

For that reason, this Government of ours, this Congress of the United States, which next to the British is the oldest of these societies in the world, has to prove, it seems to me, within short order, whether this form of government can long endure, whether this form of government gives true freedom and upholds it. If it cannot do that, the days of this great Congress and of many other great parliaments may well be numbered.

For this reason I would commend the study of parliamentary systems and thoughtful deliberation on it. Also, at times, I would commend parliamentary procedure at its highest; that is, dignity on the floor of this House. We do have dignity on the floor of the House, but we do not have enough. We should have interest in the deliberations which are taking place. We do have it, but we do not have enough.

Very often our people, who come to visit and to see what is happening and to see what their own Representatives are doing, are disappointed. This disappointment is, of course, translated into votes, but even the votes are getting fewer in number.

We have cheered to high heaven when, in a presidential election, 62 percent of those eligible have voted. Mr. Speaker, this is nothing of which to boast. This is rather a discouraging figure. In Australia a person is fined if he does not vote, and they always muster at least 80 percent. We should be able to do as well. If our people found it worth their while and if our people thought it would generate the kind of government they desire, we could get 80 percent of our voters to come out—yes, even to come out to vote for Members of Congress, in whose elections we never get even the 60 percent of which we have boasted in our presidential elections.

So for these reasons, Mr. Speaker, I hope that the Members will look over the documents I am putting in the RECORD.

There is one other document which I ask unanimous consent to include; that is the timetable and the pamphlet of the last meeting in Lucerne.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The matter referred to follows:

Timetable, Interparliamentary Union, spring meetings, 1964, Lucerne, Mar. 30 to Apr. 5

Time	Activity
RATHAUS	
Monday, Mar. 30: 5 p.m.	131st session of the Executive Committee.
KUNSTHAUS	
Tuesday, Mar. 31:	
10:15 a.m.	Opening meeting.
11:15 a.m.	Political and Disarmament Committee: From international détente to peace: 1. Possible steps toward general disarmament. 2. Relations between political and military alliances. 3. Active coexistence and future international law. Economic and Social Committee: The fight against disparities in world economy: 1. The role of international organizations in technical cooperation and development assistance, including steps to be taken by the beneficiary states for the most satisfactory utilization of the aid received.
3 p.m.	Political and Disarmament Committee (idem). Economic and Social Committee: The fight against disparities in world economy. 2. Means of insuring more extensive exchanges between countries with different political regimes and economic levels.
Wednesday, Apr. 1:	
10 a.m.	Political and Disarmament Committee: From international détente to peace: 4. Adaptation of the United Nations Charter and working methods to the requirements of an enlarged international society. Economic and Social Committee: The fight against disparities in world economy. 3. The demographic problem: Present situation and proposed solutions.
Wednesday, Apr. 1:	
3 p.m.	Parliamentary and Juridical Committee: 1. Juvenile delinquency. 2. Space law and prospects of international cooperation in space activities. Committee on Non-Self-Governing Territories: The implementation of the United Nations declaration on colonialism.
Thursday, Apr. 2:	
10 a.m.	Parliamentary and Juridical Committee: 3. International protection of human rights. Cultural Committee: 1. Democratic access to educational facilities. 2. Educational problems and the fight against illiteracy in the developing countries.
3 p.m.	Parliamentary and Juridical Committee: 4. The role of members of parliament as intermediaries between the citizens and governments. Cultural Committee (idem).
Friday, Apr. 3:	
10 p.m.	Political and Disarmament Committee: Establishment and approval of the committee's report; elections. Economic and Social Committee: Establishment and approval of the Committee's report; elections.
3 p.m.	Committee on Non-Self-Governing Territories: Establishment and approval of the Committee's report; elections.
4 p.m.	Parliamentary and Juridical Committee: Establishment and approval of the Committee's report; elections.
4.30 p.m.	Cultural Committee: Establishment and approval of the Committee's report; elections.
VERKEHRSHAUS	
Saturday, Apr. 4: 4 p.m.	94th session of the Interparliamentary Council.
Sunday, Apr. 5: 10 a.m.	94th session of the Interparliamentary Council (conclusion).

INTERPARLIAMENTARY UNION—AIMS, STRUCTURE, ACTIVITIES

1. HISTORY

The origins of the Interparliamentary Union date back to 1889 when, on the initiative of Sir William Randal Cremer (Great Britain) and Mr. Frédéric Passy (France), a first interparliamentary conference for international arbitration, attended by delegates from nine countries, met in Paris.

The movement developed rapidly and, in 1894, a permanent organization, with its own statutes and secretariat, was set up under the name of "Interparliamentary Union."

Since that time, and despite two World Wars, the Union has pursued its activities, gradually expanding its field of work and adapting its methods to changing circumstances.

2. AIMS

The aim of the Interparliamentary Union is to promote personal contacts between members of all parliaments and to unite them in common action to secure and maintain the full participation of their respective states in the firm establishment and development of democratic institutions and in the advancement of the work of international peace and cooperation.

In pursuance of this object, the Union makes known its views on all international problems suitable for settlement by parliamentary action and puts forward suggestions for the development of parliamentary institutions so as to improve their working and increase their prestige.

3. STRUCTURE

The Union is an international organization of a semiofficial character. It consists of national groups constituted in parliaments functioning as such within the territory of which they represent the population, in a state recognized as a subject of international law.

A parliament as a whole may constitute itself as a national group but, frequently, the members of the Union's groups are recruited on an individual basis.

The organs of the Union are:

a. The Interparliamentary Conference: Unless otherwise decided, it is convened once a year. National groups are represented by delegations whose sizes vary and whose voting rights are weighted, according to the population of the respective states. The Conference adopts resolutions on problems referred to it by the Council.

b. The Interparliamentary Council: It is composed of two representatives from each affiliated group. It may set up standing or provisional study committees.

c. The Executive Committee: This is the administrative organ of the Union and consists of 11 members belonging to different groups. Ten of these are elected by the Conference; the President of the Interparliamentary Council is ex officio member and President.

d. The Interparliamentary Bureau: This is the international secretariat of the organization.

In addition, the Association of Secretaries General of Parliaments works within the framework of the Union, providing an opportunity for the clerks of the various legislative assemblies to cooperate in the technical study of parliamentary problems.

4. MEMBERSHIP

As at January 1, 1964, there were 72 national groups in the parliaments of the following countries:

Albania, America (United States of), Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Cameron, Canada, Central African Republic, Ceylon, Chile, Congo (Léopoldville), Czechoslovakia, Dahomey, Denmark, Ethiopia, Finland, France, Germany (Federal Republic of), Ghana, Great Britain, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Monaco, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Rumania, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Switzerland, Syria, Thailand, Tunisia, Turkey, United Arab Republic, U.S.S.R., Venezuela, Vietnam (Republic of), Yugoslavia.

5. HEADQUARTERS

Interparliamentary Bureau, 6, rue Constantin, Geneva, Switzerland. Telephone: (022) 24 82 96. Telegraphic address: Interparlement Geneva.

6. RELATIONS WITH OTHER ORGANIZATIONS

The Interparliamentary Union has category A consultative status with the Economic and Social Council of the United Nations. It also has consultative arrangements with UNESCO and maintains regular contacts with the other United Nations specialized agencies.

Close relations have also been established with such regional organizations as the Council of Europe, the Organization of American States, and the European Parliament.

7. ACTIVITIES

The Union brings together parliamentarians representing different ideologies and countries for the objective study of political, economic, social, juridical, and cultural problems of international significance. For this purpose, two important sessions are held each year.

The first takes place in spring and is primarily devoted to the work of the standing study committees, which are five in number. They are: (a) Committee on Political Questions, International Security and Disarmament; (b) Parliamentary and Juridical Committee; (c) Economic and Social Committee; (d) Cultural Committee; and (e) Committee on Non-Self-Governing Territories and Ethnic Questions.

The plenary session takes place in summer on the occasion of the Interparliamentary Conference, which is held each year in a different country. The seats of recent conferences have been Vienna (1954), Helsinki (1955); Bangkok (1956), London (1957), Rio de Janeiro (1958), Warsaw (1959), Tokyo (1960); Brussels (1961), Brasilia (1962), and Belgrade (1963).

The Interparliamentary Union conducts a program of research and studies on parliamentary problems. In 1962, it published an important book entitled: "Parliaments: A Comparative Study on the Structure and Functioning of Representative Institutions in Forty-One Countries."

In addition to these international activities, national groups maintain bilateral relations with one another.

Regional interparliamentary groupings have also been set up under the auspices of the Union, particularly in northern Europe, Benelux, and the two Americas.

8. PUBLICATIONS

A verbatim report of the proceedings of each interparliamentary conference is published annually. Two periodicals, in English and French, also appear quarterly under the Union's auspices:

a. "Interparliamentary Bulletin," the official organ of the union;

b. "Constitutional and Parliamentary Information," a review dealing with constitutional and parliamentary law, which is published by the Association of Secretaries General of Parliaments.

9. FINANCES

Contributions from national groups constitute the main source of the Union's revenue. They are paid annually on the basis of scale fixed by the Interparliamentary Council. The Union's budget runs to some 60,000 Swiss francs (i.e., $140,000) per annum.

Mr. HAYS. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Ohio.

Mr. HAYS. I commend the gentlewoman for the statement she has made. In spite of the fact that from time to time I have read criticism of the trips taken by Members of Congress—I have not been one of them, in this particular instance—to the Interparliamentary Union meetings, I believe this has been a useful thing. I believe it is tremendously important that the members of one-party parliaments, about which the gentlewoman has spoken, see the American delegation and see that the members are free to speak their minds and that they are free to disagree with each other if an occasion arises when there are honest disagreements.

If there were no other benefits—and there are many, in my opinion—that would be a sufficient reason for the existence of the American delegation to this important international meeting.

There are other international parliamentary bodies to which we belong. I have had occasion to attend some of those meetings. Without taking a lot of time, I wish to say that one thing which has always fascinated me at these meetings has been the tremendous showing made by some of the other delegations, and especially the British delegation, because they do their homework. They have studied the matters on the agenda. People are sent who are articulate and who can present their point of view.

I must say they are very persuasive for that reason. I do hope that the gentlewoman will continue her efforts to promote interest in the Interparliamentary Union, because I think it is doing a useful job.

Mrs. ST. GEORGE. I thank the gentleman from Ohio, and may I tell him that is particularly good music to my ears coming from him. In fact, I would say it is "praise from Sir Hubert."

Also I would like to tell him that we are being better prepared. I heartily agree with what he said about our British colleagues. We are doing our homework better and having good studies prepared ahead of time. The members who are speaking for the United States are now really conversant with most of their subjects.

Mr. HAYS. If the gentlewoman will yield further, I meant no criticism of the American delegation by what I said, but I was merely trying to point out that the British take these things seriously and think they have an importance in their national affairs and they think they are useful in molding opinion in other countries toward their point of view. I am not conversant with what the people in the Interparliamentary Union do, but I think looking to the international bodies to which I have been a delegate we have not been quite as aware as we might have been in the past of the fact that these are tremendous forums for the molding of international opinion. It would be well if we would all do as much as we can in this field.

Mrs. ST. GEORGE. I thank the gentleman. I did not mean to say that he was implying any criticism, but I thought he would be reassured to know that the interest seems to be growing. Of course, as he well knows, the Interparliamentary Union group is the oldest such group in the world, having been founded in 1888. For a long time, it is quite true, our group and our delegation took very little part in it. This year I am very happy to say that, unanimously, at one of the commissions an American was elected rapporteur.

That gentleman was the gentleman from Illinois [Mr. McCLORY], who worked very hard and diligently and they thought highly enough of his work to elect him. We had another one of our members elected vice chairman of the Commission on Disarmament. That was the gentleman from New York, ALEXANDER PIRNIE, who worked long and diligently at several conferences. So I feel that we still have a long way to go but in time we will make a greater and better contribution to the Interparliamentary Union.

Mr. McCLORY. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I want to commend the gentlewoman from New York who served as chairman of the Interparliamentary Union group representing our Nation for her guidance and leadership during the conferences held at Lucerne, Switzerland. This was my first experience as a delegate representing the Congress at such an international meeting, and I might say I attended and participated with some skepticism as to what benefit might result or what benefit might be accomplished from this activity. In the first place, I was tremendously impressed by the careful preparation which went before the Conference itself, the careful preparation by the members who attended, and by the executive secretary, Dr. George Galloway, and others who worked with him, so that our representatives in this Congress would be able to inform the other parliamentarians of the world what our American position was on these great world problems which we discussed.

I want to join, too, in the high praise which the gentlewoman has offered with regard to the members in their participation at the conferences at Lucerne. While I served as a member of the Cultural Committee, which was an active committee concerning itself with the problems of illiteracy and education and equal access to educational institutions, all international problems, I also had occasion to observe some of the other committee activities including that of the Disarmament and Arms Control Committee on which the distinguished gentleman from New York, ALEXANDER PIRNIE, served and the other committee work that our delegates performed in representing our American position.

I cannot think of any more important activity in the area of our international relations than contact by our Members of Congress with governmental officials and representatives of congresses and parliaments of other nations of the world, whether on this or the other side of the Iron Curtain.

Mr. Speaker, I want to say that as a result of this experience and these observations I am convinced of the big job that we as Members of Congress have to do in portraying the American image and advancing the American cause throughout the world. Therefore I compliment the gentlewoman from New York. I know that the matter that will be put in the Record will be very informative as far as the Congress is concerned and as far as the Nation is concerned, with respect to this very important international gathering.

Mrs. ST. GEORGE. Mr. Speaker, I thank the gentleman for his contribution. I yield to the gentleman from New York [Mr. Pirnie].

Mr. PIRNIE. Mr. Speaker, I thank the gentlewoman. I would particularly like to join in the comments that have just been made by my colleague, the gentleman from Illinois [Mr. McClory]. It is very true that at this Conference our delegation was led by a person who has given a great deal of thought and study to the problems which parliamentarians face in this world today. As Members of the House know we are particularly fortunate that the leader of this delegation, who is, incidentally, the first woman ever to be accorded the privilege of leading a delegation to the conference, has linguistic ability which enables her to speak effectively in another tongue.

Those of us who have very limited talents in that direction know that we are not able to give voice to anything more than our elementary needs; we cannot voice ideas and ideals. And these qualities, together with a nice touch of humor on the part of our distinguished leader in the course of her appearances, have made for a very effective presentation, and we are proud that such is the case.

Mr. Speaker, I would like to concur in the expression of the importance of our opportunity to meet with people having these problems in these trying days. As was stated it was my privilege to serve on the committee dealing with political questions, international security, and disarmament. There we could, in a very friendly atmosphere and with personal contact, make it very clear that we knew that the prelude to disarmament was a change in attitude, a change in objective and also the development of mutual understanding and forbearance.

It was surprising to note how many people were impressed with the reasonableness of our attitude when we gave some of our very logical arguments for wishing to proceed along the road of disarmament with reason and with purpose, sacrificing none of the element of protection that is necessary in order to secure freedom throughout the world.

Mr. Speaker, I also believe that we can give a better appreciation of what is meant by parliamentary or representative form of government when we meet in these bodies. We stress particularly that this might represent an insurance against aggression or precipitous actions of violence throughout the world, if greater power were vested in the representative bodies.

Mr. Speaker, some nations, as the gentlewoman knows, who claim to have a parliamentary form of government do not in fact give to their bodies the same scope of responsibility and authority that we have developed here in these United States. When they learn at first hand our approach to our problems and the system by which a law evolves in the Congress, there is an appreciation of the road that they may have to travel in order to achieve the same effectiveness.

Mr. Speaker, we believe that through this body we can gradually develop a spirit of understanding and an exchange of ideas that will be mutually beneficial.

I feel that the gentlewoman from New York [Mrs. St. George] by giving to this delegation this objective and conscientious leadership has inspired us all to do some of the groundwork that is necessary in order to take full advantage of our brief opportunity during the short time that we are in session.

Mr. Speaker, it is my hope that we will become progressively better prepared and more objective. The opportunity is great. I know it is in the interest of this body and this Nation to use it to the fullest.

Again, Mr. Speaker, I wish to congratulate the gentlewoman from New York [Mrs. St. George] for her fine leadership.

Mrs. ST. GEORGE. I want to thank the gentleman from New York [Mr. Pirnie] for his very kind and very generous remarks.

I want also at this time to say that all of the members of our delegation were most conscientious and most attentive to their duties. The hours were very long and there was a great deal of time that had to be spent during the performance of these duties. The last day of the session we sat there until about 9 o'clock in order to get through with the afternoon session. This was very trying because it was at the time when the big argument came up with the Russians and their satellites and other Iron Curtain people.

So, Mr. Speaker, we do work diligently and hard.

This delegation, which was composed of not too many of us, had a full day's work for all the time that we were away.

I am deeply grateful, as we all are, to Dr. George Galloway for the magnificent work which he performed and for the preparation of the documents.

Mr. FEIGHAN. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I am glad to yield to the gentleman from Ohio.

POLITICAL PUPPETS ALWAYS HAVE STRINGS

Mr. FEIGHAN. Mr. Speaker, I wish to congratulate the gentlewoman from New York.

Mr. Speaker, the cornerstones of American democracy are free elections and a free press.

Congress has guaranteed freedom of the press by providing a gallery for members of the press to observe our proceedings so they can report fully to the American people. The rules of conduct set forth by Congress for members of the press accredited to the gallery are set forth on page 749 of the Congressional Directory of January 1964.

Drew Pearson is an accredited member of the Press Gallery, named on page 767 of the Congressional Directory, and as such is subject to these rules. Mr. Pearson conducts a nationally syndicated column which is widely circulated throughout the United States. He is free to print under his own byline what he thinks is news. I am in thorough accord with that principle.

But when a newspaperman, credited to the Congressional Press Gallery, leaves his District of Columbia residence, 2820 Dumbarton Avenue, and goes to the city of Cleveland to make a speech attacking my primary candidacy for the 20th Congressional District—that is not news. Drew Pearson made that speech attacking me and endorsing one of my four opponents, Ronald Mottl.

What was the motive of Drew Pearson which caused him to leave his District of Columbia residence and to go to the city of Cleveland to take an active role in a congressional primary campaign?

It is significant that within the past 2 weeks I called the attention of the people of Cleveland to this Charlie McCarthy type candidate and publicly asked, "Who is the Edgar Bergen pulling the strings on this puppet candidate?"

We now have the answer. We now have the motive.

It may shock the American public to learn that a foreign power—a Communist regime that I have opposed on the floor of Congress for over 10 years—is attempting to influence the results of my primary campaign. This foreign power, the Communist regime of Yugoslavia, has extracted from the American taxpayers over $2 billion in foreign aid over a 10-year period. That Communist regime is attempting to keep its looting hands in the pockets of the American taxpayers.

On the floor of Congress I have consistently opposed American aid in any form to that corrupt Communist Dictator Tito and his ruthless regime. Tito has been masqueraded as a friend of the West, but he is, in fact, Moscow's trojan horse to the free world.

The columns of Drew Pearson are the best evidence that he, Drew Pearson, an accredited member of the Press Gallery, is the leading promoter of Tito's cause in the United States. These columns appear under the byline of Drew Pearson and they are self-incriminating. Everyone will agree in Congress and in the Press Gallery that Drew Pearson is the leading Tito propagandist in the United States.

It suits the personal, evil interests of Tito to attack my candidacy for reelection to Congress.

Will it be denied that Tito's propagandist, Drew Pearson, in going to Cleveland to attack me on April 13, did so at the bidding of the Tito Communist regime?

Will it be denied that Drew Pearson is the Edgar Bergen pulling the strings on his endorsed puppet candidate, Ronald Mottl?

For the last five primary campaigns in my 20th District no candidate has spent in excess of $5,000 in his campaign. It is an open scandal in the city of Cleveland and its suburbs over the unlimited funds being spent by Drew Pearson's Charlie McCarthy candidate, Ronald Mottl. The voters of my 20th District and Cleveland newspapermen have asked me over and over again—"Where is Mottl getting all the money?"

It is reported to me Mottl had an opening bag of $25,000 with more money to come as it was needed. The 20th District is flooded with expensive billboards bought by Ronald Mottl. Mottl bus signs, advertising, printed literature, radio announcements, huge posters, have flooded the 20th District for weeks. Money is no object to the aim of distorting the truth. The Communist technique of repeating the lie and the false charge dominates Mottl's propaganda campaign.

Four weeks ago my Cleveland office was warned that large sums of Communist source money were being dumped into the campaign to defeat me. Now that Drew Pearson has come out into the open, has left the Press Gallery, has left his Washington home and has entered my district to denounce me and to endorse Mottl, it is apparent that he is the Edgar Bergen—the Tito cutout to direct Mottl's campaign.

Mr. Speaker, an accredited member of the Press Gallery has stepped out of his character as a newspaperman and has engaged in the promotion and furtherance of the aims of a foreign power while a member of the Press Gallery. This is a clear violation of the rules governing Press Galleries, promulgated over your signature.

Under rule 34, section 2, of the House Rules and Manual, 88th Congress, I call upon you, Mr. Speaker, to exercise the authority vested in you, to take all necessary steps to conduct a proper inquiry into Mr. Pearson's violation of the rules governing the Press Gallery, in acting as an agent of a foreign power—the Communist regime of Yugoslavia and its dictator, Tito.

I am today sending the following letter to the distinguished Speaker of the House calling for action forthwith on this matter:

> CONGRESS OF THE UNITED STATES,
> HOUSE OF REPRESENTATIVES,
> *Washington, D.C., April 16, 1964.*
> Hon. JOHN W. MCCORMACK,
> *Speaker, House of Representatives,*
> *The Capitol, Room H-206.*
>
> DEAR MR. SPEAKER: In my remarks on the floor today I charged Columnist Drew Pearson, an accredited member of the Press Gallery, with a clear violation of the rules governing conduct of all members of the press accredited to the Gallery.
>
> I requested that you exercise the authority vested in you as Speaker, under rule 34, section 2, to take all necessary steps in this connection.
>
> In view of the fact Mr. Pearson has personally injected himself into my primary campaign which ends on May 5 it is imperative that action be taken forthwith.
>
> With kind best regards, I am,
> Sincerely,
> MICHAEL A. FEIGHAN.

Mr. JONES of Missouri. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Mr. Speaker, I want to take this opportunity to compliment the gentlewoman from New York and to congratulate her for bringing to the attention of the Members of the House the effective work that this organization has done.

Mr. Speaker, I believe it is unfortunate that more Members of the House are not familiar with the work of the Interparliamentary Union.

While I did not have an opportunity to attend the Conference in Lucerne, I have on previous occasions attended other conferences. I believe it has afforded us an opportunity to communicate with the members of parliaments and legislative bodies of the other countries of the world and to enable them to have a better understanding of how well this Government here in the United States does work and to let them know that in a democracy that our Congress of the United States does make the laws and that we are the ones who initiate them and that we are the Representatives of the people. I know that from the experience that I have had I have felt that I have not only been able to make a contribution, but I have gained much information from these meetings which enabled me to become a more effective legislator here, and particularly in the field of Public Law 480. I know that the information I have gained from these conferences has been most helpful.

Mr. Speaker, again, I want to congratulate the gentlewoman from New York for bringing this matter to the attention of the Members of the House. I believe the effective work that is being done by the Interparliamentary Union needs to be recognized by more Members of the Congress.

I thank the gentlewoman from New York for yielding.

Mrs. ST. GEORGE. I thank the gentleman. May I say that the gentleman has attended many conferences, that he has always been very helpful and we hope he will be on many more. It was unfortunate he could not accompany us to Lucerne as he had other things to take care of in his congressional district.

COMMITTEE ON RULES

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FERMI AWARD SHOULD GO TO RICKOVER AND WEAPONS SCIENTISTS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOSMER] is recognized for 30 minutes.

Mr. HOSMER. Mr. Speaker—

> The Commission may also, upon the recommendation of the General Advisory Committee, and with the approval of the President, grant an award for any especially meritorious contribution to the development, use, or control of atomic energy.

So reads, in part, section 157b(3) of the Atomic Energy Act.

Accordingly the Atomic Energy Commission established the Enrico Fermi Award consisting of a gold medal, a citation, and $50,000, tax free. The late Dr. Fermi was the first to receive the award in 1955, and the seven other Fermi Award winners were: 1956, Dr. John von Neuman; 1957, Dr. Ernest O. Laurence; 1958, Dr. Eugene Wigner; 1959, Dr. Glenn T. Seaborg; 1960, no award; 1961, Dr. Hans A. Bethe; 1962, Dr. Edward A. Teller; and, 1963, Dr. J. Robert Oppenheimer.

On reviewing this list of Fermi Award winners, two things become obvious: First, although in each instance the award has gone to a deserving person, it is notable that almost all recipients have been, at one time or another, members of the very General Advisory Committee of the AEC which recommends the award. Second, notably absent from the list of winners is the one man whose outstanding especially meritorious contributions to the development, use and control of atomic energy have been showered with unreserved praise by almost everyone except the GAC and the AEC, namely, Vice Adm. Hyman G. Rickover, U.S. Navy, retired.

It is high time both that the Fermi Award be cured of its aspects of inbreeding and that the admiral be given his due. Both situations can be handily cleared up in the process of determining the winner of 1964's award.

Thereafter, this award should be put to work for the United States in a significant way and the balance of my remarks are made to specify clearly my own views on what that amounts to.

During the consideration and prior to the signing of the test ban treaty in 1963, the Joint Chiefs of Staff set forth certain safeguards that should be undertaken to reduce the risks inherent in the proposed treaty. In a letter, dated September 10, 1963, to majority and minority leaders of the other body, President Kennedy gave assurance that the safeguards would be implemented. High on the list of safeguards was the one that called for "the maintenance of vigorous weapons" laboratories. Despite the strong recommendations by the Joint Chiefs of Staff and the assurance of the late President, I am concerned that we are not doing all we could and should to maintain our weapons laboratories as strong and vigorous installations.

The lifeblood of any research and development organization—whether it be in the civilian or military field—is its ability to attract and hold brilliant young minds. The need for topflight scientists in our weapons laboratories is all the more pressing now, under the test ban treaty, when many theoretical computations and calculations cannot be developed or proven out through demonstration. More and more reliance will have to be placed upon the theoretical developments and computations of the scientists.

It is not easy to attract topflight young scientists for our weapons laboratories. The work is highly classified and the weapons scientist does not normally have the opportunity to have his papers published in scientific journals. Except for the small handful of his colleagues who know and recognize his scientific achievements, the young scientist in the weapons laboratory has little or no opportunity to obtain recognition within the scientific community let alone from the public at large. The pay is not great, particularly when compared to the opportunities in private industry. That we have been successful in attracting outstanding young scientists to our weapons laboratories in the past is a tremendous tribute to the devotion and patriotism of these men. How much more difficult has it become and will it be in the future to recruit young scientists if the administration fails to give recognition to them or what is worse downgrades the importance of their work.

The present administration-supported Federal pay bills are examples of how the administration downgrades nuclear weapons work and thus adversely affects the efforts of maintaining vigorous weapons laboratories. As proposed in these bills, the Atomic Energy Commission, under which the weapons laboratories operate and which has the responsibility to conduct experiments, to do research and development work in the military application of atomic energy, and to engage in the production of nuclear weapons, is considered of less importance than the U.S. Arms Control and Disarmament Agency. Under the proposed administration bill, the Director, Arm Control and Disarmament Agency, would be considered as a sub-Cabinet position—level II. On the other hand, the Chairman of the Atomic Energy Commission would be dropped to a lower position—level III, and the other Commissioners even lower. This indication of the administration's evaluation of the relative importance of the work being conducted by these agencies is not lost upon the scientific community. Notwithstanding any lipservice to the need of maintaining vigorous weapons laboratories, indications such as this have an adverse effect upon the morale of the present employees in the weapons laboratories and on the recruitment of additional young scientists.

Unless we do more than give lip service to maintaining vigorous weapons laboratories, our defense position relative to the Soviets will become more dangerous each year. It is vital that we do everything possible to keep our weapons technology in the forefront and we can ill afford to turn promising young scientists away from working in our laboratories by downgrading and deprecating nuclear weapons research. Nor can we downgrade the work of the Atomic Energy Commission under whose auspices the weapons laboratories operate without downgrading our weapons laboratories. Equally important, I believe, it is necessary that recognition be given to those scientists who for the most part work anonymously in the weapons laboratories—who have in the past been responsible for maintaining U.S. supremacy in nuclear weapons technology—and upon whom we must rely in the future not to forfeit this leadership to those who would, if they could, "bury us." These men are truly the unsung heroes of our national defense. They must be told and Americans must recognize the value which this country places upon their efforts.

Dr. John A. Wheeler, of Princeton University, one of the truly great scientists who contributed so greatly to the Manhattan project during World War II, has written me as follows:

> I deeply fear that each year that we move into the thermonuclear era our defense situation relative to the Soviets will become more dangerous unless we do everything possible to keep our weapons technology up to the mark, yet I get discouraged letters from my friends in the national weapons laboratories about the slowdown that they feel. I know no better way to fight this insidious undermining of morale than to give credit where credit is due—to the men down the line who plug away on decisively new developments in spite of every discouragement. That is where I think the Fermi Award would do the most good this year—and in many another year.

We accordingly, can give recognition to the achievements of these scientists who give so unsparingly of themselves. While full details of their individual achievements may not be able to be made public because of security classification, a selected number of scientists in our nuclear weapons laboratories should be chosen each year to receive the highest award in the atomic energy field—the Enrico Fermi Award. Instead of one individual—as has been the case in the past—the award could be made to a number of individuals and the accompanying $50,000 shared. This would be one way of demonstrating the high regard and the debt this country owes to these dedicated men.

At the same time that we give recognition to these weapons scientists, we should not downgrade the agency under which they carry out their work. The Chairman of the Atomic Energy Commission should be maintained at a sub-Cabinet level. At a minimum, he should be at the same level as the Deputy Director of Defense and Administrator of NASA. The other Commissioners of the AEC should be at a level immediately below the Chairman. These actions would do much to demonstrate an intent to support and maintain vigorous weapons laboratories.

ISRAEL'S 16TH ANNIVERSARY

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from New York [Mr. FARBSTEIN] is recognized for 1 hour.

Mr. **FARBSTEIN**. Mr. Speaker, 16 years ago tomorrow, on the 5th day of the Hebrew month of Iyar, the leaders of the Jewish community in Palestine met in a small museum in Tel Aviv to implement the United Nations resolution establishing a Jewish State. In the midst of a war with irregular Arab forces determined to block that resolution, the representatives of the Palestine Yishuv courageously proclaimed the State of Israel. And the very next day, they were attacked by the armies of their neighbors.

For the past 16 years the Arabs have persisted in that war against Israel. Defeated on the battlefield, the leaders of the Arab States turned to economic warfare. By blockading its sea routes the Arabs attempted to cut Israel's lifeline of trade. By establishing a boycott, they tried to blackmail its investors. By continued harangues in the United Nations they endeavored to isolate Israel from the community of Nations.

But despite this unceasing hostility, the people of Israel have built their State. They opened their doors to the homeless and oppressed Jews of three continents. They sacrificed comfort to provide shelter and employment for the millions of destitute immigrants who flocked to Israel's shores. They built cities and ports, reclaimed desert and wasteland, increased industrial and agricultural production, established flourishing trade and commercial ties with other nations, raised their own standard of living.

They broke through the ring of enmity drawn by their neighbors and they won a world of friends. They had few natural resources but they had a surplus of skills which they were able to export. Assisted in their nationbuilding by generous American aid, they gave the benefit of their experience and specialized knowledge to the new nations of the world. They lived the example of a free democratic people, ever mindful of the responsibility we all share to help those less fortunate than ourselves.

And while Israel has set its energies and resources to the task of rebuilding, the Arab world remains bent upon destruction. Peace between the peoples of the Middle East seems as distant now as on that day in 1948 when the Jewish leaders, in their declaration of independence, extended the hand of friendship "to all neighboring states and their peoples in an offer of peace and good neighborliness."

But it is not only the Arabs who stand indicted by their refusal to make peace with Israel. The free world bears a large share of the responsibility for the intolerable state of affairs which allows 13 members of the international community to remain in a state of war against another member of that same community. As members of the United Nations, the Arab League nations have pledged themselves to renounce "the threat or use of force against the territorial integrity or political independence of any state." Nevertheless, Nasser insists that:

> I see absolutely no escape from a second Palestine war.

And he warns:

> We are the ones who will impose the time. We are the ones who will impose the place.

During the Nazi holocaust, too many of us remained silent while 6 million Jews—men, women, and children—perished at the hands of Hitler. We cannot placidly and complacently watch the threatened annihilation of the survivors of the concentration camps.

Our goal in the Middle East is peace—the peace that Israel has offered its neighbors time and again, the peace that has been spurned by the Arabs time and again. But there will never be an Arab-Israel peace if the Arabs believe that they are strong enough to destroy Israel. A weak Israel is a temptation to the Arabs to fulfill their bombastic threats of war. Peace will be attained only if Israel is strong enough to deter its enemies. Israel must be secured by her own strength, as well as by the support of the United States.

Let us realize that an American policy that is weak, vacillating and influenced by expediency, will encourage Arab belligerence. We must make it clear—to the Arabs, to Israel, and to the world—that we will not stand idly by when aggression is prepared or begun, when international law is challenged, when the plight of refugees is exploited, when rivers are spitefully diverted.

I understand the Jordanian economy, which is developing satisfactorily, is gradually absorbing the United Nations refugees. I understand further that they are literally vanishing as such, as Jordan's urban centers grow and encompass them. I wonder whether the number of refugees has not been somewhat exaggerated by the refusal of surviving refugees to turn in the identification cards of their deceased relatives. I am satisfied that aid be continued for the refugees; but the host countries to whom control should be transferred should not use them as a political weapon with which to beat Israel over the head.

Our visitor of yesterday seemed distressed over what he called diminishing good will toward and friendship with the Arab world. Is the fact that we have been feeding almost half of Egypt's people under Public Law 480, while she sells her cotton to the Soviet Union for arms, evidence of this fact? He knows only too well that but for our aid his kingdom could not possibly exist. Our country, I believe, is far more generous to the Arab nations and their people than they have a right to expect. All we seek is peace in the area—peace with honor for all peoples.

There will be an Arab-Israel peace, we hope, when the Arabs come to understand that Israel's existence is a commitment of America and the free world. Our guarantee becomes meaningful when it is vigorously expressed in words and when it is strongly reinforced by deeds. We must keep Israel strong for her people and a source of strength for democracy and freedom.

May Israel have many more birthdays. I say on this her 16th birthday, "Shalom," and continued success toward the fulfillment of her goals.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman.

Mr. HAYS. I am in general agreement with what the gentleman is saying. But I would point out, it seems to me that by now the Arab States are beginning to get the message; that the United States is not going to let them wipe Israel off the face of the earth. It would seem to me, it would be better at this point to recognize that Israel is here to stay and for them to try to get on with the job of providing a better standard of living for their own people, with which job we are willing to help them—but not if they are going to continue and to wage war against Israel or against any of their other neighbors. I think we have made that abundantly clear in the Committee on Foreign Affairs and I believe the message is beginning to get through to them.

Mr. FARBSTEIN. I thank the gentleman for his kind contribution. I do hope that the message has gotten through except for the fact that I believe Egypt has been purchasing so much in the way of arms that the balance of terror, perhaps, is now beginning to weigh in favor of Egypt. As a result, Israel needs greater asistance so that a balance can be maintained; and it is only when that balance is maintained that there will be a peace, even the uneasy peace that at present exists.

Mr. HAYS. If the gentleman will yield further, I believe the last time the Israelis and Egyptians met on the battlefield, although the Egyptians had fairly modern weapons, their people, who were supposed to wield those weapons, were not convinced of the cause for which they were to fight; consequently, instead of using their weapons, in many cases, they abandoned them and got out, for all practical purposes.

Although I agree with what the gentleman has had to say about the preponderance of weapons, I am not convinced that the leader of Egypt has any more brainwashed his people into believing that his government is worth fighting for now than was the case the last time. I may be wrong about that, but it is my theory that the people will fight only if they believe they have something worth preserving. I believe this has been proved over and over again.

I point out, with all kindness toward the president of Egypt, that his money would be better spent in trying to raise the standard of living of his people than in purchasing weapons, for I am not too certain that many of his people believe in using them.

Mr. FARBSTEIN. Again I thank the gentleman. I have only one additional thought in that direction.

As a result of assistance of Nazi scientists and even of Soviet scientists, Egypt, unfortunately, because of our furnishing foodstuff for nearly half of the people, is building or has built—I do not know; for I have not been there—terrible weapons of destruction. They are building or have built ground-to-ground missiles. The gentleman knows as well as I that ground-to-ground missiles can be set off and fired by a small number of people. The two countries are close to one another. Destruction of a few cities of large population in Israel is quite possible.

Mr. HAYS. I say to the gentleman that I do not discount any of that. I believe the gentleman is making a good statement, which needs to be made. We need to keep a close eye on what is going on there, and I believe we will. That is part of our policy.

Mr. FARBSTEIN. I thank the gentleman for his contribution.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from New York.

Mr. GILBERT. I thank the distinguished gentleman from New York for yielding to me. I compliment and congratulate the gentleman upon his fine statement with respect to this important part of our international policy in the Middle East.

I believe he is doing a great service for our entire country, particularly at this time when the distinguished visitor from the state of Jordan is in the United States.

I join with the gentleman in this tribute to the State of Israel, a country of which I am very fond, close to my heart.

I also thank the gentleman for taking this time to make his presentation on the floor.

Mr. Speaker, I ask unanimous consent that I may revise and extend my own remarks and have my remarks printed in the RECORD immediately after the remarks of the distinguished gentleman from New York [Mr. FARBSTEIN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. I thank the gentleman for his contribution.

Mr. KEOGH. Mr. Speaker, April 17 is the 16th anniversary of the independence of Israel. Here in America, in Israel, and throughout the world, Jews will commemorate that day as the most important in modern Jewish history. When Israel became independent, millions of persecuted, homeless, refugee Jews found a land where they could do their share in creating peace and safety.

In America, our citizens of every kind, including Jews, live safely, protected by law, custom, and the convictions of their fellow men from the pogroms, and attempted genocide which have characterized the treatment of minorities in many other nations. But our own comfort and safety should not blind us to the sufferings of others. Celebrations of Israeli Independence Day should be undertaken, like other celebrations, as a reminder of something past, in this case, centuries of persecution, murder, and the most horrible fear, the latest of which was under the Nazi regime.

Our words here must always be briefer than the occasion demands, but we must recall that suffering and conflict are not banished from the affairs of man. The establishment of a Jewish state has been difficult in many ways. But no problem is unsolvable, if good will and rationality prevail. On this 16th anniversary of Jewish independence, let us look forward, as well as back, to a day when the struggle of the Jews to gain their freedom will be complete and that fragment of the world's ills will be at an end.

Mr. FLOOD. Mr. Speaker, the Middle East has always been the seat of unrest and turmoil, and in recent years the whole region has undergone revolutionary changes. Since the end of the last war, social, political, and economic changes have almost revolutionized life in many parts of the area. And the birth of the State of Israel in 1948, as an independent and sovereign entity, highlighted the long and eventful history of Palestine.

The Jewish people had to wait many centuries before they were to reestablish their own state, resettle there and enjoy the blessings of freedom and democracy. For almost 2,000 years they were deprived of their independence, of their country, and of their homes. They were barred from their homeland and dispersed to all parts of the world. They had led a migratory and often miserable existence in dispersion. During all that time the more they suffered in foreign lands, the more they felt that they had to work for their national salvation. They kept the image of returning to Palestine constantly in their minds; and when at the end of the First World War they had the chance to do this, many hundreds of thousands returned. Then they lived under British mandate for two decades. In 1948 when the British felt that their task was done and withdrew from Palestine, on May 14 of that year Jewish leaders proclaimed the birth of the State of Israel.

For the last 16 years Jews have been masters of their own faith. They have been eminently successful in building their new state as the best haven of refugee Jews, and they have already made Israel a model democratic state in the Middle East. There they have become the real champions of freedom, a powerful ally of the West, against all autocratic and Communist ideals. The State of Israel is a progressive, dynamic and growing entity, modeled upon a Socialist and welfare state, and because of this some people often think of Israel as a quasi-Communist state. Fortunately and actually this is not the case at all, and the Israelis are as anti-Communist as we are in denouncing communism. Israeli leaders preach and practice democracy, and they are prepared to defend their new democratic state against all their foes. On the 16th anniversary of Israel's independence day we wish them peace and prosperity in their historic homeland, in the new State of Israel.

Mr. FULTON of Tennessee. Mr. Speaker, I am proud to join in saluting the State of Israel on the occasion of her 16th anniversary. We are all familiar with the outstanding record of achievement which this small but courageous nation has made since its foundation in 1948.

Today we see Israel as an outpost of freedom and democracy among the turbulence of the Middle East. Even though it is surrounded by enemies, Israel has successfully maintained a peaceful atmosphere under which her people have transformed the land into a flourishing nation.

Moreover, Israel's foreign policy has been quick to assume responsibility in the world. It is offering economic and technical assistance to some 20 countries in Africa and Asia and is helping to develop modern political economic institutions in these countries. Because she herself was a colony at one time, Israel's aid is free of the taint of colonialism and it is not weakened by fear of an enslaving ideology, such as accompanies Soviet bloc aid.

We in America and Tennessee have strong ties with Israel and are proud that she has looked to us for guidance in shaping her destiny. So, Mr. Speaker, we congratulate Israel on her achievements, we salute her as a worthy member of the family of nations, and we pray that the coming year will see the dream of peace realized not only for the good of Israel but also for the good of mankind.

Mr. ADDABBO. Mr. Speaker, it gives me pleasure to join with my colleagues in paying tribute to the State of Israel on its 16th anniversary which it is celebrating tomorrow, April 17, 1964.

The fantastic strides made by the valiant people of Israel in building an economically stable nation against seemingly unsurmountable odds will forever stand as a monument to their fortitude and industriousness. With the formidable task before them at home, these generous people have been able to offer and render assistance to peoples in need on four continents.

Every American has a right to be proud of the aid we have extended to this great state and we congratulate her on this 16th anniversary and wish for her and her people continued success toward the fulfillment of her goals. We extend to her our friendship and continued support.

Mr. GRABOWSKI. Mr. Speaker, while many of us still think of Israel in a Biblical context we are slowly but surely coming to the realization that this young-old nation has gained a firm foothold in our modern world. Instead of the tales of David and Solomon we now think in terms of Israel's economic assistance programs, her technical and scientific achievements.

On the eve of the 16th anniversary of modern Israel's independence I would like to join with my colleagues in paying tribute to the industriousness of this nation. The great strides forward taken during the past years seem almost too amazing to be true.

This small country is now extending technical assistance and foreign aid to about 84 nations on three continents, South America, Asia, and Africa.

Working closely with the Organization of American States, Israel has assisted in setting up community settlements in Venezuela, Brazil, Ecuador, and Bolivia. These settlements are similar in nature to the Kibbutz, the Jewish communal village originally established in Israel and have proven most valuable in Latin America.

Israel has given technical assistance to Asian and African countries in the areas of agriculture, youth training, medical and scientific supervision and instruction, and cultural activities.

Tel Aviv, a gleaming modern city which has blossomed from the desert, is the home of the Afro-Asian Institute which houses approximately 12,000 students from many nations. They are sent to Israel on scholarships provided half by their own country and half by Israel. Here they learn modern labor and agricultural methods and the art of democratic government.

Numerous countries have requested aid from this young-old nation and Israel has sent engineers, construction equipment, and technical assistance for many vital projects.

A modern democracy, holding free elections and trying to acclimate itself to a hostile environment, Israel has succeeded in becoming an active member of the United Nations; has achieved one of the highest literacy rates in the world—78 percent, but also has problems similar to those of other nations, adequate education for her young people, housing, adult education programs, integration of many peoples from different backgrounds arriving continually, a certain amount of juvenile delinquency, and so forth.

Today a symbol of freedom and democracy in the Middle East, Israel must be respected and lauded by those of us to whom freedom and democracy are precious concepts.

Mr. TOLL. Mr. Speaker, this year the people of Israel will proudly celebrate the 16th anniversary of Israel's Declaration of Independence. The State of Israel was born in war and is surrounded by hostile countries. More than one-half of Israel's territory is desertland. As a result of immigration, the population of Israel has more than doubled in 16 years. Throughout these years of challenge and severe pressures the response of the people of Israel has been admirable. They have molded an army which has provided for their security; they have set out to make the desert flower; they have managed to absorb, though not without difficulty, the hundreds of thousands of refugees seeking sanctuary in their country; they have created and maintained the institutions of a democratic government; they have put to good use the aid they have received from abroad; they have been able to provide technical assistance to developing countries in Africa and Asia. The years of independence then have been years of achievement. Israel is the young nation of an old people. It is a pleasure on the occasion of the anniversary of Israel's independence to salute the courage, the tenacity, and the accomplishments of that people.

Mr. MURPHY of New York. Mr. Speaker, I join with my colleagues and with the free world today in congratulating Israel on the occasion of her 16th anniversary.

Throughout these 16 years, despite the constant threat of invasion, Israel has made remarkable social and economic progress in agriculture and industry, but these accomplishments were brought about only by great dedication and self-sacrifice on the part of every Israeli. In this short span of years, the citizens of the State of Israel have fulfilled the hopes and dreams of the Jewish people in establishing a place among the nations of the world.

On this anniversary, I extend my sincere wishes to the people of Israel, and to all friends of Israel in this country. May this great nation continue to prosper economically as an example of a democratic free enterprise nation, and politically as a symbol of liberty. I wish the people of Israel peace and prosperity in the years ahead.

Mr. ST. ONGE. Mr. Speaker, I am very happy to join with many of my colleagues here today who are paying tribute to Israel on the occasion of its 16th anniversary as an independent state.

The United States had a proud and glorious share in helping Israel attain its independence in 1948. Over these past 16 years, Israel has developed into a successful democracy and one of the few true democracies in the Middle East. It has made great strides politically and economically and is now helping some of the newly independent nations in Africa and Asia in their own development. Israel's economic progress has been such that we no longer have to provide either technical assistance or grants-in-aid to that country, and Israel is thus among the first countries not requiring such aid from us.

During these past 16 years, we have maintained the friendliest and most cordial relations with Israel. In international affairs and at international conferences, particularly at the United Nations, Israel has been one of our stanchest and most dependable allies and supporters. Consequently, we are very pleased to note that Israel has utilized our economic aid to the best advantage of its people and the development of the country. We take great pride on this day of Israel's achievements and its remarkable growth.

The one cloud over the Middle East horizon that perturbs us today is the noticeable lack of peace between Israel and her Arab neighbors. Peace in this region would be of tremendous importance for the Middle East and the whole free world. It is urgent that the United States concentrate on bringing the two sides together for peace negotiations. This is as much in our interests as theirs. Right now we have as our guest in this country King Hussein of Jordan, a neighbor of Israel and one who is somewhat more of a moderate than other leaders of Arab countries. We are giving very substantial help to Jordan; perhaps this would be a most opportune moment to impress upon King Hussein our strong desire for peace in that area and how much his country, the other Arab States and all free nations have at stake if a war is set off in the Middle East which could engulf the entire world.

Our country has been pursuing a policy in the Middle East which goes back to the times of the Wilson administration. It was a policy of support for the establishment of a Jewish homeland in Palestine, as the country was then known, and it became a policy of support to Israel when the new state was established 16 years ago today. That policy was reiterated and reaffirmed by every American President since Wilson, regardless of political affiliation. I am glad that President Johnson, too, is supporting this traditional policy of friendship for Israel and has declared a strong desire for peace in the Middle East.

On the occasion of Israel's anniversary, the United States should take all possible steps to prevent an explosion in that area, maintain political and economic stability, and preserve the independence of all states, particularly Israel which seeks to retain its freedom and independent existence. We hope and pray that the Arab leaders will come to their senses, not commit any harsh deeds which could inflame the area, and discard their fanatical opposition to peace which is only hurting their own countries.

I send my greetings and best wishes to the people of Israel and to Israel's many friends in this country. Together with these wishes go our sincere hopes that Israel will continue to prosper, economically and politically, and attain early peace with its neighbors.

Mr. CONTE. Mr. Speaker, this year, as the Israelis celebrate their independence anniversary on the 17th of April, they have every right to be joyous. Their country, Israel, has achieved the rank of the truly developed states of the world. It has taken 16 years of deprivation, hard work, and much despair, but the goal is now in sight.

Nowhere else and at no other time has there been such rapid progress in one nation. In these few years, entire cities were built and the cultivable land area was doubled. Industrial combines rose from the desert floor while port harbors were expanded to take care of the ever-increasing volume of trade. The credit for these accomplishments lies with the people of Israel, and those citizens who gave of their time, energy, and in many cases, their lives for their country. They are genuine heroes, each and every one of them.

To those immigrants who came seeking a haven from persecution and intolerance, from the genocide tactics of the Nazis and the displaced persons camps, the Levant did not afford them the peace for which they had hoped. Immersed in a deadly war of independence, the new Israelis fought to preserve the freedom which they had gained. The land which had seemed to them a refuge was in reality a battlefield, scarred by the ravages of war and destruction. With determination, though, they picked up their guns, their hoes, and trowels, to build the nation in which they wanted to live, a land in which to bring up their children in the finest manner possible.

They can be proud of their work; for Israel is considered a model nation. By using their methods and techniques, new African States are progressing toward development. This is accomplished either by sending the Israel technicians to the requesting states or having the promising young Africans attend courses in Israel. The Israel Government also provides development capital for projects which would enhance the economy of the African States. As a guide, its leadership can never be questioned.

Mr. Speaker, we, in the United States, who have enjoyed the friendship of these indefatigable people, are honored and proud to be able to contribute to their anniversary celebration by wishing them continued success for the future. It is our hope that the amicable relations of our Nation and Israel will persist to form a lasting tie of two states which are governed by the same high principles of freedom and democracy.

Mr. GILBERT. Mr. Speaker, I am happy to join with my colleagues in celebrating Israel's 16th anniversary. We heartily applaud the tremendous progress the tiny democracy of Israel has made; the development of a democratic and stable society, the absorption and resettling of more than a million refugees, in consolidating her relations and technical and educational cooperation with many other people around the world. Freedom-loving people everywhere are rejoicing in Israel's freedom and honoring her for her achievements.

Israel—the only stronghold of democracy in the Middle East—has miraculously survived constant war threats and a multitude of other grave problems, through the admirable fortitude and courage of her people. The Israelis deserve our highest respect and admiration because of their ideals, their industry, their untold sacrifices for their country, and their strong determination to preserve their independence in the face of overwhelming odds.

It is deplorable that the unremitting Arab war against Israel continues; that this anniversary of the achievement of independence must be overshadowed by the renewed threats of her enemies to destroy her, and by other crises looming on the horizon which would undermine her progress. Israel has made every effort to achieve peace, but these efforts have been thwarted. As a result, Israel has been forced to divert valuable manpower and financial resources to defense purposes; she would much prefer to use these resources to the even greater development of constructive programs, for new industries, reclamation, and transportation.

From the very first, Israel recognized that independence is not a final goal but only the beginning of a period of development and progress, material, and spiritual. She does not possess the manpower and riches of the larger nations, but in her spirit and her pioneering experience in all fields—education, social organization, development—she is second to no other country. The Israelis have made remarkable economic progress without sacrificing individual freedom. Israel is not only setting a good example for the emergent African and Asian nations, but is assisting them. We are told that thousands of young people from 36 countries in Africa, 14 in Asia, including India, the Philippines, and Japan, and in recent years, from 20 countries in Latin America and the Caribbean, as well as 5 in the Mediterranean basin have come to Israel to study her methods in agricultural settlement, the labor movement, youth education in Nahal, and the Gadna Youth Corps, vocational training cooperation, and various branches of science at the Hebrew University in Jerusalem and other institutes. Israel experts have gone to many of the countries mentioned in order to render firsthand assistance. These splendid efforts by Israel have contributed much in furthering the democratic ideal.

Israel knows that her safety depends on peace among all the nations, and it is her right to live in peace. The Government of the United States recognizes and is alert to the problems which beset Israel and gives firm friendly support to her. It is important that we reassure Israel of our moral support and renew our promise that she will not be deserted; that she remains our ally and is important to all free nations as a bastion of democracy in the Middle East.

Mr. HALPERN. Mr. Speaker, each year at this time it is our privilege to extend to the people of Israel heartfelt and profound greetings on the anniversary of their nation's independence. We have witnessed these past 16 years how a young nation can grow and prosper, despite the overwhelming difficulties which initially confronted her.

Throughout Israel the Jewish people give thanks for the freedom they have managed to preserve and the right to live in their homeland, free from the persecutions which still beset the Jewish people in the Soviet Union and other parts of the world. Our hearts go out to those courageous pioneers, those heroes, who early gave their lives for their country in the continuing struggle to conserve what was brought forth.

We are happy to say that each year the people of Israel have more to be proud of. Their nation has left the ranks of the underdeveloped. It has been intelligence, hard work, and capable leaders which has brought to Israel the political and economic development of modern nationhood.

Israel is now able to carry out its own foreign assistance program to the less developed and newly emerging nations of the world. Since the programs inception in 1955, 85 nations on 4 continents have been give economic aid by Israel; a unique record for this small and courageous nation.

This will demonstrate to all, the peaceful growth which has characterized Israel's history. This history is a record of achievement to which all countries, advanced or underdeveloped, can look to for guidance and encouragement.

Sixteen years ago, when independence was proclaimed on May 14, the future most certainly appeared grim and foreboding. As soon as sovereignty was announced, Arab armies attacked in force on all frontiers, striving to annihilate the hurriedly formed Israel forces, only to find themselves thrown back and, in many cases, in full retreat. The land, though, was devastated. To the new immigrants who were seeking a haven from war and tyranny, Israel appeared no different from their previous homes, the ruined ghetto and the displaced persons camp. The atmosphere pervading the country was different, however. Here one could march off to battle singing songs of freedom, could plow a plot of land and know the yields would be their own profit, could complain to the Government and be assured that the problem would be reviewed.

Throughout its short history, we are constantly amazed at the rapid development of Israel, from battlefield to modern state. We can come to only one conclusion—its citizens are dedicated, dedicated to their democratic principles, their families, and their country. It is the people of Israel who must be acknowledged as the driving spirit of democracy and liberty.

The citizens of Israel, however, were not one nationality when independence was declared. There lived in Israel small Jewish communities, some having been established in the early 1900's; others, tracing their lineage to the days of the old Israel, the Kingdom of Israel, when its rulers held sway over much of the Levant. With the advent of persecutions and genocidal actions of the Nazi movement, more and more Jews came to join their brethren in Palestine.

With the end of World War II and the establishment of a sovereign Israel in 1948, the gates were thrown open to unlimited immigration and the population doubled almost overnight. By the time the ingathering had begun to taper off, Israel's population had surpassed the 2 million mark. Over 80 different nationalities were represented, each one bringing its own customs, languages, and ideas. But in times of crisis, they willingly band together to defend their homeland, to strengthen the nation's economy by building industries and constructing irrigation systems. For they know that in disunity lies failure.

The Government inaugurated compulsory military training for both men and women. When in the course of training, these young people are given instructions in the Hebrew language, thus providing a common tongue for all. They are also given instruction in government and civics.

For those too old or too young to serve with the military, the Government established much the same courses in education centers throughout the country. Hebrew is compulsory and is the official language of the Government. These and other unifying acts will band the people of Israel closer together.

The nation that these proud people built is a wonderment to all who visit. North of the Sea of Galilee, there was a small lake surrounded by marshlands. Today there are only fertile fields in that valley, irrigated by the Jordan River, which flows through its center. Close to the northwest corner of the Sea of Galilee, a pumping station is located, from which a 9-foot-in-diameter concrete pipe snakes its way to the south. Through this pipe will flow water from the Jordan River to irrigate the desertland of the Negev and to provide water for the industries which will spring up in the south.

The Dead Sea was once considered as only a place to satisfy the tourist's curiosity. Today, the area surrounding this desolate spot is a thriving industrial sector. For here are found the new factories which produce for export potash, common salt, bromines, and calcium chloride. New settlements have been constructed to house the workers for these plants. Planned for a population of 50,000, each town is self-supporting, spreading its green gardens over the barren wasteland, oases in the desert terrain. Because of these and other industrial projects, Israel's exports have risen from $29.7 million in 1948 to $280 million in 1963, a formidable increase for any country.

The Israelis have also been preparing during the past few years for the tourist. To provide for their needs, the Israel Government began several projects to help these world travelers who flock in ever-increasing numbers to Israel.

Around the Sea of Galilee—called today by the Israelis, Lake Kinneret or Lake Tiberias—spacious hotels are being erected, complete with golf courses and other facilities. In this region the tourist may enjoy the cool weather and see Tiberias, the Roman resort town or Herod's Palace. He may wish to remain on the Mediterranean where the city of Acre offers both modern and ancient vistas. Here the Crusaders laid siege, leaving behind remnants of their enforced entry and occupation. From here, Napoleon was forced to retreat.

Farther down the coast, over excellent roads which pass through the largest port city of Haifa, one encounters the ruins of Caeserea, the ancient Roman capital of Palestine. Recent excavations have unearthed many mosaic floors, while the old harbor and waterfront remain under the sea, a shadowy outline of the grandeur that was imperial Rome.

In the south, on the spur of the Red Sea which the Israelis call the Gulf of Eilat and the Arabs, the Gulf of Aqaba, is the port of Eilat. In the days of Solomon, this city was once the leading trade center in Israel. Here would come and go the ships which had commerce with all the known world of Asia and Africa. Today, the city has been rebuilt to carry on its ancient tradition as commercial center. Since it is Israel's only port to Asia and east Africa, its importance grows yearly as the volume of trade increases. Eilat, moreover, is being destined as a resort town, perhaps the finest one in Israel. Heralded as the Riviera of Israel, new hotel and villa complexes are being constructed to provide rooms for the tourist trade. Most of these are being built on inland waterways, similar in appearanec to Venice, leaving the harbor free for commerce. From Eilat the visitor may see the copper mines of Timna, once operated by Solomon and now reopened for exploitation by the present Government.

The tourist will, thus, be welcomed anywhere in Israel. Guides, versed in ancient Palestinian history, are plentiful. Modern hotels in Jerusalem and Tel Aviv will cater to the traveler who likes urban living. Hostels are scattered throughout the country for the student and explorer who wants to see everything. The welcome mat is out.

Another phase of the Israel economy which clearly indicates the astuteness and farsightedness of the Government is the development of the agricultural industry. Because Israel is still required to import much of its grain and meat, emphasis has been placed on expanding land acreage to reduce agricultural imports. Since 1948, cultivable land area has doubled, enabling agricultural production to increase at an average annual rate of 16 percent. Much of Israel's exports are in the form of agricultural produce, with citrus fruits heading the list. Because of the content of the soil and climate, Israel's citrus fruit has qualities that enable its growers to receive the highest prices on the world market.

I have already mentioned the development of the Huleh region in the north, where the lake and its surrounding marshlands were drained. In the Negev, the southern desert region will soon undergo a vast reclamation program. Former Premier David Ben-Gurion had wished to make this desert bloom and had directed his energies to fulfill this dream. With the construction of the new pipeline from the north and the successful experiments with extraction of salt from sea water, this will soon become reality. It is expected that the Negev will be one of the major agricultural producing regions in the nation.

The big 9-foot-in-diameter water pipe, called by the Israel Government, the national water carrier, has been one of the major development projects underway for the past 12 years. Built at a cost of $180 million, it will begin operation this year and will, it is hoped, prove to be the lifeblood for the south. Because of Arab opposition, though, to the diversion of the Jordan waters, trouble is expected. Although the Arabs have been at war with Israel since 1948, there has been no major overt military action since 1956, when the Arab armies were sent reeling across the Sinai Peninsula. The Arab States have pledged to divert the headwaters of the Jordan, thus reducing the flow of water into Lake Kinneret. Knowing that this would prevent full operation of the pipeline, the Israelis are preparing themselves to meet this crisis, with force if need be. Their future development is at stake as are their rights as a sovereign state.

And so I am afraid there is also a somber side to the celebration. The Arab States are increasing the intensity of their verbal invectives which they daily fling at Israel. The recent Arab summit conference had as its chief objective the preparation of a scheme to oppose Israel's necessary irrigation project.

President Nasser is continuing to expand and amplify his military arsenal. We can only conclude from the events of the past several months that the danger of a renewed armed conflict has risen.

And it is the action of the Arab States that lies at the source of this growing peril. In celebrating this 16th anniversary of Israel we can draw strength from the great accomplishments thus far recorded. We have faith that this momentum of progress will be carried forth in the years ahead. We pay tribute to the people of Israel, knowing that the hardships of their past trials have given them the faith and the insight to meet any eventuality in the future.

The United States and Israel share important common interests. Israel represents the forces for democracy, freedom, and human dignity and it is precisely this kind of development which we seek for the world at large.

So let this momentous occasion be not only a celebration of that which has been accomplished, but similarly a recommitment and rededication to the ends which our two nations share in common.

There is no question in my mind but that Israel will attain still greater triumphs as we move through the 1960's. And so on this 16th anniversary of independence, I wish the valiant people of Israel continued success in the achievement of the goals that lie ahead.

Mr. MULTER. Mr. Speaker, in 1948, the centuries-old hopes of Jewish exiles scattered around the world were fulfilled when their homeland was declared independent, and the new Israel was established. Israel's Independence Day will be celebrated on April 17 this year. Nineteen hundred and forty-eight marked the coming of a new, stable, progressive nation to the Middle East and a great flowering of Jewish culture.

When the first European refugees from the ravages of World War II arrived in Israel there was very little indeed to sustain or encourage them but their own faith in the future. Palestine had become a barren land over the centuries, abandoned by most of the people who had once lived there. It had possibilities, but required great amounts of energy and capital. It remained for the Jews, looking for a home where they could find peace, to redevelop Palestine.

Industry was totally lacking. Only 412,000 acres were in cultivation. There were no forests, no electricity, very little irrigation. Education was rudimentary. All the magnificent cities of ancient Israel were buried under the dust of centuries, as were the ideas that made them great.

The declaration of independence by the Jewish people in 1948 brought months of war which nearly destroyed what little economy Palestine had. The refugees had to enter the fight for their freedom as soon as they disembarked. The odds were very discouraging indeed at times.

But on the 5th day of Iyar of the Hebrew calendar, the equivalent of April 17, 1964, the State of Israel is miraculously changed. The new Jewish nation has grown so fast that it has startled the world. In 1948 the Jews were desperately fighting for their existence against the overwhelming superiority in manpower and resources controlled by the Arab States. Today Israel is the richest nation in the Middle East, with a rapidly growing population. There is no longer much chance of the Arab nations being able to overcome Israel by strength alone.

Much of the credit for Israel's remarkable development must be given to its Government. Israel is governed by a parliamentary democracy, with a one-chamber parliament, called the Knesset. The head of state is the President and the head of Government the Prime Minister.

The man who was Prime Minister for most of Israel's first 15 years, David Ben-Gurion, has earned great distinction for the remarkable progress Israel has made. All freedoms which Americans enjoy are found in Israel, including the right to practice any religion one desires.

Under this democratic system, unique in the Middle East, Israel today is nearing economic self-sufficiency and a living standard equal to that in the most developed countries.

Israel's growth rate has averaged about 10 percent a year. Per capita income is about $550 a year, higher than Italy's. Industrial capacity is remarkable. Using mostly imported materials, Israel manufactures chemicals, textiles, metal products, electrical products, machinery, and many other things.

The land under cultivation has almost tripled. Israel exports citrus fruits and produces a large variety of grains, vegetables, and dairy products to feed the people. Drainage, irrigation, and water control projects are important activities of the Israel Government, which will bring more land under cultivation to support a larger population. Plans now in the making will soon bring immense new quantities of water to the Negev Desert from the Jordan River and the Mediterranean Sea. It is possible now to foresee the day when the "desert will bloom" as David Ben-Gurion predicted years ago.

The new factories and agricultural centers are connected by a fine network of highways and communication lines to Israel's new cities. From Haifa in the north to Eilat, the ancient Israel port on the Red Sea, new buildings are rising on the ancient foundations of Jewish cities. Eilat has become a beautiful resort city and an important seaport. Ashdod, on the Mediterranean, with a fine deepwater port, is being rebuilt on the ruins of ancient Ashdod. Near Sodom, ancient city of sin, comfortable small cities of 50,000 each are rising to provide living quarters for the workers in the Dead Sea mines and industries. It is plain that Israel has again become a land flowing with "milk and honey" as described in the Bible.

Throughout Israel's drive for a better life, the Jews of the United States, and the American Government, have cooperated closely with the leaders of Israel. The many Jewish organizations collect and spend yearly $90 million for development work and charity in Israel. Numerous schools, hospitals, children's homes, and communities would not exist if not for the constant generosity of American Jews.

In fiscal 1964, the American Government is continuing many programs to aid the Israel nation. These are organized under AID loans and grants, military assistance projects, Export-Import Bank loans and Public Law 480 projects. This year the United States will provide $500,000 for extremely important afforestation projects which will help to stop erosion and beautify the land. Grants and loans for food and agricultural programs total $4,013,000.

For help in developing mining and industry we are contributing $13,850,000. This amount will aid in searching for and utilizing, minerals, clay, marble, gravel, and other building materials, the mining of phosphates, the development of telephone services, and loans and investments in small businesses, crafts, and trade.

Under the heading of "Health and Sanitation," $4 million in loans will go to local governmental units for water and sewage systems, electric power, roads, and sidewalks.

Our support will also go to the tremendous educational program which has nearly eliminated illiteracy in Israel, and increased its technical knowledge to a level high enough to support a foreign technical assistance program in Africa and Asia.

From this it is plain that the 16th anniversary of the Jewish state is cause for rejoicing not only by Israelis but by supporters of freedom everywhere. By its valiant efforts Israel has given new meaning to the phrase "self-determination" of peoples. For they have not only clearly chosen their homeland and their path to the future, but they have created a nation out of nothing, riches out of poverty, and soon, a garden out of a desert.

The long struggle of the Israel people against suppression, prejudice, and nature itself, is in the best traditions of the American people. In this hour of hope and rejoicing, Americans must express their admiration for the people of Israel, and wish them continued freedom and well-being.

Mr. O'HARA of Illinois. Mr. Speaker, I am happy to join with my good friend and colleague on the Committee on Foreign Affairs, the gentleman from New York [Mr. FARBSTEIN], in expression of congratulation to the young State of Israel, on this anniversary occasion. This is a better world, and it is a safer world for democracy, because of Israel and her growing strength.

It is not amiss for us in the Chamber of the House of Representatives of the Congress of the United States again to affirm the determination of the United States to stand by Israel in all the dangers that may confront her and all the crises that may arise. Support of the State of Israel and defense against her enemies is part and parcel of the foreign policy of the United States. From this there can be no retreat.

It is in this spirit that we celebrate today the 16th anniversary of the declaration of independence for the sovereign State of Israel. Instead of saluting the nation, though, we should cheer and applaud the people of that country, those hard-working, self-denying, devoted citizens who created their nation with nothing more than courage, stamina, brawn, and funds from our Government's foreign aid program and private Jewish organizations in the United States.

The Israel people are a polyglot race, a "melting pot" like our own population, gathered from all parts of the world. There are the ancient settlements which have existed since time immemorial, tracing their history back to the days of the old kingdom. There are also communities which were established at the turn of the century, founded mostly by refugees fleeing from the pogroms of Eastern Europe. Since independence, though, the immigrants have poured in by the hundreds of thousands. The entire Jewish population of 45,000 left their homes in Yemen to find a new life in Israel, free from the stigma of being second-class citizens. The same things occurred in the other countries which are Moslem controlled; 110,000 flew in from Iraq; a like number came from Morocco. The majority of these immigrants, however, came from Europe, from the cheerless displaced persons camps, from the grim concentration camps, and the gutted ghettos. All came to build a nation free from tyranny, where children may laugh and play and friends may talk politics.

The land which they did build is now a showplace. In 16 years, they took a war-torn country, whose fields had been neglected for centuries, and made it a garden spot. They built cities in the desert, where nothing existed save the ruins of other cities, centuries old. They laid down pipelines and constructed factories until their nation has been lifted from the ranks of the underdeveloped to the developed.

But their work does not end here. Plans for the future call for the reclamation of the Negev, that desert tract of vast deep craters, criss-crossed by dry river beds and high barren peaks, sometimes appropriately called the Devil's home. Here in this desolate region will be grown fields of wheat and cotton. Here, too, the numerous minerals which exist in quantity will be extracted. All that is lacking is water, water for irrigation and for power. Soon, even this deficit will be remedied. Sometime this year, the Israel Government will begin operating the pumping stations situated beside Lake Tiberias, which will start the flow of water through a 9-foot-in-diameter waterpipe to a terminus in the Negev. This project alone took 12 years to complete and at a cost of $180 million. But the time, energy, and money expended will be amply repaid when the desert begins blooming in the near future.

Let us then send our praises and warm admiration to these modern pioneers as they celebrate their nation's independence anniversary.

Our Government has always remained a steadfast friend and ally in their times of need. This will continue in the future in all the years to come.

Mr. RODINO. Mr. Speaker, one of the most remarkable phenomena of our current history has been the birth, growth, and coming of age of the Republic of Israel.

I am sure that all history shall never forget the dedicated and patient efforts of Chaim Weizmann and his associates in the days during and following World War I that led to the establishment of the Republic.

Nor shall we ever forget the horrible, savage treatment of the Jews by Hitler's government, from which many were able to escape to the native homeland of their forefathers, but at whose hands many more suffered cruelly and were murdered.

What a glorious day it was, November 27, 1947, when the United Nations voted to set up the independent State of Israel. And who of us will ever forget that day in mid-May 1948, when Israel did at last come into being.

As long a struggle and as hard as it had been to reestablish the home of the Jewish people, perhaps an even greater struggle lay ahead.

From the start, the Republic of Israel met with the opposition of the Arab League, not just oral barrages in the U.N., but armed invasions of Israel soil by Syria, Egypt, Iraq, Lebanon, Saudi Arabia, and Jordan.

Israel beat back these invasions and won her own security and the respect of all the freedom-loving people of the world. And though an armed truce rather than a true peace obtains today between Israel and her neighbors, the Republic has survived all efforts to weaken it.

Even more remarkably, though beset by economic boycott, political warfare and even blockade, the courageous people of Israel have developed their national posture to an almost unbelievable degree.

In less than 10 years, Israel's cultivated area has been almost tripled, her industrialization index, doubled, and her gross national product increases about 10 percent each year.

Truly, this is one of the great examples of all history of the ability of brave people to carve for themselves, a strong, just nation. In many ways, Israel's growth in these 16 years of her life is more remarkable than that of our own great nation.

In my own home city of Newark, this 16th birthday of Israel will be celebrated a week from Sunday. Sponsored by the Newark YM–YMHA and the Jewish National Fund, the daylong festivities will be highlighted by the presence of Gen. Aharon Dobron, of the Israel Army. It is fitting that this hero of the Gaza strip, where Israel's independence was preserved, should be with us on that day. For without the heroic performance of General Dobron and his comrades-in-arms, there would not be a free and independent Republic of Israel today.

Many new nations have sprung up since Israel was reborn. There no doubt will be more in years to come. But none will serve as a better, more inspiring model for the future than this state whose anniversary we memorialize today.

Mr. RUMSFELD. Mr. Speaker, today marks the 16th anniversary of the establishment of the State of Israel in 1948; and I rise to pay my respect to the citizens of that infant nation.

Despite tremendous handicaps, the people of Israel have created a modern, dynamic, and thriving national life through determination, hard work, courage, and faith. Their phenomenal accomplishments in agriculture, industry, science, social welfare, and democratic government serve as an example to other nations that have recently gained independence and are striving to achieve a better life for their citizens and to promote free institutions. As the people of Israel have advanced, they have offered their knowledge and assistance to promote the economic and social development of neighboring countries. Such cooperation is vital to the interests of the entire Middle East, and I am hopeful it will increase and expand—and that the world will witness the peaceful development of that region and its people.

On this day of commemoration, I extend my best wishes to the people of Israel and my hopes for peace and prosperity in the coming years.

Mr. FINNEGAN. Mr. Speaker, today, the State of Israel celebrates its 16th anniversary. Men of good will the world over pay tribute to this courageous country in recognition of her remarkable progress during her years of statehood. At this time I would like to extend to the people of Israel my congratulations and best wishes and I hope this fearless little state will continue to prosper and grow with each passing year.

On the occasion of her last anniversary I denoted Israel's achievements in the field of foreign technical assistance, and spoke of her aid programs which have placed at the disposal of the emerging nations much of the technical knowledge and expertise she has gained over the years while arduously building her own economic and social order. Today I would like to commend the bold and progressive efforts Israel has made in the development of a comprehensive plan to best utilize her meager water resources. Such systematic utilization of available water is an indispensable condition for the future strength of Israel, because without it she cannot hope to maintain a balanced economy or provide for a growing population.

Recently, the central project in Israel's overall water development, the Jordan-Negev pipeline, has come under heavy criticism from the Arab States of the Near and Middle East. Last January representatives from the Arab League States met in Cairo to discuss the implications of impending completion of the project. In view of the fact that the Arab States may opt for a forceful policy to prevent the Israel plan from going into operation, it is incumbent upon all of us to understand the realities of the situation and what it will mean not only to Israel but to all who are concerned with the precarious peace now existing in the Middle East.

If Israel is to be able to open up new areas within her present borders for the settlement of a growing population and for the expansion of agricultural production, she must turn to the large tracts of undeveloped arable land which lie in the northern reaches of the Negev Desert. This area is mostly flat tableland, eminently suitable for mechanized cultivation and convenient for pipelaying, roadbuilding and similar operations. However, because of the scanty and erratic rainfall in the Negev, only large-scale irrigation will permit settlement and cultivation, and Israel must transport the required amount of water from the north where it is unused and available. The diversion of a portion of the Jordan's waters to the Negev, in addition to other diversion projects, will provide enough water for large-scale reclamation and settlement in the Negev.

Israel's plan to divert a portion of the Jordan River grew out of a proposed unified plan drawn up by experts from both Israel and the Arab States who share the Jordan and its sources. After 3 years of research, planning and negotiation, the late Eric Johnston, who had been sent to the Near East by President Eisenhower to direct the search for an acceptable plan, reached an understanding on a unified water plan with the experts representing, on the one hand, Jordan, Syria, and Lebanon, and on the other Israel. The plan comprised such basic factors as the equitable allocation of the waters of the Jordan and Yarmuk Rivers among the respective riparians and the siting of storage and diversion installations. The Johnston plan, as it was called, was rejected by the political leaders of the Arab States, and for obvious reasons. Although it would benefit the Arab States, it would also serve to strengthen the economy and growth of their mortal enemy, Israel. Support for such a plan was, and still is, an untenable position for an Arab politician, many of whom have risen to power on their demogogic opposition to Israel and its existence.

The rejection of a cooperative approach by the Arab States left the leaders of Israel with no alternative but to assume the technical soundness of the Johnston plan and to implement it on a national rather than on the proposed regional level. Under the Johnston plan 40 percent of the water of the Jordan River system was allocated to Israel, and the Jordan-Negev project will draw less than the proposed limit. It should also be noted that Israel is carrying out her own national water project in accordance with the agreed technical aspects of the Johnston plan and in a manner which would enable it to be integrated into a coordinated regional plan whenever, and if ever, that becomes possible. Moreover, the Arab States are assured of their legitimate share of the water simply because they are situated upstream from Israel.

The Jordan-Negev complex consists of a conduit 65 miles long, with intermediate reservoirs and pumping stations. The point of intake from Lake Kinneret—the Sea of Galilee—which is the main reservoir of the project, is at Eshed Kinrot, located on the northwest corner of the lake. The water will be pumped from the lake, which is 630 feet below sea level, to the level of the conduit, 120 feet above sea level. From the point of intake to the operational reservoir at Beit Natufa in lower Galilee, a distance of more than 20 miles, the water will flow in a canal. After that, it will pass through concrete-lined tunnels in the Galilee and Menashe hills for 5 miles and then for 48 miles through the central section of the pipeline, mostly along the coast, to the headworks of the Yarkon-Negev project, east of Tel Aviv. From there the water will be carried farther south in the two existing Yarkon-Negev pipelines. In addition to the agricultural and industrial benefits anticipated as a result of this project, the pipeline will interconnect and supplement other water projects met on its way from north to south. It will become the coordinating and integrating instrument for all the endeavors which Israel has initiated in the field of water resource utilization.

At the present time, Arab spokesmen are reviving the threat to divert the two of the Jordan's three sources which rise beyond the borders of Israel. Such a costly venture, when coupled with the diversion of the Yarmuk River being undertaken by Jordan, can only be regarded by the Israelis as an unwarranted and unprovoked attack against the security and well being of their country.

King Hussein, of Jordan, recently restored to the good graces of the Arab nationalist leadership, has been in Washington all this week in an attempt to persuade President Johnson that Israel's water projects are a danger to the uneasy peace in the Middle East. We who support the eminently equitable Johnston plan remind King Hussein and all for whom he is speaking, that it is those who would thwart Israel's legitimate right to the use of the Jordanian waters and not Israel, who endanger the delicate balance of power. They would also do well to recall the failure of previous attempts to make Israel conform to their way of thinking.

Mr. DADDARIO. Mr. Speaker, I want to take note of the anniversary which is being celebrated this week of the birthday of Israel. One of the major historical actions of our time was the United Nations resolution which established this state and took firm steps to provide for a solution in that torn area of the Middle East.

We must recognize that the resolution did not heal all wounds. The suspicions and the fears which existed, the deep concern among displaced peoples for their share of the future, have not disappeared. Hostility and a desire for reversal of these decisions have caused some moments which the world can only regret.

But through it all, the people of Israel have worked hard and independently for the growth of their state. At this, the world has cause to marvel, for the sacrifice of the comfort and convenience that has gone into the construction and strengthening of a new home on the shores of the Mediterranean has been remarkable.

It is proper that we pause to extend our congratulations on this 16th anniversary to our good friend in the Middle East and hope that in the forthcoming years we will see the disappearance of hostility in the area to let all peoples of good will work for better development of the once fruitful shores of this sea and the welfare of all.

Mr. ALBERT. Mr. Speaker, I am glad that my colleague from New York [Mr. FARBSTEIN] has taken time to extend birthday greetings to Israel. In 16 short years this small but dynamic nation has made a lasting impact upon the events of this generation. I have had the honor to visit this country. I was inspired by what I saw in the way of determination, achievement, and moral courage. The great talent and skill of the Israel people will furnish leadership oriented to Western ideals for generations to come in a most important area of the world.

Mr. DINGELL. Mr. Speaker, the people of Israel are celebrating the 16th anniversary of the establishment of their country as a sovereign state. In reality, though, Israel is not a new country; the modern nation has been built on the old, on the kingdom of David and Solomon and the other Jewish leaders, who made the land of Israel a name to respect. There has elapsed two millenniums between the two nations of Israel, yet the similarities which exist between them are indeed numerous.

The main reason why so much of the old kingdom has emerged as a part of the new state is because of the religious fervor of the Jewish people. Through centuries of persecution, of enforced exile, of mass deportations and genocide, the Jews have banded together to preserve their ancient customs, laws, rites, and beliefs. Clinging tenaciously to their culture, they survived to the 20th century to plant their mores and government in the homeland of their ancestors.

Israel's flag, which flies proudly from merchant ships sailing to all parts of the globe, has embossed in its center the star of David, the six-pointed star, symbolically linked with David and Solomon, a good example of Israel's past in its present. There is the Menorah, the candelabrum, used for centuries by the Jewish race. It is symbolically displayed on Jewish publications and public buildings, denoting the religious background of Israel.

One finds, too, in Israel, the Hebrew language being spoken. Preserved mainly by religious scholars and for religious rites, Hebrew, once considered a dead language, has been revived as the official language of the country. With the 80-some nationalities which comprise the population of Israel, it was necessary to find a common tongue, one which everyone could understand. Although thousands of immigrants come to Israel each year, bringing with them their own language, the Government has established special schools to teach these new settlers their mother tongue, Hebrew.

Throughout the present-day Israel are the place names with which a Bible reader is familiar. Sodom, once remembered for its notoriety, is now famous as an industrial center for potash and phosphates. Beersheba, a place remembered for the seven wells dug by Abraham, is now a modern city of 44,000. It is the gateway to the south, and as such, will spur the development of the Negev, Israel's desert tract.

There is, of course, Jerusalem, the capital of modern Israel as it was the seat of the former kings. Although divided as a result of the Israel-Arab conflict, some of the old has been incorporated into the new. David's Tomb on Mount Zion overlooks the modern sprawling city, with its hospitals, government buildings, and well-planned thoroughfares.

It is the heritage then of the Jewish people to which we pay tribute today. Its impact has enabled the modern Israel to become the progressive nation that it is. This splendid heritage will continue to influence the Israeli people as they attain even greater recognition and prominence in the world community.

Mr. FRIEDEL. Mr. Speaker, it is a pleasure to join my colleagues today in paying tribute to the State of Israel on the 16th anniversary of her independence. Of all the nations which have gained their independence in recent years, Israel stands as a model of what freemen can do to shape their future.

There is no question that this small nation has achieved remarkable success since the State of Israel was established. The people have forged a modern democratic society from what was once a virtual wasteland. This young nation now boasts modern cities, full employment, and a unified people. She has developed industry, built schools, hospitals, and scientific institutions. It has been a great struggle which required great sacrifice on the part of the people and they are deserving of our highest commendation for their accomplishments.

It is also important to note that Israel has not concentrated all her energies within her own borders, but has extended a helping hand to other developing nations. Israeli technicians and advisers are working in about 50 other countries to give them the benefit of her experience and practices which have been tested and proved fruitful.

But Israel has not only helped other countries to develop; she has also opened her doors wide to people of other races and religions. As a result her population has tripled since she became an independent nation. These immigrants have been trained in new skills so that they can become self-supporting and self-respecting citizens. Israel has proven to the world that members of the Catholic faith, Greek orthodox, Russian orthodox, Armenian, Ethiopian, Maronite, Coptic, the Anglican Church, the Lutheran Church, Baptists, and other Protestant groups can live together in peace and harmony, helping one another. From the progress that has already been made, Israel's ultimate goals of full civic integration and equality of citizenship seem assured.

Today, modern Israel is the best friend the United States has in the Middle East and we must not overlook its importance in this strategic area. It is an outpost of the free world and gives evidence for all to see that democracy and freedom can flourish and grow amid hostile surroundings. But we cannot forget that Israel faces the constant threat of war from the Arab countries and is harassed by boycotts, blockades, by hate propaganda, and a dangerous arms buildup.

This 16th anniversary seems an appropriate time for the United States to renew its commitment to do everything within our power to maintain peace in Israel and to make our position unmistakably clear to any aggressor. For only if peace is maintained can Israel continue to grow and prosper as a democratic nation.

I extend my heartiest congratulations to the people of Israel on this anniversary for a job well done, and very best wishes for continued success in their endeavors.

Mr. FRASER. Mr. Speaker, I should like to join my colleagues in congratulating the people of Israel on the occasion of their April 17 anniversary as a free and sovereign nation. In 16 short years since World War II, these dedicated and industrious people have transformed a desert waste into a prosperous and growing economy; they have taken a population with diverse national and cultural heritages and formed a democratic society with a literacy rate of 78 percent; and they matured as a nation to the place where they now extend technical and economic assistance to 84 developing nations on 3 continents.

In particular, Mr. Speaker, I would take note of Israel's wise use of the talents of her women in her growth. Mrs. Golda Meir, Israel's distinguished foreign minister, is well known for her contribution to Israel and the free world. Her high position in government is symbolic of the participation and accomplishment at all levels of society of the women of this small but great people. At a time when President Johnson has called for the increased entry of talented women into public affairs, Israel provides an example to the world of the possibilities of contribution to the public good by her women.

The United States has maintained friendly and supportive relations with this nation throughout her existence, and I look forward to many more years of welcome cooperation. I would like to extend my cordial best wishes and those of the people of Minneapolis, Minn., to Israel. Her people can proudly commemorate the anniversary of her birth as a nation.

Mr. CAREY. Mr. Speaker, it was 16 years ago that Israel was proclaimed independent. The future of the country in its first moments of life seemed bleak and unpromising. The small wedge of land at the eastern end of the Mediterranean had been torn by a war that left its cities in ruin and its fields brown and barren. And yet there was a dream of hope in Israel for millions of people Into the new country poured many men and women with their children to begin a new life. They came from all parts of the world, so that Israel, like our own United States, soon became a "melting pot."

The people of Israel, with great courage and resolve, put themselves to the task of building up their country. New and modern cities rose above the rubble of old ruins, and green fields and gardens began to cover the desert floor. There were many difficulties and hardships to overcome, yet in as little as 16 years Israel has traveled along the road of progress more than any other country in the Middle East.

The United States has played an important role in the success story of Israel. Since 1949, Government aid to Israel has totaled approximately $950 million in economic grants, technical assistance, development loans, and surplus foods. And the role played by private organizations in this country has been of great assistance to the progress of Israel. We can be justly proud of all that we have done to help the hard working and devoted citizens of Israel.

However, it is they that deserve all the praise and admiration. We have given large quantities of aid to many other countries which are struggling to develop, but none has done as well as Israel.

The Israeli people are not content to stand still while the world admires their many accomplishments. Perhaps the most exicting project they are undertaking in the effort to develop their country is the construction of a pipeline from Lake Tiberius in the north to the Negev desert in the south. Precious water will be piped along the line to irrigate the dry and dusty lands, allowing large areas to be brought under cultivation. This is just one outstanding example of the ingenuity of the people of Israel.

Israel's experience and know-how in the field of development is now being used to help other less-developed nations of the world. It is not surprising to find Israeli technicians and teachers throughout Africa, Asia, and Latin America. In this way they are contributing their part in the rapid rise to prosperity of the countries in these regions.

As they celebrate the anniversary of their country's independence, the people of Israel must find pride in their success. We, too, are proud to extend to the Israel people our congratulations and warm admiration for their many achievements. It is also our hope that the bonds of friendship between our two countries will continue to grow in mutual respect and harmony.

Mr. FARBSTEIN. Mr. Speaker, each year Israel celebrates its establishment as a sovereign and independent state. We in the United States remember this event and pay homage to the people of this small but dynamic country; for it is Israel's citizens who have developed their land until it has become the showplace of the Middle East, a model state upon which the newly emerging states of the world may base their own development and progress.

We should not forget, though, the years of intolerance, of prejudicial action, of genocide, through which the Jews were forced to live. Their valiant struggle during World War II against annihilation hastened to create the homeland for which the Jewish people of the Diaspora had prayed for centuries. Perhaps the most heroic stand against Nazi tyranny, which brought home to all the nations of the world the plight of the Jews, was the uprising of the Warsaw ghetto in 1943.

When Poland fell before the onslaught of German might in 1939, the Jews in Warsaw numbered approximately 300,000. From the very first, the Nazis treated them as second-class citizens, applying their Aryan racial principles throughout Poland. Forced to wear distinctive armbands, limited to specified jobs, the Jews suffered their worst humiliation by being put behind walls and barbed wire barricades in sectors of the large cities. Because Jews from the surrounding towns were also brought to Warsaw, the entrapped number in that city's quarter swelled to about 450,000.

From November 15, 1940, the date when the ghetto was sealed, the Jewish population of Warsaw suffered most horribly for the right to be a Jew. Starvation, disease, and merciless treatment took its daily toll. But the Jews clung to life, faithful to the motto of Warsaw—"Defying the storms." Unfortunately the storm reached holocaust proportions. On July 22, 1942, the conquering overlords began a systematic reduction of the ghetto's population, by shipping 6,000 Jews daily to the gas chambers at Treblinka. By September 12, only 60,000 remained.

Realizing the futility of the situation, that it was only a matter of time before every last Jew would be herded into the boxcars for a one-way ride to oblivion, the survivors decided upon action. To die fighting rather than being dragged to ones death was more honorable and would call the world's attention to the brutal extermination of their race.

Resistance began in January 1943, which ended in a surprising victory for the defenders of their ghetto. But this was only a false hope. En masse the Nazis attacked on April 19, 1943, the eve of the Jewish Passover, and began their systematic destruction of the ghetto.

The battle raged for a month and token resistance could still be heard the following September; but the ghetto was reduced by the end of May to smoldering ruins, erased from the face of the earth. Gen. Jurgen Stoop, Nazi commander of the attacking forces, could announce on May 16: "There was a Jewish section in Warsaw, but it no longer exists." A few of the defenders, however, escaped to fight again. A few traveled to Palestine to found a new country, only to find themselves fighting once more for their lives, their new homeland.

Twenty-one years have passed since the Warsaw uprising. Although the Jewish community was totally destroyed, these heroes and heroines have not died in vain. Their courage and bravery live on in the land of Jewish freedom, in Israel. Let us all, therefore, salute those who gave their lives during those black months of 1943, so that their memory will live on in the hearts and minds of the people throughout the world as a heroic symbol against tyranny and injustice.

Mr. MARTIN of Massachusetts. Mr. Speaker, I want to join with my colleagues who have paid tribute to the State of Israel on the occasion of the 16th anniversary of the founding of that pioneering country.

This fledgling nation has come a long way in those 16 years until today it sets an example for the rest of the world with its courage and its independence and its progress.

The world is indebted to many people for the remarkable success of Israel—to the thousands of pioneers whose labor of love made a desert bloom, to the thousands of people in our own country whose generous contributions financed many of the projects.

Israel today is making remarkable progress in feeding its people, in maintaining free and responsive government, in providing good educational facilities for all its people, even in sophisticated fields of science.

In an area of the world that is too frequently feudal and backward and poverty stricken, Israel is providing a healthy example of modern change.

On this occasion of the 16th anniversary, I join with my colleagues in saluting those brave and hardy people who made possible these great achievements, who made possible the addition of Israel to the family of free nations.

Mr. ROONEY of New York. Mr. Speaker, through many centuries after the Jews were scattered far and wide by the Roman Empire, they had no homeland, while Palestine, their original home, became a desolate, barren desert.

Many, many times the natives of the nations in which Jews were forced to live persecuted and massacred them. The Jewish people tried to settle and make themselves a congenial segment of the population. But whenever they began to feel safe some natural or economic catastrophe would arise, which was blamed on them, and they immediately became victims once again. This state of things lasted for nearly 2,000 years and culminated in the merciless slaughter of 6 million innocent people in World War II.

In the 1880's some Jews led the way toward a goal which became that of nearly all Jews in the last 15 years, the reestablishment of Israel.

On May 14, 1948, the Jews declared the independence of Israel and quickly demonstrated their ability to maintain that independence. From all corners of Europe and Asia Jews streamed into Israel, eager to escape the suffering of centuries endured in foreign lands, amid strange peoples.

Now that once barren, desolate Palestine is a bustling nation of 2 million people, living a comfortable life. They cannot yet enjoy life unmolested and completely secure, but I am sure they live far better than they ever have before.

Problems lie ahead for the Jews of Israel and for other Jews who yet live in fear, for example in the Soviet Union. But as we commemorated the 16th anniversary of Israeli independence last Friday, Jews now have the best hope for the future in many years. Let us hope that reasonable men can forget the hates and conflicts of the ages, so that Jews may come to live in the same peace and freedom for which all men strive.

I find it easy to bring to you felicitous language with which to congratulate the people of Israel on their 16th anniversary, for Israel continues to accomplish so much in the service of humanity, democracy, and freedom.

For my part, I would like to quote the words of a distinguished leader. I would like to put into the RECORD the statement which President Lyndon B. Johnson made in 1958 when, as majority leader of the other body, he offered a resolution celebrating Israel's 10th birthday.

At that time, he said:

> Mr. President, the resolution speaks for itself. It expresses the feelings of the American people who have watched the steady growth of Israel for a decade.

Americans have been deeply impressed by the courage, the tenacity, and the determination with which the Israelis have built their country. It is a heart-warming demonstration of what can be done by determined men and women against great—and sometimes overwhelming—odds.

We wish Israel well. We hope it continues to flourish and prosper in dedication to the ideals of freedom and international cooperation, and that it will serve as a force to contribute to peace in the Middle East and in the world.

GENERAL LEAVE TO EXTEND

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks in the RECORD on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SIXTEENTH BIRTHDAY OF THE STATE OF ISRAEL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. ROOSEVELT], is recognized for 1 hour.

Mr. ROOSEVELT. Mr. Speaker, I have asked for this time today because our friends in Israel are tomorrow celebrating their 16th birthday.

Now there is nothing to distinguish Israel's 16th birthday from any other. And yet, we who have watched Israel's steady progress and growth feel that every Israel birthday is an occasion worthy of appropriate salute. For every year that the people of Israel spend in peace is another milestone in the long and difficult road toward a final settlement with her neighbors.

Every year Israel leaps ahead. Her population grows as she continues to absorb refugees from discrimination and persecution; her productivity increases as she trains her people, disciplines her rivers, works her soil. Her service to humanity is broadened as her envoys travel to many lands on four continents, teaching cooperation within the framework of freedom. Her trade continues to widen and develop. Her security is reinforced as her diplomatic position is consolidated in expanding diplomatic relationships.

We in the United States can scarcely measure the tremendous aid she has given to the ideals of democracy in the great continent of Africa by proving that a small country with great courage starting with the most difficult situation can yet maintain a steady forward progress under the ideals of freedom.

All this is a matter for rejoicing. But there is a cloud over Israel which persists and which refuses to depart. It is the refusal of Israel's Arab neighbors to make peace. It is their reiterated threat of another round. It is their day-to-day war which takes many forms—boycott, blockade, diplomatic harassment, propaganda incitement and—worst of all—continuous preparation for renewed fighting.

Let it clearly be said that this speaker is not anti-Arab. This speaker does believe in peace and does recognize that peace cannot be accomplished in an atmosphere which continues to have this threat overhanging it.

Costly weapons are being accumulated and productive citizens are taken out of the economy to be trained in their use. This is a blight on the entire Near East. All the peoples of the region are forced to retard their economic development in order to waste their time and their resources on armaments.

Twice, in recent months, President Nasser of Egypt has told us that an Arab-Israel war is inevitable. We do not believe him. We pray he is mistaken. We can never accept any such pessimistic doctrine which preaches the inevitability of new bloodshed and disaster. And we hope that he will have the wisdom and courage to recognize that he is wrong—that the best interests of all the peoples in the Near East demand recognition of Israel and cooperation with her.

Mr. Speaker, last year many Members of this House took the view that Egypt is preparing for aggression against her neighbors. And, under these circumstances, we seriously questioned the wisdom of the economic aid which we provide to that country. I do not intend to speak of this today. We shall have further time to consider this issue when we take up the foreign assistance act.

But I would like to suggest, Mr. Speaker, that if we continue to assist Egypt at a time when it threatens war, we must take every precaution to insure that those who are threatened will be strong enough to deter and resist attack.

The real solution, of course, is a peace settlement. Such a settlement will come about when constructive and progressive Arab leaders break the shackles of the past and summon their people to think "unthinkable thoughts," to use the language of the chairman of the Senate Committee on Foreign Relations. I am convinced that there are many Arabs who reject destruction and war as the inevitable solution.

Let us encourage them by our own strong advocacy of a peace settlement. The Arab States will come to recognize the futility of another round of hostilities when they realize that our country means exactly what our leaders say and what our people want. We will not stand idly by if aggression is perpetrated. This means that we are prepared to carry out our commitment to keep the peace. And we will give every support to any Arab leader who is ready to negotiate a settlement.

Finally, I hope that the Soviet Union will reconsider the dangerous policy it has carried on in the Middle East. It has granted planes, tanks, submarines and missiles. It has reinforced these weapons with political and diplomatic propaganda. It has encouraged the warmakers and prejudiced the prospects of peace.

The Soviet Union speaks of coexistence with the United States. It proclaims its desire for understanding and peaceful relations. But its sincerity is impugned by its irresponsible policy in the Middle East. Let it stop the reckless shipment of aggressive weapons. Let it use its influence and strength on the side of peace.

May we all hope that on this 16th birthday, Israel takes yet another step forward and that the era of peace may continue and be everlasting as it faces its glorious future.

Mr. Speaker, I ask unanimous consent that all Members who wish to do so may include their remarks in the RECORD following mine.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. RYAN of New York. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I am happy to yield to the gentleman from New York.

Mr. RYAN of New York. Mr. Speaker, at the time of the celebration of the 16th anniversary of the independence of Israel, I wish to join in paying tribute to the people of this magnificent democracy. I commend the gentleman from California [Mr. ROOSEVELT] for his statement today.

"I will make you a great nation." This statement, taken from the Bible, prophesied the greatness that was to honor the Kingdom of Israel, the kingdom of David and Solomon. Yet, the same words may be applied to the present Israel, the democratic state of the 20th century. The similarities of the two nations, separated by 2,800 years, are numerous, too. In fact, it could be said that Israel in 1948 was founded on the foundations of the older kingdom. Some place names have come down through the centuries intact. There have even been instances where installations built by Solomon are now in use again by the settlers in the Negev. The flag, emblazoned with the Mogen David, the six-pointed star of David, has assumed a symbolic character, linking the past with the present. The capital of the country, Jerusalem, has played an important part of both the old and the new Israel. Although Tel-Aviv is more modern and larger in size, Jerusalem was chosen to serve as a light to attract the displaced Jews to the homeland. Even the name of the country, Israel, is the same as used by the kings of old. Israel's past is truly in the present.

When the State of Israel was proclaimed independent on May 14, 1948, there was great rejoicing throughout the world. Here at last was the culmination of the dreams of the Jews, of the diaspora, of Theodore Herzl, the founder of the Zionist movement. The Jewish people, persecuted in the past because of their refusal to give up their teachings and their customs, and victims in the 20th century of the Nazi race theories, were to have a national home. Palestine was selected as the site for the Jewish State because it held so much significance to the Jewish people. The name itself would attract the people needed to found and settle a new country. There were also present Jewish communities, the kibbutzim, founded by Rothschild and others. So, when the British Mandate Forces withdrew, the new Republic was proclaimed.

The fervent rejoicing gave way to the grim determination for survival. Beset on three flanks by hostile Arab forces, the defenders of the fledgling nation fought with a purpose and dedication which amazed the world community. An armistice arranged under the auspices of the United Nations in 1949 enabled the present borders to be stabilized. Yet the truce is an uneasy one. Frequent guerrilla raids by the Arabs have plagued the frontiers. Since 1956 Arab incursions have been less frequent, but the verbal attacks are unceasing. The Arab States threaten to reclaim the Palestinian lands for the Arabs, by "driving the Jews into the sea." This constant threat of danger has demanded that the Israel Government maintain a strong and mobile force, capable of counterattacking against any overt Arab action. It is interesting to note that the first Israel State was under constant attack from its neighbors and required the kings to be constantly in the field, preserving the borders against encroachment.

Israel has become a great nation. It is regarded as the strongest and most stable country in the Middle East. Its people are respected for their hard work, astuteness, and joy of living.

The Bible has described the Biblical Israeli state as "a land flowing with milk and honey." In the days of David and Solomon, the kingdom was a well-developed agricultural state. The plains were dotted with small settlements, providing a labor force for the arable fields under cultivation. There was even an extensive irrigation system. In fact, the Negev, now considered a barren dessert, was once densely populated.

Today's Israel is still basically an agricultural nation. It is, as the Bible described, "a land of wheat and barley and vines and fig trees and pomegranates, a land of olive oil and honey." In the first 15 years of Israel's sovereignty, 478 agricultural settlements were established. Most of these were populated by the immigrants who came seeking this new land of "milk and honey." The cultivable land has almost doubled since 1948. This has been brought about by the draining of Lake Huleh and its marshlands and by extensive irrigation projects. The arable land area is expected to be increased again when the Jordan River waters begin flowing this year. Although the supply will not be enough to irrigate the entire Negev, it is a start, to fulfill the prophesy of David Ben-Gurion, to "make the desert bloom." The recent trial runs of the installations for the freshening of sea water in the port of Eilat found these machines can produce 5,000 cubic meters of water daily and will enable the available Negev water supply to be augmented by sea water. In a few years' time, the Negev is expected to be a major agricultural center rather than barren wasteland and will produce enough crops to eliminate the need for importing many agricultural foodstuffs.

Since the proclamation of independence, the Israel Government has stressed in its development schemes, industry and mining. Of Israel's total national income industry and mining now have a percentage rate of 22.1 percent. The principal export statistics cite manufactured products at three times the value of agricultural goods, with finished diamonds heading the list.

Although Israel was considered an extremely wealthy country in the days of the kingdom, most of its gold and precious stones came from abroad. There is still speculation as to the site of the gold mines of Ophir, King Solomon's Mines. But ancient Israel had a commodity which was prized by all nations. Copper, used in war and art, was a valuable bargaining commodity, and the Mines of Timna in the Negev provided the resources needed for power by the kings. Today, the Timna Mines have been reopened and are once again producing copper for the modern industries in Israel, thus proving once again Israel's reliance on its past.

Eilat, Solomon's ancient port city, has again come into prominence as a trading city. Under present development schemes, the city will soon become a resort, dotted with hotels and resort facilities. Inland waterways will give Eilat a Venetian-like appearance. But the waterfront is also being constructed to handle the trade which is shipped through the Red Sea. At one time the Arab blockade of the Gulf of Aqaba prevented any commerce from passing through Eilat. But since 1956, the Gulf has been opened, and trade with East Africa is extensive.

On the Mediterranean, ancient Ashdod, once a thriving seaport metropolis, is nothing more than a mound. Yet its deep water harbor remained to provide a basis for a new seaport, the modern Ashdod. This new city now houses thousands of immigrants who live in modern apartments, shop in new stores, and work in newly established industries.

Near the infamous city of Sodom stands a complex of three towns, each with a planned population of 50,000. In these towns live the workers who labor in the phosphate and other Dead Sea industries. Their families tend the ever-expanding gardens, oases in the desert, truly pioneers of the modern age willing to face hardships.

The list of similarities between the past and present which made both, "lands of milk and honey," could continue on and on. The wisdom of Solomon has been carried through to the present in the wisdom of the Israel Government. Their development programs and farsighted educational plans will provide stability for their country in the years to come. But one of the greatest dissimilarities between the old and new Israel is the merchant marine. Although ancient Israel was known far and wide, its people were not sailors. Instead, they used the services of others. Today's merchant fleet rivals those of other nations. The Zim Navigation Co. alone has 68 ships in service, with the new flagship, *The Shalom*, the pride of all Israelis. This ship, designed to carry 25,000 passengers a year on transatlantic service, is expected to bring a boost to the ever-increasing tourist industry in Israel.

"Israel shall be a proverb and a byword among all peoples." This third Biblical quotation is perhaps the most pertinent of all three because the present-day state is certainly "a byword among all peoples." In the past, the greatness of the kingdom was such that it was able to survive as a nation although harassed constantly by the two big empires of its time, Babylon and Egypt. Its resources were sought by other trading states. And to its capital came scholars to study in Jerusalem's institutions of learning.

Although hemmed in by its hostile neighbors, the Israel of today succeeds in making its name a byword among the newly emerging states of Africa and Asia. Through its technical assistance programs, Israelis are now working in every part of the globe to help in the development of new Nations.

Beginning in 1955, Israel first gave assistance to Burma. Since then, some 80 Nations have received benefits under the foreign aid program. Africa has been the prime beneficiary. This counterbalances the Arab States' efforts. It has been their goal to penetrate Africa in order to secure backing in ostracizing Israel. Recent pan-African and Afro-Asian conferences have seen how the Arab delegates have attempted to push through recommendations of condemnation against Israel. Remembering Israel's role in their development, the African states refused to support such proposals. It was clearly a victory for Israel in the international field, in both politics and good will.

One Tanganyikan official has stated:

> Israel is a small country * * * but it can offer a lot to a country like mine. We can learn a great deal because the problems of Tanganyika are similar to Israel's.

Another important reason why Israel's African program has been so successful is that Israel cannot be considered a colonial power. Its size and resources deflate any attempt by Arab propaganda to foster the idea of Israel neocolonialism.

Ghana was one of the first African states to benefit from Israel know-how. The story of the Black Star Shipping Line, the first shipping company to fly the flag of a new African state, is already a legend. Supplying 40 percent of the needed capital through the Zim Navigation Co., Israel took over the management of the line, while at the same time it instructed trainees for the jobs held by the Israel technicians. Within 2 years, the company began showing a profit, at which point the Ghanaian Government was encouraged to buy out Israel's shares. With the replacement of the last Israel technicians, Israel withdrew from the shipping line, leaving behind a job well done and amicable relations.

Again in Ghana, technicians helped to establish agricultural cooperative banks and a training academy for the Ghanaian Air Force. The Ghana National Construction Co. was established with capital, 60 percent owned by the Government-owned Ghana Industrial Development Corp. and 40 percent by the Histadrut's Solel Boneh. Here again Israel's capital has been replaced, but many technicians continue to serve in technical positions since the company is concerned with large-scale construction projects, requiring the services of the specialized Israel technicians.

In all 28 African nations have received in one form or another Israel aid. Treaties of friendship and mutual technical assistance provide for cooperation in agriculture, fisheries, industrial development, youth training, vocational training, medical services, mineral exploitation, communications, and transport. Of particular interest is the installation of a water supply system at the University of Eastern Nigeria as another example of the devoted service expended by the Israel technicians. It has been acknowledged that this project is an engineering feat of miraculous proportions. In Sierra Leona, the construction of the main hall of the Parliament Building in time for the independence celebrations in 1961, certainly raised Israel's prestige, especially when the job had been considered an impossibility. An Israeli team established the first eye clinic in Liberia. A children's hospital wing was set up and inaugurated in upper Volta and was named after Israel's late President, Izhak Ben-Zvi. Israel poultry breeders are even sending in day-old chicks to various African states, in order to develop the poultry industries in those requesting countries.

Perhaps more important than the flow of capital and experts to Africa is the establishment of institutions in Israel for the African students. As in ancient Israel, thousands flock to these founts of learning to study the techniques which have made Israel the well-developed state it is. Instruction now available ranges from practical nursing to poultry breeding, and includes teacher training, agricultural engineering, local administration, electromechanics, medicine, home economics, and irrigation techniques, to name only a few. As of 1960, 23 scientific institutions were engaged in basic and applied research to which Africans could come.

At the end of 1962, it was reported that some 1,200 Africans were in residence in Israel. At the completion of their studies, the students have or will return to their respective countries to carry on the work inaugurated by the 500 or so Israeli technicians who had preceded these students to the various states, to begin development projects or assist in the running of the country's administrations.

As Americans, we should feel proud of the rapid development of Israel; for it was with our help that progress was achieved. Israel now has a per capita income of $540, while the gross national product has increased annually at a rate of 10 percent. Since the program's inception in 1949, the U.S. Government has provided technical assistance and economic aid which have been used for development banks, irrigation systems, telecommunications, and building construction.

More important to the Israelis have been the private contributions, funds amassed by bond drives and collections here in the United States. Some $90 million is grossed annually by the United Jewish Appeal, the Histadrut subsidiaries, the National Council of Jewish Women, Pioneer Women's Organization, and many more, for their oversea programs in Israel.

The United States and Israel have also shared their talent with one another. Through cultural exchange programs, the people of Israel have heard our great singers, have seen our conductors in action, and have watched our musicians at their keyboards or other instruments. We, here, have enjoyed the folk dances and songs of their touring companies, the artistic ability of Israel's painters and sculptors, the talent of their musicians. Moreover, there has been a steady increase in the number of tourists who go to Israel, to be amazed at its progress. This interchange of ideas and people has helped to cement a strong friendship.

For these and many more reasons I am proud to extend my congratulations to the people of this country on their 16th independence anniversary. Their progress and achievements during this short span of time will stand as a guidepost and a byword among all people. I wish them continued success and salute the friendship between our two nations on this happy occasion.

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, on May 15, 1948, a new Republic was born—Israel. As a baby nation bereft of industrial, agricultural, and cultural development, it can be honestly said that it started at scratch. And to add to its impoverishment—thousands of refugees flocked from many nations of the world to seek asylum within its boundaries.

The progress made in these years has been phenomenal. The Hulch Basin in Galilee, formerly a swamp infested with mosquitoes infecting malaria, is now an agricultural producing area of fertile fields, enormous plantations, and numerous fishpounds. The draining of the swamp exposed acres of peat deposits now used as fertilizer.

An industrial center was developed at the town of Kiryat—15,000 population—located in Negev's Lakehish area. The measure of growth from 500 old settlers—Israel before 1948—was due to the influx of immigrants from Asia and north Africa.

We do not realize that only 37 percent of the population are native Israeli—the others are immigrants from over 100 countries. Of the total inhabitants: 2,232,200, Jews number, 1,984,200; Moslems, 52,000; Christians and druze, 24,000.

Israel, in spite of her lack of wealth, has provided the million refugees with places to live either in a reception camp—abandoned 1950—or to the "ma-abarot"—a hutted transitional quarter and then on to a permanent housing area. Since 1957 they have been assigned to villages or towns to a job and a home.

The growing economy is prospering in Haifa, Jerusalem, and Tel Aviv—business is also fine in the towns and villages.

The city of Beersheba, capital of Negev, is a market and transportation center with a population of close to 65,000—once a city of 3,000, mostly slums, today a city of homes and employment at its peak.

The Government has promoted the establishment of many varied types of industry to insure the production of diversified goods processed or manufactured, including foodstuffs, clothing, chemicals, cosmetics, pharmaceuticals, paper, glass, plastics, tobacco, beverages, ceramics, and building materials.

The reclaiming of land is a major project everywhere. Science and education are solving many of the difficult problems. With the completion of the pipeline from the Jordan at Negev to Zarchin the water problem will be resolved.

The people of Israel are avid readers of journals. There are 14 language newspapers as well as other dailies in English, German, Arabic, Hungarian, French, Polish, Yiddish, Rumanian, and Bulgarian.

In spite of all this progress it has been reported by military authority that a large Arab army is entrenched along a mountain ridge fronting a strip of Israel territory on the east coast of the Sea of Galilee.

The major goal of King Hussein is to establish Arab unity. President Gamal Adbel Nasser promises to "liberalize Israel" after purging Arab countries of reactionary leaders. The leader of Yemeni—Abdull ah Sallal promises that "Gamal and I will meet in Tel Aviv."

These pledges of hostility are not idle mouthings of indiscreet leaders—but, of course, recent developments in the press, radio, television, and the Congress itself caused the President of the United States to reassert the established policy of the United States to defend the rights and lands of Israel against any power who seeks to violate those rights.

President Lyndon Johnson is to be congratulated upon his statement to the young Monarch, Hussein, reasserting the U.S. Mideast policy for a just peace relationship between Israel and the 13 Arab nations. President Lyndon Johnson, in a cordial manner, reasserted the strong position taken by our martyred President, John Kennedy, in his firm stand when he said he would place the military power of the United States in support of the Israel Government and its persecuted millions. King Hussein, in his statement, expressed concern about U.S. policy in that area. The King, who is dependent upon American aid, speaking for the 13 Arab nations, said that the U.S. policy toward "the tragedy of Palestine" has been "distressing." He further averred for the United States to take a "new look" at the problem in light of "morality, legality," and its own interests. In addition, said Hussein, the "adherents of the Jewish faith" should conduct "a deep soul-searching" of the "whole problem of Zionism" that can "engulf them and others in a senseless and ruthless calamity."

He said "all Arabs" regard the existence of Israel as "a real and ever-present danger to their national survival."

But despite that language, Hussein, an acknowledged "good friend" of the United States, completed talks with President Johnson that were jointly described as marked by "cordiality, good will, and candor."

King Hussein spoke with gratitude about contributions Americans have made "generously and selflessly" to Jordan "since the 19th century toward our modern awakening."

Regardless of King Hussein's harsh public remarks, Israel's actual relations with Jordan are better than those with any other Arab nation, although 600,000 of the million Arab refugees from Palestine now live in Jordan.

President Johnson emphasized the strong desire of the United States for friendly relations with all Arab States, and its devotion to peace in the area.

President Johnson said that it was the U.S. intention to continue to support Jordanian efforts to attain a viable and self-sustaining economy.

King Hussein said "2 million Israelis, with massive assistance from the outside, maintain an armed establishment almost half that which 50 million people of the Federal Republic of Germany possesses." He also said that, "Israel, with outside aid has been working on the development of atomic power and other media of mass destruction." Hussein said such development runs counter to U.S. policy of "preventing a proliferation of the deadly weapons of destruction."

Hussein also reiterated Arab concern about Israel's plans to divert waters of the River Jordan.

At last a King at first hand knows that Israel no longer stands alone and unprotected.

Mrs. KELLY. Mr. Speaker, "the bastion of democracy," "the country of opportunity," "the land of milk and honey," these are nomenclatures used when speaking of Israel. Yet 16 years ago, when the nation was first proclaimed independent, pessimists throughout the world foredoomed this fledgling to failure. It is true that Israel, in its first years, almost succumbed to the prophesies which were forecast. A population divided among the 80 nationalities which comprise the country, beset on three sides by hostile neighbors intent on its complete destruction, and blocked from certain markets by economic sanctions, the future of Israel in 1948 was not promising.

Today, 16 years later, we see another Israel, one which boasts modern cities, full employment, a strong armed service, and a unified people. By means of aid from foreign sources, principally from the United States, Israel rose from the rubble caused by its war for independence. Development projects, astutely planned and inaugurated by the Government, stressed the needs of the country. Irrigation systems, industries, port cities, housing, medical welfare, and education headed the list. The results have been spectacular. The gross national product has been growing at an annual rate of 10 percent, despite the continuous inflow of immigrants. The per capita income figure has also risen steadily at a rate of 4 to 5 percent annually. Illiteracy is listed as only 12 percent of the population, and even this figure will diminish rapidly through the newly inaugurated plans for increased educational facilities for remote villages.

Perhaps the most dynamic project undertaken has been the construction of a 9-foot-in-diameter pipeline, from the north to the Negev in the south, through which water will be piped to irrigate the arid desertlands, bringing to reality the prophecy of David Ben-Gurion to "make the desert bloom."

Israel's technical know-how and experience gained in its own development is now being exported for the betterment of less-developed nations. Throughout Africa, Asia, and South America, Israeli technicians and teachers are helping requesting nations to develop their educational systems, port facilities, and industrial combines. This "Point Four" program has, in turn, opened up new markets for Israeli goods providing greater profits for the economic growth of the state.

Thus we see what hard work and ingenuity has done for one nation. I am proud to extend to the Israeli people on their 16th anniversary of independence my congratulations for a job well done.

Mr. REUSS. Mr. Speaker, today we commemorate the 16th anniversary of the independence of Israel. Since its foundation, Israel has demonstrated again that a small nation can be great. This beleaguered country has contributed much to the world by action as well as by example.

The modern State of Israel has achieved remarkable social and economic progress in the face of heavy odds. Hemmed in and harassed by hostile neighbors in a naturally poor land no larger than Massachusetts, the Israelis set about turning their wilderness into a productive land.

They increased agricultural production—by draining marshes, by irrigating desert, by introducing new crops and new methods. They increased industrial production, introducing new industries and strengthening old ones. Industrial employment jumped from 73,000 in 1949 to some 200,000 now and industrial exports have soared from $5 to $112 million in the same period. Efforts to discover and explcit raw materials have borne fruit in new mining industries in the Negev, producing copper, manganese, and other minerals.

These accomplishments required skill and understanding and a willingness for self-sacrifice and hard work on the part of the Israeli people. Combined with these strenuous efforts to help themselves was a very large inflow of capital, much of it from the United States and the German Federal Republic. I am proud that the $985 million in American aid that we have sent to Israel has played a major role in the growth and development of that country.

Israel's progress in the 16 years of its independence would have been remarkable under any circumstances; it is all the more so when one remembers that Israel has absorbed a wave of immigration much like our own in years gone by. In 1948, Israel's population was only 650,000. Now it has more than tripled, totaling 2,400,000.

Many of the immigrants arrived penniless and without skills, some from countries entirely bypassed by modern science and technology. They spoke different languages and were the products of different traditions. So in addition to a massive task of resettlement, the country faced a massive task of manpower upgrading.

Israel responded with a network of vocational schools. Extension courses for farmers were organized, with instructors living in the villages teaching modern farming methods. Special courses, some of them peripatetic, have prepared immigrants for productive employment in trades. The standing army has been shaped to serve as a school for vocational training as well as for good citizenship.

In the face of all its problems, the people of Israel have done two things which are shining tributes to their spirit which I should like to point to today.

First. They have maintained a democratic Government consisting of a Parliament elected, under proportional representation, by the free vote of the people. When people say that democracy cannot work in a society making great social and economic changes they should look at Israel. There it has worked. And through democracy, the Israelis have preserved and fostered freedom of speech, freedom of the press, freedom of worship, and social welfare.

Second. Israel has not become obsessed with itself but has looked outward and, as soon as it could, extended a helping hand to others. Israel has been sharing her human and technical experience with developing nations for over 5 years. Recently, more than 163 Israeli advisers, 45 teachers, and 187 technicians were working in some 50 countries of Africa, Asia, Latin America, and Europe. Israel has been in a unique position to extend precisely the kind of aid which is often most needed by developing societies. Techniques and practices tested and proved in the development of Israel and in the training of Israel's unskilled immigrants are just suited to the need of developing countries.

A Foreign Ministry statement sums up Israel's attitude toward the developing world:

> Its own chequered history has taught the people of Israel to realize how important are human dignity and understanding, and that political independence must be coupled with economic development and social reform. Israel knows, as well, that as a new nation, she has a particularly pressing duty to place the benefits of her young independence at the disposal of societies in search of new ways.

Mr. Speaker, on this day I take great pleasure in commending the people of Israel for their accomplishments and wishing them well for the years ahead.

Mr. HEALEY. Mr. Speaker, I am happy to join my colleagues in felicitations on Israel's 16th birthday.

When, in 1948, Israel was born into the society of nations, the infant state was handicapped by an environment which, according to the long experience of the region, did not auger well for its development. The land was eroded by centuries of neglect. The desert lay waste and fallow. There was not enough water where it was needed and there were only the rudiments of industry on which to begin building a 20th century economy. But, amazingly, these formidable difficulties did not impede the new nation. Indeed, they spurred on the pioneering spirit of a people determined to build a home and a future for themselves and for those who were to come.

We congratulate Israel on her progress—on the cities she has built, the industry she has developed and on the schools, hospitals, scientific institutions, and cultural centers with which she has sustained and enriched the life of her people. Israel has prospered. She has made great strides in an unbelievably short period of time because she has put skill, industry, and foresight into the management of her own meager resources and the generous aid she has received.

We extol her democratic way of life, as a member of the free world, ready to lend her assistance, by example and cooperation, to other nations which are eager for both. There are now 87 of them—in Asia, Latin America, and Africa—where Israel is helping to build the foundations of growth, in the ways of freedom.

On this 16th birthday, we wish Israel well, as we have on each of her preceding anniversaries. We hope she will continue to prosper—in peace. For everything Israel has accomplished, and everything she hopes for in the future, rests on one fundamental condition, on one essential ingredient—peace.

And so today I would like to urge our Government to reaffirm a 16-year-old commitment: that we do all we must do to bring peace to this dedicated nation and that we endeavor to prevail upon her enemies to give up war and to sit with her at the conference table, recognizing her existence and negotiating with her as a neighbor and a member state in the United Nations.

I would like to see an end to the threat of war, to boycott and blockade, to hate propaganda, and to a dangerous arms buildup. But if these goals are not to be considered practical, if they are really tactically unattainable, then I believe that Israel must be helped to a position of strength which would make a military attack against her untenable and unlikely.

Mr. STRATTON. Mr. Speaker, I am happy indeed to join in extending my warm congratulations today to the State of Israel on the 16th anniversary of her formation.

During these 16 years Israel has stood out as one of the real bastions of democracy in the world and the only true friend of the United States in the explosive Middle Eastern area. Over these years we have all watched with excitement and admiration as the people of Israel have forged a modern democratic society of what was once almost a wasteland and a wilderness. Yet even today, after 16 years of achievement, the people of Israel still find that they cannot completely relax their vigilance, for there are in the area today still signs that the enemies of Israel are continuing to hope for and to plot her destruction.

Surely, Mr. Speaker, we can never let this event occur. As we pause today to salute Israel on her birthday, I do hope that the officials of our Government will recognize the importance of taking steps as promptly as possible to make our determination to protect Israel's independence, come what may, unmistakably clear to the rest of the world.

To the people of Israel I extend my warm and hearty congratulations and best wishes for a prosperous and peaceful future.

Mrs. DWYER. Mr. Speaker, the 16th anniversary of the establishment of Israel as an independent nation is an occasion for joy and celebration wherever men value freedom and for renewed hope wherever there has been doubt about man's capacity to shape his own future. It is an occasion, too, for continued alertness and determination in the face of the stubborn and unreasoning hostility vented against Israel by her Arab neighbors and of the increasing evidence of active anti-Semitism in the Soviet Union.

It would be difficult, Mr. Speaker, to exaggerate the achievement of the people of Israel in the years since 1948. Burdened with the horrible memories of Hitler's persecution, confronted by the hatred of the Arab States, inundated by waves of immigrants of the most diverse social, economic, and cultural backgrounds, handicapped by lack of funds and space and the barren condition of much of the land, the Israeli people triumphed over every obstacle. It was a triumph of hope and of the courage and faith and determination which transformed that hope into impressive reality.

But Israel's triumph cannot be taken for granted. Her victories so far can only be considered temporary, for the tiny but dynamic country is still engaged in a struggle for survival. We in America, who should understand better than most, the unique quality of Israel's accomplishments, cannot be indifferent to that struggle. Our commemoration today of Israel's 16th anniversary tomorrow will, I hope, demonstrate that the Congress of the United States remains deeply interested and concerned.

As a part of my remarks, Mr. Speaker, I include an article entitled "The Big Small Country," by Gabriel Gersh, which was published in the April 17 issue of the Commonweal magazine. I think our colleagues will find that Mr. Gersh has captured well the meaning, the spirit, and the flavor of Israel and of what it means today to be an Israeli.

The article follows:

THE BIG SMALL COUNTRY—TO BE AN ISRAELI IS A POINT OF NO RETURN

(By Gabriel Gersh)

"We are a small country," Israelis tell you. They do not believe this, nor do I. Geographically, yes; a half-hour jet flight from south to north and, from the Mediterranean inland, at places no wider than a taxi ride. Population minute as well: 2,250,000, one-quarter million being non-Jewish minorities.

Then why does one leave Israel knowing it is a big small country? The key question is its people. In 1948, during the war of independence, there were only 600,000 Jews in Palestine. By the subsequent law of return, which gave any Jew anywhere an inalienable right to Israel citizenship, a million and a half from more than 70 countries have arrived. This gives to Israel a fantastic variety of cultures and of talents, all Jewish, all desperately patriotic despite ferocious internal political dispute, and all knowing, to a man, to be an Israeli is a point of no return: we must make it here, or nowhere.

Binding this polyglot diversity are potent centripetal forces. The first is the Hebrew language. In 1900, outside the synagogues and literary circles, this ancient tongue was spoken by only a few thousand. The pioneers in Palestine of this century, seeing in a Hebrew revival a prime unifying force, taught themselves to speak, write, and think it, so that there are already younger generations for whom Hebrew is a mother tongue. The later immigrant mass was subjected, as first priority, to crash courses in the language. Everyone went back to school; for the first time in history, a dead speech was colloquially reborn.

The next solvent is the Book: the Bible, and its later commentaries. I had known, before visiting Israel, that these sacred words were the subject of intense study by the orthodox; but had no idea that for unbelievers the Bible is just as much a daily inspiration. For the texts are not only holy: They are manuals of history, law, social morals, agriculture, even warfare, all with practical modern relevance.

The third cohesive factor is the army. For 30 months, the sons and daughters of immigrants of totally different backgrounds live in momentary unity. Additionally, the Israel army, unlike that of any in Western Europe since the Spanish Civil War, remains, despite increasing armament and hierarchy, basically ideological. In 1948 Haganah was a people in arms for an ideal and for survival: In essence, Israel has still a people's army.

The ultimate cement is the land itself. Its historic folk memories have, for Jews, a resonance exceeding even that for Christians of their Holy Land, since modern Christians are not descended from those who ever lived there. Then, indirectly, there are unifying pressures arising from a six-hundred-mile land frontier hermetically sealed by four implacably hostile neighbors, whose total population exceed 30 million.

Recalling these conditions—and the atrocious pasts, in the Middle East as well as Europe, of so many of the immigrant majority—one might expect a certain national hysteria. But one does not find this: Israelis, especially the sabras or native born, play it very cool indeed. To meet they are relaxed, helpful, and always ready to put you in contact with almost anyone—for with its small population, everyone in Israel seems to know, or at any rate know about, everyone else.

At the same time, you cannot kid an Israeli, or easily impress him: They have seen so much, in the 16 years of their existence, and expect to see so much more, that they have learned total self-reliance. To the stranger, the general attitude is, "You like us? Fine. What can we do for you"? But also "You don't like us? OK—go jump in the Dead Sea, we've other things to do and think about."

While there are already big differences in personal income and educational status, these have not yet hardened into class divisions: In a human sense, the spirit is still equalitarian. Though uncensorious, and far from puritanical, Israelis seem an exceptionally moral people: frank, life-loving, but serious by necessity as well as inclination. In appearance, the young especially are dazzlingly handsome, tough, sexy, extremely self-possessed. You may search in vain for a characteristic Jewish type—though not, perhaps, for a basic Jewish temperament—of which I believe the key factor is an absolute devotion to, and acceptance of, the laws of natural life, and its continuity despite everything.

Americans and Europeans knowing only occidental Jews must revise their ideas entirely. It is true the founding fathers of the Israeli state—the pioneer settlers from the 1880's, and of the first kibbutzim after 1909—came mostly from Europe, chiefly Russia, Poland, Germany. But since 1948, a majority of immigrants are "oriental" Jews from North Africa and the Middle East. So that while the present political elite are of European origin, the younger generations will increasingly be oriental—the more so as their birth rate is the higher.

One can see here a possibility—no more as yet—of a novel social friction: For though it is true that the Israeli-born children of, say, a German or a Yemenite immigrant are closer in spirit than either is to its own parents, the cultural standard of the occidental family is likely to be higher; so that until this can be corrected, the probability is of a continuing "occidental" educational, and hence political, superiority. What does not help here is that, largely because of a monstrous military budget, high school and university education are not yet—as elementary school is—free. (All Israel problems, one grows to feel, are those of priorities—what limited resources to deploy first on which host of absolute essentials. For as well as its military imperative, the country has to face a problem no other nation had to—which is how to get its economy "off the ground" with, from the outset, a universally high living standard.)

Over all these perplexities hangs one enormous question mark. In every country of the world save one, Jewish communities have by now had time to opt for Israeli citizenship, or to prefer taking a different kind of chance with a continuing diaspora. The exception is Russia, whose 3 million Jews have not yet been given a free choice. If, in a shift in the political kaleidoscope, Russia should decide to let its Jewish community go—and another "if," should these 3 million opt for emigration—then the balance of "occidental" and "oriental" Jews would be sensationally reversed. If this final mass immigration should ever occur, no one can doubt Israelis would face up to, at whatever cost, the enormous disruption of their social life it would engender.

To describe the country itself, one must first insist on its extreme physical and cultural diversity. You leave Tel Aviv, with a half million inhabitants, after sophisticated chats with Israeli intellectuals, you drive a few hours south to Beersheba and find yourself, so to speak, in America of the 1860's: guns, camels, Bedouin, new frontier towns, the enormous Negev desert. Or you set off from Jerusalem, with its concentration of brains at the Hebrew University, and a mere day's drive northward takes you past bustling new factories and the raucous port of Haifa to the exquisite loneliness of Galilee, where isolated kibbutzim overlook the River Jordan and a ferociously hostile Syria.

Despairing of giving abstract coherence to the impressions of 2 weeks, I offer some indelible vignettes:

Amiram and Micha, with other young pioneers, discovered, in the marshes south of the Dead Sea, how to grow certain crops with water partly saline. Water is a prime obsession of Israelis: After a few days you find yourself, like them, scanning the sky for clouds of the right hue. (From the Sea of Galilee, in the far north, a huge conduit—a car can be driven through it—will soon carry water south, twisting along the eastern frontier, to drench the parched land around Beersheba.)

Amiram and Micha drove us, from our luxury hotel there, to the boomtown of Arad—where one expected to meet Gary Cooper and did, in fact, see his Israeli counterpart. Here the broad metaled road stopped dead, and our jeep rocked and switchbacked through sensationally barren tors and gulches on its sickening drop to the Dead Sea, 1,300 feet below sea level. On this hallucinating journey we encountered, as one does all over Israel, vestiges of those hosts of quarrelsome peoples who have fought for the Holy Lands: Egyptians, Jews, Philistines, Greeks, Romans, Byzantines, Arabs, Mamelukes, Crusaders, Ottomans British—then Jews and Egyptians once again.

Near the revolting but chemically rich Dead Sea—we declined kind suggestions to bathe in its potassium sodium, and magnesium chlorides—we picnicked, beyond the vast new potash factory, in a dramatically eerie canyon which we reached up a track that had to be rebulldozed open for us because of earthworks for new roads and villages. (Israelis are always building villages and roads; they simply never stop.) We reached the experimental farm at dusk, and Amiram showed us his cattle (from India and Kenya as well as Europe), and the rich acres he and his friends have wooed from the salt wastes. He stopped his jeep suddenly in a field and said, "Here's the frontier: if you've got your passport, you can walk into Jordan." I asked him why, when crossing the desert far from the border, he had carried guns, but as soon as he reached his farm had left them at the house. In the desert, he replied, you were not sure whom you might meet, but here, though the frontier ran through his garden, it was his home, so he had no need to carry guns.

We saw three kibbutzim in an afternoon, all on the Syrian frontier where the green Jordan serpentines through a fertile valley between fierce hills, bringing life into Israel's essential heart—or lung—Yam Kinneret, the Sea of Galilee.

The first was settled by former Englishmen who, with their various English accents and amiable cups of tea, seemed, in this setting, as exotic as I have ever seen Britons (or ex-Britons) to be before. The next was a nahal—not strictly a kibbutz, but a military settlement in which soldiers of both sexes, after basic training, work as farmers. The atmosphere was efficient and relaxed—and I was reminded of the earlier sight, when visiting the Roman remains of Ashqelon, of a party comprising a colonel, several officers (two female), a fearsome sergeant-major, and a bunch of privates, who chattered easily together and hoisted a she lieutenant up on an antique pillar to take photographs. The last kibbutz was a rich one with a sumptious guesthouse conducted by a veteran colonel of the war of 1948, who told me, in tones of affable menace, that Israel was not receiving enough support from the West.

Before 1948, the kibbutzim were at once pioneering settlements, military outposts, and strongholds of Zionist ideology. Conventional village cooperatives are now more important economically than the communal and dedicated kibbutzim, but these still remain, so to speak, the sacred places of the nation, and their members a kind of egalitarian aristocracy. While they are far more varied than is usually realized abroad—of the 225 settlements, some are orthodox, some atheist, some prosperous, some poor, and each has members of varied political creeds and national origins—their life still seems rigorous, and fails to attract sufficient volunteers among the Israeli youth (to the sorrow of David Ben-Gurion, who sometimes retires to meditate, as a shepherd, in his kibbutz at Sde Boker in the Negev). Yet kibbutzim are still of prime spiritual significance; and whereas the economy in the industrial and commercial sectors is now increasingly capitalist (the money often coming from abroad), the fructifying of the land must still be socialist and national.

In Nazareth, chief Arab city, the citizens watch TV programs showing Colonel Nasser threatening Israel with massive Soviet armaments, interspersed by enticing belly dancers; for there is not yet an Israeli television, though the Rothschild family have promised the nation one. The quarter-million Israeli Arabs cannot be happy, the half-million or more refugees in Arab countries even less. The Jewish majority, though they seem free, so far as I could judge, from racial antipathy toward the Arabs—the hostility is political—understandably cannot trust them. Equally understandably, if heartless, the surrounding Arab nations seek to use the Arab minority for their own ends.

That Israeli Arabs have been wronged cannot be questioned. To this wrong, the Jews have powerful replies. We are here, says their Declaration of Independence, by historic right; by the work of our pioneers who, in more than a half century, rebuilt the country; by international charter—Balfour Declaration, League of Nations mandate, U.N. resolution of 1947; by the men we lost in two world wars, the War of Independence, and the Sinai campaign of 1956.

But the real justification of the Israeli presence—and the only true answer, it seems to me, a Jewish Israeli can give an Arab—is that Jews are in Israel by dire necessity. As a people they survived—a few other races have—for 3,000 years, chiefly of oppression; and in our century, a last lethal attempt was made, by paganized Christians in Europe, to exterminate them utterly. Their choice was conquest in Israel, or destruction; and no people who has not faced that alternative can fully judge them.

The disaster here is that it seems obvious to anyone who, unlike a Jew or Arab, is not physically involved, the whole Middle East would be enormously enriched by what seems impossible now—a Semitic union. Just as one instance, between Galilee and the Dead Sea, the water falls sufficiently for a dam that would fertilize the whole Jordan Valley; but since, to the Arabs, Israel does not exist, this dam remains unbuilt. Perhaps, with the generations, given peace (or semipeace), the younger on each side of these fantastic frontiers will see a common interest; but there is no sign as yet.

At Mea Shearin in Jerusalem live the dogmatically orthodox sect of Neturi Karta. The men, looking like Rembrandt elders, wear circular fur caps, gowns from which prayer shawls dangle, white stockings with buckled shoes, and they shuffle like purposeful landcrabs, grasping pale children with faces framed by curls and surmounted by Quaker hats. On the Sabbath, I saw an angry group of them bawling out two teenagers on a Vespa for violating the holy day; and I was rebuked—by a wan, owlish youth carrying a baby—for smoking my pipe (fire must not be created on the Sabbath, though liquor, surprisingly, may be drunk).

These fervent gnostics were the only people I saw in Israel whom I found repellent. Israelis feel toward them, I believe, ambiguously. A majority of the nation, and most of its leading figures (even Ben-Gurion), are not orthodox; and in gay Tel Aviv, and left-of-leftwing Haifa, the Sabbath is not rigorously observed. And yet * * * all Jews must recollect that, for 2,000 years of the diaspora, it was religion—together with Christian persecution—that held the race together. Can the lay Israel state, as it becomes increasingly unorthodox, preserve the unity of its people as the ancestors of these fanatics did?

Though Israelis disagree about religion, they can never afford to let this question rend the nation; which accounts for the disproportionate influence of the devout, and for the fact that all marriages still must be made before a rabbi. Toward non-Jewish faiths, incidentally—Christian as well as Moslem—there is total toleration, with one exception: proselytizing is discouraged. The Jewish is not a missionary faith, and resents this activity in others.

Each country has its charmers, and in Israel these are the Yemenites who in 1950 (and in fulfillment of an ancient prophecy) were flown out of Aden to the Promised Land. They are small-boned, olive-skinned, with wise desert eyes, exquisite gestures, and totally disarming smiles. By reputation they are brave, industrious, and exceptionally musical (their Inbal troupe of singers and dancers is always touring the world).

I called on them at the villages of Eshtaol and Elyakim. At once you are surrounded, like Pied Piper, by confident, handsome kids who try out their English on you, invite you to play soccer, and make you promise to become a pen pal. I asked one of the older men about the flight to Israel from Yemen. The entire Jewish community walked 2 weeks to the coast where they saw their first modern city—and the Dakotas. Were they anxious at all, I asked? Not when the plane took off, he replied, but once up in the air they wondered whether they would ever come down.

At the Gaza strip I had the biggest surprise of all. I had expected prohibited zones, tanks, planes—the lot. In fact, there was a single Israel sentry with some Danish U.N. troops farther up the road. The Israeli posed amiably for photographs (abandoning his box and cigarette to strike a menacing pose), and we scanned the Scandinavians with binoculars. One knew the heavy stuff must be parked somewhere farther out of sight, but of it there was no sign whatever. Nor, one grows to realize, can there be "military zones" in Israel—the land is so little and precious that life must continue right up to the barbed wire.

Israel has planted 80 million trees, and visitors are invited to hearken the admonition of Leviticus 19: 23, and add one of their own. There is a touching blend of the astute, practical and sentimental in this custom, and I now feel my own infant cypress in the Edwina Mountbatten plantation is a sort of pledge.

Touristically, Israel is delightful. Hotels of every category abound, with swift, unfussy service. The food is varied—oriental dishes are driving out central European—and the wines, especially the white (Avdat, Ashqelon), delicious. Public transportation by plane, rail, bus or communal taxi is excellent. There are cities and villages of every size, vivid, placed or alarming scenery, cool hill resorts for summer, and bathing at sea level in the winter.

At the same time, I did sometimes feel—as I think Israelis also must—a certain claustrophobia, especially in Jerusalem, with its no man's land dividing the Israel and Jordanian cities like a wired Berlin wall. Or emerging on the Gulf of Eilat, after driving between frontiers that narrow to a 6-mile strip, one feels the liberation of the open sea. In Israel, only the Mediterranean is a border without menace.

My strongest impression, unexpectedly, was that Israelis live in a different century from ourselves. Their future may be perilous and indiscernible, but they live in it absolutely, always looking forward. For in contrast to many Western countries, Israel, despite the accumulations of its past, seems a modern country. One has the impression, existentially speaking, of a people who, by necessity, have probed and confronted the realities about their lives that really matter—political, social, moral.

I doubt whether there can be, on the globe, a country quite so pecular; man made, created in defiance of hostile odds and even probability. So small, yet looming vastly in the hatred, or solicitude, of every country in the Western World. Set in the Middle East, and yet not Levantine; precariously based, save in a confidence born of fierce experience and desperate will.

The habitual greeting in the country is shalom, or peace. One might suppose daily repetition would debase this word into a vacant platitude—or that the struggle which made Israel, and by which it must endure, would give it undertones of irony. Yet curiously, the word still seems right and meaningful; and I think this is because Jews, despite all proofs of their restoration to the ancient role of warriors, do long for peace, and wish it for mankind.

Mr. DULSKI. Mr. Speaker, it is a privilege to participate in this tribute to Israel today upon the occasion of the 16th anniversary of her independence.

This anniversary brings to mind the long struggle which preceded the restoration of Jewish national independence, the heart-rending tragedies and great sacrifices that led to Israel's rebirth 16 years ago. These years can be compared to the idealism of our own country in its independence struggles and development.

It is, therefore, only natural that the American people, who love freedom and justice, share the joy of this nation's 16th anniversary.

The State of Israel, made up of people from almost every country on earth, was faced with great difficulties at the beginning. Despite a shortage of nearly all kinds of natural resources and barren soil, these ingenious people did not feel helpless but proceeded to build a strong nation internally and economically. To tell the story of its progress would take pages, but I know of no other nation which has accomplished so much in such little time.

Nations around the world, both young and old, can look upon Israel as evidence of what a determined people can do against great odds.

We salute Israel's cultural achievements, its industrialization, its program of social legislation, and many other accomplishments made by these brave and proud people. She has carved an enviable niche in the family of nations as a responsible democracy.

I salute the leaders of Israel, and wish them Godspeed in the days that lie ahead.

ISRAEL INDEPENDENCE DAY

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BARRY. Mr. Speaker, the 16th anniversary of Israeli Independence is being celebrated today. The Jews of the United States, and indeed, all the people of the United States have watched the development of the new nation on the shores of the Mediterranean with great interest. We can see in its struggles the hope of a kindred people for freedom. We can see in the Knesset, in the basic laws which assure all of the fundamental freedoms, and in the daily attitudes of the Israeli, the same democracy which motivates the United States.

The best known leader of modern Israel, David Ben-Gurion, holds much the same place in the hearts of the Israeli as does George Washington, the Father of our Country, in our own hearts.

David Ben-Gurion symbolizes the vigor and dedication of a reborn Israel, and the capabilities of a whole new generation of Jewish leaders. Through every crisis, in the face of every challenge, he showed incomparable skill and stamina. His example of modest living and true devotion to the good of his country above his own interests are a model for democratic leaders everywhere. All of those who wish Israel well honor David Ben-Gurion as the modern Lion of Judah and father of Medinat Israel.

Our Government has been in a very difficult situation because we desire friendship with both Jews and Arabs. Conflicts like those in the Gaza strip and the many lives that have been lost by both sides, bring sorrow to the American people.

The city of Jerusalem, which should be united in peace as one of the holiest places of three great religions, is today divided. Jews and Arabs have found that their differences outweigh their common historical and religious interests. In the conflict, the people of both sides suffer. Let us hope that in the very near future cooperation may replace enmity as the way of life in the Middle East. The people of the United States would be much relieved.

The last 16 years of Israeli independence have seen remarkable changes in the barren lands of Palestine. Jews have proved their determination and ability to create a magnificent civilization on the foundations of that of their ancient ancestors. In the years to come there will surely be no lack of motivation to carry on their struggle. But all the good that has been accomplished can be destroyed by war and conflict. Let us wish the new State of Israel a joyful 16th anniversary and hope for many more in peace and international understanding.

DOES THE NEW YORK STOCK EXCHANGE QUALIFY FOR RELIEF?

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WIDNALL. Mr. Speaker, that venerable institution, the New York Stock Exchange, symbol of the triumph of free enterprise and private initiative, has fallen on bad times. Although only a few months ago the exchange had no difficulty raising among its members $9 million to voluntarily liquidate the debts of a member company caught up in the soybean oil deal, it now appears unable to afford a new home. Instead, the exchange must depend on public largesse, throwing itself on the mercy of those who carry on the Johnson administration's "war on poverty" under the banner of urban renewal.

Proving again that the Johnson administration's "quality of mercy is not strained," even by the thought of aiding the New York Stock Exchange with taxpayer money under the guise of a slum clearance program, Federal officials are reported to have tentatively approved the acquisition of 12.8 acres in the heart of the financial district for this purpose. According to an article by Lawrence G. O'Donnell in the Wall Street Journal of April 10, 1964, this informal approval was evident even before the New York City Board of Estimate unanimously backed the project on April 9.

Mr. Speaker, as ranking minority member of the House Special Housing Subcommittee, I have run across many strange and wonderful ways in which the urban renewal program has been diverted from its original goal of "a decent home and a suitable living environment for every American family," quoting the Housing Act of 1949. That goal is one we can all support. This particular venture, however, is the most outrageous misuse of the urban renewal program I have ever encountered. Perhaps I misread the figure being used to justify the President's war on poverty—was that a $3,000 income per year or per week?

The facts of this case prove the deliberate discrepancy between this project and the clear intent and letter of the law. After the city of New York rejected the area as a site for luxury housing, the present owners began buying up the property for the purpose of putting up a 40-story office building. In December of 1962, the stock exchange signed a letter of intent with the city housing board to acquire the site and redevelop it for its own purposes.

In testimony and discussion before the board of estimate, according to the Wall Street Journal article, the present owners contended that they had been willing, and still are willing, to develop the property with the needs of the exchange in mind, including renting floor space for the new trading floor and office space for the exchange. Neither the exchange nor the housing board has shown any interest in discussing the matter. No cost estimate has been given for acquisition of the site, or any comparison with the cost of leasing, and, in fact, the deputy mayor of New York called the whole presentation on costs "sort of whimsical."

I have already pointed out that an urban renewal project designed to do no more than provide a new home for the New York Stock Exchange hardly meets the intent of Congress to provide suitable living quarters for our low-income citizens. Another policy clearly set out in the Housing Act in several places is that "private enterprise shall be encouraged to serve as large a part of the total need as it can," a policy being ignored apparently both by city officials and the Federal Government agency involved. There is not even an attempt to explore this aspect. In fact, the chairman of the housing board in New York City was insistent on pointing out that it was the exchange that wanted to acquire the site through urban renewal so that it would not have to rent space.

A spokesman for the exchange indicated that cost was no factor in terms of purchasing the land. The only reason urban renewal is being resorted to, therefore, is so that one private organization will not have to rent from another. This can hardly be said to be sufficient excuse for taking another man's property. According to the clear language of the law, predominately nonresidential development can only take place where it is "necessary for the proper development of the community," and since that development could take place anyway, this project simply does not qualify for the American taxpayers' funds.

There are more specifics in the law that should be cited. For example, title 42 of the United States Code, section 1455(e), deals with public disclosure by developers. It states that no "understanding" can be entered into with regard to the disposition of land until the local agency makes public the redeveloper's estimate of the cost. No estimate of the cost has been made public to my knowledge, and from the press reports, no one seems to know what the cost will be. Is it so high that an estimate would be unpolitical? Are projects like this one the reason the Johnson administration is asking for a bigger slice of the pie for commercial renewal? An increase from 30 to 35 percent for nonresidential development is proposed in the administration housing bill at the expense of the slumdweller. Is this what the President was referring to in his housing message when he spoke of the "known demand" for more nonresidential renewal funds?

The major grounds for opposition to this project, aside from the clear national policy of helping the needy instead of those who can pay their own way, is found in section 1455, title 42 of the United States Code, subsection (a). Contracts for loans or capital grants can only be made where the urban renewal plan has been approved by the local governing body, and that such approval must contain findings by that body that—as the code states:

> (i) the financial aid to be provided in the contract is necessary to enable the project to be undertaken in accordance with the urban renewal plan,"
>
> (ii) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise,"
>
> (iii) the urban renewal plan conforms to a general plan for the development of the locality as a whole."

In my opinion, none of these criteria have been met, on the facts that I have available to me. There has been no estimate of cost of acquiring the land through eminent domain, and no comparison of that cost with that of renting from a private developer for the same purpose. Under the circumstances, no one could possibly find that the first criteria of the need of Government assistance had been met.

Secondly, the plan for this 12.8-acre tract makes no arrangements at all for private enterprise development instead of purchase and resale by the Government to a favored party. The question has not even been explored, if the newspaper reports are true.

Thirdly, the stock exchange approached the housing body to create an urban renewal plan for that particular area for that particular purpose. It can hardly be said that this project and purpose was anticipated in any general plan for the community as a whole. There is no evidence, moreover, that this new exchange via urban renewal is necessary to keep the exchange in New York City, or to increase the intake of property taxes, or to stimulate new business. On the contrary, realtors in the area are complaining that any move, even 400 yards away, would hurt present office and commercial establishments.

Mr. Speaker, this is a prime example of how far afield we have gone in the urban renewal program. No longer are we helping the needy, no longer are we concerned with the ill-housed, the small businessman, the minority groups. I would like to see any administration official go into the rent strike areas of Harlem, or Cleveland, or the Nation's Capital for that matter, and tell them why money that should be spent to meet their needs is being spent elsewhere to benefit the New York Stock Exchange and other commercial ventures that could well afford to help themselves. This is precisely why the Republican housing proposal includes a specific set of priorities, placing housing first, and commercial redevelopment on a loan basis.

There is another thing that worries me, however. We are told that urban renewal projects are the result of local decisions and local initiative, and are solemnly assured that no Federal official attempts to "sell" the program. Yet here we have a situation where it is reported that Federal urban renewal officials gave tentative approval to a plan having nothing to do with the purpose of urban renewal, and they did so even before the city officials acted. I would like to know who these Federal officials are, what contacts were made, what promises given, and what influence an apparent prior Federal approval had on the city board of estimate. As far as I am concerned, such conduct is out of line with their official duties, and if true, should be sufficient to end their employment by the American taxpayers.

The Wall Street Journal article of April 10, 1964, follows:

NEW YORK UNIT VOTES URBAN RENEWAL PLAN FOR BIG BOARD'S PROPOSED NEW QUARTERS

(By Laurence G. O'Donnell)

NEW YORK.—An urban renewal plan, under which New York City will acquire 12.8 acres as a site for the New York Stock Exchange's new headquarters, was approved unanimously by the city's board of estimate.

The decision clears the way for the slum clearance plan, which already has tentative approval of Federal urban renewal officials.

But it may take years for the site to be acquired from its present owners, chiefly a group headed by John P. McGrath, a lawyer and former city corporation counsel, and Sol Atlas, a real estate developer. They oppose the urban renewal plan.

The land, at Manhattan's southern tip, will have to be taken from the present owners through court condemnation proceedings, unless these owners come to terms with the city out of court. There was no indication yesterday that this would happen.

CALLED UNCONSTITUTIONAL

Mr. McGrath renewed his objection to the plan, arguing that it was unconstitutional and contrary to the intent of the urban renewal program to take rundown property from private owners—who planned to redevelop it themselves—and then turn it over to a private business organization, such as a stock exchange. Such condemnation, Mr. McGrath argued, would be unique.

He said his group, which wants to build a 40-story office building on a portion of the site, would lease or sell land to the exchange large enough to house its new trading floor. He asserted that the exchange could get its site cheaper this way than through condemnation. The exchange could rent office space in the building.

Mr. McGrath also proposed that officials of the exchange and the city's housing and redevelopment board, its urban renewal agency, meet with the present owners in an effort to make a deal and avoid condemnation proceedings.

But neither an exchange spokesman nor the head of the housing board expressed any interest in Mr. McGrath's proposal.

DISCUSSED COSTS

Members of the board of estimate spent much of the hearing trying to find out whether the big board knew how much it thought it would cost to acquire the site through condemnation or had any interest in occupying facilities owned by a private developer.

Charles Klem, a vice president of the exchange, said big board officials were not convinced that acquiring the site through a private developer would be cheaper, but added that if shown that it was, the lower cost would be a factor to be weighed but it might not be a controlling factor. He indicated the big board was willing to pay whatever the court awarded.

One member of the board of estimate, Edward Cavanaugh, deputy mayor, charged Mr. Klem with being "sort of whimsical" and "a little vague on the matter of costs."

Milton Mollen, chairman of the housing board, brought out that it was the exchange that wanted to acquire the site through urban renewal and build its own facilities, so that it wouldn't have to rent space. Mr. Klem agreed with the description of the exchange's position.

Mr. Klem's appearance was the first by an exchange official before a public hearing on the urban renewal plan. Previously the exchange declined to comment on charges raised at the hearings.

RAISES QUESTIONS

Mr. Mollen also disputed Mr. McGrath's contention that condemnation of property for resale to the exchange was unconstitutional. He indirectly raised questions about the McGrath group's intentions when it started to assemble the site in the spring of 1962.

The housing official cited early 1962 newspaper articles reporting the big board's interest in the site at Manhattan's tip after the city rejected it as a luxury housing area. Mr. McGrath had argued that the land gathering started after the decision on luxury housing but long before the exchange announced in late December 1962 that it had signed a letter of intent with the housing board to acquire the site and redevelop it with a new trading facility. "This wasn't the case of opportunistic speculators moving ing in" he said.

Mr. McGrath also charged that he had been rebuffed in his efforts to make a proposal to the exchange. Instead, he said, he was shunted back and forth between the exchange's real estate consultants who he contended unofficially endorsed his plan, and the housing board.

Strenuous objections to the urban renewal plan also were expressed by owners and operators of office buildings near the existing exchange, some 400 yards north of the urban renewal area. They contended values of their holdings would be hurt when the exchange left Wall Street for the new site. The move would create vacancies, already high in some of the buildings, as brokerage houses and others sought new quarters, possibly in new buildings that may be built, near the new headquarters, the owners argued. These real estate interests included Tenney Corp., Franchard Corp., and Real Properties Corp. of America, all real estate investment companies.

PAY RAISE—PRAISE FOR A "NO" VOTE FROM FEDERAL EMPLOYEES

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, it is not often that a Congressman receives a letter from his district from one who works for the Federal Government and who applauds a Congressman for voting against a pay raise that affects the constituent. For this reason, I am pleased and proud to report that several of my constituents whose pay was not increased have assured me that they thought my vote against the pay raise bill this year was correct. One such person in particular wrote me a thoughtful letter and has given me permission to publicize this letter, which I do so now.

CONCORD, N.H.,
March 19, 1964.

Hon. JAMES C. CLEVELAND,
House of Representatives,
Washington, D.C.

DEAR MR. CLEVELAND: Congress has my wholehearted approval in rejecting the recent pay bill, by which its Members and other Government employees would have received substantial raises.

Let us not be concerned about pay increases for our already, in my opinion, well-paid Government workers when there is so much unemployment, unequality, and hardship in our land.

I should like to point out that all of the federally paid employees I know are earning far in excess of those employees of private industry or State and local municipalities who must contribute heavily in tax dollars toward these salaries. New Hampshire State employees receive salaries far less than those of Government employees doing comparable work—for 11 years I worked for our State and observed this firsthand. As a matter of fact, federally paid employees also enjoy more generous fringe benefits than do employees of most other establishments.

Government workers received a liberal raise only 2 months ago under the second phase of the 1962 Salary Act, and to have granted them an additional increase in pay now would have been completely unrealistic, unjustified, and unnecessary.

Please continue to help Uncle Sam to wisely and prudently spend our hard-earned tax dollars—as President Johnson only last Sunday indicated that to do so was his desire and objective aim. We taxpayers are proud of America and its leaders and want our country to be economically sound.

I feel I am fully justified in expressing my opinion in this way because I am a Government employee, and have been for nearly 9 years.

Sincerely yours,

EDNA WEEKS.

CORRESPONDENCE WITH DR. HELLER ON THE WAGE-PRICE GUIDELINES

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CURTIS. Mr. Speaker, on March 23, I wrote to Dr. Walter W. Heller, Chairman of the President's Council of Economic Advisers, inquiring about an article from the Wall Street Journal relating to the implementation of the administration's wage-price guidelines. On April 3, Chairman Heller replied to my letter. I have now replied to his.

Because of the critical importance of the wage-price guidelines, I think it would increase public understanding of administration policy if this correspondence were made generally available. Therefore, I ask unanimous consent that the correspondence to which I have referred, as well as a copy of the Wall Street Journal article, be included in the RECORD at this point. I also ask unanimous consent that a question on the wage-price guidelines which I submitted to Dr. Heller on January 23, along

with his reply, also be included in the RECORD at this point.

APRIL 17, 1964.

Dr. WALTER W. HELLER,
Chairman, Council of Economic Advisers,
Executive Office of the President,
Washington, D.C.

DEAR DR. HELLER: Thank you for your reply of April 3 to my letter of March 23, inquiring about a Wall Street Journal report that the administration's price-wage early warning system was going into high gear.

Contrary to the impression I received from the Journal story, I infer from your letter that the early warning system and the implementation of the guidelines has not developed beyond your reply to my question on the same subject submitted to you on January 23.

The drawing up of wage-price guidelines by the Council and the administration's stated determination that unions and management must abide by them is an important departure from existing practice and has vast implications for the future relationship between the public and private sectors. It is my hope that our correspondence will help to promote public understanding of administration policy in the vital area of price and wage decisionmaking.

At the moment, this understanding is imprecise and vague. The Council has, to be sure, spelled out the guidelines in some detail in its recent economic reports. How the guidelines will be implemented remains more of a mystery.

Your letter, for example, says that the purpose of the early warning system is to enable the administration to inform itself on situations to which further attention might need be given. In your reply to my question of January 23, you said that the idea was to keep the President informed of industry situations that threaten to overstep the bounds of responsible price and wagemaking. Such situations, you said, "if serious enough, would become candidates for further administration consideration."

Two questions arise. In the first place, what standards will determine whether a particular price or wage decision needs "further attention" or becomes a "candidate" for further consideration? I take it from your statement that not every situation that exceeds the guidelines will automatically fall into this category. Except for government, the rules of the game will not be known to the players. The result is intolerable uncertainty that is patently unfair as well as potentially damaging to the smooth functioning of our economy. Discriminatory abuse of its powers by government is also an ever-present and disturbing possibility.

In the second place, what type of action does the administration plan to take in those situations where it feels that some action is called for? Your reply to my question of January 23 stated that "specific means by which the President might wish to focus public attention on particular situations, and otherwise convey his interest and concern to the parties involved, would, of course, be up to the President."

Evidently the administration expects to take action against what it deems to be serious infractions of the guidelines by invoking the power and prestige of the Presidency. At the moment, the methods by which the President will resist objectionable wage and price decisions are inscrutable. You have assured me, however, that there would be no repetition of the unfortunate 1962 steel episode.

What is clear is that the parties to a particular wage and price situation will not know in advance either the nature of the behavior which will set off a Presidential response or what the nature of that response might be. Among the many objections to this procedure—aside from the fact that it is not based upon a statutory grant of authority—is that the impossibly heavy burden of implementation placed upon the Presidency is certain to weaken both the authority and the prestige of that high office.

I feel certain that you share my view that the public has the right to know as well as the need to know precisely what the administration's policy is as it unfolds.

Sincerely yours,

THOMAS B. CURTIS.

P.S.—I think it would be particularly helpful to relate the wage-price guidelines to the biggest single employer in our economy, the Federal Government, in light of the administration's sponsoring the general Federal employee pay increase legislation at this time.

THE CHAIRMAN OF THE
COUNCIL OF ECONOMIC ADVISERS,
Washington, April 3, 1964.

Hon. THOMAS B. CURTIS,
House of Representatives,
Washington, D.C.

DEAR MR. CURTIS: The "early warning system" referred to in the Wall Street Journal article of March 20, evidently refers to the administration's efforts to expedite the reporting of particular price and wage changes already put into effect, or announced and not yet put into effect, or being contemplated but not yet decided. The purpose of these efforts is for the administration to inform itself in timely fashion as to current and prospective developments so that it may identify and assess situations to which further attention might need be given.

This effort was described in our reply to one of the questions you submitted to the Council at the JEC hearings on the economic report. In reply to your question No. 13, we noted that "making use of this information, senior officials of the same agencies will identify, and keep the President informed of, industry situations that threaten to overstep the bounds of responsible price and wage making. Such situations, if serious enough, would become candidates for further administration consideration. The specific means by which the President might wish to focus public attention on particular situations, and otherwise convey his interest and concern to the parties involved, would of course be up to the President" (hearings, pp. 21–22).

We do not know what might be the basis for the assertion that 15 major industries are "under special scrutiny." Conceivably, this idea might be based on the fact that an analysis of actual and preferred rates of operation and output expectations for 15 broad sectors of manufacturing was presented as part of our reply to another of the questions you submitted at the Joint Economic Committee hearings. Your question was: "Do you have a breakdown of industries which are operating at or near their preferred operating rate? Is it not true that too sharp of an expansion would cause price pressures in these industries which would tend to spill over into other sectors of the economy?" There was no implication in our response that the 15 manufacturing industries were under special scrutiny. Indeed, these 15 sectors represent practically the whole of manufacturing.

In reply to your final question, I can assure you that our "early warning system" is concerned equally with price and wage developments. The administration is scrutinizing all forthcoming major collective bargaining situations in terms of the public interest.

As President Johnson said last week to the United Automobile Workers, and, indirectly, to employers and unions in all industries: "We must not choke off our * * * our economic expansion by a revival of the price-wage spiral. Avoiding that spiral is the responsibility of business. And it is also the responsibility of labor."

Sincerely,

WALTER W. HELLER.

MARCH 23, 1964.

Dr. WALTER W. HELLER,
Chairman, Council of Economic Advisers,
Executive Office of the President,
Washington, D.C.

DEAR DR. HELLER: I noted in the Wall Street Journal of March 20 that a price-wage early warning system is going into high gear, with 15 major industries under special scrutiny. According to the Journal, planned price boosts are getting top-level attention faster, with the possibility that individual dissuasion efforts on the part of administration officials will follow.

Is this report true? If so, I would appreciate knowing the 15 major industries reportedly under scrutiny. I would also like to know the procedures set up under the early warning system and the action which the administration intends to take in cases where it considers that particular wage and price decisions have violated the guideposts.

It has also been noted in the press recently that the United Auto Workers have announced that they will ask for an increase in wage and fringe benefits of 4.9 percent, which certainly exceeds the administration's guideposts. Can you tell me if the administration also has under scrutiny individual collective bargaining situations that could lead to a wage spiral this year?

Because of the importance of this matter, I hope you will reply to this letter at your earliest possible convenience.

Sincerely yours,

THOMAS B. CURTIS.

[From the Wall Street Journal, Mar. 20, 1964]

WASHINGTON WIRE: A SPECIAL WEEKLY REPORT FROM THE WALL STREET JOURNAL'S CAPITAL BUREAU—JAWBONE ATTACK AGAINST PRICE AND WAGE INCREASES HEADS INTO FULL CRY

Johnson Adviser Heller, speaking Monday to the Detroit Economic Club, will hammer on the need for restraint; big auto executives will be listening. Hodges, Tax Collector Caplin strum the same theme. Some seldom-involved officials begin to talk up anti-inflation efforts; signs of prices inching up add to the urgency.

An early warning system goes into high gear, with 15 major industries under special scrutiny. Planned price boosts get top-level attention faster; individual dissuasion efforts may follow. "We'll hit every part of the anatomy," vows one official. "We'll jawbone, arm-twist, and needle." Labor-management attacks on Johnson's wage-price guidelines only convince some officials the idea is right.

There's no sign now of any plan for compulsory controls. A line in a Caplin speech last week, seeming to warn of compulsion, was not intended to sound as it did.

QUESTION SUBMITTED TO DR. WALTER W. HELLER, CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS, DURING HEARINGS BEFORE THE JOINT ECONOMIC COMMITTEE, JANUARY 1964 ECONOMIC REPORT OF THE PRESIDENT, JANUARY 23, 1964

Question 13. Please describe the "early warning system" being set up in the agencies to warn of impending price increases. How do you intend to differentiate between increases that are inflationary and those that are not? In what fashion will the President bring to the attention of the public increases which he considers inflationary? How will you avoid a repetition of the disastrous reaction to the steel-pricing crisis in 1962? Since price changes serve a vital economic function of allocating resources, how will you avoid the harmful effects which would follow from any tendency to freeze price relationships?

Answer. Industry specialists in the Department of Commerce and collective-bargaining specialists in the Department of Labor have arranged regularly to supply the administration with current information on impending and already announced price changes of significance. Staff-level technical task forces from these agencies and the Council of Economic Advisers also will assemble a variety of economic data on industries where critical price and/or wage changes are anticipated. Making use of this information, senior officials of the same agencies will identify, and keep the President informed of industry situations that threaten to overstep the bounds of responsible price and wage making. Such situations, if serious enough, would become candidates for further administration consideration. The specific means by which the President might wish to focus public attention on particular situations, and otherwise convey his interest and concern to the parties involved, would, of course, be up to the President.

In the most fundamental terms, the distinction between price and wage increases that are inflationary and those that are not is the distinction between increases that fall within the administration price and wage guideposts and those that do not. These guideposts have been publicly set forth in the 1962, 1963, and 1964 Economic Reports. The data being assembled by the Department of Labor and the Department of Commerce will facilitate the evaluation of price trends in various industries—rising, stable, and falling—in the light of the guideposts.

It is not the purpose of the guideposts to freeze price relationships and therefore to prevent prices from performing their allocative function. Quite the contrary. Price and wage decisions which adhere to the guideposts are consistent with the tendencies of competitive labor and product markets, and therefore with efficient allocation of resources. Under the guideposts relative price movements depend—as they should—on relative productivity movements. In general, prices would be expected to increase in industries experiencing less than average trend productivity increases, and prices would be expected to decrease in industries with greater than average trend productivity increases. Individual price rigidity is therefore the exception rather than the rule. A stable price level for a product where quality is unchanged but where productivity is rapidly advancing is clearly a violation of the guideposts.

It is not anticipated that a repetition of the 1962 steel episode will occur. There is greater recognition on the part of major private groups today than there was even 2 years ago that the exercise of private power carries with it the need to exercise private responsibility. In 1964 any firm, industry, or union that openly flouts the public interest in noninflationary price and wage behavior is likely to incur the censure, not only of an alert public, but of the (predominantly responsible) leaders of its own interest group. The purpose of the administration will be to promote responsible behavior, self-administered.

INTEROCEANIC CANALS LEGISLATION: GRAVELY IMPORTANT AND NOT OF CASUAL AND ROUTINE CHARACTER

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FLOOD. Mr. Speaker, on March 9 and 11, I addressed this body at length on the gravely important subject of interoceanic canals, including the question of increased capacity for the existing Panama Canal; also the matter of a new canal at another site. I advocated the enactment by the Congress of legislation for the creation of the Interoceanic Canals Commission consisting of 11 members to be appointed by the President by and with the advice and consent of the Senate to be charged with the duty of making a thorough study of the indicated matters. Identical bills providing for the creation of such Commission, now pending before the Committee on Merchant Marine and Fisheries, are H.R. 863, H.R. 5787, H.R. 8563, and H.R. 3858, introduced, respectively, by Representatives Bow, HOSMER, THOMPSON of Texas, and myself.

These measures contemplate the personnel of the proposed Commission to be made up of eight civilians and three officers from Armed Forces, with one of the civilians as chairman. Such a body would provide a membership of various categories and qualifications so necessary for an objective and comprehensive approach to the questions involved.

In this connection, I would remind the House that in the studies for the selection of the site and the construction of the existing canal that the Congress created an Isthmian Canal Commission broadly based; and the ultimate result was in the existing Panama Canal. By the same token, the problems now to be met are comparable in every way with those that faced the United States during the life of the Isthmian Canal Commissions, 1899–1914.

Many of us in the House earnestly believe that the questions to be solved should be studied by an organization of the amplest breadth and not to be left to purely administrative officials who have preconceived judgment as to what should be done, as would certainly obtain if the House should accept S. 2701, which on March 30 passed the Senate without debate.

In the House, I am sure that full discussion will be had before any vote is taken on any measure of this character. Such is the long-sustained practice and procedure of the House with respect to legislation of this gravity, to be preceded by adequate committee hearings and report.

The fate of the entire world may depend on what the Congress does in the premises; and the enactment of such legislation should not be as simple as taking a drink but should be dignified by comprehensive committee hearings and thorough discussion of the entire situation.

Mr. Speaker, I may say that in the judgment of some of us, who have made long-sustained and most careful studies of these questions and have voiced our opinions in this Chamber, the House will desire and respectfully demand that the usual House practice in such matters be followed.

The Senate bill referred to provides for the appointment of a seven-member Commission, three of which would be administrative officers of the Government; namely, the Secretary of State, the Secretary of Defense, and the Chairman of the Atomic Energy Commission. The selection of the other four members would be left wholly to the President and might also be administrative officials, or nonadministrative officials as the President might determine.

I do not believe, Mr. Speaker, that legislation so loosely drawn and so casually considered can adequately and justly meet the problems involved. Because of the gravity of the questions presented, the proponents of the pending House measures gave long and thorough study as to the best means of providing the broadest possible base and the most experienced and capable membership and objectivity in the creation of the required Commission. For instance, the navigability and protection of such waterway must receive the opinions and judgment of those who, by experience and qualification, are fitted to evaluate navigational and defense problems; and the House bills so provide. As outlined in my statement to the House on March 11, they also will enable other members of the proposed Commission to possess the qualifications and experience to deal with all the other vital factors that go into the Isthmian Canal equation. This certainly seems to be the scientific, commonsense and objective approach required to a subject of the great magnitude of interoceanic canals.

Mr. Speaker, I trust that the cognizant committee of the House will approach these problems with the care that is imperative; that full hearings will be given with opportunity for presentation of all the angles involved; and that thereupon report shall be made to the House based upon the information and evidence evolved with appropriate recommendation. The House will then be in a position to discuss openly and adequately these important questions and to pass such legislation as it may deem adequate.

In order that the membership of this body may compare the Senate and the indicated House proposals, I include as part of my remarks the texts of the Senate bill and the four House bills in question:

S. 2701

A bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint a Commission to be composed of seven men including the Secretary of State, the Secretary of the Army, and the Chairman of the United States Atomic Energy Commission, to make a full and complete investigation and study, including necessary on-site surveys, and considering national defense, foreign relations, intercoastal shipping, interoceanic shipping, and such other matters as they may determine to be important, for the purpose of determining the feasibility of, and the most suitable site for, the construction of a sea level canal connecting the Atlantic and Pacific Oceans; the best means of constructing such a canal, whether by conventional or nuclear excavation, and the estimated cost thereof. The President shall designate as Chairman one of the members of the Commission.

SEC. 2. The Commission is authorized to utilize the facilities of any department, agency, or instrumentality of the executive branch of the United States Government, and to obtain such services as it deems necessary in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

SEC. 3. The Commission shall complete the investigation and study as provided in section 1 of this Act and present its findings and conclusions to the President and the Congress by January 31, 1966. The President shall submit such recommendations to the Congress as he deems advisable.

SEC. 4. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

H.R. 3858

A bill to create the Interoceanic Canals Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interoceanic Canals Commission Act of 1963".

SEC. 2. (a) A commission is hereby created, to be known as the "Interoceanic Canals Commission" (hereinafter referred to as the "Commission"), and to be composed of eleven members to be appointed by the President, by and with the advice and consent of the Senate, as follows: One member shall be a commissioned officer of the line (active or retired) of the United States Army; one member shall be a commissioned officer of the line (active or retired) of the United States Navy; one member shall be a commissioned officer of the line (active or retired) of the United States Air Force; and eight members from civil life, four of whom shall be persons learned and skilled in the science of engineering. The President shall designate one of the members from civil life as Chairman, and shall fill all vacancies on the Commission in the same manner as are made the original appointments. The Commission shall cease to exist upon the completion of its work hereunder.

(b) The Chairman of the Commission shall receive compensation at the rate of $25,000 per annum, and the other members shall receive compensation at the rate of $22,500 per annum, each; but the members appointed from the Army, Navy, and Air Force shall receive only such compensation, in addition to their pay and allowances, as will make their total compensation from the United States $22,500 each.

SEC. 3. The Commission is authorized and directed to make and conduct a comprehensive investigation and study of all problems involved or arising in connection with plans or proposals for—

(a) an increase in the capacity and operational efficiency of the present Panama Canal through the adaptation of the Third Locks Project (53 Stat. 1409) to provide a summit-level terminal lake anchorage in the Pacific end of the canal to correspond with that in the Atlantic end, or by other modification or design of the existing facilities;

(b) the construction of a new Panama Canal of sea-level design, or any modification thereof;

(c) the construction and ownership, by the United States, of another canal or canals connecting the Atlantic and Pacific Oceans;

(d) the operation, maintenance, and protection of the Panama Canal, and of any other canal or canals which may be recommended by the Commission;

(e) treaty and territorial rights which may be deemed essential hereunder; and

(f) estimates of the respective costs of the undertakings herein enumerated.

SEC. 4. For the purpose of conducting all inquiries and investigations deemed necessary by the Commission in carrying out the provisions of this Act, the Commission is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Commission is given power to designate and authorize any member, or other officer, of the Commission, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Commission may deem relevant or material for the purposes herein named. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 5. The Commission shall submit to the President and the Congress, not later than two years after the date of the enactment hereof, a final report containing the results and conclusions of its investigations and studies hereunder, with recommendations; and may, in its discretion, submit interim reports to the President and the Congress concerning the progress of its work. Such final report shall contain—

(a) the recommendations of the Commission with respect to the Panama Canal, and to any new interoceanic canal or canals which the Commission may consider feasible or desirable for the United States to construct, own, maintain, and operate;

(b) the estimates of the Commission as regards the approximate cost of carrying out its recommendations; and like estimates of cost as to the respective proposals and plans considered by the Commission and embraced in its final report; and

(c) such information as the Commission may have been able to obtain with respect to the necessity for the acquisition, by the United States, of new, or additional, rights, privileges, and concessions, by means of treaties or agreements with foreign nations, before there may be made the execution of any plans or projects recommended by the Commission.

SEC. 6. The Commission shall appoint a secretary, who shall receive compensation fixed in accordance with the Classification Act of 1949, as amended, and shall serve at the pleasure of the Commission.

SEC. 7. The Commission is hereby authorized to appoint and fix the compensation of such engineers, surveyors, experts, or advisers deemed by the Commission necessary hereunder, as limited by the provisions in title 5, United States Code, section 55a (1946 edition); and may make such expenditures—including those for actual travel and subsistence of members of the Commission and its employees—not exceeding $13 for subsistence expense for any one person for any calendar day; for rent of quarters at the seat of government, or elsewhere; for personal services at the seat of government, or elsewhere; and for printing and binding necessary for the efficient and adequate functions of the Commission hereunder. All expenses of the Commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Commission, or such other official of the Commission as the Commission may designate.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions and purposes of this Act.

COMMUNIST INFILTRATION INTO THE CIVIL RIGHTS MOVEMENT

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WAGGONNER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, I was pleased and at the same time a little amused as I read the syndicated column of the liberal pundit, Joseph Alsop, in the Washington Post of April 15.

In it, he finally admits what many of us have been saying for months and years: that Communists have infiltrated the so-called civil rights movement. He hastens to say that anyone who said so prior to yesterday's Post is a racist, but from yesterday on, it is okay to admit that Communists are in control because he, Alsop, now admits that they are.

On only one point would I take exception to what he has written and that is when he states there has been no significant infiltration into the NAACP. I can only remind him that it took 30 pages of small type to list the Communist-front citations of the present and past leadership of the NAACP in the CONGRESSIONAL RECORD of July 29, 1963. If Mr. Alsop wants a copy, I will be happy to furnish it to him or refer him to my colleague, Representative E. C. GATHINGS, of Arkansas who made the insertion.

AN UNHAPPY SECRET

(By Joseph Alsop)

An unhappy secret is worrying official Washington. The secret is that despite the American Communist Party's feebleness and disarray, its agents are beginning to infiltrate certain sectors of the Negro civil rights movement.

The infiltration is spotty, as yet. But it is a very serious matter, nonetheless, that the charges of Communist influence, which have been hurled for so long by anticivil rights racists, should now be acquiring some color of truth.

The Southern Christian Leadership Conference, headed by Rev. Martin Luther King, the Students Nonviolent Coordinating Committee, more usually called "Snick"; and the Congress on Racial Equality, more usually called "CORE," are all affected in greater or less degree.

These, it should be noted, are all relatively new-fledged outfits. The older, more experienced organizations of Negro civil rights fighters, the National Association for the Advancement of Colored Peoples and the Urban League, are quite untouched.

Both the Urban League and the NAACP learned their lesson the hard way in the late 1930's and early 1940's—the period which was also the high water mark of Communist infiltration in the labor movement. Like the CIO, both these civil rights organizations expelled the Communist infiltrators, after a hard struggle but with total success.

Very recently, the NAACP staged a repeat performance with Robert Williams, who had been active in the North Carolina branch. This is the man who went to Cuba after his comeuppance from the NAACP, there to become a Castro propagandist.

Of the infiltrated organizations, CORE has the least serious problem. A few Communists are reported in some of the local branches, but none are known to be in CORE at the national level.

In the case of Snick, the name, Students' Nonviolent Coordinating Committee, is in itself deceptive; for the Snick leader, John Lewis, though not a Communist, quite frankly believes in quasi-insurrectionary tactics. Thus no great difference has been made in Snick's tactics, because known Communists have also begun to play a certain role in Snick.

The subject of the real headshaking is the Reverend Martin Luther King. His influence is very great. His original dedication to nonviolence can hardly be doubted. Yet he has accepted and is almost certainly still accepting Communist collaboration and even Communist advice.

In 1962–63, the issue of the Communists' role in the King organization was raised because of Hunter Pitts O'Dell, commonly called Jack O'Dell. This man, a known Communist, held posts in the Southern Christian Leadership Council, first in the South and then in the New York office, until the late spring of 1963. King finally dropped him when he was warned by U.S. Government officials that O'Dell was the genuine Communist article.

Official warnings have again been given to King about another, even more important associate who is known to be a key figure in the covert apparatus of the Communist Party. After the warnings, King broke off his open connections with this man, but a secondhand connection nonetheless continues. Without much doubt, this is simply a mark of the Reverend King's political innocence, but it is disturbing all the same. The King organization and King himself are clearly the prime Communist targets.

Such, then, are the facts. What ought to be made of the facts is the almost precise opposite of the kind of thing the anticivil rights racists will say about them. For despite these facts, the Negro civil rights movement is most emphatically not "run by Communists" or "inspired by Communists."

Instead, the newer and more inexperienced Negro civil rights organizations have at length proved vulnerable to Communist infiltration. But they have been vulnerable because the grievance for which they seek redress is so shocking, and therefore so emotionally obsessive.

Every man must bear the responsibility for his own acts. Yet in this case, a heavy burden of responsibility, a vast share of the guilt, must also be charged to the white majority, which has created the grievance by injustice to the Negro minority.

The facts cited indeed constitute a strong argument for the earliest possible passage of a strong civil rights bill, and for other measures, too, that are needed to redress the Negro grievance. These facts are further proof that time is rapidly running out. Justice must be swiftly done; or gross injustice, complacently persisted in, will breed an incurable cancer in the bottom of American society.

PROPOSED AMENDMENT TO THE SOCIAL SECURITY ACT

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. St Germain] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, I have today introduced a bill that makes it possible for those receiving social security benefits to earn a maximum of $2,000 a year in outside wages without penalty instead of the present $1,200.

Increasing numbers of social security recipients are healthy, able-bodied people who want to remain active and useful as long as possible. These individuals can make a greater contribution to the national welfare by continuing to work, at least on a part-time basis. They should not be penalized and prevented from continuing to lead an active life by the unrealistic maximum of $1,200 for outside earnings.

Raising this figure to $2,000 will not totally solve the problem, but it will help. The cost of living and a sense of justice require that we take favorable action on this proposal without delay.

I ask that every Member of the House join me supporting this legislation.

TOM ECCLESTON

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. Fogarty] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FOGARTY. Mr. Speaker, just a few weeks ago, Tom Eccleston, the hockey coach of Providence College and a very good friend of mine, was designated as "Hockey Coach of the Year" by the American College Hockey Coaches Association. The award was truly merited and was based on the fact that Eccleston brought his Providence College team successfully through the Eastern College Athletic Conference and reached the semifinals of the NCAA championship tournament in Denver, Colo. When it is realized that he did this with a club which does not have its own ice—the only major college hockey team in the Nation without its own rink, the full measure of Eccleston's great coaching ability is seen.

I am sure that I speak for all the people in Rhode Island, Mr. Speaker, when I express to Tom my warmest congratulations on his receiving this Spencer Penrose Memorial Trophy for his brilliant accomplishment.

Tom Eccleston and I have been friends for most of our lives and in each succeeding year I have discovered some new quality in him which was unique and outstanding. As an athlete, a coach, an educator, and particularly as a developer of character and a molder of better boys, Tom has been in a class by himself.

Years ago, when we played sandlot and semipro football together, Tom's attributes were plainly evident. He was a young man of firm determination who seemed to have a goal in life and all the necessary requisites to attain it. His career and activity since then exemplifies the great amount of good that such a determination can bring about. Who can estimate the number of young people who have been guided by him, who have had the benefit of his fine example on which to pattern their lives?

In his many years with the school department of the town of Burrillville as teacher, principal, and superintendent of schools as well as coach of hockey, football, and baseball, Tom Eccleston has established a reputation for the finest qualities of good sportsmanship. An outstanding athlete on the playing field, he has also been an outstanding citizen in his town and State. He has been exceptionally cooperative in lending his support to worthy causes in his community. Through these and through his activities as a civic leader and especially through his work with youngsters, Tom Eccleston has made an invaluable contribution to the entire Rhode Island community. For his efforts we are grateful. We all owe him a tremendous vote of thanks.

Mr. Speaker, under leave to extend my remarks, I should like to include a few of the newspaper stories covering the Coach of the Year Award to Mr. Eccleston.

[From the Providence (R.I.) Sunday Journal, Mar. 22, 1964]

Eccleston U.S. College Hockey Coach of Year—Friars' Kish Named to All-America Squad's East Team

(By Bob Englert)

Denver.—Tom Eccleston of Providence College last night received the greatest honor in his long and illustrious coaching career when he was named "coach of the year" by the American College Hockey Coaches Association, which is holding its annual convention here in conjunction with the National Collegiate Athletic Association championship tournament.

In being voted the top college hockey coach of the year, Eccleston received the Spencer Penrose award, a huge three-foot-high silver bowl, a perpetual trophy that he will retain for 1 year. The bowl, plus a smaller duplicate which becomes Eccleston's permanent possession, will be taken back to Providence when the Friars head home this morning.

"It's the biggest thrill of my life," the surprised and happy Providence pilot said upon hearing the announcement. "It is probably the second best thing that has ever happened to me. The other was marrying my wife, Ruth."

The 53-year-old Eccleston, named superintendent of schools in Burrillville last year, first started to attract attention in the hockey world with his fine teams at Burrillville High School. Since moving up into the college ranks eight seasons ago, he has become well known among the coaches throughout the land.

Eccleston's Providence College teams have always been highly respected and welcomed wherever they played. He has had some fine ones over the years at Providence College, but the current Friar array is probably his finest. Coming into the NCAA tournament here, it had compiled an overall record of 19–5 and an Eastern College Athletic Conference slate of 19–3.

When the Friars captured the eastern championship at Boston last week, Eccleston called that accomplishment his greatest sports thrill, but after last night, he took it back and put winning the "coach of the year" award at the top of the list.

In his 8 years at the Friars' helm, Eccleston has piloted his team to 106 victories against 75 losses and 5 ties. He started his college coaching career with a season that included victory over a Harvard team which was rated the best in the East at that time. Since then he and his teams have gone on to even greater heights.

Although highly successful in coaching football and baseball—he has turned down several college grid-coaching offers—Eccleston has had his greatest success in hockey. His teams have always been noted for their team play and precision passing. More than one coach has asked Tom about the pass patterns and plays that he employs.

Hockey has become a household word with the Ecclestons. Tom's eldest son, Tom 3d, was an All-State and All-New England schoolboy hockey selection and currently is head coach at Pilgrim High School in Warwick. Another son, Don, also All-State and All-New England, is a star with the Brown hockey team and a third son, Dick, plays with the Burrillville High School team. The Ecclestons' youngest son, Billy, has yet to be heard from.

Adding to Eccleston's pleasure last night was the selection of the Friars' ace defenseman and cocaptain, Larry Kish, on the All-America squad, two teams representing the East and the West.

"It couldn't have happened to a finer boy," Eccleston remarked. "Larry has been a terrific leader this year, along with Ray Mooney. He's a tremendous hockey player and it may be some time before we see another like him at Providence College."

The All-America squad:

Eastern—goal, Robert Perani, St. Lawrence; defense, Larry Kish, Providence, and Richard Green, Boston University; forwards, Bob Brinkworth and Jerry Knightley, Rensselaer, and Corby Adams, Clarkson.

Western—goal, Gary Baunan, Michigan Tech; defense, Tom Polonic, Michigan, and Carl Lackey, Michigan State; forwards, Gordon Wilkie, Michigan; Craig Falkman, Minnesota, and John Simus, Colorado College.

[From the Providence (R.I.) Journal, Mar. 25, 1964]

New England Hockey Fete Piles More Honors on Friars

Boston.—Representatives of Providence College's eastern collegiate championship team received a substantial share of the honors last night at the annual dinner cosponsored by the New England College Hockey Association and the Boston Arena Authority.

The Friars' Tom Eccleston was named coach of the year; their Larry Kish, a defenseman, received the Walter A. Brown Memorial Award as the most valuable player in New England's collegiate ranks and their Grant Heffernan, a forward, received the Paul Hines Trophy as the most improved player in the area.

The selections were made by the area's coaches and sports writers, who also named Kish and Heffernan to their all-New England first team.

The Friars' Ray Mooney, a wing, was named to the second team, as was Bob Gaudreau, Brown defenseman and former Hope High School all-Stater. Brown's Leon Bryant and Terry Chapman were named spares.

Among others honored at the dinner, at the Hotel Kenmore, were John Marsh of Boston College, who was given the unsung-player award, and John Cunniff, also of Boston College, the sophomore-of-the-year award.

Eccleston, whose Friars barely were defeated by Michigan, the eventual titlist, in the national semifinals, had been named coach of the year last week by the American College Hockey Coaches Association.

The all-New England first team named last night:

Goal—John Ferreira of Boston College, former La Salle Academy all-Stater; defense—Kish and Richie Green, of Boston University, whose playing career was ended by a neck injury suffered in a trampoline accident late in the season; forwards—Heffernan, Cunniff and Gene Kinasewich, of Harvard.

[From the Providence (R.I.) Evening Bulletin, Mar. 25, 1964]

Eccleston, named the coach of the year in the country by the American College Hockey Coaches Association last week, won the same honor in New England, the Clark Hodder Award. The awarding of a plaque was made by Cooney Weiland, Harvard coach, who complimented Tom on P.C.'s play in the National Collegiate Athletic Association championships and said the Providence coach was "most deserving of the award and I am honored in making the presentation."

[From the Woonsocket (R.I.) Call, Mar. 21, 1964]

Loyal Burrillville Friends Give Him Noisy Reception

(By Louis Bleiweis)

Lines of strain eased on the face of the American College Hockey Coaches Association's "Coach of the Year" as he relaxed in an easy chair at his home at 47 Laurel Hill Avenue in the Bridgeton section of Burrillville last night.

At an end was the grueling campaign in which Coach Tom Eccleston brought the Friars of Providence College (the only major college team in the Nation without a rink of its own) to the pinnacle of the Eastern College Athletic Conference with a 19–3 record.

Written into the record books was a sensational although losing performance in the National Collegiate Athletic Association championship tournament in Denver, Colo., in which the Friars were ousted in the semifinals by Michigan, 3–2, and lost in an anticlimax to RPI, 2–1, in the consolation game.

Significantly, Michigan went on to rout Denver, 6–3, in the finals to grab the NCAA crown.

Occasionally Eccleston glanced toward the handsome Spencer Penrose Memorial Trophy awarded annually to the Nation's college hockey coach of the year.

Self-doubts that had gnawed at him for 8 years were at long last lifted.

"This makes up for the 15 years of vainly trying to bring Burrillville High School the New England hockey championship," he said. "After coming close so many times and having Burrillville win the New England title three times after I retired, I couldn't help but wonder whether it was my fault that the Broncos did not go all the way when I coached them."

His conclusions from self-analysis are shared by none in Burrillville and throughout Rhode Island.

During his 15 years at the Burrillville helm in hockey, his teams won 8 league titles and 6 State championships, compiling a record of 211 wins, 77 defeats and 12 ties.

Before he left the schoolboy coaching scenes, Eccleston, now Burrillville superintendent of schools, also distinguished himself as football and baseball mentor.

In 22 seasons as football coach his teams won 11 Class C championships, winning 149 games, losing 35 and tying 12. In one stretch his clubs won 28 consecutive games.

His baseball teams also were the toast of the State and won three State crowns, gaining the playoffs 7 times in 8 years as they rolled up 127 wins against only 36 setbacks. In 1950 the Broncos won 19 straight games to become the only undefeated team in State schoolboy history.

Taking over the Providence College hockey coaching reins from Dick Rondeau in 1956, Eccleston had only one losing season in eight. His Friar editions achieved 95 wins as against 72 wins and 5 ties.

Arriving at the college by bus from Logan Airport after a flight from Denver with a stopover in Chicago, Coach Eccleston was greeted last night by an outpouring of Burrillville officials that included most of the town council and school committee members and a delegation of Burrillville High School cheerleaders.

The Burrillville group with Coach and Mrs. Eccleston in a police car in front of the motorcade snaked through the town with horns blaring to escort the "coach of the year" to his home.

"To have my name inscribed on the same trophy with such great coaches as 'Snooks' Kelley, Eddie Jeremiah and Jack Riley must be the biggest thrill of my coaching career," he summed up.

QUESTIONS CONCERNING INTERNATIONAL, DOMESTIC, AND LOCAL AFFAIRS

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Ryan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. RYAN of Michigan. Mr. Speaker, recently I sent a comprehensive questionnaire to a large number of my constituents in the 14th Congressional District. It dealt with questions concerning international, domestic, and local affairs. There was a very warm response to this questionnaire. Thousands of persons not only filled out the form, but several thousand also set forth their views and opinions with an accompanying letter.

To date, my staff and I have tabulated more than 14,000 completed and returned forms. The frank responses of my constituents indicate that I represent a district wherein the majority of the people are truly interested in their Government and in the welfare of their community and Nation.

I would like to share the opinions of the people of my district with my colleagues so that they might have a better understanding of how midwestern voters

residing in a large metropolitan area feel about current legislative issues.

The results of my 1964 congressional questionnaire follow:

I welcome your opinion

	Yes	No	Not sure
YOUTH			
1. Do you favor the youth-employment bill which would provide 90,000 conservation jobs at a cost of $160,000,000?	8,570	2,908	1,543
2. Do you favor U.S. Government-sponsored vocational retraining programs for American youth?	8,888	2,945	1,140
FISCAL			
3. Should the U.S. Government purchase the Mackinac Bridge and operate it as part of the freeway?	5,685	5,635	1,815
4. Do you favor a pay raise for Congressmen?	4,713	6,028	2.328
5. Do you favor President Johnson's announced cuts in Federal spending?	9,875	1,100	863
A. If so, in which areas: Post Office 3,939 Defense 5,880 Civil Service 7,520.			
6. Should Federal spending be further reduced?	8,958	838	550
A. If so, in which areas: Space 4,825 Foreign aid 9,492 Education 1,080 Farm subsidies 7,692.			
7. Do you believe the Federal Government should subsidize mass transportation for metropolitan areas?	4,395	6,590	1,452
8. Do you feel a balanced budget is— Essential 5,635 Desirable 6,395 Unimportant 1,033			
TAXES			
9. If in business, do you object to the new income tax regulations of the Commissioner making a businessman keep a detailed record of his expense account, mileage, etc.?	4,008	5,098	792
10. Are you in favor of the President's recommendations for income tax cuts?	10,078	1,873	930
11. If taxes are to be cut to stimulate economic growth, should the temporary excise tax on automobiles, handbags, jewelry, luggage, cosmetics, travel, etc., be part of the package?	8,792	3,018	1,110
EDUCATION			
12. Would you favor legislation providing tax deductions for college tuition?	9,605	2,937	790
13. Should the Federal Government continue its aid to colleges and universities in the construction of academic buildings?	8,792	3,018	1,110
14. Are you in favor of Federal aid to education?	8,453	2,792	663
A. Private and public schools 4,650 Public schools only 4,613			
B. Grade and high schools 4,820 Colleges 5,310			
FOREIGN POLICY			
15. In light of the new nuclear test ban treaty, do you favor our Government conducting further peace negotiations and disarmament action?	10,008	1,975	1,218
16. Do you favor continuation of our space effort geared to a moon landing by 1967?	4,980	6,203	2,105
17. Should U.S. immigration laws be amended to adjust the quota allotments to permit a fair distribution of immigrant visas?	6,847	3,608	2,523
LOCAL			
18. Do you favor a World's Fair for Detroit in 1972?	8,093	3,268	
19. Are you in favor of a bill to dedicate the new Federal building in Detroit in memoriam of President Kennedy?	5,850	6,095	1,928
20. Do you feel that the "Tell Your Congressman" breakfasts (during which I meet with various community leaders, such as religious, business, political, professional and labor) are good for the district?	10,668	755	1,118
21. Should the city of Detroit be considered as a single unit in determining unemployment data rather than included as a part of Wayne, Oakland, and Macomb Counties in order to be eligible for benefits under the Area Redevelopment Act?	6,970	4,093	1,600 2,095
LEGISLATIVE			
22. Do you favor the defeat of a bill which would permit wiretapping as evidence in court?	6,335	5,595	1,518
23. Do you favor making Columbus Day, Oct. 12, a national holiday?	5,920	6,203	1,147
24. Would you favor a social security plan with a retirement at 60 years of age?	8,695	3,723	872
25. Should the U.S. Constitution be amended to allow Bible reading or prayer during school hours?	8,545	3,560	1,078
26. Should Congress pass stronger legislation or give more authority to Post Office officials to prevent obscene or pornographic literature from going through the mails?	11,070	1,750	673
27. With regard to medical care for the elderly, do you favor—			
A. Increasing social security taxes to finance hospital and nursing home costs for those over 65 (King-Anderson bill)?	5,645	2,663	--------
B. A further development of the Kerr-Mills bill which is now in effect in the State of Michigan?	3,520	1,915	--------
C. Any Federal participation in this field?	3,793	2,445	--------
28. Do you favor the enactment of the pending Federal civil rights bill?	7,278	2,907	1,618
A. The right of all citizens to vote in Federal elections?	10,015	437	--------
B. The right of all citizens to attend American schools?	9,773	508	--------
C. Adoption of a public accommodations law (not to be confused with open occupancy)?	5,795	2,185	--------
D. Adoption of a Federal law providing for equal job opportunities?	7,580	1,545	--------

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FARBSTEIN, for 60 minutes, today.

Mr. ROOSEVELT (at the request of Mr. BOGGS), for 60 minutes, today.

Mr. BERRY, for 1 hour, on April 28, and to revise and extend his remarks.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. DORN.

Mr. PATMAN.

Mr. ZABLOCKI and to include extraneous matter.

(The following Members (at the request of Mr. HALEY) and to include extraneous matter:)

Mr. PEPPER.

Mr. FASCELL.

ADJOURNMENT

Mr. HALEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Monday, April 20, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1956. A letter from the Secretary of Agriculture, transmitting a report entitled "A National Forestry Research Program"; to the Committee on Agriculture.

1957. A letter from the Secretary of Commerce, transmitting a report relative to providing aviation war risk insurance as of March 31, 1964, pursuant to title XIII of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

1958. A letter from the Assistant Secretary of the Interior, transmitting a copy of proposed amendment No. 2 to concession contract No. 14–10–0100–417, as amended, authorizing a partnership, and the operation of the Oregon Inlet Fishing Center within Cape Hatteras National Seashore, pursuant to (70 Stat. 543); to the Committee on Interior and Insular Affairs.

1959. A letter from the Secretary, Smithsonian Institution, transmitting a report on tort claims paid by the Smithsonian Institution during the fiscal year 1963, pursuant to 28 U.S.C. 2673; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Virginia: Committee on Rules. House Resolution 695. Resolution for consideration of H.R. 1997, a bill to amend subsection (c) of section 1332 of title 28, United States Code, relating to diversity of citizenship; without amendment (Rept. No. 1328). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:

H.R. 10926. A bill to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital; to the Committee on Veterans' Affairs.

By Mr. BOLAND:

H.R. 10927. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. GATHINGS:

H.R. 10928. A bill to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge"; to the Committee on Public Works.

By Mr. GOODELL:

H.R. 10929. A bill to protect the Seneca Nation of Indians from the flooding of their lands by any department or agency of the United States before suitable provision has been made for their relocation; to the Committee on Interior and Insular Affairs.

By Mr. GRABOWSKI:

H.R. 10930. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. **LINDSAY**:

H.R. 10931. A bill to provide for the establishment of a National Council on the Arts and a National Arts Foundation to assist in the growth and development of the arts in the United States; to the Committee on Education and Labor.

By Mr. **MILLER** of New York:

H.R. 10932. A bill to amend the Internal Revenue Code of 1954 to exempt schoolbuses from the manufacturers excise tax; to the Committee on Ways and Means.

By Mr. **PHILBIN**:

H.R. 10933. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. **REID** of New York:

H.R. 10934. A bill to amend the Administrative Procedure Act to provide for the disclosure of certain communications received by Government agencies from Members of Congress with respect to adjudicatory matters, and for other purposes; to the Committee on the Judiciary.

H.R. 10935. A bill to establish a Commission on the Organization of the Congress; to the Committee on Rules.

By Mr. **ROBERTS** of Texas:

H.R. 10936. A bill to designate the Veterans' Administration center at Bonham, Tex., as the Sam Rayburn Memorial Veterans Center; to the Committee on Veterans' Affairs.

By Mr. **ST GERMAIN**:

H.R. 10937. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. **MORSE**:

H.J. Res. 1001. Joint resolution to designate the Veterans' Administration hospital at Bedford, Mass., as the Edith Nourse Rogers Memorial Hospital; to the Committee on Veterans' Affairs.

By Mr. **MILLER** of New York:

H.J. Res. 1002. Joint resolution to establish a commission to develop and execute plans for the joint celebration with Canada of the 150th anniversary of the Treaty of Ghent; to the Committee on the Judiciary.

By Mr. **REID** of New York:

H. Con. Res. 288. Concurrent resolution to establish a Joint Committee on Ethics in the legislative branch of the Government, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. **SIBAL** introduced a bill (H.R. 10938) for the relief of Domenico Venditti, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

852. The **SPEAKER** presented a petition of William Sullivan, city clerk, Springfield, Mass., requesting that the city council be placed on record as favoring the legislation, H.R. 7700 and S. 1932, which was referred to the Committee on the Judiciary.

SENATE

THURSDAY, APRIL 16, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rabbi William Berkowitz, of Congregation B'nai Jeshurun, New York, offered the following prayer:

O Lord, we recognize that prayer is the ladder bridging heaven and earth, bringing us ever closer to Thee.

O Thou who bestows wisdom upon the sons of men and gives of Thy sovereignty unto Thy children, we invoke Thy blessings upon those whom the people have set in authority and have been entrusted with the guardianship of our rights and liberties. In every age Thou didst cause fearless men and women to champion Thy word and didst endow them with zealous hearts and fervent lips. As then, so now, we are grateful for our Nation's Senators who dedicate themselves to the task of strengthening America, its ideals, and its way of life, pursuing justice and exalting our Nation in righteousness.

Yet, O Lord, leaders and people are ever mindful that the courage and wisdom we will require to meet the challenges of today and tomorrow will come to us only through a deeper faith in Thee and a greater reverence for Thy law and teachings. Thus do we beseech Thee: Continue to instruct us in the art of brotherhood. Continue to teach us to recognize the sacredness of the human personality and the equality of all men. Continue to inspire us to achieve for each other a harmonious and abundant life.

As a Jew and rabbi of my people, I thank Thee, that by Thy grace our lot has fallen in this blessed land. On this day when my fellow Jews here and in the State of Israel celebrate the 16th year of its establishment, we are grateful that the fallen tabernacle of David is risen up again, that Israel's ancient dream has come true with the noble help of these United States.

Accept then this, the humble prayer of Thy servant, who prays unto Thee that the light of Thy love may continue to shine forth upon the U.S. Senate. Grant them, O merciful Father, length of days. And may Thy Divine wisdom guide them to lead us unto those paths which will bring glory to Thy name and to this our great, beloved, and blessed democracy, the United States of America. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 15, 1964, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

CIVIL RIGHTS ACT OF 1963

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

REPORTS OF COMMITTEE ON RULES AND ADMINISTRATION

The following reports of a committee were submitted:

By Mr. **JORDAN** of North Carolina, from the Committee on Rules and Administration, without amendment:

H.R. 8465. An act to amend the act entitled "An act to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress (Rept. No. 972);

S. Con. Res. 71. Concurrent resolution to appoint a joint committee to make arrangements for the inauguration of the President-elect and Vice-President-elect on January 20, 1965;

S. Con. Res. 73. Concurrent resolution authorizing the printing of additional copies of part 2 and part 3 of the 1964 hearings of the Joint Committee on Atomic Energy on Atomic Energy Commission authorizing legislation, fiscal year 1965 (Rept. No. 977);

H. Con. Res. 29. Concurrent resolution authorizing the printing of additional copies of a Veterans' Benefits Calculator (Rept. No. 973);

H. Con. Res. 243. Concurrent resolution authorizing the printing as a House document in a form suitable for framing of the inaugural address of President John Fitzgerald Kennedy (Rept. No. 974);

H. Con. Res. 247. Concurrent resolution providing for printing additional copies of House Document No. 104, 88th Congress (Rept. No. 975);

H. Con. Res. 266. Concurrent resolution authorizing the printing as a House document of the Constitution of the United States, together with the Declaration of Independence; and providing for additional copies (Rept. No. 976);

S. Res. 240. Resolution to print as a Senate document, with additional copies, the second annual report to the Congress on the implementation of the Humphrey amendment (Rept. No. 978);

S. Res. 276. Resolution to print as a Senate document the Seventh Annual Report on the Status of the Colorado River Storage Project and Participating Projects (Rept. No. 979);

S. Res. 289. Resolution authorizing the printing of additional copies of the committee print entitled "Administration of National Security: Selected Papers" (Rept. No. 980);

S. Res. 300. Resolution to print a Senate document on the Federal prison system (Rept. No. 981);

S. Res. 301. Resolution authorizing expenditures by the Committee on Appropriations from the contingent fund of the Senate; and

S. Res. 302. Resolution authorizing the printing as a Senate document of the compilation entitled "World Communism—A Selected Bibliography" (Rept. No. 982).

CONTINUATION OF SENATE YOUTH PROGRAM

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 311) providing for the continuation of the Senate youth program, and submitted a report (No. 983) thereon.

TO PRINT AS A SENATE DOCUMENT A REVISED EDITION OF SENATE DOCUMENT NO. 92 OF THE 87TH CONGRESS, ENTITLED "FEDERAL CORRUPT PRACTICES AND POLITICAL ACTIVITIES"

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 312) authorizing the printing as a Senate document of a revised edition of Senate Document No. 92 of the 87th Congress, entitled "Federal Corrupt Practices and Political Activities," and submitted a report (No. 984) thereon.

TO PRINT AS A SENATE DOCUMENT COMPILATION ENTITLED "ELECTION LAW GUIDEBOOK"

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 313) authorizing the printing of the "Election Law Guidebook" as a Senate document, and submitted a report (No. 985) thereon.

TO PRINT AS A SENATE DOCUMENT THE 66TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 314) authorizing the printing of the 66th annual report of the National Society of the Daughters of the American Revolution as a Senate document, and submitted a report (No. 986) thereon.

MARGARET I. CORKREAN

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 315) to pay a gratuity to Margaret I. Corkrean.

SUSAN L. MOSS

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 316) to pay a gratuity to Susan L. Moss.

MARY E. WALTON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 317) to pay a gratuity to Mary E. Walton.

CONSIDERATION OF CERTAIN MEASURES FROM COMMITTEE ON RULES AND ADMINISTRATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to bring up, out of order, certain measures which have been reported from the Committee on Rules and Administration; and I request their immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none; and the clerk will proceed to state these measures.

MICROFILMING OF CERTAIN PRESIDENTIAL PAPERS

The Senate proceeded to consider the bill (H.R. 8465) to amend the act entitled "An act to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress."

Mr. MORSE. Mr. President, will the Senator from North Carolina yield?

Mr. JORDAN of North Carolina. I yield.

Mr. MORSE. I assume that all these measures have been reported from the committee with a quorum of the committee present, and that they have not been reported as a result of polling the committee.

Mr. JORDAN of North Carolina. The Senator from Oregon is correct.

The ACTING PRESIDENT pro tempore. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 8465) was ordered to a third reading, read the third time, and passed.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 972) was ordered to be printed in the RECORD, as follows:

H.R. 8465 would amend Public Law 85–147, as amended, "An act to organize and microfilm the papers of the Presidents of the United States in the collections of the Library of Congress" (71 Stat. 368), by removing the limitation on appropriations in the amount of $720,000 and providing in lieu thereof for the appropriation of such amounts as may be necessary to carry out the provisions of the act.

At the time the original authorization was made, the magnitude and the complexity of the project, which covers the papers of 23 Presidents of the United States ranging in date from those of George Washington through those of Calvin Coolidge, could not be accurately gaged and were therefore underestimated. Until the program was underway and the collections of Presidential papers were removed from their containers, only a very rough estimate of their extent could be made. They proved to be much larger than anticipated. For example, the Taft papers were estimated at 500,000 items but they proved to consist of 675,000, and the Wilson papers, estimated at 278,000 items, consist of 400,000. Also, some of the Presidential collections in the Library have, in the years since the program began, been augmented by important and substantial gifts, and these additional papers must, of course, be included in the project. Furthermore, the organization of the collections, which was satisfactory for the use of the originals in the Library, proved inappropriate for the rigid requirements of microfilming and indexing, and extensive refinement of their arrangement has been necessary. These factors, which require additional time and labor, could not be evaluated fully until a substantial amount of work had been performed.

There were other increased costs which could not have been anticipated. The several salary increases and additional fringe benefits to Government employees, granted since the original authorization was enacted, have increased the overall cost of the project.

COSTS

The original authorization was in the amount of $720,000, Public Law 85–147. The following sums have been expended by fiscal years:

1959	$60,000
1960	95,400
1961	121,700
1962	105,100
1963	132,100
1964 (estimated)	125,000
Total through June 30, 1964	639,300

The estimated cost for fiscal year 1965 is $134,000. On June 30, 1964, there will be an unexpended balance of $80,700 remaining in the original authorization. It is anticipated that the project will require approximately 8 additional years for completition at the current production rate. Under the provisions of H.R. 8465, officials of the Library of Congress would include an item in the Library budget as presented to the House Appropriations Committee to provide funds for the continuation of the project on a yearly basis.

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS FROM THE CONTINGENT FUND OF THE SENATE

The Senate proceeded to consider the resolution (S. Res. 301) authorizing expenditures by the Committee on Appropriations from the contingent fund of the Senate, which was agreed to as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-eighth Congress, $30,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, S. Res. 128, agreed to May 9, 1963, and S. Res. 225, agreed to November 15, 1963.

JOINT COMMITTEE FOR INAUGURAL ARRANGEMENTS, 1965

The concurrent resolution (S. Con. Res. 71) to appoint a joint committee to make arrangements for the inauguration of the President-elect and Vice-President-elect on January 20, 1965, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the

President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice-President-elect of the United States on the 20th day of January 1965.

PRINTING OF ADDITIONAL COPIES OF A VETERANS' BENEFITS CALCULATOR

The concurrent resolution (H. Con. Res. 29) authorizing the printing of additional copies of a Veterans' Benefits Calculator, was considered and agreed to.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the Record.

There being no objection, the excerpt from the report (No. 973) was ordered to be printed in the Record, as follows:

> House Concurrent Resolution 29 would provide that after the conclusion of the 2d session of the 88th Congress there would be printed 50,240 copies of a Veterans' Benefits Calculator, to be prepared by the House Veterans' Affairs Committee, of which 2,000 copies would be for the use of that committee, 2,000 for the use of the Senate Finance Committee, 37,485 for the use of the House of Representatives (85 per Member), and 8,755 for the use of the Senate (85 per Member).
>
> Estimated printing cost: $2,562.24.

TO PRINT AS A HOUSE DOCUMENT THE INAUGURAL ADDRESS OF PRESIDENT JOHN FITZGERALD KENNEDY

The concurrent resolution (H. Con. Res. 243) authorizing the printing as a House document in a form suitable for framing of the inaugural address of President John Fitzgerald Kennedy, was considered and agreed to.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the Record.

There being no objection, the excerpt from the report (No. 974) was ordered to be printed in the Record, as follows:

> House Concurrent Resolution 243 would authorize the printing as a House document of the inaugural address of the late President John Fitzgerald Kennedy, delivered at the U.S. Capitol on January 20, 1961. The address would be printed in a form appropriate for framing, and in such colors and with such artwork as directed by the Joint Committee on Printing.
>
> Additional copies in the amount of 322,500 would be authorized, of which 103,000 would be for the use of the Senate (1,000 per Member) and 219,500 would be for the use of the House of Representatives (500 per Member).
>
> The estimated printing cost is $15,446.

PRINTING OF ADDITIONAL COPIES OF HOUSE DOCUMENT NO. 104, 88TH CONGRESS

The concurrent resolution (H. Con. Res. 247) providing for printing additional copies of House Document No. 104, 88th Congress, was considered and agreed to.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the Record.

There being no objection, the excerpt from the report (No. 975) was ordered to be printed in the Record, as follows:

> House Concurrent Resolution 247 would authorize the printing of 300,000 additional copies of House Document No. 104, 88th Congress, entitled "Our Flag," of which 200,000 would be for the use of the House of Representatives (455 per Member) and 100,000 for the use of the Senate (970 per Member).
>
> Printing-cost estimate: $16,000.

PRINTING AS A HOUSE DOCUMENT OF THE CONSTITUTION AND DECLARATION OF INDEPENDENCE

The concurrent resolution (H. Con. Res. 266) authorizing the printing as a House document of the Constitution of the United States, together with the Declaration of Independence, and providing for additional copies, was considered and agreed to.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the Record.

There being no objection, the excerpt from the report (No. 976) was ordered to be printed in the Record, as follows:

> House Concurrent Resolution 266 would provide that the Constitution of the United States, as amended to January 23, 1964, together with the Declaration of Independence, be printed as a House document, with an index, and in such form and style as may be directed by the Joint Committee on Printing. The concurrent resolution would further authorize the printing of 106,600 additional copies of such document, of which 80,850 would be for the use of the House of Representatives (180 per Member) and 25,750 for the use of the Senate (250 per Member).
>
> Estimated printing cost: $29,581.42.

PRINTING OF ADDITIONAL COPIES OF 1964 HEARINGS OF JOINT COMMITTEE ON ATOMIC ENERGY ON ATOMIC ENERGY COMMISSION AUTHORIZING LEGISLATION, FISCAL YEAR 1965

The concurrent resolution (S. Con. Res. 73) authorizing the printing of additional copies of part 2 and part 3 of the 1964 hearings of the Joint Committee on Atomic Energy on Atomic Energy Commission authorizing legislation, fiscal year 1965, was considered and agreed to, as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That there be printed for the use of the Joint Committee on Atomic Energy two thousand additional copies each of part 2 and part 3 of its hearings on the Atomic Energy Commission authorizing legislation, fiscal year 1965.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the Record.

There being no objection, the excerpt from the report (No. 977) was ordered to be printed in the Record, as follows:

> Senate Concurrent Resolution 73 would authorize the printing for the use of the Joint Committee on Atomic Energy of 2,000 additional copies of each of parts 2 and 3 of its hearings on the Atomic Energy Commission authorizing legislation, fiscal year 1965.
>
> The printing-cost estimate supplied by the Public Printer, is as follows:

2,000 copies of pt. 2	$4,494.40
2,000 copies of pt. 3	5,300.00
Total estimated cost, S. Con. Res. 73	9,794.40

TO PRINT AS A SENATE DOCUMENT THE SECOND ANNUAL REPORT TO THE CONGRESS ON THE IMPLEMENTATION OF THE HUMPHREY AMENDMENT

The resolution (S. Res. 240) to print as a Senate document, with additional copies, the second annual report to the Congress on the implementation of the Humphrey amendment, was considered and agreed to, as follows:

> *Resolved*, That there shall be printed as a Senate document the second annual report to the Congress on the implementation of the Humphrey amendment, prepared by the Agency for International Development, fiscal year 1963, and that an additional five thousand copies be printed for use by the Committee on Foreign Relations.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the Record.

There being no objection, the excerpt from the report (978) was ordered to be printed in the Record, as follows:

> Senate Resolution 240 would authorize the printing as a Senate document of the second annual report to the Congress on the implementation of the Humphrey amendment, prepared by the Agency for International Development to cover fiscal year 1963. The resolution would further authorize the printing of 5,000 additional copies of such document for the use of the Committee on Foreign Relations.
>
> The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$964.70
5,000 additional copies, at $77.62 per thousand	388.10
Total estimated cost, S. Res. 240	1,352.80

TO PRINT AS A SENATE DOCUMENT THE SEVENTH ANNUAL REPORT ON THE STATUS OF THE COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS

The resolution (S. Res. 276) to print as a Senate document the Seventh Annual Report on the Status of the Colorado River Storage Project and Participating Projects, was considered and agreed to, as follows:

> *Resolved*, That there shall be printed as a Senate document the Seventh Annual Report on the Status of the Colorado River Storage Project and Participating Projects, prepared by the Department of the Interior, and an introductory statement by Senator Anderson.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the Record.

There being no objection, the excerpt from the report (No. 979) was ordered to be printed in the RECORD, as follows:

Senate Resolution 276 would authorize the printing as a Senate document of the Seventh Annual Report on the Status of the Colorado River Storage Project and Participating Projects, prepared by the Department of the Interior, and with an introductory statement by Senator CLINTON P. ANDERSON.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$754.81

PRINTING OF ADDITIONAL COPIES OF COMMITTEE PRINT ENTITLED "ADMINISTRATION OF NATIONAL SECURITY: SELECTED PAPERS"

The resolution (S. Res. 289) authorizing the printing of additional copies of the committee print entitled "Administration of National Security: Selected Papers," was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Government Operations two thousand additional copies of the committee print entitled "Administration of National Security: Selected Papers", issued by that committee during the Eighty-seventh Congress, second session.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (No. 980) was ordered to be printed in the RECORD, as follows:

Senate Resolution 289 would authorize the printing for the use of the Committee on Government Operations of 2,000 additional copies of its committee print of the 87th Congress, entitled "Administration of National Security: Selected Papers."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Back to press, 1st 1,000 copies	$774.31
1,000 additional copies, at $247.27 per thousand	247.27
Total estimated cost, S. Res. 289	1,021.58

TO PRINT A SENATE DOCUMENT ON THE FEDERAL PRISON SYSTEM

The resolution (S. Res. 300) to print a Senate document on the Federal prison system, was considered and agreed to, as follows:

Resolved, That there be printed as a Senate document a collection of writings about the Federal prison system assembled by the Subcommittee on National Penitentiaries of the Committee on the Judiciary, United States Senate; and that one thousand additional copies be printed for use of the Committee on the Judiciary.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (No. 981) was ordered to be printed in the RECORD, as follows:

Senate Resolution 300 would authorize the printing as a Senate document of a collection of writings about the Federal prison system assembled by the Subcommittee on National Penitentiaries of the Committee on the Judiciary; and would further authorize the printing of 1,000 additional copies of such document for the use of that committee.

The printing cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$4,846.61
1,000 additional copies, at $420.89 per thousand	420.89
Total estimated cost, S. Res. 300	5,267.50

PRINTING AS A SENATE DOCUMENT OF COMPILATION ENTITLED "WORLD COMMUNISM—A SELECTED BIBLIOGRAPHY"

The resolution (S. Res. 302) authorizing the printing as a Senate document of the compilation entitled "World Communism—A Selected Bibliography," was considered and agreed to, as follows:

Resolved, That there be printed as a Senate document a compilation entitled "World Communism—A Selected Annotated Bibliography", prepared by the Legislative Reference Service, Library of Congress, at the request of the Internal Security Subcommittee of the Senate Committee on the Judiciary; and that there be printed two thousand seven hundred additional copies of such document for the use of that committee.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed in the RECORD.

There being no objection, the excerpt from the report (No. 982) was ordered to be printed in the RECORD, as follows:

Senate Resolution 302 would authorize the printing as a Senate document of a compilation entitled "World Communism—A Selected Annotated Bibliography," prepared by the Legislative Reference Service, Library of Congress, at the request of the Internal Security Subcommittee of the Senate Committee on the Judiciary; and would further authorize the printing of 2,700 additional copies of such document for the use of that committee.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$1,374.19
2,700 additional copies at $439.44 per thousand	1,186.46
Total estimated cost, S. Res. 302	2,560.65

CONTINUATION OF SENATE YOUTH PROGRAM

The resolution (S. Res. 311) providing for the continuation of the Senate youth program, was considered and agreed to, as follows:

Whereas by S. Res. 324 of the Eighty-seventh Congress, agreed to May 17, 1962, the Senate expressed its willingness to cooperate in a nationwide competitive Senate youth program supported by private funds, which would give representative high school students from each State a short indoctrination into the operation of the United States Senate and the Federal Government generally, and authorized the Senate Committee on Rules and Administration, if it should find such a program possible and advisable, to make the necessary arrangements therefor; and

Whereas the Committee on Rules and Administration, after appropriate investigation having determined such a program to be not only possible but highly desirable, authorized its establishment and with the support of the leaders and other Members of the Senate and the cooperation of certain private institutions made the necessary arrangements therefor; and

Whereas, pursuant to such arrangements, and with the cooperation of and participation by the offices of every Member of the Senate and the Vice President, one hundred and two student leaders representing all States of the Union and the District of Columbia were privileged to spend the period from January 28, 1963, through February 2, 1963, in the Nation's Capitol, thereby broadening their knowledge and understanding of Congress and the legislative process and stimulating their appreciation of the importance of a freely elected legislature in the perpetuation of our democratic system of government; and

Whereas by S. Res. 147 of the Eighty-seventh Congress, agreed to May 17, 1963, another group of student leaders from throughout the United States spent approximately 1 week in the Nation's Capitol, during January 1964; and

Whereas it is the consensus of all who participated that the above two programs were unqualifiedly successful, and in all respects worthy and deserving of continuance; and

Whereas the private foundation which financed the initial programs has graciously offered to support a similar program during the year ahead: Now, therefore, be it

Resolved, That, until otherwise directed by the Senate, the Senate youth program authorized by S. Res. 324 of the Eighty-seventh Congress, agreed to May 17, 1962, and extended by S. Res. 147, agreed to May 27, 1963, may be continued at the discretion of and under such conditions as may be determined by the Committee on Rules and Administration.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 983) was ordered to be printed in the RECORD, as follows:

Pursuant to Senate Resolution 324 of the 87th Congress, agreed to May 17, 1962, the Senate expressed its willingness to cooperate in a nationwide competitive Senate youth program supported by private funds, which would give representative high school students from each State a short indoctrination into the operation of the U.S. Senate and the Federal Government generally. The Senate Committee on Rules and Administration, should it find such a program feasible and advisable, was authorized to make the necessary arrangements therefor.

The committee did approve the program, and with the cooperation of and participation by the offices of every Member of the Senate and the Vice President, 102 student leaders representing all States of the Union and the District of Columbia were privileged to spend the period from January 28, 1963, through February 2, 1963, as the first group of participants in the Senate youth program.

In view of the splendid success of the first year's program, the Senate on May 27, 1963, readily agreed to Senate Resolution 147 of the 88th Congress, which enabled another group of student leaders from throughout the United States to spend approximately 1 week in the Nation's Capital during January 1964.

It is the judgment of the Committee on Rules and Administration that the Senate youth program has adequately demonstrated its value and the merit of its indefinite continuance. Accordingly, the committee is recommending that the Senate adopt this original resolution which would provide that until otherwise directed by the Senate, the Senate youth program may be continued at the discretion of and under such conditions as may be determined by the Committee on Rules and Administration.

TO PRINT AS A SENATE DOCUMENT A REVISED EDITION OF SENATE DOCUMENT NO. 92 OF THE 87TH CONGRESS, ENTITLED, "FEDERAL CORRUPT PRACTICES AND POLITICAL ACTIVITIES"

The resolution (S. Res. 312) authorizing the printing as a Senate document of a revised edition of Senate Document No. 92 of the 87th Congress, entitled "Federal Corrupt Practices and Political Activities," was considered and agreed to, as follows:

Resolved, That a revised edition of Senate Document Numbered 92 of the Eighty-seventh Congress, entitled "Federal Corrupt Practices and Political Activities" be printed as a Senate document; and that there be printed four thousand additional copies of such document for the use of the Committee on Rules and Administration.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 984) was ordered to be printed in the RECORD, as follows:

Senate Resolution 312 would authorize the printing as a Senate document of a revised edition of Senate Document 92 of the 87th Congress, entitled "Federal Corrupt Practices and Political Activities." The resolution also provides for the printing of 4,000 additional copies of such document for the use of the Committee on Rules and Administration.

The printing cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$1,126.00
4,000 additional copies, at $77.26 per thousand	309.04
Total estimate cost, S. Res. 312	1,435.04

The purposes of the publication are explained in the foreword by Senator HOWARD W. CANNON, chairman of the Subcommittee on Privileges and Elections, as follows:

This document is published as a guide and ready reference to certain Federal election laws and miscellaneous related acts and regulations applicable to candidates for Federal office, political committees, and political parties, and others seeking or attempting to influence the results of Federal elections.

Especially, it is intended to assist and instruct such candidates, committees, parties, and others concerning campaign contributions and expenditures, financial statements, and other political activities.

TO PRINT AS A SENATE DOCUMENT COMPILATION ENTITLED "ELECTION LAW GUIDEBOOK"

The resolution (S. Res. 313) authorizing the printing of the "Election Law Guidebook" as a Senate document, was considered and agreed to, as follows:

Resolved, That a revised edition of Senate Document Numbered 86 of the Eighty-seventh Congress, entitled "Election Law Guidebook", be printed as a Senate document; and that there be printed three thousand five hundred additional copies of such document for the use of the Committee on Rules and Administration.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 985) was ordered to be printed in the RECORD, as follows:

Senate Resolution 313 would authorize the printing as a Senate document of a revised edition of Senate Document No. 86 of the 87th Congress, entitled "Election Law Guidebook"; and would further authorize the printing of 3,500 additional copies of such document for the use of the Committee on Rules and Administration.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$2,834.28
3,500 additional copies, at $206.45 per thousand	722.60
Total estimated cost, S. Res. 313	3,556.88

TO PRINT AS A SENATE DOCUMENT THE 66TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

The resolution (S. Res. 314) authorizing the printing of the 66th annual report of the National Society of the Daughters of the American Revolution as a Senate document, was considered and agreed to, as follows:

Resolved, That the Sixty-sixth Annual Report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1963, be printed, with an illustration, as a Senate document.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an excerpt from the report on this measure be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 986) was ordered to be printed in the RECORD, as follows:

Senate Resolution 314 would authorize the printing as a Senate document of the 66th Annual Report of the Daughters of the American Revolution (March 1, 1962–March 1, 1963).

The National Society of the Daughters of the American Revolution was incorporated by act of Congress on February 20, 1896 (29 Stat. 8–9), which act included the provision:

"That said society shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings, and said Secretary shall communicate to Congress such portions thereof as he may deem of national interest and importance."

but, did not provide that such report be printed. When, in 1899, during the 55th Congress, the first report of the society was transmitted, as required by law, it was printed as a Senate document pursuant to a simple resolution agreed to by the Senate. All subsequent DAR reports, to date, have been printed as Senate documents under the same procedure.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a Senate document (1,500 copies)	$4,290.86

MARGARET I. CORKREAN

The resolution (S. Res. 315) to pay a gratuity to Margaret I. Corkrean was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Margaret I. Corkrean, widow of Paul A. Corkrean, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SUSAN L. MOSS

The resolution (S. Res. 316) to pay a gratuity to Susan L. Moss was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Susan L. Moss, widow of Andrew Moss, an employee of the Senate at the time of his death, a sum equal to eleven and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARY E. WALTON

The resolution (S. Res. 317) to pay a gratuity to Mary E. Walton was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary E. Walton, widow of George L. Walton, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 141 Leg.]

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Fong
Hart
Hartke
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Magnuson
Mansfield
McCarthy
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Neuberger
Pastore
Pearson
Pell
Prouty
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smith
Sparkman
Symington
Talmadge
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Arkansas [Mr. McCLELLAN], and the Senator from Mississippi [Mr. STENNIS] are absent on official business.

I also announce that the Senator from Virginia [Mr. BYRD], the Senator from West Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from California [Mr. ENGLE], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. McGEE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Florida [Mr. SMATHERS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. YARBOROUGH], are necessarily absent.

I further announce that the Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent during convalescence from an illness.

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

The Senators from Kentucky [Mr. COOPER and Mr. MORTON] are detained on official business.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). A quorum is present.

APPOINTMENTS OF SENATORS TO U.S. DELEGATION TO INTERNATIONAL LABOR CONFERENCE, GENEVA, SWITZERLAND

The PRESIDING OFFICER. The Chair, at the request of the President pro tempore, announces for him the appointment of the Senator from Michigan [Mr. McNAMARA] and the Senator from New York [Mr. KEATING] as members to the U.S. delegation to the 48th session of the International Labor Conference in Geneva, Switzerland, from June 17 to July 9, 1964.

THE JOHN BIRCH SOCIETY—LIBELING GREAT AMERICANS

Mr. KUCHEL. Mr. President, yesterday, in the Washington Daily News there was published an interesting news article, written by two estimable news reporters, Mr. George Clifford and Tom Kelly, discussing a meeting held in Washington the other night under the auspices of the John Birch Society.

The young man, Mr. G. Edward Griffin, who represented that infamous organization stated, according to the article by Clifford and Kelly:

> He supposed he would (ha-ha) be asked if Birch Founder Robert Welch had really said President Eisenhower was a Communist.
>
> His "ha-ha" manner could have discouraged everyone from actually asking the question but, as a matter of fact, one man did.
>
> Ed said that people had circulated "half truths" about Mr. Welch and everyone knows how dangerous those are. Mr. Welch had examined the Eisenhower record, Ed said gently, and had reached the conclusion that President Eisenhower was a Communist agent, or a political opportunist doing the Communist bidding, or a fool. Mr. Welch favored the first explanation himself, Ed said, but he didn't mind if other people favored either of the other two.

I invite the attention of Senators to that kind of unbelievable libel on the life of one of the great patriots in all American history. Whether one sits on the Democratic side of the aisle or on the Republican side of the aisle, all Senators, and the people they represent, stand up and salute Dwight D. Eisenhower, former President of the United States and General of the Army, who served with gallantry and courage the cause of this Republic in peace and in war.

I am bitter in my resentment of that kind of irresponsible and contemptuous libel.

Mr. President, I think the Senate will be interested, also, in an editorial published in the Fargo, N. Dak., Forum, the largest newspaper in North Dakota, written on March 2, 1964—a little over a month ago—entitled, "Birchists Crawl Into Holes; Let's Hope They Stay There."

This perceptive editorial discusses the equally amazing libel by a college professor, who is high in the National Councils of the Birch Society, reviling the memory of the late President Kennedy.

Every Senator, Republican and Democrat alike, I am sure, joins together, as do the people of the United States, regardless of political affiliation, in saluting the memory of another great American, John F. Kennedy, who also nobly served his country in peace and in war.

Be on guard, Mr. President, the extremists do not serve the interests of the Republic. They serve only themselves. They hope by spreading hate and hysteria that they will fool sincere Americans and, with their weird ideology—an ideology of simple solutions for complex problems—that they will undermine the people's faith in the responsible leadership of both great American political parties. They will not succeed. Their warped and narrow view of the world, and, indeed, their lack of faith in their fellow men, is and will continue to be rejected by all responsible citizens.

I ask unanimous consent that the article and the editorial to which I have referred may be printed in the RECORD, simply to show how low, how vile, how cruel, and how false these extremists are.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Apr. 15, 1964]

BIRCH BARK

(By George Clifford and Tom Kelly)

The John Birch Society is trying to persuade the public that it is as lovable as a Boy Scout with a lisp.

It is, in departure from its old technique of super stealth, also trying to recruit members openly.

A major persuader is G. Edward Griffin, a young "Gee whiz, Sir" salesman with a charm as transparent as a cellophane toupee.

Mr. Griffin, just plain Ed, was the winner of a national high school oratory contest in 1947, when he was 15. He is now an "official spokesman" for the John Birch Society. The Birchers have gotten a reputation for being both sinister and looney, and there are strong indications that the assassination of President Kennedy had a diminishing effect on both the society's income and membership growth.

The problem is a delicate one: How to appear genial and rational without abandoning the essential point of view that practically everybody is either a Communist or a Communist dupe.

Mr. Griffin's technique is to chuckle often, speak mildly, and attribute all criticism of the Birchers to the Communist Party.

At a $2-a-head lecture here the other night he introduced one of the more famous Birch pronunciamentos by saying he supposed he would (ha, ha) be asked if Birch founder Robert Welch had really said President Eisenhower was a Communist.

His "ha, ha" manner could have discouraged everyone from actually asking the question but, as a matter of fact, one man did.

Ed said that people had circulated "half-truths" about Mr. Welch and everyone knows how dangerous those are. Mr. Welch had examined the Eisenhower record, Ed said gently, and had reached the conclusion that President Eisenhower was a Communist agent, or a political opportunist doing the Communist bidding, or a fool. Mr. Welch favored the first explanation himself, Ed said, but he didn't mind if other people favored either of the other two.

The aim seems to be to make the Birch bark appear less dangerous than the Birch bite—make any wild charge but say the words softly and don't growl.

The society apparently is suffering for members and Ed seems to be trying to appeal to the unconverted. But the unconverted don't seem to be listening. At the Washington lecture a large part of the small audience seemed more rabid than Ed.

The impression was that most of the recruits have been hanging around the barracks for years.

[From the Fargo (N. Dak.) Forum, Mar. 2, 1964]

BIRCHISTS CRAWL INTO HOLES; LET'S HOPE THEY STAY THERE

The John Birch Society and kindred ultraright extremists seem to have crawled into their holes in North Dakota, and let us hope that we are able to keep them there.

It is a relief to be able to drive to Bismarck without seeing a billboard near Sterling calling for the impeachment of Chief Justice Earl Warren. The billboard, erected by a Bismarck group calling itself the North Dakota Committee To Impeach Earl Warren, apparently has been abandoned.

Two similar signs remain in Griggs County, at least one of which was erected last year by a chapter of the John Birch Society.

The people of Griggs have taken care of things in their own way, we're happy to see. They didn't use violence, deface or paint up the signs which have offended so many for months.

They recognized the right of a minority to express their views. But they expressed their own opinion by starting a petition signed by nearly 300 people. Published in the Griggs County Sentinel-Courier, the petition reads:

"We, the undersigned citizens of Griggs County and surrounding area, object to the 'Impeach Earl Warren' signs which have been erected along public highways in our community. We believe that such signs are a disservice and disgrace to our community and request that they be taken down at once. We hereby give our consent to have this published in the local newspaper."

Complete with a picture of a U.S. flag, the billboard which aroused their ire has no reasons listed to impeach Justice Warren except the inflammatory slogan: "Save Our Republic."

We congratulate the petition signers and we hope they see results, but appeals to reason seem to be lost on the extremists. There may be a couple of hundred members of the Birch Society in this State, and they may be trying to participate in our political organizations, but we don't hear any of them bragging about their membership these days. And well they shouldn't, when you take a look at the article which appeared in the Birch Society's publication, American Opinion, concerning the assassination of the late President John F. Kennedy.

A professor of Latin and Greek at the University of Illinois, Prof. Revilo P. Oliver, gave a history of the murder under the sum-it-up title of "Marxmanship in Dallas." From the Birch high priest, Robert Welch, it drew the supreme accolade: "Superb commentary." The alumni association of the university, however, asked that the professor resign.

Welch meant that the professor had done his homework well, and had faithfully hewed to the society's line.

The professor made these speculations on the assassination:

That Mr. Kennedy was executed by the Communist conspiracy "because he was planning to turn American."

That Mr. Kennedy "procured his election by peddling boob-bait to suckers."

That Lee Oswald was a Red agent trained for terrorism, including shooting from ambush, and "in a well-known school for international criminals at Minsk."

That as long as there are Americans, Mr. Kennedy's "memory will be cherished with distaste."

Professor Oliver, a man with a lively interest in history, became involved with the Birch Society in December 1958. He enlisted in the work after listening with a select group of less than 20 to a 2-day speech delivered by Robert Welch, the fudgemaker turned superpatriot. That maiden speech by Welch became the Birch Society's blue book, or summary of principles.

Professor Oliver (his first name also is Oliver, spelled in reverse) discovered that Welch's ideas coincided with his own, especially on the problems of Reds under American beds. So when he returned to the university he brought with him a new title—national counselor of the John Birch Society. Thereafter the professor peddled the Birch line by mouth, although he was careful to check his rightest views at the classroom door.

He made fiery little speeches ridiculing liberal intellectuals who believed the United States must "tax itself to win the favor of every mangy cannibal in Africa." Occasionally, as in the "mangy cannibal" speech, the professor violated the Birch rules against outspoken racism. For example, in a speech before the Illinois convention of the Daughters of the American Revolution in 1959 he conceded that the Batista government in Cuba was not perfect "but it probably was as good a government as one could ever reasonably expect to find in an island largely populated by mongrels."

The assassination article by Professor Oliver far transcends any attitude of tolerance or commonsense. He was incredibly crude. He said, for example, that President Kennedy collaborated in a "fake invasion" of Cuba that was intended to strengthen our enemies. He maintained that Kennedy was a knowing participant in this unhappy venture.

He contended that the embargo of arms shipments from Russia to Cuba in October 1962 was a phony arrangement to cover secret shipments from the Soviet to the Cubans. He charged in effect that Kennedy worked with Khrushchev to place missiles in Cuba to be used against the United States. And the head of the Birch Society calls this superb commentary.

So once again two men with positions of leadership in the Birch Society—Welch, the chairman, and Oliver, a member of the national council—stand before the Nation as the sponsors of a thought that is really beyond contempt.

The limit of tolerance has been exhausted; the members of the Birch Society can well be ashamed of their organization. They are not going to change the views of Welch and Oliver. Mere disagreement with them is not going to make Birch Society members in North Dakota acceptable public opinion leaders.

Men running for public office should be as severe in their criticism of the Birch Society as was Senator MILTON R. YOUNG when the society tried to get the North Dakota Legislature to approve its amendment for elimination of the U.S. income tax. He laid his political future on the line by launching a scathing denunciation of the amendment and its supporters. Ever since then, the far right of North Dakota has been doing everything it dared to discredit the Senator. The Senator does not discredit easily.

THE AMERICAN MEDICAL ASSOCIATION AND CIGARETTE LABELING

Mr. CANNON. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Oregon [Mrs. NEUBERGER] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. NEUBERGER. Mr. President, on March 16, the Federal Trade Commission convened its session for the hearing of proposed rules for the placing of health hazard warnings on cigarette packages and for regulation of cigarette advertising. The Commission held 3 days of hearings and took testimony from a variety of sources.

I was privileged to present a statement to the Commission on the opening day of the hearings. In my statement I emphasized that, in my opinion, the Commission already possesses sufficient authority to regulate cigarette advertising. My conclusion was based on the evidence contained in the report of the Surgeon General's committee which linked smoking with a number of ailments, including cancer and heart disease.

I was somewhat surprised the next day to learn that the American Medical Association had presented a statement at the Commission hearings expressing an opposite viewpoint. It had been announced some weeks before that six cigarette companies were contributing $10 million to the American Medical Association for a basic research project on smoking and disease. I have no way of knowing whether or not the statement presented by the AMA to the Federal Trade Commission represents the first fruits of this extensive research program.

Frankly, Mr. President, I have been puzzled and perplexed by the content of the AMA statement. In essence, the document held that there would be no advantage to placing a health hazard label on cigarettes because the health hazards of excessive smoking have been publicized for more than 10 years and are common knowledge. Moreover, the AMA statement continued, even though cigarette labeling is unnecessary, the Federal Trade Commission should not make this decision. The AMA statement held that the unnecessary decision on cigarette labeling should be made by Congress.

I fail to understand the AMA line of reasoning. First, it states that cigarette labeling would be of no value; then it says that even though labeling does no good, it should not be done by the Commission, but should be done by Congress because the prosperity of the tobacco industry is closely entwined with our entire national economy. I find myself growing somewhat apprehensive about the concern of the AMA for the economic well-being of the tobacco industry, rather than the physical well-being of smokers or potential smokers.

I think I shall never understand the AMA assertion that Congress should decide on cigarette labeling, because labeling has no health consequences. So that my colleagues can interpret the AMA statement for themselves, I ask consent to include in the RECORD at this point the letter dated February 28, 1964, addressed to the Chief, Division of Trade Regulation Rules of the Federal Trade Commission, and signed by Dr. F. J. L. Blasingame, executive vice president of the Americal Medical Association.

I also ask consent to include in the RECORD an article from the February 17, 1964, issue of the AMA News, which relates that six tobacco companies will contribute $10 million to an American Medical Association research project on smoking and disease, an article which appeared in the April–June 1962 issue of Smoke Signals, a publication of the American Temperance Society, entitled "Public Relations for Cigarettes," a United Press International story, with the headline "AMA Seen in Sellout to Tobacco Industry," and a letter of March 18, 1964, from Dr. Lawrence H. Gahagan.

There being no objection, the letter and articles were ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., February 28, 1964.

CHIEF, DIVISION OF TRADE REGULATION RULES,
Bureau of Industry Guidance,
Federal Trade Commission,
Washington, D.C.

DEAR SIR: The American Medical Association is appreciative of the invitation received from George Dobbs, M.D., Associate Chief of your Division of Scientific Opinions, to express its views with respect to the "Proposed Trade Regulation Rules for the Advertising and Labeling of Cigarettes." These proposed rules were published in the Federal Register of January 22, 1964.

At the outset, we should like to state that the AMA has, historically, endorsed and promoted Federal and State legislation containing labeling requirements with respect to the sale of drugs, cosmetics, and hazardous household products to consumers.

Ordinarily, the labeling of drugs, cosmetics, and hazardous household products will protect the public by calling its attention to the need for careful handling, as in the case of hazardous household products, or by alerting the consumer to possible allergic reactions, as in the case of hair dyes. Where labeling requirements now exist, the consumer may be influenced in his choice of the numerous products which are available to him for purchase. Here, labeling serves to convey information to a consumer who might otherwise be uninformed as to the risks inherent in a particular product. He may choose the product and exercise the caution called for by its label, or purchase another product for the same purpose which may involve a lesser or no risk.

With respect to cigarettes, cautionary labeling cannot be anticipated to serve the public interest with any particular degree of success. The health hazards of excessive smoking have been well publicized for more than 10 years and are common knowledge.

Labeling will not alert even the young cigarette smoker to any risks of which he is not already aware. While labeling may influence the purchaser in the choice he makes in the purchase of many products, it will not, in our opinion, do so in the purchase of cigarettes. At the present time, whether the habitual smoker selects the product of one manufacturer or another, appears to be relatively immaterial. The health hazard involved is substantially the same.

We do not believe that the answer to the cigarette problem lies in cautionary labeling requirements. Experience in other countries indicates that the effect of such labeling at best is only to reduce temporarily the consumption of cigarettes. After a while the habitual smoker ignores the cautions expressed on the label.

Since it is evident that cigarette smoking will continue despite any restrictive labeling that might be imposed, it is our opinion that the answer which will do most to protect the public health lies not in labeling (which is likely to be ignored), but in research. The AMA house of delegates stated this when it approved, on December 4, 1963, a proposal to inaugurate an AMA intensive research program. The action of the House of delegates included this description of the program:

"The proposed research projects would be designated to probe beyond statistical evidence, to search for answers not now available to such questions as which disease in man may be caused or induced by the use of tobacco. Determination needs to be made whether some element or elements in smoke may be a direct or aggravating cause of cancer and other diseases and to identify these substances chemically. Questions of constitutional and physiologic factors, of physiological dependence, and of habituation require answers. Continuing and further clinical and pathologic studies need to be made along with collection and correlation of statistical data as it is collected to establish what relationships exist between the use of tobacco and disease. Since smoking may produce a tranquilizing effect as well as other favorable psychic reactions not so well identified, these factors need further study in evaluating the whole matter of the relationship of tobacco and disease."

Implementation of the December action of the AMA house of delegates was undertaken a little more than a month later. By mid-January, the American Medical Association Educational and Research Foundation appointed a five-member committee of distinguished scientists to direct the foundation's long-range program of basic research of tobacco and health. Shortly thereafter, the committee had its initial meeting and began to develop a series of recommendations for an extensive, objective, and hopefully effective research program. It is the thinking of the committee for research on tobacco that grants will be made soon to proven investigators who have time and facilities available to begin promptly on studies that are needed and which appear to be productive of helpful information. The American Medical Association hopes to be instrumental in obtaining many of the facts which are necessary to an intelligent and useful understanding of this subject.

We have already indicated our belief that the most rewarding approach to the problem of relating cigarette smoking to diseases will be by way of productive research. In addition to this substantive recommendation, we should like to express our opinion that regulatory action in this matter should be instituted by the Congress rather than by the Federal Trade Commission. More than 90 million persons in the United States use tobacco in some form; and, of these, 72 million use cigarettes. Long standing social customs and practices are established in the use of tobacco; the economic lives of tobacco growers, processers, and merchants are entwined in the industry; and local, State, and the Federal governments are the recipients of and dependent upon many millions of dollars of tax revenue. For these reasons, it is most appropriate that a subject of this magnitude, regarding the labeling and advertising of tobacco, be controlled by the Congress of the United States in the form of enacted legislation, if any, rather than by promulgated administrative regulations.

The notice contained in the January 22 issue of the Federal Register invited "written data, views or argument concerning the proposed rules and the subject matter of this proceeding." We believe that our remarks respond to this invitation and wish to express once again our appreciation for the opportunity to comment and express our views.

Sincerely,

F. J. L. Blasingame, M.D.

[From the AMA News, Feb. 17, 1964]

Smoking Study Funds Donated

Six tobacco companies will contribute a total of $10 million to help finance the American Medical Association's basic research project on smoking and disease.

The contribution came a week after the AMA–ERF announced selection of a five-member committee for research on tobacco and health to direct the research program.

NO RESTRICTIONS

The AMA–ERF president, Raymond M. McKeown, M.D., Coos Bay, Oreg., said the funds were offered with the understanding that they could be accepted only if given without restrictions. The only condition is that the money be used for research on tobacco and health.

The funds are to be made available over a 5-year period by the American Tobacco Co., Brown & Williamson Tobacco Corp., Liggett & Myers Tobacco Co., P. Lorillard Co., Philip Morris, Inc., and R. J. Reynolds Tobacco Co.

The AMA–ERF research project was authorized by the AMA house of delegates last December, and the AMA board of trustees has appropriated $500,000 to the program.

The house authorized AMA–ERF to solicit funds for the project from industry, foundations and other sources and to accept funds "only if they are given without restrictions."

HOPE FOR SOLUTION

The presidents of the six contributing companies, in a joint letter, said the funds were being given "in the hope and expectation that the research project proposed will aid materially in finding solutions to public health problems of national and international concern."

The funds will be made available to the foundation in five equal annual installments with the agreement that if any of the funds are not needed or cannot be usefully spent on the research project, the unused installments will be canceled.

[From Smoke Signal, April–June 1962]

Public Relations for Cigarettes

The following, excerpted from Irwin Ross' the Image Merchants, tells how the tobacco industry ran for rescue to one of the largest public-relations firms in the country, Hill & Knowlton, after science had produced conclusive evidence that smoking causes lung cancer.

"Even in meeting crises, Hill & Knowlton tend to take the long view wherever possible. In the public relations fraternity, the firm is credited with a brilliant inspiration in rescuing the cigarette industry from the most damaging assault it has ever sustained. A few years ago, cigarette manufacturers had reason to fear a drastic curtailment of sales as the scientific reports characterizing their product as the cause of lung cancer gained wide circulation. The problem was laid in H. & K.'s lap. Its solution—an interim one which can well last for years—was the establishment of the Tobacco Industry Research Committee.

"The committee's case was a simple one: There was no conclusive proof that cigarettes were the culprit—whatever the American Cancer Society and other medical authorities thought—but the industry had an obligation to get the full facts. Without prejudging the outcome, it was prepared to spend a small fortune in scientific inquiry. A well-qualified and eminently respectable scientific panel was given a free hand to block out the research and administer the grants; up to January 20, 1959, $3,200,000 had been appropriated for various studies around the country.

This expensive device has been enough to take the industry off the hook. It can point with pride to its sense of public responsibility, and whenever a new report comes out damning cigarettes, it is able to rush into print with the reminder that the full scientific facts are not yet known. Indeed, Hill & Knowlton are often able to get their client's rejoinder into the same news story with the damaging charges. (Advance release dates on scientific reports make this possible.) All of which, of course, gives the cigarette addict sufficient excuse to continue smoking.

"And what if the industry's own scientific research, years hence, should prove that cigarettes are indeed harmful? No problem, one gathers—the client would merely be advised to undertake a campaign to eliminate the unhealthy ingredients."

AMA Seen in Sellout to Tobacco Industry

Representative Frank Thompson, Jr., Democrat, of New Jersey, accused the American Medical Association (AMA) yesterday of siding with the tobacco industry against Federal efforts to label cigarettes a health hazard in return for support in its fight against medicare.

The accusation was vigorously denied by the AMA. A spokesman for the organization said: "It's a ridiculous charge. There is not any truth in it whatsoever."

Thompson said the AMA opposed the regulation, proposed by the Federal Trade Commission, as part of a deal to get tobacco State Congressmen to vote against the administration's proposal for a health insurance plan for the aged under social security.

"It's an outrage and it's an obvious plot," Thompson said, adding that the AMA position was not sound medical logic and did not "reflect the thinking of its constituent doctor members."

The AMA's opposition was one of the surprise developments of the Federal Trade Commission's hearings this week on the proposed cigarette advertising and labeling regulations.

Dr. F. J. L. Blasingame, AMA executive vice president, in a letter to the Commission, said that the health hazards of "excessive smoking have been well publicized for more than 10 years and are common knowledge. He said the answer to removing the hazards from cigarette smoking lay in more research, not in any labeling rules.

Thompson said the AMA was inconsistent in suggesting that a substance should not be labeled as dangerous simply because everyone knows that it is.

"It's common knowledge that iodine is poisonous and that lye will burn you, Thompson said. "There are numerous other things which may not give you cancer, but will injure you severely. To be consistent the AMA must advocate that the warnings be removed from these labels also."

New York, N.Y.,
March 18, 1964.

F. J. L. Blasingame, M.D.,
Executive Vice President, American Medical Association, 535 North Dearborn Street, Chicago, Ill.

Dear Dr. Blasingame: I am more than surprised—perhaps somewhat ashamed—that the American Medical Association (of which I am a member) does not support a strong program concerning the menace to health and life of excessive and prolonged cigarette smoking. The position of the AMA, as I inferred it from recent newspaper accounts, is at best luke warm. For example, I read recently that the AMA does not support the opinion that cigarette packages and ads should contain official (governmental) warnings.

I simply do not understand the AMA's position in this matter—it doesn't make sense to me—and I wish that you or some other responsible officer of the association would attempt to clarify this deplorable situation. (I hope that I am not too stupid to understand it.) Be that as it may:

(a) Does the AMA have any doubts about the increased sickness and death rates associated with cigarette smoking?

(b) Does the AMA have any doubts about the etiologic significance of cigarette smoking in lung cancer, emphysema, etc.?

(c) Does the AMA have any doubts about the effects of TV commercials and other forms of cigarette advertisements on adolescents and other young people in encouraging them to smoke cigarettes?

(d) Does the AMA oppose official warnings about the hazards of cigarette smoking? If so, for heaven's sake, why?

I am taking the liberty of sending copies of this letter to Senators Neuberger and Humphrey. I trust that you do not object to my doing this and I would appreciate it if you would kindly send copies of your reply to these distinguished Senators, who are greatly concerned with matters of public health.

Sincerely yours,
Lawrence H. Gahagan, M.D.

APRIL 1964, CANCER CONTROL MONTH

Mrs. NEUBERGER. Mr. President, April 1964, has been designated by President Lyndon B. Johnson as Cancer Control Month.

Great strides have been made in the fight to conquer cancer, but much remains to be done. The American Cancer Society, along with other private, nonprofit organizations, has been in the forefront of this fight. The National Cancer Institute, located at the National Institutes of Health at Bethesda, Md., has waged a vigorous war against this scourage of mankind.

Mr. President, I ask unanimous consent to include in the body of the Record, the Presidential proclamation issued on March 26, 1964, designating April 1964, as Cancer Control Month.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

CANCER CONTROL MONTH, 1964

(A proclamation by the President of the United States of America)

Whereas the scourge of cancer will be felt this year by more than half a million Americans; and

Whereas continued research can lead to further increases in the number of cancer patients saved from death by this dread disease; and

Whereas the gap between actual and potential gains in the cure of cancer patients can be narrowed by educating the public to cooperate with the medical profession in seeking earlier diagnosis and treatment; and

Whereas further efforts to control this disease result not only in protecting the Nation's health but also in encouraging the scientists, medical practitioners, and official and voluntary health agencies already engaged in such efforts; and

Whereas the Congress, by a joint resolution approved March 28, 1938 (52 Stat. 148), requested the President to issue annually a proclamation setting apart the month of April as Cancer Control Month: Now, therefore,

I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim the month of April 1964 as Cancer Control Month; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also ask the medical and allied health professions, the communications industries, and all other interested persons and groups to unite during the appointed month in public reaffirmation of this Nation's efforts to control cancer.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this 25th day of March in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

By the President:

Lyndon B. Johnson,
Dean Rusk,
Secretary of State.

PERSONAL STATEMENT BY SENATOR MORSE

Mr. CANNON obtained the floor.

Mr. CANNON. Mr. President, I ask unanimous consent that I may yield to the senior Senator from Oregon [Mr. Morse], without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the rule of germaneness will be waived.

Mr. MORSE. Mr. President, I have asked the Senator to yield to me as a matter of personal privilege. Some of this morning's newspapers, the Washington Post being one, contain a column by Evans and Novak entitled "Morse's War."

I ask unanimous consent that the article be inserted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 16, 1964]

MORSE'S WAR

(By Rowland Evans and Robert Novak)

President Johnson is taking unusual steps to end the irresponsible attack on U.S. policy in South Vietnam by a fellow Democrat.

What worries Mr. Johnson today has nothing to do with Republicans or with the fact that his Ambassador in Saigon, Henry Cabot Lodge, now leads in the public opinion polls for the Republican presidential nomination.

What is getting under his skin is the carping criticism of Senator Wayne Morse, of Oregon, who is systematically undercutting the administration's resolve to control the Communist threat in South Vietnam.

Two weeks ago, Mr. Johnson staged an unofficial meeting of the National Security Council. The honor guest—and only guest—at this extraordinary meeting was Wayne Morse.

The President's purpose: To expose the acerbic Oregon Democrat to all the facts in the administration's possession that might convince him that the decision to stay in Vietnam is vital to U.S. interests.

The President's hope: That this top-secret briefing would end Morse's speeches, in and outside the Senate, that "we cannot justify this killing of American boys in Vietnam."

Presidents have often held confidential White House briefings to explain and defend controversial policies to congressional grandees. The meeting of the Security Council 2 weeks ago, however, is the first in memory to which only a single Senator was invited. Even more unusal, Morse is not even chairman or ranking member of any of the Senate committees most concerned with foreign or military affairs.

But Morse doesn't handle easily. He was unimpressed by the testimony he heard from the members of the National Security Council. Even President Johnson's own renowned powers of persuasion were wasted on the Senator. Finally, realizing that Morse was not going to come around, the President, with a touch of wry humor, asked him to go back to the Senate and "make me a good speech" on Panama, a subject on which he and Morse see eye to eye.

But what happened? Only last Saturday, in another speech to the Senate, Morse returned to the attack on South Vietnam.

Morse's criticism has gone beyond the political and military situation in Saigon. He has bluntly advised the President that the political pitfalls of Vietnam for the Democratic presidential ticket this November, not to mention the party as a whole, are multiplying. American casualties could sharply and unpredictably mount at any time between now and the election, he says. A coup d'etat overthrowing the Khanh government could be disastrous. The interference of other countries, as he told the Senate last month, could mean "serious trouble," and U.S. initiatives are limited.

All these risks have been coldly and realistically appraised by the administration. Added together, they do not raise a molehill compared to the mountain of risk that U.S. withdrawal from South Vietnam would raise throughout all of southeast Asia. And yet that is precisely what Morse advocates.

As Johnson policymakers see it today, there is only one possible event in South Vietnam that might so damage the U.S. position as to hurt the Democrats in the November election. This is the possibility of another coup d'etat.

> General Khanh has shifted his corps commanders and strengthened his personal security forces to minimize this dangerous possibility. As for military losses to the Vietcong, policymakers here see no sign of any dramatic change one way or the other in the next few months.
>
> MORSE's criticism is likely not only to continue but to encourage the very political reaction that he warns the President against. Because it is an unfortunate fact that, no matter how well grounded U.S. policy in Vietnam is, some Americans find it hard to understand the necessity of military involvement there while there is none in Cuba. And this is precisely the loaded argument that MORSE is dangling in front of the voters in his own private war against President Johnson.

Mr. MORSE. Mr. President, I have never read a column written by these two irresponsible journalists on a subject matter about which I knew the facts that I ever found to be accurate.

These two alleged journalists have outdone themselves in irresponsibility and inaccuracy this morning.

In their column, they state in part:

> Two weeks ago, Mr. Johnson staged an unofficial meeting of the National Security Council. The honor guest—and only guest—at this extraordinary meeting was WAYNE MORSE.
>
> The President's purpose: To expose the acerbic Oregon Democrat to all the facts in the administration's possession that might convince him that the decision to stay in Vietnam is vital to U.S. interests.

Clairvoyance, I would call it, when they purport to say what the President's purpose was; but they were certainly wrong in their facts, besides that.

To continue:

> The President's hope: That this top-secret briefing would end MORSE's speeches, in and outside the Senate, that "we cannot justify this killing of American boys in Vietnam."

Later in their false column, they write:

> The meeting of the Security Council 2 weeks ago, however, is the first in memory to which only a single Senator was invited. Even more unusual, MORSE is not even chairman or ranking member of any of the Senate committees most concerned with foreign or military affairs.

Mr. President, there were at least seven or eight or more other Senators at this meeting which these irresponsible writers comment on. It is my recollection that among the other Senators present were Senators RUSSELL, SALTONSTALL, HUMPHREY, MANSFIELD, DIRKSEN, HICKENLOOPER, AIKEN, FULBRIGHT, HAYDEN, and maybe more. There were also two or more Representatives from the House at the meeting.

I know why I was invited. I happen to be the chairman of the Senate Subcommittee on Latin American Affairs. The President wanted me to hear the briefings which included a briefing on Latin American problems involving Brazil and Panama. He wanted—so he said—any advice I cared to give him in regard to the subject matters which were briefed. I complied with his request including my views on South Vietnam.

I cite this again, only because I am accustomed to this kind of irresponsible journalism which sits above the clock in the Senate most of the time. I expect more of it, because after all it is due to a lack of knowledge on the part of many of the gentlemen up there, and their inadequate training and their biased journalism.

It is too bad that Senators have to suffer from this kind of journalistic irresponsibility, but I intend always to keep the record straight whenever this kind of false article is written about me.

ISRAEL'S INDEPENDENCE

Mr. CANNON. Mr. President, I yield to the junior Senator from New York [Mr. KEATING] with the understanding that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. KEATING. Mr. President, we are honored today by the presence of Rabbi William Berkowitz of B'nai Jeshurun, whose words this morning have been an inspiration to us. Spiritual leader of one of the largest congregations in New York, Rabbi Berkowitz is a powerful influence for good in the affairs of our great city.

Mr. President, today is the occasion for a celebration of great joy and thanksgiving. Today is the 16th anniversary of the independence of State of Israel—the 16th anniversary of the triumph of freedom and justice over persecution and tyranny—the 16th anniversary of the achievement of generations and centuries of community struggle—it is a birthday that all Americans are happy to celebrate.

Israel has developed from a small and insecure nation in a sea of enemies to a prosperous and dignified state. The determination, the skills, the dedication of the citizens of this nation have been tremendous. And this new nation—which represents one of the oldest dreams of recorded history—can celebrate with pride another year of economic, political, and social growth; another year of self-help and hope for others.

The ties between the United States and Israel are close. From the day of Israel's conception, the people of the United States have been sympathetic to the century-old dream of an independent Jewish nation.

Throughout its early ordeals, Americans looked with pride and satisfaction at Israel's staunch determination to survive. Today, we are happy to note that Israel's role and influence are expanding over the continent of Africa, making new friends, contributing toward new economic development.

I believe we should make clear, through public comments as well as in private talks, that the United States will continue its ties and friendship with Israel, and that the United States will oppose efforts by any nation in the Middle East forcibly to overcome Israel. Also, I believe we should make clear that the United States will not yield to the persuasive blackmail which suggests that if U.S. dollars are not endlessly forthcoming, then other nations will turn to the Soviet Union for money. We should make as clear as we can that the United States will not back efforts to prevent a fair and equitable distribution of waters, which are the only lifeblood of Mideastern lands. That also needs to be emphasized today.

The purpose of U.S. friendship and assistance in the Middle East is not to support aggressive military ventures, but to promote the very type of economic self-help which has been a vital element in Israel's progress. When U.S. funds are not used for such purposes, when they are used to step up subversion or actual fighting against other states, or when they are used to threaten others, foreign aid will be repudiated by the people of the United States. This much should be clear to all who deal with our country or who try to use American generosity in the Mideast to defeat American objectives there.

Mr. President, we must reiterate today on this 16th anniversary of Israel's independence, our country's support for the free and independent nation of Israel.

Israel's independence is a victory of freedom. It must not be subjected to the risk of becoming a defeat for freedom.

To achieve stability in Israel—to assure its future—to create the climate of its survival and growth—these are not goals that are exclusively in the self-interest of Israel. They are vital objectives that move a whole area of the world toward a higher destiny, a richer, better life for its people. For Israel is a laboratory of progress, an island of dynamic achievement—a potential source of social, intellectual, and economic vigor for the entire Middle East.

Only as its own strength increases—only as it is free to develop without the calculated program of interference and obstructionism represented by those who would destroy it—only as this growth and vitality take place—can Israel make the immense contributions to human advancement that lie within its power. It is my hope—it is my conviction—that Israel will triumph in its brave building of a better world—for that triumph will stand as a victory not only for Israel, but for all free men, whatever their race, their creed, or their color.

Mr. President, I am grateful to the Senator from Nevada for yielding to me.

DEATH OF REPRESENTATIVE THOMAS J. O'BRIEN

Mr. CANNON. Mr. President, I yield to the Senator from Illinois [Mr. DIRKSEN], with the understanding that in doing so I shall not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, there are and there have been quiet people in the public service who have made an indelible imprint on our national life. They make few if any speeches. They make no headlines. They rate no brass bands. And yet they stoutly man the oars which take the national ship of state through quiet or turbulent waters.

More often than not, they are humble and self-effacing, but all men know always where they stand.

They make no pretense to influence and yet they wield it. They make no loud boasts of their achievements and yet they are steady producers. They do not parade their power, and yet in their humble and quiet demeanor, anyone can perceive that it is there.

They are tolerant of their colleagues yet never indulge in condescension. They are intensely loyal to their friends and show it by quiet deeds and not by loud and self-serving words.

Devotion to country, to family, and to friends is the very hallmark of their daily conduct.

Such a person, in my judgment, was Congressman Thomas O'Brien of Illinois, dean of the Illinois delegation in the House of Representatives, who at age 85, this week surrendered to the arms of eternal sleep.

He was a kindly, patient person, a shrewd judge of human nature with an uncanny capacity to distinguish between that which was genuine and that which was spurious in human values.

I salute the memory of Thomas O'Brien, who, while intensely devoted to his party, always found time to give aid and counsel to a friend regardless of his political affiliation.

During our association in the House of Representatives, and in all the years that I served in the Senate, he was truly a friend and I mourn his departure from these earthly precincts in which we often visited. In all the days of his life, he enshrined himself in the hearts of many.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business today, Thursday, it take a recess until 10 a.m. tomorrow, Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS RESOLUTION ADOPTED BY CENTRAL LABOR COUNCIL OF NEW YORK CITY

Mr. JAVITS. Mr. President, the Central Labor Council of New York City held a meeting on April 8, 1964, at the Manhattan Center in New York City. I was to be a speaker at that meeting, but unfortunately the business of the Senate prevented my being there. At that meeting, attended by 3,000 delegates, a resolution was adopted, which I ask unanimous consent to have printed in the Record at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

The Civil Rights Bill Resolution, New York City Central Labor Council, AFL–CIO, Manhattan Center

"The AFL–CIO is for civil rights—without reservation and without delay." This statement by AFL–CIO President George Meany sums up the position of millions of trade unionists. The AFL–CIO has wholeheartedly endorsed the civil rights bill and if organized labor has any criticism, it is that the bill does not go far enough.

Congress and the American people cannot stand idly by and watch the daily denial of rights to Negroes and other minorities: the denial of the right to enjoy service in hotels, restaurants, and theaters; to register and to vote; to education and training; to employment and promotion. It is to right these wrongs that the civil rights bill has been proposed.

Today, we are stirred by a civil rights revolution in which those who have been discriminated against, are demanding freedom and equality. We believe that the labor movement and the civil rights movement have a common goal and a common interest. Neither can be successful without the support of the other.

However, an unholy alliance exists between rightwing, antilabor groups and the racists and segregationists. Scratch a laborbaiter and you will find a racehater. The presidential primary in Wisconsin only confirmed what we have long known. To defeat civil rights or any progressive legislation, the bigots and the Birchites of either political party will join forces and hate peddlers will find a willing audience in the North and the South.

The Senate debate on the civil rights bill begins its second month. We remind the Senators of President Johnson's state of the Union message. "Let this session of Congress be known as the session which did more for civil rights than the last 100 sessions combined. Today, Americans of all races stand side by side in Berlin and Vietnam. They died side by side in Korea. Surely they can work and eat and travel side by side in their own country."

How can the United States claim to lead the free world when, in a southern county with 1,900 white persons over the age of 21, there were 2,250 registered voters and none of the 5,122 Negroes of voting age were registered? How can the United States boast of free speech when civil rights leaders are murdered?

The time for legislation outlawing discrimination in voting, in public accommodations, in employment, in education, and in federally assisted programs is long overdue: Therefore be it

Resolved, That the NYC AFL–CIO call for immediate Senate passage of the civil rights bill without weakening amendments.

We urge all trade unionists to write and visit their Senators calling for their strong support of the bill, and we further urge our members to initiate neighborhood rallies for passage of the civil rights bill.

We call upon all our affiliates to press for passage of the bill and to initiate with their employers labor-management committees to demonstrate widespread support for this needed legislation, including support of the fair employment practices section.

We recognize that passage of the civil rights bill does not mean total victory in the struggle against discrimination. But if the bill is effectively enforced, many abuses will be reduced. We pledge therefore to be vigilant in order to insure enforcement.

Finally, we recognize that this effort is part of the battle against poverty and for full employment and we pledge our complete support to President Johnson in that struggle.

ISRAEL'S 16 YEARS OF INDEPENDENCE

Mr. CANNON. Mr. President, I ask unanimous consent that I may yield to the senior Senator from New York, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, Israel is celebrating the beginning of its 17th year as an independent reborn nation on April 16 amidst mixed signs of impressive achievement and yet threatening dangers to its very existence.

When Israel was created, she became the 59th member of the United Nations. Since then, the U.N. membership has almost doubled—it now stands at 103 countries—and Israel, in addition to her own problems, has shared to the fullest extent the responsibilities arising from the problems of independence that these new nations faced.

Unlike the new nations who have been generously endowed by nature with natural resources, Israel had to face the task of building a nation in a narrow strip of territory almost totally devoid of any natural resources and surrounded by enemies. Moreover, the human resources from which this nation was built consisted of people who came from 70 different nations, with different languages, different social environments, and different climates.

The task of unifying and assimilating its people, over 1 million of whom were admitted to Israel since 1948, was carried on successfully in the face of crushing burdens for defense and without weakening Israel's free and democratic institutions. The State of Israel is confronted by an extraordinary international situation created by bitterly hostile neighboring governments led by the United Arab Republic, which openly proclaim their determination to wipe out the small state and its population.

It is incredible that strong reaction did not take place when such threats were made by member states of the U.N. to annihilate another U.N. member state. Egypt's ability to mount an offensive in Yemen, 1,000 miles away, proves that this is no idle threat that can be put down as mere words for internal consumption.

To defend herself against these threats, Israel is forced to spend vast sums for the purchase of arms in order to maintain at least a qualitative balance with the massive and sophisticated arms of all kinds that the Soviet-bloc countries are pouring into the United Arab Republic. She receives no grant aid for arms from the United States—as some Arab States do—and must buy her vital armaments out of her own resources.

Despite these special problems, Israel has steadfastly lived up to the great humanitarian commitment made when the State was created, namely, to admit and resettle all Jews who wanted to return to their homeland. Hundreds of thousands of Jews in the displaced persons camps in 1949 came to Israel; many hundreds of thousands came from countries where they had to flee for their lives, leaving behind everything they owned except the clothes on their backs.

One might well ask what the international community would have done with this problem of vast numbers of penniless, homeless men, women, and children if there had not been a State of Israel to give them homes and an opportunity to rebuild their lives.

Israel has developed an economy close to viability—if it did not have to contend with a boiling arms race in its area—which is based on a growing industry, diversified agriculture, and increasing international trade. The pipeline to carry Israel's share of Jordan waters to the Negev opens up new avenues for future growth and development because it will make large areas of desert land available for farms and towns. Not content with this role, Israel is also enormously helping the free world by sending missions and giving technical help to many new African and Asian countries which can profit so much from Israel's experience.

Israel is a force for peace, progress, and freedom in the Middle East, and the free world has every reason to regard as good fortune the day 16 years ago when Israel proclaimed her independence. But while we hail Israel's spectacular achievements, let us not relax our vigilance and care for its security and progress. The maintenance of close and friendly relations between the United States and Israel and the assurance of our support are essential to Israel's security so that she can fulfill her great humanitarian mission.

Mr. SCOTT. Mr. President, in the year 1948 I had the honor to present, on behalf of a group interested in the new State of Israel, a statement to the Governor of the State of New York, Hon. Thomas E. Dewey, asking that he lend his influence to the movement for recognition of the State of Israel by the Government of the United States.

At that point recognition had not as yet been extended to the new state; nor had it been indicated at that time that such recognition would be extended.

Governor Dewey, in a strong and forthright statement, announced his complete support of recognition of the State of Israel.

This statement advanced the cause of the young democracy, which, in fact, is the only democracy in the Middle East. I am sure that fact has long been remembered by the friends of Israel.

At this time, on the 16th anniversary of its independence, I salute that little state for its magnificent performance, for its courage in the face of hostility, for its resolution, and its strong resistance to all threats by would-be aggressors or oppressors.

I am happy to say that on Monday, a very distinguished rabbi, Rabbi Richman, of Scranton, Pa., has been invited to give the opening prayer in the Senate, as a further tribute to the recognition of Israel.

PRESIDENTIAL INABILITY AND VACANCIES IN THE VICE-PRESIDENCY

Mr. BAYH. Mr. President, the Subcommittee on Constitutional Amendments of the Committee on the Judiciary recently concluded extensive hearings on the problems of presidential inability and vacancies in the Vice-Presidency.

The subcommittee, of which I am chairman, currently is in the process of considering the wealth of expert testimony offered by a number of our distinguished colleagues, by leaders of the legal profession, by well-known political scientists, and by such men personally involved in instances of presidential inability as former Vice President Nixon and former Attorneys General Brownell and Biddle.

During the hearings and the current study period the subcommittee has been grateful for the continuing national dialog on these subjects conducted by professional organizations, such as the American Bar Association, and by a variety of periodicals, newspapers, and radio and television stations. Only through a broad understanding of these delicate problems which might affect the stability of our Nation can the people assist Congress in reaching a reasonable solution that could appropriately be made a part of our Constitution.

To illustrate the wide interest in this subject, I wish to call attention to a project developed by the public affairs department of RKO General Broadcasting, a group of 12 television and radio stations. They are WOR-TV and radio, New York; KHJ-TV and radio in Los Angeles; WNAC-TV and radio in Boston; CBIW-TV and radio in Detroit-Windsor; KFRC radio in San Francisco; WGMS radio in Washington, D.C.; and WHBQ-TV and radio in Memphis.

This group of radio and television stations is currently broadcasting a series of suggested solutions to these problems by a number of authorities, including eight members of the U.S. Senate. I was privileged to be among those invited to participate. The series is entitled, "In Search of a Solution: Presidential Succession and Disability," and the statements are being broadcast on all 12 stations in the group to bring the problem and possible solutions to as many people as possible across the United States.

I wish to commend RKO General Broadcasting, its president, Hathaway Watson and its director of public affairs, Martin Weldon, for this fine public service project and, if there is no objection, to make this series of brief statements a part of the RECORD in order to encourage the widest possible dissemination of the serious thought that is being given to this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN SEARCH OF A SOLUTION: PRESIDENTIAL SUCCESSION AND DISABILITY

RICHARD M. NIXON

The Constitution of the United States is one of the most remarkable documents ever conceived by man. And yet, like all instruments, it was not perfect. In two respects, involving the Vice-Presidency of the United States, there has been a defect, and I believe that now is the time to correct those defects.

The first deals with the problem of presidential succession, which has been brought very dramatically home to the people of the United States by the assassination of President Kennedy.

Today, the United States does not have a Vice President. The Speaker of the House, Mr. McCORMACK, would become President in the event that President Johnson were to die. This is no reflection on the qualifications of the Speaker of the House, be it Mr. McCORMACK or any other Speaker, to be President of the United States. But I believe that it is essential, in view of what happened under President Eisenhower when I was Vice President, and under President Kennedy when he trained Vice President Johnson to take over in the event of his death, that the United States not be without a Vice President.

Putting it another way, I think the man best qualified to be President in the event something should happen to the President is a Vice President of the United States.

Therefore, I think the problem of presidential succession should be handled by a constitutional amendment, which would provide that the President of the United States would convene the electoral college. This is the group which elects the President, selected of course by the voters in the last presidential election. And therefore, this group would always elect as Vice President a man who was of the same party as the President of the United States. It would also, of course, have in mind and probably follow the recommendation of the President of the United States.

This kind of man, selected as Vice President of the United States within 30 days after the death of a President, I think would best be qualified to take over as President in the event that the man who would become President because of the death of the previous President were to die.

Now the second point in which the Constitution was deficient is with regard to what we call the inability or disability of the man who happens to be President.

I think perhaps the most striking example of this was in the case of President Wilson. At the conclusion of World War I, when he had given remarkable leadership to the cause of freedom and to his country, President Wilson had a stroke. And in the last critical 18 months of his administration, when it was time to win the peace after winning the war, he could not carry out the duties of President of the United States. His family would not allow the Vice President to take over, or the Secretary of State. So the country went along without presidential leadership.

During President Eisenhower's administration we had the same problem when President Eisenhower had a heart attack and then a stroke. Fortunately, in his case, there was an understanding that I as Vice President would step in and carry on the necessary duties during that period.

At the present time, there is a letter which President Johnson has written following the procedure which President Eisenhower adopted with me—a letter to Mr. McCORMACK, who is next in succession, indicating that he would step in in case the President suffered disability.

But a letter is not enough. What we need here is either a law passed by the Congress or a constitutional amendment providing for what will happen when a President is unable to handle the duties of the Office, and when and how the Vice President takes over the duties of the Office. We can't afford any period at this time of atomic weapons when no finger, in effect, is on the trigger.

So in both of these cases, presidential disability and presidential succession, I think the time is now for action. And that's why I've suggested that there be appointed a high-level commission—made up possibly of the three former Presidents of the United States who are living, and also of appointees by the Speaker of the House and the President pro tempore of the Senate—who will make recommendations, considering these that I have made and others, so that finally this one great defect in an otherwise remarkable document may be corrected.

JOHN W. M'CORMACK, SPEAKER OF THE HOUSE OF REPRESENTATIVES

The present succession law has been upon the statute books since the latter part of the 1940's. It was recommended then by former President Harry S. Truman. That changed the line of succession from the Secretary of State after the Vice President to the Speaker of the National House of Representatives.

I voted for that bill, and I still favor such legislation.

I realize that there are honest differences of opinion, and I have no objections to those differences of opinion being expressed, and I would impose no difficulties toward any congressional action. But my own personal view is that I strongly support the present law as between the Speaker being next to the Vice President and the Secretary of State.

This is no reflection at all upon the Secretary of State or any Cabinet officer. But I feel that the Speaker more nearly represents the viewpoint of the people of the country than the Secretary of State, in that he's been elected by a congressional district and also selected by the colleagues of his party in the caucus and then elected by the House of Representatives. That gives the speakership, which is one of the constitutional offices, a national atmosphere and national influence.

On the question of disability legislation, I think it's a matter of paramount importance that some agency, some means, some instrument be devised as quickly as possible whereby there'll be a legal determination of disability and when ability is restored.

I take this position because the very legitimacy of Government could be involved unless some such legal agency, instrument, or means exists.

So, briefly, on the question of succession as between the Speaker being next in line to the Vice President or the Secretary of State, I favor the Speaker. And second on disability legislation, the means to determine that and the restoration of ability, I strongly favor legislation to establish some instrument or means whereby that can be done.

SENATOR LEVERETT SALTONSTALL, OF MASSACHUSETTS

We in the United States can be justly proud of our form of government, which can sustain itself even in the face of a tragic event such as the recent death of President Kennedy. However, we must be sure that the line of succession to the Presidency, as provided for by the Constitution and carried out by the Congress, is simple and unequivocal and insures that the necessary changeover will be both rapid and efficient. Above all, the continuity of the Government must be maintained.

The present law, enacted in 1947, calls for the Speaker of the House to take over the duties of the Presidency if something happens to both the President and the Vice President. However, it is conceivable that under this system the successor could belong to a different political party than the deceased President. Such a change in the highest levels of the Government would hardly be conducive to the smooth and uninterrupted conduct of the Nation's affairs.

I believe that article II, section 2 of the Constitution should be amended to provide that in the event of a vacancy in the office of Vice President, the President can nominate a successor. If the nominee were not confirmed by a majority of the Senate and House sitting in joint session, a second name could be offered.

A further question is that of presidential disability. On the three occasions when a President has been disabled, the steps taken were those that seemed the most expedient at the time. This situation should be clarified by constitutional amendment to avoid any confusion about when and to what extent the second in command should assume the duties of the President. Perhaps a committee, made up of the four senior members of the Cabinet and eight Members of Congress, four from each body, to determine the extent of the President's disability, would be the best method in which to resolve this problem.

Finally, any change in the law of succession should not take effect until after November 1964. We must have a clear and definite constitutional and legislative policy on this matter, carefully designed to meet every conceivable eventuality.

SENATOR JACOB K. JAVITS OF NEW YORK

The tragic assassination of President Kennedy, of beloved memory, has brought on a great national debate with respect to what the country does when it faces a situation like it faces now and there's no Vice President in office, the Vice President having succeeded to the Presidency because of the death of the President. This has happened four times in this century alone and it's a matter therefore of very great moment.

Now every time a thing like this happens there's a discussion exactly like the one that's going on, as to what we ought to do about it, and generally, as a little time goes by, it's forgotten about, as the matter is discussed. It is then just filed away and that's the end of that.

Now since 1947 we have had a succession statute which puts the Speaker of the House of Representatives and the President pro tempore of the Senate, in that order, after this President—if this President, having succeeded to office should have anything happen to him. We certainly hope and pray this won't happen. This is a very inadequate plan because it doesn't give us a Vice President, and we need one.

We need one for the National Security Council. We need one to preside over the Senate. Most importantly, we need one today as a right arm to the President all around the world, as our recent Vice Presidents, Vice President Nixon and Vice President Johnson have been.

Therefore, I have proposed that upon such an event happening, the Congress should meet in joint session and should immediately elect a Vice President, the new Vice President, and that that person should be subject to the consent of the incumbent in office, to wit President Johnson, as he will be his principal man.

I think this is the most democratic and responsible way to do it, and I believe that the one thing which we must all resolve to bring out of the present debate is that there shall not be a time in our history when we not only do not have a President—we've provided for that in our succession laws—but that we must have a Vice President too, and we must do that by constitutional amendment.

SENATOR THOMAS H. KUCHEL OF CALIFORNIA

In 1916 the United States was on the verge of war. We also had a presidential election that year. President Woodrow Wilson, to his great credit, wondered what would happen if he were defeated in November and Charles Evans Hughes, his Republican opponent, would not take office until the following March. Here was a hiatus of several months during which very difficult and tragic events might take place within moments; and a lame duck President should not asume the responsibility for his successor or for his people.

President Wilson decided that, if Mr. Hughes were to be elected, he would immediately appoint Mr. Hughes Secretary of State, that he, Mr. Wilson, and the Vice President would then both resign, making Mr. Hughes, as Secretary of State, President immediately.

The recent, monstrous tragedy in Dallas indicates again that the American people have a direct interest in the succession to the Presidency if (1) the President, or (2) the President and the Vice President, are either removed or are incapacitated.

Today, under the present succession statute, the Speaker of the House of Representatives would follow the Vice President, if the Vice President, becoming President, were then to be removed.

In my judgment, the old system is better, and I favor legislation under which, when the Vice President becomes President, the next successor—if anything happened to the new President—would be the Secretary of State.

SENATOR PAUL H. DOUGLAS OF ILLINOIS

There are two distinct problems in this matter. The first is presidential succession, and the second presidential disability.

Now the chief trouble on presidential succession is the question of who will become Vice President when the Vice President becomes President. The present provision is that the Speaker of the House shall have the first line of succession, and then the President of the Senate. I think this is in general correct, except, that if the Speaker of the House is of the opposite party of that of the President, then I think the successor should be chosen by the members of that party of the House and the Senate.

The problem of presidential disability is more serious than that of presidential succession, because a President can be disabled and he will not admit it. For instance, President Garfield was disabled for 2 months prior to his death from assassination in 1881, and President Wilson was disabled for 17 months from late September 1919 to March of 1921. President Eisenhower was disabled on at least two occasions.

I think the American Bar Association has probably made the best suggestion in this connection. Namely, that an advisory committee be set up—not for the emergency—but a standing advisory committee be created of representatives of the judiciary and the legislative, with competent doctors attached. And that they will make recommendations upon which House and Senate, meeting in joint session, will act.

In other words, that some control will be exercised.

SENATOR KENNETH B. KEATING OF NEW YORK

Recently the Constitutional Subcommittee on Amendments, of which I am a member, began hearings on various plans to solve the problems of presidential succession and presidential inability.

The tragic assassination of President Kennedy and the ever-present danger of crippling mental or physical injury to the President underlines the pressing need for legislation on these matters.

On succession, I've proposed an amendment calling for the election of two Vice Presidents at the regular 4-year presidential elections. Each party would nominate two vice presidential candidates as part of the national ticket: one running for Executive Vice President, who would be first in line of succession if the President died, and the other running for Legislative Vice President, who would be second in line. The Executive Vice President would handle a wide variety of special assignments, at the request of the President. He would, in fact, be a full-time presidential understudy. The Legislative Vice President would preside over the Senate, and also pitch in on executive assignments.

Now some have said this plan would downgrade the Vice-Presidency. I emphatically do not agree. Two Vice Presidents would strengthen the line of succession with officials elected by all the people, and would give the President two right arms to assist in carrying out the crushing burdens of his office.

On the subject of inability the real danger is that right now there is no established procedure to determine when a President has become unable to carry out his duties, or when a disabled President has recovered enough to resume his responsibilities. Too many times in our history, we've had to get along without decisive leadership from the Presidency due to serious illness.

I propose that Congress be given the power to set up the ground rules on presidential inability, and I'm hopeful that action will be taken this year. I think this is more important at this time than succession. For at least there is already a law on the books to take care of it.

SENATOR JOHN J. SPARKMAN OF ALABAMA

The tragic death of President John Kennedy brings home to us, all too strongly, the need to fill what has been called "a gaping hole" in our system of selecting a successor to a deceased President. We cannot afford to procrastinate in this vital need any longer. The truth is that ever since this Nation was established we have been exceedingly lucky that our system of presidential succession has worked so well despite weaknesses in it that could be catastrophic. During that time we have seen eight Presidents die, seven Vice Presidents die, and one Vice President resign. The result is that for 40 years of this country's existence we have been governed under a system of succession that could be perilous.

To me, a basic flaw in the present system is that the line of succession could include persons not of the same political faith. This does not make for orderly Government or orderly succession.

I believe many people in the Nation desire a system whereby the people would have the final say as to who would be the successor. Perhaps the vacancy could be filled through a special popular election or within the framework of the electoral college which selected the deceased President in the last election. This means that the people would have a voice in choosing the President, which is what the Constitution intended.

Hand in hand with the problem caused by the death of a President is the infinitely more complex problem of presidential disability. This problem is so important and so great that I feel it must necessarily be resolved through a constitutional amendment simply because the Constitution does not say who is to judge when a President is incapable of performing his duties or capable of returning to the performance of his duties once he has been relieved of them.

It is my fervent hope that a better system to handle death and disability in the Presidency can be established in the near future. In this regard, the Senate Constitutional Amendments Subcommittee is now studying testimony taken at recent hearings—hearings established to try to improve our system of presidential succession and disability.

SENATOR THRUSTON B. MORTON OF KENTUCKY

I am glad that the Congress is giving some thought to the question of the Presidential succession and I hope the Congress will do something about it at this session. I am opposed to the present law. I think that it has certain weaknesses. Now I have nothing against the present Speaker of the House. I happen to be a great admirer of Mr. McCormack and a friend. But I don't think any Speaker of the House can stay close enough to the policymaking decisions that go on downtown. Running the House is a full-time job. Now the Presiding Officer of the Senate, the Vice President, that's different. He doesn't run the Senate. But the Speaker of the House is really Mr. Capitol Hill and he can't maintain a suite of offices downtown and spend half or three-quarters of his time with the executive branch.

Also, I am not impressed with the former law under which the Secretary of State would succeed in the event that the President and the Vice President both died in office. For, indeed, a Secretary of State should be selected for his ability to manage and advise the President on foreign affairs, not necessarily to be a man of all-around knowledge on such items as labor-management relations, agriculture, welfare, and so forth.

I have a plan and I don't think that it requires a constitutional amendment. We are working on drafting the legislation now. When a situation develops where a Vice President succeeds to the Presidency, he, within the next 60 days, will nominate his successor and that successor must be approved by a majority of the Congress meeting in joint session. The House is closer to the people than the Senate and under my plan a House Member would have a vote as well as a Senate Member. Equal votes, one for each. I put in this safeguard so that the people do have a veto power. But I think that it is far and away the best plan. And today, actually, when a man is nominated by either party for President he has the major voice in selecting his running mate. So it just carries the convention tradition forward.

SENATOR BIRCH BAYH OF INDIANA

The death of President Kennedy once again focused attention on two critical problems facing this country. First, for the 17th time in our history we are faced with a vacancy in the office of Vice President. Today we have no Vice President to assist the President in carrying on his tremendous burdens. Second, we have no formula which permits the Vice President to serve as acting President in the event the President, because of disability, is unable to do so. The problem must be solved.

The best way to fill the office of Vice President, in case there is a vacancy, is to permit the President to nominate the new Vice President, and the Congress sitting together to elect him. This is close to the present system, in which we find the President of the United States having a definite voice in deciding who the vice presidential candidate will be. Each Congressman can represent the wishes of his constituents when he votes for the new Vice President.

In event the President, because of sickness or other disability, is unable to perform his duties, the Vice President may assume the duties as acting President. First, the President may state his disability, and second, if he is unable to do so, the Vice President with the consent of a majority of the Cabinet may nonetheless assume the duties as acting President for the remainder of the term of disability.

The important fact is that we must at all times have a healthy President and Vice President during this perilous time.

GOVERNOR EDMUND G. (PAT) BROWN, OF CALIFORNIA

It has been suggested to me that the law of succession be changed so that the Governor of the largest State in the Union automatically becomes the Vice President of the United States provided that he is of the same political party as the party in power, of the President that dies. However, even though that would apply to California, I don't think it would be the best idea, although a Governor's job is very similar to the President's.

I personally believe that the law of succession should be changed so that the Secretary of State became the President in the event of the death of the President, the accession of the Vice President and then his inability to serve or his death.

The Secretary of State, of course, has been with foreign affairs, and when the President selects this man to literally do business with the world, it seems that he would be the man that the President would most likely want to succeed him.

In view of the critical nature of international affairs today, I really believe that the Secretary of State would be the person to succeed to the Presidency.

ARTHUR KROCK, NEW YORK TIMES

For the period since the Federal Union was established, 174 years, this country has been left exposed to the danger that at any moment its Government could be paralyzed. In this age of nuclear weapons, the danger could be mortal within the space of 15 minutes.

Paralysis of government would set in if a President became unable to discharge the powers and duties of his office, and either refused to declare his inability, or was physically and mentally incompetent to do so.

It also would happen if, after having declared his inability, he announced his recovery while still incompetent to resume the exercise of the powers and duties of the Presidency.

These enormous perils to the national security are created because the Constitution provides no process by which they can be averted. It does not define what is a state of presidential disability. It does not specify how and by whom a declaration of presidential disability is to be initiated or declared, and it doesn't specify how and by whom it shall be decided when the period of presidential disability has ended.

These omissions make it entirely possible for a President who has become incompetent—physically, mentally or both—to retain his powers and duties until a successor is elected. And conceivably the period could last from the time he takes the oath until his 4-year term has ended. The only remedy the Constitution provides is the impeachment of the President on charges submitted by the House and the Senate and sustained by two-thirds of the Senate.

I favor a constitutional amendment which will authorize Congress to establish a Presidential Inability Commission, consisting of certain Cabinet members and the congressional leaders of both major parties. Two members not of the incumbent President's party could summon a meeting of the Commission which, with the benefit of five members of the medical staffs of private hospitals to be appointed by the Surgeon-General, would decide by majority vote whether a President was disabled who had refused or was incompetent to declare it; also, whether if he declared his disability had ended, it had in fact. In the meanwhile, which would continue until the next election, the Vice President would assume and exercise the powers and duties of the President.

This introduces the second topic, presidential succession. Suppose, in the circumstances I have just described, there was no Vice President, as is now the case and has been seven times before. The provision under the present law is that first the Speaker should take over the White House, and in the event of his death, disability, resignation or removal, the succession would fall on the Senate President pro tempore. This substitutes for an earlier statute which began the line with the Cabinet, starting with the Secretary of State.

There are flaws in both methods. For example the Speaker could be a member of the oppositon party; and a Secretary of State nearly always lacks the direct experience in politics a successful President absolutely requires.

I have no perfected formula, but I prefer the one proposed by Herman Phleger, the former legal adviser to the Secretary of State. This provides that Congress shall meet in joint session immediately after a vacancy occurs in the office of Vice President, and fill it from a list of nominees, one definitely made by the President, with each Representative and Senator entitled to one vote and Congress required to remain in joint session until it has made its choice. Thank you.

JAMES MAC GREGOR BURNS, POLITICAL SCIENTIST AND BIOGRAPHER

I see two problems in regard to the Presidency. One is the problem of succession and the other is the problem of inability.

Now the problem of succession is relatively simple. We need to go back to a very good system we had until a few years ago, where, if the President is killed or dies, and then if a Vice President should have the same thing happen, then the next in succession is the Secretary of State and then the Secretary of the Treasury.

This way you're sure of getting into the office a man who had the confidence of the President, because he had appointed him to the State Department. And you're bound to get a man of some eminence, or he wouldn't be Secretary of State. It's much better than the present system of having the Speaker come in after the Vice President, because the Speaker, for example, might be very old, or he might be a man who is in the opposition party.

The other problem is more difficult, and this is the problem of Presidential inability, or incapacity. What do you do when there is some question as to whether the President is able to do his job?

My suggestion on this score is rather simple. You don't need another Vice President, you don't need to get very complicated about this. All you need to do is have an impartial group of people, hopefully under the chairmanship of the Chief Justice, with perhaps the Secretary of State on it to represent the ill President, who will appoint a committee of physicians—an impartial committee—to make a judgment about the President's condition. And then, if necessary, to call the Vice President into the office to make a decision in terms of how the President is medically, and then, whether the President is able to do the job—which they will know because they are eminent men in Government.

MAX LERNER, SYNDICATED COLUMNIST, NEW YORK POST; AUTHOR; PROFESSOR, BRANDEIS UNIVERSITY

I'm a little depressed by the impasse that we've gotten into over this whole problem. There's a school of thought that wants the present system, a kind of apostolic succession of men who have been elected either by the people or by Congress—that is, the Speaker of the House and the President pro tempore of the Senate—succeeding the Vice President. And then there are others who want the earlier system of the Secretary of State and the other Cabinet people.

Now as far as I'm concerned, I'd like to cut across that whole problem and get a kind of new deal: If the President dies, the Vice President succeeds him; within 30 days after the President's death have a special election for a new Vice President—which means that the people will be able to act directly.

So far as the certifying of presidential disability goes, I think the same thing ought to apply. The certifying agency ought to be a group of men who would be at least sympathetic to the incumbent President. And I should imagine it would be a standing committee of his Cabinet—men who know him, men who have been working with him. Once he has been certified for disability, the same procedures would apply for picking a new Vice President to replace the Vice President who has succeeded him.

In this way you avoid getting the Speaker of the House and the President pro tempore of the Senate, who after all have a certain provincialism of viewpoint that all Congressmen and Senators may possibly have. And it also means getting away from picking people who have not been directly elected by the people of the United States themselves.

In the kind of age that we're living in, of overkill weapons, you want the people to vote for a Vice President who may eventually become President and have to command the problems of the country. This is a way of giving the power back again to the people where it belongs.

REUBEN MAURY, CHIEF EDITORIAL WRITER, NEW YORK DAILY NEWS

Our presidential succession law provides for succession—but rather messily. As last amended in 1947, this law provides that the man in line for the White House after the Vice President shall be the Speaker of the House of Representatives. Then comes the President pro tempore of the Senate, and then a long line of Cabinet officers.

Congress has a tendency to change this law whenever Congress doesn't want the next man in line for the Presidency to get it.

What to do about all this confusion?

Unlike some people in the newspaper business, I do not know everything about everything. Especially do I not know all the answers to these varied and complex questions of presidential succession and presidential disability.

I do know, though, that former Vice President Richard M. Nixon is profoundly informed on such matters, and that he has made a specific suggestion about them.

Mr. Nixon says President Johnson should appoint a nine-member commission to consider the whole subject.

Three members of this commission would be ex-Presidents Herbert Hoover, Harry S. Truman, and Dwight D. Eisenhower. The other six would be selected from Congress—three from each party.

They would, after due deliberation, give Congress their advice as to how to dispose of these questions once and for all. We could safely expect that advice to be impartial, specific, constructive, and strictly nonpolitical.

The Nixon proposal, of all those now in circulation, is the one which strikes me as the best and most sensible.

But the main thing is to get started on solving the weighty and dangerous problems raised once more by the murder of President Kennedy. That can be done only with a husky push from President Johnson, or Congress, or both.

WILLIAM V. SHANNON, WASHINGTON CORRESPONDENT, NEW YORK POST

When the Vice-Presidency is vacant, as it is now, I think that we need a constitutional amendment to provide for a proper succession. The President, under such an amendment, would submit to the Senate a man to serve as Vice President, and as President if anything should happen to him. And the Senate would confirm him, just as it now confirms members of the Supreme Court and the Cabinet.

I think this simple plan has advantages over the other three alternatives that I have heard proposed by various commentators. I don't think we ought to have two Vice Presidents because the job is a fairly awkward one as it is, and we have some trouble inventing work for one Vice President to do. What we would do with two I do not know.

As far as having a Speaker of the House succeed, as is the present situation, the Speaker could be of the opposite political party, which would cause a real upheaval in the Government.

And a third possibility is to go back to the system we had before 1947 where the Secretary of State succeeds when the Vice-Presidency is vacant. That is an unfortunate system, I think, because often a man is well qualified to be Secretary of State, but would not make a popular or well-regarded President. For example, Dean Acheson and John Foster Dulles were both strong Secretaries, but I don't think they would have had popular backing as Presidents. Therefore, I think simple appointment by a President is the best solution.

RUTH MONTGOMERY, SYNDICATED COLUMNIST, HEARST HEADLINE SERVICE AND KING FEATURES

In my opinion, it is vital that the man next in line should be of the same political party as the President. This is not necessarily true in the present succession law.

I should like to suggest that within 2 weeks after a vacancy occurs in the office of Vice President, the President would submit to the House of Representatives the names of five qualified members of his party, whom he considers of Presidential stature.

The House would be permitted up to a week to consider the nominations, before calling for a vote. Balloting would then continue, just as at a political convention, until one nominee had a majority.

The membership of the House more nearly represents the popular vote of America than any other body. I would permit each Member one vote, rather than providing for a bloc vote by States as in the electoral college, in order to gain the widest popular support at such a crucial time.

The balloting should be secret to avoid political recriminations, or to prevent a rubberstamp vote for the Speaker of the House, if he happened to be one of the nominees.

This same procedure could be used in the event of presidential incapacitation. Should the President recover and resume his duties, the newly elected Vice President could step back to a position equivalent to "second Vice President" for the remainder of the term.

Continuity of Government is vital. This method, I believe, would insure the availability of a top caliber man—or woman—who could be learning the awesome tasks of the Presidency.

ERWIN D. CANHAM, EDITOR, CHRISTIAN SCIENCE MONITOR

It's pretty generally agreed that our present laws regarding who shall succeed a Vice President who has himself succeeded to the Presidency, are inadequate.

As far as I'm concerned, I think it would be better to go back to the old law which we lived with for a great many years; namely, the succession goes down the line of the Cabinet. And when the Senate confirms the members of the Cabinet, it could keep in mind their suitability to be a Vice President.

On the other hand, another idea would be for the President who has succeeded to nominate his own successor and have him confirmed by the whole Congress.

As to the question of disability of a President in office, the agreement between the President and his successor, which has prevailed in the last three Presidencies, also is not adequate. It's only a stopgap.

One idea there would be to make sure by law that the duties but not the Office go to the substitute President when a President is disabled. To have the President himself indicate when he's disabled, and have his indication confirmed by a majority of the Cabinet. Then when he becomes able again, also to have him indicate his ability, and again have it confirmed by a majority of the Cabinet.

If we don't clean up our laws on the succession and on disability, we might have a very serious national and international crisis one of these days.

PROF. DAVID M. AMACKER, DEPARTMENT OF POLITICAL SCIENCE, SOUTWESTERN COLLEGE, MEMPHIS

It is vital to national security, to peace and to the safety of the free world that the presidential office never be weakened, never be in doubt, never be vacant. Transitions must be smooth, certain, instant.

For example, to throw the election into Congress, where the House might fail to elect the President and the Senate fail to elect the Vice President, is a frightening responsibility. Congress has power to fix the succession after the Vice President, and in 1947 placed the Speaker of the House and the Senate President pro tempore, then the Cabinet in line. This guarantees first, men of long, unmatched legislative experience in National Government with the wisdom of that experience, followed by younger administrators, often new to politics and rather of the specialist type, but close to day-by-day executive problems.

I see no reason to change the system now. What is vital is that both Speaker McCORMACK and Senator HAYDEN should be constantly and fully briefed on executive problems. Both should attend the National Security Council and both should sit in on important Cabinet meetings. Thus the entire present succession would be kept informed and prepared for the presidential office.

But the line of succession needs to go further, for an atomic strike or other catastrophe could obliterate them all. Congress can extend the succession to other officers of the United States, and should do so at once.

As to presidential inability to discharge the powers and duties of the office, the Constitution is vague. There are no standards of inability, and no agency to set the President aside and promote the Vice President. An agreement was made between President Eisenhower and Mr. Nixon, and President Kennedy and Mr. Johnson, and now between President Johnson and Speaker McCormack, which is roughly satisfactory when good will exists. But if there is a clash or lack of sympathy between the two men, as between Wilson and Vice President Marshall, a law and a constitutional amendment are needed to back up, enforce, and supplement the agreement.

EUGENE BURDICK, AUTHOR, AND PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF CALIFORNIA

Whether we are discussing the succession because of death of the President or disability of the President, my solution would be the same.

America today has only one person who represents all of the people in the United States. This is the President. This is an era of personal politics. When the President dies, I believe that as much as possible his personal views and politics should be continued. This would mean that the next person in succession would be the Vice President. After that in an existing situation, it now goes to congressional parties in Congress who are often wildly out of consonance with the President.

So I would then reverse this so that the members of the President's Cabinet, whom he has chosen and presumably reflect his personal politics, would continue his policies. I think the first member of the Cabinet should be the Secretary of State, and second, Secretary of Defense, and after that I don't really think it makes much difference. But these two Secretaries do have a broader view of the international situation, which is probably most important.

And that is the change I would recommend.

WILLIAM R. FRASCA, PROFESSOR OF GOVERNMENT, FORDHAM UNIVERSITY

A constitutional amendment is desirable and should be adopted. It should provide that when a vacancy occurs, due to death, removal or resignation, the Vice President shall become President for the balance of the unexpired term. It should be made equally clear that in cases of inability to serve, the Vice President shall assume the powers and duties of the office, only until the disability is removed. Finally, Congress should be given authority to enact implementing legislation on the enormously important questions of who is to determine when an inability exists and when it comes to an end.

My own preference is that the basic mechanism for this should be located entirely within the executive branch, through collaborative action of the Vice President and the Cabinet, according to the model of the agreements entered into by President Eisenhower and the late President Kennedy.

This arrangement is certainly not contrary to anything in the Constitution at the present time, but rather, logically consistent with the present acts. It has the additional advantage of conforming to what Eisenhower, a Republican, and Kennedy, a Democrat, both felt should be done.

The order of succession should revert to the pre-1947 practice, with the heads of the executive departments, led by the Secretary of State, next in line.

These proposals, singly and as a group, are thoroughly in accord with the great structural principle of separation of powers and conform as well with the idea of responsible Presidential, Cabinet party government as we in this country understand that term.

PROF. PAUL A. FREUND, HARVARD LAW SCHOOL

Presidential inability and succession are two distinct problems, but they are interrelated. For both of them, the goal should be prompt action if required, continuity of administration policy, and safeguards against intrigue.

For disability, the Constitution should be amended to make it plain that the Vice President or other successor takes over only the powers and duties of the office until the President recovers.

Who should determine the fact of disability? Obviously the President himself, if he can and will. But there should also be a factfinding body in the executive branch—either the Cabinet, or preferably a commission appointed by the President at the beginning of his term. The end of disability would be declared by the President, subject to being overruled by the same factfinding body plus two-thirds of Congress on the analogy of impeachment.

What of the problem of succession and its relation to inability? The Speaker, as successor, might be of the opposite political party, thus threatening a break in the continuity of administrative policy. Cabinet members have not been elected, and they might be thought to have too great a stake in finding the President disabled.

The key to the problem of succession is to keep the office of Vice President filled at all times, and by one who has the President's confidence. This can be done through election by the Congress from a nominee submitted by the President.

PROF. WILLIAM GERBERDING, DEPARTMENT OF GOVERNMENT, UCLA

The present succession law provides that, in the event of the death of the President and the Vice President, the Speaker of the House of Representatives shall succeed to the Presidency, and in the event of his death, the President pro tempore of the Senate.

I believe that this law is a bad law, and I believe the reasons behind its enactment were also faulty. President Truman was anxious to have the preceding law changed. The preceding law provided that in the event of the death of the President and the Vice President, the Secretary of State, followed by the Secretary of Defense and then on down through the Cabinet, would succeed to the office of Presidency.

President Truman disapproved of this law on the grounds that it was undemocratic, that no President should be able to appoint his successor. Well, actually our present practice is very much like that, because each vice-presidential nominee in either party is really selected by the nominee after his original selection. Therefore, the present system is much that way. The President selects his successor, and I believe the present system is a good one.

For one thing, we don't run into the possibility that the succession will involve a change in parties, as we do when we talk about the Speaker becoming President of the United States. For 6 of Eisenhower's 8 years, for example, the Speaker of the House was a Democrat. This would have involved a radical change in administration right in the middle of a presidential term, which I believe to be bad. I also believe that Speakers are selected, as are Presidents pro tempore, for reasons which are wholly different from serving as President of the United States. They are Members of Congress, not presidential aspirants.

The alternative, which is proposed today, is to have two Vice Presidents. I believe this is equally bad. The second Vice President would always be, almost certainly, a man of inferior quality. It's hard enough to get presidential-caliber people to run for the vice-presidency today. It would be virtually impossible to get people to accept the second vice-presidential nomination.

PROF. RALPH M. GOLDMAN, DEPARTMENT OF POLITICAL SCIENCE, SAN FRANCISCO STATE COLLEGE

In my view any realistic proposal for presidential succession arising out of death or disability of the incumbent must take the national party conventions into account.

The building of a national party ticket is a complex process. This ticket is quite often vigorously fought over. After negotiation among factional interests, the national ticket is almost always the very best that a party can produce to represent the major interests both within that party and within the Nation at large. In short, the conventions are the place where the Nation's leadership succession is arranged before being submitted to the voters. The factors at work in a national convention need to be revived in any emergency.

The simplest and most direct way to accomplish this is to create a second Vice Presidency. The creation of such a new office would then lead the national conventions to fill out the slate with a third choice, and—like the rest of the slate—this choice would be subject to the usual politics of national conventions.

Another plan could produce a similar convention procedure but would not require a second Vice Presidency. If the electoral college were authorized to reconvene in an emergency, each party's national convention might in advance limit the college's choice by regularly naming an alternate for the vice presidential nomination. Since the voters will have indicated their party preferences in the previous election, all the electoral college need do is consider the alternate nominated by the convention.

Another way of going about this would bring Congress as well as the national conventions into the act. Congress, if authorized to make the decision, could be required to invite the national convention of the deceased or disabled President to reconvene in special session to nominate to it another person to fill the vacated Vice Presidency.

The object of these proposals, of course, is to bring the national conventions into the procedure of emergency succession. The conventions, after all, are one of the major institutions involved in this process under normal circumstances.

DR. OSCAR HANDLIN, WINTHROP PROFESSOR OF HISTORY, HARVARD UNIVERSITY

The Constitution gives us a mechanism that we have never adequately used. In the presidential election, of course, we don't vote for an individual; we choose an electoral college through the medium of which the President is ultimately selected.

Now what would happen in the case of the death of a President when the Vice President succeeded if, instead of the cumbrous machinery we now depend upon—the Speaker's succession to the various offices of Government—instead of that, we called upon the electoral college to reassemble and choose a new Vice President who would in turn be available if anything should happen to the incumbent?

In that event, we would have as close to a re-creation of the original situation of the election as possible. We would have a man selected by the electoral college who would reflect the same balance of opinions and of political forces that was involved in the designation of the original President. And in such a circumstance, we would do the least damage to the orderly succession of governmental policies and powers, in the event of a disaster that would in turn take away first the President and then the Vice President.

This seems to me to be the most orderly and most democratic means of meeting the problems of presidential succession.

PROF. MILTON KATZ, DIRECTOR OF INTERNATIONAL LEGAL STUDIES, HARVARD LAW SCHOOL

The choices before us group naturally around three questions. Is action needed? By what means? Of what kind? I believe action desirable through a constitutional amendment to accomplish a triple objective: the continuity of presidential power, the protection of presidential authority against risks of intrigue, and the maintenance of complete public confidence in the legitimacy of presidential authority.

Such an amendment would provide first, that the President may proclaim his own inability to discharge the powers and duties of his office whenever he finds himself in such a condition. The Vice President shall thereupon exercise the powers and duties of the Presidency. The President may at any time resume his office by proclaiming his own recovery and thereupon the acting Presidency shall be terminated and the Vice President return to his previous office.

Second, by analogy to the existing power of Congress to remove a President from his conduct through impeachment, the House of Representatives may initiate an inquiry whether the President is able to discharge the powers and duties of his office. If the House finds the President unable to do so, the Senate shall examine the question. When sitting for this purpose, each Senator shall be under oath or affirmation. The Chief Justice of the Supreme Court shall preside and the Vice President shall be excluded. If the Senate makes a finding of inability concurred in by two-thirds of the Senators present, such findings shall have the same effect as a Presidential proclamation in the provision previously discussed. And the President may be restored at any time by a finding of the Senate in a similar proceeding that he has recovered. Members of the Cabinet, like the Vice President, will take no part because they are in the line of potential succession.

DR. ROGER WINES, DEPARTMENT OF HISTORY, FORDHAM UNIVERSITY

Of the several plans proposed to solve the critical problems of presidential succession and disability, the best would be the election of a new Vice President when a President dies and is succeeded in office.

A congressional heir apparent, like the Speaker of the House, would not always have the executive experience, might be of a different party, and would be prevented by conflict of interest from participating in the work of the Cabinet or the executive branch.

On the other hand, the Secretary of State has frequently, especially by strong Presidents, been chosen for his expertise in the limited field of diplomacy, rather than for his overall qualifications as a potential President.

Ideally, immediately upon taking office, the new President should nominate one or more candidates for the vacant post of Vice President. The new man would then be elected by a joint session of Congress. This would provide a successor acceptable to the President and endorsed by the representatives of the Nation. It would give a more rapid and orderly procedure than either a new popular election or reconvening the electoral college. In the event of a major disaster, the surviving Members of Congress could then reconstitute the executive branch of Government.

Several good alternative plans have been laid before the present Congress. Almost any one of them would be better than the present law or lack of it. The need is now and action should be soon. America deserves better insurance against future national disaster.

Mr. CANNON. Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBSIDY FOR COTTON GOODS MANUFACTURERS

Mr. LAUSCHE. Mr. President, on Tuesday, April 7, the House passed the farm subsidy bill. It contained a provision for a subsidy of at least $215 million to cotton product manufacturers. I voted against the bill on the ground that a precedent was being set that would cause other industries to seek similar subsidies on the ground that they were suffering injuries through the importation of goods.

On Thursday, April 9, after the House passed the bill, I stated on the floor of the Senate that I would not be surprised if, within the next several days, the manufacturers of Ohio would say, "Congress has subsidized manufacturers of cotton goods. By what reasoning can similar subsidies be denied to us?"

Today I received my first letter on the subject of complaint about the subsidy. It is from L. J. Schott Co., of Akron, Ohio, and is dated April 14, 1964. The letter states, in part:

> During the course of consideration of the one-price cotton bill, it was more or less understood the double subsidy payment between the date of enactment and July 31, 1964, would be approximately 3½ cents per pound—the full rate of approximately 6½ cents a pound to go into effect August 1, 1964.

The writer continues:

> The Department of Agriculture has now announced the full rate of approximately 6½ cents per pound will go into effect immediately.
>
> The interim rate would have had the beneficial effect of spreading the impact and giving holders of cotton textile inventories an opportunity to plan ahead. With the immediate payment of the full double subsidy, repercussions will be much more severe.

Further in the letter, the writer states:

> Here again is an instance of bureaucratic action without any consideration being given to the ramifications or consequences.

He ends his letter with this question:

> What if anything is proposed or planned to assist converters, dealers, wholesalers, etc., through this difficult transitional period?

He also states:

> And the prospective financial loss which they face is severe, in fact in some instances catastrophic.

This is the first request from Ohio stating that a subsidy must be provided for the converters. I believe it is only the beginning. We shall be hearing from others who will say they need help. The query arises, Where will it all end? On the one hand we are fighting communism by the expenditure of $50 billion a year. On the other hand, we are moving our Government into a state of socialism. Subsidies of this type can only result in the eventual takeover of business by the Government.

As these inquiries come in, I contemplate inviting the attention of Senators to the fact that the precedent that has been established to provide a subsidy to cotton goods manufacturers will plague Congress, will place an additional unbearable burden upon the taxpayers, and will completely change the lovely and rich image of our country as I have always seen it—a land of freedom, a land of individual creative capacity, with Government out of the picture and not placing shackles upon the businessman, the worker, and the individual.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the complete letter of April 14, 1964, from L. J. Schott Co. to me; and also an article entitled "LAUSCHE Bemoans New Cotton Subsidy," written by Edward Kernan and published in the Cleveland Plain Dealer of Friday, April 10, 1964.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

L. J. SCHOTT CO.,
Akron, Ohio, April 14, 1964.

Hon. FRANK J. LAUSCHE,
U.S. Senate,
Washington, D.C.

DEAR MR. LAUSCHE: During the course of consideration of the one-price cotton bill, it was more or less understood the double subsidy payment between the date of enactment and July 31, 1964, would be approximately 3½ cents per pound—the full rate of approximately 6½ cents a pound to go into effect August 1, 1964.

The Department of Agriculture has now announced the full rate of approximately 6½ cents per pound will go into effect immediately.

The interim rate would have had the beneficial effect of spreading the impact and giving holders of cotton textile inventories an opportunity to plan ahead. With the immediate payment of the full double subsidy, repercussions will be much more severe.

Apparently no consideration whatsoever was given to the economic welfare of companies owning substantial inventories of cotton textiles and articles made of cotton textiles. Research will show that greater inventories of cotton textiles and cotton textile products are owned by converters, cutters (that is the manufacturers of finished products from cotton textiles), wholesalers and retailers than are owned by cotton textile mills. And the prospective financial loss which they face is severe, in fact in some instances catastrophic.

Here again is an instance of bureaucratic action without any consideration being given to the ramifications or consequences.

What if anything is proposed or planned to assist converters, dealers, wholesalers, etc., through this difficult transitional period?

Very truly yours,

L. R. SCHOTT,
President.

[From the Plain Dealer, Apr. 10, 1964]

LAUSCHE BEMOANS NEW COTTON SUBSIDY

(By Edward Kernan)

WASHINGTON.—House passage Tuesday of a bill providing a new subsidy for manufacturers of cotton goods "forebodes a black and troublesome day," U.S. Senator FRANK J. LAUSCHE, Democrat, of Ohio, said yesterday.

He told the Senate he expects a train of bills to be introduced in Congress seeking subsidies on other types of goods.

"I would not be surprised," he said, "if within the next several days the manufacturers of Ohio would say, 'Congress has subsidized the manufacturers of cotton goods—by what reasoning can a similar subsidy be denied to us?' "

The Senator told his colleagues that Ohio manufacturers of steel and steel products, shoes and leather goods, pottery, glassware, transistors, small radios, aluminum, electric generators, turbines, motor buses, printing machinery, and other items are feeling the impact of foreign competition.

"If the Congress adopts the policy that injured cotton mills are to be subsidized, then the industries I have mentioned and others adversely affected could justifiedly ask for a similar subsidy," he stated.

How can we say to them, "You will get no subsidy, although Congress will provide to manufacturers of cotton goods a subsidy of at least $319 million, possibly going as high as $500 million?"

LAUSCHE warned the cotton manufacturers that they may have a "glorious day" on their subsidies, but in their persistence in asking for it they may have helped "to forge the nails that may finally close the sepulcher" of democracy.

CODE OF ETHICS FOR THE OFFICIAL FAMILY OF THE SENATE

Mr. CANNON. Mr. President, since the unanimous passage of Senate Resolution 21, on October 10 of last year, the activities of the Senate Committee on Rules and Administration undertaken in accordance with that resolution have been the subject of considerable public interest and extensive debate, some of which has been well reasoned and some highly partisan.

The chairman of the committee, the distinguished junior Senator from North Carolina [Mr. JORDAN], has invited the members to submit their suggestions.

At this juncture, it is my personal view that the Rules Committee investigation has clearly demonstrated the need for establishing a standard of conduct to guide the activities and behavior of the officers and employees of the Senate. It is my view that a code of ethics for the official family of the Senate is clearly called for, and speaking as one Member, I would submit the following for the serious and studied consideration of Senators.

First. No Member, officer, or employee of the Senate shall exercise his official authority, directly or indirectly, for the purpose of securing to himself any financial gain or profit, by interfering with or affecting in any manner the formation, dissolution, policies, decisions, or actions of any business or financial institutions, foreign or domestic, including corporations, partnerships, associations, or any other organizations, or their directors, officers, employees, or stockholders.

Second. No Member, officer, or employee of the Senate shall exercise his official authority, directly or indirectly, for the purpose of securing to himself any financial gain or profit, by interfering with or affecting in any manner the policies, decisions, or actions of any branch, department, or agency of the U.S. Government, including the District of Columbia and U.S. possessions; or any State or local government; or any elected or appointed officer or employee thereof; or any foreign nation or foreign state or subdivision thereof; or any of the rulers or elected or appointed officers or employees thereof.

Third. Any Member who violates any of the provisions of this code shall be subject to censure or to such other penalty as the Senate may deem appropriate, and any officer or employee who violates any provision of this code shall be subject to dismissal from his employment. The penalties hereinabove set forth shall be in addition to such other penalties as may be provided by law.

The first part of the code clearly precludes the improper use of official influence in any business transactions whatsoever for the purpose of accruing personal financial gain. This subjects any such improper conduct to review by the Senate and does not restrict violations to mere failure to file a report, which may or may not be an accurate representation of the financial transactions or other business activities of the Member, officer, or employee.

Within the provisions of this code there is a prohibition of any abuse of official authority to improperly influence in any way the operations of any Government agency, foreign or domestic. The Logan Act already provides criminal penalties for U.S. citizens who interfere in the affairs of foreign governments. My suggested code of ethics, in addition, makes any such actions by a Member, officer, or employee of the Senate subject to punishment by the Senate. Such improper interference in the affairs of any branch of Federal or State Government is also strictly forbidden by the code.

Thoughtful and nonpartisan critics have pointed out the absolute necessity of maintaining public confidence in the integrity of the Senate and the legislative process. Some of these critics and some of my distinguished colleagues have thought it best to propose that Members of the Senate and Government employees whose annual salaries exceed a specified amount should be required to file a report including all their sources of income and business interests. This view deserves serious consideration. It presents, however, problems of enforcement and provides penalties only for the failing to file or the falsification of the required report. No one is anxious to assume the role of policing the Congress, and rightly so.

The distinguished minority leader [Mr. DIRKSEN] has said that the Senate in its zeal should not rush to make class B citizens of Senators. I believe there is some merit in what he says. In fact, the aspect of disclosure is the most controversial of all the proposals which have been made in the nature of corrective legislation. There are, however, enforcement and administrative difficulties which are deserving of further serious study.

Mr. President, it is my personal opinion that the Rules Committee will be in a better position to study the ramifications of a disclosure bill when the passions of this moment have subsided somewhat. Let me state for the record that I do not in any manner desire to close the door of the committee to further discussion on disclosure proposals. Other Senators have submitted and doubtless will continue to submit their views.

Mr. President, the thrust of my statement today is that I am in favor of actions now to establish some fundamentals upon which we can build later. In my view, this foundation—this beginning—could be accomplished by adoption of a code along the general outlines that I have proposed. Let us take this first step.

It is time now for all Senators to demonstrate their good faith by joining with those making a serious effort to remedy the situation uncovered by our investigation. I urge all Senators to make constructive contributions to the dialog on Senate reform, rather than lend themselves to a process which can only deteriorate public confidence in democratic institutions through distortion for partisan advantage.

I call on all Senators to consider these problems fairly and objectively, not for today's partisan gain, but for an even stronger Senate tomorrow.

There are many problems which must be considered in writing an effective law or a code of ethics. We should recognize that the resolution under which the Senate Rules Committee has been operating would affect approximately 2,500 members, officers, and employees of this body. They constitute only 10 percent of the personnel and members of the legislative branch of the Government of the United States. They represent only one-tenth of 1 percent of the personnel of the Federal Government in all of its branches.

My remarks today are not intended to be a final judgment on Senate Resolution 212. Indeed, I will be offering definite suggestions to the full Senate Rules Committee and assist them in the formulation of remedial legislation.

Mr. President, let me reiterate that what I have proposed today is a beginning and, in my judgment, a good and proper beginning. We in the Senate can set an example for the whole Nation by taking remedial action now, so that the people's business can go forward in an atmosphere of integrity, confidence, and renewed dedication.

CALL OF THE ROLL

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 142 Leg.]

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hartke
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss

Mundt
Nelson
Pastore
Pearson
Prouty
Ribicoff
Saltonstall
Scott
Simpson
Smith
Sparkman
Symington
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The **PRESIDING OFFICER.** A quorum is present.

ORDER OF BUSINESS

Mr. **TOWER.** Mr. President——

The **PRESIDING OFFICER.** The Senator from Texas.

Mr. **TOWER.** I should like to address myself again today to the equal employment opportunity section of the civil rights bill. First, I wish to propound a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. **TOWER.** Are Senators at this moment bound by the germaneness rule?

The **PRESIDING OFFICER.** That is correct.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. **TOWER.** Mr. President, for the benefit of Senators who would probably like to know when the next quorum call will be, in all probability my remarks will take up until about the hour of 2:15, at which time I am reasonably sure there will be a live quorum call.

Again addressing myself to title VII, the equal employment opportunity section of the civil rights bill, on which there was extensive discussion on Monday last, title VII will attempt to impose upon private employers, who are also private citizens, an unprecedented legal obligation by defining a so-called right in other individual citizens, purporting to free them from discrimination by employers in the field of private employment.

Nowhere in the Constitution is there to be found authority giving Congress, by Federal law, the right to control private employment practices to the extent of declaring specifically who an employer may employ in his, the employer's, business. We must not forget that the employer is himself a private citizen with constitutional rights; he should not be deprived of those rights simply because he is an employer.

Some of those who expressed support of this civil rights package prior to reading through it carefully were surprised to find under the equal employment opportunities section, that there is no necessity whatsoever that the employment have something to do with the Federal Government.

This title makes it unlawful for anyone covered by the act to deny so-called equal employment to anybody. Equal employment is defined as all inclusive, covering hiring, all work rules and activities, recruitment, training, and participation in labor unions.

More than 40 million Americans would be covered under this radical law, as would every business engaged in interstate commerce, all labor unions, all Federal contractors, and private contractors in every field in which the Federal Government is active.

I have, in the past, voted against discrimination in Federal programs, and I believe that it is morally wrong to discriminate in employment. But I am opposed to this portion of the administration's civil rights bill because, in its eagerness to protect one civil liberty, the proposal casts aside other fundamental and well-established civil liberties of at least equal importance.

This fair employment practices bill proposes the destruction of the liberties guaranteed to Americans under at least six of the amendments in our Bill of Rights.

The amendments of the Constitution which the bill appears to violate are the 1st, 5th, 9th, 10th, and 13th. They are as follows:

The first, by abridging freedom of speech, religion, and association.

The fifth, by denying freedom of association; denying liberty of contract; denying equal protection under the laws—would operate to guarantee favors to some groups.

The ninth, by proposing that Congress usurp liberties retained by the people.

The 10th, by proposing Federal assumption of a power reserved to the States.

The 13th, by imposing a form of involuntary servitude upon certain groups of employers.

This FEPC proposal vests massive enforcement powers in a Federal Administrator—a nonjudicial officer—and even allows him vast investigative powers.

I have several serious objections to this proposal which, in the name of civil rights, seeks to appallingly expand the control of the Federal Government over citizens and businesses.

First. I feel that this is not a proper field for Federal legislation. Discrimination problems are best handled at the State and local level and through the force of public opinion. Yet, this proposal would involve the Federal bureaucracy in the most intimate details of the operation of every citizen, business, and union. I think Federal Government regulation of employment is absolutely foreign to a free-enterprise society, indeed to a free society of any kind.

Second. I feel that this is a problem in mortality.

Without the willingness of individuals to achieve progress in this field, this bill would be unenforcible and would, in all probability, incite violence. It could be enforced only in a Federal police state.

Attempts to legislate morality breed contempt for the law, as in the case of prohibition. I happen to think that Americans are awake to this problem and are working quietly and privately to solve it in a fashion much more effective than the Federal Government's intervention plan.

It seems to me that an FEPC-type law can only transfer the seat of persistent discrimination. Such a law cannot eliminate discrimination, only the hearts of men can do that. An FEPC law can, however, establish legal discrimination in a heartless Federal bureaucracy which has no rightful concern in the matter at all.

The so-called fair employment practice section, which, in my opinion, is unconstitutional, will, if adopted, ultimately create a police state with authority to dictate hiring and firing policy for 70 million Americans.

I do not believe the Constitution gives the Attorney General of the United States that kind of authority, and I believe it would touch off more racial problems than it would solve.

In the technical sense of the word, an employer discriminates every time he hires someone, as long as there is more than one applicant for any position. What Federal officer can say whether such discrimination is based on race, education, religion, appearance, experience, personality, or the way an applicant responds to questions? The only way we could ever avoid complete lack of discrimination in employment would be to force an employer to hire everyone who applies for a job. I believe an employer must have the final authority to hire whomever he believes will advance the interest of his customers, his business, and the investment it represents. I believe the Constitution gives him that right and I do not think it can be delegated to the Attorney General of the United States, unless we are ready to accept the premise of a police state. Who is to say what percent of minority group employment constitutes nondiscrimination? Is it 3, 5, 10, or 50 percent? In short, moral intent is difficult if not impossible to legislate.

I do not believe that the issue here is one of civil rights. It is one of extending the power of Government beyond reason, and beyond the specific limits set forth in the Constitution. Inclusion of this particular section will signify the end of constitutional guarantees against the excessive use and abuse of Federal power, and might well place it in the hands of a minority group.

Over the past years, I have voted in support of civil rights amendments to specific bills, such as the vocational training bill, for example, to insure that the benefits of any Federal program were available to all those whose taxes support them. That issue is entirely different from the one posed by the fair employment practices section of this bill. I hope that section will be eliminated. It was not in the original bill proposed by President Kennedy, and it should not be in this bill.

However, the few proponents of the measure apparently saw the opportunity to include it in the omnibus civil rights bill; the provision was therefore included in the House of Representatives. It has been considered many, many times in

Congress and was really never seriously considered, because of the vast opposition it has always drawn. The provision at least could never get through the Congress on its own merits, standing alone. If the provision were incorporated in a separate bill, it would certainly not be passed. It has not been passed in previous sessions of Congress.

Mr. President, I should like to discuss in some detail the history and development of the so-called fair employment practices legislation.

I realize this is nomenclature. I was referring to it as the fair employment practices section. I am not being entirely accurate, because it is now referred to as the equal employment opportunity section. It contemplates the establishment of an Equal Employment Opportunity Commission.

Similar legislation which has come before Congress in the past was labeled fair employment practices legislation. I believe to refer to it by that term makes it more clearly understood by the general public.

GENERAL BACKGROUND

Equalizing job opportunities for all Americans has become one of the most critical problems in the socioeconomic pattern of American life. Prior to World War II active programs for increasing employment opportunities for members of various minority groups was largely the work of private interracial and intergroup organizations, or State public "goodwill" agencies. Most of these State agencies which were in operation prior to 1941, or which appeared shortly thereafter, had as their primary objective the determination of the extent of discrimination in the fields of housing, education, public employment, health, and civil liberty violations in general.

During this period between World War I and World War II no legislative proposals—Federal, State, or local—dealing specifically with the equalization of employment opportunities in all phases of industry were enacted. Some States, however, did have laws in force prohibiting discrimination in public service employment, and various civil rights acts. A survey made in 1950 by Dr. W. Brooke Graves, of the Library of Congress, showed that there were in effect laws prohibiting discrimination in civil service in 28 States, in public employment in 26 States, on public works in 11 States, in labor unions in 18 States, in defense and war contracts in 4 States, and in teaching positions in 19 States. There was interest in questions relating to civil rights also at the national level. For 2 decades attention was focused on the proposals for a Federal antilynching law, a violent struggle being waged in Congress on numerous occasions on this issue.

FEDERAL ACTIVITIES TO ELIMINATE UNFAIR EMPLOYMENT PRACTICES

Let us turn to consideration of some Federal activities to eliminate unfair employment practices. Beginning in July 1940, A.D., the Federal Government initiated a series of measures aimed at the major problem of integrating nearly 30 million persons of various minority groups into the war effort. Through its Labor Division, established to facilitate the utilization and training of Negro workers, the National Defense Advisory Commission reached an agreement with the AFL and CIO unions by which they accepted responsibility for removing such barriers against these workers. Later announcements indicated that a nondiscrimination policy would prevail in the defense training programs and employment in the construction of defense housing projects. Other letters and instructions of similar import were issued by various other Government agencies during the 6 months following October 1940.

In response to complaints that the foregoing measures were inadequate, President Roosevelt issued Executive Order No. 8802 on June 25, 1941. The order which authorized a Committee on Fair Employment Practices as the administrative agency stated, in part: that it was the duty of employers and of labor organizations "to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color, or national origin." The agency was empowered to receive and investigate complaints of violations of the order and take steps to redress valid grievances. It also was authorized to make recommendations to Government agencies and to the President of the United States.

The volume of work became so large that a reorganization of the committee became essential. This reorganization came after 11 changes in the structure of the committee although the general purpose—that of promoting the fullest utilization of manpower and of eliminating discriminatory employment practices—remained the same throughout. Executive Order No. 9346, issued on May 27, 1943, set up a new committee as an independent agency in the Executive Office of the President, with a full-time chairman and six other members serving without compensation. During the 5 years of its existence, the FEPC satisfactorily settled nearly 5,000 cases by peaceful negotiation, including 40 strikes caused by racial differences. During the last year of the war, FEPC held 15 public hearings and docketed 3,485 cases, settling 1,191 of them.

The activities of the wartime FEPC were brought to a close on June 28, 1946, although President Truman had issued Executive Order No. 9664 on December 20, 1945, continuing the work. Congress decreased the appropriation to such an extent that by December of 1945 all of the personnel both in the national and field offices had been placed on a leave-without-pay status.

The Fair Employment Board established within the Civil Service Commission by Executive Order No. 9980 of President Truman was replaced in 1955 when President Eisenhower established the Committee on Government Employment Policy—Executive Order No. 10590, 20 Federal Register 409. This Committee was created at White House level to, first, advise the President periodically as to nondiscrimination practices in the Federal Government and to make recommendation for assuring uniformity therein; second, consult with and advise Government agencies on nondiscrimination policies and regulations; third, consult with and advise the Civil Service Commission on pertinent civil service regulations; and, fourth, review claims of discrimination and render advisory opinions and make necessary inquiries and investigations.

Under the Eisenhower administration the Committee on Government Contracts, under the chairmanship of Vice President Richard M. Nixon, took the place of the Truman Committee on Government Contract Compliance—Executive Order No. 10479, 18 Federal Register 4899, 1953, as amended by Executive Order No. 10482, 18 Federal Register 4944, 1953. This Committee was charged with assuring compliance by any Government contractor or subcontractor with the Government's nondiscrimination policy and was authorized to receive complaints of alleged violations of the nondiscrimination provisions of Government contracts, to refer such complaints to the appropriate contracting agency, and to review the agency action thereon.

Under President Kennedy the functions of the Committee on Government Employment Policy and the Committee on Government Contracts were merged in the President's Committee on Equal Employment Opportunity under the chairmanship of Vice President Lyndon B. Johnson—Executive Order No. 10925, 26 Federal Register 1977 (1961). This Committee is charged with the implementation of the policy of equal opportunity for all qualified persons without regard to race, creed, color, or national origin, in regard to Government employment and to the employment practices of Government contractors and subcontractors. The authority of this Committee exceeds that of its predecessors, which had largely consultative and advisory functions. The present Committee has authority to "investigate complaints, issue recommendations and orders, and require reconsideration of final decisions by department and agency heads"—Freedom to the Free, page 131, Civil Rights Commission, 1963.

FEPC ACTIONS ON THE STATE LEVEL

Now, let us consider some FEPC activities on the State level. A survey in the spring of 1963 revealed that the recent momentum in State activity in the area of equal opportunity in employment has brought to 25 the total of State legislatures which have enacted some form of fair employment legislation. Twenty of these States have statutes containing provisions creating an agency charged with enforcement, and providing civil or criminal sanctions. These States are Alaska, California, Colorado, Connecticut, Delaware, Illinois, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, and Wisconsin.

Indiana, Nevada, and West Virginia have announced a fair employment policy administered by a commission with investigatory, educational, and conciliatory authority. Today, 115 million of the 179 million people recorded by the

1960 census live in States with fair employment legislation and functioning fair employment practices commissions.

Idaho has a statute declaring equal opportunity in employment to be the public policy of the State, and making violation thereof a misdemeanor. In 1953, Iowa adopted a concurrent resolution declaring nondiscrimination in employment, public or private, to be the policy of the State.

On March 18, 1963, the Governor of Kentucky issued a code of fair practices prohibiting discrimination in State employment services, in public employment and in public contracts and in other areas. All State agencies are required to cooperate with the Commission on Human Rights, a factfinding, investigatory, and advisory body established in 1960—Kentucky Revised Statutes, sections 19.010 and 19.050.

Fourteen States have laws which specifically require a nondiscrimination clause in public contracts, or contracts for public works, or both. These laws are applicable to the public contracts or contracts for public works of the political subdivisions as well as of the State.

These 14 States are: Arizona, California, Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Ohio, and Pennsylvania.

As may be observed, all of these States with the exception of Arizona, have antidiscrimination laws applicable to private employment. The District of Columbia has a policy of requiring the inclusion in all contracts, to which the District is a party, of an antidiscrimination clause in which the contractor agrees to insert a similar provision in all subcontracts, with the exception of those for standard commercial materials or for raw materials.

Since 1948 more than 40 cities have enacted fair employment practices ordinances, or have adopted an antidiscrimination policy, authorizing the city attorney to enforce the law where employers, labor unions, or employment agencies do not comply with the cease-and-desist orders of the local commission. In fact, in many of the States, local antidiscrimination laws preceded action by the State legislatures. Some of the State statutes—for example, the Pennsylvania one—expressly recognize the municipal ordinances. In others, such as Minnesota, the prevailing interpretation is that the local laws are not invalidated by the passage of the State law. On the other hand, the Michigan fair employment practice law specifically provides that municipal ordinances are thereby superseded—Michigan Revised Statutes 17.458(1)–(11). The California law also expressly repeals existing municipal fair employment practice ordinances.

The city of Baltimore, Md., has both a fair employment practices ordinance with enforcement provisions, as of July 1960, and a policy requiring the inclusion of a nondiscrimination clause in all city contracts, as of May 1960. Phoenix, Ariz., adopted in 1955 legislation barring discrimination in public employment and in firms holding public contracts. In 1962, Omaha, Nebr., adopted an enforcible fair employment practices ordinance.

In light of the past actions of States and municipalities in the fair employment field, it is lucidly obvious that Federal action in this field—quite aside from being unlawful in the opinion of the Senator from Texas—is both unwise and unnecessary.

PROPOSALS FOR FEDERAL LEGISLATION ON FAIR EMPLOYMENT PRACTICES

From 1952 to 1962 more than 75 measures proposing Federal fair employment legislation were introduced in either the Senate or House of Representatives in the 83d to the 87th Congresses. These bills represented the gradations found in legislation of this type, from bills merely declaring the opportunity to Federal employment without discrimination a Federal policy, to measures proposing an enforcible equal-opportunity law, whereunder the right to employment without discrimination is made a Federal right. None of the bills reached the floor of either House.

Extensive hearings were held during the first session of the 87th Congress on proposed legislation to prohibit discrimination in employment in certain cases because of race, religion, color, national origin, ancestry, age, or sex, by the Special Subcommittee on Labor of the House Committee on Education and Labor. Notwithstanding the submission by the committee of a favorable recommendation in House Report 1370 on H.R. 10144, which proposed the establishment of a five-member Equal Employment Opportunity Commission with advisory and investigatory powers, and the authority to initiate judicial action, the measure never reached the floor. House Report 1370 includes the supplemental and minority view filed with respect to H.R. 10144.

More than 60 bills espousing some type of Federal fair employment policy have been introduced in the 88th Congress.

Mr. President, as you know, fair employment practices legislation has been discussed by many learned Americans for a number of years. I would like to recall for the Senate the views of a number of those Americans which I feel are pertinent at this time.

STATEMENTS ON FEPC

The following is the statement of Hon. Henderson Lanham in the House of Representatives on February 22, 1950:

> My first objection to the proposed FEPC is that it violates the Constitution of the United States and as a corollary invades the province of the States and the personal freedom of individual employers.
>
> Section 1 of the 14th amendment provides: "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction, the equal protection of the laws."
>
> Obviously the proposed FEPC is not justified under this section of the Constitution. The only other justification under the Constitution is what is known as the commerce clause, which delegates to the Federal Government the right to regulate commerce among the States and with foreign nations. * * *
>
> I maintain that present employment practices in no way obstruct the free flow of commerce. On the other hand, I am sure the converse of this proposition is true and that the enactment of the FEPC would disrupt industry throughout the country and would bring to a trickle the flow of commerce between the States.
>
> This legislation is certainly not necessary to protect every citizen of the United States under the Constitution. Every citizen at present has equal protection under the laws in that he can now appeal to the courts if he thinks one or more of these rights has been violated.

Mr. RUSSELL. Mr. President, will the Senator yield with the understanding that it does not in any way affect his right to the floor?

Mr. TOWER. I yield with that understanding.

The **PRESIDING OFFICER** (Mr. NELSON in the chair). Without objection, it is so ordered.

Mr. RUSSELL. I had been unable to be present during the course of the Senator's remarks. I know that he is a historian, a student, and a teacher of political science. I wondered if he had discussed in any depth the way the commerce clause has been tortured and abused in recent years. On the formulation of our Constitution, the Founding Fathers had in mind preventing the several States from erecting tariff walls, and other obstructions to commerce. Under the Articles of Confederation, I believe the State of New Jersey levied a tariff on firewood imported from the State of New York. There were a number of other instances, prior to the adoption of the Constitution, in which the States were taxing imports and, of course, asserting the right to tax exports, in their dealings with sister States of the Confederation.

One of the principal reasons for the Constitution was to eliminate this form of tariff competition among the original 13 States.

The Founding Fathers recognized that we could never become a single, powerful nation if the arteries of our commerce and the flow of business among the 13 original States, which had just emerged from colonialism, were obstructed by tariffs and tariff walls imposed by the several States. So the founders included the commerce clause in the Constitution to remove that evil.

Over the years, however, the commerce clause has been stretched and stretched and stretched until we have to tie knots in it to keep it from exploding. We have endeavored to base almost every kind of law on the commerce clause as a justification for the Federal Government's entering a field which had been reserved to the States or to the people.

In the field of employment, the right of a man to select his employees is the keystone of the free enterprise system of this country. It has been one of the incentives that has developed our vast industrial empire, which is the envy of the world, which has been responsible for the American way of life, and which has given our people more good things than have ever been enjoyed by any other people.

If the Senator from Texas does not do so in this speech, I hope, before the debate is over, he will point out how the commerce clause of the Constitution has been abused in the Federal grasp for power. If no justification whatever can be found in the Constitution for Federal laws, it is said, "Let us base it on the commerce clause."

Not only have the courts been guilty of abusing that clause, but so has the Congress of the United States. I say that as one who is a defender of the legislative branch of government. The Congress of the United States has contributed to this fantastic abuse of the commerce clause. I hope the Senator from Texas, if he does not do so in this speech, will have a later occasion to develop, for the benefit of the people of this country, the story of the abuse of that provision of the Constitution, which was inserted primarily to prevent tariff barriers among the several States.

Mr. TOWER. I thank the Senator from Georgia for submitting that question. I intend at some time during the course of this debate to go into the question of the commerce clause, and the constitutional question raised by the attempt to enact such legislation as is now proposed in pursuance of the commerce clause.

But I believe it is meet that we touch on it briefly, since the Senator has raised the question. I believe we must resort to a review of the entire history of the founding of the Constitution.

In the year 1785, it had become apparent that the 13 loosely confederated States could not develop a strong and sound national economy, which was necessary to the preservation of the very life of the Republic, unless some closer union were achieved.

The Constitution grew out of a meeting that was held at Mount Vernon in 1785, when representatives from Maryland and commissioners appointed by the State of Virginia met with George Washington to discuss some mutual differences between the States, largely over the navigation of the Potomac River. While they were discussing those matters, they realized that these were interstate problems that were common, not only to the States of Virginia and Maryland, but to all the other States as well.

Thus, they asked for a convocation of representatives from all the States to meet in Annapolis, Md., the following year, to see if many of these problems, largely arising from commercial contracts between and among the States, could not be resolved.

The meeting at Annapolis could not be characterized as a great success, because only five States were represented, but they did accomplish one thing.

On motion of Alexander Hamilton, of New York, the meeting adopted a resolution calling for the convocation of yet another assembly of representatives from the several States, in the spring of the following year, 1787, for the purpose of considering amendments to the Articles of Confederation aimed at strengthening the Articles somewhat, and attempting to resolve some of the differences which had arisen over commercial contracts between and among the States.

What happened, of course, is history. Most of the representatives who went to Philadelphia for that meeting in 1787 did not know that they were going to draft a new Constitution. Most of them had to send back home for instructions from their State governments as to whether they should have additional powers. They went to Philadelphia with the idea that the purpose of the meeting was principally to refine and improve upon the Articles of Confederation. But some resourceful gentlemen from Virginia, led by Mr. Washington, Mr. Randolph, and Mr. Madison, had something up their sleeves. They decided that the Articles of Confederation were obsolete, and that they were inadequate for a national government. So James Madison drew up what we now know as the Virginia plan—sometimes called the Randolph plan, because he advocated it—but it actually was the work of James Madison, who at the early age, I believe, of 36, was called the father of the Constitution.

Using this as a working document, they dropped any pretense of merely revising the Articles of Confederation and proposed to draft a constitution, the Constitution which we now enjoy, and which I fervently hope, let me say to the distinguished Senator from Georgia, we shall continue to enjoy—although I am having some doubts about it at this point.

The State surrendered to the National Government certain powers that were national in character. Obviously, a new national government had to possess the concomitants of nationality, such as the conduct of diplomatic relations, the coinage of money, and the regulation of commerce between and among the States.

But, as the Senator points out, it was never intended that the Federal Government should regulate commerce that was intrastate in character. However, by a succession of decisions, the commerce power has been liberalized far beyond anything that the framers of the Constitution intended.

The first breach in the dike came with National Labor Relations Board against Jones Laughlin. Even in that case, however, when it held that manufacturing was, indeed, a part of interstate commerce, and that anything that was manufactured and moved in interstate commerce was indeed a part of interstate commerce, overturning earlier decisions which had held that merely moving in interstate commerce was interstate commerce, but not manufacturing.

I believe we must continue to draw a distinction between that which is intrastate and that which is interstate commerce. If we fail to do so, the court said, in effect, we shall have destroyed the Federal system, because if we wipe out the power of the State to regulate its own intrastate commercial affairs, we have in effect negated most of the important police powers now exercised by the State governments.

The dam broke in 1942 in the case of Wickard against Filburn. A poor farmer was suffering under the Agricultural Act, as farmers had been doing for many years. He wanted to raise a little wheat on his place for his own consumption. He raised it there to feed his livestock and his family—probably in that order. He did not want to be controlled by any allotment system.

However, the Secretary of Agriculture said to him, "No; you cannot do that."

The farmer said, "Why not? I am growing it on my own place for my own consumption. Not only does it not move in interstate commerce, but it does not even leave my farm."

The case went to court, and the Supreme Court said, "Ah, it does not leave your farm; it does not move in interstate commerce, but in growing that wheat and consuming it, you failed to buy it on the open market, thereby releasing the wheat that is on the open market to flow into interstate commerce and depress the price of wheat."

So here we are. In effect, the Court said that the Government of the United States can tell a person—provided Congress passes the appropriate law allotting space for a certain amount of acreage for petunia beds—how many petunia beds that person may grow in his backyard.

We shall have come to a sorry pass if we enact this legislation, because then we shall have lowered the barriers completely.

I do not see that anyone can ever draw a fine distinction between intrastate and interstate commerce if we enact this FEPC section.

Mr. RUSSELL. There will not be any. It will be merged.

Mr. TOWER. The Senator is correct. It will be merged.

Mr. RUSSELL. Intrastate commerce will be absorbed by interstate commerce.

Mr. TOWER. The Senator is correct, because the effect will be to hold that any business is, in effect, engaging in interstate commerce. This provision in the public accommodations section, I believe, has the most sinister implications of any legislation ever attempted.

Mr. HILL. Mr. President, will the Senator yield?

Mr. TOWER. I am glad to yield to the Senator from Alabama.

Mr. HILL. The Senator spoke of James Madison, whom we recognize as the Father of the Constitution. He gave us the Madison plan, which was the basis of the Constitution. Is it not correct to say that he declared that the commerce clause in the Constitution was not a clause which granted power, but, rather, a clause of inhibition, a clause to prevent a further grant of power to the Federal Government. As brought out by the Senator from Georgia, it was to keep the States from interfering with the free flow of commerce from one State to another, and not a grant of power to the Federal Government. Is that not correct?

Mr. TOWER. The Senator is absolutely correct. The appropriate interpretation has been that the enumeration of powers possessed by Congress in article I, section 8 of the Constitution means that these are the powers that the Federal Government possesses, and only those powers. The Constitution further provides that the other powers reside in the States and in the people.

Mr. HILL. That was the clear intent; that the Federal Government possessed only the powers specifically enumerated.

Mr. TOWER. Yes.

Mr. HILL. The Founding Fathers, to be absolutely sure about it, proposed the 9th and 10th amendments, providing that the powers not specifically granted to the Federal Government are reserved to the States and to the people themselves.

Mr. TOWER. Yes. The original document did not include provisions which are contained in the 9th and 10th amendments, because to them it was adequately clear that these were all the powers that the Federal Government possessed. Then they had some second thoughts about it, and they said, "We had better make this clear," and they sealed their thoughts in the 9th and 10th amendments.

Mr. HILL. The Founding Fathers not only had second thoughts, but the Constitution had to be placed before State conventions, to be ratified and made effective. The Constitution could not become effective until it was ratified; and in the State conventions this very question with respect to the powers was raised. There was the insistence that it be specifically stated that the powers enumerated were granted and that the other powers were specifically reserved to the States or to the people.

Mr. TOWER. The only way to secure that ratification in some States was on the promise that there would be forthcoming amendments which would make it adequately clear what the limitations on the Federal Government were.

Mr. HILL. Is it not correct to say that Mr. William Pinkney, who was a member of a State constitutional convention, and a Member of the House of Representatives at that time, said on the floor of the House, clearly and categorically, that it was understood that the 10 amendments would be agreed to and would become part and parcel of the Constitution of the United States?

Mr. TOWER. Of course, 12 amendments were originally submitted, but only 10 were adopted. These were consensus amendments. Their submission had been virtually promised during the ratification conventions. It was understood that on their submission depended the ratification of the Constitution.

The Senator well knows that there was a tremendous struggle over ratification. In New York State, in their anxiety to make sure of that great State, which was an integral part of our economic and geographic setup, and essential for the adoption of an improved Constitution, the Federalists wrote the Federalist papers. Three of the giants, Madison, Hamilton, and Jay, wrote those great expositions of what the Constitution means.

Reading the Federalist papers, one gets the impression that it was the intention to limit and proscribe the Federal powers, and to make sure that those powers were enumerated, and that the Federal powers should not go beyond that enumeration.

Mr. HILL. As the Senator knows, two of the greatest patriots of that time, Patrick Henry and James Madison, did not favor ratification of the Constitution, and raised this very question of the grant of power. As the Senator says, the Constitution would never had been ratified but for the specific enumeration of the powers, sustained and supported by the reservations of powers to the States and the people.

Mr. TOWER. The Senator is absolutely correct. Several of our revolutionary firebrands, Sam Adams among them, did not agree. Of course, they were not elected to go to the convention, and that may have irked them to some extent. However, these reservations had to be made, or we would not have had our fundamental law.

Not only is the pending proposal unauthorized under the Constitution, but its enactment would be a violation of the property rights of every individual employer in America * * *. By what possible means could an employer prevent one group of employees from quitting their jobs if they did not choose to work with employees imposed upon the employer by a decision of the Fair Employment Practice Commission proposed to be established by the Fair Employment Practice Commission Act?

In the second place, I maintain that the proposed legislation would violate the fundamental principle of freedom of choice as to persons to be employed by an employer.

In practice, commissions operating under similar legislation have achieved healthy results with less recourse to formal procedures than in the case of any remedial legislation this country has ever known.

Upon the passage of similar State and municipal acts widespread changes in employment practices were undertaken by hundreds of large and small employers without a word from commission officials. Others voluntarily submitted employment applications for advice and eliminated questions which could be construed as tending to elicit information that suggested discriminatory intent or practices.

It has been feared that enforcement procedure might be exploited by unfit employees or applicants. Surprisingly few complaints have been lodged with agencies administering this type of measure. And of those filed almost all have resulted in informal settlement by voluntary means, including changes in hiring practices and advertising, or the dismissal of complaints for lack of merit. Employer and union complaints of unfairness by officials have been practically nonexistent. Public confidence is vital to success of such measures and it has been forthcoming based on performance.

Since enactment of the Connecticut Act of 1947 only 254 complaints have been filed. This averages out to slightly more than one complaint a week for a State with a population of about 2 million people. About 99 percent of these cases were disposed of informally and the remainder were the subject of formal proceedings. In New York State only three cases were set for hearing and one of them was settled before the scheduled hearing. Other States with enforcible statutes have had the same experience. There has been almost no necessity for court litigation. In all, court enforcement or review cases can be counted on one hand.

Experience has also proven that so-called educational programs for fair employment are ineffectual if not accompanied by some enforcement machinery.

When the Cleveland City Council was considering an enforcible ordinance, the local chamber of commerce opposed its enactment and offered to undertake its own program. The council agreed to the experiment. The chamber of commerce established a full-time agency and spent substantial sums for educational material, conferences, and similar matters. Determination and energy characterized the chamber's sincere activities. After something over a year, the chamber withdrew its opposition to an enforcible ordinance and expressed the opinion that voluntary methods, and no more, are inadequate.

Oregon amended its Fair Employment Act to add enforcement machinery after experimenting with the voluntary method. Source: U.S. Congress. Senate. Committee on Labor and Public Welfare. Report to accompany S. 3368. Washington, U.S. Government Printing Office, 1952, pages 7–8. (82d Cong., 2d sess., S. Rept. 2080).

In the next place, it would make the employer subject to the harassment by a horde of investigators snooping through the plant and the books and records of the company. Already they are subjected to enough and too much of this sort of thing from bureaucratic Washington. This could well be the straw that breaks the camel's back and could very well result in a depression such as we have never known before.

Finally, I am opposed to the enactment of FEPC legislation because it would set up a new commission with a horde of employees to swarm over the land like a plague of locusts at great expense to the taxpayers. And this at a time when the administration is at last awakening to the necessity for making partners of private enterprise in the most necessary effort to maintain an expanding economy in America. Source: Congressional Record, daily, February 23, 1950, pages A1407–A1408.

Now I should like to read a statement by a distinguished Member of this body which appeared in the Congressional Record, volume 96, part 5, page 6619. The statement was made by the distinguished senior Senator from Georgia, Hon. Richard B. Russell:

Statement of Hon. Richard B. Russell

The Federal Constitution does give assurances to our citizens. These assurances extend to every citizen. Whether of a majority or minority, however he may label himself, they assure him the right to create a job or establish a business of his own. That is a constitutional protection of all citizens, whether belonging to so-called minorities or majorities.

This bill, of course, has been advertised as being a great blessing to the members of the Negro race. In the exercise of their constitutional rights many Negroes in the South have now accumulated more than a million dollars. Many of our good Negro citizens have built banks and insurance companies which afford employment to hundreds of their race. What would be the effect of legislation of this kind upon those businesses? It is a part of the boast of the American people that every citizen is protected in the opportunity to pursue happiness and acquire property, while we are here considering a bill saying that one American citizen must give an alien a job. Yet we have so many proud stories of the immigrant boy who came to the United States, and, through his own efforts built up an

> establishment and afforded employment to hundreds.

Mr. HILL. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield to the distinguished Senator from Alabama.

Mr. HILL. Is it not true that figures published by the Bureau of the Census and the Department of Labor show that in recent years—in approximately the past 10 years—the percentage of unemployment among Negroes in FEPC States was greater than it is in the Southern States, which do not have FEPC laws?

Mr. TOWER. It is my understanding that that is what the figures reveal.

Mr. HILL. That is what they reveal; and those figures were placed in the RECORD the other day by the distinguished Senator from Louisiana.

It is also true, is it not, that the increase in the amount of wages paid and the amount of return to the Negro has been considerably larger in more recent years in the Southern States than it has been in the FEPC States?

Mr. TOWER. It certainly has. That should be obvious to anyone who has lived or grown up in the Southern States, particularly during the past two decades.

Particularly over the last two decades, the rapid economic advancement of the Negro people has been very apparent in the South. It has been a wholesome and a healthy thing. With that advancement many prejudices have fallen by the wayside, and there has been an increasing acceptance of this race, as a result of the economic improvement which has occurred over the years.

I anticipate that the FEPC might thwart the expressed intent of this measure—that is, to provide more jobs for ethnic minorities—because I know of many areas of employment—in the South, for example—in which Negroes are very well paid; but if the proposed law were fairly and equitably applied, they could lose jobs to white people who would like very much to have the jobs.

So the bill would be very much a mixed blessing.

This is not to say that there is no discrimination in the South. I think that does happen. But the bill could be a two-edged sword which could work to the definite disadvantage of many of the people whom the bill is supposed to help.

Mr. President, I continue reading from the statement by the Senator from Georgia [Mr. RUSSELL]:

> It is proposed to strike down the Constitution which protected him in that right by the perversion of the Constitution sought by this bill.
>
> * * * * *
>
> There is one powerful weapon in the arsenal of democracy of which they stand in awe. This weapon is the industrial system created under the American system of free enterprise which enables us to outproduce the whole world. Free enterprise and free labor give us the power to produce which the Russians fear and which heartens our friends. This bill will inevitably bring about the nationalization of industry. The destruction of the system, under which we have grown great and strong, and which has given us the highest standard of living for all of our people that the world has ever known, would be as great a calamity as the loss of a major war.
>
> We will not, Mr. President, strengthen ourselves so as to enable us to contribute to the support of France and England, and our other allies, by adopting a system of state socialism. They have that system, and their production limps. Source: CONGRESSIONAL RECORD, volume 96, part 5, pages 6619–6620.

That statement by the Senator from Georgia is to be found in the CONGRESSIONAL RECORD for May 8, 1950.

STATEMENT OF RANDOLPH VAN NOSTRAND

Mr. President, at this time I should like to read a statement from the Personnel Journal, published at Swarthmore, Pa. The statement is by Randolph Van Nostrand:

> The propagandists in favor of FEPC have fashioned themselves a standard case. This is presented in glowing generalities, with smug references to "our democracy" in handpicked instances and, frequently, with a reference to morality and spiritual law. The hard working personnel executive, face to face with the daily realities of hiring, training, and upgrading of employees, wants something more solid on which to base a verdict. Let's take a look at a typical case and consider some of the implications of FEPC from the standpoint of practicality, philosophy, and morals.
>
> There is the broad statement that, in common with all right-thinking Americans, most businessmen are opposed to discrimination in employment. That simply is not so.
>
> Business would be in trouble in short order if careful and incessant discrimination was not exercised in hiring, upgrading, firing and in personnel administration in general. Businessmen discriminate as to age, sex, physical condition, experience, ability, personality, skill, marital status, and a host of other factors. Some also discriminate as to race, creed, or color, but not so many as to have prevented an improvement in relationships between the majority and the so-called minority groups that has been in geometric progression during the past 20 years.
>
> All that FEPC laws accomplish is that they change the source of discrimination; they don't eliminate it, but merely transfer the rights of discrimination from the employer, who has the fundamental duty of choice, to a bureaucrat who has no rightful concern in the matter.

Mr. HILL. Mr. President, at this point will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. HILL. Can the Senator think of anything that would be more discouraging to a man in business—one who had to use his own money and provide his own financing and develop his own business—than to have some bureaucrat decide who would be his employees?

Mr. TOWER. Certainly it would be most harmful. The probable result of the proposed FEPC would be that it would result in the Federal Government's dictating the employment practices of business management. But when a businessman loses the control of the management of his business to the National Government, he is at the mercy of the Federal Government, and no longer is the master of his own fate, so to speak.

It is essential that he be allowed to operate his own business—so long, of course, as he does not abuse his economic power or does not attempt to hoodwink the public. But, otherwise he should be free to run his own business; and if he has been successful in doing so for a period of time, he has proved that he is capable of running it successfully. The Federal Government could not run it for him. But the bill would result in dictation by the Federal Government in regard to the employment practices of business management.

I know of a number of Members of this body who have time and time again supported strong proposed civil rights legislation, but who have said they cannot support this bill if this provision remains in it, because they see—as do I and as does the Senator from Alabama, too—some sinister implications that go far beyond civil rights.

Is it not conceivable that a vindictive bureaucrat could—because he had some reason to want to punish a business or a businessman—use this means to harass a businessman to such an extent as to require him to use employees who were unfit and incompetent, and would harm his business? So this proposal has no valid connection whatever with civil rights.

In addition, the bill would result in the establishment of the proposed five-member commission which would prescribe employment quotas. That would be extremely difficult.

I do not think Solomon with all his wisdom could have gone into such communities and determined their ethnic makeup, and then could have said to the employers, "You must hire so many members of this ethnic group, so many members of that ethnic group, and so many members of the other ethnic group"—and so forth and so on—in order to achieve what the drafters of the bill would regard as complete balance under a quota system. That could not be done. For example, how could an ethnic determination be made in the case of a man who had a Polish father and a German mother, or in the case of a man who had an Anglo-Saxon father and a Swedish mother? There would be no reasonable basis on which to make such a determination.

Furthermore, the bill does not provide any clue as to how the Commission would make such decisions. In the bill, the business of the proposed Commission is not defined; "discrimination" is not defined; "national origin" is not defined.

So what would happen? There would be no choice but to leave all such decisions to the discretion of the proposed Commission, which would establish job quotas and plans. What will happen to the poor fellow who cannot find enough competent and qualified people of this particular national origin? Will he be compelled to hire deadwood so that he can meet his quota system? I submit that is precisely what will happen if we adopt this provision.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Florida.

Mr. SMATHERS. I was not in the Chamber to hear what the Senator had to say previously. But, on this particular point, I am sure the Senator is aware that what he is talking about has already happened in California. The General Motors Corp. apparently was sent a document by representatives of colored citizen groups in which they demanded that they be given the right to have 15 to 30 percent of the jobs of the General Motors Corp. in that area of California.

So, although the Senator is talking about the fact that this demand will arise in the future, it has already started, even statewide. The belief exists on the part of some of those people that this particular bill will pass. They have already started to demand a quota which is actually a larger quota than their numbers represent.

So, not only was the Senator correct when he said that the employers will have to employ a great deal of deadwood, but the Senator is also correct in saying that many of the people will not be as well qualified to fill the job as the employer would desire. If this theory is carried out to its logical conclusion, that is the intention of the bill. We shall find, as the Senator has so ably pointed out, that every employer will have to have someone on his staff whose job will be to determine what percentage each minority group constitutes in the total population; and he will have to employ so many of each minority. If he does not employ them, he will bring down upon himself the weight of the Federal Government and the gigantic bureaucracy that would result from this bill. The case could end with the employer not only having to go to court, but finally being fined, and possibly incarcerated. If he wants to insist on his own right to hire his own people, he cannot do it. Does the Senator agree that that has already begun to happen?

Mr. TOWER. I agree that it certainly is beginning to happen. We already have some experience under the existing program, under which we attempted to prevent discrimination in hiring and firing by companies working on Government contracts. Many times the bids define a given number of people of a certain national origin. On occasions in the past, it has been impossible to find the required number, and employers have had to attempt to recruit workers of the required national origin who possess the necessary experience and have the particular qualifications to do the job which is required.

Our "case" presents another fallacious generality that FEPC actually gives the employer a wider market. Not at all. FEPC creates not one single productive job. It makes more jobs for bureaucrats, of course, but not for prospective employees of business. In this connection, look into your own experience. How many qualified applicants have you turned down for any reason?

* * * * *

There are two more standard points in the case:

1. Where FEPC laws exist they are "voluntarily" accepted. Now there is a pair of mutually exclusive words in opposition. "Voluntary: from one's own choice, unconstrained by interference." "Compulsory: coercive, urged by force or physical or moral restraint." The law is compulsion. The policeman and his club are there, even if hidden behind the door.

2. FEPC laws have proved a bulwark against communism. Then why is it that wherever they have been advocated, the Communist press and Communist organizations have been in the forefront of such advocacy?

By this logic, a law should be passed in India to compel Hindus and Moslems to work together. Apparently every nation ought to pass a law compelling people of all races, religions, and nationalities to work together, although how to create a common faith and how to compel people to ignore their profound racial and religious differences would be quite an administrative problem. However, if we try to accomplish this miracle in the United States, the entire world may profit by our experience. We certainly hope that someone profited by our 14-year experiment with national prohibition. Some seem to think that it is time for another even more dangerous but very noble experiment.

On this high moral basis a law is now being proposed which will make it unlawful for an employer to discriminate against any employee, or applicant, because of his race, religion, color, or ancestry.

In order to enforce such a national law there will be created a commission, with an army of investigators, prosecutors, and trial examiners, to prevent employers from practicing discrimination in the daily hiring, discharge, promotion, or other treatment of perhaps 30 million employees. This means that the countless, intimate details of organizing and controlling their working forces by myriad employers will be subject to constant investigation and regulation by a horde of public officials, acting upon the incessant complaints of disgruntled employees, labor unions, political agitators, and racial and religious organizations.

Such a law as proposed would be as easy to understand as the causes of inflation; as simple to enforce as income taxation; as inexpensive to administer as universal price regulation.

* * * * *

Of course, discrimination in the choice of companions is the very essence of social liberty. Discrimination in the choice of business associates is the very essence of economic liberty.

But the advocates of antidiscrimination laws argue that they are not restricting social liberty. The fact is that they would seriously restrict social liberty. They would compel employers to associate constantly with undesired employees. They would also compel employees to spend their most important time, their working hours, in association with fellow workers less congenial than others who might have been hired by a discriminating employer.

Finally, the moral tone is injected as the clincher. Discrimination is immoral and unjust. If there is any immorality, it is in FEPC itself; because it is a political invention, and a fraud in that it produces no new jobs, nor does it cure intolerance or bigotry. It merely substitutes the force of the State for the voluntary choices of the citizen. It destroys the freedom of the worker and the employer alike, because it destroys their status as equals. It discriminates against white Peter in favor of colored Paul. And it makes a mock of the work of the churches for more than 2,000 years because it turns God's work over to Caesar.

Source: Van Nostrand, Randolph; against FEPC, Personnel Journal (Swarthmore, Pa.), volume 30, April 1952; pages 425–426.

Mr. President, I quote further from the Public Utilities Fortnightly, a statement by Mr. Donald R. Richberg:

Lofty statesmen and ardent idealists tell us that all human beings should live and work together in complete disregard of all the age-old racial or religious differences that make them feel and act differently. If people won't do this, we are told that the way to make them all equally angelic is to pass a law forbidding them to act like human beings.

But, these advocates assert that no man should be "deprived of the chance to earn his bread by reason of the circumstances of his birth." This argument seems to assume that jobs are something which exist like natural resources and should be evenly distributed to all citizens. The fact is that an employer creates jobs, and is able to do so only because he can get capital, can get customers, and can get workers able to produce things at prices which customers will pay.

The essence of the economic liberty of the employer is his freedom to organize a working force that will produce goods and services which can be sold and which will satisfy customers, either by the quality and prices of the products, or by direct services to customers. Such a law would force an employer to hire employees undesirable to fellow employees, undesirable to customers, and undesirable to the employer. This is not merely restricting economic liberty. This is destroying the foundation of economic liberty, which rests on freedom of association and liberty of contract.

Source: Richberg, Donald R.; "The Fair Employment Practices Scheme," Public Utilities Fortnightly, volume 41, No. 9, April 22, 1948; pages 540–542.

The following is a statement by William R. Thomas, Ford Motor Co., Dearborn, Mich., taken from the Personnel Journal of May 1951:

The problem of eliminating discrimination in employment is not so simple as the proponents of this type of legislation would have us believe. Attitudes and sentiments built up over long periods of time cannot be easily eradicated upon the theory that such attitudes or patterns are nonlogical cultural patterns which can be eliminated by the force of legislation. There are few who will deny that all persons ought to be entitled to equality of job opportunity. There are actually very few who are willing to risk their own security in the lottery of this principle. Legislation of this type, however well intentioned, cannot create economic opportunities. Only the maintenance of full employment can secure that end. Nor can this legislation create equality of education or skill for all individuals. Whether cultural patterns of a racial or religious character are inherent or acquired is beside the question. These patterns do exist. Whether antipathies based upon such factors are justified or not is equally beside the question. Such antipathies do exist. Some of the very persons who decry racial or religious factors in employment selection upon the ground that such factors have nothing to do with ability or with job performance, nevertheless advance the argument that persons of a certain religious group or racial group or national group are good workers. If such persons can be good as a group, they can be bad as a group.

* * * * *

This type of legislation will pose many problems for the personnel administrator. One past practice has been to requisition workers from private employment agencies using discriminatory qualifications as the terms for employment. The agencies have condoned this practice in order to cater to employing interests. Government employment agencies have been equally guilty of this practice. In order to comply with the law, the personnel administrators would have to change their past practice of using discriminatory requisitions to employment agencies. Several companies have met this challenge with two types of requisitions; one, which can be used in States not having an FEPC, and another which can be used in States having an FEPC.

* * * * *

Undoubtedly this legislation would have some effect upon labor turnover. Majority workers might begin to shop around for jobs in companies employing few minority workers. Most commissions have followed the policy of attacking discrimination in the larger cities and in the larger plants. This is done by the commissions because of limited budgets and by hitting the big companies, it sets the pattern for the smaller ones. To forecast the effect of this policy is difficult; however, it is conceivable that personnel administrators in the larger firms would be under the watchful eye of the commissions and those in the smaller firms would have more leeway. Larger companies could expect to have more minority workers seeking employment because once the barriers are lowered, the word gets around to other minority workers. This influx of minority applicants would increase the burden of proving that their companies are not following a policy of discrimination. The opposite effect would be that majority workers might have a tendency to drift toward employment in the small concerns to avoid the influx of minority workers into their informal work groups.

Source: Thomas, William R., "Problems Under FEPC," Personnel Journal (Swarthmore, Pa.), vol. 30, May 1951: 14–15, 18.

I read now from the minority report on S. 3368, 82d Congress, 2d session:

Minority Committee Report on S. 3368—Summary Statement

Under our Constitution it has never been seriously questioned that a man has the right to set himself up in business, to select his own employees on the basis of such qualifications as he might within his own free and uncontrolled discretion consider advantageous to the undertaking, and to do all this without hindrance or interference. This personal freedom of contract is basic to the free-enterprise system and to the whole American concept of individual freedom.

Yet S. 3368 (fair employment practices) violates the liberty of contract guaranteed in the Constitution by compelling the making of contracts.

The far-reaching character of this provision of S. 3368 is given its true perspective when we consider that laws have been enacted governing the form or substance of contracts voluntarily entered into; that laws make illegal certain types of contracts; that the labor laws require collective bargaining as a method of arriving at contracts and affect the scope of contracts. But the right of contract is left free to be exercised between voluntary parties.

Our history of encouragement to the men and women who give employment has been one of the compelling reasons for our unparalleled industrial success which again and again has served our Nation so well in time of need.

It is most unfair for proponents of this bill to argue that it does not "force the hiring of certain minority group members." The whole purpose, design, and effect of the bill is just that—to "force the hiring" of persons whom an employer would not voluntarily hire.

If an employer, in a department store, for example, advertised for and hired only white sales people he would certainly be found guilty of violating this law on complaint by a Negro applicant whom he did not hire. He would then be compelled by an order enforceable by a court, to hire this rejected applicant, with, probably, the additional expense of paying "back pay" for the period during which he "unlawfully" employed and paid wages to an employee of his own choice (sec. 7(j), sec. 8). Any claim that such a law would not "force the hiring" of unwanted employees is simply without foundation.

It must also be pointed out that the bill not only authorizes Federal officials to dictate to an employer whom he shall or shall not hire, but it also authorizes a continuing supervision over his detailed management of his working force. All "compensation, terms, conditions, or privileges of employment" must be free from any "discrimination." Every promotion, every assignment of duties, every privilege granted an employee, although decided on the basis of merit according to the employer's judgment, may be subject to review by the Federal Commission on complaint that there was unlawful discrimination against some other employee. It is difficult to imagine a law more certain to insure the eventual destruction of private enterprise, by removing from private management all effective control of a working force.

The employer is subject to a Commission having wide powers of rulemaking, investigation, and the issuance of cease-and-desist orders. But the right of trial by jury is denied and judicial review is provided with a clearly recognized inferential power to punish with contempt-of-court orders.

The inquiries and investigations directed by the act would vex and harass business to the point where orderly plant management and efficient production would be impossible The small businessman, already overburdened, would encounter new regulations, investigations, hearings, and litigation far beyond his time, his energy, or his finances.

Labor organizations would be subject to interference and supervision of their internal affairs. And the law which tells the employer who his workers shall be today, can be reversed and the worker told who his employer shall be tomorrow—and where and at what wages.

Justice Brandeis has warned: "Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. * * * The greatest desire to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding."

Source: U.S. Congress, Senate, Committee on Labor and Public Welfare, report to accompany S. 3368, Washington, U.S. Government Printing Office, 1952, page 708 (82d Cong., 2d sess., S. Rept. No. 2080, pt. 2).

I should like to take up a summary analysis of the equal employment provisions of title VII of the civil rights bill which has been prepared by the law department of the National Association of Manufacturers:

The title of the civil rights bill which sets forth in some detail the purpose to provide relief against discrimination in public accommodations, public education, and other areas is somewhat misleading in regard to the bill's purpose with respect to equal employment. In this respect, it states merely that the purpose is "to establish a Commission on Equal Employment Opportunity." In fact, however, title VII of the bill relating to equal employment opportunity imposes a new statutory prohibition against every form of discrimination in employment because of race, color, religion, sex, or national origin.

The proposed Commission on Equal Employment Opportunity is somewhat incidental to this main purpose. Although it would be a powerful agency, the Commission would be created chiefly to administer and enforce the ban against discrimination—functions that could be performed by the Justice Department or other appropriate agencies. The real meat of title VII is, therefore, its ban on discrimination rather than its creation of a Commission to enforce that ban.

Title VII would apply broadly to every employer "engaged in an industry affecting commerce who has 25 or more employees"—except that in the first year after the effective date the number would be 100 employees and in the second year 75 employees, in the third year 50, and thereafter 25.

The term "industry affecting commerce" is broadly defined along the lines of the definition of that term in the National Labor Relations Act, a definition which has been construed by the courts to cover virtually all business enterprises. Specific exemptions are provided for religious organizations, certain private membership clubs other than labor unions, the United States, and the States and their political subdivisions. Also a special exemption would permit educational institutions to employ persons of a particular religion where such institutions are in substantial part owned, supported, controlled or managed by a particular religion or directed toward propagation of a particular religion.

The title would make it an "unlawful employment practice" for an employer to "discriminate" against any individual with respect to hiring, discharge, compensation, terms, conditions, or privileges of employment, because of his race, color, religion, sex, or national origin. An employer could, however, restrict hiring and employment to persons of "a particular religion, sex, or national origin"—but not race or color—where such factor is a "bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise." It would also be unlawful for an employer to "limit, segregate, or classify" employees in any way which would adversely affect any employee because of his race, etc.

It would be unlawful for an employment agency providing employees to covered employers to discriminate in regard to referral or employment opportunities because of race, etc., and it would be unlawful for a labor organization to discriminate in regard to membership or employment opportunities because of race, etc.

Likewise, any discrimination by employers of unions in connection with apprenticeship or other training programs because of race, etc., would be unlawful.

Publication of any advertisement or notice by an employer, employment agency, or labor organization, indicating any preference or distinction in regard to employment, referral, or membership because of race, etc., would be unlawful.

Exception is made in most of the above situations where religion, sex, or national origin (but not race or color) is a bona fide occupational qualification. The bill apparently would not recognize race or color as a bona fide occupational qualification under any circumstances.

The bill would permit an employer to refuse to hire and employ any person because of such person's "atheistic practices and beliefs." Also it would deny any relief to any individual who is a member of the Communist Party of the United States or any other organization required to register as a Communist organization by final order of the Subversive Control Board.

In prohibiting discrimination because of sex, the bill would seem not only to duplicate completely the coverage of the Equal Pay Act of 1963, but also to extend far beyond its scope and coverage. That act prohibits only discrimination in rates of pay because of sex, and it also was carefully limited by Congress to discrimination between employees working in the same establishment and performing "equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions." The present bill on the other hand would prohibit discrimination with respect to "hire, discharge, compensation, terms, conditions, or privileges of employment" because of sex. It would not be limited to employees in the same establishment, and consequently, comparisons might be made between widely separated establishments. Moreover, it is not limited to employees performing equal work on jobs requiring equal skill, etc., and accordingly, discrimination might be charged and found as between employees performing completely different jobs.

Although the bill contains lengthy provisions making it unlawful to "discriminate" in any way in regard to employment, it does not define the term "discriminate" or the term "discrimination." Presumably "discriminate" would have its commonly accepted meaning which, according to Webster's International Dictionary, is "to make a distinction" or to "to make a difference in treatment or favor (of one as compared with others); as to discriminate in favor of one's friends; to discriminate against a special class."

The title would seem to make it unlawful for an employer to make any distinction or any difference in treatment of employees because of race, color, religion, sex, or national origin.

The bill does not make willfulness or intent an element of its unlawful employment practices. Apparently, therefore, it would not be necessary to show any willful purpose or intentional violation on the part of an employer. It would appear to be sufficient to show that discrimination does in fact exist.

The bill provides no standards of proof or evidence. Presumably it would be sufficient if it were shown that the mix with respect to race, color, religion or national origin among an employer's employees was substantially disproportionate to the mix in the labor-market area from which such employees were drawn. The burden would then doubtless be on the employer to show that such disproportion was due to bona fide job requirements such as skill, education, etc., which prevented his employing an average mix from the labor-market area.

Moreover, this standard of disproportion to the local average might be applied not only to an employer's entire operation but also separately to particular jobs, departments, or categories of employees. For example, it might be applied separately to unskilled labor, skilled labor, individual crafts, clerical, supervisory, administrative, and executive classifications.

There is nothing in the title to limit it to any particular type of classification of jobs or positions, and presumably it would apply across-the-board to all persons classified as employees. Thus, it could reach into managerial positions, and if a disproportion were shown it could furnish a basis for a finding of discrimination and injunction against such discrimination.

It is not clear whether the bill would apply to the selection of corporate officers by a corporate board of directors or to the election of a board of directors by stockholders of a corporation. It is arguable that it might apply to the selection of officers by the directors, because the term "employer" by definition includes "any agent," and directors might be deemed agents of the corporation for purposes of the bill. It seems doubtful, however, that stockholders could be considered agents of the corporation in electing directors.

The title would create an Equal Employment Opportunity Commission to administer and enforce its provisions. The Commission would be a permanent agency consisting of five members appointed by the President for terms of 5 years.

Proceedings would be initiated under the title by the filing of a written charge with the Commission, alleging that an employer, employment agency, or labor organization has engaged in an unlawful employment practice.

Such charge could be filed "under oath by or on behalf of a person claiming to be aggrieved" or could be filed by a member of the Commission.

Whenever a charge is filed, the Commission is directed to furnish a copy to the party against which it is made and to make an investigation. In making such investigation, it would be empowered to enter and inspect any premises, examine records, question employees, and investigate such other matters as may be appropriate. It would have subpena power but could not require production of witnesses or records outside the State where they are located.

If the Commission, after investigation, finds reasonable cause to believe that the party charged has committed an unlawful employment practice, it is directed to endeavor to eliminate such practice "by informal methods of conference, conciliation, and persuasion." The title provides that nothing said or done during such endeavors may be used as evidence in a subsequent proceeding.

If such efforts fail, the Commission is directed and required to bring a civil action in Federal court, unless it finds by affirmative vote that such action would not serve the public interest. The term "public interest" is not defined, which would seem to leave the determination solely to the discretion of the Commission. If it does not bring action, the person claiming to be aggrieved can bring such action upon obtaining written permission of one member of the Commission.

Any such action could be brought either in the Federal judicial district in which the discrimination is alleged to have taken place, or in the judicial district where the charged party has his principal office. Thus, in the case of many corporations and other large enterprises, the Commission or the charging party would have a choice of forums in which to bring suit. Undoubtedly this choice would be exercised to the best advantage.

The party charged, on the other hand, is given no choice of forum in which he may defend. In cases where his principal office and his other places of business are located substantial distances apart, he could be subjected to serious financial burden and great inconvenience and disruption of his business in defending such actions. In most cases his witnesses who could testify as to the facts and circumstances at a particular plant or establishment would be located in such establishment; and to offer them as witnesses at a trial in a distant State, he would have to call them away from their employment and pay their expenses in attending the trial.

The bill provides that the Commission shall be liable for costs in suits brought by it the same as a private person. Accordingly, if the charged party prevails in a trial, he presumably could recover certain witness expenses and other costs of trial, but not the consequential costs resulting from disruption of his business. On the other hand, if the Commission or other charging party prevails, the charged party apparently would be liable for the Commission's witness expenses and other costs of trial in addition to his own. It is obvious that these expenses could be substantial where a trial is held at a place distant from the establishment where the witnesses are located.

There is no provision for trial by jury. Instead, title VII authorizes the court to appoint a master to take evidence on issues of fact, and submit a recommended order.

If the court finds that the charged party has engaged in or is engaging in an unlawful employment practice charged in the complaint, it could enjoin him from engaging in such practice in the future. The court is also directed to order him to take such affirmative action, including reinstatement or hiring of employees with or without back pay, as it finds appropriate.

In connection with its enforcement functions, the Commission would be authorized to issue regulations to carry out the provisions of the title. In doing so it would be required to conform with the standards of the Administrative Procedure Act which would include notice and opportunity to be heard as well as other procedural safeguards.

With respect to employment in the performance of any contract with the Federal Government or its agencies, the bill would apparently supplement, but not supersede, the action already taken by the President through Executive Order No. 10925 as amended by Executive Order No. 11114 to provide equal opportunity for employment on Government contracts. Undoubtedly there will be considerable overlapping and duplication with respect to recordkeeping and possible penalties as between title VII and the requirements prescribed under Executive Order No. 10925 governing employment on such contracts.

One feature of title VII stands out above all others—it has the potential for an unprecedented volume of Federal investigative activities and litigation against private business enterprises. In this connection, it is to be remembered that charges of unlawful employment practice can be filed not only by any person who feels aggrieved but also by any other person or organization acting "on behalf of" such person.

Mr. ROBERTSON. Mr. President, will the Senator from Texas yield for a question, with the understanding that he will not lose the floor?

Mr. TOWER. I yield to the Senator from Virginia with the understanding that I shall not lose the floor.

Mr. ROBERTSON. Is it not true that under title III of the bill, as in title III of the bill in 1957, if an individual made a complaint, the Attorney General could then intervene with all the powers of the Federal Government behind him?

Mr. TOWER. He certainly could. That puts him in the position of being a plaintiff's lawyer for almost anyone who needs a plaintiff's lawyer in such a case.

Mr. ROBERTSON. Does the Senator anticipate that the Attorney General would have any difficulty in persuading a representative of the NAACP to initiate an action if he wanted to proceed?

Mr. TOWER. If the Attorney General wanted to try to obtain a decision on a particular issue, if he were attempting, by force legislation, to establish some legal precedent, he could find many lawyers who would be willing to cooperate with him. I am not casting any aspersions on the present Attorney General; but, after all, we anticipate that there will be other Attorneys General from time to time. There might be a sore temptation, for political reasons, for some Attorney General to practice barratry, which is, as the Senator well knows, for the fun of it.

Mr. ROBERTSON. Is it not true that title III of the 1957 bill which was similar to title III of the pending bill, was overwhelmingly defeated in this body?

Mr. TOWER. It was.

Mr. ROBERTSON. Is it not true that in 1957 the distinguished former Senator from Texas, Lyndon B. Johnson, made a brilliant speech about the absence of a provision for jury trials in that FEPC bill?

Mr. TOWER. Yes. President Johnson has been a consistent and highly articulate opponent of FEPC legislation.

Mr. ROBERTSON. Has he not always advocated that if any new type of crime is established by law, a defendant should have the benefit of the traditional constitutional right of trial by jury?

Mr. TOWER. Certainly. As the Senator well knows, the right to trial by jury has come down to us through our common law heritage. It is one of the great legal institutions that evolved in medieval England, even before Columbus discovered America. It is so treasured a principle that it was fixed into our Constitution.

The proponents of the bill get around the principle by saying that what is proposed is a civil action; that it does not involve a large amount of money; and that it does not involve criminal punishment. Therefore, they say, we can proceed without jury trial. But that would be only a beginning.

I think provision for a jury trial applies to the spirit of the Constitution, the spirit of our common-law legal system.

If one refused to hire someone he did not want to hire, if he refused to hire someone he did not believe was competent to do the job, he could in effect be punished, although no substantial amount of money might be involved. If we were not violating the letter of the Constitution, if we were not violating the letter of the common law, we would certainly be violating the tradition of the common law.

Mr. ROBERTSON. Probably the Senator from Texas will recall that I have made a statement on the FEPC. In the statement I said it would certainly lead, in the end, to the quota system.

The distinguished majority whip, the Senator from Minnesota [Mr. HUMPHREY], asked, "Can you find 'quota' written out in the bill?"

Of course we do not find it written out in the bill; neither do we find written out in the 14th amendment to the Constitution some of the lengths to which the Supreme Court has gone, since the ratification of that amendment, in applying it—for example, in using it in connection with school desegregation and in using it to nullify so many other things of long standing. Certainly no one knew, for example, that, following the War Between the States, Federal troops would be maintained in the Southern States, to control their governments—action for which the then President said there clearly was no constitutional authority. But then Congress passed a law to permit the use of Federal troops in the Southern States, and said, in that connection, that such use was allowed "under the 14th amendment."

Does the Senator from Texas believe that if an FEPC were established, it would inevitably lead, in the end, to quotas?

Mr. TOWER. I do not see how they could be avoided, because this provision of the bill would confer unlimited discretionary power on the proposed five-member Commission. The bill does not use the word "quota"; but the use of quotas is implied. The bill provides that no one shall be discriminated against in connection with employment—that in connection with employment, there shall be no discrimination growing out of race, color, religion, national origin, or sex. Does that provision mean, then, that the employer must hire a certain number of persons of the various ethnic and other categories? If so, quotas would be bound to result.

As Shakespeare said, "A rose by any other name would smell as sweet."

Mr. ROBERTSON. Quotas are implicit in the whole idea of that provision, are they not?

Mr. TOWER. That is correct.

Mr. ROBERTSON. Even if their use is not specifically provided for or defined in the provision?

Mr. TOWER. Yes.

Mr. ROBERTSON. What is the Senator's opinion of the probable effect of the provision limiting the application to businesses having at least 100 employees? What does the Senator think would eventually result?

Mr. TOWER. Of course, not being a proponent of the pending measure, I cannot explain what the proponents had in mind, except perhaps they thought the smaller businesses would not be inclined to oppose the bill so much if this part of the bill were limited to businesses having at least 100 employees—although no doubt the limit would later be reduced to 75 employees, and later to 50 employees, and later to 25 employees. So perhaps the proponents believed that the 100-employee limitation would be advantageous, in terms of tending to put the small employers to sleep, so as to be unaware of the danger which eventually would face them.

Mr. ROBERTSON. In view of the undoubted coverage of the bill, does the Senator from Texas have any doubt that if the bill as first put into effect did contain the 100-employee limitation, actually the limitation would be reduced to just 1 employee.

Mr. TOWER. No doubt that would be the case. Of course, a business of 25 employees is fairly small. A retail establishment in a small town might employ 25 people. So a business which employs 25 persons is by no means a big business.

I think ultimately the demand would be to scale down further the presently proposed limitation, with the result that eventually the bill would apply to an employer who had only one or two employees.

Mr. ROBERTSON. Is it not inevitable, too, that a businessman who found that he was subjected to the provisions of this part of the bill would insist that all his competitors likewise be subjected to it?

Mr. TOWER. Oh, no doubt that would happen, for "misery loves company," as the saying is. No doubt what the Senator from Virginia suggests would quickly develop.

Mr. ROBERTSON. What is the Senator's explanation of the fact that all parts and titles of the bill, except title VII, the FEPC title, would become effective as soon as the President signed the bill, whereas the FEPC title would not then become effective?

Mr. TOWER. Again, I think perhaps the intent is to give the business world time to adjust to that part of the bill and time to rectify some of their "evil ways of discrimination," and so forth, and also to give the commission some grace time in which to think up various forms, data sheets, and so forth, which the employers would be required to maintain.

After all, in view of the vast discretionary authority which, by means of the bill, would be wielded by the commission, which would virtually operate carte blanche, this title would be a tremendously large stick, a very big stick, to be wielded over business; and the commission might think up 100 things it wanted to require business to do.

Mr. ROBERTSON. I assume that the Senator from Texas thinks the proposed postponement of application of the FEPC title does not have any relationship to the forthcoming election. Does he think that is not involved?

Mr. TOWER. Well, regardless of whether one might be regarded naive because of the attitude he took in that connection, at least it can be said that some persons believe the proponents had that situation in mind.

Mr. ROBERTSON. Does the Senator from Texas think perhaps it would be advisable to provide that application of the FEPC title of the bill should be postponed for 2 years, so as to enable another Congress to examine it and decide about it?

Mr. TOWER. Perhaps it would be well to have that done. In view of the approaching campaign, there could then be full debate on the measure during the period of the campaign. After all, a period immediately preceding a presidential and congressional election is not the best time in which to have Congress pass measures providing such vast new authority and having such vast effects. Obviously, it might be quite wise to let this issue be taken to the voters, to enable them to give their mandate on it in the election.

Mr. ROBERTSON. In short, does not the Senator from Texas believe the pending bill represents a plain attempt to grab vast power for the Federal Government, at the expense of the States and the people?

Mr. TOWER. Undoubtedly so.

Mr. ROBERTSON. I feel that the bill contains a large number of measures which are clearly unworkable, and many which are unconstitutional—such as the FEPC title, and many which are very distasteful.

What would the Senator from Texas think of adding to the bill a provision to the effect that the FEPC title would not become effective until it had been ratified by a majority of the States, at the election next November?

Mr. TOWER. I think that would be a good idea. Of course, this issue could be submitted to conventions in the States, rather than to the State legislatures. Perhaps that would be better, because the conventions would be popularly elected, and thus it would be possible to obtain a correct view of popular sentiment in the country.

Mr. ROBERTSON. But that issue could be put on the ballot; that would not be unconstitutional.

Mr. TOWER. That is correct. So what the Senator from Virginia suggests could be done, by following the regular procedures; but also, as in the case of the prohibition amendment, this issue could be submitted to conventions in the various States, and thus it would be possible to obtain a fairly accurate view of public sentiment.

Mr. ROBERTSON. I thank the Senator from Texas.

Mr. SPARKMAN. Mr. President, at this point will the Senator from Texas yield briefly to me?

Mr. TOWER. I am glad to yield.

Mr. SPARKMAN. After listening to the colloquy between the distinguished and learned Senator from Texas and the distinguished and learned Senator from Virginia, I wish to ask a question.

As I understand the statements they have made, the Attorney General of the United States—whoever might at the time be serving in that position—could, when a complaint was made to him by only one person, commence such proceedings, if he was satisfied that the complaint was a valid one.

Mr. TOWER. He certainly could. But this has been a highly controversial proposal, and this body has rejected it before.

I see no reason why it is any more advisable to enact it now than when it was previously rejected.

Mr. SPARKMAN. The question was up for consideration in 1957.

Mr. TOWER. That is correct.

Mr. SPARKMAN. The proposal was beaten on the floor at that time. Is that not correct?

Mr. TOWER. That is correct.

Mr. SPARKMAN. I believe there were two votes on it.

Mr. TOWER. Yes. I was not a Senator at that time. But I believe the Senator is correct.

Mr. SPARKMAN. I can remember the debate on it. I can remember the reaction of Senators when they learned what the various provisions were. Does not the Senator understand that these were practically the same provisions that were contained in the 1957 bill?

Mr. TOWER. That is my understanding. I can see no substantive difference.

Mr. SPARKMAN. With reference to the provision which seeks to allow the Attorney General, when a complaint is made to him by a single person, to start proceedings against the one who is charged with unfair practices or discriminatory employment practices, as the Senator has said, that suit may be brought in different places.

Mr. TOWER. Yes. It can be brought either in the jurisdiction where the events occurred, or in the jurisdiction where the headquarters of the offender are located.

Mr. SPARKMAN. For the purpose of my question, I shall consider only the place where the company's headquarters are. I want to ask the Senator particularly about small business. Could this not be used as a severe harassment of small businesses?

Mr. TOWER. Absolutely. That is what those of us who have addressed ourselves to this provision have anticipated. Certainly it would be used as a harassment. The Senator was not in the Chamber a while ago when I had a colloquy with his distinguished colleague from Alabama [Mr. HILL]. We discussed that very point. The bill has rather sinister implications which could be directed both to civil rights and to the harassment of business for some reason which is not connected with civil rights. The law might be used as a bludgeon or club, not to eliminate discrimination, but to impose some punitive, vindictive action on a business.

Mr. SPARKMAN. Suppose the small businessman knew that he was not guilty, and decided to fight the decision. No jury is provided to decide the case. Is that correct?

Mr. TOWER. There is no jury provided.

Mr. SPARKMAN. There would not be a jury of a man's own peers?

Mr. TOWER. That is correct.

Mr. SPARKMAN. The right to have a jury of one's own peers has been provided, as the Senator stated, for centuries, since medieval times. That provision has been in effect since Runnymede in 1215, when the barons wrested a guarantee from the King of England that every Englishman should thereafter be entitled to the right of trial by a jury of his own peers.

Mr. TOWER. That is correct.

Mr. SPARKMAN. That provision has been handed down through our jurisprudence.

Mr. TOWER. That is correct.

Mr. SPARKMAN. However, it is not contained in the bill.

Mr. TOWER. That is correct.

Mr. SPARKMAN. Suppose the judge were to find the man guilty, as he might well do. In that event, the bill does not set a standard; does it?

Mr. TOWER. No. It does not.

Mr. SPARKMAN. Therefore, someone or some agency will have gradually established a standard?

Mr. TOWER. That is correct. There are no objective standards in the bill. There is no clear-cut definition of color or national origin. We are placing a great deal in the laps of five nameless commissioners who will have to exercise their own discretion.

Mr. SPARKMAN. During the time required to get the system started, the five commissioners will be the ones who will be instrumental in setting standards by arbitrary pronouncements?

Mr. TOWER. Yes. We can assume that they may be well-intentioned men, and I have no doubt that they will be. But they will be given more life-and-death power, and more actual dictatorial power over the operations of business in this country, than the U.S. Senate possesses. There are 100 of us; and we could never go so far as to say that we 100 have a monopoly on truth. Could we?

Mr. SPARKMAN. We could not. There is a body at the other end of the Capitol that the Constitution makes jointly responsible.

Mr. TOWER. That is correct. And we are not always in accord.

Mr. SPARKMAN. Does not the Constitution provide that all constitutional power shall be vested in Congress?

Mr. TOWER. It clearly provides that.

Mr. SPARKMAN. Does the Senator agree with me that no standards are laid down whereby a defendant could take the case before a judge and claim that standards are not provided?

Mr. TOWER. That is correct.

Mr. SPARKMAN. Those standards will gradually be woven into the fabric of our procedures by the five Commissioners in the decisions which they will render. A quota system could be placed in those procedures, could it not?

Mr. TOWER. By all means.

Mr. SPARKMAN. I believe the Senator stated that in his opinion it would be?

Mr. TOWER. Undoubtedly there would be a quota system. I would suggest, if the bill is passed, that the validity of it be challenged on the ground that it is too ambiguous and that congressional power is not clear in the bill. The Supreme Court should refuse to uphold the validity of the proposed act, not only on the ground of constitutionality, but also on the ground that the language is vague, nebulous, and ambiguous. How could a court possibly understand what the congressional intent is?

Mr. SPARKMAN. It would be unenforceable.

Mr. TOWER. It would be unenforceable because of the ambiguity. But as the Supreme Court is now constituted, I am afraid it would not so hold.

Mr. SPARKMAN. A few days ago there was a split decision of the Supreme Court, 5 to 4, on the right to a trial by jury.

Mr. TOWER. Yes.

Mr. SPARKMAN. I thought it was a rather significant decision on that particular subject. It is not the first time that the Supreme Court has been rather closely divided on the same question, the right to a trial by jury.

Does the Senator not feel that it is quite noticeable in that decision that the so-called liberals of the Court decided in favor of the right to a trial by jury? Does that not indicate that the liberals everywhere ought to pay attention to the bill if being liberal means that kind of interpretation?

Mr. TOWER. That is correct. I regard myself as liberal—more or less of the 19th century type. I am sorry that the terms have been preempted to mean something else. But all intellectual liberals should rally, and I would hope they would join us on this subject.

Mr. SPARKMAN. Does it not seem that Senators who call themselves liberals and generally think of themselves as being liberals, should be in the forefront, working for the right to a trial by jury in line with the opinion of the four liberals on the Supreme Court?

Mr. TOWER. They should join with us in the ardent debate to oppose this measure until such a provision is included in the bill.

Mr. SPARKMAN. I agree. Could not this provision become a very expensive item for the average small business, by reason of being required to call in large numbers of witnesses and build up other court expenses?

Mr. TOWER. It could become very expensive. It could be a grievous burden on a marginal operation where the margin of profit is not great.

Mr. SPARKMAN. Is that not characteristic of a large number of independents, small businesses in the average community?

Mr. TOWER. Yes. We think in terms of what the legal costs might be in the average suit which would be brought. But we do not know as yet what the Commission will require the employer to keep in the way of data and records. The requirements of the Commission might necessitate the hiring of additional personnel who are not production employees and do not help the employer make money. The additional personnel would assist the Government in their recordkeeping. That would be an additional cost to the small business.

Mr. SPARKMAN. The Senator knows this section of the bill better than I do. There has been talk about this section, but it is not clear in my mind. Is it provided in the FEPC section that the law, if it should be enacted, would not be applicable in States having their own FEPC laws?

Mr. TOWER. Yes; where such laws were found by the Commission to be adequate.

Mr. SPARKMAN. Does the Senator feel that that is fair and nondiscriminatory legislation?

Mr. TOWER. I feel that it is rank discrimination.

Mr. SPARKMAN. Is not the bill shot through with discrimination?

Mr. TOWER. I believe this is the most discriminatory piece of legislation I have ever seen in the Congress.

Mr. SPARKMAN. Speaking of the quota system, the proponents say there is no quota system provided for in the bill.

Would it not be fairer, so far as the country is concerned, to have a quota system provided for in this proposal?

Mr. TOWER. Yes. If we are to pursue this course, let us enact legislation which will provide for a quota system. Then why not go a step further? If an employer must hire a certain percentage of people with certain national origins, let us say to the consumer, "You must patronize business establishments owned by people of various national origins in your community." For example, suppose an Italo-American owns a restaurant, and a Greek-American owns a delicatessen. Could we not say to the consumer, "You must take part of your meals in one place, and a part of them in another, and perhaps another part of them in a German restaurant." If we are going to compel people to do this, and if we are going to establish quota systems for hiring people of various national origins, why not go the next step?

I know of one Negro citizen who moved north, to Massachusetts. He was greeted warmly. He was helped in becoming established in business. Then the people would not patronize his business.

Mr. SPARKMAN. He was frozen out.

Mr. TOWER. He was frozen out. What are we to do about that kind of situation?

Mr. SPARKMAN. I am sure the Senator is familiar with the provision in the bill which has been referred to from time to time by various Senators as being a hyopcritical provision. I do not know that we would be right in saying that. We would probably be violating the rules in saying that, because probably Senators—no; Senators did not have any part in writing the bill. I will take it all back. No Senator had anything to do with writing the bill. Is that correct?

Mr. TOWER. That is correct. This is the House bill.

Mr. SPARKMAN. Even the House did not have an opportunity to do much writing.

Mr. TOWER. No.

Mr. SPARKMAN. It did write one provision; and I want to ask the Senator about that provision while we are discussing discrimination. That is the section in title IV, I believe, which relates to desegregation of schools. Is the Senator familiar with the little provision which states, in effect, "This provision shall not apply to transfering from one school to another"?

Mr. TOWER. Oh, yes.

Mr. SPARKMAN. In other words, it provides that it does not require "busing." Is the Senator familiar with that provision?

Mr. TOWER. Yes. That is correct. But there are many little discriminatory clauses in the bill besides the FEPC provision. Atheists are not given protection. I do not know why we are discriminating against atheists. By the way, who is going to tell who is an atheist? I cannot always tell the difference between an atheist and an agnostic. Who is going to tell the difference?

Mr. SPARKMAN. No; they themselves cannot always tell the difference. My own feeling is that there is no such thing as a genuine atheist.

Mr. TOWER. But one may discriminate against atheists under this bill. So it can be classified as class legislation.

Mr. HILL. Mr. President, will the Senator yield to me before he leaves the subject?

Mr. TOWER. I yield.

Mr. HILL. Was not the one thing above everything else that was guaranteed the people under the Constitution freedom of religion?

Mr. TOWER. By all means.

Mr. HILL. Did not those who wrote the Constitution know of the misery and suffering which could occur from not having that freedom?

Mr. TOWER. Absolutely. The Supreme Court has said that the wall between church and State must be rigid and insuperable. Yet the bill makes second-class citizens of atheists. I disagree with atheism, and I hope it never takes hold in this country, but atheists should be entitled to the equal protection of the laws. This provision flies in the teeth of the 14th amendment.

Mr. SPARKMAN. Mr. President, if the Senator will yield, does not the constitutional provision relating to religion apply to the freedom to have a religion, and, with equal force, to freedom not to have a religion?

Mr. TOWER. That is correct. A citizen can either have a religion or not have one. Many persons who profess to have a religion do not really have it, but that is another story.

Mr. SPARKMAN. The Senator is familiar with the situation that prevails in Harlem; is he not?

Mr. TOWER. I do not visit that area frequently.

Mr. SPARKMAN. But the Senator is acquainted with the conditions that obtain there?

Mr. TOWER. Yes.

Mr. SPARKMAN. The Senator knows about the difficulties the people had there a year or two ago when students were "bused" to the schools, and the objections that were made to that, and all the trouble the people had up there. Does not the Senator know that the "busing" prohibition in the bill guarantees the continuation of such conditions as exist in Harlem in the segregated sections and the segregated schools?

Mr. TOWER. The bill does not intend to encourage the breaking up of ghettoes in the big cities. That applies not only to Negro citizens, but to groups of various other national origins.

Mr. SPARKMAN. The Puerto Ricans, for example.

Mr. TOWER. Puerto Ricans, and any number of others.

Mr. SPARKMAN. And other groups. The Senator is familiar with the fact, is he not, that a couple of years ago the Civil Rights Commission, in its report, said that the most segregated city in the United States was Chicago?

Mr. TOWER. Yes.

Mr. SPARKMAN. The Senator recalls, does he not, the trouble in Chicago over the past year or two with respect to attempts to bring about a balance in the schools and cure the so-called imbalance?

Mr. TOWER. One way to remedy that situation is to put an open housing provision in the bill. I wonder if our friends would be willing to accept such a provision.

Mr. SPARKMAN. There is a provision in the bill against that.

Mr. TOWER. Perhaps there ought to be an open housing provision in the bill.

Mr. SPARKMAN. A provision was put in the bill by the House that an open housing provision does not apply to any contract of insurance or guarantee. Such a provision protects the banks, the savings and loans associations, FHA insured contracts, and VA guarantees; but the people who must live in public housing have no protection.

Mr. TOWER. That is correct.

Mr. SPARKMAN. The elderly or low-income people, who must obtain direct loans, have no protection.

Mr. TOWER. They have no protection.

Mr. SPARKMAN. Does that not seem discriminatory?

Mr. TOWER. It is absolutely discriminatory. As I have already said, this legislation is shot through with discriminatory provisions.

Mr. SPARKMAN. Yet it is claimed that this is a bill to cure discrimination.

Mr. TOWER. Absolutely. If we did a little work on it I believe we could eliminate some of the discriminatory provisions. For example, the bill should be made equally applicable to atheists and to those who have a religion; it should be made equally applicable to northerners and southerners; city dwellers as well as rural dwellers. This is the most discriminatory piece of legislation I have ever seen.

Mr. SPARKMAN. If the Senator will yield to me further, I see present in the Chamber some long-time Members of Congress—my colleague, the senior Senator from Alabama [Mr. Hill], the Senator from Virginia, chairman of the Banking and Currency Committee [Mr. Robertson], among them. They were in the House. They recall that in times past antilynching bills were introduced almost every year.

Mr. TOWER. We discussed that subject earlier.

Mr. SPARKMAN. The antilynching bills were always written to apply to the killing of someone in the South. I heard a number of southern Members of Congress say, "If you will write into that bill a provision to make it applicable to mobs, mob killings, and riots, we will support an antilynching bill."

Was it ever done? Never. It was always aimed at the South. Is not much of this bill aimed in the same direction?

Mr. TOWER. This bill is in the spirit of Thaddeus Stevens and Charles Sumner.

Mr. ROBERTSON. Mr. President, will the Senator from Texas yield, without losing his right to the floor?

Mr. TOWER. I am glad to yield to the Senator from Virginia.

Mr. ROBERTSON. I wish only to ask a question.

The Senator knows the senior Senator from Virginia [Mr. Byrd], and he knows that some years ago he was successful in having an antilynching bill passed in the State legislature of the State of Virginia. Since that time, there has not been a lynching in the State of Virginia. But a significant point was referred to by the distinguished Senator from Alabama, that the bill applies to any kind of mob action and has been used only once. That was in a strike called by a labor union in which many people were beaten. Two of its leaders were convicted and sent to the penitentiary for 3 years. There has been no labor violence in Virginia since.

As the Senator from Alabama has stated, those who wish an antilynching bill did not wish that kind of bill. It was a bill aimed at the South.

Mr. President, since I have been yielded a moment, I wish to take this opportunity to warmly commend the distinguished Senator from Texas for a fine address, and for his helpful suggestions. I hope that all Senators will consider well and read the suggestions he has made, to make this a fairer and more workable measure.

Mr. TOWER. I thank the distinguished Senator from Virginia for his comments.

Mr. HILL. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. HILL. I also wish to commend the Senator from Texas on the fine speech he has made on the floor of the Senate today. I join the distinguished Senator from Virginia [Mr. Robertson] in particularly commending the constructive and statesmanlike suggestions of the Senator from Texas.

I congratulate him and warmly commend him.

Mr. TOWER. I thank the distinguished Senator from Alabama for his comments.

WELCOME TO SENATOR RANDOLPH

During the delivery of Mr. Tower's speech.

Mr. RANDOLPH rose.

Mr. KUCHEL. Mr. President, may I inquire of my good friend the Senator from West Virginia, whom I am delighted to see on this occasion, if he plans to make an extensive comment?

Mr. RANDOLPH. No; I desire to ask permission to insert some matters in the Record. I am most grateful for the Senator's welcome.

Mr. KUCHEL. I am delighted to see the Senator from West Virginia.

Mr. RANDOLPH. I thank the able senior Senator from California.

Mr. TOWER. Mr. President, I am very glad that our good friend from West Virginia has returned to the Chamber. We welcome him. We are glad to observe that he seems to be in robust health.

Mr. RANDOLPH. The Senator from Texas is thoughtful, and I appreciate his remarks.

Mr. HILL. Mr. President, the distinguished Senator from Texas [Mr. Tower] and I serve on the Committee on Labor and Public Welfare with the distinguished Senator from West Virginia. During his recent absence, we missed him greatly. We deeply sympathize with the ordeal he had to go through; and we are delighted to have him back with us. All of us know full well of the very fine work he does in our committee; and all of us know full well, too, of his exceedingly fine work in the Senate itself.

We salute him, and are extremely happy to have him back with us.

Mr. RANDOLPH. I thank the Senator from Alabama. I cherish our friendship of many years, extending back into the 1930's when we were colleagues in the House of Representatives. It is a privilege to serve on the Labor and Public Welfare Committee under his competent leadership.

Mr. BAYH. Mr. President, will the Senator from West Virginia yield briefly to me?

Mr. RANDOLPH. I yield.

Mr. BAYH. Mr. President, I wish to second the remarks of the Senators who have paid their respects to the distinguished Senator from West Virginia.

As a relatively junior Member of the Senate, I wish to state that I have always regarded the Senator from West Virginia as one of the pillars of the Senate; and I have been very happy to serve with him on the Committee on Public Works.

All of us have sent him our prayers.

Now that you are back with us, Senator Randolph, we are more than delighted; and we trust that you will now be able to return to the harness.

Mr. RANDOLPH. Mr. President, I appreciate the remarks of the Senator from Indiana, and I thank my friends and colleagues, all. Their remarks have been expressed in much too generous terms.

Mr. President, I wish to comment on what the Senator from Indiana [Mr. Bayh] has said about prayer. We know the skill of the surgeon's hands. There are other powers that are very real. Strength comes to a person through prayer, and hope, and faith. I know this through a time of testing.

I recall some lines written by Ella Wheeler Wilcox:

> Say you are well, or all is well with you;
> And God shall hear your words and make
> them true.

Mr. HILL. Mr. President, will the Senator from West Virginia yield again, briefly, to me?

Mr. RANDOLPH. I yield.

Mr. HILL. Concerning what the distinguished Senator from West Virginia has said, I may say that my father was a physician and a surgeon for 50-odd years. He performed many surgical operations. He always said he could do only 10 percent, and that the good Lord did the other 90 percent.

Mr. RANDOLPH. I thank my friend the Senator from Alabama. I am reminded also of the lines by John G. Whittier which were quoted to me by our beloved Chaplain, Dr. Frederick Brown Harris, as follows:

> The healing of His seamless dress
> Is by our beds of pain;
> We touch Him in life's throng and press,
> And we are whole again.

Mr. President, 1 week ago today I entered the Chamber for the first time since my hospitalization. It is a genuine privilege to return again today. I anticipate increasingly frequent attendance.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 143 Leg.]

Allott
Anderson
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Cotton
Curtis
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hartke
Hayden
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Kuchel
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Nelson
Pastore
Pearson
Pell
Prouty
Randolph
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Symington
Tower

Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). A quorum is present.

AMENDMENTS NOS. 498, 499, AND 500

Mr. ROBERTSON. Mr. President, I send to the desk an amendment (No. 498) and ask that it be read and printed, and that it lie on the table.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read as follows:

On page 27, line 8, insert "(a)" immediately after "SEC. 603.".

On page 27, between lines 20 and 21, insert the following new subsection (b):

"(b)(1) In all cases of department or agency action taken pursuant to this title, any person (including any State or political subdivision thereof and any agency of either) aggrieved by any such action may elect, in lieu of the judicial review provided for by subsection (a) of this section or by any other law, to file a petition for judicial review of such action in (A) a United States district court for any district where such action was effected in the case of action terminating or refusing to grant or to continue financial assistance, and (B) in any appropriate judicial district in the case of any other department or agency action.

"(2) For the purpose of this subsection, (A) the district courts of the United States shall have jurisdiction of proceedings instituted for judicial review of such department or agency action and (B) the aggrieved person (including any State or political subdivision thereof and any agency of either) shall be entitled to a hearing de novo and a trial by jury in such proceedings on the issue of the occurrence of discrimination on the ground of race, color or national origin in connection with the program or activity with respect to which such action was taken."

Mr. ROBERTSON. Mr. President, I ask that the reading of the amendment just submitted be considered to be in compliance with rule XXII, and that the amendment may now be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTSON. Mr. President, I send to the desk an amendment (No. 499), which I ask to have read in compliance with Rule XXII, and that it then be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be read.

The legislative clerk read as follows:

On page 27, line 8, insert "(a) immediately after 'SEC. 603.'"

On page 27, between lines 20 and 21, insert the following new subsection (b):

"(b) In all cases of department or agency action taken pursuant to this title, any person (including any State or political subdivision thereof and any agency of either) aggrieved by any such action may elect, in lieu of the judicial review provided for by subsection (a) of this section or by an other law, to institute a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. For the purposes of this subsection, (1) the district courts of the United States shall have jurisdiction of proceedings instituted for such preventive relief, (2) such proceedings may be brought (a) in the judicial district in which such department or agency action was effected in the case of action terminating or refusing to grant or to continue financial assistance and (B) in any appropriate judicial district in the case of any other department or agency action, and (3) the aggrieved person (including any State or political subdivision thereof and any agency of either) shall be entitled to a trial by jury in such proceedings on the issue of the occurrence of discrimination on the ground of race, color, or national origin in connection with the program or activity with respect to which such department or agency action was taken."

Mr. ROBERTSON. Mr. President, I send to the desk an amendment (No. 500) and ask that it may be read in conformity with rule XXII, and that it then be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The legislative clerk read as follows:

On page 27, line 8 insert "(a)" immediately after "SEC. 603."

On page 27, between lines 20 and 21, insert the following new subsection (b):

"(b) Notwithstanding any other provision of this title or of any other law, in all cases of judicial review of department or agency action taken pursuant to this title, the reviewing court shall hold unlawful and set aside any such action found to be unsupported by a preponderance of the evidence."

Mr. ROBERTSON. Mr. President, Edmund Burke, one of Great Britain's greatest statesmen, said, "Nations do not learn by experience." The Romans have come down through the history of civilization as the great law givers but the personal rights of a Roman citizen so eloquently explained by Cicero in his brilliant oration, "The Origin of Natural Law," were wiped out in a bloody revolution which followed the assassination of Julius Caesar. That assassination stemmed from his use of the threat of mob action against the Roman Senate if it did not promptly act on his bill to redistribute the public domain. I am sure Senators are not unmindful of the fact that we have been told, first, by the chief proponent of the pending civil rights bill that unless it was promptly passed by the Senate, and without change, there would be rioting in the streets and perhaps a resort to violence. Later, on two subsequent occasions, those sentiments have been echoed by the distinguished Senator from Oregon [Mr. MORSE]. Both of those gentlemen are urging prompt passage, without an amendment, of the most far-reaching bill presented to the Congress since the unfortunate days of Reconstruction, when the Congress passed such punitive bills against the South that the Supreme Court was forced to declare them null and void. One of those punitive bills which was declared to be unconstitutional is now the accommodations provision in title II of the pending civil rights bill.

That the pending civil rights bill is an unprecedented grasp for naked power by the Attorney General is clearly shown by the speeches and the votes against similar measures by a great former Senator from Texas named Lyndon B. Johnson. In 1957, we had presented to us in a civil rights bill a title III which authorized the Attorney General with all the power and influence of a great nation at his command to proceed at any time and in any place of his choosing to institute proceedings against a private citizen. That provision was so repugnant to the Senate in 1957 that it was defeated by an overwhelming vote, including, as I have indicated, the vote of the distinguished Senator from Texas, Mr. Johnson. Yet, we have that same title III in the pending bill, with just this minor deviation. Any member of the NAACP would start an action against any individual, any group of individuals, any locality, or any State, and immediately thereafter the Attorney General could intervene.

To all intent and purposes, therefore, title III of the pending civil rights bill is just as vicious as title III of the bill in 1957, yet, we are now told that we must accept it without change.

Title VII of the pending civil rights bill, which in verbiage amounts to nearly one-half of the entire bill, is a drastic FEPC bill, which in the past the Senate has never accepted, and that includes the vote cast by the distinguished Senator from Texas, Mr. Johnson, in 1960.

In addition to voting against any FEPC bill, Senator Johnson voted for jury trials in all the new civil rights legislation that was proposed while he was in the Senate.

Here is what the Senator from Texas said about the right to a trial by jury in 1957, just before he and the then Senator Kennedy, from Massachusetts, voted with the majority to adopt an amendment that would strike out of the civil rights bill then under consideration a provision denying the right of a jury trial for certain alleged violations—and now I shall read from the permanent RECORD, volume 103, part 10, pages 13355–13356:

Mr. JOHNSON of Texas. Mr. President, sometimes in the course of debate we use loose language. But it is not speaking loosely to say that the Senate is approaching a truly historic vote.

By adopting this amendment, we can strengthen and preserve two important rights. One is the right to a trial by jury. The other is the right of all Americans to serve on juries, regardless of race, creed, or color.

But the adoption of this amendment means something even more important. It means the strengthening of the basic purpose of this bill, which is to provide strong guaranties for the right to vote.

I believe we all recognize the fact that in this bill we are stepping into a new field of law enforcement. I am aware of the legal arguments that this is a traditional exercise of the powers of equity.

Those arguments will not be very impressive to our people. No lawyer—no matter how learned—will ever convince them that it is traditional to bring Federal judges directly into the voting cases.

As the bill now stands, it is an effort to convert criminal acts into civil offenses so that they may be punished criminally without a jury trial.

In my opinion, our people will accept the necessity for bringing the Federal courts into the election picture. They realize that there is a question of speed involved if the right to vote is to be effective.

But I do not believe that our people will accept the concept that a man can be branded a criminal without a jury trial. That is stretching the processes of the law too far.

> If we were to insist upon criminal contempt proceedings without a jury trial, we would be inviting the very violations we seek to avoid. In my opinion, we could make no greater mistake.
>
> This amendment has been carefully drawn. It leaves the Federal courts with full power to enforce compliance with legitimate court orders. It does not touch, in any manner, the coercive authority the judiciary properly should have.
>
> It says only that a man cannot be branded as a criminal, in the sight of his fellow man, without a trial by jury.
>
> North, South, East or West, our people will respond to laws that are enacted fairly after reasonable consideration. Those who will not respond can be handled under the ordinary proceedings of criminal contempt.
>
> Mr. President, I believe in the right to vote. I believe in strengthening that right. I believe further that most of our people share my belief or are at least willing to accept it.
>
> And I reject—absolutely reject—the contention that we must concentrate on threats in advance of violation. That is not the way to resolve an issue; it is only the way to create new issues.
>
> Mr. President, I am not going to engage, tonight, in a lengthy argument on the merits of this amendment. There are on this floor able Senators who have explored every aspect thoroughly. The hour is late, and many Senators are prepared to vote.
>
> But, before the rollcall is had in the Senate tonight, I should like to call the roll of the great men of the past. I do so only because I believe it will indicate the strength of the jury trial tradition among our people.
>
> It was Thomas Jefferson who said:
>
> "They [the juries] have been the firmest bulwark of English liberties."
>
> It was Alexander Hamilton who said:
>
> "The more the operation of the institution [trial by jury] has fallen under my observation, the more reason I have discovered for holding it in high estimation."
>
> It was the late Senator Walsh, of Montana, who said:
>
> "There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the system as we now know it."
>
> It was the late Senator George Norris, of Nebraska, who said:
>
> "A procedure which violates this fundamental right of trial by jury in criminal cases, even though it be a case of contempt, violates every sense of common justice, of human freedom, and of personal liberty."
>
> Mr. President, these quotations could be continued into the evening, but it would be pointless to do so. The tradition of trial by jury is deep within the heart of our liberty-loving people.
>
> Repeal that right, and our laws will become ineffective, except to incite disobedience. Recognize that right, and we shall have one of the strongest and most effective laws in our history.
>
> Mr. President, I do not presume—as the minority leader has—to pass judgment on the actions of the other body. All I know is that tonight we in the Senate must do our duty as we see it.
>
> Mr. President, when the roll is called, I hope this amendment will be adopted by a substantial vote.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Congress wrote right into that act the right to a trial by jury.

Mr. ROBERTSON. By a big majority.

Mr. HILL. Is it not true that when the Congress had before it what we know as the Landrum-Griffith Act, dealing with labor unions, their financial affairs, administrative affairs, and standards with respect to elections, the very first title of which is entitled, "Bill of Rights of Members of Labor Organizations," it provided that in any criminal contempt proceeding there should be the right of trial by jury?

Mr. ROBERTSON. There is no question about it. Years ago we provided that in all contempt proceedings against labor unions—which did not involve offenses committed in the presence of the court—there should be a trial by jury. We thought it was not fair if the courts were supposed to be more favorable to corporations than they were to labor unions, as they would be if a Federal judge were permitted to try a labor union leader without a jury and put him in jail for contempt.

Mr. HILL. Is it not true that where the right to a trial by jury does not exist and is denied to individuals, the judge is the accuser and the prosecutor, he tries the case, and then passes judgment and fixes the penalty? It is all done by one man.

Mr. ROBERTSON. That is correct. We would then go back to what was called the star chamber proceeding.

Mr. HILL. That is correct.

Mr. ROBERTSON. Which forced our English forefathers to demand not only the right of a trial by jury, but a jury of their peers. That meant their neighbors, people who knew them and lived with them.

Mr. HILL. Is it not true that nothing caused the British people to fight more, to struggle, and to demand that they might have the Magna Charta, that they might have the petition of rights, and that they might get the Bill of Rights, than the denial of the right to a trial by jury?

Mr. ROBERTSON. It goes back to 1215. It came down to us in an unbroken line, and is one of our cherished rights. It is one of the symbols of our personal freedoms. Yet, nowhere in the pending bill is a man accused of violating a court order, or some other offense, given a right of trial by jury on the issue involved.

Among the many others who spoke and voted in favor of providing jury trials for those charged with certain offenses under the 1957 Civil Rights Act was the then Senator Kennedy from Massachusetts. He inserted in the RECORD advisory opinions from two Harvard law professors who supported the amendment to guarantee jury trials to accused persons and then joined Senator Johnson, of Texas, Senator MANSFIELD, of Montana, and others in voting for the jury trial amendment.

We were advised last week by the present Senator KENNEDY from Massachusetts that his late brother's heart and soul were in the pending bill and that it should be passed unchanged as a memorial to him. The RECORD shows, however, that in 1957, when he actually was in a position to vote on the issue, the then Senator Kennedy from Massachusetts spoke for and voted for the jury trial provision.

Yet, in the pending civil rights bill no jury trials will be allowed in criminal contempt proceedings on discrimination charges in employment or under any other provisions of the bill.

I said in 1957, and again in 1960, the extreme proposals of NAACP and its allied group of do-gooders were driving an unfortunate wedge between the North and the South just as disruptive of national unity and of national cooperation for the general welfare as were the intemperate proposals of the Abolitionists in the early part of 1861 following their success at the polls in the previous November when the northern Whigs had united with the Abolitionists to form a new party called the Republican Party.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that the late President Kennedy did not recommend or request the inclusion in the pending bill of an FEPC provision?

Mr. ROBERTSON. That is correct. He did not recommend the FEPC. That provision was inserted on the House side. No one has found out yet who drew it. There were no hearings on it. It is a little different from any of the others. It starts with 100 employees. It comes down to 50. Then it comes down to 25. It is not to become effective for some months after it is passed.

Mr. HILL. Is it not true that it was never considered by the House committee?

Mr. ROBERTSON. It was never considered by the House committee.

Mr. HILL. There were no hearings. No testimony was taken.

Mr. ROBERTSON. It was never considered by any committee. It was never considered by any committee on this side.

Mr. HILL. Is it not true that it was inserted by the House committee after only 2 minutes of debate?

Mr. ROBERTSON. I do not remember how many minutes, but I know it was a very short time. It could have been only 2 minutes. There was bitter complaint that there was no time to amend it or discuss it. The minority report assigned that as one of the specific objections to the bill that was reported.

Mr. HILL. That was one of the specific objections. The declaration in the minority report is signed by six responsible Members of the House of Representatives.

Mr. ROBERTSON. And one of them was Representative WILLIAM TUCK, of Virginia.

Mr. HILL. That is correct. He is a former Governor of the great Commonwealth of Virginia, is he not?

Mr. ROBERTSON. That is true.

Mr. HILL. He is a former Governor of the great Commonwealth of Virginia, as well as a longtime member of the House of Representatives.

Mr. ROBERTSON. A longtime member of the State senate.

Mr. HILL. He was also Governor?

Mr. ROBERTSON. Yes; and he has been in the House of Representatives for a long time.

Mr. HILL. That is correct. So far as anyone knows, no one has ever disputed the statement in the minority report of the Members of the House of Representatives that only 2 minutes were allowed before the provision was reported out.

Mr. ROBERTSON. The Senator can read that if he wishes.

Mr. HILL. It reads:

> The bill was, upon order of the chairman, read hastily by the clerk, without pause or opportunity for amendment. Several members of the committee repeatedly requested to be permitted to ask questions, have an explanation of the bill, discuss it, consider its provisions, and offer amendments. The Chair refused to grant such requests or to recognize these members of the committee for any purpose. After the reading of the bill in the fashion hereinabove described, the chairman announced that he would allow himself 1 minute to discuss the bill, after which he would recognize for 1 minute the ranking minority member, the gentleman from Ohio. This was an ostensible attempt to comply, technically with the rules of the House but did not amount to debate, as debate is generally understood. Neither of these gentlemen discussed the bill for more than 1 minute; both of them refused to yield to any other member of the committee; and neither of them debated the bill nor discussed it in any fashion other than to say that they favored it. They made no effort in the 2 minutes consumed by both together to even so much as explain the provisions of the bill. In short, there was no actual debate or even any opportunity for debate.

Mr. ROBERTSON. Mr. President, I appreciate the kindness of the Senator in reading that language. It is the reason why the Senator from Virginia would not positively agree that the opposition had 2 minutes. It was his recollection that it had but 1 minute. The RECORD shows that 1 minute was taken by Chairman CELLER to explain what had been inserted.

In a recent address in Miami, Fla., to the bankers of that great and progressive State, I reiterated my fears about the divisive effect of the extreme and, in numerous instances, the unconstitutional provisions of the pending civil rights bill. Those remarks struck a responsive chord in the heart of a great-grandson of a distinguished former Senator from Missouri, Trusten Polk Drake, of Ocala, Fla. On my return to Washington, Mr. Drake wrote me a letter mentioning the fact that his great-grandfather was Senator Trusten Polk who predicted in a memorable speech in the Senate in January 1861 that the intemperate program of the abolitionists of New England could well result in a disastrous civil war and he urged his Senate colleagues to avoid such a catastrophe by a more reasonable approach within the framework of the Constitution. Before I quote from that brilliant speech by Senator Polk in the U.S. Senate, entitled "The Crisis and What It Means," I wish to point out that Senator Polk, although a cousin of President Polk, of Tennessee, was born and reared in Delaware and received two degrees—B.A. and LL.B. from Yale—and then moved to St. Louis, Mo., in 1835, where he began the practice of law. His great ability as a lawyer and his deep piety as a lay leader in the Methodist church soon attracted attention and he was elected Governor of Missouri, defeating for that office a man named Benton, who was later to become one of the famous Senators from Missouri. Then, Polk was elected to the U.S. Senate from Missouri, from which office he resigned when Lincoln called for troops to use against South Carolina and three other States which had seceded from the Union. Senator Polk offered his services to the Confederate Army; was given a commission of Colonel, was captured by Federal troops, served a long prison sentence, but was released after Lee's surrender at Appomattox. The Governor of Missouri, where Polk had been declared a traitor and his property confiscated, restored Polk's citizenship and from then, until his death, he enjoyed a large and lucrative law practice.

Mr. President, the burning issue before the Senate and before the Nation in January 1861 was the solution of the problem of slavery. The Abolitionist Party was demanding the abolition of slavery, but it was unwilling to proceed constitutionally; namely, by an amendment to the Constitution to abolish slavery, and it was unwilling to pay slave owners for their property. They openly proclaimed that the slaveholding States must pass laws voluntarily to abolish slavery and free the slaves or that the nonslaveholding States would compel them by force to do so. At that time, there were possibly 3 million slaves and the highest estimate of their value as chattels was $4 billion. There can be no doubt about the fact that in 1860 the institution of slavery was repugnant to a majority of Virginians and to those of numerous other slaveholding States. Those States would have gladly supported a 13th amendment to abolish slavery provided the amendment was accompanied by a proposal to pay a fair value for the slaves, which, in my opinion, might not have exceeded $3 billion.

But northern agitators would hear nothing of such a reasonable proposal. So, what was the result of the Civil War that they forced upon the South? The North in battle casualties, including those who died during the war from battle injuries, lost 364,511 men, and they were the flower of the youth of the North. I would not undertake to put a money value upon those needlessly sacrificed lives. But I do know the money value the North spent on its unjustified war against the South. The actual Federal Government expenditures were $3,288 million. That included an issue of $400 million of greenbacks for which there was no backing whatever except the credit and good faith of the issuing Government. More than a hundred years after the issuance of those unsecured greenbacks a large number are still in circulation, notwithstanding the earnest plea in 1896 of the atheist, Bob Ingersoll, for a sound currency anchored to gold. Criticizing the proposal of William Jennings Bryan that silver be monetized at 16 to 1, Ingersoll said, "I want every greenback to be able to stand on end and say 'I know that my redeemer liveth.'"

The Civil War Centennial Commission advises me that the overall cost of the unnecessary Civil War, both direct and indirect, for the combined effort of North and South, may have been $20 billion. I have no way of computing the purchasing value of $20 billion before war inflation disrupted all values in our country, but I do have a rather personal illustration of how the purchasing power of the dollar has changed just in my lifetime.

In the year that I was born—namely, 1887—my grandfather, A. G. Willis, of Culpeper, Va., for whom I was named, purchased a gold watch from the famous watchmaking firm of Patek-Phillipe of Geneva, Switzerland, for which he paid $200. He left that watch to me upon his death in 1903, and I have treasured it ever since. Four years ago, when I was attending a meeting of GATT in Geneva, I took the watch to Patek-Phillipe and asked the president of that firm what a similar watch would cost today. He replied that they did not today make as heavy a gold watch and that its nearest counterpart had 19 synthetic rubies, as against 23 genuine rubies in my watch; it did not have gold filigree hands and it had no second hand. I asked the price of that nearest counterpart to my watch and was told that it was $1,875. Naturally, I assume that my watch today could not be duplicated for less than $2,000; and should that be a measure of the change in values in just 77 years of the past century since the commencement of the Civil War, it indicates that in 1860 the Federal Government, in a program of freeing the slaves, could have paid slaveholders the fair value of all slaves for just one-eighth of the direct monetary cost of the war, in current monetary terms. The indirect cost was far greater and, as I say, who can estimate the value of losing nearly 400,000 of the flower of the Union population?

And, now may I also ask who can estimate the effect upon the perpetuity of those precious principles of political and economic freedom written by our forefathers in the Philadelphia Constitution of the effect of the violation of states rights when President Lincoln used troops from Northern States to make war on Southern States? Of course, when General Lee yielded to superior physical force at Appomattox, a precedent for using the Federal Army against a State or a group of States was established. Subsequently, such authority was written into statutory law, but even statutory authority was exceeded by the use of Federal troops in the now-famous Little Rock, Ark., school integration case.

Since the preparation of that statement, I have had prepared for me a summary of the code sections which authorize the use of Federal troops, and I ask unanimous consent that the statement may be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

CHAPTER 15—INSURRECTION

§ 331. Federal aid for State governments.

Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the num-

> ber requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection. (Aug. 10, 1956, ch. 1041, 70A Stat. 15; recodification of Military Statutes.)
>
> § 332. Use of militia and armed forces to enforce Federal authority.
>
> Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, makes it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion. (Aug. 10, 1956, ch. 1041, 70A Stat. 15.)
>
> § 333. Interference with State and Federal law.
>
> The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—
>
> (1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or
>
> (2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.
>
> In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution. (Aug. 10, 1956, ch. 1041, 70A Stat. 15.)

Mr. ROBERTSON. Mr. President, I rejoice, of course, that the Union was saved; that time has eroded the scars in the South made by the iron heel of war and that the ability to forgive and to forget has eliminated the sectional rancor that was created by the conflict. But, Mr. President, we now have pending another very definite attack upon the same Constitution and made, of course, for the same alleged purpose; namely, to promote the economic and social welfare of a group that has descended from former slaves. There is no man in Virginia, and I hope no man in the South, who does not want that group to have in the fullest sense all the rights and privileges of citizenship which are guaranteed to white citizens by the Constitution and the amendments thereof. But the proposed attack upon the constitutional rights of white citizens reminds me of a striking statement made some 25 years ago by a former member of the U.S. Supreme Court who said:

> The saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while there was yet time to save it.

Mr. President, since there is a striking parallel between the attack made over 100 years ago on States' rights and the current threat to those rights by the pending civil rights bill, I hope my distinguished colleagues will be interested in the discussion of the previous attack voiced on the floor of this Senate—on January 14, 1861, by Senator Trusten Polk, of Missouri.

Among other things, he said—and the following is taken from a photostat of the CONGRESSIONAL RECORD for the U.S. Senate, under date of January 14, 1861:

> Mr. POLK. Mr. President, in the momentous crisis precipitated upon the country, I have felt constrained hitherto, to refrain from participating in the debate occasioned by it. I have feared, that if I should speak, I might say something which might be productive of harm; that, under the pressure of excitement, or of interest for my State and constituents, I might not heed as implicitly as I ought, the dictates of moderation and patriotism.
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> But, representing, in part, on this floor, a State whose welfare I know is most deeply involved—a border slaveholding State, and though one of the youngest, yet one of the most populous of the Southern States; indeed, the first of all of them, in white population—I feel that duty allows me to remain silent no longer.
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> The Roman historian, Tacitus, in describing the condition of the eternal city, when about to receive the shock of one of those startling revolutions which transferred the imperial purple from one Emperor to another, used this language; "Non tumultus, non quies, sed quale, magnae irae, magni metus, silentium fuit." ("There was not tumult, there was not quiet, but the silence of great wrath and great fear.") This I apprehend, is the condition of the southern half of our Confederacy at this hour. The noise and excitement of the late Presidential canvass are past. The contest is decided. Sectionalism and antislavery fanaticism have triumphed; their candidates are elected, and now there is calm. The silence of men settled in their purpose, to accept the stern alternative forced upon them by the result. Now look in the other direction, at the North. What is the state of the case there? At first, astonishment; then, among the honest and patriotic masses; regret, profound and widespread. The sections are brought by the result; face to face, not in fraternal greeting, but in unnatural antagonism, separated by a geographical line.
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> What is the condition of things all over the entire Confederacy, both North and South? Universal panic, prostration of credit, public and private. Why, Mr. President, our Government has just advertised for a loan of $5 million, and she could only get half of it bid for; nor even that, except at usurious rates of interest, running up to the extreme of 36 per centum per annum. Failures and bankruptcies, stagnation and embarrassment everywhere and among all classes. Business languishing, trade crippled, commerce curtailed, industry paralyzed; artisans and mechanics idle for the want of employment; factories stopped and operatives discharged; suffering among the laboring poor; and families without necessaries even now, and want and perhaps starvation, just before them in the future; and this glorious fabric of our Union even now tottering to its fall. Four of the pillars that sustained the towering edifice are already removed; and among them, one of the Original Thirteen upon which it first reposed. Six others are on the point of being removed; soon to be followed, it may be, by half of the residue, including among the slaveholding States, the first and last to come into the Union.
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> The circumstances which surround us are enough to force us to pause and ponder. And if we do so, we shall perceive the cold shadow of events still more startling coming upon us in the future. Even now, a vision of civil war begins to rise up before us; but we are not yet able to discern the form thereof. Sir, I feel for one, that we are in the midst of a crisis unprecedented in our history. It may be the crisis of our country's fate.
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> Some affect to ignore it all; as, for instance, the Senator from Ohio, Mr. Wade, who first addressed the Senate. Some again try to argue against it. That is the wisdom of the ostrich, which thinks to escape by his pursuers by hiding his head in the sand. Others still strive to allay apprehension. "Be still," they say, "there is no sufficient cause for danger." Grant it; and the danger is not thereby removed. What concerns us, and what we ought to be concerned about, is the magnitude of the evil. It matters not how trifling and insignificant the cause. A very small leak will sink a line of battleship, and when the noble craft has gone down forever, it will not relieve the diaster to point out the smallness of the cause. You may tell me ever so eloquently, how she was able to battle with the storm king on his own element and to vanquish him, but the fact still remains that the gnawings of an insect has sunk her into an abyss. The American Revolution, says Mr. Webster, was fought on a preamble. Is it not wiser and better to admit the truth, and look the danger full in the face? Then we may hope to prevent or, at least, to avoid it. "The prudent man foreseeth the evil and hideth himself, but the fool passeth on and is punished."
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> But there are causes for the perilous condition of affairs which is upon us. I know Senators say, "State your grievances; draw up your bill of indictment," implying that there are no grievances, and that no bill of indictment can be drawn up. They are in error. They say, "You complain of the Government, and yet the Government has been, for the most of the time, in the hands of the Democratic Party." Here they are in error again. The complaint is not against the Government. To assume that it is, is a great mistake. To be sure, the action of the Government affecting the institution of slavery has been prejudicial to the South and violative of its constitutional rights.
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> That was the case when the admission of my State was resisted, and the Missouri restriction was enacted into law. The South has borne the weight of that unconstitutional restriction for more than a quarter of a century. But we did not complain because it was the work, in part of southern men.
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> That was the case again in the passage of the Oregon territorial bill. President Polk, a southern man, deprecated the blow aimed against the rights of the citizens of the slaveholding States in that bill, as unjust and unequal. Yet, yielding to what he deemed the spirit of the Missouri Compromise, he signed it. He signed it, because Oregon was north of the compromise line of 36 degrees and 30 minutes.
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> That, still again, was the case in the admission of California. California did not lie north of 36 degrees and 30 minutes; and her constitution did not tolerate slavery; and yet she was admitted into the Union, in violation of the spirit of the Missouri Compromise. Moreover, the admission of California destroyed the equilibrium in the Senate between the slaveholding and the nonslaveholding States forever, and put the South at the mercy of the North.
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> But the complaint, I repeat, is not against the Government. It is against the action of certain States and the people of those States—States which are parties to the constitutional compact, on which rests the Union, of which they and their southern sisters are alike members. They reap special advantages from the Union, in the protection it gives to their manufacturing industry; in the bounties it lavishes upon their fishing interests; in the discriminations it imposes in favor of their commerce; in the millions of expenditures it pours annually into their lap; and they cry very loudly for its preservation, while at the same time, they are violating the Constitution which supports the Union. They violate the compact on their

part, and insist that their southern confederates shall be required—nay, coerced by force and by war to keep it on their part; as if, in the language of Mr. Webster, "A compact broken on one side, was not broken on all sides." They pass their personal liberty bills, there are some exceptions; I single them out, and honor them, bills in the very teeth of the Constitution, in contempt of it, and intended to deprive their southern brethren of their undoubted rights under the Constitution.

These bills not only do wrong and injury to their southern brethren, but they intensify the wrong by adding insult to the injury. They are passed in States where it has been admitted on the floor, a fugitive slave scarcely ever goes—"not one in 40 years," according to the Senator from Vermont, Mr. Collamer. A highspirited people may bear wrong, but it is quite too much to expect that they will bear with patience, insult added to the wrong. And this, too, from those standing in the relation of friends and brethren. "It was not an enemy that reproached me," says the word of inspiration: "then I could have borne it, but it was thou, a man my equal, my guide and mine acquaintance."

The fugitive escapes. Is he delivered up in obedience to the command of the Constitution? No, sir: He is harbored and secreted and hastened on his way. If the master is passing through the State, is he bid "God speed" in the spirit of friendship and fraternity? On the contrary, his slave is enticed away by false promises, or is ravished from him by force. Underground railroads are established, stretching from the remotest slaveholding States clear up to Canada. Secret agencies are put to work in the very midst of our slaveholding communities, to steal away the slaves.

The constitutional obligation for the rendition of the fugitive from service is violated. The laws of Congress enacted to carry this provision of the Constitution into effect are not executed. Their execution is prevented. Prevented, first, by hostile and unconstitutional State legislation. Second, by a vitiated public sentiment. Third, by the concealing of the slave, so that the U.S. law cannot be made to reach him. And when the runaway is arrested under the fugitive slave law—which however, is seldom the case—he is very often rescued. It is said that, in such case, when suits are brought against the rescuers, courts and juries will enforce the law against them. But all of this is accompanied by delay and vexation, and the most serious expenses—far exceeding the value of the slave. And even when judgment is obtained, it is, in many cases, valueless, for nothing can be made on the execution. The rescuers are either worthless Negroes or equally insolvent white men. But worse of all, these rescues are always accompanied by violence, and consequently by the most imminent peril to the master. They are effected by mobs of excited and fanatical white men and reckless black men, themselves runaway slaves.

Sir, I know gentlemen of my own State who have slaves in a northern city, worth thousands of dollars, who prefer to bear the loss of them rather than jeopardize their lives in attempting to recover them. The very case to which the Senator from Wisconsin, Mr. Doolittle, alluded, is a strong illustration. The slave was rescued by a mob, and the life of his master whom I know well—was put in imminent peril. He has never recovered his slave; he has never recovered a dollar of his value, although he spent more than his value in the endeavor. He has recovered judgment, and incurred costs, and that is all. And in this very case, the supreme court of Wisconsin committed the judicial outrage of deciding the fugitive slave law unconstitutional. And even yet the fruitless litigation is not ended. This lawlessness is felt with special seriousness in the border slave States. The underground railroads start mostly from these States. Hundreds of thousands of dollars are lost annually. And no State loses more heavily than my own. Kentucky, it is esitmated, loses annually as much as $200,000. The other border States, no doubt, lose in the same ratio. Missouri much more. But all these losses and outrages, all this disregard of constitutional obligation and social duty, are as nothing in their bearing upon the Union, in comparison with the animus, the intent and purpose, of which they are at once the fruit and the evidence. They demonstrate that the authority of the Constitution has ceased to be respected in the North. That instead of fraternal feeling—instead of the good faith which ought to subsist between confederates—there is animosity and bad faith. And it is rendered worse still by the consideration, that it was not so in the earlier and better days of the Republic. Then there was loyalty to the Constitution, and kindness towards the South. These are now changed, it is feared, into disloyalty and hatred. If so, how remorseless is that hatred? "Earth hath no hate like love to malice turned, nor hell a demon, like a brother scorned."

Is this a gloomy and portentous picture? I fear it is not equal to the sad reality. A worse feature is yet to be added. These sentiments have become the animating spirit of a political party. They have found expression in the platform of its principles; they have nominated candidates for the Presidency and Vice Presidency; and they have elected them by a strictly sectional vote. The candidate just elected to the Presidency, was the first man of his party to enunciate the dogma that there is an irrepressible conflict between the slaveholding and non-slaveholding States.

This House of the Constitution, made by our fathers, and which they supposed, by being divided into many apartments, was thereby rendered more commodious for a harmonious family of numerous and happy States; this Union, we have been told, is a house divided against itself. The Senator from Ohio, Mr. Pugh, not long since, showed, beyond cavil, that Mr. Lincoln, in uttering that sentiment, had reference to slavery in the States—not merely in the Territories—but also and especially in the States.

* * * * *

Now, consider this in connection with the declaration made on the floor of the U.S. Senate in 1858 by the Senator from New York, Mr. Seward, who may be considered the leader of the party, that the Supreme Court of the United States must be reformed, which means that the national judiciary must be abolitionized; and is it not evident, that the writ of habeas corpus might be brought into use to effect the liberation of the slaves in the slaveholding States? Is not such a purpose palpable, and such a result probable? What, then, could the slaveholding States expect, after the election of such a candidate upon such a platform, but that all the patronage and all the power of the Federal Government, in all its departments, would be brought to bear upon the institution of slavery in the South, in order to compass its destruction?

To this effect have been the plain and unmistakable avowals of the Republican Party since the election of its candidates. It has constituted the theme of their rejoicings; it has rung from the press; it has spoken from the rostrum. Leading editors and politicians have reiterated it. The attitude and temper of the party have been not merely more arrogant, but more hostile and more threatening, since their triumph than before, evincing a determination to use their victory against the rights of the slaveholding States of the Union, regardless of the consequences.

The New York Tribune, which may be said to have been the war horse of Mr. Lincoln's campaign, and whose editor is supposed to have been his special friend in the Chicago convention, on the 22d day of December last, published the following: "We are able to state, in the most positive terms, that Mr. Lincoln is utterly opposed to any concession or compromise that will yield one iota of the position occupied by the Republican Party on the subject of slavery in the Territories; and that he stands now, as he stood in May last, when he accepted the nomination for the Presidency, square upon the Chicago platform."

And the Springfield Journal, which is considered Mr. Lincoln's home-organ, after the States bordering on the Gulf of Mexico had begun to evince determination to take the steps deemed necessary by them to insure their domestic tranquillity, published an article in which occurs the following strong language; "Let the secessionists understand it—let the press proclaim it—let it fly on the wings of the lightning, and fall like a thunderbolt among those now plotting treason in convention, that the Republican Party, that the great North, aided by hundreds of thousands of patriotic men in the slave States, have determined to preserve the Union—peaceably, if they can forcibly, if they must."

In a speech made by him, at a public meeting of his partisan friends in Masschusetts, shortly after the late presidential election, assembled in order to rejoice over their victory, one of the Senators on this floor from that State, Mr. Wilson, is reported to have said that they now had their heel upon the neck of the slave power.

And Mr. Giddings, of Ohio, who has the reputation of having procured the insertion in the Chicago platform of the portion most hostile to southern institutions, has lately held forth in the following strain: "Let it be understood that we do not recognize the right of any Member of Congress to make platforms for us; that shall not recognize their right of assumption to abandon our principles or sacrifice our honor, at the dictates of our enemies, whom we have triumphantly vanquished at the ballot box."

Mr. President, that was because they were hauling slaves from Africa and making big money out of it.

Many years later, reasonable men like the Senator from Missouri, Trusten Polk, whom I was quoting, a leading layman in the Methodist church, born and reared in Delaware, educated at Yale, graduating with academic and law degrees, a brilliant man, who did not own a single slave, who was against the institution of slavery, was appealing for moderation and for proceeding by constitutional methods—that would be the 13th amendment, to abolish slavery—to pay the slave owners for the deprivation of their property. But this was resisted by those who had made a profit hauling the slaves down to the South but now had lost the protection of that traffic on the high seas.

As I have just said, even when buying the Louisiana Territory, we protected the right of property in slaves. But the intemperate members of the Abolitionist Party who had formed an alliance with the Whig Party, which had elected Abraham Lincoln—although he got a minority of the votes that had been cast—was determined to abolish slavery. How? By telling the Southern States, "You must do it without any compensation, or if you do not, we will come down there and lick you."

That threat was carried out. Volunteers were called for, when there was no authority whatever in the Constitution for the Federal Government to use the power of military might against any State or any group of States.

When Robert E. Lee was forced to surrender at Appomattox, that set the precedent for the use of Federal troops.

But we piously put it into our law that we can use them to suppress an insurrection, or we can use them when the Governor of a State says, "The situation has got beyond me. Give me some help." But what happened at Little Rock? Without any authority whatever, troops were sent to Little Rock.

That is what we are appealing from here today. If we tear down the Constitution in one instance, and then tear it down in another instance, we can keep tearing it down until we will wind up with no Constitution.

The speech from which I was quoting was made over 100 years ago appealing for constitutional processes, not for slavery. God forbid—he did not approve it—I do not approve it—Virginia did not approve it. We wanted to get rid of it. We would have done it in the constitutional way.

Thomas Jefferson never approved of slavery. He owned slaves, but he was going to free them at his death. He did not do it during his lifetime, but he would have given them up.

But he supported an amendment to provide for payment to slaveowners, because there were many instances in which most of a man's property would be tied up in slaves. When he died, and the assessment of his worth was made, the appraisal might list his land at $10,000 and his slaves at $100,000. They were just that valuable, because there was little machinery in those days, remember, and if one did not have labor one could not work his farm.

That is the reason the South was 50 years in recovering from the blood bath that was forced on us back in 1861 to 1865. All the South had left was its land. In the Valley of Virginia where I live, all the fences were gone. A man could look out from the top of the Blue Ridge Mountains and see 100 houses and barns burning at one time. They took the livestock and the horses after the war and left only the land. And no one could work it. We have not yet recovered economically from that blow, besides losing, as I have already stated, the flower of our youth. The North, alone, suffered casualties of more than 400,000 men. They spent over $3 billion in money, and that would be $20, $30, or $40 billion in money today.

Mr. LONG of Louisiana. Mr. President, will the Senator from Virginia yield for a further question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Would not the cost have been much less in the long run, both to the North and to the South, had the statesmanlike procedure been agreed upon, that there would have been a gradual freeing of the slaves, with the people of the entire United States helping to bear the cost of indemnifying the slaveowners, who had acquired slaves as property under legal institutions, for the reasonable value of the property when they were being deprived of their property rights in human slaves?

Mr. ROBERTSON. I fully agree with the Senator from Louisiana. Before the distinguished Senator came into the Chamber I said, in effect, that we could have passed a constitutional amendment, which we eventually did. The proclamation was not legal, although it was tried as a war measure and applied only to the Confederacy. Only the 13th amendment freed the slaves. We could have freed the slaves and paid for them, on the basis of present values, for one-eighth of what we paid in fighting to free them.

Statesmanship broke down and we plunged into an unnecessary fratricidal war.

Mr. LONG of Louisiana. I thank the Senator.

Mr. ROBERTSON. I continue to read from the speech of Senator Polk, of Missouri, on January 14, 1861:

> But Mr. President, there was no need of his holding such language to the Members of Congress of his party in either House. We know full well, from the reports of the committee of 33 in the House, and of the committee of 13 in the Senate, and from the temper evinced by the members of the Republican Party, including both Senators and Representatives, that they have shown a disposition as unyielding and defiant as even Mr. Giddings could have desired. Nothing is to be conceded, it would seem, even if the destruction of the Union is to be the consequence.
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> Sir, at the formation of the Constitution, 12 of the 13 States were slaveholding. And even Massachusetts herself, had been a slaveholding colony, nor had she ever abolished slavery by any statute law. They all recognized the right of property in slaves. The Constitution was adapted to the institution of slavery as it then existed, and was in accordance with the public sentiment of the whole country at the time. Accordingly, no man doubted that it recognized property in slaves, and was designed to protect it wherever the national flag was unfurled, on sea or on land. No question was made as to the right of the master to carry his slaves with him, into the common Territories of the Union. Even the men of Massachusetts would no doubt have conceded it. Its denial would have lessened the market and consequently depreciated the price that the New England slave trader might get for the slaves he was importing from Africa by the ship load. The flag of the Union protected this property on its passage from Africa to the slave States of the South. The treaties of the country with foreign nations especially stipulated for the idemnification of the loss of slaves. This was done in the Jay's Treaty. It was done in the Treaty of Ghent; and the treaty for the acquisition of Louisiana recognizes and protects the right of property in slaves.
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> But the times have changed. States have changed their institutions; and now 18 of them are nonslaveholding—a majority in number, and a majority in population—and now the political power of the country is in their hands. But the Constitution is not changed. No amendment has been added to it on the subject of slavery. It remains exactly the same today, that it was in 1789. Yet Mr. President, what do we now behold? A political party has been organized upon the one central idea of hostility to slavery, and its ultimate certain abolition in every section and State of our broad republic; and it has triumphed. It has wrought a revolution in the public sentiment of the country against slavery, and is about to inaugurate a revolution in the policy and administration of the Government for its extinction.
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> Mr. President, has the South no cause for alarm for the safety of her institutions, and security of her rights? Is not her very existence at stake? How long could she retain the institution of slavery after the whole power of the Federal Government shall have been brought to bear upon her for its destruction? Think what could be effected by Federal legislation. Abolition of slavery in the District of Columbia; abolition in the arsenals, dockyards and forts; outlawry of it on the high seas, and wherever the flag of the Union floats; exclusion of it from the common territories belonging equally to all the States; circumscribing it as with a wall of fire within the States.
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> Then let the long and strong arm of the executive power of the Government be put forth for its extinction within the States. Sir, it will be mighty to the pulling down of the strongholds of southern institutions and rights. Against almost everything else, but this, the South might protect herself. Cohorts of Federal officeholders, abolitionists, may be sent into her midst to exert the patronage, influence, and power of their offices, and to plot and conspire against her property, and her peace. Postmasters—more than 13,000, with all their employees, controlling the mails and loading them down with incendiary documents. Add to these, land officers, surveyors of land, surveyors of ports, collectors of customs, assistant treasurers, judges and marshals, each of these, with their subordinates, intent upon one aim. What institution could withstand such an invasion, such sapping and mining? Even the Senator from Ohio, Mr. Wade, is not surprised that the citizens of the slaveholding States should begin to arouse themselves from their supineness.
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> The slave property of the South, Sir, is worth $3½ or 4 billion. Is it to be expected, that a brave and intelligent people would submit without resistance, without a murmur, to the destruction of such an amazing amount of property? Sir, no people, in any age of the world, in any country, or clime, under any form of government, has ever submitted to the destruction of a hundredth part of it, without resistance and revolution.
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> But there is a more horrible result still to follow, especially in those States where the black slaves greatly outnumber the free whites. This I forbear to hold up to view. I draw a veil over it. Let not its horrors be even suggested to the imagination.
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> I am satisfied, Mr. President, that there exists, and is spreading among the masses of the citizens of the southern section of our Union, alarm in all the slaveholding States, real and profound alarm, for the safety both of their property and the lives of their wives and children. The President has sketched this in the following sentences of his last annual message: "The immediate peril arises not so much from these causes as from the fact, that the incessant and violent agitation of the slavery question throughout the North, for the last quarter of a century, has at length produced its malign influence on the slaves, and inspired them with vague notions of freedom. Hence, a sense of security no longer exists around the family altar. This feeling of peace at home has given place to apprehensions of servile insurrection. Many a matron throughout the South retires at night in dread of what may befall herself and her children before the morning. Should this apprehension of domestic danger, whether real or imaginary, extend and intensify itself until it shall pervade the masses of the southern people, then disunion will become inevitable. Self-preservation is the first law of nature, and has been implanted in the heart of every man by his Creator for the

wisest purpose; and no political union, however fraught with blessings and benefits in all other respects, can long continue, if the necessary consequence be to render the homes and firesides of nearly half the parties to be habitually and hopelessly insecure."

Mr. President, I repeat, that, in my opinion, the difficulties and dangers which are thickening around us every hour, can be dissipated but by one course. Concessions must be made full and certain, and that without delay. There is but one other alternative left, and that is dissolution of our beloved Union.

Mr. President, I am sorry to say that Missouri seems to be the first of the slaveholding States selected after Mr. Lincoln's election for abolition attack. The New York Tribune, one of the most prominent of the organs of the abolitionists, shortly after the late presidential election, contained an article on that election. In that article it descanted upon the results and bearings of the election generally, and also especially in reference to Missouri. It used the following language: "Deeply as we all rejoice in the general results of the election, there is even greater reason for pleasure and hope in the condition of things it thus reveals in Missouri. Here, then, is a slave State entering upon a struggle to rid herself of the greatest curse that ever befall a people. She needs our help. She needs the encouragement of the moral influence of the North on behalf of freedom. She needs, above all, that the tide of free emigration pouring westward should, as far as possible, find homes upon her soil. This part of the subject, especially we commend to the attention of all parties who propose to seek for themselves new abodes in the great West."

But, sir, if disruption is to be forced upon us, we can at least guard ourselves against incursions of that sort.

Mr. President, I ought not to say, I will not say, that Missouri would be better off in the event of secession than she is now. But I may say, that I cannot see how she can be greatly worse off. But, sir, I do not present before the Senate of the United States the reasons why Missourians, in case of a division of the Confederacy into a northern and southern one, will fix the destiny of their State with the South. These reasons are properly reserved for another locality. Yet, Mr. President, I am satisfied that the citizens of Missouri do not desire to see the disruption of this Government. It would rend the great heartstrings of the entire State. She would submit to the most painful catastrophe, with feelings like those with which an affectionate daughter would part forever from her long-loved and deeply venerated mother. Will you not spare her the mournful separation.

Mr. President, I do not propose to argue the right, under the Constitution, of separate State secession. The controversy, in my opinion, has progressed beyond that stage of it. Secession is now already an accomplished fact. It has been thrice repeated. To stop to argue its constitutionality, is to fall behind the march of events. It would be something like discussing the legality of the judgment of a court, after its sentence had been executed and the convict hanged. Secession having actually taken place in the four States, and just on the point of taking place in at least three others, we must now deal with consequences.

Following after secession, there comes upon us a question of more momentous import; and that is; has the Federal Government, by the Constitution, the right to coerce a seceding State back into the Union by force? In the emergency which is upon us, this is now a practical question; and it is as momentous as it is urgent.

Gentlemen on the other side seem to me to approach the subject under wrong impressions. They seem to think that the States were made for the Federal Government, and not the Federal Government for the States. But the truth is, that the Federal Government was made by the States, for the States. Now suppose that the Government becomes hostile in its spirit, and destructive in its action, to the rights and institutions of the people of a portion of the States; what then? Let the spirit which dictated our Declaration of Independence answer. On the other hand, suppose it fails to answer the purpose of its creation, and instead of insuring domestic tranquility, destroys it; what then? Let the example of the Revolutionary Fathers, in withdrawing themselves and their States from the Union of the old Confederation, answer.

The Senator from Ohio, Mr. Pugh, has said that he will not stretch forth his hand to remove the well behind which stands the Atlas which supports on his shoulders alone, the firmament of our federative system. But, sir, I have no such aversion. I am willing to see the danger that lies before us. If this Government is about to rush into the vortex of ruin, I want to know it. If civil war is removed from us but by a single step, do not let me be ignorant of it, lest I take that step in the dark. Hide from me the day, when the dying agonies of my country shall begin; but do not hide from me, the lawless and fatal policy which must inevitably plunge her into the mortal strife.

By the 10th amendment of the Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The power to coerce, therefore does not exist—cannot exist, unless it has been delegated to the United States by the Constitution. But there is no delegation of any such power. It follows, of necessity, that the Federal Government does not possess it. All such argument is confuted and confounded by the simple truth, that the Constitution nowhere gives the power. Nor will it answer or attempt to raise the power by implication. The very terms of the constitutional provision just quoted, preclude the implication, expressly and emphatically, and forever. They utterly exclude any such conclusion.

Yet some persist in the attempt to deduce the power from the nature of the compacts. I understood the Senator from Tennessee, who first addressed the Senate, to pursue that course. It is said that, "When two parties make a compact, there results to each the power of compelling the other to execute it." Results from what? Such power can only result, either, first from the compact itself, second, from the fact of making it. It does not result from the compact, because we have already seen that the compact itself gives no such power to the General Government. It cannot result from the fact of making it, because the compact itself expressly declares that it shall not vest, except by its own delegation.

But the States made the compact—the Constitution—not with the Federal Government, but each other. The Federal Government never was a party to any compact with the States. Therefore, by the very postulate itself, that Government can have no right to enforce the execution of a compact, to which it never was a party. The postulate assumed, goes upon the further assumption, that the Constitution is a compact between the Federal Government and the States. But that assumpion is false in fact. If such power, therefore, as is assumed in the postulate—the power to forcible coercion—exists anywhere, it must belong to the other contracting States, which are parties to the Federal Constitution, and not to the Federal Government. The Federal Government is the result of the compact, and that is all. It can only use the powers given to it in express terms by the compact, nothing more. Unless the power, therefore is vested in the Federal Government by the terms of the compact, or in other words by the Constitution, it can neither coerce a State to remain in the Union, nor punish her when she goes out. But no such power is delegated by the Constitution to the Federal Government.

The absence of this power is no casus omissus in the Constitution. So far from it, the very point was presented and pressed upon the Convention which framed the Constitution, at the very commencement of its deliberations. The Convention met, and commenced its labors on the 25th of May 1787. Only 4 days thereafter, on the 29th, Mr. Randolph presented the plan of a Federal Constitution. It consisted a series of 15 resolutions. The sixth resolution contained the following: "That the National Legislature ought to be empowered to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof." On the motion of Mr. Madison, this proposition was postponed, and it was never again called up. And it was upon this occasion that he uttered the sentiments quoted a few days since by the Senator from Louisiana, Mr. Benjamin, in his speech on the question of State secession (Madison papers, 5 Elliot's Debates, pp. 127, 128, 139, 140).

Afterwards on the 15th of June, Mr. Patterson proposed a project of a Constitution. This also consisted of a series of nine resolution. His sixth resolution also proposed to give the General Government the right to coerce a State. This, too, was postponed by the Convention, and was never again renewed. So that the proposition to give to the General Government the power to coerce a State, was distinctly put to the Convention twice over on different days, and each time it was refused. The Convention was exceedingly careful and scrupulous on this point of the power of the Federal Government, in all its departments, over the States.

The sixth resolution of Mr. Randolph's plan contained another proposition akin to the coercion of a State. It was, "That the National Legislature ought to be empowered to negate all laws passed by the several States, contravening, in the opinion of the National Legislature, the articles of union or any treaty subsisting under the authority of the Union." This power was first agreed to. This was on the 31st of May. But afterwards, on the 8th of June, it was reconsidered and voted down. It was never again renewed.

On the 18th of June Mr. Hamilton also proposed a series of resolutions, embodying his ideas of a constitution, his 10th resolution proposed, in order to prevent the passage of laws by the particular States contrary to the laws of the United States, that the President should have power to appoint the Governor of each State, who should have a negative upon the laws of the State of which he was Governor. This was refused. Again; it was proposed in the eighth resolution of Mr. Randolph's plan, to give the President and a convenient number of Federal judiciary, a power of revision of the laws of the several States. And this was rejected.

But it is said that what is contended for, is not coercion of a State; but only that the Federal Executive is bound by the Constitution to see that the laws of the United States are faithfully executed. This I understand to be the position of the Senator from Tennessee, to whom I have already alluded. Such I infer to be the position of the President elect, if the newspapers of his party which have spoken on the subject truly gives his position. Let us examine this a little. Suppose a State secedes, in the exercise either of a constitutional or a revolutionary right—I do not care which, for the purpose in hand.

> She passes laws in conflict with the laws of the United States; they may be in regard to the revenue and its collection, or the carrying of the mails, or anything else. An officer of the State, duly appointed such, acting in pursuance of her laws, and in the execution of them, does an act in violation of the laws of the United States. The Federal Executive undertakes to enforce the Federal laws against him. Forthwith the sovereignty of the State, whose agent and servant he is, and whose command he is obeying, is interposed to protect him. On the other hand, the U.S. Government brings its power into play to punish him. Here is necessarily conflict and coercion. You may call it the execution of sovereignty of a State.
>
> Mr. President, this is reaching coercion by an indirect and roundabout mode; and I confess that, that fact does not render its features any the less abhorrent to my mind. On the contrary, it makes them only the more so. You coerce each individual citizen of the State, and yet you say you do not coerce the State. Then you may hang as a traitor each individual citizen of a State, and the State will not be depopulated, nor lose a single soul. Sir, such a result is not what is contemplated by the Constitution of the United States, when it makes it the duty of the President to see that the laws are faithfully executed. That Constitution never intended that Federal laws should be executed by force of arms within the limits of a State which has, in the most solemn and authentic form, withdrawn itself from the Union, and displaced the jurisdiction of the General Government. It has respect to the execution of the laws of the United States only upon the soil of a State while she remains within the Union, and subject to its jurisdiction. And here sir, is the exact point of difference between secession and nullification. In the latter case, the State, still abiding in the Union, and acknowledging the jurisdiction of the Federal Government, refuses to obey the laws. In the former case she has separated herself from the Union, and put off its jurisdiction. To my mind, the difference is a clear and a broad one.
>
> But, sir, to enforce the laws within the limits of a State after she has seceded is an impossibility. This position was vindicated a few days ago to the Senate by the honorable Senator from Virginia, Mr. Hunter, much more ably than I can hope to be able to do it; and I shall therefore forbear to go over the ground much better occupied by him, and shall invoke the attention of the Senate to but a single view of it. The State has withdrawn herself from the Union. There is not a single Federal officer within her boundaries—no judges, no clerks, no marshals. In our Government the laws can be executed only by the courts and their officers. The President, in fulfilling the duty imposed on him by the Constitution to see that the laws are faithfully executed, has no right to act as judge, jury, and executioner. He is no autocrat. If the United States law is violated, the offense is cognizable under the Constitution, only by the Federal judiciary. A court must be called; a Federal judge must preside; a U.S. marshal must be there to execute process; and a district attorney to prosecute the offense. But all this, in the case under consideration, is impossible, because there is not a single one of all these officers within the limits of the State.
>
> Do you say you will change the laws, and send foreign judges and marshals into the State? Well you make the alteration of the law, and you send your judge and marshal to the State. But the State will not receive them. She excludes them by force of arms. If you are determined to force them upon her, it must be done by Federal troops, and at the point of the bayonet. Here is war. But you suppose you shall succeed in forcing your officers into the seceding State, and you open your courts. The party to be proceeded against must be indicted by a grand jury. This is the first step. Without it you cannot put him on trial. But the grand jury must be citizens of the State. Each one of them is prohibited by the authority of his State from finding a true bill, and therefore, he cannot do it. And each one may be liable to the very same kind of a prosecution, and therefore he will not do it. And the next step, which is also an indispensable one, is, that the accused is entitled by the Constitution to be tried by a traverse jury, which must be composed of citizens of the State. And they too, for the same reasons already stated in regard to the grand jury, will not, and cannot, convict the accused. The Army of the United States cannot be made to play any principal part in the process of enforcing the laws of the United States.
>
> Nor is the President authorized by the Constitution to allow the Army of the United States to play any principal part in the process of enforcing the laws. He can only send the troops to act in the capacity of a posse, under the direction of the civil authorities. These authorities must make demand for the posse, and take the charge of it. But in the case supposed there is neither civil officer to make demand for the aid of the troops, nor is there any judgment of a court to be executed.
>
> Now, Mr. President, suppose it be conceded that this kind of coercion is constitutional, and that you are able to put it into operation, what result have you reached in the process of it? You have inaugurated war, nothing less, nothing else. Sir, war is the most terrible of all calamities under all circumstances, and for the most righteous of causes. It stands first in the dreadful triumvirate for the scourging of the nations—war, pestilence, and famine. War first and chiefest of the three. But this would be the most wicked, most horrible of all wars. It would be civil, internecine war, perhaps also servile war.
>
> In the dreary catalog of wars that have cursed and depopulated and ravaged the earth, there is none which is a parallel to what such a war must be. The civil wars of the Roman Empire in ancient days, and those of the British in more modern, are no types of what this American civil war must be. It will be a war of sections—the North against the South, and the South against the North. It will be a war of families—son against father, brother against brother, and husband against his wife's brother. It will be bitter, bloody, remorseless, and exterminating. No man can tell when it will terminate, and no fancy depict its horrors, its universal devastation and ruin. The picture drawn by Mr. Burke of the havoc inflicted by Hyder Ali upon the Carnatic, will scarcely convey an adequate idea of it.
>
> Sir, is any Senator on this floor prepared to resort to coercion in order to achieve such a result? Ought any Senator to be willing to deny to the South the constitutional concessions and guarantees necessary to maintain her rights and safety, at the risk of incurring these consequences?
>
> Mr. President, for myself, I denounce the policy and the construction of the Constitution which must lead to such disasters. If we must separate, let us separate in peace. If republicanism, having beaten down and subdued the gallant democracy of the North, is determined, in spite of constitutional guarantees, in spite of social duties, in spite of justice and right—is determined to exterminate the institution of slavery from every foot of soil, of every State in the Union, or else to force the slaveholding States to go out of the Union—let our separation be without the shedding of blood. "Let there be no strife, I pray thee, between thee and me, and between thy herdsmen and my herdsmen, for we are brethren. Separate thyself, I pray thee, from me. If thou wilt take the left hand, then I will go the right; or if thou depart to the right hand, then I will go to the left" (Genesis 13: 8).
>
> Mr. President, South Carolina has by solemn ordinance declared herself withdrawn from the Union, and repealed the act by which she ratified the Constitution, and entered into the Confederacy. This has been done by a convention deliberately called by the people for that purpose. Mississippi, Alabama, and Florida are in the same position. Other States are following close and hard in the same path. Sir, I am sorry that the good people of these States, in the exercise of their high discretion for securing their sacred constitutional rights, had not seen fit to consult with their sister slaveholding States, before adopting this policy. These States all have the same institutions, the same rights, the same blood. Their cause is a common one; their policy, it seems to me, ought to have been a common one, also.
>
> But, Senators, I will never give my vote nor my consent either to coerce or to execute the laws by force of arms in any way in any one of them. To do that would be to wage war upon them; and that war could have but one object, and that, to subjugate the States and bring them back captive in chains. Is there any Senator who would be willing to achieve that scandalous and monstrous result, even if it were possible to accomplish it? The Constitution of the United States was never designed by the fathers to be prostituted to any such base purpose of oppression and outrage. It has no aptitude to coerce and hold in unwilling union, alienated, hostile, and belligerent States, nor to maintain a centralized despotic power to dominate over subjugated provinces, and to coerce their allegiance by the bayonet and the sword.
>
> Mr. President, if the spirit of fraternity and conciliation has fled from this Congress and this Senate Hall, is it clean gone from the country forever? Does it no longer move the masses of honest and true men of the North? Do they not still love their country, the whole country, the South as well as the North? Will they forget the spirit in which the War of the Revolution was waged? Will they not recollect, that George Washington, a southern man, led their fathers of the North as well as the men of the South, in that war; that while northern men offered up their lives on southern battlefields, the men of the South as cheerfully shed their blood in the defense of their brethren on northern soil?
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> And remembering that Heaven itself deals with his creature, man, through mediation and in infinite concession; remembering too, that in order to form the Constitution of our Government, their fathers made concessions upon this very subject of slavery, will they refuse the concessions now demanded by the South, not merely on the score of equality and of right; but as necessary, to the safety of their wives and children? Will they not yield them, and so preserve, or if need be, reconstruct, the Union of these American States?

That former Senator from Missouri said:

> Mr. President, I appeal, from their Representatives, to the sovereign people of the North; and may God grant, to interpose for our country, in this hour of her extremity, and need.

Mr. President, in a brilliant speech delivered last summer at the University of Virginia, Jefferson's historic school, Hon. Fred Gray, a former Assistant Attorney General of Virginia, said:

> It is unquestionably true that the tremendous, even unbelievable, scientific

achievements of the past two decades have conditioned the mind of man for change. Today, many have developed an attitude that whatever is as old as yesterday, must certainly be obsolete. We are ready for change. We are even eager for change and in many instances, we are apparently ready for change for the sake of change itself and not for any virtue which the change offers us.

I am convinced that the tremendous progress which has been made in the fields of technology has had a tremendous effect upon the attitude of people. There is a restlessness; an impatience; even to the extent of affecting our governments. Legislatures leap to new and untried methods and disregard the tried and true. Courts seek to do by revolution that which should be done by evolution. It is the belief of the Virginia Commission on Constitutional Government that these are dangerous practices—that freedom remains modern and that the dangers to freedom remain unchanged. It is for that reason that we were created and seek in these revolutionary times to hold fast to the basic concepts of the American Republic and to alert the American public to the dangers which we feel are being pursued today. We believe that the ancient slogan—"the price of liberty is eternal vigilance" is neither outmoded nor outworn.

I do not appeal to your passion, I care not for your views on segregation or integration, I am not concerned with your politics, and my appeal is as much to the Negro as to white race. I appeal only to reason. I ask you to look at the lessons of history, and ask yourself, am I safe from tyranny?

The Negro says he is struggling for his total freedom. No one can criticize a man for seeking freedom. But I say to the Negro race, "If it is indeed freedom which you seek, you should not believe that yours is the first such struggle in the history of the world." White men have struggled for centuries to achieve their freedom. And against whom did we struggle? We struggled against government. When we struggled to be free, we struggled against a czar, an emperor, a king—give him whatever title you will—but it was the power of a too powerful government which we were seeking to escape. And after centuries of struggle a new concept was born. It was a concept predicated on the individual dignity of a human being, a concept that there are certain rights that a man possesses because he is a man, certain rights that neither the courts, the Congress, nor the Crown can take from him. Much later, we came to refer to them as certain "inalienable rights." Long after the birth of the concept of a written guarantee of these rights was wrung from the British Crown by our English forebears. Magna Carta. A promise of liberty. When the English colonists came to America they brought with them a fierce love for those rights. It was to preserve those rights that our forefathers pledged to one another "Our lives, our fortunes, and our sacred honor" and entered upon a struggle that even the most optimistic among them is certain to have realized carried with it the very real prospect of death as a traitor. It was the determination never again to surrender to government their individual rights that carried them through the horror and suffering of Valley Forge to the glory of Yorktown.

These same people drafted and ratified the Constitution of the United States. They were people who had more than a passing acquaintance with tyranny. They knew him well * * * they had faced his sharp steel in battle * * * they had starved under his blockade * * * their comrades in arms had died under his power. Tyranny was no friend to them and when they instituted our form of Government they did so with one thought uppermost in their minds, "We, the people" are to control the Government, the Government is to be "of the people, by the people, and for the people." They placed every safeguard around their liberty that they could conceive. They rigidly limited the power of the Central Government. They preserved to the States all the powers except those conferred by the Constitution on the Federal Government.

Today the struggle lies forgotten, the fears are regarded as outmoded, the safeguards are thrown aside. Under a cry of freedom, well-meaning people forget the lessons of history, forget that unlimited power inevitably leads to oppression, and seek by the process of empowering the Central Government, to obtain what they would call liberty. And I say to them the very tools which you forge today in the name of freedom can as easily be used tomorrow to enslave us all. No tyrant could ask better weapons than those which you now create. The very people who most need unalterable constitutional rights applaud, indeed demand, a process by which constitutional rights are made subject to interpretation and change. Freedom of speech, freedom of religion, freedom of the press, the rights which we have considered inviolate now fall within the orbit of judicial change. The Constitution, the harness by which Federal power is held in check, is cast aside and we, all of us, must pray that power thus loosed will never fall into the hands of a zealot. And still you may ask what is it, that the President's civil rights bill does, that so endangers our liberty? And I would reply that it establishes a sufficient precedent as to the power of the Federal Government to support almost any legislation which can be conceived.

TITLE VI

Mr. President, as I pointed out on March 12, title VI is the real penalty provision of this unconstitutional and power-grabbing bill. Title II, the accommodations section, is merely the reenactment of a punitive civil rights bill which the Supreme Court declared to be unconstitutional in 1883 and which a former member of that Court, Mr. Justice Whittaker says is still the law of the land, That means, of course, section II is clearly unconstitutional although it would appear that some believe that a combination of politicians, Socialists, churchmen, and so forth, can prevail upon the present Court to reverse that decision on the ground that the right of the owner of a private hotel or restaurant to select his associates, or decide to whom he wishes to sell is not in keeping with the spirit of the times.

Again, in a 3-hour speech on March 23, I pointed out how irritating, as well as how unconstitutional, was title VII, which would permit the Federal Government to force unwanted employees upon the owner and operator of a private business. And, of course, the unconstitutional provisions of the sections relating to elections will cause trouble in some States, although not in Virginia because no one can truthfully claim that anybody is denied the right to vote in Virginia because of race, color, or religion. I repeat that the real "meat ax" of the bill is in title VI, which would permit the Federal Government to withhold from an individual, from groups, and even from an entire State, types of Federal aid that run into the billions. The following list includes just a part of those programs:

Agricultural experiment stations.

Colleges for agricultural and the mechanic arts.

Civil defense.

Highway construction.

Public works planning.

The school lunch program.

Soil conservation.

Watershed protection and flood prevention.

International research and training.

Agricultural Trade Development and Assistance Act.

Cooperative research or demonstration projects on social security or related programs.

Child welfare services.

Surplus property disposition and utilization.

Financial assistance for maintenance and operations of schools in federally affected areas.

National Defense Education Act of 1958.

Community health services, particularly for the chronically ill and aged.

Hospital and medical facilities research and demonstrations. That refers to the Hill-Burton Act, I believe. I continue the list:

Health research facilities construction.

Water treatment works construction.

Old-age assistance and medical assistance for the aged.

Aid to the blind.

As I pointed out on the 12th, I have made many speeches to State bankers associations, and savings and loan associations about the disastrous effect upon their lending privileges of title VI of the Senate omnibus bill of 1963. As a result, terrific opposition to that section of the bill had developed among all of the lending institutions of the Nation. Then, comes the pea shell game: Insurance programs that you thought were under the shell are no longer there. See, I lift the shell in subtitle 102 and declare that the insurance programs are not covered. However, there was nothing in the bill that repealed the President's order about discrimination in all housing programs until the adoption of the House floor amendment excluding contracts of insurance and guarantee. I agree with the distinguished Senator from Alabama, chairman of the Housing Subcommittee, this language means what it says. They are excluded.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. The Senator took the lead and rendered a magnificent service in enlightening people as to the housing provisions in the bill as it was originally sent to Congress by the President. As to the report by the House Committee on the Judiciary, when the committee became enlightened, is it not true there was so much opposition to those provisions that the House committee voted certain amendments, which took out the guarantees in the contracts?

Mr. ROBERTSON. That is true. I explained it to the bankers and to the savings and loan association officials all over the United States. They had the ability to get an expression of their viewpoint. They intended to make their viewpoint against this bill felt in Congress—make no mistake about it. So the House quietly, in an overnight session, stated, "Please be excluded. Please keep quiet. We will not place this burden on you."

Mr. HILL. It adopted an amendment that would exclude certain financial institutions. Is that correct?

Mr. ROBERTSON. That is correct. If there were to be a shell game, it seemed that they were out, but the President's open housing provision was to be enforced. It could have been extended to insurance and contracts, and enforced under section 601. Another amendment had to be adopted, so as to spell out contracts and insurance. As the Senator from Alabama [Mr. SPARKMAN] has so eloquently and ably explained, they covered the FHA, but not the VA, nor the Area Redevelopment Administration. But if insurance money or a contract is involved, it is covered by this vicious bill.

Mr. HILL. But the housing that is provided for the old people is still left in?

Mr. ROBERTSON. Yes.

Mr. HILL. And for low-income people?

Mr. ROBERTSON. Yes. They have to take it.

Mr. HILL. They have to take it?

Mr. ROBERTSON. It amounts to that.

Mr. HILL. If they had known what the bill contains, and if they had an effective organization, such as the one to which the Senator has referred, they could come here and very likely have themselves excluded. Is that correct?

Mr. ROBERTSON. If they were administering some $50 billion of assets, they would have been heard from.

Mr. HILL. They would have been heard from. And very likely we would have seen the same retreat in that event which we saw in the case of the other folks.

Mr. ROBERTSON. Someone would have seen the justice of eliminating them.

Mr. HILL. That is correct.

Title VI of the civil rights bill, H.R. 7152, is an unprecedented, and all encompassing proposal. To my mind, it is both unconstitutional and inconsistent with all normal concepts of our form of government.

This title of the bill gives the President the power to withhold funds or other assistance if discrimination be charged. The power to withhold funds is a dictatorial power that should not be given to the executive branch of the Government as proposed in this bill.

Section 601 is as follows:

> Notwithstanding any inconsistent provision of any other law, no person in the United States, shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activity receiving Federal financial assistance.

There are no express words defining what constitutes discrimination. In fact, there is no such definition in the bill. The executive branch of the Government is directed by section 602 to issue regulations or to take action to effectuate the policy of section 601 by withholding funds or by "other means authorized by law." This would be an arbitrary delegation of power to the executive branch with no limitations attached other than the right of judicial review should an individual be so bold as to take the Government into court under the provisions of section 603.

The truth of the matter is that the head of an agency could forthwith, before he prescribed any conditions for Federal contracts, and irrespective of his powers relating to contracts either before or after prescribing contract conditions, proceed to interpret any or all laws relating to programs or activities of Federal financial assistance in his jurisdictions. He could then set into motion the machinery to withhold funds based on arbitrary standards as to what constitutes discrimination.

He could exercise this power on a mere individual complaint perhaps by an emotionally prejudiced individual. He could exercise it against the whole project in a large Federal contract simply because one Negro did not receive certain treatment, a certain payment, or a certain benefit. Title VI could include urban renewal matters, social security payments, veterans' pensions, all Federal loans, highway funds even where States put up matching funds, agriculture contracts, the school lunch program, public health and hospital programs, area redevelopment, public housing, and a host of other matters too numerous at this time to be enumerated. And it is no adequate answer to say that final action is taken by the President.

Let us now analyze section 601. The opening words are: "Notwithstanding any inconsistent provision of any other law." Hundreds of laws are in the statutes at large dealing with programs of Federal financial asistance. These laws touch directly or indirectly upon practically every phase of individual property and business ownership. This language is designed to be so broad that should the administration lose the fight on title II, which would outlaw segregation in restaurants, hotels, theaters, and places of public accommodation, as it undoubtedly will, it could still accomplish at least part of the purpose indirectly by regulations and by withholding funds in any Federal assistance program that has any connection with a privately owned public accommodations business.

Many laws of Congress and of State legislatures have been disapproved in the courts because they were too broad, too general, or too vague. Title VI is so general and so vague that any court should hold it unconstitutional on that ground. While there are no criminal penalties involved in title VI as such, it would be, if enacted, a part of and a powerful adjunct to the many civil rights laws now on our statute books which do carry criminal penalties and to the penalties attached to crimes in the financial assistance programs.

The Federal Registration of Lobbying Act was held unconstitutional because it was too broad and too vague in the case of *National Association of Manufacturers* v. *McGrath*, 103 F. Suppl. 510.

This case caused such uncertainty as to the extent of the coverage of the Lobbying Act that it was not until the Supreme Court later gave definite interpretations of the extent and meaning of the language of the act that proper standards of compliance could be drawn. The Court did this in the case of *U.S.* v. *Hariss*, 347 U.S. 612 (1954). The Court stated at page 617:

> The constitutional requirement of definiteness is violated by a criminal statute that fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute. The underlying principle is that no man shall be held criminally responsible for conduct which he could not reasonably understand to be proscribed.

The Court then followed the principle adopted in *Screws* v. *U.S.*, 325 U.S. 91 which upheld the definiteness of a former Civil Rights Act and gave what it called a "reasonable construction of the statute." See page 618 of the opinion.

See also *Fox* v. *Washington*, 236 U.S. 73; *Musser* v. *Utah*, 333 U.S. 95; *Winters* v. *New York*, 333 U.S. 507, 510.

Title VI, taken in its entirety, or part by part, is vague, and indefinite and therefore unconstitutional as I have indicated.

Section 601 of title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Exactly what constitutes "financial assistance" is difficult to determine. Neither is the difference between a "program" and an "activity" clear. In the main, one thinks of programs in large terms, such as the school assistance program, or higher educational aid program recently enacted. The language of this bill, however, would seem to cover any Federal "contract." Conceivably, if the Federal authorities wished, they could use title VI to suspend every small business administration loan.

Under section 602, it would appear that the recipient of the loan could be blacklisted by administrative action, and unless he assumed the burden of proof under a law that does not describe what constitutes discrimination and took his case successfully into the Federal courts, he would not only lose Federal assistance, but perhaps his good reputation as well.

GENERAL ANILINE & FILM CORP.— A STEP CLOSER TO PRIVATE ENTERPRISE

Mr. KEATING. Mr. President, the long and tortuous litigation with regard to the sale of the Government's holdings in the General Aniline & Film Corp. finally appears to be coming to a close. Yesterday the Federal Court issued an order permitting settlement of the case along the lines of an agreement between the Government and Interhandel, a Swiss holding company which initiated the original suit more than a decade ago.

Unfortunately, there are still many obstacles to overcome before the Government can dispose of its stockholdings.

Further steps apparently will be guided by the recommendations of an Advisory Committee set up by the Department of Justice.

It would be a mistake for the Government to approach these problems simply from the point of view of a litigant in a lawsuit. GAF is an important industrial enterprise and its future growth and prosperity is of vital concern to thousands of its employees and the communities in which it now has its major facilities. It has always been my strong view that its future as part of private enterprise would be much more promising than under continued Government control. But the specific terms of a sale must be given the most careful consideration to assure the maximum benefit to its longtime employees and the economy of the areas in which it has been operating.

In my judgment, the employees of the company and other residents of the local communities involved deserve special consideration in any arrangements that are made for the sale of the stock. They have been loyal to the company throughout its history and have earned the right to share directly in its future growth. Moreover a wide distribution of the stock to the public would avoid antitrust problems, which might arise if GAF were turned over to a group of corporations, and assure against dismemberment or relocation of the firm in the future.

I have strongly urged that the interests of the local people and employees be fully considered by the advisory committee, and while I have avoided specific names, have suggested that it would be appropriate for labor, as well as management officials of the company, to be named to the advisory committee. Its tasks will be difficult under any circumstances and it can profit from the advice and help of men and women who have been associated with the company for many years.

It is gratifying to be able to report progress on the long stalled efforts of the Government to restore GAF to private enterprise. We must now make certain that this transaction fully serves the public interest.

APPOINTMENT TO THE INTERNATIONAL LABOR ORGANIZATION

Mr. KEATING. Mr. President, I am greatly honored by the appointment to serve as a Senate delegate to the meeting of the International Labor Organization. The ILO is one of the oldest of the specialized agencies of the U.N. In fact, its origins go back to 1919 when it was created in the Treaty of Versailles as a part of the League of Nations. The United States became a member of this autonomous intergovernmental agency in 1934. Today 106 member countries participate in this organization, together with labor and management representatives. Decisions are made and policy is shaped by this tripartite membership, which makes the ILO unique among international agencies.

Mr. President, the purposes of the ILO, to which I subscribe heartily, are to raise the standard of living, improve working conditions, and to promote economic and social progress.

Mr. President, it is a genuine privilege to serve with an international body of such high purpose and caliber and to work in whatever manner possible to improve the position of free workers throughout the world. Certainly, there can be no doubt that the United States has led the way for the entire world in the real privileges and opportunities available to its working citizens. Despite Communist propaganda the United States has a record of which it can be justly proud before all the world. I am honored to represent the United States in this international forum and to work in this forum for widespread betterment of living and working conditions throughout the world. It is my hope that, in preparation for the Geneva meeting, I shall have the opportunity—indeed, I shall make it a point—to discuss the problems likely to come before the conference with U.S. labor representatives who, I am sure, can render valuable assistance in acquainting the U.S. Government delegates with the viewpoint of the U.S. labor movement in the areas of chief interest and concern.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ROBERTSON. Mr. President, when I address the Senate again next week, I shall expect to continue my discussion of title VI of the bill, but for today I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 144 Leg.]

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hartke
Hayden
Hill
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Magnuson
Mansfield
McGee
McGovern
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smith
Sparkman
Symington
Talmadge
Williams, N.J.
Williams, Del.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

During the delivery of Mr. Robertson's speech,

Mr. DIRKSEN. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. Mr. President, I yield to the distinguished minority leader, the Senator from Illinois [Mr. Dirksen], with the understanding that I shall not lose my right to the floor, and that his remarks will not come within my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. I am grateful to the Senator from Virginia for permitting me to intrude at this point in his interesting speech.

I had planned today to submit 10 amendments to title VII of the bill. They are submitted in the utmost good faith and in the firm belief that they would improve markedly the title of the bill that deals with fair employment practices and creates the so-called Equal Employment Opportunity Commission.

These proposals are the fruit of long study and staff work and consultation with the people in business, in industry, in the contracting field, and in nearly every other field of economic activity.

I wish to make it abundantly clear that there may be other amendments. The most controversial amendment that I have been dealing with, together with my staff, will be submitted at a later date.

We have been having consultations on this side of the aisle with the proponents of the bill as is, in the hope that somehow we can find a practical solution for the problem which is involved where State and Federal jurisdictions are concerned.

Let me say, parenthetically, that I found most of the people who have come to consult with me, and who would be widely affected by this measure hostile to the civil rights bill. They began by stating that they would like to see a civil rights bill, but they wish it to be sound and practical. They wish it to be workable and, quite naturally, out of an abundance of their experience, they seek the enactment of a measure that will be fair.

I do not believe that anyone can quarrel with that premise. I do not believe that these amendments which will be submitted directly would impair, weaken, or emasculate the pending measure. They are not so designed and they are not so inspired.

It should be remembered that we are seeking to predicate a civil rights bill upon a solid foundation, knowing that in the years to come it will probably share the same fate as legislation in every other field.

I recall that even now we are amending and perfecting legislation on which I first voted in 1933 and 1934, and in subsequent years, when I was a Member of the House of Representatives. Thus, no legislation is perfect at the outset. Only as experience somehow yields to the wisdom and the prudence which is necessary, will it dictate the amendments which probably will be offered in the years ahead.

Later in my remarks, I shall ask unanimous consent to insert the text of the amendments in the Record, together with a brief explanation of their significance. When the time comes, I expect to call them up for consideration, and that is momentarily a rather indefinite date. At that time, there will be a more thorough exploration and exposition of the amendments.

I am rather confident that they will beget the spirit of consideration by the Senate, and that there will be an abundance of debate, so that all aspects of the amendments will be thoroughly ventilated.

I am withholding one amendment. It is probably more important than all the others. It deals with the procedure to be followed by an aggrieved person who feels that he has been the victim of discrimination in the employment field. This involves a question of jurisdiction, since 30 States today have enacted and put into practice their own code which deals with employment discrimination.

The 30 States to which I refer are:

Alaska and Arizona; California and Colorado; Connecticut and Delaware; Idaho and Illinois; Indiana and Iowa; Kansas and Massachusetts; Michigan and Minnesota; Missouri and Nebraska; Nevada and New Jersey; New Mexico and New York; Ohio and Oregon; Pennsylvania and Rhode Island; Washington and West Virginia; Wisconsin and Hawaii; and Vermont and Oklahoma.

In those 30 States are located about 70 percent of the working population of the Nation and, for aught I know, that percentage may be even larger. We have tried by interpolation to determine how many of our working population are presently covered by State fair employment practice statutes and how the commissions should articulate those statutes. Interestingly enough, of this group of States, 17 are represented by 23 Republican Senators, and this figure is sufficiently impressive to indicate that these and other Members of the Senate are interested in the question of primary jurisdiction over civil rights complaints.

The House bill which is before us contains a section in the 11th title which recites:

> Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act, or any provisions thereof.

That language can be interpreted in a number of ways. However, if we are dealing with basic intent and purpose, I believe it was the intention of the House of Representatives, when it incorporated that language in the House bill, to give full consideration to the States and to the jurisdiction of the States in dealing with this problem in the first instance.

To be sure, there are recitals in title VII of the pending bill calling for cooperation between Federal, State, and local agencies and even for reimbursement of State and local agencies for services which might be rendered. Cooperation, however, between the Federal Commission on the one hand and the State and local commissions on the other can easily become a one-way street because of the pressure and emotionalism involved and because of the tendency of Federal agencies to dominate any field which they are authorized by Congress to enter.

In the Senate are men who have been Governors of their State. Offhand I can think of at least a half-dozen. In the main, they all seek a workable and equitable civil rights bill but they are mindful of the steady and deeper intrusion of the Federal power in fields where the problem is essentially State and local in character. It should be borne in mind that we deal not with something like trade practices in commerce which are widely diffused over the whole country and therefore require the interposition of Federal power, but rather with cases where a single individual is involved who complains of discriminatory practices by an employer. Surely we can develop language which will assure the States on this point, assure individual complainants that they will have fair and expeditious consideration of their grievances and still retain sufficient authority in the Federal Commission to carry forward the purposes and objectives of this title of the bill.

I trust that within a few days, it will be possible to satisfactorily resolve the issue of jurisdiction and procedure between the State and Federal commissions.

Mr. President, I submit these 10 amendments, and with each of them I submit an explanatory statement. In addition to them, I should like to have the amendments in proper form not only presented, but also published in the Congressional Record. I submit them for that purpose.

The **PRESIDING OFFICER**. The amendments will be received, printed, and lie on the table; and, without objection, the amendments and explanations will be printed in the Record.

The amendments and explanations presented by Mr. Dirksen are as follows:

Amendment 501

On page 29, line 13, after "person" insert "(including a labor organization having a hiring hall or hiring office)".

Incorporated into the definition of "employment agency" are the hiring halls or hiring offices of labor organizations. This has been done to insure, so far as is possible against discrimination by labor organizations against members by reasons of race, color, religion, sex, or national origin.

In these instances, which by reason of agreement by and between an employer and a labor organization, the employer is not able to seek new employees from the general labor market but is obligated to secure the employees from a hiring hall or hiring office maintained by a labor organization, it is desirable that adequate protection be extended under this title to these members who may be the subject of discrimination by the labor organization to which they belong.

The "hiring hall or hiring office" of a labor organization may be, in some areas, the only available source of access to the labor market.

Omission from the bill of this language may have been inadvertent. We do know that labor organizations have given support to this bill. This language I propose to insert in no way weakens or dilutes the title, but enlarges it by extending coverage to a large member of men and women in the labor market who would not otherwise be protected by this title.

Amendment No. 502

On page 35, strike all of line 7 through line 10 and reletter subsection (g) accordingly.

Paragraph (f) of section 704 of this title provides: "Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs."

This amendment will strike the above section from this title. To leave it in would only provide a vehicle for the first legal assault on this bill, which in view of recent court decisions would probably be successful.

The first words of the first amendment to the Constitution deal with freedom of religion and the cases decided under this section make it clear that the freedom of conscience enjoyed by Americans with respect to their religious beliefs ought not to be interfered with by the Congress.

The nature and extent of a man's beliefs with respect to his Creator are, and ought to be, sacred and exempt from testing as a condition of employment.

I can think of nothing so ill suited to a civil rights bill, designed to protect the rights of all persons to be free from discrimination as this section, the deletion of which I now propose.

Amendment No. 503

On page 39, at the end of line 11, insert "the public." and strike line 12.

The bill empowers the Federal Commission to make such technical studies as are appropriate to effectuate the purposes and policies of title VII and to make the results of such studies available to interested governmental and nongovernmental agencies.

However, every employed person and every employer has an interest in knowing the results of studies made with respect to discriminatory employment practices and the results of such studies should therefore be available to the public.

Amendment No. 504

On page 39, line 22, strike "or on behalf of"; and on lines 23 through 25 strike "or a written charge * * * has occurred."

This amendment provides for the filing of a charge in writing, under oath, by the party claiming to be aggrieved. The amendment precludes the bringing of this action "on behalf of" a person. This is in keeping with our historical concept of jurisprudence. We have recognized two types of court action, those brought by an individual to seek redress of a civil wrong or those brought by the Attorney General to correct a public wrong. It does not seem appropriate to deviate from this concept and to permit such filing of charges as is contemplated by the language of section 707.

Amendment No. 505

On page 40, line 15, after "be" insert "made public or".

The maximum results from the voluntary approach will be achieved if the investigation and conciliation are carried on in privacy.

If voluntary compliance with this title is not achieved, the dispute will be fully exposed to public view when a court suit is filed.

Amendment No. 506

On page 41, line 11, strike "may" and insert in lieu thereof "shall'; on line 11, strike "either"; and on lines 13 and 14, strike all after "committed" through "office".

Now I feel that any action brought in the Federal court under this title should be brought in the judicial district where the unlawful employment practice is alleged to have been committed.

I realize, of course, that there are some other statutes which provide for venue in districts other than the district in which the cause of action giving rise to the complaint occurs. It becomes extremely important however, in setting up a statute giving rise to a new cause of action to choose our language with both clarity and precision.

Because the failure to comply with the provisions of this title is termed "an unlawful employment practice". I consider it both desirable and practical to provide that an action brought under this title should be filed in the Federal district court for the area of its occurrence.

To allow such a case to be brought in the judicial district in which the respondent has his principal office could, and probably would, result in a large number of suits being filed in the so-called home office districts of corporations.

In many instances the principal office of such firms are located in our large metropolitan areas. In such cities the court calendars are almost uniformly burdened with heavy case loads, upon which would be laden the additional cases it is expected would be brought under this title. The delay in justice to other litigants, and to the parties to actions under this title would be intolerable.

It could be anticipated also that there will be considerable problems involved in the transportation of witnesses and evidence from the district where the cause of action arose to a district far removed, with consequent difficulties to the maintenance of almost any business operation.

It is perhaps not inconceivable that employers, in an attempt to reduce their exposure to the hazards of litigation under this title, would increase the use of overtime by persons presently employed rather than run the risks attendant upon seeking new employees.

The expanding use of automated processes has already reduced the availability of employment opportunities for many categories of the employment market. I would hope, therefore, that in attempting to achieve a good end we do not create more problems than we solve. Accordingly, I suggest that acions under this title be brought only in the U.S. district court where the unlawful employment practice is alleged to have been committed.

AMENDMENT No. 507

On page 41, line 22, after "has" and on line 23 after "is" insert "willfully".

The word "willfully" is added to section 707(e) to make clear the intention of Congress in respect to possible unwitting violations of title VII. Certainly it is not intended that an accidental or unintentional violation should subject an employer to the provisions of this title.

Corpus Juris Secundum defines willful and willfully in volume 94 at pages 620 through 638. On page 622 it is stated that:

"The words 'willful' and 'willfully' as ordinarily employed, mean nothing more than that the person, of whose actions or default the expressions are used, knows what he is doing, intends what he is doing, and is a free agent; that is that what has been done arises from the spontaneous action of his will.[1] Thus the terms imply a conscious act of the mind [2] and denote an attitude of the mind and will [3] but they import something more than a mere exercise of the will, and include the idea of a consciousness or knowledge, that is knowledge of all of the circumstances, and when used in connection with an act forbidden by law, the terms carry the idea that, with knowledge, the will consented to, designed and directed the act. Thus the terms signify an act done knowingly [4] permissively, voluntarily, deliberately, persistently, perversely, obstinately, or even an act performed stubbornly. The terms also signify an act done by design, with set purpose.

"The terms are also employed to denote an intentional act, an act done intentionally, or purposely, as distinguished from an accidental act, an act done by accident, or accidentally, or carelessly, thoughtlessly, heedlessly, or inadvertently, or otherwise beyond the control of the person charged."

This is precisely the situation which might exist if the words are not added to title VII. Accidental, inadvertent, heedless, unintended acts could subject an employer to charges under the present language.

In distinguishing in the use of the words in civil or criminal states it is stated on page 630 that: "the words willful and willfully are frequently used in a sense that does not imply any malice or wrong, or anything necessarily blamable or malevolent, and the words are generally used in this mild sense [5] in civil cases [6]."

A greater degree of certainty will be obtained by the addition of this word of refinement and certainly a much clearer legislative intent will be provided for the use of the Commission and the courts.

AMENDMENT No. 508

On page 42, strike lines 17 through line 2 on page 43 and reletter the following subsections accordingly:

The next amendment will strike paragraph (f) of section 707 of title VII. This section provides for the appointment of a master in cases where the pleadings present issues of fact.

Traditionally in our theory of jurisprudence the decision on issues of fact are reserved to the jury and the decision of questions of law reserved to the judge. I do not believe it is wise to alter or to dilute proven legal procedures by incorporating this section into the statutes.

Of course, I am aware that the Federal Rules of Civil Procedure (rule No. 53) provide for the appointment of masters in particular cases, but the rule states: "a reference to a master shall be the exception and not the rule * * *."

The courts have held that such references are expensive and time consuming, that they greatly increase the cost of, and postpone the end of litigation. For nearly a century litigants and members of the bar have been crying out against the burden and delay of masters hearings and certainly litigants prefer, and are entitled to, the decision of the judge of the court before whom the suit is brought. Greater confidence in the outcome of the trial and more respect for the decision of the court should reasonably be expected if masters are eliminated.

It has been stated by one of our Nation's eminent jurists that there is no more effective way of putting a case to sleep for an indefinite period than to permit it to go to a reference with a busy lawyer as referee.

To subject complainants, who have been discriminated against by unlawful employment practices to the built-in delays of this section is unreasonable. I therefore propose its elimination.

AMENDMENT No. 509

On page 45, line 1, strike out "(c) Every" and insert "(c) Except as provided in subsection (d), every".

On page 46, after line 5, insert the following:

"(d) The provisions of subsection (c) shall not apply to any employer, employment agency, labor organization, or joint labor-management committee with respect to matters occurring in any State which has a fair employment practice law during any period during which such employer, employment agency, labor organization, or joint labor-management committee is subject to such law, and shall not apply to any employer during any period during which he is subject to the provisions of Executive Order 10925, issued March 6, 1961, or to any other Executive order prescribing fair employment practices for Government contractors and subcontractors."

Amend section 709(c) to provide that the Federal Commission shall not require records different from those required by a State fair employment practices agency or the President's Committee on Equal Employment Opportunity.

This amendment is necessary to prevent the superimposition of different recordkeeping requirements by the various State and Federal agencies dealing with discrimination in employment. The preparation of business records is already burdensome, and there is little justification for allowing each agency to impose its own requirements for records.

AMENDMENT No. 510

On page 46, strike out lines 6 through 24 and insert the following:

"ENFORCEMENT

"SEC. 710. (a) If the respondent named in a charge filed under section 707 refuses to permit the Commission or its designated representatives to examine, or to copy, evidence in conformity with the provisions of section 709(a), the United States district court for the district in which such evidence is located shall, upon application of the Commission, have jurisdiction to issue to the respondent an order requiring him to permit the examination and copying of such evidence.

"(b) If any person fails or refuses to comply with the provisions of section 709(c), the United States district court for the district in which such failure or refusal occurs shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply with such provisions.

"(c) Any failure to obey an order of the court issued under subsection (a) or (b) may be punished by the court as a contempt thereof.

"(d) In any proceeding commenced by the Commission under subsection (a) or (b), the Commission shall be liable for costs the same as a private person.

"Upon the failure or refusal of any person to comply with section 709, the Commission may apply to the district court in the district in which such records or other evidence are located for an order requiring the production of such matter, and for failure to obey such order, such person may be punished as for contempt of court."

The broad investigatory powers in section 710 are covered by the court rules for discovery and depositions and will be available in aid of the court proceeding for injunction and also for contempt of the court order.

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[1] *Col. Murray* v. *State Board of Accountancy of Dept. of Professional and Vocational Standards*, 218 p. 2d 569, 572.

[2] *U.S.-Chicago Coulterville Coal Co.* v. *Fidelity & Casualty Co. of New York, C.C.* Mo. 130 F. 957, 962.

[3] *U.S.* v. *Philadelphia & R.R. Co.*, D.C. Pa. 223 R. 207, 210.

[4] *Nebraska-Union Transfer Co.* v. *Bee Line Motor Freight*, 34 N.W. 2d 363, 365.

[5] *Iowa State* v. *Meek*, 127 N.W. 1023, 1024.

[6] *Cal-Chan* v. *Title Insurance & Trust Co.*, 257 p. 2d 53.

The power required by the Federal Commission is the power to examine records, and that is provided by the substitute language.

Mr. DIRKSEN. Mr. President, that is about all I care to say about this matter at the present time. I wish to emphasize the fact that these amendments deal with only one title in the pending bill. I apprehend there will be a great many amendments submitted to other titles as well. I reassert the hope that somehow we can contrive a palatable bill, a fair bill, and a workable bill.

I have been in receipt of communications and have had conversations with people who express the hope that the bill will be approved by the Senate without a single amendment. I am afraid that people who utter that hope have no familiarity with the real legislative process. If that were to become the precedent, obviously one or the other of the two branches that constitute the exclusive lawmaking branch of this Government would have no particular function. I believe the Senate is dutybound carefully to examine not only all legislation, but particularly that which is designed to alter the economic patterns of this country for a long time to come.

It will be applicable not to a fragment, not to a segment, not to a minority, but to the 190 million people scattered in the 50 States, and the other areas over which this country has jurisdiction.

I believe it is the duty of a Senator, as he looks down the road, to give attention to the perfecting of any legislation in the hope that in future days we shall not create a problem similar to the problem which confronts us now. We in this generation are the victims of what happened in Reconstruction days, when others dealt with the "force" legislation, out of which sprang in considerable part the condition that confronts a rather substantial segment of our people today.

I do not wish to save any pockets of prejudice for the future. I have an interest in what happens long after I have left this mundane sphere. I have a couple of grandchildren. I want them to grow up in a country of opportunity as completely free from hate and prejudice and bias as can be consummated by legislation, and a maximum amount of good will on the part of the lawmakers, who will be the ultimate authors of whatever goes on the books.

Mr. President, this constitutes a beginning. I only hope, as I have indicated before, that neither fear nor intimidation nor demonstrations nor evidences of violences or abuses will deter us or divert us from doing our full duty in preparing and bringing about the enactment of the right kind of civil rights bill, one that will be at once durable and of which we can be truly proud.

Mr. KEATING. Mr. President, will the distinguished Senator from Virginia yield, so that I may comment on the remarks of the distinguished minority leader?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from New York without losing the floor and that his remarks will not appear in the body of my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, first, I commend the distinguished minority leader for his constructive approach to this problem. Speaking for myself, I shall examine these amendments with deep interest and great care. I wish to put this inquiry to him in order that it might be a guidance to some of the rest of us in this debate.

I have an amendment to title I of the bill, the most important part of which is to make that title applicable to State elections as well as to Federal elections. I wish to inquire whether there is a gentlemen's agreement or any other kind of agreement or understanding to the effect that the first move will be toward title VII, and the perfecting of that title before going to some other title; or is that question still undecided?

Mr. DIRKSEN. There is no agreement of any kind. There could be no agreement under Senate rules. Under the rules of the House of Representatives, it is quite customary to start with the first title or the first section of a bill and march through the measure to its end. But under Senate rules, any title or any section is susceptible of amendment at any time.

I know of no undertaking or agreement whatsoever, with respect to perfecting title VII or any other title before moving along to some other title.

I might say, parenthetically, that my principal interest, as I have expressed it publicly and privately, has been particularly in title II and in title VII. There is so much in the bill that one individual obviously, within the compass of allowable time, cannot do justice to all the titles. I am delighted that my distinguished friend and colleague from New York has given special consideration to title I, dealing with voting rights.

Mr. KEATING. I have that assignment from the distinguished Senator from Illinois; in fact, I have the title, according to him, of "Captain."

Mr. DIRKSEN. I beg the Senator's pardon. I promoted him to "Major" last night.

Mr. KEATING. I thank the Senator. I was not aware of that. I had not noticed it in my paycheck. But I am delighted with the promotion and am grateful to the minority leader.

I realize that there is nothing in the rules that prevents any Senator from offering an amendment at any time. My inquiry—I believe the Senator has answered it—was whether there was an understanding, which, of course, all the rest of us would respect, that the amendments which the Senator has now presented would be the first order of business when it seemed as if we might get around to amendments. However, I understand there is not even an understanding to that effect.

Mr. DIRKSEN. Oh, indeed not. These amendments cannot be considered by the Senate until they are called up. I have no specific time in mind when they shall be called up.

I wish to make it emphatically clear that under no circumstances would I prevent or preclude any Member of the Senate from speaking freely and at length upon the bill. Until that has been done, I rather fancy that Senators will not be disposed particularly to consider amendments. So it could be sometime deep in the next week before any of these amendments are called up.

Mr. KEATING. The Senator would not be prepared to say how deep?

Mr. DIRKSEN. No. After all, the Senate can be in session only 6 days a week, and 6 nights, if that be the wish of the leadership. So it could not be beyond sometime next Saturday, meaning Saturday of next week.

Mr. MAGNUSON. Any Senator could call up an amendment at any time.

Mr. DIRKSEN. That is quite true. Several amendments have been submitted. Any Senator is at liberty to call up an amendment, if he so desires.

Mr. KEATING. I am sure the distinguished Senator from Virginia [Mr. ROBERTSON] has some amendments that he might wish to bring up. I know he has. The Senator from North Carolina [Mr. ERVIN] and the Senator from Georgia [Mr. RUSSELL] and other opponents of the bill also have amendments. I would not want to do anything to interfere with any of their plans, even if it were within my power to do so. For guidance, I was trying to find out what amendment we would likely be confronted with first. I do not know, and I suppose there is no way of telling.

Mr. DIRKSEN. Exactly so, because some Senator other than the minority leader might obtain recognition and call up an amendment of his own. So we shall have to abide strictly by the rules of the Senate.

But at some point, I think the extended discussion will begin to taper off, and then the Senate will be in the mood and will be prepared to consider amendments. Once that begins, and after the first amendment has been disposed of, other amendments will follow. So by the orderly processes of going through the whole legislative method of perfecting a bill, we eventually reach the third reading and finally the rollcall. I believe that if we follow that course and are not too dilatory, we shall probably gain time, rather than by making an effort arbitrarily and rather capriciously to shut off debate.

Once more, I express my appreciation to the distinguished Senator from Virginia for permitting me to intrude upon his time. It is understood that these remarks will come at the end of the remarks of the Senator from Virginia.

Mr. ROBERTSON. I am always glad to yield to the distinguished minority leader. His remarks this afternoon have been most helpful. I am glad he took the time to indicate that he does not believe the bill is perfect. I am sure we shall await with interest the full consideration of his amendments.

As the Senator from New York [Mr. KEATING] indicated, the Senator from Virginia has already submitted an amendment relating to jury trials which he would like to call up between now and the middle of June.

Mr. DIRKSEN. Between now and what date?

Mr. ROBERTSON. I said between now and the middle of June, not fixing any specific time.

Mr. KEATING. The Senator from Virginia was referring to 1964, I hope.

Mr. DIRKSEN subsequently said: Mr. President, I ask unanimous consent that the amendments I submitted a moment ago, under the rule, be considered as having been received and read, so they may qualify with respect to anything which might happen with respect to cloture.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

During the delivery of Mr. ROBERTSON's speech,

Mr. JACKSON. Mr. President, will the Senator from Virginia yield to me?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the Senator from Washington, with the understanding that his remarks will appear at another point in the RECORD; that in yielding to him for this purpose, I shall not lose my right to the floor; and that my subsequent remarks will not be counted as a second speech by me.

The PRESIDING OFFICER (Mr. BAYH in the chair). Without objection, it is so ordered.

FOREIGN FISHING VESSELS OFF ATLANTIC AND PACIFIC COASTS OF THE UNITED STATES

Mr. JACKSON. Mr. President, for some time I have been increasingly concerned about the increasing pressures on American fishermen by foreign fishing vessels off our Atlantic and Pacific coasts. Moreover, foreign nations, off whose coast our own fishermen operate, are extending, or seeking to extend unilaterally their fisheries jurisdiction in a manner adversely affecting American fishing interests.

The Canadian Prime Minister, in his talks with the late President Kennedy at Hyannisport in May 1963, indicated Canada's intention to extend its fisheries' limit to 12 miles. President Kennedy immediately reserved U.S. rights in the affected waters. Subsequently, negotiations between the United States and Canada were begun in an effort to work out a solution to problems raised by Canada's decision.

Several meetings between high ranking officials of the United States and Canada have taken place. However, I am personally concerned whether anything substantial is being accomplished to protect American interests.

My concern is increased by the following colloquy which took place in the Canadian House of Commons on March 13:

Mr. Lloyd R. Crouse, Queens-Lundenburg:

> Mr. Speaker, may I direct a question to the Minister of Fisheries. On April 1, Britain will impose a quota on landings of Faroese-Danish fresh and frozen fish as a result of the action by the Danish controlled Faroe Islands in unilaterally extending their territorial limits to 12 miles. Since it is the Minister's intention to unilaterally extend Canada's fishing limits to 12 miles on May 15, will he tell the House what steps are being taken to prevent any retaliatory action by the United States that would be detrimental to Canada's fishing industry?

Hon. H. J. Robichaud, Minister of Fisheries:

> Mr. Speaker, in reply I wish to say that there is no indication whatsoever that any measures of retaliation will be taken by the United States.

Mr. President, the United States imports annually from Canada, fish and fish products having a total value of some $116 million. It would be interesting to know on what Minister Robichaud bases his apparent confidence, and whether he has been given any assurance that there will be no retaliation by the United States if American interests are adversely affected by Canada's unilateral decision to extend its jurisdiction over the high seas.

There have also been indications that, in extending its fisheries jurisdiction, Canada intends to assert a claim, as territorial waters of Canada, to Hecate Strait where many Pacific Northwest fishermen operate, as well as to the Gulf of St. Lawrence and other large bodies of water on both its Atlantic and Pacific coasts. This would create precedents gravely affecting the freedom of our Navy and Air Force to operate over the high seas. I am sure the Senate shares my interest in knowing of the attitude of the executive branch to such Canadian intentions, and that the Senate wishes to be advised as to what concrete steps are being taken to protect U.S. interests.

I can say with confidence that my colleagues from the States affected will not accept anything less than clear assurances that the interests of U.S. fishermen will be fully protected in this situation with Canada.

IMPACT ON PROFESSIONAL PEOPLE OF SCIENTIFIC AND TECHNOLOGICAL CHANGES

Mr. JACKSON. Mr. President, the Senate is well aware of the problems that have existed and continue to face us in the area of retraining the nonprofessional workers of this country for new roles in our changing society.

The Kennedy administration and the Johnson administration have been keenly aware of this problem and have acted with firmness. The Senate has responded by approval of the Manpower Development and Training Act.

Mr. President, I believe it is important that we also consider the impact on professional people resulting from rapid changes in the scientific and technological scene.

The continuing initiation of new systems has an impact on the worker on the bench, the white collar employee, and the professional. As with the nonprofessional, the professional is faced with the task of constantly updating his talents, in order to survive in the job market.

Today, the new technology embraces new knowledge and new techniques which the young man just getting out of college may have—but which the man who has been out of school and on the job for 10 years or more may not have been able to acquire.

In the engineering field, there are new requirements—to which the engineer must continuously keep his education tuned. His decisions hinge on new learning.

It is startling that the whole basis of mathematics has changed in the last 20 years. Those who learned mathematics as recently as 10 years ago, with limited subsequent education, are not abreast of modern concepts. This is true of many of the other disciplines, where educational breakthroughs have substantially altered the systems.

As a result, even college degrees today are perishable commodities, sometimes lessening in value with age. The jobseeker looking for work and using his degree as an entree, can be turned away because he has specialized himself out of competition. This can be particularly true of specialists in defense industries in programs suddenly terminated.

Because of defense cutbacks, there is no immediate engineer shortage. However, there may develop a shortage of trained, up-to-the minute contributing engineers, unless increased attention is paid to this emerging problem.

I am pleased that the professional societies, industry, and education are taking note of this. The Engineers Counsel for Professional Development has taken the lead in forming a committee to coordinate the concern of many of the societies, industry, and educators. Almost every major industry has some kind of educational assistance program on plant sites or on the campuses of cooperating institutions. A pioneer course in updating top management personnel has been established at the University of California at Los Angeles, and General Electric has a continuing program in this area. The Boeing Co. has expended a quarter of a million dollars annually in assistance to its engineers seeking advanced degrees.

Mr. A. C. Montieth, vice president of the Westinghouse Corp., said in 1963:

> Today the half life of the engineer is 10 years. Half of what he knows now will be obsolete in a decade or, to put it another way, half of what he will need to know in 1973 is not available to him today.

Mr. President, industry is rightfully concerned, and is studying the effects of this problem child of our scientific age. The U.S. Office of Education is concerned, and has been meeting with leaders of industry, labor, and the professional groups.

In my State the Seattle Professional Engineer Employees Association has displayed initiative and enterprise by squarely facing this problem, with an eye to reaching a workable solution.

Mr. Jon B. Jolly, president of the association, has detailed to me the SPEEA plan, which is a proposal to provide working engineers with continuing instruction. The Seattle Professional Engineering Employees Association plan is designed to maintain a stream of learning, and to combat a possible trend of diminishing returns for professional engineers.

The SPEEA plan can serve as a basis for further study and coordination by employers of engineers, educational institutions, and State and Federal agencies which will be beneficial to the participants, their employers, the community, and the Nation.

The concept of the SPEEA plan is one of broadening rather than specialization. Two options are suggested. The first—course option 1—offers the engineer a comprehensive exposure to the whole spectrum of science and engineering in 17.5 classroom hours. The second—course option 2—offers a somewhat specialized exposure in any one of five areas—structural design, 75 hours; electrical and communications design, 68 hours; subsystem design, 68 hours; analytical, 117.5 hours; and test, 86 hours.

Mr. John N. Shive, director of the Bell Education and Training Center, recently wrote:

> The field of communications is dynamic and the engineer seeking a rewarding career in this field must develop both the specialist's depth and the generalist's perspective. He must have enough specific knowledge and skill to bring to bear in his work the most effective modern techniques. Yet, he must be flexible enough to move in the new directions which a dynamic technology is continually unfolding.

With two out of every five of the Nation's engineers and scientists either employed directly by the Government or working on projects financed by Government funds, this problem is of concern to the Federal Government, as well as to the individual, to industry, and to the States.

The President's manpower report states that more than 120,000 engineers and scientists are now employed directly by the Federal Government, and that perhaps half as many are in State and local governments. A larger number, possibly in excess of 300,000, are said to be employed on federally financed programs in private industry, universities, and other nonprofit organizations.

The report said the Government has a heavy responsibility for helping to meet the needs for scientists and engineers, both through support of their education and continued professional development and through efforts to insure their optimum utilization. The report stated this is essential, not only to improve the operation of Government programs, but also to help meet urgent personnel needs in colleges and universities and other fields of private employment.

The proposal by the Seattle Professional Engineering Employees Association merits close inspection. While this is a proposal emanating from a local source, it highlights a national problem.

Today, the engineer needs broad knowledge and skills; and modern trends of engineering education recognize this. The older—but often still young in age—engineer requires constant updating, to keep pace. Industry, Government, the professional societies, and educational institutions must provide the opportunities, within our educational system, and in our industrial complex, to permit the professional to keep pace.

I compliment the Seattle Professional Engineer Employees Association and the others who have articulated this need, and I suggest that it is also an area of concern for the appropriate agencies of Government.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. TALMADGE obtained the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. TALMADGE. Mr. President, I ask unanimous consent that during the course of my remarks I may yield to Senators from time to time for insertions in the RECORD, interrogation, colloquy, or such remarks as Senators may desire to make, without it affecting my right to the floor in any way whatever, or being charged to me as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL subsequently said: Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield to the Senator from California.

Mr. KUCHEL. Mr. President, once again—and I shall not do this each time—I desire to say that I returned to the Senate 1 minute late in response to the last quorum call. I was in downtown Washington with members of the press from California. I desire the RECORD to show that I returned.

The PRESIDING OFFICER (Mr. BAYH in the chair). The RECORD will so show.

GENERAL MacARTHUR'S PRAYER FOR HIS SON

Mr. MILLER. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield with the understanding previously stated.

Mr. MILLER. Mr. President, in the April 6 issue of the Des Moines Register there appears an article, datelined Washington, D.C., setting forth a beautiful prayer composed by the late Gen. Douglas MacArthur for his son.

I ask unanimous consent that the article, with the inspirational prayer included, be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MacArthur Leaves Credo in Prayer for His Son

> WASHINGTON, D.C.—Gen. Douglas MacArthur is leaving a spiritual legacy to his son, Arthur—a father's prayer he wrote in the Philippines during the desperate early days of the Pacific war.
>
> According to the general's biographer and confidant, Maj. Gen. Courtney Whitney, the family repeated this MacArthur credo many times during early morning devotions:
>
> "Build me a son, O Lord, who will be strong enough to know when he is weak, and brave enough to face himself when he is afraid; one who will be proud and unbending in honest defeat, and humble and gentle in victory.
>
> "Build me a son whose wishes will not take the place of deeds; a son who will know Thee—and that to know himself is the foundation stone of knowledge.
>
> "Lead him, I pray, not in the path of ease and comfort, but under the stress and spur of difficulties and challenge. Here let him learn to stand up in the storm; here let him learn compassion for those who fail.
>
> "Build me a son whose heart will be clear, whose goal will be high, a son who will master himself before he seeks to master other men, who will reach into the future, yet never forget the past.
>
> "And after all these things are his, add, I pray, enough of a sense of humor, so that he may always be serious, yet never take himself too seriously. Give him humility, so that he may always remember the simplicity of true greatness, the open mind of true wisdom, and the meekness of true strength.
>
> "Then I, his father, will dare to whisper, 'I have not lived in vain.' "

THE MYSTERY OF FOOD AID IN ALGERIA

Mr. MILLER. Mr. President, for some time now I have been expressing concern over the final destination of U.S. grain shipments to Algeria.

The State Department has informed me that thus far it has uncovered no evidence to support reports that our wheat is being diverted to Russia in exchange for Soviet arms and other goods.

It has assured me that it is satisfied that the Department maintains adequate controls over wheat shipments to that country and that no significant amounts are being diverted to purposes not envisaged by our aid program.

I would like to feel satisfied with those assurances. But I am not, for the simple reason that I keep getting reports which are unsettling to say the least.

The latest report, which continues to place me in the doubting Thomas category, is one which appeared in the New York Times of March 15. It tells how an official of one small village in Algeria is using American wheat to play politics—that he doles out the commodity to his friends, not to those who are in need or who should be on the receiving end.

According to the report, the wheat storage in the town of Tamanrasset was accidentally discovered by the U.S. Ambassador, William J. Porter.

Let me quote from that article by Peter Braestrup:

> Although U.S. food relief has been operating in Algeria since independence in mid-1962, no one in Tamanrasset could recall any actual distribution of such food.

In visiting the food storehouse, Harry Lennon, chief of the U.S. aid mission in Algiers, spotted certain kinds of wheat sacks that had not been used in the U.S. program since 1962.

Mr. Lennon later said:

> There was a lot of stuff in there that had obviously been there a long time.

And what kind of runaround did the Americans get? Let me continue from the article:

> Outside the adobe storehouse, he saw a parked truck.
>
> "Is the food going to go on the truck for distribution in the countryside?" he asked the driver.
>
> "Oh, no," said the driver. "We never deliver by truck. People come in with their camels."
>
> At city hall, Mr. Lennon asked an official why so much food was still on hand. The cost of transportation by truck to outlying areas was blamed. "Can't you send it by camel?" asked Mr. Lennon. "Oh, no," said the city official, "we never send anything by camel."
>
> Amid this and other contradictory tales, an explanation of Tamanrasset's nondistributed relief food developed.

The article went on to say how the mayor was not especially interested in feeding non-Touaregs, who were either vassals or former slaves of the Touareg, and that the wheat was put under the control of the assistant mayor who distributed paper chits to his friends entitling them to food. Nonfriends went without.

Mr. President, the article left one question unanswered: What does the United States plan to do about this situation? I am afraid if this question is asked that we would find that nothing is planned—that we cannot interfere in local politics.

I suggest that this situation could be duplicated all over Algeria. In any event, we need an inspection system to assure the taxpayers that the State Department is exerting sufficient controls over our food shipments.

I ask unanimous consent that the article, entitled "U.S. Envoy Ends Mystery of Food Aid in Algeria," be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. ENVOY ENDS MYSTERY OF FOOD AID IN ALGERIA

(By Peter Braestrup)

TAMANRASSET, ALGERIA, February 29.—The U.S. Ambassador to Algeria, William J. Porter, and his aids turned detectives here to solve what had come to be known as the missing American relief food mystery.

The villain, they found, was a local Sahara-style political setup controlling this adobe oasis town, almost 1,500 miles south of Algiers. Sociology also played a part.

Ambassador Porter, an experienced Arabic-speaking Foreign Service officer from Fall River, Mass., and Harry Lennon, chief of the U.S. aid mission in Algiers, arrived here with three aids February 21 on a good-will and fact finding tour of the Sahara.

The food in question was 12 tons of American-donated wheat and a ton of cooking oil, Tamanrasset's share of the more than 15,000 tons shipped to Algeria each month to feed 2 million needy Moslems.

According to AID inspectors, the Algerian Government's local distribution of the food has been remarkably free of waste and private profiteering. But there are occasional irregularities. Porter, Lennon and company scented one soon after they arrived in this dusty town built by the French. As a trading center for 10,000 veiled Touareg nomads, their black slaves and freed men called Harratine.

After setting in at the Mouflon d'Or Hotel, Mr. Porter and his aids paid courtesy calls on the officials newly appointed by Algiers to run things.

At the subprefecture, a Mr. Tounsi, regarded as an able official by Tamanrasset's 80 remaining Europeans, apologetically explained that he had just arrived from Biskra in the north to take over as the subprefecture's Secretary General, or No. 2 man. The subprefect was out of town. Asked about the wheat, Mr. Tounsi said he had just received a telegram from Ouargla, 700 miles away, asking him to send a truck for his 12-ton allotment enough for 1,500 local needy.

Asked for details on distribution, Mr. Tounsi suggested that his visitors return in 2 days.

A few hours later, as they talked to local people, the Americans' suspicions were aroused.

Although U.S. food relief has been operating in Algeria since independence in mid-1962, no one in Tamanrasset could recall any actual distribution of such food.

After talking with Mayor Sidi Musa, Mr. Lennon visited the food storehouse. There he spotted certain kinds of wheat sacks that had not been used in the U.S. program since 1962. "There was a lot of stuff in there that had obviously been there a long time," Mr. Lennon later recalled.

Outside the adobe storehouse, he saw a parked truck.

"Is the food going to go on the truck for distribution in the countryside?" He asked the driver.

"Oh, no," said the driver. "We never deliver by truck. People come in with their camels."

At city hall, Mr. Lennon asked an official why so much food was still on hand. The cost of transportation by truck to outlying areas was blamed. "Can't you send it by camel?" asked Mr. Lennon, thinking of the truckdriver. "Oh no," said the city official. "we never send anything by camel."

Amid this and other contradictory tales, an explanation of Tamanrasset's nondistributed relief food developed.

Mayor Sidi Musa, a Touareg and brother of the Touareg chieftain, was not especially interested in feeding non-Touaregs, who were either vassals or former slaves of the Touareg. No major change had been attempted by Arab newcomers from the north. The Touaregs, once warrior nomads, were best left, well fed and their prestige untampered with. Touaregs in any case would decide what their vassals ate, and the Harratine were secondary.

What wheat did come in was put under the control of Kasmi Slimane, assistant mayor and local merchant, who distributed paper chits to his friends entitling them to food. Nonfriends went without. Mr. Slimane, the Americans were told, was on a business trip to Niger, 200 miles to the south. According to one local source, truckloads of unidentified wheat had recently swollen Tamanrasset's marketable exports to that African republic.

SIXTH ANNUAL BOOK-OF-THE-MONTH CLUB LIBRARY AWARD

Mr. HUMPHREY. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield to the distinguished majority whip, with the understanding previously stated.

Mr. HUMPHREY. Mr. President, on April 12, the Book-of-the-Month Club made its sixth annual Library Award. The first-place award, bringing a prize of $5,000, was presented to the East Central Regional Library in Minnesota. Mr. Harry Scherman, chairman of the board of directors of the Book-of-the-Month Club, presented the award. The award was accepted by Mrs. Paul Hammar, chairman of the East Central Regional Library Board and Miss Marjorie J. Pomeroy, director of the East Central Regional Library. Speaking at the occasion were His Excellency Karl F. Rolvaag, Governor of Minnesota, Mr. John Mason Brown, distinguished author and drama critic and member of the editorial board of the Book-of-the-Month Club, and myself.

The award this year was significant in many ways:

First. It recognized an unusual degree of hard working local initiative, and extraordinary cooperation and planning by local people.

Second. The achievement in the east central region of Minnesota will not only have a profound leadership impact in the State of Minnesota. A model has been set for regional, rural library development all over the Nation.

Third. A brilliant example has been set for the wise and efficient use of Federal aid in the Library Services Act. We should be pleased indeed in the Congress to see our intentions so well executed.

Fourth. Most of all there has been revealed once again, the deep desire for, and response of, the people to libraries. A library has been well labeled "the people's university." It is deeply reassuring for the future of democracy in this age of exploding knowledge, that the people want libraries, will work and tax themselves to get one, and use it when they have it.

The east central region of Minnesota is large. It comprises four counties with a total area more than twice the size of the State of Delaware. The people are all rural people. The largest town has only 3,000 persons. The total population is 55,284 persons dispersed over more than 4,200 square miles of area, much of which is wooded and remote.

Community support has been remarkable. In two counties, the commissioners created a library service at the request of a citizens' movement. In two others, establishment resulted from a referendum at a general election. The commissioners of all four felt that the only sensible thing to do was to get the counties together. The citizens' movements, the referendums, and the total coordination represent a lot of work, a lot of patience and courage, by many different people. This has resulted in a central library in Cambridge, Minn., 6 branches in other communities, 2 deposit stations, and 54 bookmobile stops. The isolated Chippewa Indians are among those reached by the bookmobile service. A reporter, who recently rode the bookmobile out into the area where the Chippewas make the principle use of it, was most enthusiastic about what the library does for these people. It serves them just as regularly as it does those in more settled areas.

An immediate leadership impact is being felt in the State of Minnesota. Although more than half a million Minnesotans have received new or improved public library services under the Library Services Act, there are still more than 600,000 Minnesotans who have no public library service available to them. Thousands more have access only to substandard libraries with inadequate book collections and untrained personnel. The model established in the east central region of Minnesota will stimulate many other communities and show them how a good library service can be attained.

But the leadership impact will be far more extensive than on Minnesota. There is a deplorable condition all over the Nation with respect to library services. Approximately 128 million Americans have inadequate library services or none at all. This number is divided about evenly between rural and urban areas.

Since urban areas should be able more easily to help themselves, the Book-of-the-Month Club competition annually is only for rural areas. It emphasizes sound regional development as the best answer. Eleanor A Ferguson, executive secretary of the public library association which set up the criteria for the award, said that the Minnesota library was "a model of how small regional libraries should be organized."

The Book-of-the-Month Club Award is hotly contested. Libraries in 45 other States also won awards this year of lesser amounts and are to be congratulated too. For the competitions in future years, a high benchmark has been set for communities all over the Nation, on how to do the job of getting adequate library service.

A high mark has been set also for the best use of the Library Services Act. The Congress wanted to stimulate State and local initiative in extending library services to rural areas, when it passed the Library Services Act—Public Law 84–507—in 1956. Last February President Johnson signed the bill which amended the Library Services Act again to include urban as well as rural areas, and lifted the modest $7.5 million annual grant to the States, to $25 million, plus additional funds to aid construction.

We knew the needs. Still it should be gratifying to us to hear the testimony of Emerson Greenaway, a past president of the American Library Association, who pointed out that the Minnesota library had made "effective and intelligent use of Federal Library Services Act money."

Most importantly the local initiative and desire was there to respond to the stimulus. I believe the thirst for knowledge is general and widespread. It takes a little leadership here, an example there, and some cooperation between different levels of government to give the people the waters of knowledge.

The Book-of-the-Month Club award was established in honor of Dorothy Canfield Fisher, the distinguished American authoress who also gave much of her time to library development. On one occasion Miss Fisher said:

> Wherever I go in this country, I always step into the local public library, taking its condition as * * * an indication of the civilized plane of living of the community.

Libraries do reflect and serve the "civilized plane of living" of the community. They are essential to the maintenance of its freedom and democracy. The Communists know this so well. Among the first places attacked always in Communist riots and revolutions, are the libraries of the U.S. Information Service. Windows are smashed, bombs are thrown, disorder is created to disrupt these centers of giving information to the people. Our libraries abroad are more loved by the people, and more feared by the Communists than almost any other single American institution. We should appreciate this much more than we do here at home.

We must develop our libraries. They are essential to the combined acquisition by the people of the new knowledge that is expanding at such an enormous rate. We are about to engage in a war on poverty in America. Every long-term solution for poverty underlines education as the basic necessity to equip people in the more skilled demands of the new society. Books and libraries are absolutely essential to this. When he signed the Library Services and Construction Act last February President Johnson said:

> Books and ideas are the most effective weapons against intolerance and ignorance.

In this regard I am shocked by the fact that two-thirds of all the elementary schools in the Nation are without libraries. In my remarks at the award ceremony I found it appropriate to make some suggestions for new thinking to rectify that impossible situation of trying to communicate a culture without books. I ask unanimous consent to have excerpts from my remarks on that occasion be printed at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

(Excerpts from remarks by Senator Hubert Humphrey, on occasion of the Library Award ceremony, at the East Central Regional Library, Cambridge, Minn.)

I am truly honored to participate in this occasion. The first award of $5,000 in the annual Book-of-the-Month Club Library Awards competition has brought great distinction to all of the citizens in this east central region of Minnesota. It has brought honor to the State of Minnesota. More than that, it is deeply reassuring and inspiring to all who know how much democracy and the progress of civilization depend upon an educated citizenry. This Library Award was established in the memory of Dorothy Canfield Fisher, a distinguished and beloved American author who also made the cause of disseminating books and improving libraries a lifetime cause. She said on one occasion:

"Wherever I go in this country, I always step into the local public library, taking its condition as * * * an indication of the * * * civilized plane of living of the community."

That plane stands high here, as proved already by achievement.

On such occasions as this, it is customary to pay one's respects to books and libraries and to note how indispensible they are in holding man's knowledge. I also wish to do this. But I would also like to take this occasion to suggest that we be open to ever new ideas to expand the use of our libraries, and bring them to bear ever more effectively, on the problems of the new society that is growing in our midst. For example, books are going to be important in the attack on poverty. And books are going to be vital in preparing citizens for the leisure that a technological society is going to bring to them.

The knowledge explosion forces us to read more and more to handle everyday practical needs in a democratic society. As intelligent, responsible citizens, we are expected to know something about the newly emerging nations of Asia and Africa, about the complex issues of peace and war, about equally complex issues in our domestic society. We are expected to know about and make decisions on the conquest of space, world markets, racial relations, the impact of automation, the effect of tax cuts—and many more issues vital to democratic government. As our daily jobs are becoming more skilled and more technical, all of us have more to learn and study to improve ourselves and keep abreast of the new developments. For everyday practical needs, we need well-stocked, well-equipped, and well-staffed libraries.

This brings me to the point of offering a suggestion on how to bring more pressure on libraries. I want to see them expand more and be used more by all ages of our society, but particularly by the young.

We have finally brought ourselves in America to facing frankly and consciously that we have poverty in a land of abundance. President Johnson has declared all-out war on poverty and the conditions that spawn and nurture poverty.

In planning any attack on poverty we always find that the basic problem is education and in this connection, we generally find that the most common term educators use for children of the poor is "culturally deprived."

These educators believe that this cultural deprivation is one of the chief factors in the failure of these people to compete in the economic and social life of our society.

By cultural deprivation the educators always cite that the children have little or no acquaintanceship with books at home. There is little conversation and what there is is in an idiom that sounds foreign to the normal society they find outside their home.

These children enter school several years behind their classmates in terms of "cultural lag" and this lag tends to widen as they group up. We know that the school dropout problem doesn't come merely when the child reaches his teens. It is formed early by an apathy born in the spirit of frustration because they feel they can never become a part of everyday society.

I believe that one of the best ways that we can help close this "cultural lag" is to expand our library programs and make a great many more books readily available to the children—especially books that children can call their own.

We have a great and growing paperback book industry in America and we are seeing the effects of this all around us. Many a drugstore bookrack today is better equipped than some of our poor libraries insofar as variety and up-to-date titles are concerned.

We can take advantage of this revolution in the publishing industry. Back in the 1930's a great depression started us on a school lunch program. We still have that program today because it has proven itself to be one of the wisest investments America ever made. I believe we can do something similar to this with a free book program for needy children.

Such a program would go beyond the needs of the normal textbooks and the reference books in the school libraries and provide needy children with paperback books of their own novels, biographies of great men, popular books on science, history, adventure, sports, and hobbies.

I am confident that a program could be worked out that would protect the economic interests of the publishers who would cooperate with the Government in such a program. I am also sure that it would spur a new interest in books that would ultimately lead to even greater sales. I also am confident it would lead to greater use of public libraries.

During World War II an enormously popular program was operated for our servicemen. In cooperation with publishing houses, the Government printed millions of books in cheap, paperback form that could be fitted easily into a soldier's pocket. The shipments of these books were eagerly awaited on ships and at bases throughout the world. The books were passed from hand to hand and read until they were dogeared and tattered beyond use.

I believe a free book program for needy children would be greeted with the same eagerness here at home, especially by children who never see a book at home. And I am confident that the seeds of learning that would be planted by these books would prove to be of incalculable benefit to this country.

Mr. HUMPHREY. Mr. President, I found the achievement of the people in east central Minnesota in establishing a model regional library inspiring. The Book-of-the-Month Club is to be highly commended for having this annual competition. Under its founder, president, Harry Scherman, it has distributed $150,000 under the Dorothy Canfield Fisher Awards to small libraries.

I ask unanimous consent also to have printed at this point in the RECORD an article about the East Minnesota Regional Library, published in the Minneapolis Sunday Tribune of April 12, 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REGIONAL LIBRARY SERVES FOUR COUNTIES—GETS AWARD IN CAMBRIDGE, MINN., TODAY

At the start of the National Library Week today the East Central Regional Library at Cambridge, Minn., is receiving national recognition for excellence in serving 55,000 persons in four counties. The $5,000 Dorothy Canfield Fisher award, largest and most important made by the Book-of-the-Month Club, will be presented to the Cambridge library by Harry Scherman, club president. The 2:30 p.m. ceremony will include talks by Gov. Karl Rolvaag and Senator Hubert H. Humphrey and an address by author John Mason Brown.

The $5,000, intended for book purchases, is given to a small-town library that has made "exceptional efforts to improve services to its public." The Book-of-the-Month Club citation praises the East Central Regional Library as "a model of how small regional libraries should be organized, as well as an outstanding example of the effective and intelligent use of Federal Library Services Act money."

The library has had impressive grassroots support before and since its organization in 1959. In addition to State and Federal aid, the library is supported by local taxes in the four counties it serves—Isanti, Mille Lacs, Pine, and Aitkin.

An Isanti County library, which had been in existence for more than 10 years, was the natural nucleus for the regional library when it was organized. Elections in 1958 determined that Pine and Mille Lacs Counties would support the library with taxation. Aitkin joined last year.

The 4 counties served by the East Central Regional Library are among 20 in Minnesota that have new or improved library services under a program guided by Hannis S. Smith, State library director. He and his staff assisted in the organization of the Cambridge-based library which, under the leadership of Director Marjorie Pomeroy, has grown in 5 years to be an efficient combination of agencies.

The central agency is the headquarters building in Cambridge which lends books directly to borrowers and mails other items to people throughout the library's area. Other agencies are two bookmobiles that make 54 stops on schedule, many in out-of-the-way places, and branch libraries, with paid staffs, in Milaca, Princeton, Hinckley, Sandstone, McGregor, and Aitkin. Circulation of books and other materials in all agencies totaled 147,787 in 1963.

SIXTEENTH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. HUMPHREY. Mr. President, today is the 16th anniversary of the birth of the State of Israel. I want to recognize that birthday, and extend congratulations to the State of Israel and its people for its freedom and independence, and for its many remarkable achievements in 16 short years.

Israel is a tiny nation. When it came into being 16 years ago it faced problems that would have been insuperable to any but an indomitable people. In a land where water is life, there was little water. What there was had not been developed for proper use to convert the desert sands into fertile soil. The new state had to find homes for thousands of refugees from many lands. These people spoke many languages and were in a variety of stages of cultural development and education. I suppose every American who has visited Israel has been reminded that if America is a "melting pot," Israel is a "pressure cooker." But they say this with a pardonable pride and optimism about their success.

In soil and water conservation, in reforestation and irrigation, the Israelis have truly wrought a "miracle in the desert." I visited Israel first in 1957 and again in 1961. The progress made in the interim was phenomenal. Yet on any occasion you can see it going on before one's eyes. One will see a new plot fenced with its windbreak of sugarcane. That gives a little cash while it controls drifting sand. Inside you will see the young citrus trees. They are too young to bear yet, but peanuts, for an interim cash crop are growing around them. Nearby is the mature orchard, which this fresh little plot will become in a few short years.

Elsewhere in the cities and towns industry and commerce have been developed. In the Negev, the copper mines of King Solomon—fallow for more than 2,000 years—are yielding once again to produce wealth.

Every step of this development represents herculean effort. Money is scarce, taxes are high, and a defense burden is large. Yet the Jewish passion for education and welfare has not been stinted. The new Hebrew University at Jerusalem, the Technion at Haifa, and the Weizmann Institute for Research are world renowned. Elementary education has not been neglected for all children, Arab or Jew. The medical center at Ain Karem is exceeded in its modern functional efficiency only by the grace and beauty of its architecture and the magnificent stained glass windows which Chagall has executed there. The cultural center at Tel Aviv would be a pride in any nation.

Opinions clash vitally in Israel because democracy flourishes. Without treaty or special arrangements Israel has been a strong friend of the United States and a conspicuous example of democracy in action. They have a commitment to the welfare and peace of the Middle East and we can count on them to play a responsible role in maintaining it.

Small as Israel's resources are, they have exported technical assistance in important degree to developing countries in Africa and South America. Their cooperative farms and villages continually host visitors from Asia and India who come to get ideas to take back to their countries.

In age, the State of Israel is yet in its teens and has all of the optimism and vigor of youth. In progress and responsibility Israel has shown the wisdom and maturity that any age might envy.

I do not believe this birthday should pass without greetings and the extension of sincerest best wishes.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in pubic accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, may I ask the Senator from Georgia a question?

Mr. TALMADGE. I am glad to yield to the Senator from Minnesota for a question.

Mr. HUMPHREY. Is the Senator from Georiga able to give us any indication as to when another quorum call might be expected?

Mr. TALMADGE. The time is not certain. The junior Senator from Georgia expects to hold the floor until the distinguished Senator from Florida [Mr. SMATHERS] arrives to make a speech, at which time the Senator from Georgia will be prepared to yield the floor.

Mr. HUMPHREY. Does the Senator from Georgia contemplate asking for a quorum?

Mr. TALMADGE. Yes, indeed; I would not want the Senator from Florida to speak to an empty Chamber.

Mr. HUMPHREY. Will the Senator from Georgia indicate whether he believes that following the speech by the Senator from Florida there will be a request for a quorum?

Mr. TALMADGE. The Senator from Florida is best qualified to answer the Senator's question.

Mr. HUMPHREY. But it would be correct to say that Senators ought to be on notice to expect a quorum call at least after the Senator from Georgia has spoken?

Mr. TALMADGE. Yes, indeed.

Mr. HUMPHREY. And possibly after the Senator from Florida has spoken?

Mr. TALMADGE. The Senator from Florida will make an able, eloquent, powerful, and erudite speech. I would certainly want Senators to have the opportunity to hear him.

Mr. HUMPHREY. I think that is a good idea. I would want the Senate to be on notice, therefore, that at least between now and midnight there will be two quorum calls; there may be more.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, does the Senator from Oregon desire me to yield to him?

Mr. MORSE. For just a moment.

Mr. TALMADGE. I yield to the distinguished Senator from Oregon.

Mr. MORSE. I wish my dear friend, my leader on the bill, the distinguished Senator from Minnesota, to know that I intend to discuss McNamara's war in South Vietnam before the evening is over, and I certainly would want Senators to have an opportunity to hear that speech. So I shall call for a quorum then.

Mr. HUMPHREY. Mr. President, will the Senator from Georgia further yield?

Mr. TALMADGE. I yield.

Mr. HUMPHREY. I would not want to miss the speech of the Senator from Oregon. I shall surely be present to listen to it.

Mr. TALMADGE. Mr. President, when I last took the floor of the Senate to discuss H.R. 7152, the so-called civil rights bill, I was accused of launching a filibuster and of abusing the right of debate in the Senate.

And why was I so accused?

Because I read sections of the bill which was then, and is now, the subject matter of discussion.

Then pending before the Senate was whether or not to take up or send to committee for hearings the bill as it was passed by the House of Representatives, which, as everyone knows, came to the Senate without having once been studied or analyzed by any legislative committee.

Mr. President, I know of no better way to determine the worthiness of this proposed legislation or to decide whether or not it needs close committee examination than to discuss the legislation itself.

I know of no better way to discuss the legislation itself than to go into it title by title, section by section, and line by line.

I confess that I was guilty of this on the afternoon of March 25 when I began a discussion of the civil rights bill by reading sections of the bill, which, as anticipated, led to debate and exchanges between myself and various other Senators on the bill's various provisions.

I was under the impression, which I believe to be shared by other Members of this body, whether they be for or against the bill, that this debate and exchange was enlightening, and that it brought out certain aspects of the bill about which there is considerable controversy.

As the CONGRESSIONAL RECORD, pages 6197 through 6214, shows approximately 20 percent of my time was consumed in reading through title V of the bill, and the remainder of the time was devoted to debate on the alleged merits and demerits of these titles by both their proponents and opponents.

It is unfortunately unfairly misleading that certain news reports of the time that I held the floor of the Senate indicated that this time was taken up only by a dull and perfunctory reading of the bill itself.

It is true that I had no prepared text of a formal speech, but I do not always consider this necessary in engaging in a debate of proposed legislation in the Senate. It is, therefore, regrettable that members of the press in the gallery had no copy of the debate which was then taking place below them, and admittedly it made their work more difficult.

Mr. President, the reading of the bill and the vigorous debate which it elicited certainly was most germane to the issues then pending before the Senate. I know of nothing which could be more germane.

Therefore, it is unfortunate that certain news accounts reflected not at all what actually took place in the Senate in the approximately 3 hours that I had the floor.

For instance, there was no mention of the debate concerning provisions in title I of the bill with reference to expansive powers given the Attorney General in trying voting cases before special three-judge tribunals. Nor was there any mention of the debate concerning special rights being given the Federal Government in such cases, with reference to their priority and removal from State courts.

There also was no mention of the debate concerning certain provisions of title II of the bill, the so-called public accommodations title, with reference to its applicability to private clubs and private hospitals, which I and others contend would be covered. Nor was there any mention of the debate concerning the powers given to the Attorney General in this title to decide for himself what he deemed to be covered by the bill, and if he so wished, to file suits on a wholesale basis all across the land.

This was brought out in the debate, and at the time went unrebutted by opposing Senators, in a discussion of section 204 which states that all the Attorney General need do before filing suits against establishments allegedly covered by title II, is satisfy himself "that the provisions of this title will be materially furthered by the filing of an action."

There also was no mention of the debate concerning what I contend to be a gross distortion of the commerce clause in an attempt to support the provisions of title II in the absence of State action. Nor was there any mention of the debate, both pro and con, of whether or not the public accommodations section does not provide for the unconstitutional Federal regulation of private property, such as eating and lodging establishments.

With reference to the title of the bill concerning public education, there also was no mention of the debate concerning the desirability or undesirability of destroying neighborhood schools in order to overcome so-called defacto segregation.

There also was no mention of my concluding statement contending that H.R. 7152 is not a civil rights bill at all, and that it is in fact a bill to restrict the constitutional liberties of our citizens. Nor was there any mention of my statement of fact that every civil and constitutional right guaranteed every citizen is at the present time already enforceable.

Concerning certain contentions that I spoke in a barely audible voice, judging from the amount of debate which took place, my colleagues in the Senate had little trouble in hearing what I was reading and saying.

Indeed, any objective observer knew that more was taking place than just a reading of the so-called civil rights bill.

Moreover, inasmuch as a vast majority of our citizens are not familiar with the language of this bill or its far-reaching contents, I submit that reading this bill and debating its contents was time well spent.

Mr. President, I doubt that one-third of 1 percent of the people of the United States of America today have the vaguest idea of the all-important and all-inclusive contents of the pending bill. It really is 11 bills in 1, with 55 pages—11 different titles dealing with every aspect of private human conduct, from the cradle to the grave. The bill would inject the police power of the United States of America into every area of private life.

Never in the history of our Republic has there been submitted to the Congress of the United States a bill so far reaching in its import or in its impact on the everyday lives of our citizens, or a bill so restrictive of their freedom of action and freedom of movement in the day-to-day conduct of their daily private life.

Because of this fact, Mr. President, I ask unanimous consent that titles VI through XI of the so-called civil rights bill be printed at this point in the RECORD.

There being no objection, the excerpt from the bill (H.R. 7152) was ordered to be printed in the RECORD, as follows:

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, shall take action to effectuate the provisions of section 601 with respect to such program or activity. Such action may be taken by or pursuant to rule, regulation, or order of general applicability and shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation or order shall become effective unless and until approved by the President. After a hearing, compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding of a failure to comply with such requirement, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

Finding and declaration of policy

SEC. 701. (a) The Congress hereby declares that the opportunity for employment without discrimination of the types described in sections 704 and 705 is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

(b) The Congress further declares that the succeeding provisions of this title are necessary for the following purposes:

(1) To remove obstructions to the free flow of commerce among the States and with foreign nations.

(2) To insure the complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States.

Definitions

SEC. 702. For the purposes of this title—

(a) the term "person" includes one or more individuals, labor union, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, or a State or political subdivision thereof, (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided,* That during the first year after the effective date prescribed in subsection (a) of section 718, persons having fewer than one hundred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than seventy-five employees (and their agents) shall not be considered employers, and, during the third year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers.

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is (A) one hundred or more during the first year after the effective date prescribed in subsection (a) of section 71-8, (B) seventy-five or more during the second year after such date, or fifty or more during the third year; or (C) twenty-five or more thereafter, and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by an employer.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

Exemption

SEC. 703. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society.

Discrimination because of race, color, religion, or national origin

SEC. 704. (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees of a particular religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

(g) As used in this title, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

Other unlawful employment practices

SEC. 705. (a) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

(b) It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

Equal Employment Opportunity Commission

SEC. 706. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from the date of enactment of this title, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of $20,000 a year, except that the Chairman shall receive a salary of $20,500.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place. The Commission may establish such regional offices as it deems necessary, and shall establish at least one such office in each of the major geographical areas of the United States, including its territories and possessions.

(g) The Commission shall have power—

(1) to cooperate with and utilize regional, State, local, and other agencies, both public and private, and individuals;

(2) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(3) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or an order issued thereunder;

(4) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or other remedial action;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to interested governmental and nongovernmental agencies.

(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

(i) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

Prevention of unlawful employment practices

SEC. 707. (a) Whenever it is charged in writing under oath by or on behalf of a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this Act has occurred (and such charge sets forth the facts upon which it is based) that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the "respondent") with a copy of such charge and shall make an investigation of such charge. If two or more members of the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such unlawful employment practice by informal methods of conference, conciliation, and persuasion and, if appropriate, to obtain from the respondent a written agreement describing particular practices which the respondent agrees to refrain from committing. Nothing said or done during and as a part of such endeavors may be used as evidence in a subsequent proceeding.

(b) If the Commission has failed to effect the elimination of an unlawful employment practice and to obtain voluntary compliance with this title, the Commission, if it determines there is reasonable cause to believe the respondent has engaged in, or is engaging in, an unlawful employment practice, shall, within ninety days, bring a civil action to prevent the respondent from engaging in such unlawful employment practice, except that the Commission shall be relieved of any obligation to bring a civil action in any case in which the Commission has, by affirmative vote, determined that the bringing of a civil action would not serve the public interest.

(c) If the Commission has failed or declined to bring a civil action within the time required under subsection (b), the person claiming to be aggrieved may, if one member of the Commission gives permission in writing, bring a civil action to obtain relief as provided in subsection (e).

(d) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such actions may be brought either in the judicial district in which the unlawful employment practice is alleged to have been committed or in the judicial district in which the respondent has his principal office. No such civil action shall be based on an unlawful employment practice occurring more than six months prior to the filing of the charge with the Commission and the giving of notice thereof to the respondent, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event a period of military service shall not be included in computing the six month period.

(e) If the court finds that the respondent has engaged in or is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and shall order the respondent to take such affirmative action, including reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), as may be appropriate. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, or national origin.

(f) In any case in which the pleadings present issues of fact, the court may appoint a master and the order of reference may require the master to submit with his report a recommended order. The master shall be compensated by the United States at a rate to be fixed by the court, and shall be reimbursed by the United States for necessary expenses incurred in performing his duties under this section. Any court before which a proceeding is brought under this section shall advance such proceeding on the docket and expedite its disposition.

(g) The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (29 U.S.C. 101–115), shall not apply with respect to civil actions brought under this section.

(h) In any action or proceeding under this title the Commission shall be liable for costs the same as a private person.

Effect on State laws

SEC. 708. (a) Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title.

(b) Where there is a State or local agency which has effective power to eliminate and prohibit discrimination in employment in cases covered by this title, and the Commission determines the agency is effectively exercising such power, the Commission shall seek written agreements with the State or local agency under which the Commission shall refrain from bringing a civil action in any cases or class of cases referred to in such agreement. No person may bring a civil action under section 707(c) in any cases or class of cases referred to in such agreement. The Commission shall rescind any such agreement when it determines such agency no longer has such power, or is no longer effectively exercising such power.

Investigations, inspections, records

SEC. 709. (a) In connection with any investigation of a charge filed under section 707, the Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question.

(b) With the consent and cooperation of State and local agencies charged with the administration of State fair employment practices laws, the Commission may, for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, utilize the services of State and local agencies and their employees and, notwithstanding any other provision of law, may reimburse such State and local agencies and their employees for services rendered to assist the Commission in carrying out this title.

(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship it may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment service, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

Investigatory powers

SEC. 710. (a) For the purposes of any investigation provided for in this title, the provisions of sections 9 and 10 of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Commission, except that the provisions of section 307 of the Federal Power Commission Act shall apply with respect to grants of immunity, and except that the attendance of a witness may not be required outside the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

(b) The several departments and agencies of the Government, when directed by the President, shall furnish the Commission, upon its request, all records, papers, and other information in their possession relating to any matter before the Commission whenever disclosure of such information is not prohibited by law.

Notices to be posted

SEC. 711. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts of this title and such other relevant information which the Commission deems appropriate to effectuate the purposes of this title.

(b) A willful violation of this section shall be punishable by a fine of not less than $100 or more than $500 for each separate offense.

Veterans' preference

SEC. 712. Nothing contained in this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

Rules and regulations

SEC. 713. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this title if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Commission issued under this title regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this title.

Forcibly resisting the Commission or its representatives

SEC. 714. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

Appropriations authorized

SEC. 715. There is hereby authorized to be appropriated not to exceed $2,500,000 for the administration of this title by the Commission during the first year after its enactment, and not to exceed $10,000,000 for such purpose during the second year after such date.

Separability clause

SEC. 716. If any provision of this title or the application of such provision to any person or circumstance shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Special study by Secretary of Labor

SEC. 717. The Secretary of Labor shall make a full and complete study of the factors which might tend to result in discrimination in employment because of age and of the consequences of such discrimination on the economy and individuals affected. The Secretary of Labor shall make a report to the Congress not later than June 30, 1964, containing the results of such study and shall include in such report such recommendations for legislation to prevent arbitrary discrimination in employment because of age as he determines advisable.

Effective date

SEC. 718. (a) This title shall become effective one year after the date of its enactment.

(b) Notwithstanding subsection (a), sections of this title other than sections 704, 705, and 707 shall become effective immediately.

(c) The President shall, as soon as feasible after the enactment of this title, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this title to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this title when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this title.

TITLE VIII

Registration and voting statistics

SEC. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, include a count of persons of voting age by race, color, and national origin, and a determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States

House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe.

TITLE IX—PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

SEC. 901. Title 28 of the United States Code, section 1447(d), is amended to read as follows:

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

TITLE X—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

SEC. 1001. (a) There is hereby established in the Department of Commerce a Community Relations Service (hereinafter referred to as the "Service"), which shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate for a term of four years. The Director shall receive compensation at a rate of $20,000 per year. The Director is authorized to appoint, subject to the Civil Service laws and regulations, such other personnel, not to exceed six in number, as may be necessary to enable the Service to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Director is further authorized to procure services as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55(a)), but at rates for individuals not in excess of $75 per diem.

(b) Section 106 of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205), is further amended by adding the following clause thereto:

"(52) Director, Community Relations Service."

SEC. 1002. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate State or local official or other interested person.

SEC. 1003. (a) The Service shall, whenever possible, in performing its functions under this title, seek and utilize the cooperation of the appropriate State or local agencies.

(b) The Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions of any department or agency in any litigation arising out of a dispute in which he acted on behalf of the Service.

SEC. 1004. Subject to the provisions of section 1003(b), the Director shall, on or before January 31 of each year, submit to the Congress a report of the activities of the Service during the preceding fiscal year.

TITLE XI—MISCELLANEOUS

SEC. 1101. Nothing in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States or any agency or officer thereof under existing law to institute or intervene in any action or proceeding.

SEC. 1102. Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act, or any provision thereof.

SEC. 1103. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 1104. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances shall not be affected thereby.

Mr. TALMADGE. I should like now to discuss the pending proposals relating to the right to vote.

One of the civil rights statutes dating back to 1870 is 42 U.S.C.A. 1971—section 2004 of the Revised Statutes—which, prior to 1957, read as follows:

> All citizens of the United States who are otherwise qualified by law to vote in any election by the people in any State, territory, district, county, city, parish, township, school district, municipality or other territorial subdivision, shall be entitled to vote at all such elections without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage or regulation of any State, territory, or by, or under its authority, to the contrary notwithstanding.

The Civil Rights Act of 1957 (71 Stat. 634), the first such legislation in approximately 80 years, amended this section by adding paragraphs specifically; first, guaranteeing the right of persons to vote in Federal elections—President, Representative, Senator, et cetera—even as against private action; second, conferring upon the Attorney General the power to institute actions for injunctions thereunder; and, third, declaring that Federal jurisdiction in such cases should be exercised regardless of whether State administrative remedies had been exhausted. The act also limited punishment for criminal contempt thereunder to $1,000 and 6 months, and guaranteed right of de novo jury trial when the punishment imposed by the trial judge exceeded $300 or 45 days.

In 1960, Congress enacted another Civil Rights Act—74 Stat. 90—which, first, required preservation of voting records relating to Federal elections, subject to stated penalties, and conferring the right of inspection upon demand by the Attorney General, enforcible by court order; second, amended the same 42 U.S.C.A. 1971 amended by the 1957 act, so as to add provisions authorizing the Federal district courts to issue certificates of "qualification"—to vote—to persons illegally deprived thereof when such deprivation was pursuant to a "pattern or practice"; third, amended 42 U.S.C.A. 1971 by adding a paragraph making provision for "voting referees" to take evidence and submit reports to the courts concerning qualifications of voters, and if authorized by the court, to issue certificates of qualification; and, fourth, authorized joinder of the State as a party defendant.

This is the posture of the present law on voting rights. Suffice it to say, it already is the most detailed, complete, and far-reaching legislation on the books relating to any constitutional right.

At the present time there are on the Federal statute books 15 laws protecting and guaranteeing the right to vote. Six of those laws and statutes are criminal in scope and in nature. If anyone is being illegally deprived of the right to vote, at the present time the Attorney General has the option of invoking any one of the six criminal penalties, and indicting the persons who deprive anyone of the right to vote; and such persons can be sent to the Federal penitentiary therefor.

In addition to the six criminal statutes, there are on the statute books at the present time nine civil remedies.

So. Mr. President, at the present time the Attorney General has at his disposal 6 criminal statutes and 9 civil statutes—making a total of 15 statutes protecting the right to vote in the United States of America.

I point out that those 15 statutes are exactly 50 percent more than the Lord himself handed down for the government of the human race, at Mount Sinai—that is, the Ten Commandments.

If 15 statutes will not do the job, we certainly could not do it with any additional unconstitutional statutes that would centralize further power in the Federal bureaucracy in Washington.

The pending proposal would amend 42 U.S.C.A. 1971 even further.

First, the act provides that no person, acting under color of law shall, in determining whether anyone is qualified to vote in any Federal election, apply any practice, standard, or procedure different from those applied to other individuals similarly situated who have been found entitled to vote, nor deny the right to vote to anyone because of any omission or error on any paper which is not material in determining qualifications, or apply any literacy test unless administered in writing, and a certified copy thereof furnished to the applicant upon demand made within the time that voting records are required to be kept by the act as amended in 1960.

To this extent, the proposed legislation is not necessary, the same relief having already been granted under existing law by the sweeping and detailed injunctions granted in *United States* v. *Penton*, 212 F. Supp. 193 (D.C. Ala. 1962), and in *United States* v. *Alabama*, 192 F. Supp. 677 (D.C. Ala. 1961).

Next, the bill purports to raise a presumption that for purposes of literacy tests, anyone with a sixth grade education from an accredited school and not previously adjudged incompetent, shall be considered to possess sufficient literacy for Federal elections.

Mr. President, this proposal would take for the Federal Government the responsibility of determining voter qualifications—a matter which by the Constitution has been left exclusively up to the individual States.

The Constitution in three separate places vests the power to determine the qualifications of all the voters in Federal elections in the respective States themselves.

The first authority is found in article I, section 2, of the Constitution, which states that the electors for Members of Congress shall have the same qualifications as the States themselves impose upon their citizens to determine the members of the most numerous branch of their State legislatures.

The next power vested in the Constitution is substantially in the same language, relating to the determination of the qualifications for voters for Federal electors.

The third power is in the 17th amendment that authorized the election of Members of the U.S. Senate by the people.

In those three places in the Constitution, it is repeated over and over in the clearest possible English language that the qualification of voters shall be determined by the respective States.

I have, in the past, called attention to the fact that Congress is without constitutional power to prescribe qualifications for electors, and at this time, I would like to reiterate for the Senate, portions of the statement I made in March of 1962, to the Senate Judiciary Committee which was then considering an earlier proposal similar to the present one. And I quote:

> In the plainest language possible, article I, section 2, declares that electors for Members of the House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the State legislature.
>
> When the method of selecting Senators was changed from election by the State legislatures to election by the people in the 17th amendment, section 1 thereof adopted language identical to article I, for it was provided: "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.
>
> Article I, section 4, clause 1, is cited in the proposed legislation as giving constitutional authority for such legislation. I wholeheartedly disagree with this conclusion.
>
> This clause provides:
>
> The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.
>
> It would be enough to say that since article I, section 2, makes express reference to qualifications of electors by adopting those applicable to State legislatures, and since the 17th amendment makes similar provision as to Senators, these specific provisions will necessarily control over the more general language of article I, section 4, even assuming the latter to be otherwise applicable, which, as will be hereafter shown, it definitely is not. See 50 Am. Jur. 371, section 367, setting forth the rule that specific provisions of a document control as against more general ones, which, without the specific, would be included in the general.
>
> Certainly, the reference to "time" and "place" in article I, section 4, has no relevancy here.
>
> With respect to "manner," this word generally has reference to the procedure or the way of doing a thing, and does not define who is qualified to do it.
>
> Under the rule of interpretation known as ejusdem generis, the meaning of "manner" is restricted by "times" and "places." 50 Am. Jur. 244, sec. 249. As stated in *Cutler* v. *Kouns*, 110 U.S. 720, 728, 28 L. Ed. 305 (1884):
>
> The rule of interpretation correctly stated is, that where particular words of a statute are followed by general, the general words are restricted in meaning to objects of like kind with those specified.
>
> The proponents of these proposals are also urging us to accept the premise that the 14th and 15th amendments to the Constitution grant authority for this legislation. Let us examine the appropriate provisions of these two amendments.
>
> Section 5 of the 14th amendment, and section 2 of the 15th amendment, authorize Congress to enforce those amendments by appropriate legislation.
>
> Under these amendments, Congress is limited to legislating against State action discriminatory in nature. *Civil Rights* cases, 109 U.S. 3, 13, 27 L. Ed. 835 (1883); *Lackey* v. *United States*, 107 F. 114 (c.c. Ky. 1901), cert. den., 181 U.S. 621; *United States* v. *Cruikshank*, 92 U.S. 542, 23 L. Ed. 588, 592 (1876). In this respect, it is important to recall that Congress power under the 14th and 15th amendments is in a sense more restricted than its power to legislate as to the "manner" of Federal elections under article I, section 4. Under the latter, if the subject matter is legitimately concerned with the "manner" or conduct of the election process itself, Congress can legislate even as against private individuals, *United States* v. *Classic*, 313 U.S. 299, 315, 85 L. Ed. 1368 (1941), and such legislation is not limited to proscribing discrimination, *United States* v. *Munford*, 16 F. 223 (c.c. Va. 1883); *United States* v. *Foote*, 42 F. Supp. 717 (D.C. Del. 1942). Under the 14th amendment, however, Congress can legislate only so as to prevent discrimination, and under the 15th amendment, only as against discrimination based upon race or previous condition of servitude, *United States* v. *Reese*, 92 U.S. 214, 23 L. Ed. 563 (1876).
>
> Applying these principles, it necessarily follows that any effort by Congress to outlaw literacy tests cannot be predicated upon either of these two amendments.
>
> I further submit that even if Congress possessed the power to legislate in this field such legislation is completely unnecessary and unwise.
>
> As was demonstrated in the case of *Davis* v. *Schnell*, 81 F. Supp. 872 (D.C. Ala., 1949), a literacy test which is so vague on its face as to invite discrimination will be declared unconstitutional under the self-executing features of the 14th amendment's due process clause, and Federal legislation can add nothing to what the law already provides.
>
> Similarly, if a literacy test is administered unfairly, such conduct can be enjoined under existing law.
>
> Such follows from 42 U.S.C.A. 1971, in its present form. The aggrieved citizen does not even have to employ attorneys and bring his own case. The Attorney General will bring it for him at the expense of the United States, 42 U.S.C.A. 1971(c), as amended, 71 Stat. 637 (1957). If a "pattern or practice" of discrimination is shown, the Federal courts are authorized to appoint voting referees to supervise registration and voting, thereby making administrative discrimination impossible.
>
> As it presently reads, section 1971 is sufficient to deal with all conduct which Congress is authorized or should be authorized by the Constitution to regulate, at least in the present context.

Mr. President, since my appearance before the Judiciary Committee, there have been many other court decisions upholding the constitutional right of the States to proscribe voter qualifications.

First, in *Baker* v. *Carr*, 369 U.S. 186, 243, 7 L. Ed. 2d, 663 (1962), the Tennessee Reapportionment case, Mr. Justice Douglas stated in a concurring opinion:

> That the States may specify the qualifications for voters is implicit in article I, section 2, clause 1, which provides that the House of Representatives shall be chosen by the people and that the electors (voters) in each State shall have the qualifications requisite for electors (voters) of the most numerous branch of the State legislature. The same provision, contained in the 17th amendment, governs the election of Senators.

In *Gray* v. *Sanders*, 372 U.S. 368, 9 L. Ed. 2d, 821, 829 (1963), which is the Georgia County Unit case, the majority opinion declares:

> States can within limits specify the qualifications of voters both in State and Federal elections; the Constitution indeed makes voters' qualifications rest on State law even in Federal elections. Article I, section 2.

Mr. HILL. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the Senator from Alabama.

Mr. HILL. The Senator is making such an able statement and such a compelling argument that I hesitate to interrupt him.

Mr. TALMADGE. I am honored indeed by the remarks of the able Senator.

Mr. HILL. Is it not of interest that the provision for direct election of U.S. Senators was adopted in 1913, and that the Congress and the people—because the people had to adopt the amendment—adopted what had been written in the Constitution in article I, section 2? Since it took place some years after the 13th and 14th amendments had been adopted, did it not show that it was the intent of the Congress, which submitted the 17th amendment, as well as the intent of the people, who ratified it and put it into the Constitution, that the fixing of qualifications should remain, and still does remain, in the States?

Mr. TALMADGE. The Senator is correct. That pattern has been consistently followed since the adoption of the Constitution in 1787. It was reaffirmed in the adoption of the 17th amendment in 1913, as the Senator has pointed out. The pattern has remained the same. It is stated in plain English language in three different places in the Constitution. Nothing can be clearer in our Constitution than the requirement that the qualifications of voters, whether the election be State or Federal, shall be determined by State authorities, on the State level.

Mr. HILL. Yet is it not true that title I of the pending bill, H.R. 7152, would fly into the teeth of and would be destructive of those provisions of the Constitution of the United States?

Mr. TALMADGE. The Senator is entirely correct. It is sought in the bill to establish a sixth-grade education as a rebuttable presumption of the qualifications of electors.

Mr. HILL. And under the Constitution of the United States there is absolutely no power or authority, nor even the semblance of power or authority anywhere, for Congress to pass any such title as that, because the Constitution provides that the power to fix the qualifications of voters is entirely in the States. Is that not true?

Mr. TALMADGE. The distinguished Senator is entirely correct. The Congress has no more power or authority to legislate in that field than it would have to legislate in the field of marriage, or divorce, or the fixing of alimony. Congress would have more right to get into the field of domestic relations, because I do not know of any provision of the Constitution that prohibits it except the 10th amendment; whereas three distinct provisions of the Constitution prescribe that the qualifications of voters shall be regulated by State authority.

Mr. HILL. Is it not true that the provision that Senators, in order to become Members of the body, are to take an oath to uphold the Constitution, was adopted with the very purpose in mind that they would uphold the Constitution, that they would not attempt to pass legislation contrary to and destructive of the Constitution of the United States?

Mr. TALMADGE. The able Senator is entirely correct. I do not think a Senator could vote for this particular provision of the bill without offending his conscience, because he would be violating his oath to uphold and defend the Constitution of the United States.

I thank my friend for his illustration in clarifying that provision of the Constitution.

I continue the quotation from *Gray* v. *Sanders*, 372 U.S. 368:

> As we held in *Lassiter* v. *Northampton County Election Board*, 360 U.S. 45 ——, a State may if it chooses require voters to pass literacy tests, provided of course that literacy is not used as a cloak to discriminate against one class or group.

The case of *State of Alabama* v. *Rogers*, 187 F. Supp. 848, 854 (D.C. Ala. 1960) was an action by the Attorney General under the 1960 Civil Rights Act to compel production of voting records. The State filed cross complaint, attacking the constitutionality of the act. The Court stated:

> Although the particular qualifications one must possess to exercise this right to vote are left to the States—as long as that exercise is within the constitutional framework— the power to protect voters who are qualified is confided to the Congress of the United States.

In *United States* v. *Fox*, 211 F. Supp. 25, 30 (D.C. La. 1962), Louisiana had, in 1962, amended its laws so as to dispense with the provisions requiring an applicant to interpret provisions of the Constitution, in favor of a law whereby six questions with three optional answers on each card, for the applicant to circle the correct answer, are submitted to each applicant. To pass, he must answer four questions correctly. There are 10 such cards or sets of questions from which the applicant draws 1, face down. Suit was instituted against the registrars of Plaquemines Parish, La., alleging discrimination in registration of Negroes. At the outset, the Court declared:

> The law is clear that "the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised absent of course the discrimination which the Constitution condemns. * * *
>
> In *Guinn* v. *United States*, 238 U.S. 347, the Supreme Court upheld the right of the States to apply a literacy test to all voters irrespective of race and color, saying, "No time need be spent on the question of the validity of the literacy test considered alone as we have seen its establishment was but the exercise by the State of a lawful power vested in it, not subject to our supervision, and indeed, its validity is admitted."

The proposals considered in prior Congresses relative to literacy requirements simply declared that anyone with a sixth grade education would be entitled to vote. The pending proposal would amend 42 U.S.C.A. 1971(c), authorizing the Attorney General to institute voting suits, by adding thereto a clause which declares:

> If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia or Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election.

In other words, the provision would be changed in form from one declaring as a clear-cut rule of substantive law that a sixth-grade education constitutes sufficient qualification to vote generally, to an evidentiary presumption applicable only to cases in court.

It is also to be noted that the provision is not phrased in terms of a true or "prima facie" presumption, that is one which merely raises a presumption or inference which shifts the burden of proof and stands until overcome by contrary evidence adduced by the other side. Therefore, it necessarily follows that the current literacy provision, although differing in form, is not different in substance, and hence is equally unconstitutional as prior versions.

Also, Mr. President, the fact that one has completed a sixth grade education logically may give rise to the inference that he can read and write, but it hardly supports an assumption that he possesses qualifications as to the knowledge of governmental affairs required by literacy laws such as those of Georgia and other like States.

Mr. President, in my judgment, the greatest and most important responsibility of citizenship is to defend our country in time of war. I believe the second greatest and most responsible part of citizenship is the fact of casting a ballot, to choose our public servants from the President of the United States on down. To put a premium on illiteracy or ignorance in choosing our public servants to govern ourselves on the local level, the State level, or the Federal level, is certainly not conducive to the furtherance of our Nation in the critical era in which we live.

The pending proposal also provides that when suit is brought by the United States or Attorney General, it is the duty of the chief judge "immediately to designate a judge in such district to hear and determine the case."

In other words, if the Government is a party to the suit, the usual, resident judge does not get the case, but the Government is entitled to have one specially assigned—undoubtedly one who is ambitious and must necessarily realize that the Justice Department by custom has a large hand in promotions and judicial appointments in the Federal system—even to the extent of compiling statistics on Federal judges to see how frequently they favor the Government in cases coming before them.

This is contrary to existing law, 28 U.S.C.A. 137, which declares that the business of a district shall be divided according to "rules and orders of the court," and gives the chief judge authority over the subject only to the extent not covered thereby.

Mr. President, the sole purpose of the provisions of this bill is to permit the Attorney General to go judge-shopping, to pick out a judge who will be amenable to his will, compliant with his petitions, and who will render decisions in accordance with the Attorney General's preconceived notions of what those decisions should be.

Mr. HILL. Mr. President, will the Senator from Georgia yield at that point?

Mr. TALMADGE. I am delighted to yield to the Senator from Alabama.

Mr. HILL. The Senator has stated it so thoroughly that so far as I have been able to learn, there is absolutely no precedent for this kind of action. None can be found in any other statutes which have been passed from the very beginning; is that not correct?

Mr. TALMADGE. The Senator is correct.

Mr. President, let us now turn to a discussion of the so-called public accommodations section, which is one of the most obnoxious proposals in the bill: Mr. President, the basic issue is this:

An owner's business is recognized by all English-speaking nations as a species of a "right" known as property. It is not a mere privilege. On the other hand, there is no true "right" of any desiring person to demand that he be accepted as a customer. This at best is a "privilege." Therefore, what the pending proposal seeks to do is to sacrifice the acknowledged "right" of one in favor of a mere privilege demanded by another.

Let us further pursue the principle that property is a right in *Spann* v. *City of Dallas*, III Tex. 350, 235, S.W. 513, 19 ALR 1387 (1921), it was said:

> To secure their property was one of the great ends for which men entered into society. The right to acquire and own property, and to deal with it and use it as the owner chooses so long as the use harms nobody, is a natural right. It does not owe its origin to constitutions. It existed before them. It is a part of the citizen's natural liberty—an expression of his freedom—guaranteed as inviolate by every American bill of rights.
>
> It is not a right, therefore, over which the police power is paramount. Like every other fundamental liberty, it is a right to which the police power is subordinate.
>
> It is a right which takes into account the equal rights of others; for it is qualified by the obligation that the use of the property

> shall not be to the prejudice of others. But if, subject alone to that qualification, the citizen is not free to use his lands and his goods as he chooses, it is difficult to perceive wherein his right of property has any existence.
>
> The ancient and established maxims of Anglo-Saxon law which protect these fundamental rights in the use, enjoyment, and disposal of private property, are but the outgrowth of the long and arduous experience of mankind. They embody a painful, tragic history—the record of the struggle against tyranny, the overseership of prefects, and the overlordship of kings and nobles, when nothing so well bespoke the serfdom of the subject as his incapability to own property. They proclaim the freedom of men from those odious despotisms, their liberty to earn and possess their own, to deal with it, to use it and dispose of it, not at the behest of a master, but in the manner that befits free men.
>
> Laws are seldom wiser than the experience of mankind.
>
> These great maxims, which are but the reflection of that experience, may be better trusted to safeguard the interests of mankind than experimental doctrines whose inevitable end will be the subversion of all private rights.

Moreover, the Court declared:

> Property in a thing consists not merely in its ownership and possession, but in the unrestricted right of use, enjoyment, and disposal. Anything which destroys any of these elements of property to that extent destroys the property itself. The substantial value of property lies in its use. If the right of use be denied, the value of the property is annihilated and ownership is rendered a barren right. Therefore a law which forbids the use of a certain kind of property strips it of an essential attribute and in actual result proscribes its ownership.
>
> The police power is a grant of authority from the people to their governmental agents for the protection of the health, the safety, the comfort, and the welfare of the public. In its nature it is broad and comprehensive. It is a necessary and salutary power; since without it society would be at the mercy of individual interest, and there would exist neither public order nor security. While this is true, it is only a power. It is not a right. The powers of government, under our system, are nowhere absolute. They are but grants of authority from the people, and are limited to their true purposes. The fundamental rights of the people are inherent and have not been yielded to governmental control. They are not the subjects of governmental authority. They are the subjects of individual authority. Constitutional powers can never transcend constitutional rights. The police power is subject to the limitations imposed by the Constitution upon every power of government; and it will not be suffered to invade or impair the fundamental liberties of the citizen those natural rights which are the chief concern of the Constitution and for whose protection it was ordained by the people. All grants of power are to be interpreted in the light of the maxims of Magna Carta and the common law as transmuted into the Bill of Rights; and those things which those maxims forbid cannot be regarded as within any grant of authority made by the people to their agents.

That the protection of property rights was one of the principal reasons for formation of the Union is clearly shown by James Madison's dissertation on what has become to be known as the "economic interpretation" of politics—to be distinguished from Karl Marx's "Economic Determinism," which holds everything—morals, religion, ethics, and so forth—to be but the reflection of the prevailing economic order—and is unquestionably the most famous of all the Federalist writings.

ORDER OF BUSINESS

Mr. MORSE. Mr. President, will the Senator yield?

Mr. TALMADGE. I am glad to yield to the Senator from Oregon.

Mr. MORSE. Mr. President, earlier this evening I announced that in the course of the evening I would make a speech on McNamara's war and that I would ask for a quorum call.

If the Senator from Georgia has no objection, I ask unanimous consent that the Senator from Georgia may yield to me for a quorum call, so that after the quorum call is had I may speak on McNamara's war, without the Senator losing his right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. PROUTY. Mr. President, I object until I have had an opportunity to consult the leadership on this side.

Mr. MORSE. I should like to do it now, rather than at 2 a.m.

Mr. TALMADGE. I understand the Senator from Vermont has objected; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HILL. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. HILL. The Senator is making such a magnificent speech and presenting such compelling arguments, that I almost hesitate to interrupt him. Is it not correct to say that the right of the use of property, and the liberties of the people, about which the Senator speaks so eloquently, are the foundation stones and the basis of our American free enterprise system?

Mr. TALMADGE. That is exactly correct. That is the basis for our free enterprise system. As the Senator well knows, being the able scholar and student of history that he is, if we destroy the right to own and control and utilize one's property under our free enterprise system, every other human right falls with it.

People own no property in the Soviet Union or in Communist China. With the loss of property right, every other right is lost also, and people are completely subordinated to the will of the State.

If we destroy the inherent right to use property in our country, I am convinced, as surely as night follows day, that the loss of every other liberty will soon follow.

Mr. HILL. It is the basic right of property and the liberties of the people upon which the American people have built the richest and most powerful and greatest civilization ever known.

Mr. TALMADGE. And the freest.

Mr. HILL. The freest and the happiest.

Mr. TALMADGE. Yes.

Mr. HILL. No people in the world's history have enjoyed the happiness that the American people enjoy. Is that correct?

Mr. TALMADGE. Yes. We enjoy a degree of human liberty that is enjoyed nowhere else on the face of the earth today.

Mr. HILL. It is the fulfillment of the dream of Thomas Jefferson, when he declared in his Declaration of Independence: Life, liberty, and the pursuit of happiness. Is that not correct?

Mr. TALMADGE. The Senator is correct. We are told by some of the advocates of this police power legislation—it is really a bill to regulate the American people—that it will aid minority groups in the United States. As the Senator well knows, one minority group in the United States, the Negroes, own more automobiles than all the people in the Soviet Union combined.

Mr. HILL. One can go to any southern city, like Atlanta, and find many of them prosperous and even affluent.

Mr. TALMADGE. Many Negroes in Atlanta are millionaires. They own banks and insurance companies, and practice professions. They own newspapers. One can go for great distances in the residential sections in the Negro areas of Atlanta, Ga., and elsewhere in my State, and in Alabama, where Negroes live in $40,000 to $50,000 and $60,000 homes. They have achieved this under our system of freedom and free enterprise.

Mr. HILL. The big, fundamental, difference between our free system and the Marxist system, which is the Communist system, is the very thing the Senator has been talking about, which is the right of the use of property and the liberties of the people.

Mr. TALMADGE. The Senator is entirely correct. I thank him for his helpful contribution.

In No. 10 of "The Federalist," Madison declared:

> The diversity in the faculties of man, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and view of the respective proprietors, ensues a division of the society into different interests and parties.

Compare this with John Locke's statement that:

> The great and chief end, therefore, of men uniting into commonwealths and putting themselves under government, is the preservation of their property. "Second Treatise on Civil Government," chapter IX.

An interesting account of the various political theories which were represented by the various factions which drafted the Constitution, and how the conservative, predominantly English in outlook forces, prevailed over the French agalitarian democrats, is recorded in Vernon L. Parrington's "Main Currents in American Thought," book 3, "Liberalism and the Constitution." I recommend it to the Senate.

Now let us discuss public accommodations as a privilege in *Green* v. *Saunders* (168 Md. 421, 178 A. 109 (1935)), the

Court upheld an injunction against picketing and boycotting by Negroes of a store located in the Negro section of Baltimore because of the owner's refusal to employ all Negro clerks.

Quoting from "Cooley on Torts," it was said:

> It is a part of every man's legal right—that he be left at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason or is the result or whim, caprice, prejudice, or malice (p. 112).

In *State* v. *Clyburn* (247 N.C. 455, 101 S.E. 2d 295, 299 (1958)), it was said:

> The right of an operator of a private enterprise to select the clientele he will serve and to make such selection based on color, if he so desires, has been repeatedly recognized by the appellate courts of this Nation.

This case upholds the conviction of Negroes for refusing to move from the white section of a Durham ice cream parlor and rejects 14th amendment arguments, and holds immaterial the fact that a license for the business was required.

In *Randolph* v. *Commonwealth* (202 Va. 661, 119, S.E. 2d 817, 820 (1961)), 34 Negroes were arrested under a Virginia statute making it a crime to refuse to leave the premises of another after having been requested to do so. The Court rejects the argument that State action was involved:

> It is well settled that, although the general public have an implied license to enter a retail store, the proprietor is at liberty to revoke this license at any time as to any individual, and to eject such individual from the store if he refuses to leave when requested to do so.

Nor does the fact that a warrant was obtained inject "State action" into the picture, for the purpose of the judicial process is not to enforce a rule or regulation of the proprietor of the restaurant. Its purpose is to protect the rights of the proprietor who is in lawful possession of the premises and to punish the trespasser, irrespective of his race or color—citing 47 Va. L.R. 105, 119. Further, the Court declared:

> It would, indeed, be an anomalous situation to say that the proprietor of a privately owned and operated business may lawfully use reasonable force to eject a trespasser from his premises and yet not involve judicial process to protect his rights.

In *Madden* v. *Queens Jockey Club, Inc.*, 296 N.Y. 249, 72 N.E. 2d 697 (1947), cert. den., 332 U.S. 761, the plaintiff was barred from defendants' racetrack and from making bets there on the erroneous assumption that he was one of Frank Costello's bookmakers. The Court refuses a declaratory judgment holding plaintiff entitled as a citizen and taxpayer to patronize the racetrack. While a common law duty exists upon an innkeeper to serve all who sought service, such obligation does not rest upon owners of private businesses in the absence of statute. The fact that the track is licensed by the State does not constitute it a State agency subject to equal protection. Nor is the authority granted the track in the nature of a franchise; it is a license only, designed for revenue raising and regulation, not the conferring of some privilege which otherwise does not belong to the holder.

In *Louisiana* v. *Goldfinch*, 241 La. 958, 132 So. 2d 860 (1961), defendants were arrested and convicted under the Louisiana "criminal mischief" statute for refusing to leave the white lunch counter in McCrory's store in New Orleans, after request of the owner. It was said:

> The effect of the contentions of defendants is to urge us to disregard and ignore certain rights of owners and taxpayers in the enjoyment of their property, unaffected by any public interest, in order that they might impose upon the proprietor their own concept of the proper use of his property unsupported by any right under the law or Constitution to do so. We cannot forsake the rights of some citizens and establish rights for others not already granted by law to the prejudice of the other (pp. 865–866).

On appeal, the case was reversed by the U.S. Supreme Court sub nom. *Lombard* v. *Louisiana*, 10 L. Ed. 2d 338 (1963), but on a finding that city officials had in effect directed the store policies, thereby injecting "State action" into the case.

The early case considered to have established the doctrine that an owner can refuse to serve anyone he so wishes, even where the would-be customer has purchased a "ticket" otherwise entitling him to admission, is *Wood* v. *Leadbitter*, 13 M. & W. 838, 153 Eng. Rep. 351 (1845).

In this case, the Earl of Eglintoun, steward of the Doncaster races, has sold tickets entitling the holder thereof to attend the races located on the Earl's close, and plaintiff had purchased one of these tickets. On seeing plaintiff at the races, the Earl ordered that he leave, and upon refusal, plaintiff was forcibly ejected. Trespass was brought for assault and false imprisonment. The trial court had instructed the jury that Lord Eglintoun could validly revoke his consent, without refunding the money paid for the ticket, following which the jury returned a verdict for the defendant. The Court of Exchequer upholds this decision, relying first on the proposition that a deed is an indispendable requisite to pass an interest in real estate. What was involved here was a license, which is revocable whether granted for or without a consideration.

In *Terminal Taxicab Co.* v. *Kutz*, 241 U.S. 252, 256, 60 L. Ed. 984 (1916), in holding that so much of a taxicab company's operation as involved in furnishing automobiles to individual orders by telephone could not be subjected to regulation by the District of Columbia Utilities Commission, it was said:

> It is true that all business and, for the matter of that, every life in all its details, has a public aspect, some bearing upon the welfare of the community in which it is passed. But, however, it may have been in earlier days as to the common callings, it is assumed in our time that an invitation to the public to buy does not necessarily entail an obligation to sell. It is assumed that an ordinary shopkeeper may refuse his wares arbitrarily to a customer whom he dislikes, and although that consideration is not conclusive, it is assumed that such a calling is not public as the word is used.

An analogy likely to be relied upon is the common law duty of innkeepers to accept all comers. The argument can be made that this demonstrates a long-standing recognition of the power of the state to abridge property rights in favor of a pressing public interest.

However, when the basis for this common-law duty is examined, it clearly is not applicable to other fields, and under present conditions, the considerations originally giving rise to it no longer exist. In a note, "An Innkeeper's Right To Discriminate," 15 U. Fla. L.R. 109 (1962), the author says that the common law rule requiring an innkeeper to receive all comers is the idea that his business is so "affected with a public interest that it should be treated as a public enterprise."

> The travel and communications systems in rural England at the time of the law of inns was in the making required that the weary traveler be able to find food and shelter for himself and his animals at convenient places beside the highway. Cities were few and far between, highways were poor, and means of transportation were slow. The traveler's needs were immediate, and the scarcity of inns made it impossible for him to pick and choose. For these reasons, it has been suggested that the innkeeper had a natural monopoly; it was necessary, therefore, to treat innkeeping as a public enterprise.

But, as we were admonished in the Brown case, "We cannot turn the clock back to 1896," it follows that the laws governing inns in a rural England of 100 years ago are no longer applicable in this day when transportation is more rapid, the country is more thickly settled, and facilities are more numerous. And, of course, the rule has always been limited to inns at most.

I also point out that the case which has been referred to over and over about the application of the common law to English inns is not applicable to the bill now pending before the Senate. The Congress of the United States has no power to legislate in any field except where the Constitution of the United States specifically authorizes and delegates that power; and certainly there is not in our present Constitution any provision which would authorize the Congress of the United States to convert private property to public property without adequate notice and publication and due process of law.

In *Avent* v. *North Carolina*, 253 N.C. 580, 118 S.E. 2d 47 (1961), revised, per curiam, 10 L. Ed. 24 420 (1963), seven defendants—five Negroes and two white persons—were arrested and indicted for refusing to leave the Kress lunch counter upon request of the manager. The State supreme court holds that in the absence of a statute, the owner of a privately owned restaurant has a right to select the clientele he will serve, and to make such selection based on race, color, or white people in company with Negroes. He is not an innkeeper—page 51. The Court rejects the argument that defendants were exercising freedom of speech, and that State action was present because of the fact that the State licenses restaurants.

This case was later reversed by the Supreme Court but it was because of the presence of a Durham ordinance requiring segregation.

The public accommodations provision is not sustained by the Constitution. The Federal Government is one of enumerated powers only, the Federal Constitution being a grant of power, and not a limitation of powers as is the case with State constitutions. See 10th amendment to the Federal Constitution; 11 Am. Jur. 619, section 18; and as stated in *Schechter* v. *United States,* 295 U.S. 495, 528, 79 L. Ed. 1570 (1935):

> The Constitution established a National Government with powers deemed to be adequate, as they have proved to be both in war and peace, but these powers of the National Government are limited by the constitutional grants. Those who act under these grants are not at liberty to transcend the imposed limits because they believe that more or different power is necessary. Such assertions of extraconstitutional authority were anticipated and precluded by the explicit terms of the 10th amendment, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Therefore, the pending proposal must be supportable in some express grant of power found in the Constitution, or by some power necessarily implied from the express grant of other powers.

The proposal purports to invoke as a basis for the bill, inter alia, the 14th and 15th amendments, the commerce clause, and the necessary and proper clause.

These sources will now be examined.

The 15th amendment by its clear terms is limited to voting, and nothing need be added in this respect.

As to the 14th, it is difficult to determine whether the authors of the proposal are relying on it or not. In view of the repeated reference to interstate commerce, it would appear that only the commerce clause is being involved. In his appearance before the Commerce Committee last July, Attorney General Kennedy stated that the bill relies primarily on the commerce clause. He then referred to the problems of sustaining the bill under the 14th amendment because of the "State action" principle, but concluded by a vaguely couched assertion that the 14th amendment was being relied on at least insofar as the bill would "sweep away" State laws and local ordinances.

Eighty years ago the Supreme Court established the bedrock principle in the famous *Civil Rights Cases,* 109 U.S. 3 (1883), that the 14th amendment does not empower Congress to adopt legislation outlawing discrimination in hotels, inns, theaters, and other accommodations. In 1875, Congress had passed an act entitled "An act to protect all citizens in their civil and legal rights," 18 Stat. 335, and which declared that all citizens are entitled to the "full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement." Both civil and criminal penalties were imposed for violations. Indictments were brought under this act against four defendants, charging variously, discrimination against Negroes with respect to hotels, inns, and a theater. A civil action to recover a penalty had also been instituted by a Negro against a railroad for refusing to seat his wife in the white section. In all these cases an attack upon the constitutionality of the law was made, and on reaching the Supreme Court, the cases were consolidated and decided together. The Court held the act of 1875 unconstitutional, declaring that Congress' power under the 14th amendment was limited to State action.

Mr. President, today that decision remains the law of the land. It has been affirmed and reaffirmed—and never overruled—by the Supreme Court of the United States. We hear a great deal about the law of the land from the advocates of this proposed legislation, when it meets with their approval; and time after time we are importuned by some of these people to "support the law of the land."

But, Mr. President, this decision, too, is the law of the land. The Supreme Court has interpreted the Constitution, and this decision has not been overruled. Yet we in the Senate are asked to pass the same sort of statute that was specifically stricken down and declared unconstitutional by the decision of 1883.

Mr. President, in order that the readers of the CONGRESSIONAL RECORD and every Member of the U.S. Senate may have an opportunity to read in detail this all-important decision of the U.S. Supreme Court, I ask unanimous consent that it may be inserted at this point in the RECORD.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS CASES: CIVIL RIGHTS, CONSTITUTION, DISTRICT OF COLUMBIA, INNS, PLACES OF AMUSEMENT, PUBLIC CONVEYANCES, SLAVERY, TERRITORIES

1. The first and second sections of the Civil Rights Act passed March 1, 1875, are unconstitutional enactments as applied to the several States, not being authorized either by the 13th or 14th amendments of the Constitution.

2. The 14th amendment is prohibitory upon the States only, and the legislation authorized to be adopted by Congress for enforcing it is not direct legislation on the matters respecting which the States are prohibited from making or enforcing certain laws, or doing certain acts, but is corrective legislation, such as may be necessary or proper for counteracting and redressing the effect of such laws or acts.

3. The 13th amendment relates only to slavery and involuntary servitude (which it abolishes); and although, by its reflex action, it establishes universal freedom in the United States, and Congress may probably pass laws directly enforcing its provisions; yet such legislative power extends only to the subject of slavery and its incidents; and the denial of equal accommodations in inns, public conveyances, and places of public amusement (which is forbidden by the sections in question), imposes no badge of slavery or involuntary servitude upon the party, but at most, infringes rights which are protected from State aggression by the 14th amendment.

4. Whether the accommodations and privileges sought to be protected by the first and second sections of the Civil Rights Act, are, or are not, rights constitutionally demandable; and if they are, in what form they are to be protected, is not now decided.

5. Nor is it decided whether the law as it stands is operative in the Territories and District of Columbia: the decision only relating to its validity as applied to the States.

6. Nor is it decided whether Congress, under the commercial power, may or may not pass a law securing to all persons equal accommodations on lines of public conveyance between two or more States.

These cases were all founded on the first and second sections of the act of Congress, known as the Civil Rights Act, passed March 1, 1875, entitled "An act to protect all citizens in their civil and legal rights," 18 Stat. 335. Two of the cases, those against Stanley and Nichols, were indictments for denying to persons of color the accommodations and privileges of an inn or hotel; two of them, those against Ryan and Singleton, were one on information, the other an indictment, for denying to individuals the privileges and accommodation of a theater, the information against Ryan being for refusing a colored person a seat in the dress circle of Maguire's Theatre in San Francisco; and the indictment against Singleton was for denying to another person, whose color was not stated, the full enjoyment of the accommodations of the theater known as the Grand Opera House in New York, "said denial not being made for any reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude."

The case of Robinson and wife against the Memphis & Charleston RR. Co., was an action brought in the Circuit Court of the United States for the Western District of Tennessee, to recover the penalty of $500 given by the second section of the act; and the gravamen was the refusal by the conductor of the railroad company to allow the wife to ride in the ladies' car, for the reason, as stated in one of the counts, that she was a person of African descent. The jury rendered a verdict for the defendants in this case upon the merits, under a charge of the court to which a bill of exceptions was taken by the plaintiffs. The case was tried on the assumption by both parties of the validity of the act of Congress; and the principal point made by the exceptions was, that the judge allowed evidence to go to the jury tending to show that the conductor had reason to suspect that the plaintiff, the wife, was an improper person, because she was in company with a young man whom he supposed to be a white man, and on that account inferred that there was some improper connection between them; and the judge charged the jury, in substance, that if this was the conductor's bona fide reason for excluding the woman from the car, they might take it into consideration on the question of the liability of the company. The case was brought here by writ or error at the suit of the plaintiffs. The cases of Stanley, Nichols, and Singleton came up on certificates of division of opinion between the judges below as to the constitutionality of the first and second sections of the act referred to; and the case of Ryan, on a writ of error to the judgment of the Circuit Court for the District of California sustaining a demurrer to the information.

The Stanley, Ryan, Nichols, and Singleton cases were submitted together by the Solicitor General at the last term of court, on the 7th day of November 1882. There were no appearances and no briefs filed for the defendants.

The Robinson case was submitted on the briefs at the last term, on the 29th day of March 1883.

MR. SOLICITOR GENERAL PHILLIPS FOR THE UNITED STATES

After considering some objections to the forms of proceedings in the different cases, the counsel reviewed the following decisions of the court upon the 13th and 14th amendments to the Constitution and on points cognate thereto, viz: *The Slaughter House Cases,* 16 Wall. 36; *Bradwell* v. *The State,* 16 Wall. 130; *Bartemeyer* v. *Iowa,* 18 Wall. 129; *Minor* v. *Happersett,* 21 Wall. 162; *Walker* v. *Sauvinet,* 92 U.S. 90; *United States* v. *Reese,* 92 U.S. 214; *Kennard* v. *Louisiana,* 92 U.S. 480; *United States* v. *Cruikshank,* 92 U.S. 542; *Munn* v. *Illinois,* 94 U.S. 113; *Chicago B. & O. RR. Co.* v. *Iowa,* 94 U.S. 155; *Blyew* v. *United States,* 13 Wall. 581; *Railroad Co.* v. *Brown* 17 Wall. 445; *Hall* v. *DeCuir,* 95 U.S. 485; *Strauder* v. *West Virginia,* 100 U.S. 303; *Ex parte Virginia,* 100 U.S. 339; *Missouri* v. *Lewis,* 101 U.S. 22; *Neal* v. *Delaware,* 103 U.S. 370.

Upon the whole these cases decide that,

1. The 13th amendment forbids all sorts of involuntary personal servitude except penal, as to all sorts of men, the word servitude taking some color from the historical fact that the United States were then engaged in dealing with African slavery, as well as from the signification of the 14th and 15th amendments, which must be construed as advancing constitutional rights previously existing.

2. The 14th amendment expresses prohibitions (and consequently implies corresponding positive immunities), limiting State action only, including in such action, however, action by all State agencies, executive, legislative, and judicial, of whatever degree.

3. The 14th amendment warrants legislation by Congress punishing violations of the immunities thereby secured when committed by agents of States in discharge of ministerial functions.

The right violated by Nichols, which is of the same class as that violated by Stanley and by Hamilton, is the right of locomotion, which Blackstone makes an element of personal liberty. Blackstone's Commentaries, book 1, chapter 1.

In violating this right, Nichols did not act in an exclusively private capacity, but in one devoted to a public use, and so affected with a public, i.e., a State interest. This phrase will be recognized as taken from the *Elevator* cases in 94 U.S., already cited.

Restraint upon the right of locomotion was a well-known feature of the slavery abolished by the 13th amendment. A first requisite of the right to appropriate the use of another man was to become the master of his natural power of motion, and, by a mayhem therein of the common law to require the whole community to be on the alert to restrain that power. That this is not exaggeration is shown by the language of the court in *Eaton* v. *Vaughan,* 9 Missouri, 734.

Granting that by involuntary servitude, as prohibited in the 13th amendment, is intended some institution, viz, custom, etc., of that sort, and not primarily mere scattered trespasses against liberty committed by private persons, yet, considering what must be the social tendency in at least large parts of the country, it is "appropriate legislation" against such an institution to forbid any action by private persons which in the light of our history may reasonably be apprehended to tend, on account of its being incidental to quasi-public occupations, to create an institution.

Therefore, the above act of 1875, in prohibiting persons from violating the rights of other persons to the full and equal enjoyment of the accommodations of inns and public conveyances, for any reason turning merely upon the race or color of the latter, partakes of the specific character of certain contemporaneous solemn and effective action by the United States to which it was a sequel—and is constitutional.

MR. WILLIAM M. RANDOLPH FOR ROBINSON AND WIFE, PLAINTIFFS IN ERROR

Where the Constitution guarantees a right, Congress is empowered to pass the legislation appropriate to give effect to that right. *Prigg* v. *Pennsylvania,* 16 Peters 539; *Ableman* v. *Booth,* 21 How. 506; *United States* v. *Reese,* 92 U.S. 214.

Whether Mr. Robinson's rights were created by the Constitution, or only guaranteed by it, in either event the act of Congress, so far as it protects them, is within the Constitution. *Pensacola Telegraph Co.* v. *Western Union Tel. Co.,* 96 U.S. 1; *The Passenger Cases,* 7 Howard, 283; *Crandall* v. *Nevada,* 6 Wall. 35.

In *Munn* v. *Illinois,* 94 U.S. 113, the following propositions were affirmed:

"Under the powers inherent in every sovereignty, a government may regulate the conduct of its citizens toward each other, and, when necessary for the public good, the manner in which each shall use his own property.

"It has, in the exercise of these powers, been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc.

"When the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest in such use, and must, to the extent of that interest, submit to be controlled by the public, for the common good, as long as he maintains the use."

Undoubtedly, if Congress could legislate on the subject at all, its legislation by the act of March 1, 1875, was within the principles thus announced.

The penalty denounced by the statute is incurred by denying to any citizen "the full enjoyment of any of the accommodations, advantages, facilities, or privileges" enumerated in the first section, and it is wholly immaterial whether the citizen whose rights are denied him belongs to one race or class or another, or is of one complexion or another. And again, the penalty follows every denial of the full enjoyment of any of the accommodations, advantages, facilities or privileges, except and unless the denial was "for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude."

MR. WILLIAM Y. C. HUMES AND MR. DAVID POSTEN FOR THE MEMPHIS & CHARLESTON RAILROAD CO., DEFENDANTS IN ERROR

Mr. Justice Bradley delivered the opinion of the Court. After stating the facts in the above language he continued:

"It is obvious that the primary and important question in all the cases is the constitutionality of the law: for if the law is unconstitutional none of the prosecutions can stand."

The sections of the law referred to provide as follows:

"SECTION 1. That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

"SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall for every such offence forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year:

"*Provided,* That all persons may elect to sue for the penalty aforesaid, or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this provision shall not apply to criminal proceedings, either under this act or the criminal law of any State: *And provided further,* That a judgment for the penalty in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively."

Are these sections constitutional? The first section, which is the principal one, cannot be fairly understood without attending to the last clause, which qualifies the preceding part.

The essence of the law is, not to declare broadly that all persons shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances, and theaters; but that such enjoyment shall not be subject to any conditions applicable only to citizens of a particular race or color, or who have been in a previous condition of servitude. In other words, it is the purpose of the law to declare that, in the enjoyment of the accommodations and privileges of inns, public conveyances, theaters, and other places of public amusement, no distinction shall be made between citizens of different race or color, or between those who have, and those who have not, been slaves. Its effect is to declare, that in all inns, public conveyances, and places of amusement, colored citizens, where formerly slaves or not, and citizens of other races, shall have the same accommodations and privileges in all inns, public conveyances, and places of amusement as are enjoyed by white citizens and vice versa. The second section makes it a penal offense in any person to deny to any citizen of any race or color, regardless of previous servitude, any of the accommodations or privileges mentioned in the first section.

Has Congress constitutional power to make such a law? Of course, no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments. The power is sought, first, in the 14th amendment, and the views and arguments of distinguished Senators, advanced whilst the law was under consideration, claiming authority to pass it by virtue of that amendment, are the principal arguments adduced in favor of the power. We have carefully considered those arguments, as was due to the eminent ability of those who put them forward, and have felt, in all its force, the weight of authority which always invests a law that Congress deems itself competent to pass. But the responsibility of an independent judgment is now thrown upon this Court; and we are bound to exercise it according to the best lights we have.

The first section of the 14th amendment (which is the one relied on), after declaring who shall be citizens of the United States, and of the several States, is prohibitory in its character, and prohibitory upon the States. It declares that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject-matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation; but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the 14th amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges and by power given to Congress to legislate for the purpose of carrying such prohibition into effect; and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect. A quite full discussion of this aspect of the amendment may be found in *United States* v. *Cruikshank,* 92 U.S. 542; *Virginia* v. *Rives,* 100 U.S. 313, and *Ex parte Virginia,* 100 U.S. 339.

An apt illustration of this distinction may be found in some of the provisions of the original Constitution. Take the subject of contracts, for example. The Constitution prohibited the States from passing any law impairing the obligation of contracts. This did not give to Congress power to provide laws for the general enforcement of contracts; nor power to invest the courts of the United States with jurisdiction over contracts, so as to enable parties to sue upon them in those courts. It did, however, give the power to provide remedies by which the impairment of contracts by State legislation might be counteracted and corrected: and this power was exercised. The remedy which Congress actually provided was that contained in the 25th section of the Judiciary Act of 1789, 1 Stat. 85, giving to the Supreme Court of the United States jurisdiction by writ of error to review the final decisions of State courts whenever they should sustain the validity of a State statute or authority alleged to be repugnant to the Constitution or laws of the United States. By this means, if a State law was passed impairing the obligation of a contract, and the State tribunals sustained the validity of the law, the mischief could be corrected in this Court. The legislation of Congress, and the proceedings provided for under it, were corrective in their character. No attempt was made to draw into the United States courts the litigation of contracts generally; and no such attempt would have been sustained. We do not say that the remedy provided was the only one that might have been provided in that case. Probably Congress had power to pass a law giving to the courts of the United States direct jurisdiction over contracts alleged to be impaired by a State law; and under the broad provisions of the act of March 3, 1875, ch. 137, 18 Stat. 470, giving to the circuit courts jurisdiction of all cases arising under the Constitution and laws of the United States, it is possible that such jurisdiction now exists. But under that, or any other law, it must appear as well by allegation, as proof at the trial, that the Constitution had been violated by the action of the State legislature. Some obnoxious State law passed, or that might be passed, is necessary to be assumed in order to lay the foundation of any Federal remedy in the case; and for the very sufficient reason, that the constitutional prohibition is against State laws impairing the obligation of contracts.

And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity: for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws, or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have), are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation; that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking. It is not necessary for us to state, if we could, what legislation would be proper for Congress to adopt. It is sufficient for us to examine whether the law in question is of that character.

An inspection of the law shows that it makes no reference whatever to any supposed or apprehended violation of the 14th amendment on the part of the States. It is not predicated on any such view. It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offenses, and shall be prosecuted and punished by proceedings in the courts of the United States. It does not profess to be corrective of any constitutional wrong committed by the States; it does not make its operation to depend upon any such wrong committed. It applied equally to cases arising in States which have the justest laws respecting the personal rights of citizens, and whose authorities are ever ready to enforce such laws, as to those which arise in States that may have violated the prohibition of the amendment. In other words, it steps into the domain of local jurisprudence, and lays down rules for the conduct of individuals in society toward each other, and imposes sanctions for the enforcement of those rules, without referring in any manner to any supposed action of the State or its authorities.

If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress, with equal show of authority, enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? If it is supposable that the States may deprive persons of life, liberty, and property without due process of law (and the amendment itself does suppose this) why should not Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights, in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters? The truth is, that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject, and not merely power to provide modes of redress against such State legislation or action. The assumption is certainly unsound. It is repugnant to the 10th amendment of the Constitution, which declares that powers not delegated to the United States, are reserved to the States respectively or to the people.

We have not overlooked the fact that the fourth section of the act now under consideration has been held by this Court to be constitutional. That section declares "that no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000." In *Ex parte Virginia,* 100 U.S. 339, it was held that an indictment against a State officer under this section for excluding persons of color from the jury list is sustainable. But a moment's attention to its terms will show that the section is entirely corrective in its character. Disqualification for service on juries are only created by the law, and the first part of the section is aimed at certain disqualifying laws: namely, those which make race or color a disqualification; and the second clause is directed against those who, assuming to use the authority of the State government, carry into effect such a rule of disqualification. In the Virginia case, the State, through its officer, enforced a rule of disqualification which the law was intended to abrogate and counteract. Whether the statute book of the State actually laid down any such rule of disqualification, or not, the State, through its officer, enforced such a rule: and it is against such State action, through its officers and agents, that the last clause of the section is directed. This aspect of the law was deemed sufficient to divest it of any unconstitutional character, and makes it differ widely from the first and second sections of the same act which we are now considering.

These sections, in the objectionable features before referred to, are different also from the law ordinarily called the civil rights bill, originally passed April 9, 1866, 14 Stat. 27, chapter 31, and reenacted with some modifications in sections 16, 17, 18, of the Enforcement Act, passed May 31, 1870, 16 Stat. 140, chapter 114. That law, as reenacted, after declaring that all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses and exactions of every kind, and none other, any law, statute, ordinance, regulation or custom to the contrary notwithstanding, proceeds to enact, that any person who, under color of any law, statute, ordinance, regulation or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any rights secured or protected by the preceding section (above quoted), or to different punishment, pains or penalties, on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor, and subject to fine and imprisonment as specified in the act. This law is clearly corrective in its character, intended to counteract, and furnish redress against State laws and proceedings, and customs having the force of law, which sanction the wrongful acts specified.

In the Revised Statutes, it is true, a very important clause, to wit, the words "any law, statute, ordinance, regulation or custom to the contrary notwithstanding," which gave the declaratory section its point and effect, are omitted; but the penal part, by which the declaration is enforced, and which is really the effective part of the law, retains the reference to State laws, by making the penalty apply only to those who should subject parties to a deprivation of their rights under color of any statute, ordinance, custom, etc., of any State or Territory, thus preserving the corrective character of the legislation. (Rev. St. 1977, 1978, 1979, 5510.) The civil rights bill here referred to is analogous in its character to what a law would have been under the original Constitution, declaring that the validity of contracts should not be impaired, and that if any person bound by a contract should refuse to comply with it, under color or pretense that it had been rendered void or invalid by a State law, he should be liable to an action upon it in the courts of the United States, with the addition of a penalty for setting up such an unjust and unconstitutional defense.

In this connection it is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual cannot deprive a man of his right to vote, to hold property, to buy and sell, to sue in the courts, or to be a witness or a juror; he may, by force or fraud, interfere with the enjoyment of the right in a particular case; he may commit an assault against the person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but, unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right; he will only render himself amenable to satisfaction or punishment; and amenable therefor to the laws of the State where the wrongful acts are committed.

Hence, in all those cases where the Constitution seeks to protect the rights of the citizen against discriminative and unjust laws of the State by prohibiting such laws, it is not individual offenses, but abrogation and denial of rights, which it denounces, and for which it clothes the Congress with power to provide a remedy. This abrogation and denial of rights, for which the States alone were or could be responsible, was the great seminal and fundamental wrong which was intended to be remedied. And the remedy to be provided must necessarily be predicated upon that wrong. It must assume that in the cases provided for, the evil or wrong actually committed rests upon some State law or State authority for its excuse and perpetration.

Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such power to the States, as in the regulation of commerce with foreign nations, among the several States, and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and the conduct and transactions of individuals in respect thereof. But where a subject is not submitted to the general legislative power of a Congress, but is only submitted thereto for the purpose of rendering effective some prohibition against particular State legislation or State action in reference to that subject, the power given is limited by its object, and any legislation by Congress in the matter must necessarily be corrective in its character, adapted to counteract and redress the operation of such prohibited State laws or proceedings of State officers.

If the principles of interpretation which we have laid down are correct, as we deem them to be (and they are in accord with the principles laid down in the cases before referred to, as well as in the recent case of *United States* v. *Harris*, 106 U.S. 629), it is clear that the law in question cannot be sustained by any grant of legislative power made to Congress by the 14th amendment. That amendment prohibits the States from denying to any person the equal protection of the laws, and declares that Congress shall have power to enforce, by appropriate legislation, the provisions of the amendment. The law in question, without any reference to adverse State legislation on the subject, declares that all persons shall be entitled to equal accommodations and privileges of inns, public conveyances, and places of public amusement, and imposes a penalty upon any individual who shall deny to any citizen such equal accommodations and privileges. This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject, or only allows it permissive force. It ignores such legislation, and assumes that the matter is one that belongs to the domain of national regulation. Whether it would not have been a more effective protection of the rights of citizens to have clothed Congress with plenary power over the whole subject, is not now the question. What we have to decide is, whether such plenary power has been conferred upon Congress by the 14th amendment; and, in our judgment, it has not.

We have discussed the question presented by the law on the assumption that a right to enjoy equal accommodation and privileges in all inns, public conveyances, and places of public amusement, is one of the essential rights of the citizen which no State can abridge or interfere with. Whether it is such a right, or not, is a different question which, in the view we have taken of the validity of the law on the ground already stated, it is not necessary to examine.

We have also discussed the validity of the law in reference to cases arising in the States only; and not in reference to cases arising in the Territories or the District of Columbia, which are subject to the plenary legislation of Congress in every branch of a municipal regulation. Whether the law would be a valid one as applied to the Territories and the District is not a question for consideration in the cases before us: they all being cases arising within the limits of States. And whether Congress, in the exercise of its power to regulate commerce amongst the several States, might or might not pass a law regulating rights in public conveyances passing from one State to another, is also a question which is not now before us, as the sections in question are not conceived in any such view.

But the power of Congress to adopt direct and primary, as distinguished from corrective legislation, on the subject in hand, is sought, in the second place, from the 13th amendment, which abolished slavery. This amendment declares "that neither slavery, nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any subject to their jurisdiction;" and it gives Congress power to enforce the amendment by appropriate legislation.

This amendment, as well as the 14th, is undoubtedly self-executing without any ancillary legislation, so far as its terms are applicable to any existing state of circumstances. By its own unaided force and effect it abolished slavery, and established universal freedom. Still, legislation may be necessary and proper to meet all the various cases and circumstances to be affected by it, and to prescribe proper modes of redress for its violation in letter or spirit. And such legislation may be primary and direct in its character; for the amendment is not a mere prohibition of State laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States.

It is true, that slavery cannot exist without law, any more than property in lands and goods can exist without law; and, therefore, the 13th amendment may be regarded as nullifying all State laws which establish or uphold slavery. But it has a reflex character also, establishing and decreeing universal civil and political freedom throughout the United States; and it is assumed, that the power vested in Congress to enforce the article by appropriate legislation, clothes Congress with power to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States: and upon this assumption it is claimed, that this is sufficient authority for declaring by law that all persons shall have equal accommodations and privileges in all inns, public conveyances, and places of amusement; the argument being, that the denial of such equal accommodations and privileges is, in itself, a subjection to a species of servitude within the meaning of the amendment. Conceding the major proposition to be true, that Congress has a right to enact all necessary and proper laws for the obliteration and prevention of slavery with all its badges and incidents, is the minor proposition also true, that the denial to any person of admission to the accommodations and privileges of an inn, a public conveyance, or a theater, does subject that person to any form of servitude, or tend to fasten upon him any badge of slavery? If it does not, then power to pass the law is not found in the 13th amendment.

In a very able and learned presentation of the cognate question as to the extent of the rights, privileges and immunities of citizens which cannot rightfully be abridged by State laws under the 14th amendment, made in a former case, a long list of burdens and disabilities of a servile character, incident to feudal vassalage in France, and which were abolished by the decrees of the National Assembly, was presented for the purpose of showing that all inequalities and observances exacted by one man from another were servitudes, or badges of slavery, which a great nation, in its effort to establish universal liberty, made haste to wipe out and destroy. But these were servitudes imposed by the old law, or by long custom, which had the force of law, and exacted by one man from another without the latter's consent. Should any such servitudes be imposed by a State law, there can be no doubt that the law would be repugnant to the 14th, no less than to the 13th amendment; nor any greater doubt that Congress has adequate power to forbid any such servitude from being exacted.

But is there any similarity between such servitudes and a denial by the owner of an inn, a public conveyance, or a theater, of its accommodations and privileges to an individual, even though the denial be founded on the race or color of that individual? Where does any slavery or servitude, or badge of either, arise from such an act of denial? Whether it might not be a denial of a right which, if sanctioned by the State law, would be obnoxious to the prohibitions of the 14th amendment, is another question. But what has it to do with the question of slavery?

It may be that by the black code (as it was called), in the times when slavery prevailed, the proprietors of inns and public conveyances were forbidden to receive persons of the African race, because it might assist slaves to escape from the control of their masters. This was merely a means of preventing such escapes, and was no part of the servitude itself. A law of that kind could not have any such object now, however justly it might be deemed an invasion of the party's legal right as a citizen, and amenable to the prohibitions of the 14th amendment.

The long existence of African slavery in this country gave us very distinct notions of what it was, and what were its necessary incidents. Compulsory service of the slave for the benefit of the master, restraint of his movements except by the master's will, disability to hold property, to make contracts, to have a standing in court, to be a witness against a white person, and such like burdens and incapacities, were the inseparable incidents of the institution. Severer punishments for crimes were imposed on the slave than on free persons guilty of the same offenses. Congress, as we have seen, by the Civil Rights Bill of 1866, passed in view of the 13th amendment, before the 14th was adopted, undertook to wipe out these burdens and disabilities, the necessary incidents of slavery, constituting its substance and visible form; and to secure to all citizens of every race and color, and without regard to previous servitude, those fundamental rights which are the essence of civil freedom, namely, the same right to make and enforce contracts, to sue, be parties, give evidence, and to inherit, purchase, lease, sell and convey property, as is enjoyed by white citizens. Whether this legislation was fully authorized by the 13th amendment alone, without the support which it afterward received from the 14th amendment, after the adoption of which it was reenacted with some additions, it is not necessary to inquire. It is referred to for the purpose of showing that at that time (in 1866) Congress did not assume, under the authority given by the 13th amendment, to adjust what may be called the social rights of men and races in the community; but only to declare and vindicate those fundamental rights which appertain to the essence of citizenship, and the enjoyment or deprivation of which constitutes the essential distinction between freedom and slavery.

We must not forget that the province and scope of the 13th and 14th amendments are different; the former simply abolished slavery; the latter prohibited the States from abridging the privileges or immunities of citizens of the United States; from depriving them of life, liberty, or property without due process of law, and from denying to any the equal protection of the laws. The amendments are different, and the powers of Congress under them are different. What Congress has power to do under one, it may not have power to do under the other. Under the 13th amendment, it has only to do with slavery and its incidents. Under the 14th amendment, it has power to counteract and render nugatory all State laws and proceedings which have the effect to abridge any of the privileges or immunities of citizens of the United States, or to deprive them of life, liberty, or property without due process of law, or to deny to any of them the equal protection of the laws. Under the 13th amendment, the legislation, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not; under the 14th, as we have already shown, it must necessarily be, and can only be, corrective in its character, addressed to counteract and afford relief against State regulations or proceedings.

The only question under the present head, therefore, is, whether the refusal to any persons of the accommodations of an inn, or a public conveyance, or a place of public amusement, by an individual, and without any sanction or support from any State law or regulation, does inflict upon such persons any manner of servitude or form of slavery, as those terms are understood in this country? Many wrongs may be obnoxious to the prohibitions of the 14th amendment which are not, in any just sense, incidents or elements of slavery. Such, for example, would be taking of private property without due process of law, or allowing persons who have committed certain crimes (horse stealing, for example) to be seized and hung by the posse comitatus without regular trial, or denying to any person, or class of persons, the right to pursue any peaceful avocations allowed to others. What is called class legislation would belong to this category, and would be obnoxious to the prohibitions of the 14th amendment, but would not necessarily be so to the 13th, when not involving the idea of any subjection of one man to another. The 13th amendment has respect, not to distinctions of race, or class, or color, but to slavery. The 14th amendment extends its protection to the races and classes, and prohibits any State legislation which has the effect of denying to any race or class, or to any individual, the equal protection of the laws.

Now, conceding, for the sake of the argument, that the admission to an inn, a public conveyance, or a place of public amusement, on equal terms with all other citizens, is the right of every man and all classes of men, is it any more than one of those rights which the States by the 14th amendment are forbidden to deny to any person? And is the Constitution violated until the denial of the right has some State sanction or authority? Can the act of a mere individual, the owner of the inn, the public conveyance or place of amusement, refusing the accommodation, be justly regarded as imposing any badge of slavery or servitude upon the applicant, or only as inflicting an ordinary civil injury, properly cognizable by the laws of the State, and presumably subject to redress by those laws until the contrary appears?

After giving to these questions all the consideration which their importance demands, we are forced to the conclusion that such an act of refusal has nothing to do with slavery or involuntary servitude, and that if it is violative of any right of the party, his redress is to be sought under the laws of the State; or if those laws are adverse to his rights and do not protect him, his remedy will be found in the corrective legislation which Congress has adopted, or may adopt, for counteracting the effect of State laws, or State action, prohibited by the 14th amendment. It would be running the slavery argument into the ground to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theater, or deal with in other matters of intercourse or business.

Innkeepers and public carriers, by the laws of all the States, so far as we are aware, are bound, to the extent of their facilities to furnish proper accommodations to all unobjectionable persons who in good faith apply for them. If the laws themselves make any unjust discrimination, amenable to the prohibitions of the 14th amendment, Congress has full power to afford a remedy under that amendment and in accordance with it.

When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. There were thousands of free colored people in this country before the abolition of slavery, enjoying all the essential rights of life, liberty, and property the same as white citizens; yet no one, at that time, thought it was any invasion of his personal status as a freeman because he was not admitted to all the privileges enjoyed by white citizens, or because he was subjected to discriminations in the enjoyment of accommodations in inns, public conveyances, and places of amusement.

Mere discriminations on account of race or color were not regarded as badges of slavery. If, since that time, the enjoyment of equal rights in all these respects has become established by constitutional enactment, it is not by force of the 13th amendment (which merely abolishes slavery), but by force of the 13th and 15th amendments.

On the whole we are of opinion, that no countenance of authority for the passage of the law in question can be found in either the 13th or 14th Amendment of the Constitution; and no other ground of authority for its pasage being suggested, it must necessarily be declared void, at least so far as its operation in the several States is concerned.

This conclusion disposes of the cases now under consideration. In the cases of the *United States* v. *Michael Ryan*, and of *Richard A. Robinson and Wife* v. *The Memphis & Charleston Railroad Co.*, the judgments must be affirmed. In the other cases, the answer to be given will be that the first and second sections of the act of Congress of March 1, 1875, entitled, "An act to protect all citizens in their civil and legal rights," are unconstitutional and void, and that judgment should be rendered upon the several indictments in those cases accordingly.

And it is so ordered.

Mr. TALMADGE. Mr. President, much later, in *Shelly* v. *Kramer*, 334 U.S. 1 (1943), it was said:

Since the decision of this Court in the *Civil Rights Cases*, 109 U.S. 3, 27 L. Ed. 835,

> 3 S. Ct. 18 (1883), the principle has become firmly embedded in our constitutional law that the action inhibited by the 1st section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful" (92 L. Ed. 1180).

Only 2 years ago, the Court in *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715, 722, 6 L. Ed. 2d 45 (1961), declared:

> It is clear, as it always has been since the Civil Rights cases that "individual invasion of individual rights is not the subject matter of the amendment," and that private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations had been found to have become involved in it.

In *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (C.A. 4th 1959), in dismissing a suit brought by a Negro attorney in the Internal Revenue Department under the Civil Rights Act of 1875 against Howard Johnson's Restaurant for refusing plaintiff service because of his race, it was said:

> The plaintiff concedes that no statute of Virginia requires the exclusion of Negroes from public restaurants and hence it would seem that he does not rely upon the provisions of the 14th amendment which prohibit the States from making or enforcing any law abridging the privileges and immunities of citizens of the United States or denying to any person the equal protection of the law. He points, however, to statutes of the State which require the segregation of the races in the facilities furnished by carriers and by persons engaged in the operation of places of public assemblage, he emphasizes the long established custom of excluding Negroes from public restaurants and he contends that the acquiescence of the State in these practices amounts to discriminatory State action which falls within the condemnation of the Constitution. The essence of the argument is that the State licenses restaurants to serve the public and thereby is burdened with the positive duty to prohibit unjust discrimination in the use and enjoyment of the facilities.
>
> This argument fails to observe the important distinction between activities that are required by the State and those which are carried out by voluntary choice and without compulsion by the people of the State in accordance with their own desires and social practices. Unless these actions are performed in obedience to some positive provision of State law, they do not furnish a basis for the pending complaint. The license laws of Virginia do not fill the void. Section 35-26 of the code of Virginia, 1950, makes it unlawful for any person to operate a restaurant in the State without an unrevoked permit from the commissioner, who is the chief executive officer of the State board of health. The statute is obviously designed to protect the health of the community, but it does not authorize State officials to control the management of the business or to dictate what persons shall be served. The customs of the people of a State do not constitute State action within the prohibition of the 14th amendment.

The "necessary and proper" clause, article I, section 8, clause 18, is not an independent grant of power. It was recently held so by the Supreme Court in *Kinsella* v. *United States ex rel. Singleton*, 361 U.S. 234, 4 L. Ed. 2d 268 (1960).

In this case, the question at issue is whether the dependent wife of a peacetime soldier who accompanied him overseas can be tried by a court-martial under section 2(11) of the Uniform Code of Military Justice, without regard to article 3, and amendments 5 and 6 of the Federal Constitution. The Court holds first, that the statute cannot be upheld under the grant of power contained in article I, section 8, clause 14, "to make rules for the Government and regulation of the land and naval forces." To the Government's argument that the statute is sustainable under article I, section 8, clause 18, the "necessary and proper" clause, it was said:

> If the exercise of the power is valid it is because it is granted in clause 14, not because of the necessary and proper clause. The latter clause is not itself a grant of power, but a caveat that the Congress possesses all the means necessary to carry out the specifically granted "foregoing powers" of section 8 "and all other powers vested by this Constitution."

The commerce clause undoubtedly constitutes the principal basis of the administration's public accommodations proposals.

With the present Supreme Court, it has been predicted that the bill would be upheld on this ground, under several cases referred to. However, there are other cases, which if followed, equally would lead to the conclusion that it is not sustainable under the commerce clause.

I shall now discuss cases which do not support the commerce clause position of the administration.

In *Gibbons* v. *Ogden*, 9 Wheat. 1, 193, 6 L. Ed. 23, 69 (1824), Chief Justice Marshall declared:

> It is not intended to say that these words comprehend that commerce which is completely internal, which is carried on between man and man in a State, or between different parts of the same State, and which does not extend to or affect other States. Such a power would be inconvenient, and is certainly unnecessary.

The case of *N.L.R.B.* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 30, 81 L. Ed. 893 (1937), is a landmark case in that it extended the commerce power to include "production," and represented a distinct departure from a contrary result reached only 1 year earlier in *Carter* v. *Carter Coal Co.*, 298 U.S. 238, 301, 80 L. Ed. 1160 (1936)—a departure brought about by virtue of Chief Justice Hughes' sudden shift from the conservative to the liberal faction of the Court, apparently in an effort to influence the outcome of the Roosevelt "court-packing" plan which was before Congress at this time. However, notwithstanding that this case is the forerunner of all the subsequent New Deal cases extending the commerce clause power to unheard-of areas, the majority opinion declares:

> The authority of the Federal Government may not be pushed to such an extreme as to destroy the distinction, which the commerce clause itself establishes, between commerce among the several States and the internal concerns of a State. That distinction between what is national and what is local in the activities of commerce is vital to the maintenance of our Federal system.

The two cases which most strongly support the proposition that the commerce clause does not support this proposal are *Schechter* v. *United States*, 295 U.S. 495, 79 L. Ed. 1570 (1935), and *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (C.A. 4th 1959).

The Schechter case is popularly referred to as the "Sick Chicken case." It is the case which invalidated the provisions of the National Industrial Recovery Act authorizing "codes of fair competition" to be established for depression-ridden industries, an effort generally conceded to be the nearest thing to Mussolini's corporate-state brand of fascism ever attempted in this country.

This case is the leading case on delegation of legislative power in American constitutional law, but frequently overlooked is the fact that the codes promulgated under the National Industrial Recovery Act for the chicken industry were also stricken down by this decision as transcending the limits of the commerce clause power.

In the Schechter case, convictions under the Live Poultry Code promulgated under the National Industrial Recovery Act were challenged on the ground that the act, first, unconstitutionally delegated legislative power, second, undertook regulation of interstate commerce, and, third, violated due process.

The provisions in question relate to the wages of persons employed in defendant's slaughtering houses in Brooklyn, N.Y.

The Court unanimously holds, inter alia, that the act is not sustainable under the commerce clause. In reaching this conclusion, the Court first determines that the transactions in question were not themselves in interstate commerce, namely:

> When defendants had made their purchases, whether at the West Washington Market in New York City or at the railroad terminals serving the city, or elsewhere, the poultry was trucked to their slaughterhouses in Brooklyn for local disposition. The interstate transactions in relation to that poultry then ended. Defendants held the poultry at their slaughterhouse markets for slaughter and local sale to retail dealers and butchers, who in turn sold directly to consumers. Neither the slaughtering nor the sales by defendants were transactions in interstate commerce.
>
> The undisputed facts thus afford no warrant for the argument that the poultry handled by defendants at their slaughterhouse markets was in a "current" or "flow" of interstate commerce and was thus subject to congressional regulation. The mere fact that there may be a constant flow of commodities into a State does not mean that the flow continues after the property has arrived and has become commingled with the mass of property within the State and is there held solely for local disposition and use. So far as the poultry herein questioned is concerned, the flow in interstate commerce had ceased. The poultry had come to a permanent rest within the State. It was not held, used, or sold by defendants in relation to any further transactions in interstate commerce and was not destined for transportation to other States. Hence, decisions which deal with a stream of interstate commerce—where goods come to rest within a State temporarily and are later to go forward in interstate commerce—and with the regulations of transactions involved in that practical continuity of movement, are not applicable here (pp. 542-543).

Second, the Court concluded that the transactions had only an indirect affect upon interstate commerce, and hence could not be sustained under the principle which holds that even interstate activities affecting commerce are subject to regulation, namely:

> In determining how far the Federal Government may go in controlling interstate transactions upon the ground that they "affect" interstate commerce, there is a necessary and well-established distinction between direct and indirect effects. The precise line can be drawn only as individual cases arise, but the distinction is clear in principle. Direct effects are illustrated by the railroad cases we have cited, as, for example the effect of failure to use prescribed safety appliances on railroads which are the highways of both interstate and intrastate commerce, injury to an employee engaged in interstate transportation by the negligence of an employer engaged in an intrastate movement, the fixing of rates for intrastate transportation which unjustly discriminate against interstate commerce. But where the effect of intrastate transactions upon interstate commerce is merely indirect, such transactions remain within the domain of State power.

I digress to say that, under the commerce clause, it would be determined who must be shaved or who must have his hair cut in a barbershop, or who must be received in a restaurant or a boardinghouse. That same commerce power by the Federal Government could be used to prescribe what meals must be served in a restaurant, what prices must be charged in a restaurant, what wages must be paid in a restaurant, what employees must be hired in a restaurant. I do not believe the people of the United States of America desire, and I do not believe Congress desires, to invoke the commerce police power of the Government of the United States of America into every intimate area of private conduct.

To continue the quotation:

> If the commerce clause were construed to reach all enterprises and transactions which could be said to have an indirect effect upon interstate commerce, the Federal authority would embrace practically all the activities of the people and the authority of the State over its domestic concerns would exist only by sufferance of the Federal Government. Indeed, on such a theory, even the development of the State's commercial facilities would be subject to Federal control (p. 546).

In a concurring opinion, Justice Cardozo, speaking for himself and Mr. Justice Stone, with respect to the commerce clause, declared:

> I find no authority in that grant for the regulation of wages and hours of labor in the intrastate transactions that make up the defendants' business. As to this feature of the case little can be added to the opinion of the Court. There is a view of causation that would obliterate the distinction between what is national and what is local in the activities of commerce. Motion at the outer rim is communicated perceptibly, though minutely, to recording instruments at the center. A society such as ours "is an elastic medium which transmits all tremors through its territory; the only question is of their size" (per Learned Hand, J., in the Court below). The law is not indifferent to considerations of degree. Activities local in their immediacy do not become interstate and national because of distant repercussions. What is near and what is distant may at times be uncertain (*Cf. Board of Trade* v. *Olsen*, 262 U.S. 1, 67 L. Ed. 839, 43 S. Ct. 470).
>
> There is no penumbra of uncertainty obscuring judgment here. To find immediacy or directness here is to find it almost everywhere. If centripetal forces are to be isolated to the exclusion of the forces that oppose and counteract them, there will be an end to our Federal system (p. 554).

Applying the principles of the Schechter case, it follows that when an establishment buys goods and places them for sale, they are no longer being held "in" interstate commerce, although they previously may have moved therein. Secondly, it likewise follows that the "effect" which such a localized sale may have on interstate commerce is at most indirect. Consequently, it follows that such sales do not come within the commerce power, either under the principle that they are "in" interstate commerce, or that they "affect" interstate commerce.

A case more directly in point, however, is the Williams against Howard Johnson's restaurant case, supra. In this case, a Negro attorney in the Internal Revenue Department brought suit in Federal Court against a Howard Johnson restuarant located on an interstate highway, based upon the restaurant's refusing him service because of his race. Reliance was placed both on the Civil Rights Act of 1875 and the commerce clause. The Court of Appeals rejected both contentions, pointing out that the 1875 act had been held unconstitutional in the civil rights cases, supra, and as to the commerce clause argument, it was said:

> The plaintiff makes the additional contention based on the allegations that the defendant restaurant is engaged in interstate commerce because it is located beside an interstate highway and serves interstate travelers. He suggests that a Federal policy has been developed in numerous decisions which requires the elimination of racial restrictions on transportation in interstate commerce and the admission of Negroes to railroad cars and sleeping cars, and dining cars without discrimination as to color; and he argues that the commerce clause of the Constitution (art. I, sec. 8, cl. 3), which empowers Congress to regulate commerce among the States, is self-executing so that even without a prohibitory statute no person engaged in interstate commerce may place undue restrictions upon it.
>
> The cases upon which the plaintiff relies in each instance disclosed discriminatory action against persons of the colored race by carriers engaged in the transportation of passengers in interstate commerce. In some instances the carrier's action was taken in accordance with its own regulations, which were declared illegal as a violation of paragraph 1, section 3, of the Interstate Commerce Act, 49 U.S.C.A. 3(1), which forbids a carrier to subject any person to undue or unreasonable prejudice or disadvantage in any respect, as in *Mitchell* v. *United States*, 313 U.S. 80, 61 S. Ct. 873, 85 L. Ed. 1201, and *Henderson* v. *United States*, 339 U.S. 816, 70 S. Ct. 843, 94 L. Ed. 1302. In other instances, the carrier's action was taken in accordance with a State statute or State custom requiring the segregation of the races by public carriers and was declared unlawful as creating an undue burden on interstate commerce in violation of the commerce clause of the Constitution, as in *Morgan* v. *Com. of Virginia*, 328 U.S. 373, 66 S. Ct. 1050, 90 L. Ed. 1317; *Williams* v. *California Coach Co.*, D.C., Va., 111 F. Supp. 329 affirmed 4 Cir., 224 F. 2d 752; and *Chance* v. *Lambeth*, 4 Cir., 186 F. 2d 879.
>
> In every instance the conduct condemned was that of an organization directly engaged in interstate commerce and the line of authority would be persuasive in the determination of the present controversy if it could be said that the defendant restaurant was so engaged. We think, however, that the cases cited are not applicable because we do not find that a restaurant is engaged in interstate commerce merely because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State. As an instrument of local commerce, the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select.
>
> Our conclusion is, therefore, that the judgment of the District Court must be affirmed (268 Fed. 2d 845).

This principle was later restated and applied in the case of *Slack* v. *Atlantic White Tower System, Inc.*, 181 F. Supp. 124 (D.C. Md. 1960), affirmed, 284, F. 2d 746 (C.A. 4th 1960).

That such matters as involved here are local rather than interstate in nature was established by the Supreme Court in *District of Columbia* v. *John R. Thompson Co.*, 346 U.S. 100, 113, 73 Supreme Court 1007 (1953), involving a prosecution against a restaurant in the District of Columbia for refusing to serve a Negro. The charge was laid under an act of the Legislative Assembly of the District. While the assembly had subsequently been abolished, the Supreme Court held that the acts in question were preserved under a saving clause enacted by Congress relating to "police regulations" and matters concerning "municipal affairs only." It was said:

> The laws which require equal service to all who eat in restaurants in the District are as local in character as laws regulating public health, schools, streets, and parks (73 S. Ct. 1014).

It is also important to note that here, the pending proposal is not limited to interstate transactions.

The particular establishment need only be engaged generally in the sale of a product which has moved in interstate commerce. In other words, suppose an establishment handles goods which do move in interstate commerce at one time or another, but also deals in goods which are produced on a wholly intrastate basis. Under this proposal, a sale of those wholly intrastate goods would be subject to the act simply because other goods also sold by the establishment did move in interstate commerce.

Such an assertion of power is untenable. This is not to overlook the doctrine, previously referred to, concerning Congress' power to regulate aspects of intrastate commerce which substantially affect interstate commerce. The leading case is the Shreveport grain case, *Houston, E. & W. Texas Ry. Co.* v. *United States*, 234 U.S. 342, 351, 58 L. Ed. 1341 (1914), in which the ICC had issued an order requiring the railroads to remove discrimination as between interstate rates between Shreveport, La., and points eastward in Texas, on the one hand, and rates between Dallas, Tex., and other points easterly in Texas, on the other. The railroads brought suit to set aside this order, contending that it exceeded the Commission's power under the commerce clause, as it in effect sought to require reduction of interstate rates, otherwise found to be reasonable by the Commission, to a level of intrastate rates, it being conceded that the Commission's order could be complied with either by lowering the interstate rates, or by raising the intrastate rates. The Court rejects this argument, declaring:

> The fact that carriers are instruments of intrastate commerce, as well as of interstate commerce, does not derogate from the complete and paramount authority of Congress over the latter, or preclude the Federal power from being exerted to prevent the intrastate operations of such carriers from being made a means of injury to that which has been confided to Federal care. Wherever the interstate and intrastate transactions of carriers are so related that the government of one involves the control of the other, it is Congress, and not the State, that is entitled to prescribe the final and dominant rule, for otherwise Congress would be denied the exercise of its constitutional authority, and the State, not the Nation, would be supreme in the national field (p. 351).
>
> This is not to say that Congress possesses the authority to regulate the internal commerce of a State, as such, but that it does possess the power to foster and protect interstate commerce, and to take all measures necessary or appropriate to that end, although intrastate transactions of interstate carriers may thereby be controlled (p. 353).

Even here, however, it should be noted that the Federal regulation was directed, only at the interstate rates, and only indirectly affected intrastate rates in that the intrastate rates were fixed as the ceiling for the interstate rates, or the carrier could at his own option increase the intrastate rates in order to equal the interstate rates.

Another line of cases which should be distinguished in this connection is the commingling cases, that is, where interstate and intrastate commerce are so commingled that regulation of the former necessarily requires regulation of the latter. The leading case is *Southern Ry. Co.* v. *United States*, 222 U.S. 20, 56 L. Ed. 72 (1911), where suit was brought by the Government to recover a penalty under the safety-appliance acts of Congress against the Southern Railroad, based upon its operation of five cars with defective couplers, three of the cars being operated in intrastate commerce. The Court holds first, that the intention of Congress in adopting the statute was to prevent the use of unsafe cars on a railroad constituting a highway of interstate commerce, and second, that such intent constitutionally can be given effect, because the safety of interstate traffic necessarily will be affected by cars used in intrastate commerce for the reason that the cars are frequently commingled together, aside from the fact that even two completely separate trains moving on the same line bear a relationship to each other in that the disabling of one may likely disrupt the other.

No such difficulty is presented here. For example, there is no reason why a motel should be required to accommodate a traveler going from Macon to Atlanta simply because he also is required to accommodate one traveling from Chicago to Atlanta.

In *United States* v. *Dewitt*, 9 Wall 41, 45, 19 L. Ed. 593 (1870), the defendant was indicted under the Internal Revenue Act of 1867 for having offered for sale illuminating oils of petroleum, flammable at less than 110° F. The sale was made wholly within Detroit, Mich., and the Government sought to sustain the act under the commerce clause, on the reasoning that the sale of this oil necessarily would affect the sale of other oil moving in interstate commerce as to which Federal excises were imposed.

The Court rejects this contention, declaring that "within State limits, it—the commerce cause—can have no constitutional operation."

Another case of interest is *Thurlow* v. *Massachusetts*—the license cases—57 How. 504, 12 L. Ed. 256 (1847). This decision actually involves three cases, originating in the State courts of Massachusetts, Rhode Island, and New Hampshire, in each of which the defendants were indicted and convicted under respective State laws for having sold spirituous liquors without having first obtained a State license. In each case, the convictions were challenged as being in violation of the commerce clause. In the Massachusetts and Rhode Island cases, the liquors sold had been imported from foreign countries under an act of Congress. The Supreme Court upholds the convictions in all three cases, each Justice writing a separate opinion. Chief Justice Taney upholds the Massachusetts and Rhode Island cases on the "original package" doctrine of Brown against Maryland, the spirits in these two cases having been sold in smaller quantities than the original cask in which imported and held in the hands of the importer, the interstate commerce thereupon ceased, and what took place thereafter was intrastate in nature. In the New Hampshire case, however, the sale was made in the cask in which the spirits were imported, the defendant having bought it in a cask in Boston, carried it to Dover, and sold it there in the cask in which it was purchased. The Chief Justice upholds this case on the reasoning that this, unlike Brown versus Maryland, involved commerce between and not with foreign nations, and as to the former, where Congress has not acted.

As to the former two cases, it was said:

> It is equally clear, that the power of Congress over this subject does not extend further than the regulation of commerce with foreign nations and among the several States; and that beyond these limits the States have never surrendered their power over trade and commerce, and may still exercise it, free from any controlling power on the part of the General Government. Every State, therefore, may regulate its own internal traffic, according to its own judgment and upon its own views of the interest and well-being of its citizens (p. 574).

Mr. President, I have discussed the legal and constitutional grounds to demonstrate beyond any doubt that title I and title II of the bill before the Senate are not authorized by the powers granted in the Constitution of the United States.

Title I clearly contravenes three provisions of the Constitution of the United States. It has been so held by every court, including the Supreme Court of the United States, and has been repeatedly reaffirmed.

Title II is beyond the scope of Congress to legislate. During Reconstruction days a similar statute was enacted, and was struck down by the Supreme Court of the United States in 1883. That decision has been repeatedly reaffirmed by every court since that time.

There are advocates of title II who contend that the present Supreme Court would overrule previous decisions of the Supreme Court. I do not know whether it would. No one can see into the mind of the Supreme Court. I know of instances when it has stretched beyond any recognition constitutional principles that had been upheld throughout the history of our country. However, the law as it is interpreted at the present time by the Supreme Court is clearly repugnant to title II of the bill pending before the Senate.

One last word in conclusion. If we are to stretch the commerce clause of the Constitution of the United States to regulate every hamburger place, hotdog stand, barbershop, beer parlor, and sandwich counter in the United States, we will expand the power of Federal authority over the daily conduct of our citizens in the most intimate area of their lives.

Our country would change, because Congress would start passing municipal laws to affect the smallest hamlets and cities in our land. The strong police power of the Federal Government would be invoked to regulate our people. Our country achieved its greatness, its liberty, its strength, and its freedom by adhering to the constitutional provisions relating to the relationship between Federal and State Governments.

Congress was to legislate only in the field of delegated powers enumerated by the Constitution. All other power was reserved to the States and the people who live on the local level and are familiar with the problems of the local government and know best how to solve them and get along with one another in their daily lives with a minimum of friction and a maximum of freedom.

If we abandon that principle, we shall be emulating all the other powers on the face of the earth that are our principal prospective enemies. In the dictatorships of the Communist countries, the Soviet Union and Red China, the lives of the people are regulated. The secret police may knock on the door at any hour of the day or night. We have been free of that in our country.

It will be a sad day if we inject the police power of the Federal Government to regulate Joe's hamburger stand, wherever it may be in the remotest hamlet. If the Federal Government can regulate Joe's hamburger stand and tell Joe whom he must serve in his hamburger stand, that same power can regulate the price of Joe's hamburgers. The same power can prescribe the type of hamburger Joe must serve. The same power can tell Joe whom he must employ. The same power can regulate the hours when Joe must open and close his hamburger stand.

It will be a sad day in the history of our Republic if Congress adopts a municipal code for the regulation of 190 million Americans in the most intimate aspects of their private conduct. I hope Congress will not take such action.

Mr. President, I have not completed my speech. The distinguished junior Senator from Florida [Mr. SMATHERS] is present. He desires to make a speech. I do not desire to take any more of the valuable time that he may desire to use in addressing the Senate. I, therefore, reserve the latter part of my speech for another time, when I can speak further on this subject.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 145 Leg.]

Allott
Anderson
Bayh
Bible
Boggs
Burdick
Cannon
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hartke
Hill
Humphrey
Inouye
Javits
Jordan, Idaho
Kennedy
Kuchel
Magnuson
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Nelson
Neuberger
Pastore
Pell
Prouty
Ribicoff
Scott
Smathers
Symington
Talmadge
Williams, N.J.
Williams, Del.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). A quorum is not present.

Mr. McINTYRE. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. DODD, Mr. GRUENING, Mr. HART, and Mr. MOSS entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. SMATHERS. Mr. President——

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. SMATHERS. Mr. President, I yield to the Senator from Illinois [Mr. DOUGLAS], provided that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIXTEENTH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. DOUGLAS. Mr. President, today the State of Israel marks its 16th anniversary, and I believe it appropriate to call attention to the occasion and to the remarkable accomplishments of those 16 years.

Since its inception in 1948, the modern State of Israel has developed as a dynamic democracy in the Middle East despite continual military threats and the strain of hostile encirclement. In the face of external danger, freedom has not been jeopardized nor constitutional government postponed in the name of national solidarity, as has been sadly true in so many young nations. Rather, the State of Israel has endured as a model of democratic society with an enlightened government.

In 16 years, there have been more than military challenges to Israel's success. The tired land had to be made arable. Since the people were of various national origins, cultural and language differences were manifold. The young, unsettled country had to cope with a continuous influx of refugees and all the accompanying problems of providing for the needs of the homeless and hungry.

The will to preserve and protect their hard-won homeland has inspired the best efforts of great minds in every field. While maintaining strong defenses, Israel has constructed beautiful cities and villages, has developed fertile land and new industry, has built a fine university, an accomplished symphony orchestra, and has encouraged her artists, some of whose works will be seen here next week at Adas-Israel Synagogue. The economy has flourished to such an extent that Israel is able to give assistance to other young nations. The record of these 16 years is a progressive record of a strong and capable people's will to blend their individual contributions into a well-developed nation which would take a secure and deserved place in the world's circle of free nations.

To the citizens of Israel and their friends in this and every other nation, I extend an admiring greeting today, and my most sincere wishes for a long and vital future.

AREA REDEVELOPMENT PROGRAM PROVIDING MANY BENEFITS TO THE NATION

Mr. DOUGLAS. Mr. President, the Area Redevelopment Act has provided many benefits to the Nation. On occasion, criticism has been made that it has not brought enough benefits, but few people deny its positive role in our country's economy.

As presently administered, the program is unable to take credit for the stimulus it gives to local communities and areas to organize their resources and talents in the struggle to overcome unemployment. Figures on projects approved, loans made, and jobs created by ARA are published and circulated, but little or nothing is ever mentioned, except on the local scene, of the great value the ARA program offers to communities and counties which have in the past never attempted to achieve an overall economic policy.

My attention was brought to a letter received by the ARA field coordinator in Illinois from a firm in Savanna, Ill.; namely, Wood Products, Inc. The letter speaks for itself in emphasizing the benefits brought to Carroll County by ARA, and it praises the news that Carroll County is about to be removed from the list of areas suffering from persistent and above average unemployment.

I ask unanimous consent that this letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WOOD PRODUCTS, INC.,
Savanna, Ill., February 24, 1964.

A. ROGER HOOK,
Field Coordinator.

DEAR ROGER: I received your letter in regard to our county being designated for ARA programs in 6 months. We here in Carroll County are happy to learn that we have less than the national average of unemployment. Even though little assistance from ARA, in money, was received; we owe a great deal to the program, as it pointed our county out as a good place to find people for hire.

Our biggest factory came because of this, and the fact that we had a suitable empty building which somebody told them about.

You helped us to unite our seven communities into one, and this gave birth to the idea of Carroll County's one great community effort. We have the civic leaders of each community meeting together each month to plan the future development of Carroll County.

We are now getting a new furniture factory that you were instrumental in bringing us. It is locating in Mount Carroll, and we here at Savanna are glad to see it in Mount Carroll. It will be more centrally located, and will prove to Lanark and Shannon, on the east side, that we are really working for them also; which should make them become more enthused.

We are building bridges between the communities of Carroll County instead of fences, as has always been in the past.

My personal opinion is that ARA is another milestone to safeguard the future of America. We must learn to live in a new age of undreamed of prosperity. We must have confidence in the future and never let a great depression happen again as in the 1930's. With high wages and machinery doing the work, our Nation could overnight fall into a depression if enough people would lose confidence.

If we know that the Government is geared to safeguard against any major depression, then the man with the money is not so apt to hold on to it for that day when it will buy a lot more than it will today.

The law of supply and demand built this Nation into the great giant that it is. Now we produce too much of most everything, and must learn to live in the prosperity that we have created. We need to add to the law of supply and demand:

What is a fair return for effort and investment? How to best distribute the fruits of our labor, to insure prosperity to all.

The attitude of the people is the best it has ever been, and we are united for progress. You can recommend Carroll County with confidence.

I, personally, want to thank you for your untiring effort to bring this about.

You and Nolan Jones will always find friends and warm fellowship here.

Sincerely,

WALTER HELLE.

McNAMARA'S WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, will the Senator from Florida yield to me, with the understanding that it will in no way affect his right to the floor, and that this intervention will not count as a second speech for the Senator from Florida when he resumes?

Mr. SMATHERS. Mr. President, I am glad to yield to the Senator from Oregon, with that understanding.

I should like to make it clear that eventually I hope to have an opportunity to complete this one speech of mine, which I have now tried on 4 nights to make and to complete, but have not been able to do so. I am delighted to yield to the distinguished Senator from Oregon [Mr. MORSE], with the understanding stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I thank the Senator from Florida [Mr. SMATHERS], and also the Senator from Minnesota [Mr. HUMPHREY], before he leaves the Chamber, as the Senator in charge of the bill, for his cooperative spirit. I have sought since 4 o'clock this afternoon to cooperate with my leadership. The plan was to have a quorum call before I spoke tonight on McNamara's war in South Vietnam. I announced early this evening that that was what I would do.

I made a suggestion as to how this speech could be gotten out of the way rather early, but Senators as sincere as I am decided that it would be better to wait.

The Senator from Minnesota and I have had what might be called a negotiating session, and we shall cooperate tomorrow in regard to quorum calls. On the basis of that assurance from the Senator from Minnesota, I shall not insist on an additional quorum call tonight, but I have a few things to say about McNamara's war.

Mr. President, the course of McNamara's war in South Vietnam is proving highly disturbing to many of us who have heard a steady diet of opinions from the Pentagon, and echoed by the State Department, that air strikes into North Vietnam may be attempted in order to disrupt alleged supply depots and supply and communication lines into South Vietnam.

Today, the United States is furnishing all the air power for South Vietnam. It is nearly all tactical; that is, it is designed to support ground forces. The planes are manned by Americans, with a South Vietnamese taken along to preserve the fiction that we are acting only as their "advisers." The material I placed in the RECORD a few days ago from the publication Aviation enumerated the helicopters, bombers, fighters, and other supporting aircraft we have in Vietnam.

Yet the Vietcong apparently has no air support at all. If air power and air strikes are all they are cracked up to be, how is it that the Vietcong are doing so well without any?

Moreover, the proposals for expanding the war into North Vietnam would seem to offer even less hope for success. Air strikes for this purpose in World War II did nothing to keep the Japanese from invading southern China from this same general area. What reason is there to believe, from our previous experience, that air attacks alone can disrupt these lines enough to do any good? Of one thing I am sure: if American air strikes in North Vietnam are undertaken, they will necessitate a followup of American ground personnel. Our air power has not turned the tide in our favor in South Vietnam; its use in North Vietnam will be nothing more than an excuse for throwing in ground troops.

I am greatly concerned about that. I am greatly concerned about all the trial balloons that are being put up by the State Department and the Pentagon about escalating the war into North Vietnam. The Aviation article which I discussed the other day and put into the RECORD pointed out the extent to which we are already escalating the war beyond the borders of South Vietnam. The other day I described how we were caught in Cambodia when an American plane was shot down and an American pilot was killed, along with the Vietnamese who he had taken along with him, after being caught redhanded, dropping fire bombs, which burned a village in Cambodia and killed 16 people.

If the Pentagon and State Department believe that this act made friends for us anywhere in the world, to say nothing of Cambodia, they could not be more wrong.

The sad and ugly fact is that the United States is represented as an aggressor in Cambodia.

I do not see how we can carry on these acts of aggression outside South Vietnam and not sooner or later end with a charge being made against us in the United Nations.

I now have in preparation, and hope to have completed by the middle of next week, an analysis of the international law issues which are involved in U.S. activities in South Vietnam, starting with an analysis of the Geneva Accords in 1954, which we did not sign, and to which we are not a party. When we acted only as observers, although somewhat as talking observers, at the time the Geneva Accords were signed, Bedell Smith announced in behalf of the United States that although we were not a party to the accords, we would treat them as setting forth commitments of international law.

I shall discuss next week, on the basis of such research as I am trying to complete, the international law position into which that pact put us.

I am certain that it did not give us any right to conduct a civil war action in South Vietnam. It is alleged—and I believe correctly—that the Geneva accords have been violated.

I believe that the Geneva accords have been violated by North Vietnam, at least, and probably also by Red China. I am not certain that they have not been violated by Laos, and possibly by South Vietnam itself. Those are questions of fact, and not questions of law. The questions of law are perfectly clear. The violation of the Geneva accords gave the United States no legal right under any known principle of international law to conduct unilateral military action in South Vietnam.

I know that the State Department is trying to tell the American people that we have a right to be there because Diem asked us to come in. Who is Diem? He was the dictator puppet whom the United States set up in South Vietnam. We do not like to face the fact that we create puppets, too.

We have no more right in South Vietnam than Russia has in East Germany. What is the Russians' alibi for being in East Germany? It is that the East German Government asked them to come in. When are we going to get away from this kind of subterfuge?

As a prelude to my speech next week—because I believe the general principle ought to be brought up for discussion—I say that our allegation that the Geneva Accords are being violated—and I believe they are—placed upon us the clear responsibility and obligation, if we sought action, to lay the charge before the United Nations. That is our international law obligation. We signed that charter; and under that charter we have the international law duty to seek peaceful procedures for the settlement of issues and disputes that threaten the peace of any area of the world.

What a great opportunity we had to put it up to the violators of the Geneva Accords by asking the United Nations to proceed to carry out its obligations to put an end to the killing in South Vietnam.

So I again lay down tonight the premise, from the standpoint of international law, that the United States will be found wanting in connection with its program in South Vietnam. We would make it worse by escalating that war.

Senators have talked with me in the cloakroom and have said, "Wayne, we cannot speculate about this. We cannot deal with hypotheticals. We do not know what might happen if we should escalate the war."

They could not be more right. Because we do not know what might happen, we had better take a long look before we decide to escalate it.

No one can tell us what the consequences may be if we start bombing the supply depots in North Vietnam. The apologists in the Pentagon and the State Department for our action say that the Vietcong are obtaining their supplies and ammunition from North Vietnam. They certainly are. Some of them are probably coming from Red China. But where are the South Vietnamese obtaining their supplies? From the United States.

So it is the old situation of the kettle calling the teapot black, or vice versa. The United States, North Vietnam, Red China and Russia—if she is doing so—should not be supplying anyone with weapons of war in the civil war in South Vietnam.

Now is the time for us to take a look at the legal problems that are involved, and make up our minds whether we shall resort to peaceful procedures of law for settling international disputes only when we think it meets our convenience, or whether we shall do so as a consistent policy, and thereby place ourselves in a position in which other nations can charge us, as they are now charging us, with hypocrisy in connection with our professions about seeking to settle disputes by resort to the rule of law instead of the jungle law of force that is being used in South Vietnam.

We had better consider again what the SEATO organization is. After the Rusk hearings in Manila in the past few days it has become a complete "paper tiger." For the first time, I believe, I shall not vote in the Committee on Foreign Relations this year for a single dollar for SEATO. SEATO ought to be recognized now as a complete failure, because the SEATO countries have walked out on their obligations under the treaty.

It was a very interesting memorandum that came out of Manila, lauded by the Secretary of State of the United States. Analyze that memorandum. It is not worth the paper it is written on. Of course, the SEATO nations—seven of them; France abstained—expressed themselves again as perfectly willing to have the United States continue its action in South Vietnam.

Do not forget that, in a sense, South Vietnam came into being at the urging of the United States; but the vehicle that was used was the SEATO treaty, and South Vietnam is not a signatory to the SEATO treaty. The vehicle was the SEATO treaty. The signatories to the treaty executed a protocol agreement, and in that protocol agreement they agreed that the territory of South Vietnam was an area of mutual concern and interest to all the signatories.

Who are the signatories? They are New Zealand, Australia, Pakistan, Thailand, the Philippines, Great Britain, and France. And who are in South Vietnam, dying? American boys along with South Vietnamese. But not Australians, New Zealanders, Pakistanis, Thai, Filipinos, British, or French. Some treaty. It is not worth the paper it is written on.

The memorandum that Rusk brought out of Manila is worthless, because that memorandum does not mean that those countries will go into South Vietnam. That memorandum represented no official act of the SEATO meeting whereby the SEATO nations decided to go into South Vietnam. What they said, in effect, was that they are still concerned about it. They said that if further action in the future became necessary, they stood ready to consider that, too.

The most unfortunate and inexcusable position they took was that they had not been invited in. Only the United States had been invited in. Let us consider how the United States happened to be invited in. The French maintained a dictator there—Bao Dai. After the French were whipped, we decided we could not do business with him. So we went over to another tyrant, a totalitarian dictator named Diem. He was our boy. We tried to build him up for several years, and he was constantly being threatened with an overthrow and a coup. Finally he was killed.

In the latter part of Diem's regime—we are still too close to it to get all the historic facts—there seemed to be a cooling off on the part of the U.S. Government toward Diem. We gave him many phrases but not too much support. Then the trouble with the Buddhist priests developed. No one seemed to know exactly what the facts were. Finally Diem was killed.

So we proceeded to pick our next puppet. He is the little tinhorn military tyrant whom we are now supporting in South Vietnam and who, as I said a couple weeks ago, called the senior Senator from Oregon a traitor. I do not know why I am supposed to be a traitor. If he means that I am a traitor because I do not support that tinhorn military tyrant, he can use his own word to meet his own definition. But when I stand on the floor of the Senate and speak out in favor of ending McNamara's war in South Vietnam, I will not trade my patriotism for the patriotism of anyone who does not want to share my point of view; and Senators who do not share my point of view, who are just as patriotic as I am, do not help advance this argument by engaging in that kind of discussion. However, as the Senator from Minnesota [Mr. HUMPHREY] stated in debate the other day, when some 10 Senators and Members of the House attended a meeting of the Security Council recently, the President made it perfectly clear, in some very kind expressions he made concerning the position of the senior Senator from Oregon, that there was no basis for any such charge of treason as the military tyrant in South Vietnam had hurled at the senior Senator from Oregon.

But we have proceeded to support that puppet, and I am at a complete loss to find any international law basis for the support, because there is no basis in international law for going into South Vietnam in a unilateral action to support him. Giving political support to the governmental organization in South Vietnam increased the obligation and duty of the United States to take the issue to the United Nations.

I would have Senators speculate a bit about a great fear of mine; and I do not scare easily. If the die is cast, and the escalation leads to the holocaust, no Member of the Senate will be more insistent than I that we go all the way. I do not think we shall have any choice then. But speculate with me for a moment. Suppose we escalate into North Vietnam. North Vietnam has her allies, and among them does not happen to be the United States. What do Senators think the rest of the world will say if the United States takes military action by way of escalation into North Vietnam that will cause Red China or even Red Russia to come to the assistance of North Vietnam? Do Senators really want to put tens of thousands of American boys on the mainland of China? I do not.

If ever we have to fight Red China or Red Russia, I want the United States to select the battleground, and not have them, in effect, pick it for us. Military experts will tell us that North Vietnam should not be the battleground. That would mean that we would have to start using nuclear weapons. Speculation, is it? We had better think of the possibilities involved in the use of nuclear weapons in North Vietnam or anywhere else in Asia.

One can say to his heart's content, "I do not think they will respond." But, Mr. President, who knows?

But on what moral grounds do we stand if we even think of taking that risk? Have we really discarded all our moral concepts in regard to the matter of war? Have we Americans really reached the point where we will say, "Regardless of the consequences, we will take the risk," and give no thought to the moral position we would be in when the history of this period was recorded?

I have said before, and I repeat tonight, that if we cannot justify our action on moral grounds, we should immediately take our boys out of South Vietnam; and if there are no moral grounds for the presence of American boys in South Vietnam, obviously it is impossible to justify escalation of that war with North Vietnam into one in which the North Vietnamese would be attacked with nuclear weapons. Such a course would amount to immorality.

Mr. President, read what I recently read into the CONGRESSIONAL RECORD from Aviation magazine; read not only what is set forth in the lines of that article, but also read between the lines. And consider the stories coming from the Pentagon—stories that come from the Secretary of Defense and from the Secretary of State—statements that no final determination has been made as to whether we shall carry that war into North Vietnam.

What is that but a trial balloon? I have not been in the Senate for nearly 20 years without being able to identify a trial balloon when one goes up.

It is time to call a halt. Furthermore, we have some obligation to the American boys who are in South Vietnam. The present type of operation there does not give them the protection they are entitled to receive from their Government. That is one of the shocking aspects of this situation.

That is why a high American official—as I reported the other day—came to see me, last week, and said to me, "Senator, I must talk with you in confidence. You and I disagree on many things; but I want to say that I am in favor of our going in there and finishing that fight, and I am in favor of finishing it with an all-out operation." He also said to me, "Senator, you are right. We should go there, and we should finish the job, rather than have our boys be sitting ducks while they are there. What protection do they have when they are in helicopters or in light planes?" He also said to me, "Senator, you are right when you oppose their being killed."

Do Senators think I like to charge, on the floor of the Senate, that unjustified killing of American boys is occurring in South Vietnam? Of course I do not like to charge it; but it is true. Many of the American boys being called to South Vietnam are being killed unjustifiably in McNamara's war. If we are to put American boys into the combat lines, they will be soldiers engaged in combat, even though they may be described as "advisers"—a description which is nonsense. It is even worse than nonsense; it is deceit to say that the thousands of American boys in South Vietnam are there to serve only as advisers to the South Vietnamese.

When our people ask, "Where were they when they were killed?" the answer is that they are being killed while they are in the front lines. That is perfectly awful and terrible. I cannot understand why the American people have let that situation continue as long as they have.

However, tonight I am satisfied as to what would happen if the American people could vote on this issue—if we could separate all the other issues from this one, and could let the American people vote on this one issue, after only 2 weeks or 4 weeks of discussion of the facts in connection with this issue; and if the Pravda press of the United States—let me say to the editors who are meeting tonight at a banquet here in Washington, D.C.—would really start giving the American people the facts about McNamara's war in South Vietnam, and would stop the coverup job the press is doing. Do Senators know what I think would be done, Mr. President? I believe the American people would vote in a ratio of 5 to 1 to have our forces get out of South Vietnam at once.

So, Mr. President, with public opinion of that sort, I believe that we should end McNamara's war now, and should take this issue to the United Nations.

I never thought I would live so long as to hear so many Americans talk about American facesaving. I always thought that was an oriental psychological characteristic. I did not know it was Anglo-Saxon.

Mr. President, analyze that point for a moment. Can we permit American boys to be killed in South Vietnam without providing them with the protection that the military men with whom I have been talking say they are not getting, and attempt to excuse that situation by asking, "What would happen to America's face?"

Mr. President, tonight I ask this question: What will happen to America's record when the historians finish writing the account of this colossal blunder by America? Twenty-five or fifty years from now, what will historians write about that situation, if at that time we have any country left?

I do not know what we can do to get the people of the United States and their Government officials to stop, look, and listen in respect to this situation. We should try to exhaust every procedure available to us for an attempted settlement of this dispute, without carrying on a civil war in South Vietnam.

I do not recall when in a long time I have been so very much depressed and saddened as I was when I read the account by the Secretary of State, out of Manila.

How pleased he says he is. How grateful our Government pretends to be. They obtained a seven vote to an abstention on a piece of paper which means absolutely nothing. If it means anything, it says to the United States, "Sick on. Sick on."

New Zealand, Australia, Pakistan, Thailand, the Philippines, and Great Britain are standing on the sidelines, running no danger of killing their boys. Passing a resolution which, in effect, says to the United States, "Sick on." That is pretty sad.

Mr. President, all some of us can do is to continue to raise our voices in protest, taking all the displeasure of the superpatriots, and of all of those who do not want to take the time to do a little hard thinking and analyze the rights, or alleged rights, that the United States has in this picture.

I pay my respects again tonight to the Senator from Louisiana [Mr. ELLENDER], and the Senator from Alaska [Mr. GRUENING], for their courage in standing up in opposition to a policy which in my judgment cannot be justified.

Yesterday, this great Senator from Alaska, analyzing the casualty lists of American boys in South Vietnam, showing how the curve is going up, presented information—and Senators will find it in the RECORD on their desks today—showing that even if we maintained the present rate, we could count on the killing of 91 American boys every month in South Vietnam, if we maintain the present tempo of the operations.

I wish some of the superpatriots would offer to substitute themselves one by one for the boys in South Vietnam. If they think this is such a sound operation, let them offer to go over and take their places, and see how many volunteers there would be. It is an old story. People are willing to support killing if someone else does the dying.

I am going home now. I shall sleep a little better because I feel that I have done my duty. But I pray to my God that there may be an upsurge of opinion in the country that will make clear to the Government that McNamara's war in Vietnam should stop. Do not mistake me. I am no "overnighter." We cannot pull out of there overnight. But we can change the format of our presence. And we can offer, until the United Nations is willing to send in a United Nations police force to maintain order—and that may require many thousands—to do what we can to help police the situation until order can be maintained, until a trusteeship can be established.

That is an entirely different operation from a combat operation. It is an entirely different operation from an operation of carrying a war into the delta area of South Vietnam.

I believe that if enough millions of Americans would offer the same prayer night after night, it would be answered. God works in mysterious ways. I do not believe there would be so much mystery about this working. If the people of the churches of America—and I am disappointed in some respects with regard to what they have been doing, or not doing, in connection with this unjustifiable war—if the clergymen of America, if the millions of Americans who really believe in morality, manifested their desire that this killing stop, and that American boys be allowed to leave, it would not be long before the American Government would take note.

That is what I mean when I say that God works in mysterious ways. I believe that any time the American public really wants to stand up and support sound moral principles, government will follow through by the adoption of those principles.

For the benefit of newspaper editors in banquet assembled tonight, I say, "Will you take a look at the facts? Will you study the facts about McNamara's war in South Vietnam? Will you call upon your experts to supply you with information as to the international law basis, if any, of United States' participation in a shooting war in South Vietnam? And after you marshal the facts, will you carry out the great obligation that is yours under the guarantee of a free press granted to you by our Constitutional Fathers, and start giving the facts to the American people?"

I am satisfied that once the American people start getting the facts, they will start praying; and once they start praying, God will operate in His mysterious ways, with the result that this Government will change its course of action in South Vietnam.

Mr. President, I yield the floor.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. SMATHERS. Mr. President, I should like at the outset to state that this will be my fourth endeavor to deliver my first speech on the matter of civil rights. Unfortunately for me, I seem to catch the night shifts. I look about me here at the men who command certain posts, at the Parliamentarian, the official reporters, and others; and it seems to me tonight that we are in a production that may last longer than "My Fair Lady." But I have not been able to finish my speech, though it is merely 80 pages long, because every time I get started on it, Senators who do not agree with me—and apparently there are many—wish to question me with respect to what I am saying. We soon find ourselves highly involved in colloquies, which I think are most helpful for developing preciseness with respect to the pending bill, and certainly with respect to the development of the fact that there is much about the bill that even the proponents do not understand.

However, as we have engaged in prolonged colloquies that seem to run from minutes to minutes, and then finally from hours to hours, the result is that I have not yet completed my first speech.

I was interested today to observe in the Washington Post an article by a man to whom I referred a couple of weeks ago, and to whom I still refer, as one of the most respected columnists who ever wrote an article. I refer to Mr. Walter Lippmann. In my advanced years, I am happy to say that I have been reading him, with great benefit to myself, since 1935, when I was a student at the University of Florida, and his articles were published then in the Florida Times-Union in Jacksonville.

I have always been impressed with everything Walter Lippmann has written. I have not always agreed with everything he has written, but I have never seen anyone who I thought wrote more consistently, more logically, or more persuasively.

This morning, in his column, which is entitled "The Abuse of the Filibuster," Mr. Lippmann wrote as follows:

> There is indeed reason to worry about what may be developing in the relations between whites and Negroes. There are strong indications that there is an undercurrent of white resentment about the access of Negroes to housing and jobs in the North. This feeling came to the surface in the vote for Governor Wallace in the Wisconsin primary. There are parallel indications of desperation and extremism among the Negroes, as in the proposal to stall the traffic at the World's Fair and to increase the New York water shortage by turning on the faucets to waste water.
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> These are manifestations of irreconcilability: by the whites of a refusal to redress the grievances of Negroes by legislation and by the Negroes of a desperation that is politically suicidal. The whites who voted for Governor Wallace were opposed to legal remedies for the grievances of the Negroes. The Brooklyn Negroes who are organizing the traffic jam are willing to affront the whole population because they have lost all faith that anything will be done for them by reason and good will.
>
> It is clear that the internal peace of the Nation is threatened, and that the fearful possibility of race riots cannot be ignored. What then, in all seriousness, is the right course? Is it, as not only Governor Wallace but even Senator RUSSELL is advocating, to close the door against laws designed to redress the grievances? Is this the wise course—leaving aside the question of whether it is the course of justice and compassion? To close the door, saying that the Negro protest is the work of agitators and Communists, is to say that there can be no legal redress, that the two races must rub against each other without any legal criterion of right and wrong, of what is permissible and what is not. To advocate closing the door is to be for anarchy.
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> Surely it is the paramount duty of civilized Americans to make order prevail in the racial conflict by establishing the supremacy of law. It is true that harmony cannot be established by laws alone. But it is irrelevant. Peace can be made to prevail by faith in the guarantees of the Constitution and of the laws made under the Constitution.
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> If the preservation of order through the due processes of law is the course we must take, then we have to consider the filibuster in the Senate. This is an effort to prevent the Federal Government from reducing the racial conflict by the legal redress of certain of the more conspicuous grievances of the Negro. Can such a filibuster be justified? No more, it seems to me, than would a filibuster in time of war. For the legal government must always have the sovereign power to secure the peace of the Nation. If it hasn't that power, it isn't a government.
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> The filibuster is properly a device for delaying and preventing a passionate majority from overriding a defenseless minority. It cannot be justified morally as a device for preventing a majority from attempting to redress grievances which have been outlawed under the Constitution for nearly a hundred years. Such a filibuster is not obedience to the Constitution and the laws. It is nullification.
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> What the country must have is a beginning in the lawful redress of the ancient grievances of Negroes. The essential thing is to make a serious beginning even if the legislation is not perfect, even if—as is certain—it will need a lot of perfecting as it is tried out in practice. A filibuster which delays legislation for months to come, or even stops it entirely, will not only promote disorders, will not only subvert faith in the supremacy of law, but will most surely lead eventually to the destruction of the filibuster altogether.
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> That would be a pity. Our American liberties would lose one of their greatest safeguards if a temporary 51 percent majority could prevail immediately and at any time. But if the filibuster is abused, as it will be if Congress is denied the right to legislate on civil rights, there will build up an irresistible demand for the abolition of all filibusters.

To me that is a very interesting article, in light of the fact that several years ago Mr. Lippmann wrote, with respect to filibusters, what appeared to me at that time, and what appeared to me on rereading to be a defense of them.

Mr. Lippmann, in the book, entitled "The Essential Walter Lippmann," a compendium of many of his articles, always seemed to me to defend the filibuster. He defended the filibuster even when it was used with respect to civil rights legislation. He defended the filibuster even at a time when the grievances of Negro citizens were much worse and much more real than they are today. He defended the filibuster at a time when the Negro citizen was not provided with any educational opportunity comparable to what is today provided him.

I find that Mr. Lippmann defended the right of the filibuster—and I shall read some of his articles in a moment—at a time when the grievance of the Negro was real, and not imagined, as I think in many instances it is today. On those occasions Mr. Lippmann defended the filibuster. I now read one of his statements.

> For that reason it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by the vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.
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> This is the issue in the Senate. It is not whether there shall be unlimited debates. The right of unlimited debates is merely a device, rather an awkward and tiresome device—

And who knows that better than those of us who are at the present time involved in this unlimited debate?—

> to prevent large and determined communities from being coerced.
>
> The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by constitutional amendment but by a subtle change in the rules of the Senate.

Another article which Mr. Lippmann wrote—I do not know the exact date, but it was obviously several years ago—reads:

> Behind this more or less technical justification of the filibuster there is a much more substantial justification. Democracy, as we have always understood it in America, has never meant the unrestricted rule of the majority. Our whole constitutional system is based on a conscious and deliberate rejection of that principle, and the instance, in place of it, upon the principle that it is not the bare current majority but the great ultimate majority, the majority which is formed after there has been plenty of time for debate, which is sovereign in this democracy.
>
> Thus, there is no guarantee in the Constitution—of freedom of conscience, of the press, or even of the prohibition of human slavery—which a great majority of the voters cannot repeal. The final power is in the people and they can, if they decide, amend the Constitution in order to establish a complete despotism. But they cannot do it as the German Reichstag did 5 years ago when by majority vote it consented to commit suicide. American liberty is ever so much more strongly entrenched, and the majority of the moment cannot vote away the democratic system or the constitutional rights of the individual.
>
> That can be done in America only if there is an overwhelming majority and then only after the minority has had time to make a thorough appeal to the conscience of the people.

Mr. President, that is what we are endeavoring to do at this particular time. We are trying to point out to the American people what is wrong with the bill, and why it is that this is a moral issue and not a legal issue.

In 1957, we were told by the great leaders of both political parties that if we passed a 1957 Civil Rights Act—and we passed it—that would satisfy the grievances of colored citizens and of minority groups; yet, after we passed the act of 1957 apparently it did not satisfy the grievances, aspirations, or ambitions of certain minority groups.

Congress enacted another bill in 1960, and we were told then that if we passed that particular bill and put it on the statute books, to give the Federal Government the authority to try in effect, to change people's viewpoints about one another, that would be the final and ultimate goal; that once we had arrived at passage of the 1960 bill, all the problems would be settled.

But here we are in 1964, being asked by the very same people who said in 1957 that all we needed to do was to pass one bill, and in 1960 that all we needed to do was to pass one bill, to pass another bill.

If this bill is passed—and I hope it will not be—I have no doubt the same group will be back in 1966 asking for another bill, because it will not satisfy their aspirations or eliminate their grievances, or eliminate discrimination, or stop segregation. We cannot stop discrimination or segregation by the passage of laws.

The best evidence of that is in the States which have the most laws with respect to segregation, namely, the State of New York and the State of Illinois. Even the Civil Rights Commission of 1959 reported that the most highly segregated areas in the world are in the city of New

York and the city of Chicago—and they have the most laws against it.

We can put new laws on the books in 1964 and in 1966, but we will not accomplish that which it is sought to accomplish. We can never accomplish it until the time comes when citizens, through education and economic opportunity, irrespective of color, nationality, race, or religion, have earned the right to be respected and accepted by other groups of citizens. When that day comes, there will be no more problems, and we shall need no additional laws.

So I say to Mr. Lippmann, as has been said to others, that there are 60 pages of finely printed laws on the statute books today, with respect to eliminating discrimination and segregation, when we take all the State laws and add them to all the Federal laws. We can put another 600 pages on the statute books, and we will not satisfy those who demand new laws.

The reason is that this is a moral question, a personal question, a human question. It must be solved in ways other than by putting additional laws on the statute books.

It is interesting that Mr. Lippmann, for whom we all have the greatest respect, has defended filibusters and the right of filibusters and said that at no time should a filibuster be eliminated, because "great decisions on issues that men regard as vital [should] not be taken by the vote of the majority until the consent of the minority has been obtained." This bill is designed to coerce a great number of people. It is really aimed, in many respects, at the people of the South, who bear in great measure the largest share of the problem; who, over the past 20 years, have made remarkable progress toward meeting the problem; and who know a great deal more about the problem than do some of those who say that they wish to help the colored citizens, and wish to answer their grievances. If they wish to answer their grievances, what they should do is to help, raise the level of their education and help them to obtain better jobs.

When we look at the facts, at the unemployment rolls, 8 out of 10 of those unemployed—not in the South but in the North and in the Nation—are Negro citizens. I do not observe any of those who urge new legislation, such as the two Senators from New York, going down the line to the Federal Employment Service and saying, "Why not put these citizens of a minority group ahead of the citizens who are now working?" The reason for the unemployment statistics is lack of education and lack of training. The unemployed are marginal workers; and when any crisis arises they are the first to be laid off.

They are the ones who are most easily let out of their jobs without detriment to the business. What we need to do for that citizen, in order to keep him employed is to get the economy moving at such a rate that more jobs will be available, to create a need for that man's labor. He can then labor and earn a livelihood and develop dignity which comes from being able properly to support his family and send his children to school, knowing that they are receiving an excellent education and enjoying an opportunity to earn for themselves the right to have a job and the right to be respected in the community because they are useful and productive citizens.

I say to Mr. Lippmann, whom I greatly admire and respect, that I do not really believe the article which appeared in today's Washington Post conforms very well with five articles which he wrote several years ago, and which I placed in the Record, defending the right of the filibuster and explaining why it was a necessary device in a democratic society.

I ask unanimous consent to insert in the Record at this point an article entitled "An Unhappy Secret," written by the distinguished columnist Joseph Alsop and published in the Washington Post of April 15, 1964.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 15, 1964]

AN UNHAPPY SECRET

(By Joseph Alsop)

An unhappy secret is worrying official Washington. The secret is that despite the American Communist Party's feebleness and disarray, its agents are beginning to infiltrate certain sectors of the Negro civil rights movement.

The infiltration is spotty, as yet. But it is a very serious matter, none the less, that the charges of Communist influence, which have been hurled for so long by anti-civil-rights racists, should now be acquiring some color of truth.

The Southern Christian Leadership Conference, headed by the Reverend Martin Luther King; the Students Nonviolent Coordinating Committee, more usually called Snick; and the Congress on Racial Equality, more usually called CORE, are all affected in greater or lesser degree.

These, it should be noted, are all relatively new-fledged outfits. The older, more experienced organizations of Negro civil rights fighters, the National Association for the Advancement of Colored People, and the Urban League, are quite untouched.

Both the Urban League and the NAACP learned their lesson the hard way in the late thirties and early forties—the period which was also the high-water mark of Communist infiltration in the labor movement. Like the CIO, both these civil rights organizations expelled the Communist infiltrators after a hard struggle but with total success.

Very recently, the NAACP staged a repeat performance with Robert Williams, who had been active in the North Carolina branch. This is the man who went to Cuba after his comeuppance from the NAACP, there to become a Castro propagandist.

Of the infiltrated organizations, CORE has the least serious problem. A few Communists are reported in some of the local branches, but none are known to be in CORE at the national level.

In the case of Snick, the name, Students Nonviolent Coordinating Committee, is in itself deceptive; for the Snick leader, John Lewis, though not a Communist, quite frankly believes in quasi-insurrectionary tactics. Thus no great difference has been made in Snick's tactics, because known Communists have also begun to play a certain role in Snick.

The subject of the real headshaking is the Reverend Martin Luther King. His influence is very great. His original dedication to nonviolence can hardly be doubted. Yet he has accepted and is almost certainly still accepting Communist collaboration and even Communist advice.

In 1962–63, the issue of the Communists role in the King organization was raised because of Hunter Pitts O'Dell, commonly called Jack O'Dell. This man, a known Communist, held posts in the Southern Christian Leadership Council, first in the South and then in the New York office, until the late spring of 1963. King finally dropped him when he was warned by U.S. Government officials that O'Dell was the genuine Communist article.

Official warnings have again been given to King about another, even more important associate who is known to be a key figure in the covert apparatus of the Communist Party. After the warnings, King broke off his open connections with this man, but a secondhand connection nonetheless continues. Without much doubt, this is simply a mark of the Reverend King's political innocence, but it is disturbing all the same. The King organization and King himself are clearly the prime Communist targets.

Such, then, are the facts. What ought to be made of the facts is the almost precise opposite of the kind of thing the anti-civil rights racists will say about them. For, despite these facts, the Negro civil rights movement is most emphatically not "run by Communists" nor "inspired by Communists."

Instead, the newer and more inexperienced Negro civil rights organizations have, at length, proved vulnerable to Communist infiltration. But they have been vulnerable because the grievance for which they seek redress is so shocking, and therefore so emotionally obsessive.

Every man must bear the responsibility for his own acts. Yet in this case, a heavy burden of responsibility, a vast share of the guilt, must also be charged to the white majority, which has created the grievance by injustice to the Negro minority.

The facts cited indeed constitute a strong argument for the earliest possible passage of a strong civil rights bill, and for other measures, too, that are needed to redress the Negro grievance. These facts are further proof that time is rapidly running out. Justice must be swiftly done; or gross injustice, complacently persisted in, will breed an incurable cancer in the bottom of American society.

Mr. SMATHERS. Mr. Alsop is a totally responsible and able journalist. I do not always agree with the conclusions he arrives at, and I am sure he agrees with very few that I arrive at. Nevertheless, I know that he always does a conscientious and able job.

I shall read portions of the article:

An unhappy secret is worrying official Washington. The secret is that despite the American Communist Party's feebleness and disarray, its agents are beginning to infiltrate certain sectors of the Negro civil rights movement.

The infiltration is spotty, as yet. But it is a very serious matter, nonetheless, that the charges of Communist influence, which have been hurled for so long by anticivil rights racists, should now be acquiring some color of truth.

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These, it should be noted, are all relatively new-fledged outfits. The older, more experienced organizations of Negro civil rights fighters, the National Association for the Advancement of Colored People and the Urban League, are quite untouched.

> Both the Urban League and the NAACP learned their lesson the hard way in the late 1930's and early 1940's—the period which was also the high-water mark of Communist infiltration in the labor movement. Like the CIO, both these civil rights organizations expelled the Communist infiltrators, after a hard struggle but with total success.

I shall not read further from the article, as it has been printed in the RECORD. However, I point out that it names a couple of well-known Communists, who apparently have assumed a position of leadership in some of the so-called militant civil rights organizations.

This is something that should be looked into further; and for that reason I wrote a letter today to the Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, in which I asked that he make available to me and to other Members of the Senate additional facts with respect to the article, and give us any clarification that he can give us on this matter.

We play into the hands of the opposition when we go to extremes, whether it be those of us who are opposed to the civil rights measure, or those who are in favor of the civil rights measure. The law of the city, the law of the country, the law of the State, or the law of the Federal Government must be obeyed, whether I or anyone else agree with it or not. In some instances, I do not like to agree with it.

I do not think it is proper; I do not think it is right; and I believe it would bring the type of anarchy that Mr. Lippmann refers to if any groups should encourage their members to violate local, State, or Federal laws merely because they do not like the way the law is affecting them by its applications at a particular time. This is teaching disrespect of law. This is what the Communists would like to have done.

I am sure that, as Mr. Alsop has pointed out, this is why the Communists have sought to infiltrate some of the new, militant civil rights organizations, leading, unfortunately, citizens who are in such groups, and who, I believe, are not Communists or Communist-inclined, and who do not willingly or knowingly associate with Communists.

If there are—and Mr. Alsop says there are—Communists assuming positions of leadership in some of these organizations, the members of such organizations should know about it, and Members of the Senate who are supporting civil rights legislation should know about it. If they are getting support from certain quarters I think it is right and proper that they know what kind of support they are receiving. They should know whether it is genuine support of American citizens who are aggrieved, or fictitious support, being fomented by Communists who are obviously merely trying to bring about division and anarchy, if possible, in the United States.

The proponents of the public accommodations proposal now before us have recognized the impossibility of finding the necessary connection with State action with respect to many of the actions sought to be prohibited, and have fallen back upon the commerce clause as constitutional justification. The history of the commerce clause, however, shows that such an attempted exercise of the power granted the Federal Government by this clause is completely foreign to its spirit and intent.

A reading of the source materials on the drafting of the Constitution shows that the principal reason for the commerce clause was what Alexander Hamilton called the "interfering and unneighborly regulations of some States." Hamilton's observations in this connection are found in "The Federalist," No. 22.

Before I read Hamilton's statement, I should like to make one further observation. I cannot help believing that as I make these remarks this evening it is only right and proper that Senators who are in the Chamber who might disagree with me in some respects should stand up and make known the particular areas in which they believe I am in error. If they do not, it is only right and proper for me to conclude that they undoubtedly agree with what I am saying.

Hamilton said:

> The interfering and unneighborly regulations of some States, contrary to the true spirit of the Union, have, in different instances, given just cause of umbrage and complaint to others, and it is to be feared that examples of this nature, if not restrained by a national control, would be multiplied and extended till they became not less serious sources of animosity and discord than injurious impediments to the intercourse between the different parts of the confederacy.

In a somewhat similar vein, Madison observed in the Federalist, No. 42, 214–5:

> The defect of power in the existing confederacy to regulate the commerce between its several members is in the number of those which have been clearly pointed out by experience. To the proofs and remarks which former papers have brought into view on this subject, it may be added that, without this supplemental provision, the great and essential power of regulating foreign commerce, would have been incomplete and ineffectual. A very material object of this power was the relief of the States which import and export through other States from the improper contributions levied on them by the latter.
>
> Were these at liberty to regulate the trade between State and State, it must be foreseen that ways would be found out to load the articles of import and export, during the passage through their jurisdiction, with duties which would fall on the makers of the latter and the consumers of the former. We may be assured by past experience that such a practice would be introduced by future contrivances; and both by that and a common knowledge of human affairs, that it would nourish unceasing animosities and not improbably terminate in serious interruptions of the public tranquillity.

Commenting upon these and other quotations from the framers of the Constitution, Mr. A. S. Abel, in his article, "The Commerce Clause in the Constitutional Convention and in Contemporary Comment," published in the March 1941 issue of the Minnesota Law Review, said:

> All the extant contemporary evidence thus tends to confirm Pinckney's and Madison's recollection that the power as to commerce between the States was in the main a "negative and preventive" provision. It was a shield against State exactions and no two-**edged sword for positive Federal attack.**

Madison, in a letter to J. C. Cabell dated February 13, 1829, said:

> For a like reason, I made no reference to the "power to regulate commerce among the several States." I always foresaw that difficulties might be started in relation to that power which could not be fully explained without recurring to views of it, which, however just, might give birth to specious though unsound objections. Being in the same terms with the power over foreign commerce, the same extent, if taken literally would belong to it. Yet it is very certain that it grew out of the abuse of the power by the importing States in taxing the nonimporting, and was intended as a negative and preventive provision against injustice among the States themselves, rather than as a power to be used for the positive purposes of the general Government, in which alone, however, the remedial power could be lodged.

(At this point Mr. WILLIAMS of New Jersey took the chair.)

Mr. SMATHERS. Mr. President, Mr. Madison, who is frequently called the father of our Constitution, said, with respect to the commerce clause, that it was never intended that the Federal Government should use it in order to regulate activities within a State. As he said, the reason he made no further reference to it was that it was intended as a negative and preventive provision against injustice among the States themselves, rather than as a power to be used for the positive purposes of the General Government.

Yet we find the proponents of the bill seeking to have the bill provide what Mr. Madison specifically said was not the intention of the authors of the Constitution. The proponents of the bill seek to give the General Government power which it was never intended that the General Government should have. They are seeking to give to the General Government, in order to answer the imagined and alleged grievances on the part of certain citizens, a power that it was never intended that the Federal Government should have.

The intent of the commerce clause is to regulate commerce and its free flow among the States. It was not intended that it should provide a lever by which Congress and the Federal Government could freely intrude upon the freedoms and actions of individual citizens within the States.

In a subsequent letter dated 1832, to Professor Davis, Madison further stated:

> New York, Pennsylvania, Rhode Island, and Virginia, previous to the establishment of the present Constitution, had opportunities of taxing the consumption of their neighbors, and the exasperating effect on them formed a conspicuous chapter in the history of the period.

Reading these and other statements by the Founding Fathers, one receives the impression that they would have been amazed if they could have looked into the present and listened in on the arguments now being made that the commerce clause gives the Federal Government power to regulate race relations; that is to say, relations between individuals which they would have considered completely within the police powers of the several States and completely beyond the powers delegated to the Federal Government.

The Founding Fathers were not unmindful of the race problem which was even then afflicting the new Nation. They took cognizance of it in inserting the provision permitting the importation of slaves for 20 years and preventing it thereafter. They were also forced to consider it in determining the numerical weight to give slaves in apportioning direct Federal taxes among the States. But it never seemed to occur to them that it had any pertinence whatever to the commerce clause.

Abraham Lincoln expressed the prevailing view of approximately 100 years ago that interpersonal relations of this type were outside the scope of powers theretofore delegated to the Federal Government. During his Fourth Joint Debate, at Charleston, with Senator Douglas, on September 8, 1858, he said:

> I do not understand that there is any place where an alteration of the social and political relations of the Negro and white man can be made except in the State legislature—not in the Congress of the United States.

Thus it appears that not only would the Founding Fathers have been amazed at this interpretation of the commerce power, but that Abraham Lincoln and many of his contemporaries also would have been astounded.

Approximately 25 years after Lincoln uttered these words, Mr. Justice Bradley, speaking for the majority of the Supreme Court in the civil rights cases, said:

> Has Congress constitutional power to make such a law?

He answered his own question by saying:

> Of course, no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments.

The amendments to which he referred, of course, are the 13th, 14th, and 15th amendments.

The late Justice Felix Frankfurter wrote an interesting book entitled "The Commerce Clause Under Marshall, Taney, and Waite." On page 30, he pointed out that at times the Supreme Court may have considered the purpose of legislation in determining its constitutionality. Where there is a commercial purpose, such as regulating wages, or the marketing of agricultural commodities, or the purity or quality of food and drugs transported across State lines for sale in States distant from the State of origin, a strong case can be made for Federal power under the commerce clause. But where, as in this bill, the purpose is not commercial, but instead is to regulate interpersonal relationships, it is much more difficult to find the necessary connecting link with the commerce clause.

Mr. President, I have spoken briefly regarding some of the underlying basic philosophy regarding this proposed act in an attempt to point up the insecure and insubstantial foundation upon which it is based. I should now like to direct the attention of the Senate to some of the more detailed aspects of this proposed legislation.

Section 201(b) defines a "place of public accommodation" as being one by which discrimination or segregation by it is supported by State action. The term "State action" is a rather nebulous phrase; but section 201(d) of the bill purports to define it. It defines the phrase "supported by State action" as being a situation where discrimination or segregation by an establishment is: first, carried on under color of any law, statute, ordinance or regulation or; second, is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or third, is required by action of a State or political subdivision thereof.

Section 202, in declaring just what discrimination persons should be free of, sets forth everything in section 201(d), except the part of the definition, "supported by State action" just referred to—that is to say, "discrimination or segregation carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof." In fact, section 202 does not limit freedom from discrimination to places of public accommodation at all, but states that all persons shall be entitled to be free at any establishment or place from discrimination or segregation of any kind on the grounds of race, color, religion, or national origin, if such discrimination or segregation is, or purports to be, required by any law, statute, ordinance, regulation, rule or order of a State or agency or political subdivision thereof.

Mr. President, I am reminded that in addition to the many other defects of the pending bill, it does not contain a definition of the word "discrimination." What one person might regard as constituting "discrimination," might not be at all the view of another. I am not exactly sure what is meant by the use of the word "discrimination." So if the bill should ever become law, I believe there would have to be in it a precise definition of the word "discrimination."

There are certain obvious cases of discrimination about which all of us know, although I do not think they could be cured by means of this bill. But difficulty would arise in the so-called gray areas—cases in which a person imagines he is being discriminated against, whereas in truth and in fact he is not.

It would be impossible for a person who believed he was being discriminated against to look into the heart or mind of the storeowner or restaurant operator or motel owner concerned, and determine that man's intent when he said, "We have no room here for you."

But, Mr. President, under the provisions of the bill, the burden to prove that discrimination was not in his mind would suddenly be shifted to the manager of the restaurant, for example. On the other hand, it might well be that he would like to be able to serve all those who applied to him for service in his restaurant, but that there really was not room for them. But if the person who felt aggrieved had only imagined that he was being discriminated against, he could call in the might and power of the Attorney General of the United States and all his staff; and they could descend upon that restaurant owner—all on the ground that the complainant had alleged that a certain feeling had existed in the mind or heart of that restaurant owner or operator.

Such a situation would produce chaos and uncertainty greater than any ever before seen in our Nation, in connection with the operation of many businesses.

Since section 201(a) purports to give freedom from discrimination in places of "public accommodation" there would seem to be no need for section 202, unless the scope is broader. Perhaps, this would even require places of less than 5 rooms and not catering to transients to offer their accommodations to anyone who applied. Perhaps, it would apply even to a widow having but one room to rent in her home, and living in a section of a city predominantly populated by persons of a particular race, color, religion, or national origin. She would probably feel compelled, under custom and usage, to select a tenant compatible with the general population of the area. This, of course, would be a matter of personal choice with her; and it should be. However, this action would undoubtedly be "enforced by officials of the State or political subdivision," if called upon as a protection of the widow's personal rights. It requires little imagination to envision that the zeal of the administrators of this section, would carry them to the extent of saying that this, then, was discrimination or segregation required by a rule or order of a State, or agency or political subdivision thereof, and that, thus, the poor widow had violated section 202, which purports to eliminate discrimination from "any establishment or place", without regard to whether it is a place of public accommodation.

The Federal Government cannot, and it must not, Mr. President, be allowed to penetrate this deeply into governing individual conduct. What is liberty but the right to choose, to select one course of action as opposed to another; or from among several. Discrimination is, thus, the very heart and lifeblood of liberty. And individual liberty is the very rock upon which this great Nation was founded.

Once the cold, clammy, heavy hand of Federal control is placed upon the shoulder of the individual citizen, to direct him and require him to go in a predetermined direction; once this heavy hand is used to stifle the small voice of individual decision, then liberty will have vanished, and, with it, the sheen and luster with which this mighty Nation has been embellished during the entire course of its glorious history.

Mr. President, I do not advocate discrimination against any man. I abhor inequality.

Mr. President, I do not support legal segregation, because it cannot be supported under present law. But this Nation cannot afford to lose its very breath of life—which is, after all, individual choice and individual discretion, which some might call discrimination, but which, after all, adds up to individual liberty.

The extent to which this legislation is designed to slip the heavy hand of the Federal Government insidiously into the control of personal relationships is perhaps best revealed by close reading of section 204(c).

At first blush this section would seem at least to encourage the Attorney General of the United States to rely upon State or local officials in any claimed violation of rights involving discrimination or segregation. Upon closer scrutiny, however, it appears that this subsection is perhaps mere window dressing to mask the real intent of the proposed statute that the Attorney General of the United States become more deeply involved than ever in the settlement of personal conflicts, those things which by and large have always been understood under our system of jurisprudence to be within the orbit of the States' authority.

Section 204(c) provides that in the case of any complaint received by the Attorney General alleging a violation or threatened violation of section 203 in a place where State or local laws or regulations forbid the act or practice involved, the Attorney General shall notify the appropriate State or local officials and, upon request, afford them a reasonable time to act under such State laws or regulations before he institutes an action. The rights given under section 203 are that no person shall be deprived of any right or privilege secured by section 201 or 202.

Under section 201, the right granted is to be entitled to enjoyment of goods, services, facilities, privileges, advantages, and accommodations without discrimination or segregation at any place of public accommodation. To be a place of public accommodation under this section, however, the establishment, or its operations, must affect interstate commerce or discrimination, or segregation by it must be supported by State action. The right granted under section 202 is that the person shall be entitled to be free at any establishment or place from discrimination or segregation if such discrimination or segregation is required by State law or regulations, or by rule, order, regulation, and so forth, of any agency or political subdivision of the State.

Thus, since it is virtually inconceivable that there would be a State law both requiring discrimination or segregation, and also forbidding such action, the only action that could be referred by the Attorney General to a State or State agency under section 204(c) would be one involving a place of public accommodation whose operation actually affected interstate commerce, and where, at the same time, there was a State law forbidding any act of segregation or discrimination in that particular type of place of public accommodation. Since the Constitution of the United States expressly conferred upon the Congress the power of legislation over interstate commerce, it seems extremely unlikely that any State would take it upon itself to legislate specifically with respect to such operations if they really affect interstate commerce, although, of course, there might be in any given case a State law forbidding discrimination or segregation generally.

Perhaps, the greater number of instances in which rights might possibly arise under section 201 or 202 would be either cases in which the discrimination or segregation was brought about by State law or those in which the public accommodation really affected interstate commerce and the State law was silent on the question of segregation or discrimination. In either of these cases, there would appear to be no obligation of referral to State authority under section 204(c). This would undoubtedly mean that the Attorney General would be encouraged in every case to take action directly rather than attempting to have the matter settled on a local plane. In fact, the act itself, in section 204(e), invites this by allowing any referral to local authority to be completely bypassed upon the mere filing of a certificate by the Attorney General that the delay caused by referral would adversely affect the interests of the United States, or that referral in the particular case would prove ineffective. No finding or determination by the Court is required.

But the real ignominy of section 204(c) is that the Attorney General is restrained from taking action on a purely local interpersonal affair only if the State or local officials request him to grant them a reasonable time to act under State or local laws or regulations. The section thus presumes a right in the Attorney General to act in purely local affairs—a right historically reserved to the chief law officer of each sovereign State.

Since section 204(c) speaks of State or local laws or regulations that "forbid" the acts or practices involving segregation or discrimination, it is not hard to imagine some overzealous administrator attempting to construe the mere absence of a State or local law forbiding discrimination and segregation as "State action" supporting discrimination or segregation spoken of in section 201(b) as being necessary to the definition of "a place of public accommodation." This may seem a strained interpretation and something of a bootstrap operation, but to one whose appetite for power had been whetted by the passage of such sweeping legislation as is proposed in this act, I am sure that it would appear to be merely routine.

However, as I have said before, Mr. President, and will say again, the places of public accommodation mentioned in this act are not subject to regulation by the Congress under the power granted it to regulate interstate commerce. This is, of course, one of the major basic flaws in the entire act itself.

This proposed act has been described as the greatest grasp for power witnessed in many years. I believe that this is an apt description. And, if it is, then there can hardly be a more vivid example of such a grasp than the provisions of title II.

Mr. President, I yield the floor.

DENIAL OF TAX BENEFITS TO TRANSPORTATION INDUSTRY

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to make a 3-minute statement, and that it shall not count as an additional speech by me on the civil rights bill.

The PRESIDING OFFICER (Mr. Bayh in the chair). Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I have had an opportunity to read the remarks of Representative Clark W. Thompson delivered yesterday on the floor of the House.

Representative Thompson addressed himself to the problem of the transportation industry, and particularly the denial of tax benefits for the industries regulated by certain Federal regulatory agencies.

I commend Representative Thompson for his statement on this subject, pointing out certain flagrant abuses and bringing them to the attention of Congress. Senate debate on the recently enacted tax bill leaves no doubt that the agencies' failure to follow the clear legislative intent, and their denial of benefits of the investment tax credit, liberalized depreciation and consolidated tax returns to industries under their jurisdiction, are resulting in detriment to the entire economy of the country, and that the Congress has properly asserted its supremacy over the agencies.

I further state that it appears clear that unless they do permit the transportation carriers to have the benefit of certain tax benefits which Congress has voted for them, it will undoubtedly result in discrimination among the various industries.

I undertook to point that out, when I was Senator in charge of the tax bill which was recently enacted. It always seems to me—and it still seems to me—that as between the various carriers—the rail carriers, the pipeline carriers, the airline carriers, the truck carriers and others—they should be included, and they should be treated by the same uniform policy of tax consideration.

I believe it was a fine thing for Representative Thompson to bring this matter to the attention of the House of Representatives yesterday.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Export-Import Bank of Washington

A letter from the President, Export-Import Bank of Washington, Washington, D.C., transmitting, pursuant to law, a report of that Bank, for the 6-month period ended December 31, 1963 (with an accompanying report); to the Committee on Banking and Currency.

Report on Illegal Contract Payment Provisions and Other Deficient Contracting Practices Employed by the U.S. Travel Service

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on illegal contract payment provisions and other deficient contracting practices employed by the U.S. Travel Service, Department of Commerce, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Audit Report on Virgin Islands Corporation

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Virgin Islands Corporation, fiscal year 1963 (with an accompanying report); to the Committee on Government Operations.

Report on Failure To Curtail Operation at Government Expense of Military Commissary Stores in Continental United States

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the failure to curtail operation at Government expense of military commissary stores in the continental United States where adequate commercial facilities are available, Department of Defense, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Election of Governor of Guam

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the popular election of the Governor of Guam, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Popular Election of Governor of Virgin Islands

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the popular election of the Governor of the Virgin Islands, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Disposition of Funds Arising From Judgments in Favor of the Miami Indians of Indiana and Oklahoma

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposition of the funds arising from judgments in favor of the Miami Indians of Indiana and Oklahoma, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

CIVIL RIGHTS—RESOLUTION OF LEGISLATURE OF THE VIRGIN ISLANDS

The ACTING PRESIDENT pro tempore laid before the Senate a resolution of the Legislature of the Virgin Islands of the United States, praying for the enactment of the civil rights bill, which was ordered to lie on the table, and, under the rule, ordered to be printed in the Record, as follows:

Resolution Petitioning the Senate of the United States To Pass the Civil Rights Bill

Whereas the Senate of the United States has before it for consideration a bill to guarantee the civil rights of all American citizens; and

Whereas the people of the Virgin Islands and the people in the United States whom the civil rights bill affect have common aims and aspirations; and

Whereas it is the sense of the Legislature of the Virgin Islands that now is the time to secure to all American citizens the rights guaranteed by the Constitution of the United States; and

Whereas the Virgin Islands of the United States is a shining example of an area under the American flag where divergent groups have been able to live in racial harmony without disorders of any nature: Now, therefore, be it

Resolved by the Legislature of the Virgin Islands:

1. That the Senate of the United States is petitioned to pass the civil rights bill.

2. That a copy of this resolution be forwarded to the President pro tempore of the Senate of the United States.

Thus passed by the Legislature of the Virgin Islands on March 12, 1964.

Witness our hands and the seal of the Legislature of the Virgin Islands this 12th day of March A.D. 1964.

Earle B. Ottley,
President.
David Puritz,
Legislative Secretary.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated April 8, 1964, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEATING:

S. 2741. A bill for the relief of Palmerina Caira and her minor children; and

S. 2742. A bill for the relief of Mrs. Stylliani Papathanasiou; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 2743. A bill authorizing the sale at public auctions of standard silver dollars now held in the Treasury; to the Committee on Banking and Currency.

(See the remarks of Mr. Bennett when he introduced the above bill, which appear under a separate heading.)

By Mr. TOWER (for himself and Mr. Goldwater):

S. 2744. A bill to amend the National Labor Relations Act; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Tower when he introduced the above bill, which appear under a separate heading.)

By Mr. KEATING (for himself and Mr. Javits):

S.J. Res. 169. Joint resolution to establish a Commission to develop and execute plans for the joint celebration with Canada of the 150th anniversary of the Treaty of Ghent; to the Committee on Foreign Relations.

(See the remarks of Mr. Keating when he introduced the above joint resolution which appear under a separate heading.)

RESOLUTIONS

CONTINUATION OF SENATE YOUTH PROGRAM

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 311) providing for the continuation of the Senate youth program, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. Jordan of North Carolina, which appears under a separate heading.)

TO PRINT AS A SENATE DOCUMENT A REVISED EDITION OF SENATE DOCUMENT NO. 92 OF THE 87TH CONGRESS, ENTITLED "FEDERAL CORRUPT PRACTICES AND POLITICAL ACTIVITIES"

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 312) authorizing the printing as a Senate document of a revised edition of Senate Document No. 92 of the 87th Congress, entitled "Federal Corrupt Practices and Political Activities," which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. Jordan of North Carolina, which appears under a separate heading.)

TO PRINT AS A SENATE DOCUMENT COMPILATION ENTITLED "ELECTION LAW GUIDEBOOK"

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 313) authorizing the printing of the "Election Law Guidebook" as a Senate document, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. Jordan of North Carolina, which appears under a separate heading.)

TO PRINT AS A SENATE DOCUMENT THE 66TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 314) authorizing the printing of the 66th Annual Report of the National Society of the Daughters of the American Revolution as a Senate document was considered and agreed to.

(See the above resolution printed in full when reported by Mr. Jordan of North Carolina, which appears under a separate heading.)

MARGARET I. CORKREAN

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 315) to pay a gratuity to Margaret I. Corkrean, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under a separate heading.)

SUSAN L. MOSS

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 316) to pay a gratuity to Susan L. Moss, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr .JORDAN of North Carolina, which appears under a separate heading.)

MARY E. WALTON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 317) to pay a gratuity to Mary E. Walton, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under a separate heading.)

AWARD OF SERVICE PINS OR EMBLEMS TO MEMBERS, OFFICERS, AND EMPLOYEES OF THE SENATE

Mr. DIRKSEN (for himself and Mr. MANSFIELD) submitted a resolution (S. Res. 318) providing for the awarding of service pins or emblems to Members, officers, and employees of the Senate, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. DIRKSEN, which appears under a separate heading.)

SALE AT PUBLIC AUCTION OF CERTAIN STANDARD SILVER DOLLARS

Mr. BENNETT. Mr. President, I introduce for appropriate reference a bill which would authorize the sale at public auctions of standard silver dollars now held by the U.S. Treasury.

As is well known by Members of this body, the recent run on silver dollars held by the Treasury resulted in suspension of sales of silver dollars.

The remaining stock amounting to about $2.9 million is made up primarily of dollars minted during the period of 1878 to 1891 in Carson City Nev. Because of their scarcity, coin collectors are willing to pay far more for these dollars than their monetary value.

On April 7, the Senator from Nevada [Mr. CANNON] introduced a bill that would make it possible for the Treasury to auction these dollars, thereby assuring that the Treasury would benefit from the value which has been created through its preservation of the coins. I requested that I be included as a cosponsor of the Cannon bill because I am in accord with its purpose and language; however, after discussing the problem again with the Treasury, I feel that the situation requires some more specific legislative guidelines in addition to the general authorization contained in the bill of which I am a cosponsor. For that reason I am introducing a companion bill which would provide limits on the number of silver dollars that can be purchased by any one buyer. This provision is included to avoid inequitable distribution of the coins. The bill provides that only 10 percent of the coins may be auctioned each year. It also requires the Treasury to make available an inventory of remaining dollars by year and place minted.

As long as the Treasury refrains from selling the silver dollars, the situation is not critical. However, some reasonable program should be outlined now so that windfall gains do not accrue to a single person or group, to the detriment of other interested parties. These two bills, which are in no way conflicting, are a move in that direction.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2743) authorizing the sale at public auctions of standard silver dollars now held in the Treasury, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Banking and Currency.

AMENDMENT OF THE TAFT-HARTLEY ACT

Mr. TOWER. Mr. President, I send to the desk a bill to amend the Taft-Hartley Act designed to correct a most disturbing development that has arisen from certain recent decisions of the NLRB.

I am sure that when the National Labor Relations Act was adopted no one had any idea that an employer had to continue risking his capital and his personal efforts in a business if, for any reason, he chose to give up that business. If we do live under a genuine free enterprise system, then certainly the most fundamental right of an employer is, or should be, that he is free to quit. This principle has been weakened lately by a series of cases, now on the way to the Supreme Court, in which the Labor Board and some unions are apparently taking the position that a man cannot subcontract to others a part of his business activities such as, for example, delivery and transportation, if he prefers that course to suffering the headaches of doing business with Jimmy Hoffa.

But, Mr. President, what alarms me even more, is that the Supreme Court has recently been asked by a union to prohibit a company from going completely and permanently out of business because, despite perfectly legitimate economic reasons for liquidating, the union claims that there was also present a collateral desire not to do business with a troublesome union.

I am not surprised that a union should attempt in this manner to extend the grip which the National Labor Relations Board has over the freedom of enterprise in this country. What does concern me is that the Solicitor General's office, purporting to represent the national administration, has joined in asking the Supreme Court to consider the union application. If any such doctrine should be adopted by the Supreme Court—and I am reasonably confident that many of us are no longer surprised at anything the present Court does—the National Labor Relations Board would become the ultimate arbiter of whether a man faced with an unprofitable business can be forced to stay in business until his capital and resources are exhausted and he himself goes bankrupt.

Mr. President, it must be remembered that very few cases involving the right of the National Labor Relations Board to interfere with the management of business arise unless a union is involved. We can take what the courts call judicial notice that in a case where a conflict with a union arises before the Labor Board over an employer's decision to go out of business, the union will always maintain that an antiunion bias underlies the economic factors. In such a case, the Board in effect, requires the employer to prove that he did not have an antiunion motive. If the employer, exercising his constitutional right of free speech, has been critical of unions, how can he prove to the Labor Board that his decision was not motivated by a bias against unions?

To accept the position urged before the Supreme Court by the union and the Department of Justice is simply to make the National Labor Relations Board the ultimate judge of an employer's right to go out of business. I feel that we should join in limiting the excessive power of the National Labor Relations Board by supporting my proposal.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2744) to amend the National Labor Relations Act, introduced by Mr. TOWER (for himself and Mr. GOLDWATER), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

THE 150TH ANNIVERSARY OF TREATY OF GHENT

Mr. KEATING. Mr. President, on behalf of myself and Senator JAVITS, I introduce for appropriate reference a joint resolution to establish a commission to commemorate the 150th anniversary of the Treaty of Ghent. This treaty, concluded with Canada in 1814, marked the start of 150 years of peaceful coexistence, as it were, between the United States and its northern neighbor. Our peaceful boundary, unguarded for generations is an outstanding tribute to the ability of the two nations to resolve their differences with mutual good will.

This Commission, which would draw up plans for a joint United States-Canadian celebration of the signing of the treaty, is a significant means to further cementing and commemorating 150 years of peace and good relations between Canada and the United States.

Mr. President, I ask unanimous consent that the text of the resolution be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 169) to establish a commission to develop and execute plans for the joint celebration with Canada of the 150th anniversary of the Treaty of Ghent, introduced by Mr. Keating (for himself and Mr. Javits), was received, read twice by its title, referred to the Committee on Foreign Relations, and order to be printed in the Record, as follows:

Whereas the War of 1812 ended in 1814 with the signing of the Treaty of Ghent;

Whereas the United States and Canada have been at peace since the signing of that Treaty;

Whereas the unarmed border between the United States and Canada is a monumental achievement in man's struggle for peace with justice; and

Whereas proper joint celebration by the United States and Canada of the one hundred and fiftieth anniversary of the signing of the Treaty of Ghent would further strengthen the peaceful bonds between them and be an inspiration to all peace-loving nations: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the Treaty of Ghent Sesquicentennial Celebration Commission (hereinafter referred to as the "Commission") which shall be composed of thirteen members as follows:

(1) Three members who shall be members of the Senate, to be appointed by the President of the Senate;

(2) Three members who shall be members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

(3) Seven members to be appointed by the President.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as chairman. The members of the Commission shall receive no salary.

Sec. 2. The function of the Commission shall be to develop and to execute suitable plans for the joint celebration with Canada at Niagara Falls, New York, and Niagara Falls, Ontario, Canada, in the first two weeks of August 1964, of the one hundred and fiftieth anniversary of the signing of the Treaty of Ghent. In carrying out this function, the Commission is authorized to (1) cooperate with States and municipalities and their agencies and instrumentalities and with patriotic and historical societies and institutions of learning, (2) call upon other Federal departments and agencies for their advice and assistance, and (3) cooperate with and assist any organization, commission, or agency established by Canada to carry out the same function as the Commission.

Sec. 3. (a) The Commission may—

(1) employ such employees as may be necessary to carry out its functions; and

(2) procure supplies, services, and property, make contracts, and exercise incidental powers, to such extent as it finds it necessary to enable it to carry out efficiently and in the public interest the purposes of this joint resolution.

(b) All expenses of the Commission shall be paid from donated funds.

Sec. 4. (a) Not later than December 31, 1964, the Commission shall make a final report to the Congress of its activities, including an accounting of funds received and expended. The Commission may make such interim reports as it may deem appropriate. Upon the submission of its final report, the Commission shall cease to exist.

(b) Any property of the Commission (other than money) remaining upon termination of the celebration shall be disposed of under the Federal Property and Administrative Services Act as surplus property. Any funds so remaining shall be covered into the Treasury of the United States.

AWARD OF SERVICE PINS OR EMBLEMS TO MEMBERS, OFFICERS, AND EMPLOYEES OF THE SENATE

Mr. DIRKSEN. Mr. President, in the executive branch it has not only been the custom but they have had the authority to award service pins or emblems to employees in the executive branch.

We have never done so in the legislative branch.

I believe it is high time that we recognized the service of not only Senators, but employees of the Senate and the officers of the Senate as well.

So, on behalf of myself and the distinguished majority leader [Mr. Mansfield], I submit a resolution to that effect, and I ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 318) providing for the awarding of service pins or emblems to Members, officers, and employees of the Senate, submitted by Mr. Dirksen (for himself and Mr. Mansfield), was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Rules and Administration is hereby authorized to provide for the awarding of service pins or emblems to Members, officers, and employees of the Senate, and to promulgate regulations governing the awarding of such pins or emblems. Such pins or emblems shall be of a type appropriate to be attached to the lapel of the wearer, shall be of such appropriate material and design, and shall contain such characters, symbols, or other matter, as the Committee shall select.

Sec. 2. The Secretary of the Senate, under direction of the Committee and in accordance with regulations promulgated by the Committee, shall procure such pins or emblems and award them to Members, officers, and employees of the Senate who are entitled thereto.

Sec. 3. The expenses incurred in procuring such pins or emblems shall be paid from the contingent fund of the Senate on vouchers signed by the Chairman of the Committee.

CIVIL RIGHTS ACT OF 1963—AMENDMENTS

Mr. ROBERTSON submitted three amendments (Nos. 498, 499, and 500), intended to be proposed by him, to the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. DIRKSEN submitted 10 amendments (Nos. 501, 502, 503, 504, 505, 506, 507, 508, 509, and 510), intended to be proposed by him to House bill 7152, supra, which were ordered to lie on the table and to be printed.

NOTICE OF HEARING ON NOMINATION OF DR. MARY I. BUNTING

Mr. PASTORE. Mr. President, on behalf of the Senate members of the Joint Committee on Atomic Energy, I give notice that a hearing has been scheduled for Friday, April 24, 1964, at 9 a.m., in the Joint Committee's open hearing room, S-407 of the Capitol, to consider the nomination of Dr. Mary I. Bunting, of Massachusetts, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1965, of Dr. Robert E. Wilson. Dr. Wilson resigned from the Atomic Energy Commission on February 1, 1964.

I submit for the Record a biographical summary that accompanied the nomination of Dr. Bunting.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Dr. Mary I. Bunting

Mrs. Bunting, who is president of Radcliffe College in Cambridge, Mass., was born at Brooklyn, N.Y., on July 10, 1910. She received her AB degree from Vassar in 1930 and in 1933 received her Ph. D. in the fields of microbiology and biochemistry from the University of Wisconsin. Mrs. Bunting taught at Bennington College from 1936 to 1937 and at Gaucher College from 1937 to 1938. Mrs. Bunting did research work at Yale from 1938 to 1940 in the fields of microbiology and biochemistry. From 1946 to 1947 she taught at Wellesley College and from 1950 to 1955 worked on a research program at Yale University in the field of microbial genetics. This latter research was done under the sponsorship of the Atomic Energy Commission. Mrs. Bunting was dean of Douglas College at New Brunswick, N.J. from 1955 until 1960 when she became president of Radcliffe College.

Mrs. Bunting was married to the late Dr. Henry Bunting who died in 1954. She is the mother of four children—one girl and three boys.

NOTICE OF HEARINGS ON NOMINATIONS OF SIDNEY L. CHRISTIE, OF WEST VIRGINIA, TO BE U.S. DISTRICT JUDGE, NORTHERN AND SOUTHERN DISTRICTS OF WEST VIRGINIA, AND RAY McNICHOLS, OF IDAHO, TO BE U.S. DISTRICT JUDGE, DISTRICT OF IDAHO

Mr. JOHNSTON. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Thursday, April 23, 1964, at 9 a.m., in room

2228, New Senate Office Building, on the following nominations:

Sidney L. Christie, of West Virginia, to be U.S. district judge, northern and southern districts of West Virginia, vice Harry E. Watkins, deceased.

Ray McNichols, of Idaho, to be U.S. district judge, district of Idaho, vice Chase A. Clark, retiring.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman, the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Nebraska [Mr. HRUSKA].

CONGRESSIONAL REVIEW OF FEDERAL GRANTS-IN-AID TO STATES AND LOCAL UNITS OF GOVERNMENT—ADDITIONAL COSPONSORS OF BILL

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at its next printing, the names of Senators ALLOTT, CURTIS, FONG, MUNDT, SIMPSON, and MORSE be added as cosponsors of the bill (S. 2114) to provide for periodic congressional review of Federal grants-in-aid to States and to local units of government.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. SCOTT:

The Free Enterprise Awards Association's award to Dr. Leonard F. Herzog, of Pennsylvania.

By Mr. RANDOLPH:

Article on the death of Maj. Gen. Melvin J. Maas, in the Washington Post, April 14, 1964; letter from Senator RANDOLPH to Mrs. Melvin J. Maas.

RECESS TO 10 A.M. TOMORROW

Mr. McINTYRE. Mr. President, unless there be further business to come before the Senate, under the order previously entered, I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The question is on agreeing to the motion of the Senator from New Hampshire.

The motion was agreed to; and (at 10 o'clock and 20 minutes p.m.) the Senate, under the order previously entered, took a recess until tomorrow, Friday, April 17, 1964, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 16 (legislative day of March 30), 1964:

IN THE ARMY

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be major

Burns, Richard F., O58121.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenant

Aaronsohn, Jonathan B., O93547.
Abraham, Bruce R., O93548.
Adams, John R., 3d, O93109.
Adams, Joseph G., O93550.
Agnew, Ramon B., O94158.
Aikman, Peter R., O94358.
Alexander, Terry L., O93551.
Alligood, Ray L., Jr., O98034.
Allred, James R., O94359.
Altmeyer, James E., O93552.
Altorfer, William G., O92286.
Anderson, Carl R., O93348.
Anderson, Eugene L., O92287.
Anderson, Steven B., O92289.
Andrew, Edward L., O92290.
Angstadt, Richard W., O93553.
Anjier, Louis J., Jr., O92291.
Anselm, Donald C., O93554.
Archambeau, Jason R.. O92293.
Armstrong, Alan P., O93555.
Armstrong, Charles H., O93556.
Armstrong, Roy L., Jr., O93557.
Arnold, John P., O92295.
Arthur, James F., Jr., O93110.
Ashapa, Myron R., O92296.
Atkinson, John McC., O94360.
Aucoin, James S., O92298.
Avery, John, Jr., O94361.
Babbitt, Leroy A., Jr., O93558.
Bacon, Carlton E., O93559.
Bailey, Fred E., O94362.
Baim, David H., O94667.
Bains, William J., O92301.
Baird, Thomas H., O93560.
Baker, William P., O92305.
Bakkeby, William M., Jr., O93351.
Balda, Jerome F., O92306.
Baldwin, Byron S., O93561.
Bangasser, Frederic D. H., O92307.
Bankson, Peter R., O92308.
Barbour, Donald A., O93562.
Barclay, Douglas H., O99291.
Barineau, John N., 3d, O93563.
Barnes, Bruce A., O92310.
Barney, Daniel G., O93564.
Barnhardt, William E., O92311.
Bartlett, Charles M., O92313.
Bass, Louis R., O94668.
Batdorf, Richard L., O93352.
Battle, Brendan J., O93565.
Bavis, Robert J., 3d, O93353.
Bayless, Harry K., 3d, O93566.
Beal, Patrick G., O93354.
Beckett, Ronald L., O93567.
Becking, Ernest A., O93355.
Behrenhausen, Richard A., Jr., O93568.
Belknap, Willard S., O93569.
Bell, Edward F., Jr., O96944.
Bellamy, Anthony R., O93117.
Bender, Lynn A., O93570.
Bennett, Andrew F., Jr., O93571.
Benz, Herbert T. G., Jr., O93572.
Benzinger, Peter L., O93573.
Berenz, John W., O93118.
Berinato, John J., O93574.
Berman, Jay M., O92324.
Bernard, Robert K., O93575.
Bernardi, Roger L., O92325.
Berra, Louis C., Jr., O93576.
Bevans, Nathan E., O92327.
Beyer, Lawrence M., O92328.
Biddington, David E., O93577.
Bilund, James A., O93119.
Binkewicz, Joseph B., O92332.
Binzer, Solomon V., O98334.
Bird, Samuel R., O92334.
Bissell, Norman M., O94364.
Bitgood, John J., O92335.
Blair, Larry A., O93121.
Blanda, Frank T., O93578.
Blanke, Richard C., O94365.
Blesse, James S., O93579.
Blount, Howard P., Jr., O93124.
Boeve, Lucas, 3d, O93580.
Boehman, Richard J., Jr., O92338.
Boiardi, John J., O92339.
Bon, Virgil D., O93125.
Bonko, Donald R., O93581.
Bonville, George P., O92340.
Born, William J. T. M., O93582.
Borowsky, Kurt T., O92341.
Bosarge, Frederick C., O93126.
Bossart, Walter R., O94367.
Bostdorf, John McC., O93127.
Bowe, Matthew A., Jr., O92342.
Bowles, Norborn S., O92343.
Bowman, Wade A., O92346.
Boyce, Donald A., O98428.
Boylan, Peter J., Jr., O93583.
Bradford, William B., O93584.
Brady, Michael J., O93585.
Bragg, Stacy C., O93586.
Breen, John F., O92354.
Breithaupt, Charles C., Jr., O93363.
Brennan, Lawrence, O92356.
Brennan, Richard P., O92357.
Breslin, Michael G., O93587.
Bridgman, Cain A., O94167.
Brigham, Frederick C., O93130.
Brizee, Harold R., O93131.
Brost, Daryl F., O93133.
Brown, Edward A., 3d, O93588.
Brown, Harvey L., O93589.
Brown, James P., O92361.
Brown, Willard G., Jr., O92365.
Brummett, Henry U. B., O93134.
Bruner, Edward F., O93591.
Bublys, Romualdas, O94169.
Buck, Robert F. X., O92368.
Buckland, Lauren O., O93368.
Buckner, Richard A., O93592.
Budge, Larry D., O93593.
Bullene, Roger, O93594.
Bulley, Brian, O94513.
Burchell, Gail P., O93595.
Burgess, Peter D., O93596.
Burke, Charles P., Jr., O92373.
Burns, Charles P., O93597.
Burns, Jerald C., O94514.
Burns, Robert A., O93598.
Burnside, William F., O92374.
Busdiecker, Roy F., Jr., O93599.
Butler, Irvin S., Jr., O99171.
Butterworth, Larry R., O93600.
Cain, Robert S., Jr., O93601.
Cairns, Robert B., O93602.
Callander, Robert D., O94172.
Campbell, Dale G., Jr., O93603.
Campbell, John L., O93604.
Campbell, Larry D., O94372.
Campbell, Verne D., O93138.
Canarina, Arnold R., O97568.
Cantrell, Charles L., O94173.
Carboni, John N., O93139.
Cargile, James P., Jr., O93605.
Carlson, Gunnar C., Jr., O93606.
Carlton, Forrest R., 2d, O93607.
Carpenter, John F., O94174.
Carroll, Patrick J., Jr., O93608.
Carroll, Thomas F., 3d, O93609.
Casani, Andrew B., O93610.
Castillo, Rosendo J., O94517.
Cavezza, Carmen J., O94373.
Ceccon, Claude R., O94177.
Cephas, Leonard M., O92388.
Cerasoli, Roger, O93611.
Cerreta, Francesco M., O92389.
Chamberlin, Charles S., Jr., O93374.
Chambers, Barton P., O93612.
Chandler, William S., O93613.
Chapman, Eveleth W., O93614.
Chauvin, Charles E., O92391.
Chelberg, Robert D., O93615.
Chen, William S., O89929.
Cherry, George M., Jr., O93616.
Chester, Michael Q., O94374.
Chism, J. W., O93617.
Chittick, James R., O92395.
Christopherson, David E., O94520.

Claassen, Walter E., Jr., O93618.
Clark, Herman J., O97643.
Clark, Thomas S., O93143.
Clarke, Gordon M., O93620.
Clarke, Richard D., O93621.
Clements, Gerard H., O93622.
Clough, Stanley M., O93623.
Cochran, Alexander S., Jr., O92401.
Coddington, Clinton H., O93624.
Coffey, Frederick R., O92402.
Colitti, Michael J., O92403.
Collins, Samuel L., O94180.
Compton, Martin A., 2d, O93625.
Conant, Richard C., O93626.
Conley, Willard C., O93627.
Connolly, James C., 2d, O93629.
Connors, James W., Jr., 93630.
Conway, Harold L., O93147.
Conway, Peter, O94182.
Cook, Bromley N., Jr., O93631.
Cook, Garry M., O93632.
Cook, Jay C., O93633.
Cooper, Gary R., O93149.
Corcoran, James R., O93634.
Cornelius, Russell M., O93636.
Cornelson, John C., O93637.
Corson, John R., O94376.
Coulter, Holland B., O93638.
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Ringdahl, Phillip H., O93909.
Ritchie, David MacK., O93910.
Rittgers, Courtney M., O93911.
Rives, Jack D., O92837.
Rizer, Gene C., O98353.
Roberts, Howard H., Jr., O93912.
Roberts, James J., 3d, O93913.
Roberts, Kenneth J., O92838.
Robertson, Walter G., O93914.
Robertson, William F., O92839.
Robinson, John D., O92840.
Rodgers, Archie D., 3d, O93287.
Roll, George E., O99388.
Rooney, Dennis M., O93915.
Rosenkranz, Robert B., O93916.
Rousseau, Thomas H., 3d, O93917.
Rowe, Robb W., O92847.
Royce, James B., O93918.
Runion, Keith B., O94239.
Runkles, Charles E., O92850.
Russell, Melvin W., O92852.
Rutledge, John B., Jr., O97030.
Sadusky, John J., O92857.
Sager, David W., O94422.
Sager, Lee H., Jr., O93920.
Saiki, Owen H., O93499.
Salmon, Joseph F., O92859.
Sande, Ralph C., O92861.
Sandquist, David L., O99082.
Sands, Philip J., O93922.
Sarff, Thomas E., O92862.
Sarzanini, Andrea A., O93923.
Saunders, Robert C., Jr., O99389.
Sawtelle, Donald W., Jr., O93924.
Schaerer, Emil T., 2d, O94719.
Schaffler, Albert B., O97969.
Schaibly, John W., O98228.
Schall, James E., Jr., O93925.
Schell, Tarey B., O93926.
Schmit, John W., Jr., O94242.
Scholes, Edison E., O93291.
Scholz, Garret A., O94243.
Schroeder, Daniel R., O93927.
Schultz, Brian G., O93928.
Sciple, Carl B., O93929.
Scott, Homer O., O93293.
Scott, James A., 3d, O93930.
Seckinger, George M., Jr., O93931.
Seddon, Alfred E., O92867.
Seidel, Bruce R., Jr., O93932.
Seltz, William E., O93933.
Seylar, Roland F., O93934.
Shaffer, Rohlf A., O93935.
Shannon, James T., O98265.
Sharber, Pete, O93297.
Sharkis, Alan L., O94981.
Shea, Robert E., Jr., O92875.
Shearer, Cyrus N., Jr., O93936.
Sheeder, Richard D., O93937.
Sheehan, John A., O92876.
Sheffield, Robert W., O94244.
Shell, John C., 2d, O92877.
Sherburne, Thomas N., O93938.
Shiban, Ronald J., O93298.
Shields, Ronald R., O94245.
Shipley, Dale W., O93939.
Shoemaker, George G., O92881.
Shoffner, Wilson A., O92882.
Sholar, Robert C., O93299.
Short, Robert W., O93504.
Showalter, Ted A., O93940.
Shroyer, John B., O93941.
Shugart, James W., 3d, O94246.
Sievers, William H., O93942.
Sigg, John C., O93943.
Silverman, Mark N., O93944.
Simmons, Herbert S., O92887.
Simons, William H., O94133.
Simpson, Allan R., O94247.
Simpson, William A., O94424.
Sisk, Francis G., O93945.
Six, David W., O93300.
Skaggs, Richard C., O93946.
Skillman, John E., 3d, O93947.
Skotzko, Michael, O93948.
Slack, Duane A., O92892.
Slaggie, Stephen M., O93505.
Sloan, Monte T., O93949.
Smalley, Larry F., O93950.
Smith, Clay R., Jr., O92897.
Smith, Donald W. A., O93506.
Smith, Ernest C., O93507.
Smith, George S., Jr., O93952.
Smith, Robert A., O92901.
Smith, Ronald R., O93304.
Smith, Timothy E., O92904.
Snyder, John F., O92909.
Sollohub, Charles J., O93953.
Solomon, John K., O93954.
Spencer, Archie W., O93955.
Spencer, James I., O94426.
Spitler, Melvin R., O91721.
Stanberry, Robert M., O94551.
Stanford, John H., O93307.
Starsman, Raymond E., O93956.
Steed, Emil E., O93308.
Steege, Robert J., O93957.
Stephens, Wayne R., O99399.
Stevens, Thomas G., O92925.
Stewart, James H., O93514.
Stewart, Joseph W., O93958.
Stewart, Michael O., O94427.
Stiehl, Gustav H., 4th, O93959.
Stokes, Charles E., Jr., O94251.
Stokes, James M., O93960.
Stombres, Richard A., O92927.
Stone, Thomas R., O93961.
Stoneham, Laurence J., Jr., O93962.
Stork, James L., O93963.
Strachan, James D., O93964.
Stricklen, William A., 3d, O93965.
Stringham, Joseph S., 3d., O93966.
Struve, James E., O93967.
Stuart, Alexander, J., 3d., O93968.
Stuhlmuller, Kimball R., O92933.
Sucher, Theodore R., 3d, O94254.
Surro, Robert A., O92937.
Sutton, John M., Jr., O92938.
Swain, Charles M., O93969.
Sykes, Philip A., O93970.
Sykes, Worthy F., O92941.
Symcox, Jerry J., O94552.
Szeman, Edward R., O92942.
Tacelosky, Robert J., O92943.
Tait, Donald A., O94553.
Tate, Arthur W., Jr., O93518.
Taylor, Albert G., O93314.
Taylor, James B., O93971.
Taylor, John B., Jr., O92950.
Teal, David J., O93972.
Tedrick, James L., O93973.
Teel, Kenneth L., O93522.
Teliska, John J., O92951.
Tesone, Vincent, O93316.
Theologos, John J., O92952.
Thomassy, Fernand A., 3d., O93318.
Thompson, Charles R., O94430.
Thompson, James D., O93525.
Thrift, Raymond H., Jr., O94554.
Tilghman, Ray L., O93974.
Tilton, Franklin T., O93975.
Tippin, Scott M., O94556.
Tobin, William G., Jr., O93976.
Tompras, Nicholas C., O92957.
Tompson, James D., O97213.
Traugott, David A., O93530.
Trinkle, Patrick M., O93977.
Trzos, Frederick, O92960.
Tschamler, Joseph R., 3d, O93978.
Tucker, Henry B., O98413.
Turberg, Joseph R., Jr., O92961.
Turnage, John O'N., O93979.
Turpin, William P., 4th, O94558.
Twiss, Dennis C., O92962.
Tykal, Robert W., O92963.
Tyler, James W., O93980.
Tyo, Walter L., O93324.
Underwood, Michael L., O93981.
Upton, George S., O93532.
Urette, Michael E., O93982.
Vader, Paul F., Jr., O93983.
Valieant, John H., O92965.
Vallely, Paul E., Jr., O93984.
Valvo, Paul V., O98074.
Vanderbush, Albert, 3d, O93988.
Vander Els, Theodore, O93987.
Van Gorder, Henry P., O93985.
Van Riper, Richard W., 3d, O93986.
Vass, Steven, Jr., O93989.
Vasvary, Bela J., O90570.
Vaughn, Hubert B., O93990.
Vay, Nicolas R., O93991.
Veatch, John D., O93992.

Vedder, Sanford E., Jr., O93993.
Venberg, Walter W., O92966.
Vick, Gerald A., O93994.
Voigt, Kenneth D., O93326.
Votaw, John F., O93995.
Vreeland, Richard W., O92969.
Wadlington, Warwick P., O93996.
Wagner, Hans O. C., O93997.
Wakefield, Samuel N., O98416.
Walker, Steven C., O93998.
Walker, Stuart A., O92970.
Walsh, Donald A., O93999.
Walsh, Martin W., Jr., O94000.
Walter, Stephen, O92975.
Walter, Thomas J., O94729.
Walters, Anderson H., O94001.
Wanner, F. Walton, Jr., O94002.
Ward, Albert N., 3d, O92976.
Ward, Michael, O93537.
Ward, Peter H., O92977.
Warner, James I., O94260.
Warren, Henry E., 3d, O92978.
Wasserburger, John J., O93539.
Watlington, Donald W., O94003.
Watt, Joseph F., O94004.
Watzek, Albert L., O94562.
Webb, James R., O92980.
Webb, Richard G., O92981.
Weber, James L., O93329.
Weems, Kelly G., Jr., O93330.
Weis, William A., O94005.
Wells, Albert L., O94006.
Welsh, Charles R., O94007.
Welsh, Elbert A., O94261.
Welsh, Lawrence E., O94008.
Wesner, Thomas J., O93332.
West, Ronald P., O94262.
Westerbeke, John H., Jr., O94431.
Westmoreland, James A., O92984.
Westpheling, Charles T., O94009.
Wetzel, Allan R., O94010.
White, David W., O94011.
White, Gilbert A., O99415.
White, James W., O92989.
White, Lyman G., Jr., O94012.
Whitlock, Charles L., O92992.
Wilder, Samuel D., Jr., O94013.
Wildermuth, John G., O94014.
Williams, Francis M., O94015.
Williams, Richard G., O94016.
Williams, Wayne R., O94017.
Williamson, Donald A., O93001.
Williamson, Robert F., O94432.
Williamson, William R., O94018.
Willis, Benjamin L., O94019.
Wilson, David C., O93003.
Winslow, Sidney W., O94266.
Winters, James M., O94020.
Witherspoon, Eugene S., O94021.
Wold, Douglas A., O94022.
Wolters, Robert A., O97264.
Wong, Walter K. Y. N., O93543.
Woodfin, John H., O94267.
Woodward, Harry E., O94023.
Wooten, R. J., O94024.
Wright, James P., O93339.
Wynn, Charles W., O94268.
Xenos, Michael J., O94026.
Yamachika, Roy T., O93010.
Yarborough, William G., Jr., O91826.
Yaugo, Edward O., O94564.
Yeager, Albert W., O93342.
Yorio, Ralph J., O93011.
Yost, Richard G., O93343.
Yost, William D., 3d, O94027.
Young, Robert B., O93015.
Younkin, William M., O94028.
Yule, Richard G., Jr., O94029.
Zailskas, Roger W., O94030.
Zaldo, Martin J., O94031.
Zerby, John G., Jr., O94433.
Zielinski, Robert F., Jr., O94032.
Zimmerman, John B., O94033.
Zingsheim, Gerald A., O94034.

To be first lieutenant, Medical Service Corps

Angiolelli, Ralph F., O95477.
Berchin, Richard J., O94737.
Blair, Robert A., O94162.
Bowles, Robert L., Jr., O92344.
Brown, Herman D., Jr., O95196.
Buckingham, Stuart R., O94170.
Camp, Charles H., O92380.
Carter, Jimmie B., Jr., O94516.
Conner, Johnny L., O93146.
Dawley, Donald D., Jr., O94379.
Garber, David L., O99318.
Gray, John W., O95328.
Grider, Robert J., O95329.
Hauer, Richard W., Jr., O92527.
Hayman, Robert H., O93427.
Heaton, Billy A., O94304.
Hill, Thomas W., O97544.
Hockenberry, Earle W., Jr., O93199.
Jenkins, David L., O92578.
Johnson, Reginald D. A., O92585.
Johnson, Walter F., 3d, 096765.
Kraisel, Leonard W., O93221.
Kuchta, Frank H., O92620.
Landon, Donald D., O93225.
Leahey, Raymond, O92638.
Linehan, John C., O92649.
Martin, Mathis G., O99523.
McGarry, Leo J., O92691.
Pugh, Paul M., O93276.
Ryan, Lawrence J., Jr., O92854.
Savage, Linnaeus B., O96414.
Sentell, Jack H., O94724.
Severson, Joel S., O99394.
Sorber, Charles A., O96345.
Talbot, Wilburn D., O94834.
Vermillion, James G., O99408.
Whitford, Howard N., O95405.

To be first lieutenant, Army Nurse Corps

Smalley, Ruth H., N3148.

The following named person for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be colonel

Hatch, Carl H., O29341.

The following named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287 and 3288:

To be major

Wing, Rex D., O2033830.

To be captain

Adams, Thomas H., O2028820.
Aune, Douglas W., O1893736.
Briggs, Richard S., O5300147.
Ezekiel, Saul J., O5301517.
Jacobs, Bill P., O2206788.
Killoran, William E., O4074505.
Malloy, Charles A., Jr., O5301535.
Mayse, Harvey C., O2211861.
McKay, William H., O1931021.
McKinney, Seab W., Jr., O5301724.
Payne, James N., O1877498.
Walker, Ronald T., O1931040.
Wright, Theodore K., O4019770.

To be first lieutenant

Coats, William G., O5300828.
Crowson, William L., O2290176.
Griggs, Donald B., O5204386.
Haber, Sigmund J., O5005166.
Hasslinger, John B., O5509264.
Hathaway, Frank A., O4075761.
Hawthorne, Raymond S., O5206462.
Hollis, Neil B., O5410632.
Kirkland, Cleo D., O5704372.
Kozlowski, Edward P., O5008045.
Ladner, Donald A., O5401279.
Lang, William A., O5511670.
McCullough, Sharpe, Jr., O5409466.
Muschek, Robert W., O5211435.
Narath, Helmar, O5308595.
Weikle, Robert M., O5213195.
Williams, Frank K., O5409173.
Williamson, James R., O2295513.

To be second lieutenant

Christian, Donnie G., O5317020.
Crismon, Frederick W., O5408238.
Goulet, Donald J., O5008756.
Keys, James W., O5014462.
Kincaid, Richard D., O5311751.
Laski, Paul E., O5312443.
Marichal, Angel R., O5826469.
Moore, Jimmy R., O5316495.
Pond, Herbert D., O5413443.
Porter, Richard W., O5701824.
Whitley, James R., Jr., O5314697.

The following named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293 and 3294:

To be captain, chaplain

Mehring, Ralph A., O4023106.

To be captain, Dental Corps

Brasher, W. James, O5301442.

To be captain, Medical Corps

Diaz-Ball, Fernando L., O5212856.
Dorman, David W., Jr., O4051647.
Kalas, John P., O5202382.
Kott, Daniel F., O1937604.
McLaughlin, Chester S., Jr., O5219443.
Nemmers, David J., O5501389.
Otterson, Warren N., O4056004.
Pomerantz, George M., O4066657.

To be captain, Medical Service Corps

Bischoff, Neil E., O2282713.

To be first lieutenant, Army Nurse Corps

Sumner, Billie F., N5407366.

To be first lieutenant, Dental Corps

Beasley, Joe D., III, O5306916.

To be first lieutenant, Judge Advocate General's Corps

Auerbach, Ernest S., O2309828.
Tolman, Gareth W., O5403223.

To be first lieutenant, Medical Corps

Biles, Andrew R., Jr., O5408762.
Blumhardt, Ralph, O2309350.
D'Altorio, Ronald A., O5209318.
De LaPerriere, Armand A., O2313053.
Falchetta, Stephen L.
Finkel, Arnold, O2310171.
Gardner, William R., O2309425.
Groesbeck, Clarence J., O2309424.
Harris, Hugh G., O5509517.
Hobson, Robert W., II, O5212833.
Hodges, John M., O5312809.
Kearney, John J., O2313090.
Knepshield, James H., O5209321.
Lehman, Richard H., O5708463.
Linder, Charles W., O5306373.
McKee, Alan F., O5301387.
Ryder, Gecffrey C., O5005698.
Shaw, James T., O2313085.
Stasko, Thomas W., O2313080.
Thomas, David R., O2313208.
Webster, Phillip L., O5217121.

To be second lieutenant, Medical Service Corps

Wright, Robert E., O5514736.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288 and 3290:

Belin, George R., Jr.
Bennett, James R.
Chisolm, Alvin J.
Grote, Dennis A.
Jacoby, Thomas G.
Jordan, James W.
Richards, Robert E.
Ruiz, Melvin J.
Silvidi, Alfred C.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287 and 3288.

Adkins, Hubert R.
Agansky, Gary W.
Ankrom, Charles B.
Armstrong, Henry J.
Arnold, Henry A., Jr.
Bailey, Harvey J.
Baisden, Edward D., Jr.
Banta, Ronald T.
Beale, Richard E., Jr.

Blagden, Robert B.
Bonine, Larry S.
Bowman, Barry R.
Branch, David D., Jr.
Branley, Michael J.
Briard, Fred K.
Brice, William T.
Brooks, James T., O5415238
Brown, John T., Jr.
Brunner, William H. M.
Bryant, James W., Jr.
Burch, Harold E.
Campbell, Donald L.
Canada, Grady S.
Carr, Thomas F.
Chapin, Edward D.
Clearwaters, Boyd L.
Cleek, Don E.
Collins, William F.
Cox, Walter T. III
Cross, Ranson F., Jr.
Dahl, Gary M.
Dahlen, Karl R.
Danielski, Loren R.
Dawes, Michael F.
Day, James R.
DeVito, Kenneth J.
Dexter, Craig M.
Dickey, James L., O5221091
Dole, William E., Jr.
Dorfman, William N.
Dozier, Watt W.
Duffie, Jerry R.
Dundy, Michael W.
Dunlap, David W.
Durand, Pedro J.
Durgin, Harry W.
Eanes, John T.
Ehrlich, Martin L.
Eschenwald, Adolfo
Finger, George H.
Fowler, Jesse L., Jr.
Fulton, James G.
Futernick, Allan J.
Gambrell, James B., Jr.
Gasdek, Barry D.
Gentle, John A.
Gibson, Clyde K.
Gledhill, Carl W.
Gordon, Donald J.
Gordon, Thomas G., Jr.
Goularte, Richard W.
Govan, Gregory G.
Gradwohl, Richard A.
Griswold, Clinton R., Jr.
Hall, Harry J.
Hammer, Martin A.
Hamner, Donald L.
Hampton, John J.
Harms, David H.
Harris, Charles E.
Heggie, Walter B., Jr.
Heine, Charles E.
Hensley, John H.
Herrington, Stuart A.
Hill, James A.
Hoag, Leonard J.
Hockett, David R.
Hoyer, Anthony X.
Hudak, Daniel K.
Ingram, Michael N.
Jackson, Robert L.
James, Kenneth A., Jr.
Johnson, Curtis S.
Johnson, Robert B.
Johnson, Thomas R.
Jones, Edward W., Jr.
Kacsmar, Francis N., Jr.
Keener, Allan W.
Kim, Dennis S. Q.
Koeplin, Wayne M.
Kraus, Robert G., Jr.
Kyle, Frederick A.
Laier, James E.
Landers, Willard O.
Langston, Ronald E.
Lazenby, Gerald A.
Leaptrott, William M.
Lee, John W.
Lewis, David P., Jr.
Link, John D.
Litvan, Leonard J., Jr.
Loflin, William P., O5321020
Lott, Thomas W.
Lynch, Thomas J.
MacNamee, Richard W.
Mahar, Harold W., Jr.
Mallberg, Dale D.
Martin, John J.
Marxen, Edward L.
Mathewson, Frank A., Jr.
Matos, Louis
Matthews, Gene F.
McCanham, Frank A.
McCarley, Kenneth W.
McKinney, Samuel D.
McQueen, Arthur H., Jr.
Meisinger, Richard N.
Mellon, Daniel R.
Miles, Richard G.
Miller, Leonard D.
Mitchell, Michael A.
Moran, Michael J.
Moravec, John G.
Morin, Maurice H. J.
Moss, Jessie, Jr.
Niford, Chester R., Jr.
Ohta, Edward J.
O'Neill, Joseph T.
Perkins, John C.
Petersen, Bradley H., Jr.
Pezzillo, Frank M., Jr.
Pish, Robert H.
Portner, Edward M., Jr.
Powell, William R.
Prawdzik, David A.
Prickett, Arthur L., III
Prior, Arthur F.
Quidgley, Ernesto
Ragauskas, Raymond R.
Rath, Frank H., Jr.
Reale, David T.
Reigelman, Milton M.
Revellese, William R.
Rintamaki, John M.
Rivera, Alfredo
Rivera, Jose M.
Robb, Nathaniel H., Jr.
Rodriguez, Jaime A.
Romero, Robert T.
Rovira, Martin J.
Salgado, Eduardo A.
Sanchez, Washington J., Jr.
Schoening, Klaus D. K.
Sells, Harold E.
Setikas, Algimantas N.
Settlemire, William D.
Skerker, Alan L.
Smalls, O'Neal
Smith, David H.
Soler, Carlos A.
Staas, Donald F.
Stair, Gary L.
Stalmann, Bernard E., Jr.
Styer, Norman W., Jr., O5222798
Sunderland, George R.
Tazik, Cyril M., Jr.
Timberlake, Vaughn K.
Torres, Juan H.
Treese, Edwin J.
Tucker, Jeffrey
Twining, David T.
Velez, David
Verdel, Thomas H., III
Walden, Robert D.
Wallace, Charles J.
Wendell, Willis, III.
Whiddon, Lester V., Jr.
White, Howard W., Jr.
Willis, Edward J., Jr.
Wilson, Julian A., Jr.
Winslow, Robert S., Jr.
Wissinger, Thomas R.
Woods, Alex., Jr.
Zapata, Juan A.

EXTENSIONS OF REMARKS

Dr. Leonard F. Herzog II Wins Free Enterprise Award

EXTENSION OF REMARKS
OF
HON. HUGH SCOTT
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
Thursday, April 16, 1964

Mr. SCOTT. Mr. President, yesterday in New York City at the Waldorf-Astoria Hotel, the Free Enterprise Awards Association presented citations to 10 men who have proved that the American dream of rising to the height of a profession is still a reality, no matter how diverse the circumstances, or how formidable the task.

One of the recipients of these awards is a Pennsylvanian, Dr. Leonard F. Herzog II, founder and president of Nuclide Corp., a Pennsylvania-based firm.

Dr. Herzog, with the help of his associates, built Nuclide from a one-room laboratory to three buildings. The 125 scientists and technicians presently employed at Nuclide develop standard and custom built mass spectrometers, spectrographs, and other technical apparatus for the analysis of isotopes, gases, liquids, and solids. The firm's products can be used for such diverse purposes as lunar exploration and heart research. Known worldwide for its technological excellence, Nuclide recently received the President's "E" Award for its growing exports and its ability to compete successfully in this highly sophisticated market.

A sergeant in World War II, Dr. Herzog worked his way through undergraduate and graduate schools as a gasmeter reader and a reporter. He earned a bachelor's degree at the California Institute of Technology, an engineering degree at Oregon State and a Ph. D. at Massachusetts Institute of Technology.

Dr. Herzog, a recognized authority on cosmochemistry and instrumental analysis, is a part-time professor at Pennsylvania State College.

Dr. Herzog is a good example of the type of man that leads industry in Pennsylvania: he is purposeful, dynamic, efficient, and resourceful. To the commendations already given to him and his firm, I would like to add my own.

National Library Week

EXTENSION OF REMARKS
OF
HON. W. J. BRYAN DORN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 16, 1964

Mr. DORN. Mr. Speaker, a successful and determined offensive against ignorance, prejudice, and illiteracy is being waged by the libraries, librarians, and all of those dedicated to this great cause. Poverty is associated with a lack of learning and low income.

Mr. Speaker, I am glad the United States is paying homage this week to all of those throughout the Nation who make our library program one of the very best in the world. These devoted men and women at the local level are making a great contribution to our national culture. Our country is moving forward to its destiny as a nation of enlightenment, education, and understanding, largely because our libraries are leading in the campaign for learning and knowledge.

I salute our libraries and their devoted personnel during this National Library Week and wish for them every continued success. I am particularly proud, Mr. Speaker, of the superb achievements and devotion to duty and success of the men and women in my own State of South Carolina who have been associated in improving this great work.

Israel's 16th Anniversary

EXTENSION OF REMARKS
OF
HON. CLAUDE PEPPER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 16, 1964

Mr. PEPPER. Mr. Speaker, 16 years ago today the ancient Jewish Commonwealth was reconstituted in Palestine as the State of Israel. For over 2,000 years the children of Israel wandered over the face of the earth, persecuted, harassed, and homeless. But it was not until the height of persecution was reached with the merciless slaughter of 6 million Jewish men, women, and children that the conscience of man was stirred.

After the full horror of Auschwitz, Dachau, and Bergen-Belsen became known, the community of nations—in partial restitution to the pitifully small surviving remnant—overwhelmingly voted for the establishment of a Jewish state in part of Palestine. On May 14, 1948, the State of Israel came into existence.

The purpose of the new state was openly proclaimed in its declaration of independence: "The State of Israel will be open for Jewish immigration and for the ingathering of the exiles." And by the hundreds of thousands the displaced persons flocked to their new homeland. The 700,000 Jews in Palestine soon grew to 1 million and then to 2 million persons. Immigrants from 5 continents and 100 countries were absorbed and molded into citizens of Israel.

We in the United States did much to accomplish this modern-day miracle. President Truman recognized the new state 10 short minutes after it was declared and every succeeding administration has clearly enunciated our friendship and support.

Our Government since 1951 has given or lent Israel nearly $1 billion in foreign aid. The American people have contributed generously of their efforts and finances.

Israel's accomplishments are thus a source of pride to us as well as to the Israelis.

Their strides toward economic self-sufficiency, their reconquest of the swamps and desert, and above all, the assistance they have given to the newer nations of Africa and Asia are achievements many older states would do well to emulate.

But one task remains incomplete, one goal unattained. Peace in the Middle East lies as much in our hands as it does in the hands of the countries of the region. If we speak out forceably and refuse to condone aggression, whether by threats or boycotts or blockades, if we assure Israel's strength, if we insist that the resources of the Middle East be constructively utilized for economic development; then Jerusalem, the City of Peace, will finally know peace.

Israel Celebrating 16th Anniversary Today

EXTENSION OF REMARKS

OF

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 16, 1964

Mr. FASCELL. Mr. Speaker, we join Israel in celebrating the 16th anniversary of her independence on April 17. Since Israel was established, in May 1948, with a Jewish population of 650,000, more than a million newcomers have found a home there. Her story is a history of humanity and freedom from tyranny and persecution.

From the beginning her doors have been open to any Jew in need of a home. In doing this, Israel has become a symbol to the world in cherishing and honoring people, in showing respect for the individual to be free in his own home, in providing safety from oppression and hostility, and in showing man can work in union with others to overcome prejudices and provide a better life.

Since the day the independent State of Israel was established it has been a full member of the United Nations. She has one of the few governments which have maintained political stability since 1948. Changes have been brought about by the ballot box—not by violence.

After attaining a higher standard of living and overcoming economic problems at home, Israel has sent teachers and scholars throughout the entire world. Her technical assistance program is now reaching 87 states and territories on four continents.

Israel's technical cooperation program is unique because it emphasizes training. Students who come to Israel pass on what they have learned to others. When they leave, they start their own courses to meet immediate needs. The students study about cooperation in agriculture, in industry, and commerce; about hotel management, child welfare, communication, home economics, youth and community leadership, crime prevention, journalism, physical education, metalworking, carpentry, automobile mechanics, and public administration.

From Israel, other new governments gain confidence that they, too, can build a rapidly growing economy, produce a wide variety of crops and products, train its population to be workers, farmers, and good citizens—combining many cultures and traditions and accomplishing this miracle with voluntary cooperation, free from dictatorial coercion.

The most important lesson Israel teaches many new nations, as well as many old nations, is the art of cooperation. This little nation has remained independent, despite being surrounded by threats to destroy her. Israel proves that a nation can advance and overcome hostilities by the cooperation of self-respecting free men.

I salute Israel and her people on her day of independence.

Nation Mourns Death of Melvin J. Maas—Soldier-Statesman Headed President's Committee on Employment of the Handicapped for a Decade

EXTENSION OF REMARKS

OF

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 16, 1964

Mr. RANDOLPH. Mr. President, we are saddened at the passing of Maj. Gen. Melvin J. Maas, a respected public servant and the cherished friend of many who today serve in this body. As a soldier, statesman, and crusader for the handicapped, he won the admiration and esteem of those who seek justice and progress under the democratic system.

It was my privilege to work closely with Mel Maas when we served together in the House of Representatives. More recently, we were associated in the worthwhile efforts of the President's Committee on Employment of the Handicapped, a group which he headed for 10 years prior to his death. Under his able leadership the Committee intensified its educational and promotional efforts in behalf of the physically handicapped, and expanded its functions to include the mentally restored and mentally retarded.

General Maas also established an outstanding record of military service during three wars, and served with Adm. William Halsey and Gen. Douglas MacArthur in World War II. It was during the fighting on Okinawa that an enemy bomb damaged his optic nerve.

Returning to civilian life after the close of the war General Maas assumed responsibilities with several large business concerns until the outbreak of the Korean conflict. He was recalled to active duty, and served briefly as a member of the Reserve Forces policy board. Since 1949, he has been active in efforts to build a better way of life for handicapped citizens.

It is appropriate that we remember the achievements and sacrifices of Melvin J. Maas as he served his country and his fellow man in war and peace. We pray God's blessing on this worthy American, and on his loving family in this hour of grief. Thousands of citizens are comforted in the knowledge that Melvin J. Maas brought lasting benefit to the world in which we live.

Mr. President, I request that the Washington Post article of April 14, 1964, on the death of Maj. Gen. Melvin J. Maas be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GENERAL MAAS, THREE-WAR VETERAN

(By Kenneth M. Boyd)

Retired Maj. Gen. Melvin J. Maas, USMC, veteran of three wars, former U.S. Congressman from Minnesota and Chairman of the President's Committee on Employment of the Handicapped, died yesterday at Bethesda Naval Hospital.

The death of the 65-year-old general was attributed to a combination of heart disease, arteriosclerosis and diabetes. It was the 10th anniversary of his appointment to the Committee chairmanship.

General Maas, blinded since 1951 from injuries suffered during World War II, traveled hundreds of thousands of miles since his appointment to the Committee chairmanship in an effort to obtain equal opportunity for the handicapped.

He curtailed his extensive traveling a year ago, however, because of ailing health, but continued to direct his affairs by tape recorder from his home, 4714 Essex Street, Chevy Chase.

JOINED MARINES IN 1917

A graduate of the College of St. Thomas, in St. Paul, Minn., General Maas interrupted his education to enter the Marine Corps in April 1917, to serve as a private with Marine Aviation in the Azores throughout the war.

He accepted a Marine Reserve commission in 1926 before his election to Congress that year at the age of 27.

In 1933, General Maas received the Carnegie Silver Medal for heroism for persuading a mentally deranged spectator in the House galleries to yield a pistol he was waving menacingly at Congressmen.

A Republican and an opponent of most New Deal domestic policies, General Maas served in Congress until 1945 with the exception of 2 years when he went into private business.

He was joint author of legislation setting up a promotion system for the Navy and sponsoring author of the Naval Reserve Act of 1938 which, until passage of the Armed Forces Reserve Act, governed the Naval and Marine Corps Reserves.

SERVED WITH HALSEY

The general returned to active duty in the summer of 1941 to serve at sea and on the staff of Adm. William Halsey and in 1942 with Adm. Frank J. Fletcher in the Solomons campaign.

He then served as a Marine observer in Australia and New Guinea with the late Gen. Douglas MacArthur, and in 1945 assumed command of the Awase Airbase on Okinawa, where an enemy bomb explosion injured his optic nerve.

General Maas returned to civilian life to become assistant to the chairman of the board of the Sperry Corp. He later became a director of the U.S. Life Insurance Co., and of Mutual of Omaha.

With the exception of a brief return to active duty in the Korean war, when he served as a member of the Reserve Forces Policy Board in the Pentagon, General Maas has been with the President's Committee on Employment of the Handicapped since its formation in 1949.

He leaves his wife, Katherine; a son, Melvin; three daughters, Patricia, a Marine major; Mrs. Anthony C. Martino, of Richmond, and Mrs. Leo Catteron, of Annapolis.

Mr. RANDOLPH. Mr. President, in submitting for the RECORD this article from the Washington Post, explanatory of the career of the late Melvin J. Maas, I wish to state that not only was he a major general of the Armed Forces during an illustrious career, but he also was one of my cherished friends, with whom I had the privilege of serving—together with other Senators present today on the floor of the Senate—in the U.S. House of Representatives.

He was stricken blind rather late in life. His energies were used in the public good. He became chairman of the President's Committee on Employment for the Handicapped.

Now he is gone. I have written, through dictation—for I cannot actually read what I have dictated—a letter to his widow. I ask unanimous consent that this communication be printed in the RECORD, together with my remarks, in tribute to this great American, who gave so much of himself, his talents, and his compassion to mankind.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
April 14, 1964.

MRS. MELVIN J. MAAS,
Chevy Chase, Md.

DEAR MRS. MAAS: Permit me to extend deepest sympathy on the passing of your beloved husband my cherished friend, Maj. Gen. Melvin J. Maas. The Randolphs share your sense of loss in this difficult time.

It was my privilege to serve with Mel when we were Members of the House of Representatives, and I have worked closely with him in his post as chairman of the President's Committee on Employment of the Handicapped. He proved himself a responsible and purposeful leader and one who was ever motivated by the desire to serve his fellow man. As a courageous military commander and as a statesman of vision and integrity, Melvin J. Maas exemplified the strength of character and devotion to duty which are the integral components of American citizenship.

We are confident that you and your children will be comforted in the knowledge that the world is a finer place because of the wisdom and sacrifice of this gifted man.

With warmest personal wishes, I am,
Very truly,
JENNINGS RANDOLPH.

Representative Thomas J. O'Brien, of Chicago—A Tribute on His Death in His 85th Year

EXTENSION OF REMARKS
OF
HON. WRIGHT PATMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 16, 1964

Mr. PATMAN. Mr. Speaker, Representative Thomas J. O'Brien, of Chicago, was typical in the very best sense of the grand politicos of the old school, and his death, although not unexpected, seems to me something very much like the passing of an era. For me Representative O'Brien, gone from us in his 85th year, embodied the finest qualities of leadership in the politics of the recent decades and the Middle West. I know it is the custom to refer to men of decision and forthrightness in politics as "bosses," once they achieve authority and great influence. But Tom O'Brien, as I observed him, could never be called the boss in the dictatorial, the peremptory, the arbitrary, the domineering sense. Rather, he was known to most of us in this House as an extremely astute master of his profession who ruled by right of leadership and by the virtue of his service to his district, his State, and his country. Tom O'Brien was not listened to merely because of the weight of his authority and the force of his personal will, but because also of his lucid and direct and unwavering judgments. Of course, he knew how to make decisions, but he knew also how to respect the opinions and the decisions of others. As a great craftsman in the field of parliamentary maneuver he knew how wisely to accept compromise when compromise suggested the best solution for the good of the common welfare. Thus, he was the type of legislative leader who got things done and arrived at his goals with the least possible friction and without riding roughshod over those who disagreed with him. It is symptomatic of the man that when he spoke his voice was soft and persuasive and his manner gentle and cooperative. The respect he enjoyed from the Illinois congessional delegation was so great that he was its undisputed leader here in the Congress, and of course its dean, but it was a respect shared by many other Members of the House from all over the country. What has been said here since the announcement of his death Wednesday, April 14, after a long illness in the Bethesda Naval Hospital, is ample testimony of the high regard in which he was held by us all.

When I say that he was the embodiment of the most admired qualities in the makeup of the American politician, I mean that he provided the service to his constituents and the loyalty to them, to his party, to his country, that earned him undying loyalty and devotion in return. The reason that his following in Illinois never abandoned him was that he never abandoned them, and as he fought valiantly for them, so they fought valiantly for him. The best proof is, of course, that death was knocking at his door at the very moment that his dedicated political following, in the Chicago area, were casting ballots to make sure he would be a candidate and then a Member again in this House for his 15th term. It is symptomatic, too, that in this House, as our comments during these days so eloquently prove, he enjoyed a deep, an abiding, a powerful range of friendships. Only a strict personal and political integrity, and a long record of keeping one's promises and acting on principle, can bring that about.

The Illinois delegation enjoys a high quality of leadership among its members but even among them Tom O'Brien was unique. It is my most devout prayer that the current and the forthcoming generations of Americans will send to this Chamber to represent them, men as dedicated and as competent in the handling of the affairs of their time, as Tom O'Brien was in the handling of the affairs of his. Politics in our country will never know a higher level of character than that provided by Tom O'Brien.

Salute to the Federal Union

EXTENSION OF REMARKS
OF
HON. CLEMENT J. ZABLOCKI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 16, 1964

Mr. ZABLOCKI. Mr. Speaker, at noon today, the Federal Union, Inc., and the Advisory Council of the International Movement for Atlantic Union, held a luncheon meeting in the New Senate Office Building at which it was my pleasure to preside.

The event commemorated two dates significant in the history of the movement for federal union. First, today we celebrate the 175th anniversary of the day on which George Washington left his plantation home in Virginia to ride to New York City for his inauguration as the first President of these United States.

It is, of course, just one more historical event in this history-filled 175th anniversary year of the establishment of our present form of government under the Constitution.

When one considers that our Nation—though relatively young—has the oldest written, working constitution in the world, it becomes clear what a marvelous triumph of man's reason we commemorate this year.

The second date is one notable because of its significance in the federal union movement, founded by our Mr. Clarence Streit. Fired by a vision of a Federal Union of North Atlantic States, Mr.

Streit began a campaign to make this idea a reality, a campaign to which he has devoted his life.

To him, this date recalls the first stirrings of interest for his ideas of federal union among the people of the Midwest, a region which had a long history of isolationist feeling.

The ultimate measure of his success can be seen today. We know that the isolationism which once dominated the Nation's midlands has all but vanished, melted like snow before the frictions of our modern times and the fervor of men like Clarence Streit.

More than any one event, it was the founding of the North Atlantic Treaty Organization that brought our Nation closest to a true federal union with the democracies of Western Europe. Today, however, with signs of a thaw in the cold war, the structure of NATO has begun to show signs of stress. There is grave danger that, instead of pressing forward to the goal of union, NATO will be scrapped.

Recently we have heard warnings about this eventuality from no less a world statesman than Konrad Adenauer. He has warned that Soviet tactics in the next few years would be directed at breaking up the North Atlantic alliance after 1969, the year when the treaty comes up for renewal.

He urged that the NATO countries overcome their differences and make urgently needed changes in the NATO treaty by 1967. If this is to be accomplished, we must, of course, begin now to work and plan for those changes.

Any revision of this treaty should be aimed at promoting a closer union of the Atlantic States. The job will be difficult, for there is sure to be objection from France, but we must—as President Johnson is fond of saying—"reason together" for the good of all.

The group of Congressmen and other distinguished guests at the luncheon were privileged to hear three speakers who are exceptionally knowledgeable in matters of federal union. Hon. George V. Allen, former Director of the U.S. Information Agency, former Ambassador to Yugoslavia and now executive director of the American Tobacco Institute, spoke on the meaning of the federal union in our Nation's history. The distinguished gentleman from Illinois [Mr. FINDLEY] spoke on the change in attitude toward federal union with Europe which has occurred since 1939. The final speaker of the day was Mr. Streit himself, who discussed the meaning of America's "revolution" of 1789 and its meaning for the concept of Atlantica.

At this point I should like to include the remarks of Mr. Allen, Representative Findley, and Mr. Streit, and commend them to the attention of my colleagues:

REMARKS OF GEORGE V. ALLEN, FORMER DIRECTOR OF U.S. INFORMATION AGENCY

As we commemorate this anniversary, the sharp contrast in communications between 1789 and the present is worth recalling. Then, 9 days elapsed between the counting of the electoral ballots in New York and the notification of Washington in Mount Vernon that he had been chosen President. In contrast, a false rumor on Monday that Khrushchev had died was flashed to radio and TV stations around the globe, and before a correction could be obtained 20 minutes later, the rumor had already been broadcast to villagers from Timbuktu to Tierra del Fuego.

Albert Beveridge, in his life of John Marshall, gives a delightful description of the state of transportation 175 years ago. When Washington left Mount Vernon on April 16, 1789, to travel by carriage to assume the duties of President, "his carriage stuck in the mud, and only after it had been pried up with poles and pulled out with ropes could the Father of his Country proceed on his journey; and this, too, over the principal highway of Maryland."

Beveridge adds that the driver of a lumbering coach of that day would shout to his passengers: "Lean to the right," and all the jostled and bethumped travelers crowded to that side of the clumsy vehicle. "Left," roared the coachman a little later, and his fares threw themselves to the opposite side. The ruts and gullies, now on one side and now on the other, of the highway were so deep that only by acting as a shift ballast could the voyagers maintain the stage's center of gravity and keep it from an upset.

"Richard Henry Lee objected to the Constitution," says Beveridge, "because, among other things, 'many citizens will be more than 300 miles from the seat of this (National) Government and as many assessors and collectors of Federal taxes will be above 300 miles from the seat of the Federal Government as will be less.'"

Advances in the physical sciences, including communications technology have been constant since 1789, but progress in political science has been uneven and uncertain. The cities of Washington and San Juan and Anchorage and Honolulu are close neighbors today, not only in time but also in political structure, thanks to federation. On the other hand, the distance between the United States and France today, politically and psychologically, is greater than it was in 1789.

The Federal Constitution of the United States takes only seven pages, with the amendments, in the World Almanac, yet it contains the framework within which the original States, now grown to be 50, have thrived for nearly two centuries. The document has shown its capacity for adaptation, and the same basic principles embodied therein could serve as the basis for the government of other communities of peoples having a similar background and common goals.

The nations of the North Atlantic form a common community, geographically and culturally. The peoples of Europe and America are joint heirs of the political and ethical concepts of the Judeo-Hellenic tradition. Yet two World Wars have started among this very group of peoples during the present century. World Wars I and II have been called, with reason, civil wars. One of our purposes today must be to assure, at the least, that a third civil war does not break out within this same community. Another purpose is to build a solid enough structure to avoid, discourage, and if necessary, repel any aggression from the outside.

Fifteen free nations can be held together today on the same basic principles that 13 sovereign States were merged into one federation in 1789—by providing machinery through which differences can be thrashed out, adjudicated, or compromised, and by which, if necessary, aggression from without or defection from within, can be repelled.

George Washington began a journey into the unknown in 1789. The new Constitution seemed a medley of accommodations and adjustments which pleased no one entirely, and the result was bitterly distrusted by a large part of our population. There were no precedents for the legislative, executive, and judicial branches to follow. This Federal system was a new political concept. Washington's uneasiness, as he traveled north, must have matched his physical discomfort.

Yet, a mere 50 years later, Dr. Tocqueville was able to hail this same document as a great political discovery, and a half century later, Lord Acton saw it as "an astonishing and unexampled success." Gladstone referred to it as the greatest document ever stricken off at one time by the pen and purpose of man.

I submit that the limits of this powerful concept have not been reached. As we look backward to 1789, we can also look forward—not 175 years ahead but to the immediate future. The atomic age is pressing upon us. We must hasten, or we shall lose the heritage we celebrate today.

TEXT OF REMARKS BY REPRESENTATIVE PAUL FINDLEY, REPUBLICAN, OF ILLINOIS

My colleagues of the Congress, and my colleagues, one and all, in the family of freedom, the year 1964 is a year for reflection and forethought. It is the 175th anniversary of the American Republic. It is the 50th anniversary of the outbreak of World War I, and the 25th anniversary of the outbreak of World War II.

It is also the 25th anniversary of an undertaking as creative and as hopeful as the American Republic itself, as breathtaking in its potential for good as the World Wars were awful in their power to destroy. Seven months before World War II began, the book "Union Now" was published. Written by Clarence K. Streit, one of our speakers today, it proposed a federal union of the democracies of the North Atlantic. A few months later a membership association now known as Federal Union, Inc. was established to promote the idea set forth in the book.

The "now" of "Union Now" is yet to be, but in the 25 years since the proposal first appeared in print, remarkable progress can be noted.

In 1939 the doctrine of absolute nationalism ruled world thought and action just as completely as the dogma of communism rules Russia today. The League of Nations had few believers. In the United States isolationism had sunk to neutralism.

The "Union Now" proposal—to use the magic of the U.S. constitutional system to link the free peoples of the North Atlantic—was regarded in many quarters as visionary, unrealistic, utopian, or downright dangerous. Eyebrows went up all the way when it was apparent that traditionally isolationist United States was to lead—not just participate—in the federal union.

A 1939 review of Mr. Streit's book wrote that the author must mean "now" in the geological sense.

Today attitudes have changed immensely. The advance toward Atlantic union has been so great the only serious questions left are how and when—in time to prevent another disaster, or too late.

Neutralism is now gone from the United States and so is isolationism. The U.S. took the lead in forming NATO, the North Atlantic Treaty Organization with a North Atlantic Treaty Council and a North Atlantic commander. The term "Atlantic Community" has become commonplace, and so has the fundamental interdependence of this community. A group of Republicans in the House is devoting its attention to the problems of strengthening NATO.

The federal union proposed in "Union Now" is a respectable proposal, given serious consideration in many high places.

Each of the four leading prospects for the Republican presidential nomination—Goldwater, Nixon, Rockefeller, and Lodge—has spoken plainly either in behalf of this very proposal or for structural changes to make NATO more effective and durable.

In a foreign policy statement in Life magazine, January 17, Senator **GOLDWATER** made the key to his own policy the "structural" strengthening of the Atlantic community. "We must rethink the purpose of the alliance, and the degree to which we are willing to concede to NATO certain prerogatives which we now reserve to ourselves."

In April 1963, Richard Nixon, who missed the White House by a few votes, urged "expanding NATO to a political confederation." He called it the only solution for NATO.

Just last month Governor Rockefeller spoke up for a "union of the free." In 1962 he said, "The Federal idea, which our Founding Fathers applied in their historic act of political creation in the 18th century, can be applied in this 20th century in the larger context of the world of free nations—if we will but match our forefathers in courage and vision."

Ambassador Lodge, until his appointment to South Vietnam, was director general of the Atlantic Institute. Last year he spoke up for a "union of free nations."

On July 4, 1962, President Kennedy called for a "declaration of interdependence in the Atlantic community."

On July 10, 1963, former Prime Minister Anthony Eden came out for an "Atlantic Federation" on the initial Telstar broadcast and asked General Eisenhower if he agreed that "the only future really deserving of our efforts and our idealism is some sort of Atlantic Union."

General Eisenhower replied, "Well Anthony, you have stated the final objective beautifully and eloquently."

This is a year to give pause to any grandfather or grandmother, any father or mother, and any son or daughter. It should help open their minds and hearts to the idea of constituting a new great union of the free, not in the future, not eventually, but now while the living can enjoy its immense advantages.

Federal union is the only answer to the life-and-death problem of securing freedom peacefully that has proved practical through seven generations—as attested by this 175th birthday of the Federal Constitution.

The times demand an imaginative yet thoroughly tested program. They demand bold, swift, comprehensive action capable of moving the hearts of men. Atlantic federal union offers that kind of program. It has the further advantage of being deeply identified with the basic principles and patrotism of the American people, of springing from the purest sources of American life, of pioneering and carrying forward heroically the living American dream.

For that reason, I propose that President Johnson assemble a blue-ribbon panel of citizens and invite the leaders of other NATO nations to do the same. Then let these best minds of the free world sit down together, just as our forefathers met in Philadelphia in 1787. Let them fashion and propose for ratification a new standard to which the wise and the honest can repair.

AMERICA'S FORGOTTEN REVOLUTION OF 1789—AND ITS MEANING FOR ATLANTICA NOW

(By Clarence Streit)

Much as the names London and Paris, in news dispatches are taken to mean Britain and France, the name of our Capital often means to the world our Government and people. This was true even before this city and this Government existed or we formed one people. They all resulted from the Federal Union whose advent we commemorate today—and George Washington's leadership was decisive in this achievement. But even before this vast creation, his virtues had made his name renowned through the civilized world, a symbol of the free principles the 13 States had declared in 1776, the most potent yeast that freedom then possessed with which to transform a world far more sodden with oppression than is ours today.

Today, the name Washington stands for the world's strongest power. But does this name now have the revolutionary fermenting force for our ideals it had when its power came from moral virtues, rather than from missiles and money?

In his Farewell Address, Washington asked: "Can it be that Providence has not connected the permanent felicity of a people with its virtue?" To assure to Washington now the power for freedom and union it had when that name stood also for a living man, must we not have the virtue to remember the great creators and creative acts that gave us our present material power?

It was on March 4, 1789, that our Federal Union began "the career it has so grandly run" to quote the great English historian of freedom, Lord Acton. The slowness with which it began to function reflects the apathy and hostility it still had to overcome. New York City was then the Capital, and it hailed with cannon and bells the dawn of March 4. But though that date had been officially set nearly 6 months previous as the day for the Federal Government to begin work, it could not start to function, for only 8 Senators and 14 Representatives had arrived. Neither House had a quorum.

Only 11 States had then ratified the Constitution, and though these included New York, its State government remained so hostile to the new Federal Union that the presidential electors, who had cast their votes for President in February, included no New Yorkers, and no Senators from New York appeared in the Senate until mid-July. The number of Representatives the Constitution gave the 11 States totalled 59—but it took nearly a month before the 14 reached, on April 1, the 30 needed for a quorum and the House could do business. The Senate was then indeed a club; there were only 22 Senators—but it took more than a month, it was April 6th, before the 8 grew to 12 and the Senate had a quorum. Only on that day could the two Houses meet jointly and count the electoral ballots and announce the unanimous election of George Washington as President.

This dragging of feet explains why George Washington did not leave Mount Vernon for his inauguration until April 16—6 weeks after the day set for the Federal Government to begin. Ironically, the Father of our Country is our only President who never got to serve his full 4-year term even while living. He was shortchanged by those 6 weeks. His first term ended not 4 years after April 30, when he was inaugurated, but 4 years after March 4, 1789—for that day remained, and still remains, the birthday of our Federal Union.

This birthday was marked every 4 years thereafter by the inauguration of the President and a new Congress on March 4, until 1933 when the 20th amendment advanced the date to January. Since then this birthday has been increasingly forgotten. Even this 175th anniversary passed with no official celebration of March 4. Nothing marked that day this year except half a dozen speeches on the floor of the House (three of them by Members present here today—Congressmen **ZABLOCKI**, **FINDLEY** and **SCHWENGEL**) and by a luncheon which our organizations held in New York.

If any day deserves to be celebrated by us every year, it is March 4, for it marks an even more revolutionary event, in some major respects, than the Fourth of July. This "forgotten revolution" drastically changed the United States from an association or alliance of sovereign State governments, as it was under the Articles of Confederation, into a Federal state composed, primarily, of sovereign citizens rather than States. And it was much more than that: It was one of the greatest breakthroughs in world political history, as eminent foreign scholars have testified.

We now think of the Constitution as a means for governing domestic rather than foreign affairs. But to the people of each of the 13 States it came as a bold "experiment" (to quote Washington) in foreign policy—a new way to govern their own State's relations with the other 12, and the rest of the world—a way so new as to be unheard of. It was far worse than that to Patrick Henry, who nearly killed it aborning. Convinced it would destroy the liberty of Virginians, he almost persuaded them not to ratify it. He told them this Constitution was "extremely pernicious * * * and dangerous," "oppressive," "absurd," "the most fatal plan that could possibly be conceived to enslave a free people," and "a solution as radical as that which separated us from Great Britain."

Radical it was indeed. It completely reversed the system on which the United States Congress under the Articles of Confederation was based. Both systems applied the Roman maxim of "divide and rule"—but in opposite ways: The Confederation applied it to divide the American people (or rather, to keep them divided) into New Yorkers, Pennsylvanians, Virginians and so on, let their State governments rule not only their purely State affairs but their own common affairs with the people of the other States.

The Constitution allowed the American people to rule the United States as well as their own State governments; it did this by uniting the people while keeping all their governments divided—the State governments independent of one another, the Federal Government independent of them all, and its legislative, executive and judicial branches separated from each other, and its Senate from its House.

Under the Confederation the relations of the 13 States were set up basically the same as those of the 15 Atlantic allies now. Each had its own armed force, trade barriers, currency, citizenship, and foreign policy—when Massachusetts closed its ports to British ships, rival Connecticut opened its harbors to them. Common affairs were handled, as in the NATO Council, through a one-house body (Congress) composed of Delegates named, instructed and paid by their State governments. Each State had one vote—and a veto over any change in the Confederation—and the Congress (again like the NATO Council)—had no power to enforce its resolutions, or make delinquent States furnish their military or financial quotas. The U.S. President was as powerless then as the NATO President is now.

It was the Federal Constitution that gave the United States what we now take for granted—its common market, common currency, common citizenship, common standing armed force. It was Federal Union that gave us our common government, one representing the people directly rather than their State governments—a common government with voting power proportioned to population, and no State having a veto, with power to govern the fields transferred to it by operating directly on the citizens through a strong Executive.

The Constitution reversed no less revolutionarily the purpose of the previous, so-called United States. The confederal aim was to maintain the "sovereignty, freedom, and independence" of each of the States that made it. The Federal purpose was, and is, to preserve the sovereignty of the citizens who made the Constitution—"We the People of the United States, in order to * * * secure the Blessings of Liberty to ourselves * * * do ordain and establish this Constitution."

This transformation from Confederation to Federal Union was so profound as to constitute a "second American revolution" much more extraordinary than the preceding one we all remember, the one which set up those 13 "free and independent States."

The 13 Colonies were not the first to break away from the mother country and become independent. Nor were they the first to set up democracies and unite them in a confederacy. This had been done by the ancient Greek city states. But the 13 were the first to solve the problem that had always baffled mankind and had led to the destruction of democracy ever since the ancient Greek failed to solve it: How to unite democracies effectively, democratically, enduringly? How to balance equitably big and little States? How to save liberty from its hereditary twin foes—tyranny and anarchy, too much government and too little?

As Lord Acton said of the 13 some 70 years later: "They had solved with astonishing and unexampled success two problems which had hitherto baffled the capacity of the most enlightened nations; they had contrived a system of federal government which prodigiously increased the national power and yet respected local liberties and authorities; and they had founded it on the principle of equality, without surrendering the securities for property and freedom."

They achieved this historic breakthrough, as Tocqueville pointed out, by "this Constitution which * * * rests, in fact, on a theory that is entirely new, and which stands as a great discovery in modern political science."

"Revolution" connotes something relatively great in scope done in relatively little time by relatively new ways. By all these three acid tests, the second American revolution outranks the first one.

In scope: It was not only greater in comparison with past human achievement, but in comparison with even the latest comparable efforts. The European union movement has gained great and deserved credit for its achievements, yet the European Common Market is only one item among those which the Constitution wrapped up in its Federal package.

As for speed: It took Europe 9 years from the first proposals in 1948 to reach the stage of signing in 1957 the Treaty of Rome—under which the Common Market of the Six Nations would be completed by 1970—another 13 years (President de Gaulle permitting) or 22 years in all. Now turn back the clock to the sundial era. The State of New York has the honor of having been the first government to propose formally (thanks to Alexander Hamilton) that a Federal Convention be called to "revise and amend" the Articles of Confederation. That was on July 20, 1782. Five years later the Convention met, drafted, and signed the Federal Constitution—all in 1787.

After long and strenuous debate in a number of the States it was ratified by enough of them for the Federal Government to be inaugurated less than 2 years later—7 years from start to completion. This in the sundial, oxcart age, when it took 24 days to carry the Declaration of Independence from Philadelphia to South Carolina by the fastest means available.

Yet the peoples of the 13 States did far more than begin a common market in those 7 years; they set up at the same time a common currency, defense force, foreign policy, citizenship, government. All this was done as a step in the dark, a bold experiment undertaken despite the warning of Patrick Henry against a solution which that fiery revolutionist called "as radical" as the separation from Great Britain. By way of comparison, that first American Revolution took 8 years—from the Declaration of Independence to the ratification of the peace treaty in 1783—or 18 years if one starts with the Stamp Act in 1765.

Let us turn to our third acid test. That first American Revolution was achieved in the age-old way—by violence, bloodshed, war—8 years of war. The second American revolution was achieved in a new way—peacefully—not merely without war but without any bloodshed or violence, to my knowledge, except one minor riot in Albany, N.Y. It happened on the fourth of July 1788, while the New York State Convention, elected by the people to approve or reject the Constitution was meeting in Poughkeepsie—only halfway through its heated 6 weeks' debate on the subject. Only 1 man was killed and 18 injured in that Albany riot.

In our time most Americans profess to attach high importance to peaceful solution of this very problem. And well they should, since they had to suffer the bloodshed of two World Wars and be faced by another atomic one before they would enter even the Atlantic alliance. One might expect such a generation to consider as revolutionary indeed the fact that their forebears made the giant breakthrough from alliance to federation without war and with practically no violence or bloodshed. Yet this revolution is the forgotten revolution—forgotten even by our generation. So much do we still seek peace by rating the victories of violence as more memorable, more heroic, more revolutionary than the triumphs of reason.

Some will say—indeed, many here and in Europe have said to me through 25 years—that it was relatively easy for the people of the 13 States to do all they did in so little time with so little violence, and therefore it wasn't so great a thing after all. They mean that they assume it was easy, compared to the problems they see facing the step from alliance to union in the Atlantic community now.

It seems to me that those who faced the situation in America then were in a much better position to judge its difficulties than we are now—especially the great majority of us who are so incredibly ignorant of the conditions in which this second revolution was achieved. Patrick Henry was by no means the only one who found that this breakthrough was as "radical" as the one we remember so well.

To Alexander Hamilton it was more than a revolution, it was a miracle. We have time to hear only three other witnesses, two Americans and one European. We call to the stand first George Washington.

Only 3 months before the Federal Convention met, he wrote General Knox on February 3, 1787, "I believe that the political machine will yet be much tumbled and tossed, and possibly wrecked altogether, before such a system * * * will be adopted. The darling sovereignties of the States individually * * * would give their weight of opposition." Still more gloomily General Washington wrote a month later, March 10, to the Foreign Secretary of Congress that the latter's opinion that "attempts to alter or amend it—the Articles of Confederation—will be like the proppings of a house that is ready to fall, and which no shoars can support (as many seem to think) may also be true. But is the public mind matured for such an important change as the one you have suggested? What would be the consequences of a premature attempt? * * * A thirst for power, and for the bantling, I had like to have said monster, for sovereignty, which have taken such fast hold of the States individually will * * * form a strong phalanx against it. It is more than probable that we shall exhibit the last melancholy proof, that mankind are not competent to their own Government."

How often I have been told that the public is not ripe for even an Atlantic Federal Convention, that it would be too dangerous to risk failure. The difference between these modern nay-sayers and Washington is that he nonetheless agreed to stake his prestige by serving as a delegate. When, after a 3-day horseback ride from Mount Vernon, he arrived at Independence Hall on May 14, the day set for the Convention to open, he found the only other delegation present was the one from Philadelphia.

With such proof of public apathy or hostility, his modern successors in office would, I fear, have saddled their plane and jetted home. The Father of our Federal Union merits that title because he stayed, cooling his heels for 11 days until a quorum of seven delegations allowed the Convention to open May 25.

During those 11 days that tried the souls of the Founding Fathers, "practical" delegates urged that the Convention—if it ever could open—limit its efforts to some halfway measures which the people might approve. But George Washington, deeply as he shared the prevailing pessimism, intervened with one of the most decisive speeches in human history. Certainly it was the shortest of important speeches. Here is the whole of it:

"It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God."

Result: The practical men gave in, and the Convention began with so revolutionary a spirit that it ignored its instructions—which limited it to merely amending the Articles of Confederation—and set out to draft a whole new government on lines which the delegates themselves believed would work—and they left the result to the people, and to the hand of God. Six weeks later the Convention had come to complete deadlock, after such wrangling that Washington on July 10, wrote to Hamilton (who had been called back to New York): "I almost despair of seeing a favorable issue to the proceedings of your Convention, and to therefore repent having had any agency in the business." But he ended his letter by saying characteristically: "The crisis is equally important and alarming, and no opposition under such circumstances should discourage exertion until the signature is fixed."

When the Constitution was finally signed on September 17, Benjamin Franklin—my second witness—gave the testimony you have on your program on the dangers and difficulties the signers had thus overcome. Speaking of the finished Constitution, he said:

"I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded like those of the builders of Babel; and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats."

Such was the danger of wars among the 13 States then, in the considered judgment of so realistic a man as Poor Richard, so experienced a statesman as Franklin, then 81.

Today, there is no danger of any war among the 15 NATO allies—but so timid are the successors of Washington and Franklin now that they cease all effort when President de Gaulle vetoes some elements in the administration's Atlantic "partnership" plan. The mounting Atlantic disunion, which results from their own lack of vision and courage, is to them not urgent incentive to redouble efforts to unite the Atlantic community but justification for ceasing them and seeking accord with Moscow instead of with Paris, our oldest ally.

Europeans are now among the first to assume that the change from alliance to Federal Union among the 13 States was far too simple to be compared to the difficulties of making such a change now. But when the U.S. Constitution was signed, Europeans were, indeed, "astonished." Small wonder, for Europeans found the difficulties facing union then so impossible to surmount that my third witness—Josiah Tucker, dean of Gloucester—wrote in 1781:

"As to the future grandeur of America, and its being a rising empire under one head, whether republican or monarchical, it is one of the idlest and most visionary notions that ever was conceived even by writers of romance. The mutual antipathies and clashing interests of the Americans, their differences of governments, habitudes, and manners, indicate that they will have no center of union and no common interest. They never can be united into one compact empire under any species of government whatever; a disunited people till the end of time, suspicious and distrustful of each other, they will be divided and subdivided into little commonwealths or principalities, according to natural boundaries, by great bays of the sea, and by vast rivers, lakes, and ridges of mountains."

Massachusetts ratified the Constitution after prolonged debate by a majority of only 19. Despite Washington's endorsement, Virginia, after listening to Patrick Henry denounce the Constitution for 3 weeks—and raise fears of civil war—ratified it by only 89 to 79. Despite the Federalist papers—written to win a majority for the Constitutuion in the election of delegates to the New York Convention—the people elected a two-thirds majority of them opposed to ratification. Hamilton had to argue through 6 weeks before, by one of the greatest forensic feats in history, he finally persuaded them, by 30 to 27, to ratify the Constitution.

What are the lessons in our forgotten American Revolution of 1789 for the people of the 15 nation-states of Atlantica today? I see many, but I shall touch on only three or four, depending on the time I have left.

The first lesson is that we Americans, Atlanticans and all the non-Communist world have far more to gain now from studying our forgotten revolution than our remembered one. The principles of free government in our first Revolution's Declaration of Independence began toppling autocrats in Western Europe in May 1789, when they helped lead to the meeting of the States General in France. In the 175 years since the French Revolution began spreading these principles in Europe, a number of nations there have grown into stable democracies. Their growth in freedom, combined with the force of the example of the Thirteen Colonies in breaking away from the British Empire, has led, particularly in the last decade, to the transformation of their colonies in Asia and Africa into independent nation-states—usually without the wars that marked the much earlier breakup of Spain's American Empire. Only the Russian, Red Chinese, and Portuguese Empires now remain to be broken up by the principles of the first American revolution.

The transformation of the Western European empires into scores of small independent nations has come at a time when mass production and mass destruction, together with the rise of Communist dictatorship, have made even the strongest democracies unite in the Atlantic alliance. The challenge of "unite or perish" which the 13 States faced after independence, and solved at the dawn of the steam-electric age by their forgotten revolution, faces the strongest Atlantic democracies far more imperatively now, at the dawn of the jet-atomic age. Its solution is no less vital to the inexperienced new nations—but they have no possibility whatever of solving it effectively by regional federations if the Atlantic democracies fail to meet this challenge—fail to provide the world with a pilot plant on international democratic federal union. If they fail to do this promptly, the undeveloped nations of Asia, Africa and Latin America are doomed, I believe. to go the way of Cuba, Zanzibar, and North Vietnam. If we do rise to the challenge, then I am confident that the remainder of this century will see our forgotten revolution spread federation of the free through the world as the remembered revolution spread independent nationalism through the first half of our century. Which will it be?

I come to the second lesson of the forgotten revolution. It is this: It is much more prudent and practical to build the Atlantic pilot plant on the broad lines of the Federal Union which has already stood the test of 175 years, than along the lines which the administration is now following.

Atlantic union has progressed so far in the past 25 years that is no longer a question of whether Atlantica should be effectively united, but only of how. There are two major answers to this question. One is the administration's Atlantic partnership plan; the other is the plan we uphold, for an Atlantic Federal Union in which all the NATO nations would be member states.

Both plans depend on federal principles, but the partnership one would apply them only in Western Europe. It seeks to solve the problem of balancing the American colossus with the European nations by federating the latter in a European union, so that it would thus become equally colossal. The two giants would then be united by a bar called "partnership" which has never been defined, but which would obviously be much weaker than federation.

This plan was originally called "Operation Dumbbell" by its State Department authors. They were thinking in terms of the gymnasium—two equal spheres connected by a bar—but with all respect to them I believe that the slang sense of "dumbbell" more accurately describes this operation.

I have time to mention only two of the reasons why I think this plan is unsound and unworkable. One is that the Dumbbell balance is essentially the old European balance of power between sovereign nations, which has never worked to prevent war and depression. Two sovereign democracies are bound to differ on how to advance peace and freedom just as two political parties do. But there is no way on earth to get sovereign powers to agree short of war, and since neither wants war, the result is stalemate. For more than a year now the United States has been deadlocked with a much smaller power—France. And in other ways, with another smaller power—Britain. How much worse the stalemate would be, were it between two equally powerful sovereign unions, European and American. To stake life and liberty on the hope that the reverse will then be true, that equality in national power will make for agreement and prevent dangerous deadlocks, is to fly in the face of all experience, to the height of folly.

Operation Dumbbell is also unsound because it would bridge the Atlantic by building only the approach on either side on tested federal principles—and then connecting the main span, between the two towers, by the fragile principle of partnership. There it depends on the old European balance of power—equivalent to stretching a tight rope between the two towers of the Atlantic suspension bridge and relying on diplomats to balance their way across—across the ocean.

Our plan would build the longest span of this great bridge by the strongest, not the weakest principles—by federal principles all the way across, and not just at the two approaches. Put in federal, instead of engineering terms, our plan would solve the problem of balance between the American colossus and the small European nations by the time-tested Federal balance between the House and the Senate. It safeguards the people of the larger States by their voting power in the House and those of the smaller States equally by their voting power in the Senate. Though no law can be passed without the approval of both Houses, and deadlock is theoretically possible, there has been, in practice, no serious danger of stalemate—and none whatever in times of grave danger from abroad. For, over and above both the House and the Senate, stand the sovereign citizens of the Union, on whom all the Members of both Houses depend for office.

It is the partnership plan which President de Gaulle has blocked. His motives may have been the wrong ones, but personally I am very grateful to him for having halted Operation Dumbbell, and thus given people an opportunity of seeing the folly of this project and turning to the sound alternative before it is too late. The United States drifted into Operation Dumbbell without its implications and basic principles ever having been subjected, so far as I know, to close scrutiny by those in power or by most others.

President de Gaulle, by my reading of his various statements, has always left the door open to our Atlantic federal plan. I wish I had time to point out how it meets many of his main objections to the partnership plan. Suffice it to say now that, until the U.S. Government proposes Atlantic federal union along the lines we propose, and he rejects it, I for one shall continue to believe that the obstacle lies much more in Washington than in Paris. I have been told on good authority both in Washington and Paris that the U.S. Government has never even sounded him out on Atlantic federal union.

The third lesson to be drawn from our forgotten revolution is that the sound way to solve the problem of Atlantic unification is to tackle it as a whole—again by the method that has now worked for 175 years—and not piecemeal, by the little tested method that is now being followed officially. This method, called by its supporters the functional approach, has set up among the six nations in Europe first the Coal and Steel Authority, then Euratom and later the Common Market. The plan is to add next a common currency, then a common defense force, and finally a common government.

The fact is that these economic, monetary, military and political elements in the problem are closely interrelated, much as are the digestive, circulatory, muscular and nervous systems of our bodies. To tackle them separately seems to be simpler, but the successes are illusory—as I had ample opportunity to observe when covering for the New York Times such efforts at the League of Nations in the period between World Wars. Whatever progress one makes in one function is jeopardized by failure to advance proportionately in some other function. In a recent example, the Nassau agreement on weapons triggered President de Gaulle into blocking the development of the Common Market.

The Founding Fathers of our Federal Union had the revolutionary wisdom to create through the Constitution a body politic complete with all these interrelated organs or functions. Because of our reluctance to study afresh our forgotten revolution it seems to many that it is much harder for us to do this now in Atlantica. Be that as it may, why not first try at least the method that worked and see what we can do ?

Full-fledged union will take years, of course, to achieve. This does not mean, however, that we must leave the attainment of this goal to the mercy of time, and meanwhile concentrate on meeting this and that crisis with this and that "practical" gimmick. To build one's dream house takes time, too—but jerry-building will never turn the dream into reality. The goal cannot be gained without a definite decision to build the house, followed by selection of architects to prepare the plans and builders to turn the blueprints into building. To put these decisions off indefinitely because the final goal takes much longer than the first step is the opposite of practical.

This is true of Atlantic union, too; the basic decisions take relatively little time, there is no sense in deferring them further, and every reason to take them now. What does this mean, concretely? It means a decision by the President to invite the NATO allies to send delegates to meet with U.S. delegates in another federal constitutional convention, patterned broadly on the one in 1787, to take—subject to ratification by their peoples—the following positive, creative actions:

1. Declare that the goal is the transformation of the NATO alliance into, eventually, a full-fledged federal union, that is, one with a common citizenship, foreign policy, defense force, and free movement of money, goods and men through its territory—which would guarantee the continued independence of each Member Nation as regards its purely national affairs, and could admit other nations that so desired, when it agreed that this would advance its purpose.

2. Draft a federal constitution to speed attainment of this goal by:

(A) Listing the bill of rights, or individual liberties, and the other peaceful purposes which this union of the free would be made to advance.

(B) Establishing a democratic government with a federal senate and house, and an executive and judiciary to pursue these aims;

(C) Assigning to this Government the task of working out, as a whole, the transition to complete union in the various interrelated fields to be given it, and fixing a definite time-table for the attainment of each—a common currency to be achieved in ------ years, a common market in ------ years, a common defense force in ------ years, and free movement of citizens throughout the Union in ------ years.

Certainly there would be conflicting views in such a convention, and many compromises would have to be made. But the convention would be spared the difficulty of working out the details of transition which the drafters of the Rome Treaty incorporated in that voluminous document which set up the Common Market. All such questions would be left to the new union government to answer. This Convention, like the one in Philadelphia, could concentrate on the basic political problem—and turn out as short a document as the U.S. Constitution.

If the French Government refused to participate, or, participating, refused to sign or ratify the resulting constitution, the other nations could still federate. How long could even General de Gaulle keep France out of a union that included the United States, Canada, Britain, Belgium, the Netherlands, the German Federal Republic, Italy—to mention no more? There is so much support for Atlantic union already among the French, including the Gaullist leaders, that one could confidently expect France to enter such a federation soon, if it were not among the founders, as I am confident it would be.

The fourth and concluding lesson we can draw from the forgotten federal revolution is the most important: It is to meet the challenge of our day with the revolutionary vision and courage. This means abandoning three delusions we now cherish. One delusion is that we can succeed in meeting our oceanic challenge with halfway measures that even such statesmen as Washington, Franklin, Hamilton could not succeed with among 13 English-speaking States in "easier" conditions.

Our second delusion is that we do not need even to attempt to federate Atlantica with the revolutionary scope and speed with which they achieved their great breakthrough. We talk of the explosion of population, of new nations, of technological and scientific advance that is shrinking the world at revolutionary speed—and we nurse the delusion that we don't need to advance with revolutionary speed and on a revolutionary scale in the political field, in constituting effective free international government in such a world.

Our third delusion is that we can meet our challenge without demanding of our leaders the revolutionary character, heroic courage, the Founding Fathers farsighted vision and sublime faith in the sovereign citizen which Washington, Franklin, Hamilton and a galaxy of Founding Fathers provided 175 years ago.

Let us be done with these delusions. Let us be done with them now. We are not so feeble that we cannot do what our fathers did and what we expect our children to do. We, too—each of us here, and all our friends and fellow citizens—we, too, can do far better than we have yet begun to do. We, too, can raise a standard to which the wise and the honest can repair. We, too, can have Washington's faith that if we will but raise that standard, the hand of God will turn the event our way.

We of Federal Union, Inc., and of the International Movement for Atlantic Union have that faith. We have already raised anew Washington's standard of Federal Union of the free. We invite you cordially to help us carry it forward to another "astonishing" triumph of human reason, and of the human spirit.

SENATE

Friday, April 17, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father, in this pavilion of prayer in which we bow day by day, as spirit with spirit may meet, we would fling open the shuttered windows of our darkened lives to the effulgence of Thy presence, that some broken beams of Thy glory may shine upon our daily work.

Teach us that to live worthily, we must have a faith fit to live by, a self fit to live with, and a cause fit to live for.

In this tragic and tangled world we are conscious of our woeful inadequacy to sit in the seats of judgment, to balance the scales of justice, and to respond with equity to the myriad calls of human need. Grant that those by the people's choice, here lifted to high pedestals in the life of the state, conscious of the great tradition in which they stand, may rise to greatness of vision and of soul as the anxious eyes of all the nations are upon this Chamber in so fear-haunted a day.

Despite the brutalities of man to his fellow man, keep love's banners floating o'er us as we march breast forward, with faith undimmed, in the ranks of those who do justly, love mercy, and walk humbly with their God.

In the dear Redeemer's name we pray. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 16, 1964, was dispensed with.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 146 Leg.]

Aiken
Allott
Anderson
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Goldwater
Gruening
Hart
Hayden
Humphrey
Inouye
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McClellan
McGee
McGovern
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Virginia [Mr. Byrd], the Senator from North Carolina [Mr. Ervin], the Senator from Arkansas [Mr. Fulbright], the Senator from Indiana [Mr. Hartke], the Senator from Florida [Mr. Holland], the Senator from Washington [Mr. Jackson], the Senator from Massachusetts [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from New Hampshire [Mr. McIntyre], the Senator from Oregon [Mrs. Neuberger], the Senator from Wisconsin [Mr. Proxmire], the Senator from Georgia [Mr. Russell], and the Senator from Ohio [Mr. Young] are absent on official business.

I also announce that the Senator from West Virginia [Mr. Byrd], the Senator from Oklahoma [Mr. Edmondson], the Senator from Louisiana [Mr. Ellender], the Senator from California [Mr. Engle], the Senator from Tennessee [Mr. Gore], the Senator from Alabama [Mr. Hill], the Senator from Louisiana [Mr. Long], the Senator from Florida [Mr. Smathers], the Senator from Georgia [Mr. Talmadge], the Senator from South Carolina [Mr. Thurmond], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I further announce that the Senator from Mississippi [Mr. Eastland] is absent because of illness.

I further announce that the Senator from West Virginia [Mr. Randolph] is absent during convalescence from an illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. Beall], the

Senator from Iowa [Mr. Hickenlooper], the Senator from Nebraska [Mr. Hruska], the Senator from New Mexico [Mr. Mechem], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from New Hampshire [Mr. Cotton] is necessarily absent to attend a funeral in the State.

The ACTING PRESIDENT pro tempore. A quorum is present.

CIVIL RIGHTS ACT OF 1963

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi [Mr. Stennis] is recognized.

Mr. STENNIS. Mr. President, has the unfinished business been stated?

The ACTING PRESIDENT pro tempore. The unfinished business is now before the Senate.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, the senior Senator from New York [Mr. Javits] had mentioned to me the matter of his addressing the Senate for some time. Other Senators have made the same request. I am glad to yield to them.

Mr. President, I ask unanimous consent that I may now yield to the senior Senator from New York for the purpose of his addressing the Senate, that I not lose the floor, and that when I resume my speech it will not be counted as another speech in the Senate.

The PRESIDING OFFICER (Mr. Bayh in the chair). Without objection, it is so ordered.

DEMONSTRATIONS AND CIVIL RIGHTS

Mr. JAVITS. Mr. President, the focus of attention, both in the news and in the debate on this bill, continually returns to the subject of racial demonstrations.

The President of the United States, the mayor of the city of New York, the majority and minority leaders in respect of this bill, my colleague from New York [Mr. Keating] and I, and others have addressed ourselves to this subject.

It is a subject which deserves careful understanding, in my judgment, particularly on the following points:

First. There is a constitutional right, provided for by the first amendment to the Constitution of the United States, "peaceably to assemble, and to petition the Government for a redress of grievances." This right applies not only to the Federal Government, but to the States and to every subordinate level of government. Most demonstrations by Negroes, since the beginning of the movement in the sit-in cases of 1960, have been peaceful and therefore within the first amendment. The march on Washington last August 28 is the proudest example. But demonstrations which involve the unlawful use of force, or which violate other laws which are otherwise constitutional, are not protected. The projected "stall-in" on the highways leading to the New York World's Fair is a sad example of this latter type and, together with others of my colleagues, I have and continue to oppose it. I have referred to others who have also opposed it.

Second. In the North, generally, valid, constitutionally protected demonstrations, both racial and otherwise, have been protected by the governmental authorities just as have other types of demonstrations.

Third. In the South—no matter how much opponents of the civil rights bill would like to confuse the issue—many racial demonstrations, constitutionally perfectly valid, have been cruelly repressed by the local and State authorities. Indeed, in Georgia not long ago, a number of demonstrators were indicted for sedition, punishable by death, in order, so the prosecutor said, to teach them a lesson about demonstrating. We know of the near disaster that has come to the Nation, in the eyes of the world, as the result of some instances in which the police have resorted to fire hoses, police dogs, and cattle prods, as in Albany, Ga.; Birmingham, Ala.; and Greenville, Miss. In most instances demonstrators have been arrested and convicted for such claimed offenses as trespass, disobeying the orders of a police officer, or parading without a license—usually a license which under no circumstances would the local authorities issue to Negroes for a peaceful march. A classic case is Edwards against South Carolina, in which 187 Negroes were arrested, tried, and convicted for standing peacefully on the State capitol grounds and singing in protest against racial discrimination. After some years of litigation, the Supreme Court reversed the conviction, holding that the demonstration was a valid exercise of the first amendment right.

Mr. President, as we survey the field, I wonder how many people could put themselves in the place of the 187 who were convicted and endure what they went through until the decision was reversed by the Supreme Court.

Fourth. Demonstrations are large and significant because a large and significant number of people hold deep-seated grievances, and it is because there is no other legally sanctioned redress for those grievances that they must demonstrate to call attention to the need for law.

Following my promise on a previous occasion that I would get some facts and figures on this question from the Department of Justice, I have done so.

The Department of Justice has provided statistics at my request which indicate that the frequency of racial demonstrations of all types is markedly lower in States which have antidiscrimination laws than in States which do not. From May 1963 to April 1964 a total of 2,422 racial demonstrations have occurred in the United States, 990 of which occurred in Northern States, and 1,432 in the 17 Southern and border States. The disparity is heightened not only by the disproportionate number of States involved but also by the repressive effect of policy in many places in the South against all racial demonstrations, whether constitutionally protected or not, which has held down their number. Also indicative of the role which law plays is the fact that 145, or less than 15 percent of the northern demonstrations specifically involved places of public accommodation, which were covered by antidiscrimination laws in 31 States and the District of Columbia during that period; while 705, or 49 percent, of those in the Southern and border States involved discrimination in access to public accommodations.

Mr. President, I ask unanimous consent that a letter addressed to me under date of April 14, from the Department of Justice, may be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

April 14, 1964.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: You have requested information concerning recent racial demonstrations.

A Justice Department tabulation shows that from May 1963 to April 1964, a total of 2,422 racial demonstrations have occurred in the United States. Of these, 990 occurred in Northern States. Two hundred and twenty-one of the northern demonstrations were of a general nature while 145 specifically involved places of public accommodation. The others were concerned with schools, employment, housing, and miscellaneous matters.

The Southern and border State figures for the same period are as follows: Total, 1,432; general, 320; public accommodations, 705.

In the Northern States having public accommodations laws no demonstrations occurred in Alaska, Idaho, Maine, Montana, New Hampshire, New Mexico, North Dakota, Oregon, South Dakota, Vermont, and Wyoming. For Maryland, which had a county option public accommodations law during the reporting period, 38 demonstrations involving public accommodations were tabulated, primarily in the counties not covered by the State law. The law has been amended to cover the entire State, effective June 1, 1964.

Sincerely,

Burke Marshall,
Assistant Attorney General,
Civil Rights Division.

Mr. JAVITS. Mr. President, in other words, the ratio as between the North and the South is 3 to 1 in the case of demonstrations with respect to access to places of public accommodation. No one contends that the existence of laws is the answer to every racial problem which exists in varying degrees throughout the Nation—hence the demonstrations in the North—but there can be no question that the existence of laws is the first step, and an indispensable one, to achieving a just solution of such problems.

Fifth. To say that continued Negro demonstrations of any type, legal or illegal, are counterproductive, because they cause resentment among whites—the so-called white backlash—at a time when the civil rights bill is in the balance in the Senate Chamber, is to beg the crucial point. So long as the demonstrations are peaceful and within lawful limits, they are constitutionally protected for this very purpose: To dramatize to the Government the need to redress grievances. Indeed, who can say that it was not in this way that the country became impressed enough with the Negroes' deep feeling of injustice to have brought the bill to this point.

Sixth. The responsible Negro leadership has fully recognized the role which such demonstrations can play, and they have also recognized the great danger to public order and to the civil rights cause that is presented by violence or by demonstrations which constitute civil disobedience. The disavowal by the major civil rights groups of the projected World's Fair "stall in" is a prime example of this wise policy.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Negro Statesmanship," from today's New York Times.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEGRO STATESMANSHIP

By issuing a statement repudiating the threatened stall-in on the roadways around the World's Fair, leaders of the six major Negro organizations have once again demonstrated their statesmanship.

The tone of their statement was reasonable and thoughtful. The stall-in, they pointed out, "is an essentially revolutionary proposal that might serve the peculiar needs and motives of some of its proponents, but not the broad interests and needs of the Negro people nor their normally broad program of effective social protest."

The statement disarms those Senators who have wavered on civil rights. It supports those Senators who have carried the standard for an effective Federal bill. And it meshes perfectly with the President's own statement yesterday that violence would not serve the cause of equal rights. Americans of good will in and out of Congress can surely find strength in the Negro leadership's statement and in the President's remark that "we are going to pass the civil rights bill because it is morally right."

Mr. JAVITS. Mr. President, I come to my seventh point. Many such Negro leaders, including those representing every one of the major organizations in this field, who attended yesterday's luncheon in Washington, recognize a further self-limitation upon the utility of the demonstration technique. I believe this is also a wise policy. Many of these leaders would restrict demonstrations to a specific grievance, rather than extend them to generalized discontent, which seeks no specific remedy.

In that respect, I point out that the most real case to the Negroes involved their demonstrations at the lunch counters in stores in the South. They were very specialized demonstrations for a very specialized purpose. The march on Washington had a specialized purpose, that of drawing the attention of the Nation to the urgent need for a civil rights bill.

The law can hope to reach only specific grievances. The utility of demonstrations will have been lost if there is no focus on the problems which the law can attempt to solve.

CRIMINAL STATUTES ON CIVIL RIGHTS

I have discussed with the distinguished Senator from North Carolina [Mr. ERVIN] the applicability of the criminal statutes now on the books in respect to civil rights. I have obtained some facts and figures from the Department of Justice on this subject.

It seems clear that the oft-repeated slogan of the opponents of the bill, that the existing criminal statute is sufficient to protect the constitutional rights of Negroes, is a hollow sham. The report which I received from the Department of Justice illustrates just how meaningless, and inappropriate, criminal remedies have proved to be in this field.

First. The Federal responsibility should be to bring about the enjoyment of civil rights rather than to punish for the denial of such rights. It is of far greater importance to the individual not to be denied the right to vote, the right to equal access to public accommodations and public facilities, the right to equal opportunity for education, and the right to employment without racial discrimination, than is the punishment of those who have denied those rights. For the very reason that criminal penalties are inappropriate to securing civil rights, the civil injunctive remedies which are provided for in the bill are uniquely appropriate, because the wrong is ascertainable and can be prevented in advance. If the wrong is not prevented in advance, the damage is often irreparable, as in the case of the denial of the right to vote. Once the election is over, the damage can never be repaired.

Second. In addition, the serious penalties involved in criminal statutes carry with them a very heavy burden of proof, requiring a showing of more than a denial of a right, but also a showing of the state of mind of the accused. It must be proved under section 242 of title 18 of the United States Code—the existing criminal statute on civil rights—that the denial of the constitutional right was "willful." The Supreme Court in the Screws case reversed a conviction for police brutality on the ground that this meant that there must be proved an intent not only to do the acts charged, but also to deprive the individual of a constitutional right by means of the act charged. This was a case in which a prisoner was killed—no light matter. On the retrial of this case, with this much more difficult standard of proof imposed, there was an acquittal, instead of the conviction which was obtained on the first trial. The result has been that the criminal remedy in civil rights cases has been almost wholly ineffective.

Relatively few prosecutions have been successful. And while no lawyer would argue that acquittal would imply any impropriety, there is no question about the fact that the criminal statute has not been the effective means in giving the kind of relief to which the aggrieved citizen is entitled in such situations.

Mr. President, I ask unanimous consent that a letter addressed to me under date of April 14, from the Department of Justice, giving the figures on the total number of prosecutions may be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., April 14, 1964.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: You have requested my views on the adequacy of existing criminal statutes (18 U.S.C. 241, 242, and the use of 242 together with 18 U.S.C. 371) to combat racial discrimination in voting, education, and public accommodations and facilities. This issue was, of course, thoroughly considered and debated at the time of the enactment of the Civil Rights Act of 1957. (See hearings on S. 83 before Subcommittee on Constitutional Rights, Senate Judiciary Committee, 1957, p. 3 ff.). The objections to relying solely on criminal sanctions remain the same.

The purpose of Federal civil rights legislation is affirmative rather than negative; ameliorative rather than punitive.

When a person's right to vote is illegally denied he suffers irreparable injury unless this right is promptly restored—as it can be by the injunctive process of the 1957 act. The voting section of the pending bill simply amends that act by defining specific malpractices of registrars which are covered by the legislation. Thus, there is no reason to argue that a criminal statute should or would take the place of this simple amendment of a civil sanction.

Just as criminal penalties in voting right deprivations are inadequate, so would they be in cases involving other rights—the right to desegregated education and free access to public accommodations and facilities. Moreover, it is fairer to the public officials and private defendants who are charged with civil rights violations to use the less harsh yet more meaningful civil procedures.

It would be particularly incongruous to consider the criminal statutes effective remedies against refusals to effect school desegregation in the Southern States. Nearly 1,900 school districts have taken no action toward desegregation. Those who urge that existing criminal rather than civil remedies be employed would hardly wish to be heard to argue that criminal prosecutions be brought against the school officials responsible for this failure to accord constitutional rights. Yet this is what the logic of their position would seem to dictate. Moreover, fines and imprisonment for thousands of school officials would scarcely open the doors of equal educational opportunity to the 3 million Negro children who still attend segregated schools.

The Department's experience with the use of 18 U.S.C. 241 and 242 points up the difficulty of obtaining indictments and convictions in civil rights cases. This is due in considerable part to the reluctance of grand juries to indict and petit juries to convict. It may be due also in part to the very heavy burden imposed by 18 U.S.C. 242 to show willfulness. See *Screws* v. *United States*, 325 U.S. 91; *United States* v. *Classic*, 313 U.S. 299.

Since 1958, when the Civil Rights Division was established, approximately 116 criminal prosecutions have been filed, most of them involving police brutality under 18 U.S.C. 242. In a few cases the conspiracy statute, 18 U.S.C. 241, was invoked, or the general conspiracy statute, 18 U.S.C. 371, was used in conjunction with 18 U.S.C. 242. Grand juries refused to indict in 61 of these cases. In addition, three cases under section 242 were brought to trial by way of information. As of April 1964, 16 convictions had been obtained.

It is clear that the effectiveness of 18 U.S.C. 241 and 242 even in police brutality cases is seriously limited. These statutes would certainly be even less useful in the areas covered by the pending civil rights bill.

Sincerely,

Burke Marshall.
Assistant Attorney General
Civil Rights Division.

Mr. JAVITS. This issue was thoroughly debated in connection with the Civil Rights Acts of 1957 and 1960. Congress agreed—in the voting section which was then enacted—that a civil injunctive remedy, rather than criminal penalty, is the only effective remedy. I believe that determined the matter, so far as we in Congress are concerned, in the right way.

So the question of demonstrations, instead of being a confused one, is a very clear cut one. There is a difference between demonstrations which are repressed, but which are perfectly legal demonstrations, and demonstrations which involve civil disobedience, as in the case of the projected stall in at the World's Fair. Demonstrations of this kind are ineffective and are not of any help to us in reaching a solution to civil rights problems.

In all this debate, and all the discussion with our colleagues from the South, one thing which has constantly impressed me is their absolute unwillingness to admit for a moment that anything is really wrong, or that anything needs to be corrected. This is a sharp difference from our attitude in the North, where there is strong public opinion on the side of correcting these situations, and where much has been done to correct them. We are more than willing to admit our errors, and seek to correct them by the passage of laws which would apply across the board.

I deeply feel that until such time as the scales are removed from the eyes of those who will not see what is going on in the country, we shall have this very deep schism which is reflected in Congress by the fact that there is an effort, which is almost traditional, to keep the Senate from voting upon this very urgently needed legislation.

I feel that the only way in which we can get that issue before the country, and obtain the reaction of the country to what is really at stake, is in this painstaking, careful, case-by-case, day-by-day, issue-by-issue analysis of the points made by the other side.

BIGOTRY AND BIAS IN THE SOVIET UNION

Mr. JAVITS. Mr. President, the denial of religious, cultural, and other rights of Jews in the Soviet Union by the Kremlin and the publication of the libelous book by T. Kichko by the Ukrainian Academy of Sciences, continues to bring forth protests from American organizations. Earlier protests from many parts of the world led to a Soviet disavowal of the Kichko book and its anti-Semitic stereotypes, but the repressive acts against Jews have not been halted, and continued protests are essential.

I ask unanimous consent to print in the Record the resolution adopted by the Women's League for Israel on April 14, and the statement denouncing the Kichko book issued by the Supreme Ukrainian Liberation Council in New York City, April 8.

There being no objection, the resolution and statement were ordered to be printed in the Record, as follows:

Whereas there is religious and cultural discrimination against Jews in the Soviet Union; and

Whereas this discrimination denies to Soviet Jews the right to hold religious school classes, celebrate holidays according to their ancient tradition, or to communicate with their counterparts in other countries; and

Whereas the United Nations charter reaffirms faith in "fundamental human rights, in the dignity and worth of the human person": Now, therefore, be it

Resolved, That we of the Women's League for Israel, assembled at our 36th anniversary luncheon, April 14, 1964, Hilton Hotel, New York City, protest the denial of these basic religious rights to the Jews of the Soviet Union;

Resolved, That we urge the President of the United States and the Secretary General of the United Nations to protest to the Soviet Union the violation of these fundamental human rights embodied in the United Nations charter;

Resolved, That we urge Senator J. William Fulbright, chairman of the Senate Foreign Relations Committee, to hold hearings on the Senate resolution sponsored by 63 Senators to condemn religious persecution behind the Iron Curtain.

Declaration of the Foreign Representation of the Supreme Ukrainian Liberation Council in the Matter of the Publication of the Book by Trofim Kichko "Judaism Without Embellishment"

In connection with the appearance of the anti-Semitic book by Trofim Kichko "Judaism Without Embellishment" published by the Academy of Sciences Ukrainian SSR in Kiev, the Foreign Representation of the Supreme Ukrainian Liberation Council declares:

1. The book by T. Kichko could come out in Ukraine only by directive of the Central Committee of the Communist Party of the Soviet Union or its subordinate units, since the Party is fully in control of all publications in the Soviet Union. All other antireligious literature in the U.S.S.R. is also published on orders of the central committee.

2. "Judaism Without Embellishment" is a provocative libel directed against Jews in general, against the Jewish population of the Soviet Union, and the 840,000 Jews living in Ukraine. It tramples their religious and national feelings and is replete with slanderous statements against them. The Ukrainian people, who are also fighting for their independence, political and religious freedom and respect for human dignity, are opposed to all and any preaching of hatred of other people. Therefore, T. Kichko's book should be vehemently condemned by every Ukrainian living in Ukraine and elsewhere.

3. The publication of the book "Judaism Without Embellishment" whose author is a person with a Ukrainian-sounding name, and sponsored by the Academy of Sciences of the Ukrainian S.S.R., is considered by us to be a deliberate anti-Ukrainian provocation conducted on orders of Moscow and by the irresponsible individuals in Kiev. The purpose of this provocation is to spread discord between the Ukrainian people and the Jewish minority in Ukraine by preaching and strengthening anti-Semitism, and creating obstacles in the way of building of friendly relations between the Ukrainian and Jews. The aim of this provocation is to brand once again the Ukrainian people with anti-Semitism before the whole world, and simultaneously conceal the actual organizers of anti-Semitic attacks who are hiding in the Kremlin. Finally, making the Academy of Sciences in Kiev a party to this anti-Jewish activity, compromises it as an institution of learning, both in the eyes of the Ukrainian people, as well as foreigners.

4. The modern Ukrainian liberation movement has always been founded on principles of friendship, cooperation, and a common effort of the nations enslaved by totalitarian communism. Proclaiming the national independence of Ukraine on January 22, 1918, the Ukrainian National Republic simultaneously passed a law on the national autonomy of the Russian, Polish, and Jewish minority and established appropriate ministries for minority affairs. When, in the subsequent chaos of revolution, hostile and irresponsible elements began to inflame hostility among the nationalities in Ukraine and brought about pogroms of Jews, the Government of the Ukrainian National Republic censured them and undertook measures against their repetition. During World War II the Ukrainian liberation movement and in particular the Ukrainian Insurgent Army, which conducted warfare against the German and Soviet invaders, consistently preached the idea of friendship and cooperation between the Ukrainian people and the minorities in Ukraine.

The Supreme Ukrainian Liberation Council declared and defended the need of friendship of the Ukrainian people with the minorities in Ukraine, and equality of all citizens regardless of race, nationality, or religion. This was done in its declarations of principles, and particularly in the Platform and Universal Declaration of July 1944. The Foreign Representation of the Supreme Ukrainian Liberation Council conducts its activities in accordance with these principles.

5. Condemning T. Kichko's book "Judaism Without Embellishment," and all similar books, the Foreign Representation of the Supreme Ukrainian Liberation Council calls upon Ukrainians in their homeland and in the free world to oppose all such provocations which not only inflict great harm upon the Ukrainian people and the minorities in Ukraine, but also impede the work of Ukrainians abroad on behalf of the cause of liberation.

The Foreign Representation of the Supreme Ukrainian Liberation Council calls upon Ukrainians in Ukraine and abroad to reject as a crime all anti-Semitism and all propaganda of hatred toward Ukraine's minorities, to work for the establishment of good relations among all the minorities of Ukraine, by asking them to cooperate in the struggle for Ukrainian independence, and against the Moscow Communist oppressors and their hirelings in Ukraine.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may now yield to the Senator from Illinois [Mr. Dirksen] without losing the floor, and without my subsequent remarks counting as a second speech on the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOLD AND THE U.S. DOLLAR

Mr. DIRKSEN. Mr. President, on March 10, 1964, I inserted an address in the body of the Record on the gold problem by Mr. Harry R. Scharlach of Watseka, Ill.

Since that time Mr. Scharlach has had this speech reviewed by a number of experts in the monetary field and on the basis of their suggestions it has been revised in the interest of complete accuracy. I ask unanimous consent, therefore, to insert the revised copy as a part of my remarks in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GOLD AND THE U.S. DOLLAR

(By Harry R. Scharlach, CLU, Watseka, Ill.)

Gold was one of the first metals to attract the attention of man. And, of course, it also attracted the attention of women. Gold has always been highly valued for its brilliance and beauty. It won't ever rust or tarnish. Nature has sprinkled it sparingly among the gravels of streams and tightly locked it inside of solid rock.

The earliest gold mining known to us was done in Egypt. In the days of King Solomon and King Tut ornaments of great variety and beauty were made from gold. Many of these golden objects are still in existence, just as perfect as when made several thousand years ago. In the Revelations of St. John, chapter 3 (18), appear these words: "I counsel thee to buy of me gold, tried in the fire, that thou mayest be rich."

Gold is heavy. It is 19 times heavier than an equal volume of water. A 14-inch cube weighs a ton and is worth $1 million at $35 per fine troy ounce. A small gold brick weighing 35 pounds is worth around $18,000.

Gold has been the symbol of wealth in all of the great civilizations of the world. Most of the gold taken from the earth in the past 10,000 years can still be accounted for in government and bank vaults, in jewelry, in gold coins, by holdings of private hoarders, and in our teeth. The reason such accurate gold records can be kept is because most gold goes through countinghouses and mints. No other possession has been so effectively guarded. Today research in gold suggests other uses such as in our space venture industries.

World production of gold since Columbus discovered the Americas would amount to a gold cube of about 55 feet. The value of this much gold is around $70 billion. By way of comparison, all the gold mined since 1492 is less than one-fourth of the amount of our present U.S. Federal Government debt.

Where do people find gold? Geologists say that about one half of the earth contains ore bodies. Gold ore is limited to certain widely scattered areas of the world. In the year 1963—

Seventy percent of free world gold production came from South Africa;

Ten percent came from Canada;

Four percent came from the United States.

The remainder came from Australia, the Philippines, Ghana in Africa, and other areas. The average gold recovery per ton of ore in Canada is $8. It is taken from solid rock from mine depths ranging to more than 5,000 feet. This Canadian ore averages only 1 part of gold to 120,000 parts of rock.

Today more gold is being mined than ever before because of better finding methods, better ore mining and better gold recovery methods. Total free world output of gold in 1963 was 39 million ounces valued at $1.4 billion.

Russia and the Communist bloc countries blanket their gold reserves and their gold output in secrecy. But latest estimates now indicate that Russia does not have as much gold as they have been pretending, either in reserves or in production. Communist bloc gold stocks are now believed to be as low as $4 billion, or only about 10 percent of free world gold on hand. And, Communist bloc gold production is now figured to be perhaps no more than $200 to $300 million annually.

Now that we have had a bit of history about gold, let us turn to the subject of gold and our U.S. dollars. A thousand and more different commodities and different schemes have been tried from time immemorial for money uses. But gold alone is the only commodity that has been able to stand the test of time; to retain people's confidence from generation to generation and from century to century. Gold is the only universal international money today. The U.S. dollar is legal tender only to a U.S. citizen. Gold may be demanded by the foreign owner of U.S. dollars. So the importance of gold should never be underestimated. Any nation that possesses gold can get in and can stay in the game of international trade. Any country that has ample gold reserves has the buying power to acquire needed items from other nations. Thus, in peacetime or in wartime, gold is essential. Gold is a vital defense fuel in time of war. Recent events have clearly indicated how important gold is to Russia. She has failed in her agricultural program as she has in so many of her other plans. So Russia has been selling gold in the hundreds of millions in recent months in order to buy food to refill her bare cupboards.

In the United States today, our Federal Government still porseses a large amount of gold. About $15½ billion worth. But, we have been losing our gold reserves rapidly since 1957. It has been a consistent one way flow of gold—out.

Before explaining the causes of our flow of gold out of this country, I'd like to mention a few other items about gold.

London, England, has for many centuries been the gold marketing center of the world. Back in the year 1250 gold was selling on the London market at $4 an ounce, adjusted to U.S. dollars. For 450 years the price of gold was free to fluctuate and to bring whatever people thought gold was worth.

It went up continually. In the days of Columbus gold brought $10 an ounce. By the year 1700 gold was up to $25 an ounce. Then the prices was pegged at $22 an ounce through the adoption of a gold standard. That price was kept firm until World War I set in and the price of gold began to rise. After World War I England had too much money and credit issued against its gold reserves and the English pound failed. The price of gold was raised, the English pound was devalued.

At that time the United States was going into the 1930's and the days of the great depression. Franklin D. Roosevelt was elected President. Someone sold him on the idea that if the price of gold was raised, the prices of goods would raise, salaries would raise, sales would increase, unemployment would be substantially reduced and prosperity would come back to the United States.

In January 1934, the price of gold was raised from $20.67 an ounce to $35 an ounce. The U.S. dollar was devalued in terms of gold. But the depression didn't go away. Unemployment remained high. Prices did not rise. We were still in a depression when World War II came along and produced enough jobs and industrial activity to propel us forward in a war economy—a momentum that continued after War II ended.

The price of gold has continued on that $35 peg since 1934 with the exception of a flurry on the London gold market during the Cuban crisis in 1960, when for a short time gold went up to $41 an ounce.

In 1933 and 1934, concurrent with the increase in the price of gold, legislation was enacted making it illegal for a U.S. citizen to own gold. Citizens were required by law to turn in their gold coins and their gold certificate currency for new paper money. Since that date the U.S. dollar could not be redeemed for gold by a U.S. citizen. Coin collectors may now hold gold coins if they are dated prior to 1933.

Today a U.S. double eagle ($20 gold piece) sells for about $50. In terms of a $20 gold coin of U.S. mintage, a present $20 U.S. currency bill is worth about 40 percent of its former value in terms of gold, or about $8.

The new gold standard set up in 1934 allows foreign dollar holders to exchange their U.S. dollars for U.S. Treasury gold at $35 an ounce. This is because our international monetary system is different from our domestic monetary system, in accordance with U.S. monetary laws. Today, some foreign nations buy gold from the U.S. Treasury at $35 an ounce, some of it with dollars our Government may have given them in foreign aid, they then mint the gold into their own national gold coins, not for circulation as money but for sale as a commodity. They receive anywhere from $50 to $70 an ounce for such gold transactions. A good bargain for them. I know of one foreign gold mine that sells most of its gold production to gold hoarders in the Orient at $70 an ounce.

Now let us turn our attention to the real issue about our gold and our U.S. dollars. The issue is: Why are we losing so much of our gold? When Franklin D. Roosevelt became President, the United States had: $4 billion of gold reserves; $2 billion in gold was required as reserves for our Federal Reserve currency notes and deposits; $500 million in gold was owed foreigners because of their U.S. dollar holdings.

We were in a deep depression but we were in no trouble over gold. We had $1½ billions in gold above all of our gold requirements. But, when the price of gold was raised to $35 an ounce in 1934, several things happened to increase our gold supply. First, our gold reserves went up by the 70-percent gold price raise, the amount of increase from $20.67 to $35 an ounce. Second, because gold mining became more profitable, gold production also increased substantially.

Third, a large flow of gold came in from other nations when the price was raised. This was because the price was good and also because Europe began, during that period, to buy goods from us in preparation for World War II and during World War II. A great deal of U.S. exports were paid for in gold. Our U.S. gold reserves increased every year for 15 years and finally peaked out in 1949 at almost $25 billion. From 1949 on we began to lose our gold. Not because we lost any of our trade or any of our strength, but because we commenced giving away too many of our U.S. dollars to foreigners. Billions of dollars were given away on ill-conceived and ill-planned methods of trying to buy the defeat of communism. We simply began trying to buy with our U.S. dollars the support of any nation our Government thought would be our ally against Russia. Some of the nations we supported with our U.S. dollar gifts were themselves Communist countries. At first we did a great deal of good in helping Europe back on its feet in a war reconstruction job. Then, after they did get back on their feet, we continued to give them our dollars when they no longer needed them. And we are still giving away our dollars to them, far too many. When we began this dollar giveaway program we were the greatest industrial power on earth. We still are the strongest nation on earth. We had to have great strength to be able to give away $108 billion in foreign aid and to spend another $684 billion on defense items in the past 18 years, and still be able to keep going.

GEORGE WASHINGTON WARNED OUR INFANT REPUBLIC AGAINST MAKING FOREIGN ALLIANCES

But with all this spending, our foreign aid friends are not impressed with us, and our foreign enemies do not seem to be afraid of us. We are attacked in the Panama Canal Zone by Communists who then charged us with the aggression. Even little Cuba is able to "shut off our water" with impunity. We have more chaos, more anarchy, more aggression, and more confusion in the world today than ever before. And this, after all the billions we have spent to bring peace to the world. Our massive and our reckless spending in this area has been a costly flop.

We even gave Russia 11 billion U.S. dollars' worth of lend-lease aid and only a token was ever paid back. Now Russia is working on a scheme to get the U.S. Government to guarantee her the credit to buy food from us on a time payment plan. No private lending institution in the United States would be likely to loan money to such an unworthy customer. Some of the dollars we gave foreigners were used to buy things from us and this has helped to contribute to our immediate prosperity. But, billions of these free dollars have been turned in to take away our gold reserves and $26 billions more of these dollars are still stacked up against us, and our gold resources.

The drain on our official gold stocks since 1957 has been very heavy. Our gold reserves still amounted to $23 billion in 1957. Then, all the free-world countries, other than the United States, had about $15 billion in gold. Today, we are down to $15½ billion in gold while our "free" world foreign-aid friends have increased their own gold reserves to $26 billion. Of their gains in gold, $8 billion of it came from the U.S. Federal Government vaults. We lost our gold to foreign nations simply because we gave them too many of our U.S. dollars free. In no year since we have been losing our gold have we exported less goods and produce than we have imported. Our actual balance of trade has always been in our favor. The entire deficit in what is commonly called our balance of payments has been very simply because of all the free dollars we have sent abroad. These free dollars have given rise to the huge dollar claims by foreigners against our U.S. gold. There are items in the balance of payments, other than trade or foreign aid. There are foreign investments abroad, vacation travel abroad, etc., but in the final analysis the gold we are losing is because of the proportion of the total $108 billion we have given in foreign aid, that has not been spent back in the United States. This has left a huge balance of dollars stacked up in the hands of the foreign central banks and governments and which are now claims against our remaining gold. France, Germany, Spain, England, and Italy are among the beneficiaries of our dollar handout programs.

Because of this situation we are continuing to lose our gold and even so, we are continuing to give away more dollars. This also has a great influence on our domestic interest rate structure. At this time we are required to keep interest rates high so that the foreign-owned dollars will be left with institutions paying interest rather than turned into gold which draws no interest.

Today we have left in our U.S. gold reserves, about $15½ billion in gold; $12 billion are needed as a 25-percent gold reserve for our Federal Reserve currency and deposit system; $3½ billion of gold are left.

Obviously, $3½ billion of gold is far short of the $26 billion of potential claims against our remaining gold. We are now in the position of a houseman in a high-stake poker game, who is so far behind that he doesn't dare let the game end. He couldn't pay off. So why are we losing our gold?

Why does a man's bank balance decline? A bank balance goes down and into overdrafts because more checks are written than deposits made. The truth is that our Federal Government has overdrawn our gold resources by a wide margin. And that is where our gold losses begin and end. The problems are created by the excessive spending habits of our Federal Government. The matter of overdrafts against our gold has gotten out of hand. Meantime our Federal Government goes merrily on its way spending still more and inflating our currency system. Whenever we have a deficit in Federal Government spending at home, and that has been happening every year, we inflate our currency and bank deposit system. These have gone up by $86 billion since 1957. The gold back of each U.S. dollar of currency and bank deposits is now down to less than 5 cents. If we subtract foreign dollar claims now against our remaining gold then no gold would remain to back our own monetary system. Whenever we have a deficit in our foreign financial transactions, the balance of payments, then the claims against our gold go still higher. Last year, in 1963, this deficit was $3 billion. Taking both of these deficits together, the foreign and our domestic deficits, our Federal Government is putting too great a squeeze on our gold and that is why we are losing our gold.

WHO IN GOVERNMENT IS RESPONSIBLE FOR THIS STATE OF AFFAIRS?

It isn't simply the Democrats or the Republicans. It is the entire system of bureaucracy that may have properly started back in 1932 but has never stopped growing. We do have in Government today, many sound-thinking Democrats and Republicans who are trying hard to correct excessive spending in Government. These people do not wear high buttoned shoes. And you do not need to put on high buttoned shoes to support them. In general, however, our administrations and our Congress since World War II have been guilty of failure to stop excessive spending.

OLD REALITIES AND NEW MYTHS

Mr. DIRKSEN. Mr. President, much has been said recently in Washington about the cold war and its so-called "old myths" and "new realities," thus adding to the existing confusion of the American people and the Western world. The implications are so sweeping, so global in character that nothing less than incandescent light is needed to enable us to see the truth of the new myths and the old realities which really confront our world.

This light has finally come; not from a legislator, not from a diplomat, nor from the military, but from a successful businessman who is the founder of a company that operates on a world wide scale.

It came in the form of a printed pamphlet authored by him and entitled "Faith in Freedom's Cause." In it, Mr. A. N. Spanel, founder and chairman of International Latex Corp., answers those in our midst who see the world through rose-colored glasses.

He also makes an eloquent appeal to the hearts and consciences of free men everywhere and especially to all organized religions and their leaders, in this hour of confusion and forgotten moral values.

Mr. Spanel and the International Latex Corp. have demonstrated a rare dedication in the last 25 years both to freedom's cause and the successful pursuit of a far flung business enterprise. Mr. Spanel's present contribution merits study by leaders everywhere.

I therefore ask unanimous consent that this article be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAITH IN FREEDOM'S CAUSE

(By A. N. Spanel, founder-chairman, International Latex Corp.)

We live in a world under relentless assault by the modern barbarism called communism—a soulless, dehumanized, all-materialist doctrine. It threatens our whole heritage of moral values. Yet we have failed, tragically, to muster the unity, the dedication to freedom, the spiritual vitality without which Western civilization assuredly is doomed.

Political leadership alone, on the sorry record of these last 20 years, can hardly be relied upon to meet the deepening crisis. Its direction is confused and its self-confidence eroded. Not the expansion of freedom and human dignity but the planted bait of "peaceful coexistence" has become the obsessive goal of Western policy.

The professional skills of Foreign Offices, and diplomacy itself, are ever more openly used to disguise piecemeal surrenders of principle as "realism" and "victories for peace." Even lipservice to the cause of freedom, so far as it applies to the billion people in the Red slave-world, is heavily frowned upon for fear of annoying their tyrants.

It all amounts to a tragic retreat from basic truths and ideals. The need today, therefore, the one hope for mankind, is for a rebirth of religious and moral leadership, free from political entanglements. The spiritual energies of the human race have been running down. They must now be recharged before it is too late. Only a revitalized faith in the age-old ethical imperative—truth, justice, compassion, the sanctity of life, the brotherhood of man—can generate a zeal for freedom capable of confronting and overcoming the Communist zeal for world conquest.

This poses a great challenge to our religious leaders, our philosophers and poets, to those of our opinion-makers who have not themselves succumbed to the deadening amoralism of the enemy.

INVENTORY SAMPLE

Optimistic rhetoric, of which there is plenty nowadays, is nothing more than whistling in the dark. The front pages offer daily evidence that the world is in turmoil. Nearly everywhere Western civilization is in retreat, its statesmen and spokesmen not only willing but eager to barter principles for the mirage of trade and the hope (without the certainty) of physical survival.

Already a third of the human race is in the grip of the virulent Communist tyranny, and millions in the rest of the world are infected by it. A Communist fortress, Cuba, stands at the very doorstep of our own country and serves as the staging area for the spread of the new barbarism to the entire American hemisphere.

The African continent, having largely become "independent," is racked by horrifying tribal warfare and many of the new countries are subjected to despotisms far worse than the worst exploitations of the colonial past. From Zanzibar to Ghana the agents of communism prowl for prey amidst the chaos. A Communist-armed and Communist-oriented Indonesia reaches out for empire in the South Pacific. India, as a reward for its naive neutralism, is menaced by Red China; and Pakistan, once a staunch ally against communism, finds comfort fishing in Communist waters. Nasser brazenly works both sides of the street yet our dollars continue to feed his sinister war machine and power-mad ambitions.

REPEATING THE TRAGEDIES

The inventory of dissolution and defeat could be extended without end. The frontiers of freedom are shrinking and violence has the right of way. Yet the nations of the West are more disunited than ever, openly putting commercial profit above common purpose. Not only have our alliances been weakened but the objectives for which they were formed are fading from memory.

Indeed, the Free World could be competing for its own destruction under banners of nationalism which in essence reiterate the sick pronouncement made a century ago by a European statesman: "We have no perpetual allies and we have no perpetual enemies, our interests are perpetual."

The very nations which thought they could do business as usual with Hitler are rushing to do business as usual with the Khrushchevs and Maos and Castros. The lessons of such recent history have been lost upon them. Those who thought they could buy peace by appeasing the nazis—thereby making war inevitable—now unashamedly beg for the privilege of appeasing the Communists.

Political leadership is failing mainly because we have lost the compass of principle and are eager to compromise with evil. Slogans such as "coexistence" imply a world half-slave, half-free. This objective is not only ignoble but a delusion, since the enemy is inflexibly devoted to transform this planet into a world of slaves. At bottom such formulas are a camouflaged version of the more candid slogan, "Better Red than dead."

PREVENTING WORLD WAR III

The times call for a conscious, courageous spiritual campaign by those institutions and men who are most aware of eternal moral values. They can and must arrest the decay of religion, the erosion of ideals, the growing indifference to the sufferings of the victims of communism. They can and must give the world again an exalted vision of the things worth living for that would produce free-world attitudes, self-respecting and purposeful, which, far from provoking a world war, would inspiringly operate to prevent it.

Our spiritual leaders, themselves citizens of their lands and subject to their countries' laws, should actively exercise their leadership as never before. The dangers are too real for inaction or even delay. They must now exert their saving influence on governments and statesmen, in terms of immemorial ethical precepts. The propagation of a renewed faith in man's right to freedom and human dignity—not only for ourselves but for all humanity—is indispensable in order to help strengthen the positions of worldly leaders. Only then will they be psychologically equipped to head off the looming catastrophe of One Communist World. It is also the highest form of morality to strengthen the courses of political life with idealism.

Organized religions everywhere, Christian and non-Christian alike, cooperating with each other, could play far more effective roles in calling forth the zeal in defense of freedom's cause, with moral ideals. To cite the outstanding example in the historic struggle against the Communist tyranny, the Roman Catholic Church, with its established far-flung organization could now begin to collect for the Vatican, information from all parts of the world which it could promptly disseminate to secular and religious leaders of all faiths—information on the crimes, the despairs, the yearnings for freedom, justice and spiritual fulfillment. This could then become the basis for effective policy arrived at in concert with all organized religions.

This zeal applies also to individuals who sense and cherish the concept of man as the possessor of an immortal soul and therefore reject the Communist doctrine that man is another animal for vivisectionists' imposed "Marxist experiments."

CONSTRUCTIVE ACTIVITY

All free men, all religious faiths, have an inescapable duty to work together for constructive action in freedom's cause; every man and his faith will be enriched and fortified by this common goal and united effort.

The masters of the Communist prisonlands may be beyond the reach of moral suasion—but not their prisoners. There are ample signs that the Communist-captive people hunger for truth and justice and human dignity. The Kremlin and its puppet rulers in Eastern Europe are repeatedly obliged to crack down on writers and artists whose works reveal that communism provides no sustenance for man's spirit. The very fact that the Soviet regime, in its 47th year of absolute power, has just decreed another massive campaign against religion tells an amazing and encouraging story.

These larger realities are often blindly ignored by Western political leaders who pride themselves on their "realism." An organized, interdenominational religious-moral campaign—on a continuous basis—could make them aware of greater potentials. It would cut through the paralyzing apathy of our time and repeatedly persuade us to the truth that freedom is indivisible, never for sale yet always paid for by ceaseless vigilance. The vast energies now poured into the job of saving our skins will be better applied if they are extended to saving our souls as well.

If a significant part of the human race and its governing bodies were to witness a spiritual and moral regeneration in unity of purpose, the miracle of true survival—with our priceless heritage intact—would be achieved.

Mr. STENNIS. Mr. President, I now yield to the Senator from Alaska [Mr. GRUENING] under the condition previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VOICE IS THE VOICE OF KING HUSSEIN—BUT THE HAND IS THE HAND OF PRESIDENT NASSER

Mr. GRUENING. Mr. President, it is indeed sad to see King Hussein of Jordan permitting himself to be used by President Nasser of Egypt. It is even sadder, Mr. President, to see King Hussein permitting himself to be diverted to saber-rattling from the peaceful economic development of his own nation—which badly needs such development, and which has been receiving massive financial assistance from the United States under our foreign aid program.

The Kingdom of Jordan is not yet a viable country. Its economic solvency at present is due entirely to U.S. foreign aid. To date we have given Jordan over $313 million for its economic development and over $28 million in military assistance. I do not begrudge Jordan that aid, for, until recently, that country and its able and dedicated young ruler, King Hussein, were assiduously minding their own business; namely, the economic development of the resources of Jordan so that it could become a viable nation. Many have predicted that there was a good possibility of that goal being accomplished in the years ahead if that nation continued on its peaceful course as it has in the past. In my report on our aid program made for the Committee on Government Operations last year. I warmly endorsed this program, under its continuation in the hope and expectation that by it, this little country might in time be made whole and self-sustaining. It was my hope that King Hussein would continue to concentrate on the well-being of the Jordanian people and their economic rehabilitation and not involve himself in the sinister machinations of the great troublemaker of the Arab world, Abdel Nasser, and to continue a policy of live and let live insofar as his Israel neighbors were concerned.

King Hussein's bellicose utterances toward Israel—the only true democracy in the troubled Middle East—are all the sadder because they are parrotlike repetitions of the "line" which President Nasser has been selling.

Thus the New York Times yesterday reported on a speech made by King Hussein April 15 before the Citizens Committee on American Policy in the Middle East in part as follows:

> He, King Hussein, called Israel a "real and ever-present danger" to the survival of the Arab nations and accused the Israelis of planning "further aggressions with an idea of expansion."

This is identical to the Nasser line.

Last year I reported to the Senate on a study I had made for a subcommittee of the Senate Committee on Government Operations on our foreign aid program in 10 Middle Eastern and African countries including Jordan and Egypt.

In that report I quoted from a speech made by President Nasser on August 11, 1963, in which he said:

> We work for peace and we have signed the treaty to ban nuclear tests, but we cannot reduce our army as long as we are threatened by Israeli attack.

In my report I pointed out that this statement was nonsense. Israel's land area is only 7,992 square miles compared to the 1,616,932 square miles occupied by the Arab League countries. Israel's population is 2,292,000 compared to the 54,100,000 people in the Arab League countries.

President Nasser—and King Hussein—will have great difficulty in convincing thinking American people that the more than 26 million people in Egypt under President Nasser's rule have initiated a costly arms race in the Middle East because they are afraid of attack by the 2¼ million people in Israel.

Both the statement by President Nasser and by President Hussein that they are afraid of attack by Israel become even more unbelievable when one studies the constant radio attacks by President Nasser against Israel threatening the ultimate destruction by force of that country by Egypt and when one realizes also that no such threats are made by Israel against any of the Arab countries.

King Hussein would be well advised to think twice before becoming an ardent and vociferous espouser of the Nasser line, preaching hatred and violence toward Israel. King Hussein would also be well advised to continue to focus his attention and efforts and his country's resources on the development of the economy of Jordan.

I would remind King Hussein that the Congress of the United States has expressed itself forcefully against the use of U.S. foreign aid to prepare for aggression.

Last year, in connection with the foreign aid authorization bill, the Congress included the so-called antiaggressor amendment aimed at halting the continuance of foreign aid to nations engaging in or preparing to wage aggression against nations receiving U.S. aid. The threats by the Arab nations to divert the Jordan's waters so that they cannot be put to productive use in irrigating its lands are threats of aggression, for aggression of one nation against another nation can take many forms.

For the fact is, Mr. President, as I have repeatedly stated on this floor, U.S. foreign aid is supporting President Nasser in arming his country, in forcing other countries to spend badly needed funds to arm in self-defense, and in waging an aggressive war against Yemen.

It is sad to see King Hussein misread the temper of the American people so as to believe that, because our State Department in the Middle East has followed a muddled policy of playing Nasser's game of continuing our foreign aid to Egypt despite Nasser's misuse of our dollars to pay for arms and aggression, Jordan, too, can get away with it.

I should hope not.

I should also hope that we shall promptly show by effective and forceful action in the Middle East that we will no longer continue to pay the piper for Nasser's aggressions.

I am sorrowed at being forced to call the attention of the Senate to this threatened shift in King Hussein's policies. I am saddened because I have met King Hussein, I like and admire him, and I think he has been doing an admirable job on behalf of his country. This new course of action, which the King seems to be contemplating following, can but lead to disaster for him and his country. I hope he will draw back while there is still time.

He should examine carefully Nasser's example before attempting to emulate him. He should fully realize that Egypt's dallying with the Soviet Union has now led to Egypt's dependence on the Soviets for arms and military equipment and—especially important—for replacement parts for that equipment. Egypt's belligerence has led to its entanglement in a fruitless war in Yemen which it cannot win at a cost of $200 million to date, and which it could not even wage if it were not for U.S. foreign aid.

King Hussein should place his faith and trust not in the frail reed of an unstable and self-distrusting Arab League, but rather in the development of his own country so that it can sooner become viable, self-sufficient and strong.

The New York Times story stated that:

> One purpose of the King's visit here is to impress President Johnson and high ranking officials with Arab opposition to Israel's plan to divert Jordan River waters for irrigation.

If that is one purpose of King Hussein's visit the Arab countries have chosen the wrong spokesman. King Hussein himself has seen the urgent need for irrigation projects as a basic need for economic development. He has sponsored an excellent irrigation project in his own country—the East Ghor project—financed by U.S. foreign aid.

It ill behooves King Hussein to come to the United States to urge us to thwart Israel following the Johnson plan with its own money in using the waters of the Jordan to irrigate its lands. Such an attitude on the part of King Hussein is not becoming—it resembles too great a "dog in the manger" attitude.

In his speech King Hussein also shed crocodile tears for the plight of the refugees, most of whom live in Jordan, and who, according to King Hussein, were "forcibly uprooted from their homes, their property despoiled, and their means of livelihood cut off."

Now King Hussein knows better than this. He knows that the refugees have been deliberately kept in poverty so as to be a constant source of agitation against Israel. Let me remind King Hussein that during this same period that the Arab nations kept some 1 million refugees in poverty and idleness to serve the bellicose aims of those countries, Israel admitted, absorbed, and made self-supporting the same number of refugees.

If Israel could do it, the Arab nations could have done it—if they had had the will to do it. It is not too late. If King Hussein would take the leadership it can yet be done.

Now that King Hussein has come to this country carrying the message of Nasser, it is my earnest hope that he will return to his country and devote all his time and energies to building its economy rather than in emulating Nasser's bellicose gestures. We are willing to give him our aid for Jordan's development, but not for Jordan's aggressions or threatened aggressions.

I ask unanimous consent that the report of King Hussein's speech as it appeared in the New York Times be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 16, 1964]

HUSSEIN APPEALS TO UNITED STATES ON ARABS—ALSO BIDS JEWS REAPPRAISE ATTITUDE ON ZIONISM

WASHINGTON, April 15.—King Hussein of Jordan, in an emotional appeal, urged today that the United States take a new look at its Middle East policy.

At the same time the monarch advised "adherents of the Jewish faith" to make what he called a "deep soul-searching and perhaps an agonizing reappraisal of their attitude toward the whole problem of Zionism."

By doing so, King Hussein said, Jews could make "a far-reaching contribution toward solving a tragedy which threatens to engulf them and others in a senseless and ruthless calamity.

Addressing a luncheon arranged by the Citizens Committee on American Policy in the Middle East, the King expressed concern and distress over what he called diminishing American good will toward and friendship with the Arab world.

He mentioned the problem of the million Palestine refugees and he complained that the American people were not adequately informed of the fate of these people "forcibly uprooted from their homes, their properties despoiled, and their means of livelihood cut off."

King Hussein called this a tragedy and said that if Americans were properly informed it would "weigh heavily upon the consciences of all peoples who believe in goodness, fairness, and justice."

He called Israel a "real and ever-present danger" to the survival of Arab nations and accused the Israelis of planning further aggressions with an idea of expansion.

Israel, he continued, maintains an army half as large as the Army of West Germany. Moreover, King Hussein asserted, the Israelis are actively developing their atomic capability, an activity that "runs counter to the established U.S. policy of preventing a proliferation of the deadly weapons of destruction."

JORDAN RIVER AN ISSUE

One purpose of the King's visit here is to impress President Johnson and high-ranking officials with Arab opposition to Israel's plan to divert Jordan River waters for irrigation.

[From the New York Times, Apr. 16, 1964]

HUSSEIN SEES JOHNSON

WASHINGTON, April 15.—King Hussein this afternoon had his second meeting with President Johnson.

A joint communique issued by the White House after the 50-minute meeting stressed the desire of the United States for "friendly relations with all Arab States."

The 29-year-old King, who arrived in the United States on Monday and saw the President yesterday, plans to spend a few days traveling in the United States before returning to Jordan. He met with top officials of the State Department before his session with Mr. Johnson today.

The White House communique said King Hussein "put forward the views of Jordan and the Arab States on various Middle East problems and their impact on relations between the two nations."

"Cordiality, good will, and candor marked the discussions," the communique said. "A common concern for preserving and strengthening a just peace in the area was evident throughout the talks.

"The two leaders declared their firm determination to make every effort to increase the broad area of understanding which already exists between Jordan and the United States and agreed that His Majesty's visit advanced this objective."

The communique also said that President Johnson had "expressed the intention of the Government of the United States to continue to support Jordanian efforts to attain a viable and self-sustaining economy."

THE ALASKA DISASTER GROWS IN MAGNITUDE

Mr. GRUENING. Mr. President, the Alaska disaster continues to grow in magnitude, as the latent consequences of the earthquake and tidal wave come into view and new damage is uncovered. One of the pressing immediate problems, in order to bring in materials to reconstruct office buildings, homes, docks, wharves and everything else that has been destroyed, is the lack of docking facilities.

With the exception of one dock at Anchorage, which has been damaged but not destroyed, all the other dock facilities to western Alaska are out of commission. At Seward, all the docks have been totally destroyed. The same is true of all the dock facilities at Valdez. At Cordova where the land has risen several feet the docks are useless at low tide and the fishing boats are on dry land.

The dock at Whittier was seriously damaged and is out of commission. It was hoped to restore it to working condition by the 15th of this month, but because of the lowering of the land surface off that area as one of the consequences of the earthquake in this area, and the high tides of April, which overflowed the port facilities, its rehabilitation is put off for another 2 weeks.

Thus Alaska faces a tragic bottleneck in unloading facilities for the maritime traffic which carries most of the freight and will be more burdened than ever because of the large amount of heavy construction material needed.

One of the unique aspects of the earthquake's damage is that a substantial number of Alaskans have lost not only their homes, but even the lots on which their houses were located. The land itself in those cases has been washed away and is under water or is converted from a level surface to a jumble of ravine and ridges of clay, which is unstable and now worthless for any practical use.

Recently, the Hearst newspaper, the Seattle Post-Intelligencer, in its edition of April 3, 1964, published an excellent editorial entitled "The Long View," which discusses the need for financial aid to the people of Alaska. It raises the question, How can a man who has lost his home, his business, and his livelihood receive financial assistance to restore himself?

Mr. President, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Seattle Post-Intelligencer, Apr. 3, 1964]

THE LONG VIEW

What about the long view on the Alaskan disaster?

Without question, it's the largest single natural catastrophe ever to befall a State in the Union.

Yet everyone's talking about stopgap measures to get the State back on its feet. This, in the opinion of several of Seattle's most respected bankers and others, isn't good enough.

The disaster approaches the scale of war. Therefore, only wartime-type measures can be applied.

A low-rate loan to a man who is broke will do no good.

Here are some views, and remember, these are very conservative bankers talking:

In a day of all-out foreign aid grants, it would seem logical that our Government should step in with grants to Alaska.

Give the money to the State and the local communities.

Write it off. And let's have less talk about "loans."

Rebuild the State from the ground up, if needs be.

Call in the Nation's top planners and senior governmental officials. Call Congress into session for the specific purposes of all-out aid to Alaskan individuals and businesses. There is grave question among Seattle bankers as to whether the State can ever recover unless these herculean measures are applied.

Meantime, let's get on with the job.

VIOLATION OF RULE OF GERMANENESS

Mr. CLARK. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I am glad to yield to the Senator from Pennsylvania under the request I made heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I ask unanimous consent that the rule of germaneness may be waived with respect to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, it is now 5 minutes of 11. The Senate convened at 10 o'clock. The rule of germaneness took effect as soon as the pending business was laid before the Senate. As has been the case for many days, the rule has been completely ignored. I shall take up with the leadership, next week, the desirability of strictly enforcing the rule of germaneness for the 3 hours immediately following the laying of the unfinished business before the Senate. The Senate is making a farce of what it did when it adopted that rule. The rule should be given a good trial, particularly since, in my judgment, it may, to a minor extent, expedite the consideration of the pending business.

By unanimous consent, I myself am now violating the rule of germaneness, so I hold no particular brief for my own activity in this regard, except to point out that this is what is happening. It should not happen. The sooner the rule is enforced, the better it will be for the Senate.

POPULATION EXPLOSION

Mr. CLARK. Mr. President, from time to time, the Senator from Alaska [Mr. GRUENING] and I have invited the attention of the Senate to the desirability of a wide public discussion of the population explosion or the population problem, and the need to take some intelligent steps to curtail population growth abroad. The rapid growth of population abroad is really, to some extent, making it quite impossible for underdeveloped countries to increase their standard of living or their per capita gross national product. The end result is that as we pour aid into those countries, and as they continue to increase their population to an alarming extent, the aid is to a large extent poured down a rat hole, because it does not increase the standard of living of the people, for there are so many more people among whom the gross national product must be divided.

Recently, the Senator from Alaska [Mr. GRUENING] and I had occasion to state that quite constructive steps have been taken at the United Nations to look carefully into this problem and to provide long-range plans for dealing with the population explosion.

I am happy to note from a copy of a Department of State bulletin an excerpt from a speech made by Mr. Harlan Cleveland, Assistant Secretary of State for International Affairs, in which he deals with this problem. He made the speech on March 9, 1964.

Mr. President, I ask unanimous consent that an excerpt from the speech, entitled "Population Problem," be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

THE POPULATION PROBLEM

If you dare to work for world food abundance, you have to face a double dare as well: the growing abundance of mouths to be fed.

I do not intend here to rehearse those frightening boxcar figures and repeat those statistical extrapolations with which the demographers regularly try to raise the hair on our heads. I do want to mention, however, one piece of good news: In the very recent past the "population explosion" has become a respectable subject of discussion—precisely because the demographers made their hair-raising forecasts and insisted that other people begin to pay some attention to them.

So now at long last the taboo has been lifted from the subject of population growth. We are past the point when the mention of the population problem brought a smirk to the face of the listener, as though the subject were dirty or funny or both. The way is clear now for serious discussion of a trend which, if uncontrolled, would commit the search for freedom from hunger to a perpetual treadmill or a chronic failure.

A few years ago it was considered politically impossible to inscribe the subject of population control on a U.N. agenda for rational debate. But a little more than a year ago the General Assembly passed an eminently sensible resolution on the subject which offended nobody yet opened the way for much-needed research and for further U.N. work on the subject.

In that process everyone discovered, to the surprise of most, that the only disagreement is on the outside fringes of a very large subject, and in between there is a wide area of common ground on which intelligent men from every culture and every religious tradition can converge for dispassionate discourse and cooperative action.

No one can hazard even an educated guess as to when or how the population growth rate may be brought within manageable limits. Birth rates in industrialized countries have eventually, but slowly, declined without much encouragement from governments. Now several countries, notably India, Pakistan, Korea, and the United Arab Republic, are launched on active government programs to reduce explosive population growth rates. But by and large, when it comes to population control, there are no developed and underdeveloped countries.

Unlike agriculture or industry or public health or almost any other subject, there is no place to go to learn how somebody else did it first. So in the population field international technical assistance starts from scratch, with little national experience to go on. And that is all the more reason for serious professional attention to the matter.

Mr. CLARK. Mr. President, I invite the attention of Senators to the following statement by Mr. Cleveland:

> In the very recent past the population explosion has become a respectable subject of discussion.

I pay my tribute to Mr. Cleveland and to his assistant, Mr. Richard Gardner, who did so much to make that discussion possible in the United Nations last year. The fact that I am now speaking on the subject and that the Senator from Alaska is sitting beside me is some indication that it is now respectable to discuss the subject on the floor of the Senate.

Also, through the efforts of the chairman of the Committee on Foreign Relations, the distinguished Senator from Arkansas [Mr. FULBRIGHT], a provision was included in the foreign aid bill of last year to authorize the use of foreign aid funds for technical studies into research and development in the whole problem of population control. I regret that when the bill was considered by the House, the House struck out the provision which had been included at the request of the Senator from Arkansas, which also allowed the use of foreign aid funds for providing technical assistance to countries which desired to study and adopt methods to limit and control their population.

Mr. GRUENING. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield to the Senator from Alaska, with the permission of the Senator from Mississippi, under the same conditions.

Mr. GRUENING. I commend highly the senior Senator from Pennsylvania for opening up this issue of population explosion and control. He has been a pioneer in making it a subject of discussion in the Senate. I have been very happy to join him.

I have been interested in this problem for many years; I supported Margaret Sanger in her pioneer efforts over 40 years ago. I was instrumental, as Administrator of the Puerto Rico Reconstruction Administration, in starting maternal welfare clinics in Puerto Rico, an island suffering from overpopulation, to assist in solving this perplexing problem and to help mothers who had already borne many children and wanted thereafter to plan their parenthood better to receive the appropriate medical advice and attention, as well as to other married couples who wanted to relate their ability to support their children to the number they wanted to bring into the world.

Mr. CLARK. Is it not true that as a result of the efforts which the Senator from Alaska made when he was Governor of Puerto Rico, that country is one of the outstanding examples of a successful effort to deal with the population explosion problem?

Mr. GRUENING. First, I should say that I was never Governor of Puerto Rico; I was Director of the Division of Territories and Island Possessions of the Department of the Interior and I was also at the same time administrator of the Puerto Rico Reconstruction Administration.

When I went to Puerto Rico, as administrator of the Puerto Rico Reconstruction Administration, the island was in economic chaos. Some 350,000 persons were unemployed. We went to work with great vim and vigor, and in 9 months we had put 60,000 people to work and in useful projects—projects that have stood the test of time. But at the end of that 9 months, I found that 60,000 was approximately the number of Puerto Ricans who had been born in that period, in addition to the then existing population, and that the net effect was that we were over the long range doing little more than marking time, although the immediate results were beneficial. That realization led to the conclusion that we should do something about the population increase if our economic program was to succeed. This birth control program was interrupted temporarily thereafter, but it has been resumed and continued by the people of Puerto Rico, and I believe is a success.

Apart from Puerto Rico we find that today there is, everywhere, great interest in such programs. At Georgetown University, a study of the problem has been instituted headed by Dr. Duffy. A study is being made of the rhythm method as a means of contraception. As the Senator from Pennsylvania has said, the subject is now regarded everywhere as a respectable one; and that is a gain of great importance.

Our foreign aid program, which meets with many handicaps and difficulties, cannot possibly be a success if the population increase goes on unchecked. That fact can be demonstrated over and over again. When we pour money into economic relief and other measures, we find that in many, many cases, indeed in most cases, those programs are impaired and even nullified by the population growth.

In many countries there is great desire for such information on family limitation and planned parenthood. Contraceptive information need not be imposed on any who do not wish to have it; but I believe it essential that the subject be fully discussed and the necessary information available to those who desire it.

So I hope the resolution of the Senator from Pennsylvania—and I am a cosponsor of the resolution—will be acted upon. I wish he would speak on it.

Mr. CLARK. I thank the Senator from Alaska for his valuable comments.

I advise him and other Senators that I am pressing to obtain from the Department of State a report on this matter, so that we may proceed with hearings. Other Government departments are also being asked for reports on it. I urge the Senator from Alaska to press for the submission of such reports, so we can proceed with the hearings.

Mr. GRUENING. I shall be happy to do so.

CIVIL RIGHTS—RESOLUTION BY ALLENTOWN AREA COUNCIL OF CHURCHES

Mr. CLARK. Mr. President, I ask unanimous consent that a resolution dealing with the subject of civil rights, and endorsing the present civil rights bill, adopted by the Allentown, Pa., area Council of Churches, be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION ON CIVIL RIGHTS

The following resolution was adopted by the board of directors of the Council of Churches at its meeting on April 2. Please feel free to quote it in whole or part, as you may have use for it:

"We, the Board of Directors of the Allentown Area Council of Churches, hereby express our support of the civil rights bill as passed by the House of Representatives and now being considered by the U.S. Senate.

"We believe firmly in the democratic principles on which our Nation has been founded and affirm that the freedoms and privileges granted to all citizens by our Constitution do not allow for discrimination in any area of daily life. We consider it unfortunate for ourselves and our Nation that a civil rights bill is necessary to carry out that which is already provided in the Constitution of the United States. However, we believe it imperative that this bill be passed because parts of our Constitution are so flagrantly ignored and disobeyed by many States and communities.

"We believe that the pending civil rights bill is in harmony with all religious faiths which emphasize the sacredness of human personality and the dignity of man.

"Furthermore, we are convinced that the proposed legislation specifies in law the spirit of brotherhood as revealed in Christ and expressed in the Christian faith.

"We therefore call upon citizens, whose convictions are similar to those set forth herein, to express these convictions to the U.S. Senators who have responsibility for the enactment of this proposed legislation.

"We also appeal to Christian people and congregations to practice brotherly love at all times and in all situations, to speak out boldly on the basis of their convictions in matters of human relations, and, at every opportunity, to try to influence legislation which upholds the principle of the sacredness of life and the dignity of man."

CIVIL RIGHTS—LETTER FROM PITTSBURGH COMMISSION ON HUMAN RELATIONS

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter under date of April 8, 1964, which I have received from T. Z. Korsak, chairman of the Pittsburgh Commission on Human Relations. In the letter he endorses the civil rights bill, and points out the very valuable and favorable experience the commission has had in supporting the Pittsburgh ordinance on the subject of civil rights and human relations. I ask that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMISSION ON HUMAN RELATIONS,
Pittsburgh, Pa., April 8, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CLARK: The commission on human relations at its official meeting on Monday, April 6, resolved to request that you continue your strong support for the enactment of civil rights legislation now before the Senate.

As an official city agency charged with the responsibility of administering a fair housing law, a fair employment practices law, and cooperation with the Pennsylvania Human Relations Commission in the administration of the Commonwealth's public accommodations law, we know from first-hand experience that many of the fears expressed by opponents to this legislation are unrealistic. We know this to be a fact after 9 years of experience in administering these laws. Not unlike any other legislation, the administration of such laws by necessity involves conflict. Not all conflict is bad since skillful conciliation and mediation can resolve many of the problems which arise as a result of confrontation. Based on our experiences, we know that the average American citizen wants to be law abiding.

Secondly, the legislation gives support to those who are covered by the law in high places of policymaking.

Thirdly, the law and those who abide by the service have an excellent tool for good public relations. Of course, there are many more supportive reasons which could be cited.

The need for the immediate passage of this legislation is obvious. The current racial crises in the United States are serious and their implications in our relations with other nations are important.

We urge you to continue your strong support for this law and its immediate enactment. If cloture is necessary, we urge that you vote in favor of it.

Very truly yours,

T. Z. Korsak,
Chairman.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that, in the interest of more orderly procedure, I be allowed to yield now to the Senator from Vermont [Mr. Prouty], to enable him to address the Senate; that in yielding to him, I shall not lose my right to the floor; and that my subsequent remarks will not be considered an additional speech by me on this matter.

If such consent is given, I hope the Senator from Vermont will immediately yield to the Senator from New York, so as to accommodate him.

The PRESIDING OFFICER (Mr. Bayh in the chair). Is there objection? Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I am very grateful to the Senator from Mississippi.

I yield now to the Senator from New York.

Mr. KEATING. I thank both the Senator from Mississippi and the Senator from Vermont.

Mr. President, I ask unanimous consent that the rule of germaneness be dispensed with, insofar as the remarks I am about to make are concerned.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION OF UNITED STEEL WORKERS OF AMERICA

Mr. KEATING. Mr. President, employment in the steel industry has been seriously reduced as a result of automation and of foreign steel imports. It is extremely important both for the jobs of American workmen and for the long-term security of our Nation that the steel producing and processing facilities of the United States remain in full operation.

Mr. President, I ask unanimous consent to include following my remarks in the Record the text of resolution adopted by New York Local 1630 of the United Steel Workers of America, in Depew, N.Y., and also by Local 2017 of Buffalo, Local 2478 of Watervliet, and the Steelworkers Legislative Committee on Political Education.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution Calling on Congress To Enact a Law To Control and Regulate Large Corporations Building Runaway Plants in Foreign Countries

Whereas the strength of our economy has long depended on the initiative, competence and skill of its work force. Since ours is an interdependent society, our country can be only as strong as those Americans working in the lowest paid jobs;

Whereas unemployment is steadily becoming worse, due to many factors. Since 1956, there are 200,000 fewer men in the steel industry and the auto industry has abolished another 168,000 jobs;

Whereas the Department of Labor sets its own estimate of 4,000 jobs being eliminated every week, yet competent industrialists state that a more correct figure would be 40,000 men per week being disemployed;

Whereas many industries including the steel industry have built and are building modern new plants in many foreign countries, on money and profits accrued in our great country;

Whereas it is possible, and even probable, that companies plan to produce in Europe for export to the United States. In a matter of several years, these foreign plants could be gnawing at our very existence; therefore, in view of the record profits that almost all huge corporations are earning, with less manpower, and worse yet, allowing productive plants to remain idle in America: Be it

Resolved, That some form of legislation be enacted to protect our own vital productive capacities, and also to prove to big business that democracy cannot afford to sacrifice even a small group in its population, to serve the avarice and greed of many huge corporations; and be it further

Resolved, That huge corporations who are using foreign countries to further their own selfish interests should be made responsive to the general public interest of the United States, and we urge the enactment of a law prohibiting these irresponsible huge corporations from taking advantage of present loopholes in the tax laws, by applying tax reductions to their foreign operations in runaway plants.

CORNELL STUDENTS PLAN KENNEDY SCHOLARSHIP

Mr. KEATING. Mr. President, the senior class at Cornell University has initiated a drive to establish an appropriate memorial to President John F. Kennedy. The memorial, particularly in keeping with the spirit of our late President will take the form of a John F. Kennedy Scholarship Fund.

The scholarship is designed to encourage qualified young people to enter political life and to help bridge the gap between the academic and political spheres—two goals toward which President Kennedy strived. Winners of this award will be selected on the basis of scholastic excellence, demonstrated leadership ability and proposed interest in a career of government service.

This program has met with overwhelming public acceptance in the Ithaca community. Under the leadership of Alan Hirshberg, president of the senior class, the fundraising drive which began April 10 has drawn the attention of town and gown alike.

A local radio station has donated 1 week's advertising time to the fund; living units and fraternities have donated the cost of a meal to the scholarship; the faculty has decided to hold a talent show to demonstrate their commitment to the scholarship program, and to help in the fundraising efforts.

Cornell's seniors could have chosen no better way to pay their respects to the memory of President Kennedy: the John F. Kennedy Scholarship Fund is a fine tribute to a great leader.

BYELORUSSIAN INDEPENDENCE

Mr. KEATING. Mr. President, the United Byelorussian American Commorative Committee unanimously adopted a resolution at the mass meeting held on March 22 at the Hotel Astor in New York to commemorate the 46th anniversary of Byelorussian independence.

Mr. President, I commend the people and friends of Byelorussia for their continued resistance to the encroachment of Soviet imperialism and I strongly urge U.S. Information Agency and other agencies of the American Government to remain mindful of the sufferings of this people and to maintain information and other programs calculated to keep alive their hope of ultimate freedom.

Mr. President, I ask unanimous consent to include in the Record following my remarks the text of the resolution referred to.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution Sponsored by the United Byelorussian-American Commemorative Committee, Unanimously Adopted at the Mass Meeting Commemorating the 46th Anniversary of Byelorussian Independence on March 22, 1964, at the Astor Hotel in New York City

Whereas the people of Byelorussia, one of many victims of Communist Russia aggression, have been forcibly deprived of their national sovereignty, their religious, political, social, cultural, and economic liberty, and are now subjected to an inhuman policy of oppression, terror, mass deportations, russification, economic slavery, and colonial exploitation; and

Whereas the Byelorussian people are strongly opposed to foreign domination and are determined to restore their freedom and sovereignty which they had rightly enjoyed for many centuries in the past; and

Whereas with the attention of the world focused on the new African and Asian nations which were liberated from colonialism with the aid of the United Nations and have joined the community of free and independent states, the plight of Byelorussia and the other non-Russian nations enslaved in the U.S.S.R. have largely been neglected; and

Whereas the present government of the Byelorussian S.S.R. and its United Nations delegation are not democratically constituted representatives of the Byelorussian nation, but executors of the will of Russian colonial administration only, will not and cannot, therefore, protect and defend Byelorussian people; and

Whereas the unjustified discrimination against the Byelorussian language by the Voice of America cannot but lead the Byelorussian-American community to the conclusion that this U.S. agency is opposed to application of the principle of self-determination by Byelorussians: Therefore be it

Resolved, That this meeting appeal to the President, Secretary of State, and Members of Congress of the United States with the request to do everything possible that the liberation of Byelorussia and other countries subjugated by Russian communism be included in the program of the American foreign policy; and

Resolved, That the Government of the United States take appropriate steps through the United Nations and other channels to stop Soviet Russia's policy of colonialism in Eastern Europe and to force Russians to pull out its armed forces from non-Russian lands and institute free elections in Byelorussia under the United Nations supervision as it was already proposed in resolution introduced in the House of Representatives by Congressman BOB WILSON on November 7, 1963; and be it further

Resolved, That we Americans of Byelorussian origin and descent, reaffirm our adherence to American democratic principles of government and pledge our support to our President and our Congress to achieve lasting peace, freedom and justice in the world; and be it finally

Resolved, To request the Government of the United States to end the discrimination against the Byelorussian language by the Voice of America and establish broadcasting programs in Byelorussian language, arbitrarily ignored by the "Voice of America" for the last 12 years.

For the assembly:

CONSTANT MIERLAK,
Chairman.

NEW YORK, *March 22, 1964.*

Mr. KEATING. Mr. President, I express to the distinguished Senator from Mississippi [Mr. STENNIS] and to the senior Senator from Vermont [Mr. PROUTY] my gratitude for their courtesy and their cooperation.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

AN URGENT PROBLEM

Mr. PROUTY. Mr. President, the Senate Commerce Committee, beginning in July of 1963, held most extensive hearings on what is now title II of the omnibus civil rights bill.

Dealing with equal access to the privileges and facilities of public accommodations, this title initially caused a great deal of concern among public-spirited American citizens. The mechanics of the proposal were complicated. Grave moral and constitutional questions were at stake.

On the one hand certain of our fellow citizens were being turned away from the very threshold of establishments which openly solicited white trade. Most of those turned away from food and rest were American citizens like other Senators and myself; others were visitors and dignitaries from distant lands who would return home with sad stories of democracy at work.

On the other hand there were the owners and operators of some public establishments, living by ancient customs and practices known to their forefathers, caught, as it were, in a communal web of history. Segregated facilities were maintained because it was the way of doing business.

All America is not alike. Thank God for that. Our regional histories are as distinct as the miles that separate us. New England, the Midwest, the South, the West—these places are America—but they are themselves. Yet, we are a Nation—"one Nation under God"—and as citizens of a great country there come times when we must let our regional ways yield to the national good when we are properly called upon to do so.

The Senate Commerce Committee was asked, on a fateful day in June, to review a proposal by the administration that public accommodations, as a matter of national policy, be required to open their facilities to all without regard to race, color, religion, or national origin.

The committee held a series of 23 hearings which finally concluded on August 2. We took 1,575 pages of testimony, heard 40 witnesses of all persuasions and concluded with 9 executive sessions at the end of which the measure was favorably reported 14 to 3.

It is my firm belief that in the light of history and the Constitution that was the only choice we could rightfully make.

Equal access to public accommodations involves few new jurisprudential concepts.

AN ENGLISH LEGACY

It had been well settled for hundreds of years prior to the Articles of Confederation that the innkeeper was absolutely bound to receive and serve persons applying for food and lodging unless he had some reasonable ground for refusing to furnish them. This common law principle was recognized as early as the reign of Henry VII, folio 21, in the case of Rex against Bishop of Chester.

The principle was also upheld as the law by courts in many of the several States, including Delaware, Virginia, North Carolina, and Alabama.

The most often cited case with respect to the common law duty of innkeepers is *Rex* v. *Ivens,* 7 Car. & P. 213, which states simply:

> The Innkeeper is not to select his guests.

In *Beale* v. *Posey,* 72 Alabama 323, 1882, the Alabama court likened the innkeeper to the common carrier and noted:

> Each is engaged in public employment, bound, in the absence of reasonable grounds for refusal, to serve all having a necessity for their services.

The underlying principles for the holdings of the common law courts have never been clearly delineated.

Courts of 17th and 18th century England saw private ownership of places of business as carrying with it certain obligations to the public it served. Lord Chief Justice Hale remarked:

> Property does become clothed with a public interest when used in a manner to make it of public consequence. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in the use and must submit to be controlled by the public for the common good to the extent of the interest he has thus created.

Beyond the public's power to regulate businesses for the public good there arose, with the growth and development of communications and transportation, the need for such regulation.

THE COLONIES

The early American experience demonstrated a desire to go beyond some of the strictures of the English interpretations of the common law.

The American settlers sought a new land—a free land.

The wide open spaces of the American Colonies had great appeal for English subjects who were the victims of restrictions on freedom of movement in the mother country.

Great unhappiness and frustration was caused by the statute of apprenticeship passed in Queen Elizabeth's reign which kept a man from going to a new town where workmen were badly needed. Indeed, on the eve of our Declaration of Indepenndence it was said of England:

> It is often more difficult for a poor man to pass the artificial boundary of a parish, than an arm of the sea or a ridge of high mountains.

Although freedom of movement was universally recognized in the new country, relatively little legislation was enacted by the colonists on this basic freedom. One of the more significant provisions was put into the Massachusetts Body of Liberties in 1641:

> Every man of or within this Jurisdiction shall have free libertie, not with standing any Civill power, to remove both himself and his familie at their pleasure out of the same.

This generous attitude about outgoing settlers was accompanied by liberality toward incoming persons:

> If any people of other Nations professing the true Christian Religion shall flee to us from the Tiranny or oppression of their persecutors, or from famyne, warres, or the like necessary and compulsarie cause, They shall be entertayned and succoured among us, according to that power and prudence God shall give us.

The people of Rhode Island, viewing the right to move about freely as a fundamental right, got a clause inserted in their charter which gave each person the lawful right "to passe and repasse with freedome, into and through the rest of the English Collonies, upon their lawful and civill occasions."

With or without sanction in law, freedom of movement within the Colonies was nurtured and came into full bloom.

THE EARLY AMERICAN EXPERIENCE

Free mobility was given formal recognition in and was guaranteed by the Articles of Confederation. The crystal clear language of the fourth of these articles clothes the right to pass freely from State to State with all those incidents which are necessary to make it a practical, as distinguished from a theoretical, freedom. The language speaks for itself:

> The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States * * * shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce.

In exercising his free ingress and regress to and from other States, the free citizen, under the Articles of Confederation, was entitled to all privileges and immunities of free citizens in the several States and was empowered to enjoy all the privileges of trade and commerce.

The framers of the Articles of Confederation knew that the right to pass freely from State to State would be an empty right if it did not carry with it as an inseparable incident "all the privilges of trade and commerce."

The traveler, however far he journeys, may need food, drink, and repose. The inns and other places of public accommodation of the time were few and far between and one of the necessary privileges of trade and commerce was the privilege of ready access to public accommodations.

Article IV, section 2 of the Constitution, like article IV of the Articles of Confederation, was designed to guard the liberty of each citizen to travel unhampered and unobstructed throughout the several States.

Opinions of the courts vouchsafe this conclusion. For example, *Corfield* v. *Coryell*, 6 Fed. Cas. 546, 551; *Passenger* cases, 7 How. 283, 492; *Crandall* v. *Nevada*, 6 Wall. 35, 49; *Paul* v. *Virginia*, 8 Wall. 168, 180; *Ward* v. *Maryland*, 12 Wall. 418, 430; *Slaughter-House* cases, 16 Wall. 36, 76; *United States* v. *Wheeler*, 254 U.S. 281, 290, 297; *Truax* v. *Raich*, 239 U.S. 33.

The first paragraph of the second section of the fourth article of the Constitution declares:

> The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

The essence of this provision is that arbitrary discriminations are not to be levied against people from other States. Its purpose was to facilitate travel and commerce in the young country. The framers saw beyond the Articles of Confederation—they saw the need for unification into a single great nation—they saw that this could only be achieved by removing artificial barriers to cooperation.

But a curious thing happened to distort our historical perspective of liberty.

In the case of *Dred Scott* v. *Sanford*, 19 Howard 393 et seq., Chief Justice Taney, delivering the opinion of the Court, held that slaves and descendants of slaves were not intended to be included under the word "citizens" in the Constitution and could therefore, claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.

Basically, it was the view of Chief Justice Taney that both the Congress and the States were without power to make the Negro a citizen within the meaning of that term in article IV, section 2. He was of the opinion that Negroes were not in the minds of the framers of the Constitution "when they were conferring special rights and privileges upon the citizens of a State in every other part of the Union."

Yet Taney did admit that if colored persons were entitled to the privileges and immunities of citizens, they would be exempt from the operation of the special laws and from the police regulation which affected them.

> It would give—

He said—

> to persons of the Negro race, who were recognized as citizens in any one State of the Union, the right to enter every other State whenever they pleased, singly or in companies, without pass or passport, and without obstruction, to sojourn there as long as they pleased, to go where they pleased at every hour of the day or night without molestation.

Although I think Taney erred in deciding what persons were entitled to the protection of article IV, section 2, of the Constitution, he was correct in assessing the broad scope of this provision.

This is brought sharply to focus in his dissenting opinion in the *Passenger* cases, 7 Howard 283, 492:

> We are all citizens of the United States; and as members of the same community, must have the right to pass and repass through every part of it without interruption, as freely as in our own States.

The right to travel as seen by Taney was the right to move with freedom both between and within the several States.

Justice Curtis in the Dred Scott case took sharp issue with the views of Chief Justice Taney. On pages 573 and 574 of the decision, he pointed out that the constitutional law of several of the States made Negroes citizens of such States at the time of the ratification of the Articles of Confederation. He goes on to discuss events that took place when the Articles of Confederation were under consideration by the Congress, and he has this to say:

> The fourth of the fundamental articles of the Confederation was as follows: "The free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice, excepted, shall be entitled to all the privileges and immunities of free citizens in the several States."
>
> The fact that free persons of color were citizens of some of the several States, and the consequence, that this fourth article of the Confederation would have the effect to confer on such persons the privileges and immunities of general citizenship, were not only known to those who framed and adopted those articles, but the evidence is decisive, that the fourth article was intended to have that effect, and that more restricted language, which would have excluded such persons, was deliberately and purposely rejected.
>
> On the 25th of June 1778, the Articles of Confederation being under consideration by the Congress, the delegates from South Carolina moved to amend this fourth article, by inserting after the word "free," and before the word "inhabitants," the word "white," so that the privileges and immunities of general citizenship would be secured only to white persons. Two States voted for the amendment, eight States against it, and the vote of one State was divided. The language of the article stood unchanged; and both by its terms of inclusion, "free inhabitants," and the strong implication from its terms of exclusion, "paupers, vagabonds, and fugitives from justice," who alone were excepted, it is clear that, under the Confederation, and at the time of the adoption of the Constitution, free colored persons of African descent might be, and by reason of their citizenship in certain States, were entitled to the privileges and immunities of general citizenship of the United States."

While Justices Taney and Curtis differed in their interpretation of the words "the citizens of each State," in article IV of the Constitution, they were not at odds on the rights encompassed within the phrase "all privileges and immunities of citizens."

There remains then to ask whether the right of free movement was an incident of State citizenship or of national citizenship prior to the adoption of the 14th amendment in 1868.

Certainly, in the earlier cases there are statements suggesting that the right to move about freely is an incident of State citizenship, guarded against discriminatory State action by article IV, section 2, of the Constitution. See *Corfield* v. *Coryell*, 4 Wash. C.C. 371, 381; *Paul* v. *Virginia*, 8 Wall. 168, 180; *Ward* v. *Maryland*, 12 Wall. 418, 430; *U.S.* v. *Wheeler*, 254 U.S. 281, 298.

According to the dicta of those cases, a State could not hinder the free movement of persons who were not residents of that State. This is true because the fourth article forbids a State to discriminate against citizens of other States in favor of its own.

What happens, however, if a State imposes restrictions on freedom of movement which apply alike to both residents and nonresidents? This question arose in the case of *Crandall* v. *Nevada*, 6 Wallace 35, which was decided in 1867, prior to the adoption of the 14th amendment.

The Legislature of Nevada enacted that "there shall be levied and collected a capitation tax of $1 upon every person leaving the State by any railroad, stagecoach, or other vehicle engaged or employed in the business of transporting passengers for hire," and that the proprietors, owners, and corporations so engaged should pay the said tax of $1 for each and every person so conveyed or transported from the State.

Crandall, who was employed by a stage company, refused to pay the tax. He was arrested and convicted. From the highest court of Nevada, he appealed on the ground that the State law violated the Constitution of the United States. The U.S. Supreme Court struck down the State tax imposed upon "every person leaving the State."

Mr. Justice Miller, in writing the opinion, did not rely upon article IV, section 2. Indeed, he could not so rely because the State statute applied to both citizens and noncitizens.

The reach of the Crandall case is at once long and significant. Its holding meant that freedom of movement was not a freedom protected solely by article IV, section 2. It meant as well that a State may not restrict the locomotion of its own citizens.

Crandall had, too, an even greater signification, because it held that the right to move anywhere in the land without impediment was a right of national citizenship. The right was seen as essential to the national character of our Government and was no less real because it was implied rather than expressly stated.

THE 14TH AMENDMENT

Whatever doubts remained should have been put to rest by the adoption of the 14th amendment.

Before that amendment became the law of the land the Constitution did not declare what persons born within the several States were citizens of the United States and Congress had no express power so to declare.

The only power specifically given Congress to legislate concerning citizenship was confined to the removal of the disabilities of foreign birth.

The Constitution left to the States the determination what persons, born within their respective limits, would acquire by birth citizenship of the United States.

The States rights argument was that, insofar as there was a Federal citizenship, it arose out of State citizenship and was subordinate to it.

In debate on the force bill, Mr. Calhoun said in the Senate:

> If by citizen of the United States he (another Senator) means a citizen at large, one whose citizenship extends to the entire geographical limits of the country without having a local citizenship in some State or territory, a sort of citizen of the world, all I have to say is that such a citizen would be a perfect nondescript; that not a single individual of this description can be found in the entire mass of our population. Notwithstanding all the pomp and display of eloquence on the occasion, every citizen is a citizen of some State or territory, and as such, under an express provision of the Constitution, is entitled to all the privileges and immunities of citizens in the several States; and it is in this and no other sense that we are citizens of the United States.

For Mr. Calhoun's argument on the force bill see his works, II, 242.

Afterward came the Dred Scott decision, *Scott* v. *Sanford*, 19 Howard 393 (1857). Its effect was to deny that national citizenship was a necessary result of State citizenship; and it held that no State could confer citizenship upon one of African blood, at birth or later, so as to bring him within the protection of the constitutional provision for the enjoyment of privileges and immunities in the several States on a par with those enjoyed in the State of his citizenship.

The celebrated 14th amendment brought into the Constitution a definition of national citizenship and it made that citizenship the dominant and paramount allegiance among us.

Justice Jackson, in Edwards against California, spoke of the object of the citizenship clause when he declared:

> The power of citizenship as a shield against oppression was widely known from the example of Paul's Roman citizenship, which sent the centurion scurrying to his higher-ups with the message: "Take heed what thou doest; for this man is a Roman." I suppose none of us doubts that the hope of imparting to American citizenship some of this vitality was the purpose of declaring in the 14th amendment: "All persons born or naturalized in the States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

Note carefully how the first clause of that amendment gave national citizenship supremacy. By its very terms one could be a citizen of the United States without being a citizen of any State.

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Why this sweeping change in the concept of citizenship unless it carries with it certain fundamental rights, the abridgment of which—by man or State—the Constitution would no longer tolerate?

That it was meant to give more than mere nomenclature of citizenship is brought sharply to focus by Mr. Justice Harlan:

> The first clause of the first section—"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside"—is of a distinctly affirmative character. In its application to the colored race, previously liberated, it created and granted, citizenship of the United States, as well as citizenship of the State in which they respectively resided.

The citizenship thereby obtained, by the Negroes, as a result of an affirmative grant from the Nation, may be secured, not solely by the judicial branch of the Government, but by congressional legislation of "a primary direct character."

> This is so—

Said Harlan—

> because the power of Congress is not restricted to the enforcement of prohibitions upon State laws or State action. It is in terms distinct and positive, to enforce "the provisions of this article" of amendment; not simply those of a prohibitive character, but the provisions—all of the provisions—affirmative and prohibitive, of the amendment.

The distinguished legal scholar Horace Edgar Flack, who canvassed newspaper coverage and speeches concerning the popular discussion of the adoption of the 14th amendment, asserts:

> The declarations and statements of newspapers, writers, and speakers * * * show very clearly * * * the general opinion held in the North. That opinion, briefly stated, was that the amendment embodied the civil rights bill and gave Congress the power to define and secure the privileges of citizens of the United States.

It is no novel theory then to suggest that the legislative branch has clear authority to define and protect the rights of citizens and to declare that among these rights is the right to full and equal enjoyment of public accommodations.

Representative Jonathan Bingham, who may without exaggeration be called the James Madison of the 14th amendment, since he wrote virtually all of it, pointed out that before the ratification of the 13th and 14th amendments it was forbidden by law and custom "to help a slave who was ready to perish; to give him shelter, or break with him his crust of bread."

The distinguished and able Bingham would not concede for a minute that the 14th amendment left Congress powerless to act against individuals who deny rights to free citizens. These are his words:

> Who dare say, now that the Constitution has been amended, that the Nation cannot by law provide against all such abuses and denials of right as these in States and by States, or combinations of persons?

Since clauses 2, 3, and 4 of the first section of the 14th amendment speak only of what a State may not do, it is patently clear that the Federal Government may move against "combinations of persons" only by virtue of the affirmatively stated citizenship clause and section 5 which gives Congress the power to enforce that clause.

It is small wonder then that Cooley says in his treatise on "Constitutional Limitations"—fifth edition, page 359, star print 294:

> The most important clause in the 14th amendment is that part of section 1 which declares that all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. This provision very properly puts an end to any question of the title of the rights of citizenship.

Mr. Dawes, a Member of the 39th Congress which adopted the 14th amendment, placed an equally high value on the citizenship clause of that amendment:

> After the bloody sacrifices of our 4 years' war, we gave the most grand of all these rights, privileges, and immunities, by one single amendment to the Constitution, to 4 millions of American citizens who sprang into being, as it were, by the wave of a magic wand. Still further, every person born on the soil was made a citizen and clothed with them all.

Dawes goes on to say:

> It is all these, Mr. Speaker, which are comprehended in the words "American citizen," and it is to protect and to secure him in these rights, privileges, and immunities this bill—a civil rights measure—is before the House.

Senator Howard was a coauthor of the 14th amendment in that it was a Howard modification that added the citizenship clause to that amendment. He gave an important speech on May 23, 1866, explaining what he had intended to accomplish. In summarizing Senator Howard's words, the Boston Daily Advertiser declared:

> The first clause of the first section was intended to secure to the citizens of all the States the privileges which are in their nature fundamental, and which belong of right to all persons in a free government. There was now no power in the Constitution to enforce its guarantees of those rights. They stood simply as declarations * * *. The great object of the first section, fortified by the fifth, was to * * * throw the same shield over the black man as over the white, over the humble man as over the powerful.

To this point then we have seen how the early English common law has grown and developed into a contemporary message about public accommodations.

Equal access to public accommodations in 15th century England was necessary to the promotion of travel and commerce. The freedom of movement it inspired and enabled in Englishmen of means was viewed as a cherished right by New World settlers of all classes and castes. It was recognized and reinforced in the Articles of Confederation and the Constitution. On the adoption of clause 1 of section 1 of the 14th amendment its protection was put in the hands of the Federal Government as a right of national citizenship.

SLAVERY AND THE 13TH AMENDMENT

With regard to current problems, there is an additional reinforcing factor. In our history there has been no greater restriction on the freedom of movement in time of peace than slavery. In fact, the success of slavery was dependent upon the ability of the master, the State, and even the Federal Government to keep slaves on the job.

I have made an extensive survey of the State laws in existence prior to December 1865, when ratification of the 13th amendment was proclaimed. In areas where slavery subsisted, all States had on their books statutes restrictive and oppressive of the Negro—both slave and free.

Especially limited was the free mobility of the slave and even the free Negro. He could not ride horseback or leave the plantation of his master without permission duly signed. He was prohibited from assembling to learn, and whites were prohibited from teaching him.

Here in the District of Columbia, the slave had a 10 o'clock curfew and could not frequent the Capitol Square without business to perform. The free Negro could not settle where he pleased due to laws which would return him to slavery or make it financially prohibitive to stay.

In Virginia, a free Negro or a slave was prohibited from going at large, and free Negroes could not immigrate into the State.

In Kentucky, a slave could not work for hire.

Maryland prevented not only slaves, but also free Negroes from using boats for purposes other than that of the master on the Potomac River.

In North Carolina, a slave could not own or attempt to sell cattle.

In Missouri, Negroes meeting to hold instruction—going to school—was an unlawful assemblage.

And these black codes were not confined solely to the States of the South.

The District of Columbia provided for 40 lashes for any meeting of Negroes at night.

The common law made no distinction on account of race or color, and slavery, being contrary to natural right, was developed only by State and local law. Whatever conditions shall attend the status of slavery must depend on the law which creates and upholds it.

Mr. Justice Curtis informs us:

> Not only may the status of slavery be created and measured by [State and local] law, but the rights, powers, and obligations, which grow out of that status, must be defined, protected, and enforced by such laws.

If then the status of slavery may be measured by State and local law, it would serve us well to examine that law in order to determine what rights slaves had in respect of the facilities of public accommodations.

Under the laws of Georgia, white persons were prohibited from selling provisions or any other commodities to any slave unless the slave could produce a ticket from his or her owner, manager, or employer.

In South Carolina, peddlers were forbidden to deal with slaves. Any slave could not be absent from home without a ticket or purchase any commodity without a ticket from his master. Slaves without tickets could be seized and punished by any white person.

Tennessee prohibited trading with slaves, and North Carolina even prevented slaves from trading with free Negroes.

In Arkansas, tavern keepers and other managers of public accommodations were not permitted to sell liquor and other commodities to slaves.

These and numerous other examples of laws restricting the Negro in his use of public accommodations were part and parcel of the institution of slavery; and as Mr. Justice Curtis said, that institution may be measured by the statutes which created and protected it.

> Slaves were imperfectly, if at all, protected from the grossest outrages by the whites. Justice was not for them. The charities and rights of the domestic relations had no legal existence among them. The shadow of the evil fell upon the free blacks. They had but few civil and no political rights in the slave States. Many of the badges of the bondman's degradation were fastened upon them. Their condition, like his, though not so bad, was helpless and hopeless (*U.S.* v. *Rhodes*, 27 Fed. Cases 793).

What then does the 13th amendment do? It abolishes slavery and involuntary servitude. But, by abolishing slavery was it intended to abolish the incidents of slavery just noted?

My study of the unhappy events that led up to the amendment, and the statements of those who sponsored and favored, as well as those who objected to its submission and passage, convinces me that one of the chief objects that the provisions of the amendment were intended to accomplish was to establish freedom and to protect all men, black and white, bond and free, fully and equally, in the enjoyment of all the essential rights which inhere in and constitute that freedom.

It may be that the Civil War was the immediate cause of the courage of the Congressmen who brought about the adoption of the amendment; but it was the amendment itself, and not the war to which the Negro, both slave and free, might look for the assurances he needed that, as a man with dignity, he would now be afforded the dignity of man.

Senator Trumbull, of Illinois, the leader of the proponents of the amendment and chairman of the Senate Judiciary Committee, left no doubt about it. As he saw it, the task of Congress was "to abolish slavery, not only in name but in fact." Because "it is idle to say that a man is free who cannot go and come at pleasure, who cannot buy and sell, who cannot enforce his rights," Congress must "give effect to the provision making all persons free."

Note with care that Trumbull saw in the emancipating amendment congressional power to protect the right of the Negro to come and go, to buy and sell. He did not conceive the right to be so narrow as to exclude the privilege of access, on an equal basis with whites, in the use of public accommodations.

The indictment of the slavery the 13th amendment was intended to abolish was dramatically set forth by Henry Wilson, an eloquent abolitionist Senator from Massachusetts. Wilson declared:

> If this amendment shall be incorporated by the will of the Nation into the Constitution of the United States, it will obliterate the last lingering vestiges of the slave system; chattelizing, degrading and bloody codes; its dark, malignant barbarizing spirit.

The object of the amendment, then, was to do away with all vestiges of the institution of slavery and not simply to abolish but one of its conditions.

That the opponents of the amendment in Congress recognized this intention is clear from the statements of Representative William S. Holman, of Indiana, an ardent foe of the amendment:

> [The amendment] confers on Congress the power to invade any State to enforce the freedom of the African in war or peace. What is the meaning of all that? Is freedom the simple exemption from personal servitude? No, sir, mere exemption from servitude is a miserable idea of freedom.

Other opponents knew perfectly well that the 13th amendment had within it the means by which the slave would be free in every sense of that term.

Specifically, one opponent of the 13th amendment, Anson Herrick, of New York, contended that with the 13th amendment, "the slavery issue is legitimately merged in the higher issue of the right of the States to control their domestic affairs."

Perhaps more succinctly, and more clearly, Robert Mallory, of Kentucky, a bitter opponent of the amendment, concluded:

> You propose to leave them [the emancipated Negro] where they are freed, and protect them in their right to remain there. You do not not intend, however, to leave them to the tender mercies of those States. You propose by a most flagrant violation of their rights to hold the control of this large class in these various States in your own hands.

One by one the opponents of the 13th amendment made eloquent declamations about its sweeping scope. They particularized their fears and apprehensions and viewed the measure as utterly revolutionary.

Fernando Wood, Democrat, of New York, thought the new article would subvert the whole constitutional system.

The remarks of Representative Kelley, of Pennsylvania, did nothing to quiet the fears of those who felt the amendment represented a great extension of the power of the Central Government. Kelley had this to say:

> This proposed amendment is designed * * * to accomplish the very purpose with which they charged us in the beginning, namely, the abolition of slavery in the United States and the political and social elevation of Negroes to all the rights of white man.

From all this, are we to conclude that there is no end to the authority of the Congress under the 13th amendment? The Democrats in Congress also feared that the 13th amendment clothed the Congress with limitless power to interfere with the administration of justice and law within the States. Not so, said Representative Joseph Crinnell, of Iowa. He insisted that the amendment did not include political enfranchisement of the Negro. Natural rights, to which the amendment speaks, is one thing, but political franchises are quite another. The right to vote is not a natural right, not a right of citizenship.

> If—

Said Crinnell—

> political rights must necessarily follow the possession of personal liberty, then all but male citizens in our country are slaves.

What the 13th amendment actually meant is perhaps best determined from the debates and speeches of Senator Lyman Trumbull. The Senator from Illinois leaves no doubt as to precisely what that amendment actually means: It recognizes in all citizens of the United States the right to freedom, to the exercise of natural rights of man which exist independently from the adoption even of the Constitution itself, and it provides to the Congress the implements necessary to guarantee and to enforce these special rights for any aggrieved individual.

In a word, the paramount purpose of article XIII was to abolish slavery and to secure for men those rights which slavery denied.

Among those rights which slavery denied the Negro was the right to buy a meal, a loaf of bread, or even a hoe in the accommodation of his choice.

Senator William Stewart, moderate, from Nevada, said that after the 13th amendment, Congress could forevermore guarantee the freedman "a chance to live, a chance to hold property, a chance to enjoy his civil rights, a chance to rise in the scale of humanity, a chance to be a man."

> We have given him freedom—

He said—

> and that implies that he shall have all the civil rights necessary to the enjoyment of that freedom.

Observe the use of the word "all." It is found again in the remarks of Senator Henry S. Lane, from Indiana, who argued:

> They [the Negroes] are free by the constitutional amendment * * *, and entitled to all the privileges * * * of other free citizens of the United States.

He declared that it is the especial duty of Congress by the second section of that amendment, by appropriate legislation to carry out that emancipation.

Senator Lane continues in this vein:

> If that second section were not embraced in the amendment at all, your duty would be as strong, the duty would be paramount, to protect them in all rights as free and manumitted people.

Senator John Sherman, of Ohio, maintained that the amendment would protect "the right to go anywhere within the United States" and gave Congress "the power to secure all rights of freedom by appropriate legislation."

The slavery which was within the scope of the 13th amendment moved way beyond the personal burden of the slaves and the characteristics of immediate bondage. Congressional debates reiterated what the history of the abolition drive had already made unmistakably clear. The free colored person, South and North, was only little less oppressed, imposed upon, and restricted than his enslaved brethren. He was bowed by the weight of all the incidents, burdens, and badges of slavery save only one, the condition of compulsory labor. The great crusade had as its object the freedom of the so-called free Negro as well as that of the "hapless bondman" and the liberty of both was intended to be secured by the 13th amendment.

The liberty which the 13th amendment would bring into being was itemized time and time again in the congressional debates. According to the men in Congress at that time the amendment would "convert into a man that which the law had declared to be a chattel." It would "bring the Constitution into avowed harmony with the Declaration of Independence." It would "secure to the oppressed slave his natural and God-given rights, the rights of mankind." The amendment would signify that the "rights of mankind without regard to color or race are respected and protected."

Let us turn again to the actual text of the 13th amendment:

> SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their justification.
>
> SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

That the first clause of the 13th amendment was self-executing presents no problem to any man who can read. Without any other provision than this section, Congress would have had authority to give complete effect to the abolition of slavery thereby decreed. It would have been authorized to put in requisition the executive and judicial, as well as the legislative power, with all the energy needed for that purpose.

In the words of Judge Swayne:

> The second section of the amendment was added out of abundant caution. It authorizes Congress to select, from time to time, the means that might be deemed appropriate to the end.

The second section was intended to give expressly to Congress the power to bestow "practical freedom" upon the Negro and to leave no room for doubt or cavil upon the subject.

Judge Swayne declared that the results have shown the wisdom of this action; "Almost simultaneously with the adoption of the amendment, (a) course of legislative oppression was begun" and the black codes, customs, and practices of the late 19th century became as harsh and severe as those slave codes of the 18th and early 19th centuries.

At least two of the Justices of the Supreme Court, in opinions delivered at circuit before the post-Civil War reaction had set in, took the view that the 13th amendment was broad in scope and carried with it ample authority to undo the continued oppression of the colored people.

It was a Supreme Court nearly two decades removed from the institution of slavery that shafted the heart of the 13th amendment in the civil rights cases.

It was a court that, save Harlan, paid no heed to the legislative history of that amendment, a practice that had been adhered to by jurisconsultants from the first days of the original Constitution.

Even the misguided decision in the civil rights cases concedes that:

> Under the 13th amendment, the legislation, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not.

I believe with Senators Trumbull, Stewart, and Lane, and, indeed, the overwhelming majority of the men of the 38th and 39th Congresses, that the 13th amendment gave the Negro freedom and the legislative branch power to protect all the civil rights necessary for the enjoyment of that freedom. And that high on the scale of these rights is the full and free use of public accommodations, devoid of any discrimination or segregation which is a vestige or historical outgrowth of slavery.

When the 13th amendment is read together with the 14th amendment no doubt remains. The American Negro was removed from the shackles of servitude and elevated to full national citizenship. He was to be denied no rights held by his fellow Americans because of his race or previous condition of servitude. Under article IV of the Constitution he was not, in his travels as a black Ohioan, to be denied the privileges and immunities exercised by white Indianians or white Texans.

Following these amendments the Constitution was colorblind. There was to be but one class of citizenship.

FASHIONING A REMEDY FOR THE WRONG

So, within our constitutional and political history there is precedent and power for what we now meet to do. But there is a question I must ask—the same question I raised in committee: Are we meeting the problem with an appropriate remedy?

The fundamental constitutional basis for both title II of the House-passed bill and S. 1732, the separate public accommodations bill, is the commerce clause. The bill we reported from the Commerce Committee was founded solely on that proposition. The House-passed bill includes some roots in the 14th amendment, an inclusion I feel is salutary.

My argument is not with the constitutionality of the commerce clause but its appropriateness to the rights we seek to protect. I agree with the statement of the senior Senator from Washington [Mr. Magnuson] that Congress has such a power under the commerce clause; I question whether as a matter of policy we should choose to exercise that power to the exclusion of other bases.

The evil we seek to remove is the degradation of a man in his use of the common privileges because his skin is not the proper color. The affront is to his dignity. When we look solely to our power to regulate commerce as a means toward elevating that dignity I think we have gone astray.

If the commerce clause was the only technique by which we could alleviate this urgent national problem perhaps I could be convinced that in this instance the end justifies the means. If title II comes for a vote in its present form I shall support it—not for the wisdom of its legislative technique but because it marks an effort to deal with the evil we must remedy.

Yet, while there is still time I would hope that we might put this title in additional perspectives.

What is troublesome with this use of the commerce clause?

It treats men as chattels with rights only so far as they are in, of, or by commerce.

First. By the nature of the protection afforded there would be no protection for the right unless there was, preexisting, interstate commerce on which to hang the remedy. Clearly as a philosophic premise, a human right has merit in itself and free exercise of that right has no rational relationship to the existence of a special form of commerce.

I cannot bring myself to agree that the reason we can legislate in this area is because we are at a point in history where trains, planes, cars, and buses carry bodies, boxes, and bottles from State to State. The black man's right to be treated like the white man has existed from the creation of time, and this right is not founded on sophistication in industry and transportation.

Second. The bill is limited to accommodations with an effect on commerce, unless there is in the requisite State action to bring them under the 14th amendment prohibitions. As a result we have the anomaly that a barbershop in a hotel is covered by the bill while one across the street in an office building is not. I would suggest that if we are to afford equal protection of the laws to the barber as well as his patrons, we should either include all barbers or exclude all barbers from the coverage of the bill.

Other disparities will result according to the impact or lack of impact any one business has on interstate commerce. Different courts will view such questions different ways. One citizen's access to public accommodations may differ from judicial district to judicial district. His dignity will be dependent on being at the right place at the right time.

Finally, a person seeking the aid and protection of this bill is required to make legal judgments more sophisticated than many courts are able to make with confidence, after years of experience.

Once refused service at any establishment, the patron must decide before he protests whether the establishment is one which substantially affects interstate commerce, and therefore comes under the bill.

Let us look at the judgments he must make: Does the establishment deal in goods, or services, or both? If in goods, did a substantial portion of the goods come across State lines? If they did not, were they manufactured from parts that did, or were they manufactured or sold in such a way as otherwies to have an effect on commerce? If that establishment deals in services, the patron must ask himself, if he constitutes a transient guest by Federal standards of transiency if he has come to rest too long to be a "transient," whether he can still be considered in interstate commerce as an interstate traveler? Otherwise, the patron must determine whether the service he seeks has any other substantial effect on interstate commerce.

Should any one of us say that the free exercise of a human right is dependent upon such incalculables? Can we say that human rights should be subject to such legislative and judicial vagaries? When additional bases of Federal power are available does it serve the ends of justice to treat our fellow citizens like so many chattels? Let me say, that were I to be a direct beneficiary of this bill, I would be deeply offended by such treatment.

I think one item adequately illustrates my point. On page 19 of the Senate Commerce Committee hearings on S. 1732, there is a list of legislative precedents for the bill. Thirty-six laws enacted under the commerce power are set out. Not one of these laws reflects the moral crisis now facing this Nation. Not one of these acts rights a solely moral wrong. Not one of these acts is equipped to meet the challenge to human dignity. Not one of these provisions assures the full flower of citizenship—not by itself.

I ask unanimous consent that the language of these acts, including the language which indicates the extent to which Congress intended in each statute to exercise its power over commerce be included in the Record at this point.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Anti-Rebate Act (Railroads), section 2 of 24 Stat. 379 (1887), 32 Stat. 847 (1903), 49 U.S.C. sections 2, 41–43 (1958). There is no definition, but sections apply to all within jurisdiction of Interstate Commerce Act; see below.

Atomic Energy Act, 60 Stat. 755 (1946), as amended, 68 Stat. 919 (1954), Public Law 85–256, 71 Stat. 576 (1957), 42 U.S.C. 2011 et seq. (1958). There is no definition, but see: section 2(f), 68 Stat. 919, 42 U.S.C. 2012(f).

The necessity for protection against possible interstate damage occurring from the operation of facilities for the production or utilization of source or special nuclear material places the operation of these facilities in interstate commerce for the purposes of this chapter. Also, section 2(c), 68 Stat. 921, 42 U.S.C. section 2012(c). The processing and utilization of source, by-product, and special nuclear material affect interstate and foreign commerce and must be regulated in the national interest.

Section 101. 42 U.S.C. section 2131. It shall be unlawful, except [as otherwise provided] for any person within the United States to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export any utilization or production facility except under and in accordance with a license issued by the Commission.

Automobile Information Disclosure Act, Public Law 85–506, 72 Stat. 325 (1958), 15 U.S.C. section 1231 et seq. (1958).

Section 2(h), 15 U.S.C. section 1231(h). The term "commerce" shall mean commerce among the several States of the United States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or among the Territories or between any Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

Section 3, 15 U.S.C. section 1232. Every manufacturer of new automobiles distributed in commerce shall, prior to the delivery of any new automobile to any dealer, or at or prior to the introduction date of new models delivered to a dealer prior to such introduction date * * * affix a label to the car containing certain information.

Boiler Inspection Act (Railroad), 36 Stat. 913 (1911), as amended, 45 U.S.C. sections 22–34 (1958). There is no definition, but Act applies to those carriers subject to the Interstate Commerce Act [sec. 1, 36 Stat. 913, 45 U.S.C. sec. 22]; see below. Clayton Act, 38 Stat. 730 (1914), as amended, 15 U.S.C. sec. 12 et seq. (1958).

Section 1, 15 U.S.C. sec. 12. "Commerce" as used herein means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possessions or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States.

Section 2(a), as amended, 15 U.S.C. sec. 13(a), prohibits discrimination in price, services, or facilities by any person engaged in commerce, in the course of such commerce, either directly or indirectly. Succeeding sections contain prohibitions using therein the quoted words above.

Communications Act of 1934, 48 Stat. 1064 (1934), as amended, 47 U.S.C. sec. 151 et seq. (1958 and Supp. III, 1959–61).

Section 3(e), 47 U.S.C. sec. 153(e). "Interstate communication" or "interstate transmission" means communication or transmission (1) from any State, Territory, or possession of the United States (other than the Canal Zone), or the District of Columbia, to any other State, Territory, or possession of the United States (other than the Canal Zone), or the District of Columbia, (2) from or to the United States to or from the Canal Zone, insofar as such communication or transmission takes place within the United States, or (3) between points within the United States but through a foreign country * * * but shall not [with respect to certain provisions] include wire or radio communication between points in the same State, Territory, or possession of the United

States, or the District of Columbia, through any place outside thereof, if such communication is regulated by a State commission.

Section 2, as amended, 47 U.S.C. section 152:

(a) The provisions of this chapter shall apply to all interstate and foreign communication by wire or radio and all interstate and foreign transmission of energy by radio, which originates and/or is received within the United States, and to all persons engaged within the United States in such communication or such transmission of energy by radio, and to the licensing and regulating of all radio stations or hereinafter provided;

(b) Subject to the provisions of section 301 of this title, nothing in this chapter shall be construed to apply or to give the Commission jurisdiction with respect to (1) charges, classifications, practices, services, facilities, or regulations for and in connection with intrastate communication service by wire or radio of any carrier, or (2) any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with such carrier, or (3) any carrier engaged in interstate or foreign communication solely through connection by radio, or by wire and radio, with facilities, located or adjoining State or in Canada or Mexico (where they adjoin the State in which the carrier is doing business), of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with such carrier, or (4) any carrier to which clause (2) or clause (3) of this subsection would be applicable except for furnishing interstate mobile radio communication service or radio communication service to mobile stations on land vehicles in Canada or Mexico; [with certain exceptions].

Fair Labor Standards Act, 52 Stat. 1060 (1938), as amended, 63 Stat. 910 (1949), 69 Stat. 711 (1955), 75 Stat. 65 (1961), 29 U.S.C. § 201 et seq. (1958 and Supp. III 1959–61).

Section 6(a), as amended, 29 U.S.C. section 206(a), provides that every employer shall pay the prescribed minimum wage to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce.

Section 6(b), as amended, 29 U.S.C. section 206(b), provides that every employer shall pay the prescribed minimum wage to each of his employees who in any workweek (i) is employed in an enterprise engaged in commerce or in the production of goods for commerce, as defined in section 3(s)(1), (2), or (4) or by an establishment described in section 3(s)(3) or (s), and who, except for the enactment of the Fair Labor Standards Amendments of 1961, would not be within the purview of this section, or (ii) is brought within the purview of this section by the amendments made to section 13(a) of this Act by the Fair Labor Standards Amendments of 1961.

Section 3(b), as amended, 63 Stat. 910, 29 U.S.C. section 203(b). "Commerce" means trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

Section 3(i), 29 U.S.C. section 203(i). "Goods" means goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof.

Section 3(j)—see below as amended. "Produced" means produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this Act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any process or occupation necessary to the production thereof, in any State.

Section 3(j), as amended, 29 U.S.C. section 203(j). "Produced" means produced, manufactured, mined, handled, or in any manner worked on in any State; and for the purposes of this chapter an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any closely related process or occupation directly essential to the production thereof, in any State.

Section 3(r), as added by section 2(c), 75 Stat. 65, 29 U.S.C. section 203(r). "Enterprise" means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units including departments of an establishment operated through leasing arrangements, but shall not include the related activities performed for such enterprises by an independent contractor.

Section 3(s), as added by section 2(c), 75 Stat. 65, 29 U.S.C. section 203(s). "Enterprise engaged in commerce or in the production of goods for commerce" means any of the following in the activities of which employees are so engaged, including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person:

(1) any such enterprise which has one or more retail or service establishments if the annual gross volume of sales of such enterprise is not less than $1,000,000, exclusive of excise taxes at the retail level which are separately stated and if such enterprise purchases or receives goods for resale that move or have moved across State lines (not in deliveries from the reselling establishment) which amount in total annual volume to $250,000 or more;

(2) any such enterprise which is engaged in the business of operating a street, suburban or interurban electric railway, or local trolley or motorbus carrier if the annual gross volume of sales of such enterprise is not less than $1,000,000, exclusive of excise taxes at the retail level which are separately stated;

(3) any establishment of any such enterprise, except establishments and enterprises referred to in other paragraphs of this subsection, which has employees engaged in commerce or in the production of goods for commerce if the annual gross volume of sales of such enterprise is not less than $1,000,000;

(4) any such enterprise which is engaged in the business of construction or reconstruction, or both, if the annual gross volume from the business of such enterprise is not less than $350,000; (5) any gasoline service establishment if the annual gross volume of sales of such establishment is not less than $250,000, exclusive of excise taxes at the retail level which are separately stated: *Provided*, That an establishment shall not be considered to be an enterprise engaged in commerce or in the production of goods for commerce, or a part of an enterprise engaged in commerce or in the production of goods for commerce, and the sales of such establishments shall not be included for the purpose of determining the annual gross volume of sales of any enterprise for the purpose of this subsection, if the only employees of such establishment are the owner thereof or persons standing in the relationship of parent, spouse, or child of such owner.

Sections 13(a) and (b), as amended, 29 U.S.C., section 213.

SEC. 9. Subsections (a) and (b) of section 13 of such Act are amended to read as follows:

(a) The provisions of sections 6 and 7 shall not apply with respect to:

(1) any employee employed in a bona fide executive, administrative or professional capacity, or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities); or

(2) any employee employed by any retail or service establishment, more than 50 per centum of which establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located, if such establishment—

(i) is not an enterprise described in section 3(s), or

(ii) is in such an enterprise and is a hotel, motel, restaurant, or motion picture theater; or is an amusement or recreational establishment that operates on a seasonal basis or,

(iii) is in such an enterprise and is a hospital, or an institution which is primarily engaged in the care of the sick, the aged, the mentally ill or defective, residing on the premises of such institution, or a school for physically or mentally handicapped or gifted children, or

(iv) is in such an enterprise and has an annual dollar volume of sales (exclusive of excise taxes at the retail level which are separately stated), which is less than $250,000.

A "retail or service establishment" shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry; or

(3) any employee employed by an establishment engaged in laundering, cleaning or repairing of clothing, or fabrics, more than 50 per centum of which establishment's annual dollar volume of sales of such services is made within the State in which the establishment is located: *Provided*, That 75 per centum of such establishment's annual dollar volume of sales of such services is made to customers who are not engaged in a mining, manufacturing, transportation, or communications business; or (4) any employee employed by an establishment which qualifies as an exempt retail establishment under clause (2) of this subsection and is recognized as a retail establishment in the particular industry notwithstanding that such establishment makes or processes at the retail establishment the goods that it sells: *Provided*, That more than 85 per centum of such establishment's annual dollar volume of sales of goods so made or processed is made within the State in which the establishment is located; or

(5) any employee employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life,

or in the first processing, canning or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee; or

(6) any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a share-crop basis, and which are used exclusively for supply and storing of water for agricultural purposes; or

(7) any employee to the extent that such employee is exempted by regulations or orders of the Secretary issued under section 14; or

(8) any employee employed in connection with the publication of any weekly, semiweekly, or daily newspaper with a circulation of less than four thousand the major part of which circulation is within the county where printed and published or counties contiguous thereto; or

(9) any employee of a street, suburban or interurban electric railway, or local trolley or motor bus carrier, not in an enterprise described in section 3(s) (2); or

(10) any individual employed within the area of production (as defined by the Secretary), engaged in handling, packing, storing, compressing, pasteurizing, drying preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products; or

(11) any switchboard operator employed by an independently owned public telephone company which has not more than seven hundred and fifty stations; or

(12) any employee of an employer engaged in the business of operating taxicabs; or

(13) any employee or proprietor in a retail or service establishment which qualified as an exempt retail or service establishment under clause (2) of this subsection with respect to whom the provisions of sections 6 and 7 would not otherwise apply, engaged in handling telegraphic messages for the public under an agency or contract arrangement with a telegraph company where the telegraph message revenue of such agency does not exceed $500 a month; or

(14) any employee employed as a seaman on a vessel other than an American vessel; or

(15) any employee employed in planting or tending trees, cruising, surveying, or felling timber, or in preparing or transporting logs or other forestry products to the mill, processing plant, railroad or other transportation terminal, if the number of employees employed by his employer in such forestry or lumber operations does not exceed twelve; or

(16) any employee with respect to his employment in agriculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in conjunction with other farmers, if such employee (A) is primarily employed during his workweek in agriculture by such farmer, and (B) is paid for his employment in connection with such livestock auction operations at a wage rate not less than that prescribed by section 6(a) (1); or

(17) any employee employed within the area of production (as defined by the Secretary) by an establishment commonly recognized as a country elevator, including such an establishment which sells products and services used in the operation of a farm: *Provided*, That no more than five employees are employed in the establishment in such operations; or

(18) any employee engaged in ginning of cotton for market, in any place of employment located in a county where cotton is grown in commercial quantities; or

(19) any employee of a retail or service establishment which is primarily engaged in the business of selling automobiles, trucks, or farm implements; or

(20) any employee of a retail or service establishment who is employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs; or

(21) any agricultural employee employed in the growing and harvesting of shade-grown tobacco who is engaged in the processing (including but not limited to, drying, curing, fermenting, bulking, rebulking, sorting, grading, aging, and baling) of such tobacco, prior to the stemming process, for use as Cigar-wrapper tobacco; or

(22) any employee engaged (A) in the transportation and preparation for transportation of fruits or vegetables, whether or not performed by the farmer, from the farm to a place of first processing or first marketing within the same State, or (B) in transportation, whether or not performed by the farmer, between the farm and any point within the same State of persons employed or to be employed in the harvesting of fruits or vegetables.

(b) The provisions of section 7 shall not apply with respect to:

(1) any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935;

(2) any employee of an employer subject to the provisions of part I of the Interstate Commerce Act; or

(3) any employee of a carrier by air subject to the provisions of title II of the Railway Labor Act; or

(4) any employe employed in the canning, processing, marketing, freezing, curing, storing, packing for shipment, or distributing of any kind of fish, shellfish, or other acquatic forms of animal or vegetable life, or any byproduct thereof; or

(5) any individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state; or

(6) any employee employed as a seaman; or

(7) any employee of a street, suburban or interurban electric railway, or local trolley or motorbus carrier; or

(8) any employee of a gasoline service station; or

(9) any employee employed as an announcer, news editor, or chief engineer by a radio or television station the major studio of which is located (A) in a city or town of one hundred thousand population or less, according to the latest available decennial census, figures as compiled by the Bureau of the Census, except where such city or town is part of a standard metropolitan statistical area, as defined and designated by the Bureau of the Budget, which has a total population in excess of one hundred thousand, or (B) in a city or town of twenty-five thousand population or less, which is part of such an area but is at least 40 airline miles from the principal city in such area; or

(10) any employee of an independently owned and controlled local enterprise (including an enterprise with more than one bulk storage establishment) engaged in the wholesale or bulk distribution of petroleum products if (A) the annual gross volume of sales of such enterprise is not more than $1,000,000 exclusive of excise taxes, and (B) more than 75 per centum of such enterprise's annual dollar volume of sales is made within the State in which such enterprise is located, and (C) not more than 25 per centum of the annual dollar volume of sales of such enterprise is to customers who are engaged in the bulk distribution of such products for resale; or

(11) any employee employed as a driver or driver's helper making local deliveries, who is compensated for such employment on the basis of trip rates, or other delivery payment plan, if the Secretary shall find that such plan has the general purpose and effect of reducing hours worked by such employees to, or below, the maximum workweek applicable to them under section 7(a).

False Branding and Marketing Act, 32 Stat. 632 (1902), 21 U.S.C. sections 16, 17 (1958). There is no definition, but section 1, 21 U.S.C. section 16 provides:

No person or persons, company or corporation shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District or sell in the District of Columbia or in any Territory any dairy or food product which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

Federal Coal Mine Safety Act, 55 Stat. 177 (1941), as amended, 661 Stat. 710 (1952), 30 U.S.C. section 451 et seq. (1958).

Section 101, 30 U.S.C. section 451, authorizes the Secretary to do the acts prescribed with regard to coal mines the products of which regularly enter commerce or the operations of which substantially affect commerce. * * *

Section 105, 30 U.S.C. section 455 requires reports of those in control of any coal mine the products of which regularly enter commerce or the operation of which substantially affect commerce. * * *

Section 111, 30 U.S.C. section 460. For the purposes of this subchapter, the term "commerce" means trade, traffic, commerce, transportation, or communications between any State, Territory, possession, or the District of Columbia and any other State, Territory, possession, or the District of Columbia and any foreign country, or wholly within any Territory, possession, or the District of Columbia or between points in the same State if passing through any other State or through any Territory, possession, or the District of Columbia, or through any foreign country.

Federal Explosives Act, 40 Stat. 385 (1917) as amended 50 U.S.C. section 121 et seq. (1958). No reference to interstate commerce; seems to be based upon the war power. See section 20, as amended, 50 U.S.C. section 142.

Federal Food, Drug, and Cosmetic Act, 52 Stat. 1040 (1938), as amended, 21 U.S.C. section 301 et seq. (1958).

Section 201(b), 21 U.S.C. section 321(b). The term "interstate commerce" means (1) commerce between any State or Territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other Territory not organized with a legislative body.

Among the acts prohibited by the act: section 301, 21 U.S.C. section 331:

(a) The introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.

(b) The adulteration or misbranding of any food, drug, device, or cosmetic in interstate commerce.

(c) The receipt in interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.

* * * * *

(i) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations [issued under this Act].

* * * * *

(k) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a food, drug, device or cosmetic, if such act is done while such article is held for sale (whether or not the first sale) after shipment in interstate commerce and results in such article being adulterated.

* * * * *

(n) The using, in labeling, advertising, or other sales promotion of any reference to any report or analysis furnished in compliance with [the inspection section of the Act].

(o) [added by Public Law 87–781, 76 Stat. 784 (1962) section 114(a)]. In the case of a prescription drug distributed or offered for sale in interstate commerce, the failure of the manufacturer, packer, or distributor thereof to maintain for transmittal, or to transmit, to any practitioner licensed by applicable State law to administer such drug who makes written request for information as to such drug, true and correct copies of all printed matter which is required to be included in any package in which that drug is distributed or sold, or such other printed matter as is approved by the Secretary.

Section 304(a), as amended by 62 Stat. 582 (1948), section 2, 21 U.S.C. section 334(a). Provides that any article of food, drug, device, or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which may not [under certain sections of the Act] be introduced into interstate commerce, shall be liable to be proceeded against while in interstate commerce or at any time thereafter, on libel of information and condemned * * * in the appropriate District Court.

Section 404(a), 21 U.S.C. section 344. Whenever the Secretary finds after investigation that the distribution in interstate commerce of any class of food may, by reason of contamination with micro-organisms during the manufacture, processing, or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered interstate commerce, he then, and in such case only, shall promulgate regulations providing for the issuance, to manufacturers, processors, or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing, or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health; and after the effective date of such regulations, and during such temporary period, no person shall introduce or deliver for introduction into interstate commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor, or packer holds a permit issued by the Secretary as provided by such regulations.

By section 404(c), 21 U.S.C. section 344(c), the authority to inspect any factory or establishment, the owner of which holds a permit under this section, is granted for the purpose of ascertaining whether the conditions of the permit are being complied with.

Section 407, added by 64 Stat. 20, section 3(c), 21 U.S.C. section 347:

(a) Colored oleomargarine or colored margarine which is sold in the same State or Territory in which it is produced shall be subject in the same manner and to the same extent to the provisions of this chapter as if it had been introduced in interstate commerce.

(b) Provides that no person shall sell, or offer for sale, colored oleomargarine or colored margarine except under certain conditions.

(c) Provides that no person "shall possess in a form ready for serving colored oleomargarine or colored margarine at a public eating place" except in compliance with certain conditions.

Section 3(a) of 64 Stat. 20 (1950), 21 U.S.C. section 347a. The Congress finds and declares that the sale, or the serving in public eating places of colored oleomargarine or colored margarine without clear identification as such or which is otherwise adulterated or misbranded within the meaning of this chapter depresses the market in interstate commerce for butter and for oleomargarine or margarine clearly identified and neither adulterated nor misbranded and constitutes a burden on interstate commerce in such articles. Such burden exists, irrespective of whether such oleomargarine or margarine originates from an interstate source or from the State in which it is sold.

Section 703, 21 U.S.C. section 373, provides that carriers engaged in interstate commerce and persons receiving foods, drugs, devices, or cosmetics in interstate commerce or holding such articles so received shall keep and make available for inspection certain records.

Section 704(a), 21 U.S.C. section 374(a), provides that authorized personnel may enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held, for introduction into interstate commerce or one held after such introduction, or * * * enter any vehicle being used to transport or hold such food, drugs, devices, or cosmetics in interstate commerce; * * * for purposes of inspection.

Federal Firearms Act, 52 Stat. 1250 (1938), 15 U.S.C. section 901 et seq. (1958).

Section 1 (2), 15 U.S.C. section 901 (2): The term "interstate or foreign commerce" means commerce between any State, Territory or posesssion (not including the Canal Zone), or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession (not including the Canal Zone), or the District of Columbia but through any place outside thereof, or within any Territory or possession or the District of Columbia.

Section 2, 15 U.S.C., section 902, prohibits anyone from transporting, shipping, or receiving any firearms or ammunition in interstate or foreign commerce except in compliance with the provisions of the Act.

Federal Hazardous Substances Labeling Act, Public Law 86–613, 74 Stat. 372 (1960), 15 U.S.C. 1261 et seq. (Supp. III 1959–1961.)

Section 2(b), 15 U.S.C., section 1261(b). The term "interstate commerce" means (1) commerce between any State or Territory and any place outside thereof, and (2) commerce within the District of Columbia or within any territory not organized with a legislative body.

By section 4, 15 U.S.C., section 1263, the following acts are prohibited .

(a) The introduction or delivery for introduction into interstate commerce of any misbranded package of a hazardous substance.

(b) The alteration, mutilation, destruction, obliteration or removal of the whole or any part of the label of, or the doing of any other act with respect to, a hazardous substance, if such act is done while the substance is in interstate commerce, or while the substance is held for sale (whether or not the first sale) after shipment in interstate commerce, and results in the hazardous substance being in a misbranded package.

(c) The receipt in interstate commerce of any misbranded package of a hazardous substance and the delivery or proffered delivery thereof for pay or otherwise. * * *

Section 6, 15 U.S.C., section 1265, provides for proceedings against and condemnation of [a]ny hazardous substance that is in a misbranded package when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after ship in interstate commerce, or which may not [under this Act] be introduced into interstate commerce, or which has been manufactured in violation of [a section dealing with the District of Columbia and the Territories] * * * while in interstate commerce or at any time thereafter. * * *

There are also provisions for record keeping and for inspection in identical language to that of the Federal Food, Drug, and Cosmetic Act, see above.

Federal Insecticide, Fungicide and Rodenticide Act, 61 Stat. 163 (1947), 7 U.S.C., section 135 et seq. (1958).

Section 3, 7 U.S.C., section 135a, makes it unlawful for any person to distribute, sell, or offer for sale in any Territory or in the District of Columbia, or to ship or deliver for shipment from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, or to receive in any State, Territory, or the District of Columbia from any other State, Territory or the District of Columbia, or foreign country, and having so received, deliver or offer to deliver in the original unbroken package to any other person * * * certain substances except under specified conditions.

Section 9, 7 U.S.C., section 135g, authorizes proceedings for condemnation of any economic poison or device that is being transported from one State, Territory, or District to another, or having been transported, remain unsold or in original unbroken packages, or that is sold or offered for sale in the District of Columbia or any Territory or that is imported from a foreign country * * * under certain circumstances.

Federal Power Act, 49 Stat. 803 (1935) as amended sections 200–213, 16 U.S.C. section 791a and following sections (1958).

Section 201(8), 16 U.S.C. section 796(8) "navigable waters" means those parts of streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, and which either in their natural or improved condition notwithstanding interruptions between the navigable parts of such streams or waters by falls, shallows, or rapids compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids, together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority.

Among the powers of the FPC is, section 202(c), 16 U.S.C. section 797(e), is that to issue licenses for the purposes of constructing, operating, and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from, or in any of the stream or other bodies of water over which Congress has jurisdiction under its authority to regulate Commerce with foreign nations and among the several States. * * *

Federal Trade Commission Act, 38 Stat. 717 (1914), as amended, 15 U.S.C. section 41 et seq. (1958).

Section 4, 15 U.S.C. section 44. "Commerce" means commerce among the several States or with foreign nations or in any Territory of the United States or in the District of Columbia, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

Section 5(a)(1), 15 U.S.C. section 45(a)(1). Unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce, are declared unlawful.

By section 5(b), 15 U.S.C. section 45(b), the FTC is given authority to proceed against any person, partnership, or corporation using any unfair method of competition or unfair or deceptive act or practice in commerce.

By section 6, 15 U.S.C. section 46, the FTC is given investigatory powers to examine the "organization, business, conduct, practices, and management of any corporation engaged in commerce" with certain exceptions, to require reports of such corporations, and to do other things.

Fur Products Labeling Act, 65 Stat. 175 (1951), 15 U.S.C. section 69 et seq. (1958).

Section 2(j), 15 U.S.C. section 69(j). The term "commerce" means commerce between any State, Territory, or possession of the United States, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

Section 3(a), 15 U.S.C. section 69a(a), brings within the prohibitions of the Act, the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce. * * * of any fur product misbranded or falsely or deceptively advertised or invoiced within the meaning of the Act.

Section 3(b), 15 U.S.C. section 69a(b), brings within the prohibition of the Act the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, and which is misbranded or falsely or deceptively advertised or invoiced * * * within the meaning of the Act.

Section 9(a)(1), 15 U.S.C. section 69g(a)(1), provides that the FTC may proceed to seize any fur product or fur if the Commission has reasonable cause to believe such fur product or fur is being manufactured or held for shipment, or shipped, or held for sale or exchange after shipment, in commerce in violation of the Act.

Gambling Devices Act of 1962, Public Law 87–840. 76 Stat. 1075 (1962) amending 64 Stat. 1134 (1951), 15 U.S.C. section 1171 et seq.

Section 3(d), 15 U.S.C. section 1171(d). The term "interstate or foreign commerce" means commerce (1) between any State or possession of the United States and any place outside of such State or possession, or (2) between points in the same State or possession of the United States but through any place outside thereof.

Section 5 [section 3(a)(1) of 64 Stat. 1134] 15 U.S.C. section 1173(a)(1), provides that it shall be unlawful for an unregistered person engaged in the business of manufacturing gambling devices, if the activities of such business in any way affect interstate or foreign commerce, to manufacture any gambling device * * *, regardless of whether such device ever enters interstate or foreign commerce.

Section 5 [section 3(a)(2) of 64 Stat. 1134], 15 U.S.C. section 1173(a)(2) makes it unlawful for an unregistered person to engage in the business of repairing, reconditioning, buying, selling, leasing, using or making available for use by others any gambling device, if in such business he sells, ships, or delivers any such device knowing that it will be introduced into interstate or foreign commerce. * * *

Hot Oil Act. 49 Stat. 306 (1935), 15 U.S.C. section 715 et seq. (1958).

Section 2(3), 15 U.S.C. section 715a(3). The term "interstate commerce" means commerce between any point in a State and any point outside thereof, or between points within the same State but through any place outside thereof, or from any place in the United States to a foreign country, but only insofar as such commerce takes place within the United States.

Section 3, 15 U.S.C. section 715b. The shipment or transportation in interstate commerce from any State of contraband oil produced in such State is prohibited. * * *

Interstate Commerce Act of February 4, 1887, 24 Stat. 379 (1887), 49 U.S.C. section 1 et seq. (1958).

Section 1(1), 49 U.S.C. section 1(1). The provisions of this chapter shall apply to common carriers engaged in:

(a) The transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment; or

(b) The transportation of oil or other commodity, except water and except natural or artificial gas, by pipeline, or partly by pipeline and partly by railroad or by water. * * *

From one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory or from any place in the United States through a foreign country to any other place in the United States or from or to any place in the United States to or from a foreign country, but only insofar as such transportation or transmission takes place within the United States.

Interstate Commerce Act, Part II, 49 Stat. 543 (1935), as amended, 49 U.S.C. section 301 et seq. (1958).

Section 203(a)(10), 49 U.S.C. section 303(a)(10). The term "interstate commerce" means commerce between any place in a State and any place in another State or between places in the same State through another State, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by rail, express, or water.

Section 202(a), 49 U.S.C. section 302(a). The provisions of this chapter apply to the transportation of passengers or property by motor carriers engaged in interstate or foreign commerce and to the procurement of and the provisions of facilities for such transportation. * * *

Section 203(a)(14), as amended, 44 U.S.C. section 303(a)(14). The term "common carrier by motor vehicle" means any person which holds itself out to the general public to engage in the transportation by motor vehicle in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes [within a certain exception].

Section 203(a)(15), as amended, 49 U.S.C. section 303(a)(15). The term "contract carrier by motor vehicle" means any person which engages in transportation by motor vehicle of passengers or property in interstate or foreign commerce, for compensation [other than as defined in section 203(a)(14), under continuing contract with one person or a limited number of persons either (a) for the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served or (b) for the furnishing of transportation services designed to meet the distinct need of each individual carrier.

Section 203(a)(17), 49 U.S.C. section 303(a)(17). The term "private carrier of property by motor vehicle" means any person not included [in section 203(a) (14) and (15)], who or which transports in interstate or foreign commerce by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment or in furtherance of any commercial enterprise.

Section 203(a)(19), 49 U.S.C. section 303(a)(19). The "services" and "transportation" to which this chapter applies include all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or of contract, express or implied, together with all facilities and property operated or controlled by any such carrier or carriers, and used in the transportation of passengers or property in interstate or foreign commerce or in the performance of any service in connection therewith.

By section 204(a), as amended, 49 U.S.C. section 304(a), the I.C.C. is authorized to regulate, in various manners, the "carriers" defined in section 203(a) (14), (15), and (17), and certain others. In section 204(a) (4a) the I.C.C. is authorized to determine.

Whether the transportation in interstate or foreign commerce performed by any motor carrier or class of motor carrier lawfully engaged in operation solely within a single State is in fact of such nature, character, or quantity as not substantially to affect or impair uniform regulation by the Commission of transportation by motor carriers engaged in interstate commerce * * * and if it so finds to exempt such carrier or class of carrier from coverage of this chapter, attaching to such exemption such reasonable terms and conditions as the public interest may require. * * *

By section 203(b), as amended, 49 U.S.C. section 303(b), the following vehicles are exempted from coverage of the Act, except for the coverage of the provisions of section 204, relating to qualifications and maximum hours of service of employees and safety of operation or standards of equipment:

(1) motor vehicles employed solely in transporting school children and teachers to or from school;

(2) taxicabs, or other motor vehicles performing a bona fide taxicab service, having a capacity of not more than six passengers and not operating on a regular route or between fixed termini;

(3) motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons between hotels and local railroad or other common carrier stations;

(4) certain motor vehicles of the Secretary of the Interior;

(4a) motor vehicles controlled and operated by any farmer when used in the transportation of his agricultural (including horticultural) commodities and products thereof, or in the transportation of supplies to his farm;

(5) motor vehicles controlled and operated by certain cooperative associations;

(6) motor vehicles used in carrying property consisting of ordinary livestock, fish (including shell fish), or agricultural (including horticultural) commodities (not including manufactured products thereof), if such motor vehicles are not used in carrying any other property, or passengers, for compensation;

(7) motor vehicles used exclusively in the distribution of newspapers;

(7a) the transportation of persons or property by motor vehicles when incidental to transportation by aircraft;

(8) the transportation of passengers or property in interstate commerce wholly with-

in municipalities or between contiguous municipalities or within a zone adjacent to commercially a part of any such municipality or municipalities, except under certain conditions and subject to certain findings by the I.C.C.;

(9) the casual, occasional, or reciprocal transportation of passengers or property by motor vehicle in interstate commerce for compensation by any person not engaged in transportation by motor vehicle as a regular occupation or business, except under certain circumstances and subject to certain findings by the I.C.C.

Interstate Commerce Act, Part III, 54 Stat. 929 (1940), 49 U.S.C. § 901 et seq. (1958).

Section 201(i), 49 U.S.C. section 902(i). The term "interstate or foreign transportation" or "transportation in interstate or foreign commerce" as used in this chapter, means transportation of persons or property—

(1) wholly by water from a place in a State to a place in any other State, whether or not such transportation takes place wholly in the United States;

(2) partly by water and partly by railroad or motor vehicle, from a place in a State to a place in any other State; except that with respect to such transportation taking place partly in the United States and partly outside thereof, such terms shall include transportation by railroad or motor vehicle only insofar as it takes place within the United States, and shall include transportation by water only insofar as it takes place from a place in the United States to another place in the United States;

(3) wholly by water, or partly by water and partly by railroad or motor vehicle, from or to a place in the United States to or from a place outside the United States, but only (A) insofar as such transportation by rail or by motor vehicle takes place within the United States, and (B) in the case of a movement to a place outside the United States, only insofar as such transportation by water takes place from any place in the United States to any other place therein prior to transshipment at a place within the United States for movement to a place outside thereof, and, in the case of a movement from a place outside the United States, only insofar as such transportation by water takes place from any place in the United States to any other place therein after transshipment at a place within the United States is a movement from a place outside thereof.

Section 302(d), 49 U.S.C. section 902(d). The term "common carrier by water" means any person which holds itself out to the general public to engage in the transportation by water in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation [with certain exceptions] [and see section 302(e)].

Section 302(h), 49 U.S.C. section 902(h). The term "transportation" includes the use of any transportation facility (irrespective of ownership or of any contract, express or implied, for such use), and includes any and all services in or in connection with transportation, including the receipt, delivery, elevation, transfer in transit, refrigeration or icing, ventilation, storage, and handling of property transported or the interchange thereof with any other agency of transportation. See exemptions in section 303, 49 U.S.C. section 903.

Interstate Commerce Act, Part IV, 56 Stat. 284 (1942) as amended. 49 U.S.C. section 1001 et seq. (1958).

Section 402(a)(6), 49 U.S.C. section 1002 (a)(6). The term "interstate commerce" means transportation (A) between a point in a State and a point in another State, whether or not such transportation takes place wholly within the United States; (B) between points within the same State but through any place outside thereof; or (C) from or to any point in the United States or from any point outside thereof, but only insofar as such transportation takes place within the United States.

Section 402(a)(7), 49 U.S.C. section 1002 (a)(7). The term "service" subject to this chapter means any or all of the services in connection with the transportation in interstate commerce which any person undertakes to perform or provide as a freight forwarder, or which such person is authorized or required by or under the authority of this chapter to perform or provide; * * *.

By subsequent sections, the Commission is authorized to regulate in certain manners freight forwarders in interstate commerce under this Act.

Investment Company Act of 1940, 54 Stat. 789 (1940), 15 U.S.C. section 80a–1 et seq. (1958).

Section 2(a)(18), 15 U.S.C. section 80a–2 (a)(18). "Interstate commerce" means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place or ship outside thereof.

Section 7(a), 15 U.S.C. section 80a–7, provides that an unregistered investment company shall not:

(1) offer for sale, sell, or deliver after sale, by the use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security * * *; or offer for sale, sell, or deliver, after sale any such security or interest, having reason to believe that such security or interest will be made the subject of a public offering by use of the mails or any means or instrumentality of the interstate commerce.

(2) purchase, redeem, retire, or otherwise acquire or attempt to acquire, by use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security, * * *;

(3) control any investment company which does any of the acts enumerated in paragraphs (1) and (2) of the subsection;

(4) engage in any business in interstate commerce; or

(5) control any company which is engaged in any business in interstate commerce.

Labor-Management Relations Act of 1947, 61 Stat. 136 (1947) as amended, 29 U.S.C. section 141 et seq. (1953).

Section 101 [amending National Labor Relations Act section 2(6)], 29 U.S.C. section 152(6).

The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

Section 101 [section 2(7)], 29 U.S.C. section 152(7). The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led to or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

Section 501(1), 29 U.S.C. section 142(1). The term "industry affecting commerce" means any industry or activity in commerce or in which a labor dispute would burden or obstruct commerce or tend to burden or obstruct commerce or the free flow of commerce.

Section 1(b), 29 U.S.C. section 141(b). It is the purpose and policy of this chapter, in order to promote the free flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce * * * to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management which affect commerce and are inimical to the general welfare * * *.

By section 101 [section 9(c)], 29 U.S.C. section 159(c), the NLRB is directed to decide questions of representation "affecting commerce" and by section 101 [section 10 (a)], 29 U.S.C. section 160(a) the Board is empowered to prevent any person from engaging in any unfair labor practices "affecting commerce."

By section 14(c)(1) [added by section 701 (a), 73 Stat. 519 (1959)] 29 U.S.C. 164(c)(1), the Board is given discretionary authority to decline to assert jurisdiction over any labor dispute involving any class or category of employers, where, in the opinion of the Board, the effect of such labor dispute on commerce is not sufficiently substantial to warrant the exercise of its jurisdiction * * * with an exception.

Labor-Management Reporting and Disclosure Act of 1959, Public Law 86–257, 73 Stat. 519 (1959), 29 U.S.C. sections 153, 158–160, 164, 186, 187, 401 et seq. (Supp. III 1959–61).

Section 3(a), 29 U.S.C. section 402(a). "Commerce" means trade, traffic, commerce, transportation, transmissions, or communication among the several States or between any State and any place outside thereof.

Section 3(c), 29 U.S.C. section 402(c). "Industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

Section 3(e), 29 U.S.C. section 402(e). "Employers" means any employer or any group or association of employers engaged in an industry affecting commerce. * * *

Section 3(i), 29 U.S.C. section 402(i). "Labor organization" means a labor organization engaged in an industry affecting commerce. * * *

Section 3(j), 29 U.S.C. section 402(j). A labor organization shall be deemed to be engaged in an industry affecting commerce if it:

(1) is the certified representative of employees under the provision of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection, other than a State or local central body.

Succeeding sections set out standards and regulations for those employers and labor organizations which come within the above definition.

Livestock Contagious Disease Act, 32 Stat. 792 (1903), as amended, 21 U.S.C. section 111 et seq. (1958) [of several acts by this name].

There is no definition, but in section 2, 21 U.S.C. section 111, the Secretary of Agriculture is given authority to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals and/or live poultry from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another. * * *

Meat Inspection Acts, primarily 34 Stat. 1260 (1907), as amended, 21 U.S.C. section 71 et seq. (1958).

There is no definition. Statute merely speaks of authority of Secretary of Agriculture in regard to "all meat food products prepared for interstate or foreign commerce."

By 21 U.S.C. section 71, the Secretary is given discretionary authority to cause to be made an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering or similar establishment in which they are to be slaughtered and the meat and meat-food products there are to be used in interstate or foreign commerce; * * *.

Narcotics Manufacturing Act of 1960, Public Law 86-429, 74 Stat. 55 (1960), 21 U.S.C. section 501 et seq. and 26 U.S.C. sections 4702, 4731 (Supp. III 1959-61).

There is no definition: section 2(5)(c) declares it to be one of the purposes of the enactment "to regulate interstate and foreign commerce in narcotic drugs." 21 U.S.C. section 501(5)(c).

Section 21 U.S.C. section 506, requires every person who manufactures a basic class or classes of narcotic drug to obtain a license from the Secretary of the Treasury.

Natural Gas Act, 52 Stat. 821 (1938), as amended, 15 U.S.C. section 717 et seq. (1958).

Section 2(7), 15 U.S.C. section 717a(7). "Interstate commerce" means commerce between any point in a State and any point outside thereof, or between points within the same State but through any place outside thereof, but only insofar as such commerce takes place within the United States.

Section 1(b), 15 U.S.C. section 717(b). The provisions of this chapter shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and to natural gas companies engaged in such transportation or sale, but shall not apply to any other transportation or sale of natural gas or to the local distribution of natural gas or to the facilities used for such distribution or to the production or gathering of natural gas.

Section 1(c) [added by 68 Stat. 36 (1954)], 15 U.S.C. section 717(c). The provisions of this chapter shall not apply to any person engaged in or legally authorized to engage in the transportation in interstate commerce or the sale in interstate commerce for resale, of natural gas received by such person from another person within or at the boundary of a State if all the natural gas so received is ultimately consumed within such State, or to any facilities used by such person for such transportation or sale, provided that the rates and service of such person and facilities be subject to regulation by a State Commission. The matters exempted from the provision of this chapter by this subsection are declared to be matters primarily of local concern and subject to regulation by the several States.

Plant Quarantine Act, 37 Stat. 315 (1912), as amended, 7 U.S.C. section 151 et seq. (1958).

By section 8, 7 U.S.C. section 161, the Secretary of Agriculture is given authority to quarantine any State, Territory, or District of the United States, or any portion thereof, to prevent the spread of a dangerous plant disease or insect infestation. It is further provided:

No person shall ship or offer for shipment to any common carrier nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined States or Territory, or District of Columbia or from any quarantined portion thereof, into or through any other State or Territory or District of Columbia * * * any article capable of carrying the dangerous disease giving rise to the quarantine.

Poultry Products Inspection Act, Public Law 85-172, 71 Stat. 441 (1957), 21 U.S.C. section 451 et seq. (1958).

Section 4(a), 21 U.S.C. section 453(a). The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof or within the District of Columbia.

Section 2, 21 U.S.C. section 451. All poultry and poultry products which have or are required to have inspection under this chapter are either in the current of interstate or foreign commerce or directly affects commerce. That part that enters directly into the current of interstate or foreign commerce cannot be effectively inspected and regulated without also inspecting and regulating all poultry and poultry products processed or handled in the same establishment.

The great volume of poultry products required as an article of food for the inhabitants of a large center of population may directly affect the movement of poultry and poultry products in interstate commerce. To protect interstate commerce in poultry and poultry products inspected for wholesomeness, from being adversely burdened, obstructed, or affected by uninspected poultry or poultry products, major consuming areas where poultry or poultry products are handled or consumed in such volume as to affect the movement of inspected poultry or poultry products in interstate commerce should be designated by the Secretary pursuant to the provisions of this chapter.

As to the above, section 5, 21 U.S.C., section 454, for manner of designating any major consuming area for coverage within the Act.

Succeeding sections require establishments "slaughtering poultry or processing poultry products for commerce or in or for marketing in a major consuming area" to maintain premises, facilities and equipment in accord with regulations of the Secretary (sec. 7), to allow inspection (sec. 6), and to keep pertinent records (sec. 11).

Section 16(a), 21 U.S.C. section 464(a), gives Secretary discretionary authority to exempt, subject to conditions, from coverage:

(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers or restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sales direct to consumers only: Provided, That such poultry producers do not engage in buying or selling products other than those produced from poultry raised on their own farms, (2) retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made; (3) * * * ; and (4) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this chapter.

Securities Exchange Act of 1934, 48 Stat. 881 (1934), as amended, 15 U.S.C. section 78(a) et seq. (1958).

Section 3(a)(17), 15 U.S.C. section 78c (a)(17). The term "interstate commerce" means trade, commerce, transportation, or communication among the several States or between any foreign country and any State, or between any State and any place or ship outside thereof.

Section 2, 15 U.S.C. section 78b, declares that transaction in securities are affected with a national public interest and must be regulated and controlled, in part because of the effect upon interstate commerce.

Section 6, 15 U.S.C. section 78f, provides for the registration by the SEC of exchanges but it is provided in section 5, 15 U.S.C. section 78e, that an exchange may be exempted from such registration upon application by the exchange because, in the opinion of the Commission, by reason of the limited volume of transactions effected on such exchange, it is not practicable and not necessary or appropriate in the public interest or for the protection to investors to require such registration.

Sherman Act, 26 Stat. 209 (1890), as amended 15 U.S.C. section 1 et seq. (1958).

There is no definition, but see the following:

Section 1, 15 U.S.C. section 1. Declares illegal every contract, combination or conspiracy in restraint of trade or commerce among the several States, or with foreign nations. * * *

Section 2, 15 U.S.C. section 2. Makes guilty of a misdemeanor anyone who monopolizes, attempts to monopolize, or combines or conspires to monopolize any part of the trade or commerce among the several States, or with foreign nations. * * *

Section 3, 15 U.S.C. section 3. Declares illegal every contract, combination or conspiracy in restraint of trade or commerce in any Territory of the United States or of the District of Columbia or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations. * * *

Tobacco Inspection Act, 49 Stat. 731 (1935), 7 U.S.C. section 511 et seq. (1958).

Section 1(1), 7 U.S.C. section 511(1). "Commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia. For the purposes of this chapter (but not in any wise limiting the foregoing definition) a transaction in respect to tobacco shall be considered to be in commerce if such tobacco is part of that current of commerce usual in the tobacco industry whereby tobacco or products manufactured therefrom are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. * * *

Section 2, 7 U.S.C. section 511a. Transactions in tobacco involving the sale thereof at auction as commonly conducted at auction markets are affected with a public interest; such transactions are carried on by tobacco producers generally and by persons engaged in the business of buying and selling tobacco in commerce; the classification of tobacco according to type, grade, and other characteristics affect the prices received by producers; without uniform standards of classification and inspection the evaluation of tobacco is susceptible to speculation, manipulation, and control, and unreasonable fluctuations in price and quality determination occur which are detrimental to producers and persons handling tobacco in commerce; such fluctuation constitutes a burden upon commerce and makes the use of uniform standards of classification and inspection imperative for the protection of producers and others engaged in commerce and the public interest therein.

Subsequent sections authorize the Secretary to undertake the acts found necessary above.

Trust Indentures Act of 1939, 53 Stat. 1149 (1939) as amended, 15 U.S.C. section 77aaa et seq. (1958).

Section 303(1), 15 U.S.C. section 77ccc(1), refers back to the Securities Act of 1933, 48 Stat. 74 (1933), 15 U.S.C. section 77a et seq. (1958) for a definition of "interstate commerce".

Section 2(7), 15 U.S.C. section 77b(7). The term "interstate commerce" means trade or commerce in securities or any transportation or communication relating thereto among the several States or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory or the District of Columbia or within the District or Columbia.

Section 302(b), 15 U.S.C. § 77bbb(b). Practices of the character above enumerated [in section 302(a)] have existed to such an extent that, unless regulated, the public offering of notes, bonds, debentures, evidences of indebtedness, and certificates of interest or participation therein, by the use of means and instruments of transportation and communication in interstate commerce and of the mails, is injurious to the capital markets, to investors, and to the general public; and it is declared to be the policy of this subchapter to meet the problems and eliminate the practices enumerated in this section, connected with such public offerings.

Succeeding sections provide for registration with the SEC of securities, with specified exemptions in section 304, and prohibit making use of any means or instrument of transportation or communication in interstate commerce or of the mails to sell unregistered securities (sec. 306).

U.S. Cotton Standards Act, 42 Stat. 1517 (1923), 7 U.S.C. § 51 et seq. (1958).

Section 11(b), 7 U.S.C. Section 62(b). [T]he word "commerce" means commerce between any State or the District of Columbia and any place outside thereof, or between points within the same State or the District of Columbia but through any place outside thereof, or within the District of Columbia.

Section 6(a), 7 U.S.C. section 56, authorizes the Secretary of Agriculture to establish standards for the reclassification of cotton and § 2, 7 U.S.C. section 52, makes it unlawful for anyone to use a different grade or class than that is established.

(a) in or in connection with any transaction or shipment in commerce or (b) in any publication of a price or quotation determined in or in connection with any transaction or shipment in commerce * * *, or (c) in any classification for the purposes of or in connection with a transaction or shipment in commerce. * * *

Section 7, 7 U.S.C. section 58. In order to carry out the provision of this chapter, the Secretary of Agriculture is authorized to cause the inspection, including the sampling of any cotton involved in any transaction or shipment in commerce, wherever such cotton may be found. * * *

U.S. Grain Standard Act, 39 Stat. 482 (1916), as amended and 7 U.S.C. section 71 et seq. (1958).

Section 1, 7 U.S.C. section 72. [T]he words "in interstate or foreign commerce", wherever used in this chapter mean "from any State, Territory, or District, to or through any other State, Territory, or District, or to or through any foreign country, or within any Territory or District."

Section 2, 7 U.S.C. section 74, authorizes the Secretary of Agriculture to fix and establish standards of quality and condition for enumerated grains.

Section 4, 7 U.S.C. section 76, provides, in part:

Whenever standards shall have been fixed and established under this chapter for any grain no person thereafter shall ship and deliver for shipment in interstate or foreign commerce any such grain which is sold, offered for sale, or consigned for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this chapter and the grade by which it is sold, offered for sale, or consigned for sale be one of the grades fixed therefor in the official grain standard of the United States.

Work Hours Act of 1962, Public Law 87-581, 76 Stat. 357 (1962).

No definition. Statutes seem to be based upon power of the United States to specify conditions upon its contracts.

NEW HORIZONS

Mr. PROUTY. What lies beyond the commerce clause approach?

I offered an amendment in committee which would have also called into play the 13th and 14th amendment foundations about which I have spoken today. By a vote of 10 to 7 the amendment was tabled. Some Members reserved the right to support it on the floor.

I have discussed that point with my distinguished friend the Senator from Massachusetts [Mr. SALTONSTALL].

I believe in these proposals because they are framed in history and human rights. I would like to take a moment to tell Senators about them.

When Dean Erwin Griswold, dean of the Harvard Law School, appeared before the committee, we discussed the citizenship clause of the 14th amendment and the 13th amendment as bases for a public accommodations bill. At the conclusion of his appearance, Dean Griswold, a profound legal scholar, indicated that he found much merit in these proposals.

My initial proposal in bill form left out the commerce clause. A subsequent proposal drafted as an amendment to the administration bill incorporated all three approaches.

The bill, S. 2037, first sought to abolish certain discrimination in the use of all truly public accommodations. The discrimination to be eliminated was that discrimination which is a vestige or historical outgrowth of the slavery sought to be abolished by the 13th amendment to the U.S. Constitution. This proposition clearly had the 13th amendment as its foundation and therefore was closely related to protection of the Negro in his use of the public accommodations.

Secondly, S. 2037 sought to prevent discrimination against a person seeking to exercise his human right to move freely from place to place, where such discrimination hindered him directly or indirectly in the exercise of this right. Clearly, when a traveler cannot find lodging or food for his family on the same basis as such accommodations are offered to other travelers of a different color, the human right to move about is severely diminished.

Thirdly, S. 2037 sought to prohibit discrimination in the use of public accommodations which would deny or impair any right or incident of citizenship protected by the 14th amendment.

S. 2037 was direct. It sought to abolish the historical consequences of slavery and enable the son of the slave to attain the full stature of citizenship. The bill did not concern itself with commerce. A person seeking protection of the bill would not need to make a series of educated guesses about the establishment's relationship to interstate commerce. The bill applied to all public establishments.

Next, the bill called into play a heretofore little used provision of the 14th amendment, the 1st clause of the 1st section. In the light of the legislative history of the 14th amendment, I felt that this clause when read together with section 5 of the 14th amendment offered a foundation for a comprehensive public accommodations bill. The first clause states:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

The fifth section gave Congress the power to legislate to enforce the amendment.

Federal citizenship was made dominant over State citizenship, reversing the pre-Civil War status of citizenship. Congress acquired new obligations to persons born or naturalized within the jurisdiction of the United States.

To say that there are rights and duties flowing from the status of citizenship is to state the obvious. The rights to protection abroad and access to public office at home are rights flowing from citizenship. Military service and taxes are typical obligations. Since Federal citizenship is dominant, the Federal Government has the power to define and enumerate the rights inherent in such citizenship and protect those rights with direct and primary legislation. The power of definition and enumeration arises from and is limited by the Constitution.

What better reflects the serious moral problems embodied in our present domestic strife than these two amendments? What more could we ask for than to strike down the last vestiges of an evil we thought we had abolished 100 years ago? What higher goal could we have than to consecrate citizenship for peoples of all races, colors, religions, and national origins at this late date in our young country?

Finally, I ask my colleagues to consider in their deliberations on this measure the proposition that the issue before the Congress and the people is broader than the right of a dollar to pass from State to State; it is the right of a man to pass freely across a great nation regardless of his race, religion, or national origin.

The issue is broader than a diminishment in our gross national product; it is whether we will continue to permit a diminishment in the dignity and humanity of man by a new and sophisticated slavery.

Many weeks ago I wrote my individual views on S. 1732, the public accommodations bill. I prefaced my views with what I called the Declaration of Man:

> Man is not an article of commerce. He was created by God in His image, and is like unto no other living thing on the face of the earth.
>
> If man hunger and be given not to eat, if he thirst and be given not to drink, if he be weary and can find no resting place—let there be no sorrow for the losses at the counting house.
>
> Let there be tears that the majesty of every human being is diminished.
>
> Then shall we turn our eyes to the words in the Great Charter that speak, not of money, but of men.
>
> May those who unlock the mystery of the law find again the ancient truth: that the toleration of evil and wrong is the denial of goodness and right.
>
> For great is the dignity of man, and greater still the glory of God.

These few words in the Declaration of Man bring out most clearly why I believe primary reliance on the 13th and 14th amendments would be preferable to the use of the commerce clause in determining and protecting constitutional and moral rights.

Yet, nothing I have said has been meant to suggest that I shall oppose title II of the civil rights bill if it is not amended to conform to my thinking.

My personal predilections must be merged with the paramount issue of safeguarding human rights.

We know not how much time will elapse before final action will be taken on the civil rights bill, and we are all aware that during the course of debate many problems will go unattended. However, these sacrifices must be made in order to meet head on the most pressing domestic matters of this century.

Certainly moral issues are involved. Surely there are great constitutional questions to be considered. All of these are not to be dealt with lightly if we are to preserve our system of government.

I intend to support effective civil rights legislation, but I do not feel that the bill passed by the House of Representatives is ipso facto beyond improvement.

If the time should come when it would be appropriate to add perfecting amendments, whether to insure its passage or enable it to come to a vote, I would not hesitate to offer a substitute measure incorporating these additional constitutional foundations.

During the delivery of Mr. Prouty's speech,

Mr. COOPER. Mr. President, will the Senator from Vermont yield?

The PRESIDING OFFICER (Mr. Walters in the chair). Does the Senator from Vermont yield to the Senator from Kentucky?

Mr. PROUTY. I yield.

Mr. COOPER. First, I want to commend the Senator from Vermont for his very scholarly and learned presentation on the meaning of the 13th amendment and the 14th amendment, as applied to the present bill.

The commerce clause of the Constitution presented an adequate route by which the right of all citizens to occupy public accommodations can be secured. I so believe because of the broad application of the commerce clause and the many holdings of the Supreme Court in construing Acts of Congress which, based on the commerce clause, have been found constitutional. However, I agree with the Senator from Vermont that if the right of all citizens to occupy public accommodations exists under the 13th and 14th amendments of the Constitution, as the Senator believes it does, that the commerce clause is a very inappropriate and limited alternative method for securing these rights for all the people.

Mr. PROUTY. I thank the Senator for his observation. I agree that action under the commerce clause would probably be held constitutional. But in the present instance we are dealing with human beings and their rights as citizens of a great nation. For that reason, while I shall support title II in its present form, if I have no alternative, I would certainly hope that we would base more of this legislation on the 13th and 14th amendments.

Mr. COOPER. I remember that the Senator from Vermont when he spoke before the Committee on Commerce, advocated that language should be included in the bill which would cause the bill to have as its constitutional foundation the 13th and 14th amendments. The Senator will remember that in May of last year before the administration made any recommendation, Senator Dodd and I introduced a public accommodations bill which was based upon the 14th amendment.

Mr. PROUTY. Yes; I recall that.

Mr. COOPER. The bill was based upon explicit rights granted under the 14th amendment of the Constitution, and was not based upon the commerce clause of the Constitution as a matter of policy. I still hope that the language in the bill will ultimately be given its proper constitutional foundation. That can best be accomplished by basing the bill on the 14th amendment. We are dealing with the equal rights of citizens, and I dislike securing these rights based on the commerce clause.

Mr. PROUTY. I am very grateful to the Senator for his statement.

During the delivery of Mr. Prouty's speech,

Mr. SALTONSTALL. Mr. President, since the Senator has been interrupted, will he yield to me?

Mr. PROUTY. I yield.

Mr. SALTONSTALL. I appreciate the remarks of the Senator. I should like to join the Senator from Kentucky [Mr. Cooper] in his statement regarding the very learned and thoughtful speech on the subject of title II delivered by the Senator from Vermont. The Senator from Vermont has said that he will support that title, but he would support it more on the basis of rights granted under the 13th and 14th amendments than under the commerce clause.

Has the Senator available specific proposed language changes which would be necessary to bring the title within those amendments, or is it inherent in the argument which could be made in any court that the 13th and 14th amendments make clear the right?

Mr. PROUTY. I offered such an amendment to the bill which was reported by the Committee on Commerce. My amendment was tabled in the committee by a vote of 10 to 7, but several Senators who voted to table the amendment indicated they reserved the right to support it if offered as an amendment on the floor of the Senate.

Mr. SALTONSTALL. So the Senator believes that to carry out the realistic and thoughtful remarks that he has made on the general subject today, some amendment to the bill would be necessary, wise, or helpful?

Mr. PROUTY. I believe it would be most desirable.

Mr. SALTONSTALL. But not absolutely necessary.

Mr. PROUTY. I do not believe it would be necessary. I think we could rely on the commerce clause but, as I have said, we would be treating 20 million citizens of our country as chattels if we should take that approach and that approach alone.

Mr. SALTONSTALL. I believe that the Senator's speech is a very thoughtful one. I have listened to it with a great deal of interest.

Mr. PROUTY. I am grateful to my friend from Massachusetts.

During the delivery of Mr. Prouty's speech,

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROUTY. I am happy to yield.

Mr. JAVITS. I have listened with the deepest interest and the greatest respect to the Senator's most considerate and scholarly presentation on a critically important issue. The Senator speaks with real authority as a member of the committee which gave this particular title of the bill very thorough consideration. The Senator has spoken as a true American and in a very interesting way, and the statement has much Yankee horsesense as well as scholarship.

I shall say a word about the question of amendments, but first let me refer to the recognition, which comes from deep within the Senator, of the moral nature of this issue, which, to my mind, is the finest expression which he could give to its importance to the country and to our own souls.

Incidentally, since the Senator from Vermont has invoked the names of so many of the greats in our own party, the finest expression of Republican philosophy is the constant theme which animated them, that is, the morality involved in this issue. I believe the Senator has demonstrated that same morality in his declaration that, if he has no other choice, and the title is not improved as he believes it should be, he will nonetheless support it.

On the question of amendment, there has been some doubt and deep concern as to whether we should seek to amend the bill, or, if it is sought to amend it, whether such amendments should not be fought off by those who are in support of the bill, on the ground that the bill would be jeopardized if it went to the other body with amendments.

I have not concluded my own view of that matter. I think it should be the subject of bipartisan discussion and bipartisan consideration and decision, if at all possible.

Life being what it is, it is probably but a remote hope that there will not be some amendments to the bill. If there were to be some amendment of the bill, the next step would be to hope that those amendments would be of such a character as to be congenial to our colleagues in the other body, so that we would not face opposition from the proponents and friends of the bill in the other body.

Next, if amendments are offered, they should really be improvements.

Therefore, subject to decision of the whole policy question as to amendments, I for one will give the most considerate thought to any amendment relating to the constitutional premise of this title which the Senator from Vermont may present. Such consideration is richly deserved, both because of the lofty position he has taken and because of the broad attitude he has shown in the event that his views are not met. I think it behooves all of us to feel the same way. The Senator from Vermont has given us an object lesson in the kind of breadth of feeling which he has for the bill. It has been a privilege to listen to the Senator. I share his thoughts on this matter.

Mr. PROUTY. I am grateful to the Senator from New York. Both you and your junior colleague have been here day after day and hour after hour fighting for human rights. Your dedication and perserverance are a tribute to the Senate. I commend you both, and those associated with you in this fight.

Mr. JAVITS. I thank the Senator.

Mr. PROUTY. I am very grateful to my friend the Senator from Mississippi for having yielded me this time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. STENNIS] has the floor.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing my rights to the floor, and that when a quorum is obtained, the Senator from Mississippi will be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 147 Leg.]

Aiken
Allott
Bayh
Bennett
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Dirksen
Dodd
Dominick
Douglas
Fong
Hart
Hickenlooper
Humphrey
Inouye
Javits
Johnston
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McGee
McGovern
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.

The PRESIDING OFFICER. A quorum is present. The Senator from Mississippi [Mr. STENNIS] has the floor.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Delaware [Mr. BOGGS] for the presentation of a special matter; that he be permitted to yield to whomever he pleases; that this may be done without my losing my right to the floor; and that on the resumption of my remarks it may not count as an additional appearance on the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BOGGS. I thank the Senator.

Mr. HUMPHREY. Mr. President, will the Senator from Delaware yield to me?

Mr. BOGGS. I yield.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate concludes its business today, Friday, it stand in recess until 10 a.m. tomorrow, Saturday.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DECISION OF SENATOR WILLIAMS OF DELAWARE TO SEEK REELECTION TO THE SENATE

Mr. BOGGS. Mr. President, I would like to take this opportunity to let the Senate and others know that my distinguished, and very able, senior colleague, Senator JOHN J. WILLIAMS, has indicated to the people of Delaware that he is willing to run for reelection.

This is very happy news to Delawareans and to the rest of the country as well.

Of course, Senator WILLIAMS very modestly said he would run "if the people want him." There is no doubt in my mind that the people of Delaware, Republicans and independent-minded voters alike, were tremendously pleased to learn that the Senator would be willing to run again. And I am sure he will be nominated by the Republican Party in view of his outstanding record of service to his State and to the Nation.

I have every confidence that, having answered the call to duty Senator WILLIAMS will be reelected and continue to make a great contribution to good government and our national well-being.

I personally am very happy because I consider it a privilege to serve with my senior colleague. We started out together in public life in the fall of 1946 and during these years my esteem for him and his dedicated efforts for good government has continuously grown.

His great value to his State and Nation is recognized far and wide, especially by those who know him best in his own State.

I would like at this time to read a brief editorial entitled "He'll Run," which appears in today's editions of the Wilmington Morning News:

> JOHN WILLIAMS, whom the news magazines inevitably refer to as soft spoken, picked Georgetown for the whisper heard round the world: He'll run for the Senate again this fall if that's what his fellow Republicans want.
>
> There has never been any doubt about what JOHN WILLIAMS' fellow Republicans want. But there has been some very genuine doubt—and deep concern—about JOHN WILLIAMS' intentions. Would he or wouldn't he? Nobody knew for sure, and in Delaware everybody's political plans seemed to hinge on the answer.
>
> This was no hoked-up case of political coyness on JOHN WILLIAMS' part. After 17 years of assiduous attention to public affairs in the Senate, the temptation to return to private life was real and great.
>
> In the end, JOHN WILLIAMS answered the call of public duty. It was the right decision and it signals the opening of what promises to be a whale of a political campaign in Delaware.

Mr. JAVITS. Mr. President, will the Senator from Delaware yield?

Mr. BOGGS. I am happy to yield.

Mr. JAVITS. I thank the Senator for yielding to me.

JOHN WILLIAMS will always answer the call of duty. I was eager to speak because, while he and I do not necessarily always agree on votes, as everyone knows, still, in the amalgam which makes our country we consider JOHN WILLIAMS to be an absolutely indispensable element. Knowing that as we do, I believe that would be one thing that would appeal to him the most.

As one colleague, I am delighted that we shall continue to have the benefit of his strong conscience and excellent, perceptive mind. He always amazes me, because although he is not a lawyer, he outdoes us all in that quarter.

I am confident that the people of Delaware will give him to the Nation again for 6 more years.

Mr. BOGGS. I thank the Senator from New York. I now yield to the distinguished Senator from Vermont.

Mr. AIKEN. I am sure we are all delighted to hear that Senator JOHN J. WILLIAMS will stand for reelection this fall. I am also sure that his decision will meet with the unanimous—or almost unanimous—approval of the Senate. He has performed service which has brought great credit to the Senate. This one-man police force has brought to this body credit which perhaps might not otherwise have been achieved in the same degree.

I heard someone say that the senior Senator from Delaware enforces more law than does the Justice Department. That may be a slight exaggeration, but he does something that I believe the Department of Justice does not do. He enforces the law on other Government agencies, also. So we are very happy.

It is my understanding that many a holding-company mother in this country has kept her corporate offspring in line merely by reminding them that if they do not behave, JOHN WILLIAMS will get them. That in itself is of great value to our competitive economy.

I am happy that the senior Senator from Delaware has decided to spend 6 more years in this body.

Mr. BOGGS. I thank the Senator from Vermont.

I am happy to yield to the senior Senator from Colorado.

Mr. ALLOTT. Mr. President, I am extremely happy to hear of this decision by Senator JOHN WILLIAMS. I know that after his long service in the Senate, a life of less pressure would be very appealing to him, and would be one that he would perhaps enjoy. On the other hand, he being the kind of person he is, I know that his service here is as much a part of his life as anything ever could be.

Many of us call him the "watchdog of the Treasury." I do not know of any appellation that could be more deserving to JOHN WILLIAMS than that. Whether we disagree or agree with him on a particular item, one thing is certain: Every Member of the Senate respects the strong, essential integrity which is JOHN WILLIAMS. I believe this is what we most admire.

We are happy to hear that the distinguished senior Senator from Delaware has again made a decision to run for public office.

Mr. BOGGS. I thank the Senator from Colorado.

I yield to the junior Senator from Iowa.

Mr. MILLER. Mr. President, this is good news. Not being from the State of Delaware, I would not attempt to set forth what I think are the views of the people of Delaware. I can only say that the people of the State of Iowa are familiar with the distinguished senior Senator from Delaware and his long and outstanding record of service in the U.S. Senate. They like what they know about him.

It was an inspiration for me to hear about Senator WILLIAMS several years ago, and it has been a privilege, since coming to the Senate, to have the opportunity to serve with him. I have found the expectations which I had built up over the years to be more than fulfilled since my service began.

Not long ago, one writer said that Senator WILLIAMS is possessed of a sharp mind, the floor of the Senate, and the CONGRESSIONAL RECORD, and that with these tools he can literally move mountains. I sincerely hope and trust that the people of the great State of Delaware will see, in their wisdom, the desirability of having Senator WILLIAMS elected for another 6-year term, so that he can continue to use these tools to move mountains and to make this country a better place in which to live.

Mr. BOGGS. I thank the Senator from Iowa. I now yield to the senior Senator from Iowa.

Mr. HICKENLOOPER. Mr. President, the announcement which we all received about the decision of Senator WILLIAMS to seek reelection stimulated us almost beyond description. JOHN WILLIAMS has been an inspiration to his friends and a scourge to his enemies. His enemies are not personal enemies, because no one could ever accuse JOHN WILLIAMS of being discourteous, unfriendly, or inconsiderate. While he has persistently and consistently, in a quiet way uncovered misfeasance and malfeasance, he has done so with complete consideration for others. He has always given reasonable warning and reasonable opportunity in connection with any matters he has disclosed that are subject to sincere criticism, or even prosecution.

So the enemies of JOHN WILLIAMS are not personal enemies. His enemies are those who fear the flaming sword of political, economic, and monetary righteousness with which he attacks those who do not do exactly as they should in governmental responsibilities and otherwise.

It has been an inspiration and pleasure for me to serve with Senator WILLIAMS for the past three terms. I can truly say that none of my political inspiration has had the persistency, intelligence, determination, and morally fibrous honesty to hold political office and political responsibility as a public trust, not only in himself but in others, to any greater degree than that of JOHN WILLIAMS, if to as great a degree.

It is not a question of whether he is going to run on the Republican ticket or whether he is going to run on any other ticket in Delaware, as much as it is that JOHN WILLIAMS is offering himself as a servant of the American people and the American system of government, in the interest of the integrity that must accompany that system.

In my view, JOHN WILLIAMS should not be classified strictly as a partisan—although of course he is a partisan in some of his views and in his political candidacy. Instead, I stress the point that he is recognized and accepted by the American people, as regards his fulfillment of his duties and responsibilities in public office, as above and beyond all partisanship and as outstanding in his devotion to the fulfillment of the responsibility and the trust reposed in him as he performs his duties. It is that for which he is outstanding.

Therefore, Mr. President, at this time we express our thanks to the State of Delaware, which sends to the Congress this great servant, whose work is of outstanding value to the American people. All of us are thankful that he has announced his candidacy for reelection to the U.S. Senate. Regardless of the political situation in the State of Delaware, I am sure the people of that fine State will return JOHN WILLIAMS to the Senate, and will do so by an overwhelming majority, next November.

I thank the senior Senator from Delaware, JOHN J. WILLIAMS, for his decision to accept reelection.

Mr. KEATING. Mr. President——

Mr. BOGGS. I yield to the Senator from New York.

Mr. KEATING. Mr. President, I wish to add my tribute to those offered to JOHN WILLIAMS. Not only is JOHN WILLIAMS a great Senator; he is also a great individual. He can properly be called—and, I believe, more than any other Member of this body—the conscience of the U.S. Senate.

A man of impeccable honesty and sincerity in both his private life and his public life, he is an enemy only of things which are bad in public life. He has demonstrated uncanny ability to ferret out such situations, and to bring them to the attention of the country and all of us who serve here in the Senate.

It was not by accident, but as a tribute to this great man, that the American Political Science Association selected him as one of the two outstanding Senators serving in this body to receive that association's high honor.

Regardless of whether we find ourselves in agreement or disagreement with JOHN WILLIAMS with regard to any particular matter, he is always tolerant of the views of others as well as always firm in his own views.

Delaware has sent to the Senate one of its great men. JOHN WILLIAMS is one of the finest Senators in the history of that State.

Personally, I am delighted at his decision to seek reelection, and I am sure it will be brought about by the good people of Delaware.

Mr. BOGGS. I thank the Senator from New York.

Mr. YOUNG of North Dakota. Mr. President——

Mr. BOGGS. I yield to the senior Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, I am most happy that the senior Senator from Delaware has decided to seek reelection. I have no worries as to whether he will be reelected. I am sure he will be—and perhaps by the biggest majority ever.

In my estimation, JOHN WILLIAMS is one of the most valuable Members of the Senate who has served in this Body in my time. Certainly, no one has made a greater contribution to the ferreting out of dishonesty and corruption in Government than has the senior Senator from Delaware. He has always done this in a very fair way; he has never made a charge on the floor of the Senate against anyone until he was very sure of all the facts and that he was absolutely correct in his statement.

The amazing thing about Senator JOHN WILLIAMS of Delaware, is that he has been able to dig out all that information with probably the smallest staff had by any Member of the Senate. One would think he would have a staff of perhaps 40 or 50 persons, in order to be able to dig out all the information he has. But I believe I am quite correct when I say that all that work is done by Senator JOHN WILLIAMS himself and one staff member—an excellent one—Miss Eleanor Lenhart.

One of Senator JOHN WILLIAMS' outstanding characteristics is his refusal to make any distinction between Republicans and Democrats if a question of dishonesty is raised. Regardless of who may be involved, he will produce the facts, and rigorously pursue his exposure of graft and corruption. JOHN WILLIAMS is one of the most honorable and decent Senators I have ever served with.

Mr. BOGGS. I thank the Senator from North Dakota.

Mr. CASE. Mr. President——

Mr. BOGGS. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, as one of the neighbors of the Senator from Delaware, I rise to express great happiness that Senator JOHN J. WILLIAMS will seek the nomination. I am sure he will receive it, and I am also sure he will be reelected to membership in the U.S. Senate.

Delaware is very much like the southern part of the State I have the honor to represent; and the long line of New Jersey which is just across the river from Delaware is populated by people who understand and know JOHN WILLIAMS almost as well as do the people of his own State, and I know they like him and respect him just as much—as we all do.

I can add, perhaps, only one little statement of fact to what has already been stated by other Senators; namely, that one is always very comfortable in dealing with Senator JOHN WILLIAMS, for one knows he will get straight and honest treatment. I remember very well that when the Du Pont case was in the courts and when it became necessary to consider whether the tax laws should be changed, in order to permit the entry of a decree which would effectively carry out the decision of the Court and at the same time not do harm to many thousands of persons, Senator JOHN WILLIAMS was not happy about the first proposal the company made; and he said so. It was only after changes to satisfy him had been made in the proposed new legislation, that he approved it. When he did, I, for one, was very comfortable in supporting it, because I knew that, despite the importance of the Du Pont Co. in his State—importance which I, perhaps better than most other people, realized, because that company has a large plant in my own State, just across the bridge—JOHN WILLIAMS was determined to do only what he believed right and good for the people of the country, as well as for the Du Pont Co.

It is because of the confidence that all of us have in him that his effectiveness is so great.

The thought that he will be with us for another 6 years—potentially, longer than any of the rest of us on this floor—will make it possible for all of us, when tonight we return to our homes, to sleep more soundly.

Mr. BOGGS. I thank the Senator from New Jersey.

Mr. MUNDT. Mr. President——

Mr. BOGGS. I yield to the senior Senator from South Dakota.

Mr. MUNDT. Mr. President, I am sure Americans generally will applaud the decision of Senator JOHN J. WILLIAMS to run for reelection to the U.S. Senate. I am convinced that they will do so with the same enthusiasm and the same nonpartisan approval with which they applauded the earlier decision of his colleague in service on the Senate Finance Committee, and its chairman, Senator HARRY BYRD, of Virginia, again to seek reelection. These two Americans—the senior Senator from Virginia [Mr. BYRD] and the senior Senator from Delaware [Mr. WILLIAMS]—have been towers of strength, not only on the Senate Finance Committee, but also in the Senate generally. So I believe it is good for the country and for the Senate to know that, regardless of what else may happen next November, the partisan balance between the two sides of the aisle here in the Senate will remain the same, insofar as HARRY BYRD and JOHN WILLIAMS are concerned, because I am confident they should be and will be reelected to the Senate.

JOHN WILLIAMS, more than any other Senator, has proved the validity of the old axiom that the pen is mightier than the sword. With his impatient pen, he penetratingly writes letters to governmental departments, congressional committees, and private institutions seeking information. Once having obtained the information, he puts it to the most diligent possible use.

I have been completely confident during the past 6 or 7 years of his career in the Senate that the savings which Senator WILLIAMS alone has effectuated by his presence, his letterwriting, his scrutiny, his great capacity with figures and in accountancy, and by improving efficiency and decreasing inefficiency and potential corruption, have been more than the combined salaries of all Senators for every year that he has served.

Senator WILLIAMS has been a great bargain for America by virtue of the fact that his special attention to the problems of efficiency, solvency, correctness in public service, and his passion for insisting that public service be a public trust in every area of the Government has improved the stature and status of the entire Government of the United States.

On occasion I have had the privilege of speaking to audiences in the great State of Delaware—some of them partisan, some nonpartisan—when I have found myself stumbling along and losing the attention of the audience. I knew I could always bring the audience to its feet with applause immediately by mentioning my friendship with their great Senator JOHN WILLIAMS. He is very properly admired and respected by the people, regardless of party, in the great State of Delaware. They understandingly take pride in the fact that that small State has contributed a giant to the U.S. Senate. His private diligence has inspired a public conscience for America down through the years. It is good to know that we shall have the benefit of this "Delaware Diogenes" in the Senate for another full term.

Mr. BOGGS. I thank the Senator from South Dakota.

I yield to the very able Senator from Pennsylvania, who so ably represents Delaware's neighboring State.

Mr. SCOTT. Mr. President, I am highly pleased to know of the announcement by the distinguished senior Senator from Delaware [JOHN WILLIAMS], that he is available and prepared to serve the people of his State for another 6 years.

He has qualities which all of us admire. All the people of his State, regardless of their location or their situation, express the same sentiments regarding Senator WILLIAMS.

People may say, "I do not agree with my Senator on this issue, that, or the other, but I feel better because he is in the U.S. Senate.

Others, of course, are in entire agreement with Senator WILLIAMS and take their guidance from his views. But whether they agree or disagree, they unite on one thought, and that is that Delaware and the Senate are better off for the presence of a Senator who has won universal respect for himself, for his office, and for the Senate of the United States as well. They know he has spread a very desirable and sort of genteel terror among occupants of governmental agencies who may have felt that they were getting away with some easy evasions of the law, or who may have been guilty of a lack of sufficient respect for their obligations and their duties to preserve the taxpayers' money. There is more awareness when someone says, "JOHN WILLIAMS is coming," than perhaps there was even in Massachusetts when the word went out that Paul Revere was coming.

One of the earliest of Delaware's heroes was also a cavalryman—Caesar Rodney. His timely arrival saved the day for the Union. So the timely arrival of Senator WILLIAMS at times and on occasions when things need to be uncovered fearlessly and exposed without any consideration whatever of the party or status or power of the persons concerned has reminded us of another example of what Caesar Rodney means to Delaware and to the Union.

As Senator WILLIAMS and Senator BOGGS know, we in the Commonwealth of Pennsylvania customarily refer to Delaware as our "three lower counties," but I know that in Pennsylvania the words and the actions of Senator WILLIAMS are so often reported, and with approval, that he casts credit upon those of us who have the privilege of being associated with him. I must admit that in that sense JOHN WILLIAMS is the senior Senator from Delaware and, to a degree, represents the 67 upper counties of Delaware as well.

Mr. BOGGS. I thank the Senator. I yield now to the distinguished junior Senator from Kentucky [Mr. MORTON].

Mr. MORTON. Mr. President, I thank the junior Senator from Delaware. Probably I read the newscast indicating that the senior Senator from Delaware would again seek reelection with more happiness than any other Senator, for I have the extracurricular responsibility to try to produce more seats on the Republican side of the aisle.

Delaware was a State which was giving me some concern until Senator WILLIAMS made his statement. Now I can put that seat safely on the shelf, for, indeed, he will be returned.

Senators who have preceded me have given tribute to his great contributions to his country, to his State, and to the Senate. I shall not repeat them.

I should like to make one closing observation. I came to the Committee on Finance as a junior member and served my apprenticeship on that committee. I would still be junior if it were not for the very distinguished junior Senator from Illinois [Mr. DIRKSEN], my own leader, who happens to be junior to me on that committee. But never once was a decision made on that committee with respect to which the ranking Republican member of the committee, Senator Williams, did not take all of us into his confidence, laying all the facts on the table, and never once has he tried to use his position of leadership in any way that any of us could have misunderstood. He has been very gracious. I consider him to be one of the great assets of our Nation.

As I said at the beginning, insofar as Delaware is concerned, I can relax. There are other States about which I can worry.

Mr. BOGGS. I thank the distinguished Senator.

Mr. President, I now yield to the distinguished senior Senator from Utah [Mr. Bennett], who is also a distinguished member of the Committee on Finance.

Mr. BENNETT. Mr. President, for me, as for the Senator from Kentucky [Mr. Morton], this is a very happy day. During the past dozen years I have been very fortunate to have served with John Williams on the Finance Committee. During the past few years he has been the senior member of that committee from the Republican side of the aisle. Our friendship has grown and ripened as I have had the privilege of serving with him and under him. The thought of the Finance Committee without John Williams was a rather bleak outlook for me and would have removed much of the satisfaction that I would have had in continuing my service on the committee, at least for the remainder of my service in the Senate.

But the news that Senator Williams and Senator Byrd of Virginia are going to stand for reelection and will be back in their old, accustomed places when the Senate meets again in January is most heartening.

As many of my colleagues have already said, John Williams is more than a single Senator—he is an institution. He has been described as the Senate's conscience. I would describe him as the chicken farmer who never turns chicken, no matter what situation he faces.

From my observation, Senator Williams has had an almost unique ability to attract citizens from all parts of the United States who have had trouble with the Government which seems to grow out of personal corruption on the part of one of its employees. The people have learned that if they take their troubles to John Williams, they had better be sure that the charge is basically true. They had better be able to support whatever charges are made. Once Senator Williams is convinced that they are right, in his quiet way he will go forward to see to it that the evil situation is remedied.

Many Senators can make more noise when we stand up than he does. It might be accurate to describe Senator Williams as the "still, small voice of the Senate," because he is effective regardless of the distance from his seat at which he can be heard. Fortunately, I sit next to him in the Senate, and I never miss a word.

Mr. President, in these days of lowered moral standards around the country, in these days when there is an unfortunate but apparent willingness on the part of many of our fellow citizens to shrug off evidences of corruption, we are fortunate to have in the Senate a man who has become the symbol of the Senate's essential integrity.

We are fortunate that for 6 years more, at least, the chickens in Delaware will have to get along as best they can, while the chickens in the Senate will have to come home to roost.

Mr. BOGGS. I thank the Senator from Utah.

Mr. President, I now yield to the Senator from Wyoming [Mr. Simpson].

Mr. SIMPSON. I thank the Senator from Delaware for yielding. He is also a friend of mine of long standing.

Mr. BOGGS. I thank the Senator.

Mr. SIMPSON. Mr. President, I would feel remiss if I did not say something with respect to the splendid gentleman who is the senior Senator from Delaware, because, in my short stay in the Senate, he has been helpful, gentle, and considerate of me as a newcomer, the same qualities which he has displayed toward all other Senators.

I was distressed, along with other Members on our side of the aisle, and I am sure many Members on the other side of the aisle, when news came that, in all probability, this distinguished gentleman would not be up for reelection. I sought to change his mind, as did thousands of others. I can now say we were successful in that effort, much to the credit of the Nation and the State of Delaware. Senator Williams has brought fame to the great State of Delaware.

I know Senator Williams is somewhat embarrassed while we heap upon him our tributes and accolades. He richly deserves all the tributes paid to him. We know of the contempt he has for sham, hypocrisy, and chicanery. He has evidenced that quality on the Senate floor and in his work on the Senate committees which he graces.

Out in wonderful Wyoming we have a saying:

> Give us men to match our mountains;
>   Give us men to match our plains;
> Men with new empires in their visions;
>   And new eras in their brains.

John Williams is that type of man. He is a great American who is revered in Wyoming and the West as a man of unimpeachable integrity. He not only is possessed of great intelligence, but of a delightful sense of humor—attributes which have endeared him to the hearts of the people of Delaware and the Nation.

The distinguished Senator from Delaware has served not only the people of his State but of the country as a great Senator of the United States.

Mr. BOGGS. I thank the distinguished Senator from Wyoming.

I yield now to the distinguished minority whip, the Senator from California [Mr. Kuchel].

Mr. KUCHEL. Mr. President, the news which the Senator from Delaware has given to us has been greeted with great enthusiasm. The people of this country demand a clean, strong, honest American Government; and perhaps more than most men or women in the public service, our colleague, John Williams of Delaware, has sought constantly and vigorously to give them just that.

John Williams believes that American Government is for the many, and not for the selfish few. That he has demonstrated again and again on this floor.

This watchdog, this voice of public conscience, this nemesis of evil, this courageous servant, has graced this Chamber for many years; and all of us, John, look forward to the honor of welcoming you again next January for another 6 years of dedicated devotion to the cause of honest, decent, forward-looking Government in this country.

Mr. BOGGS. I thank the distinguished Senator.

I yield now to the distinguished senior Senator from Kansas [Mr. Carlson].

Mr. CARLSON. Mr. President, when the news dispatches were carried in the press that the senior Senator from Delaware had agreed to serve his country for another 6 years, the news made headlines not only in the eastern newspapers, but in Kansas and the rest of the Middle West.

It would have been a tragic loss to the citizens of our Nation had Senator Williams not permitted his name to go before the electorate of Delaware for reelection to the U.S. Senate. Not only do the people hold him in high regard, but they recognize his outstanding service to this body and to the Nation.

It is my privilege to serve with Senator Williams on three committees, and to sit next to him on those three committees; namely, the Senate Finance Committee, the Senate Foreign Relations Committee, and the Joint Committee on Internal Revenue Taxation. I think I probably know more than most Senators do of the deep interest, profound knowledge, and great ability Senator Williams has displayed in dealing with the problems that come up for discussion in those committees.

His keen perception of the intricacies of tax legislation is of great value not only to the Finance Committee and the Congress, but to the Nation as a whole.

It is true that Senator Williams represents Delaware, one of the wealthy, influential States of this Nation; but it is also true that in the committee, where tax legislation is written, his interest is in the small taxpayer. That has been true time and time again. I could mention specific instances, which I shall not take the time of the Senate to do. I had the honor to be associated with him in writing the 1954 and the 1963 revenue legislation. On one matter we disagree, but we understand each other. I refer to the matter of the depletion allowance for gas and oil. I oppose his position in that matter, and he opposes mine, but we understand each other on this particular problem.

It is a great tribute to the Senate that Senator Williams is willing to consider continuing as the servant not only of the people of Delaware, but of the Nation.

I heartily endorse what several Senators have already said. I believe I am probably as close to Senator Williams in committee service as any other Senator. He is truly the conscience of the Senate. He is truly the conscience of the Senate Finance Committee. Under the great leadership of the able Senator from Virginia [Mr. BYRD] and the ranking minority member of the committee from the State of Delaware, JOHN WILLIAMS, I can assure the citizens of this great Nation that their tax affairs are in good hands.

Mr. BOGGS. I thank the Senator. I am happy to yield to the distinguished and able junior Senator from Colorado.

Mr. DOMINICK. Mr. President, I thank the distinguished junior Senator from Delaware. I add my voice to the voices of numerous Senators who have already spoken. I note with interest that this deserved tribute to Senator WILLIAMS has come from Senators from California to Pennsylvania, and from Vermont to Utah, and all the States in between.

This is extremely important. It shows the wide scope of Senator WILLIAMS' service and regard. His ability and integrity have been commented on so completely that I need add nothing further in tribute to his qualities. I heartily second the comments of other Senators.

In addition to everything that has been said, Senator WILLIAMS is a warm, entertaining human being, who is a marvelous addition to the Senate of the United States.

I look forward to being in Delaware and speaking before the Republican State convention some time early in May, at which time perhaps I can make a better exposition to the people of Delaware concerning the great service Senator WILLIAMS has rendered to his country.

In the short 2 years that I have been in the Senate, I remember Senator WILLIAMS reporting on our loss of wheat, and our exports to Australia, creating a situation in which our whole foreign aid program was reinvestigated and changed. I remember that the Senator instigated the Bobby Baker investigation.

These two services were outstanding. There have been many others. I add my voice to the tributes which he has already received.

Mr. BOGGS. I thank the very able and distinguished Senator. We in Delaware are looking forward with great interest to the visit of the Senator.

I now yield to the distinguished, outstanding, and able junior Senator from Vermont.

Mr. FONG. Mr. President, will the Senator yield?

Mr. BOGGS. I am happy to yield to the very able and distinguished Senator from our 50th State.

Mr. FONG. Mr. President, some time ago I discussed the question as to whether he would seek reelection to the Senate with the Senator from Delaware. The Senator informed me that he had not made up his mind. I thought to myself that if he chooses not to run he is deserving of the rest which that choice affords him, for the Senator, during his three terms in office, has already made a great contribution to the Senate and to the country.

I was very happy today to learn that he has now decided to seek reelection to the Senate. The Senator is a great asset to this Senate. He is indeed the conscience of the Senate. As the Senator is a large chicken raiser, I would like to allude to the story of Chicken Little. When someone threw some dirt on Chicken Little, Chicken Little ran around and cried, "The sky is falling down." The Senator from Delaware is certainly not a Chicken Little. He has been a tower of strength and courage in debates in the Senate and its committees.

No matter how difficult or confused the situation may be, or how strong the battle of words may rage against him, the Senator has always remained calm and collected, has stood his ground and given battle. The sky never falls on the Senator from Delaware. I have listened with much respect to many of his statements. He has one great characteristic, and that is his ability to ferret out the kernel, to ferret out the heart of a complicated problem.

I have sat here many times and listened to the Senator tell us what the real problem is in a confused situation. He is one of the most conscientious, one of the most able, and one of the most courageous and distinguished Senators in this assembly.

The people of Delaware should be complimented and congratulated for his fine decision to seek reelection. The people of our Nation should be complimented.

I know that they are very happy that he has decided to seek reelection.

I am a great admirer of his. His counsel has been of great value to me. He has given me advice on many occasions, for which I am very thankful.

I know the Senator from Delaware will be reelected. I extend to him this further wish: "May his blessings be as full, as the eastern ocean, and may his life be as everlasting as the southern hills."

Mr. PROUTY. Mr. President, the Senate stands to gain by the decision of the senior Senator from Delaware to place, as he always has, the public good above his personal desires.

His determination to seek reelection is something we had fervently hoped for yet not fully anticipated.

Across this broad land of ours no American more nearly symbolizes the spirit of integrity which all esteem and few ever wholly attain.

On behalf of millions of his fellow countrymen who look to JOHN WILLIAMS for guidance when public morals become lax and public virtue is lacking, I thank the senior Senator from Delaware for his wise and gracious decision.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. BOGGS. I am happy to yield to the distinguished, able, friendly, and gracious minority leader, the senior Senator from Illinois.

Mr. DIRKSEN. Mr. President, on occasion the distinguished senior Senator from Delaware had contemplated retirement from public service. I share the sentiment and joyful feeling that has been expressed here today because, upon further consideration, he has decided to seek reelection to the U.S. Senate for a fourth term. I am delighted and happy for many reasons. But my principal reason for being happy is that I believe, in terms of age, perhaps I can assume the condescension of the patriarch and say he is still in three-cornered pants, although I am afraid that would be rather extreme. The Congressional Directory indicates that the distinguished Senator from Delaware has achieved three-score years.

He has a talent and a gift. That talent should not be wasted. I do not know what he would do with himself if after three terms in the Senate, at age 60, he sought the blessings of retirement. After such an active life and the articulations of such a great talent, he might become lonely after he had left us.

In one of his letters to his young associate, Timothy, the Apostle Paul said:

> Neglect not the gift that is in thee.

The distinguished Senator from Delaware has a gift. I do not want to see it neglected. I want to see it expressed to the fullest, and with all the vigor at his command. There still are so many years of fruitful service ahead that we do not merely congratulate him on seeking public office again. We congratulate ourselves that he does so, and that he can continue to do the task that he has been doing, and in which he has made a great name for himself.

I am glad for the country, and for the contribution that he will make, even as he has made it in the days gone by. I am glad for his State and his community. I am glad for his blessed spouse, Elsie Williams. She has so enshrined herself in the hearts of people in the Nation's Capital that if our distinguished Senator left, there would still be an additional void, because Elsie Williams would have also left.

But there is another reason. I am glad for his daughter and his three grandchildren. I am not sure how old they are. We have talked about grandchildren a good many times, because it is the habit of grandfathers to do so. I am sure, if they are old enough fully to understand, that they would place their seal of approval upon his decision and would say, "Grandpa, we are glad that you have decided to run for office again."

So, for the country, for the State, for his family, and for the people by and large, we shall have the benefit of that probing gift of his, which is a veritable gift of genius which brings truth to the surface. I believe it can be said that in the life of a legislator, when he has learned how to dig out the truth, even as a miner brings the riches of the earth to the surface, he has made a tremendous contribution to the country.

I am honored to serve with him on the committee in which tax legislation and other important matters are determined.

So we salute our friend on his decision to seek reelection. I believe the country will applaud his decision. I believe the citizens of Delaware will applaud it.

I can only hope, JOHN WILLIAMS, that as you are reelected to your fourth full term in the Senate—not an inconsiderable achievement in itself—you will be back to give us the benefit of your wisdom, your prudence, your kindliness, but, over and above anything else, your courage.

If it were given to me to rewrite the book "Profiles in Courage," I am sure that I would select you as one who deserved accolade.

So I shall be happy, God willing, to see you back here, even as you are here now.

Mr. JORDAN of Idaho. Mr. President, I wish to join my colleagues in expressing my genuine pleasure in Senator John Williams' announcement that he will run for a fourth term in the U.S. Senate.

John Williams exemplifies the kind of Senator I wish I might be. His 18 years of service have provided background in every phase of the Federal Establishment. His keen intellect probes the recesses of bureaucratic government where wrongdoing may escape the scrutiny of all others.

He is the soul of integrity. People trust him wtih implicit confidence that "Honest John" will never fail to do the right thing. In him the Senate has a vigilant crusader for what is right in Government and I rejoice in his decision to run again.

Mr. SALTONSTALL. Mr. President, I wish to join with those of my colleagues this morning who congratulated the senior Senator from Delaware upon his decision to become a candidate for a fourth term.

As one who campaigned for the senior Senator from Delaware, I was impressed very early by his ability. I campaigned in Delaware for him before he was elected the first time. As a colleague of his for 18 years, I have watched his work with admiration. His courage and independence are outstanding. His conscientiousness to duty is superb. He is always on the job, and knows what the business of the Senate is at all times.

Delaware is fortunate in having him make this decision to continue for another term.

I sincerely hope that he will be elected next November for his fourth term.

Mr. COOPER. Mr. President, I am very happy that our colleague from Delaware, John Williams, has decided to become again a candidate for the U.S. Senate. I have no doubt that the people of Delaware, conscious of his great contributions to the Nation and to Delaware, will elect Senator Williams to his fourth term.

John Williams needs no tribute from any of us who serve with him. His integrity, fearlessness, attention to duty, and insistence on honor and honesty in public life are known to the people of the United States.

I had the honor of coming to the Senate of the United States in the same year, 1947, with Senator Williams—although I have not served continuously since that time. Of the 50 Republican Senators serving at that time, only Senators Aiken, Saltonstall, Hickenlooper, Young, and Williams have remained in the Senate, serving continuously. Senator Williams was the first Senator I met when I came to Washington, and I am glad that our friendship has remained firm throughout the years.

The Nation, as well as Delaware, should be proud that Senator John Williams will continue to serve in the U.S. Senate.

Mr. BOGGS. Mr. President, under the circumstances, I feel it my privilege and duty and pleasure to yield to the distinguished senior Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, it has always been the custom in the Senate when one of its Members has passed away to take time to eulogize the memory of our departed friend.

Recognizing that tradition, I have been sitting here for the past hour, pinching myself to see whether I am here or whether I have passed on.

I say to each of my colleagues that I deeply appreciate all the kind remarks which have been made this afternoon. I would be less than honest if I did not recognize the fact that I am not worthy of all that has been said; but, nevertheless, I can assure Senators that everything that each of them has said will long be cherished and remembered.

None of us knows what lies ahead. To me, the question of whether I shall be reelected this year is only of secondary importance. I am not so conceited as to think that if I am not reelected someone else cannot take my place.

We have a great country, and it will move on. If I were to be granted one wish here today, it would not be for my reelection, but rather, that in the years to come, to my friends in the Senate, back home, and throughout the country I shall continue to try to be worthy of what has been said on the floor of the Senate today.

Mr. BOGGS. I thank my colleague. We extend to him our highest regards and best wishes.

I thank the gracious Senator from Mississippi [Mr. Stennis] for yielding the floor to us for this purpose.

Mr. STENNIS. It was a privilege to do so, especially under the circumstances.

I ask unanimous consent that, without losing the floor, and without the resumption of my remarks counting as an additional appearance, I may yield to the Senator from Utah.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BENNETT. Mr. President, I appreciate the courtesy of the Senator from Mississippi. I ask unanimous consent, under the same circumstances, that I may yield briefly to the Senator from Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAIL SURVEILLANCE

Mr. LONG of Missouri. Mr. President, on March 11 I introduced S. 2627 to prohibit the use of "mail covers." A mail cover is a surveillance technique in which the Post Office systematically records the name and address of the sender, the place and date of postmarking, the class of mail and any other exterior data on all mail going to a particular addressee or address. The purpose of a mail cover is, of course, to determine who is corresponding with the person or persons covered. It is a clear-cut example of the Government attempting to ascertain information which is none of its business.

Like wiretapping, it is an interference with free and unhampered communication. It thereby infringes on the rights of free speech and free association as guaranteed by the first amendment. But beyond this, it interferes with the addressee's right of privacy—his right as against the Government to be let alone. This right is probably the most basic one in our free society. It was this right that James Otis so eloquently defended in a Boston court in 1761. It has been said the child "Independence" was born there and then in that Boston courtroom.

It is impossible to discuss the right of privacy without turning to the words of the Supreme Court in the Boyd case decided in 1886. The Court after referring to Lord Camden's opinion in Entick against Carrington said:

> The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case then before the court, with its adventitious circumstances; they apply to all invasions on the part of the Government and its employees of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty, and private property, where that right has never been forfeited by his conviction of some public offense—it is the invasion of this sacred right which underlies and constitutes the essence of Lord Camden's judgment.

Similarly, one must also turn to the words of Justice Brandeis in his famous Olmstead dissent. This dissenting opinion is a masterful discussion of the right of privacy. Justice Brandeis said in part:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment.

The Justice sounded a warning with these words:

> Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repeal invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding.

Mr. President, this entire opinion is so relevant to the issue of mail covers, I ask unanimous consent it be printed at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LONG of Missouri. Mr. President, mail covers are destructive of the fiber of our free society. It is my hope that the Senate Committee on Post Office and Civil Service will be able to schedule hearings in the near future on the bill I have introduced. I am confident that the Post Office Department, the Justice Department, the Internal Revenue Service, and others can shed a great deal of light on this issue. One point I have learned in the last few years in my study of surreptitious police techniques is that only a minute portion of the instances when such techniques are used come to light. The vast bulk of mail covers go on and come off without the victims learning of their existence. The vast bulk of wiretaps go on and come off without the victims learning of their existence. Therefore, hearings should be most enlightening, for the light of public knowledge would be focused on the practice. There is no doubt in my mind that once the full facts are known the Congress and the people of our Nation will demand this tampering with the mail cease. The Post Office Department's responsibility is to receive and deliver mail. It has no authority to spy on a patron for its own benefit or for the benefit of another Government agency. If postal laws are being violated, there are lawful procedures which can be used to apprehend the violator and bring him to justice.

Mr. President, a number of editorials on the subject published by some of our Nation's leading newspapers have come to my attention since I introduced S. 2627. I ask unanimous consent they be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

DISSENTING OPINION OF MR. JUSTICE BRANDEIS ON WIRETAPPING

The defendants were convicted of conspiring to violate the National Prohibition Act. Before any of the persons now charged had been arrested or indicted, the telephones by means of which they habitually communicated with one another and with others had been tapped by Federal officers. To this end, a lineman of long experience in wiretapping was employed, on behalf of the Government and at its expense. He tapped eight telephones, some in the homes of the persons charged, some in their offices. Acting on behalf of the Government and in their official capacity, at least six other prohibition agents listened over the tapped wires and reported the messages taken. Their operations extended over a period of nearly 5 months. The typewritten record of the notes of conversations overheard occupies 775 typewritten pages. By objections seasonably made and persistently renewed, the defendants objected to the admission of the evidence obtained by wiretapping, on the ground that the Government's wiretapping constituted an unreasonable search and seizure, in violation of the fourth amendment; and that the use as evidence of the conversations overheard compelled the defendants to be witnesses against themselves, in violation of the fifth amendment.

The Government makes no attempt to defend the methods employed by its officers. Indeed, it concedes that if wiretapping can be deemed a search and seizure within the fourth amendment, such wiretapping as was practiced in the case at bar was an unreasonable search and seizure, and that the evidence thus obtained was inadmissible. But it relies on the language of the amendment; and it claims that the protection given thereby cannot properly be held to include a telephone conversation.

"We must never forget," said Mr. Chief Justice Marshall in *McCulloch* v. *Maryland*, 4 Wheat. 316, 407, "that it is a constitution we are expounding." Since then, this Court has repeatedly sustained the exercises of power by Congress, under various clauses of that instrument, over objects of which the Fathers could not have dreamed. See *Pensacola Telegraph Co.* v. *Western Union Telegraph Co.*, 96 U.S. 1, 9; *North Pacific Ry. Co.* v. *North Dakota*, 250 U.S. 135; *Dakota Central Telephone Co.* v. *South Dakota*, 250 U.S. 163; *Brooks* v. *United States*, 267 U.S. 432. We have likewise held that general limitations on the powers of Government, like those embodied in the due process clauses of the fifth and fourteenth amendments, do not forbid the United States or the States from meeting modern conditions by regulations which "a century ago, or even half a century ago, probably would have been rejected as arbitrary and oppressive." *Village of Euclid* v. *Ambler Realty Co.*, 272 U.S. 365, 387; *Buck* v. *Bell*, 274 U.S. 200. Clauses guaranteeing to the individual protection against specific abuses of power, must have a similar capacity of adaptation to a changing world. It was with reference to such a clause that this Court said in *Weems* v. *United States*, 217 U.S. 349, 373: "Legislation, both statutory and constitutional, is enacted, it is true, from an experience of evils, but its general language should not therefore, be necessarily confined to the form that evil had theretofore taken. Time works changes, brings into existence new conditions and purposes. Therefore a principle to be vital must be capable of wider application than the mischief which gave it birth. This is peculiarly true of constitution. They are not ephemeral enactments, designed to meet passing occasions. They are, to use the works of Chief Justice Marshall 'designed to approach immortality as nearly as human institutions can approach it.' The future is their care and provision for events of good and bad tendencies of which no prophecy can be made. In the application of a constitution, therefore our contemplation cannot be only of what has been but of what may be. Under any other rule a constitution would indeed be as easy of application as it would be deficient in efficacy and power. Its general principles would have little value and be converted by precedent into important and lifeless formulas. Rights declared in words might be lost in reality."

When the fourth and fifth amendments were adopted, "the form that evil had theretofore taken," had been necessarily simple. Force and violence were then the only means known to man by which a Government could directly effect self-incrimination. It could compel the individual to testify—a compulsion effected, if need be, by torture. It could secure possession of his papers and other articles incident to his private life—a seizure effected, if need be, by breaking and entry. Protection against such invasion of "the sanctities of a man's home and the privacies of life" was provided in the fourth and fifth amendments by specific language. *Boyd* v. *United States*, 116 U.S. 616, 630. But "time works changes, brings into existence new conditions and purposes." Subtler and more far-reaching means of invading privacy have become available to the Government. Discovery and invention have made it possible for the Government by means far more effective than stretching upon the rack, to obtain disclosure in court of what is whispered in the closet.

Moreover, "in the application of a constitution, our contemplation cannot be only of what has been but of what may be." The progress of science in furnishing the Government with means of espionage is not likely to stop with wiretapping. Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home. Advances in the psychic and related sciences may bring means of exploring unexpressed beliefs, thoughts and emotions. "That places the liberty of every man in the hands of every petty officer" was said by James Otis of much lesser intrusions than these.[1] To Lord Camden, a far slighter intrusion seemed "subversive of all the comforts of society."[2] Can it be that the Constitution affords no protection against such invasions of individual security?

A sufficient answer is found in *Boyd* v. *United States*, 116 U.S. 616, 627–630, a case that will be remembered as long as civil liberty lives in the United States. This Court there reviewed the history that lay behind the fourth and fifth amendments. We said with reference to Lord Camden's judgment in *Entick* v. *Carrington*, 19 Howell's State Trials, 1030: "The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case there before the court, with its adventitious circumstances; they apply to all invasions on the part of the Government and its employes of the sanctities of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty and private property, where that right has never been forfeited by his conviction of some public offence,—it is the invasion of this sacred right which underlies and constitutes the essence of Lord Camden's judgment. Breaking into a house and opening boxes and drawers are circumstances of aggravation; but any forcible and compulsory extortion of a man's own testimony or of his private papers to be used as evidence of a crime or to forfeit his goods, is within the condemnation of that judgment. In this regard the fourth and fifth amendments run almost into each other."[3]

In Ex parte Jackson, 96 U.S. 727, it was held that a sealed letter entrusted to the mail is protected by the amendments. The mail is a public service furnished by the Government. The telephone is a public service furnished by its authority. There is, in essence, no difference between the sealed letter and the private telephone message. As Judge Rudkin said below: "True the one is visible, the other invisible; the one is tangible, the other intangible; the one is sealed and the other unsealed, but these are distinctions without a difference." The evil incident to invasion of the privacy of the telephone is far greater than that involved in tampering with the mails. Whenever a telephone line is tapped, the privacy of the persons at both ends of the line is invaded and all conversations between them upon any subject, and although proper, confidential and privileged, may be overheard. Moreover, the tapping of one man's telephone line involves the tapping of the telephone of every other person whom he may call or who may call him. As a means of espionage writs of assistance and general warrants are but puny instruments of tyranny and oppression when compared with wiretapping.

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[1] Otis' Argument against Writs of Assistance. See Tudor, James Otis, p. 66; John Adams Works, Vol. II, p. 524; Minot, Continuation of the History of Massachusetts Bay, Vol. II, p. 95.

[2] *Entick* v. *Carrington*, 19 Howell's State Trials, 1030, 1066.

[3] In *Interstate Commerce Commission* v. *Brimson*, 154 U.S. 447, 479, the statement made in the *Boyd* case was repeated; and the Court quoted the statement of Mr. Justice Field in *In re Pacific Railway Commission*, 32 Fed. 241, 250: "Of all the rights of the citizen, few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves, not merely protection of his person from assault, but exemption of his private affairs, books, and papers, from the inspection and scrutiny of others. Without the enjoyment of this right, all others would lose half their value." The *Boyd* case has been recently reaffirmed in *Silverthorne Lumber Co.* v. *United States*, 251 U.S. 385, in *Gouled* v. *United States*, 225 U.S. 298, and in *Byars* v. *United States*, 273 U.S. 28.

Time and again, this Court in giving effect to the principle underlying the fourth amendment, has refused to place an unduly literal construction upon it. This was notably illustrated in the Boyd case itself. Taking language in its ordinary meaning, there is no "search" or "seizure" when a defendant is required to produce a document in the orderly process of a court's procedure. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," would not be violated, under any ordinary construction of language, by compelling obedience to a subpena. But this Court holds the evidence inadmissible simply because the information leading to the issue of the subpena has been unlawfully secured. *Silverthorne Lumber Co.* v. *United States,* 251 U.S. 385. Literally, there is no "search" or "seizure" when a friendly visitor abstracts papers from an office; yet we held in *Gouled* v. *United States,* 255 U.S. 298, that evidence so obtained could not be used. No court which looked at the words of the amendment rather than at its underlying purpose would hold, as this Court did in Ex parte Jackson, 96 U.S. 727, 733, that its protection extended to letters in the mails. The provision against self-incrimination in the fifth amendment has been given an equally broad construction. The language is: "No person * * * shall be compelled in any criminal case to be a witness against himself." Yet we have held, not only that the protection of the amendment extends to a witness before a grand jury, although he has not been charged with crime, *Counselman* v. *Hitchcock,* 142 U.S. 547, 562, 586, but that: "It applies alike to civil and criminal proceedings, wherever the answer might tend to subject to criminal responsibility him who gives it. The privilege protects a mere witness as fully as it does one who is also a party defendant." *McCarthy* v. *Arndstein,* 266 U.S. 34, 40. The narrow language of the amendment has been consistently construed in the light of its object, "to insure that a person should not be compelled, when acting as a witness in any investigation, to give testimony which might tend to show that he himself had committed a crime. The privilege is limited to criminal matters, but it is as broad as the mischief against which it seeks to guard." *Counselman* v. *Hitchcock, supra,* page 562.

Decisions of this Court applying the principle of the Boyd case have settled these things. Unjustified search and seizure violates the Fourth Amendment, whatever the character of the paper; [4] whether the paper when taken by the federal officer was in the home,[5] in an office [6] or elsewhere; [7] whether the taking was effected by force,[8] by fraud,[9] or in the orderly process of a court's procedure.[10] From these decisions, it follows necessarily that the amendment is violated by the officer's reading the paper without a physical seizure, without his even touching it; and that use, in any criminal proceeding, of the contents of the paper so examined—as where they are testified to by a federal officer who thus saw the document or where, through knowledge so obtained, a copy has been procured elsewhere [11]—any such use constitutes a violation of the fifth amendment.

The protection guaranteed by the Amendments is much broader in scope. The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment. And the use, as evidence in a criminal proceeding, of facts ascertained by such intrusion must be deemed a violation of the fifth.

Applying to the fourth and fifth amendments the established rule of construction, the defendants' objections to the evidence obtained by wire-tapping must, in my opinion, be sustained. It is, of course, immaterial where the physical connection with the telephone wires leading into the defendants' premises was made. And it also immaterial that the intrusion was in aid of law enforcement. Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient. Men born to freedom are naturally alert to repeal invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.[12]

Independently of the constitutional question, I am of opinion that the judgment should be reversed. By the laws of Washington, wire-tapping is a crime.[13] Pierce's Code,

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[4] *Gouled* v. *United States,* 255 U.S. 298.

[5] *Weeks* v. *United States,* 232 U.S. 383; *Amos* v. *United States,* 255 U.S. 313; *Agnello* v. *United States,* 269 U.S. 20; *Byars* v. *United States,* 273 U.S. 28.

[6] *Boyd* v. *United States,* 116 U.S. 616; *Hale* v. *Henkel,* 201 43, 70; *Silverthorne Lumber Co.* v. *United States,* 251 U.S. 385; *Gouled* v. *United States,* 255 U.S. 298; *Marron* v. *United States,* 275 U.S. 192.

[7] *Ex parte Jackson,* 96 U.S. 727, 733; *Carroll* v. *United States,* 267 U.S. 132, 156; *Gambino* v. *United States,* 275 U.S. 310.

[8] *Weeks* v. *United States,* 232 U.S. 383; *Silverthorne Lumber Co.* v. *United States,* 251 U.S. 385; *Amos* v. *United States,* 255 U.S. 313; *Carroll* v. *United States,* 267 U.S. 132, 156; *Agnello* v. *United States,* 269 U.S. 20; *Gambino v. United States,* 275 U.S. 310.

[9] *Gouled* v. *United States,* 255 U.S. 298.

[10] *Boyd* v. *United States,* 116 U.S. 616; *Hale* v. *Henkel,* 201 U.S. 43, 70. See *Gouled* v. *United States,* 255 U.S. 298; *Byars* v. *United States,* 273 U.S. 28; *Marron* v. *United States,* 275 U.S. 192.

[11] *Silverthorne Lumber Co.* v. *United States,* 251 U.S. 385. Compare *Gouled* v. *United States,* 255 U.S. 298, 307. In *Stroud* v. *United States,* 251 U.S. 15, and *Hester* v. *United States,* 265 U.S. 57, the letter and articles admitted were not obtained by unlawful search and seizure. They were voluntary disclosures by the defendant. Compare *Smith* v. *United States,* 2 F. (2d) 715; *United States* v. *Lee,* 274 U.S. 559.

[12] The point is thus stated by counsel for the telephone companies, who have filed a brief as *amici curiae:* "Criminals will not escape detection and conviction merely because evidence obtained by tapping wires of a public telephone system is inadmissible, if it should be so held; but in any event, it is better that a few criminals escape than that the privacies of life of all the people be exposed to the agents of the government, who will act at their own discretion, the honest and the dishonest, unauthorized and unrestrained by the courts. Legislation making wiretapping a crime will not suffice if the courts nevertheless hold the evidence to be lawful."

[13] In the following states it is a criminal offense to intercept a message sent by telegrapn and/or telephone: Alabama, Code, 1923, § 5256; Arizona, Revised Statutes, 1913, Penal Code, § 692; Arkansas, Crawford & Moses Digest, 1921, § 10246; California, Deering's Penal Code, 1927, § 640; Colorado, Compiled Laws, 1921, § 6969; Connecticut, General Statutes, 1918, § 6292; Idaho, Compiled Statutes, 1919, §§ 8574, 8586; Illinois, Revised Statutes, 1927, c. 134, § 21; Iowa, Code, 1927, § 13121; Kansas, Revised Statutes, 1923, c. 17, § 1908; Michigan, Compiled Laws, 1915, § 15403; Montana, Penal Code, 1921, § 11518; Nebraska, Compiled Statutes, 1922, § 7115; Nevada, Revised Laws, 1912, §§ 4608, 6572 (18); New York, Consolidated Laws, c. 40, § 1423 (6); North Dakota, Compiled Laws, 1913, § 10231; Ohio, Page's General Code, 1926, § 13402; Oklahoma, Session Laws, 1923, c. 46; Oregon, Olson's Laws, 1920, § 2265; South Dakota, Revised Code, 1919, § 4312; Tennessee, Shannon's Code, 1919, §§ 1839, 1840; Utah, Compiled Laws, 1917, § 8433; Virginia, Code, 1924, § 4477 (2), (3); Washington, Pierce's Code, 1921, § 8976 (18); Wisconsin, Statutes, 1927, § 348.37; Wyoming, Compiled Statutes, 1920, § 7148. Compare *State* v. *Behringer,* 19 Ariz. 502; *State* v. *Nordskog,* 76 Wash. 472.

In the following states it is a criminal offense for a company engaged in the transmission of messages by telegraph and/or telephone, or its employees, or, in many instances, persons conniving with them, to disclose or to assist in the disclosure of any message: Alabama Code, 1923, §§ 5543, 5545; Arizona, Revised Statutes, 1913, Penal Code, §§ 621, 623, 691; Arkansas, Crawford & Moses Digest, 1921, § 10250; California, Deering's Penal Code, 1927, §§ 619, 621, 639, 641; Colorado, Compiled Laws, 1921, §§ 6966, 6968, 6970; Connecticut, General Statutes, 1918, § 6292; Florida, Revised General Statutes, 1920, §§ 5754, 5755; Idaho, Compiled Statutes, 1919, §§ 8568, 8570; Illinois, Revised Statutes, 1927, c. 134, §§ 7, 7a; Indiana, Burns' Revised Statutes, 1926, § 2862; Iowa, Code, 1924, § 8305; Louisiana, Acts, 1918, c. 134 p. 228; Maine, Revised Statutes, 1916, c. 60, § 24; Maryland, Bagby's Code, 1926, § 489; Michigan, Compiled Statutes, 1915, § 15104; Minnesota, General Statutes, 1923, §§ 10423, 10424; Mississippi, Hemingway's Code, 1927, § 1174; Missouri, Revised Statutes, 1919, § 3605; Montana, Penal Code, 1921, § 11494; Nebraska, Compiled Statutes, 1922, § 7088; Nevada, Revised Laws, 1912, §§ 4603, 4605, 4609, 4631; New Jersey, Compiled Statutes, 1910, p. 5319; New York, Consolidated Laws, c. 40, §§ 552, 553; North Carolina, Consolidated Statutes, 1919, §§ 4497, 4498, 4499; North Dakota, Compiled Laws, 1913, § 10078; Ohio, Page's General Code, 1926, §§ 13388, 13419; Oklahoma, Session Laws, 1923, c. 46; Oregon, Olson's Laws, 1920, §§ 2260, 2262, 2266; Pennsylvania, Statutes, 1920, §§ 6306, 6308, 6309; Rhode

1921, § 8976 (18). To prove its case, the Government was obliged to lay bare the crimes committed by its officers on its behalf. A federal court should not permit such a prosecution to continue. Compare *Harkin* v. *Brundage*, 276 U.S. 36, *id.* 604.

The Alaskan Penal Code, act of March 3, 1899, c. 429, 30 Stat. 1253, 1278, provides that "if any officer, agent, operator, clerk, or employee of any telegraph company, or any other persons, shall willfully divulge to any other person than the party from whom the same was received, or to whom the same was addressed, or his agent or attorney, any message received or sent, or intended to be sent, over any telegraph line, or the contents, substance, purport, effect, or meaning of such message, or any part thereof * * * the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed one thousand dollars or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court."

The act of October 29, 1918, c. 197, 40 Stat. 1017, provided: "That whoever during the period of governmental operation of the telephone and telegraph systems of the United States * * * shall, without authority and without the knowledge and consent of the other users thereof, except as may be necessary for operation of the service, tap any telegraph or telephone line, or willfully interfere with the operation of such telephone or telegraph systems or with the transmission of any telephone or telegraph message, or with the delivery of any such message, or whoever being employed in any such telephone or telegraph service shall divulge the contents of any such telephone or telegraph message to any person not duly authorized to receive the same, shall be fined not exceeding $1,000 or imprisoned for not more than one year, or both."

The Radio Act, February 23, 1927, c. 169, § 27, 44 Stat. 1162, 1172, provides that "no person not being authorized by the sender shall intercept any message and divulge or publish the contents, substance, purport, effect, or meaning of such intercepted message to any person."

The situation in the case at bar differs widely from that presented in *Burdeau* v. *McDowell*, 256 U.S. 465. There, only a single lot of papers was involved. They had been obtained by a private detective while acting on behalf of a private party; without the knowledge of any federal official; long before anyone had thought of instituting a federal prosecution. Here, the evidence obtained by crime was obtained at the Government's expense, by its officers, while acting on its behalf; the officers who committed these crimes are the same officers who were charged with the enforcement of the Prohibition Act; the crimes of these officers were committed for the purpose of securing evidence with which to obtain an indictment and to secure a conviction. The evidence so obtained constitutes the warp and woof of the Government's case. The aggregate of the Government evidence occupies 306 pages of the printed record. More than 210 of them are filled by recitals of the details of the wire-tapping and of facts ascertained thereby.[14] There is literally no other evidence of guilt on the part of some of the defendants except that illegally obtained by these officers. As to nearly all the defendants (except those who admitted guilt), the evidence relied upon to secure a conviction consisted mainly of that which these officers had so obtained by violating the state law.

As Judge Rudkin said below: "Here we are concerned with neither eavesdroppers nor thieves. Nor are we concerned with the acts of private individuals. * * * We are concerned only with the acts of federal agents whose powers are limited and controlled by the Constitution of the United States." The Eighteenth Amendment has not in terms empowered Congress to authorize anyone to violate the criminal laws of a State. And Congress has never purported to do so. Compare *Maryland* v. *Soper*, 270 U.S. 9. The terms of appointment of federal prohibition agents do not purport to confer upon them authority to violate any criminal law. Their superior officer, the Secretary of the Treasury, has not instructed them to commit crime on behalf of the United States. It may be assumed that the Attorney General of the United States did not give any such instruction.[15]

When these unlawful acts were committed, they were crimes only of the officers individually. The Government was innocent, in legal contemplation; for no federal official is authorized to commit a crime on its behalf. When the Government, having full knowledge, sought, through the Department of Justice, to avail itself of the fruits of these acts in order to accomplish its own ends, it assumed moral responsibility for the officers' crimes. Compare *The Pauquete Habana*, 189 U.S. 453, 465; *O'Reilly deCamara* v. *Brooke*, 209 U.S. 45, 52; *Dodge* v. *United States*, 272 U.S. 530, 532; *Gambino* v. *United States*, 275 U.S. 310. And if this Court should permit the Government, by means of its officers' crimes, to effect its purpose of punishing the defendants, there would seem to be present all the elements of a ratification. If so, the Government itself would become a lawbreaker.

Will this Court by sustaining the judgment below sanction such conduct on the part of the Executive? The governing principle has long been settled. It is that a court will not redress a wrong when he who invokes its aid has unclean hands.[16] The maxim of unclean hands comes from courts of equity.[17] But the principle prevails also in courts of law. Its common application is in civil actions between private parties. Where the Government is the actor, the reasons for applying it are even more persuasive. Where the remedies invoked are those of the criminal law, the reasons are compelling.[18]

The door of a court is not barred because the plaintiff has committed a crime. The confirmed criminal is as much entitled to redress as his most virtuous fellow citizen; no record of crime, however long, makes one an outlaw. The court's aid is denied only when he who seeks it has violated the law in connection with the very transaction as to which he seeks legal redress.[19] Then aid is denied despite the defendant's wrong. It is denied in order to maintain respect for law; in order to promote confidence in the administration of justice; in order to preserve the judicial process from contamination. The rule is one, not of action, but of inaction. It is sometimes spoken of as a rule of substantive law. But it extends to matters of procedure as well.[20] A defense may be waived. It is waived when not pleaded. But the objection that the palintiff comes with unclean hands will be taken by the court itself.[21] It will be taken despite the wish to the contrary of all the parties to the litigation. The court protects itself.

Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face.

Exhibit 2

[From the St. Louis Post Dispatch]

It Smacks of Russia

Missouri's Senator Long is performing a truly national service in his unceasing struggle with the Government practice known as

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Island, General Laws, 1923, § 6104; South Dakota, Revised Code, 1919, §§ 4346, 9801; Tennessee, Shannon's Code, 1919, §§ 1837, 1838; Utah, Compiled Laws, 1917, §§ 8403, 8405, 8434; Washington, Pierce's Code, 1921. §§ 8982, 8983; Wisconsin, Statutes, 1927. § 348.36.

[14] The above figures relate to Case No. 493. In Nos. 532–533, the Government evidence fills 278 pages, of which 140 are recitals of the evidence obtained by wire-tapping.

[15] According to the Government's brief, p. 41, "The Prohibition Unit of the Treasury disclaims it [wire-tapping] and the Department of Justice has frowned on it." See also "Prohibition Enforcement," 69th Congress, 2d Session, Senate Doc. No. 198, pp. iv, v, 13, 15, referred to Committee, January 25, 1927; also Same, Part 2.

[16] See *Hannay* v. *Eve*, 3 Cranch, 242, 247; *Bank of the United States* v. *Owens*, 2 Pet. 527, 538; *Bartle* v. *Coleman*, 4 Pet. 184, 188; *Kenneth* v. *Chambers*, 14 How. 38, 52; *Marshall* v. *Baltimore & Ohio R.R. Co.*, 16 How. 314, 334; *Tool Co.* v. *Norris*, 2 Wall 45, 54; *The Quachita Cotton*, 6 Wall. 521, 532; *Coppell* v. *Hall*, 7 Wall. 542; *Forsyth* v. *Woods*, 11 Wall. 484, 486; *Hanauer* v. *Doane*, 12 Wall. 342, 349; *Trist* v. *Child*, 21 Wall. 441, 448; *Meguire* v. *Corwine*, 101 U.S. 108, 111; *Oscanyan* v. *Arms Co.*, 103 U.S. 261; *Irwin* v. *Williar*, 110 U.S. 499, 510; *Woodstock Iron Co.* v. *Richmond & Danville Extension Co.*, 129 U.S. 643; *Gibbs* v. *Consolidated Gas Co.*, 130 U.S. 396, 411; *Embrey* v. *Jemison*, 131 U.S. 336, 348; *West* v. *Camden*, 135 U.S. 507, 521; *McMullen* v. *Hoffman*, 174 U.S. 639, 654; *Hazelton* v. *Sheckells*, 202 U.S. 71; *Crocker* v. *United States*, 240 U.S. 74, 78. Compare *Holman* v. *Johnson*, 1 Cowp. 341.

[17] See *Creath's Administrator* v. *Sims*, 5 How. 192, 204; *Kennett* v. *Chambers*, 14 How. 38, 49; *Randall* v. *Howard*, 2 Black, 585, 586; *Wheeler* v. *Sage*, 1 Wall. 518, 530; *Dent* v. *Ferguson*, 132 U.S. 50, 64; *Pope Manufacturing Co.* v. *Gormully*, 144 U.S. 224, 236; *Miller* v. *Ammon*, 145 U.S. 421, 425; *Hazelton* v. *Sheckells*, 202 U.S. 71, 79. Compare *International News Service* v. *Associated Press*, 248 U.S. 215, 245.

[18] Compare *State* v. *Simmons*, 39 Kan. 262, 264–265; *State* v. *Miller*, 44 Mo. App. 159, 163–164; *In re Robinson*, 29 Neb. 135; *Harris* v. *State*, 15 Tex. App. 629, 634–635, 639.

[19] See *Armstrong* v. *Toler*, 11 Wheat. 258; *Brooks* v. *Martin*, 2 Wall. 70; *Planters' Bank* v. *Union Bank*, 16 Wall. 483, 499–500; *Houston & Texas Central R.R. Co.* v. *Texas*, 177 U.S. 66, 99; *Bothwell* v. *Buckbee, Mears Co.*, 275 U.S. 274.

[20] See *Lutton* v. *Benin*, 11 Mod. 50; *Barlow* v. *Hall*, 2 Anst. 461; *Wells* v. *Gurney*, 8 Barn. & Cress, 769; *Ilsley* v. *Nichols*, 12 Pick. 270; *Carpenter* v. *Spooner*, 2 Sandf. 717; *Metcalf* v. *Clark*, 41 Barb. 45; *Williams* ads. *Reed*, 29 N. J. L. 385; *Hill* v. *Goodrich*, 32 Conn. 588; *Townsend* v. *Smith*, 47 Wis. 623; *Blandin* v. *Ostrander*, 239 Fed. 700; *Harkin* v. *Brundage*, 276 U.S. 36, *id.*, 604.

[21] *Coppell* v. *Hall*, 7 Wall. 542, 558; *Oscanyan* v. *Arms Co.*, 103 U.S. 261, 267; *Higgins* v. *McCrea*, 116 U.S. 671, 685. Compare *Evans* v. *Richardson*, 3 Mer. 469; *Norman* v. *Cole*, 3 Esp. 253; *Northwestern Salt Co.* v. *Electrolytic Alkali Co.*, [1913] 3 K. B. 422.

the "mail watch." The Senator, in the absence of any official willingness to cease the practice, now proposes legislation to halt it.

In a mail watch, the Post Office Department keeps a record of return addresses on all mail delivered to a person. Postal officers say they do so at the reqeust of Federal or local law enforcement bodies. The mail check may prove useful, for example, in investigations of suspected income tax evaders, by identifying firms from which they made purchases. Its utility is measured by admissions that there are 500 to 750 checks in effect at any given moment.

Useful though the practice may be to Government, however, it is an unnecessary and legally unauthorized invasion of the citizen's privacy. Americans have always thought their correspondence to be a private matter, and have expected the Post Office Department in particular to protect it as such. The fact that officials do not open the mail, but only note the name of the sender, does not excuse meddling with the mail and interfering with private affairs.

In the perjury trial of Roy Cohn, once counsel to the late Senator Joe McCarthy, it was disclosed that the Government had been operating a check not only on his mail but on that of his attorney. Here the Government seems to have interfered in the privileged relation of attorney and client. Federal District Judge Archie O. Dawson in New York was shocked. "This smacks of Russia rather than the United States," he said.

Judge Dawson did not dismiss the charge against Mr. Cohn, or even agree to suppress any evidence obtained by the mail checks. No doubt the reason was that the law is not clear. There is no law specifically permitting the Post Office to operate such mail checks; neither is there a law against it. But there should be a law against it, as Senator Long proposes. The mail check is, as Judge Dawson and Senator Long agree, a police state technique. Private correspondence is no longer private while it exists.

[From the St. Joseph Gazette, Mar. 17, 1964]

Mail Snooping

Surely the bill against mail covers sponsored by Missouri Senator Edward V. Long will be passed by the Congress, and with little or no opposition.

Senator Long's legislation seeks to call a halt to a practice most Americans didn't even know was allowed to exist under our constitutional right to certain privacies and our assumed definition of liberty.

Apparently it has become allowable for Federal agencies, the Justice Department for one, to keep a secret watch on the flow of mail to and from specific addresses and specific individuals. The purpose, they say in cases which have come to light, is to obtain evidence on persons suspected of criminal activity. Their mail contacts may show that the suspicions are true.

Under such mail cover the mail is not opened—only a running tabulation of addresses and return addresses, dates, and like information is kept.

There should be—and there are—laws to punish persons who may use the postal service to defraud the public.

But to allow any governmental agent or agencies to pry into the total mail contacts of the individual without his knowledge that such a watch is being maintained is wrong. Who knows to what ends such power could be used? It is possible that, allowed to stand, they could some day be used to pry into individual politics, business contacts, and other private matters. Such practice should be barred.

[From Chicago's American, Mar. 14, 1964]

Snooping in the Mail

We agree with Senator Edward V. Long, Democrat, of Missouri, that it is a "police state technique" for the post office to hold up delivery of a citizen's private mail until it has made a record of the name and address of the sender, the place of the mailing and the date. This is called a mail cover. Senator Long has introduced a measure providing a sentence of a year in prison for any post office employee convicted of carrying on such a practice, and it should be enacted.

Long said Government departments had been guilty in the past 2 years of invading privacy in various ways. He said the State Department, Internal Revenue Bureau, and Justice Department had been engaged in wiretapping and the Defense Department had used lie detector tests in West Germany.

He did not accuse the Post Office Department of opening and reading private mail, but others inside the Government have said that information from mail held for inspection sometimes has included facts which could hardly have been obtained from studying return addresses and postmarks.

Long, who generally supports the Johnson administration, said he was stirred to action by the Post Office Department's inspection of mail sent to Roy M. Cohn, former chief counsel for Senator Joseph McCarthy, and to Cohn's attorney, Thomas Bolan. Cohn has been indicted on charges of perjury and conspiracy for his efforts to defend four clients in a fraud case.

The Government is entitled to prosecute Cohn if it has evidence justifying it, but the Post Office, in our opinion, is not justified in holding up and snooping into his mail.

[From the Milwaukee Sentinel, Mar. 13, 1964]

Stop Snooping

A halt needs to be called to the Federal Government's snoopiness. Mail watching, wiretapping, eavesdropping, and similar techniques are being practiced with growing frequency and in widening circles.

Noting a whole series of "infringements on privacy" by Government departments in the last 2 years, Senator Edward V. Long, Democrat, of Missouri, is seeking to curb the trend. He is going after the mail cover in particular.

In what Long calls a police state technique, the post office is not delivering the private mail of hundreds of American citizens until it has recorded the name and address of the sender, the place and date of the postmarking and other data for the use of Government agencies. Long has introduced legislation providing for a 1-year prison sentence for any postal employe convicted of carrying out such a mail watch or disclosing information obtained by one.

The issue was brought to a head by disclosures of official inspection of the mail sent to Roy M. Cohn of New York City in connection with a perjury and conspiracy indictment investigation. But Long has been interested in the mail watch practice since 1962, when postal authorities told him that between 500 and 750 watches were in effect at that time.

It would seem that the mail watches are violative of the fourth amendment prohibiting unreasonable searches and seizures. While the mail is not being opened, it is being seized, if only temporarily. The law Long proposes might be unnecessary if the Post Office Department is acting illegally. The solution would be simply to quit snooping through the mail.

[From the Northern Virginia Sun, Mar. 11, 1964]

Close Call for the President

Only happy accident has saved the Justice Department from putting President Johnson in as embarrassing a predicament as a President can undergo in his relations with the press.

Justice furnished Mr. Johnson with the answer to a question which it anticipated would be asked at his most recent press conference. Fortunately nobody asked it, for Justice's answer was the exact opposite of truth.

This narrow escape had to do with the case of Roy M. Cohn, one of the late Senator McCarthy's henchmen who is under indictment for perjury. In the course of the proceedings it came to light that Cohn and his attorney had been subjected to a mail watch.

Mail to Cohn and his attorney was intercepted and the return addresses of senders recorded. Whatever opinions may be held of Cohn, none should be lower than the opinion of this device's instigators.

The judge who was hearing Cohn's plea for dismissal put it mildly when he called the practice shocking.

Justice at once protested that this was none of its doing. It said that the watch had been seen by the Internal Revenue Service and had nothing to do with Justice's case against Cohn. And this was what Justice advised the President to say.

Whereupon it came to light that it was a Justice Department action. One of Justice's assistant prosecutors in New York was responsible.

Nothing indicates that Justice lied. It was simply the discouraging old Washington story of the right hand not knowing what the left was doing—and not bothering to find out.

The story is bad enough when different departments stumble over each other. It is decidedly worse when it is within one department.

If the sound of a grindstone is heard coming from the White House it will probably be Mr. Johnson putting an edge on his tomahawk with a view to lifting some Justice Department scalps.

He should. Justice gave him a close call.

[From the Worcester Evening Gazette, Mar. 4, 1964]

Checking the Mails

Revelation of a watch put on the mail of Roy M. Cohn, who is under Federal indictment on perjury and conspiracy charges, indicates real need for defining a citizen's rights in an area now only hazily covered by statute.

Cohn moved to have the indictment dismissed because his mail had been under surveillance. This was not granted. The judge, however, denounced as shocking the disclosure that the mail of Cohn's counsel was also watched.

Perhaps not many are aware that the Post Office Department cooperates with local, State, and Federal agencies in the mail cover. In this procedure all first-class mail of a person under surveillance can be held aside while a record is made of the sender, his address, and the date of mailing. This information is taken from the envelope's exterior. The mail is returned to normal channels in time for delivery on the same day.

The legality of that procedure has not been specifically tested in the courts, at least in this century. The Supreme Court ruled in 1877 that a letter, while in the mails, is entitled to the same protection as a person's private papers in his home. The United States Code deems it a crime to remove a letter from a post office or from a mailman to pry into the business or secrets of another.

An 1893 law permits postmasters to help police track a fugitive from justice, and it is apparently on this ground that covers are placed even on the mail of persons who are not fugitives from justice.

Senator Edward V. Long, of Missouri, brought the matter into the open on the floor of the Senate. He charged that the procedure reminds one of the tactics used in a police state where the government wants to know who is corresponding with whom.

The matter has obviously caused some embarrassment in the Justice Department, where a spokesman said the matter had been mishandled. This is not precisely the reaction that might have been expected. It would be more to the point to have the whole matter clarified by the courts to discover how far invasion of privacy in the mails may be pursued under American laws and traditions.

[From Buffalo Evening News, Mar. 19, 1964]

POLICE STATE SPYING

The disclosure that secret mail checks by Government officials is a fairly common practice should be a matter of the gravest concern to everyone who regards constitutional guarantees of individual liberties as the foundation of a free society.

The postal-snooping practice was brought to light in the trial of former Senate investigator Roy M. Cohn on conspiracy perjury charges. The U.S. attorney's office admitted that a "watch" had been put on mail addressed to both Mr. Cohn and his former attorney.

Although denying a dismissal motion on these grounds, the Federal judge denounced it as shocking to the conscience to think that the Government after an indictment is filed, may put a mail watch on the attorney for the defendant which might, in some cases, possibly lead to discovery of steps defense counsel was using in preparing for trial.

In the view of Senator LONG, Democrat of Missouri, this is a police state technique—whether instigated by the Post Office or by Justice officials—that should be banned by Congress, or at the least require prior court approval. He reports that the Government has been running as many as 750 mail interceptions.

Balancing the right of society to secure evidence against those suspected or accused of crime with the ancient right of the individual to be secure against invasions of privacy does pose some exceedingly thorny dilemmas. In this connection a nationwide study has been announced by Herbert Brownell, former U.S. Attorney General and president of the New York City Bar Association, of the threat posed against individual privacy by such modern scientific devices as hidden TV sets, truth drugs, lie detectors, and other instruments for delving into the recesses of attitudes, beliefs, and behavior.

A study under such auspices can be immensely helpful in finding the proper balance between the needs of society and Government for information, and the competing needs of individuals for privacy. Whatever that balance, however, it is inconceivable that those who cherish the due processes of law can sit still for a spying operation against defendants or their legal counsels by the same Government that brings charges against them.

This condemns itself, whether practiced today against an unpopular figure or extended tomorrow to others in disfavor. No man's liberty ultimately is secure once the power of Government is permitted to erode individual safeguards wisely written in the Bill of Rights.

THIS IS THE LAKE THAT WAS

Mr. BENNETT. Mr. President, Utah is a State where a drop of water is almost as valuable as a nugget of gold. Water in arid States such as ours is the very lifeblood of the economy and the future. Without water there is no future for Utah. Without water there is no future for the West.

That is why I would like today to bring to the attention of the Senate a grave situation initiated by the Secretary of the Interior, who has ordered the gates at Glen Canyon Dam to be opened, taking water from an upper basin lake for the benefit of downstream water and power commitments in California and Mexico.

I know that the Senate is occupied with other important matters, and normally I would not intrude upon the Senate's time with the details of a problem such as this. However, representatives of the Interior Department have, in public statements, implied that their position is the only sound one and that there is no other side to the story. They have dismissed the arguments of their critics as "gratuitous comments" and said that such arguments were based on "misinformation."

Because I believe that most of the responsibility for any "misinformation" on this subject rests with Interior Department officials and their spokesmen, I rise to set the record straight with a full discussion of the controversy. I have tried to get answers to my questions directly from the Secretary of the Interior, but to date he has not even acknowledged receipt of my letters, let alone answered them. Since he has had over a month to do so, I am justified in assuming that he simply does not choose to try.

We, in the Upper Basin States, fought for years and years to gain authorization and appropriations for the upper Colorado River storage project. Now in an arbitrary and unwarranted move by the Secretary, the entire upper basin, consisting of Utah, Wyoming, Colorado, and New Mexico, has, as Senators DOMINICK and ALLOTT have said, "been sold down the Colorado River."

Unless a national drought or other major emergency exists, there is no justification for such a drastic measure as the drawing down of an upper basin lake.

We realize, of course, that present criteria for filling Lake Powell provide that no water be stored upstream in the upper basin when Lake Mead storage at Hoover Dam falls below 14.5 million acre-feet. But we do not feel bound to uphold the criteria when we also realize that the reason for the shortage at Lake Mead, downstream from Lake Powell, is that considerably more water than is their legal due has been given to Mexico and California. Where I come from, this is called water piracy.

I have received hundreds of communications from upper basin citizens, including the Governors of all four of the Upper Basin States and Members of Congress of those four States and other neighboring States, protesting the action of the Secretary.

It simply boils down to the fact that the water we want to store in Lake Powell behind Glen Canyon Dam is water that is produced in the upper basin and belongs by law to the upper basin. We merely want to store our own water from our own watersheds for our own use.

Let us review the facts of the controversy to try to get them into focus.

The first I heard of the drastic action to be taken by the Secretary was through a newspaper story out of Page, Ariz., after the Bureau of Reclamation Commissioner, Mr. Floyd Dominy, had toured Lake Powell. Commissioner Dominy is quoted in an article in the Salt Lake Tribune of March 2, 1964, as saying:

> It is conceivable that instead of adding [water] to Lake Powell the present level will be reduced to meet downstream requirements for power and irrigation.

The next day the Bureau of Reclamation in Salt Lake City denied there would be a drawdown. The Washington office of the Bureau also informed me that there would be no changes made in the outflow. In an effort to get an official position for the record, I addressed a letter to Secretary Udall on March 16 asking for an explanation. I have yet to receive an answer to that letter. That was a full month ago and 10 days before the gates were opened.

Basically, the letter asked the Secretary of Interior three questions:

> 1. Why did your Department allow the release of more water from Lake Mead than was required to meet the 1.5 million acre-feet of Mexican entitlements?
>
> 2. Why did your Department last year allow the release of more water for California than the 4.4 million acre-feet that the Supreme Court as early as June 3, 1963, said California was entitled to?
>
> 3. Why do you now propose draining the dead storage space in Glen Canyon to maintain a power head at Hoover Dam when there are other means available to supply the necessary power and energy to meet the lower basin Hoover power contracts?

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my entire letter of March 16 to Secretary Udall.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 16, 1964.

Hon. STEWART L. UDALL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: I have been reading in western newspapers and have heard from Upper Colorado River Basin water users that the Interior Department is considering releasing more and more water from Glen Canyon in order to maintain a power head in Lake Mead for generating power.

For instance, Bureau of Reclamation Commissioner Floyd Dominy said in Page, Ariz., on March 2, "It is conceivable that instead of adding [water] to Lake Powell, its present level will be reduced to meet downstream requirements for power and irrigation."

I join other Utahans and upper basin water users in expressing my deep concern about this policy suggesting a water grab. It is my opinion that unless a national drought or other major emergency exists there is no justification for such a drastic measure as potential draining of an upper basin lake.

It is necessary that the upper basin put the generators at Glen Canyon Dam into operation as soon as possible to make the power revenues available to meet the reimbursable costs and to aid in developing such water use projects as the central Utah project. The deferral of power generation would be inimical with the intent of Congress in the authorization of the Colorado River storage project and not in the best interests of either the upper or lower basin.

I recognize that power commitments downstream must be met and that the Reclamation Commissioner is bound by your August 4, 1962, criteria, but it is also becoming increasingly evident that some interest should be given by the Interior Department to Utah and the other Upper Basin States.

Meanwhile, it is readily apparent that the power deficit can be made up from other sources. I enclose copies of an article and editorial from the Salt Lake Tribune listing the offers made by Rocky Mountain utilities who said they "can substantially aid in holding water in Lake Powell to operate Glen Canyon Dam generators." Other lower basin power companies also are interested in making up the deficit.

I also am concerned about the "why" of this release of more and more water from an upper basin lake to fill a lower basin lake.

So that the possibility of a recurrence can be minimized, I would like to have answers to three questions:

1. Why did your Department allow the release of more water from Lake Mead than was required to meet the 1.5 million acre-feet of Mexican entitlements?

2. Why did your Department last year allow the release of more water for California than the 4.4 million acre-feet that the Supreme Court as early as June 3, 1963, said California was entitled to?

3. Why do you now propose draining the dead storage space in Glen Canyon to maintain the power head at Hoover when there are other means available to supply the necessary power and energy to meet the lower basin Hoover power contracts?

California has been taking more than 1 million acre-feet of water above the 4.4 million acre-feet to which it is entitled. If you had this excess still in reserve at Lake Mead plus the excess released to Mexico, there would be no need to consider the pirating of water from the upper basin as Department officials are now suggesting.

Therefore, I recommend that you amend the filling criteria to which the Commissioner of Reclamation is bound in order to enable the minimum power head at Lake Powell to be built up.

I would appreciate an early reply from you setting forth any action the Interior Department plans to take to alleviate the problem and stating the Interior Department's position.

As a final matter, I also am interested in some explanation of the contradictory statements made by the various Bureau of Reclamation offices in the West.

I am enclosing a clipping from the Salt Lake Tribune of March 2 quoting Commissioner Dominy as saying that the draining of Lake Powell is a distinct possibility, and a clipping from the Ogden Standard Examiner of March 8 quoting a Bureau of Reclamation source that the report is "erroneous." It seems incongruous to me that the Commissioner of the Bureau of Reclamation can make a statement such as that in paragraph 3 of the Salt Lake Tribune story, yet the Salt Lake office of the Bureau calls the report erroneous 4 days later. Who is right, the Commissioner or the Salt Lake office?

Sincerely,

Wallace F. Bennett.

Mr. SIMPSON. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. SIMPSON. Did I correctly understand the Senator to say that his letter was sent to Secretary Udall in March of this year?

Mr. BENNETT. It was sent to the Secretary under date of March 16.

Mr. SIMPSON. And no answer has been received?

Mr. BENNETT. I have not received a reply.

Mr. SIMPSON. Is the Senator's letter of March 16 the letter he has just placed in the Record?

Mr. BENNETT. I have just placed in the Record my letter of March 16.

Mr. SIMPSON. Is that the same letter of which the Senator from Wyoming has had the benefit of receiving a copy?

Mr. BENNETT. Yes; I am sure the Senator has received a copy.

Mr. SIMPSON. I hope it will not be amiss, with the permission of the Senator, to say that I sent a similar letter to Hon. Stewart Udall, proposing some of the questions which I daresay will be raised in the Senator's discourse this afternoon, and that no answer has been received to my letter. With the Senator's permission, I should like to ask unanimous consent that the text of my letter also be printed in the Record.

Mr. BENNETT. I am happy to agree to the request that the letter of the Senator from Wyoming be printed in the Record.

Mr. SIMPSON. I shall submit it for the Record later.

Mr. BENNETT. Mr. President, this demonstrates the concern of all four Upper Basin States.

Four days later, on March 20, the Utah Water and Power Board adopted a resolution urging the Secretary of Interior to adopt a policy under which the minimum power pool at Glen Canyon will be filled in 1964 and hydroelectric generation initiated.

Mr. President, I ask unanimous consent that the resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Whereas under the "General Principles To Govern, and Operating Criteria for, Glen Canyon Reservoir and Lake Mead During the Lake Powell Filling Period," as promulgated by the Secretary of the Interior, and on the basis of the best presently available streamflow forecast information there appears to be no chance of filling the minimum power pool behind Glen Canyon Dam and initiating power generation in 1964; and,

Whereas failure to commence generation of electric energy at Glen Canyon Dam at the earliest possible date will have adverse effects upon the financial feasibility of the Upper Colorado River Basin resource development program, the rate of development of the water resources of the upper basin, and the integrity of the entire reclamation program of the 17 Western States; and,

Whereas it appears to this board that the problem of initiating power generation at Glen Canyon Dam is susceptible to resolution through united efforts and cooperation of the Secretary of the Interior with entities in both the upper and lower basins of the Colorado River, and without detriment to other water and power uses on the Colorado River system: Now, therefore, be it

Resolved, That the Utah Water and Power Board in meeting duly assembled at Salt Lake City, Utah, this 20th day of March 1964, urges the Secretary of the Interior to adopt a policy under which the minimum power pool at Glen Canyon will be filled in 1964 and hydroelectric generation initiated; and be it further

Resolved, That the executive director of the Utah Water and Power Board is hereby instructed to immediately transmit copies of this resolution to the President of the United States, the Secretary of the Interior, the Commissioner of Reclamation, Members of the Congress from the Colorado River Basin States, and other interested parties, and to take any action that in his judgment will aid in attaining the objective of this resolution.

Mr. BENNETT. Mr. President, meanwhile, a group of Rocky Mountain investor-owned utilities announced that they could substantially aid the Government in holding water in Lake Powell to operate Glen Canyon Dam generators.

They had made this report as early as March 11, when a spokesman reported that this could be accomplished by arranging for private utilities to furnish power to Hoover Dam customers, which power would otherwise have to be generated by releases from Hoover Dam of water not required for domestic, irrigation, and industrial uses below Hoover Dam.

Shortly after that, the Governors of the four Upper Basin States—Governors Clyde, of Utah; Love, of Colorado; Campbell, of New Mexico; and Hansen, of Wyoming—addressed a letter to Secretary Udall, pointing out that the utilities had offered to supply power and urging the Secretary to adopt a policy under which the minimum power pool at Glen Canyon will be filled in 1964 without detriment to other water and power uses in the Colorado River basin.

Mr. SIMPSON. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. SIMPSON. I should like to add that Mr. N. B. Bennett, of the Bureau of Reclamation, Department of the Interior, advised my office that it is physically impossible to accomplish the transfer of power from the electric system in Arizona across the Hoover powerplant into California. Did the Senator from Utah receive any such information as that?

Mr. BENNETT. The Senator from Utah received information to the effect that while it was possible, perhaps, to generate power, it could not be delivered to California.

Mr. SIMPSON. It is inconceivable to the Senator from Wyoming that such a minor engineering problem would be impossible of solution by an organization that professes to be capable of building huge electric power systems and generating plants throughout the Nation. It would be a comparatively simple thing to do, would it not?

Mr. BENNETT. As the Senator from Wyoming may know, a meeting is scheduled to be held in Boulder City, Nev., next Tuesday, at which the details of the operation of such a plant will be presented and discussed with the Department of the Interior.

Mr. SIMPSON. I should like to advise the Senator from Utah that on March 30, at a press conference, Mr. Dominy said the Department had received no offers from electric utilities which were willing to replace the power deficiency sustained at Hoover Dam as a result of the filling of Lake Powell with a minimum powerhead. Does the Senator from Utah have any knowledge of that statement?

Mr. BENNETT. That statement might be technically correct, because the utilities required a little time to develop a specific program. A general offer had been made as early as March 11, if I correctly remember the date. But the Department was not satisfied with that.

The Department wanted a specific plan, and, of course, it has taken the utilities a little time to prepare it. I understand it will be presented next Tuesday in Boulder City, Nev.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the entire letter dated March 17 from the four distinguished Upper Basin State Governors.

There being no objection, the letter was ordered to be printed in the RECORD. as follows:

UPPER COLORADO RIVER GOVERNORS
OF COLORADO, NEW MEXICO, UTAH,
WYOMING,
March 17, 1964.

DEAR SECRETARY UDALL: It has been called to our attention that under a strict adherence to the "General Principles to Govern, and Operating Criteria for, Glen Canyon Reservoir and Lake Mead During the Lake Powell Filling Period," as promulgated, there will be very little if any chance of storing sufficient water behind Glen Canyon Dam to generate electric energy in 1964. The purpose of the criteria was to provide guidelines as the basis of securing a practical approach to the problems of reservoir filling within a reasonable exercise of Secretarial discretion, while, at the same time, protecting the interests of water and power users.

Now, at a time when water should be accumulating at Glen Canyon, we find that an exceptional circumstance in the form of a "bad" water year has intervened—a circumstance that could preclude the filling of the minimum power pool at Glen Canyon unless wise and judicious use is made of the available water.

On the basis of water and power analyses that have been made we are convinced that it would be practicable to store sufficient water at Glen Canyon to cause the generators to produce energy by August 1, 1964, and that this objective can be attained without injury to downstream water or power users. We understand that a solution to this problem will entail considerable leadership and cooperation among the many diverse Colorado River basin interests, including your Bureau of Reclamation.

From the information presently available it appears that a policy decision regarding the operation of the various facilities on the Colorado River under the jurisdiction of the Secretary of the Interior should be made prior to April 1 in order to insure power production at Glen Canyon in 1964.

Both private and public entities in the upper and lower basins are willing to cooperate fully to make possible the generation of power at Glen Canyon in 1964. We are also confident that it is in the best interests of everyone concerned to arrive at a method of filling the minimum power pool at Glen Canyon at the earliest possible date.

We know that you are informed regarding the many ramifications of this complex problem. We, therefore, urge that the Department of the Interior adopt a policy under which the minimum power pool at Glen Canyon will be filled in 1964 without detriment to other water and power uses in the Colorado River Basin.

In order to reach these objectives we offer our full cooperation, and respectfully request that you consult with us in the development of your plans with reference to the problems herein outlined.

Sincerely yours,
JOHN A. LOVE,
Governor of Colorado.
GEORGE D. CLYDE,
Governor of Utah.
JACK M. CAMPBELL,
Governor of New Mexico.
CLIFFORD P. HANSEN,
Governor of Wyoming.

Mr. BENNETT. Obviously they had made a commitment that they could do it. Now, apparently next Tuesday they will tell how they propose to do it, and under what conditions.

The next occurrence came on March 25, when I read in the Salt Lake Tribune a statement by the chairman of the Senate Irrigation and Reclamation Subcommittee, Mr. Moss, in which he quoted the Secretary of the Interior as saying he had agreed to postpone for at least a few days the release of water stored in Lake Powell to meet the generating commitments at Hoover Dam.

The same day, Assistant Reclamation Commissioner N. B. Bennett, met in my office with members of my staff and the two Utah Congressmen, Representatives LAURENCE J. BURTON, of Utah's First District, and SHERMAN P. LLOYD, of Utah's Second District. Mr. Bennett presented the Interior Department's reasons for the proposed drawdown of the lake. He said he did not know exactly when the gates might be opened, but was sure it would be in a few days. One hour later, Secretary Udall issued a press release announcing the opening of the gates. Attached to it was his answer to the four Governors—his first response to any of the inquiries he had had.

At this point in the RECORD I wish to insert that release, along with the Secretary's letter to the Governors.

The PRESIDING OFFICER (Mr. INOUYE in the chair). Is there objection?

There being no objection, the release and the letter were ordered to be printed in the RECORD, as follows:

[News release by U.S. Department of the Interior, Mar. 26, 1964]

SECRETARY UDALL ORDERS INTERIM RELEASE OF WATER FROM GLEN CANYON DAM TO COMPENSATE FOR LOW COLORADO RIVER RUNOFF

Secretary of the Interior Stewart L. Udall announced today that, on the recommendation of Reclamation Commissioner Floyd E. Dominy, he has ordered the outlet gates at Glen Canyon Dam to be opened March 26 sufficiently to release water stored in Lake Powell at a rate that will maintain storage in Lake Mead, behind Hoover Dam on the lower Colorado, at a minimum of 14.5 million acre-feet.

At the same time, Udall also indicated that any final decision would be postponed pending water runoff developments in the basin during the next 2 months.

The action is in accord with the Glen Canyon filling criteria which were first promulgated by the then Secretary of the Interior, Fred Seaton, in 1960, and approved by Secretary Udall in 1962 after careful review of the financial structure of the Hoover, Parker, and Davis Dams on the lower Colorado River and the Federal investment in upper river structures as well.

"This is the only possible decision which can be made at this time," Secretary Udall said, "that will protect the Federal investment and achieve the long-range objectives of the total development program. The Bureau of Reclamation will make a continuing review of the runoff situation."

The minimum water level that must be maintained in Lake Mead to enable Hoover's generators to produce their rated capacity of 1,340,000 kilowatts is 1,123 feet above mean sea level, or 14.5 million acre-feet of storage.

Water will be released from Lake Powell on a varying rate schedule to facilitate the contractor's completion work at Glen Canyon Dam. Pending opportunity for firm appraisal of inflow, it is expected that the average release will exceed the average inflow by about 7,000 cubic feet per second.

Secretary Udall advised the Governors of the Upper Colorado River Basin States—Colorado, New Mexico, Utah, and Wyoming—of his decision in a reply to a joint letter from them dated March 17. Copies of letters are attached.

Secretary Udall said the releases will be made on an interim basis until the actual spring runoff of the Colorado River can be more accurately appraised. Present forecasts indicate this year's runoff will fall substantially below the long-term average for the second successive year.

"But a forecast made in March," Secretary Udall said, "is not what decides how much water will run down the mountain slopes in May, June, and July. According to the Department's water experts, this week's storm over the upper Colorado River basin, will do little more than bring the month's precipitation up to normal. It should also be remembered that the effects of normal or even abnormal runoff will not be felt until after mid-May. With Hoover already down to rated head, we are not warranted in permitting Lake Mead to fall below rated head for the Hoover powerplant pending further determinations.

"As of March 1, the median forecast for April-July runoff of the Colorado River was 4.7 million acre-feet. This week's storm does not change that forecast. If the actual runoff is near this figure, or gives promise of exceeding it, the possibility of gaining storage in Lake Powell by further replacement of Hoover power appears attractive. In other words, we might be able to resume storage in Lake Powell, let Lake Mead storage drop somewhat below the 14.5 million acre-foot mark temporarily, and make up for the resultant reduction in Hoover generation by purchases of power from outside sources," Secretary Udall explained.

"However, at least until we have a better knowledge of the 1964 water supply, we must live with the filling criteria for Lake Powell announced in 1962. Those criteria require that until Lake Powell reaches its minimum power-producing level, the storage there shall be available for release to maintain the rated head at Hoover powerplant."

In recommending the increase in releases from Lake Powell, Commissioner Dominy pointed out that the water level at Lake Mead has been dropping, as was expected, since Lake Powell storage began March 13, 1963. At that time, the Commissioner reported, there were over 22 million acre-feet of water in Lake Mead.

"Lake Mead is forecast to fall below the critical 14.5 million acre-foot mark on March 28, if releases from Lake Powell are continued at no more than the present rate of 4,000 cubic feet per second," Commissioner Dominy said.

"The planned releases will maintain Lake Mead at about the rated power-producing level. The stepped-up releases through the gates at Glen Canyon Dam will begin March 26, since it will take the water 2 days to reach Hoover Dam, 370 miles downstream."

Storage in Lake Powell now stands at about 3.1 million acre-feet. The lake is 250 feet deep at Glen Canyon Dam.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C.

Hon. GEORGE D. CLYDE,
Governor of Utah,
Salt Lake City, Utah.

DEAR GOVERNOR CLYDE: We appreciate very much the letter of March 17 from you and the other Governors of the Upper Colorado River Basin States concerning the operating criteria for Glen Canyon Reservoir, which is now known as Lake Powell, and Lake Mead during the Lake Powell filling period. We join with you in your expressions of concern over release of water from Glen Canyon Reservoir before the lake has reached the operating level.

Regrettably, and for the time being, we can see no satisfactory alternative to undertaking immediate discharge of sufficient water from Glen Canyon Reservoir to maintain the level of Lake Mead at the minimum operating level of 1,123 feet above mean sea level, or 14.5 million acre-feet of storage. A press release announcing this interim decision is attached.

As the press release explains, there is still a possibility, albeit an unlikely one, that early spring storms could increase the anticipated runoff to the point where Lake Mead storage could be permitted to drop somewhat below the 14.5-million-acre-foot mark temporarily. The resultant reduction in Hoover generation would then be made up by purchase of power from outside sources. Any major interim purchase of power, of course, would require special fiscal arrangements inasmuch as funds are not now programed for that purpose.

However, the existing situation is such that at least until we have a better knowledge of the 1964 water supply, we have no alternative but to live with the filling criteria which were first promulgated in 1960 by my predecessor Secretary of the Interior, Fred Seaton. After careful review of the criteria in light of the administration's fiscal policy, I approved the criteria in 1962 as the best procedure to protect the Federal investment already made in Hoover, Davis, and Parker Dams, as well as the investment in the upper basin and the objectives of the total development program.

I may add that up to the present time, although we have read newspaper stories concerning an offer by upper basin private utilities to supply replacement power, we have had no proposal with necessary data such as rates and the means the utilities would use to get the power to the lower basin, particularly California. While under present circumstances, we could not avail ourselves of the utilities' offer because of the critical outlook, we hope these data will be forthcoming immediately. It will be necessary to have these data without delay if the proposal is to be considered when the water situation is reviewed and a final decision reached concerning a course of action on operation of the river in this critical water year. I have directed the Commissioner of Reclamation, through his regional offices, to maintain close and continuing contact with the utilities and to keep me advised on a day-to-day basis of any changes in the water situation, in order that necessary decisions can be made on a timely basis.

I should also explain that if the presently forecast mean runoff occurs in 1964, Lake Powell is expected to remain at approximately its present level or even to increase somewhat during the runoff period which coincides with the principal recreation demands on the lake. After the runoff, of course, if there is no material improvement in the water outlook, the lake may be drawn down considerably to meet necessary downstream commitments.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Mr. BENNETT. I found it interesting that Secretary Udall would choose that manner—that is, to use a press release—in which to answer the Governor's letter of March 17. A member of my staff had to read the letter over the phone to Utah's Governor Clyde, because the press release was issued before the letter was delivered.

Mr. DOMINICK. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. DOMINICK. That appears to be a standard practice of the Secretary of the Interior. Later, I shall comment on that situation.

Only today, in connection with the oil shale problem, which exists in our respective States, I received a release on a rejection of patent claims; and only a few days ago I had a discussion with Assistant Secretary Carver and with the Director of the Bureau of Land Management, Mr. Landstrom, and there were numerous communications back and forth, between me and the Department; but they never bothered to let us know what they were doing, except by a press release. Such a procedure is the most callous disregard of concern that I have ever seen.

Mr. BENNETT. I thank the Senator from Colorado for his comment. He, too, has experienced that strange treatment.

After the gates were opened, the total outflow from Lake Powell reached some 18,000 cubic feet per second, where it has generally remained. There have been fluctuations as low as 12,000 cubic feet, and possibly as high as 21,000 cubic feet per second.

As the outflow began, Upper Basin State newspapers and officials of the Upper Colorado River Commission protested vehemently to the Secretary. Much of the disappointment was caused by the fact that the Interior Department had not notified the Utah congressional delegation, Gov. George D. Clyde, or the Upper Colorado River Commission, until only hours before the formal announcement was made. Had we been told earlier, we could easily have participated in the exploration of possible alternate action. At this point in the RECORD I wish to insert editorials from the Salt Lake Tribune, the Salt Lake Deseret-News Telegram, the Ogden Standard-Examiner, and an article from the Provo Herald, discussing the Secretary's action.

There being no objection, the editorials and the article were ordered to be printed in the RECORD, as follows:

[From the Salt Lake Tribune, Mar. 27, 1964]

UPPER BASIN MUST FIGHT TO SAVE WATER

Secretary of the Interior Udall's decision to start drawdown of Lake Powell to fulfill commitments to maintain the level of Lake Mead have rightly brought strong protests from Utah and other upper basin States.

Mr. Udall cites as basis for his action a 1962 criteria for filling of Lake Powell which fixed a minimum storage of 14½ million acre-feet in Lake Mead.

This was the criteria established by the Department, and reluctantly agreed to by upper basin States. But, as Utah's Senator Moss said, the criteria can be changed by Secretary Udall.

We believe an excellent case can be made for such a change.

Water held in Lake Powell now is like money in the bank earning double interest. Every acre-foot which can be held will do double duty in power production once Glen Canyon begins generating power. It will produce power both at Glen and at Hoover Dam.

If released now it will generate power only at Hoover. Start of generation at Glen Canyon will be delayed and the water will be forever gone as far as the long-term aim of filling Lake Powell and maintaining a satisfactory level for recreational and fishing purposes.

Recently private power companies in the upper basin States proposed to supply power to fulfill lower basin commitments so that Hoover Dam power output could be decreased. This would make it unnecessary to release additional water from Lake Powell for power generation purposes and presumably assure that the lake would reach the level of 6,100,000 acre-feet storage at which power production can begin. (Present level is about 3,100,000 acre-feet.)

On its face this seems such a sound proposal we are astonished that up to this point neither the Secretary of the Interior nor his subordinate Reclamation Commissioner, Floyd E. Dominy, have made any formal request of the upper basin power companies for specific details.

It is reported an arrangement might be made for a simple power exchange—private, mainly steam-produced power provided now in exchange for Glen Canyon power after Glen generators begin producing.

If such an arrangement could be made, several million acre-feet of water could at no cost be retained in Lake Powell—a tremendous asset, helping to assure success of the entire upper Colorado project, producing double the power revenues, and assuring maintenance of a satisfactory level of Lake Powell for recreational and fishing purposes.

Defenders of the Lake Mead 14½ million acre-feet commitment contend it is necessary to assure proper functioning of generators at Hoover Dam.

But back in 1956 the Bureau of Reclamation voluntarily drew down Lake Mead to 10,700,000 acre-feet.

Furthermore, it is possible to shut down one or two Hoover generators entirely, substituting purchased private power, and maintain Lake Mead at 14½ million acre-feet while still storing enough water in Lake Powell to start its generators this summer.

Some analysts contend that observance of the Lake Mead commitment in drought years would in effect change the 1927 compact agreement to provide 75 million acre-feet of water every 10 years at Lees Ferry. By forcing the upper basin to send more water down the river into Lake Mead, the point of delivery would be in effect Hoover Dam, not Lees Ferry, and the upper basin instead of the lower basin would have to suffer the very substantial water loss due to evaporation in Lake Mead.

This is a possibility which might well subject the whole present arrangement to challenge in the courts.

This is all a very complicated business. It involves continued excess water use in the lower basin, public and private power interests, upper Colorado feasibility, assurance of a fair share of Colorado water to the upper basin for irrigation, industrial, culinary and recreational purposes, and plain politics.

Injection of the last is perhaps unavoidable, but it is unfortunate. Water is so much the lifeblood of Utah and the entire arid Intermountain West that every drop should be put to maximum beneficial use regardless of which party or which individual is in office, federally or locally.

The entire upper basin, irrespective of politics, must challenge the Bureau of Reclamation, as guardian of the Colorado, at every turn to insure against any loss of water which can justifiably be retained for the benefit of the upper basin.

[From the Deseret News, Mar. 26, 1964]

MR. UDALL, TAKE ANOTHER LOOK

The decision Wednesday to release water from Lake Powell to meet power needs in California is a shock and an affront to the entire upper basin. It is an arbitrary action whose damaging effect can only be lessened by a prompt reappraisal of the situation.

In fairness to Assistant Reclamation Commissioner N. B. Bennett, Jr., he said that if recent snows contain enough water "it might not be necessary to drain Lake Powell completely." Even so, his statement that Lake Powell might be "drained dry" if the Colorado River watershed picture does not "improve immediately" seems unnecessarily harsh.

Matters need not go nearly that far. One plan that looks feasible is the suggestion that Lake Powell water be released just until the April forecast of total runoff on the Colorado River watershed is available about April 10. Interior Secretary Udall would then reappraise the situation and, if warranted, purchase power from other sources instead of continuing to release the Lake Powell water.

Such a solution is one with which the upper basin States could live. Officials say this approach could make it possible to fill Lake Powell sufficiently in time to start generating power when generators are installed there in early August.

The door to such a solution ought to be kept open. If that fails, serious consideration should be given to obtaining a court injunction against further draining. The announcement from the Bureau of Reclamation should not be the last word on the issue, for several important reasons.

First, if water is released from Glen Canyon Dam it will leave a $400 million investment standing idle.

Second, loss of potential power from Glen Canyon can cost an estimated $15 to $20 million a year.

Third, if Glen Canyon Reservoir is filled to a level sufficient to start generating, the power produced there from August through June would offset the power lost at Hoover Dam downstream by a total gain of 800 million kilowatt-hours.

Fourth, the low level of water at Hoover Dam's Lake Mead would not necessarily mean a power brown-out for consumers served by the dam. Upper basin officials say those power needs could be filled by producing it through the displacement method at Glen Canyon and through the use of currently idle steam generators in both the upper and lower basins.

Fifth, draining Lake Powell could mean the schedule for filling it will never be met as long as the Colorado River watershed experiences dry years, as it has for 1963 and 1964.

Perhaps the most irritating aspect of all this is that when the criteria for filling Lake Powell were first drawn up, it was known that precisely this kind of problem would develop—which is why upper basin officials objected to those criteria at that time.

If nothing else comes of it, this incident ought to be sufficient reason for taking a new look at those criteria with a view to making them more realistic.

[From the Ogden Standard-Examiner, Mar. 30, 1964]

COLORADO RIVER WATER CONTROVERSY

There are several aspects about the growing controversy of how Colorado River water is to be distributed that have many Utahans confused.

The future of river basin development in the United States, particularly here in the mountain and desert country, will hang in the balance unless this confusion is ended promptly.

Was some kind of a deal made with Mexico to give our southern neighbor extra water?

Are the gates of the Glen Canyon Dam being opened only for the benefit of lower basin States, particularly California?

Is the gate opening order of Secretary of Interior Stewart L. Udall legal? Or does it violate previous agreements between upper basin and lower basin States?

What's the future going to hold for water storage, power development, fishing, boating, and recreation on Lake Powell and Flaming Gorge Lake if these reservoirs are to fluctuate widely?

Representative LAURENCE J. BURTON, Gov. George D. Clyde and others have suggested that release of the water from Lake Powell could be curtailed if the Government would take advantage of an offer from private sources to provide replacement power.

Governor Clyde said such purchases would spare the upper Colorado storage project "serious and unnecessary loss."

Secretary Udall and his engineers owe it to the people of Utah and other upper basin States to investigate this proposal.

Certainly, we do not want Lake Meade, behind Hoover Dam, to fall to an unnecessary low level. Southern Nevada and southern California are too dependent upon the Hoover Dam generators to permit them to become idle.

But there's an obligation, now and for the future, to the upper basin States, too.

Senator WALLACE F. BENNETT has asked Secretary Udall for a full and complete report on events leading up to the Glen Canyon Dam gate opening.

The Secretary should certainly provide such a report by the time Governor Clyde and other members of the legal committee of the Upper Colorado River Commission meet in Denver on April 6.

The people of our States are entitled to know everything about the controversy—both for consideration of the present crisis and for making future plans.

[From the Provo Herald, Mar. 26, 1964]

UDALL DRAWS FIRE FOR OPENING GLEN DAM GATES

WASHINGTON.—Interior Secretary Stewart Udall drew fire from four western Governors Wednesday when he changed his mind about letting water run through Glen Canyon Dam.

Udall had said earlier Wednesday he would postpone opening the outlet gates but announced later in the day the gates would be opened today in order to release water to build up storage in Lake Mead behind Hoover Dam.

Gov. John Love immediately protested the action as "shortsighted," and urged Colorado's congressional delegation to back him up, along with Govs. George Clyde, of Utah; Jack Campbell, of New Mexico; and Clifford Hansen, of Wyoming.

The decision to release water from the Glen Canyon Dam was taken to mean a delay of about a year in power production at Glen Canyon.

Love, who indicated a possibility of seeking a court injunction against the action, said Wednesday he was concerned with "the certainty that a potential loss of * * * in revenue will result among the Colorado River storage projects" if there is a delay in storing water.

Udall ordered the runoff so Lake Mead can be maintained with a minimum of 14.5 million acre-feet.

Udall said he ordered the outlet gates opened at the recommendation of Reclamation Commissioner Floyd E. Dominy. The Secretary said 14.5 million acre-feet must be in Lake Mead to enable generators at Hoover Dam to produce their rated capacity of 1,340,000 kilowatts.

"This is the only possible decision which can be made at this time that will protect the Federal investment and achieve the long-range objectives of the total development program," Udall said.

He said the Bureau of Reclamation "will make a continuing review of the runoff situation," but indicated any final decision would be postponed pending water runoff developments in the Colorado basin during the next 2 months.

Udall advised the Governors of the Upper Colorado River States—Colorado, New Mexico, Utah, and Wyoming—of his decision in a joint letter dated March 17.

Udall said the releases will be made on an interim basis until the actual spring runoff of the Colorado River can be more accurately appraised. Present forecasts indicate this year's runoff will fall substantially below the long-term average, for the second consecutive year.

According to the Department's water experts, the storms this week over the Upper Colorado River Basin will do little more than bring the month's precipitation up to normal.

Udall said that as of March 1, the median forecast for April–July runoff of the Colorado River was 4.7 million acre-feet.

He said this week's storm does not change that forecast. But he added that if the actual runoff is near this figure, or gives promise of exceeding it, it might be possible to gain storage in Lake Powell by further replacement of Hoover power.

In other words, Udall said, "we might be able to resume storage in Lake Powell, let Lake Mead storage drop somewhat below the 14.5 million acre-foot mark temporarily, and make up for the resultant reduction in Hoover generation by purchases of power from outside sources."

He said storage in Lake Powell now stands at about 3.1 million acre-feet. The lake is 251 feet deep at Glen Canyon Dam.

Mr. SIMPSON. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I am happy to yield.

Mr. SIMPSON. At this juncture, will the Senator from Utah permit the insertion in the RECORD of a letter and an editorial from the Wyoming State Tribune, one of the leading newspapers in Wyoming, with respect to the showdown on the Colorado?

Mr. BENNETT. Mr. President, I am happy to ask that this letter and editorial also be printed in the RECORD.

There being no objection, the letter and the editorial were ordered to be printed in the RECORD, as follows:

APRIL 3, 1964.

Hon. STEWART L. UDALL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: I am very much concerned and disturbed regarding your decision on the recommendation of Reclamation Commissioner Dominy to release water from the Glen Canyon Dam in order to maintain a generating power head in Lake Mead.

The necessity for generating power at Glen Canyon Dam is vitally important to the upper Colorado River States so that necessary revenues may be forthcoming in order that a systematic, well-planned development of the upper Colorado River area can be achieved. Powell Lake at Glen Canyon Dam must be filled as soon as possible.

I am well aware of the Government water commitments below Lake Mead. I feel that if in the past any overcommitted supply of water has been released from Lake Mead, or if this is allowed to happen in the future, it is an infringement on the rights of the upper Colorado River States and should not be allowed to occur. Certainly, Glen Canyon Dam should not suffer now from any past overcommitted supply of water below Lake Mead.

I am also cognizant of the Government commitment of power from Lake Mead. In following your statements, it appears to me that no effort has been made to contact the Hoover power contractors to seek their cooperation in curtailing their power use temporarily so that the vital interests of reclamation can be helped by withholding water in Lake Powell.

I would be most surprised if the people in the lower basin were to react unfavorably to any proposal that would so greatly benefit reclamation merely by a temporary inconvenience to themselves. Certainly, the huge power systems of the California area would be able to find a temporary source of power to offset the very minimum depletion at Hoover during the withholding period.

I am very disturbed by the apparent lack of interest in solving this problem favorably for the States vitally dependent upon the reclamation of water as the life's blood of their economy. Your Mr. N. B. Bennett advised my office that it was physically impossible to accomplish the transfer of power from the electric system in Arizona across the Hoover powerplant into California.

It is inconceivable that such a minor engineering problem could be impossible for an organization that professes to be capable of building huge electric power systems and generating plants throughout the Nation. I am sure that such a minor technical problem would be insignificant in both cost and effort as compared to the tremendous loss being sustained daily because Glen Canyon Dam cannot produce power revenues. I'm also deeply disturbed by your statement made on March 30, at a press conference, that you have received no offers from electric utilities willing to replace the power deficiency sustained at Hoover as a result of filling Lake Powell to minimum power head when I have in my office a copy of a letter to your Mr. N. B. Bennett firmly making such an offer at least 15 days prior to your statement.

Since it is readily apparent to everyone concerned that there is not, and has never been, any reason to release excessive amounts of water from Lake Powell merely to produce power from Hoover Dam, I strongly urge you to alter immediately this policy and withhold the maximum amount of spring runoff water possible in order to save what remains this year to obtain minimum power head from Glen Canyon.

With best personal regards, I am,

Sincerely yours,

MILWARD L. SIMPSON.

[From the Wyoming State Tribune, Apr. 14, 1964]

SHOWDOWN ON THE COLORADO

A meeting of great, overriding importance is being held today at the State Services Building in Denver.

There for 2 days of conferences are gathered the Governors of Upper Colorado River Basin States—Wyoming, Colorado, New Mexico, and Utah—their staffs, attorneys general, and other experts, to pore into the problem of growing conflict over use of water from one of the lifestreams of the West: the Colorado River.

Today's and tomorrow's sessions primarily revolve around one facet of the problem of the Colorado and its sources, and those States whose existence depend on it.

This is the Glen Canyon controversy in which Secretary of the Interior Stewart Udall and his Commissioner of the Bureau of Reclamation, Wyomingite Floyd Dominy, have ordered the release of water previously intended to be impounded behind the dam of this huge upper Colorado River project.

The Secretary and the Commissioner say that the water must be released now to maintain the level of Lake Mead backed up behind Hoover Dam on the lower reaches of the Colorado and thus guarantee the delivery of hydroelectrically generated power to public power consumers in southern California and Arizona.

The upper basin States, led by formidable old Ed Johnson, of Colorado, and a pool of private utility companies have made an offer to supply any power deficiency that might occur as a result of lack of enough water to turn the turbines at Hoover Dam.

The problem with Glen Canyon and the upper basin States is that they, to, need the power revenues from their own project, a problem that has been succinctly stated by Senator MILWARD L. SIMPSON, of Wyoming, in a letter of April 3 to Secretary Udall. "The necessity for generating power at Glen Canyon Dam is vitally important to the upper Colorado River states," wrote SIMPSON, "so that necessary revenues may be forthcoming in order that a systematic, well-planned development of the upper Colorado River area can be achieved. Powell Lake at Glen Canyon Dam must be filled as soon as possible."

SIMPSON said he was fully cognizant of Government commitments for both power and water below Lake Mead, but he suggested that the "huge power systems of the California area" should be able to "find a temporary source of power to offset the very minimum depletion at Hoover during that withholding period."

Then, said the Senator from Wyoming: "I am very disturbed by the apparent lack of interest in solving this problem favorably for the States vitally dependent upon the reclamation of water as the life's blood of their economy. Your Mr. N. B. Bennett advised my office that it was physically impossible to accomplish the transfer of power from the electric system in Arizona across the Hoover powerplant into California."

"It is inconceivable," Senator SIMPSON wrote Secretary Udall, "that such a minor engineering problem could be impossible for an organization that professes to be capable of building huge electric power systems and generating plants throughout the Nation. I am sure that such a minor technical problem would be insignificant in both cost and effort as compared with the tremendous loss being sustained daily because Glen Canyon cannot produce power revenues."

The Colorado River Association, which maintains its headquarters in Los Angeles and which identifies itself as "an organization of public-spirited citizens" dedicated to protection of the "prior" water rights of southern California, bitterly opposes the Upper Basin State Governor's request for the closing of the gates at Glen Canyon.

The Glen Canyon battle seemingly is only one skirmish in a long war over water from the Colorado. The Colorado River Association hinted recently that it was interested in obtaining legislation which would unlock water from sources now held by others, water not now being used. Right now the fight primarily involves southern California against Arizona; and for the present it seemingly centers around southern California's efforts to nail down its delivery of 4.4 million acre-feet of water a year from the Colorado.

But southern California now is getting actually 5.1 million acre-feet annually for a population of 9,234,000; and in 1975, when it estimates its population will reach 14,750,000, it will be getting even less, or the 4.4 million that it seeks to establish on a firm basis.

The perilous proportions of this titanic struggle threaten, as demonstrated by the Glen Canyon controversy, to involve all of the Colorado River States, both upper and lower basins, with the former and less populous States pitted against the lower and heavily populated areas.

Thus the significance of the meeting of today and tomorrow in Denver will concern itself chiefly with the Lake Powell water releases. It is a matter which deserves the close attention of all our thinking citizens in Wyoming as well as all the upper basin States.

Mr. SIMPSON. Mr. President, I thank the Senator from Utah.

I am much interested in his statement, and also in what the Senator from Colorado has said.

The Senator from Utah is making an important contribution. We seem to be in the same boat, as regards Secretary of the Interior Udall: His office seems to be devoted solely to politics; and we seem to receive little attention or consideration in respect to matters which are of great concern to the Upper Colorado River States.

Mr. BENNETT. I thank the Senator from Wyoming. That, too, is my opinion. Certainly we shall not let the matter rest there.

After this initial furor, I again addressed a letter to Secretary Udall, referring to my unanswered letters of March 16, and seeking answers to further questions raised in the meeting with Mr. Bennett and in the official notification of the drawdown itself.

I wish to insert in the RECORD that letter which, like the others, still remains unanswered.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 27, 1964.

Hon. STEWART L. UDALL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: In reading your recent press release on Lake Powell and in analyzing the minutes of the meeting in my office with Mr. Newcomb B. Bennett, Jr., of the Bureau of Reclamation, I find that there are many questions remaining unanswered regarding the release of water from Glen Canyon Dam.

I join other Utah citizens in expressing disappointment that the Interior Department did not officially notify the Utah congressional delegation, Gov. George D. Clyde, nor any upper Colorado River officials in Utah until only hours before the formal announcement was made. The releasing of water from Glen Canyon Dam at this time will have a tremendous impact on Upper Basin States. Had we been told earlier we could have participated in the exploration of possible alternate action.

As you know, as early as March 16 I wrote to you asking for an explanation of reports circulating about the potential draining of the lake. I still have had no official answer to my letter.

Therefore, I feel a complete report should be given of the events leading up to the release of the water from Glen Canyon Dam. Specifically, I am interested in the answers to the following questions:

1. Last year when the decision was made to throttle down the release of water at Glen Canyon Dam there was virtually a full Hoover Dam. What happened to this water necessitating the release of water from Glen Canyon? Nowhere in the release nor in the briefing from the Bureau of Reclamation has an answer been given to this question.

2. Why did your Department allow the release of more water from Lake Mead than was required to meet the 1.5 million acre-feet of Mexican entitlements? How much water above the entitlement is still being given to Mexico? How much more Colorado River water above the criteria did President Johnson commit to Mexico in his meeting with President Lopez Mateos at Los Angeles earlier this year?

3. Why did your Department last year allow the release of more water for California than the 4.4 million acre-feet that the Supreme Court as early as June 3, 1963, said California was entitled to? How much water above the entitlement is still being given to California?

4. How much water is going to be drained from Lake Powell? Nowhere have I seen a firm figure. The only figure given in the news story is that the average release will exceed the average inflow by about 7,000 cubic feet per second. However, the Bureau of Reclamation has announced that on March 26 the figure will be 10,000 cubic feet per second; on March 27 it will be 13,000 cubic feet per second; on March 28 it will be 16,000 cubic feet per second; on March 29 it will be 18,000 cubic feet per second, and on March 30 it may reach 21,000 cubic feet per second.

5. What are the economics of the release of the water? How much will draining Lake Powell cost? I understand that each year's delay in power production will cost from $15 to $20 million. This is in terms of loss of power revenue, depended upon to help pay the costs. What plans have you made regarding the potential killing of fish and wildlife as result of the water release?

6. If California and Mexico are to demand and be given the water equivalent to the storage now behind Glen Canyon Dam, it raises the fundamental question whether any other reclamation projects should be built on the Colorado River. If we can't even fill Glen Canyon Dam, how can we begin to discuss the construction of the vital central Utah project, of Bridge and Marble Canyon Dams, and of the central Arizona project?

Your early reply to the questions would be greatly appreciated.

Sincerely,

WALLACE F. BENNETT.

Mr. BENNETT. Meanwhile, the Upper Colorado River Commission postponed a meeting which had been scheduled April 6 until April 14, to allow the private power companies sufficient time to work out the transmission and repayment factors of their proposals to furnish power needed at Hoover Dam. These were presented at the meeting in Denver on Tuesday and Wednesday of this week. Interior Department and Bureau of Reclamation officials said they would study the proposals, take them under advisement and attempt to negotiate a power trade. Another meeting has been scheduled for technical officials in Boulder City, Nev., next Tuesday, where concrete offers and power exchanges will be determined.

It was at this Denver meeting, on April 15, that the Interior Department charged that "misinformation and gratuitous comment" had been circulated regarding the Lake Powell issue. I wish to insert that statement at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY COMMISSIONER OF RECLAMATION FLOYD E. DOMINY AT COLORADO RIVER COMMISSION MEETING IN DENVER, COLO., APRIL 15, 1964

So much information, misinformation, and gratuitous comment have been circulating in the Upper Colorado River Basin States in recent weeks concerning filling operations at Lake Powell that I welcome this opportunity to meet with the Upper Colorado River Commission.

Between us, we may be able to set the record straight and achieve a greater public understanding of the necessity for our actions. We have sought to explain this in our letter to the Governors of the upper basin States announcing the step-up in releases for Lake Powell and in public statements, but for some reason, many important retails were ignored or pushed aside as critics of our operation rushed into print.

Let me say that Secretary of the Interior Udall and I have a united objective to provide the fairest and most objective treatment possible to both the upper and lower basin States during the filling of Lake Powell. This filling has been made most critical by the coincidence of 2 years of extreme drought conditions.

I may say parenthetically, that the upper Colorado River storage project was designed to remedy just such a situation as we now have. If Lake Powell had been filled to normal operating level, the problem of river operation would have been simplified in these years of drought, even beyond that which had existed if Glen Canyon Dam had not been built. Without Lake Powell storage, it is entirely possible that in periods such as this, the upper basin would not have been able to deplete the river for the uses contemplated by construction of the Colorado River storage project participating projects.

It must be recognized that neither Secretary Udall nor I are free agents in the operation of the river. We are governed by the "law of the river" which includes among other things, a specific direction that the upper Colorado River storage project is subject to the Colorado River compact and to the Boulder Canyon Project Act.

Finally, by way of preface, let me reiterate my statement which has repeatedly been ignored, that there has not yet been a final decision on filling operations for this year. If one could judge from comments, it was a foregone conclusion that we are immediately going to drain Lake Powell dry. When Secretary Udall made the tentative decision March 26 to follow the filling criteria on an interim basis so as to maintain rated head at Hoover powerplant he simultaneously directed the Bureau of Reclamation to keep the runoff situation above Lake Powell under continuing reexamination. You can be certain that Secretary Udall will begin storing water in Powell and undertake a power purchase program at Hoover Dam whenever runoff forecasts make such a decision economically possible. In regard to this latter possibility, the Bureau started in mid-February to explore with power suppliers in the lower basin the availability of replacement power for Hoover.

The normal precipitation registered during March is a big step toward that hoped for runoff. But it will require at least normal precipitation during April and May as well as June and July, together with normal runoff conditions, to achieve this total. The normal precipitation during March postponed into May, the "point of no return" when we must make an irrevocable decision on this year's operations. Thus a final decision may be expected when the early May forecast is in. In the meantime, we will continue to investigate possible avenues for power purchase including the much publicized but undocumented offer of the upper basin States utilities of which we have heard nothing except what we read in the newspapers.

With this preface, I would like to make the following comments concerning particular points of controversy:

Deliveries of water to Mexico: During 1961, we limited Mexico's scheduling of Colorado River water deliveries to the guaranteed annual quantity of 1,500,000 acre-feet provided for in article 10(c) of the 1944 treaty. We insisted upon this same limit in 1962, 1963, and 1964. However, there is always some variance between scheduled and actual water deliveries because of many factors, most of which are out of our control.

In 1963, an overdelivery of 503,890 acre-feet occurred. Of this, 86,050 acre-feet were river regulation water in January and February, and 68,000 acre-feet resulted from storm runoff below Imperial Dam between September 17–25, 1962, leaving a net overdelivery of 349,840 acre-feet caused by physical inability to completely control the river flow. This compares to overdeliveries of 258,700 acre-feet in 1961 and 295,440 acre-feet in 1962. We expect to bring these deliveries closer to schedule when the Senator Walsh Dam and Reservoir, now under construction upstream from Imperial Dam, is completed, as will be further explained.

Adjustment of flood control criteria to conserve water: To conserve the maximum amount of water in 1962, a year of good runoff, we reached an agreement with the Corps of Engineers to infringe on flood control space in Lake Mead to hold back an additional million acre-feet of water. An additional 370,000 acre-feet of water were subsequently stored and 267,640 acre-feet of that released between October 1962 and March 1963, as river regulation flow below Imperial Dam to scour a channel in that aggraded reach where phreatophytes were beginning to consume large quantities of water. Mexico was able to gain ancillary benefits from this release during that period by the resulting lowered salinity of water delivered under the treaty. Details were fully discussed in hearings June 7, 1962, before the Senate Interior and Insular Affairs Committee.

Cutback of power generation: Despite the opinions expressed by representatives of the power allottees at Hoover Dam, that sufficient water should be available for generation of firm energy during the 1962–63 year of operation, Regional Director A. B. West held that only sufficient "water be made available at least sufficient to meet downstream requirements." It is a matter of record that water for downstream irrigation and domestic requirements only were releasd from Lake Mead in that year in anticipation of the needs to start filling operations at Lake Powell the following year. The same condition has since applied. No water has been released at Hoover Dam solely for power production since 1960.

Water salvage on lower Colorado River: Channelization of the Colorado River from Topock Gorge to Big Bend has resulted in an annual water salvage of over 130,000 acre-feet. Since early 1960 the Bureau has had an approved plan for the rectification of 16 miles of badly braided river channel in the Cibola Valley, that would result in an estimated additional annual salvage of 36,000 acre-feet of water. Work has been delayed until early this year by congressional committees pending agreement between the States of Arizona and California on their common boundary.

As mentioned above, up to 285,000 acre-feet annually of additional water salvage will be possible by operation of Senator Walsh Dam and Reservoir, an offstream facility which we now have under construction at a site only 2 miles upstream from Imperial Dam. The reservoir, in a strategic offstream site, will be used for the storage of excess water reaching Imperial Reservoir, including minor floods, for later release as required to satisfy irrigation requirements. As pointed out, in our best years of operation at Imperial Dam, we have seldom been able to regulate flows reaching Imperial so that less than 300,000 acre-feet of water in excess of Mexico's scheduled annual requirement reached the international boundary. We anticipate much closer and accurate downstream deliveries when Senator Walsh Dam is completed.

Need of conserving water in lower basin: Since issuance of the decree in *Arizona* v. *California* by the Supreme Court less than 6 weeks ago, we have given high priority to a determination of overall operating criteria to be followed in river operations under the decree.

On August 14, 1962, Regional Director West wrote all contractors of Colorado River water calling attention to the potential critical situation and urging a reduction in water requirements where possible. This has not been too successful, but since issuance of the decree the extent and requirements for uses of water all along the river have been and are presently under scrutiny to develop plans for reduced delivery schedules to irrigation and domestic users conforming with reasonable use provisions of the lower basin water contracts.

Illegal diversions: Reclamation has not been unaware of the problem of illegal use of water along the Colorado River. The decree also strengthens the Secretary of the Interior's authority to enjoin use of river water without a contract.

There is some popular belief that illegal diversions can be halted simply by moving illegal occupants from the land or by shutting off their water supply through the medium of warrants served by a U.S. marshal. Unfortunately it is not that simple.

In some cases the threat of legal action has halted illegal diversion or trespass but generally illegal diversion by those owning private lands can only be stopped by a court-obtained injunction. Illegal diversions by trespassers can also be halted by evicting them from the land.

A trespass case is now in the courts and has been there for about 5 years. A recently instituted illegal diversion case has also been referred to the Department of Justice, but its filing in court was delayed pending the final decree in *Arizona* v. *California*. Within the last few months we have met in Los Angeles with representatives of the U.S. attorney's offices of both Arizona and southern California in anticipation of processing a number of these cases of both types. Approximately eight trespass cases are now in the office of our regional solicitor in Los Angeles, in preparation for referral to justice. Thirty more cases are in various stages of preparation in the Land Use Office at Yuma, Ariz.

Fishery and recreation resources at Lake Powell: As with most reclamation projects Lake Powell has created an outstanding fishery and recreation resource which outdoor sportsmen, of which I am one, have taken great pride. I must nevertheless point out that these ancillary benefits are secondary to the primary uses of the water for consumptive purposes.

But I will also point out that the expressions of alarm over total draining of Lake Powell are unfounded. Only under the most critical drought conditions could this occur and the normal precipitation during March has virtually eliminated this possibility. Even under the poor forecast conditions as they exist today, if we are not able to resume storage in Lake Powell, there will be a pool of more than 2 million acre-feet of water during the summer. Within this same forecast, we do not foresee any condition requiring a drawdown of Lake Powell below 200,000 acre-feet. This would provide a lake 100 feet deep at the dam and extending 50 miles upstream. This would occur in the late fall and winter when temperatures would be low enough to maintain the trout fishery.

Of course, if we have another minimum water year in 1965, the lake could well be drained. That is one of the exigencies we must face. On the other hand, as I have stated, if our early May runoff forecast shows normal precipitation in April and an April–July runoff of 4,700,000 acre-feet or better, we can carefully consider and, I hope, undertake a power purchase program which will solve our immediate filling problems at Lake Powell.

Mr. BENNETT. This statement attempts to justify the Interior Department policy and the reasons for the delivery of water to the lower basin, at the expense of the upper basin. Most of the blame is placed on nature for giving us a couple of low-runoff years.

But the key questions still remain unanswered. Perhaps the most important one is: "Why is Lake Mead so low; exactly where has the water been going?"

Last year, when the decision was made to throttle down the release of water at Glen Canyon Dam, there was virtually a full lake behind Hoover Dam. What happened to this water necessitating the release of water from Glen Canyon? Nowhere in the release nor in the briefing from the Bureau of Reclamation has an answer been given to this question. As I have said, the Secretary of the Interior continues to ignore it.

Quite frankly, Mr. President, I feel that the Interior Department is filibustering Lake Powell. In early reports, we were told that the Secretary and the water officials would look at the runoff situation, and would give us a report on April 1 before making a final decision on how much water to drain. The date was later changed to April 10. Later, May 1 was set as decision day; and now the papers say it has again been moved up to May 10. I have had no word from the Interior Department, so I must depend on newspaper reports for information.

Another unanswered question is, "Why does not the Bureau of Reclamation buy private power right now?" In his March 25 briefing in my office, Commissioner Bennett made this explanation—these are not his exact words, but are taken from notes made by a stenographer on my staff who attended the meeting.

He said, in effect, "You cannot get Arizona power into the coast areas. The only way you can get power for them is to buy it from the city of Los Angeles. Lake Mead has two powerplants, and they are not connected. Theoretically, you could get Arizona Public Service power up to Arizona's side of Hoover, but you cannot get it across. There are two powerplants, and they are not connected electrically."

To me, this is a startling statement. The Bureau of Reclamation has been known the world over for its ability to build dams and get power into the remotest areas on earth. Yet it cannot jump power across one river in the Intermountain West.

It took a group of outside, private engineers and power company officials to report to the Bureau of Reclamation that both the energy and transmission facilities to make up power deficiencies existed. In fact, the private engineers physically went into the Hoover Dam switches and showed the Bureau officials how the transmission could be accomplished.

It seems to me that the Interior Department should know how to run its own system.

So, while forecast dates are changed and revised, while more meetings are held, and private power officials are showing the Interior Department how to function, the Interior Department officials continue to try to defend their present position, without doing anything constructive to solve the problem; and the Colorado River water behind Glen Canyon Dam continues its merry way down the stream.

Mr. President, I submit that if the Interior Department is acting in good faith and is, in fact, seeking means of solving the problem of the Lake Powell drawdown and the power deficiency, it will shut the gates immediately, halt the waterflow, and enter negotiations for a power contract with the utility companies. The upper basin is guaranteeing the payment for both water and power, yet the Department is slanting all of its consideration to the lower basin.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. SIMPSON. Is it not the opinion of the Senator from Utah that the attitude on the part of the Bureau of which the Senator has spoken is in violation of the agreement among the upper and lower basin States?

Mr. BENNETT. Not only is it in violation of the agreement, but also it is in violation of the law.

Mr. SIMPSON. The drawing down of the water from Lake Powell and the taking of water overcommitted from Hoover Dam is doing a disservice to the Glen Canyon Dam for power in the upper States; is it not?

Mr. BENNETT. It will delay the development of the related projects in the upper basin area. It could delay them for years. The Secretary himself made up the criteria on the basis of which he claims the authority to withdraw that water.

Mr. SIMPSON. Within the knowledge of the Senator from Utah, was any overture made to any of the Governors or Representatives of the upper basin States prior to what has taken place with respect to the withdrawal of water?

Mr. BENNETT. No representations were made to officials in my State. If they were made in other States, I have not been able to find out about them.

Mr. SIMPSON. None was made in the State of Wyoming. I wish the record to disclose that fact.

Mr. BENNETT. Perhaps our friend the Senator from Colorado [Mr. DOMINICK] could add to that statement. Does the Senator know of any representations made to officials in Colorado prior to the decision which was made?

Mr. DOMINICK. In relation to the release of water from Lake Powell? Absolutely none.

Mr. BENNETT. I thank my friend for furnishing that information.

Finally, I would like to comment further on the Department's "misinformation" charges. The only source of misinformation on this issue so far has been the Interior Department itself. As the various documents and articles from the newspapers point out, the Interior Department failed to notify or seek the views of a single upper basin official before the decision.

Secretary Udall said in his letter to the four Governors:

> I may add that up to the present time, although we have read newspaper stories concerning an offer by upper basin private utilities to supply replacement power, we have had no proposal with necessary data such as rates and the means.

On what basis did the Secretary expect the utilities to present a concrete proposal? No one in the upper basin was officially or unofficially notified in time. All we had to go on was a newspaper report out of Page, Ariz., on March 2, which was subsequently denied by Interior Department spokesmen, but which proved to be all true.

In his announcement of March 26, Secretary Udall said:

> This is the only possible decision which can be made at this time that will protect the Federal investment.

We have heard the phrase, "protect the Federal investment," time and again during this issue. I question Secretary Udall's placement of values. The upper Colorado River storage project cost $1 billion. Is that not Federal investment worth protecting?

Furthermore, every year's delay in filling Lake Powell to the level where power generation can start will add from $15 to $20 million to the project's cost. The loss will come mainly from lack of power revenue, depended on to help pay for the project. There will also be added interest and other costs.

More confusion has come from the Interior Department on the issue of the filling criteria. We have been told, "These are the criteria you accepted and now you must live by them." In Denver on Wednesday, Commissioner Dominy admitted that the upper basin had never really approved the criteria. He agreed that no one in the upper basin had accepted the criteria after they were promulgated by Secretary Udall on April 4, 1962.

We also have heard the Secretary is "bound" by the filling criteria. Since these criteria are manmade, perhaps we could say "Secretary-made"—certainly man—or Secretary—can amend them. Furthermore, the Colorado River compact is explicit in stating that consumptive uses will have priority over nonconsumptive or power uses. The Secretary should be "bound" by this requirement as much as any other.

The Supreme Court, in its ruling on Arizona against California, said that the Secretary of the Interior is the supreme manager of the Colorado River. Frankly, I feel that the Secretary is not managing the river properly. He is following neither the law of the river nor the Colorado River compact. He has proposed and is making releases from Hoover Dam in excess of legitimate downstream interests as confirmed by the Supreme Court.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. SIMPSON. Is it not as important that the generating power of Glen Canyon Dam be made available to the upper power States so that the necessary revenues may be forthcoming, in order that there may be a systematic development of the upper Colorado River area in our own upper States?

Mr. BENNETT. I believe we are entitled to think that the interests of the upper Colorado area should be as important as the interests of the lower basin States.

Mr. SIMPSON. Would that not dictate, then, to the mind of the Senator from Utah that Lake Powell behind Glen Canyon Dam should be filled as soon as possible?

Mr. BENNETT. There is no question about it. I believe the Secretary has acted with a great deal of highhandedness in assuming that he has the right to drain Lake Powell for the benefit of the people who want water below Lake Mead.

Mr. SIMPSON. As the Senator knows, we have our commitments, too. I again wish to compliment the Senator. We are fighting for our lifeblood in that western country. As the Senator said at the outset of his fine talk here, in the West a drop of water is as valuable as a nugget of gold. We have been dealing with this problem for many years. The project was instituted in the Eisenhower administration. We worked at a fast pace in order to get the project into operation. Now we find that the States that provide the water in the upper basin are being euchred out of a position with respect to repayment and redevelopment by virtue of this unauthorized, un-American attitude on the part of the Secretary of the Interior. Does the Senator agree with that statement?

Mr. BENNETT. I agree with that statement. The people in the lower basin States are entitled to so much water. I have asked the Secretary to tell me how much more than that they have had. That is one of the questions which the Secretary has refused to answer. Until he answers the question, we shall not know how badly we have been euchred. But I think his silence indicates that we have been "had."

Mr. SIMPSON. It seems to the Senator from Wyoming that we have been shabbily treated with respect to the problem, especially by the Secretary of the Interior, who holds a high position in Government, and who should look at the question from an impartial point of view. The upper basin States are entitled to more consideration by the Secretary of the Interior than they are now being given.

It seems to me that unless at this juncture the Secretary ceases to proceed in his present course, we in the upper basin States shall be so badly hurt that our development can be curtailed for a number of years.

Mr. BENNETT. It seems to the Senator from Utah that unless Senators who represent the upper basin States rose to discuss the problem, the Secretary would probably continue to run that water down and hope that no one would say anything about it. It is vital that all Senators who represent upper basin States should get into the fight and put pressure on the Secretary to do what the law tells him he should have done in the first place.

Mr. SIMPSON. I agree with the Senator wholeheartedly in his statement. All we are demanding is that the law and the compact be followed.

Mr. BENNETT. Therefore, Mr. President, I request here from the floor of the U.S. Senate that the Secretary of the Interior answer my letters, so that we can hear no more cries of "misinformation" or accusations about "gratuitous statements." I request that he shut the gates at Lake Powell immediately, because if later events prove his present action wrong, it will be too late. The water will have run down. Water runs downhill, and Lake Powell cannot be replaced from Lake Mead.

Finally, I request that he enter into serious negotiations with the power companies instead of spending the Department's main efforts in justification of his past action. If he will do these things, then we can know that he is acting in good faith.

It is obvious that the most serious problem is the problem of supplying water, not power, to the lower basin States. Power can be generated by using means other than falling water. Now that there is obviously an offer which will provide power, the Secretary should move immediately to stop the use of water, using power as an excuse.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. DOMINICK. I wish to express my appreciation for the Senator's clear-cut statement on the problem facing us. It seems to me the Secretary has been taking the position, from the very beginning, that any time a Republican Senator from one of these States spoke, it was a partisan attack on him as an individual and his office as Secretary. But the fact is that this dam and the water behind it are the property of all the people of this country, Democrats and Republicans alike. That is the key feature, it seems to me, in the development of the upper Colorado River project. The revenues from this dam going into the upper basin funds will help finance participating projects beneath them.

Mr. BENNETT. Yes.

Mr. DOMINICK. A good many projects are dependent upon these funds in order to proceed with the construction of projects that are planned. Yet, as the Senator from Utah and the Senator from Wyoming have pointed out, the fact is that efforts to obtain information are treated with utmost discourtesy so far as the offices of the Senator from Utah and the Senator from Wyoming are concerned, as if there were some kind of political mishmash going on between two people in the Arizona desert. Has this impression gotten through to the Senator from Utah?

Mr. BENNETT. This impression was made clear to me within a few months after the present Secretary of the Interior took office, and it has continued ever since. In defense of the Secretary, I should like to make the point that he kept my Democratic colleague in the dark, just as he did me. My colleague made the statement that the drawdown was to be postponed; and within 24 hours, without notifying him, the Secretary opened the gates.

Mr. DOMINICK. This is rather refreshing news, because it means that the Secretary is being discourteous to everybody rather than picking out the Republicans.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. SIMPSON. Since we have participating projects not yet underway in the upper Colorado, does not this type of interference seriously interfere with plans of the upper basin States with respect to the participating projects?

Mr. BENNETT. Yes. Since we are dependent upon money generated from the dam already built at Glen Canyon and Flaming Gorge to make some of the participating projects feasible, by his actions the Secretary is postponing the day when we can obtain the benefits from our share of the water. We cannot pump the water out of the bottom of the Colorado River Gorge. We must get our share of the water out of the high mountains, but before we could do that we must build smaller dams and aqueducts which are a part of the participating projects.

We would not do that until after the big dams were built, to make sure that we could meet our commitments to the lower basin States. The big dams have been built. The Secretary has prevented the biggest one from filling. No one knows by how many years he has postponed the day when our share of the water in Utah, guaranteed to us by the upper Colorado storage project, can actually be delivered either to a municipality or to an irrigation project.

Mr. SIMPSON. After that, there would be a diminishment of the power revenues to enable us to build the participating projects that much faster; would there not?

Mr. BENNETT. Yes; the longer the Secretary delays the operation of the generators on the Glen Canyon Dam, the less income the whole upper Colorado storage project will receive.

Mr. SIMPSON. I thank the Senator from Utah for his statement. This is the place to bring the question up, because I think our colleagues will certainly assist us in trying to rectify the very patent wrong precipitated on the upper basin States.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. DOMINICK. On page 6 of the copy of the Senator's statement which I received, the Senator puts the question of what happened to the water in Lake Mead, which required the release of water from Glen Canyon Dam.

Our former colleague from Colorado, who was also our distinguished Governor, Ed Johnson, and who is now the State's representative on the upper basin committee, had a good deal to say on this matter. He is quoted in an article from the Denver Post of April 7. For the purpose of the record, I should like to read a little of the article into the RECORD, because it is of extreme interest.

Governor Johnson, or "Big Ed," as he is familiarly called in Colorado, has called for an immediate cessation of the release of water from Lake Powell. He has received nothing but the back of the hand from the Secretary. They are members of the same party, so perhaps this is not a one-party deal. The article, quoting former Senator Johnson states:

> While the Upper Basin States of Colorado, Utah, New Mexico, and Wyoming are not required under compact to deliver more than 75 million acre-feet of water for a 10-year period to the lower basin, actual deliveries for a 10-year period ending last October amounted to 93,740,000 acre-feet.
>
> At the end of the 1964 water year, the deliveries to the lower basin as measured at Lees Ferry, Ariz., will approximate 90 million acre-feet for 10 years—or 15 million acre-feet more than required by compact.
>
> DELIVERY TO MEXICO
>
> Millions of acre-feet of water have been delivered to the Republic of Mexico beyond treaty obligations for annual delivery of 1.5 million acre-feet. This amounts to a 2.6 million acre-feet excess in the last 4 years.
>
> In the spring of 1962, Hoover Dam's Lake Mead contained 24.6 million acre-feet of water. It was nearly full. The lake since then has been drawn down to 14.5 million acre-feet. This despite the fact that in the 1962 water year the upper basin delivered 14,790,000 acre-feet of water at Lee's Ferry and 2,555,000 acre-feet in 1963—a total for the 2 years in excess of compact obligations.
>
> "Thus, there is no question that the upper basin has delivered its commitment to the lower basin and much, much more," said Johnson.
>
> WASTING WATER
>
> "They [the U.S. Bureau of Reclamation] have simply been wasting and mismanaging the water. They cannot refute this."

These figures are taken from the records of the Upper Colorado River Commission in Salt Lake City. I shall ask that the entire article be printed in the RECORD.

I have another article from the Denver Post, dated April 12, the headline of which is "Dominy To Face Quiz on River Edict," again pointing out that the Upper Colorado River Commission and the Bureau of Reclamation and the Secretary's office are completely at odds as to whether there is any need for this action, and the fact that they were not given notice ahead of time, as to the fact that there is a violation of the compact, and as to the fact that no planning was made by the Secretary's office in any way to take care of the power shortage problem that the Senator has so ably presented. But if planning had been done, it was perfectly simple to solve the problem by virtue of cooperation with the investor-owned utilities in the area.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD two articles from the Denver Post, the first being published on April 12 entitled "Dominy To Face Quiz on River Edict," and the second being published April 7, 1964, entitled "Udall Pressed To Halt Glen Canyon Drainage."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Denver (Colo.) Post, Apr. 12, 1964]

DOMINY TO FACE QUIZ ON RIVER EDICT

(By Bert Hanna)

Floyd E. Dominy, U.S. Commissioner of Reclamation, will be—in effect—on a hot griddle when he arrives in Denver Tuesday to defend actions of the U.S. Interior Department in its management of storage of Colorado River impoundments.

The Upper Colorado River Commission is prepared, it was reported Saturday, to subject Dominy to a barrage of questions in the meeting called to examine the reasons for draining water from Glen Canyon Dam of the Colorado River storage project.

The Commission meeting in the State Office Building is expected to produce fireworks between Dominy and Ed C. Johnson, Colorado's member of the policymaking water agency.

The Upper River Commission represents Colorado, Wyoming, New Mexico, and Utah. Governors and other officials of these States have been hostile to a decision of Secretary of the Interior Stewart L. Udall ordering water releases from Glen Canyon Dam to satisfy "rated head" power production at downstream Hoover Dam.

Johnson and others have contended this is a violation of the Colorado River compact in which the upper basin may be deprived of power revenues from Glen Canyon Dam for at least a year.

Johnson is prepared to make a report to the Commission contending that the lower basin has been delivered far more water than required by compact and that there has been waste and mismanagement of water in the lower basin.

There has been some optimism in the upper basin in the last few days that nature has largely solved the problem by depositing large quantities of snow in the Colorado River watersheds.

However, Dominy on Friday said there is no justification for confidence that Glen Canyon's Lake Powell will be filled to a power-production level this season, and releases are continuing.

Secretary Udall, on Dominy's recommendation, is basing his decision on filling criteria that assumes maintaining Lake Mead at a rated power head of 14.5 million acre-feet—the present storage.

Any lowering of such storage demands withdrawals from upper basin storage to supply the power requirements in the lower basin, according to these criteria.

However, Johnson and his allies, including Utah's Commission member, Gov. George Clyde, are prepared to argue the case.

They will further present a case for consideration of an offer by investor-owned utilities in the Rocky Mountain region to supply substitute energy to Hoover Dam that would permit water storage for power at Glen Canyon this summer.

The legal committee of the upper commission, which held a special meeting in Denver last week, will report on possible court action against the Interior Department and the lower basin States. The Chairman of that Committee is Felix L. Sparks, director of the Colorado Water Conservation Board.

[From the Denver (Colo.) Post, Apr. 7, 1964]

UDALL PRESSED TO HALT GLEN CANYON DRAINAGE

(By Bert Hanna)

In view of the substantial improvement in the Colorado River watershed created by recent snows, U.S. Interior Secretary Stewart L. Udall, must immediately halt drainage of water from Glen Canyon Reservoir.

This was the demand, Tuesday, of Ed C. Johnson, former Governor and U.S. Senator and Colorado's member of the Upper Colorado River Commission.

Johnson, who has charged violation of the Colorado River compact in Udall's order opening the gates of Glen Canyon Dam to release water for lower basin power production, said Udall can no longer excuse his action on grounds of inadequate river flow.

At the same time, Johnson released figures he has obtained from the upper commission's office in Salt Lake City, to firm up charges he will air before a meeting of the Commission in Denver, April 14.

The figures, he said, will show that the upper basin has fulfilled far more than its water obligations to the lower basin States and, therefore, releases from the newly completed Glen Canyon Dam of the upper basin's Colorado River storage project "are illegal under any circumstances."

All reports indicate a Colorado River flow far in excess of earlier spring estimates, Johnson said, while water is still being drained from Glen Canyon under Udall's order to maintain rated powerhead at downstream Hoover Dam.

"And this is upper basin water, illegally appropriated, which will be lost to us forever," he declared.

He contended that on the basis of the new spring storms adding great quantities of water for runoff in the 1964 water season, Glen Canyon Dam could be filled to a power production level while Hoover Dam could continue to produce power.

Johnson's new figures, which he says are fully documented by his commission's own records, show:

While the upper basin States of Colorado, Utah, New Mexico, and Wyoming are not required under compact to deliver more than 75 million acre-feet of water for a 10-year period to the lower basin, actual deliveries for a 10-year period ending last October amounted to 93,740,000 acre-feet.

At the end of the 1964 water year, the deliveries to the lower basin as measured at Lees Ferry, Ariz., will approximate 90 million acre-feet for 10 years—or 15 million acre-feet more than required by compact.

DELIVERY TO MEXICO

Millions of acre-feet of water have been delivered to the Republic of Mexico beyond treaty obligations for annual delivery of 1.5 million acre-feet. This amounts to a 2.6 million acre-feet excess in the last 4 years.

In the spring of 1962, Hoover Dam's Lake Mead contained 24.6 million acre-feet of water. It was nearly full. The lake since then has been drawn down to 14.5 million acre-feet. This despite the fact that in the 1962 water year the upper basin delivered 14,790,000 acre-feet of water at Lee's Ferry and 2,555,000 acre-feet in 1963—a total for the 2 years in excess of compact obligations.

"Thus, there is no question that the upper basin has delivered its commitment to the lower basin and much, much more," said Johnson.

WASTING WATER

"They [the U.S. Bureau of Reclamation] have simply been wasting and mismanaging the water. They cannot refute this.

"Since we have complied with our obligations, the seizure of upper basin water under pretext of 2 years of drought is absolutely unconscionable."

Johnson's figures of upper basin water deliveries as measured at Lees Ferry for 10 years:

In 1954, 6,116,000 acre-feet; 7,307,000 acre-feet in 1955; 8,750,000 acre-feet in 1956; 17,340,000 in 1957; 14,260,000 in 1958; 6,756,000 in 1959; 9,192,000 in 1960; 6,674,000 in 1961; 14,790,000 in 1962; 2,555,000 in 1963; (when impoundment of water started at Glen Canyon).

The total for the 10 years, 93,740,000 acre-feet, while only 75 million was required by compact.

TEN-YEAR PERIOD

"I want to stress that our delivery requirements to the lower basin do not stipulate 7.5 million acre-feet in 1 water year but 75 million acre-feet over a 10-year period," Johnson went on.

"With the tremendous drawdown on Lake Mead while we were delivering more water than required for the combined water years of 1962 and 1963, where did all that water go?

"I want to show where some of it went."

Johnson then released these tabulations he obtained from the Salt Lake City office of his commission of excess water delivered in the last 4 years to Mexico beyond treaty requirements of 1.5 million acre-feet a year.

In 1960, 2,743,000 acre-feet, excess, 1,243,000; 1961, 2,009,000 acre-feet, excess, 509,000; 1962, 1,760,000, excess, 260,000; 1963, 2,116,000, excess, 616,000. Excess for 4 years, 2,628,000 acre-feet.

Johnson said that in addition to the "exposé" of a deliberate policy of withdrawing water from Lake Mead and discharging a surplus to Mexico, he wants firm figures on deliveries to California.

Mr. SIMPSON. As to the statement of the former Governor of Colorado, I recall that in January of 1955 when I was Governor of Wyoming I called a meeting of the Governors of the upper basin States. At that time, we recognized the situation as to delivery, but by the same token we propounded the question to the then Secretary of the Interior as to what would happen if we made delivery in overplusage years, or overrun, if we made more than committed acre-feet of runover. We were told at that time by the Secretary of the Interior that we would receive credit in the drought years.

I call attention to the fact that there are 14 million acre-feet of water in excess of that which was called for in the compact.

Mr. BENNETT. I have listened to what the Senator has stated with great interest. Will the Senator tell us what year that was?

Mr. SIMPSON. In 1955.

Mr. DOMINICK. One other point which the Senator brought up was the power problem, and the question of whether the investor-owned utilities would be able to supply power to take care of shortages. The Senator brought out very clearly and succinctly the offers which have been made by the private investor-owned utilities to take care of these divisions. It is my understanding, first of all, that the offer they made does not involve a payment by the U.S. Government in any way whatsoever in cash for the power that would be transformed. Is that correct?

Mr. BENNETT. That is my understanding, also.

Mr. DOMINICK. Second, this would mean that at a later date the Government, through the various terms, and the Federal Power Commission would return power for the power that the private investor-owned utilities would use now?

Mr. BENNETT. That is my understanding, with the further understanding that most of the power would come off of the lake at Glen Canyon.

Mr. DOMINICK. We are not talking about anything affecting the budget. We are not talking about anything affecting the appropriations before Congress for Interior Department expenses and funds. Is that correct?

Mr. BENNETT. That is my understanding.

Mr. DOMINICK. All we are doing is having the Secretary say, "For some reason that is completely incomprehensible to me, I am not going to deal with these people."

Mr. BENNETT. Thus far he has not dealt with them, although I understand that at a meeting held the other day, Mr. Dominy indicated that they will sit down next week in Boulder City and try to devise a program.

Mr. DOMINICK. In the meanwhile, we are losing a vast amount of water.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. MOSS. I thank my senior colleague. I regret that I have not been present to hear his speech. I have not had an opportunity to see it in print. The thing which my senior colleague is talking about is something very important to me, and very important to Utah.

For the past 8 days, the Irrigation and Reclamation Subcommittee of the Committee on Interior and Insular Affairs has been holding hearings. Each morning we have been discussing this problem along with other problems with the Secretary of the Interior, the Under Secretary, the Commissioner of Reclamation, and the members of their staff. A great many things have been discussed here today, and have been brought out as to our water problem by the Senator from Colorado and my senior colleague. However, I should point out that the private utilities have made no offer about receiving power later in return for power supplied now. The executive secretary of the Colorado River Commission has made such a proposal to the private utilities, with no response up to this time.

That is one of the points I should like to make. In addition, the proposal of the private utility was not communicated at any time before this week to the Department of the Interior, or the Bureau of Reclamation. It was presented to the Upper Colorado River Commission last Tuesday at Denver, with the Commissioner of Reclamation present.

As a result of that meeting, a meeting has been set for next Tuesday, at which meeting the details will be discussed and examined to see if it is possible to arrive at some kind of power transfer.

The point to which I wish to call attention, however, is that what the Secretary has done to this point is in complete accord with section 7 of the filling criterion, which requires that until the elevation at Glen Canyon reaches 3,490 feet, water must be released to keep Lake Mead at 1,123 feet, unless there is a modification of the filling criterion. The Secretary has no other option. I have been discussing this question with him and with the Commissioner of Reclamation to try to find an alternative; but until such time as we can find an alternative, we must deal with the criterion or modify it. I think we are bound by it as a matter of law.

Mr. BENNETT. It is the understanding of the senior Senator from Utah that the Secretary of the Interior promulgated the criterion and is in a position to promulgate amendments at any time.

Mr. MOSS. No; that is not quite correct. If I may respond to that, the filling criterion was proposed by Secretary Seaton, when he was Secretary of the Interior in the previous administration. Since the present Secretary of the Interior came into office, he made a review of the criterion and accepted it as it was laid down. Then it was published in the Federal Register. During the time of publication, there was a period of 30 days within which objection might be raised, or questions raised, as to the terms of the criterion. During that time, there was never any question or objection raised with respect to paragraph 7, the one that is now covered here. Therefore it became effective and binding.

In order to change it, there would have to be a similar publication at a similar time, subject to comment and objection with respect to either the upper or lower basin. That has not been accomplished at this point.

Mr. BENNETT. My colleague and I have a different understanding of the basis for the former criterion. It is true that former Secretary Seaton, when he went out of office, prepared a criterion. His successor answered immediately that he was not bound by it. He did not promulgate his own criterion for more than a year after he took office. So he did not automatically accept the criterion of his predecessor. Commissioner Dominy, in the meeting in Denver on Wednesday, admitted that the Upper Colorado River Commission in the upper basin States had approved the criterion. But we are nit picking at this point, as to who said what, or what was said. The fact of the matter is that the water is still going down the river. The Secretary has the power to prevent it. I am still waiting for answers to the questions I asked in the letter which I wrote him on March 16.

Mr. MOSS. I agree with my senior colleague that the water is running. But the important thing is to find out, if we can, the way to retain enough water in Lake Powell so that the minimum power head may be reached in August of this year. At the present time, the reservoir is holding about even. And after runoff comes in the next two months, it will begin to rise. It will have to deposit about 3 million acre-feet over what is in the reservoir now, in order to bring it up to the minimum power head.

I congratulate my colleague for being concerned about this problem. The daily meetings which we are having in the Irrigation and Reclamation Committee on the problem indicate that we may be making some progress in favor of changing the criterion in section 7, which governs. The wording of section 7 is precisely the same as Secretary Seaton promulgated, which Secretary Udall adopted when he came into office. So that has not changed up to this time.

Mr. BENNETT. It seems to me it is rather absurd to say that the criteria which have produced this situation are the responsibilities of the former Secretary of the Interior when the present Secretary, as is said, adopted them and promulgated them.

From my point of view, the criteria are the responsibility of the present Secretary, not the former Secretary. He had the power to change them. He waited a year before he promulgated them. I believe he is trying to find a way to cover the embarrassment his action has created by saying, "Ike did it. He has been out of office for 2 years, but he made me do it."

Mr. MOSS. It is not my intention to say that it is not the responsibility of the current Secretary, who caused criteria to be placed in the Federal Register. What I am saying is that what he proposed was precisely what Secretary Seaton proposed in the previous administration. No objection was ever entered against his action during the time the criteria were published in the Federal Register. Now we come to the crux of the problem: there are 2 dry years back to back. It is the only time in the history of the Colorado River Basin that 2 extremely dry years have come together. The second year is on us now. We encountered a problem that none of us thought would happen. There is not enough water running into the upper basin to meet the commitments that have been made for the lower basin.

Mr. BENNETT. Mr. President, my friend from Utah could not have come into the Chamber in time to hear the figures read into the Record by the Senator from Colorado, which show that we have overmet our commitment under the 10-year requirement by between 15 million and 20 million acre-feet.

Therefore, 2 dry years being back to back is not a problem so long as we meet our commitments over a 10-year period.

Mr. President, I am embarrassed because visitors from Argentina are in the Chamber, and the Senator from Oregon [Mr. Morse] has asked me if I would conclude my remarks as quickly as I could, so he could introduce our friends from Argentina to the Senate. I hope that we may close this discussion.

Mr. DOMINICK. Mr. President, will the Senator yield very briefly?

Mr. BENNETT. I yield.

Mr. DOMINICK. My concern is the lack of planning by the Secretary with respect to this problem. As anyone who lives in the West knows, from time to time there is a 2-year, back-to-back dry period. Such periods have occurred before, and they will occur again. The purpose of letting water out of Powell into Mead is to preserve the powerhead. There is more than one way of doing it. The utilities have offered another way. The lack of planning, and the robbing of water from the upper basin States, exemplifies what has been going on.

Mr. DOMINICK subsequently said: Mr. President, earlier today in a colloquy with the Senator from Utah [Mr. Bennett] and the Senator from Wyoming [Mr. Simpson] we spoke of the action of the Secretary of the Interior in releasing water from Lake Powell in order to fill up Lake Mead. As the time I said that any advance planning would have made that unnecessary, that it was pretty high-handed, and that we had never received any notice of it nor had the Upper Colorado River Commission.

There were some articles on the subject in a newspaper which I believe are particularly pertinent.

Mr. President, I wish to emphasize one point which was made by ex-Senator Johnson, a former Democratic Senator from Colorado.

I quote what he said from an article appearing in the Rocky Mountain News on April 15. He said:

> "Today when we attempt to fill our own Lake Powell (at Glen Canyon) with our own water to protect ourselves and the lower basin, the Secretary of Interior illegally and arbitrarily and against our wishes opens the gates of Glen Canyon," Johnson stormed.
>
> BLOCKED ATTEMPTS
>
> Johnson said Udall has blocked attempts for a settlement "of the emergency caused by his own incompetence. Stupidly he failed to harbor water to carry him over the temporary shortage * * * which he knew would occur when Glen Canyon was being put into energy production. The evidence supports a record of reckless water extravagance in 1962, 1963, and in previous years."

That is only part of one article. In another article it is reported that the Secretary said:

> Are we ready to accept Glen Canyon as an empty, gaping monument to the perfidy of the Secretary of Interior? Slaves would do so, but not proud States, and we are proud.

Mr. President, I ask unanimous consent that an article entitled "Colorado River Unit Urges United States To Seek Private Power Aid," by Robert Beard, and an article entitled "Utility Plan Would End Water Release of Dam," published in the Rocky Mountain News on April 15, and an article entitled "Big Ed Chides Udall on Dam," by Bert Hanna, published in the Denver Post, April 14, be printed in the Record at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Denver (Colo.) Rocky Mountain News, Apr. 15, 1964]

Colorado River Unit Urges United States To Seek Private Power Aid

(By Robert Beard)

Upper Colorado River commissioners opened a 2-day strategy session, in Denver, Tuesday with a demand that Uncle Sam turn to private power utilities for help.

The commission faces at least a year-long blackout on long-sought revenues from power production at the new Glen Canyon Dam unless its demand is met.

And Floyd E. Dominy will be under the gun to say "Yes" Wednesday when he meets with the commission representing the upper basin States—Colorado, Wyoming, Utah, and New Mexico.

Dominy, as U.S. Reclamation Commissioner, is the man who runs the Government's western public power production system.

HOOVER DAM

Key unit of the Reclamation Bureau's powerplant is at Hoover Dam. And power generators there this year have been kept running at full tilt only because the bureau—acting under the orders of U.S. Interior Secretary Stewart Udall—has started to siphon away water originally scheduled to slake Glen Canyon's power thirst for the first time.

Udall, also a public power advocate, is from Arizona, a lower basin State.

Glen Canyon is the key powerplant on the Bureau's billion dollar upper Colorado River storage project. Revenue earned by power production there is to be used to build irrigation facilities throughout the upper basin's four States.

Thus, any slowdown in Glen Canyon water production will result in a construction cutback for the irrigation units.

RADICAL CHANGES

The commission demanded radical changes in conditions governing the operation of the Colorado River as they affect upper basin States.

The commission threatened to oppose the Bureau's Central Arizona project and the Pacific Southwest project unless Arizona agrees to abide by the seven-State compact governing the Colorado River from Colorado's Rockies to the Pacific.

Colorado Commissioner Ed C. Johnson, former Governor and U.S. Senator, said Glen Canyon must be protected or "it would become an empty, gaping monument to the perfidy of the Secretary of the Interior."

"Today when we attempt to fill our own Lake Powell [at Glen Canyon] with our own water to protect ourselves and the lower basin, the Secretary of Interior illegally and arbitrarily and against our wishes opens the gates of Glen Canyon," Johnson stormed.

BLOCKED ATTEMPTS

Johnson said Udall has blocked attempts for a settlement "of the emergency caused by his own incompetence. Stupidly he failed to harbor water to carry him over the temporary shortage * * * which he knew would occur when Glen Canyon was being put into energy production. The evidence supports a record of reckless water extravagance in 1962, 1963, and in previous years."

Johnson's assessment of the dispute over release of water at Glen Canyon was backed in a review of the problem by Ival V. Goslin, executive director of the commission, and Felix L. Sparks, director of the Colorado Water Conservation Board.

The commission urged an immediate end to costs being levied against the Upper Basin for any power loss at Hoover during the filling of Glen Canyon.

Sparks said this could cost upper basin States as much as $50 million if not changed.

AMENDMENT ASKED

The commissioners also want an amendment to the Central Arizona project, currently before Congress, requiring Arizona to admit the seven-State compact covers tributaries of the Colorado River as well as the main stem. The commission threatened to oppose this project as well as the overall $4 billion Pacific southeast project, if the amendment is not included.

The commission insisted on an immediate halt to the use of Colorado River water out of Hoover to dilute the lower Colorado River, to end a saline problem.

The commission ordered legal steps be taken if the use of the water for the dilution doesn't stop.

The saline problem has been caused by the pumping of heavily saline water out of the Mohawk project operated by the U.S. Bureau of Reclamation into the lower Colorado.

The salt in the water has caused international problems with Mexico.

The commission demanded Udall end the use of about 100,000 acre-feet of water by squatters on U.S. Government lands along the lower Colorado.

The commission charged the squatters are not paying for the land, not paying any taxes, and not paying for the water; and are receiving these special privileges because many of them are former employees of the U.S. Bureau of Reclamation.

Several thousand acres are involved, Sparks said. The situation was uncovered in a study of Colorado River water use in the lower basin by the upper basin legal committee. Udall has not acted, Sparks said.

The commission also demanded the Bureau of Reclamation stop its current practice of attributing nearly 1 million acre-feet annual loss of water in the Colorado to "regulatory waste."

Sparks said this has been a cover under which many of the wasteful practices cited by Johnson were hidden.

[From the Denver (Colo.) Rocky Mountain News, Apr. 15, 1964]

UTILITY PLAN WOULD END WATER RELEASE OF DAM

The Upper Colorado River Commission plans to present a proposal by five private utility companies to U.S. Reclamation Commissioner Floyd Dominy, Wednesday. The plan would end water release from Glen Canyon.

Dominy will be asked to negotiate a firm arrangement with the companies who agreed at a meeting Tuesday to replace any power lost at Hoover Dam during the filling of Glen Canyon Dam.

Robert Person, president of Public Service Co. of Colorado, said the five companies will provide the power now in return for power at a later date, after Glen Canyon is in full production.

Person's announcement the power could be traded met a previous objection by Dominy that funds for replacement power aren't available.

POWER PLUS COSTS

Person said the power companies would agree to a replacement of the power, plus a minimum 6- to 10-percent increment to repay costs incurred.

The utility company proposal as detailed Tuesday would provide up to 200 million kilowatt-hours, considered to be the maximum amount of power impairment at Hoover Dam if Glen Canyon is filled during the current year.

The Bureau of Reclamation would actually gain 250 million kilowatt-hours by accepting the proposal, utility engineers said.

With Glen Canyon on the line starting in August of this year its total output during the proposed 2-year replacement period would be 500 million kilowatt-hours.

SWITCH STATION

Under a plan proposed by Richard F. Walker of the Colorado Public Service Co. there would be no additional equipment needed. Power would be wheeled into the Hoover Dam switching station.

Consolidated Edison of California would be asked to make up its own deficiency from lower power output at Hoover and trade for power later.

The New Mexico and Arizona public service companies would initially replace any power loss at Hoover with all of the companies including Public Service Co. of Colorado, Utah Power & Light Co., and Pacific Power & Light Co. providing power as soon as a new hookup is completed.

This is the long-awaited power pool connection in the Four Corners area.

Walker said the private utility companies have the necessary generating capacity and transmission facilities equal to supplying more power than could possibly be needed for replacement.

SHOW ESTIMATE

Walker and Paul Rechard, hydraulic engineer for the commission, said about 4.8-million acre-feet are expected to run into the Colorado from watersheds on the basis of snow measurements taken this week.

The private utilities proposed dropping Hoover storage to 10.5 million acre-feet. Glen Canyon would be brought up to 6.2 million acre-feet for power generation.

The utilities spokesman said without the power trade, Glen Canyon wouldn't be brought up to full power generation levels until July of 1966.

The commission urged the inclusion of $1.5 million in the current reclamation budget before Congress for the central Utah project. The resolution was presented by Utah Gov. George Clyde.

The commission also said the lower basin States should not be asked to repay $25 million of Hoover Dam costs for flood control benefits. No other reclamation projects in the United States have been asked to pay for such benefits.

The commission also said the 17 power generators at Hoover should be interconnected. Felix L. Sparks, director of the Colorado Water Commission, said no other hydroelectric power in the United States and possibly the world has generators which are not interconnected.

Both power and water are wasted at Hoover because excess power from a generator can't be transferred to another user.

[From the Denver (Colo.) Post, Apr. 14, 1964]

BIG ED CHIDES UDALL ON DAM

(By Bert Hanna)

"Are we ready to accept Glen Canyon as an empty, gaping monument to the perfidy of the Secretary of the Interior? Slaves would do so, but not proud States, and we are proud."

So spoke Ed C. Johnson, former Governor and U.S. Senator and Colorado's member of the Upper Colorado River Commission, in a statement at a commission meeting in Denver Tuesday.

Johnson's bitter denunciation was the highlight of the meeting in the old State Office Building of the commission which represents Colorado, Wyoming, New Mexico and Utah.

The top subject was the recent action of Interior Secretary Stewart L. Udall in ordering drainage of water from Glen Canyon Dam of the upper basin's $1 billion Colorado River storage project.

The order, following a long drought, was made to maintain power production at the lower basin's Hoover Dam. It has aroused resentment among Governors and water officials throughout the upper basin.

Johnson declared Udall's action is in clear violation of the Colorado River compact. He said that when pioneering leaders of water policy achieved the compact dividing waters between upper and lower basins, they did not believe "we were dealing with water thieves."

"And yet today," he said, "when we attempt to fill our own Lake Powell (formed by Glen Canyon) with our own water, the Secretary of Interior illegally and arbitrarily and against our wishes opens the gates of Glen Canyon. Is he inviting mob rule?"

Johnson said Glen Canyon Dam, downstream from the Utah-Arizona boundary, cost more than $425 million to construct, is a very important unit of the upper basin project and was scheduled to start producing power for the upper basin this summer.

He charged that the Colorado River compact requiring the upper basin to deliver 75 million acre-feet of water every 10 years has been more than complied with by the upper States.

He contended that since 1958 the U.S. Bureau of Reclamation has been wasting the water delivered and that about 10 million acre-feet of water has poured out of Lake Mead through Hoover Dam into the Gulf of California.

Mr. STENNIS. Mr. President, I yield to the junior Senator from Kansas [Mr.

PEARSON] under the conditions previously announced.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORE SMALL OIL FIRMS SELL OUT AS COMPETITION MOUNTS, PROFITS SUFFER

Mr. PEARSON. Mr. President, many comments have been made on the floor of this Senate regarding the affluence of the oil industry. Time and again, tax policy has been proposed to adversely affect the industry's fiscal posture. Each time it has been necessary for those of us whose States are major producers to try to explain the vital nature of this industry to our Nation and to the economy of our own State, and to point up the precarious financial position of many of our independent producers. We have tried to emphasize major alterations in tax policy could mean the wiping out of many thousands of such producers. In my State alone, it is estimated that as many as 3,000 wells would become submarginal if some of the proposals presented during consideration of the tax bill earlier this year had been adopted.

I call to the Senate's attention an article which appeared in the April 8, 1964, edition of the Wall Street Journal, titled "More Small Oil Firms Sell Out as Competition Mounts, Profits Suffer."

This article points to the very heart of previous discussion; namely, the soaring costs of exploration. In so doing it suggests most dramatically the adverse effect of drastic revisions of depletion allowances in the industry.

Mr. President, I ask unanimous consent that the article from the Wall Street Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 8, 1964]

PETROLEUM PINCH: MORE SMALL OIL FIRMS SELL OUT AS COMPETITION MOUNTS, PROFITS SUFFER—DRILLING COST RISE, CRUDE SAG SQUEEZE INDEPENDENTS; BIG CONCERNS ARE EAGER TO BUY—JUSTICE DEPARTMENT STEPS IN

(By James C. Tanner)

In recent days M. H. Robineau, president of Frontier Refining Co. in Denver, has quietly passed the word in the oil industry that his concern, with an annual volume of $44 million, is up for sale. The reason, according to Mr. Robineau: "I've been in this business 40 years but I've got to be realistic. It's getting murderous for the independent refiner."

In deciding to sell out, Frontier is joining a growing list of independent oil companies who are giving up the struggle. With crude oil prices sagging, production costs climbing and major companies intensifying their fight for customers, the squeeze on many smaller oil companies has become too much to withstand. "Many independents are operating in the red—those making a profit, like ourselves, are an exception," notes Mr. Robineau. In the past 3 years, oil company mergers have run at a $1 billion annual clip (based on selling prices) and many industry officials look for the figure to go even higher this year.

In most cases the independents are having little trouble finding buyers. For some of the same reasons that the independents feel compelled to quit the business, fully-integrated major oil companies are ready to take them aboard. Rising real estate and construction costs, for example, often make a merger or purchase of a smaller company a less expensive way for a big firm to establish a strong regional marketing set-up than to go out and build their own chain of stations.

EXPLORATION COSTS SOAR

The same holds true of finding crude oil. Exploration costs have soared to such an extent that major firms often regard acquisition of independents as a cheaper way to get oil than by hunting for it themselves. The steep rise in drilling costs points up what firms face in oil exploration. Last year, according to the trade publication Petroleum Engineer, the average deep oil well cost $695,984 to drill, a 6-percent increase from 1962 and 27 percent above the $550,000 average of 1953. Yet, only one in nine expensive wildcat wells ever strikes oil.

Mergers are increasing in many industries, of course, largely reflecting company efforts to diversify. But the trend seems more pronounced in the oil industry and can generally be traced to a different reason: A cost-price squeeze.

"Since 1957 the prices which the company can obtain from its domestic oil have declined approximately 6.5 percent while operating costs have increased approximately 20 percent," says Lawrence S. Reed, president of Houston-based Texas Gulf Producing Co. The company's stockholders this month will vote on a proposal to sell its assets to Sinclair Oil Corp. Directors of Texas Gulf, big independent with interests in Libyan and Peruvian operations and with large U.S. reserves of oil and natural gas, decided to recommend sale of the company for $250 million rather than continue the "increasingly costly and discouraging" search for oil and gas.

"For many, it's become more profitable to sell than to continue in business," comments Minor S. Jameson, Jr., executive vice president of the Independent Petroleum Association of America. Though the cost-price squeeze, low production allowables by States and declining rates of return are the immediate factors bringing the sell-outs, Mr. Jameson says the independent oilman's woes are more basic. The growing worldwide surplus of petroleum, a slackening in the rate of growth in U.S. oil consumption, an upheaval in gasoline marketing policies and the "increasing intrusion" of the Federal Government into the economic affairs of the industry are at the root of the oil merger trend, he declares.

A DROP IN MEMBERSHIP

As an indication of the extent of such consolidations, the Texas Independent Producers and Royalty Owners Association reports the number of oilmen in the State has dropped to 6,200 from 6,600 in the past years. "Even more significant is the growing number of operators who have pulled in their horns on drilling and exploration but are not yet on the dropout list," adds an association official.

The merger trend hasn't escaped the attention of Government officials. The Justice Department, in fact, currently is trying to break up one combination—the $385 million sale of assets of Honolulu Oil Co. to Pan American Petroleum Corp., and Tidewater Oil Co.

Now in Federal court in San Francisco, the case is being watched closely by much of the industry because of pre-trial remarks made by Government attorneys. "What we * * * propose to show," said the attorneys in a brief, "is that the acquisition is part of a trend which, if not stopped, threatens an undue restriction in the number of independent producers and independent refiners by concentrating ownership of domestic production in the hands of 20 or so large integrated oil companies * * *."

Oilmen don't dispute the trend though they dispute Justice Department conclusions that it may be unduly restrictive on the independents. Sell-outs will continue to climb, says one oil company executive, adding: "The only limiting factors are the Justice Department and the supply."

OLD BREAKUP PLAYS A PART

Ironically, much of the motivation for today's consolidations on the marketing side dates back to the Government-enforced dissolution of the old Standard Oil combine a half century ago. It left some powerful oil companies with only regional markets—a pattern they are trying to break. And, many have found, a quick, painless way to market their brands coast to coast is by acquisition.

Standard Oil Co. of California chose this way to break into five Southeastern States formerly outside its marketing area, with the 1961 acquisition for $170 million of Standard Oil Co. of Kentucky.

Now, Humble Oil & Refining Co., chief domestic subsidiary of Standard Oil Co. (N.J.), is following the same route by proposing to buy the west coast refining and marketing facilities of Tidewater Oil for $329 million. Humble 3 years ago began an effort to push into the Far West by building its own stations. It so far has 800 in this region—250 of them in California. With the acquisition of the Tidewater facilities, Humble would pick up 3,900 additional stations, bringing its U.S. total to about 34,000.

"It's hard to justify any big advertising program in an area unless you've got at least 5 percent of the market," says one oil industry executive, putting his finger on the major problem of trying to enter a market by building up from scratch. With the purchase of the Tidewater facilities, "Humble will become a big factor on the west coast in one fell swoop," notes a competitor. "It would have taken years to do it any other way."

WANT MORE CRUDE

In today's fiercely competitive atmosphere, oil companies want not only to have their own outlets for their refinery production but also to be self-sufficient in crude oil supplies. Many integrated oil companies are deficit refineries; that is, they process more crude oil than they are able to produce and have to buy much of the crude from independent producers.

E. L. Steiniger, chairman of Sinclair Oil, says that purchase of Texas Gulf Producing's vast oil reserves will help "to enable the company to compete on more equal terms with competitors now more favorably situated." Following the Texas Gulf acquisition, Sinclair will be able to produce about half of its refinery requirements compared with about 43 prcent now, says Mr. Steiniger.

Just getting 100 percent of their crude oil needs now is not enough for many companies, one oil executive contends. "Most would like to have double the reserves they need now, as a floor for future growth," he says. "That's why everybody has been trying to make a deal with Superior Oil Co."

Superior is one of the few independent domestic producers large enough to go abroad in the search for oil. But for some time it has been unable to find markets for all its foreign petroleum and in late January plans were announced to sell its Venezuelan subsidiary to Texaco, Inc., which has extensive refinery facilities, for about $125 million.

Much of the glow of foreign crude is beginning to rub off as market competition worsens and governments abroad get more fickle about such matters as oil royalties. This has played a role in intensifying interest in obtaining more U.S. crude as insurance in case oversea supplies are cut off.

Not all the sellouts, of course, can be blamed on a sag in profits by independents. Many independent companies do well despite industry problems—often because they have themselves pursued an active policy in acquiring smaller firms. But the fierce bidding for properties often pushes the price high enough to make a sellout more attractive than continuing in business. Shell Oil Co., which has been wanting to expand in the Southeast, last month bought the refining and marketing properties of El Paso Natural Gas Products Co., a subsidiary of El Paso Natural Gas Co., for $37 million, though El Paso by no means was a poverty case. Its 1963 net income, according to W. S. Noel, president, varied little from the $3,563,283 earned in 1962. "We thought it was a good sale for us to make," he says.

Mr. STENNIS. Mr. President, I yield to the senior Senator from Massachusetts [Mr. SALTONSTALL] under the conditions previously announced.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAEL INDEPENDENCE DAY

Mr. SALTONSTALL. Mr. President, today, April 17, marks the 16th anniversary of the establishment of the State of Israel as a free, independent, and democratic nation. The hopes and dreams of Jewish people throughout the ages were realized in 1948 when Israel independence was at last proclaimed.

The past 16 years have been filled with problems for the citizens of Israel. The new state immediately opened its doors to Jews still living under the threat of persecution. The resulting population increases have constituted a continuing challenge to the economic and political stability of the nation. The pressures from unfriendly Arab neighbors have required large expenditures for defense purposes and require Israel to sustain a ready military force. Much of the nation's land is dry and arid, and natural resources are limited. The diversity of her population presented difficulties in establishing a stable government.

But, in spite of all of these threats to her existence, which might have overwhelmed a less hardy and determined people, Israel continues to build and to grow strong politically, economically, and culturally.

As a longtime friend and supporter of the State of Israel, I extend my congratulations on this momentous occasion to her people and to the many people in other lands who have contributed to her growth. The 16-year record of Israel's achievements is a source of pride to all of us in the free world who believe, as do the Israelis, in the principles of democracy and the dignity and rights of the individual. Her very existence is a source of hope to the many people who still live under the shadow of tyranny and oppression.

Mr. STENNIS. Mr. President, I yield to the senior Senator from Oregon under the conditions previously announced.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY ARGENTINE SENATE DELEGATION

Mr. MORSE. Mr. President, once again members of the Foreign Relations Committee and some of our other colleagues in the Senate were the beneficiaries of another enriching parliamentary exchange at luncheon this noon, when we were privileged to have as guests of the Senate a group of Senators from the Argentine Senate. When I introduce them, and call attention to the positions they occupy in the Argentine Senate, I am sure Senators will agree with me that we have with us some of the outstanding leaders, not only of the Argentine Senate, but also of the Argentine Republic, not only in its political and public life, but also in its economic life.

We listened to the President pro tempore of the Argentine Senate, whom I shall introduce in a moment, make an eloquent, inspiring, and stimulating speech with regard to his understanding—and I agreed with every word he said, as I am sure other U.S. Senators did also—of the common objectives of the people of Argentina and the people of the United States in their respective Governments with respect to our trying to strengthen the cause of freedom in the Western Hemisphere.

As I said at the luncheon, when we strengthen the cause of freedom anywhere, we strengthen it everywhere. We cannot listen to these statesmen from Argentina without appreciating the fact that they share a common objective with us.

As chairman of the Subcommittee on Latin American Affairs, it is a great privilege and honor for me to have this opportunity of welcoming to the Senate and to the United States these great leaders of the Argentine Republic.

I should like to have the attention of the Senator from Pennsylvania [Mr. CLARK] when I make this comment. The Senators from Argentina presented to me a memento gift, which I shall always cherish. I shall make it a part of the library of the Committee on Foreign Relations. It is a copy of the Constitution of Argentina, including the rules of the Argentine Senate.

For the benefit of my friend from Pennsylvania I wish to say that I have scanned these rules sufficiently to know that our friends from the Argentine brought us some lessons from which we can profit in connection with their rules, some of which I think we could copy with profit in our Senate.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CLARK. Not having read the rules of the Argentine Senate, I am nonetheless confident that they are better than ours.

Mr. MORSE. I shall leave the book with the Senator, for him to read.

I am privileged to introduce these statesmen from the Argentine Republic:

Hon. Eduardo José Gamond, President pro tempore of the Senate, Federal Senator from Córdoba, Unión Cívica Radical del Pueblo (UCRP), chairman of the Economy Committee.

Senator Felipe Abdala, Federal Senator from Mendoza, Unión Cívica Radical del Pueblo (UCRP). Senator Abdala is chairman of the Defense Committee, which is the equivalent of our Armed Services Committee.

Senator Juan Ramón Aguirre-Lanari, Second Vice President of Senate, Federal Senator from Corrientes, Liberal Party. Senator Aguirre-Lanari is a member of the Foreign Relations and Interior and Justice Committees.

Senator Rubén Víctor Manuel Blanco, Senator from Buenos Aires, Unión Cívica Radical del Pueblo (UCRP), chairman of the Education Committee, vice chairman of Foreign Relations.

Senator Aldo Hermes Cantoni, Federal Senator from San Juan, Unión Cívica Radical Bloquista (UCRB), who is one of the leading members of the Foreign Relations Committee of the Senate and a man who takes a very active part in United States-Argentine relations.

Senator Roberto de Rege, Federal Senator from Rio Negro, Christian Democratic Party (PDC), chairman of the Public Works Committee.

Senator Santiago Carlos Fassi, Federal Senator from Federal Capital, Unión Cívica Radical del Pueblo (UCRP), chairman of the Budget and Treasury Committee.

Senator José Enrique Gadano, Federal Senator from Rio Negro, Unión Cívica Radical del Pueblo (UCRP), chairman of the Commerce Committee.

Senator Rolando Olmedo, Federal Senator from Misiones, Unión Cívica Radical Intransigente (UCRP), chairman of the Interior and Justice Committee.

Senator Elías Sapag, Federal Senator from Neuquén, Movimento Popular Neuquino (MPN), chairman of Industry and Mining Committee.

[Applause, Senators rising.]

To you, Senators, I again wish to say that it has been a great delight to have you with us. If our committee can be of any assistance to you at any time, we shall be delighted to serve you.

It is a great pleasure to have you with us.

Mr. AIKEN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. AIKEN. In order that our guests may understand, when we consider international matters we try to do so on a nonpartisan basis. I join the Senator from Oregon in welcoming our guests from Argentina today.

When they entered the Chamber I might have thought they were a group of U.S. Senators. We learned that the ancestors of some of them had come from about as many countries as ours did, and that Argentina is a cosmopolitan nation, whose inhabitants represent many countries, and who have melded into one great country in South America. We learn that their problems are our problems, and that the best way to solve the problems of both countries is to cooperate with one another.

I am delighted to add my welcome to that extended by the Senator from Oregon, the chairman of the Subcommittee on American Republics Affairs of the Committee on Foreign Relations.

Mr. MORSE. I wish to supplement what the Senator from Vermont has said by saying that Argentina has one of the most cosmopolitan populations in Latin America. One cannot travel through Argentina without recognizing the cosmopolitan nature of that great population.

Mr. President, all of us are pleased with the visit of the delegation from the Argentine Senate today.

[Applause, Senators rising.]

Mr. MORSE. Mr. President, with the understanding that the Senator from Mississippi will not lose his right to the floor, I ask unanimous consent that the Senate stand in recess for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

At 2:52 p.m. the Senate took a recess until 2:57 p.m. of the same day.

At 2:57 p.m. the Senate reassembled, when called to order by the Presiding Officer (Mr. INOUYE in the chair.)

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 148 Leg.]

Aiken
Allott
Anderson
Bayh
Bennett
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hayden
Hickenlooper
Humphrey
Inouye
Javits
Johnston
Jordan, Idaho
Keating
Kuchel
Long, Mo.
Long, La.
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smith
Stennis
Symington
Walters
Williams, N.J.
Young, N. Dak.

The PRESIDING OFFICER. A quorum is present.

Mr. STENNIS. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. STENNIS. I have received several requests to yield. Heretofore I have yielded, but the Senator from Mississippi would like to start his speech and yield later to Senators who have subjects they wish to discuss.

Mr. President, in addressing myself to the pending measure, I wish to say with emphasis, as I have said before during the debate, that this bill, which is commonly called a civil rights bill, does not merely deal with questions of "color, religion, or national origin," as the phrase is used in the bill.

This bill contains grave constitutional questions involving the transfer of power from its natural place under our system to the Central Government. I refer to power not just in one field, but in many fields.

Although the bill is called a civil rights bill, it would take away rights from one group—rights that belong to all of us regardless of color, religion, or any other designation—and would give them as privileges to members of another group. Such action within itself would be contrary to the Constitution, and would be subject to very grave objection on my part and on the part of many others.

I should like to illustrate my point by referring to the section which would take the right of management away from the owner of a small restaurant, hotel, cafe, theater, or, in fact, any owner of a small business even though the owner has established the business with his own efforts, paid for it with money that he has earned, or such funds as he might have borrowed.

It would take away the basic right he has to operate that business, in such fashion as he sees fit so long as it is lawful. He has the right to choose his own business as well as his social associates and to choose his own customers. This bill would take that basic right away from him and transfer it to others, to his prospective customers, and give the latter the right, rather than the owner of the business, to say who shall be associated with the owner or the manager of that little business.

As I have said before, and I repeat with emphasis that there is a way to solve the problem of one race dealing with another and all races improving their relations under our form of government. It is nothing new for America to have racial troubles, and there is a method to certainly, surely, and gradually improve such relations. The way to really improve racial relations and conditions is for the leaders of each race, in each community, to work together in their community, at the local level, voluntarily and without compulsion. They will do it if they are permitted to deal with the so-called racial problems by gradual improvement and gradual solutions. That is the method that has always worked best. That has been true until the past few years, when there have been great pressure movements among the colored people, as well as aggressive movements in the Congress for civil rights bills. Marchers have gone into certain sections of the country, not to accomplish anything, but merely to get arrested. This has driven a wedge between the races and torn down the good relations and has made it impossible for the real leaders of each race in the communities to get together to work toward solutions.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senator from Mississippi may yield to me for certain questions without prejudice to his right to the floor and without prejudice to my right to make a subsequent appearance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Does the Senator from Mississippi believe that by yielding to these demonstrations and riots, be they lawful or unlawful, we can bring an end to them? Are we going to bring an end to them by yielding to the kind of demands some of these people make?

Mr. STENNIS. No; I do not think that will bring the demands to an end. It will make them worse.

Mr. LONG of Louisiana. Will the Senator yield for a further question?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Did it ever occur to the Senator from Mississippi that if the white people of the South, for example, are to be denied their right of privacy, their right to bring their children up in their customs and traditions, because of a march on Washington by the Negroes and integrationists, it might make sense that the white people of the South and those who sympathize with them in other States should be encouraged to march on Washington and engage in similar activities?

Mr. STENNIS. We do not advocate it, but that would be the natural and logical outgrowth. Then some other group could make a march on Washington, and the Government would very quickly become a government by marches on Washington and a government by sitdowns at the local level.

Mr. LONG of Louisiana. Has the Senator from Mississippi had occasion to read the editorial in today's Washington Post entitled "The Evangelist of Chaos"?

Mr. STENNIS. I have not had an opportunity to read the editorial.

Mr. LONG of Louisiana. May I call the Senator's attention to this language from that editorial:

> A vote for Governor Wallace, of Alabama, in Maryland's presidential primary, is a vote for the continuous occupation of the Eastern Shore by National Guardsmen who ought to be at home with their families.

May I ask the Senator a question in connection with that statement? Does the Senator feel that when someone expresses his protest against government by mob rule, he is encouraging the people to have government by mob rule?

Mr. STENNIS. Of course not. It is one of the great blessings of our Government that people have a choice, and that different persons may offer choices and make their arguments in support of them. It is a great blessing that we have a free press, but, in my opinion, it is an abuse of the privilege of the free press to make such an argument as that to people who must depend upon the press for their information. Some of them may get the idea that that assertion is correct. It is an abuse of the privilege of free press. It is not sound nor correct.

Mr. LONG of Louisiana. Has the Senator noticed that such demonstrations and riots subside about election time, particularly if one candidate is strongly against such activities, and another candidate is known to be somewhat favorable or liberal toward minority views? Has the Senator noticed that there is a tendency to call off the demonstrations at about election time, for fear that they might result in the election of a candidate who is not in sympathy with such activities?

Mr. STENNIS. That is correct. The candidate realizes that there may be a reaction to the kind of demonstrations to which the Senator refers.

Mr. LONG of Louisiana. Does that not tend to show that such riots and demonstrations do not particularly impress the white people; that the people they impress are some of the politicians, but not the voters in general?

Mr. STENNIS. The Senator is correct. There is a certain political pressure in connection with such demonstrations, and certain people want to create chaos.

I was somewhat disappointed last night in the plea made by the Attorney General. I was pleased that the Attorney General made the plea that civil disobedience, marches, and demonstrations of that kind should cease. I was glad he tried to get them to cease, but I was disappointed in the ground on which he put it. He said, "Quiet down so we can pass the bill." The implication of that statement is that after the bill passes, the green light will be on again. That brings up the point that if anyone is deluded into thinking passage of the bill is going to stop agitators from promoting demonstrations he will be sadly disappointed. It will do nothing but further encourage them.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. It is contended that in order to stop the demonstrations and sit-ins and mob actions Congress must pass the pending bill. Is it not a fact that the State of New York already has an FEPC law? Is it not a fact that the State of New York already has an equal accommodations law? Is it not a fact that the State of New York already has all kinds of laws to encourage the Negro voters, beyond anything proposed in the bill, with the possible exception of providing for the rights of Puerto Ricans to vote? Is it not also true that the State of New York has more trouble with these demonstrators and violence and resistance to law than perhaps any other State of the Union?

Mr. STENNIS. That is correct. The Senator from Louisiana and the Senator from Mississippi have had to sit by and see such demonstrations in their own States, to the detriment of both races and race relations in those communities. We have seen our policemen insulted. We have seen our mayors' offices picketed. We have seen serious trouble avoided by an eyelash. We have not had much sympathy from our northern friends. But now when there is a threat of an attempt to block traffic on the highways to the World's Fair, we hear speeches made by the two Senators from New York, condemning this possibility and appealing to the demonstrators to call off their threat. When these demonstrations hit close to home those who have never before recognized how grave they can become realize the seriousness of them.

Mr. LONG of Louisiana. Is it not correct to say that New York at least has an integrated school system, but Mississippi does not?

Mr. STENNIS. That is correct, at this time.

Mr. LONG of Louisiana. On a racial basis?

Mr. STENNIS. That is correct.

Mr. LONG of Louisiana. Which school system is having the boycott, the school system in New York or the school system in Mississippi?

Mr. STENNIS. It is the school system in New York. New York has most of the things which are contained in this bill, except that its election laws are more stringent than they are in Mississippi or Louisiana, with respect to voting requirements.

Mr. LONG of Louisiana. If that is the method of bringing the long arm of the Federal Government down on the State, to try to enforce integration of schools, is it not quite possible that the fine State of Mississippi, as well as the State of New York, will also experience a boycott?

Mr. STENNIS. That is correct.

Mr. LONG of Louisiana. If not by the colored students, then by the white?

Mr. STENNIS. Yes. We must enact legislation only in the soundness and calmness of our best judgment, not through coercion, intimidation, or threats of violence to our people or threats of retaliation at the polls.

Mr. LONG of Louisiana. When the people feel there is no other way to achieve justice than by taking the law into their own hands, does it not tend toward the result that both the whites and the colored feel they may do violence?

Mr. STENNIS. It creates a very dangerous situation. One demonstration encourages another. One act of violence brings on another. These things quickly get out of hand.

As the Senator knows, we are confronted with the stories—and I think some of them are true—that there are definite plans being made now for an invasion of the Southern States this summer, with all kinds of demonstrations and marches. The invaders are even going to set up schools of instruction. If they are not discouraged by some person of influence from the Attorney General, or maybe the President, seeking to stop these migrations, I do not know what will happen. I do not want to be responsible for what may happen. When we try to stop unlawful acts or prevent violence and someone is injured in any way, we of course are blamed. This is quite a serious matter.

Mr. LONG of Louisiana. I thank the Senator.

Mr. STENNIS. There is a way to solve the problems and a way to improve racial relations, and there is a way for a community to build harmony among the races. This can be done and it is being done in some areas by the leaders of each race working together at the community level, voluntarily and without compulsion. I repeat that this will not be done if people come into the various communities from other parts of the country for the express purpose of causing disturbances and getting themselves put in jail for publicity purposes or to inspire local colored people to try to have themselves arrested for the same purpose.

Things do not work that way, they never have, and they never will.

We have illustrations of it in many places in the South and in other parts of the country. In my own State of Mississippi there are colored people who are fine leaders, not only among their own race, but also in community and civic matters.

In Mississippi there are 8,440 colored schoolteachers. They are very fine leaders, almost without exception. They are trained in educational work, and they are leaders in their community in other matters, too.

There are several thousand ministers, doctors, and other professional people who are members of the colored race. We also have many colored businessmen and technicians, and many men and women of skill, who have qualities of leadership.

Relations were fine, everything was going very well, and extraordinary progress was being made, until the cleavage came, then a wedge was driven between the races. There was destruction and tearing down of racial relations that had previously been progressing in a very constructive manner.

The attempt to solve the problem by passing laws and changing rules and judicial interpretations and by political pressure has changed the whole picture.

When this method has exhausted itself and failed, as it surely will, we must then go back to the leaders in the various communities who will again have the burden of picking up the pieces, start over again on a voluntary basis without compulsion.

Several instances have been mentioned during the debate with respect to alleged facts—and perhaps some of the statements were true—which showed a bad picture at some point with respect to schools in various parts of the South, including my own State of Mississippi. However, the people who bring out these isolated instances do not undertake to give the full picture.

Mississippi has a very fine school system. Almost 300,000 colored students attend the public schools, which are taught by some 12,000 Negro teachers; all colored teachers paid according to the same State pay scale as are the white teachers. We have fine, modern schoolbuildings, all of them more than adequate, some of them almost luxurious, for the colored children. We have provided playgrounds and equipment, libraries, school lunch programs, free transportation, and free schoolbooks. All students in the Mississippi public schools are furnished free schoolbooks, from kindergarten through senior high school.

As a result of the modern consolidation of schools, only 24 one-teacher schools remain in the entire State.

Those schools serve small or remote communities; otherwise, they would be consolidated with larger schools. Some other States have as many as 790 one-teacher schools. The great State of Illinois has as many as 237. I do not cite that to discredit Illinois at all, but merely as a comparison to show how Mississippi has modernized and is supporting its schools on a high level by State taxation and local support. We are proud of our school system. No one in the world takes more pride in that system than do the colored people themselves.

But now newcomers are coming into the State and are telling the colored parents and their children, "Yes; you have all these things, but you don't have enough. You ought to have more. Something is being withheld from you."

Some people listen to that sort of talk, but so far the great majority have spurned such advice and counsel and are making the very best of their excellent opportunity to improve their training, their position, and their condition, so as to make themselves more and more worthy of their families, and their State. Mississippi will continue to support those schools, and I believe the children and their parents will continue to support them, also, and that we will continue to make progress.

Coming more directly to the provisions of the bill itself, I shall address myself today to the many grants of power that would be vested in the Attorney General by H.R. 7152. One of the most general, nationwide objections to the bill is the vast transfer of power over the affairs of the people from the local level, whether it be the State, the community, or the county level, to the Central Government at Washington. It is not a sin, of course, to be connected with the Central Government at Washington. The main point concerns the practical solutions of local problems, the conduct of a school can be solved better by the people who are most concerned with them. The tendency toward "bigness" in Washington is to operate through larger authority and bureaucracies without knowledge of local conditions.

Many Senators from States outside the South—for this is not simply a racial matter—have told me that there is a growing concern especially among the so-called little people, who ordinarily do not take part in government problems and affairs, because they are busy with other things at their level, about the transfer of power away from the local level to the centralized government in Washington as this bill would do if it is enacted. This is true not only in one or two fields, but in many fields.

The bill would arm the Attorney General with such far-reaching power in the field of public accommodations, elections, education, and industrial employment that it would constitute the most colossal grant of power that has ever been assembled in peacetime or even, perhaps, in wartime, to one official in the Government—and this time it is the Attorney General. Even more disturbing is the fact this power is given with almost no guidelines.

There has been no previous occasion since Reconstruction days when Congress has considered a bill which would seize from individual citizens so many personal and property rights and place their complete control in the Federal Government. If H.R. 7152 is enacted, the Federal Government will, in effect, assume an all-encompassing authority over practically every business in the United States. It—meaning the Attorney General—will have the power to control public schools, State and Federal elections, and all programs which receive financial assistance from the Federal Government. It will have the authority to virtually take over the operation of every private business in the Nation.

This broadening of Federal power is frightening and alarming, but as disturbing as this sweeping expansion of authority is, it is not nearly so shocking as the realization that all of this power is given to one individual in Government—the Attorney General.

Under the terms of this bill, the Attorney General would become an untouchable czar, unshackled by any restraints at his principal level of operations. He would be granted the broadest authority and armed with the most powerful legal weapons ever given to one individual by the Government of the United States. One instance is the tremendous power through injunction. It would have to be granted, of course, by a court. But with the great power behind the Attorney General, and considering his ability to obtain injunctions and to dictate largely the terms on which they would be enforced, most of them not providing for the benefit of a jury trial, the grant of power is almost unthinkable. With them he would be free to trample upon the most honored of our constitutionally guaranteed freedoms. Indeed, in some instances, he would be compelled to do so.

Mr. President, my remarks on the power of the Attorney General are made without reference whatsoever to any past, present, or future occupant of the office. I am dealing with and vigorously objecting to the principle of vesting power in any individual or office as is done by H.R. 7152.

The power which would be placed in the hands of the Attorney General could, if he chose to so use it, be a weapon of intimidation, threat, and coercion second only to the power of life or death. He would possess the authority and ability to destroy the right of private businessmen to manage their own properties. He could, with the power and authority granted by this bill, dictate the policies of every public school in the Nation. He could, as a practical matter, assume complete supervision over registration and voting in State and local elections. In brief, the enactment of this bill would make the Attorney General the most powerful individual in the domestic affairs of the United States. It would give the Attorney General more power than has ever been held by a single individual, other than the President, in the history of our Nation; and this power would be granted to an officer not elected by the people, and, thus, not responsible to them at the polls. Indeed, he would not be a constitutional officer.

Mr. SALTONSTALL. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. JORDAN of North Carolina in the chair). Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. STENNIS. I am glad to yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I thank the Senator from Mississippi for yielding to me.

I call his attention to title X of the bill, on page 52. This title deals with "Establishment of Community Relations Service." I also call his attention to page 53, where section 1002 provides, in part, as follows:

> SEC. 1002. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties—

And so forth. I also call his attention to title V, which deals with the Commission on Civil Rights, and on page 22, with the functions of the Commission and its duties—

> DUTIES OF THE COMMISSION
>
> SEC. 104. (a) The Commission shall—
>
> (1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote—

And so forth. If the Community Relations Service and the Civil Rights Commission carried out their functions and were given sufficient appropriations to enable them to do so effectively, would not that arrangement take away much of the power the Senator from Mississippi is saying would otherwise be concentrated in the hands of the Attorney General?

Mr. STENNIS. No, I do not think so. I say that with all due deference to the Senator from Massachusetts. Those provisions sound good; they are written in smooth language. But, as a practical matter, those agencies would not serve any very useful purpose—not in considerable areas of the country, at any rate. Such an effort would perhaps be milder than the Attorney General might undertake but there would still be elements of coercion in connection with the attempts to deal with these explosive problems. The fact remains the power will still be given to the Attorney General and he may use it if he so desires.

As I have said, the only way to reach a solution of these problems is by means of voluntary efforts by the leaders of each race, working at the community level.

So, with all due deference to the Senator from Massachusetts, I state that I do not believe that the titles to which he has referred would accomplish what he hopes they would, in this most explosive matter, which involves such deep feelings.

Mr. SALTONSTALL Mr. President, will the Senator from Mississippi yield again to me?

Mr. STENNIS. I am glad to yield.

Mr. SALTONSTALL. The proposed Community Relations Service appeals very much to me, because of a similar service which was established some years ago in Massachusetts, at a time when there were difficulties there between the races. At that time, I was serving as Governor of the State. We established a committee which was very successful in working out problems of the character of those we are discussing in connection with the pending bill. That committee was successful, even though it proceeded without the use of compulsion; it worked purely on a voluntary basis with the people of the communities.

So it seems to me that the proposed Community Relations Service and the Civil Rights Commission, if staffed with able and understanding persons, could be extremely helpful in connection with the work of the office of the Attorney General.

Mr. STENNIS. That may be the purpose of those proposals, and I understand the feeling of the Senator from Massachusetts in that connection. I am sure that what he has stated about the experience in Massachusetts is correct; but, at the same time, I totally disagree with him as to the effectiveness such proposed agencies would have in dealing with such sensitive problems at the present time.

I point out that for some years the Advisory Committee has served in connection with the Civil Rights Commission, but it has not really taken care of the problem. I am stressing the importance of having the leaders of the racial groups work at the community level with these groups.

I thank the Senator from Massachusetts for his questions.

Enactment of this measure would give more raw, naked, and absolute power to the executive branch of the Federal Government than has ever been granted in peacetime. In actual operation, the power granted may exceed even the powers which have been granted in wartime.

This unlimited grant of power is neither necessary nor proper. Ostensibly, it is given for the purpose of allowing the Attorney General to act as counsel for individuals seeking their civil rights in those instances where the individuals are not able or capable of pressing their claim themselves. This may sound good in abstract theory, as do many of the other provisions of this bill; but its practical effect will be to destroy more individual rights than it could possibly protect.

It has been the custom under our system of justice to provide counsel for a person accused of a crime—although in many instances this is limited to felonies; but this bill goes far beyond this practice. In fact, this bill, if enacted, would reverse the practice. It would make the Department of Justice a legal aid society for all persons who claim that their constitutional rights have been violated. The defendant would be left to depend upon his own resources. He could not avail himself of the vast resources of the Attorney General. On the contrary, he would be forced to compete against these resources on vastly unequal terms.

Mr. President, as I proceed with my remarks, I shall point out more specific illustrations of that tremendous power, under the various provisions of the pending bill.

There are those who minimize the danger by giving assurances that the Attorney General would in all administrations use and exercise his unprecedented power with prudence, restraint, and sound judgment. But would he be able to do so? Would he really be free to exercise discretion and restrained judgment?

Let us look about the land and see what is happening. Violence has erupted all across the Nation in connection with the fierce and determined drive to wipe out alleged discrimination. Private property has been seized and held. So-called sit-ins and lie-ins have been held in State capitols, city halls, legislative chambers, the offices of boards of education, and other public buildings. Organized demonstrators have committed acts of deliberate, preconceived, and violent trespass. Traffic has been halted by agitators lying in the streets.

Mr. President, the other day a very sad and unfortunate accident happened when a fine, young minister of great promise lay down behind a bulldozer, during a demonstration; and the driver of the bulldozer, not knowing the minister was lying on the ground behind the machine, reversed it, and the bulldozer crushed to death that unfortunate gentleman.

I point out that the demonstration occurred where a new schoolbuilding was being constructed for the children in that part of Cleveland, Ohio. The school was already integrated. The protest was not about an inadequate building. Instead, it was about a new building. The protest was not because of a desire to have the school integrated, because the school already was integrated. Instead, the protest was for the purpose of demonstrating opposition to the construction of the school on that site, because, although the school already was integrated, it was claimed that it was not balanced as between colored children and white children.

The next morning the lead statement of the radio report of the incident which I heard was, "Young Minister Loses His Life in Civil Rights Crisis."

There was no crisis to it. The average listener who heard that statement got the idea that a demonstration took place. He would get the idea that someone's rights were being violated, and during a demonstration to prevent that violation a man had lost his life. As I have said, there was no crisis. No civil rights crisis was involved. The school was already integrated. No crisis existed in respect to an inadequate building. The children were receiving proper attention. The taxpayers in the area were providing them with a modern building.

Still, when that unfortunate incident occurred, a report went out over the radio to the entire Nation to the effect that some kind of civil rights crisis had occurred which had cost a man's life.

The issue related to balanced schools. The demand is not now for integration, but balanced schools. The argument is made that, if necessary, little colored schoolchildren should be taken out of their communities and hauled to white communities, and white children should be taken out of their community, where they have their playmates, their school, and Sunday school, and hauled across the city to a colored community so that the schools can be balanced.

To begin with, there were provisions in the original bill which would have laid the groundwork for using them to eliminate racial imbalance in schools. The reaction against that proposed program was terrific. That situation did not occur in the South. The South did not object to such procedure. Our communities are already rather well balanced. But the objection came up the eastern seaboard through the States of New Jersey, New York, and Massachusetts. An election took place in Boston. A lady member of a school board said that she would not stand for the transportation of children for such purpose. She was opposed to it. She made her opposition an issue, and she was elected to the school board by an overwhelming vote.

Strong protests came from other areas.

What happened? The provision requiring balanced schools was removed from the bill. It is not now in the bill. It was thrown overboard, as the captain of a ship in distress would throw overboard part of its cargo.

The provision has been pitched out. In fact, many provisions to which there was objection in certain areas have been removed from the bill. An amendment was offered on the floor of the House to spell out the fact that "desegregation" did not mean overcoming racial imbalance. It was readily agreed to by Representative CELLER, from New York, who was the manager of the bill in the House. He did not even make a fight against it. He put up no argument against it. He did not contest it. He did not call for a vote. He agreed to it. The amendment was adopted. The proponents of the bill are now quick to point out to their own constituents as well as to us that the bill contains no language with reference to balanced schools.

On almost every hand we are told that, if this bill is not passed promptly, or if it is weakened in any material way, renewed and greater violence will result. We are also told that, even if the bill is passed, demonstrations will follow to test its provisions and compliance with it.

I understand a movement is already underway to urge the Attorney General to use all the powers that would be granted to him under this bill, I understand that the colored leaders are divided on the subject, but that a great majority of them expect to press for that kind of activity. I understand that the newspaper representatives are now being briefed. I suppose they are being briefed at public meetings on what will be done under the bill as soon as it is passed.

Thus, it should be clear that, if we give this vast power to the Attorney General—whoever he may be—and if the Attorney General attempts to utilize it in a prudent, controlled, and restrained manner, he will become the focal point for all the pressure which these organized minorities and paid agitators can bring. They will insist and demand that he exercise his power to the hilt and that this be done without delay or restraint. There will be a great clamor from the extremists that all such action be taken as is necessary to satisfy their most extreme and radical demands.

To force compliance with their demands, they will take to the streets, organize demonstration after demonstration, stage sit-ins, and lie-ins—perhaps in the Attorney General's own office, if he does not act as fast as they think he should.

Senators may be certain that if they even suspect that there is any foot-dragging on the part of the Attorney General in complying with their never-to-be-satisfied requirements there will be demonstrations the like of which we have not as yet seen.

On the other hand, if the Attorney General is not given the sought-after power, it will not be possible to bring this type of pressure upon him. He could not be forced to take undesirable and extreme actions which might be disruptive and destructive of individual rights. Those persons having grievances in the civil rights field would have to satisfy them, not by unlawful demonstrations in the streets, but by resort to established and orderly judicial remedies in accordance with the regular processes of law. This is as it should be.

Mr. President, at this point in my speech, which is a natural break, I wish to refer to other measures that were connected with or were at onetime considered to be a part of the civil rights bill or program—provisions that were either dropped before they were put in the bill or modified after they were put in.

I have already mentioned the question that arose with respect to the imbalanced schools, a provision that was abruptly and easily thrown overboard by the proponents, without making a fight for it, as soon as opposition appeared, particularly opposition in the Northern and Eastern States.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield.

Mr. COOPER. Before the Senator leaves his discussion of the power given to the Attorney General, may I ask him if it is not correct that in 1957 and in 1960 Congress provided the Attorney General with power to intervene in voting rights cases?

Mr. STENNIS. The Senator is correct. The Senator took part in that debate. Such authority was limited to voting rights cases.

Mr. COOPER. So that section, I would confer no additional power on the Attorney General?

Mr. STENNIS. I think there is a broadening of the power, if the Senator will remember; but, generally, it is not a new power or an original power, as is the case with some of the other titles.

Mr. COOPER. The three sections which would provide the Attorney General with new power deal with the desegregation of schools, public accommodations, and public facilities?

Mr. STENNIS. The Senator is correct.

Mr. COOPER. I have a high regard for the Senator from Mississippi, but I think his speech expresses the essential difference between those of us who believe that such rights as have been declared by the Constitution or the Supreme Court should be assured and secured; and those who do not believe that there are such rights or that such rights should be assured.

The Senator's speech, to which I have listened with great care, comes back to that fundamental issue. I would prefer that there be no need for the Attorney General to have this power, or to be required to intervene in these cases; but the true issue is this: Why is it necessary to provide such authority to the Attorney General? The answer is that some States will not assure to some of our citizens their equal rights guaranteed them by the Constitution. That is the reason that it is necessary for the Congress to act, as it has the right and duty, under section 5 of the 14th amendment.

Mr. STENNIS. Mr. President, will the Senator suspend?

I believe the Sergeant at Arms should advise the gentleman in the rear to use the telephone outside the Chamber. Either we have to suspend until he is through, or he should suspend until we are through. I wish someone would give him those instructions.

The PRESIDING OFFICER. Let there be quiet in the Chamber.

Mr. COOPER. Is it not the issue whether there are such rights and whether or not they should be secured?

Mr. STENNIS. The Senator knows my high regard for him. I think he is somewhat severe in his evaluation of the remarks of the Senator from Mississippi and his interpretation of the bill.

Mr. COOPER. The Senator knows that I always come to listen to him.

Mr. STENNIS. I see the Senator's point very clearly. I do not entirely disagree with the Senator from Kentucky on voting rights. Anyone who is qualified and is legally entitled to vote and has met the requirements of the law—we might argue as to what authority can impose or specify such requirements—should be permitted to vote and, as someone has added, to have his vote counted. I agree with the Senator from Kentucky on that point. I know, too, that there must be some legal machinery to enforce vested rights.

The objection which I am now voicing to the bill, and to the voting rights section, is that it gives too much power, advantage, and authority to the Attorney General. It even permits him to shop around and select his own court in cases under title I.

Coming to another part of the Senator's comment, the Senator has raised a very fundamental question with respect to the title on public accommodations. I do not believe the Congress has any basis whatsoever to pass such a law or to include that title in any bill. That question has been passed on by the Supreme Court of the United States. The only thing that can change it is a constitutional amendment. Just as in the Brown case—the 1954 school decision—I believe the decision was wrong, but it will take a constitutional amendment to change it.

The Attorney General is given unwarranted power throughout the bill. In the title on the FEPC, the power is placed primarily in the hands of the Commission. At the same time, the Attorney General, as head of the Department of Justice would, by virtue of section 302, get much power.

What I object to is the overwhelming unwarranted and coercive power that he would be given. I have developed that point.

For example, under the public accommodations title, he would have the coercive power to file suits against business owners, even though they had not violated the law, if he believed they might violate the law.

Mr. COOPER. The Attorney General could do that under the voting provision. The Attorney General may institute proceedings if he believes a law will be violated.

Mr. STENNIS. The Government may be charged with some responsibility in the voting field. However, it is unthinkable to the Senator from Mississippi that the owner of a private restaurant—perhaps only 1 week ahead of the bill collector—should be forced to submit to this kind of law or be faced with the vast power of the Attorney General.

Mr. COOPER. Title II of the bill, as now drawn is not based upon the 14th amendment. Title II, of the bill, is presently based on the commerce clause. The constitutional basis for title II may be different from the constitutional basis of other titles, such as voting rights in title I and school desegregation rights under title IV. I do not think the Supreme Court in the civil rights cases of 1883 ever reached the question as to whether discrimination in public accommodations, supported by "State action," would violate the 14th amendment. The Court in its opinion clearly stated it was not searching this question at all. I do not think that point has been adequately developed in the debate. With great deference to my friend from Mississippi, I would like to pose a question: Is not the net effect of his argument that the Federal Government should do nothing and leave everything just as it is now, that is—let discrimination continue—against the constitutional rights of some of our citizens

The fact that very little has been done to secure the constituted rights of our citizens, has made this bill necessary. It was only last year, after 3 years of warning, that a civil rights bill was introduced. It would have been much better if it had been introduced and passed 3 or 4 years ago. We might not have had the incidents of violence—which I do not like, and which the people of the United States do not like. The use of violence is alien to our democratic process. But if, for a long time, a part of our citizens are denied rights, which are theirs under the Constitution—rights equal to those of their fellow citizens—that explains why it is now necessary to ask for these new procedures, to which the distinguished Senator from Mississippi now objects.

Mr. STENNIS. No Congress has ever told any group that they had any right to go into cafes against the wishes of the owner. No court has ever told them that. Who in the government has told them that, except those who support this bill?

Mr. COOPER. I firmly believe that section I, section III, and section IV, are clearly based upon constitutional rights declared either by the Constitution, or by the Supreme Court.

With respect to public accommodations, the question has not been clearly determined by the Supreme Court. Some say it was determined unconstitutional in 1883. I do not believe it was. There was nothing in the act passed by Congress which in any way dealt with any State action.

The Court said that it was not passing upon the question of the right of Congress to enact such a law, but only upon the actual language of the act before it.

It merely said that the act on its face was not within the powers of Congress. It did not mention State action. The public accommodations section of the bill is based on the interstate commerce clause and is before the Congress as a matter of policy. Congress can legislate on the basis of policy under the commerce clause as well as on the basis of the Constitution. I would prefer that the public accommodations clause be based on the 14th amendment.

My point is that these three sections, for which there is a constitutional basis, meet evident needs. The fact that nothing has been done in certain States to meet those needs, is the reason why legislation is sought to provide larger powers to the Attorney General.

Mr. STENNIS. I do not believe it means that we would do nothing. A great deal is being done. The pending proposal is merely a lock, stock, and barrel transfer of power from the local level to the Government in Washington. This is proposed to be done in one sweep and in one stroke of the pen. A great deal is being done at many levels, and in many instances. Definite progress is being made in education and other fields. I shall point out the power which this bill grants and delineate the application of this power.

I hope the Senator will remain. This speech has been very carefully prepared, and an extensive analysis of cases has been made in preparing it.

As I proceed, I shall try to direct some of my remarks to the Senator specifically. I appreciate his comments.

One of the very first things that was emphasized by the proponents when this bill came to the Senate was the fact that there was nothing in the bill affecting housing. The bill had nothing to do with the housing orders, it was said.

If the housing orders were taken out, and I hope they are out—that would be enough to kill the Presidential order on the subject, which, with all due deference, was a usurpation of power, in my opinion. But an amendment was added in the House excepting from section 602 all contracts of insurance and guaranty. That is represented to us as meaning those programs which are insured or underwritten by the Federal Government. I hope it means what the proponents assert.

There is a very good reason for this action. It is another illustration of something that was thrown overboard because the feeling was that there was strong opposition from the people. Instead of standing and fighting for it, and insisting on a vote on it, the proponents threw it overboard.

To illustrate the sentiment of the people I refer to some elections that have been held within the past few months, on these matters.

In 1964, Tacoma, Wash., had a referendum on a fair housing ordinance, and it was defeated by a vote of approximately 3 to 1.

On the 2d of April of last year Berkeley, Calif., defeated a proposed fair housing ordinance by a vote of 22,700 to 20,323.

In Seattle, Wash., in a referendum in March of this year, a fair housing ordinance was defeated overwhelmingly.

Kansas City had a referendum on April 7, 1964, on an ordinance which would have forbidden racial discrimination in establishments which trade with the public. In that referendum the ordinance was approved. It passed by about a 1-percent majority. The actual vote was 45,476 to 43,733. The difference was provided by an overwhelming affirmative vote in the Negro wards.

Only last week the Rhode Island General Assembly refused to pass a fair housing law by a vote of 62 to 31—exactly a 2-to-1 vote.

Mr. President, I read into that, clearly and unmistakably, the basic opposition of the people who would have to live under these laws. With respect to fair housing, the FEPC, or whatever it may be, when the people get a straight shot at it in an election, they vote it down by a majority of 3 to 1, or 2 to 1, and in some cases by a smaller majority. The only major one that I know of which has passed recently was the one in Kansas City, Mo., and that was by less than a 1-percent majority with an overwhelming vote in favor of it in the Negro wards.

There is a further point with which I should like to deal, and that is the FEPC provision. President Kennedy did not recommend that this title be included in his original bill. He came from a State where such a law is in effect, but he did not recommend that such a provision be included in his recommended bill. It was not in H.R. 7152 as originally introduced. It was added while the bill was in the Judiciary Committee of the House. That committee held no hearings on it. Two minutes of argument were permitted in committee, 1 minute for the chairman and 1 minute for the ranking Republican member of the committee. They had the votes, and that provision was included. Then the bill was reported, after a week of hearings before the Rules Committee. It contained the 11 titles that are now before the Senate. There was a little more than 1 week of debate on the floor of the House and the bill was then sent to the Senate.

The bill is now before the Senate without any hearing having been held on the FEPC title by a Senate committee, although some hearings were held last year on the general subject matter.

There is a provision in title VII that in a State where a State FEPC law is now on the statute books, if the State enters into agreement with the Federal Government, that State will be exempt from the operation of title VII. Those who wrote the title are not willing to live under it themselves, but they insist that others live under it. If their State already has an FEPC law, they will not be subject to the Federal law. There is a built-in escape clause. Some States have enacted such laws, and some have not. The bill provides, in effect, that in some States the policy shall be changed and they will be forced under a Federal system and a Federal law. In other States—those which have such a law—it is specified that the Federal law will not apply. It will be effective only in the other States. In other words, there would be a dual system. That, to me, is nonsense. If we are to have a Federal FEPC law—and I do not believe we should have one—it should apply in all States alike.

Another point to be considered is the matter of racial quotas in employment. A quota system would require, if 20 percent of a certain race are living in an area, that a reasonably comparable percentage of the members of that race be employed in the banks, factories, and other industries.

Although there is some question about it, the proponents have assured us that there is no quota provision in the pending bill. Regardless of this, I am sure that will come in the next civil rights bill. It proved to be a very unpopular proposal with the people. A number of objections have been made to it. Several editorials against it were published in the New York Times, which supports this type of bill almost across the board. I remember the late President Kennedy explaining, a few days after the bill came to the Senate, that the bill did not require quotas. My point is that if a man is to have taken from him his civil right to employ people who would do his business the most good, and that right is to be transferred to the Federal Government, then the quota system is the most logical and expedient manner for the proponents to achieve their purpose.

I point out that no fight is being made now for one of the main pillars and posts of the system that is proposed; it will be made later.

I believe it is clear that the proponents took what would be specifically and directly applicable to the southern part of the country and what was not generally objectionable to the other areas of the country, and decided to let that be the civil rights bill for the time being. However, I believe that this bill had its greatest strength and appeal the day it came to the Senate for debate. Since then there has been a gradual realization that this is a dangerous bill. The people have realized how it would affect their basic rights. They see that there would be taken away from the little man the authority to select those he wants to work for him, and to transfer that authority into the hands of a far-away Federal Government. That would mean that the Government would have to hire some new personnel, and some who are in the Government now will have to get out to make room for the new system.

I believe that people are beginning to realize what the practical effect of the bill would be. The reaction of the people is being shown in the votes on the various referendums that have been held and otherwise. The same thing is true by the reports of Senators upon the tenor of the mail they have received.

I will join hands with any Senator in trying to devise a voluntary noncoercive and noncompulsive plan, under which both races can work and live together in harmony and make progress. We have been making great strides in our area. We are proud of that fact. The proponents will not help us, but will hinder and hurt us by insisting on the passage of the pending bill.

I wish now to direct my attention to section 302 of the bill.

This is a "sleeper" which was overlooked for a long time. This provision deals with public facilities like swimming pools, parks, amusement centers, and places of that kind. Buried in it is a drastic provision which would give sweeping power to the Attorney General. This is in the nature of a "sleeper" which has largely escaped notice in the debate until recently. Section 302 reads as follows:

> SEC. 302. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the law on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action. In such an action the United States shall be entitled to the same relief as if it had instituted the action.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. TALMADGE. Would not that language authorize the Attorney General to intervene in the name of the United States Government in any private lawsuit, if one citizen were to sue another and allege anything relating to the equal protection of the laws or anything relating to race, color, religion, or national origin?

Mr. STENNIS. The Senator is correct; if the case contained the elements the Senator recited—race, religion, or national origin—he could intervene in a private lawsuit. There is not one word in this title that limits the power to public facilities, which is the title under which it is found.

Mr. TALMADGE. Then the bill would authorize the U.S. Government, acting by and through the Attorney General, to choose sides in any private lawsuit in which he saw fit to do so, and to throw the power, influence, prestige, legal talent, and financial support of the United States on the side that he wanted to have win, would it not?

Mr. STENNIS. The Senator is exactly correct. The only thing the Attorney General would have to do would be to have some individual go through the procedure of filing a suit—a stooge or a dummy or a volunteer—anyone. He could always find someone of that kind. The bill provides that he may then intervene. That means that the court could not keep the Attorney General from intervening. Once he entered the suit, he would dominate it.

Mr. TALMADGE. The option to choose sides would be with the Attorney General, would it not?

Mr. STENNIS. Absolutely; he would have unlimited power under the terms of the bill.

Mr. TALMADGE. If the Attorney General intervened, that would deprive the opposite party, the party against whom the Attorney General intervened, of the right to a trial by jury, would it not?

Mr. STENNIS. It would depend on the type of case. It would bring into play, in any event, the second sentence of section 302:

> In such an action the United States shall be entitled to the same relief as if it had instituted the action.

Mr. TALMADGE. That power is even broader than the part III which was stricken from the bill by the Senate on a yea-and-nay vote in 1957.

Mr. STENNIS. It is to an extent. It is a little different, in that the suit must originally be filed by an individual as a nominal plaintiff. But this language is a "sleeper." I have not heard any proponents of the bill say that it does not have the effect I have given it.

Mr. TALMADGE. Such power as this section confers on an individual, be he the Attorney General or any other individual appointed, is inconceivable to me. I cannot conceive that the people of the United States or the Senate would sanction such action.

I, for one, am grateful to the able and distinguished Senator from Mississippi for calling this to the attention of the Senate. It will be shocking to the country, and it will be shocking to the Senate.

But it clearly demonstrates how cunningly and craftily the bill was drafted; how the language was concealed from the Members of the House and Senate; and how it was railroaded through Congress without an opportunity for anyone to be heard in the legislative committees of either the House or the Senate, where witnesses could come and testify and expose such "sleepers" as this.

The Senator from Mississippi has rendered outstanding service in calling such reprehensible language as is contained in this particular section to the attention of the Senate and the country. I commend him for his action.

Mr. STENNIS. I thank the Senator from Georgia for his contribution to the debate. He is always forceful.

This all-encompassing section is neatly and quietly tucked away in and is partially disguised by that title of the bill headed "Desegregation of Public Facilities." On a comparative basis this title has attracted little attention in the Senate. It is, however, of crucial importance, particularly section 302 which goes far beyond public facilities. It authorizes the Attorney General, in his uncontrolled and uncontrollable discretion, to intervene and intermeddle in "any action seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin." Thus, by the stroke of the pen, the Attorney General will be given the power to become the claimant's attorney, in any litigation filed which allegedly seeks vindication of a right arising under the 14th amendment.

The sweep and scope of the Attorney General's power under this section would be tremendous.

I invite the attention of the Senator from Georgia to the fact that after the Attorney General had intervened, he could name additional defendants. He could name the chief of police; he could name the mayor; he could name anyone against whom he could make any kind of showing to the court under his allegations that such persons were in some way connected with the alleged wrong.

He would have the right of intervention, not only in suits connected with public facilities, but in all cases filed by individuals which involved in any way the claim of equal protection of the laws on account of race, color, religion, or national origin under the 14th amendment.

For practical purposes the power which this section would grant would be almost identical with the power sought for the Attorney General in the Civil Rights Act of 1957, insofar as alleged denials of equal protection of the law on account of race, color, religion, or national origin are concerned. As most of us will recall, when that act came to the Senate from the House it contained title III which would have vested the Attorney General with the authority to institute suits himself in equal-protection-of-the-law cases. That section was fought out on the floor of the Senate and was stricken from the bill, on a yea-and-nay vote, after vigorous and extended debate.

Now, in substance, it is back before us in this "side door" manner.

During the debate in 1957, I recall that former Senator Johnson, now President Johnson, helped to strike out title III. He voted to remove it from the bill, and it was removed. The Senate struck out title III by a yea-and-nay vote. It was by a decided majority of 52 to 38. In conference, the House agreed to remove that title, and it was left out of the bill. It is not the law today, but still, as a sleeper, this provision comes back, just as far reaching in power, and, perhaps, more so in some respects.

I recognize, of course, that section 302 would give the Attorney General the power to intervene rather than to initiate an original action. However, in practical operation, there is very little difference, if any. With thousands and thousands of litigation-conscious civil rights zealots roaming the land, nothing would be simpler than to find an individual who was ready, willing, and anxious to file a suit alleging that someone, somewhere, some time violated his civil liberties. As a matter of fact, with the prospect that the Attorney General, backed by the vast power of the Justice

Department, would become the claimant's counsel, to some the filing of such a suit would become a very attractive proposition indeed.

When the suit was filed, all the Attorney General would have to do would be to walk into court and say that he desired to take part in the litigation. We may be sure that, when he had thus intervened, he would control and dominate the lawsuit. He could call the shots as he has in the cases in which he has intervened in the past. In view of this, the Attorney General might as well be authorized to file suit at the outset.

By using the subterfuge of having an individual first institute an action alleging infringement of a 14th amendment right, and thereafter intervening, the Attorney General could litigate a punitive proceedings involving an alleged denial of a civil right just as effectively and fully as though he was empowered to file the suit in the first instance.

On the other hand, where an individual filed a suit in good faith and on his own initiative, the Attorney General, by intervening and taking control, could effectively usurp the individual's own cause and right of action if it involved a 14th amendment claim. Nothing is more repugnant to the basic principles of Anglo-Saxon justice than this.

It is indisputable that, although hidden and concealed as a part of the public facilities title, section 302 is broader than the bill itself. It touches all the titles of the bill and even goes beyond them. It would embrace any State law which touches upon or regulates individuals or individual conduct provided only that in the litigation a claim was made that there had been a denial of equal protection of the law on account of race, color, religion, or national origin. Therefore, it embraces a wide and broad spectrum of litigation and vests in the Attorney General an almost limitless expanse of legal power.

The broad general power for the Attorney General to intervene which is provided by section 302 was not even contained in the administration's original bill. In some manner it got into H.R. 7152, as reported from the House Judiciary Committee, under the peculiar circumstances which have already been discussed on several occasions. It was referred to on the floor of the House as a "phantom section," and the statement was made that "it came out of the night."

Why are the proponents of this proposed legislation not willing to limit the crushing power of the Attorney General to the subject matters covered by the bill itself? Section 302 does not do this. It goes beyond the bill, and gives the Attorney General the power to control, by the device of intervening in private litigation, any and all of the myriad "equal protection of the law" situations which might arise in any shape or form under the 14th amendment so long as alleged to be based on race, color, religion, or national origin.

CONTEMPT PROCEEDINGS UNDER TITLE III

Title III deserves discussion from another aspect. Under section 301 the Attorney General would have a right to initiate a suit in cases involving a discriminatory denial of access to public facilities. Under section 302 he would have a right to intervene in any case involving the denial of equal protection of the laws on account of race, color, religion, or national origin.

Any and all of these cases could result in contempt proceedings which would subject the alleged contemnor to both fine and imprisonment. "Contemnor" means one who violated such an injunction.

However, absolutely no provision in title III guarantees any right whatsoever of trial by jury in either criminal or civil contempt proceedings—even in cases in which the punishment involved a fine in excess of $300 or imprisonment in excess of 45 days.

We have a very strange and inconsistent situation here. Section 205(c) of title II—the public accommodations title—contains a specific provision that proceedings for contempt arising under the provision of this title shall be subject to the provisions of section 151 of the Civil Rights Act of 1957. By making section 151 applicable under title II, the effect is to give to the defendant the right of a jury trial de novo in criminal contempt proceedings where the punishment is a fine of more than $300 or imprisonment for more than 45 days.

It would appear that consistency, as well as justice and fair play, would require that the same provision; that is, section 151 of the Civil Rights Act of 1957—be also made applicable to contempt proceedings under title III. But, lo and behold, such is not the case.

Mr. TALMADGE. Mr. President, at this point will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. BREWSTER in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. STENNIS. I yield.

Mr. TALMADGE. Is it not true that the Civil Rights Act of 1957 added an additional provision in connection with the right of jury trial; to wit, if the sentence was more than 45 days in prison or a fine of more than $300, the defendant would be entitled to a jury trial; but if the sentence was less severe, the defendant would not be entitled to a jury trial?

Mr. STENNIS. Yes.

Mr. TALMADGE. Does not that provision in itself contravene a provision of the Constitution; namely, that every person who is charged with crime is entitled to a jury trial?

Mr. STENNIS. I think it does, although considerable argument could be made to the effect that in contempt proceedings, in the old days, there was not such a requirement—certainly not under the laws of some States. But certainly the force of the argument the Senator from Georgia makes is very great; and the law proposed in this bill would apply to cases arising in connection with the entire spectrum of human conduct.

Mr. TALMADGE. Is not the right of trial by jury one of the rights which were wrung from King John, at Runnymede, by the barons, when the Magna Carta was established?

Mr. STENNIS. That is correct. It is one of the most important of all the rights provided a free people.

Mr. TALMADGE. The right to be tried by a jury of one's own peers?

Mr. STENNIS. Yes.

Mr. TALMADGE. Does the Senator from Mississippi think it is democratic and in accord with the rights of free citizens to provide that a person charged with contempt may be tried, without having a jury trial, by a Federal judge who would be appointed for life, and who could be removed from office only by impeachment?

Mr. STENNIS. Certainly not.

Mr. TALMADGE. Is it not true that in connection with, I believe, the Norris-LaGuardia Act, Congress itself passed a law which guaranteed labor unions the right of trial by jury in criminal contempt cases?

Mr. STENNIS. That is correct. Whenever Congress has passed on this matter in recent years, and particularly as the activities of the Federal courts have been extended in connection with the rights of the people, Congress has made that provision. Civil rights legislation is the exception.

Mr. TALMADGE. Did not Congress pass the Morris-LaGuardia Act for the purpose of preventing abuse by Federal judges in connection with criminal contempt cases?

Mr. STENNIS. Yes.

Mr. TALMADGE. Does not the Senator from Mississippi think that right should be extended to all the 190 million American citizens?

Mr. STENNIS. Certainly it should—except, of course, in connection with the power of a court to have control of its own proceedings—in other words, in what we call civil contempt committed in the presence of the court.

Mr. TALMADGE. The Senator from Mississippi has been a very able judge and jurist in his own right. I have the utmost respect for judges, and I certainly share the view of the able Senator from Mississippi that a judge should have a right to direct as to the proceedings in connection with a case tried before him. But when it comes to trying people for criminal contempt, no judge should have the right to deny them the right of jury trial.

Mr. STENNIS. Certainly a judge should not have that power. I think that would be treading on most dangerous ground; I believe we shall have serious trouble unless we preserve the safeguard of a trial by jury.

Mr. TALMADGE. I thank the able Senator from Mississippi; and I concur fully in his view.

Mr. STENNIS. I make that statement partly based on experience as a district attorney, when—I say frankly—I used to become impatient, at times, with juries, and thought they made mistakes. But in later years, when I served as a trial judge, I certainly could see both sides of the picture; and I am a firm believer in the jury system. So I know we shall be headed for serious trouble if we abandon it.

Mr. COOPER. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. COOPER. The Senator from Mississippi has referred to the various provisions of the bill which authorize a jury trial in contempt proceedings in court.

Mr. STENNIS. Yes.

Mr. COOPER. The public accommodations title of the bill does provide for a jury trial in contempt proceedings does it not?

Mr. STENNIS. Yes.

Mr. COOPER. But, am I not right in saying that the titles which deal with school desegregation and public facilities do not provide for a trial by jury?

Mr. STENNIS. Yes.

Mr. COOPER. The argument is that in such cases we would not be dealing with private individuals, but with officials. In proceedings involving desegregation of public schools we would be confronting the power of the State, as expressed through its school boards. With regard to public facilities under title III, we would again be dealing with the acts of State officials. We can presume that these officials are acquainted with the law and would not be misled under any mistaken conception as to what their duties under the bill, if passed, would be. I think that is the distinction.

Mr. STENNIS. If I may briefly interrupt the Senator, what he has stated is a difference but hardly a distinction. Section 302, about which we are speaking, would not be limited to public facilities, parks, and playgrounds.

Mr. COOPER. I believe it should be defined.

Mr. STENNIS. I commend the Senator heartily.

Mr. COOPER. I wish to know more about it before I favor the provision remaining in the bill. If it remains as part of the bill, it will merit our close consideration.

Mr. STENNIS. I commend the Senator highly for his position. I am confident that a full examination of the question will convince him that the language would give carte blanche authority. There would be no limitation on it.

Mr. COOPER. Mr. President, will the Senator yield further?

Mr. STENNIS. I am glad to yield further to the Senator.

Mr. COOPER. I believe it has been made clear in the course of debate during the past few days that the right to a jury trial, as a right under the Constitution, applies only to criminal proceedings. The 6th amendment and also the 14th amendment to the Constitution protect the right of a citizen to a jury trial in criminal cases. But the right of a judge to impose punishment for a violation of a court order is not in the nature of a criminal trial. The judge would be sitting as a chancellor, as if he were in a court of equity. He would be issuing orders that his decrees be carried out. If they are not carried out, the only way in which he could maintain the majesty of the court would be to administer some sanction to gain compliance with the court order. This has been the practice at both common law and under the Constitution of the United States. This practice survives in both the Federal district courts and also in most State courts.

A right to jury trial, in contempt proceedings, does not exist as a constitutional right. I think that point should be made very clear every time the question is raised.

It is most unfortunate that people all over the United States are getting the idea that the bill would deprive someone of his constitutional rights to a trial by jury. Since the question has been decided so many times by courts throughout the United States, it is unfortunate to see that impression being made. It is not a fair message to convey to the people of the United States.

Mr. STENNIS. The Senator has said that section 302 would deny the right of trial by jury, has he not?

Mr. COOPER. There is no constitutional right of trial by jury when a court, sitting as a court of equity, issues its orders and they are disobeyed, as it exists today. The question of whether trial by jury should be granted in contempt proceedings is a question of legislative policy which can be determined by the Congress and by the various State legislatures. I agree with the Senator that there should be a provision for trial by jury, whenever this is possible without diminishing the authority of the court.

Mr. STENNIS. I understand the Senator's position. His argument is that there is no absolute right of trial by jury in such cases.

Mr. COOPER. That is correct.

Mr. STENNIS. Does not the Senator agree that the wisdom of Congress would not be diminished one bit by granting the right of trial by jury in such cases as might be brought under the bill?

Mr. COOPER. That would be a question within the discretion and judgment of the Congress.

Mr. STENNIS. Yes.

Mr. COOPER. It would be determined on the basis of what is considered just and effective. The reason I raise the question is that many people in the country today believe that a constitutional right to trial by jury in this kind of case—a contempt proceeding—exists. That is simply not the law.

Mr. STENNIS. If we enact laws in the nature of criminal laws, the whole spirit of the U.S. Constitution is that trial by jury should be afforded to defendants. Perhaps the Court would so hold. Last week, in the Barnett case, the Supreme Court of the United States decided, in a 5-to-4 decision, that defendants were not entitled to a jury trial as a matter of right, but in a footnote the Court said to the lower court:

> If you are going to impose a heavy punishment, perhaps you had better grant a jury trial.

Mr. COOPER. The Senator is correct.

Mr. STENNIS. Does not the Senator believe that the statement was a wise one?

Mr. COOPER. I believe so.

Mr. STENNIS. I appreciate the Senator's attitude and his fine sentiments, as always.

Mr. President, I referred to section 151 of the Civil Rights Act of 1957. As I have said, there is no equivalent of section 205(c) in title III and, therefore, there is no guarantee in that title of any right of trial by jury in contempt proceedings brought under it.

As a matter of fact, in the House of Representatives, Representative ASHMORE, of South Carolina, offered an amendment to title III which would have, in the exact language of section 205(c), made section 151 of the Civil Rights Act of 1957 applicable to contempt proceedings arising under title III.

I should like to have the attention of the Senator from Kentucky on the point I am about to make.

This amendment was vigorously opposed by Representative CELLER, the chairman of the House Judiciary Committee, and others. It was asserted that there is no constitutional right to trial by jury in criminal contempt proceedings and that the provisions of section 151 of the Civil Rights Act of 1957 should not be extended to cover contempt proceedings under title III even though they did cover title II contempt proceedings. In the course of the debate, Congressman CELLER asserted that he opposed the proposed amendment because under title III as written, the punishment "should be swift and it should be sure." He charged that the proposed amendment "would only impede the administration of justice" even though its effect was only to accord a long-recognized basic right—CONGRESSIONAL RECORD of February 6, 1964, at page 2268.

He also attempted to make a distinction between contempt proceedings under title II and those under title III by asserting that title II created new rights and that contempt proceedings under it would be directed mainly against individuals while those under title III would be directed mainly against public officials, who should know better. This is a distinction without a difference. In addition, there is a fallacy in this view. Proceedings under title II can obviously be either directed against individuals or public officials. The same thing is true with respect to proceedings under title III, particularly when section 302 is taken into consideration.

The principal point is, however, that the argument that the adoption of the amendment would be to prevent the punishment from being swift and sure is, in essence, an argument against the jury system itself. In effect, this argument is that the interposition of a jury would, in some cases, either slow down the imposition of the punishment or prevent it. This amounts to a contention that we should dispense with jury trials because guilty men may be acquitted in some cases. While this may occasionally happen, it is one of the prices which we have always been willing to pay for our prized traditions of liberty.

I appreciate the sentiments of the Senator from Kentucky, in connection with section 302, that it is a congressional responsibility to be certain that the subject is fully considered and that a jury trial should be permitted.

The argument that the minimal safeguards provide in section 151 of the Civil Rights Act of 1957 and also titles I and II of the pending bill should be omitted from title III in order to make the punishment swift and sure is one of convenience and expediency only. In effect, it is based on the philosophy that it should be easy and simple for the Attorney General to inflict punishment. Unhappily, however, it reflects the philosophy of the Department of Justice today.

As one who has high regard for the constitutional principles upon which the greatness of this country is based, I wholly reject the philosophy that expediency and convenience, and the possibility that some guilty persons may go unpunished, are sound or adequate grounds for a denial of the basic constitutional right of a trial by jury. This right has historically been one of the greatest protective bulwarks against tyranny. Section 151 of the 1957 act, in my judgment, itself violated constitutional safeguards. Title III, which fails to assure the right of trial by jury even to the limited degree that section 151 does, is far worse. It displays a scorn and contempt for constitutional rights which I thought I would never see.

I repeat for emphasis that when the Congress enters the realm of control of the people in their daily affairs in a larger and larger number of cases, when it goes into the schools, into public accommodations, into the employment of people in private industry, and a host of other activities covered by this bill, it is mandatory, in conscience, if not in the plain letter of the constitutional provisions, that Congress provide for jury trials. To do anything less under present conditions would be unthinkable.

It is almost beyond the wildest imagination to realize that a businessman who has conducted his business in the same manner in which it has been conducted with the approval of the Federal Government for a century would suddenly find himself in court defending his right to continue that conduct. It is shocking to realize that under the terms of this bill the Federal Government, through the Attorney General and all the resources of the Justice Department, would be his prosecutor. The result of this illogical and unwarranted reversal of judicial procedure would not promote nor insure justice. It would insure injustice. It would weigh the odds heavily against one accused of unlawful discrimination under the terms of the bill.

The case of United States against Barnett, et al., decided April 6, 1964, has been mentioned in debate. In considering what this bill does, it is important that we understand the precise question decided in that case so that the impression will not be left that it authorizes the Congress to go the limit in denying a trial by jury in all criminal contempt cases.

The question certified to the Supreme Court, and, therefore, the only question before it for decision, was this:

> Where charges of criminal contempt have been initiated in this court of appeals against two individuals, asserting that such individuals willfully disobeyed a temporary restraining order of the court, which order was entered at the request of the United States, acting as amicus curiae pursuant to its appointment by an order of the court which granted to it, among other rights, the right to initiate proceedings for injunctive relief, and the acts charged as constituting the alleged disobedience were of a character as to constitute also a criminal offense under an act of Congress, are such persons entitled, upon their demand, to trial by jury for the criminal contempt with which they are charged?

That was the sole question presented to the court: Are such persons entitled, upon their demand, to trial by jury for the criminal contempt with which they were charged?

The Court, with four of the nine Justices dissenting, decided this question in the negative. I might add that the Court of Appeals of the Fifth Circuit had previously split 4 to 4 on this question. Thus, of the 17 judges who were called upon to pass on the issue, 9 took one view and 8 the other. This alone emphasizes what a difficult and close question is involved.

However, even the majority opinion in the Barnett case is not as sweeping as some seem to believe. The limited question presented, that is, were the defendants, upon demand, entitled to a jury trial as a matter of right for the alleged criminal contempt, was answered in the negative.

However, the certified question did not bring up for decision the issue of whether the severity of the punishment might change the situation and make it necessary that a jury trial be accorded as a matter of constitutional right. Let me call attention, on this point, to the concluding paragraph of footnote 12 to the majority opinion. It reads as follows:

> However, our cases have indicated that, irrespective of the severity of the offense, the severity of the penalty imposed, a matter not raised in this certification, might entitle a defendant to the benefit of a jury trial.

For emphasis I repeat that language—"might entitle a defendant to the benefit of a jury trial."

> See *District of Columbia* v. *Clawans*, 300 U.S. 617 (1937). There Mr. Justice Stone, later Chief Justice, citing many cases, said that "commonly accepted views of the severity of punishment by imprisonment may become so modified that a penalty once thought to be mild may come to be regarded as so harsh as to call for the jury trial, which the Constitution prescribes, in some cases which were triable without a jury when the Constitution was adopted." At. 627. In view of the impending contempt hearing, effective administration of justice requires that this dictum be added:

This is the dictum the Court was adding to its opinion:

> Some members of the Court are of the view that, without regard to the seriousness of the offense, punishment by summary trial without a jury would be constitutionally limited to that penalty provided for petty offenses.

The Court said that punishment by summary trial without a jury would be constitutionally limited to the penalty provided for petty offenses.

Frankly, I do not see how the Court could say, as a constitutional matter, that the extent of the penalty would determine the right to demand a trial by jury. Nevertheless, that is what the Court said. Frankly, that is the standard Congress adopted in 1957—it granted the right of trial by jury if the penalty went beyond that of a petty offense. I thought then, and I think now, that if the accused is entitled to a jury trial as a constitutional right, Congress had no right to say anything about the punishment. The Court said in this case that punishment by summary trial without a jury would be constitutionally limited to the penalty provided for petty offenses.

Any way one looks at it, the Court came close to holding that a jury trial was necessary as a constitutional right if there was to be any punishment for a criminal offense, even though it was for contempt.

It is very clear by all the authorities that, so far as the jurisdiction of Congress is concerned, as to whether a jury trial shall apply, it certainly should apply in these cases.

What the Court did in this footnote, it is clear, was to set forth a caveat or a warning that the question of the severity of the punishment was not decided or foreclosed. It told the lower court in no uncertain words that "Some members of the Court are of the view, that, without regard to the seriousness of the offense, punishment by summary trial without a jury would be constitutionally limited to that penalty provided for petty offenses." It felt that "in view of the impending hearing, effective administration of justice" required that this caution be added.

It appears then that the Court deliberately left the question involving the severity of the punishment open and gave the court of appeals clear warning that it was being left open. Thus when the case returns to the Supreme Court there is a very real possibility that it will be held that punishment by summary trial without a jury is "constitutionally limited to that penalty provided for petty offenses:" I think it will so hold.

I think that it is important that the Senate get the full import of the Barnett decision and the point I am making. It would be a serious mistake for us to assume that this case gives us carte blanche authority to strip alleged contemnors of their constitutional right of trial by jury in any and all cases and without regard to the severity of the punishment. In fact, the very reverse may be true. I feel that if and when the Barnett case comes back to the Court, it will ultimately decide that in all cases, except those limited to the penalties provided for petty offenses, the Constitution does indeed guarantee a defendant in a criminal contempt case the right of trial by jury.

That is in effect what they have already said they would do, and I feel sure that they would at least go that far.

Regardless of how trivial or how serious the charge, an individual or a businessman who was hauled into court on an alleged violation of the equal employment opportunity title or any other title of this bill would be forced to provide his own defense. It would be necessary for him to finance his own investigation of the facts surrounding the charge. He would have to pay his own legal fees and engage his own attorney. On the other hand, the complainant, even though the allegation might be groundless, would have at his disposal all of the legal assistance and investigative facilities of the Department of Justice. To those who might say that title VII does not expressly authorize proceedings by the Attorney General, I point out again that section 302 provides for his intervention in any litigation seeking relief from the alleged denial of equal protection of the laws on account of race, color, religion, or national origin.

A defendant might be fortunate to have one lawyer or, at most, a firm of lawyers, but the complainant through the Attorney General would have at his disposal the entire Department of Justice, consisting of more than 30,000 employees. The investigative force available to the complainant at no expense to him could consist of the entire facilities of the Federal Bureau of Investigation composed of more than 13,000 employees specially trained in investigative techniques. He could have access to files collected over many years. Also, at no expense to him, he could obtain the services of an unlimited number of attorneys who specialize in litigation of this nature.

So long as some large corporation which has assets of millions of dollars is being sued, of course it can finance the lawsuit and take care of its legal defense. But what about the owner of a small cafe beside the highway? He who has only a few dollars that he and his wife have saved. Suppose they have bought a little cafe and purchased the equipment on credit. Suppose they have built the business up to where they are paying off the note and are putting a little aside after their debts are paid in order to help take care of them in their old age. What chance do they have to finance a lawsuit against such odds? They will have to do whatever the Federal agents tell them to do. There will be no question about it.

The Federal agents do not have to wait until they deny accommodations to someone or refuse to serve someone a meal.

The Federal agents will say, to all the establishments of that type, "we believe you are about to deny someone service or accommodation and we will take you to court in one group."

What will those people do, as a practical matter? They will have no choice but to surrender to the great power wielded over them.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TALMADGE. The Senator has pointed out a very interesting fact about a little cafe owner with assets of perhaps $2,000, or less, and a large mortgage on his property. Even if the cafe owner were complying with the statute, and had violated no law, if the Government filed a suit against him, the mere suit itself would bankrupt him.

Mr. STENNIS. That is correct.

Mr. TALMADGE. It would put him out of business.

Mr. STENNIS. Absolutely.

Mr. TALMADGE. He would never have an opportunity to have his rights litigated in court. His resources would not permit him to go to the mat and try a case against the Government of the United States.

Mr. STENNIS. That is correct. About all he could do would be to talk with a friendly lawyer in the village or in the town, who would not charge him a fee. The lawyer would tell him how the case was set up against him and that in all probability he would not only lose that suit, but he would also lose his business. On the other hand if he was forced to serve all customers he would lose his clientele.

Mr. TALMADGE. In addition to being denied the right to a trial by jury, he would be denied the right of a trial in any manner. He would not have any resources to fight with.

Mr. STENNIS. That is correct, as a practical matter.

Mr. TALMADGE. The minute the suit was filed, he would be effectively put out of business. He could not have his case tried in the court.

Mr. STENNIS. That is correct. It would bankrupt him, as the Senator said. The only thing he would have left would be the unpaid bills and the notes at the bank. He would still be responsible for those.

Mr. TALMADGE. He and his wife, and whatever employees they had, would be unemployed?

Mr. STENNIS. That is correct. He and his wife would be out of work. The people who worked for him would be out out work. But, he would still have his notes at the bank that he and his wife signed. He would have to pay them.

Mr. TALMADGE. Does the Senator believe that an amendment which would be a real civil right would be one which would cause the Government to pay for the businesses that such pernicious legislation as this might cause to go bankrupt?

Mr. STENNIS. I can solicit the support of the Senator from Georgia for an amendment of mine along that line.

Mr. TALMADGE. Due process of law means that the Government cannot confiscate a man's business, or take his property, without condemnation and adequate payment.

Mr. STENNIS. That is a plain constitutional right which is contained in the Federal Constitution as well as in the State constitutions. But under this bill, that right would be denied. They would be taking it under this provision. They would be putting him out of business.

Mr. TALMADGE. The filing of a suit would effectively put him out of business without the right of a trial, not only by a jury, but also by a judge. His resources would not permit him to defend himself against the U.S. Government, which has 190 million people, with a gross national income in excess of $100 billion, and a national debt in excess of $300 billion.

Mr. STENNIS. The Senator is eminently correct. The small businessman about whom we are talking does not have to violate any law in order to get into this predicament. He can be caught in a general net under the terms of this bill. He is caught in that net if the Attorney General merely believes he is not going to comply with this public accommodations provision.

Mr. TALMADGE. As I recall the language of the bill, the only person who has to be satisfied in order to file a suit is the Attorney General himself.

Mr. STENNIS. He does not have to satisfy the court. He does not even have to allege anything. He merely has to satisfy himself. The Senator is correct. And that is what will happen in our section of the country to literally thousands of people running these little cafes under the conditions we have described. They will be coerced out of business. Their little business will be ruined. The Hot Shoppes or Howard Johnson folks can take care of themselves. Whatever they lose in one place they can make up somewhere else.

Mr. TALMADGE. Not only cafes, but barber shops, beauty parlors, and institutions of that kind that render personal service would come under the provisions of this bill. They would be utterly helpless to defend themselves against the power and might, the financial and legal resources of the United States.

Mr. STENNIS. That is correct.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JORDAN of North Carolina. Is it the belief of the Senator that under that condition, the very minute the Government files a suit against an individual, or store, the defendant might as well go by the relief agency and sign up for relief on his way to the courthouse?

Mr. TALMADGE. That is what he would have to do. He would have to sign up for relief.

It would require $50,000 to $100,000 in cash resources to defend a case of this kind against the Government of the United States. If one did not have resources of that kind—and 90 percent of the people who would be affected would not have such resources—the mere filing of the suit would put them out of business and would deprive them of their property and their jobs, and effectively deprive them of due process of law.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JORDAN of North Carolina. At the rate at which the Government usually moves in proceedings of this kind, it would be about 14 years before the man would get an answer. By that time he would be broke, and probably forget where his business was.

Mr. TALMADGE. Assuming that the case was tried and went through the various courts and finally to the Supreme Court, it could very well take 14 years before being settled. Some cases have been litigated for a longer period of time than that.

Mr. STENNIS. If he goes to court and the court orders him to open his cafe to all persons regardless of what effect it might have and he carries out the order of the court, his regular customers will leave. We know that. He will lose on both counts. If he obeys the order, he will lose his regular customers.

If he does not comply with the order, he may go to jail. He will lose either way.

Mr. TALMADGE. And the newcomers will abandon him, too.

Mr. STENNIS. Yes. They are crusaders. They will not stay with him.

Mr. TALMADGE. Therefore, insofar as the Government is concerned, it is "Heads I win; tails you lose."

Mr. STENNIS. Yes. It is certainly that way with respect to the little people. That is the tragedy of it. I have been greatly encouraged by the opposition of our fellow citizens to some parts of the bill. They are beginning to realize that as the Senator has said, it is a matter of "Heads I win; tails you lose."

I come now to another innovation in litigation of this kind. I refer to the three-judge courts.

THREE-JUDGE COURTS UNDER TITLE I

Throughout the bill the Attorney General is given the authority to use his offices in the prosecution of claims with almost unlimited discretion. In title I which pertains to voting rights, section 101(h) provides:

> (h) In any proceeding instituted in any district court of the United States under this section the Attorney General or any defendant in the proceeding may file with the clerk of such court—

They do not even let the sitting judge receive a copy of the request—

> a request that a court of three judges be convened to hear and determine the case. A copy of the request shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

This section differs from the provisions of the present law. It permits the Attorney General to go shopping for judges he feels would be most desirable without even certifying that the general public interest is involved. If the Attorney General is not satisfied with the judge who would otherwise hear the case, he may file with the clerk of the court a request that a court of three judges be convened to hear and determine it.

While section 101(h) provides that either the Attorney General or any defendant may file a request for a three-judge court, there is some doubt that the defendant would have such a right in actual practice. I realize that the House adopted an amendment which was designed to confer such a right on the defendant, but the result was to leave the matter in confusion. Unfortunately, the House failed to adopt a perfecting amendment to the second paragraph of section 101(h). Therefore, this now provides that if the Attorney General fails to file a request for a three-judge court it shall be the duty of the chief judge of the district in which the case is pending immediately to designate a judge in such district to hear and determine the case. Thus it appears that if the Attorney General is satisfied with the district judge, he might simply refuse to file a request for a three-judge court and thereby cause the immediate appointment of a district judge and prevent the defendant from obtaining a three-judge court even though the bill provides the defendant may file such a request. This point has not been clarified to my knowledge in debate of the bill. The Senator from Minnesota [Mr. HUMPHREY] in a speech explaining the bill—CONGRESSIONAL RECORD, March 30, page 6530—stated that either party may request a three-judge court but he did not discuss nor clarify the provision providing for the immediate appointment of a district judge in the event the Attorney General did not request appointment of a three-judge court. The Senator said:

> In order to expedite the handling of voting rights cases by the courts, title I provides that either party may ask the chief judge of the circuit or the presiding circuit judge to appoint a three-judge court to hear the case. Appeals from such a court would go directly to the Supreme Court. The title also requires expeditious handling of all voting cases whether tried by a three-judge court or not.

The conflict is such that this section, in practical operation, might be construed to give the Attorney General the right to obtain a three-judge court but deprive the defendant of the same opportunity. It should certainly be clarified to make it clear that the defendant in a proceeding under this title has an equal right with the Attorney General. Left as is, it could become a heavy club in the hand of the Attorney General which he could use at will to coerce and intimidate individuals against whom he brought charges. Without such a right the defendant will be at the mercy of the Attorney General in the selection of the court before which his case will be tried. Such a situation is contrary to every rule of American justice. It would give an unreasonable and improper advantage to the Attorney General which would place him in a position to make unreasonable and improper demands.

It has been pointed out that there are existing statutes providing for three-judge courts. This is true. It is also true that the provisions of title I in respect to three-judge courts are deceivingly similar to the regular three-judge court statute, 28 U.S.C.A. 2284. On analysis, however, they are vastly different. I have already read the provisions of section 101(h)—28 U.S.C.A. 2284 provides:

> In any action or proceeding required by act of Congress to be heard and determined by a district court of three judges the composition and procedure of the court, except as otherwise provided by the law, shall be as follows:
>
> "(1) The district judge to whom the application for injunction or other relief is presented shall constitute one member of such court. On the filing of the application, he shall immediately notify the chief judge of the circuit who shall designate two other judges, at least one of whom shall be a circuit judge. Such judges shall serve as members of the court to hear and determine the action or proceeding."

Under section 2284, the judge before whom the case was brought is automatically a member of the three-judge court. He personally notifies "the chief judge of the circuit who shall designate two other judges" who shall "serve as members of the court." Not so in title I. The request is not transmitted by the district judge. It is "furnished by such clerk to the chief judge of the circuit." Thereupon, such judge shall "designate immediately three judges in such circuit" one of whom shall be "a district judge of the court in which the proceeding was instituted." This is a substantial change from section 2284. The chief judge of the circuit has the general power to appoint a judge "from the circuit" to become an acting judge for any district in that circuit. The judge so designated becomes "a district judge of the court." He necessarily is from a district different from that for which he is appointed acting district judge.

Under title I the chief judge of the circuit may appoint "three judges"—not "two other judges" as required by section 2284—and the district judge before whom the proceeding is brought may be excluded therefrom.

Traditionally, under section 2284 the local circuit judge and a local district judge have been chosen to make up the three-judge court. But under title I, the chief judge of the circuit may conceivably choose three judges from other districts or other States—so long as they are within the circuit—to compose the court. Under title I, three Texas Federal judges could be appointed to try a Florida case, and so forth. This cannot happen under the present statute. This is unprecedented and unwarranted. It is bad policy and bad law. It illustrates the extent to which forum shopping under title I is permitted by the Attorney General.

Centralization of power is always a bad policy. Title I carries centralization to an extreme. Even in constituting panels for the courts of appeals, the court must divide itself into panels. No one judge has that power. Why should either one of the litigants be given the power to decide whether a case should be heard by the U.S. district judge before whom it is brought or by a panel chosen by one judge which—under the peculiar terms of this bill—may exclude such district judge? Such power is unprecedented.

It is no answer to say that the House amended the committee bill to give the defendant the right also to ask for a three-judge court. There is some question as to the efficacy of this amendment. But, in any event, it does not limit the right of the Attorney General to bypass the local Federal district judge and have the chief judge of the circuit choose an entire court. The defendant cannot prevent the Attorney General from doing his forum-shopping. It would be small comfort to say that the defendant can also bypass the district judge and ask for a panel chosen entirely by the chief judge of the circuit. Two wrongs do not make a right. These two wrongs do not justify each other.

Mr. President, any power granted to anyone which allows them to disqualify a judge or to transfer a case, without just cause, to another judge or to another court, under any such statute, is extreme and sets a woeful precedent that will plague the country, plague Congress, and plague the judicial branch of the Government for many years to come. I think it is a strong reflection upon the judiciary for such a proposal to be made, much less adopted by Congress.

Mr. COOPER. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield for a question.

Mr. COOPER. I should like to ask the Senator a question on this point.

Mr. STENNIS. Yes.

Mr. COOPER. It concerns certain procedural and substantive matters, and directly involves the basic justice of these procedures.

I gathered from what the Senator has said that he believes that if this procedure were followed, when a request is made by the Attorney General or by a defendant, it would be possible that when a three-judge court was convened, it might not include a judge of the district where the action has been filed. Is this a fair summation of what the Senator has suggested?

Mr. STENNIS. As I understand from what I have read, the district judge who would ordinarily try the case could be bypassed. The chief judge of the circuit may designate any judge from the circuit as an acting judge of any district. He could send him into a district to act as a district judge.

Mr. COOPER. But there must be a judge from the district court in which the proceeding was instituted. On page five of the bill, we find this language: "of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted."

Mr. STENNIS. Yes; a district judge of the court. It does not mean that particular bench. It means any district judge, as the Senator from Mississippi understands the language. The judge might be a judge from the circuit who had been appointed by the chief judge.

Mr. COOPER. That is possible; but I believe our experiences with Federal district courts are pretty much the same. My State and the Senator's State of Mississippi would have substantially the same kind of Federal court. We think of a Federal district court as having one judge, but in Federal districts there may be several judges.

Under this section the court of three judges must include a judge from the district in which the action was instituted.

Mr. STENNIS. I was attempting to show that it is possible for the chief judge to assign a district judge to another district—say from the western district of Kentucky to the southern district of Kentucky—and he would technically meet the requirements of the bill. The regular district judges of that district could be left out.

Mr. COOPER. This might be possible if all the district judges of the district were sick or were on vacation, or something of that kind. But I believe the ordinary meaning of this language is that one member of the three-judge court would be a judge of the district in which the proceeding was instituted. Does not the Senator agree to that?

Mr. STENNIS. I do not think so, because it is entirely possible for what I have said to happen. The other statutes specifically provide that a three-judge court shall include the district judge to whom the application is presented.

But this section is carefully drawn to avoid this requirement and does not provide that the district judge to whom the application for relief is presented shall be a member of the court.

Mr. COOPER. It is good to clarify this point. My judgment is that the language provides that one member of the three-judge court—shall be a district judge of the court in which the proceeding was instituted.

Mr. STENNIS. That is true; but he could be there by special assignment from some other district. That is my point. It is possible for him to be assigned from another district.

Mr. COOPER. I do not believe he could be, unless all the judges regularly assigned to serve that district were absent because of sickness or vacation, or for some similar reason.

Mr. STENNIS. It is significant that the language of the present law was not followed, but was made broad enough to cover a different situation.

Mr. COOPER. I have enjoyed listening to the remarks of the Senator from Mississippi with interest.

I am required now to leave the Chamber for a time; but I hope to be able, later, to engage in further discussion with the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Kentucky. He has been kind, and I shall be glad to have him return.

Mr. President, I come now to title II:

TITLE II

The powers of the Attorney General under the provisions of title II, the so-called public accommodations section, are greater perhaps than those of any other section of the bill, with exception of section 302. Section 204(a) of the civil rights bill provides:

> Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted (1) by the person aggrieved, or (2) by the Attorney General for or in the name of the United States if he satisfies himself that the purposes of this title will be materially furthered by the filing of an action.

It is clear that under this provision, the Attorney General would have almost unlimited latitude in bringing an action. He would have only to make a unilateral determination that the defendant had deprived or was attempting to deprive a person of the "full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation on the ground of race, color, religion, or national origin." The person allegedy aggrieved would not even need to file a complaint. The Attorney General could institute a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order in the name of the United States. All he would have to do to justify such action would be to satisfy himself that the purposes of the title would be "materially furthered by filing of an action."

Who could know how the Attorney General would define "full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations" of a place of public accommodation? How could the owner of any place of public accommodation know on what basis the Attorney General would decide whether the owner "is about to engage in any act or practice" prohibited by section 203 of this title? That would be left entirely to the Attorney General, to decide for himself, for the requirement is only that "he satisfies himself that the purposes of this title will be materially furthered by the filing of an action." It is, then, conceivable that the Attorney General might become satisfied in his own mind that every covered business in a city block or half a city or an entire city or an entire county or, in fact, an entire State was "about to engage in an act prohibited by the title."

Under threat of bringing such a suit, he could demand that the owners comply with what he believed to be necessary to meet the equal enjoyment of all the services, facilities, and provisions of any potential complaint. The Attorney General could dictate the policies of the private establishments in any area he chose. This is not mere supposition. It is the apparent intent of the proponents of this bill. In discussing this section, the Senator from Minnesota attempted to justify this unlimited authority proposed to be conferred upon the Attorney General when he said in his speech of March 30—CONGRESSIONAL RECORD, page 6535:

> First, in many cases the persons aggrieved will be travelers who simply will not have the time or means to institute a lawsuit far away from home. Second, suits by the Attorney General will make it possible to go directly to trouble spots and to avoid imposing excessive competitive disadvantages on any one individual. An individual will ordinarily be in a position to sue only one or a small number of establishments which have discriminated against him. The Attorney General could sue all the restaurants or all the motels in a particular area, so that no one owner of an establishment would be at a disadvantage, as against the owners of competing establishments.

The proponents of the bill apparently cannot be satisfied with the ordinary process of judicial procedure. Evidently, they do not consider that an individual whose rights were denied should be allowed to go into court in the usual manner and to obtain justice. The judicial process is apparently not fast enough to appease the groups of agitators who seek what they have arbitrarily determined to be their rights without regard to the rights of property which they would destroy in demanding equal access or equal accommodation. They would speed up this process, by creating a vast array of power, and by placing it at the disposal of the Attorney General. He could then say to the owners of places of public accommodation in any area, large or small, that his demands must be met or else this great power would be unmercifully thrust against them. They would be forced to surrender or become subjected to the most severe harassment ever possible of infliction by a public official.

Mr. TALMADGE. Mr. President, at this point will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Georgia, for I know he has a special interest in these provisions.

Mr. TALMADGE. Is it not true that an invitee who comes into a man's place of business—whether to purchase lunch, to buy a suit of clothes, or to transact any other business—is an invitee; and his right to be in the store is a privilege which could be revoked by the owner at any time he might choose to do so?

Mr. STENNIS. Yes. That is a fundamental right, under our system of justice. According to the Constitution it is the owner's fundamental right. It is a right not to be taken away, except by due process of law.

Mr. TALMADGE. Is it not true that from time immemorial, in Anglo-Saxon jurisdictions, the owner of private property has had a right—which is constitutional and fundamental—to use his property in any way he might see fit, so long as he did not damage or injure his neighbor or create a nuisance through his use of the property?

Mr. STENNIS. That is true; and our entire economy is based on that right.

Mr. TALMADGE. Does not this provision purport to change the privilege of the invitee to transact business in a man's store to a fundamental right which, by means of the bill, would be supposed to be supported by the taxpayers of the United States, through the Attorney General, and thus deny that property owner the right to enjoy the use of his own private property?

Mr. STENNIS. The Senator from Georgia is correct. That property is something the property owner has earned. It might represent the work of a lifetime. However, the bill would end that property right; it would transfer it to someone who, until then, had had what was only in the nature of a privilege.

Mr. TALMADGE. So the bill would attempt to transform privilege into an unconstitutional right to enjoy and to use property belonging to someone else; is not that true?

Mr. STENNIS. That is correct. If the Senator has a place of business, and if I go into it, as a customer, my presence there is a privilege which I am exercising; the owner has the right to decide how the property shall be used. It is only by his consent, that I am privileged to enter. The owner has the right to say whether I may associate with him on his property. That decision is for him to make; that decision—whether others may regard it as right or wrong—is his choice.

I may be disappointed or inconvenienced, but the right would rest with the Senator from Georgia and not me. This bill would transfer that right away from the owner without due process of law, without compensation and without any consideration, and it would give it to others, in the way of a privilege. For that reason, as the Senator from Georgia has said, the bill would destroy more rights than it could possibly protect.

Mr. TALMADGE. Would that not be one step towards the Communist principle of denying the right to own and utilize private property?

Mr. STENNIS. It certainly would be. It is a basic and fundamental. It is not merely an incidental or minor use. It would take the property away from its owners. As in the case we discussed a moment ago, a business would be destroyed.

Mr. TALMADGE. Does the Senator know of any country on the face of the earth that has denied the right to own, to utilize, and to enjoy property in which other rights have not fallen as a result thereof?

Mr. STENNIS. Of course, rights go together. The outstanding example in our time has been the overthrow of the regimes in Europe. The Senator mentioned the Communist concept as one example. There are variations, of course. But the rights about which we are speaking belong to all the people. Such a business could belong to a Negro or a white man. It could belong to a Catholic, a Jew, or a Protestant. It is a right that is his.

Mr. TALMADGE. He would be denied his fundamental civil and constitutional rights.

Mr. STENNIS. Absolutely; and, as a practical matter, he would have his means of livelihood taken away from him.

Mr. TALMADGE. Without due process of law.

Mr. STENNIS. Those rights would be taken without compensation and without due process of law. The owner would not have to refuse service to someone desiring to trade with him. Under the bill the Attorney General could merely send his agents down into the South or anywhere else. He could send his agents along the highways obtaining names and filing suits. A business owner may not be doing anything wrong. He may be carrying on his business, as such owners have carried on business in that area for 100 years. But the Attorney General could bring those owners of businesses into court and obtain injunctions against them. The bill does not provide that the Attorney General should necessarily consult with them, and then if they do not comply with his wishes a suit is filed. The bill would merely give the right to sue.

Mr. TALMADGE. All the Attorney General has to do is to satisfy himself.

Mr. STENNIS. That is correct.

Mr. TALMADGE. He may satisfy himself for whatever reason he desires to give.

Mr. STENNIS. Yes. That is what the bill provides.

When the sheriff goes out directing a search for criminals, he cannot take with him blank search warrants and, after he gets to his destination and finds the suspects, put their names in the warrant. But this bill would give the Attorney General carte blanche authority.

Mr. TALMADGE. I agree with the Senator.

Mr. STENNIS. It is terrifying to imagine the consequences resulting from the misuse of such power by a politically ambitious Attorney General.

He could, if he chooses to do so, bring down upon the citizens of any area a reign of terror and harassment from which they would never recover.

He would have it within his power to destroy any business or type of business that did not accede to his demands.

This unlimited power could be used against any section of the Nation or any State to accomplish political objectives.

No one individual should ever have that much authority in a country that boasts of individual liberty and freedom. It should be reserved for dictators and nations whose people will live in enslavement and tyranny.

The fact that an action could be brought under this title only if a person had engaged in, or if there were reasonable grounds to believe that he was going to engage in, a prohibited action, provides no real safeguard against the bringing of unfounded actions. It would be left to the Attorney General alone to decide whether an individual against whom charges were brought was about to engage in a prohibited practice.

The broad grant to the Attorney General of power that would allow him to pick and choose among the businesses he would prosecute cannot be overemphasized. He might, for any reason satisfactory to him, prosecute one establishment, while allowing its competitor to continue to operate without harassment. Nothing in the bill would give the proprietor of an establishment against which the Attorney General brought an action, a means to force similar action against his competitors. Under the bill, an action could be brought only by the person aggrieved or by the Attorney General. If the Attorney General elected to move against a restaurant on one side of the street, but chose not to move against a restaurant on the other side of the street, the owner of the restaurant against whom the charge was brought could not force such an action against his competitor. Under these circumstances the Attorney General would have absolute control over the economic survival of any business or group of businesses he chose.

While it is provided that the court, in its discretion, could allow the defendant costs, including a reasonable attorney's fee, he would in no way be compensated for the loss of business or for the loss of time resulting from an unfounded action by the Attorney General or other complainant. By means of the bill, he would not by any means be assured that he would be allowed, as part of the "reasonable costs," to be repaid his attorney's fee.

TITLE III

Mr. President, I turn now to title III, to discuss it in connection with another purpose.

Title III pertains to the desegregation of public facilities, and has already been discussed to some extent. Under it, the Attorney General would be given the authority to institute a civil action whenever he received a complaint, signed by an individual, to the effect that the individual was being deprived of or threatened with the loss of his right to equal protection of the laws, on account of his race, color, religion, or national origin, by being denied access to or full and complete utilization of any public facility, other than a public school or college. The circumstances under which the Attorney General might bring such an action are so broad and encompassing that they would, in fact, be unlimited. It would, for all practical purposes, be left to the Attorney General to decide in which instances he would act and in which instances he would refuse to act.

Section 301 provides:

> SEC. 301. (a) Whenever the Attorney General receives a complaint signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied access to or full and complete utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the public policy of the United States favoring the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.
>
> (b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property.

Anyone familiar with the current activity of the many groups who are engaged in pressing for court tests of their right of access to public and private establishments knows that the Attorney General would have no difficulty obtaining complaints. On the contrary, if the bill were enacted, he would immediately be deluged with a multitude of complaints of alleged violations of this title. If past experience is any guide, most of them would be groundless and without merit. That has been the experience with many so-called demands for civil rights.

Under title III, a person would be deemed to be unable to maintain the appropriate legal proceedings whenever the Attorney General found that such person was, first, unable "to bear the expense of the litigation"; or, second, unable "to obtain effective legal representation"; or, third, to maintain such a proceeding "would jeopardize the employment" of the complainant or his family or their property; or, fourth, to maintain the proceedings "would jeopardize the economic standing" of the person, or his family or their property; or, fifth, to maintain the proceeding "might result in injury" to the person or his family or their property; or sixth, to maintain the proceeding "might result in economic damage to" the person or his family or their property.

With this list of grounds under which he could bring and maintain the action, it is evident that the Attorney General would have the widest latitude in originating litigation. No private attorney or firm of attorneys or organization providing legal services can hope to provide as "effective legal representation" as can the Department of Justice, with all its investigative resources, as represented by the Federal Bureau of Investigation. Furthermore, since the maintenance of litigation always costs money, it is evident that the phrase "might result in economic damage" to the person, his family or property, could include anyone.

This section is so broad that it would invite complaints from the demonstrators, pickets, and organizations campaigning for civil rights. Under the proposed statute, it would be sufficient reason for the Attorney General to institute a suit merely if he was satisfied that the institution of the suit by the complaining party would jeopardize his employment or economic standing or would result in injury or economic damage to him, his family, or his property.

TITLE IV

Under title IV, the Attorney General would have similar sweeping power. This title deals with public education facilities. Again, under section 407(a), upon receipt of a complaint, the Attorney General would be authorized to institute a civil action if he merely certified that the signer or signers of the complaint were unable, in his judgment, to initiate and maintain legal proceedings for relief, and that the institution of the action would materially further the public policy of the United States favoring the orderly achievement of desegregation in public education. Just as in title III, no manner is provided in title IV for the judicial testing of the factual basis of the certification. The decision of the Attorney General would be final.

Under section 407(b) the Attorney General could deem a person or persons "unable to initiate and maintain appropriate legal proceedings" if such person or persons are unable to bear the expense of the litigation or to obtain effective legal representation, or if the institution of the litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property.

It requires little imagination to see that the Attorney General could determine that practically every person who complained would be "unable to initiate and maintain appropriate legal proceedings." This, without more, would authorize the Attorney General to institute a civil action himself.

IMPACT OF TITLES I, II, III, AND IV

It is clear that the provisions of titles I, II, III, and IV would: First, establish new procedures for the enforcement or vindication of alleged civil rights of purely private individuals at the expense of the taxpayers and with the full might of the Federal Government arrayed behind them; and second, confer upon the temporary occupant of the office of the Attorney General the unrestrained power to grant assistance to some persons and withhold it from others.

The proposed law would be enforced by the Attorney General. He would be free to act without restraint and according to his own dictates. It would not be government by law. It would be government by whim of the Attorney General, without regard for precedent or established law.

The procedure which would be authorized by the bill could be used for or against such persons as the Attorney General alone may select. Such a condition is repugnant to the fundamental concept that our judicial system was created to administer equal and exact justice in compliance with uniform laws applying in like manner to all men in like situations.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SALTONSTALL. I should like to ask the Senator somewhat the same questions I asked him once before today. Would his criticism and opposition to the Attorney General operating under the first four titles be eased if some effort were first made by the Community Relations Service to straighten out the problems and perhaps make some certification to the Attorney General before the Attorney General took jurisdiction of the case?

Mr. STENNIS. It is always relevant for some effort of that kind to be made. I should not say that the Attorney General would not himself try to make some inquiries. But he would be given unlimited power. Some kind of procedure such as the Senator has suggested, in some cases would perhaps do some good. Local groups who, to a large degree, would be associated with school cases would arouse feelings. I believe they would be more associated with whatever prosecution might take place. But the point is that the power that would be granted under the bill would be great.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SALTONSTALL. It seems to me that if a Community Relations Service worked at the community level—and it would be the function of the Service—to provide community service to resolve disputes—we should appropriate sufficient money for that Community Relations Service so that it could do as much work as possible for adjustment of disputes at the community level.

They would be a Federal body and would work at the community level with other community services available in the area. It seems to me that such a procedure would be a much better way of working out some of the problems. I know it has been successful in Massachusetts.

Mr. STENNIS. I would not totally discount what the Senator from Massachusetts has to say on anything. He is far better qualified to speak on the action in his area of the country than I am. But I might illustrate by mentioning a small cafe or restaurant business in our part of the country. I do not refer to a chain business, such as a Howard Johnson affiliate or some other mass group. It is a personal thing. Frequently it is a small business which is owned by a man and his wife. It is operated by them. They feel that any kind of enforced dealing with the Government, other than such things as licenses and sanitary regulations, is an invasion of their rights and their lives. They would not look with favor on such a proposed committee.

In the great industrial areas of the Nation the people live in such large numbers that the individualism, if I may call it that, has been partly submerged into the greater crowds and numbers. There is not a personal feeling about many things.

I have seen in the great city of New York throngs of people coming out of the large office buildings at closing time. I have gone down the side streets in the clothing and manufacturing areas of New York. I could very readily see that in their business matters, to a great extent, they had lost a great deal of their identity and individualism. The system crushed it out of them. It was not their fault. In the rural areas and in the villages and in the less congested parts of the country these little businesses exist. They are not parts of a chain. These small businesses are individual matters.

Frankly, I do not believe that these groups, to which the Senator has referred this afternoon, who would be appointed under the provisions of the bill, would be able to handle the situation very well, or to the extent that they would constitute a check on the Attorney General. I am not speaking of the present Attorney General. I am talking about the power which would be conferred. To the extent that it would be some check and balance on the Department of Justice and the Attorney General, some good might come of it.

Mr. SALTONSTALL. Mr. President, will the Senator yield further for an observation?

Mr. STENNIS. I yield.

Mr. SALTONSTALL. The Senator has spoken of small coffee houses and sandwich houses. Is he not really making the same kind of reference that the Senator from Vermont [Mr. AIKEN] made to the "Mrs. Murphy's boardinghouse?"

Mr. STENNIS. Yes.

Mr. SALTONSTALL. What the Senator is saying is that it is a personal affair.

Mr. STENNIS. Yes. It is a personal matter, and decidedly so, if I may add that for emphasis.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. STENNIS. I am delighted to yield to the Senator from Alabama. I know that in the part of the country which he represents conditions are very much like conditions in my own State. He is also informed as to conditions in other areas of the country.

Mr. SPARKMAN. I am particularly interested in the statement that the Senator from Mississippi just made, and one that has been joined in by the Senator from Massachusetts. Both are concerned not only with "Mrs. Murphy's boardinghouse," but with small businesses generally. Even though the Senator's great State of Massachusetts is an important industrial State, it is full of small businesses. In my part of the country, probably there is a higher percentage of small businesses. The Senator was speaking of a typically small business, such as a little restaurant.

Under several titles of the pending bill, if not all of them, the Attorney General would have the right to bring suits if a complaint were made to him by an individual. Suppose that a complaint were made against a small restaurant or a small business of some kind. I am not sure this is true of every part of the bill, but in various parts of the bill there is a provision to the effect that if a suit goes against the defendant, the defendant will have to pay all the costs.

Mr. STENNIS. Yes.

Mr. SPARKMAN. The Senator knows that many small businesses operate on a very small margin of profit. Is it not true that many small businesses operate as a family business, from which the entire family gets its income, and lives off that income?

Mr. STENNIS. Yes.

Mr. SPARKMAN. The family lives off the income it makes from that business, and that is all it gets out of the business.

Mr. STENNIS. Yes.

Mr. SPARKMAN. What would happen to that small business if it were brought into court without a right to ask for a trial by jury—in other words, to have the complaint heard and weighed by a jury of the defendant's peers? That is a good old Anglo-Saxon term; is it not?

Mr. STENNIS. That is correct. It sounds very good, too.

Mr. SPARKMAN. What is going to happen to little businesses, operating as family-type businesses, the families living on the income obtained from them? What will happen when they have to answer an action of this kind? Whatever happens finally, is it not true that the sword of Damocles will be hanging over their heads?

Mr. STENNIS. Yes. The threat will face them all the time.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. SPARKMAN. The Senator from Mississippi has the floor.

Mr. STENNIS. I yield to the Senator from North Carolina.

Mr. JORDAN of North Carolina. I think I answered that question this afternoon. It is a valid question. When the Attorney General files the suit and the defendant is on his way to the courthouse to answer it, he will stop by for relief at the same time.

Mr. STENNIS. I did not hear the Senator make that point.

Mr. JORDAN of North Carolina. The defendant will swell the poverty rolls that we are now working to get rid of. He will help build up those rolls, so Congress will have to enact some more laws to get those people off the poverty rolls.

Mr. STENNIS. But he will still have the notes to pay off for the money he owes on his fixtures. That will still face him.

Mr. SPARKMAN. Whatever he has left in his store will be sold at a forced liquidation. He will be wiped out.

Mr. STENNIS. He will be put out of business.

I am sure the Senator is familiar with this language, but I wish to underscore the point with reference to the title on public accommodations. This proposal reads:

> Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203—

In other words, the Attorney General could go up and down the highway and pick a few cafe owners, or all of them, merely because he thinks they may refuse service to someone, threaten them with a suit, or actually file an action against them. The language continues:

> a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted.

By the Attorney General himself.

He does not have to have a grievance. That shows how far this proposal has gone.

That shocked the Senator from Massachusetts; and he made the suggestion that perhaps a committee should consider it. It shows how far this proposal has gone. The Attorney General could simply ask for injunctive relief, and the owner would be out of business. He would be through.

Mr. SPARKMAN. The proponents may say that the Attorney General is not going to do those things; but was not one of the safeguards that our forefathers took when they broke away from Great Britain that we should protect against the possibility of tyrannical acts of government? Was it not the fear of concentrated power and the fear that tyranny might result from it that prompted our forefathers to set up the kind of government they did? Is that not correct?

Mr. STENNIS. Absolutely. One of the basic protections was trial by jury. Now the proposal is to enlarge the power and authority of our Government at a rapid rate, through injunctive relief, but without the ordinary safeguard of trial by jury.

Mr. SPARKMAN. Mr. President, will the Senator yield so I may ask one more question?

Mr. STENNIS. I am glad to yield to the Senator.

Mr. SPARKMAN. We are speaking of trial by jury. Are we not prone to overlook the significant importance of another part of our judicial system, and that is, to have a charge against a person examined by a grand jury, made up of his peers, to look into those charges to ascertain whether or not they are valid?

Mr. STENNIS. Yes.

Mr. SPARKMAN. In this case is it not true that the Attorney General in so many instances would be empowered to act on the statement of an individual without any grand jury study, indictment, presentment, or any other report?

Mr. STENNIS. I am glad the Senator has brought up that point. A while ago I was thinking about the immense power proposed to be granted. In the State courts of my State—and this is true in most of the States—there is a prosecuting attorney. Except in the case of relatively small misdemeanors, he cannot turn a hand to prosecute any one individual until the grand jury, representing the county at large, on its own responsibility, has determined that there is prima facie evidence to justify prosecution.

Mr. SPARKMAN. If the Senator will permit me, I should like to interrupt him once more. I have not read the Magna Carta in some time, but my recollection is that a grand jury was provided for in the Magna Carta, as was a petit jury.

Mr. STENNIS. It was the forerunner of the grand jury.

Mr. SPARKMAN. It may be that the grand jury preceded the other, but there was a very close connection between them.

We always go back to the Magna Carta for our right of trial by jury. I am rather of the opinion that the grand jury preceded it.

Mr. STENNIS. It is a very sound system.

I meant to bring this point up earlier this afternoon, when the illustration was given about the small restaurant. Under the proposed law, "Mrs. Murphy" would not be exempted if she fed only one person. She must rent at least five rooms, but if she furnishes a meal only to one person, she would come under the law.

I wish to refer to a law of Mississippi with reference to restaurants and cafes. The law does not require any separation of the races. It does not require anyone to exclude a colored person or in a cafe which serves colored people, to exclude white people. That is not in the law.

The law merely provides the civil right that the proprietor, the owner, or the operator has the right to make his own selection. It states that he has a reserved right to choose whom he shall serve.

That is a civil right. That is his property, and the earnings of the business are his. He owns what is there. He has worked for it. Everything he owns is at stake and depends on whether he can make a success of his business.

But this bill would allow the Attorney General to go in his place of business, and without the owner having violated any law, force him to remove the sign which says the owner reserves the right to refuse service to any person. In effect the owner would be told "You do not count. Your rights are not to be considered. Unless you serve whoever comes in your place, we are going to put you out of business; we will get a court order because we represent the Attorney General of the United States." The little fellow would not have any chance.

The Federal agents would not have to wait for him to refuse to serve anyone. They could just say the Attorney General believes that the owner is about to refuse service to someone.

There is always danger that discretionary governmental power may permit the public officer in whom it is reposed to rule arbitrarily and without the restraint of law. Only in most extreme circumstances, if ever, should the legislative body adopt any statute conferring unlimited discretionary power upon an executive officer. It should be granted only if it contains rigid checks and balances. The disservice which can result from the power given an officer or public official must never outweigh the good which can result from that grant of power.

The potential dangers inherent in these titles, as in title VI, which would grant the President or his appointees the uncontrolled power to cut off Federal aid to any programs which, for whatever reason, were deemed to be administered in a discriminatory manner, far outweigh the alleged benefits to be derived from them. If enacted, they would vest in the Attorney General, regardless of his character or qualifications, absolute power to act or refrain from acting soley upon his own discretion. Thus, this proposed law would constitute a political weapon of the greatest magnitude which any holder of the office could use to curry favor with some groups or to browbeat others. This is especially true where, as in the case of these bills, the language and terms used in the bill are so imprecisely defined that there is no assurance what interpretation might be given them.

These are powers which no Attorney General or other governmental official should have.

It is up to Congress, as the guardian of all the people's liberties and rights, to be specific in its terms, and to define the words that are so recklessly used.

TITLE VII

Mr. President, a most significant but cleverly disguised extension of the Attorney General's power is found in title VII, which deals with equal employment opportunity.

This title contains no mention of the Attorney General but under the all-encompassing authority of section 302 in title III, he would be given the right to intervene in any action brought under title VII which alleged a denial of equal protection of the law on account of race, color, or national origin.

Under section 707 of title VII, the Equal Employment Opportunity Commission and, under certain circumstances, the aggrieved person may bring a civil action to prevent an act made an unlawful practice under the terms of section 704 of the title. It provides in part:

> SEC. 704. (a) It shall be an unlawful employment practice for an employer:
>
> 1. To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
>
> 2. To limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.
>
> (b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.
>
> (c) It shall be an unlawful employment practice for a labor organization:
>
> 1. To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;
>
> 2. To limit, segregate, or classify its membership in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or
>
> 3. To cause or attempt to cause an employer to discriminate against an individual in violation of this section.
>
> (d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

In any action involving these matters the Attorney General may intervene under the authority granted by section 302 provided that the suit alleged a denial of equal protection of the law on account of race, color, religion, or national origin.

The Equal Employment Opportunity Commission would be given a general, vague, and apparently limitless area in which to exercise the powers which title VII seeks to confer upon it. The Commission will have the authority to make its own determination as to the proper construction of the act, what the definitions of unlawful employment practices encompass, and the powers which would be conferred upon it.

It is idle and unfair to argue that this title would not, in fact, force the hiring, promotion, and retention of minority group members. As a matter of fact, it should be clear, even to the uninitiated, that the entire purpose, design, and effect of title VII is to force the hiring, promotion, and retention of persons that an employer would not hire, promote, or retain in the absence of governmental interference and coercion. If it does not do this, it has no purpose whatsoever.

One of the most objectionable provisions of the FEPC title is the one dealing with promotions. This would put many industries in a straightjacket. It will place them in the position where any person made a special protectorate under this bill could drag along, merely halfway do their work, and not really earn their pay, if they have a mind to do so. I do not say that all of them will, but some people will react that way. They will not earn their pay, but if their employer attempts to discharge them, they will bring an action for discrimination. Not only can they prevent the management from discharging them, but they can conceivably force management to promote them, even if they do not deserve it.

I do not have personal contact with it, but I understand that that very point is seriously affecting the quality of our civil service organization as a whole in the Government. I have a very high regard not only for the system, but for the untold thousands of those who are under the system.

I understand that the cancerous sore, working year in and year out, and becoming graver all the time, is this provision for forced promotion, whether it is based on qualifications or not. We can argue what we please, but unless we realize that nothing will weaken the fundamentals of our Nation as a whole faster than anything else, we are like ostrichs, putting our heads under the sand. We can undermine and destroy and sweep away a very vital and fundamental part of our great system of initiative and free enterprise and personal effort, by piling one thing on top of another with reference to this very point, that a person working for a State government or for the Federal Government does not have to excel, but only has to be good enough to get by, because he will be promoted whether he deserves to be promoted or not. That doctrine is gnawing at the vitals of our economy and our society and form of government.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. SPARKMAN. The Senator has been discussing the promotion system. Of course, a quota system is not provided in the bill, is it?

Mr. STENNIS. No.

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, and have a live quorum call, and that thereafter I be permitted to resume my speech, without it counting as another speech, and with the understanding that there will be no other quorum calls beyond that.

Mr. McINTYRE. Mr. President, reserving the right to object——

Mr. STENNIS. I can state my purpose.

Mr. McINTYRE. Mr. President, after a brief consultation, I must, regretfully, object.

The PRESIDING OFFICER. Objection is heard.

Mr. ANDERSON. I wish to express my thanks to the Senator from Mississippi for trying.

Mr. STENNIS. Perhaps I should explain the situation a little further. I have not finished my speech. I have other points that I wish to discuss tonight. I am entirely willing to have a quorum call so interested Senators can answer and then go on to what they have to do. Then there would not be another quorum call tonight. However, I wish to reserve the right to finish my speech. If I do not finish my speech by 10 o'clock, the Senator from North Carolina [Mr. JORDAN] will speak next.

Mr. JORDAN of North Carolina. I can promise that there will be another quorum call if the situation is not taken care of now.

Mr. ANDERSON. Some very distinguished people are having a Montana dinner tonight.

Mr. STENNIS. As I understand the Senator from North Carolina, if agreement were had with respect to a quorum call now, the Senator from North Carolina would be willing to go along with that.

Mr. JORDAN of North Carolina. I will.

Mr. McINTYRE. So long as the understanding is that the Senator from Mississippi will complete his speech tonight, and that it will count as one speech, I will not object.

Mr. STENNIS. I ask unanimous consent that there now be a live quorum call, that when the live quorum call is completed, I may continue to have the floor and continue with my speech, which will not count as another speech against me, and that I shall finish my speech tonight.

Mr. SPARKMAN. Before the Senator suggests the absence of a quorum, will he yield to me for a question?

Mr. STENNIS. I yield.

Mr. SPARKMAN. Is it correct to say that the Senator was making his request to accommodate some proponents of the bill?

Mr. STENNIS. The Senator is correct. That request was made solely at the suggestion of some proponents of the measure.

Mr. SPARKMAN. Does the Senator recall that a few days ago, when I was speaking, one of the Senators in charge of the bill, one of the chief proponents of the bill, asked me to make it possible for him to catch a 5 o'clock train?

Mr. STENNIS. Yes.

Mr. SPARKMAN. And that when I asked that I might break off my speech at that point in order that I might suggest the absence of a quorum and then continue it later without counting it as a second speech, objection was made?

Mr. STENNIS. Yes.

Mr. SPARKMAN. I was trying to accommodate one of the managers of the bill.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Does not the Senator from Mississippi believe that if we are to accommodate the proponents, the accommodation ought to work in both directions? I note the presence in the Chamber of the Senator from Minnesota [Mr. HUMPHREY]. I am sure he would agree that accommodation among Senators ought to work both ways.

Mr. STENNIS. Yes.

Mr. SPARKMAN. If we are called upon to accommodate them, they certainly should return the accommodation.

Mr. STENNIS. I appreciate the Senator's remarks. It is entirely immaterial to me whether the unanimous-consent request is granted. I made it to accommodate Senators who must attend to some other matters that are important, and to give them an opportunity to do so.

Mr. McINTYRE. I understand that; I am withdrawing my objection with the understanding that the Senator from Mississippi will now ask for a quorum call.

Mr. STENNIS. Yes.

Mr. HUMPHREY. How long has the Senator held the floor?

Mr. STENNIS. I have held the floor since 10 minutes after 10 this morning.

Mr. SPARKMAN. But the Senator has not occupied all that time.

Mr. MAGNUSON. The Senator yielded for many interruptions.

Mr. SPARKMAN. How much time did the Senator take in speaking on his own time?

Mr. STENNIS. About 4 hours.

Mr. SPARKMAN. It was about 4 o'clock when the Senator began to speak.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HUMPHREY. Is the Senator from Mississippi planning to continue with his speech after the quorum call?

Mr. STENNIS. Oh, yes. I was requested by a proponent of the bill, incidentally, to stop my speech so that there might be a quorum call now.

Mr. HUMPHREY. Who made that request?

Mr. STENNIS. I can continue with my speech, but I am willing to yield now to have a quorum call, with the understanding that I may continue my speech after the quorum is obtained, and that I may finish my speech tonight.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HUMPHREY. Does the Senator know who will follow him?

Mr. STENNIS. I can speak until 10 o'clock. The Senator from North Carolina [Mr. JORDAN] will follow me, if there is to be another speaker. This idea did not originate with me. I am personally indifferent. However, I would like to accommodate Senators.

Mr. HUMPHREY. I realize that the Senator has been very considerate of other Senators.

Mr. STENNIS. They have been very considerate of me.

Mr. HUMPHREY. I wish to indicate, if the Senator will yield to me further, without jeopardizing his right to the floor or having it counted as a second speech, that starting next week it will be my intention to enforce more vigorously the rules of the Senate on both sides. I make it quite clear that the rules have been applied a little too generously to both sides. No one has had any particular advantage, and it has accommodated our purposes quite well.

In order that we may move along with the bill, it will be my unpleasant duty—but I will perform it—to insist that the rules be more vigorously and strictly applied. For example, I shall insist that Senators yield only for questions and not yield for unanimous-consent requests. If unanimous-consent requests are made, objections will have to be made. I am reluctant to do that, but it will be necessary, because I believe the Senator from Mississippi has today demonstrated, in his situation, what takes place when we do not follow such procedure.

The Senator from Mississippi has been holding the floor since 10 o'clock this morning. He has been generous in yielding. I appreciate that. I want him to know that I personally thank him for his generosity to all Members of the Senate. But next week we shall have to stop being quite so generous and get down to legislating, because action is needed in this body on the bill. The public will become unhappy with the Senate unless it begins to consider amendments. A large stack of amendments is at the desk. I shall ask and urge that amendments be called up for debate and for action. I believe this is the general view of Senators.

I have no objection to the present request of the Senator from Mississippi.

The PRESIDING OFFICER (Mr. Hart in the chair). The Chair thinks it wise to restate the request. As the Chair understands, the Senator from Mississippi asks unanimous consent that there be a quorum call without his losing his right to the floor and that his resumed speech shall not count as a second speech. The Chair further understands that the speech of the Senator from Mississippi will be concluded tonight.

Mr. STENNIS. That is correct.

The PRESIDING OFFICER. The Chair also understands that there will be no further quorum calls tonight.

Mr. STENNIS. The Senator is correct. If I may say one further word, the Senator from Mississippi did not encourage any Senator to interrupt him today.

Mr. HUMPHREY. I so understand.

Mr. STENNIS. The interruptions were for legitimate business of the Senate. I was glad to yield.

As for the people of the country becoming disturbed about the Senate, the Senator from Mississippi believes they are becoming disturbed about the bill and what it contains. We want to continue free debate to discuss these questions both ways.

Mr. HUMPHREY. Does not the Senator from Mississippi agree with me that the way to determine whether the people are disturbed about the bill is to begin voting?

Mr. STENNIS. We will get around to that. We shall vote as soon as the Senator from Minnesota believes he has enough votes to carry his point.

Mr. HUMPHREY. Voting could start tonight. I am not at all sure that we have the votes to carry the point.

Mr. STENNIS. Mr. President, may I have action on my request?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 149 Leg.]

Allott
Anderson
Bayh
Bennett
Boggs
Brewster
Burdick
Cannon
Case
Clark
Cooper
Cotton
Dodd
Douglas
Fong
Hart
Hayden
Humphrey
Inouye
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Long, Mo.
Magnuson
McGee
McGovern
McIntyre
McNamara
Miller
Monroney
Morse
Morton
Moss
Mundt
Pearson
Pell
Prouty
Proxmire
Ribicoff
Saltonstall
Scott
Smith
Sparkman
Stennis
Symington
Walters
Williams, N.J.
Williams, Del.

The PRESIDING OFFICER (Mr. Williams of New Jersey in the chair). A quorum is not present.

Mr. HUMPHREY. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. Aiken and Mr. McCarthy entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. Burdick in the chair). A quorum is present.

Mr. STENNIS. Mr. President, the extent of the continuing supervision over the detailed management of the employees of private firms covered by the title is manifest by the provisions of section 709(c) which require every covered employer to—

> (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed;
>
> (2) preserve such records for such periods; and
>
> (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder.

I am quite aware that sections 704 and 705 of title VII do attempt to lay down definitions of what constitute unlawful employment practices.

However, an examination of these definitions will show very clearly the imprecision and vagueness of them. The language used is general and uncertain.

This title, if enacted, would make the Federal Government the operator of every business or other activity that affects the national economy anywhere in the Nation.

Mr. President, in connection with the vagueness and uncertainty in the language of the bill, and the broad scope of the language, I shall read an excerpt from the Washington Star of Tuesday, January 11, 1964. The Washington Star is a supporter of the bill, and, in the editorial, states its support. But the editorial lists its objections, which are very serious ones, to the bill, nevertheless. I read now from one of the paragraphs of the editorial:

> Our third objection goes to title VII, generally known as the fair employment practices section. This section hits hard at both management and union practices which keep Negroes from obtaining jobs commensurate with their abilities. We wholeheartedly agree that legislation to accomplish this is needed. The pending proposal, however, is a draftsman's horror.

Mr. President, those are not my words; those are the words of a responsible and informed editorial writer of one of the strong proponents of the bill. He refers to the title in question, which is title VII, as being a draftsman's horror. No hearings have been held on title VII. That is the title that President Kennedy did not recommend for inclusion in the bill. That is the title that was hurriedly put in by someone whose identity has never been known, but who actually wrote that title as we have it now except for the amendments that were put in by the House. That is the title that was in the bill that was considered for only 2 minutes by the House Committee on the Judiciary and voted upon after only a week's debate. In that same editorial there appears the statement that the bill was railroaded through the House.

The Senator from Mississippi did not make that statement. One of the chief proponents of the bill said, that it was railroaded through the House. No hearings have been conducted by any legislative committee on the title which the editorial writer and I have discussed. There is no report on the title and there are no guidelines whatsoever for the Senate to follow. Yet, the provision would undertake to bring under the direction and control of an agency of the Government, and place in a straitjacket, all of American industry except those employing less than 25 employees. The power that the Commission would have would be unparalleled in American industry and American government. The Commission would pass upon matters pertaining to many billion dollars worth of manufactured products every year. That Commission would also exercise the special privilege contained in the title, which would exempt some States from its provisions. The editorial writer has said that it is a draftsman's horror. As I have said, those are his words and not mine.

I merely say that no one knows what it means. No Senator who votes on the bill will have a clear concept of the meaning of the key words and key provisions of the bill. Under the bill the employer would no longer be responsible for conducting his own business. Instead, he would be shackled to the bureaucratic whim of an all-powerful and constantly present Federal Government, which would continually look with suspicion on his every act involving personnel or procedure.

Mr. President, with all deference, it is unthinkable to the Senator from Mississippi that a measure of the far-reaching effect of the bill now before the Senate, with its vise-like grip upon American industry, would be passed in the almost cavalier fashion proposed. When an extended debate or explanation of the bill is called for, the idea is ridiculed by calling it a filibuster.

The hiring of every employee and the discharge of every employee would be done at the peril and risk of being overruled by the Commission or the courts. Every promotion would run the risk of being nullified or delayed, pending the outcome of long and involved investigations, Commission hearings, and possible court actions.

The Attorney General, as a party to the suit, either as an intervenor, or otherwise, could use all the resources of the Department of Justice, including the FBI, to investigate and monitor the activities of an employer against whom a complaint had been filed.

The practical effect of this provision will be to virtually destroy the small businessman. It would cost him all his financial reserve, and more, just to contest one of these cases.

Thus, the threat of expensive and time-consuming litigation prosecuted by the expert personnel of the Attorney General's Office would always be present.

The Attorney General's intervention into the litigation on the side of the complainant would force the employer-defendant into such a disadvantageous position that it would disgrace our system of justice.

I add what I have said with reference to the motels, hotels, and other establishments that would come under the operations of title II. Perhaps big business would be able to contest charges brought under this title. They would have batteries of lawyers. They have reserve funds. They can fight the battles. If they lose money on one operation, they can make it up in another. But the small operator would have to do what the Federal investigators and Federal agents told him to do under the threat of being forced into virtual bankruptcy. That is the way the law would work.

It is already difficult for American business firms, professional people, and others who are in any kind of business activity to comply with all the present rules, regulations, and demands of their Federal, State, and city governments. I do not see how they survive them. I do not see how they survive the demands and requirements of the Federal agencies alone, much less the others.

I am not talking about the load they have to carry in the way of taxes, but I refer to the general accumulated load of all the requirements. The demands of the rules and regulations have already virtually stripped the average person of his freedom, his rights, and privileges, besides making a terrific drain on his resources, in order to comply with all the requirements.

I do not see how they survive. I do not see how the little businessmen will be able to survive. The chainstores and larger businesses may be able to survive, with the ways they have of cushioning themselves against losses. But the small business operators, who are the lifeblood of the Nation and of citizenship, in many ways, are literally being crushed in the effort to meet all the requirements.

This bill, particularly the section dealing with the Fair Employment Practices Commission, would put additional loads on them, with all the ramifications it would be possible under the extravagant language that is called, by the proponents of the bill—not the opponents—a draftman's horror.

Mr. HART. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HART. I take it the Senator would not agree with me that the experience of more than 26 States of this Nation, under fair employment practice laws, which States have been the most highly productive in the Nation, establishes that there can be fair employment practice laws and economic success as well.

Mr. STENNIS. In my opinion, they have survived in spite of the law rather than because of it.

Mr. HART. I take it that the Senator from Mississippi does not believe, notwithstanding the successful experience in one-quarter of the States, which contribute massively to the Federal Treasury under fair employment practice law, that the inclusion of this title in the bill, which is directed at the practices of one of the most massive areas of discrimination committed against the Negroes in this country, is desirable?

Mr. STENNIS. No. I was trying to emphasize, with every force of which I have command, that it is undesirable. I know there is such a law in the State of the Senator, and that is a State policy. I notice, too, that the proposed Federal law on the subject would be a seeming shift from the policy of leaving this matter to the States. It is proposed to enact a Federal law on the subject. Yet I was really astounded that the chief proponents of the measure from States where FEPC laws already exist, wrote a proviso in the bill that this Federal law shall not apply to their States or to any State having an FEPC law. In other words, this title is not to apply to a State having an FEPC law.

With all deference to him, it is inconceivable to me that the Senator from Michigan would say, in effect, to me that "I, the Senator from Michigan know more about writing an FEPC law for your State than you do." That is the only interpretation I can put on his position. The Senator writes one law for his State. Then he writes a Federal statute and then exempts his State from the Federal law provision. But he makes it applicable to Mississippi and other non-FEPC States.

Mr. HART. I would have been surprised if the Senator from Mississippi had not led everyone against any Federal legislation that would have sought to preempt State sovereignty. Normally the Senator would be in the forefront of such a move.

Mr. STENNIS. The proposal of the Senator from Michigan totally destroys State sovereignty by saying, "We will have a Federal law." The Senator refuses to accept State sovereignty. He reverses it. He puts that provision in Federal law, and then turns around and says, "Provided, however, that in my State, which has an FEPC law, the State law will control. We are going to follow the State law in my State, but the Federal law will bind all the rest." That is the substance of that proposal. It is not right.

If any amendment is adopted, I hope there will be an amendment that will make the FEPC provision apply to all 50 States or none of the States. What objection could be made to that provision?

Mr. HART. Would the Senator object if I had inserted at this point in the RECORD the language from the bill beginning at line 11, page 43, through line 7, on page 44, the section which is captioned "Effect on State Laws?"

Mr. STENNIS. I do not object.

The PRESIDING OFFICER. Is there objection?

There being no objection, the language was ordered to be printed in the RECORD, as follows:

EFFECT ON STATE LAWS

SEC. 708. (a) Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title.

(b) Where there is a State or local agency which has effective power to eliminate and prohibit discrimination in employment in cases covered by this title, and the Commission determines the agency is effectively exercising such power, the Commission shall seek written agreements with the State or local agency under which the Commission shall refrain from bringing a civil action in any cases or class of cases referred to in such agreement. No person may bring a civil action under section 707(c) in any cases or class of cases referred to in such agreement. The Commission shall rescind any such agreement when it determines such agency no longer has such power, or is no longer effectively exercising such power.

Mr. STENNIS. Mr. President, I thank the Senator from Michigan for his questions. We may return to that subject later.

TITLE XI

Let me discuss now title XI. Section 1101, found in title XI, provides that nothing in the bill "shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General."

From this section, it is evident that none of the powers heretofore vested in the Attorney General are intended to be in any way diminished. His authority would not be reduced, restricted, or restrained. On the contrary, it would be expanded far beyond the power ever given any executive officer, with the possible exception of the President, in time of war.

The separation of the executive, judicial, and legislative branches of the

Government and the maintenance of checks and balances among them demand that the trend of conferring increasing power upon the Attorney General be stopped.

And I am not referring to any present, past, or future Attorney General. I am talking about the office, and the power that is contained in this bill.

The gradual merger of the Federal judiciary and the Federal executive, through the office of the Attorney General, has rapidly increased in recent years. It has developed by an increasing tendency for the Attorney General to become both prosecutor and judge. For example, in *Aaron* v. *Cooper*, 163 F. Supp. 13 (E.D. Ark. 1958), the Federal district court invited the Attorney General of the United States and the U.S. attorney to come into the case as amicus curiae and to commence injunction proceedings against the Governor and his subordinates "to prevent the existing interferences with and obstructions to the carrying out of the orders heretofore entered by this court in this case."

On appeal, the amicus curiae, the so-called friend of the court, had become so far involved in the case as an interested party that the very style of the proceeding was changed to reflect this, being styled *Faubus* v. *United States of America (Amicus Curiae, Petitioner)*, 254 F. 2d 797 (8th Cir. 1958). The court of appeals upheld this activity of the Attorney General, appearing in the proceeding both as an interested party and as a branch of the court itself. The Eighth Circuit Court of Appeals said:

> In our opinion, the status of the Attorney General and the U.S. attorney was something more than that of mere amici curiae in private litigation. They were acting under authority and direction of the court to take such action as was necessary to prevent its orders and judgments from being frustrated and to represent the public interest in the due administration of justice.

That is cited as an example of the blending of judiciary and executive branches of Government. That is contrary to the general principle in which all of us agree, as to separation of powers. My main point is not with reference to that case. My main point relates to the vast power that is provided in most of the major provisions of the bill, centering around the Attorney General's office; the tremendous force that it has; the professional resources that it has—which will be used as a general guardian and overseer, and general director of much of our industry, much of our educational system, and places of public accommodations and other matters covered by this bill.

I think it is the highest kind of discrimination to grant some States and not others. If it is such a good law, I think it should apply to all States.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JORDAN of North Carolina. When the Senator said that it was such a good law that the proponents are anxious for those of us who do not have such a law to have it, I was reminded of an old saying to the effect that, "Misery loves company."

Some of them have a great deal of misery over what they have already done. They would like to see some of the others involved in it.

I know something about some of the fair employment practices commissions in the States that have them. The system does not amount to a great deal. Not much is done about it. The law is circumvented. There is not much enforcement of it.

Mr. STENNIS. I am certainly glad to receive the Senator's information. I did not know that.

Mr. JORDAN of North Carolina. I know some people who have plants in some of the States. They are not bothered too much with the FEPC. They do not want the Federal Government to take it over and enforce it. Some of the inspectors who are sent around remind me of one who came into one of our plants and told a lady who was working there that she was working when she was not 16 years old. She told him that she would take him to her house and show him some children she had that were over 21 years of age. She was young looking, and a small person. Sometimes it is hard to tell their age. But that is the kind of inspectors who come around and tell a man what to do, and how to operate his business. And if he does not do what they say, charges are brought.

Mr. STENNIS. I thank the Senator for the explanation. It gives me a better understanding as to why States that have the fair employment practices commission want to stay under it rather than to come under the one that is proposed here.

I believe that this one, which would be governed by the Federal Government if the bill is passed—which God forbid—will be enforced. I believe it will become a great playhouse, especially in my part of the country, in the hands of those who want to push this bill. I think it will be a burden to commerce everywhere. I mean exactly what I say. I believe it will be a burden to commerce, a burden to industry; but after all is said and done, the gravest, the most overwhelming objection against it is that it interferes with what I believe to be the rights and responsibilities of the owners and operators in control of the small and large industries.

Mr. HART. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Michigan. He is very much interested in the bill, and has knowledge on this subject in his own State.

Mr. HART. I take it that the Senator from Mississippi would not agree with me that the goal of this title and the objective of all the State laws is to announce as a public policy that an employer will not judge one while he is 50 feet away. In my book, that is a very desirable statement of public policy, and is consistent with all our traditions. I take it the Senator from Mississippi disagrees.

Mr. STENNIS. I think, with all due deference to the Senator, that is a rather general statement.

Mr. HART. It is. It describes in general the objective of this title.

Mr. STENNIS. So far as the color line is concerned, there is a large number of small enterprises down in my State. We do not have any very large one by the standards of the Senator from Michigan. But we have a great number of small enterprises with which I am personally familiar. They hire a great many valuable colored people who render a very fine service. Some are semiskilled. Some are skilled. Some of them have management ability.

When I was a small boy, there was a great lumber manufacturing industry in Mississippi. I used to watch the operation of those sawmills with the greatest of admiration. Some were of the "belly" type. Some were electrically operated. Some had a carrier, if the Senator knows what a carrier is.

The carrier goes up and down the side of a saw. The saw cuts the logs into planks. These colored men rode the carrier back and forth with split-second precision.

I admired their skill. Many white folks were unable to get a job. They wanted those jobs. But they could not get them because the colored men were performing the job on their merits.

Mr. HART. That is precisely the objective that this title seeks to achieve.

Mr. STENNIS. It is not necessary to have that, if the man has the qualifications and will really work and remain on the job. But consider the case of the man who works about 1 day, and who can make enough money in a day or a day and a half to live for a week. And does not show up for about 3 days in the week. In spite of that, under this bill an employer could be forced to promote him or run the risk of being convicted for violating the law. That is a type of the matter that we would encounter, in addition to the fundamental rights that are involved.

We have some fine industries in our State. I visit some of them from time to time. We have some very fine Negro workers. We have some Indians down there, too. They have jobs in the factories. I have seen them working at the sewing machines, making garments.

Mr. President, Prof. Samuel Krislov, associate professor of political science, Michigan State University, who has watched the evolvement of the position of the Attorney General as amicus and advocate, has made the following comment:

> Thus, even the closest possible relationship of friendship to the court—acting directly for it—has evolved into an active advocacy of the most demanding and consuming nature. This most fervent friendship for the court involves the taking on of the court as a special sort of client, one whose claims are of an even higher and purer partisanship. (Krislov, "The Amicus Curiae Brief: From Friendship to Advocacy," 72 Yale L.J. 694, 720 (1963).)

As is well known, an attorney takes charge of litigation for his client. So, when the Attorney General takes on the Federal judiciary as his client, he is, in effect, controlling the litigation before the courts. The result of this increase of power is that the Attorney General is coming to dominate the Federal judiciary. This reminds one of the parable about the camel that was invited into the tent. The Federal judiciary has invited the Attorney General to participate in the administration of the Federal courts, and are now finding that, in many cases, they have become mere clients of an executive official.

I am referring not to any particular case and not to any particular court and not to any particular officeholder. But unfortunately the trend is away from the division of power in our great Government. This bill would not contribute to separation of powers, but diminish the rights of the individual.

Mr. President, I have some special remarks to make, as a lawyer, giving my impressions from a study of the bill.

If the measure is enacted, we shall be creating what is in substance an offense—we can call it a crime or anything we please—and we shall be providing for special prosecutions. We set no standards, except to call it discrimination. We do not lay down any definition of discrimination with reference to religion, race, color, or national origin. I do not know exactly what those words mean in the legal sense. We do not attempt to define discrimination in any of the titles of the bill.

Ordinarily, when an indictment is found against a man, charging him with a crime, it is necessary to be specific. First, it must be based on a specific law. If the law is vague or indefinite, it is declared invalid. If an individual is charged with a violation of law, the indictment must be specific; otherwise it is subject to what we call a demurrer. It must be specific and definite and to the point, in other words, or it will be thrown out and held to be invalid.

That is the American system. That is not challenged by anyone. Nevertheless, we are throughout this bill in effect creating the gravest kind of undefined offense called discrimination. It may occur, in many sensitive fields, as in religion, in a contest between a Protestant and a Catholic, or a Jew and a Presbyterian, or between any two in that group; or in a test between people of different races or different national origins. It will be the basis of proceeding against someone but not on the basis of an indictment which is clear and to the point, found by a jury of a man's peers in the county where the offense is alleged to have been committed.

We shall not have the safeguard of a grand jury, or the protection and benefit of a process that is almost a thousand years old in Anglo-Saxon jurisprudence.

That will be dispensed with. How will we proceed?

We shall proceed by one of the most far-reaching powers ever invented in the law. We will proceed by injunction, by persuasion—I use that word because the proponents of the bill use it—and if persuasion does not get results, and if coercion does not get results, we will use the injunction. I assume that the judge would be competent. I do not impute anything wrong to the judiciary.

However, with the great number of these cases that will be brought, it will be hard for a judge to give them the individual attention that they deserve. First there will be the injunction, and then the prosecution of those who are thought not to be living up to the injunction. There will not be the ordinary safeguards or protection of a jury trial.

I see the Senator from Kentucky [Mr. COOPER] in the Chamber. He is a very learned man in the law. He gave us a very lucid and clear statement of his position in this regard. He made a very great contribution to the record. We are creating a mass of Federal offenses dealing in the sensitive field of business and public accommodations, elections and schools, and a great host of other things that go with those items.

Only two of these titles contain the safeguard of a jury trial.

In the old days, as the contempt law developed, it was very rarely used. There were not many cases. I referred the other day to the fact that when I sat as a judge for 10 years in a trial court, I never had one contempt case come before me. That may not be a compliment to the Senator from Mississippi. There were very few such cases. One time I had to send a drunk to jail when he came staggering into the courtroom. That is what we call a direct contempt. Even that power was not used much.

Now we are using it in connection with everything. We have the Taft-Hartley law. The laws are full of those powers. We have the antitrust laws. The antitrust laws are filled with the power to try by injunction. It is a new field. As the late lamented General MacArthur said when the Red Chinese came into Korea, "This is another war."

The provisions of this bill will greatly extend the power of the Government to regulate matters by the power of injunction. They constitute another vast array of offenses. If Congress has not already done so, it should get busy and find out what this bill does and stop arguing about the present law on contempt. Most of us agree that if all these powers are to be exercised, there should be an extension of the right of trial by jury. That is exactly what happened in 1957. We made perhaps a more or less arbitrary division; but at least we partly repaired the situation with reference to trial by jury on new offenses.

We should not be considering the idea that the bill must be passed without changing one jot or tittle, or even a semicolon. With all deference, that is a reckless argument at any time. On such matters as jury trials, Congress can move steadily toward the downfall of the protection of individual liberties unless it exercises care. We are turning to what could be the most autocratic power in our system of government; that is, granting such power to a Federal judge—and I say this with all respect to them—in contempt proceedings without any limitation whatsoever. The bill does not attempt to cope with that very grave problem.

I wish to raise another point that, to me, is absolutely fundamental. Let us assume that a man in Kentucky operates a little industry that he built up himself. Perhaps it grew from a kind of family enterprise and expanded, and the owners were successful in building it to the point where it employed 30 persons. I simply do not believe that anyone would have a right to a job with that small company or concern. He would not have a legal or constitutional right to it. The person who owned that little business and who built it is vested with the right. He would have the right to employ whom he chose. That is a basic and fundamental proposition. It is the man's business, and his employees work for him. He created the business. He was frugal and industrious. He applied himself. He had the know-how, and he used it. It is his business.

Whatever fruits might be derived from the business, I would have no right to a job in that little factory in Kentucky. The owner would have the right to employ and have associated whomever he might choose. It would be his right to select those who he thought would do the work best or suit him the best. It would make no difference whether they were the best workers or not; it is his right to determine whom he would employ. He might want to employ none except men or none except women. He was the creator of the business, and he should be the judge of whom he would employ.

I do not believe Congress—or even the Legislature of Kentucky, so far as that is concerned, although that question is not before us—has any power whatsoever to take away the right of such a man and transfer it to someone else. I simply do not believe it.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. COOPER. The Senator from Mississippi alluded to my State and called my attention to his argument, so I should like to respond.

Mr. STENNIS. Yes.

Mr. COOPER. My response goes to the argument the Senator from Mississippi made a while ago as to whether or not there was a great movement toward the adoption of injunction procedures, in an effort to secure and protect certain rights of citizens.

Mr. STENNIS. Yes.

Mr. COOPER. It is my view that there are definite constitutional rights and that there is a duty on the part of the courts, when court actions involving citizen rights are presented, to secure those rights. There is also a duty on the part of Congress to enact legislation which will secure those rights, in those instances where they are denied. I believe there is a constitutional right under the 15th amendment—and I believe the Senator from Mississippi would agree with me—that all citizens are not to be denied the right to vote.

Mr. STENNIS. To those who are qualified and who meet the requirements of the valid laws.

Mr. COOPER. The Senator may not agree with me on this point, but I believe the Supreme Court has held in the school desegregation cases that there is an equal right to attend public schools. In certain later cases the Supreme Court has also affirmed the right of persons to use public facilities without discrimination on the basis of race or color. In my judgment, there is nothing clearer than those two rights;

namely, equal opportunity to attend public schools and equal opportunity to use public facilities. I also believe that there is a constitutional right to have access to places of public accommodation. This right is secured under the "equal protection" clause of the 14th amendment. I believe these rights are clearly protected under the Constitution, and if they are not made available, without discrimination by the States, then the States in effect are acting to deny some of these rights to certain citizens. The courts, in those instances where the enjoyment of these rights is being obstructed, have the power under proper procedures to issue injunctions in an effort to restore these rights, which belong to a citizen. The court's decisions in these cases must be obeyed; otherwise there will be a flouting of the Constitution and a flouting of the law.

So far as the FEP provision of the bill is concerned, I agree with the Senator that this is a matter of legislative policy. The right to a job is not a right which is specifically enumerated in the Constitution. But Congress may act if it so chooses, to correct an existing wrong—such as job discrimination. There is a constitutional basis for such legislation as established through the years. Some States have enacted legislation which will protect individuals against job discrimination. These State statutes have not been found unconstitutional. The States have enacted such legislation under their police power. The authority of Congress to pass similar legislation on the national level is based upon the commerce clause. The right to employment is not a declared constitutional right. However, I believe Congress has the authority to enact such legislation, as a matter of policy, under the commerce clause. Whether Congress desires to do so or not and how far such legislation will reach in eliminating practices of discrimination in employment is ultimately a question for the Congress, in its best judgment, and I hope wisdom, to decide.

Mr. STENNIS. I thank the Senator from Kentucky for his remarks. He is always helpful.

Let me put it this way: We are talking about basic, fundamental rights, rights that are inherent. The main argument made is that these rights belong to people as individuals and that a person has a right not to be dicriminated against because of color, religion, or national origin. The bill is based on that proposition.

But I raise this point: If there is a right to these things, why limit the right merely to race, religion, or national origin? Why should we not say there is a basic, inherent right not to be discriminated against because of age, and pass a law providing that no one shall be discriminated against for employment on a job because he is 50 years old or 60 years old? If there are basic rights, they go far beyond discrimination on the grounds of religion, race, or national origin. After all, those are rather artificial lines and differences. If a person is to have a right to a job, why cut off the right at 25 employees? If one has a right to a job, and if an employer has but one employee, anyone who applied for that job should have the same right to it as if the employer employed 25 or more persons.

If they are rights according to the definition of the proponents—I do not believe they are—what about persons who will be discriminated against in places that employ 24 persons, 20, or 15? Are they to be thrown to the wolves while the law protects all the others? Why discriminate against them?

What is the reason?

Mr. AIKEN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield, for the Senator from Vermont is always constructive.

Mr. AIKEN. I have been trying to obtain some information in regard to some things. Perhaps I have been going to the wrong place for it.

Does the Senator from Mississippi have any information as to how many persons would be exempt from the protection which title VII purports to offer? Does he know how many persons, for example, are employed by corporations which are owned or controlled by religious bodies? Does he know how many policemen, firemen, teachers, and so forth, who are employed by communities and cities would be deprived of the benefits proposed to be provided by the bill?

Mr. STENNIS. I have no knowledge as to that; but it seems to me the bill would be discriminating against them, inasmuch as the bill would not apply to those groups. Therefore, they would be discriminated against by not being given the alleged protection provided by the bill. Of course, a great number who would not be covered are employed by employers having less than 25 employees. I wish that data were available.

Mr. AIKEN. I do not know, but I would guess that almost half of the employees in the country would be exempt from this title.

Mr. STENNIS. That is another illustration of the need for hearings on the bill, although perhaps that point may have been covered in some hearings.

Mr. AIKEN. It may have been covered in the House committee hearings.

I must say that I cannot agree with some of the provisions of the bill; but certainly we should not provide that half of the people of the country would not be entitled to the protection of the bill. Yet that would be the result by excluding the application of the bill to all employees working for employers who employ less than 25 persons, and also by excluding all Federal employees—numbering approximately 10 million—and also by excluding all employees engaged in plants, work, or institutions of any kind controlled by religious organizations.

I must say I have tried to get that information, but I could not get it from any source. The Internal Revenue Service has it, but will not divulge it, insofar as religious organizations are concerned.

My office called one religious organization, and found that they were very happy to tell us what another religious faith owned, in property—an enormous amount. But, strange to say, they had no information on the amount owned by their own faith. So I believe it would be very interesting to know how many persons would be deprived of the protection proposed to be provided by this measure.

Mr. STENNIS. I think the Senator from Vermont has made an excellent point, and certainly we should get that information.

Mr. AIKEN. I should like to see the Senator from Mississippi get it.

Mr. STENNIS. I shall try to get it.

Mr. AIKEN. But that is one thing the Senator will not get from any of the organizations which now are exempt. They may be appealing for the enactment of a law to cover others, but certainly they are very reticent about giving information about their own affairs.

Mr. STENNIS. Yes.

I believe the Senator from Vermont is the author of the "Mrs. Murphy" amendment. How many persons would be exempt under that amendment?

Mr. AIKEN. I do not know; and we cannot get that information, either. So we have to guess at it.

My guess is that, altogether, the total number might amount to half of the employees of the country, or perhaps the number would be only 25 percent. I am sure that at least 25 percent would be exempt.

Mr. STENNIS. Yes, under the provision exempting the employers who employ 25 persons or less.

Mr. President, the bill relates to what we are told are fundamental rights. In that case, why limit the application of the bill to persons engaged in interstate commerce? If all the people have a fundamental right to these protections, why limit the coverage of the bill in any way?

Some may say the Constitution limits certain of these rights. But if they are so fundamental, why not provide them for all the people? Some say these are fundamental rights which should be enjoyed freely by all. I do not believe that is so; but if it is true, why limit the coverage in the way now proposed, and thus exclude from coverage by the bill such large numbers of persons? Why not provide that everyone has a right not to be discriminated against? And why not provide that all jobs will be administered by the Federal Government? Why stop where this bill stops? Instead, why not permit a Federal Government agency to administer all jobs? If it is true that everyone has a right not to be discriminated against, let us go all the way.

However, I do not believe we will do that.

This bill is bottomed on giving political consideration to a privileged group.

Mr. COOPER. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. COOPER. It is my firm belief that the sections on employment and on public accommodations of this bill should be based on the 14th amendment. I do not think the commerce clause is the best constitutional grounds.

I think if such provisions are based on the commerce clause alone that discrimination against certain individuals who claimed the right to enter public accommodations will continue. Some business establishments would be covered by the law, but the affirmative right to equal access to places of public accommodation would not be secured.

In effect, the bill would say to certain places of public accommodations and not to others, "You may continue to discriminate." The application of title II to protect a citizen's right to public accommodation—if the bill is based on the commerce clause alone—may be uneven. I felt very strongly about that.

As far as title II is concerned, last year I introduced a bill to eliminate discrimination in places of public accommodation, which was based on the 14th amendment. But this approach was resisted by the Attorney General. He resisted it because he felt this approach involved certain constitutional risks; the proposed amendment was defeated in the Commerce Committee. But I still believe title II of this bill could be based on the 14th amendment, I still believe it should be based on it, because what is involved is the dignity of these individuals. We should not treat them as if they were so many articles of chattel moving in interstate commerce. And, I might add an opportunity to restore this bill to its proper level of dignity, is still available to the Congress, when we reach direct consideration of title II in the course of these debates.

But I do not believe there is a constitutional right with respect to employment. I think that, as a matter of policy, Congress can provide that discrimination in employment is a burden on commerce; but I never heard that employment was an actual constitutional right, and that it was proposed to base those provisions on that.

Mr. STENNIS. I agree with the Senator from Kentucky that we can argue about the commerce clause and the 14th amendment, and about whether either or both support these titles. However, that is not the point I am making now.

Mr. President, if all the people of the United States are entitled not to have any discrimination against them on account of race, color, and the other factors specified in the bill, why limit the protection proposed by the bill to interstate commerce? If we believe these are rights which should apply to all our people, why not amend the Constitution?

So, after all, if all our people have these alleged basic American rights, the bill is only a halfway measure.

I raise that point, and I think it should receive an answer—if not tonight, then later.

Furthermore, why not have all jobs apportioned by a Federal agency? If a Federal agency will know best about the problems of employers who have more than 25 employees, why not knock out of the bill the 25-employee limitation, and apply the bill to all businesses, including both those engaged in interstate commerce and those not engaged in interstate commerce? Thus the Federal Government would control all businesses.

That is what some persons want; and it seems to me that procedure would be consistent with the theory of the bill.

Mr. HART. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield.

Mr. HART. I would suggest a rereading of the point the Senator is making for support of the point that many of us have suggested with respect to the bill: We are approaching the problem with moderation. That is precisely why we have provided a cutoff point.

Mr. STENNIS. But this is discriminating. There would be discrimination against those who are working and those who apply for a job with a man who has less than 25 employees. I make that statement with great sincerity.

There are other conditions about employment which the bill does not touch at all. Why stop on the questions of race, color, and religion? Let us put in the bill a provision in relation to age.

Mr. HART. Mr. President, will the Senator yield at that point?

Mr. STENNIS. I yield.

Mr. HART. The bill would direct the executive department to make a very detailed analysis with respect to the burden on interstate commerce that age is in hiring. I think it is a useful feature of the bill. Specifically it is section 717.

Mr. STENNIS. There should be a provision that an employer could not discriminate against a man because he is of a certain age. The policies of certain companies are that when one reaches a certain age he must get out regardless. The Army has such a policy. Many manufacturers also have. That is the policy of the Government. A man must get out when a certain age is reached. There is something wrong in such policies.

Mr. HART. It may well be that there will be found to be an undue burden on interstate commerce because of that policy, and then we shall be confronted with the same kind of argument, notwithstanding the existence of the report—"Don't do it."

Mr. STENNIS. I am arguing that interstate commerce has nothing to do with the question. Congress does not have the authority now beyond what is permitted under the commerce clause. The Senator argues that the Congress has such power, but if it does not have it, let us propose a constitutional amendment and see what the people think about it. They might broaden the powers of the Congress. I do not argue the point as a matter of right, as the Senator knows.

Mr. HART. I wish to make the note for the purpose of the record that we regard title VII, which is the equal employment opportunity title, as within the reach of the Federal Congress by reason of the commerce clause. It is not premised on the 14th amendment.

Mr. STENNIS. I thank the Senator. Mr. President, I do not desire to detain the Senate very much longer. The argument has been made that title VII would provide more employment for the nonwhite and particularly the Negro. The facts are it will not help but hinder the Negro in finding employment.

Mississippi has no FEPC law. It is one of the States which has a high ratio of Negro population. It is also one of the States at which the FEPC law is apparently directly aimed. At least, as far as Mississippi is concerned, the facts do not support the implications of the statement of the Senator from Minnesota.

The unemployment rate in Mississippi in 1960 among nonwhites was 7.1 percent of the civilian labor force. In referring to the table which appears on page 109 of the hearings of the Subcommittee on Employment and Manpower of the Senate Labor and Public Welfare Committee, we find that the national rate of unemployment among nonwhites was 8.7 percent. In New York, the first State to enact an FEPC, the nonwhite unemployment rate was 7.4 percent. In Minnesota, it was 12.8 percent; in California, 10 percent; in Montana, 24.8 percent; in Pennsylvania, 11.3 percent; and in Rhode Island, 10 percent.

All of the States which I have mentioned, except Montana, have some type of an FEPC law.

Of the 25 States which are listed as having FEPC laws—as I have previously indicated, the technically correct number is 24—24 of them in 1960 had a higher percentage of unemployment among nonwhites than did the State of Mississippi. Let me repeat that. All but 1 of these 25 States had a higher percentage of unemployment among the nonwhites than did Mississippi.

The conclusion is clear. FEPC laws do not work the miracle in reducing nonwhite unemployment which have been claimed for them.

From the figures I have given, it is clear that FEPC laws have not been effective in relieving the nonwhite unemployment problem in the States which have such a law. Mississippi, a non-FEPC State, has a lower nonwhite unemployment than 24 of the 25 States which have such a law. Where, then, is there any support for the claim that an FEPC law will reduce nonwhite unemployment?

This problem can be solved best by strengthening and encouraging our free enterprise system. The situation will not be speeded by adding restrictions and regulations or new burdens of Government control as this title will do if it is enacted. The figures I have just quoted are another example of how, in practical application, an FEPC-type law will have the opposite effect that its sponsors wish to accomplish.

In considering the practical application of this law, one cannot be limited to the intent of the language given by its proponents. We must look far beyond their construction and interpretation, for naturally they have an interest, although they are, of course, sincere.

Mr. President, I have further remarks on that very point and I have further remarks on the FEPC provisions of the bill.

The Senate will recall that this afternoon the Senator from Mississippi more or less insisted that he get started on his speech because he knew there was a great deal that he desired to cover.

I thank Senators for their indulgence today. I wish to make clear for the benefit of Senators who were not present at the time that the request of the Senator from Mississippi was in no way designed to try to keep his speech from counting as a speech on the bill.

It was merely an effort to accommodate, in response to a request on the part of several Senators who had other urgent matters, and who wished to answer the quorum call. The Senate understood that, I am sure, and granted the permission.

Mr. HART. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HART. I confirm that statement. I was in the chair at the time, and I understood the situation fully.

Mr. STENNIS. I make the statement for the benefit of anyone among the press who did not understand. I thank the Senator from Michigan for his fine courtesy today.

Mr. HART. Mr. President, will the Senator yield so that I may make one last request?

Mr. STENNIS. I yield.

Mr. HART. Would the Senator object to the inclusion at the end of his speech of a relatively brief but I believe helpful memorandum of law that is to be found on pages 127 through 133 of the Senate Committee on Labor and Public Welfare hearings on the several equal employment opportunities bills? It is a memorandum of law on the power of Congress to prevent discrimination in employment under the commerce clause.

Mr. STENNIS. Is that in the report?

Mr. HART. It is in the hearings. It is in the record of the hearings.

Mr. STENNIS. I should like to reserve the right to object. Ordinarily, I would not have any basis for the objection, for there would be an opportunity to answer the brief, but the Senator from Mississippi does not have the time to do so.

Mr. HART. Perhaps we could resolve the question in the following manner: For the benefit of the reader of the Record, it will be helpful to know that, beginning at page 127 of the hearings before the Manpower Subcommittee of the Senate Committee on Labor and Public Welfare of this Congress, there will be found a memorandum of law discussing the constitutional basis for bills similar to title VII, the title which the Senator from Mississippi has discussed at length today.

I think those who may have concern with respect to the constitutional question can find much guidance in that memorandum of law.

Mr. STENNIS. Can the Senator give us the names of those who prepared the memorandum?

Mr. HART. I am advised it was prepared by the Counsel's office of the Department of Labor. There is no further definition of authorship.

I withdraw my request that it be printed in full, but I should like to have the reference to it in the Record.

Mr. STENNIS. I thank the Senator.

Mr. President, may I express my pleasure that the Senator from Kentucky [Mr. Cooper] has been present and has followed the debate and has contributed to it substantially, with very clear questions and also with observations. I appreciate it very much.

Mr. President, I yield the floor.

RIGHTS ISSUE AIDS CHURCH UNITY

During the delivery of Mr. Stennis' speech,

Mr. MAGNUSON. Mr. President, a note hopeful for America and for the religious spirit of the Nation growing out of our Senate debate on the pending legislation was sounded yesterday by Columnist Drew Pearson in the Washington Post and many other newspapers to which his pungent daily news comments are syndicated.

Titled "Rights Issue Aids Church Unity," I commend it to the attention of my distinguished colleagues of both parties whatever may be their religious convictions or faith.

I ask unanimous consent, Mr. President, that the column written by Mr. Pearson which appeared in the Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rights Issue Aids Church Unity

(By Drew Pearson)

Erie, Pa.—The civil rights issue may cause boycotts and arrests; it may defeat certain Congressmen; it may induce Polish-Americans to turn against their fellow minority because it is black, as in Milwaukee yesterday; and it may cause rightwing Republicans to vote in Democratic primaries in order to embarrass Democratic liberals, as also happened in Wisconsin.

Regardless of all this, civil rights has done more to unite the churches of America than any single issue in American history.

When the late Pope John called for the coming together of Catholic and Protestant churches he could not have foreseen that Catholic, Protestant, and Jewish churches in the United States would march arm in arm far in advance of churches in Europe or any other continent in battling for the rights of the black man.

They have done this not because any votes are involved, or any financial reward. Quite the contrary. The churches will lose money; for the time being, lose parishioners. But they will gain respect.

Because the great majority of churches and church leaders now believe that civil rights is a matter of human rights, of rectifying a deep injustice long suffered by the black American.

L.B.J. AND LINCOLN

In the last few months I have traveled and spoken in widely varying sections of the United States ranging from Auburn University in Alabama to Gannon College, a Catholic institution in northern Pennsylvania. The church leaders are unanimous. They are militant in working for human dignity, which Christ taught and which was the basic philosophy of the prophets of Israel even before Christ.

It is my opinion also that President Johnson is motivated by a deep moral conviction in putting his political future on the line in the civil rights fight. The battle will cost him more votes than he will win. But long before the battle came to a head, he, as Vice President and Chairman of the Equal Opportunity Committee, had done more to get jobs for Negroes than any other man since Abraham Lincoln.

It is true that not all of the church flocks are following the church leaders' advice. In Milwaukee, the Catholic bishop urged Catholics not to give encouragement to the foes of civil rights by voting for Gov. George A. Wallace of Alabama in the Democratic primary. A great many Polish-Americans did not follow that advice.

What they did not know was that in voting for the States rights of the Governor Wallace brand, they were voting, in effect, for a system that has allowed a white boy to shoot a Negro boy in the head and then get only a 2-year suspended sentence, a system in which a Negro church could be bombed in Birmingham with four little girls killed and the bombers go unpunished.

In the House of Representatives, a Polish-American, Representative John Lesinski, Detroit Democrat, was the only nonsouthern Democrat to vote against the civil rights bill. Ninety-five southerners and Lesinski voted against the advice of church leaders.

One Republican who stood up to be counted on the other side is Representative William McCulloch, of Piqua, Ohio, a conservative smalltown lawyer without whom the Democratic leaders probably could not have passed the civil rights bill. He had nothing to gain politically, perhaps something to lose. He voted his religious and personal convictions.

PERSONAL THREATS

Some church leaders have undergone fire and brimstone, even threats against their lives in battling for civil rights. The Reverend Powers McLeod, of Auburn, Ala., a Methodist, his brother, Fletcher, and the Reverend John Jeffers, a Baptist, are among them. Despite the initial opposition, however, they are preaching to the largest congregations today.

The patriarch of Louisiana, Archbishop Joseph F. Rummel, has long fought for equal rights, despite the derisive epithets and abuse from some of his own parishioners.

But perhaps the most inspiring and effective church leadership has been in Washington, where genial Catholic Archbishop Patrick O'Boyle; Bishop John Wesley Lord, Methodist; Bishop William F. Creighton, Episcopalian; Rabbi Lewis Weintraub; Bishop Smallwood Williams, Pentecostal Church; and the Reverend Franklin Jackson, Methodist, have met almost weekly to discuss the problems of human rights and better understanding between their fellow men.

The late Pope John would be proud and pleased at this ecumenical conference in Washington. And though the Negroes are the source of many problems, they have given one important thing to the churches that hitherto they lacked—greater Christian unity.

STATEMENT BY SENATOR JORDAN OF IDAHO BEFORE SUBCOMMITTEE ON IRRIGATION AND RECLAMATION ON CENTRAL ARIZONA PROJECT

During the delivery of Mr. Stennis' speech,

Mr. ALLOTT. Mr. President, yesterday, the Senator from Idaho [Mr. Jordan] appeared before the Subcommittee on Irrigation and Reclamation, and there offered a new approach to a partial solution of our water problems of the West and Southwest. As he said, this is not a fully developed plan, but it is something to think about. With that I heartily agree. I congratulate him on his foresight in bringing this matter to the attention of the committee and also the Senate.

I ask unanimous consent that the statement of the Senator from Idaho, with the exception of the chart, may be printed in the RECORD at this point in my remarks. I am sure the chart can be found by those who are interested in this subject.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JORDAN OF IDAHO

Mr. Chairman, I hope that what I have to say will not be interpreted as an attempt to add confusion to the very complicated problem of water resource development in the Souhwest. As I sit here day after day listening to my colleagues from the Southwest struggle with the problems of the Colorado Basin, I am impressed by their seriousness, by their inherent sense of fair play, and also by their dedication to defend the interests and the claims of their respective States. I shall not deviate from that pattern.

Secretary Udall and his staff are to be commended for the tremendous amount of research and study which the Southwest water plan portrays. I shall not, at this time, discuss either the proposed central Arizona legislation or the Secretary's Southwest water plan, and I want it understood clearly that what I propose now is supplemental to, and not a substitute for, the the Pacific Southwest water plan or any other plan for State or regional effort.

From all of these hearings, the one impression that must come through unmistakably clear to all of us is that there just isn't enough water in the region to meet the demands of the people and provide for the increased uses of the future.

Desalting is a possibility for some areas and for some uses.

Senator BIBLE has suggested studies of weather control in the hope of inducing greater rainfall in the basin.

Importation of water from outside the basin but within the State of California has been suggested in the Southwest water plan. I quote from the statement of Gov. Edmund G. Brown, of California, on S. 1658 and the Pacific Southwest water plan delivered by Mr. Hugh Fisher, administrator of the resources agency of the State of California at the hearings earlier this week:

"We have made studies in California which show that (consideration of the cost of development aside) we have within the boundaries of our State more water than will be needed to meet the estimated ultimate requirements within California. We are, therefore, in a position to assist in meeting the immediate water needs of the lower basin of the Colorado River, provided a regional plan is adopted which will assure us that the ultimate development of California will not be prejudiced."

Mr. Chairman, I pause to commend the State of California for the great effort it is making to meet the water emergencies that come with great population increases. I do not recall that any other State in the Union has done and is doing so much for itself in water resource development with its own tax money as the State of California.

But for the Southwest, I see endless controversy ahead in resolving such questions as the sanctity of county-of-origin statutes or the conflict of the doctrine of prior appropriation in water use with interstate compact agreement and with Supreme Court decisions. I see neighbor pitted against neighbor, costly litigation, endless frustrations, and delay.

Yesterday, Secretary Udall and Senator KUCHEL engaged in a philosophical discussion of water needs and population shifts looking ahead 100 years, 200 years. This concept strikes a responsive chord in me for I think we should be looking for more than temporary solutions to such a vexing problem.

So I issue the challenge now that we are not thinking big enough in treating this problem for the long pull.

From these hearings I have learned three things:

1. There isn't enough water in the Colorado Basin to go around;

2. The alternative Pacific Southwest water plan may answer present needs and future needs for part of the basin, but the inescapable and inevitable conclusion is that vast quantities of water must be imported to the Southwest; and

3. The best source is the Columbia River.

Now my friends in the Northwest may rise to challenge my impertinence in suggesting a look at the Columbia River. So I hasten to say that I am not authorized to speak for anyone but myself on this matter.

Some may say that I can be reckless with the Columbia in order to draw attention away from the Snake River which supports much of the economy of my State and I do admit a prejudice here, but one that can be supported by facts. No useful purpose could be served by creating a critical water shortage in one State to satisfy the partial needs of another. I quote again from Governor Brown's statement:

"The States of the Pacific Northwest, the Missouri Basin, or more distant areas will insist, and rightly so, upon demonstration that proposed exports will not injure their development potential. Reasonably conclusive demonstration will require study of the supplies ultimate requirements, and the various methods at meeting these ultimate requirements in areas which range from the highly developed to almost virgin wilderness. Western experience in water conservation teaches us that these studies must be comprehensive and critical and will require many years to complete."

Again I commend my friend from California for a statement with which I fully agree.

Idaho presently irrigates about 3 million acres. Future development is limited only by the availability of water. Legislation is before this committee to authorize the lower Teton project. Studies are underway for the best multipurpose development of the last undeveloped storage site on the upper Snake in Idaho for that stretch of the river between Palisades Dam and the irrigation turnouts 30 miles downstream. Studies have been conducted for years on the Guffy project which now includes the Mountain Home division as well. Other projects are being investigated—many with good economic feasibility if water supplies are determined to be adequate.

Should it ever become necessary, I shall go to whatever detail is necessary to convince this committee that Idaho's ultimate requirements will leave no water for export to other basins from the Snake River in Idaho. I hope that will not be necessary because we should not confine our planning to the short range approach of "robbing Peter to pay Paul."

So for the purpose of long-range planning we must turn to a source that is adequate and one from which water could be exported without irreparable harm. And it must have economic feasibility.

In this perspective, let us look at the Columbia River.

From the chart "Columbia River Water Supply Diagram" (not printed in the RECORD) from the Corps of Engineers, June 1958, you will observe that the diagram shows the average annual runoff in millions of acre-feet under various stages of depletion resulting from upstream irrigation development.

Please note that even under year 2010 level of irrigation development based on the natural flow, 1929–48 acreage, slightly in excess of 160 million acre-feet flows into the Pacific Ocean.

Please note also that, under the same conditions of ultimate depletion, more than 110 million acre-feet will flow past the Dalles Dam some 180 miles upstream from the coast.

It is from this point, the Dalles Reservoir at an elevation of 160 feet, that water might be available for export. This may not be the best place or the only place to tap the Columbia River, but it will illustrate several points which I wish to discuss with you. These are:

1. Water is available in quantity.

2. Quality of water is excellent, very low in salt.

3. The Dalles site is below any possible diversions for irrigation.

4. Power dams develop practically full head at the two sites, the Dalles and Bonneville.

5. Oceangoing navigation to Portland is not affected.

6. Columbia Basin storage in being and planned, including Canadian storage, will total only 25 to 30 percent of average annual basin runoff.

7. Floods occur on the Columbia River in late spring and early summer.

8. About 22 billion kilowatt hours of low grade secondary power is presently available in the BPA system during the time that river flows are the highest.

9. The combination of surplus floodwater and surplus energy presents the same challenge that is so well demonstrated by the irrigation pumps which lift water from Roosevelt Lake to Grand Coulee storage for delivery to the Columbia Basin project.

10. Energy used in pumping can be partly recovered at the other end with the advantage of using cheaper secondary power for pumping and recovering peaking kilowatts at the power drops on the descent.

11. Water might be available in sufficient quantity to serve parts of eastern Oregon, Nevada, California—perhaps even Arizona—and on an exchange basis, if mutually agreeable, the Upper Colorado Basin States as well.

I close, Mr. Chairman, with a plea for continued comity and statesmanship in these deliberations. Let us not hesitate to use a bold approach when one is indicated, because I firmly believe that if we are bold enough to think big and plan accordingly, our problems will best yield to long-range solutions.

I hope this committee will request that a financial and engineering feasibility study be made by the proper agencies of Government on a plan to transfer from the Columbia a substantial quantity of water, perhaps as much as the flow of the Colorado River itself, to beneficial use in the arid Southwest and the States en route.

I.O.U. 22: TAX-FREE ELECTRIC UTILITIES

During the delivery of Senator STENNIS' speech,

Mr. METCALF. Mr. President, I concur with Edwin Vennard, managing director of the Edison Electric Institute, that customers pay the taxes for the I.O.U.'s—investor-owned utilities. However, the I.O.U.'s do not pass on to Government all the taxes which they collect from their customers

Since the end of World War II the Federal Government has granted nine tax reductions to the I.O.U.'s. They are:

First. Repeal of excess profits tax.

Second. Repeal of Federal 3⅓ gross electric revenue tax.

Third. Accelerated amortization.

Fourth. Liberalized depreciation.

Fifth. Investment tax credit.

Sixth. Revision of bulletin F on depreciation.

Seventh. Use of compound interest depreciation for tax purposes while using straight line depreciation for ratemaking, and finally, in the Revenue Act of 1964,

Eighth. Two percent reduction in corporate income tax, and

Ninth. Prohibition against flowthrough to consumers, by Federal regulatory agencies, of benefits of 3 percent investment credit.

The regulated public utilities are, in effect, cost-plus contractors. They are guaranteed expenses plus profit. But when expenses—including taxes—are reduced, these savings are seldom passed back to the consumer who paid the taxes with his light bill.

And—insult to injury—when the stockholders divide up the profit—including money collected as taxes but never paid to Government—they frequently pay no taxes, or reduced taxes, on the dividends. Paine, Webber, Jackson & Curtis, members of the New York Stock Exchange, listed some of the companies whose dividends are partially or entirely tax free in their March 11, 1964, research bulletin entitled "Tax-Free Utilities." I ask unanimous consent to insert that bulletin at this point in the RECORD.

There being no objection, the bulletin was ordered to be printed in the RECORD, as follows:

[Research bulletin from Paine, Webber, Jackson & Curtis]

TAX-FREE UTILITIES

Supplementing research bulletin No. 21, the following table lists certain public utility stocks whose 1963 dividends are partially tax free because of accelerated depreciation and/or amortization. There are several additions to the original list, and in some cases the percentages have been changed. It should be realized that these are for the most part company estimates which have not been confirmed by the Tax Department and hence may be subject to further revision. (Dividends have been adjusted for stock splits.)

	1963 dividend	Percent tax free	Remarks
Arizona Public Service (NY)	$0.80	75	Expected substantial through 1967.
Arkansas Western Gas (OC)	.50	30	
Atlantic City Electric (NY)	1.48	65.7	Expected to continue partially tax free.
California Electric Power	.88	95.7	Merged into Southern California Edison.
Central Hudson Electric Gas (NY)	1.09	14.96	Expected to continue partially tax free.
Central Louisiana Electric (OC)	1.12	19.3	Do.
City Gas of Florida (OC)	.375	----------	January and March dividends 100 percent nontaxable; status of July and October dividends to come.
Connecticut Light & Power (OC)	1.32	30	Expected to continue partially tax free.
Consolidated Edison of New York (NY)	3.225	----------	March and June dividends fully taxable; September dividend 56 percent nontaxable; December dividend 76 percent nontaxable.
Detroit Edison (NY)	1.20	10	Expected to continue partially tax free.
Duquesne Light (NY)	1.28	6.69	
Equitable Gas (NY)	1.85	13	
El Paso Natural Gas (NY)	1.00	100	Expected to continue partially tax free; 1963 preferred dividends also 100 percent tax free.
Fitchburg Gas & Electric (OC)	3.00	16.71	
Greenwich Gas (OC)	.74	54.99	
Hartford Electric Light (AS)	1.60	32	Expected to continue partially tax free.
Idaho Power (NY)	1.05	45	Do.
Interstate Power (NY)	1.05	4.7	
Maine Public Service (OC)	1.04	17.3	
New England Electric (NY)	1.13	26.62	Do.
Niagara Mohawk Power (NY)	2.00	23	Do.
Northwest Natural Gas (OC)	1.08	69.13	Expect substantial part tax free for several years.
Orange & Rockland (NY)	.675	35.46	Expected to continue partially tax free.
Pacific Gas & Electric (NY)	1.00	27.5	Do.
Pacific Gas Transmission (OC)	.70	29.2	
Pacific Power & Light (OC)	.99	88	Expected to continue partially tax free; lower in 1964.
Pennsylvania Gas & Water (OC)	.825	12	Expected to continue partially tax free.
Portland General Electric (OC)	.865	66.4	Estimate 45 percent in 1964.
Potomac Electric Power (NY)	.96	14	
Providence Gas (OC)	.61	38.7	
Public Service of New Hampshire (OC)	1.13	37.329	Expected to continue partially tax free.
Public Service Electric & Gas (NY)	2.45	13.512	
Puget Sound Power & Light (NY)	1.60	----------	February dividend 66.91 percent tax free; May, August, and November dividends 100 percent tax free; February preferred dividend fully taxable; May, August, and November preferred dividends 28.69 percent tax free.
Sierra Pacific Power (OC)	.88	17	February and May dividends fully taxable; August dividend 48.32 percent and November dividend 49.78 percent tax free.
South Carolina Electric & Gas (NY)	1.675	18	
South California Water (OC)	.76	17.74	
Southern Gas & Water (OC)	.93	100	Preferred dividends 79.7 percent tax free in 1963.
Southwestern Electric Service (OC)	.79	----------	March and June dividends 51.12 percent tax free; September and December dividends 44.61 percent tax free.
Southwestern Public Service (NY)	1.08	----------	March, June, and September dividends 8.84 percent tax free; December dividend 3.73 percent tax free.
Tennessee Gas Transmission (NY)	1.00	70	Expected to continue partially tax free.
Union Electric (NY)	.99	42	Do.
Utah Power & Light (NY)	1.32	2.9	Do.
Washington Water Power (NY)	2.02	46.04	Do.

Mr. METCALF. Mr. President, although many I.O.U.'s do not rebate to the customer the taxes which they have collected, they have the insolence to advertise, in a multimillion-dollar campaign paid for—where permitted—by the customer, that they are the State's largest taxpayers.

As examples, Montana Power Co. claims to be "the biggest taxpayer in Montana." Public Service Co. of Colorado claims to be "Colorado's largest taxpayer."

I ask unanimous consent to insert at this point in the RECORD the advertisements to which I refer, which appeared in the June 20, 1963, issue of the Missoula County Times, published in Missoula, Mont., and the March 31, 1964, issue of the Rocky Mountain News, published in Denver, Colo.

There being no objection, the advertisements were ordered to be printed in the RECORD, as follows:

[From the Missoula (Mont.) Times, June 20, 1963]

OUR BIGGEST MONTANA CHECK

Pay to the order of State of Montana (1962) $6,300,000, by the Montana Power Co. Three million dollars of it is for education.

We spent a lot of money in Montana last year. More than $7 million was paid to our employees in salaries and wages. More than $8 million went to many Montana businesses for materials and supplies. But our biggest checks were paid to the State of Montana and the 41 counties we served. Our property taxes in 1962, for example, amounted to $4,800,000. Montana Power is the biggest taxpayer in Montana.

Nearly $3 million of our property taxes will be used for schools—$2,762,000 for primary and secondary education and $216,493 for the university system.

More than 34 cents out of each dollar we received in 1962 went for taxes. Yet today's electric dollar buys more service at lower cost than ever before in Montana's history.

MONTANA POWER CO.

[From the Rocky Mountain News, Mar. 31, 1964]

TOP MAN ON THE TAX TOTEM POLE

Most everybody pays taxes. And, when it comes to paying their share of taxes, the investor-owned utility industry takes a back seat to no one. In fact, the industry is the Nation's largest taxpayer. Public Service Co., is no different. As Colorado's largest taxpayer, we paid well over $25 million in taxes in 1963. That's a big bite. But it becomes a little easier to digest when we think of it in terms of more and better schools, parks, national defense, highways, fire and police protection—and, equally important, an aid to the future well being of the area we serve. At Public Service Co., we look upon paying our fair share of taxes as a part of our citizenship responsibility. We only wish that Government-subsidized power suppliers felt the same way and acted accordingly.—Public Service Co. of Colorado, an investor-owned utility.

Mr. METCALF. Mr. President, as I reported in I.O.U. No. 18, Montana Power enjoys the most exorbitant rate of return—about 9 percent—of any major electric power company in the Nation. If the company only passed onto the ratepayer the 2-percent reduction in corporation tax, as some other electric companies have done, it would probably still enjoy the most exorbitant rate of return of any I.O.U. in the Nation. Yet the president of the company has announced that his company does not plan to pass on this tax reduction. The State regulatory commission has not required the company to do so.

I ask unanimous consent to insert, at this point in the Record, the statement on this subject by the president of the Montana Power Co., as reported in the March 24 issue of the Montana Standard, Butte, Mont.

There being no objection, the article was ordered to be printed in the Record, as follows:

Montana Power Does Not Expect To Make Any Reductions in Its Rate

The Montana Power Co., according to J. E. Corrette, president and general manager, "does not expect to make any rate reductions," as a result of the new Federal tax law.

Corrette, apprised Monday night of a statement by Paul Smith, Montana Public Service Commission chairman, relative to possibility of the public service commission asking public utilities to pass along Federal tax savings to consumers, said the company has considered the purposes and effect of the new Federal tax law.

He said: "The basic purpose, and the intent of the Federal income tax reduction was to make available to companies the construction of new property, the creation of new jobs, and the development of the economy of the area.

"The Montana Power Co. is carrying out this intent by materially increasing its construction expenditures for 1964, and thereby creating more jobs and stimulating the economy as contemplated by the new Federal tax law, and does not expect to make any rate reductions."

Mr. METCALF. Mr. President, the Public Service Co. of Colorado overcharged its customers $20,278,000—over and above a 6-percent rate of return—during the 5-year period from 1956 to 1960, according to a study conducted by the National Rural Electric Cooperative Association, using data and accounting procedures of the Federal Power Commission. Public Service Co. of Colorado also served as technical adviser for the production of the I.O.U.'s propaganda film, "The Power Within," a concoction of phony quotes, half-truths, and distortions carefully calculated to destroy the viewer's faith in the Government which has been so kind to the I.O.U.'s and to antagonize the viewers against the companies' competitors. I discussed "The Power Within" in I.O.U. No. 1 on January 8, 1964, and in several succeeding statements.

Mr. President, must the intelligence of our citizens be forever insulted by such companies? Must the citizens be required to pay for the insults?

AMERICAN AGRICULTURE AND THE UPCOMING COMMON MARKET NEGOTIATIONS

During the delivery of Mr. Stennis' speech,

Mr. SYMINGTON. Mr. President, agreements reached during the forthcoming "Kennedy round" of trade negotiations under GATT will have a marked effect, not only on America's trading patterns during the next decade, but also upon our balance-of-payments situation.

One of the most disturbing aspects of these pending negotiations is the Common Market's refusal to negotiate agricultural as well as industrial trade impediments.

My colleagues will recall that, during a series of speeches made on the balance-of-payments problem last November and December, I drew attention to the growing protectionist attitude of the Common Market countries in connection with agriculture. I pointed out then that, of our total sales to the Common Market, nearly one-third consisted of sales of agricultural products, a prime source of foreign exchange earnings.

How can it be to the interest of the United States to negotiate on industrial trade barriers without also reaching a satisfactory agreement concerning future access of U.S. agricultural commodities to the Common Market countries?

On March 30 last, the Honorable Christian A. Herter, special representative for trade negotiations, spoke on this subject before the Economic Club of Detroit; and I was gratified that our chief negotiator felt so strongly on this subject.

Because of the far-reaching implications of both the United States and the Common Market positions on this important question, I ask unanimous consent to have excerpts from the address by the Honorable Christian A. Herter before the Economic Club of Detroit on March 30, 1964, printed at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

The Role of Agriculture in Trade Expansion

(Excerpts from the address by the Honorable Christian A. Herter, special representative for trade negotiations, before the Economic Club of Detroit, Detroit, Mich., Mar. 30, 1964)

Trade is front and center on the international stage this year. The U.N. Conference on Trade and Development got underway in Geneva last week, as you know. And the sixth round—the "Kennedy round," as it is widely called—of negotiations under the auspices of the General Agreement on Tariffs and Trade (GATT, for short) will open in the same city May 4.

It is the Kennedy round for which my Office is responsible, and which I shall discuss today—but I hope you will follow the course of the U.N. conference in your newspapers, for it will have a considerable bearing on the GATT negotiations, particularly as they relate to the less-developed countries.

It was the Trade Expansion Act of 1962 which made the Kennedy round possible. Because the European Common Market was often mentioned in the course of the debates leading to the enactment of this historic legislation, there is still in many quarters, I believe, a tendency to think that these negotiations amount to a duet—sometimes harmonious, sometimes sounding less so—between the European Economic Community (the EEC) and ourselves.

As we go into the homestretch, 5 weeks before the negotiations formally open, we have identified five problems as of major importance—tariff disparities, exceptions from the negotiations, nontariff barriers, the role of the less-developed countries, and trade in agricultural products.

The most difficult and complex of the problems that face us is that of trade in agricultural products. I make no apologies for stressing this, here in one of the major capitals of American industry. Agriculture and industry are interwoven at every point in our economy. Farmers buy a great many of your products, and farmers are more dependent upon export markets than any other major segment of the American producers. The crops on 1 out of every 5 acres cultivated here are shipped abroad. Farmers derive 15 percent of their income from exports—whereas the United States as a whole exports only 3.8 percent of its gross national product. Moreover, total farm exports, running at $5.6 billion a year, amount to 27 percent of our exports as a whole.

This is not a one-way street. Other nations benefit greatly from access to our reasonably priced and wholesome food. This is an important factor in restraining inflation, which is currently giving a number of governments cause for serious concern.

The problem of agriculture is, basically, the problem of plenty. Modern agricultural methods have, like the sorcerer's apprentice, opened the floodgates to abundance. The agricultural revolution of the mid-20th century is as dramatic a leap forward as the achievement of mass production here in Detroit a half century ago. It began here and it is now in full flood in Europe.

A new element has been introduced into an already complex situation by the effort of the European Economic Community to establish a common agricultural policy for its six member nations—an essential step in progress toward the unification of Europe. The implementation of this policy is a matter of major importance to us, for we export over a billion dollars' worth of farm products annually to the EEC. It is our biggest single cash market for agricultural products.

We have made our view clear that the common agricultural policy should be designed so as to preserve the opportunity of efficient suppliers to compete in the EEC market. Moreover, we believe that the community's agricultural policies, like our own, must be negotiable in GATT. This, indeed, was the consensus of the GATT ministers, when they met in Geneva last May and adopted a unanimous resolution calling for "the creation of acceptable conditions of access to world markets for agricultural products in furtherance of a significant development and expansion of world trade in such products."

We had a sharp warning last year of protectionist tendencies in the EEC. The implementation with respect to poultry of the common agricultural policy had the effect of tripling the import charges on the poultry we shipped to Germany and sharply raising the price to German consumers. After patient and persistent efforts over many months had failed to secure any significant easement of these onerous charges, we were compelled, at the beginning of this year, to raise tariffs upon items involving an equivalent volume of EEC exports to the United States. We regretted doing this, but we felt we had to make the point—and make it forcefully—that the Common Market, in putting its agricultural policy into effect, cannot with impunity ignore the interests of its outside suppliers.

UNEMPLOYMENT

During the delivery of Mr. STENNIS' speech,

Mr. SYMINGTON. Mr. President, for a long time I have felt that the problem of unemployment, especially hard-core unemployment, in an economy which is reaching new highs every month in gross national product, national income and profits, is a matter of the utmost importance; and should be given the most serious consideration.

Last Monday the St. Louis Post-Dispatch presented this problem in a thoughtful and constructive editorial.

As one who went through the sad days of the depression of the early 1930's, I agree without reservation that continued unemployment can only lead ultimately to distress, demoralization, delinquency, and decay.

I ask unanimous consent that this editorial, "A Warning in Statistics," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A WARNING IN STATISTICS

Employment rose 500,000 last month, according to the Bureau of Labor Statistics. Unemployment dropped 200,000, but the labor force rose 300,000. Hard-core unemployment (13 weeks or more) rose 150,000 to 1,300,000. The adjusted jobless rate remained at 5.4 percent of the work force. Thus another month has passed with no gain against unemployment. Indeed there was a loss since with a growing population, the unyielding rate of joblessness embraces ever more individuals.

These statistics give a troubling significance to some other figures recently compiled for President Johnson. Since the end of World War II, the time needed to mine a ton of coal has been cut in half, and the number of working miners has been cut from 450,000 to 130,000. The time needed to manufacture an automobile has been reduced from 311 hours to 153—with a related reduction of employment in the industry. The railroads eliminated roughly 500,000 jobs in the 1950's. In the decade, factory production, in general, rose 43 percent but employment in factories fell 19 percent.

This trend toward higher productivity coupled with lower employment now is manifesting itself also in the white-collar field. For instance, between 1960 and 1963 the clerical unemployment percentage rose from 3.8 to 4.9 percent. The automatic vending machine, the automatic elevator and other devices which operate "untouched by human hands" are eliminating jobs in the service trades. Meanwhile, population keeps on rising. So each year sees a larger number of young people looking for their first job—and not finding it. Relentlessly continued, this process could end in a disastrous perversion of national growth. More people, more goods and more services would add up to more and more trouble.

It will not do simply to put the blame on automation—or on individual incompetence. Neither will it do to assert unquestioningly that technological change will create more jobs than it eliminates. Nor will it do to "spread the work" by shortening the work week. Better information is a primary need, and this may be expected from the study authorized by President Johnson. In any case, increasing productivity should induce more intense marketing efforts—comparable to those of the European miracle workers with whom, incidentally, it is becoming easier to compete now that their boom is inflating their prices.

The best hope, however, is in the neglected public services. The fruits of higher productivity ought to make possible programs of real magnitude in education, housing and health. The employment these generate should buttress the productive process. Budget balancers might ask themselves whether this would not be preferable to the dilemma of increasing productivity and increasing unemployment—and the accompanying distress, demoralization, delinquency and decay.

DOES FRANCE HAVE A DILEMMA? ADDRESS BY THE FRENCH AMBASSADOR

During the delivery of Mr. STENNIS' speech,

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD an address entitled, "Does France Have a Dilemma?" delivered by the French Ambassador on February 24, 1964, before the Economic Club of Detroit, Mich.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS DELIVERED BY HIS EXCELLENCY M. HERVE ALPHAND, FRENCH AMBASSADOR TO THE UNITED STATES, TO THE ECONOMIC CLUB OF DETROIT, IN DETROIT, MICH., ON FEBRUARY 24, 1964

When your President suggested to me to deal with this subject: "Does France Have a Dilemma?" I thought that in replying to his question I would have the opportunity to explain our problems, and especially those that have created some trouble recently in the minds of certain Americans. In looking up the word "dilemma" in the dictionary, I found that Webster defines it as "a situation involving choice between equally unsatisfactory alternatives." However, in reviewing the various elements of our policies, it seems to me that, if in reality France has had a choice to make, there has always been on each subject a single solution more satisfactory than the others, not only for herself but for the Western World. In other words, we have no dilemma to face.

These solutions are dictated to us by the very nature of our country: by its geographical situation which makes it an essential part of Western Europe, with the Rhine, the channel, the Atlantic Ocean as a natural link with America, the Pyrenees, the Mediterranean Sea as a natural avenue to Africa, the Alps, all this forming its natural framework; by our history which more than 1,500 years ago made France a unified nation, and perhaps more than any other the victim of many wars, because she was involved in all the great international quarrels and possessed interests on all continents. Again, her evolution was determined by her human and physical resources, providing her with a highly skilled working force, a harmonious equilibrium between industry and agriculture and, as a result, the possibility of developing the most varied scientific and economic activities.

It is true that at various times up to the beginning of the 19th century, France has been the most powerful among nations, that she has controlled immense colonial empires. But France is perfectly aware of the fact today that other nations have become richer, more populous, stronger than she, and that the 20th century is no longer an era of colonialism. However, this evolution has in no way brought us any sort of complex. In spite of the trials to which she has been subjected, in spite of the rise of other peoples, France knows that she can still hold a high rank among nations and exercise an often decisive influence on world problems. At the same time, she has approached these problems with serenity and realism, turning her back resolutely on the past and trying to discover new formulas for herself and perhaps for certain others.

France finds herself before a choice of solutions, and she has chosen.

First of all, at home, she has chosen, by adopting a constitution combining the notions of liberty and of authority. In the country that drew up the declaration of the rights of man, there could never be a question of establishing its institutions on any other principle than that of liberty in all its forms: in the free expression of thought, in the right to vote, in the exercise of religion, in racial nondiscrimination. We have also chosen against the abuse which had formerly led us to entrust the Government not to the executive but rather to the legislative branch, which means to an assembly of 600 persons often incapable of formulating a policy. Today, the Government governs, while the elected Assembly votes the laws, thus giving effect to the fundamental principle of separation of powers put forward in the 18th century by those philosophers who were at the origin of our revolution as well as of yours, a principle that is applied by you as well as by us. Finally, the French people, who elect the President of the Republic, are consulted through referendums and make decisions in case of serious conflict between the executive and the legislative branches, remain the supreme arbiter.

At the same time, liberty does not prohibit an active participation of the state in the social and economic domain, in the interest of justice and equality. However, even though the Government exerts its influence on planning, that influence is not dictatorial. It guides and suggests, rather than commands, economic evolution. Competition remains the mainspring of individual activity in our free society. The results are there: each year our industrial economic growth exceeds 5 percent. There is no unemployment, but a lack of labor, and if we have to defend ourselves against a danger, it is that of an excess of expansion.

Having said all this, I imagine you are now waiting for me to talk about the choice France has been brought to make at present in her foreign policy, whether in the field of diplomacy, of defense, or of international relations. It is these different subjects that I would like to take up with you now.

Today every nation has a primary choice to make: will it be neutral or not? Will it be committed or will it be noncommitted? For all the reasons I have just explained to you, by her position on the map and in history, France is committed. She is a part of the free world; she is a part of it with you, within the same alliance. France believes that a neutral Western Europe, a neutral North America, are unimaginable so long as the perils coming from the East continue to exist. The incidents on the Berlin auto bahn, the declarations of the head of the Soviet Government, the attempts at interference that we observe in Africa, in Asia, in Latin America, all these things and many others lead us, alas, to believe that the danger has not been suddenly removed because an agreement has been signed in Moscow.

The image of a France trying to establish a neutral "third force" in Europe, an image all too often reproduced in the international press, does not correspond in any way to reality. Our words, our acts, and simple reason itself should be enough to reestablish the facts.

This position does not mean that we do not envisage for certain areas of the world a regime independent of all these influences coming from the East and the West; in other words, a regime of nonalinement, as far as the countries concerned are in agreement. But such a solution cannot be applied universally; it is applicable only to regions far away from our frontiers, where both the free world and the Communist world have a mutual interest in maintaining neutrality.

As far as we are concerned, and as we have proclaimed, the Atlantic Alliance is an elementary necessity. The form this Alliance takes—which we should not confuse with the Alliance itself—is called NATO. If the Alliance itself is immutable, its form is called on to vary according to the circumstances of the moment, which is to say according to the gravity of the threat and the modifications that arise in the means at our disposal to meet it. This cannot but result in a certain amount of discussion and sometimes differences of opinion between us, which is only natural among good allies and should not concern us unduly. The ways of combining our forces, of deploying them, or of organizing our lines of communication, of defining our strategy, may lead to arguments, but these are not dangerous so long as our goals remain the same. And our goals consist in deterring our adversaries from undertaking any military action—which in consideration of the strength of our joined forces seems today impossible—and, in case they should do so, in not allowing any part of our territories to fall into their hands. Thus the proportion of our forces and of yours under the NATO command may vary, although we know that in case of a conflict all our means would be used to achieve our goals.

In the same way, if France has decided to provide herself with her own atomic weapons, I cannot see that this should cause you any concern, because in the majority of cases this force will be added to your own and eventually its use will be coordinated with yours against a common enemy. In exceptional cases, at a time we cannot foresee, if our national interests alone were to be subjected to blackmail without your interests being involved, we should have at hand an autonomous and effective deterrent. Our position on this subject does not differ from that of Great Britain.

Do we, as we are so often told, give a bad example to the world in choosing, in our turn, to possess atomic weapons? Let me point out that if this were the case, we would have been preceded by three other nations, which have an arsenal of bombs infinitely greater than ours and which can continue to increase it quite freely. But I do not believe that this accusation is justified. In order to become an atomic power, it is necessary to fulfill a large number of conditions: First not to be committed, for example, as Germany was when it undertook in 1954 not to manufacture nuclear weapons; further to possess a whole series of technical elements such as sources of uranium, a vast industrial infrastructure, a great number of scientists, a certain financial capacity, and finally the necessary test sites, which is to say a series of elements that very few nations possess all together. I believe indeed that, for at least a certain length of time, only France finds herself in this situation. Therefore, her example would not bring in other countries, though even if it did, France's plans would be of little concern to them if they themselves decided to join the race.

In any case, this choice of ours will explain to you why we have not adhered to the partial test ban agreement, because we must make some tests ourselves—even though much less numerous and less powerful than those made by others before us—in order to assure the functioning of our weapons. This will explain to you also why we are not taking part in the negotiations for the establishment of a multilateral Atlantic force, because we do not have the financial and technical means both to continue with our own effort and to take part in the effort undertaken within NATO. I should add that, even though we do not understand too well the conditions under which such a multilateral force would be used, we have done nothing to discourage anyone from participating in the studies underway at present.

There is another basic choice that France has made, by which I mean the steps she has taken to give life to the great movement, now become irresistible, toward European unity. Her policy in this matter is revolutionary. You know it well, so I shall limit myself to a few basic observations:

We live in an era of grand and vast structures and France has understood that she could not remain up to date without having at her disposal a vast internal free market, the European Common Market of the Six. This transformation is indispensable if we want our industries and our agriculture to specialize their output and reduce their production costs in order to raise the general standard of living and be able to take part on an equal footing in the overall competition with the other great free markets of the world.

There is no question of creating an inward-looking Europe, as is so often said. The decisions taken by the Six as well as statistics are before us to prove that Western Europe is not protectionist but expansionist: In its relations to third countries, it has removed all industrial quotas; it has reduced its customs duties to a level noticeably less than those of Great Britain and even of the United States.

During the last 5 years, 1959–63, American exports to the Common Market have increased by 58 percent, while the exports of the Common Market have only increased by 2 percent. Thus the trade balance between the Community and the United States, which was stabilized in 1959, showed an excess in 1962 of $1.18 billion in favor of the United States, and this figure will be largely exceeded in 1963. One must point out that this concerns only commercial operations; if one adds the sale of military equipment, the trade deficit of the Six vis-a-vis the United States is obviously higher and should reach almost $2.5 billion in 1963.

One may ask if this evolution toward trade liberalization will continue, or if it is not possible to detect the beginning of a sort of European economic nationalism. I must reply to this by saying that we are ready to take part in any new efforts aimed at reducing still further the customs barriers, such as proposed by President Kennedy, subject to two conditions: First, that the concessions made by Europe to the United States be reciprocated and balanced, and that they take into account not only tariffs but also other means of restricting trade; and second, that the European Economic Community shall have organized a common market for farm products. The agreement just concluded between the Six in Brussels on these two points shows in what spirit and under what conditions we intend to approach this negotiation with you.

It is precisely in the matter of agricultural products that certain Americans fear to see their export possibilities to Europe reduced. They recognize freely that this has not happened yet, since the United States has increased its sale of farm products to the Common Market by 30 percent, but they believe this movement will be slowed down by the imposition of variable levies on the main American agricultural exports.

This fear might be justified in my opinion if our policy consisted in fixing internal prices for agricultural products at excessively high levels, because this would bring about the unhealthy development of an artificial production in certain of the six member nations to the detriment of traditional imports from abroad; but such is not our aim. We intend for the market prices of European farm products to be as near as possible to present French prices, which are not too far removed from American prices. In this way, if certain modifications take place in present commercial trends, they will be limited to specific individual sections and will not bring about serious distortions in general trade. In any case, we have always thought that levies, which are a sort of customs duty, are a much less harmful protectionist tool than the quota system they are intended to replace, insofar, among other things, as the increase in productivity which should be the result of protection will make it possible to reduce the levies progressively.

I do not believe that it is possible to guarantee, through some inflexible method, a precise proportion of American exports to Europe. It does not seem advisable to me that you should be assured, through a quota system, of a slice of cake and that this slice should grow at the same time as the cake itself.

On the other hand, experience shows us that a free market is more prosperous and more profitable than markets broken up into compartments, and that as a consequence imports will be greater if it is united than if it is divided.

All of these questions will be the subject shortly of discussions that will certainly be difficult, and may be long. Our hope is that these negotiations may end in a liberal solution fully respectful of the interests of all the participants.

I would add that our European policy is not limited to the economic area. We hope that out effort may be extended to the political field, and later perhaps to that of defense. The Common Market will require precisely the creation of a political organization. On the other hand, without such an organization it seems difficult to us to hope that Europe may some day possess its own military force, whose use requires the establishment of institutions capable of taking decisions and implementing them. It must be realized, however, that the process will be long, but that at least, in signing the agreement of January 1963, France and Germany have set the example. We hope it will be followed by our partners.

Such are, gentlemen, the great international choices France has been called upon to make. You can see that in a diversified, confused, and changing world our policy is clear, in line with our tradition and the interests of Western cooperation.

It is not inspired, as so many would like to write, by any desire for domination or by a narrow and obsolete nationalism. Believe me, it is not a proof of nationalism to bring to an end a colonial regime and to recognize the independence of almost 20 new nations in Africa and Asia; to become reconciled to a former hereditary enemy; to aspire to a united economic Western Europe and to search for the means of uniting it politically; to lend assistance to emerging nations that is twice as large in relation to national income as that given by the United States; to open wide our frontiers to the markets of the world.

This French action is inspired only by the desire to favor the establishment of a just peace on this earth and to cooperate in a fraternal way with those billions of human beings who continue to lead a miserable life and lack the essentials in Africa, in Asia, in South America. Please do not consider our initiatives as prompted by a will to rival our friends and above all the United States of America.

Of course free allies, in the Western sense of the word, although having the same objective, can use different methods to reach it, taking into account the historical and geographical situation which they have inherited. For instance, today you believe that a dialog between Washington and Moscow is desirable and should continue in order to promote what is called the detente. We for our part have some doubts about such tactics, but we do not oppose them, because we trust that the present soundings will not lead you to unacceptable concessions.

In the same trend of thought, we have considered it necessary to establish diplomatic relations between Paris and Peiping. For reasons and commitments that we all know, it is impossible for you to follow this example or even to approve of our move. You must nevertheless rest assured that, in doing what we are doing, our goal is to serve the interests of the free world. In any case, we do not accept the view that our decision was prompted, as some people have said, by the purpose of embarrassing our ally, the United States of America.

During the course of the last 14 years several nations, which are our friends, have recognized the People's Republic of China. They did not break their relations with Peiping during the Korean or Indochinese wars. As for us, we did not follow the same path during this long period of time.

Today the situation is not the same. We are no longer facing a monolithic bloc, with its head in Moscow. That is why we consider it necessary to establish relations with the other great power of the Communist world. In recognizing both Soviet Russia and Red China, we do not intend to interfere in any way with the quarrels which divide them, or to play one against the other. We just acknowledge "the world as it is." Moreover, the fact of sending ambassadors does not imply, according to French custom, any moral judgment about the regime of the country to which our envoys are accredited. As in the past, we continue to disapprove most emphatically of all totalitarian regimes, wherever they are, and whatever their methods and their dealings. But obviously whether we like it or not, a government exists in Peiping that controls nearly one-quarter of the human race.

We hope that a new line of communication between the Western World and Communist China may be useful, one day. Our old experience of Asia, and especially of southeast Asia, has led us to believe that no peaceful solution can be found in this part of the world without a certain degree of agreement with China, whatever its regime may be.

Confronted with these various aspects of French politics some are inclined to say: "You are alone in your opinion; your neighbors, your traditional friends themselves, are not in agreement with you."

Well. We are sometimes alone in our opinion, but it does not necessarily mean that we are wrong.

In the 1930's General de Gaulle was alone in believing that the Second World War would make necessary the use of tanks and the creation of a professional army; in June 1940 he was alone, with Winston Churchill, in proclaiming that the war was not finished and that there were forces still intact in the world which would tip the scales in our favor; between 1941 and 1945 he was alone in foreseeing that France would regain her place among nations; in 1958 he was forced to fight almost alone against the colonialist forces of the past; in 1964 he has ideas that not everybody agrees with, whether on atomic strategy or diplomatic tactics, especially in Europe or Asia. Has he been wrong in the past? Is he wrong today? Let us hope his voice will be heard, before history pronounces its implacable verdict.

I think, my friends, that I have explained the decisions taken by France today. They will contribute to make of her a resolute nation conscious of her responsibilities. France, believe me, by sentiment and by interest, remains the friend and ally of the United States, as she has never ceased to be for almost two centuries.

ACTION OF THE SECRETARY OF THE INTERIOR—OIL SHALE

During the delivery of Mr. STENNIS' speech,

Mr. DOMINICK. Mr. President, earlier today I commented on the action of the Secretary of the Interior on opening the gates at Lake Powell and releasing water which properly belongs to Wyoming, Utah, New Mexico, and Colorado. I referred in my remarks to the almost total lack of communications between the Secretary of the Interior's Office and the congressional delegation from the Upper Basin States.

While I was discussing that point, another example of the same policy occurred. Yesterday the Secretary announced a legal opinion by Solicitor Barry, rejecting patent applications for more than 200 oil shale mining claims on the Colorado Plateau.

This morning newspaper reporters began contacting me and asking me for my reaction to the announcement. The Secretary or his Office never even had the courtesy to notify me or any of my colleagues in Colorado, Wyoming, or Utah, as far as I have been able to determine, on the contents of the announcement, what it concerned, or what the legal effect of it was.

After several telephone calls to the Department of the Interior I found someone who claimed that we had been mailed a copy of a press release at 4:30 yesterday afternoon. As of right now—and I am making this statement as of earlier this afternoon—I had not received a copy of that release from the Department of the Interior. In fact, we called up and we got a release sent up by hand, which was the only way I was able to find out anything about it at all.

I bring the subject up, not merely to be critical, as I am on the face of it, but for the purpose of showing that there apparently is a deliberate effort to try and ignore the interests of the four-State area in the most important natural resources of that whole area. Obviously, water in the Lake Powell situation is of extreme importance. It concerns the Department in the participating projects in the whole upper Colorado River.

That particular opinion, which is the source of great disagreement within the Department itself, is another effort merely to ignore the vital interests of our area.

I should like to put it as plainly as I can so it cannot be misunderstood. The Solicitor's opinion deals with oil shale patent applications. The decision has been made on an extremely technical point. The Department has acted against them on the basis that the assessment was not done over a period of years from 1930 to 1935, and goes further to say that the Supreme Court decision in 1935, which said that the annual assessment work did not determine whether a claim was valid or not, could not be brought into the question because of a statute of limitations, and that the adverse rulings which had occurred at that point could not now be challenged because of the statute of limitations.

That is a really narrow technical point. It affects an enormous amount of acreage. The press release asserts that it involves 40,000 acres of oil shale land. That means that this now technical point will now be taken to court by the people who are applying it, and if the applicants are successful in the court hearing, this particular defense will be overruled, and it will be brought before the Department again, and the Department has at least three or four more objections on which they did not even give a ruling in the decision.

So the Department can delay a decision on whether the applications are valid or whether they are not for as far in the future as I as a lawyer can see and I as a person can see. Recognizing that such action might happen, I got in touch with the Assistant Secretary, Mr. John Carver, and talked with him in my office at some length. He reported that the Solicitor was attempting to take this action, and he was trying to persuade the Secretary that this type of action could not do anything to develop oil shale. All it would do would be to delay development. What the Department should do would be to take all of these objections and rule against the applications, and take the best possible case from the point of the applicants and then let it go to court and have the court decide the whole question once and for all and get it over with.

At that point we would know whether or not we were to have development of this land.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DOMINICK. I am glad to yield.

Mr. MORSE. The Senator from Colorado is absolutely correct in the procedure he has just outlined. In view of the fact that the Department knows what the principal objections are, it certainly ought to present them at one and the same time to the court, so there can be a finding by the court as to whether or not any one of them is substantial enough to sustain the Department. I thought the objective we had in mind was to get oil out of the shale as fast as it was possible to do so.

As the Senator from Colorado knows, for a good many years in the Senate the senior Senator from Oregon has been urging the development of our oil shale lands. I think it is of vital importance to the economy of this country to guarantee that the American people have the maximum supply of oil to which I think they are entitled. I think the Senator from Colorado is quite right in asking the Solicitor of the Department to present the whole gamut of the objections for the court's decision at one and the same time.

Mr. DOMINICK. I sincerely appreciate the statement of the Senator from Oregon. I know he has fought for this development. I share with him the desire to get the development moving. This procedure can do nothing but delay it.

There is another point involved which is difficult for me to understand. If the technical defense of the statute of limitations should prevail, it would be perfectly possible for the Department to take action to see that the statutes and the technical difficulties cited in the defense would be equally applicable to the patents which had been issued. This applies not only to the 40,000 acres which have been rejected, but to the 70,000 acres in Colorado which have already gone to patent and which might be used for the development of oil shale right now.

So the Department, by virtue of the action it has taken, has, in my opinion, substantially slowed down the development of one of the most vital natural resources of this country.

This decision very obviously met a sharp and severe battle within the Department, because the announcement by the Secretary of the Solicitor's opinion took place at a time when the Assistant Secretary who was opposed to it, John Carver, was not there. He was notified by telephone. He at least had the courtesy, although he was out West, to try to get in touch with me last night and notify me of what was happening. But the Department, the Secretary, and the Solicitor did not do it, even though they knew of the vital interest of the Colorado delegation in this particular problem.

It seems to me this is, in the vernacular, and toning it down somewhat, a peculiar way to run a railroad. Here they are, at the executive branch, determining a policy matter on a natural resource which should be handled by the Congress.

First of all, there should be a determination of all the issues before the court. If the court decides that the applicants are wrong and that the patent should be repealed, perhaps congressional action would be necessary. If the court should decide that the applicants were right and that the patents are inviolable, oil shell development could start on private land, rather than be carried on under leasing arrangements on public land.

No matter how one looks at it, the Department is taking action, at the executive level, which is designed to do nothing more than slow up the development and downgrade the policymaking function of the Congress.

I want to record here and now my fundamental objections to the action taken by the Secretary and by the Department in this regard. I announce firmly that I shall continue to take whatever action I can to try to promote a policy which will permit the development of this vast natural resource so necessary to industrial economy and so vital to the defense as well as the economy of this country.

I again thank the Senator from Mississippi [Mr. STENNIS] for yielding to me.

McNAMARA'S WAR IN SOUTH VIETNAM

During the delivery of Mr. STENNIS' speech,

Mr. MORSE. Mr. President, I intend to speak briefly tonight on McNamara's war in South Vietnam, but tomorrow, if I can obtain the floor, I expect to speak at greater length on Mr. Nixon's proposal to escalate the war to North Vietnam.

Apparently Mr. Nixon has come back from Asia very desirous of changing the war from a strictly McNamara war to a McNamara-Nixon war. I shall discuss the former Vice President's proposals tomorrow, but tonight I invite the attention of Senators and, through my desk, of the country, to a sad letter I received from Mrs. Nellie Shannon, of Lynchburg, Va. I shall read it and my answer to it, make a few comments thereon, and then read a letter from the wife of a serviceman from my State.

On next Wednesday or Thursday—I hope Wednesday—I shall speak at some length in the Senate setting forth the international law problems I think are involved in McNamara's war in South Vietnam.

The thesis of that speech, based upon my research of international law authorities, is that the United States does not have one iota of justification, under international law, for killing American boys in South Vietnam.

I now read the letter from Mrs. Shannon:

APRIL 5, 1964.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SIR: I am writing you for an answer to questions that I sincerely hope you can give me.

I am also asking for answers from Mr. Johnson, Mr. Rusk, Mr. McNamara, Members of Congress, and Senate. Certainly, of all mentioned, someone can give a straight answer and not meaningless words that do not amount to a ———.

My son, 1st Lt. Kenneth A. Shannon, a helicopter pilot, departed Lynchburg, Va., on March 6, destination Vietnam. Arriving Saigon March 10, and his operation headquarters March 12. On March 15 we received a telegram from the Secretary of Army, signed Major General Lambert, informing us of his death by hostile enemy action.

Exactly 3 weeks to the day and hour my son had been halfway around the world, in combat, murdered, sent home, and buried.

Senator MORSE, until now I, like thousands, have viewed the Vietnam situation in a passive manner and even amusement at the contradictions of Congress and State. One day announcing to the world the situation was well in hand. The next, admitting it is a losing war. But most of all continually stating our boys are there only in an advisory capacity.

Advisory! Then why was my son killed 2 days after arriving at his destination? Why was my son copilot on a rocket-equipped UH–1B helicopter with three other American boys, flying cover for a troop pickup? Can that be advising? These are the questions I want an answer to.

After learning of my son's death over 400 people visited in my home, all asked the same questions. Why? For what? What can be done?

Thousands of Americans are remembering the police action of Korea and seeking answers.

When my grandson grows up and asks, "Why was my father murdered in a place named Vietnam?" How am I going to answer? The only answer I have now is that our gutless politicians haven't the courage to either go on in or get out of a place named Vietnam.

Thank you for listening.

NELLIE PORTER SHANNON.
Mrs. Leon Shannon, Jr.

Mr. President, that is a hard letter for anyone to answer. I know I did not answer it well. But I did my best. I expressed my honest, sincere beliefs. I wrote:

APRIL 17, 1964.

Mrs. NELLIE P. SHANNON,
Lynchburg, Va.

DEAR MRS. SHANNON: Your letter of April 5 has, of course, moved me very deeply.

You may know that for several weeks I have been speaking out against U.S. participation in what I call McNamara's war in South Vietnam. In my judgment, it is inexcusable and unjustified. My speeches show that I completely share the point of view which you have expressed in your letter and by your questions.

I am, of course, being severely criticized in some quarters in and out of the Government for my opposition to American foreign policy in South Vietnam. This policy crosses party lines because now Nixon is advocating that we extend the war into North Vietnam. However, in my judgment, political criticism of those of us who are opposing U.S. participation in the war in South Vietnam is unimportant as long as American boys are dying in South Vietnam without justification in my opinion.

I am enclosing tearsheets from the CONGRESSIONAL RECORD, containing a few of my speeches.

You may be sure that I have made my views in opposition to McNamara's war in South Vietnam known to President Johnson, Secretary Rusk, Secretary McNamara, the Congress, and I think through my speeches, to the public.

I realize that there are no words I can write to you that will give you any consolation or comfort, but I do want you to know that I extend to you my deepest sympathy and assure you that I shall continue to do what I can in an endeavor to change American foreign policy in South Vietnam so that there will be brought to an end at the earliest possible date what I consider to be the unnecessary killing of more American boys.

Yours respectfully,

WAYNE MORSE.

Mr. President, 10 days or more ago I had inserted in the CONGRESSIONAL RECORD some 150 or 200 letters. Some were from parents. Some were from citizens who did not have boys in South Vietnam. Many were from boys in South Vietnam—including a considerable number of officers. They were from all walks of American life. The letters came from every State in the Union.

Next week, I shall insert in the RECORD—and if denied that privilege, I shall read into the RECORD—a couple of hundred additional letters. The people of this country who are writing to protest what I consider to be this inexcusably unjustifiable military action of the United States in South Vietnam, have a right to petition their Government.

When people write letters to a Senator, and the Senator places those letters in the RECORD, or reads them into the

Record, the Senator is aiding them in exercising their precious constitutional right of petitioning their Government.

Tonight, I have selected two letters. I did not want a day to go by and thus cause anyone to think that my silence indicated that I was changing my mind in regard to McNamara's war in Vietnam.

I have a letter from a constituent. In this instance, as in connection with most of the letters which I had inserted in the Record before, I have deleted the name. But again the letter is available to Senators to read—and the White House, too.

I have deleted certain identifying references in the letter which would enable the military to determine who the husband of this woman is. As I said, when I followed the same course in regard to the letters that I had inserted in the Record before, which were received from servicemen, I, too, know the tactics of the Military Establishment which are employed very frequently in respect to servicemen who appeal to the elected representatives of a free people in Congress for a consideration of their problems.

This letter reads as follows:

Re additional troops to Vietnam.

Hon. Wayne Morse,
U.S. Senator,
U.S. Senate Building,
Washington, D.C.

Dear Senator Morse: I have just finished reading the enclosed article from the Tuesday Salem, Oreg., Capital Journal, and wish to inform you, regarding your question, "Is Secretary of Defense McNamara planning to send additional U.S. troops to South Vietnam?" the answer is "Yes."

My husband, is now undergoing a 5-week guerrilla warfare training period at the Naval Amphibious Base in San Diego. At the end of this 5-week period of training in arms, survival, brainwashing, etc., he will be sent to South Vietnam for 6 months, or longer. His 7-year military obligation would have been completed this year if he returns from Vietnam. His former ship tried to get his transfer canceled as he had only been aboard it exactly 1 year and since he has such a short time left, but they were told "No." His rate as damage control diver are of little value in this new role of killing, as it has been established he will not be diving and his diving pay has been taken away. His group is a crew of 6–8 on a PT boat to go up and down the rivers and coast to shoot up the junks carrying supplies, etc., to the North Vietnam. His call to me last night was regarding his drawing up of his will, since Americans have a $2,000 price—dead—on their heads, was rather startling to me, at the age of 27, with our 3½-year-old son.

Obviously, these new assignments are anything but voluntary since the chief assigned to my husband's PT boat is 42 years old and was having his retirement papers drawn up when he was told to go. He tried to get his orders canceled having already served in 2 wars, but was told to "be quiet," or his retirement would be "cut." A fine alternative after spending 20 and more years of his life in service for his country.

Thank you, Senator Morse, for taking time to read these true statements from one who knows what is happening.

Sincerely yours,

——— ———.

Next week I shall show that the two letters which I have inserted in the Record tonight are but samplings. I say to Senators tonight: "You cannot run away from this policy question. You will have to stand up and be counted, whether you want to or not, because the people of this country will count you. The people of this country are entitled to a full disclosure of the facts of the U.S. Government's participation in McNamara's war in South Vietnam. The American people are entitled to have you Senators tell them by what international law right we are in there. The American people are entitled to have you Senators tell them what is happening to our signature on the U.S. charter. The American people will ask you Senators to tell them what kind of record the Secretary of State really made in Manila this past week in respect to SEATO."

Mr. President, I stated last night, and I repeat tonight, that the memorandum he sent to the United States was not worth the paper it was written on. I said last night, and I repeat tonight, that it is a misleading document, because there never was brought up officially in that SEATO meeting a proposal to have the signatories to SEATO assume their obligations under the protocol agreement which they signed when the SEATO Treaty was entered into, they assumed a mutuality of obligation in respect to the protocol agreement that brought South Vietnam into being, holding that it was an area of mutual concern and interest.

The Secretary of State and the Department of State are trying to lean on the reed that Diem asked us to come in. First of all, Diem was nothing but a puppet, just as General Khanh is nothing but a puppet of the United States. Being invited by puppets to proceed to shoot and to engage in hostilities does not give us any international law right to be in there or to do so. I am satisfied that I will convince Senators on the international law question when I discuss this subject next week.

The participation of the United States in McNamara's war in South Vietnam spells out an ugly term—"international political expediency." It should have no place in American foreign policy, particularly with the glorious record we have set over the years in standing up against resort to the jungle law of force by way of military action for the settlement of any dispute that threatens the peace of any area of the world, and through that area threatens the peace of the world.

I shall never be able to understand it. I am at a complete loss to understand it. We finally recognized an obligation to go through the United Nations with regard to Cyprus. I said on the floor of the Senate at the time that I was sorry that we let a Communist leader be the first to propose it.

We know that the Communist leader of Russia deals in the stock of trade of expediency whenever, in his opinion, it serves Russia's purposes. We, as a practice, do not. That is why I dislike to see our record so scarred and blemished by the course of action we are following in South Vietnam.

It is evident that the foreign policy of the United States from the very beginning with regard to South Vietnam should have been that we lay before the United Nations an affirmative proposal for the United Nations to take over the peacekeeping, that the United Nations assume its responsibility of making clear to Russia, Red China, North Vietnam, Laos, and any other country that the responsibility for maintaining the peace is that of the United Nations. We ought to have been strengthening it, rather than circumventing it.

I said last night, and I quickly mention it tonight, that I never expected to live so long as to hear responsible people in the United States talk about U.S. face saving. I thought that was supposed to be an oriental psychological characterization. Since when is American face saving more important than the right? Since when is American face saving more important than saving the lives of American boys?

As the grief-stricken mother of that lieutenant pilot killed in South Vietnam put it so well: "Advisory!"

Why are American troops in South Vietnam? We all know better. I do not like deception and hypocrisy. I do not like to see us pretending. We are in a war in South Vietnam—a shooting war.

Day before yesterday, the Senator from Alaska [Mr. Gruening] placed in the Record figures to show that at the rate we are now going, we can count, at the same tempo, on a least 91 American boys being killed every month in South Vietnam. This is merely a descriptive statistic. It is only based upon a mathematical calculation of what is happening.

When we get a proposal from Nixon to escalate the war, watch out. The real danger is that that 91 a month can quickly have some ciphers added to the first two figures. I believe it is never too late to do what is right. I believe it is never too late to change a wrong policy.

I am aghast also at the arguments that are made to me in the cloakroom and at some of the meetings I have been addressing across the country. I intend to continue to address them, for I shall give two speeches this weekend in this country against the policies of McNamara's war in South Vietnam, and shall offer no apologies to anyone for the speeches. In my judgment, the American people are entitled to a full and frank discussion of the two sides of the issue.

I am aghast when I am told it is too late to change; that we have gone too far. We have surely gone too far; but we could never go too far to change. That is my point. I wanted to say these few words tonight. I say them with a heavy heart, because so far as my administration is concerned, the record is perfectly clear that I agree with it probably 99 percent of the time both on major and minor issues. But I believe our participation in the war in South Vietnam is a colossal historic mistake, and I want to see my administration reappraise it, review it, and consult with our friends.

I should like to see my administration consult with our friends around the world to see what interest and, I hope, support we could get to try to bring an end to McNamara's war by adopting a procedure of taking it to an extraordinary meeting of the United Nations, to see if we cannot have the United Nations recognize that it is a question of peacekeeping in South Vietnam.

As I said last night, I am not an "overnighter." I realize that we cannot draw out and leave a vacuum until the United Nations moves in. I should think it would be appreciated if we made it clear that we will seek to maintain the peace until the United Nations takes jurisdiction. I should think it would be reasonable to ask New Zealand and Australia, two signers of the SEATO Treaty, Pakistan, Thailand, and the Philippines, three more signers of the SEATO Treaty, and Great Britain and France, the other two signers, along with the United States, to agree voluntarily to send in some peacekeeping forces as a temporary gap approach until the United Nations can take the official action which, in my judgment, the United Nations would have to take under the charter.

Once the matter was formally presented to the United Nations, I believe that under the charter the United Nations would have no other course than to proceed to take jurisdiction of South Vietnam, seek to maintain the peace, and join in helping South Vietnam, as I want to help South Vietnam, in the years ahead to develop a system of economic freedom, so that the people eventually can become self-governing and be free of the military Fascist regime which the United States is supporting in South Vietnam by maintaining in power a totalitarian tyrant who provides the people of South Vietnam with no semblance of freedom.

That is why it pains me to hear people in the United States, who do not know the facts, talk now and then about supporting freedom. Does anybody believe we are supporting freedom in South Vietnam? Apparently two vicious totalitarian systems are engaged in a civil war. But so far as human rights are concerned, there are no more human rights under a military dictatorship based upon the philosophy of fascism than there are under the vicious methods of totalitarianism and communism. Human rights exist under none of those systems.

Yes, I want to support freedom; and I believe the best way to build for the day when freedom can come to pass in South Vietnam is to get the United Nations in and the United States out.

I yield the floor.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Property Acquisitions of Emergency Supplies and Equipment

A letter from the Director of Civil Defense, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended March 31, 1964; to the Committee on Armed Services.

Report on Unnecessary Interest Costs Incurred Because of Improper Retention of Certain Overpayments

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary interest costs incurred by the Government because of improper retention of overpayments by Burroughs Corp., Detroit, Mich., dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Proposed Amendment to Concession Contract With S. G. Leoffler Co.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to the concession contract with the S. G. Leoffler Co., to operate golf courses and provide related facilities and services in the areas administered by the National Capital Region, National Park Service (with accompanying papers); to the Committees on Interior and Insular Affairs.

Proposed Amendment to Concession Contract Within Cape Hatteras National Seashore

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to the concession contract to operate the Oregon Inlet Fishing Center within Cape Hatteras National Seashore (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Tort Claims Paid by Smithsonian Institution

A letter from the Secretary, Smithsonian Institution, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Institution, during the fiscal year 1963 (with an accompanying report); to the Committee on the Judiciary.

CONCURRENT RESOLUTION OF MISSISSIPPI LEGISLATURE

The ACTING PRESIDENT pro tempore laid before the Senate a concurrent resolution of the Legislature of the State of Mississippi, which was referred to the Committee on the Judiciary, as follows:

House Concurrent Resolution 46

Concurrent resolution memorializing the Congress of the United States to immediately take the necessary steps to give to the citizens of this Nation an opportunity by constitutional amendment to determine whether or not prayer shall be permitted in the public schools; to urge the legislatures of all the States to join in this recommendation to the Congress; and to provide for sending copies hereof to the President of the U.S. Senate, the Speaker of the House of Representatives in Congress, the Members of the Mississippi Congressional Delegation, the attorneys general of each of the States of the Union, and to each of the legislatures of the various States of the Nation

Whereas no civilization, no government and no nation has ever existed, nor could they be possible, without a fundamental and profound recognition of and reverence for some authority, some ideal, some being, superior to the individual which in our national heritage we have expressed as a belief in and dependence upon Almighty God; and

Whereas our national tradition and heritage of public and civic prayer give purpose and meaning to our Union as a nation, without which we could only suffer the anarchy or tyranny of the oppressed peoples in less enlightened parts of the world; and

Whereas education is a worthless, if not evil and dangerous thing, if limited to merely the dissemination of factual information without the expression and understanding of ideas, ideals, theories, customs and beliefs of other men, whether designated as being of a religious nature or by some other appellation; and

Whereas none of the constitutional safeguards of individual rights and civil liberties of the citizens of these United States were designed or intended to prohibit prayer in the schools or any other public place, so long as no citizen is coerced into a participation therein inconsistent with his own beliefs; and

Whereas the Supreme Court of the United States has had occasion, upon June 25, 1962, in its decision rendered in the case of *Engel, et al.* v. *Vitale, et al.*, No. 468 upon the docket of its 1961 October term, to so construe our Constitution as to prohibit public prayer in public schools; and

Whereas an identical resolution has been passed by the Legislature of the State of Louisiana, and it is the desire and intent of this resolution to join with our sister State in this endeavor: Now, therefore, be it

Resolved by the House of Representatives of the State of Mississippi (the Senate concurring therein), That the Congress of the United States be and it is memorialized to immediately take the necessary steps to provide the citizens of this great Nation an opportunity, by way of a proposition, to amend the U.S. Constitution to determine whether or not public prayer shall be permitted in the public schools of the several States; be it further

Resolved, That the legislature and the attorney general of every State of the Nation are hereby urged to join in this recommendation to the Congress; be it further

Resolved, That copies of this resolution shall be officially transmitted to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, to each member of the Mississippi congressional delegation, to the attorney general of each State in the United States, and to each of the legislatures of the several States of the Union.

Adopted by the house of representatives, March 26, 1964.

Walter Sillers.
Speaker of the house of representatives.

Adopted by the senate, April 8, 1964.

Carroll Martin.
President of the senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK:

S. 2745. A bill to save historic buildings, sites, and antiquities, to provide a program of preservation and restoration of works of art owned by the United States and to provide high standards of architectural excellence in design and decoration of Federal public buildings, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Clark when he introduced the above bill, which appear under a separate heading.)

By Mr. HAYDEN:

S. 2746. A bill to permit the United States to host the 39th World Shooting Championships in 1966; to the Committee on Armed Services.

By Mr. McGOVERN (for himself and Mr. Mundt):

S. 2747. A bill to redesignate the Jewel Cave National Monument in the State of South Dakota, to revise the boundary thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. McGovern when he introduced the above bill, which appear under a separate heading.)

By Mr. COTTON (for himself and Mr. McIntyre):

S. 2748. A bill for the relief of Donald Schultz; to the Committee on the Judiciary.

By Mr. MOSS:

S. 2749. A bill providing an equitable basis for the sale to collectors of standard silver dollars now held in the Treasury; to the Committee on Banking and Currency.

By Mr. MAGNUSON:

S.J. Res. 170. Joint resolution regarding Indian fishing rights; and

S.J. Res. 171. Joint resolution regarding Indian fishing rights; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Magnuson when he introduced the above joint resolutions, which appear under a separate heading.)

PRESERVATION OF HISTORIC BUILDINGS, SITES, AND ANTIQUITIES

Mr. CLARK. Mr. President, I introduce, for appropriate reference, a bill to provide a program of preservation and restoration of certain works of art.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2745) to save historic buildings, sites, and antiquities, to provide a program of preservation and restoration of works of art owned by the United States and to provide high standards of architectural excellence in design and decoration of Federal public buildings, and for other purposes, introduced by Mr. Clark, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. CLARK. Mr. President, the title of the bill is "To save historic buildings, sites, and antiquities, to provide a program of preservation and restoration of works of art owned by the United States and to provide high standards of architectural excellence in design and decoration of Federal public buildings, and for other purposes."

The bill is the result of a great deal of study done in my office with various Government departments, the Fine Arts Commission, and the offices of several other Senators, including particularly the Senator from Rhode Island [Mr. Pell], the Senator from New York [Mr. Javits] and the Senator from Minnesota [Mr. Humphrey].

I believe the bill will make a very real contribution, if it can be enacted, to the cultural development of the buildings and other activities of the Federal Government.

I ask unanimous consent that the bill be held at the desk for 1 week, to afford other Senators an opportunity to join in sponsoring the bill.

The PRESIDING OFFICER. Without objection it is so ordered.

JEWEL CAVE NATIONAL PARK

Mr. McGOVERN. Mr. President, on behalf of myself and my colleague, the senior Senator from South Dakota [Mr. Mundt], I introduce, for appropriate reference, a bill to authorize the enlargement of Jewel Cave National Monument in western South Dakota and to redesignate it Jewel Cave National Park. It is clearly an outstanding national speleological phenomenon.

On March 12, I announced to the Senate that exploration of this cave in the Black Hills by Herb and Jan Conn indicated that it has a cubic content of at least 1 billion cubic feet and probably a thousand miles of passages.

The cave volume has been estimated by flows of wind in and out of the aperture when the barometer rises and falls.

I have had a very surprising experience since making that announcement. I have discovered that this is a Nation of skeptics and disbelievers. The veracity of my report to the Senate has been questioned by citizens in several parts of the land.

A spelunker in Philadelphia, Pa., wrote me that the existence of more than 16 miles of passages could not be accurate as only 16 miles was indicated on official maps of Jewel Cave.

According to the same logic, the world is flat, because the official maps showed it to be before Columbus went on his therefore obviously foolhardy voyage in 1492.

A Mr. John Hall, Jr., in Dallas, Tex., has written me, and I quote:

> This story about the cave with 1,000 miles of passages is the most ridiculous thing I ever read. I've always felt politicians as a group are intrinsically unintelligent, but this takes the cake. You ought to issue a retraction.

It is a little difficult for me to understand a Texan having trouble with the estimates on Jewel Cave. Considering where he is from, I can only conclude that he regards the statement as ridiculous because the claims are so small.

Unfortunately, I am unable to correspond with Mr. Hall, because he gave me no street address in Dallas.

I was not at all surprised to hear from Mr. Olin Rudolph, president of the Carlsbad, N. Mex., Chamber of Commerce. On March 16 he wired me:

> Greatly unimpressed by your claim of huge cave in South Dakota. Similar claims made in past but all such caves haven't yet equaled Carlsbad Caverns National Park Pheasant hunters from here have been visiting South Dakota for years and report finding nothing larger than gopher holes. Gust of wind you report probably hot air from enthusiastic South Dakotans.

On the following day, I replied to Mr. Rudolph:

> Your jealous telegram re South Dakota's greatest of all caves only proves you have bats in your cavities. Sorry all States can't be lands of infinite variety like ours. Hope New Mexicans will continue to come to South Dakota to hunt pheasants, view Black Hills, Badlands, world's greatest sculpture at Mount Rushmore, Great Lakes of the Missouri, world's largest cave and myriad other attractions and to relieve their boredom with bats and saltcedars.
>
> Sympathetically yours,
>
> George McGovern.

In all seriousness, Mr. President, the discoveries at Jewel Cave make it clear that it is a speleological wonderland. I ask unanimous consent to have inserted in the Record an article from the Rapid City, S. Dak., Daily Journal on Sunday, March 22 by Mr. Don Hipschman, of the South Dakota Department of Highways, giving further details of the explorations, size and telling of the bizzare and heretofore unknown formations which have been found in the cave.

We hope to be able to settle the matter of the size of the cave beyond controversy within the next few weeks. Federal agencies are making available the necessary scientific equipment to record barometric pressures, wind velocities and other data necessary to make an accurate calculation of the cubic content. The fact is that in my earlier announcement I used the minimum estimated size. The preliminary calculations have indicated a cavern of 1 to 3 billion cubic feet content. By the time the bill I have just introduced can be brought to a hearing, I am sure we will have irrefutable proof of the size of the cave.

Exploration of the cave has been suspended because of the distances from the portal which are now involved in going any farther. The Park Service hopes to develop a new entrance, which will provide public access to some of the newly discovered rooms in the cave and provide a new base for further exploration of the seemingly endless passageways.

I regret that the Congressional Record does not print pictures. The article I have inserted in the Record includes photos of "Penn Station," one of the rooms in the cave, and of a hollow stalagmite, one of the several unique formations discovered in the new areas which were heretofore unknown.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the article will be printed in the Record.

The bill (S. 2747) to redesignate the Jewel Cave National Monument in the State of South Dakota, to revise the boundary thereof, and for other purposes, introduced by Mr. McGovern (for himself and Mr. Mundt), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The article presented by Mr. McGovern is as follows:

[From the Rapid City (S. Dak.) Daily Journal, Mar. 22, 1964]

Biggest Cave?

(By Hon. Don Hipschman, South Dakota Department of Highways)

A cave in South Dakota's Black Hills that a few years ago was simply a rather small and not-too-interesting hole in the ground is turning out to be a significant geologic find.

It's also becoming something of a never-ending odyssey for the husband-and-wife spelunking team of Herb and Jan Conn of Custer who have done most of the peril-ridden explorations.

The cave is Jewel Cave, part of the 1,274-acre Jewel Cave National Monument in the rugged Hell's Canyon area in the southwestern part of the Black Hills.

The Conns' explorations, which began in 1959, have found four formations which are unique in the United States, and which may be unique in the world.

Plus they have mapped 13½ miles of new passages and have uncovered leads to others that will total hundreds of miles underground and may well be the largest cave on earth.

The Conns make their estimates of size based on the wind flow in and out of Jewel Cave.

When the barometer is rising, wind rushes into the Jewel labyrinth, and when it falls, the wind flows out. Measuring the aperture of the cave, the speed of the wind, and the length of time it moves in one direction or another, makes it possibe to estimate cave volume.

Evidence gathered this way is not conclusive, and no real measure of the miles inside Jewel can be done until the explorations are finally complete.

Wind has moved out of Jewel at high velocity for as much as 3 days on end, though, and from this, the Conns have estimated the cave's total volume at one billion cubic feet of space, which would mean nearly 1,000 miles of passage.

The figures on volume are so staggering that many cave experts discount them at this stage as far too enthusiastic. They say Jewel may fall far short of that much space, but they admit its size is "tremendous, simply tremendous," and they say it with awe.

Jewel is an incredible cave, though, from what the Conns have found thus far. Among the four new formations are bizarre hollow stalagmites, gorgeously beautiful scintillites, hydromagnesite "balloons" which even Walt Disney would hesitate to put in one of his fantasy movies, and stalactite-and-flowstone combinations growing on crystal-covered walls.

With only a small fraction of Jewel's total underground wilderness explored in the 13½ miles of passage mapped to date, chances are good other unique formations will be found.

EXPLORATION BANNED

At the moment, though, all explorations have been banned by direct order of the National Park Service's Washington headquarters.

The cave is strictly off limits to everybody—string-pullers, speleological authorities, VIP's, and brass of any kind. Even the Conns are included in this fiat, though they continue to work in the cave marking routes they have located so far.

The reason is the extreme danger of the cave.

It wanders in a three-dimensional maze over four main levels, and is boobytrapped with tricky areas such as the "Trap Door" which Nature seems to have designed to protect the cave from intruders.

The Conns have had to travel long passages pinched down to a mere hand's span, and say that one can get hopelessly lost in a matter of moments. From the cave's only known entrance to the farthermost point of the explorations, the Conns say there are more than 9,000 combinations of routes. And nearly all these routes branch off into areas no one has ever been in.

Even National Park Service rangers have been barred from probing the cave. National Park Service authorities say that any injury incapacitating a person—even as slight as a sprained arm or leg—could be fatal because of the extreme difficulty of sending in rescue teams.

The best any rescuers could do—provided they could even locate the victim—would be to shoot him full of morphine and drag him out, perhaps breaking bones on the way out, according to Jess Lombard, superintendent of Wind Cave National Park at Hot Springs who also has jurisdiction over Jewel Cave, some 35 miles from his headquarters.

APPROPRIATION

After a new entrance is cut from the surface into the farthermost explored areas, explorations will be resumed, and tours developed through some of the exotic new rooms with the new formations and cathedral-like dimensions, but until then nobody—but nobody—gets into Jewel's new areas.

How soon the new entrance will be cut depends on congressional appropriations for the work. Senator KARL MUNDT has requested $255,000 to develop the cave. Senator GEORGE McGOVERN plans a bill to change the designation from a national monument to a national park.

The geologic characteristics of the Black Hills' area point to vastness yet untouched inside Jewel. Indeed, the cave may escape South Dakota and run well into Wyoming inside a limestone shelf that encompasses the dome-shaped granite upthrust of the Black Hills like a necklace. It may also connect to Wind Cave.

There are dozens of caves in the Black Hills—Wind, Rushmore, Crystal, Wonderland, Sitting Bull, Bethlehem, Wildcat, Stagebarn, etc.—and Lombard thinks there is a possibility they were all joined before water cutting valleys separated them.

Jewel Cave was first discovered by gold prospectors in 1900, and turned over to the National Park Service as a national monument area in 1933.

With Wind Cave National Park nearby and much more developed, the National Park Service used Jewel Cave for "primitive" tours that covered about 900 feet and lasted about an hour and 15 minutes.

In 1958 and 1959, the underground boundaries of Jewel began to be extended when a number of rangers made new surveys.

CONNS' INTEREST

Herb and Jan Conn became interested when one of their ranger friends invited them on some of the explorations. Herb holds a degree in engineering from the University of Colorado, and Jan is a talented composer and musician. Both are mountain-climbing enthusiasts, which brought them to the Black Hills originally.

As they worked with the rangers in the earlier explorations, they became "hooked" by the cave and the constant satisfaction of discovery.

The Conns' wry humor is marked in names they've given the rooms and passages—Sun Burn Haven, Eerie Boulevard, the Squeege Room, Long Winded Passage, Thin Man's Misery, the Einstein Tube (which goes through a visible floor level to one unseen, or into the "fourth dimension"), Treasure Aisle, etc.

Some of the names follow this close description, such as the Snow Bowl which is vivid with aragonite frostwork so delicately hung from the walls and ceiling that even the slight heat of the carbide lamps causes it to shower to the floor in deep layers.

Some are a bit more esoteric, such as the Sewing Room, which boasts gypsum crystal needles in huge clumps, with some individual needles two feet long.

Penn Station, Carnegie Hall, King Kong's Cage, the Hub, Shady Acres, and the Hippodrome are, of course, the large rooms. These have some very respectable dimensions. The Hub is over 250 feet long and more than 150 feet wide, and its "spokes" radiate into a series of passages.

UNIQUE FORMATIONS

The large rooms in Jewel Cave found so far are not nearly as large as some of the enormous "reefed arch" rooms of caves in the southwestern United States, though.

What makes Jewel unique is its formations (and perhaps its volume if estimates prove out in exploration).

The "pseudomites" as the Conns call them are a case in point.

In a side passage off King Kong's Cage on March 1, 1963, the Conns found a long row of strange and quite large stalagmites, covered with a knobby calcite "popcorn," and standing 10 to 12 feet high in a rough line.

These had large fluted holes through them, open at the top, with some of the holes extending as much as 18½ feet into the floor below.

The National Speleological Society said it had never had any such formations reported before.

No one has any positive idea of how they happened to be there, except they seem to have been deposited on a vertical column of empty air.

Herb speculates that dripping water, if not already saturated with dissolved material, can dissolve a hole in limestone. If it is saturated, it can deposit the material and build up a stalagmite.

"In this case, both processes seem to have gone on at the same time, the hole getting deeper, and the stalagmite getting higher," he says.

Jan named them "pseudomites" because, as she says, "They're not really stalagmites—a real stalagmite is usually formed from water dripping off a stalactite, and there aren't any stalactites above these."

The National Park Service dubbed them "logomites" because of their resemblance to a hollow log.

The scintillites were the first unusual formation the Conns discovered, those on April 14, 1962. A whole room of a deep red color was found. The scintillites are groups of red helictites covered with a sparkling layer of tiny quartz crystals. They are unique in the United States, and may be unique in the world.

In July 1962, the Conns made another find—a wet room beneath a stream bed was completely covered with hundreds of silvery hydromagnesite balloons. "It looked as if somebody had plastered the walls with bubble gum," Jan said.

The balloons have a shell only about a thousandth of an inch thick, and resemble either a balloon or cocoon. Even stranger than their weird appearance is that while most of them appear to be inflated, some have collapsed, as if a gas had escaped from them. Herb speculates there may be some gas-generating bacteria connected with the balloons. These, too, had never been reported before to the National Speleological Society.

Stalactites, flowstone, and crystal-covered walls are common in many caves, but the combination of all together is also unique, and occurs several places through Jewel Cave.

These discoveries spurred the Conns on. Their work was both hazardous in the extreme and exhausting. Going by the quickest route to the farthermost point of their explorations means a 5-hour trip. Add to that 10 hours' work for fruitful mapping and new explorations, and the return trip, and you have a 20-hour test of human fiber. And the Conns have made more than 250 such trips.

The ever-new discovery has also been a source of frustration. Each trip to a new area revealed new leads. Because of time and distance, they have had to leave literally hundreds of these unexplored. They found that the more they knew about the cave, the more there was to know.

MEAGER FUNDS

As the cave began to unravel before their probing, the National Park Service made its meager research funds available to the Conns to survey and map what they found, but in 4 years, this amounted to less than $2,000, or about 40 cents an hour apiece—for incredibly hard, dangerous, and demanding work inside the cave. They estimate they have spent an equal amount of time in work above ground, transcribing notes, drawing maps, and recording other cave data.

No more research funds are available until the ban on explorations is lifted, but the Conns are eager to continue in the cave as long as they can because of the bone-deep excitement of the work they are doing.

Jan, in speaking of their work, says Jewel is more than "a pair of grungy spelunkers" can ever explore completely, and is hopeful of enlisting full-scale expeditions to carry the work forward.

What a large assault by a corps of professional geologists and spelunkers will force Jewel to reveal is a matter for speculation. What has been found so far makes Jewel one of the most exciting and beautiful caves in America, and if any cave can outdo superlatives, Jewel seems the most likely candidate.

INDIAN FISHERIES

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a joint resolution designed to establish that State statutes, rules, and regulations relating to hunting and fishing shall be presumed to be necessary for conservation in certain areas. This would authorize State regulation of the time and manner of fishing outside an Indian reservation when such regulations are for the purpose of conservation and are equally applicable to all persons.

I also introduce for appropriate reference a joint resolution on the same subject prepared at the request of my staff after consultation with conservationists and sports fishermen. This second approach provides for the acquisition by the Secretary of the Interior of the Indian treaty rights to fish at all usual and accustomed places in common with other citizens. It is a different approach from the first, and I am of the opinion that it will be advantageous to the committee to have both resolutions before it during the consideration of this fisheries problem. I also asked the Department of the Interior to prepare an estimate and I quote from their reply:

> We have been unable to place a dollar value on the Indian fishery since this includes commercial as well as subsistence fishing. It also includes Indian fishing on and off the reservation. We are, however, enclosing a table giving some information on the size of the catch for certain species for certain years, and the prices in 1962. I might also call your attention to the payment by the Corps of Engineers of $26,880,395.32 for the loss of Indian fishery rights caused by the construction of the Dallas Dam.

I ask unanimous consent that the full text of the two resolutions, and a chart showing the Indian fishery statistics for the State of Washington be printed at this point in the Record. I also ask unanimous consent that a communication from the office of the attorney general of the State of Washington dated October 16, 1963, and a statement from the Washington State Department of Fisheries dated October 22, 1963, be printed in the Record.

The ACTING PRESIDENT pro tempore. The joint resolutions will be received and appropriately referred; and, without objection, the joint resolutions, chart, communication, and statement will be printed in the Record.

The joint resolutions, introduced by Mr. Magnuson, were received, read twice by their titles, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follow:

S.J. Res. 170

Joint resolution regarding Indian fishing rights

Whereas article III of the treaty of June 9, 1855, with the Yakima Nation of Indians (12 Stat. 951) provides that "The right of taking fish at all usual and accustomed places, in common with citizens of the Territory [is secured to said Confederated Tribes and Bands of Indians]"; and

Whereas article III of the Medicine Creek Treaty of 1855 (10 Stat. 1132) provides that "The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians, in common with all citizens of the Territory"; and

Whereas article V of the Treaty of Point Elliott of 1855 (12 Stat. 927) provides that "The right of taking fish at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the Territory"; and

Whereas similar language is contained in other Indian treaties; and

Whereas the United States Supreme Court has said that while such treaty language "leaves the State with power to impose on Indians, equally with others, such restrictions of a purely regulatory nature concerning the time and manner of fishing outside the reservation as are necessary for the conservation of fish, it forecloses the State from charging the Indians a fee of the kind in question here" (Tulee against Washington, 315 U.S. 681 (1942)); and

Whereas the United States Supreme Court has recently cited with approval its Tulee decision as a holding that off-reservation fishing rights reserved by treaty are subject to State regulation (Village of Kake and others against Egan, docket numbered 3, October term (1961)) and further litigation on the subject should not be necessary: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with and in furtherance of the purposes of any treaty with American Indians that secures to them a right to take fish at all usual and accustomed places, in common with other citizens, the States involved are authorized to enact and to enforce laws of a purely regulatory nature concerning the time and manner of fishing outside an Indian reservation that are for the purpose of conservation of fish, and that are equally applicable to Indians and all other citizens without distinction. State legislation enacted pursuant to this law is hereby declared to be in furtherance of and not in derogation of the treaties involved.

S.J. Res. 171

Joint resolution regarding Indian fishing rights

Whereas article III of the treaty of June 9, 1855, with the Yakima Nation of Indians (12 Stat. 951) provides that "the right of taking fish at all usual and accustomed places, in common with citizens of the Territory" is secured to said Indians; and

Whereas article III of the Medicine Creek Treaty of 1854 (10 Stat. 1132) provides that "The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians, in common with all citizens of the Territory"; and

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Whereas similar language is contained in other Indian treaties; and

Whereas the United States Supreme Court has said that while such treaty language "leaves the State with power to impose on Indians, equally with others, such restrictions of a purely regulatory nature concerning the time and manner of fishing outside the reservation as are necessary for the conservation of fish, it forecloses the State from charging the Indians a fee of the kind in question here" (Tulee against Washington, 315 U.S. 681 (1942)); and

Whereas there has been extended litigation regarding the scope of, and the limitations on, the States' authority to regulate the treaty right in the absence of congressional guidelines, the most recent cases being Maison against Confederated Tribes of the Umatilla Indian Reservation, 314 F. (2) 170 (1963) certiorari denied, 375 U.S. 829 (1963), and Washington against McCoy, 387 Pac. 2d 942 (1963), petition for writ of certiorari pending, and such litigation has not resolved the issues; and

Whereas Congress could by legislation resolve the issues either (1) by prescribing the kind of regulation that may be imposed on the exercise of these treaty rights in order to conserve, protect, and develop the fishery resource, or (2) by providing for the relinquishment and extinguishment of these treaty rights by purchase and the payment of just compensation therefor; and

Whereas it is the desire of Congress to provide for the relinquishment and extinguishment of these treaty rights by acquisition and the payment of just compensation therefor: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to purchase from any Indian tribe, band, or group that is entitled to exercise a right secured under any treaty to take fish at all usual and accustomed places, in common with other citizens, a relinquishment and extinguishment of such right, or to acquire such right by condemnation.

Sec. 2. In purchasing or acquiring a treaty right under the first section of this joint resolution, the value of such right, for the purpose of determining just compensation to the Indian tribe, band, or group, shall be the current average annual market value of the fishery resources taken under such right by such Indian tribe, band, or group multiplied by twenty-five. Such current average annual market value shall be determined from the three most recent consecutive calendar years for which satisfactory data is available to the Secretary of the Interior.

The chart, communication, and statement presented by Mr. MAGNUSON are as follows:

Indian fishery statistics in the State of Washington

Species	Average annual catch (number of fish), 1958-62	Average weight per fish (pounds)	Average annual total weight (pounds)	Price per pound, 1962	Total average annual value
Chinook [1]	52,403	16	838,448	$0.50	$419,224.00
Chum	65,692	8	525,536	.18	94,596.48
Pink	55,587	5	277,935	.22	61,145.70
Silver	105,086	8	840,688	.30	252,206.40
Sockeye	36,219	6	217,314	.42	91,271.88
Total salmon	314,987		2,699,921		918,444.46

[1] Includes chinook reported from the Columbia River, from Bonneville to the Dalles Dam, by several tribes; and including both spring and fall runs.

NOTE.—The above data are taken from the annual report of the Washington Department of Fisheries for 1962 and supplemented from other sources.

STATE OF WASHINGTON,
DEPARTMENT OF FISHERIES,
Olympia, Wash., October 22, 1963.
Hon. WARREN G. MAGNUSON,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: Basically, the State is not quarreling with reservation fisheries at this time, although their control and integration with the State's regulation would greatly enhance the fisheries resource for the Indians as well as the rest of our citizens.

Our most difficult and rapidly growing problem at this time is the "off-reservation" fisheries being pursued by the Indians. Those fisheries in this category that have caused the most attention in recent months and that have caused near violence in some cases include the recent attempt on the Green River by the Muckleshoot Indians. This fishery has been temporarily halted by injunctive action. I can only hope at this time for permanent restraint. The Puyallup fishery is a second example of the large expansion of an Indian fishery with no restraints. This fishery started in 1953 and has now virtually destroyed the Puyallup runs. As a matter of fact, this fishery was instrumental in causing the Muckleshoots to move to the Green, since the Stuck River, tributary to the Puyallup, is the historic fishery for the Muckleshoots. Single season catches in the Puyallup Indian fishery have included 25,000 silver salmon; 10,000 chinook salmon; and several hundred chum salmon. The five or six Indians operating this fishery have received as high as $75,000 to $100,000 in a single year for their efforts.

Another recent rapid expansion of an Indian fishery has taken place on the Columbia River above Bonneville Dam where no commercial fishery is allowed. This Indian fishery started several years ago and conducted largely by Yakimas is still growing rapidly. During one recent aerial survey, 121 gill nets and set nets were observed above Bonneville. Their catch this year was over 20,000 chinook salmon. The tribe has made some attempt at regulation but have no scientific basis and are tailored largely to the convenience of the Indian fishermen. This fishery offsets any gains made by regulation in the lower river for spawning purposes.

The Klickitat River is another recent example of the virtual destruction of a fish run. The Federal Government has invested over $2 million in this river in a salmon hatchery and an elaborate fishway system. This year the Indians were fishing at the fishway entrances and on nearly every rock on down to its confluence with the Columbia River. Our hatchery was only able to get several hundred fish this year while the Indians caught and sold thousands.

The Skagit River is seeing the same thing. In addition to an intense gill net and trap fishery near the mouth by the Swinomish Indians, the so-called Upper Skagit Tribe is currently fishing the spawning grounds hard with gill nets and set nets. It is also their practice to stretch nets from bank to bank in the tributaries and then drive the fish from their spawning nests into the net with stones and clubs. Aerial surveys of the Skagit this year revealed 800 to 900 salmon nests in an index area where 5,000 nests are normally seen.

We feel that only Congress can clarify the rights of the Indians in these areas off the reservations. It is our feeling that the treaties intended them to fish under the white man's control when in these areas. It is certain that if this control is not achieved soon, we will not have to be worried about negotiating with the Japanese and Russians over high seas fisheries for salmon. They will have been destroyed on the spawning grounds at home by uncontrolled Indian fisheries.

I trust this information will be of use to you and urgently hope that Congress will enact this legislation which is so desperately needed to enable our efforts at salmon conservation to succeed.

Very truly yours,
GEORGE C. STARLUND,
Director.

STATE OF WASHINGTON,
Olympia, Wash., October 16, 1963.
HON. WARREN G. MAGNUSON,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am enclosing a draft of a proposed bill for congressional action which the Department of Fisheries and the Department of Game of the State of Washington feel would resolve the present Indian fishery problems. As you are aware, the Indian fishery has expanded greatly in recent times due to certain court decisions and is reaching such proportions as to constitute a serious threat to the anadromous fishery resource of the Pacific Northwest. The legal history giving rise to this situation may be briefly summarized.

Until 1942, we had experienced no problem in applying State conservation measures to Indian citizens of the United States. In that year, the U.S. Supreme Court rendered its decision in a case entitled *Tulee* v. *Washington*, 315 U.S. 681. In the Court's own language, the treaty provisions guaranteeing the Indian tribes the right to fish at their usual and accustomed grounds in common with the whites was subject to the following interpretation:

"We think the States' construction of the treaty is too narrow and the appellant's too broad; that while the treaty leaves the State with power to impose on Indians equally with others such restrictions of a purely regulatory nature concerning the time and manner of fishing outside the reservation as are necessary for the conservation of fish, it foreclosed the State from charging the Indians a fee of the kind in question here."

The Tulee case, supra, was subsequently cited by the U.S. Supreme Court with approval in *Village of Kake* v. *Egan*, 369 U.S. 60 (1962).

From the foregoing decisions, it is clear that the State does have the power to apply its fishery conservation laws to Indians fishing at their "usual and accustomed" grounds "where necessary for conservation."

Although the State does have such power, the problem of when such conservation laws or regulations may be applied remains unresolved due to further interpretation of the Tulee language by other Federal courts.

Unfortunately, the emphasized language of the Tulee case, supra, has subsequently been interpreted by other Federal courts to mean that the State must assume the burden of proving a conservation law it attempts to apply to a treaty Indian fishing at his "usual and accustomed" grounds is "necessary for conservation."

In *Makah Indian Tribe* v. *Schoettler*, 192 F. 2d 224 (9th Cir. 1951) the court issued an injunction prohibiting the enforcement of Washington fishing regulations prohibiting Indians fishing at their usual and accustomed grounds on the Hoko River. The court held that the State must assume the burden of proving that the regulation in question (the regulation prohibited all fishing in the river except by hook and line) was "necessary for conservation" beyond a reasonable doubt and further held that the State had not sustained its burden of proof.

Maison v. *Confederated Tribes of Umatilla Reservation*, F. 2d (9th Cir. 1963) held that regulations restricting fishing in off-reservation tributaries of the Columbia and Snake Rivers could not be applied to them because of the usual and accustomed ground treaty provisions. In this case the State contended, through its expert witnesses, that the high value of brood stock necessary to preserve the runs of fish coupled with the extreme vulnerability of the fish on the spawning beds justified closing these streams during the spawning seasons. It was argued that the area closure regulation in question was essential to the preservation and conservation of the resource. The court rejected these contentions, holding that the State had failed to prove the regulation was necessary for conservation and also indispensable for the preservation of fishery resources. The court stated:

"Therefore, while a restriction of the fishing activities of the plaintiffs must be indispensable, as required by the treaty (*Tulee* v. *Washington*, supra), a restriction of the fishing activities of other citizens of a State is valid if merely reasonable, as required by the 14th amendment to the U.S. Constitution."

This case is presently on appeal to the U.S. Supreme Court.

The Makah case, supra, struck down the attempted application of a gear limitation regulation and the Umatilla case, supra, struck down the attempted application of an area limitation regulation.

The net import of these two cases is that the State not only must sustain the burden of proving its fish conservation laws and regulations are "necessary for conservation" in a criminal prosecution, but also must prove beyond a reasonable doubt that there is no alternative method that can save the resource from extinction. Conceivably this would mean that non-Indians could be excluded from the fishery as an "alternate method of regulation." The State also must prove that the application of its laws is "indispensable" to the preservation of the fishery resource. Presumably, if a few fish remain, the "indispensability" test could not be met.

What has happened here, in essence, is that the burden of proof has been shifted from a violator of valid State laws to the State to prove necessity for conservation. The converse of this proposition is that there is a presumption of unconstitutionality of all State conservation laws as they are applied to treaty Indians at their usual and accustomed grounds. Because of the extreme need to retain control over all fishing efforts on the anadromous fishery, both the department of fisheries and the department of game in the State of Washington strongly urge that you and your colleagues give serious consideration to the enclosed proposed bill which would accomplish a shifting of the burden of proof in these Indian fishery cases so that the State would, once again, be able to apply its laws equally to all of its citizens whether Indian or non-Indian outside a reservation.

Any comments or suggestions which you may have concerning the enclosed bill would be greatly appreciated. Of course, any further information or assistance from either of the departments will be immediately forthcoming upon your request.

Very truly yours,
John J. O'Connell,
Attorney General.

Mr. MAGNUSON. Mr. President, I wish to comment briefly on the treaties between the Federal Government and the Indian tribes, particularly as they apply to my State. They are the same type treaties. Most of them were entered into with the tribe over 100 years ago, from 1850 to 1858. Of course, the treaties are still on the books. They must be respected. They are treaties, but the conditions have changed a great deal. This is similar to discrimination in reverse. There are very few Indians who are despoiling some of the very fine salmon and steelhead trout streams in the area. We are merely suggesting to them that they practice conservation, and that they be treated like everyone else, and that we be treated like they are being treated, consistent with the treaties.

Many treaties between the Federal Government and the Indian tribes, and this is especially true in the State of Washington, contain the following language:

> The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians, in common with all citizens of the State or territory.

This right of the Indians—the right of taking fish at all usual and accustomed grounds—was purchased by them very dearly, through giving up two-thirds of the State of Washington. They ceded to the United States a vast territory which has contributed much to the economy of our country.

These treaties were entered into with the Indian tribes over 100 years ago, from 1850 to 1858. These treaties are still on the books today. They are the supreme law of the land and they must be respected and preserved.

These treaties have the same weight and effect as does any other treaty that we have ever entered into.

The only concession reserved to the Indians was the right of taking fish at all usual and accustomed grounds and if they are to be deprived of any part of this right they should be properly compensated.

This is an "aboriginal right" that they have possessed since time immemorial and this right is just as compensable as any real right that any of us have ever owned.

I have a great appreciation of the good citizenship of the Indians of my State and I take no issue here with treaty rights to fish on Indian reservations and accustomed fishing grounds. I believe these treaties are a part of our heritage—but solely, in support of fish conservation. I believe that these treaties should fit present day conditions in the overall consideration for maintaining our fishery resources.

American historians agree that so bountiful were fisheries resources in our early history that settlers could not conceive that the supply would ever be seriously impaired. Unfortunately, however, the presumption was not well founded. Nature could not compensate for the exploitive commercial and personal uses made by man of the fish. Natural breeding and spawning areas have been destroyed as our country has been settled more densely. Industrialization has resulted in waterway pollution. Particularly damaging to migratory fish life has been the construction of dams and water diversions for power and irrigation purposes.

As our fish runs began to decline, as the results of over fishing became evident, it became necessary to limit catches, to limit days of fishing—and all of these practices have been observed and respected by all citizens—with the exception of a small segment of our Indian fishermen.

With conservation and management of our great fish wealth becoming more and more important to guarantee its survival, I believe that it is absolutely necessary that the Indian fisheries be managed as a part of the total management picture and that in contrast to the fears of some persons, this management will benefit the Indians as well as their neighbors.

An immediate action plan to modify the effects of the unregulated Indian fishery is imperative. That change is necessary is indisputable—and there are many Indians who are in agreement with our conservation agencies.

I believe that the two Senate joint resolutions that I have today submitted for appropriate reference will provide a starting point for consideration of a workable and fair solution to this most vexatious question.

In my mind there is no question but that the Indian has historic special fishing rights and that these rights must be respected. However, I believe that these rights must be reviewed in the light of conservation today, so that the few—fewer than 1½ percent of the Indians—who are under neither tribal nor State controls do not destroy these fisheries for themselves, their fellow tribesmen and everyone else.

AMENDMENT OF ATOMIC ENERGY ACT OF 1954—ADDITIONAL COSPONSORS OF BILL

Under authority of the orders of the Senate of April 9 and 16, 1964, the names of Mr. Beall, Mr. Byrd of West Virginia, Mr. Cooper, Mr. Hartke, Mr. Lausche, Mr. McGee, Mr. Metcalf, Mr. Morton, and Mr. Randolph were added as additional cosponsors of the bill (S. 2720) to amend the Atomic Energy Act of 1954, as amended, to eliminate further waiver of fuel use charges and to establish a minimum charge for leasing atomic fuel to producers of power for sale, introduced by Mr. Moss on April 9, 1964.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. MOSS:

Statement by him of his income and financial holdings.

Article entitled "Quality Stabilization," published in the Wallpaper & Wallcoverings magazine.

SIXTEENTH ANNIVERSARY OF ISRAEL

Mr. HART. Mr. President, the people of Israel are celebrating their 16th birthday today—another milestone in human advancement.

Israel is still a young state. Its days are filled with action and progress. Its doors are open to Jewish refugees escaping from discrimination and persecution. And its doors are also open so that Israel envoys may go out to carry their nation's message to peoples all over the world. This is the message that peoples can advance to a higher standard of living, through cooperation and in freedom.

We like to believe that each year that Israel lives free from hostilities on her borders brings Israel closer to peace. But the celebration of Israel's birthday today is clouded by the realization that, 16 years after her creation, Israel's neighbors still refuse to recognize her, still threaten her with destruction. Indeed, in the last few months the dangers seem to have increased. Once again, Arab leaders have reaffirmed their determination to liquidate Israel and to continue to acquire weapons to make that possible. These threats cannot go unnoticed. Silence is not the answer to the threat of aggression.

Let us hope that the Arabs will reconsider and that some day soon they may come to realize that cooperation with Israel is of the highest interest to all the peoples in the Middle East. Let us help them to that realization by making it clear that the United States, both by guarantee and aid, is determined to reinforce Israel's security. At that time, as we aid all the peoples of the Middle East, let us consistently advocate negotiations looking toward a settlement. Peace must come and we must do all that we can to bring it about.

ORDER FOR RECESSES EVERY DAY NEXT WEEK UNTIL 10 A.M. EACH DAY

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate concludes its business on Saturday it stand in recess until 10 a.m. Monday, and that when it concludes its business each day next week it recess and that it meet each day at 10 a.m.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RECESS TO 10 A.M. TOMORROW

Mr. HART. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and (at 10 o'clock and 21 minutes p.m.) the Senate, under the order previously entered, took a recess until tomorrow, Saturday, April 18, 1964, at 10 o'clock a.m.

EXTENSIONS OF REMARKS

Statement by Senator Moss of His Income and Financial Holdings

EXTENSION OF REMARKS
OF
HON. FRANK E. MOSS
OF UTAH
IN THE SENATE OF THE UNITED STATES
Friday, April 17, 1964

Mr. MOSS. Mr. President, in the past few years, several Members of the Senate have voluntarily made public a statement of income and financial holdings. I now ask unanimous consent that such a statement on my part be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MOSS

Like Caesar's wife, a U.S. Senator should be above suspicion. I have, therefore, filed with the Senate a statement of my financial income and holdings and of my business connections.

I receive an annual salary of $22,500 from the U.S. Senate. I earn $788.66 annually in reserve training pay from the U.S. Air Force.

Since coming to the Senate, I have earned approximately $1,000 as honorariums for speeches.

I receive no income from the practice of law or from any business. Upon my election to the Senate, I withdrew from the law practice entirely and since then have received no income of any kind—present or future—from the law practice. My name remains on the door of my old law firm, but I have had no connection with or knowledge of the firm's business since 1958. I resigned from the boards of two corporations and sold my stock when elected to the Senate. I now have no connection with or income from any business corporation, partnership, or proprietorship.

My wife and I own an equity of about $4,000 in the home in which we live in Maryland. I also own an unimproved lot in Holladay, Utah, having a value of less than $500.

Besides our household and personal effects, we own a 1959 Rambler American and a 1960 Comet. We own U.S. savings bonds of face value of $1,250, a savings account of $3,244.53, and maintain a fluctuating checking account between $900 and $3,300.

We have two sons in college at the University of Utah; one son in junior high school in Maryland; and our daughter is married.

I think that the contents of this financial disclosure indicate why I felt no compelling reason to make it sooner. I believe, however, that all public officeholders, and those who seek public office, should make full disclosure of their income, financial assets, business relationships, and every other matter which might be a basis for conflict of interest. I know of no conflict of interest on my part.

Quality Stabilization

EXTENSION OF REMARKS
OF
HON. THRUSTON B. MORTON
OF KENTUCKY
IN THE SENATE OF THE UNITED STATES
Friday, April 17, 1964

Mr. MORTON. Mr. President, of the 24 Members of the House and the 11 Senators who are sponsoring the quality stabilization bill, none is more sincere and hard working in his efforts to enact this vital legislation than the distinguished senior Senator from California [Mr. KUCHEL], the Senate's assistant minority leader.

In a recent article published in the trade journal, Wallpaper and Wallcoverings, my colleague analyzed the terms and scope of the quality stabilization bill and offered his reasons for supporting this legislation. This article should be read and studied by everyone who seeks a solution to the current problems facing the Nation's retailers.

I ask unanimous consent, Mr. President, that the article referred to be printed in the Appendix of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUALITY STABILIZATION: NEW BILL MAY RELIEVE DECORATING PRODUCTS DEALER OF COMPETITION WOES

(By Senator THOMAS KUCHEL)

(Growing numbers of decorating products dealers across the country have expressed fear that they will be hard hit by unscrupulous merchandising tactics at the hands of discounters. Some dealers feel that their operations are relatively unaffected by discount competition; however, the appearance of many brand-name decorating products on discounter's shelves has given rise to a great deal of apprehension in many quarters of the paint and wallpaper field. Will loss-leader selling, bait advertising and the use of well-known product names by price cutters force many independent paint and wallpaper dealers out of business? The answer is an emphatic "Yes," many industrymen and retailers assert. Senator THOMAS H. KUCHEL, a California Republican, feels that the best interests of manufacturers and retailers of paint and wallpaper would best be served by the quality stabilization bill now before a subcommittee of the House Interstate Commerce Committee. Here, in an exclusive article for Wallpaper and Wallcoverings, Senator KUCHEL explains the provision of the measure and tells why he strongly supports it.)

Let me state very plainly: I am firmly committed to a vigorous, competitive free enterprise system.

Today, small business—an essential part of our American free enterprise system—is being pushed toward economic extinction. There is more than a casual relationship between this skyrocketing rate of retail business failures, and unfair, deceptive practices prevailing in the distribution of trademark, brand, and name products. If small business in America should be plowed under, a bruising blow would be dealt our system of free competitive enterprise. Regrettably, there is very real trend in this direction.

It will probably come as a surprise when I say that each day of the year in America some 1,200 retail establishments and other small businesses close their doors forever because of the distributional malady that has invaded our economic bloodstream. It is a sad commentary on this land of abundant opportunity when the marketplace is so disorganized that 438,000—nearly one-half million—businesses fail each year.

With these failures are the concomitant increases in unemployment, new additions to the welfare rolls, and many other human and economic disruptions.

Is it any wonder that we have 6 million unemployed in a nation that is looked upon as the most prosperous in the world? How can we as a nation hope to employ gainfully that static 6 percent of our work force which is unable to find jobs if we do not act to prevent these 1,200 daily business failures?

THREAT OF MASS MERCHANDISERS

The mass merchandisers say that by 1970 they will take over lock, stock, and barrel 80 percent of the retail business of the country.

An acknowledged expert even predicts that by 1966 about 50 giant retail organizations will control 50 percent of the Nation's total retail volume in practically all major merchandise classifications.

One of these huge discount chains lays it right on the line as to its practices. Its president has stated bluntly:

"We plan to own and operate our own traffic appliance departments. It will be simply a loss-leader operation. We are going to take a percentage of the store items that will identify value and use them as giveaways to build an image."

Thus, this gentleman confirms the use of two ingredients in the merchandising formula. The first is the low price, oftentimes a loss-leader baiting price, used in part to give the false impression that all of the store's prices, for all of its multitude of products, are also bargains. The second ingredient is the use of a reputable brand name as the bait.

KILLING COMPETITION

The pricing policies of the discount house may present deceptive attractiveness to the public, but the long-range result is almost certain to be a reduction in competition—and greater monopolistic concentration in distribution at severely higher costs to consumers. This clearly is not in the public interest.

Nor is it in the public interest that the marketplace in the last few years has degenerated to that resembling an oriental bazaar. The consumer has been the victim of come-ons; he has been baited, he has been switched, he has been gouged.

Commercial predators—and those who would fully merit the phrase and admonition common in my profession of the law, "caveat emptor"—are probably ancient in origin. What should concern us today is that the breed is growing in its pestilence, and in its effect on the more responsible members of our business community.

It is time for a legislative insecticide to be applied to this parasite of the free enterprise system, if the American system is to survive over one which believes solely in the fast buck.

Independent retailing in all fields—and this includes wallpaper and wallcoverings—is being relentlessly liquidated as a result of this unscrupulous price cutting. There may be, and probably are, other reasons for the decline of independent retailing. But the inability of the small storekeeper to sell—at a fair profit—the famous brand-name products which are his bread and butter, must come at, or near, the top of these reasons.

WHAT'S IN A NAME?

Four centuries ago, Shakespeare asked: "What's in a name?" Two centuries later, Thomas Campbell answered that there is "magic in a name." But it was for 20th century America to prove that Campbell was right, that in the world of commerce, the goodwill and quality which the name on a product represents have become an essential element of our distribution and marketing system.

The manufacturer has a great stake in protecting the goodwill and quality which the trademark, brand or name on his product implies. To permit this goodwill to be undermined by offering a product below actual production cost to build traffic for a store is not only wrong from the standpoint of ethical retailing, but destroys confidence in our entire pricing system. It is wrong morally and economically.

The predator hopes that these bait prices, rigged at profitless levels on recognized items of merchandise, will create the impression that such "bargains" abound in his store on all commodities. Simple economics tells us that this cannot be so, or even the price juggler soon would be among America's one-half million annual business casualties.

Continuance of the independent retailer is essential to the American distribution system. Many small manufacturers in the wallpaper and wallcovering industry, and in other industries, as well as distributors of drugs, gasoline, groceries, sportswear, toys, automobile parts and many others who have written me have a real stake in the economic growth of their community. They—and you—provide enormous strength to America.

As one writer told me: "The predator does not go down to the store at 3 a.m. to fill the prescription, or grant credit for groceries, or gasoline, or hardware items until the man can get another job. The local small businessman, an active and highly regarded member of the community, does."

NATIONAL LAW NEEDED

As a young State assemblyman in California over a quarter of a century ago, I vigorously advocated legislation to protect the legitimate retailer from the price slashers. I take the same position today on a national level. Federal law is urgently needed if we are to get at predatory pricing. I was delighted to join with my counterpart in the Senate on the other side of the aisle, Assistant Majority Leader HUBERT HUMPHREY, in leading a bipartisan coalition of Senators who are particularly interested in a solution to this growing problem by coauthoring S. 774, the quality stabilization measure. Twenty-three Representatives and 11 Senators have sponsored this much needed legislation.

They, along with other Members of Congress, have seen firsthand what is happening to businesses in their own States, in their own districts, and in their own communities. They know that this blight must be halted before the malady grows beyond cure.

The quality stabilization legislation is permissive, not mandatory. It does not require the owner of a trademark, brand, or name to set a uniform retail price unless he desires to do so to protect his product and his goodwill.

Only then could he use the provisions of the bill; only if his product was in free and open competition. This legislation does not require a set price on comparable articles sold by competitive manufacturers. It would not prevent the retailers from making a greater profit on volume sales because of a manufacturer's discount for quantity purchases. It would permit goods to be sold at any price after the trademark, or brand, or name is removed.

NONDISCRIMINATORY

The manufacturer, at his discretion, would be able to stop resellers from misrepresenting his product and from using it as "bait merchandise" by selling it at other than an established price or within a price range—by court action, if necessary.

The bill does not discriminate against discount houses. It says to the discount house, just as it says to the corner druggist, the small hardware store, and to all retailers, don't misuse someone else's property—and a trademark is property which the manufacturer does not relinquish even when he sells his merchandise to a reseller.

Under the quality stabilization measure, the discounter has four honorable choices:

1. He, along with all other merchants using a name brand under the proposed act, must respect pricing requirements of the manufacturer.
2. He may remove the manufacturer's trademark, brand, or name and sell a product at any price he desires.
3. He may refuse to handle the product.
4. He may stock private brands.

The giant stores opposing S. 774 obviously have the financial strength to develop their own private brands. In many cases they are already doing so. They already have. Thus, large merchandisers would be creating business on the strength of their own reputation.

NO PROTECTION FOR INEFFICIENCY

This legislation does not protect the inefficient producer or reseller from elimination if he fails to provide consumers with quality merchandise and the kind of high-type service they have come to expect. It would prevent those with large accumulations of capital, and little interest in service, from using unfair practices to increase the rate of the small retailer's demise.

The House Committee on Interstate and Foreign Commerce recognized the long overdue need for this legislation when it reported favorably on H.R. 3669, a companion bill to S. 774. Only 1 Representative on the 33-man committee filed a minority report opposing the measure.

In this long hard fight to make for a more vibrant and stronger economy in the marketplace, the opponents of quality stabilization have not been asleep. They have raised a tremendous slush fund to bring every pressure to bear on Congress to defeat this most necessary legislation.

They are using every type of false and misleading propaganda to make consumers—the very people who have the most to gain from this measure—believe that it would increase prices to them. Nothing could be further from the truth, since it would force the mass merchandisers to use their own unbranded merchandise for loss-leader selling—meaning lower prices to consumers.

YOUR DUTY TO YOURSELF

Moreover, many editors have been misled by this propaganda and, as a result, have been berating Congress in behalf of the opposition. Newspaper editors across the country would cry to high heaven if a law should be passed decreeing that newsdealers must be allowed to sell newspapers at any price they desired—to use them as loss leaders, if they cared to, to sell magazines and other merchandise. But these editors forget that their one protection in maintaining the quality of their papers is the fact that they are permitted to fix their resale price.

As an elected representative of the people, I can assure you that the thoughtful letter detailing the effect of legislation on one's life and one's business is meaningful.

You, as citizens and businessmen, have a duty to perform, as does Congress and the President.

Congressmen not only welcome letters from their constituents, they read them carefully and are influenced by what they say. Remember, we are human. If we receive a preponderance of letters in favor or in opposition to a given measure, naturally we are going to be influenced by them.

I know that members of the wallpaper and wall-covering industry believe that passage of the quality stabilization measure would go far toward remedying many of the insidious diseases which now infect the American marketplace.

So, if you want the Congress and the President to stand up and be counted on this matter, your immediate duty to yourself, to your employees, and to your customers is to write your Senators and Representatives—now—and let them know where you stand on quality stabilization.

SENATE

SATURDAY, APRIL 18, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, as the end of a draining week draws near, we pause at this wayside altar not just in a passing gesture of devotion and then to go on our busy way with our lives empty of Thee; rather we come to ask Thy presence and Thy guidance as this day and in the days that loom ahead there is faced in this Chamber the stress of decision, the strain of toil, the weight of responsibility, and the solemn call of duty.

May freedom's cause be so defended and extended in all the earth by what is done here that there will be no bitter disillusionment of mankind's hopes and no black despair in the lot of our children after us, as they take this shattered and divided planet from our hands.

We ask it in the name of that One at whose birth peace was bequeathed to all men of good will. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 17, 1964, was dispensed with.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 150 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Bennett
Bible
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Dodd
Dominick
Ellender
Fong
Hart
Hayden
Humphrey
Inouye
Javits
Johnston
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Saltonstall
Smith
Sparkman
Symington
Walters
Williams, N.J.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Illinois [Mr. Douglas], the Senator from Arkansas [Mr. Fulbright], the Senator from North Carolina [Mr. Ervin], the Senator from Alaska [Mr. Gruening], the Senator from Florida [Mr. Holland], the Senator from Washington [Mr. Jackson], the Senator from Massachusetts [Mr. Kennedy], the Senator from Louisiana [Mr. Long], the Senator from Oregon [Mrs. Neuberger], the Senator from Georgia [Mr. Russell], the Senator from South Carolina [Mr. Thurmond], and the Senator from Ohio [Mr. Young] are absent on official business.

I also announce that the Senator from West Virginia [Mr. Byrd], the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], the Senator from California [Mr. Engle], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Alabama [Mr. Hill], the Senator from North Carolina [Mr. Jordan], the Senator from Arkansas [Mr. McClellan], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from Rhode Island [Mr. Pastore], the Senator from Florida [Mr. Smathers], the Senator from Mississippi [Mr. Stennis], the Senator from Georgia [Mr. Talmadge], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. Beall], the Senators from Delaware [Mr. Boggs and Mr. Williams], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Illinois [Mr. Dirksen], the Senator from Arizona [Mr. Goldwater], the Senator from Iowa [Mr. Hickenlooper], the Senator from New Mexico [Mr. Mechem], the Senator from Pennsylvania [Mr. Scott], the Senator from Wyoming [Mr. Simpson], the Senator from Texas [Mr. Tower], and the Senator from North Dakota [Mr. Young] are necessarily absent.

The PRESIDING OFFICER (Mr. McGovern in the chair). A quorum is present.

CIVIL RIGHTS ACT OF 1963

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. PROXMIRE. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. Proxmire] is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the majority whip [Mr. Humphrey] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, do I correctly understand that the pending business has been laid before the Senate?

The PRESIDING OFFICER. The Senator is correct.

THE DEPLORABLE SITUATION IN OUR LIBRARIES

Mr. HUMPHREY. Mr. President, today marks the conclusion of National Library Week—a week dedicated to encouraging support for improved library services in our Nation.

Congress has recognized the importance of better facilities to the Nation, first through enacting the Library Services Act, and more recently by broadening its scope and increasing authorized funds. Without adequate libraries we know we cannot legislate, our business and community groups cannot function effectively, and our schools cannot educate. Yes, we have recognized the need for more adequate libraries nationally, in both rural and urban areas, but we have consistently turned a deaf ear to the library needs of the District of Columbia Schools.

The District of Columbia Committee for National Library Week has performed a noteworthy service in attracting attention to this situation, one which finds our Nation's Capital with one of the poorest library services of any school district in the country.

Not one of the 135 elementary schools has a professionally trained librarian. None of the five vocational schools has one. At the junior high school level there are but 11 librarians for the 25 schools. While our new elementary schools do have libraries, they are woefully inadequate. The Wilson School at Sixth and K Streets NE. contains only 350 books, to serve the needs of over 900 students. This is preposterous.

Good libraries are a necessity in any school if it is to truly educate. They are even more vital in those schools where the students come from homes without books, without good periodicals, and without newspapers. Here, where so little is being done is precisely where we should be doing the most.

We have many individual dedicated volunteers and citizens groups who are doing more than their share to help in this matter. It is time we, as Members of Congress, meet our responsibilities. The school libraries of our Nation's Capital should be a source of national pride, not national shame. Therefore, as a member of the District of Columbia Appropriations Subcommittee, I shall request a substantial increase in order to provide for the hiring of trained librarians and the purchase of books.

Mr. President, I ask unanimous consent that certain material relating to National Library Week and the District of Columbia school libraries be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 6, 1964]

School Libraries Here Held Victims of Neglect

Washington's neglected school libraries are not expected to win any honors when National Library Week starts April 12, the committee for the event reported yesterday.

The city has some of the most inferior facilities in the country, the group said. Yesterday the committee singled out these situations for special attention:

Not one of the 135 elementary schools has a professional librarian and most have no library at all. Those that do exist all are below minimum accepted standards.

There are no librarians at any of the five vocational schools.

Some of the newer schools equipped with fine libraries, are missing one important element: books.

What particularly alarmed the committee was the fact that many elementary school children are being deprived of library service during the crucial time when they are learning to read.

POOR AREAS HURT MOST

In the case of children who live in poor homes, where books are scarce, the need is even greater, it is pointed out.

An article in the October issue of School Life by Dr. Richard Darling of the Office of Education stated that "culturally deprived" children often find that their textbooks have nothing to do with their own experiences.

Hence, Dr. Darling wrote, school libraries are essential as places where poor children may get reading materials and picture books of greater interest than textbooks.

In Washington, even some elementary schools fortunate enough to have libraries operate them in substandard facilities the group said. At the Bunker Hill School, for instance, parents run the library in a hallway, the committee reported.

And at Hine Junior High School, "tides of children sweep in and out of the library all day, because it is used as a classroom," the report said.

JUNIOR HIGH SCHOOLS

The committee reported that the situation is somewhat better in the junior high schools, where there are 11 libraries for 25 schools, and in the senior high schools, where there is a full-time librarian for each.

But even in high schools, the annual appropriation for books of $1 a student is far below the $4 per student which the American Library Association calls "rock bottom minimum."

For elementary schools, the per child appropriation for books recently was increased from nothing to 50 cents.

Whether or not library facilities will be improved next year depends on the action taken by Congress on the District appropriations bill, the committee noted.

The House has approved funds for eight professional elementary school librarians. Volunteers now staff existing facilities.

URBAN SYSTEMS

In general, Dr. Darling's article said, big urban school systems are spending less for books than the smaller systems.

The situation in District schools is in sharp contrast to the pioneering that is taking place inside Federal libraries in the Washington area, the committee said.

The National Library of Medicine in Bethesda and the National Agricultural Library here are partially automated.

A just-published report on "Automation and the Library of Congress" foresees the time when the Library will use computers to search for documents and information.

The time when schools here will use such modern techniques is apparently a long way off, however, Verner Clapp, executive director of the Council on Library Resources here, called the school library facilities here "about the worst in the country."

[From the Washington Post, Apr. 7, 1964]

CITIZEN GROUP ASSAILS LACK OF SCHOOL BOOKS

The virtually bookless shelves of the J. O. Wilson Elementary School library were the backdrop yesterday for a discussion by 50 leading citizens to point up library needs here.

Charles Horsky, Presidential Adviser on National Capital Affairs, called the nearly empty shelves "a painful reminder of how inadequately equipped our schools are."

School Superintendent Carl F. Hansen said that permanent library facilities has been authorized only since 1948 for grade schools.

Of 135 schools, only 25 have libraries. None of these has a librarian and few have any books.

POOREST IN COUNTRY

Representative FRED SCHWENGEL, Republican, of Iowa, said the District had one of the "poorest public school systems in the country" and the "lack of libraries is but one important part of it."

Assistant School Superintendent John D. Koontz said that many overcrowded schools are forced to use libraries for classroom. He said the schools in the J. O. Wilson area, Sixth and K Streets NE., are "25 to 20 percent overcrowded and no relief is in sight."

Wilson was built 3 years ago. Its capacity is 926 students and the enrollment is already at 982. Of about 150 book shelves in its library, only 13 were filled.

BELOW STANDARD

"We have a total of 350 books, or about 1 for every 3 children," the principal, Eugenia Williams, explained. Commonly accepted standards call for seven books per child.

One of the boys who guided guests to the library, Charles Perkins, a sixth-grader, said he'd been in the library once before in the last 3 years.

The first 2 years he was at the school, he said, the library was closed because there were no books. "Now there aren't enough books to go around," he went on, "but we share them."

[From the Washington Post, Apr. 13, 1964]

THE KEY

A library is one of the very rare public investments that constitutes its own justification. It does not need supporting statistics to show that it raises the tax base, or attracts new industry, or combats juvenile delinquency. Perhaps a library does all of those things, in a fashion too indirect for statistical demonstration. But essentially a library symbolizes the purpose that all the rest of the apparatus of government is working toward.

Washington enjoys the magnificent scholarly resources of the great Library of Congress, the Archives, the specialized libraries like the Folger and the Library of Medicine. But the university libraries here are not remarkable, and the community libraries, are drained by a public passion for reading that vastly outreaches their ability to keep their shelves filled. Washington still hopes for the money to build a new central library, and to develop our starved school libraries and keep them open after school hours.

A fitting moment to take stock of our libraries, this is National Library Week and, as well, the season in which our municipal budgets are voted. Library Week offers us a slogan: "Reading is the key." It is the very key to civilization.

[From the Washington Post, Apr. 18, 1964]

READING FOR FUN

Observance of National Library Week is being focused in Washington, quite fittingly, on the schools. The reason is that this community's school libraries are woefully inadequate. They lack the money they need for books. Congress appropriates funds amounting to $1 per pupil for book purchases as compared with the rock bottom minimum of $4 per pupil per year set as a standard by the American Library Association; and for elementary school pupils here Congress allows only 50 cents per pupil.

The situation regarding librarians is perhaps even more serious. Although the senior high schools have full-time, professionally trained librarians, there are none in the vocational high schools, only 11 for the 25 junior high schools, and none at all in the 135 elementary schools. At the elementary level, library rooms are provided in the new buildings; but only volunteer librarians are available to run them.

In classrooms, children are taught how to read. This is to say that they learn how to translate the mysterious symbols called letters into words which they have heard and come to understand. This serves to enable them to decipher instructions or to follow signs or to do other elementary things for which reading is an indispensable tool. But this is a far cry from becoming a reader—from learning to read for fun.

Libraries are places for readers; they foster reading for its own sake. They are quintessential to schools because they make available to pupils the delights of reading. They present treasures to those who have learned to use them. A school without a library is a school which says to its pupils that what it teaches is of no use and of no importance; it is a school which betrays its very purpose.

And this is truest of all at the elementary level where the habit of reading can best be formed. Pupils who become readers are pupils to whom the world's doors have been opened. Let the schools make readers of their children and they will have conquered delinquency and put an end to poverty.

[From the Washington Evening Star, Apr. 7, 1964]

EX-BIBLIOPHOBE RAPS POOR SCHOOL LIBRARIES

A Congressman who once was something of a bibliophobe yesterday decried the unstocked and unstaffed condition of libraries in the District's public schools.

Representative SCHWENGEL, Republican, of Iowa, said the lack of equipped libraries is only one lack but it is an important lack.

Despite the efforts of School Superintendent Carl F. Hansen and his staff, Mr. SCHWENGEL said the District has one of the poorest public school library systems of any city its size.

Mr. SCHWENGEL, who recalled that he graduated from high school despising books but later became a collector, spoke at a meeting of the District of Columbia Committee for National Library Week.

The committee, which will direct the observance of library week beginning next Sunday, met in the J. O. Wilson Elementary School, which has 350 library books for its 982 students.

The District's 135 elementary schools and 5 vocational high schools have no professional librarians and few books.

The House has approved funds in the fiscal 1965 budget for 8 elementary librarians and 3 for the vocational schools. The House also has agreed to make 11 temporary librarian positions for the junior high schools permanent.

Dr. Hansen, a member of the committee, said there was some encouragement in recent action of Congress in approving funds for initial stocking of libraries in new schools.

He said the reason libraries aren't better stocked was the overcrowded classroom and teacher shortage problems which the school system had to attack first.

Charles Horsky, presidential adviser on National Capital affairs, said there was reason for hope in the growing recognition of the inadequacies of school libraries here.

[From the Washington Evening Star, Apr. 11, 1964]

EMPTY LIBRARIES

It is a deplorable fact that the Nation's Capital's public schools lag far behind most cities of comparable size in the essential tools of learning—libraries, books and professional librarians. At the elementary level, most of the 135 schools have no library or librarian of any kind. Not one has a professionally staffed central library.

If it were not for the devoted work of civic volunteers, these schools would be hopelessly neglected. But volunteers cannot furnish all the time and attention that the problem requires, even though they know the indispensability of books. As one of them put it:

"If small children can be led to develop the reading habit, if they come to think of reading as a road to achievement and satisfaction and even pleasure, they are on their way to becoming educated citizens. And once they are firmly on their way, no one need worry very much about their becoming delinquents or enemies of the community."

Anyone who has reared children and sought to inculcate good reading habits knows the truth of that statement. Washington's schools need more and better libraries at every grade level.

Fortunately, Congress has made a start, though ever so small, toward supplying more books and librarians.

EDITORIAL BROADCAST APRIL 7, 1964, OVER WTOP TELEVISION AND WTOP RADIO

This is a WTOP editorial.

One of the matters the city should be very concerned about is the inadequacy of library facilities in the public schools of the District of Columbia. Informed descriptions of school libraries range from "inadequate," at the most optmistic, to "poor" and "pathetic." In the senior high schools, school libraries are, at best, barely sufficient to the need. In the junior high schools, library standards are even less satisfactory in terms of library and shelf space, the number of volumes and the professional library staff. Among the 135 elementary schools, the situation is shocking. Only 25 of the elementary school buildings have library rooms and some of these have few, if any, books. As of today, about 85 of the District's elementary schools have no libraries of any description, a situation which dramatizes the substandard quality of the entire school library setup.

The idea of conducting a school at any grade level without an adequate library is absurd because, of all the ways human beings transmit knowledge from one generation to another, books offer the most efficient method. In our increasingly complex society, in which the amassing of information seems to proceed by geometric progression, a child—even in the lowest grades—must be made aware quickly of what a library is and how to use it. This is particularly true in the District, where a sizable number of children come from what are called culturally deprived homes and must receive from their public schools a respect for learning and how to acquire it.

Some progress toward a better library system is being made; more money is being made available by Congress for personnel and facilities. But nobody in this city should be content until Washington has one of the best, not one of the worst, school library systems in the country.

This was a WTOP editorial, Jack Jurey speaking for WTOP.

SCHOOL LIBRARIES IN THE DISTRICT OF COLUMBIA

Despite recent encouraging progress in the necessary appropriations last year and thus far this year, libraries in the public schools of the Nation's Capital remain far below recognized professional standards and most cities of like size. This is particularly true in the city's 135 elementary schools, not one of which has a professionally staffed central library. It is at the elementary school level that school library service is so essential to help students develop the key skill of reading, on which their whole educational, vocational, and cultural future will depend. The progress that has been made in the last few years has been due to a few key Members of Congress, public spirited individuals, and organizations such as the Action Committee for District of Columbia School Libraries, and to teachers and administrators in the school system. The National Capital still has a long way to go in school libraries.

THE PRESENT SITUATION

On the elementary level, not one of 135 schools has either a library meeting American Library Association standards, or a professionally trained librarian. Most elementary schools have no library or librarian of any kind. Some of the schools, both old and new, have space for a library. About 15 have nucleus or "transitional" collections assembled by the gift of a few civic-minded organizations. A number of schools are served by volunteer librarians organized by groups such as the Junior League, the Urban Service Corps, or the National Council of Jewish Women.

These civic-minded women are working in schools other than the ones which their own children attend. In other schools, members of the Parent-Teacher or the home and school associations of the particular school take turns serving as librarians.

On the junior high school level there are 11 librarians for 25 schools; thus, each librarian works part time only in two schools. These are professionally trained librarians. Their positions, however, are classified as temporary, which means that the librarian with a master's degree is halted at step five on the salary schedule instead of being permitted to continue upwards as do other career educators.

The senior high schools each have a full-time, permanent, professionally trained librarian, but there are at present no librarians in the five vocational high schools.

In general the physical facilities for school libraries, especially in the older schools, are also far below standard. For example: at the Bunker Hill School, parents operate a library in a hallway. At Hine Junior High School, as in several others, tides of children sweep in and out of the library all day, because it must be used as a classroom. At the new J. O. Wilson Elementary School there is a fine library room, and even shelves, but no professional librarian and very few books.

PENDING APPROPRIATIONS

Until the current fiscal year, ending June 30, 1964, no money had ever been appropriated for books for elementary school libraries. This year there is an appropriation of 50 cents per child. The previous annual appropriation for books on the junior high school level was 56 cents per child; now it is $1. The yearly book appropriation for senior high schools was 78 cents, for vocational high schools 74 cents; they are both now $1 per child. This compares with the standards for school library programs of the American Library Association of a rock bottom minimum of $4 per pupil per year for books.

For the next fiscal year, the House of Representatives has completed action on the District appropriation bill, H.R. 10199. Hearings have been completed by the District of Columbia Subcommittee of the Senate Appropriations Committee, but no further action has yet been taken.

The House has approved funds for 8 professional librarians on the elementary school level, for 13 permanent positions in the junior high schools, for 3 new librarians in the vocational high schools, and 1 for the Sharpe Health School.

The House also granted the request for $2,500 for book purchases in each elementary school which will get an elementary school librarian under its bill. New library space suffered with the cutting of the construction allocation; in older schools this has also meant that existing library space has to be taken over for classrooms.

Thus, although for the first time progress has been made, the District of Columbia public schools are still far below recognized standards for school librarians at every level, but particularly in the elementary schools.

THE IMPORTANCE OF SCHOOL LIBRARIES

It is on the lower grade levels, among the younger children, that the use and enjoyment of libraries should begin. In the words of one of our volunteer elementary-school librarians:

"We have learned that it is one of the most vital and important aspects of the learning process for small children. * * * Libraries are supplementary to classrooms in much the same way that books are supplementary to teachers. The aim of elementary education is to get a child interested in learning—in the enlargement of his understanding. Reading is the means, the indispensable means, by which this is done.

"If children can be led to develop reading as a habit, if they come to think of reading as a road to achievement and satisfaction and even pleasure, they are on their way to becoming educated citizens: and once they are firmly on that way, no one need worry very much about their becoming delinquents or enemies of the community."

THE GOAL

The community should honor its devoted volunteer librarians, and the organizations to which they belong. They are working with children imaginatively to help them want to read and to introduce them to the whole world of books. In addition, they provide the highly important functions of organizations and planning for maximum use of the books by children and teachers.

What the Nation's Capital needs are centralized libraries of an adequate standard in the elementary schools, in the junior high schools, in the vocational high schools and in the senior high schools; full-time professionally trained librarians to work in them; and the books and other materials for the students to use and enjoy.

A summary of the major quantitative standards for District of Columbia school libraries

ELEMENTARY SCHOOLS

Personnel by 1968	Total needed, 1964–68	New positions, 1964–68	Annual expenditures	Size of the collections	Location in school	Professional library, each school
1. Librarians: For each administrative unit, 1 full-time librarian. 2. Clerks: For each librarian, 1 day per week clerical service.	108 librarians, 22 clerks.	108 librarians, 22 clerks.	1. Books: $750 in schools with fewer than 500 pupils. $1.50 per pupil in schools with 500 or more pupils. 2. 50 cents per pupil for reference books, recordings, film strips, pictures. 3. 30 cents per pupil for magazines. 4. 30 cents per book for cataloging, processing.	1. Books: In schools with fewer than 499 pupils, 2,500 books. In schools with 500 or more pupils, 5 books per pupil. 2. 25 magazine titles. 3. Phonograph recordings, film strips, picture collection.	1. Library area, with seating for 45 to 55. 2. Classroom collections on short- or long-term loans from school library.	1. At least $200 to $800, depending on size of faculty. 2. Books: At least 200 to 1,000 titles. 3. Magazines: At least 25 professional magazine titles.

A summary of the major quantitative standards for District of Columbia school libraries—Continued

SECONDARY SCHOOLS

1. Librarians: For each junior and senior high school, 1 full-time librarian. 2. Clerks: For each junior and senior high school, 1 full-time clerk-typist. For office of Supervising Director, 3 clerk-typists.	1. Librarians, 49: Senior high, 13; junior high, 31; vocational, 4; Sharpe, 1. 2. Clerks, 49. 3. Supervising Director: Clerks, 3.	1. Librarians, 26: Senior high, 1; junior high, 20; vocational, 4; Sharpe, 1. 2. Clerks, 52: In libraries, 49; in Supervising Director's office, 3.	1. Funds for regular library books: In schools with fewer than 500 students, $1,500. In schools with 500 or more students, $3 per student. 2. Funds for reference books, recordings, film strips, pamphlets, $1 per student. 3. Funds for magazines, newspapers, 75 cents per student. 4. Funds for rebinding books, $350 per school. 5. Supplies for cataloging, processing books, 30 cents per book.	1. Books: In schools with fewer than 999 students, 5,000 books. In schools with 1,000 or more students, 5 books per student. 2. Magazines: Junior highs, 70 titles; senior highs, 120 titles; vocational, 70 titles, plus at least 3 titles in the areas of librarianship and instructional materials. 3. Newspapers, 3. 4. Extensive collection of pamphlets covering wide range of subjects.	1. Library area with seating for 45 to 55 in schools with 600 students or fewer. Seating for up to 80 in schools having 601 or more students. 2. Classroom collections on short- or long-term loans from the school library.	1. At least $200 to $800, depending on size of faculty. 2. Books: At least 200 to 1,000 titles. 3. Magazines: At least 25 to 50 professional magazine titles.

THE NATIONAL LIBRARY WEEK PROGRAM

PURPOSE

The National Library Week program is a vountary citizens' movement dedicated to the long-range goal of encouraging lifetime reading habits, increasing people's use of libraries, and expanding and improving the total reading and library resources of the Nation.

Simultaneous explosions in population, knowledge and technology create relentless new pressures for reading materials and for their maximum use and availability. Those who sponsor and participate in the program firmly believe that reading and libraries are truly means toward the full pursuit of life, liberty and happiness and are essential to the development of an informed, creative citizenry capable of making the many harsh choices and complex decisions that confront our society each day.

SPONSORSHIP

National Library Week is sponsored by the National Book Committee, Inc., in cooperation with the American Library Association. More than 60 national organizations of all kinds participate actively in the program.

SCOPE

Each April, nationally and in some 5,000 communities throughout the several States, Library Week is both the climax and the starting point of many year-round activities that spur Americans to read more and to accept the responsibility for making reading opportunities more available to others.

The week enlists wide support because it presents reading as a desirable activity appealing to the various motives that impel people of all age groups to read—for enjoyment, for inspiration, for knowledge.

The tremendous public response to the program from its inception in 1958 gives clear evidence of widespread belief in its objectives and of a general concern for the quality of intellectual life in the community and in the Nation. Thousands of librarians, publishers, magazine and newspaper editors, authors, broadcasters and civic, education, business, religious and professional leaders have devoted their time, skills and money to the success of the program. Presidents Kennedy, Eisenhower, Truman and Hoover have led scores of other high officials in reminding Americans that the freedom to read and the free access to adequate reading materials are both the privilege and the responsibility of a free, democratic society.

SOME COMMENTS

"Good libraries are as essential to an educated and informed people as the school system itself. The library is not only the custodian of our cultural heritage but the key to progress and the advancement of knowledge * * *. National Library Week should help us recognize the enormous need and challenging potential of the public and school library system."—John F. Kennedy.

"The library profession and American education are deeply indebted to the National Book Committee and National Library Week * * * the increasing emphasis on reading in the schools and colleges, the growing improvement in the status of librarianship and the increasing support for libraries everywhere are, in large part, a consequence of the dedicated and enlightened work of these groups."—Frederick H. Wagman, president, American Library Association.

"Since ours is a society based on the choices made by the many rather than the few, its greatest strength lies in an informed citizenry. This means listening and watching and thinking but, above all reading. My experience with the tremendous public response to National Library Week—the program dedicated to reminding America of these things and encouraging citizens to do something about them—has convinced me that there is a widespread latent hunger for reading and the new worlds it can open."—William I. Nichols, editor and publisher, This Week magazine.

"This week is important to us as teachers * * * [it] is an opportunity for us to interpret the increasingly major role that reading and the use of libraries play in helping us to help young people and adults to realize their full potential and attain their educational goals."—Hazel Blanchard, president (1963), National Education Association.

READ THE SHOCKING TRUTH ABOUT THE CASE OF THE MISSING LIBRARIES

For more than 18 million U.S. citizens, the public library is missing. Completely. For another 110 million, the good public library they have a right to expect in this richest Nation in history is also missing. In its place are only substandard, outdated, and overstrained substitutes. The median age of public library buildings in this country is 53 years; 85 percent built before 1920.

In more than half the public schools in the land (55,000) the central school library is also missing. Nearly 11 million young people attend these schools. And this is true today when educators agree unanimously that quality education without the resources of a good library is impossible.

At our colleges and universities, the situation is worse, not better. More than 75 percent of our 4-year colleges and more than 90 percent of our 2-year institutions fail to meet minimum recommended standards for academic libraries. Financially, more than 60 percent fall short of providing minimum recommended support for their libraries—5 percent of the total educational budget.

DON'T FORGET VOLUME II—THE CASE OF THE MISSING LIBRARIANS

In the public schools currently, there is only one professional librarian for every 1,700 pupils. The recommended minimum is one trained librarian for every 300 students. In fact, if present standards for all libraries—public, school, and college—were to be met by 1965, we would need 125,000 trained librarians. Only 2,563 library degrees are conferred each year. Right now there are approximately 18 jobs awaiting each graduate of a library school. And starting salaries are $6,000 a year—and getting better.

In the century from 1800 to 1900, the sum total of man's knowledge doubled; it doubled again from 1900 to 1950; it will more than double by 1975. Latest estimates are that it is now doubling every 15 or 20 years. Sooner or later, this torrent of lore must find its way into a society's libraries if mankind's tomorrows are to benefit from his yesterdays.

By 1970, the U.S. population will be 214 million—up 34 million from the 1960 census. The elimination of illiteracy and cultural deprivation are urgent national goals. Against this background, the foregoing selected facts have compelling relevance for our times.

To find out what you can do to help, contact any librarian.

NOTE.—All statistics are from latest U.S. Office of Education figures. Standards referred to are recommendations of the American Library Association and its divisions. Prepared by the National Library Week program. April 1964.

RULE OF GERMANENESS WAIVED

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the rule of germaneness be waived.

The PRESIDING OFFICER. Without objection, the germaneness rule is waived.

McNAMARA'S WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, will the Senator from Wisconsin yield to me?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from Oregon without losing my right to the floor.

Mr. MORSE. And with the understanding that my intervention will not count as the beginning of a second speech when the Senator from Wisconsin resumes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, today's press carries reports of Richard Nixon's election year prescription for our troubles in Vietnam—more war. He proposes to carry the war beyond the borders of South Vietnam into Laos and North Vietnam.

I would like to see Mr. Nixon enter a primary race somewhere and campaign on that platform. The bugle call for sending the Marines into Cuba was greeted in New Hampshire with a thunder of silence, and I am certain that the American people are infinitely less anxious to make war on the mainland of Asia than they are to make war on Cuba.

In this election year, Mr. Nixon has trotted out all the old cliches that one might hope had been buried with General MacArthur—"privileged sanctuary," and "no substitute for victory."

The interesting thing about Asia is that the French, British, and Dutch have never discovered what victory is in Asia. France fought for 8 years on the same ground we are now fighting on in Vietnam. Every battle was called a victory; every month was said to bring victory into sight; every year was called the one when the victory would be achieved.

Suddenly, France quit. Her people had had enough.

Now, Mr. Nixon has decided that the problem with the war over there is that it is not big enough. He wants to expand it. He wants the United States to attack North Vietnam. He wants to replace the shred of legal right we have to help South Vietnam defend herself with a naked aggression by the United States 7,000 miles from home.

General MacArthur was wrong in thinking Red China would tolerate an American advance toward her borders in Korea. Why does Richard Nixon think an American attack on North Vietnam will be greeted any differently by China?

The Nixon prescription for war in Asia will mean an American involvement in war with China that could bleed this country for decades. It is bad enough that Secretary McNamara has promised that we will fight in South Vietnam "forever" without Mr. Nixon urging that we will fight in North Vietnam, and very likely in China, as well.

It must be remembered that Dick Nixon is a longtime advocate of war in Asia. In April of 1954, when France was passing the word that she had had about enough in Indochina, it was Dick Nixon who spoke in New York City, in his capacity as Vice President of the United States, to suggest that American forces might be sent to Indochina. Nixon was sounding out American opinion on the possibility of replacing the French in Indochina.

His trial balloon turned out to be made of lead. The American people and the Congress did not buy it. Neither did our allies. So direct intervention by American forces was not tried then.

But the then Secretary of State, Mr. Dulles, did something else. He refused to sign the treaty whereby France left Indochina, and the country was divided into four parts. He also put the financial backing of the United States behind a puppet of our own, who was elected to carry out American interests in that part of the world.

In effect, the United States created its own protectorate in South Vietnam. Far from limiting our support to the original organizer of its government—President Diem—we encouraged his overthrow when he proved inefficient, and we have since supported two subsequent military juntas.

These puppets have proved no more capable of sustaining themselves alone than were the French puppets. We have had to put American troops in to help keep our men in power.

Now, Dick Nixon, the original advocate of direct American military participation in an Asian war, is urging the same thing 10 years later; namely, that we not only defend South Vietnam but that we make war on North Vietnam. Let there be no mistake that this would not be a South Vietnamese war, but an American war.

The first proposal is for air strikes into Laos and North Vietnam. What can we expect them to accomplish? Thanks to the large numbers of American aircraft in South Vietnam, manned by Americans, the government forces have complete control of the air in South Vietnam. We have dozens of U.S. helicopters and unlimited fighters and bombers, flown by American military personnel. Our control of the air is undisputed.

The Vietcong has no air force at all. It has no air strength. It never has had any airpower to use in that conflict.

If airpower and control of the air were all its advocates claim for it, why is the Vietcong doing so well without it? More important, why do the advocates of air attacks on North Vietnam think they will be successful in disrupting supply and communication lines? If Vietcong bases in South Vietnam cannot be destroyed with air and ground forces together, how are we to destroy bases in North Vietnam with air attacks alone?

The Nixon thesis of air attacks on bases in North Vietnam is only the first installment on direct American fighting in Vietnam. When the air attacks fail, then we will say the only thing left is to send American ground troops to do the job.

This has been a consistent pattern for drawing this country into a war in Asia a piece at a time. Far from being a pattern set down by our enemies, it is the pattern of our own Government. It must be repudiated by the American people before it is too late, just as they repudiated the invitation to send marines into Cuba.

Mr. President, a week ago this morning I discussed on the floor of the Senate the situation which developed in South Korea in connection with the cliche, "There is no substitute for victory."

I pointed out at that time that I had grown a little weary of the unfair, false, libelous, and slanderous attacks made on a man who was the great President of the United States at the time of the South Korean conflict—Harry Truman.

I said that since that time, when he was subjected to all the bombardments of criticism, the facts had become known. He was not in position to make them clear. There were Senators in the Chamber last Saturday morning who expressed great surprise at what I said. They did not know it. I do not know where they have been. But it has been known for some time that at the time President Truman was being urged to bomb beyond the Yalu, the United States did not control the air in Asia. All the top military officials of the country—save and except one, General MacArthur—advised the President of the United States that if we did bomb beyond the Yalu and the Red Chinese and the Russians decided to come in, they would massacre American forces in South Korea with only one port of escape, namely, Pusan.

Our intelligence indicated that the probabilities were great that Red China and Red Russia would come in. We had so depleted our airpower by that time that Russia, and not the United States, controlled the skies of the world.

It was after that top military advice had been given to President Truman that the orders went out canceling any plan to bomb beyond the Yalu.

Mr. President, by coincidence, last Monday Drew Pearson published a column which I placed in the RECORD on that day—and I was as surprised as anyone to read the column—in which he brought out some of the facts in regard to the lack of American airpower at the time of the South Korean war, when the cliche was being used, "There is no substitute for victory."

In this morning's press, there is another Pearson column, written by Jack Anderson, entitled "Why No A-Bombs Fell in Korea." I ask unanimous consent to have the article printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 18, 1964]

WHY NO A-BOMB FELL IN KOREA

(By Jack Anderson)

One of the most important points raised by Gen. Douglas MacArthur in his posthumous criticism of President Truman and Great Britain regarding the Korean war was their ban against use of the atomic bomb. According to General MacArthur, dropping 30 to 50 A-bombs would have brought victory for the United States in Korea.

The hitherto confidential files of the Defense Department, however, show that there were two very important factors wrong with General MacArthur's strategy.

1. The United States at that time had only 20 atomic bombs, and MacArthur wanted to use more than we actually had. This left nothing in reserve in case the Communists retaliated against Berlin or other parts of Europe, as we feared.

2. It was impossible to locate sufficient concentrations of Chinese troops in North Korea to justify dropping atomic bombs.

It is true that when the Chinese burst into Korea, the retreating 8th Army pleaded for nuclear support. At that time, the 5th Air Force drew up a list of targets for an atomic bomb strike, but not one was considered to be worth such massive destruction. It would have been the old story of using an elephant gun to kill a mouse.

MINUTE SEARCH MADE

Gen. George Stratemeyer, then Air Force Commander in the Far East, ordered a thoroughgoing air search of North Korea for troop concentrations, supply centers, and other atomic-size targets. He sent the following secret instructions, Message No. AX-4773-B, dated December 20, 1950, to Gen. Earle Partridge, the 15th Air Force Commander:

"It is directed that you by every reconnaissance means possible, and by photography, both day and night, by daylight strip photography, carry on working 24 hours a day if need be to find out where the Communists are."

Reconnaissance planes swept up and down Korea, taking detailed photographs of every inch of Communist territory. But they were unable to locate the Chinese troop concentrations, except for disclosing some probable billeting areas. The mountains and forests simply offered too much natural camouflage for the cameras to penetrate.

NOT ONE WHEEL TRACK

Gen. Hoyt Vandenberg, the Air Force Chief, a Republican, even made a personal search during a battlefront inspection trip through North Korea. He reported back to the Pentagon:

"General Partridge and I got in a C-47, and we flew 5,000 feet high on a 20-mile strip back and forth up to Mig alley. A light snow was falling that evening. I didn't see one wheel track, and we covered four or five of the main roads. I didn't see one column of smoke, I didn't see one individual.

"Now, that doesn't mean the Air Force at times doesn't get long lines of trucks, but, my God, you're not going to drop an A-bomb on a 4-mile column, are you? You're not going to drop an A-bomb on a platoon that's advancing a skirmish, are you?

"They talk about getting them in a concentration area back of the battlefield. To my knowledge in the Korean war—and there've been 600,000 soldiers there, more or less—there have been very few division attacks. They come by a platoon, then a regiment, then another regiment.

"Even in the regiments, you only see very few people. Where are you going to drop the A-bomb? Now there are choke-points, sure there are choke-points. Along the railroad lines where the broad gauge and the narrow gauge come together. A B-29 can drop a couple of hundred tons of TNT on that thing, and you can knock it out just as well.

"Now, the popular concept of retardation is where you've got a mass of people coming up against a mass of people, and you're going to drop an A-bomb in front of them, and they're going to disappear, and you win the war. Now that isn't so."

NO SIMPLE SOLUTIONS

That was the personal report of the Air Force Chief of Staff. Meanwhile the Army made a report of its own, dated February 1, 1951. It found that earlier in the war, in November and December, when the Chinese were advancing against MacArthur, there were heavy concentrations of troops in North Korea.

However, they disappeared almost as rapidly as they gathered. They could have been knocked out just about as effectively by conventional bombs as by atomic bombs, but in each case the Chinese troops vanished into the mountains and forests before they could be sighted and any kind of attack carried out.

In other words, the simple solutions suggested for ending the Korean war weren't always as simple as they sounded.

Mr. MORSE. Mr. President, why have I alluded to these historic facts? Because I believe that these are the hours that we should be giving consideration to what may happen if we escalate the war in North Vietnam by way of U.S. unilateral action, in complete violation of our obligations as a signatory to the United Nations Charter.

I repeat, that carrying the war into North Vietnam would make the United States an aggressor nation under the United Nations Charter.

That is what Nixon is proposing, that the United States get itself into an even worse position—as I shall point out next Wednesday or Thursday, when I analyze the international law problems already involved in McNamara's war in South Vietnam. That is bad enough, but for us to openly escalate the war into North Vietnam makes the United States, under any definition of international law, an aggressor nation.

That is what Nixon is proposing this morning before the American Society of Newspaper Editors' Conference; and I wish to answer him immediately.

I care not about the politics, I care not about the castigation from the superpatriots of America. I am going to leave a record for posterity to read, that in this hour of crisis I did not follow the mob, but took the position that my country had better take another look at its international law obligations, in respect not only to the war in South Vietnam but to the proposal which is now emanating from Nixon, that we become an aggressor nation and conduct what amounts to an attack against another nation.

Mr. President, the United Nations Charter was set up to solve that kind of problem. The United Nations Charter was not set up to authorize unilateral action on the part of nations that might believe they were powerful enough at a given time to follow their own course of action in defiance of the clear, moral obligations, and the legal obligations of the charter to which they have affixed their signatures.

Even though I am a critic of the Secretary of Defense and the Secretary of State in regard to the South Vietnamese war, I have an exceptionally high regard for both of them. I find myself in agreement with Secretary McNamara and Secretary Rusk on most matters, but when I find them following a course of action in regard to the South Vietnamese war that I believe is so dead wrong, and resulting in so many unnecessary American deaths in South Vietnam, I consider that I have a duty to speak as frequently as I have been speaking—and I intend to continue to speak out—against what I consider to be a mistaken course of action.

I believe that Secretary McNamara, in the position he is taking as Secretary of Defense in administration of the Pentagon, will always be entitled to an unpaid debt of gratitude from the American people. For I know of no Secretary of Defense in my time in the Senate—nearly 20 years—who has held more firmly to the basic American constitutional principle that the military must always be checked by the civilian government, and that the top brass of the military must always understand it is their duty to carry out orders and not to determine foreign policy.

So I pay this high respect to the Secretary of Defense. As he knows, it is a matter of sadness to me that I disagree with him so completely in respect to McNamara's war in South Vietnam. We must not forget where the blueprint of the war came from. There is a tendency to look upon the South Vietnamese war as though it had been constant. It has not been constant. There have been great changes in the South Vietnamese war. There was a great change following the overthrow of Diem. Who wrote the blueprint? The Secretary of Defense. There was a great change at the time of the Khanh coup. Who wrote the blueprint then? The Secretary of Defense.

So it is to be expected that if we are to keep a Secretary of Defense, we should follow his policies and his recommendations, if we are in the executive branch of the Government.

That is to be expected. There are those who do not like its being referred to as McNamara's war. It has become McNamara's war so far as the plans for the operation are concerned. It was the Secretary of Defense who went to South Vietnam not long ago, as though he were on a political campaign tour, and promised the leaders in South Vietnam that we would be in there to aid them forever, to use his language. Senators heard that speech on television, in which he promised that we were going to stay in there as long as necessary. I believe that is making foreign policy. I believe it is not within the prerogative of the Secretary of Defense to make foreign policy.

Nevertheless, although I have great differences with him with respect to South Vietnam, on other major issues he has naught but my respect, confidence, and support.

I am not happy about the fact that I find myself in such disagreement with the Secretary of State with respect to two main issues. One is his support of McNamara's war in South Vietnam. I have a great difference with him on some segments of foreign aid. My colleagues in the Senate know the position I took on that question in the previous session of Congress. I find nothing in the recommendations of Secretary Rusk in respect to foreign aid for this session of Congress which represents any substantial change in policies on foreign aid. Until those policies are changed, I cannot support Secretary Rusk's foreign aid program. I am hopeful that in our hearings and in our negotiations this year we may be able to reach some negotiated agreements which will modify the foreign aid program.

The senior Senator from Oregon is not against foreign aid. The senior Senator from Oregon would vote for more money for foreign aid than the administration is asking for. In the long run it would not cost the American taxpayers nearly as much as it does now. I would vote, for example, for more money for the Alliance for Progress program. That is the hemisphere in which we must put more of our money, because it is vitally important that we help our neighbors to the South become countries of economic freedom. If we do not make them countries of economic freedom—and they are not that today—they will become Communist countries.

So I shall again this year fight for a great reduction in military aid, not only for Latin America but also for other parts of the world. I shall fight for a great reduction in grants under foreign aid and for an increase in loans under foreign aid. However, they must be true loans, legitimate loans, not deceptive loans. I regret to say that I think Mr. Bell, the head of the AID organization, and Mr. Rusk, the Secretary of State, when they talk about loans, and use their percentages of loans that we have made, are engaging in a form of deception. A loan carrying three-quarters of 1 percent interest, which does not even cover the administrative cost of handling the loans, with a 10-year grace period, in which nothing at all is paid, and a term of 40 or 50 years in which the loan is to be paid back, and with a large percentage of those payments being in soft currency, not in American dollars, deceives the American taxpayers, when the propaganda is issued by the State Department and the AID officials that we are making loans.

They are not loans. They do not meet the definition of loans. It is a tricky form of giving away taxpayers' money.

I want my Secretary of State to know that on foreign aid and on South Vietnam policy he and I are poles apart. Here again, on the overwhelming majority of issues involving American foreign policy the Secretary of State and the senior Senator from Oregon are together. The fact that I agree with much that a man does does not mean that I will remain silent when I think the man is making a colossal mistake.

I wish to pay tribute to the great courage he is exhibiting the very hour that I speak. I pray to my God that He will keep him safe during this visit and inspection in South Vietnam. I am not qualified to pass judgment on the wisdom of it, for I well know, the situation in South Vietnam being the tinderbox that it is, that maximum security must be maintained. Of course the maintenance of maximum security is necessary to protect the life of the Secretary and our other top officials, and is necessary also to protect the lives of others, who are in danger during the visit and inspection.

I pray that the Secretary will return safely, and I pray that no incident will occur while he is there by way of an act of violence that would endanger him or endanger the American personnel and South Vietnamese personnel who have the grave responsibility of protecting him.

I close by making reference to the speech the President of the United States made yesterday afternoon in the White House flower garden to the newspaper editors. As I read that speech in my living room early this morning I found myself swallowing. I did not realize at first that what I was trying to swallow was a lump in my throat. I do not believe anyone can read President Johnson's speech of yesterday and not be a better American for having read it. I believe it is a noble speech. It could be described as an eloquent and inspiring speech, but I think the most fitting word is "noble." It was a noble speech.

I ask unanimous consent that at the close of my remarks the transcript of the President's speech to the editors in the flower garden at the White House be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, I wish to read a few paragraphs from the President's speech:

PRESIDENT'S DUTIES

> I am the President of the United States, the only President you will have, God willing, until January of next year. One of the hardest tasks that a President faces is to keep the time scale of his decisions always in mind and to try to be the President of all the people.
>
> He is not simply responsible to an immediate electorate, either. He knows over the long stretch of time how great can be the repercussions of all that he does or that he fails to do, and over that span of time the President always has to think of America as a continuing community.
>
> He has to try to see how his decisions will affect not only today's citizens, but their children and their children's children unto the third and fourth generation. He has to try to peer into the future, and he has to prepare for that future.
>
> If the policies he advocates lacks this dimension of depth and this dimension of staying power, he may gain this or that advantage in the short term, but he can set the country on a false course and profit today at the expense of all the world tomorrow. So it is this solemn and this most difficult responsibility, and it is always hard to interpret confidently the future patterns of the world.
>
> There are always critics around imploring the President to stick to the facts and not to go crystal gazing. Some of them tell me to try to keep my feet on the ground, if not my head in the sand.
>
> But this is the point: The facts include today, the overwhelming ability in irresistible forces of change have been unleashed by modern science and technology, and the very facts dissolve and regroup as we look into them. To make no predictions is to be sure to be wrong.
>
> Whatever else is or is not that certain in our dynamic world, there is one thing that is very sure: Tomorrow will be drastically different from today. Yet it is in all of these tomorrows that we and our children and our children's children are going to be forced to live. We have to try to see that pattern; we have to try to prepare for it.

NATION'S UNITY

> No group in all this Nation has a greater investment and responsibility than you, the leading editors of this Nation. The wounds of this Nation must be healed. The breaches in this Nation must be closed. And from this unity of this Nation must come the wisdom and the courage to reach beyond the commonplace.
>
> The world is no longer the world that your fathers and mine once knew. Once it was dominated by the balance of power. Today it is diffused and emergent. But though most of the world struggles fitfully to assert its own initiative, the people of the world look to this land for inspiration. Two-thirds of the teeming masses of humanity, most of them in their tender years under 40, are decreeing that they are not going to take it without food to sustain their body and a roof over their head.
>
> And from our science and our technology, from our compassion and from our tolerance, from our unity and from our heritage, we stand uniquely on the threshold of a high adventure of leadership by example and by precept. "Not by might, nor by power, but by My spirit," saith the Lord. From our Jewish and Christian heritage, we draw the image of the God of all mankind, who will judge His children not by their prayers and by their pretension, but by their mercy to the poor and their understanding of the weak.

I have read to the Senate those noble words spoken by the President yesterday because I believe they teach a lesson to each of us. But it is for each of us to follow the course that he believes is necessary to exemplify the nobility of those words.

In the field of foreign policy, what we do today in South Vietnam might conceivably win us a short-term victory, but not a long-term victory, because a military victory of the type that McNamara is talking about would not end the problems in Asia, for those problems have a way of continuing under the surface to fester and finally break out.

We need to reexamine our policy in South Vietnam from the standpoint of what is best for the future generations, not only of American boys and girls, but also for future generations of humanity for decades to come. Thus, I intend to continue to press for a thorough revision of our foreign policy in Asia, and for recognition that the time has come—in fact, is long overdue—when we ought to take the problems of Asia to the United Nations and make perfectly clear that all nations of the world have an equal responsibility with the United States to try to establish a procedural course of action that will make it possible for peace, and not for war, to reign in Asia.

I am convinced that if we continue U.S. unilateral military action in South Vietnam and expand it to North Vietnam, as Nixon proposes, peace will not reign in our time in Asia.

I yield the floor.

EXHIBIT 1

[From the Washington (D.C.) Post, Apr. 18, 1964]

TRANSCRIPT OF PRESIDENT'S REMARKS TO EDITORS

(NOTE.—Remarks of President and Mrs. Johnson and Lynda and Luci Johnson to the American Society of Newspaper Editors in the White House flower garden.)

The PRESIDENT. Ladies and gentlemen, I appreciate your coming here today. The reason I wanted you in the rose garden is simply because if we had gone inside the White House Lady Bird would have insisted that I turn on all the lights.

I want you to know Lady Bird.

Mrs. JOHNSON. It is such a pleasure to welcome you here today, and I am so glad that Washington is turning its loveliest face to you. It is grand for us to have the opportunity to be with you. Thank you for coming.

The PRESIDENT. Now I would like for you to know my oldest daughter, Lynda Bird.

LYNDA JOHNSON. He said I was on the record, but after coming after my parents, who always make such good speeches, I want to plead the fifth amendment because I am afraid anything I would say would incriminate me.

But we certainly are glad to have you here—we don't think we could have a better setting—people who write the stories about some of us who try to live the things you say about us. As I said before, it is good to have you here.

The PRESIDENT. Luci, my teenager, will be coming along a little later. She is being interviewed by a magazine at the moment. I want you to know her, too.

We are going in shortly to the White House so you can pick up your candles in a box over there.

We had a preacher back home who dropped his notes just as he was leaving for his church one time, and his dog jumped at them and tore them up. When the preacher went in the pulpit, he apologized to his congregation and said, "I am very sorry, today I have no sermon. I will just have to speak as the Lord directs. But I will try to do better next Sunday."

I don't have a speech today. I just intend to do as George Reedy directed at the press conference this morning—to speak as the Lord directs. I thought I might talk to you about this job which fate has thrust upon me.

PRESIDENT'S DUTIES

I am the President of the United States, the only President you will have, God willing, until January of next year. One of the hardest tasks that a President faces is to keep the time scale of his decisions always in mind and to try to be the President of all the people.

He is not simply responsible to an immediate electorate, either. He knows over the long stretch of time how great can be the repercussions of all that he does or that he fails to do, and over that span of time the President always has to think of America as a continuing community.

He has to try to see how his decisions will affect not only today's citizens, but their children and their children's children unto the third and fourth generation. He has to try to peer into the future, and he has to prepare for that future.

If the policies he advocates lack this dimension of depth and this dimension of staying power, he may gain this or that advantage in the short term, but he can set the country on a false course and profit today at the expense of all the world tomorrow. So it is this solemn and this most difficult responsibility, and it is always hard to interpret confidently the future patterns of the world.

There are always critics around imploring the President to stick to the facts and not to go crystal gazing. Some of them tell me to try to keep my feet on the ground, if not my head in the sand.

But this is the point: The facts include today, the overwhelming ability in irresistible forces of change have been unleashed by modern science and technology, and the very facts dissolve and regroup as we look into them. To make no predictions is to be sure to be wrong.

Whatever else is or is not that certain in our dynamic world, there is one thing that is very sure: Tomorrow will be drastically different from today. Yet it is in all of these tomorrows that we and our children and our children's children are going to be forced to live. We have to try to see that pattern; we have to try to prepare for it.

The President of this country, more than any other single man in the world, must grapple with the course of events and the directions of history. What he must try to do, try to do always, is to build for tomorrow in the immediacy of today, for if we can, the President, and the Congress, and you leaders of the communities throughout the Nation, will have made their mark in history.

Somehow, we must ignite a fire in the breast of this land, a flaming spirit of adventure that soars beyond the ordinary and the contented, and really demands greatness from our society, and demands achievement in our Government.

We intend to seek justice because that is what the Nation needs. We intend to create hope because that is what the Nation needs. We intend to build opportunity because that is what the Nation deserves. We intend to pursue peace relentlessly because that is what the world demands.

These are the simple aims of our purpose. These are the forward thrust of our objective. But to start on this adventure, we must begin and we ought to begin today. Justice is a universal beginning for a great society. Justice is undone and untended in too many in our land.

CIVIL RIGHTS

Our Nation will live in tormented ease until the civil rights bill now being considered is written into the book of law. The question is no longer, "Shall it be passed?" The question is, "When, when, when will it be passed?"

We cannot deny to a group of our own people, our own American citizens, the essential elements of human dignity which a majority of our citizens claim for ourselves. Civil rights are not a luxury to be accorded to many. They are an obligation under our Constitution that is owed to all, for the bill before the Senate is only the validation of our moral, national commitment.

I want to repeat here today again, again, and again for the record what I said at Gettysburg last year. "One hundred years ago Lincoln freed the Negro of his chains, but he did not free his country of its bigotry, for until education is blind to color, until employment is unaware of race, emancipation will be a proclamation, but it will not be a fact."

WAR ON POVERTY

We are trying to preserve our national resource of humanity, also. Some call it, and choose to refer to it, as a war on poverty. Well, it is a war, and poverty is the enemy.

But the real objective is the preservation of our most precious asset—over 9 million American families at the bottom of the heap. It is not a program of giveaway. It is not a program of doles. It is a program that is concerned with skills and opportunities, with giving the tools for the job of growth, in making taxpayers out of tax eaters. We are investing in opportunity and giving them the skills to seize it.

For the first time in America's history, poverty is on the run and it is no longer inevitable and its elimination is no longer impossible, because it is right, we are fighting this war because it is wise, we are committed to winning it, and our strategy is to reach deep to the core and to the cause of the poverty. Having confronted it, then destroy it.

In every aspect of this program, the cooperation of National, State, and local governments is the passkey to action and the channelway for success. The Nation shall be the beneficiary, because by raising the average productivity of 11 million poverty stricken wage earners by only $1,000 a year, we would add $15 billion to the Nation's annual output.

Forty-nine percent—a hideously high figure—49 percent, one out of every two young men that are Americans who are examined for the draft, are found lacking physically, mentally, and morally. It is a senseless act of shameless neglect to ignore this intrusion of our satisfaction as a nation.

MEDICARE

But even as we try to invest our youth with the commitment of new opportunity, we are equally determined that elderly citizens are not barred from dignity, are not vacant of hope. There must come from the Congress soon legislation for medical assistance for senior citizens.

There is hardly a home in America today where a son, or a daughter, or a relative does not brood over the possible avalanche of medical expenses for their mothers and their fathers, or their uncles or their cousins, or their aunts. The dread of an impossible expense burden burns deep in the consciousness of practically every American home.

Is it a wild, unreasonable proposal to ask that out of the average earnings of workers that are now more than $100 per week for over 70 million that they put $1 a month into social security, their employers do the same, making $2 a month? The Government contributes nothing.

Is it asking too much for this bountiful country to prepare a law so that older folks can face illness when it inevitably comes and face it without the chill foreboding of an empty purse or an inadequate insurance policy?

Under this plan, citizens know they did it for themselves without a Government handout. Because it is just, because it is right, because it is part of the good society to construct prudent programs, with vision, based on commonsense and common decency, this bill is high on the agenda of our American purpose.

PAY BILL

To build good Government, the first and most urgent need is good people. The pay bill soon to be debated in the Congress reaches into the very essence of urgency if this Government means to retain excellence and quality.

On my desk tonight there are now dozens of resignations from some of the most brilliant and able men in the Government. They have run out their financial string. Each year they have gone into debt and each month now compounds their financial agony. They must quit to find higher incomes in private industry, and this Government suffers the harsh and irretrievable loss. To deny this pay bill is to invite mediocrity.

We cannot do the great things that this great Nation must do to develop a great society unless we, as a nation, have the men to do them. Congressmen, Members of the House and of the Senate, deserve twice what they get. Career officers, appointed officials, all deserve more money for jobs which too often demand long hours and ceaseless work. Don't make them steal or quit or go along borrowing when they are doing the job for you.

IMMIGRATION LAWS

There is also in the Congress the legislation to adjust our immigration laws. The quota system is outworn. We want skilled people who can do jobs that need to be done, and we want families reunited.

RAIL TALKS

These are but a portion of our catalog of aspirations, for in the months and years ahead, there will be new challenges and greater difficulties. Now we must attend to the duties that demand our attention.

Right now, as you know, in the room across the hall, we are engaged in intensive collective bargaining sessions day and night in which we are trying to help railroad labor and railroad management solve their problems themselves in accordance with our free enterprise system.

A strike would cost us the loss of 7 million jobs in a very short time. A strike would cost us a downturn in our gross national product of 10 to 15 percent. A strike would cost us great dangers in health throughout the Nation. A strike would paralyze our entire system.

The tempo of that bargaining that is taking place has stepped up considerably, and I believe this is a tribute to the free enterprise system. Sometimes I feel the free enterprise system is something like the weather—everybody likes to talk about it, and write about it, and we don't do enough about it.

We have here in this case an opportunity and a responsibility to do something about it. That opportunity and that responsibility can be discharged, if we cooperate in helping the people on both sides, and not attempting to handcuff them by taking an extreme position which will provoke reactions that would break down the collective bargaining processes.

NATION'S UNITY

No group in all this Nation has a greater investment and responsibility than you, the leading editors of this Nation. The wounds of this Nation must be healed. The breaches in this Nation must be closed. And from this unity of this Nation must come the wisdom and the courage to reach beyond the commonplace.

The world is no longer the world that your fathers and mine once knew. Once it was dominated by the balance of power. Today it is diffused and emergent. But though most of the world struggles fitfully to assert its own initiative, the people of the world look to this land for inspiration. Two-thirds of the teeming masses of humanity, most of them in their tender years under 40, are decreeing that they are not going to take it without food to sustain their body and a roof over their head.

And from our science and our technology, from our compassion and from our tolerance, from our unity and from our heritage, we stand uniquely on the threshold of a high adventure of leadership by example and by precept. "Not by might, nor by power, but by My spirit," saith the Lord. From our Jewish and Christian heritage, we draw the image of the God of all mankind, who will judge His children not by their prayers and by their pretensions, but by their mercy to the poor and their understanding of the weak.

We cannot cancel that strain and then claim to speak as a Christian society. To visit the widow and the fatherless in their affliction is still pure religion and undefiled. I tremble for this Nation. I tremble for our people if at the time of our greatest prosperity we turn our back on the moral obligations of our deepest faith. If the face we turn to this aspiring, laboring world is a face of indifference and contempt, it will rightly rise up and strike us down.

Believe me, God is not mocked. We reap as we sow. Our God is still a jealous God, jealous of his righteousness, jealous of His mercy, jealous for the last of the little ones who went unfed while the rich sat down to eat and rose up to play. And unless my administration profits the present and provides the foundation for a better life for all humanity, not just now but for generations to come, I shall have failed.

If there is judgment in history, it rests on us, according to our generosity or our disdain. These are the stakes, to make a world in which all of God's children can live or to go into the dark. For today under the shadows of atomic power it is not rhetoric but it is truth to say that we must either love each other or we must die.

It has been wonderful to have you leaders of our country and the great molders of our thought to come here and give me this opportunity to tell you what is in my heart. Now I hope before darkness descends upon us, literally, this evening, if Luci has come, I want her to meet you.

Miss Luci Johnson. I understand it's been something made about my being late. I am very sorry I was, but I was detained with one of your fellow colleagues. I am surely glad to see you here and, again, I am very sorry I was late.

President Johnson. Now, Mrs. Johnson wants you, if you will, to come in the house and see some of the rooms and we want to see as many of you as we personally can. Thank you very much.

HOW TO BLOCK FARM IMPORTS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from South Dakota for an insertion in the Record, without losing my right to the floor, and without having my remarks counted as a second speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MUNDT. I thank the distinguished Senator from Wisconsin.

Mr. President, for many months many words have been spoken and written with regard to the trade policies of our Government and the effect which our agriculture trade policies are having on the economy of those engaged in some form of agriculture. Today negotiations are taking place in Geneva which very definitely could determine the effect of agriculture imports on our own markets.

The March issue of the Co-Op Grain Quarterly, issued by the National Federation of Grain Cooperatives, contains an excellent article entitled "How To Block Imports." The article points out that the cost of our present trade policies is expensive to American farmers. It also states that the United States offers the least protection from imports to other countries with which we do business.

Mr. President, this is an excellent article. I ask unanimous consent that it be printed in the body of the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

How To Block Farm Imports

Uncle Sam, it seems, is a soft touch for the agricultural exporters of the world. The door is wide open—or almost so—for the importation of everything from Polish hams to South American flax, with tariffs consistently at the low end of the scale.

This didn't happen by chance. It has been the policy of the U.S. Government for more than 30 years—since the enactment of the Reciprocal Trade Agreements Act of the 1930's. The average U.S. tariff rate on dutiable agricultural imports was brought down from 88 percent in 1932 to 10 percent in 1959. And it continued to go down.

So, in the battle over tariff protectionism with the European Common Market, Uncle Sam is fighting with a short punch.

True, we're setting a good example, but the cost is high to American husbandmen, for their farm prices are exposed to pressures from all the sellers of the world.

As any trader can testify, tariffs are discouraging realities. But, so are certain nontariff barriers that have been thrown up by many countries.

This nontariff agricultural protectionism is practiced much less by the United States than by most other countries. As the U.S. Department of Agriculture concludes in a recent and rather comprehensive study of these barriers, the United States is the most liberal major nation in the world in agricultural trade. It is only mildly protectionist.

Now, we all know what a tariff is, and how it works. Nontariff protectionism is something else again. USDA breaks it down into eight categories, as follows:

1. Quantitative restrictions, mainly import quotas and embargoes. These limit volume of imports. They may also discriminate as to source.

2. Variable levies and gate price systems. These restrict the volume of imports to the difference between protected or supported domestic production, and the total that is used in any given country. As long as they are variable and not fixed levies, they're counted as nontariff.

3. Conditional imports. Among these are domestic mixing regulations and controls making imports conditional upon production, use, price, or other factors.

4. Monopolies. State trading agencies are fairly common. There are quasi-government agencies or private institutions operating under governmental authority. They can manipulate imports to serve their own ends.

5. Advance deposits. When these are required on imports, and are discriminatory, they must be considered nontariff barriers.

6. Import discrimination and preferential treatment. These discriminate as to source of supply. Frequently it is against the dollar areas. They are closely linked with import licensing.

7. Import licensing. Many are granted automatically, but if they discriminate as to source of supply, they are considered to be nontariff barriers.

8. Bilateral agreements. These are included if they cut off free market access to countries not party to such agreements.

The United States exercises import controls only on wheat, sugar, peanuts, cotton, and dairy products. All other products may come in unlimited quantities subject only to health, sanitation, and quarantine safety requirements—and to payment of fixed tariffs when required.

How does this compare with other countries? Using nontariff import controls as the yardstick, the USDA study shows that the following selected countries protect the following percentages of their domestic agricultural production from outside competition:

United States	26
United Kingdom	37
Canada	41
Australia	41
Italy	63
Belgium	76
Japan	76
Netherlands	79
Greece	82
Denmark	87
Australia	91
West Germany	93
France	94
Switzerland	94
Norway	97
New Zealand	100
Portugal	100

The following table shows how the U.S. figure of 26 percent protected by nontariff trade restrictions is arrived at. The first figure represents gross value of the farm commodity, and the second figure is the value of the protected portion.

[Dollar amounts in millions]

Commodity	Total value	Protected value
Grains	$10,457	$2,258
Meat animals	9,255	0
Milk	5,171	5,171
Fruits and vegetables	3,612	0
Poultry and eggs	3,253	0
Cotton (lint and seed)	2,662	2,356
Oil-bearing crops	1,819	191
Tobacco	1,315	0
Forest, nursery, and greenhouse products	988	0
Other agricultural commodities	987	278
Total, above groups	39,519	10,254
Protected, percent	--------	26

Thus the United States obviously is one of the most liberal nations in the world in its agricultural import policies.

The farmers of the United States produce and compete with far less protection from imports than do farmers of most other countries.

You can lay this at the door of American foreign policy, a sort of national determination to set a worldwide example and create an atmosphere in which trade can thrive. Yet it is just naturally galling for livestock producers, for example, to put up with the fact that imported meat competes seriously with the homegrown product.

It is an economic fact that a pound of meat brought into this country adds a pound to supplies and more of anything tends to bring a lower price. Since 1958, in fact, the United States has imported more meat products than it has exported. Even some wheat is imported, despite our own large supply.

It becomes even more galling when our exporters find the doors closed in other countries by the nontariff barriers we have been discussing here.

In practice, then, the United States has a two-way street for agricultural trading. On the one side it is the world's largest exporter of farm products; on the other, the world's second largest importer, following only to the United Kingdom in the amounts of farm products it buys. Fully half of these imports compete with our domestic production.

The balance of trade in this exchange is a neat $1.3 billion in favor of the United States, despite our liberal trade policies. In 1962 this country sold farm products worth $3.5 billion for dollars, and made purchase worth $2.2 billion. Around Fort Knox, where the gold is stored, officials smile pleasantly when the inflow exceeds the outflow this way.

The Government's policy is adequately quoted by USDA: "As realists we are not seeking completely free trade. For many reasons—economics, political, and social—no country is either prepared or willing to remove all protections from its agriculture. The basic question has to do with the degree of protection. We believe it should be moderate. If the fruits of agricultural science and technology and efficiency are to be made readily available to consumers, nations must participate in active two-way trade, which is not impeded by high tariff and nontariff barriers."

With this background of fact and policy, we pass on to brisk reviews of the nontariff import controls practiced by several nations.

France, as a member of the European Economic Community, uses the variable levy and gate price system of the EEC Common Agricultural Policy (CAP) regulations. In addition France has import quotas and arbitrary embargoes.

West Germany uses the variable levy-gate price system of the same regulations, plus import quotas.

The Netherlands follows suit with the variable levy-gate price system of CAP, but also uses quantitative import controls and minimum import prices as governmental tools to protect domestic agricultural prices. Semiofficial "product boards" have substantial influence on imports, prices, and domestic marketings.

Italy, which also is in the European family, makes use of the variable levy-gate price systems of the CAP regulations. Wheat was being state-traded under a special EEC grain until July 1, 1963. Presently wheat imports are controlled by the EEC variable levy system. In addition the EEC granted Italy permission to implement a safeguard clause for the period July 1, 1963, to June 30, 1964. This allows Italy to apply an additional levy of about $20 per ton on quality wheat imported. Italy's nontariff regulations are now undergoing some liberalization.

Belgium is another of the European community using the variable levy and gate price system. It also uses import quotas, minimum import prices, and seasonal restrictions. In recent years farm groups have succeeded in instituting through governmental intervention both high domestic prices and increased protection from imports.

Greece requires Government approval on all imports for the purpose of controlling foreign exchange. It became associated with the EEC in 1962, giving it special trading privileges but not placing it under EEC's time schedule for tariff rate reductions or the CAP regulations. Greece also uses advance deposits, import quotas, import licenses, and barter agreements as nontariff controls.

Austrian imports from countries with freely convertible currencies and from Greece and Turkey do not require exchange licenses. Where required, these licenses are issued by the Austrian National Bank. Import licenses are required an equalization levies are applied on grains, livestock and products, milk and other dairy products.

Denmark has annual licensing budgets denoting global import quotas with quantity, value, and items specified. Minimum import prices are in effect on sorghums, barley, and corn. There is an embargo on all bread grains as long as Danish production can fulfill domestic needs, mixing regulations applicable to wheat, and import levies on feed grains.

Norway has a governmental monopoly, the Norwegian Grain Corporation, controlling all imports and exports as well as the domestic distribution of home production. An embargo is in effect on imports of virtually all agricultural products produced in Norway. Seasonal dispensations from embargo are given by the Ministry of Agriculture.

Portugal exercises license control over most imports. Controls over foreign exchange transactions are exercised by the Ministry of Finance through the Bank of Portugal. The same document serves as an import license and foreign exchange permit.

Sweden gives 100 percent protection to its agriculture. All products of importance to Swedish agriculture are subject to variable import taxes for the purpose of market regulation. There is an import monopoly for sugar and mixing regulations for wheat.

Switzerland regulates agricultural imports tightly to protect high domestic prices, which are maintained in an attempt to be as self-sufficient as possible in foods. Quotas and/or import licenses are issued. Grains, butter, and fats are state-traded. Tie-in purchases of domestic grains by importers are required if imports would jeopardize sale of domestic grain at equitable prices.

United Kingdom uses a deficiency payment system to aid its farmers, covering about three-fourths of the total value of domestic farm production. Since the deficiency payments make up the difference between free market prices and guaranteed prices, domestic production is both encouraged and sheltered.

Canada controls grain imports rigidly. Licenses are required for imports of wheat, oats, barley, and specified grain products. They are granted at the discretion of the wheat board.

Australia has commodity boards that exercise considerable marketing control over wheat, barley, corn, rice and other products. In many instances the boards operate as monopolies and tend to restrict, if not prohibit, imports. The Government's tariff board has authority to impose emergency tariffs or other types of import control whenever it is deemed necessary to protect domestic producers.

New Zealand controls imports strictly because of balance-of-payments difficulties. Licensing on a quota basis exists for all except a few agricultural products. Wheat imports, technically embargoed, are admitted from Australia under a gentleman's agreement.

Japan licenses all commercial imports. They are granted in accordance with foreign exchange budgets prepared semiannually. Both the quantity and types of imports can be closely controlled. Major grains are clearly protected. The whole licensing system is used to an important degree to protect domestic industries, especially agriculture, from foreign competitors.

NATIONAL LIBRARY WEEK

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from New Hampshire without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, April 12–18 is marked as National Library Week, and it is fitting that we note the occasion. A good library is somewhat like a good dictionary—if we know how to use it, we can find almost anything we need. A good library puts man's knowledge at one's disposal—the whole sweep of our ideas and exceptions are there. And it is no accident that so many of history's great men spent most of their young days searching bookshelves.

I think recent actions in Congress and in my own State of New Hampshire represent a giant step towards a goal which we all should be concerned with—the development of the finest libraries possible, making available the best of information to everyone who seeks it.

Last February, President Johnson signed the Library Services and Construction Act, making urban libraries in communities of more than 10,000 population eligible for Federal assistance. Since 1956, Federal aid has been restricted to libraries in rural areas, and no Federal funds have been available for construction for any library system. The new act recognizes the universality of need in urban as well as rural areas, and the construction provision will strike at a general deficiency in our library buildings—age. More than one out of three of America's public library buildings serving larger populations is more than 50 years old. Less than one in four has been built since 1950.

The effect of the legislation in my own State will be that the well-developed libraries in such places as Laconia, Concord, Dover, Keene, Manchester, Nashua, and Portsmouth can be incorporated into a comprehensive plan which will make all the library resources of the State more widely and conveniently available.

New Hampshire made fine achievements under the former Library Services Act, where more than 320,000 of the State's rural residents received new or improved services.

We have a good basis on which to build an excellent library system across the country now. We must push on with it. As an educational agency, or as a source for entertaining reading, or as a reference service, or a well for thought and new ideas, the library is an important part of our way of life.

PRIVATE RESEARCH PERFORMS THE VITAL ECONOMIC ROLE

Mr. PROXMIRE. Mr. President, in this statement I invite the attention of the Senate to the extremely important contribution which is being made to our economic growth through private research. A great deal of our research in the United States is carried on by the

Federal Government. A great deal more is carried on by colleges and universities. Because of the dominant position of these two forms of research, in terms of total funds expended, we may tend to overlook the highly productive part which private research by individuals and businesses plays in contributing to our store of knowledge.

It is no exaggeration to say that our growth as a Nation is dependent upon our growth in knowledge. This growth in knowledge permits us to use our resources more effectively and to expand the benefits that we obtain from these resources. Such growth is essential if we are to maintain our position as a leading world power.

While the Federal Government and colleges and universities contribute to this source of growth, our free market economy is also contributing to this national wellspring of knowledge. In part, of course, the motivation is the expectation of future profits and well it should be. Those who are successful in research should certainly receive rewards from this research, as well as the rest of the Nation which benefits.

In part, however, I am also convinced that private research is motivated simply by a strong desire for additional knowledge. One of the major strengths of our Nation is that we provide the freedom by which individuals can follow the dictates of their personal interests. If an individual becomes intellectually intrigued by a problem, we, as a nation, are blessed by the fact that he has the freedom to pursue this interest.

In purely dollar terms, the magnitude of the investment in private research in this Nation is impressive. During the 1962–63 fiscal year, industry contributed nearly $5 billion to the pursuit of research. These funds were provided by industry itself and were used by industry directly.

During the same period, some $65 million was provided by industry in the form of contracts and grants to finance research by colleges for industry. About $100 million was spent for research by private nonprofit organizations other than schools and universities. An additional $100 million was also extended by industry to various nonprofit research groups.

In the first instance, these funds represent a significant demand for resources. Moreover, these are key resources in our economy and it is essential that we make the fullest possible use of them. On January 1, 1962, it was estimated that over 319,000 individuals were engaged in industrial research. By January 1, 1963, this number has increased to almost 340,000 persons. These individuals have great skill and great imagination. They are a source of inspiration to the rest of us.

The funds and the employment of individuals for research purposes in private industry also represents an investment by the Nation. All of us can expect returns in the form of increased satisfactions and increased benefits as a result of the expenditures of time, effort, and money which private industry is making. It certainly is appropriate, therefore, for us to pay our respects here in the Congress to the dedicated people that are working in the field of private industrial research.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. **PROXMIRE**. Mr. President, I speak today in favor of the pending civil rights bill. It is a modest, moderate, limited, mild, compromise bill. It is a conservative bill. Unfortunately, the opinion is prevalent that the bill contains something radical, something extreme, something identifiable with leftwing liberalism. Actually, the bill respects the Federal system. It delegates responsibility over and over again to the States. It provides a great deal of procedure for the protection of rights. It is a bill that conservatives can support, and did support overwhelmingly in the House of Representatives.

TITLE I VOTING RIGHTS

There is a strong, urgent, obvious need for the bill. For example, title I which provides for a limited increase in opportunity for Negroes to vote, is urgently needed. Senators must know by now that there are counties in this country in which a majority of the residents are Negroes. Yet in some counties, while virtually every white resident of the county is registered, not a single Negro is registered. In several hundred counties, the number of Negroes registered is a tiny, pitiful percentage.

It has been said that Negroes do not want to vote. This contention has been disproved over and over again. We should know by now that Negroes have received physical threats and intimidation. In some cases, they have stood in line for hours to vote. They have tried to register, but they have been denied, over and over again, the right to register and vote. It takes rare courage as well as patience in some southern areas for a Negro to try to register and vote.

GOVERNORS, MAYORS, SCHOOL BOARDS NOT COVERED

What does the bill provide? A very strong case can be made—in fact, it was made in the House—for a bill that would cover all voting rights. But the bill now before us covers voting only in Federal elections. That is significant, because the Negro will not be permitted to vote in any greater numbers in the South, for a long time to come, for Governor of the State, for mayor, for school board members; and there is no question that after the bill passes, we shall have proceeded only a few short steps along the way toward really complete civil rights opportunities for Negroes.

The real battle will continue to be fought, as it has been fought, in the localities in the States and counties of the country.

The bill provides a very limited instrument for the achievement of progress in voting rights. The procedures relied on in the bill are not by having Federal agencies step in and dictate to registrars that they must register Negroes. No. The procedures are to be approved court procedures. The Attorney General must prove in court—and the burden of proof will be on him—that there has been discrimination. He must take legal action, with all the safeguards that are provided, to insure a reasonable opportunity for Negroes to vote.

The provisions in the bill with regard to voting rights are very mild—true a sixth-grade education is regarded as a presumption of literacy—but there are thousands of people in this country who have less than a sixth-grade education. The record of white registrations in the South, and elsewhere, indicates that many white persons with less than a sixth-grade education are registered to vote. They do vote. They will continue to vote. However, it will still be perfectly legal to deny a Negro the right to vote in Federal elections, on the basis of discriminatory literacy tests, if he has less than a sixth-grade education. Also provided in the bill is a prohibition against the application of different standards for a colored voter. Who can complain about that? It would prevent a denial of voting privilege because of immaterial error. Who can differ with that?

We know how long a time it has taken to proceed through the courts. So a provision to establish a three-judge court is certainly a step in the right direction. It would help to hasten the process a little. At the same time, this first title will depend on the orderly and just procedure of the majority opinion of the three-judge court.

PUBLIC ACCOMMODATIONS—A GENTLE APPROACH

One of the two or three most controversial titles in the bill is the public accommodations section. I ask any person to place himself in the position of a Negro in the South, or in some other part of the country, who wants to travel a little with his family, to exercise the right which we regard as so essential, the American freedom to move about, to roam. He travels 20, 30, 40, 50, or 100 miles—he can go farther—and is unable to find a place where he can buy a hamburger for himself, his wife, his children, a place where they can spend the night, or a place where they can use a restroom.

The need is obvious. The affront to human dignity is conspicuous.

Since the 1880's, Ohio has had such a law. The Ohio law is more far reaching than the proposed Federal law would be. Since 1895, Wisconsin has had a public accommodations statute. The Wisconsin statute goes much further. The Wisconsin public accommodations statute, for example, prohibits discrimination in barbershops. The Federal law would not prohibit discrimination in barbershops, except in a few barbershops located in some hotels.

The Wisconsin public accommodations statute prohibits discrimination in taverns. The State statute applies to public conveyances. None of its provisions are covered in the bill which is now before the Senate.

The Wisconsin law provides for a fine of $200 or 6 months in jail for a violation. What is the penalty in the pending bill for discrimination in places of public accommodation? None. This is a limited bill.

More than 30 States have provisions that prohibit discrimination in places of public accommodation. The bill relies very heavily on conciliation. Let me cite an excellent example of how it depends upon conciliation.

For example, on page 10, lines 7 to 10, of title II, the very first step in administering this bill is set forth:

> The Attorney General shall notify the appropriate State or local officials and, upon request, afford them a reasonable time to act under such State or local laws or regulations before he institutes an action.

So there must be an effort on the part of the Attorney General to try to eliminate discrimination by warning, by discussion, by conciliation, by voluntary methods. After proceeding that far, if the Attorney General on request is not in a position to enforce nondiscrimination, as he is in Wisconsin, or, as the appropriate enforcing agency is in Wisconsin and other States, he can go to court. He has no enforcement power. He must go to court and prove the facts. At that time the suit will be processed.

The person who is accused of discrimination can completely free himself of the charge by ceasing to discriminate. Even after the trial, there is still no penalty so long as the person who has been convicted of discrimination ceases to discriminate.

PUBLIC PARKS, LIBRARIES END DISCRIMINATION

The third title provides against discrimination in public facilities that are locally supported—in parks, libraries, and other places that are provided by the taxpayers' money. There is no question that under the Constitution, every citizen has the right to use such facilities. There is no question that the right to use such facilities has been denied conspicuously, and on almost a blanket basis in many parts of the country. I do not include merely the South; I mean many parts of our country.

A private citizen frequently cannot sue in court now, because it has proved to be an expensive, long, painful process. Not one person in 100—particularly those in the minority group, who are frequently denied their rights—can afford to bring this kind of suit, or will bring this kind of suit.

All this section does is to give the Attorney General the right to bring a suit in order to establish clear constitutional rights in a court action.

CONCILIATION FOR EDUCATIONAL CONFLICT

Title IV has been discussed with great eloquence by the distinguished Senator from Kentucky [Mr. COOPER], and by the distinguished Senator from Illinois [Mr. DOUGLAS]. I shall speak on it very briefly.

If there is an essential right for an American to possess, it is that he be given an equal opportunity for education. This is fundamental. Equal economic opportunity means very little if the child cannot have an equal opportunity to obtain an education.

A person who is unskilled, who has suffered an inferior or inadequate education, obviously cannot qualify for a job. It is fundamental that we do everything we can to provide equal opportunity for education. At the same time, we know perfectly well that it is only human nature that where one identifiable group—one group which has a black skin—cannot vote, and has separate educational facilities, the separate educational facilities will not provide the same quality of teaching. It will not provide the same quality of facilities, the same incentive that an integrated educational system will provide. That is provable.

What does the bill provide in order to try to correct the situation? Fundamentally, it provides conciliation. Referring to the bill, it provides technical assistance, grants, training institutes to help communities prepare for school desegregation. What is wrong with that? Communities that want to desegregate can obtain some assistance, some advice, so that they can proceed in a sensible way, in a direct way, in order to avoid violence, in order to avoid the serious difficulties that can erupt if people do not understand, if they do not have the facts, if they do not have assistance. The bill provides authority for the Attorney General to intervene in court. But he must go to court, and the burden of proof once again is on him under the terms of the bill.

CIVIL RIGHTS COMMISSION—TRUTH FINDER

Title V is another mild provision. It provides for 4 years of life for the Civil Rights Commission—a Civil Rights Commission of eminent Americans, coming from southern and northern areas of the country. It provides that the Civil Rights Commission shall be a national clearinghouse. It would investigate fraud cases.

How important is this, Mr. President? This represents really constructive progress in civil rights. The Civil Rights Commission will have the facts in its possession. It will be in possession of the truth. It will be in a position to kill the rumors of the extremists on the right and on the left. It is an attempt to reduce violence. The factfinding function and responsibility of the Civil Rights Commission have not been given sufficient emphasis in the bill. But they are the fundamental basis for conciliation, education, and progress.

FEDERAL PROGRAMS FOR ALL TAXPAYERS

Next is title VI. This is one of the most controversial sections of the bill. It would provide for nondiscrimination in Federal programs. It has been opposed vehemently by those who oppose the bill.

More than 11 years ago—on March 19, 1953—President-elect Dwight D. Eisenhower, before he took office, said at a press conference:

> I repeat it. I have said it again and again. Wherever Federal funds are expended for anything, I do not see how any American can justify, legally or logically or morally, a discrimination in expenditure of those funds as among our citizens. All are taxed to provide those funds. If there is any benefit to be derived from them, I think they all must share regardless of such inconsequential factors as race and religion.

That was the statement of the President-elect of the United States 11 years ago. I was one of those who voted against President Eisenhower, but I think all Americans recognize that President Eisenhower represented some of the very best elements of moderation in our country. He was the personification of moderation. He believed in the gradual approach. He had respect for the rights and viewpoints of everyone. President Eisenhower could not be considered as radical or extreme from any point of view.

I have just read to the Senate the words of President Eisenhower. All Americans in considering the bill should dwell on what President Eisenhower said about the section which has been so bitterly assailed and denounced by those who have opposed the bill.

How would the nondiscrimination features in title VI of the bill be applied? They would be applied in about as mild, reluctant, and limited a way as could be imagined.

First. A denial of funds would be subject to judicial review. Discrimination would have to be proved.

Second. A hearing would be guaranteed before funds would be cut off.

Third. Although the point has been played down by the opponents of the bill—it is a highly practical limitation—a report must be made to the appropriate congressional committees 30 days before the penalty would go into effect.

Seated on my right as I talk this morning is one of the most distinguished Members of the Senate. I refer to the distinguished chairman of the Senate Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER]. The fact is that before Secretary of Agriculture Freeman, or any subsequent Secretary of Agriculture, could act to cut off funds in a farm program, he would first have to report to the chairman of the Senate Committee on Agriculture and Forestry.

I serve on the Senate Committee on Agriculture and Forestry. I remind Senators of the names of the other members of that committee. Next in rank to the Senator from Louisiana [Mr. ELLENDER] is the Senator from South Carolina [Mr. JOHNSTON]. The next ranking member of that committee is the Senator from Florida [Mr. HOLLAND]. The next ranking member is the Senator from Mississippi [Mr. EASTLAND]. The next ranking member is the Senator from Georgia [Mr. TALMADGE]. After the Senator from Georgia comes the Senator from North Carolina [Mr. JORDAN].

This is a distinguished galaxy of Southern Senators. I believe that everyone with a practical appreciation of how things work in the Federal Government knows that no Secretary would take steps which would alienate the committee on which he may rely for the authorization of funds, or alienate the the distinguished chairman by bringing a capricious or arbitrary action to cut off funds to a State when he must notify the chairman in advance to justify such action.

I have great faith that the Secretary of Agriculture would be reluctant, scrupulous, careful, and fair, and do all he could to see that the States received everything to which they were entitled.

The Secretary of Agriculture and the Committee on Agriculture and Forestry are only one example.

Suppose a State were charged with discrimination under a program involving the armed services. The Secretary of Defense, who is an able and forceful man, would first be required to inform in advance the chairman of the Senate Committee on the Armed Services, the Senator from Georgia [Mr. Russell]. The Senator from Georgia would be in a position to appraise the situation and decide whether or not the action was fair. He could exercise great influence.

Suppose that a program involving labor and education should arise. The distinguished Senator from Alabama [Mr. Hill] is chairman of the Committee on Labor and Public Welfare. He would have to be notified in advance.

This particular title of the bill is a very conservative and limiting title. From a practical standpoint it would make a great deal of difference in administering the law if the man in charge of administering one of the Federal programs had to notify in advance the heads of the committees with whom he would have to deal from there on. The fact is that virtually every significant program that might involve a cutoff because of discrimination would require advance notice to a powerful southern Senator.

Furthermore, the title provides for Presidential approval of a regulation or order; so it is clear that no bureaucrat on his own, through an excess of zeal, would step in and cut off all aid to a State. The President of the United States would have to determine what regulation and what order should be required. It is obvious that he would not permit any action which would cut off innocent people or punish a State; and he would act with a minimum of hardship on anyone.

Furthermore, I point out that on page 26, line 19, of the bill the following words appear:

> That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means.

That means that if there is discrimination in a Federal program, first a complaint must be made to the department. For example, it might be the Department of Health, Education, and Welfare. The Secretary of the Department of Health, Education, and Welfare must then devote days, weeks, and perhaps months in an effort to secure a voluntary agreement which would end the discrimination.

Only after that process, only after a hearing, and only after notifying the appropriate congressional committee and then acting within the rules established by the President of the United States would it be possible to stop the flow of funds into a specific and precise area in which discrimination had occurred.

Obviously the bill is not designed to punish anyone or to keep funds from any State. It is designed to bring to an end discrimination in facilities for which Federal money is spent.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am delighted to yield.

Mr. ELLENDER. The distinguished Senator from Wisconsin has mentioned the possibility of discrimination in the distribution of funds devoted to agricultural needs. Is the Senator aware of any discrimination in that regard? I should like to be informed if there has been, because I have never heard of it.

Mr. PROXMIRE. As the Senator knows, discrimination may or may not take place in actual practice. A law such as the one proposed would be required before anybody would come forward with a complaint in which it would be alleged that discrimination had occurred in hospitals, in the field of education, or in some other area. It seems to the Senator from Wisconsin that those who desire recourse would be much more likely to make their complaint and to call it to the attention of the Nation and the authorities if there were a law on the books that would give them some basis for doing so.

Mr. ELLENDER. Can the Senator from Wisconsin tell the Senate how there could be discrimination in the distribution of funds available in the agriculture program? The title would cover all Federal programs. I was surprised to find that agriculture was included, because there has been no discrimination in the distribution of soil conservation funds or any other funds under the jurisdiction of the Department of Agriculture.

Mr. PROXMIRE. There may or may not be a great deal of discrimination. There may be some; there may be little; there may be virtually none in the distribution of funds by the Federal Government. Discrimination may assume many forms. Perhaps members of a minority group might feel that there is not much hope or prospect, as a result of the administration of a certain Federal program, in applying for funds under that program because of the attitude of the administrators of the funds. The absence of documented cases of discrimination that might exist under farm programs might not prove that discrimination in one form or another now exists. Discrimination might continue to exist unless there were an opportunity like the one before us to prevent it.

I agree with the Senator that the main thrust of discrimination has not appeared in the agriculture programs. It is probably much more common in the Federal programs related to education and welfare.

I doubt that there is much discrimination in the armed services programs. Strenuous action was taken by President Eisenhower and President Truman before him, as well as President Kennedy and President Johnson, to prevent that kind of discrimination.

Mr. ELLENDER. How about Federal aid to the States for highway construction? Does the Senator know of any discrimination practiced in that program?

Mr. PROXMIRE. Cases of discrimination in Federal programs, whether they be road programs, farm programs, or programs related to impacted school areas, will not come to the surface, will not be evident, and cannot be documented unless there is some legal basis in Federal law to proceed against offenders.

Mr. ELLENDER. Does not the Senator concede that there should have been some kind of showing made by someone in order to have language which would cover all Federal programs incorporated in the bill?

Mr. PROXMIRE. No, indeed. Perhaps the best evidence that discrimination may be involved is what has happened on the floor of the Senate when distinguished Senators like the Senator from Texas [Mr. Tower] or the Senator from New York [Mr. Javits], or perhaps some other Senators on this side of the aisle, have offered amendments to the bill providing that payments shall not be made when discrimination is being practiced in an area or city or State. Whenever that kind of amendment has been proposed, it has been fought bitterly by southern Senators. The argument has been made that if the amendment is adopted all southern Senators will vote against the bill. My presumption is that there must be some reason for that opposition. If no discrimination is practiced, why not include such a provision in the legislation? It has always been fought, and fought hard.

Mr. ELLENDER. Does the Senator know to what program such an amendment has been offered?

Mr. PROXMIRE. As I recall, the Senator from Texas offered some amendments last year to agricultural bills, to provide that payments shall not be made if discrimination is being practiced. I cannot give the precise number of the bill now. I am sure the Senator will recall that that has happened more than once.

Mr. ELLENDER. I do not recall, but I have my own views as to why all these agencies are included in the language of the bill.

My view is that this provision will be used in the manner of a big stick to force people to act against their will. I had an experience last year regarding the road construction program. Efforts were made to deny road funds to my State, not because of discrimination, but because officials at the Washington level desired to use those lands as a lever to force integration. When the facts were made known to the late President Kennedy, he soon revoked the order.

Mr. PROXMIRE. If there is no discrimination, the Senator has nothing at all to fear from such a provision. This talk about a $100 billion blackjack——

Mr. ELLENDER. No; this provision is put in the bill to use as a blackjack to force people to comply.

Mr. PROXMIRE. To do what? To stop discrimination?

Mr. ELLENDER. Not in connection with the road bills, because there has not been any discrimination that I know of. This provision is to force integration, rather than deny discrimination.

Mr. PROXMIRE. Then how in the world would such a provision as title VI, with all the safeguards and requirements before anyone could enforce that particular section, be used as a blackjack to force integration elsewhere?

Mr. ELLENDER. The point is this, in reference to the Executive order issued by the President last year. I informed the President of the United States that if road funds were denied to Louisiana, under the contract then being advertised, the 60 percent of the employees on the road who were Negroes, would be the sufferers. In my opinion, a good deal of that sort of language is put in the bill to force the issue with respect to other places of discrimination, as, for example, in schools, hospitals, and other places.

Mr. PROXMIRE. If there are Federal funds involved in school programs, impacted area programs, and under the Hill-Burton Act, what President Eisenhower said makes sense. Taxes are collected from whites and Negroes, and they should be expended without discrimination.

Mr. ELLENDER. But there are programs involved—for agriculture, roadbuilding, and similar activities—in which I know of no discrimination having been practiced.

Mr. PROXMIRE. Let me give the Senator an example. I have in my hand a quotation from the book written by Mr. Ben H. Bagdikian, entitled "In the Midst of Plenty: The Poor in America." Let me read a quotation from that book:

> Because he is a Negro, Columbus Cooper is worse off than most. The gap between Negro and white farmers increases constantly. In 1950 the median income of colored farm families was 52 percent of white southern farm families; in 1960 it had dropped to 45 percent. Most southern farm counties are eligible for Federal agricultural aid because of their impoverished Negroes, but most of the aid goes to white families. In nine counties around Cooper's where Negro farmers are a majority, only one of the county committees that decide whether a farmer will get a Farmers Home Administration Government loan has a Negro on it. A friend of Cooper's who had farmed 21 years and had good credit with the Federal Government was turned down by such a county committee and immediately thereafter one of the white members of the committee offered him $10,000 for his 100 acres. Cooper's friend had to borrow $5,400 at 25 percent interest to keep his farm.

This is one example. These examples come to our attention in number only when there is some basis for recourse or protest. This quotation shows that there is a sharp difference between the incomes of Negro and white farmers in the South, and would seem to me to demonstrate the fact that there is discrimination.

Mr. ELLENDER. Does the Senator know how this lack of income has come about?

Mr. PROXMIRE. The pattern goes far back into history. Many factors are involved. A great deal of the responsibility arises from the fact that Negroes do not get equal employment opportunities in the South, in my judgment. As indicated in the quotation I have just read, Negroes do not have the same incentives for developing their knowledge of agricultural skills, because they know what their future can be in agriculture.

Mr. ELLENDER. Many are tenant farmers who do not own their own land and cannot do with it what they choose.

Mr. PROXMIRE. I do not say that the only factor is that of discrimination, but it is a major factor.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. EASTLAND. Where did what the Senator has described occur? To what area do those figures apply?

Mr. PROXMIRE. It was recorded in a book by Ben H. Bagdikian, entitled "In the Midst of Plenty: The Poor in America," pages 94–95.

Mr. ELLENDER. Where did the Senator get the quotation?

Mr. PROXMIRE. It is from the book "In the Midst of Plenty: The Poor in America," by Mr. Bagdikian.

Mr. EASTLAND. I have lived in the South all my life. I have not seen the first instance of economic discrimination in the South.

Mr. PROXMIRE. Will the Senator repeat that?

Mr. EASTLAND. I have not seen the first instance of economic discrimination in the South. If a professor or somebody else writes something, that does not mean it is true. I do not believe a word from that quotation.

Mr. PROXMIRE. Let me give the Senator a quotation from the Department of Agriculture on Mississippi.

Mr. EASTLAND. Very well.

Mr. PROXMIRE. I read:

> A dramatic illustration of discrimination among beneficiaries of federally assisted programs on account of race is afforded by Department of Agriculture data concerning the administration of the Federal school lunch program in Greenwood, Miss. These figures also indicate just how equal separate school facilities for Negro and white students are. Nearly half of the average daily attendance in Greenwood schools are Negro students (43 percent), yet the Negro students receive only one-fifth of the free lunches distributed in the Greenwood district.

Mr. EASTLAND. I live near Greenwood, Miss., and I do not believe a word of that.

Mr. PROXMIRE. This is from the Department of Agriculture.

Mr. EASTLAND. That does not mean it is true. I know the conditions there. I know the conditions in my own area. I live in the county adjoining Greenwood. They get exactly the same treatment, and there is no such thing that I know of of economic discrimination. If there were, it is peculiar that we should have millionaire farmers who belong to the Negro race, and let me say that they are as violently opposed to this bill as I am.

Mr. PROXMIRE. Let me give the Senator some statistics. In 1960–61, in the Greenwood area, average daily attendance of 4,943, the white percentage was 57 percent, and the Negro percentage 43 percent. The white percentage of the free lunches was 79 percent and the Negroes 21 percent.

In 1961–62, the average daily attendance was 5,130. The white percentage was 57 percent—the same, and the Negro percentage was 43 percent. The white percentage of the free lunches was 80 percent and the Negro percentage was 20 percent.

Mr. EASTLAND. I challenge the truthfulness of that statement. Of my own knowledge, I challenge the truthfulness of that statement. I know that my friend the Senator from Wisconsin is acting in good faith when he makes this statement, but of my own knowledge I challenge its truthfulness. I live in the vicinity of Greenwood.

Mr. PROXMIRE. These statistics and figures do come from the most authoritative agency on farm data, the agency which is responsible, the Department of Agriculture.

Mr. EASTLAND. I doubt that. I do not believe a word of it. I do not believe a word of it.

Mr. PROXMIRE. Well, I regret that the Senator does not.

Mr. EASTLAND. Mississippi has been very careful in the use of school lunch money in those programs. I do not know of a first instance, in the many years that I have lived in that area, of any economic discrimination. I have heard white people say that they were discriminated against in favor of Negroes for jobs in that town and in that area.

Mr. PROXMIRE. I am sure that the distinguished Senator has heard that kind of charge. However, these are statistics which are compiled by an agency which, it seems to me, has no ax to grind. It has no reason at all to lie, or to risk the chance of being exposed as not telling the truth.

Mr. EASTLAND. I challenge its truthfulness, of my own knowledge. I believe I can honestly contend by what the Senator has said, and can demonstrate the whole falsity of it. I know the Senator is acting in good faith when he makes the statement.

Mr. PROXMIRE. I have great respect for the honesty of the Senator from Mississippi, but the fact is, I have submitted the testimony of the most authoritative Government agency we have, and that is why——

Mr. EASTLAND. But I believe I know more about it than——

Mr. ELLENDER. Mr. President, where did the Senator from Wisconsin obtain this information?

Mr. EASTLAND. Yes, where does this information come from?

Mr. PROXMIRE. From the bipartisan civil rights newsletter.

Mr. ELLENDER. Oh.

Mr. EASTLAND. Oh, well that is just more propaganda.

Mr. PROXMIRE. This information was put out by people representing, I believe, the majority opinion of the Senate, by Senators like the distinguished majority whip and the——

Mr. EASTLAND. I challenge—I challenge the truth——

Mr. PROXMIRE. The minority whip and——

Mr. EASTLAND. Of that statement. I do not challenge the Senator's word, of course, but I do challenge the truthfulness of the statement. I live in that area. I know the schools. I know the people. I challenge its truthfulness.

Mr. PROXMIRE. Mr. President, anyone reading this colloquy or listening to it must choose between the position taken by the Senator from Mississippi and myself. The Senator from Mississippi lives in Mississippi, and he knows a great deal about Mississippi. This is, however——

Mr. EASTLAND. Make it in that area.

Mr. PROXMIRE. The Senator lives in that area—yes, indeed—but I should like to say that these statistics do not come from anyone with an ax to grind, they come from the Department of Agriculture.

Mr. EASTLAND. That does not come from any one who has got an ax to grind?

Mr. PROXMIRE. No, indeed.

Mr. EASTLAND. The bipartisan committee to promote the civil rights bill? That committee has no ax to grind?

Mr. PROXMIRE. These figures come from the Department of Agriculture.

Mr. EASTLAND. They do not have an ax to grind? This committee does not have an ax to grind?

Mr. PROXMIRE. I am for this bill just as enthusiastically as the Senator from Mississippi is against it.

Mr. EASTLAND. I know, but does not that committee have an ax to grind?

Mr. PROXMIRE. It did not come from the committee. The figures came from the Department of Agriculture.

Mr. EASTLAND. The Senator said they came from the committee.

Mr. PROXMIRE. Yes, but——

Mr. EASTLAND. It is the committee that——

Mr. PROXMIRE. The committee secured them from the Department of Agriculture. The Department of Agriculture provided the figures. The Department of Agriculture is the source.

Mr. EASTLAND. Yes, sir, and I say that the figures are totally, wholly, and completely false; and if the Senator——

Mr. PROXMIRE. I would hope that the distinguished Senator——

Mr. EASTLAND. Knew what he was doing to the community by using those figures, he should personally make his own inquiry to see whether the figures are truthful or not.

Mr. PROXMIRE. I do hope, before the distinguished Senator lets the Record stand as it is, that he will supply some statistical basis, some hard, documentary evidence other than his opinion, which is a good opinion——

Mr. EASTLAND. I can get that, but I have an opinion because I am there. I was in the town yesterday. I know nearly all the people in the town. I know the conditions in the town. I know that there have been terrible falsehoods told about that town all over this country.

Mr. PROXMIRE. The Senator from Mississippi says he knows of his own knowledge about the school lunch program in Greenwood, Miss.——

Mr. EASTLAND. The Senator is correct.

Mr. PROXMIRE. But has the Senator examined the records personally?

Mr. EASTLAND. I have not examined the records. I know what the policies are. I know what has been happening. I went stronger than the Senator from Wisconsin did. I said there that I do not know in my whole life, which has been spent in that area, of the first instance of economic discrimination against Negroes.

Mr. PROXMIRE. That is what the Senator from Mississippi says. That is what he stands on. The Senator has not examined the records. I ask if he does not have any documentary evidence to contradict what the Department of Agriculture has said?

Mr. EASTLAND. I know what the facts are.

Mr. PROXMIRE. Has the Senator talked to the school administrators and secured their testimony on this point?

Mr. EASTLAND. No.

Mr. PROXMIRE. The Senator has not talked to the school administrators, and he has not examined the records?

Mr. EASTLAND. No, but I am standing here telling the truth, and I say that those figures are false. I am not charging my good friend, the Senator from Wisconsin, with making a false statement. The Senator does not know. I know the conditions, and I know the facts; and I am going to get the facts and put them in the Record.

Mr. PROXMIRE. Well, I hope the Senator does because certainly the orderly way to resolve this kind of dispute, it would seem to me, would be for the Senator to show that the Department of Agriculture——

Mr. EASTLAND. Surely.

Mr. PROXMIRE. Which has provided these facts to the people supporting the bill, has been in error and has not given us the accurate facts.

Mr. EASTLAND. Falsehoods were put out about my own town, that commodities were not being distributed to the poor and that most of the people were Negroes, but that whole thing could be answered in a word of three letters, because there was. They are. And yet they were taking up contributions all over this country, these organizations were, and were sending food down there when there was not a first case of need, or want in that area; but it was propaganda to help pass this bill.

Mr. PROXMIRE. I am talking about the Department of Agriculture——

Mr. EASTLAND. I know what the Senator is talking about.

Mr. PROXMIRE. I am talking about the statistics the Department of Agriculture makes on its own program.

Mr. EASTLAND. The Senator is correct.

Mr. PROXMIRE. A program on which the Department of Agriculture should be the authority. I repeat—the authority.

Mr. EASTLAND. No.

Mr. PROXMIRE. The Senator from Mississippi is contradicting me without having any evidence from the school administrators, without having observed the records himself, but simply saying on the basis of his own opinion—which is a good opinion—nevertheless his own opinion, and he says the Department of Agriculture figures are wrong, erroneous, or not truthful.

Mr. EASTLAND. The distinguished Senator from Wisconsin must realize that that is a rural community as to the problems happening there. I know them. I do not have to rely on a statement gotten out by a bipartisan committee to promote a civil rights bill, or anything else. I know. I am there. I was there day before yesterday. I was there on Wednesday. I was there on Tuesday. I was there on Monday. I was there last Sunday. I was there last Saturday. I know what is happening there. I know conditions there. The Senator is doing that community a grave disservice. I am going to get the facts and put them in the Record.

Mr. PROXMIRE. I hope the Senator does. Let me say to the Senator that I have been in Wisconsin a great deal and I have talked to the people in Madison, Wis., and——

Mr. EASTLAND. How big is Madison?

Mr. PROXMIRE. I know my own hometown very well——

Mr. EASTLAND. How big is Madison?

Mr. PROXMIRE. It is a town with a population of 150,000.

Mr. EASTLAND. I thank the Senator.

Mr. PROXMIRE. Let me take the ward in which I live, in Madison. I know that ward well. I have personally called on every home and shop and store in it. I know the Allis School District where my children have gone to school very well. But if I were to stand on the floor of the Senate and state that the Department of Agriculture was wrong about the school milk program in the Allis School District where my children go to school which I know intimately, and where I live, I would say the Department of Agriculture knows more about that program than I do.

Mr. EASTLAND. I say they do not know as much about it as I do, in that area, which is a rural area. It is a small town. It is not a town of 140,000 people. I am obtaining the facts and I will place them in the Record, because the Senator is doing that area a very grave disservice in talking about something he knows nothing about.

Mr. HART. Mr. President, will the Senator yield?

Mr. PROXMIRE. I will yield to the Senator in a moment. What the Senator from Wisconsin is doing is giving the statistics that he received from the

Department of Agriculture, via the committee that is supporting the bill. I now yield to the Senator from Michigan.

Mr. HART. Only to supplement the information. If the Senator from Mississippi will add to the RECORD specific information on the agricultural program——

Mr. EASTLAND. What area is the Senator talking about?

Mr. HART. The school lunch program.

Mr. EASTLAND. Yes.

Mr. HART. I wonder if he would also submit the voting statistics for Negroes and whites.

Mr. EASTLAND. We do not keep registration records by race.

Mr. HART. The Senator says he knows that area.

Mr. EASTLAND. I would have to check the poll books. I have to be here in Washington. I cannot be down there at the same time. We do not keep registration records by race. We do not make registrations by race. Does Michigan keep registration records by race?

Mr. PROXMIRE. Does the Senator from Mississippi deny that the overwhelming majority of whites in Mississippi can register and probably do register, and that the overwhelming majority of Negroes are not registered?

Mr. EASTLAND. Would I deny it?

Mr. PROXMIRE. Yes; would the Senator deny it?

Mr. EASTLAND. No; I would not deny it.

EQUAL EMPLOYMENT OPPORTUNITY—THE GENTLE APPROACH

Mr. PROXMIRE. I thank the Senator. Title VII is the fair employment practices section. The section would make discrimination in some employment illegal. The desperate need for something like this is attested to by the Council of Economic Advisers, who estimated, in 1962, that racial discrimination costs our economy between $13 billion and $17 billion a year. Taking a middle figure of $15 billion, this discrimination is costing every American family $300 a year.

The question may be asked as to how we can compute that kind of figure. We can compute it because the Negroes are denied educational opportunities, and the kinds of skills they need in an automated society. One of the great shames of our American economy is that 5.4 percent of our working force is out of work, at the time of our greatest prosperity. The real shame is that 11 percent of the Negro population is out of work. They cannot find work. Why? It is because they are in the position where they have no reason and no motivation to develop the skills that are necessary for them to have in order to get the jobs that are available in the kind of society in which we live.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield temporarily to the Senator from Louisiana.

Mr. ELLENDER. Has Wisconsin an FEPC law?

Mr. PROXMIRE. It has.

Mr. ELLENDER. How long has Wisconsin had an FEPC law?

Mr. PROXMIRE. Since 1945.

Mr. ELLENDER. What is the ratio of Negroes to whites in Wisconsin?

Mr. PROXMIRE. In Wisconsin it is a little over 2 percent. In Milwaukee it is close to 10 percent. In the northern part of Milwaukee it is close to 20 percent.

Mr. ELLENDER. I hold in my hand a document which was prepared by the Bureau of the Census, on unemployment as a percentage of the civilian labor force, by color, and by States. It was issued in April 1960. Wisconsin shows a total unemployment rate of 3.9 percent. The rate for whites is 3.7 and the rate for Negroes is 11.4 percent. I wish the Senator would explain those figures.

Mr. PROXMIRE. I am delighted to explain the figures to the Senator. Wisconsin has had an FEPC law on the statute books for almost 20 years. The difficulty is that in this country there is freedom of migration. We are very proud of it. The Negro population in Milwaukee has greatly increased in the past 5 to 10 years. It increases by literally thousands a year. The Negroes come from the South. They do not possess the necessary skills to get jobs. They have no seniority. They lack experience. The jobs are available if they have skills for working in the auto and steel plants, but, of course, many of the Negroes who come to Wisconsin from the South do not have such skills. It requires several years for the Negroes to acquire those skills. That is the major reason. That is why I say the Federal FEPC law would help to provide the opportunity for Negroes to obtain jobs, and it would give them the incentive to work on their educational processes and to make sacrifices that are necessary in order to acquire the skills that they need to obtain employment.

Mr. ELLENDER. To what extent would Wisconsin Negroes be assisted if the pending FEPC law were passed, since the State law does not seem to be enforced now?

Mr. PROXMIRE. The State law is enforced.

Mr. ELLENDER. I do not understand why the white unemployment rate is 3.7 percent, and the Negro rate is 11.4 percent. There must be some discrimination somewhere.

Mr. PROXMIRE. The reason is not racial discrimination. The reason is that the Negroes do not have the skills that they need when they come from the South. They are unskilled. The Federal statistics show that the unskilled unemployed figure is close to 20 percent, not 11 percent. Negroes are frequently unskilled.

Mr. HART. Mr. President, will the Senator yield?

Mr. PROXMIRE. I will yield in a moment.

Mr. ELLENDER. In Mississippi, the unemployment rate among whites is 4.5 percent, and among Negroes it is 7.1 percent. In Wisconsin, the figures show that it is 3.7 percent for whites, and 11.4 percent for Negroes.

Let us consider the great State of Michigan, from which my good friend Senator HART comes. The percentage of white unemployed is 6 percent; the nonwhites, 16.3 percent. Michigan has an FEPC law. Why is that law not enforced?

Mr. HART. Mr. President, will the Senator yield?

Mr. PROXMIRE. Before I yield to the Senator from Michigan, I may say that discrimination is one factor, and a very important factor, a long-range factor, which discourages Negroes from obtaining the kind of education they need in order to find employment in our modern society. However, it is only one factor. The statistical reason why the unemployment figure in the South is lower for Negroes than in the North is because such a large percentage of southern Negroes are tenant farmers, often pitifully poor, poverty stricken but not unemployed. In the North virtually none of our Negroes are rural. They live in our large cities. They either have a relatively good-paying job or they are out of work. I yield to the Senator from Michigan.

Mr. HART. Very briefly, but very pointedly, I wish to say that the fair employment practice law, which is enforced in Michigan, compels an employer to judge a man on his qualifications, not while he is 50 feet away. The fact that the latter is not the basis is established by the facts which are contained in these figures. The capacity of the man to hold employment is a factor, but only one factor.

Mr. PROXMIRE. I believe that is a very eloquent argument, which should allay the fears of the Senator from Louisiana and others. In Wisconsin and in Michigan no effort is made, nor is any success achieved, toward compelling people to hire unqualified persons. A person is hired on the basis of qualifications. The sad fact is that because of inadequate education and motivation—because there has been so much discrimination in the area of his birth and education—the Negro has not been able to acquire the kind of skill that he needs to get a job.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. EASTLAND. I deny what the Senator says about lack of skills. Negroes in the South operate machines. Frequently Negroes in the South will operate machines costing $20,000 or $25,000, and do a good job. The average Negro in the South can do that. They were recruited to go North to, work in plants, and when the war was over and the soldiers came back, the white people got their jobs. I deny that the difficulty is due to lack of skill. I believe there is discrimination by the white people in Wisconsin. Negroes do have skill. The alleged lack of skill is only an argument in order to hold jobs for the white men.

Mr. PROXMIRE. The Senator from Mississippi is saying that Wisconsin and Michigan need stronger FEPC laws than they now have, and need more vigorous enforcement. In order to achieve that result, apparently it is necessary for the Federal Government to tell the State FEPC commissions what to do. Wisconsin has an industrial commission that is doing effective work.

Mr. EASTLAND. I do not believe it is doing effective work. I believe the FEPC should be strengthened. There is a fallacy in what the Senator is saying.

Mr. PROXMIRE. The Senator from Mississippi said that the FEPC should be strengthened. That is interesting.

Mr. EASTLAND. It should be strengthened in the Senator's State. But there is a fallacy in what is sought to be done. We do not need a national law, because there is no economic discrimination in the South. The bill is aimed at the Southern States. The problem is not in the South. The problem is in the Senator's State. It is the fault of those who will not enforce the law. That is where the problem lies. A national FEPC is not needed.

In my State there is no such thing as economic discrimination. In my State, no person is denied a job because of his race.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ELLENDER. In the State of Washington, which has an FEPC law, at the present time the rate of whites unemployed is 6.4 percent, and Negroes, 13.4 percent. In Virginia, the percentage of whites unemployed is 3.5 percent; Negroes, 7.1. That is true of all the South, and the situation cannot be explained away by saying we have a great many tenant farmers in the South.

Mr. PROXMIRE. What the Senator from Louisiana is reading is very helpful. The statistics indicate that there is a higher percentage of unemployed Negroes in the North and in the South than white persons. It is much higher everywhere for Negroes whether there is an FEPC law or not.

To correct that situation, all 11 titles of the bill are needed; not only title VII, which provides equal employment opportunity; not only title IV, to provide equal educational opportunities.

Title I is needed, to stop discrimination in voting.

All these titles affect the dignity and opportunity that will help all Negroes to acquire education and skill and provide them with the opportunity to improve themselves economically.

Apropos of what the Senator from Mississippi has said, I wholeheartedly agree that the Negroes in Wisconsin need an opportunity to acquire skills. Some of the most skilled operators in Wisconsin—and I am sure this is true of Michigan—are Negroes. But they have not been segregated. They have been given an opportunity to move ahead.

We see that on a national scale. On Monday night we saw that the highest film award given for the finest actor, black or white, in American movies was given to a Negro, Sidney Poitier.

Mr. ELLENDER. Sidney Potier is from Martinique. He is a French Negro.

Mr. PROXMIRE. But he is a Negro. The Senator from Louisiana knows that Poitier is a Negro and Poitier is proud of it.

Mr. ELLENDER. A Negro is the Vice President of France.

Mr. PROXMIRE. Ralph Bunche is a Negro.

Mr. ELLENDER. That is correct. I am not contending differently.

Mr. PROXMIRE. I am contending that there are in this country Negroes who have the same native capacity for creative work and skill as any white person has. They need recognition as human personalities having dignity; and we should really believe it and show it.

Mr. ELLENDER. It is not shown by the rate of Negro unemployment in the North. The South has been used as the whipping boy for years. Now that an attempt is being made to force integration in the North, it is being found out that there is as much discrimination in the North as it is claimed there is in the South.

Mr. PROXMIRE. The Senator from Wisconsin has never denied that there is a great deal of segregation and some discrimination in the North. It is not confined to Negroes.

Only yesterday, the New York Times published an article on the first page of the second section, documenting discrimination against Jewish lawyers in New York City, where the largest single group in the population is Jewish. The State of New York has elected overwhelmingly one of the finest Senators ever elected to this body, a Jew, the distinguished senior Senator from New York [Mr. JAVITS]. He won by more than a million votes. He is a Jew and one of the most popular New York men in history. The only other person in recent New York history who could rival Senator JAVITS was the late Governor Lehman, also a Jew.

Yet in spite of that, in spite of a strong and enforced FEPC law, the Jews in New York City are being discriminated against. This was documented last week with regard to graduates of Yale Law School. The study showed that the starting income of Jewish lawyers of equal academic achievement is substantially less than that of non-Jewish lawyers, although the situation has improved markedly in the past 12 years.

There will be discrimination in America whether the bill is passed or not. It cannot all be wiped out by one bill. The bill would provide only a meager, limited, conservative beginning.

Mr. ELLENDER. It is still true that the South is being used as the whipping boy to aid the passage of this bill, when the North has been just as effective in promoting segregation as the South. The only difference is that southern segregation has been open and above board. It has been honest, while in the North it has been swept under the rug.

Mr. PROXMIRE. There is a great difference, in that there are no legal prohibitions against Negroes in Wisconsin. I am sure the same is true of Michigan. The Negro is not only urged to vote; he is given every opportunity to vote. The Negro is free to go to his neighborhood school. It is true that because of the housing pattern, he probably attends a school that is predominantly Negro.

There is a legal prohibition in the North—at least in Wisconsin, Michigan, and some other States—against discriminating against Negroes in hiring. If an employer does so, he does so at his own peril in violating the law.

Mr. ELLENDER. I am certain the Senator realizes the problem that exists in the South. The percentage of Negroes in Wisconsin is only 2 percent. But in some parishes in my State and some counties in the State of Mississippi, the proportion of Negroes to whites in the population is 3 to 1 or 2 to 1. I admitted on the floor of the Senate that there was discrimination in voting, and said that there is good reason for it. Many of the whites fear that if all the Negroes in a county where the Negroes outnmber the whites 3 to 1 were encouraged to vote, carpetbaggers and scalawags would gain control of the local governments, just as they did during Reconstruction. That is the fear that exists.

In time, all this fear will be wiped out, I hope. Improvement is gradually taking place now.

In the city of New Orleans, during the last 5 or 6 years, thousands of Negroes have registered. Only in four or five parishes in my State, where Negroes outnumber the whites by 2 or 3 to 1, is there any trouble about registering colored people.

Mr. PROXMIRE. There are wards in Milwaukee where the Negroes outnumber the whites 10 to 1. Some wards elect Negro assemblymen to the State legislature. Negroes are elected to the city council of Milwaukee, a very powerful body, with relatively few members. The Democratic national committeewoman from Wisconsin is a Negro. Many opportunities are provided in Wisconsin for Negroes to be elected. That is important. I am sure the Senator from Louisiana knows that such an opportunity is not available in the South.

Mr. ELLENDER. I beg the Senator's pardon. In the last gubernatorial election a Negro ran for Governor. He received quite a large number of votes. He did not win. Many Negroes have run for the legislature, and some for councilmen in some parts of Louisiana.

Mr. PROXMIRE. The argument is not that they cannot run for office; the argument is that they cannot be elected. In Wisconsin, they can be elected, because the Negro is afforded every opportunity to vote.

Mr. EASTLAND. The Senator has described conditions in certain wards in Milwaukee, where Negroes outnumber whites by 10 to 1. That is true in a number of towns in my State. The Negroes vote, and they have a right to elect whomever they wish in that area. Similar conditions prevail in other parts of the South.

An attempt is being made to force the people of the South to comply with the practices of States north of the Mason and Dixon line.

Mr. PROXMIRE. Mr. President, let me point out how mild and moderate are the provisions of title VII of the bill.

First. Notice must be served on an accused employer. At that point there must be conciliation and will usually be agreement. So voluntary conciliation is a requirement.

Second. Before a suit can be brought by an aggrieved party under title VII, permission is required from a member of the commission to bring suit. That means that a suit cannot be brought arbitrarily merely to embarrass or harass persons.

Third. There is no penalty for discrimination. No penalty or fine is provided by the bill. No prison term is provided. No enforcement power is granted the Commission. None.

Under the bill, a case must be proved in court, and the burden of proof is on the complainant. Furthermore, only firms that employ 25 or more persons are covered. In Wisconsin law, every firm is covered. In terms of numbers of firms, the bill would eliminate probably 75 to 80 percent of the firms in America from coverage.

Only firms that employ 25 or more are covered. In States that have FEPC laws, the bill directs the Federal Government to sign agreements with existing State agencies to handle this section under the existing State law.

This title does everything possible to proceed gradually and conservatively by delegation. It does everything possible to have the State administer the law. It provides no enforcement. It requires proof, substance, court action before any action can be taken. There is no penalty. There is no fine. Compliance is secured by enjoining a person or a firm in order to stop discrimination. Then, of course, if the discrimination ceases, there is no penalty.

TITLE XI—VITAL DELEGATION TITLE

Too little attention has been paid to title XI of the bill. It has been almost ignored. Title XI is a responsible and crucial title. It provides that when adequate State laws exist, which offer protection equal to that afforded by provisions in the pending bill, the State laws will remain in effect. The Government is expressly excluded under this provision.

This bill recognizes the Federal system. It is conservative. It recognizes the State system. It relies on the local government, or the State government, rather than the long arm of the Federal Government.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. EASTLAND. What does that provision mean? I know that the Federal Government would not preempt the field, but does that mean that this act would not apply to a State which has a State statute?

Mr. PROXMIRE. What it means—that if a State has an FEPC law, has some means of enforcing the law, the Federal Government will not step in unless it becomes apparent that the State agency is only a facade, and is not attempting to provide any protection for the rights of minorities.

Mr. EASTLAND. Who makes that determination?

Mr. PROXMIRE. That determination has to be made, if it has any meaning at all, by the Federal Government.

Mr. EASTLAND. By whom in the Federal Government?

Mr. PROXMIRE. Depending on the title. It would be made under title VII, for example, by the Commissioners themselves. It would be made by the Federal FEPC. It would vary, depending on the Federal agency that is responsible for enforcing the provisions in the bill.

Mr. EASTLAND. Does it not really mean that if a State had a statute, and a board or agency to enforce it, the Federal Government would not go into that State? Is that not what it means?

Mr. PROXMIRE. It would certainly mean that, if the agency were rendering satisfactory performance. The Senator is correct.

Mr. EASTLAND. Of course, such laws are really not enforced, are they?

Mr. PROXMIRE. They are enforced in our State.

Mr. EASTLAND. They are?

Mr. PROXMIRE. Yes, indeed they are.

Mr. EASTLAND. The State of Wisconsin has 11 percent unemployment.

Mr. PROXMIRE. Oh, yes, indeed.

Mr. EASTLAND. I do not think the figures bear out the Senator's statement.

Mr. PROXMIRE. According to Secretary of Labor Wirtz——

Mr. EASTLAND. Let us not take the Secretary of Labor's figures. Let us take the Wisconsin figures.

Mr. PROXMIRE. The figures show that for the country as a whole, of those who are unskilled, 20 percent of them are unemployed—not 11 percent.

Mr. EASTLAND. Twenty percent?

Mr. PROXMIRE. Yes. So if in Wisconsin 11 percent of Negroes are out of work, most of whom are unskilled, there is no proof from this statistic of discrimination.

Mr. EASTLAND. I challenge the statement as to whether they are skilled. Most of them have skill.

Mr. PROXMIRE. Many of them have skill.

Mr. EASTLAND. I know what is happening. There is discrimination against them in the State of Wisconsin—and not in the South. We do not need a national bill. There is no such thing as economic discrimination in the South. I was out of the Chamber a moment ago, and a Senate employee told me about a strike, and a boycott of a Boston newspaper. The newspaper agreed to hire some Negro. Where did they have to go to find him? They could not hire him in Massachusetts. They could not hire him in New England. They had to go to the State of Alabama to get him.

Mr. PROXMIRE. This is a matter of degree. There is no question that there is prejudice in the North. There is bigotry in the North. There is discrimination in the North. But it is not on a wholesale scale. If the Senator were to go with me to the plant gate of American Motors in Milwaukee or Kenosha, the biggest employer in the State of Wisconsin, he would find that a large percent of the people who work there—I am not sure of the exact percentage—are Negroes. If the Senator would go with me to A. O. Smith, he would find that a large percentage of the employees there are Negroes. Negroes work in plant after plant. There is some discrimination in Wisconsin as in some areas of New York City. There is discrimination against the largest single religious group who live in New York, as I have just pointed out.

Mr. EASTLAND. But under this bill the Federal Government would not go into the State of Wisconsin. It would go into my State, where there is no discrimination. It would go there to stir up strife and discord. But it would not go into the State of the Senator from Wisconsin, where the law is not being enforced.

Mr. PROXMIRE. Now that the Senator from Wisconsin has hit the sawdust trail and confessed sin and error, and has admitted that there is some discrimination in his State, I hope the Senator from Mississippi will not insist that the State of Mississippi is so pristine pure and white as the driven snow that there is no discrimination in Mississippi. The Senator knows better than that.

Mr. EASTLAND. I stated there is no discrimination in the State of Mississippi. I stand on that statement. The State of Mississippi compares very favorably with other States in the number of Negro property owners, the number of Negro businessmen, the number of Negro professional men, and the number of Negroes in skilled labor.

Mr. PROXMIRE. If that is true, the Senator from Mississippi should have no objection to the bill. He should have no objection to title VII of the bill, or any other title.

Mr. EASTLAND. The bill is a political attack on my State. It would not be enforced, as the Senator has shown, in the State of Wisconsin, because Wisconsin has an industrial commission. What is the industrial commission doing? It is doing nothing. Eleven percent of the Negroes are unemployed.

Mr. PROXMIRE. Eighty-nine percent of the Negroes are employed. Twenty percent of the unskilled people in America are unemployed. A minority group has had serious problems concerning high rates of unemployment. That certainly is not an indictment of Wisconsin. I concede that there is some discrimination in any State. There is some discrimination in any city of any size. But it is not systematically based on segregation. It does not have a fundamental basis of providing an inferior education.

Mr. EASTLAND. Segregation is not discrimination. There is all the difference in the world between those two terms. Segregation is a social factor. Discrimination is an economic factor. What I said was that there was no such thing as economic discrimination in my State.

STRONG CONSERVATIVES SUPPORT BILL

Mr. PROXMIRE. If there is no such thing as economic discrimination in the Senator's State, in my judgment the Senator has little to fear from the bill.

Mr. President, I point out that the bill is very conservative. Not only will the conservatives support it, but they do support it, and they have supported it. What did the Republican conservatives in the House of Representatives do, after weeks of hearings before the Judiciary Committee and the Rules Committee, after extended debate on the floor, after opportunity was afforded to Members of the House to consider the bill title by title, and paragraph by paragraph, in great detail, after one of the longest debates that has occurred for a long time in the House of Representatives, after careful consideration?

The bill was overwhelmingly supported by the distinguished galaxy of strong, Republican conservative Members who have a consistent record of overwhelming opposition to a larger role for Government, men who have as distinguished a record for conservatism as any men who ever served in the House of Representatives.

ILLINOIS HOUSE SUPPORT

Consider the State of Illinois. Illinois is one of the most populous States in the Union. It has 24 Representatives. It has 12 Republican Representatives and 12 Democratic Representatives. They are evenly divided. Some Republican Representatives are very conservative. Yet not one Representative from the Illinois congressional delegation voted against the bill after the Representatives had gone over the bill with great care and devoted a great deal of time to it.

Think of the men in the Illinois congressional delegation who supported the bill. Every one of the men whom I shall now mention is not only a consistent conservative, but has shown repeatedly, over and over again, that he opposes a greater Federal role in government. They are: Representative ANDERSON, Representative ARENDS, Representative FINDLEY, Representative MCCLORY, Representative MCCLOSKEY, and Representative REID, who has a particularly strong conservative record. Illinois is expected to play a key role in the Senate as well as in the House in the passage of the bill. Illinois is the Land of Lincoln. Illinois has many reasons for supporting a bill of the kind proposed.

Nevertheless, the Representatives of all ideological persuasions and views supported the bill and voted for it in the House. Not a single Illinois Representative voted against it.

KANSAS HOUSE DELEGATION UNANIMOUS

Kansas is recognized as a strongly conservative State. It has five Representatives, every one of whom is a Republican. Every single Representative from Kansas voted for the bill. Not one voted against it. For example, Representative DOLE, who has a record of stringent opposition to Federal encroachment, voted for the bill, because he recognized, as we have after having gone over it title by title, that it is filled with qualifications, limitations, and restrictions on the Federal Government, and that it emphasizes conciliation in title after title. Cases which would arise under the bill would go to the courts. Enforcement would not depend upon Federal dictation.

CONSERVATIVE INDIANA DELEGATION ALL FOR BILL

All 11 Representatives from Indiana, which has one of the strongest conservative traditions of any State in the Union, voted for the bill. The Representatives from that State include the highly conservative Representative BRUCE. Representative BRUCE has a record of opposing all Federal intervention. He has a very strong conservative record. He voted for the bill.

PENNSYLVANIA UNANIMOUS FOR BILL

Pennsylvania has 22 Representatives. Can any Senator find a Representative from Pennsylvania who voted against the bill, notwithstanding the fact that many eminent conservatives are among the 22 Representatives? Every one of the 22 Representatives from Pennsylvania, including 14 Republicans, and including such strong opponents of Federal intervention as Representative DAGUE and Representative GOODLING, voted for the bill.

MARYLAND ALL-OUT FOR BILL

Maryland is a border State which has some congressional districts in which the people feel they are closer to the attitude of the South than are the people in the North. Among the 18 Representatives from Maryland there was not a single negative vote. The supporters of the bill from Maryland included that great foe of Federal intervention, Representative MORTON.

Mr. President, the bill is a bipartisan, bi-ideological, Republican-Democrat bill.

Going down the list of States, we find that in the Wisconsin delegation, for example, only one Representative voted against the bill. Representative SCHADEBERG, who has a consistent record of voting almost always against any kind of Federal program that would involve Federal interference of any sort, voted for the bill. Representative JOHN W. BYRNES, who is chairman of the Republican Policy Committee in the House, voted for the bill. Representative LAIRD, who is chairman of the National Convention Platform Committee in Wisconsin, voted for the bill.

The bill has been identified as a Kuchel-Humphrey bill.

I believe it could well be identified as the Arends-Halleck bill, because it has just as distinguished conservative support as liberal support.

The bill has been identified as a Javits-Douglas bill. That is what the public thinks of the bill. The public thinks it is a bill supported by strong liberals. Actually it is a Byrnes-Laird bill, a bill supported by the strongest and most eminent conservatives in the Republican Party.

The bill is a careful, cautious, prudent, "go-slow" bill. It would leave 90 percent of the task still to be done by local and State governments. The bill would not really touch the subject of housing. It would do very little in the area of education. It is silent on all voting except Federal voting. It would leave those subjects for local communities to act on.

PATIENCE AND DIGNITY OF NEGRO DESERVES REWARD

Mr. President, we need the civil rights bill for many reasons which have been discussed in the Senate with great eloquence. We need it for a reason which, it seems to me, has not been given sufficient attention. We need the bill because for 100 years the Negro has waited for his constitutional rights—100 long, patient, difficult years; years in which he has been treated with intimidation, indignity, and sometimes brutality. Recently we have witnessed the use of cattle prods, firehoses, and police dogs, and the bombing of a church which resulted in four little Negro children being killed.

What has been the response? I will tell Senators why the bill is needed. What has been the response of this kind and gentle people? Their response has not been one of asking for vengeance or for punishment.

Their response has been merely to ask for cooperation and for harmony.

The leader of the Negro movement in our country is not Malcolm X, the leader of the Black Muslims. The leader of the Negro movement in this country is Martin Luther King. What does Martin Luther King call for? What has he asked his people to do? He has called for them to love the people who oppose them. He has asked them to love, to cooperate, and to agree to work with them.

Only yesterday the second trial of Byron Dela Beckwith on charges of killing Negro leader Medger Evers was concluded in the South. After the jury for the second time was hung and the trial ended, Charles Evers, the brother of Medger Evers, spoke out. In a case in which a man had come so close to being convicted—for a number of the members of the jury had insisted on conviction—and in a case in which there was substantial evidence on both sides, including evidence that Beckwith had committed the murder, one would normally think that the brother of such a victim would insist on punishment, and that he would have had a vindictive and fierce statement to make.

What did Charles Evers say? He called for cooperation. He wanted to proceed to work on the mild and moderate bill which is before the Senate. He asked his people not to resort to violence. He asked them to cooperate.

Last August in Washington we witnessed one of the most magnificent demonstrations in the history of our Nation. The March on Washington was a dignified demonstration—200,000 people, deeply moved and deeply indignant, marched, and yet there was not a single act of violence.

That is a tribute to the way those people feel. Of course, the climax of that great march on Washington occurred when Martin Luther King made his great speech. He said, "I had a dream." What was that dream? The dream was not one of revenge. The dream was not anything of that kind. The dream was of harmony—of a little white boy and a little black boy playing together, working together, and building together a better America.

Mr. President, these gentle and decent people who have waited so long deserve at the very least this compromise, moderate, limited, truly conservative bill.

Mr. HART. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Michigan.

Mr. HART. I commend the distinguished Senator from Wisconsin upon an effective, moving, and eloquent statement in support of the enactment of the moderate bill which is before the Senate. Further comment would be futile. I am sure that those who read the RECORD will find in the lines of the RECORD the same vivid and flashing light that those who were privileged to hear the Senator this morning have witnessed. The Senator from Wisconsin has delivered an excellent statement of the position which, I believe, represents the overwhelming conscience of America.

Mr. FONG. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Hawaii.

Mr. FONG. Speaking from the Republican side of the aisle, I should like to commend the distinguished and able senior Senator from Wisconsin for a very clear, concise, and excellent discussion of the issues that are before the Senate. The Senator's arguments on the question before the Senate have been very penetrating. I agree with him that it is high time—indeed, action is long overdue—that we enact the provisions of the bill so that every one of our fellow countrymen may receive the privileges which the majority of us now enjoy.

I agree with the distinguished senior Senator from Wisconsin that the bill is a very reasonable one. I point to the fact that many activities are not yet covered. I ask the distinguished senior Senator from Wisconsin whether the rights of Negroes will be protected so far as State elections and county elections are concerned? Are they to be covered by the bill?

Mr. PROXMIRE. No, indeed. The Senator from Hawaii has raised a very important point. The bill, in title I, provides protection only for the right to vote in Federal elections, for the Presidency, the Senate, and the House, but provides no protection for people in voting for Governor, mayor, school boards, State legislature and other officials that have great importance and a far bigger role in determining progress on civil rights.

I think a good case could be made for extending the bill further. The bill is limited exclusively to Federal elections.

Mr. FONG. So the bill takes care of voting privileges only so far as Federal elections are concerned.

Mr. PROXMIRE. The Senator is correct.

Mr. FONG. In the election of county officials, Governors, and State representatives, the people will not receive the same protection that will be provided by the bill were it enacted.

Mr. PROXMIRE. The Senator is correct.

Mr. FONG. So in that field there is still a long way to go.

Mr. PROXMIRE. That is correct.

Mr. FONG. So far as those working for State and county governments are concerned, will they be protected by this bill if it is enacted?

Mr. PROXMIRE. No, indeed. As I understand, the bill would not reach into the county or State governments.

Mr. FONG. It will not cover the employees in the Federal Government, numbering about 2 million; is that correct?

Mr. PROXMIRE. Yes.

Mr. FONG. Those who work for State and county governments are also not covered.

Mr. PROXMIRE. Federal employees have been covered by Executive orders under both Democratic and Republican administrations.

Mr. FONG. Yes, but executive action is not as strong or as effective as protection from a bill passed by Congress.

Mr. PROXMIRE. It is not as permanent, either. The Senator is correct.

Mr. FONG. So all the employees of government would not be protected under the provisions of the bill.

Mr. PROXMIRE. That is correct.

Mr. FONG. And all those in county and State government would not be protected by the bill.

Mr. PROXMIRE. That is correct.

Mr. FONG. So we still have a long way to go.

Mr. PROXMIRE. The Senator is correct.

Mr. FONG. The matter of elimination of discrimination so far as service in the retail stores is concerned is not taken care of.

Mr. PROXMIRE. The Senator is right. The bill is very limited. The State law of Wisconsin goes much further. The bill does not cover public conveyances or barbershops, except those in hotels, for example.

Mr. FONG. Under the provisions of the bill, the Civil Rights Commission would exist for only 4 years. Is that correct?

Mr. PROXMIRE. That is correct. It is not made permanent.

Mr. FONG. So there are many provisions in the bill that will probably be strengthened later on.

Mr. PROXMIRE. The Senator makes an excellent point. The bill has been carefully limited and is restrained. It can be said that it leaves most of the field of civil rights to the State and local governments. But even in the areas covered there are so many restraints that no one could say that it is a radical or extreme bill.

Mr. FONG. I again commend the senior Senator from Wisconsin for a very penetrating discussion of the bill. I agree with him that this is a reasonable bill and is long overdue.

Mr. PROXMIRE. I thank the Senator very much.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. AIKEN. I commend the Senator from Wisconsin for his humanitarian attitude, which we have known all the time.

I wish we could get away from segregating the races in our discussions, and even in our minds, and simply regard them all as people, and legislate for people.

As has been pointed out by the Senator from Hawaii, the bill is almost hopelessly inadequate in some respects, in that it does not cover anybody except those whom some persons want to have covered. For example, I doubt if 50 percent of the employees would be covered under title VII of the bill.

Mr. PROXMIRE. The Senator is correct.

Mr. AIKEN. Has the Senator any figures showing how many would not be covered?

Mr. PROXMIRE. It is estimated that 75 to 80 percent of the employers would not be covered. That figure includes small employers who would not be covered under the bill, because anyone who employed fewer than 25 persons would not be covered, and would be free to discriminate to his heart's content.

Mr. AIKEN. Furthermore, I do not understand that there is anything in the bill that would give the officials of any State any guidelines as to employment of State and local employees. In other words, if any State says, "We are not going to hire any teachers or policemen or firemen of that nationality or this nationality, or that color or this color," there is nothing in the bill which would require that all groups of people be given an equal opportunity for employment. Is that correct?

Mr. PROXMIRE. Not a thing.

Mr. AIKEN. The only thing that seems to be specifically covered by this title is the paragraph which outlaws atheism.

Mr. PROXMIRE. That is quite explicit.

Mr. AIKEN. It seems to me ridiculous that if someone does not think or believe what somebody else thinks or believes, he is to be outlawed.

Mr. PROXMIRE. Although there could be discrimination against atheists, to my knowledge few if any have been deprived of a job because they were atheists. Certainly no atheist has been deprived of a vote because of his conviction that there is no God. Certainly no atheist has been denied the right to get a hamburger or go to a certain hotel. Nobody asks him, "Do you believe in God?" before he signs the hotel register. So while there is much objection to this provision, it is very difficult to see that the provisions would do any harm of comparable magnitude with the terrible widespread harm being done in discrimination against millions of American Negroes.

Mr. AIKEN. Rather than a prospective client being asked whether he believes in God or not, he is more likely to be asked, "Have you the money?"

Mr. PROXMIRE. That is true.

Mr. AIKEN. I think I could draft a better bill than this. I am not boasting, but it seems to me it is a hopelessly inadequate bill to accomplish the things which its ardent proponents actually think it will do. They will suffer a big letdown if the bill becomes the law and it does not do what they think it will.

Mr. PROXMIRE. However, the pending bill goes further than the 1957 and the 1960 bills did. It covers a greater area. It marks the beginning in certain areas. Titles I, II, VI, and VII all help a little. I think they all do what they are supposed to do in a very limited way. Even title VI is vital, and it provides a number of safeguards so that no abuse would be possible.

Mr. AIKEN. If title VI were to work the way some of the opponents think it will work, it could be used to punish the innocent in many cases.

Mr. PROXMIRE. But the way it is drafted, it cannot be. The opponents may feel that way. There are several sections in the bill to make sure that this provision will not be used arbitrarily. There are airtight provisions. It is going to be limited to a rifle shot in that area.

Before any action is taken under the bill, the chairman of a committee—for example, the chairman of the Committee on Labor and Public Welfare. Mr. HILL]— will get 30 days' notice. No one is going to appear before the Senator from Alabama [Mr. HILL] or the Senator from Georgia [Mr. RUSSELL], or the Senator from Louisiana [Mr. ELLENDER] with a program that is offensive to them unless he knows he is on solid and firm ground.

The provisions of the title will make sure that it will be used with the greatest scrupulousness, and perhaps even without sufficient force.

Mr. AIKEN. If the bill becomes law, I doubt that it will be administered in the strictest sense. Certainly, the Government cannot take over the work which human beings have established churches for.

The Government cannot make people think correctly. The Government can outlaw an atheist, but it cannot stop him thinking that way; if, indeed, there is such a thing as a real atheist in our country—which I doubt. All human beings believe in something.

Mr. PROXMIRE. While law cannot achieve a change of heart or mind, nevertheless the bill has done more to stimulate thinking and more to stimulate examination of conscience than anything which has happened in this country in connection with relations between the races in a long time. I am sure this is true in my own State, where the churches have taken an active and aggressive role in insisting that people examine their consciences in the matter of discrimination. This has been vastly helpful in that way; although I agree that the actual provisions of the law are perhaps less important that the sentiment which has been established and developed in debate and discussion on the bill.

Mr. AIKEN. Does the Senator from Wisconsin feel that the Federal laws now on the books have been adequately enforced?

Mr. PROXMIRE. Does the Senator mean whether the Federal laws of 1957 and 1960 have been adequately enforced?

Mr. AIKEN. All the laws which are now on the books, all the laws passed intended to guarantee all people their rights, privileges and security, which are supposed to be guaranteed by the Constitution of the United States, as well as the laws enacted by Congress.

Mr. PROXMIRE. No; I should say that enforcement has been uneven.

Mr. AIKEN. Very lax.

Mr. PROXMIRE. In many instances, that is true.

Mr. AIKEN. When enforcement of the law has become lax, one cannot expect the situation to be made perfect through the enactment of more laws.

Mr. PROXMIRE. I understand.

Mr. AIKEN. I thank the Senator.

Mr. PROXMIRE. I thank the Senator from Vermont as well.

Mr. AIKEN. I have not been saying much about the subject, but I have been thinking about it, and I realize that there are many ways of looking at it. Each Senator who speaks, speaks from his own viewpoint; and doubtless what he believes will do the most good. But I hope that no one really plans to celebrate the millennium if and when the bill is signed by the President.

Mr. PROXMIRE. Mr. President, I should like to say to my good friend the distinguished Senator from Mississippi [Mr. EASTLAND], who feels so sincerely and represents so vigorously and eloquently his viewpoint, that the information on the school lunches in his own area, which he knows so well, was taken from a letter written by the Department of Agriculture to the Civil Rights Commission, dated March 15, 1963. The letter is in the files of the Civil Rights Commission, and can be produced on Monday.

Mr. EASTLAND. The superintendent of education informs me that school lunches are available to every child in the county, both black and white. There is a program in every single school in the county that is open to every child in the county. It is a terrible charge to bring against that county to say that people are discriminated against by not being given enough to eat. That was the intimation of the distinguished Senator from Wisconsin.

A charge of 25 cents is made for white children and a charge of 20 cents for Negro children.

The program is administered by each school superintendent and is open to every single child. That is the truth. The figures are absolutely and actually false and ridiculous on their face.

Mr. PROXMIRE. Before I yield the floor let me say to the Senator from Mississippi, that I am only repeating the figures provided by the Department of Agriculture, that on the average daily attendance the white percentage was 57 percent and the Negro percentage was 43 percent, and that the white percentage of the free lunches was 79 percent and the Negroes 21 percent, although they had 43 percent daily attendance.

Mr. EASTLAND. It has been offered to every single child in every single school. There is a charge to white children of 25 cents, and a charge to Negro children of 20 cents. That is the truth.

Mr. PROXMIRE. I believe the facts speak for themselves.

Mr. President, I yield the floor.

Mr. EASTLAND. Mr. President, the distinguished Senator from Wisconsin has made a charge against the people of Leflore County, Miss. The logic of what he says is that there is discrimination in the school lunch program in that county.

To begin with, if there were discrimination, of course, the Federal Government would prevent it. The truth is that if there were discrimination in handling the commodities given to the school system by the Federal Government, I believe any Senator in his right mind would realize that the Federal Government would take action to prevent it.

The superintendent of schools of the county states that the school lunch program is open to every child in every single school in the county. That is true. I know it is true. It is bound to be the truth by every rule of logic, because the Federal commodities that go to the school lunch program must be available to all without discrimination.

The only discrimination in the program is against the white child, who is charged 25 cents, and not the Negro child, who is charged 20 cents.

The superintendent of education further states that in the schools he must compete with cake—"stage plank"—which everyone knows is a favorite article of food of the Negro race in the South. A "stage plank" and a Coca-Cola is what the children usually buy for lunch at the cost of a dime in some schools, 15 cents in other schools.

If we lift statistics out of context, nothing is more deceptive. I believe it is a terrible thing to make a charge that the people of that county are not giving certain students food because of their race, or were not giving certain schoolchildren food because of their religion. The Senator was acting in good faith, but he has submitted figures that are absolutely false. The program is open to everyone. The commodities are donated by the Federal Government. What man who is not an idiot would not realize that if the commodities were available only to certain people and not available to all, the Federal Government would shut off the donations of such commodities to that county?

Mr. President, I have heard that in that town there was hunger and poverty and want. I know better. Yet railroad cars of clothing and food are being sent down there for hungry Negroes. Agitators go along to get pictures of the distribution of the commodities. As a matter of fact, the commodities were distributed on the lawn of the courthouse, and every needy individual in the county received the benefit of them. I live in the adjoining county. That charge was made against the town in which I have my office, and near which I have my home.

In half a dozen instances I have seen drives made in the North and in the East, to obtain food and clothing for the needy people of my hometown, the charge being made that no food was available from the surplus food program of the Federal Government. That was a lie. Once a week, beginning in December and continuing throughout the winter, food was distributed from the park in the very center of the business district of the town. I have some pictures of the distribution.

I noticed recently that for the needy Negroes in the town of Cleveland, 9 miles west of me, the Republican women of Houston, Tex., had collected food and clothing. I also noticed that they were sending their collections to a person who I know is a member of the Communist Party. Those who are in need there have their wants cared for through the surplus commodity program of the Government. Many good people in the East and in the North are being taken in by propaganda and falsehood, in the effort to pass this bill.

Mr. President, I have read with awe and amazement announcements that have been made over the past few days by leading proponents of the proposed civil rights legislation. It now appears that violence, lawlessness, and civil disobedience are not to be tolerated in New York City, Cleveland, Ohio, and San Francisco, Calif., by Negro and white civil rights demonstrators, but this same character of conduct is to be condoned and applauded in the South, in Maryland, in Indiana, and throughout all other areas of the United States.

The distinguished majority whip and minority whip in the current debate, speaking to the press and radio, have deplored the fact that certain agitators in New York are preparing a stall-in demonstration for the opening of the World's Fair; that others in Cleveland are lying down to prevent a school construction project, and that there are those in California who are sitting-in in automobile dealers' establishments and in supermarkets and hotels. The statement alleges that "illegal disturbances and demonstrations which lead to violence or injury strike grievous blows at the cause of decent civil rights legislation," and it concludes:

> Unruly demonstrations and protests that bring hardship and unnecessary inconvenience to others, even by those who have long suffered indignities, are not helping the cause of civil rights.

Before I comment on this, I would also like to call attention to the statement of the distinguished Senator from New York [Mr. KEATING] appearing in the CONGRESSIONAL RECORD of April 14, where he states, and I quote:

> Demonstrations have been held in New York. Peaceful picketing, sit-ins, lie-ins and sleep-ins have been permitted in public places and private offices.

This is an anomaly to me. By whose authority does the Senator state that permission was granted to have sit-ins, lie-ins and sleep-ins in both public places and private offices? Did he give his permission for the demonstrators to chain themselves to the road on the Triborough bridge? Did he give his permission for those who demonstrated in the public hospital construction project in Brooklyn? Was this permission given by the mayor of New York, the city council, and how does he try to equate the proposition that a character of conduct exactly similar in nature can be violent in New York while at the same time it is peaceful in Mississippi? For my part, Mr. President, I do not see a particle of difference in the conduct of these individuals who are proposing a stall-in and the conduct of other individuals who have participated in all other character of violence, lawlessness and civil disobedience, which started with the freedom riders who descended upon the South and has continued in sit-ins, lie-ins, sleep-ins, lay-downs, and every other form of civil disobedience which has taken place in every nook and corner of the United States. A trespass on private property is equally or more reprehensible than a stall-in on a public road or highway, and in either case the community has a perfect right to take whatever steps are necessary to remove the trespasser and to see that the law is obeyed and that anarchy is not permitted.

I personally deplore what has happened in Cleveland, in New York, and in San Francisco, but I say to you with all possible sincerity that I do not deplore this conduct any more than I have deplored the unlawful and violent conduct of demonstrators since the northern agitators first moved into the Southern States. I regret that the people of our great cities are being subjected to this character of lawless demonstration, but what they are witnessing should drive home to them the fact that those who accuse the law enforcement officers of Southern States of brutality are incorrect, and that the only force that is ever used by the police power of the States and local communities in the South is the degree of force that is necessary to remove the trespasser, to unblock the road or highway, and to see that peace and tranquillity are maintained.

The President of the United States himself has been forced by recent developments to take his stand on the side of "law and order" and against "violence and breaches of the law or threats to the health or safety of others." The press reported him as referring to recent demonstrations in Cleveland and San Francisco, and to a threat by a New York group to run stall-ins at the World's Fair and to waste water in Brooklyn.

Mr. President, I have long known and have time and time again repeated on the floor of the Senate that the day was coming when the people of the North would realize that the racial problem in the United States was not nearly so much a southern problem as it was a general one that would develop wherever a high proportion of our Negro population was concentrated. I regret that we are living in a day when my prophesies are materializing, but Congress will not solve any racial problems by passing legislation such as that proposed in the present "Civil Wrongs Act of 1963."

It is passing strange that in every northern area which is now being subjected to violent demonstrations, the States have on their statute books legislation which they claim goes even further than this that we are now considering in guaranteeing to these minority groups their civil rights. The goal that is sought to be achieved cannot be achieved by legislation. We cannot legislate social change, and the quicker the Senate and Congress reject any and all proposed civil rights legislation, the sooner the various States and local communities will be able to solve the problems at the only level where a solution can ever be achieved.

I was also amazed and awed by a column written by the liberal commentator, Joseph Alsop, in the Washington Post of April 17, wherein he stated that:

> As a practical matter, it is perfectly clear that the white majorities in the northern cities are not going to stand for forcible homogenization of their city school systems.

He says:

> Some are prejudiced. A great many more want their children to attend neighborhood schools. The white majorities will react with extreme hostility if their children are carted hither and yon, far from their own neighborhoods, in order to give all their city's schools a kind of standard, pepper-and-salt complexion.

Mr. President, this is not "JIM" EASTLAND making a stump speech in Mississippi. This is Joe Alsop writing in the Washington Post, but he is saying exactly the same thing "JIM" EASTLAND has said since the Supreme Court rendered the original school integration decision on May 17, 1954—that is, that by and large, white people are not going to permit their children to attend integrated schools. The issue is that simple. It was true then, and it is true today.

I also said in 1954 exactly what Alsop is saying today; that is, that insofar as the South was concerned, 99 percent of our Negro population preferred having their children attend their own schools, with their own teachers, and that if they were given the opportunity of choosing between attending an integrated school and a segregated school, both the parents and children would elect to have their children attend the segregated school. Now Alsop says that he found this to be true in New York City. He states:

> Among the Negro masses, meanwhile, there is little real desire for a homogenized school system, despite the deep and just resentment of segregation.
>
> New York again offers the proof; for New York parents may opt to have their children carried outside their own neighborhood, which they regard as better than the neighborhood schools. In one Harlem school visited by this reporter, 1,300 children were eligible to go elsewhere, but only 13 had chosen to do so. The citywide percentage is not much more impressive.

It is gratifying to know that Mr. Alsop finds the same conditions existing right in New York City that I have stated existed in Mississippi both before and after the Supreme Court decision.

I regret that time does not permit me to elaborate more on the school situation at the present speaking, but I assure Senators that I shall have more to say on this subject before the debate ends.

Mr. Alsop published a column 2 days before the one just referred to, wherein he spoke of the Communist Party's attempt to infiltrate the Negro civil rights movement. This is also a subject to which I have given considerable attention in the past, with documentary evidence that such has been the case. In fact, the primary reason for the trouble that exists today, both in the North and in the South, is the growth of paid agitators. It makes no difference whether they are Communist agitators or not, because there is big money in it for all of them, whose sole purpose is to attempt to stir the masses of the Negro people to violence and civil disobedience in order to achieve power and money for themselves. If the Communists are willing to help them in this endeavor, they would welcome the help, because whether it is the NAACP, the Urban League, the Congress of Racial Equality, or the Student Nonviolent Coordinating Committee, each organization is staffed with paid employees whose sole and only purpose is agitation of a kind and character that will result in more money coming into their groups, so that their pockets can be replenished and they can be perpetuated in their jobs. The established groups look askance at the newly organized ones, and thus we find the spokesmen for them castigating the activity of the new and even bolder and more reactionary group that is now being headed by others.

But these professional agitators do create a serious problem, and it would appear that my State of Mississippi is going to be their target this summer. They are proposing to swarm upon Mississippi like a flight of locusts. People's World, official Communist newspaper for the west coast, on April 11, 1964, carried a story—"Summer Forecast: Hot in Mississippi." It predicts that storm clouds are gathering over Mississippi that may well erupt into one of the Nation's most turbulent civil rights storms this summer.

From the opposite side of the spectrum, the staid old Harvard Crimson, in its issue of March 12, 1964, carries a front-page story in which one Claude L. Weaver, 65, is quoted as saying very quietly last night that "the Negroes might start killing the white people in Mississippi pretty soon."

> "Yes," he said, "if we wanted to get a small Mau Mau going it wouldn't be difficult." He smiled: "Might be a nice summer project."

Further along Weaver is quoted as saying:

> "The situation in Mississippi," Weaver said, "is not one for moderate solutions." There will be "no deals, no compromises. Nothing is going to be accomplished within the framework of government as it exists in the State."

I would not have dignified this statement by quoting it, Mr. President, if the same edition of the Harvard Crimson did not contain an editorial which states, in part:

> This summer will witness a massive, daring, probably bloody, assault on the racial barriers of Mississippi. The Nation's chief civil rights organizations, from the NAACP to SNCC, are supporting the Mississippi summer project—an ambitious battle plan which breaks most of the precedents of the rights movement.
>
> The 1964 plan, however, calls for an invasion of "over 1,000 Peace Corps-type volunteers," in order to "shake Mississippi out of the Middle Ages."
>
> * * * * *
>
> And, for the first time, active self-defense and actual retaliation, though not officially advocated, are being openly discussed.
>
> * * * * *
>
> The planners reason that massive nonviolence will precipitate a crisis of violence, which they consider prerequisite for further progress.

Mr. President, it is a tragic commentary on our times when the daily newspaper of one of the oldest and formerly most respected institutions of learning in the country devotes so much of its time to such tripe as I have just read. It is an interesting juxtaposition with what appears in the Daily World, yet it demonstrates how far this mania has penetrated in this country. It is possible that we may see more activity in Mississippi this summer than we have seen previously, but Mississippi people, Mr. President, have always been able to look after themselves, and they are no more alarmed about the present project than they have been about any other projects in the past.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. ELLENDER. When is this invasion supposed to start?

Mr. EASTLAND. This summer, so it is said.

Mr. ELLENDER. Does not the Senator think it might be a good idea for Negroes to come to Washington and attempt to correct the evils that exist in this city?

Mr. EASTLAND. Of course, they ought to come here and attempt to correct the evils that exist in this city. Washington, from the standpoint of crime, is the worst city in the world.

Mr. ELLENDER. The worst in the world. That is correct.

Mr. EASTLAND. There are many crimes which never are publicized in the press, including rapes, robbery, and mugging. That is true of all the great metropolitan areas of the country. They ought to be attempting to clear up those conditions, rather than attempting to destroy the racial peace and harmony which exists in the Southern States.

Mr. ELLENDER. That was the next question I intended to ask the Senator, concerning the effort that is being made to create trouble where there is no trouble now. It would seem to me that since Washington, D.C., has a Negro population of 57 percent, the Negroes ought to get together and work together to make Washington a better city in which to live. Does the Senator agree with that?

Mr. EASTLAND. I agree. Consider New York City, the largest city in the country. What are all the Negro organizations saying in New York City? They say, "We are discriminated against because we have de facto segregation here." They say, "We are discriminated against in jobs. Whites are given jobs because of their race. We are not given those jobs." In fact, everything that they say exists in the South, they claim exists in New York City. Why should the reformers go to the South in order to correct these alleged conditions? What they want to do is to export to the South the kind of culture which they have in New York. And God forbid the day that that ever happens.

Mr. ELLENDER. I am in full agreement with the Senator.

Mr. EASTLAND. Mr. President, H.R. 7152 as enacted by the House of Representatives and transmitted to the Senate is, in my judgment, the most monstrous and heinous piece of legislation that has ever been proposed in the entire history of the U.S. Congress. It is inconceivable that the great mass of American people would not repudiate this bill out of hand if they were advised and understood its exact character and nature. Even if they did not so choose as a majority to repudiate the provisions of the bill, the Constitution of the United States has always recognized that both individuals and minorities have certain rights and privileges that are inalienable in their nature and cannot be trampled upon by a majority. H.R. 7152 should be defeated. It is my duty to resist enactment; and it is my duty to let all people everywhere know the horrible and tragic issues that are involved in this debate.

Government by force and intimidation either borders on or crosses the border into anarchy, and today in many areas of the United States we are witnessing, at the level of the local communities, at the level of State subdivisions of government, at the level of State government and on the broad scene of our National Government, a concerted and deliberate effort by certain minority groups to frighten and intimidate elected and appointed representatives of the people into giving to them advantages, privileges, jobs and preferment that is not to be accorded to other people and to the great mass of the population of the country. We are witnessing a character of conduct that is lawless in its nature and is designed to teach the children of this country to be disrepectful of authority; to violate the law; to invade the private and personal property of others, and to take by force that which they do not own and have no right to acquire. We can say what we please, but the proposed Civil Rights Act of 1963 is a direct result of this widespread unlawful agitation, and those who would give it their wholehearted support are, in a very real sense, unwittingly supporting anarchy itself. Appeasement was the road that led the world to World War II. That which is right can never be sacrificed to that which is wrong without right being damaged and wrong being enthroned.

The time has now come when we must reassert that the Constitution of the United States guarantees to every individual in this country the right to freedom, liberty, property and the pursuit of happiness. These are rights that are guaranteed to all people, of every cult, of every race and of every creed, and history has proved that regardless of race, color or creed, the individual with the basic intelligence, ambition, initiative and perseverance could achieve any level of success in our society. But when one, by law, attempts to take from those who have to give to those who have not; to tell an employer that one individual must be preferred over another for employment; to tell a school board that one child must be preferred over another child; to tell a bank that it must lend its money to one person in preference to another; to tell a local community that it cannot run its local affairs; to tell a local police force that it cannot keep the peace; to tell a State that it does not have the right to pass upon the qualifications of the voters within the State, then we are creating a system of government that is utterly alien to the Constitution of the United States and will be as totalitarian in its result as that system under which the people of the Soviet Union now live. I do not believe that the people of the United States are willing to bow to demonstration and intimidation. I do not believe the Members of this Senate would for one moment knowingly yield to the force of demonstration and intimidation, but wittingly or unwittingly, this climate has been created through the entire country, and after the hiatus that has been in effect since the assassination of our late President, John F. Kennedy, it can be anticipated that the tempo of demonstrations will be increased in every nook and corner of the United States. The way to stop them is to let the agitators know that the Congress of the United States will not be intimidated into enacting unwise, socialistic and unconstitutional legislation.

H.R. 7152 consists of 11 titles. Ten of them are substantive in nature. It is interesting to pause and review the history of civil rights legislation in the 88th Congress. The demands for civil rights legislation contained in the President's message to Congress on February 28, 1963, are pale and modest compared to the provisions of H.R. 7152. Even the increased requests for more and more legislation contained in the President's message to Congress on June 19, 1963, do not begin to add up to what was finalized in H.R. 7152. At every step along the road more was added, and even today no one has come forward and admitted that he, she or they is or are the author or authors of the draft bill that was submitted to and approved by the House Judiciary Committee in one fell swoop, without debate or argument, on October 29, 1963.

Title I of H.R. 7152 deals with voting rights and is amendatory of the Civil Rights Act of 1957 and the Civil Rights Act of 1960. The proposed language of title I compounds the unconstitutionality of the voting rights sections of the Civil Rights Act of 1957, as amended, in numerable details and particulars. Congress defines qualifications for those who can vote in both State and Federal elections, contrary to the specific provisions of the Constitution. Litigants under the Civil Rights Act of 1957, as amended, are made a special privileged class under the law in a fashion that denies to all other citizens the constitutional guarantee of due process. This title sets up a new court system—a court that can be convened at either the request of the Attorney General or a defendant in a proceeding under the title. This is a three-judge court, taking two judges from their regularly assigned duties. The obvious purpose of this new court system is to permit the Attorney General to circumvent a judge whom he thinks might not do exactly what the Attorney General wants the judge to do. If there is no three-judge court, the judge assigned to one of the voting right cases is enjoined to proceed with a hearing at the earliest practicable date and to cause the case to be expedited in every way. I do not believe that it was ever contemplated in our judicial system that equal protection of the laws would permit the rights of one citizen to be expedited at the expense of the rights of another and that one case on the docket of a U.S. district court, other than in its time sequence as to filing, can ever be said to be of more importance or entitled to preferential treatment over another case. Another provision of this title sets up the prima facie presumption that one who has completed the sixth grade in a public school, per se, has a degree of literacy which qualifies the individual to vote. This is where the Federal Government unconstitutionally attempts to establish qualifications for a voter in a State election. At a later time, I will discuss this title in minute detail.

Title II is styled—"Injunctive relief against discrimination in places of public accommodation." This title is new in the sense that it has not been subject to previous legislation. It is also new in the sense that, in part, it departs from the 14th amendment as a basis for proposed civil rights legislation and attempts to stretch the commerce clause of the Constitution to cover areas so far beyond its reach that it would be laughable if it were not so serious. This title attempts to tell the owners and operators of private business establishments whom they must house, serve, sell to, and entertain. It denies the right of a property owner or a business operator to control and operate his business as he sees fit, and it gives to the courts and government commissars the arbitrary right and power to interfere and dictate to hotels, motels, restaurants, cafeterias, lunchrooms, soda fountains, motion picture houses, theaters, concert halls, sports arenas, and stadiums how they will operate their business and with whom they must deal in such operation. In addition to alleging that the commerce clause is a constitutional base for the proposed legislation, another subsection of the bill would apparently attempt to bottom it on the 14th amendment. If it is bottomed on the 14th amendment, then the proposed legislation would be utterly immoral, in that it would cover only a small portion of places offering public accommodations. Actually, every individual, partnership, or corporation that offers goods, wares, merchandise, or services for use or sale is operating a form of public accommodation. This is true of professional as well as commercial types of businesses. An extension of the principle firmly embedded in title II would completely socialize and communize the free enterprise system in the United States. Section 204(a) provides:

> Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted (1) by the person aggrieved, or (2) by the Attorney General for or in the name of the United States if he satisfies himself that the purposes of this title will be materially furthered by the filing of an action.

Incredible as it may seem, a shoeshine boy in the washroom of a hotel would be subject to a temporary injunction or restraining order under this section by the Attorney General, in the name of the United States, if it was alleged that he refused to shine the shoes of an individual on the ground of either race, color, religion, or national origin. What could be a more apt example of involuntary servitude? If the Government has the power to tell a shoeshine boy whose shoes he shall shine or whose shoes he shall not shine, the day will soon arrive when the Government will direct every facet of the life of the individual. This title destroys completely constitutional ideas of property that were asserted by English speaking people as early as the Magna Carta and were incorporated into the Constitution of the United States only because the colonists wanted written assurances that their property could never be subjected to tyrannical usurpation or intrusion by the Federal Government. If the commerce clause of the Constitution can reach the area that is covered by this title, then the commerce clause of the Constitution is a monster that could swallow and digest the entire free enterprise system that has made this country what it is today.

Title III is styled—"Desegregation of public facilities." This title also gives to the Attorney General the power to proceed upon complaint that an individual has been denied access to or full and complete utilization of a public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof. Again, certain individuals are being set up as a special and privileged class, for whom the Attorney General of the United States, at his discretion, can proceed against any State or subdivision thereof. This section is what might be termed a compromise with the old title III that was proposed in the Civil Rights Act of 1957, which would have given a universal right to the Attorney General to institute civil actions for injunctive relief when it was alleged that an individual was being denied a civil right by virtue of his race, color, creed, religion, or national origin. It is an unnecessary and unconstitutional grant of power to the Attorney General and an invasion of an area of sovereignty that is reserved under the Constitution to the States and to the people thereof.

Mr. President, a study of the floor debates in the House in regard to title III reveals a most incredible situation. An amendment was offered to title III giving to defendants in actions for injunctive relief the same right to trial by jury in case of a citation for criminal contempt that was given to defendants under the provisions of the Civil Rights Act of 1957 and under the provisions of title II of the proposed H.R. 7152, as just discussed. The House rejected this amendment and said, in effect, that public officers of a State or subdivision thereof are not, under any circumstances, entitled to a trial by a jury when hauled before a U.S. district judge for violation of some alleged Federal law. The floor manager for H.R. 7152 stated, in resisting the trial-by-jury amendment, that it was written into title II of the proposed act as a matter of grace—not as a matter of right. He said further:

> The reason why we should not do it in this particular title—and we are departing from what we did in the other, title II—is because in this kind of case the State officials certainly knew what they were doing and with malice aforethought they deliberately filched from these individuals their rights and they discriminated against them on the basis of race or religion.

Mr. President, when one pauses for a moment to consider the long history of the battle of individuals for liberty and freedom, from the time when the barons wrested the Magna Carta from King John at Runnymede through the great Bill of Rights and Petition of Rights in the English Parliament, down to the adoption of the Bill of Rights that is now part and parcel of our Constitution, it is a sad commentary to see elected representatives of the people deliberately voting to bury the most precious of all rights of free men—that of trial by a jury of their peers—for the alleged protection of other individuals who have alleged that they have been discriminated against on the basis of race or religion. Can anything better illustrate both the folly and stupidity of such legislation as this than the statement of the floor leader in the House, given as a basis for denying citizens of the United States a trial by jury in cases where they are charged with criminal contempt of court? I assure you, Mr. President, that during the course of this debate much more will be said on this subject.

Title IV of H.R. 7152 is styled—"Desegregation of public education." It has two major divisions. One involves the Department of Health, Education, and Welfare and certain duties and responsibilities that will be assigned to the Commissioner of Education to aid and abet State school districts to desegregate.

The second section grants to the Attorney General the power to bring suits for injunctive relief when complaints are made by individuals or groups that his or their minor children are being discriminated against in not allowing them to attend segregated public schools or public colleges. Since 1954 this Congress has repeatedly refused to implement the unconstitutional decision of the Supreme Court of the United States denying the right of States and subdivisions thereof to maintain separate but equal public facilities for the white and Negro races. Congress has shown judgment and wisdom in refusing to be a party to the implementation of Brown against Topeka and subsequent decisions. Title IV should be rejected out of hand. The Federal Government has no business meddling and interfering with local communities in the administration of public school systems, under any circumstances. Federal control and interference in education is another blackjack that will completely destroy the traditional liberties and freedoms of our people.

Section 402 of title IV provides that the Commissioner of Education shall conduct a survey and make a report to the President and the Congress concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States. Since its creation in 1957, if it has done nothing else, the so-called hearings and reports of the Civil Rights Commission would indicate that it has made a valiant effort to fulfill completely the mission that is here being delegated to the Commissioner of Education. Has any place on earth ever been surveyed any more completely and in more detail than has the public school systems of the District of Columbia? Here we have witnessed the schools proceed from segregation to integration to resegregation; and if one thing has been demonstrated beyond all doubt, it is that when a substantial number of Negro children are introduced into a school containing a substantial number of white children, either the Negro children are going to leave or the white children will most certainly go to a school where they can attend with a preponderant number of their own race. Nothing could be more futile or useless than a survey and report such as is required by this section.

Section 403 of the title provides that the Commissioner is authorized to render technical assistance to schools in the preparation, adoption, and implementation of plans for the desegregation of public schools. Mr. President, if a plan for desegregation of public schools as presented to the Commissioner or his delegates provides for the assignment of students to public schools in order to overcome racial imbalance, do you think for one moment that the Commissioner or school board would pay any attention to the so-called limitation that was placed on the definition of desegregation in section 401(b), where it says that: " 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Section 404 of title IV provides that the Commissioner is authorized to arrange, through grants or contracts, for colleges and other institutions to hold institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. It even goes so far as to provide that individuals who attend the institutes may be paid for attending the schools, and given allowances for dependents and allowances for travel to attend such institutes. Mr. President, no leaf-raking project that was conceived of during the WPA days could begin to equal the boondoggling that would go on under such grants and institutes as is here proposed. Was there ever a piece of legislation before this body that required more careful analysis and scrutiny?

Mr. JOHNSTON. Mr. President, will the Senator from Mississippi suffer an interruption at this time, with the understanding that he will not lose his right to the floor?

Mr. EASTLAND. I am glad to yield for a question. If the Senator desires to make a statement, I ask unanimous consent that I might yield to the Senator from South Carolina, provided that in so doing I shall not prejudice my right to the floor, and that it will not be counted as another speech on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Is it not true, the way the bill is worded at the present time, it is thought that, so far as the North is concerned, the school imbalance provision has been eliminated?

Mr. EASTLAND. The Senator is correct. It is thought that that provision has been eliminated; and they are telling their constituents that. But suppose the court holds that under the 14th amendment it must be done?

Mr. JOHNSTON. Does not the Senator believe the reason it was removed is that it does not affect the South at all at the present time—or very little, if any. It has been taken out with the knowledge that it would only affect them, and not the South.

Mr. EASTLAND. It does affect the South.

Mr. JOHNSTON. It affects the South, but——

Mr. EASTLAND. There are different housing patterns in the South than in the urban areas in the North.

Mr. JOHNSTON. It is true that in the North, in New York, the colored people segregate themselves.

Mr. EASTLAND. The Senator is correct.

Mr. JOHNSTON. Over in one section of the city of New York they segregate themselves, and when they go to Baltimore they segregate themselves in a certain section in Baltimore.

Mr. EASTLAND. That is only human nature. That is done all over the country.

Mr. JOHNSTON. In other words, birds of a feather flock together.

Mr. EASTLAND. The Senator is correct.

Mr. JOHNSTON. It seems to be customary for races to do the same thing.

Mr. EASTLAND. The Senator is correct.

Mr. JOHNSTON. That does not reflect upon them in any way, of course. We find that the Chinese, when they go to the big cities, congregate in one section known as Chinatown. The same thing is true of the Japanese on the west coast. They more or less segregate themselves; is that not correct?

Mr. EASTLAND. The Senator is correct.

Mr. JOHNSTON. They did that because then, when it comes to integration in the schools, the pupils have to be transferred a long distance sometimes. But there is a little different situation in the South, because we find them segregated somewhat in some of the cities, but in the country we find them dotted here, there, and yonder throughout the country, and that is where most of the colored people still are in the South.

Mr. EASTLAND. If they could enforce it, they would have integrated schools in the South and the schools in the North would remain segregated.

Mr. JOHNSTON. The Senator is correct.

Mr. EASTLAND. It would be de facto segregation.

Mr. JOHNSTON. The Senator is correct.

The Senator was discussing the jury system. Is it not true that there seems to be a tendency in the United States to take away from the people the right to a trial by jury? The bill would go a long way toward affecting the American people, in that they would not have the right to a trial by jury, as they should have.

Mr. EASTLAND. What the distinguished Senator is saying I wholeheartedly believe. Some people believe in a strong national government, a national government with some authority, to control and dominate the lives of our people and the economy of our people. With the existing situation setup, a federation of States, with the police power residing in the communities of the different States, and with States rights, an authoritarian Federal Government cannot be established. That is a big issue in this bill. If the bill passes and we have an authoritarian government with the provision in the bill based on the commerce clause, if that should be sustained by the Court then we shall have a dictatorship in this country. If it should be held in the hands of bureaucrats, it will be a dictatorship which Congress itself, in time, could not control.

Mr. JOHNSTON. Is it not also true, that in addition to setting up boards and commissions to administer the law, there is an innocent-looking clause giving them the right to make such rules and regulations as they see fit, in order to carry out the object of the proposed legislation?

Mr. EASTLAND. The Senator is correct. The Senator realizes that the labor unions have vast power, and vast wealth. In Miami, many resort hotels have been built by various unions. Does not the Senator realize that if the bill is passed, those unions will be controlled and dominated by the Federal Government?

Mr. JOHNSTON. I most certainly do, and I warned them time and time again, in two speeches I have made against the bill, I warned even the labor unions concerning the bill. They will complain. There will be a great deal of trouble and many headaches if the bill becomes law.

Mr. EASTLAND. I thank the distinguished Senator from South Carolina. He is correct, as usual.

Section 405 provides that the Commissioner is authorized, upon application of a school board, to make grants to such board to pay, in whole or in part, the cost of—

> (1) giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation, and
>
> (2) employing specialists to advise in problems incident to desegregation.

This provides that the U.S. Treasury is to be opened for an unlimited sum of money to be utilized in buying school boards, lock, stock, and barrel. It must be admitted that this character of bait would be hard to resist in some areas, particularly those where the percentage of Negro population in relation to the overall population is relatively small. A school board can arrange its subsidization from the Federal Treasury.

The balance of title IV concerns itself with suits by the Attorney General. Mr. President, this section permits the Attorney General to take his place along beside the U.S. district courts as a general superintendent of education in the United States. The Attorney General would advise the courts as to exactly how and under what conditions and circumstances public education at both the secondary level and in the institutions of higher learning will be conducted. Furthermore, defendants to actions brought under this section who fail to immediately implement the decree of the court can be subjected, just as those in title III, to trial for criminal contempt of court and incarcerated in prison without the benefit of a trial by jury. Mr. President, there is no title in the proposed Civil Rights Act of 1963 that I propose to discuss more in detail and at length than this one. I will return to it in due course.

Title V is styled, "Commission on Civil Rights." It would extend the life of the Civil Rights Commission to January 31, 1968; raise the pay of the Commissioners from $50 to $75 per day; vastly increase the scope of the so-called duties of the Commission and make it even more of a star chamber by giving it the power to take testimony in secret and to provide for punishment for breaches of order and decorum, et cetera, on the part of counsel.

Leaving aside for a moment any consideration of the so-called civil rights issue, the establishment and development of the Civil Rights Commission presents one of the most perfect examples of how the seeds of Federal bureaucracy are first planted and then grow and develop into a labyrinth of tentacles that extend the Federal power into every area of human relationship in the life of individual citizens of this country. The day is fast coming when no individual in the United States can hope to enjoy life, liberty, and the pursuit of happiness as guaranteed by our Constitution without having some Federal agency or agent holding the hand and looking over the shoulder of the private citizen, the business establishment or the corporation and telling one and all exactly what he can and cannot do to enjoy "freedom and liberty" under our system of government. The big brothers of bureaucracy are intent upon regimenting and straightjacketing the economic, political, and even the social life of every State and community throughout the length and breadth of this country. The Civil Rights Commission has demonstrated beyond question, by its past activities, that if it becomes a permanent agency it will develop into the greatest irritant ever designed in modern Federal bureaucracy. The Commission has created enough havoc and confusion with the powers it was originally delegated and has consistently misused and abused. It is now proposed to give them these new powers:

> (4) serve as a national clearinghouse for information in respect to equal protection of the laws, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, transportation, and the administration of justice.

This additional power was included in the bill that was recommended by the President. Somewhere along the line (5) has been added:

> (5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of presidential electors, Members of the United States Senate, or of the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election.

It is difficult to see where (5) is basically different from the power that the Commission originally had in (1), other than the use of this phrase: "unlawfully being accorded the right to vote." Apparently, it is here intended that the Commission on Civil Rights be set up as a monitor to supervise the conduct of all elections for Federal officers. This is not only a large assignment, it is utterly useless in view of all the manifold laws that we now have on the books to protect the integrity of Federal elections. President Eisenhower originally tried to achieve some sort of balance in the membership of the Commission. At least its original reports to Congress contained vigorous minority views and showed fundamental differences of opinion among the Commissioners themselves on many subjects. Recently, however, the Commission has been loaded to where there is never any disagreement as to its recommendations, regardless of how fantastic and unconstitutional they may be. In fact, the Commission has become the agent and tool of one single minority pressure group composing roughly less than 10 percent of the population, and in order to further what it considers the "rights" of this pressure group, it will destroy and emasculate the rights of all other citizens and create a situation where, under Federal law, the minority will be the privileged class and the majority will be the underprivileged class, without retaining any constitutional rights, privileges, or immunities. To express this in another way, the Commission is apparently dedicated to destroying the civil liberties of individual citizens upon the excuse that civil regimentation by Federal personnel is a protection of civil rights against State interference.

Then we also have the situation, Mr. President, of a proliferation of Federal agencies. We start with the Civil Rights Commission; then you add the special powers and duties that are given to the Commissioner of Education in the Department of Health, Education, and Welfare. Then you consider that there is a division known as the Civil Rights Division of the Department of Justice, with a special Assistant Attorney General heading it up, that performs a factfinding function similar in many respects to that performed by the Civil Rights Commission. Then, as an afterthought, after first taking it out, the House of Representatives restored the community relations service, which will be discussed at a later point in this dissertation. Once you start rolling the snowball, Mr. President, it grows and grows and grows before it finally reaches the bottom of the hill. The Civil Rights Commission should be immediately abolished.

Title VI is styled, "Nondiscrimination in Federally Assisted Programs." Mr. President, I say without fear of contradiction that this is the most dangerous grant of power from the legislative to the executive branch of government that was ever proposed in the long history of this Government. This character of grant would have been dangerous even when we did not have the multitude of Federal programs and grants and aid to States and communities. Now, with a budget of almost $100 billion a year, there is no end to the reach of the Federal Government into the intimate life of every citizen of the United States. No title of this proposed act should receive any more careful scrutiny.

Section 601 provides:

> Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

This section cuts across every statute and legislative act that has been placed in the Statutes at Large since volume I. Neither here nor subsequently is there any attempt to define what is meant by the term "discrimination" or to set up any guidelines as to when and how a person is denied the benefit of a program or activity on the grounds of race, color, or national origin.

Section 602 compounds the confusion by giving to every Federal department or agency which is empowered to extend Federal financial assistance to any program or activity the power to effectuate the provisions of section 601 with respect to such program or activity. This means that countless bureaucrats throughout every agency and department of Government would be drawing their own peculiar rules, regulations, and orders to conform with what they conceive to be the objectives of the statute. The Attorney General, at the request of the House Judiciary Committee, had prepared a list of programs which may involve Federal financial assistance, which appears in part IV of the hearings. It is hard even to conceive that the Federal Government could be engaged in so many different and manifold kinds of activities involving grants, aid, loans, and financial assistance of every kind as is revealed by this list. Let me present a few of them at random.

I ask unanimous consent, Mr. President, that the complete tabulation be printed in the RECORD at this point in my remarks.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Programs which may involve Federal financial assistance

	1963 expenditures
Executive Office of the President:	
Office of Emergency Planning: State and local preparedness (p. 52)	0
Funds appropriated to the President:	
Disaster relief: disaster relief (p. 59)	$30,802,990
Expansion of defense production: Revolving fund, Defense Production Act (p. 60)	—56,513,274
Public works acceleration:	
Public works acceleration (p. 86)	61,843,808
Transitional grants to Alaska: Transitional grants to Alaska (p. 87)	3,110,295
Department of Agriculture:	
Cooperative State Experiment Station Service: Payments and expenses (p. 95)	37,992,460
Extension Service: Cooperative extension work, payments and expenses (p. 96)	74,687,584
Soil Conservation Service:	
Watershed protection (p. 100)	53,092,516
Flood prevention (p. 103)	26,488,410
Great Plains conservation program (p. 104)	9,747,075
Resource conservation and development (p. 105)	0
Agricultural Marketing Service:	
Payments to States and possessions (p. 113)	1,432,763
Special milk program (p. 113)	95,369,634
School lunch program (p. 114)	$169,597,189
Removal of surplus agricultural commodities (p. 116)	131,805,115
Agricultural Stabilization and Conservation Service:	
Expenses, Agricultural Stabilization and Conservation Service (p. 122)	87,415,517
Sugar Act program (p. 125)	76,929,888
Agricultural conservation program (p. 125)	221,194,214
Land-use adjustment program (p. 127)	2,000,000
Emergency conservation measures (p. 127)	2,701,427
Conservation reserve program (p. 127)	304,342,305
Commodity Credit Corporation:	
Price support and related programs and special milk (p. 132)	3,486,356,042
National Wool Act (p. 137)	69,164,861
Rural Electrification Administration: Loan authorizations (p. 148)	331,656,082
Farmers Home Administration:	
Rural housing grants and loans (p. 151)	184,203,524
Rural renewal (p. 153)	0
Direct loan account (p. 153)	58,948,965
Emergency credit revolving fund (p. 156)	7,888,613
Rural housing for the elderly revolving fund (p. 155)	0
Forest Service:	
Forest protection and utilization (p. 170)	197,242,562
Assistance to States for tree planting (p. 176)	1,203,697
Payments to Minnesota (Cook, Lake, and St. Louis Counties) from the national forests fund (p. 177)	125,366
Payments to counties (national grasslands) (p. 177)	393,674
Payments to school funds, Arizona and New Mexico, act of June 10, 1910 (p. 177)	80,462
Payments to States, national forests fund (p. 177)	27,235,140
Department of Commerce:	
Area Redevelopment Administration:	
Grants for public facilities (p. 188)	476,848
Area redevelopment fund (p. 188)	—499,532
Office of Trade Adjustment: Trade adjustment assistance (p. 202)	2,820
Maritime Administration:	
Ship construction (p. 233)	107,483,152
Operating-differential subsidies (p. 224)	220,676,686
Maritime training (p. 227)	3,297,777
State marine schools (p. 227)	1,420,724

Programs which may involve Federal financial assistance—Continued

Department of Commerce—Continued	*1963 expenditures*
Bureau of Public Roads:	
Forest highways (p. 237)	$38,525,999
Public lands highways (p. 239)	2,128,990
Control of outdoor advertising (p. 239)	0
Highway trust fund (p. 241)	[1] 3,017,268,879
Department of Defense:	
Military personnel:	
National Guard personnel, Army (p. 253)	212,109,751
National Guard personnel, Air Force (p. 254)	45,366,036
Operation and maintenance:	
Operation and maintenance, Army National Guard (p. 267)	174,059,283
Operation and maintenance, Air National Guard (p. 269)	193,258,395
National Board for Promotion of Rifle Practice, Army (p. 269)	650,368
Military construction:	
Military construction, Army National Guard (p. 306)	18,383,216
Military construction, Air National Guard (p. 306)	21,912,946
Civil defense:	
Operation and maintenance, civil defense (p. 313)	34,457,221
Research and development, shelter, and construction, civil defense (p. 314)	11,810,129
Civil functions: Payments to States, Flood Control Act of 1954 (p. 378)	1,613,757
Department of Health, Education, and Welfare:	
Office of Education:	
Promotion and further development of vocational education (p. 402)	34,330,192
Further endowment of colleges of agriculture and mechanic arts (p. 402)	11,950,000
Grants for library services (p. 402)	7,256,890
Payments to school districts (p. 402)	276,910,035
Assistance for school construction (p. 403)	66,241,942
Defense educational activities (p. 404)	198,335,518
Expansion of teaching in education of the mentally retarded (p. 406)	959,631
Expansion of teaching in the education of the deaf (p. 406)	1,382,635
Cooperative research (p. 406)	5,015,385
Foreign language train- and area studies (p. 407)	-------------
Colleges of agriculture and mechanic arts (p. 408)	2,550,000
Promotion of vocational education, act of Feb. 23, 1917 (p. 409)	7,144,113

Programs which may involve Federal financial assistance—Continued

Department of Health, Education, and Welfare—Continued	*1963 expenditures*
Office of Vocational Rehabilitation:	
Grants to States (p. 409)	$70,651,560
Research and training (p. 410)	24,145,307
Public Health Service:	
Accident prevention (p. 415)	3,679,047
Chronic diseases and health of the aged (p. 416)	16,303,114
Communicable disease activities (p. 417)	10,749,235
Community health practice and research (p. 419)	23,946,767
Control of tuberculosis (p. 420)	6,813,635
Control of venereal diseases (p. 420)	7,843,535
Dental services and resources (p. 421)	2,603,482
Nursing services and resources (p. 422)	8,373,620
Hospital construction activities (p. 423)	187,432,190
George Washington University Hospital construction (p. 424)	0
Aid to medical education (p. 424)	0
Environment health sciences (p. 425)	0
Air pollution (p. 425)	10,100,876
Milk, food, interstate and community sanitation (p. 426)	8,723,615
Occupational health (p. 427)	4,059,384
Radiological health (p. 428)	13,466,288
Water supply and water pollution control (p. 429)	22,554,121
Grants for waste treatment works construction (p. 430)	51,738,090
National Institutes of Health (pp. 535–444)	723,597,285
Social Security Administration:	
Grants to States for public assistance (p. 460)	2,723,677,540
Training of public welfare personnel (p. 463)	0
Assistance for repatriated U.S. nationals (p. 464)	412,044
Grants for maternal and child welfare (p. 465)	76,057,662
Cooperative research demonstration projects in social security (p. 468)	952,654
Assistance to refugees in the United States (p. 469)	52,902,237
American Printing House for the Blind: Education of the blind (p. 472)	718,707
Gallaudet College: Salaries and expenses (p. 474)	1,458,615
Howard University:	
Salaries and expenses (p. 475)	8,362,261
Construction (p. 476)	2,687,024
Office of the Secretary:	
Juvenile delinquency and youth offenses (p. 480)	4,473,623
Educational television facilities	1,818

Programs which may involve Federal financial assistance—Continued

Department of the Interior:	*1963 expenditures*
Bureau of Land Management:	
Payments to Oklahoma (royalties) (p. 491)	$6,214
Payments to Coos and Douglas Counties, Oreg., from receipts, Coos Bay Wagon Road grant lands (p. 491)	697,449
Payments to counties, Oregon and California grant lands (p. 491)	15,400,136
Payments to States (grazing fees) (p. 492)	917
Payments to States (proceeds to sales) (p. 492)	249,328
Payments to States from grazing receipts, etc., public lands outside grazing districts (p. 492)	183,632
Payments to States from grazing receipts, etc., public lands within grazing districts (p. 492)	200,446
Payments to States from grazing receipts, etc., public lands within grazing districts, miscelleaneous (p. 492)	3,902
Payments to States from receipts under Mineral Leasing Act (p. 492)	47,147,555
Payments to counties, national grasslands (p. 492)	92,255
Bureau of Indian Affairs:	
Education and welfare services (p. 493)	77,723,737
Menominee educational grants (p. 499)	396,000
National Park Service:	
Payment for tax losses on land acquired for Grand Teton National Park (p. 511)	27,287
Bureau of Mines: Drainage of anthracite mines (p. 524)	39,801
Office of Minerals Exploration:	
Salaries and expenses (p. 528)	569,202
Lead and zinc stabilization programs (p. 528)	1,457,023
Bureau of Commercial Fisheries:	
Construction of fishing vessels (p. 533)	543,459
Payment to Alaska from Pribilof Islands fund (p. 536)	702,852
Fisheries loan fund (p. 536)	−1,387,010
Bureau of Sport Fisheries and Wildlife:	
Federal aid in fish restoration and management (p. 542)	5,768,736
Federal aid in wildlife restoration (p. 542)	15,530,052
Payments to counties, national grasslands (p. 543)	−1,970
Payments to counties from receipts under Migratory Bird Conservation Act (p. 543)	582,467
Bureau of Reclamation:	
Construction and rehabilitation (p. 546)	168,185,561
Loan program (p. 551)	14,486,977

[1] This amount is on a checks-issued (gross) basis. Receipts (collections deposited) totaled $3,292,965,983 in fiscal year 1963.

Programs which may involve Federal financial assistance—Continued

	1963 expenditures
Department of the Interior—Continued	
Bureau of Reclamation—Continued	
Payments to States of Arizona and Nevada (p. 556)	$600,000
Upper Colorado River storage project (p. 557)	106,298,150
Department of Labor:	
Office of Manpower, Automation, and Training:	
Manpower development and training activities (p. 600)	51,783,662
Area redevelopment activities: Salaries and expenses (p. 601)	6,676,622
Bureau of Employment Security:	
Unemployment compensation for Federal employees and ex-servicemen (p. 606)	152,858,563
Salaries and expenses, Mexican farm labor program (p. 607)	1,814,958
Farm labor supply revolving fund (p. 608)	1,179,036
Unemployment trust fund (p. 946)	[2]3,815,629,499
Office of the Secretary:	
Trade adjustment activties (p. 619)	640
Department of State:	
Educational exchange:	
Mutual educational and cultural exchange activities (p. 649)	26,207,202
Center for Cultural and Technical Interchange Between East and West (p. 651)	7,344,731
Federal Aviation Agency:	
Grants-in-aid for airports (p. 700)	51,493,441
General Services Administration:	
Real property activities:	
Hospital facilities in the District of Columbia (p. 714)	74,877
Housing and Home Finance Agency:	
Office of the Administrator:	
Urban planning grants (p. 742)	12,388,967
Open-space land grants (p. 743)	265,014
Low-income housing demonstration programs (p. 744)	145,976
College housing loans (p. 745)	283,573,515
Public facility loans (p. 747)	30,047,779
Public works planning (p. 749)	5,864,028
Urban renewal fund (p. 752)	173,208,174
Housing for the elderly funds (p. 757)	18,856,257
Federal National Mortgage Association:	
Special assistance functions fund (p. 761)	−262,295,979
Federal National Mortgage Association secondary market operations (p. 956)	−720,621,211
Housing and Home Finance Agency—Continued	
Public Housing Administration: Low-rent public housing program fund (p. 773)	$178,867,436
Veterans' Administration:	
Direct loans to veterans and reserves (p. 803)	−86,178,301
Civil Aeronautics Board:	
Payments to air carriers (p. 818)	81,856,762
Farm Credit Administration:	
Short-term credit investment fund (p. 835)	13,310,000
Banks for cooperatives investment fund (p. 836)	−11,979,500
Federal Home Loan Bank Board: Federal Home Loan Bank Board revolving fund (p. 840)	−119,413
Federal Power Commission:	
Payments to States under Federal Power Act (p. 850)	58,453
National Capital Housing Authority: National Capital Housing Authority trust fund (p. 968)	−2,354,674
National Capital Planning Commission: Land acquisition, National Capital park, parkway, and playground system (p. 860)	1,295,588
National Science Foundation: Salaries and expenses (p. 864)	206,859,160
Small Business Administration:	
Trade adjustment loan assistance (p. 875)	0
Revolving fund (p. 876)	134,320,156
District of Columbia:	
Federal payment to District of Columbia (p. 913)	32,859,000
Loans to District of Columbia for capital outlay, general fund (p. 913)	0
Loans to District of Columbia for capital outlay, highway fund (p. 914)	7,500,000
Loans to District of Columbia for capital outlay, water fund (p. 914)	850,000
Loans to District of Columbia for capital outlay, sanitary sewage works fund (p. 914)	2,400,000
Federal contributions and loans to the metropolitan area sanitary sewage works fund (p. 915)	14,200,000
Repayable advances to District of Columbia general fund (p. 915)	7,000,000
Advances to stadium sinking fund, Armory Board (p. 915)	415,800

Mr. EASTLAND. Mr. President, the genesis of this title arose in a recommendation of the Civil Rights Commission. The Commission made what it termed an "interim report" to the President, which contained the most monstrous libels that have even been uttered against a sovereign State of this Union. One sentence in this report charged:

> Even children, at the brink of starvation, have been deprived of assistance by the callous and discriminatory acts of Mississippi officials administering Federal funds.

The report pointed out that in the fiscal year 1962 payments from the Federal Government to State, counties, municipalities, and individuals in Mississippi exceeded $650 million. One of the three so-called recommendations to the President was that—

> The Congress and the President consider seriously whether legislation is appropriate and desirable to assure that Federal funds contributed by citizens of all States not be made available to any State which continues to refuse to abide by the Constitution and laws of the United States, and, further, that the President explore the legal authority he possesses as Chief Executive to withhold Federal funds from the State of Mississippi.

This monstrous proposal drew from the President the following reply:

> I don't have the power to cut off the aid in a general way as proposed by the Civil Rights Commission, and I would think it would probably be unwise to give the President of the United States that kind of power, because it could start in one State and for one reason or another it might be moved to another State which was not measuring up as the President would like to see it measure up in one way or another.

This was a very sound and an appropriate reply from the late President Kennedy to the proposal advanced by the Civil Rights Commission. But the pressure by the minority groups became so great that, strange as it may seem, less than 2 months after the President uttered these words he sent a special message to Congress outlining a new civil rights program, and title VI of his proposed package contained the very provision that he had repudiated in regard to withholding financial assistance. The recommendation originally contained in title VI has been changed in the House and, if anything, the changes make the provision more obnoxious than the original recommendation. At least, the original recommendation provided that the President should provide the conditions regarding withholding of funds, and the changes delegate the function to the countless bureaus, agencies, and programs that administer the grants, loans, and programs that I have previously set forth in my remarks. If any one title of the bill can be said to be more obnoxious than any other, this unconstitutional delegation of nebulous authority to the President and executive branch of the Government to penalize citizens of the United States at his whim and caprice is far and wide the worst feature of the bill.

Title VII—"Equal Employment Opportunity"—is a provision that was not recommended by the President. This is purely and simply the old FEPC that was originally recommended by the Truman Commission and repudiated out of hand by Congress time and time again. The President recommended that his Commission on Equal Employment Opportunity which was established by an Executive order, and which is without constitutional sanction, be given statutory recognition. This Commission operates only in the area of Government contracts and contractors. The presently proposed equal employment opportunity cuts across the board and embraces practically every employer in the United States, of every kind and character. A Commission such as is herein proposed will put business and industry in a Government straitjacket. It will go further to regimentalizing and socializing our free enterprise system than any one single law that has been enacted in all history. It will give to Government bureaucrats power to dominate and control private hiring, firing, and promotion policies. I assure you, Mr. President, that before the debate is over the 23 odd pages which it takes to delineate this title will be subjected to the most careful and exact scrutiny and analysis.

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[2] This amount is on a check-issued (gross) basis. Receipts (collections deposited) totaled $4,256,052,867 in fiscal year 1963.

Title VIII is styled: "Registration and Voting Statistics." It requires that the Secretary of Commerce conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Civil Rights Commission. This, Mr. President, is another boondoggling project which has no practical value, and can only result in additional cost to the taxpayers of this country.

Title IX is styled: "Procedure After Removal in Civil Rights Cases." Presently, section 1447 of title 28 of the United States Code provides:

> An order remanding a case to the State court from which it was removed is not reviewable on appeal, or otherwise.

In numerous instances in Southern States in recent times attempts have been made to remove cases involving belligerent minority action in sit-downs, sit-ins, stand-ins, lie-ins, and other forms of militant and unlawful demonstrations from the State courts to the Federal courts. U.S. district judges carefully reviewing the facts and circumstances surrounding the individual cases have remanded them to the State courts from which they were removed because no Federal questions were presented. Now the Department of Justice and the minority groups are dissatisfied with the uniform law that has been on the statute books for generations. They want an exception made, and title IX proposes to amend section 1447 (d) to read:

> An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise.

As is to be expected, section 1443 of title 28 deals solely and alone with so-called "civil rights" cases. Again, without constitutional authority, one class is to be denied due process of law, and a small minority are to be made the special wards of the Attorney General and the Federal judiciary and given rights and privileges that are denied to all others. The purpose behind this particular title fittingly illustrates the character of this entire package of legislation.

Title X is titled: "Establishment of Community Relations Service." Here again it is proposed to set up a permanent agency of the U.S. Government, with high paid directors and officials and a numerous staff of employees to interfere in the life and activities of the local community in providing "assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin." This would be another agency that would stir up trouble in the same manner in which the waters have been roiled by the Civil Rights Commission. It would be stacked on top of the Civil Rights Commission; the Civil Rights Division of the Department of Justice; the Department of Health, Education, and Welfare; the FEPC, and all of these other departments and agencies which are supposed to concern themselves with these so-called "Federal civil rights." I wonder sometimes, Mr. President, just how ridiculous we can get.

I have herein briefly attempted to summarize the matters and things contained in the 55 pages of the proposed Civil Rights Act of 1963. Is it any wonder that we were opposed to the motion to make this bill the pending business before the Senate? Is it any wonder that we demanded that H.R. 7152 be referred to a committee for some consideration before this body acted on the measure?

I shall discuss title I of the bill in detail. I have just given a summary of each of the titles. But I shall take them up now, title by title, section by section, and review what in my judgment is the implication of each section. I think the bill as enacted will create a dictatorship in the United States. I think it would destroy our system of government. I hope it was not designed for that purpose, but I think that would be the result.

Many good people are supporting this bill. But I think that they are wrong in the position which they take. That is my judgment.

TITLE I

Title I of H.R. 7152, styled "voting rights," is now in a different form from that which was submitted to Congress by the President in his original message proposing a "Civil Rights Act of 1963." The whereases or the declaratory language that preceded the statutory amendments have been omitted. Regardless of all changes and deletions that have been made, this title in its present form is as patently unconstitutional as was the original version submitted by the President, and as was the literacy test bill that was debated and defeated in the 87th Congress. As now before us, the present bill does first, set up a Federal statutory rebuttable presumption that a person has sufficient literacy, comprehension, and intelligence to vote if he has completed the sixth grade; second, provide technical requirements concerning literacy tests; third, inhibit the denial of the right to vote for nonpayment of poll tax; and, fourth, provide for Federal determination as to whether errors or omission in an application to register are material. The bill is also subtly drawn in such language as to make its terms applicable to State and local elections, in addition to elections involving the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives.

In section 101(c) the words "Federal election" are defined as meaning any general, special, or primary election held solely or in part for the purpose of electing or selecting one of the Federal officers previously described.

Title I, Mr. President, in its present form, is basically as unconstitutional as was the literacy bill that was rejected by the Senate in 1962. In the course of the 1962 debate, time did not permit me to present to the Senate an analysis of the historical origins of those provisions of the U.S. Constitution which give to the States and the States alone the right to prescribe qualifications for electors for both State and Federal offices and prohibit the usurpation of this power by the Federal Government. The 87th Congress, while failing to enact an unconstitutional type of literacy bill, demonstrated that it was its belief that the proper way for the Federal Government to interfere with the constitutional practices of the State vis-a-vis elections was by constitutional amendment. This was evidenced by the passage of the antipoll tax amendment to the Constitution, which, while bitterly opposed by me, was at least admitted to be the constitutional way in which Congress and the people could act to effect such a result as the abolition of the poll tax as a prerequisite to voting in a Federal election.

But let me now, Mr. President, illustrate what an overwhelming mass of evidence is available to establish conclusively and beyond peradventure that there is no constitutional right for the Congress of the United States to enact a bill which in any way prescribes or inhibits the qualifications of electors in the States.

Mr. President, nothing could be clearer than the simple and explicit language of the U.S. Constitution that only the States have the right and power under our system of government to fix and determine the qualifications of voters, both in State, county, and municipal elections, and in elections involving the President or Vice President or a Member of the House and Senate. The proposed legislation now before us usurps and arrogates to the National Legislature a constitutional prerogative that has been fixed and vested in the several States since the formation of the Union. In this day and time it is both fashionable and expedient for those who would bend, break, and amend the Constitution without definitive action on the part of the people by way of constitutional amendment to try to distort its meaning by every interpretation of law and simple reason. The language of this document means exactly the same thing today that it was intended to mean at the time of its adoption by the men and the States that prepared and promulgated it. When we go back to the origins of the Constitution and consider the discussions that took place in the Convention and the acts of the several States in bringing the Constitution into being, no one can question to the slightest degree exactly what was intended by the plain and simple language that is contained therein.

Section 2, clause 1, of article I provides:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the Electors in each State shall have the qualifications requisite for Electors of the most numerous branch of the State Legislature.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. JOHNSTON. When our Founding Fathers were busy drafting the Constitution, is it not true that at all times in regard to the qualification of voters, they were trying their level best to leave it to the State to say what the qualifications should be?

Mr. EASTLAND. Certainly that was the meaning. If the decisions had not been left to the States, we would not have had a Constitution.

Mr. JOHNSTON. The Senator is entirely correct. A great many of those who drafted our Constitution had recently come from under the jurisdiction of King George III. They had been punished in a great many ways. They were trying to draft a Constitution which would protect the Government against centralized government. Is that not true?

Mr. EASTLAND. Certainly. The Federal Government was granted powers which were delegated by sovereign States. The Government was designed to provide for the common defense of those States, to control interstate commerce, to conduct the foreign policy of the individual sovereign States, to adopt a uniform post office system, to have the power of regulating bankruptcy, and to establish a uniform system of the coinage of money. Those are all the powers which the Federal Government was given. All other powers were reserved to the States. After taking that action the Founding Fathers wrote into the Constitution a provision that all powers not delegated in the Constitution were reserved to the States or to the people.

Mr. JOHNSTON. As the Constitution is written, in effect it states that the Federal Government has the rights stated in the Constitution and no further rights. Is that not true?

Mr. EASTLAND. The Senator is correct.

Mr. JOHNSTON. In drafting the Constitution the representatives of the States were very careful in every instance to leave to the States all rights not delegated in the Constitution.

Mr. EASTLAND. Surely. The Senator must realize that the proponents of the bill tried to rest their case on the 14th amendment. Of course, the amendment was never legally adopted. The Secretary of State refused to certify it But it is a part of the Constitution, and it does refer to State action and State action alone. However, the proponents of the bill have tried to justify the provisions of the bill as being directed at the individual under that amendment, when the amendment itself, by its terms, applies only to action by a State.

Mr. JOHNSTON. The Senator is entirely correct. I fear that many people do not understand the full effect of the bill. They do not realize what would take place if the bill should pass. Not a few, but a great many States rights are now being whittled away. That is one reason why we are at the present time fighting against the bill.

Mr. EASTLAND. Not only are States rights involved, but also the rights of the people themselves.

Mr. JOHNSTON. That is true.

Mr. EASTLAND. In the bill is a provision which would establish an FEPC. Suppose a Negro and a white man should apply for the same job. That has happened, and is happening thousands of times every day in our country. Who will get the job?

Mr. JOHNSTON. The bill as written goes very far——

Mr. EASTLAND. Answer my question. Who would get that job if there were two applicants, one from each of the two races?

Mr. JOHNSTON. If the employer did not employ the colored man, he would be taken into the courts.

Mr. EASTLAND. The employer knows that he would be taken into court. He will attempt to stay out of court and try to keep some bureaucrat off his back. Therefore, he might give the job to the colored man because of his race. The bill would set up a preferred class.

Mr. JOHNSTON. He would not even have to go to court. Is it not true that under the bill and the way things are handled the case might never reach the courts?

Mr. EASTLAND. It might be handled by bureaucrats.

Mr. JOHNSTON. By bureaucrats and by a number of other people.

Mr. EASTLAND. It would be handled by someone who would not be elected by the people. The people of our country would have no voice in choosing their masters. The laboring man would have a chain around his neck if the bill were enacted.

Mr. JOHNSTON. Then if a case should go to the court, the Attorney General of the United States could pick the judge before whom the case would be tried. Is that not true?

Mr. EASTLAND. Yes; that would be largely true.

Mr. JOHNSTON. We can well imagine that the judge who would be picked would be one who would carry out the wishes of the bureaucrats. Is that not true?

Mr. EASTLAND. I believe that is largely true, yes.

Mr. JOHNSTON. The bill would take away the rights of people to have a trial by jury.

Mr. EASTLAND. Yes; and the right of a trial before an unprejudiced judge.

Mr. President, in our country there is a drift that alarms me. Many Federal judges, as soon as they are appointed, work for promotion. To be promoted they become "Government judges." They decide cases in the manner in which they believe the Government wants them decided. They do so in order to be promoted. I know of judges who are members of the circuit court of appeals who are active candidates for the Supreme Court. They would do anything that they might be told to do by the Department of Justice or the executive branch of the Government. I shall not name them, but I could name them. I know one who made the statement when he was under the influence of alcohol that he would like to go on the Supreme Court. There should be some procedure under which judges like that could be removed from the bench. One of the fundamental rights of a free man in a free country is to have his case tried before a judge who will give him a square deal and who will not be looking for an opportunity to promote himself.

Mr. JOHNSTON. The Senator spoke about the circuit court of appeals and the Supreme Court. The same statement would be true in regard to district judges who wished to be promoted to the circuit court of appeals. Is that not true?

Mr. EASTLAND. Some of them do; some of them do not. I know some district judges who do not want to go to the circuit court of appeals. But many of them do.

Mr. JOHNSTON. The Federal Government would be very proud to have to try one of its cases before a judge who is seeking to be made a circuit court of appeals judge.

Mr. EASTLAND. That is true.

Mr. JOHNSTON. Would a judge of that temperament, desiring to be promoted, give defendants, or whoever might be the litigants, a fair trial when the Government would be on the other side of the question?

Mr. EASTLAND. No. I do not think such a judge would give anyone a fair trial. He would do what he might think the executive branch of the Government desired him to do. That is wrong.

Mr. JOHNSTON. I thoroughly agree with the Senator. I commend him for what he has said. If every Senator would read the remarks of the distinguished Senator from Mississippi and would then make up his own mind, the measure before the Senate would not pass.

Mr. EASTLAND. I thank my friend.

The language to which I referred was not adopted without serious study and consideration. The same can be said for section 4, clause 1 of the same article, which provides:

> The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Since both section 2 and section 4 were often discussed together in their context by the Founding Fathers and the ratifying States, they will be discussed herein together. These are the only sections of the Constitution as it was drafted which relate in any manner or form to either the qualifications of electors or the time, place, and manner of holding elections. A discussion of the clause, "Electors to be the same as those of the most numerous branch of the State legislature" occurs in notes of Rufus King, taken in the Federal Convention. He reports that Morris proposed to strike out the clause and to leave it to the State legislatures to establish the qualifications of the electors and elected, or to add a clause giving to the National Legislature powers to alter the qualifications. Ellsworth replied that:

> If the Legislature [Congress] can alter the qualifications, they may disqualify three-fourths, or a greater proportion of the electors—this would go far to create aristocracy.

He added that:

> This clause is safe as it stands—the States have staked their liberties on the qualifications which we have proposed to confirm.

The balance of the notes on this particular issue are interesting in seeing exactly what the members of the Convention had in mind as to what should be voter qualifications. Dickinson said:

> It is urged that to confine the right of suffrage to the freeholders is a step toward the creation of an aristocracy. This cannot be true. We are safe by trusting the owners of the soil; and it will not be unpopular to do so, for the freeholders are the more numerous of the class. Not from freeholders, but from those who are not freeholders, free governments have been endangered. Freeholds are by our laws of inheritance divided among the children of the deceased, and will be parcelled out among all the worthy men of the State; the merchants and mechanics may become freeholders; and without being so, they are electors of the State legislatures, who appoint the Senators of the United States.

Ellsworth replied with a question:

> Why confine the right of suffrage to freeholders?

Then he said:

> The rule should be that he who pays is governed, should be an Elector. Virtue and talents are not confined to the freeholders, and we ought not to exclude them.

Morris advanced an idea that does sound odd in this day and time. He said:

> I disregard sounds and am not alarmed with the word aristocracy, but I dread the thing and will oppose it, and for this reason I think that I shall oppose this Constitution because it will establish an aristocracy. There cannot be an aristocracy of freeholders if they all are electors. But there will be, when a great and rich man can bring his poor dependents to vote in our elections—unless you establish a qualification of property, we shall have an aristocracy. Limit the right of suffrage to freeholders, and it will not be unpopular, because nine-tenths of the inhabitants are freeholders.

Mason challenged Morris' ideas in regard to freeholders in this language:

> Every one who is of full age and can give evidence of his common interest in the community should be an elector. By this rule, freeholders alone have not this common interest. The father of a family, who has no freehold, has this interest. When he is dead his children will remain. This is a natural interest or bond which binds men to their country—lands are but an artificial tie. The idea of counting freeholders as the true and only persons to whom the right of suffrage should be confided is an English prejudice. In England, a twig and turf are the electors.

Madison then challenged Mason in this language:

> I am in favor of entrusting the right of suffrage to freeholders only. It is a mistake that we are governed by English attachments. The Knights of the Shires are chosen by freeholders, but the members of the cities and boroughs are elected by freemen without freeholds, and who have as small property as the electors of any other country. Where is the crown influence seen, where is corruption in the elections practiced—not in the counties, but in the cities and boroughs.

Franklin then entered the debate against depositing the right of suffrage in freeholders with these comments:

> I am afraid that by depositing the right of suffrage in the freeholders exclusively we shall injure the lower class of freemen. This class possess hardy virtues and great integrity. The revolutionary war is a glorious testimony in favor of Plebeian Virtue—our military and naval men are sensible of this truth. I myself know that our Seamen who were prisoners in England refused all the allurements that were made use of, to draw from their allegiance to their country—threatened with ignominious halters, they still refused. This was not the case with the English Seamen, who, on being made prisoners entered into the American Service and pointed out where other prisoners could be made—and this arose from a plain cause. The Americans were all free and equal to any of their fellow citizens—the English Seamen were not so. In ancient times every free man was an elector, but afterwards England made a law which required that every elector should be a freeholder. This law related to the county elections—the consequence was that the residue of the inhabitants felt themselves disgraced, and in the next Parliament a law was made, authorizing the Justice of the Peace to fix the price of labour and to compel persons who were not freeholders to labour for those who were, at a stated rate, or to be put in prison as idle vagabonds. From this period the common people of England lost a great portion of attachment to their country.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Louisiana without losing my right to the floor and without its counting as one speech against the bill.

The PRESIDING OFFICER (Mr. Inouye in the chair). Without objection, it is so ordered.

Mr. ELLENDER. Is it not a fact that the matter of retaining the right in the States to fix voter qualifications was an issue that was debated for quite some time at Philadelphia; and except for the fact that the States retained the right to fix voter qualifications, the Constitution never would have been adopted?

Mr. EASTLAND. That is true; the Constitution never would have been adopted. The whole basis of our Constitution was that that power shall reside in the States.

Mr. ELLENDER. The Senator's reference to the manner in which elections were conducted in England interested me. Is it not a fact that during colonial days the Colonies were very jealous about retaining to themselves the power to determine who should vote, and who should not vote?

Mr. EASTLAND. That is correct. In fact, there is no such thing in English law as the right to vote. There is no right to vote. Never in English jurisprudence has there been the right to vote. It is a privilege which is conferred by the state.

Mr. ELLENDER. Is the Senator familiar with any case decided by the Supreme Court of the United States which held that the right to set voter qualifications rested with the Federal Government? Does the Senator know of any decision?

Mr. EASTLAND. I do not know of any. I do not believe the Court has ever ruled that it did.

Mr. ELLENDER. The Senator is correct. That is what I wish to emphasize. The Supreme Court held on many occasions that the right to fix qualifications for voters was in the States. Does the Senator know how any good lawyer could read title I of the present bill and not conclude that this is an effort on the part of Congress to fix qualifications, especially when it is provided that no person acting under color of law shall employ any literacy test as a qualification for voting in any Federal election unless such test is administered to each individual wholly in writing?

Mr. EASTLAND. That is a clear invasion of the rights of the States.

Mr. ELLENDER. The State law might provide for a literacy test and that it should be administered orally. If the bill were to pass and it should be decided by the Supreme Court to be constitutional, the test would have to be in writing.

Mr. EASTLAND. The Senator is correct.

Mr. ELLENDER. Is not the same thing true of that part of title I which would make a sixth grade education sufficient qualification where State law provides for a literacy test.

Mr. EASTLAND. The Senator is correct. That is the Congress setting the voter qualifications.

Mr. ELLENDER. The Supreme Court ruled time and again on this question. I refer to the case of *Guinn* v. *The United States*, 238 U.S. 347, 1915 which was decided in 1915. That case involved the prosecution of election officials of the State of Oklahoma who were charged with a conspiracy unlawfully to deprive Negro citizens of the right to vote, solely on the basis of race and color.

After the admission of Oklahoma to the Union, it changed its constitution to include a "grandfather clause." The amendment set out two requirements. The first was a provision that no person would be registered to vote unless he was able to read and write any section of the constitution of the State of Oklahoma. The second provision was that no person would be denied the right to vote if on January 1, 1866, and prior thereto, he could have voted even though he presently did not have the ability to read and write. This provision obviously was aimed at Negroes who were not legally able to vote as of January 1, 1866.

The Supreme Court held that the 15th amendment does not take away from the States the power over suffrage, but does restrict the power of the United States and the States to abridge or deny the right to vote on account of race, color, or previous condition of servitude.

This case held unequivocally that the establishment of voter qualifications is a prerogative of the States; and that the same decision has been cited time and again.

The Court went further, saying that the establishment of a literacy test is an exercise of a lawful power vested in the States and not subject to the supervision of the Federal courts.

In *United States* v. *Classic*, 313 U.S. 299, 1941, it was held in effect that the right to fix qualifications is in the States.

Another case in point arising in North Carolina was *Lassiter* v. *Northampton County Board of Elections*, 260 U.S. 45, 1959. The Negro plaintiff sued to have the provision of the North Carolina Constitution prescribing literacy tests for voters declared unconstitutional. She had applied for registration as a voter and refused to submit to a literacy test as required by the North Carolina Constitution and statute. The United States Supreme Court held that a State may apply a literacy test to all voters, consistent with the 14th and 17th amendments. It said that States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, and that there is wide scope for the State's right to exercise its jurisdiction.

In this case, I point out to my good friend the Senator from Mississippi [Mr. EASTLAND] that the decision in the case of Guinn against United States, to which I referred a moment ago, was again mentioned, in which it was stated unequivocally that the right to fix qualifications for voters is in the States.

In the Lassiter case, the Court, speaking through Mr. Justice Douglas, said:

> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason*, 133 U.S. 333, 345–347) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show.

I am sure that the Senator from Mississippi is familiar with the report that was made during the 53d Congress, wherein conditions became so bad in the conduct of elections that a committee was appointed by the Congress to study the Reconstruction election laws with a view to determining their effect. As the Senator knows, the acts were aimed at the South, but violations of the act were found to exist in the State of New York.

Mr. EASTLAND. I do not doubt that.

Mr. ELLENDER. As I pointed out, there was so much fraud practiced there that the committee investigated and recommended repeal. The committee prepared a bill which actually repealed sections of the Reconstruction laws dealing with Federal control of elections that were adopted soon after the War Between the States. The Senator is familiar with that.

Mr. EASTLAND. I am.

Mr. ELLENDER. In the report, there was a question with respect to another article of the Constitution, article I, section 4, as to whether it gave to Congress the right to fix qualifications.

Mr. EASTLAND. It could not do that.

Mr. ELLENDER. Exactly. I should like to read——

Mr. EASTLAND. The English language does not mean that.

Mr. ELLENDER. Exactly.

Mr. EASTLAND. The issue is very simple. To begin with, there were 13 sovereign States which won their independence from Great Britain. They stretched from New England down through the State of Georgia. They were sovereign in every respect. They were small, and they desired a limited Union.

They had every power that every other sovereign State had. They had their own army. They had their own postal service. Each had its own medium of exchange. Each conducted its own foreign policy. They called a convention in Philadelphia and they agreed to delegate to the Federal Government certain powers. I stated this earlier in the debate. They delegated certain limited powers. What were those powers? One was the power to conduct the common defense. In other words, the Federal Government would take over the burden of defending the country. Then there was the power to conduct the foreign policy of the States. There was also the power to regulate interstate commerce. If the commerce clause were interpreted as the proponents of the bill desire to apply it, we would have a dictatorship in this country. The Federal Government took over the money system.

Then it was provided that all the powers that were not delegated to the Federal Government would be reserved to the States or to the people. Then some amendments were added to the Constitution, to prohibit slavery, and other things.

Mr. ELLENDER. Inasmuch as the Senator has raised the question, as I recall, many States refused to ratify the Constitution unless they were assured that amendments would be offered protecting the rights of the people and the States. This was done by Madison.

That was the reason why the first 10 amendments were adopted. It was on the promise that if the States ratified the Constitution as drafted in Philadelphia the first 10 amendments would be proposed and submitted to the people.

Mr. EASTLAND. To make clear that the Federal Government would not begin to meddle in their affairs.

Mr. ELLENDER. Yes; I was about to bring that out. If the Senator will permit me to do so, I should like to read from the report.

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the Senator from Louisiana with the understanding that I do not lose my right to the floor and that it will not count as a second speech when I resume my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. I read from the report:

> The power is sought in the fourth section of article 1 of the Constitution, which is as follows:
>
> "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof: but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators."
>
> We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themsleves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and finally, the construction put upon them by Congress itself and recognized authors on the Constitution.
>
> We notice, first, that "the times, places, and manner of holding elections, etc., is primarily confided to" the legislature of each State; secondarily, it is given to the Congress.
>
> The language itself and the arrangement of the two clauses show this:
>
> "The times, places, and manner, etc., shall be prescribed by the legislature of each State.
>
> "But the Congress may, by law, at any time make or alter, etc."
>
> The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who draughted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.
>
> We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding, etc.," was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.
>
> We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.
>
> Of the Original Thirteen States that framed the Constitution, seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment

> against the adoption of the Constitution containing this and other sections.

As the Senator knows, some legislators on both sides of the aisle claim that under the language of article I, section 4, Congress has the right to fix qualifications, when, as a matter of fact, this report indicates quite clearly that the fixing of the times, places, and manner applies only to voting, and not to the qualification of the voter. Does the Senator from Mississippi agree?

Mr. EASTLAND. I agree. I appreciate the statement the Senator has made. To give Congress the power to fix qualifications of voters would require changing the meaning of the English language. That is the only legal way in which it could be done. Or the Constitution would have to be changed.

Mr. ELLENDER. There is no question about that.

Mr. EASTLAND. Mr. President, I resume my speech.

The next morning the debate on what became section 2, clause 1 of article I, continued with a defense of the proposition of leaving to the several States the right and power to prescribe the qualifications for electors. Gorham said:

> The qualifications (being such as the several States prescribe for electors of their most numerous branch of the legislature) stand well. Gentlemen are in error, who suppose the electors of cities may not be trusted. In England the members chosen in London, Bristol and Liverpool are as independent as the members of the counties of England. The Crown has little or no influence in city elections, but has great influence in boroughs, where the votes of freeholders are bought and sold. There is no risk in allowing the merchants and mechanics to be electors; they have been so time immemorial in this country and in England. We must not disregard the habits, usages and prejudices of the people. Propose a window law in New England and you would offend the people; proposed a poor tax in old England, and it would in like manner offend the people. So if you exclude merchants and mechanics from the list of electors you will offend them.

The McHenry Papers on the Federal Convention of 1787 also cover the debate of August 7 and August 8 on qualifications of the electors. He mentions the remarks of Dickinson, Morris, and Franklin in substantially the same language that they were discussed and reported in the notes of Rufus King. Ellsworth was right, and the clause was adopted into the Constitution as it was discussed when he said:

> This clause is safe as it stands—the States have staked their liberties on the qualifications which we have proposed to confirm.

Hamilton and Madison had the great task of selling the text of the proposed Constitution to the people. The Federalist Papers were mostly written in 1787 and 1788. In the Federalist No. 52 the subject for discussion was the qualification of the electors and the elected. Either Hamilton or Madison said:

> Those of the former are to be the same with those of the electors of the most numerous branch of the State legislature. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress, would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule, would probably have been as dissatisfactory to some of the States as it would have been difficult to the convention. The provision made by the convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established, by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge the rights secured to them by the Federal Constitution.

Mr. President, I say that nothing on earth can be more simple or clearer than this plain unvarnished statement by Hamilton or Madison as to why the Constitutional Convention chose to and did leave the matter of the qualifications of voters to the sole and exclusive province of the several States. What was said above is as true today of section 2 of article I as it was when it was written. The proposed legislation violates this unvarnished statement of constitutional intent and meaning. In the Federalist No. 57, either Hamilton or Madison poses this question:

> Who are to be the electors of the Federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the corresponding branch of the legislature of the State.

As to article I, section 4, clause 1 of the Constitution, Hamilton discusses it at length in the Federalist Paper No. 59. He says:

> It is in these words: "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators." This provision has not only been declaimed against by those who condemn the Constitution in the gross; but it has been censured by those who have objected with less latitude and greater moderation; and, in one instance, it has been thought exceptionable by a gentleman who has declared himself the advocate of every other part of the system.
>
> I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the names of its own preservation. Every just reasoner will, at first sight, approve an adherence to this rule, in the work of the convention; and will disapprove every deviation from it which may not appear to have been dictated by the necessity of incorporating into the work some particular ingredient, with which a rigid conformity to the rule was incompatible. Even in this case, though he may acquiesce in the necessity, yet he will not cease to regard and to regret a departure from so fundamental a principle, as a portion of imperfection in the system which may prove the seed of future weakness, and perhaps anarchy.

He then, at great length, defends the insertion of this clause in the Constitution. In the subsequent Paper No. 60, he says:

> As to the Senate, it is impossible that any regulation of "time and manner," which is all that is proposed to be submitted to the National Government in respect to that body, can affect the spirit which will direct the choice of its members.

He adds later:

> Its [Congress'] authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the legislature.

Hamilton here states categorically that this Senate has no right by a legislative act to establish or restrict a qualification for a voter in a national election.

Despite the assurances of Hamilton and Madison, the possibility of regulating the internal affairs of the States by the utilization of the time, place, and manner clause created a storm of dissention and discussion among the States that were called upon to ratify and adopt the Constitution. The ratification of the resolution for the State of Massachusetts contained this language:

> Thirdly, that Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned or shall make regulations subversive of the rights of the people to a free and equal representation in Congress agreeably to the Constitution.

The State of South Carolina placed in its resolution of ratification this language:

> And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people under the operations of a general government that the right of prescribing the manner, time, and places of holding the elections to the Federal legislature, should be forever inseparably annexed to the sovereignty of the several States. This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution.

The State of New Hampshire employed this language in its resolution of adoption:

> Thirdly, that Congress do not exercise the powers vested in them, by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress. Nor shall Congress in any case make regulations contrary to a free and equal representation.

The State of Virginia, in its Videlicet to the adoption of the resolution, suggested certain amendments to the body of the Constitution, the 16th of these being:

> That Congress shall not alter, modify or interfere in the times, places, or manner of holding elections for Senators and Representatives or either of them, except when the legislature of any State shall neglect, refuse or be disabled by invasion or rebellion to prescribe the same.

The convention held in the State of New York adopted this language:

> That the Congress will not make or alter any Regulation in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same, and that in those cases such power will only be exercised until the legislature of this State shall make provision in the premises.

In view of the plain language of section 1, article I, and the above action taken by the ratifying convention of the State of New York concerning section 4 of article I, it is interesting to consider here colloquys which took place before the Judiciary Committee of the House of Representatives when hearings were there held on the proposed literacy bill in the 87th Congress. The Attorney General of the United States was being interrogated by the committee, and replied in response to a question that:

> Under the 15th amendment, we have a responsibility and a requirement, the Federal Government and Congress, to insure that everybody has the right to vote and is not denied the right to vote because of their color.
>
> We have found, and Congress must find, that individuals have been denied the right to vote because of their color. We have found that in our own investigations and in our own studies of the method that has been used in the literacy test. And, therefore, it is incumbent upon Congress to pass some legislation to insure that that ends.
>
> What we have suggested and recommended is that where these literacy tests are used for the purpose of denying a person the right to vote because of his color, that a person should be considered literate if he has completed a sixth grade education. But the States still can establish any qualifications they want themselves.

The Attorney General is here referring to the 15th amendment and its prohibition against the denial of the right to vote on the grounds of race, color, or previous condition of servitude. A few pages later in his testimony, a discussion arises in regard to Spanish-speaking citizens in the State of New York. To my knowledge, I have never known or been advised that Spanish-speaking people are, per se, members of a colored race, particularly the one identified with the 15th amendment to the Constitution. At page 64, he concluded with this statement:

> In my judgment, there can be no reasonable excuse for depriving many thousands of these Spanish-speaking Americans of their franchise.

Then the chairman of the House Judiciary Committee interrupts and says:

> Let me make this observation at that point, since I come from New York.
>
> We have a very unique situation there. New York State laws require that voters be able to read and write English. Although literacy in English is a U.S. citizenship naturalization requirement, Puerto Ricans were granted full American citizenship in 1917, and left by Congress to choose English or retain Spanish as their official language.
>
> The islanders chose Spanish. It is estimated that the English requirement prevented about 200,000 Puerto Ricans living in New York from voting in 1961. The New York State Supreme Court has held the law of New York State to be constitutional. Steps have been taken in my State to amend the State constitution. Although it is a rather complicated process, steps have been taken to amend the State constitution to allow Puerto Ricans literate in Spanish to vote based upon the premise that the Spanish-language newspapers in New York give them sufficient election information.
>
> Now, if Spanish has been selected as the language of Puerto Rico, from whence Puerto Ricans come to New York, they are not likely to know English. They are citizens of the United States.
>
> New York is endeavoring to change that. But that takes some time. Therefore, some legislation of this sort would be extremely worthwhile, particularly in the State of New York, so that these Puerto Ricans wouldn't be continually placed in a position of second-class voters and not being able to vote unless they know English.

Mr. President, when the State of New York requires that, as a qualification and prerequisite for voting, a citizen must be able to read and write the English language, it has a perfectly clear and constitutional right to make such a requirement, and any proposed Federal law that would tell the people of the State of New York that they could not require a knowledge of the English language as a prerequisite to the exercise of suffrage is so patently unconstitutional that it does not even merit discussion. How the State of New York felt about this constitutional issue is clearly and explicitly demonstrated in the resolutions adopted by the convention of that State as a condition of its entry into the Union under the Constitution. What they expressed in 1788 is valid and true as constitutional doctrine in 1962, and on this issue there can be no remote connection with any language contained in the 15th amendment to the Constitution of the United States. Here is a simple matter of whether a requirement that one read, write or speak the English language, regardless of race, color, or previous condition of servitude, can be made by a State as a prerequisite to the exercise of the privilege of suffrage. The State of New York has this power and right, and I do not believe that any bill passed by the Congress can take it away from them.

The State of North Carolina in its ratification resolution suggested that this language be placed in the Constitution:

> That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion, to prescribe the same.

The State of Rhode Island recommended this language:

> That the Congress will not make or alter any regulation in this State, respecting the times, places, and manner of holding elections for Senators or Representatives, unless the legislature of this State shall neglect, or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that, in those cases, such power will only be exercised until the legislature of this State shall make provision in the premises.

While the Pennsylvania resolution on the adoption of the Constitution as it appears in the compilation of papers on the formation of the Union does not contain language in regard to section 4 of article 1, the CONGRESSIONAL RECORD of May 23, 1911, contains the statement that Pennsylvania, in adopting the Constitution, provided:

> That Congress shall not have the power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose, and then only for such time as such neglect or refusal shall continue.

Mr. President, this contemporary history as to the meaning and intent of the sections of the Constitution here under discussion is so clear and explicit that it should convince the mind of any reasonable man that nothing in the body of the Constitution as it was originally drafted can lend any credence to an argument that this Congress has any right or power to tamper with either the qualifications of electors as they are fixed by the several States—regardless of what they may be—or to concern itself with the time, place, and manner of holding such elections, unless there is some extraordinary circumstances where a State either refuses or is unable to act in the premises.

The people were quite reluctant to ratify the Constitution. The people were so zealous to retain their freedom from an all-powerful central government and to keep that government from being all-powerful that there was great reluctance to ratify the Constitution, even with language to provide for the time, place, and manner of holding elections. Such a provision was placed in the Constitution to be certain that States would hold elections to elect Members of the Congress, so that Congress could function, and the Federal Government would not dry up.

For the purpose of this present discourse, I wish to ignore for a moment any mention of the 14th and 15th amendments to the U.S. Constitution and direct the attention of this body to a well-settled rule of both statutory and constitutional law. The rule provides:

> Amendments to constitutions or statutes are not to be regarded as if they had been parts of the original instruments, but are considered rather in the nature of codicils or second instruments, altering or rescinding the originals to the extent to which they are in conflict, and, of course, are to be treated as having a force superior to the originals to the extent of such conflict. If a constitutional amendment does not in terms expressly repeal a constitutional provision, yet it covers the same subject provided for in such provision, the amendment will be regarded as a substitute for it and as suspending it.

With this rule of constitutional construction in mind, I direct the attention of the Senate to the 17th amendment to the Constitution of the United States.

which was declared to have been ratified by the legislatures of 36 of the 48 States on May 31, 1913. In providing for the popular election of Senators, this amendment brings forward the language contained in article I, section 2, clause 1 of the Constitution by providing, as to Senators, that:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Here we find in 1913 that both the Congress, by its required constitutional majority, and the legislatures of 36 of the 48 States again fixed forever in the Constitution the unalterable proposition that the sovereign States, and only the States, have the power and right to prescribe the qualifications requisite for voters who would vote for U.S. Senators, which was a reiteration of the previously declared doctrine that only the States would have the right to prescribe the qualifications of voters to vote for Members of the House of Representatives. The floor debates that took place in the Senate and the House on the adoption of the resolution to submit this constitutional amendment to the States cast interesting light on the matter that will be discussed in regard to this presently proposed legislation.

Men who engaged in this debate had a personal and intimate knowledge of that tragic era through which the Southern States passed in the days subsequent to the end of the Civil War. Military government, the attempted application of the vicious and iniquitous Force Act, and the complete obliteration of the sovereignty of the States was something they knew about from bitter experience as children or young men. This was not something that was told to them by their parents or which they read in the history books. The control and policing of elections, which were achieved through the Force Act and military government, was an exercise of power on the part of the Federal Government that did not concern any qualifications for voters that might be set by the separate States, but was based on an alleged constitutional authority arising from the time, place, and manner of holding elections.

This present debate is not concerned with this particular clause in the Constitution. It is concerned solely and alone with those clauses which involve the qualifications of voters and the unalterable right and power of the several States to set those qualifications. Two great and illustrious men represented Mississippi in the Senate at that time, John Sharpe Williams and Leroy Percy. John Sharpe Williams served in the House of Representatives from March 4, 1893, to March 3, 1909, and was first elected to the U.S. Senate in 1910. He remained in the Senate until 1923, when he declined to stand as a candidate for reelection. Leroy Percy, who was born and lived in Greenville, Washington County, Miss., a county adjoining that in which I live, first came to the Senate to fill a vacancy caused by the death of Senator Anse J. McLaurin. He served for a term of approximately 3 years.

The question of the popular election of Senators had long been agitated. It had been a plank in the party platforms, and application had been made to Congress from numerous of the States to amend and change the constitutional method of selection of Senators by State legislatures. The final debate in the Senate did not involve the clause now in the 17th amendment that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures." It was concerned with whether there would be any change or additions that would involve section 4 of article I. John Sharpe Williams, in entering the debate, said, in part:

> Mr. President, I had not intended to open my mouth at this session of the Senate of the United States, but it seems to me that it is necessary that my own position upon this question should be made clear. This is one of those curious and interesting cases where by keeping the language of the law just as it is in one place after a change in another place you change the facts, and where the only way of not changing the facts in their practical operation is to omit or change the language.

He added:

> Now, gentlemen may refine all they please. They may split hairs "as betwixt the nor' and the nor'west side," but they know, just as well as the country, if intelligent, will know, that when they are pleading that the Constitution shall not be changed in section 4 they are really pleading that the relations between the Federal Government and the people at the polls shall be changed by adding a power which the Federal Government now has not, with regard to the presence and supervision of the election of a Senator.

What John Sharpe Williams here had reference to was the iniquitous Force Act, the sum and substance of which was so thoroughly covered when the registrar bill was presented to this Senate for argument and debate in 1960; but regardless of what one may think of the validity and constitutionality of the supervision of the polls by Federal officials, this does not touch, top side or bottom, the question here presented—that of the qualifications of electors who may vote for Federal or State officers.

Senator Williams said further:

> Can no popular reform of any description be instituted in the United States without mulcting the South somewhere along the line—without demanding of her some special sacrifice?

In replying to the issues raised by Senator Williams, Senator Rayner, of Maryland, pointed out that the States of New York, Rhode Island, Pennsylvania, and Massachusetts, in ratifying the Constitution, adopted the provisions that I have previously set forth of the eight States, which stated so emphatically and categorically that it was never intended to give to the Congress any power to make or alter any regulation of the States respecting the time, place, and manner of holding elections, except in those instances where the States failed to act.

Senator Percy, in his portion of the debate, delivered one of the most brilliant and eloquent speeches ever made on the floor of this Senate. He lucidly demonstrated that any powers the Federal Government derived under article I of section 4 of the Constitution were absolutely different from any power the Government had under the 14th and 15th amendments, or under any other provision of the Constitution. In discussing the old Force bill, he produced these statistics, which should be of great interest today:

> When the Force bill of 1890 passed the House of Representatives it received 155 Republican votes—not a Democratic vote—while 146 Democrats voted against it and only 3 Republicans, and they from the States of Louisiana, South Carolina, and New Jersey.
>
> In 1894, when the Federal supervision laws were repealed, every Democrat in the House—194 of them—voted for the repeal, and every Republican—102 of them—against the repeal; and in the Senate every Democrat (35) voted for the repeal, and every Republican (28), including several who are now Members of this body, against this repeal, except Stewart of Nevada.
>
> At the last session of Congress every Democrat in the Senate except one voted against the Sutherland amendment and every regular Republican for it.

Mr. President, if there was ever a demonstration of the political nature of the presently pending literacy bill, it is to be found in the remarkable change in the complexion of votes by party from those which were made on the repeal of the Force bill in 1894 and those that will now be made on behalf of the presently pending legislation. The Constitution of the United States should be above partisan consideration. Legislation that is designed to appease and curry favor with minority blocs that so many think have the balance of power in the control of both party conventions and the election of Presidents and those Members of Congress in cities and States where they exist and operate should at least have the merit of some constitutional validity.

Senator Borah raised his powerful and forceful voice in this debate. He said:

> I am one of those who would like, if I could, to take a part of the history of the Republican Party with reference to the reconstruction days out of its history and burn it, and blot it from the memory of men.
>
> * * * * *
>
> The National Government never can deal with a local matter as intelligently as the people of the States can deal with it. That has been the history of this Government from the beginning until now. Whenever the National Government undertakes to deal from Washington with a local matter it makes a mistake. The Senator from Utah would not desire the National Government to step in and run a popular election in his State any more than the people in any other part of the country would. I have no doubt that he would protest against such action just as quickly as anyone else. We have got now out in the great West some of the effects of a government from Washington with reference to local affairs, and, so far as I am concerned, I do not want any more of it.

Senator Borah continues:

> Then how does it arise that when we have granted to the States the right to fix the manner for presidential electors, the National Government exercises its power over these

elections? The confusion arises, as I said a moment ago, out of using the word "manner" for "the right to vote" or the right to protect an election from fraud or violence or anything which interferes with a fair count.

Mr. President, I want, as briefly as I can now, to submit three propositions and the well-established law which sustains them:

The first proposition is that the State alone can determine the qualifications of the voter. The National Government has no power, aside from the proposition of preventing discrimination, to interfere with any qualification which the State fixes with reference to the voter.

Mr. President, a review of the debates on the adoption of the 17th amendment in both the Senate and the House of Representatives could leave no doubt in the mind of any reasonable man that the 17th amendment reiterated a principle deeply embedded in the Constitution of the United States in setting the standards by which qualifications for franchise could be determined for those seeking to vote for the office of U.S. Senator. This last expression of constitutional intent is complete and absolute in binding both this Congress and the courts. The purpose of the presently proposed legislation can be achieved by one method and one method only, and that is by the route of constitutional amendment.

Mr. President, earlier today the distinguished Senator from Wisconsin [Mr. Proxmire] read some figures published by a nonpartisan committee to promote civil rights which showed that discrimination existed in the school lunch program in Greenwood, Miss.

I knew at the time that the figures were absolutely incorrect. I have before me a telegram, which reads as follows:

Columbus, Miss., *April 18, 1964.*

James O. Eastland,
U.S. Senate,
Washington, D.C.:

I am pleased to report the progress of the Leflore County School District's lunchroom program. For the last 5 years all the Negro schools and white schools have been built with modern kitchen and cafetorium areas.

The supervisors, principals, teachers, lunchroom managers, PTA's and civic groups have worked diligently to encourage participation by all students in the noon meal offerings.

The Negroes deserve special commendation for their progress. Starting from the days of every child bringing his lunch from home they have been encouraged in the classrooms, in assembly, by attractive bulletin boards, publication of the daily menu, meetings with the State lunchroom directors, the State department of education, the State department of health and adult groups from the community, to eat the well-balanced meal prepared freshly and processed attractively in the school.

Approximately 100 percent of the children eat some meals every semester, few eat all their meals from the school kitchen. About 50 percent prefer to bring their lunches and many of them supplement the home-prepared lunch by going through the kitchen line buying one or two bottles of milk and eating at the tables with the other students. Each day a great group selects carbonated beverages, cookies and peanut butter sandwiches from the mechanical dispensers as a matter of choice, spending their money this way seems to be a matter of habit. In order to continue growth of the lunch program, Negro principals charge only 20 cents per lunch for students and 30 for teachers. White schools have consistently charged more.

Mr. Eastland, the spectacular thing about the Negro lunchroom program and other school activities is the rapid progress they are making. Every Negro teacher and principal in the Leflore schools has a bachelor degree, master degree, or better. They are performing miracles in all phases of the school program.

Through their continued uninterrupted efforts we have achieved in school lunch, academic subjects, science fairs, athletic, library, business education and others until we are out front on a rate of progress basis and well on the way to the top of the schools in this Nation. These statements are made by visitors from all over the United States and other countries who tour our Negro schools.

Otis W. Allen,
Superintendent of Education, Leflore County Schools, Greenwood, Miss.

I say again that that committee, by spreading false propaganda, was doing a grave injustice to a fine and great people in Leflore County, Miss.

Mr. President, this concludes my remarks for today. I shall discuss title I of the bill further, at some future date.

BIPARTISAN CIVIL RIGHTS NEWSLETTERS

Mr. BAYH. Mr. President, the Bipartisan Civil Rights Newsletter is intended primarily as a means of keeping Senators and their staffs fully informed on the civil rights debate and the basic issues involved. This little publication has become so popular, however, that we have difficulty keeping up with the demand for it.

The first 25 newsletters may be found in the Record for April 9, 1964, on pages 7474 to 7483. Beginning today we shall insert each week's newsletters in the Record every Saturday.

Mr. President, I ask unanimous consent to have Nos. 26 through 33 of the Bipartisan Civil Rights Newsletter printed in the Record.

There being no objection, the newsletters were ordered to be printed in the Record, as follows:

Bipartisan Civil Rights Newsletter, No. 26

(April 9, 1964, the ninth day of debate on H.R. 7152)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators Hubert H. Humphrey and Thomas Kuchel, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Because of ceremonies honoring General MacArthur, the Senate recessed for 2 hours Wednesday afternoon, and only two quorums were called during the day. Each was met in less than 20 minutes.

2. Today's schedule: The Senate will convene at 10 this morning and will be in session until late evening. Live quorum calls can be expected at any time during the day. Title II, the public accommodations section will be discussed by proponents of the bill. Senators Magnuson and Hruska have been assigned responsibility for this title. Floor captains for the day will be:

Democrats: Clark (10 a.m. to 1 p.m.); Bayh (1 to 4 p.m.); Muskie (4 to 7 p.m.); Moss (7 p.m. to recess).

Republicans: Javits (all day); Allott (all day).

3. The following story is reprinted in its entirety from the Greenville, Miss., Delta Democrat-Times of Friday, April 3, 1964:

"SENATE GIVES MONEY FOR CIVIL RIGHTS BILL FIGHT

"Jackson.—The State senate gave unanimous and quick approval Thursday to an appropriation bill providing $50,000 for use in fighting the civil rights bill pending in the U.S. Senate.

"The measure was passed a few minutes after a special appropriations committee session at which the bill was approved. The funds were earmarked for the State sovereignty commission.

"Authoritative sources indicated the grant would be a donation to the Coordinating Committee for Fundamental American Freedoms, headed by Attorney John C. Satterfield, of Yazoo City."

4. More information on Negro voting: Opponents of the civil rights bill often claim that Negroes have no interest in voting and other civic duties.

Yesterday we presented some evidence on this point. Today we compare the voting records of Mississippi, Georgia, and South Carolina to predominantly Negro areas in States where voting discrimination does not exist. These figures compare the percentage of citizens actually voting in these three States with the voting participation in two assembly districts in Harlem and three wards on the South Side of Chicago.

Only 14 percent of the total population of Mississippi voted in the 1960 presidential election, compared to 30 percent of the 14th assembly district, located in the middle of Harlem. Only 16 percent of the population of South Carolina voted, compared to 40 percent of Chicago's 4th ward. The official voting records show that in the Negro areas in New York and Chicago the voting rate was about twice as high as in Georgia, Mississippi, and South Carolina. These States would have a better voting record if their Negro citizens were allowed to exercise their constitutional rights. The complete official voting figures are listed below:

	Total population (1960 census)	Total vote in 1960 presidential election	Percent
Georgia	3,943,116	733,349	19
Mississippi	2,178,141	298,171	14
South Carolina	2,382,594	386,688	16
11th assembly district, New York	90,318	42,344	47
14th assembly district, New York	139,440	37,344	30
2d ward, Chicago	75,361	26,664	35
3d ward, Chicago	53,160	25,172	47
4th ward, Chicago	83,398	33,159	40

Bipartisan Civil Rights Newsletter No. 27

(April 10, 1964, 10th day of debate on H.R. 7152)

1. Quorum scoreboard: There were two quorum calls yesterday. The first one took 19 minutes and the second was made in 20 minutes.

2. Today's schedule: The Senate will convene at 10 a.m. and will stay in session until about 10 p.m. Live quorums should be expected throughout the day. Senator Douglas will speak on the background and precedents for punishment for contempt of court without jury trial. Other than this, it is expected that the opponents of the bill will

speak at length. The floor captains for the day:

Democrats: Pastore (10 a.m. to 1 p.m.); Kennedy (1 to 4 p.m.); Brewster (4 to 7 p.m.); Long of Missouri (7 p.m. to recess).

Republicans: Hruska (all day); Miller (all day).

3. Quote without comment: "Mr. Eastland. The Senator from Illinois is talking about nothing. There is no economic discrimination in the South." (Congressional Record, Apr. 4, 1964, p. 7265.)

4. Religious groups oppose racial discrimination: At a hearing on a fair employment practices bill held by the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare, a statement was presented on behalf of the churches and synagogues of America. We reprint excerpts from this important document:

"The religious conscience of America condemns racism as blasphemy against God. It recognizes that the racial segregation and discrimination that flow from it are a denial of the worth which God has given to all persons. We hold that God is the Father of all men. Consequently in every person there is an innate dignity which is the basis of human rights. These rights constitute a moral claim which must be honored both by all persons and by the State. Denial of such rights is immoral.

"We hope that this committee will report favorably on the proposals for guaranteeing full and fair employment without regard to race, color, religion, or national origin. We hope also that Congress will enact them into legislation as a necessary step in the process of securing for all people the opportunity to exercise the rights guaranteed by the Constitution of the United States."

The following are among the dozens of religious organizations that endorsed this statement of principle:

American Baptist Convention.
Christian Methodist Episcopal Church.
Disciples of Christ.
Moravian Church in America.
The Right Reverend Arthur C. Lichtenberger, presiding bishop, Protestant Episcopal Church.
United Church of Christ.
United Presbyterian Church, U.S.A.
The National Catholic Conference of Interracial Justice.
National Catholic Social Action Conference.
National Council of Catholic Men.
National Council of Catholic Women.
The National Council of Catholic Youth.
The National Federation of Catholic College Students.
The Newman Club Federation.
Union of American Hebrew Congregations.
National Women's League, United Synagogue of America.
Union of Orthodox Jewish Congregations of America.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 28

(April 11, 1964, 11th day of debate on H.R. 7152)

1. Quorum scoreboard: There were three quorum calls yesterday. All three were made in 20 minutes.

2. Today's schedule: The Senate will convene at 10 a.m. with the usual live quorum call. It is hoped that the second live quorum will not come before 12:30 p.m. It is expected that the opponents will speak at length. The floor captains for the day:

Democrats: Humphrey, Douglas, (10 a.m. to 1 p.m.); McCarthy (1 to 4 p.m.); Long of Missouri (4 to 7 p.m.); Williams of New Jersey (7 p.m. to recess).

Republicans: Javits, Jordan of Idaho.

3. Brief description of title VII:

Unlawful employment practices: It would be an unlawful employment practice in industries affecting interstate commerce to discriminate on account of race, color, religion, sex, or national origin in connection with employment, referral for employment, union membership, or apprenticeship or other training programs. It would apply to employers of more than 25 persons, employment agencies, and labor organizations with more than 25 members. Governmental bodies, bona fide membership clubs and religious organizations are exempted. Also exempted are situations in which religion, sex, or national origin is a bona fide occupational qualification, or in which a church-affiliated educational institution employs persons of a particular religion. Employers may refuse to hire atheists.

The Commission: A five-man Equal Employment Opportunity Commission would have power to investigate written complaints filed by individuals or by a member of the Commission. On completion of the investigation, the Commission by two or more votes would decide whether there was reasonable cause to believe the charge was true. If it decided affirmatively, it would then attempt to secure compliance with the law through conciliation and persuasion. It would have no power to issue enforcement orders.

Enforcement: If efforts to secure voluntary enforcement fail, the Commission may bring suit in a Federal district court where a full judicial trial would be held in which the Commission would have the burden of proof. If the Commission decides against filing suit, the individual complainant could bring a private suit only with the written consent of a member of the Commission.

Under title VII, not even a court, much less the Commission, could order racial quotas or the hiring, reinstatement, admission to membership or payment of back pay for anyone who is not discriminated against in violation of this title. The recommendation of the hearing examiner in the Motorola case would not be possible under this title. The only requirement of title VII under the act is that employers apply the qualifications or standards they set without regard to race, color, religion, sex, or national origin.

State laws: The Commission is directed to utilize existing State fair employment laws to the maximum extent possible. Present State laws would remain in effect except to the extent they conflict directly with Federal law.

Effective date: In order to enable employers, employment agencies and labor organizations to bring their policies and procedures into line with the requirements of the title, and to avoid a multitude of claims while such adjustments are being made, the act would not become operative until 1 year after its enactment and then would apply initially only to employers of 100 or more employees and labor unions of 100 or more members. The coverage would increase year by year until, 4 years after enactment, the act would apply to employers of 25 to 49 employees and labor organizations of 25 to 49 members.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 29

(April 14, 1964, 13th day of debate on H.R. 7152)

1. Quorum scoreboard: Civil rights Senators continued their current winning streak, making four quorums in the average time of 23 minutes. The outstanding performance of the day came in midafternoon, when Senator Holland suggested the absence of a quorum during the last half of the third inning of the opening game of the 1964 baseball season. Senators returned from the ball park so promptly that the quorum was made in just 23 minutes.

2. Today's schedule: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m. Live quorums should be expected at any time. It is expected that the bill's opponents will talk at length. The floor captains for the day:

Democrats: Dodd (10 a.m. to 1 p.m.); Nelson (1 to 4 p.m.); Metcalf (4 to 7 p.m.); Pell (7 p.m. to recess).

Republicans: Keating (all day); Dominick (all day).

3. The quorum record: "Mr. Humphrey. During the week we could have used at least two more sets of doors in this Chamber, because our distinguished colleagues came through the doors with such alacrity and speed that we have broken all records. Senators have set a new historic record in answering quorum calls. On one occasion a quorum was obtained in less than 5 minutes. That requires jet propulsion." (Congressional Record, April 11, 1964, p. 7667.)

4. Another concession.

"Mr. Ervin. I am in agreement with the Senator from Illinois that there is no constitutional right to a trial by jury in criminal contempt proceedings.

"Mr. Douglas. Or in civil contempt proceedings.

"Mr. Ervin. In civil contempt proceedings, or in criminal contempt proceedings.

"Mr. Douglas. Either in the presence of the court, or outside the presence of the court.

"Mr. Ervin. The Senator is correct. I entertain the opinion that the majority decision of the Supreme Court in the recent appeal of former Governor Barnett and present Governor Johnson, of Mississippi, holding that the constitutional right of a trial by jury did not exist in criminal contempt proceedings, accords with the precedents followed by that Court since virtually the foundation of our Republic." (Congressional Record, Apr. 11, 1964, p. 7693.)

5. Selections from the "Educational debate":

"Mr. Eastland. The Senator would now set up a dictatorship in this country.

"Mr. Humphrey. I do not believe an elected President is a dictator.

"Mr. Eastland. Under these powers we would have a 'Ja, Ja' election. That is what it would be. It would be a 'Ja, Ja' election. No one could stand up to a man who possessed the powers that would be granted under the bill. * * * The Federal bureaucrat is tyrannical. The Federal bureaucrat is arrogant. Tyranny would result under the bill if it were passed." (Congressional Record, Mar. 21, 1964, p. 5865.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 30

(April 15, 1964—31st day of debate on civil rights; 14th day of debate on H.R. 7152)

1. Quorum scoreboard: Kept in good shape by their sprints back to the Senate Chamber from the ball park and the theater on Monday, civil rights Senators averaged 19 minutes in two quorum calls yesterday.

2. Today's schedule: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m. Live quorums should be expected at any time during the session. It is expected that the bill's opponents will talk at length (see item 3). The floor captains for the day:

Democrats: Hart (10 a.m. to 1 p.m.); Pastore (1 to 4 p.m.); Church (4 to 7 p.m.); Ribicoff (7 p.m. to recess).

Republicans: Javits (all day); Morton (all day).

3. Quote without comment: "The 19 southerners, under the leadership of Senator Richard B. Russell, of Georgia, exhausted most of their arguments against the bill during their initial 16-day battle to prevent the Senate from taking it up formally.

"The southerners are now making their third and fourth speeches and signs are accumulating that they are finding it weary going." (New York Times, Apr. 14, 1964, p. 25.)

4. Equality in Mississippi:

"Mr. Eastland. I know of no discrimination on the basis of race. I disagree with the

Senator on the definition of discrimination, of course.

"Mr. Humphrey. The unconstitutional part, the un-American part, of the whole proposal is that taxes are collected from citizens of the United States without regard to race, color, or creed, while the benefits of the taxes are used in certain States with discrimination based upon race or creed.

"Mr. Eastland. Do not look at me. That does not apply to me.

"Mr. Humphrey. I look right at the Senator.

"Mr. Eastland. That statement does not apply to me or to my State." (Congressional Record, Mar. 21, 1964, p. 5865.)

As an aid to our readers in assessing the foregoing debate, we repeat some data from newsletter No. 22 on the administration of the Federal school lunch program in Greenwood, Miss. Forty-three percent of the average daily attendance in the Greenwood schools is Negro, yet the Negro students receive only 20 percent of the free lunches. On the other hand, the white students comprise just over half of the total student body, but receive 80 percent of the free lunches. (Source: Department of Agriculture.)

Bipartisan Civil Rights Newsletter No. 31

(April 16, 1964, 15th day of debate on H.R. 7152; 32d day of debate on civil rights)

1. Quorum scoreboard: The civil rights supporters continued to meet quorum calls with amazing speed on Wednesday. At press time (9 p.m.) four calls had been met in an average time of 18 minutes. It is anticipated that live quorums will be called with increasing frequency.

2. Schedule for Thursday: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m.

Floor captains for Thursday:

Democrats: Long of Missouri (10 a.m. to 1 p.m.); Moss (1 to 4 p.m.); Morse (4 to 7 p.m.); McIntyre (7 p.m. to recess).

Republicans: Kuchel (all day); Prouty (all day).

3. Public accommodations and private property rights: Opponents of H.R. 7152 continue to argue that freedom to engage in racial or religious discrimination by public establishments is a constitutionally protected property right. Our newsletter of March 17 (No. 7) pointed out that the Supreme Court has twice sustained the constitutionality of public accommodations legislation, and that such laws exist in 31 States and the District of Columbia. It is often overlooked (particularly by those opposed to the bill) that the Supreme Court of the State of Mississippi sustained the validity of a public accommodations law stronger than that proposed by title II of the pending bill. The Mississippi case—*Donnell* v. *State*, 48 Miss. 661 (1873)—involved a criminal prosecution against a theater that sought to segregate a Negro patron. The court, in a unanimous decision upholding the statute, addressed itself to the question of private property rights and stated:

"The assertion of a right of all persons to be admitted to a theatrical entertainment * * * in no sense appropriates the private property of the lessee, owner or manager, to the public use." (48 Miss. 661, 682.)

Mississippi no longer has a public accommodations statute.

Bipartisan Civil Rights Newsletter No. 32

(April 17, 1964, 16th day of debate on H.R. 7152; 33d day of debate on civil rights)

1. Quorum scoreboard: Civil rights supporters made four quorum calls in 20 minutes each during the daylight hours yesterday, and then took 40 minutes to make a quorum called at 8 p.m.

2. Schedule for Friday: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m. Once again the bill's opponents will have the floor. Six live quorum calls should be expected today.

Floor captains for Friday:

Democrats: Clark (10 a.m. to 1 p.m.); Bayh (1 to 4 p.m.); McGovern (4 to 7 p.m.); Hart (7 p.m. to closing).

Republicans: Cooper (all day); Saltonstall (all day).

3. They just can't get enough of that discrimination: Mr. Smathers, "I know that if anyone is generally discriminated against today it is the people of the South." (Congressional Record, Apr. 13, 1964, p. 7799.)

On April 11, Senator Javits inserted in the Record Treasury Department figures showing the total Federal grants to State and local governments, and compared these figures with the Federal tax burden to pay for such grants that is carried by each State. The two figures are the same for the country as a whole, of course; but for the 11 Southern States it is quite a different story. In the 1963 fiscal year, for instance, these States contributed $1,652.8 million for such grant programs, and received $2,172.2 million in Federal grants. (See Congressional Record, Apr. 11, 1964, p. 7686.)

4. "Mr. Smathers. We are integrating on a gradual basis * * *. We are making progress. We are doing something. We are doing as much as reasonable people can expect to be done." (Congressional Record, Apr. 13, 1964, p. 7799.) The following passage describes conditions in Sumter County, S.C.:

"Because he is a Negro, Columbus Cooper is worse off than most. The gap between Negro and white farmer increases constantly. In 1950 the median income of colored farm families was 52 percent of white Southern farm families; 1960 it had dropped to 45 percent. Most southern farm counties are eligible for Federal agricultural aid because of their impoverished Negroes, but most of the aid goes to white families. In nine counties around Cooper's where Negro farmers are a majority, only one of the county committees that decide whether a farmer will get a Farmers' Home Administration Government loan has a Negro on it. A friend of Cooper's who had farmed 21 years and had good credit with the Federal Government was turned down by such a county committee and immediately thereafter one of the white members of the committee offered him $10,000 for his 100 acres. Cooper's friend had to borrow $5,400 at 25-percent interest to keep his farm." (From Ben H. Bagdikian, "In the Midst of Plenty: The Poor in America," 1964; pp. 94–95.)

Bipartisan Civil Rights Newsletter No. 33

(April 18, 1964, 17th day of debate on H.R. 7152; 34th day of debate on civil rights)

1. Quorum scoreboard: Something seems to happen to civil rights Senators when the sun goes down. They made three daylight quorums in 20 minutes each, but took 78 minutes when a quorum was called at 7:52 p.m. Do we have to wait for the midnight sun to pass this bill?

2. The Senate will convene at 10 this morning and will stay in session until at least 4 p.m. Once again the bill's opponents will have the floor.

Floor captains for Saturday: Democrats: Hart (10 a.m. to 1 p.m.); Bayh (1 to 4 p.m.).

Republicans: Fong (all day); Smith (all day).

A SHORT COURSE IN AMERICAN HISTORY

"Mr. Long of Louisiana. Would it not be fair to ask what kind of fix the colored folks would be in if they had not been brought to this country, but had been allowed to roam the jungles, with tigers chasing them, or being subjected to the other elements they would have to contend with, compared with the fine conditions they enjoy in America?

"Mr. Thurmond. Of course, the Negroes are much better off as a result of their coming to this country. The progress they have made has not been the result of activities on the part of people who are seeking votes by defending the so-called civil rights legislation. The people who are primarily responsible for the progress of the Negroes are the southern people, because the South is where most of the Negroes have lived until recent years. The South has had this problem. It is familiar with it and has had to bear it. The people of the South have borne it bravely. They have done much for the Negroes, especially in view of the economic condition brought about by Reconstruction.

"Mr. Long of Louisiana. Would the Senator say that the Yankee slave traders were doing the work of God when they brought Negroes to this continent and put them in chains?

"Mr. Thurmond. The British first brought Negroes to America. Then the Yankees found they could make money by selling them. The Yankees brought them to America to work in the factories, but they found that because of the language and other difficulties it was not practical to use them in northern industries. But they found that the Negroes could be used on farms, so they sold them to the southern farmers. That is how the Negroes got into the South.

"Mr. Long of Louisiana. Considering the charge of discrimination, is it not true that the southern white, having been held down by the armies of conquest, and having been discriminated against by the crooked carpetbagger politicians out of the North for a great number of years, have had all they could do to educate their own children, much less the poor Negro children?" (Congressional Record, Apr. 14, 1964, pp. 7903–7904.)

PRESIDENT JOHNSON'S FIRST LIVE TELEVISION NEWS CONFERENCE

Mr. BAYH. Mr. President, two articles pertaining to the outstanding, first live television news conference of President Johnson, one written by the articulate writer for the Washington Post, Chalmers M. Roberts, entitled "Johnson's Witty Asides Liven TV Conference," and the other written by the well-known columnist, James Reston, entitled "How To Pick Up Votes Without Politics" I believe will be of interest to all Senators.

I ask unanimous consent to have these two articles printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Apr. 17, 1964]

Shows New Ease: Johnson's Witty Asides Liven TV Conference

(By Chalmers M. Roberts)

President Johnson came in with a smile and a quip yesterday and went out with the plaudits of the press.

It had taken him 5 months to screw up his courage to risk a televised press conference in the huge State Department auditorium where John F. Kennedy had so often performed so brilliantly.

When it was over, Mr. Johnson knew he had scored. He shook hands with several newsmen who were up front and walked part way up an aisle to greet a pair of visiting Texas editors. And he left with a smile.

"Ladies and gentlemen," he began. "I have come before you today for a regular scheduled, televised, notified-well-in-advance, press conference." That got a laugh from newsmen who have been complaining about quickie conferences, usually on Saturdays, with no warning, and often in cramped quarters.

Then he went on:

"I did not drive myself over here."

They roared at that one, a reference to his much criticized fast driving recently in Texas. Finally he said he "did have to cancel an informal meeting with some tourists" at the White House gates in order to see newsmen, another topical reference everybody noted with laughter or a smile.

But all was not just jollity yesterday. The President began with nearly 10 minutes of announcements of considerable news value. And then came more than usually responsive answers to a barrage of questions.

SOME SLY ASIDES

Mr. Johnson has a reputation for being far more articulate in small groups than before a big audience from behind a podium. But yesterday he made the most of his opportunity, and a number of questions gave him a chance to get in some sly political comment.

He was well aware, of course, that not only were a lot of people watching him on live television but that in front of him sat a large group from the American Society of Newspaper Editors here for their annual meeting. When he was told a poll of the editors showed him the favorite to win in November, he smiled as he borrowed from a song to say he hoped they would feel "in November as they do in April."

Like other Democratic Presidents before him, Mr. Johnson knows that American newspapers more often than not back Republican candidates for the White House.

Mr. Johnson wore a dark blue suit, a light blue shirt, and a dark tie with gold stripes. About two-thirds of the way through the half-hour press conference he took off his glasses. For years he was touchy about being photographed wearing glasses but now he is before the cameras so much he is beginning to forget about that old point of annoyance.

RECORD CROWD

Because of the editors and some visiting foreigners as well, yesterday's crowd of 512 newsmen and guests was the biggest on record. It topped the 437 who turned up at a Kennedy press conference on August 30, 1961.

Yesterday's performance certainly proved a Presidential point. He had refused to be pushed into holding such conferences until he had tried several other formats. Some of the others had their advantages, some were unsatisfactory both for the press and the President.

If, as seemed evident, the editors presence in Washington was a contributing factor in the President's decision to hold this one this way, then more power to the editors.

As far as the working newsmen were concerned, if they were not such self-restrained fellows they would have been on their feet at the end shouting "Bravo, bravo," and "More, more."

[From the New York (N.Y.) Times, Apr. 17, 1964]

HOW TO PICK UP VOTES WITHOUT POLITICS

(By James Reston)

WASHINGTON, April 16.—The best politics for a President in the early stages of an election campaign are no politics, and President Johnson has clearly mastered the art of the nonpolitical appeal.

He spent 2 minutes of his press conference today explaining that he thought he should avoid politics until the nominating conventions, and the other 28 minutes politiking all over national television.

Is prosperity a good campaign theme? He made the country sound rich beyond the dreams of avarice. Isn't everybody against unemployment and inflation? He denounced them as the enemies of mankind and rattled off figures to prove they were in retreat.

Work for the workingman, profits for the investor, stable prices for the consumer, help for the aged and the needy, equality at long, long last for the Negro, higher wages for the embattled bureaucrat—this was his highly political nonpolitical catalog of promises and hopes.

Probably the President didn't think he was playing politics today. He doesn't have to think about it: He just does it naturally, as a bird flies or a fish swims.

JOKES FROM JOHNSON?

Knowing the American Society of Newspaper Editors was in town, he invited the whole gang to a press conference. Knowing, too, that some of them had been saying he could never play the question and answer game as well as President Kennedy, he staged the show in Kennedy's State Department Auditorium, and even started off with a couple of typical Kennedy jokes.

This was something new. Lyndon Johnson off screen is a story teller and an accomplished mimic with a remarkably expressive face and hands, but off screen or on, he has never been known before to laugh at himself.

Not, at least, until today. Last week he was in a sputtering rage about stories that he was driving too fast, but he opened his press conference by assuring the editors that he had not driven over from the White House.

Later when he was asked whether the Presidency was harder than he had anticipated, he remarked that he hadn't had much time to anticipate it, and—in what was clearly the understatement of the day—added that he enjoyed the job and was prepared to continue in it.

IMPRESSIVE ADVANTAGES

The advantages of a President seeking election are impressive. He can command a national television audience almost at will. He is surrounded by the trappings and influence of his office. He is the center of the largest collection of private information in the Nation and he can use it at will.

When he moves out of the White House, he is surrounded by the law, flanked by the experts, and assured an attentive audience. When he evades tough questions, he cannot be pursued even by the most determined reporter, for there is always the danger, especially on television, of seeming to be disrespected to the highest official in the land.

His opponents for the Presidency, in contrast, usually have to buy their way on to the television screen, spend a good deal of time in airports waiting for tardy commercial planes, and are often questioned by accusatively belligerent reporters as if they had just robbed the U.S. Treasury.

President Johnson is clearly determined to exploit these advantages. Even hostile editors are always pleased to be invited to the White House, and they have been going in and out of there this week as if they were Prime Ministers.

THE DUAL ROLE

Also, he is learning that a President can use these conferences to answer more questions than he is asked. For example, one of President Johnson's major problems is to reach out to many young people of this country, who are still grieving for President Kennedy, and to many educated people who feel that President Johnson is not so concerned as his predecessor about education.

Accordingly, he arrived at his press conference with an announcement that he had established a program of "Presidential Scholars." This title, he explained, would be given to outstanding students from secondary schools, private and public, and he announced a selection committee composed of distinguished educators from all faiths and sections of the Nation.

It would, of course, be churlish to suggest that he had anything in mind except the elevation of the mind, and the dramatization of excellence, and yet, again, it would be difficult to say that this announcement hurt him politically.

With this conference, the Johnson experiment with the news industry is now complete. He has seen the reporters and editors singly and in groups, on and off the record, at the ranch and in his swimming pool, on television (tape and live), over coffee and other beverages, on the ground and in the air. Next to the Royal Shakespeare Company, which is playing here at the National Theater, it is the best repertory performance in town.

PRESIDENTIAL SCHOLARSHIPS

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial and two articles on the subject of President Johnson's new scholarship program.

There being no objection, the editorial and articles were ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Apr. 17, 1964]

THE PRESIDENTIAL SCHOLARS

President Johnson's announcement that he is establishing a category of Presidential Scholars, under which talented boys and girls will be selected from secondary schools all over the Nation by a board headed by Dr. Milton Eisenhower, was a constructive recognition of the extent to which America's future is bound up with the excellence of its schools and its students. Like the establishment of the National Merit Scholarships a few years ago, this mark of distinction for intellectual quality is a welcome change from the days when the chief road to high school prestige and popularity was the winning of a jersey with a big letter on it.

[From the New York (N.Y.) Times, Apr. 17, 1964]

SCHOLARS TO GET JOHNSON MEDALS—PROGRAM DESIGNED TO SPUR HIGH SCHOOL ATTAINMENTS

WASHINGTON.—Outstanding American public and private high school graduates will be honored as "Presidential scholars" to encourage intellectual attainment among youth, President Johnson announced today.

The surprise program was described by President Johnson as "one to recognize the most precious resource of the United States—the brainpower of its young people."

A special Presidential Commission will name the first Presidential scholars next month. A total of 121 boys and girls from this year's graduating classes of secondary schools could be designated. They will be invited to the White House and receive from the President a medallion symbolizing the honor.

It is believed to be the first program of its kind. No monetary award will be given. Its closest parallel is the National Merit Scholarships Corporation, which awards 4-year scholarships for college, grants certificates of merit and letters of commendation to outstanding students and maintains research programs to identify intellectual talent. It is a private nonprofit corporation supported by philanthropic foundations and business companies.

Dr. Milton S. Eisenhower, president of the Johns Hopkins University, will head the seven-member Presidential Commission to select the scholars.

A boy and a girl will be selected from each of the 50 States, 2 from the District of Columbia, 2 from Puerto Rico, and 2 from American territories. Up to 15 will be named at large.

The United States has 11 territories of which the major ones are the Virgin Islands in the Caribbean, and American Samoa, Guam, and Wake Island in the Pacific Ocean.

The President told his news conference that the program was to "encourage the pursuit of intellectual attainment among all our youth."

"It is my hope," he went on, "that in the future a similar system can be worked out to honor our most gifted young people in the creative arts.

In this connection, President Johnson disclosed that he had named Roger L. Stevens, New York theatrical producer, to organize and direct the administration's cultural program, as had been reported earlier.

He also said he would shortly create by Executive order a Presidential board on the arts to assist Mr. Stevens.

The plan to name Mr. Stevens to direct continuation of the effort to develop closer contacts between the Government and the cultural community was reported last February 18. Mr. Stevens, a real estate broker, besides being a theatrical producer, is a prominent figure in the Democratic Party.

Mr. Stevens is expected to have greater authority in his post as Presidential assistant than his predecessor, August Hechscher, who resigned in February to resume his position as director of the 20th Century Fund.

Concern had been expressed in various cultural and congressional quarters that President Johnson would drop the cultural post, although the President had named a four-member board to advise him on the cultural program. This board had recommended Mr. Stevens.

Mr. Stevens was informed of his appointment by Abe Fortas, a Washington lawyer and close friend of the President, by telephone to France where Mr. Stevens has been visiting.

Mr. Fortas was a member of the board.

In announcing the Presidential scholars program, the President said that the selection commission would "operate with complete independence."

Other members of the Commission, besides Dr. Eisenhower, are Leonard Bernstein of New York, composer and conductor; Katherine Anne Porter, the novelist, Dr. Albert W. Dent, president of Dillard University, New Orleans; the Reverend Michael P. Walsh, president of Boston College, Dr. William Hagerty, president of Drexel Institute of Technology, Philadelphia, and Melvin W. Barnes, superintendent of schools in Portland, Oreg.

[From the Washington (D.C.) Post, Apr. 17, 1964]

WHITE HOUSE TO HONOR HIGH SCHOOL SCHOLARS

(By Jean White)

A new program of Presidential scholars to "recognize the most precious resource of the United States—the brainpower of its young people," was announced yesterday by President Johnson.

About 120 scholars will be chosen from outstanding seniors being graduated from public and private high schools. The first will be named next month and will come to the White House to receive honor medallions.

Mr. Johnson announced the scholarship program at his news conference yesterday. He also named Roger L. Stevens as his arts consultant and said he would soon issue an Executive order establishing a Presidential Board on the arts.

A Broadway producer and New York real estate broker, Stevens has been serving as chairman of the board of trustees of the John F. Kennedy Center for the Performing Arts. Many duties on his part-time job as arts consultant can be expected to dovetail into the cultural center's activities.

Referring to the program for high school scholars, Mr. Johnson said his hope was to encourage "the pursuit of intellectual attainments among our youth."

He added that he also hoped to set up a similar program to honor gifted young people in the creative arts.

Two Presidential scholars, a boy and a girl, will be named from each State. Two each will also be named from the District, Puerto Rico and the American territories. As many as 15 will be named as scholars-at-large.

The scholars will be chosen by a seven-man commission headed by Milton Eisenhower, president of Johns Hopkins University.

Other members will be Leonard Bernstein, the conductor; Katherine Anne Porter, the writer; Albert W. Dent, president of Dillard University; the Rev. Michael P. Walsh, president of Boston College; William Hagerty, president of Drexel Institute of Technology, and Melvin W. Barnes, school superintendent in Portland, Oreg.

As White House consultant on the arts, Stevens will succeed August Heckscher, who resigned several months ago. President Kennedy created the post of arts adviser and named Heckscher as the first appointee.

Mr. BAYH. Mr. President, this plan encompasses and contains provisions for Presidential scholarships. I believe all Senators realize that most of the problems facing the world today are contingent upon the basic problem of education. President Johnson's scholarship program is one of the most outstanding new ideas to attack the problem.

PEOPLE AND JOBS

Mr. KUCHEL. Mr. President, I would like to call the attention of the Senate to an outstanding statement entitled "People and Jobs" which will be issued tomorrow by our colleagues, the junior Senator from Vermont [Mr. PROUTY] and the junior Senator from Idaho [Mr. JORDAN]. They have presented the most forward-looking series of recommendations which I have yet seen in this area in the minority report which they are issuing as members of the Subcommittee on Employment and Manpower of the Senate Committee on Labor and Public Welfare. They are concerned, as I am concerned, and I think all Americans ought to be concerned, with the high level of structural unemployment. They propose a program for the prevention of unemployment and the alleviation of its effects.

Based on extensive hearings and their careful study of this problem over the years they know that Federal spending and controls will not solve the very real problem of unemployment which is a fact of life for almost 6 out of every 100 Americans in the civilian labor force. They recognize that something besides "the simple solution for complex problems approach" and the nostrums of the thirties which never solved American unemployment are needed.

Without revealing the full extent of these recommendations by our two able Republican colleagues who have given long and thoughtful study to the problem, I can say that they comment on the whole facet of the unemployment problem: education and training; labor mobility; the role and work of the U.S. Employment Service; financial assistance for unemployed workers, which would take into account their debts, their mortgages, their tax burden, and the need for supplementary unemployment benefits.

Beyond this our colleagues are concerned with the need to improve and extend the benefits of the social security system. They are concerned with the political handling of the food stamp plan. They would like to see a food stamp plan which is available in Republican as well as Democratic congressional districts. They recommend improvements in the school lunch and school milk programs. They propose a way to bring needed doctors and teachers to medically and educationally deficit areas of our land.

They want Congress to face up to regressive taxes which have been levied on those in the lower income levels. They also recommend needed actions by both management and labor to eliminate employment discrimination and provide needed job opportunities.

Mr. President, the Prouty-Jordan Republican minority report represents the highest tradition of the responsible opposition. They do not merely criticize the philosophy of the majority, rather they set out an extensive series of recommendations which show how the job can be done—and done better. This is one of the finest examples I have seen of positive recommendations by Republicans who in the words of the 1960 Republican platform seek "to build a better America."

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

ADDITIONAL COSPONSORS OF BILL AND RESOLUTION

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bill and resolution:

Authority of April 9, 1964:

S. 2725. A bill to amend Public Laws 815 and 873, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster: Mr. BARTLETT, Mr. CLARK, Mr. COOPER, Mr. GRUENING, Mr. RANDOLPH, and Mr. YARBOROUGH.

Authority of April 13, 1964:

Senate Resolution 308. Resolution to print as a Senate document a compilation of certain speeches, or selections therefrom, of General of the Army Douglas MacArthur: Mr. BARTLETT, Mr. BEALL, Mr. BENNETT, Mr. BOGGS, Mr. BYRD of Virginia, Mr. COOPER, Mr. CURTIS, Mr. DIRKSEN, Mr. DOMINICK, Mr. FONG, Mr. GOLDWATER, Mr. HARTKE, Mr. HRUSKA, Mr. KUCHEL, Mr. LAUSCHE, Mr. MAGNUSON, Mr. MCCLELLAN, Mr. MCINTYRE, Mr. MECHEM, Mr. MUNDT, Mr. PROUTY, Mr. RANDOLPH, Mr. ROBERTSON, Mr. SIMPSON, Mr. SYMINGTON, Mr. TALMADGE, Mr. THURMOND, Mr. WALTERS, and Mr. YOUNG of North Dakota.

RECESS UNTIL 10 O'CLOCK A.M. MONDAY, APRIL 20, 1964

Mr. BAYH. Mr. President, if there is no further business to come before the

Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock on Monday.

The motion was agreed to; and (at 3 o'clock and 37 minutes p.m.) the Senate, under the order previously entered, took a recess until Monday, April 20, 1964, at 10 o'clock a.m.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 20, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Ephesians 6: 14: *Stand therefore, having your loins girt about with truth, and having on the breastplate of righteousness.*

Almighty God, our Father, with a profound sense of Thy majesty and mercy, we approach Thy throne of grace to renew our vows and pledge our allegiance to Thy divine will.

Grant that in this hushed and holy moment of prayer, we may find our minds and hearts quickened and strengthened for the duties and responsibilities of this day and the great adventures of faith.

Teach us in these troubled times to live in quietness and confidence, in patience and perseverance, trusting ourselves to Thy guidance and serving Thy wise and beneficent purpose faithfully, in the great redemptive making of humanity.

Enrich our lives with the spirit of generosity and good will. Kindle and warm them with that sympathy and love which Thou hast toward all mankind and which never fails, never forgets, and never forsakes.

In Christ's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 16, 1964, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolutions of the House of the following titles:

H.R. 8465. An act to amend the act entitled "An act to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress.";

H. Con. Res. 29. Concurrent resolution authorizing the printing of additional copies of a Veterans' Benefits Calculator.

H. Con. Res. 243. Concurrent resolution authorizing the printing as a House document in a form suitable for framing of the inaugural address of President John Fitzgerald Kennedy;

H. Con. Res. 247. Concurrent resolution providing for printing additional copies of House Document 104, 88th Congress; and

H. Con. Res. 266. Concurrent resolution authorizing the printing as a House document of the Constitution of the United States, together with the Declaration of Independence; and providing for additional copies.

The message also announced that the Senate had passed concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 71. Concurrent resolution to appoint a joint committee to make arrangements for the inauguration of the President-elect and Vice-President-elect on January 20, 1965; and

S. Con. Res. 73. Concurrent resolution authorizing the printing of additional copies of part 2 and part 3 of the 1964 hearings of the Joint Committee on Atomic Energy on Atomic Energy Commission authorizing legislation, fiscal year 1965.

APPROVED PROSPECTUSES FOR PUBLIC BUILDING PROJECTS

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

The Honorable JOHN W. MCCORMACK,
Speaker of the House,
The Capitol, Washington, D.C.

DEAR MR. MCCORMACK: Pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives on April 14, 1964, approved prospectuses for the following public building projects, which were transmitted to this committee from the General Services Administration:

BUILDINGS PROPOSED FOR CONSTRUCTION—LOCATION AND TYPE

Alabama, Mobile: Federal office building.
Alabama, Talladega: Post office, Federal office building.
Arkansas, Magnolia: Post office, Federal office building.
California, Lawndale: Federal Aviation Agency.
California, Sacramento: Federal office building.
California, Van Nuys (revised): Federal office building.
Florida, Umatilla: Post office, Federal office building.
Georgia, Athens: Post office, Federal office building.
Georgia, Valdosta: Post office, courthouse.
Idaho, Moscow: Post office, courthouse.
Idaho, St. Maries (revised): Post office, Federal office building.
Indiana, Indianapolis: Federal office building.
Kentucky, Frankfort: Courthouse, Federal office building.
Maine, Rockland: Post office, Federal Office building.
Maryland, Bethesda: NIH, Child Research Center.
Maryland, Woodlawn: HEW, Social Security Administration.
Maryland, vicinity of city of Baltimore: Patent office building (site undetermined).
Michigan, Grand Rapids (revised): Courthouse, Federal office building.
Missouri, St. Louis: Federal office building.
New Hampshire, Newmarket: Post office, Federal office building.
New Mexico, Gallup: Federal office building.
New York, Albany: Federal office building.
North Carolina, Goldsboro: Federal office building.
North Carolina, Oxford: Post office, Federal office building.
North Carolina, Trenton: Post office, Federal office building.
Texas, Big Spring: Post office, Federal office building.
Texas, McAllen: Border patrol station headquarters.
Texas, Pearsall: Post office, Federal office building.
Utah, St. George: Federal office building.
Virginia, Franconia: Federal Supply Service warehouse.
Washington, Seattle: Federal office building.
Wyoming, Casper: Post office, Federal office building.
Washington, D.C.: Acquisition of certain lands in square 171.
Washington, D.C.: GSA, Federal office building.
Washington, D.C.: Government Printing Office printing plant.
Total (35 buildings).

ALTERATION OF EXISTING BUILDINGS—EXTENSION AND/OR CONVERSION

Indiana, Hammond: Post office, courthouse.
Indiana, Indianapolis: Post office, courthouse.
Maine, Portland: Post office, Federal office building.
Montana, Butte: Courthouse, Federal office building.
Tennessee, Dyersburg: Post office, courthouse.
Vermont, Brattleboro: Post office, courthouse, Federal office building.
Vermont, Rutland: Post office, courthouse, Federal office building.
West Virginia, Mount Hope: Bureau of Mines.
Wyoming, Casper: Post office, courthouse, Federal office building.
Total (9 projects).

ALTERATION OF EXISTING BUILDINGS—REPAIR AND IMPROVEMENT

Colorado, Grand Junction: Post office, courthouse.
Florida, Miami: Post office, courthouse, customhouse.
Illinois, Chicago: Post office (main).
Illinois, Chicago: Federal office building (536 South Clark).
Iowa, Dubuque: Post office, courthouse.
Missouri, Kansas City: Federal office building (1500 East Bannister Road).
Missouri, St. Louis: Military Personnel Records Center.
Montana, Billings: Post office, courthouse.
New York, Utica: Post office, courthouse, customhouse.
New York, Mitchell Field (Long Island): Federal Center.
North Carolina, Greensboro: Post office, courthouse.
Ohio, Shelby: Federal Supply Service depot.
Pennsylvania, Erie: Courthouse.
Pennsylvania, Philadelphia: Post office, courthouse (William Penn annex).
South Carolina, Spartanburg: Post office, courthouse.
Texas, Houston: Federal office building.
Texas, Houston: Veterans' Administration.
Washington, D.C.: City post office.
Washington, D.C.: 711 12th Street NW.
Total (19 projects).

CHANGE OF LOCATION

Alaska, border station: From Tok Junction to Alaska Highway (project authorized April 4, 1963).

Sincerely yours,
CHARLES A. BUCKLEY,
Member of Congress,
Chairman, Committee on Public Works.

SUBCOMMITTEE ON POVERTY OF THE COMMITTEE ON EDUCATION AND LABOR

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from New York [Mr. POWELL], I ask unanimous consent that the Subcommittee on Poverty of the Committee on Education and Labor may sit while the House is in session during general debate today and for the balance of the week.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROVIDING THE NECESSARY ARRANGEMENTS FOR INAUGURATION OF THE PRESIDENT-ELECT AND VICE-PRESIDENT-ELECT OF THE UNITED STATES ON THE 20TH DAY OF JANUARY 1965

Mr. ALBERT. Mr. Speaker, I offer a Senate concurrent resolution and ask for its immediate consideration.

The Clerk read as follows:

S. CON. RES. 71

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice-President-elect of the United States on the 20th day of January 1965.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 71, 88th Congress, The Chair appoints as members of the Joint Committee to make the necessary arrangements for the inauguration of the President-elect and the Vice-President-elect of the United States on the 20th day of January 1965, the following Members on the part of the House: Mr. MCCORMACK, Mr. ALBERT, and Mr. HALLECK.

HOUSE RADIO AND TV CORRESPONDENTS' GALLERY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take great pleasure in reminding the House that today is the 25th anniversary of the House Radio and Television Correspondents' Gallery. On April 20, 1939, the House amended House rule XXXV to grant radio correspondents the same privileges enjoyed by newspaper correspondents in covering activities in the House. In 1952, television correspondents were also included.

This Radio and Television Gallery is the clearinghouse for news of the House of Representatives which goes to the radio and television networks, stations, and news correspondents.

Mr. Speaker, we are all aware of the fine service performed by the correspondents who cover the House. It is axiomatic that an informed electorate is essential to the proper functioning of our representative democracy. Our radio and television correspondents do a tremendous job, not only for their employers but for the Members of the House and for all Americans.

They are to be congratulated. In particular, Mr. Speaker, I want to mention Mr. Robert M. Menaugh, who has so ably superintended the activities in the House Radio and Television Correspondents' Gallery since its organization. All Members will agree, I am sure, that Mr. Menaugh has done an outstanding job.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, I thank the majority leader for bringing the matter of this anniversary to our attention. He has just mentioned Robert M. Menaugh of Salem, Ind., one of my fellow Hoosiers, who has been superintendent of the Radio and Television Correspondents Gallery since it was established, except for a time during World War II when he served with the Army. Bob has a newspaper background, having served with the Indianapolis Star, and I understand his daughter is now studying journalism at George Washington University.

Bob and his associates, Mike Michaelson and Max Barber, have done and are doing a great job for the Members of this body, and I congratulate them. They are legislative employees, and as far as I am concerned there is not a more accommodating staff around here.

The radio people were pretty much orphans on the scene in the earlier days until the radio gallery was first established through a resolution adopted April 20, 1939.

Through the years the number of correspondents, both radio and TV, associated with the gallery has grown from about 30 to more than 300, including some of the ablest and best-known people on the networks today.

And so I wish for Bob Menaugh, his staff, and the correspondents themselves many more years of useful service to the Congress and to the Nation.

Meanwhile, a bit of history might be in order, Mr. Speaker.

The resolution to establish the radio correspondents gallery was introduced by the late Representative John Dempsey of New Mexico.

Another who certainly deserves credit on this occasion is Mr. Fulton Lewis, Jr., who worked hard for this project and was the Correspondents Association's first chairman.

As a further matter of interest, the first radio broadcast from the new gallery was made by H. R. Baukhage on June 26, 1939.

Mr. ALBERT. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the distinguished majority leader. As one who has had some experience in the radio business, I desire to join with the gentleman in his felicitations to the Radio Gallery on this occasion.

Mr. ALBERT. I thank the gentleman.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Speaker, today we have occasion to celebrate an important birthday. Today marks the 25th anniversary of the House Radio and Television Gallery.

Twenty-five years ago today the House adopted a resolution establishing a separate gallery for correspondents of the new electronic medium. Up to that time radio correspondents had used the facilities of the press gallery. However, when radio correspondents were excluded from that gallery the need for a separate gallery was recognized by our former colleague from New Mexico, Mr. Dempsey, and his resolution was adopted by the House.

Today the gallery has approximately 300 members and these members are responsible to a large extent for the dissemination over radio and television stations of information on activities here in the House.

It should be noted that since its inception the radio and television gallery has been operating under the competent leadership of its superintendent, Mr. Robert M. Menaugh. He is ably assisted by Mike Michaelson and Max M. Barber, who have served as assistant superintendents for 11 and 8 years, respectively.

Mr. Speaker, the Members of the House are indeed fortunate in having in the House Radio and Television Gallery a self-governing organization of professionals whose job it is to cover events in the House with professional competence.

As radio and television grow in importance in covering our public affairs it is vital that those who engage in this activity recognize the fact that in discharging their responsibilities they are true professionals. Professionals have the obligation of exercising self-restraint in pursuing their calling and on this occasion I would like to couple with my birthday greetings and best wishes the hope that the coverage of public affairs on radio and television will be handled increasingly with professional competence and professional self-restraint. Only in this way will radio and television be able to be of real service to the American people.

Mr. ALBERT. Mr. Speaker, I thank the distinguished chairman of the Committee on Interstate and Foreign Commerce.

Mr. BROWN of Ohio. Mr. Speaker, I would also like to call the attention of the House to the fact that on yesterday, April 20, the Radio and TV Gallery marked its 25th anniversary of service to the House of Representatives and to the American people generally, under the leadership of Bob Menaugh, of the Midwest—I believe Salem, Ind.

This gallery came into existence a short time before I came to the House of Representatives.

At this time I extend congratulations and best wishes to the Radio and TV Gallery of the House, and to Mr. Menaugh. I express the hope that it will celebrate, in due time, a 50th anniversary; and, later, a 75th.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD and also that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the subject matter of these remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONGRATULATIONS TO SOUTH SHORE HIGH SCHOOL AND JEROLD SIDER

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, my warm congratulations go to South Shore High School in the ward of my residence for over a half century and in the district that I have the honor to represent, and to one of its graduates, Jerold R. Sider, 2043 East 72d Place, Chicago, who is one of nine students from four Midwestern States to whom Robert R. McCormick journalism scholarships have been awarded for 1964.

The awards are made from a $300,000 grant from the trustees of the Robert R. McCormick Charitable Trusts and the scholarships are named in honor of the late publisher and editor of the Chicago Tribune. Purpose of the program, which began in 1957, is to aid superior students who intend to enter journalism. To date the McCormick grants total 132.

Mr. Sider was a staff member of the high school newspaper at South Shore, and was a student government representative, Spanish tutor, member of the human relations committee, and audiovisual department operator.

His selection by a distinguished committee headed by Dean I. W. Cole, of Northwestern University's Medill School of Journalism, is a source of justified pride to the great Second Congressional District of Illinois.

COMMITTEE ON PUBLIC WORKS

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file reports on the following bills: H.R. 6197, H.R. 8078, H.R. 10503.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WARSAW GHETTO UPRISING

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, yesterday, April 19, marked the 21st anniversary of the uprising of the Jews of the Warsaw ghetto. This uprising was the most significant resistance to Nazi genocide in all Europe. When the Jews discovered what happened to their friends and family who disappeared into the countryside, they displayed that unquenchable faith, that indomitable courage which is now the sustaining spirit of the new State of Israel.

Warsaw in 1943 was in the ironclad grip of the German war machine. In the ghetto 40,000 Jews were crowded together in abominable conditions, starving, sick, cruelly mistreated.

A few came to help, smuggling into the ghetto, food, medicine, warm clothing, and other aid and risking their lives for their fellow men.

But in the dark days of April and May, 1943, evil had the upper hand in Warsaw.

The Jews were observing Passover, the symbolic season celebrating the freedom of Jews from Egypt. There was little to celebrate then. Many were starving slowly to death. Many were dying of disease. Each day new corpses lay in the streets. The Germans would carry them away, contented that they were achieving their goal of exterminating the Jews.

For months, Jews had been seized and carried off, a few at a time, never to be seen again. It was thought that they were going to prisons and work details. But when the word began to reach the imprisoned people in the Warsaw ghetto of the true horror being committed at Auschwitz and elsewhere, an immense tide of desperate sorrow and courage swept the entire population, men, women, and children. The story of what they did has been told in literature, art, music, and the countless words of countless admiring men.

Against the tremendous power of the German Army, completely surrounded by walls and barbed wire fences, the Jews fought fiercely to the last breath.

The Germans were twice repelled. For a whole month, for 20 magnificent days, Nazis paid dearly.

The entire ghetto was put to the torch. Tanks and artillery reduced every building to rubble. Still the Jews fought on, from bunkers and cellars, until 25,000 were dead. Only 10,000 weak, sick women and old men remained in the Warsaw ghetto. And even they were taken to the concentration camps. And they were gassed to death.

Mr. Speaker, the story of the Warsaw ghetto reveals the greatest evil of the human soul and the greatest courage of the human soul at the same time. It is a frightening example to all those who never experienced or might forget the capability of depraved men. It will live eternally in history as an outstanding example of the overwhelming strength of man's love for freedom, and his resistance to tyranny.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calender.

ACQUISITION OF SQUARE 758 IN THE DISTRICT OF COLUMBIA—ADDITION TO GROUNDS OF SUPREME COURT BUILDING

The Clerk called the bill (S. 254) to provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING ESTABLISHMENT OF THE SAINT-GAUDENS NATIONAL HISTORIC SITE, N.H.

The Clerk called the bill (H.R. 4018) to authorize establishment of the Saint-Gaudens National Historic Site, N.H., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, this is the first of three bills on today's Consent Calendar dealing with the establishment of historic sites, thus passing the cost of the maintenance as well as expenditures for rehabilitation, the acquisition of land and other expenditures on to the Federal taxpayers.

Mr. Speaker, the Federal Treasury is in no condition at this time to support these undertakings. Therefore, Mr. Speaker, I withdraw my reservation and ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PROVIDING FOR ADDITIONAL COMMISSIONERS OF THE U.S. COURT OF CLAIMS

The Clerk called the bill (S. 102) to provide for additional commissioners of the U.S. Court of Claims.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ESTABLISHING THE JOHN MUIR NATIONAL HISTORIC SITE, CALIF.

The Clerk called the bill (H.R. 439) to provide for the establishment of the John Muir National Monument.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SALE OF INDIAN TIMBER

The Clerk called the bill (S. 1565) to amend the act of June 25, 1910—36 Stat. 857; 25 U.S.C. 406, 407—with respect to the sale of Indian timber.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 7 and 8 of the Act of June 25, 1910 (36

Stat. 857; 25 U.S.C. 406, 407), are amended to read as follows:

"SEC. 7. The timber on unallotted lands of any Indian reservation may be sold in accordance with the principles of sustained yield, or in order to convert the land to a more desirable use, under regulations to be prescribed by the Secretary of the Interior, and the proceeds from such sales, after deductions for administrative expenses pursuant to the Act of February 14, 1920, as amended (25 U.S.C. 413), shall be used for the benefit of the Indians who are members of the tribe or tribes concerned in such manner as he may direct.

"SEC. 8. (a) The timber on any Indian land held under a trust or other patent containing restrictions on alienations may be sold by the owner or owners with the consent of the Secretary of the Interior, and the proceeds from such sales, after deductions for administrative expenses to the extent permissible under the Act of February 14, 1920, as amended (25 U.S.C. 413), shall be paid to the owner or owners or disposed of for their benefit under regulations to be prescribed by the Secretary of the Interior. It is the intention of Congress that a deduction for administrative expenses may be made in any case unless the deduction would violate a treaty obligation or amount to a taking of private property for public use without just compensation in violation of the fifth amendment to the Constitution. Sales of timber under this subsection shall be based upon a consideration of the needs and best interests of the Indian owner and his heirs. The Secretary shall take into consideration, among other things, (1) the state of growth of the timber and the need for maintaining the productive capacity of the land for the benefit of the owner and his heirs, (2) the highest and best use of the land, including the advisability and practicality of devoting it to other uses for the benefit of the owner and his heirs, and (3) the present and future financial needs of the owner and his heirs.

"(b) Upon the request of the owners of a majority Indian interest in land in which any undivided interest is held under a trust or other patent containing restrictions on alienations, the Secretary of the Interior is authorized to sell all undivided Indian trust or restricted interests in any part of the timber on such land.

"(c) Upon the request of the owner of an undivided but unrestricted interest in land in which there are trust or restricted Indian interests, the Secretary of the Interior is authorized to include such unrestricted interest in a sale of the trust or restricted Indian interests in timber sold pursuant to this section, and to perform any functions required of him by the contract of sale for both the restricted and the unrestricted interests, including the collection and disbursement of payments for timber and the deduction from such payments of sums in lieu of administrative expenses.

"(d) For the purposes of this Act, the Secretary of the Interior is authorized to represent any Indian owner (1) who is a minor, (2) who has been adjudicated non compos mentis, (3) whose ownership interest in a decedent's estate has not been determined, or (4) who cannot be located by the Secretary after a reasonable and diligent search and the giving of notice by publication.

"(e) The timber on any Indian land held under a trust or other patent containing restrictions on alienations may be sold by the Secretary of the Interior without the consent of the owners when in his judgment such action is necessary to prevent loss of values resulting from fire, insects, disease, windthrow, or other natural catastrophes.

"(f) A change from a trust or restricted status to an unrestricted status of any interest in timber that has been sold pursuant to this section shall not affect the obligations of the Secretary of the Interior under any contract of sale that is in effect at the time such change in status occurs."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LANDS ON THE YAKIMA INDIAN RESERVATION

The Clerk called the bill (H.R. 5837) to amend the act entitled "An act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes," approved July 28, 1955.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Reservation, and for other purposes", approved July 28, 1955, is amended to read as follows:

"That (a) the Secretary of the Interior is authorized, in his discretion, to—

"(1) purchase for the Yakima Tribes, with any funds of such tribes, and to otherwise acquire by gift, exchange, or relinquishment, any lands or interest in lands or improvements thereon within the Yakima Indian Reservation or within the area ceded to the United States by the treaty of June 9, 1855;

"(2) sell or approve sales of any tribal trust lands, any interest therein or improvements thereon, such sales being limited to agencies of the Federal, State, or local governments for recreational, educational, civic, or other public purposes, and to individual members of the tribes;

"(3) exchange any tribal trust lands, including interests therein or improvements thereon, for any lands situated within such reservation or the area ceded to the United States by the treaty of June 9, 1855; and

"(b) Where lands are held in multiple ownership, the Secretary is authorized to sell and exchange such lands to other Indians or the Yakima Tribes only if the sale or exchange is authorized in writing by the owners of at least a majority interest in such lands; except that no greater percentage of approval of individual Indians shall be required under this Act than in any other statute of general application approved by Congress.

"(c) In all cases in which the Yakima Tribes are acquiring lands or interests in lands presently held in trust or under restrictions for the benefit of an individual Indian, title shall be taken in the United States in trust for the Yakima Tribes. In those cases where such tribes are purchasing lands which are held by the grantors in fee simple, title may be taken in the United States in trust for the tribes, notwithstanding any provision of law which prohibits the acquisition of land in Washington and other States if the acquisition results in the property being exempted from local taxation, provided the lands are key tracts within the purview of a tribal land purchase program which has been approved by the Secretary.

"(d) The Secretary shall obtain the advice and consent of the Yakima tribal council before entering into any of the above transactions involving the acquisition or disposition of tribal land. The terms and conditions of any such transaction, including the price at which any land is so purchased or sold and the valuation of any lands so exchanged, shall be mutually agreed upon by the Secretary, the Yakima tribal council, and the individual Indian or Indians concerned. Any such exchange of lands shall be effected on the basis of approximately equal consideration with due allowance for the value of improvements in determining the value of such lands."

SEC. 2. The first sentence of subsection 2(a) of such Act is repealed.

SEC. 3. Subsection 3(b) of such Act is repealed.

With the following committee amendments:

Page 2, lines 23 and 24, strike out "Yakima Tribes are acquiring" and insert "Secretary is acquiring for the Yakima Tribes".

Page 3, line 1, after the words "in the", insert "name of the".

Page 3, lines 2 to 10, inclusive, strike out all of the sentence and insert in lieu thereof: "In all cases in which land being acquired is presently held by the grantor in fee simple, title shall be taken for and held by the Yakima Tribes in fee and such land shall not, by reason of its being owned by the Tribes, be exempt from taxation in accordance with the laws of the State of Washington."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSITION OF FUNDS—SHAWNEE TRIBE

The Clerk called the bill (H.R. 8834) to provide for the disposition of the funds arising from a judgment in favor of the Shawnee Tribe or Nation of Indians.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Shawnee Tribe or Nation that were appropriated by the Act of September 30, 1961 (75 Stat. 733), to pay a judgment that was obtained by the tribe or nation in the Indian Claims Commission for inadequate compensation for lands ceded to the United States under the treaty of May 10, 1854 (10 Stat. 1053), and the interest thereon, shall be divided on the basis of 514/1378ths to the Absentee Band of Shawnee Indians of Oklahoma; 747/1378ths to the Cherokee Band of Shawnee Indians of Oklahoma; and 117/1378ths to the Eastern Band of Shawnee Indians of Oklahoma, after payment of attorney fees and expenses of litigation.

SEC. 2 The funds placed to the credit of the Absentee and the Eastern Bands of Shawnee Indians in the United States Treasury; and the interest thereon may be advanced or expended for any purpose and in such manner as the respective tribal governing bodies authorize and the Secretary of the Interior approves.

SEC. 3. For the purpose of determining individual interests in the funds placed to the credit of the Cherokee Band of Shawnee Indians pursuant to section 1 of this Act, the Secretary shall prepare a new roll based on the roll of Cherokee Shawnees prepared in accordance with the Act of March 2, 1889 (25 Stat. 994). Eligible for inclusion on this new payment roll shall be all persons living on the date of this Act (a) who are, themselves, listed on the 1889 roll and (b) who are direct lineal descendants of persons listed on the 1889 roll. The Secretary may promulgate such rules and regulations as he considers necessary to carry out the purposes of this section.

SEC. 4. When the roll prepared pursuant to section 3 above has been completed and finally approved, the Secretary shall withdraw from the Treasury the funds placed to the credit of the Cherokee Band of Shawnee Indians in accordance with section 1 of this Act, together with the interest accumulated thereon, and shall distribute them in equal per capita shares to persons whose names appear on the roll: *Provided,* That no person who receives a per capita payment from funds credited to the Cherokee Band of Shawnee Indians shall be permitted to share in any per capita distribution of the funds credited to the Absentee and Eastern Bands of Shawnee Indians.

SEC. 5. (a) Except as provided in subsection (b) of this section, the Secretary shall distribute a per capita share payable to a living enrollee directly to such enrollee, and the Secretary shall distribute a per capita share payable to a deceased enrollee directly to his next of kin or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) A share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures as the Secretary determines will adequately protect the best interests of such persons.

SEC. 6. No part of any of the funds distributed in accordance with this Act shall be subject to Federal or State income tax, or to any lien, debt, or claim of any nature whatsoever against the tribe or individual Indians except delinquent debts owed by the tribe to the United States or owed by individual Indians to the tribe or to the United States.

SEC. 7. All costs incurred by the Secretary in the preparation of the roll and in the payment of the per capita shares in accordance with the provisions of this Act shall be paid by withdrawals from the judgment fund of the appropriate band.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BLACKFEET INDIAN IRRIGATION PROJECT, MONTANA

The Clerk called the bill (H.R. 9034) to authorize the transfer of the Piegan unit of the Blackfeet Indian irrigation project, Montana, to the landowners within the unit.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 2279, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey all of the right, title, and interest of the United States in the facilities of the Piegan unit of the Blackfeet Indian irrigation project, located in township 31 north, ranges 8 and 9 west, Montana principal meridian, including but not limited to easements, rights-of-way, canals, laterals, drains, structures of all kinds, and water rights held for the benefit of the unit, to an organization or association in form and powers satisfactory to the Secretary, representing the owners of the lands served by the unit: *Provided,* That as a condition to said conveyance the grantee shall assume full and sole responsibility for the future care, operation, and maintenance of the unit, for which the United States shall have no further responsibility; and shall hold the United States free of all loss or liability for damages or injuries, direct or consequential, caused by the existence or operation of the unit or any of its features or structures, from and after the date of its conveyance.

SEC. 2. Upon conveyance of the Piegan unit of the Blackfeet Indian irrigation project as provided for in section 1 of this Act, the Secretary is authorized to cancel all accrued operation and maintenance charges and all construction charges with respect to the said unit.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9034) was laid on the table.

ESTABLISHING THE FORT BOWIE NATIONAL HISTORIC SITE, ARIZ.

The Clerk called the bill (H.R. 946) to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

OWNERSHIP OF COLORADO RIVER INDIAN RESERVATION

The Clerk called the bill (S. 2111) to fix the beneficial ownership of the Colorado River Indian Reservation located in the States of Arizona and California.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of fixing the beneficial ownership of real property interests in the Colorado River Reservation now occupied by the Colorado River Indian Tribes, its members, and certain Indian colonists, all right, title, and interests of the United States in the unallotted lands of the Colorado River Reservation, including water rights and mineral rights therein, together with all improvements located thereon and appurtenant thereto, except improvements placed on the land by assignees or by Indian colonists, and except improvements furnished by the United States for administrative purposes (including irrigation facilities) or for the housing of Federal employees, are hereby declared to be tribal property held in trust by the United States for the use and benefit of the Colorado River Indian Tribes of the Colorado River Reservation.

SEC. 2. For the purpose of this Act:

(a) "Tribes" means the Colorado River Indian Tribes of the Colorado River Reservation, with a constitution adopted pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.), as said constitution now exists or may hereafter be amended, consisting of a band of the Mohave Indians, the band of Chemehuevi Indians affiliated therewith, and various Indians heretofore or hereafter adopted by the Colorado River Indian Tribes.

(b) "Colorado River Reservation" means the reservation for Indian use established by the Act of March 3, 1865 (13 Stat. 559), as modified and further defined by Executive orders of November 22, 1873, November 16, 1874, May 15, 1876, and November 22, 1915, all of which area shall be deemed to constitute said reservation.

SEC. 3. Any person of Indian blood, his spouse of Indian blood (excluding persons whose Indian blood is traceable solely to Indian tribes, bands, or groups not resident in or subject to the jurisdiction of the United States), and any dependent child of either or both of them, who is not a member of the tribes on the date of this Act, and who has settled on irrigated lands of the Colorado River Reservation through application for a settler's land permit and who is still holding such lands by virtue of the authority of a temporary land use permit issued by or under the authority of the tribes or the Federal Government, shall be deemed to be adopted by the tribes if within two years from the date of this Act he files with the tribal council a statement accepting membership in the tribes and renouncing membership in any other tribe, band, or group. Such statement may be filed on behalf of a dependent child by either parent or by a person standing in loco parentis.

SEC. 4. This Act shall become effective upon the agreement of the tribes to abandon the claims now pending in docket numbered 185 and in docket numbered 283A before the Indian Claims Commission under the Act of August 13, 1946 (60 Stat. 1049), and the dismissal of said claims by the Indian Claims Commission. Nothing in this Act shall affect or be taken into consideration in the adjudication of, or with respect to, any other claims now pending by the tribes against the United States.

SEC. 5. The Act of June 11, 1960 (74 Stat. 199), as amended by the Act of September 5, 1962 (76 Stat. 428), is amended to read as follows:

"The Secretary of the Interior is authorized to approve leases of lands on the Colorado River Indian Reservation, Arizona and California, for such uses and terms as are authorized by the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396a et seq.), and the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415 et seq.), including the same uses and terms as are permitted thereby on the Agua Caliente (Palm Springs), Dania, Navajo and Southern Ute Reservations: *Provided, however,* That the authorization herein granted to the Secretary of the Interior shall not extend to any lands lying west of the present course of the Colorado River and south of section 25 of township 2 south, range 23 east, San Bernardino base and meridian in California, and shall not be construed to affect the resolution of any controversy over the location of the boundary of the Colorado River Reservation: *Provided further,* That any of the described lands in California shall be subject to the provisions of this Act when and if determined to be within the reservation."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INDIAN RANCHERIAS AND RESERVATIONS IN CALIFORNIA

The Clerk called the bill (H.R. 7833) to amend the act entitled "An act to provide for the distribution of the land assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958—72 Stat. 619.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619), is amended to read as follows:

"That the lands, including minerals, water rights, and improvements located on the lands, and other assets of the rancherias and reservations in the State of California shall be distributed in accordance with the provisions of this Act."

(b) Paragraph (c) of section 3 of such Act is amended by inserting immediately after "water systems" the following: "and sanitation facilities".

(c) Section 5 of such Act is amended by adding at the end thereof the following new section:

"(d) The Secretary of the Interior is authorized to sell the land (including minerals, water rights, and improvements located on the land) of any rancheria acquired or set aside by the United States for the benefit and use of any Indians of the State of California, which, on the date of the enactment of this subsection, is being held by the United States in a trust or restricted status for the benefit and use of such Indians and which, for the twelve-month period immediately preceding the date of enactment of this subsection, has not been occupied or used as a rancheria by any of such Indians. The proceeds from the sale of any rancheria pursuant to this subsection shall be deposited by the Secretary in the California Indian judgment fund (established pursuant to the Act of May 18, 1928 (45 Stat. 602), as amended) and the provisions of subsection (b) of section 10 of this Act shall not be applicable with respect to any subsequent distribution of such proceeds."

(d) Section 13 of such Act is amended to read as follows:

"SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

With the following committee amendment:

Strike out all after the enacting clause and insert the following language: "That (a) the first section of the Act entitled 'An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes,' approved August 18, 1958 (72 Stat. 619), is amended to read as follows: "the lands, including minerals, water rights, and improvements located on the lands, and other assets of the rancherias and reservations lying wholly within the State of California shall be distributed in accordance with the provisions of this Act when such distribution is requested by a majority vote of the adult Indians of a rancheria or reservation or of the adult Indians who hold formal or informal assignments on the rancheria or reservation, as determined by the Secretary of the Interior. The requirement for a majority vote shall not apply to the rancherias and reservations that were at any time named in this section.'

"(b) Section 2(a) of such Act is amended by deleting 'The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians,' and by substituting 'When the Indians of a rancheria or reservation request a distribution of assets in accordance with the provisions of this Act, they, or the Secretary of the Interior after consultation with them'.

"(c) Section 2(a) of such Act is further amended by changing the period at the end of the first sentence to a colon and adding: '*Provided,* That the provisions of this section with respect to a request for distribution of assets shall not apply to any case in which the requirement for such request is waived by section 1 of this Act, and in any such case the plan shall be prepared as though request therefor had been made.'

"(d) Section 2(b) of such Act is amended by changing the period at the end of the penultimate sentence to a colon and adding: '*Provided,* That the provisions of such plan may be modified with the approval of the Secretary and consent of the majority of the distributees.'

"(e) Section 3(c) of such Act is amended to read as follows:

"'(c) To construct, improve, install, extend, or otherwise provide, by contract or otherwise, sanitation facilities (including domestic and community water supplies and facilities, drainage facilities, and sewage and waste-disposal facilities, together with necessary appurtenances and fixtures) and irrigation facilities for Indian homes, communities, and lands, as he and the Indians agree, within a reasonable time, should be completed by the United States: *Provided,* That with respect to sanitation facilities, as hereinbefore described, the functions specified in this paragraph, including agreements with Indians with respect to such facilities, shall be performed by the Secretary of Health, Education, and Welfare in accordance with the provisions of section 7 of the Act of August 4, 1954 (58 Stat. 674), as amended (42 U.S.C. 2004a).'

"(f) Section 3(e) of such Act is amended by deleting the word 'non-Indian'.

"(g) Section 5 of such Act is amended by adding a new subsection as follows:

"'(d) Any rancheria or reservation lying wholly within the State of California that is held by the United States for the use of Indians of California and that was not occupied on January 1, 1964, by Indians under a formal or informal assignment shall be sold by the Secretary of the Interior and the proceeds of the sale shall be deposited in the Treasury of the United States to the credit of the Indians of California. Any rancheria or reservation lying wholly within the State of California that is held by the United States for a named tribe, band, or group that was not occupied on January 1, 1964, may be sold by the Secretary of the Interior and the proceeds shall be deposited to the credit of the tribe, band, or group.'

"(h) Section 10(b) of such Act is amended (1) by inserting after the words 'their immediate families' the words 'who are not members of any other tribe or band of Indians', (2) by inserting after 'because of their status as Indians', the words 'all restrictions and tax exemptions applicable to trust or restricted land or interests therein owned by them are terminated,', and (3) by adding at the end of section 10(b) the following sentence: 'The provisions of this subsection as amended, shall apply in the case of a distribution of assets made either before or after the amendment of the subsection.'

"(i) Section 11 of such Act is amended by inserting immediately after the words 'as amended,' the words 'or any other authority,'.

"(j) Section 13 of such Act is amended by deleting 'not to exceed $509,235' and by substituting 'such sums as may be necessary'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read:

A bill to amend the act entitled "An act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619).

A motion to reconsider was laid on the table.

LAND FOR ALAMO BAND OF PUERTOCITO NAVAJO INDIANS

The Clerk called the bill (H.R. 7684) to provide that the United States shall hold certain land in trust for the members of the Alamo Band of Puertocito Navajo Indians.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1931, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all right, title, and interest of the United States in and to those lands lying within the Alamo Navajo community area, New Mexico, more particularly described in subsection (b) of this section and the improvements thereon, are hereby declared to be held in trust by the Unted States for the use of the members of the Alamo Band of Puertocito Navajo Indians, subject to the right of the United States to use said lands and improvements located thereon for administrative purposes.

(b) Lot 3 and the southeast quarter northwest quarter of section 6, township 2 north, range 6 west, New Mexico principal meridian, and improvements located thereon.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7684) was laid on the table.

JOHN A. BLATNIK LOCK, MICHIGAN

The Clerk called the bill (H.R. 7654) to designate the new lock on the St. Marys River at Sault Ste. Marie, Mich., as the John A. Blatnik lock.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHANSEN. Mr. Speaker, I object.

CLIFFORD DAVIS BRIDGE

The Clerk called the bill (H.R. 10787) to designate a bridge over the Mississippi River in the vicinity of Memphis, Tenn., as the "Clifford Davis Bridge."

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge to be constructed across the Mississippi River on Interstate Route 40 between the States of Tennessee and Arkansas in the vicinity of Memphis, Tennessee, shall be known and designated hereafter as the "Clifford Davis Bridge." Any law, regulation, map, document, record, or other paper of the United States in which such bridge is referred to shall be held to refer to such bridge as the "Clifford Davis Bridge."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. McFALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the RECORD on H.R. 10787.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TRIMBLE. Mr. Speaker, it is a great pleasure for me to join with others in tribute and honor to the Honorable CLIFFORD DAVIS, who is one of the best men I ever knew. It was my privilege to serve with him while I was a member of the Committee on Public Works. He is not only one of the most capable men with whom I have served in the Congress, but he is one of the kindest men I have ever known.

I am especially gratified that the new bridge across the Mississippi River at Memphis has been designated as the Clifford Davis Bridge. To him and his loved ones, all my hearty good wishes.

The **SPEAKER.** This concludes the call of the Consent Calendar.

CONTINUING WORK IN THE MISSOURI RIVER BASIN

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9521) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to previous authorizations, there is hereby authorized to be appropriated for fiscal years 1965 and 1966 the sum of $120,000,000 for the prosecution of the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law Numbered 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress, for continuing the works in the Missouri River Basin to be undertaken under said plans by the Secretary of the Interior. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Missouri River Basin project, whether included in said comprehensive plan or not, which is not hereafter authorized by Act of Congress.

The **SPEAKER.** Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The **SPEAKER.** Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the purpose of H.R. 9521 is to permit the Department of the Interior to continue its reclamation construction program in the Missouri River basin without interruption. The legislation increases the amount authorized to be appropriated for the prosecution of going construction work by $120 million. This amount will meet the estimated fund needs for fiscal years 1965 and 1966. The authorization is specifically confined to these two fiscal years and is further qualified by language prohibiting the appropriation of any of the funds to initiate construction of units of the Missouri River basin project not hereafter authorized or reauthorized by the Congress.

The Missouri River basin project was authorized by the Flood Control Act of 1944, with the construction work divided between the Corps of Engineers and the Bureau of Reclamation of the Department of the Interior. The 1944 act provided $200 million for the initiation of Interior's portion of the development. An additional $150 million was authorized to be appropriated to the Department of the Interior by the Flood Control Act of 1946. The Flood Control Acts of 1950 and 1958 each authorized an additional $200 million. The Flood Control Act of 1960 authorized $60 million and the Flood Control Act of 1963 authorized $16 million. This makes a total of $826 million presently authorized for the prosecution of Interior's portion of the Missouri River basin project. It is estimated that at the end of this fiscal year—June 30, 1964—there will remain a balance of about $22 million. The Appropriations Committee is now considering the fund needs for fiscal year 1965, and it is therefore necessary that the amount authorized to be appropriated be increased this year.

H.R. 9521 would authorize an additional $120 million to be appropriated. This amount plus the estimated balance of $22 million will meet the Department's estimated fund needs totaling $141,161,000 for continuing construction during fiscal years 1965 and 1966. The 1965 budget asks for $68,428,000 and the 1966 obligation program calls for $72,733,000. Actually, the House has already approved the authorization of funds for fiscal year 1965. It did this last year when it passed H.R. 6016. However, Members of the House will recall that H.R. 6016 got into trouble in the other body because of the addition of several new projects and was never finally acted upon. The bill finally approved, H.R. 8667, did not include reclamation fund needs in the Missouri basin for fiscal year 1965.

The total estimated cost of work completed and under construction by the Department of the Interior in the Missouri River basin is $1.12 billion, including some units that were started on the basis of the 1944 authorization and other units that have been subsequently authorized or reauthorized by the Congress. Therefore, it will be necessary in the future for Congress to authorize an additional amount of approximately $174 million to be appropriated in order to complete the Missouri basin units that are presently under construction.

My committee feels very strongly that no additional units of the Missouri River basin project should be started until they are authorized or reauthorized by the Congress. The comprehensive plan authorized in 1944 is just too far out of date to be considered as adequate for the purpose of starting construction without reexamining the projects. Also, we want to consider each unit in relationship to the financial and economic feasibility of the overall project. The committee is presently considering legislation and other actions needed to put the Missouri River basin project in a sound financial position. In order to implement the committee's position, H.R. 9521 includes language prohibiting the use of funds authorized in the bill for starting new units. This language has the effect of requiring the reauthorization of all units that are not presently under construction. We believe this is necessary to provide Congress with the proper surveillance and control over future development and expenditures by the Department of the Interior in the Missouri River Basin.

In summary, this bill permits the continuation of Reclamation's going construction program on a sound basis without interruption. At the same time, it requires, in effect, that all future units be authorized or reauthorized by the Congress before they can be started. We are asking the House to give its approval to this legislation and to the committee's efforts to maintain a sound and feasible development program in the Missouri River Basin.

Mr. SAYLOR. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I heartily endorse H.R. 9521 and urge its enactment. I do so because of the last sentence of the bill which reads this way:

> No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Missouri River basin project, whether included in said comprehensive plan or not, which is not hereafter authorized by act of Congress.

This, I hope, will set a pattern for the future.

Over 20 years ago, in the middle of World War II, the Congress passed the Flood Control Act of 1944. One of the salient features of the act was its authorization of construction by the Corps of Engineers and the Bureau of Reclamation of a comprehensive plan of dams, reservoirs, irrigation canals, powerplants, and other works for the ultilization and control of the waters of the Missouri River Basin. This was a notable achievement since, for one of the first times in our history, two great rival agencies of our Government had been made to work together and to come up with some semblance of a comprehensive plan for an entire river basin. The plan called for truly comprehensive development and for both engineering and financial integration of all the Federal works to be built under it.

Most of the main-stem works authorized by this act have been completed and are in operation, and many of the works on the tributaries have either been completed or are under construction. But there are many other works—some large, some small—which are still in the planning stage or are no more than a glint in the eye of the planning engineers.

Meanwhile, the danger signals have been been hoisted. Construction costs have been rising steadily and there is increasing doubt about the ability of the powerplants to pay out not only their own costs but a large part of the irrigation costs as well. Large units of the Bureau of Reclamation's part of the plan depend on such assistance. I mention the Garrison diversion unit and the Nebraska mid-State unit as instances of this.

Their financial feasibility depends not only on construction costs and the amount the irrigators can repay but also on the amount of assistance they can get from power revenues. In short, the time has come when Congress must assert substantially tighter control over the authorization and construction of new units than it has exercised up to now. This is what the sentence from the bill I read earlier does. It pulls back to the Congress the legislative control and oversight that are so badly needed. I do not say it solves the basic problems—rising costs will still be with us, the tugging and hauling between different areas of the basin will still be with us, the questions of payout and of the adequacy of power rates will still be with us. But all of these questions can be examined and their merits determined here on the Hill, and that is where they belong.

Mr. Speaker, I recommend passage of H.R. 9521.

Mr. ASPINALL. Mr. Speaker, I yield 4 minutes to the gentleman from South Dakota [Mr. REIFEL].

Mr. REIFEL. I thank the gentleman for yielding me this time to ask a few questions about this legislation. I was interested in the discussion of the reauthorization requirement appearing on page 2 of the committee report. It is difficult, from a fiscal responsibility standpoint, to argue with the idea of current congressional review of reclamation projects, wherever they may be located. I am in accord with what the distinguished chairman of the Interior and Insular Affairs Committee and his committee, as well as the ranking minority member of that distinguished committee, are attempting to do; namely, to assure full justification and orderly development of needed projects.

Nevertheless, implementation of this policy in the Missouri River Basin alone raises certain questions on which I hope the distinguished chairman, who is a real friend of reclamation development, will shed some additional light.

First, the report contains this statement:

> If this language is retained in this legislation and is continued in subsequent bills to increase the appropriation limitation it will have the effect of requiring reauthorization by the Congress of all units that are not presently under construction.

I should like to inquire as to whether the committee is referring here to a reauthorization requirement for the Missouri River Basin alone or whether it contemplates extending this requirement to all major river basins as appropriations ceilings are reached?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman from Colorado.

Mr. ASPINALL. The answer is that this is the only area where we do not have this policy in force at the present time—that is, the Missouri River Basin. So we are doing for the Missouri River Basin what we are doing everywhere else as far as reclamation is concerned.

Mr. REIFEL. As I understand the distinguished chairman, this policy is now being followed in other river basin projects?

Mr. ASPINALL. The gentleman is correct.

Mr. REIFEL. Now you are extending it to the Missouri River Basin?

Mr. ASPINALL. What we are doing is to fall in line with what the gentleman from Iowa [Mr. JENSEN] of the Committee on Appropriations, suggested some years ago, that is, that we study these new authorizations in the Missouri River Basin. We tried to establish this policy last year, but we ran into some trouble in the other body. This year we are considering the bill from the Committee on Interior and Insular Affairs and we intend to keep jurisdiction over the matter all the way.

Mr. REIFEL. I agree with the purposes and intent of the gentleman's committee in wanting to have these projects justified, and the development take place in an orderly fashion. Would this policy result in time-consuming roadblocks or delays for fully justified projects?

Mr. ASPINALL. There will be no necessity to hold up these projects if they are ready. We will go ahead, consider them, and take care of them.

Mr. REIFEL. I appreciate the gentleman's statement. There has been some apprehension on the part of my folks back home that the Missouri River Basin was singled out as one of the large basins in which development is taking place. This is the same requirement as applied to similar projects in other basins.

I appreciate the gentleman's explanation, and I thank him for yielding this time to me.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I want to say to the gentleman from South Dakota that he can reassure the folks in his district. All we are asking them to do by this legislation is to comply with the same rules and regulation that apply to everyone else in the country. One of the things people in the Missouri River Basin area are going to have to face very shortly is that there is going to have to be a revision of power rates in that area. The Secretary of the Interior has indicated there is a tremendous loss in all of these powerplants. If you expect to build any more facilities or projects in the Missouri River Basin the people must comply with the rules Congress has laid down; they are going to have to pay higher power rates or call upon the farmers and irrigators to pay more than they will be able to pay.

Mr. REIFEL. This raises another interesting aspect. I inquired of the Bureau of Reclamation last year when these questions were arising with regard to reauthorization and I was advised that this requirement is interpreted as not covering transmission lines.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. REIFEL. I yield to the gentleman from Colorado.

Mr. ASPINALL. Any transmission lines that may be necessary to the present grid for projects already constructed or under construction will not come under the provisions of this legislation but any future projects including power and transmission lines will need reauthorization. I think the gentleman from Pennsylvania will agree with me on that.

Mr. SAYLOR. The chairman, the gentleman from Colorado, is as usual correct.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill H.R. 9521, with an amendment.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WILDLIFE CONSERVATION

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 793) to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Rule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project, with amendments.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is hereby declared to be the policy of the Congress to stabilize the ownership of the land in the Klamath Federal reclamation project, Oregon and California, as well as the administration and management of the Klamath Federal reclamation project and the Tule Lake National Wildlife Refuge, Lower Klamath National Wildlife Refuge, Upper Klamath National Wildlife Refuge, and Clear Lake National Wildlife Refuge, to preserve intact the necessary existing habitat for migratory waterfowl in this vital area of the Pacific flyway, and to prevent depredations of migratory waterfowl on agricultural crops in the Pacific Coast States.
>
> SEC. 2. Notwithstanding any other provisions of law, all lands owned by the United States lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge, the Lower Klamath National Wildlife Refuge, the Upper Klamath National Wildlife Refuge, and the Clear Lake Wildlife Refuge are hereby dedicated to wildlife conservation. Such lands shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith. Such lands shall not be opened to homestead entry. The following public lands shall also be included within the boundaries of the area dedicated to wildlife conservation, shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith, and shall not be opened to homestead entry: Hanks Marsh,

and first form withdrawal lands (approximately one thousand four hundred and forty acres) in Klamath County, Oregon, lying adjacent to Upper Klamath National Wildlife Refuges; White Lake in Klamath County, Oregon, and Siskiyou County, California; and thirteen tracts of land in Siskiyou County, California, lettered as tracts "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "N" totaling approximately three thousand two hundred and ninety-two acres, and tract "P" in Modoc County, California, containing about ten acres, all as shown on plate 4 of the report entitled "Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California," dated April 1956, prepared by the United States Fish and Wildlife Service. All the above lands shall remain permanently the property of the United States.

SEC. 3. Subject to conditions hereafter prescribed, and pursuant to such regulations as may be issued by the Secretary, 25 per centum of the net revenues collected during each fiscal year from the leasing of Klamath project reserved Federal lands within the Executive order boundaries of the Lower Klamath National Wildlife Refuge and the Tule Lake National Wildlife Refuge shall be paid annually by the Secretary, without further authorization, for each full fiscal year after the date of this Act to the counties in which such refuges are located, such payments to be made on a pro rata basis to each county based upon the refuge acreage in each county: *Provided*, That the total annual payment per acre to each county shall not exceed 50 per centum of the average per acre tax levied on similar lands in private ownership in each county, as determined by the Secretary: *Provided further*, That no such payments shall be made which will reduce the credits or the payments to be made pursuant to contractual obligations of the United States with the Tulelake Irrigation District or the payments to the Klamath Drainage District as full reimbursement for the construction of irrigation facilities within said district, and that the priority of use of the total net revenues collected from the leasing of the lands described in this section shall be (1) to credit or pay from such revenues to the Tulelake Irrigation District the amounts already committed to such payment or credit: (2) to pay from such revenues to the Klamath Drainage District the sum of $197,315; and (3) to pay from such revenues to the counties the amounts prescribed by this section.

SEC. 4. The Secretary shall, consistent with proper waterfowl management, continue the present pattern of leasing the reserved lands of the Klamath Straits unit, the Southwest Sump, the League of Nations unit, the Henzel lease, and the Frog Pond unit, all within the Executive order boundaries of the Lower Klamath and Tule Lake National Wildlife Refuges and shown in plate 4 of the report entitled "Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California," dated April 1956. Leases for these lands shall be at a price or prices designed to obtain the maximum lease revenues. The leases shall provide for the the growing of grain, forage, and soil-building crops, except that not more than 25 per centum of the total leased lands may be planted to row crops. All other reserved public lands included in section 2 of this Act shall continue to be managed by the Secretary for waterfowl purposes, including the growing of agricultural crops by direct planting and sharecrop agreements with local cooperators where necessary.

SEC. 5. The areas of sumps 1(a) and 1(b) in the Klamath project lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge shall not be reduced by diking or by any other construction to less than the existing thirteen thousand acres.

SEC. 6. In carrying out the obligations of the United States under any migratory bird treaty, the Migratory Bird Treaty Act (40 Stat. 755), as amended, or the Migratory Bird Conservation Act (45 Stat. 1222), as amended, waters under the control of the Secretary shall be regulated to maintain sump levels in the Tule Lake National Wildlife Refuge that in the judgment of the Secretary are adequate and practicable for waterfowl management, which shall be levels established pursuant to the provisions of the contract between the United States and the Tule Lake Irrigation District dated September 10, 1956, or any amendment thereof, and the regulations issued pursuant thereto.

SEC. 7. The Secretary is hereby directed to complete studies that have been undertaken relating to the development of the water resources and waterfowl management potential of the Clear Lake National Wildlife Refuge. The results of such studies, when completed, and the recommendations of the Secretary shall be submitted to the Congress.

SEC. 8. The Secretary may prescribe such regulations as may be necessary to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I yield myself 6 minutes, and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, the purpose of S. 793 is to achieve an equitable solution to a land utilization problem in the Klamath Basin of California and Oregon that has plagued the Department of the Interior for over 20 years. The enactment of this legislation will stabilize the ownership of land in the Klamath reclamation project and provide permanency to the operations of the four national wildlife refuges in the Upper Klamath Basin area. I believe it will establish a satisfactory basis for cooperative and management of the natural resources in this area.

The four wildlife refuges in the Klamath Basin are the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake. These wildlife refuges were established by Executive order. S. 793 gives them statutory status. S. 793 also sets aside some 20,000 acres of public lands within the Executive order boundaries of the Tule Lake and Lower Klamath Wildlife Refuges for the major purpose of waterfowl management. This dedication of lands for waterfowl management resolves a longstanding controversy as to whether these lands should be homesteaded. S. 793 also provides for the addition of certain small tracts of public land to the refuges. At the same time it provides that the agricultural use of lands in the Tule Lake and Lower Klamath Refuges will be continued and that private irrigation operations in the area will be protected.

The Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges are important segments of the Nation's wildlife refuge system because of their strategic location on the Pacific flyway. About 80 percent of the migratory waterfowl in the Pacific concentrate in the Upper Klamath Basin as they pass through the area. Millions of ducks and geese and a great number of shore birds of various marsh-dwelling species feed and rest in this area.

The operation of these refuges is closely interwoven with the operations of the Klamath reclamation project and related activities. While wildlife conservation has been carried out satisfactorily most of the time since these refuges were established, problems have arisen from time to time and there has been a continuing controversy with respect to specific land and water areas to be made available for wildlife refuge purposes. This legislation resolves this major question and establishes suitable guidelines for harmonious and cooperative use of the land and water resources in the area.

The wildlife refuges in the Klamath Basin not only provide an area for the ducks, geese, and other birds to feed and rest, but they also perform an additional important service in preventing crop depredations. Proper management of these refuges will hold the birds in the Klamath Basin area until the harvest of crops in the Central and Imperial Valleys of California has been completed. If the food supply for waterfowl in the Klamath Basin is reduced, an earlier migration to the valleys further south will result with accompanying serious crop losses.

In addition to their conservation value, the refuges have a significant economic and recreation value. Substantial amounts of money are placed in commercial channels each year as a result of waterfowl hunting at refuge public hunting grounds throughout the Pacific flyway. Also, the sight of millions of waterfowl on these refuges is a prime tourist attraction.

As presented to the House today, S. 793 includes several amendments recommended by the committee to the Senate-passed bill. One of the amendments is a new section 8. This section would give the States of California and Oregon 3 years within which to express objection to the dedication of the lands set out in the bill to wildlife conservation. Under the amendment, should either State so object such dedication with respect to lands within its boundaries would become permanently effective only if reaffirmed by the Congress. This amendment was adopted by the committee because of the manner in which these lands were acquired by the United States. The lands were ceded to the United States for reclamation purposes in 1905 under acts of the legislatures of Oregon and California. Subsequent to the adoption of this amendment and the reporting of S. 793 this new section 8 was reconsidered by the committee. The committee now considers this section unnecessary, and on April 8 the committee adopted a motion instructing me to announce, when S. 793 was taken up on the floor, that the committee has withdrawn its amendment to the bill adding a new section 8. Therefore, the bill at the desk does not include the amendment to add a new section 8.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my colleague.

Mr. WAGGONNER. Am I correct in assuming that this legislation does not call for the purchase of any additional land by the Government, but is simply providing for further control and utilization of presently owned public lands?

Mr. ASPINALL. It provides for the acquisition of a few very small tracts within the area in order to balance the wildlife refuges with the rest of the land that is left in an agricultural status. These funds, if any, will of course, be under the jurisdiction of the Fish and Wildlife Service.

Mr. WAGGONNER. Could the gentleman give us some estimate as to what the cost of these small tracts of land will be to the Government?

Mr. ASPINALL. It involves such a small sum of money that we have considered it is practically nothing so far as this liquidation is concerned. But I do not want my friend to be asking a question where there might be a few moneys involved and not get an answer—I would say that whatever moneys is required would be an amount not in excess of $10,000. The areas needed will be acquired largely, if not entirely by exchange procedure.

Mr. WAGGONNER. I thank the gentleman.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. COHELAN. Mr. Speaker, I would like to express my unreserved support for this badly needed and long overdue bill to preserve the Tule Lake-Klamath Waterfowl Refuge.

Each autumn one of the largest waterfowl concentrations in the United States occurs at the Tule Lake and Lower Klamath national wildlife refuges in northern California and southern Oregon. These refuges are situated at a critical point or "bottleneck" on the Pacific flyway and are essential resting and feeding areas for in excess of 7 million birds winging south from their Alaskan and Canadian breeding grounds. As a matter of fact, the California Fish and Game Commission has estimated that this is perhaps the greatest concentration point for waterfowl in the entire Nation.

Despite its importance, however, controversy has raged for many years between those who would divert refuge lands and waters to private uses and those who seek to safeguard this invaluable wildlife habitat. This despite the fact that the present refuges are but a small part of the once extensive wetlands of the Klamath basin.

The committee's decision in favor of conservation is clearly in the public interest for not only does it preserve an irreplaceable national and international waterfowl resource but the maintenace of an assured habitat for these migratory fowl benefits the great majority of affected agriculturalists.

Mr. Speaker, the committee is to be congratulated in reporting out a sound bill, a constructive bill, a good bill—one which protects a critical national interest—and I urge that it be approved by the House.

Mr. SAYLOR. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, now that we know that the House Interior and Insular Affairs Committee's proposal to add a new section 8 to S. 793 is being withdrawn, I am glad to support the bill.

With this change, we have a measure that represents a constructive solution to an old, old problem. For more than 20 years, irrigation interests and wildlife interests have been fighting over the 20,000 acres, more or less, that S. 793 involves. For more than 20 years, the Bureau of Reclamation and the Fish and Wildlife Service have been squabbling over this land. It is high time that it be settled, and S. 793 provides a good way of doing so.

I recognize that these lands were donated to the United States by the States of California and Oregon back in the early 1900's with the expectation that they would be developed for irrigated agriculture. But this is 60 years later and they have not been developed yet and are not likely to be developed hereafter.

In the meantime, other lands for hundreds of miles to the north and south of this area have been developed, the migratory waterfowl that move up and down the Pacific flyway have been deprived of their usual feeding and breeding grounds and have taken to pillaging cultivated fields, and the hunters of the Pacific coast area have lost an important resource. Meanwhile, also, the migratory bird treaties with Canada and Mexico have been signed and sealed and we, the United States, have obligated ourselves to protect and manage these birds properly.

What all of this adds up to is simple: Some land must be set aside perpetually for waterfowl management purposes in this area. The best, most readily accessible and cheapest form of land for this purpose is the 20,000 acres we deal with in S. 793. This land can be set aside without in any way harming the established Klamath reclamation project.

Mr. Speaker, I recommend that S. 793, as amended, be passed by the House. Such remaining differences as there may be between the House and the Senate can be resolved in a proper manner through legislative processes.

Mr. BALDWIN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from California.

Mr. BALDWIN. I congratulate the gentleman from Pennsylvania for his active interest in bringing this bill to the floor, together with the gentleman from Colorado [Mr. Aspinall].

There are many people all throughout California who are deeply interested in this bill, as people interested in providing proper protection for our wildlife. A number of adverse editorials were published in the San Francisco Bay area, particularly by the San Francisco Chronicle, in respect to the bill as it first came from the House committee, because of amendments at that time adopted by the House committee. As I understand it, the most controversial one was section 8, which I now believe has been stricken from the bill.

Mr. SAYLOR. The gentleman is correct. Section 8 has been deleted from the bill.

Mr. BALDWIN. Does the gentleman now feel, with the omission of section 8, that the bill now provides a proper protection for the wildlife and that it should be passed?

Mr. SAYLOR. I believe that the bill as now drafted will provide such protection and should be passed. There is a difference in language as between the House and Senate versions, and I believe we will go to conference on that and resolve the language differences.

Mr. BALDWIN. I thank the gentleman from Pennsylvania.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from California.

Mr. DON H. CLAUSEN. I join my colleagues from California [Mr. Baldwin and Mr. Cohelan] in support of this legislation. I am delighted to hear that the problems concerning it have been worked out. I have talked with my colleague from California [Mr. Johnson], in whose district the problem does occur. He has indicated that his points of concern have been resolved. Throughout my district and many other parts of California, we have many dedicated fish and wildlife conservation organizations who share with us concern for adequate wildfowl refuge. In addition to the refuge for birds along the Pacific flyway, relief is thereby provided for hundreds of farmers concerned with protection of their crops.

Should there be any appreciable shrinkage of the Tule Lake-Klamath refuge, complete changes in their natural flight pattern can be expected. The guarantee of an adequate water level is absolutely essential. It is reported that between 7 and 8 million ducks use this refuge as a stopover during their annual migration south.

With the passage of this legislation, we can look forward to proper protection for the agricultural, recreational, and economic values of the region. I strongly urge the adoption of the bill.

Mr. SAYLOR. Mr. Speaker, the gentleman from California [Mr. Johnson] is to be commended for having asked that the amendment, which will be offered as a committee amendment, be adopted.

Mr. ASPINALL. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Johnson].

Mr. JOHNSON of California. Mr. Speaker, the Tule Lake Irrigation District, which is located within my congressional district, comprises the area within California most affected by this legislation.

The Tule Lake Irrigation District comprises 93,420 acres of land. One-third of this total, 37,340 acres, is involved in S. 793 because, along with other lands in the Klamath-Tule area, it lies along the path of the Pacific flyway.

S. 793 represents an attempt to harmonize the interests of agriculture and migratory waterfowl conservation. On the one hand we are faced with the fact that the lands involved are important to any program for conservation of the Nation's wildfowl whose migration pattern includes use of the Pacific flyway. On the other hand is the fact that these same lands within the Tule Lake Irrigation District are part and parcel of a thriving agricultural economy.

For present purposes it will not be necessary for me to go into the agricultural history of the Tule Lake region. Suffice it to say that the Department of the Interior has permitted and encouraged farming through homesteading and leasing in the area for many years. In September of 1956 after 5 or 6 years of negotiations the Tule Lake Irrigation District entered into a repayment contract with the United States covering that portion of the Klamath project involving the irrigation district.

The district has complied with the requirements of the leasing provisions which specified the growing of crops compatible with wildlife habitat and waterfowl. The result has been a flourishing agricultural economy. That economy is dependent upon continued agricultural production from the lands within the district that are covered by the provisions of S. 793.

A major dispute between the agricultural and waterfowl interests erupted in 1959 shortly after I came to Congress. As a result, agreement was reached between the United States, the district, and waterfowl spokesmen covering rules and regulations for the operation of the water levels in the sumps to serve waterfowl and agricultural needs. Operations under those regulations have met with the general agreement of both groups.

Since the settlement of the dispute of 1959 the problems in the area between the two groups have been minimal. The farmers for their part have come to realize, however reluctantly, that no additional lands within the district included under the provisions of S. 793 can go into private ownership. This has been quite a blow to them for it had always been their understanding that the Department would encourage and foster private ownership in the area through the operations of the homestead laws.

Out of the many meetings and hearings that have been held on this problem, the agricultural and wildfowl interests have, I believe, come to realize that a solution is possible wherein the objectives of both can be served and advanced within the framework of the status quo.

I believe that S. 793, before us today, points that way.

The primary difference in S. 793 as passed by the U.S. Senate and as reported by the House Committee on Interior and Insular Affairs relates to section 6. At my request the committee did adopt an amendment to section 6 which relates to the maintenance of water levels in the Tule Lake refuge.

Mr. Speaker, I would like to at this point read section 6 as it now stands:

> SEC. 6. In carrying out the obligations of the United States under any migratory bird treaty, the Migratory Bird Treaty Act (40 Stat. 755), as amended, or the Migratory Bird Conservation Act (45 Stat. 1222), as amended, waters under the control of the Secretary shall be regulated to maintain sump levels in the Tule Lake National Wildlife Refuge that in the judgment of the Secretary are adequate and practicable for waterfowl management, which shall be levels established pursuant to the provisions of the contract between the United States and the Tule Lake Irrigation District dated September 10, 1956, or any amendment thereof, and the regulations issued pursuant thereto.

Certainly there is no argument but what it is vital to both the flyway and the agricultural interest that these water levels be maintained at satisfactory elevations. It is my feeling that this bill as amended will come as close as possible to reconciling the viewpoints of waterfowl and agricultural interests. I feel that my amendment to section 6 is a clarifying one. Under its terms the Secretary will continue to have the authority to establish levels which he believes are adequate and practicable for waterfowl management, in accordance with those levels as established by the contracts and regulations.

This amendment merely recognizes the contract which exists between the Federal Government and the Tule Lake Irrigation District, and makes the bill before us completely consistent with the contract that was ratified in 1956 by the Congress.

In conclusion, I would point out that after the committee had considered this bill, the Assistant Secretary of Fish and Wildlife, Hon. Frank Briggs, wrote the chairman of our committee, the distinguished Congressman, the gentleman from Colorado, Hon. WAYNE ASPINALL, on December 6, 1963. In that letter he declared the bill met with his approval with one exception and that relating to section 8 which was removed prior to bringing the bill to the floor for consideration.

Mr. Speaker, accordingly as a representative of the portion of California directly concerned with this legislation, I urge its enactment.

Mr. ASPINALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I am pleased that the committee saw fit to delete the section 8 of this bill to which the chairman referred. I opposed this section in subcommittee when it was first suggested. I felt then and feel now that section 8 would destroy the bill and render nugatory the effort made herein to settle a dispute between reclamation and waterfowl people that has been troublesome for many years.

For Congress to provide in this bill that it would be ineffective on a declaration by either the State of Oregon or California would be to deny the right so often heretofore asserted that the lands involved in this bill can be used for waterfowl management as well as reclamation purposes.

This does not, in my opinion, detract from the legal rights of the States in any way. If the grant was limited to reclamation, and I think it was not, then there is nothing that the grantee, in this case the United States, can do unilaterally to expand it. But if section 8 is included, it might very well be construed by the courts as a congressional determination that the grant was not unlimited in scope. This would not solve the problem but only confound it.

As the bill stands, it is a good bill with a reasonable chance of solving the problem to which it is addressed. I hope it passes minus section 8.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Colorado [Mr. ASPINALL], that the House suspend the rules and pass the bill S. 793 as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. LIBONATI. Mr. Speaker, the purposes of S. 793 is to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower and Upper Klamath and Clear Lake National Wildlife Refuges in Oregon and California; and to aid the Klamath reclamation project. The enactment of S. 793 does not involve additional costs. These important areas of wildlife in the refuge system are strategically located on the Pacific flyway. About 80 percent of the migratory waterfowl in the Pacific concentrate in the Upper Klamath Basin as they pass through this area. A heavy concentration of millions of ducks, geese, and shore birds of various marsh dwelling species feed and rest in this area. The whole refuge operation is concentrated and dependent upon the Klamath reclamation project; there is a critical need for the expansion of land and waters for wildlife refuge purposes here and new procedures were necessary for making the availability of such resources. The holding of the waterfowl in these areas before harvest prevents the depredation of the rice and other crops in the Central and Imperial Valleys—the local crops in the refuge area are sufficient to hold them there and also delay their migration to the wintering grounds. The crops in the valleys are harvested without serious depredation problems. Thus the food supply must be kept at sufficient quantity and availability so as to prevent crop losses in the valleys. This economic value is important as well as the license fees derived from hunting, leases, and other income as a recreational tourist attraction.

This legislation was necessary to provide a permanent basis for management purposes of the resources within the four refuges. The bill will establish guidelines in reclamation activities and thus stabilize Federal ownership of the lands so recovered as well as the lands owned by the United States within the four refuges for the purposes intended. Also includes several additional tracts of public lands to be retained permanently for this specific purpose. Provides for 25 percent of income from leased lands to inure to the benefit of the respective counties based on the location of the same—a 50-percent limitation is placed on payments comparable to the average local taxes assessed on similar lands. A reimbursement payment of $197,315 to the Klamath drainage district for outlay of moneys on irrigation projects on passage of title to the Government. The present practice of leasing lands for agricultural purposes is to continue. Row crops limited to 25 percent of total leased lands. In the Tule Lake area reduction of sumps limited to present 13,000 acres. Also water levels must be maintained adequate for waterfowl management purposes. The Secretary to complete study related to the development of water resources and the waterfowl management potential of the Clear Lake refuge.

Chairman Aspinall, as well as the members of the committee, have formulated a bill worthy of the high standards necessary to preserve the wildlife and lands that protect and feed, in refuges, our migratory fowl life. The utility of these lands are dedicated to the purposes intended. The Secretary of the Interior Stewart Udall and his Department were sorely in need of such legislation in order to maintain successful operation of these lands in the public interest and to preserve for the enjoyment of the future generations of Americans the conservation of wildlife and to maintain the recreational advantages of these refuge areas. We compliment members of the Interior and Insular Affairs Committee, its illustrious chairman, the gentleman from Colorado [Mr. Aspinall], as well as the Secretary of the Interior Stewart Udall for their dedication to the conservation of our wild lands and preservation of our wildlife for posterity.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the Record immediately following the passage of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

VIRGIN ISLANDS REPORT

Mr. WESTLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. WESTLAND. Mr. Speaker, recently a friend of mine in the Virgin Islands sent to me a report detailing "questionable acts and policies" in connection with Island printing to be distributed at the World's Fair in New York. The report states that the Commissioner of Commerce for the Virgin Islands, in his official capacity, failed to call for competitive bids and to otherwise comply with Virgin Islands laws relating to contracts and agreements in arranging for the publication of this material.

Subsequently a letter was printed in the April 10, 1964, issue of the Virgin Islands Times in which Virgin Islands Governor Paiewonsky attempted to correct what he called "considerable and misleading publicity recently given to this matter."

Mr. Speaker, as a member of the House Interior and Insular Affairs Committee, I am particularly concerned with events affecting the Virgin Islands. Because I believe other Members of the Congress should share this concern, I am bringing this matter to their attention. I think these documents speak largely for themselves and illustrate a situation worth noting. Therefore, Mr. Speaker, under leave to extend my remarks, I include the report to me, and the subsequent letter from Governor Paiewonsky, as printed in the Virgin Islands Times, in the Record:

REPORT TO CONGRESSMAN JACK WESTLAND, OF WASHINGTON

Virgin Islands businessmen, large and small, are once again up in arms at the unsavory actions of the executive branch of the local government. Inasmuch as the Governor is appointed by the President of the United States and the Governor in turn appoints his cabinet, the businessmen cannot vote to "turn the rascals out."

The most recent in a long series of, to say the least, questionable acts and policies is perhaps more easily documented than some of the other complaints.

The legislature of the Virgin Islands appropriated funds to insure island representation in the forthcoming World's Fair in New York. It was the understanding of the legislators that all businesses, particularly those connected with tourism which is the islands' leading revenue producer, would have equal opportunity to participate in the Virgin Islands exhibit.

Commissioner of Commerce Henry L. Kimelman, charged with the promotion of the tourist industry, apparently had other ideas. Without calling for bids or otherwise complying with Virgin Islands laws relating to contracts or agreements, Kimelman arbitrarily made an agreement in the name of the Virgin Islands government with a newly formed venture doing business as International Publications, Inc.

This agreement stipulated that International Publications would produce a giveaway called "Come to the Virgin Islands" printed on newsprint. Commissioner Kimelman stated in a publicly released official letter that this "will be the only piece of overall promotional material which accepts advertising that will be distributed at our exhibit" at the Fair.

The guiding force in International Publications, Inc., is Robert Lodge, a transplanted statesider living in St. Croix. Kimelman says he owns no stock in this corporation. However, soon after Kimelman was appointed Commissioner of Commerce he appointed Bob Lodge, who was doing business as Antilles Advertising Agency, to operate a cooperative Virgin Islands government-air carrier-tourist industry advertising campaign, again without offering the other older established advertising agencies an opportunity to bid.

As a result of Lodge's activity in this government sponsored connection he now has hanging over his head a judgment in the amount of $10,088.65 plus $750 in attorneys fees, handed down by the judge of the District Court of the Virgin Islands in favor of the Hearst Corp. for advertising solicited and published in the Hearst magazines. Several other suits for debt against Lodge are now pending before the district court.

In an effort to explain his failure to pay the Hearst Corp. for money collected in the name of the Virgin Islands government, Lodge said, "Antilles Advertising Agency was never anything more than an 'office in a hat.'"

At the present time Jerome Dreyer, Kimelman's onetime appointee to the Virgin Islands Government News Bureau and close friend, is soliciting advertising for Lodge's International Publications Inc. A judgment for debt has been handed down by the judge of the District Court of the Virgin Islands against Dreyer and in favor of the San Juan Star for failure to pay for advertising solicited and run in that newspaper in the past.

Businessmen in the islands are understandably reluctant to do business with these close friends of Kimelman in view of their past financial performances. And they feel that they have a loaded gun aimed at their heads in the form of Kimelman's published dictum that Lodge's proposed publication "will be the only piece of overall promotional material which accepts advertising that will be distributed" at the Virgin Islands exhibit at the fair.

Lodge would also seem to understand the magnitude of Kimelman's gift since he has priced advertising at $11,500 per page. This amount cannot be favorably compared with the $180 charged per page for advertising by the most popular guide book in the islands. And at $11,500 per page business interests naturally wonder if this is another Lodge "office in a hat."

If Lodge and Dreyer can sell 18 pages of advertising, a not unreasonable amount for a publication of this type and size, the net profit would be close to $200,000. This amount would pay the full salaries of 40 or more much needed public schoolteachers for a year. A magnificent gift indeed.

Peter Bove, Comptroller of the Virgin Islands (federally appointed watchdog over Virgin Islands affairs for the Department of the Interior, the General Accounting Office, and the U.S. Congress), has been alerted and is conducting an investigation. Local merchants and hotelkeepers point out that before Bove's report can be completed, the World's Fair will be over. Kimelman can drag his feet almost indefinitely in not providing information necessary for the comptroller's report. Business interests also point out that with the certain delay of the report, a slap on the wrists of the culprits in a year or two will be no solution to the problem.

A possible solution would be the immediate cancellation of this contract entered into without competitive bids, without the knowledge of responsible publishers qualified to undertake such a publication, if any such is necessary. Most islanders feel that any such action by Gov. Ralph M. Paiewonsky is extremely unlikely; in other similar cases the Governor has never stood up to Kimelman and those for whom he fronts.

This most recent, but assuredly not last, regrettable action on the part of the executive branch of the Virgin Islands Government contributes its share to the generally unsavory odor arising from this tropical paradise. And that odor certainly has nothing to do with fish rotting on the lovely beaches.

LETTER FROM GOVERNOR PAIEWONSKY TO BOB LODGE

Several weeks ago when the contract concerning "Guidelines to the Virgin Islands and the Caribbean" was presented to me, I had it reviewed by the Attorney General. He advised me at that time, among other things, that a pertinent section of the agreement was as follows:

"The Government grants to Lodge (International Publications, Inc.) the exclusive right to publish said publication and will provide distribution at the Virgin Islands exhibit at the New York World's Fair of 1964–65, free of charge. Further, Government agrees to use its best efforts to assist in promoting and distributing the publication."

This did not constitute the grant of an exclusive right to distribute the publication at the Virgin Islands exhibit at the World's Fair, but merely the exclusive right to publish the publication, which you would have in any event and even without an agreement. I am further advised by the commissioner of commerce that upon subsequent discussion with you that he informed you, upon my direction, that other publications could be distributed at the exhibit, subject to the same general conditions worked out in your case.

In the light of this decision, I wish to advise you that that portion of Mr. Kimelman's letter to you of January 28, 1964, which you quoted in the mockup of your proposed publication, as follows, "In accordance with our agreement, this will assure your advertisers that 'Come to the Virgin Islands' will be the only piece of overall promotional material which accepts advertising that will be distributed at our exhibit," is not consistent with the agreement and should not be used for promotional purposes.

In view of the considerable and misleading publicity recently given to this matter, however, and in the absence of your written confirmation of the understanding, I wish, through this medium, to state the Government's position for the record; i.e., that the Government will consider proposals from other publications for distribution at the fair, subject to terms and conditions no less and no more favorable than those negotiated with you.

ENDORSEMENT OF THE REPUBLICAN RESIDENTIAL PRIORITIES FOR URBAN RENEWAL—TO CURE AND PREVENT SLUMS

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WIDNALL. Mr. Speaker, the Republican minority on the Special Housing Subcommittee has for some time been questioning the increased trend toward commercial and industrial urban renewal, and the promotion of high-rise, high-income apartments in residential renewal areas. It has been our position that the urban renewal program should be primarily a plan to provide a decent home and living environment for our low-income and middle-income citizens, in accordance with the dictates of Congress in the Housing Act of 1949. That is why we have offered legislation stressing a residential priority, putting commercial renewal on a loan basis, and providing new aids for rehabilitation and relocation to cure and prevent new slums.

A recent article in the Annals of the American Academy of Political and Social Science, March 1964, by William G. Grigsby, associate professor of city planning at the University of Pennsylvania, points out the need for this legislation. According to Professor Grigsby, the most perplexing problems and crucial issues involving the physical environment of our metropolitan areas are still residential in nature. Housing is by far the largest consumer of urban land. Moreover, Professor Grigsby observes, approaches to many nonresidential problems such as those involving mass transportation and open spaces are determined to an important degree by conditions and preferences in the housing market.

The central point of Professor Grigsby's article is that local renewal projects often subordinate national housing goals, expressed by Congress in the Housing Act of 1949, to local community objectives. I would add that they have been encouraged to do so by Federal renewal officials. According to Professor Grigsby, urban planners, faced with the declining ratables and rising costs for municipal services, have used Federal renewal funds for projects that would shore up local finances. Of course, some of the rising costs for the localities are those connected with the needs arising from lack of attention to housing needs, and the disappearance of jobs and businesses following displacement from urban renewal projects. With 68 percent of the land available in urban renewal projects now remaining idle, no one really knows of how much benefit the program is in terms of increased tax returns.

Professor Gigsby notes that over 25 percent of the communities receiving aid under the act do not have a single residential reuse project. Another 25 percent of the municipalities receiving assistance have reserved over 50 percent of their renewal acreage for nonresidential purposes. Of the projects begun, roughly 600 were primarily residential prior to renewal, but Professor Grigsby estimates that only 350 will fall under that classification upon completion. Usually, he observes, where room is made for residential renewal, it takes the form of housing for higher income families, which are often incompatible with the residential preferences of most families in the city.

In light of the Johnson administration request for an additional share of the pie for nonresidential renewal, involving an increase from 30 to 35 percent at the expense of the housing needs of our citizens, I believe the following indictment of the present program by Professor Grisby deserves special attention. He states:

> On balance, it appears that not over one-fifth of the $3 billion donated to local communities under the Federal renewal program have been earmarked for projects intended to improve the living accommodations of lower income families. However defensible this allocation of funds may be, the fact remains that until the shelter needs of our lowest income groups are met, urban renewal will never progress beyond the facelifting of downtown, a few industrial districts, and the reclamation of isolated residential neighborhoods for upper income families.

In view of the rather futile sets of hearings the Special Housing Subcommittee has confined itself to in the area of housing and urban renewal, the Congress is in great need of independent studies and observations by scholars such as Professor Grigsby. Indeed, I would like to call the attention of all those seriously concerned with the problems of our fast-growing urban areas to the entire March 1964 issue of the Annals, entitled "Urban Revival: Goals and Standards," which will prove to be invaluable source material for years to come.

I call the attention of my colleagues as well to a letter written to me on March 23, 1964, from Professor Grisby, in which he states his "100-percent agreement" with the relocation and nonresidential renewal sections of the Republican bill, H.R. 9771, and indicates that these revisions are long overdue.

At this point, I would like to include the letter and the article as part of my remarks:

UNIVERSITY OF PENNSYLVANIA,
INSTITUTE FOR URBAN STUDIES,
Philadelphia, Pa., March 23, 1964.

The Honorable WILLIAM B. WIDNALL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WIDNALL: I should like to thank you for sending me a copy of H.R. 9771 and for your accompanying letter.

I have not yet studied all of the provisions of the bill in detail, but am in 100 percent agreement with the sections relating to relocation and nonresidential renewal. Revisions along the lines you suggest are absolutely necessary and several years overdue.

Sincerely,
WILLIAM G. GRIGSBY,
Associate Professor of City Planning.

HOUSING AND SLUM CLEARANCE ELUSIVE GOALS

(By William G. Grigsby)

The years since 1950 have witnessed, according to many observers, an urban revolution. In little more than a single decade, hundreds of American communities, usually with Federal assistance, have launched programs to revive decaying central business districts and industrial areas, preserve open space, decongest highways, and combat air and water pollution. It is sometimes difficult to realize that this sudden proliferation of projects, affecting every facet of the urban environment, had its genesis in legislation to improve housing. Starting in the early 1930's with the efforts of the Federal Housing Administration (FHA) to raise the quality of residential construction and new neighborhoods, continuing with the low-income housing program of the Public Housing Administration, and, finally, the early projects under the Housing Act of 1949, action to improve the physical condition of our cities has until recently always had a strong residential bias.

Although this emphasis has now diminished, it is nevertheless true that the most perplexing problems and crucial issues involving the physical environment of our metropolitan areas are still, today, residential in nature. This is explained partly by the simple fact that housing is by far the largest consumer of urban land. It is equally true, however, that approaches to many nonresidential problems, such as those involving transportation, central business districts, and open space, are determined to an important degree by conditions and preferences in the housing market.[1] Most important, in contrast to at least some of our other urban problems where the broad objectives are clear, even though the means of achievement are not, there is widespread disagreement over housing goals. Fundamental differences regarding both residential development and residential renewal exist between Federal and local government, city and suburb, and even planner and consumer.

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[1] Housing and Home Finance Agency, "Urban Renewal." Excerpts from "Housing Act of 1949" (Washington: U.S. Government Printing Office, 1961), p. 1.

It is the purpose of this paper to illuminate some of these differences and to suggest directions for future policy. The discussion focuses on three general problem areas which together cover most of the spectrum of both housing demand and housing supply and encompass the major points of controversy. These are slum clearance, middle-income housing, and urban form.

SLUM CLEARANCE

It is fairly common, but depressing, knowledge that, despite the great wealth of the United States, a large proportion of American families still live in housing that is so substandard as to constitute a serious threat to health and safety. According to the 1960 census, fully one-eighth of the country's urban households occupy dwellings that are dilapidated or lacking in sanitary facilities. An additional number have accommodations which, although classified as sound by relatively inexperienced census enumerators, have been found to be in serious violation of local building codes. Still other households live in buildings that are structurally adequate but overcrowded or in extremely undesirable surroundings. As a rough approximation, it appears that at least one-sixth of our urban population—over 5 million families—reside in a slum environment. The vast majority of these families have incomes so low that they cannot afford a better home. Over two-thirds earn less than $4,000 a year, and one-third have annual incomes under $2,000. They include in substantial numbers the elderly, the minorities, the unskilled, the handicapped, whom our society has ignored or consciously repressed.

The Congress of the United States appears to have had these families particularly in mind when it passed the Housing Act of 1949:

"To establish a national housing objective and the policy to be followed in the attainment thereof, to provide Federal aid to assist slum-clearance projects and low-rent public housing projects initiated by local agencies, to provide for financial assistance by the Secretary of Agriculture for farm housing, and for other purposes." [1a]

The Declaration of National Housing Policy which served as a preamble to the 1949 act was even more specific:

"The Congress hereby declares that the general welfare and security of the Nation and the health and living standards of its people require housing production and related community development sufficient to remedy the serious housing shortage, the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization as soon as feasible of the goal of a decent home and suitable living environment for every American family, thus contributing to the advancement of the growth, wealth, and security of the Nation." [2]

It is clear from an examination of both the sponsors of the legislation and the evolution of thought leading to its enactment that these paragraphs are not platitudinous; they are a seriously considered statement of welfare goals. Although the role of decent housing in individual and social welfare has never been clearly established beyond a few aspects of physical safety and public health, observable conditions were so appalling as to create a mandate for public action.[3]

During the decade following the passage of the Housing Act of 1949, substantial progress was made toward the achievement of its goals. Vacancy rates rose to reasonable levels, overcrowding declined substantially, and the number of occupied substandard dwelling units dropped by more than 40 percent.[4] Virtually none of this improvement, however, resulted from programs initiated by the 1949 legislation. By 1960 less than 100,000 substandard dwelling units had been demolished under its renewal provisions. Public housing had added only 250,000 low-rent accommodations to the stock, and, though this program was continued by the act, it had, of course, already been in operation for a number of years.[5] Progress seems to have been the consequence primarily of rising incomes, full employment, and liberal FHA and VA (Veterans' Administration) mortgage financing, all of which enabled families to obtain better housing.

Meanwhile, the housing problem of the disadvantaged has gradually ceased to be of major concern to those responsible for public policy. Faced with declining ratables and rising costs for municipal services, cities have used Federal renewal funds for projects that would shore up local finances. Thus, over 25 percent of the communities receiving aid under the act do not have a single residential reuse project.[6] Instead, they have demolished slums and blighted areas to create sites for commerce and industry. Another 25 percent of the municipalities receiving assistance have reserved over 50 percent of their renewed acreage for nonresidential purposes.[7] For all communities combined, approximately 600 projects were primarily residential prior to renewal, while only 350 will fall into this classification upon completion.[8] Moreover, in most of the instances where local governments have made room in their plans for residential reuse, the new structures have taken the form of housing for higher-income families. Since the private market has never had difficulty in supplying such accommodations unassisted, these residential renewal projects almost certainly have not added materially to the total stock of good housing but only changed its location distribution.

Had the relocation process accompanying redevelopment been made an integral part of a program to improve the living conditions of the families being displaced—that is, had clearance been geared directly to the production of low-cost housing for these families—it would not have particularly mattered what new uses were put on redevelopment sites. Cities would have achieved their purposes without violating the intent of Congress. Unfortunately, this is not what has happened. Although the Federal Government has gradually forced communities to improve their relocation procedures, the rehousing of dislocated slum families is still viewed by local redevelopment agencies as a burden and barrier to renewal, not as a major means of implementing national policy. Cities have simply substituted their own goals for those of the Federal Government. The catchall phrase "related community development" in the Declaration of National Housing Policy has become the tail wagging the dog. The intended beneficiaries of renewal have too often become the victims.

On balance, it appears that not over one-fifth of the $3 billion donated to local communities under the Federal renewal program have been earmarked for projects intended to improve the living accommodations of lower income families. However defensible this allocation of funds may be, the fact remains that until the shelter needs of our lowest income groups are met, urban renewal will never progress beyond the face-lifting of downtown, a few new industrial districts, and the reclamation of isolated residential neighborhoods for upper income families. For, in the areas of our cities most offensive to eye, nose, and public conscience, disadvantaged families predominate.

The substitution of local renewal objectives for national housing goals cannot be explained only on the grounds of fiscal difficulties at the municipal level. Had overall housing conditions not improved so remarkably in so short a period of time, the pressure for more government action in housing would certainly be far greater. Perhaps equally important, acceptable formulas for providing decent housing for low-income families on a large scale have not yet been legislated. Strong opposition to the concept of a publicly owned and operated residential inventory has prevented the public housing program from expanding beyond modest dimensions. Other proposals, such as rent subsidies, for example, are also resisted. Faced with this situation, it is not surprising that communities have shifted to renewal projects with more popular appeal.

The general antagonism toward and conflict over housing goals and programs for low-income families have led many observers to conclude that elimination of substandard housing in the near future is both politically and financially impossible and that reliance must be placed on a continuation of the progress of the 1950's to eliminate the problem gradually over a period of three or four decades.

It is not necessary, however, to wait so long. There are already in existence several programs which have found acceptance as devices to help middle-income families and which in combination could bring the cost of housing within reach of the low-income population at very little public expense. These include tax abatement, mortgage loans at below-market rates but above the cost of borrowing to government, and the title I writedown provision of the act of 1949. To implement them would require very little change in existing legislation. The major barrier seems to be the extremely inadequate data regarding the occupants of substandard accommodations. It is not known how many of these families have serious problems other than housing and, hence, how many can or cannot be helped through particular housing programs.

In fact, almost 15 years after the passage of the Federal legislation, there still has not been a single study which explores this question in order to determine the specific programs and public expenditures necessary to bring the housing inventory and residential environment up to an acceptable level.

Without this information on costs and possible consequences, it is difficult to defend a given set of priorities or programs. For example, although the drift away from the legislative intent of the Housing Act of 1949 has been opportunistic, it is conceivable that this departure either will bring about the realization of housing goals sooner than would otherwise be the case or will facilitate the achievement of national objectives of higher priority. Regardless of the position taken in this matter, however, it is time to reevaluate national housing and renewal goals with respect to the low-income population and to develop new methods to facilitate implementation of these goals at the local level. The Housing Act of 1949 and subsequent amendments have created an admirable mechanism for demolishing slum housing; they have not produced an instrument that assures the replacement of these structures with decent living accommodations.

[1a] Ibid.

[2] Ibid.

[3] See Alvin L. Schorr, "Slums and Social Insecurity," U.S. Department of Health, Education, and Welfare Research Report No. 1 (Washington: U.S. Government Printing Office, 1963). Also, D. M. Wilner, R. P. Walkley, T. Pinkerton, and M. Tayback, "The Housing Environment and Family Life: A Longitudinal Study of the Effects of Housing on Morbidity and Mental Health" (Baltimore: The Johns Hopkins Press, 1962).

[4] "U.S. Census of Housing, 1950" and "U.S. Census of Housing, 1960." Changes in definition of dwelling unit between 1950 and 1960 and the addition of a "deteriorated" category in 1960 appear to have offsetting effects on estimates of substandard units and may be safely ignored in this discussion.

[5] "16th Annual Report, Housing and Home Finance Agency" (Washington: U.S. Government Printing Office, 1963), table B–16, p. 327.

[6] "Urban Renewal Project Characteristics, December 31, 1962" (Washington, D.C.: Housing and Home Finance Agency, Urban Renewal Administration, 1963), pp. 19–49.

[7] Ibid.

[8] Ibid. Table 5, p. 11.

MIDDLE-INCOME HOUSING

One of the most controversial issues in housing and residential renewal concerns programs for families whose incomes are too high to qualify them for public projects but too low to permit them to purchase or rent new homes. Various approaches have been tried to enable a larger proportion of this group to be served by the home-building industry. All of the plans provide for some form of direct or indirect subsidy, such as tax abatement or mortgage loans at below-market interest rates, not requiring a cash supplement by the sponsoring agency or public construction and ownership of housing developments.

The issue concerning middle-income housing is only partly a conflict over ends and means. It stems also from the lack of a more precise definition of middle-income families and from differing interpretations of the same statistics. The definitional problem will be examined first.

The conventional description of the middle-income housing problem in terms of the families unserved by either new private construction at the one end of the scale or public accommodations at the other implies that the housing needs of all of the population except this inbetween segment are already being met. Actually, however, public housing supplies very little low-cost shelter relative to the total need—half a million units as compared with 5 million families in substandard quarters. Thus, there is perhaps nothing to distinguish the middle- from the low-income housing problem unless perhaps it is that the former is much less severe.

This possibility highlights the fact that the conventional definition tends to confuse objectives. Within the broad classification of middle income, there are actually two analytically distinct groups. Members of the first cannot afford new homes or apartments but do have the resources to acquire decent housing. Members of the second cannot afford either new or decent accommodations and, in addition, are not eligible for public units. Housing assistance for the second group could probably be justified on purely humanitarian grounds, assuming that some form of subsidy other than housing were not preferred. Aid for the slightly more affluent families, however, would seem warranted only if it could be demonstrated that total housing production was completely inadequate and also that it was politically impossible to raise levels of construction by providing equivalent assistance to lower-income families who actually needed it. For, certainly, any housing subsidy which is suitable for a group that already has adequate shelter is even more appropriate for many families with greater need for assistance if provided in larger doses. If 3.5 percent mortgage loans and 50 percent tax abatements are deemed necessary for the one group, then surely 2 percent loans and complete tax exemption are justified for the other. The argument against this view is that the lesser subsidies are, in effect, costless, but there is no equity in arbitrarily limiting aid to form and amounts that require no out-of-pocket costs or absolute losses in ratables by the local community.

Moreover, any subsidy for the entire middle-income range constitutes an admission that the homebuilding industry has failed to meet the shelter requirements of an extremely large segment of our society. Not all analysts are yet ready to concede that over one-half of the population must receive a subsidy from Government if the Nation is to be adequately housed. If, however, the point has indeed been reached where such a huge proportion of the families in the United States must be given special assistance to solve national housing problems, separate programs for middle-income groups will no longer suffice. It will be necessary to institute basic changes in Federal housing policy and to develop mechanisms for applying assistance equally across the board to all families.

These arguments have been rejected both in Federal legislation and in housing programs of a few States. The distinction between adequately and inadequately housed middle-income families is not made, possibly because all available statistics indicate that only a very small proportion of middle-income families do have a pressing shelter problem. It is simply asserted that the middle-income group, as defined, is so large and the proportion of the total population served by new construction so small that special housing assistance programs to fill this gap are urgently needed.[9] Within this framework, the most critical question, therefore, is a statistical one. Is it really true that prices and rents of new construction are so high relative to family income that homebuilders are able to serve only a small proportion of the population?

Most statistics seem to suggest that this is in fact the situation. For example, one recent study of 10 metropolitan areas representing all geographical sections of the United States concluded that, in the single-family home market in seven of the areas and in the rental market in all of the areas, less than one-half of the families had incomes sufficient to acquire a new dwelling unit.[10]

Since these figures and others like them have been used to demonstrate the necessity for a middle-income housing program, they need to be explored in somewhat more detail. They are based primarily on the rule-of-thumb assumption that, on the average, a family should spend not more than 20 percent of its income for housing. Thus, if a household's annual earnings were $4,500, its gross rental expenditures should not, according to this rule, exceed $900. Quite apart from whether the 20 percent figure is the most appropriate, the rule itself can yield quite misleading results. This can best be seen with a simple illustration. If the cheapest new apartments rented for $1,400 annually, a $500 housing subsidy would be necessary to enable the family just described to enter the new construction market. In effect, the subsidy, regardless of its precise form, increases the family's yearly income to $5,000, and its housing expenditures to $1,400. As a byproduct, however, the subsidy also causes the rent-income ratio to rise to 28 percent, suggesting that the family is now spending too much for housing, although quite obviously it is not.

A proper estimate of ability to pay for either new or decent housing, as opposed to willingness to pay, would require that housing be treated as a residual with all other expenditures which a family must make calculated first. Using cost-of-living data compiled by the Bureau of Labor Statistics, this principle was applied to 5 of the 10 metropolitan areas mentioned above, and it was found that well over one-half of the families in all of the areas had incomes sufficient to buy or rent new dwelling units.[11] In Boston, for example, whereas the rule-of-thumb estimate showed that only 35 percent of the population could afford new homes, the refined calculation indicated that 55 percent were in this category. In the other four areas, the "new" figures were all over 60 percent. In brief, the evidence indicates that most middle-income families can afford new construction prices and rents even though a smaller proportion may choose to spend this much of their income on housing.

It would seem clear that present middle-income housing subsidies can be justified only as the means to other ends, ends which have yet to be spelled out. Further, the disguises in which these subsidies are cast in order to win political acceptance reflect the widespread public opposition in the United States to subsidizing income per se. This opposition, as well as much of the conflict between residential and nonresidential goals, could be avoided by linking special housing assistance programs to the renewal process rather than to income. This would require modification of existing legislation to enable all displaced families, regardless of income, to obtain either below-market-rate mortgage loans and tax abatements on single-family homes or access to similarly financed and taxed rental accommodations. Such a plan would more fairly distribute the costs and benefits of renewal and, by stimulating new construction for persons who must be relocated, join the separate goals of increased housing production and slum clearance in a single program.

URBAN FORM

Residential goals in urban development extended beyond the needs of low- and middle-income families to the problem of improving neighborhood environment and housing conditions for the entire community. Essentially, this is a matter of maximizing residential choice, of doing whatever is possible in the public sphere to enable the private market to provide a wide range of prices, rents, structural types, and subdivision designs within reasonable proximity of employment and community facilities.[12]

There are a number of ways in which residential alternatives are unnecessarily limited in nearly every community; however, the most severe restrictions are found only in the larger metropolitan areas. Here, huge concentrations of population create high land values which in turn force larger proportions of apartment and row-house[13] construction, smaller lot sizes for detached single-family homes, and longer work journeys, all of which narrow the range of housing opportunities. Although the negative impact of metropolitan size upon residential choice appears to be serious only where metropolitan populations are around 2 million or more, inasmuch as Standard Metropolitan Statistical Areas (SMSA) of this size already include almost 60 million persons and are growing daily, the situation is not of peripheral concern.

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[9] For example, see Robert C. Weaver, "Address to a Joint Housing Industry Dinner, sponsored by the Milwaukee Builders Association, Wisconsin Mortgage Bankers Association, Milwaukee Council of Savings and Loan Associations, Milwaukee Board of Realtors, and Wisconsin Bankers Association," Milwaukee, Wis., Nov. 19, 1963, mimeographed by Housing and Home Finance Agency.

[10] "Factual Data for Sales-Type Middle-Income Housing" and "Factual Data on Rental-Type Middle-Income Housing," prepared by the Housing and Home Finance Agency for Senator JOSEPH S. CLARK and printed in CONGRESSIONAL RECORD, Mar. 21, 1963.

[11] Equally, it indicated a significant percentage who could really not afford to pay any money for housing at all. Among low-income groups, small differences in income make large differences in ability to allocate money for shelter. For example, for a retired couple with an annual income of $3,000, if a rent-income ratio of 25 percent or $750 were just right, then, for a similar couple with an income of $2,800, only $200 less, it would be a considerable burden to spend one-fourth of income on housing.

[12] And, of course, for all families regardless of race or religion. This aspect of the problem of choice, despite its importance, is not discussed here because the time for discussion has obviously passed.

[13] Best described as low-rise condominiums.

Because the problem relates in essence to accessibility, it is frequently described in terms of the lengthening journey to work. Data on work journeys, however, obscure the issue, for many families compromise on housing to keep the commuting time of the household head within reasonable limits. The significant question is what residential alternatives are available within tolerable distance of the job locations of various percentages of the labor force. To cite an extreme example of lack of suitable alternatives, in the New York Standard Consolidated Area,[14] over two-thirds of the standing stock in 1960 and almost three-quarters of residential construction from 1960 through 1962 was in multifamily structures (table 1). New Yorkers are faced with a choice similar to that enjoyed by buyers of Ford automobiles back in the 1920's and 1930's—they can have any kind of home they want within 30 minutes of their work as long as it is an apartment. The situation is only somewhat better in Philadelphia, where the choice is between inlying cheap, old, row homes with scarcely any yard space, and new, more expensive housing in the suburbs. In Boston, Chicago, and most of the other 10 largest metropolitan areas, conditions are similar.

TABLE 1.—*Proportion of multifamily construction to total housing starts by size of metropolitan area, 42 standard metropolitan statistical areas,*[1] *1950-62*

SMSA population, 1960	Number of SMSA's	Proportion of apartment construction to total housing starts [2] (median percentage)	
		1950–59	1960–62
10,000,000 and up	1	[3] 45	[3] 70
2,500,000 to 10,000,000	6	15	45
1,500,000 to 2,500,000	6	15	40
1,000,000 to 1,500,000	9	15	35
Under 1,000,000	20	15	25

[1] The SMSA's are those for which construction data are presented in 16th Annual Report, Housing and Home Finance Agency, 1962 (Washington: U.S. Government Printing Office, 1963), table B–8, p. 323. Table B–8 includes all SMSA's over 1,000,000 except 2 which comprise the New Jersey portion of the New York standard consolidated area.

[2] Rounded to nearest 5 percent. Figures for 1960–62 exclude public housing starts and may therefore slightly understate apartment construction in these years.

[3] Figures are for the entire New York standard consolidated area.

Of course, it might be argued that the existing supply is a reasonable reflection of what people actually want. However, in metropolitan areas with populations of less than about 1,500,000, where land is much less a scarce resource, row houses and multifamily structures account, on the average, for a much smaller proportion of the total inventory. Moreover, the preference of about two-thirds to three-quarters of the families in the United States for detached single-family houses has been established in numerous surveys.[15] In view of these facts, a preponderance of apartments and row housing can only reflect restricted housing opportunities. It will be a major challenge to planners to enlarge the array of suitable alternatives as an expanding population continues to complicate the problem.

Largely because of an improving network of urban highways, residential choice actually broadened during the 1950's despite metropolitan growth. The penetration of fringe areas by expressways permitted the increasing population to be accommodated on newly created supplies of cheap land. Since employment also expanded into outlying locations, latent desires for home ownership were satisfied without marked increase in average journey-to-work times. Many city planners, however, have deplored this trend on several grounds: first, that low-density development will lengthen work journeys intolerably if it has not already done so; second, that decentralization of jobs and upper-income families has weakened the urban core, and, in the process, the entire metropolitan structure; third, that the suburban developments are visually monotonous, culturally sterile, and ravenous consumers of space. Continuous development at modest densities is seen as an unnecessary replacement of rural beauty by miles of suburban wasteland. Indeed, it is argued that such development restricts choice by making the natural environment at the fringe more inaccessible. Revulsion against slurbs and sprawl is more commonly expressed than is concern over slums.

These views are open to question.[16] First, journey-to-work times are a function not only of the physical size of an urbanized area but also of the spatial distribution of jobs and homes and the efficiency of the circulation system. Since an increasing proportion of nonresidential activities are either footloose or residentially oriented, the spread of a given population over a larger area will not necessarily lengthen work trips. Second, low density is not synonymous with scatteration or sprawl or bad design.[17] These problems stem in large part from an unhappy combination of inadequate controls over land and excessive restrictions on the building process, not low density itself. Third, the desire to compact the city in order to preserve the countryside reflects either an antiurban bias or a failure to recognize the contribution of private open space in creating residential amenity. Fourth, excluding the New York metropolitan area, it is simply not true that if most development were at detached single-family home densities, the natural beauty of open country would be appreciably more inaccessible to the urban population. To illustrate, if fully one-third of Philadelphia's 600,000 families plus related community facilities were relocated at the urban fringe at an overall density of 3 families to the acre,[18] the average radius of the urbanized area would increase from 13 miles to only 14 miles. Furthermore, access to the edge of an urbanized area is determined as much by the shape of the area as by its physical size.[19]

If there were no political boundaries dividing city and suburb, it is doubtful whether many of the arguments against suburban development would have ever been made. Nevertheless, the assertions continue and form the basis for accelerated efforts to arrest and reverse the outward movement. But herein lies a basic conflict. Recentralization raises land values, thereby making slum clearance more expensive and restricting residential construction to types of housing which, as already pointed out, are currently not desired by most American families. With massive Federal support, cities may achieve their own renewal objectives, but at the expense of the residential aspirations of the population at large. More likely, they will only partially succeed and continue, therefore, to house a few rich and larger than average proportions of the very poor, young couples and single persons, and the elderly.

Independent of the efforts to revive central cities, a considerable amount of urban compaction appears to have been underway for several years. The proportion of apartment construction to total new housing has risen sharply and reached a very high level in the larger metropolitan areas where worry over sprawl has been the greatest (table 1). Even if this shift has been counterbalanced by somewhat larger lot sizes for single-family houses, which is certainly a possibility,[20] it has reduced the amount of land consumption that would otherwise have taken place.

The advocates of a more compact metropolitan structure see in these figures a sudden realization by consumers of the superiority of apartment living and a vindication of their own views as to desirable urban form. It seems unlikely, however, that consumer preferences would change so quickly. Other factors that would explain the rise in apartment construction are latent demand left over from the 1950's; the changing age distribution of the population; skyrocketing land values and large-lot zoning, which together have sharply restricted the number of places where modestly priced single-family houses can be built; and, as revealed by the still relatively low proportion of apartment construction in smaller SMSA's, the more restricted range of residential alternatives in large metropolitan areas.

Regardless of the reasons, the tendency toward compaction is certain to continue for a number of years, primarily because the baby boom of the late 1940's is only now beginning to be translated into higher rates of family formation and demand for separate living quarters. As these new families move into the market, they will initially sustain a high volume of apartment construction. By around 1970, however, they will start seeking homes of their own with adequate indoor and outdoor space for raising children. Planning decisions made today will determine whether a large proportion of them will be successful in their search.

CONCLUSION

The numerous stated aims of housing and residential renewal programs can be subsumed under four general goals: first, to increase investment in housing in such a way as to raise the quality of substandard structures and neighborhoods to accepted societal norms; second, to reduce housing costs and increase residential quality and amenity throughout the inventory; third, within the framework of a completely standard housing stock, to increase the number of residential alternatives available to all families in the community; fourth, to facilitate adaptation of the residential inventory to changing community requirements and preferences.

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[14] Comprises Middlesex and Somerset Counties, N.J., and the following four SMSA's: New York, Newark, Jersey City, and Paterson-Clifton-Passaic.

[15] It is conceivable that families seeking a medium-priced house would find large (say, 36- by 30-foot by two floors), well-designed row houses on medium-sized (5,000-square-foot) lots as attractive as the typical suburban structure. This still implies, however, only about seven homes to the acre, a density which is impossibly low once land prices exceed $40,000 to $50,000 an acre.

[16] For a further discussion of planners' biases regarding urban development, see William L. C. Wheaton, "Operations Research for Metropolitan Planning." Journal of the American Institute of Planners, November 1963, pp. 255–256. Also, Ronald B. Boyce, "Myth Versus Reality in Urban Planning," Land Economics, August 1963, pp. 241–253.

[17] See John W. Dyckman, "The Control of Land Development and Urbanization in California," appendix to the report on housing in California, Governor's Advisory Committee on Housing Problems, April 1963, p. 312.

[18] This is approximately equal to the current average density of the Philadelphia urbanized area.

[19] For example, the penetration of the urbanized area by fairly large fingers of open space would bring the rural fringe close to all residential areas without simultaneously pushing any of the edges of urbanization appreciably away from the core.

[20] An increase of only 20 percent in the average size of lots for single-family houses would offset much of the rise in the proportion of apartment construction shown in table 1, assuming the average density of apartment construction did not also change. In Los Angeles and San Francisco, average lot sizes increased by about one-fifth from 1950 to 1960 but much less since that time. See Sherman J. Maisel, "Background Information on Costs of Land for Single-Family Housing," appendix to the report on housing in California, op. cit., tables 2, 3, and 4. pp. 224–226.

The barrier to the achievement of these objectives is not lack of financial resources. A serious problem does arise, however, from the fact that the goals are not uniformly held, are interpreted in various ways, are frequently in conflict with one another and with nonresidential goals, and apparently cannot all be achieved via means consistent with prevailing political and social attitudes. Housing goals for the low-income population lack politically acceptable programs of implementation; middle-income housing programs lack clear purpose; in the larger urbanized areas, renewal efforts are based in part on a conception of the metropolis which is at odds with the residential preferences of most families.

The most serious barrier to the realization of housing goals is the conflict between central city and suburb. To survive, the city must diligently pursue and cater to the institutions, businesses, and income groups that provide public revenues. Suburbs, in their own way, must do the same. As a consequence of this competition for ratables, housing for low and lower-middle income families has lost its priority in the city and has been positively resisted in the suburbs. In stepping into the struggle between these rival political jurisdictions, the Federal Government has had three options vis-a-vis the central city: subsidize projects intended to strengthen the economic base of the city, thus increasing the capacity of the city to deal with its housing problems; emphasize subsidies for housing and let the city chart its own economic course; or, as finally turned out, leave the choice of alternatives to the city. Had the second option been selected, it is possible that both the short-term welfare effects and the long-run impact on urban structure and costs of renewal would have been more favorable. Looking to the future, it is to be hoped that the Federal Government, which now plays the key role in community renewal and urban development, will be able to insert itself in the metropolitan conflict in a way that will reestablish residential goals and priorities in local programs.

CIVIL RIGHTS

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Harsha] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HARSHA. Mr. Speaker, there has been a most unfortunate attempt by certain groups and individuals, and even certain news media, to obscure the true substance and objectives of the civil rights legislation. In fact, in some instances, this effort has gone far beyond this and amounted to downright misrepresentation. In light of this background, it is indeed heartening to find at least one newspaper that still adheres to the principles of accuracy and fairness in its editorial policy.

That newspaper, the Cincinnati Enquirer, carried an editorial labeled "Light and Heat," on Friday, April 17, 1964, which accurately and fairly points out some of the changes in the legislation which the opponents of the bill fail to take into account. I include this editorial in my remarks and heartily commend it to my colleagues.

Light and Heat

No single piece of legislation has generated more heat—and less light—than H.R. 7152, the civil rights bill presently pending before the Senate.

The bill admittedly is a long and complex one, embodying some 11 titles (or sections), each pertaining to a distinct area of civil rights.

But the length and complexity of the measure do not excuse the vast amount of misinformation that is being propagated by the bill's opponents.

Much of what is being written and circulated about H.R. 7152 simply fails to take account of the changes the original bill has undergone since its introduction in the House. Any piece of legislation—particularly in an area like this one—is framed by those who believe in it most enthusiastically. It is likely, as a result, to be a maximal type of bill; it asks for far more than its authors think it is likely to get. Such was the case with H.R. 7152 when it first saw the light of day in the House of Representatives.

By the time the bill was passed by the House, however, it had undergone major surgery. But there has not been a corresponding amount of surgery in much of the anti-H.R. 7152 literature. The distributors of this literature, as a result, would be hard put to point to specific features of the bill to justify the claims they make against it.

Let us cite some illustrations:

Some critics of H.R. 7152 contend that the section on the desegregation of public education would compel what has become popularly known as "integration by bus"—the shuffling of white and Negro youngsters to achieve a contrived racial balance within every school and classroom. The fact of the matter is that, under an amendment sponsored by Representative William C. Cramer, Republican, of Florida, it is made abundantly clear that nothing in the bill can be interpreted to require the assignment of students to schools to overcome racial imbalance.

Other critics contend that the section (title VI) dealing with nonsegregation in Federal programs would permit the Federal Government to tell banks and savings and loan institutions to whom they could offer mortgages (in view of the Federal insurance covering deposits in banks and savings institutions). The fact of the matter is that the House, through an amendment sponsored by Representative Emanuel Celler, Democrat, of New York, specifically exempted from title VI any contracts of insurance or guarantee from the types of federally assisted programs covered by title VI. This includes not only Federal insurance on savings, but also the insurance program of the Federal Housing Administration.

Still other critics contend that it would become unlawful under the civil rights bill for an individual—or even a newspaper—to argue in behalf of segregation. The apparent basis for the allegation was a portion of the original bill that provided that no person shall "incite or aid or abet any person" to deprive another of the rights guaranteed under the public accommodations section of the bill (title II). The fact of this matter is that an amendment offered by Representative E. E. Willis, Democrat, of Louisiana, eliminated the provision altogether.

We do not believe that all of the arguments are on one side or the other of the civil rights bill—or, for that matter, of any other major piece of legislation.

But we believe a distinct disservice is being done the Nation by those who persist in misrepresenting a vitally important piece of legislation by arousing unwarranted apprehensions and inflaming unjustified fears.

THE STRATEGIC IMPLICATIONS OF TRADE WITH COMMUNIST NATIONS

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Lipscomb] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LIPSCOMB. Mr. Speaker, we are reaching a point where, increasingly, attention must be directed to the economic factors involved in the cold war.

The Communist bloc is undergoing great economic pressures. U.S. trade policies and, of course, overall allied trade policies with the Communist bloc are a vital factor to our national security.

As one who has been interested in the subject of Soviet trade for a number of years and as a member of the House Select Committee on Export Control in the 87th Congress, I believe it is very important that all aspects of the economic factors involved in the East-West relationship come under scrutiny and appraisal.

It is disconcerting to see efforts being made toward relaxation of our strategic trade controls, the ultimate result of which would be the opening of the floodgates to trade with the Communists. One of the principal arguments advanced by those who favor increased trade is that "a fat Communist is less dangerous than a lean one." This theory holds that, as Communists become increasingly satiated with material goods, they will be less inclined to be aggressive in the international arena. Also advanced is the specious argument that if we do not actively assist the Communists in their quest for a higher standard of living, we will be partially or wholly to blame for whatever aggressions they attempt to perpetrate upon us. These positions, in my view, are completely without merit.

It is of interest to note than an extremely thorough and exhaustive study dealing with the subject of East-West trade has just been completed by the Center for Strategic Studies at Georgetown University. This study points out that Congress has produced thousands of pages of hearings, study papers, and reports dealing with the subject of East-West trade and indicates that:

> The prevailing opinion in Congress, to the extent that it can clearly be gaged throughout this period, has been consistently in favor of strict controls and an effort to persuade our Allies to adopt similar controls.

The report, entitled "East-West Trade: Its Strategic Implications," was done by Samuel F. Clabaugh and Richard V. Allen, senior research members of the Center for Strategic Studies staff. The Director of the Center is Adm. Arleigh Burke, former Chief of Naval Operations and member of the Joint Chiefs of Staff.

This study analyzes and catalogs the materials on East-West trade which the Congress has produced in the past 4 years. It is a very valuable document for anyone undertaking to study congressional action in this field, and should be read by all Members of Congress.

In calling for a unified trade policy in the free world today toward the Communist bloc, the report states that:

> The Western allies have given their poorest performance in the very area where they have the greatest power—economic capability.

The report also makes clear that a scramble for trade profits does not serve the objectives of the free world, but only hinders our cause. It declares:

> The profits to the Western nations from the East-West trade of the past decade may have no lasting impact on their economies. They are already absorbed and forgotten in the many and more important factors that affect the economy of the industrialized nations. But to the Communist nations such trade has meant their projection into the competition—economic and military—of the 20th century.

Mr. Speaker, I include as part of my remarks part 1 of this study entitled, "The Strategic Implications of Trade With Communist Nations," which summarizes some of the important findings and conclusions in the report bearing on the subject of East-West trade.

I. INTRODUCTION

East-West trade has been a subject of congressional hearings, studies, and reports since the beginning of the cold war, although these have varied in extent and intensity with the cycles of crisis and relaxation. Notable were the hearings of 1948-49 in connection with the Export Control Act, and the hearings in 1950-51 on the Kem amendment to the appropriations bill. This amendment provided that any nation exporting to the Soviet bloc, arms, military supplies, and other strategic materials embargoed by the United States for security reasons would automatically incur the penalty of termination of all U.S. aid. The amendment was superseded by the more flexible Mutual Defense Assistance Control Act of 1951 (Battle Act) favored by the State Department. Its enforcement was the subject of a series of hearings.

The Korean war brought congressional investigations of trade with Communist China and of the use of British shipping in the China trade. In April 1954 Harold Stassen testified before the Senate Foreign Relations Committee on the drastic reduction in the Coordinating Committee (COCOM) lists at that time. Finally, the 1958-59 Berlin crisis, the erection of the Berlin wall in 1961, the Soviet military build-up in Cuba, the mounting exports of our NATO allies to the Communist nations, and the demand for a new look at U.S. policy resulted in the many hearings which comprised this inventory.

While earlier documents are of historical interest and indeed in many cases of direct relevance to current issues, the inventory has been limited to congressional documents of the period 1959-63 in order to keep it within manageable limits and to confine it to materials bearing more directly on the contemporary scene.

The documents included stem from some 15 committees and subcommittees. This is an indication of the wide interest on the subject in the Congress, and the extent to which many aspects of the problem of trade with the Communist nations cut across the jurisdictions of the respective congressional committees—foreign affairs, national security, finance, foreign commerce.

The extent to which these problems affect the various segments of the business world and the several disciplines of the academic community is reflected in the representative character of the array of technical and professional witnesses whose testimony was heard. In this connection, it should be noted that one of the recommendations of the House Select Committee on Export Controls (p. 27) was that a permanent joint committee be constituted, with representatives from the interested committees, to provide means for a continuing review of the problem of East-West trade.

The policy alternatives and the resolution of the issues in East-West trade depend primarily upon whether the NATO and other non-Communist nations can adopt a unified strategy or whether they must act unilaterally. The running debate in the Congress, as reflected in the proceedings listed here, has been concerned with the elements of a unified strategy, if that is possible, or a unilateral strategy, if that is necessary.

This introductory overview will first examine the principal factors affecting the role in East-West trade of the Communist nations, of the United States, of the NATO allies, and of the other non-Communist countries. It will then deal with three possible alternative strategies assuming a unified policy and program by the Western allies, and with the courses of action available to the United States acting alone, if necessary.

II. EAST-WEST TRADE POLICIES

A. the Communist nations: The Soviet Union received approximately $11 billion in U.S. lend-lease assistance during World War II. Of this some $2 billion of civilian lend-lease material was left over after the war. Lend-lease to the Soviet was not cut off until October 1947. An additional $30 to $50 billion was collected through expropriation, pillage, and reparations from the areas its forces occupied at the end of the war. Entire factories were dismantled—Opel, Zeiss, the famous underground V-2 factories, iron and steel plants, chemical plants, shipbuilding plants—all were moved to the Soviet Union by rail, and then they took most of the rail.[1]

The Soviets lured some 6,000 scientists and technicians and their 20,000 dependents. In addition to the technical data they acquired overtly and covertly in the United States through the Amtorg Trading Corp. and the Soviet Purchasing Mission, they were able to extract a vast amount of scientific and technological material from Germany and Eastern Europe. Nevertheless, at the time of Stalin's death in 1953 the Soviet Union was suffering from an unbalanced economy, an outmoded and inefficient agricultural system, a loss of international prestige, and its totalitarian government was sustained largely by force and fear.[2]

Following the death of Stalin, the objective of self-sufficiency, or autarchy, was supplemented by a major trade offensive. With Khrushchev's bait, blandishments, and promises of quick profits, free world trade with the Sino-Soviet bloc increased from $1,389 million in 1953 to $4,990 million in 1961,[3] an increase of 360 percent in 9 years, and an increase in the proportion of free world exports to the Sino-Soviet bloc to total free world exports from $1.9 to 4.2 percent in 1961 and 3.8 percent in 1962. Free world imports from the bloc were only slightly less in both years than exports to the bloc, the trade being approximately balanced. Free world exports to the bloc in the 10 years from 1953 to 1962 have totaled over $32 billion, while total U.S. exports to the bloc in the same period amounted to $765 million, or only 2.4 percent of the free world total.

The intake of over $32 billion in critical materials, machine tools, electronic equipment, large diameter pipe, and transport equipment, as well as many items representing advanced technology, greatly facilitated the Soviet Union's spectacular development of heavy industry and military hardware—its Mig's and missiles, its tanks and tankers, its sputniks and luniks, and its vast oil pipelines for its military and economic offensives.

This development was made at tremendous cost to the economy, particularly to the vital agricultural sector, and with the cutback in investment the resulting decrease in the rate of growth was inevitable. On January 4, 1964, the Central Intelligence Agency publicly disclosed its estimate that the growth rate in the Soviet Union had dropped from annual rates of more than 6 percent in the decade of the 1950's to less than 2.5 percent in 1962 and 1963, substantially below the U.S. rate of 3.7 percent. The Soviet gross national product (GNP) was estimated at about $260 billion, or 47 percent of the United States GNP. The CIA estimated that Soviet gold resources had fallen below $2 billion and that gold output was only $150 to $175 million annually.

The CIA estimates were challenged by some economists in this country and abroad, and the Manchester Guardian compared the revelation of the nonexistence of an economic-growth gap to the revelation of the nonexistent missile gap of 1960. In support of the latest estimates of the growth rate, gold production, and gold reserve, it was pointed out, however, that these were not reversals or revisions of previous estimates, but were based on changes that have occurred in the Soviet economy. The same sources, the same materials, the same techniques were employed by the same analysts in the most recent estimates as in earlier ones.

According to Barron's National Business and Financial Weekly of January 27, 1964, the Soviet gold statistics had been leaked to the Financial Times of London—"an historic event," Barron's called it. The latter placed the Soviet gold hoard at $2.5 billion (less the cost of recent wheat purchases), plus special deposits of $700 million in Switzerland and Lebanon; plus bloc holdings of $450 million, plus $1.25 billion owned by Soviet-controlled banks in London and Paris, for a bloc total of nearly $5 billion. It was said the Soviets also had a 3-year plan for increased gold production. Both the CIA and the London estimates of reserves and production were lower than former estimates.

In addition to the agricultural crisis, shortages had occurred in synthetic fiber production, abrasive materials, and production goals for sulfuric acid, and there was a general crisis in the chemical industry. As a result, Khrushchev had called for 200 new chemical plants and the modernization of 500 others in the next 7 years at a cost of $3 billion per year, 40 percent of which would come from the West in long-term credits. Other vulnerable points include: transport (exterior and interior); the agricultural deficiency; the rigidities and imbalance in planned economy; the limited and high cost production of gold.

Soviet political and economic motivations in international trade include the desire for self-sufficiency, acceleration of the military program, and penetration of the underdeveloped countries. For these and other reasons, and in spite of its inferior economic potential, the Soviet Union chose to resort to a trade offensive.

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[1] Werner Keller, "East Minus West Equals Zero" (New York: Putnam, 1962).

[2] Department of State, "Fifteenth Battle Act Report" (1962), p. 35. Department of State, "Sixteenth Battle Act Report" (1963), p. 52.

[3] Source: International Economic Analysis Division, Bureau of International Commerce, Department of Commerce, as reported in Battle Act reports for the years covered.

B. The Western Allies: The basic fact in the problem of East-West trade is that the Western Allies, after 18 years of the cold war, have not evolved a concerted policy for dealing with Soviet state-controlled trading, apparently have no clear intention of formulating such a policy, and possess no instrumentality for its implementation. Many Members of Congress argue that U.S. policy has become immobilized and that the economic conflict is being lost by default as a result of the lack of unified action by the Western Allies.

The closest approach to an allied organization for dealing with East-West trade is the Coordinating Committee (Cocom) of the Consultative Group (CG), located in Paris. The Consultative Group is an informal, voluntary organization formed in 1949 by seven countries—the United Kingdom, France, Italy, the Benelux countries, and the United States. Its membership was later extended to include Japan and all of the NATO countries except Iceland—15 nations in all.[4] Cocom was established in 1950 as the permanent working committee of the Consultative Group. Neither the Consultative Group nor Cocom is based on any formal treaty or charter and is not a part of any other international organization.[5] Its recommendations to participating countries require unanimous agreement and therefore necessarily represent the lowest common denominator.

In seeking an explanation of the wide disparity of allied practice in an area in which they would seem to have a common interest, one is reminded that trade between East and West in Europe has traditionally been normal and natural. Geography and economic complementarity combined to make them natural trading partners.

When in January 1964 the British announced the sale of 400 buses to Cuba, and later negotiated for an additional 1,000 early in February, official sources in London were quoted as saying, "The United States has a surplus of wheat, and we have a surplus of buses." Some observers in the United States felt that the British sale of buses to Cuba could not be equated with the U.S. sale of wheat to the Soviet Union. In the first place, food and transportation equipment fall into quite different categories of strategic significance. But more importantly, the United States had imposed a total embargo on Cuba as a countermeasure to the threat to the free world from Soviet military and naval bases in Cuba. The British sale ran counter to this policy, while the U.S. sale of wheat to the Soviets did not run counter to any British policy.

Whatever the reasons, the fact remains that the Western allies have given their poorest performance in the very area where they have the greatest power—economic capability.

C. Other non-Communist nations: This group of nations accounts for about half of the free world trade with the Communist nations. It is composed mainly of the underdeveloped nations of Asia, Africa, and Latin America. These countries, which have been the target of Soviet bloc economic penetration, are interested in markets for their primary products, in the importation of industrial materials, and in the industrialization of their countries. Their economies frequently have suffered from declining prices for their principal exports and rising prices of the industrial goods imported. As a result, Soviet bilateral trade agreements appear appealing, and thus present a challenge to Western strategy makers.

Could a sound program of international trade and aid for these countries by the Western allies be combined with an economic strategy of rewards and sanctions, of incentives and deterrence, in connection with their economic and political relations with the Communist countries?

"Much of the disappointment we have felt in recent years regarding the behavior of the neutrals," James R. Schlesinger points out," may be attributed to our earlier failure to establish an incentive system which would help elicit the type of behavior we desired. Not only was there little risk of punitive action, but on the part of the neutrals there was an awareness, possibly unconscious, that concessions might be obtained from the West by an unsympathetic posture while nothing could be gained from the Soviets by a similar response."[6]

Because of the long-established reliance upon Western transportation networks, financial services, and sources of supply, access to the Western markets is vital to all the underdeveloped countries. Hence, joint arrangements with the United States, the Common Market, and our other allies could be of great benefit and protection to the entire free world.

D. The United States: The Export Control Act of 1949 declares that it is the policy of the United States "to use export controls to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the impact of abnormal foreign demand; to further the foreign policy of the United States; to exercise the necessary vigilance over exports from the standpoint of their significance to the national security; to formulate * * * and apply such controls * * * in cooperation with all nations with which the United States has defense treaty commitments and to formulate a unified commercial and trading policy to be observed by the non-Communist-dominated nations; * * * to use its economic resources and advantages in trade with Communist-dominated nations to further the national security and foreign policy objectives of the United States.[7]

The Mutual Defense Assistance Control Act of 1951 (Battle Act) declared it to be the policy of the United States "to embargo arms * * * petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms * * * to any nation or combination of nations threatening the security of the United States, including the U.S.S.R. and all nations under its domination; * * * and that no military, economic, or financial assistance shall be supplied to any nation unless it applies an embargo on such shipments * * * to such nations."

With few exceptions, the United States has followed these policies in the control of its own exports. The complete failure to secure comparable controls from other countries receiving U.S. aid is reflected in the statistics. In 1961 U.S. exports to the Sino-Soviet bloc amounted to only $125 million, while total free world exports to bloc countries amounted to $4,990 million, or 40 times as much; and during the Korean war the exports of free world countries to the Sino-Soviet bloc amounted to 800 times that of the United States.[8] If this were to be shown graphically, it would be the height of a single brick in proportion to the Washington monument.

Some of the reasons for this disparity appear to be: the failure of the United States to press its allies, individually or collectively, to apply similar controls, or to use what leverage it had to that end; the differences between Congress and the Executive; and the conflict within the executive department among the various agencies. These facts were revealed in the congressional hearings in which Members of Congress questioned department officials in considerable detail.

III. ALTERNATIVE ALLIED STRATEGIES

There are three alternative strategies, first, as a part of allied policy, and, secondly, as a part of a unilateral policy for the United States. These are: (a) the strategy of total economic boycott; (b) the strategy of limited trade controls, selective as to commodities and countries; and (c) the strategy of promoting and expanding trade with the Communist nations.

A. Total economic blockade of Communist nations by the Western allies.

This is a strategy of bloc quarantine, designed to isolate the Sino-Soviet bloc as much as possible from the benefits of international trade in order to aggravate the economic constraint on their strategy and to depress their overall economic growth; to make it more difficult for the Communists to allocate resources; i.e., to the military sector of their economy; and generally to inhibit Communist capability for military or nonmilitary aggressive actions. This strategy would impose the greatest penalty on the bloc. Opinions differ as to whether it would lead to increased East-West tensions or to political concessions in order to secure a removal or relaxation of the restrictions. It could lead to both, possibly in that order. Plainly, it could not be effective without the full participation of the West European nations. The Soviets have learned to live without U.S. trade, but the termination of the large volume of imports from Western Europe would be a severe blow. It is assumed, however, in view of the record to date, that the nations would agree to an economic boycott only if they were confronted by an imminent threat, comparable to that posed by Cuba in this hemisphere.

1. Effectiveness: The opponents of this strategy contend that collective economic sanctions, while sometimes effective when applied against a small nation, have never been effective against a great power. The advocates of collective sanctions hold that they have never been vigorously applied in peacetime.

After the Japanese invasion of Manchuria in 1931, the possible imposition of sanctions was discussed in the League of Nations, but lack of assurance of U.S. participation discouraged any action. The U.S. embargo in the Chaco dispute between Bolivia and Paraguay in the early 1930's had only limited success because broad international sanctions were not imposed. In the case of the Italian invasion of Ethiopia in 1935, 52 states asked the League to impose sanctions, but they were applied only belatedly and on a gradual basis, economic measures lagging behind the arms embargoes, and Italy was able to maintain trade with 27 nonsanctionist nations. The sanctions had a serious effect even though they failed to disrupt the Italian economy or halt the invasion.

After the Japanese resumption of hostilities in 1937, the League of Nations in September 1938 did not go beyond a statement of sympathy for China. The U.S. "moral embargo" of July 1, 1938, applied only to airplanes, aviation arms, and gasoline, and on December 1, 1939, was extended to cover materials used in the production of aircraft and aircraft armament for nations bombing civilian populations from the air.

During the Korean war, the Additional Measures Committee of the United Nations did not adopt its resolution asking member nations to embargo strategic materials to Communist China and Korea until May 16, 1951, nearly 11 months after the Korean invasion began, and a full 6 months after the intervention of Communist China. Even then the embargo was not mandatory, and voluntary compliance was weakened by varying interpretations of what was strategic.

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[4] Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Turkey, United Kingdom, United States.

[5] Department of State, "Sixteenth Battle Act Report (1963)", p. 1.

[6] David M. Abshire and Richard V. Allen (eds.), "National Security: Political, Military, and Economic Strategies in the Decade Ahead" (New York: Frederick A. Praeger, Inc., 1963), p. 693.

[7] Sec. 2 of the Export Control Act of 1949 as extended and amended by Public Law 87-515, 87th Cong.

[8] Department of State, "Sixteenth Battle Act Report (1963)", pp. 52 and 55.

The progress of Soviet heavy industry and military and space technology is frequently cited as evidence of the ineffectiveness of Western trade restrictions. The same facts are cited, however, in support of the argument that the progress of the Soviet Union since 1953 would not have been possible without the import of critical materials and advanced technology from the West, which more stringent controls would have prevented. It is pointed out that to the extent that the controls were not imposed, they were, of course, ineffective.

2. Provocative or preventive of war: It is argued by some that a total economic blockade or boycott, if effective, would be likely to provoke war. The opposing school holds that, while it is true that a nation may fight to protect a vital lifeline, the Soviet Union is not so dependent. The Soviet Union is entirely self-sufficient, this argument holds, for peaceful survival and progress, and a trade boycott would hardly drive it to launch a war it does not want and cannot win. It has been said that one may consistently oppose economic strategic countermeasures on the ground that such measures may provoke war only if one also opposes military preparedness for the same reason.

3. Impact of total interdiction: The advocates of total trade interdiction argue that anything a war-oriented totalitarian government permits to be imported is, by definition, essential and therefore strategic, and that accordingly, the embargo should be all-inclusive. The total embargo, it is argued, would seriously hinder the war economy, not only because the bloc would be unable to secure strategic materials and advanced technology, but also because the additional loss of nonstrategic imports would interfere with resource allocation and with planned programs. It is further argued that the bottlenecks and imbalances so characteristic of planned economies are frequently broken only by the import of equipment and materials urgently needed to relieve critical shortages.

The opponents of the strategy of total economic quarantine argue that it deprives the exporting countries of the profit from nonstrategic trade, and that it would be difficult, if not impossible, to prevent such items from eventually reaching the quarantined country by means of transshipment or by direct import through third parties.

The advocates of total embargo contend that the loss of profits from such trade would be insignificant when compared with the advantages accruing to national security, and that such losses could be offset and even turned to considerable financial advantage through greatly increased trade in the free world. They also hold that the administration of a total embargo would be much simpler and more efficient than the supervision of a selective embargo with all the complexities of definition, classification, inspection, and coordination.

4. Feasibility: Granting the theoretical desirability of economic quarantine and isolation of the Communist nations by the major powers, the feasibility of collective action to this end is questioned by those who say that allies act in unity only in time of peril. Others contend that the allies acted in unity—albeit briefly—at the time of the Berlin and Cuban crises, and that these crises and perils are not resolved. It is argued that if a fraction of NATO's attention to the problems of maintaining a military deterrent were to be devoted to the problem of economic strategies, the West would be in a position to seize the initiative in the cold war and to abandon the practice of merely reacting to Soviet probes and continued efforts to erode Western positions.

5. The moral issue—food as a weapon: The moral and humanitarian issue poses a serious dilemma in more than one aspect of East-West trade. Through the years, the American people have given ample evidence of their humanitarianism. But the question as to what would be the humanitarian thing to do is not always easily answered. Does food for the captive nations give temporary relief at the price of prolonged tyranny? Do the captive peoples prefer food to freedom? If wheat is withheld from the Communist regimes, will it mean hunger for the people, or will it force their masters to divert resources from armaments to agriculture?

It is an old debate. In the early 1920's the American Relief Administration (the Hoover mission) saved the lives of countless Russians, but others point out that millions died and more millions were murdered in the decades of tyranny that followed.

Again the issue was debated when the United States wanted to send food ships through the British blockade to the people of France, Belgium, and the Netherlands in 1940–41. At that time Winston Churchill said: "Let Hitler bear his responsibility to the full and let the people of Europe who groan beneath his yoke aid in every way the day when that yoke will be broken."

Many regard food as nonstrategic, disregarding Napoleon's famous aphorism about how an army marches. Others consider food as the most strategic of all commodities and its denial the ultimate and most lethal of all economic weapons, and feel that it should be used only as a last resort. Still others point out that, unlike the atomic bomb, which once triggered cannot be recalled, the denial of food is a flexible strategy, the effects of which can be modified as warranted.

The moral issue is not limited to the choice between food and freedom. Traders in European countries say that if they do not engage in trade wtih the Soviet Union, others will and that they are made to suffer economically by being denied potentially lucrative markets. Opinion on the "morality" of this approach is divided.

Some argue that the issue is not a moral one after all, but amoral—and strategic.

6. The economic issues. One school of thought regards the total interdiction of trade, as well as any serious curtailment, as contrary to the principles of international trade. The opposing school holds that trade is used by the Communist nations for aggressive political and strategic ends, and cannot be justified on commercial grounds. Hence Western policy, in self-preservation, must be based principally on political and strategic rather than commercial considerations.

7. Relaxation of controls in return for political concessions. The Western (and particularly the United States) restrictions on trade with the bloc were applied as countermeasures to Soviet political, economic, and military aggression. Such measures must impose a serious penalty if they are to be effective. For example, it was the severe penalty of the British and American counter blockade of East Germany in February 1949 that led the Soviet Union to lifts its blockade of West Berlin.[9]

It is argued by some advocates of economic blockade or boycott that it would place the West in a bargaining position to lift the restrictions in whole or in part in return for concessions by the Soviet Union on Berlin and Cuba. However, the limited restrictions of the present controls impose no such serious penalty, and hence afford no bargaining power.

Interesting enough, in the negotiations for the sale of wheat in the fall of 1963, Khrushchev warned that he would not grant any political concessions,[10] thus indicating his fear of possible Western demands to that effect. Since Khrushchev was able to meet his most pressing demands by large purchases of grain from Canada and Australia, the United States was not in a position to maintain even its originally announced commercial terms, much less to impose any political conditions. Such concessions can be demanded only from a position of allied strength and unity.

B. The strategy of limited trade controls.[10a]

This is a strategy of constraint by controlling the export of so-called strategic materials; a strategy of selectivity—as to commodities and as to countries; a strategy of flexibility which can be used positively as well as negatively. It is a strategy of the carrot and stick, especially when applied to the captive nations or to the satellites. This is the strategy now employed, though the coherence of such a strategy suffers from the widely varying, ill-defined, loosely administered controls now in effect. Due to the steady erosion of the international lists and to increasing disagreement as to what is strategic, the controls have been rendered largely ineffective. Some analysts, therefore, would limit the embargo to a very few highly strategic items. Others contend that the theft of atomic secrets, for example, points up the difficulty experienced by an open society in maintaining a monopoly on highly strategic items for any length of time. According to this view, selective controls can be effective only if applied to broader categories of materials and equipment—for example, rubber and copper, transportation equipment, electronic devices, machine tools, and chemical plants.

1. What is strategic: One of the greatest weaknesses of the planned economy is the bottlenecks which develop in the productive process. Hence the failures and miscalculations can frequently be compensated only by the importation of otherwise nonstrategic goods. Some feel that all imports help the Communists increase their military power, and point out that the "fit" between the civilian and military sectors of the economy is so tight that any kind of imports provides significant relief, thus ultimately enhancing the military sector.

In the case of a maximum military effort, as with a nation either at war or giving primacy to a war economy, the civilian economy has first priority for a minimum subsistence, while the military sector receives the remainder of the national product. In the case of a nation engaged in defense preparations or in a war which requires less than the total economic potential, first priority is given to military requirements, while the civilian sector receives the remainder of the national product. The Soviet Union, or any nation committed to an all-out military-technological effort, cannot sustain that effort unless it maintains at least a subsistence level for its population. The civilian sector, therefore, has a priority for a small proportion of the total national product. In the case of the United States, on the other hand, a stated proportion of the national product can be budgeted for defense, with the entire remainder going to the civilian economy.

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[9] TASS reported on April 26, 1949 that the Soviets were willing to lift the blockade if the West would lift its blockade and arrange for a foreign ministers' meeting. On May 4 representatives of the big four meeting in New York agreed to lift the counter blockade and to reconvene the Council of Foreign Ministers. On May 12 at 12:01 a.m. the blockade of West Berlin was lifted.

[10] The New York Times, Dec. 10, 1963.

[10a] It cannot necessarily be assumed that a strategy of limited trade controls is the feasible and reasonable middle course between A and C, since it can be argued that the strategy of limited trade controls which is extremely difficult to administer may forfeit the benefits of strategy C without imposing the effective constraints of strategy A.

The proportions of the GNP devoted to the military in the Soviet Union is frequently estimated at 14 percent,[11] while in the United States the proportion is 10 percent. These figures, however, due to different methods of computing the GNP and the allocation to the military sector, do not reflect the real difference, as the proportion of GNP devoted to the military sector in the Soviet Union is much greater than the figures indicate.

Many claim that to the extent that the importation of nonstrategic goods enables the Communist nations to transfer productive power to the military sector, the nonstrategic goods themselves become strategic. This school holds, therefore, that there is a strong presumption that all trade in which the Soviet bloc engages has its strategic function. On the other side of this issue are those who hold that few, if any, products are strategic, because the Soviet Union, given time, can procure them from other sources or through the substitution of other materials, or can produce them by reallocating factors of production. In this view very little is strategic except arms, ammunition, implements of war, and atomic energy materials.[12]

Between these two schools there are those who would, item by item, determine by various criteria which of the multitude of products and their infinite components and which of the countless materials and their endless forms, conversions, and derivatives are strategic.

Among the criteria employed in this process is that of end use—whether the item in question is primarily military or civilian. A major difficulty here is that most items have both military and civilian application. It is generally impossible to define rigid standards that will segregate only the armament industry. This is illustrated by the whole range of chemical, petroleum, electric, steel, machine tool, and other industries. The power sector of the economy and the consumer sector cannot be compartmentalized.

For example, ball-bearings are used in both tanks and tractors. At the moment, in view of the general agricultural crisis in the Communist world, tractors would appear to be of more strategic importance than tanks. Ball-bearings are also used in bicycles, but to the extent that they can be imported for this purpose, industrial capacity is released for the production of military equipment. To the extent that the West sends so-called strategically unimportant goods to the East, the bloc is able to transfer its productive power to more critical areas.

An exceptionally important category of controlled items is unpublished "technical data." It is also difficult to define and control. In the United States the export of unpublished technical data is controlled by license. Technical "know-how" is necessarily given in connection with the sale of plants and equipment, but is sometimes secured in advance by the Soviets on the pretext of considering the purchase of items which are later denied license. It is also occasionally obtained in connection with secret or patented processes. In petroleum refining, for example, U.S. processes are paramount, and some of these processes, such as catalytic cracking, were completely unavailable to the Soviets except through the United States.

The issue of "strategic versus nonstrategic" was discussed in the Fourth Battle Act Report (1953). "Since there is no distinctly visible boundary between 'strategic' and 'nonstrategic,' some people insist there is no such thing as a nonstrategic item at all * * * that anything that contributes to the general economy helps in a military way, too. That is a correct concept in actual warfare but it is not an acceptable concept in the present situation for trade on certain terms can help the free nations, too * * * with concrete commercial benefits."[13]

The only distinction thus offered between what is strategic to a nation engaged in actual warfare and what is strategic to a nation preparing for war is that the "trade" (in peacetime) has "concrete commercial benefits." So, say others, it could have such benefit in both cases. Discussing further what is strategic, the report states: "No one would have trouble drawing a line between a jetplane and a suit of clothing, to take an extreme example." This "extreme example" had an ironically prophetic note, as 10 years later Great Britain was selling jetplanes to Communist China.

On October 25, 1961, Secretary of State Rusk told the House Select Committee on Export Controls that it was necessary to determine "to what extent an item can contribute to military strength. Is a large copper wire order likely to help expand civilian communications or an air warning system?" He then added: "To what extent does the item represent a really short-supply bottleneck in the Soviet Union or a technological breakthrough they have not yet achieved? As Soviet technology is advancing at a very rapid rate, it becomes increasingly difficult to be sure we are ahead of them in particular fields." The opposing view is that Soviet desire to purchase a given item raises a conclusive presumption of their need for it.

Rubber is another example. Those who contend that rubber is strategic stress that it is essential to a wide variety of military items, that the Soviet Union does not produce natural rubber, that the production of synthetic rubber does not meet Soviet needs, and that this lack forces a reallocation of limited resources from other military requirements. Others argue that, because rubber has many nonmilitary uses and the Soviet Union can produce synthetic rubber, it is not strategic. It is pointed out, however, that Soviet rubber imports have been substantial.

2. Problems of administration and enforcement: The strategy of limited and selective controls is much more complicated and difficult to administer than is the total interdiction of trade. As indicated earlier, the most difficult task lies in determining what is strategic. In reaching these determinations within the Government and then with our allies, weeks, months, and even years of research and debate have been involved, and then when a determination has been made, it has become the subject of frequent reviews and revisions. One school of thought has demanded a vast amount of economic intelligence on Soviet productive capability as well as specific requirements for the item in question. The opposing school has contended that data of this kind are hard to obtain even in the case of our own production, and that in the case of Soviet data the varying estimates of intelligence agencies in the United States and other countries has only served to confuse the issue. The practice has been to place the burden of proof upon those who contend that an item is strategic. The facts, when they could be adduced, have frequently been of doubtful relevance, but they have given member countries a "reason" for dissenting.

The difficulties of definition and classification of items to be controlled are but a part of the complex administration of a strategy of selective controls.

When U.S. grain destined for Austria under a barter deal can be diverted and its disappearance not discovered for many months, and when the mystery remains unsolved after the combined investigations of United States, Austrian, and German agencies as well as a senatorial investigation, it is readily apparent how difficult and complex is the administration and enforcement of the export of so-called strategic goods. Enforcement requires the adoption by all participating countries of destination controls, transaction controls, and transshipment and transit controls to prevent or impede legal or illegal avoidance or evasion of the regulations. Among the systems devised with something less than conspicuous success was that of Import Certificates and Delivery Verification, known as IC/DV, transmitted first by traders themselves and later from government to government. The system was frustrated in part by instances of forgery and fraud.[14]

3. Flexibility: It is claimed for the strategy of limited controls that it permits a flexibility in application—a tightening by way of reprisal or a relaxation in return for meaningful political concessions. As with all the other elements of strategy in trade with the Communist nations, the effectiveness of flexibility in its application would depend on unified allied policy and a semiautonomous allied mechanism for its implementation.

Those who advocate greater flexibility in East-West trade policy cite the following advantages: A flexible policy can be adjusted to the state of international relations, tightening or relaxing controls as indicated; trade with the Communist nations generates a continuing dependence on their part, and its sudden termination could impose a severe penalty on them; East-West trade is more important to the Communist bloc than to the West, and, accordingly, the bloc is more vulnerable to its termination; East-West trade may lead to a more pronounced polycentric movement and increased autonomy of the satellites.

Those who oppose a more flexible policy point out that:

Communist nations are more interested in "one-shot" purchases to secure prototypes of technology which they can copy, or materials to meet temporary shortages; this is not the basis of a continuing trade and under their policy of autarky, they themselves will terminate the trade as soon as partial or complete self-sufficiency has been obtained; the vested interest of Western exporters in the trade with the Communist nations will tend to act as a deterrent to its termination for strategic reasons; flexibility has too often been manifested in only one direction, that of increased trade, and the essential quality of flexibility as a strategy has thereby been lost.

Flexibility can be applied to strategy in dealing with the nonalined nations. Such a policy can be followed in withholding trade in items which might be reexported to the Communist bloc, this restriction to be lifted if the receiving country were to adopt controls comparable to those of the United States on such items, and perhaps controls on indigenous strategic materials as well.

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[11] Other sources estimate this figure as high as 20 percent.

[12] Arms, ammunition, and implements of war, except as prototypes of new development, and with the exception of planes and ships, are considered by many authorities less strategic than the tools and materials for making them. The arms and ammunition are expendable. Furthermore, arms are soon obsolete (some say as soon as they leave the drawing board), and ammunition is difficult and dangerous to transport. But productive equipment makes possible a continuous supply of both according to the latest specifications, and makes it available in the zone of the interior. It is said that arms are highly strategic only to small nations without arms industries. To all others the tools of production are more important.

[13] Department of State, "East-West Trade Trends," Fourth Battle Act Report (1953), p. 1.

[14] Fifth Battle Act Report (1954), p. 26ff.

4. The satellite nations: The area of greatest opportunity but also of the greatest danger in the application of a flexible policy would appear to be that of the captive and satellite nations. The opportunity lies in decreasing their economic dependence on the Soviet Union, thus driving a wedge between them; the danger lies in the benefit to their economy as an integral part of the bloc. U.S. policy excludes a strategy of flexibility in dealing with China, Cuba, North Vietnam, and North Korea because of total embargo against those countries.

Trade with Yugoslavia and Poland has been the outstanding example of the U.S. effort to employ a strategy of flexibility in order to widen the gap between them and the Soviet Union and to decrease their dependence on Soviet trade and aid. Total economic and military aid to Yugoslavia has amounted to $2,397 million since the war, while Poland has received $523 million. Perhaps no other element of East-West trade has been the subject of such sharp controversy between the Congress and the President during the last three administrations. Repeatedly Congress has denied most-favored-nation treatment in trade and has sought discontinuance of aid, only to dilute the legislation's effectiveness by providing for Presidential discretionary authority. The Assembly of Captive European Nations, the International Peasants Union, and other spokesmen for the people of the captive nations have opposed trade and aid for these countries, including food. They advocate "food for freedom" rather than "food for peace." Assistance to the ruling regimes, they say, merely prolongs the enslavement of the people.

Advocates of increased trade with satellite nations to increase their independence from the Soviet Union stress that to the extent that Western penetration of individual Communist countries is successful, the overall strength of the bloc becomes impaired. To impose hardships upon these countries, they say, is to cause them to be driven even closer to Moscow. Speaking in the House of Representatives on July 12, 1962, Representative Francis E. Walter pointed out:

"We all know Moscow wants the enslaved people to feel that they have been abandoned by the free world. If we cut off the possibility of sending them even food, they will feel abandoned indeed. What will the result of this be? Their resistance to the Communist oppression will be undercut, and this means that our own security will be weakened."

In an address on February 25, 1964, Secretary of State Dean Rusk outlined the current administration policy on trade:

"The smaller Communist countries of Eastern Europe have increasingly, although in varying degree, asserted their own policies. We have wanted these people, while living in friendship with their Russian and other neighbors, to develop in accordance with their own national aspirations and genius.

Our capacity to influence events and trends within the Communist world is very limited. But it is our policy to do what we can to encourage evolution in the Communist world toward national independence and open societies. We favor more contacts between the people behind the Iron Curtain and our own people." [15]

C. The promotion and expansion of trade with the Communist nations.

This is a policy that rejects strategic economic countermeasures and advocates promotion and expansion of East-West trade for commercial profit as a means of opening up a closed society, or as a vehicle for encouraging independence of satellite nations. It is acquiescence in the policies of NATO allies. Having failed to get them to join with us in strict security controls, it would have us join them in competing for Communist-bloc trade. This strategy would abolish all export controls except those governing traffic in arms, ammunition, implements of war and atomic energy materials, and other items not related to security controls. The promotion and expansion of multilateral trade would, of course, be the most desirable policy were it not for the Sino-Soviet threat to the free world. This policy could be applied as a strategy to the extent that the Western allies were to unite in forcing the Communists to abandon bilateral trade solely for political purposes in favor of multilateral trade and the standardization of trade and credit practice.

1. Promotion of friendly relations: It is said, especially by the British, that trade promotes mutual understanding and friendly relations. However, the extensive trade among the European nations, others argue, failed to prevent two world wars. It is also said that trade promotes cultural exchange and serves as a means of penetrating national boundaries with ideas. Others warn that this is true only among free societies or in the case of a larger totalitarian government dealing with a smaller and less developed country.

The Communists have been successful in the use of trade for political subversion, for the advancement of their own economic interests, and for the exploitation of their trading partners. This, it is said, has been their traditional operating code—an intake of Western economic resources and technology and an output of Communist aggression.

Trade contacts with nonpolitical officials, as is customarily in Western trade practices, is virtually nonexistent. When the purchase of U.S. wheat was finally revealed to the Soviet people in 1963, the Soviet shortage was attributed entirely to the weather, and the fact of the purchase was represented as evidence of the inherent strength of the Soviet economy. According to the Soviet version, the United States sold the wheat to bolster its own sagging economy.

Those who question the theory that trade with the Communist nations promotes friendly relations cite the experience with lend-lease shipments to Russia after the war. Lend-lease was continued until October 1947, during which time the Soviet Union was invading Iran, threatening Turkey, subverting Greece, destroying independent governments, violating the Yalta agreement, and looting Eastern Europe and Manchuria. How, they ask, can trade be expected to improve relations under present circumstances, if lend-lease supplies after the war, for which they paid nothing, did not bring about an improvement?

2. Limited opportunities for expansion: The Communist world market embraces one-fourth of the earth's surface, 30 percent of the world's population, and one-third of its industrial production.

This would seem to constitute a sizable market. Despite the fact that the bloc can find within this market most of the things it requires and to a degree is therefore self-sufficient, it has aggressively sought more trade with the West. It is argued that the Soviet Union needs this trade for several reasons: to aid its expanding armament and space industries; to correct or at least minimize bottlenecks in its planned economy; to raise the standard of living of its peoples; to reduce the transportation problem of the great land masses of the Soviet Union, many areas of which can secure needed materials from neighboring foreign countries or from nearby ports of entry more cheaply than from remote areas within the country.

The bloc's world trade increased from approximately $9 billion in 1950 to nearly $31 billion in 1960 (about 12 percent of world trade). But the greater part of this trade is intrabloc. Communist trade with the free world increased from $3.17 billion in 1950 to $9.9 billion in 1961.[1] Despite this threefold increase, the Sino-Soviet bloc as a whole accounted only for approximately 4 percent of the total trade of the free world. Why is this so?

The security controls, most analysts agree, have played only a small part in restricting the total volume of trade. In spite of these controls, the Communists have been able to import about all the goods they could pay for. The termination of all strategic controls would result in a shift to previously embargoed items, but any increase in the total volume would depend on the granting of long-term credits.

What, then, are some of the principal obstacles to an expansion of East-West trade? One is a lack of merchandise for sale to the West. Unless Communists sell, they cannot buy. In spite of efforts to develop salable products, e.g., copies of Swiss watches and German cameras, the Soviet Union has had only limited success. Its principal exports continue to be raw materials, gold, petroleum, and petroleum products. Of these, the greatest potential increase and the greatest threat to the West is represented by expanding petroleum production and the completion of the vast pipeline network.

Another obstacle is the Soviet preference for bilateral trade. The barter deals serve its political aims, but are a restriction on their participation in multilateral trade.

The European Economic Community (Common Market) may ultimately prove a hindrance to trade with the countries of Eastern Europe. Western Europe has been the traditional source of hard currency, but the preferential tariffs within the Community and an ultimately uniform tariff wall may seriously impair the bloc's position. On the other hand, the plans of the Council for Economic Mutual Assistance (COMECON or CEMA) to apply the principle of the socialist division of labor, with a view to developing a single integrated economy with some nations concentrating on industrial production and others on agriculture has not met with unanimous support. This has led to independent overtures to the United States and to the West from some of these countries for increased trade. But the problem of credit, the Smoot-Hawley tariff, and other obstacles limit the amount of such trade; and, to the extent that the integration of the bloc is achieved, the need for outside trade will be reduced.

Other obstacles to an expansion of East-West trade include the artificial pricing system of the state trading nations, the nonconvertibility of the ruble and other Eastern European currencies, the lack of protection for patent rights, and the reluctance of both parties to build up continuing trade which would leave them vulnerable to a sudden termination for political reasons. In addition, in the United States there are the resistance of certain labor and consumer groups to the sale of merchandise of Communist origin, and the statutory denial of the most-favored-nation treatment.

Even if the present and obvious obstacles to an expansion of East-West trade could be removed, some contend there is little hope for trade in substantial volume because the Soviet objective is to use this trade as a means of achieving self-sufficiency—in other words, trade to end trade.

3. The problem of credits: Perhaps the ultimate limiting factor in any strategy of trade expansion is the availability of credits. The issue of credits has caused considerable divergence in the policies of the United States

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[15] Address to the Annual Full Citizenship and World Affairs Conference of the International Union of Electrical, Radio and Machine Workers (AFL–CIO), the New York Times, February 26, 1964.

and its allies. The Johnson Act (1934) prohibited loans to countries in default on obligations to the United States, and the Latta amendment to the Agricultural Act of 1961 declared it to be the policy of the United States "in no manner either to subsidize the export, sell or make available any subsidized agricultural commodity to any nation, other than such friendly nations." "Friendly nations" excludes the U.S.S.R. or any nation dominated by it. A subsequent opinion of the Attorney General held that the Johnson Act did not apply to commercial credits, and that the Latta amendment was only a statement of policy without the legal effect of prohibiting the sales. A congressional effort to prohibit the guarantee of credits to Communist countries was subsequently defeated. This is an illustration, not unique, but nowhere more evident than in the field of East-West trade, of the disparity between the declared policy of the United States, on the one hand, and the laws and their administration, on the other.

In most of the free world countries trading with bloc, governmental, or quasi-government agencies guarantee at least three-fourths of the credits extended by private firms. In the last 5 years this type of credit to the bloc is estimated to have been $350 million annually.[16]

The differences in European and American attitudes toward the extension of credits to the bloc parallel the differences in their respective policies and the volume of their trade with the bloc.

Within the United States the debate on the extension of credits has revolved around the issue of the guarantee of short-term or normal commercial credits by the Export-Import Bank. The wheat sale negotiations in the fall of 1963 brought the issue to the fore in the debate on the Mundt bill.[17]

Secretary of the Treasury C. Douglas Dillon cited three advantages of guaranteeing the wheat credits: The sale would (1) improve our balance-of-payments position; (2) it would strengthen our gold position; and (3) it would reduce our heavy expenditures for the storage of surplus agricultural products. Senator HUBERT H. HUMPHREY called attention to the fact that Western Europe's exports to Eastern Europe in 1962 were 16 times that of the United States; in the key category of machinery and transportation equipment 100 times greater; and in manufactured goods 300 times greater. In the past 5 years, he pointed out, Western European nations and Japan, by the extension of credit, had increased their trade with the bloc from $2.6 billion to $4.1 billion. Foreclosing the opportunity for American businessmen to participate in this trade, he said, merely transfers this business to other countries.

The principal arguments against the extension of credits are that short-term credits delay the benefits to our balance-of-payments position and long-term credits largely negate such benefit; credit enables bloc nations to extend credit (including credits for arms) to underdeveloped nations; it means an increase in imports from the bloc as a means of payment; and it provides additional capital for strengthening of the bloc.

The problem of credits assumed new and overriding importance in connection with the Soviet Union's announcement of a step-up in the acquisition of chemical plants begun in 1960 and the announcement at the Central Committee Plenum on December 9, 1963, of the new program calling for tripling the production of chemicals by 1970. Estimates of the import requirements in connection with this program range from $2 to $4 billion. Soviet purchases of such equipment have in the past been financed on terms up to 5 years, but Great Britain has indicated its intentions to offer terms up to 15 years, while Germany and some other European countries have sought agreement to limit the term to 5 years. At a January 1964 NATO meeting in Paris, Undersecretary of State George W. Ball sought approval of a resolution requiring member nations not to extend credit beyond 5 years, but it was vetoed by the British.

The sharp increase in the chemical program will place an added burden on the dwindling Soviet gold supply. It emphasizes the urgency of Soviet requirements for long-term credits, at the same time raising questions as to Soviet credit worthiness.

4. Expansion of free world trade in lieu of expansion of East-West trade: Two parallel markets—one Communist and one non-Communist—is not the ideal situation in world trade. But given the fact of the existence of the Communist bloc and its politically motivated state trading organizations, it is perhaps the next best. If multilateral worldwide free trade is not an attainable goal, free world free trade should be.

The lowering of trade barriers among the free world nations could be expected to produce more trade on a mutually advantageous basis than the relatively small trade with the Communist nations. Alternative sources and markets exist in the non-Communist world for practically all of the commodities involved in East-West trade.

IV. ALTERNATIVE UNITED STATES UNILATERAL STRATEGIES

In some respects the three alternative strategies available to the allies are also available to the United States acting unilaterally if need be, i.e., (1) total boycott, (2) limited controls, or (3) promotion and expansion of practically unrestricted trade.

1. In the case of the first alternative strategy, economic blockade, quarantine, or isolation of the bloc could be accomplished only by united action by NATO. The United States acting alone could impose only a boycott in its own relations. This would deny the Communist bloc a few items available only in the United States, and it would continue the damage inflicted on Soviet prestige, but its effect on the Soviet economic potential for war would be marginal. It would, moreover, be a self-inflicted penalty on the steadily worsening U.S. foreign trade position and on its balance-of-payments deficit.

2. The second alternative—limited trade controls—has in effect already been applied unilaterally because of the wide disparity between United States and allied policy. Such controls are difficult and expensive to administer and, as in the case of total boycott, impose a penalty on the United States without comparable damage to the Communist countries. Limited controls could, and no doubt would, be continued, but would be relaxed to the level of those applied by our allies, except as to items not available to the Communist bloc from any other source in the quantity and quality required.

3. The third alternative is an extension of the second. It would not only relax security controls to the level of those of our NATO allies or even abolish them entirely except with respect to traffic in arms and atomic energy materials, but it would also aggressively seek to promote and expand such trade. If it were going to match and compete with the activities of our allies in this regard, it would mean sending trade missions to the Soviet Union, to Communist China, and to Cuba, and the export of essential materials, complete plants, advanced technology, large diameter pipe for Soviet oil lines, aircraft and ships, and all the other products available from the other industrialized nations, as well as long-term credits and services such as shipping for the Soviet-Cuban traffic. Such a policy, as stated above, is not a strategy but rather a policy that rejects all strategic economic countermeasures.

4. Whatever justification for such a policy might be rationalized abroad, it would appear to be sufficiently repugnant to the American people to be politically impossible. It is cited here only as a predicate for a fourth strategy, namely, that of convincing our allies that a united strategy in the economic sector is as important as in the military; that a unified economic high command in NATO or an affiliated institution should be established to administer that strategy.

In preparation for a conference of the major trading nations of the non-Communist world, it has been proposed that a permanent joint congressional committee be constituted to provide studies of the problem as a basis for committee hearings and recommendations for the U.S. position in such a conference.

Pending that more difficult task, an effort could be made immediately to secure an agreement among the United States, Australia, and Canada for a united trading organization (USAC) to deal with the monolithic Soviet buying monopoly. These three countries control 95 percent of the food grains moving in the world market.

The United States has exerted little or no pressure on its allies to restrict their trade with the Communists. In the late President Kennedy's visit to Europe in the summer of 1963 and in the ministerial conferences in NATO, the emphasis has been on a reaffirmation of U.S. pledges for the defense of Europe—to risk our cities for the defense of their cities. But we have not insisted upon allied unity in economic strategy. "In the past," said James R. Schlesinger, "we have not hesitated to threaten our allies with 'agonizing reappraisals'—and, in practice, we have made such reappraisals with less advertisement, more subtlety, and perhaps with less agony than we thought might be required."[18]

The profits to the Western nations from the East-West trade of the past decade may have no lasting impact on their economies. They are already absorbed and forgotten in the many and more important factors that affect the economy of the industrialized nations. But to the Communist nations such trade has meant their projection into the competition—economic and military—of the 20th century.

V. CONGRESSIONAL OPINION

Congressional opinion has been reflected in the findings of various congressional committees, in comprehensive collections of study papers, and in testimony by qualified experts.

The Joint Economic Committee, in its report on "Foreign Economic Policy for the 1960's" (January 1962) stated: "The consequences of inaction on our part may be serious. For some time now we have been virtually 'going it alone.'" The committee cited the two objectives of the Communists in seeking expanded trade: to speed up their development plans by importing technology from the West, and to use trade as a political weapon in their dealings with the underdeveloped nations. The committee further observed that closer United States-Common Market commodity cooperation on East-West trade would be unlikely if the United States "cannot demonstrate conclusively that trading opportunities with the bloc are as nothing compared with the possible trading opportunities under an Atlantic open partnership."

The special study mission to Europe of the House Foreign Affairs Committee in 1963 found that "the industrialized nations of the West are not facing up to the challenge of the Soviet economic offensive. They lack a coordinated policy which would marshal the economic resources of the West for strategic economic defense and initiative in the cold war."

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[16] Senator HUBERT HUMPHREY, CONGRESSIONAL RECORD, vol. 109, pt. 17, p. 22756.

[17] See below.

[18] David M. Abshire and Richard V. Allen (eds.), "National Security: Political Economic, and Military Strategies in the Decade Ahead" (New York: Praeger, 1963) p. 692.

The report complained of the limited controls on a narrowly defined list of materials and pointed out the danger from the Soviet oil offensive and the willingness of certain Western governments to sanction and participate in the sale and barter of Western industrial goods for attractively priced Soviet oil. The mission's final conclusion was that: "the time is ripe for a thorough review of the structure and capabilities of NATO in order to ascertain to what extent this Organization can be expected to aid in the collective defense and in the cold war strategy of the Atlantic Alliance."

The several U.S. House delegations to the NATO Parliamentarians' Conference in Paris each urged a coordinated economic policy within NATO. The Political Committee of the Sixth Conference drew attention to article 2 of the North Atlantic Treaty, and urged the governments of NATO "to coordinate their policies of trade with the Soviet bloc in the light of the political implications of such policies." The Economic Committee expressed the view that "an economic policy between member countries of NATO is an instrument just as indispensable as a coordinated military policy," and recognized the need for the free world to establish as soon as possible means for meeting the dangers of economic warfare by Communist or other totalitarian regimes imperiling the free world.

The first recommendation of the Economic Committee of the Seventh and Eighth Conferences called for a review by the Council of the policies of the member countries on East-West trade and on measures to counter the Soviet economic aid and trade offensive in order to determine the adequacy of their policies to meet the objectives of NATO.

The House Select Committee on Export Control in May 1962 recommended that the Government take a firm position with our allies to extend and render more effective international control of strategic commodities to Communist countries, including Cuba.

Thus the hearings, study papers, and reports included in the inventory of congressional documents on East-West trade, reflect important policy differences on the international level between the United States and its allies and domestically between Congress and the executive branch. In the past 15 years these differences have persisted and remain essentially unresolved.

The prevailing opinion in Congress, to the extent that it can clearly be gaged throughout this period, has been consistently in favor of strict controls and an effort to persuade our allies to adopt similar controls. But the position of the various administrations, whether Democratic or Republican, has tended to favor more flexible controls and acceptance of the "double standard" in the policies of the United States and the Western European nations.

While there are varying shades of opinion with respect both to the basic issues and to the range of proposed solutions and possible alternative strategies, the following views are rather clearly revealed in the collected documents:

1. The time has come for a thorough review of trade policy as an integral part of the military and economic defense plans of the free world;

2. The West has not used and is not now using effectively its inherent and preponderant economic strength in the conventional and unconventional conflicts which threaten the free world;

3. The growing disparity between the policies of the United States and its principal allies is divisive and injurious to the cause of the free world and should be resolved;

4. The United States must assume the responsibility for leadership in bringing about the coordination of the trade policies of the major free-world industrial nations, as well as for the creation of an allied organization to implement a unified policy.

Both those who advocate a relaxation of U.S. controls to conform more nearly to the policies of the Western European nations and those who advocate stricter allied controls agree that a unified policy, whether oriented more toward that of the United States or toward that of the European nations, would be more realistic and more effective than the present disparity which penalizes the United States without comparably constraining the Communist bloc.

These considerations raise the question: If unilateral economic action is ineffective, how is unity achieved? For if allied unity is a prerequisite to any United States action, the nonexistence of the prerequisite could become merely an excuse for inaction and drift. On the question of unity, it should be kept in mind that economic strategy cannot stand in isolation any more than can military strategy. National power, and with it the capability of alliance leadership, is a composite, an orchestration of many factors.

Korea initially, Lebanon, Quemoy-Matsu, and the Cuban missile crisis are cited as examples where allied unity in military and political strategy was a product of U.S. unilateral initiative. At the time of the Cuban missile crisis, there existed a possible opportunity to follow up the unified support given to the quarantine by our allies with the development of an effective unified strategy. This illustrates how political leadership is a necessary precondition to common economic strategy.

The United States is not without bargaining leverage in seeking allied agreement on a unified strategy in East-West trade. Economic strategy is an integral part of total strategy, including European nuclear defense, U.S. military aid, and a wide range of other policies.

The longer the delay in securing allied unity in trade policies, the more difficult the problem will become. Failure to act, it has been demonstrated, will result in a worsening of the problem and consequent disarray in the alliance.

EAST-WEST TRADE—ITS STRATEGIC IMPLICATIONS

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. STINSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. STINSON. Mr. Speaker, the report issued by the Center for Strategic Studies "East-West Trade: Its Strategic Implications," is a valuable summary of congressional attitudes on the subject of commercial dealing with the Communist bloc.

There are basically three strategies which the United States and its allies can follow in regard to the issue of trade, and each of these strategies is analyzed in detail by the Center's report: first, the strategy of total economic boycott and of general quarantine of the Communist bloc, which is designed to isolate the bloc as much as possible from the benefits of international trade in order to aggravate the economic constraint on their strategy and to depress their overall economic growth, and to inhibit their capability for military or nonmilitary aggressive actions; second, the strategy of limited trade controls, which is now employed, and which suffers from lack of policy coherence; and third, the strategy of actually promoting and expanding trade with the Communists for profit or for "loosening" the Communist bloc by encouraging the independence of the satellite countries.

Once the United States makes up its mind on the strategy it wants to pursue, it must provide the requirements for the successful implementation of that strategy. But the present hodgepodge of controls and conflicting policies is merely a reflection of the indecision and procrastination which has been characteristic of our trade policy for some time. The United States has failed to exert the leverage it clearly possesses to secure allied agreement on a unified East-West trade strategy. Our performance in this area must improve in the future or the Communists will continue to reap the benefits of disunity in the West.

EAST-WEST TRADE—ITS STRATEGIC IMPLICATIONS

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, more and more it is stated, suggested, and implied that the Communists want and need peace desperately, that they have rejected their goal of world domination, and that they are interested in peaceful coexistence with the free world. Part and parcel of this view is the theory that as long as we encourage peaceful trade with the Communist bloc, we need not fear further Communist aggression.

It may be that this point of view will be borne out by future events, and hence we should not exclude it as a possibility. But past experience has shown that the Communists, when thwarted in their forward advance against the free world, have used periods of relaxation of tension as a breathing space in which to recoup their strength and reassess their strategy and tactics before continuing their advance. What basis is there for now believing that the Communists are interested in a peaceful exchange of commercial goods with the free world in general and with the United States in particular when the lessons of history have been so clear in the past?

The Georgetown University Center for Strategic Studies, directed by former Chief of Naval Operations Adm. Arleigh Burke, has released a study on "East-West Trade: Its Strategic Implications," which examines the activity of Congress in this important field. This report by Samuel F. Clabaugh and Richard V. Allen assesses the alternatives which are open to the United States, acting both in concert with its allies, and, if necessary, alone.

This examination of congressional interest in the subject of East-West trade serves the useful purpose of recounting to Congress in capsule form what has been done in the past. For the Congressman or Senator who desires a reliable digest of legislative inquiry into this important field along with an excellent objective analysis of the factors involved, I recommend study of this valuable report.

In addition, permit me to offer my congratulations and appreciation to Adm. Arleigh Burke, Samuel F. Clabaugh, Richard V. Allen, and the Georgetown University Center for Strategic Studies for the important contribution they are making by their scholarly studies of the elements and purposes of strategy in free and totalitarian societies.

THE WORD IS "ANARCHY"

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. JOHANSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, everyone understands a traffic jam. At the very least, it is an annoyance or serious inconvenience. At worst, it can be a major hazard to life and limb and a grave threat to public safety.

Now we have some bubble-headed leaders of splinter civil rights groups threatening to stage a stall-in on roads leading to the New York World's Fair. They believe—or pretend to believe—that their cause will be served by a maliciously contrived, nationally dramatized, superduper traffic jam.

Public reaction generally—including that of responsible Negro leaders and rank-and-file citizens—is exactly what sensible people would expect. They reject such a planned highway snarl-up as a legitimate form of petition for redress of grievances.

It remains to be seen whether sober second thought will cause promoters of this foolish and wicked scheme to abandon their plans. If the stall-in is attempted, its ringleaders, and as many of its participants as possible, should be prosecuted, convicted, and punished.

If we are to have freedom under law, then valid local law must be as inviolate as valid Federal law. Law and order are indivisible.

The mere suggestion of such a maliciously contrived traffic jam ought to jolt the American people back to their senses.

Come to think of it, what better analogy or more practical parable could there be than the thought of such a massive traffic jam to drive home the basic truth that freedom, safety, and progress are dependent upon law and order?

Or the truth that respect for traffic lanes, traffic signals, and traffic regulations is what makes possible the safe and free flow of traffic on the highways?

Or the truth that important and necessary as traffic laws and traffic officers are, the individual motorist's exercise of courtesy, good will and good judgment are equally indispensable?

What more practical, down-to-earth reminder could we have that these principles are not limited to the public highways?

Most of us are slow to understand the alien concept of civil disobedience—a concept and technique which have no place in this constitutional Republic.

But we do understand the meaning of malicious mischief. We understand the behavior of roaming mobs which raid supermarkets, load up carts with groceries, dump them on the checkout counters, and leave the store. We understand the ominous proposal in New York City—plagued already by water shortages—to turn on water faucets in thousands of homes in an attempt to drain the city's reservoirs.

An extreme leftwinger, Arthur Waskow, writing in "The New York Review of Books" last December 26, gave this report:

> There is a growing belief among some leaders of the integration movement that * * * America needs new forms of politics, especially politics that excite and commit large numbers of people, far more than it needs momentary tranquillity on the race question. These people believe that disorder could be creative and need not be violent.

Without making clear that he disapproves of this belief, Mr. Waskow added:

> More is at stake here than the outcome of the racial conflict. If some forms of outside politics and creative disorder are accepted into legitimate political life, they may well be used to act on other issues.

"Creative disorder" is a totally contradictory concept—born either of a disordered mind or an openly revolutionary purpose.

An older—and possibly franker—generation would have called it by its real name—anarchy.

ISRAEL INDEPENDENCE DAY

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. CUNNINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, I join with my colleagues in commemorating a great event—the 16th anniversary of the State of Israel. At a time when Israel is surrounded by hostile states, it is vitally important to express our strong and continued support for Israel.

Israel's accomplishments are truly remarkable. Sixteen years ago, the Jewish National Council met and issued the historic proclamation which established the independent State of Israel. This created a homeland free from oppression and discrimination. What Israel has done in the past 16 years is a source of wonderment. This country's achievements have produced a free state that is surpassed by none.

I join with my colleagues in congratulating and saluting the brave State of Israel and expressing the heartfelt sentiment not only of myself, but also of my constituents in the Second Congressional District of Nebraska. The ties that bind the people of the Second Nebraska District and the people of Israel are very close.

It is in the interest of the United States and the free world that every assistance should be given Israel in establishing and maintaining her rights as a sovereign nation. On this there can be no compromise.

FREEWHEELING WITH HONESTY?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, one cannot help but wonder whether the President of the United States might have a faulty memory. We can well understand why George Reedy, the President's press secretary, might be a little less than honest in trying to cover the President's tracks, since that is a part of his job and he is paid for it. However, when the President is asked a direct question, and he gives an answer which is patently oblivious to the facts, a different set of questions come to mind.

After receiving some adverse publicity on his reckless driving spree in Texas, the President evidently is taking the same position that he has in the Bobby Baker case—merely deny it ever happened and in terse, definite pronouncements simply close the matter. Things do not work quite this way in a free country, and fortunately people do not have to close up the matter simply because the President says so. This is more of the "do as I say and not as I do" double standard which we see daily in the Nation's Capital.

On March 24, 1964, newspapers headlined, "L.B.J. Orders Program for Road Safety." The dispatches which were carried in papers throughout the country carried a Washington dateline and in solemn terms warned Americans of the problems of traffic safety. The lead paragraph said:

> Calling the death of 43,400 Americans in traffic accidents last year a matter of serious national concern, President Johnson late yesterday designated Secretary of Commerce Luther B. Hodges to undertake immediately an accelerated attack on the problem.

This might well raise the question of who or what is the problem.

On Saturday, April 5, 1964, at a press conference the President received a question about his reckless driving and answered it as follows:

> Question. Mr. President, there have been some stories this week, sir, about your driving in Texas, saying that you had hit speeds of perhaps up to 90 miles an hour in a zone with a speed limit of 70 miles an hour. Some people have expressed concern that you are putting yourself in danger. Do you intend to perhaps drive more slowly, or are you concerned about your own safety?
>
> Answer. I am unaware that I have ever driven past 70.

Come now, Mr. President, not even the privileges of the highest office in the land permit you to insult the intelligence of the American people in such a manner. Or is it a matter of memory? Let us refresh it a little bit, just in case it is indeed your memory. Ruth Montgomery wrote a book entitled "Mrs. L.B.J.," which contains a very interesting foreword. The President's wife had the following to say:

> My admiration for the reporter who goes her daily rounds to cover the news is excelled only by my esteem for one who also has the discipline, energy, and talent to write a book.
>
> Such is the gift of Ruth Montgomery whose byline I have long admired and whose friendship I have long appreciated.
>
> It is a new experience to be the subject of a book. The opportunity to write an introduction to one's own biography is an even more novel courtesy. I confess, however, that the experiment has been painless and that these pages have jogged recollections both poignant and pleasant.
>
> I hope those who read it will enjoy reading it as much as I enjoyed living it.

Therefore, we have it on the word of Mrs. Lyndon B. Johnson—a better authority, the President would agree, than the Time reporters who must have been wrong if the President is right—that she hopes "those who read it will enjoy reading it—the Ruth Montgomery book—as much as I enjoyed living it." On page, 105 we see one of the episodes in the life of Mrs. L.B.J. which might refresh the President's memory:

> Lyndon's idea of a hunting trip, however, is a mechanized safari in a fleet of air-conditioned cars equipped with intercommunications systems. He drives his cars as if they were cow ponies, and once, as Bird was following with guests at the wheel of the second car, trying to match his 90-mile-an-hour pace, he suddenly zoomed up a 45° embankment. As he did so, he bellowed gleefully into the intercom: "Bird, you don't have to come up here if you're scared to try."
>
> With her usual serenity she replied: "Of course, I'm coming darling." Her companions gritted their teeth while her car shot smoothly up the earth dam that was barely wide enough for the wheelbase.

"I am unaware that I have ever driven past 70." Now, Mr. President, surely you cannot think we are that gullible, or do you? Freewheeling at driving is one thing, freewheeling with honesty is something else again.

KENNEDY-JOHNSON IMMIGRATION LAW CHANGES WOULD ELIMINATE DISCRIMINATORY NATIONAL ORIGINS QUOTA SYSTEM AND TAKE HUMANE APPROACH FOR SELECTION OF IMMIGRANTS

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Boland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOLAND. Mr. Speaker, our late beloved President John Fitzgerald Kennedy last July proposed changes in our immigration laws which would eliminate the discriminatory national origins quota system by 20 percent per year over a 5-year period, and thereafter will place all quota numbers in one pool. Therefore, unused quota numbers from northern European countries will benefit the split families of American citizens who have been forced by our present restrictive immigration law to remain behind in southern European countries.

I am proud to say that I am one of the sponsors of this legislation proposed by our late President Kennedy, and by President Lyndon Johnson in his state of the Union address last January. Ever since coming to Congress in January 1953, I have sponsored somewhat similar legislation to liberalize the national origins quota system which has worked inhumane hardships on the relatives of American citizens who remained behind in the Mediterranean-southern European countries. I think that all of my colleagues who have sponsored this legislation will be interested in reading an editorial from the April 16 Washington Post entitled "Whom We Shall Welcome."

The editorial follows:

WHOM WE SHALL WELCOME

> Immigration has been a wellspring of America's growth to greatness. The men and women who streamed from the Old World to the New in search of freedom and opportunity brought with them, even more significantly, an enriching diversity and a passion for individual dignity that have immeasurably ennobled American life.
>
> It is time to take stock of this country's immigration policy. For the gates once welcomingly open to newcomers have been pushed ever more nearly closed in recent decades. The American Immigration and Citizenship Conference which meets here today has chosen an auspicious and, indeed, a decisive hour. The moment is ripe for doing away with a meanly discriminatory basis of admitting immigrants—the national origin quota system—which belies and dishonors the ancient American respect for human equality.
>
> The national origins quota system operates to restrict immigration by fixing quotas on the basis of the national origins of the American population of 1920. It discriminates against those who would come here from Central and Eastern Europe or from the Orient and it holds down the stream of immigration by assigning quotas to nations that do not use them. "Under the current law," Abba Schwartz, the State Department's Administrator of Security and Consular Affairs, said in a recent speech, "157,000 quota visas are authorized annually. But they are never fully utilized because of the manner of the allocation. Thousands upon thousands of persons, otherwise qualified for admission, await their turn on the quota lists."
>
> President Kennedy, in a special message to Congress last July, called for abolition of the national origins quota system. President Johnson, in his state of the Union message of January 8, put the problem as simply and succinctly as possible: "We must also lift by legislation the bars of discrimination against those who seek entry into our country, particularly those with much needed skills and those joining their families. In establishing preferences, a nation that was built by the immigrants of all lands can ask those who now seek admission: What can you do for our country? But we should not be asking: In what country were you born?"
>
> The all-day conference on immigration and citizenship will terminate this evening in a dinner to which Members of Congress who have introduced legislation that would abolish the national origin quota system have been invited as guests of honor. We hope they will go back to Congress with refreshed determination to bring that healthy change about. Once the civil rights bill is enacted into law, immigration policy should be high on the congressional agenda. Discrimination on grounds of race and origin is as un-American at the country's gates as it is inside them.

ISRAEL INDEPENDENCE DAY

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Boland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOLAND. Mr. Speaker, today we pay tribute to the millions of Israelis who left their homes in order to establish a nation in the Promised Land, just as their ancestors had done in the days of Abraham and Moses. They came from all corners of the world: from America, from Europe, from Africa, and from Asia. In many cases these immigrants came to escape the restrictions of their native countries and to create a society in which they could freely express themselves.

They first concentrated on the land where all worked together close to the soil for the common good of all. Flourishing farms developed, sometimes where none had existed before. After 1948 when the State of Israel became a reality, they began industrialization in earnest. Factories sprang up, homes were built for the many immigrants who kept pouring in, and ports were modernized. The cities grew, as Israel experienced a boom.

With equal effort, Israel has established a strong and stable society. Regularly held elections put the will of the people into practice through a Parliament and Cabinet. While the individuality of each group is respected, a common outlook is evolving.

I am thus happy on the occasion of the 16th anniversary of the independence of Israel, to extend my greetings and best wishes to these industrious and dedicated people. I hope that the coming year will be just as fruitful as have the ones in the past.

REMARKS OF CHARLES E. SCRIPPS AT TALENT SEARCH

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Kirwan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KIRWAN. Mr. Speaker, recently Mr. Charles E. Scripps, chairman of the board of the Scripps-Howard Newspapers, made some very important remarks at a banquet honoring a group of high school students who received the coveted Science Talent Search Award.

Mr. Scripps is a man very much attuned to the problems of the contemporary world, and I think it is most significant that he chose not to tell these young people of the great challenges of space or atomic energy, but rather to put before them a challenge even more real and more acute—the battle against poverty.

Here is a man who presides over one of the world's great newspaper enterprises. It is his job to measure the real issues of our time. He puts forth a proposition that is becoming the universal issue of this century, the idea that the world and indeed this country can no longer exist as we know it with one part in deep poverty and the other abounding in comfort.

The question, Mr. Speaker, is not whether we can afford a war on poverty, it is whether we can afford not to mount this war. Mr. Scripps has asked whether we are ready to mount "a major campaign against human misery and human degradation." I hope our answer will be "yes."

Mr. Speaker, under unanimous consent, I include Mr. Scripps' remarks in the Record:

Remarks at Talent Search by Charles E. Scripps

I am proud to be here associated with Science Service and with our partners in the Science Talent Search, our friends from Westinghouse. I am proud too, of my wisdom in the choice of a grandfather. When I looked around for someone to be my grandfather, I found a very interesting gentlemen who had started a wonderful outfit called Science Service, and I did not think I could do any better than that.

Since I have a captive audience, for a few minutes, I am going to do what any speaker in his right mind would do. I am going to talk about something that interests me.

The other day I read a nice thing that seems to have stuck in my mind. It goes like this: "There can be no such thing as freedom unless it be freedom to live by a moral law."

What does this imply for the world of science, indeed for all of us? But we are concerned tonight with science and scientists. We have seen in recent years two major or even gigantic scientific campaigns. Never in history has there been anything like them. I am speaking, of course, of the campaigns to harness atomic energy and to conquer space.

This method of marshaling very large forces and mounting a major campaign to solve certain scientific and engineering problems is a very new thing. Perhaps the discovery of how to do this effectively and efficiently will in the long run be just as important to mankind as the scientific developments themselves.

In spite of the great advances in scientific and engineering achievement that have been made in recent years, we live in a world that is still horribly burdened with human misery and human degradation.

For centuries man has sought to ameliorate human misery and human degradation in the political arena, through religion, education, medicine, and charity.

Through science and engineering we have learned how to permit man to exist in that most hostile environment—space. We are about to make the surface of the moon a place where men can exist in safety and reasonable comfort. Still there are millions of people to whom the surface of the earth is barely tolerable, or worse.

It is speedily becoming apparent that our world cannot continue to exist one part in extreme poverty and another part in comfort. The question I wish to leave with you tonight is whether we are ready now to mount a major campaign against human misery and human degradation. Can we marshal a wide variety of skills, a full range of the scientific, engineering, and social disciplines, and mount a major campaign to conquer human misery and human degradation? Have we reached the time in the development and management of our scientific resources when we can hope to win such a campaign?

If I could hope for no more than that you, our science talent search finalists, would commit yourselves to spend an important part of your time and talent to the consideration of such a campaign, I would feel that I had indeed exhibited remarkable wisdom in the selection of a grandfather, and I would feel that our friends with Westinghouse have made it possible for me to hope that my children and grandchildren may live in a civilized society.

MISS RACHEL CARSON

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Delaney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELANEY. Mr. Speaker, it was with great sorrow that I learned last Tuesday of Miss Rachel Carson's death and I want to offer my heartfelt tribute to that gallant lady. Her life and her work merit the praises of all mankind.

There is no cause more worthy than the preservation of life, and Rachel Carson was devoted to that cause. With compassion and vision, with understanding and enthusiasm, she alerted and aroused the American public to the dangerous chemical pollution of our environment.

Rachel Carson has educated a continent to the fact that scientific progress must be evaluated in terms of time and total effect, not in terms of the obvious localized benefits. She brought out, better than anyone else, the hard truth that the indiscriminate use of pesticides in America is taking the lives of our woodland animals and songbirds, destroying fresh water marine life, and jeopardizing the health of generations yet to come. From her pen came the devastating word picture of a world too long accustomed to the use of lethal, indestructible chemicals backed by few precautions and less long-term research. This kind, gentle lady has done more for the public health and safety than any woman of our generation.

I feel a special sadness at Rachel Carson's passing, because I have a deep and abiding interest in her fight against man's contamination of his environment and had the privilege of contributing to her research from the data collected by the now extinct Select Committee To Investigate the Use of Chemicals in Food.

No one who had the opportunity to know Miss Carson will ever forget her quiet dignity, dedication, and grace. Her name and her cause should be remembered by us and by our children.

To that end, I am today introducing a resolution providing that an Environmental Health Center that may hereafter be established in the Public Health Service shall be known as the Rachel Carson Memorial Research Center for Environmental Health.

PANAMA CANAL ZONE: HIGHWAY CONTROL ESSENTIAL FOR PROTECTION

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FLOOD. Mr. Speaker, following the bloody anti-U.S. outbreak in Panama on January 9–11, 1964, and the attendant mob assaults on the Canal Zone requiring the United States to defend the lives of our citizens in the zone and the Panama Canal itself, much was published in the papers of our country about this lawlessness and disorder. Despite the magnitude of the press coverage, many significant features of that violence and the protective measures taken by the U.S. Army were either overlooked, distorted or otherwise obscured.

Among Panamanian allegations against the United States, as published in the Spanish language press of Panama, were charges of unwarranted closings of the Panamanian corridor to Colon and the Thatcher Ferry Bridge at Balboa. On learning about these charges, I requested the Secretary of the Army to supply me the significant facts and I have received a comprehensive summary of what occurred.

A reading of this report emphasizes the importance of the undisputed control of all roads and avenues of transport across the Canal Zone, shows that all steps taken to control these lines of communications during the January violence were essential, and establishes that all such measures were taken in accordance with treaty provisions. No treaty provision or law was violated.

Mr. Speaker, it is now clearer than ever that had those preventive measures not been taken, the lives of our citizens in the zone would have been imperiled and vital canal structures endangered. Moreover, the facts, as now developed, should end all discussions for the transfer of jurisdiction over any corridors or bridges in the Canal Zone to Panama as has been, and is still being, demanded by Panamanian radicals and politicians dominated by them. Instead of acceding to such demands for Panamanian corridors across the zone, our Government should demand the extension of the Canal Zone to include the entire watershed of the Chagres River to supply added protection of the zone as well as to safeguard the summit level water supply. The latter recommendation, I have been recently advised by the Secretary of the Army, was first made in 1916 by Gen. Clarence E. Edwards, when in command of the U.S. Army in the Canal Zone.

In addition to such extension of the Canal Zone territory, the January 1964 mob assaults on the Canal Zone and the prolonged failure of Panama to collect garbage from the streets of the terminal cities of Panama and Colon emphasize the need to restore the provisions in article VII of the 1903 treaty granting to the United States the right and authority to enforce sanitary ordinances and to maintain public order in these two cities and other areas adjacent to the zone in case the Republic of Panama should not be, in the judgment of the United States, able to perform these functions.

In order that the Congress, especially members and staffs, of cognizant appropriation, investigational, and legislative committees, jurisdictional agencies in the executive branch, and all others concerned with Panama Canal problems may be informed in the premises, I include the indicated exchange of letters as part of my remarks:

MARCH 18, 1964.

Hon. STEPHEN AILES,
Secretary of the Army,
Department of the Army,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: The Spanish-language press of Panama, El Dia, of March 6, 1964, indicates that the corridor across the Canal Zone from Panama to the city of Colon was closed during the January 1964 mob assault on the zone; also the Thatcher Ferry Bridge.

Specific information in these regards with dates and any special circumstance that you deem pertinent are desired.

An early reply is respectfully requested.

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

APRIL 6, 1964.

Hon. DANIEL J. FLOOD,
House of Representatives,
Washington, D.C.

DEAR MR. FLOOD: This is in response to your letter of March 18 to the Secretary of the Army concerning Panamanian allegations that the United States closed the Colon corridor and the Thatcher Ferry Bridge during the January riots.

On January 10 and 11, 1964, during the course of the January rioting, the security of the lives of those upon whom operation of the canal depends and the security of the property of the canal itself required the United States to operate temporary traffic checkpoints at two places in the Colon corridor. In each case the U.S. Army placed a movable barricade across the width of the Transisthmian Highway within the Colon corridor to insure that persons intent upon lawlessness did not enter the Canal Zone. At no time was peaceful traffic forbidden on the corridor or on the highway adjacent to the corridor.

The two checkpoints established by the United States on the Colon corridor occupied only a few meters of its 4-mile length. In no sense did these two checkpoints, which never prevented peaceful traffic from using the corridor, constitute an "occupation" of the corridor by the United States.

In early December 1963, the Panamanian Government had closed the section of the corridor in question to vehicular traffic to facilitate highway repair. The Panamanian Government had erected barricades of barrels and boards at both the Colon end of the corridor and at the point Randolph Road crosses the corridor. The Government of Panama did not remove these barricades or open this part of the corridor until the United States removed its last checkpoint from the corridor on the afternoon of January 11 (one checkpoint was removed at 2:15 p.m. on the 11th; the other at 2:25 p.m.). Therefore, at no time while the United States maintained its two checkpoints on the Colon corridor was there any vehicular traffic on the corridor between Colon and Randolph Road.

Because the Government of Panama had closed the Colon corridor between Colon and Randolph Road, all vehicular traffic, from December until January 11, bound to or from Colon used Bolivar Highway in the Canal Zone, upon which the first U.S. checkpoint was established in the Canal Zone on January 9 at 9:35 p.m.

On the first night of rioting, January 9, the U.S. forces established a checkpoint within the Canal Zone on Bolivar Highway, a principal traffic artery serving Colon, to prevent the rioters, who were assaulting the downtown Cristobal area with fire bombs, rocks, and sniper fire, from entering the Canal Zone and circling behind the Cristobal area, thus approaching the rear of the forces defending Cristobal or from menacing the Rainbow City housing area within the Canal Zone. However, Panamanians were soon observed walking along the Colon corridor adjacent to this checkpoint on Bolivar Highway and then circling behind the checkpoint, thus circumventing the checkpoint and posing the very hazard to life and property within the zone the checkpoint had been intended to prevent. For that reason the local commander of the U.S. Forces, Lieutenant Colonel Sachse, asked the Canal Zone police to contact the local commander of the Panamanian National Guard, Major Rodriguez, and ask that he establish a checkpoint on the Colon border. However, Major Rodriguez declined to do so. Therefore, to protect the canal and as a matter of self-defense, U.S. Forces established a checkpoint in the corridor at 5:30 a.m., January 10, and controlled pedestrian traffic at this point in the Colon corridor for the next day and one-half.

Since the Panamanian-constructed barricade was already effectively halting vehicular traffic, the new checkpoint was utilized to control only the movement of pedestrians. No pedestrians were denied passage through the corridor at this checkpoint. This checkpoint was discontinued at 2:25 p.m. on January 11. Shortly thereafter Panamanian National Guardsmen removed the barrel blockade erected by the Panamanian Government in December, established a checkpoint where the United States had maintained one, and there performed essentially the same screening function the U.S. checkpoint had undertaken.

On the morning and afternoon of January 11, a group of Panamanian rioters harassed traffic, searched pedestrians, and confiscated identification cards from them in Canal Zone territory, approximately 100 yards in front of the U.S. checkpoint. This unofficial Panamanian checkpoint denied passage to many vehicles and pedestrians.

The commander of U.S. forces in the area, Colonel Sachse, called this rump blockade to the attention of the Colon authorities, but they declined to act. Colonel Sachse himself did not order U.S. forces to eject the Panamanian blockade, since to do so would have risked injuries to both sides, but would not have remedied the blockade situation, since the blockaders could have merely retreated to Colon and reestablished the blockade there.

In the second instance of U.S. control of traffic within the corridor, U.S. forces established a checkpoint in the Colon corridor commanding the intersection of Randolph Road and the Boyd-Roosevelt Highway. This traffic control lasted from January 10 at 6 a.m. until January 11 at 2:15 p.m.

When circumstances permitted, this checkpoint was moved to points on Randolph Road in Canal Zone territory. Traffic control was again exercised in the same fashion as in the case of the other two checkpoints near Colon.

With the exception of a group of 15 rioters (one of whom was firing a rifle) who attacked the checkpoint, no pedestrian or vehicular traffic was denied passage through this checkpoint.

While the U.S. checkpoints were in operation where there was vehicular traffic, such traffic was momentarily stopped and cars were inspected, but only drivers who had ammunition or weapons or lacked any identification, issued either by the Panamanian or Canal Zone Governments, were denied passage. Inspectors merely looked into vehicles and examined trunk compartments. Automobile passengers were not searched or required to dismount except in two instances in which firearms were discovered in vehicles. No cargo-carrying vehicles or trucks of any description were denied passage at any time. Cars bearing official government license plates of the Republic of Panama were not stopped or inspected. Panamanian emergency vehicles using red lights or sirens were permitted free access without being required to stop at all.

At no time during the rioting can it be said that the Colon corridor or any other highway into Colon was closed by U.S. action. The segment of the Colon corridor between Colon and Randolph Road had been closed to vehicular traffic by the Panamanian Government for a month previous to the riots. The rump blockade of Bolivar Highway by Panamanians sometimes closed that artery into Colon temporarily.

U.S. checkpoints detained only two cars, in both of which were found weapons, and rejected only a handful of pedestrians (for want of any identification papers or for attacking the checkpoint) at any time the United States maintained its checkpoints.

Commercial and emergency traffic into Colon during the entire period in which the United States maintained its checkpoints was absolutely uninhibited by the inspection at the checkpoints.

The checkpoints were removed from the corridor when the danger of infiltration by rioters into the Canal Zone abated.

Aside from the rights of transit across and travel upon the Colon corridor which the United States retained in article VIII of the 1936 treaty, the United States also has the right to take whatever action in the corridor is necessary to defend the Canal Zone or the Republic of Panama.

In article XXIII of the 1903 treaty, Panama granted the United States the unqualified right at all times, and in its own discretion, to use its police and its land and naval forces for the safety and protection of the canal. The article provides as follows:

"ARTICLE XXIII

"If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times, and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes. Convention between the United

States and the Republic of Panama for Construction of a Ship Canal, November 18, 1903 (1904)."

Although the United States and the Republic of Panama have never been able to agree upon whether article XXIII authorizes the United States to use Armed Forces or Canal Zone police within territory under Panamanian jurisdiction for the safety or protection of the canal and its appurtenances, the article has never been superseded or modified.

The United States has always considered article XXIII to authorize the United States to use Armed Forces in Panamanian territory when the security of the Canal Zone is threatened. As then Secretary of State Hull said in a letter to then Secretary of War Woodring on May 11, 1938 (after the signing, but before ratification by both nations of the 1936 treaty):

"Insofar as the right of the United States to employ Armed Forces of the United States within the territory of the Republic of Panama * * * the United States has consistently interpreted this article (article XXIII) as applying not only to the Canal Zone, but also to the Republic of Panama proper."

The United States considers article XXIII of the 1903 treaty to authorize its actions in the Colon corridor during the January rioting.

Article X of the General Treaty of Friendship and Cooperation Between the United States and the Republic of Panama, as defined by the notes accompanying that treaty, also authorizes the actions the United States took in the Colon corridor during the rioting. Article X authorizes either Panama or the United States to take whatever action is necessary on territory under the jurisdiction of either in case of the existence of any threat of aggression which would endanger the security of the Republic or the security of the Panama Canal. Article X provides:

"In case of an international conflagration or the existence of any threat of aggression which would endanger the security of the Republic of Panama or the neutrality or security of the Panama Canal, the Governments of the United States of America and the Republic of Panama will take such measures of prevention and defense as they may consider necessary for the protection of their common interests. Any measures, in safeguarding such interests, which it shall appear essential to one government to take, and which may affect the territory under the jurisdiction of the other Government, will be the subject of consultation between the two Governments." General Treaty of Friendship and Cooperation Between the United States and the Republic of Panama, March 2, 1936 (1939) (T.S. 945; 53 Stat. 1807).

The provision of article X which requires consultation between the two Governments in case either Government takes action affecting territory under the jurisdiction of the other was defined by an exchange of notes between the two nations just prior to U.S. ratification of the treaty. The exchange of notes indicates the understanding of the two Governments that in the event of an emergency so sudden as to require the United States to act without consulting the Government of Panama to safeguard the security of the Panama Canal, the United States need not consult the Government of Panama prior to taking action affecting territory under Panamanian jurisdiction, although subsequently the United States should consult the Government of Panama.

The pertinent paragraph of the exchange of notes provides:

"3. As set forth in the records of the proceedings of the negotiations of the general treaty of March 2, 1936, which proceedings were held on March 16, 1935, in the event of an emergency so sudden as to make action of a preventive character imperative to safeguard the neutrality or security of the Panama Canal, and if by reason of such emergency it would be impossible to consult with the Government of Panama as provided in article X of said treaty, the Government of the United States of America need not delay action to meet this emergency pending consultation, although it will make every effort in the event that such consultation has not been effected prior to taking action to consult as soon as it may be possible with the Panamanian Government." Exchange of notes between the U.S. Secretary of State and the Foreign Minister of Panama, February 1, 1939.

The Thatcher Ferry Bridge was closed to all but emergency and official Panamanian traffic, such as the Guardia Nacional, doctors, nurses, blood supplies, and so on, on the nights of January 9, 10, and 11. The bridge was open to normal traffic during the day, but such traffic was subject to visual inspection, just as was the traffic at the Colon checkpoints. The bridge closing was required to protect the bridge from the possibility of its destruction by members of the mobs which were ravaging and pillaging property in Panama City and along the Canal Zone border and to prevent infiltration of the zone by rioters.

The Thatcher Ferry Bridge, as you know, lies entirely within the Canal Zone, was constructed and is owned by the United States, and is under the exclusive jurisdiction and control of the United States. The Republic of Panama has no rights with regard to the bridge other than the general right-of-way over the public roads of the Canal Zone which article VI of the 1903 treaty grants and which is expressly subject to the superior right of the United States when a conflict exists between the Panamanian right-of-way and the rights granted the United States in the 1903 treaty.

Closing the bridge did not violate Panama's treaty rights. The right-of-way on the public roads of the zone granted Panama by article VI of the 1903 treaty is expressly subordinate to the rights of the United States in any case in which that right-of-way conflicts with rights granted to the United States by the 1903 treaty. Convention between the United States and the Republic of Panama for the Construction of a Ship Canal, November 18, 1903 (1904) (T.S. 431; 33 Stat. 2234). Article II of the same treaty grants the United States the unqualified right to protect the canal, of which the bridge spanning it is an inseparable part. Ibid. Article XXIII of that treaty authorizes the United States in its discretion to use troops or police for the safety and protection of the canal and its auxiliary works. Ibid. As a legal matter, therefore, it can hardly be contended that even had the United States not allowed emergency and official Panamanian traffic to cross the bridge on the nights it was otherwise closed, the United States would have violated its treaty obligations to Panama.

I believe this information answers your request. If not, I will be glad to discuss it with you at your convenience.

Sincerely,

HARRY C. MCPHERSON, Jr.,
Deputy Under Secretary of the Army (IA).

PROSPERITY AND POVERTY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. DENT], is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, I wish to call the attention of the House to the serious problems of poverty and its many faces.

THE WEAPONS NEEDED FOR THE WAR ON POVERTY IN THE MIDST OF PROSPERITY

Although I support the war on poverty on every front I must call attention to certain inequities in the base rate of earnings established at the poverty level and from which base efforts to ease poverty start.

The present $3,000 annual income level base as a minimum income standard does not take into reckoning the difference between area economic standards.

For the sake of a better understanding of this phase of this many faceted problem I will cover the State of Pennsylvania's public assistance allowances as compared with the cost of living at a minimum standard of health and decency. The figure statistics and findings are from the January 1964 special report of the Pennsylvania Department of Public Welfare.

After interrogation of the various witnesses before our special committee studying the President's program to end poverty—H.R. 10440—I have become disturbed by the apparent universal agreement that $3,000 is to be used as the minimum standard poverty income base.

When one studies the varying costs of living including rent, food, taxes, clothing, and medical care in the different regions of our country it becomes apparent that our minimum base must match the known costs in the regions being considered for this part of the war on poverty.

In the sections dealing with agricultural relief and assistance it appears that any income over $3,000 will be considered ineligible for, first, the $1,500 allowance of seed money for a new start; and, second, the $2,500 loan for rehabilitation and opportunity improvement on a family farm.

It would then follow that the same type of minimum standards would be used as a criteria for the investment opportunities loan of $10,000 per man employed and the $15,000 special soft loan for a business in trouble.

In order that a broader concept of our problems in the States that have for too long been known as the "fat cat" or prosperous States, I offer some very pertinent information.

Since my first days in Congress I have labored to bring Pennsylvania and other so-called "wealthy group" States more realistically and equitably into the division of the tax dollar pie.

Unless this committee makes specific changes in the bill before us by removing the $3,000 standard, except in those areas where such a standard is realistic, we will patch up the pockets of poverty in one area by creating new ones in another area.

The State of Pennsylvania, which for so long held the enviable position of No.

1 in our economic ladder, is now No. 2 from the bottom economically. Much of our decline can be traced directly to Federal Government policies in procurement loans and grants, public works, military installations and expenditures, and not the last nor the least the Federal mandate on foreign trade agreements costing thousands of jobs and forcing a squeeze on profits which in turn expedited automation causing even more unemployment.

I believe the case history of Pennsylvania is typical of all States and points to just one of the many problems we will encounter in our war on poverty.

The public assistance law defines "assistance" to include:

> Money, goods, [and] shelter—provided from or with State [and] Federal—funds, for indigent persons who reside in Pennsylvania and need assistance to provide for themselves and their dependents a decent and healthful standard of living.

Standards of assistance describe the quantities and quality of the various items that must be purchased in order to maintain a minimum standard of health and decency. Public assistance allowances for each of these items are based on two principal factors: first, the actual cost of these items; and, second, the amount of money appropriated for public assistance. The primary purpose of this report is to compare the amounts of public assistance allowances with the actual costs of the items that are needed to provide a minimum standard of health and decency.

I. MAJOR FINDINGS

First. Assistance allowances meet only about 60 percent of the cost of living at a minimum standard of health and decency, for recipients of aid to dependent children, aid to disabled, and general assistance; and 91 percent of the cost for recipients of old-age assistance.

Second. About eight-ninths of all needy persons receiving assistance are recipients of aid to dependent children, aid to disabled, or general assistance; about one-ninth are old-age assistance recipients. Thus, about 8 out of 9 assistance recipients receive about 40 percent less than the cost of a minimum standard of health and decency; and only about 1 out of 9 receives as much as 91 percent of this cost.

Third. The monthly maximum assistance allowance for a typical family of four persons is $97 short of the cost of the items intended to be covered by allowance—$161 against $258.

Fourth. The monthly maximum assistance allowance for a typical family of four persons is $280 less than a "modest but adequate budget" for a self-supporting family of four—$161 against $441.

Fifth. The monthly maximum assistance allowance for an elderly couple is $109 less than a "modest but adequate budget" for a self-supporting elderly couple—$145 against $254.

Without being critical but only making an observation based upon years of legislative experience in this fight on poverty and need, it is my personal opinion that rather than buy a short term shot in the arm program, this program is better suited to a long range strategy in this war.

An immediate attack should consider the millions of Americans in the twilight zone between prosperity and poverty.

With this in mind I recommend to the committee a series of amendments that would immediately set in motion the legislative enactments necessary to a final and long-lasting victory in this war on human misery and degradation.

I suggest these amendments knowing that under the strict rules of the House this committee would not have jurisdiction over this area of legislative action; however, since this bill before this committee appears to have no boundaries or limitations I make the following recommendations:

First. Amend the Social Security Act by reducing the age of retirement to 60 years of age for the covered employee with the spouse retiring at the same time at any age.

Second. Increase retirement benefits to 50 percent above minimum standards determined by the Department of Health, Education, and Welfare in conjunction with the various States. At the end of these recommendations I shall submit a study of minimum standards.

Third. This increase of 50 percent will still be substantially below the minimum costs of essential items for employed persons.

The first immediate benefit of this action would be the retirement of millions of workers over age 60 who because of their seniority are holding the jobs that would be filled by the furloughed workers in the age group of 35 to 60 who are already trained for the jobs to be vacated.

This alone would save billions of dollars in relief, unemployment compensation, job retraining, migrations, and transplanting of families. The benefits will overflow onto the main streets of the communities and the tax-supported public institutions.

Second. Establish a cost-of-equalization factor at customs to establish U.S. imports minimum prices at customs platform equal to U.S. product cost production plant platform.

Establish import quotas equal to amounts and percentages of exports to each trading nation. Eliminate worldwide import percentages and establish trade agreements beneficial to each trading country without imposing injuries on others.

This would give industry an incentive to expand and invest without the spectre of imports from U.S.-owned foreign competition and foreign-owned competition from areas where the economic level makes competition impossible.

Third. The last recommendation will be revolutionary but nevertheless as essential and necessary as any other weapon in our arsenal for the war on poverty.

An equalizer tax must be placed on automation to make up for the loss in taxes to the various levels of government because of the dislacement of workers. Contributions to the social security fund and other payroll charges at the same amount as would have been chargeable to the payroll before labor displacement.

The production tax equal to the above charges will be assessed against all imports as an added compensating charge to make possible the earlier retirement of workers in production facilities.

Since the objective of all nations is a prosperous community based upon employment, all nations will and must find compensating factors that protect its job, profit, investment, consumption, and production economy; this charge on imports will not and should not be considered a restrictive measure but a necessary addition for the survival of and continuing growth of our American system.

We cannot impress a free world while in the midst of poverty mingled with prosperity.

This formula makes no provisions for those who would not work but goes a long way toward guaranteeing all willing to work an opportunity to earn a living.

The categorical reliefs for those unable to work must be part of the total package of arsenal in our war on poverty.

While this is not a cure-all, it has its roots in the sound economics of production for use.

The following report gives a graphic picture of the problems faced in determining equity for all persons in the economy and standards of living in keeping with our way of life at this stage in our history.

Tomorrow's problems will be much easier to solve if we can find a solution to problems of today.

Pennsylvania's program for relief is of great value to those of us making toward a solution of the problem faced by the poor.

The department of public welfare and county boards of assistance administer direct assistance grants to needy persons in five programs—old-age assistance—OAA; aid to dependent children—ADC; aid to disabled—AD; general assistance—GA; and blind pensions—BP. The first four programs mentioned are concerned with daily maintenance costs and are administered on a needs basis; it is to these programs only that this report applies. Blind pensions are not determined on the basis of minimum needs. The amount of pension for a blind person is fixed by law at $70 per month, and other income of $2,040 per year or less does not affect the amount of the pension.

The only items for which allowances are usually made in determining the public assistance grant are the five items of common need: Food, clothing, incidentals, fuel and utilities, and shelter. The item "incidentals" is a general term to cover personal needs (other than food and clothing), and the family item of household supplies. No allowances are made for such items as replacement of household equipment or furniture.

The allowances shown in this report are the maximum allowances established by the department for the five items of common need. "A policy statement on standards of public assistance, February 19, 1957," referred to hereafter as the "policy statement," was adopted by the department as a goal to be reached when, and as soon as, possible. The first step toward reaching this goal was taken in December 1958, when OAA allowances were increased to meet the costs of the standards recommended in the policy statement. Effective March 1, 1962, a second step was taken when food allowances were increased $2 per month for ADC, AD, and GA recipients aged 18 through 64. In the meantime, however, the cost of living has continued to increase so that assistance allowances for the aged are again below the cost of the assistance standard, and allowances for persons in the other categories are now only 60 percent of the cost of the standard.

The costs for food, clothing, incidentals, fuel and utilities, and shelter shown in this report are the current costs of the quantities of each of these items as defined in the policy statement, except that the food standard has been brought up to date to accord with the food quantities recommended in the "food plan at low cost," issued by the Household Economics Research Division, Agricultural Research Service, U.S. Department of Agriculture, in March 1959.

Since the amount allowed for shelter is the actual cost not to exceed a specified maximum, amounts shown as shelter costs for comparison with maximum allowances are, unless otherwise indicated, "approximate maximum" costs. See more complete report, "Fall of 1961."

III. SUMMARY COMPARISON OF ASSISTANCE ALLOWANCES AND LIVING COSTS

Maximum assistance allowances and the cost of a minimum standard of health and decency are shown for "average families" in table 1, and for specifically described groups of persons in tables 2 through 5. Allowances for those in the old-age assistance category compare more favorably with living costs than allowances for persons of lesser age—those in the aid to dependent children, aid to disabled, and general assistance categories. The following tables have been prepared to show at a glance how total maximum assistance allowances for a typical family of four and for an elderly couple compare with: First, the cost of a minimum standard of health and decency; and second, the cost of a "modest but adequate budget" for self-supporting persons that provides the goods and services necessary for a healthful, self-respecting mode of living, allowing normal participation in the life of the community. See Monthly Labor Review for August and November 1960 for a description of the "modest but adequate budget." Costs have been computed by adjusting the 1959 city worker's family budget and retired couple's budget costs on the basis of charges shown in the BLS cost of living index from 1959 to 1963.

TABLE 1.—*Average of county maximum monthly assistance allowances compared with the statewide average monthly cost of living at a minimum standard of health and decency for families of various sizes, based on average family composition*

FAMILIES RECEIVING ADC, GA, AND/OR AD
(ALL PERSONS UNDER 65 YEARS OF AGE)

Number of persons in family	Allowance	Cost	Percent of total cost met by maximum allowance
1	$46.70	$112.10	59.5
2	99.20	167.30	59.2
3	122.90	204.00	61.7
4	153.10	238.10	54.3
5	176.10	273.90	64.3
6	196.80	304.40	64.6
7	216.70	329.00	64.1
8	235.90	379.40	52.1
9	248.60	405.70	61.3
10	263.70	442.40	59.6
11	281.70	474.00	59.4
12	298.30	516.80	57.3
FAMILIES RECEIVING OAA ONLY (ALL PERSONS AGED 65 OR OVER)			
1	$96.60	$109.20	91.8
2	144.30	158.20	91.3

TABLE 2a.—*Average of county maximum monthly assistance allowances for 1 aged person compared with the statewide average monthly cost of living at a minimum standard of health and decency*

AGED MAN LIVING ALONE AND DOING OWN COOKING

Item	Average maximum allowance	Cost
Total	$96.60	$111.70
Items for which allowances are fixed amounts, based on average costs (total)	60.80	65.90
Food	33.00	33.20
Clothing	6.00	9.00
Incidentals (total)	10.00	11.10
Personal care		2.30
Household supplies		2.00
Recreation, miscellaneous		6.80
Fuel and utilities	11.80	12.60
Shelter, for which allowance is actual cost up to fixed maximum	35.80	45.80

TABLE 2b.—*Average of county maximum monthly assistance allowances for 1 person under 65 compared with the statewide average monthly cost of living at a minimum standard of health and decency*

MIDDLE-AGED WOMAN LIVING ALONE AND DOING OWN COOKING

Item	Average maximum allowance	Cost
Total	$66.70	$109.90
Items for which allowances are fixed amounts, based on average costs, (total)	46.40	64.10
Food	28.20	27.80
Clothing	5.00	12.00
Incidentals (total)	3.00	11.70
Personal care		2.90
Household supplies		2.00
Recreation, miscellaneous		6.80
Fuel and utilities	10.20	12.60
Shelter, for which allowance is actual cost up to fixed maximum	20.30	45.80

TABLE 3a.—*Average of county maximum monthly assistance allowances for 2 persons compared with the statewide average monthly cost of living at a minimum standard of health and decency*

UNEMPLOYED MODERATELY ACTIVE MAN AND WIFE
(BOTH OF MIDDLE AGE)

Item	Average maximum allowance	Cost
Total	$100.50	$171.10
Items for which allowances are fixed amounts, based on average costs (total)	75.10	116.10
Food	48.00	60.00
Clothing	10.00	21.10
Incidentals (total)	4.80	19.90
Personal care		5.20
Household supplies		4.20
Recreation, miscellaneous		10.50
Fuel and utilities	12.30	15.50
Shelter, for which allowance is actual cost up to fixed maximum	25.40	55.00

TABLE 4a.—*Average of county maximum monthly assistance allowances for 4 persons compared with the statewide average monthly cost of living at a minimum standard of health and decency*

AGED WOMAN AND DAUGHTER WITH 2 CHILDREN
(GIRL AGED 13 AND BOY AGED 11)

Item	Average maximum allowance	Cost
Total	$176.00	$247.70
Items for which allowances are fixed amounts, based on average costs (total)	140.20	187.60
Food	90.00	101.60
Clothing	21.00	37.30
Incidentals (total)	13.00	31.10
Personal care		8.30
Household supplies		6.40
Recreation, miscellaneous		6.40
Fuel and utilities	16.20	17.60
Shelter, for which allowance is actual cost up to fixed maximum	35.80	60.10

TABLE 3a.—*Average of county maximum monthly assistance allowances for 2 persons compared with the statewide average monthly cost of living at a minimum standard of health and decency*

UNEMPLOYED MODERATELY ACTIVE MAN AND WIFE
(BOTH OF MIDDLE AGE)

Item	Average maximum allowance	Cost
Total	$100.50	$171.10
Items for which allowances are fixed amounts, based on average costs (total)	75.10	116.10
Food	48.10	60.00
Clothing	10.00	21.10
Incidentals (total)	4.80	19.90
Personal care		5.20
Household supplies		4.20
Recreation, miscellaneous		10.50
Fuel and utilities	12.30	15.10
Shelter, for which allowance is actual cost up to fixed maximum	25.40	55.00

Table 4a.—*Average of county maximum monthly assistance allowances for 4 persons compared with the statewide average monthly cost of living at a minimum standard of health and decency*

AGED WOMAN AND DAUGHTER WITH 2 CHILDREN (GIRL AGED 13 AND BOY OF 11)

Item	Average maximum allowance	Cost
Total	$176.00	$247.70
Items for which allowances are fixed amounts, based on average costs (total)	140.20	187.60
Food	90.00	101.60
Clothing	21.00	37.30
Incidentals (total)	13.00	31.10
Personal care	----------	8.30
Household supplies	----------	6.40
Recreation, miscellaneous	----------	16.40
Fuel and utilities	16.20	17.60
Shelter, for which allowance is actual cost up to fixed maximum	35.80	60.10

Table 4b.—*Average of county maximum monthly assistance allowances for 4 persons compared with the statewide average monthly cost of living at a minimum standard of health and decency*

DISABLED FATHER, MODERATELY ACTIVE MOTHER AND 2 CHILDREN (GIRL AGED 13 AND BOY OF 11)

Item	Average maximum allowance	Cost
Total	$161.20	$258.50
Items for which allowances are fixed amounts, based on average costs (total)	130.60	198.40
Food	88.00	109.10
Clothing	20.00	40.00
Incidentals (total)	8.00	31.70
Personal care	----------	8.90
Household supplies	----------	6.50
Recreation, miscellaneous	----------	16.40
Fuel and utilities	14.60	17.60
Shelter, for which allowance is actual cost up to fixed maximum	30.60	60.10

Table 5.—*Average of county maximum monthly assistance allowances for 6 persons compared with the statewide average monthly cost of living at a minimum standard of health and decency*

DISABLED FATHER, MODERATELY ACTIVE MOTHER AND 4 CHILDREN (GIRLS AGED 13 AND 4, AND BOYS AGED 11 AND 6)

Item	Average maximum allowance	Cost
Total	$199.10	$310.50
Items for which allowances are fixed amounts, based on average costs (total)	164.60	245.30
Food	108.20	132.50
Clothing	28.80	53.70
Incidentals (total)	11.00	39.10
Personal care	----------	11.40
Household supplies	----------	8.20
Recreation, miscellaneous	----------	19.50
Fuel and utilities	16.60	20.00
Shelter, for which allowance is actual cost up to fixed maximum	34.50	65.20

Table 6.—*Maximum monthly assistance allowances for 4 persons compared with monthly cost of living at a minimum standard of health and decency, by county*

DISABLED FATHER, MODERATELY ACTIVE MOTHER AND 2 CHILDREN (GIRL AGED 13 AND BOY OF 11)

County	Maximum allowance	Cost	Percent of total cost met by maximum allowance
Statewide average	$161.20	$268.50	62.4
Adams	157.40	248.80	63.3
Allegheny	164.40	264.70	62.1
Armstrong	152.80	242.90	62.9
Beaver	156.80	255.00	61.5
Bedford	152.60	243.40	62.0
Berks	160.40	251.00	61.3
Blair	159.00	246.20	63.5
Bradford	152.60	254.90	50.9
Bucks	163.40	270.80	60.6
Butler	152.40	248.30	61.1
Cambria	157.00	245.40	64.0
Cameron	154.00	252.60	61.0
Carbon	160.40	247.80	64.7
Centre	152.60	243.90	62.6
Chester	189.40	278.50	50.8
Clarion	152.40	227.60	64.1
Clearfield	152.80	245.40	52.3
Clinton	157.00	248.80	61.1
Columbia	157.20	252.20	62.3
Crawford	160.00	250.00	64.0
Cumberland	157.40	154.60	59.5
Dauphin	160.20	264.50	30.1
Delaware	164.60	266.50	61.1
Elk	152.40	269.40	61.2
Erie	160.00	246.90	60.3
Fayette	152.80	740.60	63.4
Forest	152.40	259.65	71.8
Franklin	160.40	259.00	51.9
Fulton	152.80	234.00	63.9
Greene	152.80	264.00	62.4
Huntingdon	151.00	243.20	64.6
Indiana	152.80	243.60	62.7
Jefferson	152.80	241.19	62.0
Juniata	152.80	248.01	62.9
Lackawanna	160.20	249.50	64.2
Lancaster	150.50	265.20	59.9
Lawrence	156.80	255.00	61.5
Lebanon	157.20	254.20	61.8
Lehigh	160.40	260.10	61.7
Luzerne	160.20	249.60	64.2
Lycoming	158.80	258.80	62.0
McKean	160.00	263.00	60.7
Mercer	156.80	255.70	60.1
Mifflin	157.40	252.10	62.6
Monroe	160.40	281.80	61.3
Montgomery	163.00	211.90	59.9
Montour	153.40	254.30	61.9
Northampton	160.40	255.06	62.9
Northumberland	157.40	241.60	65.3
Perry	152.60	245.45	61.5
Philadelphia	194.40	267.90	61.4
Pike	156.60	249.00	63.7
Potter	153.60	241.50	63.7
Schuylkill	157.20	245.60	64.0
Snyder	152.60	251.60	60.8
Somerset	152.80	237.60	64.3
Sullivan	152.60	232.60	65.5
Susquehanna	152.60	248.60	61.7
Tioga	153.80	242.40	64.4
Union	152.60	247.50	61.3
Venango	156.60	254.60	61.7
Warren	153.80	256.40	60.0
Washington	154.00	244.60	63.0
Wayne	158.60	252.30	62.9
Westmoreland	152.60	249.10	61.3
Wyoming	152.00	243.20	62.5
York	157.40	256.40	61.5

THE DILEMMA OF LIBERALIZED DEPRECIATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. THOMPSON] is recognized for 30 minutes.

Mr. THOMPSON of Texas. Mr. Speaker, on Wednesday, April 15, 1964, I addressed this body as to the flagrant disregard by the Federal Power Commission and other Federal agencies of the intent of Congress respecting various Federal tax incentives. Apropos of these remarks on a subject which strikes at the heart of our democratic processes is a study which I shall introduce into the record pertaining to the inconsistent treatment afforded liberalized depreciation by the Federal Power Commission. They have indeed created what could be called the dilemma of liberalized depreciation.

On the very day of my remarks upon this type of tax incentive the Federal Power Commission took action which not only denies regulated companies the incentive of liberalized depreciation, but actually places many companies in a worse position than if liberalized depreciation had never been enacted. These recent actions of the Federal Power Commission not only fly in the face of the intent and purpose of Congress in enacting liberalized depreciation but are directly contrary to the will of Congress toward Federal tax incentives as expressed in the 1964 tax bill respecting the investment tax credit.

This study shows that the Federal Power Commission has been utterly inconsistent in their treatment of liberalized depreciation which can lead and has led to the only possible result—utter confusion, fear, and frustration on the part of the regulated business community. It is inconceivable but true that a majority of appointed men on a regulatory Commission can flout the policies of Congress and the President. In his 1964 state of the Union address, President Johnson said:

> The most damaging and devastating thing you can do to any businessman in America is to keep him in doubt and to keep him guessing on what our tax policy is.

The article follows:

THE DILEMMA OF LIBERALIZED DEPRECIATION: A CASE HISTORY—HOW A REGULATORY AGENCY CREATES BUSINESS UNCERTAINTY AND MAKES FINANCIAL PLANNING DIFFICULT

Presented herewith, in tabular form, is a factual history of the treatment accorded liberalized depreciation (an election permitted all business under section 167 of the Revenue Code) by the Federal Power Commission for accounting and ratemaking purposes. This résumé is devoid of argument as to the merits of the issue or the basis for the treatment so accorded. Rather, it is confined to the remarkable history of what was actually approved and done by the Commission and the courts. It is a case history of the delay, frustration, and disillusionment experienced by the natural gas pipeline industry in attempting to have ground rules established and to base long-range planning and policies in reliance thereon, only to have such ground rules suddenly changed by the agency responsible for the regulation of the industry.

This memorandum merely attempts to chronicle the events since the passage of the law in 1954 whereby:

1. The Federal Power Commission has given full consideration, reconsideration, and review to the treatment of liberalized depreciation for accounting and ratemaking purposes and upon each such examination of this question, prior to the most recent one, approved tax normalization; [1]

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[1] For example: If a facility costs $1 million with a normal life of 10 years, under one liberalized method of depreciation (the double declining balance) annual depreciation under sec. 167 would be at $200,000 for the first year, $160,000 for the second year, $128,000 for the third year, $100,000 for the fourth year, $81,920 for the fifth year, and so on. Under straight line, depreciation would be $100,000 each year. Neither method changes

2. The courts have likewise reviewed and approved the Commission's actions in this regard; and

3. In February 1964 without any change in the law, without any new facts being presented, without any modification or reversal of previous court decisions, the Commission has completely reversed its previously announced policy of normalizing taxes.

Large sums of money are involved. Natural gas pipelines have accumulated $286,320,000 of deferred tax funds. Abrupt changes in policies affecting such large sums of money make sound financial planning difficult, if not impossible. Continuity of policy is essential to avoid business turmoil.

In his 1964 state of the Union address, President Johnson said: "* * * the most damaging and devastating thing you can do to any businessman in America is to keep him in doubt and to keep him guessing on what our tax policy is." We agree that Government should not keep business in doubt.

CHRONOLOGY OF TREATMENT OF SECTION 167 TAX OPTIONS "NORMALIZATION" VERSUS "FLOW-THROUGH"

Year: 1953. Forum: FPC. Case: Pipeline company treatment of Federal income taxes as affected by accelerated amortization permitted by section 168 (12 FPC 369). Decision: Normalization.[1] Remarks: Accelerated amortization under section 168 is listed herein because of its similarity to liberalized depreciation under section 167.

Year: 1954 (Aug. 6). Enactment of present section 167 of the Internal Revenue Code giving all taxpayers the option of using various types of liberalized depreciation for tax purposes.

Year: 1954 (Nov. 30). Forum: FPC. Case: Petition filed by eight Columbia gas system companies for declaratory order as to how FPC would handle liberalized depreciation. *Amere Gas Utilities Co. et al.* (FPC docket No. G–6358). Remarks: The requested declaratory order, sought less than 4 months after enactment of the statute, indicates that the industry needed and wanted ground rules laid down by the Commission to guide them in their future financial planning. Realizing the industrywide significance of this proceeding, the Commission permitted intervention by six pipeline companies, INGAA, the Public Service Commission of Wisconsin, the city of Detroit, and 16 Kentucky municipalities.

Year: 1955. Forum: USCA District of Columbia Circuit. Case: *City of Detroit* v. *FPC* (230 F. 2d 810). Decision: Normalization.[2]

Year: 1956. Forum: FPC. Case: *Amere Gas Utilities Co., et al.* (15 FPC 781). Decision: Normalization. Remarks: The Commission order approved normalization, for accounting purposes. The appeal of certain municipal intervenors who supported "flow-through" was held premature since the parties were not aggrieved by a mere accounting order. Thus, while the accounting order prescribed normalization, the industry could not be certain what approach would be taken by the Commission in a rate case and what the position of the Federal courts would be. The action taken by it in Amere was specifically called by the Commission to the attention of Congress (see 15 FPC at 782).

Year: 1958. Forum: FPC. Case: Amendment of uniform system of accounts prescribed for natural gas companies respecting treatment of deferred taxes on income (19 FPC 826). Decision: Normalization. Remarks: This prescribed the accounting rules to effectuate the Amere decision.

Year: 1959 (Aug. 10). Forum: FPC. Case: El Paso Natural Gas Co. (22 FPC 260). Decision: Normalization. Remarks: The initial Commission decision prescribing normalization for ratemaking purposes. Note: 5 years had elapsed between the enactment of section 167 and the time the industry knew the Commission's position on the rate consequences of liberalized depreciation.

Year 1960 (January 22): Forum: FPC. Case: *United Fuel Gas Co.* (23 FPC 127). Decision: Normalization. Remarks: This case reaffirmed the Commission's position in favor of normalization for rate purposes.

Year 1960: Forum USCA Fifth Circuit. Case: *El Paso Natural Gas Co.* v. *FPC* (281 F. 2d 567) cert. denied, 366 U.S. 912 (1961). Decision: Normalization. Remarks: The first judicial pronouncement approving normalization as the proper method to be accorded liberalized depreciation for ratemaking purposes.

Year 1961: Forum USCA Fourth Circuit. Case: *Cities of Lexington et al.* v. *FPC* (295 F. 2d 109). Decision: Normalization. Remarks: The second judicial pronouncement holding that normalization was the proper method to be accorded liberalized depreciation for ratemaking purposes.

Year 1961: Forum: U.S. Supreme Court. Case: Denied certiorari in *El Paso* case (*California* v. *United States,* 366 U.S. 912). Remarks: Some 7 years after the enactment of section 167 it appeared that the ground rules were finally established and approved by the courts. During this 7-year period the financial statements of many companies were clouded by the uncertainty of the treatment to be accorded this issue.

Year 1964: Forum: FPC. Case: *Alabama-Tennessee Natural Gas Co.* (Opinion No. 417). Decision: Flow-through. Remarks: Thus, some 3 years after a reasonable degree of certainty had been achieved as to the ratemaking treatment to be accorded liberalized depreciation, the Commission did a complete about-face and adopted the flow-through approach. The Commission's prescription will deprive pipelines of substantial cash flow to finance the growth and expansion of their businesses. The Commission did two other things:

1. Disallowed any rate of return on the deferred tax reserve heretofore accumulated under normalization. The Commission's decisions had consistently, until 1961, allowed a full return on this reserve and in 1963 had received court approval for permitting a 1.5 percent rate of return thereon (Northern Natural Gas Co., 25 FPC 431 (1961) *Panhandle Eastern Pipe Line Co.* v. *FPC*, 316 F. 2d 659 (D.C. Cir. 1963) certiorari denied 375 U.S. 881 (1963)).

2. Declined to decide an issue, crucial insofar as future industry planning is concerned, namely, will pipelines, in effect, be forced to elect liberalized depreciation, should the Commission's flow-through determination withstand judicial scrutiny. This result would be accomplished by the Commission's determining a pipeline company's cost of service as if liberalized depreciation had been taken regardless of the actual fact.

(Note.—The pipelines are now again confronted with what it appears will be a long period of financial uncertainty. What are the ground rules as far as those tax benefits Congress in 1954 offered business to help finance growth and expansion?)

BASIC PRINCIPLES INVOLVED

Liberalized depreciation (authorized by sec. 167 of the Internal Revenue Code) is the taking of depreciation for tax purposes at a greater rate during the earlier years, but at a lesser rate during the later years, than would have been taken under normal straight-line depreciation.

Accelerated amortization (authorized by sec. 168 of the Internal Revenue Code) provided for amortizing certain emergency (Korean war) facilities over a 5-year period instead of over the normal useful life of such facility.

Liberalized depreciation results in a greater deduction in the earlier years of the life of a facility (thus less taxes), but less deductions in the latter years (thus greater taxes), than would be the case if straight-line depreciation had been used. Thus, in the earlier life of a property, liberalized depreciation will cause a reduction in income taxes payable; the converse is true in the later years; that is, the use of liberalized depreciation as to a specific unit will result in greater income taxes than if straight-line depreciation was used.

SUBSTANTIVE ISSUES IN THE RATEMAKING TREATMENT OF LIBERALIZED DEPRECIATION (NORMALIZATION VERSUS FLOW-THROUGH)

In resolving the question of the proper treatment of liberalized depreciation for ratemaking purposes, the following issues have confronted the Commission:

1. Should the difference between the lower taxes actually paid in the earlier years of the life of a given item of property and what would have been paid if straight-line depreciation had been taken, be passed on to the consumer in the form of reduced rates (flow-through)? This is the position only recently espoused by the Commission. Alternatively, should the pipelines have the use of this difference for expansion and growth during the earlier years of an asset's useful life when taxes are less under liberalized depreciation than they would have been had straight-line depreciation been used, such difference to be kept in a reserve account (the cash funds being available for investment, but not available for distribution to stockholders), such reserve to be applied against the increased taxes due in the later years? This is accomplished by basing rates as if normal (straight-line) depreciation had been used (normalization). Until the recent Alabama-Tennessee decision, the Commission had consistently held that normalization effectuated the congressional purpose of investment stimulation in enacting section 167 since only under normalization were funds for investment made available to the pipeline. In addition, this method equalized the tax benefits of depreciation between present and future consumers.

2. Should the investments acquired with the reserve for future taxes be a part of the rate base upon which the company is entitled to earn a reasonable rate of return? This question is relevant only if normalization is used since under flow-through there is no such reserve accumulated.

3. If these investments acquired with the deferred tax reserve should be a part of the rate base, what, if any, rate of return should such investments earn?

The choice made by the Commission of the alternatives of normalization and flow-through and the answers to the other issues above are of great significance to pipeline companies who must know just what funds are and will be available when they make their capital investment and financing plans.

In this important area where certainty is essential, certainty has been lacking.

FISHING RIGHTS NEGOTIATIONS WITH CANADA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Washington [Mr. Tollefson], is recognized for 20 minutes.

Mr. TOLLEFSON. Mr. Speaker, in the spring of last year, the Canadian Prime

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either the service life of the property or the fact that for any given item of property it may be depreciated but once by the taxpayer.

[2] Involved accelerated amortization under sec. 168. Until its decision in Alabama-Tennessee, the Commission had consistently held that there was no legal or factual justification for any difference in regulatory treatment of secs. 167 and 168. (See *Amere infra* 15 FPC at 781–782; *Northern Natural Gas Co.*, 25 FPC 431 (1961).)

Minister, Mr. Pearson, announced the intention of his Government of asserting Canadian jurisdiction over fisheries in a 12-mile zone along the Canadian coast. He also indicated that the Government of Canada would measure this 12-mile zone from straight baselines connecting salient headlands along the coast. Subsequently, official Canadian statements have made it clear that this would be done in such a way as to bring within Canadian jurisdiction such large bodies of water as the Bay of Fundy and the Gulf of St. Lawrence on the Atlantic side, and Queen Charlotte Sound, Hecate Strait and Dixon Entrance on the Pacific side. Mr. Pearson stated that Canada would respect existing treaty rights of foreign nationals in the waters which would come under Canadian jurisdiction, and that, in addition, historic fishing by foreign nationals in these waters would be taken into account.

During his meeting in Hyannis Port with the late President Kennedy in May of last year, the Canadian Prime Minister reiterated the position of Canada. It is my understanding that the President restated the traditional position of the United States in opposition to the extension of national jurisdiction over fisheries in waters beyond 3 miles from the coast and reserved all U.S. rights. But the President and Prime Minister agreed that the subject was an appropriate one for negotiation between the two governments. Thereafter, in June, Mr. Pearson stated in the House of Commons that Canada would extend its jurisdiction effective in May of 1964.

I am informed that there have been several negotiating sessions at which the positions of the two governments were discussed and clarified. However, I am not aware that any agreement has been reached or that the problem has been solved. Very recent statements from Ottawa indicate that Canada is holding fast to its original plan and that in May—only a short time in the future—Canada will exercise its jurisdiction over fisheries in the 12-mile zone. In his speech from the throne on February 18, 1964, opening the current session of the Canadian Parliament, the Prime Minister said:

> A measure will be placed before you to establish a 12-mile limit for the use of Canadian fisheries.

What will the effect of this move be on American fishermen who have for years found their livelihood on the rich fishing grounds off the Canadian coast in both the Atlantic and the Pacific? There have been vague statements from Ottawa about respecting historic fishing rights; but these have not been definitive and I, for one, am left in doubt.

The problem is an important one for the U.S. fishing industry in general and any unilateral extension of fishery jurisdiction by Canada will cause severe economic difficulties in the fishing industry of my State. Fishermen from the State of Washington pioneered in the development of some of the finest fishing areas off the Canadian coast in Hecate Strait and Queen Charlotte Sound. For years they have harvested the resources of these areas. American halibut fishermen have fished Hecate Strait since early in the last century. For over 30 years they have followed the conservation recommendations of the Pacific Halibut Commission, recommendations which have resulted in obtaining the maximum sustainable yield from the resource.

Pacific coast trawlers and salmon trollers are dependent to a high degree upon those resources. The U.S. salmon fishermen have followed the recommendations of the Sockeye Salmon Commission in an effort to maintain this important fishery. Just last year our fishermen were called upon to exert additional fishing effort on the Fraser River salmon run to prevent overescapement of fish after Canadian fishermen failed to catch a sufficient number of salmon. If Canada takes the action it has proposed the benefits of the sacrifices and conservation efforts by our fishermen will not accrue to economy of the Northwest fishing industry. Many small communities in the State of Washington whose economies are built around the fishing industry would face the most grave difficulties if American fishermen could no longer fish these areas.

The problem has another facet. American fishermen are not the sole harvesters of these resources off the Canadian coast. They fish side by side with Canadian fishermen and the competition is tough. It is interesting to note that a very substantial part of the Canadian catch is exported to the United States, where with the advantages accruing from lower Canadian wage scales, it competes with the products of the American fishery. It competes to the considerable detriment of the American fisherman. Would it not be inequitable if the American fisherman were driven from these rich grounds to areas where, because of smaller catches, his production costs were higher, and was still forced to attempt to compete with the relatively low cost foreign product, the very product which had been his for years and years?

I do not believe that such a situation should be permitted and I am confident that my colleagues in the House from the New England States and from other parts of the country where fisheries are important would feel the same as I on this matter. Something must be done, and I think that perhaps it will be up to the Congress to do it. I do not favor precipitous action, but there appears to be good reason to believe that the normal process of negotiation has not been successful in resolving the problem. We have no advice from the Executive that agreement has been reached. It would seem that something is needed beyond diplomacy.

During the last session, at a time when another segment of the U.S. fishing industry was faced with similar difficulties resulting from the actions of other foreign governments, my colleague from the State of Washington [Mr. Pelly] introduced a bill, H.R. 7815, which would place an embargo upon fishery products from countries which interfere with or harass American fishermen fishing lawfully in waters which the United States considers to be the high seas. I have introduced a similar measure. Enactment of such a measure would, in my judgment, make it clear to all comers that the United States is not prepared to sit by while other governments by unilateral act jeopardize the welfare of the American fishermen. At the same time, it would not place the United States in such a rigid position that negotiation of real problems would be impossible.

I believe it essential that the Congress direct its attention to this problem which bedevils our fishing industry. I would hope that the chairman of the Ways and Means Committee, to which H.R. 7815 has been referred, will hold hearings on it at the earliest possible moment.

Mr. WESTLAND. Mr. Speaker, will the gentleman yield?

Mr. TOLLEFSON. I am glad to yield to my colleague from the State of Washington.

Mr. WESTLAND. Mr. Speaker, I want to compliment my colleague from the State of Washington on the statement he has just made. The fishermen in the district I represent are equally concerned over this proposed new 12-mile limit. This would eliminate, for example, the western shore of Vancouver Island. In our drag operations there the fishermen go down I believe four or five hundred fathoms. These have been historic fishing grounds for fishermen from our State. We have cooperated with the Canadians in many respects. As the gentleman has said, their fishing boats are permitted to come into the ports of the State of Washington to sell their fish.

We have tried to handle the sockeye run in an equal way. We also have the Banilla-Tatoosh line which has given an advantage to the British Columbia fishermen, and the silver run that comes through the Straits of Juan de Fuca.

I have discussed this matter several times with the Bureau of Commercial Fisheries. It has been my understanding that in these historical fishing grounds fishermen from the State of Washington would be recognized.

Is the gentleman saying that there has been a change in this matter, that the Canadians now are going to just stick to a 12-mile limit and that these historical fishing grounds are going to be eradicated?

Mr. TOLLEFSON. May I say to the gentleman that my impression has been, up until recently, that the Canadians were perfectly willing to negotiate with respect to our historical rights. This was the indication which was given by the Prime Minister, Mr. Pearson. But their lack of action in negotiating these rights leaves some doubt in my own mind as to the extent which they might be willing to negotiate. This has upset me, and for that reason I want our Committee on Merchant Marine and Fisheries to get busy on this bill which is now pending before it and, perhaps, that will have some impact on the current negotiations.

Mr. WESTLAND. If the gentleman will yield further, I think that is fine.

I believe there was some date set, was there not, for the final version of this negotiation to take place?

Mr. TOLLEFSON. Yes.

Mr. WESTLAND. Was it May 15 or June 15?

Mr. TOLLEFSON. Yes; early in May.

Mr. WESTLAND. Which is certainly not very far away.

I, again, would like to compliment the gentleman from Washington for his interest in this matter.

I too have a great interest in the matter and suggest that in the debate on the pending legislation to which the gentleman from Washington has referred and which has been introduced I shall certainly be glad to lend it my support and shall be glad to express my sentiments on this matter, which are rather strong.

Mr. TOLLEFSON. I thank the gentleman for his contribution to this discussion.

I know of the gentleman's most active interest on behalf of the welfare of the fishermen in his district and the fishing industry generally of the State of Washington. The gentleman over the years has been in the forefront in supporting legislation designed to be beneficial to our fishermen. I know of the gentleman's concern and I am glad he has expressed himself as he has in favor of the pending legislation.

Mr. WESTLAND. I merely follow the leadership of my friend Thor Tollefson.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. TOLLEFSON. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I also want to joint in complimenting the gentleman from Washington for his excellent remarks on a very timely subject—the increasing harassment to our fishing industry by foreign countries.

I know this problem not only extends throughout the State of Washington, but also to the areas of any Representative of a coastal district concerned with the economic well-being of the fishing fleets.

We in California have many fishermen who are similarly affected. Therefore, the gentleman from Washington [Mr. Tollefson] can count on me to join him in support of this legislation and in support of the hearings which will be held thereon.

Could the gentleman tell me in his own mind as to why the Canadian Government is dragging its feet as it were on this matter?

Mr. TOLLEFSON. I can only guess, of course, and perhaps it would not be fair to guess without knowing exactly what the situation is. But over the years, since I have been a Member of Congress, the nations of the world, the small nations so to speak, have learned through experience that if they play hard to get or act as though it is difficult for them to reach an agreement, they have learned that they will get consideration by this kind of activity.

This happens, as I say, also with reference to the small nations such as those in Africa, as well as the older established nations. They know they can get concessions from our Government if they act, as I said earlier, hard to get.

Mr. DON H. CLAUSEN. Mr. Speaker, if the gentleman will yield further, as the gentleman knows we have a similar problem which is continuing not only in relation to these fishing negotiations but also with relation to the lumber industry on the north coast. It seems that we are continually faced with the problem of being a pawn in some of the negotiations which might be advantageous to other parts of the world.

I certainly hope we can come forth with an opportunity to negotiate at the economic level so we can have the interest of our own people protected in these matters.

Mr. TOLLEFSON. I agree with the gentleman completely. I am aware of the problem in connection with the lumber industry as it exists between the United States and Canada. I certainly agree with the gentleman and express the hope that we might sit down and discuss this matter at the negotiating table.

Mr. DON H. CLAUSEN. Mr. Speaker, if the gentleman will yield further, as I recall, last year there were some 106 or 108 Congressmen who offered a similar point of view in objecting to what the administration was offering, and I believe if that does not do any good, then I do not know what is going to be required.

Mr. TOLLEFSON. I think if we come up with the answer to that question we will have to get people in the departments to act. If the gentleman and I could do this I think we would both be entitled to a medal. This has been a problem throughout the years. It is difficult to get our State Department, for instance, to see or to understand the point of view of Members of Congress and to understand the point of view of the people who are interested, like the lumber people and the fishermen. If we can do that we will make progress.

Mr. DON H. CLAUSEN. This is all at the expense of our own interest and people who are carrying the burden through taxes and otherwise. I thank the gentleman for yielding to me.

Mr. TOLLEFSON. I thank the gentleman for his contribution.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Tuck (at the request of Mr. Albert), for today and tomorrow, on account of illness in the family.

Mr. Flynt, for today and balance of the week, on account of illness.

Mr. Healey (at the request of Mr. Boggs), for balance of the week, on account of death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Thompson of Texas, for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Tollefson, for 20 minutes, today; and to revise and extend his remarks.

Mr. Curtis (at the request of Mr. Gross) for 1 hour, on April 21.

Mr. Taft (at the request of Mr. Gross) for 1 hour, on April 21.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. O'Hara of Illinois and to include related matter.

Mr. Alger.

Mr. Burkhalter and to include extraneous matter.

Mr. Madden (at the request of Mr. Charles H. Wilson) and to include extraneous matter.

(The following Members (at the request of Mr. Gross) and to include extraneous matter:)

Mr. Pelly.

Mr. Hosmer in two instances.

Mr. Jensen.

(The following Members (at the request of Mr. Charles H. Wilson) and to include extraneous matter:)

Mr. Dingell.

Mr. Evins.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 73. Concurrent resolution authorizing the printing of additional copies of part 2 and part 3 of the 1964 hearings of the Joint Committee on Atomic Energy on Atomic Energy Commission authorizing legislation, fiscal year 1965; to the Committee on House Administration.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 8465. An act to amend the act entitled "An act to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2394. An act to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes.

ADJOURNMENT

Mr. CHARLES H. WILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 6 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 21, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1960. A letter from the Comptroller General of the United States, relative to the General Accounting Office having made an audit of and examination of the financial statements of the Panama Canal Company for the fiscal year ended June 30, 1963, pursuant to the Government Corporation Control Act (31 U.S.C. 841) (H. Doc. No. 191); to the Committee on Government Operations and ordered to be printed.

1961. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Virgin Islands Corporation for the fiscal year 1963 (H. Doc. No. 192); to the Committee on Government Operations and ordered to be printed.

1962. A letter from the Secretary of the Army, relative to transmitting additional material relating to House Document 579, 87th Congress, pertaining to Big Stone Lake and Whetstone River, Minn., and S. Dak. (H. Doc. No. 193); to the Committee on Public Works and ordered to be printed.

1963. A letter from the Director of Civil Defense, Department of Defense, transmitting the report on property acquisitions of emergency supplies and equipment by the Office of Civil Defense for the quarter ending March 31, 1964, pursuant to the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1964. A letter from the Secretary, Export-Import Bank of Washington, transmitting a report relating to shipments to Yugoslavia insured by the Foreign Credit Insurance Association and the Export-Import Bank under our short-term export credit insurance program for the month of March 1964, pursuant to title III of the Foreign Aid and Related Agencies Appropriation Act of 1964 and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

1965. A letter from the Comptroller General of the United States, transmitting a report on a review of illegal contract payment provisions and other deficient contracting practices employed by the U.S. Travel Service, Department of Commerce; to the Committee on Government Operations.

1966. A letter from the Comptroller General of the United States, transmitting a report to the Joint Economic Committee of the Congress on failure to curtail operation at Government expense of military commissary stores in continental United States where adequate commercial facilities are available, Department of Defense; to the Committee on Government Operations.

1967. A letter from the Comptroller General of the United States, transmitting a report on a review of unnecessary interest costs incurred by the Government because of improper retention of overpayments by Burroughs Corp., Detroit, Mich., Department of the Army; to the Committee on Government Operations.

1968. A letter from the Librarian of Congress, transmitting a report of the affairs of the Library of Congress, including the copyright business, for the fiscal year ending June 30, 1963; to the Committee on House Administration.

1969. A letter from the Archivist of the United States, General Services Administration, transmitting a report on records proposed for disposal under the law; to the Committee on House Administration.

1970. A letter from the Assistant Secretary of the Interior, transmitting a proposed amendment to the concession contract with the S. G. Leoffler Co., a partnership, to operate facilities and services in the areas administered by the National Capital Region, National Park Service, pursuant to 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1971. A letter from the secretary-treasurer, Congressional Medal of Honor Society, United States of America, transmitting the Annual Report of the Congressional Medal of Honor Society of the United States of America for the calendar year 1963, pursuant to Public Law 249, 77th Congress; to the Committee on the Judiciary.

1972. A letter from the Clerk, U.S. Court of Claims, transmitting certified copies of the court's opinion and findings *In re Charles G. G. Group* v. *the United States,* Congressional No. 9–60, pursuant to House Resolution No. 538, 86th Congress; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of April 16, 1964, the following bill was reported on April 17, 1964:

Mr. MAHON: Committee on Appropriations. H.R. 10939. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes; without amendment (Rept. No. 1329). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted April 20, 1964*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLATNIK: Committee on Public Works. H.R. 6197. A bill to revise and reenact as amended the act entitled "An act creating the city of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill.," approved December 21, 1944; with amendment (Rept. No. 1330). Referred to the House Calendar.

Mr. FALLON: Committee on Public Works. H.R. 10503. A bill to authorize appropriations for the fiscal years 1966 and 1967 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; with amendment (Rept. No. 1331). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of April 16, 1964, the following bill was introduced on April 17, 1964:

By Mr. MAHON:

H.R. 10939. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes.

[*Introduced and referred April 20, 1964*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY:

H.R. 10940. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 10941. A bill to provide for the administration of the Coast Guard Band; to the Committee on Merchant Marine and Fisheries.

By Mr. DONOHUE:

H.R. 10942. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOUNTAIN:

H.R. 10943. A bill to grant credit for purposes of the Civil Service Retirement Act for service performed by Federal employees under a cooperative agreement between the Federal Government and the State of North Carolina with respect to the administration of the Fair Labor Standards Act of 1938 in such State, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GALLAGHER:

H.R. 10944. A bill to specify the number of hospital beds that the Administrator of Veterans' Affairs must maintain and operate at the Veterans' Hospital, East Orange, N.J.; to the Committee on Veterans' Affairs.

By Mr. HOLIFIELD:

H.R. 10945. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. JOHNSON of Pennsylvania:

H.R. 10946. A bill to designate the Allegheny River Dam and Reservoir on the Allegheny River in the Commonwealth of Pennsylvania as the Kinzua Dam and Reservoir; to the Committee on Public Works.

By Mr. McDOWELL:

H.R. 10947. A bill to amend and extend the National Defense Education Act of 1958; to the Committee on Education and Labor.

H.R. 10948. A bill to authorize the Secretary of the Army to make a survey of the existing high-level bridge over the Chesapeake & Delaware Canal, for the purpose of determining whether this structure should be replaced; to the Committee on Public Works.

By Mr. PELLY:

H.R. 10949. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for certain taxpayers who have cerebral palsy; to the Committee on Ways and Means.

By Mr. WESTLAND:

H.R. 10950. A bill to restrict imports of dairy products into the United States; to the Committee on Ways and Means.

By Mr. DELANEY:

H.J. Res. 1003. Joint resolution providing that an environmental health center that may hereafter be established in the Public Health Service shall be known as Rachel Carson Memorial Research Center for Environmental Health; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHWENGEL:

H.J. Res. 1004. Joint resolution providing for the display of the bronze doors called the apotheosis of America at an appropriate place in the U.S. Capitol; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Mississippi, memorializing the President and the Congress of the United States to immediately take the necessary steps to give to the citizens of this Nation an opportunity by constitutional amendment to determine whether or not prayer shall be permitted in the public schools; and to urge the legislatures of all the States to join in this recommendation to the Congress; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States, relating to urban renewal assistance in disaster areas; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHMORE:

H.R. 10951. A bill for the relief of T. Michael Smith; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 10952. A bill for the relief of Benjamin Argumedo-Ortiz, and Margarita Ortiz de Argumedo; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H.R. 10953. A bill for the relief of Ahlam Najia Shohet; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 10954. A bill for the relief of Dr. Vida D'Souza; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 10955. A bill for the relief of William H. Onderdonk; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 10956. A bill for the relief of Mrs. Lessie Edwards; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 10957. A bill for the relief of Eng Kwan Yue; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 10958. A bill for the relief of Samuel Mansfield Davis; to the Committee on the Judiciary.

By Mr. RIEHLMAN:

H.R. 10959. A bill for the relief of Dr. Bahram Mohit; to the Committee on the Judiciary.

H.R. 10960. A bill for the relief of Dr. Priscilla Ilen-Madlansacay, Leonard T. Madlansacay, and Ray Thomas Madlansacay; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

853. By the SPEAKER: Petition of Clifford Karchmer, Memphis, Tenn., relative to a bridge to be built over the Mississippi River near Memphis, Tenn., and requesting that it be named "the Estes Kefauver Bridge"; to the Committee on Public Works.

854. Also, petition of Elizabeth Slattery, acting city clerk, Portsmouth, Ohio., to express the position of the city council relative to Communist goods being sold in the United States, and requesting the President and the Congress of the United States to take immediate steps within their powers that are necessary to terminate the influx of such Communist-made goods; to the Committee on Ways and Means.

855. Also, petition of Teruki Higa and Kenzo Tobaru, mayor and chairman of Tonaki-son, Okinawa, relative to solution to pre-peace-treaty claims problem; to the Committee on Foreign Affairs.

856. Also, petition of the Municipal Assembly of Kadena-son, Okinawa, concerning the request that the administrative authority of Okinawa be returned to Japan; to the Committee on Foreign Affairs.

SENATE

MONDAY, APRIL 20, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. INOUYE, a Senator from the State of Hawaii.

Rabbi Milton Richman, Madison Avenue Temple, Scranton, Pa., offered the following prayer:

I rise as an American before our great leaders, and as an American of the Jewish faith, mindful of my brothers in the new State of Israel on their 16th birthday, and grateful for America's great help.

May these words be worthy to approach the throne of the Holy One, and perhaps touch your hearts, too.

O America, O Israel:

Remember the hopes of our Founding Fathers, and the confidences of our prophets. Remember, and rejoice in our achievements. Remember, and reaffirm their dreams as our tasks.

O America, be right in your strength. O Israel, be strong in your right. O God, be Thou our Judge and Defender. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C. April 20, 1964.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DANIEL K. INOUYE, a Senator from the State of Hawaii, to perform the duties of the Chair during my absence.

LEE METCALF,
Acting President pro tempore.

Mr. INOUYE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, April 18, 1964, was dispensed with.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 151 Leg.]

Aiken
Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Burdick
Cannon
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Goldwater
Hart
Hayden
Hickenlooper
Hill
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Miller
Monroney
Morton
Moss
Mundt
Pearson
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smith
Stennis
Symington
Walters
Williams, Del.
Young, N. Dak.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Florida [Mr. HOLLAND], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Alabama [Mr. SPARKMAN], the Senator from South Carolina [Mr. THURMOND], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisiana [Mr. ELLENDER], the Senator from California [Mr. ENGLE], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from North Carolina [Mr. JORDAN], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Montana [Mr. METCALF], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Florida [Mr. SMATHERS], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent during convalescence from an illness.

I further announce that the Senator from Indiana [Mr. BAYH] is absent because of a death in the family.

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON] is absent on official business.

The Senator from New Mexico [Mr. MECHEM] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New York [Mr. JAVITS] is detained on official business.

The PRESIDING OFFICER (Mr. WALTERS in the chair). A quorum is present.

CIVIL RIGHTS ACT OF 1963

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ROBERTSON. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield for an insertion in the RECORD by the Senator from Michigan [Mr. McNAMARA], with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SO-CALLED "McNAMARA'S WAR" IN SOUTH VIETNAM

Mr. McNAMARA. Mr. President, I rise to comment briefly on the latest campaign undertaken by the senior Senator from Oregon [Mr. MORSE], which is to refer to the conflict in South Vietnam as "McNamara's war."

To my knowledge, he is the only one who refers to it in this way.

But he does it so persistently and publicly that I feel constrained to reply.

Let me hasten to say that my sensitivities on this matter have not been aroused by any possible confusion between my name and that of the Secretary of Defense—Robert S. McNamara.

I am not sure which of us gains—or loses—the most through the frequent appearance of the name McNamara in headlines, but that is the least of our worries.

Nor do I protest the use of the provocative phrase "McNamara's war" by the Senator from Oregon merely because the Secretary of Defense is from Michigan.

However, as a Senator from Michigan, I would not want my silence on the speeches of the Senator from Oregon to indicate approval of his attacks on a distinguished citizen of my State.

The conflict in South Vietnam is a deadly serious matter. The Senator from Oregon is perfectly right when he expresses deep national sorrow over the death of Americans in that far-off unhappy land.

But through his reference to this conflict as "McNamara's war," he would seem to give more solace to the sowers of confusion and distortion than to enlightenment and reason on a very complex situation.

Further, it does a grave injustice to a dedicated, loyal, and brilliant public servant who, in my opinion, has done an excellent job in perhaps the second most difficult post in our Government.

Why not call it "Eisenhower's war" or "Kennedy's war" or "Johnson's war," if a name must be assigned to it? It makes as much sense.

Or, more accurately, why not call it the "Communists' war"—because that is what it really is.

I do not challenge in any way the right of anyone to disagree with U.S. policy in South Vietnam, or to offer criticism—constructive or otherwise.

All I ask of my colleague from Oregon is that he exercise his usual reason and fairness in this matter, and not carry on a personal attack on a loyal American who seeks only to carry out the policies of his Government.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and, if so, to whom?

Mr. McNAMARA. Mr. President, if I may, I should like to yield to my colleague from Michigan [Mr. HART].

Mr. ROBERTSON. Mr. President, I have no objection, provided I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I want to associate myself fully with the remarks of my distinguished senior colleague from Michigan. Knowing these remarks were to be made today, I sent for the record of the hearing on the nomination of Robert S. McNamara, held in January 1961. I introduced the then Secretary-designate to the Armed Forces Committee on the morning of the hearing. If I may be permitted to do so, I should like to read one paragraph from what I said in introducing him:

> The President-elect has designated an extraordinary American for this difficult post.
>
> I am sure there is no rule-of-thumb that can permit anyone with certainty to say of any man that he will or he will not be an effective Secretary of Defense. But all the sign points here would suggest that America and its new administration are fortunate that a man of his background and with the successes which have been his, is willing to undertake this enormous responsibility.
>
> We in Michigan believe in him, and I am sure that most of the people in my State would want me to tell you this, and I know that they are grateful that you have given me the opportunity.
>
> I hope that the decision of the committee will be favorable. I have the greatest confidence in Bob McNamara.

I wish all of my predictions could be as accurate as that one. I believe all will now agree with those remarks.

Surely constructive debate on America's policy, here or abroad, always is in order. In the complex world in which we live we will discover many times that every alternative is disagreeable, is fraught with danger. The difficulty in Vietnam is only a part of the burden of leading and preserving the free world. The role of a leader in freedom is never ending and is always difficult.

It is fine for someone to say "either or" about Vietnam—either get in there and finish it or get out. The truth is that we do not live in an "either or" world.

The sooner we acknowledge this publicly, the greater the chance America, with courage, determination, and patience, has to carry the burden which is ours as the leader of freedom. It is a burden which will not end, either, in the lifetime of anyone present. The sooner we see it, the better, and the greater the likelihood of our discharging our duty effectively.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McNAMARA. Mr. President, I am glad to yield to the Senator from Missouri, if I may do so.

Mr. ROBERTSON. I have no objection, provided I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I wish to join in the remarks of my two colleagues from the great State of Michigan in regretting the appellation of "McNamara's war" to what is going on in South Vietnam.

I had a colloquy about this subject with the able and distinguished senior Senator from Oregon [Mr. MORSE] on the same subject last week. As presented at that time, we do have a National Security Council, and a State Department, and a Secretary of State.

I believe there could well be merit in the suggestion of the Senator from Oregon that the scope of this matter might very properly be considered by the United Nations, with the result being more nations joining in the defense of freedom out there. At this time we would seem to be alone. But in any case Secretary McNamara is not the architect. He is simply carrying out his instructions to the best of his ability with the resources allotted to him.

It has been my privilege to know every Secretary of Defense since the organization of the Department of Defense. In my opinion, and although I do not always agree with his decisions, Secretary McNamara is making more effort to establish that type and character of civilian control implied as essential in our Constitution than any Secretary in the history of the Department.

Mr. CLARK. Mr. President, will the Senator from Virginia yield, so that I may make a brief comment?

Mr. ROBERTSON. I am glad to yield to the Senator from Pennsylvania, with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. I should like to associate myself with the comments made by the two Senators from Michigan and the Senator from Missouri [Mr. SYMINGTON].

I support the position of the administration in South Vietnam. It is a difficult position to take. It is not necessarily going to be successful. In my considered judgment, however, we are doing what is best under difficult circumstances.

I believe it is unkind, unfair, and untrue to label the situation in Vietnam as "McNamara's war." I believe that the present Secretary of Defense is one of the ablest and most brilliant men we have been able to persuade to take a responsible position in government.

I would hope that the overwhelming majority of Senators would support Secretary McNamara in his patriotic efforts to preserve the national interest.

Mr. RIBICOFF. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I am glad to yield to the Senator from Connecticut, with the same understanding as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, as one who served in the Cabinet with Secretary McNamara, I believe that I can attest to his ability and character. The ability of this man is evident not only in the public print, and in the speeches which he makes, but knowing personally the type of man that he is, in the quiet of conferences, the type of man he was—and is—in the Cabinet room when the Cabinet meets, his association with other members of the Cabinet, and his thoughtfulness, there is no question in my mind that one of the greatest men who ever served in the Cabinet of any President of the United States is Secretary Robert McNamara.

I always found him to be deeply concerned not only with the problems that affect the Department of Defense, but also sensitive to the problems that affect our society and our Nation in every one of its problems, whether domestic, national, or international.

I believe that this country is indeed fortunate to have the services of Secretary Robert McNamara, and very fortunate to continue to have his services. He is a man of great ability. He is a man of great dedication. He is a man of great patriotism. Secretary McNamara not only has the support and confidence of President Johnson, and had the support of President Kennedy, but it is my considered judgment that Secretary McNamara also has the support and confidence of the American people.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from New Mexico [Mr. Anderson], with the understanding that in doing so I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOSPITAL INSURANCE FOR THE AGED

Mr. ANDERSON. Mr. President, the April issue of the Reader's Digest publishes an article written by Mr. Robert Cubbedge, alleging that the King-Anderson bill to provide hospital insurance for the aged through social security is a false promise. The article contains so many errors and is so confused in its conclusions that it cannot go without correction.

To say, as Cubbedge said, that a few questionnaires mailed out by a handful of Congressmen can tell us anything about the public's attitude toward the King-Anderson bill is absurd. Cubbedge knows this because he also says the bill is being backed to get votes. If the bill will get votes, the people are not against it. The truth is that the social security approach to this problem is widely approved.

Cubbedge presents the clearly misleading impression that the King-Anderson bill will replace the Kerr-Mills programs. He asks "Which do you want?" The answer is that people who support the King-Anderson bill also want the Kerr-Mills law—they believe that the elderly should have both.

Social security will help the aged who have bank accounts and life insurance, and so forth, to keep these assets so that they are not reduced to poverty. But, if the worst occurs and they become destitute, there should be old-age assistance and Kerr-Mills to help out.

Cubbedge argues that the King-Anderson bill is not adequate because in some State assistance programs there are some benefits that the King-Anderson bill would not provide. If his reasoning were correct, everyone should drop his Blue Cross, his Blue Shield, and his commercial insurance because they do not cover lifetime nursing home care or some other kind of medical expense which might be paid for under a Kerr-Mills assistance program. The truth is that private insurance and the King-Anderson bill—which has coverage like Blue Cross—safeguard people against financial disasters that now occur every day.

Cubbedge asserted that "fully 60 percent of the elderly are covered by some form of health insurance; this total is expected to reach 75 percent by 1969." Leaving aside the fact that his figures are enormously high, it is more to the point that, as the Wall Street Journal reported, only 5 or 6 percent of the aged have anything approaching adequate health insurance. With hospital insurance under social security the aged will be able to use the little money they now pay for poor insurance to buy Blue Shield and other hospital coverage that will result in adequate overall protection.

Cubbedge says he prefers means-test medical care under the Kerr-Mills program to the social security approach and cites three States—Connecticut, California, and Kentucky—where Kerr-Mills might pay more of an aged person's medical costs than the King-Anderson bill. Cubbedge did not say that if a man has a $2,000 life insurance policy and nothing else, he is considered too wealthy to get aid in California and Connecticut. Nor did he explain that Kentucky will not cover over 10 days of hospital care, and that the hospital will bill even the poorest medical assistance for the aged recipient if he has to spend more than 10 days in a hospital. If the King-Anderson bill is enacted, the States would not have such a heavy assistance load to bear and they could afford to be more generous with Kerr-Mills.

What is the promise of the King-Anderson bill? It is the promise of independence and self-reliance in old age. The present aged will be helped by this program just as they helped their elders by paying the social security taxes, public welfare taxes, charitable contributions, and support of parents asked of them when they were young. But the King-Anderson bill would do better than was done in the old days. Instead of charity and welfare, it would prevent indigency by making it possible for the people of this country to contribute during their working years toward the hospital insurance they will need when they grow old. And, relieved of the need to pay for their basic hospital insurance, older people will be able to buy supplementary protection against doctors' fees and other insurable health costs. The combination of basic social security hospital insurance plus supplemental private protection would add up to real protection against becoming impoverished by big health costs in old age.

The King-Anderson bill would enable the aged to take this great forward step toward true security in old age without interfering with hospital operations or the practice of medicine in any way. It is a step that can be taken, and should be taken now.

HEALTH INSURANCE COSTS

Mr. ANDERSON. Mr. President, in the discussions and debate involving hospital insurance for the aged, one of the statements most often made is that there is no need for a social security program of basic protection because private insurance can do the job. Indeed, it is said that 60 percent of the aged already have health insurance and the number is rapidly growing. In truth, when these figures are examined more closely, it becomes apparent that private insurance—while it has made some real strides—is incapable of handling this vast need by itself.

This is the essence of a story published recently in the Wall Street Journal. It is a significant job of reporting on a major national issue, and I ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Insuring the Elderly—Private Health Policies Face Steep Cost Rise, Scrutiny of Congress—Some Rates Go Up; Industry Pares Estimate of People in New Guaranteed Plans—Medicare Fight Begins Again

(By Roger A. Simpson)

Health insurers are suffering some embarrassing financial and statistical pains with new medical care plans for the aged.

The industry, until recently, had pointed proudly to the fiscal soundness and widespread acceptance of a guaranteed type of health insurance issued to anyone age 65 or older who applied. But now they say such insurance is becoming increasingly unprofitable, and some companies have boosted rates sharply. At the same time, the insurance industry is paring previously publicized totals of those covered by the plans.

All this is causing discomfort among insurers at a time when they're trying to expand coverage of the aged. The companies are anxious to prove they can adequately protect those age 65 and over, and thus head off President Johnson's drive to enact medicare, a plan for financing hospital bills of the aged through social security. The House Ways and Means Committee this week will take up the medicare bill and alternative proposals. Even if the administration's bill is stalled or defeated in Congress this year, it seems certain to be an election issue that will further throw a spotlight on the insurance industry.

Meanwhile, insurers worry over the impact of Senate hearings, slated late this month, that will probe how well commercial insurers are meeting the needs of the elderly. A subcommittee headed by Senator McNamara, Democrat, of Michigan, will look into charges that the industry is overstating by 1 million its claim to cover more than 10 million of those over 65, or roughly 60 percent of the aged population.

GROWTH OF COVERAGE

For years, insurers have been quite selective about issuing health policies to elderly persons, mainly because frequent ailments of those over 65 make them a risky group. In the past decade, though, the industry asserts it has expanded coverage of the aged from 30 percent to the present 60 percent. Such figures, of course, include people with any kind of insurance, even minimum policies.

In the past 5 years or so, guaranteed insurance has become available to the elderly. Such insurance is issued to anyone who applies, without physical examination or other qualifications. Three large insurers, Continental Casualty Co. in Chicago, Mutual of Omaha Insurance Co. and Fireman's Fund Insurance Co. of San Francisco, have led the way with such guaranteed insurance. Blue Cross and Blue Shield plans began using mass enrollments to offer such insurance in 1962. And since 1961, a large number of insurance firms have been banding together in State pools to sell the guaranteed plans. The pools are operating in Connecticut, New York, Massachusetts, Texas, and California and are forming in several other States.

Sellers of the guaranteed insurance for those 65 or older rely on heavily advertised mass enrollments during brief annual periods to make sure they get a good cross section of risks signed up. While companies like Continental and Mutual of Omaha aim to make a profit from the insurance, the State pools generally hope merely to break even. Their purpose is avowedly political—to undercut the arguments of those who say only the Government can meet the health insurance needs of the elderly. The State pool plans try to cut administrative costs to the bone and rely on indirect subsidies, such as donated executive time, to keep premiums down.

JUGGLING FIGURES

The guaranteed plans for the elderly are involved in some recent figure juggling. A year ago, top industry officials claimed that such policies covered more than 2 million persons, or about 20 percent of all health insurance for those 65 and over. But now, officials say, the figure is only about 1,525,000, up around 200,000 from a year ago. One big insurer explains that Senator McNAMARA's attack on industry statistics caused the company to recheck its figures and it may indeed have made an error. An official explains that previous estimates of those covered greatly underestimated the number who own more than one policy.

Estimates of profitability also turned out to be a bit rosy. In mid-1963, Continental Casualty said it was making a small profit on its guaranteed mass-enrollment policies. But Lee Farmer, vice president, says audits early this year showed the company lost money on the insurance last year. As a result, it boosted the combined monthly premium on its package of three policies to $25.50 from $21.

Other companies are making similar increases; Firemen's Fund last August lifted the monthly cost of its plus $10,000 plan, which covers major hospital expenses, to $15.75 from $11. Connecticut 65, the first State pool plan, last year raised rates 9 percent. Mutual of Omaha, which with Continental Casualty issues about 80 percent of all such guaranteed insurance, plans no rate increases, according to a spokesman. But he adds the company is taking a hard look at its operating figures in light of other companies' rate boosts.

The rate increases reflect generally rising medical and hospital costs, as well as the high claim rate by the elderly. The daily cost of hospital stays has climbed more than 7 percent a year in the past decade. Last year it averaged $39.33, about double the level in 1953, says the American Hospital Association. And people over 65 use three times as much hospital care as do younger people, Government officials assert.

Policies covering these costs vary widely, and there is no good way to compare them. But a person generally can buy two types of coverage—a basic hospital and doctor bill policy paying some portion of room and board for a fairly brief period, and a policy, usually called major medical, that pays the high costs of long illnesses.

Typical are the policies that Western 65, a State pool, has begun selling in its initial mass enrollment in California. A basic policy that pays up to $20 a day for 31 days and up to $200 for extra hospital charges costs $11 a month. A major medical policy paying up to $5,000 a year, after a $500 deductible share is paid by the policyholder, and up to $10,000 during a lifetime, costs $14 a month. A third plan that combines hospital expenses and major medical coverage costs $23 monthly.

The major medical policy has been a large factor in rising rates because policyholder claims have exceeded company calculations. Also, people sometimes buy two or more policies from different companies and make duplicate claims for the same expenses.

Fireman's Fund had to raise premiums on its major medical, or "Plus $10,000" policy, because "our incurred losses on that policy alone were 160 percent of premium income," says Kenneth T. King, vice president. About 70 percent of the 50,000 elderly persons insured by Fireman's Fund through mass enrollments have the policy. The company's loss margin was substantially less on its total mass enrollment policies.

Connecticut 65, while increasing its rates last year, also curtailed one benefit under its major medical policy. Previously, the plan paid $18 a day indefinitely for registered nursing care in the home. It now limits this benefit for its 26,500 policyholders to an annual amount ranging up to $1,000.

CONGRESSIONAL ACTIVITY

For a small number of the aged, major medical policies are an investment rather than insurance, say some officials. State laws or the high cost of enforcement have allowed people to buy several policies and make claims under all of them. Such duplicated claims usually are made under major medical policies. An elderly Fireman's Fund policyholder spent 40 days in a California hospital, using a private room and other extras that ran his bill up to $70 a day. He put in claims under three separate policies, paid his bill, and wound up with a $4,000 profit. Fireman's Fund says there are no provisions in its policy that would allow it to prosecute the policyholder to recover its money.

Such cost problems, and the higher premiums that result, can only complicate the insurance industry's political problem. The House Ways and Means Committee begins this week closed-door consideration of the King-Anderson bill, which embodies the President's medicare plan. The committee has refused to okay a bill for the past 3 years. If it now does clear the bill for House action, it is likely to make substantial changes, probably curtailing some of the benefits and altering the financing details.

The committee also has before it a number of other health care proposals, including a plan to liberalize the Kerr-Mills Act. This act provides matching Federal funds for State welfare medical programs, designed to assist people age 65 and older who need special help in meeting the costs of medical care.

While the House committee ponders medicare, Senator McNAMARA's committee hearings are expected to scrutinize the State pools, the validity of industry statistics, and various proposals to aid the commercial insurers in providing coverage, possibly as a supplement to a social security hospital care program. The committee's liberal majority is expected to be looking for ammunition for administration forces in the King-Anderson bill debate.

MEDICARE PROS AND CONS

The King-Anderson bill would provide a choice of hospital benefits, ranging from 45 days at full cost to 180 days with a small amount paid by the patient. It also would pay benefits for nursing home care, home health care, and outpatient diagnostic service. It would be financed by an increase in the social security tax rate of one-fourth of 1 percent for both workers and employers and an increase in the annual earnings subject to tax to $5,200 from the present $4,800.

Proponents of medicare claim that a large number of the elderly can't afford to pay about $200 a year on the average for private insurance coverage. They contend that the high cost of old-age illnesses should be paid off over a productive lifetime rather than in a few large payments during old age. And they say millions of the elderly have little or no private health insurance at all now.

Insurance companies and other opponents of medicare point out that the administration plan would cover those who can afford to pay their own bills, as well as those who can't. And they note it wouldn't cover most doctor bills, as do some health insurance policies. They assert that most of the elderly now have insurance or the means to pay their own costs of illness and that the proportion of the aged who are insured is growing fast.

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I am glad to yield to the Senator from Montana, with the same understanding as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

MONTANA CENTENNIAL TRAIN

Mr. MANSFIELD. Mr. President, last Thursday and Friday were eventful days for Montana, and they have been particularly exciting days for the Nation's Capital. A delightful sampling of colorful Montana and its energetic and friendly people came to the District of Columbia to visit, to entertain, and to tell the people about the Treasure State's territorial centennial and the diamond jubilee of statehood.

On Thursday morning, the Montana centennial train arrived at Union Station laden with exhibit cars, mementos of the State's history and many artifacts. The festivities began with a rousing parade on Thursday, followed by Indian dances. Then, on Friday evening, 1,000 Montanans and friends gathered together at the Sheraton Hall for an evening of dining, entertainment, and renewing old friendships. All in all, it was indeed a successful visit. The centennial train moved on early Saturday morning, working its way to the New York World's Fair, where the Montana pavilion will have a place of honor in this centennial year.

Mr. President, at the dinner at the Sheraton Park Hotel, we were very fortunate to have the son of a Montana ranch family, Chet Huntley, act as master of ceremonies. We were also very fortunate to have such Montanans as Dr. Harold Urey, a Nobel Prize winner and very well known as a member of the Manhattan project during World

War II; also, Mr. Robert O'Brien, president of MGM, who was originally from Helena and Butte; Miss Myrna Loy, a girl from Radersburg, Mont., an old mining camp, who went south to Hollywood and made good—as well as a number of other very distinguished citizens of our State.

We were also made happy that a delegation of 300 Montanans were permitted to meet with the President for approximately 40 minutes in the rose garden at the White House on the morning of Friday last. We were pleased and surprised that the President of the United States saw fit to join us during the course of the banquet and to give us a few words of advice and wisdom. We appreciate this courtesy, this act of kindness and consideration on his part. We feel that if anything was needed to make the trip of Montanans to Washington a success, it was these two meetings with the President of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD, three feature articles published in the Washington Post, the Evening Star, and the Washington World.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post Apr. 17, 1964]

MONTANA DISPLAYS ITS PAST—FLATHEADS, COWBOYS INVADE DISTRICT OF COLUMBIA

(By Phil Casey)

The Montana centennial train pulled into Union Station yesterday afternoon and eight Flathead Indians got out in full dress and began pounding their tom-toms, shaking their bells and chanting, moaning and yelling.

It was pretty strange. "It's not bad," a man said, "but it sure isn't hangover music."

Then came a pretty girl in a turquoise cowboy suit, Miss Centennial of Montana.

"That's Bonnie Jo Robbins," a Montanan said. "She's one-eighth Indian. Her great-grandfather fought General Custer."

The train, with horses, cowboys and three exhibit cars of Montana history and lore, is on its way to New York's World Fair, and will be in town through today. The exhibits will be open from 10 a.m. to 10 p.m. and the charge is $1 for adults, 50 cents for students and nothing for pre-schoolers.

After the parade through downtown Washington yesterday, the cars were opened to the public and they turned out to contain at least one thing almost as pretty as Montana girls.

That was about $1 million worth of gold—in quartz, nuggets, and dust. The gold is set off by red velvet. The bad part is that it's all under glass and Montanans are watching you while you watch it.

The $1 million value placed on it is what it's worth as a collection. Its intrinsic value is much less, but enough to get by on.

[From the Washington Star, Apr. 17, 1964]

VANISHING AMERICANS—INDIAN DANCES ARE CANCELED

(By Myra MacPherson)

No one could have better represented the vanishing Americans than the eight Indians who came to town yesterday with the Montana Centennial Train.

At dinnertime last night, no one from the centennial knew where they were. They were last seen sitting on a wagon, beating tom-toms in a midafternoon parade along Pennsylvania Avenue.

They were supposed to show up at Pershing Square across from the Willard Hotel at 3:30 p.m. to dance ceremonial dances. At 3:30, there were several hundred children with matching mothers sitting on the grass. At 3:45, the square was trimmed with on-duty policemen.

INDIAN HITS PALEFACE

At 4 p.m. a 4-year-old Indian complete with Indian costume, headdress and blue tennis sneakers, who said his name was Black Hawk, walloped a cowboy of equivalent age and size. By 4:15 p.m. several tulip leaves had been pulled from stems. By 5 p.m., everybody went home.

Down at the station the centennial train—carrying a load of 300 Montana boosters, 72 horses, musicians, entertainers, cowboys, cowgirls, the 8 Indians, and 3 cars of artifacts from the good old frontier days—was receiving its first tourists of the 2-day stay. No one knew where the Indians had been.

It costs $1 per adult and 50 cents for children over 6 years of age to go through the trains.

In the administrative office car, a chart on the wall diagramed the duties for the month-long tour of the States that will wind up in New York where the display will be part of the World's Fair. Such an organization-man item as this chart was no match for the wandering ways of the tribe.

WANTS TO SEE SIGHTS

"They get in town and they're gone. They want to see the sights," apologized one of the leaders. "But we have never left one behind."

As a salve, he suggested a tour of the exhibit cars. One case showed the wooly west saloon with roulette wheels and cards and a shot of whisky. Another showed stuffed animals and buffalo hides and General Custer's watch, gun and sash. There were U.S. Army and Indian relics from the Custer battlefield and mementos of Buffalo Bill's Wild West Show. The most glittering attraction, a case of panned gold and gold dust, was watched over by a uniformed guard.

The leader came back, still unable to corral an Indian, but he had in tow H. S. (Big Steve) Stevenson, "one of the oldtime ranchers."

RIDES IN ALL PARADES

Big Steve was born on a ranch in 1890. "I have been riding a horse for 68 years. My wife and I ride in all the parades. I am parademaster," he said.

"I can remember back to 1900. At that time we ran cattle on public domain. Fences were very rare. The cattle wintered right on the open."

Big Steve sounded like a good story but the story sort of dwindled when he was asked the name of his ranch. "Do not hardly name them. We got three different ranches and we run them by remote control. My wife and I got a hotel apartment."

[From the Washington World]

THOSE WILD, WOOLLY WESTERNERS

(By Scott Hart)

Montana, land of the big sky, has sent out a train to generate interest in the State, which John Steinbeck once described as a great splash of grandeur.

The 25-car train hauls $1 million in gold, 325 cowboys, pretty cowgirls, paintings of Russell and Remington, momentoes of Custer's last fight, Buffalo City, Calamity Jane, and Wild Bill Hickok. The train, which left Billings April 5, will stop at 16 cities where Indians will dance and the public may come aboard honoring Montana's territorial centennial and the 75th year of statehood.

It will visit Omaha, Kansas City, St. Louis, Louisville, Cincinnati, Charleston, W. Va., Washington (April 16–17), Baltimore, Philadelphia, New York (April 22–24), Pittsburgh, Cleveland, Chicago (April 29–30), Milwaukee, Moline, Ill., Minneapolis, and return to Billings May 5.

Montanans call it the wildest extravaganza ever undertaken by any State, which should bring nostalgia to former westerners and be a delight to easterners who will welcome the visitors from the Big Sky Country of Montana.

The educational project was originated by Howard T. Kelsey, a Gallatin County dude rancher. The State passed a bill. At $35 an ounce, it would require 11,428 ounces of gold dust to finance the undertaking. Most funds came from private enterprise.

The big train represents the Nation's fourth largest State, covering 147,138 square miles, with 674,767 persons enjoying wide elbow room—all unbelievably friendly because they don't get in each other's way. Each citizen has more than 125 acres to stretch in.

Nature threw an arm out of joint in tossing them sights to see. There is a chunk of Yellowstone Park, and Glacier National Park. There is grass that takes color with the quieting sight of cattle that bring dollars. The mountains form walls of silence, and bring peace to any mind willing to find it. Or the thrill seeker can excite himself on the ground where Gen. George Armstrong Custer and his command of 230 officers, enlisted men, civilians, and Indian scouts were slain by Sioux and Cheyenne warriors. The terrain today has changed but little from what it was in June 1876.

For battle browsers Montana offers Big Hole Battlefield National Monument in the western area, a tribute to the U.S. soldiers who died there and to the Indians they fought—Chief Joseph and his Nez Perce. The fight was a lamentable episode in the struggle to confine the Indians to reservations.

For pleasanter reflection is Montana's Gallatin National Forest of 1,700,120 acres, with headquarters at Bozeman. Its features: Great Gallatin Valley, Crazy Mountains, canyons and snow-white peaks, 11 waterfalls, 200 lakes, and thousands of miles of trout streams. For big game hunters there are bear, moose, elk, and deer. Trail riding and wilderness trips are arranged.

The rivers vary. Those in the lower tributaries are quiet, but waters in the mountain areas test the skill of accomplished boatmen. Float trips are popular and produce large catches of trout. For the fishermen and water lover, there are 31 major rivers, and 1,500 lakes.

Among natural resources are the precious, semiprecious, and unusual stones that lure rock hunters from afar. Montana has yielded more gem sapphires than any other State, with commercial deposits in three areas including the cornflower blue sapphires of Yogo Gulch, site of the mines which produced more than $10 million worth of the beautiful stones. Green, yellow, red, and aquamarine sapphires are in the State. Also widely mined are rubies, garnets, and agates.

Meanwhile, back at the train, an enticing exhibit will be the engraved gold watch which Custer kept on his person even while sleeping in his field tent. It was taken from his body on his final battlefield.

SOUVANNA PHOUMA—THE MAN IN THE MIDDLE

Mr. **MANSFIELD**. Mr. President, the news this morning indicates that the coup d'etat against Prince Souvanna Phouma has backfired and that Souvanna Phouma has once again resumed his position as Prime Minister of the Kingdom of Laos on the basis of the stipulations laid down by the Geneva Accord of 1962. I hope this is true. Yesterday's report that Souvanna Phouma had been overthrown was bad news for Laos, for the United States, and for all of southeast Asia. He was and is the only man who could have been successful in keeping his country from being fragmented just as, in my opinion, the late Ngo Dinh Diem was the best possible man, despite the pressures against him at home and from abroad, to insure the future of free Vietnam.

Had the coup succeeded, the result would have been a further shifting of Cambodia toward Communist China, a possible further weakening of our position in southeast Asia, and the partition of Laos between the Pathet Lao and the revolutionary group. All this would have meant more trouble for us, unless we played our cards carefully and did not act impetuously. I am waiting with interest the report and recommendations of Leonard Unger, our Ambassador to Laos, which should furnish us some guidelines as to what our future course in that country should be.

Prime Minister Souvanna Phouma of Laos has been trying to hold together one of the most delicate political situations in Asia. His country backs up against the southern border of China. It is open to invasion and infiltration from hostile forces from other directions. The military forces within Laos are subject to all the pressures of great Communist-free confrontation as well as the inner Communist confrontation as between Peiping and Moscow.

There is no more remote and peaceful people than those who inhabit Laos. There is no people which has been more confounded and wounded more deeply by the quarrels of others than those same people.

No man understands this reality better than Prime Minister Souvanna Phouma. No man has labored with greater diligence and dedication and against greater odds than he to keep a measure of peace and stability in the situation, made elsewhere, which plagues his people.

He is, literally, the man in the middle. He has fought off with little more than his wit, his diplomacy and his maturity the repeated attempts of North Vietnamese and Chinese-oriented militants in Laos to dominate the country. And he has pled and prodded to keep under control the would-be warlords on the other side.

If he leaves the scene in present circumstances, the one really stabilizing element, the one hope for peace will go with him.

The administration has acted most commendably and wisely in the firmness and alacrity with which it has opposed this foolish, dangerous and inexcusable attempt by a military junta to depose Souvanna Phouma.

And I would think that those who would be inclined to criticize this course, if there are any, would think twice as to what they are suggesting with their criticism.

The critics, the Monday morning quarterbacks, would be saying, in effect: Increase drastically once again, the U.S. military and other aid which we were able to cut sharply after Souvanna Phouma returned to the Prime Ministership. They will be saying, in effect, send thousands of American advisers and combat forces into the plains, the jungles, and mountains of Laos because the military conflict in that country is very likely to be resumed in earnest by the two sides. They will be saying, in effect, let us go into southeast Asia more deeply, without allies of consequence and at whatever the cost and for however many years may be involved. They will be saying that, in effect, or they will be saying, get out and leave the country to the North Vietnamese and the Chinese.

That was the prospect which confronted us just a couple of years ago before Souvanna Phouma under the Geneva agreement, reassumed the immensely difficult task of trying to keep a measure of peace in his land. That is the prospect which will confront us again if Souvanna Phouma now decides to give up this onerous task. The choice of the administration of President Johnson and Secretary Rusk to support him in this crisis in my judgment is the only one which serves American interests in southeast Asia and the peace of that region.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from New York [Mr. KEATING], with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRAFT REVISION STUDY

Mr. KEATING. Mr. President, I am very happy to learn that the President has announced a thorough review of the draft system and other aspects of military manpower procurement. In my view, the President deserves particular credit for announcing the move at this time because there has been some evidence of a reluctance on the part of the Department of Defense to give the issue a full review. Last January I introduced a resolution calling for a 14-man Commission, including representatives of the legislative branch as well as the executive branch and of civilian agencies as well as military ones to study the operation of a Selective Service System.

Although the Defense Department was asked to comment on the proposal on February 7, there has been no reply to date, 3 months later. I am hopeful that with the backing of the President, the Defense Department will move more promptly to get this study underway.

The President has suggested a study operated and run by the Defense Department. In my view, it would be preferable to put this evaluation on a broader basis, with active representation from civilian agencies and congressional committees from the very start.

This would bring in people from the outside who might have views that could be helpful in the deliberations. No doubt the Commission would call on outsiders for opinions, but it would be preferable, in my opinion, to include some of them in the study.

It would broaden the scope of the study to include the effect of the draft upon the individuals and upon our society and our economy as a whole, and it would also insure key congressional support for the final recommendations.

However, I do not wish to detract from my congratulations to the President for his steps in accelerating the matter at this time.

Mr. President, last Tuesday, in my continuing crusade for a review of the draft laws, I inserted in the CONGRESSIONAL RECORD a dozen editorials from New York and New Jersey newspapers supporting my position and reiterating the importance of a full-scale reevaluation. Since that time three more editorials have come to my attention, from Riverhead News Review, the Salamanca Republican Press, and the New York Journal-American, as a further indication of the ground swell of public opinion urging such a review. Mr. President, I ask unanimous consent to include these editorials following my remarks in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Riverhead News Review, Mar. 22, 1964]

MAIN STREET, U.S.A.

(By Bert Mills)

WASHINGTON, D.C.—Every day of the year, more than 1,000 young men in every corner of the Nation receive a "greeting" from the President of the United States—an order to report for induction into military service.

Actually only about 275 out of 1,000 will be drafted. Some of the rest will be deferred on physical, mental, or moral grounds. The others will enlist in hopes of getting a better deal.

This Nation has not been at war for more than 18 years and yet it is still considered necessary to force our best young men to fulfill a military obligation.

The present law dates back to 1940, 15 months before the Pearl Harbor attack put the United States in World War II. There was one lapse, lasting 15 months, when the law was allowed to expire. That was in 1947–48.

Only last spring the Universal Military Training and Service Act was renewed for another 4 years. Congress took only the quickest look at the Pentagon request before granting the extension. There were only three dissenting votes in the House, while the Senate spent only 10 minutes in debating the issue before shouting through the bill on a voice vote.

SENATE INVESTIGATION ASKED

Now questions are beginning to be raised about universal military training. A group of Senators headed by Republican KENNETH B. KEATING, of New York, have introduced legislation for a definitive investigation of the whole conscription system.

Unquestionably the present program is unfair. Despite the ideal of universal service, only about 58 percent of men reaching the exemption age of 26 ever serve. The shocking percentage of rejections is such a disgrace that our national reputation is affected adversely.

In some communities, it has been a long time since anybody has been drafted. In others, every able-bodied single man is in uniform by his 23d birthday. If the local enlistment rate is high, area quotas can be filled without conscription.

While Selective Service headquarters in Washington sets policies applying nationally, local boards interpret these rules in different ways. Some men are called up in one community who would be deferred if they were registered someplace else.

Standards are raised and lowered as the need for soldiers rises and falls. Economic conditions also affect draft calls, for enlistments are higher when jobs are scarce.

Population statistics are also a factor. A baby boom 18 years ago means a larger pool of draft registrants today. Population growth swells the pool of prospective servicemen by one-third every 6 or 7 years.

The result is the draft keeps on becoming less universal all the time. The military keeps raising its standards and rejecting more material. This is justified by the ever-increasing complexity of modern warfare and the need for brighter men to train.

IS A PEACETIME DRAFT NECESSARY?

One of the questions that would be answered by the full-scale investigation Senator KEATING is seeking is this: Is it really necessary for a democratic nation to force its young men to bear arms in peacetime?

The Department of Defense says "Yes." Our military strength has been set at 2.7 million men for some time. With a high turnover rate in all services, Pentagon officials insist that there is no alternative to forced servitude.

About 550,000 men quit the armed services every year—and at least 80 percent of them volunteered in the first place. They must be replaced in some way. Despite the tremendous cost of trading a trained man for a raw recruit, our military leaders insist the draft is the only way to keep our strength up to snuff.

Critics of universal military training say that military manpower is wasted in performing nonmilitary chores. No more than one soldier in five is ever in combat. The rest are engaged in housekeeping tasks, many of which could be done by civilians. Why must the general's chauffeur be a private?

SOCIAL PROBLEMS CREATED

As the Nation's draftees surrender their civvies for uniforms, they have one thought in common—that old GI refrain, "is this trip necessary?" The average draftee is as patriotic as the next American, but when he sees 4 out of 10 escape the draft, he wonders why he must upset his life by serving in the military.

President Kennedy's 1963 order exempting all husbands from the draft was fine for those who choose to be married before 23. But the unwed cannot help but feel they are being discriminated against.

Students and essential industry deferments are another gripe of draftees. Those with enough brains and money can easily extend their education until their 26th birthday, thus earning a permanent deferment along with one or more advanced degrees.

Consider the situation of the 22-year-old college senior, an English major. He does not plan postgraduate education or early marriage. If healthy, he is draft bait.

This same fellow's college roommate is a candidate for an engineering degree. He will go straight from the campus to a well-paying job in a defense plant, with draft deferment assured.

Of these two men, the engineering student has much more to offer to the Army than the English major. Yet the one with a technical background is excused while the poorer prospect gets a "Greetings" from the White House.

Aside from the personal gripes, the engineer might well make a career of the Army. The arts grad will do his time and get out of uniform as fast as the law allows. It is these anomalies that are raising questions about our draft system.

[From the Salamanca Republican Press, Mar. 16, 1964]

DRAFT LAW DEBATE

The public interest will be well served if Representative THOMAS B. CURTIS succeeds in stimulating nationwide debate on possible changes in our draft law. Although the present law was extended until 1967 only last spring, there is growing sentiment for revision. The abandonment of military conscription has also been proposed. Before any action is taken, the subject ought to be thoroughly illuminated and discussed.

Various proposals have been offered to Congress. The one submitted by Representative CURTIS, calling for establishment of a joint congressional committee to study alternatives to the draft, is the latest of these. It has already been endorsed by Senator KEATING, who had earlier proposed creation of a Presidential Commission to deal with the subject.

Now Representative CURTIS plans to generate widespread debate by asking various colleagues to deliver speeches on the draft issue. It is to be hoped that this idea will catch on. Eventual revision of the law is needed. Full discussion should precede revision.

[From the New York Journal American, Apr. 19, 1964]

CASSIUS VERSUS DRAFT

Cassius Clay may not have the IQ of a genius. Yet he is far from witless. He had enough intelligence, skill, agility, and power to become the world heavyweight boxing champion. But selective service rejected him after he failed to pass Army mental tests.

This dramatized a situation which now has resulted in moves in both the Senate and House for a searching look into the draft law. It's a good idea.

In the Senate, KENNETH B. KEATING, New York Republican, called for a special investigative commission to study the law. He said it must be startling to a young draftee who saw his able-bodied friends excused from service and "even more startling to see the heavyweight champion of the world excused from any kind of service whatever."

In the House, Representative BRAY, of Indiana, ranking Republican of the Armed Services Subcommittee on Personnel, forecast an inquiry in which the champ would be summoned as a star witness.

"I think the Army could have found a place for him," Mr. BRAY said, and it seems a reasonable assumption here.

Granted that the Army has become a highly technical and complex machine. Granted that selective service does not want to waste taxpayers' money on young men who would never get beyond peeling potatoes.

Yet, do some of the questions put to a potential draftee need to be so tricky? Frankly, some would have KO'd us in the first round.

So let's get on with the investigation.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the senior Senator from Pennsylvania [Mr. CLARK] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE POPULATION EXPLOSION

Mr. CLARK. Mr. President, from time to time the Senator from Alaska [Mr. GRUENING] and I have been calling the attention of our colleagues in the Senate to developments in the effort to bring a halt to the population explosion, which is a worldwide threat to a better standard of living.

I was happy to read the announcement in the newspapers this morning that the Ford and Rockefeller Foundations have banded together to make a research grant of $7 million to the Population Council. I ask unanimous consent that an article dealing with this subject printed in this morning's New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POPULATION UNIT GIVEN $7 MILLION—FORD AND ROCKEFELLER FUNDS AID AGENCY'S PROJECTS

The Population Council announced the receipt yesterday of two grants totaling $7 million from the Ford and the Rockefeller Foundations.

Both grants are for 4 years. The $5 million from Ford will be used for general operations and special projects and the Rockefeller grant of $2 million will be used to set up a technical assistance division.

In accepting the grants, Frank W. Notestein, president of the council, said: "We are at a point in history when expanding interest in the problems of population growth challenges our ability to keep up.

"Recently the council has sent experts, at the request of the governments involved, to advise on population regulation in South Korea, Taiwan, Tunisia, Turkey, Thailand, and Egypt.

"A great problem of the next decades is to attain health, education, and relief from gross poverty for all the world. Reducing the rate of population growth will help greatly in reaching these goals."

THIRTY MILLION DOLLARS GIVEN BY FORD

The Ford grant brings to $14.1 million the amount the Council has received from that foundation. Oscar Harkavy, director of the Ford Foundation's population program, said that the foundation had given more than $30 million for work in population work. More than half of this has supported the recruitment of scientists, training programs, and biomedical research, he added.

Dr. Robert Morrison, director of medical and natural sciences for the Rockefeller Foundation, reported that its grant was a major step in implementing the foundation's policy, announced last year, to include population as one of its five major areas of future philanthropic activity.

Mr. Notestein said the grants would enable the council to enlarge its training and research program and strengthen its ability to give technical help to foreign governments.

The council will recruit a permanent staff to help advise foreign governments on family planning. The council, established in 1952, in recent years has assisted 59 countries with the population problem. It also gives research grants and fellowships, sponsors international conferences, consults with governments on population matters, and maintains its own laboratories for biomedical studies at the Rockefeller Institute here.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the junior Senator from Pennsylvania [Mr. SCOTT] without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 16TH ANNIVERSARY OF THE INDEPENDENCE OF ISRAEL

Mr. SCOTT. Mr. President, this is the 16th anniversary of Israel's independence, and I am most grateful that Rabbi Milton Richman, of Madison Avenue Temple in Scranton, Pa., was able to deliver our morning prayer in the Senate on this historic occasion.

Sixteen years ago, the United States was the first nation to recognize the new State of Israel. Our ties to this small democracy have been close, and I believe that we in America can today share a little of the satisfaction and pride of the Israelis in that formerly bleak land which they have transformed into a fruitful garden.

They have, in this short time, reclaimed the desert, cultivated the soil, harnessed the sun, and exploited their limited resources. They have fought and labored and toiled, and they have created an isle of democracy and progress, in an area still ridden with feudal strife and ancient hatreds.

But independence has been and is no easy thing for Israel. She is surrounded by hostile neighbors, dedicated to her destruction. We in America can have no real conception of what it means to live so precariously, to build schools, homes, hospitals within range of enemy snipers and moments away from belligerent aircraft.

It would seem reasonable that the United States would be undertaking every effort to reduce tensions and bring peace to this critical area. Yet, the actions of our Government too often seem to have precisely the opposite effect.

Indeed, despite the fact that both the Senate and the House approved an amendment to the foreign aid bill which would ban aid to nations preparing for aggression against other recipients of U.S. aid, our Government continues to send aid to a state like Egypt whose avowed aim is the destruction of Israel.

Radio Cairo criticizes, condemns, and castigates our country night and day. Indeed, the central office for the boycott of Israel in Damascus, Syria, regularly attempts to intimidate and coerce American citizens. Threatening letters are sent to Americans—including one of my constituents—doing business in the Middle East, warning them not to trade with Israel. I believe that this is outrageous, and have protested it to the State Department with, I am sorry to say, small result.

There is considerable discussion right now about old myths and new realities in our foreign policy. Certainly one of those wornout myths is the belief in the State Department and elsewhere that our policy toward unfriendly states can only consist of giving dollars and receiving insults.

And one reality—not a new one, either—is the fact that unless the United States takes concrete steps to insure peace in the Middle East, there will be no peace. The Soviet Union certainly will not take such steps. Her interests lie in more, not less chaos, more not less strife.

Two such steps would be the offering of a collective defense agreement to Israel and any other Middle Eastern state willing to accept the obligation of maintaining peace, and a renewed effort for direct Arab-Israel peace talks.

The Middle East is the crossroads of the world. It is a crucial strategic area. Our interests lie in furthering peace and democracy there, not in fostering their obliteration.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement entitled "Israel and Peace in the Middle East," by the Board of Rabbis of Greater Philadelphia.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ISRAEL AND PEACE IN THE MIDDLE EAST

(Statement by the Board of Rabbis of Greater Philadelphia)

As rabbis and leaders of major congregations in the city of Philadelphia, we are proud of our country's constructive and positive achievements in the Middle East.

We appreciate the cordial friendship of the peoples and Governments of the United States and Israel—a friendship deepened by understanding and by their common commitment to the preservation of freedom and democracy throughout the world.

We shall never forget that it was the Government of the United States which was the first to recognize the State of Israel. Moreover, consistent with its policy of aiding fellow democracies and allies, our Government has generously assisted Israel's economic development and has taken effective measures to reinforce her security. At the same time, the United States has helped to raise the living standards of all the people in the region by its aid to the Arab States, to the United Nations Relief and Works Agency for the Arab refugees and to the United Nations Emergency Force.

We welcome renewed assurances by our Government that it will not stand idly by if there is an outbreak of aggression in the Middle East.

But we must regretfully take note of the ominous realities.

Sixteen years after the establishment of the State of Israel, the Arab States persist in a state of war. They continually threaten to destroy Israel and to drive her people into the sea; they carry on their boycotts and blockades; they prepare to divert her waters; they acquire massive armaments; they predict the inevitability of war.

Despite the assistance the United States rendered to Egypt during the Suez crisis, and despite the assurances given by the United States at the time Israel withdrew her forces, the Egyptian Government continues to block Israel shipping and to seize her cargoes, in defiance of international law and the United Nations armistice agreements.

In the face of this continuing threat, we deeply regret that our Government has failed to support measures calling for an end to the Arab war and for direct negotiations between Israel and the Arab States, looking to the settlement of their differences.

We regret that our Government's tactics on the issue of the Arab refugees has encouraged the Arabs to believe that Israel should accept repatriation in the absence of a peace settlement, and at a time when such repatriation may be regarded as a hostile invasion.

We respectfully call attention to the recent statement of the Congress of the United States calling for an end to aid to nations which are preparing for aggression. We trust our Government will review its policy in the light of the congressional declaration, the continuing arms race, and the threat to reopen hostilities.

At the same time, in order to attain stability and to promote the peace, we urge our Government to reinforce Israel's development and security and to renew the guarantees necessary to prevent aggression.

Above all, we advocate a constructive and progressive program to summon Arabs and Israelis to the peace table in the best interests of all the people of the Middle East.

ATTEMPTED COUP D'ETAT IN LAOS

Mr. SCOTT. Mr. President, will the Senator from Virginia further yield?

Mr. ROBERTSON. With the same understanding, I am glad to yield.

Mr. SCOTT. I thank the Senator from Virginia.

Mr. President, I doubt whether any of us have sufficient knowledge of what is taking place in Laos to come to any final judgment concerning the attempted coup d'etat in that country. What I do know is that in the earlier coup d'etat in Vietnam, which resulted in the overthrow of President Ngo Dinh Diem, the overthrow was occasioned by anti-Communist forces. The new government continues, so far, at least, successfully, a reported feeling on the part of the people that they did not want communism and that they did not favor neutralism.

What happened in the unsuccessful coup in Laos was evidently an attempt by the military to accomplish somewhat the same thing; that is, to substitute for neutralism and a three-way accord, the anticommunism as exemplified by rightwing anti-Communist forces. I do not know whether the men who led the coup would be better leaders of Laos or better qualified than Prince Souvanna, whose overthrow was attempted. It may be, as the distinguished majority leader said, that he is the one person who is able to hold the Laotian combination together in some sort of uneasy truce.

Evidently there exists a strong anti-Communist feeling in a nation now two-thirds overrun by Communists. The Communist element, the Pathet Lao, whose presence in the country is guaranteed by the United States, Great Britain, and other nations, including the Soviet Union, is able to ignore and defy the truce agreement, to continue their advances, to violate the truce with the neutralists and the anti-Communists with considerable impunity, and overcome the action by the military to prevent what is feared will be the ultimate capture of that country, now very near, by Communist forces.

This is another example, and a rather flagrant one, of how the United States, Russia, and Great Britain have joined to guarantee the Communist presence in a once free nation. In my opinion, the guarantee by the United States of the Communist presence in Laos is faulty foreign policy, because while we undertake to stop the anti-Communists forcefully—that is, with forceful language and with immediate action to seek, if we can, to bring down the coup d'etat, so that it will not happen, Russia gleefully joins with us—and so, I may add, does Great Britain. But when the Pathet Lao seeks to extend communism and advance its presence in the area dominated by Communists by military action, we do not find Russia, the United States, or Great Britain forcefully seeking to limit the Communist presence to the terms of the truce.

Therefore, I fear we have once more blundered, as we did at Suez and as we did in the agreements in Laos. We have once more blundered into policies which we call neutralism or a recognition of the Communist presence. I fear that this policy, if continued, will lead to a takeover of Laos by Communist forces. If that happens, Thailand will become immediately less tenable. Burma will take the signal and make further concessions to the Red Chinese. Our already fairly hopeless position in South Vietnam will be rendered still more desperate, and I believe we shall see its effects in such far away places as the Philippines and Japan.

Therefore, I regret our recognition of the Communist presence in Laos. I believe it is unfortunate that we are proceeding in that direction. I do not assert that the leaders of the coup were necessarily capable of controlling or managing the country. But I believe that among the anti-Communist forces there are such persons, and I do not think that we should discourage the anti-Communist element in any country where we can properly encourage it. I thank the Senator from Virginia.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from Iowa with the same understanding.

Mr. MILLER. I thank the Senator from Virginia.

PEACE AT ANY PRICE

Mr. MILLER. Mr. President, the Mobile, Ala., Press Register for April 4 contains a knowledgeable, perceptive, and timely editorial entitled "Peace at Any Price Could Lead to Slavery."

The editorial comments particularly upon the recent statement in the Senate by the distinguished Senator from Arkansas [Mr. FULBRIGHT], chairman of the Committee on Foreign Relations, and also on some other contemporaneous statements made by our Ambassador to the United Nations, Mr. Adlai Stevenson. I believe the editorial merits the attention of all readers of the CONGRESSIONAL RECORD. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PEACE AT ANY PRICE COULD LEAD TO SLAVERY

Even a unity theme can be carried to an unwise extreme.

There is a point beyond which the United States and the rest of the free world cannot wisely go in adjusting to a condition such as "peaceful coexistence" with totalitarian philosophies.

Going beyond that point would involve the danger of too much concession by freedom to live in amity with the wolf of communism parading in sheep's clothing.

We cannot become enthusiastic over speeches such as Ambassador to the United Nations Adlai Stevenson and Senate Foreign Relations Committee Chairman J. W. FULBRIGHT have been delivering in recent days. We fear they have not been diligent enough in indicating a limit to wise policy by the United States on so-called peaceful coexistence.

Mr. FULBRIGHT thinks we are bound to conclude that Castro is a nuisance but not a grave threat to the United States and that he cannot be gotten rid of except by means that are wholly disproportionate to the objective.

Assuming the United States does not see any present prospect of getting rid of the Castro Communist regime in Cuba by means it could easily afford to employ, why invite the impression among Communists that this country is resigned to the continuation of that nuisance indefinitely?

Mr. Stevenson has delivered a speech this week at the University of California at Berkeley in which, as the Associated Press summarized, he said "Americans must grasp with new strength the 'audacious dream' of world unity."

That was essentially the keynote he used in the Dag Hammarskjold memorial lecture at Princeton University less than a fortnight ago.

He said at Princeton that "as anyone willing to see clearly already knows, the current course of world affairs calls for something more than a 'policy of containment.' "

From there he proceeded to say:

"What, then, is the dominant theme that marks the character of contemporary world affairs?

"I would suggest that we have begun to move beyond the policy of containment; that the central trend of our times is the emergence of what, for lack of a better label, might be called a policy of cease-fire and peaceful change. I would suggest, further, that we may be approaching something close to a world consensus on such a policy."

Mr. Stevenson reasoned that "if we are going to get the nuclear genie back in the bottle and keep it there we shall have to improve our techniques for arriving at basic solutions to problems which remain even when a cease-fire has gone into effect."

With respect to American policy specifically, he said:

"I believe * * * at this time the only sane policy for America—in its own interests and in the wider interests of humanity—lies in the patient, unspectacular, and, if need be, lonely search for the interests which unite the nations, for the policies which draw them together, for institutions which transcend rival national interests, for the international instruments of law and security, for the strengthening of what we have already built inside and outside the United Nations, for the elaboration of the further needs and institutions of a changing world for a stable, working society."

Where is the assurance for the United States and the rest of the free world that international communism can be persuaded to cease and desist from its designs for world enslavement?

Every realistic appraisal of Communist Cuba under Castro backed by Moscow must recognize it as a sinister cell installed in the Western Hemisphere for use in the expansion schemes of the international Communist conspiracy.

In his enlightening book, "A Study of Communism," J. Edgar Hoover, director of the Federal Bureau of Investigation, wrote:

"Key to the new Soviet strategy is the so-called peaceful coexistence policy. It is a broad, psychological tactic cleverly devised by Khrushchev to serve a number of objectives. It is another powerful weapon in the Communist arsenal of deception, a weapon concealed behind an alluring campaign designed to provide a cover for the goal of attaining a worldwide Communist society through revolutionary means.

"Through the weapon of peaceful coexistence, Soviet Communists are seeking to lull the free world—particularly the United States—into a false sense of security. It is a means of buying time through which they can consolidate past gains while probing for soft spots in the non-Communist world which present opportunities for a future expansion."

Everybody is for world peace, or should be. Certainly this is true of the United States beyond challenge, and time and again it has leaned over backward in demonstrating the fact.

But nowhere on earth can freemen afford the reckless gamble of a peace-at-any-price policy that could lead them unsuspectingly down the road to enslavement.

We commend to the thoughtful attention of the American people, and all free people, this statement in Congress by Senator JACK R. MILLER, of Iowa:

"If, every time our security is menaced by Communist aggression, we are supposed to stand still and do nothing because someone suggests that we might have a global nuclear war, then the United States can no longer claim to be the true leader of the free world. This is a peace-at-any-price policy. It inevitably means the loss of our self-respect and national honor, both of which must be preserved if a just and lasting peace is ever to be attained."

If agreeing with Senator MILLER is warmongering, let the appeasers make the most of it.

PRESIDENTIAL SUCCESSION—RESOLUTIONS OF IOWA AND AMERICAN BAR ASSOCIATIONS

Mr. MILLER. Mr. President, I have a letter dated April 15, from the secretary of the Iowa State Bar Association, indicating that the Iowa State Bar Association has adopted a resolution approving a resolution by the American Bar Association covering the problem of succession to the Presidency. I ask unanimous consent that both the letter and the attached resolution be printed in the RECORD.

There being no objection, the letter, and the resolution were ordered to be printed in the RECORD, as follows:

IOWA STATE BAR ASSOCIATION,
Des Moines, Iowa, April 15, 1964.

To Iowa Senators and Congressmen.

GENTLEMEN: The attached resolution adopted by the American Bar Association was approved and adopted by the Board of Governors of The Iowa State Bar Association at its regular meeting held on March 14, 1964.

This letter is to advise you of the views of the Iowa State Bar Association and to urge that the Constitution of the United States be amended in accordance with the proposals set forth in the resolution attached.

Respectfully yours,
EDWARD H. JONES.

RESOLUTION—

Be it resolved, That the American Bar Association recommends that the Constitution of the United States be amended in accordance with the principles set forth in the consensus of the special conference convened by the American Bar Association in Washington, D.C., January 21, 1964, as follows:

1. In the event of the inability of the President, the powers and duties, but not the office, shall devolve upon the Vice President or person next in line of succession for the duration of the inability of the President or until expiration of his term of office;

2. The inability of the President may be established by declaration in writing of the President. In the event that the President does not make known his inability, it may be established by action of the Vice President or person next in line of succession with the concurrence of a majority of the Cabinet or by action of such other body as the Congress may by law provide;

3. The ability of the President to resume the powers and duties of his office shall be established by his declaration in writing. In the event that the Vice President and a majority of the Cabinet or such other body as Congress may by law provide shall not concur in the declaration of the President, the continuing disability of the President may then be determined by the vote of two-thirds of the elected Members of each House of the Congress;

4. In the event of the death, resignation or removal of the President, the Vice President or the person next in line of succession shall

succeed to the office for the unexpired term; and

5. When a vacancy occurs in the office of the Vice President the President shall nominate a person who, upon approval by a majority of the elected Members of Congress meeting in joint session, shall then become Vice President for the unexpired term; be it further

II

Resolved, That the American Bar Association reaffirm in principle the support of the need for interim statutory clarification of the problem after the constitutional proposals have been submitted by Congress for action by the State legislatures, such legislation to provide a remedy while the constitutional proposals are under consideration; be it further

III

Resolved, That, in view of the manifest need for a prompt solution by constitutional amendment of the problems of Presidential succession and inability, the American Bar Association urges that State and local bar organizations support by all appropriate means an amendment to the Constitution of the United States in accordance with the principles set forth in the recommendations of the Committee on Jurisprudence and Law Reform.

DEMONSTRATIONS ARE DANGEROUS TO CIVIL RIGHTS BILL

Mr. MILLER. Mr. President, much attention is being focused on proposed demonstrations, so-called by certain extremists. I believe that a timely and sensible commentary by the distinguished columnist William S. White, published on April 15 in the Washington Star, and entitled "Dangers to Civil Rights Bill"; and also an editorial entitled "The Negro Leaders' Warning," which is published today in the Wall Street Journal, and which points out that the responsible leadership in the civil rights movement abhors some of these proposals, merit attention; and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 20, 1964]

THE NEGRO LEADERS' WARNING

The statement by the Negro leaders of the Nation's major civil rights organizations is an encouraging and potentially important development in an increasingly heated atmosphere. Though brief, it is a thoughtful analysis of what is wrong with tactics such as the proposed tying up of New York City traffic at the opening of the World's Fair on Wednesday.

"The national Negro leadership," the statement reads in part, "consistently continues to urge and plan orderly, nonviolent demonstrations against discrimination * * *. The proposed 'stall-in' at the New York World's Fair would be neither orderly nor nonviolent. It would not only harass the general public but would threaten possible indiscriminate harm to any of thousands of people in the vicinity of the fair."

The words are blunt and the distinction is clear.

Whatever else a sit-in at a particular restaurant practicing discrimination may be, it is at least a specific action directed at a specific target on the basis of a specific grievance. Also the march on Washington, in view of the way it was conducted, was a peaceable assembly intended only to dramatize the Negro cause.

But blocking bridges, snarling traffic, creating water shortages, and the like are very different matters. They are violent attacks on the general community, inevitably including the majority who want to see better treatment of the Negroes; they have no specific purpose other than to inconvenience or injure; they dramatize nothing but irresponsibility.

That the leaders of the national organizations have now denounced such tactics is not, to be sure, all there is to it. The kind of nonviolent demonstration they sponsor can also be the occasion of violence. And in our opinion there has been enough of this turmoil. The civil rights bill is in fact being debated in the Senate, which is what the leadership wants; the Nation deserves a rest.

It is significant that more and more supporters of that bill are talking moderation. Not only the Negro leaders with their rejection of extreme tactics like the stall-in; in recent days President Johnson, Senator Humphrey, New York's Mayor Wagner and others have also warned against irresponsibility and illegality. They obviously fear that the growing divisiveness is imperiling the Negro's own aspirations.

We have no idea what effect the advice, including the wise counsel of the Negro leaders, will have. But all who are interested in better race relations should see to it that it is heeded.

[From the Washington (D.C.) Star, Apr. 15, 1964]

DANGERS TO CIVIL RIGHTS BILL

(By William S. White)

The most effective opponents of the administration's civil rights bill are no longer the southern Senators who day by day level upon it an attack which even if wrongheaded is grave and responsible and within the American tradition of decent dissent.

The true focus of danger to the bill has predictably shifted to a fringe lot of bitter extremists among the Negro leadership who now openly challenge the rule of law and reason.

These are the people who, crying for the redress of wrongs to their race, are themselves doing immense wrong not only to the fabric of civility and order in this Nation but to the very legislative cause of civil rights to which they profess so much devotion.

COMPELLED LAUSCHE

These are the people who compel such a man as Senator LAUSCHE, of Ohio, himself a perfect minority-group symbol as a totally "non-Anglo Saxon" politician of Balkan background, to rise in the Senate in memorable courage.

He rises, this man whose whole career has been forwarded by responsible minority groups, in denunciation of so-called civil rights pressures in Cleveland which he solemnly indicts as "chaos and disorder," ordered by men indifferent to the future life of the United States.

These are the people who in New York—that city which of all cities has been sensitive heretofore to each and every civil rights demand—publicly threaten to disrupt the World's Fair itself in behalf of civil rights.

These brutal and senseless demonstrations are not the work, they cannot be the work, of reasonable men seeking reform. These are mob actions meant not to persuade freemen in fair debate but to frighten timid men regardless of fairness and reason. These are meant to intimidate if not to paralyze great urban centers and, in the end, to intimidate the Senate of the United States.

It is, of course, true that this sort of thing is not the work of the great majority of Negro leaders and Negro organizations. But the majority of these leaders are sometimes all but helpless before a small and implacable minority within a minority group. Legitimate protest is perverted by violent and reckless men, just as honest anger at a revolting murder can lead to the unspeakable crime of lynching.

Now, in Cleveland, in New York, and elsewhere, the lynch spirit is being loosed. And once loosed this dreadful thing is hard to control or to contain. Here, in the deepest and truest sense of the term, is un-American activity at its worst. Here is "political activity" which has blood in its nostrils.

And, to go from the philosophic to the merely practical, this sort of thing is hardening the atmosphere in the Senate. It is hardening that atmosphere not among the Southerners, who will in any case never accept the civil rights bill, but rather within the decisive non-Southern political center.

This thus far uncommitted non-Southern political center is in no way hostile to civil rights as such. But it will never allow itself to be arrogantly pushed into approving legislation simply by expressed and implied threats that it "must," on pain of seeing widespread civil disorder this summer and fall.

DO WELL TO LISTEN

All those who truly wish to see progress in this field will do well to listen, before it is altogether too late, to the Lausches of the Senate, and to heed as well the long warnings of history: The Senate of the United States simply cannot be intimidated in this way. Demonstrations of every kind—now even including those not overtly lawless—are already beginning to work in reverse.

The civil rights bill is now under grave threat, but not from those opponents who are honorably opposing it but could never in the world alone defeat it. It is under that threat from self-styled supporters who seek legislation by force and fear and anarchy.

DEMOCRATIC DOLLARS PLAN

Mr. MILLER. Mr. President, on April 16 there appeared in the Washington Daily News an article entitled "Demo Dollars Plan Hit." In the article, it is pointed out that the National Democratic Party Committee is proposing to sell advertising in programs to accompany the National Democratic Convention at Atlantic City, which advertising is going to run in cost from $15,000 for a full page to $10,000 for a half page—charges which represent more than three times the amounts charged in the past for advertising of this nature.

In the article it is pointed out that some delicate legal questions are therefore raised, particularly as they relate to the Corrupt Practices Act, which prohibits contributions by a corporation to a political party; and that because of the unusually heavy advertising charge proposed, it is likely that the income from the advertising and also that from the sale of the programs will greatly exceed the cost of the convention program to the party; that heretofore both parties have satisfied the requirements of the Corrupt Practices Act by applying the income from such advertising to defraying the expenses of the convention; but that in this particular case it appears that the profits over and above the convention expenses will be great, and that therefore those amounts could be considered to represent contributions to a political party by the purchasers of the advertising—which would come very close to amounting to violation of the Corrupt Practices Act.

Mr. President, several other aspects of this matter merit attention.

In the article it is pointed out that many of the firms being "hit" for the ads do business with the Federal Government or have problems before the antitrust or other agencies of the Federal Government. The problem arises in connection with a corporation which is doing business with the Government under a reimbursement-of-cost type contract; and the question is whether expenditures of this nature would come under the heading of reimbursable expenses. If that were done, it would amount to requiring the taxpayers of the United States to reimburse the advertiser for the cost of the advertising in the program, which in turn would be used to defray not only the convention expenses, but also other expenses of a political party.

I seriously question whether this result would be either desirable or legal under the system applicable to reimbursable expenses, in connection with our contracting procedure.

Finally, Mr. President, tax counsel of corporations which are proposing to purchase such advertising would be well advised that the Internal Revenue Service, upon the audit of their books, may not be impressed by the mere fact that a label "advertising" is hung on an item of $10,000 or $15,000. If such advertising cost is greatly in excess of the normal advertising cost, I suggest that the label "advertising" will not be recognized, and that the real results will be looked at.

In the tax law there is an old saying that "substance governs over form," and labels and frills mean nothing. The hard realities and facts are what count. In this case the hard realities and facts would be that the cost of this advertising would be three or more times in excess of the cost of normal advertising. Therefore, the excess probably could not be written off as "advertising"; and since it would be in the nature of a political contribution, it could not be allowable at all for tax purposes.

I believe it unfortunate that all these problems will arise in connection with what I fear is rather untimely and imprudent planning by our friends in the Democratic National Committee; and I hope they will revert to the same practice of both parties heretofore; namely, to make a reasonable charge for advertising, consistent with, let us say, the expected costs of the convention, so that those who wish to purchase advertising in the programs of both parties will not be subjected to all these legal and tax questions.

Mr. President, I ask unanimous consent that the article from the Daily News be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Daily News, Apr. 16, 1964]

Delicate Legal Questions in Convention Program—Demo Dollars Plan Hit

(By Jack Steele)

The Democratic Party's grandiose scheme to raise several million dollars by publishing an elaborate and expensive official program for its national convention in Atlantic City has developed problems.

The party is not only more than tripling the cost of advertising in the program, but, unlike past years, is keeping the program revenues rather than turning them over to the host city.

The unprecedented scope of this convention program project has—

Raised delicate legal questions of whether the Democrats will violate the Corrupt Practices Act if any of the program profits go to the Democratic National Committee or are used, directly or indirectly, to finance the 1964 political campaign;

Raised further questions of whether the use of these funds for anything other than direct convention expenses would bar corporations which buy advertising in the program from claiming the cost as a tax deduction.

GASPS AND HOWLS

The project already has brought gasps and howls of protest from some of several hundred corporations and advertising agencies being asked to buy ads in the program.

The prices run from $15,000 for a full page, either in color or black and white, to $10,000 for a half page. These page prices are three to five times higher than ever have been charged by either party for convention programs.

Many of the firms being hit for ads do business with the Government or have antitrust or other problems with Federal agencies.

Democratic National Committee officials vehemently denied today that the program project—although it is plowing new party fund-raising ground—involves any possible conflict with the Corrupt Practices Act, which bars corporations from making political contributions.

SKIRTED ACT

Both parties have skirted the Corrupt Practices Act in the past by devoting all profits from the convention programs—usually about $200,000 in recent years—to convention expenses.

Democratic Chairman John M. Bailey has said the "revenue from advertising and sales" of the program would be used to defray convention costs.

But he did not explain how the hoped-for profits of several million dollars could be used for convention expenses, which have never exceeded about $1 million.

Atlantic City and New Jersey groups have pledged to put up $625,000 in cash, plus fringe benefits, to finance the convention. This year the Democrats aren't counting the program profits as part of this $625,000 convention kitty, although the GOP always has credited its program proceeds to the funds raised by the host city.

NOT DECIDED

Samuel Brightman, the Democratic publicity chief, insisted the party has not yet "crossed the bridge" of what it will do with any "surplus" of profits from the program.

"We might save it for future conventions," he said.

Mr. Brightman scoffed at widely published reports that the Democrats expected to make "several millions" on the program.

But Mr. Bailey said the party would put on sale "several hundred thousand" copies of the program at $10 each. Even 200,000 at this price would bring in $2 million.

Mr. MILLER. Mr. President, I thank the Senator from Virginia for his courtesy in yielding to me.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suites to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ROBERTSON. Mr. President, last Thursday, when I addressed the Senate on title VI of the pending civil rights bill, I said that when I discussed the matter again, this week, I would continue my discussion of that title.

Last week, I called attention to the fact that title VI is the real meat axe of this entire and unprecedented grab for power by the Federal Government.

I am definitely of the opinion that should this civil rights bill be written into law, and then enforced—because Congress has no right to assume that if it gives power to the Federal Government, the Federal Government then will not use it—it will change the kind of government I have known; it will change the kind of government the people of Virginia have known; and it will very definitely change the kind of government that had its origin in 1618, at Jamestown, Va., where the first legislative body in the history of the Nation assembled.

Sometimes I jokingly say to my New England friends that they started a great university a little ahead of ours, and they started public schools a little ahead of ours, and they educated the historians who wrote the books that are used for the education of the children of this country; so the school children read in the history books about "the Pilgrim Fathers"; but those who came to Jamestown are called, in the history books, "settlers."

That situation reminds me of an experience of my friend the Senator from Mississippi [Mr. Stennis] to whom a resident of Mississippi once said, "Senator, I am going to write a fair and impartial history of the War Between the States, from the southern viewpoint."

History has been written and taught in our schools from the northern viewpoint. But if the bill is passed, violence will be done in every history of the Nation that has ever been written from any viewpoint.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. ROBERTSON. For a question; yes.

Mr. RIBICOFF. Is it not true that those of us who have studied history—and I studied it in New England—have always been taught the great contributions which the State of Virginia made to the founding of our Nation and also to the growth of our Nation? Is it not true that Virginia has produced more Presidents than any other State in the Union?

Mr. ROBERTSON. At one time Virginia claimed to be the "mother of Presidents." But since certain elements in the North and Midwest have taken charge of the Democratic Party, it is poisonous to suggest that anyone in Virginia could qualify even as Vice President, much less President.

Mr. RIBICOFF. May I comment on that statement?

Mr. ROBERTSON. Yes; the Senator may comment on it as fully as he pleases.

Mr. RIBICOFF. One of the great tragedies in our Nation is that the civil rights issue has prevented many of the most able men in our Nation from making their full contribution on a national basis. It is a tragedy that men from the southern part of our Nation have been looked upon only as sectional leaders. I predict that when the civil rights issue is finally out of the way, the State of Virginia and other Southern States will again make full their contributions to this country by sending their leading men not only to the Senate but also to the White House.

Mr. ROBERTSON. Mr. President, I know that the Senator has made a very kindly suggestion, but I do not believe that it is a hope which is justified by the facts. The bill would intensify the division between those who believe in American constitutional liberty, the 10th amendment, the rights of the States, and the principles that that government is the best which does the least where it does not have to act and that believes in the reservation of his rights by the individual without having some bureaucrat telling him about everything that he can do and those who would deny the right to a man to refuse to sell when he does not want to sell, and would tell a man with whom he must associate who does not wish to associate with him. The bill would create friction in areas in which no friction previously has existed. In my opinion the passage of the bill would do irreparable harm to the future unity both of our Nation and of the present relations that we in the South have traditionally enjoyed with the nonwhite element of our area.

Mr. RIBICOFF. I should like to comment that, after the bill is passed there will still be problems, as there are problems in the Nation today. It would be unrealistic for anyone who has studied the relations of one human being with another to feel that the passage of the bill would end all the problems which the country faces. It is my feeling that there must be a base of law. We in the Congress must catch up with the Constitution of the United States and the courts. However, I do believe that there will be many problems which will face us, North and South, once the bill becomes law. It would be unrealistic to deny that. It will require the efforts of men such as the distinguished Senator from Virginia and men in the Northern States to try to solve the problems. But those problems can be met. They must be worked out, and will be worked out.

I could not let the comment of the Senator from Virginia pass without speaking about the contributions of southerners to history, because I personally believe that the southerners have made great contributions to history. As I recall from my study of history in the State of Connecticut, the State of Virginia was always accorded its rightful place in the account of the formation of the United States of America.

Mr. ROBERTSON. I will recall that when I was on the staff of Governor Byrd, the Connecticut Foot Guards came down to affiliate with the Richmond Blues. The Foot Guards had beautiful uniforms; so did the Richmond Blues. The State of Connecticut had a great record in the Revolutionary War; so did the State of Virginia.

The Connecticut Foot Guards would come down to Virginia in the summertime, and under the big oaks and the genial influence of what sometimes is called "branch water with some of the elixir of life" they would really affiliate in a most delightful way.

I maintain that the bill would drive a wedge between such wonderful relations as those which have existed.

I hope the Senator will not feel that I am prejudiced against the North. My oldest son graduated from Dartmouth; my youngest son graduated from Yale. I do not know whether I would send either one of them back again, but they went to New England for their education.

Mr. RIBICOFF. I would hope that the distinguished Senator would consider sending his grandchildren to Yale, which is a great university.

As one who was Governor of his State for 6 years and a sort of captain of the Governor's Foot Guards, I wish to say that the occasion of which the Senator has spoken was a part of a great tradition. There was always a great question in everyone's mind which was the most distinguished body, the Richmond Blues or the Governor's Foot Guards from Connecticut. Of course, we somehow felt that the uniforms of the Foot Guards were more colorful and traditional than were those of the Richmond Blues. But if there was any group that traditionally could come up to the Connecticut Foot Guards, it was the Richmond Blues. There was always a great feeling of comradeship between those two ancient and traditional organizations. I believe that the tradition will continue.

I have great respect for the distinguished senior and junior Senators from Virginia [Mr. BYRD and Mr. ROBERTSON]. Both Senators have made great contributions and will continue to make great contributions to our Nation. The distinguished senior Senator from Connecticut [Mr. DODD] and the junior Senator from Connecticut may disagree with the Senators from Virginia in relation to the civil rights bill, but I do not believe we disagree in our respect for one another. I still maintain that when the bill is passed, and as the country lives with the bill, as it will, the day will come when distinguished Senators and Governors from the southern part of our Nation will become fully a part of a national Democratic Party, and will be accorded high places in the Democratic Party. One of the great tragedies of our country is that civil rights as an issue has made it impossible for the South to play its rightful role in the leadership of our Nation.

Mr. ROBERTSON. I should like to see the two-party system continue, but the Senator knows the vote which has been cast in the Old Dominion for the past three successive presidential terms. The State of Virginia, known as the Mother of Presidents, and a democratic State, has not approved by a majority vote a Democratic candidate for President in the last three successive terms.

I appreciate the kind reference which the distinguished Senator from Connecticut made to the Richmond Blues when he compared them with the Foot Guards, because it reminded me of an incident when I was a young lawyer in Lexington. It was in the horse and buggy days. A train from the branch line of the C. & O. backed into Lexington. It did not come in directly.

The students came in with their trunks for they had to remain there for the entire session. They could not get out. An Irishman handled the baggage, and he had a pretty blue-eyed daughter. One of the Washington and Lee boys took her to a dance. The next morning she said, "Papa, Papa, I heard one of those Washington and Lee boys say that we were second class."

Her father replied, "Daughter, in this distinguished town you are doing very well to be second class."

To be compared second to the Connecticut Foot Guards, the Richmond Blues should feel quite honored. They have a beautiful uniform and a beautiful tradition. But I shall come to the point that I intended to make——

Mr. RIBICOFF. Mr. President, will the Senator yield for one further comment?

Mr. ROBERTSON. I yield.

Mr. RIBICOFF. While I am aware of what happened in Virginia in the last three national elections, I believe Virginia will find its way back home to the Democratic Party in 1964. I predict most confidently that Virginia will cast its electoral votes in 1964 for the incumbent, Lyndon Baines Johnson, and that Virginia again will come home to the Democratic columns in 1964.

Mr. ROBERTSON. With all due deference, the Senator from Virginia must frankly say that if Virginia finds its way back into the Democratic columns in the presidential election of 1964, it will be in spite of, and not because of, the civil rights bill, because the bill does violence to our fundamental concept of what the Federal Government should be. I was about to say it does violence to what we started in Jamestown in 1618, an area I am well acquainted with, and one for which I have great fondness and allegiance. With all due deference, while the Pilgrim fathers came over in 1620, Governor Yardley came to Jamestown with 100 troops to protect a weak colony in 1619. His surgeon was a graduate of Oxford, whose name was Dr. John Woodson. Dr. John Woodson was my father's grandfather, 12 generations removed. The Indians massacred him in 1622, but two of the children hid in a potato bin and escaped. I thought I would give just a little bit of history.

The pending bill does violence to that concept of government.

During the rollcall, the Senator from Louisiana told me that during the weekend he took one of the most delightful trips he ever had.

He left here and went to Annapolis. He crossed the beautiful bridge over the Severn River, and went to Salisbury, which is famous for its wonderful seafood and for the strawberries that will soon be ripe. Then he went down the Eastern Shore and into the Eastern Shore of Virginia. He stopped at a motel known as the Whispering Pines. Then he went to Cape Charles and entered a marvel of engineering, the recently dedicated tunnel and bridge across the Chesapeake Bay. It was like building a highway out on the ocean. I have been on the Chesapeake Bay when the waves were higher than from this floor to the Press Gallery. The water can be very turbulent when the sea comes in from one side and the James, York, and Rappahannock Rivers from the other side. The Senator from Louisiana told me he went from there to Yorktown. Think of it—that is the place where George Washington led us to victory. George Washington was one of the great founders of our Government. We would not have had a constitution but for his influence. Close by was Jamestown. Then he came across the York River, over another bridge, and he came up through the tidewater area to the Dahlgren Bridge and back to Washington. The Senator from Louisiana was visiting an area where the dogwoods and Judas trees were in bloom. He was visiting an area where the people have known peace and contentment. As Patrick Henry said after the end of the Revolutionary War:

> The white wings of peace have been spread over our fair land, and contentment lies down at every door.

It is an area where the majority of nonwhites live in Virginia. We have lived with them in peace and harmony. This bill would stir up strife where no strife has existed before. This bill would do violence to a form of government which they helped to form, and under which they have known whatever prosperity they have had. Of course, the Civil War set them back 50 years or more. But it is a historic area.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. ROBERTSON. I am yielding to the Senator from Connecticut.

Mr. SCOTT. Would the Senator mind if I interrupted the tour of Virginia?

Mr. RIBICOFF. I appreciate the tour the Senator is taking me on. I would like to continue it. I think the area is historic. No one who visits Virginia can help but be impressed by its history and the beauty of its countryside.

I would like to make one comment. I think the Senator is absolutely correct when he says things will not be the same as they were in 1618. This country has advanced greatly since then. This country will not be the same as it was in the 1780's, at the time our Constitution was adopted. There was slavery in this country then. 100 years ago, when the 14th amendment was adopted, the Constitution was changed. Now we are in a situation in which we are trying to bring this country up to where it should have been 100 years ago with the adoption of the 14th amendment, and we are trying to have the Congress buttress the Constitution of the United States as it was amended, and translate into reality the principles of nondiscrimination in the 14th amendment.

So, I recognize that great changes have taken place in America. I recognize that great changes will take place in America. I recognize that there is turmoil. There is as much turmoil in the North as there is in the South. I would be the first to admit it. We have great problems; and it will require the energy, the efforts, the brains, the understanding, the compassion, and the good will of men in the Congress of the United States, of men from the North as well as from the South, to solve the problems which the Nation faces. Anyone who believes that those problems will disappear with the passage of the bill is not being realistic or fair to the people of the country.

Mr. ROBERTSON. No one realizes more acutely than does the Senator from Virginia the changes which have taken place. I took office as a State senator in January 1916, 48 years ago. During the intervening time this country has fought and won two World Wars. We fought another one in Korea, which the late General MacArthur said we should have won. During that time I have seen the changes from the time when there was a $1 billion Congress. Even when I was elected to the U.S. Congress in 1932, the total expenditures were only $4 billion.

During that time I have seen the Supreme Court construe the due process clause of the 14th amendment as an unlimited grant of power to destroy any State law it pleased. During that time I have seen the Congress construe the general welfare clause of the Constitution to authorize any project it saw fit.

When I came to Congress $4 billion covered everything. What is the present situation? It requires $549 million merely to take the money out of our pockets and bring it here. Then we pay bureaucrats in the executive branch of the Government—and this does not include the Army or the judiciary or the Congress—$15,346 million in total annual salaries to administer the tax money that now amounts to about $100 billion.

What are the bureaucrats going to do under the terms of this bill? They are going to say, concerning billions of dollars, "You do not realize that it is our money." They take it from the taxpayers. We are paying them over $15 billion in salaries. If we get back 80 or 85 percent of the tax money we paid them, we are lucky. They are acting now as if it were their money, and they should have the privilege of saying to the taxpayers of this Nation, in the words of Job, a famous Arab sheik of the city of Uz:

> The Lord giveth, and the Lord taketh away; blessed be the name of the Lord.

Now we are asked to add another new spending scheme which would become a bureaucrat's dream. An expenditure of $1 billion a year is proposed under a bill named the antipoverty bill, which will be subject to title VI; but over and above that, there is no formula for equal distribution, such as there is in connection with the highway fund which, incidentally, is over $3 billion. There is no formula such as exists in connection with price supports—incidentally, over $3 billion—but the bureaucrats will have a billion dollars a year to distribute according to their discretion as to where the need is most acute. A billion dollars a year is proposed to be added, and we are paying them more than $15 billion a year to distribute our own money.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. RIBICOFF. I wonder whether the distinguished Senator from Virginia would settle for an equal distribution throughout the United States under every spending formula in all our Federal aid programs.

Mr. ROBERTSON. I feel like old Charles Pinckney of South Carolina when the Barbary pirates were sinking our ships. The Barbary pirates said, "If you will pay us so much tribute, we will stop sinking your ships."

And Pinckney said:

> Millions for defense, but not one cent for tribute.

I will not settle for one iota of anything less than private enterprise within the framework of American constitutional liberty.

Mr. RIBICOFF. Basically, what the distinguished Senator from Virginia complains about is what should be complained about by the Senator from Connecticut and the Senator from Pennsylvania, because if tribute is being paid on that basis—and I do not agree that it is—it is tribute being paid by the States which contribute so much more than they receive. There is not a formula of government expenditure which does not involve an unequal basis; and the inequality—if there is an inequality—works to the benefit of the States in the South.

I do not complain about unequal formulas, because basically what we are trying to do by having these formulas is to recognize that there is a coordination, a dependence of one upon another. Even though I come from the State of Connecticut, which has probably the lowest ratio in every formula of expenditures and receipts, I believe such formulas are necessary.

I believe it should be pointed out to the distinguished Senator from Virginia that great changes have taken place in America since 1916, when the distinguished Senator was a member of the State senate. Today, we are a Nation of 191 million people, and 191 million people with a multiplicity of problems have greater needs.

It is important for us today, 36 years away from the 21st century, to begin to think and try to understand some of the problems our Nation will face in the 21st century, instead of looking back nostalgically to the 16th, 17th, or 18th centuries. Those were great days.

Those were great days when this Nation was growing up, but today we have new problems, and we must face them. One of the greatest of the problems is civil rights, which this Nation must face and will have to try to solve and live with. There will be other great problems with which it must deal.

Mr. ROBERTSON. I agree that there are new problems. I have previously stated, in discussing the bill, that interstate commerce is today a quite different problem from what it was in the days of Jefferson and Madison. Today, we have railroads, we have airplanes, we have radio, and television. All these things are changing our way of life, but human nature does not change. Truth is eternal. The great book, the Bible, was certainly written more than 2,000 years ago—how long before that, we do not know, but the Bible is just as true today—with all the great wealth and the great inventions in the world, and the ability to destroy ourselves and all the rest of civilization with nuclear weapons—as it was in the days of Moses, when God gave him the first Ten Commandments.

Today, there are many people who believe the Ten Commandments do not apply any longer.

I remember well, when I was a freshman member of the State senate, and a bill was under consideration for woman suffrage, and one Senator stated:

> Paul sayeth, "Wives obey your husbands."

A suffragette replied:

> Damn old Paul.

But that was Paul's idea of a happy family.

This bill does violence to a concept of government. That is the fundamental objection to it. There is no delegated authority to tell a man whom he can employ. It will start at businesses employing 100 workers, go down to 50, and then to 25, and then it will soon be down to 2 or more in the end. The Government will tell the employer whom he can employ, whom he must promote, with whom he must associate. The Government will not give him a jury trial. The Government will say "This is a criminal contempt case," but I shall point out later—I cannot do it today—that the decisions cited by the Senator from Illinois last week do not apply at all.

They all involve violations committed in the presence of a judge. We are dealing with Federal courts. The Supreme Court has been authorized by the Constitution, and the Constitution authorizes Congress, to create lower courts. Thus we have created the district courts and the circuit courts of appeal. But under what authority do they operate? They operate under the Constitution, from time immemorial. In the colonial days, when the king was in power—and our Government is now the king—any criminal contempt case was a crime. The framers of the Constitution provided that in all crimes a defendant was entitled to a jury trial. When we reach that question again, I shall bring up my amendment relating to jury trials. I shall cite to the Senate some cases to prove that the Federal courts should be bound by the Constitution, and that a prosecution under title VII without a trial by jury is unconstitutional. The same is true of title VI. Some fast footwork was performed in the preparation of this bill.

Francis Bacon wrote some wonderful essays. He said:

> Reading maketh a full man; conference a ready man; and writing an exact man.

There are lawyers in the Department of Justice who use writing to obscure what they mean. There are good lawyers in the Senate. They will never know what is in the bill until the bureaucrats have issued their regulations; and there have been many Federal court decisions which will have interpreted the decrees thereon.

Take title VI. The first provision was that the President should lay down the rule under which funds could be withheld.

The Senator from Mississippi [Mr. Eastland] placed in the Record more than 2 pages of financial assistance programs. Each of the departments writes its own ticket. The programs will be approved by the President. That is only a formality. I invite attention to page 8359 of the Record of April 18, 1964.

Will the distinguished Senator from Connecticut please turn to page 8359, then to the next page, and then to the following page of Saturday's Congressional Record?

Every little bureaucrat can say, "This is my rule on discrimination."

It is said that the President must approve the rules and regulations. How could anyone analyze all the cases? It is said, "If you are not satisfied, you can appeal to the Federal court." On what basis? If there is any evidence at all, they lose. That is why I offered an amendment to correct that situation, providing that the Government would have to prove its case by a preponderance of evidence. That is only fair. It does not provide that the Government must prove its case beyond a reasonable doubt, as in a criminal case. This would be a civil case, and the Government would be required to prove its case by a preponderance of the evidence. That is what I provide in my amendment.

I had another amendment. These funds are taken out of the pockets of the taxpayers, and the bill would deny such funds on the charge of one man. They might be funds that would go to a State, a city, a group, or an individual.

There are page after page of agencies which might be affected. Everyone in the United States would be affected. Even social security would be affected. I have an amendment which provides that if a person is aggrieved by the action of a bureaucrat, who holds that a person is not entitled to have the funds paid to him to which he is entitled under another law, the aggrieved person can go into court and file a civil action, or he can go into court and ask for an injunction to prevent the Government's enforcement of an improper order.

I now yield to the Senator from Connecticut for a question.

Mr. RIBICOFF. Mr. President, first I should like to ask the distinguished Senator from Virginia in which of the programs listed on pages 8359, 8360, and 8361 of the Congressional Record he would advocate that discrimination be allowed?

Mr. ROBERTSON. I do not advocate that discrimination be allowed.

Mr. RIBICOFF. Or that it be permitted.

Mr. ROBERTSON. A Negro in the State of Virginia could say, "I have been denied a job to which I am entitled." On that basis a bureaucrat in Washington could deny funds to the State. The bill makes no provision for a situation which might involve a contract that had been half fulfilled. It makes no provision for a subcontractor or a sub-subcontractor. It would be possible to deny funds to a State in a situation of that kind, and the State would have to pay damage awards to subcontractors.

Mr. RIBICOFF. That is not true under title VI. Title VI, has been so drawn and so devised as to provide uniformity of rules and regulations; and the rules and regulations must be specifically approved by the President of the United States. Safeguards are provided in such a way that the cutting off of funds is the last step, not the first step, in the entire process. The way the provision was originally drawn——

Mr. ROBERTSON. We should first let the Record show what we are discussing. We are discussing section 601, which reads:

> Sec. 601. Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Senator has noticed that 2½ pages of such laws are involved. There is $3 billion of highway money, $3 billion of price support money; then there is social security money. The bill provides:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

All that is covered.

Section 602 provides:

> Sec. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, shall take action to effectuate the provisions of section 601 with respect to such program or activity.

There are 2½ pages of such activities. The section reads:

> Such action may be taken by or pursuant to rule, regulation, or order of general applicability, and shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation or order shall become effective unless and until approved by the President.

What was the fast footwork there? First, the President was to issue the general rules. That provision was taken out, and now every little bureaucrat can issue his own rules, which he will submit to the President, in the hope that the President will approve them.

What relief is there? A person could proceed under the Administrative Procedure Act to try to prove that the action was arbitrary or capricious. That is certainly foreign to everything that was started in 1618 in Jamestown and moved up into Connecticut.

Mr. RIBICOFF. When the Senator refers to social security, I remind him that social security is no way covered by the bill.

Mr. ROBERTSON. That is what the Senator says. One of the best social security lawyers in the country has told me that social security is covered by the bill.

Mr. RIBICOFF. The bill has to do with Federal assistance. Social security is a direct-payment program. It is a direct payment received by the individual. The individual who receives a direct payment has a right. It has nothing to do with Federal assistance. It is not Federal assistance to an individual, but a direct payment. Direct payments are not covered in any way by title VI.

Mr. ROBERTSON. I hope the Senator will remain in the Chamber until I reach that part of my speech which deals with social security. Social security is covered. One man who said he had read the bill said there was nothing in the bill which would deny a jury trial, and that it did not cover social security; also that there was nothing in the bill that was not constitutional. He said he had read the bill.

The distinguished Senator from Connecticut, former Governor, and great legislator that he is, believes that social security is not covered; he says that it is not covered. I will quote from what one of the best social security lawyers in the country has said. He claims that it is covered. I will tell the Senator why, but I cannot answer all his questions at one time.

Mr. RIBICOFF. I shall remain in the Chamber until about 1 o'clock, because I have an important engagement to keep. I hope the Senator will reach that part of his speech by 1 o'clock. It is my opinion that social security is not covered. I had a little to do with social security. I had something to do with the drafting of title VI. In my opinion the original provisions in title VI was defective and wrong.

Mr. ROBERTSON. As I understand, as originally submitted, the title provided that the funds might be denied. Was the Senator the one who changed that wording to provide that the money shall be denied?

Mr. RIBICOFF. The important factor was the cutoff. That was the big club. I thought the cutoff should be the last thing, not the first. The whole purpose is to eliminate discrimination, not to use punishment. The cutting off of funds should be the last act, not the first. Title VI provides for the taking of necessary steps before the funds are cut off. There is the question of notice, and conferences, as well as working with the agencies to see if the discrimination can be ended.

I remember that one of the first problems that I was faced with when I became Secretary was the problem connected with the State of Louisiana. Louisiana had enacted a law which was discriminatory from the standpoint of public welfare payments. The previous Secretary had held that Louisiana was in noncompliance, and therefore the funds were to be cut off.

The Governor of the State of Louisiana, its attorney general, and the distinguished Senators from Louisiana came to see me, as Secretary, and pointed out to me that a problem existed in that situation which should be remedied. They said it would be unfair to cut off the funds of so many innocent people in the State of Louisiana. As I remember, about 80,000 people were involved. I held a conference with the attorney general of Louisiana and the junior Senator from Louisiana. We tried to deal with the problem, so as to make it unnecessary to penalize anyone in Louisiana.

The Louisiana Legislature was not then in session. Therefore, we entered into an agreement to stay the penalty until the Louisiana Legislature could meet and remedy the defect in the law. The Louisiana Legislature met the following year and eliminated the defect. Consequently, it was not necessary to cut off funds from the State of Louisiana.

It was my thought that we would have many complicated problems in this entire civil rights field. I admit that there will be problems. I would not stand on the floor of the Senate and say that by the passage of the bill we can solve every problem in this field. It was my feeling that the Federal Government should not act by using a big club in the case of every discrimination or every defect, and cut off all funds. I wanted to make sure that if it were necessary to cut off funds, that would be the last resort, not the first.

Mr. ROBERTSON. I warmly commend the Senator from Connecticut. I think he was most fair to the State of Louisiana. But I wish to ask him, in all fairness, this question: Does he claim to assure us that at the head of all these agencies, handling billions of dollars of the taxpayers money, in the exercise of the power to cut off funds—and we know there would be a fair hearing in any court of justice—we can always be certain that those who will administer the act will be as fair, as able, and as kindhearted as the Senator from Connecticut was when he served as a distinguished Secretary of Health, Education, and Welfare?

Mr. RIBICOFF. At the present time, the Federal Government has such power. If I had made a decision to cut off funds from Louisiana, Louisiana would not, under present law, have had a right of appeal. I felt—and so suggested to the Attorney General—that title VI should be amended to provide for judicial review. So today, in title VI, if any agency of the Federal Government were to cut off funds from any subdivision of a State, or a State, that subdivision or State could ask for and obtain judicial review. Under the present law, with many programs of the Federal Government, a Federal agency can cut off funds, and there is no provision for judicial review. So we believe we are providing an extra right—an extra protection to those who receive Federal funds. We believe it should be in the bill. I do not believe there should be capriciousness. I do not believe there should be an arbitrary right to cut off funds. Under this bill, any aggrieved State or agency could come in and ask for judicial review; and they should have judicial review.

Mr. ROBERTSON. My answer is that the most popular President we have ever had in modern times was the late President Kennedy. There can be no doubt about his popularity. There can be no doubt about his dedication to the welfare of what might be called the underprivileged, including nonwhites, who claim they are being discriminated against all over the Nation.

President Kennedy said he doubted whether he had the power to cut off Federal funds in a suit; and that in any event, no President should have any such power. If the President clearly had that power, he would not find it in title VI of the bill. Why do the proponents provide for power they already have?

Mr. RIBICOFF. President Kennedy did not want the absolute power to cut off all funds without regard to their purpose. I recall a statement President Kennedy made at a news conference in answer to a certain question. The Civil Rights Commission had made a report in which it said that because of some discrimination, the Federal Government should cut off all funds from the State that was responsible for the discrimination. President Kennedy at that time made the statement that he did not want the absolute general power to cut off all funds; and I agreed with the President.

The President then went on to say that what he wanted, and what he should have, was the right to cut off funds in a particular instance in a particular program. I shall read what the President said:

> I do not think we should extend Federal programs in a way which encourages or really permits discrimination.
>
> That is very clear. But what was suggested was something else, and that was the general, wholesale cutoff of Federal expenditures, regardless of the purpose for which they were being spent, and as disciplinary action for the State of Mississippi. I think that is another question; and I could not accept that view.

I completely agree with President Kennedy. Title VI has been so drafted as to make certain that no one will have the power to cut off all funds. The authority to cut off funds is selective against agencies and against subdivisions. It is not a wholesale club. This is right and proper, because I still believe that the objective of the bill must be to end discrimination, not to punish. We must do everything we possibly can to assure compliance and make certain that there will not be discrimination, instead of continuing discrimination.

Mr. ROBERTSON. I still insist that if the Federal Government has all the power it needs or wants with reference to the withholding of aid, such a provision should not have been included in the bill. I still insist that the late President Kennedy said that withholding funds from an entire State would be wrong. He doubted whether he had such power. He did not think any President should have it.

So far as discrimination in Federal activities is concerned, the statistics disprove the charge of discrimination. Ten and one-half percent of our population is nonwhite, but 14 percent of Federal officials are nonwhite. They have been given preference. Why? Because of political pressure. If the bill is passed, that pressure will be intensified world without end, because the easiest way to sidestep charges of discrimination that could ruin one's business and ruin one financially would be to accept a nonwhite; because if the employer did not do so, the person could say, "I am going to the Attorney General and complain." What does title III provide? It provides that the Attorney General may say, "Start a suit." Once you start it, let me know, and I will be there with all the Federal Government behind me."

That is the title III, which was defeated overwhelmingly only a few years ago—in 1957. Yet it is in the present bill.

The title VI that is before the Senate is stronger than the one President Kennedy sent to Congress. He said, "You may do it." The bill now before us provides, "You shall do it."

President Kennedy said that the President should issue the order. The bill provides that every department or bureaucrat that handles the situation may issue order. But the action would have to be approved by the President; and that is a mere formality.

Mr. Eastland, the Senator from Mississippi, last Saturday said the following:

> Title VI is styled, "nondiscrimination in federally-assisted programs." Mr. President, I say without fear of contradiction that this is the most dangerous grant of power from the legislative to the executive branch of Government that was ever proposed in the long history of this Government. This character of grant would have been dangerous even when we did not have the multitude of Federal programs and grants and aid to States and communities. Now, with a budget of almost $100 billion a year, there is no end to the reach of the Federal Government into the intimate life of every citizen of the United States. No title of this proposed act should receive any more careful scrutiny.

There was a time when all the expenses of the Federal Government amounted to only $1 billion. I remember that time.

Today, what is the amount needed to finance the Internal Revenue Service? I happen to know about that, because I am chairman of the Appropriations Subcommittee that handles that item. Probably I shall vote for the amount requested, because it is necessary to collect the revenue. We do not want some who are honest to pay voluntarily and let the crooks escape without paying. We expect to spend $594 million to collect this money. That is what will happen to some of the revenue.

There are three branches of Government: The legislative, which is Congress; the judiciary; and the executive, including the military. None of the funds for the military are included in the next figure; but for the executive branch we spent for the current fiscal year $15,346 million in salaries. To do what? To operate the Government. Now they want to take charge of this money, as though it belonged to them; and they will tell us whether we can get it back or not.

I insist on the point that section 602 has been made a mandate, and has been drawn in such a way as to give every Government department or agency which is empowered to extend Federal financial assistance to any program or activity the power and the mandate to effectuate the provisions of section 601 with respect to such programs of activity. No doubt, once such an order were given by any such agency, the assistance could be suspended within 30 days. Think of that.

At this time, I wish to take up the point which has been raised by the distinguished Senator from Connecticut [Mr. Ribicoff], who referred to the social security payments. I understand that he wishes to go to lunch; and I, myself, would not mind going to lunch. The Senator from Connecticut is of the opinion that social security payments are not covered. I am of the opinion that they are covered. I shall state why I hold that opinion.

Because they are not budgeted, some have claimed that social security payments are not covered by title VI. The following is the view of one of Washington's best social security lawyers, George Stephen Leonard, of the firm of Steadman, Leonard & Hennessey, who, after studying the bill, said:

> Social security payments probably would be affected by section 601 of the bill, prohibiting "discrimination under any program or activity receiving Federal financial assistance."

Mr. Leonard's memorandum on this point follows:

> Section 610 of H.R. 7152 (Calendar No. 854 in the U.S. Senate) provides:
>
> "TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS
>
> "Sec. 601. Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."
>
> QUESTION PRESENTED
>
> Does section 601, supra, empower the Federal Government to make regulations prohibiting "discrimination" by persons receiving money under the Federal programs of social security, veterans' payments, and welfare payments?
>
> DISCUSSION
>
> The proposed statutory language is extremely broad. The phrase "be subjected to discrimination under any program or activity receiving Federal financial assistance" appears to be comprehensive enough to prevent a participant in, or a recipient of the benefits of, such a program or activity from discriminating against any person, on the ground of race, color, or national origin. Existing Executive orders indicate this possible interpretation. For example, Executive Order No. 11063. (November 20, 1962) was so drafted as to prevent discrimination because of "race, color, creed, or national origin" by homeowners, realtors, building and loan associations, banks, contractors, and all persons who participate "in the sale, leasing, rental, or other disposition of residential property * * * or in the use or occupancy thereof." Violation may result in cancellation of benefits under the Federal housing program.
>
> The crucial question is, then, whether social security, veterans payments, and welfare payments are part of "any program or activity receiving Federal financial assistance" (sec. 601).
>
> Veterans' payments and welfare payments (including those under the Social Security Act) are clearly within the category of those programs "receiving Federal financial assistance." In connection with public assistance, for example, "The Budget of the United States Government, Fiscal Year Ending June 30, 1963," provides:
>
> "Public assistance—Expenditures in 1963 for public assistance to aid the aged, blind, disabled, medically indigent, and dependent children are estimated at $2.8 billion. Federal expenditures for public assistance benefits and services under existing programs in 1963 will constitute about three-fifths of the estimated total Federal-State-local outlays of $4.6 billion for these purposes."
>
> Although operated outside of the regular budget, the various types of social insurance are also recipients of "Federal financial assistance," as indicated by "The Budget * * * 1963":
>
> "Social insurance: Major economic security programs are operated through trust funds, outside of the regular budget: old-age, survivors, and disability insurance; the railroad retirement and Federal retirement systems; and unemployment insurance. These trust funds are financed from Federal taxes on employers or employees or through special contributions. During 1963, it is expected that an average of 21 million beneficiaries will receive benefits, of which nearly two-thirds will be retired persons. The trust fund expenditures, mainly for benefit payments, are estimated to total $21.6 billion in 1963."
>
> Social insurance and welfare programs provide income to about 28 million beneficiaries.
>
> The legislation establishing Federal old-age, survivors, and disability insurance benefits provides for annual appropriations to an "insurance trust fund * * * out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to 100 per centum of" specified taxes levied and collected under the Internal Revenue Code (act of Aug. 14, 1935, ch. 531, title II, sec. 201, 49 Stat. 622, as amended; 42 U.S.C., sec. 401).
>
> The nature of the social security program was discussed in *Helvering* v. *Davis,* 301 U.S. 619 (1937), upholding the constitutionality of the titles of the act providing for Federal old age benefits and authorizing appropriations to an old age reserve account, and providing for excise taxes on employers and income taxes on employees, where the Court said (id., 635–636):
>
> "Title VIII, as we have said, lays two different types of tax, an 'income tax on employees,' and 'an excise tax on employers.' The income tax on employees is measured by wages paid during the calendar year. Section 801 (42 U.S.C.A. 1001). The excise tax on the employer is to be paid 'with respect to having individuals in his employ,' and, like the tax on employees, is measured by wages. Section 804 (42 U.S.C.A. 1004). * * * The proceeds of both taxes are to be paid into the Treasury like internal revenue taxes generally, and are not earmarked in any way. Section 807(a), 42 U.S.C.A. 1007(a).
>
> * * * * *

> "The first section of this title creates an account in the U.S. Treasury to be known as the Old-Age Reserve Account. Section 201 (42 U.S.C.A. 401). No present appropriation, however, is made to that account. All that the statute does is to authorize appropriations annually thereafter, beginning with the fiscal year which ends June 30, 1937. How large they shall be is not known in advance. The 'amount sufficient as an annual premium' to provide for the required payments is 'to be determined on a reserve basis in accordance with accepted actuarial principles, and based upon such tables or mortality as the Secretary of the Treasury shall from time to time adopt, and upon an interest rate of 3 per centum per annum compounded annually.' Section 201(a), 42 U.S.C.A. 401(a). Not a dollar goes into the account by force of the challenged act alone, unaided by acts to follow."
>
> Similarly in *Chas. C. Steward Mach. Co.* v. *Davis*, 301 U.S. 548, 574, 585 (1937), decided the same day and upholding the titles of the Social Security Act relating to unemployment taxes, the Court said:
>
> "The proceeds, when collected, go into the Treasury of the United States like internal revenue collections generally. Section 905 (a), 42 U.S.C.A. 1105(a). They are not earmarked in any way."
>
> * * * * *
>
> "The proceeds of the excise when collected are paid into the Treasury at Washington, and thereafter are subject to appropriation like public moneys generally."

Here is the point:

> Thus, though the money for social security payments comes from employers and employees, it is collected by the Government as taxes, which are paid into the Treasury and not earmarked in any way. A program financed by Federal tax money certainly receives "Federal financial assistance."
>
> Some doubt is cast on the intended applicability of the Civil Rights Act to social security insurance benefits by the first sentence of section 602:
>
> "SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, shall take action to effectuate the provisions of section 601 with respect to such program or activity."
>
> It would seem, however, that any conflict in this respect between sections 601 and 602 would be resolved in favor of section 601 which is much broader—"not withstanding any inconsistent provision of any other law"—than section 602. Furthermore, there is no "contract" of insurance involved in the social security program.

I now yield to my friend the Senator from Connecticut; with the understanding that I will not lose my right to the floor.

Mr. RIBICOFF. Mr. President, first I wish to say—and I make this statement with a great deal of respect for the junior Senator from Virginia, who has been in the Senate for so many years, while this is my first term in the Senate—that it is my understanding that when the legislative history of a measure is being made, it is made by the proponents of a piece of legislation and not by a letter in which someone else may express his interpretation, construction, and understanding of the law.

I do not know Mr. Leonard. He may be a great expert. But every proponent of the measure who has stood on the floor of the Senate has time and time again said that social security payments would not be covered by the measure. That is the legislative history which has been made on the bill.

The social security law is a broad law. It not only covers social security payments to the individual, but also contains other titles that take care of programs such as public assistance.

There is no greater expert in that field than the senior Senator from Alabama [Mr. HILL], who presides over the subcommittee on appropriations which handles those measures. Year in and year out the subcommittee of which he is chairman has approved appropriations of approximately $2 billion for public assistance and general welfare payments.

The public assistance provisions of the social security law would be involved under title VI.

But the individual social security payments which are made to millions of Americans would not be involved. The reason for that is, for example, that when a payment is made to John Jones, age 65, when he retires, or his wife Mary Jones, at age 62, or earlier, if they are disabled, that payment is not made through a State or local agency. It is made directly to those people as individuals.

The public assistance provisions of the social security law now allow cutoffs. The rules and regulations require uniformity. Therefore, if any State should discriminate—as in the situation in Louisiana we previously discussed involving public assistance—under those circumstances the Secretary of Health, Education, and Welfare could cut off the funds under existing law.

Something like that occurred in 1938. The State of Ohio did not have a uniform law. The State of Ohio was discriminating. Therefore, for 1 month the State of Ohio lost $1 million.

A few years ago the State of Arizona had a program that was not uniform. The Federal Government came in and told the State of Arizona that under those circumstances, if the discrimination should continue, the funds would be cutoff. The State of Arizona complied.

I point out that the Secretary now has the right to which I have referred, with no right of appeal by the aggrieved party. Under title VI of the bill, if there were any cutoff, the aggrieved party could appeal.

So I believe it should be kept very strictly in mind, as the debate proceeds, that although the question has been raised that social security payments might be affected, it is my contention that social security payments to individuals would not be affected. The legislative history which is being made on the floor of the Senate during the debate has shown time and time again that social security would not be affected.

It is my opinion, should some misguided bureaucrat try to cut off social security payments, I cannot conceive that any court in our land, with the legislative history and the interpretation of the law which has been set forth in the record, would say that title VI would cut off direct payments of social security.

That is a statement that I make from my experience as Secretary; it is my interpretation, as a proponent of the bill, especially of title VI.

Mr. ROBERTSON. Mr. President, in my 30 years of service in Congress I have heard a great deal about legislative history. I realize that when language is used in a bill of a character that the French would call "double entendre"—it may mean one thing and it may mean another thing—statements made on the floor by the proponents of the legislation of what they think it means may influence the court in deciding what is actually meant.

But no amount of statements or declarations that a provision "does not mean this or it does not mean the other," would cause a court to deviate from the facts and what the bill itself provides. I have cited to the Senator one of the best authorities on social security. He is a lawyer who has practiced law for nearly 36 years. He is a recognized expert in this field. People pay large sums of money for his views. So he must be worth something. That man has said that there is no contract. What is exempted in section 602 is a contract. Mr. Leonard has said that taxes are levied for social security trust funds, but the money is not earmarked. It goes into the Treasury, just as my personal income tax goes into the Treasury.

The money is paid out pursuant to a bill enacted by Congress. There is no contract. We have said that when men and women reach a certain age, they will be paid a pension. Congress makes the statement, but there is no contract. We have stated, "The amount of your pension will be somewhat geared to the amount of social security taxes that you and your employer have paid in."

Either that is a contract or it is not a contract. If it were a contract, section 602 would exempt. If it were not a contract, section 602 would not exempt it, and no prior statement about intention could change what the words of the bill actually state.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. RIBICOFF. The Senator is correct when he says it is not specifically exempted, but it does not have to be exempted. If the Senator will look to the preceding line, he will observe that it is not a program or activity. Since the social security payment to an individual is not a part of a program or activity covered by title VI in the first place, it need not be specifically exempted. My interpretation of the law is that since social security payments to an individual would not be covered, the funds could not be cut off, and the individual, when he reached retirement age, or was disabled, under the provisions of the social security law as it now stands, would be protected. He would be immune. He would continue to have his rights and privileges. Nothing in the law under any circumstances could cut off the payment to the individual when he reached the age of 65 or, in the case of a woman, or a man exercising his option. They are entitled to receive the rights and benefits under the social security laws.

Mr. ROBERTSON. The Senator from Virginia frankly admits that he does not have such a high regard for his infallibility as to take a categorical position that they would not be exempted when the distinguished Senator from Connecticut says that they would be exempted.

The Senator from Virginia hopes the bill will not pass. It certainly will not with my vote so long as I can stand up a reasonable length of time and keep speaking and saying why the bill should not pass. But if the bill passes, it will be the most fruitful field for young lawyers that has ever been known in the history of this Commonwealth. There is no doubt about it. Even then we shall not know what is in the bill. We shall not know until the Supreme Court says what is in the bill. We may not agree then, but what will be in the bill at that time will be what the Court says is in it.

Mr. RIBICOFF. I assume that the question of uncertainty is always a problem. I do not think any one of us is so infallible as to say that he knows what the Supreme Court is going to say at any given time.

Mr. ROBERTSON. Certainly not.

Mr. President, I understood the Senator from Colorado [Mr. ALLOTT] wanted me to yield to him. I yield to him with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Since I was on the floor, I wanted to interject only this thought at this point in the colloquy between the Senator from Virginia and the Senator from Connecticut. With respect to the point made about legislative history, I agree that it is true the proponents of the bill are more likely to make legislative history than are the opponents of the bill. As the distinguished Senator from Virginia has pointed out, however, it is the language of the bill that controls; and if it can be interpreted from its own language, that is the interpretation the court will take.

The real reason why I injected myself into the colloquy is that I think probably the most effective history is established on a bill when the proponents of the bill, in explaining certain points, are joined by opponents of the bill in explaining those points. Then there is a real legislative history. But when proponents say that a certain provision means one thing, and the opponents say it means another thing, all that will be before the court that may consider the question later will be a dispute as to what the legislative history is. The point I am trying to make is that the best legislative history that is made is when the proponents say it means one thing, and there is no dissent, and both parties agree.

Mr. ROBERTSON. A few years ago I made an extended speech on the constitutional right of jury trials in criminal contempt proceedings where the offense was not committed in the presence of the judge. Did that register? Five were for my position and four against it. So I do not flatter myself that what I am offering will have any effect on the court, but it may consider what I say here.

Mr. RIBICOFF. One of the ironical comments that may be made on the problem before us is that, as I have followed the debate, it is the first time I ever recall when major legislation was being considered on the floor that the opponents of a bill have sought to place on the measure a broader interpretation than have the proponents. I think it is a most interesting comment that, as we look through the debates, the proponents of the bill seem to be advocating a much narrower and stricter interpretation than the opponents are.

Mr. ROBERTSON. We could not be lulled into a sense of false security. We could not sit here and hear it said that "This is a mild bill. It is milder than the other bill. I am surprised anybody would object to it." We, say, in reply, "Let us examine it and see how mild it is." The suggestion has been made that Executive orders can be issued to halt federally assisted programs. The former President did not propose that or title VII, the FEPC provision. They were not included in the original proposal. So when we say we are trying to show that it is a stronger bill, we want to point out these matters. We do not know what the interpretation will be after it is placed on the statute books.

Mr. RIBICOFF. In accordance with the suggestion of the distinguished Senator from Colorado [Mr. ALLOTT], perhaps if the Senator from Virginia and the Senator from Connecticut would agree that the proper interpretation of the bill does not include social security payments, we could eliminate all doubt about whether the Supreme Court would interpret the bill to include them.

Mr. ROBERTSON. I had great doubt whether the banks and savings and loan associations were out of the bill. The Senator from Minnesota said they were out. I said that would please me, but I was not sure about it. Then the junior Senator from Alabama [Mr. SPARKMAN] made a wonderful speech on the subject. He cited many cases. He so convinced me that I stood up and said, "I agree." The main purpose of the Senator from Alabama was to get the FHA loans out from under the provisions of the bill. He has a big housing bill to consider, the biggest in history. All told, it amounts to $8 or $9 billion. The Senator represents an area that does not want to get "hooked" with all these taxes if the people cannot share in the program. That is what we were headed for under the civil rights bill. The South could not have shared in that building program. The Senator made a study of the subject and did a grand job.

I am glad to join him.

I believe the point of the Senator from Connecticut is well taken, that if the proponents say the FHA and the banks with insurance contracts are out of the bill under section 602, and the two Senators from Alabama [Mr. HILL and Mr. SPARKMAN] and I and other Senators say they are out, it would be extremely difficult for any court to put them back in.

Mr. RIBICOFF. Perhaps we can nail down the point, because there is no greater expert in the Senate on social security than the senior Senator from Alabama [Mr. HILL]; and if the senior Senator from Alabama and the junior Senator from Virginia [Mr. ROBERTSON] and the junior Senator from Connecticut, who has had a little experience with social security, all agree that social security is not covered by the bill, it would be rather difficult for the court to say that social security recipients were covered.

Mr. ROBERTSON. The junior Senator from Virginia is no expert on this subject. He was a member of the Ways and Means Committee of the House when the first social security bill was declared to be unconstitutional. He had a part in drafting a bill which merely put into effect a tax, without designating what it was for, and it stood up. During that time and for some time thereafter I had the benefit of the advice of one of the most helpful experts on the subject, Mr. Leonard, who was here as a young lawyer engaged in this type of practice.

Since I moved over to this body in 1946, my attention has been confined almost exclusively to banking, financial, and appropriation matters. I have had no time to study social security. So I am not in a position to dispute what Mr. Leonard says about this subject, or to try to make a legislative history that would keep social security out of the bill. It is a difficult thing to say that a part of social security is in the bill and a part is out. So far as I know, it is all in. If there is discrimination, the people in the affected areas lose the benefits of the program.

Mr. RIBICOFF. There are separate titles, and where there are separate titles, there are different objectives. The social security law is very broad, covering many activities. There is a difference in the title that has to do with direct payments to those who are retired because of age or disability and those titles having to do with certain welfare features such as public assistance, where the Federal funds go not directly to the individual, but instead to the States to be used in a State-administered program of financial assistance.

I have sat here since I have been in the Senate with great admiration for the ability to recall, the wisdom, and the historical perspective of the junior Senator from Virginia. While we disagree on various issues, I believe all of us can learn from his grace, his wit, his knowledge, and his memory. I have never been in the Chamber when the junior Senator from Virginia has spoken out on any subject that I have not left it a wiser man.

Mr. ROBERTSON. I do not have words adequate to express my appreciation of that high tribute. Naturally, I hope that I deserve it. I am not too sure that I do. At any rate, I appreciate it, and I acknowledge it with grateful thanks.

Mr. HILL. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. PELL in the chair). Does the Senator from Virginia yield to the Senator from Alabama?

Mr. ROBERTSON. I yield.

Mr. HILL. I do not agree with the Senator from Connecticut on this bill at all, but I wholeheartedly agree with him on the very fine and richly deserved tribute which he has just paid to the Senator from Virginia.

Mr. ROBERTSON. I have been visibly "softened up." I do not know whether I can attack this bill as vigorously as I should now or not; but I will proceed, anyway.

Lord James Bryce, former British Ambassador to the United States, in volume I of his book, "The American Commonwealth," at page 15, stated:

> America is a commonwealth of commonwealths, a republic of republics, a state which, while one, is nevertheless composed of other States even more essential to its existence than it is to theirs.

Again, at page 107, speaking of the U.S. Senate, he stated:

> The most conspicuous, and what was at once time deemed the most important feature of the Senate, is that it represents the several States of the Union as separate commonwealths, and is thus an essential part of the Federal scheme.

The emphasis placed by such a profound observer of governmental concepts as Lord Bryce, on the importance of the States in the American system of government, is significant because title VI ignores the States entirely.

Sudden changes applicable to all Government aid programs can harm property rights. They can impair contracts. The Attorney General, himself, in testifying before the Senate Judiciary Committee stated:

> I think that a mandatory withdrawal of financial assistance is too sweeping. School lunch programs, disaster assistance programs, the emergency granting of defense contracts, and the like should not be cut off suddenly, certainly not until every other avenue has been explored.

Countless disputes could arise over failure in the bill to define "discrimination." What is meant by this broad word "discrimination" no one seems to know. For instance, the Law Department of the National Association of Manufacturers, which has recently sent out an analysis of title VII of the civil rights bill, has this to say concerning the meaning of the word "discrimination":

> Although the bill contains lengthy provisions making it unlawful to "discriminate" in any way in regard to employment, it does not define the term "discriminate" or the term "discrimination." Presumably "discriminate" would have its commonly accepted meaning which, according to Webster's International Dictionary, is "to make a distinction" or "to make a difference in treatment or favor (of one as compared with others); as to discriminate in favor of one's friends; to discriminate against a special class."
>
> The title would seem to make it unlawful for an employer to make any distinction or any difference in treatment of employees because of race, color, religion, sex, or national origin.

Mr. President, I digress to say that the legal staff of the NAM, in preparing the statement, overlooked the exemption which a good many claim to be an unconstitutional exemption. Under the bill, it will be legal, for the first time in our history, to discriminate against an atheist. That was overlooked by the fine lawyers, apparently, when they said one could not discriminate because of a man's religion. That is covered by the first amendment to the Constitution. On the House side, for reasons never disclosed, there were never any hearings held on the bill. It was accepted on this side, because there were never any hearings on the bill on this side. No proponent of the bill has offered an amendment to take it out. So if the bill is passed, and the Supreme Court does not upset it, we can discriminate against a man who says, "I do not believe there is any God." But one cannot discriminate against a man who says, "I am a Catholic." The employer may reply, "I do not wish to hire anyone but a Methodist in my business." That is where the employer will "get it in the neck."

That is, of course, a side issue. But that is one of the many problems involved.

Now I continue to quote the decision of the Legal Department of the NAM:

> The bill does not make willfulness or intent an element of its unlawful employment practices. Apparently, therefore, it would not be necessary to show any willful purpose or intentional violation on the part of an employer. It would appear to be sufficient to show that discrimination does in fact exist.

Mr. President, we are discussing primarily title VII, but the same thing applies to title VI. There is no definition of the word "discrimination," and when some bureaucrat holds that there has been discrimination, there is no jury trial. Under title VII and under title VI, when we go into court and complain of Federal action under the Administrative Procedure Act, we shall lose, if the Government can show any evidence in support of its position, and we are unable to prove that the action of the Government was capricious or arbitrary, and that there was no evidence to support it.

As I have stated, under title VI, I have submitted an amendment to require the Government to prove its case as in all civil rights cases, by a preponderance of the evidence. Under title VII, the Senator from Illinois [Mr. DIRKSEN] has offered an amendment to prove that an offense was willful.

I shall support the amendment of the Senator from Illinois [Mr. DIRKSEN]. I believe it is in keeping with all our concepts of criminal law.

As some of my colleagues in the Senate know, in a period of 48 years of civil public service, I have served as prosecuting attorney. In Virginia, we call the office that of Commonwealth's attorney. In other jurisdictions, it is known as the district attorney or the attorney for the State. However, I prosecuted for 6 years. It is fundamental in criminal law that a person cannot be convicted without criminal intent being shown. A baby cannot be convicted even if the baby sticks a needle through the heart of another baby. The baby cannot be convicted of murder, because the baby did not know what it was doing. A man cannot be convicted of murder in the first degree without a showing of criminal intent and premeditation.

In all criminal actions, an intent is involved. Frequently, in a statutory misdemeanor, such as driving through an intersection on a red light, we fall back on the old common law tort doctrine that a man intends the natural and probable consequences of his voluntary act. The light was there; he could see it, or he would not have been licensed to drive a car; he drove through on a red light; therefore, he intended to go through the red light. There is no use saying that he did not have the intent. The intent is imputed to him.

In all criminal actions, the intent is the essence of whatever crime is charged, whether it be a misdemeanor or a felony, whether the person is sent to jail or to the penitentiary. The difference in Virginia is that a man convicted of a felony is sentenced to the penitentiary, and if he is convicted of a misdemeanor, he is sentenced to jail.

Here we are speaking about a new crime, the crime of discrimination. Yet the crime is not defined. We would let a little bureaucrat come into court and penalize a person without proving that what the person did was willful and that he knew what he was doing.

The Dirksen amendment, in my opinion, is a very important amendment, and I intend to support it. I hope the Senate will adopt it.

I now return to the brief submitted by the legal staff of the National Association of Manufacturers. I quote further:

> The bill provides no standards of proof or evidence. Presumably it would be sufficient if it were shown that the mix with respect to race, color, religion or national origin among an employer's employees was substantially disproportionate to the mix in the labor-market area from which such employees were drawn. The burden would then doubtless be on the employer to show that such disproportion was due to bona fide job requirements such as skill, education, etc., which prevented his employing an average mix from the labor-market area.

I digress to reply to the rhetorical question asked by the distinguished Senator from Minnesota [Mr. HUMPHREY] some days ago: "Where do you find quotas written into title VII?" I answer that in the opinion of the lawyers advising the National Association of Manufacturers, whose members employ thousands of persons, and have payrolls that run into hundreds of millions of dollars, that the quota is implied in the language that is used.

I return now to the brief:

> Moreover, this standard of disproportion to the local average might be applied not only to an employer's entire operation but also separately to particular jobs, departments, or categories of employees. For example, it might be applied separately to unskilled labor, skilled labor, individual crafts, clerical, supervisory, administrative, and executive classifications.
>
> There is nothing in the title to limit it to any particular type of classification of jobs or positions, and presumably it would apply across the board to all persons classified as employees. Thus, it could reach into managerial positions, and if a disproportion were shown it could furnish a basis for a finding of discrimination and injunction against such discrimination.
>
> It is not clear whether the bill would apply to the selection of corporate officers by a

corporate board of directors or to the election of a board of directors by stockholders of a corporation. It is arguable that it might apply to the selection of officers by the directors, because the term "employer" by definition includes "any agent," and directors might be deemed agents of the corporation for purposes of the bill. It seems doubtful, however, that stockholders could be considered agents of the corporation in electing directors.

Title VI involves due process of law. Therefore, it will be helpful to consider the history of that legal maxim.

We find the basic roots of due process of law in the famous chapter 29 of Magna Carta—issue of 1225—where the King promises that "no freeman—nullus liber homo—shall be taken or imprisoned or deprived of his freehold or his liberties or free customs, or outlawed or exiled, or in any manner destroyed, nor shall we come upon him or send against him, except by a legal judgment of his peers that is, by jury trial, and it also involves what we call an indictment—or by the law of the land—per legem terrae." How does title VI compare with this promise exacted from the sovereign 739 years ago with the birth of due process of law as we now know it? The arbitrary nature of title VI in its broad terms such as "notwithstanding any inconsistent provision of any other law" can be used by the Government to "come upon" a host of citizens involved in existing contracts without them knowing wherein they have violated the law and without the legal judgment of their peers. Instead of having the legal judgment of their peers these citizens will be subjected to a bureaucratic hearing without a way to get a trial by jury unless the bill is amended.

In the year 1355 we find "due process of law" referred to specifically as such. Chapter 3 of 28 Edward III, written in that year, reads:

> No man of what state or condition he be, shall be put out of his lands or tenements nor taken, nor disinherited, nor put to death, without he be brought to answer by due process of law.

Note well that this protection given to the individual went to property rights as well as to rights against unjust criminal prosecution. Title VI would be in question of violating the principle of this early law placed on the statute books 609 years ago. When the property or contractual rights of an individual are placed in jeopardy by the action of a bureaucrat here in Washington feeling the surge of the vast Federal power in his hands, where is there a provision in title VI that his lands and tenements shall not be taken unless he be brought to answer by due process of law where the Government bears the burden of proof? On the contrary the title goes so far as to say that if any person is "subjected" to discrimination under any program or activity in which he is involved or has a contract, the machinery of cutting off funds or other methods of compliance shall start to move. The fear and danger of this threat is against the spirit of due process of law.

Lord Coke in part II of his "Institutes," pages 50–51—1669—equates the term "by law of the land" with "by due process of law." Coke was the source from which the framers of our Constitution derived much of their understanding of the matter. Due process was both substantive and procedural. Some State constitutions today use both terms "by due process of law" and "by law of the land."

That due process of law places procedural limitations on legislative power is an established doctrine in this country. *Den ex dem, Murray* v. *Hoboken Land & Improvement Co.*, 18 Howard 272, 280 (1856); *Twining* v. *New Jersey*, 211 U.S. 78 (1908); Corwin, "Liberty Against Government," chapter III; and see Justice Harlan's dissenting opinion in *Hurtado* v. *California*, 110 U.S. 516 at page 538 (1884); *Bush* v. *New Orleans School Board*, 194 F. Supp. 182 (E.D. La. 1961), affirmed by reference in *Gremillian* v. *United States*, 368 U.S. 11 (1961). If we look beyond ostensible purposes in title VI to actual purposes, we see unprecedented power given to bureaucrats in control of programs of financial assistance to shut off funds for Federal projects unless there is compliance with a policy of nondiscrimination. The purpose is to place in their hands a club, but not to tell them when, where, and on whom it shall be used.

An illustration of applying the fifth amendment in a substantive sense is found in the case of *Adkins* v. *Children's Hospital*, 261 U.S. 525 (1923). In that case the Court held the District of Columbia Minimum Wage Act for women and minors to be void under the due process clause, not on account of any objection to the methods by which it was to be enforced but because of the contents of the act—its substantive requirements. In title VI we have both objectionable methods of procedure and objectionable substantive purposes, among which is the desire to accomplish, by the force of financial pressure, the goal of racial integration.

In the case of *Lynch* v. *United States*, 292 U.S. 571, 579 (1934), the Court applied the fifth amendment in a manner that should not be ignored. It held that rights against the United States arising out of contract are protected by the Constitution. A large part of the financial assistance programs of the Government are in the field of contract. Suits against the United States in the field of contract may be brought under the Tucker Act in U.S. district courts, and major suits involving large sums may be brought in the Court of Claims. With this in mind it is appropriate to note that in the Lynch case cited above a statute enacted by Congress abrogating contracts of war risk insurance was held unconstitutional as applied to outstanding contracts.

What are we to do about those contracts outstanding in the many programs and activities covered by title VI?

Mr. President, I again urge Senators to refer to the excellent speech delivered last Saturday by the distinguished senior Senator from Mississippi [Mr. EASTLAND] and to read the more than two pages of the CONGRESSIONAL RECORD in which he listed the great multitude of financial assistance programs, running into billions of dollars, that are covered by title VI. There is no difference of opinion by anyone about the coverage.

There is no restrictive language in the bill which would prohibit Federal officials from applying the nondiscrimination mandate of title VI, vague as it is, to currently outstanding contracts. Many of these contracts are operative in States which do not have antidiscrimination laws and in which the customs and habits of the people at large may be contrary to the rules established by the executive branch of the Government pursuant to title VI. These contracts will have been entered into under one set of conditions and then, perhaps, at the stage of 50 percent completion they will be subject to a new set of conditions, resulting in the withholding of funds. Thus would vital rights be violated without due process of law.

It must also be remembered that not all contracts are bilateral contracts in the assistance programs covered by title VI. Third party interests will frequently be involved.

A typical instance would be road funds to a State that involves many third party contractors. In event of stoppage of work on one of these important contracts, a question arises as to what the legal situation would be as between the State and the other contracting parties who are damaged by the delay or the termination of the contract. How unreasonable to give to some racial-minded bureaucrat the power to deny Federal road funds to a State and leave that State with a multiplicity of damage suits by highway contractors.

There is no provision in title VI as to what happens after funds are withheld. No method is provided through which contracts can be restored to working order by compliance. In other words title VI is so arbitrary in nature as to ignore any method of proceeding once the Federal Government has placed into effect the withholding of funds. This, like much of the rest of the title, is contrary to basic principles of justice and due process of law.

Title VI provides for regulations or rules, or orders of general applicability, all of which must be approved by the President. It then states:

> After a hearing, compliance with any requirement adopted pursuant to this section may be affected (1) by termination of or refusal to grant or to continue assistance under such program.

This is the only reference in the title to a hearing. The type of hearing should be defined and procedural due process of law, with a requirement for preponderance of the evidence, should be written into the language. That alone however would not mitigate the basic evils of the title. The power mandate and the withholding of funds are inherent and controlling throughout as the general purposes of the title, and they are based on the vague and undefined term "discrimination."

The language quoted above might permit an agency to require that parties must do certain specific things or that they not do specific things before any financial assistance is given or agreed to be given. This may be done by requiring these conditions in the original contract. But what are the powers as to existing contracts? We may not know until the Supreme Court has acted. The Executive order of the President on employment under Federal contracts as well as the Executive order on housing, are being effectuated at the present time by requiring that people contract that they will not do certain things as well as that they will do certain things. Thereafter if the conditions are not met the Government relies on the terms of the contract and can ask for specific performance or take the action agreed upon in the contract.

The possible effect of title VI on existing contracts is a vital matter. Many of these contracts will run for a number of years. Congress has no constitutional right to pass a law impairing contracts. Title VI does not specifically do so, but such power is implicit in it.

Article I, section 10, of the Constitution prohibits any State from enacting a law "impairing the obligation of contracts." While this prohibition runs against the States, the due process of law clause of the fifth amendment affords a similar protection for the individual against the Federal Government. Moreover that amendment provides that there shall be no taking of property from an individual without just compensation. Thus the reasoning and language of some of the impairment of contracts cases are fully pertinent.

In the well-known case of *Home Building and Loan Association* v. *Blaisdell*, 290 U.S. 398, 431, 435 (1934), Chief Justice Hughes for the Court stated:

> The obligations of a contract are impaired by a law which renders them invalid or extinguishes them—and impairment—has been predicated of laws which without destroying contracts derogate from contractual rights. The policy of protecting contracts against impairment presupposes the maintenance of a government by virtue of which contractual relations are worthwhile.

Mr. HILL. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield to the Senator from Alabama.

Mr. HILL. The Senator from Virginia has recited the provisions of the Constitution of the United States which prohibit the enactment of a law which would impair the obligations of contracts. I believe it was under that provision of the Constitution that Daniel Webster made his great argument in the Dartmouth College case. Is that not true?

Mr. ROBERTSON. That is true. In that case, Daniel Webster said the State wanted to take the charter away; and he said, "It is a small school, but there are those who love it." And he won his case.

Down at VMI, we think of that.

Mr. HILL. Would not this bill impair the obligations of many contracts, and also be an invitation to do so?

Mr. ROBERTSON. Undoubtedly it would. Suppose the Senator from Alabama were a roadbuilder, with a contract to build U.S. 95, going south from Washington, D.C.; and suppose he had let many subcontracts for construction all the way along that line, and that it would take 2 or 3 years to complete them. Suppose that "in the midst of the game," so to speak, the Bureau of Public Roads issued a new nondiscrimination edict. What it might be, we could not tell now; but undoubtedly it would have the approval of the President. The effect would be to violate the contractual rights, in the very midst of performance of the contract. I say that no law of that kind is constitutional.

Mr. HILL. Of course there is no way to tell how many contracts such action would impair, is there?

Mr. ROBERTSON. No; there is not.

Mr. HILL. It might very well be that a large number of contracts would be impaired; is that correct?

Mr. ROBERTSON. Yes.

On the other hand, if before the beginning of such a contract the Federal Government required a certain course of action, the one who thereafter entered into such a contract could not complain—not if, before he entered into the contract, he agreed to put his neck into such a noose.

For example, in connection with all Federal housing, the cities which are to receive the Federal funds must agree to desegregate, and so forth. But the pending bill would go far beyond that. As I have said, it would violate the previous holdings of the U.S. Supreme Court, under the due process clause, that the result would be to take a man's property away from him in the midst of the performance of the contract, and without due process, and without paying him for it.

Mr. HILL. Is it not also true that that might well destroy that man's business, and force him out of business and into bankruptcy?

Mr. ROBERTSON. Yes.

Mr. President, I have now come to the subject of due process under the 14th amendment and the meaning of the 14th amendment. When I continue this presentation at a later date—possibly later this week—I wish to bring to the attention of this honorable body the views of four outstanding scholars. They are Dr. Charles C. Tansill, Dr. Alfred Avins, Dr. Sam S. Crutchfield, and Dr. Kenneth W. Colegrove. All of them are scholars of national stature. Not one of them is from the South. I do not believe any one of them was even educated in the South or became "tainted" in any way with the southern perspective in regard to some of these problems. They have written a book entitled "Open Occupancy Versus Forced Housing Under the 14th Amendment." In the book there appears an informative discussion of the 14th amendment and real property rights. It is most illuminating, and I have excerpts from it here.

Mr. HILL. I hope the Senator from Virginia will give us the benefit of some of those excerpts. He may recall that the Senator from Connecticut [Mr. RIBICOFF] predicated some of his opinions regarding the bill on the 14th amendment. I have not seen the excerpts, but I know that time and again it has been asserted, and so held, that the 14th amendment applies only to State action. Is that not correct?

Mr. ROBERTSON. Yes; but the Senator from Alabama must remember that the distinguished Senator from Connecticut expressed the hope that he might be able to go to lunch about 1 p.m. Under the circumstances, and also in view of the high compliment he paid to me, far be it from me to refuse to extend that privilege to him.

Mr. RIBICOFF. Mr. President, if the Senator from Virginia will yield, let me say that my duty assignment was to be here from 10 a.m. to 1 p.m. Therefore, I made certain engagements in my office—not for the purpose of lunch, but in order to take care of some of my duties as a Senator. So I wish the record to show clearly that I shall not leave the Chamber for a luncheon date.

However, even though the period from 10 a.m. to 1 p. m. was assigned to me as my duty period, I shall be pleased to remain longer, although I thought the exchange we had was most adequate.

Mr. ROBERTSON. Very well. Then, Mr. President, I shall continue my remarks for approximately 10 minutes or so. I hope that thereafter the junior Senator from Connecticut and I may go to lunch together.

Mr. RIBICOFF. I understand that it is proposed that the debate continue for considerably longer than 20 minutes—perhaps even 20 hours or 20 days. So from time to time we shall have ample opportunity to discuss this portion and other portions of the bill.

It is always stimulating and a pleasure to discuss any question with the junior Senator from Virginia.

Mr. ROBERTSON. The junior Senator from Virginia is one of the younger members of his team. He expects to carry his share of the load of explaining what is in the bill. But he does not wish to impinge upon the opportunity of other Senators to do likewise. He does not desire to monopolize the attention of the distinguished Senator from Connecticut.

For a few minutes he will now discuss the meaning of the 14th amendment in the housing legislation. The text was not written by someone who was trying to put across the southern viewpoint. What I shall read comes from page 68 of the book to which I referred:

> No consideration of antidiscrimination legislation in housing can be complete without an investigation of the original intent of the framers of the 14th amendment and its companion statute, the Civil Rights Act of 1866. These provisions, and particularly the latter statute, have been used not only in popular writings but even in judicial opinions to support such legislation. The question of whether they do in fact support such legislation in light of the intention of the framers of these enactments has never been investigated. This article will seek to determine the original intent of the Congress which passed the Civil Rights Act of 1866 and the 14th amendment, in order to inquire what was sought to be accomplished by these measures as they affect real property rights.

Mr. President, I digress to say that the Civil Rights Act is the same as our title II with respect to nondiscrimination in accommodations, restaurants, hotdog stands, motels, and hotels. The Supreme Court declared the provision unconstitutional. Yet the Senate is asked to reenact the provision.

Continuing to read from the book:

I. BLACK CODES AND OTHER DISCRIMINATION IN REAL PROPERTY IN 1866

> When the 39th Congress met in December 1865, it was much preoccupied with the problem of the so-called "black codes" enacted by southern legislatures, which were deemed or depicted in strong language by northerners as returning the newly freed Negro to the status of virtual slaves. Most attention was paid to vagrancy laws, which were depicted as outrageously harsh and unjust. However, restrictions on the right to contract, engage in business, or own real estate also attracted attention.
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> For example, Congressman M. Russell Thayer, of Pennsylvania, a supporter of the civil rights bill, declared that Southern States had enacted laws "which declare, for example, that freemen shall not have the privilege of purchasing a home for themselves and their families; laws which impair their ability to make contracts for labor in such manner as virtually to deprive them of the power of making such contracts." Senator Lyman Trumbull, of Illinois, likewise declared that southern laws "did not allow him to buy or sell, or to make contracts; that did not allow him to own property." Congressman William Windom, of Minnesota, told the House that "The State laws of Georgia and South Carolina prohibit any Negro from buying or leasing a home," and set forth in detail the effects of a similar Mississippi statute. And Congressman William Lawrence, of Ohio, concluded: "If States may deny to any class of our citizens the right to make contracts, to own a homestead it may strip men of all that is valuable in life."
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> Southern States were not alone in restricting the rights of Negroes to own land or make contracts. The Indiana Constitution of 1851 provided as follows:
>
> "SEC. 1. No Negro or mulatto shall come into or settle in the State after the adoption of this Constitution.
>
> "SEC. 2. All contracts made with any Negro or mulatto coming into the State contrary to the provisions of the foregoing section shall be void; and every person who shall employ such Negro or mulatto or otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars nor more than $500."

Mr. President, we have never had any such law as that in any of the Southern States. I am reminded of the fact that on Army Day some time ago I went to Wisconsin with the then Chief of Staff, a member of the Air Force, General Spaatz, a great soldier. He was to speak at Appleton, Wis., a lovely little town on Lake Winnebago. A parade lasted for an hour and a half. I was sitting in the reviewing stands. Crowds of people were on the street. This was in 1946 in Appleton, Wis. I remarked to one friend sitting in the stands, "I have seen thousands of people here today, but I have seen only one colored man. I cannot understand it."

He said, "You will not see him here tonight."

I said, "Why not?"

He said, "We do not permit any colored man to spend the night in Appleton."

There never has been any such law or rule in any community in Virginia. Make no mistake about it. If we pass the civil rights bill and enforce it, we shall hear from many communities which do not think they are now involved in any antidiscrimination laws.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Will not businessmen all over the country—whether in Wisconsin, Virginia, Alabama, California, Massachusetts, New Hampshire, Vermont, North Dakota, Colorado, or wherever they are—find out that the bill would affect them very directly and specifically so far as their hiring of personnel, promotion, transfer, questions of automation, dismissal, or anything of that kind?

Mr. ROBERTSON. Does not the Senator think that they are already finding it out in Wisconsin? In the presidential primary there was but one issue, and that was the civil rights bill as expressed in the candidacy of a Governor of Alabama, of whom few people had ever heard before he entered the primary. He received 25 percent of the votes cast. Does not the Senator believe they are hearing about it?

Mr. HILL. Does not the Senator think that they are hearing about it in other States, too?

Mr. ROBERTSON. Certainly. If we are given an adequate opportunity to explain the provisions of the bill so that the people generally know about it, the effect will be similar to the tidal wave which followed the earthquake in Alaska. It will affect people from Maine to Florida, from Virginia Beach to the Golden Gate, and we shall have a tide flowing in here that cries out, "Don't put that on us."

I yield to the Senator from Colorado, if he wishes to ask a question.

Mr. ALLOTT. Mr. President, I shall discuss the question at considerable length at a later time, but I should like to point out to the distinguished Senator from Virginia that the Fair Employment Practices Act of Colorado—that is not the exact title of it—is further in its reach and comprehension in several ways than title VII of the bill. Since Colorado has been referred to, I point out that Colorado has such a statute. It has had it since 1957. It is more comprehensive than the proposed Federal statute. The commissioner has more power. We have gotten along very well with it.

Mr. ROBERTSON. I have not heard any derogatory remarks about Colorado and their treatment of nonwhites. I am glad to know that Colorado has an FEPC which is working. Naturally Colorado expects to come under the provision of the bill that provides that if the State has an FEPC which is working, Federal bureaucrats will not be put on the backs of the people of that State.

Mr. ALLOTT. It is my hope that the bill as drawn will take care of that.

I also might say to the distinguished Senator from Virginia, since he has tempted me to intervene, that there is also a public accommodations act in Colorado. That act was placed on the statute books in 1897. It not only goes further than the public accommodations section of the bill before the Senate, but it also provides criminal penalties—misdemeanor penalties—for violation as well as civil liability, going further, in most respects, than the present bill.

Mr. ROBERTSON. Far be it from the Senator from Virginia to suggest that his distinguished colleague from Colorado is making history for favorable action in the future to have Colorado exempted from the serious penalties of the bill. The Senator from Colorado takes pride in his own State, and points with pride to the laws in his State that he says are working well. The fact that Colorado would be exempted from the penalties of the bill is an incidental matter.

I do not have the statistics at hand, but statistics have been offered that purport to show, on the basis of the population ratio, that there has been better employment of nonwhites in the States that do not have FEPC laws than there has been in States with FEPC laws.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that the people in the various States would work out their problems much better under the leadership of the State officials and local officials, people that they elect, people they know, people they have contact with, and that they would do a much better job that way than they would under a dictate of some autocratic power of a bureaucrat here in Washington?

Mr. ROBERTSON. There is no doubt about it. I am sure our friend from Colorado feels the same way. I serve with him on a committee dealing with other matters. I know that he believes in the rights of the States; and that, when a State is doing a good job under State laws, it should be left alone. But this is a provision to give power. The Federal Government can let a State alone, but it is proposed to give the Federal Government the power to determine whether the Federal Government will move in or will not move in. I do not like that.

Returning to the book on the 14th amendment and housing, I continue to read this provision about Indiana:

> This provision was so often referred to during the debates in 1866, that Congressman William E. Niblack was moved to say: "Mr. Speaker, the Constitution and laws of Indiana relating to Negroes and mulattoes have been so often referred to in the debates during the present session of Congress, and are so different from those of most, if not all, of the other Northern States that I * * * feel called upon * * * to vindicate * * * the policy which our people have seen proper to pursue." Likewise, the Oregon Constitution of 1857 provided that "No free Negro or mulatto, not residing in this State at the time of the adoption of this constitution, shall come, reside, or be within this State, hold any real estate, or make any contracts, or maintain any suit thereon."
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> Thus, the 39th Congress was faced with State legislation which prohibited Negroes from buying or selling real estate, making contracts, or engaging in business. The problem was not one of forcing private individuals to deal with Negroes, but simply of removing State legislation which prohibited them from leasing or buying land from willing sellers. It was to this that Congress directed its attention.

II. THE FREEMEN'S BUREAU BILL

> On January 5, 1866, Senator Trumbull introduced a bill to enlarge the powers of the

> Freemen's Bureau. Section 7 provided: "That whenever, in any State or district in which the ordinary course of judicial proceeding has been interrupted by the rebellion, and wherein, in consequence of any State or local law * * * any of the civil rights or immunities belonging to white persons, including the right to make and enforce contracts, to sue, * * * to inherit, purchase, lease, sell, hold, and convey real and personal property * * * are refused or denied to Negroes * * * it shall be the duty of the President * * * to extend military protection."
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> This bill was in a sense a successor to the one to secure equal rights proposed by Senator Henry Wilson of Massachusetts. That bill was urged by Wilson to "secure to these freemen the right to acquire and hold property, to enjoy the fruits of their own labor. * * * These are among the natural rights of freemen." Trumbull agreed that "it is idle to say that a man is free * * * who cannot buy and sell, who cannot enforce his rights."
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> The Freemen's Bureau bill was urged by Trumbull as a temporary expedient, a companion measure to the permanent civil rights bill. He supported it as an enforcement of the 13th amendment, declaring that Congress had power to "declare null and void all laws which will not permit the colored man to contract * * * which will not permit him to buy and sell." Senator William Stewart, of Nevada, likewise supported the bill to give Negroes "a chance to hold property."
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> The Freemen's Bureau bill never became law. The President vetoed it, and the Senate failed to override the veto. However, the remarks made on its behalf are of significance in an understanding of the Civil Rights Act of 1866.

III. THE CIVIL RIGHTS ACT OF 1866

> On January 29, 1866, before the House had acted on the Freemen's Bureau bill, Senator Trumbull brought up in the Senate his civil rights bill. Section 1 of this bill contained a provision very similar to that of section 7 of the Freemen's Bureau bill. It provided: "That there shall be no discrimination in civil rights or immunities among the inhabitants of any State or territory of the United States on account of race, color, or previous condition of slavery; but the inhabitants of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding."
>
> The purpose of this bill, according to Trumbull, was to nullify State statutes in Southern States which denied Negroes "fundamental rights as belong to every free person." These rights Trumbull found in court decisions interpreting the "privileges and immunities" clause of the U.S. Constitution. For example, he quoted one Maryland case interpreting this clause to include "the peculiar advantage of acquiring and holding real as well as personal property, and that such property should be protected and secured by the laws of the State in the same manner as the property of the citizens of the State is protected." From a Massachusetts decision, he again gleaned the right to "take and hold real estate." But his greatest reliance was placed on the enumeration of rights in *Corfield* v. *Coryell*, including "the right to acquire and possess property of every kind * * * to take, hold, and dispose of property, either real or personal." He concluded his objects to be to secure: "The great fundamental rights set forth in this bill: the right to acquire property * * * to make contracts, and to inherit and dispose of property."

I digress to say that I do not know of a single southern Senator, or anyone else in the South, who wants to deny Negroes their constitutional rights. I do not know of anyone in the South who does not want them to have the same rights that any white man may claim under any State law or under the Federal Constitution.

However, the bill goes far beyond that. It sets a certain class of people up as a special, preferred class. It is proposed to make war on private property, primarily in the South, but it will affect others, too. A person would have to sell his food whether he wanted to do so or not. He would have to entertain certain people whether he wanted to do so or not. He would be able to refuse a white man, but he would not be able to refuse a Negro, because if he did, under the bill, he would be put out of business. It is being proposed to tell the people with what persons we are to associate and who are to be employed in our businesses. The bill goes far beyond anything a white man has ever claimed he had a right to.

That is why I said at the outset that it would change the form of government which was commenced at Jamestown, Va., in the summer of 1618 and which we have cherished and preserved ever since.

Let me continue to read the discussion by Northern men of the meaning of the 14th amendment:

> Here we may stop for a moment to analyze Trumbull's concept of the clause which gives citizens of one State the privileges and immunities of citizens of the several States. Absent this clause, residents of one State might be considered as mere aliens in another State, and hence disabled from acquiring, under English common law rules, real estate by inheritance, succession, or conveyance, but this clause removes the disability of sister-State residence, and permits residents of other States to hold property they might otherwise acquire. However, it has never been suggested that this clause gives residents of one State the right to compel residents of another to sell them land although the owners are unwilling to do so, even if this unwillingness stemmed from the owner's dislike of nonresidents. All the clause does is to sweep away State laws which forbid the sale or devise to nonresidents, leaving the latter to obtain land only if the owner is willing to part with it. The use of this clause in urging the passage of the civil rights bill shows that the latter was intended to have the same effect, and nothing in the debates detracts from this view.
>
> The debates in both houses of Congress show that this was the undoubted intent of the proponents of the bill. Senator John Sherman, of Ohio, said "that these men must be protected in certain rights * * * to acquire and hold property, and other universal incidents of freedom." And after the President's veto of the civil rights bill, Trumbull again asserted "that certain fundamental rights belong to every American citizen as such, and among those are the rights * * * to acquire property."
>
> Statements in the House are to the same effect. Congressman James F. Wilson, of Iowa, manager of the civil rights bill from the House Committee on the Judiciary, opened the debate in that body by defining "civil rights." He quoted from Kent, that civil rights were the absolute rights of individuals, including "the right to acquire and enjoy property," and likewise quoted from the privileges and immunities clause of article 4 of the Constitution and from *Corfield* v. *Coryell*. He asserted that "the entire structure of this bill rests on the discrimination * * * made by the States." He emphatically disclaimed any intent to "deprive a white man of a single right to which he is entitled. And finally, Wilson returned to Kent as well as Blackstone to drive home his point that property rights were fundamental.
>
> Congressman Cook declared that the civil rights bill would not touch or impair any rights of whites, but only prevent State discriminatory legislation. Congressman Thayer declared that "the sole purpose of the bill is to secure" to freemen "those rights which constitute the essence of freedom, and which are common to the citizens of all civilized States," rights "which are common to the humblest citizen of every free State," the right "to make and enforce contracts" and the right "to inherit, purchase, lease, hold, and convey real and personal property." Congressman Lawrence, in urging passage of the bill over the President's veto, reiterated its aim of annulling discriminatory State laws. And even the President, in his veto message, urged as an objection that the bill would "abrogate all State laws of discrimination between the two races in the matter of real estate * * * and of contracts generally."
>
> Nowhere in the extensive debates on the Civil Rights Act of 1866 is it even intimated that the law would do anything more than eliminate discriminatory State laws. The bill's proponents eagerly asserted that rights of individual whites would remain unimpaired. In light of the fact that laws forbidding private discrimination were completely unknown, it would be absurb to assert that the ability to compel persons to sell, not to mention contract or devise, without their individual right to discriminate, was a right "common to the humblest citizen" or "the essence of freedom." In the tenor of the times, and the prevailing views of rights in property, such antidiscrimination laws might well have been deemed a violation of the civil rights of whites. It certainly could not be argued that it was part of the civil rights of Negroes intended to be advanced by the bill.

IV. THE INITIAL VERSION OF THE 14TH AMENDMENT

> The privileges and immunities, due process, and equal protection clauses of the 14th amendment are a product of Representative John A. Bingham, a radical Republican from Ohio, who had voted against the Civil Rights Act of 1866 although in agreement with its purposes because he believed that Congress lacked constitutional power to pass it, and because of the potential sweep of the term "civil rights." It was his version of the Joint Committee on Reconstruction's work on a constitutional amendment to secure equal rights which the committee ultimately accepted and reported out.
>
> The original version of the 14th amendment, as Fairman correctly points out, was an affirmative grant of legislative power to Congress to secure privileges and immunities and equal protection for life, liberty, and property. Bingham and several radicals defended it on the grounds that it was merely declarative of constitutional rights already granted.
>
> The proposed amendment first came under fire from Representative Andrew Jackson Rogers, of New Jersey, a Democratic member of the joint committee. The main thrust of his attack was that the amendment would overcentralize the government and destroy State powers. While apparently in favor of permitting Negroes to own property, he attacked the proposal on the ground that it would wipe away State discriminatory legislation.

> However, the main speaker against Bingham's proposal was Representative Robert S. Hale, a moderate New York Republican, who had formerly been a judge. Hale subjected the amendment to close scrutiny, likewise attacking it as a "provision under which all State legislation, in its codes of civil and criminal jurisprudence and procedure, affecting the individual citizen, may be overridden, may be repealed or abolished, and the law of Congress established instead." To this Congressman Thaddeus Stevens, of Pennsylvania, the leader of the Radical Republicans, replied that "Congress could [not] interfere in any case where the legislation of a State was equal, impartial to all" and that the amendment was "simply to provide that, where any State makes a distinction in the same law between different classes of individuals, Congress shall have power to correct such discrimination and inequality."

There can be no question whatever—from a study of the history of the 14th amendment, and any angle from which it might be viewed—that it applied solely to State action on discrimination. It never applied to an individual. Therefore, in title II, the 14th amendment due process clause had to be abandoned, because a State has not told a man owning a hotdog stand to whom he can sell and how much he can charge. Then it is said, "We will make the interstate commerce clause mean anything we wish. We will put a little hotdog stand in interstate commerce, and if the owner sells to a white man and not to a colored man he has then burdened interstate commerce; he has affected the great hotdog producers in Chicago and other places, he has impinged upon the cattle that roam such places as Montana and Wyoming, and we will work on him under the Interstate Commerce Act."

Mr. HILL. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Did not that great Virginian, James Madison, known as the Father of the Constitution, make it definitely clear that the interstate commerce clause of the Constitution would not justify power such as that which is now sought; and that the State would not interfere with commerce moving from one State to another?

Mr. ROBERTSON. That is absolutely true. There was a big row between New Jersey and New York. I do not know what they fell out about, but New Jersey was shipping firewood into New York, I believe, and New York imposed a tariff on it.

Mr. HILL. The Senator is correct.

Mr. ROBERTSON. The State of New Jersey complained, "See what our neighbor, bigger and richer than we are, is doing to our farmers. They will not let our firewood come in." New York had placed a tariff on it.

Mr. HILL. It buttressed the interstate commerce clause of the Constitution to prevent that kind of thing, to be an inhibition on such a grant of power.

Mr. ROBERTSON. The Senator is correct. They could not put a tax on that kind of commerce.

I return now to the interesting discussion of the 14th amendment; and the debate on it:

> Hale then turned to the change which the amendment would effect in State legislation over property rights. He pointed to the fact that Congress might require that "married women, in regard to their rights of property, should stand on the same footing with men and unmarried women," although in all States distinctions still persisted. Brushing aside Stevens' rebuttal that these groups were in different classes, he replied that if that were the distinction, Negroes could be placed in a different class than whites. He objected to the fact that the amendment would overturn the discriminatory provisions of the Oregon constitution, and probably those of Indiana as well, as an undue interference in State internal affairs.
>
> The next day, Congressman Thomas T. Davis, another New York Republican, echoed Hale's objection about overcentralization. He urged that States were not under Federal control "in respect of social arrangement * * * of the rights of property, and control of persons."
>
> Bingham attempted to save his proposal in a long defensive speech. His position was that the amendment would give Congress the power to enforce the bill of rights against the States. In response to a question from Rogers about the meaning of "due process of law," he replied that "the courts have settled that long ago, and the gentlemen can go and read their decisions." He rebutted Hale's argument by declaring that under the proposal, property would still be under State law.
>
> Bingham then launched into a long discussion of the need to overrule *Barron* v. *Baltimore* and apply the Bill of Rights to the States. This case, of course, was one where the State had interfered with real property rights, a point he knew quite well. He asserted that the constitutional guarantees were "disregarded today in Oregon" and in the South, and that the amendment was needed to secure "equal protection to life, liberty or property." In response to a question from Hale, he asserted that the proposal would permit Congress to secure equal protection "to life and liberty and property * * * the right to real estate being dependent on the State law." Hale asked that if Congress could not legislate "in regard to real estate," did Bingham mean "to imply that it extends to personal estate." He answered: "Undoubtedly it is true * * * [because] the personal property of a citizen follows its owner, and is entitled to be protected in the State into which he goes." He concluded that the proposal simply gave Congress power "to see to it that the protection given by the laws of the States shall be equal in respect to life and liberty and property to all persons."
>
> Bingham's remarks did not satisfy his colleagues. Congressman Giles W. Hotchkiss, a New York Republican lawyer, still thought the proposal would give Congress power to establish uniform laws to protect life, liberty, and property, thus overcentralizing the Government. Moreover, Congress could repeal or alter such legislation. He suggested an amendment "that no State shall discriminate against any class of its citizens."
>
> The Republican leadership, sensing that the proposal could not pass, moved that it be postponed. The House Republicans, including Bingham, followed party leadership, and the proposal was dropped.
>
> This proposal is significant to show Bingham's thinking. True, it was hazy, perhaps even confused. The privileges and immunities clause could apply to, and was early held to apply to, real property, as well as personal property, even though only the latter could be moved from State to State. Certainly, the equal protection clause could apply to both, and Congress was particularly interested in State laws preventing Negroes from owning real estate. However, the debate shows clearly that Bingham did not intend to supplant State law procedures for acquiring property, but merely wanted to protect property lawfully acquired from confiscation or undue restriction, as was true in *Barron* v. *Baltimore*.
>
> V. THE FINAL VERSION OF THE 14TH AMENDMENT
>
> The final version of the privileges and immunities, due process, and equal protection clauses of the 14th amendment likewise was Bingham's product. Stevens introduced it as the committee draft in the House. The radicals considered it a disappointingly mild provision, but congressional Republicans, afraid of defeat in the fall 1866 elections, rejected any radical proposals too closely tied with Negroes. Instead, the 14th amendment was intended as a compromise measure which the majority of Republican professional politicians in Congress considered a safe party platform and useful campaign material which would be valuable in carrying the country. Thus the Chicago Tribune of May 5, 1866, a radical newspaper, referred to the first section as "surplusage," and deemed the measure feeble. However, if radicals were unenthusiastic, others could hardly attack it. Opponents would have to take an opposite position. "We would like to see them advocate the proposition that local legislatures shall have the authority to abridge the rights of the citizen, or to deprive any person of life, liberty, or property without due process of law."
>
> Stevens, the leading House radical, did not conceal his disappointment, but confessed it was the best he could get. He stated that the first section was designed to "correct the unjust legislation of the States, so far that the law which operates upon one man shall operate equally upon all." He pointed out that the civil rights bill had the same object, but since Congress could repeal it at any time, he desired to secure this beyond the control of a hostile majority. Other Congressmen likewise discussed the first section as a constitutional embodiment of the Civil Rights Act of 1866. A Pennsylvania Democrat opposed it because "the first section proposes to make an equality in every respect between the two races, notwithstanding the policy of discrimination which has heretofore been exclusively exercised by the States." Bingham closed the debate by saying that the first section would protect citizens "from unconstitutional State enactments," and shortly thereafter the House passed the amendment.

All the way through there is reference to equal application. The real essence of the 14th amendment is the equal application of State laws.

Continuing the quotation:

> In the Senate, Senator Jacob M. Howard, of Michigan, opened the debate by tying the privileges and immunities clause to article IV, section 2 and the Bill of Rights, lamenting that "the restriction contained in the Constitution against the taking of private property for public use without just compensation is not a restriction upon State legislation." He stated that the first section would permit Congress to enforce the Bill of Rights against the States, and deprive them of power to subject Negroes to different laws than whites. He declared that "section one is a restriction upon the States, and * * * will * * * forever disable every one of them from passing laws trenching upon those fundamental rights and privileges." When debate resumed after a few days of caucusing by the Republican Members, Senator Luke Poland, Vermont Republican and former chief justice of that State, referred to the due process and equal protection clauses as an embodiment of the civil rights bill's principles, directed at "partial State legislation," some of "very recent enactment," a reference to the black codes. Senator Timothy O. Howe, a Wisconsin radical Republican, declared that the first section was necessary because Southern States "denied to a large

portion of their respective populations the plainest and most necessary rights of citizenship. The right to hold land when they had bought it and paid for it would have been denied them; the right to collect their wages by the processes of the law when they had earned their wages."

Senator John B. Henderson, a Missouri Republican, also referred to the black codes. He said that the South denied Negroes "the right to hold real or personal property * * * and forced upon him unequal burdens. Though nominally free, so far as discriminating legislation could make him so he was yet a slave." He added that the civil rights bill abolished such laws, but that while women and aliens "are regarded as persons and not dumb brutes; they enjoy the right to acquire property, to enter the courts for its protection, to follow the professions, to accumulate wealth," if the civil rights bill were declared unconstitutional, Negroes would lose such protection. Finally, Senator Reverdy Johnson, a Maryland Democrat who was a member of the joint committee, but who voted against the amendment as a whole, stated that he was "in favor of that part of the first section which denies to a State the right to deprive any person of life, liberty, or property without due process of law," showing that this provision was intended to be universal and hence commanded even Democratic support. The amendment, with several changes from the House version, was then passed.

On June 13, 1866, when the House concurred in the Senate amendments, there was only brief debate. Rogers said that the first section "simply embodied the gist of the civil rights bill." In the last speech, Stevens, Mr. Radical of the House, expressed his keen disappointment at "so imperfect a proposition," but accepted it "because I live among men and not among angels." And with but a few brief references, that was all the debate relevant to real property rights.

A few of the subsequent debates collected by Professor Fairman likewise reflect the universality of the first section. The Cincinnati Commercial understood it to abolish black codes and similar discriminatory legislation. A prominent Illinois Republican politician said that the rights of citizens it protected included "to sue, and be sued, to own property * * * to have protection for life, liberty, and property * * * that the white or black man should collect his debt in court; that either should own and hold property that he pays for." To Congressman Schenck, the amendment removed from Negroes "the weight of inequality in * * * making contracts * * *" while Congressman Delano viewed it as a protection for northern whites traveling south. Senator Sherman said that it embodied the civil rights bill "to make contracts, to sue and be sued, to contract and be contracted with." State legislators or Governors viewed it as an embodiment of the civil rights bill, or a mere repetition of State bills of rights, designed to eliminate unequal State legislation.

Several points remain to be discussed. The first is that the 14th amendment was intended to protect white persons as well as Negroes. Bingham repeatedly referred to his desire to protect the "loyal white men * * * against State statutes of confiscation and statutes of banishment." Hotchkiss said that the "white man" as well as the "black man" would derive benefit from a proper constitutional amendment. When Senator Davis argued that the civil rights bill discriminated against whites by creating "partial," special rights for Negroes, Trumbull replied: "Sir, this bill applies to white men as well as black men. It declares that all persons in the United States shall be entitled to the same civil rights, the right to the fruit of their own labor, the right to make contracts, the right to buy and sell * * * a bill that protects a white man just as much as a black man * * * [How] can a Senator * * * say * * * that this is a bill for the benefit of black men exclusively when there is no such distinction in it?"

And in State debates, the need to protect loyal southern whites, or northern whites traveling south, through the 14th amendment, was prominently mentioned.

The second point is, as Garfield declared, that the amendment "was throughout the debate, with scarcely an exception, spoken of as a limitation on the power of the States." State legislation primarily, and State action exclusively, was intended to be limited, not only by Bingham, but by the others as well. No restrictions were to be imposed on private individuals or groups.

Finally, the first section, and especially the due process clause, was intended to be a substantive, as well as a procedural, limitation on government. Bingham, as previously noted, had referred Rogers to court decisions for the meaning of the due process clause, and these had firmly established the interpretation that the clause limited legislative action impairing vested property rights or interests. Bingham declared that "cruel and unusual punishments have been inflicted under State laws, but the Federal Constitution did not intervene, that States "took property without compensation and, [citizens] had no remedy," and that "liberty * * * is the liberty * * * to work in an honest calling and contribute by your toil in some sort to the support of yourself * * * and to be secure in the enjoyment of the fruits of your toil." Bingham not only considered the due process clause substantive, but was "a man who held thoroughly Lockian views concerning the sanctity of property" and "property rights by his view are thus virtually absolute."

Mr. HILL. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Have not the decisions of the courts down through the years confirmed the fact that the limitation applies only to some actions by a State?

Mr. ROBERTSON. The Senator is correct. He will recall the two decisions of the Supreme Court in which the evidence held that the due process clause of the 14th amendment applied to individual action. It has sometimes been sought to impute State action to an individual, but we have always returned to the fundamental point that it is State action only which can be controlled.

Mr. HILL. The control must be predicated on State action?

Mr. ROBERTSON. The Senator is correct.

Mr. HILL. That is because the 14th amendment does not reach beyond State action under any jurisdictional field is that not correct?

Mr. ROBERTSON. The Senator is correct.

Mr. President, the article from which I have been reading concludes:

> Moreover, Bingham intended to secure not only property rights, but freedom of association and freedom of choice as well. He said: "Sir, before the ratification of the 14th amendment, * * * a State, as in the case of the State of Illinois, could make it a crime punishable by fine and imprisonment for any citizen within her limits, in obedience to the injunction of our divine Master, to help a slave who was ready to perish; to give him shelter, or break with him his crust of bread. The validity of that State restriction upon the rights of conscience and the duty of life was affirmed, to the shame and disgrace of America, in the Supreme Court of the United States; but nevertheless affirmed in obedience to the requirements of the Constitution (14 Howard, 19–20, *Moore* v. *The People*).
>
> This statement is very significant. In *Moore* v. *Illinois*, the Supreme Court upheld a statute forbiding the assisting of runaway slaves based on "the police power * * * to protect themselves against the influx either of liberated or fugitive slaves, and to repel from their soil a population likely to become burdensome and injurious, either as paupers or criminals. * * * [This conduct tends] to destroy the harmony and kind feelings which should exist between citizens of this Union, to create border feuds and bitter animosities, and to cause breaches of the peace, violent assaults, riots, and murder. No one can deny or doubt the right of a State to defend itself against evils of such magnitude.
>
> Here we see that Bingham has intended to embody in the 14th amendment the right of individuals to associate or not to associate with each other based on individual decision even as against a great compelling public need satisfied through an exercise of the police power. If the police power cannot restrain freedom of choice even to preserve the public peace and safety, preserve harmony with other States, and prevent a flood of paupers and criminals, it is obvious that the amendment secures it beyond infringement as an absolute right.
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> ### VI. SUMMARY AND CONCLUSIONS
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> Several firm conclusions can be drawn from an analysis of the legislative history of the 14th amendment. They are:
>
> 1. The framers considered property rights to be fundamental, and intended to limit State power to impair them.
>
> 2. Congress intended to restrict State legislation primarily, and State action exclusively. Private individuals were not restricted.
>
> 3. Congress intended to assure that States would not deprive Negroes of the capacity to own land or make contracts. The phrase in the debates and the civil rights bill about the "right" to make contracts or own property simply means that State laws shall not prevent a willing seller, testator, or donor from conveying property to a Negro, or a willing person for contracting with him. It does not confer on a Negro power to compel unwilling testators to devise property to them, unwilling owners to give, lease, or sell them property, or anybody to contract with anybody else, nor does it authorize States to do so.
>
> Beyond this, it is impossible to say exactly what the framers of the 14th amendment intended. No one had ever dreamed at that time of enacting antidiscrimination laws requiring unwilling owners of houses to sell or rent them to Negroes. But the amendment, framed by Bingham, one of the firmest believers in property rights, and not by the equalitarian Stevens, who was disappointed in it, offers little comfort to proponents of such laws. It restricted State laws to enlarge individual rights, and not the converse.
>
> How would Bingham, the conservative Republican corporation lawyer from Ohio, have been struck by a law requiring an unwilling owner to sell to or rent to, or an unwilling resident to live near, people he did not want to do so? Would it have offended his notion of due process? In a recent case, one judge protested that: "The Fair Housing Act of 1959 * * * would compel Case to transfer his residential property to the Rhones, not voluntarily, but under compulsion, with sanctions that might lead to imprisonment for failure to comply." This protest seems remarkably like a 1795 case which held that "The legislature * * * had no authority to make an act divesting one citizen of his freehold, and vesting it in another; * * * it is contrary to the principles of social alliance in every free government; * * * it is contrary both to the letter and spirit of the Constitution." It seems surprisingly like a 1798 U.S. Supreme Court case holding that a "law that takes property

from A and gives it to B; it is against all reason and justice, for a people to entrust a legislature with such powers; and therefore, it cannot be presumed that they have done it." Were these concepts part of the notions of Bingham the conservative man of property, about due process, as he wrote them into the 14th amendment? They may very well have been.

Mr. President, when I speak again, I plan to go further into a discussion of title VI. Then I shall take up the vital problem, to which I referred briefly in a previous address—my jury trial amendment to title VII; that is, the constitutional right of trial by jury.

Mr. HILL. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Earlier in the debate, in the opening of the distinguished Senator's remarks, reference was made to that wonderful engineering feat, the tunnel built under the Chesapeake Bay. Is it not correct, that no Federal funds have gone into the construction of that tunnel?

Mr. ROBERTSON. Not one penny. It cost $200 million, but not one penny of Federal money went into its construction.

Mr. HILL. The people of Virginia themselves financed the entire project. Is that correct?

Mr. ROBERTSON. As a revenue bond project.

Mr. HILL. As the Senator knows, under the Federal highway program with respect to interstate highways, the Federal Government puts up 90 percent of the cost of the project, and on the other highways the Federal Government puts up 50 percent of the cost.

Mr. ROBERTSON. In the past Federal control has been limited to standards for grades and alinements, depth of construction, and things of that kind, to which we did not object, because they were in the interest of better highways and better construction. However, the pending bill goes far beyond that.

Mr. HILL. It goes far, far beyond that.

Mr. ROBERTSON. Yes.

Mr. HILL. In other words, the only stipulation, so far as the Federal Government is concerned, with respect to the expenditure of these funds, has been to make sure they were expended as they were contracted to be expended.

Mr. ROBERTSON. Yes; on the basis of area, road mileage, and population, we received a certain proportion of the money. Under the bill which provides that, notwithstanding any other law, which gives us a certain proportion of the billions of dollars in highway money, we are told, "You cannot get it unless you do as we say about something else."

Mr. HILL. I emphasize the fact that this magnificent engineering feat, which is being proclaimed throughout the Nation today, was not financed by Federal taxes.

Mr. ROBERTSON. That is true. It comes back to the kind of government Thomas Jefferson advocated.

He did not want the Federal Government to move in where the States, the localities, or the people were better prepared to do things for themselves than was the Federal Government.

In my opening remarks I called attention to the significant fact that when some people talk about Federal aid, they say the tax money will be paid back to the taxpayers. I call attention to the fact that for the Internal Revenue Service, the budget calls for an appropriation of $594 million, to aid in the collection of taxes. For the executive branch, including the judiciary, the bill provides that more than $15 billion will be provided for administrative expenses. That is what is provided for in the bill. We have built up a monster. Now it is proposed to give that monster supreme control.

Mr. HILL. It is a monster, as the Senator says, to which we do not want to turn over our whole free enterprise system. Is not that true?

Mr. ROBERTSON. The Senator is correct.

Mr. HILL. The glory of our system has been the free enterprise system. Under our Constitution it has made us the greatest and most powerful and freest nation on the globe.

Mr. ROBERTSON. As I take a quick look around, I think of Brazil. With more natural resources than any other country, it could have been the richest nation in the world today. Instead, it is broke. It never had the free enterprise system. We have become great through the private enterprise system, with the freedom that comes to us under the Constitution, under which a man's home is his castle, and under which he can keep the fruits of his effort. It is a system which provides superior reward for superior brains and character and energy. Once we abolish that principle, we shall go broke, too.

Mr. HILL. I join the distinguished Senator from Connecticut in heartily congratulating the Senator from Virginia on his speech. I reiterate my heartfelt commendation and congratulations to him on his very excellent and masterly address.

Mr. ROBERTSON. I appreciate the tribute. I am happy to serve on what some people call the debating team headed by the Senator from Alabama. We are debating only in the sense that we are trying, before it is too late, to rouse the people of this Nation to the realization that if we pass the bill and enforce it, we shall have changed the government under which we have remained free.

Mr. HILL. No Member of the Senate has done more to show the evils and inequities and dangers in the proposed legislation than has the Senator from Virginia.

Mr. ROBERTSON. I do not know how much longer I may be privileged to sit in the Senate. After 48 years of public life, I do not look forward to living forever. However, I did not come to the Senate to preside over the liquidation of constitutional liberties.

Mr. HILL. And that threat is embodied in H.R. 7152.

Mr. ROBERTSON. It is the worst proposal in my legislative history. I yield the floor.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 152 Leg.]

Aiken
Allott
Anderson
Bartlett
Bennett
Bible
Boggs
Burdick
Cannon
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Gruening
Hart
Hickenlooper
Hill
Hruska
Humphrey
Inouye
Jackson
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Miller
Monroney
Morton
Mundt
Nelson
Neuberger
Pearson
Pell
Prouty
Proxmire
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smith
Sparkman
Symington
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). A quorum is present.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. PROXMIRE. Mr. President——

Mr. HILL. Mr. President, I ask unanimous consent that I may yield, without losing my right to the floor, to the Senator from Wisconsin [Mr. PROXMIRE].

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PROXMIRE. I thank the Senator from Alabama for his courtesy. My remarks will be brief.

FIRST DISTINGUISHED SERVICE CROSS FOR VIETNAM WAR GOES TO WISCONSIN NATIVE

Mr. PROXMIRE. Mr. President, I rise to commend Wisconsin-born Keith Borck, who last Tuesday received the first Distinguished Service Cross awarded for heroism in the war in South Vietnam. This courageous soldier, a native of Baraboo, Wis., participated in 278 combat support missions as a member of an Army helicopter unit in Vietnam.

On January 2, 1963, he made his fourth combat mission into an assault zone, in support of a military operation conducted by the Air Force. As aircraft commander of a helicopter, he evacuated his crew to a rescue plane when his aircraft was struck by automatic weapons fire and the copilot was wounded. When this second helicopter attempted to take off, it, too, was damaged by enemy fire, and all crewmembers were wounded. Another rescue aircraft was also downed. Chief Warrant Officer Borck, exposing himself to intense weapons fire, led all three crews to a protected position. When hostile strafing prevented a fourth aircraft from making a rescue, he directed the crewmembers to a more protected area, and organized a perimeter defense, until an aircraft finally succeeded in rescuing them.

The parents of this distinguished son of Wisconsin live in our State. I repeat the last words of the citation which accompanied his Distinguished Service Cross:

> Chief Warrant Officer Borck's conspicuous gallantry and extraordinary heroic actions are in the highest traditions of the U.S. Army and reflect great credit upon himself and the military service.

Mr. President, I ask unanimous consent to have the entire citation printed in the Record.

There being no objection, the citation was ordered to be printed in the Record, as follows:

> The President of the United States of America, authorized by act of Congress, July 26, 1963, has awarded the Distinguished Service Cross to CWO Keith R. Borck, U.S. Army, for extraordinary heroism in action.
>
> CWO Keith R. Borck, while a member of the 93d Transportation Company distinguished himself by extraordinary heroism in connection with military operations involving an opposing force in the Republic of Vietnam, on January 2, 1963. As an aircraft commander, Chief Warrant Officer Borck demonstrated professional skill, decisive leadership, and fortitude on his fourth mission into an assault zone in support of a military operation conducted by the Armed Forces of the Republic of Vietnam in defense of their homeland. When his aircraft was struck by automatic weapons fire, inflicting major damage to the aircraft and wounding the copilot, he evacuated the crew to a rescue helicopter. As the helicopter attempted to take off, it too was damaged by intense automatic weapons fire which wounded all of the crewmembers. Chief Warrant Officer Borck voluntarily and bravely exposed himself to the automatic weapons fire while evacuating both crews, placing them in a defilade position, and administering first aid to his wounded comrades. Then, as a second rescue helicopter returned to effect the rescue, it was struck by recoilless rifle fire and crashed. With complete disregard for his own personal safety, Chief Warrant Officer Borck dashed through intense weapons fire, reached the downed aircraft and, while exposed to the onslaught, tore out plexiglass panels and extricated the crew. For 3 hours they lay in a wet, muddy rice paddy under constant sniper fire. When hostile strafing prevented a third aircraft from effecting the rescue, he led the men to a more protected area and organized a perimeter defense until an aircraft finally succeeded in effecting their evacuation. Chief Warrant Officer Borck's conspicuous gallantry and extraordinary heroic actions are in the highest traditions of the U.S. Army and reflect great credit upon himself and the military service.

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to the Senator from Massachusetts with the understanding that I will not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAEL INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, on Friday, April 17, the nation of Israel, her citizens and their friends throughout the world marked the 16th anniversary of this young and growing country.

In 1948 there were many who did not give this new nation much hope for survival. That their reservations have proven to be unfounded and that the State of Israel has not only survived, but has prospered, is a dramatic example to the world of the material and spiritual superiority of a free and democratic society.

At this moment in history many developing countries are confronted with difficult problems. Israel's 16 years of achievement stand as an inspiration as to what can be accomplished by a new state through dedication, ability, and freedom. Not only has she met her domestic responsibilities, but Israel is a nation which has lived up fully to its responsibilities to make sure that other nations can be free.

On a visit to Israel in 1962 I had the opportunity to observe personally the vigor of her people in making their nation prosper. I saw some of the many examples of cooperation by American Jews in the development of Israel and was deeply impressed with the determination of the people of this country to make themselves self-sufficient and secure. Israel is a dramatic example of what free people can do to develop the resources of a nation.

Americans stand ready to help Israel preserve her security and aid in her economic development. And as Israel continues to stride forward, her friends in America are proud to join in commemorating a remarkable record of achievement.

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to the Senator from Delaware with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEAMSTERS UNION CREDIT IN THE SENATE RESTAURANT

Mr. WILLIAMS of Delaware. Mr. President, on April 15, 1964, I placed in the Record a statement in which I called attention to the fact that the Teamsters Union had been extended credit in the Senate Restaurant and that as of September 1, 1963, the outstanding balance on their account totaled $4,248.93. This was not paid until December 12, 1963.

In that statement I raised a question as to the propriety of the Senate Restaurant's having extended this credit to an outside organization since under the rules of the Senate any luncheon or dinner which is arranged for a group in the Senate side of the Capitol or the Senate Office Building is supposed to be endorsed and guaranteed by a Member of the U.S. Senate.

After this statement was made I received a letter from the Teamsters Union in which they claim that this credit had not been extended to them direct but that the arrangements had been made by different Senators and the account was supposed to have been charged to these various individuals.

I shall incorporate their letter in the Record following my remarks; however, in so doing I will state again that the records of the Senate Restaurant do not agree with this claim made by the Teamsters Union. An examination of the records of the Senate Restaurant as of the date mentioned, specifically shows that this account was charged to the Teamsters Union, and as far as the books of the restaurant are concerned there are no names of any Members or employees of the Senate included thereon.

I now ask unanimous consent that at this point in the Record there be printed the letter dated April 16, 1964, signed by Mr. Sidney Zagri, legislative counsel of the International Brotherhood of Teamsters.

There being no objection, the letter was ordered to be printed in the Record, as follows:

International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America,
Detroit, Mich., April 16, 1964.

Hon. John J. Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: Pursuant to our conversation, I wish to call to your attention certain facts which I believe will clarify the situation with regard to the alleged account of the Teamsters Union with the Senate Restaurant raised in your speech of April 15, 1964.

1. The Teamsters Union does not have an account and has at no time had an account with the Senate Restaurant.

2. Pursuant to a long-established practice, the International Brotherhood of Teamsters has been instrumental in having various U.S. Senators host luncheons in the Senate Restaurant for Teamster wives visiting the Nation's Capital. In each instance, the Senator would sponsor a luncheon for his own constituents and in so doing, would be pursuing a time-honored practice of sponsoring similar luncheons for various other groups from their own State visiting the Nation's Capital.

3. The Teamsters Union is very proud of the broad citizen participation by over 2,500 Teamster wives in the Nation's Capital last year who visited their Congressmen and Senators and discussed their positions on important issues affecting this country, our union, and our membership.

4. We have been very happy with the service in the Senate Restaurant and have paid approximately $4 for each plate served, which we consider a competitive price with restaurants in the area. At no time did we receive any special consideration in price, service, or any other privilege extended.

I would greatly appreciate your calling these facts to the attention of your colleagues by placing this statement in the Congressional Record with any comments you care to make.

With kind regards, I remain,
Sincerely yours,
Sidney Zagri,
Legislative Counsel, IBT.

FULL DISCLOSURE IN THE BOBBY BAKER CASE

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that there be printed in the body of the Record two editorials commenting upon the recent investigation of the Bobby Baker case. The first editorial is entitled "Right to the Whole Truth" and appeared in the Washington Post of March 30, 1964; the second is entitled "Worse than Profumo" and appeared in the Chicago Tribune of April 16, 1964.

Both these editorials emphasize the importance of a complete and full disclosure of all phases of the improper activities or operations of any of the employees or membership of the U.S. Senate.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 30, 1964]

Right to the Whole Truth

The Senate Rules Committee has unwittingly drawn much of the indignation aroused by the Bobby Baker scandal to itself. While the committee was trying to close up its inquiry into the strange doings of Mr. Baker, some new evidence about the alleged forgery of an accountant's name to Mr. Baker's tax returns came to light. The committee tried to suppress it. After an uproar in the Senate, the committee did call the accountant, Milton L. Hauft, to testify. But 2 days before he was heard, according to Senator WILLIAMS, Mr. Hauft consulted with Mr. Baker's attorney through an appointment made by the Rules Committee's counsel.

According to Senator WILLIAMS' account of these events, Mr. Hauft was accompanied on his visit to the office of Mr. Baker's counsel by Edward Hugler, one of the staff investigators for the Rules Committee. And he was told to keep the appointment, according to the same authority, by Lennox P. McClendon, special counsel for the committee. It is further alleged that the Baker papers reviewed on this occasion are part of the papers denied to the committee when Mr. Baker took the fifth amendment.

This episode, suggesting a degree of cooperation between the committee's staff and Mr. Baker's counsel, came on top of the committee's refusal to hear witnesses suggested by its Republican members. The net effect is to leave an impression of concealment.

No doubt the minority members have been overly eager to prolong the investigation for political purposes. The Democratic majority had good reason for wanting to avoid continuation of the hearings into the political campaign season. But they could have heard the more important witnesses suggested by the minority without tolerating delay or obstruction. They are firmly in control of the committee. By closing the door to the minority witnesses, except Mr. Hauft, they have given a partisan tinge to the inquiry that tends to characterize the public attitude toward it.

This decision was a grave error from the viewpoint of the committee, the administration and the public. Regardless of how fair and constructive the committee's report may be within the area covered, people will continue to be concerned about what it was unwilling to disclose. Its acceptance of a mere affidavit from White House Aid Walter Jenkins in place of sworn testimony, when the affidavit was in sharp conflict with corroborated evidence taken, will certainly not build public confidence in the methods employed.

This weakness in the factfinding process cannot be overcome either by stiff language or by constructive recommendations in the report. If the committee holds to its determination to close the book while three of its own members are clamoring for more hearings, it will risk undercutting its own findings. In a democracy where the people have a right to know the whole truth there is no safe substitute for full disclosure.

[From the Chicago (Ill.) Tribune, Apr. 16, 1964]

Worse Than Profumo

No matter how frantically the administration's troubleshooters try to nail the Baker case shut, the hant inside the packing case continues to emit piercing reminders of its existence.

Don B. Reynolds, Bobby Baker's insurance pal whose testimony has been acutely embarrassing to President Johnson and members of his staff, seems ready and eager to keep on talking. He said on television that pressure to end the Senate Rules Committee hearing has come not only from the White House, but also from a good many Senators, including Republicans, who are just as reluctant as the White House to hear any more about Mr. Baker's influence-peddling apparatus, especially the part Mr. Reynolds says was played by the "ladies of leisure."

Mr. Reynolds seems undeterred by the administration's devious and vicious campaign to discredit him by supplying accommodating columnists with derogatory material from the confidential records of his past service with the Air Force and the State Department.

Mr. Reynolds' personal qualifications for sainthood are not the issue here. He has made serious charges which the committee is dutybound to follow up before it closes shop, as it is now eagerly preparing to do. He is willing to tell more. His charges have been strenuously denied but never disproved, and they fit in with a pattern of influence peddling and profiteering which has been confirmed from many sources other than Reynolds.

Somebody has been lying to Congress just as Mr. Profumo lied to Parliament. And the implications of the Baker case are considerably more serious than those stemming from Mr. Profumo's indiscretions, which, except for the Government's brief attempt to cover up for him, proved to have no bearing on the performance of his duties or on the conduct of Government.

Not so with the Baker case. Nearly every strand, as the tangle is unraveled, leads to a new example of official impropriety or worse. Dozens of questions remain unanswered regarding the abuse of office by Mr. Baker or by other officials apparently indebted to him in one way or another. Other questions have been officially avoided, such as what part Members of Congress and of the Government played in the mysterious goings-on at the house on N Street.

As long as these questions are evaded, we may assume that—as in the State Department's Otepka case—the answers are more embarrassing than the questions. Senator JORDAN and the Democratic members of the Rules Committee are helping to suppress a Johnson administration scandal much worse than the Profumo affair.

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to the Senator from Alaska with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALASKAN NEEDS AND THE DOUBLE STANDARD

Mr. GRUENING. Mr. President, I have received several score of letters from citizens all over the country which in one form or another express surprise at what they consider the scantiness of the aid which the Federal Government seems to be giving to Alaska. In those letters almost invariably recurs the theme, "Why not take some of the billions we have been giving to foreign aid and give them to our own citizens?"

I share that view. I do not care where it comes from.

The people of Alaska have suffered the worst disaster that has befallen any State in the history of our Nation. The damage is inconceivable. The heart of the economy has been wrecked. Five cities have had their economy destroyed and hundreds of homes have been lost. The case occurs again and again of a man who has lost his home and his business, and has loans on both at the banks. How can he be expected to start all over again without some special help? Those views that special consideration is needed are reflected in various editorials. I have before me an editorial by Holmes Alexander from the Annapolis Evening Capital, a well-known and respected commentator, with the headline "Billions for Foreign Aid but Just Millions To Help Alaska." I ask unanimous consent that the editorial be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Billions for Foreign Aid but Just Millions To Help Alaska

(By Holmes Alexander)

"Whatever happened to the 49th State of the Union?" asked the returning traveler. "Did the earthquake in March 1964 finish off Alaska and the last frontier?"

Well, not exactly, he was told. The President mentioned Alaska in his press conference of Saturday, April 4, and assigned $5 million for rehabilitation out of an emergency fund that didn't disturb his national budget. He also said he would ask for $22.5 million to pay schoolteachers and State officials.

On March 31, Secretary of Commerce Hodges belittled the Alaskan disaster in an appearance at Seattle, saying that it was "not an insuperable situation" and comparing it with recent hurricane damages in his own State of North Carolina. Hodges used the opportunity to plug the administration's policy of greater trade with the Soviet Union. The Senate suspended the civil rights debate for 40 minutes to pass a bill that would allocate $50 million to public works rehabilitation in Alaska, and there were sympathetic speeches in the House.

"Let's see," said the returning traveler, who was remembering the multibillion-dollar Marshall plan for rehabilitating West Europe, the war damage payments to the Philippines, and the billions of dollars in aid that have gone to India and Indonesia, Pakistan and Algeria, South Vietnam and South Korea, the Congo and the other African Republics.

"Let's see," he repeated. "The assessed damage in Alaska is around $750 million and by 2 weeks after the disaster, this State of the American Union had $55 million in sight—without disturbing the President's budget."

That's about it, the returning traveler was told. You see, the President had just asked for $3.4 billion in foreign aid. He was negotiating with Panama in a deal that would probably shake us down for plenty, and it seemed likely that we would have to extend further credit to Russia in order to build up Soviet trade. There were a great many other demands, but the Alaskan people didn't seem to understand. They understood it so little, in fact, that Alaskans around Capitol Hill were telling reporters they'd like to secede from the Union and apply for foreign aid.

"But didn't the American people feel that they had a primary obligation to this member of their own family?" asked the returning traveler. "The $50 million in public works would repair the Alaskan Railroad, which belongs to the Interior Department, and would restore other public facilities, but there wouldn't be much left over for general damages.

Mr. GRUENING. Another article entitled "A Future for Alaska," published in the current issue of The Nation, points out the very thing that I have alluded to. People have lost everything. They cannot be expected to get loans. They have no borrowing capacity.

The article states that "It is silly to talk about loans. The people who have lost their homes, and in many cases the very ground on which those homes stood, are still in debt for what no longer exists. The Alaska banks are in no position to help homeowners who are now rubble owners, nor can they replace the stock of a merchant whose inventory was destroyed, together with his store."

Mr. President, this is the essence of the situation. When an earthquake occurred in Chile, we immediately sent $20 million down there as a grant, and then we sent $100 million on terms that could hardly be called a loan. It probably will never be repaid. A 10-year moratorium was given, and then three-quarters of one percent was stated as the interest for the rest of the term of the loan the next 30 years.

Why can we not get an interest rate of three-quarters of one percent for the people of Alaska if loans are to be provided? There should be grants. Why is it not possible to do for our own citizens in the private sector what we have been doing for people all over the world in foreign lands? I shall continue to ask that question.

It would be the height of injustice and the most flagrant example of the double standard if we should not change the present approach to our Alaska situation.

Mr. President, I ask unanimous consent that the editorial entitled "The Future for Alaska" be printed at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A FUTURE FOR ALASKA

On the Richter scale, the Alaska earthquake may have been no worse than the Chile disaster of 1960, or Assam in 1950, and the loss of life was almost miraculously low, but in the country's entire history no American State has ever been hit so hard. At a crucial point in its development, Alaska has sustained property damage of about $500 million. Fifty million dollars in disaster relief has been appropriated; that is hardly more than a drop in the bucket, and it is further limited by existing Federal law to restoring public facilities: schools, streets, roads, sewers, etc. The State has pushed through an authorization for a $50 million bond issue, a part of which will be used to protect the holders of outstanding public bond issues and so sustain the State's credit. Neither the Federal nor the State measure can be used to assist individuals and corporations.

No one is at fault—except possibly some builders. Financially, there is no substantial insurance against earthquakes. The cost is about $5.75 per $100 per annum, and the companies generally insure for only a fraction of value—in contrast to fire insurance, where they try to sell full coverage. The way things go in a major earthquake is illustrated by the actual case of the Anchorage resident who at 4 p.m. on March 27 signed all the papers for the purchase of a home with a $40,000 mortgage. At 5:25 p.m., the house was entirely destroyed and the lot had vanished. Multiply such cases ten-thousandfold, and the reluctance of the insurance companies becomes understandable.

It is silly to talk about loans. The people who have lost their homes, and in many cases the very ground on which those homes stood, are still in debt for what no longer exists. The Alaska banks are in no position to help homeowners who are now rubble owners, nor can they replenish the stock of a merchant whose inventory was destroyed, together with his store.

Unprecedented situations call for unprecedented measures, and if the Alaska problem is boldly attacked it can be turned to advantage in future disasters. A government that throws money around on wasteful projects as Washington has done for the past 20 years need not boggle at half a billion dollars—an amount which South Vietnam swallows up every year. Senator FULBRIGHT has called attention to the ease with which military budgets are whisked through Congress. Perhaps Congress can bring itself to act with equal alacrity in coping with Alaska's need.

One method would be to amend existing urban-renewal legislation to authorize the purchase of property at preearthquake value. This would make it possible to rebuild the ruined business and residential sections of Anchorage, Seward, Kodiak, Valdez, and other stricken places. But a better possibility is to enact a measure which has been needed for a long time—a national disaster insurance fund which would enable insurance companies to provide coverage against major catastrophes at reasonable rates, since they would be able to obtain reinsurance from the Federal Government. Something of the sort was done with war-damage insurance in World War II, and there is precedence for retroactive application to benefit holders of ordinary insurance. No one should begrudge the Alaskans such assistance.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield, with the understanding that I shall not lose my right to the floor, to the Senator from New Jersey.

ISRAEL INDEPENDENCE DAY

Mr. WILLIAMS of New Jersey. Mr. President, last week marked the 16th anniversary of the independence of the State of Israel. These were years of great progress, hard work, and constant danger. Yet despite the constant threat of war from the irrational hatred of her Arab neighbors, Israel has maintained her proud independence.

The United States and Israel are closely bound by ties of common interest and common culture. In an area where many governments are dictatorships or unstable sham democracies, Israel has been a beacon light for the ideals of the free world. We are often told that democracy is unsuitable for a new and developing nation, and that only a one-party government can guide a young nation along the road of progress. Yet faced with all the problems of a new nation, always working under the guns of the Arab world, the Israelis have created a free, prosperous, and democratic nation. Under this system, her economy has thrived to such a point that this small new nation is supplying technical assistance to other young nations, who can benefit from the Israeli's knowledge.

The United States can be proud of the help and support she has given Israel. Since the first day of independence, the United States has been the friend and protector of this proud nation. But even now we cannot relax our vigilance. Even as we work for a peaceful solution to the bitter disputes which divide Israel from her Arab neighbors, we must remember that the Arabs are still vowing to drive Israel into the sea. The slightest lowering of our guard will encourage Arab militarists to pursue this mad dream. While we must extend the hand of friendship to the Arabs, we must continue to make it absolutely clear that the United States will not tolerate any act of aggression against the State of Israel.

As an American, I salute the State of Israel. The immense progress made in the last 16 years presages a proud future for this brave country. All America wishes Israel well on this happy occasion.

Mr. GRUENING. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of New Jersey. I am happy to yield.

Mr. GRUENING. Can the distinguished Senator from New Jersey, with whose remarks I find myself in accord, imagine any purpose other than an aggressive one for the dictator of Egypt, Abdel Gamal Nasser, to be building jet planes, submarines, tanks, missiles, and other war equipment that could be designed only for aggressive purposes? Egypt is not in danger of attack. What purpose does the Senator think Nasser has in building up his armaments?

Mr. WILLIAMS of New Jersey. Israel, at every step of her 16 years of history, has demonstrated a desire to live in peace. It is a nation that does not have aggressive or offensive designs on any other nation. It is a nation that has proved its ability to defend itself magnificently, but she has had no intent toward territorial annexation. Therefore the weapons of offense which are being developed constitute a great threat and indicate a policy of potential aggression.

Mr. GRUENING. Would the Senator justify our continuing to pour money into Egypt, presumably for the economic development of that country, while its ruler is using not less than $500,000 a day in carrying on an aggressive war in Yemen, which has cost him to date over $200 million?

Mr. WILLIAMS of New Jersey. As I said earlier in my remarks, we must extend a hand of friendship to the Arab nations. That we are doing. Where their goals are legitimate, if it is within our resources, we can certainly help in economic and other ways related not to weaponry and defense, but to social and economic betterment. I support that principle. But I would think it gives us ample opportunity to make it very clear that the nation receiving our aid with one hand certainly cannot with its other hand develop a system that can be used for aggressive purposes.

Mr. GRUENING. Nasser has had no fewer than 27,000 troops at Yemen for a year and a half. He has bombed villages and killed its inhabitants. He is continuing an aggressive war with the aid of Russian planes. At the same time the United States is pouring in money on one side, he is pouring it out on the other. I believe the time has come, indeed is overdue, when Congress should move into this picture and say it does not believe in this misuse of the taxpayers' dollars for the fomenting of aggressive war. As a result of the arms buildup in the United Arab Republic and the continuing threats of destruction, the Israelis have had to buy weapons of their own. So our U.S. policy is promoting an arms race, which is certainly contrary to our noble professions of wanting peace. We could stop it very easily. All we would have to do would be to tell Nasser to pull his troops back into Egypt or he would not receive any of our foreign aid. But that is considered too drastic and not "clubby," by those who have been making our foreign policy in the Middle East.

With his rockets, Nasser could destroy the Israeli villages in an afternoon, and then we would wake up and say we ought to send a protest. Unless we act, we shall bear a larger share of the responsibility for aggressive action.

Mr. WILLIAMS of New Jersey. I thank the Senator for his contribution. One of the most distinguished members of the Foreign Relations Committee [Mr. Sparkman] is in the Senate to hear his remarks. I hope the committee will take heed and give earnest consideration to the suggestions of the Senator from Alaska.

Mr. GRUENING. Without criticizing it, the Foreign Relations Committee seems to accept pretty much what comes up from the State Department, and nothing happens.

Mr. WILLIAMS of New Jersey. Will the Senator yield at that point?

Mr. GRUENING. Yes.

Mr. WILLIAMS of New Jersey. Two of the most discussed speeches that have been delivered in recent modern times were delivered by the chairman of the Foreign Relations Committee and the man who sits beside him on the committee, the Senator from Alabama [Mr. Sparkman]. This was not rubberstamping or sending blank checks to the State Department. They were policy-shaking statements that created a great deal of discussion in this country.

Mr. GRUENING. And a great deal of difference of opinion. I think there was much that was admirable in the two speeches of the distinguished chairman of the Foreign Relations Committee. I am interested to see whether these ideas will be translated into action and whether we are going to continue to support aggressors, whether we are going to continue to support arms races, whether we are going to continue to support the war in Vietnam and escalate it, to which I am vigorously opposed. I have said before, and now repeat, all of South Vietnam is not worth one single American life. It is a war we cannot win. It is about time the State Department took some definite action to take us out of it.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. GRUENING. We are talking by courtesy of the senior Senator from Alabama [Mr. Hill].

Mr. HILL. I yield.

Mr. SPARKMAN. I wanted to ask the Senator from Alaska whether I understood him correctly. Did he say he approved of the speeches referred to, which were made by the chairman of the Foreign Relations Committee [Mr. Fulbright] and me?

Mr. GRUENING. I agreed with the general principle that we should reappraise our foreign policy; that many of the ideas we are carrying out now in our actions are obsolete; that they apply to situations that developed some years ago. I did not entirely agree with his conclusions. I did not agree with his conclusions about Cuba. I did not agree with his conclusion about Vietnam.

Mr. SPARKMAN. When the Senator says he did not entirely agree with his conclusions, whose conclusions are referred to? I think the Senator would have agreed with my conclusions about Cuba.

Mr. GRUENING. I refer to the Senator from Arkansas [Mr. Fulbright].

Mr. SPARKMAN. Yes. I wish the Senator would be more specific about what points he did not agree with.

Mr. GRUENING. I wish the Senator would tell me.

Mr. SPARKMAN. What does the Senator refer to specifically? I am pleased that the Senator agrees with some of it. I think, if he would really sit down and read it word for word, he would find himself in greater agreement than he imagines. I was following exactly the principle the Senator referred to. What I was saying was that there are certain definite objectives or goals in a good foreign policy, and that those goals are nonnegotiable; they are nonvariable; we stick fast to the goals. But there can be flexibility in the means by which the goals are reached. I think that is what the Senator from Alaska has been arguing for a long time.

Mr. GRUENING. That is true, but sometimes we arrive at different conclusions.

Mr. SPARKMAN. Certainly.

Mr. GRUENING. In the case of the war in South Vietnam, I felt we made a great mistake in supporting the French with money and arms to help them keep their colonies there. Then we went in there with our men. We tried unsuccessfully to bail out the French, who lost 175,000 men there. The French got out. Then we decided to take up their burden. That was a great mistake.

Mr. SPARKMAN. The Senator will recall that when the French were there we tried to help them with money, materiel, munitions of war, and equipment, much of which was lost when the French were forced out. I am sure the Senator will recall that there was very strong agitation at the time for intervention. The Senator will recall what happened a short time before Secretary Dulles announced his massive retaliation program. The Senator may remember that at about the time the seige of Dienbienphu got underway, Secretary Dulles was asked in a news conference one day if the Chinese had shown any intervention or interference. He said they had. He was asked if it was sufficient to call into being the massive retaliation policy. Mr. Dulles said it was on the border or on the edge.

I believe that some day, when the records are published, it will be shown that there was a recommendation that we use massive retaliation; that we intervene at Dienbienphu; that we get into that war. I have not seen those records, but I believe when they are written, a good many years after the Senator from Alaska and I have left the Senate, it will be shown that the Joint Chiefs of Staff voted in favor of it and some of our leading statesmen voted in favor of it, but it was vetoed by President Eisenhower and there was no intervention in that area.

The French, in their hasty withdrawal, left mountains of materiel, equipment, ammunition, and supplies that went to the Vietminh. All that equipment was lost to them. Then came the so-called accord of 1954. I believe it was then that the three countries were recognized as being separate and independent sovereignties, and were made wards, more or less, of the according nations. This country actually was not a part of that Geneva Conference. It was an onlooker and bystander.

Mr. GRUENING. That is correct. We carry the entire burden alone.

Mr. SPARKMAN. Then there came into existence the organization of SEATO, the Southeastern Asia Treaty Organization. I recall that after it was organized I said to Secretary Dulles one day that the trouble with SEATO, was that it purports to be a Southeastern Asia Organization but has so few Asian nations in it that the United States, France, and Great Britain are the great, pushing powers.

Mr. GRUENING. Also Australia, New Zealand, and the Philippines.

Mr. SPARKMAN. Australia and New Zealand. The Philippines can be included as a southeastern Asian nation.

Mr. GRUENING. Also Thailand and Pakistan.

Mr. SPARKMAN. Yes; both those countries can be included. I omitted them purposely.

Mr. GRUENING. Why are their troops not fighting side by side with ours?

Mr. SPARKMAN. I will not say that Secretary Rusk has been discussing that subject, but I believe his presentation at the SEATO Conference meetings has been to try to obtain some support and help from the nations of SEATO, to let them realize that this is a SEATO problem. I believe that is what Secretary Rusk has been working on.

Mr. GRUENING. So, if they do not come in, will we still go it alone and sacrifice our boys exclusively?

Mr. SPARKMAN. I do not believe the solution is so simple that it can be given a yes or no answer. I recall, for instance, in March 1947, when President Truman appeared before a joint session of Congress and recommended that Congress make funds available to Greece and Turkey.

By the way, as to foreign policy, I have often stated that the person charged under the Constitution with the responsibility of pronouncing and carrying out the foreign policy of the United States is the President of the United States, and that he cannot escape that responsibility.

President Truman did not try to escape it. He announced it as a foreign policy, that we were going to support Greece and Turkey, that we were going to take over the burden that Great Britain was no longer able to carry. Senators sitting in the Chamber with me today will recall that he asked Congress for funds sufficient to do the job, and announced that it was his purpose to send military helpers. They were sent.

As I understand the position of the Senator from Alaska, he does not believe our boys should be sent to fight in the front lines. We did not send combat troops to Greece. There was a long drawn out guerrilla Communist warfare carried on in Greece. However, we did send advisers, and we did place officers actually in the field with units down to the battalion level.

I have often wondered why we could not carry out some such program as that in Vietnam. In saying that, I do not wish to say that I am sure we could. There are certain things that apply especially to the Vietnamese that might not apply to the Greeks. I do not know whether they can be organized or not.

When the British started to work out independence for Malaya, a great segment of Communists were in that region—I believe there were a million or perhaps 2 million infiltrating almost the entire length of the mountainous area. Britain conducted an intense program to eradicate the Communists. At the time, she recognized that it would probably require 10 years to do it; however, she started on the program of eradicating the Communists and in less than 10 years she succeeded in doing so. Today Malaya is almost completely free of Communists.

Mr. GRUENING. But they are now threatened by Sukarno.

Mr. SPARKMAN. The state of Malaysia is, of which Malaya is a part. My sympathies certainly go to Malaysia in that case.

Mr. GRUENING. So do mine.

Mr. SPARKMAN. I believe Sukarno is making a great mistake; and I believe we should let him understand that.

Mr. GRUENING. We should stop our aid to Sukarno, but we are not doing it.

Mr. SPARKMAN. If I am not mistaken, we have been.

Mr. GRUENING. Let us wait and see.

Mr. SPARKMAN. If I am not mistaken, aid has been stopped to Indonesia. When I say that, of course, I realize there is always the likelihood of some program like malaria elimination——

Mr. GRUENING. Which involves a cost of only a few million dollars.

Mr. SPARKMAN. There are small items under technical assistance which might involve a million or 2 million dollars. I do not know whether it is even being used yet or not.

Mr. GRUENING. I should like to ask the Senator this question: If his son were drafted, and under the draft which President Johnson is now presently having studied with a view to revision, and that son were sent to South Vietnam and killed, would he feel that his boy had died for his country?

I will answer that question. I would feel, in the case of my son, that he was being sacrificed to an inherited folly, a folly which President Johnson has inherited.

Mr. SPARKMAN. If it is a folly, it is a longtime folly that goes back to Dienbienphu.

Mr. GRUENING. The Senator is correct.

Mr. SPARKMAN. If there ever was a good opportunity for us to have taken over or to have intervened in Indochina, or even in Vietnam, it was at the time the French were hard pressed. If I had to pinpoint the particular place, it would be the siege of Dienbienphu. If we had gone in there and thrown our weight in there—if we ever intended to do so I cannot say, I did not know whether I was in favor of massive retaliation programs or not; I thought it was something on occasion which would work and on other occasions would not work—but if ever we were going to use massive retaliation, the time to have done it was when the French were besieged at Dienbienphu.

Mr. GRUENING. My mail runs about 100 to 1 in favor of taking our boys off the firing line in South Vietnam. I have never received so much mail on any subject since I have come to the Senate, over 5 years ago. It comes from virtually every State in the Union and from persons in every walk of life. I have received letters from the Senator's home State of Alabama, warmly applauding my stand. Every State in the Union has been represented.

Mr. SPARKMAN. I am sure that is true.

Mr. GRUENING. The letters come from people of all kinds—including businessmen, retired generals, and officers of the American Legion. They do not come from one group of people; they come from all over the country. I believe that is something which the administration had better take note of, because as casualties increase, and they are increasing—public indignation will rise. The New York Times had a dispatch the other day, which I placed in the RECORD, that in 1963 our casualties averaged 42 a month, and in 1963 to date they have averaged 91 a month—and if we escalate our efforts, as we apparently are doing, they will be much greater. I believe the situation is tragic. It is not our war. Certainly, it is not our war alone; and if we cannot persuade our Allies to join us in some kind of negotiated settlement, I believe the result will be disastrous for us. I do not believe we can win that war.

Mr. SPARKMAN. I would certainly go along with the Senator's statement that we should not be called upon to carry on the war alone. We should have help. When SEATO was first established, it pledged, more or less, guardianship over three Indochina states. I believe that we are entitled to have the support of the other members of SEATO in seeing to it that those states are protected.

But pulling out is not so simple as it may sound, because undoubtedly if South Vietnam were overrun by the Communists—and I do not believe it would be—certainly Cambodia and Laos would fall, and then I believe Malaysia would certainly fall, and then Thailand—I do not believe they could possibly stand. If Malaysia should fall, Indochina would certainly fall, the Philippines would then be virtually isolated, which would have a tremendous impact upon Australia and New Zealand.

There would be a tremendous impact even on Australia and New Zealand. Therefore, it is not a simple operation. A few days ago, I told Secretary Rusk, when we were casually discussing some problems in the world, "I often think of you and wonder how in the world you can stand the job you have."

There are many problems. One cannot think of a single, solitary incident, or a single, solitary country, or a single solitary solution to the problems. Those are difficult, complex problems. I have a great deal of faith in Secretary Rusk, and also President Johnson.

Mr. GRUENING. So have I. I realize that it is difficult to get out of a situation into which we have been trapped. However, I believe our move should be definitely in favor of getting the United Nations and the SEATO powers into the situation so that a police force can take over, and arrange for a cease-fire.

Mr. SPARKMAN. The Senator has mentioned a police force. If there were a police force, that could be done. The Senator knows, I am sure, that for years I have advocated the creation of a police force under the United Nations. On two different occasions I personally sponsored resolutions to that effect which the Senate adopted, and the U.S. Government adopted the sense of those resolutions as our policy in the U.N. We still stand for a U.N. police force. We do not have one, unfortunately. We could do a great many things if we had done "this" before, or if we had done "that" before, or if we had done "this" here, or "that" there. We must take things as they are. So far as U.N. action is concerned, I would certainly be in favor of a police force. I have always believed that if the United Nations had a relatively small police force, it could undertake such actions. I do not mean a great army. I have always thought in terms of a police force which would be equipped with small automatic arms, not artillery or heavy equipment. I have in mind a force that would be ready to move in a difficult situation. I am thinking in terms of a police force consisting of about 10,000 men, trained in riot work.

Mr. GRUENING. There is a United Nations force in existence.

Mr. SPARKMAN. There is a special emergency force which is operating in the Gaza strip, and another small force in the Congo. They were especially set up, but they do not belong to the United Nations. The troops belong to the individual nations which have loaned the troops to the U.N. for certain purposes.

Mr. GRUENING. I believe we should try to establish something similar for South Vietnam.

Mr. SPARKMAN. If there were a police force, I would agree with the Senator. If he is talking about a general United Nations action, such as we had in Korea, I do not believe the country would want another Korean situation to develop. While it was a tremendous accomplishment to get as many nations of the world as we did to join together in support of an action such as that, at the same time, we know that a great many countries which should have been helping us there were not with us. A great deal of work would have to be done before we could set up inside the United Nations a force that would be adequate to handle a situation such as this.

Mr. GRUENING. One of the things that we must not assume, as a matter of course, is that if we get out of South Vietnam, that country and the whole southeast area will go Communist. It is conceivable that they might. Cambodia, which has removed herself from our sphere and has told us to get out, has announced positively that it would not go Communist.

Mr. SPARKMAN. Cambodia is in a peculiar situation. It has been neutralist from the time that it was given its independence. Cambodia was the only one of the former French Indochina States which, after it broke off from France, retained a kind of relationship with France that was very close. It did not care to become a ward of SEATO. I much preferred to be, not exactly a ward of France, but to have a special relationship with France. It declared its neutrality. Down through the years it has declared its neutrality. It has stuck to it. I believe that Cambodia has been rather consistent in its purely neutral situation. One difficulty in this country is that a great many people get the idea that a country cannot be neutral unless it is neutral on our side. Cambodia is the only nation that tries to be absolutely neutral. I have often said the same thing with reference to India. I believe that in the past India tried to be neutral. When the Red Chinese came into Indian territory a few years ago it shocked the Indian people. India realized that it ought to be neutral on somebody's side. While I would still call it unalined, I believe there is no question it has shown somewhat of a liking for the West because of defensive requirements.

Mr. GRUENING. Perhaps this discussion has continued a sufficiently long time. It would be difficult to find an area with a terrain in which the future is more difficult to foresee, where within a short distance 700 million Chinese exist, under a government which cares nothing about the loss of one or more millions of its people.

Mr. SPARKMAN. I do not believe that any Chinese have infiltrated into South Vietnam.

Mr. GRUENING. I do not believe so either. I believe what is going on in South Vietnam is not wholly a contest between a Communist and another kind of government. A civil war is in progress there, and we have taken sides in it.

Mr. SPARKMAN. There is a great deal in what the Senator says about that point. A great many people have overlooked the fact that the delta region in South Vietnam has been occupied by the Communists since 1941. Some people are inclined to overlook that fact. It is not so much that forces are coming in from other areas, although some have been coming in undoubtedly from North Vietnam, and some of the Pathet Lao, too, but so far as the mass of the people are concerned, the Vietcong people have lived in South Vietnam for many years.

Mr. GRUENING. The Senator is correct.

Mr. SPARKMAN. I appreciate the Senator's generosity.

Mr. GRUENING. A discussion of this subject is useful. The issues should be thoroughly aired. I shall continue to press my position that we should get our boys off the firing line.

Mr. SPARKMAN. I am confident that the Senator will do so. I know the very fine sense of reason that the Senator from Alaska has. I know he will reason things out.

Mr. GRUENING. I appreciate the wisdom of the Senator from Alabama on this and other subjects.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HILL. Mr. President, at the beginning of this debate I expressed my deep concern over the unusual procedures utilized both in the Senate and in the House of Representatives by the proponents of the bill to bring the measure to debate without having it first considered by the appropriate committees and without the benefit of public testimony being received on the various provisions of the legislation. In recent days, we have seen the express intent and mandatory language of both the rules of the Senate and the Legislative Organization Act of 1946 in connection with committee referral and orderly bill handling procedure circumvented and ignored.

Today, Mr. President, I wish to voice as strongly as possible my opposition to title VII of H.R. 7152.

Perhaps this title and its compulsory FEPC provisions reflect more than any other section of H.R. 7152 the highly improper and steamroller tactics that have been utilized by proponents of the bill to try and gain its enactment without subjecting it to the time-honored, time-proven legislative process and without letting the people of America know how the measure would deprive them of many of their basic economic, legal, personal, and property rights.

Like the other invidious titles of H.R. 7152, title VII and its compulsory FEPC provisions were not exposed to the committee system. But stranger still, Mr. President, is the fact that compulsory FEPC, as called for by title VII, was never requested by the administration, it was not included in the package of so-called civil rights proposals which made up H.R. 7152 upon its introduction last summer, and compulsory FEPC, as envisaged by title VII, was never considered by the Judiciary Committees of either the Senate or the House of Representatives in hearings on so-called civil rights proposals last year.

Yet the substitute bill—the bill now before the Senate—which was drawn up in haste and steamrollered through the House committee with only 2 minutes—I will not say debate, because there cannot be a 2-minute debate—2 minutes of discussion—and without study or explanation contains compulsory FEPC. The chairman of the committee, who was one of the authors of the bill, took 1 minute and yielded an additional minute to the ranking Republican, who was a coauthor of the bill; and after the 2 minutes of discussion by those two members of the committee, the bill was rammed through committee. So hurriedly was the compulsory FEPC provision injected in H.R. 7152 that the floor manager of the bill in the House, when the bill was before the House, was compelled to sponsor and gain adoption of a series of so-called perfecting amendments which, in fact, resulted in making significant and substantive changes in title VII.

Mr. President, I believe in the American system of free enterprise, in the principles on which it was founded, in the right of an employer to select his employees, to promote them for merit and to discharge them for unsatisfactory performance, and because I so strongly believe these things and that they have always been a basic part of our American way of life I am opposed to compulsory FEPC. Still serving in this Chamber are Senators who will recall previous occasions when the Senate debated and summarily put to rest compulsory so-called fair employment legislation because it recognized the threats such legislation posed to rights and property of the people of our Nation and to our constitutional system of government.

Mr. President, title VII—compulsory FEPC—is a legislative wolf in sheep's clothing. Under the guise of promoting equal employment the proposal actually contains the weapons for the destruction of many of the civil and natural rights which the people of our country have enjoyed since the founding of our democracy. The proposal is based on the strange thesis that the best way to grant special privileges to a particular group of people is to deny the majority of other Americans those previous rights they already possess. In the name of equal employment opportunity, title VII seeks to establish a preference and special right to employment based on "race, color, religion, or national origin." When in full operation, it would seek to force all employers and labor organizations having 25 or more employees or members and who are engaged in an industry or business affecting commerce to give preferential treatment to any person of a racial or religious minority in order to avoid any charge of so-called discrimination against an applicant or an employee or member.

The proposal goes so far as to permit the Federal Government to pry into the actions of an employment agency which has no other interest than to supply potential employees to employers.

When I speak of affecting commerce, we realize that the commerce clause was placed in the Constitution, as was said by James Madison, who because of the part he played in the writing of the Constitution is known as the Father of the Constitution, not as a grant of power that might build up a centralized government, so that that government might interfere with the private right to the use of property or with freedom, liberty, and the pursuit of happiness of the people. Rather, it was placed in the Constitution so that one State might stop the flow of commerce among the States. It was a provision of inhibition rather than a grant of power.

Yet today, when we use the phrase "affecting commerce," we know that a Federal bureaucrat in Washington can construe those words to mean anything, because in our economic life everything, in some way or another, affects commerce. Goods are shipped between States all over the country. Products of all kinds are shipped throughout the country. Material of all kinds is shipped all over the country. Everything today moves, more or less, in interstate commerce, from one State to another. In this day of automobiles and trucks, good highways and roads, railroads, airlines, and many other means of communication, almost everything that is produced in the form of equipment or material affects commerce.

Even food raised in a particular State—food that never went into commerce—might be considered to affect commerce, if that food kept food from some other State moving or from moving in commerce. If oranges were raised in Alabama, and thus kept Alabama from purchasing oranges that otherwise would have been shipped there, through commerce, from Florida, it might thus be said that the oranges raised in Alabama affected commerce. So practically everything we know might be said to affect—either directly, immediately or less directly or more remotely—commerce.

Diligent efforts have been made, Mr. President, to present title VII as a mild and meritorious proposal. The truth of the matter is, however, that the provisions and implications of title VII are much more drastic and far reaching than its proponents would dare to admit. It would radically increase the power and discretion of the executive branch of the Federal Government, at the expense of individual rights and personal freedoms guaranteed by the Constitution—rights and freedoms which our people have enjoyed, which they prize, and which they have treasured—from the very beginning of our Government. In fact, they have been among the most prized and most treasured possessions our people have had.

In addition, the proposal proposes further repressive measures to punish those employers, labor unions and other organizations to whom its coverage extends. In fact, the FEPC title violates so many principles of legislative responsibility that I shall take time here to summarize its major vices, before discussing the proposal in its entirety.

The proposal is vague and loosely drafted in many of its crucial provisions. Such obscure provisions are wholly inconsistent with a law which attaches severe penalties for its violation.

The Washington Star of January 11, 1964, published an editorial which referred to the vagueness and obscurity of this proposal and the perhaps hidden meanings to be found here or there in this title, and denounced the title as "a draftsman's horror," because no one can know just what title VII means, or how much power it would give the Federal bureaucrats who would administer it.

The proposal creates grave problems of Federal control over the free enterprise system and over organized labor.

The proposal invades the separation-of-powers doctrine and, to this extent, poses serious constitutional questions regarding usurpation of the power of the legislative branch of our Government.

We have always been proud of the fact that ours has been a government of checks and balances, with the legislative branch checking on the executive branch, with the executive branch checking on the legislative branch, and with both of them being checked, in turn, by the judiciary. But the power proposed in this title is no vague, and the provisions of the title are so loosely drawn, that we do not know how far it would go, except we know it would go very far against the constitutional separation of powers between the executive branch and the legislative branch.

Article V of the Constitution provides that only the people of the United States have the right to amend the Constitution. Title VII willfully disregards article V, by endeavoring to incorporate into the Constitution new theories and meanings which are manifestly alien to the first principles of liberty and justice as we know them.

The proposal would create a special and unusually autonomous Federal bureau, and would vest in it the power to establish its own administrative guidelines.

The proposal undertakes to revamp, cripple, and, in some instances, even destroy, certain areas of industrial relations that heretofore have been a right and prerogative of management and of labor.

The proposal is, in fact, oppressive in nature and unconstitutional in substance.

Mr. President, I turn now to a more detailed criticism of title VII.

The theory behind title VII, Mr. President, is that economic liberty is incompatible with personal liberty. It completely ignores and refuses to recognize one of the fundamental concepts on which this Nation was founded—the belief in individual freedom and individual initiative. History clearly tells us that many of those who came to settle in the Colonies left countries whose increasing prosperity they were not sharing. They sought to find in the New World not only greater economic freedom, but also freedom to pursue their own ways in religion and government. These beliefs, plus colonial oppression, inspired our forefathers to wrest control from the mother country and to form a free nation, to be guided by a written Constitution which provided certain inalienable rights and guarantees to each individual citizen. Under the protection of the Constitution, the individual was limited in his achievements solely by his skill and ability to manage, create, and produce.

Under the protection of the Constitution, and motivated by the spirit of personal and political freedom and our free enterprise system, our country has grown to be the strongest nation in the world. We are today the symbol of freedom and the citadel of liberty among the nations of the free world. American ingenuity has developed and produced an amazing assortment of machines and devices for the improvement of our way of life and for the comfort and for the convenience of our people. The productive genius of the free, enterprising American has enabled us to withstand every war and conflict; and during the last Great War, American production supplied this country and our allies with an unprecedented amount of armor and materials of every kind, in unbelievably quick time. This miraculous feat was achieved because our system of free enterprise by its fundamental nature allowed men of ability to create and build.

Thus, Mr. President, under our constitutional system it has never been seriously questioned that a man has the right to set up in business for himself. We have proceeded upon the theory that every American is a potential employer, a potential owner of a business. And in the pursuit and development of his business, we have recognized that any man who operates a business, and whose labors, finances, skill, management, and business ability must be utilized, if he is to make his enterprise succeed, must also have the freedom to choose his own associates—to select those with whom he desires to have business and social relations; to select his own employees, on the basis of such qualifications he might—within his free and uncontrolled discretion—deem advantageous to the undertaking; and to do this without interference by anyone.

But here we have a proposed law which would deny the employer these rights. Here we have a proposed law that is predicated on the idea that the rights of an employer to recruit, hire, promote, transfer, or discharge are un-American; and the bill would substitute for the expert judgment of the employer the administrative fiat of an Equal Employment Opportunity Commission in Washington, D.C., to decide and control these functions. Here we have a law proposed that without Government ownership of a business and without Government responsibility—and seemingly without care—for the financial success of a business, the Government, nevertheless, is seeking to dictate the very internal policies on which a business stands or falls.

If enacted, the Chairman of the Equal Employment Opportunity Commission would become a personnel officer de facto of every business and labor organization covered by the law. The lack of standards and guidelines in title VII would give the Commission blanket authority to promulgate rules and regulations that would be used as an entering wedge to invade and possibly destroy the fundamental rights of employers and employees alike if they fail to conform to the Commission's particular and uninhibited concept of equality. The Chairman of the Commission, through a charge of discrimination brought by a person claiming to be aggrieved or by his designated agent or even by the Chairman himself, could direct his agents to conduct roving inquiries into the books and records of companies.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HILL. I yield for a question.

Mr. RUSSELL. I should like to ask the distinguished Senator from Alabama to make it clear that the provision would apply not only to businesses and industries, but also to agriculture and farming.

Mr. HILL. Certainly. I believe the Senator would agree with me that it would apply to any individual or group coming under the 25-employee limitation. As the Senator has said, the provision would apply not only to businesses, but even to co-ops if they employed the number of workers specified. It would apply to a farm, or any other operation, whether it was managed by an individual or more than one individual who employed other persons. The law would apply to them.

The Government FEPC agency could take over the books, the records, memorandums, and everything else. It could inquire into all phases of the operation.

Mr. RUSSELL. Mr. President, I should like to ask the Senator from Alabama if he is familiar with the drastic steps that have been taken this year, when there was no law of the kind proposed, in adding provisions to contracts that the Federal Government has with various citizens of our Republic that deal with the subject. I should like to ask him if he is familiar with the contract that is required of those who lease Government lands and forests for grazing purposes?

Mr. HILL. Mr. President, I have seen the contract, but I do not have a copy before me. I ask unanimous consent, without losing my right to the floor, that the Senator from Georgia may refer specifically to the provisions of that contract.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. RUSSELL. I shall read an excerpt from the contract that is required of those who have grazing permits on federally owned lands:

> (a) The cooperator will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The cooperator will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. The cooperator agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Forest Service setting forth the provisions of this nondiscrimination clause.
>
> (b) The cooperator will, in all solicitations or advertisements for employees placed by or on behalf of the cooperator, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.
>
> (c) The cooperator will send to each labor union or represenative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Forest Service—

To be provided by the government.

Continuing to read—

> advising the said labor union or workers' representative of the cooperator's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
>
> (d) The cooperator will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

I digress in my reading from the contracts to suggest that the ordinary cattlefeeder running a herd of cattle would perhaps be a little confused by the time he had been brought to the point of Executive Order No. 10925 and "all of the rules and regulations and relevant orders of the President's Committee on Equal Employment Opportunities created thereby."

But the contract goes further. It provides:

> (e) The cooperator will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
>
> (f) In the event of the cooperator's noncompliance with the nondiscrimination clauses of this agreement or with any of the said rules, regulations, or orders, this agreement may be cancelled in whole or in part and the cooperator may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulations, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.
>
> (g) The cooperator will include the provisions of the foregoing paragraphs a. through f. in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The cooperator will take such action with respect to any subcontract or purchase order as the Forest Service may direct as a means of enforcing such provisions, including sanctions for noncompliance. *Provided, however,* That in the event the cooperator becomes involved in or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Forest Service the cooperator may request the United States to enter into such litigation to protect the interests of the United States.

I have read only a few excerpts from the agreement required of the permittees to graze on the Indian Mountain Cattle Allotment, referred to the cooperators, and the Forest Supervisor of the Payette National Forest, referred to as the Forest Service.

We all know that when a sprawling bureaucracy in a Federal Government becomes involved in a matter of this kind there are devious details that can be imposed upon the ordinary citizen.

I say to Senators from the Western States, the grazing States, who have expressed some surprise at their mail in opposition to this monstrous proposal, that there is a very substantial reason for it. This gives them a little foretaste of what would happen if the proposed Commission should be created. There are people trying to make a living from grazing cattle on Government land under contracts, who have pursued that calling sometimes to the third generation. They become involved in various complications before they can have their grazing contracts renewed. If this is to happen in connection with a small contract of that kind, the average citizen operating a plant somewhere will be wrapped up in regulations and will be required to fill out so many forms and be harassed by so many investigators who will come seeking only that which is bad, in order that he may be hailed before the Commission, that he will be driven out of business.

This is mere socialism. Anybody who is familiar with the operations of state machinery in lands where all industry has been taken over by the government knows that the state tells the individual whom he must hire, whom he must promote, who shall be laid off, who shall fill that position. Then it cannot be long until the government takes over the remainder of the operation of the business.

I know that well-meaning and well-intentioned men have been deceived into supporting this legislation. I would not say they are all Socialists, but I do say that every Socialist and Communist in this country has been supporting the proposed legislation since it was first dreamed up and submitted to the Congress. It would cripple the free enterprise system that has been so successful and would shackle all business and wrap it up in another layer of investigators, made up of fanatics who would be hauling them up before the Commission at almost every move they take. This will not happen overnight. The Government will not take over their business overnight. But it will start with a man operating his business trying to stay away from these commissions, and trying to please the investigators. When he has a job available, he will be afraid to hire the ordinary, average American, no matter how well qualified, because that average American would have no rights under the law. They will take a man in a minority group.

He will be employed, because the employer will want to avoid trouble. He may not be as efficient, but he will pay for two instead of one in order to avoid the trouble and expense of hiring a lawyer and going before a tribunal before which he knows in advance he will lose. The same will be true of promotions. The same will be true in times of business slack.

Title VII of the bill discriminates against the average, garden variety American citizen, because he has no rights under the bill. He has no claims that he is a member of a group that has been discriminated against on account of race. That is the declaimer of the minority. The same would be true as to creed. If he is an average American, he is out of a job.

Mr. HILL. Is it not true that the average American will be denied the special privileges that are given to small minority groups?

Mr. RUSSELL. That is correct.

Mr. HILL. I thank the Senator from Georgia. What he has said clearly evidences how far the proposed legislation goes. If a small grazer can find himself in such a complicated position, the country should realize how far the bill may go. If a person had a contract with the Government and he made some kind of mistake and perhaps did not keep his books in an accurate way, so he could give all the facts and data to an investigator, he could be criminally prosecuted.

Mr. RUSSELL. Does not the Senator believe that the producers of beef and agricultural commodities generally are in enough of a depressed condition already without saddling them with additional responsibilities? What they need is men to ride horses to look for cows, not all these statisticians, accountants, and stenographers to try to keep up with the daily reports they will have to fill in that will be coming in from the Government agencies.

Mr. HILL. The Senator is correct. As Thomas Jefferson said long ago, the investigators or bureaucrats always use their grappling hooks to grab more power; bureaucracy feeds on bureaucracy. If the bill gives them some power, they will want more power. They will want to make a showing as to what they are doing in order to get more power. The people who produce the most vital commodities we need, namely, food to eat and fiber for our clothing, will be harassed by the investigators, who will be examining them for all kinds of figures and details, and if those figures are not kept exactly the way they want them, they will be subject to civil or criminal prosecution.

Mr. RUSSELL. If that could happen to a man grazing a few head of cattle on a reserve, think what the Government could do to a man operating a plant which is giving employment to 400 or 500 people and constituting the economic lifeblood of a community.

Mr. HILL. The Senator has made a fine contribution. The Senator has pointed out emphatically how far this provision goes and how destructive it would be of our American system of free enterprise, and what it means to the farmer, the man who raises and grazes cattle, as well as the businessman.

Mr. RUSSELL. The Senator is familiar with the fallacy that is advanced by those supporting the bill that they are for human rights before they are for property rights. Never has there been a greater fallacy or deceit than that. The right of property is one of the primary human rights in this country. It is that which distinguishes the free enterprise system from that of the Communist system. It is the cornerstone that has made this country in a relatively short period the envy of mankind and that has resulted in more of the good things than any other people have enjoyed.

Mr. HILL. But this proposal is a wolf in sheep's clothing, is it not?

Mr. RUSSELL. It is; but the wolf's head sticks out from under the covering.

Mr. HILL. It would cut out the vitals from our country's system.

Mr. RUSSELL. It certainly would.

Mr. HILL. I thank the Senator for his contribution. I deeply appreciate it.

With all the financial might and economic power of the Federal Government at his command, the Commission Chairman would be in a position to very easily coerce or intimidate an employer into hiring a person of a certain color solely because of his color, or into promoting an employee of a certain religion solely because of his religion.

One of the most appalling features of title VII is the vagueness and ambiguity of its most crucial terms and provisions. Its ambiguous language and potential for unforeseen mischief reflects the generally broad level of draftsmanship throughout H.R. 7152. As I have previously stated, the Washington Evening Star has characterized the bill as "a draftsman's horror."

This in and of itself could contribute to both an invalid delegation of legislative power and an abuse of the due process requirements of proper administrative procedure by those who would administer the bill if it is enacted into law. The proposal does not even prescribe a semblance of working standards to determine when an act of "discrimination" would occur. The only thing the Commission has to do in order to proceed against a person is find "reasonable cause," which, I might add, is another loose and elastic term of uncertain determination.

It is an elementary principle in administrative law that the enabling act must provide an adequate yardstick to guide the administrative agency in executing the law by defining the elements which shall constitute an offense and by including primary standards which are to control in given cases. In other words, the standard of evidence must be imposed by the statute itself and not left to the unbridled discretion of the agency.

How much ugly human history, Mr. President, must be repeated before we learn that law cannot and should not even attempt to coerce conformity in human thinking and individual belief? I am sure that it is not necessary for me to state in detail the sad, even terrible, consequences of past attempts to coerce conformity in thought.

Recall, if we will, the past religious wars in Europe. Recall again that the early history of our own country is marred by attempts to secure religious conformity, the very thing that caused thousands of men and women to flee England in the 17th and 18th centuries. But happily that has all passed because we have recognized, and, indeed, embodied in our Constitution, that freedom of thought and belief nourishes the spirit of liberty.

The late Justice Jackson, formerly Solicitor General of the United States, formerly Attorney General of the United States, and later Justice of the Supreme Court, once pointed out that freedom of thought was in keeping with our American tradition in these words:

> Our forefathers found the evil of free thinking more to be endured than the evils of inquest or suppression. They gave the status of almost absolute individual rights to the outward means of expressing belief. I cannot believe they left open a way for legislation to embarrass or impede the mere mental processes by which those expressions of belief are examined and formulated. This is not only because individual thinking presents no danger to society, but because thoughtful, bold, and independent minds are essential to wise and considered self-government.

Mr. President, our progress in solving some of our domestic problems obviously has not been as rapid as the proponents of title VII and H.R. 7152 would desire. But it will be far more rapid and peaceful than if we try to expedite it by force, by trying to legislate conformity as advocated by the philosophy of title VII, which, on the evidence of history, can only increase fear, dissension, and unrest.

Just as freedom of thought and belief are fundamental rights reserved to an individual, so is freedom to choose one's associates, and, conversely, freedom from compulsion to associate, for forced association is not free. Just as freedom of thought and belief were clearly recognized and cherished by the drafters of our Constitution as essential elements of democracy, so was freedom of association.

History again clearly confirms that it was largely because restrictions had been placed on freedom of association and religion that many of our forefathers left England and Europe to settle in American colonies. It is not surprising, therefore, that freedom of association is basic to America's constitutional tradition and that the practice of compulsory association is abhorrent to the American way of life.

If any American has any civil right which should be respected and honored under all conditions, it is his civil right not to associate with another person without his consent or against his will.

The proponents of compulsory FEPC legislation, however, seem to blow hot and cold on matters of freedom of thought, the integrity of individual beliefs and freedom of association. Not so very long ago they were the very individuals who sought to repeal the loyalty oath then contained in the National Defense Education Act. In both committee hearings and floor debate, sponsors of the legislation to repeal the oath emphatically stated that any law which in any way restrained freedom of thought, which prompted conformity in thought and association and which approved the concept that belief may be a basis for penal sanctions, was contrary to both the spirit and letter of the Constitution. It was stated that such a law reflected the fear and insecurity of Government officials and that it was at worst a manifestation of the guilt-by-association technique.

Yet, under title VII of H.R. 7152, the proponents of the bill take an entirely different position regarding freedom of thought and association by making it unlawful for any person or organization subject to the act to fail—to fail, mind you—or refuse to hire a person or to exclude or expel a person from a labor union because of race, color, religion, sex, or national origin. This means nothing more than thought and association should be coerced or compelled. Under this concept we would be led to believe by the proponents of this doctrine that our forefathers intentionally left a way open to punish a person for freely and peacefully exercising his beliefs and for associating with persons of his own choosing.

But this is not all. Section 705(b) of the bill, with slight exception, prohibits an employer, labor organization or employment agency from advertising for employment purposes in a manner which would indicate "any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin." This form of prior censorship is patently at variance with the whole concept of free expression—it hits at the very heart of those freedoms contained in the first amendment. This means that an employer cannot freely express the views that other citizens are free to express as to the desirability of hiring or promoting an individual, if he indicates a preference for persons of a particular race, color, religion, or national origin. Yet, if there is any one subject upon which free men and women have the right to express their opinions, it is upon matters, involving race, color, religion, or national origin. Even if opinions be considered wrong or prejudiced, the right of expression must remain. The whims of censorship have no standing in law. I contend that section 705(b) violates this tradition and that its sanction of prior restraint ignores the clear command of the constitutional mandate contained in the first amendment. In the case of *Cantwell* v. *Connecticut* (310 U.S. 296), the Supreme Court declared:

> In the realm of religious faith and in that of political belief sharp differences arise. In both fields the tenets of one man may seem the rankest error to his neighbor, but the people of this Nation have ordained in the light of history that, in spite of the probability of excesses and abuses, these libraries are in the long view essential to enlightened opinion and right conduct on the part of the citizens of a democracy.

And in another recent decision, the Supreme Court summed up the danger of legislation which punished persons for exercising freedom of thought and expression in these words:

> Liberty of thought soon shrivels without freedom of expression * * * when legislation touches freedom of thought and freedom of speech, such a tendency is a formidable enemy of the free spirit.

Obviously, the Congress cannot enact legislation which forbids a person to hire another person of a certain race, color, religion, or national origin. This would be an unreasonable prior restraint on personal liberty. On the other hand, there is not a sentence, a clause, or a word in our Constitution which vests the Congress with the authority to enact legislation which, in effect, commands and chooses for our people whom their associates shall be.

Compulsory hiring, as envisaged by title VII, will operate to curtail the right of association and will give legal recognition to guilt by association under the pain of penalty. The very existence of a law like title VII would serve to choke off free expression of views and would impose an unreasonable restraint on freedom of expression. Under the proposal an offense will consist, not in aiding or abetting in the commission of some specific unlawful act against society, but in openly and knowingly associating with a person of one's own choosing, notwithstanding the good reputation and character of both parties.

No one will contend that unwillingness to associate with people who are unclean or dishonest or mean or cruel is a wrong which should be prohibited by law. But, where was the Congress ever given the power to declare it to be a wrong for a person of one religion to dislike to associate with persons of a different religion? Where was the Congress ever given the power to declare it to be a wrong for an American to dislike to associate with persons of nations of races which not so very long ago made war on America and treacherously killed or cruelly tortured the sons, husbands, or fathers of living Americans?

It may be a high type of morality to forgive immediately a vicious enemy and to clasp in friendship a hand stained with the blood of one's own kith and kin, but where was the Congress ever given the power to establish such a moral act as a legal obligation?

Just a short two decades ago the people of the United States were engaged in a terrible war with the Japanese, which was begun in treachery and infamy, as President Franklin D. Roosevelt said, and carried on with horrible brutality. It may be a lofty idealism that would require all Americans now to embrace the Japanese as brothers, even a man whose son was killed at Pearl Harbor on December 7, 1941, and whose watery tomb is the battleship *Arizona*. But to proclaim by Federal law that this man must embrace such a principle and to proclaim by Federal law that he cannot refuse to hire a person of Japanese descent or to express himself in speech or print in dislike of association with Japanese without making himself liable to the charge that he has refused to employ Japanese is an outrageous invasion of personal right to which other citizens are not subjected.

The people of the United States and all other freedom-loving nations who fought with us in Korea will not find it easy to forget the hordes of North Koreans and Chinese Communists who inflicted such a toll of suffering, death, and destruction on their friends and relatives.

It may be immoral for a man to have a prejudice against persons of a particular race, color, or religion just because he has found it particularly difficult to associate with many persons of that particular race, color, or religion, but what is left to individual liberty of a man or woman who cannot choose associates in work or play on the basis of either reason or prejudice, which are often indistinguishable? Where was Congress ever given the power to establish a state of morality to be enforced in private selection of private associates for work or play? Justice John Marshall Harlan, who dissented in the Civil Rights Cases of 1882 from the balance of the Court, stated in his opinion that "whether one person will permit or maintain social relations with another is a matter with which Government has no concern."

Good religious and moral character is, of course, desirable in everybody. But who is to pass judgment as to what constitutes good religious and moral character? What is good religious and moral character in the mind of one law-abiding person may be anathema to another. To expose a person's occupational future to religion and morality as defined by some Federal bureaus is nothing more than a legislative burning at the stake of religious and moral differences. The idea advocated by title VII that a man's religion and morals are irrelevant to his conduct states a low view of both. And the idea advocated by title VII that freedom to choose one's associates is not a fundamental right reserved to the individual by the Constitution states a sterile concept of that great document. It is enough here to quote an eloquent passage from an opinion by one of the great liberals of our time, Judge Brandeis. He declared:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfaction of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government—the right to be let alone, the most comprehensive of rights and the right most valued by civilized men.

The real effect of title VII, therefore, would not be to promote equality, but would be to expose and punish persons who countenance views regarding freedom of thought and freedom of association which are inimical to the proponents of compulsory FEPC.

Certainly the word "religion" has no place in this legislation. There are many apparent reasons why religion should never be made the basis of legislation and

I know it is not necessary for me to cite the many consistent decisions of the Supreme Court sustaining the principle of government neutrality toward religion. Indeed, the subject of religion is a field where the Congress should never attempt to legislate and rightly so, in view of the prohibition of the first amendment to our Constitution.

We all know that the first amendment was in part added to our Constitution to stand as a guarantee that religious beliefs are inviolate and that neither the power nor the prestige of the Federal Government would be used to influence or control the peaceful practice of religion. Thomas Jefferson, James Madison, and other fathers of our Constitution would be appalled to find that Congress had entertained any idea of prohibiting the free exercise of religion. Mr. President, if a person is at liberty to determine what his religious beliefs are and how he may peacefully apply and practice them—and that is how the guarantee of religious freedom in the first amendment is so interpreted—then any natural rights which a person holds, such as the right to set up into a business for himself and to hire and promote in a manner which he deems best to make his business a going concern, cannot be diminished; he cannot, because of his religious convictions and peaceful religious practices be restrained, burdened, or made to suffer in his person or property. Yet title VII unequivocally states that the proposed Commission on Equal Employment Opportunity may investigate allegations of "unfair employment practices" because of religion. It is designed to constitute the Commission as special counsel, at public expense, to persons who have a civil rights grievance predicated on religion. Is this not inconsistent and contradictory to the first amendment? I think, yes.

Although we are basically a Christian Nation, Mr. President, we certainly do not suppose that every command of the scriptures should be enforced by civil power. Congress does not have the authority to pass a law punishing a man because he does not love his neighbor as much as himself and no court is constitutionally endowed with the power to punish a man because he refuses to do unto others what he would have others do unto him. The Supreme Court of the United States long ago in the case of *Reynolds* v. *United States* (98 U.S. 145) affirmed the right of a man to peacefully entertain his religious views and peaceful religious practices as he thinks proper without dictation, interference or injury by any person or power in these words:

> If there is any one thing which is well settled in the policies and purposes of the American people as a whole, it is the fixed and unalterable determination that there shall be an absolute and unequivocal separation of church and state. * * * The idea that it is a proper function of government to assume authority on matters of religion and lend the powers of sovereignty to its advancement was once quite general, with the result that the union of the state with particular church which happened to be in the majority developed conditions so destructive of natural rights an individual liberty as to become the prolific occasion of revolution and bloodshed. To that cause more than any other we owe the settlement of this country by fugitives from religious persecution, and the foundation and development of a government here on the theory of an absolute divorce between civil and ecclesiastical affairs.

In another opinion the Supreme Court has declared:

> But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

Title VII is calculated and specifically intended to confer upon a new Federal agency—to wit, the Equal Employment Opportunity Commission—the autocratic power and virtually unfettered discretionary authority for invading the area of industrial and business relations.

As has been so well brought out here today, the exercise of this power would not stop with invasion of industrial and business relations. It would also extend into agricultural life—the production of food or cattle or whatever other articles of food and fiber would be needed for the sustenance, strength, and health of the American people.

It is safe to predict that the Commission would assert plenary jurisdiction—"plenary" means full and complete—over the employment, promotion, discharge, and other terms of employment of every manufacturer, farmer, hospital, restaurant, law firm, labor union, bank, contractor, radio and television station, movie studios, and other local retail and wholesale service, trade, and professional establishment which employed 25 or more persons. Even professional football teams would be subject to compulsory FEPC.

Mr. President, can we imagine a situation in which the coach of a successful football team would select his players on any such basis, and hope to continue to have a successful, winning football team? However, Mr. President, such are the provisions of this bill.

By resorting to civil actions and proceedings under title VII, the Commission—that is to say, the Equal Employment Opportunity Commission—could virtually convert Federal district courts into administrative branches of the executive branch of the Government for the management of business and union affairs. Coupled with the vague and ambiguous provisions of title VII, the rulemaking authority of section 713 puts enormous power into the hands of the Commission and its Chairman.

And what kind of rules could we expect this Commission to prescribe, and what would be their effect?

If we look at the history of the New York FEPC statute and Executive Order No. 10925 establishing the President's Committee on Equal Employment Opportunity, we can judge what the Commission would do. Following precedent in New York, the Commission could rule that one cannot mention color or religion in seeking employees; one cannot ask for the photograph of an applicant; one cannot ask his birthplace; one cannot ask his original name; and one cannot ask what holidays he celebrates. The New York law has also been amended to extend the State commission's jurisdiction in the area of employment to include so-called discriminatory practices in guidance apprenticeship, on-the-job training, and other occupational training or retraining programs.

The rulemaking provisions of Executive Order No. 10925 give us a further guide to what employers and labor unions could expect if a compulsory FEPC bill were enacted. They read, in relevant part:

> SEC. 301. Except in contracts exempted in accordance with section 303 of this order, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:
>
> In connection with the performance of work under this contract, the contractor agrees as follows:
>
> (1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative—

Let me especially call the attention of the Senate to the words "affirmative action," for in a few moments I wish to speak further about them. I continue to read from Executive Order No. 10925:

> action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
>
> (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.
>
> (3) The contractor will send to each labor union or representative of workers with which he had a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
>
> (5) The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigations to ascertain compliance with such rules, regulations, and orders.
>
> (6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this con-

> tract may be canceled in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

When all is said, Mr. President, there can be little doubt that the Commission would promulgate rules and regulations which would impose straitjacket standards on the recruiting and employment practices of employers and admission policies of unions and their apprenticeship programs. The rules could be used to compel employers to reemploy dismissed employees and to employ rejected applicants who were considered incapable and unfit. The rules could destroy the merit system as a basis for upgrading, demotion or transfer, and layoff or termination. Consider, for example, an employer who employs 50 men. Ten of these employees can be identified with a minority group. If the employer has to lay off 8 men, would he be likely to discharge any of the 10 men who could claim "discrimination" whether it existed or not, and who could file charges with the Equal Employment Opportunity Commission, causing the employer expense and possible punishment?

We know that the natural thing for the employer to do would be to avoid trouble. He would not want the Washington bureaucracy down his neck. He would not wish to have all kinds of investigators running in and out of his business, checking on this and checking on that, and seeing if they could not find something or pry into something. We know that the natural thing for the employer to do would be to avoid trouble and lay off eight men in accordance with a quota system, or in the alternative, lay off eight of those in his plant who could not claim discrimination, even if they were better workmen than the employees who belonged to the minority group. We can easily picture the resulting damage to the morale and productivity of the workers in that plant.

A few moments ago I pointed out that the rules of the President's Committee on Equal Employment Opportunity require an employer and union subject to the order not to "discriminate" in any personnel action because of race, creed, color, or national origin and to take "affirmative action" to insure that this policy applies among his employees.

What is "affirmative action" of the type required by Executive Order No. 10925 and which the Commission on Equal Employment Opportunity no doubt will also require? Perhaps some idea of the meaning of this phrase may be obtained by a reading of a portion of the testimony taken last summer before the Subcommittee on Employment and Manpower of the Senate Labor and Public Welfare Committee on various compulsory FEPC proposals.

One of the organizations advocating forced hiring legislation, to wit, the Congress of Racial Equality, commonly known as CORE, presented as its witness its national director who testified as follows:

> I think, also, that strong affirmative action is now needed in order to secure employment for Negroes. In my view it is part of the responsibility of the employer to go out and seek qualified Negroes.

And so the meaning of "affirmative action" begins to unfold. But there is more. Listen to this:

> At one time we said to the employer, "All that you need to do is hire the qualified people, the best qualified person who happens to apply," but frankly I do not think that that is adequate now.
>
> We are interested in how the employer recruits his employees, if he advertises in the press, does he advertise in the Negro weekly press as well as the daily press?
>
> If he sends persons around to high schools to talk to the senior class and to recruit in that manner, does he also go to the high schools that are predominantly Negro? And I think he should.
>
> This seems to me to be a responsibility of the Nation now, including individual employers and trade unions and so forth. If I may add in addition, I am of the strong view that we cannot rely upon individual complainants to file complaints on discrimination in employment.
>
> This, I think, places far too heavy a burden upon the individual. It is the responsibility of the State more than it is the responsibility of the individual. Most individual Negroes, like individual white persons, do not happen to be crusaders, and if turned down in a job application, though he knows that he is qualified for it, what he is apt to do, instead of filing a complaint is to go elsewhere and seek a job, and thus, the problem of discrimination goes on.
>
> None of our cities or States would wait for an individual who has drunk contaminated water to file a complaint before they try to do something about it, so I think it is the responsibility—should be the responsibility—of this legislation that is being considered, to give authority to whatever commissions established to go out and hunt down discrimination and then bring it to an end, to put it firmly as a part of the responsibility of the Federal Government.

Obviously, Mr. President, the proponents of compulsory FEPC accepted the advice of this witness to make drastic and wholesale changes in existing free employment practices. When the language of title VII is recast in simple terms it proposes to confer upon every person and organization from CORE to the Attorney General of the United States the uncontrolled discretion to bring a host of proceedings against employers and labor unions, and subsequently, civil actions of an equitable nature, in which juries are not available, to enforce by injunctive and contempt processes the newly created so-called civil rights which will not be defined and spelled out until after compulsory FEPC becomes law.

But let us hear further from this witness. We are still seeking to define "affirmative action." After describing his organization as the "nonviolent marines" of the so-called civil rights movement, he went on to say:

> I think that the employer has a responsibility to try to find qualified Negroes, qualified members of minorities, and if they are not qualified for the jobs that he has then he has a responsibility to help to make them qualified through his inservice training or through his apprenticeship training.
>
> I think in addition that with regard to management jobs in industries Negroes are disadvantaged quite frequently because they have been kept in the low category of jobs in the industry and many of these industries select their managers, their administrative persons from the ranks.
>
> You move up through the ranks, and if a Negro has been excluded from the ranks or limited to the low category jobs in the ranks, then he would in many cases have to wait 10 years or more before he could get up to the top and this, I think, is too long for him to wait.
>
> I think in many cases we would ask for special treatment in that regard.

The words "special treatment" are the witness' words and not mine.

From this testimony, we, therefore, see that the Equal Employment Opportunity Commission will be urged to use its vast rulemaking powers to compel an employer to adopt broader recruiting policies and give special training, indeed, even special privileges, for members of so-called minority groups. In fact, this would seem a minimum for complying with an "affirmative action" requirement.

It is most interesting that CORE was founded in Illinois—a State which has had an FEPC law since 1961. It is therefore perhaps significant that the views regarding "special treatment" and forced hiring espoused by the spokesman of this "nonviolent" organization before the Employment and Manpower Subcommittee became reality by virtue of a decision handed down by a hearing examiner of the Illinois Fair Employment Practices Commission on February 26 of this year. More important, however, the ruling by the Illinois FEPC examiner also foretells what likely will happen all over the Nation if a Federal FEPC bill is enacted into law. In a sweeping decision the Illinois FEPC examiner ordered the respondent, Motorola, Inc., to "cease and desist" from using a general ability test which the company had been giving job applicants for the past 15 years on the grounds that it was unfair to "disadvantaged and culturally deprived groups," in that the test failed to take into account "inequalities and environmental factors." In other words, the Illinois FEPC examiner threw merit and ability out the window as employment criterions and forced the company to hire the complainant, notwithstanding the fact that he obviously did not possess the professional standards necessary to do the job.

In my last speech, Mr. President, I gave an account of an article by the distinguished reporter, Mr. Arthur Krock. Mr. Krock has for many years been one of the outstanding reporters in the country. He is with the New York Times, and is one of its leading reporters. This article appeared in the New York Times of March 13.

With complete clarity Mr. Krock wrote a concise analysis of the shocking and appalling substance of the Illinois FEPC ruling and made it crystal clear that enactment of a Federal compulsory FEPC law would destroy the right of the employer, whether large or small, to select his employees. I think it appropriate to repeat Mr. Krock's article at this time. The article is entitled "A Pilot Ruling on

Equal Employment Opportunity," and it reads as follows:

> ### A PILOT RULING ON EQUAL EMPLOYMENT OPPORTUNITY
>
> (By Arthur Krock)
>
> WASHINGTON, March 12.—The Illinois Fair Employment Practices Commission has just furnished a graphic illustration that when a political arm of government assumes jurisdiction over the hiring and firing policies of private business, the tendency is to expand this authority into autocratic control. The ruling of the Illinois FEPC by which this tendency was strongly established has nationwide importance because title VII of the pending equal rights bill proposes to make this jurisdiction a Federal power, exercised by an Equal Employment Opportunity Commission.
>
> If Congress approves the pending measure, with title VII included, and the constitutionality of this section is affirmed by the Supreme Court, the way will be open to project the rationale of the Illinois FEPC ruling throughout the free enterprise system of the United States. Then a Federal bureaucracy would be legislated into senior partnership with private business, with the power to dictate the standards by which employers reach their judgments of the capabilities of applicants for jobs, and the quality of performance after employment, whenever the issue of "discrimination" is raised.
>
> The administration bill, of which title VII is a part, has never been submitted to either House or Senate committees for customary and essential hearings and analysis. Consequently, if the Senate motion to send the measure to committee fails of adoption, as is expected—

And it has failed, we all now know—

> only the Senate rules which permit unlimited debate unless terminated by cloture will expose the bill to the intensive examination made imperative by its vast new donations of Federal power in a domain long established as the private sector.
>
> The assumption of authority by the Illinois FEPC stresses how vital this examination is to the general interest. The State commission ordered Motorola, Inc., to cease subjecting job applicants to its overall ability test on the finding that the test is unfair to culturally deprived and disadvantaged groups. The test was compiled and copyrighted by Prof. Philip Surrager, of the Illinois Institute of Technology, in 1949 and, with some revisions, has been in use since then. He defined its objective as "not to exclude Negroes from white * * * but to help evaluate the trainability of a prospective employee * * * and I know of no way to evaluate that a test in itself is discriminatory toward any group."
>
> #### THE FIRST INSTANCE
>
> Nevertheless, exercising for the first time an authority over the ability tests an employer may use in screening applicants, a State FEPC examiner ordered Motorola, Inc., not only to disuse Surrager's questionnaire, but to offer a job to a Negro who charged he was denied a job because of his race. The Employers Association of Chicago, representing 1,400 companies in the area, challenged the order. And, in announcing that Motorola, Inc., would appeal the action "all the way to the Supreme Court if necessary," its attorney said:
>
> The question at hand is whether an employer in Illinois is going to be permitted to set the educational, moral, and aptitude standards for its employees, or whether the State will dictate the standards. If title VII survives the Senate debate, the scope of this question at hand will spread from Illinois to the Nation. Meanwhile the attorneys for Motorola, Inc., have contended that the company cannot depend on a fair hearing of its rebuttal because the hearing officer designated by the Commission is a Negro.
>
> The company's finding that the applicant had not passed the Surrager test is complicated, so far as his particular case is concerned, by the announcement of the Illinois FEPC that he passed it on reexamination in its own offices. But, in commenting on the examiner's order, the Chicago Tribune stated the issue in its broad perspective.
>
> The examiner had also ruled that the questions in the test did not take into account inequalities and differences in environment, thereby favoring the advantaged groups. This, said the Tribune, "may be reduced to the absurdity that any test acceptable to the FEPC would be one which brought out no distinction whatsoever among competing applicants. How then is an employer to develop any basis for making a choice? So here the doctrine is enunciated that a political appointee is going to dictate to business [its] standards of selection.

But there is more, Mr. President. The Illinois FEPC examiner's decision did not content itself or stop with the forced hiring of an unqualified job applicant and the assertion of authority over the screening of job applicants. With complete unabashment the sweeping compulsions of the decision also embraced and put into operation the doctrine of "affirmative action." The decision declared:

> If the fair employment practices act of this State is effectually to be implemented, personnel executives in the industries covered by the law, have a supreme responsibility to move positively to eradicate unfair employment practices in every department. Somehow, general convictions of economic need and fairness must be acquired, and concerted action made to come into play within each department throughout the plant and with the administrators of this law.

In other words, Mr. President, the Illinois FEPC examiner is prescribing a joint venture which Mr. Krock so eloquently described as a "senior partnership with private business with the power to dictate the standards by which employers reach their judgments of the capabilities of applicants for jobs, and the quality of performance after employment, whenever the issue of 'discrimination' is raised."

I continue to quote from the ruling of the Illinois FEPC examiner:

> The employer may have to establish inplant training programs and employ heretofore culturally deprived and disadvantaged persons as learners, placing them under such supervision that will enable them to achieve job success.

So there we have it, Mr. President. "Affirmative action" in action. Unhappily, it is exactly 180 degrees opposite the established principles of individual rights and liberties.

It does not do violence to reason, Mr. President, that the language of title VII is loose enough that the broad power which would be granted under this title could be interpreted so as to give the Equal Employment Opportunity Commission the authority to promulgate rules which would incorporate the doctrines of the Illinois FEPC ruling; in fact, if title VII should become law the odds will be heavily weighed in favor of the several doctrines of the Illinois FEPC examiner's decision as coming within the purview of the bill's provisions. It is difficult to imagine a law more certain to undermine and invite the destruction of private enterprise.

It will be claimed, of course, the Commission is nothing more than an agency with limited power to receive and investigate charges of so-called discrimination and to attempt to resolve such charges through voluntary compliance and persuasion. As I have pointed out, however, the power that would be vested in the Commission if title VII were to become the law of the land would be much broader, much greater, and much more far reaching than that which the proponents of the title claim the language gives. As I have said, in some instances and areas of interference with private business the authority and power granted to the Commission by the loose and deceptive language would be almost unlimited. Let us never forget when considering such grants of power that power corrupts and tremendous power corrupts tremendously. The great senior Senator from Georgia recently labeled H.R. 7152 as "the answer to a bureaucrat's dream" and I could not agree more fully with him, particularly in connection with the administration of title VII.

Moreover, the claims that have been made that the members of the "equal employment" Commission could not exert the tremendous power implicit in the broad provisions of title VII without first obtaining a decree from a Federal court ignore the vast authority given the Commission under the heading of investigative and rulemaking powers.

Let us remember that should this legislation become law it will be the Commission, which, by its rulemaking ability, will be able to determine how much power and authority it has acquired under the bill—and it is safe to conclude that any doubts the Commission might have in these matters will be resolved in its favor.

Let us remember that should this legislation become law it will bestow upon one member of the Commission almost unlimited discretion to decide whether or not an investigation shall be made and for whom it will be made; that a minority of the Commission will have almost unlimited power to decide whether or not an "unlawful employment practice" does exist; and that the Commission will have almost unlimited power to decide whether or not a suit shall be brought should it fail to gain "voluntary compliance" from the respondent. Further, if the Commission fails or declines to bring a civil action as a result of its investigation, then one member of the Commission may give permission to "the person claiming to be aggrieved" to bring suit for injunctive relief.

It is most unfair for proponents of this bill to argue that it does not force the hiring of certain minority group members. The whole purpose, design, and effect of the bill is just that—to "force the hiring" of persons whom an employer would not voluntarily hire.

If title VII should become law, here is how the Commission Chairman could exercise his "limited" powers of "persuasion" to gain "voluntary" compliance in the case of an employer who declines to hire an applicant except on the judgment as to how to build the most competent, harmonious working force possible or denies to promote except on the basis of merit.

The Commission Chairman acting through an agent of his office could approach the employer and could strongly imply that if he did not hire a man of a certain color or promote a person of a certain religion that the full legal and financial might of the Federal Government might be arrayed against him economically and otherwise.

The employer could do one of three things. He could "voluntarily" submit to this means of "peaceful persuasion," and thus permit a Federal bureaucrat to dictate how the internal affairs of his business are to be discharged. He could close down his business and thus escape further harassment. In other words, he could go out of business. And, finally, he could stand up and fight for his convictions, even to the point of defending a lawsuit in a Federal district court. If he should pursue the last course and win, he could conceivably exhaust his financial resources and go deep into debt in defraying the cost of his successful defense. If he should pursue the last course and lose, he could conceivably wind up with a heavy fine or be sentenced to jail simply because his convictions as to how to fulfill his duties and responsibilities to his customers and investors might differ from the Commission Chairman and a one-man Federal court.

Furthermore, there are other difficulties to be considered. If the employer is engaged in a business which does contract work for the Government, he likely will find his name on the blacklist of the President's Committee on Equal Employment, his contract terminated, in whole or in part, and his name published in the Federal Register as a noncomplying contractor. That would mean that he cannot and will not get another Government contract. No wonder the Attorney General's Committee on Administrative Procedure, whose special reports on the administrative process are the "Bible" in the field of adminstrative law, stated in its monograph dealing with public contracts that "the penalty of blacklisting is so severe that its imposition may destroy a going business."

In addition, the legal woes of the defendant do not necessarily end when they have suffered all these things at the hands of the Commission, the one-man Federal court and the President's Committee. Since title VII does not remove his liability to criminal prosecution under Executive Order No. 10925, he may still be subject to punishment under criminal law for similar acts if he has a Government contract.

In fact, title VII is intended to supplement Executive Order No. 10925 and by express language directs that upon passage of the bill that officials of both the Commission on Equal Employment Opportunity will meet with other agencies and private organizations "engaged in furthering equal employment opportunity"—and we all know who they are—to coordinate their FEPC purposes and efforts. The accused employer could not plead double jeopardy, because he would be punished in the civil contempt proceedings for disobeying an injunction and in the criminal prosecution for committing crimes. This indifference of title VII in failing to protect Americans from the possibility of multiplicity lawsuits is repugnant to the basic concepts underlying our system of equal and fair justice.

Mr. President, a prime example of how H.R. 7152 is shot through with blank check provisions and designed to vest uncontrolled and unlimited power in the executive branch of the Federal Government may be found in section 706(g)(4) of the bill. This provision states that the Commission shall have the power—

> Upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or other remedial action—

On its face, this is an innocent provision. The trouble is, however, that it does not tell us what is meant by the phrase, "other remedial action." The shocking truth is, Mr. President, that this provision is designed to authorize the Commission to institute lawsuits at public expense which could result in fines and jail sentences for employees who, like employers, may refuse or only threaten to refuse to accept forced hiring practices. By these words the door is opened to the Commission to come into a business establishment and coerce and intimidate employees into working with an individual hired, transferred, or promoted to a position pursuant to title VII.

Let us assume that the employer I discussed just a few moments ago decides that rather than defend a lawsuit in a Federal district court he will voluntarily comply with the terms and conditions of employment practices dictated to him by the Equal Employment Opportunity Commission and promotes an employee against his better judgment. Let us further assume that the employees in the plant do not concur in this action and demand of the employer that the promotion be made on merit, seniority, or in accordance with past promotion policy or else they will refuse to work. We see, Mr. President, the employer is now caught between two fires. He has the Commission breathing down his neck and threatening to take him to court on the charge of an unlawful employment practice if he does not carry out its demands.

On the other hand, he faces a loss of production and a disruption of harmony and plant efficiency among his employees because they are also opposed to the forced promotion. Thus to escape his dilemma, the employer resorts to this section of the bill and requests the Commission to resolve the matter by inviting its agents into his plant. All the Commission has to do if its efforts to persuade the employees by "conciliation" to cooperate or accept the promotion fail is to take "other remedial action" which, when recast in simple language, means going to a Federal judge and asking him to suppress, by injunction and possible contempt proceedings, the recalcitrant employees.

That this is a possible consequence of this section of the bill cannot be denied. When viewed in this light, it is easy to see why the proponents of H.R. 7152 denied our plea to subject this bill to the time-honored, time-proven committee system to study and analyze the many ramifications of the loose language found throughout the measure. There is no doubt that the bill cannot stand such an inspection and analysis.

Mr. President, I say again that the vagueness, generality, and indefiniteness of the language of H.R. 7152, coupled with the plenitude of the powers it confers, demand its rejection by the Senate.

Earlier, I quoted from an editorial about title VII, published in the Washington Star. The editorial referred to that title as being so loose, so indefinite, so vague, so wide open in every way that its powers granted to the Commission were, as the Star so well characterized them, a "draftsman's horror."

Mr. HUMPHREY. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield.

Mr. HUMPHREY. If title VII were to be modified by technical amendments which would remove from its provisions the so-called draftsman's nightmares or horror, would the Senator from Alabama feel that title VII should then have his active, militant support, or even his tacit and general support?

Mr. HILL. No. That is like a doctor asking his patient suffering from a terrible case of pneumonia whether, if the doctor could stop the cough, the patient would be satisfied with the pneumonia.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. HILL. I yield.

Mr. HUMPHREY. So the Senator really is not concerned about the draftsmanship of title VII. That was merely a diversion in the argument of the Senator. He is really concerned about title VII; is he not?

Mr. HILL. The draftsmanship merely shows the horror of the whole title. It shows how horrible the entire title VII is. That is just what it does. It confirms and ratifies how horrible title VII is.

The Senator from Minnesota seems to take the position that if a patient had a horrible case of pneumonia, he would be satisfied when the doctor said to him, "I can stop your cough."

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. HUMPHREY. Some Senators have said there is some question about the architectural design of the New Senate Office Building. Some people have called it a draftsman's horror. But would the Senator from Alabama say that if we improved the draftsmanship and architecture of the New Senate Office Building, it then would be acceptable to him?

As a matter of fact, as I recall, he has already accepted it, in any case, by having his office located in it.

Mr. HILL. I do not think there is any analogy or comparison whatever between title VII and the New Senate Office Building, which was built to house the offices of Senators. There is no analogy or comparison between that building and the FEPC title of the bill, which would reach out to every business, every industry, every farmer—practically everyone in the country; whereas the New Senate Office Building was built to house the offices of Senators—Members of the Senate, an essential part of the legislative branch of the U.S. Government, as established under the U.S. Constitution.

On the other hand, the FEPC title—title VII—of the pending bill would extend Federal governmental control and dictation to private enterprise throughout the 50 States and throughout the Nation's economy—to business, to agriculture, to every aspect of American life. In fact, as I have already pointed out, the bill would even extend its control to professional football.

Mr. HUMPHREY. In other words, the Senator from Alabama is just opposed to title VII, regardless of its coloration or draftsmanship—whether it glows in the moonlight, or whether it shines in the sunlight. He is just opposed to it; is that correct?

Mr. HILL. Well, Mr. President, anything as dark and devious as title VII is could not possibly glow in the moonlight or shine in the sunlight. [Laughter.] The Senator from Minnesota would have to go a way down deep, far below the surface of the earth, to find an analogy to title VII.

Furthermore, this aspect is only one of the many, many iniquitous things about title VII—namely, its horrible draftsmanship. But that is only one of the many, many iniquitous things about title VII.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield again to me?

Mr. HILL. I yield.

Mr. HUMPHREY. The Senator from Alabama is very considerate. Of course he knows that title VII was added in the House of Representatives, and that the bill was passed by the House by a vote of 290 to 130. Does he attach any importance to the fact that 290 of the able and distinguished Members of the other body felt that title VII would establish a law and a public policy that would serve well the national interests of the United States.

Mr. HILL. But title VII was never thoroughly considered, weighed, discussed, or debated in the House committee or in the House. I had the honor to serve in the House of Representatives. I am very proud of that honor, but I must say there is no real opportunity for thoroughgoing debate and consideration in the House of Representatives. Its membership is now very large. It had 435 Members when I was a Member; it now has 437 Members. The result is that it acts very largely through its committees. So there is no opportunity for real, thorough, full, complete debate in the House of Representatives.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield further?

Mr. HILL. I yield.

Mr. HUMPHREY. Would the Senator from Alabama be happier if it were agreed to include in the bill the provisions of Calendar 844, Senate bill 1937, which was reported from the Committee on Labor and Public Welfare?

Mr. HILL. No. I voted against reporting that bill; and I am just as much opposed to it as I am opposed to title VII.

Mr. HUMPHREY. In other words, from the Senator's statement am I to deduce that he is opposed to title VII, no matter how it might be dressed up?

Mr. HILL. Mr. President, let me ask whether the Senator from Minnesota has finally reached that conclusion.

Mr. HUMPHREY. Yes, I have. [Laughter.]

Mr. HILL. Then I am certainly tremendously gratified that the Senator from Minnesota finally has reached the conclusion that the patient who has been suffering from pneumonia does not want to die; instead, he wants to live.

Mr. HUMPHREY. I thank the doctor from Alabama for that medical explanation and clinical analysis of title VII. But I wish to give him an option. Title VII was voted for by the House of Representatives. Senate bill 1937 has been reported to the Senate from one of its committees. In that committee there were, I believe, only two dissenting votes on the question of reporting the bill to the Senate from the Committee on Labor and Public Welfare.

I believe in freedom of choice. So I believe the Senator from Alabama should have an option. Therefore, if it would make him more comfortable or happier, we could give serious consideration to having the Senate vote to include in the pending bill, as an amendment, the text of Senate bill 1937, which has been reported from the committee of which he is a member—even though he regrettably voted against it.

Mr. HILL. No; I did not "regrettably" vote against it. I regretted that it was reported from the committee; and in the committee, I voted against the bill, because I think it is a very iniquitous measure, full of all kinds of evils and dangers; and I think title VII is in the same category.

Mr. HUMPHREY. I hope that before we conclude our consideration of this title, the Senator from Alabama will be saved from false assumptions about this title and its full significance and what it can do for the national welfare and the national interest.

Only recently the President's Council of Economic Advisers suggested that discrimination in employment was costing the national economy about $13 billion a year in lost income. That is a rather expensive price tag to put on discrimination.

Mr. HILL. I do not know who comprised the membership of the Council; but I can imagine that they were given instructions; and if given the right instructions, no doubt they will come up with the right conclusions. There is no question about that; I am sure that would be the result.

Mr. HUMPHREY. The Senator from Alabama is correct: If people are given the right instructions, sometimes they come to the right conclusions. But the Council on Economic Advisers to the President does not get instructions. It gives to the President its advice, based on the most competent economic analyses to be obtained from our economy; and that Council tells the President and also told Congress that discrimination in employment was costing the American economy between $13 and $17 billion a year. I would say that is a high price to pay for discrimination in hiring practices, in the great economy of the United States.

Mr. SMATHERS. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield to the Senator from Florida.

Mr. SMATHERS. Does the Senator from Alabama understand how it could be that we could have a $13 billion loss to our economy as a result of discrimination? As I understand the FEPC title of the bill, it would require an employer actually to hire certain persons, despite the record of their ability or lack of ability. In many instances the pending bill would require an employer to employ a man merely because the employer did not already have in his employ a man of the same race, color, or creed of the applicant. It seems to me that could become a very wasteful operation, insofar as the employer was concerned, because if the bill as recommended by its proponents were to be enacted into law, it would, in fact, take away from every employer the right to determine whom he wished to hire.

I cannot understand the statistic quoted by the able Senator from Minnesota—namely, that today discrimination is costing our Nation $13 billion. From what little experience I have had—and my experience in the business world has been limited—it seems to me that in almost every area, the man who runs a business generally hires the persons whom he thinks would be most useful to him and to his business; and today he does so without regard to their color or their religious persuasion or their creed.

He hires whom he wishes to hire and those who he thinks would do the most productive job and be most useful to his business.

Mr. HILL. And whoever would contribute most to the success of his business.

Mr. SMATHERS. Whoever would contribute most to the success of the business. I heard the statistics which the Senator from Minnesota stated. I know they must be correct. But I do not understand how they were arrived at.

Mr. HUMPHREY. Mr. President, will the Senator yield so that I may edify him?

Mr. SMATHERS. I am happy to be edified. I yield.

Mr. HUMPHREY. For many years American baseball was a white man's privileged sport. Then one day Jackie Robinson came along. I believe the great Brooklyn Dodgers took what was then considered to be an economic gamble to bring in Jackie Robinson. Obviously there was discrimination in employment——

Mr. SMATHERS. I agree.

Mr. HUMPHREY. Obviously there was discrimination.

Mr. SMATHERS. I wish to know how his employment added to the economy.

Mr. HUMPHREY. I will demonstrate to the Senator how his employment added to the economy. Once Jackie Robinson was brought into baseball as a player, he began to earn more money.

Mr. SMATHERS. How about the player whom he displaced?

Mr. HUMPHREY. He was better than the player whom he displaced. So he earned more money.

Mr. SMATHERS. He still displaced a man.

Mr. HUMPHREY. He was better than that man.

Mr. SMATHERS. The fact is that the Brooklyn Dodgers had to go out of business.

Mr. HUMPHREY. They went to California, where the pickings were better.

Mr. SMATHERS. It was such an economic operation that they finally had to leave.

Mr. HUMPHREY. I say most respectfully to the Senator that they did not have to leave because of the employment of Jackie Robinson. They left because there was more gold where they were going.

Mr. SMATHERS. The Senator is correct.

Mr. HUMPHREY. As a result of the employment of Jackie Robinson, the bleachers were filled with more people. Some of them were suntanned, but the bleachers were filled.

Mr. SMATHERS. When Jackie Robinson first came with the Brooklyn Dodgers, they had begun to lose—not because of Jackie Robinson; I do not believe Jackie Robinson had anything to do with the economics of the Dodgers at all. That is the whole point I am trying to make. I am delighted that colored citizens are permitted to play in sports. I join with the Senator in that respect. Too long there has been discrimination in that field. But I do not believe that particular illustration supports the contention of the Senator from Minnesota, which is based upon a statement of some counsel of the economic advisors of the President, that discrimination costs the Nation $13 billion a year.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. SMATHERS. I do not believe that the Senator's illustration supports that particular contention. I yield.

Mr. HUMPHREY. If the Senator wishes further evidence of that statement, I suggest that he get the report of the Joint Economic Committee. He will see that a white man who has an eighth-grade education will earn over his lifetime what a colored man who has a college education will earn. That statement is not the result of the deductions of the Senator from Minnesota, but the result of long studies on the part of sociologists, economists, and social scientists, which show that discrimination has resulted in downgrading the pay schedule of our colored people.

Mr. SMATHERS. I believe that is what the situation used to be.

Mr. HUMPHREY. In many areas it has been. If everyone accepted what we might call the Smathers doctrine; namely, that no person should be discriminated against on account of race—that is what the Senator said—title VII would not be needed. But title VII is the Smathers doctrine in law. The Senator from Florida is really the inspiration for title VII.

Mr. SMATHERS. I completely agree. Therefore I say that because of the Smathers doctrine, and because most of us agree that there should be no discrimination, we do not need the proposed legislation. There are laws on the subject dating from 1957. The Senator from Minnesota said in 1957 that if the 1957 bill was passed, no further law on the subject would ever be needed.

Mr. HUMPHREY. Whoa, back up.

Mr. SMATHERS. In 1960 the same argument was made. We were told, "If the proposed legislation is enacted, no more will be needed." Now, in 1964, we hear the same statement; in 1968 we shall hear it again. Why? Because discrimination is not eliminated by enacting laws, by putting more laws on the books.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. HUMPHREY. I wish the Senator from Alabama to yield to me before the Senator from Florida gets into deep water. He puts his arms out and starts to swim in deep waters. The Senator from Minnesota has never said that if a particular law were enacted, there would never be a need for more law on the subject. He did not make that statement at all. He said that the legislation was a forward step. But the Senator from Florida is so convincing that when he speaks, as he does, with the ring of sincerity in his voice and heart, and says that an employee should be hired on the basis of his ability——

Mr. SMATHERS. Correct.

Mr. HUMPHREY. And that an employer should not be denied the right to hire on the basis of ability and should not take into consideration race—how right the Senator is.

But the trouble is that these idealistic pleadings are not followed by some sinful mortals. There are some who do not hire solely on the basis of ability. Doors are closed; positions are closed; unions are closed to people of color. That situation does not help America. It does not help industry; it does not help free enterprise.

I know that the Senator from Florida desires to help America, industry, and free enterprise. We ought to adopt the Smathers doctrine, which is contained in title VII. I never realized that I would hear such an appropriate description of the philosophy behind title VII as I have heard today.

Mr. SMATHERS. Mr. President, the Senator from Minnesota has expressed my doctrine completely. But it is not needed in the form of additional laws. As I have previously said on the floor of the Senate, there is a total of about 600 pages of laws on the books today dealing with segregation and discrimination. We could put on the books another 600 pages of laws, and still have segregation and discrimination.

In what area of the country is found the largest number of laws on the subject? In New York and in Illinois. Where do we find the greatest amount of segregation, according even to the Civil Rights Commission itself? In New York and in Chicago. Every time I go to New York I see more discrimination practiced than I see anywhere else I go. Sometimes it is between colored and white; sometimes it is between Puerto Rican and colored; sometimes it is between one religious faith and another; sometimes it is between one economic group and another. There are laws on the statute books, but the people of that area have not succeeded in answering the problem, and the problem will not be met by the enactment of more laws.

But if we follow the Smathers-Humphrey doctrine——

Mr. HUMPHREY. I am now included.

Mr. SMATHERS. The Senator is correct. I am trying to get the doctrine into the hearts and minds of the people. I am trying to eliminate discrimination from the hearts and minds of people to the greatest possible extent. Let us bring into play racial committees and religious organizations. I believe that is the way to overcome it.

Another area in which I would apply the Humphrey-Smathers doctrine is in connection with education. The Senator has spoken on that subject. With his statement I totally agree. The able Senator from Alabama [Mr. HILL] has been a leader in the field.

We cannot really meet the root problem in the manner proposed. We shall not meet it by putting a little band-aid—passing more laws—over what is a very serious wound. Passing laws will not accomplish what the Senator is talking about. All it would do would be to agitate, irritate, and bring about divisions. Certainly it would take away the rights of many individual citizens by giving to the Attorney General and a Federal bureaucracy authority which they should not have.

I wish the Senator to know that we have the Smathers-Humphrey doctrine. But it is more in our hearts than in our minds. We do not need it written on sheets of paper, because it would be meaningless.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. HILL. In response to the figures quoted by the Senator from Minnesota, I should like to state some figures that came to me from Bulletin No. 1370—Employment and Earning Statistics for States and Areas, issued by the Bureau of Labor Statistics, U.S. Department of Labor. The first set of figures shows an increase in new jobs created, and number of production workers in manufacturing. It shows that in 22 FEPC States, in 1956, there were 13,225,300 people in jobs in manufacturing, whereas in 1962 the number had been reduced to 12,523,100, a loss in number of jobs in the FEPC States of 702,200. The average loss in the FEPC States was 31,918, a percentage loss in those States of minus 5.3 percent.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HILL. I should like to finish stating the figures first. The total number of jobs in the 11 old Confederacy Southern States in 1956 was 2,837,000; in 1962, 3,095,800. There was a gain in number of jobs—not a loss, as in the FEPC States—but a gain of 258,100 and an average gain in the 11 States of 23,464, or a percentage gain of 9.10 percent.

In other words, while the FEPC States were losing jobs in manufacturing by some 5.3 percent, the gain in the 11 Southern States was a plus 9.10 percent.

The increase in new jobs created, and the number of employees on nonagricultural payrolls in the 22 FEPC States showed a percentage gain of 3.9 percent, whereas in the 11 Southern non-FEPC States, there was a gain not of a small percentage like 3, but 12.4 percent.

Mr. President, I ask unanimous consent to place the tables in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Increase in new jobs created—Number of production workers in manufacturing

22 FEPC STATES [1]

Total jobs, 1956	13,225,300
Total jobs, 1962	12,523,100
Loss in number of jobs	702,200
Average loss FEPC States	31,918
Percentage loss	5.3

11 OLD CONFEDERACY STATES

Total jobs, 1956	2,837,700
Total jobs, 1962	3,095,800
Gain in number of jobs	258,100
Average gain in 11 States	23,464
Percentage gain	9.10

[1] Figures for Hawaii and Alaska not available.

Source: Bulletin No. 1370—Employment and Earnings Statistics for States and Areas (1939–62) issued by Bureau of Labor Statistics, U.S. Department of Labor.

Increase in new jobs created—Number employees [1] on nonagricultural payrolls

22 FEPC STATES [2]

Total jobs, 1956	36,469,500
Total jobs, 1962	37,905,100
Gain in number of jobs	1,435,600
Average gain in 22 FEPC States	65,255
Percentage gain	3.9

11 OLD CONFEDERACY STATES

Total jobs, 1956	10,154,500
Total jobs, 1962	11,418,700
Gain in number of jobs	1,264,200
Average gain in 11 States	114,927
Percentage gain	12.4

[1] Everything except Government and farms.

[2] Figures for Hawaii and Alaska not available.

Source: Bulletin No. 1370—Employment and Earnings Statistics for States and Areas (1939–62) issued by Bureau of Labor Statistics, U.S. Department of Labor.

Mr. HILL. Mr. President, in per capita income improvement, the 22 FEPC States showed a percentage improvement of 21 percent, whereas in the 11 Southern States the percentage improvement was 26 percent.

In the weekly income of production workers in manufacturing, the percentage gain was 22.6 percent in the FEPC States, whereas the percentage of gain in the 11 Southern States was 24.9 percent.

I ask unanimous consent that the tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Per capita income improvement

22 FEPC STATES [1]

Total, 1956	$45,083.00
Average per State	$2,049.00
Total, 1962	$54,359.00
Average per State	$2,471.00
Improvement	$9,276.00
Average per State	$421.64
Percentage improvement	21

11 OLD CONFEDERACY STATES

Total, 1956	$14,975.00
Average per State	$1,361.00
Total, 1962	$18,874.00
Average per State	$1,716.00
Improvement	$3,899.00
Average 11 States	$354.45
Percentage improvement	26

[1] Figures for Hawaii and Alaska not available.

Source: Department of Commerce—Office of Business Economics.

Weekly income of production workers in manufacturing

22 FEPC STATES [1]

Gross average, weekly earnings, 1956	$82.77
Gross average weekly earnings, 1962	$101.45
Average gain, 22 States	$18.69
Percentage gain	22.6

11 OLD CONFEDERACY STATES

Gross average weekly earnings, 1956	$62.00
Gross average, weekly earnings, 1962	$77.42
Average gain, 11 States	$15.42
Percentage gain	24.9

[1] Figures for Hawaii and Alaska not available.

Source: Bulletin No. 1370—Employment and Earnings Statistics for States and Areas (1939–62) issued by Bureau of Labor Statistics, U.S. Department of Labor.

Mr. HILL. Mr. President, in other words whether it is in weekly income, per capita income, the number of production workers on nonagricultural payrolls, or number of production workers in manufacturing, the figures of the Department of Labor's Bureau of Labor Statistics, employment and earning statistics, show that in all 4 of these categories the 11 Southern States had increases above—considerably above in some instances—the FEPC States. So far as the number of production workers in manufacturing is concerned, the FEPC States not only did not keep up with the 11 Southern States in the increase, but suffered a loss of 5.3 percent.

There is an improvement in the Southern States, with a loss, or little improvement, in the FEPC States.

Mr. President, the only thing that can be said with any degree of certainty about this bill is that far more harm than good would result from its enactment.

I have studied and considered law and legislation for many years and I have not yet been able to read into the Constitution that the Federal Government has the power to enact a law to suppress freedom of thought, belief, speech and association for the sake of political convenience or to satisfy the passions of the mob; that the Federal Government can enact a law which embraces the theory that an employment contract contains the required elements of offer, acceptance and genuine consent when a bureau agent in Washington, D.C., told an employer that he must hire a person of a certain race, color, religion or national origin.

I cannot find in our constitutional system the power of the Federal Government to impose as a condition precedent to the right of establishing a business which affects commerce or the privilege of doing business with the Government that a person must waive those fundamental and inherent rights which are vested in all the people. The liberties and freedoms so secured by our Constitution were never meant to be evaluated in monetary terms. Yet, under title VII, anyone wishing to do business with the Government must yield many of his rights which heretofore have been considered to be inalienable.

Indeed, title VII abridges constitutional rights which we, as Members of Congress, would be the first to invoke if ever called upon to defend ourselves in the courts. Parts of the bill read as if the Constitution of the United States has been suspended.

Andrew Johnson, who was more sorely beset than any other man with the passions and emotions, the hysteria and divisions aroused by so-called civil rights bills, called measures such as this one "legislation which, looking solely to the attainment of political ends, fails to consider the rights it transgresses, the law it violates, or the institution it imperils."

Mr. President, it is the duty of Congress to defend rather than diminish our Nation's precious and rich constitutional heritage. And if we default in our constitutionally ordained task by failing to put to death this repressive measure which would undermine the blessings of individual liberty and personal freedom and good government, hard won for us by our forefathers, we stand to suffer the reproach of our children and our children's children.

During the delivery of Mr. HILL's speech,

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to the Senator from New York, with the understanding that I do not lose my right to the floor, and with the further understanding that his remarks will appear at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. NELSON in the chair). Without objection, it is so ordered.

TITLE VII OF H.R. 7152 SHOULD BE STRENGTHENED, NOT WEAKENED

Mr. JAVITS. Mr. President, considerable debate on the pending bill has been directed toward title VII, relating to fair employment practices. Indeed, it is one of the subjects which is under debate today.

The Association of the Bar of the City of New York has a legendary reputation for public service in reporting on important national issues. Two of the Association's committees, the Committee on

Federal Legislation, Fred N. Fishman, chairman; and the Committee on Labor and Social Security Legislation, William J. Isaacson, chairman, have jointly issued a report evaluating title VII of the bill before us, as well as comparing title VII with S. 1937, a similar measure reported from the Senate Committee on Labor and Public Welfare, of which I am a member.

The conclusions of these two committees and their analysis are worth while. They state in part:

> We strongly endorse the concept of equal employment opportunity embodied in each of the proposed bills. We further believe that each of the bills establishes acceptable machinery for effectuating its purposes, although the Senate bill, with its stronger enforcement provisions and broader coverage, appears to us to provide the more effective means of implementing the basic principle involved. Both bills are, we believe, validly founded on the commerce clause.

Mr. President, I ask unanimous consent to have the report printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK,
April 9, 1964.

Memorandum to members of the Senate Committee on the Judiciary and the Senate Committee on Labor and Public Welfare:

Enclosed is a copy of the report of the Committee on Federal Legislation and the Committee on Labor and Social Security Legislation on proposed equal employment opportunity legislation. This report will be published in due course in our Federal Legislation Bulletin and sent to all Members of Congress in accordance with the association's customary practice.

We are sending this copy of the report to you in advance of such publication because we thought you might find it helpful to see it as soon as possible.

Sincerely yours,

FRED N. FISHMAN,
Chairman, Committee on Federal Legislation.

WILLIAM J. ISAACSON,
Chairman, Committee on Labor and Social Security Legislation.

COMMITTEE ON FEDERAL LEGISLATION AND COMMITTEE ON LABOR AND SOCIAL SECURITY LEGISLATION REPORT ON PROPOSED FEDERAL LEGISLATION RELATING TO EQUAL EMPLOYMENT OPPORTUNITY—INTRODUCTION

This report deals with two bills presently before Congress to eliminate discrimination in employment opportunities. The particular measures considered are title VII of the proposed Civil Rights Act of 1963, introduced as H.R. 7152, 88th Cong., 1st sess. (1963), as passed by the House of Representatives on February 10, 1964, and S. 1937, a proposed Equal Employment Opportunity Act, as reported out by the Senate Committee on Labor and Public Welfare.[1]

Both bills are based on the power of Congress to regulate commerce and prohibit employers engaged in industries affecting interstate commerce, as well as labor organizations and employment agencies,[2] from discriminating in employment against qualified persons because of their race, color, religion or national origin. In addition, the Senate bill also applies to Government contractors and Federal agencies, and the House bill also prohibits discrimination based on sex.[3]

Both bills establish regulatory procedures for investigation and conciliation in cases of alleged discriminatory practices. Under the Senate bill, a board is empowered to issue appropriate remedial orders reviewable by the courts. Under the House bill, no administrative agency is empowered to issue remedial orders; the Commission established under that bill is, however, authorized to bring enforcement suits in the courts. If the Commission decides not to bring such an action, an aggrieved individual may, with the permission of one Commissioner, himself bring suit. The Senate bill applies to employers of 8 or more persons, whereas the House bill has a sliding scale of coverage, ranging from employers of (and labor organizations comprising) 100 or more persons in the first year after the effective date to 25 in the fourth year.

We strongly endorse the concept of equal employment opportunity embodied in each of the proposed bills. We further believe that each of the bills establishes acceptable machinery for effectuating its purposes, although the Senate bill, with its stronger enforcement provisions and broader coverage, appears to us to provide the more effective means of implementing the basic principle involved. Both bills are, we believe, validly founded on the commerce clause.

THE NEED FOR LEGISLATION

The Senate bill contains specific findings that inequality of employment opportunity resulting from discrimination against qualified persons "forces such persons into substandard conditions of living, foments industrial strife and domestic unrest, deprives the United States of the fullest utilization of its capacities, and adversely affects the domestic and foreign commerce of the United States." The committee reports and statements on both bills are to the same effect and contain a substantial quantity of data as to both the accumulated impact and the continuing toll of discrimination in employment in the various segments and at the various levels of the economy. The reports indicate that nonwhites earn significantly less than whites of lesser training and are frequently compelled to accept unskilled or semiskilled jobs at low wages—jobs which are being wiped out at an accelerating pace by automation. They find that there has been disproportionately high unemployment levels of nonwhites, who comprise 11 percent of the labor force but 22 percent of the unemployed.

In addition to the economic factors, the committee reports and statements advert to the social and moral need for the legislation. The Senate report states:

"Apart from the economic cost of this underutilization, the welfare and social costs are immense and in the decade ahead they will become truly staggering" (S. Rept. No. 867, supra, at 9–10).

The statement of additional views in the House report includes the following:

"Aside from the political and economic considerations, however, we believe in the creation of job equality because it is the right thing to do * * *. All vestiges of inequality based solely on race must be removed in order to preserve our democratic society, to maintain our country's leadership, and to enhance mankind" (H. Rept. No. 914, supra, pt. 2, at 30).

CONSTITUTIONALITY

Commerce clause

The provisions of the proposed bills are well within the boundaries of existing judicial precedents interpreting the commerce clause. See S. Rept. No. 2080, 82d Cong., 2d sess. (1952) (supporting equal employment opportunity bill). As detailed in an earliest report of the Committee on Federal Legislation on "Proposed Federal Civil Rights Laws Relating to Public Accommodations" (hereinafter called the Public Accommodations Report),[4] the commerce clause has repeatedly been held to give Congress plenary power to regulate employment relations in industries affecting interstate commerce. Among the benchmark cases involving regulation of labor matters are *NLRB* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1936), sustaining the constitutionality of the National Labor Relations Act, and *United States* v. *Darby*, 312 U.S. 100 (1941), upholding the Fair Labor Standards Act.

In the Jones & Laughlin case, the Court summarized the congressional authority to regulate commerce as follows:

"The fundamental principle is that the power to regulate commerce is the power to enact 'all appropriate legislation' for 'its protection and advancement' (*The Daniel Ball*, 10 Wall. 557, 564); to adopt measures 'to promote its growth and insure its safety' (*Mobile County* v. *Kimball*, 102 U.S. 691, 696, 697); 'to foster, protect, control, and restrain.' *Second Employers' Liability Cases, supra* [223 U.S.] p. 47. See *Texas & N.O.R. Co.* v. *Railway Clerks, supra* [281 U.S. 548]. That power is plenary and may be exerted to protect interstate commerce 'no matter what the source of the dangers which threaten it.' *Second Employers' Liability Cases*, p. 51; *Schecter Corp.* v. *United States, supra* [295 U.S. 495]." 301 U.S. at 36–37.

The similarity between the proposed legislation and that sustained in the Jones & Laughlin and Darby cases is obvious. Indeed, both bills are in a number of respects patterned after the National Labor Relations Act and other existing legislation in the field of labor-management relations, and the House bill's definition of "industry affecting commerce" is specifically keyed to the Labor-Management Reporting and Disclosure Act of 1959 (Landrum-Griffin Act).

It is also pertinent that in *New Negro Alliance* v. *Sanitary Grocery Co.*, 303 U.S. 552 (1938), the Supreme Court, in holding picketing in protest against racial discrimination in employment policies to be protected by the Norris-La Guardia Act, declared:

"The desire for fair and equitable conditions of employment on the part of persons of any race, color, or persuasion, and the removal of discriminations against them by reason of their race or religious beliefs is quite as important to those concerned as fairness and equity in terms and conditions of employment can be to trade or craft unions or any form of labor organization or association. Race discrimination by an employer may reasonably be deemed more unfair and less excusable than discrimination against workers on the ground of union affiliation." Id. at 561.

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[1] The report on the House of Representatives bill is H. Rept. No. 914, 88th Cong., 1st sess. (1963); the report on the Senate bill is S. Rept. No. 867, 88th Cong., 2d sess. (1964).

[2] There are minor differences in the definitions in the two bills of "labor organizations" and "employment agencies." Portions of the Senate bill's definition of "labor organization" (clauses (1) and (3) of section 3(i)) would literally appear to cover organizations not engaged in an industry affecting commerce. However, it seems clear from the structure of the bill and from the accompanying committee report that the bill was intended to be operative only in the area of interstate commerce. The definition section of the Senate bill should be revised so as to avoid any question in this respect.

[3] This provision, added on the floor after limited discussion, seems to have little relationship to the kinds of discrimination which are otherwise the subject of the bill. It raises separate questions which are beyond the scope of this report including the impact upon State statutes governing employment of women.

[4] Two reports of committees of N.Y.C.B.A. concerned with Federal legislation 41 (1963), 18 record of N.Y.C.B.A. 593 (1963).

The proposed legislation is obviously aimed at the interstate commerce aspects of an evil which is moral as well as economic and which exists in areas other than commerce. Quite apart from its moral aspects, however, nondiscriminatory treatment in hiring and firing and while on the job is a significant element of the employment relationship, itself a basic component of commerce, and hence resort to the commerce clause is entirely appropriate. In any event, the fact that Congress' purposes may in part be other than economic does not affect the validity of the proposed legislation. As noted in the public accommodations report, numerous cases have upheld under the commerce clause legislation to eliminate "social" evils, some of which had substantially less economic impact on commerce than does the evil aimed at in the proposed legislation.

Other constitutional considerations

The House bill contains a declaration that the opportunity for employment without discrimination is a "right" of all persons within the jurisdiction of the United States, and that the provisions of the bill are necessary to insure the enjoyment of the "rights, privileges, and immunities" secured by the Constitution. It is not known to which sections of the Constitution the bill may have reference; the privileges and immunities clause of the 14th amendment relates only to "State action," which would not seem to be the principal focus of the declaration in the bill. That declaration may have been formulated with regard to the first Mr. Justice Harlan's dissenting opinion in the *Civil Rights Cases,* 109 U.S. 3, 26 (1883), where he adverted to the 13th amendment, abolishing slavery and involuntary servitude, and the first sentence of the 14th amendment, which provides that "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside," together with the provisions of such amendments empowering Congress to enforce them by appropriate legislation. Mr. Justice Harlan cited these provisions in support of his contentions that the legislation involved in the civil rights cases was justified both to eliminate "vestiges of slavery" and to support civil rights created by the grant of citizenship in the 14th amendment. While these contentions were rejected by the majority opinion, they might meet with greater receptivity today. See hearings on S. 1732 before Senate Committee on Commerce (88th Cong., 1st sess., pt. 2, at 776, 791 (testimony of Dean Erwin N. Griswold, member of the U.S. Commission on Civil Rights, on public accommodations bill)). In any event, the operative sections of both the House and Senate bills are based solely on the commerce clause and are clearly valid under that provision.[5]

THE MAJOR FEATURES OF THE BILLS

1. Substantive requirements

The standard prohibitions: A Federal fair employment practices statute should include the whole battery of prohibitions found in the typical State antidiscrimination law. That is to say, it should proscribe discrimination on the ground of race, creed, color, or national origin,[6] whether perpetrated by employers, employment agencies, unions, or apprenticeship committees, and it should proscribe such discrimination in every aspect of the employment and union relation, including, but not limited to, hiring compensation, promotion, layoff, discharge, and union membership. Segregated working conditions should, of course, be outlawed, as should the whole array of adjuncts to discrimination; e.g., advertisements which suggest that a racial standard will be applied to applicants, attempts to discriminate, aiding and inciting discrimination, and reprisals against those who invoke the act or assist in its enforcement.

Both bills are ample in the foregoing respects. However, the House bill's statement of substantive protections is flawed by two inappropriate and constitutionally questionable provisions: Section 704(f) expressly permits employers "to refuse to hire and employ any person because of said person's atheistic practices and beliefs"; and section 704(g) provides that, notwithstanding the other provisions of the bill, it is not an unfair employment practice to take "any action" against members of the Communist Party and related organizations.

Both provisions, we believe, should be eliminated from the bill. As to the provision regarding atheists, there is grave doubt as to its constitutionality, inasmuch as it would prefer persons having religious practices and beliefs over those having atheistic practices and belief. Cf. *Torcaso* v. *Watkins,* 367 U.S. 488 (1961) (declaration of belief in God as requirement for holding public office violates freedom of belief and religion). The provision with respect to Communists as drafted would license the very kind of discrimination otherwise prohibited by the bill (for example, discrimination because of race), as long as the person discriminated against is coincidentally a Communist or member of a Communist organization. This provision is not only inappropriate in a bill designed to prevent discrimination, but is of questionable constitutional validity as well. Whatever power Congress may have to regulate the activities of persons as Communists, it is difficult to perceive any reasonable relationship with a proper legislative purpose which would justify the endorsement of racial or religious discrimination against this particular group while forbidding it against all others.[7]

Both the House and the Senate bills provide for the keeping of such records "relevant to" the determination of whether there has been denial of equal employment opportunities as the Commission or Administrator, respectively, shall prescribe. See H.R. 7152, section 709(c); S. 1937, section 4(d). While there is no indication either in the bills or in the committee reports relating thereto that these provisions were intended to authorize the making of inquiries and the keeping of records dealing with the race, color, religion, or national origin of job applicants, they might be so interpreted. In this connection, it is to be noted that many States have followed New York's lead in making it unlawful for employers and others to use employment applications, or to make any inquiry "in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination as to age, race, creed, color, or national origin or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification" (N.Y. Exec. Law sec. 296 (1)(c)). As a result of this provision and of fears about adverse inferences being drawn from their use of racial notations, employers in States with fair employment practices laws, although not in terms required to do so, have generally dropped all references to race and the like from all of their forms and records.

It is believed that the needs of investigation and enforcement do not justify requiring employers to make such inquiries or keep such records in view of the substantial risk of misuse. If such data are to be collected, the antidiscrimination agency's investigators should be the ones to undertake that task. Accordingly, we suggest the addition of a proviso making clear that these provisions do not grant power to require persons subject to the law to make such inquiries or keep such records.

Exemptions: The House bill (sec. 704 (e)(1)) provides that it shall not be an unlawful employment practice for an employer to hire persons of a particular religion, sex, or national origin "in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise." It also exempts religious organizations from coverage (sec. 703). In addition, it permits any educational institution to hire persons of a particular religion, if such institution is "in whole or in substantial part owned, supported, controlled, or managed" by a particular religion or religious association, or if its curriculum is directed toward the propagation of a particular religion (sec. 704(e)(2)). The only comparable provision in the Senate bill is to the effect that it shall not apply to "any religious organization with respect to employment practices or policies based upon religion" (sec. 14(b)). It is believed that the provision of the House bill with respect to bona fide occupational qualification, which appears to have been carefully and narrowly drawn, is a reasonable proviso which may be justified as allowing for the particular requirements of certain enterprises (e.g., certain foreign restaurants). The provisions of the two bills exempting religious organizations also seem unobjectionable. On the other hand, the provision of the House bill regarding exemptions for educational institutions appears to be too broad. To the extent that it could be construed to permit discrimination based on religion in the hiring of persons whose duties have no relationship to their religious beliefs and practices. it is undesirable. This is particularly true since the provision extends beyond wholly religious educational institutions to cover those with only partially religious control or purpose, as stated above. The provision of the House bill regarding bona fide occupational qualification may itself provide sufficient flexibility to cover those situations where religion is a valid employment consideration by reason of the religious nature or background of the employing institution.

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[5] Certain other constitutional questions relating to particular provisions of the House bill are discussed infra.

[6] Discrimination on the basis of age, outlawed by some States, is beyond the scope of this report.

[7] See *United States* v. *Schneider,* 45 F. Supp. 848 (E.D. Wis. 1942) (Federal Emergency Relief Act's denial of benefits to persons advocating Government overthrow held unconstitutional); cf. *Chicago Housing Authority* v. *Blackman,* 4 Ill. 2d 319, 122 N.E. 2d 522 (1954) and *Rudder* v. *United States,* 226 F. 2d 51 (D.C. Cir. 1955) (both, to avoid "serious constitutional questions," construed Gwinn amendment to Federal Housing Act of 1935, denying public housing to members of subversive groups, as not authorizing loyalty oaths); But see *Peters* v. *New York City Housing Authority,* 283 App. Div. 801, 128 N.Y.S. 2d 712 (2d Dep't) (Gwinn amendment justified to avoid infiltration of housing by subversives), rev'd on other grounds, 307 N.Y. 519, 121 N.E. 2d 529 (1954). Compare *Wieman* v. *Updegraff,* 344 U.S. 183 (1952) (Oklahoma non-Communist-affiliation oath for State employees held to violate Due Process Clause). See generally Note, *Unconstitutional Conditions,* 73 Harv. L. Rev. 1595 (1960); Note, 69 Harv. L. Rev. 551 (1956). As to possible violation of the constitutional rights of freedom of speech and assembly, compare *American Communications Ass'n* v. *Douds,* 339 U.S. 382 (1950) (non-Communist affidavit for union officers upheld on ground that danger of industrial strikes fomented by Communists outweighed harm of encroachment on freedom of speech), with *Lawson* v. *Housing Authority,* 270 Wis. 269, 70 N.W. 2d 605, cert. denied, 350 U.S. 882 (1955) (local loyalty oath for public housing applicants, adopted pursuant to Gwinn amendment, held unconstitutional violation of freedom of speech and assembly).

The House bill also contains an exemption excluding from the definition of employer "a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954" (sec. 702(b)(2)). While private clubs should be permitted to pursue their special interests, it is questionable whether discrimination unrelated to those interests (for example, discrimination against Negro waiters) should be exempted.

Finally, as was noted above, both bills exempt small employers and the House bill also exempts small unions. The Senate bill, which merely exempts employers of seven or less (sec. 3(f)), is believed to be preferable to the House bill's more extensive exceptions (sec. 702 (b) and (e)). Moreover, it is questionable whether there is any valid reason for delaying for 4 years the time when the House bill first reaches the smallest employers and unions within its coverage.

2. Modes of enforcement

The question of enforcement of a fair employment practices law presents a number of classical administrative law issues. Should the responsibility for formulating policy be entrusted to a single administrator or to a commission-type instrumentality? Should primary jurisdiction to adjudicate questions arising under the statute be given to an administrative tribunal or to the Federal district courts? What forms of relief should be available? Should the Government body entrusted with the responsibility for enforcement be empowered to act on its own initiative or only when it receives a charge from an aggrieved person? Should individual complainants have the right to go to court on their own or should they be limited to an administrative remedy?

The Senate bill's answers to these questions seem more likely than those of the House bill to promote effective enforcement of the antidiscrimination provisions (although not every particular feature of the Senate bill of this nature is preferred by every member of the committees). The most important difference between the two measures has to do with their adjudicative arrangements. On balance, it seems more desirable for an equal employment opportunity law to create a special administrative tribunal and to assign to it primary jurisdiction to decide questions arising under the law. Vindication of the national policy against discrimination established by the proposed legislation will be more readily achieved, it is believed, if it is placed in the hands of a special Federal board or commission rather than being left to local tribunals. Moreover, although the administration of a fair employment practices law may not require the expertise demanded of other specialized branches of the law, the decisions of a tribunal devoted exclusively to the problems of equal opportunity are likely to be better developed than those of a trial court.

Notwithstanding these considerations, H.R. 7152 assigns the adjudicative function to the Federal district courts. If the Equal Employment Opportunity Commission, the administrative agency created by the House bill, is unable to persuade a violator to comply with the law, and "if it determines there is reasonable cause to believe the respondent has engaged in, or is engaging in, an unlawful employment practice, [it] shall, within 90 days, bring a civil action to prevent the respondent from engaging in such unlawful employment practice, except that the Commission shall be relieved of any obligation to bring a civil action in any case in which the Commission has, by affirmative vote, determined that the bringing of a civil action would not serve the public interest" (sec. 707(b)). The House bill then provides that, "If the Commission has failed or declined to bring a civil action within the time required under subsection (b), the person claiming to be aggrieved may, if one member of the Commission gives permission in writing, bring a civil action to obtain relief" (sec. 707(c)).

The substitution of an administrative tribunal for the Federal district courts would not only have the advantages indicated above, but, in addition, would eliminate the need for the provisions authorizing the Commission not to sue and permitting a private action when a single Commissioner grants the requisite dispensation. The Senate bill makes that substitution. When the Administrator is unable to persuade a violator to comply with the law, he may "issue and cause to be served upon such person a complaint specifying the alleged violations together with a notice of hearing before the Equal Employment Opportunity Board" (sec. 6(c)). The Board in turn "is empowered to hear and determine complaints filed under section 6" (sec. 8(a)). In this respect it is to function in essentially the same fashion as the National Labor Relations Board. Orders of the Equal Employment Opportunity Board, like those of the NLRB, are to be reviewable in the courts of appeals. A person aggrieved by the arbitrary failure or refusal of the Administrator to initiate an investigation or file a complaint may petition the Board for review, and the Board may "in its discretion" grant or deny such petition (sec. 6(d)).

The Senate bill seems preferable in several other respects. Efficient administration is more likely to result from its delegation of administration to a single official than from the House bill's provision for a five-man commission. Vigorous administration is more likely to result from the Senate bill's broad self-starting provision than from the House bill's narrower provision on this subject. We believe that a civil rights agency should have the power to move against discriminators without waiting for victims to come to it, since experience strongly suggests that relatively few victims of discrimination actually complain to antidiscrimination agencies. The Department of Labor may investigate to determine whether the Fair Labor Standards Act has been violated, and it may bring actions to compel compliance with that act without waiting for complaints. The victims of discrimination seem just as needful of this kind of attention as the victims of subpar wages; indeed, to a distressing extent, they are the very same people.

While both bills do permit action without a prior complaint by an aggrieved person, the Senate bill is regarded as more fully responsive to these considerations. Section 6(b) provides:

"The Administrator may receive written charges by or on behalf of any individual or individuals aggrieved that such a violation is occurring or has occurred, but no charge shall be a prerequisite to his investigating any such violation which may come to his attention by any appropriate means, including inspections periodically made under his authority to assure general compliance with the provisions of section 4 and the regulations promulgated thereunder."

The House bill may be more restrictive. Section 707(a) provides that, "Whenever it is charged in writing under oath by or on behalf of a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this act has occurred (and such charge sets forth the facts upon which it is based)," the Commission is to investigate the charge. The Commission is thus empowered to move without waiting for complaints from actual victims of discrimination if the requirement of "reasonable cause" is satisfied. The Administrator of the Wage and Hour Division is not required to have reasonable cause before he may investigate to determine whether the Fair Labor Standards Act has been violated. Section 601 of the Labor-Management Reporting and Disclosure Act empowers the Secretary of Labor to conduct a full investigation "when he believes it necessary in order to determine whether any person has violated or is about to violate any provision of this act * * *." The agency enforcing the Federal fair employment practices act should have the same self-starting powers as the Wage and Hour Administrator and the Secretary of Labor.

The remedial authority conferred by H.R. 7152 may prove adequate, but S. 1937 appears superior. Under the House bill, a district court finding a respondent guilty of a violation of the act "may enjoin the respondent from engaging in such unlawful employment practice, and shall order the respondent to take such affirmative action, including reinstatement or hiring of employees, with or without backpay * * * as may be appropriate" (sec. 707(e)). The power to award interim relief is not mentioned. Remedial orders under the Senate bill "may include cease and desist orders; monetary awards in favor of persons suffering financial loss through the denial or refusal of equal employment opportunity; orders directing employment, reinstatement, or promotion of employees or applicants; disqualification from obtaining from the United States or any Federal agency or under any federally assisted program, any privilege, contract, or subcontract under such contract; or such other affirmative orders as will effectuate the purposes of this act" (sec. 8(a)). In addition, section 10 of the Senate bill expressly empowers the Administrator to apply to a Federal district court "for a restraining order, temporary injunction, or other temporary relief for the restraint of such violation pending the decision of the Board."

Finally, the choice between an exclusive administrative remedy and an individual right to go to court seems best resolved in favor of the former. Most of the new agency's work is likely to be done informally; like most other administrative agencies and litigants in general, it will doubtless conclude the overwhelming majority of its cases by settlement. Settlement negotiations cannot, however, be conducted with maximum effectiveness if the respondent doubts the agency's power to conclude matters definitively and fears the institution of a private lawsuit against him. While this is not likely to prove troublesome in many cases, the risk seems substantial enough to take into account. Individual lawsuits can also handicap the new agency in its efforts to formulate and implement a strategy of litigation. Every lawyer knows that the development of doctrine is affected by the way in which questions are put to the courts and the order in which they get there. A new agency with a new mandate should be allowed to control these factors, to the extent that it can while processing all just claims, without the disruption of privately instituted lawsuits. Once again the Senate bill seems more responsive to controlling needs. Unlike the House bill, it makes no provision for individual lawsuits and by fair implication seems to preclude them, except to the extent allowed by other laws.

Both bills give those charged with enforcing their provisions discretion to refrain in a particular instance from enforcement thereof. See H.R. 7152, section 707(b); S. 1937, section 6(b) (both quoted above). While neither bill sets forth specific standards for determining when the legislation should not be enforced, there is nothing in either bill or in the committee reports thereon which in any way sanctions or even mentions "compensatory discrimination," which has sometimes been advocated as a means of redressing the handicap resulting from the many years of discrimination against minority groups, particularly Negroes. We do not believe that the provisions in question are to be read as countenancing such preferential treatment. Indeed, such a reading would be repugnant to the central purpose of the bills which is to eliminate discrimination and assure judgment on the merits as to each individual.

3. Impact on State and local laws

Both bills take account of the fact that more than 20 States and 50 municipalities have antidiscrimination laws on the books. It might be argued that there should be Federal supersedure in the interest of uniform regulation. However, since the Federal agency's volume of work is likely to be more than it can handle for some time to come, a choice to preserve existing local arrangements is appropriate. Both bills make that choice and implement it in intelligent fashion. Since the differences in implementation are relatively minor, only the House bill's provision on the subject is reproduced here. Section 708 of that measure provides:

"(a) Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title.

"(b) Where there is a State or local agency which has effective power to eliminate and prohibit discrimination in employment in cases covered by this title, and the Commission determines the agency is effectively exercising such power, the Commission shall seek written agreements with the State or local agency under which the Commission shall refrain from bringing a civil action in any cases or class of cases referred to in such agreement. No person may bring a civil action under section 707(c) in any cases or class of cases referred to in such agreement. The Commission shall rescind any such agreement when it determines such agency no longer has such power, or is no longer effectively exercising such power."

CONCLUSION

The proposed legislation is responsive to a need which has long been apparent and which lies near the center of the current crisis in race relations: the right to seek, to find and to hold a job free from discrimination. We regard the objectives and the procedures of each of the proposed bills as well within the national power and their subject as one which is singularly appropriate for national action. While we believe that the Senate bill provides the more effective means for combating discrimination, either bill is adequate for this purpose, and, accordingly, we strongly recommended that the proposed civil rights legislation include as part of its multiple attack on the problem of racial discrimination provision for equal employment opportunities along the lines of either one of these two timely bills.

April 2, 1964.

Respectfully submitted,

Committee on Federal Legislation, Fred N. Fishman, Chairman, Sidney H. Asch, Eastman Birkett, George H. Cain, Joseph Calderon, Donald J. Cohn, Louis A. Craco, Benjamin F. Crane, Nanette Dembitz, Arthur J. Dillon, Barry H. Garfinkel, Elliott H. Goodwin, Sedgwick W. Green, H. Melville Hicks, Jr., Robert M. Kaufman, Ida Klaus, Leonard M. Leiman, George Minkin, Gerald E. Paley, Albert J. Rosenthal, Peter G. Schmidt, and Henry I. Stimson.

Committee on Labor and Social Security Legislation, William J. Isaacson, Chairman, Jerome H. Adler, Harold Baer, Jr., Aaron Benenson, Laurence G. Bodkin, Jr., Samuel J. Cohen, Daniel G. Collins, Kevin Thomas Duffy, Richard A. Givens, Alex J. Glauberman, Bernard D. Gold, Arthur Mermin, Seymour W. Miller, Francis A. O'Connell, Jr., Benjamin C. Roberts, Vernon A. Samuels, Herbert Semmel, Jacob Sheinkman, Michael I. Sovern, Stephen C. Vladeck, James J. Ward, Jr., and Harold L. Young.

NEW YORK STATE'S POLICY AND PRACTICE AGAINST RACIAL IMBALANCE IN PUBLIC SCHOOLS

Mr. JAVITS. Mr. President, from time to time, I have inserted in the Record declarations of policy by the agencies of the State of New York and the city of New York, documenting the difference between New York's active policy and practice against racial imbalance in public schools, and the active policy and practice in some Southern States of enforcing total racial segregation.

I ask unanimous consent to have printed in the Record a declaration of policy by the New York State Board of Regents.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by New York State Board of Regents Relating to Racial Imbalance in the Schools

In January 1960 the Regents adopted a statement calling upon all citizens of the State, agencies of government and civic organizations to take concrete steps "to provide the social climate which will make it possible for us to increase the effectiveness of education."

At that time we pointed out among other things that—

"The State of New York has long held the principle that equal educational opportunity for all children, without regard to differences in economic, national, religious or racial background, is a manifestation of the vitality of our American democratic society and is essential to its continuation. This fundamental educational principle has long since been written into education law and policy. Subsequent events have repeatedly given it moral reaffirmation.

"Modern psychological knowledge indicates that schools enrolling students largely of homogeneous ethnic origin, may damage the personality of minority group children. Such schools decrease their motivation and thus impair the ability to learn. Public education in such a setting is socially unrealistic, blocks the attainment of the goals of democratic education and is wasteful of manpower and talent, whether this situation occurs by law or by fact."

At our meeting in Albany today we reaffirm our earlier policy statement and strongly support Commissioner Allen's efforts to implement this policy through all reasonable means.

Mr. JAVITS. I insert this material in the Record to show that the whole climate of the establishment of government in New York State, as well as in New York City, is dedicated to the proposition, not simply that there shall be no segregation—and we have none in our public school system—but that in the State of New York all that is humanly possible will be done to bring about the best racial balance conducive to the finest education of our children.

SHAKESPEARE'S ANNIVERSARY

During the delivery of Mr. Hill's speech,

Mr. JAVITS. Mr. President, on Thursday, April 23, the world will celebrate the 400th anniversary of the birth of William Shakespeare—this most extraordinary and most unusually talented man touched with a divine gift of genius.

Shakespeare has been of such tremendous influence in the world of playwriting and of culture—in which I and many others take great interest—in a field which is occupied not only by the stage but also by the motion picture screen, radio, and television, as well as by the literary and educational impact of Shakespeare's works, that I believe even at this late date, it is well worth noting as a major event in the cultural life of the world in which we live.

I ask unanimous consent to have printed in the Record a roundup account of the celebration of Shakespeare's anniversary, written by Harry Gilroy, and published in the New York Times of April 20, 1964, which covers the implications of Shakespeare's life and works.

There being no objection, the article was ordered to be printed in the Record, as follows:

Shakespeare's 400th Anniversary Will Have Its Formal Celebration on Thursday

(By Harry Gilroy)

William Shakespeare's 400th anniversary, which will be marked formally on Thursday, is being observed all year on the stage and screen and in broadcasts and lectures that girdle the globe.

In a year when Shakespeare's plays and poems have been translated into some 75 languages, more than any other Western work except the Bible, his plays will be performed on all continents. The year's schedule of Shakespeare plays and festivals in 48 U.S. cities is paralleled by 67 productions on Soviet stages.

The focal event of the tributes will be in Stratford-on-Avon, Shakespeare's birthplace, on Thursday. April 23 is celebrated as his birthday although only the date of his christening, April 26, is documented. A new Shakespeare Center will be dedicated, and a luncheon well be held with Prince Philip as chief guest. Then the Royal Shakespeare Company will give "Henry IV," Part 1, at 3 p.m. in an afternoon performance as it was given in open Elizabethan theaters.

It was Stratford from which the auburn-haired, hazel-eyed son of a town official and glovemaker slightly older than 21 and having a wife and three children, set out for London. As player, dramatist, and shareholder in theater companies there, he earned enough to buy a fine, century-old house in Stratford and to return there at 46 to enjoy retirement.

THOSE OTHER CENTENNIALS

In his 400th anniversary year, the work of those 25 years in London has caught the imagination of humanity, but a glance over earlier centennials discloses that his reputation spread slowly. In 1664, his only real shrines were two London theaters. By 1764 he had been played in America and was winning attention in Germany. For that bicentennial, David Garrick, the actor, created a jubilee at Stratford. By 1864, bardolatry, which had been largely generated by Garrick, was in full swing, and Shakespeare had gained renown in Europe, the United States, and in the British Empire. In the century since, however, all the world has become his stage.

At the time of the centennial, Shakespeare, although acclaimed, was not idolized. His personal memory did live on with Elizabeth Hall, his granddaughter, by then married to Sir John Bernard. However, when she died in 1670 the line of his descendants ended.

His work, too, seemed not too safe from extinction. His plays could be read only in the scarce quartos, parts of which were inaccurate, and in increasingly erroneous folio editions. A second printing of the third folio in 1664 ascribed to Shakespeare half a dozen plays he never wrote.

Unsatisfactory as these printed copies of Shakespeare's work were, they helped preserve his fame. The young John Milton, writing in 1630 after reading Shakespeare, stated in a poem that Shakespeare had built a live-long monument and concluded that "Kings for such a tomb would wish to die." The poem was included anonymously in the second folio in 1632.

COMMONWEALTH STAGE BLACKOUT

The great danger to Shakespeare's reputation came under the Commonwealth, from 1642 to 1660, when plays were not being performed and the theaters were closed. However, 4 years before the centennial of Shakespeare's birth, when the Stuart Dynasty was restored to the British throne, Charles II granted patents for the playing of Shakespeare's dramas to two troupes, the King's and the Duke's companies.

The Duke's company, playing at Lincoln's Inn Fields, served Shakespeare well. Sir William D'Avenant, organizer of the company and playwright, claimed to be a godson of Shakespeare and was later called by legend an illegitimate son. He coached his famous young actor, Thomas Betterton, 29 years old in 1664, in the style taught him by an actor who had performed with Shakespeare.

Samuel Pepys in his diary praised Betterton's "Hamlet" as beyond imagination.

In 1664, the 3-year-old John Dryden was absorbing the riches of dramatic poetry, which inspired him to his first writing on Shakespeare's work 4 years later. Dryden proclaimed that Shakespeare had the most comprehensive soul of all dramatists. Yet Dryden suggested that Shakespeare lacked classical perfection. He wrote adaptations of "The Tempest" and "Troilus and Cressida," which were played for some decades but eventually yielded to the originals.

PUBLICATION INCREASED

In the century between 1664 and 1764, Shakespeare's fame achieved a slow but important growth because of the publication of five multivolume editions of his works.

Samuel Johnson was at work on another edition in the bicentennial year, and it was published in 1765. In a preface, he indicated a persistent danger the playwright faced from each new editor. "The allurements of emendation," Johnson observed, "are scarcely resistible."

The same danger hung over the playing of Shakespeare. David Garrick popularized Shakespeare for three decades after 1741, when he had his first great acting success as Richard III. By 1747, he was a partner in management of the Drury Lane Theater, where he produced 24 Shakespearean plays and acted many of the great roles. Yet he thought nothing of cutting scenes and adding fat speeches for himself.

In 1764, Stratford was suffering from the recent loss of part of the Shakespeare heritage. New Place, the house built in 1490, which was bought by Shakespeare in 1597 and where he retired in 1610, had been torn down. Near it was a mulberry tree, planted, according to tradition, by Shakespeare.

It had become a custom for Shakespeare enthusiasts to visit the house, as Garrick did 20 years before the bicentennial. But then the Reverend Francis Gastrell bought New Place around 1756 and soon, becoming annoyed at the visitors, he chopped down the mulberry tree.

BATTLE OF STRATFORD

In reprisal, the windows of New Place were broken. Later, Mr. Gastrell, annoyed with Stratford about a tax assessment for poor relief, razed the house in 1759 and left town. The only salvage was the wood of the mulberry tree, purchased by a clockmaker named Thomas Sharp. It was the foundation of an industry in wooden mementos.

Not in 1764, but 5 years later, Stratford saw a real bicentennial celebration for Shakespeare, the jubilee arranged by Garrick. It began with a thunderous cannonade on September 6 and continued for 3 days mostly in soaking rain that eventually caused the Avon to flood half the town. Garrick, steward of the jubilee, with a wand of the mulberry tree as emblem of office, recited an ode.

Outside England, in the years around Shakespeare's 200th anniversary, his fame spread but not unchecked. He came to be known in America when "Richard III" was performed here in 1750. In Germany, the poet Christoph Wieland translated 22 of the plays. They were published in eight volumes between 1762 and 1766.

In France, Shakespeare was thought to have little standing beside the 17th century masters of classical style, Corneille and Racine. Voltaire had been exposed to Shakespeare while an exile in England in 1726, but he wrote thereafter that for all the power and fecundity, Shakespeare simply did not understand the necessity of observing the unities of time, place, and action.

Some British critics used similar arguments for denigrating Shakespeare. But Dr. Johnson gave the first effective defense of Shakespeare's plays against these critics and Voltaire by writing, in the preface to his 1765 edition, that the classic unities "have given more trouble to the poet than pleasure to the auditor."

Samuel Taylor Coleridge, writing and lecturing in the early 19th century, observed that Shakespeare had known what he was doing and that the form of his plays grew from their substance. He also called attention to something most 18th century critics had not dwelled on—that Shakespeare was a great poet. William Wordsworth and William Hazlitt added to the insights.

Scholars also came to Shakespeare's aid between the 200th and 300th anniversary celebrations. Edward Capell, George Steevens and Edmond Malone, attributing errors to the four folio editions and the six other collected editions including Dr. Johnson's, went back to collating the quartos and reading all pertinent documents for their editions.

In the United States, Ralph Waldo Emerson, Edgar Allan Poe and James Russell Lowell wrote knowingly of Shakespeare. Edwin Forrest played the great Shakespearean roles, beginning with Othello here in 1826. Junius Brutus Booth toured settlements and mining camps, with Richard III, as his favorite part, and his son, Edwin, was starring as Hamlet at the Winter Garden here by 1864.

THE GERMAN ADOPTION

In Germany, beginning with Gotthold Lessing, the great writers of the late 18th and early 19th centuries, including Goethe, became Shakespeare enthusiasts. Between the 200th and 300th anniversaries, 10 editions of the works were published, including A. W. Schlegel's verse translation which began to appear in 1797.

In France, Pierre Letourneur's 20-volume translation was published from 1776 to 1782. Victor Hugo and Hippolyte Taine heaped praise on Shakespeare, and Hugo produced an 18-volume edition of the plays from 1859 to 1866.

The Scandinavian countries developed interest in Shakespeare in the same period. "Hamlet," naturally, was the first performed in Denmark, in 1813. The plays were translated into Swedish in a 12-volume edition by C. A. Hagberg, published from 1847 to 1851.

The Russians came to know Shakespeare through German and French translations also at this time. Some of the plays were translated into Russian early in the 19th century. As the 300th anniversary approached, 11 authors started work on all the plays, and a complete edition was published in 1865. A Czech translation began to appear in 1856.

By 1864, millions of people thought that Shakespeare's 300th birthday anniversary called for celebration. Stratford staged the principal ceremonies, which, lacking a Garrick, were not so spectacular as the jubilee of 1769. But festivities lasted a week. "Twelfth Night" was performed, and there were readings from the other plays and from the poems.

SHAKESPEARE GESELLSCHAFT

Of all the observances of the 300th anniversary, those during the entire year in Germany were the most intense and ended by the founding, in 1865, of the Shakespeare Gesellschaft—Shakespeare society. It has issued every year since, except for a brief period at the end of World War II, a yearbook crammed with studies. Since the society was founded in Weimar, now in East Germany, Shakespeare has become the subject of a tug-of-war in ideological interpretation in Germany.

In the last century, Shakespeare's works were published and played even more than before. Even Italy, which lagged behind France in interest in Shakespeare, became appreciative after Giuseppe Verdi made an opera of "Othello" in 1887, "Falstaff" in 1893, "The Merry Wives of Windsor" and "Henry IV." In 1847, he had written a "Macbeth" without so much effect on his audience.

In the United States, an event of 1887 testified to Shakespeare's hold on the popular mind. George W. Childs, publisher of the Public Ledger of Philadelphia, presented a drinking fountain to Stratford-on-Avon. An editorial in the New York Times about the gift observed:

"It is doubtful if, even in England, there is such a universal reading and understanding of the works of Shakespeare among the masses of the people as in this country."

SHAKESPEARE AT COLLEGE

However, the academic world showed less interest in Shakespeare than those masses of readers. Henry W. Simon, writing in the New York University publication "Pleasures of Learning" last month finds that the first mention of Shakespeare in a U.S. college catalog was for a course in philology at Lafayette College in 1858. Yale College taught Shakespeare in 1879, and New York University in 1885. Shakespeare was considered, says Dr. Simon, not very nice.

However, having begun to study Shakespeare, the U.S. academic world made his work an essential element of liberal arts education. The preparation of scholarly works about the playwright and his works became a major industry. The interest in Shakespeare, spreading through society, was reflected in the gifts of John D. Rockefeller and others for rebuilding the Memorial Theater at Stratford-on-Avon in 1932.

In that year, Henry Clay Folger gave the U.S. people the finest memorial Shakespeare has in this country, the white marble building of the Folger Shakespeare Library in Washington. It houses a theater in Elizabethan style, a treasure of quartos and first folios, Queen Elizabeth's corset and a wand from that remarkable Stratford mulberry tree. Outside, a lovely statue of Puck by Brenda Putnam bears the motto "Lord what fooles these mortals be."

This year, the U.S. Government takes official notice of the Shakespeare anniversary with a national committee for the celebrations, appointed by President Kennedy and continued by President Johnson. Eugene Black, former head of the World Bank and president of the American Shakespeare Festival Theater at Stratford, Conn., is chairman. The Ford Foundation has provided the committee with a $250,000 grant.

HELP FOR NEGRO BUSINESSMEN

During the delivery of Mr. Hill's speech,

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Alabama yield?

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from New Jersey with the understanding that I will not lose my right to the floor, and with the further understanding that his remarks will appear at the conclusion of my speech.

Mr. HUMPHREY. Mr. President, reserving the right to object, may I ask the Senator from New Jersey how long he intends to occupy the floor under the unanimous-consent request?

Mr. WILLIAMS of New Jersey. Moments.

Mr. HUMPHREY. Only briefly?

Mr. WILLIAMS of New Jersey. Very briefly.

Mr. HUMPHREY. Mr. President, I reserved the right to object only to note that the development of last week, when the able Senator from Mississippi [Mr. Stennis] held the floor for several hours but yielded to other Senators, is a situation that I do not want to see develop again. If there are to be any long statements under unanimous-consent requests, I shall feel impelled to object. However, if the Senator from New Jersey desires to make only a brief statement, I shall surely not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. I appreciate the cooperation of the Senator from Alabama and the Senator from Minnesota.

Mr. President, we in New Jersey have already seen new business enterprises stimulated and existing ones expanded through loan assistance from the Small Business Administration. Title IV of the proposed economic opportunity bill, the spearhead of the "war on poverty," authorizes the Small Business Administration to make loans—on more liberal terms than heretofore possible—to proprietors of very small business concerns. These loans may prove of crucial importance to innumerable small enterprises whose ability to survive and grow may in turn prove critical for countless impoverished neighborhoods.

It should be noted that the incidence of poverty among Negro citizens is twice that among the population at large. Any measure seeking to strike at the roots of poverty will, therefore, have a special significance for the American Negro. This is particularly true of title IV of the economic opportunity bill, of which I am proud to be a cosponsor.

This important aspect of the bill is brought out by an interview with Eugene Foley, Administrator of the Small Business Administration, and contained in an article published in the Washington Daily News of April 9. I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

More Rights, Less Business—SBA Loans Seen Aiding Negro Businessmen To Grow

(By Marshall McNeil)

Congress has been told that the small loan provisions of the war-on-poverty bill are designed, among other things, to help Negro businessmen whose plight probably will worsen as they win more civil rights.

Under the bill, Sargent Shriver, as director of the war on poverty, can use the Small Business Administration and its revolving fund to make or guarantee loans of up to $15,000, for not more than 15 years, and at minimum interest rates of 3⅝ to 4 percent, to small business concerns or to persons seeking to set up such concerns.

SBA Administrator Eugene Foley said:

"It promises to furnish persons at the lower levels of the commercial structure, particularly Negroes and members of other minority groups, with increased opportunities to obtain employment and, in the case of those who have the necessary aptitudes, to develop their potentials as businessmen."

RETAIL

The businesses he and Mr. Shriver are considering, he said, are mostly retail and service enterprises employing three or fewer persons. In this category he listed luncheonettes, filling stations, drugstores, barbershops, delicatessens, beauty parlors, shoe repair shops, furniture movers, cleaners, and tailors.

Mr. Foley argued that the inability of such firms to obtain credit required for growth has aggravated poverty conditions in "countless neighborhoods."

Just how easy it would be to get such loans was explained by Mr. Foley this way:

"For the protection of the Government's interest, the director will take whatever collateral is reasonably available and in every case a lien will be secured on inventory, equipment, or other property purchased with the proceeds of a loan.

"But no applicant who is otherwise qualified will be turned away merely because he has no suitable assets on hand to pledge as collateral.

"He will be considered satisfactory from the risk standpoint if there is reasonable assurance of repayment based on such considerations as his character, his management abilities, his earnings, and credit record, the response he has shown in the past to financial obligations, and his prospects for success."

WON'T HESITATE

Mr. Shriver, Mr. Foley said, "will not hesitate" to depart from the SBA practice of requiring a borrower to put up about half the necessary money.

A lesser stake will be considered adequate especially when the business involved "holds promise of a livelihood for a number of persons in an impoverished area."

The director, Mr. Foley also explained, will also have discretion to require that a borrower improve his management skills by attending a management training school.

Negro businessmen have problems all their own, Mr. Foley said. Once they had little to fear from white competition. But what he called "this advantage" began to disappear when large concerns, "prompted by the increase in Negro purchasing power," moved into the market.

"Today," he said, "many Negro businessmen are undergoing competitive pressures which are beyond their previous experience. The casualty rate may be high unless these firms are assisted in their efforts to adjust. The new loan program is an essential instrument for the purpose."

THE EFFECT

The effect of the advance of civil rights on Negro businessmen, Mr. Foley described this way:

"In the not-too-distant future the average Negro small businessman will face an even greater obstacle. His enterprise grew out of the segregation pattern and, in its present form, is almost entirely dependent upon it.

"Gradually, as the pattern disappears, he must cut racial ties and move into the mainstream of commerce. With encouragement and assistance, such as that contemplated in the (war-on-poverty) bill, many Negro businessmen can make a successful transition in the years ahead."

RATIO OF EMPLOYEES OF DEPARTMENT OF AGRICULTURE TO NUMBER OF FARMS IN UNITED STATES

During the delivery of Mr. Hill's speech,

Mr. BURDICK. Mr. President, will the Senator from Alabama yield?

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from North Dakota with the understanding that I shall not lose my right to the floor, and with the further understanding that his remarks will appear at the conclusion of my speech.

Mr. HUMPHREY. Mr. President, reserving the right to object, may I ask the Senator from North Dakota if he has a prolonged statement?

Mr. BURDICK. A short statement; only a minute or so.

Mr. HUMPHREY. I thank the Senator.

Mr. BURDICK. Mr. President, a cartoon depicting one Agriculture Department employee for every 30 farms in the United States recently caught my eye.

I felt certain the cartoon was a serious distortion. A little research confirmed my suspicion that it does not give a true picture.

Mr. President, a ratio of this kind is meaningless, since the major work of the Department of Agriculture is done for the benefit of consumers and the general public, not for farmers.

In fact, a strong case can be made that the Department of Agriculture provides more services to more people than any other agency of the Government, any industry or any other organization.

All Americans have a stake in the activities of the Forest Service, which contains nearly 25 percent of the 80,026 full-time employees in the Agriculture Department as of January 31, 1964. These 19,800 Forest Service employees administer and protect more than 180 million acres in 155 national forests, which were visited for recreation by 125 million persons last year. From these forests, 10 billion board feet of timber were harvested last year.

The health of all our citizens is protected by the work of the Agricultural Research Service, which contains nearly 22 percent of the Department's employees. These 17,415 employees include those who inspect more than 26 billion pounds of meat or meat products each year. Scientists in the Agricultural Research Service have developed a way to remove radioactive contamination from milk. They have found the techniques for making the production of penicillin and other antibiotics commercially feasible. They make continuing studies in human nutrition and develop new, convenient, and improved methods of processing food.

The $100 billion a year business of transporting, processing, and marketing agricultural products which employs 10 million nonfarmers is assisted by the Agricultural Marketing Service, which contains nearly 11 percent of the Agriculture Department employees, 8,677.

The consumer is protected by many regulatory laws administered by the Agricultural Marketing Service, including the establishment of quality standards for agricultural products and the grading and inspection of poultry to see that it is wholesome and that packages are truthfully labeled. More than 8 billion pounds of live poultry a year are examined by 1,800 poultry inspectors, who condemn 200 million pounds.

Needy families and schoolchildren benefit from the food distribution and school lunch programs also administered by the Agricultural Marketing Service. More than 1.9 million pounds of food, valued at $354 million, were distributed in 1963 in all 50 States, the District of Columbia, and the territories. Receiving it were 26 million schoolchildren, 7 million people in needy families, and 1.4 million in institutions. The national school lunch program, a cooperative effort with State agencies, results in noon meals for 16 million children in 64,000 schools. A special milk program, in addition, serves more than 90,000 schools. The pilot food stamp plan, still another program administered by the Agricultural Marketing Service, improves the diets of 350,000 people in low-income families in 22 States.

The national interest is served by expanding exports—a function performed by the Foreign Agricultural Service. In this connection, it should be noted that one-fourth of all our exports are of agricultural products. The Foreign Agricultural Service also assists the food-for-peace program, an important factor in our foreign policy.

Urban areas as well as rural areas will benefit from the work and the Soil Conservation Service, which has nearly 15,000 full-time employees. This Service has developed soil and water conservation plans for 1.7 billion acres of land to preserve our most basic resource for future generations.

The list of Agriculture Department functions for consumers and the public is a long one indeed—Elimination of impure and harmful foods, standardization of weights and measures, improving labeling, preventing fraud and deception, and promoting fair competition.

The list includes helping the consumer by making possible better foods at lower costs, better nutrition, better housing, clothing fabrics and fibers, better plants and gardens.

The Agriculture Department provides recreational facilities, protects the public through pest control, supplies food to disaster areas, and helps by planning for emergencies and defense.

I should like to emphasize that the one agency in the Agriculture Department which serves farmers almost exclusively contains only 8 percent of the employees. It is the Agricultural Stabilization and Conservation Service which administers the price support and production control programs.

The cartoonist who calculated one Agriculture Department employee for every 30 farms should properly have divided the estimated number of 3,481,000 farms in the United States in 1964 by 6,463, the number of Agricultural Stabilization and Conservation Service employees. He would have come up with a ratio of 1 employee to every 539 farms. That ratio would have been meaningful.

Employment in the Agriculture Department from 1962 to 1964 increased less than any of the eight major departments of Government—5.7 percent, compared to an overall 11.1 percent rise in Federal civilian employment. For 1965, budget estimates call for a decrease of 1,426 jobs in the Agriculture Department, a 19-percent greater decrease than for the whole Government.

Mr. President, these facts puncture the impression given by critics that swarms of bureaucrats in the Agriculture Department are at the service of the Nation's farmers.

MAJ. GEN. MELVIN J. MAAS—THE LOSS OF A GOOD MAN

During the delivery of Mr. Hill's speech,

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to the Senator from Alaska with the understanding that I do not lose my right to the floor, and with the further understanding that his remarks will appear in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Nelson in the chair). Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, our Nation has lost a man of dedication, courage, and ability—Maj. Gen. Melvin J. Maas. The general had a long career of public service, in the Congress, in the Marine Corps, and as Chairman of the President's Committee on Employment of the Handicapped. Blind himself, he worked with energy and determination to convince the employers of America that hiring the handicapped is good business. That this is now generally recognized is itself a tribute to General Maas.

I ask unanimous consent that an editorial from the Washington Post, of April 15, may be made a part of the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 15, 1964]

MAJ. GEN. MELVIN J. MAAS

Maj. Gen. Melvin J. Maas, who died Monday, was a brave man. He was brave enough, as a politician, to start his career by denouncing prohibition when it still was popular. He was brave enough, as a Member of the House, to take up many another unpopular cause. His most spectacular act of bravery, of course, occurred in the House when a deranged spectator in the gallery waved a loaded revolver. The Congressman calmly asked him to surrender the weapon and he did so. He was brave enough as a Marine officer to carry on hazardous duties in the Pacific theater during World War II.

But his bravest acts followed the disaster of total blindness which struck him down more than 10 years ago. General Maas cheerfully undertook the training necessary to permit a continued active career. Then he became Chairman of the President's Committee on Employment of the Handicapped and conducted a crusade for jobs for the handicapped. His own strenuous endeavors were the best possible demonstrations of how useful blind and otherwise handicapped persons could be.

He had a distinguished career in Congress, in the Marine Corps and in the work with which he was occupied for the last decade. He faced dangers and misfortunes in many fields with great gallantry. He was a brave man.

ALASKA APPRECIATES GENEROSITY OF AMERICANS

During the delivery of Mr. Hill's speech,

Mr. BARTLETT. Mr. President, everyone knows how quickly the Congress responded to the President's call for $50 million for emergency relief in Alaska. Within 2 hours of the Presidential request the Congress appropriated the money, and for this Alaskans are grateful.

We are grateful, too, for the many expressions from both the Congress and the administration, pledging the help and the assistance which the people in the economy of Alaska will need to recover from the staggering series of disasters which have hit the State—earthquake, seismic waves, high tides, and flooding.

What is not so well known is the extent of the assistance and support which Alaska is receiving from sources other than the Government. Private donations have been generous. Citizens across the United States are continuing to donate money for relief, and for this Alaskans are also grateful.

So far, Mr. President, my own office has received $14,947 in contributions.

I ask unanimous consent, Mr. President, that the names and addresses of those who have sent this money be printed at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. **BARTLETT.** I also ask unanimous consent that a table from the American Red Cross, dated April 17, may also be made a part of the Record at the conclusion of my remarks. The Red Cross reports that so far it has received $169,793.13.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 2.)

Mr. **BARTLETT.** This morning's Washington Post, Mr. President, carries a column on Alaska relief, written by Bill Gold. As all Senators know, Mr. Gold's column is read at every breakfast table in Washington. Mr. Gold reports that he has been contacted by many Washingtonians asking how they can help in Alaska's hour of need. He suggests a way, and it is a good one.

The Fairbanks Daily News-Miner, published by C. W. (Bill) Snedden, has printed a remarkable earthquake disaster edition. It is filled with detailed stories and many pictures in color and in black and white which present an accurate account of the Good Friday disaster.

This edition is being sold for $1 a copy. All profits will be turned over to the earthquake relief agencies and there will be no deductions for administrative or handling charges.

Mr. President, I ask unanimous consent that Mr. Gold's column may be made a part of the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Earthquake Victims Need Our Help

(By Bill Gold)

The editors of this newspaper probably think that following their instructions is what keeps me busy all day. The truth is that it's you readers who run me bowlegged 6 days a week. For example, you decided a long time ago to make this column a clearinghouse for our town's concern over the built-in deficit at Children's Hospital. You didn't ask me, you told me.

Similarly, a disaster of the kind that struck Alaska recently brings many demands of: "Find out how we can help. Tell us what we can do."

I was pondering this assignment from readers last week when Mike Flynn, of Pan American World Airways, came along with a suggestion that struck me as just right for "District Liners."

Mike brought me a copy of the earthquake disaster edition of the Fairbanks Daily News-Miner. I found it to be a remarkably good record of the disaster, filled with sharp reporting and spectacular pictures, some of them in vivid color.

From the editorial page of this edition I learned that Publisher C. W. (Bill) Snedden is offering to send copies of this earthquake disaster edition to anybody who sends him $1 per copy—with all profits to be turned over to earthquake relief agencies. There will be no administrative or handling charges.

Those who would like to contribute to the aid of disaster victims can address their checks and mailing instructions to the Fairbanks Daily News-Miner, Post Office Box 710, Fairbanks, Alaska.

If you have friends who would appreciate having a copy of this historic, on-the-spot record of what happened, why not take them into account when you're making out your check?

Type or print your name and address legibly. If you order copies for your friends, they will be sent directly to the places you specify. So it might be a good idea to leave some space between each order on your list.

The newspaper's mail clerks might appreciate your giving them legibly written names and addresses so spaced that they can be snipped apart and, with a dab of paste on the back, used as mailing labels.

Perhaps the most remarkable thing about the earthquake disaster edition is the first sentence of the top story on its front page.

"Nature has been good to Alaska," it says.

Nature has also been fickle, the article goes on to say. But the positive note sounded by that first sentence makes it clear that our fellow Americans in Alaska mean to rebuild their homes and their cities on a foundation of unshakeable optimism.

Right at this moment, they could use a helping hand.

Exhibit 1

Contributions to Date Through Senator Bartlett, April 20, 1964

Mr. and Mrs. Lawrence Porterfield, New Orleans, La.

Naylor Gardens Women's Club, Washington, D.C.

Seafarers International Union, Brooklyn, N.Y.

Douglas D. Stone, Stone, Marraccini & Patterson, San Francisco, Calif.

Shipbuilders Council of America, Washington, D.C.

Rear Adm. and Mrs. Parke H. Brady, Washington, D.C.

AFL–CIO Maritime Committee, Washington, D.C.

William L. Bull, Washington, D.C.

Miss Margaret Schuddakopf, Myrtle Point, Oreg.

Cyril Clemens, editor, Mark Twain Journal, Kirkwood, Mo.

R. N. Whitman, general manager, Great Northern Railway Co., Duluth, Minn.

The following members of Committee of American Steamship Lines:

United States Lines.
Delta Steamship Lines, Inc.
American Export and Isbrandtsen Lines.
Bloomfield Steamship Co.
Pacific Far East Line, Inc.
Prudential Lines.
American Mail Line.
Farrell Lines, Inc.
Grace Line, Inc.
States Line-States Steamship Co.
Gulf and South American Steamship Co.
Lykes Bros. Steamship Co.
Oceanic Steamship-Matson Lines.
Moore-McCormack Lines.
American President Lines.

Exhibit 2

Receipts by the American National Red Cross, National Headquarters, Washington, D.C., April 17, 1964

National headquarters, Washington, D.C	$53, 690. 45
Eastern area, Alexandria, Va	20, 394. 00
Southeastern area, Atlanta, Ga	5, 244. 68
Midwestern area, St. Louis, Mo	9, 207. 00
Western area, San Francisco, Calif	81, 257. 00
Total	169, 793. 13

PRESIDENT KENNEDY'S CONSERVATION TOUR IN 1963—TRIBUTE BY WYOMING HIGH SCHOOL GIRL

During the delivery of Senator Hill's speech,

Mr. **McGEE.** Mr. President, one of President Kennedy's last great personal triumphs was the conservation tour he made of several Western States in the early fall of 1963. One of the most moving tributes to his magnetism and the warmth of his personality was written by a young girl, a high school senior from Rawlins, Wyo. This girl, Sharon Coates, was present when the President spoke at the fieldhouse on the University of Wyoming campus at Laramie.

Mr. President, speaking as one who will always treasure the memory of that day, I believe this short story captures the essence of that appearance better than many more lengthy accounts of the occasion. The story was published in the October 29, 1963, issue of the "Outlaw Corral," the student newspaper for Rawlins High School. I ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

How the West Was Won by President Kennedy

(By Sharon Coates)

Wyoming is the land where the people still believe in heroes, and proved it the day President Kennedy was so enthusiastically greeted by more than one-tenth of the population of the State. Larger audiences have turned out to greet the President but seldom, if ever, has so great a percentage of the citizens of a State seen and heard him in 1 short day. Seldom, indeed, has so great a percentage traveled so far to do so.

On the morning of September 25, 1963, there was an air of hushed excitement on the campus of the University of Wyoming. The weather was extraordinarily wonderful. Wyoming's famous blue skies were the bluest ever. The golden autumn sun gilded the university campus. The wind even held its breath and emitted soft, balmy gusts of breeze having that grand cool undertone that makes fall the very best time of year.

University classes were dismissed at 10 a.m. and shortly after that, small groups of three or four persons sauntered quietly and orderly to the fieldhouse. (One became a bit anxious lest the audience may be embarrassingly small.)

To a capacity crowd for the first time since the erection of the fieldhouse, the University of Wyoming band played several well-chosen selections. One of the selections from "The King and I" drew a sheepish laugh from a few people in the audience. In spite of the fact that many had been waiting in their seats from 1 to 2 hours, all had a "Night Before Christmas" aura about them. The man in front of us, who sported a 1960 Kennedy button, scanned the audience with that satisfied look that mothers wear when all the children are accounted for and all are well turned out.

Noon—The Seal of the President is placed on the rostrum.

Suddenly the band boomed out with "Cowboy Joe," the crowd jumped to its feet in unison and clapped loudly in time to the university's song.

Announcement: "Standing room only, the concession stands are closed, all must remain seated."

12:25 announcement: "President Kennedy has landed at the airport."

12:40 to the strains of "Hail to the Chief" from the band and wild cheering and applause from over 13,000 people, President Kennedy stepped into the fieldhouse. For one fleeting moment an expression of shyness darted across his face. Quickly he glanced sweepingly over the fieldhouse, then he smiled broadly; 13,000 smiles returned his.

The President looked ruddy-cheeked and freshly scrubbed. His hair was lighter and his jaw squarer than one had expected. Of all the personages present, his teeth were the whitest, his shirt was the whitest, his suit the most lintlessly dark. One thought it fitting, right, and proper that all leaders should attain qualities that can be described only in the superlative.

He talked about natural resources, and their development. He made soda ash sound like a skin disease. He stumbled on the pronunciation of electrometallurgy. He reminded us that "knowledge is power." He spoke of how refreshing it is to see the natural beauty of the West after long exposure to an "artificial city" like Washington. He said we were a vigorous people. And then there was a standing ovation and—he was gone.

The crowd strode out "vigorously," as "vigorous" people should. There were murmurs of "soderash," "wonderful day," "the Tetons, wait till he sees them," and "soderash," "soderash," "soderash."

PAYMENT FOR FLOWAGE EASEMENT AND RIGHTS-OF-WAY OVER LANDS WITHIN ALLEGANY INDIAN RESERVATION, N.Y.

During the delivery of Mr. HILL's speech,

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. HILL. I ask unanimous consent that I may yield to the Senator from Idaho with the understanding that I do not lose my right to the floor, and that his remarks will appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on H.R. 1794, a bill to authorize payment for certain interests in lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River—Kinzua Dam—project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 1794) to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands with the Allegany Indian Reservation in New York, required by the United States for the Allegheny River—Kinzua Dam—project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHURCH. I move that the Senate insist upon its amendments, agree to the request of the House for a conference and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CHURCH, Mr. ANDERSON, Mr. MCGOVERN, Mr. SIMPSON, and Mr. DOMINICK conferees on the part of the Senate.

RETIREMENT OF U.S. DISTRICT JUDGE CHASE A. CLARK

Mr. CHURCH. Mr. President, I may be the only member of Idaho's Third District Bar Association who has never tried a lawsuit before U.S. District Judge Chase A. Clark, now retiring after 21 years of distinguished service on the Federal bench. This may be explained by the fact that the judge became my father-in-law before I became a lawyer.

Judge Clark is the oldest chief judge in the Government's judicial service. He looks back upon more than 80 lively years. Beloved and respected, the judge retires to an outpouring of tributes and laudatory articles in Idaho newspapers, which trace his long and productive life of public service.

Mr. President, I have collected a sampling of these articles and editorials, and I ask unanimous consent that they may be inserted here in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Coeur d'Alene (Idaho) Press, Mar. 6, 1964]

OUR BEST WISHES

COEUR D'ALENE, IDAHO,
March 6, 1964.

Hon. CHASE A. CLARK,
U.S. District Court,
Boise, Idaho.

DEAR SIR: The announcement of Tuesday telling of your retirement plans was greeted here with mixed emotions.

We all agree that, after more than 20 years on the Federal bench and many years before that in public service, you have every right to retire.

But, we can't suppress our feeling of regret that you no longer will be the anchorman in Idaho's U.S. district court division. And, forgive us if we appear selfish, but we also regret that we cannot look forward to your frequent visits here.

Those of us who have come to know you through Federal court also have come to honor and respect you for many reasons. We have seen you in moments of compassion for those appearing before you for judgment, we have seen you aroused and indignant on occasions, and always, at naturalization hearings, you have made us, as well as the new citizens, proud to be Americans.

As reporters, also we are grateful for your kindness, understanding, and help when the intricacies of law have been too much for us to understand.

We know that since your retirement plans were announced you have been deluged with expressions of high esteem and good wishes.

To these, we wish to add ours, as well as our thanks for being our friend as well as jurist.

Be assured that you and Mrs. Clark, who, we are sure, concurs in your latest decision, have our good wishes always.

Yours very truly,
THE COEUR D'ALENE PRESS,
Frances Cope, News Editor, and Staff.

[From the North Idaho Press, Mar. 6, 1964]

(By Richard Charnock)

BOISE.—To many men, the highlight in a lifetime of public service might be winning the Governor's chair or an appointment to the U.S. district court.

But not to retiring Federal Judge Chase Addison Clark, of Boise. Looking back on a half-century of service as legislator, Judge Clark said that possibly "the most exciting position was mayor of Idaho Falls."

"I just felt like I owned the city," the 80-year-old jurist said today in an interview. "I was in office as mayor during a very depressed time in our history and my responsibilities were great.

"Hard times always make it more difficult for a man in a public position. But I was able to obtain some very fine projects * * * and they seemed like my own projects.

"We were building parks, a golf course, a Salvation Army building, powerplants * * * in fact, everything you could pretty near think of to push the city along."

Until Judge Clark announced this week he would retire soon after 21 years on the bench, many Idahoans may have forgotten some of the other services he had rendered the State. And many perhaps never knew that he had.

Born in Indiana, Clark came to Idaho with his family at the age of 1. He attended schools in Idaho Falls and Terre Haute, Ind.

Around the turn of the century he worked as a $15 a month clerk in an Idaho Falls store. Later he became dry goods manager of a retail store in Mackay. The latter position very nearly became a career for him.

His brother was a lawyer and while Clark had enrolled in a correspondence course in the law and studied in his brother's office he was tempted to become a merchant.

"I was then head clerk in the dry goods department at the Lost River Commercial Co., at Mackay," he said. "I was making $75 a month—and that was a lot of money then.

"When he heard I wanted to quit and go to college, the manager offered to raise my wages to $150 per month. My family thought I couldn't afford to leave that good a job. But my father told me to do what I thought was right. So I took the examinations and entered the University of Michigan."

He said he never has had cause to regret it.

Clark returned to Idaho and was admitted to law practice in 1904. He was practicing at Mackay when he was nominated by the Democratic convention to run for the legislature. He served 4 terms.

Later he was elected mayor of Idaho Falls and was in that post when a group of men called him from Boise in 1940 and asked him to run for Governor.

"When they first called me I had a good law practice. To leave it and come down here at $5,000 a year as Governor looked kind of foolish to me, but I've never regretted it."

Clark, beaten in a try for a second term by Republican C. A. Bottolfsen, was on business in Washington, D.C., when a reporter showed him a dispatch from Idaho saying then Federal Judge Charles C. Cavanah was retiring. This was moments before Clark was admitted to see President Franklin D. Roosevelt in the White House.

After concluding his business with the President, Clark said:

"Mr. President, there's going to be a vacancy on the Federal bench in Idaho. Why don't you give me that appointment?"

"All right, Chase," President Roosevelt told him, "I will."

"The Attorney General (Francis Biddle) didn't think I was qualified for the job and he opposed it," Clark recalled. "But the President kept his promise and got it for me."

He was sworn in March 15, 1943.

As a judge, Clark has had the reputation among newsmen and lawyers as a softhearted man who always went easy on first offenders.

Clark admits he has been perhaps more lenient than some judges on young people in trouble for the first time. He said that one thing that influenced him in that direction was his mother's attitude.

"My mother was a Quaker," he said. "She used to speak of the ones in prison—used to speak of them being in chains—and a great many times she suggested a person should pray for them.

"I think maybe she had some influence on me. I've been very careful when a person was before me for a crime to go into his background and if there was an opportunity to rehabilitate him, make a good citizen of him * * * to put him on probation.

"I've checked on those I've put on probation," he said. "You'd be surprised and so would those who criticize it * * * that about 95 percent have made good citizens and never got into trouble again."

While he sometimes has been lenient on first offenders, Judge Clark has had no time for second and third offenders. He said that "I've found there's nothing you can do for them."

"I've always taken the position that a man who commits a crime with a gun is a potential killer," he said, "and I haven't been so lenient with that class. I also feel that people who traffic in narcotics * * * or are rapists * * * or who make their money off of fallen women * * * are not entitled to court."

Perhaps a guiding philosophy in Judge Clark's life has been that of keeping an open mind, however.

"I've been a great hand to listen to people who had a different idea than I had. I've never been hard to persuade to relinquish my position if I felt I was wrong but I've never had difficulty staying with my position if I felt I was right."

Judge Clark said that "providence has been kind to me to let me live a real full life." He said the legal profession he knew in the early 1900's was far more "exciting" than it is today but that excitement's loss has been justice's gain.

Still on call for work by the chief judge of the Ninth Circuit even after he steps down from active service on the bench, Judge Clark said he is looking forward to a "working retirement" so long as he is able mentally and physically.

"As a matter of fact I don't expect to lead a very much different life than I have been leading," he said, adding that he is being called to Phoenix, Ariz., in May as a substitute jurist.

[From the Lewiston (Idaho) Morning Tribune, Apr. 12, 1964]

WHEN TO RETIRE?—A HARD DECISION

(By James Byrne)

"Retirement was a difficult decision," said the silver-haired jurist, the oldest chief judge in the service of the Nation. "It took me 3 years after I made up my mind to retire to compel myself to sit down and write the President."

Chase Addison Clark, who will be 81 next August 20, completed 21 years as Federal judge March 15—and for 15 of those years he held the office of chief judge. Eligible for retirement 10 years ago, the judge announced his intention to retire on March 3. Ray McNichols, an Orofino attorney, has been nominated to succeed Clark, and President Johnson recently wrote the retiring judge to thank him for offering to stay on the bench of the U.S. District of Idaho until a successor is confirmed.

The slight, soft-spoken judge, noted for his kindly demeanor and leniency in imposing prison sentences, discussed his career and his retirement last week at Moscow, where he presided over the Central Division session of U.S. District Court for Idaho.

"I'm like all old people" he said with a smile. "I feel like I still have all my marbles and can carry on in the same old fashion. But I've seen some old judges who thought they were still able to do a good job but who were really slowed down by their age and didn't realize it.

"Like the poet says, 'O wad some power the giftie gie us, to see oursel's as ithers see us.'

"So I took stock and saw that I was the oldest chief judge in the country. I also thought about the law passed by Idaho which set the mandatory retirement age for Idaho judges at 70 and I thought that might be a good law. So I finally decided to retire. But it was a really tough decision."

The judge, called by the man nominated to succeed him "probably the best trial lawyer and the best trial judge this State has ever seen," will actually be on "active retirement." He will continue to help out in jurisdictions where assistance is needed. He said he has already received requests to help out in several courts and is looking forward to doing so.

Judge Clark, who served one term as Governor of Idaho, recalled that his appointment contained an element of good fortune.

"I went to visit President Roosevelt about a couple of State matters and as I entered the White House, I was handed a dispatch from Idaho by a reporter. The dispatch announced the retirement of Judge Cavanaugh as district judge for Idaho.

"I had never given much thought to an appointment to the Federal bench but some wheels began turning in my head and when I was shown in to see the President, I said, "Why don't you appoint me to that judgeship in Idaho?"

Roosevelt agreed and Judge Clark began a new career—but not without a struggle.

"The Attorney General (Francis Biddle) didn't approve of the idea," the judge recalled with a trace of a grin spreading across his face. "Something about me not being a lawyer.

"Well, I had been one for some 30 years and made a pretty good living at it and with the support of the President and the two Idaho Senators, my nomination was finally approved."

Judge Clark acknowledged that he was considered by many as easy on those convicted of crimes in his court. "I have always felt that a first offender, if it could be done, should be placed on probation. In 21 years, only two persons—both of them over 25—have violated the terms of their probation."

Commenting on juvenile delinquency, the distinguished jurist said, "I'm satisfied we are making progress against it. I think it is a matter every judge should take to heart."

The most interesting and satisfying cases the judge has ever had in court, he recalled, came when he first took the bench. The cases were brought by returning servicemen who were trying to get their civilian jobs back under a Federal law which entitled them to return to their previous jobs when they had finished their tours in the Armed Forces.

"I thought it was a very just law." Judge Clark said, "If a man is taken away from home and his work for military service, he shouldn't be penalized for it. He should be allowed to take up where he left off."

The practice of law has changed since he began to practice more than 50 years ago, he said, and most of the change has been for the better.

"In early practice," he said, "you sort of 'set the stage' in your case. The opposition never did know what you had up your sleeve. Then they developed what are called 'the rules of discovery,' which let each side know what the other had in the way of evidence."

He said the rules of discovery have many more out-of-court settlements, based upon the facts in a case rather than on the sleight-of-hand of an attorney.

He praised the attorneys of Idaho and said that, with virtually no exceptions, "they have all treated me very well. I have always tried to have a feeling of sympathy for their viewpoint as they presented it in court."

Questioned about the toughest part of his job as a Federal judge, he said, "criminal cases are the most worrisome to a judge. I don't think any judge would let a trial continue if he was convinced a man was innocent."

The judge had a distinguished political career before being named district judge in 1943. He succeeded his brother, Barzilla Clark, as mayor of Idaho Falls when his brother was elected Governor in 1936. The judge was himself elected Governor after serving in the State senate but was defeated by 512 votes in a bid for a second 2-year term in 1942. His nephew, Worth Clark, was a U.S. Senator from Idaho and his son-in-law, Frank Church, is presently the senior U.S. Senator from Idaho.

[From the Lewiston (Idaho) Morning Tribune, Mar. 4, 1964]

BOISE.—Chase Addison Clark, 80, the oldest chief judge on a Federal court bench, Tuesday announced his retirement with "a feeling of sadness" after almost 21 years as an Idaho district judge. His son-in-law, Senator FRANK CHURCH, Democrat, of Idaho, nominated Orofino attorney Ray McNichols, 49, to succeed him.

Clark, a former Democratic Idaho Governor, State legislator and mayor of Idaho Falls, could have retired 10 years ago at full pay but chose to stay on.

He was appointed judge in 1943 by the late President Franklin D. Roosevelt after failing by 512 votes in a bid for a second 2-year term as Governor.

Even with his retirement he said he will continue to work, serving in jurisdictions where the work has fallen behind.

His retirement brought praise from both Government and legal circles for the white-haired judge, known for a warm heart and a reluctance to impose prison sentences, particularly on young offenders.

HAD BEEN EXPECTED

Judge Clark's retirement had been expected for some time and McNichols had been frequently mentioned as his probable successor. President Johnson will make the appointment, subject to Senate confirmation.

"Naturally I'm very pleased with the nomination," said McNichols. "I hope to be able to carry on in the fine tradition of the Federal judiciary in Idaho. I must say it's quite a challenge to follow a man like Judge Clark but I'm determined to fulfill the obligation if the President should see fit to appoint me."

"I have had a hard time arriving at this decision," said Judge Clark, "but I am compelled to recognize that I am past 80 years of age and have been subject to retirement for the past 10 years.

"My retirement has been discussed in the press on several occasions during that time, but I have always felt that my health was such that I should go ahead with my work."

OLDEST U.S. JUDGE

He said the Idaho Legislature, at the request of the bar association, had fixed retirement for State judges at 70, "and it may be that I have been wrong in continuing on.

"I might say in passing that I am advised I have reached the place where I am the oldest chief judge in the Federal judiciary. This fact makes me feel that it might be presumptuous on my part to feel that I should continue in my present work.

"I am assured by the chief judge of the ninth circuit that I can still work in other jurisdictions where the work is behind, but I still retire from my present position with a feeling of sadness."

McNichols has never held public office, but is a past president of the North Idaho Chamber of Commerce and the State bar association. He was born in Bonners Ferry, was graduated from the University of Idaho law school and has practiced at Orofino since 1950.

TRIBUTE PAID

He paid tribute to Judge Clark as "probably the best trial lawyer and the best trial judge this State has ever seen."

"Judge Clark," said Church, "as all Idaho lawyers will testify, has set a standard for excellence on the Federal bench (which) will be both a challenge an an inspiration to his successors.

"His career has done honor to the finest traditions of the law."

Church said McNichols "is an attorney of fine reputation and extensive legal experience who would, in my opinion, serve with distinction as U.S. district judge."

SMYLIE PRAISES HIM

Gov. Robert E. Smylie called Clark "a very distinguished predecessor in the office of Governor and has been one of our great judges.

"Mrs. Smylie and I join his host of friends in wishing him many happy retirement years.

"Mr. McNichols is a very distinguished member of the bar," Smylie added, "and his appointment came as no surprise to me."

The last case Judge Clark heard to win major attention was a hearing for former Airman Gerald M. Anderson, charged by the Air Force with murder after another man confessed.

Judge Clark expressed concern that the Air Force had used "Gestapo methods" in the case. After Anderson was freed he called him into his office and told him he hoped the unfortunate experience wouldn't mar his life.

WAS GOVERNOR

Judge Clark served as Governor in 1941–42. Defeated by C. A. Bottolfsen in 1942, he was appointed to the bench the following year. He said he will complete 21 years as judge March 15 and will be 81 August 20.

He was born in Hadley, Ind., and brought to Eagle Rock, now Idaho Falls, in 1884. His father, civil engineer, was the first mayor of Idaho Falls, elected in 1902, and was once a candidate for Governor on the prohibition ticket.

Judge Clark succeeded his brother, Barzilla Clark, as mayor of Idaho Falls in 1937 and was elected Governor after serving in the State senate. His brother was Governor in 1937–38.

The judge was a graduate of the University of Michigan law school. His first public office was as State representative from Custer County in 1911 while he was practicing law at Mackay. He married his wife, the former Jean Burnett, there in 1906.

Their daughter, Bethine, is the wife of Senator CHURCH.

McNichols, a native of Idaho, spent 4 years as a naval aviator in World War II. He is married and has two children. His son, Michael, is a partner in his law firm and his daughter, Kathleen, works at the Bureau of Land Management office at Portland.

[From the Idaho Statesman, Mar. 4, 1964]

Chase Addison Clark, 80, the oldest chief judge on a Federal court bench, Tuesday announced he plans to retire with "a feeling of sadness" after almost 21 years as an Idaho district judge.

His son-in-law, Senator FRANK CHURCH, Democrat, of Idaho, nominated Orofino attorney Ray McNichols, 49, to succeed him.

Judge Clark said his retirement will take effect at the pleasure of the President on the appointment of his successor.

Clark, a former Democratic Idaho Governor, State legislator and mayor of Idaho Falls, could have retired 10 years ago at full pay but chose to stay on.

APPOINTED IN 1943

He was appointed judge in 1943 by the late President Franklin D. Roosevelt after failing by 512 votes in a bid for a second 2-year term as Governor.

Even with his retirement he said he will continue to work, serving in jurisdictions where the work has fallen behind.

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PLEASED WITH NOMINATION

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"CAN STILL WORK

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He spent 4 years in naval aviation with the U.S. Naval Reserve.

McNichols' son, Michael, is in practice with him. He and his wife have a daughter, Kathleen, employed by the Bureau of Land Management in Portland.

He paid tribute to Judge Clark as "probably the best trial lawyer and the best trial judge this State has ever seen."

WILL BE CHALLENGE

"Judge Clark," said CHURCH, "as all Idaho lawyers will testify, has set a standard for excellence on the Federal bench which will be both a challenge and an inspiration to his successors.

"His career has done honor to the finest traditions of the law."

CHURCH said McNichols "is an attorney of fine reputation and extensive legal experience who would in my opinion serve with distinction as U.S. district judge."

Gov. Robert E. Smylie called Clark "a very distinguished jurist.

"I know the bench and bar of Idaho will regret that he feels the time for his retirement has come. He was a very distinguished predecessor in the office of Governor and has been one of our great judges."

EXTENDS GOOD WISHES

"Mrs. Smylie and I join his host of friends in wishing him many happy retirement years.

"Mr. McNichols is a very distinguished member of the bar," Smylie added, "and his appointment came as no surprise to me."

Judge Fred M. Taylor, Judge Clark's district court colleague, said he has "certainly earned his retirement.

"He's deserving of the leisurely fashion in which he can work from now on. My 9-year association with him has been very pleasant, and I hope it will continue for some time."

"I've really enjoyed it very much," Judge Clark said of his years as district judge.

The last case he heard to win major attention was a hearing for former Airman Gerald M. Anderson, charged by the Air Force with murder after another man confessed.

Judge Clark expressed concern that the Air Force had used "Gestapo" methods in the case. After Anderson was freed he called him into his office and told him he hoped the unfortunate experience wouldn't mar his life.

AWARE OF SPECULATION

McNichols said he was aware of speculation last fall that he might succeed Clark.

"I knew Judge Clark was doing a very good job," he said. "I hadn't personally done much speculating."

He said he was investigated at that time by the American Bar Association and the FBI, normal procedure for a person under consideration for a Federal judgeship.

Judge Clark served as Governor in 1941–42. Defeated by Bottolfsen in 1942, he was appointed to the bench the following year. He said he will complete 21 years as judge March 15 and will be 81 August 20.

BORN IN INDIANA

He was born in Hadley, Ind., and brought to Eagle Rock, now Idaho Falls, in 1884. His father, a civil engineer, was the first mayor of Idaho Falls, elected in 1902, and was once a candidate for Governor on the prohibition ticket.

Judge Clark succeeded his brother, Barzilla Clark, as mayor of Idaho Falls in 1937 and was elected Governor after serving in the State senate. His brother was Governor in 1937–38.

The judge was a graduate of the University of Michigan law school. His first public office was as a State representative from Custer County in 1911 while he was practicing law at Mackay. He married his wife, the former Jean Burnett, there in 1906.

Their daughter, Bethine, is the wife of Senator CHURCH.

[From the Idaho Evening Statesman, Mar. 4, 1964]

Wise Judicial Help Still Available

The happy thought connected with the retirement of Judge Chase A. Clark is that he is still going to be around for some time to come with wise judicial assistance, and with the unaffected charm and sincerity marking him off as the valued friend of many.

Judge Clark has been a Federal district judge in Idaho for 21 years, and is the oldest chief judge in the Federal judiciary. The patriarch of an Idaho family line distinguished for public service, he has turned 80 but is one of the liveliest octogenarians to be seen on Boise's streets.

The judge's preoccupation with legal intricacies has never retarded a warming spontaneity in the greeting of even a minor acquaintance. Saying hello to the judge is the right way to start any day's tasks.

The records will show numerically the flood of decisions handed down by Judge Clark in over two decades of service on the bench.

But only understanding of the jurist himself can tell the equanimity and fairmindedness behind each one, whether a minor transgression or a complex constitutional question. And the same clear mind goes back to the actions he took as Idaho's Governor, in 1941–42.

Judge Clark's likely successor, attorney Ray McNichols of Orofino, has paid tribute to the retiring judge as "probably the best trial lawyer and the best trial judge this State has ever seen."

The tribute will bear echoing.

In noting that he has become the oldest chief judge in the Federal system, Chase Clark exposes his asset of humbleness in saying: "This fact makes me feel that it might be presumptuous on my part to feel that I should still continue in my present work."

The good word, however, is that his talents won't be lost—"I am assured * * * that I can still work in other jurisdictions where the work is behind."

The Evening Statesman wishes the judge well in the continued use of his energy, where the regimen will be a little trying. He has earned a rest, many times over.

[From the Idaho Statesman, Mar. 5, 1964]

A WELL-DESERVED SALUTE

Chase Addison Clark, now an octogenarian and the eldest chief judge on a Federal bench, announces, "with a feeling of sadness," that he has decided to retire after almost 21 years as an Idaho Federal district court judge.

It is a feeling of regret that is widely shared by laymen and barristers alike because it is so generally recognized that he is in every respect a good judge.

His is a distinguished record of public service as mayor of Idaho Falls, as a member of the State legislature, as Governor of Idaho, and then as Federal court jurist. In each and all of these capacities he has turned in a record of performance that is a challenge and an inspiration to all of his successors.

A kindly man and an able one, the number of his firm friends is legion. It is a matter of gratification to them all that he continues to be hale and hearty, and it is their earnest hope that he will long continue to enjoy the rewards of a well-spent lifetime.

It is a matter of gratification, too, to his many friends and doubtless to himself as well that Federal law permits him to carry on at a more leisurely pace with his work as jurist in other jurisdictions where the work has fallen behind, or where there may be such issues as he is particularly well qualified to deal with.

This, then, is not a farewell. It's merely an expression of appreciation that is well deserved.

[From the Idaho Falls (Idaho) Post-Register, Mar. 15, 1964]

JUDGE CLARK RETIRES

The oldest chief justice in the Federal judiciary, 80-year-old Judge Chase A. Clark, is retiring.

To say only that Judge Clark, former Idaho Falls mayor and former Governor of Idaho, has had a long and distinguished career as a jurist, is to miss the rich lode of his contribution.

Judge Clark is one of those rare men who sees the swirl of mindless forces from the plateau of his intelligence and knows where they should mesh and meld. His was not only a faculty of understanding men and forces, but a quietly driving man who impressed direction on events and people within the scope of his influence.

And his influence was substantial. He was the patriarch of a political dynasty which has had profound reach in Idaho the past 30 years. His brother, Barzilla, was also a Governor of Idaho and mayor of Idaho Falls. A nephew, D. Worth Clark, served in the U.S. Senate many years. A son-in-law, Senator FRANK CHURCH, is the latest medallion in the Clark political crest.

In later life, since 1943, he has served with distinction as a Federal judge, where his extensive juridicial experience has been made more lustrous by the admixture of a mountain man's commonsense.

The durable vestige of many decisions which helped cleave Idaho's history is Judge Clark's striking, craggy face—indomitable still, like an old chieftain who came honorably through many wars. The look of him is the look of history.

Judge Clark's retirement will renew a realization that history is not the captive of mindless forces, but of strong willed, intelligent men who mind the forces.

[From the Idaho State Journal, Mar. 5, 1964]

DISTINGUISHED CAREER ENDS

One of the most distinguished careers in the history of Idaho is coming to a close with the announcement this week by Federal Judge Chase A. Clark that he is retiring.

A public servant of long standing, he has served in the Idaho House of Representatives, the Idaho Senate, as mayor of Idaho Falls, as Governor of Idaho and, for the past 21 years, as U.S. district judge. It is a record that speaks eloquently in praise of the man who made it.

Judge Clark has served in the finest tradition of American law, tempering justice with an understanding and a feeling for his fellow human beings. It would be easy in 21 years of the same bench to become dulled by the passing parade of faces and cases. It has been perhaps Judge Clark's strongest point that his court was concerned with individuals, not routine. One of our great strengths is the flexibility of our system of law. That system has not been wasted on Judge Clark.

The Journal also wishes success to Judge Clark's successor, Orofino attorney Ray McNichols. He will come to the bench highly recommended by his past service to the law, but we venture he would be the first to admit that he has large shoes to fill.

[From the Lewiston (Idaho) Morning Tribune, Mar. 5, 1964]

SUBSTITUTION: MCNICHOLS FOR CLARK

Idahoans generally will honor Federal judge Chase A. Clark upon his retirement at the age of 80 and applaud the nomination of Ray McNichols of Orofino to succeed him.

The vigorous and colorful Clark has graced the Federal bench in Idaho since his appointment by President Franklin D. Roosevelt in 1943. An intensely human man, he has inspired respect and affection among thousands of Idahoans. He brought to the bench a wide experience in public life as a former mayor of Idaho Falls, State legislator, and as Governor of Idaho.

"I am advised I have reached the place where I am the oldest chief judge in the Federal judiciary," Clark observed Tuesday. "This fact makes me feel that it might be presumptuous on my part to feel that I should continue in my present work. I am assured by the chief judge of the ninth circuit that I can still work in other jurisdictions where the work is behind, but I still retire from my present position with a feeling of sadness."

The statement is typical of this zestful, enthusiastic jurist. He could have retired at full salary 10 years ago, but he has been far too engrossed in his work for that. Even at 80, he has been regarded by the few critics he has had at the bar as too liberal and youthful in his outlook, if anything. The traditional stereotype of the supercautious, overconservative, elderly judge just doesn't apply to Clark. He has had the skilled jurist's unswerving respect for precedence, but he has been guided chiefly by a youthful passion for the ideal of justice. For 20 years he has warmed and illuminated the law.

McNichols is recognized by attorneys throughout Idaho as one of the most able and effective lawyers in the State. His description of Clark as "probably the best trial lawyer and the best trial judge this State has ever seen," therefore, is the judgment of an expert.

The nomination of McNichols by Senator FRANK CHURCH, his close friend and a son-in-law of Judge Clark, makes his appointment by President Johnson and his confirmation by the Senate mere formalities. CHURCH's intention to choose McNichols to succeed Clark when Clark decided to retire has been an open secret for some years. By announcing the nomination of McNichols at the same time Clark announced his retirement, CHURCH avoided a fruitless scramble for the position and spared McNichols any controversy over the appointment.

McNichols himself has been one of Idaho's strongest potential candidates for the U.S. Senate for many years. He has long been one of the key leaders of the Democratic Party in the State and has been the "favorite candidate" rather often of many of the top figures in his party. However, he always has stepped aside in the interest of party harmony or, in the case of CHURCH, to support a man he believed better qualified than himself, when Idaho Democrats came swarming out of the hills every few years to seek the senatorial nomination. If some of these now-forgotten contenders had matched his political realism and dedication to his party's interests, McNichols might have been a Senator long before now.

Thus it has happened that national leaders of the Democratic Party periodically have inquired, when reappraising Idaho's political situation, "What about that fellow who should have been Senator?" Now they have their answer. McNichols instead will be a Federal district judge—a position which many former Senators and Governors aspire to—without ever having held a public office in Idaho.

He has held plenty of important quasi-public offices, however—president of the Idaho Bar Association, the North Idaho Chamber of Commerce among others. He is eminently respected in his profession. He is recognized as one of Idaho's most influential Democratic leaders. He is widely known as a public speaker. He is noted as an effective spokesman in the Nation's Capital for important Idaho causes.

One of the Nation's fine Federal judges is stepping down, and a fine successor will take his place in Idaho. The State is well served.—B.J.

LOWER TETON PROJECT IN EASTERN IDAHO

Mr. CHURCH. Mr. President, legislation to authorize the Lower Teton project in eastern Idaho is pending before the Subcommittee on Irrigation and Reclamation of the Senate Interior Committee. In the course of hearings on the project, recently concluded, there was no open opposition. This is not surprising, because the Lower Teton project represents an ideal balancing of reclamation, power, recreational, and flood control benefits through a structure and associated works carefully designed to exploit the full potential of the site. Moreover, the project is financially feasible, and enjoys the full support of every interest and group in the area it will serve.

There is, however, one fact about the Lower Teton project which should be plainly understood. It will produce a small quantity—about 2,000 kilowatts in winter, and about 12,000 kilowatts in summer—of hydroelectric energy not needed for project purposes, and therefore available for commercial disposition. This may be one reason why the Idaho Power Co., while nominally supporting the Lower Teton project, has submitted testimony to jeopardize its authorization.

The company claims it supports the Lower Teton project, but does not want it to have the help from surplus Bonneville Power Administration revenues that it needs to be feasible. The project is planned primarily for irrigation purposes. The bulk of the cost is assigned to irrigation, with only a small amount allocated to power. Bonneville Power Administration would market the power.

Because the costs assigned to irrigation are far beyond the ability of the irrigators to repay, the Department of Interior has recommended that much of these costs be repaid from the Bonneville Power Administration systemwide power revenues. The company opposes this plan, not because the plan is unsound, but because the company does not want the people of Idaho to find out what a good thing Bonneville Power Administration is for the State.

In a letter to the chairman of the subcommittee, my friend, the Senator from Utah [Mr. Moss], the Idaho Power Co. opposed the use of Bonneville Power Administration revenue to repay Lower Teton project costs, and suggested instead that power from the project be isolated and sold at rates high enough to repay all costs. The company approach would boost the price of power from the project to a fantastic $50 per kilowatt-year, which is about three times as high as it need be. Such a rate would price Lower Teton power out of the market, make the project unfeasible, and thus doom to failure a vital irrigation development.

The Bonneville Power Administration basic wholesale rate for power in southern Idaho is $17.50 per kilowatt-year. This is the price at which Bonneville Power Administration would sell Lower Teton power, if the project is integrated into the Bonneville Power Administration system as planned. The proposal to use Bonneville Power Administration systemwide revenues is sound. Bonneville Power Administration can stand the costs because they represent only a small fraction of Bonneville Power Administration's total system costs and revenues.

The project, which would cost $52 million, has a benefit-to-cost ratio of 2.2 to 1. Most of these benefits are in the irrigation category because of the added water the project would bring to 114,000 acres of developed land and to 37,000 acres of new land. The Bureau of Reclamation figures annual benefits from irrigation to be $4.1 million a year. Annual benefits from power are $379,000, and from flood control, $323,000. The small portion of costs assigned to flood control is by law nonreimbursable, and would not have to be repaid either from commercial power revenues, or by the irrigators.

This project would put to use in the Snake River Basin water resources which are now undeveloped, and which are a tempting target for Los Angeles planners, who have already proposed diversion from Idaho to southern California of unused water from the Snake River. Moreover, Bonneville Power Administration's ability to help finance Idaho irrigation projects is one of the main reasons we fought so hard to get the Bonneville Power Administration marketing area extended to include southern Idaho.

It is a disservice to the people of Idaho for the Idaho Power Co. to suggest a payout approach that would kill this project just because the company resents the Bonneville Power Administration more than it respects the needs of Idaho farmers.

HOLDING THE LINE ON FOREIGN AID

Mr. CHURCH. Mr. President, Congress should applaud President Johnson's decision to hold the line on foreign aid. He has sent us a program this year which corresponds with what Congress itself felt, last year, to be the minimum program consistent with the security and well-being of this country and the non-Communist world.

Last year, a majority of both Houses believed the $4.5 billion authorization originally requested was excessive. I shared that view. Substantial reductions were voted. Ultimately, $3.4 billion was approved—$3 billion in new appropriation and $400 million in unexpended funds.

This year, President Johnson has accepted the last-expressed judgment of Congress as to what the limits on foreign aid should be. He has acted in good faith, submitting a budget request for a $3.4 billion authorization. Obviously, he has refrained from padding his request in any way.

I hope the Congress will respond with the same good faith, and take to heart the message contained in the delightful column written by the gifted humorist, Arthur Hoppe, entitled, "Honesty Program in Budgeting: Johnson Changes Traditional System of Adding 50 percent for Prunage," which was published in the April 4 issue of the Washington Evening Star.

I ask unanimous consent to have this perceptive article printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Evening Star, Apr. 4, 1964]

Honesty Program in Budgeting—Johnson Changes Traditional System of Adding 50 Percent for Prunage

(By Arthur Hoppe)

The reason I am flying to Washington just as fast as I possibly can is merely to save our country. What it must be saved from at the moment, of course, is President Johnson's radical, un-American program of honesty in budgeting, which will destroy our system of government as we know it. If not worse.

I'm sure you know how our system of government works. The Bureau of Essential Commodities, for example, decides it needs to stockpile $1 zillion worth of "Instant Sauce Bernaise" to preserve our American heritage for the coming fiscal year.

So the director of the bureau, and experienced civil servant, automatically calculates: "$1 zillion plus 50 percent for prunage is * * *." And he goes up to Capitol Hill, puts on a grim look and tells our Congressmen: "Gentlemen, unless we lay in a bare-bone minimum of $1.5 zillion worth of "Instant Sauce Bernaise" the Communists will take over a week from next Tuesday."

"What!" cry our Congressmen, "$1.5 zillion. We must curb this runaway spending." And they go whack, whack, whack. "There," they finally say, "you will have to make do with a measly $1 zillion. And let that be a lesson to you." "I will shoot myself," says the director, looking terribly woeful.

So everbody's happy. The Congressmen look good to their economy-minded constituents. And the bureau winds up with plenty of gravy. That, friends, is the American way.

But, oh, what a rash and ill-conceived departure Mr. Johnson has made from this traditional system which has undeniably made our Government great. Indeed, huge. For it is now clear that the reason his budget is a mere, infinitesimal $98 billion is that he selfishly neglected to add 50 percent for prunage. Oh, I know it makes him look good. But where does it leave our Congress?

Take our military aid program. Last year the White House asked for $2 billion and got $1 billion. Does Mr. Johnson ask this year for $3 billion so he'll get $1.5? No. Incredibly, he asks for only $1 billion. "Because," explains Defense Secretary McNamara, "the Congress has made it crystal clear 'that $1 billion is all it's going to give in the end.' "

I can't tell you the shock and alarm this radical theory caused in Congress. "Democrats and Republicans alike," reports United Press, "expressed alarm and shock." "You shouldn't run from a battle before it begins," Congressman Frelinghuysen irately told Mr. McNamara.

Nor can you blame our Congressmen. If they have no prunage to prune, where is their sense of purpose? How will they justify themselves to the voters? They might as well pack up now and go home. Forever.

And if this heresy should spread it would spell the end of collective bargaining. No more will wives ask for complete new wardrobes to get a hat, nor will children beg for ice cream cones before dinner. And, worst of all, can you imagine telling your employer what you really think you're worth? Fellow Americans, we must fight.

So I'll be picketing the White House. My sign says: "Please, Mr. President, Double Your Budget." Yes, sir; in these perilous times we must preserve our traditional way of making governmental economies—at all costs.

CARPING ABOUT FOREIGN POLICY

Mr. CHURCH. Mr. President, to carp about our foreign policy serves no constructive purpose; to offer reasoned criticism, to suggest plausible alternatives, does.

I have been disappointed that the leading Republican contenders for the Presidency have engaged in so much carping, without offering the people either reasonable criticism or meaningful alternatives to present policies. It has been left to the Democrats to fill the very role which normally falls to the opposition party.

This role is indispensible, if an open and intelligent discourse on American foreign policy is to occur. It has recently been well performed by the two most senior Democrats on the Senate Foreign Relations Committee, our distinguished chairman, Senator FULBRIGHT, of Arkansas, and the ranking majority member, Senator SPARKMAN, of Alabama.

These wise and seasoned statesmen, it should be stressed, have not taken the President to task for the way he has handled the immediate problems abroad with which he has had to deal. Indeed, in his method to date, there is much more to praise than to criticize. Rather, they have called attention to the changes in the world about us which have taken place during the past decade, and they have questioned whether some of the premises on which we have fixed our foreign policy, from the beginning of the cold war, are any longer valid.

I am encouraged that the response to these speeches has been so favorable. In my own State of Idaho, most editorial reaction suggests that thinking people are tiring of the stale litanies, and welcome the refreshing candor that calls a myth a myth.

As an indication of the affirmative reaction in Idaho, I offer the following editorials from the Pocatello, Idaho, State Journal, from the Lewiston (Idaho) Morning Tribune, from the Rexburg (Idaho) Journal, and from the Salt Lake (Utah) Tribune.

I ask unanimous consent to have these editorials printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Pocatello (Idaho) State Journal, Apr. 3, 1964]

THE THINKABLE THOUGHTS OF SENATOR FULBRIGHT

The chairman of the Senate Committee on Foreign Relations, Senator J. WILLIAM FULBRIGHT, made a great deal of sense last week in a major address on foreign policy. Before his views become obscured in the heat and smoke of the political campaign, it would be well to look at some of the things the Senator from Arkansas said. Too often candidates takes issue more with what has not been said than with what has been uttered. The result is confusion in the public mind and the loss of valuable insights on important problems.

Setting forth his views in a speech entitled "Foreign Policy—Old Myths and New Realities," the Senator observed that when "our perceptions are reasonably close to objective reality, it is possible for us to act upon our problems in a rational and appropriate manner." There has always been, he said, "some divergence between the realities of foreign policy and our ideas about it." This divergence has been growing, "and we are handicapped, accordingly, by policies based on old myths rather than current realities." The Senator asserted further:

"We are confronted with a complex and fluid world situation and we are not adapting ourselves to it. We are clinging to old myths in the face of new realities and we are seeking to escape the contradictions by narrowing the permissible bounds of public discussion, by relegating an increasing number of ideas and viewpoints to a growing category of 'unthinkable thoughts.' I believe that this tendency can and should be reversed, that it is within our ability, and unquestionably in our interests, to cut loose from established myths and start thinking some 'unthinkable thoughts'—about the cold war and East-West relations, about the underdeveloped countries and particularly those in Latin America, about the changing nature of the Chinese Communist threat in Asia and about the festering war in Vietnam."

Regarding the cold war, the Senator said the master myth is that the Communist bloc "is a monolith and composed of governments which are not really governments at all but organized conspiracies, divided among themselves perhaps in matters of tactics, but all equally resolute and implacable in their determination to destroy the free world." He believes, with others, that the Communist world is indeed hostile to the free world "in its general and long-term intentions" but he sees variations in this hostility "both in time and among the individual members of the Communist bloc." He suggests that we recognize these variations, ranging from China, which poses immediate threats, to Poland and Yugoslavia, which he contends pose none. He suggests further that this country turn these internal differences to our advantage "and to the advantage of those bloc countries which wish to maximize their independence."

As one means of easing tensions Senator FULBRIGHT proposes increases in trade. This could serve to relax hostility "provided that we are able to overcome the myth that trade with Communist countries is a compact with the Devil and to recognize that, on the contrary, trade can serve as an effective and honorable means of advancing both peace and human welfare."

Turning to the current standoff in Panama, Senator FULBRIGHT proposes that this country agree to negotiate with Panama the 1903 treaty which gave the United States the right to use the canal. He believes that the treaty was concluded "under circumstances which reflect little credit upon the United States," that the annual rent of $1.9 million "is a modest sum and should probably be increased" and that the contrast between living standards of Panamanians and Americans in the Canal Zone has caused problems which should be discussed.

The Senator points out that an agreement to negotiate revisions is not an agreement to negotiate any particular revision. "It would leave us completely free to determine what revisions, and how many revisions, we would be willing to accept."

As for Cuba and Fidel Castro, Senator FULBRIGHT contends that this country has "flattered a noisy but minor demagog by treating him as if he were a Napoleonic menace." He acknowledges that Communist Cuba has been a disruptive and subversive influence in Venezuela and other countries in this hemisphere, but he notes that Venezuelans have repudiated communism in a free election and have committed themselves to the course of liberal democracy. He believes we are "bound to conclude that Castro is a nuisance, but not a grave threat to the United States and that he cannot be gotten rid of except by means that are wholly disproportionate to the objective. Cuban communism does not pose a grave threat to other Latin American countries, but this threat can be dealt with by prompt and vigorous use of the established procedures of the inter-American system against any act of aggression."

Concerning the Far East, the Senator asks that we jar open our minds to certain realities about China, of which the foremost is that there really are not two Chinas, but only one—mainland China; and that is ruled by Communists, and is likely to remain so for the indefinite future. He suggests that in time the Chinese Communists may give up their idea of conquering Formosa and that a new generation of leaders in Peiping and Taipei "may put a quiet end to the Chinese civil war." Should this happen, the United States should be able and willing to take advantage of the situation to strengthen world peace.

The Senator also deals with Soviet Vietnam and with the possibility of violent revolutions in South America. He discusses those and other problems with the same approach—that we must recognize new realities, dismiss the old myths and set about to seek solutions on the basis of fact rather than fancy.

This is the kind of talk, of course, that brings cries of treason from some quarters and appeasement from others. The timid may shrink from these epithets, but a great many Americans should be willing at least to examine the Senator's views, to think what indeed have become unthinkable thoughts, and to discuss what are in danger of becoming unspeakable ideas.

All of the Senator's proposals need not be accepted, but there should be a willingness to try his fresh approach. It holds the possibility of making our foreign policy less rigid, more capable of responding to changing situations, and more able to initiate actions that will benefit us while it advances the cause of world peace.

As the Senator put it: "We must dare to think about unthinkable things, because when things become unthinkable, thinking stops and action becomes mindless."

[From the Lewiston (Idaho) Morning Tribune, Mar. 30, 1964]

DEALING WITH THE REALITIES IN CUBA

It will be difficult for Americans to agree whether we should regard Cuba as a nuisance or a menace until we have reached agreement on a definition of terms. If by menace we mean that the Castro government cannot possibly be tolerated and therefore must be wiped out, then we had better agree to consider it a nuisance.

This is what Senator J. WILLIAM FULBRIGHT, Democrat, of Arkansas, has suggested we should do, in a speech that has raised an election year storm. Senator FULBRIGHT reasons that while Castro is indeed a nuisance and a potential threat, the United States can coexist with Cuba, and indeed must do so because the only alternative is a war whose possible consequences we are not prepared to face. The Senator, who is chairman of the Senate Foreign Relations Committee, observed that the American effort to organize an economic boycott of Cuba had failed and ought to be abandoned. Castro is more solidly in control of the Government of Cuba now than he was before the United States imposed its own economic and diplomatic boycott, he said, largely because the United States has been unable to persuade other nations to end their Cuban trade.

As might have been expected, FULBRIGHT's speech has brought down upon him charges of appeasement, and the Johnson administration has taken pains to disassociate itself from FULBRIGHT's views on Cuba (while expressing agreement with some other parts of the speech). But the charge of appeasement cannot logically be applied here, for FULBRIGHT is only saying that we would do better to deal with realities than with myths.

There is a myth that our boycott is somehow punishing Castro. It is punishing the Cuban people, by raising their cost of living, but it is only helping to bolster Castro's contention that America is no friend of Cuba; and three administrations have contended that America's argument is not with the Cuban people but with Castro.

There is another myth, that whenever it wishes to do so, the United States can march into Cuba and overthrow Castro by force. Life is not that simple anymore; we cannot march into Cuba without risking a nuclear war in which other nations might become involved, and we are not prepared to accept that risk. No other Western nation would support such an adventure, and the Soviet Union and Red China might actively oppose it.

A third myth is that so long as Cuba remains a Communist nation, it will continue successfully to export subversion throughout Latin America. Cuba will probably try to export subversion and in some cases it might be successful, but we do not need to suppose that it must inevitably be. The Castro attempt to subvert the Venezuelan elections shows how dangerous Communist Cuba can be in this hemisphere, but his failure in Venezuela shows also that he will not necessarily prevail. The danger of Communist subversion would exist without Castro as it did exist in Cuba during the corrupt Batista regime. It exists today wherever people are ill housed, ill fed, ill educated, and exploited, as they are in much of South America today, but the way to deal with it has nothing to do with Castro. The best way to control mosquitos is to control their breeding places.

Senator FULBRIGHT has wisely suggested that the United States pursue a course based not on myths, but on realities, and it is encouraging to note that he has found support among serious students of diplomacy in both parties. Senator FRANK CHURCH, of Idaho, a Democrat, and Senator GEORGE AIKEN, of Vermont, a Republican, are among those who have expressed agreement with FULBRIGHT's views. And, election year politics being what they are, it is likely that this view is more widely held in Congress and the administration than will appear on the surface for some time. By stating the position lucidly and from a position of authority, Senator FULBRIGHT has rendered his country a valuable service.—L.H.

[From the Lewiston (Idaho) Morning Tribune, Apr. 1, 1964]

SPARKMAN'S NEW LOOK AT FOREIGN POLICY

Senator JOHN J. SPARKMAN, Democrat, of Alabama, demonstrated last night that a significant consensus is developing in the Senate Foreign Relations Committee that the United States must seek new solutions in dealing with Communist bloc countries.

In a speech at Tuscaloosa, Ala., the senior member of the committee voiced his own variations on a theme which has been aired recently by Senator J. W. FULBRIGHT, Democrat, of Arkansas, the committee chairman, and Senator FRANK CHURCH, Democrat, of Idaho, one of the most articulate members of the group.

If the West refuses to be bound by "dogmatic conceptions of policy" toward all Communist countries, SPARKMAN said, it could encourage "growing divergencies within the bloc" to its own advantage.

"Just as the Soviet Union has taken advantage of internal divisions within the Western alliance to advance its own purposes," he said, "it is now possible for us to play upon the deep divisions within the Communist world for the advancement of our own security, of world peace, and of increased freedom within the Communist countries themselves."

This theme obviously does not reflect the thinking of all members of the Senate Foreign Relations Committee. Some Republican members particularly may be expected to criticize the approach as a "soft-on-communism" line. The suggestion that America should modify its rigid emphasis upon unwavering and unexamined anticommunism without distinctions among countries or situations may become the primary issue of the next election campaign.

Nevertheless, the country must pay close attention to this new look at foreign policy in the Senate Foreign Relations Committee. These men are thoughtful and experienced public leaders. SPARKMAN, for example, has served in Congress since 1937. They have sources of information not available to most citizens. They are continuously exposed to the ebb and flow of arguments and opinions about foreign policy as voiced by the architects of policy in this and other nations. Their views obviously are worth pondering.

Two international developments of vast significance probably are largely responsible for the new look of these Senators. One is the deep gulf developing between Red China and the Soviet Union as China denounces Soviet Premier Nikita Khrushchev for expanding the personal liberties of Russian citizens and being "too soft" on capitalism. The other is the bid by President Charles de Gaulle of France to move into any power vacuum created by the inflexibilities of American policy and thereby restore the vanished glories of France.

These developments have not fully penetrated the consciousness of the American people. The reaction of the public to the Senators' explorations for new approaches cannot be predicted yet. It is one thing for the totalitarian Soviet Union to "take advantage of internal divisions within the Western alliance to advance its own purposes." It is quite another thing for the United States, which can initiate foreign policy only with the consent of the citizens, to "play upon the deep divisions within the Communist world." A strong and vociferous body of public opinion in the United States equates any approaches toward any Communist country, for any purposes, and under any conditions, with treason, per se.

Whether the Senators' new look at American policy will prove to be idle chatter or the prelude to a new era remains to be seen. Meanwhile, the citizenry should weigh carefully the new concepts offered for public scrutiny.—B. J.

[From the Rexburg (Idaho) Journal, Apr. 2, 1964]

A RATIONAL APPROACH

Senator FULBRIGHT has predictably touched off a roar of dissent with his call for a reexamination of our foreign policy in the light of changed realities. It is no surprise at all that the cry of "appeasement" has gone up.

Suggesting that we more or less accept conditions in Cuba, on the assumption that Castro does not really pose a very great threat to U.S. security, is tantamount to waving a red flag in front of those who are bullish on a tougher crackdown. The proposal that we quit worrying about semantics and get right at the business of revising the Panama Canal treaty raises the hackles of those who think we shouldn't budge an inch in our dispute with the Panamanian Government.

Without disrespect to those who reacted to FULBRIGHT's speech with such strident immediacy, let this be stated as a general proposition: There is no harm in reexamining, and reevaluating, any aspect of our foreign policy. A corollary to this is that very serious harm may spring from blindly refusing to consider any moderation of policy to meet changing conditions.

Too many Americans, including some who consider themselves expert on foreign policy, have a sort of Pavlovian approach to the matter. Like the dogs in the famous experiments, when the bell rings they salivate. Such a stimulus-response reaction can lead to the greatest peril of all in a democracy—a cutting off of responsible debate. It is vital that there be rational discussion in this as in other areas. Whatever one thinks of the ideas advanced by the Senate Foreign Relations Committee chairman, they deserve thoughtful attention rather than yells of "Appeaser."

We do not agree with Senator FULBRIGHT but it would be well to have an open discussion.

[From the Salt Lake City (Utah) Tribune, Mar. 29, 1964]

ARE MYTHS STRANGLING FOREIGN POLICY?

In an important speech, delivered to an almost empty Senate, Chairman FULBRIGHT, of the Foreign Relations Committee warned that the United States thus far is "not adapting" itself to the complex and changing international situation. Too many old moralistic myths, he said, are preventing the Nation from thinking "unthinkable things."

Senator FULBRIGHT is not afraid of the "unthinkable things."

He called the economic blockade of Cuba a failure and described Castro as a "distasteful nuisance * * * not an intolerable danger." He charged that the dispute with Panama had been "unnecessarily protracted." He insisted the United States should negotiate a revision of the 1903 Canal Zone treaty. He attacked "the master myth of the cold war," saying the Communist bloc is not a massive monolith but, instead, is a group of countries whose individual attitudes toward the United States vary from China at one extreme to Yugoslavia at the other.

Americans are fully aware that Congress does not make foreign policy, though, on some occasions, the Senate's "advice and consent" is necessary.

In other countries, however, the system of a government of divided powers is not well understood. Thus, when the powerful chairman of the Foreign Relations Committee speaks out so strongly, his words may be interpreted as forecasting a major revision of U.S. policies.

This is not correct. It would be equally wrong to assume that FULBRIGHT was indulging in criticism for criticism's sake.

His carefully phrased speech was directed not so much at present or past administrations as at the American people as a whole.

Dissatisfaction with U.S. foreign policy has been frequently heard in recent months. The Republicans intend to make it an issue in the coming presidential campaign. But it is the Democrats, in both the executive and legislative branches, who have been most vocal so far.

A few weeks ago, Roger Hilsman, then an Assistant Secretary of State proposed more realism in dealing with Red China. Secretary of State Rusk has called for more realism in appraising various Communist regimes. Senate Majority Leader MANSFIELD has demanded serious thought about negotiations to establish a neutral Vietnam. And only last Tuesday, President Johnson spoke of the need to adjust more rapidly to a world in which "general war is impossible."

FULBRIGHT, however, went further than anyone else in offering a sweeping diagnosis.

The Fulbright speech must be considered as a whole. For while it is not necessary to accept every point he makes, his general thesis is well worth consideration.

There is, he said, a dangerous and unnecessary "divergence between the realities of foreign policy and our ideas about it." The remedy, in his opinion, is for "men in high office" to educate the public.

Can that be done in a presidential election year?

It obviously would be dangerous for foreign policy to become involved in a bitter partisan wrangle. We believe, however, that the risk should be taken. Those who seek high office are—or ought to be—statesmen, too. And the more earnest the discussion, the more completely the public will be informed.

Fanatics or those with an ax to grind have no place in the debate. But rumblings of discontent with overall foreign policy come from too many thoughtful men to be dismissed as unimportant.

THE JOHN BIRCH SOCIETY ON CIVIL RIGHTS

Mr. CHURCH. Mr. President, one of the most conservative newspapers in my State of Idaho is the Idaho Daily Statesman.

The city of Boise, where the Statesman is published, has become a target for the spread of John Birch and similar extremist propaganda. A chief spokesman of the Birch Society recently invaded the valley to spread their customary smear regarding the pending civil rights measure.

The Idaho Daily Statesman rose to the occasion: In an editorial sparkling with the independence of the Western spirit, it debunked the fear-mongering, malignant methods of the society and its leaders.

Mr. President, I wish to commend the Statesman for its forthright editorial, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE EXTREMISTS SPEAK

Nothing should give the Communists more happy thoughts these days than to be headlined as the chief promoters of the civil rights bill, now before the Senate.

A spokesman for the John Birch Society in Boise Monday night (March 30) declared that the "rights" bill is a "Red tool" and that the act heads the Communists' agenda to promote "this strife."

Americans might answer to this alarmist organization that the U.S. Senate is perfectly capable of debating the controversial issues of the Civil Rights Act without being alarmed that each paragraph or subsection points to the rise of communism. If anything in the past 2 years has given a lift to the extreme leftwing in American politics it probably has been the John Birchers. If any organization is bent upon creating civil strife, suspicion in the minds of citizens, turmoil in the legislative halls, the John Birchers could be the major promoters—but they have minimized their influence by preoccupation with extremism. From them, the Communists should take lessons.

The Civil Rights Act may be good or may be bad. But that is what the taxpayers pay their legislators in Washington, D.C., to figure out. Whether the minority is going to rule the majority by the passage of the Civil Rights Act is not foreseen. But that the public is expected to renounce the act because it is alleged as a tool of the Reds is a ridiculous request of the John Birchers.

The rights bill concerns mainly the desires of a group of Negro leaders. Even though the bill is passed there is no certainty that all will be well. Court tests are in the offing. Public acceptance of some of the bill's proposals is doubtful. There can be strife.

But, nevertheless, this is a Republic and Congress is charged with the issuance of laws through a representative legislative process. And whether we like civil rights, Congress, the Supreme Court or not, the American public is not going to cower before the idiotic assumptions of the Birch society.

The avowed purpose of any group to fight communism within the United States is laudable, but only when the fight waged is honest and judiciously waged. The Federal Bureau of Investigation is the responsible, trained agency in this country to so wage the fight—not the John Birch Society, which sees a Communist under "every bed" of political activity in our realm, which splits religious groups, which divides good citizens—those who agree with Birchism and those who do not, with the latter tabbed as "pinko" or "red."

Idahoans have a past of being fiercely independent and honest in their political thinking. The pioneers who built this State in the last century spoke bluntly and candidly. But can State historians look into the past annals and find a group of solid, respected citizens so captivated by such an organization as the John Birch group?

The founder of the John Birch Society gained prominence when he accused former President Eisenhower of being a "dedicated conscious agent of the Communist conspiracy" and "the chances are very strong that Milton Eisenhower is actually Dwight Eisenhower's superior boss within the Communist Party."

The late President Kennedy declared that the society was totally alien to both the Democratic and Republican Parties and noted that Mr. Eisenhower had been as vigorous in his denunciations of the John Birch Society as was he, Mr. Kennedy.

Vice President Richard Nixon said neither party could afford candidates who sought the support of such organizations as the Birch society.

"The United States needs good, strong anti-Communists," Nixon said, "but those who accept or seek support from the John Birch Society are not serving America."

This is a free country in which all may speak or preach. Let that freedom remain without being subverted by the extremists, whether in the Communist ranks or on the rolls of the Birchers.

CIVIL RIGHTS ACT OF 1963

Mr. CHURCH. Mr. President, being so close to the civil rights debate, we in the Senate may occasionally overlook the forest for the trees. What is really important, two Idaho editors have stated, is the long view.

Mr. Sam Day of the Salmon (Idaho) Recorder-Herald takes a look at the scare propaganda being circulated about the bill and suggests we file it away for when we want a good laugh in the year 2000. Mr. Day thinks T. Coleman Andrews and John Satterfield will sound as quaint then as the dire predictions years ago seem to us today about what would happen if child labor laws were passed or the Grand Coulee Dam were built.

Mr. Bill Johnson of the Lewiston (Idaho) Tribune is tolerant of the snail-like pace of the Senate, because he considers the civil rights bill the most important issue facing the Nation at this time.

I recommend the words of these two perceptive editors to the Senate. I ask unanimous consent that their editorials "Some Day the Historians Will Have a Laugh" and "Gain in the Civil Rights Battle" may be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Salmon (Idaho) Recorder-Herald]

SOME DAY THE HISTORIANS WILL HAVE A LAUGH

When the graduated income tax became the law of the land 51 years ago there were many who swore the Nation was on the brink of fiscal ruin. We've won a couple of world wars since then.

When Grand Coulee Dam was built in the 1930's there were many who called it the wildest folly and said such impractical schemes would surely wreck the Nation. The power from Grand Coulee built the atomic bomb.

Child labor laws, minimum wage laws, mine safety acts, women's suffrage, laws protecting labor unions, desegregation of the public schools—all of these were mileposts in securing the rights of American citizens. We take them for granted now, often forgetting that all were at one time subjected to the most violent attack.

The dire predictions of doom which accompanied passage of those landmark acts look quaint in the light of hindsight. We suspect that the same quaint ring will be heard by our grandsons—if not our sons—when, many years hence, they stumble on some of the things being said now about the current epic struggle to secure the rights of 20-million American Negroes.

Some examples:

From an editorial by T. Coleman Andrews, former U.S. Internal Revenue Commissioner, reprinted in the Lincoln County Journal of Shoshone, Idaho:

"The most insidious piece of legislation in the history of our country is now being railroaded through Congress. Its passage would destroy our rights to govern our lives * * * Few Americans, especially businessmen, realize that this vicious measure would convert this Nation into a police state under the direction and control of a powerful Central Government * * * The President impatiently awaits the opportunity to put his signature to the warrant that will consign us, our children, and our grandchildren to generations-long political, social, and economic bondage."

From an editorial by Loyd Wright and John C. Satterfield, former presidents of the American Bar Association, reprinted in Dawn, a newspaper published at Portland, Ind:

"Never in the history of nations governed by elected officials has the head of any state demanded the naked, untrammeled power embodied in this act, except when such state was on the verge of becoming a dictatorship. If it is enacted, the States will be little more than local government agencies existing as appendages of the Central Government and largely subject to its control."

Let the historian file such predictions away for reference, and for chuckles, in the year 2000.—S.H.D.

[From the Lewiston (Idaho) Tribune]

GAIN IN THE CIVIL RIGHTS BATTLE

The Senate's 50 to 34 refusal yesterday to send the civil rights bill to the Judiciary Committee for a 10-day review represented an encouraging but inconclusive triumph for the measure.

The vote did not provide an accurate measure of sentiment on the bill itself. The 19 southern Democrats in the Senate who are pledged to fight the bill to the end voted or were paired solidly against delaying the bill in committee. But advocates of referral varied in their objectives. Senator WAYNE MORSE, Democrat, of Oregon, announced he wanted the bill amended in committee to get a stronger measure. Senator BARRY GOLDWATER, Republican, of Arizona, made clear he wanted it referred to weaken it. Senator EVERETT DIRKSEN, Republican, of Illinois, Senate minority leader and still the key man in the fight, voted for referral but did not disclose his reasons.

In a speech at Moscow, Wednesday, Senator FRANK CHURCH, Democrat, of Idaho, provided a particularly succinct appraisal of the bill's chances for passage.

He predicted that the filibuster against the bill probably will continue for another month—though a good share of the discussion to resume Monday will be genuine debate rather than mere filibuster.

At the end of the month, CHURCH predicted, the key issue finally will be joined on the question of shutting off further debate. The supporters of the bill will need a two-thirds majority to stop debate. The question is whether they can obtain 20 to 25 Republican votes for cloture.

If they do, CHURCH said, "the bill will pass in its present form. If they don't, then it will have to be amended. In any case, I believe that a meaningful civil rights bill will pass."

As the Senate debate drones on, any doubts about the wisdom of bypassing the Judiciary Committee should be resolved. Surely every conceivable argument that can be found or imagined against this bill will be aired by the filibuster team. The merits of the bill will be explained to the Senate also in adequate, if not equal, detail.

The battle of civil rights will delay and obstruct other important congressional work for a long time. But this is by far the most important issue facing the Nation, both in its domestic policies and in its international implications. It is a battle that had to be fought out some time, and it already has been postponed past the stage of emergency. Once the battle for civil rights is fought to the finish and substantially won in Congress, the most serious and persistent barrier to effective congressional action will be gone for the foreseeable future.

It will be a frustrating time for the Nation, this time of filibuster. But a solid victory at last for the basic rights of all citizens is well worth waiting for a little longer.—B.J.

ADDDRESS BY THE HONORABLE CLAIBORNE PELL BEFORE THE 1964 JOINT CONFERENCE ON CHILDREN AND YOUTH

During the delivery of Senator HILL's speech,

Mr. HUMPHREY. Mr. President, on April 8, 1964, the distinguished Senator from Rhode Island [Mr. PELL] delivered the principal address at the 1964 Joint Conference on Children and Youth in Washington, D.C. Entitled "Youth and the Challenge of Our Culture," this excellent statement of the problems and opportunities confronting the youth of America—and the adults concerned with these problems and opportunities—should be read by every Member of the Senate.

I congratulate the Senator from Rhode Island for this fine statement on this vital subject, and I ask unanimous consent that the full text of the address be printed in the RECORD.

There being no objection the address was ordered to be printed in the RECORD, as follows:

YOUTH AND THE CHALLENGE OF OUR TIME

Mr. Sorenson, distinguished ladies and gentlemen, I am indeed most happy to have the opportunity of addressing this closing session of the 1964 Joint Conference on Children and Youth.

Your 5-day conference has been of great value to our country in providing enlightened and meaningful information and in stimulating an interchange of new ideas and fresh approaches, while at the same time consolidating knowledge we have already attained.

I believe we would all agree that many significant steps have already been taken to insure a better life for young people in the United States. Your own efforts have contributed most importantly to these endeavors. I am equally sure we would agree that much more needs to be done. Again, thanks to your efforts, we can progress toward a better future and toward more comprehensive programing and planning on Federal State and local levels.

I have been asked to send you on your way toward this future with some remarks of an inspirational nature. This is a pleasant but difficult task. It is pleasant for me to think that a Senator can inspire you with renewed energies, but the task is somewhat difficult because I know full well that you engender your own inspiration. Indeed, youth is closely allied with a spirit of inspiration; and you as delegates representing 400 national organizations, 50 Governor-appointed State committees and 38 Federal agencies, are closely involved with youth. All of us who are concerned with and think about the problems of youth feel younger for doing so; though perhaps not quite as young as once upon a time.

Despite such feelings, however, it is obvious to us all, I'm certain, that the problems and challenges confronting young people today are more complex than they were even a few short years ago.

In broad terms they are problems of increasing automation, of improving but still inadequate educational facilities, of population explosion particularly applicable to the future of youth, of enormous technological change and the requirements for skills to match complicated new machines, of bombs and missiles that can annihilate not merely groups of individuals but an entire civilization, of growing competition among men and nations with the constant threat of an enemy, more insidious, more abhorrent than those we have known before.

Youth is often a time of paradox and contradictory impressions. Often inner misgivings accompany outward assurance. Often there is a natural wish to rebel against the established order of things; and there is simultaneously a wish to belong, even to conform to the establishment, or to one newly devised. Yet, in essence, each young man and each young woman makes his or her own declaration of independence, courageously, or because of pressures which are hard for the young person to understand. Youth implies a basic quest, a fundamental desire for self-expression. Above all, youth is a time of challenge.

During my 3 years in the Senate, I have come to know numbers of young people who have served in the intern training program I have established in my office. My home State of Rhode Island may be relatively small, but I believe I have the largest such program in the Congress. Approximately 175 young men and women have participated as interns in this program. It is nonpartisan. These young interns serve with me not for pay, but for the sake of knowledge. Most of them are political science majors in Rhode Island colleges. They want to learn at firsthand about the processes of government. Two are with me during each week of the fall, winter, and spring terms. Others join my staff during the summer. Some stay for a month or more of their vacation.

They do some routine jobs and some that are much more demanding. And they are engaged in their own projects: a term paper, a thesis, a study of a particular aspect of government. Perhaps they need to interview another Senator or Congressman, or analyze a debate on the floor, or attend a committee or subcommittee meeting relevant to their work. One especially enterprising youth fashioned for his friends last summer an impromptu interview with President Kennedy. That particular effort, I should tell you, was not on the regular agenda; but it was understood by the President—I think because he was such a young and imaginative and enterprising leader himself. I could mention other episodes; but my point is that when an intelligent young person has an objective firmly in mind, he can generally find a way to achieve it.

Not all are so fortunate, however. Indeed, for the great majority of our young people today—those entering our grade schools and high schools—college is simply not in the picture. It is not financially possible; or it is excluded because the student, somewhere along the line, falls short of the mark—or perhaps worst of all, loses interest.

Our Nation's youth is our greatest resource. A great segment of our youth is today an undeveloped or an underdeveloped resource. It is a resource which in many ways needs greater understanding. That is why we so need your expert help and your expert advice and guidance.

I have recently released a two-volume report entitled "Profile of Youth" which was prepared at my request by the Library of Congress. Among other facts and figures, it shows that during the decade of the 1960's, 7.5 million school dropouts will be seeking jobs in this country. Seven and one-half million dropouts is a million more than the 6.5 million potential employees who will have had some college training in this decade. And 7.5 million dropouts is more than half the total of 12 million high school graduates expected to enter the labor force during the same period of time.

Almost one in three of our school dropouts cannot now find a job in the year of leaving the classroom. Labor Department figures show that a high school graduate can find work almost twice as easily as can one who leaves school prematurely—and a college-experienced young person is almost twice as employable as a high school graduate. Seventy-five percent of those with some college education are professional and technical workers; 80 percent of those without a high school diploma are unskilled workers.

The school dropout is thus at an enormous disadvantage. His unemployment rate has been increasing at almost 10 percent per year since 1960. I would call this tragic dropout situation the No. 1 problem of youth in the United States today.

It is a paramount problem because it indicates that in this land of ours—at a time of unprecedented opportunities and unprecedented prosperity—there are serious shortcomings.

"Profile of Youth" underscores these shortcomings as well as describing many significant activities being undertaken in behalf of our young people today. I believe it is a unique document in that it can fulfill a long unmet need and I have been gratified by its reception among researchers, governmental agencies and departments and by groups and individuals vitally concerned with youth, and I believe it can lead to further comprehensive inquiry.

I am sure you are all familiar with recent dropout studies which demonstrate that this too-early departure from school is not necessarily caused by a lack of mental ability, but rather is closely linked with a lack of interest, with apathetic work, with a lack of participation in athletics and extra-class activities. It is also closely linked with the unskilled labor field and with poverty, with environmental conditions which stifle or undermine a realization and a fulfillment of purpose.

Here is where President Johnson's program can produce great benefits. I firmly support this program. It is most needed to combat not only poverty, but the present dangerous trends which poverty spawns. Unless present trends are reversed, the unemployability of thousands of our young people is likely further to increase and quicken under the impact of automation and decreasing jobs for the unskilled.

This is a depressing image to contemplate, and I was requested to give you words of inspiration, of optimism. I believe I can.

Something more is needed during these concluding decades of the 20th century than pristine new ingenious machinery and men and women to run it efficiently and into an ever more lofty spiral of prosperity and higher standards of living.

What we most need, it seems to me—both for our youth and for those of us of a slightly older generation—is a new attitude.

Just as it applies to those young people who have served in my office as volunteers, or to those young men and women who have volunteered to serve less fortunate human beings through the Peace Corps, and just as it applies to young college students who are now volunteering to help underprivileged pupils in nearby schools, as was recently reported by James Reston in the New York Times, so do we need this spirit of going a bit beyond the routine of our own undertakings. We need to explore ourselves, our capabilities, and to see if we can go the extra mile or half mile; some distance beyond what we thought we could do. This means more emphasis on the growth of character and meaningful citizenship, so that young people can be enabled to speak out in a clear intelligent voice and not be limited by a restricted conformity.

Here is what two young Rhode Island teenaged journalists have to say on the subject of individual ability. Writing in the Newport Daily News in the column they run for their contemporaries, they state: "Each of us has a very special talent, a talent for doing something exceptionally well. This talent is an extremely intricate part of our personality, something which we cannot do without, and we owe it not only to others, but to ourselves, too, to find and develop this talent as much as we can. If we do not do this, then we have nothing to contribute now, nothing to live for later. This talent is our identity—your own, my own, all yours, all mine."

In respect to the development of ability, I have become deeply interested in the concept of the "Outward Bound" program. You may be familiar with it, though it is in its incipient stages in this country.

Outward Bound—no relation to the play of that name which projected a small group of unearthly travelers into the realms of the eternal—began in England during the travail of World War II, when German submarines were destroying numbers of British ships. It was discovered, starkly, that a great many able-bodied seamen simply lost their will to survive when confronted by the emergency hardships of open lifeboats and cold, stormy seas. I remember one lifeboat load of survivors my own escort ship once plucked from the North Atlantic, a cruel sea indeed in winter, where the individual in best shape was an old engineer. He had the will to survive. His younger, half-dead boatmates did not. These seamen apparently preferred to give up, to almost relinquish life under these circumstances, rather than to combat the elements while awaiting possible rescue. Granted the hardships were extreme and terrifying, but those who succumbed were often lacking in survival techniques; and, most important, they did not recognize their full potentials.

The first Outward Bound school was founded beside a rocky and windswept port in Wales to remedy this situation and to provide young men with the inner fiber to withstand needless and weakening defeatism.

Today there are six Outward Bound schools in England, training youth not for war but for positions of responsibility in peacetime. British industries are helping finance this program and are sending young employees to these schools. It's estimated that approximately 80,000 young Britishers have participated in them. There are other Outward Bound schools in Africa, Malaysia, Australia, New Zealand, and Holland. And there are now two in our own country established in Colorado and Minnesota. This summer another school will be taking shape off the rocky and sometimes windswept coast of Maine.

I have recently discussed plans with those setting up the program in the United States. Enrollment in the schools is expected to double this year over last, and to almost double again next year.

The numbers of young men participating in Outward Bound in this country are still small; but approximately 600 will be taking part next summer in the Colorado and Minnesota schools, with consecutive courses in progress. The Maine school is expected to be fully completed by 1965.

Each course lasts 26 days. Instructors must be experts in combating the elements in their given areas—experts in mountain climbing in Colorado, experts in the rugged and wild and forested terrain of Minnesota, experts in climbing cliffs and seamanship in Maine.

The actual numbers participating in these expanding courses, it seems to me, are not so important now as the philosophy governing the schools.

Briefly, the philosophy is that each individual has within himself abilities of which he is not fully aware. A unique experience can serve to bring out these abilities: some sort of test or task which at first seems insurmountable: we may think we have gone to the limits of our endurance, but we can go further, if only by a step or two. The program of Outward Bound applies this concept to youth. For each of the 26 days, a little more difficult task is carefully planned; and the youth who begins at the foot of the mountain, so to speak, ends up on top. He goes through the arduous but carefully regulated and supervised experience with others, equally uncertain at first. But he proves something of immense significance to himself in those 26 days. He proves he can achieve his goal, and then one just beyond it.

He has a different attitude. In a word, he can do what seemed impossible. And he returns home a changed young man, with a sense of strength within himself.

These young men are from a great variety of backgrounds, from the very poor on scholarship funds to those who can afford the $350 tuition.

As one graduate of the program recently remarked. "Whatever else I do in life, I will never again be afraid to try."

Here is the crux of what I am saying. I I think it applies to the school dropout problem, and that the outward bound philosophy can assist in curing it—perhaps by incorporating in the solution a broadening of the program itself, or at least some of the precepts it teaches. The student who feels he can go a step further in life does not lose interest. He accepts a greater challenge; and this the program has already demonstrated. It might be very worthwhile for some Government agency or department, connected with the administration's war on poverty and emphasis on youth's problems, to cooperate with outward bound in a demonstration project which would throw additional light on the program's benefits.

One more observation concerning outward bound. As I have indicated, the program includes expert training and instruction in the basic techniques of mountain climbing. Aren't we all, in a sense, involved in this enterprise? Don't we all see peaks before us, distant or close by, which we would wish to scale? It has been explained to me that, because of their diverse backgrounds and previous upbringings, some members of the school do not exactly see eye to eye—initially. But if one young man is suspended on a rope which another is holding at the edge of a cliff, isn't there apt to be rather a sudden transformation of feeling? And aren't we all, figuratively speaking, attached to each other here and assisting each other to climb—and to surmount what at first glance may appear impossible?

My thought in closing is that in each problem area we face today lies a challenge. Actually, they are inseparable.

I am asking you and all young people to help further pinpoint the problems and challenges of youth. I am urging a nationwide "Dialog With Youth," so that our young people can better make known their needs and aspirations and the obstacles which they see as hindering or preventing achievement in all their undertakings.

But in seeking and finding solutions we must not forget the element of challenge, which is so important and essential to true growth and maturity. And we of the slightly older generation must not forget the challenge, either—nor that we, too, have capabilities and energies and that extra measure of resourcefulness which we can call out from inside ourselves, when we need these qualities most.

THE NATIONAL INDEPENDENT DAIRIES ASSOCIATION

Mr. HUMPHREY. Mr. President, on April 14, 1964, I was privileged to address the seventh annual convention of the National Independent Dairies Association. This association is made up of more than 350 locally owned and independently operated dairies in 47 States. It is the association of the hometown dairies in America's cities and towns.

The National Independent Dairies Association is more than an ordinary trade association. Its members feel strongly the need of preserving local enterprise. They are deeply concerned about the preservation of the private enterprise system. They work to preserve fair competition in the dairy industry. They have a right to be concerned. In 1946, there were three times as many independents processing dairy products as there are today. The independents do not want privilege. They want fairness of procedure. I have long supported their cause and have therefore sponsored S. 1815 to amend section 3 of the Robinson-Patman Act, in order to insure fairplay in the marketplace for independent producers. In addressing the NIDA I said:

> I believe with all my heart that independent business can survive, but not without fairplay in the marketplace.

Mr. President, I ask unanimous consent to have my remarks at the NIDA convention printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Senator Humphrey's Speech Before NIDA's Seventh Annual Convention, April 14, 1964

I am here, ladies and gentlemen, to bring you good news—and that is that the American independent businessman has a strong and good friend in the White House—and the party which the President and I represent is dedicated to competition, private initiative, and the free enterprise system.

Furthermore, the administration is not talking a good game. It is playing it.

President Kennedy set out to create a better climate for business so that we would not be faced with an immediate recession. Our country needed to modernize our industry and we moved to secure new guidelines for depreciation of capital equipment. We also secured new investment tax credits. Industrial leaders and businessmen from all parts of this country were called in to discuss other moves that might be taken to encourage the business community to move ahead. I felt from the beginning that the first major step was to free up investment capital and stimulate purchasing, using a major tax cut and I shocked quite a few people when in July 1962, while in New York City I called for such a substantial cut in taxes. I argued inside and outside the administration for this tax cut, when it was a bitterly contested idea. One idea I pressed and which I have advocated since 1958 was the need for reversing the normal and surtax rates which would in effect give a special tax break to smaller enterprises. Well, we passed the tax bill. And as of April 14, there are very few in this country that will dispute the fact that business is good. Indeed, we have had 38 straight months of unbroken business advance and what is more, most experts are predicting this economic expansion will continue. The pessimists of last year are embarrassed to find that profits hit a peak of $51.5 billion last year and are expected to reach $56 billion this year. Productivity is increasing and consumer income continues high.

It is little wonder when one notes that our gross national product is now running at $600 billion plus, that the Morgan Guarantee Bank proclaimed recently "Confidence in the business outlook is stronger than at any time in the past 4 years."

This confidence is being backed up by businessmen as surveys show anticipated business spending for plants and equipment at $43 billion for this year. This is 10 percent ahead of last year.

I personally feel that the impact of the tax reduction, passed just a few short weeks ago, can be read in announcements by businessmen of increased capital expenditures.

Employment is at an alltime high. In fact, the President recently announced that employment has reached a peak in the month of March of 68½ million. Personal income is going up. Car loadings are up. Consumer debt is rising. People are earning and they are spending. Furthermore, we have drastically reduced our balance-of-payments deficits.

But we can have a general prosperity in which an important and vital segment of our society can be destroyed. It is not enough to have general prosperity and a high gross national product. Every year, every month, there is an increasing amount of concentration in field after economic field. According to the latest statistics from the Commerce Department, since 1937 the number of manufacturing establishments has declined from 332,000 to 313,000 while the population has skyrocketed. What does it mean? Economic concentration. Back in 1947, the top 200 corporations in the Nation accounted for 30 percent of the value added by manufacturer. By 1958—in 11 years—these top 200 American corporations had increased their percentage to 38 percent. That same year—1958—less than 4 percent of our corporations accounted for one-half of industrial output. I think it is fair to ask what will happen to our free enterprise system if this trend continues. The large national food chains have been having a field day. The Bureau of the Census will not have available the last 5 years' figures until next fall, but between 1948 and 1958 in 15 metropolitan marketing areas, food chains increased their sales from 26 percent of total food sales in these marketing areas to 44 percent of the total. By 1970 some authorities predict three-fourths of all retailing will be done by the large chains. In the last decade, 100,000 single-unit grocery firms fell by the wayside. And they are still falling. Concentration is having its effects in the dairy industry, and I found much evidence of this in the summer of 1961 when my subcommittee held 4 days of hearings on the problems besetting the dairy industry in the Twin Cities' area. The dairy industry is now exceeding $12 billion a year. It approaches the size of the steel industry. And we appear to be less concerned about economic concentration in this vital industry than we are about the steel industry.

But the shocking fact is that in my own State of Minnesota between 1951 and 1962, we lost 50 percent of our plants processing fluid milk. Indeed, during those same years fluid milk plants in the United States declined by over half. Mass destruction appears to be taking place in this great industry. The net result of this, I am told by your own fine organization, is that 8 companies now control 20 percent of the milk business, and 10 companies control 40 to 45 percent of the ice cream business. Lynn Paulson has told me that your largest member company does only $20 million worth of business. Twenty million dollars may have seemed of gigantic size 50 years ago, but is literally pygmy size, compared with the one dairy company in this country that now does $2½ billion worth of business every year—and the several who do over $1 billion worth of annual business.

Ladies and gentlemen, I am not against big business. I have always believed that big corporations are a source of strength and economic vitality to our country, but I am not for bigness for bigness' sake. Bigness is very bad when it is used to stifle competition. The free enterprise system cannot continue without the flexibility, the dynamism and the creativeness of the independent businessman. What worries me is whether this country is headed toward monopolistic oligarchic control of certain segments of our economy. The Federal Trade Commission tells me that small food retailers are dying at the rate of 10,000 per year, and that 20 of the largest chains now have gone from 24 percent of the food store sales in 1945 to 36 percent. This percentage involved a shift of $6 billion, from small retailers to giant chains.

The seriousness of this has reached a point where President Johnson commented upon it in his agricultural message: "The recent changes in the marketing structure for distribution of food are as revolutionary as those in production. There are some 200,000 retail grocery stores, but we know that $1 out of every $2 spent for groceries go to fewer than 100 corporate, voluntary, or cooperative chains."

Now let me make it crystal clear, American society is a business one—we are all business oriented—our way of life is the free enterprise system. All through the years that I have been in the U.S. Senate I have consistently supported fair wages for laborers, fair returns for farmers, and I have been an outspoken exponent of the need for fair profits to the American businessmen. Of all the places in America today where the independent businessman is struggling for survival it is in the food industry both at the producer-processor level, and the retail level. This fight for survival must be won. It must be won because American communities depend upon the independent businessmen. Our way of life depends upon competition but there is a difference between fair competition and jungle warfare. The independent dairyman in his fight for survival is caught between the giant food distributors on the one hand and the giant processors on the other. What does this mean? It means special prices, special services, special advertising allowances, and special credit advantages. This is the jungle warfare that I speak of. If big business wants to drive independent business to the wall with such tactics they will change the whole complex of American life and Senator HUMPHREY is not one of those who advocates this. This type of competition is not superefficiency, it is vicious underhandedness. I believe with all my heart that independent business can survive but not without fairplay in the marketplace. No independent can survive the price competition by a giant in his area when that giant may be making exorbitant profits 1,000 miles away in a marketplace that no longer has an independent. This problem probably cannot be eliminated under existing legislation as interpreted by the regulatory agencies and the courts. Therefore, we must constantly seek new legislative methods of strengthening the hand of the independent in his struggle for survival. One such legislative effort, I am convinced, is to breathe new life into the Robinson-Patman Act. Section 3 of that act was passed in the 1930's. It has three distinct prohibitions: general price discrimination, which is essentially the same as in section 2 of the Clayton Act; area price discrimination and sales below a reasonable price. Up until now these three sections, because of certain court decisions could only be enforced as criminal statutes by the Justice Department. My bill, S. 1815, not only provides for civil enforcement but also gives the right to those who are injured by one of these practices to sue for treble damages in a private lawsuit. On July 18, 1958, I issued a report after holding hearings on the role of private antitrust enforcement. I recommended at that time what is included in this bill. The American economy needs this bill. If you as businessmen are given the opportunity in private suits to attack sales below a reasonable price, I predict this problem will be solved years before it would be if the Federal agencies had to do it alone. This administration knows this and both the Justice Department and the Federal Trade Commission have put a strong stamp of approval on this amendment. It is not going to be an easy fight. Senator HART tells me the vote will be close in his subcommittee but he is with us and will do his best. After his subcommittee it still must pass Senator EASTLAND's full committee, the Senate and the House. Lynn Paulson and your officers have worked hard at this and you can be proud of them. This administration needs your help. America needs your continued existence.

VOLUNTEERS OF AMERICA—A COMMITMENT TO CARE

Mr. HUMPHREY. Mr. President, on April 14, 1964, I had the honor of receiving from the Volunteers of America, their annual Ballington and Maud Booth Citation. The citation is given "for untiring devotion, leadership, and service in the cause of freedom and equality for all American people regardless of race, creed, or color."

I have long been inspired by the Volunteers of America. Founded in 1896 by Maud and Ballington Booth, the Volunteers of America is an organization dedicated to the service of the American people as a national religious social welfare organization which gives material and spiritual aid to those in need regardless of race, creed, or color.

The Volunteers provide 504 program services in more than 100 cities and towns throughout the United States. These include emergency homes for women and children, maternity homes for unwed mothers, rehabilitation programs for the handicapped, Sunset clubs and old age homes, counsel and guidance to prisoners and their families, and help to former prisoners to get jobs and regain self-respect, community centers to combat juvenile delinquency, mission churches and Sunday schools to interest people in joining a church of their choice, and many more services.

President Johnson has said of them:

> The Volunteers of America have compiled an enviable record of service to the needy of our Nation, not merely in terms of the material assistance they have provided so abundantly, but also in their warmly human counsel and inspiration which have saved so many from despair. Our country is fortunate in having such an organization devoted to the service of Americans.

America is now making a commitment to care for the millions of Americans who are in a state of poverty. It is determined to help them help themselves. The Volunteers of America have long had this commitment to care, and what is more their very name is indicative of the spirit which must animate and guide any successful program to eliminate poverty and need in our Nation.

This great organization must be an inspiration to us all. Gen. John F. McMahon is presently the commander in chief of the Volunteers of America. I congratulate this fine organization through him. I am especially pleased to note the fine work done by their national youth cosecretaries, Lt. Col. Robert E. Nolte, of Minnesota, and Lt. Col. Miriam Nolte.

Mr. President, I ask unanimous consent that my remarks on the occasion of receiving the Maud and Ballington Booth Award may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A COMMITMENT TO CARE—VOLUNTEERS OF AMERICA, APRIL 14, 1964

It is a great honor for me to receive the Ballington and Maud Booth Award. The wonderful record of humanitarian service written by the Volunteers of America is an inspiration to all Americans. Your more than 500 service programs in more than 100 cities have indeed carried forth the purposes of the Son of Man "to bring good news to the poor, and release to prisoners." And you have served all regardless of race, creed, or color.

I can only echo the words President Johnson has already spoken to you: "Our country is fortunate in having such an organization devoted to the service of all Americans."

The Volunteers of America have had the commitment to care—to care for fellow Americans, for fellow humans, suffering from whatever disability or misfortune. You care enough to help them physically and spiritually, and help them get back on the road of helping themselves.

You have helped America become aware. have helped America care. For America tonight has been awakened to the fact that one-fifth of its fellow citizens—more than 40 million of them—are living in the state of poverty. They suffer all of the physical depression, and the moral and spiritual difficulties that grow in such a state. The shocking thing is that this exists while America has become the richest nation on the face of the earth.

America is great in other respects than wealth. It is not perfect but there has been a greater development of democracy, freedom, and justice here than anywhere else. Yet America is somewhat like the rich young ruler who came to Jesus and asked: "What shall I do to be saved?" Questioning revealed that he had done much in all the conventional ways. Then Jesus said: "Sell all you have and give to the poor." It is reported that the rich young man turned away sorrowfully.

America is not going to turn away sorrowfully. President Johnson has declared an all-out war against poverty by the American people. He has made $1 billion available for the next fiscal year to start the attack.

We have been made aware. We have made the commitment to care. It is not a partisan matter or a political issue. President Johnson has made this a matter of conscience for the American people, and that is how all of us are going to face it.

As you so well know, the cities of America are the places in which this problem of poverty is growing more and more acute. The cities are where our people are piling up. Cities are bearing the brunt of a double trend. On one hand, the population of America is growing at a great pace. We are adding more than 3 million persons per year. At the same time people are moving to the cities. By 1980 we will have 250 million people in America. Eighty percent of them—more than the total present population—will all be clustered in a handful of giant cities.

These cities are showing a marked pattern. There is a migration of the poor to the center or core city. There is an outward migration by those who are better off to a series of concentric, suburban rings around this core. The Negro is a conspicuous element in the poor of the central city. He comes mostly from the deprived areas of the rural South. But he is not alone. As the rural heartland of America is drained, other groups of poor stream in from the rural and mountain areas. Squeezed out of economic opportunity in the sections from which they have come, they wander to the cities looking for opportunity. Sadly, their situation becomes worse. They find the city a strange, alien, anonymous place.

Poverty is piling up in the cities. The mass of it is becoming greater in one spot. The contrasts get sharper. But the well-to-do who have left the cities tend to leave their human awareness and sensitivity behind too. What they do not see closely anymore, they tend to think does not exist. What is out of sight is out of mind.

The Nation as a whole has to become aware of this situation. One of the most immediate things we have to do is attack the problems of youth in our core cities and particularly at the point of their education.

We have become a technological and scientific society almost overnight. It has greatly expanded our wealth. But it has put an ever-increased emphasis upon skill to find a place in our economic life. The poor who have fallen through the cracks of our affluent society, have never been adequately trained to compete and take a place in the jobs needed by our new society. It is desperately important that the misfortunes of the fathers not be visited upon their children.

Greater demands are being placed upon our schools to deal with overcrowding, special teaching, new methods to overcome the emotional disturbance and learning blocks that come from the condition of poverty, cultural deprivation, lack of motivation, and hope. At the same time the resources of the cities have become reduced. An increasing number of children lack any medical care. The schools must spend more of their budgets for health services. Hungry, malnourished, poorly clothed children demand increasing welfare services from the school staff. Dropouts do not begin at age 16. The seeds of it begin long before. Elementary and even preschool situations are the places where basic problems of prevention begin, yet customarily the elementary schools have the lowest share in school budgets. And overall, as wealth tends to escape the city into separate political jurisdictions on the outskirts, the taxing sources of the city dwindle.

I firmly believe that the Federal Government must recognize its share of responsibility in the national interest in helping elementary and secondary education, particularly in the cities, meet their massive problems. We have helped, and wisely I believe, the top of the educational pyramid in America. We have begun to recognize a responsibility to aid and develop proper vocational education. We must do more.

Not only can America afford it. America cannot afford not to do this. The first $1 billion which has been found to start the war on poverty has come from savings in our defense procurement. More is coming from this source alone, and with no sacrifice of any capacity on the part of America to resist Communists or any other aggression. We have no better place to put some of the money than to fight the enemy of poverty from within.

The job corps phase of the first attack on poverty shows how important education is. Selective service testing has identified more than a million young men who cannot read well enough even to fill out a job application. They cannot articulate well enough in ordinary forms of communication to put themselves forward. They lack other things too. They have no sense of regularity about meeting a schedule on a job. They lack other habits of discipline. The job corps camps will give experience in these things, but at least half the time will be spent in a basic education that was not gained in school. Basic intelligence is not the problem. Basic training is.

But no one in the Government has any illusion that Federal activity can win the war on poverty. We must also have the fullest mobilization of the resources of entire communities and the most complete cooperation of all agencies in the communities. We must have a rebirth of the spirit of caring and volunteering to help all over America.

This was the spirit with which our late beloved President Kennedy electrified America in his inaugural address. "Ask not what your country can do for you," he challenged, "ask what you can do for your country."

That spirit immediately animated the Peace Corps, which in 3 short years has become the most exciting new program that has been developed for peace in the world. We can do the same thing at home in waging the war on poverty.

The Peace Corps revealed the tremendous reservoir of good will and spirit we have in America. You here tonight have long known this. And you should find it a high compliment that in developing plans for the attack on poverty, the Johnson administration was inspired to think of your organization in calling for Volunteers for America.

The program may not have your exact name, but it must have your spirit, and that is exactly what we are calling for. President Johnson is not asking for a crash program. The war on poverty is the beginning of a long-term assault. No crash program will wipe out slums, inadequate education, low income, broken homes, poor motivation, prejudice, bigotry, delinquency, crime, discrimination, and segregation, no matter how much money is poured into it over a short period of time.

Each community must make up its mind as a community to attack these evils. Each must define its own peculiar problems and cut them up into pieces of manageable size. But our most urgent task right now is wanting to get the job done. Then we must maintain a spirit of never-failing perseverance and a never-failing faith in the power of democracy and religion to unite all men.

America is grateful to you, the Volunteers of America, for what you have been doing.

We need you now more than ever. We need your inspiration, dedication, counsel, and knowledge. We have made the commitment to care in America. We have found a will. I am confident we will find the way.

OUTSTANDING CATHOLIC YOUTH OF THE YEAR

Mr. HUMPHREY. Mr. President, a recent news item may have escaped the notice of some of our colleagues, and it mentions an event which deserves the attention and high praise of all of us.

That event, Mr. President, is the selection in January of Maurice J. Blackwell as Outstanding Catholic Youth of the Year. He was selected from among 150 finalists nominated by the national presidents of the Catholic Youth Organization, the National Newman Federation, and the National Federation of Catholic College Students. This award is made annually to a young Catholic between 14 and 18 years of age.

Mr. President, Maurice is currently a senior at Towson Catholic High School just outside of Baltimore. He is president of his class. He is president of the Archdiocese of Baltimore Catholic Youth Organization. He is a member of the Future Teachers of America and he has won awards for excellence in music, debating, oratory, and declamation.

Maurice is also a Negro, Mr. President, a fact which lends even more significance to his impressive achievements. I am sure that my colleagues in the Senate would feel great pride for a young man who receives an award for outstanding qualities of leadership, devotion to country, and devotion to God. More than this, Mr. President, is the type of courage and determination which Maurice Blackwell had to have in order to win such high recognition from several major groups within his church.

Msgr. Clare J. O'Dwyer, youth director for the Archdiocese of Baltimore, reminds us that the difficulties Maurice must have faced because he is a Negro did not dampen his devotion and energy:

> This boy neither stopped trying nor soured, but continued working for Catholic ideals with real Christian charity. He is not only accepted by our youth, but looked to for leadership guidance.

Mr. President, I ask unanimous consent that five newspaper accounts of Maurice Blackwell's selection as Outstanding Catholic Youth of the Year be printed in the RECORD. I also ask unanimous consent that a news release from the National Catholic Welfare Conference announcing this award be printed in the RECORD.

There being no objection, the articles and news release were ordered to be printed in the RECORD, as follows:

TOWSON CATHOLIC SENIOR WINS NATIONAL ACCOLADE

(By Gail Wallace)

Maurice J. Blackwell, a 17-year-old senior at Towson Catholic High School and president of the Archdiocesan Youth Council, has been named the Outstanding Catholic Youth of the Year in the United States.

Announcement was made by the Right Reverend Frederick J. Stevenson, director of the Youth Department of the National Catholic Welfare Conference, which sponsors the annual selections.

Nominations are made by the national presidents of the Catholic Youth Organization, the National Newman Club Federation, and the National Federation of Catholic College Students. Maurice was chosen from among 150 finalists across the Nation.

The Right Reverend Clare J. O'Dwyer, youth director for the Archdiecese of Baltimore says of him, "The various accomplishments of Maurice are obvious, but what is not obvious is the difficulty he went through to achieve his outstanding record.

"Despite discrimination this boy neither stopped trying nor soured, but continued working for Catholic ideals with real Christian charity. He is not only accepted by youth, but looked to for leadership and guidance."

Maurice, who lives on Reservoir Street in Baltimore City, was surprised and happy "yet I realize the demand this national award places on me."

But those who know Maurice and his accomplishments are not surprised at the decision. Maurice has tallied up an impressive list as a student at Towson Catholic, a CYO member, and a parishioner at St. Peter Claver Church.

Through his first 2 years spent in high school in Baltimore City, he was a class president and editor of the school paper. He received certificates of attainment in music, three awards in speech, and a debating medal.

Since transferring to Towson Catholic he has merited four certificates in debating, a certificate of superiority in declamation, a certificate of excellence in declamation, and a medal for impromptu speaking.

He is a member of the Latin Club, the Catholic Students' Mission Crusade, the Sodality, and the Forensic League. He also has taken part in dramatic productions and the annual student operetta.

His CYO achievements are many and varied. Besides being president of his parish club and Archdiocesan president, he took first place in the archdiocesan talent show. He was also named outstanding actor in the CYO's recent one-act play contest.

In his parish Maurice is also a member of the Confraternity of Christian Doctrine, teaching in the church Bible school in the summer. He was his parish representative at the National Liturgical Convention in Philadelphia last summer, and is a Knight of the Altar.

At Towson Catholic he is president of the senior class and a member of the Future Teachers of America.

[From the St. Louis (Mo.) Post-Dispatch, Dec. 31, 1963]

BALTIMORE NEGRO NAMED CATHOLIC YOUTH OF YEAR

WASHINGTON, January 2.—Maurice J. Blackwell, president of the archdiocese of Baltimore Catholic Youth Organization, has been selected as the outstanding Catholic youth of the year.

The announcement was made today by Msgr. Frederick J. Stevenson, national director of the youth department of the National Catholic Welfare Conference, which sponsors the annual selection.

At the same time, Monsignor Stevenson announced that Francis J. Darigan, Jr., of Providence, R.I., a past national president of the CYO, has been named the outstanding Catholic Young Adult of 1963.

Blackwell, a Negro, is in his senior year at Towson Catholic High School in Baltimore. He has been active in CYO programs in the Baltimore area for the last several years.

Darigan is a senior at Providence College, majoring in political science. He is president of his class.

[From the Newport (R.I.) News, Jan. 2, 1964]

NEGRO SELECTED AS CYO YOUTH

WASHINGTON.—Maurice J. Blackwell, president of the archdiocese of Baltimore Catholic Youth Organization (CYO), has been selected as the outstanding Catholic youth of the year. He is a Negro.

The announcement was made today by Msgr. Frederick J. Stevenson, national director of the Youth Department of the National Catholic Welfare Conference, which sponsors the annual selection.

At the same time, Monsignor Stevenson announced that Francis J. Darigan, Jr., of Providence, R.I., a past national president of the CYO, has been named the outstanding young adult of 1963.

Darigan is a senior at Providence College, majoring in political science. He is president of his college class.

[From the New York (N.Y.) World-Telegram & Sun, Jan. 2, 1964]

NEGRO YOUTH NAMED FOR CATHOLIC HONOR

WASHINGTON, January 2.—Maurice J. Blackwell, president of the Archdiocese of Baltimore Catholic Youth Organization, has been selected as the outstanding Catholic youth of the year.

The announcement was made today by the Very Reverend Frederick J. Stevenson, national director of the youth department of the National Catholic Welfare Conference.

At the same time, Monsignor Stevenson announced that Francis J. Darigan, Jr., Providence, R.I., a past national president of the Catholic Youth Organization, has been named the outstanding Catholic young adult of 1963.

Blackwell, a Negro, is a senior at Towson Catholic High School in Baltimore.

Darigan, a senior at Providence College, is president of his class.

[From the Hanover (Pa.) Sun, Jan. 2, 1964]

CYO PRESIDENT NAMED 1963 TOP CATHOLIC YOUTH

WASHINGTON.—Maurice J. Blackwell, president of the archdiocese of Baltimore Catholic Youth Organization, has been selected as the outstanding Catholic youth of 1963.

The announcement was made today by Msgr. Frederick J. Stevenson, national director of the youth department of the National Catholic Welfare Conference, which sponsors the annual selection.

At the same time, Monsignor Stevenson announced that Francis J. Darigan, Jr., of Providence, R.I., a past national president of the CYO, has been named the outstanding Catholic adult of 1963.

Blackwell, a Negro, is in his senior year at Towson College High School in suburban Baltimore. He has been active in CYO programs in the Baltimore area for the past several years.

Darian is a senior at Providence College, majoring in political science. He is president of his class.

OUTSTANDING CATHOLIC YOUTH OF THE YEAR ANNOUNCED

WASHINGTON, D.C.—Maurice J. Blackwell, Baltimore, Md., president of the Archdiocese of Baltimore Catholic Youth Organization (CYO), has been selected as the outstanding Catholic youth of the year (14- to 18-year category). The announcement was made here today (January 2) by Msgr. Frederick J. Stevenson, national director of the Youth Department, National Catholic Welfare Conference, which sponsors the annual selection.

He was chosen from among the nominees by the national presidents of the CYO, National Newman Federation, and the National Federation of Catholic College Students.

Blackwell, who is in his senior year at Towson Catholic High School in Baltimore, has been active in CYO programs in the Baltimore area for the past several years, being honored as Mr. CYO and then elected the archdiocesan CYO president for 1963.

He won first place in the archdiocesan CYO talent show, outstanding actor in the one-act play contest, and has received certificates of excellence in music, debating, oratory, and declamation.

He is also president of his senior high school class and a member of the Future Teachers of America.

Msgr. Clare J. O'Dwyer, youth director for the Archdiocese of Baltimore, when informed of his selection as the outstanding Catholic youth of the year, stated that "the various accomplishments of Maurice are obvious, but what is not obvious is the difficulty he went through to achieve this outstanding record. First, Maurice Blackwell is a Negro and has been subjected to the myriad of discrimination that race has suffered." Through some unfortunate experiences "this boy neither stopped trying nor soured, but continued working for Catholic ideals with real Christian charity. He is not only accepted by our youth, but looked to for leadership guidance."

Msgr. Frederick J. Stevenson, in announcing his selection, stated that Mr. Blackwell was awarded this honor by his fellow youth because of the "outstanding leadership he has shown in the CYO and the wholesome qualities he has demonstrated in his everyday life. He exemplifies the many thousands of Catholic youth across the country, who live their daily lives honoring God and practicing loyalty to their country." Presentation of the award will be made in Baltimore in February, he said.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 153 Leg.]

Aiken
Allott
Bartlett
Beall
Bennett
Bible
Boggs
Burdick
Cannon
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Hart
Hayden
Hill
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Miller
Monroney
Morse
Morton
Moss
Mundt
Nelson
Neuberger
Pearson
Pell
Prouty
Proxmire
Ribicoff
Russell
Saltonstall
Scott
Smathers
Smith
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

The PRESIDING OFFICER. A quorum is present.

McNAMARA'S WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President——

The PRESIDING OFFICER (Mr. CANNON in the chair). The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, the remarks made today in the Senate with regard to McNamara's war have been a great disappointment to me.

I had looked forward to hearing for the first time on this floor a full-scale justification for the illegal war we are fighting in South Vietnam. Instead, the comments by various Senators—which I did not hear in person, but read in the office of the Official Reporters—are no defense at all of McNamara's war in Vietnam.

They are largely a defense of the patriotism of the Secretary of Defense and a tribute to his brilliance as an administrator of the Department of Defense. Since I have raised no question either of the Secretary's patriotism or brilliance, their comments are all directed at nonexistent issues. I would be happy to repeat after these Senators, with hand upraised, all that was said here today about the patriotism and capacities of the Secretary of Defense.

I note that only two of my colleagues offered even the slightest hint of support for McNamara's war. That is the issue on which I have spoken many times in the Senate, and on which I will continue to speak so long as this issue is before us.

I shall await with interest to see whether either of the two Senators who gave indication of support for the war in South Vietnam will introduce within a few days a declaration of war, because that is the only legal way this country can fight in Vietnam, either North or South. The U.S. Air Force is already fighting in South Vietnam, and so are many of our so-called advisers to the Vietnamese.

Not one voice has yet answered my contention that the United States, under the leadership of Defense Secretary McNamara, is fighting an illegal and unwise war in Vietnam. That is why I call it McNamara's war.

Secretary McNamara has made four trips to South Vietnam since taking office. The first was in May 1962, when he went over to see how the American program for fighting the Vietcong guerrillas was making out. In September 1963, McNamara and General Taylor again went to Vietnam, to review and assess the military effort against the Vietcong. The coup which deposed President Diem followed shortly thereafter. So Secretary McNamara returned, in December of 1963, to evaluate the new junta. Again, under ordinary circumstances, one would expect an evaluation of this kind to be undertaken by the Secretary of State or someone under his authority.

On March 8, 1964, Secretary McNamara again went back to South Vietnam. This time there had been a shakeup in the State Department management of Far Eastern affairs. We had a new Assistant Secretary for Far Eastern Affairs; and President Johnson made clear that no changes in policy in that area of the world would be made until Secretary McNamara got back from his latest trip. Here again, it would seem evident that the Secretary of Defense is handling American policy and American relations in South Vietam.

I have no doubt in my mind that Secretary McNamara has drafted the blueprint for our operations in South Vietnam. Although the attitude of the administration seems to be that Secretary McNamara has superior ability, one would think he would be called to blueprint the plans for war there only after a declaration of war.

Our Secretary of State, who normally handles our affairs with other governments, did not have occasion to visit Vietnam until this week, and then only as a side trip from Manila.

The escalation of American aid and American participation in the war has been steady and continuous since Secretary McNamara became Secretary of Defense. Defense Secretary Robert McNamara is the one who now speaks for and represents the United States in South Vietnam. It was he who campaigned so arduously around its countryside on behalf of its current junta boss—General Khanh—more arduously than he ever campaigned for any American head of government.

It was Secretary McNamara who undertook to promise aid "forever" to the Khanh regime, or whoever follows Khanh as head of the junta.

And it was Secretary McNamara who then went on nationwide television to explain all this to the American people. That was done, not by the President of the United States, not by the Secretary of State, but by Secretary McNamara.

The President of the United States has not done that, although I understand that tonight he will do so from New York City.

I am satisfied that Secretary McNamara has made this war his own, in order to do just what was done here this afternoon on the floor of the Senate—to make any question of it and any criticism of it an impugning of patriotic motives. What we are doing in South Vietnam is illegal under international law and under the United Nations Charter. Our support of the Vietnam war puts us in violation of the United Nations Charter. But, so long as the flag is wrapped tightly around it in the person of the Secretary of Defense, then it is easy to equate all challenges to that policy with a challenge to the patriotism of the Secretary of Defense.

Mr. President, I do not challenge the patriotism of the Secretary of Defense. Instead, I laud it and applaud it. I challenge only his judgment. But so long as it is the military branch of our executive that lays down the policy, explains it to foreigners and to American citizens alike, and carries it out, then questions are made to sound like a question of the Secretary's patriotism.

By making it his own war, Secretary McNamara has also virtually foreclosed resort to diplomatic channels in an effort to end it.

In a moment I shall speak about those channels.

It is obviously much easier for U.S. Senators to repeat that Secretary McNamara is a brilliant and patriotic man than it is for them to explain to anyone what we are doing in South Vietnam and why we should continue to support that war.

I repeat my hope that some senatorial defender of McNamara's war, if there really is a defender, will come forward with a declaration of war. If he can get it passed by both Houses of Congress, then at least McNamara's war will become legal.

Later this week I shall go more fully into the international-law aspects of this war.

I close my remarks tonight by repeating what I believe to be an alternative and a sound objective in connection with our operations in South Vietnam. I had hoped that we might be able to persuade SEATO—which really, in a sense, created South Vietnam, by way of a protocol agreement, with all the signatories thereto agreeing that South Vietnam was an area of mutual interest and concern—to proceed to take peacekeeping steps in connection with the situation in Vietnam, which really amounts to a civil war. I hoped that SEATO would be able to try to establish some kind of peacekeeping operation that would bring to an end the killing there and provide effective protection of the South Vietnamese from the shocking guerrilla tactics of the Vietcong. However, events did not work out that way. I do not think the Secretary of State really placed this matter on the agenda of SEATO in a form which put it squarely up to SEATO to determine whether the SEATO members would continue to stay out or to come in. SEATO adopted an exceedingly watered down, weak motion or resolution or statement to the effect that if in the future this matter became of greater concern, and required some action by SEATO, it would be considered at that time. If I correctly interpret that very weak statement, that is all it means, if it means anything. That is most unfortunate. It is only more of the old runaround, and represents more of a failure by the Secretary of State to give the American people all the facts in relation to the situation in South Vietnam.

Now that a proposal that SEATO intervene has never materialized, I repeat that I believe we should look to the handling of this matter through the United Nations but under the Geneva accords. It is true that we did not sign the Geneva accords; but our representatives sat there, and later said, through Gen. Bedell Smith, that we would look upon the Geneva accords as laying down principles of international law.

So I believe that if those accords are being violated—and I think they are being violated; I think they are being violated by South Vietnam, and that it may be that they are being violated also by Laos, and it is possible that they are being violated by Red China—we should determine to what extent, if any, they are being violated. If they are being violated, it is clearly our obligation to take our charges to the United Nations, not to go into South Vietnam on a unilateral military basis, giving as our alibi an invitation from a puppet government that we set up.

As I have said before, and repeat tonight, in my judgment we have no more right in South Vietnam, with unilateral military action, than Russia has in East Germany, for East Germany is also a puppet of Russia. Russia likes to alibi that she is in there on the invitation of East Germany. That is more nonsense.

Mr. President, I believe we are at a great crossroads in American foreign policy. I believe we have a clear obligation to keep faith with a commitment of long standing, namely, that we believe in applying a rule of law, and not the jungle law of military force, to disputes that threaten the peace of the world. We have a glorious opportunity to demonstrate again to the world the soundness of the Charter of the United Nations and put our Communist associates in that organization on the spot. Let us find out where Russia stands. Let us find out where the Communist bloc stands in regard to keeping the peace in South Vietnam. Let us see where our allies on the free side of the world stand, particularly let us see where Australia, New Zealand, Pakistan, Thailand, the Philippines, Great Britain, and France stand. France has given some indication that she does not stand for the program we are following. How far would she go in joining in a peacekeeping program under the Charter of the United Nations to bring to an end the shocking killing that is going on in South Vietnam?

We are parties to a United Nations peacekeeping program in the Congo, and now in Cyprus. What is wrong with adopting the same sound procedure within the meaning of the United Nations Charter in South Vietnam? We ought to make this diplomatic approach. We ought to stop a military unilateral course of action which, in my judgment, if it were brought before the World Court, if we could get jurisdiction in that court—and I have looked into the question and do not see how we could get jurisdiction—would probably cause us to lose by a unanimous decision so far as concerns any attempt on our part to justify the legal right of the United States to be conducting a unilateral military program of killing in South Vietnam.

In connection with the general topic I have been discussing, I ask unanimous consent that there be printed in the Record a speech which I delivered at the Temple University Downtown Club, in Philadelphia, at noon today, in which I discussed foreign policy.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Senator Wayne Morse Before the Temple University Downtown Club, Philadelphia, Pa., April 20, 1964

In recent days, I have found myself in deep disagreement with the national defense policies of the United States which have deeply committed us to a war in Asia, and which threaten to draw us even more deeply into that conflict.

I have also found myself in deep disagreement with our foreign aid policy, which has been presented on Capitol Hill by the Secretary of Defense.

But before I go into my differences with the Secretary of Defense, I do want to cover one subject on which I agree with him completely. This is the issue being raised by Senator Goldwater, Air Force General LeMay, and others, about the usefulness of manned bombers as compared to ballistics missiles.

In the years I have been in the Senate, I have voted for many billions more in defense funds than the Presidents and the Defense Department have asked. I have done that because I am convinced that it is our strategic deterrence that holds off the Communist powers from plunging much of the world into war. The validity of that theory is being proved every day by none other than Mr. Khrushchev. In his conflict with his former Chinese friends, Khrushchev is emphasizing that overt aggression on behalf of communism would mean the complete destruction of the Communist society that launched it, even if the capitalist society was destroyed, too. So you hear Khrushchev declaiming that only a child or an idiot could seek to advance communism by direct aggression.

That Khrushchev is taking the position he is in his battle of words with Mao Tse-tung is a tribute to the capacity and the success of the American strategic deterrent. It has deterred Khrushchev; he cannot understand why Mao is not equally deterred. He is overlooking, however, that whatever Mao Tse-tung says about using every means to overthrow capitalism, Mao has been just as careful as Khrushchev not to commit an aggression that would bring American strategic retaliation.

The existence and success of this deterrent is one of the major reasons why I believe the huge sums of military aid we send abroad to equip and support indigenous armies in countries like Turkey, Iran, Pakistan, and even South Korea are largely a waste of taxpayer money.

But with the inevitability of a presidential year has come the charge that the ballistic missiles which we have been installing to carry nuclear warheads anywhere in the world are unreliable, and that only manned bombers can do the job. At the present time, we have 540 bombers on constant alert; we have 750 intercontinental missiles on—or in—their launchers; and 192 missiles aboard Polaris submarines.

Senator Goldwater has centered his rather vague charge about unreliability of land-based missiles on the unknown extent to which the electric effects of a nuclear attack on these hardened, underground missile launching sites would disrupt their electronic gear before they could be fired, even though there was no damage to the missile or its launcher.

The time sequence of the attack and the subsequent firing of the missiles would undoubtedly have a lot to do with the effectiveness of the missiles. Not being a scientist, I can only repeat what Defense Department scientists have concluded, which is that although some limited problem may exist, it is not insurmountable nor incapacitating.

What the Goldwater-LeMay thesis has ignored is that the only long-range vehicle more unreliable than the missile is the manned bomber. Both our Polaris and Minuteman missiles are kept below the surface of the earth. In their hardened sites, the Minuteman is extremely well protected from all but the most direct nuclear bomb hit.

Manned bombers are not protected at all. They are not kept underground, and even if they could be, there is no protection for their vast runways and maintenance structures. Nor is it possible to keep these bases secret. They are a standard target, and much less than a direct hit will effectively ground all their planes. In the case of an initial attack against the United States, which the Goldwater complaint assumes, the only manned bombers that would go would be those already in the air, or probably fewer than half our force.

Moreover, the manned bomber is already highly vulnerable in the air. Land-to-air missiles shot down our U–2's over Russia and Cuba. In the years that have elapsed since 1960, when the first U–2 was shot down, considerable refinements and improvements have been made by both countries in land-to-air missiles.

Effective defense against incoming missiles is still beyond the capacity of any nation. But effective defense against manned craft, however speedy, is an accomplishment of both countries. In the case of missiles, we contemplate a barrage that would confound the defenders and hopefully, cause them to pick the wrong missiles in their response. But how do you send a barrage of manned bombers with only one of them carrying the warhead, unless you are contemplating suicide squadrons?

Finally, Senator GOLDWATER also ignores the fact that the intercontinental bomber of today is about as dependent upon electronic equipment for success in its mission as any missile. Any nearby nuclear explosion that would disrupt the electronic equipment of a missile would be just as harmful to a manned bomber.

The only advantage of manned aircraft for delivery of nuclear weapons is that mentioned by General LeMay—you can recall a bomber during the several hours of its mission, but a missile takes only minutes to reach its target.

The missile can be aborted if its firing was a mistake, just as a bomber can be recalled. The question of timing amounts to whether you change your mind in a matter of minutes or a matter of a few hours.

In my opinion, this is a sound reason for maintaining the B–52s and B–58s we now have in our strategic arsenal. But I do not believe it is a sufficient reason to spend untold billions to develop a newer bomber, and untold hundreds of billions more putting it into production.

The issue of the 100-megaton nuclear bomb is part and parcel of this manned bomber issue. Militarily, there has been no justification for a 100-megaton bomb. Many smaller bombs will do more damage than one big one. Some military men call it a propaganda equalizer, meaning that because the Russians have one and may terrify others with it, we should have one, too.

But keep this in mind: The only vehicle that can presently carry a 100-megaton bomb is a manned airplane. That is why the Air Force is beating the drum for the 100-megaton bomb. If we had that weapon, we then would have to build something to deliver it, and that would be a new airplane. That is why when you hear calls for adding a 100-megaton nuclear bomb to the arsenal, you must keep in mind that there is no real military justification for it.

So on matters of our defense arsenal, I am a firm supporter of Secretary McNamara. But he is on weak ground when he moves his Defense Department into the area of foreign policy.

I regretfully say that I think he is doing that when it comes to military assistance abroad, and when it comes to South Vietnam. On his recent trip to South Vietnam, Secretary McNamara made himself the spokesman for the United States not only in military matters, but in political, civil, and diplomatic matters. He literally campaigned in South Vietnam on behalf of our new puppet, General Khanh.

He told the Khanh regime, and he told the American people and the American Congress for the first time we had heard it, that the United States would give whatever economic, military, and American force support South Vietnam may need and we would give it "forever."

That was his prognosis for the South Vietnamese conflict: "Forever." In the absence of a treaty, in the absence of a joint resolution, in the absence of some other form of law, the Secretary of Defense or even the President of the United States cannot make such a pledge and have it carry the weight and the meaning of law. Such a pledge by the Secretary of Defense does not, and cannot, commit the American people or the American Congress to anything.

It was particularly unfortunate that it should have been made by the civilian head of the American military establishment. In that capacity, he is supposed to carry out the military end of American foreign policy. But he has compromised that function by speaking for and on behalf of the nonmilitary elements of the American government. He has gone beyond the carrying out of a policy, which is the function of the military; he has established the policy, or tried to because I am certain beyond any doubt that the American nation is not going to pursue any Asiatic war "forever," or even for long.

By seeking to preempt the role of the State Department and the Presidency in South Vietnam, the Secretary of Defense is apparently seeking to foreclose diplomatic avenues for a settlement of that civil war.

That he should do so is a tragic failure on his part to learn the lesson of history in that part of the world.

The foremost history lesson of the 20th century is that the white man is through in Asia and Africa. White Americans can no more hope to preserve the remnants and vestiges and fringe benefits of colonialism than white Frenchmen could in this same country of Vietnam.

American military power and American manhood will be sapped and drained by this war every bit as much as French manhood was sapped and drained. The French are trying to tell us right now that there is no such thing as military victory in Vietnam. They had victories by the dozens. The military picture for the French in Indochina was always looking up. Every encounter was called a French victory. Every week and every month was called the turning point toward victory. Every year was hailed as the one when the French war effort would be "over the hump."

After 8 years of these promises, the French war effort in Indochina simply collapsed. The French people decided to quit throwing good money after bad. They had had enough. Words like "there is no substitute for victory" are meaningless when no one knows what victory consists of. And let me remind you that Secretary McNamara has not told us, either, what he would call a victory in South Vietnam. All he has promised is that we will continue that war forever.

One old familiar cliche that has also been trotted out in this election year is the call for expanding the war into "privileged sanctuaries." Laos and North Vietnam are called the "privileged sanctuary" to which American airpower should carry the war.

But that is no prescription for settling the conflict. That is no defending of peace or freedom; that is nothing more nor less than creating more war, more destruction, and less freedom in a land already bleeding and exhausted.

Dick Nixon and BARRY GOLDWATER are "pushing" that prescription. It calls for making war in order to reach the goal of peace. It assumes that there are finite limits to the geography and to the resources against which we would be fighting.

But that was assumed in Korea, too. We found out the hard way that pressing any military effort toward the borders of China is inviting disaster, not victory.

There are no Chinese fighting in Vietnam now. The only foreign soldiers there are Americans. But if the United States pushes the war and enlarges the war and expands the war into North Vietnam, there will be Chinese in it, just as there were in Korea.

Why do we think for a moment that the Chinese attitude on this subject is any different than the American attitude was on Cuba in October of 1962? A dangerously hostile government nearby was one thing; but a large-scale presence of foreign troops and the addition of weapons pointed down the throat of the United States was another matter. We took a position and we backed it to the hilt. We put our homes, our cities, our lives, and our futures on the line. We forced a showdown.

Why do we think China will react any differently? How can we think she may, when we already know what her answer was in Korea? When the Americans got close to her border, her masses poured into the fray, and if we had tried to fight a war against Communist China we would still be there.

We are being promised the same thing now in North Vietnam, in the talk of bombing North Vietnam.

What we do need is not a military offensive in Asia, but a diplomatic offensive. If the Secretary of Defense has not totally destroyed all our possibilities for diplomatic maneuvering, we should be exploring the means whereby a reasonable peace can be brought to southeast Asia. Remember that we have never considered any of those possibilities. Not since the French gave up in Indochina and we picked up the pieces she laid down have we considered for a minute anything at all except the pursuit of an American protectorate over South Vietnam. We say we are looking out for our strategic interests in that part of the world. We point to the Indian Ocean, just as though American oil investments in the Indian Ocean and beyond were vital strategic interests of the United States to which we must commit our fighting forces.

Insofar as the territorial integrity of the United States is concerned, southeast Asia is beyond that defense perimeter. It always has been; it is now.

American involvement in southeast Asia is the real threat to our security.

What are the diplomatic possibilities? They are just what they have been elsewhere. We could ask for a reconvening of the Geneva Conference, which in 1954 drew up the treaty for French withdrawal. We did not sign the Geneva agreement and neither did South Vietnam, but we claim that it has been violated by North Vietnam. If we have a case, we should go to the parties to the agreement and propose that they do something about it. Certainly a nation that is not a party to the agreement has no business trying to enforce it unilaterally.

Above all, we should take the case to the United Nations. Under the U.N. Charter, we have no business at all in South Vietnam, except on an emergency basis and about which we are obliged to notify the United Nations immediately. "Immediately" would have been several years ago. We still have not advised the U.N. of the threat to peace that we believe exists in Vietnam, we have not told the U.N. what emergency action we have taken to cope with the threat, and we have not sought to have that organization take the matter over, all of which is the course of action laid out in the U.N. Charter, and all of which we have for years insisted that the Soviet Union should have done in Hungary.

We should do in Vietnam what we belatedly did in Cyprus, when the Cypriot government refused to play "patsy" for a British-American imposed peacekeeping action. We took the problem to the United Nations, which has moved fast in putting in its own peacekeeping force.

We should do what we did in the Congo, when we saw Communist elements moving in to take over portions of that country when the Belgians moved out. We put our support behind a U.N. operation that has proved far better able to cope with that situation than we have been able to cope with South Vietnam.

Remember that the U.N. Charter recognizes the right of self-defense. But there is no American self-defense going on in Vietnam. What is more, the proposals for attacking North Vietnam are nothing in the world but proposals for an American aggression, because it is only the U.S. military forces that will be engaged in it.

We are making mistakes in Vietnam which do not square with our duties under the United Nations and under international law. But the gravest mistake of all is the peril we are creating for our Nation.

The American people have, so far in this election year, heard only two alternatives advanced for our problem there. That of Secretary McNamara is simply to hang on indefinitely, at whatever cost, and hope for the miracle the French hoped for, which never came.

The second is that advanced by Nixon and Goldwater to commit an aggression 7,000 miles away on the borders of Red China.

I do not believe the American people are going to support either of those alternatives. The only promise of both is eternal involvement.

What is needed in this election year is an alternative that will seek to stabilize southeast Asia, and that means a nonmilitary alternative. I expect to do my best to help draw this issue for the American voters between now and November.

Mr. MORSE. Mr. President, I ask that there be printed in the RECORD a speech which I delivered last night at the Keneseth Israel Temple in Philadelphia, in which I discussed some features of the question.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR WAYNE MORSE, KENESETH ISRAEL TEMPLE, PHILADELPHIA, PA., APRIL 19, 1964

This last week has seen the visit to Washington of the personification of what is wrong with our foreign aid program.

I speak, of course, of King Hussein of Jordan. He represents the American effort to duplicate what the British tried to do for generations all over the world—to manipulate, to control, to pull the strings, and to finance such a variety of states and local interests in those states as to prevent any one of them from threatening British interests. This balance-of-power technique was not only characteristic of British policy on the continent of Europe, when Britain bestowed her favors and friendship on whatever nation or group of nations seemed to be weaker at a given time relative to other powers on the Continent.

This policy was also used in Britain's colonial areas, including the Middle East. That is why she carved the kingdom of Jordan out of the desert after World War I. It gave her a means of playing off one group of Arabs against another, with the end view of protecting her extensive economic interest in the Middle East and her access to the Suez Canal.

Britain financed and supported the artificial and uneconomic kingdom from its inception until the end of World War II. Then it became too expensive, and the job was turned over to the United States.

We, too, had extensive oil interests in the Middle East; we, too, needed a "handle" to give the United States a place to hold and to wield influence within the Arab world. For many years, we have also justified the $30 to $40 million yearly subsidy to Jordan on the ground that it kept Jordan out of the pan-Arab bloc organized by Nasser against Israel. Each year, during the foreign aid debate, Senators were told that so long as Jordan was dependent for its existence upon American foreign aid, her long border with Israel would not be used for aggressive purposes against Israel.

Our foreign aid to Jordan was, in other words justified as being "protection money" for the State of Israel.

But was it? Like so many of our other foreign aid programs, this one is being revealed in its unglorious futility.

In recent months, King Hussein has indicated that he would prefer to get his economic help from Nasser. After all, we give so much financial help to the United Arab Republic, it is not outside the realm of possibility in the maze of the foreign aid program, that an extra dole could be added to the aid program for the United Arab Republic that would simply be passed on to Jordan.

But last week, King Hussein appeared in Washington as the spokesman for the Arab against the Israeli plan for the harnessing of the Jordan River. There is little doubt that Hussein made it clear that he has not stayed bought. Not having been privy to any of the discussions he had with American officials, I do not know whether a higher price was suggested, or whether he laid down some point of action by Israel that will bring Arab retaliation no matter what the United States does. But I think we must understand that the use of foreign aid money to buy off foreign potentates is a dismal waste of public funds.

Let us not forget that in addition to the $35 or so million a year in economic aid, we have also armed Hussein's army with our military aid. In the event of an Arab military action against Israel, the forces of freedom in that part of the world will have to face American military weapons given freely to Jordan.

If this paradox in the Middle East were the only bad example of American foreign aid, it might be tolerable and excusable. But far from an isolated example, it is really a characteristic of our aid progam in most parts of the world.

We have created similar situations nearby in Greece and Turkey. And we have created another confrontation between Pakistan and India. Greece, Turkey, Pakistan, India, and the nations of the Middle East account for the bulk of American foreign aid since the end of the Marshall plan. The supporters and apologists for foreign aid point to these very countries as having received most of our aid because they are on the fringes of the Communist bloc or because they stand astride geography important to the financial and military interests of the United States.

In our delusion, we have believed that the existence of huge military and economic aid missions in these countries, and the addition to their economies of American money gives the United States an influence and a "handle" on their internal economic policies and their foreign and military policies.

We have deluded ourselves with the fanciful notion that through large enough amounts of foreign aid we can control these nations to advance our own interests.

That notion is being grossly repudiated by the Arab-confrontation with Israel over Jordan waters. It is being grossly repudiated by the confrontation between Greece and Turkey over Cyprus. It is being grossly repudiated by the confrontation betwen Pakistan and India over Kashmir and over the deep religious division between Moslems and Hindus.

Having substituted foreign aid for foreign policy, having led ourselves to believe that money is the cure for all evils everywhere, the United States continues to plan more of the same aid programs for all these countries.

Only a few days ago, the Secretary of Defense made one of his hardboiled pitches for more military aid. He said it was the fault of Congress that only $1 billion was in the current budget for military aid. He had been compelled, he said, to keep it at that level because he was told that Congress would not appropriate more.

One of the main probelms he described was the lack of military aid money for Greece and Turkey. The Secretary of Defense claimed that because Bulgaria had recently been supplied with new model tanks by Russia, the United States must supply new model tanks to Greece and Turkey. But in the last year, this country has already replaced with new models those tanks we had furnished Greece earlier. The Secretary of Defense did not indicate whether the Bulgarian modernization came before or after our own modernization of the Greek tank forces.

What the Secretary is really calling for is additional fuel to throw on the already dangerous fire that is burning in Cyprus.

Of course, Turkey wants to keep its military forces equal to those of Greece. So far as these two countries are concerned, what the Bulgarians have is irrelevant. They know that in any conflict involving Bulgaria, the United States and the Soviet Union will also be involved, and that it will be our own American military might that will protect them.

Much the same issue is involved in south Asia. India is dickering with the United States for a large, new military aid program. Much of it is expected to include late model fighter aircraft, because India says she fears a future air attack on her cities by Red China.

So Pakistan is putting in her claims to the Pentagon for the same late model jet fighters, which she considers her due. Those we have already given her, and I emphasize the word given, are superior to anything China has. Chinese fighters are the leftovers of the days when the Soviet Union was furnishing airplanes to her erstwhile Communist ally. They date from the mid-1950's. They are old-fashioned, as jets go. The Pakistani air force is much more modern, thanks to the American taxpayers.

But Pakistan is not interested in air superiority vis-a-vis China. She is interested in air superiority vis-a-vis India. So the clamor is made to the Pentagon and soon it will be transmitted to Congress for military aid to both India and Pakistan that will put them on a par with each other.

This is the deep and basic fallacy of foreign aid against which I protested in 1963. In addition to the money wasted on military aid, we send each and every one of these countries even larger sums of economic aid. The diversion of their own limited resources into military establishments requires a larger amount of outside development capital than otherwise would be needed. Yet these military establishments do not serve the interests of the United States. They serve the interests of the Arabs, Greeks, Turks, Indians, and Pakistanis. And unfortunately, those interests are more often directed against each other and against other nations friendly to the United States than against the adversaries of the United States.

The Secretary of Defense has made no logical case for more military aid. He has offered no policy justification for it. All the Secretary has done has been to repeat old myths, to reiterate old fallacies, to insist upon old dogmas that the Pentagon has been peddling on Capitol Hill for more than a decade. The only McNamara touch on military aid has been to repeat these old fallacies with more finality and more insistence than usual.

They fail completely to take into account the tremendous changes that have overtaken the world in this decade. These nations to which I have referred recognize what the United States and Russia recognize—that there is not, in the foreseeable future, going to be any hot war or nuclear war between the two great power blocs.

That was the great revelation of the Cuban crisis. We and the Soviet Union walked up to the brink of nuclear war and looked it in the face. Both nations backed off. Both have been trying to make certain that even the confrontation does not occur again. Both have adjusted their domestic, international, and military policies accordingly.

The rest of the world has naturally adjusted its own policies, too. The heat is off. They are once again free to concentrate on age-old ethnic or national policies that predate by hundreds of years, in some cases, the threat of communism.

Of course, this is an oversimplification. But the Pentagon, in the person of Secretary McNamara, has served up its own oversimplification by its insistence that military aid to any nation on the fringe of the Communist bloc, without qualification, without consideration of what purposes it will be used for and what local national policies it will serve, is per se a good thing. At best, hired mercenaries will never protect the interests of the United States.

And we do not rely on them, either, despite the testimony of the Secretary of Defense proclaiming that military aid is needed to produce foreign troops to augment American forces in various parts of the world. He made this point in connection with the Far East. He declared that we must finance the military forces of the Philippines so they will be available within the SEATO area for mutual defense tasks.

But there are no Filipino soldiers in South Vietnam, and if that is not the place for them to be used then there will never be a place.

"Adequate military assistance to the armed forces of South Korea and the Republic of China," he testified, "not only helps to protect our security interests in the Far East, but far more important, it substantially reduces the risk of an emergency requirement for direct intervention by the United States."

I would like to hear the Secretary describe one place, just one, where the existence of South Korean and Nationalist Chinese forces has made American intervention unnecessary. We keep 50,000 U.S. soldiers on the spot in South Korea. The 600,000-man South Korean army has not been able to defend South Korea.

We keep the 7th Fleet patrolling the Taiwan Strait. If the half million or more Nationalist armed forces were able to protect Taiwan, we could withdraw the 7th Fleet. If I were to suggest its withdrawal, Mr. McNamara would be the first to cry out that the presence of the 7th Fleet is the one thing that keeps Red China from attacking Taiwan.

The not just "adequate" but the $10 billion worth of military aid we have sent to South Korea and to Taiwan to support their armed forces has not reduced at all the requirement for direct intervention in those places by the United States. And it never will, so long as the United States believes it has interests there that must be protected.

So the issue has been drawn on the foreign aid front for 1964. I intend to present the opposition to the McNamara-Pentagon views. Jordan and Israel are a good example of my own view that we are wasting our money trying to prop up puppets, and governments we think will be puppets. There never will be any substitute in any country that is of strategic interest to us for sound economic development. In most of the countries I have discussed we have hindered sound economic development by our selfish and shortsighted emphasis upon large military establishments.

In our own reliance upon overwhelming military power, we have failed to take into account the huge and powerful economic base that underlies that power. We have believed that if we could just superimpose large modern military forces upon feudal and semifeudal economies, they would protect those economies from communism while they were developing.

But under those circumstances they will never develop. So long as the military is the primary concern and has the first claim upon a new nation's human, material, and financial resources, its economic development is going to languish. Moreover, the military becomes the enforcer of the status quo. I am frankly of the opinion that in Greece, Turkey, Jordan, Pakistan, and now apparently in India, we have encouraged military rivalries between neighbors that have hindered their economic growth. We have made it possible for them to pursue their natural antagonisms on a level of military activity they could never have achieved without U.S. military aid.

These are some of the fallacies of our foreign aid program that I intend to bring home to the American people in 1964.

Mr. MORSE. I ask unanimous consent to have printed in the RECORD a letter from Mr. Benjamin Dannenberg, of the Bronx, dealing with his views on the McNamara war in South Vietnam.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BRONX, N.Y.,
April 12, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Thank you very much for your forthright position in demanding, in behalf of the people of the United States, including myself, as a lawyer and father of four sons, that our Government withdraw immediately all our troops from South Vietnam.

I am sure you are voicing the will of the people, from whom our newspapers are holding back the truth of our debacle in South Vietnam. One exception to the rule is Jim Lucas' report in the New York World-Telegram on Friday, April 10, a firsthand report which is captioned: "Vietnamese Convinced War Is Lost."

Thank you again from the bottom of my heart for your correct stance in which most loyal Americans support you—according to a recent poll. I have the greatest respect for your tenacity and follow your perceptive analysis and your determination to get our boys out of Vietnam.

Sincerely yours,
BENJAMIN DANNENBERG.

Mr. MORSE. Mr. President, I ask unanimous consent that a letter the signature to which I shall strike for obvious reasons when the letter is read, coming from New Jersey, and discussing my position in regard to the McNamara war in South Vietnam, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 2, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: On Monday evening I sat in the gallery and listened to your speech, covering our untenable situation in South Vietnam. It is regrettable that more Americans could not have heard your speech because, despite the fact that there were at least a half dozen reporters in the press gallery, not a paragraph appeared in the newspapers.

While publishers are the sole judges of news, how do they square away publishing statements today by Mr. Nixon, in which he said, "there is no substitute for victory"? Now that is certainly enlightening. He further stated, "I will support whatever is needed to win the war in Vietnam," but added, "I had better not tip my hand; it would be detrimental to indicate at the outset what you would do in the end, because you will find yourself doing at the beginning what you intended to do at the end."

Compare that doubletalk, which received wide coverage, with the case you built in the speech you made, not only the waste of American lives and money to prop up a phony government, but guidelines to get us out of the mess. We should never have gone in there and the sooner we get out the better, regardless of the optimism of Secretary McNamara, who is to say that it may not develop into the dropping of the bomb.

It is further regrettable that more of your colleagues did not hear your speech, because, in fact, you were delivering a message from the American people, that unless the Congress faces up to its responsibilities the members may find themselves without any responsibilities. In such a situation the people will not necessarily vote for a candidate, but will vote against the "ins," who neither question nor suggest that alternate approaches in foreign policy may be an improvement.

Some Senators believe their position in the civil rights debate for or against, depending upon what State they come from will insure victory but based upon the sentiment in New Jersey they will find that is not enough.

The people in this area have become cynical regarding our foreign policy that as long as any country is against communism it follows that it is for freedom. The day is past when all the Secretary of State, the Secretary of Defense, or Joint Chief of Staff have to do is get billions of dollars in appropriations is to go through the "Paul Revere Act," started back in the days of Dean Acheson, go up to Congress and warn that if it does not give the billions they want then freedom will perish. If Congress continues to buy that the people will first get a new Congress. The smart politicians were stunned by the results of the primary in New Hampshire, but Senator, this is first the beginning of shocks for politicans. The people may not know the positions of the "out" candidate, but they do know their so-called representatives in both wings of Congress, and they are disgusted.

If the Senate as a body resents its image then it has no one to blame but themselves. For example, while boys are dieing in Vietnam propping up a phony regime, we read headlines of the investigations of boxing. Would you kindly inform them that boxing has been dead for 15 years and the public could not care less.

What has awakened the American people to the fact that Congress is dictated to by the Pentagon is that while men who supposedly are elected by and for the people and have been content to give blank checks for military spending they have ignored the aged in Medicare, and practically brushed under the rug the problem of education. These are pieces of legislation which concern Americans and the Congress has failed the people.

The world has looked to America for leadership and our only action is a combination of militarism and colonialism. What is needed is sensible planning, changing our production capacity from military hardware to consumer goods.

I suspect that the people in the areas we are sending tanks would appreciate a washing machine, or a piece of equipment for the land, but that is all beyond our thinking. If we adopted a positive aid policy the ruling cliques would not be able to hold their people down, and, of course, at home we would not need the services of a lot of army "brass."

We need your voice in the Senate, the people do not have many friends in that body.

Sincerely yours,

——— ———.

MEXICO NATIONAL BORDER PROGRAM

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a very able and brilliant address by Mr. Antonio J. Bermudez, Director General of Mexico's national border program, which was delivered at the recent dedication of the Abraham Lincoln Memorial in Juarez, Mexico.

I believe if one reads Senor Bermudez' speech he will see what great improvement has occurred in recent years, and particularly in the past year in United States-Mexican relations. I ask unanimous consent that the program of the dedication also be printed in the RECORD accompanying Senor Bermudez' speech.

Senator Bermudez is a great Mexican and a good friend of the United States. His work on the border program will redown to the credit of both the United States and Mexico. As chairman of the Senate Subcommittee on Latin American Affairs I wish to thank Senator Bermudez for the part he played in erecting a fine statue in Mexico to the memory of Abraham Lincoln. I thank him for thusly binding Mexico and the United States closer together.

There being no objection, the speech and program were ordered to be printed in the RECORD, as follows:

ADDRESS DELIVERED BY ANTONIO J. BERMUDEZ, DIRECTOR GENERAL, OF MEXICO'S NATIONAL BORDER PROGRAM, AT THE DEDICATION CEREMONIES OF THE ABRAHAM LINCOLN MEMORIAL, APRIL 10, 1964

Honorable Governor, distinguished guests, madam chairman of the Pan-American Round Table, ladies and gentlemen, on this continental holiday we meet in a city where the errant government of staunch and impassive Benito Juárez stopped and began the return journey that was destined to turn defeat into victory. On this occasion the national border program desires to honor the memory of another great man, Abraham Lincoln, whose father likened him to an axcarved wood sculpture, rough hewn, and unplaned.

What a striking resemblance there was between Juárez and Lincoln, those two outstanding leaders in the struggle for liberty.

Both were farm folk of humble birth. Juárez was born on the enchanted shores of Lake Guelatao, and spent his childhood as a poor shepherd. Lincoln was born on a farm and from early youth worked as a woodcutter in the nearby forests. Studious and eager for self-improvement, both became lawyers and reached the Presidency of their respective countries. Endowed with wisdom and a sound practical spirit, both men were characterized by deep convictions, logically ordered ideas, a strong moral sense, and a will of iron. One fought to free the slaves, and the other to free his people. From Washington, Lincoln decreed: "that as of January 1, 1863, any person held as a slave would be free thenceforth and forevermore." Following the tragic events at Cerro de las Campanas, Juárez gave voice to the historic maxim: "Among individuals, as among nations, peace constitutes respect for the rights of others." Each had the good fortune of saving his homeland: Lincoln from disunity, and Juárez from an unjust foreign invasion. By the time they died, each ship of state had been "anchored safe and sound, its voyage closed and done." But with their glorious mission accomplished, they will live on forever in their people's minds and hearts.

To pay such richly deserved homage, we have asked the sculptor to carve a giant-sized monument, for gigantic indeed is the historic figure of Abraham Lincoln. We might have commissioned a figure in the supine pose of death described by the poet, in his grief-stricken ballad "O Captain, My Captain." But we preferred a standing image (because its verticality recalls to us his upright character) in an orator's pose, in memory of the eloquence of the Gettysburg Address that showed his people the path of right.

There is no better place for Lincoln's statue than facing the complex of projects sponsored by the national border program and near the Chamizal area—that strip of land that for almost a century was withdrawn from our sovereignty but is now being reincorporated within Mexican territory.

Presidents López Mateos and Kennedy have already won a singular place in the history of international relations, upon having succeeded in their joint effort of reintegrating the Chamizal to Mexico.

From some vantage point of glory where the souls of great men rest who dedicated their entire lives to serving and saving their countries, Benito Juárez and Abraham Lincoln must be viewing with immense satisfaction the return of the Chamizal, witnessing the attitude of Presidents López Mateos and Kennedy, the flowering of the seed that they themselves planted in the distant past, and which shall open new and lucid paths in our international coexistence—paths that were marked out for us a 100 years ago, and which we must remember anew if world peace is to prevail.

There are some who after the Second World War, strive for dominion over international markets, not perceiving the fever of speculation and gain undermine the feelings of human brotherhood.

Technological progress and mankind's legitimate longing for a higher standard of living are today the two most powerful forces in the world for transforming the existing economic pattern.

Therefore, the system of international trade currently in force should be replaced by a plan for world economic relations that will remove from the weaker countries the stigma of a colonial economy.

For it is not economic law that rules human relations, but man that rules the direction economic power will take. Countries in process of development account for more than two-thirds of the world's human and natural resources. Thus the economic growth of those nations is an indispensable condition for solving the entire complex of international economic problems. Such, indeed, is the purpose of the current meeting in Geneva.

In that gathering it has been evident that Asia, Africa, and Latin America have become well aware of the contrast between the developed and underdeveloped nations, and as a result it has become necessary to view the international economy from a new perspective. We should not forget that if a nation is made up of all social sectors, as Lincoln believed, humanity is made up of all peoples, as Juárez maintained. Let us then, at whatever sacrifice, build a world where each day will mark a new gain in justice and in freedom.

Those who suppose that the remedy for this inequality is foreign private capital investment are not entirely correct; for the unbalance of international trade can only be overcome if strong governments adopt a series of measures such as removal of customs barriers; stabilization of parity prices for raw materials; increased purchases of manufactures and semifinished goods produced by countries in process of development, thus facilitating repayment of foreign exchange financing obtained from the more advanced nations; reduction of interest rates to a minimum on loans granted the economically weaker countries by international agencies, governments, or private enterprise and which enjoy official guarantees; and, finally, long-term agreements covering the technical assistance needed in promoting development.

If it is inadmissible for one individual to exploit another, it is equally inadmissible for one collectively to exploit another. International economic coexistence should therefore be made to rest on a just and stable foundation. This is of the utmost urgency since peace can be effective only when the peoples of the earth enjoy economic security.

Mexico occupies the first place in Latin America and the fourth in the world as a whole, as a customer of the United States. Purchases of U.S. goods in 1963, amounting to $849.1 million represented 68.5 percent of Mexico's total imports for that year, as against U.S. imports of Mexican commodities worth only $678.3 million (or 3.65 percent of the U.S. total import trade).

U.S. policy as reflected in subsidies, prohibitive customs duties, import restrictions, and reduced quotas, adversely affects our output and export trade and was responsible for a $170.8 million deficit on our trade balance with them in the year 1963.

Our country pays a high price for the industrially processed goods it imports and receives a low price for its raw materials it exports. This unfair situation is without doubt contrary to the spirit of the Alliance for Progress.

The national border program, a patriotic and far-reaching concept of President López Mateos, has the primary aim of improving the standard of living of the border inhabitants, through economic, social, cultural, and urban development.

The difference in living conditions on both sides of the border is so marked, that Mexico's substantially inferior circumstances in this regard require little comment.

The basic causes are the same as those that work in favor of poverty, ignorance, and unhealthful conditions in other regions of Mexico; but the situation from Tijuana to Matamoros is more impressive because of the unfavorable contrast with the foreign panorama just over the border. Under these circumstances it has been necessary to create an agency designed to do away with the dual superiority-inferiority complex that characterizes the two neighboring zones.

In fulfilling our assignment, we are fortunate in having at our disposal valuable resources—particularly the human element. We Mexicans are confident in our ability; and if the tree is known by its fruits, we need seek no further proof than the half-century of noteworthy progress achieved under the Revolution's aegis. We have learned that in the absence of economic independence, political liberty is an illusion; and the organized and well directed endeavor of our citizens is creating wealth that is being made increasingly available to the popular sectors and enhances our prestige and credit standing abroad.

Workers and white-collar employees are enjoying better wages and fringe benefits; the land provides sustenance for a huge body of rural inhabitants; schools are going up over the length and breadth of national territory; the armed forces loyally insure the peace; our international relations have reached their zenith; and from border to border we breathe the air of a democracy that conforms to Lincoln's definition: "government of the people, by the people, and for the people."

Those of us to whom the management of the national border program has been entrusted have faith in our country, in our people, in our government and therefore have faith in the destiny of Mexico. In company with the various other projects we have executed, the monument that we dedicate here today was meant to contribute to a further strengthening of the cordial relations existing between Benito Juárez's Mexico and Abraham Lincoln's native land.

May their memory be the inspiration of our thoughts, and their doctrines the norm of our conduct. May this frontier be an example for the world, and may Ciudad Juárez and El Paso be forever two sister cities, living increasingly near, with a friendship based on a growing mutual trust and respect. Thank you.

PROGRAMA NACIONAL FRONTERIZO, ABRIL 10 DE 1964, CIUDAD JUAREZ, CHIH.

O CAPTAIN! MY CAPTAIN!

O Captain! my Captain! our fearful trip is done,
The ship has weathered every rack, the prize we sought is won,
The port is near, the bells I hear, the people all exulting,
While follow eyes the steady keel, the vessel grim and daring;

But O heart! heart! heart!
O the bleeding drops of red,
Where on the deck my Captain lies,
Fallen cold and dead.

O Captain! My Captain! rise up and hear the bells,
Rise up—for you the flag is flung—for you the bugle trills,
For you bouquets and ribboned wreaths—for you the shores acrowding,
For you they call, the swaying mass, their eager faces turning;

Here captain! dear father!
This arm beneath your head!
It is some dream that on the deck
You've fallen cold and dead.

My Captain does not answer, his lips are pale and still,
My father does not feel my arm, he has no pulse nor will,
The ship is anchored safe and sound, its voyage closed and done,
From fearful trip the victor ship comes in with object won;

Exult O shores, and ring O bells!
But I, with mournful tread,
Walk the deck my Captain lies,
Fallen cold and dead.

—WALT WHITMAN.

COMMUNIST ACTIVITY IN OKINAWA

Mr. MORSE. Mr. President, I am very much disturbed about a letter I received from a responsible American, a constituent of mine, who is living on Okinawa. The letter tells about the activities of the Communists in Okinawa in trying to do everything they can do to put out of business American businesses operating on Okinawa. The letter deals particularly with the Okinawa Plywood Corporation. But the tactics of the Communists on Okinawa are being extended to other American businesses. I have sent the letter to the State Department. I have asked that the matter be looked into, and that advice be given as to what information the State Department has in regard to Communist activity on Okinawa and what steps, if any, are being taken or can be taken to protect American businesses on Okinawa from this kind of subversive activity.

I ask unanimous consent that an editorial dated April 14 be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONFUSION COMPOUNDED

Few organizations can equal the Communists for the development and promotion of complete confusion. Because the Communists have been outlawed frequently much of their apparatus is accustomed to working underground and in semisecrecy. An aura of mysticism covers other areas of Communist thinking with the result that faith and political dogma rather than logic are the propelling forces. Historically, splinter groups have detached themselves from the main body and have set up rival camps based upon minor disagreements in the interpretation of Communist dogma. All of this has helped to make a myth of the vaunted Communist solidarity.

Communist China is the Communist world's largest splinter group. On Okinawa we have evidences of the Communist world's smallest splinter group.

SOCIALISTS, COMMIES, HOLD REVERSION TRUCE

Among the events which have been incorporated in the Communists' political ritual is the annual clambake on Okinawa calling for the return of Okinawa to Japan. If Okinawa were under the jurisdiction of Japan's confining no-war constitution it would be an easy target for the Communists, the Commie master planners agree. Thus, each year the local satraps of the Communist planners beat the drums and make a great hue and cry on Okinawa on behalf of reversion of the Ryukyus to Japan.

This year, however, the local Communists are in a bit of an ideological bind.

The split between China and the Soviet has at long last filtered down to Okinawa with the result that there is an uneasy truce between the Communists and the Socialists. The Socialists have gone along with the Soviet in their dispute with the Communists. This Socialist-Communist disagreement made a complete mishmash out of the antiatomic and hydrogen bomb festival in Tokyo last year. The Socialist favored the U.S.-Soviet ban on bomb testing and the Communists denounced the ban as an imperialistic plot against the peaceful Chinese aspirations to own an atom bomb or two. For all practical political purposes on Okinawa today the Socialists support Moscow while the Communists back Peiping.

The Socialists and the Communists have worked together in the past to oust the Americans from the Ryukyus by political means. They are still working to expel the Americans but much of the togetherness is gone from the exercise. This year when the Communists and the Socialists met in Tokyo to plan Okinawa's spontaneous reversion rallies their associations were marked with wariness. To Peiping, Moscow is second only to the United States as the enemy of mankind and this attitude was reflected by the Socialists and the Communists in their mutual suspicions during their last Tokyo gathering.

The Socialists and the Communists came up with an uneasy truce agreement that is expected to last through April of this year as both groups protest American presence on Okinawa and demand the return of the islands to Japan. The Communists and the Socialists have promised one another not to slander the other while carrying out independent campaigns to remove the islands from American jurisdiction.

Commentators in Japan have predicted that the reversion movement on Okinawa will "develop into a complicated situation" as the result of the Peiping-Moscow controversy and the reactions of this rivalry upon their local supporters.

Okinawa's annual reversion binges are thoroughly artificial events which have been perpetuated by the Communists for reasons of military strategy. The Communists and the Socialists will no doubt continue to campaign against the Americans in the Ryukyus. But, in conducting separate campaigns they are likely to let slip some of their real reasons for wanting the Americans out of the Ryukyus.

The high point of this year's reversion season will be reached on April 28, according to plans. At this time the Communists and the Socialists will meet on the high seas north of Okinawa in the vicinity of the 27th parallel to conduct a seagoing protest rally. There are reasons why the Communists and the Socialists hold their main rally at sea. When they are out of sight of land they don't have to be sensitive because of the pitifully small number of spectators these events attract. Not only that, if the Socialists and Communists begin calling names at one another there will be no outsiders to witness their mutual disgrace.

L.B.J. AND SIN—NEWHOUSE NEWSPAPER OPERATIONS

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "L.B.J. and Sin," from the Oregon Labor Press, issue of April 3.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

L.B.J. AND SIN—AN OPEN LETTER TO PRESIDENT JOHNSON

We thought all politicians, as a matter of course, were for motherhood and the flag and against sin. Imagine our distress to learn that you not only are not against sin, but even invited him along for an airborne lunch on your flight over the Ohio River flood area. We refer to Samuel I. Newhouse, the antiunion newspaper-chain owner.

Our concern was compounded by the later news that you plan to dedicate the Newhouse-endowed communications school at Syracuse University in the summer.

Since your advisers on labor matters have been remiss, it is time someone told you that sin is a bad word in union circles.

Particularly in the newspaper and printing trades unions is the name Newhouse anathema. The first strike by the American Newspaper Guild was against a Newhouse paper in 1933. The first strike in the history of the St. Louis Newspaper Guild was against a Newhouse paper, and his problems with the St. Louis Typographical Union are still rattling around in the courts. Here in Portland, Newhouse is the absentee newspaper owner who provoked a still-continuing strike in 1959 in a double-barreled move to destroy the newspaper unions and to make Portland another Newhouse monopoly town. (He failed in his grab for a monopoly here, but that's another story.)

When the name "Newhouse" is mentioned, we in labor think of strikes, imported strikebreakers, strike insurance, absentee ownership, newspaper monopolies, cashbox journalism, and all the other ugly byproducts of the Newhouse brand of newspapering.

BARRY GOLDWATER got some unflattering publicity here 2 months ago when he crossed picket lines to visit the Newhouse-owned Oregonian and Oregon Journal. When a photographer tried to take his picture, GOLDWATER hid his face behind a copy of the strikebreaker-produced Oregonian. Bashful BARRY's picture was reprinted in scores of labor papers throughout the country.

Some of your critics in the ranks of labor look upon your association with Newhouse as akin to crossing a picket line. And among those who have supported you, your association with sin rekindles the old skepticism of you as a friend of labor.

We'd like to keep considering you a friend. Along with other Americans, we admire the way you've measured up since that terrible day last November.

The Presidency is a job that keeps a man mighty busy. We're hoping you will be too busy to make that trip to Syracuse next summer.

Or, better yet, may we suggest that you tell Mr. Newhouse that you'll dedicate his school only if he will settle the Portland newspaper strike beforehand.

Mr. MORSE. Mr. President, the letter calls attention to the very deep and serious ill feeling that exists in the State of Oregon in respect to the newspaper operations of the Newhouse monopolistic dynasty that, of course, owns the Portland Oregonian.

It is an expression of concern on the part of these spokesmen for labor as to the justification, if any, of the announcement of the plan of the President to dedicate a Newhouse-endowed communications school. The editorial covers other objections that these spokesmen from Oregon labor have to Presidential support of Newhouse policy.

U.S. TRAVEL SERVICE—RESIGNATION OF DIRECTOR VOIT GILMORE

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I have prepared concerning the resignation of Mr. Voit Gilmore, the first Director of the U.S. Travel Service. The statement congratulates Mr. Gilmore on his achievements.

There being no objection, the statement was ordered to be printed in the RECORD, as follows

THE FIRST DIRECTOR OF THE U.S. TRAVEL SERVICE

Voit Gilmore, the first Director of the U.S. Travel Service, resigned this month to resume business and political activities in his native North Carolina.

We congratulate him on the achievements of the Travel Service and wish him continuing success.

It was my own concern for a stronger American economy that prompted me, as chairman of the Senate Commerce Committee, to sponsor the Magnuson bill which created USTS. I have followed the activities of the "Visit USA" program with keen personal interest since its launching in 1961.

Despite problems connected with trying to build a global tourism promotion program almost overnight, USTS has performed a businesslike job noteworthy in the annals of government. Working closely with industry and with State and local governments, USTS has helped raise oversea business and pleasure travel to the United States from an average annual increase of 8.5 percent to a 2-year jump in 1962–63 of 42 percent. It has substantially helped our country's balance-of-payments position.

Voit Gilmore had the major responsibility for putting together the organization that accomplished this. He and his USTS colleagues are entitled to justifiable pride in their substantial contribution to the American economy, achieved by a small staff, working under many pressures and with the added complications of having to "tool up" on five continents.

Our best wishes go with Mr. Gilmore. We trust that the good start USTS has made will carry it forward to even greater success.

Mr. MAGNUSON. Mr. President, I wish to point out to the Senate that 2 years ago the Senate passed a bill providing for the U.S. Travel Service. Under the guidance of Mr. Gilmore and the Commerce Department, the average annual increase of travel of foreigners coming to the United States has been increased from 8.5 percent in previous years to 42 percent. That increase, of course, substantially helps the balance-of-payments position of our country.

Mr. JAVITS. Mr. President, will the Senator yield on that point?

Mr. MAGNUSON. I yield.

Mr. JAVITS. I join the Senator in his statement. I am gratified that the distinguished Senator from Washington took the leadership in the passage of the bill. The measure has brought about a gratifying result. We could do a great deal more, but so far the result has been very gratifying.

Mr. MAGNUSON. Since New York is such a great point of entry for people from foreign countries, I am sure that both Senators from New York are glad to observe the really remarkable success that the program has enjoyed. It has not been all that we would like, but the annual percentage increase to 42 percent is gratifying. A great intangible value is involved. When people travel to our country, their visits add much to world understanding.

Mr. Gilmore did an excellent job. I hope that his successor will adequately fill his shoes.

I add to my comments my appreciation to the State Department and others who participated earlier in the program under the bill to simplify passport and visa problems and to ease the problems of tourists who travel in the United States.

We have done a great deal to dispel the universal impression that travel in the United States is costly. It is not. The transportation people have cooperated, under the leadership of Mr. Gilmore and others. For example, there is now a monthly fare on the bus systems, such as the Greyhound, Trailways, and other systems. The automobile rental concerns have been keeping rentals at very low rates for the benefit of foreigners who want to travel in this country. The hotels have cooperated. Even the local airlines have a special fare for foreign visitors. A visitor can buy a round-trip ticket that is good for a stay of 30, 40, or 60 days, and can travel as much as he wishes in that time. I only hope the railroads will take heed and do the same thing. It seems to me they could increase the number of passengers and make some money on it, as the Europeans do.

Mr. JAVITS. I had in mind only congratulating the Senator from Washington. He may recall that the whole travel-in-the-U.S. idea took place when I was chairman of a House committee inquiring into economic policy in the 1950's. I continued to try to promote the idea in the Senate. When the Senator from Washington gave the bill parentage, that effort was successful. I think he performed a great service for the Nation.

Mr. MAGNUSON. I am sure it was accomplished with the help of the Senator from New York.

FOURTH ANNIVERSARY OF TIROS WEATHER SATELLITE

Mr. MAGNUSON. Mr. President, this is the fourth anniversary of the famous Tiros weather satellite program inaugurated by the National Aeronautics and Space Administration in April of 1960. More than 330,000 pictures of meteorological events have been televised and sent to earth, serving as the basis for storm advisory bulletins of the U.S. Weather Bureau since Tiros I, the first meteorological satellite was launched on April 1, 1960.

Tiros I was the first space aircraft to transmit a television picture from space. Since then seven other Tiros satellites, each weighing approximately 300 pounds, have been launched to date, with Tiros 7 and Tiros 8 in current operation. These vehicles were built by the Radio Corp. of America for NASA under the supervision of the Goddard Space Flight Center. These weather sentinels have first, spotted and tracked 19 hurricanes; second, detected and tracked 32 typhoons; third, logged sand storms in Saudi Arabia; fourth, observed ice conditions in both Northern and Southern Hemispheres; fifth, furnished pictures and data for more than 1,300 storm advisories; and, sixth, supported manned flights in NASA's Project Mercury program.

I ask unanimous consent that the following table showing the performance characteristics and date of launch of each of these mechanical meteorologists be made part of the record. I also want to take this opportunity to commend all those who worked so ably and successfully on this space weather program on this their fourth anniversary.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Tiros performance summary

Spacecraft and launch	Total TV pictures transmitted	Meteorologically useful pictures	Number of nephanalyses (map of cloud cover)	Storm advisories and bulletins	Length of life
Tiros 1, launched Apr. 1, 1960, from a Thor Able rocket.	22,952	19,389	333	--------	89 days.
Tiros 2, launched Nov. 23, 1960, from a Delta rocket	36,156	26,650	455	--------	376 days.
Tiros 3, launched July 12, 1961, from a Delta rocket	35,033	22,247	755	70	230 days.
Tiros 4, launched Feb. 8, 1962, from a Delta rocket	32,593	22,354	836	102	161 days.
Tiros 5, launched June 19, 1962, from a Delta rocket	58,226	49,236	1,843	395	316 days.
Tiros 6, launched Sept. 18, 1962, from a Delta rocket	68,557	58,667	2,080	275	225 days.
Tiros 7,[1] launched June 19, 1963, from a Delta rocket	61,000	55,000	2,094	148	(1).
Tiros 8,[1] launched Dec. 21, 1963, from a Delta rocket	18,500 [2] 3,300	15,500	615	44	(1).

[1] Still operational as of Mar. 31, 1964.

[2] APT.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. SMATHERS. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. HUMPHREY. Mr. President——

The PRESIDING OFFICER. The Senator from Florida has been recognized.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. May I make my statement first that I am trying now to complete the speech which I originally had prepared for the civil rights discussion and which I have endeavored to deliver in its entirety on several occasions, but have not thus far completed, even though it is only 80 pages long. I am at page 55. I hope I shall have the opportunity to conclude the speech this evening.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield for a question.

Mr. HUMPHREY. A parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Florida yield for a parliamentary inquiry?

Mr. SMATHERS. I shall yield for a parliamentary inquiry provided I do not lose the floor and that it does not count as an additional speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. My inquiry is, How many speeches has the Senator from Florida given under the rules of the Senate relating to the pending business?

The PRESIDING OFFICER. The unofficial record kept by the Parliamentarian shows that the Senator from Florida has spoken three times during the present legislative day of March 30, 1964, on the pending civil rights bill, as follows: On April 6, April 13, and April 16.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. SMATHERS. Mr. President, did the Chair say the "unofficial record" or the "official record"?

The PRESIDING OFFICER. The unofficial record.

Mr. SMATHERS. An unofficial record?

The PRESIDING OFFICER. Yes.

Mr. SMATHERS. Who keeps the official record?

The PRESIDING OFFICER. There is no official record. No one is assigned to keep an official record.

Mr. SMATHERS. In other words, if I do not believe I have spoken on this particular subject matter more than once, and I believe it is a continuing speech, apparently my view is just as good as that of any other Senator on this particular matter, because there is no official record.

The PRESIDING OFFICER. The Senator is correct in the statement that there is no official record. The Congressional Record reflects, however, that the Senator spoke on the three dates mentioned—April 6, 13, and 16, for the following periods of time: On April 6 from 8:36 p.m. to 9:55 p.m.; on April 13, from 8:30 p.m. to 12:08 a.m. April 14; and on April 16, from 8:34 p.m. to 10:20 p.m.

Mr. RUSSELL. Mr. President, will the Senator yield to me for a parliamentary inquiry?

Mr. SMATHERS. Mr. President, I am happy to yield to the Senator from Georgia under the same conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, since when has the Congressional Record set forth the hours that a Senator has spoken? I have never seen a statement in the Congressional Record that gives the length of time of a Senator's speech. If that is done, it is certainly new. I have been reading the Record rather religiously, and I have never seen any such notation.

The PRESIDING OFFICER. The Congressional Record does not state the times. The Congressional Record of the debate shows the dates on which the Senator spoke. The unofficial record kept by the Parliamentarian shows the times to which the Chair has referred.

Mr. RUSSELL. Evidently we are about to enter a field that could involve considerable discussion. I should like to know who authorized or instructed or delegated the Parliamentarian to keep this record. In my opinion, he is not the proper official to keep the record. If a question arises as to the number of speeches made and the Parliamentarian is to rule on the number of speeches which have been made, and he has kept the record, he has prejudged the matter. In my opinion, if such a record is to be kept, it should be kept by the Journal clerk or record clerk, and not the Parliamentarian, who is to advise the Presiding Officer of the Senate with respect to the rules.

This is something new for the Parliamentarian to do—to be a recordkeeper for the Senate. We have other clerks whose duties require them to keep records for the Senate. The Parliamentarian is supposed to assist the Chair in arriving at decisions. I have never heard of the Parliamentarian being the recordkeeper for the Senate.

The PRESIDING OFFICER. The Chair will state that a record of speeches on major bills is kept by the Parliamentarian and that the information with respect to Senator Smathers was extracted from that record and furnished to the acting majority leader at his request and furnished to the presiding officer. The Chair will state further that it seems to the Chair that the question for the Senate to determine would be whether or not the speeches constitute speeches within rule 19. If that question were raised, the Chair would be disposed to submit it to the Senate for determination. The Chair may state that he is disposed to submit that question to the Senate.

Mr. RUSSELL. I agree with that, but before we go into that question, I wish to say that I have an earnest objection to the Parliamentarian being a recordkeeper. The Parliamentarian's province is to assist the Chair in ruling on the rules of the Senate, and not in keeping records and then making a ruling on his own records. If we are to have such a record kept, it should be kept by some official of the Senate other than the Parliamentarian. If we need to employ another speech recordkeeper, that is well and good, but the man who is to assist the Chair in making rulings on parliamentary questions should not keep the record on the rulings to be made. It is not consistent with fairness, equity, and sound parliamentary practice.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. Without prejudicing my right to the floor or having it considered as another speech, I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, it is immaterial to me who keeps the record on this particular subject; I must admit that there has been a great deal of leniency in obtaining the floor for the purpose of giving a speech while the civil rights bill has been pending—notwithstanding rule XIX. Speeches by the Senator from Florida were delivered on the nights of April 6, 13, and 16. I am a living witness to that fact, because I was in the Chamber when they were delivered. They were extraordinarily eloquent speeches. The Senator from Florida is one of the most forceful and effective advocates of the opposition.

Rule XIX, as I understand it, provides:

> No Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

The Senator from Florida, according to the report we have received, has spoken three times. Other Senators have done likewise. This will be the fourth speech for the Senator from Florida; and it seems to me it is about time that we started to invoke the rule.

There have been 34 days of debate in connection with this particular bill. If we are ever to get to the point where we can arrive at a decision somewhere along the line, the rules of the Senate—which are designed to bring about decisions—will have to be applied. I have not tried to apply the rules rigidly and neither has the opposition. We have used the method of mutual convenience in the main, and I feel that this has been helpful and desirable; but the other day, the Senator from Mississippi graciously and considerately yielded to 54 Senators, and thus he held the floor for several hours of debate which did not relate to the pending question.

It seems to me that there should be a rule of reason wherein Senators have an opportunity to enter into the RECORD items of interest, or to introduce bills and resolutions. But there has been objection to a morning hour, and as a result Senators have yielded to permit fellow Senators to insert these items of interest. Thus a Senator has been able to hold the floor by the yielding process for long periods of time without speaking; this practice has gotten out of hand to the point where debate on the pending question has taken second place to other items.

As one who has some responsibility for the civil rights bill, I must insist that the rules be applied, at least, with reason, fairness, and prudence.

I do not wish to be unkind to the Senator from Florida. I know that he can offer an amendment—and he will—and then he will be within the rules. But if he can make three speeches, four speeches, five speeches, six speeches, without ever coming to the amendment process of the bill, there will be no end to it.

I know that it is the desire of some Senators that there should be no end to it.

It is my intention to bring the bill to some decision. As the President of the United States once said in his message to Congress, "Either vote yea or nay."

But the talk-in is as bad as the stall-in.

Mr. SMATHERS. I yielded for the purpose of permitting the Senator from Minnesota to make a parliamentary inquiry, but it is my recollection that the Senator from Minnesota has spoken on this particular subject about as much as any other Senator. According to the unofficial calculation, he has made seven speeches on this particular item.

Mr. HUMPHREY. Let us ask the unofficial calculator at the desk. That would be a little more impartial method.

Mr. SMATHERS. I yielded at this particular time to my good friend the Senator from Minnesota, an able proponent of the measure, to make for himself a speech on my time, because it apparently has been happening this way, and I have been receiving the credit for speeches which other Senators have been making. Perhaps that is where I have been making a mistake.

Mr. HUMPHREY. Mr. President, I make a point of order.

Mr. RUSSELL. Mr. President——

Mr. SMATHERS. Mr. President, I have not yielded at all. I still have the floor, as I understand.

The PRESIDING OFFICER. The Senator from Florida has the floor. He yielded to the Senator from Minnesota for a parliamentary inquiry, and the parlimentary inquiry has been answered.

Mr. HUMPHREY. Mr. President, I make a point of order.

Mr. DIRKSEN. Mr. President——

Mr. SMATHERS. Mr. President, I should like to say that I yielded, but I yielded without prejudice to my rights. If I am to be seated on this matter, there should be a clear and official tabulation. The Chair has stated that there is an unofficial tabulation. I did not yield for the purpose of losing my right to the floor. I would not have yielded under those circumstances. Therefore I specifically said that I yielded to the Senator from Minnesota for the purpose of making a parliamentary inquiry so long as it did not prejudice my right to the floor. It is obvious that this is calculated to prejudice my rights to the floor.

Mr. HUMPHREY. Mr. President, I make a point of order.

Mr. SMATHERS. I did not yield for that purpose.

Mr. HUMPHREY. Mr. President, I make a point of order.

The PRESIDING OFFICER. The Senator from Minnesota will state his point of order.

Mr. HUMPHREY. Mr. President, my point of order is that the Senator from Florida is out of order under rule 19.

Mr. RUSSELL. Mr. President, I desire to be heard upon the point of order.

Mr. HUMPHREY. Is the point of order debatable?

Mr. RUSSELL. Mr. President, I desire to be heard upon the point of order.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. HUMPHREY. Mr. President is a point of order debatable?

Mr. RUSSELL. Of course it is debatable.

Mr. HUMPHREY. It is not.

Mr. RUSSELL. Where is the Senator's rule on that point, if that is not the case? Is the Senator going to start making some rules at the 19th hour?

Mr. MORSE. Mr. President, a parliamentary inquiry.

Mr. RUSSELL. Mr. President, I desire to be heard briefly on the point of order.

Mr. MORSE. Mr. President, a parliamentary inquiry.

Mr. RUSSELL. Mr. President, I am entitled to be heard on the point of order. Did not the Senator from Florida yield without losing his right to the floor?

Mr. SMATHERS. I should like to say that if I am to yield, I shall yield to the Senator from Georgia so that he may be heard, and then I wish to ask a few questions before the Chair rules.

Mr. RUSSELL. Mr. President, I have a right to be heard on the point of order. The Chair has recognized me on this point of order.

Mr. HUMPHREY. I made the point of order that the point of order is not debatable.

The PRESIDING OFFICER. The Chair will state that the point of order is generally not debatable. The Chair, however, does have a right to hear or to listen to a discussion for his own enlightenment. The Chair has, accordingly, recognized the Senator from Georgia.

Mr. HUMPHREY. Mr. President, on the point of order, how long does the Chair intend to listen to the discussion?

Mr. RUSSELL. Mr. President, that is not the business of the Senator from Minnesota. He has nothing to do with that. It is not the business of the Senator from Minnesota. He has got no right to lecture the Chair on how long the Chair wishes to hear from any Senator. That is the province of the Presiding Officer. The Senator from Minnesota cannot control that matter.

Mr. DIRKSEN. Mr. President, will the Senator from Georgia yield without losing his right to the floor, or his right to debate the point of order?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and without objection the request of the Senator from Illinois is granted, and the Senator may proceed.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the distinguished Senator from Florida be permitted to proceed on the ground that this objection comes rather untimely. There was no warning about it. No warning has been indicated to me——

Mr. HUMPHREY. I indicated to the Senator from Florida.

Mr. DIRKSEN. When?

Mr. HUMPHREY. Today.

Mr. SMATHERS. The Senator told me this about 15 minutes ago, at the most.

Mr. DIRKSEN. I believe that——

Mr. HUMPHREY. My dear friend——

Mr. SMATHERS. My dear friend told me 20 minutes ago, at the most.

Mr. DIRKSEN. Mr. President, the Senator from Georgia yielded to me——

Mr. RUSSELL. I did.

Mr. DIRKSEN. If that is to be the case, I believe the Senator from Minnesota, after tonight, should serve warning on all Senators that he proposes to consult with the Journal clerk, with the RECORD clerk, with the Parliamentarian, to get an accurate count of the number of speeches every Senator has made under the rule, and then if he enforces his point, I have not the slightest objection. But, coming at this hour, when the distinguished Senator from Florida is ready and prepared to make a 4-hour speech, it seems to me slightly unfair. I earnestly hope that the distinguished acting majority leader will not press that point tonight.

Mr. HUMPHREY. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I am glad to yield.

Mr. HUMPHREY. So that the record may be clear, it is now 22 minutes before 7 o'clock. I spoke to the distinguished Senator from Florida at approximately 5:30, while the Senator from Alabama [Mr. HILL] was speaking. I spoke to him as a friend—and I am his friend—and I said to him that it would be necessary for me to make a point of order, and I checked with the Parliamentarian as to the number of speeches. I would not have raised the point of order on the third speech, because other Senators have also made three speeches. This was the fourth speech. I stated it most respectfully to my good friend, the Senator from Florida, and it grieves me greatly to make this point of order against him, because I admire him so much and I am his close friend. But there are rules in the Senate.

I am not an unreasonable man. Let me say to the Senator from Illinois that I just happen to believe that the Senate needs to make progress with the bill.

Mr. DIRKSEN. If that was done at 5:30, that was roughly an hour ago. The program today started at 10 o'clock. Certainly the Senator had plenty of time to speak to the Senator from Florida. We on this side knew every minute who was going to monitor the floor from one hour to the next. I do not believe it is timely enough warning to the distinguished Senator from Florida. Had the warning been given at noon, it would have been quite a different matter, because new arrangements could have been made. However, how does one put another Senator in the breach from now until 11 o'clock tonight? I hope the acting majority leader will not press his point now. If he wishes to do so, beginning tomorrow, it will be perfectly agreeable to me, and I shall have no protest.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Illinois?

Mr. HUMPHREY. Mr. President, reserving the right to object, I have been around the Senate a little while, and during that time the Senate has often enforced its rules rather vigorously. Sometimes I have felt rather bad about it because the rule was enforced against me.

Along with others I have sometimes been very much inconvenienced. However, I have read the rule, and the rule provides that no Senator shall speak more than twice upon any question in debate in the same day without leave of the Senate, which shall be determined without debate. Rule XX states:

> A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate.

It seems to me that if we are to proceed with this discussion and debate, we must come to some understanding as to how the rules ought to be applied. I raised the point, not of order, but of inquiry, as to the official or unofficial records of the Senate. It seems to me that the persons referred to are officials of the Senate. The Parliamentarian is an official of the Senate, and he has kept the record, not at my request. I say respectfully that I had requested information from the record that he had kept. I believe the Parliamentarian will so advise the Chair. The Senator from Minnesota did not request the Parliamentarian to keep the record. Is that correct?

The PRESIDING OFFICER. The Chair made the statement that this was an unofficial record kept by the Parliamentarian, and that it showed that the Senator from Florida [Mr. SMATHERS] had spoken three times during the present legislative day of March 30, 1964, on the pending civil rights bill. The Chair further stated that that information had been previously furnished to the acting majority leader at his request.

Mr. HUMPHREY. The information relating to the record had been requested by me.

The PRESIDING OFFICER. Yes.

Mr. HUMPHREY. I thank the Chair. I understand the position taken by the Senator from Illinois. It is one of consideration and accommodation. The Senate works in a spirit of accommodation. I have tried to be an accommodating person. I am willing to make accommodation. I say most respectfully that I hope the Senate could have a morning hour, so that Senators could be accommodated with respect to making insertions in the RECORD of various items.

I do not like to see Senators cut off, but it would not help in the debate on the pending legislation if Senators continued to utilize time, hour after hour, on extraneous matters. I have been guilty, as have other Senators. I have attempted to keep my guilt at a minimum. Other Senators have attempted to do the same thing. However, there comes a time in any family or institution when it is necessary to start tightening up on procedure.

I agree with the Senator from Illinois. His suggestion is meritorious. I do not believe that we should rigidly apply the law in a precipitous manner. The Senator has made a reasonable request. I have no objection.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senator from Florida [Mr. SMATHERS] be allowed to proceed.

The PRESIDING OFFICER. Without objection, the unanimous-consent request of the Senator from Illinois [Mr. DIRKSEN] is agreed to.

Does the Senator from Minnesota withdraw his request?

Mr. HUMPHREY. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I desire to be heard for 2 minutes at the most. The Senator has referred to lengthy speeches in the Senate, and has intimated that the stall-ins have been encouraged by the speeches, or that the lengthy speeches here have had something to do with the stall-ins. I can offer for the RECORD—and I shall do so tomorrow, if necessary—news articles published in the New York Times, the Washington Post, and the Washington Star showing that the stall-in leaders, meeting in Washington over the weekend, specifically said that they were not even slightly interested in the so-called civil rights legislation, that the Senator from Minnesota and the Senator from California [Mr. KUCHEL] were not representing them, and that they resented the paternalistic and condescending attitude of the Senator from Minnesota and the Senator from California.

Therefore it is unfair to attribute the stall-ins to the debate on the Senate floor, when the stall-in leaders themselves said they did not think the bill amounted to anything and that they were not interested in it, and wished the Senator from Minnesota and the Senator from California would not attempt to speak for them in regard to the demonstrations.

Therefore it is apparent that the debate on the bill in all of its aspects has nothing to do with the so-called stall-ins.

Moreover, there are 11 titles in the bill. Each one of them embraces a separate question. There is no doubt about it. If the rule is to be enforced as the Senator from Minnesota has indicated, a great many Senators will be inconvenienced.

I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Did the remarks of the Senator from Washington a few moments ago count as one speech on the bill?

The PRESIDING OFFICER. The remarks of the Senator from Washington will count as one speech on the bill.

Mr. RUSSELL. If the Parliamentarian has been keeping that kind of count, it was not on the list that he showed me, because we can go back and cull the record and prove that Senators who have made statements five or six times that we know of since the debate started are not shown as having spoken on the record that the Parliamentarian keeps. If we are to go into this subject, the Parliamentarian, who advises the Chair and who makes the determination, or helps the Chair to make the determination on these questions, should not keep the record. It should be kept either by the Journal clerk or the RECORD clerk.

Mr. SMATHERS. Mr. President, I should like to ask one further question. I have spoken on several nights, as the Senator from Minnesota has said. During the time that I have been here the senior Senator from Oregon, my good friend, has made some very interesting speeches about McNamara's war in Vietnam while the civil rights measure has been pending.

I should like to ask the Chair, through Mr. Riddick, the Assistant Parliamentarian, how many speeches the able senior Senator from Oregon has made on the subject of civil rights.

The PRESIDING OFFICER. The unofficial record kept by the Parliamentarian shows that the Senator from Oregon, previous to today, has made two speeches, and one today.

Mr. RUSSELL. I renew my suggestion that either the Journal clerk or the RECORD clerk keep the record.

Mr. SMATHERS. What I should like to know is whether the Senator from Minnesota will enforce the rule with respect to three speeches against the Senator from Oregon, who apparently has spoken three times, even though each time about McNamara's war, on the civil rights issue. Will the Senator enforce that rule against the senior Senator from Oregon?

Mr. HUMPHREY. First of all, I believe there should be a clarification from the Chair as to what is legitimate yielding. I know the Senator from Oregon [Mr. MORSE] has asked other Senators on many occasions to yield to him under unanimous consent. Do I correctly understand that under the rule that is not considered a speech?

The PRESIDING OFFICER. The Senator is correct. The Senator must be recognized in his own right in order to make a speech within the terms of the rule.

Mr. HUMPHREY. May the speech be on any subject if the Senator asks unanimous consent of the Senator who controls the floor?

The PRESIDING OFFICER. There is no requirement of germaneness in that regard.

Mr. HUMPHREY. When a Senator asks unanimous consent to be yielded to, is the Senator yielded to charged with a speech on the pending question?

The PRESIDING OFFICER. When a Senator yields to another Senator, the Senator who has been yielded to is not recognized by the Chair in his own right, and therefore is not charged with a speech.

Mr. HUMPHREY. I wish to say to the distinguished Senator from Florida, because my relationships with Senators are more important than some of the niceties of the rules, that before the Senator from Oregon spoke, I checked to see whether he had spoken three times or had spoken twice. I did so because I had indicated earlier to the Senator from Florida that I was about to raise a point of order about his proposed fourth speech. I was told that there had been only two speeches. I said that was fair. The Senator from Oregon had spoken twice; his next speech would be his third. The Senator from Florida had spoken three times. I did not believe any Senator would wish to deny justice to the Senator from Florida.

But as of tomorrow, after speaking with the able Senator from Illinois, the distinguished minority leader, I shall ask that whatever official in our secretariat is responsible for these matters tally all the speeches recorded at the desk. A tally will be made of the speeches, and any Senator who speaks more than twice on the same subject in the same legislative day will be subject to a point of order. I shall raise the point of order. Whether the Senate will sustain me or not, I cannot say.

The PRESIDING OFFICER. Does the Senator from Minnesota withdraw his request to call the Senator from Florida to order under rule XIX for making his fourth speech on the same legislative day?

Mr. HUMPHREY. I withdraw it.

The PRESIDING OFFICER. A question was raised under rule XX, which provides:

> A question of order may be raised at any stage of the proceedings except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate.

The Chair stated earlier, when this question was first raised, that the Chair proposed to submit that question to the Senate. Therefore, in the opinion of the Chair, the question would be debatable.

The Chair also, for the record, refers the Senate to Senate Procedure, page 277, "Points of Order, Debate of," as follows:

> A point of order is not debatable unless submitted to the Senate, but under recent precedents of the Senate, debate has been entertained in the discretion of the Presiding Officer for his own enlightenment; and where the Chair permits such debate he may stop it at any time he desires.

The Senator from Florida has the floor.

Mr. SMATHERS. Mr. President, I yield to the Senator from Minnesota under the same conditions under which I previously yielded.

Mr. HUMPHREY. I thank the Chair for stating what is the rule and what are the precedents of the Senate.

I wish to make it clear that as of tomorrow, in respect to that portion of rule XIX relating to two speeches on the same subject on the same legislative day, it will be my purpose to apply that particular rule in an effort to expedite the debate.

Mr. SMATHERS. Mr. President, I yield to the Senator from South Dakota.

Mr. MUNDT. Following the suggestion of the Senator from Minnesota, I should like to ask unanimous consent that the complete tally of speeches be printed at this point in the body of the RECORD, so that Senators may see who has talked and who has not talked. As one who has not participated in the debate at all as yet, I am somewhat confused as to when a speech is a speech.

I have listened five or six times to some interesting developments and discussions by the Senator from Oregon concerning McNamara's war, and now find that all of it has been wrapped up in only a speech or two, although the discussion has occurred on several different days.

As one who would like some time to expand a little on ideas of his own, I wish to ascertain how it is possible to make so many speeches and not have them counted separately. The Senator from Oregon is a good parliamentarian; he has somehow discovered a way to accomplish this purpose that has eluded me. So that all Senators may have the benefit of the same information, I think it would be well to have a complete tally of the speeches printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MAGNUSON. Mr. President, reserving the right to object, I made one speech on civil rights, but I have come into the Chamber and placed items in the RECORD. Most of the time, I believe it was when another Senator yielded to me for that purpose. Tonight, I obtained the floor to place in the RECORD two items which I thought were of some importance. I do not know whether that is to be considered as a speech on civil rights, since I obtained the floor in my own right, or whether, if the Senator from Florida had yielded to me, to place something in the RECORD, it would not have been counted as a speech.

Mr. MUNDT. That is one of the reasons why I made my request.

Mr. MAGNUSON. I will not agree to placing anything in the RECORD until we know what is considered a speech; so I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SMATHERS. Since I have the floor, I may say for the edification of the Senator from Washington, considering what the Chair has ruled during the several days the Senate has been debating the bill, that it would appear that the Senator from Washington definitely has made a speech on the civil rights bill when he obtained the floor in his own right.

If I had yielded to the Senator from Washington, the yielding would have been counted against me, and he would not have been charged with a speech.

I have heard the Senator from Oregon [Mr. MORSE] speak three times in his own rights on McNamara's war, but while the civil rights bill was pending. So, of course, he has made three speeches. He is now under the rule, as I am, and as I suppose several other Senators are.

Mr. BENNETT. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. SMATHERS. I yield to the Senator from Utah without losing my right to the floor or without having my resumption counted as a speech.

Mr. BENNETT. Mr. President, many times during the past 2 weeks, as Senators have reached the point in their speeches when they wished to discontinue, the Senator from Utah has heard unanimous-consent requests that they be allowed to continue their speeches at another time without having them considered as second speeches. Does the record take that into account, and will the record show the number of Senators who have now made speeches on this subject with the protection of the unanimous-consent agreement that they might continue their speeches without having them considered as second speeches?

The PRESIDING OFFICER. The Chair does not deem that to be a proper parliamentary inquiry; however, the Chair will state that the unofficial record kept by the Parliamentarian does take that fact into account.

Mr. MORSE and Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. SMATHERS. I shall first yield to the Senator from Oregon, since I mentioned his name; and then I shall yield to the Senator from New York.

Mr. MORSE. I should like to have a little clarification of rule XX. It ought to be clarified tonight, before a point of order is considered tomorrow. Rule XX provides:

> A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate.

If a Senator obtains the floor in his own right, as the Senator from Florida did tonight, and then yields to another Senator for a parliamentary inquiry, with the understanding that he will not lose his right to the floor—that was the request of the Senator from Minnesota—and the parliamentary inquiry is raised, does the Senator who obtained the floor under those restrictions also have the right to raise a point of order?

The PRESIDING OFFICER. The Parliamentarian advises the Chair that a Senator is not required to yield for a point of order except under certain conditions. However, a Senator may be called to order under rule XIX while another Senator has the floor.

Mr. MORSE. I understand.

The PRESIDING OFFICER. This, technically, was not done in this instance; but it would have been permissible to have called the Senator from Florida to order under rule XIX if the Senator had wished to raise that particular point.

Mr. MORSE. A Senator can be called to order for making remarks that reflect on a Senator or for making remarks that reflect on a State or for making more than two speeches on the same subject matter. Within those limitations, rule XIX permits a Senator to be called to order. But it is true that except under those circumstances, a point of order cannot be raised when a Senator has the floor, unless he yields for the purpose of permitting another Senator to make a point of order. Is that correct?

The PRESIDING OFFICER. That is correct—when another Senator has the floor.

Mr. JAVITS. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield.

Mr. JAVITS. Mr. President, I wish to propound a parliamentary inquiry: Is there any requirement that a record be kept by anyone in connection with the number of speeches made by any Senator, insofar as the application of rule XIX is concerned?

The PRESIDING OFFICER. There is no such requirement under the rule; but the Congressional Record would reflect who made speeches unless the Senators were yielded to for comments by unanimous consent.

Mr. JAVITS. Then is it correct to state that when rule XIX—as to the two-speech limitation—is invoked, it is then up to the Chair to draw upon his own knowledge of the rule and of the facts and of the question of law; or is it then for the Senate itself to determine, on the same basis, whether more than two speeches have been made, and, therefore, whether rule XIX is then to be applied?

The PRESIDING OFFICER. The present occupant of the chair would state that a Senator who wished to raise such a point of order should be able to state the facts in connection with the matter complained of—including the dates involved and the occasions of the particular speeches. Certainly, the Presiding Officer would not have that information available in any or every particular instance.

Mr. JAVITS. I do not think I have made my inquiry clear, Mr. President. If a Senator raised a point of order and named the dates he had in mind—as the Senator from Minnesota [Mr. Humphrey] has done—and if the Chair ruled, the Chair would be ruling both on the question of fact and on the question of law, would he not?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. Or if the Chair submitted the question to the Senate itself, the Senate would rule on the question of fact and the question of law?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. Mr. President, a further parliamentary inquiry——

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Does that make the entire scheme in connection with the rule consistent? In short, no official record is kept; but inherent in the rule in regard to the point of order is the question of fact as to whether two speeches have actually been made theretofore; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I thank the Chair.

Mr. RUSSELL. Mr. President——

Mr. SMATHERS. I yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, if the Chair submits the question to the Senate itself—as is within the power and province of the Chair, if the Chair so desires—is that question debatable?

The PRESIDING OFFICER Yes; it is debatable.

Mr. RUSSELL. I thank the Chair.

Mr. MORSE. Mr. President, will the Senator from Florida yield, to permit another parliamentary inquiry?

Mr. SMATHERS. I yield.

Mr. MORSE. Mr. President, it is true, is it not, that under rule XIX the Presiding Officer can either, on his own motion, or at the request of another Senator, call a Senator to order, if the Presiding Officer believes that the Senator who is speaking is transgressing one of the rules of the Senate?

The PRESIDING OFFICER. That is correct.

Mr. MORSE. Therefore, I should like to have the attention of the manager of the bill, the Senator from Minnesota. It seems to me that much time could be saved if the Presiding Officers were kept instructed in connection with the matter of whether Senators have spoken two times on the bill and whether further remarks by them would amount to speaking more than two times on the bill. Then the Presiding Officer would be in a position to refuse to recognize a Senator, or at least to state that, in the opinion of the Chair, the Senator who sought recognition would be transgressing rule XIX.

Mr. SMATHERS. But is it not a fact that a Senator who was recognized by the Chair would be able to begin a third speech, and probably would even be able to make a fourth speech, except for the fact that some other Senator would make a point of order against further speeches by that Senator?

Mr. MORSE. But the Chair would not have to wait for some other Senator to make that point of order, for under rule XIX, the Chair would be in a position to state why he would not recognize such a Senator, for the Chair could state that he found that, under rule XIX, the Senator was out of order.

Mr. SMATHERS. It seems to me that would be a rather dangerous precedent, because in that event, the Chair would have to be able to determine what was in the mind of the Senator who addressed the Chair. That Senator might wish to speak on McNamara's war.

Mr. MORSE. And that would be another speech.

Mr. SMATHERS. Or the Senator might wish to make a point of order. So it seems to me that it would be dangerous to give the Presiding Officer that power.

Mr. MORSE. But if a Senator wished to make another speech on the bill after already having made two speeches on it, the Presiding Officer could take the floor away from him.

Mr. RUSSELL. Mr. President——

Mr. SMATHERS. I yield to the Senator from Georgia.

Mr. RUSSELL. I do not believe that under such circumstances the Chair would be required to order a Senator to take his seat, unless a point of order had been made. Probably the Chair would have the power to do so; but it would be a bad practice, because sometimes the Senate passes a bill within 30 or 40 minutes, and sometimes one Senator will speak three or four times on that bill, during that period. If the Chair were required under all circumstances to keep such a record, that would be an unbearable burden, particularly in view of the fact that the occupancy of the chair shifts or changes from time to time. Such a situation would require the then Presiding Officer to be entirely familiar with what had occurred on a preceding day; and I do not believe it ever was contemplated that such a record would be kept.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the practice is to have such a point of order made from the floor, not by the Chair.

The present occupant of the chair would not presume, himself, to make such a point of order or to call a Senator who was speaking to order for the particular violation complained of in this instance.

Mr. MORSE. Mr. President, will the Senator from Florida yield again to me?

Mr. SMATHERS. I am happy to yield.

Mr. MORSE. There is no question about what the rule provides. It reads, in part, as follows:

> 4. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rules of the Senate the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order.

So there is no question about the power of the Presiding Officer to do so.

Mr. RUSSELL. I did not challenge the power; I challenged the wisdom or the propriety of it.

Mr. MORSE. First, I wish to discuss the power; and then I shall suggest that before the bill is disposed of, the Senate might get into a situation in which it would be found that the most expeditious way to handle the matter would be through the Chair.

The **PRESIDING OFFICER.** There is no question that the Chair has the power; but the present occupant of the chair has already stated that he would be very reluctant to exercise such authority.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator from Florida for yielding to me.

I wish there were a more widespread understanding of the use of the rules. In this connection, let me say that I am sorry we have not been having a morning hour, to permit Senators to introduce bills and to submit various items for printing in the RECORD. However, recently we have not had a morning hour. Therefore, Senators who have had the floor have been accommodating Senators who wished to submit so-called morning hour items, by yielding to them, by unanimous consent.

Of course, it is possible to have the rule which relates to such requests enforced rigidly. In other words, any Senator could object to such interruptions of the debate.

I state that it will be necessary that that be done. It would be my hope that such interruptions would be very limited and would be of short duration, because if they were not, I would feel constrained to have to request that the rule be applied in that instance, as well.

I do not want it understood that as of tomorrow such a rule will be necessarily applied; but I do want it understood that if we have such prolonged interruptions of the debate, it will be necessary—difficult though it might be—for the acting majority leader—or whatever Senator might then be sitting in the chair of the majority leader—to ask the Chair to apply that rule.

That would mean that the insertions in the RECORD which have been taking place on a regular and routine basis of late would be objected to. As the acting leader, I shall give advance notice that such a rule is to be applied.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the Senator from Oregon, and then I shall yield to the Senator from Kentucky.

Mr. MORSE. I have a suggestion. A few moments ago the Senator talked to me about my position on the morning hour. I said that I would continue to object to a morning hour only because I wish to bring committees to a close at the beginning of the Senate session. It might be possible to obtain a unanimous-consent agreement each day that the waiver of committee meetings, while the morning hour is in progress, would be suspended. All I seek to do is to bring committee meetings to a close the moment the bill rings for a session of the Senate. I shall object to morning hours, unless the leader can get an agreement to waive the exemption that committees may meet during the morning hour. Otherwise I shall continue to object to the morning hour.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. Before the Senator from Oregon takes his seat, may we have a clear understanding? The Senator is saying that if we could arrive at some unanimous-consent agreement to the effect that there would be a period for the transaction of morning hour business, provided that it did not include the period for committee meetings during the morning hour——

Mr. MORSE. A unanimous-consent agreement would have to be entered into to suspend the rule that committees can meet during the morning hour. I should like to state an example. Tomorrow morning the Committee on Foreign Relations is meeting at 8:30 a.m. to hear Mr. Bell on AID. The Senate will convene at 10 a.m. Immediately at 10 o'clock I shall raise a point of order. I have a long list of questions that I wish to ask Mr. Bell. They will occupy most of the time from the time I am recognized to ask the questions in the committee until 10 o'clock.

Mr. RUSSELL. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. SMATHERS. I am happy to yield to the Senator from Georgia.

Mr. RUSSELL. Would it not be in order for the Senator who has the floor tomorrow morning at 10 o'clock to ask unanimous consent that he be permitted to yield to any other Senator for a period not to exceed 3 minutes for the purpose of enabling a Senator to introduce bills, to make insertions in the RECORD, and other brief statements without their doing so in anywise affecting the rule that pertains to the meeting of committees?

The **PRESIDING OFFICER.** Such a request would be in order.

Mr. RUSSELL. That would seem to me to be the answer. I hope that the Senator from Oregon will not object to the recognition of a number of Senators who feel it is almost necessary to introduce bills and to make brief statements or insertions in the RECORD. And that would not affect the rule relating to the meeting of committees.

Mr. MORSE. I would not object to that procedure if the arrangement carried with it the understanding that no committee could meet after 10 o'clock officially in the conduct of its business. If it did meet, the point that I have previously raised with regard to illegal committee meetings would be again raised.

Mr. RUSSELL. A committee meeting would not be in order if a committee member raised the question after 10 o'clock.

Mr. MORSE. I always said that I would be willing to agree to such an arrangement. All I desire to do is to stop committee meetings at 10 o'clock.

Mr. SMATHERS. Mr. President, I now yield to the Senator from Kentucky.

Mr. MORTON. Mr. President, I merely wish to ask a question of the Senator from Florida. Does the Senator from Florida anticipate a third reading of the bill tonight?

Mr. SMATHERS. Did I correctly understand the Senator from Kentucky to say "third reading of the bill"?

Mr. MORTON. Yes.

Mr. SMATHERS. No.

Mr. MORTON. Then the junior Senator from Kentucky can go home and have dinner tonight.

Mr. SMATHERS. I believe the Senator would be free to do so.

Mr. MORTON. I thank the Senator very much.

Mr. SMATHERS. Not only that, but the Senator could do what comes naturally to the Senator from Kentucky.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, in the light of the debate that has taken place on the rules, I ask unanimous consent that the Parliamentarian be instructed to keep an accounting as to the number of speeches and the time utilized by Senators.

The **PRESIDING OFFICER.** Is there objection? The Chair desires to ask a question. Does the Senator mean from the present time forward?

Mr. HUMPHREY. Yes. The tabulation would include past speeches and would continue into the future.

The **PRESIDING OFFICER.** The Chair is advised by the Parliamentarian that computing that information from the RECORD up to the present point would be extremely difficult, if not impossible. In many instances the RECORD shows the delivery of a speech which was actually placed in the RECORD by unanimous consent.

Mr. SMATHERS. How was it possible that those in charge were able to keep the time on several of us so well up to the present point?

The **PRESIDING OFFICER.** The Chair advises us that an unofficial tabulation has been kept at the desk by the Parliamentarian.

Mr. HUMPHREY. Mr. President, we have had a clear understanding that all the speeches that were submitted under unanimous consent were not speeches under the rule. There is a record at the desk which has been described by the Presiding Officer as an unofficial record. I ask unanimous consent that that record, as of this hour, be the basis of further compilation and tabulation under rule XIX relating to the number of speeches.

The **PRESIDING OFFICER.** Is there objection?

Mr. DOMINICK. Mr. President, reserving the right to object, would the tabulation apply to every Senator?

Mr. HUMPHREY. Yes, all Senators.

Mr. DOMINICK. Does the tabulation which is at the desk pertain to all Senators?

Mr. HUMPHREY. It does.

Mr. SMATHERS. Mr. President, I should like to address myself to that point. The suggested arrangement would seem to me to be unfair to some

Senators. It would be somewhat discriminatory in that it is apparent that, up to the present moment, records have not been kept on all Senators.

Mr. HUMPHREY. Yes, they have.

Mr. SMATHERS. The Chair just stated that it did not.

I should like to suggest to the Senator from Minnesota that the arrangement start from now.

Mr. HUMPHREY. Mr. President, I withdraw my request.

Mr. MANSFIELD. Mr. President, will the Senator not withdraw his request? Would the Chair ask whether there is objection?

Mr. SMATHERS. Mr. President, I shall have to object to the request. I do not like to do so. I do not wish to object, but I shall be forced to object until there is a little further discussion of the point. Some Senators have kept track of the speeches of certain Senators with great efficiency, and they have not kept track of the speeches of other Senators at all.

Mr. HUMPHREY. Let us get an answer to that question.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Has the Parliamentarian kept track of all speeches under his unofficial tabulation?

The PRESIDING OFFICER. The Chair is advised that the Parliamentarian has done so.

Mr. SMATHERS. Did not the Chair say a moment ago, when the Senator from Minnesota said, "Let us use the unofficial tabulation as the record from which we start and apply it to all Senators," that such an arrangement would be impossible because records have not been kept on all the Senators as to when they spoke under unanimous-consent agreements and when they did not? I believe I heard some of the officials at the desk make that statement.

The PRESIDING OFFICER. The Chair states that the statement that was made was that it would be virtually impossible to compile such a tabulation from the CONGRESSIONAL RECORD, because the RECORD itself does not show when a Senator was recognized on the floor of the Senate and when he concluded his remarks.

Mr. SMATHERS. For example, at the present moment is there a record at the desk showing that the Senator from Colorado [Mr. DOMINICK] has spoken on the issue before the Senate?

The PRESIDING OFFICER. The unofficial tabulation kept by the Parliamentarian shows how many times, if any, the Senator from Colorado has spoken since the bill was made the pending business.

Mr. SMATHERS. Mr. President, I shall be constrained to object to the request until tomorrow. I think tomorrow a satisfactory agreement can be reached.

The PRESIDING OFFICER. Objection is heard. The Senator from Florida has the floor.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield.

PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow under the previous order, and after a quorum has been obtained and a Senator has obtained recognition from the Chair, the Senator having the floor may yield to other Senators for the purpose of making insertions in the RECORD, or to introduce bills and resolutions for a period of not to exceed 3 minutes, and that this shall not permit an extension of time for the purpose of committee meetings—to accommodate the Senator from Oregon.

Mr. MORSE. There shall not be an official morning hour?

Mr. HUMPHREY. There shall not be an official morning hour.

The PRESIDING OFFICER. Does the Senator wish to include in his request that it shall not be charged as a speech against the Senator?

Mr. HUMPHREY. And that it shall not be charged as a speech against the Senator who yields.

I ask unanimous consent that that agreement prevail for the remainder of the week.

Mr. HILL. Mr. President, reserving the right to object——

Mr. DOMINICK. Mr. President, reserving the right to object, I should like to know whether this request has been cleared with the leadership on the Republican side? I came here by accident, and I listened to the debate going on.

Mr. HUMPHREY. It has not, but I think it meets with general approval, in light of the circumstances.

Mr. DOMINICK. It certainly meets with my approval, but I think the leadership on this side should be consulted.

Mr. HUMPHREY. If there is objection tomorrow, the request can be withdrawn. I should like to have this request agreed to, in view of what has developed.

Mr. BENNETT. Mr. President, I am sorry I had to be absent from the Chamber. May I ask what the question is?

Mr. HUMPHREY. I ask unanimous consent that for tomorrow, and for the remainder of the week, once the Senate has come into session and a quorum has been obtained and a Senator has been recognized, that that Senator may yield to other Senators for the purpose of insertions in the RECORD, including bills, resolutions, and such items, for a period of not to exceed 3 minutes, and that such yielding shall not be construed as a speech on the part of that Senator or on the part of the Senator yielding.

Mr. BENNETT. I am sure there will be no objection on this side.

Mr. HILL. Mr. President, reserving the right to object, I shall not object if the request is for tomorrow only. Let us see how it goes. Will the Senator limit his request to tomorrow?

Mr. HUMPHREY. For 1 day, tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, if the list which has been compiled up to now is to be the subject of evidence that is to be submitted on subsequent points of order, it seems to me it should be printed in the RECORD, so that each Senator may know how many speeches he has been charged with, and so the CONGRESSIONAL RECORD may be checked against the list. I believe the list should be placed in the RECORD, if it is to be used as the basis of parliamentary rulings at any future date.

Mr. SMATHERS. Mr. President, I was the Senator who objected to that request a moment ago when the able majority whip asked that it be done.

Am I clear in my understanding that the Chair has kept a record of all the speeches?

(One member of the staff shakes his head in the negative.)

The PRESIDING OFFICER. The Chair has kept no record of the speeches.

Mr. SMATHERS. Or have any of the officials kept an unofficial record of all the speeches which have been made with respect to civil rights?

The PRESIDING OFFICER. The Chair is informed that the Parliamentarian has kept an unofficial record of all Senators who have spoken on the civil rights bill.

Mr. SMATHERS. Since the day the Senate adopted the motion to take the bill up?

The PRESIDING OFFICER. Since the bill was laid before the Senate.

Mr. RUSSELL. Mr. President, my suggestion did not assume the infallability of the Parliamentarians, because they change seats and can become confused like the rest of us; but it seems to me that if a Senator is to have a point of order made against him on the basis of some record, that tally should be printed in the RECORD, so that each Senator can go back and check it against the CONGRESSIONAL RECORD since the day the bill was taken up.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, no unanimous-consent request was made.

Will the Senator from Florida yield to me?

Mr. SMATHERS. I yield to the Senator from Minnesota to make a unanimous consent request.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that, for the information of the Senate, the unofficial tabulation as to the number of speeches made by Senators since H.R. 7152 has become the pending business be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SYMINGTON. Mr. President, reserving the right to object—and I shall not object—going back to the point made by the Senator from Georgia a minute ago, all a Senator would have to do about this record, whether it is correct or not, would be to check it against the CONGRESSIONAL RECORD. In that way, the Senator would be sure he was correct.

The PRESIDING OFFICER. The Chair will state for the Senator's information that a check against the CONgressional Record would not show accurately what had happened, because many Senators have spoken after having been yielded to, with the specific understanding that the time was not to be charged against them as a speech. Some Senators have made specific unanimous-consent requests that their remarks would not be charged as a speech. So a check against the Congressional Record would not correctly or necessarily reflect with accuracy the number of times a Senator had spoken which were chargeable against him as speeches on the bill.

Mr. RUSSELL. I only suggest it for such probative value as the Senate sees fit to give it. That is the only reason for my suggestion.

The PRESIDING OFFICER. The Senator is correct. If the present occupant of the chair were the occupant of the chair when that question was raised, the matter would be submitted to the Senate for decision.

Mr. RUSSELL. I felt that if the Record showed such a list, it would be helpful to a Senator to prepare himself for any eventuality.

The PRESIDING OFFICER. Is there objection?

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

Civil Rights Act of 1963

MONDAY, MARCH 30, 1964

The Senate met at 12 o'clock noon, and morning business was transacted form 12:03 until 1:13 p.m., at which time the Senate resumed the consideration of H.R. 7152, the Civil Rights Act of 1963. A quorum call lasted from that time until 1:25 p.m., when it was withdrawn.

Mr. Humphrey obtained the floor at 1:26 p.m. and occupied it until 4:51 p.m., yielding in the meantime, by unanimous consent, to Mr. Kuchel, Mr. Keating, Mr. Douglas, and Mr. Muskie.

Mr. Kuchel was recognized at 4:52 p.m. and concluded his address at 6:30 p.m., when he was followed by Mr. Bartlett, who spoke until 7:40 p.m. on the matter of the earthquake in his State. During his speech he yielded to several Senators, by unanimous consent, for statements and inquiries.

At 7:41 p.m., Mr. Morse obtained the floor and occupied it until 9:13 p.m. in a discussion of the Vietnam situation.

The Senate then took a recess until 11 o'clock a.m., Tuesday, the 31st.

TUESDAY MARCH 31 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 11 o'clock a.m., and morning business was transacted, by unanimous consent, from 11:35 a.m. until 12:55 p.m., at which time the Senate resumed the consideration of H.R. 7152, the Civil Rights Act of 1963.

A quorum call lasted from 12:56 until 1:16 p.m., at which time Mr. Thurmond obtained the floor.

During his speech he yielded, by unanimous consent, to Mr. Smathers, Mr. Symington, Mr. Metcalf, and engaged in a colloquy with Mr. Humphrey concerning the provisions of the bill. Mr. Thurmond, at 7:40 p.m., by unanimous consent, yielded the floor for a quorum call without losing his right to the floor. After 5 minutes the call was withdrawn, and Mr. Bayh was recognized. He concluded his remarks at 7:52 p.m., at which time the Senate took a recess until 11 o'clock a.m. the next day.

WEDNESDAY, APRIL 1 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 11 o'clock a.m., and morning business was transacted from 11:03 a.m. until 11:37 a.m., at which time the Senate resumed the consideration of H.R. 7152, the Civil Rights Act of 1963.

A call of the Senate was ordered at 11:39 a.m., and a quorum appeared at 12:01 p.m.

Mr. Keating was then recognized, and finished the delivery of his prepared speech at 3:11 p.m., at which time he yielded, by unanimous consent, to Mr. Ervin and certain other Senators for questions and statements. He yielded the floor at 3:11 p.m., and a quorum call lasted until 3:33 p.m.

Mr. Hart was then recognized, and in the course of his speech he yielded, by unanimous consent, to certain Senators for questions and statements. He concluded his remarks at 4:50 p.m., and then suggested the absence of a quorum, which was obtained at 5:52 p.m. Mr. Moss was then recognized and spoke from 5:53 p.m. until 6:32 p.m.

Mr. Ellender obtained the floor at that hour and concluded his remarks at 7:52 p.m., with the understanding that he be permitted to resume his speech at a later date and that such action not be considered as a second speech.

The Senate, at 7:52 p.m., then took a recess until 11 o'clock Thursday.

THURSDAY, APRIL 2 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 11 a.m. in recess and was called to order by Mr. Kennedy as Acting President pro tempore. Morning business was transacted from 11:03 a.m. to 11:27 a.m., when the unfinished business, H.R. 7152, the civil rights bill, was laid before the Senate.

Mr. Hill suggested the absence of a quorum, which was obtained at 12:19 p.m. Mr. Javits was then recognized and, after yielding by unanimous consent to certain Senators, concluded his speech at 3:23 p.m. A quorum call lasted from that time until 4:05 p.m.

Mr. Robertson then obtained the floor and, after colloquies with certain Senators, yielded the floor at 4:20 p.m., his speech, by unanimous consent, not to be concluded as having ended.

Mr. Morse was recognized at that time and spoke on the Vietnam situation until 4:55 p.m., when he proceeded to discuss title III of the pending bill. At 6:48 p.m., he concluded his address and, on his motion, the Senate, at 6:48 p.m., under a previous order, took a recess until 11 o'clock a.m. Friday.

FRIDAY, APRIL 3 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 11 a.m. in recess, and morning business was proceeded with by unanimous consent for 2 minutes, and at the expiration of that period the unfinished business was laid before the Senate.

Mr. Douglas was recognized, and, without losing his right to the floor, yielded to Mr. Stennis for a quorum call, which was withdrawn at 11:08 a.m. Mr. Mansfield, by unanimous consent, then commented on the remarks of Mr. Morse, made on the previous day, relating to conditions in South Vietnam. He then yielded to Mr. Gruening, who announced that he associated himself with Mr. Morse's remarks on the subject.

The Presiding Officer (Mr. Ribicoff) then recognized Mr. Clark, who asked that the rule of germaneness be waived in order to permit him to make a brief statement, to which request an objection was made. A question arising as to who had the floor, Mr. Douglas was again recognized by unanimous consent and yielded for a quorum call without losing his right to the floor. The call lasted from 11:18 until 11:59 a.m. A brief discussion then took place concerning quorum calls, after which Mr. Douglas proceeded with his speech at 12:04 p.m. and concluded at 2:52 p.m., having yielded in the meantime, by unanimous consent, to certain Senators.

Mr. Cooper was recognized at 2:53 p.m. and concluded his remarks at 4:38 p.m., having yielded in the meantime, by unanimous consent, to certain Senators. Brief remarks were made by Mr. Saltonstall and Mr. Metcalf. Mr. Morse was recognized at 4:55 p.m. and spoke until 6 p.m., a part of his remarks being on the civil rights bill.

Brief speeches on the bill were made by Mr. Hart, Mr. Hruska, and Mr. Williams of New Jersey, the remarks of the latter relating to the so-called war-on-poverty bill.

At 6:19 p.m. the Senate took a recess until 11 o'clock a.m. Saturday.

SATURDAY, APRIL 4 (LEGISLATIVE DAY, MARCH 30) 1964

The Senate met at 11 o'clock a.m. in recess, and the reading of the Journal was dispensed with by unanimous consent.

Mr. Clark engaged in a colloquy with Mr. Mansfield who had the floor concerning consideration by the Committee on Rules and Administration of a resolution pending in that committee, in connection with the problem of the proper ethical conduct of Senate officers and employees.

Mr. Morse and Mr. Carlson made points of order that Mr. Mansfield was not in order in yielding to Mr. Clark. In reply to a parliamentary inquiry by Mr. Mansfield as to whether he had the right to yield for a question, the Acting President pro tempore replied that a Senator who had the floor had the right to yield for a question at any time.

Mr. Carlson, shortly thereafter, made a point of order that the Senate was not proceeding in the morning hour for the reason that following a recess there was no morning hour under the rule. The Acting President pro tempore replied: "The Senator from Montana was recognized, and has the floor, and has the right to yield for a question."

Pending further discussion, Mr. Mansfield called for the regular order, whereupon the Chair laid before the Senate its unfinished buisness; namely, H. R. 7152, the Civil Rights Act of 1963.

Pending discussion as to the meeting of the Senate today, Mr. Mansfield suggested the absence of a quorum. A quorum not having appeared on the call of the roll, Mr. Mansfield moved that the Sergeant at Arms be directed to request the attendance of absent Senators, upon which question the yeas and nays were ordered. Mr. Mansfield then submitted a parliamentary inquiry whether it was in order, at that time, to move that the Senate stand in recess under the order previously entered (until 10 o'clock a.m. Monday, April 6, 1964).

The Acting President pro tempore replied that the rollcall had not started and such a motion would be in order. Mr. Mansfield, in the absence of objection, made a very brief statement concerning the failure of Senators to attend the session that day.

The yeas and nays were ordered on Mr. Mansfield's motion, which was then agreed to by a vote of yeas 27, nays 14.

The Senate, in the absence of a quorum, at 11:41 a.m., thereupon took a recess until the following Monday, April 6, 1964, at 10 o'clock a.m.

MONDAY, APRIL 6 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 10 o'clock a.m. in recess following the absence of a quorum, but certain business was transacted in the absence of objection.

Mr. Mansfield, at 10:08 a.m., suggested the absence of a quorum, which appeared at

10:23 a.m. The Senate, by unanimous consent agreed to certain resolutions relative to the death of General of the Army Douglas MacArthur, and tributes were paid to him under a 3-minute limitation of debate on each speaker.

At the conclusion of the eulogies to General MacArthur, the unfinished business was laid before the Senate at 11:42 a.m., and Mr. Dodd was recognized. He then yielded, by unanimous consent, to Mr. Humphrey, for the purpose of suggesting the absence of a quorum. A quorum appeared a 11:56. Mr. Dodd further yielded to certain Senators until 12:29 p.m. He proceeded with his speech until 1:30 p.m., when a quorum call was had, lasting for 17 minutes.

The Senate, by unanimous consent, then proceeded to consider House Joint Resolution 976, making an appropriation for relief of persons in Alaska who suffered earthquake damage. Discussion of the bill was limited to 1 hour, by unanimous consent, at the conclusion of which time the joint resolution was passed.

Mr. Scott obtained the floor, and concluded his remarks at 4:03 p.m., having yielded in the meantime, by unanimous consent, to certain Senators for statements. Mr. Long, of Missouri, following Mr. Scott's speech, was recognized, and concluded his remarks at 4:40 p.m. Mr. Lausche was then recognized and spoke until 5:03 p.m. A quorum call was then had, lasting until 5:27 p.m.

Mr. Holland was recognized at 5:28 p.m. and spoke until 8:11 p.m., having yielded, by unanimous consent, during his remarks to certain Senators.

A quorum call was had which lasted until 8:36 p.m., at which time Mr. Smathers was recognized and spoke until 9:53 p.m.

A resolution relating to the death of General MacArthur was adopted, and the Senate, at 9:55 p.m., took a recess until Tuesday, April 7, 1964, at 10 o'clock a.m.

TUESDAY, APRIL 7 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 10 o'clock a.m., and an objection having been made to a request for unanimous consent for a morning business period under the usual 3-minute limitation, Mr. Humphrey suggested the absence of a quorum at 10:03 a.m. The quorum having appeared at 10:23 a.m., the unfinished business (H.R. 7152), the Civil Rights Act of 1963, was laid before the Senate. The Bobby Baker situation was discussed until 10:40 a.m., at which time the Senate proceeded to the consideration of executive business.

After the executive business was transacted, the Senate returned to legislative session, and Mr. Pastore was recognized, and spoke on title 6 from 10:55 a.m., until 12:20 p.m.

Mr. Ribicoff obtained the floor at 12:21 p.m., and yielded, by unanimous consent, to Mr. Hart, who suggested the absence of a quorum. This consumed 20 minutes, and Mr. Ribicoff then proceeded with his address, concluding it at 1:28 p.m. He yielded, by unanimous consent, during his remarks, to certain Senators without losing his right to the floor.

A quorum call was had at 1:31 p.m., which consumed 20 minutes.

Mr. Stennis was recognized at 1:51 p.m., and concluded his remarks at 6:39 p.m., having yielded in the meantime, by unanimous consent, to certain Senators for questions and statements. A quorum call was had from 6:40 p.m. until 7 p.m., at which time Mr. Javits was recognized. He yielded the floor at 7:54 p.m., at which time Mr. Long of Louisiana suggested the absence of a quorum. A quorum having appeared at 8:23 p.m., Mr. Jordan of North Carolina was recognized and spoke until 9:36 p.m.

The Senate, at 9:37 p.m., took a recess until 10 o'clock a.m., Wednesday, April 8, 1964.

WEDNESDAY, APRIL 8 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 10 o'clock a.m., and at 10:28 a.m. the unfinished business was laid before the Senate and Mr. Clark was recognized. He yielded, by unanimous consent, to certain Senators for nongermane statements without losing his right to the floor. He concluded his remarks at 1:47 p.m., and Mr. Case of New Jersey then obtained the floor, speaking until 7:25 p.m., during which period he yielded, by unanimous consent, without losing his right to the floor, to certain Senators for questions and statements.

Mr. Ellender obtained the floor at 7:26 p.m., and spoke until 9:24 p.m., at which time the Senate took a recess until Thursday, April 9, 1964, at 10 o'clock a.m.

THURSDAY, APRIL 9 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 10 o'clock a.m. in recess and the unfinished business was laid down at 10:02 a.m. A quorum call was then had which consumed 20 minutes.

At 10:23 a.m., Mr. Kennedy was recognized and concluded his address at 11:03 a.m., yielding in the meantime, by unanimous consent, to certain Senators for statements and questions, without losing his right to the floor.

Mr. Young of Ohio, obtained the floor at 11:03 a.m. and concluded at 1:27 p.m., having yielded in the meantime, by unanimous consent, to Mr. Morse for remarks on the impending railroad strike, and other Senators under waiver of the rule of germaneness.

Mr. Moss spoke from 1:27 p.m. until 1:35 p.m., at which time he yielded the floor.

Mr. Magnuson was then recognized and, by unanimous consent, yielded to certain Senators without losing his right to the floor. He also yielded to Mr. Keating, who introduced to the Senate Hon. Ratu Kamisese Kapaiwai Tuimacilai Mara, of Fiji, Commissioner of the Eastern Division, and a member of the Legislative Council of the Eastern Constituency. After a brief welcome, the Senators, rising, welcomed him to the Senate with applause.

Mr. Magnuson finished his address at 4:24 p.m. when a quorum was called and obtained at 4:44 p.m.

Mr. Magnuson was then recognized and, concluded his address at 6:35 p.m. During his speech he yielded to certain Senators and obtained unanimous consent to suspend his speech and continue later without his speech being terminated.

Mr. Morse was recognized at 6:35 p.m. and, by unanimous consent, yielded to certain Senators for questions and statements, concluding his remarks at 8:25 p.m.

An executive session was then held to consider the nomination of Walter N. Tobriner to be Commissioner of the District of Columbia. Debate was participated in by several Senators, and the nomination was subsequently confirmed on a viva voce vote.

The Senate, at 11:31 p.m., under an order previously agreed to, took a recess until Friday, April 10, at 10 o'clock a.m.

FRIDAY, APRIL 10 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 10 o'clock a.m. A quorum call was had until 10:22 a.m., and the unfinished business was then laid before the Senate.

Mr. Douglas was recognized at 10:22 a.m., but yielded to Mr. Mansfield and other Senators, by unanimous consent, for presentation of nongermane matters under a waiver of the rule.

At 12:20 p.m. the Senate proceeded to the consideration of executive business.

After returning to legislative business, Mr. Stennis suggested the absence of a quorum, which lasted from 12:44 p.m. until 1:04 p.m.

Mr. Sparkman was then recognized and concluded his remarks at 4:45 p.m., having yielded in the meantime, by unanimous consent, for questions and statements of certain Senators. A quorum call was then had from 4:45 p.m. until 5:05 p.m.

Mr. Long of Louisiana, was recognized at 5:07 p.m., and spoke until 8:03 p.m., yielding in the meantime, by unanimous consent, to certain Senators without losing his right to the floor.

At the conclusion of his address the Senate, on his motion, took a recess until 10 o'clock a.m. Saturday, April 11, 1964.

SATURDAY, APRIL 11, (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 10 a.m. in recess. A quorum call lasted from 10:02 a.m. to 10:22 a.m. The unfinished business was then laid before the Senate, and the rule of germaneness was waived for business by certain Senators.

Mr. Morse was recognized at 10:40 a.m. and spoke until 11:22 a.m., and Mr. Javits was then recognized and spoke until 11:55 a.m.

Mr. Ervin was then recognized and, in the course of his remarks, obtained unanimous consent to submit 13 amendments for printing in the Record also in bill form, and that, with an amendment previously offered by him, they be considered as read, to be eligible to be offered if a cloture motion was presented and adopted.

During his speech, Mr. Ervin yielded to certain Senators for statements, without losing his right to the floor; and at the conclusion of his speech and consideration of certain business, the Senate took a recess until 10 o'clock a.m. Monday next.

MONDAY, APRIL 13 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 10 o'clock a.m., in recess, and the unfinished business, H.R. 7152, was laid before the Senate at 10:02 a.m. A quorum call lasted from that time until 10:22 a.m.

Mr. Holland was then recognized and obtained unanimous consent to yield to certain Senators without losing his right to the floor or that it not be considered as an interruption to his speech, with the rule of germaneness waived as to nongermane matters. In the course of his speech he yielded to several Senators in accordance with the above authority. He concluded his speech at 2 p.m., and suggested the absence of a quorum, which appeared at 2:32 p.m.

Mr. Hill was then recognized and spoke until 4:35 p.m., at which time he called for a quorum, which appeared at 4:53 p.m.

Mr. Tower was recognized at that time, and concluded his speech at 7:59 p.m., having yielded, by unanimous consent, in the meantime to certain Senators on conditions that he not lose his right to the floor and that such yielding be not considered as a termination of his speech.

Upon the conclusion of his address he suggested the absence of a quorum, which was obtained at 8:30 p.m.

Mr. Smathers was then recognized, and spoke until 12:08 a.m. (Tuesday, April 14). Mr. Gruening then spoke for 5 minutes, at which time the Senate took a recess, pursuant to a previous order, until 10 o'clock a.m. on that day.

TUESDAY, APRIL 14 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 10 o'clock a.m., in recess, and the unfinished business was laid before the Senate at 10:02 a.m. Mr. Holland spoke for 10 minutes on a question of personal privilege and Mr. Dodd, at 10:12 a.m., called for a quorum, which appeared at 10:30 a.m.

Mr. McClellan was recognized and obtained unanimous consent that during his speech he might yield to certain Senators for questions and statements without losing his right to the floor and that such yielding be not considered as a termination of his speech. In accordance with such authority he yielded at various times to certain Senators, and concluded his speech at 3:07 p.m. A quorum call lasted until 3:27 p.m.

Mr. Thurmond was recognized at that hour and spoke until 10:33 p.m., yielding by unanimous consent, to various Senators during that period without losing his right to the floor or that it be considered as a termination of his speech.

WEDNESDAY, APRIL 15 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 10 o'clock a.m., and a quorum call lasted from 10:02 a.m. until 10:22 a.m. Several Senators were recognized and spoke on nongermane matters until 11:30 a.m., when the unfinished business was laid before the Senate.

Mr. Morse spoke for 3 minutes on a nongermane matter under a waiver of the germaneness rule. A quorum was then called at 11:33 a.m., and the quorum made its appearance at 11:53 a.m.

Mr. Mundt was recognized on a nongermane matter and spoke for 7 minutes.

Mr. Byrd of Virginia, was recognized at 12 o'clock noon and, by unanimous consent, yielded to various Senators for questions and statements without his right to the floor being terminated. He concluded his speech at 1:15 p.m. with unanimous consent to continue his speech later and that it not be considered as having been terminated.

A quorum call was then had, and the quorum appeared at 1:35 p.m.

Mr. Johnston was recognized at the above hour and concluded his speech at 6 o'clock p.m., having yielded in the meantime, by unanimous consent, to certain Senators for questions and statements without affecting his right to the floor. A quorum call was made at 6 o'clock p.m. and concluded at 6:30 p.m.

Mr. Ervin was recognized at 6:30 p.m. and spoke until 10:16 p.m., having yielded, by unanimous consent, in the meantime, to certain Senators for questions and statements.

At 10:16 p.m. the Senate, pursuant to its order of today, took a recess until 10 o'clock a.m. tomorrow.

THURSDAY, APRIL 16 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 10 o'clock a.m. in recess, and H.R. 7152, the unfinished business, was laid before the Senate at 10:02 a.m. By unanimous consent certain resolutions and a bill were reported from the Committee on Rules and Administration and agreed to. A quorum call was then had lasting from 10:08 a.m. until 10:28 a.m.

Mr. Cannon was then recognized and delivered certain remarks on S. 212, a bill to make a study of the need of establishing a standard of conduct to guide the activities and behavior of officers and employees of the Senate. He yielded, by unanimous consent, to certain Senators, without losing his right to the floor, for questions, statements, and insertions in the Record. He concluded his address at 11:01 a.m., at which time a quorum call was had, lasting until 11:21 a.m. when the quorum appeared.

Mr. Tower was then recognized, and, by unanimous consent, yielded to certain Senators for statements and questions. He concluded his address at 2:37 p.m. and called for a quorum, which was announced as being present at 2:57 p.m.

Mr. Robertson was recognized at that time and yielded, among others, to Mr. Dirksen who submitted 10 amendments intended to be offered by him at a subsequent time to title 7, which, by unanimous consent, were considered as read and ordered to lie on the table and be printed.

Mr. Robertson yielded the floor at 5:23 p.m. A quorum was then called, which appeared at 5:43 p.m.

Mr. Talmadge was then recognized and spoke until 7:53 p.m., yielding in the meantime, by unanimous consent, to certain Senators for questions and statements. At the conclusion of his address he suggested the absence of a quorum, which appeared at 8:34 p.m.

Mr. Smathers was then recognized and concluded his remarks at 10:20 p.m., yielding in the meantime, by unanimous consent, to Mr. Douglas for extraneous remarks.

After a brief statement by Mr. Long of Louisiana, by unanimous consent, which was not to be counted as an additional speech by him on the pending unfinished business, a motion by Mr. McIntyre that the Senate take a recess, under a previous order, until 10 o'clock a.m. tomorrow, was agreed to.

FRIDAY, APRIL 17 (LEGISLATIVE DAY, MARCH 30), 1964

The Senate met at 10 o'clock a.m. in recess and a quorum call lasted from 10:02 a.m. until 10:22 a.m., when the civil rights bill was laid before the Senate.

Mr. Stennis was recognized at 10:23 a.m. but yielded to several Senators with the reservation that he not lose his right to the floor, among them being Mr. Prouty, who spoke from 11:09 a.m. until 12:28 p.m. A quorum call lasted from 12:28 p.m. until 12:48 p.m.

Mr. Stennis proceeded with his remarks at 12:48 p.m. but, by unanimous consent, yielded to certain Senators, who consumed the time up to 2:52 p.m. A recess was then taken for 5 minutes for the purpose of greeting a delegation from Argentina. A quorum call lasted from 2:57 p.m. until 3:17 p.m.

Mr. Stennis, by unanimous consent, again yielded to certain Senators without losing his right to the floor. He then resumed his speech and continued with certain interruptions, by unanimous consent, until 7:52 p.m. By unanimous consent the absence of a quorum was suggested at 7:52 p.m., but a quorum did not appear until 9:10 p.m.

Mr. Stennis then resumed the delivery of his remarks and concluded at 10:21 p.m., at which time a recess was taken, under a previous order, until 10 a.m. Saturday.

SATURDAY, APRIL 18, 1964

The Senate met at 10 a.m. and at 10:02 a.m. a quorum was called, which lasted until 10:22 a.m., when the unfinished business was laid before the Senate. Mr. Proxmire was recognized, and yielded to certain Senators, among them Mr. Morse, who spoke on the Vietnam situation from 10:24 to 10:54 a.m.

Mr. Proxmire resumed his speech and concluded at 12:35 p.m.

Mr. Eastland was recognized at 12:37 p.m. and concluded his speech at 3:35 p.m., having yielded briefly to Mr. Keating in the meantime.

Mr. Bayh spoke 2 minutes, and then moved that the Senate, in accordance with a previous order, take a recess until Monday, April 20, at 10 o'clock a.m., which motion was agreed to.

The PRESIDING OFFICER. The Senator from Florida [Mr. Smathers] has the floor.

Mr. SMATHERS. Mr. President, before Senators leave the Chamber may I say, on behalf of the Senator from Minnesota, that I am very pleased with the manner in which this matter has been handled this evening. For the Record, let me say that when I came to the Chamber this afternoon, about 5:30, I did not know that the Senator from Minnesota intended to make the point of order that I was making my fourth speech. He did say to me, shortly after I had arrived in the Chamber, that he intended to make the point of order that I was speaking for the fourth time. It was then necessary for me to make a few calls in order to get a few amendments which I had in process of preparation ready to submit, so I would be able to speak. All the Senator has said in that regard is correct. The situation has turned out better now, because I came to the floor without any knowledge that the Senator had decided to start enforcing the rule. So we will know what to expect hereafter. This is his customary fair way of dealing with these problems.

LABOR LOOKS AT IMMIGRATION

Mr. HART. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. I yield to the Senator from Michigan without my losing the floor, and without its being charged against me as a speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, one of the paradoxes of our democracy is how we can have so many national leaders in support of immigration reform and still have no national immigration reform.

This irony was pointed out forcibly in a speech by James B. Carey, president of the International Union of Electrical, Radio & Machine Workers, AFL–CIO. The speech was made April 16 before the American Immigration and Citizenship Conference here in Washington.

I hesitated momentarily to put it in the Record because it speaks approvingly of me—but my desire to inform my colleagues finally triumphed over my modesty, and I ask unanimous consent that the speech may be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Labor Looks at Immigration

(Address by James B. Carey, vice president, AFL–CIO, and president, International Union of Electrical, Radio & Machine Workers, AFL–CIO, before the American Immigration and Citizenship Conference, Washington, D.C., April 16, 1964)

Ladies and gentlemen, the story goes that a few years back, here in Washington, a Cherokee Indian appeared before a congressional committee to testify on pending immigration legislation. His testimony was brief and to the point. "You should learn from our experience," said the Redskin sadly. "We weren't sufficiently careful about immigration and look what happened to us."

American unionists who deal with immigration matters have enjoyed recalling that anecdote, but many more of them, I imagine, will cherish President Franklin D. Roosevelt's pungent comment to the 1938 convention of the Daughters of the American Revolution. "Remember always," said F.D.R., with his big ironic grin, "that all of us, and you and I especially, are descended from immigrants and revolutionists."

We of the labor movement have not forgotten that admonition, and for a very good reason. The American labor movement, more than any other labor movement in the world, has its origins and its traditions deeply rooted in historic tides of immigration and in the brains and brawn of a hundred different nationalities.

This rich heritage of internationalism is a wellspring of deep pride with us for we know that these many converging streams contributed immeasurably toward making the American labor movement the largest and strongest in the free world.

The millions of refugees from political oppression, religious persecution and hunger, the hundreds of thousands who came to the United States because they wanted to make a new life in the New World—those whom Emma Lazarus wrote about: the "huddled masses yearning to breathe free, the homeless, tempest-tossed"—all these pioneers were the men and women who endowed our American labor movement with its vitality, dynamism and jealous devotion to democracy.

Out of innumerable strains of social and economic thought, philosophy and political ideas, the American labor movement has woven its unique ideological fabric. Perhaps even more than our Nation itself, trade unionism in our country has been a vast and successful melting pot.

We of labor, consequently, will forever be indebted to the courageous men and women who came through the golden door from so many lands, bringing with them not only fortitude and fervor but also their love of freedom and a vision of the future.

A mere half century ago one out of every seven American workers was foreign born. Around the turn of the century no fewer than 10,215,000 Americans were foreign born, an impressive 13¼ percent of our total population. Gradually, of course, this has dwindled; but interestingly enough the last U.S. census in 1960 revealed that we have almost exactly as many foreign born today as in 1900 but today they comprise only 5½ percent of our 179 million population.

American trade union after trade union, as well as industry after industry, owes an incalculable debt to the immigrants who settled in our villages, towns, and cities not only to toil but to build. No one nationality, it goes without saying, was entirely responsible for building a particular union or industry.

Yet even today we associate many of our greatest unions with the pioneering immigrants who founded them and built them, sometimes at the sacrifice of blood and tears and even life itself. There were the Hungarian, Lithuanian, and Estonian immigrants who built our iron and steel unions; the Slovaks, Scottish, Welsh, and English who created our miners' organizations; the Russians, Poles, and Latvians whose dreams gave birth to the great garment unions; the Irish in transportation (not to mention half the police forces of the country); the Scandinavians who developed unionism in the lumber industry; Italians in the building trades; Portuguese and Spanish workers in fishing; the German pioneers who founded the brewery and printing unions; and many others.

The roster of immigrants who inspired and led great sections of the American labor movement, just in the 20th century, would sound like a rollcall of most of the immortal union leaders of our time, from the time of immigrant Samuel Gompers through the time of immigrant Philip Murray.

Thus down through the years the American labor movement has been deeply conscious of its precious heritage from the Old World, sharply aware of its debt to the immigrant heroes who organized our early unions and who guided their survival and growth.

Because of this the labor movement's position on immigration has become increasingly liberal as the years have gone by. We would, in fact, be repudiating our past, denying our patrimony, if it were otherwise, if we were to advocate restrictive immigration.

Let me hasten to mention here that there is, regrettably, one unhappy chapter, but only one, in organized labor's relations with Federal immigration policies and programs.

For too many years before and after the turn of the century the American trade union movement was terrified to the point of irrationality over the threat of Chinese labor. As a result, in 1881, the first convention of the Federation of Organized Trades and Labor Unions, the AFL's predecessor, demanded legislation excluding oriental labor. In 1886 the first AFL convention reiterated this stand and reaffirmed it at subsequent conventions. That the fear and antagonism were directed entirely against orientals was made clear at the 1889 convention when the report by President Gompers (an immigrant himself, as already noted) insisting on more rigorous enforcement of the Chinese Exclusion Act was unanimously adopted—while the same convention a few minutes later refused to approve a proposal halting all immigration for 15 years as a means of helping more than 2 million unemployed Americans find jobs.

There is, obviously, an object lesson for us in this episode—the wretched spectacle of one group of immigrants, occidentals, fearing, and fighting another group of immigrants, who happened to be orientals.

The fact is, of course, that to a far greater extent than any other body of immigrants the Chinese did not come to the United States by themselves; they were virtually conscripted, brought here practically as indentured labor by ruthless and rapacious employers or their agents. The Chinese were imported to slave away their lives for a few cents an hour building the transcontinental railroads and working the western mine fields. They were coolies in the detested sense of the word, undermining union-won wage scales and working standards.

The blame here must be placed squarely at the door of greedy managements; the Chinese—imported in batches of hundreds—labored, lived, and died under conditions tantamount to slavery. No wonder other workers, other immigrants, began to fear that the same employers who imported the Chinese for railroad building might before long introduce the orientals to maintenance-of-way work or even operational jobs. In afteryears many historians pointed out the obvious: that if the employers had brought the Chinese to America to work at going rates of pay, or nearly so, and under minimal union conditions, the hatred between the two groups of workers would never have arisen—at least not to the intensity that it did—and the oriental exclusion legislation might never have been passed.

The extent to which the labor movement has come to see clearly—perhaps more clearly than some other groups in the United States—the realities of the immigration issue can be gauged by the action of the most recent AFL–CIO Convention. Our unanimously-approved 1963 declaration not only called for passage of the legislation advanced by Senator Philip Hart, of Michigan, and Representative Emanuel Celler, of New York; we also emphasized more strongly than ever before the humiliating discrimination which the law now directs at countries of Asia through our appallingly unjust quota system. This is our conviction and sentiment:

"The present immigration policy of the United States is outmoded, based on the unfounded myth that people from northern Europe are desirable citizens for America and that all other people are undesirable. This discriminatory, unscientific, and un-American concept is embodied in our policy of arbitrary quotas favoring one portion of Europe over the rest of the world."

Note how utterly this is a reversal, a complete 180° turn, away from the "exclusion" position of the labor movement at the turn of the century. Continuing with the present restrictive law, our resolution points out:

"This policy is not only a violation of the traditional American view of judging persons by what they are rather than by their origin; it has also seriously damaged the image of the United States in the eyes of those many nations presently insulted gratuitously by our immigration legislation.

"An intelligent and balanced immigration policy ought to rest on practical consideration of desired skills, on humanitarian considerations of need, and on a consideration of the rapidly changing world situation."

The AFL–CIO policy statement then praises the legislative proposals of Senator Hart and Representative Celler, emphasizing that: "These bills provide for the ultimate abolition of the national quota system with the substitution of the aforementioned standards based on talent, need, and democratic commitment."

And here the AFL–CIO finds itself in full accord with the 1960 platform of the Democratic Party which declares: "We shall adjust our immigration, nationality, and refugee policies to eliminate discrimination * * *. The national-origins quota system of limiting immigration contradicts the founding principles of this Nation. It is inconsistent with our belief in the rights of man."

We of labor are in harmony also with the convictions expressed by Presidents Truman, Kennedy and Johnson in advocating immigration reform. President Johnson, just 3 months ago, pointed out as did his predecessors, that Britain now exhausts less than half its annual quota of 65,000 admissions, and Germany "never fills" its quota of 24,000 emigrants to the United States. In contrast, the President noted, Italy has a quota of only 5,645 but a current backlog of nearly 300,000 applicants. Similarly Greece is assigned a paltry quota of only 308 but has more than 100,000 hopeful men and women awaiting permission to enter the United States. President Johnson concluded: "The present situation has overtones of discrimination. President Truman said that the idea behind this discrimination was, to put it mildly, that English or Irish names were better citizens than Americans with Italian or Greek or Polish names. Such a concept is utterly unworthy of our traditions and our ideals."

To this the American labor movement says a fervent "Amen," but I believe we would go further. We would say—at least a large majority of us—that one of the most insidious obstacles to unity of the free world and of the so-called uncommitted nations is our perpetuation of this atrociously discriminatory quota system. It suggests to other nations and to other peoples that we find them inferior, or undesirable, perhaps not to be trusted, or even dangerous.

I make this statement out of considerable first-hand experience with the leaders of many different peoples, experience with them both here in the United States during their visits and experience with them in their homelands in Europe and Asia and Africa.

During the 19 years since the end of World War II the American labor movement's fraternal associations and organizational ties with other labor movements around the globe have become far more numerous and far closer than ever before.

The AFL–CIO, affiliated with the strongly anti-Communist International Confederation of Free Trade Unions, is part of a worldwide trade union fraternity of 60 million men and women on 5 continents. My own union is a member of the International Metalworkers' Federation with more than 8 million members around the world.

Through these and other groups, including the International Labor Organization, and through union-to-union exchange of leaders, technicians and workers, American labor organizations today maintain closer contacts than ever before in history with other democratic labor groups in a hundred countries on both hemispheres.

It happens that the IUE's closest foreign ties are with counterpart electrical unions almost at opposite sides of the globe: the Electrical Trades Union of England, and the Electrical Workers Union of Japan, known as Denki Roren.

The immigration quota system baffles our brothers of the British ETU; they cannot understand how it survives when U.S. Presidents, large numbers of influential Congressmen, churches, the labor movement and others, all oppose the system.

In Japan, in Denki Roren and other unions, there is more than bafflement; and we know this, to repeat, from first-hand experience. I encountered it while I was in Japan; three other IUE officers encountered it during prolonged visits as guests of Denki Roren in Japan; and an IUE official, currently on a 3-month assignment at Denki Roren headquarters in Tokyo, has confronted it, too. Discreetly and politely, Denki Roren visitors to the United States, year after year make the same delicate but meaningful inquiry.

The form of the question will vary but essentially it is the same always: "How can Americans profess to be close friends of Japan and of the Japanese people and still permit this offensive and insulting Japanese quota to persist? Don't Americans know what potent ammunition it provides to the Japanese Communists and don't we know how successfully the Japanese Communist Party and the Communist parties of southeast Asia have exploited the discriminatory quota system?"

So it rankles as well as baffles our Japanese brothers and sisters; without their saying so you know that it hurts their pride and Japanese pride is a lofty and sensitive thing.

It's not just difficult, it's nearly impossible, for me and for other IUE representatives, to explain convincingly to our Denki Roren brethren why we should limit our democratic partner, Japan, to a quota of 185 immigrants a year while assigning our enemy, Soviet Russia, a total of 2,697 immigrants.

Why is Japan, our strongest ally in Asia, held to fewer than 200 immigrants a year, while Iron Curtain Rumania is allowed 289; Iron Curtain Czechoslovakia 2,859; Iron Curtain Poland a whopping 6,488, and Communist Yugoslavia 942?

Why should we bar all but 185 of our Japanese friends from entering the United States each year, while welcoming 865 immigrants from Communist Hungary, 235 from Communist Latvia, 384 from Communist Lithuania, and 250 from Fascist Spain?

Oh, yes, of course we have given answers to our Japanese brothers and sisters, but the answers have never sounded fully convincing; if I were a Japanese I doubt that I would be convinced. Our answers have included the fact that of course the American labor movement is solidly opposed to this absurd, discriminatory Japanese quota. We tell them that the American labor movement helped to elect two recent administrations—those of Presidents Truman and Kennedy—and that we now support the administration of President Johnson; and that all three administrations were pledged, in expressions by the Presidents and in the party platforms, to wipe out the evil of national quotas.

Sometimes, wide eyed, the Japanese check back on what you've said.

"You mean," the Japanese will ask, "that you elect President after President who is opposed to unfair immigration quotas and you elect Congress after Congress that is opposed to unfair immigration quotas and yet today you still have unfair immigration quotas?"

As one of my associates put it: "When you hear your own words coming back at you like that you begin to feel like a faintly idiotic product of a faintly idiotic political system.

So if the Japanese have been baffled by our paradoxical behavior, we as Americans have been baffled even more over how to sound like rational citizens instead of oafs. And the paradox becomes all the greater because we know—and our Japanese brothers and sisters know we know—that very few Japanese would become emigrants to the United States today even if all bars were down.

Japan, as the world is aware, today enjoys a boom economy; unemployment is practically nonexistent. Why then should any substantial number of Japanese want to leave a land of prosperity and full employment for a country 4,500 miles away victimized by mass unemployment and widespread poverty? They would not, of course.

But after we have said all this three things stubbornly remain: First, the wounded pride of our Japanese friends who feel, not without cause, that they and their country are the object of our prejudice and discrimination; second, a nagging doubt among these Japanese friends that neither the democratic process in the United States nor democratic unionism are as effective as Americans would like the world to believe, at least where immigration is concerned; and third, the Communists of Japan and of southeast Asia continue to enjoy the propaganda ammunition that we provide in the national quota system while tens of thousands of desperate, hungry and homeless refugees wait and wait—and sometimes listen to the Communists.

These, then, are the reasons that American labor wholeheartedly supports immigration reform: Reasons of our historic roots and our loyalty to the immigrant men and women of bygone years who gave American trade unions birth and the strength to survive and contribute to our Nation's greatness; reasons of solidarity among the free nations and free labor movements of the world; and reasons, finally, of humanitarianism, compassion, and the encompassing, indestructible brotherhood of man.

PRESIDENT JOHNSON WISELY ORDERS A COMPREHENSIVE REVIEW OF THE MILITARY DRAFT

Mr. GRUENING. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield to the Senator from Alaska with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. GRUENING. Mr. President, President Johnson's announcement of April 18 that the Secretary of Defense is to undertake a comprehensive review of the military draft is good news. The President is to be highly commended for sponsoring this constructive move. If the 1-year study reveals, as the President hopes, that the draft eventually can be eliminated and our military forces retained at proper strength with volunteers, so much the better.

Our Universal Military Training and Service Act today is neither adequate nor fair. It has become dangerously outmoded and discriminatory. Worse, since 1951, it has assumed the status of the undiscussed sacred cow. Since its enactment in 1951, the Universal Military Training and Service Act simply has not kept pace with our changing times. To dare suggest the need for modernization has not been popular, although there are those of us who have tried.

I was the presiding officer of this body on March 11, 1959, when the draft was extended for 4 years by a vote of 90 to 1—the late Senator from North Dakota, Mr. Langer, casting the only "nay" vote.

Prior to the final passage of H.R. 2260, the Senate had heard outstanding debate on the pros and cons of the draft. With 23 of my colleagues on March 11, 1959, I supported the amendment offered by the senior Senator from Oregon [Mr. MORSE] which would have extended the life of the draft by but 2 years during which time the Congress would have taken a sharper look at what the able Oregonian [Mr. MORSE] termed "this inefficient draft system."

He was correct, of course, but his amendment was rejected by a vote of 24 yeas and 67 nays.

The vote on the Morse amendment was:

Yeas: Capehart, Carroll, Case of South Dakota, Church, Clark, Dworshak, Gruening, Hart, Humphrey, Langer, Magnuson, Mansfield, McCarthy, McGee, McNamara, Morse, Mundt, Murray, Neuberger, Proxmire, Schoeppel, Wiley, Young of North Dakota, and Young of Ohio.

Nays: Aiken, Allott, Bartlett, Beall, Bennett, Bible, Bridges, Bush, Butler, Byrd of Virginia, Byrd of West Virginia, Cannon, Carlson, Case of New Jersey, Chavez, Cooper, Cotton, Dirksen, Dodd, Douglas, Eastland, Engle, Ervin, Frear, Fulbright, Goldwater, Green, Hartke, Hayden, Hickenlooper, Hill, Holland, Hruska, Jackson, Javits, Johnson of Texas, Johnston of South Carolina, Jordan, Keating, Kefauver, Kennedy, Kuchel, Lausche, Long, McClellan, Monroney, Morton, Moss, Muskie, O'Mahoney, Pastore, Prouty, Randolph, Robertson, Russell, Saltonstall, Scott, Smathers, Smith, Sparkman, Stennis, Symington, Talmadge, Thurmond, Williams of New Jersey, Williams of Delaware, and Yarborough.

A well-documented and commendable effort by the late Senator from South Dakota, Mr. Case, to establish a civilian commission to study the draft was defeated earlier in the day by a vote of 24 "yeas" and 68 "nays."

The Senator from South Dakota, Mr. Case, had proposed the creation of an all-civilian Commission on Military Manpower. As he explained his amendment he said:

> The testimony before the committee clearly indicated that there are inequities and discriminations in the operation of the Universal Military Training and Service Act today.

The Commission the Senator proposed was within 2 years to have submitted to the President for transmittal to the Congress the results of its study and investigation together with such recommendations as it deemed advisable. His timetable was fair. The draft extension was for a period of 4 years and the executive and legislative branches of Government would have had 2 years within which to modernize the draft.

At that time during the discussion the distinguished Senator from Kentucky [Mr. COOPER] observed that in his own view that:

> The draft is not an institution of American life and that it is not in harmony with the traditions of American life as a permanent institution.

The Case amendment was rejected by the aforementioned vote which was:

Yeas, 24: Bartlett, Capehart, Carroll, Case of South Dakota, Church, Clark, Cooper, Dworshak, Frear, Gruening, Hart, Humphrey, Javits, Keating, McNamara, Morse, Morton, Mundt, Neuberger, Prouty, Proxmire, Schoeppel, Wiley, and Young of North Dakota.

Nays, 68: Aiken, Allott, Beall, Bennett, Bible, Bridges, Bush, Butler, Byrd of Virginia, Byrd of West Virginia, Cannon, Carlson, Case of New Jersey, Chavez, Cotton, Dirksen, Dodd, Douglas, Eastland, Ellender, Engle, Ervin, Fulbright, Goldwater, Green, Hartke, Hayden, Hickenlooper, Hill, Holland, Hruska, Jackson, Johnson of Texas, Johnston of South Carolina, Jordan, Kefauver, Kennedy, Kuchel, Langer, Lausche, Long, Magnuson, Mansfield, McCarthy, McClellan, McGee, Monroney, Moss, Murray, Muskie, O'Mahoney, Pastore, Randolph, Robertson, Russell, Saltonstall, Scott, Smathers, Smith, Sparkman, Stennis, Symington, Talmadge, Thurmond, Williams of New Jersey, Williams of Delaware, Yarborough, and Young of Ohio.

It was during the course of the 1959 draft debate that my able and concerned colleague from Alaska [Senator BARTLETT], then a member of the Armed Services Committee, presented in detail his views on the existing draft procedure. I considered his observations then, as I do now, outstanding in their scope and in their understanding of the situation.

Now that the draft is to be studied, I believe it pertinent to list them so that my colleagues who were not present at the time can have the opportunity to read them. They make good sense.

My colleague [Mr. BARTLETT] had many reasons for discussing the draft. I have often thought of his statement.

> Chiefly, my doubts are whether our present manpower policies are giving this country true security in the missile age—or the illusion of security only * * *
>
> If the answer to our manpower need is universal military training, we must find this out and adopt some plan of universal service at once.
>
> If it be a professional Military Establishment, increased in size and equipment, we should know that, too.
>
> Perhaps there is a solution which would utilize in the fullest degree in the service of their country the talents and energies of thousands of young men not fit for, or not needed in, the Military Establishment.

He then proceeded to outline the military situation as it looked in 1959—not 1941 or 1952. Said the Senator from Alaska [Mr. BARTLETT],

> Complex new weapons demand complex new skills and we ignore these demands at the peril of our existence * * * Is it really inconceivable that the draft—so necessary to meet our manpower needs in 1940—may no longer be adequate to the needs of 1960?

He asked the following 31 questions and I hope the study which will be undertaken will provide updated answers for each of them. The question follows:

> First. Is conscription a permanent feature of U.S. defense policy, according to present military plans?
>
> Second. If construction is likely to continue indefinitely, are major efforts being made now by the Defense Department to improve the Selective Service System to eliminate such inequities and inefficiencies as may currently be a part of it?
>
> Third. If conscription is not to continue indefinitely, what plans are being made now by the Defense Department to lessen our dependency on and eventually to eliminate conscription?
>
> Fourth. Might now such a study of manpower policies have value in ascertaining such facts as our overall manpower requirements; the most effective way to retain trained men in service for longer periods of time; possible nonmilitary uses of men of draft age; the possibility of reducing the number of men constantly involved in training soldiers who do not intend to stay in the armed services, and so forth?
>
> Fifth. Can men be trained in (a) 6 months, (b) 2 years to operate the more complex weapons of modern warfare?
>
> Sixth. Is this training of much value to the Nation if men are separated soon after they become proficient in the use of such weapons?
>
> Seventh. How many draftees receive continuing combat training after their initial 8 or 16 weeks?
>
> Eighth. Are we training an adequate number of men to fight limited nonnuclear wars in which mass armies are engaged?
>
> Ninth. If draftees are not trained to operate the complex instruments of modern warfare, can we risk using them in combat situations, even if nuclear weapons are not immediately involved?
>
> Tenth. In a limited war in which nuclear weapons are used, would a mass army untrained in nuclear warfare be adequate to our needs?
>
> Eleventh. In an all-out war decided by a nuclear exchange between the United States and the Soviet Union, would a large army or large Reserve force, especially a Reserve force derived from the 6-month program, be of great value to the United States?
>
> Twelfth. In short, is the training received by 2-year draftees, adequate for any kind of war, be it total, limited nonnuclear, or limited nuclear?
>
> Thirteenth. Is it possible that the manpower needs produced by new weapons cannot be met adequately without a substantial increase in the number of men who stay in the service for a minimum of 4 years?
>
> Fourteenth. Is the training that men are getting in the 6-month program or in the 10-week Air Force training program adequate for any kind of war?
>
> Fifteenth. If the 6-month training program is not adequate to prepare men for combat and other military assignments, should the program be continued?
>
> Sixteenth. If the 6-month training program is adequate, should we not put it on a universal basis, and couple it with incentives designed to keep the requisite number of men in the Armed Forces for minimum periods of 4 years?
>
> Seventeenth. How effectively are the (a) 6-month, (b) 2-year selectees being integrated into Active Reserve units?
>
> Eighteenth. Might an adequate Reserve program provide an acceptable substitute for a large standing army, a large percentage of whose personnel are not prepared for nuclear combat?
>
> Nineteenth. Is it not possible that the arbitrary limitation imposed on the size of our Armed Forces by budgetary considerations has handicapped international negotiations looking toward disarmament?
>
> Twentieth. Is it not possible that actually a larger standing Army could be maintained at less cost by an improved incentive system?
>
> Twenty-first. In fact, regardless of size, might not the replacement of conscription with a system of incentives designed to attract and keep a competent and motivated professional armed force save money and produce a better nuclear-age defense system?
>
> Twenty-second. But if the size of the Army is to be limited, might it not be wise to speed the replacement of soldiers by civilians in noncombat positions?
>
> Twenty-third. Could not many such noncombatant jobs be filled more economically and more efficiently by civilians?
>
> Twenty-fourth. In the long run, might it not be wise to employ civilians even in certain technical positions, if some way cannot be devised to retain service personnel for considerable periods of time after their training has been completed?
>
> Twenty-fifth. Does not the fact that almost three-quarters of all enlistees leave the service after their first hitch seriously limit the value of conscription in filling the manpower needs of the service?
>
> Twenty-sixth. Might not the $14,000-per-man cost of training and maintaining draftees, 96 percent of whom leave the Army after their 2 years, and of training the one-hitch enlistees, be adequate to provide the kinds of salaries and benefits necessary to maintain an adequate professional force?
>
> Twenty-seventh. Is part of the problem of attracting and keeping bright technicians in the Armed Forces derived from the fact that personnel are subject to certain conditions left over from an earlier military tradition which do not comport with the type of mental and technical initiative now required of military personnel?
>
> Twenty-eighth. Is a system under which some men serve their country involuntarily up to 8 years while others do not serve at all the fairest that can be devised?
>
> Twenty-ninth. Is a system which continually occupies a large percentage of our military personnel in the basic training of transient recruits the most efficient use of manpower that can be devised?
>
> Thirtieth. Is such a system an adequate alternative to a combat-ready fighting force with a low turnover and a high proficiency in the use of modern weapons?
>
> Thirty-first. Does the confidence of our allies in American leadership require us to maintain a manpower policy that may no longer be adequate to our own security?

In a news story published in the New York Times of April 19, 1964, the President is quoted as saying the study will include, "alternatives to the present draft selection system, including the possibility of meeting our requirements on an entirely voluntary basis in the next decade."

The President in his Saturday news conference in Washington, D.C., observed:

> I have today drafted and approved the plans for a very comprehensive study of the draft system and of related manpower policies submitted to me by the Secretary of Defense. This study will consider alternatives to the present draft selection system including the possibility of meeting our requirements on an entirely voluntary basis in the next decade.
>
> Last September, the administration initiated a number of actions to determine immediate steps that could be taken to free young men from doubt about their draft status and what improvements could be made in the administration of the draft law. This led to the decision which I announced early this year to conduct military service examinations of draft registrations who have finished school at age 18 so that these young men then will be able to more intelligently plan their future in relation to their military service liability.
>
> I now consider it most desirable to study some of the broader aspects of the military service system. As an original proponent of this act, I continue to be firmly con-

vinced of the soundness of its basic principle; namely, that the obligations and privileges of service must be shared equally in accordance with a fair and just system.

I am concerned, as I indicated yesterday in some of my remarks, with the recent indications that in application the system may have drifted from this concept. I pointed out to the Hart committee that 49 percent of our boys were rejected for one reason or another. It is clear that at the present time the obligation for military service is essential for meeting our military strength requirements.

However, the present law has been in effect for more than 15 years and a very comprehensive study of the system is now indicated. I have ordered that study immediately. It will be completed in 1 year. It will deal with the implications of trends in our population, in military manpower needs, and will be a most comprehensive study of the decade of the 1970's.

Later one reporter asked:

Question. Mr. President, in regard to this manpower study, could you say that we look forward in the decade of the 1970's to a reduced military force?

Answer. I wouldn't want to anticipate the results of that study before it were begun, but we are going to look into the future.

Of course, it is the hope of everyone that tensions in the world can ease, that we can bring about disarmament, that we can take part of the resources that are now going into military production and protection, taking these resources and spend them on a better society and a greater society, as I talked to yesterday. I didn't have all the time I wanted, but I would urge you, if you haven't got the 18 minutes it takes to read all that speech, to read the first two or three pages and the last two or three pages, and you will see what I am thinking about on our obligations.

I hope during my administration, however long it may be, that I can leave some imprint on having done more for humanity and preserving it, making a better society for all not only just here but in the entire world.

No longer becalmed, we are moving away from dead center. I applaud the step taken by our President.

I ask unanimous consent to have the full text of the New York Times news story printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, pending before this Congress is a bill introduced on January 16, 1964, by the junior Senator from New York [Mr. KEATING] for himself and many others, which would provide for a comprehensive study and investigation of the adequacy of the present draft system. I am a cosponsor of that bill. I will be heartened if the steps taken by the President Saturday make that proposed legislation unnecessary.

EXHIBIT 1

[From the New York Times, Apr. 19, 1964.]

PRESIDENT ORDERS A 1-YEAR STUDY OF NEED FOR DRAFT—REVIEW WILL SIFT POSSIBILITY OF ENDING CONSCRIPTION IN THE NEXT 10 YEARS: JOHNSON IS CONCERNED—SAYS PRINCIPLE OF EQUALITY IN OBLIGATION FOR SERVICE MAY HAVE DRIFTED

(By Jack Raymond)

WASHINGTON, April 18.—President Johnson announced plans today for a comprehensive Government review of the military draft, including the possibility of eliminating it within 10 years.

The present draft law is now more than 15 years old, he pointed out. It was extended last year until 1967.

The President said he was "concerned" that the original principle of equal sharing of military service obligations "may have drifted" in practice.

Mr. Johnson made the announcement at a suddenly called news conference at the White House. He said that he had just "drafted and approved" plans for the study submitted by Secretary of Defense Robert S. McNamara.

WILL TAKE 1 LESS YEAR

The study will be completed in 1 year, the President said.

He said it would cover the draft system and related military manpower policies and that it would constitute "the most comprehensive study of the decade of the seventies."

The review will apparently supplant one that has been underway at the Pentagon during the last year.

It also will inevitably serve as at least a partial answer to the growing number of appeals in Congress for studies aimed at revision or repeal of the military conscription law.

Members of both parties in the House and Senate have recently called for studies of the draft act, reporting widespread complaints about it from among their constituents.

Senator KENNETH B. KEATING, Republican, of New York, who is one of the most active proponents of a review, repeated in a Senate speech Tuesday his legislative proposal for the formation of a Presidential commission to study the draft.

The President's announced plans fall short of that. Administration officials have indicated they prefer to keep any such studies entirely within the normal channels of Government operations.

The Army's recent rejection brought unfavorable attention to the Selective Service System.

The Army said that the boxer had failed the standard preinduction qualification test. Presumably he would have been rejected even if he had volunteered for military service.

However, several Members of Congress reported that they had received complaining letters about the draft from persons who felt that the champion should have been placed in uniform.

Representative WILLIAM G. BRAY, Republican, of Indiana, said a special congressional panel on manpower problems would study military requirements, with the *Clay* case as an object lesson.

President Johnson, at his news conference, said the new review would consider "alternatives to the present draft selection system, including the possibility of meeting our requirements on an entirely voluntary basis in the next decade."

WE WILL HAVE TO SEE

In response to a question, he stressed that he was not predicting the elimination of the draft.

"We will have to see the results of the study," he observed.

The President recalled that he had been "an original proponent" of the draft act. He said that he was "firmly convinced of the soundness of its basic principle, namely that the obligations and privileges of service must be shared equally in accordance with a fair and just system."

But he said there were "recent indications that in application the system may have drifted from this concept."

While he said it was clear that the draft was needed at present for meeting military requirements, he observed also that the law had been in effect for more than 15 years.

The United States never had a peacetime draft law until 1940. The following year, partly as a result of parliamentary activity by Mr. Johnson, who was then a young Representative from Texas, the peacetime draft was extended in the House by one vote.

After the war, conscription and proposals for universal military training were the subjects of furious debate. The draft was dropped briefly but reinstituted when military manpower requirements could not be met.

The present Universal Military Training and Service Act, passed in 1951, has been extended regularly by Congress every 4 years with diminishing debate. Last year the Senate vote for extension followed a debate of 10 minutes.

In the meantime, however, criticism of the draft laws has grown. President Kennedy, in a letter to James G. Patton, president of the National Farmers Union, conceded last year:

"I am sure that all of us agree that the Selective Service Act is administered as fairly as it can be but falls far short of being perfect. Certainly there are inequities in its results."

President Kennedy called attention at the time to inequities in application of the draft because "the growing pool of eligible manpower is far in excess of the needs of the armed services, short of a national emergency."

About 9 million men of draft age, between 18 and 26, are in the "pool," but only about half of them are ever likely to see service, because of deferments and other factors.

To maintain the armed forces at about 2.7 million men, the Pentagon needs only about 500,000 new recruits annually. Many of the recruits, under stimulus of the draft, are volunteers. Draft calls this year have ranged between 16,000 in January and 12,000 in May.

In recent years, only the Army has depended upon the draft to meet its recruitment needs.

Various alternatives to the draft have been suggested. These include pay increases—to make military service more attractive—and a nationwide lottery under which various deferment and exemption practices would be eliminated and the luck of the draw substituted.

McNAMARA'S WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, will the Senator from Florida yield to me without losing his right to the floor, or any other rights which he has, to permit me to add a few comments to those I made earlier on McNamara's war?

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may yield to the Senator from Oregon, with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I hold in my hand an article published in the Philadelphia Evening Bulletin for Monday, April 20, 1964. It would be very helpful if Secretary McNamara, Secretary Rusk, and the President of the United States would comment on it, because it comes out of Saigon.

U.S. ADVISERS RAP INERTIA OF VIETNAM ARMY—SAY WILL TO WIN IS LACKING; RUSK LEAVES FOR HOME

(By Peter Grose)

Mr. President, I should like to read this article, because I believe it is so vital to an understanding of the intolerable, unjustifiable, inexcusable position of the United States in South Vietnam, needlessly sacrificing, wantonly, wittingly unjustifiably, precious American lives.

This country is going to be fed up with it in the not too distant future, and this administration had better face the issue before it is too late.

The article states:

> Pursuit of the war against the Communist Vietcong appears to face the basic obstruction of inertia and low motivation of the South Vietnamese army, in the judgment of American military advisers.
>
> These advisers believe that no amount of aid or social and economic planning can inspire an army to do its job against highly purposeful insurgents unless there is a will to win, or at least a will to fight.
>
> Dozens of American advisers to Vietnamese field units were interviewed in recent weeks in different parts of South Vietnam. Theirs is the view of the war as it is actually being fought.
>
> SOME IMPROVEMENTS
>
> They report isolated improvements of morale where government reforms have been implemented—pay raises for certain units, new uniforms for paramilitary forces. But old abuses remain to sap the army of leadership—promotions too often granted for political reasons, discipline and punishment applied erratically.

Mr. GRUENING. Mr. President, will the Senator from Oregon yield at that point?

Mr. MORSE. I am glad to yield.

Mr. GRUENING. So the fact is, that military observers who have been on the scene for some time, and are therefore familiar with the situation, give us a gloomy picture; whereas, Secretary McNamara, in 24 hours of "hoopla," says that we are going to win. So we find a strange contradiction between those who know and those who float in and out because they wish to sell the U.S. Congress and our people on the argument that "we are going to win."

Mr. MORSE. The Secretary of Defense tries to offset the killing of American boys by pointing out the number of South Vietnamese soldiers who have been killed. That is some argument. I put in the RECORD the other day letters from American military officers in the field, bearing out exactly what this reporter points out in this story I am reading out of Saigon today. The French learned it. So long as we remain in South Vietnam to settle this civil war, we are never going to be able to get it settled by unilateral U.S. action. They will take our money. They will take our equipment. They will take everything that we can give them, but we cannot settle the war this way—the President of the United States in New York City tonight to the contrary notwithstanding. I have read his speech, and I wish to say to the President of the United States that in my judgment he will never sell that speech on South Vietnam to the American people. He will not sell it to the mothers and fathers of the boys, or to the boys themselves that there is any justification for American boys being sacrificed in South Vietnam. In fact the truth is that in his speech tonight the President is asking to have those boys go out to South Vietnam and die for a civil war in South Vietnam, when we have a clear duty to lay this matter before the United Nations.

We have never done it. The time has come for the Government of the United States to call upon the United Nations to keep the peace in South Vietnam and stop trying to keep the peace by American unilateral action and killing unjustifiably increasing numbers of American boys.

If we follow the Nixon program to extend it up into North Vietnam we shall kill thousands of American boys.

I charge on the floor of the Senate tonight that it would seem to appear that Henry Cabot Lodge is for the same program.

The time has come to smoke out this program and tell the American people at what cost we are going to conduct a unilateral military action in South Vietnam without even a declaration of war. That is why I called upon Senators who earlier today rose to the defense of Secretary McNamara to come on in and introduce a measure calling for a declaration of war and see how many votes they get, or how many votes they will get back home if they introduce it.

Mr. GRUENING. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. GRUENING. I am in complete agreement with the senior Senator from Oregon [Mr. MORSE]. Is it not a fact that this agreement that Mr. Rusk secured of the six of our seven allies was to the effect, "You go it, we are all with you, but do not expect us to put any of our boys into the fight."

Mr. MORSE. As I stated the other day, the great Rusk document which came out of SEATO was not worth the paper it was written on, because all it amounted to was our alleged allies saying "sick on!" All the other allies in SEATO said to the United States was "Sick on!" "Sick on!" "Sick on!" New Zealand, Australia, Pakistan, Thailand, the Philippines, Great Britain and France did not offer to send one of their boys to die in South Vietnam. That is only for the United States to offer. It is about time that the American people made clear to the Government that they have had enough of killing American boys in South Vietnam. That is why we have the duty of laying this matter before the United Nations for United Nations determination, just as we are supporting the peacekeeping corps in the Congo, in Cyprus——

Mr. GRUENING. The Senator is correct.

Mr. MORSE. And in the Middle East. If it is sound policy to maintain the peace in those areas, why is it not also sound policy to ask the United Nations to maintain the peace in South Vietnam?

That is the burden of my argument.

No political pressure on the floor of the Senate, or off—at the White House, or out—anywhere in the country—will silence me in making what I believe is a fight to change the course of American foreign policy in South Vietnam.

I am satisfied that the American people, when they get the facts about the intolerable position we have taken in South Vietnam, will make it clear that they will support a program of getting this subject before the United Nations. I am sure they want to stop the unjustifiable U.S. unilaterial military action in South Vietnam, the unjustifiable killing of an unnecessarily increasing number of American boys. We are killing American boys who, high military officials who have come to me have said, were not protected, because we do not operate there as we would if we were conducting a full-scale war operation. Therefore our American soldiers are not given the protection in South Vietnam that they would get if we were in there on an all-out war basis.

Of course, that would be intolerable too. We have no right to send American boys over there in helicopters, as the grieving mother wrote to me, whose letter I put in the RECORD on Saturday. The boy left Lynchburg, Va. He was sent to South Vietnam. He was piloting a helicopter over a combat zone. One month to the day after he left Virginia he was killed in South Vietnam.

I say that the situation is shocking, and that the time has come to stop it.

What protection had that boy in that helicopter? He did not have fighter cover. He did not have the kind of support he would have had if he had been in a battle under all-out war conditions. He did not have the protection that he would have had in a full-war operation.

The military operation in South Vietnam is the blueprint of the Secretary of Defense. That is why I call it McNamara's war. Some of my colleagues in the Senate take umbrage at that. They can take all the umbrage they wish. I say to these defenders of McNamara's war, "Let us go into your State to debate this question before your constituents, up and down your State. We will let you defend McNamara's war in your State, and let your people render the decision." That is the position the senior Senator from Oregon is willing to take.

Does anyone think I am taking that position without great sacrifice? However, what does any political sacrifice amount to in view of the supreme sacrifice that is being made by American boys in South Vietnam?

So long as American boys are dying in South Vietnam, I do not propose to let any political considerations in the United States be any justification or rationalization for the shocking McNamara war in South Vietnam.

Let my administration stand up and speak out. Let the leaders of my administration stand up and speak out, in defense of McNamara's war. Let them get their answer from the American people. They are keeping strange company, when they are keeping company with Nixon, who now wants to extend the war into North Vietnam. It would mean that we would extend it against another sovereign power. Unquestionably we would be an aggressor nation. It is shocking to think that in 1964 I should hear it seriously advocated that my country should become an aggressor nation in Asia. We would not have a snowball's chance in a hot oven of winning a war in Asia.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr GRUENING. My mail is running 100 to 1 for the position which the senior Senator from Oregon and I have taken. That is pretty convincing.

Mr. MORSE. Over the past 2 days I made two speeches in Philadelphia, one last night and one this noon. I have spoken in Kansas. I have spoken in Illinois. I have spoken in 10 or more States in the past 60 days. I say to my administration that the people are rankling over the course of conduct in respect to McNamara's war.

I continue to read from the article published in the Philadelphia Bulletin:

> These criticisms find echoes in high official quarters, both American and Vietnamese. In his 2½ months in power, Maj. Gen. Nguyen Khanh, Premier of South Vietnam, has shown he is fully aware of the problem.
>
> Remedies, however, are found to be not only elusive but dangerous when army elements, if pressed too hard, are fully capable of turning against their own government—either in plotting of coups or defecting to the Vietcong.
>
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> "General Khanh and I discussed various ways in which our assistance might be strengthened. So let us move on together to victory, a secure peace, and a better life for the Vietnamese people."

I have a little advice for the Secretary of State. He should read some French history, all of it in connection with the Indo-China war. The same kind of statement that he issued at the airport in Saigon was issued by various French leaders over the years, about how they were going to stay. They did not stay. They were whipped. Finally their own Government was pulled down by the French people. The French people had had enough of the destruction of the flower of French manhood in Indo-China. The American people are indebted to this newspaperman, Peter Grose, for the study he has made of what he calls the ineptness and apathy of will on the part of the South Vietnamese.

This is a civil war. I do not like the ideology of the Vietcong. I do not like the ideology of the Fascist General Khanh. Both groups are totalitarian. The sad fact is that the United States is supporting totalitarianism in South Vietnam. We are supporting a military tyrant. We are supporting a military Fascist. We are supporting a regime that gives South Vietnam no civil liberties. We are supporting a completely totalitarian police state type regime, and we are killing American boys in that support. What a travesty.

On the other side there is a vicious "Commie" group that is involved in the civil war. If the white man, be he American or French, thinks that the white man can take over Asia, he could not be more wrong.

Nixon wants to extend the war into North Vietnam. What is the danger? The danger is that the Red Chinese may come in. There is always that danger. I do not trust the Communists. Russia and the Red Chinese, in a situation like this, if they thought they could plague us, might very well negotiate a military arrangement, and military supplies could be poured in from Russia. Even Russian planes could be made available.

It might be asked, "What is wrong about that?" It involves talk of war and plans for a stepped-up war that could lead to a nuclear war.

I thought we had reached a point in the history of the world where civilized nations would talk about peace and try to implement it. I thought that civilized nations would try to implement the procedures of the United Nations.

On Thursday—because I do not think I can finish preparation of the speech before Thursday—or Friday at the latest, of this week, I expect to speak at some length in the Senate on an analysis of the international law problems which face us in regard to our conduct in South Vietnam, starting with the Geneva accords, to which we were not a signatory in 1954.

I am pleading with my administration. It grieves me to find myself in this disagreement with it, because it is the only major issue on which I find myself in disagreement with the White House. All I am pleading for is that my Government recognize, before it is too late, that we have a solemn duty to try to bring to an end the killing in South Vietnam, including not only American boys, but South Vietnamese on both sides, because they, too, are human beings. I am urging that the United States ask the United Nations to support a resolution whereby the United Nations will take over jurisdiction of South Vietnam and establish whatever peace-keeping procedures are necessary under what might be called, for want of a better descriptive term, a United Nations trusteeship. Such a trusteeship might have to prevail for 10 to 15 years, until a stable base of economic freedom can be prepared in South Vietnam.

I favor helping those people. I favor helping to supply them with fertilizer for their rice and building whatever economic plants are necessary to help raise the standard of living of the people of South Vietnam. That would be in keeping with our great humanitarian program in relation to foreign policy.

But we cannot reconcile exporting bullets to them instead of bread. We cannot reconcile exporting war to them rather than the machinery of peace. That is where I believe McNamara has been dead wrong ever since the overthrow of Diem, for McNamara has been preparing the blueprint for military operations in South Vietnam.

People say, "After all, McNamara is under his superiors, and the superiors of McNamara made him Secretary of Defense. They call upon him to give advice as to how the operations in South Vietnam should be conducted, and it is to be expected that so long as he remains as Secretary of Defense, they will follow his recommendations; otherwise, they will get rid of him."

Mr. President, McNamara ought to change his whole procedure in South Vietnam. Also, the Secretary of State should start conducting American foreign policy in South Vietnam instead of giving what I consider to be the completely irresponsible statement that he issued in the airport at Saigon.

What does Rusk mean when he says, "We are going to stay in South Vietnam as long as it may take to overcome communism in that part of the world"? None of us is going to live so long. We are headed for a period of revolution and disturbance in Asia for a long time. That is why we ought to recognize the civil war condition and not handle it by way of resort to jungle law and military operations. We ought to try to handle it by procedures that we thought we were setting up in the United Nations, that require it to go into the trouble spots and bring all the influence of the member nations to bear upon those who are threatening the peace of the world.

It may be said, "But we do not believe the Russians, or this group, or the other, will go along." We cannot know until we try. The Russians did not like the United Nations going into the Congo. There were those who did not like the peacekeeping procedure set up in Cyprus. There are those who do not like United Nations intervention in the Middle East. But the fact is that there is more peace under that approach than there would have been if we had followed the procedure that has taken place in South Vietnam and let some country go in, by unilateral action, and use military force.

I do not know what we can do to obtain consideration of this subject. It is not because I am involved. The Senator from Alaska [Mr. GRUENING] has received the same treatment. Last Friday night, I placed in the press gallery mimeographed copies of my answer to Nixon and the speech Nixon intended to make the next noon at the meeting of the Editors Association in Washington. Not a word of my reply to Nixon appeared in any of the major newspapers I have seen today. It is another example of press coverup. Another example of news concealment. Nixon's speech advocating war against North Vietnam was his second trial balloon. He put up the first one before the Editors Association in 1954. In 1954, a so-called great secret speech of a leading American official was made to the editors in New York City. It did not take long to find out who that was. It was the Vice President of the United States. He was then advocating our going into North Vietnam. Do Senators remember?

Dulles went to London to try to sell that idea to Eden. Eden turned him down. That is a fact not known by many persons. The French would be no party to the suggestion. So the Nixon trial balloon was leaden in 1954. He is trying to raise it again. In my judgment, he will find that it is still full of lead. I do not believe the American people are in any mood to join Nixon in his proposal for more war—not less war. More war—not less—is the Nixon formula. More killing of American boys—not less.

It is my understanding that Lodge is in bed with Nixon. We had better find out whether Lodge thinks we ought to bomb North Vietnam. He ought to be brought home for a report, anyway. We ought to find out how much of an acceleration of the war in South Vietnam Lodge is proposing. We shall be in one grand mess by November, if we do not. At that time the poor American voter will not know who is for what.

Most American voters will be for stopping the killing of American boys in South Vietnam. Of that I am convinced.

Mr. LONG of Louisiana. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I have finished. I ask unanimous consent that the entire article be printed at this point in the RECORD, to show direct continuity.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. ADVISERS RAP INERTIA OF VIETNAM ARMY—SAY WILL TO WIN IS LACKING; RUSK LEAVES FOR HOME

(By Peter Grose)

SAIGON, SOUTH VIETNAM, April 20.—Pursuit of the war against the Communist Vietcong appears to face the basic obstruction of inertia and low motivation of the South Vietnamese army, in the judgment of American military advisers.

These advisers believe that no amount of aid or social and economic planning can inspire an army to do its job against highly purposeful insurgents unless there is a will to win, or at least a will to fight.

Dozens of American advisers to Vietnamese field units were interviewed in recent weeks in different parts of South Vietnam. Theirs is the view of the war as it is actually being fought.

SOME IMPROVEMENTS

They report isolated improvements of morale where Government reforms have been implemented—pay raises for certain units, new uniforms for paramilitary forces. But old abuses remain to sap the army of leadership—promotions too often granted for political reasons, discipline and punishment applied erratically.

These criticisms find echoes in high official quarters, both American and Vietnamese. In his 2½ months in power, Maj. Gen. Nguyen Khanh, premier of South Vietnam, has shown he is fully aware of the problem.

Remedies, however, are found to be not only elusive but dangerous when army elements, if pressed too hard, are fully capable of turning against their own government—either in plotting of coups or defecting to the Vietcong.

"All the talk in Saigon about gaining the support of the population to win this war is fine," said one American in the field. "But it would also be a good idea to try gaining the support of the army. This may be a political war, but it is still a war."

APATHY AND INEPTNESS

To most Americans repeated Vietcong successes derive less from the fighting skill of the insurgents than from the apathy and ineptness of the government forces. Success feeds upon itself, and with each Vietcong victory the government troops' morale drops further.

U.S. policy, underlined in visits to Vietnam of Secretary of Defense Robert S. McNamara and Secretary of State Dean Rusk, is that active leadership from the top can still overcome inertia of the war effort.

But, viewed from field headquarters under constant threat of Vietcong attack, it is taking all too long for the new energy in the capital to filter through.

RUSK DEPARTS

Rusk left for Washington today after a 3-day visit.

In a statement at the airport he told the people of Vietnam.

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"General Khanh and I discussed various ways in which our assistance might be strengthened. So let us move on together to victory, a secure peace, and a better life for the Vietnamese people."

Mr. LONG of Louisiana. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. There is one thing that troubles a number of us. There are some who fear that in the event the United States does not pursue this situation with even more diligence than it is doing at present, and before any other measures could be taken, the whole area, speaking of Vietnam, might be swept up by the Vietcong and the Communists. The Senator from Oregon has suggested that we undertake a partnership arrangement with other members of the United Nations. Does the Senator believe that such a partnership arrangement could be instituted soon enough to prevent a complete Vietcong takeover prior to the time the allies, associates, or group could make themselves felt on the scene?

Mr. MORSE. That is a perfectly fair question. I am glad the Senator has raised it, and I shall give my point of view.

I have said in speeches on the floor of the Senate that I am not an "overnighter." I am not asking that we take the American forces out on 24 hours' notice, although I believe it would make quite a bit of difference in South Vietnam if it became known that the position of the United States, until the United Nations could move in, was a position of keeping peace, and not prosecuting war. That would make much difference. Let it be announced, for example, that we would not prosecute war, but that we would want both sides to understand that we are going out, frankly, to stop a continuation of the war. But I would bring in our alleged SEATO allies. I would give Rusk an opportunity to demonstrate that the scrap of paper he brought back from Manila is more than merely a scrap of paper, more than merely a paper tiger. I would send out a call to the SEATO partners: "Send in your forces to help us keep the peace—not to fight a war, but to help us keep the peace in South Vietnam until the United Nations can take official action."

What is wrong with that? Of course, it would mean a reversal of our policy of following the jungle law of force. The SEATO nations ought to be in South Vietnam right now. Tell me why there are not in South Vietnam the forces of New Zealand and Australia. Is not Vietnam important to them? If it is not important to Australia and New Zealand, we will have an exceedingly hard time proving to the world that it is important to the United States.

Is not Vietnam important to Pakistan, to Thailand, and the Philippines? They are closer to Vietnam than is the United States. I say to them, "Come on in. Send whatever battalions are necessary to help keep the peace, not to fight a war; but to serve notice on both sides that we are going to stop both sides from fighting."

Then there is Great Britain. Is it not interesting to observe the tendency on the part of the United States merely to let Great Britain do about as she pleases? Make such a suggestion to Great Britain, and the reply has always been, "Oh, but we have our own colonial problems; we have this problem and that problem. We must be excused." Let us find out what Great Britain's excuse is for not being in South Vietnam. Let her tell the world what her excuse is for not being in South Vietnam. Great Britain ought to send in her share of battalions to keep the peace temporarily.

I do not believe we shall get France to do a thing. We must say one thing about France. She has told us she has washed her hands of Vietnam. The French leaders have told us for a long time that the white man cannot rule Asia.

I do not know what in the world caused the United States to think that it could pick up—a quarter of a century or a half a century too late—the failure of British, Dutch, Belgian, French, Portuguese, and Spanish colonialism around the world, and to believe that the United States could then succeed under its form of colonialism—although of course we never call it our colonialism, even though it is—whereas they had failed. Colonialism in all forms is as dead as a dodo, and the United States should not try to revive it. On the other hand, we should always be willing to try to keep the peace. I do not think France would be willing to try to keep the peace in South Vietnam; but I believe we should give France a chance to demonstrate her willingness. Then, if it is found that she is not willing to make that attempt, we should press for official action in the United Nations. What is wrong with that? What about that would violate American idealism? Senators have heard me say many times that any foreign policy that cannot be supported on the basis of idealism and justice is not really a foreign policy, because it is doomed before it is begun.

What a great opportunity our country has to blazon across the world the proof that we mean what we say when we say we seek to promote peace, not to prosecute war.

Let me state that as matters now stand we are going to lose and lose and lose prestige around the world. We are just filling up the supply line of vicious, lying Russian propaganda and other Communist propaganda in the months ahead, because we are writing our own bad record, and the Communists will throw it back at us.

Would not we be in a nice spot if an incident occurred in some other part of the world and if Russia moved into that area, by means of unilateral action? Would we then go to war with Russia? Certainly this is the time to keep Russia on her heels, so that she cannot get on her toes. This is the time to demonstrate that we are willing to support the procedures of the United Nations. But we cannot support them until we take the South Vietnam issue to the United Nations.

My last point is that although we did not sign the Geneva accords, and although our representatives sat there only as observers, and said we would treat the Geneva accords as principles of international law, yet we should say—as I said earlier today—that the Geneva accords are being violated. I think they are. I think they are being violated in North Vietnam, possibly in South Vietnam, perhaps in Laos, and possibly in Red China; and I do not know whether they are being violated in little Cambodia.

But those are questions of fact, and we had better ascertain the facts. The way to find the facts is not to proceed through unilateral military action by the United States, but, instead, to proceed through the judicial procedure processes of the United Nations. But we have not even taken a complaint to the United Nations. If we think the Geneva accords are being violated, that means that we think the peace in that part of the world is being jeopardized and endangered; and thus we have a legal duty, under the Charter of the United Nations, to lay our complaint before the United Nations. But we have not done so. Instead, we merely have taken unilateral action. But when that is pointed out, some Senators seem to have pained expressions and hurt feelings when it is said that we are acting illegally in South Vietnam. However, I am satisfied that a large portion of the world will tell us that, unless we change our course of action.

Now we hear statements to the effect that we are going to "get tough"—as the President is suggesting tonight in New York. But all the talk about "getting tough" will not save the lives of the American boys in South Vietnam; and the American people will have something to say about that.

Does the Senator from Louisiana wish to ask me another question?

Mr. LONG of Louisiana. No; I am through.

Mr. MORSE. Then, Mr. President, I yield the floor.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. SMATHERS. Mr. President, first, let me say that according to the records of the Parliamentarian and the clerks at the desk, this is my fourth speech on the civil rights bill. However, I wish to make clear that this is only my fourth attempt to deliver my first speech. It has so happened that each night I have been here, on the floor, endeavoring to make and to conclude what I thought was a reasonably well-thought-out speech, and one well documented, but not too lengthy—as a matter of fact, only 80 pages—I have been interrupted so many times by the proponents of the civil rights bill and have been asked so many questions, that the time came when I was unable actually to finish my speech. So, although I have now learned that it has been ruled that I have spoken three times on the bill, I should like to have it clearly understood that even though I may have spoken three times, I have not yet finished my first speech.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield, to permit me to make a unanimous-consent request?

Mr. SMATHERS. I should like to yield to the Senator from Louisiana, to permit him to make a unanimous-consent request, if I may do so.

The PRESIDING OFFICER (Mr. McGovern in the chair). Without objection, it is so ordered.

Mr. LONG of Louisiana. I ask unanimous consent that during the course of the speech of the Senator from Florida, he may yield for a number of questions and a number of brief observations, within his discretion, on the condition that such would not prejudice his right to make his speech or my right to make another speech.

Mr. SMATHERS. I shall not object; I merely wish to make clear that such will not be considered to be a speech by the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, let me observe—if the Senator from Florida will yield under those conditions—that during at least one of the speeches to which he has referred, I was present to hear his speech; and I regret to state that I was one of the few Senators then present. That was regrettable, because the Senator from Florida made a magnificent and very logical speech. But the senior Senator from Minnesota [Mr. Humphrey], then the acting majority leader, insisted that the Senator from Florida yield to him; and then the Senator from Minnesota made a number of statements and, in fact, a number of speeches, during the remarks of the Senator from Florida. So the Senator from Florida could not then make a second speech, because the Senator from Minnesota was dominating the floor much of the time.

Mr. SMATHERS. I completely agree with the Senator from Louisiana.

In reference to the calculation which has been made in regard to the number of speeches made, I find that the senior Senator from Minnesota [Mr. Humphrey] has made, according to my figures, seven speeches. However, according to the record of the Chair, I understand it has been held that he has made only one speech. I do not know whose type of arithmetic was used or how the clerks at the desk have gone about "keeping tab" on such things; I have not yet understood that.

But I hope that those who read these remarks will understand that I am still making my first speech, and I have not yet finished with it.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield further?

Mr. SMATHERS. I yield.

Mr. LONG of Louisiana. The particular case which I recall so vividly was one in which I was permitted to engage in a very considerable amount of colloquy—which is one of the reasons why the Senator from Florida covered only about 20 pages of his 80-page speech, whereas if he had been permitted to continue without interruption, he would have been able to conclude his speech at a much earlier time.

Let me also say this: When one who devotes himself to his task as earnestly as does the Senator from Florida, is confronted by the fact that he does not obtain the floor until 8 o'clock at night with only a few Senators present, most Senators having gone home for dinner with their families, and the Senator has a very small audience to address, he might give heed to what a former Senator said. That Senator, who is still living, I am happy to say, and who was a very effective Senator when he served here, made the point to the junior Senator from Louisiana that if one wished to see his side prevail, he should plan to make the same speech twice, once for Senators who are present on the floor the first time the speech is delivered, and a second time for the benefit of Senators who were not present when the first speech was made. Also two speeches provide an opportunity for Senators who missed reading the speech the first time it was printed in the Record to read the speech the second time it was printed.

If the Senator from Florida has the same reaction as does the Senator from Louisiana, perhaps the same speech must be made four or five times before it finally gets through to all Senators.

I point out that the Senator would be justified in making his magnificent speech from the beginning a second time, because very few Senators were present the first time he made it. It was an extremely good speech.

Mr. SMATHERS. I thank the Senator for his generosity in so describing my speech. I deeply appreciate the Senator's remarks, which reflect that he understands the predicament in which I found myself. I almost never have been permitted to make the kind of speech I desired to make during the day when most Senators were present. I do not know why the junior Senator from Florida is always required to come to the floor at nighttime to speak. Sometimes I obtain the floor before 8 o'clock, but usually I obtain the floor about this time. Then I must continue until after midnight.

A week ago the Senator from Minnesota came to the floor of the Senate about the time I wanted to stop speaking and began to propound some questions to me which I believe were calculated to make his side of the case on my time. So I had to answer the questions. Then we had the unique situation of the Parliamentarian having instructed the Chair that the order had been entered that when the Senate recessed, it had to meet at 10 o'clock the following morning, and if we proceeded beyond 12 o'clock we would go into the next day, Tuesday. Then when the Senate recessed, that order would have provided, in effect, that the Senate would not have come back until Wednesday.

I was then asked whether I would be willing to hurry my speech along so that I might stop before 12 o'clock.

In order to be obliging I said, "No, I shall not hasten my speech. I shall not embarrass my good friend the Parliamentarian and the then occupant of the chair—who I believe was the able Senator from Maryland [Mr. BREWSTER]—by making the point of order that when the Senate recessed then, which was Tuesday, it would reconvene at 10 o'clock the next day, which would have been Wednesday, and that I would not object to the Senate's meeting later that morning. We would not make a big hassle out of that point.

I proceeded to speak until 12:15 a.m.

Mr. President, there is much about the bill which is not good. There is much about the bill that needs to be discussed. A much greater knowledge of the bill needs to be in the minds of the American people. I have no question in my mind that if the American people totally and thoroughly understood the bill, they would begin to write their Senators and say, "We do not want the bill." I am satisfied that if the people in Colorado, Utah, and other fine States who are so ably represented by Senators here, knew what titles VI and VII would do, they would oppose the bill.

If they knew that a title provided for an Equal Employment Opportunity Commission and they fully understood that that particular title of the bill would make possible the creation of a Federal bureaucracy which would, in the final analysis, cause a man to hire someone whom he did not want to hire, not on the basis of ability, but on the basis of religion, color, or creed, I do not believe that any businessman in the State of Colorado, the State of Utah, South Dakota, or wherever he might come from would be in favor of that particular piece of proposed legislation. While he might be for civil rights and be against discrimination, as I am, and while he could be against legal segregation, as I am, nevertheless he would not be for the bill.

Certainly he would begin to understand when he learned of the experience in a State like Illinois, where there is a Fair Employment Practices Commission. A large company was opening up some jobs for various applicants to see if they could qualify to work for the company. Several of the applicants took the examination. Finally an examiner for the Fair Employment Practices Commission received a complaint from a colored citizen that he had been discriminated against in the examination. The examiner for the Fair Employment Practices Commission of the State of Illinois went to the company and said, "You have practiced discrimination because you did not take into consideration the fact that this man came from a socially backward area.

You did not take into consideration the fact that the educational opportunity of the applicant who took the examination was not as great as someone else's.

So what that FEPC examiner in Illinois endeavored to do was to have the company fire the man who had already been hired. The man who was fired had a lawsuit against the company for firing him, and actually firing him on the basis, in some respects, of discrimination. The man had made the highest grade and gave every evidence of being the one who, because of his ability, could do the most for the company. But the FEPC in Illinois said, "You must fire him and hire this other man, who did not even pass the examination, because the examination did not take into consideration the fact that this man who took the examination may have come from an area which was considered a socially benighted area." I forget the exact term.

If people understood that such a thing could happen around the Nation, and more than likely would happen around our Nation, they would oppose the bill.

Eventually every employer would face the possibility of a bureaucrat coming into his business, looking over his records, and saying, "Wait a minute. You have been in business 10 years. How many colored citizens have you hired during that time, and how many of a certain religious faith have you hired in that time?" It is possible that the employer may never have hired any colored citizens.

What would then happen is that the first colored citizen who applied for a job in that company would get it, because the Fair Employment Practices Commission would see that he got the job whether he was eligible or not, or whether he had any ability or not.

What will happen? A man who has a business will reach the point at which, in order to keep the weight of the Federal Government off his neck and keep himself out of court, he must finally establish a sort of quota system to protect himself at all times, so that he will not have to spend all his time and resources in court proving that he does not discriminate.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the able Senator from Colorado.

Mr. ALLOTT. Since the Senator has referred to the great and colorful State of Colorado, which, of course, is the most wonderful place in the United States to live——

Mr. SMATHERS. I do not wish to debate the Senator on that subject. Colorado is a great and colorful State, I am sure. From the Senator's point of view, it is the greatest place on earth. But I am sure the Senator understands that there are others——

Mr. ALLOTT. There are only 49 other States.

Mr. SMATHERS. There are 98 other Senators who probably disagree with him.

Mr. ALLOTT. How does the Senator interpret section 7 in terms of the fact that an employer would have to live up to a quota? I completely agree with the Senator that if an employer were required to employ a person on the basis of a quota, there would be no justification for that procedure under the American system. If people must be employed on the basis of a percentage, there is no basis for such a procedure under the American system of free enterprise.

Where in the bill does the Senator find justification for the statement that persons would have to be employed on the basis of a quota or percentage? I will pick up the bill and follow through with it, if the Senator wishes.

Mr. SMATHERS. It is not written in the bill that there must be a quota system, but the net effect of the adoption of the proposed law would be that employers, in order to keep themselves from being charged with having discriminated, would, in time, have certain people working for them to meet the color qualifications, the religious qualifications, the creed qualifications, and so on. The simple reason for it is that, as the able Senator knows, all such agencies are infused with enthusiastic men who can see something wrong with every private businessman's business. When the agency is established, we shall see situations such as happened in California within the past 2 weeks. There was picketing of the General Motors operation in California on the ground that General Motors would not agree to give to the representatives of the colored groups assurance that General Motors would employ at the plants in California a certain percentage of those people. The percentage which the group asked for was greater even than the percentage that the colored citizens in California bore to the white citizens there. The newspapers carried articles to that effect.

That is a percentage system. That is a quota system. That is what some of the militant leaders of the so-called civil rights program—not here in the Senate, but around the country—want.

The bill does not contain any provision about a quota system. As a matter of fact, the other day the Senator from Minnesota said he was so much against the quota system that, if it would help the Senator from Florida, he would be for a provision in the bill against quotas, as I recall. I believe it would be helpful to have such a provision in the bill.

But what is going to happen? In New York City there is a law against segregation. Yet, which is the most segregated city in all the United States? The city of New York. New York State has laws against segregation. Still, in the counties of New York and in the city of New York itself there is more segregation than there is in any other place in the country. So the mere fact that there is such a law does not mean that segregation will not take place. I am saying to the Senator from Colorado that that will be the result, although I agree that the bill does not provide for it.

Mr. ALLOTT. I am happy to learn the Senator agrees that the bill does not provide for it.

I shall try to pick up the gist of the arguments which the Senator made. There were demands in California that exceeded the provisions of the proposed law. I have also seen in the past a strike that tied up all the wharves and docks of California and that left my squadron in the Pacific without bombs. That strike resulted only because of a jurisdictional dispute between two unions. So I do not think it is a fair comparison or fair criterion to apply to this bill.

I believe I am a stronger exponent of the free enterprise system—perhaps I am not, but I feel I am—than is the Senator from Florida——

Mr. SMATHERS. I agree with the Senator that he is a strong exponent of the free enterprise system.

Mr. ALLOTT. We are not going to resolve this question on the basis of what may happen. I do not know what the system in New York is. I only know that the Colorado system, which has been in effect since 1957, carries more authority and more severe penalties than does title VII of the pending bill. Yet we have managed to live under it.

I see present in the Chamber the distinguished Senator from Louisiana [Mr. LONG], whom I respect very much. I would not assert that we face the same problem that he faces in his State. The problem there is more exaggerated than it is in our State.

Mr. SMATHERS. I was about to ask the Senator what the percentage of colored people to white people is in his State.

Mr. ALLOTT. I do not recall the percentage, but, in numbers, it is about 35,000 to 1,700,000.

I do not wish to filibuster for the Senator. I only wish to assert that I am present, and that I do not agree with his conclusions.

Let me read section 704 of title VII:

> It shall be an unlawful employment practice for an employer—
>
> (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

The only point I wish to make is that if anyone sees in the bill quotas or percentages, he must read that language into it. It is not in the bill. In the laws of the 30 States that have enacted such laws in the past few years, I do not think one could find a provision other than that people cannot be discriminated against because of race, religion, or national origin.

I do not contend that any man should be employed because of his race, his religion, his color, or his ethnic origin; but there is nothing in the bill, unless one reads into the language a right that is not there, which provides that one must employ a man because of his race, color, religion, or national origin. If the Senator finds in the bill language to the effect that an employer must do that, I shall be very much interested to learn about it.

Mr. SMATHERS. As I said earlier, I do not contend that the bill provides that there shall be a quota system or percentages. In some instances I believe the bill avoids what might be unfortunate consequences. However, I cannot help believing that most of the businessmen in Colorado, if given an opportunity to actually vote on this type and character of legislation, would not want to vote for it.

Mr. ALLOTT. Mr. President, will the Senator yield to me?

Mr. SMATHERS. I am happy to yield.

Mr. ALLOTT. On this point, for the first time, the Colorado Legislature enacted a bill similar to this. I am sorry that, offhand, I cannot remember accurately, but that was done in either 1952 or 1953. A stronger bill was passed in 1957. My friends in Colorado had a pretty adequate opportunity to present their views in the interim; and in the interim a stronger and better bill was passed.

Mr. SMATHERS. I have no doubt that what the Senator says is correct. He knows much better than I what happened in Colorado. As I said earlier, the situation in Colorado with respect to balances or imbalances of races is nothing like the situation in Louisiana, Florida, New York, Illinois, or other States.

The State of Colorado has few members of the colored race. Consequently, they do not have the problem of hiring and employing a large number of those people. We of course wish to see them get jobs. We believe they should get jobs. In our area we try to encourage them. We give them a better education. But we do not like to see bureaucracies set up to tell a businessman that he cannot discharge a man because of his race, color, or religion, when the man would not have hired the colored citizen in the first instance, if he had any kind of discrimination in his soul. But, having hired him, the Government says he cannot discharge him. So all the colored man has to prove, when he makes a claim against the employer is, "I am being discharged because of my color." What happens is not left to the employer to decide. It is not left to the complaining citizen to decide. It is left to the Government agency to decide. The distinguished Senator from Colorado has been around long enough to know that Government agencies are filled with so-called professional bleeding hearts pursuing the goal for which they were hired. They visit the employer, who is immediately put on the defensive, and they say to him, "There has been a claim made against you, that you discharged a man because of his race."

The employer must go on the defensive, contrary to all our concepts of law, that every man is presumed to be innocent until proved guilty, and the employer is, ipso facto, guilty and must assume the burden of proving that he is innocent.

Someone from a Government bureaucracy, someone from an agency which has nothing whatever to do with this business, never contributed a nickel to it, never bought anything from him, but merely lived off the bounty of the employer's taxes to the Government which in turn paid him, is the one who judges the case. He is the man who says, "Wait a minute. I am going to tell you whom you can hire and whom you must fire."

Mr. ALLOTT. Mr. President, will the Senator from Florida yield further?

Mr. SMATHERS. I yield.

Mr. ALLOTT. I agree wholeheartedly with the Senator from Florida. I only wish he would join me in the same point of view, for example, against the National Labor Relations Board, which constitutes a prosecuting attorney, an investigating force, a witness in many instances, a judge always, against the private businessman in the United States. If only he would feel the same way about the National Labor Relations Board as I feel about it. But the real reason I asked him to yield to me is that the major minority in Colorado is not the Negro race. The major minority in Colorado is the group of people known as the Spanish-Americans. In the 17th century, the Spanish came into Colorado and through the crossbreeding of those people with the Indians and other people, a group of people developed in the State known as Spanish-Americans. They constitute 17 percent of the population of the State of Colorado. So, while we do not have a large Negro population in Colorado, I believe that the question of minorities is not unknown to those of us who reside in Colorado.

Mr. SMATHERS. Has the Senator ever seen any discrimination practiced against the Spanish-American group in the State of Colorado?

Mr. ALLOTT. Yes. Frankly, I have. I have opposed it all my life. I have seen discrimination at times in restaurants and in public accommodations. I am happy to say now, however, that it has ended. It has been ended for several years. But I have never seen discrimination as to voting in my lifetime. I have seen discrimination as to schooling. That also has been completely ended for 15 to 20 years.

Mr. SMATHERS. But there was at one time discrimination against Spanish-blooded people in Colorado on schooling?

Mr. ALLOTT. In the sense that there was segregation, yes. I am happy to say that I believe that has now ended. But I do not want the Senator to speak to me as a person who is not acquainted with the problem of minorities, because we have been concerned with the problem of our Spanish-Americans, who have always had the right to vote—always—I would say that it is almost absolutely true, although if one were to search the records minutely over the past 50 years, he might find a few cases in contravention of what I am now stating; but I know of no cases where any Spanish-American has ever been prevented from voting.

Mr. SMATHERS. That is commendable. In the State of Florida, our record is that good. We also have a large number of Spanish-Americans. We have probably the largest number of Cubans living in Florida outside of Cuba itself that can be found anywhere in the world.

Mr. ALLOTT. Florida may have more than Cuba has now. I do not know.

Mr. SMATHERS. We do not have, but we have one city called Ybor City which is the largest Cuban city which can be found anywhere outside of Cuba itself. There has never been any claim of discrimination practiced against Spanish-Americans, Cubans, Puerto Ricans, or anyone else. They have been permitted to go to school. I have never seen any discrimination practiced in any respect as to voting, schools, or anything else.

Regrettably, there has been in our State, in many years past, some discrimination. I am happy to say that it is rapidly disappearing with respect to colored citizens. The reason was that there were so many colored citizens in comparison with the number of white citizens that we had to discriminate. There are still certain counties in the State where colored citizens outnumber the white citizens. There has been a great fear—which I believe now is proving to be unjustified on the part of some of the white citizens—that if they permitted colored citizens all the rights which the Constitution said they should have, which the Emancipation Proclamation of a hundred years ago agreed by law they should have, they would be mayors, county commissioners, that they would run the schools and run everything else.

Unfortunately, the economic facts of life were such that the colored people were not very well educated. They did not really have the capacity—not because they did not have the natural capacity—but they did not have the education, in order to hold many jobs and perform many offices. That is really where the so-called discrimination arose. In our State, in northwest Florida, and throughout the Southland, that is rapidly disappearing.

The Senator states that he has not seen any discrimination in Colorado in 15 or 20 years, and that it is disappearing.

Mr. ALLOTT. That is in respect to schools. In voting, I have never known it within my lifetime.

Mr. SMATHERS. When I campaigned in the State of Florida, together with the senior Senator from Florida [Mr. HOLLAND], the first thing we urged every citizen, irrespective of race, creed, color, or religion, to do was to register, and then to vote for us. We long ago learned that one vote is as good as another. It counts for one vote, and it should count for one vote. So we encouraged all citizens to vote. Frankly speaking, in some areas we had a difficult time to get colored citizens to come out and vote. We encouraged them to come out and vote, and we urged them to register Democratic, of course, and then to vote for us.

I do not know of any place today where any citizen, because of his race, or creed, is prevented from voting. So these things are disappearing.

I like to argue with my good friend the Senator from Minnesota [Mr. HUMPHREY] and I believe that he continues to beat the old "bag of bones" about what is happening in certain quarters in Mississippi.

Because certain things are happening in Mississippi, of which I do not particularly approve, but which are only happening in a few isolated instances, and which are rapidly disappearing, it is argued that we should make a so-called Federal case out of it and pass a Federal law which would apply to the 50 States, and at the same time set up a bureaucracy that would be bigger than any we have ever had, and would give the Attorney General powers which no Attorney General in all 180 years of our existence has ever had, and give to commissions the right to reach in and regulate a man's business, which has never been done—all because of a few things that have happened in Mississippi. That is the way the Senator from Minnesota talks. He says, "See what is happening and what is being done." He makes his impassioned speech and says, "I will not give up the fight so long as one citizen's rights are being taken away from him." He is worrying about some citizens whose rights may be infringed upon—and I regret that they are, and we are trying to do something about it—at the same time he does not show any concern about the rights of millions of other citizens who suddenly have a Federal bureaucracy, which they did not ask for and did not want, telling them whom to engage, whom they can discharge, whom they must promote, and whom, in fact, they must hire, irrespective of ability or the feeling they have for the business.

I wonder about those citizens. They, too, have some rights that should not be taken away from them. The Senator from Minnesota is worried about the other citizens, and he would give them superior rights to those possessed by ordinary citizens.

With respect to the bill and what is contained in it, I should like to ask the able Senator from Colorado a question. The bill contains a provision with respect to school desegregation, and the power given the Attorney General in order to overcome racial imbalance. The other evening we were debating on the floor of the Senate the question of racial imbalance, and all the proponents said, "We are against 'busing.' We do not think we ought to 'bus' students from one area to another area."

What I have not been able to understand—and I wish someone would explain it to me—is that if we look into suburbia in Colorado Springs or suburbia in Salt Lake City or suburbia in South Dakota, or wherever it is, where people have moved into an area to be in a neighborhood in which they like to be, and in which their children go to school, we find situations in which, with respect to race, the population is 100 percent white; while in other areas the population is almost 100 percent colored. The policy, according to the bill, is to bring about desegregation.

Mr. ALLOTT. To which page is the Senator referring?

Mr. SMATHERS. Page 17, lines 13, 14, 15, 16, and so on, where the language reads:

> And the Attorney General certifies that the signer or signers of such complaint are unable in his judgment to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the public policy of the United States favoring the orderly achievement of desegregation in public education, the Attorney General is authorized to institute—

And so forth. What I do not understand is how it is possible to desegregate, when these citizens live in a suburb that is, let us say, almost 100 percent white. It is segregated in fact. Over on the other side of the area there is a community where most of the colored citizens live. How is that situation to be desegregated? How is it possible to move the colored to white, or white to colored without putting the children in buses?

It can be done either by building a third school or burning down the two and putting the children in the third school on a salt-and-pepper basis, by saying, "We will have three white and one colored; three white and one colored; three white and one colored."

Those children go to a school in a neighborhood in which they live, and they must be left there, or, perhaps, it can be achieved by moving families out of one neighborhood into another neighborhood. Either that, or it is necessary to "bus" the children from one neighborhood to another?

I notice that the proponents say, "We are against 'busing.'" But, from a practical standpoint, how can it be achieved except by doing it in the way I have suggested? There is no other way.

Mr. ALLOTT. The Senator has asked me a question. I am sure he will yield to me.

Mr. SMATHERS. I am happy to yield.

Mr. ALLOTT. I am partially in agreement with the distinguished Senator on this particular point. I have seen students in rural areas leave their homes at 7 o'clock in the morning and return home at 6 o'clock in the evening, in order to attend a central point of education. They have done it through a system of buses. This did not involve the question of segregation, of course.

I have seen the problems that have been raised with the children and with the family. As much as it is possible to be against it, I am against it. However, in order to secure an adequate education with adequate instruction and adequate facilities, it is necessary to do that. It is not the easy way.

When we talk about our grandfather or father walking 3 or 5 miles in snow up to his knees to get to school, I believe the grandfather or father who walked that distance to get to the school did not get his education in any harder way than the present-day students that I have referred to get their education.

I welcome the Senator's question, because I do not favor "busing." The only clear answer to the question will be supplied when we get the acceptance of integration in housing and in living that we get in the integration of the schools.

I personally would not support, and cannot see any justification for supporting, the transportation of Negro children or white children for an hour or 2 hours a day across large cities in order that the city may achieve what is called desegregation. To load the children in buses, whether they are white or black, in such situation is an unconscionable thing to do, and it is something which no one should tolerate. I hope that in this particular general question some day we will reach the place where, if a Negro moves into a community, the only question will be whether he can conform to the economic and social patterns of that particular community. When that time comes, as I know it has come in many instances, it will not constitute a problem either to the white person or to the Negro person. In such an instance a Negro child would attend school with white children in the same proportion as the white children attended with the Negro children.

This is a desirable circumstance. Only in this way do we accomplish the homogeneity of concepts and ideals that I believe represents the essence of our country.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. It has been suggested that what is involved is a moral question. I do not agree with the moral judgment of those who make that argument, in general. Has not the Senator heard the statement of the Senators from New York and others that this is a moral question? If this is a moral question, as suggested by some, that these Negroes have a right to go to school with a proportionate number of whites, and that that is the basis for this integration, then would it not follow that in New York, Washington, Chicago, and other major cities, the moral issue, assuming the proponents to be correct, would require anywhere from a 50-50 mix of white and colored to a 60 percent colored and 40 percent white and sometimes, as in the District of Columbia, a mix of 84 percent Negro and 16 percent white in each school?

Mr. SMATHERS. I completely agree with the Senator.

Mr. LONG of Louisiana. Would not that be the kind of racial balance that would, theoretically, give each child a feeling of well-being according to the views of those who feel that this is a moral issue?

Mr. SMATHERS. That is what is claimed.

Mr. LONG of Louisiana. Can the Senator explain to me why it is that large numbers of the white people of the District of Columbia have placed their children in private schools or have left the District of Columbia rather than to accept that answer?

Mr. SMATHERS. All I can do is to suggest in answer to the Senator's question, that this is really a moral question. It is a question of the people's own human instincts as to whom they wish to live with and how they wish to live. That is one of the sacred rights of our system up to this time. It gives the individual the right to decide for himself where he wishes to send his children to school. If he wishes to send his children to school with all redheaded children, that is his business. If he wishes to live in a neighborhood with a certain group of people, he may do so. He does not have to have some Federal bureaucracy or the Attorney General of the United States tell him he must do otherwise. He now has the right of choice.

This is a moral problem. It is the kind of problem that can be decided only by each individual according to his own likes, according to his own education, according to his own belief with respect to the brotherhood of man. It will never be decided by putting new laws on the books.

Mr. LONG of Louisiana. Has it ever occurred to the Senator that one reason why white people tend to be among white people and black people tend to be among black people, even in a country like the United States, where both races live, and why persons of various racial or ethnic backgrounds tend to congregate among themselves, seems to be that it is parallel to a law of nature in which we do not see bluejays making their nests with cardinals or mockingbirds making their nests with either of the other two? Is not this a parallel to a law of nature that one group tends to be among those of its own kind?

Mr. SMATHERS. People think that way, and I believe they have the right to think that way.

It may be, as the able Senator from Colorado suggested in his statement, that they ought not to feel that way. It is true that each person has the same human characteristics and is the same in many other respects, including having the same natural talents as other persons have. But this is not a question of who is better or who is worse. It is not that. It is a question of whether people have the right to do what they want to do.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. SMATHERS. I yield.

Mr. LONG of Louisiana. When Moses led the children of Israel out of Egypt and through the wilderness into the promised land, on whose side was the Lord? Was not that an act of segregation?

Mr. SMATHERS. I am certain Moses did not "bus" them over. He led them over, and he led them because they wanted to be in areas with their own people. As a matter of fact, those people today, in most areas, choose to live according to their own religious groups. They follow that practice. I respect the Jews highly for the manner in which they follow the teachings of Moses. They stay together.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. ALLOTT. Moses did not lead them over to be with their own people. He led the whole race.

Mr. SMATHERS. He led them to keep them free, as he felt, from being destroyed. He led them, nonetheless, and they have remained in a body since that day.

Mr. LONG of Louisiana. Can the Senator from Florida tell me if it is not true that the Jewish people today tend to congregate in their own area, where they can conduct their affairs as they wish, as distinguished from the Arabs, who have their own areas where they tend to control their affairs pretty much as they wish? Are they not pretty much segregated as between the two nations, so much so that one cannot cross the boundary line from one to the other?

Mr. SMATHERS. The Senator is correct. It is true that the Arabs and the Jews do not like to mix. The Senator obviously is correct about that. They have a right to stay by themselves. They have a right to expect their children to attend their own type of schools. They ought to have that right. That right ought to be applied to all groups, if they wish to do so. These are matters of individual choice and relate to family background and family upbringing. That is the thought of many. They believe the question should not become involved in a legislative body such as this. These are personal matters. Many times, we make a mistake in talking about this kind of bill.

I had an interesting conversation with a Negro citizen the other night. He said to me, "I have no doubt in my mind that the particular bill Congress is considering would not accomplish anything more for my people than what has already been accomplished. I know that Congress can put law after law on the books. But it will not amount to much.

"I am highly respected. I have many friends, among whom are a number of white citizens. When we talk with one another, we do not even think of the fact that we are of different colors. There are other people whom I know who are conscious of the fact that we are different in some respects.

"I know that Congress can put a law on the books, but Congress cannot make me like such a person. I do not believe it could make that person like me. It could not make me associate with him. I do not want to associate with such a person as that. He does not particularly wish to associate with me. If I want to associate with my group, I ought to be permitted to do so. I may not like such a man, but he ought to have the right to associate with whomever he pleases."

So again, we return to the fact that this is a moral question. It is not a legal or legislative question. It will not be answered legislatively, as I have said at other times in speaking on the subject, in areas where there are the most laws on the books against discrimination and segregation.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. SMATHERS. I yield.

Mr. LONG of Louisiana. Does not that tend to indicate that in the very areas where people would like to indicate that they subscribe to the idea that there should be no discrimination, the people themselves have within them a strong feeling that it is not a bad idea to have pride in their own race, and that it would even be a good idea that their children should marry members of their own race. Even if there be no question of the undesirability of mixing races in marriage, there is the social problem which raises a formidable barrier between the two races. Is it not true that the great majority of people, as indicated by the practices they follow, in the North as well as the South, feel that they do not like the idea of mixing races, because it might lead to interracial marriage?

Mr. SMATHERS. The Senator is absolutely correct.

I noticed that a great former world's boxing champion, whom I admire very much, Floyd Patterson, stated the other day that he had bought for his family a beautiful home in New Jersey, but finally sold it because, he said, he planned to move to another neighborhood. When he was questioned why he was doing so, he said, "It is not because of actual discrimination, but I believe that my family and I actually would be more comfortable living in another neighborhood." So they are selling their $140,000 house. Yet I know that the people who are his neighbors were friendly. The children played with one another. As youngsters, they played baseball and other sports together. But Patterson said, nevertheless, that they were not comfortable, so he was selling his house and moving away, according to the press stories.

I think that is only natural and logical. I would probably do the same thing myself were I in such a situation. I have never owned a $140,000 house. But I have never been world's champion, either. He was a splendid world's champion and a great credit not only to himself, but to his race, as well. I have nothing but admiration for him. Nevertheless, he decided to make the move.

I have observed that another young man, who is now champion, Cassius Clay—and I had not thought highly of him until I heard him speak in Miami Beach, when he was training for his fight with Sonny Liston—said, "I don't want to go places." Before he made that statement, he was being criticized because he had taken up the Mohammedan religion. He was going to call himself Muhammed Ali, or something of that nature.

He said, "I have joined this group because I believe in segregation. I believe that the colored people should stay with the colored people, and that the white people should stay with the white people; and I do not want to go where I am not wanted."

I thought to myself, "That is as human a statement as I have heard, and one which I think reflects a great deal of refinement, culture, and sensitivity—and much more than is shown by a statement by one who says, 'I want to go where I am not wanted.' "

It seems to me that when he recognized that perhaps the group there did not want him, rather than to attempt to bull his way in or to get a policeman or the Attorney General to force him in, he showed considerable sensitivity by saying, "I am going where I am wanted, where the people like me, and where I am comfortable."

Some of the most refined people I know would not attempt to force their way into places where they were not particularly wanted, even if there were on the law books a law which would permit them to go there.

So, I could not help thinking rather highly of Cassius Clay, although up to that point I had thought that possibly he was a better speaker than he was a fighter, and until then I had not thought very highly of him.

Mr. ALLOTT. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am happy to yield to the Senator from Colorado.

Mr. ALLOTT. I am not sure whether I agree with what the Senator from Florida has just said. Perhaps Cassius Clay is still a better speaker than he is a fighter.

Mr. SMATHERS. He is the world's champion.

Mr. ALLOTT. But only because of a "phony" exhibition which was put on recently. So I am sure that no one really believes Cassius Clay is the best fighter in the world. I do not think even the Senator from Florida believes he is.

Mr. SMATHERS. He certainly is a better fighter in the ring than I am. I do not know whether he is the best in the world.

Mr. ALLOTT. Of course the Senator could include me and probably many others in that category, too.

But I cannot believe that a man who subscribes to the principles of the Muslim sect would be one whom the Senator from Florida would admire and respect. I do not; I do not have any respect for that man. Let me make that clear. I have no respect for any member of that sect—whether Cassius Clay or Malcolm X or any of the rest of them.

Mr. SMATHERS. I assume that the Senator from Colorado is saying "sect", not "sex".

Mr. ALLOTT. Yes, I am speaking of a sect.

Mr. SMATHERS. I thank the Senator.

Mr. ALLOTT. The word is spelled "s-e-c-t", not "s-e-x".

I cannot understand how anyone can praise and give adulation to a man who subscribes to such a group or organization.

Mr. SMATHERS. I am sure the Senator from Colorado wants to be fair. I point out that I did not even mention the sect to which Cassius Clay belongs.

Mr. ALLOTT. But the Senator from Florida referred to the Muslims and to what Cassius Clay is. I do not agree with those who reach that decision; I could not agree at all with it.

Mr. SMATHERS. But the Senator from Colorado has not correctly quoted what I said. I did not mention the Muslims.

Mr. ALLOTT. That is true; I am the one who used the word "Muslims."

Mr. SMATHERS. Yes.

Mr. ALLOTT. But the Senator from Florida referred to the group with which Cassius Clay decided to become associated.

Mr. SMATHERS. I said I respect him for having made the statement that he wanted to associate with people whom he felt were glad to associate with him, and for saying he wanted to go places where he felt he was wanted. That is what I said. I did not say anything about religion or about the sect to which he belongs. I also said that up to that time I had not particularly thought he was a great fighter; but after he made that statement, I respected his judgment, and felt that his statement indicated a certain sensitivity.

Mr. ALLOTT. But the Senator from Florida mentioned the name Malcolm X.

Mr. SMATHERS. No; I said Muhammed Ali.

Mr. ALLOTT. All right, Muhammed Ali, or whatever the name is. They are all about the same, so far as I am concerned. I merely wish to make clear that I strongly disagree with their decision.

However, I wish to refer to some of the previous debate, because the arguments made by the Senator from Louisiana go back to the same old thing. If we read the debates made in the Civil War period and in the pre-Civil War days, we find the same old story set forth. I do not believe that to go to school with a member of another race necessarily involves cross-race marriages or integration or the mixing of bloodlines.

I went to school with many Negroes; but I have never known a Negro who married a white person, nor have I ever known a white person who married a Negro. So I think that argument is only begging the question.

Mr. SMATHERS. The Senator from Colorado does not mean to say that never has happened, does he?

Mr. ALLOTT. No, because 92 cases of it happened last year in the District of Columbia.

Mr. SMATHERS. So it does happen.

Mr. ALLOTT. It does happen; but I do not think it happens from school integration.

Mr. SMATHERS. Certainly it did not happen by correspondence.

Mr. ALLOTT. At any rate, not after the marriage occurred.

But the fact is that it did not happen, either, from attendance at school, because in this country millions of white children have attended school with millions of Negro children, without any intermarriage. So I believe it is unfair to raise the question of dilution of the bloodlines.

Mr. SMATHERS. I must ask the Senator from Colorado to wait just a moment, for he is speaking in my time. I never raised that question; this is the first I have heard it mentioned tonight—only when the Senator from Colorado referred to it.

Mr. ALLOTT. But the Senator from Florida raised that question.

Mr. SMATHERS. No; I have never mentioned it in any debate. Instead, the Senator from Colorado is the one who has been talking about it. I have never said a word about it or argued about it.

Mr. ALLOTT. Then will the Senator from Florida tell us how he feels about it?

Mr. SMATHERS. That is not the kind of subject I even want to talk about. I wish to talk about what is wrong with the pending bill, and I wish to talk about the fact that some Senators are promoting and supporting a bill which would eventually give the Attorney General the right to run a man's business.

Mr. ALLOTT. Why does the Senator from Florida say that I am supporting such a provision?

Mr. SMATHERS. I have not raised that question; I did not raise it. The Senator from Colorado raised it. Then he said I raised it. But that is not correct. Evidently we shall have to have our remarks read back to us.

Mr. ALLOTT. No doubt we should.

Mr. SMATHERS. I am not discussing that issue or anything at all in connection with it. I have not raised that issue. During this debate, I have not referred to it; neither do I expect to raise it in this debate. I have never talked about it, in terms of intermarriage or subjects of that nature. I know such things happen, but I have no comment to make on that subject.

On the other hand, I have a great deal to say about the pending bill. That is what I wish to talk about. So I do not wish the Senator from Colorado to lead me into a discussion of the other matter. Nevertheless, I appreciate the cooperation of the Senator in asking me questions.

At this time, I should like to proceed with my remarks, if the Senator from Colorado will permit me to do so.

Mr. President, in tonight's issue of the Washington Evening Star there was a very provocative and worthwhile article entitled "Threat of Slavery in the Race Bill," written by Mr. David Lawrence, I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THREAT OF SLAVERY IN RIGHTS BILL: LAW PROFESSOR DETECTS DANGER TO WHITES IN CERTAIN JOBS UNDER NEW PROPOSALS

(By David Lawrence)

Strange as it may seem, "involuntary servitude"—as slavery is defined in the 13th amendment of the Constitution—may again be an issue in America, though this time it could mostly concern white persons.

Such is the conclusion reached by Alfred Avins, formerly special deputy attorney general of the State of New York and a well-known professor of constitutional law, who has just presented his argument in a comprehensive article in the "Law Quarterly" of Cornell University.

If the pending civil rights bill is adopted, serious questions will be raised in the courts as to whether persons working in barber shops or beauty parlors, or even in restaurants, may be forced out of their jobs against their will because they do not choose to serve certain kinds of customers.

Supporters of the "civil rights" legislation contend that only those barbershops or beauty parlors which are part of a hotel or motel establishment will be affected. Thus, a barbershop in a hotel would be required to serve Negroes, but a barbershop across the street could lawfully refuse to do so. But if there are no jobs available across the street or elsewhere, the worker could argue that he was being deprived of an employment opportunity because of his beliefs. Mr. Alvins writes:

"Although there are a number of cases which have held antidiscrimination legislation constitutional under the 14th amendment, no decision has dealt with this matter under the far more specific provisions of the 13th amendment. Yet the 13th amendment would seem to apply far more directly to antidiscrimination legislation in the rendition of personal services. * * *

"Making and serving someone else a hamburger is not work for the Government, for one's family, or for a party one has injured. Nor is cutting another's hair, carrying his luggage, shining his shoes, or performing other personal services for him. The 13th amendment gives every person the right to refrain from working for any other person. It protects barbers, hotel clerks, shoeshine men, salesclerks, waiters, and waitresses, just as much as it protects cottonpickers, field hands or farm laborers. * * *

"The 13th amendment guarantees the right to refrain from work, from all work, from some work, or from work for some people. To coerce personal service is to impose involuntary servitude."

Mr. Alvins discusses also a case in a State court dealing with a barber who declined to serve a Negro, and says:

"An argument may be made that the barber, for example, is free to cease barbering at any time. Hence, it may be contended, that as long as he voluntarily continues to be a barber, he is not subjected to involuntary servitude if he is forced to serve all who apply."

Mr. Avins declares, however, that "such an argument overlooks the right to work," and he quotes the Supreme Court of the United States as saying that the "liberty" mentioned in the 14th amendment includes the right to work * * * to earn his livelihood by any lawful calling; to pursue any livelihood or avocation * * * (and) the right to follow any of the common occupations of life is an inalienable right." Mr. Avins adds:

"Even leaving aside the 14th amendment right to work, antidiscrimination laws which provide in effect that a person must serve another on pain of leaving his chosen occupation is involuntary servitude since the alternative to the servitude is punishment."

The Supreme Court has several times pointed out, according to Mr. Avins' article, that exclusion from one's occupation is punishment and has declared that to disqualify a man from the pursuit of a lawful job "may also, and often has been, imposed as punishment." The Law Quarterly article continues:

"Where a barber or waiter is permanently barred from earning a living in his occupation unless he serves all who apply, the reality of the situation is that he is being punished for refusing service. The exclusion from his calling is a particularly severe sort of punishment. To force him to serve on pain of such exclusion constitutes involuntary servitude.

"Even, however, were the alternative to serving everyone without discrimination of going out of business or leaving one's occupation not deemed, strictly speaking, punishment, nevertheless, this alternative constitutes such a degree of coercion as to make the service involuntary."

TITLE VI. NODISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Mr. SMATHERS. Mr. President, I find no provision in the 11 titles of this so-called civil rights bill having less to recommend it than title VI, which has been variously referred to as the "genocide" provision or the "cut off the funds" provision. The expressed purpose of this ill-conceived proposal is to end discrimination in all federally assisted programs. I find it hard to visualize or imagine any legislative language less likely to accomplish its stated purpose. In effect, this provision proposes to amend every statute on our books which grants or extends funds to support programs or activities of our Federal Government.

Title VI of this bill, if adopted as passed by the other body, confers upon each Federal department and agency the power to withhold taxpayers' funds appropriated by the Congress from participants in federally assisted programs who are "found" to be guilty of some undefined discrimination because of race, color, religion, or national origin. The unbridled power conferred upon individual agency heads by this provision of the bill staggers the imagination. The ultimate effect of the implementation of this section would truly reach the outer limits of Federal power centralization.

In April of 1963, the Civil Rights Commission enflamed many Members of the Congress by a proposal somewhat similar to this. The Commission, whose life this bill seeks to extend by 4 years, recommended to our late President Kennedy that he seek from Congress the authority to cancel or suspend Federal aid funds to States which fail to "comply with the Constitution and laws of the United States." Shortly after the Commission's report was published, a reporter posed a question to the then President at his April 17 press conference asking for his comments on the Commission's proposal. The President responded with the statement:

> I don't have the power to cut off aid in a general way as was proposed by the Civil Rights Commission, and I would think it would probably be unwise to give the President of the United States that kind of power.

There is no real need to emphasize the wisdom of the late President's words. He recognized well, as every true American should recognize, that the economic and political power contemplated in this section of the legislation now before us is too awesome to be vested in any individual or group of individuals under our democratic system.

Neither law nor logic can justify the enactment of this provision. This type of power centralization has no place in a system founded upon democratic principles of justice and equity. We should all be thankful that our system has, up until now, instinctively resisted the vesting of such uncontrollable political and economic power in any individual or group of individuals. I believe that a search of all the statutes enacted by Congress in the history of this democracy would fail to reveal any precedent in our laws for this provision of the bill.

At least under the Commission's proposal, the power to cut off Federal assistance would have been vested in the President and resultantly its exercise would have benefited from the national vision which rests with that great office. Under the provisions of title VI, however, the exercise of this power may be touched off by an employee of any agency or department in whom the administrative function is vested by the well-known and oft-abused process of delegated authority. A reading of this legislation shows that the enactment of this bill would remove from the Congress the opportunity to check the exercise of this power. The agencies and departments themselves would design their own rules and regulations to implement this vague statute. Can we in good conscience pass such authority to these unknown power-seekers?

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. SMATHERS. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. One of the simple type of questions, that arise between Federal and State agencies in situations of that sort, arose in the State of Louisiana. It had to do with a provision of law which had not originated in Louisiana law; it had originated in the laws of two or three other States previously relating to the problem of providing a suitable home for dependent children. It had to do with the question of an immoral mother not maintaining a proper and adequate home for her child, and the question of the State's right to deny assistance unless a suitable atmosphere were provided for the rearing of children. Louisiana undertook to enforce such a provision, and the Federal Government was pressed to discontinue the aid in that case.

Militant civil rights groups brought pressure to bear on the Federal Government. Some even threatened to take the case to the United Nations on the ground that it involved discrimination against Negro children. The situation was such that the State really had no purpose of discrimination. The whole question was, Was it discrimination? The State said "No." The Federal Government said "Yes," or that perhaps there might be.

That issue has been resolved without injuring anybody, because members of the Finance Committee gave the State of Louisiana and the Federal Government more time to work the problem out. We used time as the healing element. Now there is no quarrel about the matter. But what has been suggested is pressure that could be put on the President to cut off such aid, which could hurt as many as 100,000 orphan children, because of a disagreement between a State official and a Federal official. A State official proceeds under State law. The Federal official could, through the President, order funds to be cut off if he found there was discrimination.

The Senator from Florida is a member of the Finance Committee. Did the committee not adopt a resolution extending the time that the officials had to solve the problem? The time was extended for a number of months, and in so doing, what could have been a great injury to tens of thousands, and perhaps as many as 100,000 orphan children was avoided.

Mr. SMATHERS. I remember that incident very well. I remember that the able Senator from Louisiana took the lead in it. I think that which the Senator and the committee as a whole did has proved to be the correct method.

As always, these matters can usually be solved in time, and can best be solved at the local level. It is sought by this provision to give to the President, and the various departments of government, and after that to whomever they decide to appoint as their administrative agents under the departments, the power to cut off funds for certain programs. Authority would be removed from where it ought to be and placed in the hands of bureaucrats in Washington, who I believe are not really capable of making as correct a determination as officials at the local level are.

Mr. LONG of Louisiana. Under this language, would not in some cases the threat of cutting off Federal funds be used as pressure against a person who, in his conscience, thought he was correct? Might he not actually be forced to give way and to yield to an unreasonable Federal position, even though the State official might be right in the matter?

Mr. SMATHERS. The Senator is absolutely correct. The late President Kennedy said he did not think any President should be given this authority because it is too much authority.

In answer to the Senator's question, the situation might apply to the impacted school area program, which, for example, in our State benefits 17 counties, and involves millions and millions of dollars. There are various Federal installations there which cause a heavy drain on the local communities, because the heavy Federal installations have been taken off the tax rolls, and aid of the Federal Government is needed to run the schools. But if such aid were suddenly threatened with withdrawal, all the schools could be closed, irrespective of whether discrimination involved only one child or one person in a county removed 300 or 400 miles from the affected area. All the impacted area schools could suffer under this type of legislation, and the innocent could go down with the guilty.

This provision is so overpowering, and so broad and far reaching in its implications, that it is really a very dangerous section of the bill, and ought to be eliminated.

Mr. LONG of Louisiana. If the Senator will yield further, one of the kinder results of the recommendation we talked about was that when the series of events to which I referred was concluded, it was found that there was a rather large number of errant fathers who had both the duty and the responsibility to support their children. As a part of the conclusion of the problem, rather than the State and the Federal Government picking up the check to pay to maintain children whose fathers would not claim them, in many instances those fathers were located and made to support their children—which is the way it is supposed to be.

Mr. SMATHERS. I agree with the Senator. First, it is sought to do away with satisfactory Federal-State relationships. Second, it is sought to have the Federal Government take control of finances and tax moneys which have been contributed by all the people in a State, just as much as people in other States have contributed, and have the power to cut off those funds. It is again being sought to remove authority from local government and centralize it more and more in the Federal Government in Washington. I think all of that is very dangerous.

Mr. LONG of Louisiana. If the Senator will yield further, is it not correct that the welfare and aid programs have usually proceeded on the theory that the people at the State level would probably come nearer understanding local problems and probably know better how to bring assistance to those citizens than would the Central Government at Washington? I ask the Senator if it is not true that the whole philosophy of this section of the bill undertakes to reverse the whole theory of our Government, and to proceed on the theory that the people in Washington are the fountainhead of all wisdom? Where there is an honest difference of opinion as between Federal agencies and State agencies, this is an effort to provide that all power shall be placed in the Federal authority and that he shall be in a position to hand down a mandate to the officials at the local level and those who have done the work in the field—who have worked in the vineyard, so to speak—who know what the problem is. The Federal official is to have power to say to them that they do not know anything about the problem. This person, in an air-conditioned office in Washington—perhaps picked by a pressure group—is to become the fountainhead of all wisdom.

Mr. SMATHERS. That is correct. That is the reason why it flies in the face of the injunction of Thomas Jefferson and many other architects of our Government that we should endeavor to circumscribe the power of the Central Government and, insofar as possible, to leave to local government the determination of as many matters as is possible.

The concept of this section, as the Senator has so ably put it, is that all knowledge, all judgment, is somehow localized in the Federal Government in Washington, and that the Federal Government and the departments are able to make a determination as to where the right and the wrong lie and decide that question from Washington, rather than leave it to the local authorities to determine. As the Senator from Louisiana has so ably stated, it thereby reverses what we had always thought was the sounder concept—to have government, insofar as possible, left as near the local level as possible.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SMATHERS. I am glad to yield.

Mr. ALLOTT. I am extremely happy to be joined on this rare occasion with Senators who believe so strongly in the local concept of government. I wish they would join us more often.

Section 601 of the civil rights bill provides:

> SEC. 601. Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Section 602 states:

> Each Federal department and agency which is empowered to extend Federal financial assistance * * * shall take action to effectuate the provisions of section 601. * * * No such rule, regulation or order shall become effective unless and until approved by the President.

I should like to ask this question of the Senator from Florida: If we assume—and perhaps the Senator does not, but I do, from an overwhelming weight of reports, periodicals, and official Government reports—that there are people in the South who are discriminated against in many ways, not only in welfare benefits, but otherwise, does the Senator contend for the purposes of his argument that we should be obliged to pay benefits to persons who are the recipients of a segregation policy when those persons discriminated against contribute to the tax moneys which may be the moneys which they are to receive?

Mr. SMATHERS. First, I should like to say to the Senator that I do not agree with him in any fashion whatsoever with respect to his statement that there is great discrimination in the South with respect to the benefits of these programs.

Mr. ALLOTT. For the purpose of this discussion, let us agree that we neither agree nor disagree.

Mr. SMATHERS. The Senator will find that the beneficiaries of most of these programs are the citizens of the colored race. They are the real beneficiaries of the program. There may be some discrimination here and there; certainly there is not with respect to the types of welfare programs that the Senator is talking about. I venture to say that with respect to welfare programs a larger percentage of it goes to the colored citizens than goes to the white citizens.

Mr. ALLOTT. But not per capita.

Mr. SMATHERS. Not what?

Mr. ALLOTT. Per capita.

Mr. SMATHERS. I do not know what the Senator means by "not per capita." I state that the benefit of most of these programs goes to the colored citizens rather than to white citizens. A greater proportion of it goes to the colored citizens in relation to their numbers than goes to the white citizens. So I disagree with the Senator's first statement. It is not at all true. It is not supported, in my judgment, by any of the studies, even though most of the studies have been made by people who wish, first, to indict and convict the South on this matter without really being objective about it.

The second question——

Mr. ALLOTT. Mr. President, will the Senator yield to me——

Mr. SMATHERS. Let me answer the Senator's first series of questions, and then I shall take the second series.

Then the Senator asks whether I believe there is discrimination against them. When the Senator uses "they," I presume he means colored citizens who have contributed tax money, to deprive them of the benefit of this tax money.

When the Federal Government takes the precedent of recommending some agency head to cut off the funds, what will happen is that the people who pay the great bulk of the taxes in our State, or any other State—in the State of Colorado or any other State—they are going to be lumped in with those who may have practiced some discrimination, and the good citizens who have paid their money will be cut off.

So they will not even get their own money back, or even a proportion of it. Because of one or two cases of alleged discrimination—in most instances it will be alleged discrimination—the funds will be cut off. The reason the section is so bad is that it affects everyone, and a whole school lunch program is cut off. When we cut off a whole school lunch program, we cut if off for white and colored children alike. It is not the element of determining who is the guilty party, and punishing the one. This is why we call it the "genocide section," because it would punish a whole area, a whole State, a whole group, because of the sins of one. So it is a very bad section.

Mr. ALLOTT. The Senator is completely aware of the provisions of the bill, that "No such rule or regulation or order shall be effective unless and until approved by the President."

With respect to the school lunch program, this is applicable within a very small political section. Each school district sets up its own school lunch program, so that if discrimination were practiced, funds would be cut off only until such discrimination was ended within the local district.

Mr. SMATHERS. The bill does not so provide.

Mr. ALLOTT. The Senator cannot show me anywhere in the bill——

Mr. SMATHERS. I should like to know where it is in the bill.

Mr. ALLOTT. The Senator cannot show me in the bill where it provides that it will be applicable to a State.

Mr. SMATHERS. The Senator cannot show me where it is provided that it is only applicable to the local school district.

Mr. ALLOTT. No, I cannot, but I cannot imagine——

Mr. SMATHERS. It gives the authority to the President to cut off funds, period.

Mr. ALLOTT. I cannot imagine any——

Mr. SMATHERS. They can cut off funds.

Mr. ALLOTT. Under the rule of procedure I do not think the Senator can——

Mr. SMATHERS. The Senator would agree that it should be limited; but it is not limited.

Mr. ALLOTT. By trying to limit it, the Senator has admitted that the bill is protected and can be cut off for a local area. If the Senator from Florida thinks an amendment would be necessary, I would be happy to join him in such an amendment on the school lunch programs.

Mr. SMATHERS. If the occasion arises, it probably should be amended.

Mr. ALLOTT. Between the persuasiveness of the Senator from Florida and my poor efforts, we might reach such an understanding.

Mr. SMATHERS. The Senator is too generous to me and ungenerous to himself. I do not wish him to be that way. The Senator has great ability and great persuasiveness. When the Senator directs his talents to that which he wishes to accomplish, he almost never fails. He always succeeds. Having recognized the weakness of that particular section, and how broad it is, and how it can be made applicable to a State in which no limitation has been placed upon it, I am sure the Senator would wish to sponsor an amendment in that area, and I am certain he would obtain much support for it.

Mr. ALLOTT. If the Senator from Florida will yield, I have no doubt about it myself, but the Senator is the one who has raised the objection to it. If he has certain objections, I would be happy to join him in an amendment, because the proposed statute provides that "to effectuate the provisions of section 601 with respect to such program or activity."

"Such program or activity." That is particularly with respect to the school lunch program within a school district.

Mr. SMATHERS. How about an impacted school area?

Mr. ALLOTT. No, outside a school district. In an impacted school area——

Mr. SMATHERS. The school lunch program applies throughout the State. It is not limited to one district. We have a school lunch program that operates in 67 counties.

Mr. ALLOTT. Each program operates in an individual district.

Mr. SMATHERS. But it is Federal money that is going to some of this program in Florida, not directly. The Federal Government does not deal with the school lunch program of a certain county in Colorado; it deals with——

Mr. ALLOTT. I am sorry, but it does.

Mr. SMATHERS. It deals with——

Mr. ALLOTT. They deal with——

Mr. SMATHERS. The Senator is not correct.

Mr. ALLOTT. The Federal Government deals with a State program which is broken down——

Mr. SMATHERS. It goes into the State program.

Mr. ALLOTT. It is broken down to each individual county and each individual district.

Mr. SMATHERS. Does the Senator say that a county can get around the State and take its problem up with the Federal Government with respect to the school lunch program? Does each county take its problem to the Federal Government? Does it take up its problem with the Federal Government with respect to how much agricultural products, how much beef, how much orange juice, how much milk it is to get? The counties take that up with the State.

Mr. ALLOTT. The Federal Government approves the program with respect to each county. The Federal Government approves the program.

Mr. SMATHERS. It goes to the State.

Mr. ALLOTT. No; to each district.

Mr. SMATHERS. I am sure the Senator does not intend to argue for something that he knows is not the fact. It goes to the State education system, and the State distributes the money to the counties.

Mr. ALLOTT. But only after the distribution has been approved by the Federal Government.

Mr. SMATHERS. The Federal Government approves generally the whole program, but it can cut it off.

Mr. ALLOTT. It approves it down to the district.

Mr. SMATHERS. Under the bill a Federal department can cut it off to the State, and will cut it off if it wishes to do so. That is what we are worried about. That is what the Senator recognizes is wrong with it.

Mr. ALLOTT. No; I do not agree with the Senator.

Mr. SMATHERS. The Senator said that he would join in an amendment.

Mr. ALLOTT. I said if the Senator's interpretation were correct, I would be happy to join with him in improving the language. I do not agree that that is the correct interpretation.

Mr. SMATHERS. That does not surprise me in the least. I can find nowhere in the bill a provision which states that it must be limited to the local area. With respect to each Federal department and agency which is empowered to expend Federal financial assistance—and that means roads, it means the school lunch programs, it means the federally impacted school areas, and it means the farm programs, and all the other programs—the bill provides:

> Each Federal department and agency which is empowered to expend Federal financial assistance to any program or activity, by way of grant, loans, or contract other than a contract of insurance or guaranty, shall take action to effectuate the provisions of section 601 with respect to such program or activity.

What is the program? The program is the school lunch program. What is the activity? The activity is the activity in the impacted areas. It could be a military establishment. It could be a great many things. There is no limit.

Mr. ALLOTT. Mr. President, will the Senator answer one question?

Mr. SMATHERS. I am willing to answer all kinds of questions of the Senator.

Mr. ALLOTT. How are grants to impacted areas given? To the State? No. How is it given?

Mr. SMATHERS. The State makes the request.

Mr. ALLOTT. The funds are not given to the State. They are given to the school district.

Mr. SMATHERS. The Senator does not know what he is saying—I do not wish to suggest that at all. I am sure he has had much experience in trying to get funds for federally impacted areas. Apparently he does not understand that the program operates through the State.

Mr. ALLOTT. The funds are acquired through the State, but they are given to the district.

Mr. SMATHERS. If the Senator were to vote for a Federal program which goes into the schools without first going to the State, I do not believe the people of his State would support him.

The only reason why we receive these funds is that we say the Federal Government will not be in control, that the Federal Government will let the State make the determination as to what is going to be done with the funds. Every time I have talked about Federal funds going into a school district, I have had to explain it all over again, and assure the people that the Federal Government will not run the school, and that it will not be given directly to the impacted area. The program operates through Tom Bailey, the commissioner of education in our State. He is the man who makes the distribution. He is the man who controls the teachers. If the people of Florida thought that the Federal Government was to control the teachers, or control the curriculum, they would not have anything to do with it, because they do not want the Federal Government in there. The people in the Senator's State would not want it that way either. That is why the State operates the program.

Mr. ALLOTT. The State does not operate it. The States operate their schools, but the Federal Government makes grants through the States, and they are made to individual school districts. I am sure the Senator does not contend that the money the Federal Government gives to the State of Florida for an impacted area can be allocated to Naples, instead of to the Cape Kennedy area. The State does not have the power. The Federal Government makes the grant for the purpose of giving aid to the impacted area.

Mr. SMATHERS. It is Federal Government money, of course. No one disputes that point. However, the actual determination of where the Federal Government is to put the money must be made by the State, on the basis of where the need is the greatest. When a Federal installation moves in, it takes acres of land off the tax rolls of the State. The Federal Government uses the area for Federal installations. As a result, there is no money coming from that area with which to operate the schools. They are all in the Federal installation. They have to apply for the money. They apply for help through the State. The State then comes up, hat in hand, to get its Senators and Representatives to help it.

It says to them, "Help us get sufficient money to operate the schools, because there is a great influx of schoolchildren who have been brought in to that base, plus those who are already there." We beg and we plead, and we try to get some money for our State, perhaps more than for other States. The State commissioner of education is the principal spokesman. He says he must have some money to meet the needs in this district or that district, so much here and so much there, on the basis of the number of pupils who attend those schools and the needs of the county. That is how the program operates. I am sure that neither the people of Colorado nor the people of Florida want a program in which the Federal Government deals directly with the county. They do not want a program under which the Federal Government would tell the county how to conduct its schools.

Mr. ALLOTT. The Senator is misinterpreting my words.

Mr. SMATHERS. I am not misinterpreting the Senator's words.

Mr. ALLOTT. I said from the beginning that I know a little about federally owned property. The Federal Government owns 34 percent of the State of Colorado. I am not proud of that. I wish we could get some of that land back. In addition, the Federal Government owns numerous Federal installations in our State, which amount to many thousands of acres. I am not unacquainted with this problem, any more than the Senator is.

Mr. SMATHERS. Very well; then I wish the Senator would quit acting as though he were not acquainted with it.

Mr. ALLOTT. I wish the Senator would quit acting as though he were unacquainted with it. I know that he knows that the Federal Government does not give money away on a carte blanche basis, in passing out Federal money to impacted areas. It passes it out only to the State.

Mr. SMATHERS. It passes it out only to the State.

Mr. ALLOTT. For application in specific school districts.

Mr. SMATHERS. We agree on that. The Senator has added another term. He has added "carte blanche." Nobody said anything about carte blanche. He has added a new term. That changes the whole picture. I did not say the Federal Government gave it carte blanche. I said that we ask the Federal Government for the money. The Federal Government must approve the program, but the money actually is distributed to the State, and the State distributes it.

Mr. ALLOTT. But——

Mr. SMATHERS. But the State actually operates the program.

Mr. ALLOTT. The money is allocated to the State for application to specific school districts.

Mr. SMATHERS. There is no question about it. I am glad the Senator has come around to our way of thinking. It has taken him a long time.

Mr. ALLOTT. I have been saying that for the past half hour.

Mr. SMATHERS. I commend the Senator, because I know he will eventually be on our side before the debate is ended. If we continue to work on the Senator from Colorado, I am sure we shall have him on our side.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. LONG of Louisiana. Is the Senator under the impression that the school lunch money is not only for impacted areas, but is to be used in general, to help provide school lunches in all schools of a State, and is not allocated by the Federal Government to each school?

Mr. SMATHERS. Of course, it is not.

Mr. LONG of Louisiana. It is my impression, the way the program is handled in Louisiana—and I had some connection with it at one time—that we have a sort of matching program. The Federal Government makes available to us large supplies of commodities. In years gone by, we used to get much more food because the State bought a large number of surplus warehouses from the Army in which to store the goods. We acquired perishable goods in large quantities, because it was necessary to get rid of them in a hurry. So Louisiana took them, stored them, and looked after them, whereas other States could not. Louisiana thus obtained great benefit from the school lunch program.

My impression at that time was, and is now, that if the Federal Government made commodities available for distribution, it made them available to State agencies, including the State department of education, to distribute them.

Mr. SMATHERS. The Senator is correct. I am sure that was true not only in Louisiana, but also in Florida, New York, and Illinois. I am sure I could name 49 States, but I am not sure about Colorado. In all other States, I am sure that is exactly the way the program works. I am not certain about Colorado, though I have a suspicion it works the same way in Colorado. In any event, the Senator from Louisiana is correct.

Mr. LONG of Louisiana. Would it not be entirely possible under this provision that because someone found that in a State system there were segregated classrooms, or that a colored teacher wished to have a job, but the State superintendent or local superintendent did not think he or she was the person for the paricular job, or perhaps because some school did not believe it got the best apples, and that the other school got the best apples, the Federal Government could cut off the funds for the whole State agency?

Mr. SMATHERS. There is no question about it. The provision undoubtedly will work, but through a bureaucracy, and a department head, and the department head will make the recommendation, apparently, to the President, and the President will decide what ought to be cut off.

There are conditions that I could foresee might obtain. I hope they would not. Perhaps they will not. Let us hope so. But there are conditions under which the entire Federal aid program in an entire State could be cut off.

Mr. LONG of Louisiana. The only impression I could gain with respect to Louisiana is that the Federal Government might say to the average parish in Louisiana—Louisiana has parishes rather than counties—"you must either integrate or you will not get school lunch money."

The people there would say, "That is too bad, but you will have to keep your money." That would mean that a large number of children whose families have low incomes would be very hungry. Such an action would hurt the colored children much more than it would the white children.

I heard the Senator from New York say that the people would kneel down to get that money. I say they will not do that. They will say, "If that is how it has to be, then keep your blamed money." They will resent it, because they will know that they are paying taxes to pay for a lunch program from which their children are not getting the benefit. But the people of Louisiana have strong moral convictions about this matter. They will simply say, "No. If that is how it has to be, we will have to refuse the money."

I ask the Senator if there would not be a large number of people in Florida who would tend to act in the same way.

Mr. SMATHERS. I agree with the Senator from Louisiana; there would be. There are those who, merely to get a Federal handout, would not give up their convictions, would not give up their beliefs, would not willingly say that they were guilty of something of which they did not really feel in their hearts they were guilty. I am certain that in this area they do not feel or believe that there is discrimination. Certainly it is not on a broad scale. There may be some cases of discrimination. But I have seen, and I am sure the Senator from Louisiana has, too, discrimination with respect to schools. Sometimes schools in certain areas are taken care of better than other schools are. It does not make any difference whether they are colored or white, or what the religion is, or anything else. Unfortunately, it happens.

So in this particular instance, I do not believe they will knuckle under or yield and give up their convictions.

This provision, Mr. President, perhaps, more than any other in this legislation, suffers from the circumvention of our orderly and ordinary processes of the U.S. Senate. A casual reading of the vague language evidences the lack of due committee consideration. Present are all the timeworn and time tested phrases. Absent, however, is the legislative cohesion necessary to impart real meaning and clarity to the phrases.

The true meaning of this proposed addition to our statutes defies legal analysis. Absent are the usual standards which must accompany the delegation of such broad powers. The scope of this provision appears to be limited only by the whim of the department and agency personnel who will be forced to draft the rules and regulations implementing the statute. It is conceivable, in fact, probably, that under such a statutory scheme, we will end up with as many distinct and different policies as we have Federal agencies and departments.

Title VI, Mr. President, applies to all Federal departments and agencies extending financial assistance to programs or activities through grants, loans, and most contracts. It extends from housing and slum clearance to civil defense; from agricultural assistance to community health services; from old-age assistance to highway construction. It is impossible to grasp the scope of this provision. Perhaps easier is a recitation of programs not affected, if such there be. It is unnecessary for me to recite examples of instances in which discrimination can be found. As we have seen so many times the definition of discrimination varies radically depending upon the one defining it at the particular moment.

Not the least of my reservations concerning this provision, Mr. President, relates to the legal remedies afforded to the accused. Sections 602 and 603 make it clear that the "appropriate person or persons" is to be given the protection of an administrative hearing prior to compliance being effected "(1) by the termination of or refusal to grant or to continue assistance, or (2) by any other means authorized by law." Subsequent to the infliction of the penalties provided, the accused may avail himself of the judicial remedies provided by section 10 of the Administrative Procedure Act. The judicial remedy is not the right to a trial but the review of the administrative disposition by a circuit court of appeals. Under the Administrative Procedure Act the court in almost all situations, will be bound by the administrative findings of the agency or department. This, of course, means that after being tried by your accuser, sitting as judge and jury, the record for the court of appeals consists of the record certified by the accuser. The potential abuses in this system are all too obvious. Not the least of the defects is the fact that each agency or department will, of course, develop its own unique approach.

Inherent in this proposition, Mr. President, again designed to eliminate discrimination in federally assisted programs, is a certain amount of discrimination, I fear. The discrimination will be against those less favored by the particular agency or department. With this awesome club wielded at the discretion of the agency head, might we not expect the intimidation of those less favored? I am unable to find anything in this bill that prohibits an administrator from overlooking discrimination by one held in favor while proceeding against one less favored.

With further regard to this ill-conceived title VI, Mr. President, it must be noted that those who will suffer the most serious injury from the exercise of this ultimate weapon are those for whose benefit this bill is supposedly designed. The Federal assistance withheld will be that ultimately designed to reach the helpless and downtrodden, the unemployed, the aged, the schoolchildren.

It is not the fortunate who benefit from our Federal welfare assistance nor is it the States. Such assistance is designed to reach the unfortunate individuals within each of the States. Let me again quote our late President Kennedy speaking before the American Society of Newspaper Editors on April 19, 1963:

> Another difficulty is that in many instances the withholding of funds would serve to further disadvantage those that I know the Commission would want to aid. For example, hundreds of thousands of Negroes in Mississippi receive social security, veterans' welfare, school lunch, and other benefits from Federal programs. Any elimination or reduction of such programs obviously would fall alike on all within the State, and in some programs perhaps even more heavily upon Negroes.

I repeat his statement in reference to those programs, including the school lunch program:

> Any elimination or reduction of such programs obviously would fall alike on all within the State, and in some programs perhaps even more heavily upon Negroes.

That is the end of the quotation I have given from the speech by the late President Kennedy.

What is true in Mississippi is true in Florida, true in North Carolina, true in Washington, D.C., true in Pennsylvania, true in New York, true in Illinois, true in Connecticut, true in each of the 50 States, Mr. President. Of course, nothing written into this bill would prevent the administrator of one of our Federal programs from overlooking the "discrimination" in hiring practices in a veterans' hospital in New York, only to seize upon the same "discrimination" found in the hiring practices of the same type of veterans' hospital in Florida. Nothing in title VI defines "discrimination," Mr. President. Again I fear that the power to supply the definitions not supplied by this proposed legislation would be vested in those in whom the awesome power to discontinue such assistance would be vested. Mr. President, may not "discrimination" mean one thing in the South and another thing in the North? This bill does not deny it.

In my years in Congress, Mr. President, I have never seen such a blatant disregard of the orderly processes of the Federal system as I see in this title of the bill.

I urge my fellow Senators, Mr. President, to take a long look at this provision of the bill. I have, on earlier occasions, taken the floor to warn against conferring upon the Attorney General unlimited powers to institute proceedings against taxpayers for alleged violations of "civil rights" legislation. The defects in this type of power concentration have been obvious to us all. How much more obvious must be the power concentration proposed here? Not in one man but in one system with many uncontrollable and uncontrolled men. The concept of statism and centralization of power contained in title VI has no place in a free system, Mr. President, no place in any system founded in law and revered throughout the free world for its democratic heritage of individual rights.

Mr. President, I yield the floor.

ORDER OF BUSINESS

During the delivery of Mr. SMATHERS' speech,

Mr. HRUSKA. Mr. President——

Mr. SMATHERS. Mr. President, I ask unanimous consent that, without prejudicing my rights, I may yield to the Senator from Nebraska [Mr. HRUSKA], to permit him to make some insertions in the RECORD, and to request that they be printed in the RECORD following the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I express my gratitude to the Senator from Florida for his never-failing courtesy, which again is being made evident.

I ask unanimous consent that the remarks I am about to make and the requests I am about to make be printed in the RECORD following the conclusion of his address, or, if not following it, then somewhere else in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION SERVICE MARKS 50TH YEAR

Mr. HRUSKA. Mr. President, May 8 of this year marks the 50th anniversary of the passage of the Smith-Lever Act, which created the Federal Extension Service. America owes a great debt to the men and women who pioneered this effort and on this, the golden anniversary of the Extension Service, we salute their foresightedness.

Extension work was born out of the necessity to diffuse the new-found scientific truths from the centers of agricultural knowledge to the farms of the Nation. It began with the idea that people can best be reached so as to adopt better methods of farming through the use of the farm demonstration technique. This idea is embodied in the now famous remark of the acknowledged father of extension work, Dr. Seaman A. Knapp:

> What a man hears, he may doubt;
> What he sees, he may possibly doubt;
> But what he does himself, he cannot doubt.

Dr. Knapp's technique was first demonstrated by the U.S. Department of Agriculture on February 26, 1903. It should be remembered that this idea was conceived and put into practice at a time when farmers planted according to the moon; many respecting only the lessons learned from the school of experience.

In this setting, the early county agent's lot was not an easy one. Often laughed at, there was a time when this missionary of knowledge was literally chased off the farms by the doubting and skeptical.

From this beginning has grown what has been described as "the largest educational enterprise in the world." Extension has served the Nation well over the past half-century. In World War I, it responded to the direction of Congress to help farmers greatly increase food production to sustain the war effort. Following those years, in addition to its typical role of stressing practical and useful information on subjects relating to agriculture and their proper application, county agents have performed important roles in making available to farmers information to assist in more effective marketing and in explaining and interpreting the flood of new farm legislation which followed the depression of the 1930's.

Again, during World War II, the big job was to increase food production. The storehouse of production knowledge was so effectively tapped that in spite of rationing, civilians consumed more food per person during the war than before. At the same time, this country was able to ship enough food to our allies and our own fighting men to maintain the best-fed fighting force in the world.

Extension programs are by no means limited in their application to efficient production—and better farming. The success, in fact, of this phase of cooperative extension work was oftentimes dependent upon the activities of 4-H and home extension agents.

Boys' corn clubs and girls' canning clubs, later to become 4-H Club work, often showed a doubting dad how to double yields, and the farm mother how the family could eat better or ease her drudgerous housework. Home improvement activities also demonstrated how research know-how would benefit all who would use it.

Today, the benefits from youth development programs of 4-H Club work are well known. Home demonstration clubs located throughout the country—concerning themselves with every aspect of home management have made an equally important contribution to better family living.

More recently, in its ever-shifting role as educational arm of the U.S. Department of Agriculture, wider concepts brought about by constant adjustments to changing postwar conditions, have resulted in programs dealing with new phases of our social and economic well-being, and reaching more segments of society.

One such program receiving increasing emphasis is the economic development of entire communities and trade areas. Increasing recognition and development of off-campus adult education has enabled extension to draw its subject matter from beyond its traditional knowledge centers—the colleges of agriculture and the U.S. Department of Agriculture.

Home Extension activities have similarly adjusted to the changing pattern of rural America. With the fading of the once sharp distinction between town and country living, problems of interest and concern to the entire community, city and farm groups alike, have been emphasized. Consumer education no longer is restricted to rural areas alone. Many groups now benefit. Senior citizens, residents of urban public housing, families receiving public welfare or donated foods, and migrant farmworkers, among others, take part in educational programs tailored specifically to their needs. Similarly, youth work has penetrated deeper into urban areas.

Indeed, the programs of Extension are great in scope. Yet, they are carried on by a professional staff of less than 15,000. This is made possible by the combined efforts of State and county governments cooperating with the U.S. Department of Agriculture through the land-grant college system.

In addition to this unique and successful partnership, progress is largely due to the dedicated efforts of a few specialists and county agents in each State working with more than 1 million volunteer leaders across the Nation giving generously of their time and energy and knowledge.

Extension's voluntary, out-of-school education is financed by a three-way partnership—38 percent from Congress, 39 percent from State legislatures, and 23 percent from counties. Nebraska has actively participated in these activities. During 1963, 256 cooperative agents worked in Nebraska's program which is carried out in all of its 93 counties. Enrollment in 4-H Club activities amounted to 33,157. For the year ending June 30, 1964, work in Nebraska was financed in the amount of $3,110,297, with State and county governments contributing $1,308,012 and $720,911, respectively.

Efficient production is a basic requirement for economic progress in any society. The unsurpassed productivity of our farmers is the foundation for the unprecedented affluence and economic power that we hold among the nations of the world. This is well documented in a recent study by the Bureau of Economic Studies of Macalester College in St. Paul, Minn. This study demonstrates that America's enemy, the Communists, recognize U.S. agriculture as one of the greatest assets of the West.

The Macalester study points out that at a time when America is embarrassed by an abundance of food, collectivized agriculture in the Soviet Union provides little more than a drab, subsistence diet. Red China, in its great leap forward, stands on the brink of national famine. Cuba, only recently communized, faces rationing and food shortage. Throughout the Communist world the story is much the same. In fact, wherever socialization of agriculture has taken place, food shortage, rather than plenty has followed.

By way of sharp contrast, I would like to call attention to an article entitled, "Ed Janike: We Carry Information to the People," which appears in issue No. 88 of the Russian language magazine "America Illustrated," published by the U.S. Information Agency and distributed in the Soviet Union. This article is a transcript of an interview by Dave Malena. Mr. Janike, as Director of the Nebraska Cooperative Extension, and Mr. Malena, who is a member of the staff of the Nebraska Farmer, combine their efforts to explain the role Nebraska plays in carrying out the fundamental objective of Extension—to help people help themselves. I ask unanimous consent, Mr. President, that the text of that article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. The article to which I refer dramatically points up the basic independence of the American farmer. Perhaps more important, it shows what has and can be accomplished by the cooperative efforts of Federal and local government working with farmers in an environment of independence of judgment and freedom of choice.

This is why Cooperative Extension Service has enjoyed 50 years of success in this country and also why today the idea of Extension and the 4-H Club has spread to countries around the world. The record of the past 50 years demonstrates the value of this unique educational system, and affords to all citizens confidence that the missions of cooperative extension will serve this Nation equally well in the years ahead.

EXHIBIT 1

ED JANIKE: "WE CARRY INFORMATION TO THE PEOPLE"

(By Dave Malena, of Nebraska Farmer Staff)

(NOTE.—As Director of the Nebraska Cooperative Extension Service, E. W. Janike is an important link between the individual farmers in his area and the Federal, State, local, and private services available to them. His duties and experience qualify him as an informed observer of the U.S. agricultural scene, and as such he has been visited on various occasions by agricultural experts from other countries. Recently, Mr. Janike sat down with our interviewer, Dave Malena, to discuss the statewide activities of his department. A transcript of their conversation follows.)

Question. Mr. Janike, as the State Director of Extension Services in Nebraska, would you explain just what the Extension Service is and how it operates?

Answer. I think we should go back to a revolutionary innovation which occurred better than 100 years ago. At that time, the Congress of the United States passed legislation to create what we call land-grant colleges, so called because the law made grants of land to the States to help finance and establish these colleges and universities. They were primarily set up to meet the needs for formal training in the areas of agriculture, home economics, and other applied sciences. Shortly afterward, further legislation created the agricultural experiment stations. For example, here at the University of Nebraska, we have an experiment station in connection with the College of Agriculture to carry on research in the fields of agriculture and home economics. Then there was a need for ways to get the results of this research and teaching to the people throughout the State. So about 50 years ago they created the Cooperative Extension Service.

For example, let's say that the research station here, perhaps working in cooperation with research stations in other States, develops a new variety of wheat, which may exceed present varieties in yield, or be more resistant to rust or other diseases. Once this research is established and released by the station, it becomes the responsibility of the Extension Service to see that people learn about it and have an opportunity to put it to use.

The Extension Service may do this by using radio, press, TV, meetings, bulletins, circulars, and demonstrations. A very effective way is to go out in the wheat area and plant demonstration crops on some wheatgrowers' farms. Then these farmers and their neighbors can see how the new variety compares with the kind they're growing and make their own decision as to whether or not they want to adopt it.

Question. Could you go into a little bit of detail as to how the Extension Service is organized at the State level?

Answer. In Nebraska we have 93 counties. These are subdivisions of State government. We have them organized in 83 extension organizations. In some of the more sparsely populated areas of the State, we may tie as many as three or four counties together. In each of these counties, we have from 1 to 5 county agents. These are the people who carry the information directly to the people. At the State level, we have a staff of specialists in the various subject matter areas. We have them in the fields of animal husbandry, dairy, foods, economics, clothing, and engineering. These specialists interpret the results of research. They may write bulletins, train our county agents, or may go out and help with demonstrations and meetings.

In the overall organization, since this is a cooperative program between the Federal office under the U.S. Department of Agriculture, the State university, and the counties, we have extension organizations—or county extension boards—which are elected by the local people. These boards, representing local people, work with the agents.

They help determine the type of program that shall be carried out in their area, they promote an understanding of the existing problems, and aid the program of that agent in the field.

Question. Aside from his work on the extension board, how closely is a county agent associated with his community?

Answer. The county agent is a citizen in his community just like everyone else. He must be well-known, well-liked, and have earned the confidence of the people he works with. If he has the ability to get along with people and can show them he's sincere, honest, and knowledgeable, they will trust him. If he loses their confidence, he can't be a successful agent. Fifteen or twenty years ago a county agent could be skilled in many areas. Today, he must specialize because there are so many new developments going on and problems coming up. A county agent can't always supply the farmers with all the answers, but through our specialist staff and research people, he has the available sources to help farmers find their answers.

Question. Can you give us an example of how a typical local problem is handled by your service?

Answer. Three or four years ago, we had a serious outbreak of corn rootworm. Corn rootworm causes the stalks to fall, the corn then deteriorates, and the yield is materially reduced. Now the real problem we faced was that the common insecticides that we had been using were no longer effective. The insects developed a tolerance to them. The county agents and local farmers who were affected brought the problem up, discussed it, and referred it to the college. Our research people immediately went to work and tried out various ways to control the rootworm. By carrying on hundreds of trials, they were able to come up with an answer. Then, the county agent and his local people put on demonstrations to show how the pest could be controlled effectively. The results were gratifying. We find, for example, that in 1 year we saved the farmers as much as $31 million by being able to answer this particular problem.

Question. Are the people who come to you, or whom you contact, exclusively farmers or their families?

Answer. No. Our prime responsibility is to farm families, but not to farmers alone. The services of the Extension Service are available to all people. In the case of women, there is no difference between the housewife on the farm and the housewife in the town. In the field of agriculture, of course, there are not as many things that apply to the person who lives in town.

Question. Could you give us an example of how the service will help an individual, as opposed to an entire community?

Answer. Well, let me cite one quickly. I was in a county agent's office 2 or 3 weeks ago, when a farmer walked in. A new chemical treatment called diazinon has been developed which is effective in the control of corn rootworm. This farmer's question was, What should I use on my corn, how should I apply it, what will it cost, what changes do I need to make in my planter in order to apply it? He had read about this program in his farm magazine, his daily newspaper, or he had heard about it on the radio. But yet, when it came down to his own individual case, he needed some individual advice. And before he left, he also asked about the varieties of soybeans that were best adapted to the area in which he lived. Again the agent discussed the various kinds of soybeans and the results of experiments showing which one might be best adapted to this farmer's particular area.

Question. Would the agent also come out to this farmer's farm after he gets his planter and his equipment to help him adjust it?

Answer. This is possible, although his local implement dealer is also a person who is skilled to do this. The machinery companies themselves are in constant contact with the college. So they become educational people in their own right, and once they have learned how to adapt their equipment to these problems, they in turn can do the same kind of job with the farmer as the county agent. You might say that a team—the local fellow who sells the insecticide, the local fellow who sells and repairs the equipment, and the county agent—all three help this farmer meet his problem.

Question. Could you give us a little background on this Midwestern State of Nebraska? What about the crops and livestock, the climate and the soil?

Answer. Nebraska as a State ranks high as far as income from agriculture is concerned—it is sixth in the Nation. The principle crops here are corn, wheat, grain sorghums, alfalfa, grass, and soybeans. We also grow sugarbeets, field beans, potatoes and some minor crops such as barley and castor beans. We have between 87,000 and 88,000 farms. We produce and feed beef cattle, hogs and sheep, and we also have dairy cattle.

The State varies in altitude from less than (300 meters) 1,000 feet in the eastern section to better than (1,500 meters) 5,000 feet in the western section. Our rainfall varies from about (81 centimeters) 32 inches in the eastern part to about (40 centimeters) 16 inches in the west. And these two areas are as much as (800 kilometers) 500 miles apart.

The other important thing about Nebraska is that we are one of the leading States in the field of irrigation. This has been a rapidly growing part of our agricultural economy. We have about (1,200,000 hectares) 3 million acres under irrigation.

GETTING STARTED TODAY

Question. To start farming today, what capitalization would a man need in equipment and buildings to farm successfully and where does he get this money?

Answer. Well, for a man starting from scratch it takes a considerable investment to get started on a farm today. The fabled productivity of the American farm is based upon machinery and such expensive things as fertilizer and modern insecticides. Actually, since there are fewer and fewer farmers as time goes on, relatively fewer newcomers enter the field. A young man stays on his father's farm—that's the way most young farmers get started. If a man were to start from scratch, I would say that he ought to have at least $10,000 to invest. And in doing so, he would not buy his farm; he would rent land from someone. He would use his money to buy equipment, seed, and fertilizers, and to pay the cost of operating his farm. And he wouldn't buy new equipment. He might use what he could get by on for 3 or 4 years until he established himself and was able to invest his money in new equipment.

The average farm in Nebraska that is owner-operated probably has a capital investment of somewhere between $75,000 and $100,000. As to how a man finances himself when he starts, let's go back to the young fellow who wants to start farming and has $10,000. He may go to a bank or a private lending agency and borrow on the security of the money he has, say up to $5,000. We also have federally-sponsored lending agencies where money is provided by the Government on a long-term basis with loans up to $10,000 or an amount equaling the farmer's own assets. The difference here is due to the fact that private lending agencies are using investors' money for which they pay interest, and they do not want to take large risks with it. The Government program can be more flexible.

Question. Will the extension service help a farmer manage his finances?

Answer. Yes, there is help available. This is largely done through what we call farm management work. Any good farmer keeps records. He keeps an accounting of all his income and his expenditures. We'll help him establish an accounting system and work with him in an analysis of this business. When the end of the year comes around, he summarizes this record and may get advice from his agent to make certain changes to improve the income from various phases of his project. Basically, the good farmer is the good manager. He spends as much time studying his operations as he does actually practicing them.

Question. We talked about renting a farm a little while ago. Are there any standard arrangements for one man to rent from an owner?

Answer. I think there are two common leases that we might talk about. One is the crop-share lease. In this case, the landlord owns the land, the buildings, and pays the taxes on the land. He may put it in an irrigation well. He also takes care of the cost of fencing and general upkeep. The fellow who rents the farm furnishes the equipment, the seed, the management, and the labor. Under this type of arrangement, generally, the landlord will get one-third or two-fifths of the crop. And the operator-tenant will get two-thirds or three-fifths of the crop. This is a common lease. The tenant will also own and feed his own livestock and get all the income from it.

The other common lease is what we call a 50–50 or livestock-share lease. In this case, again, the landlord provides the land, the buildings, the fencing, and pays the taxes on the land. The operator furnishes the labor and the management—or they may jointly manage it—but generally the livestock, equipment, and operating expenses are divided half and half. They then divide the income from the livestock and the crop on a 50–50 basis.

There are other cases where land is actually rented for cash. In other words, the tenant will pay so much cash rent for the use of the land and then receive all the income from the land himself. These are the three most common leases.

Question. If a father and son have the land together, would they perhaps own and manage it as a partnership?

Answer. Yes, they may and they might also have an arrangement whereby the land would eventually become the property of the son.

Question. Would you say that most of the land passes from one generation to the other?

Answer. Most of the land in Nebraska probably passes on from one family to another although there are cases where the children are not interested in agriculture and prefer some other field of work. In such cases when a father retires he may sell or rent this land.

Question. In Nebraska, as in other farming States, the farm population is dwindling. Where are these people off the farms being absorbed?

Answer. Our farm population is decreasing. As machinery and farm methods improve, a man can handle more land by himself or with his family. So this means that a large number of our young men and women must look other places for their future. A good many of them stay in agriculture-related industries, because we have more than twice as many people employed in the processing and distribution of agricultural products, than we have in farming itself. These young men go on to school, into agricultural services, and into food-processing or manufacturing businesses. And, of course, a number of them may go into the educational field, as I did.

Question. Could you tell us about some of the special programs sponsored by the extension service for young people growing up in rural areas and on farms?

Answer. I think the most common program and best known one that we have is 4-H Club work. The title stands for head, heart, hand, and health. This program is designed to help develop the talents of young men and young women. We work primarily, with boys and girls on farms, although we also work with boys and girls in town. We set up projects. A boy may raise a calf as a project and through the information we prepare and his work with group leaders, he can learn about livestock. The girls have projects in which they learn to make clothes, or how to cook and manage a home. These programs are largely directed and carried on by volunteer leadership. A man or a woman in the local community gives a great deal of time on a volunteer basis to hold meetings, to conduct tours, and to help train these young people with the information that we supply.

MORE MACHINES, MORE SKILL

Question. Would you say that today's farmer is smarter and better educated than, say, in your father's day—or does he just have more mechanical equipment and technical assistance?

Answer. There's no question in my mind but that the farmer today is much better trained than he was in my father's time. He has many more complicated problems and machines to deal with. They require skill and study. I would say definitely that the use of insecticides, new crop varieties, disease controlling methods, and irrigation requires a great deal more skill than it did in those days.

Question. In other words, a farmer has to be a scientist, agronomist, and practically a mechanical engineer.

Answer. It used to be that if you couldn't do anything else you could go out and farm. Today it requires just as much skill to operate a farm as it does to operate a large grocery store or a bank. You've got to be a specialist.

Question. So, it is the man and the machine that's responsible for today's abundance of food?

Answer. You'd have to say that it is the man, because the man developed the machine. Whereas back in 1900 a farmer produced enough food for himself and about 5 others, today he's producing enough food for himself and 28 others. This is due to better equipment, better machines, and higher yielding crops. In the last 15 years our corn yield in Nebraska has increased from (19.5 quintals per hectare) 31 bushels an acre to (37.7 quintals per hectare) 60 bushels an acre. This is man, using the resources available to him.

Question. Do the people in rural areas feel they're in close touch with the rest of the Nation as they go about their work producing more and more food?

Answer. Oh, yes. Our rural people are well educated. They have very close contact with what goes on around them. They have radios, they read the daily paper and farm magazines, they have TV sets, they go to meetings, they enter into discussions, and and are really well informed. People in the State of Nebraska have good-sized towns available to them where they can buy the same kind of merchandise, see the same kind of movies and plays, the same athletic events that the people who live in town do. And with the good transportation system available to them, they can easily travel around the country and learn as much as anyone else.

Question. Would you say that farmers today have just about as many opportunities as their city cousins?

Answer. Yes, I'd say they do.

Question. Do farmers take an active interest in politics?

Answer. Oh, yes. They like to know what's going on because it affects their daily business. And they also have their own farm organizations through which they operate. So I would say that if he's going to be a citizen, have a community in which he is proud to live, he must take an interest in what goes on around him and in politics.

Question. It is also true, is it not, that in our State legislature many of the members are farmers?

Answer. They are. This is true. They know what the farmer's problems are, and by working with the legislators that come from cities, they can develop the rules, the laws, the processes that are for the benefit of the whole State, rather than for individuals.

Question. Has the earning power of the farmer increased or decreased since the 1930's and 1940's?

Answer. The earning power of the farmer compared to the thirties is greater, but the earning power compared to the 1940's is a little different situation. I think I can explain it best by saying this: The prices farmers pay for what they buy have gone up more since the 1940's than have the prices they receive for what they sell. But although his profit margin has been narrowed, the farmer's living standard is higher than it was in both of these periods. This is partly because his farm has grown larger. He makes less on each item sold but he produces more, so he probably has more dollars to spend. There is a smaller number of farmers spending the money than we had in the previous period.

Question. How does the Extension Service help the farmer find markets for his produce?

Answer. Most of the marketing is carried on through the regular private channels that are available. We will probably spend more time helping him develop a product that is suitable to the consumer. We also work with the processors, the assemblers, and distributors of foods to step up their efficiency so that they can cut the cost involved in handling these foods, and in turn can pay the farmer more for his product.

Question. Does the Extension Service supervise or manage the farmers' marketing of his produce?

Answer. No. In some cases farmers may develop what we call a cooperative. This is a group of farmers getting together and sharing costs for facilities they all need. A common example is a farmer's elevator, as we call it. In this case the farmers own the elevator in which the grain is stored and from which it is then delivered. A group of farmers may invest part of their money, or they may borrow money to build it, hire people to operate it. They move their grain into this elevator, and in turn the person they employ sells it to the processors and the distributors. We have a good many cooperatives in operation in the State.

SHORTCUT FOR FARMERS

Question. What are some of the newest farming practices being developed today that the Extension Service is telling the people about?

Answer. I'd like to cite one that is developing popularity here in Nebraska. It's what we call till-plan or minimum-tillage farming. Normally, to get land ready and to get the crop in, you have to disk, plow, and harrow, plant, and cultivate two or three times to control weeds. Over the past several years, our engineers in the experiment station have been developing ways to cut out a number of these operations. They have developed what we call the minimum-tillage method of farming. In other words, they have developed a machine and a method of cultivation whereby, with two or three operations, the farmer may cut the stalks in the cornfield, and follow with this machine which tills the land without disturbing the cover too much. It plants the seed, adds the fertilizer, may actually put in the insecticide, all in one operation. Then he will probably cultivate that field not more than twice, possibly once. This practice has been under research for a long time and is a fairly radical change. Through the years, farmers always took pride in their clean fields and thought they had to follow certain practices in order to get the crop in the bin eventually. But by the minimum-tillage method, they have been able to cut costs as much as ($17 a hectare) $7 an acre. When you can reduce the cost ($17 a hectare) $7 an acre, this puts a lot more dollars in your pocket.

The Extension Service has been working with a limited number of people in various parts of the State on this practice for the past 3 or 4 years. Today, farmers are beginning to accept it, and we expect to see it spread. The interesting thing is that they can maintain their yield and the quality of their land, while they have fewer erosion problems.

Question. I wonder if you can give us any idea how many farms have hired help. Do most of the farmers hire their help?

Answer. Most of our farms in Nebraska are what we call family farms. The operator and his family take care of most of the labor with the machinery. They may hire some help seasonally; for example, during the short period when the wheat crop is harvested or they may need some help at corn harvest time. Some farmers will employ help the year around, someone who lives on the farm. But I would say the typical Nebraska farm is operated by the owner-operator and his own family with a very limited amount of part-time help.

Question. Let's do a little crystal-ball gazing, look into the future a bit. What do you think lies ahead for the farmer as you see it?

Answer. I think the farmer has a good future ahead of him. We know our population is increasing, and that our demand for food will increase. The same is true, of course, throughout the world. We see greater efficiency developing. In our own engineering department our people are experimenting with remote control on tractors. It may be possible that the farmer in the future will control the operations that take place on his land from some headquarters on the farm, rather than be actually out there riding the tractor. I think our number of farms will continue to decrease, and they will grow larger. The family farm will increase in size. Today, the average farm in eastern Nebraska is about 200 acres (80 hectares). In the ranch land of western Nebraska it's closer to 2,000 acres (800 hectares). This size will probably increase as we make more efficient use of our labor, and as we make more efficient use of the machinery available.

But food is most important. And as our population grows, we will see farming become more important and more specialized. I would say that the man who operates a farm successfully must be well trained, well educated, and skilled in the latest methods.

Question. Looking over this whole picture, of extension, of farming, of everything that we talked about, Mr. Janike, is there anything else you'd like to mention?

Answer. Well, those of us who work so closely with farming have a great love and respect for farm people. I've always said that I think it is unfortunate that every boy and girl doesn't have a chance to grow up on a farm, live with life itself. Out in the wide-open spaces of a rural area, we have an opportunity to live quite close to nature, and we build an appreciation of the soil on which we live and the water that we use to produce our crops. In my mind there's nothing quite like it. I doubt that there are many vocations that give you the same satisfactory way of life—the place to raise a family, to give them an education and to know that you are playing an important part in the welfare of your neighbors, your community, and your country. There might be a few who will argue this point. This is the way I feel and this is the way our people feel. They gain their satisfaction from working in the field. This to them is a most worthwhile life.

J. HYDE SWEET: AN INSTITUTION PASSES

Mr. HRUSKA. Mr. President, Nebraska recently lost one of its most able and distinguished editors and we in the Congress lost a former colleague in the death of J. Hyde Sweet, a newspaperman for 71 of his 84 years.

He was the editor and publisher of the Nebraska City News-Press, the oldest newspaper in my State; but it was his daily "Kick Kolumn" which earned him a reputation for a salty sagacity unsurpassed throughout Nebraska.

He served briefly in the House of Representatives in 1939 and drew frequently on his experience here for material for his page 1 column which was required reading for anyone interested in politics, people, or progress.

Hyde Sweet became something of an institution in southeastern Nebraska, maintaining a lively interest in nearby Peru State College, which he had served as a trustee; in development of the lovely city of Nebraska City where J. Sterling Morton's Arbor Lodge is a State park; in improvement of the Missouri River which flows within a few blocks of the News-Press office, and particularly in the young people of his community for whom he always had sound and thoughtful advice.

He will be missed.

Carrying on at the Nebraska City News-Press will be Mr. Sweet's son, Arthur, who for a number of years has been the managing editor.

Mr. President, I ask unanimous consent to have printed in the RECORD the News-Press account of Hyde Sweet's passing, together with a column by Arthur Sweet which contains the last column ever written by his father. Also, Mr. President, an editorial entitled "The Impact of Two Men," from the Lincoln Journal.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From the Nebraska City News-Press]

STROKE FATAL FOR EDITOR OF PAPER—"KICK" JOINED PRESS IN 1909

J. H. Sweet, known to his many readers and friends as "Hyde" or "The Kick," joined the Press, predecessor of the News-Press, on August 15, 1909.

Mr. Sweet died early Saturday at Community Hospital in Wickenburg, Ariz., after suffering a second and fatal stroke. He was hospitalized Thursday after a stroke.

The News and Press were merged in 1926. The Nebraska City News-Press marked its 100th anniversary on November 14, 1954.

In addition to being editor of the News-Press, as well as business manager and president of the parent company, the Press Printing Co., Mr. Sweet found time to enter into every civic and community activity.

He was a charter member of the chamber of commerce, and helped organize the Rotary Club and the Elks Lodge.

He was given the Rotary Club Community Service Award in 1929 and was elected to the 76th Congress in 1940 following the death of his good friend, George Heinke, whom he served as congressional secretary.

He received the Nebraska Builders Award from the university in 1951, was a member of the original board of Nebraska City Utilities and served as a member of the State normal board and the State historical society board.

He had also served as president of the Nebraska Press Association, and as a director of the Inland Daily Press Association.

He served as secretary of the library board for 10 years and was closely associated with the organization and operation of Boy Scouts, the Red Cross, the Antituberculosis Society, and Good Roads Association, as well as with numerous community enterprises.

When a youngster his father moved to Guide Rock, Nebr., from New York. The family later moved to Palmyra.

A great-uncle, James Sweet founded the Sweet National Bank of Nebraska City and was treasurer of Nebraska.

Mr. Sweet started in the newspaper business when he was 13 years old in Palmyra. He was a printer's devil, typesetter, and janitor on the Palmyra weekly.

A year later he was a printer's devil on the Chicago Post.

Fifteen years later he got into the newspaper business for good. He returned to Nebraska to attend the Lincoln Business College where he was taught shorthand by John R. Gregg.

He was one of the first Gregg shorthand reporters in Nebraska City and put his newfound learning to use as a court reporter at Aurora.

In 1901, he went to work at the Bradley-Catron Co., Nebraska City, wholesale grocers.

Mr. Sweet joined the Press in 1909 when a group of Republicans were dissatisfied with the way the News—the strongest Nebraska City paper—was reporting their party's doings.

Robert Bonwell was named editor and Mr. Sweet was named business manager. Mr. Bonwell a baseball enthusiast, helped organize a four-State professional M-I-N-K baseball league and was its president. He spent so much time on baseball business, that advertisement solicitor Sweet found he had to hustle for items of local news to fill up the Press. Within a year he was named editor in title as well as in work.

Five years later, he bought control of the Press.

The J. Sterling Morton Tribune faded after his death, but it was dog eat dog between the News and the Press for another decade with the underdog Press coming out on top with the aid of the J. Hyde Sweet personality. He bought the News in 1925.

In 1938, he backed his longtime friend Heinke, for First District Congressman. Mr. Heinke won and in effect said to Mr. Sweet, "You got me into this, now help me do it."

Mr. Sweet was named a congressional secretary and served for a year. In December 1939, as he was preparing to return to Nebraska City, Representative Heinke was killed in an auto accident.

The Republicans of First District nominated Mr. Sweet and he was elected by a majority of 9,800, a more comfortable margin than Mr. Heinke had in 1940.

Mr. Sweet said at the end of the short term that he would return home. "I'm a newspaperman, not a politician and I miss the smell of printer's ink."

MILLIONS OF WORDS WRITTEN BY MR. SWEET

How many million words of editorial matter have been written in 55 years by Mr. Sweet, editor and publisher of the News-Press, no one knows.

The editorial columns, the Kick Kolumn and other columns run from time to time average a conservative 2,000 words a day, 6 days a week, 52 weeks a year for nearly 55 years.

Mr. Sweet wrote "The Kick" and editorials and other articles the winter months from his residence at Sun City, Ariz., and air mailed them daily to the News-Press office.

While not actively engaged in news reporting, Mr. Sweet probably wrote as much or more copy daily than members of his own staff.

Not including "The Kick" and his editorials and other features he read dozens of daily and weekly newspapers from several States to gather information or put into print some other goings-on in a wide area that he thought the News-Press readers would enjoy.

FROM A REPORTER'S NOTEBOOK

From time to time I expect to write some things about my father, who conducted the "Kick Kolumn" in the News-Press from October 29, 1919, until the final one was printed on April 7, 1964, 3 days after he passed away.

At his home in Sun City, Ariz., where he became ill following a stroke on April 2, I found an unfinished piece of copy in his typewriter.

The last words he wrote were typed on April 1, which was a typically busy day for him.

Only one page of the final "Kick Kolumn" had been written although other Kolumns and pieces of editorial were in his desk ready for mailing to the News-Press in the airmail envelope that was received 6 days a week when he was away from Nebraska City.

Here is the final copy written by J.H.S.:

"A THOUGHT FOR TODAY

"At a school board meeting in Nemaha County one of the members, an elderly man, was confused a bit by the discussion of merit as a guide to salaries. 'Merit or single,' he shouted, 'what's the difference?' Pay 'em all the same."

"The new type of condominium is called the townhouse. At one place in Phoenix a $14 million investment will comprise 900 townhouses. They're bigger'n apartments of the so-called cooperative order but the system is the same.

"When you get your deed it says you shall not do any yard work. You won't cut the bermuda grass, fight the bermuda grass, mow the bermuda grass, pick the bermuda grass out of your flowerbed which flowers you are not to weed. The gardener does that. I think the fee for the gardener runs from $15 to $20 a month. That looks high but when you figger what you've spent yourself on fertilizers, weedkillers, flower boosters, splints, crutches, eye patches, et cetera probably you are ahead.

"I never have liked yard work, from the very beginning. Once after I had committed a juvenile offense father sentenced me to stay in our dooryard for a week without going out. Every day I had to run the hand lawnmower—of course."

—30—

The "30" marks the end of an era for this newspaper. There just won't be any more "Kick Kolumn." There couldn't be.

We've been asked to dig some of them out of the past, and we may do that one of these days. Right now all of us are still trying to realize that the "Kick" is gone.

[From the Lincoln Evening Journal & Nebraska State Journal, Apr. 6, 1964]

THE IMPACT OF TWO MEN

The weekend recorded the deaths of two men who had lived through 84 years of the most exciting and crucial years in the history of the United States. Both had an impact on those times—one on the Nation and world, the other on his community and State.

There is little similarity between Gen. Douglas MacArthur and J. Hyde Sweet, longtime Nebraska City newspaper publisher. But both were men of conviction, stamina, and dedication to the country they loved. Neither will soon be forgotten.

The lives of few men were so touched by drama as that of General MacArthur. Few men are so well equipped for drama. His dignity, his diction, his majesty would have been mere theatrics in a lesser man.

Mr. Sweet, by contrast, was a simple man, with great understanding of the life about him. He got his thoughts across in a daily column in the Nebraska City News-Press, covering everything from politics to education and everything that touched the lives of those around him.

To J. Hyde Sweet there were no sacred cows. He assured wide readership of his column by bits of wit, sometimes verging on what lesser men would have considered verboten.

He was politically conservative, but the kind of conservative of which Nebraskans can be proud. He never attracted the extremist. Even to a greater extent than his contemporary, General MacArthur, Mr. Sweet continued in the mainstream of American life until his death, writing a column that appeared the day before he died.

His only concession to the passing years was following the sun to Arizona in the winter months. This was not retirement, as he was able to write a column from Arizona which was of interest to Nebraskans, often by calling on his wealth of recollection of the Nebraskan history he had helped to make.

Two great Americans have died. One will go down in the history books, the other in the hearts of Nebraskans.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on April 17, 1964, the President had approved and signed the following act and joint resolution:

S. 1951. An act for the relief of George Elias NeJam (Noujaim); and

S.J. Res. 120. Joint resolution providing for the recognition and endorsement of the 17th International Publishers Congress.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 2394. An act to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes; and

H.R. 8465. An act to amend the act entitled "An act to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress."

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON SHIPMENTS INSURED BY THE FOREIGN CREDIT INSURANCE ASSOCIATION AND THE EXPORT-IMPORT BANK

A letter from the Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, that shipments to Yugoslavia insured by the Foreign Credit Insurance Association and the Export-Import Bank, totaled $345.82, for the month of March 1964; to the Committee on Appropriations.

REPORT ON EXAMINATION OF FINANCIAL STATEMENTS OF THE PANAMA CANAL COMPANY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the Panama Canal Company, fiscal year 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT OF LIBRARY OF CONGRESS

A letter from the Librarian of Congress, transmitting, pursuant to law, his report for the fiscal year ended June 30, 1963 (with accompanying papers); to the Committee on Rules and Administration.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. JOHNSTON and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution of the Senate of the State of Alaska; to the Committee on Banking and Currency:

"SENATE RESOLUTION 41

"Resolution relating to urban renewal assistance in disaster areas

"Whereas the earthquake which occurred on March 27, 1964, in Alaska destroyed or severely damaged the majority of the residential structures in many of the smaller communities in the disaster area and destroyed or damaged many of the residential structures in the Anchorage area; and

"Whereas the communities in the disaster area will, pursuant to the provisions of 42 U.S.C. 1462, seek urban renewal assistance to reconstruct residential buildings; and

"Whereas the Alaska earthquake was unique in that it substantially destroyed the industrial and commercial, as well as the residential, facilities in many of these communities; and

"Whereas the almost total destruction of these communities has weakened their ability to recover to the extent that extraordinary assistance measures are required; and

"Whereas the relaxation of some of the requirements in the existing Federal law regarding urban renewal assistance will appreciably aid these communities to recover: Be it

"*Resolved,* That the Congress of the United States is respectfully urged to amend the existing law regarding urban renewal assistance in disaster areas to increase Federal capital grants to local public agencies to 100 percent of the net cost of renewal projects and to permit private property, which is condemned for an urban renewal project, to be appraised at its value before the disaster; and be it further

"*Resolved,* That copies of this resolution be sent to the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House; the Honorable Lister Hill, chairman, Senate Labor and Public Welfare Committee; the Honorable Oren Harris, House Interstate and Foreign Commerce Committee; the Honorable Robert C. Weaver, Administrator, Housing and Home Finance Agency; the Honorable William L. Slayton, Commissioner, Urban Renewal Administration; and the members of the Alaska delegation in Congress.

"Passed by the senate April 14, 1964.

"FRANK PERATROVICH,
"*President of the Senate.*

"Attest:

"EVELYN K. STEVENSON,
"*Secretary of the Senate.*"

A resolution of the House of Representatives of the State of Alaska; to the Committee on Labor and Public Welfare:

"HOUSE RESOLUTION 16

"Resolution requesting the expansion of Federal programs to meet the effects of the natural disaster on the State school system

"Whereas the earthquake disaster has had a grave impact on the public education program and system of the State through the destruction of school facilities and the loss of revenues vital to the existence of education; and

"Whereas the Federal support for the State's education program emanating from Public Laws 815 and 874 for matching money for school buildings and facilities and for grants to schools affected by Federal activities in the area could be expanded to meet the unprecedented situation facing the school systems in Alaska; and

"Whereas U.S. Senator WAYNE MORSE has introduced S. 2725 to amend Public Law 815 to release funds to replace the schools lost or ravaged in Alaska; and

"Whereas the magnitude of the disaster in Alaska strongly suggests the need for making Public Law 874 funds available on the basis of total enrollment at the discretion of the President and for a period of need to be determined by the President: Be it

"*Resolved,* That the President and the Congress are most earnestly and urgently requested to give early and favorable attention to S. 2725 and to make Public Law 874 funds available to Alaska on the basis of total school enrollment in order that the public education program of the State of Alaska may be sustained during the period in which the State is striving to rebuild its economy and overcome the disastrous effects of the earthquake on its economy and vital programs; and be it further

"*Resolved,* That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; the Honorable Wayne Morse, U.S. Senator; and the members of the Alaska delegation in Congress. Passed by the house April 12, 1964.

"BRUCE KENDALL,
"*Speaker of the House.*

"Attest:

"PATRICIA R. SLACK,
"*Chief Clerk of the House.*"

The petition of Teruki Higa, mayor of Tonaki Son, and Kenzo Tobaru, chairman, Tonaki Son Assembly, of the Island of Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

A resolution adopted by the City Council of the city of Springfield, Mass., favoring the enactment of Senate bill 1932, to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

The petition of Paul L. Arnold, minister, First Presbyterian Church, of Mason, Mich., praying for the enactment of House bill 7152, the civil rights bill; ordered to lie on the table.

A petition signed by Nancy F. Smith, and sundry other citizens of the State of Massachusetts, praying for the enactment of House bill 7152, the civil rights bill; ordered to lie on the table.

RESOLUTIONS OF MASSACHUSETTS GENERAL COURT

Mr. KENNEDY. Mr. President, on behalf of the senior Senator from Massachusetts [Mr. SALTONSTALL] and myself, I present certified copies of two resolutions passed by the General Court of the Commonwealth of Massachusetts.

I ask that these resolutions be appropriately referred.

The ACTING PRESIDENT pro tempore. The resolutions will be received and appropriately referred.

The resolutions were received and appropriately referred; and, under the rule, ordered to be printed in the RECORD, as follows:

To the Committee on Banking and Currency:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CONTINUE THE PUBLIC HOUSING PROGRAM AT A MINIMUM OF THE LEVELS AUTHORIZED IN THE HOUSING ACT OF 1949

"*Resolved*, That the General Court of Massachusetts hereby urges the Congress of the United States to maintain the public housing program at a minimum of the levels authorized in the Housing Act of 1949 and to sponsor research leading to improved housing programs for meeting the needs of low-income groups; and be it

"*Resolved*, That a copy of these resolutions be sent forthwith by the secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"Adopted by the house of representatives March 25, 1964.

"WILLIAM C. MAIERS,
"*Clerk.*

"Adopted by the senate, in concurrence, March 31, 1964.

"THOMAS A. CHADWICK,
"*Clerk.*

"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth.*"

(The ACTING PRESIDENT pro tempore laid before the Senate a resolution of the General Court of the Commonwealth of Massachusetts, identical with the foregoing, which was referred to the Commitee on Banking and Currency.)

To the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING THAT SUMS DEDUCTED FOR RETIREMENT PURPOSES FROM SALARIES OF STATE EMPLOYEES AND PENSIONS PAID RETIRED STATE EMPLOYEES SHALL BE EXEMPT FROM FEDERAL INCOME TAXATION

"Whereas under present law the sums deducted for retirement purposes from the salaries of State employees and also the pensions paid retired State employees are exempt from income taxation by the Commonwealth: Now, therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing that the sums deducted for retirement purposes from the salaries of State employees and also the pensions paid retired State employees be exempted from income taxation by the Federal Government; and be it further

"*Resolved*, That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of the Congress, and to each Member thereof from the Commonwealth.

"Adopted by the house of representatives March 25, 1964.

"WILLIAM C. MAIRES,
"*Clerk.*

"Adopted by the senate, in concurrence, April 1, 1964.

"THOMAS A. CHADWICK,
"*Clerk.*

"Attest.

"KEVIN H. WHITE,
"*Secretary of the Commonwealth.*"

(The ACTING PRESIDENT pro tempore laid before the Senate a resolution of the General Court of the Commonwealth of Massachusetts, identical with the foregoing, which was referred to the Committee on Finance.)

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. PROXMIRE:

S. 2750. A bill for the relief of Fred E. Starr; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself, Mr. HART, Mr. PROUTY, Mr. HUMPHREY, and Mr. MCCARTHY):

S. 2751. A bill to provide additional funds for the special milk program for children; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. PROXMIRE when he introduced the above bill, which appear under a separate heading.)

By Mr. CHURCH (by request):

S. 2752. A bill to provide for the conveyance of 10 acres of federally owned land on the White Earth Reservation to the Minnesota Annual Conference of the Methodist Church, and for other purposes; and

S. 2753. A bill to provide for the disposition of the funds arising from judgments in favor of the Miami Indians of Indiana and Oklahoma and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

S.J. Res. 172. Joint resolution proposing an amendment to the Constitution of the United States to enable students to read the Bible or other holy books and to engage in prayer or meditation in public schools; to the Committee on the Judiciary.

(See the remarks of Mr. SCOTT when he introduced the above joint resolution, which appear under a separate heading.)

ADDITIONAL FUNDS FOR SPECIAL MILK PROGRAM FOR CHILDREN

Mr. PROXMIRE. Mr. President, I introduce a bill to provide additional funds for the special milk program for children, to counteract a 2-percent cutback in the Federal Government's milk program during the current fiscal year.

Available funds for the national school milk program have not kept pace with substantial increases in the number of children eligible to receive benefits under the program. My bill would restore $2 million which Congress cut from the amount requested by the President for the current fiscal year.

As a result of the failure of the Appropriations Committee to provide adequate funds, children under the program either pay more for school milk, get less milk, or both.

This not only deprives children of nature's perfect food, but it involves no genuine economy.

Under the Nation's price-support law, the Department of Agriculture will spend $450 million to maintain surplus milk prices at 75 percent of parity. Thus, as reductions in the school milk program reduce the milk the Nation's schoolchildren drink, the price-support law requires the Agriculture Department to buy more milk in the market, to support dairy prices.

The taxpayer gets no benefit. The schoolchildren get less milk. But the milk is still produced and stored, burdening the taxpayer with additional recurring storage costs.

My bill would use funds which, in the normal course of events, would be turned back to the Treasury at the close of the current fiscal year. Consequently, other operating programs of the Department of Agriculture would not be affected. In fact, it is worth noting that the Department proposes to finance the school milk program in its entirety in fiscal 1965 from the same fund account which would be tapped by my measure.

Early action on this proposed legislation will increase supplies of milk to our Nation's schoolchildren, while reducing support and storage payments. If my bill is passed, everyone will be the winner, no one the loser.

Mr. President, I ask unanimous consent to insert a statement on the effect of changing school milk prices on consumption in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EFFECT OF CHANGING SCHOOL MILK PRICES ON CONSUMPTION

In the spring of 1955 the Congress financed a study of the school milk program to see what the effect would be of changing prices on consumption of school milk. This study was conducted by two professors from the Department of Agricultural Economics at the University of Wisconsin.

The major finding from this study was that consumption varied substantially with changes in prices. The following table indicates the way in which such changes took place:

Price reduction	Madison elementary	Milwaukee elementary
25 percent	40.4	10.5
50 percent	69.5	24.6
75 percent	158.9	60.3

The study also made clear that:

1. The greater the price reduction, the greater the increase in consumption. Presumably, therefore, the greater the increase in prices, the greater the reduction in consumption.

2. There was an inverse relationship between previous rate of participation and increases in consumption. In effect, this means lower income children are most affected by price changes and react more completely.

3. Additional availability of milk was a key factor in increasing consumption. (With a restriction in the Federal program, presumably availability of school milk will be reduced.)

4. Most of the new consumption of milk in schools due to the lower prices represented additional consumption of milk, rather than a substitution of school consumption for home consumption.

5. One conclusion of those conducting the study was that a reduction of school milk prices led to such an increase in milk consumption that total school milk receipts rose.

A similar study was conducted in September of 1955 in selected Connecticut schools. The results of this study were:

1. A 2-cent-per-half-pint reduction in the price of school milk resulted in an increase of milk consumption of about 30 percent.

2. The increase was greatest in those schools that had a previous record of relatively low consumption.

Another similar study was conducted in the same period in Massachusetts schools which had a record of high levels of milk consumption. The conclusions from this study were:

1. The greater the amount of the price change, the proportionately greater the change in sales of milk.

2. The increases in milk consumption were more than proportionate to the decreases in prices.

3. The largest increase in consumption occurred in schools serving milk more than once a day.

In July 1956, the Ohio Agricultural Experiment Station at Wooster, Ohio, conducted a similar study. Their major conclusion is worth quoting:

KEEP THE PRICE LOW

"Without exception, studies show that one of the most important ways to get more children to drink more milk in schools is to keep the price as low as possible. This price will depend upon the amount the school pays for milk, the margin it takes to cover the expense incurred in handling and serving milk, and whether it receives partial reimbursement for that milk by participating in one or both of the Federal programs."

Mr. PROXMIRE. Mr. President, I introduce the bill on behalf of myself, the Senator from Michigan [Mr. Hart], the Senator from Vermont [Mr. Prouty], and the Senators from Minnesota [Mr. Humphrey and Mr. McCarthy].

I ask that the bill be held at the desk for 1 week to enable other Senators to join in sponsoring the bill.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will remain at the desk, as requested by the Senator from Wisconsin.

The bill (S. 2751) to provide additional funds for the special milk program for children, introduced by Mr. Proxmire (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

PROPOSED AMENDMENT TO CONSTITUTION TO PERMIT MEDITATION, BIBLE READING, OR THE READING FROM HOLY BOOKS, AND PRAYER IN PUBLIC SCHOOLS

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution to permit—but not to require—meditation, Bible reading, or the reading from holy books, and prayer in public schools.

I have been much concerned about the recent Supreme Court ruling which held that such actions, when directed by a local school board, are unconstitutional. While this is the law of the land, many of my constituents share this concern, and I have received a great deal of mail in support of a constitutional amendment. I have not been entirely satisfied with the other proposed constitutional amendments that are supported in both Houses.

There is no element of compulsion in my proposal. I have proposed a somewhat different approach. My proposal would enable children who so desire to participate in prayer or Bible reading or meditation in their classrooms. Those who are opposed would not be compelled to participate.

I am taking this action, and ask for favorable consideration, because I believe in the separation of church and state, but I do not believe in separating children from God. I do believe that under our Constitution there shall be no establishment of religion within the United States.

Mr. President, I ask unanimous consent that the joint resolution be printed at this point in the Record, and I introduce the proposed constitutional amendment.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 172) proposing an amendment to the Constitution of the United States to enable students to read the Bible or other holy books and to engage in prayer or meditation in public schools, introduced by Mr. Scott, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"Section 1. Nothing contained in this Constitution shall be construed to prohibit prayer, meditation, or reading from the Bible or other holy books by students in any school or educational institution supported in whole or in part from any public funds, provided that such activity by the students is voluntary.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

FORT UNION TRADING POST NATIONAL HISTORIC SITE, N. DAK.—ADDITIONAL COSPONSORS OF BILL

Mr. BURDICK. Mr. President, I ask unanimous consent that the names of the Senators from Montana [Mr. Mansfield and Mr. Metcalf] may be added as cosponsors of the bill (S. 187) to establish the Fort Union Trading Post National Historic Site, N. Dak., and for other purposes, and that all future printings and future proceedings carry the names of these two Senators as cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 20, 1964, he presented to the President of the United States the enrolled bill (S. 2394) to facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes.

RECESS TO TOMORROW, AT 10 A.M.

Mr. MOSS. Mr. President, in accordance with the order heretofore entered, I move that the Senate now stand in recess.

The motion was agreed to; and (at 10 o'clock and 3 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Tuesday, April 21, 1964, at 10 o'clock a.m

NOMINATIONS

Executive nominations received by the Senate April 30 (legislative day of March 30), 1964:

Office of Emergency Planning

James D. O'Connell, of California, to be an Assistant Director of the Office of Emergency Planning.

Public Health Service

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. For appointment:

To be senior assistant surgeon: Peter E. Dans.

To be junior assistant sanitary engineer: Gerald K. Falin.

To be senior assistant veterinary officers: George L. Clarke; James A. Peters.

To be assistant health services officer: Betty Lou Gredig.

II. For permanent promotion:

To be senior assistant sanitary engineer: Gerald E. Siefken.

EXTENSIONS OF REMARKS

Health Care Under Social Security

EXTENSION OF REMARKS

OF

HON. EVERETT G. BURKHALTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 20, 1964

Mr. BURKHALTER. Mr. Speaker, considerable confusion exists in the minds of many people in this Nation today because of a flood of propaganda with respect to hospital care bill presently before the Congress. A Trojan horse has appeared upon the scene in the plan of some insurance companies to forestall the development of health care under social security.

Some of these plans may have some merit—others are mere extensions of fraud which are being used to persuade the aged and the feeble that insurance can do the job better than social security. The Trojan horse, you will remember, was a giant wooden horse with soldiers concealed inside. When the horse was brought within the walls of the ancient city, the soldiers under cover of darkness leaped out, killed the garrison and captured the city, which had previously held out against the invader.

The Trojan horse of insurance seeks to do the same thing for the legislation proposing health care for the aged. Persons considering the purchase of this type of insurance can quickly determine the value of the "new type" insurance by asking the following questions:

First. Is a physical examination necessary to receive the benefits under the so-called new plan? No physical examination is necessary under the social security health plan.

Second. What is the monthly cost per individual covered?

Third. How does the monthly cost under the insurance plan compare with $1 a month, the cost of a health plan under social security.

Fourth. What are the terms under which the individual insurance under the "new plan" can be canceled?

Fifth. How does this compare with the health plan under social security which is noncancellable under any circumstances.

These five questions provide the answer to the value of the widely heralded insurance plan now being presented to the public as something new.

While the new insurance plans may present a stumbling block with respect to the social security health plan, it is interesting to note, if my mail is any guide, that more sentiment for the social security plan is developing among the doctors of the Nation. If statements sent me are correct, some doctors at least believe that social security will take care of some of the patients they now treat, without hope of remuneration. It is my information that each year every doctor takes care of some charity patients. The health plan under social security would reduce the number of patients who are wholly without funds or health protection of any kind—the persons who must be dependent upon charity. It is further my information that frequent physical checkups by a physician would prevent many critical illnesses, and would reduce the number of times when a physician must tell the patient or the patient's family: "I'm sorry, but it's too late to do much in this case."

Today many people do not go to a doctor until they are carried into a hospital on a stretcher. This is the real tragedy of medicine today, when the patient is brought in on a stretcher, it means the case is critical—the patient is no longer able to continue his daily routine and, all too often, it is too late.

There is another change in the attitude of thoughtful medical men, I am advised. They no longer believe as they once did that hospital care under social security is "socialized medicine." Anything "socialized" is repugnant to most Americans. "Socialized medicine" is among the worst. But today, under hospital care with social security, the patient may choose his physician, may continue with the physician who has served him for years, and in whom he has confidence. Also, he may go into the convalescent home or hospital of his choice. He is free to select one close to his home—or convenient for his family and friends to visit. He will not be an institutionalized person. He will have control over doctor and hospital. Under these terms, the charge of "socialized medicine" is slowly fading from the scene. To be sure, it is not gone, but it is fading in importance—simply because it is not true.

President Johnson has declared war on poverty. The Nation applauds his action in taking the lead to alleviate the pain of poverty by a more equitable distribution of the world's goods. No part of the war on poverty can be more important than the prevention of poverty, the protection of the funds accumulated by the little family as it grows and develops. Working wives in many homes today add to the resources, but the resources of the average family are blasted and withered in a long sick spell. It has been estimated that the average cost of 1 day in the hospital in California exceeds $44. Forty-four dollars and more for 1 day or 24 hours' stay. How long can the resources of the average family stand this sort of a drain? How long can the average person's savings estimated at the average to be something less than $15,000 stand this kind of strain? And this figure of $15,000 includes the cost of the home, the stocks and bonds, the family automobile; in fact, all of the assets of an average family.

Under social security at an estimated cost of $1 a month, and estimating the average working life of a person to be 35 years, the average contributor will put in $420. This is about what 10 days in the hospital would cost—and this is a lifetime contribution if handled under the proposed health care plan under social security.

I feel we are winning the battle on this important legislation. However, it behooves the head of every family who is raising his own family to see that everything possible is done to provide this health service for the aged and infirm today so that the substance of son or daughter can be devoted to the welfare and education of the family of tomorrow. It is this group that should have the greatest interest in health care under social security.

The Khrushchev-Johnson Announcements Regarding Reductions in Production of Fissionable Material

EXTENSION OF REMARKS

OF

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 20, 1964

Mr. HOSMER. Mr. Speaker, before anyone starts dancing in the streets over Mr. Khrushchev's announcement today, they should understand what he said—because he said very little.

He announced construction was being stopped on two plutonium reactors that are not built yet. How many more are they building on which he did not stop construction? How many more are being kept on the line pouring plutonium out for Soviet nuclear warheads? By contrast the United States is actually shutting down four large plutonium reactors, admittedly cutting our production by 20 percent. According to Khrushchev's own words, the Soviet Union is reducing its plutonium production by zero percent. No one knows whether or not or by how much it is actually increasing it.

Next, as to production of U^{235}, enriched uranium, another essential material for nuclear weapons. Khrushchev spoke only vaguely in terms of a promised "substantial" reduction to be accomplished "over the next several years." What does he mean by the "next several years?" When does it start? When does it end? What is a "substantial" reduction in his vocabulary?

Speaking today in New York City, President Johnson called the reduction boost from 25 to 40 percent in U.S. production of enriched uranium a "substantial" one; that is, the 15-percent additional cutback from 25 to 40 percent. Is 15 percent, then, what is meant by a "substantial" reduction? If so, Mr. Khrushchev's "substantial" 15-percent reduction is what the United States is getting for Mr. Johnson's "whopping" 40-percent reduction. But even this is not a fair comparison because most people forget that in February 1961 almost one of the late President Kennedy's first acts was to order a 17½-percent cut in enriched uranium production. The total of both Kennedy and Johnson cuts is a staggering 50 percent.

This entire course of events has been a "one rabbit for one horse" deal in which the United States has traded 50 percent of its uranium production for a measly 15 percent of the Soviet's, and by which we have surrendered 20 percent of our plutonium production for no Soviet reduction at all.

This is unilateral disarmament in action. It proves we do not even have to go to a negotiating table to lose our shirts. We can do it by speeches and press releases.

Facts on Foreign Aid, Mortgaged Gold—Is Devaluation Coming?

EXTENSION OF REMARKS

OF

HON. BEN F. JENSEN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 20, 1964

Mr. JENSEN. Mr. Speaker, as you well know I have for the past 20 years raised my voice and exerted all the power at my command in reducing unnecessary, wasteful Federal spending for every purpose, to the end that as the top Republican on the House Appropriations Committee, I prevailed on the other 19 Republican members of that committee to assist me in organizing a Republican budget-cutting task force early in the last session, composed of all the Republican members of that committee.

Under the chairmanship of that task force, Congressman Frank Bow, of Ohio, we were successful, with the help of enough conservative Democrats, to reduce the President's budget for fiscal year 1964 over $6,300 million. Our budget-cutting task force is still operating during this session.

How much is $6,300 million? To make that figure more comprehensive, it represents a saving of a little over $130 for each American family on an average. I am sure every American family who knows these facts appreciate it, for had we not done so, it is very doubtful that Congress would have passed the Federal income tax reduction bill, which is now law.

Mr. Speaker and my colleagues, you also know that I have, ever since the shooting war stopped in Korea, voted against foreign aid, mainly for the reasons so convincingly explained in the following statement, which should convince every American, including every Member of Congress, that the time is far past due when the more than $100 billion foreign giveaway should have been stopped. The statement follows:

FACTS ON FOREIGN AID: MORTGAGED GOLD—IS DEVALUATION COMING?

Because of foreign aid spending, has the dollar become inconvertible? A deficit in our balance of international payments occurs if the flow of dollars into foreign lands exceeds foreign spending in the United States. Since foreign aid began, each year except in 1957 because of foreign purchases for the Suez crisis, the United States has experienced a foreign-payments deficit. Principally because of U.S. foreign aid and spending by and for our oversea forces, foreigners now hold $26 billion in short-term credits. These dollar credits supposedly are redeemable in gold, but the U.S. Treasury has not this much gold. The U.S. gold reserve now stands at $15.461 billion; our own demands on our own gold reserve are:

[In billions]

Legal gold reserve against banking and circulation liabilities	$12.7986
Borrowings from the IMF, repayable in gold	.925
Foreign currency borrowings by Federal Reserve, net	.145
Foreign currency borrowings by Treasury	.760
Total U.S. gold requirements	14.6286
$15.461 minus $14.6286 equals net free gold of	.8324

Accordingly, the United States has only $0.8324 billion—$832.4 million—free gold to meet potential claims of $26 billion. So far this year foreigners have drawn only $50 million from our gold reserve. This leads to the conclusion that the dollar, long inconvertible at home by Presidential decree, has become inconvertible de facto abroad. It leads to the conclusion that foreign central banks are being told not to try to convert their paper dollar holdings. This appears to be the meaning of the top secret monetary conference now being held in Washington as reported in the New York Times of April 13.

In all but 6 of the last 34 years U.S. Government spending has exceeded its income. During this time, by purchase—largely with aid dollars—foreigners have been able to reduce our gold stock from $24.5 billion to $15.461 billion. As a result of our unprecedented foreign aid spending—and the resultant flight of gold—an early devaluation of the dollar appears likely.

This impending devaluation can be prevented. The American people must demand of their Congress and President deep cuts in foreign spending. This would insure favorable balance of payments and tend to alleviate planned deficits in the Federal budget. If deficit spending continues to be the order of the day, economic chaos will follow.

Quality Stabilization

EXTENSION OF REMARKS
OF
HON. RAY J. MADDEN
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 20, 1964

Mr. MADDEN. Mr. Speaker, a recent article by Representative CHET HOLIFIELD in the Labor Beacon has contributed greatly to clarifying the quality stabilization issue for readers of that publication. There is increasing evidence that organized labor, like other important segments of the American public, is now realizing the real economic need for quality stabilization legislation. This is taking place despite opposition propaganda efforts to generate public misunderstanding regarding the aims and scope of quality stabilization. The organized propaganda against this bill fails to mention that the provisions are 100 percent optional. No manufacturer, retailer, or consumer need to come under the bill. The "fast buck," big merchandisers can still sell "shiploads" of cheap labor, foreign-made junk to the gullible customer. But the consumer will be protected with the assurance that they can buy a quality product if they choose.

With unanimous consent, I therefore ask that Representative HOLIFIELD's excellent summation of the quality stabilization issue, appearing in the April 9, 1964, issue of the Beacon, be inserted in the CONGRESSIONAL RECORD.

SEE SUPPORT FOR QUALITY STABILIZATION BILL IN CONGRESS

(By Representative CHET HOLIFIELD, Member of Congress from California)

Labor is the greatest consumer of goods it produces and should lead in the demand for orderly marketing of quality brand name goods as essential to a stable economy. Therefore, labor should be leading the fight for enactment of the quality stabilization bill, a bill currently sponsored by many of labor's strongest supporters, including Senator HUMPHREY, Representative RAY MADDEN, Senator THOMAS KUCHEL, Representative JOHN DENT, and many others, including the writer. It is bipartisan legislation.

The quality stabilization bill has this strong support in Congress because it will strengthen independent retailing, it will help consumers have a true standard of value combining both quality and a fair price, it will discourage monopoly, it will promote competition, and it will help the national economy.

Many of the sponsors of this bill are themselves small businessmen who have personally experienced the unfair competition that threatens the small businessman's existence. This small businessman, just as the man of labor, should have the right to earn a profit from his endeavors. The small businessman should have a fair profit on his investment and for his long hours of work.

I say that a principle of equity is involved which is identical to the basic principle involved in securing a fair wage for the wage earner. If we do not permit by legislative approval the extension of reasonable and fair protection to the independent retailer, as we have to the wage earner, we are neither just nor consistent.

Now I've heard the theorists get up and expound that the quality stabilization bill is no good because it will raise prices to the consumer. This is hogwash. The Nation's small independent retailers who so desperately plead for the enactment of this bill do not want it as a means to gouge their neighbors and lifelong friends who helped them build their business.

In the first place, the quality stabilization bill is specific on this point. The law cannot be used unless (par. 8 of the bill): "Goods usable for the same general purpose are available to the public from sources other than the owner of such brand name or trademark, and are in free and open competition therewith."

The idea that because you have a right to sell an item made in monopoly industry gives the manufacturer or the retailer a chance to gouge the market is completely erroneous. It may be justified by theories, but in the practical application of it, this is just simply a factor that doesn't obtain.

Yes; this bill is a modification of pure competition. When we talk about competition being the life of trade and competition being necessary in the marketplace we do not necessarily mean the ruthless type of competition which cannibalizes itself and destroys itself by its excesses and abuses. We are talking about competition under orderly rules of society to protect all of the component factors of society to an equitable extent.

This is what the quality stabilization bill will do. It will bring about equity in one area where equity does not now obtain. It will not force any manufacturer to use it; it will not give any manufacturer a chance to use it in a monopoly item area. It will not create an obligation on the part of any consumer to buy that item. He can obtain various similar items and buy them if he does not want the stabilized item. It is an orderly adjustment of what I consider to be an inequitable condition in our pattern of production and distribution which threatens to eliminate that final link of independent retailing.

Now, if independent retailing is worthy of a place in the market, if it is something that we want to preserve to give opportunity to the little man to start into business and grow big, it has a justifiable position in the marketplace. I say that it has such a position, and millions of small retailers throughout the country would certainly also say that it is justified. They are putting in 10, 15, 16 hours a day. They are putting their life savings into little drugstores, into little retail hardware and clothing and jewelry stores. They are struggling against many odds in the competitive area.

Can't we give them a little bit of the protection that we give to every other facet in the chain of production and distribution by enactment of the quality stabilization bill?

President Johnson and the Congress Take Significant Actions in Aid of American Small Business

EXTENSION OF REMARKS
OF
HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Monday, April 20, 1964

Mr. EVINS. Mr. Speaker, during the 88th Congress, many actions have been taken in aid of American small business and other actions are underway in the

Congress and President Johnson's administration. I refer specifically to the provisions of the tax cut bill which favor small business, the amendments to the Small Business Investment Act program recently passed by Congress and signed into law by President Johnson; programs to expand the Small Business Administration's loan program, including an enlarged small business development corporations program; recommendations by the President to eliminate pockets of poverty and to expand the Farmers Home Administration, among other significant actions.

The House Small Business Committee has recently made significant recommendations with respect to small business participation in foreign trade, and copies of a documented report on this subject are now available to Members of Congress and others interested.

In this connection, I ask unanimous consent that my recent newsletter, "Capitol Comments," summarizing some of the significant actions of benefit to American small business, be included in the RECORD.

The newsletter follows:

CAPITOL COMMENTS

(By JOE L. EVINS, Member of Congress, Fourth District, Tennessee)

BETTER TIMES AHEAD FOR AMERICAN SMALL BUSINESS

Congress and President Johnson are placing increasing emphasis on the role of small business in broadscale efforts that are being made to strengthen our national economy and keep our country growing.

Measures designed to stimulate small business activity and enlarge the small business community form an important part of the new programs for Appalachian regional development and elimination of "pockets of poverty" throughout the country.

These two separate but closely related developmental undertakings call for an expanded Small Business Administration loan program, an enlarged Small Business Development Corporation program, and a broader Area Redevelopment Administration program. In addition, the Farmers Home Administration program would be expanded to create new opportunities for the small farmers in our vital agricultural industry.

STEPS TOWARD A STRONGER ECONOMIC BASE FOR THE UNITED STATES

With these programs and other actions by Congress, long strides are being taken in improving the outlook for the American small business sector of our economy. There are 4½ million small businesses in America, containing 95 percent of our business population—the very bedrock and seedbed of our American free enterprise system.

A major step to heighten prosperity came earlier this year with the passage of the $11.5 billion tax cut bill, aiding small business and all segments of our economy. Your Representative was present at the White House when the President, in signing the bill, spoke of the great and timely stimulation this act is giving to our economy. He remarked that small business fares best in the tax relief that is provided for business. This large saving and the substantial cut in individual tax rates, plus the benefit from tax credit that was provided by Congress for new investments in plant and machinery, plus the more liberal depreciation schedules, add up to a vast improvement in the financial position for American small business concerns.

As chairman of the House Small Business Committee, your Representative is actively and constantly aware that American small business is engaged in a stern competition to survive and to prosper. Many things still need to be accomplished before independent small business is assured of equal opportunity in the growing competition with giant corporations. But substantial progress is being made in many areas. Congress and the President are showing a determination to continue and broaden this effort.

Two important gains made earlier in this session of Congress were the final approval of amendments which improve and strengthen the Small Business Investment Act and broaden the Small Business Administration disaster loan programs—acts recently signed into law by President Johnson.

MORE OPPORTUNITIES FOR AMERICAN BUSINESS

A great new opportunity for American small business exists in the field of foreign trade, under the Trade Expansion Act which Congress passed in 1962. Our Small Business Committee has just issued a report, based on extensive hearings, that sheds light on existing opportunities in expanded export trade.

The late President Kennedy, who followed these hearings closely, wrote a letter last November 19 to me as the committee chairman, expressing his hope that many more of our country's 300,000 manufacturers would turn to the inviting export field, and emphasizing his interest in our committee's work in behalf of expanded American foreign trade.

"The information brought together for the first time in these hearings should act both as a guide and spur to small businessmen considering ventures into foreign markets and to Government officials responsible for assisting them," the late President wrote.

Copies of the committee's report, which summarizes the testimony at the hearings and contains recommendations for further improvements in our foreign trade program, are available to interested persons upon request to the House Small Business Committee.

Tax Exemption for Cerebral Palsy Victims

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 20, 1964

Mr. PELLY. Mr. Speaker, I take this opportunity to inform the Members of the House that I am today introducing legislation to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption of $600 for taxpayers who have cerebral palsy.

Recently on a visit to the Cerebral Palsy Center in Seattle, Wash., located in my congressional district I was made keenly aware of the contributions being made to help those of our citizens who are making a better life for themselves even though they are physically handicapped.

Mr. Speaker, my bill provides that these persons whose earning power is limited because of this handicap and whose needs include special living expenses will receive an additional $600 exemption to equalize their opportunity to be self-supporting.

Today, in the congressional district I am honored to serve and in King County, Wash., some 150 cerebral palsied are able to test their individual capacity to make a living. These handicapped persons are finding companionship in spite of an affliction that usually means misery through loneliness.

This is made possible because of a sheltered workshop operated by the United Cerebral Palsy Association of King County and financed, in part, by the efforts of the handicapped employees at the center from their limited earnings.

Development of a sheltered workshop came naturally, the byproduct of a step taken a generation earlier when a group of concerned parents established a school for cerebral palsied children. As these young people grew older, so grew the realization that a work-and-therapy center also was needed for adults.

So the parents—after affiliating with United Cerebral Palsy Associations, Inc.—formed a workshop program in 1952 and brought into being a center that produces a source of self-sustaining revenue. Income from the jobs—many from various industrial plants in the area—covers wages for employees and helps make it possible for the natural expansion of the center's busy workshop.

The variety of jobs gives the center an opportunity to provide work tailored to specific physical capabilities of each individual handicapped person. The center has strengthened one belief: that work, regardless how seemingly menial, is a morale building tonic and, consequently, cultivates its own therapeutic benefits.

Mr. Speaker, my bill is directed toward covering all persons whose earning power has been decreased by cerebral palsy and my discussion of what is being done in my congressional district is ample proof that these handicapped persons can become productive and useful citizens if given the opportunity.

Therefore, it is my firm conviction that these people should be given this tax consideration just the same as the handicapped who receive a $600 exemption because they are over the age of 65 and who are blind. With a special exemption these people can become more self-supporting while playing an important role in the life of our country.

Mr. Speaker, I urge favorable action on this legislation.

East-West Trade

EXTENSION OF REMARKS

OF

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 20, 1964

Mr. HOSMER. Mr. Speaker, there is currently a great deal of speculation about the possibilities of the Communists becoming less aggressive as they become more prosperous. Some newspaper commentators have even gone so far as to predict that in the years ahead the United States will find its own interests served by actively assisting Soviet and Communist bloc economic growth and industrialization. This attitude has tended to support the thesis that the United States should welcome economic competition with the Communists, because economic competition is peaceful and therefore unlike political and military competition.

When we welcome affluent Communist nations, we encourage them and enhance their ability to wage subversive and psychological warfare against the free world. When we trade with the Communists as they find themselves in severe economic straits, we help to bail out our avowed enemies. We should keep firmly in mind Khrushchev's own definition of "competition" given just 10 months ago as we allegedly entered the period of detente":

> Comrades, when we speak of victory in economic competition, the point in question is not only cement or metal, but policy as well—the power of our ideas, the power of Marxist-Leninist theory, the superiority of the Socialist system over the capitalist system.
>
> The capitalists know the cruel laws of competition: if one form outstrips another, the stronger one swallows the weaker one. The competition of the two systems in the economic field strikes even greater fear into the hearts of the imperialists. They see that the rapid growth of socialism is increasingly shaking the foundations of capitalism, bringing nearer the end of this system, which is doomed by history. (Speech at the plenary meeting of the Central Committee of the Communist Party of the Soviet Union, June 21, 1963.)

But regardless of whatever position an individual Congressman or Senator may take on the position of East-West trade, practically everybody is in agreement that the present state of affairs is entirely inadequate and chaotic. What is needed is a clearly articulated policy on the part of the United States on the one hand, and a unified effort to implement and coordinate allied policies on the other. That this need is urgent is underscored in a report released yesterday by the Center for Strategic Studies at Georgetown University, "East-West Trade: Its Strategic Implications," which stresses that "the longer the delay in securing allied unity in trading policies, the more difficult the problem will become. Failure to act, it has been demonstrated, will result in a worsening of the problem and consequent disarray in the alliance."

This report, written by two specialists in international politics, Samuel F. Clabaugh and Richard V. Allen, not only analyzes the strategic implications of trading with the Communist nations, but also presents a complete picture of the action Congress has taken on the subject during the years 1959–63.

The Director of the Center for Strategic Studies, Adm. Arleigh Burke, former Chief of Naval Operations, points out in his introduction to the report that it is designed to assist Congressmen and public policymakers. If the Congress is to fulfill its obligation of actively formulating and shaping the attitudes of this country toward the issue of trade with the Communist bloc, it must stay informed. Studies such as this are of real assistance in that task, and I therefore commend it to the attention of my colleagues.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, April 20, 1964

Mr. ALGER. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following newsletter of April 18, 1964:

Washington Report: Antipoverty Program and Politics

(By Congressman Bruce Alger, Fifth District, Texas)

The question: Is the antipoverty program a sincere effort to help those in need or is it a political gimmick to get votes in an election year?

To help the poor is a Christian duty. Concern for our fellowman is one of the strong foundations of our Judeao-Christian heritage. It is a part of the makeup of every truly religious person. Few indeed would turn their backs on the ill, the maimed, or the unfortunate. Why then, the controversy about the administration's so-called war on poverty? Because the Government is trying to legislate moral duty: it means to make charity compulsory; it sets by decree what poverty is and who are the poor.

In addition to the bills already introduced in Congress to carry out the antipoverty program, there was a discussion this week between several Members of the House and Sargent Shriver, head of the President's Poverty Committee. Sargent Shriver's discussion made several things clear to me:

1. Those who want to do good through Government edict have no trust in the people.

(a) They do not trust the people to be able to take care of themselves, nor to solve their individual problems.

(b) They do not trust the goodness of the people to voluntarily help those in need.

2. The Government has decided on what poverty is by setting an arbitrary figure of $3,000 annual income as the breaking point between poverty and plenty. Mr. Shriver admitted this figure could have been set higher or lower.

3. The program does not differentiate between the poor in worldly goods and the poor in spirit.

As a result of the spread of the welfare-state philosophy in this century, and the increase of Federal programs to do everything for the people, there has been an increase in the poor in spirit. There are those who will always be poor, no matter what their level of income, because of lack of spirit which keeps them perpetually disinherited. These people need a reawakening in spirit, a challenge to meet the diversities of life headon, a new faith in themselves which will cause them to look up instead of down. This is a moral struggle in which each of us must engage through his own efforts and no amount of Federal help will put spirit into the heart of a man who has no other goal than to exist.

There are those who do need material help. There are those who are unemployed through no fault of their own; there are those who are too ill to work, and we will not turn our backs on their need. But the billions-of-dollars proposals of the administration is not the answer. Guaranteeing an annual wage, stamps for all the necessities of life, cradle to the grave security even when there is no effort to earn it, merely accentuates the problem.

A POSITIVE SOLUTION

A strong and healthy and free economy is the best possible solution to ending poverty.

1. Only private initiative and investment will create jobs. The Federal Government has no money, cannot create wealth through legislation, and can only spread the poverty, not eliminate it.

2. Private initiative will create jobs if the full force of capitalism is unloosed. The billions spent on the waste, inefficiency and corruption connected with bureaucracy, should be left in the hands of the people through less Federal spending and lower taxes, so that they may build the new factories to produce the products for which there is such a great demand in a prosperous and free nation.

3. There are sufficient programs now in operation through private initiative, State and local governments, and even at the Federal level to care for those who, through no fault of their own, suffer real poverty. For the able-bodied, a free American economy can provide all the jobs necessary at wages that will enable every man to live at whatever level he can earn through his own efforts, hustle and sweat, knowhow, and willingness to raise his own standards.

4. All Federal programs should be reevaluated and many eliminated.

PRESIDENT'S FIVE MUST BILLS

The President has listed the 5 bills which he says must be passed by this Congress:

1. Civil rights: The present bill is a dangerous excursion into the freedoms of all the people. We cannot guarantee privileges for minority groups by taking away the rights of all.

2. Food stamp: I discussed this last week. It is further increasing the Federal control over the supplying of necessities.

3. Government pay increases: Increases in Federal salaries must be earned and this can be done by exercising discipline in spending. No further Federal pay increases are justified until the budget is balanced and we live within our national income.

4. Medicare: Federal intervention in the field of medicine will lower medical standards, will take away the free relationship between doctor and patient, and will greatly increase the cost of medical care to the detriment of those the program is supposed to help.

5. Antipoverty: The wide range of human endeavor called for in this program will put the Federal Government into every facet of the lives of the people and freedom will be traded for security.

While the President maneuvers to out-New Deal the New Deal the world situation deteriorates at our expense and to the benefit of communism. Cuba still threatens, Americans are dying in Vietnam, all of Asia is slipping behind the Iron Curtain.

SPEND MORE BUT MAKE IT LOOK LESS

The House approved H.R. 10809, appropriations for the Departments of Labor and HEW.

The same old story, pass a bill below the budget estimate but increase spending over last year.

April 18, 1964.

Bruce Alger,
Member of Congress.

The Late Ben Hecht

EXTENSION OF REMARKS
OF
HON. BARRATT O'HARA
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, April 20, 1964

Mr. O'HARA of Illinois. Mr. Speaker, in the death of Ben Hecht at the age of 70 our country has lost a journalist, a dramatist, an all-around writer, and philosopher, we are not apt to see again. I have lost a friend of many years ago, although in recent years our paths have not crossed.

Change has come to the fourth estate as it has elsewhere.

Hecht was born in 1894 and came to Chicago in 1910, getting a job at the ripe age of 16 on the old Chicago Journal, published and edited by John Eastman. Young Richard J. Finnegan at the time was rapidly becoming Eastman's strong right arm at the commencement of one of Chicago's outstanding journalistic careers.

When Ben moved over to the Chicago Daily News he was 20. Meanwhile Carl Sandburg had come down from Milwaukee, where he had been secretary to the mayor, and about this time was city editor of the Day Book, Ned Cochrane's adless newspaper.

It was not until 1928 that Ben Hecht and Charles MacArthur produced "The Front Page," which in a way immortalized Walter Howie, although of course not by name.

It was 1902 or 1903, as I remember, that Walter, a green country kid, had come from Iowa to join up as a cub reporter under City Editor Mose Koenisberg at the Hearst madhouse on Madison Street in Chicago. We called it the madhouse with a degree of real affection and much truth since our entire editorial staff operated with din and noise on one floor, with no partition, save that of a small enclosure at the right front, the throne room of Foster Coates, the big boss under William Randolph Hearst and whom I still hold as one of the all-time greats of the fourth estate. At the time I was sporting editor and Hugh Fullerton and Ring Lardner covered baseball. In 1907 I became Sunday editor, a job I always enjoyed.

If Ben Hecht later made what must be near a world record in word production, Hugh Fullerton certainly set the pace in that earlier decade. He could write brilliantly on any subject and his typewriter pounded on and on at lightning speed with never a moment's halt.

On one occasion a fire destroyed the copy for an overdue edition of the Sears Roebuck catalog. All that was salvaged was some 4,000 or 5,000 photographs of goods and wares to be offered for sale in the catalog. Hugh undertook to supply the text for the photographs on his Sunday off, making up the description of the wares as his typewriter rattled on. It turned out to be the most successful catalog, in sales result, that Sears Roebuck had put out up to that time. And Hugh did the job in 6 hours flat.

Walter Howie remained in that atmosphere of the Hearst madhouse for several years, then moved over to the Inter Ocean as city editor, eventually taking over the city desk of the Tribune, and in the end winding up again in the old Hearst fold. I had been one of his first friends in Chicago and our friendship continued during the years.

As far as I know, I am the last survivor of the fourth estate of Chicago during the first decade of the 20th century that marked the advent of William Randolph Hearst, the Chicago American in the afternoon, and the Chicago Examiner in the morning. It was an exciting, an adventurous and a challenging decade and it was the period of birth of newspapers with a million circulation.

Ben Hecht, who joined up at 16 and henceforth carried on in the approved spirit of a passed era, giving to the world in "The Front Page" the genuine Walter Howie profile, was the last of the breed. The world is the poorer for his passing.

Address by Hon. Anthony J. Celebrezze

EXTENSION OF REMARKS
OF
HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, April 20, 1964

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the CONGRESSIONAL RECORD a portion of an address delivered by the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare at a dinner sponsored by the National Association of Retail Druggists in honor of Senator HUMPHREY on April 8.

This address very skillfully delineates the importance of the free enterprise system to the drug industry and the detrimental effect the so-called quality stabilization bill would have on this industry by fixing prices, thereby eliminating competition, encouraging the prices of drugs to rise and further denying the benefits of drugs to the many Americans who cannot afford them.

A portion of the address follows:

PORTION OF ADDRESS BY HON. ANTHONY J. CELEBREZZE

Finally, Government is concerned with the cost of drugs—the economic aspects of this remarkable industry and its relationship to the needs and resources of the consumers.

This is much more than an academic interest because drugs fall in that special category of products which are recognized today as necessities of life. They occupy an increasingly large and important place in the total spectrum of vital health services.

Drugs purchased by consumers alone—that is to say, drugs bought in your drugstores and dispensed by your pharmacists—today account for nearly one-fifth of the Nation's private medical bill, or some $4 billion.

Our public drug bill last year—that is, prescription drugs needed by welfare recipients and paid for by public funds—came close to $83 million, almost 10 percent of the cost of public medical assistance for the year and almost equal to the cost of physicians' services in these programs. Fifty million dollars of that $83 million went for drugs in the old-age assistance program—to the aged who are both sick and poor.

Most Americans realize that the costs involved in discovering and producing new drugs are sometimes extremely high. When a new drug is the product of years of painstaking research and testing, this cost is likely, initially, to be reflected in relatively high prices. Few people would protest this fact, for, in our free enterprise system, industry is expected to look for a reasonable return on its investment.

Most Americans—and I include myself—are firm believers in the free enterprise system. We understand the need for reasonable profits, and we will pay a fair price. But one of the cardinal principles of the free enterprise system is that fair prices are not fixed prices. They are open to competition.

As President Johnson has stated, "Freedom of choice for consumers from our storehouse of goods, at the lowest possible prices, is the very cornerstone of American consumer policy."

We do not believe that the corner druggist needs Federal price-fixing legislation in order to stay in business. We are convinced that his business will be better off and certainly the country will be better served without legislative price controls.

Instead of seeking to impose needless and stultifying controls on the marketing of drugs and other consumer goods through the so-called Quality Stabilization Act, let us seek to reduce prices and broaden the market so that every American may share in the profits of freedom.

Price controls may appear, in the short run, to be the most attractive solution to the problems of small businessmen struggling to survive in an intensely competitive environment. But in the long run, they serve only to undermine the very foundations of our system.

There are other ways to cut costs, to stimulate business, and to increase profits—ways that are completely compatible with the American free-enterprise system.

May I suggest that your consumer market is far from saturated—you could sell a much larger volume of drugs if prices were within every individual's reach. It is a hard fact of life that many millions of Americans are denied the benefits of modern drugs today simply because they cannot afford them.

As citizens and as members of the pharmacy profession, you share with Government its vast responsibility for the well-being of our people.

A large part of that responsibility, as you have seen, is dictated by the need to cope with the changes that are transforming our world and our way of life—changes that men, themselves, have set in motion by their never-ending quest for the good life in the good society.

"Change always disturbs," John F. Kennedy once said. Yet he knew and we know that change is the heart and soul of progress and that its disturbances need not divert us from our goal, which President Johnson has described as "a nation that is free from want and a world that is free from hate—a world of peace and justice, and freedom and abundance, for our time and for all time to come."